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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Wednesday, April 13, 1983*

(Legislative day of Tuesday, April 12, 1983)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be offered by the Reverend Luonne Abram Rouse, pastor, St. Stephen's United Methodist Church, Dillon, S.C. He is sponsored by the President pro tempore of the Senate. Reverend Rouse.

PRAYER

The Reverend Luonne Abram Rouse offered the following prayer:

O God, our Heavenly Father, who dost desire for all nations such good things in the world which Thou dost govern, direct and prosper, we pray Thee, the consultations between our assembled Senators of these United States, to the perpetuation of Thy sovereignty, the security, respect and well-being of Thy children that all circumstances may be planned and decided upon with integrity in their labors for public good that peace and justice, honesty and love may be settled in our midst for all eras of life. Grant them reception of Thy righteousness and enable them to overcome selfishness for the good of the Nation. Make us aware of Thy presence through Thy Holy Spirit that we may attempt wisely to comprehend and perform Thy will. These and other essentials, we prayerfully seek, in the name of Jesus Christ, our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the time for the recognition of the two leaders under the standing order has expired or been yielded back, the Senate has provided for time for two Senators to speak on special orders not to exceed 15 minutes.

ROUTINE MORNING BUSINESS

If the hour of 11 a.m. has not then arrived, there will be a period for the transaction of routine morning business to extend from the time of the execution of the special orders until 11 a.m. in which Senators may speak for not more than 2 minutes each.

NOMINATION OF KENNETH L. ADELMAN

Mr. President, at 11 a.m. the Senate will resume executive session to further consider and debate the nomination of Kenneth Adelman.

RECESS FROM 12 NOON UNTIL 2 P.M.

The Senate will recess today from 12 noon until 2 p.m. in order to accommodate the requirement of many Senators to attend a caucus off the floor.

DEBATE ON ADELMAN NOMINATION AT 2 P.M.

At 2 p.m. the Senate will return in executive session to resume consideration of the Adelman nomination. The Senate will be asked to remain in session today, Mr. President, as long as the managers of this matter on both sides deem it prudent and desirable.

VOTE ON ADELMAN NOMINATION 2 P.M. ON THURSDAY

Mr. President, a vote will occur on the Adelman nomination tomorrow at 2 p.m. under the order previously entered unless the nomination is recommitted prior to that time.

RECIPROCITY BILL, KASTEN AMENDMENT, AND CLOTURE MOTION

On Friday of this week, Mr. President, the Senate will take up the reciprocity bill, at which time the Kasten amendment dealing with withholding on dividends and interest will be the pending question.

It is hoped, Mr. President, that an agreement can be reached so that in the event a cloture motion is filed in relation to that bill or an amendment thereto, the vote on cloture might occur on Monday without the necessity for the Senate to be in session on Saturday. That, of course, would require unanimous consent.

If a cloture motion is filed on Friday—and I do assume that one will be, although not by the leadership—such a unanimous-consent request will be propounded by the leadership. If granted, then the Senate will go over from Friday until Monday and resume consideration of the reciprocity bill at that time, and presumably have a cloture vote on Monday.

THE FIRST CONCURRENT BUDGET RESOLUTION

Mr. President, the Budget Committee will complete the markup of the first concurrent budget resolution this week, perhaps even today, almost surely not later than tomorrow. It is the intention of the leadership to call up the budget resolution immediately after the disposition of the reciprocity bill if the resolution is here and available.

I hope to have further announcements to make, Mr. President, on the schedule of the Senate as they are available.

ORDER OF BUSINESS

Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it to the minority leader if he wishes or to yield it back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. JEPSEN). The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the distinguished majority leader. I will not have need of the time.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, if the minority leader has no need for my time, and I understood him to say he did not, I yield back that time.

Mr. BYRD. Mr. President, I yield back the time on this side on my behalf.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR HART

The PRESIDING OFFICER. The Senator from Colorado had an order to be recognized not to exceed 15 minutes and may proceed at this time.

Mr. HART. Mr. President, I thank the Chair.

RESOLUTION URGING ADHERENCE TO THE LAW AND AID RESTRICTIONS CONCERNING NICARAGUA

Mr. HART. Mr. President, I am introducing today, together with Senators PELL and PROXMIRE, a resolution urging the President to adhere to the U.S. law and to halt further aid to any group whose professed aim is to overthrow the Government of Nicaragua.

This action, surprisingly enough, is necessary because it is becoming increasingly evident that the administration is providing military and financial support to counterrevolutionary forces in Nicaragua in a manner inconsistent with existing U.S. law. It has been reported in a variety of journals that the Central Intelligence Agency has been authorized to spend at least $38 million in support of these groups through a fund for so-called paramilitary forces and a second fund for the support of so-called opposition elements.

These actions, in fact, constitute a serious violation of both the letter and the spirit of the Boland amendment passed in the 97th Congress.

That amendment prohibits the CIA or Defense Department from using funds "to furnish military activities, to any groups or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

The administration does not deny furnishing aid to the Nicaraguan rebels, but it insists the money is not going to groups with the intent of overthrowing the Government. The administration asserts the financial support is necessary to inhibit the flow of arms from Nicaragua to El Salvador.

Foreign policy decisions may be debated and the various courses taken, but U.S. law should be adhered to strictly. My purpose in proposing this resolution is to reaffirm that the Boland amendment is U.S. law and will be obeyed.

The guerrilla forces are not "proven democrats." Many of these groups are Somozistas—former members of the Somoza regime and the National Guard. The most credible opponents of the Sandinista government—such as social democrat Alfonso Robelo, an original member of the 1979 Nicaraguan junta, and Eden Pastora, the famous "Commander Zero" who played a leading role in the overthrow of Somoza—are not part of the new guerrilla groups.

To say that the United States should not lend support to the Somozista rebels is not to say that we should condone the actions of the Sandinista government. Certainly the Sandinistas themselves have shown little inclination to initiate democratic reforms and promote stability in the area. However, that does not give us the right to support the equally repressive counter forces.

The guerrilla diplomacy that the administration has employed in Central America has created some very serious problems for the United States.

First, we are now in a very vulnerable position. Our attack on Cuba for guerrilla support in El Salvador has lost considerable validity as we take similar action in Nicaragua. Our moral posture is also weakened as we break with the OAS charter which prohibits direct or indirect intervention in the affairs of a member nation.

Second, while the guerrilla forces are too small to topple the Sandinistas, they are significant enough to justify further repression by the government. The Sandinista regime could feel threatened enough to launch retaliatory raids into Honduras and Costa Rica. As the regional conflict spreads, Nicaragua would become more dependent on the Soviet Union and Cuba.

The stakes in Central America are high, and we cannot abandon the region.

Indeed, we must continue to play a central role in the evolution of that region toward democratic ideals and institutions as well as economic development and growth.

Democratic reform and stability can only be gained through a defensible policy, that will be backed by a consensus of opinion. Our current policy has done little to build support. It is one which violates American Law, fuels the war, undermines stability throughout Central America, and damages our credibility as peacemakers in the region.

I urge my colleagues to join in support of this resolution and our intent to see that U.S. law is obeyed.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 110

Whereas, the Administration is aware that the objective of the guerilla groups operating in Nicaragua is to overthrow that country's government;

Whereas, the Administration nevertheless continues to provide military aid and assistance to these groups;

Whereas, Public Law 97-377 (the Boland Amendment) expressly prohibits the furnishing of military assistance to any group for the purpose of overthrowing the government of Nicaragua: Now, therefore, be it

Resolved, That it is the sense of the Senate that President Reagan immediately cease and desist from further covert and overt aid to groups whose professed aim is the overthrow of the government of Nicaragua.

The PRESIDING OFFICER. The resolution will be received as in legislative session.

Mr. HART. Mr. President, I yield the floor.

RECOGNITION OF SENATOR QUAYLE

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana (Mr. QUAYLE) is recognized for not to exceed 15 minutes.

S. 1040—SELF-TAX PLAN ACT OF 1983

Mr. QUAYLE. Mr. President, today I am introducing a new tax simplification bill similar in principle to a bill which I introduced last year. I realize the importance of having acronyms in this community in which we all reside temporarily, and I have identified our simplification bill as a SELF tax, S standing for simplicity, E standing for efficiency, L standing for lower rates, and F for fairness.

Mr. President, this plan is fair. It treats all, and I underscore all, income equally. The plan is easy to understand. There would be very little need to have tax preparers under this plan, because there is virtually nothing to itemize. In effect, we are significantly lowering the tax rates from the marginal high rate that we have right now of 50 percent, down to 28 percent. We are eliminating the deductions, all deductions.

Obviously, there are going to be winners and losers under this SELF tax plan. I have a substantial amount of data from computer runs done through the Joint Committee on Taxation that show precisely who gains and who loses under the SELF tax. As a matter of fact, about 62 percent of taxpayers can be considered as winners and 38 percent losers, the winners being those who will have a tax decrease and the losers, those that have a tax increase. Of course, there are

also winners and losers under the present Tax Code.

Mr. President, what we are trying to do is to respond to what I think is a very clear calling in this country today. That clear calling is for a far more rational, understandable and simple Tax Code. We will all be meeting the deadline this Friday of April 15, rushing helter-skelter to file 1040's at the last minute. There will be midnight lines at the mailboxes. The newspapers will be there with their photographers and TV stations will be there with their cameramen recording this event, as once again the American people try to figure out what line 33 means in comparison to line 54, whether this item or that should be on schedule A or schedule C, and whether to add or subtract and what all of this means for the 1040.

Mr. President, under our SELF tax plan, we envision and anticipate that most taxpayers will be able to comply with the Internal Revenue Code on a postcard, rather than the complicated, very, very comprehensive tax forms that we have today.

Obviously, this is going to meet with great resistance because the whole tendency since the enactment of the 1913 tax law has been to add on special credits and special deductions. All those special deductions are socially and economically worthwhile; otherwise, they would not have been put into the Tax Code.

But as we have just gone on and on, and on, adding on, adding on, adding on, year in and year out, we have created a Tax Code that simply has no credibility with the American people.

We talk about cynicism in this country. One of the things that the American people are most cynical about happens to be the Tax Code. They feel there is a sense of unfairness, a lack of equity in the Tax Code. We have read the reports or listened to gossip, or perhaps even know somebody personally who has a considerable amount of income who pays no tax or virtually a very small amount of income tax. The question is raised if that person who has a considerable amount of income pays no tax, why should John Jones, who gets up at 6 o'clock in the morning and puts in his 7½ or 8 hours of work a day, who has a family of 3 or 4, who makes $16,000 or $17,000 a year, pay his fair share of taxes? Yet, somebody who is able to connive, who is able to use the law properly—I am not indicating any illegality—could pay much less in taxes.

There is a certain implicit suspicion of inequity that is associated with the Tax Code and the way it is being manipulated today.

Tax simplification, Mr. President, is not a new issue; it is an issue that has been with us before. There are a number of proposals in the Congress. Some have a straight, flat tax rate; others have a more simplified, progressive tax rate, as this SELF plan is. I might add that all of the proposed, so-called flat taxes as well as the progressive simplified tax rates are progressive in nature, because even the purest flat tax rate has deductions. All have deductions for individuals, whether it be a $500 or $1,000 personal exemption. This adds some degree of progressivity—a family of five will get a $5,000 exemption. Elements of progressivity are in all these tax proposals, so that is not an issue. The question is how we are going to minimize the tendency to construct great complexities in the Tax Code.

Under my proposal, we are applying what I believe are the fundamental concepts of the last two tax bills that we have passed in this Congress. In 1981, there was a significant reduction in tax rates for individuals. In 1982, the TEFRA bill tried to get to the underground economy, to close some of the so-called loopholes, and to make things more understandable. I know the chairman of the Committee on Finance has, in effect, stated publicly, in an article that appeared in the Wall Street Journal, that that was really an effort at tax simplification. So I think we are really on the road to tax simplification. I believe that this legislation that I am introducing today will certainly stimulate the idea and the momentum for tax simplification.

As I said, Mr. President, we have a lot of data that we are going to share with the Senate and with the public today. I hope that others who are interested in this issue will also share with us their ideas and the data that they have to see exactly how the different proposals compare.

Everyone knows full well that there is going to be a very comprehensive discussion on this issue. We had hearings last fall before the Committee on Finance, where I had the pleasure of trying to respond to questions before that very distinguished committee as a leadoff witness for about an hour, 1 hour and 15 minutes. They had absolutely no consensus. Everybody thought the idea was fine, then promptly condemned it for one reason or another. It was sort of like the energy situation we find ourselves in—everyone has his own particular idea. Everyone has his own particular idea about tax reform. But I believe if the issue of tax simplification gets before the American people and we have some discussion about what this means to the average citizen, the middle-class American, we are going to find great acceptance of this type of reform.

I can only conclude by sharing a small story with you, Mr. President. A few months ago, I was in New Albany, Ind. I was meeting in a factory with management and labor officials. We were talking about the economy. I brought up the tax simplification and the SELF-tax bill. I explained to one of the UAW workers there that tax simplification is an idea that is beginning to emerge in the country. I went through and explained the particulars of my bill. He sat back and almost gaped at me. He said, "Oh, that is fine, Senator, but it makes too much sense and Washington will never accept something like that."

I hope we can set out to disprove that type of viewpoint, which is very cynical, indeed, and which reflects the characteristics I have tried to describe with respect to many people's attitude toward the Tax Code that we have today. It really is an attitude that is negative. It is an attitude that depicts an outright disgrace in the way we go about and collect our income taxes and the way the Tax Code really is so complicated.

Very few understand it. I imagine a very few of the people even in this body would have the temerity to stand forth and say, I fully understand the Internal Revenue Code and all these laws we have been passing all these years. Certainly, some are more certain than others, particularly the members of the Finance Committee who live with it day in and day out. But I believe it is time we tried to put forth a credible tax policy in this country. I believe it is time we looked at the issue of simplification, tried to get as much data as we possibly can, and move forward.

In my statement last year, I outlined what many perceive to be the failings of our current system. These failings persist, and many Members of Congress have advanced proposals to address our current difficulties.

FAILINGS OF THE CURRENT TAX SYSTEM

While our current tax system features an officially progressive rate structure, in every other respect it fails to meet the primary requirements of a fair tax system. These requirements, as we all know, are: simplicity, efficiency, low tax rates, and fairness (SELF). Our current tax system, taking into account all the exceptions and preferences built into the law, is also not even very progressive.

A. SIMPLICITY

A "simple" tax system is one in which the Tax Code is relatively simple to understand and administer. Regulations, forms and instructions should be easily understood by taxpayers and tax administrators alike.

Today our tax structure is more complex than it has ever been. In 1954, only 18 percent of taxpayers used tax return preparers; over 80 percent filled out their tax forms personally. In 1981, 52.4 percent of all 1040 forms were prepared by specialists as were 16.9 percent of all 1040A forms—an average of almost 40 percent overall.

In addition, in 1953, even though most Americans filled out their own tax forms, only 3.2 percent of 1040 and 1040A returns had mathematical errors. In 1976, 8.8 percent of these forms had such errors, and in 1980 the error rate was 7.4 percent.

The Commissioner of Internal Revenue, in 1977, summarized the difficulty clearly when he stated that the basic filing requirements for U.S. tax returns are "beyond the comprehension of a large portion of the adult population." [1]

B. EFFICIENCY

An efficient tax system is neutral: It allows personal and business decisions to be made on the basis of their perceived value, apart from tax considerations. It does not induce individuals and businesses to engage in uneconomic activity in order that they receive specific tax breaks.

Clearly the U.S. tax system has been a major factor influencing recent U.S. patterns in trade, investment, research, and development. The tax structure has promoted consumption and overinvestment in such items as residential housing and racehorses, while it has discouraged business modernization. It has been a major factor contributing to our recent decline in productivity growth.

An efficient tax system is also one which can collect necessary revenues with relatively simple enforcement procedures, made possible by public support and cooperation. Thus, an efficient tax system must be perceived as basically fair and worthy of support.

There was a time when Americans were proud to pay their income tax. Efficiency of collection surpassed the efforts of most other nations, with relatively few tax collectors and special enforcement mechanisms. Today, this situation is dramatically different.

More Americans each year are taking advantage of the available tax loopholes. For every year since 1976, a smaller percentage of American tax returns have chosen to take the standard deduction while a higher percentage has chosen to itemize. Also, the average American taxpayer who itemizes no longer fills out his own tax form; a clear majority of those who itemize have their returns filled out by professionals. American business also has taken advantage of the tax preferences; it is now estimated that nearly half of all American businesses, as a result of the complex collection of available business tax provisions, will pay no corporate income tax in fiscal year 1983.

Enforcement of the tax laws has become extremely costly to Government. Nearly half of all Government-created paperwork stems from different tax forms, requiring an estimated expenditure of 650 million man-hours annually. The system, rather than inducing cooperation, has angered the average taxpayer who is beginning to turn away from the system altogether. It is now estimated that 15 percent of income goes unreported, probably the highest percentage in the history of the Internal Revenue Code. In 1982, Senator DOLE estimated that the income tax compliance gap for both individual and corporate income taxes—the difference between what the Federal Government is owed and what it collects—grew from $21 billion in 1973 to $76 billion in 1981.[2] The compliance provisions of the 1982 Tax Equity and Fiscal Responsibility Act (TEFRA) were designed to reduce the level of noncompliance, but these certainly do not improve the level of respect people have for the tax system.

The regulatory cost of the present tax system is staggering. Today IRS regulations contained in title 26 of the Internal Revenue Code fill some 10,000 pages. The IRS employs more than 50 attorneys who spend 65 percent of their time writing new regulations, generally specifically authorized by Congress. Rather than attempting to cut down on these regulations, we are now considering expanding and enforcing them more effectively. This can only serve to anger the average taxpayer even more.

C. LOW TAX RATES

The profusion of tax preferences in the present code substantially redistributes the Federal tax burden and renders it considerably less progressive than the published tax rates. Also, by excluding substantial amounts of income from the tax base, rates imposed on the remainder must be kept high so the necessary amount of revenue can be raised.

For example, in 1961, only 10 percent of U.S. tax returns had a positive marginal tax rate other than 20 to 22 percent. In that year we had almost a flat, rather than progressive schedule of tax rates.[3] Today, in comparison, published tax rate schedules are much more progressive than they were in 1961, but we also have enacted a profusion of tax expenditures.

The result has been, in spite of all the changes in the tax laws over the last 30 years, average tax rates as a percent of personal income have gradually increased, despite passage of the 1964 and 1981 tax laws which both substantially lowered maximum tax rates, from 91 to 70 percent in 1964; from 70 to 50 percent in 1981.[4] Between 1951 and 1981 the average tax rate as a percentage of personal income increased from 9.2 percent in 1951 to 12.1 percent in 1981.[5]

D. FAIRNESS

A tax system is fair if it is based on the basic principle of ability to pay. All income should be treated equally as part of the tax base, and people with the same income should pay the same tax.

Clearly this does not describe the current American tax system. Today, U.S. individual income tax rates range from zero to 50 percent. However, U.S. law also provides for well over a hundred separate exclusions, exemptions, deductions, preferential tax rates, credits and tax deferrals which allow for relief or exemption from current taxes. These so-called tax expenditures either reduce taxable income or reduce taxes by applying lower rates, credits or delays in tax payment. The total revenue lost to all tax expenditures was over $250 billion in fiscal year 1982, about twice the size of the Federal budget deficit of $127 billion in that year.[6]

Because of the complexity in the tax law, substantial equity has been lost; different taxpayers with roughly the same income pay far different rates of tax depending on their eligibility for different tax preferences. Tax expenditures have rendered the otherwise progressive rate structure less progressive, partly because tax preferences are most prevalently used by wealthy taxpayers to reduce their tax burden: These are the taxpayers who can afford to hire specialists to take advantage of the Tax Code's complexity.

THE SELF-TAX PLAN OF 1983

As I said last year, I believe we need to reexamine the fundamental structure of our tax system. We must reestablish SELF as the overriding principles in taxation: simplicity, efficiency, low tax rates, and fairness. These principles entail the following:

People should be able to understand the basic requirements of the tax law and to file their returns by themselves, without the need for professional assistance.

All income should be taxed as equally as possible, with some consideration given to ability to pay. People who earn the same income should pay the same tax.

The poor should not be taxed at all, and we should be careful to establish this standard fairly generously.

Specific preferences and subsidies should be removed from the Tax Code; economic policy should be addressed directly and not through incomprehensible tax manipulations.

What I am advocating is a return to a relatively simplified, low-rate, progressive tax structure. My plan, which would raise roughly the same amount of revenue as under current law, would establish low tax tax schedules while broadening the tax base. Under the SELF tax, almost all special tax exemptions would be eliminated from the Internal Revenue Code.

Under the SELF tax, income which would be subject to tax would include present law adjusted gross income, income from capital gains and capital losses, Government transfer payments, half of social security benefits,

employer benefits currently not taxed, tax exempt interest, and income from other tax preferences. Social security and other pension contributions would, however, not be taxed twice.

In order that the poor should not be subject to tax I would establish a relatively high zero-bracket. Currently, the officially defined poverty level is about $9,000 per year for a family of four; the value of transfer payments received by the same size family is now estimated to be equal to about $5,000 per year. Under the SELF tax, a married couple filing jointly would not have to pay tax on any income up to $5,000 and would, in addition, receive a personal exemption of $1,000 per person. A family of four could thus earn $9,000 free of tax under this plan; no poor family would pay any tax.

I believe that wealthier taxpayers should pay somewhat higher rates of tax than average or lower income taxpayers. I also believe that the marriage penalty should be reduced as far as possible but without creating a large "singles" bonus. After considerable study and analysis, the SELF tax plan of 1983 provides for the following tax rate schedules for individuals (see table 1):

As can be seen from the table, the SELF tax has four tax brackets. For single individuals, income under $3,000 would not be taxed; between $3,000 and $10,000 the tax would be 14 percent; between $10,000 and $40,000 the would be 21 percent; and over $40,000 the rate would be 28 percent. For married taxpayers filing jointly, income below $5,000 would not be taxed; between $5,000 and $16,000 the rate would be 14 percent; between $16,000 and $60,000 the tax rate would be 21 percent; and over $60,000 the tax rate would be 28 percent. No taxpayer would pay a higher rate than 28 percent.

The SELF tax plan of 1983 also provides for a personal exemption of $1,000 per person in order to be equitable to families incurring the costs of raising children and supporting other dependents who have no income. I believe that these provisions plus the SELF tax's proposed tax schedules reduce the current marriage penalty, recognize the differential costs of single compared to married taxpayers, and generally establish a system in which single and married taxpayers are treated fairly and even-handedly.

The SELF tax plan of 1983 would create numerous "winners" and "losers" compared to current law. The comparison in total tax increases and decreases received by income group is shown in table 2.

Table 2 shows that under the SELF tax, there are winners and losers in all income classes when compared to present law. For individuals in the less than $10,000 category, almost 14 million returns would have a tax decrease, while 9 million would have a tax increase. Many taxpayers who in this category would suffer a tax increase under the SELF tax, would do so because of a loss of tax shelters under the proposal. Middle income taxpayers generally fare better under the SELF tax than under current law: for example, in the $10,000-20,000 category, over 16 million returns show a tax decrease while nearly 8 million show an increase. While the highest income groups also show numerous winners and losers, their proportions are much closer: for example, in the above $200,000 category, 82,000 returns show a decrease while 75,000 returns show an increase. The over $200,000 per year group would, as a group, pay higher taxes than under current law.

Another way of comparing the effects of the SELF tax plan to current law is to compare average income tax liabilities for those who itemize to those who do not itemize by income category. This is presented in table 3.

As can be seen from the table, taxpayers who do not itemize, on the average, would receive greater benefits from the SELF tax than those who do itemize. Taxpayers in the less than $10,000 income group—many of whom are now sheltering much income—would have an average tax increase of $91, while the over $200,000 income group would have an average tax increase of $10,707. The middle groups—$10,000-$75,000—would all have tax decreases averaging between $200 and $500 per return.

According to estimates made by the Joint Committee on Taxation, the SELF tax plan, if it were law today, would raise only $8.8 billion less than under current law. In effect the SELF tax plan is revenue neutral.

With respect to business taxes, I would establish a flat 25-percent rate that would apply to all forms of business, including corporations, partnerships, and farms. Business would be taxed on the base of gross earnings, less the amount paid for goods, services and employee compensation. I would permit a capital recovery allowance to encourage investment in plant and equipment and allow deductions for such normal costs of business as interest and depreciation. Based on calculations made by the Joint Committee on Taxation, a business tax based on these principles can be devised which would raise roughly the same amount of revenues as does the corporate income tax under current law.

As with the individual income tax base, I would repeal the current morass of deductions from the numerous specific business subsidies in the present Tax Code. Businesses would not be taxed on earnings received from ownership of other businesses, provided the owned business files its own tax return.

Under this general plan, then, all official tax rates would be reduced substantially. The top individual tax rate would drop from 50 to 28 percent. The top business tax rate would be reduced from 46 to 25 percent.

Since the flat rate for corporations—25 percent—would be very close to the top rate for individuals—28 percent—there would be very little special inducement for individuals to incorporate, unless they could expect special gains from being taxed under the business tax format.

Overall, the SELF tax would provide for major improvements in productivity and incentives. Paperwork for business would be cut very radically, as it would for Government. Lower rates would be made possible by the expansion of the tax base. The poorest individuals would pay no tax, and we would retain a slightly progressive individual rate schedule. In addition, business would pay its fair share of the tax burden.

NECESSITY FOR DEALING WITH THE TAX PROBLEM NOW

The present tax structure, including its numerous preferences and loopholes, is no longer able to raise sufficient revenues for the operation of the Federal Government. If we do nothing to raise revenues we cannot avoid large budget deficits. Such deficits frighten businessmen and investors, causing interest rates to remain very high. This weakens the prospects for a healthy economic recovery. It is clear that Congress must address the issue of long-term revenues if the Federal deficit is to be reduced.

The need to simplify the tax structure is widely recognized. Several bills have already been introduced in the Senate which would order the Treasury Secretary to propose legislation or to draft changes in regulations to provide for massive simplification of the Tax Code.[7]

If a serious approach to increasing the tax base is not soon adopted, we will face the prospect of either raising rates or adding new taxes. I believe we will all be better off if we took the path of reform. If we do not, we will be perpetuating the present inequities and inefficiencies in the system.

Many advantages would ensue from a program of tax simplification. Americans could once again compute their own taxes. They no longer would have to employ tax preparers to wade through a jungle of incomprehensible regulations. The ease of dealing with the tax system should result in an increase in income reported, and the underground economy would begin to shrink.

The system would be much fairer. People with the same income would pay the same level of tax. There would be no reward to employing high priced tax specialists to gain special benefits

by manipulating confusing rules and regulations; there would be relatively few regulations to manipulate. Everyone who pays tax would do so on the same, straightforward basis. This should reduce taxpayer anger and restore basic public respect for the total system.

The system would also be more equitable and more efficient. The poor would not pay anything, the wealthy would pay a higher rate than anyone else, and business would pay its fair share. A substantial burden in paperwork would be lifted from business, Government, and individuals alike. Tax considerations would no longer be the driving force behind specific business decisions; the economy would be freer to respond to normal market forces. The result should be higher economic growth and productivity. Overall long-term benefits from such tax reform can be very great and I believe we should begin to consider the issue seriously.

FOOTNOTES

[1] Speech, May 23, 1977.
[2] Statement to the Press of Senator Bob Dole on the Underground Economy, March 5, 1982, pp. 1-2.
[3] Eugene Steurle and Michael Hartzmark, "Individual Income Taxation, 1947-1979," National Tax Journal, v. 34, June 1981, p. 156.
[4] J. Pechman, Federal Tax Policy (Brookings Institution), Table A-2, p. 300.
[5] Steurle and Hartzmark, op. cit., p. 157.
[6] CBO, Tax Expenditures: Budget Control Options and Five Year Budget Projections for Fiscal Years 1983-1987 (November 1982), p. 89.
[7] The 97th Congress saw the introduction of several bills, including H.R. 4821 (Rep. George Hansen); H.R. 5313 and S. 2200 (Sen. Jesse Helms and Rep. Philip Crane); S. 2147 (Sen. Dennis DeConcini); H.R. 6070 (Rep. Leon Panetta); H.R. 6352 (Rep. Ron Paul); S. 2557 (Sen. Dan Quayle) and S. 2817 and H.R. 6944 (Sen. Bill Bradley and Rep. Richard Gephardt).

Mr. President, I ask unanimous consent, as in legislative session, to have printed in the RECORD the text of the bill, the documents and data accompanying the bill, and a section-by-section analysis of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1040

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SELF Tax Plan Act of 1983".

SEC. 2. SIMPLIFIED RATES FOR INDIVIDUALS.

Subsections (a), (b), (c), (d), and (e) of section 1 of the Internal Revenue Code of 1954 (relating to imposition of tax) are each amended by striking out the table contained in paragraph (3) and inserting in lieu thereof the following new table:

(1) In subsection (a)(3):

"If taxable income is:	The tax is:
Not over $5,000	No tax.
Over $5,000 but not over $60,000	14% of the excess over $5,000.
Over $16,000 but not over $60,000	$1,540, plus 21% of the excess over $16,000.
Over $60,000	$10,780, plus 28% of the excess over $60,000.".

(2) In subsection (b)(3):

"If taxable income is:	The tax is:
Not over $3,000	No tax.
Over $3,000 but not over $13,000	14% of the excess over $3,000.
Over $13,000 but not over $50,000	$1,400, plus 21% of the excess over $13,000.
Over $50,000	$9,170, plus 28% of the excess over $50,000.".

(3) In subsection (c)(3):

"If taxable income is:	The tax is:
Not over $3,000	No tax.
Over $3,000 but not over $10,000	14% of the excess over $3,000.
Over $10,000 but not over $40,000	$980, plus 21% of the excess over $10,000.
Over $40,000	$7,280, plus 28% of the excess over $40,000.".

(4) In subsection (d)(3):

"If taxable income is:	The tax is:
Not over $2,500	No tax.
Over $2,500 but not over $8,000	14% of the excess over $2,500.
Over $8,000 but not over $30,000	$770, plus 21% of the excess over $8,000.
Over $30,000	$5,390, plus 28% of the excess over $30,000.".

(5) In subsection (e)(3):

"If taxable income is:	The tax is:
Not over $5,500	14% of taxable income.
Over $5,500 but not over $27,500	$770, plus 21% of the excess over $5,500.
Over $27,500	$5,390, plus 28% of the excess over $27,500.".

SEC. 3. FLAT RATE FOR CORPORATIONS.

Section 11 of the Internal Revenue Code of 1954 (relating to tax imposed on corporations) is amended to read as follows:

"SEC. 11. TAX IMPOSED.

"There is hereby imposed for each taxable year on the taxable income of every corporation a tax equal to 25 percent of such taxable income.".

SEC. 4. REPEAL OF ALL SPECIAL PROVISIONS.

(a) IN GENERAL.—Except as provided in subsection (b), all specific exclusions from gross income, all deductions, and all credits against income tax are hereby repealed.

(b) RULES OF APPLICATION OF SIMPLIFIED TAX SYSTEM.—The repeals provided in subsection (a) shall be subject to the following exceptions:

(1) The following provisions shall not be repealed:

(A) Section 31 (relating to credit for tax withheld on wages).

(B) Section 32 relating to credit for tax withheld at source on nonresident aliens).

(C) Section 102 (relating to gifts and inheritances).

(D) Section 115 (relating to income of States, municipalities, etc.).

(E) Part V of subchapter B of chapter 1 (relating to deductions for personal exemptions), except that the amount allowable for each such exemption shall be $1,000.

(2) The following principles shall control with respect to such repeals:

(A) Deductions shall be allowed for ordinary and necessary business expenses (including a capital recovery allowance).

(B) Income earned by a trade or business shall be taxed only once, thus eliminating any taxation of dividends, interest, or gain from the sale or exchange of an interest in a trade or business.

(C) No individual shall be taxed twice on the individual's Social Security (or other retirement) contributions.

(D) Married individuals may file income tax returns separately and be treated in the same manner as single individuals.

SEC. 5. EFFECTIVE DATE, ETC.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.

(b) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this Act.

TABLE 1.—SELF TAX PLAN OF 1983: TAX SCHEDULES

If taxable income is:	The tax is:
Schedule I. Single taxpayers who do not qualify for rates in schedules II and III:	
Not over $3,000	No tax.
Over $3,000 but not over $10,000	0 plus 14 percent of excess over $3,000.
Over $10,000 but not over $40,000	$980 plus 21 percent of excess over $10,000.
Over $40,000	$7,280 plus 28 percent of excess over $40,000.
Schedule II. (A) Married taxpayers filing joint returns, (B) certain widows and widowers:	
Not over $5,000	No tax.
Over $5,000 but not over $16,000	0 plus 14 percent of excess over $5,000.
Over $16,000 but not over $60,000	$1,540 plus 21 percent of excess over $16,000.
Over $60,000	$10,780 plus 28 percent of excess over $60,000.
Schedule III. Unmarried (or legally separated) taxpayers who qualify as heads of household:	
Not over $3,000	No tax.
Over $3,000 but not over $13,000	0 plus 14 percent of excess over $3,000.
Over $13,000 but not over $50,000	$1,400 plus 21 percent of excess over $13,000.
Over $50,000	$9,170 plus 28 percent of excess over $50,000.
Schedule IV. Married individuals filing separate returns:	
Not over $2,500	No tax.
Over $2,500 but not over $8,000	0 plus 14 percent of excess over $2,500.
Over $8,000 but not over $30,000	$770 plus 21 percent of excess over $8,000.
Over $30,000	$5,390 plus 28 percent of excess over $30,000.
Schedule V. Estate and trust:	
Not over $5,500	14 percent of taxable income.
Over $5,500 but not over $27,500	$770 plus 21 percent of excess over $5,500.
Over $27,500	$5,390 plus 28 percent of excess over $27,500

TABLE 2.—TAX DECREASES AND INCREASES: THE SELF TAX VERSUS CURENT LAW, 1981 INCOME LEVELS

Expanded income (actual)	Tax decrease			Tax increase			Net tax change (millions)	Percent of total distribution
	Returns (thousands)	Amount (millions)	Average (actual)	Returns (thousand)	Amount (millions)	Average (actual)		
Less than $10,000	13,951	−$2,677	−$192	9,701	$4,830	$498	$2,153	−24.5
$10,000, but less than $20,000	16,141	−6,526	−404	8,266	4,718	571	−1,809	20.5
$20,000, but less than $30,000	10,167	−10,087	−992	7,018	6,388	910	−3,699	42.0
$30,000, but less than $40,000	5,980	−8,925	−1,492	3,354	4,885	1,457	−4,039	45.9
$40,000, but less than $50,000	2,702	−5,328	−1,972	1,404	3,202	2,281	−2,126	24.1
$50,000, but less than $75,000	1,690	−4,744	−2,808	1,043	3,923	3,762	−821	9.3
$75,000, but less than $100,000	435	−2,016	−4,629	300	2,036	6,782	−21	−.2
$100,000, but less than $200,000	370	−3,498	−9,443	253	3,331	13,159	−167	1.9
$200,000 and more	82	−3,156	−38,352	75	4,836	64,748	−1,681	−19.1
Total	51,519	−46,956	−911	31,414	38,150	1,214	−8,806	100.0

Source: Proposal versus 1984 Present Law, Joint Committee on Taxation.

TABLE 3.—DISTRIBUTION OF AVERAGE INCOME TAX LIABILITIES: CURRENT LAW, THE SELF TAX AND TAX CHANGE BY EXPANDED INCOME FOR ALL RETURNS

[1981 levels of income]

Expanded income	Current (1984) law		SELF tax plan of 1983		Change		
	Number of returns (units)	Average tax liability	Number of returns (units)	Average tax liability	Number of returns (units)	Average tax liability	Percent change
Less than $10,000	3,272,183	$206	2,198,374	$493	3,523,284	$117	56.8
$10,000, but less than $20,000	6,995,807	1,201	6,629,348	1,422	7,215,686	142	11.9
$20,000, but less than $30,000	10,038,044	2,496	10,118,416	2,492	10,136,478	16	.7
$30,000, but less than $40,000	7,238,387	4,061	7,294,238	3,788	7,301,347	−242	−6.0
$40,000, but less than $50,000	3,589,204	6,084	3,603,306	5,665	3,603,896	−395	−6.5
$50,000, but less than $75,000	2,520,023	9,629	2,521,455	9,332	2,525,360	−291	−3.0
$75,000, but less than $100,000	694,221	16,549	693,907	16,493	696,027	−63	−.4
$100,000, but less than $200,000	601,179	30,652	600,006	30,297	602,375	−414	−1.4
$200,000 and more	153,330	111,585	153,139	122,841	153,772	11,071	9.9
Itemize (total)	35,102,376	4,463	33,812,188	4,606	35,758,223	−25	−.6
Less than $10,000	18,145,905	206	11,136,998	491	20,129,012	87	42.1
$10,000, but less than $20,000	17,120,093	1,272	15,526,C50	1,220	17,191,549	−165	−13.0
$20,000, but less than $30,000	7,011,076	2,802	7,044,074	2,241	7,048,824	−548	−19.6
$30,000, but less than $40,000	2,008,097	4,855	2,032,357	3,678	2,032,357	−1,119	−23.1
$40,000, but less than $50,000	500,686	7,533	502,299	6,109	501,990	−1,402	−18.6
$50,000, but less than $75,000	205,251	10,772	201,766	10,533	206,863	−415	−3.9
$75,000, but less than $100,000	39,243	17,497	39,585	18,977	39,716	1,625	9.3
$100,000, but less than $200,000	20,886	31,490	21,125	35,052	21,125	3,918	12.4
$200,000 and more	3,197	152,297	3,200	145,361	3,201	−6,782	−4.5
Nonitemize (total)	45,054,432	1,392	36,507,452	1,502	47,174,634	−167	−12.0
Less than $10,000	21,418,088	206	13,335,372	492	23,652,296	91	44.3
$10,000, but less than $20,000	24,115,900	1,251	22,155,398	1,280	24,407,234	−74	−5.9
$20,000, but less than $30,000	17,049,120	2,622	17,162,491	2,389	17,185,303	−215	−8.2
$30,000, but less than $40,000	9,246,484	4,233	9,326,594	3,764	9,333,704	−433	−10.2
$40,000, but less than $50,000	4,089,890	6,261	4,105,605	5,719	4,105,886	−518	−8.3
$50,000, but less than $75,000	2,725,274	9,715	2,723,221	9,421	2,732,223	−301	−3.1
$75,000, but less than $100,000	733,464	16,599	733,492	16,627	735,743	28	.2
$100,000, but less than $200,000	622,065	30,680	621,131	30,458	623,500	−267	−.9
$200,000 and more	156,527	112,417	156,339	123,302	156,973	10,707	9.5
All returns (total)	80,156,808	2,737	70,319,639	2,994	82,932,857	−106	−3.9

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

SECTION-BY-SECTION ANALYSIS

SEC. 1. Establishes the "Self-tax Plan Act of 1983" as short title of the bill.

SEC. 2. Provides simplified tax rates for individuals. For married couples filing jointly, there will be no tax on income up to $5,000; a 14 percent tax rate on income over $5,000 but not over $16,000; a 21 percent tax rate on income over $16,000 but not over $60,000; and a 28 percent tax rate on income over $60,000. For single taxpayers, there will be no tax on income over $3,000; a 14 percent tax rate on income over $3,000 but not over $10,000; a 21 percent tax rate on income over $10,000 but not over $40,000; and a 28 percent tax rate on income over $40,000.

SEC. 3. Establishes a flat rate of 25 percent for corporations.

SEC. 4. Repeals all specific exclusions from gross income, deductions and credits against the income tax. A number of exemptions are provided:

(1) Withholding is permitted and credits for taxes withheld;

(2) Income from gifts and inheritances will be treated as under current law;

(3) The Federal government will not tax state and local governments;

(4) Deductions will be permitted to corporations for ordinary and necessary business expenses, including a capital recovery allowance;

(5) Income earned by a trade or business will be taxed only once, eliminating taxation of dividends, interests, or gains from the sale of an interest in a trade or business;

(6) No individual will be taxed twice on the individual's social security or retirement contributions;

(7) A personal exemption of $1,000 will be allowable as a deduction;

(8) Those filing joint returns may elect to file as two single returns if they so choose.

SEC. 5. The Amendments made by this Act shall apply to taxable years beginning after December 31, 1983. The Secretary of the Treasury or his delegate are directed to submit, not later than 90 days after enactment of this Act, any necessary conforming changes in the Internal Revenue Code of 1954 to the Committee on Ways and Means of the House of Representatives.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, as in legislative session, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with statements therein limited to 2 minutes each.

Mr. QUAYLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate called the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRESSLER). Without objection, it is so ordered.

SOVIET PENTECOSTALS

Mr. LEVIN. Mr. President, the six remaining Soviet Pentecostals who had been living in the U.S. Embassy in Moscow for almost 5 years have now left the Embassy and have arrived in their village of Chernogorsk. Ameri-

can representatives had urged them to do so, and to follow the process of applying from home for permission to emigrate. This is the process that was followed by Lidiya Vashchenko, the seventh Pentecostal who had been living at our Embassy.

Last week, after applying from home for permission to emigrate, she was allowed out of the Soviet Union, and flew to Israel via Vienna. And yesterday the State Department stated to me that following ongoing discussions with the Soviets, it has some confidence that the remaining six members of the Siberian seven—as those living in the U.S. Embassy came to be known—also will be allowed to leave the Soviet Union, and reasonably soon.

It is now my hope that what the Soviets have led our representatives to believe would happen will now, in fact, happen and that we will not have to wait too long for it to happen. The Siberian seven spent nearly 5 arduous years away from their homes and friends. The Soviet Government had insisted that they first return home and follow official procedures. Now, all of the members of the Vashchenko and Chmykhalov families have left our Embassy, as a group, for home. They have taken the risk—and there is risk.

The saga of the Siberian seven is not over—it is entering a new stage and now it is the Soviets whose statements will be tested.

THE BIGGEST THREAT TO U.S. SURVIVAL: THE SPREAD OF NUCLEAR WEAPONS

Mr. PROXMIRE. Mr. President, a few days ago the Cox newspapers issued a superlative compilation of papers on the nuclear threat, entitled, "The Present Challenge: A Report on the Nuclear Dilemma." This is an extraordinarily well documented, highly readable account. In a small story tucked away in the middle of this analysis I found a listing of the countries that will have the plutonium capability of waging at least limited nuclear war in 5 or 10 years. And plutonium is all each of these countries need. The technology has spread so widely that plutonium is all they need to waltz right in the front door of the nuclear club. Pakistan, for instance, will have enough plutonium for 70 bombs 5 years from now. South Africa will have enough for 60 bombs in 1987—5 years from now. Brazil will have enough for 2 bombs in 1987 and 200 in 1992—and that's only 10 years away.

By the end of the century, the nuclear arsenals will be far larger and many more countries will be sitting there with the capability of wiping out every major city in the United States.

All this will happen unless we find a way to stop the spread of nuclear weapons. This, Mr. President, is why I think a nuclear war by the year 2000—that is only 17 short years away is better than a 50-50 shot.

Mr. President, I ask unanimous consent that the article to which I refer from the Cox newspapers be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHO'S GOT WHAT

Most countries that develop nuclear weapons in the future will use plutonium, refined from the spent fuel of nuclear power plants, as the fissionable material. It takes eight kilograms per bomb. Based on known outputs of plutonium processing plants, it is possible to calculate how many nuclear explosive different countries could, though not necessarily will, manufacture. South Africa figures are based on output of a uranium enrichment plant, rather than on plutonium. Map at right shows countries which have tested weapons and or may have the technical means and political will to join "the nuclear club." Iraq and Libya have no plutonium but may develop bombs by using plutonium acquired from other countries. Although India has exploded a nuclear device—and therefore is technically a member of the "club"—it is not believed to be stockpiling weapons.

Argentina: no plutonium now, could have enough for 10 bombs by 1987.

Belgium: no plutonium now, enough for 50 bombs in 1987.

Brazil: no plutonium now, enough for 2 bombs in 1987, 200 in 1992.

India: plutonium for a few now, 70 in 1987, 200 in 1992.

Israel: plant capacities are not known; may have 20 bombs now.

Italy: plutonium for a few bombs now, 70 in 1987, 800 in 1992.

Japan: plutonium for 60 bombs now, 140 in 1987, 800 in 1992.

Pakistan: plutonium for a few now, 70 in 1987.

South Africa: uranium for 15 bombs now, 60 in 1987.

South Korea: no plutonium now, enough for 135 bombs in 1992,

Taiwan: no plutonium now, future uncertain.

West Germany: plutonium for a few bombs now, 25 by 1987, 1,000 by 1992.

CONVENTION ON GENOCIDE: WOMEN SURVIVORS OF THE HOLOCAUST

Mr. PROXMIRE. Mr. President, on March 23, a crowd of 400 packed the Stern College for Women of Yeshiva University for a two-day conference entitled "Women Surviving: The Holocaust." Although an intensification of interest in the Holocaust over the last few years has brought forth a plethora of literature, art, and testimony on this era, the experiences of women involved in the Holocaust have remained virtually unexplored. This conference fills the vacuum by exposing the stories of these women survivors, thus opening up a new dimension of the Holocaust.

Journalist Nadine Brozan attended the conference seeking answers to questions about the differences between how men and women were treated, what kind of work they did in concentration camps, in the ghettos, and in the resistance movements, and what kind of relationships they formed with each other. In a recent New York Times article, she relates some of her observations.

Ms. Brozan learned that, outside the camps, women often assumed the most dangerous roles. In the resistance movement, they smuggled men across borders and served as their cover. If a man was fleeing, points out Vera Laska, a member of the Czechoslovakian resistance movement and inmate at Aushwitz, he was much safer if accompanied by a woman.

Women were equally as useful as couriers, smuggling food, money, documents, and instructions to those in hiding. If men in the underground went on a mission, they could easily be identified as Jewish by their circumcision, but search of a woman's body could not reveal her ethnicity.

Most important, perhaps, were the relationships women had with each other. Many of the women agree that female bonding was the key factor in their ability to survive.

Susan Cernyak-Spatz, who survived three concentration camps, describes how her coworkers saved her life by dragging her out of the barracks for rollcall when she was too feeble and sick to walk on her own. "Without a support group, you couldn't survive," she said.

Women were also better strategists than men for sharing and extending their rations of food. Jolly Zeleny recalls being transported to the Bergen-Belsen Concentration Camp in a railroad car with only female prisoners when the tracks were bombed. The women in her car spotted a train carrying men on another track. Four decades later she remembers the contrast between the two cars vividly:

> Both men and women were skeletons in identical stripes, yet there was such a difference. The men's bodies reflected so much more pessimism than did ours. We reached for our little morsels of bread and threw them to the men.

Mr. President, I applaud these women for their bravery and strength during the Holocaust and for their willingness to stimulate discussion today of this era in order to bring wider understanding of the issues. The more educated we are about the crime of genocide, the better able we should be to prevent future genocidal acts from being committed.

We here in the Senate can do our part to prevent the crime of premeditated mass murder by ratifying the Genocide Convention. This international treaty has been pending before the Senate since 1949, when President Truman first submitted it for approval. Yet, the United States stands alone

among the developed nations in our refusal to become a party to this treaty.

Let us not wait for another Holocaust to occur before we are moved to action on this important treaty. I urge my colleagues to ratify the Genocide Convention immediately.

NATIONAL STUDENT LEADERSHIP WEEK, APRIL 25 THROUGH 29, 1983

Mr. HATCH. Mr. President, the National Association of Student Councils and the National Honor Society have set aside the week of April 25 through 29, 1983, as National Student Leadership Week. It will be a time when students, faculties, administrators, and community leaders will recognize the contribution student governments in our schools make in the development of capable and responsible leaders.

During this week students who have been elected to leadership positions in countless school organizations by their peers will be assuming the chairs of mayors, county commissioners, and other elected officials to learn firsthand how those elected to public office handle their responsibilities.

Secretary of Education, Terrel Bell, in a letter dated March 14, 1983, to student leaders in the schools of the Nation, commended these young people for accepting the challenge of leadership by their peers in the highest of our democratic traditions—being elected to preside over student bodies, student senates, honor societies and all of the good and wholesome activities which make our schools living examples of a republic in action.

I share Secretary Bell's enthusiasm for all of the things National Student Leadership Week stands for and commend the Secretary for being named Honorary Chairman for the Week.

I would like to ask my colleagues in the Senate to join with me now in a sense of the Senate statement of recognition to these young people from whose ranks will come the future leaders of this Nation.

Mr. President, the statement I have to offer is as follows:

STATEMENT

Whereas, more than ten million young Americans are participating in cocurricular activities in secondary schools across the nation; and,

Whereas, these activities, which include student government, speech, debate, music, journalism and science and mathematics clubs, contribute greatly to developing leadership qualities in our young; and

Whereas, these students will be our nation's future leaders; and

Whereas, it is in the national interest to promote increased interest in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting; therefore it is appropriate that the United States Senate recognize the importance of these activities by recommending that all citizens, community leadership and government officials be cognizant of the period of April 25 through 29, 1983 as National Student Leadership Week, and observe it with appropriate ceremonies and activities.

All Americans are urged to recognize the importance of developing our students' academic and leadership potential to its fullest.

I ask unanimous consent, Mr. President, that my remarks and this statement of recognition be printed in the RECORD as an indication of the support of this body of the leadership activities of the secondary school youth in the public and private schools of this great Nation.

COMMENDATION OF SENATORS WARNER, NUNN, AND JACKSON

Mr. PERCY. Mr. President, yesterday I commented on the new measures which Secretary of Defense Weinberger has endorsed for improving our ability to communicate with the Soviet Union during a time of crisis. These recommendations were a result of a 6-month study which the Defense Department undertook at the direction of Congress.

Today I wish to acknowledge and commend the leading role which Senators WARNER, NUNN, and JACKSON played in prompting this initiative. As authors of the amendment to last year's Defense Authorization Act which directed Secretary Weinberger to review a number of confidence-building and crisis-stability proposals, these three Senators are particularly to be congratulated for their significant contribution to lessening the dangers of nuclear war.

NEED A LIFT?—SCHOLARSHIP AND CAREER HANDBOOK PUBLISHED

Mr. STEVENS. Mr. President, in a commitment to helping American young people, the American Legion has published its 32d edition of "Need a Lift?" one of the best scholarship and career handbooks available today. Originally published to assist children of deceased and disabled American veterans, the handbook has since been made available for general distribution because of its popularity.

I feel it is important that students have as much information as possible about scholarships, and, therefore, ask unanimous consent that sections III and IV of the 1983 edition of "Need a Lift?" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION III.—SOURCES OF EDUCATIONAL ASSISTANCE FOR VETERANS AND THEIR DEPENDENTS

In addition to the educational aids provided by the various state governments—The American Legion itself, the Federal government—private trust funds and many other organizations, offer a wide variety of educational benefits. Some of the major sources of veterans and their dependents are outlined on this and the following pages.

A. Military service professional scholarships and academies guide

Armed Forces health professions scholarship may be obtained by writing for information from:

U.S. Air Force: Health Professions Recruiting, Building 1413, Stop 44, Andrews AFB, MD 20331, (301) 981-3153.

U.S. Army: Student Programs Management, Dept. of the Army (SGPE-PDM), 1900 Half Street, S.W., Washington, D.C. 20324.

U.S. Navy/Marines: Bureau of Medicine & Surgery (MED-214), Navy Department, Washington, D.C. 20372, (202) 254-4311.

ROTC programs may be obtained by writing for information from:

U.S. Air Force: U.S. Air Force ROTC/RRUC, Recruiting Division, Maxwell AFB, AL 36112, (205) 293-2091.

U.S. Army: U.S. Army ROTC Commander, H.Q. Training Doctrine Command, Attn: Advertising Media, Fort Monroe, VA 23651, (804) 727-3469.

U.S. Navy/Marines: Commander, U.S. Navy Opportunity Information Center, P.O. Box 5000, Clifton, NJ 07012, (800) 327-NAVY.

Commandant of the Marine Corps, Code MRRO-6, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, (202) 694-1356.

Military academies may be obtained by writing for information from:

U.S. Air Force: Director of Cadet Admissions, U.S. Air Force Academy, CO 80840, (303) 472-3070.

U.S. Army: Admissions Office, U.S. Military Academy, West Point, NY 10996, (914) 938-4041.

U.S. Coast Guard: Director of Admissions, U.S. Coast Guard Academy, New London, CT 06320, (203) 444-8500.

U.S. Merchant Marines: Admissions Office, U.S. Merchant Marine Academy, Steamboat Road, Kings Point, NY 11024, (516) 482-8200.

U.S. Navy Marines: U.S. Naval Academy, Attn: Candidate Guidance Office, (301) 267-4351.

Assistance for Veterans and Their Dependents

B. Appointments to the military academies

Sons or daughters of Medal of Honor recipients may be appointed to the service academy of their choice provided they are in all respects qualified. No recommendation or endorsement from any source is required. In this category, the Boards of Admission of the Service Academies are the final authority as to qualification. Young people desiring appointments must be between the ages of 17 and 22, calculated as of July 1, year of admission. All qualified candidates under this section may be appointed, regardless of number. Address inquiries or applications to: Director of Admissions and Registrar, United States Military Academy, West Point, NY 10996; Superintendent, U.S. Naval Academy (Attn: Candidate Guidance), Annapolis, Maryland 21402; Director of Cadet Admissions, U.S. Air Force Academy, Colorado 80840. Applications for appointment to Service Academies under this paragraph should include the full name, service and rank of the parent awarded the Medal of Honor.

APPOINTMENTS TO THE MILITARY, NAVAL AND AIR FORCE ACADEMY OF SONS AND DAUGHTERS OF ACTIVE OR RETIRED MEMBERS OF THE ARMED FORCES OF THE UNITED STATES

There may be appointed annually to each academy one hundred cadets/midshipmen selected from the sons or daughters of members of the Armed Forces who: (1) are on active duty (other than for training) and who have served continuously on active duty for at least eight years. (2) are, or who died while they were, retired with pay or granted retired or retainer pay, other than those granted retired pay under Section 1331 Title 10, U.S.C. Letters of application or requests for additional information concerning these appointments called "Presidentials" should be sent to: Director of Admissions and Registrar, United States Military Academy, West Point, New York 10996; Director of Cadet Admissions, The United States Air Force Academy, CO 80840; Superintendent, U.S. Naval Academy (Attn: Candidate Guidance), Annapolis, Maryland 21402.

APPOINTMENTS TO THE MILITARY, NAVAL AND AIR FORCE ACADEMIES OF SONS OR DAUGHTERS OF DECEASED OR DISABLED VETERANS OF THE ARMED FORCES OF THE UNITED STATES

Approximately ten sons or daughters of deceased or disabled veterans are appointed annually to each of the major service academies. Eligibility to compete under this quota is confined to sons and daughters of members of the Armed Forces who were Killed in Action or died of, or have a service-connected disability rated at not less than 100 percentum resulting from wounds or injuries received or diseases contracted in, or pre-existing injury or disease aggravated by active service. Determination in each case of eligibility to compete under this quota rests with the Veterans Administration. Letters of application under this quota should include the full name and date of birth of the applicant and the full name, rank, service, veteran's claim number and date of death of the deceased parent veteran. Young people determined eligible to compete under this category, must be between the ages of 17 and 22, age calculated as of July 1, year of admission. Entrance to each service academy is based upon each candidate's order of merit derived from College Board Admissions test scores or American College Tests, academic records and education, character evaluations, physical fitness and medical qualifications. The service academies use specified administrations of the College Admissions Tests or the American College Tests for examining all nominees. Information concerning these examinations may be obtained from the Catalogues to each of the Service Academies. Free informational materials, outling courses of curriculum, standards of admission, etc., may be obtained free of charge by writing the above listed addresses. Apply early. Applications will be accepted after May 1; deadline is December 15 of the year before student expects to enter.

C. Educational opportunities offered to men and women in military service

In addition to training courses in a wide variety of skills, the Armed Forces offers numerous part-time educational opportunities.

Each Military Service has a tuition assistance program which covers up to 90% of tuition costs for courses taken at accredited colleges and universities. Service members on active duty prior to 31 December 1976 may also use their G.I. Bill benefits while still in Service. During Fiscal Year 1981, it is estimated that over 600,000 active duty personnel will take academic courses from civilian institutions during off-duty time.

Service members who enter service after 1 January 1977 have the opportunity to participate in the Veterans' Educational Assistance Act of 1976. This Act is an educational endowment fund. Participation is voluntary. The participant contributes between $25 and $100 a month, with a limit of $2,700, with the Veterans Administration matching funds with $2 for each $1 contributed by the participant. Participants may make lump sum contributions.

Each of the Military Services also provides off-duty high school completion programs for enlisted members entering Service before graduating from high school. The Community College of the Air Force now provides Service members with an opportunity to earn an Associate degree while in Service through a combination of technical training and off-duty voluntary educational programs.

High school and college counselors can provide additional information on education in the military. They should have available the education issue of the High School News Service Profile, published annually each October. Service personnel may obtain additional information from their base or unit education officer.

Special programs: The VA will pay up to $76 per month (to a maximum of ($911) for tutorial assistance for eligible persons who have a need for individual help. A work-study program is also available through the VA. Eligible persons under this program agree to work a certain number of hours for the VA or in VA-related programs in return for pay. Veterans whose delimiting period has expired and who have remaining entitlement, and veterans enrolled in flight training.

Time limitation: Veterans have 10 years after release or discharge from service, but not later than December 31, 1989 to complete their education. The basic ten-year period may be extended for veterans who were prevented from beginning or completing their chosen program because of physical or mental disability not the result of their own willful misconduct. In addition, veterans who do not have a high school diploma, and veterans who are found to be in need of vocational or job training because they are unskilled, may have their delimiting date extended, but not beyond December 31, 1983.

VIETNAM GI BILL VETERANS READJUSTMENT BENEFITS ACT OF 1966 AS AMENDED

Objective: To provide educational opportunities for over seven million qualified service persons now in civilian life or on active duty in the Armed Forces.

Eligibility: Veterans who served on active duty for more than 180 continuous days, any part of which occurred after January 31, 1955, but before January 1, 1977, and who: (1) were discharged or released under conditions other than dishonorable; (2) were discharged or released for a service-connected disability; or, (3) continue on active duty, are eligible. Also eligibile are those persons who contracted with the Armed Forces and were enlisted in or assigned to a reserve component prior to January 1, 1977 and who as a result of this enlistment or assignment, served on active duty for more than 180 days, any part of which began on or after January 1, 1977 and before January 2, 1978 and who are discharged from active duty under conditions other than dishonorable.

Duration and benefits: Benefits will be paid a maximum of 45 months, based on one and one-half months of benefits for each month of active duty. A veteran who has served 18 continuous months or more will be entitled to the full 45 months. Basis for payments are as follows:

	No dependents	One dependent	Two dependents	Each additional dependent
School full time	$342	$407	$464	$29
Three-quarters time	257	305	348	22
One-half time [1]	171	204	232	15

[1] Tuition and fees not to exceed $342.

Precollege training: Reimbursement for tuition and fees are available without charge to entitlement to aid in the completion of elementary or high school education or for refresher courses needed to qualify for higher education.

Special programs: The VA will pay up to $72 per month (to a maximum of $869) for tutorial assistance for eligible persons who have a need for individual help. A work-study program is also available through the VA. Eligible persons under this program agree to work a certain number of hours for the VA or in VA-related programs in return for pay.

Time limitation: Veterans have 10 years after release or discharge from service, but not later than December 31, 1989 to complete their education. The basic ten-year period may be extended for veterans who were prevented from beginning or completing their chosen program because of physical or mental disability not the result of their own willful misconduct.

Further information: May be obtained from the Veterans Administration, college, high school; or, contact the Education Chairman of The American Legion Post or the American Legion Auxiliary Unit in your community.

SURVIVORS' AND DEPENDENTS' EDUCATION (TITLE 38, U.S. CODE, CHAPTER 35) AS AMENDED

Objective: To provide educational opportunities for the children, spouses and surviving spouses of veterans who died or were permanently and totally disabled in or as the result of service in the Armed Forces of the United States.

Eligibility: Students are eligible whose parents died or are permanently and totally disabled from disease or injury incurred or aggravated in the Armed Forces since the beginning of the Spanish-American War. Students who are children of service personnel Missing in Action or Prisoners of War for more than 90 days are also eligible. Assistance is available to eligible students during the period which begins on the 18th birthday or successful completion of high school, whichever comes first, and ends on reaching the 26th birthday. Surviving spouses and spouses of veterans may also qualify if the veterans spouse if deceased or permanently and totally disabled from service-connected causes, a Prisoner of War or is Missing in Action for more than 90 days.

Exceptions: If an eligible person suspended his or her program, the time for completing the program may be extended when the VA determines that the reasons for the suspension were beyond the eligible persons' control. Extensions may also be granted under certain other conditions.

Duration and benefits: A maximum of 45 months of training and education may be obtained with payments of $342 per month

paid upon completion of each month of full-time training, $257 for ¾ time and $171 for ½ time. For less than ½ time, payment is computed at the rate of the established charges for tuition and fees, not to exceed the rate of $171 for ½ time or less but more than ¼ time; $86 or ¼ time or less. The period of eligibility for a spouse or surviving spouse generally extends to November 30, 1978, or for 10 years from the date the veteran was first found to have service-connected total disability, permanent in nature, or from the veteran's date of death, whichever is or was later, or from the date the service person was listed for a total of more than 90 days as Missing in Action or listed as a Prisoner of War. Benefits to children may be extended under certain conditions (but in no event past age 31.) The basic ten-year period may be extended for spouses and surviving spouses who were prevented from beginning or completing their chosen program because of physical or mental disability not the result of their own willful misconduct.

Availability of training: In approved colleges and junior colleges (public and private), vocational, business schools and other educational institutions. Spouses and surviving spouses may also pursue apprenticeship, on-job or correspondence training.

Special restorative training: The law provides for special restorative training or retraining to restore or improve an eligible child's ability with respect to physical or mental functions in which a student is handicapped and which are essestial to the normal pursuit of education.

Application: Must be filed with the VA by the applicant. In the event the applicant is a minor, application must be filed with the VA by a parent or guardian.

Further information: May be obtained from your high school counselor or contact the Education Chairman of The American Legion Post or the American Legion Auxiliary Unit in your community.

The Veterans Administration, as an agency administers the "GI bill" for education, training and other benefits which are described above. As an employer, it sponsors a professional nurse scholarship program and is in addition, indirectly involved in these programs with similar objectives:

(1) The Veterans Administration health professional scholarship program was authorized in Public Law 96-330. It provides scholarships to nursing students who are accepted for enrollment or enrolled full-time in a course of training at an accredited institution leading to a baccalaureate or master's degree in nursing. Scholarships may not be awarded to students who are already committed for obligated service after graduation or who are not U.S. citizens. Recipients are required to perform one year of obligated service for each year of VA support, with a minimum of 2 years obligated service in the VA. Priority for school year 1982-83 will be given to third and fourth year students in baccalaureate programs and master's degree students in clinical specialities needed by VA health care facilities. The scholarship involves a monthly stipend for 12 months for living expenses ($555 for school year 1982-83), a payment to the school for tuition and fees, and payment for other reasonable educational expenses. Additional information can be obtained by writing: VA Health Professional Scholarship Program, Department of Medicine and Surgery, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

(2) VA health care facilities provide clinical and administrative training to students in health care professions under affiliation agreements with colleges and universities. Consistent with general academic practices, some postgraduate training positions involve a stipend or trainee salary.

(3) Student employment in limited numbers, is available at many of its more than 220 field establishments—particularly at VA Medical Centers. Positions available range from the Federally sponsored programs at the high school level where priority is given to those whose curriculum leads to degrees in fields where the VA is a substantial employer. These include medicine, dietetics, nursing, pharmacy, psychology, social work, the therapies and biological sciences.

Information on items (2) and (3) may be obtained by contacting the Personnel Officer of the nearest VA Medical Center or Regional Office.

FINANCIAL ASSISTANCE AVAILABLE TO CHILDREN OF DECEASED OR DISABLED VETERANS OF WW I, II, KOREAN WAR AND THE VIETNAM ERA

Financial assistance is available under the Compensation and Pension programs for eligible children of veterans in the following categories: Veterans who died of service-connected causes or who at time of death had a 100% service-connected disability. Veterans who had wartime service during the Mexican Border Period, World War I, World War II, Korean War and the Vietnam Era and who died of nonservice-connected causes. Generally, these benefits are not paid simultaneously or when with other education assistance is available. The recipient has the right to elect the most advantageous benefit.

These benefits are paid to age 18 (to age 23 when the student remains unmarried and attends an approved school) and to certain helpless children. As the student reaches 18 and plans to continue his or her education, the parent should notify the Veterans Administration.

When the death of a veteran occurs, the parent or interested friend should contact the Education Chairman of the local American Legion Post or American Legion Auxiliary Unit for advice regarding the application procedure if a Veterans Administration official is not available in the community.

AIR FORCE AID SOCIETY

The General Henry H. Arnold Student Loan Program is offered to the children of Air Force members to assist them in financing their postsecondary education.

Eligibility: Children (including step-children and legally adopted children) of an Air Force member in any of the following categories: active members of the Air Force; member of the Selected Reserve (Air National Guard; Category A and B Reserve); other U.S. Air Force Reservists on continuous active duty during the school term for which assistance is requested spanning the entire term; retired because of length of active duty service, disability or attainment of age 60 (Reserve Component); deceased while on active duty or in retired status; U.S. citizen and enrolled and in good standing at, or accepted for admission to an eligible institution, on a full-time basis.

Loans to undergraduate students are available up to $2,500 yearly to a maximum of $12,500; loans to graduate students are available up to $5,000 yearly to a maximum of $25,000 with a 7 or 9 percent simple interest rate (based on a loan outstanding as of January 1, 1981), are guaranteed under the terms of the Higher Education Act of 1965 as amended. Students with a family income of less than $30,000 are eligible to participate in this loan program while families with incomes in excess of $30,000 must qualify for eligibility to participate in this loan program.

Applications may be obtained by writing to Arnold Student Loan Program, Air Force Aid Society, National Headquarters, 1735 North Lynn, Room 202, Arlington, VA 22209.

AMERICAN GRADUATE SCHOOL OF INTERNATIONAL MANAGEMENT (AGSIM)

Awards each fall, spring and summer term, a total of three full-tuition assistantships, to honorably discharged veterans from any of the five Armed Services. Qualifications are an acceptable bachelor's degree with an overall average grade of B or better, a satisfactory score on the G.M.A.T., good communication's ability in English, strong motivation for an international career, indications of leadership qualities and financial need. Each award covers the student's first term (three terms are required to complete the Master of International Management degree).

AGSIM also offers each year the Colonel Frank James Morrow Scholarship, in the amount of around $500, to a son or daughter of a United States Military Officer based on the student's scholastic record at the school.

Further information and applications may be obtained from American Graduate School of International Management, Glendale, AZ 85306 (Telephone A/C 602-978-7210).

AMVETS MEMORIAL SCHOLARSHIP

Eligibility: Any second year college student through first year graduate school student attending an accredited four-year college and whose parents are deceased or TOTALLY DISABLED. Evidence of total disability must be submitted with the application.

Each scholarship provides: Grants for second year college through first year graduate school study. The grants are for $1,000.00.

Deadline: May 31 of the current year scholarship is being offered.

Selection of winners: The AMVETS National Scholarship Committee will rank the candidates on the basis of the following criteria: (a) Information supplied in application; (b) Two letters of recommendation from current counselors and/or professors; (c) Letter from applicant outlining his goals and aims in life; (d) All forms must be confirmed by a college official; (e) Eligibility is based on the financial status of the applicant's parents.

How to apply: Applications are available from AMVETS National Service Officer, or AMVETS National Headquarters, 4647 Forbes Boulevard, Lanham, MD 20801.

THE ANNE M. GANNET AWARD FOR VETERANS

An award, presented annually by the National Foundation of Music Clubs (NFMC), carries National recognition of outstanding muscial talent and achievement to those veterans whose careers have been delayed or interrupted due to their service in the Armed Forces of the United States. The award also includes a substantial cash prize of $500 which is provided through the NFMC Foundation for the Advancement of Musical Arts.

Entrants must have served in the Armed Forces and are now about to continue their musical careers which have been interrupted through military service.

Evaluation of all applications includes careful screening of talent, educational background and personal recommendations by a distinguished Board of Judges. The winner for 1982 will be announced at a Federation meeting held later in the season. Application deadline is March 15.

Application deadline is March and all applications should be addressed to Mrs. Dwight D. Robinson, Seven Ransom Road, Athens, OH 45701.

ARMY EMERGENCY RELIEF EDUCATIONAL ASSISTANCE PROGRAM

The Army Emergency Relief (AER) Educational Assistance Program makes available loans and scholarships for unmarried dependent sons and daughters of Army members, (active, retired, or who died while on active duty or were in retired status) to pursue undergraduate studies related to vocational training, or preparation for acceptance by service academies and to obtain a college education. Need is the primary criterion for scholarships and is considered for the amount of loans; in all cases, merit and ability apply. Confidential information provided by applicant and parent provide basis for evaluation. Assistance provided as loan, scholarship or combination loan/scholarship. Maximum assistance for school year: $1,000 for scholarship; $2,500 for loan, or combination loan/scholarship. Maximum assistance for 4 school years is $10,000. Eligible students must submit a new application for consideration each academic year; continued assistance depends upon competitive evaluation.

Application forms and additional information are available from any AER Section at most Army installations or from National Headquarters, Army Emergency Relief. Complete application must reach HQ, AER, no later than March 1 for academic year beginning the following September. For further information, communicate with National Headquarters, Army Emergency Relief, Department of the Army, 200 Stovall Street, Alexandria, VA 22332.

DISABLED AMERICAN VETERANS

Disabled American Veterans offers a four-year scholarship to the children of service-connected disabled veterans whose parents are unable to provide them with a college education. This also includes children of deceased parents who had a service-connected disability. Scholarships may be granted to those presently in college provided, of course, that they meet specific criteria for participation in the program.

A scholarship from the DAV may be used in any accredited college. Recipients of the scholarship are selected by the College Scholarship Service, Princeton, New Jersey. Consideration is given to the verbal and math scores of the S.A.T. test, which is required by all participants. No other tests are accepted. Consideration is also given to rank in class, student's questionnaire and a parent's confidential questionnaire necessary to establish need. Applications are available each September for the following year and must be completed and returned to DAV National Headquarters no later than November 15 of the same year. Scholarship applications should be requested from Denvel D. Adams, National Adjutant, Disabled American Veterans National Headquarters, P.O. 14301, Cincinnati, OH 45214.

DISABLED AMERICAN VETERANS AUXILIARY

The Disabled American Veterans Auxiliary has established a Student Loan Fund for senior members and children whose mothers are members, or, if mother is deceased, then if father is a member of the Disabled American Veterans. Membership must be current and have been in effect for five years for annual membership or full paid life membership for one year prior to application.

A maximum of $750.00 per year is allowed, payable to the school. The loan is renewable each year, provided the student maintains in good scholastic standing. The loan is repaid after graduation or upon leaving school, in monthly payments. No interest is charged. The type of school is not limited. Application deadline is May 1 and available from Mrs. Phyllis Greaney, Director, Education Loan Fund, 14 Pond Circle, Jamaica Plain, MA 02130.

THE EDSON'S RAIDERS ASSOCIATION

The Edson's Raiders, officially, The First Marine Raider Battalion (FMRB), provides scholarships to dependent children of deceased members of the FMRB. The amount is based upon recommendations of the Merit Scholarship Corporation. Further inquiry should be addressed to: D. Garvin Lindsey, Chairman, Scholarship Committee, ERA, P.O. Box 12462, Roanoke, VA 24025.

FIFTH MARINE DIVISION SCHOLARSHIP FUND

Objective: To provide scholarships, annually, to sons and daughters of veterans of the Fifth Marine Division.

Scholarship Grants: Around $300-$600 per year, renewable for total of four years to be used in liberal arts, technical or vocational training. This does not preclude scholarship aid from other sources provided the Scholarship Committee is kept informed. Average amount granted is $400.

Eligibility: Must be a high school graduate or equivalent, and enrolled in, or eligible or entry into, the institution of his choice. Must be the son or daughter of a man who served with the Fifth Marine division. Must not be eligible for financial assistance under any of the Federal programs for war orphans, or the children of totally and permanently disabled veterans. Institution chosen must be a liberal arts or technical or vocational school at an appropriate accredited institution. Awards will be determined by the Scholarship Committee. Completed applications must be submitted no later than May 15 prior to Academic year concerned. For further information, write to: John Jaqua, Chairman, Scholarship Fund, Box 1089, Portland, IN 47371, giving sufficient information about yourself and your father to indicate your eligibility.

FIRST CAVALRY DIVISION ASSOCIATION

The First Cavalry Division Association offers scholarships as follows:

1. To all children of soldiers who died while serving in the First Cavalry Division, during and since the Vietnam War. If the death occurred after 1 March, 1980, the Scholarship is offered only if the deceased parent was a member of the Association and serving with the First Cavalry Division at the time of death.

2. To all children of soldiers who have been declared 100% disabled from injuries incurred while service with the First Cavalry Division during Vietnam War.

3. Each potential student must furnish: Proof of relationship and death or disability of parent and evidence of acceptance into a recognized institution of higher education.

The award is currently a maximum of $2,000 paid $500 per year for as many as 4 years. The checks are then mailed to the Registrar of the school, made out jointly to the student and the school, and may be used for whatever need the students choose—tuition, books, clothing, etc. For further information write to: First Calvary Division Association, 302 North Main, Copperas Cove, TX 76522.

1ST MARINE DIVISION ASSOCIATION, INC.

Objective: To help surviving dependents to further their education. This also includes dependents of Marines who served in the 1st Marine Division and are presently 100% disabled due to wounds received in action.

Scholarship Grants: Current benefits, based on individual need, in amounts fixed by the Association's Scholarship Trustees. Grants are based on the usual four-year college course, or less as the case may be. No graduate study requests or applications at the high school or prep-school level are acceptable. Awards are paid directly to the college or institution concerned.

Eligibility: Dependents of persons, now deceased from any cause or totally disabled due to wounds received in action, who served in the 1st Marine Division or in a unit attached to the 1st Marine Division. Beneficiaries who marry before completion of the course, or who drop out for reasons other than scholastic, will be required to submit a new application before benefits will be resumed.

Applicants who feel that they are eligible for assistance should include full name, service and social security number of deceased or disabled person when applying to the 1st Marine Division Association, Inc., 1704 Florida Avenue, Woodbridge, VA 22191.

THE GENERAL CLIFTON B. CATES MEMORIAL FOURTH MARINE DIVISION ASSOCIATION SCHOLARSHIP FUND

Objective: To provide for the educational scholarships and benefits for the children of persons who were in the Fourth Marine Division, or in an attached unit during World War II.

Scholarship Grants: Funds will be granted in an annual amount of $1,000 and will not exceed a period of four years.

Eligibility: The Fund and any proceeds thereof shall be for the educational scholarships and benefits for the children of persons who served with the Fourth Marine Division or an attached unit in World War II, and who, while so serving or subsequently, became deceased or so disabled as to render them incapable of pursuing gainful employment regularly. Application must arrive not later than June 1 prior to the school year for which consideration is requested. Applications should be accompanied by a transcript of high school records, a handwritten letter from the applicant, two names which may be used for references and the name and service number of VA claim number of the applicant's father. Applications or nominations should be forwarded to the Chairman, Scholarship Committee, Frank L. Pokrop, 2854 South 44th Street, Milwaukee, WI 53219.

GAMEWARDENS OF VIETNAM ASSOCIATION SCHOLARSHIP FUND

Gamewardens of Vietnam Association, Inc., will make scholarship awards to sons and daughters of living or deceased U.S. Navy River Patrol Force (TR-116) members or former members who served in Vietnam in "Operation Gamewarden" during any period from 1966 through 1971.

Awards of $250 will be based on scholastic accomplishments and need of the student. High school students expecting to enter a college as a full-time student and college

freshmen are eligible. Write to: Commander, Naval Personnel Command (N-641D), Navy Department, Washington, D.C. 20370.

KNIGHTS OF COLUMBUS EDUCATIONAL TRUST FUND

Objective: The Knights of Columbus has established a $1,000,000 Educational Trust Fund as a memorial to members of the Order.

Eligibility: Scholarships are available from the Educational Trust Fund to the sons and daughters of Knights who were killed or became totally and permanently disabled as the result of (a) military service during World War II, the Korean War or the conflict in Vietnam; or (b) violence in the performance of their duties as full-time law enforcement officers or firemen.

Scholarship Grants: Scholarships are for four years and include allowances for tuition, board and room, books and laboratory fees at a Catholic college or university of the student's choice.

Application: Further details regarding eligibility requirements and application forms may be secured by writing to Knights of Columbus, Director of Scholarship Aid, P.O. Drawer 1670, New Haven, CT 06507.

LEVIN M. POWELL SCHOLARSHIPS

The Levin M. Powell scholarships were established in 1886. They are tuition scholarships available for one year to young persons wishing to prepare for entrance into the United States Naval Academy or the U.S. Merchant Marine Academy. Scholarships are open to incoming freshmen, who are outstanding members of graduating classes of accredited secondary schools and plan to attend George Washington University full-time.

Applicants must apply for admission to the University and must be accepted before their scholarship applications can be considered. Forms for admission to the university are available at the Office of Admissions, The George Washington University, Washington, D.C. 20052.

THE LIEUTENANT GENERAL CLAIRE LEE CHENNAULT MEMORIAL SCHOLARSHIP FUND

The members of the 14th Air Force Association, Inc. are dedicated to a Scholarship program established in memory of LTG Claire Lee Chennault, for the education of qualified, needy and deserving dependents of those who were members of either the American Volunteer Group, the China Air Task Force and of the Fourteenth Air Force, or were attached for duty with any of these organizations and lost their lives while serving with the same between December 20, 1941 and December 15, 1945, or is, at the present time, an active member of the Fourteenth Air Force Association.

Basis of Award: (1) Offer financial assistance to those of our Scholarship students who may desire, and who may qualify for specialized education, above and beyond that now being given. (2) Apply the same standards and procedures as used in the present program to the children of former Association members who died at a place other than in China. (3) Apply the same standards and procedures to the children of members (not more than one year in arrears in payment of dues) who are alive but financially unable to furnish high school or college education to their sons or daughters.

Application: Information and applications may be obtained from: Daniel McCollum, Scholarship Committee, 1212 West High Street, Haddon Heights, N.J. 08035

MARIANAS NAVAL OFFICERS WIVES CLUB SCHOLARSHIP

Eligibility: Sons/daughters of officer or enlisted members of Navy, Marine Corps or Coast Guard serving on active duty, retired with pay, or deceased (while on active duty or after retirement). Recipient will be an applicant deemed most worthy on basis of merit, scholastic proficiency and financial need. To be used for academic expenses at an accredited four-year college or university. Applicants must be dependent children of members presently assigned or previously stationed on Guam on PCS orders. Renewable at discretion of the selection committee.

MARINE CORPS SCHOLARSHIP FOUNDATION, INC.

Over 200 undergraduate scholarships are awarded annually to needy and deserving children of Marines, honorably discharged Marines (must have served at least 90 days) and Marine Reservists, to develop their spiritual, intellectual and physical capabilities through a college, vocational or technical education. Awards are made for one year and range from $500 to $1,000. Reapplication is possible, but not automatic. Gross family income may not exceed $25,000. Applications for 1983-84 academic year are available after August 1, 1982 and must be returned by February 1, 1983. For further information and application, write to: Marine Corps Scholarship Foundation, Inc., 20 Nassau Street, Room 514, Princeton, N.J. 08540.

THE NATIONAL 4TH (IVY) DIVISION ASSOCIATION SCHOLARSHIP TRUST

Description: A trust fund created by contributions of officers and enlisted men of the 4th Infantry Division in Vietnam as a "Living Memorial" to the men of the Division who were Killed in Action or died in line of duty while serving in Vietnam.

Eligibility: The eldest surviving child of any man killed while serving in the 4th Infantry Division in Vietnam during the period August 1, 1966-December 31, 1970, who enroll in a junior college, college or university in the United States. In the event the eldest child cannot accept, another child of the family may be designated by the surviving spouse or guardian to accept the award.

Scholarship Grants: $1,500 payable in a lump sum or in smaller increments if desired direct to the college for credit to the student's account. For further information write to: Col. Gerden F. Johnson, AUS Ret, Secretary, The National 4th Infantry (IVY) Division Scholarship Fund, 1327 Myron Street, Schenectady, NY 12309.

NATIONAL GUARD AND RESERVES EDUCATIONAL ASSISTANCE PROGRAM

Up to $4,000 ($1,000 maximum per 12 month period) is being offered by the National Guard and Reserves for high school students and educational expenses incurred for instruction at an accredited institution and includes tuition, fees, books, lab and shop fees and consumable supplies.

This financial assistance is in addition to the pay earned when on full-time training duty and for monthly drills. For the initial periods of full-time training duty a single person earns $501 monthly, plus room, board, medical, etc. The total annual amount paid for the normal 12 weekend drills and two weeks training is about $1,500. This, plus the $1,000 yearly educational assistance will provide a total of slightly more than $2,500 annually.

When one enlists in the Selected Reserve, he/she generally completes 12 weeks or more of full-time training duty (which may be taken in 2 increments in the first 2 years) and then returns to civilian life to attend one drill weekend each month plus two weeks of full-time training.

The Selected Reserve consists of units and individuals who, during peacetime, undergo military training and attend drills for which they receive drill pay. For further information contact your local Armed Forces Recruiting Station.

NAVAL ACADEMY WOMEN'S CLUB

The Naval Academy Women's Club announces the following scholarship program for 1983 in the amount of $1,000 to $4,000. The recipient must be dependent children of a Navy Academy faculty member: (officer or civilian) or a Regular Navy or Marine Corps officer on active duty or in a retired status, with pay, or deceased. Preference is to be given to the children of deceased personnel. The award will be made on the basis of scholarship, character and need and will be awarded for one to four years of the recipient's college career. These scholarships may be used to supplement other scholarships and their renewal is contingent only on the recipients maintaining scholastic standards as well as on meeting other requirements on which original grant was made.

NAVY, MARINE CORPS, COAST GUARD DEPENDENTS' SCHOLARSHIP PROGRAM

General Information: Scholarship funds have been established by various Navy-oriented organizations for the dependent, college-age sons and daughters of Navy, Marine Corps and Coast Guard members and former members. The sponsors of these awards maintain control of their funds, establish eligibility criteria and appoint their own selection committee; however, the Commander, Naval Military Personnel Command acts as a distributing point for information, application forms and a centralized mailing address.

General Eligibility: All of the sponsors in this program follow the Navy definition of a dependent child (including legally adopted and stepchild) as an individual who is unmarried and under age 21, or under 23 if enrolled in a full-time course of study at an approved institution of higher learning. Student may compete for as many of these awards as she/he is eligible.

Application Procedures: Application for Dependent's Scholarship Program (NAVPERS 1750/7) is the only form to be used for the awards. Application Deadline: The deadline date for receipt of applications and supporting documents is March 15 of each year. Scholarship Awards: Awards range from $200 to as much as $4,000. The following are examples of some of the scholarships available. To receive an application form and a pamphlet describing the specific criteria for these awards, write: Commander, Naval Personnel Command (N-641 D), Navy Department, Washington, D.C. 20370.

NAVY WIVES CLUB

The Navy Wives Clubs of America will make scholarship awards to sons and daughters to be used in obtaining college educations, vocational, business or other training, which will enable the recipient to make more valuable contributions to society than would otherwise be possible. The applicant for these awards must be dependent children of Regular/Reserve Navy, Marine Corps or Coast Guard enlisted members serving on active duty, retired with pay or

one who dies in line of duty or after retirement.

Awards shall be outright grants and shall be paid directly to the school selected by the applicant. One renewal award is made each year to the recipient of the prior year's grants submitting the best freshmen year's record. This shall be continued through the succeeding college years.

THE NAVY RELIEF SOCIETY

The Navy Relief Society administers a Guaranteed Student Loan (GSL) Program to assist service members of the Navy and Marine Corps to help dependent children with their undergraduate, graduate and vocational education at qualifying schools. Assistance is in the form of a loan from a bank (designated by the Society), for which the student pays no interest while in school, and 9% after leaving school.

Students eligible are unmarried dependent children, stepchildren or legally adopted children of living or deceased officers and men of: (1) the Regular Navy and Marine Corps; (2) the reserve components thereof when on extended active duty; (3) the retired list and Fleet Reserve of the Regular Navy and Marine Corps and reservists who have completed 20 years of active duty. Applicants must not have attained the age of 23 for undergraduate school, or the age of 28 for graduate school.

Also eligible are "fleet-input" students in the NROTC and other Navy-Marine college education programs as well as a limited number of spouses of active duty service members. Applications are accepted at any time.

Additional information on the (GSL) Program is listed in this handbook. For further information and application write: Navy Relief Society, Suite 1228, 801 N. Randolph Street, Arlington, VA 22203.

PUROLATOR COURIER CORP. SCHOLARSHIP FOR POW/MIA CHILDREN

This Scholarship Program has been created to assist children of servicemen who were POW's or MIA's during U.S. involvement in Southest Asia. The Program will be presented in honor of a different POW or MIA each year.

The basic factor in determining the recipient each year will be the (SAT) verbal score. The $10,000 cash scholarship award will be for a maximum of four years of undergraduate studies and will be in an annual maximum amount of $2,500 to be paid directly to the institution.

For further information and application, contact your school counselor or write to: Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Attn: Scholarships.

THE RETIRED OFFICERS ASSOCIATION SCHOLARSHIP PROGRAM (ROASP)

The goal of TROA's Scholarship Program is to close the gap between college costs, personal funds and all other available sources of financial aid. Among "other available sources" are all known Federal, State, college and local educational assistance programs, including Government guarantees (insurance) of commercial loans and interest subsidies. After all such sources have been explored by the applicant and there remains a financial requirement, eligible applicants may be considered for interest-free loans from TROA funds.

To be eligible for assistance, an applicant must be an unmarried son, daughter or ward of an active duty or retired member (officer or enlisted) of one of the seven uniformed services. Sponsor must be on the active or retired rolls of such a service, or must have died in such status. Sons, daughters or wards of any TROA member are also eligible. Graduate work and private secondary education are not covered.

Applicants may be accepted for help for up to four years of higher education leading to an associate's or bachelor's degree, or to a certificate of completion at an accredited technical school. Filled out applications must be received not later than April 1 preceding the applicable school year. Inquiries should be sent to The Retired Officers Assoc., 201 N. Washington Street, Alexandria, VA 22314, ATTN: Secretary, Scholarship Committee.

*SEABEE MEMORIAL ASSOCIATION SCHOLARSHIPS

The Seabee Memorial Association makes available awards to the sons/daughters of Regular, Reserve, retired or deceased officers or enlisted members who have or who are now serving with the Naval Construction Force (Seabees), or Naval Civil Engineer Corps. Also eligible are children of those former members who have served with Seabee Units but have since been honorably discharged. Basis of the award will be financial need, character, scholastic record, good citizenship and leadership. May be renewed for four years at the discretion of the Selection Committee.

Other scholarships available in this Program include: VX-1 Officers' Wives Club Scholarship; Dolphin Scholarship Foundation; Robert Crown Navy Memorial Scholarship; L. Mendel Rivers Branch 50 Fleet Reserve Association Scholarships; Ladies Auxiliary of the Fleet Reserve Association (I, II, III); New York Council Navy League Scholarship Fund; Captain Sanford F. Zimet Memorial Scholarship; Navy Supply Corps Officers' Scholarship Fund; Judith Hubbard Memorial Scholarship; Fleet Reserve Association (I and II); Oceana Officers' Wives' Club Scholarships; Navy Supply Corps Foundation Scholarships; Aviation Boatswains Mates Association Scholarship; Fraternal Order UDT/Seal Educational Grant; Miramar Associates Scholarship; Cecil Field Officers' Wives' Club Scholarship; Miramar Officers' Wives' Club Scholarship Fund; Mayport Naval Officers' Wives' Club Scholarship.

For application form (NAVPERS 1750/7) and Scholarship Pamphlet (NAVPERS-15003 Series), write to: Commander, Naval Military Personnel Command, Navy Department, Washington, D.C. 20370. DEADLINE: APRIL 15.

SECOND MARINE DIVISION ASSOCIATION

Objective: To help students deprived of a parent to further their education.

Medium: A Memorial Scholarship Fund, created and administered by the Association for Scholarship Grants with current benefits to a student not to exceed $600 per year for not more than four years.

Eligibility: (1) Surviving dependent children of persons who served in the Second Marine Division; or (2) in a unit attached to the Second Marine Division; and (3) while so serving or subsequently, lost their lives in the service of the United States, or as a direct result of such service. Applications for scholarships or requests for information: Second Marine Div. Assoc., 8307 Pleasant View, Willow Springs, IL 60480.

SOCIETY, DAUGHTERS, UNITED STATES ARMY

Society, Daughters, United States Army, has established a scholarship program for worthy children, stepdaughters or adopted children of officers of the Army, retired or deceased, who are in need of financial assistance to further their education. Scholarships awarded amount to a maximum of $500 a year paid in two installments of $250 each. Deadline is March 31st. For application and information write: Mrs. Margaret B. Vinson, Scholarship Chairman, D.U.S.A., 3521 Saylor Place, Alexandria, VA 22304. (Officer's name, rank and social security number should accompany the inquiry.)

THE SOCIETY OF SPONSORS OF THE UNITED STATES NAVY

Awards scholarships to young men for preparatory schools to prepare them for entrance to the United States Naval Academy. Young men eligible are as follows: Category I: Sons of deceased, retired and active Navy and Marine Corps personnel. Category II: Sons of personnel of the other military services. Category III: Sons of civilians. An applicant must be acceptable to the Scholarship Committee of the Society of Sponsors as to character aptitude for the Naval Service, scholastic standing and physical fitness. Additional information and application blanks may be obtained from: Naval Academy Foundation, 48 Maryland Avenue, Annapolis, MD 21401.

SOCIETY OF THE FIRST DIVISION SCHOLARSHIP PROGRAM

Objective: To make possible an award to the son or daughter of a First Division veteran or to a man serving in the First Infantry Division who upon honorable discharge from service intends to further his education.

Scholarship Awards: Awards of the program will be in the amount of $1,000 payable in four annual installments of $250 each. Number of awards will be determined by the sources available to the fund.

Application: Additional information and procedure for filing an application may be secured from: the Society of the First Division, 5 Montgomery Avenue, Erdenheim, Philadelphia, PA 19118.

SONS OF THE FIRST DIVISION SCHOLARSHIP FUND

Description: Funds were raised by officers and enlisted men of The First Infantry Division in Vietnam at Fort Riley, Kansas, and by the Society of The First Division of the United States.

Eligibility: All children of men killed while serving in the First Infantry Division in Vietnam and children of men who are killed in duty or training accidents while serving with the First Infantry Division at Fort Riley, Kansas or Germany.

Scholarship Grants: Amounts up to $2,500. Additional information and application may be secured from: Society of the First Division Foundation, 5 Montgomery Avenue, Philadelphia, PA 19118.

THIRD MARINE DIVISION ASSOCIATION

Objective: To assist in providing for the undergraduate college education for dependents of military personnel in the Third Marine Division who lost life as a result of enemy action during the Vietnam Conflict.

Medium: Third Marine Division Association Memorial Scholarship Fund (Major General Bruno A. Hochmuth, USMC, Scholarship; General Graves B. Erskine, USMC, Scholarship) administered by the Association's board of trustees.

Grants: $400 to $1,600 per scholastic year for each selectee, up to four scholastic years, based on need and performance.

Eligibility: Applicant must be a dependent of a military person (see Objective above), be between the ages of 17 and 26 inclusive as of initial award of benefit, must apply for

15 April of the year of matriculation and shall demonstrate need for benefit. Applications should be addressed to: Secretary, L. Col. R. E. Jones, USMC (Ret.), Memorial Scholarship Fund, Third Marine Division Association, Inc., P.O. Box 634, Invernes, FL 32650.

UNITED DAUGHTERS OF THE CONFEDERACY

Scholarship Grants: United Daughters of the Confederacy provides annual grants which range from $300 to $500. These transferable scholarships may be used at any institution approved by the Committee of Education. These grants are: The Washington & Lee Joint Scholarship, Lexington, Virginia—value $500; The Woodrow Wilson Memorial Scholarship, University of Virginia Law School at Charlottesville—value $500; The Judge William M. Beard Scholarship for graduate study in Medicine or History—value $500.

Qualifications: Applicants must be lineal descendants of worthy Confederate veterans; or, they may be collateral descendants who have established their membership in either UDC or the Children of the Confederacy. The application deadline is February 15, prior to college entrance in the fall. Applications must be processed through divisions and Chapters in the various states. For information write: UDC Business Office, Memorial Building, 328 North Boulevard, Richmond, VA 23220.

*U.S. SUBMARINE VETERANS OF WORLD WAR II SCHOLARSHIPS

Objective: To make possible an award to unmarried sons and daughters (blood, step, foster or adopted) of WWII personnel (officer or enlisted) of U.S. Submarines or U.S. Submarine Relief Crews who are regular members in good standing of United States Submarine Veterans of WWII.

Scholarship Awards: Awards in the amount of $520 to the college of vocational/technical training school of the recipient's choice.

Application: Additional information and application forms may also be obtained from: Submarine Veterans of World War II State Commanders.

THE WOMEN MARINES ASSOCIATION

This Scholarship Program offers approximately ten $550 scholarships annually to applicants who meet eligibility requirements.

To be eligible, applicants (1) must be sponsored by a member of The Women Marines Association, who has a minimum of one-term (2-years) membership completed; (2) must have maintained at least a B average during the last three years of high school; (3) college applicants must continue to maintain at least a B average (3.0) in each succeeding year of college.

Additionally, one $500 scholarship is offered to a qualified member of the WMA, for graduate and undergraduate courses at the college level. Applicant must have been a member of The WMA for a minimum of one term (2 years) membership completed, and have a good academic record.

Any WMA member may sponsor one applicant per year for a scholarship. Completed applications must be postmarked no later then March 31 prior to academic year concerned.

Request further information and application forms from: Mrs. Nadine Kerlin, Chairman, WMA Scholarship Committee, 400 Falcon Road, Jackson, MS 49202.

* For the address on the following sources of Financial Aid, see the Navy, Marine Corps, Coast Guard Dependents' Scholarship Program.

(1) Marines Naval Officers' Wives
(2) Naval Academy Women Club
(3) Navy Wives Club
(4) Seabee Memorial
(5) U.S. Submarine

SECTION IV.—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

a. Federal programs

1. U.S. Department of Education provides for the largest and most commonly applied for financial aid programs are processed by the college's financial aid office. These programs are listed in the following paragraphs. You may obtain copies of the forms that apply to you from postsecondary schools, high schools, and public libraries. You may also receive the "Student Guide: Five Federal Financial Aid Programs, 1982-83" by writing to the U.S. Department of Education, P.O. Box 84, Washington, D.C. 20044.

a. College work-study program (CWSP). This program provides employment to students in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. Special attention for students' major interests or career goals is emphasized for placement.

b. Guaranteed student loan program provides loans to students for educational expenses available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. The family income must be less than $30,000 or if over $30,000 the student must demonstrate financial need. Students are eligible for Federal payment of interest charges of 9 percent on their loans during school years, during a 6-month grace period, and during authorized periods of deferment. You must pay a 5 percent origination fee when you borrow money.

Loans must be repaid. Repayment normally is over a 5-10 year period with borrowers required to pay at least $600 per year. However, minimum monthly payments are frequently higher depending on total amounts borrowed. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted during any period in which the borrower is attending a participating institution on a full-time basis, is engaged in approved graduate fellowship study or a course of study under a rehabilitation training program for disabled individuals, up to 3 years if temporarily totally disabled, up to 3 years while serving the U.S. Armed Forces, Peace Corps, or VISTA, or a comparable organization, or for a single period not exceeding 12 months if seeking and unable to find a full-time employment, or up to 2 years while serving an internship required for professional practice.

Undergraduate students may borrow up to $2,500 per year, to a total of $12,500. Graduate students may borrow up tp $5,000 per year to a total of $25,000 (including loans made at the undergraduate level). See Table II for the address of your state's agency.

c. National direct student loan program (NDSL). If you are a college student or a prospective college student, and in need of financial assistance to continue, you may borrow for your college expenses. Aggregate loans may not exceed $12,000 for a graduate student including undergraduate loans; $6,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $3,000 for any other student. Repayment of the loan begins six months after a borrower ceases to carry at least one half the normal academic work load and is to be repaid within 10 years. Thereafter, interest of 5% will begin at the time the repayment period begins. Thereafter, should a borrower start to teach in a designated school located in a poverty area, or in a Headstart Program, or in a public or other non-profit elementary or secondary school for handicapped children, cancellation of the loan up to 100% is possible. Also, for a member of the Armed Forces of the U.S. who serves in an area of hostilities, cancellation up to 50% is possible. Rates of cancellation may be obtained from the institution's financial aid office.

d. Parent loans for undergraduate students (PLUS). These PLUS loans are available to provide additional funds at 12 percent interest. Like GSL's, they are made by a lender such as a bank, credit union, or savings and loan association. Parents of dependent undergraduates or graduates may borrow $3,000 per year. Independent undergraduates may borrow $2,500 per year. All borrowers must begin repaying a PLUS loan within 60 days, unless the borrower is entitled to a deferment. All borrowers must begin paying the interest within 60 days. The negotiation of each loan is between the student and the lending institution. Students who desire more information or wish to initiate a loan should discuss the matter with their lender and the financial aid administrator at their school. (See Table III).

e. Pell grant program. Formerly called the Basic Grant Program this program makes funds available to eligible students attending approved colleges, community/junior colleges, vocational schools, technical institutes, hospital schools of nursing, correspondence schools and other educational training after high school. In 1982-83 award period (July 1, 1982-June 30, 1983), you may apply for a Pell Grant if you are an undergraduate student and enrolling on at least a half-time basis. Awards in 1982-83 will range from $50 to $1,674. To apply for a Pell Grant, you may complete the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid. Check with the Financial Aid Administrator at the school you plan to attend to see if they require the Financial Aid Form (FAF), the Family Financial Statement (FFS), the Pennsylvania Higher Education Assistance Agency (PHEAA) form, or the Student Aid Application for California (SAAC). You do not need to fill out the "Application for Federal Student Aid" if you will fill out any of these forms. You may also contact the Office of Student Financial Aid at the institution in which you plan to enroll or your high school guidance counselor. It is very important that you fill out the form you use as accurately as possible. If you fill out the form carelessly or inaccurately, you will be required to provide more accurate information before the U.S. Department of Education will tell you whether you are eligible for a Pell Grant.

f. Supplemental educational opportunity grant (SEOG) program. This grant program is for students with financial need and does not have to be paid back. You are eligible to apply if you are enrolled at least half-time as an undergraduate or vocational student

in an educational institution participating in the program. Graduate students are not eligible. If you receive an SEOG, it cannot be less than $200 or more than $2,000 a year.

g. Teacher exchange program. Under the Mutual Educational and Cultural Exchange Act of 1961, the Government offers opportunities for qualified American educators to work in elementary and secondary schools abroad and in some instances, institutions of higher education in the United Kingdom, Canada, Denmark, Switzerland, Italy, Germany, and France. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application and have at least three years of successful full-time teaching experience. Two years are required for participation in summer seminars for teachers of Italian, the classics, German, Portuguese, Korean, and World, Asian or Middle Eastern History and area studies; three years for a summer seminar for social studies supervisors, curriculum directors, teacher educators and school administrators responsible for curriculum development. Evidence of good health and emotional maturity and stability also is required. The Government provides round-trip transportation to some countries for those selected to participate but no transportation is provided for dependents or for teachers going to Canada, Great Britain, Italy or Switzerland. A maintenance allowance, paid in the currency of the host country is based upon that country's cost of living. For teachers going to Canada, France, Germany, Italy, Great Britain, or Switzerland, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round-trip transportation, tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual recruitment date is October 15. Application forms can be obtained from and then submitted to the Teacher Exchange Program, Office of International Education, U.S. Department of Education, Washington, D.C. 20202.

2. U.S. Department of Health and Human Services also administers programs of assistance for students enrolled in health professions programs.

Information on these programs may be obtained from the Health Services Administration, Bureau of Health Personnel Development and Service, 3700 East-West Highway, Hyattsville, MD 20782, or the Office of Financial Aid at the school you plan on attending.

a. Exceptional financial need scholarship program for first-year students is for students with exceptional financial need. Purpose of the program is to encourage students to pursue careers in medicine, osteopathy, dentistry, optometry, pharmacy, podiatry or veterinary medicine. Citizens or Nationals of the United States may apply as well as lawful permanent residents of Puerto Rico, Virgin Islands, Guam, the trust territory, or the North Mariana Islands. Scholarships will cover (1) cost of tuition for school year and other reasonable educational expenses plus a stipend of $530 per month for 12 consecutive months; (2) no service obligation accompanies the scholarship.

b. The health education assistance loan (HEAL) program is similar to the Guaranteed Student Loan Program of the U.S. Department of Education. Students of medicine, osteopathy, dentistry, podiatry, veterinary medicine and optometry, may borrow up to $20,000 a year and a total of $80,000. Pharmacy students, who are eligible only after completion of 3 years of training, and students in schools of chiropractics, health administration, clinical psychology, or public health. Students may borrow up to $12,500 per year and a total of $50,000. For students to take part in the program, their school must have an agreement with the Secretary.

Maximum Interest—final regulations published 1/27/81. Replaces 12 percent per annum on the unpaid balance of the loan, with the average of the bond equivalent rates of the 91-day Treasury Bills auctioned for the previous quarter plus 3.5 percentage points, rounded to next higher ⅛ of 1 percent. The loan principal is repayable over a 10-25 year period starting 9-12 months after completion of training. However, payments of principal are not required during periods of up to 4 years of internship and residency training or up to 3 years of service in the Armed Forces, National Health Service Corps, Peace Corps or Volunteers in Service to America (VISTA). Deferments are also made during periods of full-time study. At HEW's discretion, borrowers may enter into agreement with HEW for repayment of loans, plus interest, at a rate of not more than $10,000 a year for each year of service in NHSC or in private practice in a health manpower shortage area. Minimum service period is 2 years.

c. The health professions student loan program. Under this program, Federally supported loans are available at participating schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine for students who need assistance to pursue a full-time course of study at the school. The amount of the loan depends upon the student's need as determined by the school; however, the maximum amount per academic year is the cost of tuition plus $2,500 or the amount of the financial need of the student, whichever is less. The loan is repayable over a 10-year period beginning one year after the student ceases to pursue a full-time course of study at a health professions school. During the repayment period, interest accrues on the total loan at the rate of 9 percent. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps (up to three years each). Repayment may also be deferred during periods of advanced professional training, including internships and residencies. Obligation to repay the loan will be cancelled in the event of death, or permanent and total disability. If a student fails to complete health professions studies, any outstanding loans made for the costs of such studies may be repaid by the Federal Government if the student is in exceptionally needy circumstances, is from a low-income or disadvantaged family, and cannot reasonably be expected to resume studies within two years. If an individual agrees to practice medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, or veterinary medicine for at least two years in an area which has a shortage of his profession, the Federal Government will repay 60 percent (at the rate of 30 percent each year) of the outstanding principal and interest on the loan(s), and an additional 25 percent for a third year of practice in such an area. *NOTE: Medical and osteopathy students who will graduate after June 30, 1979, are eligible only if they demonstrate exceptional financial need.

d. National Health Service Corps scholarship program is a competitive Federal Grant Program of the U.S. Public Health Service for students in programs of medicine, osteopathy, dentistry and other selected health disciplines.

Over 13,200 students have received from 1 to 4 years of scholarship support since the inception of this service-conditional scholarship program in 1973. Benefits include a monthly stipend of at least $556 (1982-83 school year), payment of school tuition and fees. Funds for the 1982-83 school year have been appropriated by Congress only for awards to continue current NHSC scholarship participants. Should funds become available, competitive awards to current and former "Scholarship Program for First-Year Students of Exceptional Need" will be made. For each year of support, recipients are obligated to serve one year in full-time clinical practice of their profession serving populations in federally-designated areas of Health Manpower Shortage Areas of the United States. The minimum service obligation is 2 years. For the latest information, call toll-free (800) 638-0824 at any time. From Washington, D.C. and surrounding counties, call 436-6540. From Maryland, Alaska and Hawaii, call collect (301) 436-6453 or write, giving name, address and health discipline being studied. Calls received during office hours (8:30 a.m. to 5:30 p.m., Monday through Friday, Eastern Time) will reach a Scholarship Counselor who can offer further assistance.

3. Other U.S. Department of Health and Human Service programs are:

a. Commissioned officer student training and extern program (COSTEP). College students who have successfully completed a minimum of one year of study in medical, dental or veterinary school prior to assignment, and students who have completed a minimum of two years of a baccalaureate program prior to assignment in dietetics-nutrition, engineering, nursing, pharmacy, therapy, sanitary science or medical record administration are eligible to participate in the COSTEP program. COSTEP assignments fall into two major categories: Medical and Hospital Services, Research and Public Health Practice. Successful candidates are commissioned as reserve officers in the Commissioned Corps of the Public Health Service and called to active duty during vacation periods. Applications must be received (1) not later than October 1 for positions during the period January through April; (2) not later than February 1 for positions during the period May through August; (3) not later than May 1 for positions during the period September through December. For further information write: COSTEP, Commissioned Personnel Operations Division, OPM/OM/PHS-Room 4-35, 5600 Fishers Lane, Rockville, MD 20857.

b. Professional nurse traineeship program. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialties requiring advanced training. Traineeships provide a living stipend and tuition and fees as set by the participating training institution not to exceed $5,040. Trainees are selected by the training institutions. Further information and a list of participating institutions are available from the: Divi-

sion of Nursing, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Hyattsville, MD 20782.

c. Nursing student loan program. Federally supported loans are available through participating schools of professional nursing for students who need assistance to pursue a full-time or half-time courses of study. Amount of an individual loan depends on the general availability of student aid funds and on need as determined by the student's school; however, no loan may exceed $2,500 per academic year, and no student may receive more than a total of $10,000 for all years in loan assistance. The total loan is repayable over a 10-year period beginning nine months after the borrower completes or discontinues his other nursing studies. During the repayment period, interest accrues on the total loan at the rate of 6%. Repayment on a loan may be deferred during periods of active military duty and service in the Peace Corps and also during periods of advanced professional training in nursing. Obligation to repay the loan will be cancelled in the event of death or permanent and total disability. Moreover, under agreement with the Secretary for Health and Human Services, for at least two years of professional employment in an identified area of nursing shortage, up to 60% of all nursing education loans, regardless of their sources, may be repaid; up to 85% for three years. Contact the Director of Student Financial Aid at the school (s)he is attending or plans to attend.

d. Social security benefits for college. The U.S. Social Security Administration provides benefits to assist Social Security beneficiaries and their dependents who plan to attend or continue their college education. Normally eligibility is limited to unmarried dependents who continue their education on a full-time basis beyond the age of 18 until they reach the age of 22. However, the Budget Reconciliation Act of 1981 reduced and/or eliminated social security benefits for students who will be attending postsecondary educational institutions commencing in the Fall of 1982. Under these new Federal guidelines, social security benefits will be provided only to those students who were enrolled full-time in an institution of higher education before May 1982 or were on the social security rolls as a high school or college student before September 1981. Those children who became eligible for benefits after that date will receive payments only until July 1982, even if they are now enrolled in college. Students who meet this eligibility criteria may continue to draw benefits until April 1985 or their 22nd birthday—whichever comes first—provided these students remain unmarried and maintain full-time enrollment status. These benefits, however, will be subject to the following reduction: students will receive 25 percent less in the academic year beginning September 1982; 50 percent less as of September 1983 and 75 percent less as of September 1984. All payments will be eliminated after April 1985 as will annual cost-of-living increases. Benefits no longer will be provided for the months of May, June, July, and August.

4. The U.S. Department of Interior administrators programs:

a. Indian tribal grants and loans. Over 45 Indian tribes have established their own Grant and Loan Programs to promote higher education for their members. Contacts for tribal assistance should be made through the U.S. Department of the Interior, Bureau of Indian Affairs, Washington, D.C. 20245, or through the Tribal Headquarters.

b. Indians higher education grant program. A Higher Education Grant Program for students who are ¼ or more degree Indian, Eskimo, or Aleut of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree. Must demonstrate financial need by the institution they are or will be attending.

B. Assistance for undergraduates only

Aid Association for Lutherans (AAL) (for undergraduates only) awards at least 400 ALL-COLLEGE SCHOLARSHIPS annually, 200 of which are renewable and 200 nonrenewable scholarships. AAL also awards at least 25 renewable nursing scholarships annually through the competitive nursing scholarship program. Each applicant must be a high school senior owning an AAL certificate of membership and insurance in his or her own name. The CEEB SAT Must be taken no later than December of the high school senior year. The American College Test (ACT) will also be accepted. Individual stipends for the renewable scholarships range from $500 to $1750 and are renewable for three additional years or until requirements for a baccalaureate degree are met, whichever is earlier. The 200 nonrenewable awards are for $500. Financial need is not considered until winners have definitely been selected. Competitive Nursing Scholarships are renewable for three additional years or until a Registered Nurse (RN) Certificate is obtained, whichever is earlier. Renewal is based on satisfactory academic progress and continuing AAL membership. Completed AAL applications must be submitted to College Scholarship Service/Sponsored Service/Sponsored Scholarship Programs before November 30, Applications may be secured by writing: Member and Family Benefits, Aid Association for Lutherans, Appleton, WI 54919. AAL scholarship assistance is also available to AAL members at Lutheran colleges, universities and seminars participating in other AAL scholarship programs. For more details, contact the institution's financial aid office.

Aid Association for Lutherans (AAL) will be awarding up to 50 Vocational/Technical School Scholarships annually. Up to a maximum of 25 scholarships will be awarded to persons who graduated from high school in previous years. Applicants must own an AAL certificate of membership and insurance in their own name. Persons of any age may apply for their scholarships provided they will have completed high school or have a GED, and have a well-defined career goal related to their intended course of study. They must be enrolled or planning to enroll in an accredited vocational/technical institute or community college on either a full or half-time basis with the intent of completing requirements for a vocational diploma or an associate degree. Individual award amounts are $500 for full-time attendance and $250 for half-time attendance. Awards will be renewable for up to one year for full-time studies after the initial year and up to three half years after the initial half year, or until a degree/diploma is earned, whichever is earlier. Completed Vocational/Technical Scholarship Program applications must be submitted to College Scholarship Service/Sponsored Scholarship Programs before November 30. Applications may be obtained by writing: Member and Family Benefits, Aid Association for Lutherans, Appleton, WI 54919.

The Allstate Foundation provides nursing education scholarships annually to approximately 300 young persons. Funds are awarded through various schools of nursing and through some constituent leagues for nursing. (Consult your constituent league (Addresses are available from Allstate Foundation, Allstate Plaza, Northbrook, IL 60062) or the director of the school of nursing where you have been accepted.) Scholarships provide funds to meet tuition charges in hospital and college schools or nursing. Nursing scholarships are available for American Indian students administered by the American Indian Nurses Association, 231 South Peter's, Norman, OK 73070. The Allstate Foundation also provides 15 scholarships annually each with a total value of $3,200 to deserving members of the Chicago Boys Clubs. Winners of these scholarships, valued at $800 a year for each of four years, are chosen by the Chicago Boys Clubs at 304 West Randolph Street, Chicago, Illinois. Allstate also provides Human Care Services Awards at George Williams College, 555 31st Street, Downers Grove, IL 60515.

American Medical technologists' scholarship program offers five scholarships of $250 each to high school graduates interested in pursuing medical technology or medical assisting studies. Awards are based primarily on need, with consideration given to goals, school grades, activities, experience and personal references. Applicants must be enrolled, or contemplate enrolling in a school accredited by the Accrediting Bureau of Health Education Schools (list available by contacting the ABHES, 29089 U.S. 20 West, Elkhart, Indiana 46514), or enrolled or contemplate enrolling in a college, university or junior college medical technology or medical assisting program. May 20 is the filing deadline for applications and supporting documents from AMT, 710 Higgins Road, Park Ridge, IL 60068.

The American Society for Metals Foundation for education and research sponsors twenty $500 undergraduate scholarships for students in metallurgy that are attending colleges or universities and are citizens of the United States, Canada or Mexico. Selection is based on interest in metallurgy, motivation, achievement, potential and scholarship. In addition, some individual A.S.M. chapters sponsor programs on a local or regional basis. ASMFER also supports scholarships through the National Merit Scholarship Program and the National Merit Achievement Scholarship Program for Outstanding Negro Students. For further information, write: Career Guidance Coordinator, American Society for Metals, Metals Park, OH 44073.

Amoco Foundation, Inc. establishes scholarships at selected colleges and universities each year for full-time students who plan to study Petroleum, Chemical, Mechanical or, Geological Engineering, Geophysics, Geology, Computer Science or Accounting. Awards start at $700 for freshmen and progress $100 each year. Students must be enrolled in one of the participating colleges. Final decisions will be made by the college. Further information may be obtained by writing to: Amoco Foundation, Inc., 200 East Randolph Drive, Chicago, IL 60801.

The Clairol loving care scholarship program, a $50,000 annual program, is the only nationwide company-sponsored fund for women 30 or over who are continuing a postsecondary education to achieve career goals. Grants up to $1,000 are awarded for full or part-time study. There are no restrictions regarding marital status. Information is available by writing: Professional

Women's Foundation, 2012 Massachusetts Avenue, NW, Washington, D.C. 20036.

Club Managers Association of America maintains undergraduate scholarships for students enrolled at colleges and universities offering courses in Hotel, Restaurant and Institutional Management. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are awarded on the basis of scholastic ability, financial need and interest in private club management. Information on high school, college or university training in preparation for a club industry position can be obtained by writing: the Club Managers Association of America, 7615 Winterberry Place, Washington, D.C. 20034.

Educational Communications, Inc. scholarship foundation provides a minimum of 50 awards annually of $1,000 each. Approximately 500 semi-finalists are selected on the basis of achievement test scores, grade point averages and leadership activities. Finalists are required to write an essay which is evaluated by committee. Some consideration is given for need for financial aid, but this is not a major factor. Applications must be submitted by June 1 and may be obtained in most high school guidance offices or write direct to: Educational Communications Scholarship Foundation, 721 N. McKinley Rd., Lake Forest, Il 60045.

The Education Council of the Graphic Arts Industry, Inc., Council's National Scholarship Trust Fund has awarded scholarships during the past 25 years for studies in printing management, printing technology and graphic arts education. For the school year beginning 1982–83, the Council has 50 new scholarships available in the fields of printing management, engineering and teaching. Applications must be filed by January 31. Inquiries for summary of scholarships made available by the Graphic Arts Industry may be requested by writing: 4615 Forbes Avenue, Pittsburgh, PA 15213.

The Elks Foundation Scholarship awards, for 53 years, have made it possible for many students to attend college. For the 1982–83 school year, $1,208,750 in scholarships were awarded to 1,291 students ranging from $750 to $5,000. Any student in the graduating class of a high school or its equivalent who is a citizen of the U.S. and resident within the jurisdiction of the Benevolent & Protective Order of Elks, may file an application. Scholarship, leadership, and financial need are the criteria by which applicants will be judged. Application blanks should be obtained from an officer of the local Elk Lodge or the Secretary of the State Elks Association and must be filed on or before February 10 with the Secretary or Lodge Foundation Chairman of the B.P.O. Elks Lodge in the city in which the applicant is a resident.

Entomological Society of America annually awards one $1,000 undergraduate scholarship sponsored by Bio Quip Corporation and by Albany International Chemicals Division. Portions of the award are paid at the beginning of each semester or term. Students from Mexico, Canada or the United States must be an undergraduate pursuing a course of study in Entomology or a related field (Biology, Zoology, etc.) and show an interest in the science of Entomology. To apply, send two letters of recommendation; the first letter should be from someone acquainted with your scientific qualifications and experience and the second one from one who could attest to your need of financial assistance. Application deadline is June 15 each year. To submit an application or for further information, write: Entomological Society of America, 4603 Calvert Road, College Park, MD 20740.

The Harry S Truman Memorial scholarship program, enacted by Public Law 93–642, is authorized to award scholarships, through nationwide competition, to persons who demonstrate outstanding potential for and who plan to pursue a career in public service. Scholarships awarded under this Act shall not exceed four academic years neither shall they exceed the cost of tuition, fees, books, room and board, or $5,000 whichever is less for each year of study. Recipients must be college juniors in the initial year of the award. Each state shall be assured at least one recipient each year and the scholarships may apply to any institution of higher education offering courses of study or training to prepare persons for a career in public service. The institution's nominations must be forwarded to the Foundation by December 1. Truman Scholarship Foundation, 712 Jackson Place, N.W., Washington, D.C. 20006.

Knights of Columbus "Pro Deo and Pro Patria Scholarship Trust" is for undergraduate scholarships. The Knights of Columbus has an established trust fund which will provide annually $1,000 scholarships to members, to sons and daughters of living or deceased members. The fund will also annually provide two $1,000 scholarships to Columbian Squires. Awards will be made on the basis of academic excellence regardless of need and may be renewed annually subject to satisfactory academic performance. Five of these scholarships, and one for the Columbian Squire, are placed at The Catholic University of America. Students admitted to the freshman class may apply for these scholarships through the Director of Financial Aid, Catholic University of America, Washington, D.C. 20064. Final filing date of applications is February 1. Five of these scholarships and one for the Columbian Squire, may be used at a Catholic college of student's choice. Final filing date for these applications is March 1. Applications for these scholarships may be obtained from the Director of Scholarship Aid, Knights of Columbus, Supreme Council, Columbus Plaza, P.O. Drawer 1670, New Haven, CT 06507.

National achievement scholarship program for outstanding negro students, a compensatory activity, created in 1964, is conducted by National Merit Scholarship Corporation (NMSC) which also administers the National Merit Scholarship Program (as described in the following paragraphs). All grants to the Achievement Program are specified for the purposes of honoring academically able black students and awarding them college undergraduate scholarships. Currently, over 600 Achievement Scholarships worth $2 million are awarded in each annual competition.

To enter the Achievement Program, black high school students must take the PSAT/NMSQT (which simultaneously makes them participants in the Merit Program), mark a space on their answer sheets requesting consideration in the Achievement Program and meet NMSC eligibility requirements.

About 1,500 of the highest scoring eligible black students are designated Semifinalists in each Achievement Program. To ensure nationwide representation, a number of awards are named in each of several U.S. geographic regions, proportionate to each region's Negro population.

Semifinalists must meet further requirements and advance to Finalist standing in order to continue in the Achievement Scholarship competition. Every Finalist is considered for one of the scholarships, and all winners are chosen from the Achievement Program Finalist group. The selection of winners includes an evaluation of each Finalist's academic record and test scores, extracurricular activities and attainments, and the endorsement and recommendation of the student's school.

Three types of Achievement Scholarships are awarded annually: At least 325 are National Achievement $1,000 Scholarships that are single-payment awards allocated to winners on a regional representation basis; about 175 are corporate-sponsored four-year Achievement Scholarships for which winners must meet preferential criteria specified by the grantor organization, and are worth between $1,000 and $8,000 over the four college years; and about 100 are college-sponsored Achievement Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

The National Association of Secondary School Principals and the National Honor Society estimates that they will provide 250,000 scholarships in the amount of $1,000 each to high school seniors who are members of the National Honor Society. Application is made through local chapters in February. Awards are announced in May. Scholarships may be used in any accredited college, university or school offering a degree. Applications are mailed to chapters in late December. Also available is the Century III Leaders Program which provides 102 $1,500 scholarships and 102 $500 awards (2 each per state or D.C.) and one $10,000 national award to high school seniors who are selected by their schools. For information, contact the school principal in September or write to: The National Association of Secondary School Principals, 1904 Association Drive, Reston, VA 22091.

National merit scholarship program is a nationwide competition for college undergraduate scholarships. The Merit Program is conducted by National Merit Scholarship Corporation (NMSC), an independent nonprofit organization, established in 1955 to administer this annual competition. Over 4,500 Merit Scholarships, valued at over $15 million, have been awarded each year in recent programs. Secondary school students throughout the U.S. enter the competition by taking the Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Test (PSAT/NMSQT) given by their schools in October. To participate, students must meet published eligibility requirements.

About 15,000 top-scoring students are designated in each Merit Program. The highest scorers in each state are named Semifinalists in numbers proportionate to the state's percentage of the National total of graduating high school seniors.

Semifinalist must meet further requirements and advance to Finalist standing in order to continue in the Merit Scholarship competition. Every Finalist is considered for one of the scholarships, and all Merit Scholars are chosen from the Finalist group. The selection of winners includes an evaluation of each Finalist's test scores, academic and extracurricular achievements and the endorsement and recommendation of the student's school.

Three types of Merit Scholarships are awarded annually: at least 1,000 are National Merit $1,000 Scholarships that are single-

payment awards allocated to winners on a state representational basis; over 1,500 are corporate-sponsored four-year Merit Scholarships for which winners must meet preferential criteria specified by the grantor organization providing funding for the award, and they are worth between $1,000 and $8,000 over the four college years; and about 2,000 are college-sponsored, four-year Merit Scholarships that provide between $250 and $2,000 during each of the winner's four undergraduate years of attendance at the sponsor college or university.

Details concerning eligibility and the Merit Scholarships offered are published annually in the PSAT/NMSQT Student Bulletin, sent to high schools. Questions and requests for additional information should be sent to: NMSP, One American Plaza, Evanston, IL 60201 (phone: (312) 866-5100).

National Presbyterian College scholarships are offered by the United Presbyterian Church U.S.A. to qualified Presbyterian young people entering as college freshmen any of the participating United Presbyterian church-related colleges in the fall of each year. There are approximately 100 awards ranging from $100 to $1,400. There are honorary awards with no stipend where no need is shown. To qualify, applicants must be members of the United Presbyterian Church U.S.A. Applications are available after mid-August and the filing deadline is December 1. Information may be secured by writing: National Presbyterian College Scholarships, Vocation Agency, United Presbyterian Church U.S.A., 475 Riverside Drive, New York, NY 10115.

The National Scholarship Service and Fund for Negro Students (NSSFNS) maintains free college counseling and referral service for Black and other minority and low-income high school students, and also sponsors Student-College Interview Sessions in New Orleans, Louisiana; Detroit, Michigan; Houston, Texas; Atlanta, Georgia; Cleveland, Ohio; Chicago, Illinois; Richmond, Virginia; Boston, Massachusetts; Philadelphia, Pennsylvania (Philadelphia Area Office (PAO), 1616 Walnut Street, Suite 809, Philadelphia, Pennsylvania 19103) and New York City for all minority and low-income students with college representatives. Additional cities may be added or deleted each year. There is a limited scholarship fund for NSSFNS counselors. For further information, write: NSSFNS, 1501 Broadway, New York, NY 10036 or NSSFNS-SERO, 965 Martin Luther King, Jr. Drive, N.W., Atlanta, GA 30314.

National 4-H Council, through 60 business corporations and foundations, offers more than 270 4-H college scholarships with total value of more than $250,000 and range from $500-$1,000. The majority are open only to current 4-H members who have won state honors in specific 4-H projects. Other college scholarships, ranging in value from $500 to $1,000, are available to present or former 4-H members now enrolled in college. Applicants for the latter should have an interest in one of the following fields: (1) animal science; (2) veterinary medicine; (3) forestry; or, agricultural business, economics and marketing. For further information on eligibility requirements, write to State 4-H Leader at the State Land-Grant University. A list of these leaders may be obtained from the National 4-H Council, 7100 Connecticut Avenue, Washington, D.C. 20015.

RCA Corporation maintains one or more undergraduate scholarships at more than 30 colleges and universities. These scholarships, normally made available to students who have completed at least one year of undergraduate work, are available in the fields of physical science, engineering, broadcast journalism, industrial relations, business economics, telecommunications and procurement/materials management as specified at each institution. The selection of scholars is made by the college or university in each case and students already enrolled should apply to the Scholarship or Financial Aid Officer for further information. Also, up to 25 2-year vocational/technical career scholarships are awarded to children of employees. Graduate fellowships are maintained in journalism, electrical engineering, electronics and physics at seven universities and are open to any qualified graduate student enrolled at the institutions which select the Fellow and administer the grants. RCA also supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students.

The Railroad Retirement Act provides monthly benefits for students who are children of deceased railroaders who were insured under the Act of Death. Dependent grandchildren of deceased railroaders may also be eligible if both natural parents are deceased or disabled. To qualify, you must be single and attending a public or private accredited high school, vocational school, college or university on a full-time basis. Benefits continue until age 22 or until the end of the school semester after you attain age 22. Students who are children of retired railroad workers cannot qualify for benefits directly. However, a retired worker's benefit may be increased under a special guarantee provision of the Railroad Retirement Board Office. The address can be found in the telephone directory or by asking at any post office.

Samuel Robinson scholarships are for undergraduate students enrolled in one of the United Presbyterian-related colleges. No one may receive the scholarship more than once. Applicants must successfully recite the answers of the Westminister Shorter Catechism, and write a 2,000-word original essay on an assigned topic related to the Shorter Catechism. Amount of Award: $500. Deadline: April 14. For further information, contact the financial aid officers at the United Presbyterian-related colleges.

Science talent search, conducted by Science Service and sponsored by the Westinghouse Electric Corporation and the Westinghouse Educational Foundation, annually offers scholarships for boys and girls in their last year of high school. Awards are based on high school records, national test scores, recommendations of high school teachers, a thousand-word report on an independent science research project by the student and interviews by judges of the forty finalists at the Science Talent Searches are conducted currently with the National Competition in 40 states and the District of Columbia. Entry deadline date is December 15. Detailed information is available from Science Service, 1719 N Street, N.W., Washington, D.C. 20036.

The Shell Companies Foundation, Incorporated supports scholarships through the National Merit Scholarship Program and the National Achievement Scholarship Program for Outstanding Negro Students. Further information on both programs can be obtained by writing the National Merit Scholarship Corporation, by contacting high school guidance counselors and principals or writing Two Shell Plaza, P. O. Box 2099, Houston, TX 77001.

Soroptimist International of the American Youth Citizenship Award of $1,000 per Soroptimist region and a finalist award of $1,500 offered to high school seniors demonstrating good citizenship qualities. Citizenship qualities include integrity, worth and ability, and encourage youth to develop the highest concepts of patriotism and effective cooperation in home and community affairs. Deadline is December 15. For further information, contact Soroptimist International of the Americas, 1616 Walnut Street, Philadelphia, PA 19103.

Student opportunity scholarships. These scholarships are for young persons of limited opportunities, members of racial/ethnic groups who are related to the United Presbyterian Church in the U.S.A. Must be entering college as an incoming freshman and apply to the college for financial aid. Amount of Award: $100 to $1,400. Those eligible should write between January 15 and March 15 to: Student Opportunity Scholarships, United Presbyterian Church in the U.S.A., 475 Riverside Drive, Room 430, New York, NY 10115.

The Westinghouse Educational Foundation sponsors five merit scholarships annually.

1. The Westinghouse Family Scholarship—five $10,000 and fifty $1,500 scholarships. Information on the Westinghouse Family Scholarship may be obtained from the Personnel Relations where the student's parent is or was (if deceased, retired or permanently disabled) employed.

2. The science talent search—forty awards. The student should request his science teacher to write to Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036 to obtain information and application forms.

3. 4-H electric program—4-H Club members should contact their local 4-H leader or County Extension Agent for information and application.

4. Bertha Lamme Scholarship—three $1,000 scholarships awarded to young women entering engineering as freshmen. For information write: Society of Women Engineers, United Engineering Center, Room 305, 345 East 47st Street, New York, N.Y. 10017.

5. National achievement scholarship program for outstanding Negro students—five $1,000 scholarships. Information may be obtained through the National Merit Scholarship Corp., One American Plaza, Evanston, IL 60201.

Eligibility for each of these scholarships is limited to students residing in the United States. The Family Scholarship, The Science Talent Search, The Bertha Lamme and The National Achievement Scholarship Program require that the applicant be in his or her last year of high school and applications must be submitted during the Fall months of their Senior year. Students aged 14 through 19 are eligible for the 4-H Electric Program.

Western Golf Association sponsors the Evans Scholars Foundation, which annually awards approximately 200 four-year scholarships to qualified caddies. Eligibility for Evans Scholarship: (1) Candidates must have completed junior year in high school and rank in upper 25% of class; (2) must have caddied for a minimum of two years; and (3) must require financial assistance to attend college. Applications are available by writing to Western Golf Association, Golf, IL 60029.

C. Assistance for graduates and undergraduates

The American Dental Hygienists' Association Foundation offers the following scholarships: (1) Certificate scholarship program to students who are in a certificate/associate degree or bachelor's degree dental hygiene program, will be entering the final year of the curriculum in the fall and have a minimum grade point average of 2.50 (on a 4.00 scale); (2) post certificate dental hygiene scholarship program to students who are enrolled in the final year of a certificate/associate degree dental hygiene program, have a minimum grade point average of 2.50 (on a 4.00 scale) and can provide evidence of acceptance as a full-time bachelor's degree candidate in an accredited four-year college or university; (3) graduate dental hygiene fellowship program to students who can provide evidence of acceptance as a full-time Master's or Doctoral degree candidate in a university program, are graduates of a certified associate dental hygiene program, baccalaureate program, and are licensed Dental Hygienists or will receive a bachelor's degree at the end of the current academic year. While being enrolled in a dental hygiene curriculum, must maintain a minimum grade point average of 2.50 (on a 4.00 scale). The scholarships may range from $300 to $1,500, depending on need. Deadline for applications is March 15. Information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Dental Hygienists' Association Foundation research grant program make research grant funds available for licensed dental hygienists who submit a completed research grant application according to the specified guidelines. The purpose is to provide financial assistance to baccalaureate, master's, doctoral candidates and practicing dental hygienists to implement research. All proposals and applications due by June 1 of every year and rewards are made in October of the year in usual amounts up to $1,000. Further information and application may be obtained by writing: American Dental Hygienists' Association, 444 North Michigan Avenue, Suite 3400, Chicago, IL 60611.

The American Institute of Architects. Scholarships are available for the first professional degree candidate, for a graduate student in architecture, to enable them to pursue an original investigation into human needs and requirements in low-income housing. A fellowship is available for better communications, better research community and the practicing architect. Graduate scholarships available for one academic year to study health facility design. Finally, a scholarship program is available for students from minority or disadvantaged backgrounds. For further information write: Director, Education Programs, The American Institute of Architects, 1735 New York Ave., NW, Washington, D.C. 20006.

ASMT Education & Research Fund, Inc., Medical technology students, who have completed the first semester of their sophomore year, may apply for a $3,000 Fisher Scientific Company Undergraduate scholarship. This scholarship will be paid in equal installments to one recipient for the junior and senior year in college. The Specialty Scholarship is available for graduate students. Scholarships are also offered by the Fund for interested students continuing their advanced education in certain specialty fields. The application deadline is March 1. The Fisher and the Graduate Specialty Scholarship applications are available from the ASMT Education & Research Fund, 330 Meadow Fern Dr., Houston, TX 77067.

The Diuguid (pronounced "do-good") fellowship program. Administered by the Council of Southern Universities, makes funds available to "mature women" (any woman over 21 may apply) for one year of formal study. Special consideration is given to women whose career and professional goals have been deferred because of marriage, children, etc. Applicants must live in the South and submit application by January 1. Grants range from $3,600 to $8,000. Contact: Executive Dir., Council of Southern Universities, Inc., Emory University, Sociology Building, Atlanta, GA 30322.

Institute of Food Technologists administers fellowships and scholarships to students pursuing a program leading to a degree in the general field of Food Technology or Food Science. During the tenure of a scholarship, winners must be enrolled in an IFT approved U.S. or Canadian educational institution. Graduate fellowship winners may be enrolled in any U.S. or Canadian educational institution that is conducting fundamental research in food science or technology; 21 freshman, sophomore, and 35 junior and senior scholarships of $500 to $2,000; 26 graduate Fellowships up to $6,000. Deadline: Graduate Fellowships—February 1; Junior and Senior Scholarships—February 1; Sophomore Scholarships—March 1; Freshman Scholarships—January 15. Booklet, IFT Scholarship Fellowship Program and applications are available after September 15 from IFT Scholarship Department, 221 N. LaSalle Street, Chicago, IL 60601, or, from Department Head of approved institution.

The International Chiropractors Association provides funds directly to student ICA Chapters for their distribution of scholarships and educational assistance to students desiring to pursue chiropractic as a career. Upon request, ICA will send a list of Chiropractic Colleges. Write to the International Chiropractors Association, Commission on Education, 1901 "L" St., N.W., Suite 800, Washington, D.C. 20036.

Kappa Kappa Gamma Fraternity annually offers scholarships to female citizens of the U.S. or Canada who are juniors or seniors in college or graduate students working towards a degree in the field of rehabilitation. Applicants must have completed two years of study on a campus where there is a chapter or be a graduate student. Scholarships for both members/non-members are granted to assist in preparation for work with the mentally retarded, physically handicapped, socially deprived, emotionally disturbed and the aged. Awards are for $300-$750. Graduate fellowships are also offered for members and non-members with high academic standing in fields other than rehabilitation scholarships. Deadline is February 15 and details are available from Kappa Kappa Gamma Fraternity Headquarters, P.O. Box 2079, Columbus, OH 43216.

The Material Handling Education Foundation, Inc., awards scholarships varying in number and amounts, to students enrolled in accredited program(s) that includes an emphasis in material handling through direct and related courses and through independent study. Also, to be eligible, students must be beyond their second year of a Bachelor's program or beginning graduate study, U.S. citizens and maintaining at least a "B" average. The application deadline is February 1 and they are available from the office of the Material Handling Education Foundation, Inc., 1326 Freeport Road, Pittsburgh, PA 15238.

The National Board of Civil Air Patrol has authorized scholarships to be awarded to Civil Air Patrol members and cadets each year in the following categories: Undergraduate, Advanced Undergraduate, Graduate and Technical/Vocational Scholarships. Deadline date is February 1. Information and forms may be secured from: Civil Air Patrol units commanders of from National Headquarters, Civil Air Patrol/TT, Maxwell AFB, AL 36112.

National Congress of Parents and Teachers does not have a scholarship and loan program at a national level. A large number of state congresses have such programs and others are encouraging scholarship grants at council and local levels. Awards are made possible by fees received for honorary state life memberships, memorial gifts and/or voluntary contributions from PTA's. Most are for teacher training education but some are for family life education, guidance and counseling instruction, librarianship, teachers of exceptional children and in-service teachers' summer term work. Special fellowships offered. Inquiries sent to National Office at 700 North Rush Street, Chicago, IL 60611, and are forwarded to the inquirer's state congresses.

National Institute for the Foodservice Industry administers the following scholarship programs for students who are interested in a management career in the food service industry hotel, restaurant and institutional management:

1. H. J. Heinz Company scholarship program:

A. Junior/Community College Scholarship Award. For high school graduates enrolled or planning to enroll in a program leading to an associate degree in food service management at a junior/community college. Three scholarships at $1,900 each awarded annually. Basic amount of $950 per year is given for two years. Winners are expected to find summer employment related to food service management.

B. Senior College Scholarship Award. For students completing their second year in food service education in a four-year institution or those in a two-year program who wish to continue at a four-year institution. Seven scholarships at $2,600 each are awarded annually. Basic amount of $1,300 is given for two years. Winners are expected to find summer employment related to food service management.

C. Graduate Degree Fellowship. One fellowship at $2,000; one fellowship at $1,200; and five fellowships at $1,000 each are awarded on a competitive basis to teachers and adminstrators enrolled in academic programs leading to a master's or doctorate's degree to improve skills in teaching or administering food service career education.

2. Golden plate scholarship program—Sponsored by International Food Service Manufacturers Association—offers approximately 100 awards to students enrolled or planning to enroll in a food program in a junior/community, senior college or graduate school. The amount of each scholarship is $750. Awards are for one academic year.

Deadline filing date is April 1. Further information and applications may be obtained from: National Institute for the Foodservice Industry, 20 North Wacker Drive, Suite 2620, Chicago, IL 60606.

The Newspaper Fund, Inc., is an organization to encourage talented young people to

enter the newspaper profession. The Journalism Career and Scholarship Guide, published by the Fund, provides information on what to study in college, where to study journalism and communications and where the jobs are and how to find them. It also lists more than $2.2 million in financial aid from universities and colleges, newspapers, professional societies and journalism-related organizations for students who want to study journalism or communications. Single copies of the Guide are available at no charge to interested individuals. The Fund operates two internship programs; the Editing Internship Program for college juniors, and Minority Internship Program for college seniors planning to enter graduate school following the internship and graduate students. The internships offer students the opportunity to earn scholarships after successfully completing a summer of paid employment as copy editor on daily newspapers. The Fund's Urban Journalism Workshops are designed for inner-city minority high school students and encourage journalistic participation on school newspapers and make students aware of journalism careers. Other programs sponsored by the Fund are fellowships for high school journalism teachers and publications advisers ending in the naming of the High School Journalism Teacher of the Year. An Editor-in-Residents Program is operated in cooperation with the Association Society of Newspaper Editors to send professional newspeople to college and university campuses. For information on these programs, as well as copies of journalism career information, write: The Newspaper Fund, P.O. Box 300, Princeton, NJ 08540.

Nurses' educational funds sponsors the American Nurses Association (ANA) and is an organization which grants scholarships and fellowships to registered nurses to equip them for advancement in nursing. Men and women who are members of ANA and who qualify for these awards study in nursing programs accredited by the National League of Nursing in colleges and universities of their choice. Funds are contributed by nurses, business and industrial firms, organizations and individuals. The Board of Directors determines the amount and number of awards each year on the basis of availability of funds and the nature of applications. Deadline for applications is January 15 preceding the fall for which award is made. Write for application forms or additional information to Nurses' Educational Funds, 555 West 57th Street, New York, NY 10019.

The Rotary Foundation scholarships are available to graduate or undergraduate students, journalists or teachers of the handicapped. Vocational scholarships are also available for artisans, technicians and professionals who have been employed in a technical or professional field for at least 2 years. Age limit requirements vary with each scholarship. All scholarships are for one academic year in a country other than the recipient's own and they provide for all school fees, room and board, round trip airfare between home city and place of study and expenses for limited travel during the year. Applications are due March 1, 1983 for the 1984-85 scholarship year. Contact your local Rotary Club for details.

The Society of Exploration Geophysicists Foundation offers numerous scholarship opportunities to students who intend to pursue a college course directed toward a career in Geophysics. Scholarships ranging from $750 to $1,000 annually are available to students wishing to enter college, already in college and at the graduate level. Applications must be filed prior to March 1. Applications and further information may be secured from the Society's Scholarship Committee, P.O. Box 3098, Tulsa, OK 74101.

The Society of Naval Architects and Marine Engineers annually award both undergraduates and graduate scholarships to encourage study in naval architecture and marine engineering or closely related fields. All applicants must be a citizen of either the United States or Canada.

United Methodist scholarships and loans offers between five and six hundred awards to outstanding United Methodist students in more than one hundred accredited United Methodist institutions. Awards are granted for one year only, but reapplication for a second year is possible. Awarded in amounts up to $500 per year for payment of tuition and general academic fees only. Students may secure loans from the United Methodist student loan fund up to $700-$800 per year. $1,000 may be obtained for Graduate level. The total amount that can be borrowed is $5,000. Qualified United Methodist students may borrow from this fund while attending any institution of higher education which is accredited by its regional accrediting association. For further information, write: United Methodist Church, Office of Loans and Scholarships, P.O. Box 871, Nashville, TN 37202.

D. Assistance for graduates only

The American Association of University Women Educational Foundation awards approximately 70 fellowships annually ranging from $3,500 to $7,000 (up to $9,000 for postdoctoral fellowships) to women of the United States who have completed all requirements for the doctorate except the writing of the dissertation. Awards are also made to women for postdoctoral research and for the final year of study in the fields of law, final year of MBA, dentistry, medicine, veterinary medicine and architecture. Applications are available after August 1 of each year. Deadline for application is February 1 and for further information, write to: the Director of Educational Foundation Programs, AAUW, 2401 Virginia Avenue, N.W., Washington, D.C. 20037.

The American College of Hospital Administrators, through its educational fund, has a limited number of scholarship loans to assist worthy students to continue their professional education and training towards careers in hospital administration. Loans are available to students, accepted by, or presently enrolled in a graduate program in hospital or health services administration, accredited by the Accrediting Commission on Education for Health Services Administration, and acceptable to the American College of Hospital Administrators. Applications must be endorsed by the University Program Course Director prior to submission to the College's special Scholarship Committee. For further information, contact the American College of Hospital Administrators, 840 North Lake Shore Drive, Chicago, IL 60611.

The American Congress on Surveying and Mapping administers two fellowships for graduate students interested in continuing their education. The awards are: (1) Keuffel and Esser Fellowship in Surveying and Cartography—$2,500; (2) Wild Heerbrugg Geodetic Fellowship—$4,000. Deadline for all applications is January 15 and for further information and application, contact Education Director, American Congress on Surveying and Mapping, 210 Little Falls Street, Falls Church, VA 22046.

The American Osteopathic Association, through the Auxiliary to the American Osteopathic Association, annually awards one National Osteopathic College Scholarship of $4,000 ($2,000 for the first year and $2,000 for the second year) and additional scholarships of $2,000 ($1,000 for the first year and $1,000 for the second year). These scholarships cover freshmen and sophomore years of medical training. Awards are based on scholarship (minimum of three years undergraduate college or university), financial need, good moral character, acceptance to the entering first year class at a college of osteopathic medicine, motivation and aptitude for the osteopathic medical profession and citizenship in the U.S. or Canada. Deadline May 1 for receipt of applications. The National Osteopathic Foundation, individual Colleges of Osteopathic Medicine and other osteopathic state organizations administer loan funds. For information write: Education Department, American Osteopathic Association, 212 East Ohio Street, Chicago, IL 60611.

The Daniel and Florence Guggenheim Foundation offers fellowships each year to approximately 10 young scientists and engineers for graduate study in energy conversion, transportation, jet propulsion, space flight and flight structures. The fellowships provide stipends ranging up to $5,000 depending on the level of advancement of the student, plus tuition. They are open to qualified science and engineering students who are residents of the United States or Canada. Students graduating in aerodynamics, fluid mechanics, engineering sciences, physics, physical chemistry, applied physics, applied mathematics, or, aeronautical, mechanical, chemical or civil engineering are sought. (The Fellowships are open to women as well as men.) The Fellowships will be used for study at The Daniel and Florence Guggenheim Laboratories at Princeton University, The Daniel and Florence Guggenheim Jet Propulsion Center at California Institute of Technology and the Daniel and Florence Guggenheim Institute of Flight Structures at Columbia University. Applications and additional information should be obtained directly from Princeton, California Institute of Technology or Columbia. The Fellowships are open to women as well as men.

Dental laboratory technology scholarships are available on complete information application to the American Fund for Dental Health. These are one-year scholarships, ranging from $500 to $600. Upon reapplication, a scholarship may be renewed for a second year by the Selection Committee if the student satisfactorily completes the first year and funding is availabe. Deadline date is June 1. For full information, write to: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 East Chicago Avenue, Chicago, IL 60611.

Dental scholarships for minority students are available through the American Fund for Dental Health. Students selected under this program may receive up to $2,000 for their first year of dental school. Upon reapplication and report of satisfactory progress, a grant for $2,000 may be renewed for the second year of dental studies. A maximum of $4,000 may be paid over a two-year period. To be eligible, students must be U.S. citizens from the following minority groups under-represented in the dental profession—American Indians, Blacks, Mexican-Americans and Puerto Ricans. They must be en-

tering their first year of dental school and application deadline is May 1. Applications are available from the Student Affairs or Financial Aid Office of the dental school they plan to attend.

Dental teacher training fellowships are available through a program established by the American Fund for Dental Health to develop more dental school teachers. The majority of the recipients under this program take a two year course beyond dental school leading to a master's degree. Deadline is February 1. For information correspondence write: American Fund for Dental Health, Attn: Director of Programs, Suite 1630, 211 E. Chicago Avenue, Chicago, IL 60611.

Eisenhower Memorial Scholarship Foundation, Inc., awards several graduate scholarships, ranging from $1,000 to $3,000 at the discretion of the Board of Trustees and upon the recommendation of the Graduate Scholarship Committee. Applicants must be U.S. citizens having an academic degree equivalent to a Bachelor's Degree from an accredited college or university. Students interested should also have a plan of study or research which will advance the applicant's professional competence and have intentions of devoting full-time to graduate study during the scholarship year. Financial need will not be a consideration. Awards will be based on those applicants who appear most likely to make the greatest contributions and of becoming thought leaders in the area of advancing the principles of individual freedom, patriotism, limited government and free-market economics. The award is for one academic year and is not renewable. For further information and application write: Eisenhower Memorial Scholarship Foundation, Inc., P.O. Box 1324, Bloomington, IN 47402, or call Mr. E. M. Sears, Executive Director by phone (812) 332-2257.

Foreign area programs of the Social Science Research Council and the American Council of Learned Societies offers a limited number of fellowships for doctoral dissertation research in social science and humanistic fields related to certain foreign areas. Since the purposes for each of these programs reflect the distinctive need and character of the area, a general account of terms and conditions cannot be offered here. Inquiries should be directed to Social Science Research Council, Fellowships and Grants, 605 Third Avenue, New York, NY 10158.

The Institute of International Education offers American college graduates approximately 550 scholarships for study in 50 foreign countries, about 300 of which are provided under the Fulbright Program. Over two hundred of the scholarships are financed by various foreign governments, foreign universities and private donors. In most cases, the scholarships provide travel expenses and partial or complete tuition and maintenance for a full academic year. Students now enrolled in colleges or universities should first consult with their campus Fulbright Program Advisers. Deadline is October 31, 1982. Further information and application forms are available from the Institute of International Education, Division of Study Abroad Programs, 809 United Nations Plaza, New York, N.Y. 10017, or from any of the Institute's regional offices in Chicago, Denver, Atlanta, Houston, San Francisco, and Washington, D.C.

The Knights of Columbus Bishop Charles P. Greco Graduate Fellowships, established in 1973, for members, their wives, sons and daughters and for the widow and children of a deceased member. These fellowships are for full-time graduate study leading to a Master's degree in a program designed for the preparation of classroom teachers of mentally retarded children. The fellowship is granted to a candidate at the beginning of his program of study and offers financial assistance for the educational costs at the graduate school up to a maximum of $500 a semester. The grant is renewable each succeeding semester of the program to a maximum of four semesters upon evidence of satisfactory performance up to $2,000. Application forms may be obtained from the Committee on Fellowships, Knights of Columbus, P.O. Drawer 1670, New Haven, CT 06507.

The National Easter Seal Society has available the following scholarships for specialized training for work with the physically handicapped: Speech Pathology and Audiology—Graduate Level—co-sponsored with Alpha Chi Omega National Women's Fraternity. Contact department heads at the schools offering this training. Additional information may be secured from the Scholarship Coordinator, National Easter Seal Society, 2023 Ogden Avenue, Chicago, IL 60612.

National Medical Fellowships, Inc., provides financial assistance to Black, mainland Puerto Ricans, Mexican American and American Indian students who are citizens of the U.S., for first or second year study in U.S. medical schools. Application and information may be secured by writing to Room 1820, 250 West 57th Street, New York, NY 10019.

The National Wildlife Federation annually awards a limited number of graduate fellowships of up to $4,000 for study at an accredited college or university in the field of natural resources conservation. Research, which is carried out as part of a research program, may be considered within this fellowship program. The deadline is December 31. For further information write to: The Executive Vice President, National Wildlife Federation, 1412 Sixteenth St., N.W., Washington, D.C. 20036.

HUNTING IN ALASKA'S WILDS

Mr. STEVENS. Mr. President, over the past 3 years, we have had an opportunity to observe the implementation of the Alaska National Interest Lands and Conservation Act. While many parts of the act are working well, there are some changes that would improve the overall intent of the act. I make reference to the lands available for sports hunting. A unified Alaska delegation in both Houses in addition to 18 cosponsors in the Senate seek to open up 12 million acres of national park land to hunting and trapping.

Mr. President, a number of highly respected newspapers throughout the country have endorsed the proposal that I and my Alaskan colleagues have taken to open up these lands to proper wildlife management. By examining the issue and mechanics of game management, it is clear that passage of our hunting bill will benefit sports hunters and conservation programs without harming recreational users of the land.

I ask unanimous consent that the text of an editorial on this matter from the San Francisco Chronicle be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HUNTING IN ALASKA'S WILDS

Alaska's congressional delegation is pushing for enactment of legislation that will open up 12 million acres in the rugged remoteness of this spectacular state's national parks to hunting and trapping. At first impression, this is the kind of thing that invokes the indrawn breath of exasperation and displeasure that is standard reaction to any increased killing of wild animals. Closer inspection, however, demonstrates considerable validity to the Alaskans' action.

It is important to note that the change would affect only remote areas which were traditionally hunted until withdrawn by the Carter administration in 1978, and are still being hunted by natives of this wild region for subsistence purposes. The Alaska lands act, which became law in 1980, established more than 43 million acres of new national parks and monuments, 24 million of which were closed to sport hunting. Hunting is not permitted in national parks, but is allowed in park preserves. The legislation introduced by Senators Ted Stevens and Frank Murkowski and Representative Don Young would change the designation of the acreage in question to allow hunting.

Murkowski, a vigorous, articulate senator with clear devotion to the special qualities that his state has in abundance, emphasizes that the measure will allow Alaska to manage the wildlife resources there "for the benefit of the species and use by Alaska's hunters." How does it benefit a species to allow it to become possible prey to the hunter's rifle and the trapper's snare?

Well, pro-hunting groups maintain that hunters are active and dependable conservationists who practice their sport in compliance with state regulations and do not impair the wildlife resource. They are not like those dreadful ivory pirates who kill elephants in Africa for outlaw profits. The International Association of Fish and Wildlife Agencies, which is an association of state government wildlife agencies, maintains that hunting is "an absolute necessity for the proper management and well-being of many wildlife populations."

Sportsmen's license fees and excise taxes on sporting equipment provide the financial base for conservation programs, habitat acquisition, research and other wildlife programs throughout the United States—to the tune of $500 million a year.

What this legislation does is to preserve hunting patterns that have been traditional in Alaska. As Congressman Young put it: "We are doing nothing new here, only trying to put back in the rights of people to hunt where they have always."

In a state like Alaska, where it takes an accomplished and dedicated outdoorsman to get out to the hunting grounds, that can hardly be a great transgression. And because the hunting season does not begin until the fall, there will be little conflict between hunters and other recreational users like backpackers who tend to visit the areas in the summer.

This legislation will affect only 35 percent of the current national parklands in Alaska. The remaining 20 million acres will be closed to sport hunting. So this is no carte blanche for men and women with guns and traps. There will still be an outright ban in

many sections of the state. And an important way of life that supports realistic conservation in this state will be preserved. That would seem solid reason to look on what the Alaskan delegation is doing with a sympathetic eye.

SULPHUR ROCK, ARK., HONORED BY U.S. POSTAL SERVICE

Mr. PRYOR. Mr. President, recently, the Postal Service announced it would be issuing on October 1 a block of four stamps honoring the 150th anniversary of the streetcar in America. One of these stamps will feature the Bobtail, the last horse-drawn streetcar in America, located in Sulphur Rock, Ark. The Bobtail was in operation from 1889 to 1926 when it was replaced by the automobile.

Sulphur Rock's post office was established in 1834. When the streetcar line opened, it connected the town's business section with the railroad depot, 1 mile away.

The honor of this postage stamp is a great tribute to the people and history of Sulphur Rock and Independence County and also the pioneering efforts of the line's owner and operator, John C. Huddleston.

It is also well-deserved recognition of the enterprising spirit of smalltown Arkansas and smalltown America. I commend the Postal Service on this selection.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION—NOMINATION OF KENNETH L. ADELMAN, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of the nomination of Kenneth L. Adelman, of Virginia, to be Director of the Arms Control and Disarmament Agency.

The Senate resumes consideration of the nomination.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the distinguished Senator from Washington State has only 1 minute. I yield to him and let him go ahead.

Mr. JACKSON. I thank my friend from South Carolina.

Mr. President, like my colleagues, I have been following the discussion of Ambassador Kenneth Adelman's nomination to be Director of the Arms Control Agency. What strikes me is what struck the editorial writer in the Washington Post—the controversy has focused not on the nominee's views and competence but on largely ephemeral side issues.

To my satisfaction the record confirms that Ambassador Adelman played it straight with the Senate in testifying that he did not intend to deal with particular personnel matters at ACDA before he was confirmed, and that he planned no ideological purge.

What is Ambassador Adelman's view of national security and arms control? I find it basically sensible, as evidenced in his writings over the years and in his management of arms control affairs for the U.S. delegation as Ambassador at the United Nations.

Briefly, he believes in an adequately strong national defense. He favors mutual arms reductions which promote security. He believes the United States should not agree to treaties unless the terms enhance security. He recognizes that sound, verifiable arms control agreements are difficult to achieve in the face of ever-advancing military technology and Soviet disinformation and intransigence. He favors vigorous efforts to get on with the task and make the most of opportunities to achieve real arms reductions.

I am sympathetic with President Reagan's desire to have as Director of the Arms Control Agency an official whom he believes fit for the post and in whom he has confidence. I have long maintained that a President should be entitled to his choice of the top officials in his administration, unless there was convincing evidence of hopeless naiveté, incompetence or malfeasance. I find no such evidence in the case of Kenneth Adelman.

President Reagan has expressed unwavering support for his nominee. Secretary of State Shultz is giving him staunch backing. I see no reason not to vote in his favor.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today in support of the nomination of Kenneth Adelman to be the Director of the Arms Control and Disarmament Agency, known as ACDA.

Ambassador Adelman has an extensive background in foreign and defense policy, including arms control and disarmament issues. For the past 2 years, he has served as U.S. Representative to the United Nations. While serving in that position, Ambassador Adelman has participated in several National Security Council decisions sessions on arms control. From 1976 to 1977, Mr. Adelman served as Assistant to the Secretary of Defense. He has also served at the Agency for International Development and in the Department of Commerce.

There is no doubt that Ambassador Adelman has the qualifications and experience to fill the position of Director of the Arms Control and Disarmament Agency. The real question we are addressing today is the prerogative of the President to select individuals who share his ideals and approaches to foreign affairs if he is to conduct a sound and coherent arms control policy.

President Reagan is entitled to have as his Director of the Arms Control Agency someone who reflects his views and shares his serious commitment to world peace. This is essential, since the United States faces a critical period in its relations with the Soviet Union. If we are to be successful in negotiating balanced, equitable, and verifiable arms control agreements, the Director of ACDA must approach the negotiations with realism, commonsense, courage, and toughness tempered with wise flexibility. Without these qualities, we cannot hope to be successful in achieving arms control agreements that will lead to a more secure, peaceful world which we all seek.

Mr. President, Kenneth Adelman possesses these essential qualities. He is the President's choice for this important post, and it is imperative that the President have a close working relationship with the Director of this crucial agency. I am confident that he will serve the country well, and I hope that my colleagues will go on record in favor of his nomination.

Mr. PERCY. Mr. President, I wish to thank both my colleagues, the President pro tempore of the Senate and Senator JACKSON, for their incisive and helpful comments.

I think they have thought through this nomination in a bipartisan fashion and the conclusions they have reached are absolutely sound.

Voting down the Adelman nomination would be a setback for arms control. It would undercut the commitments that we now have from the administration as to the kind of progress on arms control they will work for with the advice and counsel of Ambassador Adelman.

I thank both of my distinguished colleagues very much indeed.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Illinois for his kind remarks and also commend him for the outstanding leadership he has provided on this nomination which is so vital to this Nation.

There is nothing more important than proper arms control. Mr. Adelman is qualified. There should be no question about the Senate confirming him. The President wants him. He is qualified to fill the job. So why should he not be confirmed?

Mr. JACKSON. Mr. President, I thank the Senator from Illinois, the chairman of the committee, for his kind comments.

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield such time as he may require to the Senator from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. President, I intend to vote against the confirmation of Mr. Adelman as head of the Arms Control and Disarmament Agency. I will cast this vote with some regret, since Mr. Adelman is a bright, articulate, and seemingly capable man. But these qualities seem to evaporate when it comes to the subject of arms control.

Although he has been an outspoken critic of SALT II, when he was questioned about its terms in a hearing before the Senate Foreign Relations Committee, he displayed an amazing ignorance and, indeed, disinterest. Asked if the Soviets are cheating on SALT II, he said he had not looked into it and was not knowledgeable about it. Asked if he knows what constitutes cheating, he said no, not really. Asked whether MX in Dense Pack would violate SALT II, he did not know. Could nuclear war be limited? Could societies survive? He had no thoughts, no strong opinions in that area.

Mr. President, I believe that the person selected to head this agency, the focal point for our Government's arms control policies and initiatives, should have thought about these subjects and know what his beliefs are. He should not need to wait and be told by others what his beliefs are based on the party line or the corporate wisdom.

Because of his diffidence and disinterest on these subjects, which are crucial to the post for which he was nomimated, I have decided not to vote for his confirmation.

I thank the Chair and my friend from Rhode Island, and I yield the floor.

Mr. PELL. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield what time he may need to the Senator from Vermont (Mr. LEAHY).

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I thank the Chair. I thank my distinguished friend, the Senator from Rhode Island (Mr. PELL).

Mr. President, for any Senator to oppose the President's choice to head an executive branch agency is difficult. The Senate rarely does so, and then only when the candidate patently lacks the minimum qualifications to carry out the responsibilities of the position. My predecessor in this seat, a man who was elected to the U.S. Senate the year I was born and who served here until I had the honor of succeeding him in the Senate, took as his position during those 34 years that he would automatically vote for any appointment made by a President; he would do so because a President should have his choice in picking whom he wants.

I have a great deal of respect for my predecessor in office, Mr. President. I have even greater respect for the Constitution, which speaks of the ability—and not only the ability, but the responsibility—of Members of the U.S. Senate to advise and consent. Of the responsibilities as a Senator that I have, I take that one, certainly, among the most seriously.

Even according Mr. Adelman every benefit of the doubt, I have concluded that he does not possess the necessary experience and capabilities in strategic issues to make him an effective spokesman for arms control in the current administration. I reached this conclusion after carefully studying the hearings which led the Foreign Relations Committee to report his nomination to the Senate unfavorably and to recommend that he not be confirmed. I was particularly influenced by the Foreign Relations Committee's thorough review of Mr. Adelman's experience and writings concerning arms control. Of his less than 10 years' Government service, only 3 had anything to do with national security matters and none with the central issues of strategic arms control policy or negotiations. Contrasting this lack of experience with the lengthy and distinguished careers in national security affairs of every former holder of the office for which Mr. Adelman has been nominated, I am compelled to agree with the statement in the report that "The majority of the committee found Mr. Adelman to be unqualified to be Director of the Arms Control and Disarmament Agency."

Mr. President, rejection of any Presidential nominee by the Senate is a very strong, very grave action. It is one which I would not advocate without giving the person concerned a fair chance to respond. Therefore, I met with Mr. Adelman privately to afford him an opportunity to rebut the criticisms against him and to hear his side of the issue. He struck me as an intelligent, articulate, and able individual. Contrary to some, I found no reason to question his integrity or commitment to pursuing the President's arms control goals.

Let me emphasize that my concerns about Mr. Adelman do not stem from doubts about his character. However, with the best of will, I could not accept that he had the requisite background, stature and qualifications to enable him, in the words of the Arms Control and Disarmament Act of 1961, to serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters.

Mr. President, I shall vote against the nomination of Mr. Adelman to be Director of the Arms Control and Disarmament Agency. Should his candidacy be rejected by the Senate, I urge President Reagan to submit the name of a new and highly qualified candidate as soon as possible. Nuclear weapons technology is moving fast, much faster than our efforts to control it. We must not waste any more time on personalities and peripheral matters. We must get on with the urgent task of negotiating a verifiable agreement to control and reduce the nuclear danger to human civilization.

Mr. President, I yield back to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my distinguished colleague from Vermont for his succinct and excellent statement, one which makes it clear that the Foreign Relations Committee labored hard on this nomination. What has perhaps been lost sight of in the succeeding hours of debate is the fact that the majority of the committee have recommended against this nomination and that, for almost 60 years, no such rejection has been reported out by the Foreign Relations Committee. I think these points should be kept in mind.

Mr. President, I yield what time he may need to the Senator from Alaska (Mr. MURKOWSKI).

Mr. MURKOWSKI. I thank the Senator from Rhode Island for the opportunity, Mr. President, to speak today on a matter I do not take lightly, as the Senate continues consideration of the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency. I want to take this opportunity to clarify a few points.

Mr. President, as the Senate continues consideration of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency, I would

like to take a moment to try to clarify a few points.

Mr. President, the Reagan administration has nominated the person it views as its best choice for the Director of ACDA. That nomination seems to have become mired in a manufactured and artificial controversy over Mr. Adelman's credibility, experience, and capabilities.

The real issue, according to those who oppose Mr. Adelman's nomination, is the administration's negotiating position in Geneva on arms control and disarmament. But instead, all we have witnessed is what has become an almost routine subjection of nominees such as Mr. Adelman, to lengthy, often unfair investigations by the Senate, motivated almost solely by partisan, political considerations. Future candidates for important Government positions may be very reluctant to undergo such endurance tests. The eventual consequence of this reluctance can only limit our choices and certainly cannot be beneficial to the operation of our constitutional government.

It is clearly necessary to investigate the background, opinions, and past performance of all nominees to important Government posts. However, I must object when an otherwise qualified nominee becomes a symbolic punching bag for those who are determined to use the nomination as a means of raising extraneous issues. Under such conditions, the tangential issues as well as the nomination become confused and national debate is thwarted.

I attended almost all of the Adelman nomination hearings. I personally questioned Mr. Adelman on his commitment to a real reduction in the level of military arms in the world. I was satisfied with the sincerity of his assertion that he would work toward the goal of international arms control, and that his "overriding objective would be to serve as an advocate of arms contol to the President."

Much of the controversy surrounding this nomination has focused on the so-called Rowny memo. Such a memo probably would have been best left unwritten but it should at least have been better protected, considering the sensitivity of United States/Soviet arms control negotiations. The importance and relevance of the Rowny memo to Mr. Adelman's nomination has been blown far out of proportion. Some Members of Congress and the press have contended that Adelman's receipt of the Rowny memo contradicted his January statement before the Foreign Relations Committee that he had "not addressed the personnel situation at all."

On close examination of the evidence, it appears to this Senator that Mr. Adelman's remarks have been taken out of context and inaccurately interpreted. As Mr. Adelman stated in a letter to the Foreign Relations Committee, he merely received Ambassador Rowny's personnel suggestions and passed them on to the individual whom Adelman had designated to collect such apparently unsolicited recommendations.

Mr. Adelman stated to the committee in his memorandum of explanation that "immediately after my nomination, I made it a firm policy not to make personnel decisions in advance of confirmation and have adhered to that policy * * *. I did establish a procedure, however, for handling suggestions others would have on personnel matters * * *. I wished to keep and to record those suggestions without making any evaluations and without becoming involved beyond what was realistically unavoidable." He asserted that "no action whatsoever has been taken on any recommendations from any source."

Mr. Adelman has been unfairly criticized by those opposed to his nomination. His opponents have misinterpreted his words without ever giving him the chance to fully explain his statements about personnel actions, in light of the Rowny memo. Worse still, this manufactured controversy has dangerously marred the reputation and the credibility of this country's negotiating team in Geneva.

As an Alaskan, I am just as concerned as other Americans about the spiraling arms race between the United States and Alaska's close neighbor, the U.S.S.R. Were a Soviet ICBM to be fired at Anchorage from Siberia, over half of the population of the State would probably be killed or injured. The proximity of Alaska to the Soviet Union would allow for little advance warning of such a limited attack on American soil. Many Alaskans are justly concerned about the danger inherent in the placement of the Soviets newly deployed SS-20's. We have heard Soviets complain that the Pershing II missiles to be deployed in West Germany will give Moscow a mere 7-minute warning time. What we do not hear about their recently deployed Asia-based SS-20 is that it can reach Alaska in about 20 minutes. Alaskans have as great a stake in Mr. Adelman's nomination as do citizens of other States.

Mr. President, I have carefully followed the pace of arms control negotiations in Geneva. The United States has made several arms control proposals to the Soviets, while they have only offered one. It was the Soviets and not NATO who first deployed a new, highly mobile missile in Europe.

Arms control is a two-way street that must be marked by mutual concessions and careful, calm negotiations. Righteousness and rhetoric do not belong in the language of discussions which may affect the survival of billions of human beings.

An increasing number of American analysts argue that no progress will occur in Geneva until NATO actually begins to deploy the Pershing II and cruise missiles. Many of these analysts contend that the Soviets are not truly interested in obtaining an arms control agreement, and that they believe the antinuclear demonstrations in Western Europe will do more damage to the NATO alliance than any threat of a negotiation breakdown. If true, this assertion is extremely disturbing, since it means that no meaningful progress may ever be made in Geneva.

At any rate, the difficulty of reaching agreement with the Soviets will be compounded in 1984 by the distractions and distortions of election year politics. The controversy over the Adelman nomination this year may be an indicator of what could happen to the arms control debate during the heated exchanges inevitable in an election campaign. The next 2 years are likely to see growing pressure on both Democratic and Republican candidates to take ill-advised stances on arms control policy in an escalating battle for popular support. Although I remain a strong advocate of real reductions in nuclear weaponry, I do not think this is the kind of atmosphere in which the U.S. negotiating team in Geneva can most effectively deal with the Soviets.

The administration, and in particular Mr. Adelman, must do all in their power to reach an agreement with the U.S.S.R. this year, or by early 1984 at the latest. It is possible that this would require granting more authority and flexibility to Ambassador Nitze in Geneva.

Finally, I join with many of my distinguished colleagues in asking that this body give the President the wherewithal to carry out his arms control policies.

The President of the United States is empowered to make foreign and security policy. He deserves to have the advisers and the officers he trusts to carry out these policies. Mr. Reagan has made it abundantly clear that he wants Ambassador Adelman for this important post.

In conclusion, Mr. President, let me reassert my support for Mr. Adelman's nomination and for the diligent effort I expect from him toward achieving a fair arms control agreement with the Soviet Union as soon as possible. This is Mr. Adelman's duty and responsibility to his country. I call upon my colleagues to give him the chance to fulfill this duty.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois.

Mr. PERCY. Mr. President, I wish to express my deep appreciation to my distinguished colleague, Senator MURKOWSKI. I will read carefully his remarks on the nomination. I am sorry that I could not be on the floor to hear him, but I know he has thought this matter through very carefully and has come to a sound conclusion. His colleagues, I know, will value his judgment.

Mr. President, there has been the suggestion that a motion may be made to recommit the nomination of Kenneth Adelman to the Foreign Relations Committee. I feel this would be an abuse of the Senate committee system. What in heavens name would we accomplish by that? We have already had 3 full days of exhaustive hearings on the nomination. That is a far greater examination than we have had for hundreds of other nominations this year.

The committee has filed a detailed report; both minority and majority opinions have been rendered; and the committee has made a recommendation to the Senate. The Constitution provides the Senate as a body has the authority to advise and consent to nominations, not one individual committee of the Senate. The committee's job is ended. I hope that if a motion to recommit is made, that the Senators who believe in the Senate and the committee system will recognize that there is no legitimate purpose to be served by returning the nomination to the committee.

I, therefore, hope that my colleagues, however they may feel about the nomination, will support an up-or-down vote on the nomination because the committee can go no further than it already has on this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I should like to read into the RECORD an extract from an article in the latest issue of Time magazine, dated April 18, 1983. I think it capsulizes the problem of the Adelman nomination pretty well. The magazine article points out:

> If confirmed, Kenneth Adelman, the Deputy U.S. Representative to the United Nations, will be the least qualified director in the 21-year history of the Arms Control and Disarmament Agency. He is a political scientist whose main prior experience was an an aide to then Defense Secretary Donald Rumsfeld, and as a strategic analyst at SRI International, a private think tank.

I thought this extract from this article, which I commend to my colleagues, in Time magazine might be of interest.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, apparently, there is no other speaker seeking recognition at this moment, to talk on the Adelman nomination. We go into recess at 12 noon, anyway. So I suggest we do that now.

Mr. PELL. I agree with the majority leader.

Mr. BAKER. I thank the manager on the minority side.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2 p.m.

There being no objection, the Senate, at 11:59 a.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

The PRESIDING OFFICER. Who seeks recognition?

Mr. PERCY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, does the Senator from Louisiana wish me to yield for a moment to him? I am prepared to make my statement.

The PRESIDING OFFICER. Who controls time?

Mr. PELL. Mr. President, I believe that the Senator from Massachusetts is the next scheduled speaker. I am sure we can work something out.

Mr. JOHNSTON. Mr. President, I appreciate the courtesy. I thought we were in a dead place in the session, and I was just going to take advantage of that time.

Mr. KENNEDY. I thank the Senator.

Mr. President, I oppose the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency. Senate confirmation of this nominee will only further tarnish the already diminished credibility of U.S. arms control policies at this critical stage in the escalating nuclear arms race.

The Reagan administration had a unique opportunity to fill the current vacancy with a person who possesses the highest qualifications for this demanding position. Instead of attempting to foist this unqualified nomination on the Senate, the President should withdraw it, and select a Director with a convincing background in arms control and national security who would have the confidence of the Senate, the American people, and our allies around the world.

This Nation prides itself on a distinguished bipartisan tradition in arms control. In the President's own party there are a number of able individuals who would make outstanding nominees as Director, such as Brent Scowcroft, Donald Rumsfeld, William Hyland, and Elliot Richardson. It makes no sense for the President to insist on his present dubious selection for the sake of a short-term partisan advantage that only enhances the long-term doubts about the administration's sincerity on arms control. The Senate will be doing the President a favor by rejecting Mr. Adelman's nomination and clearing the way for a credible Director.

Advice and consent on Presidential nominations is one of the most important of all the responsibilities conferred on the Senate by Constitution. The Arms Control Disarmament Act specifies that the Director of ACDA will serve as the principal adviser to the President, the Secretary of State, and the National Security Adviser on matters relating to arms control and disarmament. According to the statute, the ACDA Director also has the duty to keep Congress fully advised on arms control issues. Based on his testimony and other evidence that has become public, I do not believe that Mr. Adelman is qualified to serve or willing to work with Congress.

The lack of progress in nuclear arms control in the Reagan administration and the continuing disarray in ACDA are among the primary sources of deep concern in this country and among our allies about the direction of the administration's policy on nuclear arms control. In virtually all its actions, the administration gives the impression that it is more interested in running a nuclear arms race with the Soviet Union than in achieving meaningful arms control.

When Eugene Rostow and his senior staff were dismissed earlier this year, ACDA was in crisis—the Agency's budget was being cut, senior staff positions went unfilled, morale at the Agency fell to an all-time low, and

belief in America's commitment to arms control reached its lowest point in the postwar era.

By insisting on the nomination of Mr. Adelman, President Reagan has not only failed to end the disarray—he has actually reinforced the impression of cavalier disregard for the Agency and its mandate.

Mr. Adelman is a man of limited accomplishments, and arms control is not among them; even worse, his commitment to arms control is neither deep nor convincing. In fact, to the extent Mr. Adelman has any record at all in this complex field, it is one of relentless ideological opposition to responsible arms control, and equally relentless advocacy of America's nuclear buildup. Mr. Adelman opposed the SALT II accords. He has been widely quoted for his view that the entire SALT process belongs "on the dungheap of history." In December 1982, he was the only delegate to the United Nations who voted against a comprehensive ban on nuclear weapons tests. Yet such a test ban has been a bipartisan goal of U.S. foreign policy since the 1950's, sought by every President from Eisenhower to Carter.

Mr. Adelman's testimony before the Foreign Relations Committee gave no comfort to those distressed about the administration's arms control policy and the continuing escalation of the nuclear arms race.

On an alarming range of fundamental issues in this area, Mr. Adelman, by his own admission, lacks depth and knowledge. He had no opinion, for example, on whether there can be any such thing as a limited nuclear war.

His demonstrable inexperience makes him singularly unsuited to be the chief arms control advocate in an administration dominated by hardline opponents of arms control. The President might as well have named James Watt to be Director of ACDA.

Mr. Adelman's extraordinary lack of qualifications is enough by itself to warrant his rejection by the Senate. But there is another pressing reason to defeat this nomination—Mr. Adelman's lack of candor before the Foreign Relations Committee on the issue of ACDA personnel. Before the issue of the purge surfaced, Mr. Adelman informed the committee that he had neither addressed nor discussed staff changes relating to the Agency.

But that claim is contradicted by the evidence that later came to light. An internal memo signed by Mr. Adelman himself indicates that he had in fact discussed such changes with Secretary of State Shultz, Deputy Secretary Kenneth Dam, and congressional staff. He also personally received and passed along the so-called Rowny memo, which castigates high-level officials of the START delegation and the ACDA staff, and seeks to exclude Members of the Senate and the House of Representatives from acting as observors of the Geneva negotiations.

In preparing his own memo and in transmitting the Rowny memo, Mr. Adelman did indeed address the personnel issue. He commented on the timing of changes and the types of people appropriate for new appointments. He asked that a package of hiring recommendations be prepared. Clearly, Mr. Adelman was less than candid with members of the Foreign Relations Committee. By these actions, he has called into question his commitment to managing arms control policy in a spirit of cooperation with the Congress. At best, his actions demonstrate an arrogance toward the Senate that is unacceptable. At worst, they indicate a willful attempt to deceive the committee by covering up his real intentions.

The appointment of an ACDA Director is always a matter of high national concern. The prevention of nuclear war is the most fundamental issue of our time—and of all time. Now, more than ever, the administration should be seeking ways to restore the sense of bipartisan endeavor which has always characterized American foreign policy in its most successful periods in the postwar era. In no other area is this need more urgent than in arms control, on which enduring peace and the very fate of the Earth now depend.

Mr. Adelman's nomination raises fresh doubts about the Reagan administration's sincerity on nuclear arms control. The President should be using this opportunity to allay those doubts. It is sad that he has chosen, instead, to fuel them by choosing Mr. Adelman.

I urge the Senate to reject this nomination, and to insist on a qualified Director for ACDA at this critical time for the future of arms control and the survivability of this planet.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I am very happy to yield to my distinguished colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. I thank the Senator.

Mr. President, I would just like to take a few minutes to address the question of the confirmation of Dr. Kenneth Adelman, to be Director of the Arms Control and Disarmament Agency.

As have my colleagues, I have attempted to follow this discussion with care and interest. It occurs to me, Mr. President, that the sum and substance of the opposition to Dr. Adelman is, one, he is not qualified in terms of his background academically and in terms of his service and that hence he ought not to be appointed. That is one objection. The second is that he is not sufficiently committed to the issue of arms control and arms reduction and serious negotiation.

Now, those are serious charges and I looked into them carefully, as I am sure my colleagues have. I find, Mr. President, that those charges simply do not stand up under careful scrutiny.

In terms of, for example, academic qualifications, Dr. Adelman has a master's degree in foreign service from the Georgetown University. He has a doctor of political science degree from Georgetown University. That is a good start. He has written a total of 116 articles in 52 different publications dealing with questions of foreign policy and related matters such as arms control. And I have heard no one citing anything he has said in any of those articles that is adverse in terms of commitment or in terms of academic qualifications.

Second, on this matter of his public record of service, I would simply submit that a perusal of the record reveals little support for the position that he lacks experience; that he lacks qualification then beyond the academic in the field of service.

I wish to quote briefly, Mr. President, from a letter I received from Mr. Donald Rumsfeld, former Secretary of Defense. I am simply excerpting a portion of that in which he says:

> Dr. Adelman has served in the United States Government off and on for a dozen years. When I was in the Pentagon, he served as my assistant with great skill and dedication. After leaving Government in 1977, he was senior member of strategic studies of Stanford Research Institute, where he researched and wrote on foreign policy and defense issues, including arms control.

Mr. Rumsfeld continued:

> As you know, for the past 18 months he has served as Ambassador Jean Kirkpatrick's principal deputy at the United Nations. In that position he has had broad management experience and particularly in many National Security Council decisions such as on arms control. He has represented the United States ably in the First Committee dealing with multilateral arms control matters, and he has also coordinated the United States delegation to the United Nations second special session on disarmament.

And so Mr. Rumsfeld continues in his letter.

Obviously, just a casual reading of the biographical sketch data and what Mr. Rumsfeld has said would, I think, underlie a contention that he is well qualified, academically and in terms of service. I am somewhat mystified in view of the fact that the Senate For-

eign Relations Committee approved his nomination to be assistant to Ambassador Kirkpatrick by a vote of 17 to 0. So they have been over this ground before and found him eminently well qualified academically and in terms of service to that particular function.

Again, Mr. President, the charge that he is not qualified in terms of academics or service simply does not seem to hold water.

On this matter of his commitment, that becomes a very subjective thing. He has said he is committed to serious arms negotiation. The President says he is. I do not know what else you can do in this area.

What I think the opposition has done, and I do not wish to attribute to them any insidious motive, is they have simply kept repeating and repeating that he is not qualified in terms of academic background, which, again, the record will not hold up, and in terms of service, which again I submit the record will not hold up. There is no substance to their contention.

It is thin and shallow in its substance, and it is somewhat the old problem, you simply keep repeating something long enough and loud enough without any substance to it and pretty soon it begins to take on the coloration of being in fact so.

This does a great disservice not only to what is supposedly the greatest deliberative body in the world, but of equal importance it does a great disservice to a man of the stature and quality of Dr. Adelman.

I think to any nominee who comes before the U.S. Senate we owe it to the deliberative process to make sure there is substance to charges, and we owe it to the individual to see that we treat them in a fair way. If we do not do that as a standard practice, we will discourage able and qualified and dedicated people from going through this process.

Sometimes critics will say, "Oh, it just comes with the turf," meaning you have to get banged around and have a lot of ill-founded charges made against you.

But that is certainly not a posture befitting the so-called greatest deliberative body in the world.

If you are contending a man lacks academic qualification and if you are contending he lacks service record, let us adduce evidence to that end. That has not been done. I think it does a potentially greater disservice not only to Dr. Adelman but to the whole confirmation process of the U.S. Senate.

In sum, Mr. President, I think President Reagan and Mr. Adelman are serious. They are honorable men. I take them at their word. What else can you do?

I think the record is clear that Dr. Adelman is qualified.

In this confirmation process, one should, in my judgment, start with the presumption that the President is entitled to his nominee. I agree it can be overcome. That is why we are a part of the confirmation process. I do not feel in this case, Mr. President, that that presumption has been overcome. He is qualified, he is committed, and the commitment of this administration is clear and unequivocal.

So I would urge my colleagues to vote in favor of confirmation of the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

Mr. President, I ask unanimous consent that an article that appeared today in the Washington Times, Wednesday, April 13, 1983, entitled "Kenneth Adelman's Trial by Inuendo," by Mr. Philip Lawler, be printed in the RECORD along with my remarks.

There being no objection, the article was orderd to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 13, 1983]

KENNETH ADELMAN'S TRIAL BY INNUENDO

(By Philip Lawler)

Since arms-control proposals are among the most controversial items on President Reagan's agenda, the nomination of a new director for the Arms Control and Disarmament Agency provides an ideal opportunity for thorough discussion of this vital topic. It's a pity that the Senate has not taken advantage of that opportunity.

Instead, Reagan's critics on the Senate Foreign Relations Committee have been indulging in pure political theatrics—concentrating on a headline-grabbing personal attack upon Reagan's nominee to head ACDA, Deputy U.N. Ambassador Kenneth Adelman.

When Sen. Richard Lugar, R-Ind., complained that the Adelman confirmation hearings had taken on a "carnival atmosphere," he was being too polite. A carnival is a pleasant, harmless affair. This is serious, sordid business; a man's reputation is being attacked. And Adelman's critics seem less interested in the accuracy of their charges than in the sheer volume of attention they can draw.

The trial by innuendo has been going on for many weeks, and still no one has proven a single "charge" against Adelman. In fact, despite all the newsprint, Adelman hasn't really been *charged* with anything that would disqualify him from any job—other than the fact that he is not to the liking of some of the senators.

Why, then, has he not been confirmed? Why shouldn't Ronald Reagan have the ACDA director he wants? Perhaps, after all, the senators' complaints are aimed not at Adelman himself, but at the Reagan approach to arms control in general. But a serious debate on the topic would involve serious work, and serious political risks to those who might lose that debate. Smear campaigns are so much simpler!

When Adelman first came before the Foreign Relations Committee, his opponents argued that he was not qualified for the job. An intellectual lightweight, they called him. So Adelman, who holds a doctorate in political theory, produced a list of the essays he had published on foreign policy: 116 of them appearing in 52 different journals. So much for the questions about his intellect.

Next the senators claimed that his views were extreme. That charge didn't stick, either. As *Newsweek* reported, most observers recognized that Adelman took a "mainstream conservative view" on the issues.

Unwilling to let the crusade die away, Sen. Alan Cranston, D-Calif., weighed in with the accusation that Adelman's views were tinged with political considerations. Now *there* was an interesting approach.

Was Adelman a political animal, while the senators themselves were acting purely out of public-mindedness? Or wasn't the furor over the Adelman nomination a political convenience for Cranston as he sought desperately to gain recognition in his campaign for the presidency?

Hadn't Sen. Larry Pressler, R-S.C., vowed to oppose Adelman as a means of punishing Reagan for his failure to appear at a Pressler fund-raiser? Didn't Sen. Charles McC. Mathias, R-Md., have a chip on his shoulder because his own favorites had been eliminated from consideration for the post—long before Adelman's nomination? No, the question of political ambitions was a two-edged sword, which the Foreign Relations Committee quickly realized and dropped.

While the Adelman critics were rummaging around for a new avenue of attack, the people who had pledged their support for him were scurrying anxiously for cover. Sen. Charles Percy, R-Ill., chairman of the panel, praised Adelman with faint damns, publicly wishing the White House had put forward "a name eminently qualified," and warning that although he himself would fight for the president's nominee, "No one can guarantee what the Senate of the United States will do."

The State Department was strangely silent. The press began to speculate that Adelman might step down, forfeiting the fight, and giving his inquisitors their way. But the nominee proved tougher than expected, and the president announced that he remained "fully committed" to the Adelman candidacy.

Think about all this. In 116 published articles, Adelman had written nothing the senators could cite as objectionable. But in one interview, he might perhaps (the question is still in dispute) have used the word "sham" to describe one particular arms-control initiative. Would that be sufficient reason to hold up his nomination?

No, not even Alan Cranston could hang Adelman on a thread as slender as the word "sham." So Adelman's critics regrouped again, and this time attacked his integrity. Adelman had told the committee that he had not begun to plan personnel changes at ACDA.

The Foreign Relations Committee staff triumphantly unearthed leaked memos in which, indeed, personnel matters were discussed. Again, the senators hit the headlines with their accusations. Finally, the leaked memos were released to the public. And what did they reveal? Well, Ambassador Edward Rowny, the chief negotiator at the START talks, gave some very blunt appraisals of ACDA staff personnel. But those comments, it turned out, were not written by Rowny, rather one of Rowny's aides, (and in any case, Adelman certainly was not responsible). Adelman had written to his appointed deputy, Robin West, that it would be absolutely vital to find ACDA personnel of the very highest caliber. That's all.

In Washington, where even the lowliest political appointment commands hours of conversation and negotiation, Adelman had written one short memo, and mentioned two possible candidates for employment on his ACDA team. Did this contradict his testimony that he had not addressed himself to the question of personnel? His critics insisted it did.

Now again, wait a minute. What, exactly, did Adelman say about personnel in the memo that moved ACDA bureaucrats to leak it to the press? Did he call for a general purge? Did he insist on appointing his own pals? Hardly. Just listen to the words Adelman used: "The first appointments in ACDA will be the critical ones and will be the most important ones as well. They should give the signal that we will have people far more qualified than the job demands and far higher-caliber people than one would normally expect in these positions."

While the Foreign Relations Committee plays up to the cameras, Adelman is hoping to find qualified negotiators. While the press searches for new accusations, Adelman worries about realistic proposals for arms control.

In the last analysis, maybe Adelman's problem is that he is too serious about arms control. Because if he takes over at ACDA, then the senators would have to resort to serious decision-making about arms control rather than grandstanding.

Mr. EAST. In addition, Mr. President, I wish to commend the chairman of the Senate Foreign Relations Committee for the very expert way in which he has tried to conduct this whole matter, and I wish to salute his leadership on a very difficult issue that has taken on considerable portions of the public eye today, perhaps beyond what it warrants. But the opposition has persisted in making charges, and I felt that these had to be responded to.

Mr. President, I thank the chairman, of the Foreign Relations Committee for allowing me to be a part of this deliberation. I yield the floor back to the chairman.

Mr. PERCY. I thank my distinguished colleague for his comments. I would like to note that I have been impressed when our distinguished colleague from North Carolina speaks, he speaks right from the heart and speaks eloquently and fluently.

I appreciate his remarks very much indeed. I know it means a great deal to those of us who feel this nomination should be supported and approved and will advance the cause of arms control. I thank my distinguished colleague.

Mr. EAST. I thank the Senator.

Mr. PELL. Mr. President, I yield the Senator from Mississippi such time as he may desire.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator from Rhode Island for yielding to me. I will certainly not impose on the Senate timewise. I expect to speak about 15 minutes, perhaps, even though I understand there is no limitation on time.

Mr. President, I make no reference in a personal way to the nominee. I have not had the privilege of knowing him. Our paths have not crossed in committee business in any way. But I am thinking about two matters which have impressed me.

I am thinking about the responsibility of the individual Senators who are really, in the final analysis, going to have to say yes or no to any treaty which may be presented here from within this field, and also pass on amendments or alterations of various kinds, probably, which may be presented. I feel as though I know from experience that no graver matter comes before this body than these treaties with reference to arms limitation.

I say that because I was here when this law was put together (Arms Control and Disarmament Act), debated, and passed here in the Senate and in the House of Representatives and signed by the then sitting President of the United States. I remember something about the arguments that were made here with reference to these various positions.

Also, it has been my fate to hold hearings, Mr. President, in connection with treaties that have been presented here that came from these sources. We held those hearings while I was on the Committee on Armed Services and chairman part of the time. The primary hearings were held by the Committee on foreign Relations, but there were matters in there that a great many of the membership wanted the Armed Services Committee to hear. So it was all or nothing; we had to go into it.

There is no tougher assignment, no more rugged experience that I have had since I have been here, than were the hearings involving these very matters and the extreme difficulties that our representatives, from the negotiators on around, are up against from the very beginning, including the President of the United States down through our present membership.

Let me say with great emphasis, Mr. President, that the President of the United States has had very conscious responsibility of the gravest kind in this field from the moment he was sworn in. That will be true during the rest of his tenure there as President of our great Nation. Do not fool yourselves about that.

When I had a chance to mention that to him, just showing the way I feel about it, even before he was sworn in, I volunteered a statement that I thought the gravest, most far-reaching, major matter of all that he would have to consider and work with and carry responsibility for was this very matter of arms limitation. I know of his interest in that field. I know of his sincerity and concern. So there is no question about the President, in my mind, being interested in the arms limitation question, anxious to do his duty, and trying to make progress. I say that with emphasis.

Ordinarily, my views on the Constitution of the United States are that an Executive has to be supported when he can be. Certainly, there are mighty few votes around here where I have failed to accept the nomination of a President's proposal. But this is so far-reaching, so much rides on the work that is done, that I just think that must have more than this gentleman, who has been nominated, has shown in his field of knowledge and in his field of specialty. He will be the one who will be on duty all the time. It is written into the law.

I remember, when this law was being drafted, we were looking for somewhere to put some responsibility, and to keep it on him and for it to be his primary responsibility. Lord knows how many things the President has to do. In section 22, XXII, of the Arms Control and Disarmament Act (Public Law 87-297) the law provides:

"The Agency shall be headed by a Director who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President of the United States on arms control and disarmament matters. He shall have primary responsibility" repeat, primary responsibility "within the Government for arms control and disarmament matters as defined in this act."

Appointed by the President, has to be confirmed by the Senate—so there could not be a higher responsibility defined within law than is given to the man here who holds this position. Again, responsibility comes right back to us. We have to pass on him both before and after he has acted. That is nothing to smile at or to laugh about or to diminish the importance of.

These things considered, Mr. President, just from the standpoint of one Member, I just did not feel that enough effort had been made to get a man who was versed sufficiently to be the principal adviser, to carry the primary responsibility. There are no more far-reaching words in the language than those two, "principal" and "primary."

So, Mr. President, from his standpoint and from that of the President of the United States, this is of the deepest concern. But that is not all. This matter comes right back to our own doorstep, the U.S. Senate. I have said to my colleagues here many times that my observation is that the achievements of the U.S. Senate are largely done by the committees. I was talking about the way committees used to meet and go over all of the points and all of the paragraphs in everything. They try to do that now, but time is not available to cover all of

them. After going over the facts and having the benefit of highly competent staff members and the benefit of highly competent members of these committees in the preparation of amendments that might have to come and a report—a report—prepared by these highly competent members, we were armed to a large degree, in the final analysis, with something that covered the whole waterfront.

This time, where would we go? Where would we go in this dilemma? Could we turn to our own committee in checking up on this work? Whether or not it has been carried out? Our own committee says—a majority say, do not confirm this gentleman for this position.

That is no reflection on him, Mr. President. It would say the same thing about me if my name were in there, certainly. But where we ordinarily look, after all, especially in these grave, far-reaching matters that extend around the globe—there has been no weaponry come along until now that is in any way equivalent to a nuclear weapon, and all that goes with it. I was chairman of a small authorization subcommittee that authorized the first hole to be dug that we prepared for missiles. Someone came along one day when we were taking that vote. He said, "You have been fussing about spending so much money. This crowd is going to get all your money." He was talking about nuclear weapons. That was many years ago. I have thought about it many times.

That has been minor compared to the possibilities of these weapons. I do not want to dwell on it now, but there is not going to be any second-guessing on what to do. We have to do it beforehand.

This can be the meanest, toughest, most difficult kind of negotiating and fighting and arguing about words and possibilities and, many times, your own strength is unknown and your strength, you hope, is unknown to the other side.

You have to have men who are knowledgeable. The President must have them, but I am talking about our responsibility. Presidents come and go, but the Senate stays on—has so far for 200 years, almost. I just feel confident that we could get someone else for a role here, in this position, under these duties, that would make it more probable of being successful and guiding the rest of us.

While the President is one of the best informed men that I have ever known, and he is a fast learner, there is a lot that he does not know about all these complications. The same is true with the Cabinet members and the National Security Council.

You see the difference of opinion here on the Foreign Relations Committee itself with reference to this nomination.

We have a very fine Foreign Relations Committee, and I have encouraged newcomers to get on it if they can, settle down in it, and learn about these problems. There is no end to them, and there is no quick solution to them.

With deference to everyone, the President, the nominee himself, and to our other committee members who are not supporting the nomination, I feel compelled to yield to these facts. I am impressed greatly that the majority of this committee failed to recommend approval, who just said outright that they do not think he has the qualifications that are necessary to do this job. How could language be stronger, especially coming from those impartial sources? To me it is a warning, a sign that we had better look further.

I express this without any effort to discredit or discount anyone. I think we have overtalked ourselves already. I am not talking about this measure, but the whole arms reduction matter has been talked about for months and months. We did not get the SALT Treaty. It was not passed. I am certainly not blaming anyone. I am not blaming myself. I was one who held part of those hearings. But now we are taking it up again and talk is plentiful. The people do not understand it. It is not their fault.

I think the time to move ahead is here and pressing. If we could dispose of this nomination and take another look at someone who has a better chance to carry on in the necessary way, I believe it would be one of the best steps we could make.

I imagine the strong impression now of the Soviet Union leaders is that we are uncertain. We have talked and talked and have not agreed. The committee did not agree to the nomination. We should take a new start and consummate this thing as soon as we can. Then with a new nominee, we can move along into this uncertain field. There is doubt about it, the President wants to tackle it and move forward. We have competent people in this body to do our part, and I trust that it will go that course.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank my friend and colleague from Mississippi very much for the statement he made. No one has more knowledge of the Senate or is better situated to appreciate the importance of the maintenance of the integrity of the committee system than the senior Senator from Mississippi.

It is truly a very rare occasion that a nomination reported out negatively by a committee is overturned by the Senate. The Senate's very fine practice and procedure has been to follow committee recommendations on nominations, and I hope that that tradition will be upheld in this case.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I should also like to comment that I trust that this will not be a precedent to send a nomination to the floor on a split vote of 9 to 8 with an unfavorable recommendation.

On the other hand, I think that the consideration of this nomination has proven that the committee has fulfilled its responsibility. I am very grateful, indeed, to all of those members who did vote to send the nomination to the Senate because the Constitution says the Senate and not the committee shall advise and consent. In this case, the committee saw fit to let the Senate decide and I am grateful for that. I am also grateful that we have always had a bipartisan committee as long as I have been a member, and I am sure as long as Senator PELL has been a member. As for the staffs, though they are selected by the majority and minority, I have not the slightest idea who is a Republican and who is a Democrat, and I could care less. They are selected because of their professionalism. They have a loyalty to the Senate, they have a loyalty to the committee, and a loyalty to the country that I think has been very evident indeed.

What distresses me is that as chairman of the committee I find that I am in the minority. I am not in the minority many times on these issues, but here I am asking the Senate to defeat the recommendation of the Foreign Relations Committee. This is an unusual situation. I hope I do not have to repeat it too many times, but in this case I hope we win because I do feel it will further the objective of arms control.

It is true that we could have another nomination submitted to the Senate. After all, when President Nixon was turned down by the Senate on one nomination for the Supreme Court, he sent another nominee who was also defeated. We went through a prolonged agony on that. I opposed both of those nominations and I was prepared to vote no on a third nomination if it was inappropriate.

There is no assurance that we are going to get another nomination that will be more popular in the Senate. We do not make the nominations. We do not have that constitutional power. The President has that power.

If this nomination is defeated, we could be wasting months because the President could nominate someone who is eminently qualified for this job, who has a strong background but who would not fulfill the ACDA mandate that the nominee should be an offset,

for instance, to the Defense Department. The President could pick someone out of Defense that would be qualified from a technical standpoint but who really would not be an advocate of arms control.

We have the solemn commitment of Ambassador Adelman that he will be an advocate of arms control. We have the administration's pledge to do the best they can to get not only the threshold test ban and peaceful nuclear explosion treaties, ratified but also get to a treaty for ratification, if it is at all possible, calling for deep reductions in both our intermediate range nuclear forces and our strategic forces.

Today it was revealed publicly for the first time that the cuts called for by the Reagan administration in its START initiative were far deeper than had ever been publicly disclosed. It is clear that the administration wants real reductions and the President is devoted and dedicated to this proposition.

I think we should give the President the team that he wants. He has personal confidence in Ambassador Adelman. He has worked with him. It is not as if the President is accepting an impersonal recommendation from an adviser.

And I have again talked with my long-time colleague and friend, the former Secretary of Defense, Don Rumsfeld, who I know Senator STENNIS has worked with closely and who also admires his brilliance and competence. Ambassador Adelman worked directly for Secretary Rumsfeld in the Department of Defense for several years.

Of all the people Secretary Rumsfeld could select when he was asked by President Reagan to assume a special job as ambassador for the Law of the Sea, former Secretary Rumsfeld said he would do it if he could have Ambassador Adelman travel with him abroad on the Law of the Sea. So he has tremendous confidence in Ambassador Adelman.

The commitments made by this administration are very great, and we know that working with this nominee side by side in the decision process would be both Secretary Shultz and Deputy Secretary Kenneth Dam. I think this is a qualified team that would be devoted to the end result we all want to achieve—effective but balanced arms control. It has to be balanced on both sides. We know we cannot have our way all the way. We know they cannot have their way all the way.

We have the most experienced negotiator in the American Government today, George Shultz, who will be greatly involved in the decisionmaking process on U.S. arms control policy. Clearly, the negotiating process will be strengthened by the team the President has indicated will be leading our arms control and disarmament efforts.

Mr. STENNIS. I thank both Senators for their fine work on the Foreign Relations Committee generally and in this instance in particular.

Mr. PELL. I thank the Senator.

Mr. President, I point out that we would have been delighted to have confirmed the nomination of Mr. Shultz as the Director of ACDA. There is no question about it. But when we set that Agency up 22 years ago, the idea was not that its Director should be a person who would be second-guessed by the Secretary of State. It was thought that it would be a man who would work with the Secretary of State, under his direction, but could be on a collegial basis. That was what we intended in the act as it was enacted.

I also point out that, while the chairman justly mentioned that the margin was very close by which we reported this nomination, a one-vote margin, I believe the real sentiment of the committee was shown when, by a 15-to-2 vote, the committee held up the nomination for a week in order to give the President a chance to name somebody else. That vote showed that there were so many doubts about this nominee, that 15 members of that committee wanted to hold up things for a week so that the President could present a stronger nominee.

Mr. PERCY. Mr. President, whereas the purpose in the minds of some members of the committee may have been to give the President time to name a new nominee, that was not a judgment of the entire committee. It was never rendered as such.

Mr. PELL. I thank the chairman.

I should also mention that when the motion was made by the Senator from Massachusetts (Mr. TSONGAS), he suggested that this would afford a window of opportunity, to use that marvelous phrase, for the President to put forward another nomination.

I agree that there may have been other thoughts in the minds of other Senators on the committee, but that certainly was the thought in my mind and in the minds of many of us who were in the 15-vote majority.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield such time as he may desire to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I thank the distinguished ranking minority member of the Foreign Relations Committee for yielding to me.

Mr. President, I rise today to express my opposition to the nomination of Mr. Kenneth L. Adelman to be Director of the Arms Control and Disarmament Agency.

Let me say at the outset that I do not question Mr. Adelman's personal integrity. I do not question his genuine desire to be of service to the President. I do not question his genuine desire to be of service to his country.

The President has asked Mr. Adelman to take a most prestigious post as Director of the Arms Control and Disarmament Agency. Mr. Adelman has consented to seek this high post. The Senate must exercise its constitutional duty to advise and consent on this nomination.

I must oppose Mr. Adelman's nomination for principally three reasons.

First and foremost, I do not believe that Mr. Adelman has the necessary qualifications to be Director of the Arms Control and Disarmament Agency. Frankly, he simply does not measure up at this particular time in his professional career. He does not measure up in stature or experience to past Directors of the Arms Control and Disarmament Agency. That is not to say that at some time in the future Mr. Adelman would not measure up. What I am saying is that at this time in his career development he does not bring to this important position the prestige and luster that I think it so desperately needs during this period.

Second, Mr. Adelman, as evident from the Foreign Relations Committee report on his nomination, simply does not have the genuine commitment, dedication, or drive to move toward effective arms control. It is my firm belief that the Nation would not be well served by making Mr. Adelman head of the Arms Control and Disarmament Agency and, judging by his testimony before the Foreign Relations Committee, in effect providing him on-the-job training in the sensitive matter of arms control. The hour is simply too late for that and the times are simply too critical.

Lastly, I must oppose Mr. Adelman's nomination because I fear that if he ascended to the post of Director of the Arms Control and Disarmament Agency at this time, serious damage to the Agency would ensue.

It is no secret that the Arms Control and Disarmament Agency is in a state of serious demoralization. It has been subjected over the past 2 years to deep personnel and funding cuts, and the Agency probably now more than any time in its history badly needs an experienced and respected Director, one

who will build up the stature of this beleaguered Agency, one who would have the prestige to sit in the councils of the White House with the various Secretaries, the Secretary of Defense, the Secretary of State, and others, and bring the point of view of this Agency to the attention of the President and his closest advisers in a meaningful way.

I am sorry to say that Mr. Adelman simply does not fill the bill in this regard.

Let me expand on these points:

First, there is the question of Mr. Adelman's qualifications. The Foreign Relations Committee report on the Adelman nomination addresses this point in very stark terms and quoting from the committee report it says:

> The majority of the committee found Mr. Adelman to be unqualified to be Director of the Arms Control and Disarmament Agency.

And I might observe, Mr. President, that Mr. Adelman was found to be unqualified by a bipartisan vote in the committee.

To substantiate this judgment the Foreign Relations Committee noted that very little of his previous governmental experience involved direct responsibilities for arms control policies. Indeed, aside from his experience during the past 18 months as Deputy Permanent Representative of the United States to the United Nations, his governmental experience had not directly prepared him to effectively exercise the responsibilities of the Director of this vital Agency.

Now, let us just compare Mr. Adelman's qualifications to those of past directors of this Agency. First there was William Foster who was instrumental in the development of the Marshall plan following the Second World War. Mr. Foster was a former Deputy Secretary of Defense, a former Ambassador to the United Nations and a former Deputy U.S. Representative to the United Nations Disarmament Commission. This was a man who could command respect at councils in the highest councils of this land.

President Nixon appointed an equally distinguished director.

Gerard Smith was a former Assistant Secretary of State, a special assistant to the Secretary of State for Atomic Energy and an Ambassador-at-large with special Presidential responsibilities for nuclear nonproliferation. He was also the recipient of the Albert Einstein Peace Prize.

In due course President Carter, like his predecessors in that office, nominated equally distinguished individuals to head the Arms Control and Disarmament Agency.

Before becoming Director of that Agency Paul Warnke was Assistant Secretary of Defense and general counsel at the Department of Defense and served with distinction on the executive committee of the Trilateral Commission.

And his successor, Gen. George Seignious, served with distinction with the Joint Chiefs of Staff. He was a principal adviser to Secretary of State Vance at the Paris peace talks. He was a former U.S. commander in Berlin, an at-large member of the U.S. delegation to SALT and was a member at large to the U.S. delegation to arms control negotiations with the rank of Ambassador.

An individual who preceded the present vacancy in the office of Director of Arms Control and Disarmament Agency, Mr. Eugene Rostow, had a long and distinguished record serving in the Department of State and is a recognized expert in the national security field.

All of these individuals had the experience, the stature, and the knowledge needed to be an effective head of the Arms Control and Disarmament Agency.

Their background made them especially suited to advise the President and the Secretary of State about the policies that this country should pursue in order to bring about a de-escalation of the arms race, and I presume, Mr. President, that when these past directors spoke, their words carried force in the highest councils of foreign governments.

Now we are faced with the situation that Mr. Adelman will be quite junior to our other arms negotiators, Paul Nitze and Gen. Edward Rowny. It is going to be exceedingly difficult for him to maintain effective overall control of U.S. arms negotiations efforts given his lack of experience and stature in the arms control field.

So the Adelman nomination simply does not measure up. There are far more capable people to fill this post.

If I might be bold enough to even suggest some, Mr. President, Elliot Richardson, Gerard C. Smith, Brent Scowcroft to name just a few, and perhaps it is a measure of this administration's disregard for the Arms Control and Disarmament Agency that they chose such an inexperienced nominee for this post.

A second reason for rejecting the Adelman nomination is the question of his overall commitment and dedication to arms control. Mr. Adelman's testimony before the Foreign Relations Committee does not inspire confidence in his commitment to effective arms control.

Mr. Adelman told the distinguished Senator from Rhode Island (Mr. PELL) that he did not know whether or not nuclear war could be limited.

He told the distinguished Senator from California (Mr. CRANSTON) that he did not know whether or not the Soviets were violating the SALT II agreements. He said, "It is not an area that I am knowledgeable about at all." A shocking admission.

He also told Senator CRANSTON that he did not know whether a freeze on the testing and deployment of strategic nuclear weapons is verifiable.

Now, admittedly, Mr. Adelman's performance before the Senate Foreign Relations Committee improved in the last two hearings on his nomination. Most observers seem to feel that this improvement came only after Mr. Adelman spent sessions before so-called murder boards that were put together to drill him on possible questions and answers to prepare the nominee for the questioning that was to come and repair principally the damage done in his first appearance before the Foreign Relations Committee.

I submit, Mr. President, that a truly experienced and dedicated arms control expert would never have needed the so-called murder boards in order to make a credible appearance before the Senate Foreign Relations Committee.

Then, of course, we have the episode of the Rowny memorandum. On January 14, 1983, Gen. Edward Rowny, our chief strategic arms negotiator, gave Mr. Adelman a memorandum severely criticizing key members of our negotiating team in Geneva of wanting an arms control agreement, as General Rowny said, "at any cost." The memorandum also contained a so-called hit list of some 18 senior officials at the Arms Control and Disarmament Agency that could be subject to removal after Adelman became Director.

Now, General Rowny suggests that the memorandum, to quote him, "does not represent his views," though he gave the memorandum to Mr. Adelman on January 14, and Mr. Adelman said that he did not read the memo and does not intend to act on it.

Well, I submit, Mr. President, the damage is done. General Rowny has seriously disrupted our arms control talk, and Mr. Adelman's position as head of the Arms Control and Disarmament Agency is being undermined by a man who has reportedly said he would not take orders from Mr. Adelman and that he would report only to the President.

It would have been helpful for Mr. Adelman to assert himself in no uncertain terms and to chastise General Rowny for his actions. But Adelman has not chosen to do so. And once again we must wonder at Mr. Adelman's dedication to constructive arms control negotiations.

Finally, Mr. President, I must oppose the Adelman nomination because of my deep concerns about the need to rebuild the Arms Control and Disarmament Agency. The Agency is demoralized. It is understaffed. It does not appear capable of putting forward aggressive and imaginative arms con-

trol programs that will help halt the spiraling arms race.

Personnel has been cut at the Agency by 25 percent in recent years, and 30 percent of the top Arms Control and Disarmament Agency positions are either vacant or they are filled by someone operating in an acting capacity.

The Arms Control and Disarmament Agency's budget for external research has been pared back. Omitting a $5 million transfer from the Department of Energy for a nuclear fuel study, the Agency has a budget of just over $1 million for external research. In the Carter administration, external research appropriations averaged about $3.7 million a year, almost four times the present figure, and during the 1960's, when several major arms limitation efforts were underway, external research funds ran about $6 million per year.

Today, the arms race is becoming ever more sophisticated, ever more complex, and ever more dangerous. We need more, rather than less, funds spent for constructive external research on arms control.

And because of the deterioration in funding and personnel levels at the Arms Control Agency, what do we find:

Well, the Agency does not have enough personnel to effectively work on the 20 interagency groups that have a role in formulating policy that bears on arms control.

The Agency, in the views of experienced observers, lacks the capability to carry out classified computer studies of current or future arms development. The Agency has also terminated arms control initiatives in the area of antisatellite talks, chemical arms limitation talks, and talks relating to a comprehensive nuclear test ban agreement. And I suspect, Mr. President, that the Arms Control and Disarmament Agency is not being aggressive or very imaginative in these areas simply because it does not have a wealth of talented personnel to carry these talks forward.

Well, it is in this context that we are asked to approve Mr. Adelman's nomination to head an agency that, in the words of one seasoned observer, is rapidly becoming "an international joke."

I, for one, want a strong Arms Control and Disarmament Agency. I want an agency with seasoned and experienced personnel in upper levels of management and certainly serving in the vital position of Director. And I want to see an Arms Control and Disarmament Agency with a Director who will serve to inspire talented arms control experts to come to work for the Agency in order to help bring about an end to this arms race.

I say with regret, Mr. President, that Mr. Adelman is not such a nominee.

I think the nomination is unfortunate. I think it is unfair. I think, No. 1, it is unfair to Mr. Adelman to propose his nomination as Director of this crucial Agency at this stage of his career development. It is not fair to him.

Second, Mr. President, it is not fair to the U.S. Senate. After signal after signal after signal has been sent to the White House that this nominee is not satisfactory or is marginal, it is not fair to this Senate that this nomination was not withdrawn, that the President did not reconsider this matter.

Finally, it is not fair to the American people to have an individual attempting to serve as Director of this Agency that bears importantly on their very survival, to have an individual who simply does not measure up.

In my judgment, Mr. Adelman will not be able to restore the Arms Control and Disarmament Agency to its full effectiveness. I think that this country can ill afford to meet the challenge of halting an ever-dangerous arms race without a strong and effective Arms Control and Disarmament Agency.

So, for all of these reasons, Mr. President, I must reluctantly urge the rejection of the Adelman nomination.

Mr. President, I ask unanimous consent that several articles relating to the so-called Rowny memorandum be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 11, 1983]

U.S. ARMS NEGOTIATOR KEPT "HIT LIST" OF OWN DELEGATION

(By John MacLean)

The Chief U.S. strategic arms control negotiator, retired Army Lt. Gen. Edward Rowny, criticized several members of his own delegation for wanting an arms deal with the Soviets "at any cost" and drew up a lengthy "hit list" naming them earlier this year, U.S. officials said yesterday.

Rowny recommended that several arms control staffer members be removed in a memo he handed to Kenneth Adelman, President Reagan's nominee for director of the Arms Control and Disarmament Agency.

Adelman has told associates he did not act on the memo, never read it and has no intention of acting on it.

One source said the memo has caused "a high state of disarray" among the arms delegation in Geneva.

The memo accuses James Goodby, the State Department representative, and Jack Mendelsohn, the ACDA representative, of being "for progress at any cost." Congressional sources said Mendelsohn resigned over the memo, but Mendlesohn said the situation was not so clear cut.

Sources said the memo attacks other officials by name. It calls for the removal of Dr. James George as ACDA acting director, describes public affairs chief Joseph Lehman as a "management disaster" and calls general counsel Abraham Richgstair a "nitpicker."

[Associated Press said the list did not include the name of Paul Nitze, Rowny's counterpart in the parallel European nuclear missile talks with the Soviet Union. Both Rowny and Nitze would be subordinate to Adelman if Adelman is confirmed.

[A State Department spokesman, Carolyn Johnson, said she did not know if Secretary of State George P. Shultz was aware of the list.]

[From the New York Times, Mar. 12, 1983]

DISPUTE ARISES AFTER REPORT OF PURGE IN ARMS TALKS UNIT

(By Charles Mohr)

WASHINGTON, March 11.—Reports of a recent request by President Reagan's negotiator on strategic arms reduction that some officials at the Arms Control and Disarmament Agency be dismissed stirred a new dispute today over Administration policy and personnel in arms control.

Edward Rowny, the strategic arms negotiator, issued a statement in London that a letter involved, discussing a staff purge, was only a paper of "talking points" prepared for him by assistants. Mr. Rowny said the suggestions in the paper "do not represent my views then or now," and that he had confidence in his colleagues.

The Senate Foreign Relations Committee met late today to discuss the letter, which Mr. Rowny, the chief negotiator at the Geneva talks on strategic arms, reportedly gave earlier in the year to Kenneth Adelman, the President's nominee for director of the agency. Mr. Adelman declined any comment tonight.

Some Government officials said the letter criticized a list of 18 officials and accused two members of the Geneva delegation of being "for progress at any cost" or too eager to reach agreement with the Soviet Union on a nuclear arms treaty.

ADMINISTRATION CONCERN IS EVIDENT

Deputy Secretary of State Kenneth Dam and the Assistant Secretary for Congressional Affairs, Powell Moore, hastened to the Capitol for the committee meeting. Mr. Adelman's nomination had met stiff political resistance in the Senate. There was concern "that this won't help" either with the Adelman nomination or the Administration's credibility on arms control, an official said.

Mr. Rowny is a retired Army lieutenant general who favors patient and relatively inflexible negotiation with the Soviet Union.

A deputy negotiator said to be cited in the letter, Jack Mendelsohn, was reportedly "furious" over the letter and was expected to leave the arms control agency to be dean of the language school at the Foreign Service Institute. The other official was said to be James Goodby, the State Department's representative at the Geneva talks.

Senator Paul E. Tsongas, Democrat of Massachusetts, said it appeared that Mr. Adelman might have been given the letter four days before telling the Senate committee Feb. 3 that he had "heard the rumor" of a possible purge at the agency. Mr. Tsongas said, "It came as a very big surprise to me."

Mr. Adelman testified then that he had never heard anyone at the State Department, the White House, the A.C.D.A. "or anybody talk in those terms."

Senator Tsongas said Mr. Rowny "has ravaged his staff and the obvious question is how can he then have any kind of working relationship with them."

Mr. Adelman is the deputy chief United States representative to the United Nations. Some Senators say he is insufficiently "committed" to an arms control agreement.

The Foreign Relations Committee voted 9 to 8 against confirming him, but also voted to send the nomination to the full Senate for action. No full Senate vote has been scheduled.

Earlier this year Eugene V. Rostow, resigned as agency director after disputes over policies and personnel questions. The Reagan Administration was accused of being in "disarray" on negotiating policy for both strategic, or intercontinental, weapons and intermediate range nuclear weapons, which are the subject of separate negotiations at Geneva.

[From the Washington Post, Mar. 12, 1983]

ARMS DELEGATES AGAIN INVOLVED IN CONTROVERSY—INTERNAL MEMO QUESTIONS TOUGHNESS OF GENEVA ARMS NEGOTIATORS

(By Michael Getler)

The Senate Foreign Relations Committee met in a hastily arranged closed-door session with State Department officials late yesterday over an internal memo that questions the toughness of some U.S. arms negotiators and has created new controversy over administration arms control policy.

While House officials said yesterday the memo was prepared by aides to retired Gen. Edward Rowny, who is the chief U.S. delegate to Strategic Arms Reduction Talks (START) with the Soviet Union, and was meant to be used as Rowny's advice to the nominated director of the U.S. Arms Control and Disarmament Agency, Kenneth L. Adelman.

Sen. Paul E. Tsongas (D. Mass.), who attended the special committee meeting, said "it was never doubted by anyone that it was Rowny's memo," and the issue of whether it was prepared by staff aides or by Rowny personally never came up.

According to senior State Department officials, Rowny passed on the memo and the advice to Adelman at a luncheon meeting late in January.

The memo reportedly impugns the reputation of many members of the U.S. delegation to the Geneva arms talks. According to press accounts confirmed privately by State Department officials, the memo states that Rowny's second-in-command wants "progress at any price" in the talks with the Soviets, says that another deputy "has got to go" for similar reasons and even lists as "questionable" a Navy admiral who represents the military Joints Chiefs of Staff on the U.S. team.

Deputy Secretary of State Kenneth W. Dam, who testified before the panel yesterday, reportedly said it was "foolish" of Rowny to have circulated such a memo. Secretary of State George P. Shultz was described by other officials as "deeply disappointed" over the incident. Senate Committee Chairman Charles H. Percy (R-Ill.) called the memo "extremely unfortunate."

White House officials, asked about these characterizations, said they did not want to discuss references to individuals. They also said that "the White House fully supports" Rowny.

Rowny, who is in Europe, issued the following statement last night:

"I have been informed of stories circulating in the U.S. press concerning personnel matters in my delegation. I profoundly regret that public disclosure of informal talking points preparded for me might have a negative effect upon our important work in the Geneva START negotiations. They do not represent my views then or now. I have full confidence in the entire START delegation. We shall continue to work closely in seeking to achieve substantial reductions as proposed by the president in nuclear arsenals and to reduce the risks of nuclear war."

The episode is potentially very explosive because it could provide ammunition to critics who contend that the administration is not interested in reaching arms control agreements.

It also could add to the image of disarray that was created by the abrupt firing in January of the head of the ACDA, Eugene V. Rostow, and the surprise appointment of Adelman, whose nomination was sent to the Senate floor by the Foreign Relations Committee with an unfavorable recommendation.

The characterizations in the memo, if they are as reported, could also damage American credibility among west European allies who want an arms agreement and could be used by the Soviets as propaganda.

Top State Department and ACDA officials yesterday were clearly upset and "astonished" by the revelations as one official put it.

The memo, Senate sources say, also could deepen the difficulties that Adelman faces in trying to win Senate confirmation. While Adelman did not act on the memo he received late in January, he was asked about possible purges of the ACDA during testimony before the Senate committee on Feb. 3 and said that he had never heard anyone talk in such terms.

The Rowny or Rowny-staff memo is said to involve assessments of some 15 to 20 officials on the delegation and at ACDA headquarters here, and reportedly suggests that at least some should be moved out.

One deputy on the negotiating team who has "got to go," according to the memo, was Jack Mendelsohn. Mendelsohn reportedly found out about the memo, told others on the list about it and had "sharp words" with Rowny. He has since resigned from the team.

It was not clear last night who among Washington's officialdom had actually seen the memo. A number of officials said that parts of it had been read to them. The State Department promised to deliver a copy to the Senate committee on Monday.

Accounts of the document began to appear Wednesday from the Hearst news service.

If top State Department officials were as surprised as they suggested, it also raises questions about what Adelman did with the memo and whether he told anyone about it.

State Department officials said it is not unusual for a chief negotiator to give a private personnel assessment to a new ACDA boss. But they added that the "overtones" of this particular report were "extremely unhelpful" and that it could be disastrous for U.S. policy and administration credibility if the memo is interpreted as an all-out effort to get rid of alleged "soft-liners" in the agency.

The only member of the team given a clean bill of health in the memo was said to be the representative of the office of Defense Secretary Caspar W. Weinberger.

[From the Christian Science Monitor, Mar. 15, 1983]

"HIT LIST" CLOUDS U.S. EFFORTS TO LOOK SERIOUS ABOUT ARMS CONTROL

(By Daniel Southerland)

WASHINGTON.—The controversy over a proposed "hit list" of arms control officials is likely to complicate the Reagan administration's efforts to convince critics that it is serious about arms control.

Retired Gen. Edward Rowny, chief of the US delegation to the strategic nuclear reduction talks with the Soviet Union, gave the list several weeks ago to his prospective boss, Kenneth Adelman, President Reagan's nominee to head the Arms Control and Disarmament Agency (ACDA). The memo is said to criticize 18 arms control officials. Some are accused of wanting an arms control agreement "at any price."

Mr. Adelman has said that he did not solicit the list and has no intention of instituting a purge of the arms control agency. Secretary of State George Shultz told the Washington Post March 12 that questions concerning the memo are "beside the point," because Rowny had issued a statement saying the memo consisted of informal "talking points" prepared by aides and did not represent his views.

But specialists on arms control both in the State Department and in the Congress are convinced that unless the administration plays its arms control cards carefully, the hit-list memo will:

Raise new doubts in Western Europe about the seriousness of the administration's approach to arms control.

Make it more difficult for the administration to secure Senate approval for Mr. Adelman's nomination.

There seems to be agreement among specialists in the Senate that Adelman himself behaved correctly with regard to the Rowny memo. But at the same time, some Senate critics argue that the memo is likely to hurt Adelman. The debate in the Senate over Adelman's nomination has become a battle not so much over Adelman's qualifications as over the administration's arms control policy as a whole. Some of the critics want to use their rejection of the nomination to "send a message" to the administration, urging it, in effect, to show more flexibility in arms control negotiations with the Soviets.

Critics claim that they now have more than 40 senators out of a total 100 either firmly opposed to Adelman's nomination or leaning in that direction. A majority would be required to reject the nomination.

At the same time, Adelman, in private meetings, has impressed some senators and staff members as being intelligent and competent. He appears to be better prepared to answer questions now than he was when he testified before the Senate Foreign Relations Committee. The committee recommended that the Senate reject his nomination.

The controversies over both Rowny and Adelman have arisen at a particularly delicate moment in the arms control negotiations in Geneva. The U.S.-Soviet talks on medium-range nuclear missiles go into recess on March 28. West European leaders are urging the Reagan administration to come up with a proposal for an interim agreement with the Soviets, which the West Europeans would presumably like to see placed on the table before that break. Otherwise, says one West German analyst, an appearance of intransigence on the part of

the Americans will give the Soviets a major propaganda advantage during the break and help to send antinuclear demonstrators into the streets of West Germany.

Administration officials are reported to be giving top-level consideration to the possibility of making a new proposal to the Soviets. But the administration is divided on the issue.

In an appearance on the CBS television program "Face the Nation" Sunday, Defense Secretary Caspar W. Weinberger said that the administration was still waiting for a serious proposal from the Soviet Union in response to the "zero-option" proposal made earlier by President Reagan. Mr. Weinberger said the administration was concerned that if it agreed to an interim arrangement that fell short of the zero option, which calls for eliminating an entire class of missiles, the Soviets might have no incentive to move beyond that in further negotiations.

Weinberger did not completely exclude the possibility of an interim agreement. But in an article in a recent issue of the New Yorker magazine, John Newhouse, a former Carter administration arms control specialist, says that Weinberger was a leading critic of an interim approach that had been explored in Geneva last year by Ambassador Paul Nitze and his Soviet counterpart. Yuli Kyitsinsky.

[From the Washington Post, Mar. 15, 1983]

MEMO SAYS NEGOTIATOR WON'T TAKE ADELMAN'S ORDERS

(By Walter Pincus)

Using what well-placed sources called "blunt language," retired Gen. Edward L. Rowny, the administration's chief strategic arms control negotiator, indicated in a memo more than a month ago that he would not take orders from Kenneth L. Adelman, the nominee to be director of the Arms Control and Disarmament Agency.

Rowny, a retired Army lieutenant general, said that he would report directly to the president and not to Adelman on matters involving the strategic talks, sources said.

The memo also sharply attacked by name many individuals in Rowny's strategic arms reduction, or START, delegation including several of its senior members.

Existence of the memo, which could be potentially damaging to Adelman's already troubled nomination as well as to Rowny, became known last week.

A copy of the five-page memo was delivered to the Senate Foreign Relations Committee yesterday afternoon "for study," according to a committee spokesman. It is being treated as a highly classified document, and only senators are permitted to read it, according to staff members.

"The administration is making every effort to squash interest in the memo," a committee member said yesterday.

Immediately after it became known there was such a memo, the White House announced that the document has been drafted primarily by Rowny's aides as a talking paper for a meeting with Adelman.

Late Friday, Rowny issued a statement from London in which he said the "informal talking points prepared for me" in the memo "do not represent my views then or now."

Late Friday, Deputy Secretary of State Kenneth W. Dam and Powell Moore, assistant secretary of state for congressional affairs, were called to Capitol Hill to appear before a hastily arranged session of the Foreign Relations Committee. At that session Dam reportedly said it was "foolish" of Rowny to have produced such a memo.

According to administration sources, Rowny passed the memo to Adelman in late January or early February. Another copy was forwarded to an unnamed government official but "never reached" that person, one source said.

Instead, word began circulating that there was a "Rowny hit list" of some 18 ACDA employes to be fired once Adelman was confirmed.

Included on the list:

James Goodby, Rowny's second-in-command, who was described in the memo, sources said, as wanting "progress at any price" in talks with the Soviets.

Another deputy, Jack Mendelsohn, who was listed as one who has "got to go," sources said. Mendelsohn has since resigned from the team.

ACDA's public affairs director Joseph Lehman, brother of Navy Secretary John F. Lehman Jr., who was described as "a management disaster."

The agency's head of congressional relations, Thomas Graham, who was criticized for spending time with a staff member of Senate Majority Leader Howard H. Baker Jr. (R-Tenn.).

This is not the first time Rowny has been critical of fellow negotiators. When he was serving as the representative of the joint chiefs of staff at the SALT II negotiations in Geneva in late 1977, Rowny told The Washington Post that American negotiators were rushing into an agreement, and voiced concern about the ability of Ralph T. Earle, the head of the Carter administration team.

Rowny subsequently resigned from government and openly opposed the SALT II treaty.

When Reagan took office, Rowny campaigned for the job of ACDA director but did not get the post.

Adelman was closely questioned about reports of an ACDA "hit list" by Sen. Charles McC. Mathias Jr. (R-Md.) during his second appearance before the committee. The nominee said he had no knowledge of any plan to "purge" ACDA employees.

One administration official said the memo raised questions about "Rowny's judgment, competence and management ability." But he added that he did not expect anything to be done about it until after the Senate decides on Adelman's nomination.

The controversial nomination of the 36-year-old deputy U.S. representative to the United Nations is now scheduled to be considered by the Full Senate after April 5, after the Easter recess.

Mr. SASSER. Mr. President, I yield the floor.

Mr. PELL. Mr. President, I was very struck by the statement of the Senator from Tennessee, and particularly struck by the comparison which he made between Mr. Adelman and the seven predecessors who have in the past been in the position for which he is nominated.

The thought went through my mind that perhaps the administration did not wish to have an individual of very great stature who would stand up to the Secretaries of Defense, State, and others, for the sake of arms control. If that was one of their objectives, they have achieved it, I think, in this nomination. I hope it was not intentional.

I commend the Senator from Tennessee for his statement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERCY). Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield such time to the Senator from South Dakota as he may require.

Mr. PRESSLER. Mr. President, I spoke last night on my reasons for voting no on the nomination of Ambassador Adelman. I would add one thought: In spite of my "no" vote and however this matter comes out, I believe that the President should consider naming former President Ford or Henry Kissinger as a special envoy, on a part-time basis, to negotiate our arms control agreements whether or not Mr. Adelman is approved.

I believe the President did a great deal of good when he brought George Shultz to the State Department, in terms of bringing stability and leadership to U.S. foreign policy. I also think he did a great deal of good in bringing William Ruckelshaus to the EPA at a time when leadership was needed.

I wanted to add, whether Mr. Adelman is confirmed, or if he is not, I think the time has come to bring one of our foremost citizens into the picture. It is true that Mr. Ford or Mr. Kissinger would not accept the nomination to head ACDA. But I am sure that they would accept an appointment, on a temporary basis, to go to Europe and be a special envoy in this area where an appearance of chaos has arisen.

As I have listened to the various speeches on both sides of the aisle, I have been rather saddened at the situation we are in. In Europe, the ACDA Director is considered as being almost as important as our Secretary of State. Some here may not consider it that important but it is considered that important abroad.

With the acrimony, the debate, the misunderstandings, the various statements which have been made—and I quoted some testimony in my speech last night which would make me critical of Ambassador Adelman—it is time for the President to take an extraordinary step. This action should be taken independent of the outcome of the Adelman nomination.

Though I shall vote no, if Ambassador Adelman is approved, he shall have my cooperation as chairman of the Arms Control Subcommittee. I shall give him every bit of support in his job. But an additional step is

needed and that is to appoint a leading American, such as former President Ford, as a special envoy.

In one conversation I had with Gerald Ford about 2 or 3 weeks ago I raised this possibility. He did not say if he would do it or not. Of course, he would have no obligation to tell me.

We must do something extraordinary to make ACDA and our negotiating posture more effective. Should Mr. Adelman be confirmed, he will still have to prove himself in this job. I do wish him well in this task. He faces several difficulties in this. Mr. Rowny as START negotiator in Geneva has been a controversial figure. Mr. Nitze as INF negotiator has apparently had disagreements with others in the administration. We have an arms control staff that is demoralized from various unfortunate memorandums. Perhaps appointing a senior envoy would help remedy this condition. I offer this as a point of suggestion. I think it is something we have to think about.

Mr. President, I took much of the Senate's time last night. I have circulated to every Senator my statement and the exchanges I had during the nomination hearings on several issues including my concern with the two unratified nuclear testing treaties, and my concern for the space agreement. I should mention that, tomorrow, my subcommittee will have hearings on space arms control. We are calling in several key expert witnesses. These are some of the greatest challenges facing mankind and we must meet them.

So I add that as a suggestion, however this vote comes out, that a foremost American be appointed as a special envoy on a part-time basis. I have suggested two names, Jerry Ford and Henry Kissinger in this area.

Mr. President, I yield the floor.

Mr. PELL. Mr. President, I commend the Senator from South Dakota on his statement. As chairman of the Arms Control Subcommittee, he has had a particular opportunity to study this matter. I think his suggestion is a fine one. I think if either President Ford or Secretary Kissinger would take on an assignment of this sort, it would be a wonderful thing for the country. I think they would do a good job. It would raise the profile of arms control and it would be an indication that this administration takes the whole question of arms control seriously, which some of us question, I amongst them.

I yield the floor.

Mr. PERCY. Mr. President, I am delighted to yield to the Senator from Kansas (Mr. DOLE). I want to express my deep appreciation for his speaking today. There have been many people speak about the nominee, Ambassador Adelman, but few have been able to speak from personal, intimate knowledge gained from the working relationship he has had with him.

I think in this regard, we are very grateful indeed to Senator DOLE for giving us the benefit of his own personal experience.

Mr. DOLE. Mr. President, I thank the distinguished chairman.

The PRESIDING OFFICER (Mr. PRESSLER). The Senator from Kansas.

Mr. DOLE. Mr. President, I do wish to speak in support of a young man who has shown considerable intelligence and leadership both at the United Nations and in his grueling confirmation hearings. One cannot help but wonder, Mr. President, how many young Americans would be tempted to forego the financial rewards of private employment for the hazards of Federal service if they knew that their character, sincerity, and background would be scrutinized in the manner that Ken Adelman has had to endure from some critics during his extensive confirmation hearings.

I do not fault the process. I just suggest that we never know when the hard questions may come. I think, on balance, Mr. Adelman has properly responded.

What criticisms emerged during those hearings, Mr. President? We first heard suggestions virtually amounting to racial bias from a strained reading of an article that the nominee had written regarding South Africa. As my distinguished colleague and fellow Kansan Senator KASSEBAUM noted at the time, such an inference would be abhorrent to Ken Adelman, who has lived and worked in Africa. We then heard of a newspaper article that purported to set forth the nominee's views on arms control, but when that newspaper article and its author were examined by Senator BOSCHWITZ, we discovered that the subject was new to the author. In all probability—and intending no reproach to the author of that article—he simply did not get his story right or maybe all the facts were not there.

As Senator PERCY has indicated, Mr. President, I have known Mr. Adelman in a personal way because he used to work for me on a part-time basis. I have had a chance to visit Mr. Adelman at length. I am not an arms control expert, but he helped me on foreign policy as an adviser, as a consultant. He was recommended to me by a former Ambassador to NATO, my good friend and former colleague in the House of Representatives, Robert Ellsworth, former Member of Congress from the State of Kansas. Certainly, his recommendation carried a great deal of weight, and I know of his support of this nomination and the integrity of Mr. Adelman.

I find nothing whatsoever in his background or writings, Mr. President, to support the theory that Mr. Adelman finds arms control a sham. Indeed, like many of us in this Chamber who place a high value on the national security of this country, Adelman wants real reductions in nuclear arms and a genuine contribution to world peace, not just numbers that add up to no progress.

Ken Adelman's own writings confirm that judgment, Mr. President. He has pledged himself as committed to arms control measures that achieve tangible and far-reaching results. He has correctly noted that if the Soviet Union is as willing as we are, excellent agreements can be the outcome of our efforts. During his confirmation hearings, Adelman stressed his commitment to genuine arms control measures. He stated that if confirmed, his overriding objective would be to serve as an advocate of arms control to the President. But he has also noted—and it is a useful reminder for us all—that the establishment of peace will come about only as the result of hard bargaining and mutual agreement on concrete measures which limit the manufacture and use of arms. Empty words have no utility in achieving the results which we all seek.

I think that it is salutary to remember these cautionary notes, Mr. President. For while we argue here amongst ourselves on this topic of central concern to all mankind, let us not forget that it is up to the Soviet Union to respond to our overtures in some constructive way. Arms control as everyone knows, cannot be a unilateral venture. The Senator from Kansas was keenly disappointed to hear the latest nyet from the Soviet Union to President Reagan's recent flexible proposal for arms control. I have no doubts that they will answer seriously only when they are convinced that deployment will proceed. That argues for hard and fair bargaining, not for someone who wishes the Soviets were more reasonable than our entire experience has led us to expect. So I am reassured that Ken Adelman, while committed to working for arms control, is also tough minded and realistic in his view of the difficulties that must be faced in hammering out an arms control agreement.

Finally, Mr. President, it was said that the nominee—consistent with his testimony before the Foreign Relations Committee—refused to consider personnel matters while his nomination was pending. Instead, he passed on the unsolicited suggestions that he received to an associate whose views he trusted. One wonders, Mr. President, how those attacking the nominee would have behaved differently in the circumstances.

Mr. President, I am not privy to all the information in that area, but it seems to me that, in itself, was not a fatal issue.

The objections all added up, Mr. President, do not convince me that

this nomination should be rejected. Neither did they convince the President of the United States, who stands squarely behind Ken Adelman, and I believe rightly so. For if our national policy on arms control is to be molded not from political consensus or from the considered judgment of those who must do the negotiating and bear the responsibilities of the management of our nuclear policies—but from partisan politics alone—then we have reached a sorry state.

I understand there are a number of people who have been more close to this nomination than the Senator from Kansas, probably many who spent hours and hours in hearings, reading articles and whatever, but I have been impressed with Mr. Adelman.

Mr. President, as I said the Senator from Kansas is personally acquainted with the nominee. Ken Adelman briefly was a member of my personal staff a few years ago, working in foreign policy and national security affairs. Then as now, he impressed me as able, quick witted, and with sound judgment. It is no surprise to me that he has rather quickly attained positions of prominence and responsibility. And in that regard—we do not hear anyone say that they disagree with the positions that he took in his last job as our Deputy Representative at the United Nations. To the contrary, I find much to praise in Mr. Adelman's performance of that demanding post.

While at the U.N., Ken Adelman participated in a number of decision sessions of our National Security Council on Arms Control. He led the U.S. delegation to the second special session on disarmament. He also participated broadly in the management of our diplomatic mission at the U.N.—experience that will be particularly useful to him as Director of the Arms Control and Disarmament Agency. He has dealt with the Soviet Union directly at the U.N., and has therefore acquired valuable and direct insights into the ways the Russians conduct their diplomacy. He has also dealt directly with our allies at the U.N.—experience which is also invaluable to top arms control management. All of these qualities will be valuable attributes to his service at ACDA.

Mr. President, it is right and proper that we should all weigh carefully nominees for high office. The Senator from Kansas would apply that high standard to Ken Adelman at the present time—and find that the nominee does measure up. One hears, though, that this nominee is young and sometimes inclined to be rather brash. Mr. President, if occasional brashness were a disqualification for public office, not many presently serving in this body would still be here. If youth were a disqualification, then I would only point out that many of us started serving in the Congress at roughly Ken Adelman's age, or even younger. Some, indeed, of our present colleagues served with distinction in the Senate when they were even younger than Ken Adelman is now.

I am also impressed, Mr. President, by the growing list of distinguished Americans who have announced their support of Ken Adelman, he has been endorsed by President Ford and by former Secretaries Henry Kissinger and Don Rumsfeld. Both Secretary Shultz and Ambassador Jeane Kirkpatrick have formally advised the Foreign Relations Committee that they believe Adelman will do a first-class job as ACDA Director. In addition, his continued support by newspapers often critical of administration policies has been impressive. And that is as it should be, Mr. President, for when all is said and done, Ken Adelman is qualified to serve with distinction as the Director of ACDA.

The Senator from Kansas supports this nomination—and I know that a majority of the Senate will share my confidence in Ken Adelman's integrity and abilities. For too long now, ACDA has lacked a full-time director. Let us give our assent to Ken Adelman's nomination, so that the crucial business of the management of our arms control policy can at last get fully underway. That is how we can best serve the American people, Mr. President—by making sure now that ACDA is ably led, as it will be by the nominee, Ken Adelman.

Mr. President, I am pleased to make this statement in support of the nomination, and I hope that the nomination may be approved.

Mr. President, I suggest the absence of a quorum.

Mr. BUMPERS. Will the Senator withhold?

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield as much time to the Senator from Arkansas as he may desire.

Mr. BUMPERS. I thank the Senator.

Mr. President, I am deeply concerned about the Adelman nomination from a number of standpoints, but one of the primary reasons is because I know that someday I will no longer be a Senator and I will have only my conduct during my tenure in the Senate as a momento of the time I have spent here. I want it to be a record which my children and hopefully someday grandchildren will be able to look to with pride. I hope that some of the things on which I have taken strong positions and have spoken about on the floor of the Senate will be reviewed favorably by historians. Sometimes, when we are debating issues, I wonder how historians will treat my conduct, how they will treat my particular vote, because it is not always a clear-cut matter in my own mind.

But I want to say, first of all, that I am not concerned with Kenneth Adelman the person. I am concerned about how committed he is to arms control. I am concerned about the way he conducted himself before the committee, at least in the first hearing. I am concerned about his candor, and I am concerned about the kind of messages we as Senators would be sending to our allies and the American people by confirming him to this very important position.

The President has continually talked about the fact that Kenneth Adelman is a very bright man. I have never laid eyes on him. I never have had a personal conversation with him, but I certainly do not quarrel with the President on that point. I will take his word for it.

However, I want to ask my colleagues, is that really relevant? If you are going to confirm somebody for this position, obviously it would be better to confirm somebody that is intelligent, fairly articulate, and so on.

I assume that General Rowny, our chief negotiator at the START talks, is an intelligent man. He may be, as the President says, a very bright man. That does not qualify him to be a good negotiator at the START talks and to represent what some of us see as the long-range best interests of the great planet Earth.

Paul Nitze, whom I do know and whom I respect as a very bright man, in my opinion is not really seriously interested in arms control. But he is a very bright man.

I think you could say the same thing about Edward Teller, the so-called father of the hydrogen bomb. Obviously, in his field he is a brilliant man, but I have always had the impression that if it were left to Dr. Teller, we would be selling plutonium in service stations in this country. And so, because Dr. Adelman is bright is really not a relevant, cogent reason for the U.S. Senate to lay down for the President on this issue.

I hear a number of my colleagues say quite often, "I have always taken the position that the President is entitled to his man or woman, whomever he wants."

Well, when the Founding Fathers drafted the Constitution and said the Senate shall advise and consent, they did not say they were putting that provision in there so that the Senate could be rolled by the President. They obviously did not intend that the Senate be a rubberstamp for "the President's man." They intended that the Senate do exactly what the Constitution says it has a duty to do, and that is to advise on and consent to a nomination based on the nominee's

fitness to serve in the position for which he is nominated.

I led the lonely charge in the Senate against James Watt, and I had it put to me no less than 20 times by some of my distinguished colleagues that the President, who has a mandate from the American people, ought to "get his man."

Well, I spent an hour in my office with James Watt, which I have not had the opportunity to do with Kenneth Adelman, and I spent 2 days in the committee grilling him. It became crystal clear to me that James Watt was going to be an unqualified, unmitigated disaster for the country and he has done nothing to disappoint me so far.

If we confirm Kenneth Adelman, we will confirm the James Watt of arms negotiations. I do not mean that disrespectfully, but James Watt was nominated to be a conservator of the U.S. resources and he does not believe in conservation. That is my only quarrel with him. We are about to confirm the President's nominee to be our arms negotiator and he does not believe in arms control.

I do not know how much more persuasively I can make the case. We have already had 2 years of neglect in the field of arms control. Perhaps I sound a little too strident on these issues, but there is nothing about which I feel more strongly than arms control. I am 57 years old and if I die tomorrow I have already had much more than anybody in this country has any right to expect: Good luck, good health, a beautiful family. And it is my family, incidentally, my children, who are going to reap the whirlwind of dereliction of duty in this field of arms control.

We have had 2 years of neglect in arms control, and our NATO allies are becoming increasingly apprehensive about it. So what kind of message do we send to the people of Western Europe when we nominate a man with a record such as that of Kenneth Adelman?

We already know the European position on the INF. There is a very serious question as to whether or not we physically will be allowed to deploy Pershing II missiles and cruise missiles in Western Europe.

For that matter, when a man who is nominated to be head of the Arms Control and Disarmament Agency says he believes that arms control is a sham, how seriously do you think the Soviet Union is going to take him? We constantly read that the Soviet Union says they have "given up" on this President so far as arms control is concerned because they do not believe he is serious about it.

Kenneth Adelman has not denied that he views arms control as a sham—he says he has no recollection of it.

I learned in 18 years of trying lawsuits that there is a vast difference between not saying something and not having a recollection of having said it. He was certainly less than convincing in the committee hearing on that point.

What is the message to our own people? Politicians read polls. Politicians act by what they see in the polls. That is one reason the freeze movement is so popular in this country right now. It may not be the greatest idea, but it is a manifestation of the frustrations of the American people about our seeming inability to come to grips with the primary threat to civilization.

So what kind of message do you send to the American people, who, in every poll, show by large margins that they believe this nuclear arms race must be brought to a halt? The message is that the President has wasted 2 years and that he is sending us Mr. Adelman, who thinks arms control talks are a sham. Should they not conclude that the arms race will continue and that the specter of nuclear holocaust will grow?

George Kistiakowsky was one of the brightest men on this issue I ever talked to. He was Dwight Eisenhower's science adviser, and I never heard anybody refer to Dwight Eisenhower as a dove. George Kistiakowsky said that the miracle of the century will be if a nuclear explosion does not occur in anger between now and the year 2000, and a greater miracle will be if it does not set off a nuclear holocaust.

What did the Foreign Relations Committee, who grilled Mr. Adelman extensively, say? Everybody here knows what they said, but I will read a little of it. They said:

> However capable and accomplished a citizen Mr. Adelman may be, we have concluded that he is not qualified, in the words of the statute, to be "the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters" and, under the direction of the Secretary of State, to have "primary responsibility within the Government for arms control and disarmament matters." We urge the Senate to sustain this judgment. Republicans and Democrats alike must be concerned to ensure that our nation has the leadership to carry forward the continuing efforts to achieve arms control and arms agreements that truly serve the national interests.

This man does not meet that test.

They went on to say:

> His testimony confirms suspicions that he does not regard ongoing efforts to achieve mutual verifiable arms control agreements in a number of areas as an important aspect of strategic planning, but is rather inclined to see them, first of all, as an impediment to expansion of the defense budget.

Let us say you are an employer and somebody comes to you for a job. Let us say you are a banker. One of the first things you want to know is, "How is your integrity, and are you really forthcoming?" You ask somebody, "Have you ever been in jail for stealing?" He replies, "No, never been in jail for stealing." You would ask him all those questions that are relevant to working in a bank.

If you were an employer and you were interviewing Mr. Adelman to be head of the Arms Control and Disarmament Agency, and if you believed, as do about 85 percent of the people in this country, that the Director of ACDA ought to be committed to arms control, how would you regard Mr. Adelman concerning his candor?

After his abysmal first appearance before the committee, they decided to give him a second chance, something most of us never get a chance at. When the people of Arkansas say, "Enough is enough," that is it. We do not get seconds. But Mr. Adelman was given a second chance.

So, after a reasonable lapse of time, he was brought back before the committee; and Senator TSONGAS said, "Mr. Adelman, haven't you been a little cautious, and haven't you been woodshedded by some people about what you should say to this committee?"

Mr. Adelman said, "Well, the general consensus was that I was too timid, that people said to be more myself. So, in that sense, Senator, the answer is yes—the people did advise me of that."

Senator TSONGAS again said: "But weren't you briefed? Did you not get some briefings on how you were to conduct yourself at this second hearing?"

He said: "I can't think of one briefing I have had on any of the subjects today that have come up that I had over the last week. And like I said this morning, these are areas that I have written about and dealt with."

So they went to lunch. It is quite apparent that some of Mr. Adelman's advisers told him during the noon hour that perhaps he should go back and straighten out the record. He said, just before lunch, "I can't think of any briefing I have had." But following lunch, he said he had been helped by two so-called murder boards—2-hour question and answer sessions.

That was not even particularly relevant, was it?

When I practiced trial law, I used to love to get someone on the witness stand, for cross-examination, who obviously had been woodshedded. I would never think of putting a witness on the stand unless I knew in advance what he was going to say. Yet, witnesses tend to think there is something wrong with that. So on cross-examination, I would get an adverse witness and say, "Haven't you and your lawyer, in fact, sat down and talked about this, time and again?"

The answer obviously is, "Yes," but when you put it to them that way,

they say, "No, I haven't discussed this with my lawyer."

Do you think a juror is going to believe that the client had not discussed the case with his lawyer?

Seen in the proper context, the answer is not as irrelevant as it first appears, is it? Adelman was asked, "Haven't you been briefed for this second hearing?"

"No, no briefings. I can't recall any briefings."

Well, they knew. Not all U.S. Senators are bright, but they have enough sense to know that is not true.

So, during the noon hour, obviously somebody said to him, "You better go back and straighten out this mess."

So he came back and said: "As a matter of fact, I did have"—not just briefings; he called them "murder boards." You can imagine what they were like.

His different responses speak volumes about his candor and his willingness to be forthcoming with the U.S. Senate.

Then on the famous Rowny memo, he said: "I have only a weak recollection of that memo."

They say the truth will set you free. Sometimes the truth will get you in trouble. Again the narrow issue of the memo was not even relevant. He did not write the memo. No one was accusing him of writing the memo. But they said, "How about this memo, Mr. Adelman?" He said: "I just barely remember. I didn't read it carefully or pay attention to it."

Here is a memo from our negotiator at the START talks to the man the President has nominated to be head of the Arms Control and Disarmament Agency and he said, "I did not even bother to read it."

What surfaces then?

The Rowny memo surfaces, and on the cover note Adelman used to forward it over to Robin West of the Interior Department—he writes, "This is what Ed Rowny really thinks about the personnel at ACDA." And yet he is telling the committee he did not study it, does not remember anything that was in it.

Does the Senate believe that? Of course not.

On the famous Auletta article, when he was questioned, "Did you say that you thought arms negotiations were a sham," he did not say, "I did not say it." He said, "I have no recollection of doing an interview with this man who says I said that."

Recently I wrote a letter over to the Interior Department, one of my favorite Departments to write to, and I said, "I hear that you people have been running scientists by the Republican National Committee and getting political approval before you put them even on an advisory committee. Under the Freedom of Information Act I am requesting your files on this particular advisory committee. Please send them over here to me. I want to see them."

I did not hear and did not hear. That is always the first clue, when you do not hear. And we called and we said, "We have not heard from you." And so when we finally heard from them, the letter said, "We have looked every place we think this information could be reasonably expected to be found and we do not find it."

There again, if I had not practiced trial law for 18 years I probably would just let that go, but I know a little bit about words. It did not say, "We do not know anything about it; nobody over here ever heard of it; nobody has ever seen it." It said, "We looked every place we would reasonably think we might find it, and we just cannot locate it." I did not care. I had one in my hip pocket anyway. I just wanted to test their credibility.

So Kenneth Adelman says to the committee, "I can't recall having said it," and here is the man who wrote the article testifying before the committee saying, "I took copious notes and here they are, and here is what he said." Adelman said much more than that arms control talks were a sham. He started off by saying, "I can't think of any negotiations on security or weaponry that have done any good." Does that sound to my colleagues like a man who is dedicated to bringing the nuclear arms race under control? He says he does not think any agreement like that has ever done any good.

No. 2, and I am quoting Mr. Adelman from the article:

> One reason not to rush into negotiations is that in a democracy these negotiations tend to discourage money for defense programs. The public says why increase the military when we are negotiating with the Russians?

That just means one thing: Mr. Adelman thinks the defense buildup is much more important than bringing the nuclear arms race under control, does it not? No one can quarrel with an interpretation of that paragraph.

What he is saying is let us build our arsenals first; let us get all this money spent on defense; then if we feel like it, we might talk to the Russians. But as long as you are negotiating, the American people think you ought not spend all this money on defense.

So you know where his priorities are.

Then we get down to the third point, where the article reports Adelman's view that the major reason for arms negotiations is to placate allies and American public opinion. The precise Adelman quote is: "My policy would be to do it for political reasons." But he added, "I think it is a sham."

I am still on the subject of honesty, integrity, and candor with the Foreign Relations Committee and I am asking the U.S. Senate as the employer: Would you hire a man who had that kind of a shameful record with regard to being forthcoming and honest with the committee?

If they had asked him, "Did you say this," and he had said: "Yes, I said it and it was a flip, trite thing to say, I apologize, it does not really reflect my views," I might not vote for him but I would think a lot more of him.

If he told the committee, "Of course, I got woodshedded; everybody in the State Department has been briefing me since I messed up in my first hearing," I would feel a lot better about him.

Mr. President, if the Senate should reject Kenneth Adelman people will say, "Well, if the President is not serious about arms talks he will just send us someone else." That is absolutely irrelevant as far as our duty to advise and consent. If the President wants to send someone else over here who is as incompetent, who is as unknowledgeable about arms talks as this man is, if he wants to send us someone else who does not believe in arms control, let him send that person and let the Senate stand tall and reject the next one. The American people have absolutely no reason to expect anything less of the Senate.

To talk about arms control impeding the military buildup is absurd. Is that not a part of what arms control is about, to try to bring these colossal defense expenditures under control so we can spend a little money for educating our children, so that we can spend money on things that really deal with what is relevant to our long-term security? We have cut student loans to the point that there will be 1 million fewer youngsters not starting college this fall than there should be—1 million youngsters who would otherwise get an education for about the cost of three MX missiles. And I ask my colleagues which has the longest impact on the security of this Nation, three more MX missiles or educating 1 million children?

Here is a man who says blatantly—I would be ashamed to whisper it in the vault—but he says before God and everyone that arms control is a sham and all it does is delude the American people and stops the buildup in nuclear weaponry and defense that we have to have.

Very seldom, never perhaps, has a witness or a nominee acquitted himself as poorly before a committee of the Senate as Kenneth Adelman did.

He wrote an article in 1979 criticizing the SALT Treaty. That is the same SALT Treaty that the President of the United States condemned as a candidate in 1980 and who to his eternal credit 1 year ago said we are going to live with it if the Soviets will. You do not hear me applaud President Reagan very often, but I am applauding him right now for having the courage to say, "I was talking as a politi-

cian in 1980 and now I am talking as a President who sees it for what it is. As long as the Soviets comply with the terms of SALT II we are going to comply with the terms of SALT II."

He also has indicated that the freeze is such a devastating thing that there is somehow an inconsistency between it and the call for reductions in nuclear inventories. He says what this Nation needs is not a freeze. What we need is a genuine reduction in nuclear weaponry as though they are in contradiction.

Why can you not be for a freeze and a reduction in nuclear weapons both? If there are inconsistencies in those two positions, they elude me.

Here is what he said concerning SALT II. This is from an article that he wrote in the American Spectator in December 1979. He said, "SALT is stultifying stuff. Seldom has such a critical issue induced such public somnolence."

I am going to put this in the RECORD in just a minute, but he goes on to say:

Our representatives and reporters dozed, lulling the public on security concerns. SALT II—for all its innumerable failings—has awakened Americans from their torpor to the coming strategic inferiority. History may judge the treaty's prime contribution as setting into motion pressures which, over time, redressed the strategic imbalance.

Now, that is the SALT II Treaty which he was writing about in 1979 and which the President now supports.

He goes on to say:

It's nothing new that the U.S. is falling behind the Soviet Union militarily. This has been happening for years. What's new is that the U.S. is now *seen* as falling behind militarily. Soviet military expenditures have become 25-45 percent greater than ours, and the Russians now spend three times more on strategic arms and one-third more on general purpose forces than we do. And there's no relief in sight.

And yet, 4 weeks ago today, the CIA said that it had been overestimating the annual increase in Soviet defense expenditures since 1970 by a magnitude of 2 to 1. And yet we continue to fall for all of that rhetoric.

I heard a debate the other night on television. One fellow was talking about how many more nuclear weapons the Soviets had and how inferior we were and how the Soviets are hell-bent on world domination, and so on. So the question was asked of this fellow: "Do you really believe the Soviet Union is hell-bent on world domination and taking over the United States?"

"Yes, I do," he said.

"Do you really agree with the President that the Soviet Union has a wide margin of superiority over the United States in all kinds of weaponry, nuclear and conventional?"

"I do."

The next question was, "Well, why haven't they come and gotten us? What are they waiting on?"

I will tell you what they are waiting on. They are waiting on some general in the U.S. Armed Forces to testify, as the President has said, on occasion, that they are superior. I have asked every Joint Chief of Staff since I have been in the Senate and every general when I was on the Armed Services Committee, "Would you trade the United States military posture for the Soviet Union's?" Not one time have I heard one equivocate for an instant on that question. The answer has always been an emphatic "no."

Well, Mr. President, the American people sense something that does not seem to be prevalent and persuasive in the U.S. Senate, and that is that they are threatened by the prospect of nuclear war.

My wife is involved and has made a lifetime commitment to search for peace because she thinks her children are threatened. She is a mother. I do not advise my wife on this issue. She has strong nurturing instincts about what is happening to the children of the world.

Incidentally, did you know that teachers in this country say that almost 60 percent of all of the artwork of youngsters under the age of 10 deals with war, mushroom clouds, soldiers shooting and killing? What kind of environment is that for our children to grow up in?

But I have said in discussions with my wife, "Don't defend the Soviet Union. There has to be a bilateral arrangement or there can be no arrangement." She always says—and this is from her perspective—"I have to believe that the mothers in the Soviet Union don't want their children incinerated any more than American mothers do."

So this is a very important question, a very important issue. I do not for a moment think that my words are going to change any votes here. They very seldom do, unhappily. But I would say to my colleagues that when you leave the Senate, when you leave the Senate and start going back over your record as a U.S. Senator, I promise you that this will be one of the votes, if you vote "no," in which you will take considerable pride.

Let me recall for my colleagues the story of Atticus Finch, the great lawyer in "To Kill a Mockingbird." Atticus Finch, you will remember, was defending a black man on a charge of which he was absolutely innocent. Atticus Finch knew he was going to lose, trying a black man before an all-white jury. He closed his statement and said to the jury: "For God's sake, gentlemen, do your duty."

And so that is all I can say to my colleagues: For God's sake, do your duty.

Mr. President, I ask unanimous consent that an article by Kenneth Adelman in the American Spectator of December 1979 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Spectator, Dec. 1979]

THE SEVEN LESSONS OF SALT

(By Kenneth L. Adelman)

SALT is stultifying stuff. Seldom has such a critical issue induced such public somnolence. Yet historical events often generate "lessons" more captivating than the episodes themselves. Though dangerously distant from past realities—as Ernest May shows [1]—such lessons prove useful to policymakers. If lucky, SALT II will soon take its rightful place beside "Munich," "Vietnam," and "Watergate"—whether ratified by the Senate or not. Here presented are the "Seven Lessons of SALT."

1. U.S. Strategic Might Is Dwindling Mightily.—During the Foreign Relations Committee hearings, Senator Jacob Javits pressed witnesses as to how it happened that America "goofed off" (his words) for 15 years in the strategic realm. How indeed. Partly because frazzled senators (like Javits) never gave the matter any thought, until the treaty's submission demanded that they do so.

Our representatives and reporters dozed, lulling the public on security concerns. SALT II—for all its innumerable failings—has awakened Americans from their torpor to the coming strategic inferiority. History may judge the treaty's prime contribution as setting into motion pressures which, over time, redressed the strategic imbalance (regardless of ratification). Perhaps unwittingly, Secretary Vance may have started the ball rolling; time after time throughout the hearings he promoted SALT II first because it "will permit, and in fact aid, the necessary modernization of our strategic forces" and only second because it "will slow the momentum of Soviet strategic programs."

2. Defense Efforts Should Be Augmented Across-the-Board.—It is no coincidence that senators, boning up on defense because of the pending SALT tally, recently voted 55-42 for 5 percent real defense spending increases in the next two years' budgets—something inconceivable before the SALT debate and a sharp rebuff to the administration (keen to stick with 3 percent). Nor is it a coincidence that the Senate passed $3 billion more for defense this year (fiscal 1980) than the House—a startling runabout since my Pentagon days and earlier, when the House was more hawkish.

It's nothing new that the U.S. is falling behind the Soviet Union militarily. This has been happening for years. What's new is that the U.S. is now *seen* as falling behind militarily. Soviet military expenditures have become 25-45 percent greater than ours, and the Russians now spend three times more on strategic arms and one-third more on general purpose forces than we do. And there's no relief in sight. Moscow's military infrastructure, upon which future arms programs are mounted, is nearly double ours. The Soviet military, already consuming more than half the nations's R&D scientists and engineers, is increasing its share of scarce skilled labor and scarce rubles. All this signals a wish in Moscow to persist in acquiring larger and more sophisticated forces.

[1] Ernest R. May, " 'Lessons' of the Past: The Use and Misuse of History," In "American Foreign Policy" (Oxford University Press, 1973).

Since these facts can't be disputed, interpretation of them is. Fervent SALT-seller Representative Bob Carr wrote in a House Armed Services Committee report: "The important perception is not how the Soviets perceive us but how they perceive us perceiving them." The American people may not get his point, but no matter. They get the main point; only one-tenth of the public now considers the U.S. militarily superior to the USSR while one-half believes the Russians have forged ahead. This swiftly sliding sentiment has made defense once again nearly sacrosanct. No candidate in 1980 (not even Kennedy) can run promising to slash the defense budget, *à la* Carter in 1976.

3. Linkage Cannot Be Denied. The tiresome parlor discussions of "linkage" can now be relegated to weighty tomes on international political theory (where they belong). Superpower negotiations (on SALT or whatever) simply cannot be separated from superpower relations, at least in our system of government. The Russians may do so—they greeted Nixon and signed SALT I on the heels of the U.S. mining of Haiphong harbor—but America is not a totalitarian state.

Senator Frank Church, so staunch an opponent of linkage in theory, forced it in practice. He fouled up the administration's ratification strategy by insisting at a press confernce in Idaho that SALT II had to await removal of the Soviet combat brigade from Cuba. Who better to subvert the SALT-sellers that one of their own?

Church's behavior was matched only by that of the Russians. Their cavalier manner in handling our self-inflicted "crisis" unavoidably dampened enthusiasm for the "SALT process". Even after the latest *Jane's Fighting Ships* announced that Russia had launched Cuba "in a new naval league," far outpacing its Latin American neighbors, Moscow dispatched a 205-ton gunboat to Cuba precisely as Secretary Vance and Ambassador Dobrynin were conferring hourly on the brigade issue. If the Soviets take such brazen measures now—in the heat of public debate on their troops in Cuba and in the midst of Senate deliberations on SALT II—they will be yet bolder later (especially after acquiring strategic superiority in the early 1980s).

Due to nefarious Soviet activity around the world—not to the Cuban brigade or recondite calculations of technical SALT experts—public support for SALT is ebbing. Polls had been showing three-fourths of Americans supporing arms limitations agreements. Now a clear plurality opposes SALT II. Such a politically potent shift cannot but enshrine linkage as a permanent factor of superpower negotiations.

4. We Should Expect Nothing Much From the "SALT Process."—A formerly creeping consciousness has become galloping: The "SALT process" may not be worth it. It has not saved money for either side, and is unlikely ever to do so; it has not reduced the destructive power of either side, and is unlikely ever to do so; and it has not enhanced strategic stability (quite the contrary), and is unlikely ever to do so. Nor is SALT capable of slowing the Soviet strategic swell. Indeed, since SALT I the USSR has deployed four new ICBMs, two new SLBMs (with two more under development), and a new bomber. (Meanwhile, the U.S. tested and cancelled a new bomber, finished deploying one new SLBM, and began testing another.)

That treaties cannot compel nations to reduce arms and embrace peace startles only the naive, historical know-nothings. Despite all the fanfare, the Covenant of the League of Nations (with or without the U.S.) could not have prevented World War II, the Washington Naval Treaty of 1922 in many ways contributed to Pearl Harbor, and the Kellogg-Briand Pact of 1929 did not long keep war renounced.

SALT II, like SALT I, primarily places fences around what the Soviets intend to do anyway. This point has finally dawned on Senator George McGovern, who calls SALT II an "arms control hoax," and even on the Carterites. The White House is now circulating a draft policy—"Presidential Decision 50"—which downplays the role of arms control: The U.S. would refuse to enter into arms negotiations unless our position accords with existing defense goals and militarily restrains adversaries.

The high-sounding "Presidential Decision 50" appears awfully mundane, but compared to the early Carter administration's missionary zeal for arms control—on strategic systems, nuclear weapons testing, conventional arms transfers, in the Indian Ocean, Central Europe, space, etc.—it is positively startling. Recall the pride with which SALT negotiator Paul Warnke addressed his final press conference in October 1978. Speaking of "the difficulties [the U.S.] had at the U.N. Special Session on Disarmament back last May and June," Warnke said, "We tried to think of things we ought to come out for. And the real problem was that we were doing most of them." The U.S. was disarming itself so fast—cancelling the B-1, shelving MX, delaying cruise missiles, deferring the neutron bomb, forestalling Tridents—that nothing new was left for Mr. Warnke to propose to the UN disarmament crowd. The Carterites have come a long way from Mr. Warnke to "Presidential Decision 50."

5. European Security Must Be Tied to SALT.—SALT proponents and opponents both agree that the former DMZ between "strategic" and "Euro-strategic" systems no longer holds. SALT I and II covered only U.S.- and Soviet-based systems capable of striking each other, but technology has produced a myriad of "grey area" nuclear weapons—Soviet systems aimed at Europe (Backfire and SS-20) and Europe-based systems targeting the USSR (air-launched cruise missiles, aircraft carriers in the Mediterranean, and nuclear missiles for European deployment now under serious NATO consideration). The systems to be negotiated, and the negotiators, in SALT III will have to be revised accordingly.

6. Intelligence Verifies Adequately But Doesn't Forecast Well.—The SALT debate has brought to light staggering CIA errors compounded year after year over the last 15 years or so. Since the 1960s, the intelligence community has consistently underestimated the Soviet ICBM buildup, missing the mark by wide margins and with strategic forecasts becoming progressively worse on the low side.

Likewise for the overall Soviet military effort. Three years ago, the CIA overnight (and retroactively) doubled the percentage of GNP it reckoned the Soviets called to arms; from 5-7 percent (or a nick above our level of effort) to 11-13 percent (nearly three times ours). The causes of such gross intelligence failures, all lulling the government and the public since none overestimated the Soviet buildup, are manifold.[2]

Regardless of causes, the SALT controversy has hammered home how superb U.S. intelligence can be in verifying Soviet strategic systems (often of meager military meaning) and how dreadful it has been on forecasting the pace of the overall Soviet buildup (knowledge of which is critically important for U.S. weapons procurement decisions and force planning).

7. The Foreign Policy "Progressives" Are Being Discredited.—The SALT debate has punctured the new foreign policy perspective of those rushing into office under Mr. Carter. "It will never be known what acts of cowardice have been motivated by the fear of not looking sufficiently progressive," Charles Péguy wrote 70 years ago. But this "progressive" crowd—and their intellectual mentors back in the Council on Foreign Relations and the Ford Foundation—has generated more foolishness (and future danger) than cowardice. For they believed that today's world was on the verge of escaping the conflict-ridden history of the first two-thirds of this century, that mankind was now prepared to cooperate on transnational problems (more critical than international ones): human rights, malnutrition, overpopulation, pollution, etc. They sensed a new historical force marching and felt the U.S. should join the vanguard.

History and repentance demanded it. America was viewed, with a profound sense of guilt about past evils abroad, as a deeply flawed superpower, a proven threat to world peace. The Soviets, viewed sympathetically (often), were only compensating for past American military superiority; or, viewed unsympathetically (rarely), were only wasting resources. The Marxist septuagenarians in the Kremlin were too dull-witted to grasp that history had bypassed the utility of arms. Maybe they'd catch on later, as they learned from the Americans. While waiting, we had no need to fret. For the Russians would never employ military power against the U.S. Any clash would automatically escalate to all-out nuclear war, suicidal for both sides. So even wide differences between the superpowers' military capabilities were deemed essentially meaningless.

Gurus of the state, church, and academia still cling to these fashionable canons, but now people openly laugh. In government, the President climaxed his televised "Combat Brigade" performance by comparing Lincoln's Civil War, which served to "preserve the nation," to his own SALT II, which serves to "preserve the world." People chortled at the sappy ending. Those who didn't—the SALT-sellers with something serious at stake-cringed, since Carter continues to be their greatest strategic liability for ratification. In the church, William Sloane Coffin urges the U.S. to "press not only for SALT II, but for SALT III, IV, V, and VI. We have to be meek, or there will be no one left to inherit the earth." There are always the Russians, though, as most folks now know. In academia, an exalted Professor Hedley Bull of the exalted Council on Foreign Relations writes in Foreign Affairs' lead piece for its 1978 year-end wrap-up how "it is important that some state or group of states should undertake the task of balancing the power of the U.S. For the present, this can only be the Soviet Union." How grateful we should be to the Soviet Union for picking up the mantle, for

[2] Spelled out at excruciating length in Robert Ellsworth and Kenneth Adelman, "Foolish Intelligence," Foreign Policy, No. 36 (Fall 1979), pp. 147-159.

assuming the burdensome "task of balancing the power of the U.S."

As the lessons of SALT sink deeper into American consciousness, such statements will appear even more ludicrous, nay outrageous, than they do today. More people will laugh. Or more people will cry.

Mr. BUMPERS. Mr. President, I yield the floor.

Mr. PELL. Mr. President, I listened and was very moved by the words of the Senator from Arkansas. I was particularly struck by his reference to children and young people. I know that my own experience is that when I ask young people in high school or grade school, "How many of you think you will see or be incinerated in a nuclear war?" usually more than half the hands are raised. The Senator's report that 60 percent of the drawings that children do have a war or doomsday theme fits right into this rough calculation that I have made of the children in my own part of the country.

We older people too often put our heads into the sand like ostriches and think, "Well, we will live through our life without nuclear war." When you are a child, I think it is very much in your mind.

I hope that whoever occupies this job as Director of the Arms Control and Disarmament Agency is a man who has got fire in his belly and zest and zeal to try to avoid this very real possibility of incineration. This is one of the factors that, to my mind, the nominee lacks. He does not have that fire or zest to bring real arms control to our Nation.

So I thank the Senator from Arkansas for his words. I congratulate his wife on the wonderful work she is doing and wish both of them well.

Mr. President, I yield the floor to the junior Senator from Arkansas.

Mr. PRYOR. Mr. President, I say to our distinguished colleague from Rhode Island that I am today violating one of the oldest rules in Arkansas politics, at least for the last 12 years, and that rule, or that adage, or admonition is never follow DALE BUMPERS on the speaking stand. So I am in violation, Mr. President, of that adage, but I am proud to associate myself today with his most eloquent remarks and his most articulate arguments. I wish to thank him for his comments on this issue which is today before the U.S. Senate.

Mr. President, President Reagan, I think, has a knack—it is a unique knack—for choosing bright, capable people and putting them in the wrong job. I think, Mr. President, that is exactly what we are faced with today in the Senate.

This issue, this debate over the nomination of Kenneth Adelman to head the Arms Control and Disarmament Agency, has been a painful but nevertheless, revealing discussion of differences over our nuclear arms reduction policy. I have, since the very beginning of this debate, adopted a test as to how ultimately I might cast my vote. That test is this, and it is very simple: For this position, is he the best?

I must today answer my own rhetorical question in the negative.

This nomination has come at an especially critical time. President Reagan may have made an encouraging start in the Geneva negotiations, but now the talks have lost momentum and are in danger of stalling indefinitely. We need our best and brightest negotiators right now.

The Director of ACDA should be the point man in all of our nuclear arms negotiations, shaping our overall policy, and coordinating all arms control activities. We should go into the job with a clear idea of global political strategy, arms control policy, and technical aspects of arms control, such as verification procedures. He should be an experienced arms control negotiator. He should have the stature, training, and experience to be able to freely advise the President and criticize him on occasion.

I do not believe that Kenneth Adelman is the man for this particular job.

At the age of 36, Kenneth Adelman has a fine record as a foreign policy expert, especially in African affairs, and I am sure he would do a fine job in this field. Unfortunately, arms control is not his area of expertise, despite his experience in the Defense Department and the United Nations. Perhaps someday he will make significant contributions in the area of arms control, but we do not have the luxury of providing on-the-job training when the superpowers already have enough missiles pointed at each other to destroy both nations many times over.

In his appearances before the Foreign Relations Committee, as my distinguished colleague, Senator BUMPERS, pointed out, Mr. Adelman was unable to respond to basic questions about the possibility of limiting nuclear war, about the terms of SALT II, about verification, about current Soviet activities, or about his views on a variety of arms control initiatives.

In itself, Mr. Adelman's inexperience is enough to persuade me to vote against him, but I am also made most uneasy by his basic attitude toward the arms control movement and his apparent lack of commitment to the goal of nuclear arms reduction.

Although some of Mr. Adelman's many articles contain encouraging references to the need to make deep cuts in nuclear arms, the now-famous Auletta article includes some hair-raising observations by the nominee.

First, Mr. Adelman is quoted as saying—

One reason not to rush into negotiations is that in a democracy these negotiations tend to discourage money for defense programs.

This is an appalling statement, Mr. President, but as appalling as it is, it is most revealing because it tends to confirm the view of many people that this administration is determined to pursue a blank check policy of defense spending, sacrificing the opportunity to hold down Federal spending to preserve peace.

We do not need a negotiator who reinforces the belief of people—Soviet, European, or American—that this country and its administration consider negotiations to be a pesky inconvenience to the really important business of this country—spending money on the Pentagon.

A second revelation in the Auletta article was the opinion that the major reason to proceed with arms control negotiations is political, that is, to placate our allies and the American public. Here, Mr. Adelman reveals a cynical approach to public service and, I believe, a callous disregard for the clearly stated concern of the American people—fear, absolute fear, of nuclear war. Simply going through the motions of serious negotiating is a transparent ploy that will not fool, and should not fool, either the people of Europe or the people of this country. Needless to say, it will not fool the leaders of the Soviet Union. We need the support of the people of Europe, and I am afraid that Mr. Adelman's remarks have already done irreparable harm to our credibility abroad and our relations with our allies.

In addition to questions of experience and commitment I must add a third element, trust. Mr. Adelman repeatedly indicated a lack of candor in his appearances before the Foreign Relations Committee, by misleading its members on the question of his handling of personnel matters, by denying that he had received briefings after his first appearance, by exaggerating his published writings in the field of arms control, and by refusing to admit that he had ever spoken with Kenneth Auletta. Taken singly, these issues are insignificant, but they form a pattern of unnecessary evasions which have damaged confidence and trust in Mr. Adelman.

The argument that the President should be able to have his own man in the job is not persuasive in this case. The issue of nuclear arms control is so critical and the threat of nuclear war so overwhelming that mediocrity cannot be tolerated in this particular position.

I would like very much to support the President wholeheartedly in the current arms control negotiations because I believe that the country should stand together on an issue like this. But I find that I have about as much confidence in our Geneva team as Gen. Edward Rowny seems to have,

as evidenced by his now infamous memorandum.

That team is in a dangerous state of disarray at the moment with the departure of Eugene Rostow from ACDA, with Paul Nitze's standing at the White House in doubt, with the unflattering portrayal of the U.S. aides in Geneva, and now an unsuitable nominee to head up this country's top arms control office.

Arms control skeptics should remember that a strong desire to reduce the level of nuclear arms does not—does not—preclude hardheaded decisions with respect to our own military strength and the balance of power with the Soviet Union. We need tough, cautious negotiators to protect our national interests.

But while maintaining a healthy mistrust of Soviet intentions, we cannot let blind, anti-Soviet idealogy get in the way of progress in reducing the nuclear threat.

We must never lose sight of our goal—or what should be our goal: To reduce the number of nuclear warheads as soon as possible without shifting the balance of power to the Soviets or otherwise destabilizing our perilous situation.

There is a great deal of talk here in Washington of "sending signals." This is a city that loves to send signals. Through budget votes the Congress sends "signals" to the credit markets. Through shifts of military forces we send "signals" to those who might threaten the peace.

What kind of policy signal does the Adelman nomination imply?

The comments in the Auletta article imply a lack of sympathy with the urgent and understandable fear of NATO citizens over the deployment of U.S. missiles on European soil. The European press is sensitive to the slightest U.S. policy nuance, and the least little rumble here sends shock waves across the Atlantic. We need the support of our NATO allies, but we must earn that support by honest efforts to reduce the threat to Western Europe.

The appointment of a nominee so lacking in arms control experience also indicates a lack of serious commitment by this administration to the arms reduction process. How can we expect the Soviets to negotiate seriously with us when we seem to attach such a low priority to our arms control effort?

Finally, the Reagan administration's apparent preference for a military buildup over early nuclear arms reductions shows an insensitivity to the very real fears of the American people, fears for the future of our children, and—without being too dramatic—for the future of all life on this planet.

In my travels throughout the State of Arkansas, I have found a universal concern over the prospect of nuclear war among all segments of the population but most particularly among young people of our State and, certainly, the country. The leaders of this country need to realize just how strong the sentiment is among our citizens for real—not cosmetic—progress in arms reduction, and they should realize that our people will not be fooled by anything less than a sincere and energetic effort to reduce nuclear arms now.

I shall be happy to support the nomination of the right person to head the Arms Control and Disarmament Agency, but in all conscience, I cannot support the nomination of Kenneth Adelman.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I thank the junior Senator from Arkansas for an excellent statement. I trust that his views and those of all the others who spoke today will be considered and weighed by our colleagues prior to the vote.

I yield to Senator KASTEN on my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. CHAFEE. Mr. President, will the Senator yield for 1 minute?

Mr. KASTEN. I am pleased to yield to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, does the senior Senator from Rhode Island control the time? How is this working?

Mr. PELL. Basically, Mr. President, Senator PERCY is in control of the time on the Senator's side, but I should be glad to yield.

Mr. CHAFEE. No, Mr. President, the Senator from Wisconsin was next. I would like to come next, but I shall just await my turn. I would like to come after the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, I strongly support the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

I support this nomination because I believe Mr. Adelman possesses excellent qualifications, and is a man of integrity. He has an extensive background in foreign and defense policy, including varied experience with arms control and disarmament issues. As we all know, while he was at the United Nations, where he served as U.S. Deputy Permanent Representative, Mr. Adelman participated in many National Security Council sessions on arms control. He led the U.S. Delegation to the U.N.'s Second Special Session on Disarmament. Mr. Adelman's many excellent articles and speeches on defense policy and arms control indicate that he has a first-rate understanding of the arms control process. In short, Mr. Adelman has established an enviable record as a a diplomat, negotiator, and defender of American interests.

However, I wish the record to reflect that I support Mr. Adelman, not only because of his qualifications and integrity, but also because I believe his understanding of arms control is most likely to lead to a reduction of nuclear arms in the world. Arms reduction, after all, should be our overriding goal.

Mr. Adelman is an advocate of bold initiatives aiming at reducing nuclear arms. His initiatives, however, are realistic. They take into account changes in technology and evidence of Soviet duplicity, both of which have rendered the old arms control process dangerous to our security.

A vote for Mr. Adelman is, therefore, a vote for genuine arms control. He shares President Reagan's desire to make deep cuts in the nuclear arsenals of both sides, instead of merely signing another cosmetic treaty that would allow the Soviets to continue their unbridled weapons buildup. A vote for Mr. Adelman is a vote for genuine arms control because he realizes that there will be no reduction in Soviet nuclear weapons until the Soviet Union has an incentive to reduce its arsenal. As long as the United States is willing to agree to cosmetic arms control measures merely for the sake of signing an agreement, no such incentive will exist.

It is this process leading merely to cosmetic arms control agreements that Mr. Adelman has condemned, and not arms control itself. In his opening statment before the Senate Foreign Relations Committee on January 27, Mr. Adelman stressed that:

> One of the most intellectually challenging, emotionally gripping and profoundly important issues of our era [is] the control of nuclear weapons, and the maintenance of peace, of world stability, and of national security.

Like Mr. Adelman, I believe that arms control is one of the most profoundly important issues of our era. And like Mr. Adelman, I believe that arms control should not be an end in itself, but a means to "the maintenance of peace, of world stability, and national security."

The Soviet Union now possesses strategic weapons of more than twice the explosive power of those they had in 1972. Deadly SS-20 missiles, which are not even included in SALT agreements, but which nonetheless can deliver three warheads on targets at a range of 5,000 kilometers, now threaten the Eurasian land mass. Since 1972, the U.S.S.R. has deployed four new ICBM's, two new SLBM's, and a new bomber. Has the current arms control process ended the arms race? Has it made the world safer, or enhanced the security of the United States?

These developments confirm Mr. Adelman's criticism of the old approach to arms control. That arms control process has neither constrained the Soviets nor ended the arms race. It has instead placed the security of the United States in considerable jeopardy.

Mr. Adelman's rejection of the old arms control process calls for a bold negotiating strategy to replace it. It means the vigorous pursuit of any opportunity for agreement with the Soviet Union. But it does not call for agreement at any cost. After all, as the sad history of SALT has proven, not all arms control agreements are consistent with peace and security. I support proposals that call for, in Mr. Adelman's words, "deep cuts and greater world stability based upon genuine equality with effective verification." So-called arms control agreements that lead to less are worthless or, worse, dangerous.

Mr. President, I shall vote for Mr. Adelman because I agree completely with the sentiments he expressed in his statement before the Senate Foreign Relations Committee.

Those of us committed to arms control measures that achieve tangible and far-reaching results believe that conditions in the world today may possibly enable us to achieve excellent agreements—ones clearly in our interest, in the Soviets' interest, and in the world's interest—rather than simply acceptable agreement about which no more can be said that, "We can live with that." If the Soviet Union is as willing as we are, excellent agreements can be the outcome of our efforts.

Thank you Mr. President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the Senator from Rhode Island and the Senator from Utah for allowing me to proceed at this time.

Mr. President, after careful thought I have decided to support the nomination of Kenneth Adelman to head the Arms Control and Disarmament Agency.

This is not a step I take lightly, because I believe arms control is the most important foreign policy issue facing this country. I believe that the Director of ACDA should be a person of ability in whom the President has confidence and who can work effectively with the other members of the administration in the formulation of our arms control policy. I am convinced that Dr. Adelman meets these requirements.

Mr. President, I have often been critical of the administration's arms control approach and, in particular, of the delays and slowness in formulating our negotiating positions. Now, when we finally have the negotiations in progress and offers are on the table, when the President and the Secretary of State are fully engaged in the formulation of policy, and when these negotiations are reaching a critical stage, it would be a blow to the cause of arms control to reject this nomination.

Our failure to confirm Kenneth Adelman could lead to more months of confusion and chaos at ACDA, more divisiveness and uncertainty surrounding our policy, and, more importantly, a reduced likelihood of a coordinated and effective negotiating strategy in the coming difficult months. What we need is a strong and effective Arms Control Agency; the first step toward getting such an agency is to confirm a Director who can move ACDA toward its proper role in helping formulate the important decisions.

We should be clear about one thing: The emphatically expressed desire of the Senate and of the American people is for meaningful progress in arms control. That message has been made clear to the President and to Mr. Adelman. I believe, therefore, that the time has come to restore order to the Agency charged with dealing with this issue and to provide the necessary support to see this process through to a successful conclusion, namely the negotiation of effective and meaningful arms control agreements.

Mr. President, I thank the Senator from Utah for letting me come before him.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, the Senate is meeting today to review the nomination of Ambassador Kenneth Adelman to be Director of the U.S. Arms Control and Disarmament Agency, ACDA. Let me state at the outset of my remarks that I fully support Ambassador Adelman and his nomination to this important position. I am confident that Ambassador Adelman will carry out his responsibilities as the Director of ACDA in an effective and resolute manner. Ambassador Adelman has the confidence of the President, and his nomination should be endorsed by the Senate.

Objections have been raised against this nomination on the basis of Ambassador Adelman's lack of requisite experience to execute his duties as the Director of ACDA or his lack of commitment to the goal of arms control. It seems somewhat incredible to me that anyone familiar with Ambassador Adelman's professional and academic background in the field of arms control and national security could stand before this body and claim that Ambassador Adelman is unqualified for the position to which he has been nominated. Indeed, it would be refreshing if each individual recommended for a key policy position, be it in a Republican or Democratic administration, be as qualified as Ambassador Adelman. I might add that had the qualifications for political office been as rigorous as those required of Ambassador Adelman, some, if not many, of us would not be in the positions we are today.

As indicated in his biography, Ambassador Adelman has spent nearly a decade in Federal service and has held a wide range of positions. From 1981 to 1983, Ambassador Adelman has been the U.S. Deputy Permanent Representative to the United Nations. He has an extensive background in foreign and defense policy, including arms control and disarmament issues. While at the United Nations, Ambassador Adelman participated in many National Security Council decision sessions on arms control and led the U.S. delegation to the Second Special Session on Disarmament. He has demonstrated outstanding skill as a diplomat, negotiator, and manager on behalf of American interests.

From 1976 to 1977, Ambassador Adelman served as assistant to the Secretary of Defense. Prior to that service, he was a liaison officer for the Agency for International Development from 1975 to 1976, and from 1970 to 1972, he served as special assistant to the Director of VISTA. His Government career began at the Department of Commerce where he was assigned from 1968 to 1970.

As a senior political scientist at the strategic studies center of Stanford Research Institute in Arlington, Va., where he was employed from 1977 to 1981, Ambassador Adelman wrote extensively on national security affairs. His writings have appeared in publications such as Foreign Affairs, Foreign Policy, Washington Quarterly, the Wall Street Journal, and the New Republic.

Mr. President, even a cursory review of Ambassador Adelman's credentials should be enough to convince most people of his eminent qualifications to serve President Reagan as the Director of ACDA. One suspects that some of the opposition that has been raised against this nomination stems not from Ambassador Adelman's lack of knowledge or commitment to arms control, but rather from fundamental disagreement with the views expressed by Ambassador Adelman on this critical subject. It should be remembered that Ambassador Adelman's criticism of the SALT II Treaty and the SALT arms control process is shared by this Senator, many of my colleagues, and the President, himself. His recommendation that significant changes were needed to move the United States away from the misguided SALT process stands as a clear signal that he takes this issue most seriously. He was one of those who recognized early the need to reduce our nuclear arsenals, not merely cap their growth; to limit nuclear warheads, not merely launch vehicles; and to coordinate strategic and theater nuclear arms control ef-

forts, rather than treat them in a disjointed artificially isolated manner.

Mr. President, there are those who would like to see this nomination defeated by the Senate in order to send a symbolic vote of no confidence and rejection to President Reagan on his administration's arms control policies. In my view, this would constitute a tragic mistake—not only because we will have rejected a capable individual, but we will have demonstrated a serious lack of national unity of purpose in our efforts to negotiate meaningful and verifiable arms reduction agreements with the Soviet Union. The opponents of Ambassador Adelman would like us to return to the heyday of arms control détente style or freeze into place a situation of U.S. and NATO military nuclear disadvantage and vulnerability. Yet a decade of SALT has reaped little but continued Soviet nuclear buildup in its advance toward nuclear superiority and first-strike capabilities. Arms control, as reflected by the ABM Treaty and the SALT I and SALT II agreements, has not brought us closer to our goal of reducing the threat of nuclear war or promoting nuclear stability.

The Soviets have run roughshod over the various arms control agreements we have negotiated during the seventies. Serious charges have been raised regarding Soviet activities under the terms of the ABM Treaty and SALT I. More recently evidence has come to light regarding Soviet compliance, or lack thereof, to the provisions of SALT II with respect to the testing of one new ICBM, limitations on the production rate of Backfire bombers and the encryption of telemetry in such a manner as to interfere with our ability to verify that agreement. Again, there is evidence to warrant our concern for Soviet violations of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosion Treaty. Finally, the mounting evidence of Soviet use of outlawed chemical/toxin weapons against the peoples of Laos, Cambodia, and Afghanistan should give us pause before we decide to revert back to the failed arms control policies of the past.

The Reagan administration has put forward a comprehensive, far-reaching, and flexible set of arms control proposals:

In START, our negotiators have drawn from the Soviets a proposal that goes well beyond the position the Soviets were willing to take 2 years ago, one that would require a 25-percent reduction in Soviet forces;

In INF, the new U.S. proposal for an interim agreement has placed the burden of responsibility on the Soviets to demonstrate flexibility and begin to negotiate in good faith;

In Geneva, the United States has presented a draft treaty for the global destruction of all chemical weapons stockpiles and production facilities over a 10-year period;

The United States has proposed changes to the threshold test ban and peaceful nuclear explosions treaties in order to strengthen their verification procedures, thereby enhancing our confidence to insure Soviet compliance with the terms of these agreements.

Despite these initiatives on behalf of serious arms control, there has been continuing pressure on President Reagan to do more to achieve arms control agreements. There seems to be a sense that if only we were more creative, more flexible, more forthcoming, or more innovative we could succeed in our quest for successfully negotiating arms control agreements. In this regard, we seem to have lost sight of two very important considerations. First, arms control for arms control sake is not the answer to our national security problems. Arms control agreements can be useful instruments in promoting stability and our country's security. We should not, however, establish as our standard of success or failure the number of agreements we manage to conclude or fail to conclude. Reducing the risk of nuclear war involves a good deal more than negotiating and ratifying arms control agreements which may or may not be in our Nation's interest. Reducing the risk of nuclear war, or war in general, involves a scrupulous attention to the preservation of a balance of power between adversaries. This more than any other consideration must be borne in mind when we speak of preventing war; certainly this is the case with the Soviets who have shown a particular disrespect for lofty resolutions and solemn international agreements, but take into full account the military capabilities and political will of an opponent.

Second, arms control is not a unilateral undertaking; arms control is not a one-way street. There is a saying that "it takes two to tango," and I believe that it is most appropriate to invoke this principle in the case of arms control. If we are looking for "progress" as measured by unilateral restraint or ratification of flawed agreements, then "success" is easily and readily attainable. Such actions will not, however, do anything to support the potential and legitimate role of arms control, nor will they reduce the threat of war.

Ambassador Adelman recognizes the significance of these two considerations and can be expected to apply them in executing his duties as the Director of ACDA. I would urge my colleagues to join me in supporting Ambassador Adelman's nomination and sending a clear signal to the Soviet Union that the United States will stand firm in its determination to negotiate meaningful arms reduction agreements.

Mr. President, I am not new to arms control. I know of no issue that I have spent more time on in my 8½ years in the Senate. I made it a point when I got here to become informed about military issues and arms control, and I do not think it is out of line to say that I probably have spent as much time as any Member of this body in going back and researching this history of arms control negotiations, not only between our country and the Soviet Union but arms control agreements in general. I have researched this issue back into the early part of this century, such as the naval treaties, to get a sense of these negotiations and how effective those treaties were and how they were honored by the participants.

I early got involved in the SALT II process. I gathered so much information on SALT II that it was nearly impossible to store it in my office any more. We physically could not handle it. I was not just compiling information against the SALT II Treaty; it was compiling most everything that had been said by anybody of any stature on both sides of the issue. It got to the point where it was necessary to hire a staff member to put in the computer a bibliography so that we could keep track of it. I probably have as big a bibliography as anybody on this issue.

I went to Geneva. I listened to negotiating sessions. I read most of the negotiating background on SALT I and the ABM Treaty. I went back into the debate on the Senate floor and the committee hearings and read them at great length. The more I studied, the more convinced I became that we simply were not bargaining in a tough manner, particularly in SALT II. We were also on the wrong course in that we were attempting to limit launchers. That was never really fully understood. It is not understood today. I spent the whole summer of 1978 debating Paul Warnke on the subject of arms control, and I would suggest if we wanted a quick agreement with the Soviets we could bring Paul Warnke back to negotiate it. It would not be hard to get one. It is not hard to get an agreement. All you have to do is give a great deal to the Soviet Union and they will sign one when you have given them enough.

I do not know of any issue about which I have been more concerned. I heard the distinguished Senator from Rhode Island speaking as I came in about children and how some of us are removed from children, and concern for their future.

Well, this Senator is not removed from children. I have seven: 25, 23, 21, 16, 10, 4, and 10 months today, a sweet, beautiful, little 10-month-old daughter that is walking already. This Senator is not removed from children

or from concern about war or nuclear weapons.

Certainly not on the Senate floor but generally in this whole debate about arms control and the nuclear freeze movement and the debate on military budgets across this country, the general impression seems to be that if you happen to be against a nuclear freeze on SALT II, if you want to be tough with the Soviets, somehow you are a warmonger. I have seen President Reagan called a warmonger the last few days in the paper. Somehow if you do not agree with those who want a softer arms control approach, you are a warmonger, you want war.

I resent that kind of inference. I also resent the fear tactics of those who have a different approch; such as those who showed pictures on TV during the political campaigns last year of a nuclear bomb going off. I have been to Hiroshima. I was stationed in Japan. I have seen it. I am a military pilot. I have carried nuclear weapons. I know a little something about the practicalities of it. The Physicians for Social Responsibility did not really need to come to my office to convince me of the terrible consequences of nuclear war; you do not have to have a medical degree to understand that nuclear war is dangerous to your health. What an insult to people's intelligence. Certainly it is dangerous to your health. No doubt about it, the Soviet Union's SS-18's missiles with 10 nuclear warheads are dangerous to my health. They are dangerous to my children's health. They are dangerous to that little 10-month-old girl's health.

But there's more to it than that. I wish we could have this dialog on the basis of some fact; remove the politics from it, remove the insinuation that some of us who happen to be for bargaining on a tough basis with the Soviet Union want war. There is no issue that I worry about more, none that I am more concerned about, than the threat of war posed by the incredible Soviet military buildup. I am not going to take the time of the Senate today to go into the specific disparities, in terms of what we have done in strategic weapons in the last 13 years and what those wonderful Soviets have done. But all the pressure is being placed on Ronald Reagan and this administration to give up, to make more concessions, to put forward more innovative ideas. Why is the pressure not being placed on Mr. Andropov, a killer, a murderer, the head of the KGB 14 years? Take a good look at the organization over which this man presided. Go back and find out what he did in Hungary. He was there, if you did not know that. He was around. He was the one who lied to the Hungarians during the revolt, had their leaders killed. He lied and did everything he could. He brutalized them in Hungary.

I was in Switzerland and Germany last week and I read in the press that it is Ronald Reagan who will not compromise, that Mr. Andropov, the killer, the butcher, the murderer, the former head of the KGB, is a nice guy. There seems to be a feeling that we can just keep turning the other cheek, and sooner or later he is going to give in.

Let it be stated once again, clearly, that some of us still have children. We are not removed from it. Some of us, despite our middle age, still have babies at home. We are not for nuclear war. We want it prevented as much as or more than anybody else.

The only debate here is, how do you achieve that? My background and experience tell me that you do not achieve it through weakness. You do not achieve it through cutting weapons systems in this country while the Soviet Union goes on with an unbridled, massive arms buildup. You do not achieve it by constantly putting the pressure on our side.

The Soviets are not dumb. They are going to take every concession they can get for nothing and put it in their pocket and say, "Thank you very much." They are not going to bargain seriously if they can get concessions without any effort.

It is not this administration that is responsible for the lack of progress in arms control. It is the Soviet Union; no one else. They have not given anything yet, not 1 inch, not one fraction of an inch. They will not do so, as long as people are demonstrating in Germany—such as the "Greens"—as long as we have divisiveness here at home, and as long as we will not support a unified policy of working for a fair, equitable, verifiable arms reduction treaty.

We had limits on launchers, holes in the ground, in SALT II. SALT II legalized the biggest arms race in the history of this world. The limits were so large in SALT II that neither side would likely have built the number of warheads allowed under the terms of treaty. It was absolutely meaningless. That is why I opposed SALT II. It was not arms reduction. It was not arms control. It was a fraud. Mr. Adelman is being criticized because he said it was a sham. I say it was a fraud. It was a fraud on the American people. They were convinced that it reduced the threat of nuclear war; it did not. It did not reduce the number of missiles. It did not reduce the number of warheads.

I used to go around college campuses in 1979, and it was interesting. You would ask the class, to begin with, how many were in favor of SALT II, and virtually all of them would raise their hands. I said, "OK, I'm not going to give you any opinions. I'm going to give you numbers. I'm going to pass out copies of the treaty—it isn't very long—and we're going to go through the limits and sublimits."

On a factual basis, after you did that, they would flip-flop. After 20 minutes, they flip-flopped. They said, "Good heavens, why would we want to ratify that?"

It does not limit warheads. It does not limit anything but holes in the ground; silos. It is like saying, "We are going to limit the number of rifles, but you can have all the ammunition you want, no limit whatsoever."

The Soviets are enjoying what is going on in this country in the debate over strategic systems and arms control issues. What happened in SALT II is like what is happening now in the INF negotiations. We made an initial offer to the Soviets. Zero-zero. No Pershing II missiles in Western Europe; no SS-20's. Certainly, the Soviets are not going to accept that since their missiles are deployed and ours are not. We recognize that. They would not do that. But if you do not start somewhere, how do you compromise?

This was our first offer. Do you compromise after you have received a reasonable counteroffer from the Soviet Union? I think so. I think that is the time you should compromise; but not without recognizing that since the INF talks started, they have deployed many additional SS-20's. We have not deployed any comparable systems. Yet, we are the bad guys, the ones forcing the arms race. Baloney. There has been an arms race going on. We just have not participated in it in the last 20 years. It has been totally one sided.

The Soviets now have over 300 SS-20 missiles deployed, and they have made us a magnificent offer: "We will reduce to 162, with 3 warheads on each one of them." That really is arms control. All the way down to 162, with 3 warheads each. That is nearly 500 warheads.

How many targets are there in Western Europe? They still have enough to wipe out Western Europe. They say, "You keep zero, and we will keep 162." When you press them, they say, "You do not have zero; the British and French have 162 missiles." That is true, except those missiles have a single warhead, and that is a 3-to-1 advantage for the Soviets.

The other thing they do not tell you is that the French and British intermediate missiles do not have the range to hit important targets in the Soviet Union.

So that is a wonderful deal; is it not? They have 162 and we keep zero. They have three warheads on each, and they can hit all of Western Europe.

They throw up another smokescreen. They say, "You have airplanes and bombers in Western Europe, submarines in the Atlantic, with nuclear missiles." That is absolutely true. But

who is kidding whom? They have airplanes in the Soviet Union that can attack Western Europe, and they have submarines in the Atlantic, too.

It is utterly ridiculous that we continue to buy this slop from the Soviet Union, and put all the pressure on an American President, when you have a KGB killer running the Soviet Union.

We listen to protesters in Europe, even though the average person there will say, "They are crazy. We don't agree with them."

Why do our politicians listen to those people? Why do they not listen to the majority of German people who are not opposed to putting the Pershings there?

I am taking longer than I intended. I wanted to establish two things: First, there is a difference of opinion on how we achieve arms control. Those who favor a softer approach and more compromise on our part are not the only ones who want peace. Some of us who have 10-month-old children want it, too, and want it very badly.

We happen to think that history tells us that you do not get something for nothing. The Soviets are not going to be nice if we freeze. If they keep us from having a Pershing and an MX and from producing any modern weapons which they already have, will somebody please tell me where the logic is in expecting that they are going to be nice and say, "We have voluntarily, by ourselves, decided to dismantle half our SS-18's; we are going to destroy them?"

What incredible naivete. That does not even happen in this body. What do we do when we go to a conference with the House? How many times do we place a provision in the Senate bill that we know the House will not accept—for the sole purpose of trading with them? That is done over and over again in the legislative process.

It is commonsense and human nature that you give something and get something in return.

So the Soviets are not going to bargain seriously; they are not going to come up with any realistic proposals in either INF or START unless they think they cannot win it on the political battlefields of our country and Western Europe. If they think they can win the MX battle in this body and the House, they will not remove one SS-18. It simply is not logical. It is not commonsense.

I wish more people would study—I wish they would go back and review the history of arms control agreements, specifically our negotiations with the Soviet Union, and see if they still feel we should go on constantly making more and more offers.

That is what happened in SALT II. Jimmy Carter said, "We want only 150 SS-18's." The Soviets said, "We want 308." Where did we compromise? We compromised at 308—not 306 or 305, not even tokenism on the part of the Soviet Union. They kept every missile they had. They kept their Backfire bombers. We were going to count the B-1 as a long-range bomber if we built it. But the Backfire was not a long-range Soviet bomber because they said it was not.

Over and over again we continue to fail to learn the lessons of the past.

I guess Ronald Reagan is a warmonger just like Winston Churchill. That is what they called him in the thirties. And we can find lots of other examples of that in the Neville Chamberlains, the appeasers of this world who never learned—they never seem to learn the lessons of history no matter how many decades or centuries pass by. They continue to think we can turn the other cheek and our enemies will be nice to us.

Well, they are not, and they have not been, and they will not.

Kenneth Adelman is not the issue today at all. He is a symbol. He is a lightning rod for people who have a different arms control philosophy.

I certainly hope that we do not send the wrong signal and I certainly hope we are not stupid enough in this body as the House of Representatives undoubtedly will be, if they have not already been today, to pass a nuclear freeze. Just lock that Soviet advantage into place, and the peace demonstrators, the very people who profess to want arms control so much will have guaranteed that we will never get one. See if the Soviets will ever give up something, if the butcher named Andropov will ever give anything at all. He will not.

I thank my colleagues for letting me take the time beyond my prepared remarks, but I certainly hope that Mr. Adelman is approved and that some day this body learns that you do not get something for nothing from the Soviet Union.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. GARN. I am happy to yield for a question.

Mr. SARBANES. Does the Senator feel that we should be adhering to the SALT II Treaty terms, as we are doing, as long as the Soviets are adhering to them?

Mr. GARN. I think it is absolutely academic because, as I said earlier, neither of us would likely violate the SALT II launcher limits during the duration of the treaty because they were set so high. Therefore, it was fine to abide by it.

(Mr. RUDMAN assumed the chair.)

Mr. SARBANES. Except that we are abiding by other provisions that address matters other than numbers. Does the Senator think we should be doing that?

Mr. GARN. I certainly have to agree with respect to the testing procedures for one new ICBM, which the Soviet Union is not abiding by. We have not had anything to test, so we could not violate it.

The Soviets have cheated in the area of telemetry encryption provisions of SALT II on their missile testing, which interferes with our ability to verify their compliance with the provisions of the treaty.

Mr. SARBANES. If the treaty is as bad as the Senator says, why should the administration be taking the position that it will continue to adhere to its terms?

Mr. GARN. I frankly did not think they should. I did not think they should give it that kind of credibility. However, as I said before, it does not overly concern me to adhere to a treaty that cannot really be violated because the launcher limits were set so high.

Mr. SARBANES. If the Senator does not think we should be adhering to the treaty then his position is consistent and I have no further questions.

Mr. GARN. I yield the floor.

I simply add, while there is a pause in the debate, that I opposed SALT II because it provided not for reductions in arms, but increases. That is why I opposed it. It allows vast increases and I had an alternative at that time which called for reductions. I want reductions, not freezes, not increases—but reductions on both sides.

Mr. SARBANES. I understand that, but it always seems to be that when we take that position all we end up with are the increases. It is like the bargaining chips that subsequently become incorporated into the next higher level of armaments. These arguments are made, and they have some plausibility, but when we look at what has actually happened in the past, we find that we have constantly had the bargaining-chip argument and that the bargaining chip has inevitably become part of the arsenal; and we are then taken to the next level.

Mr. GARN. That is correct; and as I have reviewed the history of arms control agreements, I have never found any country that gave up their modern weapons. They gave up old weapons, and we cannot expect them to stop modernization. You can have a reduction in the numbers and still modernize so that you are not getting technologically behind which could result in an increase in the threat.

There is a very basic change that I advocated in SALT II. The numbers would not have been that bad. We would be limiting warheads. The reason it became inconsequential was they had 2,500 Soviet launchers. It was widely played all across the country we were requiring them to reduce the number of launchers by 10 percent, which was true. They would destroy 250 launchers, bringing their total down to 2,250. That was fine as

far as it goes. That is an elimination of 250 single warhead launchers. The only kicker in it was in land-based intercontinental ballistic missiles. It allowed both sides 820. The Soviets had approximately 500. That was an increase of 320 missiles with 10 warheads on each one that were allowed by the treaty. That is an increase of 320 with a reduction of 250, and that is not arms control.

I am accused of being against arms control. That is not true. I am tough on arms control. I did not want a fraud imposed on the American people by approving an agreement that on the one hand reduced 250 single-warhead launchers and let the Soviet deploy an additional 300 plus 10-warhead missiles. We should be talking about reductions in the threat, which is posed by warheads. Holes in the ground, or launchers, are not a threat. That is why this new MX Commission recommendation to seek reductions in nuclear warheads makes a great deal of sense to me. If we want peace and stability in this world, you eliminate what can kill you. A launcher cannot kill you, but a warhead can. I want reductions in warheads, and I think that it is incredibly important in arms control negotiations, regardless of what administration is in office, that the goal be to reduce the number of warheads on both sides.

Mr. SARBANES. I am not trying to accuse the Senator of anything. I am trying to develop some logic to this particular discussion because I think it is important.

Let me ask the Senator this question. Was he supportive of the MIRV'ing decision?

Mr. GARN. I was not in the Senate at the time the MIRV decision was made. That was done prior to me being here. But I know what the Senator is going to say. It is that the failure to have MIRV's caused the Soviets to MIRV. That is the argument I always received in the debate back in 1979, and I do not believe that any more than I believe in the tooth fairy. We did produce it first, but to assume that the Soviet Union would not have built them if we had not belied all we have learned from Soviet actions for more than a decade.

Mr. SARBANES. That is not what I was going to say next. What I was going to point out next was the essay by former Secretary of State Kissinger a few weeks ago in which he now states that while having been a strong proponent of MIRV'ing, and it goes back to the bargaining-chip point I was making earlier, while he was a very strong proponent of MIRV'ing he now looks back and thinks that was a very bad mistake. I might say to the Senator if either he or I made a comparable mistake we probably would not get reelected. That is a mistake of fundamental magnitude, but it does not seem to affect people's credentials as experts to come along and confess that kind of mistake and, in fact, as I understood that essay, the former Secretary of State is now arguing that we should move back to single-warhead missiles unilaterally. As a matter of fact, he argues that that would introduce greater stability into the nuclear situation.

I am simply trying to underscore the point and I am moving away, I realize, from the nomination. I underscore the point that this constant reference to bargaining chips, as you look back, only served to escalate and increase the arsenals and complicate the problem of achieving limitation and stability with respect to nuclear arms.

I also think that many of these technological developments complicate the verification problem which I think is extremely important because obviously unless you can be assured on the verification point, it is going to be very difficult, if not impossible, to arrive at any agreement. They rest on a verification principle.

And my own view of SALT II was that it did give us a framework in which we knew the limitations under which each country would have to operate and therefore we were in a position of being able to plan on the basis of what the approach of the other country would be, and I assume that that is the reason or one of basic reasons why this administration which in effect had denounced SALT II before they came in, continues to adhere to its terms.

I understand the Senator's position. It is consistent. He disagreed with the SALT II Treaty. He does not think its terms should be followed.

I have a little difficulty in understanding the rationale of the administration in that regard and in fact I questioned Mr. Adelman when he was before our committee as to why we ought to be following SALT II if he did not think SALT II was a good treaty. I did not think he gave a very good answer to it. I am frank to tell you I think the Senator's answer is better, it is more logical, and it is more consistent.

Mr. GARN. If I could get back to the MIRV'ing, I would be willing to say that MIRV'ing was a mistake, if we could make the assumption that the Soviet Union would not have MIRV'd if we had not MIRV'd. I would agree with not MIRV'ing if we could make that assumption. But during the confirmation hearings for Paul Warnke, I asked him about the United States not deploying any more land-based ICBM's, in effect freezing those systems at 1,054 since 1970. I asked Mr. Warnke about the cancellation of the B-1 and other examples of U.S. restraint in deploying weapons systems. I asked if he could give me one single example of where the Soviet Union had reciprocated as a result of our own restraint. He could not. Therefore, I would assume the Soviet Union would have gone ahead and MIRV'd as soon as the technology was available to them whether we did so or not. So I think we were forced into a situation of MIRV'ing.

The Senator has asked me about these bargaining chips becoming part of the arsenal. But, on the other hand, is there any logic in your study of weapons control systems where you can show me when we have made unilateral decision after unilateral decision that the Soviet Union has backed off? I will ask the Senator the same question I asked Paul Warnke. Can you give me an example of where they have? In other words, if we do not go ahead with the MX, do you think they are going to cut a half or a third or 20 percent of their SS-18 force? How do we get them to do that? What incentive is there for them to do that?

Mr. SARBANES. Let me take the current European situation. The Soviets are playing a strategy that, in the end, the West will not move ahead with the bargaining-chip arrangement because of the sentiment developing in the European countries.

It would seem to me, if the administration wanted to address that problem, their single most constructive decision would have been either not to have sent Mr. Adelman's nomination to the Senate or to have withdrawn it when the Senate Foreign Relations Committee decided to delay the vote, or following the adverse vote in the committee. They are failing, as a consequence of not having taken that action, to establish the bona fides or their credentials on this very important arms control issue as it affects public perceptions in Europe and in this country as well.

This nomination has a dimension beyond the substance of Mr. Adelman's views. It goes to the question of his qualifications, the nature of his testimony before the committee, the perception of his own commitment, and knowledge in the arms control field.

The administration could have sent to the Senate a nomination of which virtually every Member of the Senate would have said, "Well, I may agree or disagree with this or that view of his, but this is clearly a person of tremendous stature, of clear competence, and a real heavyweight to be dealing with what may be the most critical issue of our time," that would have created a perception on the part of our European allies, or parts of their public, and in our own country of the seriousness with which we are approaching the arms control issue.

This fellow is to be head of the Agency in our Government established to address specifically arms control

and disarmament and he is charged by statute with primary responsibility within the Government for arms control and disarmament matters. We clearly need someone in that job who, in effect, creates a sense in our public and in the public of our allies that we are in earnest about this arms control business.

Mr. GARN. Well, there is a disagreement of opinion, obviously. Some of us think that he does qualify and he does send the proper signal. Would the Senator from Maryland tell me if he believes the Soviets at the INF negotiations have made a reasonable counteroffer to the zero-zero proposal of President Reagan? I should mention that Paul Nitze, who is respected by everyone here and in Europe, is the one that is in Geneva doing the negotiating. He is more experienced in these matters than anybody else.

Mr. SARBANES. I think the walk that Nitze took in the woods, and the formulation derived with the Soviet counterpart which later got a rebuff in both capitals on reference back, that that represented potentially a very significant development.

Mr. GARN. I agree. But a walk in the woods with a couple of negotiators, and an idea that was immediately rejected by the Soviet Union and rejected by us does measure up to the President's zero-zero proposal. Certainly 75 on both sides would be agreeable to me. No doubt about it. But that was not their offer. The official Soviet offer was one I talked about before the Senator got here of a ridiculous 162 with 3 warheads and the suggestion that these be matched by British and French missiles that do not have 3 warheads, but only have 1, and do not have the range to hit many of the critical military targets in the Soviet Union. That is a laughable offer.

Mr. SARBANES. We are dealing with two factors here. One is, since our allies are involved in these matters we must insure that they perceive we are approaching this matter seriously.

I voted for the confirmation of Eugene Rostow. I did not agree with all of Rostow's views. But he was clearly competent and able, and could handle the job.

All I am saying to the Senator now is that while he may disagree with my perception about Mr. Adelman, the view that I am advancing is one held by a wide range of opinion in this country and in Europe. To the extent that this is the case, it undercuts and weakens the ability of this administration to move forward on the arms control issue.

Mr. GARN. I do not think there is any doubt about that, but where does that impression come from?

Mr. SARBANES. I think it came from Mr. Adelman.

Mr. GARN. Does it help when we constantly hear it on the nightly news night after night after night? Where is the impression that the Soviets are serious about arms control?

This administration is serious about arms control. I talked to President Reagan, then just private citizen Reagan, all during 1979. I constantly had conversations with him because he was interested in SALT II. He wanted to learn. Since he became President, I have had numerous opportunities to talk to him about these issues and there was nothing that concerned him more than arms control. He said he wanted to be very well prepared before starting the negotiations because the Soviets had the same bargainers there that they had for the last 12 or 13 years.

Maybe I am betraying some confidence, but I told some of the people down at the White House, "Look, with what is going on, I recognize you want to be well prepared, you want to have well thought-out options, you don't want to go over there cold, but this movement for immediate arms control is going to come along."

So the only mistake I see the Reagan administration has made is not agreeing to some talks, or about the shape of the table soon enough, so that the so-called peace movement could not say in June 1982 that they finally forced Ronald Reagan into negotiations.

I resent that constant implication that the President is not serious about arms control. This man is as serious about it as you or any other Member of this body. There is a difference of opinion in how you treat the Soviet Union, and history tells me and tells President Reagan that you do not treat them the way we have in the past, turning the other cheek and handling them with kid gloves. You have to have something to bargain with.

Mr. SARBANES. No; that is not the point at issue in the debate here. This debate, and the point I am trying to make, is: accepting everything you have just said, why are we having this kind of a debate over the nominee to be the head of the Arms Control and Disarmament Agency? We ought to have a nominee before us of whom virtually every Member of the Senate can say: "This is an outstanding appointment. This is the kind of person we all agree we ought to have to address an issue of this complexity and this importance."

I do not know whether this fellow is going to make it or not. It is going to be a very close vote, as I understand it, which is a comment right there.

Second, you have Members of the Senate standing up who are going to support this fellow for very minimal reasons. They get up and say they have examined the record and can find no compelling reason to vote against him.

That is the best argument they can make. "We have looked at the record and we cannot find a reason to vote against him."

My colleague from Maryland made the point yesterday that the presumption with respect to Presidential nominations seems to reach a point where the President is entitled to any nominee he wants except, perhaps, in the case of a convicted felon or an adjudicated lunatic.

In a matter of this consequence, we ought to have before us a nominee about whom Members of the Senate on both sides of the aisle, of differing views on the nature of the approaches to arms control, agree that, yes, this is a person of the highest quality to deal with an issue of top priority.

That is clearly not what we have before us.

The Senator may say, "Well, it is my reading that this guy is OK." Others of us disagree with that. It seems to me there are people available the administration could have sent of whom both you and I would have said, "That is a terrific appointment. This is an incredibly important issue and we are putting a first-rate person into the job to do the best that he can with it."

Mr. GARN. First of all, this debate is not solely on the qualifications of Mr. Adelman. I do not think it was intended to be that way by some. I think from the very beginning it was stated that this was to be a debate on arms control policy. I think that is what it has become.

Mr. SARBANES. On the part of some.

My approach consistently, throughout, has been to go to the question of the qualifications, and my perception is that in this case they fall short of what we need in a position of this magnitude and responsibility. We need a person of gravity, of stature, a person who can command the confidence of not only the Members of the Senate and of the Congress, but of our public, and of the publics of Western Europe, which are important in trying to resolve that issue. We do not have that here.

Mr. GARN. Could I answer the Senator on the basis of what he has just outlined, having general agreement on both sides, what was his opinion of Paul Warnke? There were more than 40 U.S. Senators who felt very strongly that he should not be head of ACDA. We had a debate at that time.

I assume on the qualities you just outlined, he was not qualified for the job because there was so much opposition to him. Is that correct?

Mr. SARBANES. No. Let me make this important distinction. People voted against Paul Warnke, but my perception of the opposition to Paul

Warnke was that they disagreed with the positions that he took. My understanding of the opposition was that they did not question Warnke's knowledge, involvement, or expertise in the arms control field. They simply differed with his positions. That is a more difficult complex question. Are you going to vote against a President's nominee because you differ with his substantive position and presumably, that of the President? In this case I am not advancing my opposition to this nomination essentially on the basis of his positions as much as I am his lack of reaching that important threshold with respect to qualifications, experience, knowledge, and with the perception of him as a heavyweight in this field. That, it seems to me, is an important distinction.

You could propose someone whom I would perceive as a heavyweight but whose views I would quarrel with. You would say, "Well, those are the President's views." Then I would have a tough decision. Either I would vote against him, as some Members did in the Warnke case, for that reason, or would I say, "Well, you know, it is the President's person and this is the person who he wants and he is eminently qualified."

I did that with Rostow. I did not agree with all of Rostow's views when he came before us still, I voted for him. I perceived him as being a heavyweight in this field. I go back to that reference point. We do not have it here. It is missing the point, even though there is some difference of opinion, where it raises serious questions about the commitment which you spoke of earlier, that you believe the administration has to arms control.

Because those serious questions are raised, it undercuts and impacts negatively on their efforts to move in this area.

Mr. GARN. I did not question the Senator's opposition. Certainly, we disagree, but I did not question what you have just said. But I do know from calling on both sides of the aisle that many of them are voting against it simply on the basis of philosophy and it would not have made any difference who the President had sent up. Some of our Members, both Republicans and Democrats, would have questioned the philosophy. That has been going on for some time.

I will not take any more of the Senator's time other than once again to say that there is no Member of this body who desires more than I, with the little children I have, to see a realistic, verifiable arms control treaty that provided for reductions on both sides. There is no issue about which I feel more strongly.

I can disagree with my colleagues on social issues and win or lose, fine. But I do worry abut the possibility of nuclear war or war of any kind and how my children will live. There happens to be a difference of philosophy of how we promote the cause of peace. I happen to think that if we go the route of the protesters in Europe and so on, that we have very, very little chance of getting a realistic arms control treaty. The very people in Europe and in this country who profess to want one so much—though I do not question their sincerity whatsoever—are indirectly and not intentionally undermining the very thing they want the most, and giving encouragement to the Soviet Union not to give an inch, but to wait and see how much they can pocket and say, "Thank you very much, sir," before they start to bargain seriously. I see it as two poles: We are here and they are there. They want to keep moving us, never giving an inch, and finally we get about three-fourths of the way across and then they say, "OK, let us split the difference." That is the way they have bargained in the past.

I would suggest we not move so rapidly until there is movement on their part and then we can start moving.

I appreciate the colloquy with the Senator. He is a valued member of the Banking Committee and I enjoy his knowledge and expertise in that field. I enjoy working with him. We simply have apparently, a great difference of opinion on this particular issue, as well as on arms control philosophy.

Mr. SARBANES. Mr. President, who controls the time on this side?

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I am happy to yield such time as he may desire to the Senator from Maryland.

Mr. SARBANES. I thank the Senator.

Mr. President, I rise in opposition to this nomination and to urge my colleagues to join a bipartisan majority of the members of the Senate Foreign Relations Committee in rejecting the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

The committee's decision to recommend against the confirmation of this nomination was not lightly reached. As a member of the committee, I want to assure my colleagues of that fact.

Mr. Adelman came before the committee and testified at length in three separate hearings in late January and February of this year. In addition, the committee discussed his testimony and issues pertaining to his qualifications for this position at great length.

On February 16 the committee met in a business meeting to vote on the nomination. It was clear at that meeting that an unfavorable report would be forthcoming. In an effort to be constructive and to give to the President an opportunity to consider again the nomination, the committee voted 15-2 to postpone a final vote, this was done in consideration of the President and the administration and in the belief that the delay would provide an opportunity for the administration to consider the fact that an unfavorable vote would otherwise be forthcoming and to act accordingly.

It is my own view that the central issue in this instance is not Mr. Adelman's views, although I am troubled by a number of them. Let me say briefly that the question of the confirmation power is difficult and complex. I do not think that, in treating the confirmation power, we have never worked out a definitive answer to the question of how we should respond to a President's nomination of someone whose views are sharply at variance with our own but are consistent with those of the President. Do we say, in effect, well, this is the person the President wants and he thinks like the President; and therefore while I disagree with him and indirectly with the President, the Chief Executive is entitled to have whom he wants to carry out the responsibilities of the executive branch of the Government? That question has not been definitively answered.

But in the case of Mr. Adelman I do not think we have to reach that question. There is a lower threshold that has not been crossed before we even get to the question of his views: that is, his ability to carry out the responsibilities of this very important position to which he has been nominated. I make this point while emphasizing the importance of arms control to the security of our Nation and, indeed, of the world. I regard arms control as an essential part of our normal security policy, not as something in place of a national security policy or an alternative to it, but as an integral part of that national security policy.

In weighing Mr. Adelman's qualifications, I think one needs to look carefully at the statutory requirements imposed on the Arms Control and Disarmament Agency Director by the act of 1961. Section 22 of that legislation states:

> The Agency shall be headed by a Director who shall serve as the principal adviser to the Secretary of State, to the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this act.

I want to point out that the Director is to be the principal adviser to the Secretary of State, the NSC, and the President on arms control and disarmament matters and that, in carrying out his duties, he shall have primary responsibility—primary responsibility—within the Government on arms

control and disarmament matters. I think a careful examination of Mr. Adelman's career reveals that his background in arms control questions is limited in range and in depth. That fact alone makes this appointment a sharp departure from the practice followed over the entire life of this agency since its establishment in 1961, in Republican and Democratic administrations alike, a practice of having highly experienced Directors: William Foster, Gerald Smith, Fred Ikle, Paul Warnke, George Seignious, Ralph Earle, and Eugene Rostow.

It is cited on Mr. Adelman's behalf that during his 18 months as our deputy permanent representative to the United Nations, he coordinated the work of the U.S. delegation to the Second Special Session on Disarmament and headed our delegation to the First Committee, which deals with arms control questions. I think it should be emphasized, however, that those responsibilities are essentially representational or political, not substantive. They involve the advocacy of policies determined elsewhere, not the development of policy. They draw, in my judgment, on the talents of the advocate and the debater and not on the knowledge and skill of the policymaker.

This lack of experience raised legitimate questions about how Mr. Adelman could or would function as Director of ACDA. It was these questions, in large part, that the committee sought to answer in the course of its extensive hearings. However, Mr. Adelman's responses did not allay the existing doubts. In fact, I believe they magnified them, deepened them to the point that, in the end, a majority of the committee voted unfavorably on his nomination. It is my perception that very few members of the committee, certainly no more than a few, came to the hearings with a predisposition against this nomination. It was in the course of the hearings that increasing questions and doubts developed.

Much of that, Mr. President, is spelled out in the committee's report and I urge Members to review it carefully. There were an extraordinary number of instances in which Mr. Adelman replied to very fundamental questions by saying that he did not know, that he had no opinion, that he had never thought about it, that it was not a matter that had ever been within his area of responsibility—there were repeated responses of his to basic and self-evident questions in the field of arms control and disarmament.

I think the committee report makes clear Mr. Adelman's tendency to discuss issues in such a way and in such terms as to obscure rather than clarify them. In fact, in his second hearing on February 3, subsequent to his first hearing on January 27, he opened the session by acknowledging this problem with the extraordinary statement that:

> I am troubled by the impression created in last week's testimony that I am somehow unfamiliar with the issues in the fields to which I have devoted my entire adult life, both in the academic world and in public service. I was overly cautious last week.

That was putting it mildly. The fact was that his testimony at the first hearing raised serious and fundamental doubts about his abilities and capacities to handle the job of Director of the Arms Control and Disarmament Agency. At subsequent hearings he made a strenuous effort to compensate for the serious problems which his testimony created, but that effort had limited success and must be perceived in the context of his initial responses to a series of questions put by my colleagues on the committee—responses that were clearly inadequate.

His answers to questions about the Threshold Test Ban and Peaceful Nuclear Explosion Treaties, about lines of authority and personnel matters at ACDA, about adherence to SALT II, about whether or not views attributed to him then and now were indeed his views, remain confusing upon review as they were confusing at the time.

In addition to the committee's report, Members also have before them the published hearings of the committee on Mr. Adelman's nomination which provide the opportunity to follow the actual testimony and the question-and-answer session.

The committee realized the seriousness of the matter before it, and realized, I think, in assessing this appointment, that it was not a typical appointment. We were dealing, first of all with a subject matter of intense importance to the future not only of our society but, indeed, of the world. The committee recognized the position of Director of ACDA is an enormously important and responsible position, and that the Director of that Agency must be a person of the greatest skill and experience. I do not believe that this is a position about which Members of the Senate can take the view that unless they find some compelling reason to vote against the nominee, they must therefore proceed to confirm him.

My colleague from Maryland yesterday spoke of the attitude that seems to prevail on the part of some that a President is entitled to any nominee he wants except perhaps in the instance of a convicted felon or an adjudicated lunatic.

But I think in this instance with respect to a position of the consequence and importance of the Director of the Arms Control and Disarmament Agency, we are entitled to have before us a nominee whose skill, experience, qualifications, and competence, whose understanding of this enormously complex issue, are beyond argument.

Very simply put, we should have a nominee before us for a position of this consequence who is of such distinction that the Members of this body agree in effect, "This is an excellent appointment, this is the kind of person—whether we agree with all of his views or not, whether we take an approach on arms control different from the administrations—who so clearly crosses the threshold of experience and ability that we can all join in saying he ought to be the head of this very important agency dealing with this extremely important subject." In my judgment, Mr. Adelman falls well short of that standard. He should not be confirmed. We should call on the President to send forward a nominee who meets that high standard, whom we can all join in supporting very strongly, and in whose hands we can confidently place the enormous responsibilities which go with this position.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I was very much struck by the statement of the Senator from Maryland. In connection with his point about hoping for another name to be submitted by the President, I again recall the 15-to-2 vote in committee to postpone action on the nomination for a week to allow the President to reconsider. In my view, many of the people who voted that way were voting because they felt another individual could be found who would fill this job with greater distinction than would Mr. Adelman. I think that in the statements of those opposed to his nomination the message has come forward that he is likable and decent. I, for one, would be delighted to confirm him for a job that was more in line with his abilities.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. QUAYLE. Mr. President, I would like to address my remarks toward trying to get an arms control agreement either in 1983 or 1984.

There is a consensus of opinion within this body that we all would like to see an arms control agreement. But, there is certainly a difference of opinion on how we are going to get it. And, there is a difference of opinion on what the characteristics of that agreement should be. They include issue of verification, the issue of reduction in

the number of launchers, the number of warheads, and so on.

I believe there is a strong majority that would like to see an arms control agreement, not just for the sake of having an arms control agreement but for the sake of creating a more stable environment worldwide. The Secretary of Defense has even said that if we have an arms control agreement, there will be a saying in the amount of money expended on national defense.

The question I pose and the issue I want to take on is this: How best do we go about getting an arms control agreement?

In my opinion, Mr. President, if this nomination were to be rejected, the objective of getting an arms control agreement either this year or next year would be set back. A new nomination would have to be sent forth. There would have to be committee hearings. There would have to be a vote. It would have to come to the floor again.

And, even beyond the nuances and the political fallout of a rejection of this nomination by the Senate, it would certainly slow the process of reaching an arms control agreement.

We need to get on with the process. We need to get on with the arms control negotiations; and the best way to get on with them is to confirm this nomination, on our constitutional responsibilities of advice and consent.

I realize that serious questions are being raised by the overall arms control policy of this administration. Quite frankly, I think the administration could do more to be convincing that there is a strategy on how we are going to get an agreement. There could be a far more convincing strategy on what our national defense policy should be. There could be an even far more convincing strategy of what our policy is going to be on national security, on foreign policy, and other matters. But, I am not going to debate that. That is for another time. The issue is Kenneth Adelman and whether, with our advice and consent, he is to be the Director of the Arms Control and Disarmament Agency, as the President has recommended.

I had not met Mr. Adelman before the submission of his nomination, yet I had known of him. Since the nomination, I have spent time with him, and I have come away quite impressed with his knowledge of arms control.

I think if you look at the extensive experience he has had at his rather youthful age, it is quite impressive.

As we all know, he presently serves as the U.S. deputy permanent representative to the United Nations. He has led the U.S. delegation to the Second Special Session on Disarmament. He has demonstrated great skill as a diplomat, a negotiator, and a manager of people.

From 1976 to 1977 he was the assistant to the Secretary of Defense. In 1976 he would have been 29 years old, a rather young age to be serving in such an important position, yet he did an excellent job. From 1975 to 1976 he was liaison officer for the Agency for International Development. From 1970 to 1972 he was special assistant to the Director of VISTA. He obviously has had extensive public service.

As to his educational background, there is no need to reiterate it. I will only say that for having received a masters in foreign service from Georgetown in 1969 and then going on to do what he has done since, he is quite a remarkable man.

Another thing that has been brought out throughout this whole debate are the recommendations of Mr. Adelman's former superiors or former employers. They have gone on record as enthusiastically endorsing him. They include such distinguished individuals as Mr. Rumsfeld, Mr. Kissinger, and Ambassador Kirkpatrick. There is no doubt that those who have worked with him have been much impressed.

Mr. Adelman's writings have appeared in such publications as Foreign Affairs, Foreign Policy, Washington Quarterly, the Wall Street Journal, and the New Republic. Among some of the topics he has written on are issues of arms control and issues of defense policy.

Mr. President, I want to point out that one of the interesting factors to which there has not been paid a great deal of attention is that while Mr. Adelman has been at the United Nations he has been one of the driving forces in bringing the issue of yellow rain and the use of chemical weapons in Laos, Afghanistan, and Kampuchea to the forefront of discussion.

I realize that this issue has not received a lot of attention in this body. Quite frankly, I think it should be receiving more. And, I intend to bring more information forward on the violations of treaties and the use of chemical and toxic weapons in Southeast Asia and other parts of the world. These violations need to be brought to the attention of my colleagues and to the attention of the public.

Only recently, our intelligence reports—which are not classified—show that the Vietnamese have now intensified the use of chemical weapons during their latest offensive along the Thai border.

Kenneth Adelman was one of the lonely voices within the United Nations on this particular issue. There also have been a few lonely voices on the Hill. And, I know there have been a few lonely voices out in the media; namely, the Wall Street Journal which has been very, very adamant on almost a routine basis on trying to point out these violations and the fact that chemical weapons are being used in Afghanistan, Laos, and Kampuchea. The fact is that these violations are going on.

The fact is that this is an issue on weapons control. We have talked about eliminating chemical and biological weapons from the face of the Earth, yet they are still being used.

As we look at trying to have weapons reduction and trying to have treaties that eliminate weapons, the issue of chemical weapons certainly ties into this whole concept of arms control and arms reduction that this administration is pursuing, and that Mr. Adelman subscribes to.

So, as we look at the record, background, and qualifications of Mr. Adelman, I feel there is really no question of his ability. I do not think there is a question about his capacity to fill the job, and apparently it comes down again to this overall issue of the arms control policy presented and endorsed by the administration. But I really believe that if we are serious about letting the arms control issue defeat this nomination, it will just simply be the wrong thing to do. I know there are many that are serious about not only getting an arms control agreement, but many who would like to see this nominee defeated.

I happen to disagree with those who want his defeat. I think it would be a set back for arms control. It would be sending the wrong signal. It would be saying the United States is not really that serious about engaging in an arms control agreement.

People say that by nominating Mr. Adelman we are not showing we are serious about arms control. I make the opposite argument that by rejecting this nominee we would be saying that we are really playing politics. We would be setting the arms control negotiations back a step. Even though those who oppose him do not want to do that, yet I think that would clearly be the result.

If we really want to see the arms control process move forward, then I believe the proper response is to back this nomination.

Throughout this week we have been hearing we can do better than Mr. Adelman. I suppose you can always say that we can do better. I know that there are probably a lot of people in the state of Indiana who think they could do better with a different Senator than myself. I am sure people would say that about each one of us.

I believe there are Members who are not considering our constitutional responsibility of advising the President but rather are considering whether we can do better. Yet, I think we have the constitutional responsibility to look at the nominee, and unless there is something outrageously wrong with the nominee, then I believe the advise-

and-consent process ought to go forward.

I do not believe there is anything wrong with Mr. Adelman, and certainly not anything to the degree that would constitute our not confirming his nomination. The constitutional responsibility of the Senate is to move forward and give our favorable consent to this nomination.

The President wants him. There will always be those who will say we can do better, but that is not the question we are being asked today.

We are being asked to pass our judgment on a President's recommendation.

Mr. President, I will conclude and just say that if in fact this nominee is rejected, I think it would be disastrous for this country's arms control policy. I think it would be disastrous for this administration. I believe it would be disastrous for the President and the Congress to lose a nominee of this stature.

A lot of people have said we better send the President a message, we better send him a signal. Sure, we can send messages and we can send him signals. We can call him up. We can pass resolutions. But I certainly do not believe that sending a message or a signal through a nominee is the right course of action.

Certainly there are many in this Chamber, as I said at times myself, who have questioned certain policies, have questioned certain strategies of this administration, but it certainly would not behoove this body to try to send the President a message that would in so doing result in the rejection of this nominee.

People are talking about symbolism and perceptions, and perceptions are often far more important than reality. But you know this is a real thing. This is a real nominee. This is a real live vote that is going to take place at 2 p.m. on Thursday. It is not any symbolic vote. It is not any perception vote. It is a vote on whether the President's nominee is going to be confirmed or rejected by the Senate.

I believe that the presumption must rest with the President. He is right unless proven wrong. In this situation, I do not believe that there has been documentation on Mr. Adelman as to his character, or his ability to carry out the functions and the directives of the President. I do believe there is a larger question looming. That is the question of the arms control policy of this administration.

I hope the message has been sent that this is a serious question no matter what the outcome will be, although I anticipate and hope it will be favorable. But we have already sent messages, we have already sent the symbolism downtown, to the White House. There needs to be a better understanding, a better communications, in telling not only Congress but the American people what is going on in regard to our arms control strategy and how are we going to get from here to there.

Those messages have already been sent. Going beyond that and trying to get into the message-building syndrome, I believe, would be counterproductive, to getting an arms control agreement either this year or next year; counterproductive to what the constitutional responsibility of the Senate is: To advise and consent to the President of the United States on these very serious responsibilities.

Everybody has taken this seriously, and I hope in the final outcome Mr. Adelman will in fact receive the endorsement of the U.S. Senate. I hope it is not really as close a vote as everybody says it is going to be.

The most important thing now is to confirm Kenneth Adelman, to get on with the issue of arms control, to get on with the process that has been instituted in trying to get an INF agreement and a START agreement.

Mr. President, I yield the floor.

DR. ADELMAN WILL END THE ARMS CONTROL VERIFICATION SCANDAL

● Mr. SYMMS. Mr. President, this week many Americans will again be participating in rallies, seminars, and meetings regarding nuclear freeze proposals. This week the other body will again be voting on a nuclear weapons freeze resolution. One of the major difficulties I have with these nuclear weapons freeze proposals is the lack of attention to the serious question of verifiability of arms control agreements. Most Idahoans I have spoken to recently regarding nuclear arms control have all indicated that whatever agreements we are able to reach with the Soviets, we must be able to verify whether or not the Soviets are keeping up their part of the bargain. it is this crucial question of verification and enforcement of compliance that led me to oppose the confirmation of Mr. Robert Grey to be Deputy Director of the U.S. Arms Control and Disarmament Agency. Because of my serious concern over verification policy I would first like to outline for the record the reasons for my opposition to Mr. Grey. In addition, I would then like to express my strong support for Dr. Kenneth Adelman to be President Reagan's new Director of the Arms Control Agency. Dr. Adelman has repeatedly expressed his concern about effective verification and enforcement of Soviet compliance with existing arms control agreements. I believe that Dr. Adelman will end the current arms control verification scandal. I am sure he will staff the newly created Verification Bureau with able verification experts. I am confident he will respond to repeated senatorial requests for verification and compliance reports. I am sure he will insure that effective verification is an integral part of any START or INF treaty. Finally, I again want to outline some of my concerns about Soviet SALT II violations.

Mr. President, as we all know, President Reagan in January 1983 withdrew the nomination of Robert Grey to be Deputy ACDA Director.

My principal objection of Mr. Grey stems from his role in ACDA's failure to emphasize verification in the arms control process. Verification is at the heart of the arms control process. I believe that the efforts of Mr. Grey to downgrade verification and thereby undermine arms control constituted sufficient grounds to disqualify him for Presidential appointment to a high post in the Arms Control Agency.

What were the specific areas of my critique of Mr. Grey's performance of duties on verification? I will describe them briefly in sequence.

First, it was obvious to all that President Reagan's platform favored strong arms control verification. It was also apparent that President Reagan favored recreation of a verification bureau in ACDA. Mr. Grey failed in July 1981 to recreate and ACDA Bureau for Verification. The Bureau of Verification had been abolished in March 1977 by Paul Warnke, as his first official act under the Carter administration. The Reagan White House had to intervene and request that Grey's ACDA recreate the Bureau of Verification.

When Mr. Grey finally acted to recreate the Bureau of Verification in October 1981, he again failed to realize the importance of verification. He failed to provide sufficient staffing. Only seven persons were allocated to the Verification Bureau, and of these, only three were professional staff qualified to do substantive work in verification. Even now, the Verification Bureau is still understaffed and underfunded.

Moreover, Mr. Grey continued to downgrade verification by failing to cooperate with Dr. Joseph Douglas, who was initially nominated by the President to be Assistant ACDA Director in charge of the Verification Bureau. Dr. Douglas is a world-famous expert on Soviet strategic forces, doctrine, and arms control. He has written widely and knowledgeably about Soviet disinformation and deception and Soviet military doctrine. Due to the failure of Mr. Grey to cooperate with Dr. Douglas by providing adequate staffing and work space, he chose to withdraw his nomination to head the Verification Bureau. Dr. Douglas withdrawal, after he had been nominated by the President, was a serious setback for sound U.S. verification in arms control, because he was uniquely qualified to direct U.S. verifi-

cation efforts. One ACDA insider has stated in regard to this episode:

In terms of dedicated function in ACDA, there is now less emphasis on or interest in verification than there was under any prior administration.

In place of Dr. Douglas the President nominated Dr. Manfred Eimer, an equally well qualified man, to be ACDA Verification Director. Dr. Eimer is also highly qualified to be in charge of verification, with over 20 years experience of substantive work in arms control and verification. He is highly qualified as a scientist and is an expert on verification and Soviet SALT violations. Yet Mr. Grey opposed Dr. Eimer's nomination, excluded him from important substantive work on verification and failed to provide him with sufficient staff and working space. Finally, Mr. Grey did nothing to assist Dr. Eimer in being confirmed by the Senate. Dr. Eimer was finally confirmed in March 1983, and he will do a fine job I am sure.

Second, Mr. Grey failed to respond to Senator HELMS' letter to ACDA of April 1981 asking about the verifiability of arms control agreements. Over 2 years have transpired and still Senator HELMS has not had a response to his legitimate inquiry. Mr. Grey's failures noted above to emphasize verification help to explain why Senator HELMS' letter was not answered. There simply was little effort being made on verification, the heart of arms control, at ACDA for the last 2 years. Mr. Grey's failure to respond to Senator HELMS' legitimate request for ACDA's verification assessment may constitute a violation of the law. Section 37 of the Arms Control and Disarmament Act requires that ACDA respond to congressional requests for verification assessments. Senator HELMS made a legitimate request for a verification assessment. This and other requests from Senators have been ignored for 2 years. This may constitute a violation of the law, section 37 of the ACDA Act, by Mr. Grey.

Third, Mr. Grey ignored substantive reports prepared by ACDA consultant on verification problems and degradation of U.S. verification capabilities. Several such consultant reports were prepared for Mr. Grey, and they were either ignored or rejected. This is further evidence of the failure by Mr. Grey to emphasize verification. For example, Dr. Amrom Katz of the RAND Corp. was denied an ACDA contract to work on a key verification issue—the problem of Soviet stockpiled missiles. Dr. Katz was a former ACDA Verification Bureau Director under the Nixon-Ford administration, and a leading expert on verification.

In addition to failing to respond to Senator HELMS' verification assessment request letter of April 1981, there are several other examples of Mr. Grey's stonewalling on verification requests were made to Mr. Grey for hearings on Soviet SALT violations and degradation of U.S. SALT verification capabilities from both the Senate and the House Armed Services Committees. These requests were resisted by Mr. Grey. Moreover, Mr. Howard Phillips and Gen. Albion Knight of the Conservative Caucus have been rebuffed in their requests for a thorough ACDA investigation into Soviet SALT violations and degradation of U.S. SALT verification capabilities. The American Sentinel has also written two letters to ACDA inquiring about Soviet SALT violations, and neither letter has been answered. Mr. John Lofton the noted columnist, has inquired to ACDA about Soviet SALT violations, and he too has been rebuffed. The Washington Times has repeatedly called for ACDA investigations and congressional hearings on Soviet SALT violations, and this newspaper has been repeatedly rebuffed by ACDA.

Each of the above cases may be regarded as further violations of section 37 of the ACDA Act by Mr. Grey. Moreover, Mr. Grey was empowered by section 37 to take the initiative in making verification reports to the Congress. This he never did.

A very serious criticism of the concern for verification shown by Mr. Grey can be seen in the following excerpts from a letter to Senators from ACDA. The ACDA letter, dated September 16, 1982, states:

The most recent analyses of the verifiability of SALT II . . . is a 1979 verification study. There are no current plans to carry out a systematic review and updating of these analyses.

This statement should shock Senators. As we all know, President Reagan has unwisely committed the United States to unilateral compliance with the unratified SALT II Treaty. The above statement confesses that the United States is committed to compliance with the unratified SALT II Treaty, despite the fact that the administration and ACDA have failed for over 2 years to do a study on whether or not SALT II is verifiable and whether or not there has been a degradation of U.S. SALT verification capabilities. This is scandalous and incredible. President Reagan himself has stated that the unratified SALT II Treaty is unverifiable. On January 29, 1981, in a press conference, President Reagan said:

There is no verification—of the unratified SALT II Treaty—as to the number of warheads on (Soviet) missiles, no method for us to do this.

Thus the President himself has stated that as regards limits on Soviet warhead numbers, or fractionation, the United States cannot verify SALT II. This Reagan statement was made in the same press conference in which he called the Soviets liars and cheats.

Moreover, ACDA itself has conceded in writing to Senators that since 1979, U.S. SALT verification capabilities have actually been degraded. Thus, we do not know how unverifiable SALT II may be. Incredible.

Another notable admission was made in the same ACDA letter to Senators. ACDA has stated:

The administration is currently engaged in an intensive study of the verification provisions which will be required for the START and INF proposals on the table in Geneva.

Thus Mr. Grey's ACDA has admitted that the United States has already proposed START and INF positions to the Soviets, without having first made the determination of whether or not our START and INF proposals are verifiable. This is a shocking deemphasis of verification by ACDA, for which Mr. Grey was largely responsible.

Moreover, it has been reported that ACDA and Mr. Grey advocated U.S. unilateral compliance with the unratified SALT II Treaty. This is in defiance of section 33 of the ACDA Act. Thus here we may have another example of Mr. Grey's disregard for the law.

Another criticism of Mr. Grey's concern for verification consisted of his abolition of the Interagency Group on Verification. This group was established in early 1981, and it was chaired by ACDA, the only U.S. agency with legal responsibility for verification. Under orders from Mr. Grey, this Interagency Verification Group chaired by ACDA was abolished. Again, this illustrated his lack of concern for verification.

Apparently ACDA thought that there are no longer any serious concerns over verifying Soviet compliance with arms control agreements. In the letter to Senators cited above, ACDA has stated:

(ACDA) took the initiative of raising with the Soviet Union the subject of verification . . . Last November, Mr. Brezhnev acknowledged the significance of this principle.

Mr. Grey's ACDA thus apparently believed that verification is no longer a problem, that the Soviets entirely agree with the United States on verification. Such naivete is remarkable. Does Mr. Grey really believe that Brezhnev and Andropov agree with the United States on verification? Moreover, the ACDA verification initiative described above was reportedly undertaken without prior approval from the Secretary of State and the President.

Finally, Mr. Grey repeatedly tried to nominate Dr. Robert Bucheim to be U.S. Commissioner to the SALT Standing Consultative Commission. The White House repeatedly opposed, finally successfully, efforts by Mr. Grey to nominate Dr. Bucheim. Dr. Bucheim served as SCC Commissioner

under the Carter administration. The 1980 Republican platform stated the following:

The Republican Party deplores the attempts of the Carter administration to cover up Soviet noncompliance with arms control agreements. We pledge to end the Carter coverup of Soviet violations of SALT I and II to end the coverup of the Soviet violation of the Biological Warfare Convention . . .

Thus Mr. Grey tried repeatedly to have the Reagan administration reappoint the very point man in the Carter coverup of Soviet SALT violations, in direct contradiction of the 1980 Republican Party platform. In sum, this is how Mr. Grey showed his concern for verification and his loyalty to the Republican platform of 1980.

Mr. President, I strongly support the confirmation of Dr. Kenneth Adelman to be Director of the Arms Control Agency, because I am confident that Dr. Adelman will give high priority to verification and enforcement of Soviet compliance with existing and future arms control treaties. Dr. Adelman is by now aware of the ACDA verification scandal. Dr. Manfred Eimer is now confirmed as ACDA Verification Bureau Director, after a long hiatus, and he is already taking important steps to staff his bureau and address the problems of Soviet SALT violations. Dr. Eimer and Dr. Adelman deserve our strong support for their efforts to overcome the ACDA verification scandal.

SOVIET SALT II VIOLATIONS REVISITED

The nuclear freeze currently being debated in the other body is not a proposal for the negotiation of an arms control treaty so much as it is a proposal for the negotiation of an arms control loophole. Today everyone recognizes how the Soviets treat loopholes—they exploit them for all they are worth. The failure of the SALT I and II treaties to arrest the growth of Soviet strategic forces directly resulted from the fact that the Soviets exploited the loopholes that were present in these agreements to deploy strategic forces far beyond what was assumed to be possible under the treaties.

More recently we have seen actual Soviet violations of arms control treaties. It is no longer possible to doubt what President Reagan told the United Nations Special Session on Disarmament in June 1982:

The Soviet Union and their allies are violating the Geneva Protocol of 1925, related rules of international law and the 1972 Biological Weapons Convention. There is conclusive evidence that the Soviet government has provided toxins for use in Laos and Kampuchea, and are themselves using chemical weapons against freedom fighters in Afghanistan.

Are we to respond to Soviet violation of these treaties with a deliberate effort to negotiate a clearly unverifiable nuclear arms control agreement? That is what the freeze advocates are proposing.

Soviet violation of arms control treaties goes well beyond the treaties on chemical and biological warfare. Eugene Rostow in October 1982 revealed that the Reagan administration has investigated 32 alleged violations of the kind which Mr. Laird and others have referred. Just the number of compliance issues alone illustrates how silly the freeze approach to arms control really is. SALT I and II, for all their many faults, were well-conceived arms control agreements by comparison to the nuclear freeze proposal.

I will not review the entire record of Soviet arms control compliance. However, I believe that a review of the current compliance issues is important in placing the nuclear freeze in perspective. They are:

Probable clandestine deployment of the SS-I6 ICBM, something specifically prohibited by SALT II. Then Director of ACDA, Eugene Rostow revealed in October 1982 that—

. . . certainly evidence has come along that causes great concern about whether the SS-I6 provisions of SALT II are be,ng respected.

A clear violation of the SALT II provision limiting the Soviets to one new type of ICBM. Secretary of Defense Caspar Weinberger revealed in the new edition of Soviet Military Power that:

The USSR has begun test flights of two land-based Intercontinental Ballistic Missiles . . . One of these missiles is a new solid-propellant ICBM similar in size and payload to the U.S. MX. The second is a new small solid propellant ICBM, which could be deployed on mobile transporters. Moreover, preparations to begin testing other new ICBM's, probably in 1983, are underway. All arms control enthusiasts are now in agreement that if either side tests two new type ICBM's, this would violate SALT II.

Soviet preparations to deploy long range cruise missiles on the Backfire bomber in violation of the Soviet commitment not to give the Backfire bomber an intercontinental capability. Once this cruise missile is operational, since the Backfire bomber has no functional related observable differences, all Backfire bombers would count as MIRV'd under SALT II, and hence the Soviets would be well over the MIRV limits, a key SALT II provision. Secretary of Defense Caspar Weinberger revealed in Soviet military power that—

The Soviets are developing at least one long-range air launched cruise missile (ALCM) with a range of some 3,000 kilometers. Carried by the Backfire, the Blackjack and possibly the Bear, it would provide the Soviets with greatly improved capabilities for low-level and standoff attack in both theater and intercontinental operations.

Telemetry encryption. The Soviets have now reportedly encrypted strategic missile telemetry as high as 95 to 100 percent. There was no telemetry encryption prior to SALT I and II. SALT I prohibits deliberate concealment that impedes verification and SALT II specifically prohibits telemetry encryption that impedes verification. In 1979, during the SALT II debate, no one would have said that such encryption levels did not impede verification. Senator JOHN GLENN stated that without the availability of telemetry, uncertainty about SALT II limited parameters is in the range of 50 to 70 percent. Former President Jimmy Carter threatened to abrogate SALT II if the Soviets encrypted telemetry to deliberately impede U.S. verification.

Probable Soviet violation of the yield limit of 150 kilotons to the threshold test ban treaty. Both Secretary of Defense Caspar Weinberger and then ACDA Director Eugene Rostow have voiced serious and grave concern about Soviet compliance with the TTBT. There have been reports that there have been 15 Soviet tests above the treaty limit, 1 of them at more than twice the treaty limit.

These are just some of the current compliance issues. The recent upsurge in activity by the Soviets that is contrary to existing arms control agreements may be a direct result of the nuclear freeze movement. The Soviets could well be depending on political pressure resulting from the nuclear freeze movement to inhibit the U.S. Government from pressing the Soviets to comply with existing arms control agreements. This is one major reason why the freeze resolution must be defeated.

Finally, Mr. President, on April 7, 1983, Defense Secretary Weinberger was asked if the Soviet Union was violating the SALT II Treaty by testing a second kind of new missile. Defense Secretary Weinberger answered:

They're doing a lot of things that seem to us to involve work with two missiles, whereas the SALT treaty appears to limit the one. They're doing a lot of things about encryption * * * which the SALT treaty appears to ban * * * there may be a violation, indeed, and this would not be the first time.

Weinberger added that indeed there may be several SALT II violations, in addition to Soviet violations, of the biological and chemical warfare conventions.

Another top Reagan administration official, Assistant Secretary of State Richard Burt, recently pledged publicly:

You can be sure that if the Soviet Union has violated any arms control agreement, this administration will come forward and talk about it.

Mr. President, I certainly hope that the Reagan administration will someday soon talk about Soviet SALT II violations.●

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME EQUALLY DIVIDED AND CONTROLLED

Mr. STEVENS. Mr. President, I ask unanimous consent that there be added to the order that exists under the unanimous-consent agreement pertaining to the nomination that is before the Senate, that when the Senate goes to the consideration of the Adelman nomination tomorrow at 11 a.m. that the time be equally divided and controlled by the Senator from Illinois (Mr. PERCY) and the Senator from Rhode Island (Mr. PELL).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. Mr. President, are we still in executive session?

The PRESIDING OFFICER. The Senator is correct.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRIME MINISTER OF SRI LANKA

(During the consideration of the Adelman nomination, the following proceedings occured, and they are printed at this point in the RECORD by unanimous consent.)

Mr. PERCY. Mr. President, I am very honored, indeed, together with Senator PELL and Senator BOSCHWITZ, to be hosting the distinguished Prime Minister of Sri Lanka, Mr. Ranasinghe Premadasa, who is here on the floor of the U.S. Senate with us.

I have visited Sri Lanka a number of times and have had the great pleasure of knowing and having a tremendous affection and very high regard for both President Jayewardene and his entire family, with whom I have visited in their mountain lodge on my last visit to Sri Lanka.

We have in our friends in Sri Lanka among the staunchest supporters of the democratic principle. Here is an utterly remarkable country that moved from a parliamentary system to a presidential system, had a change of power, and has had an overwhelming reelection of the incumbent president after a spirited campaign. They are recipients of foreign assistance from the United States, but I can really think of no other country where the return on investment—an investment in people, an investment in a great country, an investment in the future—has been more richly rewarded than by the wise way that Sri Lanka has used that economic assistance. It is not a large amount, is a relatively modest amount, but has been extremely well used.

As my colleagues know, we have been discussing with Sri Lanka the possibility of having an enlarged transmitter there for the Voice of America and we have had discussions with them. We shall discuss that particular issue in the meeting that we shall be having now in the Foreign Relations Committee room.

We do wish at this time to express our great appreciation to the Prime Minister for his visit to the United States.

On behalf of the U.S. Senate, Mr. Prime Minister, we do hope that you will take back our warm greetings to your President, to your entire Government, and to the people of Sri Lanka.

[Applause, Senators rising.]

Mr. PERCY. Mr. President, I ask unanimous consent that we may stand in recess for 2 minutes so the Members on the floor may personally greet our distinguished guest.

There being no objection, the Senate, at 3:37 p.m. recessed untiil 3:39 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRESSLER).

THE CALENDAR

Mr. STEVENS. Mr. President, may I ask my good friend are we prepared to go to calendar items numbered—there are five calendar items, I understand, which are cleared on both sides for consideration—80, 33, 74, 83, and 84; is my information correct?

Mr. BYRD. Mr. President, we are ready on this side to proceed.

Mr. STEVENS. I thank the Senator.

LEE METCALF WILDERNESS AND MANAGEMENT ACT OF 1983

The Senate proceeded to consider the bill (S. 96) to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment:

On page 7, after line 22, insert the following:

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lee Metcalf Wilderness and Management Act of 1983".

DESIGNATION AND MANAGEMENT OF LEE METCALF WILDERNESS AND MANAGEMENT AREA

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131), certain lands within the Beaverhead and Gallatin National Forests and certain lands in the Dillon Resource Area, Montana, administered by the Bureau of Land Management which comprise approximately two hundred and forty-four thousand acres as generally depicted as the "Lee Metcalf Wilderness" on a map entitled "Lee Metcalf Wilderness—Proposed," and dated January 1983 are hereby designated as wilderness and shall be known as the Lee Metcalf Wilderness.

(b) Subject to valid existing rights, the Lee Metcalf Wilderness as designated by this Act shall be administered by the Secretary of Agriculture, hereafter referred to as "the Secretary," in accordance with the Wilderness Act governing areas designated by that Act as wilderness: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act: *Provided further,* That the Bear Trap Canyon portion of the Lee Metcalf Wilderness shall be administered by the Secretary of the Interior.

(c)(1) Certain lands within the Gallatin National Forest near Monument Mountain have important recreational and wildlife values, including grizzly bear and elk habitat which the Congress recognizes. In order to conserve and protect these values, there is hereby established within the Gallatin National Forest the Lee Metcalf Management Area.

(2) The area in (c)(1) shall comprise approximately thirty-five thousand five hundred acres as generally depicted on a map entitled "Lee Metcalf Management Area," dated January 1983. The area shall be managed to protect the wildlife and recreational

values of these lands and shall be hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and geothermal leasing, and all amendments thereto, and further shall be administered by the Secretary to maintain presently existing wilderness character, with no commercial timber harvest nor additional road construction permitted. The Secretary shall permit continued use of the area by motorized vehicular equipment only where such use is compatible with the protection and propagation of wildlife within the area. Management direction for the area that recognizes these values shall be included in the forest plan developed for the Gallatin National Forest in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976.

DESIGNATION AND MANAGEMENT OF CERTAIN NATIONAL FOREST LANDS IN THE STATE OF MONTANA

SEC. 3. (a) The Congress hereby determines and directs that—

(1) the areas listed in subsection (b) of this section have been adequately studied for wilderness pursuant to Public Law 95-150 or in the RARE II Final Environmental Statement (dated January 1979);

(2) such studies shall constitute an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option for such areas prior to revision of the initial plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) and in no case prior to the date established by law for completion of the initial planning cycle;

(3) such areas need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation pending revision of the initial plans.

(b) The areas covered by subsection (a) of this section are as follows:

(1) the Mount Henry Wilderness Study Area as designated by Public Law 95-150;

(2) those portions of the Taylor-Hilgard Wilderness Study Area as designated by Public Law 95-150 but not designated as wilderness by this Act;

(3) certain lands on the Gallatin National Forest and Beaverhead National Forest identified as area 1549 in the Forest Service Roadless Area Review and Evaluation (II) Final Environmental Statement, Executive Communication Numbered 1504, May 3, 1979, not designated as wilderness by this Act;

(4) certain lands on the Custer National Forest known as the proposed Tongue River Breaks Wilderness, which comprise approximately sixteen thousand five hundred acres, as identified in Executive Communication Numbered 1504, Ninety-sixth Congress (House Document Numbered 96-119).

(c)(1) The lands described in subsection (c)(2) of this section have been adequately studied for wilderness pursuant to section 603 of the Federal Land Policy and Management Act (Public Law 94-579) and need not be managed, unless otherwise specified in this Act, for the purposes of protecting their suitability for wilderness designation, and may be made available for such uses as are deemed appropriate in land use plans developed pursuant to the Federal Land Policy and Management Act.

(2) The lands covered by subsection (c)(1) of this section are as follows:

(A) certain lands administered by the Bureau of Land Management in the Powder River Resource Area, Montana, identified as area numbered 736, Tongue River Breaks Contiguity, comprising approximately two thousand acres as described in the "Final Decision Montana Wilderness Inventory" published November 1980 by the Bureau of Land Management;

(B) certain lands administered by the Bureau of Land Management in the Dillon Resource Area, Montana, identified as area numbered MT-076-079 "Madison Tack-Ons" comprising approximately one thousand five hundred acres, as described in the "Final Decision Montana Overthrust Belt Wilderness Inventory" published by the Bureau of Land Management, not otherwise designated as wilderness by this Act; and,

(C) certain lands administered by the Bureau of Land Management known as "Bear Trap Canyon Study Area", Madison County, Montana, as described in "Draft Suitability and Environmental Impact Statement for Wilderness Designation of Bear Trap Canyon Instant Study Area" published April 1980 by the Bureau of Land Management, not otherwise designated as wilderness by this Act.

(d) The Secretary is directed to revise the boundary of the Absaroka-Beartooth Wilderness, Montana, to exclude from the wilderness the non-Federal lands platted as homestead entry survey numbered 865 (within section 8, township 7 south, range 10 east, Montana principal meridian) and such additional land as deemed appropriate by the Forest Service to provide vehicular access thereto, and approximately forty acres located in the West Fork Mill Creek (section 13, township 7 south, range 9 east, Montana principal meridian) to exclude about three-tenths of a mile of existing road, parking area, and public facilities. Lands excluded pursuant to this subsection are hereby removed from the National Wilderness Preservation System.

(e) The road depicted on a map entitled "U. L. Bend Wilderness Access for Motor Vehicles" dated January 1983 and fifty feet on either side of such road are hereby removed from the National Wilderness Preservation System. Such map shall be on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service.

(f) To provide for more efficient administration of lands designated by this Act as wilderness:

(1) the exterior boundaries of the Beaverhead and Gallatin National Forests in the State of Montana are hereby modified to exclude all lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness and the said national forest boundaries shall hereafter be the same as the wilderness boundaries depicted on the maps referred to in section 2(a) of this Act. All national forest lands within the Bear Trap Canyon portion of the Lee Metcalf Wilderness are transferred to the administration of the Secretary of the Interior to be managed as public lands in accordance with this Act, the Wilderness Act and the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2743);

(2) the public lands in section 12, township 10 south, range 1 east, Montana principal meridian, administered by Secretary of the Interior are hereby transferred to the Secretary of Agriculture to be hereafter administered in accordance with this Act the laws, rules, and regulations applicable to the national forest system;

(3) for purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903, as amended), the boundaries of the Beaverhead and Gallatin National Forests, as modified by this subsection, shall be treated as if they were the boundaries of those forests on January 1, 1965;

(4) nothing in this Act shall affect valid existing rights or interests in existing land use authorizations, except that any such or authorization shall hereafter be administered by the agency having jurisdiction of the land after the enactment of this Act, in accordance with this Act and applicable law. Reissuance of any such authorization shall be in accordance with applicable law and the regulations of the agency having jurisdiction.

LAND ACQUISITION AND EXCHANGE

SEC. 4. (a) The Congress finds that the wilderness area within the Gallatin and Beaverhead National Forests in Montana established by this Act contains significant amounts of intermingled lands owned by Burlington Northern Railroad Company and that in order to manage the wilderness in an efficient and effective manner these lands should be owned by the Federal Government. Notwithstanding any other provision of law, this section hereby authorizes and directs the exchange of lands and interests in lands between Burlington Northern Railroad Company and the United States through the Secretary and the revocation of existing withdrawals on the Federal lands. Accordingly, the Congress directs the Secretary to accept from Burlington Northern Railroad Company the following described lands and interests therein, consisting of twenty-four thousand and seven and twenty-three one-hundredths acres of land, more or less, subject to valid existing rights of record acceptable to the Secretary.

Township 6 South, Range 1 East, Montana Principal Meridian

Section 13: All,

Township 6 South, Range 2 East

Section 1:
Lots 13, 14,
North half,
West half southeast quarter,
Section 19: All fractional,
Section 27: All,
Section 29: All,
Section 31: All fractional,
Section 33: All,

Township 7 South, Range 1 East

Section 1: All fractional,
Section 3:
Lots 1 and 2,
South half northeast quarter,
Section 11: North half northeast quarter,

Township 7 South, Range 2 East

Section 5: All fractional,
Section 15: All,
Section 17: All,
Section 21: All,
Section 25: All,
Section 27: North half,
Southeast quarter,
East half southwest quarter,
Section 35: North half,

Township 7 South, Range 3 East

Section 31: All fractional,

Township 8 South, Range 1 East

Section 25: North half,

Township 8 South, Range 2 East
Section 1: All fractional,
Section 3: All fractional,
Section 9: All,
Section 11: All,
Section 13: All,
Section 15: All,
Section 17: All,
Section 19: All fractional,
Section 21: All,
Section 23: All,
Section 25: All,
Section 27: All,
Section 33: East half,
Section 35: All,

Township 8 South, Range 3 East
Section 5: All fractional,
Section 7: All fractional,
Section 17: All,
Section 19: All fractional,
Section 21: West half,
Section 29: All,
Section 31: Lots 1 and 2,
Northeast quarter,
East half northwest quarter,

Township 9 South, Range 2 East
Section 1: All fractional,
Section 11: All.

The lands acquired by the United States under the provisions of this section shall become parts of the Gallatin and Beaverhead National Forests subject to the laws, rules, and regulations applicable to the national forest system.

(b) Upon acceptance of title by the United States to the lands described in subsection (a) of this section, the United States through the Secretary shall convey to Burlington Northern Railroad Company all right, title, and interests to the following described national forest system lands and interests therein, consisting of eleven thousand eight hundred and ten and forty-seven one-hundredths acres of land more or less, which are of substantially equal value to the lands and interests conveyed to the United States and described as follows:

Township 5 South, Range 1 East, Montana Principal Meridian
Section 24: South half,
Section 26: All,
Section 34:
Lots 1, 2, 3, 4,
Southeast quarter,
Section 36: All, less HES 187 and 190,

Township 5 South, Range 2 East
Section 30: All fractional,
Section 32: All,
Section 34: South half,

Township 6 South, Range 1 East
Section 2: All fractional,
Section 12: All,

Township 6 South, Range 2 East
Section 2: All fractional,
Section 4: All fractional,
Section 6: All fractional,
Section 8: All,
Section 10: All,
Section 12: All fractional,
Section 14: All,
Section 16: All,
Section 22: All,
Section 24: All,

Township 6 South, Range 3 East
Section 18: All fractional.

The lands described in this subsection are conveyed subject to the following reservations:

(1) Ditches and canals as provided for in the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945); and

(2) For so long as the Secretary deems necessary, Burlington Northern Railroad Company accepts the responsibility accruing from this exchange to provide and manage three (3) public recreational accesses, including trail head facilities, in the Jack Creek drainage over routes approximately as illustrated on Exhibit C of the Memorandum of Understanding dated November 20, 1981, between the United States Forest Service and Burlington Northern Railroad Company to utilize national forest lands.

(c) The transactions necessary to effect the conveyances of title to lands authorized by this section shall be completed within ninety days of enactment of this Act: *Provided,* That the rights and responsibilities of the respective owners shall remain with such owners until such time as the conveyances are executed.

(d) The following orders of withdrawal, as they apply to the lands conveyed by the United States and involved in the transactions authorized by this section, are hereby revoked:

Executive Order Numbered 30—Montana 7—Phosphate Reserve—October 9, 1917 (One hundred and eighty-five acres).

Executive Order Numbered 30—Montana 8—Coal Reserve—December 27, 1911 (two thousand two hundred and eighty acres).

Montana 1—Coal Reserve—July 9, 1910 (seven thousand three hundred and sixteen and seventy-three one-hundredths acres).

Public Land Order Numbered 1370—Hammond Administrative Site—November 28, 1956.

Public Land Order Numbered 909—Jack Creek Administrative Site—July 13, 1953.

FILING OF MAPS AND DESCRIPTIONS

SEC. 5. As soon as practicable after enactment of this Act, maps and legal descriptions of the Lee Metcalf Wilderness and Management Area shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

Mr. MELCHER. Mr. President, Senate passage of the Lee Metcalf Wilderness bill has been a joint effort of the Montana congressional delegations, active conservationists in Montana and thousands of Montanans who work or live in Montana and while not active in advocate conservation organizations, have a high regard for prudent land management.

This bill has been in the making for several years. We hope for prompt House action and then signing by the President.

The bill deals with the remarkable pristine Spanish Peaks primitive area, the magnificent Taylor-Hilgard area, part of Cowboys Heaven, Bear Trap Canyon on the Madison River, and the Monument Peak area bordering Yellowstone National Park.

Naming this area for Lee Metcalf is fitting and a well deserved tribute to our departed colleague who consistently forged Montana and national, conservation efforts into law, as well as participating as a world leader in man's common goal of preserving and conserving this planet Earth. Lee Metcalf had many interests and many goals but none that surpassed his championing of conservation.

It is significant to note that this bill has other sections that would resolve land management problems concerning the Tangue River Breaks, the Beartooth Absaroka Wilderness Area, the Mount Henry area, and the U L Bend Wilderness on the Missouri River south of Malta.

Finally, I want to draw attention to section 4 of the bill which trades national forest lands in the Jack Creek area for Burlington Northern land within the Taylor Hilgard area. This is the largest "land swap" between the Forest Service and Burlington Northern that has been effectuated. It is my hope that other land trades between the U.S. Government and the Burlington Northern can be accomplished to permit better land management.

Mr. BAUCUS. Mr. President, I am pleased to voice my support for S. 96, the legislation designating the Lee Metcalf Wilderness. The entire Montana delegation has spent untold hours developing this package and we look forward to its prompt enactment into law.

Of foremost consideration is the remarkable suitability of naming this wilderness area in memory of Senator Lee Metcalf. The massive mountain range that is the backbone of the area is a fitting memorial to the man who led the way for conservation of Montana's wilderness heritage. In fact, Lee Metcalf was the chief sponsor of the Montana Wilderness Study Act—the bill that mandated the detailed study of nine parcels of wild lands in Montana to determine their potential for inclusion in the National Wilderness Preservation System.

Included in the areas studied by the U.S. Forest Service was the Taylor-Hilgard area, which forms the core of S. 96.

From his election to the U.S. House of Representatives in 1952 until his death on January 12, 1978, Lee Metcalf stood as a pillar of the American conservation movement. His legacy includes the Wilderness Act, the Surface Mining Control and Reclamation Act, the Clean Air Act, and innumerable measures of preserve and protect the Nation's natural resources. This remarkable record is well reflected in these impressive wild lands.

As presently drafted, the Lee Metcalf Wilderness consists of four separate areas. The furthest north is the region known as the Beartrap Canyon that borders the Madison River, one of

the three tributaries of the Missouri River.

To the south of Beartrap Canyon lies the Spanish Peaks. This beautiful alpine country has been under administrative protection as a "primitive area" for nearly half a century. Some 25 peaks, over 10,000 feet in elevation, create an unforgettable landscape.

The largest component of the Lee Metcalf Wilderness area stretches from Lone Mountain almost to the shores of Hebgen Lake. For hunters, fishermen, backpackers, and people simply needing the rejuvenation of untrammeled wilderness, this segment of the Madison mountain range is unsurpassed.

Finally, lying adjacent to Yellowstone National Park is the Monument Mountain area. While this region has many values, the Montana congressional delegation was most influenced by testimony that this is critical habitat for preservation of the grizzly bear. Development pressures here could contribute to the ultimate demise of the species.

Taken all together, wilderness designations in S. 96 approximate 244,000 acres. In addition, this legislation creates a 35,000-acre management area to the west of Monument Mountain to insure wildlife habitat. Snowmobile activity will be allowed to continue in the management area as this is the location of the popular Big Sky snowmobile trail. Testimony from wildlife experts indicated that this use should not pose significant hazards to the wildlife population.

This is, of course, a compromise measure. Not everything I had hoped for is included. For example, I advocated inclusion of an area called Cowboy Heaven in the wilderness. This would have produced a continuous wilderness management area running from Beartrap Canyon to the Spanish Peaks. In addition to making good sense from the standpoint of administration, lands having important wilderness values would have been preserved.

Despite differences of this sort, I support S. 96 and urge my colleagues to vote in favor of the measure.

We face an onslaught of decisions relating to our public lands in the next few years. For instance, RARE II issues in Montana and other States must be promptly resolved before the U.S. Forest Service undertakes a costly and pointless RARE III study. Delay in enacting the Lee Metcalf Wilderness bill will detract from these efforts.

Thank you.

The amendment was agreed to.

The bill was ordered to be engrossed for third reading, read the third time, and passed.

IRISH WILDERNESS ACT OF 1983

The bill (S. 64) to establish the Irish Wilderness in the Mark Twain National Forest, Missouri, was considered.

Mr. DANFORTH. Mr. President, enactment of legislation to bring Missouri's Irish Wilderness into the National Wilderness Preservation System would mark the culmination of a 10-year effort in Congress. Since 1973, the Senators from Missouri have been striving to achieve this goal, and I am proud to say that with S. 64, legislation that I introduced on January 26 along with Senator EAGLETON, we are closer than ever.

On October 2 of last year, the Senate approved S. 1964, a bill very similar to the one before us today. Unfortunately, in the rush of business at the close of the lameduck session, the House of Representatives narrowly defeated the rule providing for consideration of S. 1964. On its merits, I am confident the bill would have passed. Approval of S. 64 today will give the House more time to act, and I am very hopeful that a second chance will bring success.

When I first ran for the Senate in 1976, I pledged to fight for Missouri wilderness areas. The Missouri Wilderness Coalition developed a list of six candidates, and in 1980 we were able to protect four of them—Bell Mountain, Piney Creek, Devil's Backbone, and Rockpile Mountain. Last year Paddy Creek joined the list; inclusion of the Irish Wilderness would finish the job.

I believe strongly in the preservation of these special places. As David Brower warned some time ago,

> This generation is speedily using up, beyond recall, a very important right that belongs to future generations—the right to have wilderness in their civilization, even as we have it in ours; the right to find solitude, somewhere; the right to see, enjoy, and be inspired and renewed, somewhere, by those places where the hand of God has not been obscured by the industry of man.

The proposal to set aside the Irish Wilderness from the industry of man has received enormous statewide support. The Missouri Wilderness Coalition says of the area:

> It is, without question, the clearest, strongest expression of Ozark landscape, geology, ecology, and natural beauty. The Irish is the best of its kind, and the last of its kind.

Senate passage of S. 64 is an important step toward preservation of this treasured area for future generations. I want to express my appreciation to the chairman of the Subcommittee on Public Lands and Reserved Water (Mr. WALLOP) and the chairman of the Committee on Energy and Natural Resources (Mr. MCCLURE) for their great assistance in moving this legislation to this point. It is my hope that the House will quickly follow suit.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 64

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Irish Wilderness Act of 1983".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), certain lands in the Mark Twain National Forest, Missouri, which comprise approximately seventeen thousand five hundred and sixty-two acres, as generally depicted on a map entitled "Irish Wilderness—Proposed", dated December 1981, are hereby designated as wilderness and shall be known as the Irish Wilderness.

(b) Subject to valid existing rights, the wilderness area designated under subsection (a) shall be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") in accordance with the provisions of the Wilderness Act of 1964 (16 U.S.C. 1131-1136) governing areas designated by that Act as wilderness except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

(c) As soon as practicable after the date of the enactment of this Act, the Secretary shall submit a map and legal description of the wilderness area designated by subsection (a) to the Committee on Energy and Natural Resources of the Senate and the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that any clerical or typographical error in such map or legal description may be corrected. The Secretary shall place such map and legal description on file, and make them available for public inspection, in the office of the Chief of the Forest Service, Department of Agriculture.

WYOMING WILDERNESS ACT OF 1983

The Senate proceeded to consider the bill (S. 543) to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 5, line 13, strike "approximately", through and including line 14, and insert "approximately six hundred and thirty-five thousand seven hundred and twenty-nine acres";

On page 6, line 18, strike "one", through and including "Wilderness." on line 23, and insert the following: "one hundred and one thousand five hundred and thirty-five acres generally depicted on a map entitled 'Jedediah Smith Wilderness Area Proposal', numbered W-five and dated March 1983 and which shall be known as the Jedediah Smith Wilderness";

On page 11, strike line 4;

On page 11, strike line 21, through and including line 24;

On page 13, after line 10, insert the following:

"(c) The provisions of section 308 of Public Law 97-394 shall not apply to lands within the national forest system in Wyoming which have been previously designated by Act of Congress for inclusion in the National Wilderness Preservation System, or the lands which are so designated by this Act."

So as to make the bill read:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I—SHORT TITLE, FINDINGS AND PURPOSES

SHORT TITLE

SEC. 101. This Act may be cited as the "Wyoming Wilderness Act of 1983".

DECLARATION OF FUNDINGS AND PURPOSES

SEC. 102. (a) The Congress finds that—

(1) certain areas of undeveloped national forest lands in the State of Wyoming possess outstanding natural characteristics giving them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) review and evaluation of roadless and undeveloped lands in the national forest system of Wyoming have identified those areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) review and evaluation of roadless and undeveloped lands in the national forest system in Wyoming have also identified those areas which should be available for multiple uses other than wilderness, subject to the Forest Service's land management planning process and the provisions of the Act.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands in Wyoming for inclusion in the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people;

(2) withdraw, subject to valid existing rights, National Wilderness Preservation System lands in the State of Wyoming, including those so designated by this Act, from operation of the general mining and mineral leasing laws in order to protect the physical characteristics and wilderness values which motivated the Congress to include these lands within the System;

(3) require appropriate inventory to assess and document the minerals potential of National Wilderness Preservation System lands in the State of Wyoming in order to enhance the data base; and

(4) insure that certain national forest system lands in the State of Wyoming be made available for uses other than wilderness in accordance with applicable national forest laws and planning procedures and section 302 of this Act.

The lands referred to in paragraph (4) may be managed for a wide variety of uses, depending on their unique characteristics, including but not limited to fish and wildlife protection management, developed and undeveloped recreation, scenic enjoyment, preservation of natural characteristics, range management, timber harvesting, watershed and vegetation management, energy and minerals exploration and development, and other uses.

TITLE II—ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

DESIGNATION OF THE CLOUD PEAK, POPO AGIE, GROS VENTRE, AND JEDEDIAH SMITH WILDERNESS AREAS, AND THE DUNOIR ADDITION TO THE WASHAKIE WILDERNESS, THE CORRIDOR ADDITION TO THE TETON WILDERNESS, AND THE GLACIER PRIMITIVE AREA ADDITION TO THE FITZPATRICK WILDERNESS

SEC. 201. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), the following national forest system lands in the State of Wyoming, comprising approximately six hundred and thirty-five thousand seven hundred and twenty-nine acres and generally depicted on maps appropriately referenced, are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Bighorn National Forest, which comprise approximately one hundred and fifty-seven thousand nine hundred acres, as generally depicted on a map entitled, "Cloud Peak Wilderness Area Proposal", numbered W-one and dated February 22, 1982, and which shall be known as the Cloud Peak Wilderness.

(2) Certain lands in the Shoshone National Forest, which comprise approximately one hundred and one thousand nine hundred and ninety-one acres, as generally depicted on a map entitled, "Popo Agie Wilderness Area Proposal", numbered W-two and dated February 22, 1982, and which shall be known as the Popo Agie Wilderness.

(3) Certain lands in the Bridger-Teton National Forest, which comprise approximately two hundred and twenty-eight thousand five hundred and fifty acres, as generally depicted on a map entitled, "Gros Ventre Wilderness Area Proposal", numbered W-three and dated February 17, 1983, and which shall be known as the Gros Ventre Wilderness.

(4) Certain lands in the Targhee National Forest which comprise approximately one hundred and one thousand five hundred and thirty-five acres as generally depicted on a map entitled, "Jedediah Smith Wilderness Area Proposal", numbered W-five and dated March 1983 and which shall be known as the Jedediah Smith Wilderness.

(5) Certain lands in the Shoshone National Forest, which comprise approximately eleven thousand and one hundred acres, as generally depicted on a map entitled, "DuNoir Addition to the Washakie Wilderness Area Proposal," numbered W-six and dated September 1982 and which shall become a part of the Washakie Wilderness as designated by Public Law 92-476 (86 Stat. 792).

(6) Certain lands in the Bridger-Teton National Forest, which comprise approximately twenty-eight thousand one hundred and fifty-six acres as generally depicted on a map entitled, "Corridor Addition to the Teton Wilderness Area Proposal", numbered W-seven and dated September 1982 which shall become a part of the Teton Wilderness as designated by Public Law 88-577.

(7) Certain lands in the Shoshone National Forest, which comprise approximately six thousand four hundred and ninety-seven acres, as generally depicted on a map entitled, "Glacier Addition to the Fitzpatrick Wilderness Area Proposal", numbered W-eight and dated September 1982 and which shall become a part of the Fitzpatrick Wilderness as designated by Public Law 94-557 and Public Law 94-567.

(b) Within the area depicted as the special management unit on the map entitled, "Washakie Wilderness—Proposed", dated June 15, 1967, revised September 12, 1970, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, any roads that may be constructed for the purpose of timber harvesting or other authorized uses shall be used only for those uses and related administration and shall not be available for general public travel. The determination of authorized use shall consider the needs of the resident and migrating elk herds and other wildlife.

(c) Section 5 of Public Law 92-476 (86 Stat. 792) is hereby repealed.

(d) Within the area described in subsection (a)(7), motorized access for administrative purposes and related activities as determined necessary by the Secretary for habitat management, trapping, transporting, and proper management of the area's big horn sheep population shall be allowed.

(e) The previous classification of each of the following is hereby abolished: the Cloud Peak Primitive Area, the Popo Agie Primitive Area, and the Whiskey Mountain Primitive Area.

LEGAL DESCRIPTION AND WILDERNESS BOUNDARIES

SEC. 202. As soon as practicable after the enactment of this Act, a map and a legal de-

scription of each wilderness area designated under section 201 shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

APPLICATION OF THE WILDERNESS ACT OF 1964

SEC. 203. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act and the Wilderness Act, except that any reference in the provisions of the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE III—RELEASE OF LANDS FOR MULTIPLE USE MANAGEMENT

ADMINISTRATIVE AND CONGRESSIONAL REVIEW OF ROADLESS AREAS

SEC. 301. The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Wyoming and the environmental impacts associated with alternative allocations of such areas.

RELEASE OF LANDS NOT DESIGNATED AS WILDERNESS

SEC. 302. (a) The Congress hereby determines and directs that, without passing on the question of the legal and factual sufficiency of the RARE II final environmental impact statement (dated January 1979) with respect to national forest lands in States other than Wyoming, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Wyoming.

(b) National forest system lands in the State of Wyoming—

(1) not identified by section 201 as additions to the National Wilderness Preservation System; or

(2) not heretofore designated by Act of Congress as components of the National Wilderness Preservation System,

shall be managed for multiple uses other than wilderness, until and unless otherwise directed by an Act of Congress. Such lands shall be deemed, for purposes of all current and future land management plans which are approved before December 31, 2000, and which are required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration as to their suitability for inclusion in the National Wilderness Preservation System.

(c) Unless expressly authorized by Congress, the Secretary of Agriculture shall not conduct, pursuant to the Wilderness Act, any roadless area review and evaluation of national forest system lands in the State of Wyoming for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

TITLE IV—WITHDRAWAL OF DESIGNATED WILDERNESS AREAS FROM OPERATION OF THE MINING AND MINERAL LEASING LAWS

WITHDRAWAL OF DESIGNATED WILDERNESS AREAS FROM MINING AND MINERALS ACTIVITY

SEC. 401. Notwithstanding any other provision of law, and subject to valid existing rights, lands within the national forest system in Wyoming which have previously been designated by Act of Congress for inclusion in the National Wilderness Preservaton System, and lands which are so designated by this Act, are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. In the case of the lands referred to in the preceding sentence, for purposes of applying the provisions of section 4(d)(3) of the Wilderness Act, the date of enactment of this Act shall be substituted for the December 31, 1983, and the January 1, 1984, dates referred to in such provisions.

TITLE V—ASSESSMENT OF MINERALS, PROHIBITION ON DRILLING

SEC. 501. (a) Subject to subsection 501(b) of this Act, and in furtherance of section 4(d)(2) of the Wilderness Act and the policies of the National Materials and Minerals Policy, Research and Development Act (94 Stat. 2305), the Secretary of the Interior shall continue to assess the minerals potential of National Wilderness Preservation System lands within the State of Wyoming in order to expand the data base with respect to the minerals potential of such lands.

(b) Notwithstanding any other provision of law and subject to valid existing rights, exploratory drilling within the boundaries of any congressionally designated unit of the National Wilderness Preservation System in the State of Wyoming for the purpose of assessing oil and gas potential is hereby prohibited.

(c) The provisions of section 308 of Public Law 97-394 shall not apply to lands within the national forest system in Wyoming which have been previously designated by Act of Congress for inclusion in the National Wilderness Preservation System, or the lands which are so designated by this Act.

TITLE VI—MISCELLANEOUS PROVISIONS

GRAZING IN WILDERNESS AREAS

SEC. 601. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in the State of Wyoming in order to ensure that such policies, practices, and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act.

STATE WATER ALLOCATION AUTHORITY

Sec. 602. (a) As provided in section 4(d)(7) of the Wilderness Act, nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from Wyoming water laws.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this Act shall be construed as affecting the jurisdication or responsibilities of the State of Wyoming with respect to wildlife and fish in the national forests in Wyoming.

PROHIBITION ON BUFFER ZONES

SEC. 603. Congress does not intend that designation of wilderness areas in the State of Wyoming lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANDREI SAKHAROV DAY

The joint resolution (S.J. Res. 51) designating May 21, 1983, as "Andrei Sakharov Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 51

Whereas Andrei Sakharov has earned the admiration and gratitude of all the peoples of the world for his tireless and courageous efforts to secure basic human freedoms for the peoples of the Soviet Union, including those rights and freedoms proclaimed and guaranteed in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, August 1, 1975; and

Whereas Andrei Sakharov has been awarded the Nobel Prize for Peace for "his love of truth and strong belief in the inviolability of human beings . . . his courageous defense of the human spirit . . ." and a life that has made him "the conscience of mankind"; and

Whereas Andrei Sakharov, in direct consequence of his tireless work for world peace and human rights, has been illegally confined by the Government of the Union of Soviet Socialist Republics to the remote city of Gorky, where, on May 21, 1983, he will spend his sixty-second birthday in almost total isolation; and

Whereas even under conditions of isolation and harassment by Soviet authorities, Andrei Sakharov has continued to speak with eloquence and great moral force for the causes of human rights and world peace, for amnesty for all prisoners of conscience, and for full compliance by all signatory states with the provisions of the Helsinki Final Act and the United Nations Universal Declaration of Human Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 21, 1983, is designated "National Andrei Sakharov Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities; and be it further

Resolved, That the President of the United States is authorized and requested to call upon all nations of the world to designate May 21, 1983, as "National Andrei Sakharov Day" within their respective nations; and be it further

Resolved, That the President of the United States is authorized and requested to urge the Government of the Union of Soviet Socialist Republics to permit Andrei Sak-

harov and his wife, Elena Bonner, freely to choose their place of residence; and be it further

Resolved, That the President of the United States is authorized and requested to direct the American delegation to the United Nations to introduce a resolution in the General Assembly calling upon that body to designate May 21, 1983, as "International Andrei Sakharov Day," to be observed by the United Nations with appropriate ceremonies and activities.

NATIONAL PARKINSON'S DISEASE WEEK

The joint resolution (S.J. Res. 62) to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week"; was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 62

Whereas Parkinson's disease is one of the most devastating illnesses threatening the citizens of the United States;

Whereas Parkinson's disease afflicts one out of every one hundred persons over the age of sixty;

Whereas Parkinson's disease is one of the most severely crippling disorders of the nervous system;

Whereas the American Parkinson Disease Association, the National Parkinson Foundation, the Parkinson's Disease Foundation, and the United Parkinson Foundation are major contributors to research on Parkinson's disease and to treatment and rehabilitation programs for the victims of such disease;

Whereas the Parkinson Education Program/USA and the all-volunteer Parkinson Support Groups of America are devoted to helping Parkinson patients and their families cope with their ailment; and

Whereas research on the causes of and the search for a cure for Parkinson's disease are continuing to be conducted and patient support groups continue to grow and bring new hope to those who bear the burden of this affliction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 15, 1983, through May 21, 1983, is designated as "National Parkinson's Disease Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities and programs.

Mr. STEVENS. Mr. President, I move to reconsider the vote, en bloc, by which the bills and joint resolutions were passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVEYING CERTAIN LANDS TO SHOW LOW, ARIZ.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 597, a bill to convey certain lands to Show Low, Ariz., and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 597) to convey certain lands to Show Low, Arizona.

The Senate proceeded to consider the bill.

Mr. DECONCINI. Mr. President, I would like to thank the distinguished chairman of the Energy and Natural Resources Committee for his timely consideration of S. 597 and his persistence in getting this bill before the full Senate. This bill is the result of many months of work by the Committee during the 97th Congress and its passage today by the full Senate will pave the road for final enactment by the Congress this year.

Mr. President, S. 597 authorizes the Secretary of Agriculture to convey approximately 585.46 acres of Forest Service land to the city of Show Low for a municipal airport and public park. The city has been utilizing these lands for many years through a special use permit and the legislation will allow the community to continue to provide these services without additional burden to the Federal Government. The city of Show Low is surrounded by a national forest and there is little private land available in the area for the community to provide and expand necessary public services.

The Honorable Mayor Qualls of the city of Show Low and many other citizens of this fine community deserve great credit for their efforts in moving this legislation forward. On behalf of the residents of the city of Show Low, I thank the distinguished chairman and urge my colleagues to give their support to this worthy legislation.

The bill (S. 597) was passed as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That the Secretary of Agriculture is authorized and directed to survey and convey, by quitclaim deed and without consideration, to the city of Show Low, Arizona, all right, title, and interest of the United States to the lands generally depicted on a map entitled "Land Conveyance, City of Show Low, Arizona", and dated July 1982, which shall be on file and available in the office of the Chief Forest Service, Department of Agriculture, and more particularly described as follows:

(a) A tract of land, together with improvements thereon, known as the David C. Porter Park estimated to include approximately 52.46 acres.

(b) A tract of land, together with improvements thereon, known as the Show Low Municipal Airport estimated to include approximately 533 acres.

SEC. 2. Title to any real property acquired by the city of Show Low pursuant to this Act shall revert to the United States if the city or any successor of the city uses such real property for other than public purposes.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING THE WEEK OF APRIL 10, 1983, THROUGH APRIL 16, 1983, AS "NATIONAL EDUCATION FOR BUSINESS WEEK"

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 41, a joint resolution to authorize the President to designate the week of April 10, 1983–April 16, 1983, as "National Education for Business Week" and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 41) to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

Mr. STEVENS. Mr. President, I ask for the immediate consideration of the joint resolution.

The Senate proceeded to consider the joint resolution.

The joint resolution was passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 41), together with the preamble are as follows:

S.J. RES. 41

Whereas business educators play a vital role in supporting government, business, and the commercial life of the United States of America;

Whereas men and women in marketing, merchandising, and data processing occupations contribute to efficient business life, are essential in keeping our Nation's businesses running smoothly, and thus contribute to the continued prosperity of the United States;

Whereas the Nation's educators provide the training ground for the continually changing office technology and are depended upon to teach new skills and emphasize positive work values; and

Whereas it is fitting that the contributions of business educators to the well-being of business and governmental life of America be recognized, encouraged, and honored: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week", and calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. STAFFORD. Mr. President, this week, as part of "National Education for Business Week," groups from around the country are conducting activities to draw attention to the contributions of educators involved in the training and retraining of this Nation's business support work force. Today, we in the Senate have an opportunity to join these efforts by passing Senate Joint Resolution 41, a congressional designation of April 10–16 as "National Education for Business Week." Thirty-eight Senate Members have joined Senator PELL and myself in cosponsoring Senate Joint Resolution 41, and I urge all my distinguished colleagues to join us in supporting this expression of recognition for the efforts of business educators.

Considerable national attention is now focused on the ability of this Nation to respond to the technological challenges that face us. Part of that concern centers on upgrading mathematics, science, and computer skills for all our citizens. Just as we must forge a national response to deficiencies in math and science, so must we recognize the efforts of those educators who continue to confront the rapidly changing technologies of the business workplace. Practical training for this Nation's secretaries, bookkeepers, stenographers, laboratory technicians, marketing experts, and merchandizing specialists remains basic to the future success of business.

Over 13 national groups have worked to organize a variety of activities during this week. Students, teachers, parents, business people, and government officials will be reminded that demand for trained workers in business continues to be high. Attention will be drawn to the contributions that business schools, community colleges, and universities make to the community. Sponsorship of contests for business students, organization of open houses for business representatives, and the strengthening of the relationship between business schools and other academic institutions are some of the many activities that are now occurring in conjunction with "National Education for Business Week."

Mr. President, this Nation is now faced with enormous challenges of technological and economic change, and a large part of the business community's response will rely on continual adaptation of new business technologies. Passage of Senate Joint Resolution 41 would focus attention on the vital role that business educators play in training people to use the new technologies of business, and I thank my colleagues for their serious consideration of this resolution.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 12

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 12, with technical corrections entitled the "Budget Procedures Improvement Act of 1983," be referred jointly to the Senate Committees on Budget, Governmental Affairs and Rules and Administration. This unanimous-consent agreement applies to this bill only and does not in any way modify or affect the standing order of August 4, 1977, which governs the referral of legislation affecting the budget process.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I ask, unanimous consent, on behalf of Mr. FORD, that Senator TSONGAS be added as a cosponsor of S. 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRESIDENT TO ISSUE A PROCLAMATION DESIGNATING APRIL 17 THROUGH APRIL 24, 1983, AS "JEWISH HERITAGE WEEK"

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 79, a joint resolution authorizing and requesting the President to proclaim April 17–24 1983, as "Jewish Heritage Week," and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered.

The clerk will state the joint resolution by title.

The assistant legislative clerk read as follows:

A resolution (S.J. Res. 79) to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

The Senate proceeded to consider the joint resolution.

The joint resolution was passed.

The preamble was agreed to.

The resolution (S.J. Res. 79), together with the preamble, are as follows:

S.J. RES. 79

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country; and

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designated April 17 through April 24, 1983, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations, to observe that week with appropriate ceremonies, activities, and programs.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I now ask my good friend from West Virginia if it would be agreeable with him to ask unanimous consent for the Senate to go into executive session for the purpose of considering only the nominations on page 3 of the Executive Calendar, being nominations 66, 67, 68, and 69.

Mr. BYRD. Mr. President, there is no objection.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering Calendar Order Nos. 66 through 69, inclusive on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations referred to be considered en bloc and confirmed en bloc and a motion to reconsider be in order to the action en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Steven Roger Schlesinger, of Maryland, to be Director of the Bureau of Justice Statistics.

Daniel A. Bent, of Hawaii, to be U.S. Attorney for the District of Hawaii.

Eugene M. Corr, of Washington, to be U.S. Marshal for the Western District of Washington.

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NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Diana Powers Evans, of Oregon, to be a Member of the National Advisory Council on Women's Educational Programs.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolutions, each without amendment:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-781. A communication from the Acting General Counsel of the General Accounting Office transmitting, pursuant to law, a report on the status of budget authority proposed for rescission, but for which a rescission bill was not passed; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Commerce, Science, and Transportation.

EC-782. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on a new proposed deferral of budget authority and a revision to a previously reported deferral; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, and the Committee on Finance.

EC-783. A communication from the Acting Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a confidential report listing certain contract award dates; to the Committee on Armed Services.

EC-784. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to eliminate the requirement that 30 days' notice of termination be given certain National Guard technicians; to the Committee on Armed Services.

EC-785. A communication from the Assistant Secretary of Defense for Public Affairs transmitting, pursuant to law, notice of a decision to convert the production, production services, laboratories, base audiovisual services, and motion media depository functions of the Defense Audiovisual Agency, Norton AFB, Calif., to performance under contract; to the Committee on Armed Services.

EC-786. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on the decision to convert the laundry and drycleaning function at the Naval Regional Medical Center, Oakland, Calif., to performance under contract; to the Committee on Armed Services.

EC-787. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on the decision to convert the custodial services function at the Naval Regional Medical Center, Corpus Christi, Tex., to performance under contract; to the Committee on Armed Services.

EC-788. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on the decision to convert the audiovisual services/audiovisual equipment maintenance function at the Naval Education and Training Support Center, Pacific, San Diego, Calif., to performance under contract; to the Committee on Armed Services.

EC-789. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on the decision to convert the installation support activities at Dugway Proving Ground, Utah, to performance under contract; to the Committee on Armed Services.

EC-790. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Managment transmitting, pursuant to law, a report on the decision to convert the food service activity at Ft. Devens, Mass., to the Committee on Armed Services.

EC-791. A communication from the Assistant Secretary of the Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, a report on the adequacy of pay and allowances of the Armed Forces; to the Committee on Armed Services.

EC-792. A communication from the Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on the decision to convert the technical order and decal distribution function at Tinker AFB, Okla., to performance under contract; to the Committee on Armed Services.

EC-793. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on housing counseling; to the Committee on Banking, Housing, and Urban Affairs.

EC-794. A communication from the Secretary of Housing and Urban Development transmitting, pursuant to law, a report on FHA's role on one-to-four family housing; to the Committee on Banking, Housing, and Urban Development.

EC-795. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation authorizing printing of the back side of the $1 bill by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

EC-796. A communication from the General Counsel of the Federal Emergency Management Agency transmitting a draft of proposed legislation to place original jurisdiction for the national flood insurance program in the Federal courts; to the Committee on Banking, Housing, and Urban Affairs.

EC-797. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of the National Consumer Cooperative Bank's financial statements for the fiscal year ended September 30, 1981, and the quarter ended December 31, 1981; to the Committee on Banking, Housing, and Urban Affairs.

EC-798. A communication from the Secretary of Transportation transmitting a draft of proposed legislation entitled "Merchant Marine Act of 1983"; to the Committee on Commerce, Science, and Transportation.

EC-799. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, the Administration's semiannual report on the effectiveness of the civil aviation security program; to the Committee on Commerce, Science, and Transportation.

EC-800. A communication from the Vice President of AMTRAK for Governmental Affairs transmitting, pursuant to law, a report on average number of passengers per day and on-time performance of the National Railroad Passenger Corporation; to the Committee on Commerce, Science, and Transportation.

EC-801. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the U.S. Synthetic Fuels Corporation's Financial Statements for the year ended Sept. 30, 1982"; to the Committee on Energy and Natural Resources.

EC-802. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Status of the Great Plains Coal Gasification Project"; to the Committee on Energy and Natural Resources.

EC-803. A communication from the Secretary of the Interior transmitting, pursuant to law, notice for the proposed oil and gas lease offering, Central Gulf of Mexico, May

25, 1983; to the Committee on Energy and Natural Resources.

EC-804. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on refund of excess royalty payments to Chevron U.S.A., Inc., Texoma Production Co., Phillips Petroleum Co., Shell Oil Co., and Union Oil Co. of Calif.; to the Committee on Energy and Natural Resources.

EC-805. A communication from the Director of Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Gulf Oil, Chevron U.S.A., ARCO, and Amoco; to the Committee on Energy and Natural Resources.

EC-806. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of a refund of an excess royalty payment to Aminoil USA; to the Committee on Energy and Natural Resources.

EC-807. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Army certain public lands in Alaska; to the Committee on Energy and Natural Resources.

EC-808. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Air Force certain public lands in Arizona; to the Committee on Energy and Natural Resources.

EC-809. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Navy certain public lands in California; to the Committee on Energy and Natural Resources.

EC-810. A communication from the Acting Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve for the Department of the Army certain public lands in Alaska; to the Committee on Energy and Natural Resources.

EC-811. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on ocean pollution, monitoring, and research; to the Committee on Environment and Public Works.

EC-812. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on ocean dumping monitoring and research; to the Committee on Environment and Public Works.

EC-813. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, a report on four prospectuses for Federal construction projects for fiscal year 1984; to the Committee on Environment and Public Works.

EC-814. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report on the certification by the President that foreign countries receiving foreign military sales will not transfer sensitive equipment, materials, or technology to any Communist country; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 11. Concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights; and

S. Con. Res. 19. Concurrent resolution expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand.

By Mr. ANDREWS, from the Select Committee on Indian Affairs:

S. Res. 111. An original resolution relative to expenditures by the Select Committee on Indian Affairs; referred to the Committee on Rules and Administration.

JOINT REFERRAL OF S. 12—BUDGET PROCEDURES IMPROVEMENT ACT OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 12, with technical corrections, entitled the "Budget Procedures Improvement Act of 1983", be referred jointly to the Senate Committees on the Budget, Governmental Affairs, and Rules and Administration. This unanimous-consent agreement applies to this bill only and does not in any way modify or affect the standing order of August 4, 1977, which governs the referral of legislation affecting the budget process.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1039. A bill to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational skills and basic skills in the work force that will improve productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 1040. A bill to amend the Internal Revenue Code of 1954 to simplify the tax system providing a low rate progressive schedule for individuals and a flat-rate schedule for corporations, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 1041. A bill to improve the operations of the bilingual education program by focusing the program on building the capacity of local educational agencies to carry out programs of bilingual education, by broadening the range of instructional approaches eligible for assistance, by targeting assistance on the children of limited English proficiency most in need of such programs, and by providing financial assistance to state educational agencies for reviewing, evaluating, and monitoring programs of bilingual education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD:

S. 1042. A bill to convey certain lands in Lane County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mr. WEICKER, Mr. NUNN, Mr. COCHRAN, Mr. BAUCUS, Mr. JEPSEN, Mr. DURENBERGER, Mr. RANDOLPH, Mr. JOHNSTON, Mr. HUDDLESTON and Mrs. HAWKINS):

S. 1043. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1044. A bill to provide for the designation of the Long Island Expressway as part of the Interstate Highway System; to the Committee on Environment and Public Works.

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. BURDICK, Mr. ZORINSKY, and Mr. ANDREWS):

S. 1045. A bill to assure the production of an adequate supply of pure and wholesome milk to meet the needs of markets in the United States, to assure a reasonable level of return to dairy farmers and stable prices for dairy products for consumers, to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain and develop markets for dairy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KASTEN:

S. 1046. A bill to clarify the applicability of a provision of law regarding risk retention; to the Committee on Commerce, Science, and Transportation.

By Mr. MELCHER:

S. 1047. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1048. A bill entitled the "Tandem Truck Amendments of 1983"; to the Committee on Commerce, Science, and Transportation.

By Mr. HART:

S. 1049. A bill to provide relief from natural gas price increases caused by certain contract provisions that are incompatible with current market conditions; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. LEAHY, Mr. DOLE, Mr. HOLLINGS, Mr. D'AMATO, Mr. COCHRAN, Mr. CRANSTON, Mr. DIXON, Mr. HUDDLESTON, Mr. INOUYE, Mr. LEVIN, Mr. DURENBERGER, Mr. CHAFEE, Mr. BENTSEN, Mr. DANFORTH, Mr. SARBANES, Mr. METZENBAUM, Mr. PROXMIRE, Mr. EAGLETON, Mr. MELCHER, Mr. PELL, Mr. BAUCUS, Mr. TSONGAS, Mr. KENNEDY, Mr. ANDREWS, Mr. MOYNIHAN, Mr. BOREN, Mr. STENNIS, Mr. PERCY, Mr. ZORINSKY, Mr. JOHNSTON, Mr. STEVENS, and Mr. COHEN):

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day"; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. BAKER, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. CHILES, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD,

Mrs. HAWKINS, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MATHIAS, Mr. METZENBAUM, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. SYMMS):

S.J. Res. 82. A joint resolution designating November 1983 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HART (for himself, Mr. PROXMIRE, and Mr. PELL):

S. Res. 110. A resolution to urge that the President immediately cease and desist from further aid to any group whose professed aim is to overthrow the Government of Nicaragua; to the Committee on Foreign Relations.

By Mr. ANDREWS:

S. Res. 111. An original resolution relative to expenditures by the Select Committee on Indian Affairs; from the Select Committee on Indian Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1039. A bill to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational skills and basic skills in the work force that will improve productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

VOCATIONAL AND ADULT EDUCATION CONSOLIDATION ACT OF 1983

Mr. HATCH. Mr. President today I am introducing a bill to consolidate existing Federal programs that assist vocational education and adult education into a single modified block grant to the States. I refer to the bill as a "modified block grant" because while it consolidates the funding of two separate programs into a single authorization, complete discretion as to how much money will go into these programs is not left entirely with the States as would be the case were this legislation to be a block grant in the true sense of the term.

This measure will provide the States with a maximum of flexibility as they modernize their vocational and adult education delivery systems to provide trained individuals for employment related to national and State economic growth and technological development.

Mr. President, this bill was developed through many months of hard work. It has been crafted with great care and is the product of the harmony that can exist between the administration and the Congress if we set our minds to it. I am very proud of this bill and of the Reagan administration for agreeing to a bill that has been developed jointly by the two branches of Government. Except for the difference in style and format and one or two word changes here and there that are purely editorial, the bill I am introducing today is identical to the bill the administration sent up to the Congress.

Moreover, this bill incorporates a number of suggestions made by witnesses during oversight hearings recently held by Senator STAFFORD, chairman of the Subcommittee on Education, Arts and Humanities.

It also reflects the suggestions made to me as well as the Secretary of Education in countless meetings with representatives of educational groups and associations as well as constructive suggestions received by mail.

The principal purposes of the bill are to consolidate the existing vocational and adult education authorities into a single program of grants to the States, reduce administrative burden, increase State and local flexibility concerning the use of funds and redirect Federal support to focus on vocational and adult education as important tools in local, State, and national economic development and well-being.

While we are constantly hearing what is wrong with education, this bill recognizes the vital role the vocational and adult education community has played and must continue to play in training skilled workers in occupations needed by all sectors of our economy. In addition, it recognizes and strengthens the relationship of basic literacy training to the learning of skills.

The Job Training Partnership Act, and particularly title III, now being implemented represent an important Federal intervention directed at the needs of displaced workers. However, we must not lose sight of the fact that the vocational education system—made up of almost 20,000 institutions and 400,000 instructors—constitutes a major national resource in providing skill-training for all workers, including those who are displaced and unemployed. They have done a good job within the constraints placed on them. It is now time to give them the flexibility they need to do an even better job.

Federal employment and training programs can act as an important multiplier of State and locally operated vocational education systems. But such Federal interventions must be viewed as a temporary adjunct to the $7 billion State and local annual investment in the vocational education system, and never as a replacement or as a parallel system.

This bill is intended to build on the skill training capacity of the total vocational and adult education enterprise by selectively investing in that system—without intruding on State and local prerogatives—in such a way as to bring this enormous resource fully into the Nation's fight for economic well-being.

In addition to this economic thrust, the bill further supports State and local vocational and adult education officials in their efforts to strengthen the American family and equalize training oportunities among all segments of our society, with particular emphasis on women and the handicapped.

Except for a few important changes, this bill is largely the same as my bill of March 31, 1982, S. 2325. One of the significant differences between this bill and S. 2325 is that it authorizes "such sums as may be necessary" to carry out the provisions of the act, as opposed to a maximum authorization. Moreover, the new bill would require a specified set-aside for strenghtening State and local programs for the handicapped. Additionally, this measure emphasizes continuing the many fine programs that have been established to promote sex equity in vocational education while also eliminating the restriction on services that may be provided to displaced homemakers such as day care for dependent children.

This bill clearly identifies programs for the occupation of homemaking as an authorized activity; whereas it was included with industrial arts and prevocational guidance in S. 2325. This change was made because of the importance of families and the need for homemaking competencies. Whether it is full time or combined with working outside the home, the occupation of homemaking does have an economic impact on the welfare of individual households and the community. Preparation for the viable role of homemaking for both males and females fits appropriately within the framework of vocational and adult education.

Although the new bill carries a matching requirement for the costs of administration by an eligible recipient, it is our intention that such matching may be in cash or in kind, fairly evaluated, including but not limited to space, equipment and personnel services. In developing regulations to implement this bill, I would urge the Secretary to recognize that we are asking these recipients to actually come up with new money—money some of them may have no taxing authority to raise. Consequently, I would hope that the in-kind matching provisions will be liberally implemented.

Mr. President, I think it is appropriate at this time to call the attention of my colleagues to a few of the comments I made on the floor of the Senate on March 31, 1982, when introducing S. 2325. They are just as cogent today and need to be reemphasized as we contemplate bringing the vocational and adult education statutes up to date.

Federal support for vocational education dates back 66 years, to the Smith-Hughes Act of 1917. Smith-Hughes provided training in agriculture, industry, trade, and home economics with some authority for teacher training. Over the years the vocational education umbrella has been stretched to cover a host of other purposes; frequently these other purposes must get a specified amount of money or a percentage of appropriated funds dedicated to the new activities. Original purposes and authorizations for more traditional activities have remained in the vocational training acts, and this has resulted in a plethora of programs, set-asides and priorities, each created at a different time for different needs of differing populations. Often these programs were created with little or no regard for anticipated economic growth and development of either individual States or the Nation as a whole. The law we have now is not adequate for our needs. These criticisms have been very aptly set forth in recent reports of the study of vocational education by the National Institute of Education and the National Commission on Employment Policy.

Formulas to distribute funds to substate units are extremely complicated and provisions of different vocational acts frequently conflict. States find the criteria for interpretation of this choking underbrush of regulations almost incomprehensible, and this makes State compliance with these regulations difficult or impossible. States must tell Uncle Sam how they plan to comply in extremely detailed outlines, sticking to a format designed by the Department of Education. Adult education regulations are equally complicated.

Perhaps most intrusive and irritating of these Federal rules is one under the vocational education acts which requires that each State periodically submit to a visit from a team of Federal employees who conduct a management evaluation review for compliance and quality (MERC/Q). Translated for Senators and other citizens concerned about the quality of education, this is a witch hunt for compliance on paper; it often results in confusion, frustration and a threat of an audit, but rarely does it result in actual program improvement. The measure of success in vocational and adult education should be the number of people successfully trained or made functionally literate, not the number of Federal forms filed.

The Adult Education Act originated as title III of the Elementary and Secondary Education Act of 1966. This title supports programs that provide basic literacy skills, and, to a lesser extent, preparation for the high school equivalency examination (GED).

Adult education programs serve disadvanted populations for the most part. Many of those served in recent years have been Indochinese, Cuban, and Haitian refugees. Many of these new Americans, side by side with many others who were born in the United States, take adult education courses for economic reasons. That is, these courses help people develop job skills, including basic communication abilities. Consequently, what we know as "adult" education is naturally linked to vocational education. Many people face economic hardship—that is a polite term covering poverty from absolute destitution to less virulent forms—often people face economic hardship because they cannot read and write as well as the job requires, or they need further training in computing or working well with others. These people need a program which combines basic literacy training with job training.

Fourteen States already administer vocational and adult education programs through a single agency. In some States the two programs are often combined at the local level. But at the Federal level the two programs remain separated, each with its own allocation formula, advisory committee, administrative hierarchy, regulations and procedures; administrators and planners at the local level end up competing against each other for eligible participants and popular support.

In summary, Mr. President, this bill will streamline the administrative procedures and regulations that now prevent both vocational and adult education programs from being as responsive to our changing economic world as they should be. Contrary to the prophets of doom, this bill, if enacted into law, would not vitiate the existing programs now functioning under two separate pieces of conflicting and confusing legislation. On the contrary, this bill would allow programs to be blended where in the judgment of State and local officials they would better serve the public in that manner. Or, a State could elect to maintain about the same program-by-program integrity that exists at the present time.

More importantly, Mr. President, this bill leaves those decisions in the hands of the conscientious State and local school officials and the public where the people to be served and the employment opportunities are.

Mr. President, I ask unanimous consent that the text of this bill along with a section-by-section analysis of it be printed in their entirety immediately following my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational and Adult Education Consolidation Act of 1983".

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DECLARATION OF PURPOSE

SEC. 2. (a) The purpose of this Act is to authorize State and national programs which will promote economic development by—

(1) addressing the needs of youth and adults, in all communities, for vocational education;

(2) strengthening the ability of States and local systems of vocational education to promote and respond to economic development;

(3) enhancing equal educational opportunity in vocational education for all students, including students with special needs such as the educationally disadvantaged, the handicapped, and those with limited English proficiency;

(4) overcoming sex stereotyping and sex bias in vocational education;

(5) addressing the national need of employers for a skilled and literate workforce;
(6) addressing the training needs of displaced workers;
(7) assisting adults to acquire basic skills needed to function in society; and
(8) assisting adults to continue their education to at least the level of completion of secondary school so that they may become more employable and productive citizens.
(b) it is the intent of Congress that States participating in programs authorized by title II of this Act be afforded broad discretionary authority in planning, developing, administering, and operating such programs.

DEFINITIONS

SEC. 3. As used in this Act—
(1) The term "acquisition" means taking ownership of property, receiving property as a gift, entering into a lease-purchase arrangement, or leasing the property. The term includes processing, delivery, and installation of property.
(2) The term "administration" means the activities of a State or eligible recipient which are reasonable and necessary for the proper and efficient performance of its duties under this Act, including State supervision, and the development of the Proposed Use Report submitted under section 104.
(3) The term "adult" means a person who is beyond the age of compulsory school attendance under State law.
(4) The term "adult education" means instruction or related services below the college level for adults who—
(A) lack the basic skills to enable them to function effectively in society; or
(B) do not have a certificate of graduation from a school providing secondary education (and who have not achieved an equivalent level of education).
(5) The term "construction" includes the construction of new buildings, the acquisition, expansion, and alternation of existing buildings, and includes site grading, improvement, and architect fees. The term does not include minor remodeling needed to accommodate equipment used for instructional purposes.
(6) The term "educationally disadvantaged" means, when used with respect to an individual, and individual who has one or more academic deficiencies (such as inadequate writing, reading, or mathematical skills) and who therefore requires special services and assistance in order to succeed in vocational education programs.
(7) The term "eligible recipient" means a public or private agency, organization, or institution capable of administering a vocational or adult education program. The term may include public corporations and community-based organizations.
(8) The term "handicapped" means, when used with respect to an individual, an individual who is mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired individual, or a person with specific learning disabilities, who by reason thereof requires special education and related services, and who, because of the handicapping condition, cannot succeed in the regular vocational education program without special education assistance or who requires a modified vocational education program.
(9) The term "Secretary" means the Secretary of Education.
(10) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.
(11) The term "vocational education" means an organized instructional program that is directly related to the preparation of persons for employment, paid or unpaid, in an occupation that does not require a baccalaureate or advanced degree.

TITLE I—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) For the purpose of carrying out this Act there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984 through 1988.
(b) Funds appropriated by the first section of the Smith-Hughes Act (that is, the Act approved February 23, 1917, 39 Stat. 929, as amended) shall be considered as funds appropriated under this section.

RESERVATIONS

SEC. 102. From the amount appropriated pursuant to section 101 for any fiscal year the Secretary may reserve not to exceed 5 per centum of that amount for national programs under title III. Notwithstanding any other provision of law, unless enacted in specific limitation of this section, the funds reserved shall be available for obligation and expenditure without regard to the fiscal year for which they were appropriated.

STATE ALLOTMENTS

SEC. 103. (a)(1) The Secretary shall allot the remainder of the funds appropriated under section 101 for each fiscal year after the reservation is made under section 102 to each State in accordance with paragraphs (2) through (4).
(2) Forty per centum of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged fifteen through nineteen and the number of unemployed persons in the State aged fifteen through ninteen bears to the sum of the corresponding products for all the States.
(3) Forty per centum of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged twenty through forty-four and the number of unemployed persons in the State aged twenty through forty-four bears to the sum of the corresponding products for all the States.
(4) Twenty per centum of such remainder in each fiscal year shall be allotted according to the ratio which the product of the State's allotment ratio and the sum of the State's population aged forty-five through sixty-four and the number of unemployed persons in the State aged forty-five through sixty-four bears to the sum of the corresponding products for all the States.
(b)(1) The allotment ratio of a State, other than an insular area, for any fiscal year is one minus one-half of the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (excluding the insular areas).
(2) The allotment ratio of an insular area is 0.6.
(3) The Secretary shall compute allotment ratios on the basis of the average of the appropriate per capita incomes for the three most recent fiscal years for which data, satisfactory to the Secretary, exist.
(c)(1) Notwithstanding subsection (a), the Secretary shall allot to each State in each fiscal year at least $100,000.
(2) Amounts required to comply with paragraph (1) shall be derived by proportionately reducing the allotments of all other States, subject to adjustments needed to avoid reducing and States below the minimum amount specified in paragraph (1).
(d)(1) The Secretary may reallot all or a portion of a State's allotment for any fiscal year if the State does not submit a Proposed Use Report under section 104, or the State indicates to the Secretary that the State does not need the full amount of its allotment for that fiscal year. The Secretary may fix one or more dates during the fiscal year upon which to make reallotments.
(2) The Secretary may reallot funds to one or more States that demonstrate a current need for additional funds under this Act. Any fund reallotted to another State shall be deemed to be part of its allotment for the fiscal year in which it receives the reallotted funds.
(e) For the purpose of determining allotments under this section—
(1) the population of a State and of an insular area shall be based on the latest data that are satisfactory to the Secretary;
(2) the unemployed population of a State and of an insular area shall be based on the average of the appropriate unemployment data for the three most recent fiscal years for which data, satisfactory to the Secretary, exist;
(3) the term "per capita income" means, for any fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in that year; and
(4) the term "insular area" means the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

PROPOSED USE REPORT

SEC. 104. (a) Any State desiring to participate in the program authorized by title II of this Act during any fiscal year shall submit to the Secretary an annual proposed use report which describes for vocational and adult education the goals the State seeks to achieve, the characteristics of the individuals to be served, how the Federal funds will be used to achieve the purposes of this Act, how the funds will be distributed within the State (including any allocation formulas to be used), and the results the State anticipates. The proposed use report shall designate the single State agency or instrumentality that is responsible for the administration or supervision of the administration of the State's program under title II, including its compliance with all the requirements of this Act.
(b) In addition to the information required by subsection (a), the proposed use report shall—
(1) describe how the State will—
(A) provide access for all vocational education students to instruction in the basic skills that are needed for employment;
(B) use funds awarded under title II to enhance equal educational opportunity in vocational education for all students, including students with special needs such as the educationally disadvantaged, the handicapped, and students with limited English proficiency;
(C) use funds available under title II to overcome sex stereotyping and sex bias in vocational education programs; and
(D) involve the State job training coordination council and private industry councils established under the Job Training Partner-

ship Act, as well as representatives from business, industry, finance, labor, and agriculture in planning and carrying out vocational education programs assisted under title II so that the programs reflect the skilled labor needs of employers and current technology;

(2) contain assurances that the State will—

(A) provide for such methods of administration as are necessary for the proper and efficient administration of the Act;

(B) provide for such fiscal control and fund accounting procedures as are necessary to ensure proper disbursement and use of Federal funds paid to the State;

(C) comply with any requests of the Secretary for reports that are necessary to carry out his functions under this Act;

(D) provide for the participation of students who are enrolled in private schools in programs, projects, services, and activities at the secondary education level that are supported by funds awarded under title II, consistent with State law and the number of students in the area to be served who share the need for vocational education which the program, project, service, or activity is designed to address;

(E) maintain continuing public administrative direction and control over funds used to provide programs, projects, services, and activities to students in a private school;

(F) distribute funds to eligible recipients on the basis of annual applications, approved by the State, which describe the activities to be supported with Federal funds; and

(G) use funds awarded under title II to meet the basic education needs of adults.

(c) Each Proposed Use Report shall contain an assessment of the vocational education and adult education programs supported with Federal funds during the State's most recently compeleted program year, including an assessment of the extent to which the State met the goals established for that year.

(d) Prior to submitting the Proposed Use Report to the Secretary, the State shall make the Proposed Use Report public in a manner that facilitates comment from interested agencies, groups, and individuals.

AUDITS

SEC. 105. Each State shall obtain financial and compliance audits of any funds which the State receives under this Act. Such audits shall be made public within the State on a timely basis. The audits shall be conducted at least every two years by an organization or person independent of an agency administering activities under the Act. The audits shall be conducted in accordance with the Comptroller General's Standard for Audit of Governmental Organizations, Programs, Activities, and Functions.

SECRETARY'S REPORT

SEC. 106. The Secretary shall submit to Congress each fiscal year a report on the status of vocational and adult education in the Nation. The report shall contain a concise analysis of the information submitted in Proposed Use Reports under section 104, as well as other appropriate information gathered by the Secretary.

NATIONAL ADVISORY COUNCIL ON VOCATIONAL AND ADULT EDUCATION

SEC. 107. (a) There shall be a National Advisory Council on Vocational and Adult Education during the period for which funds are appropriated under section 101. The President shall appoint members of the Council for terms of three years, except that the President may select initial members of the Council for terms of one or two years. The Council shall have as a majority of its members persons who are not educators or administrators in the field of education. The National Advisory Council shall meet at the call of the Chairman, whom the President selects, but not less than three times a year. The Chairman of the National Commission on Employment Policy or its successor shall be a member of the Council.

(b) The National Advisory Council shall—

(1) advise the President, the Congress, the Secretary, and the head of any other appropriate Federal department or agency concerning the administration of vocational and adult education programs supported under this Act as well as the implementation of other laws that affect vocational and adult education, and employment and training programs;

(2) make whatever reports or recommendations to the President, the Congress, the Secretary, and the head of any other appropriate Federal department or agency as are appropriate and reasonable, and include in any such report the comments of the National Commission for Employment Policy;

(3) identify, in conjunction with the National Commission for Employment Policy; the vocational and adult education and employment training needs of the Nation and assess the degree to which existing vocational and adult education, employment and training, vocational rehabilitation, special education, and other programs represent a coordinated and effective approach to meeting those needs;

(4) assess the degree to which existing adult education programs are meeting the needs of adults who lack the basic skills to function in society, and publish the results;

(5) conduct whatever hearings, studies, or other factfinding activities are needed to enable the National Advisory Council to carry out its functions, and

(6) conduct independent evaluations of programs conducted under this Act and publish the results.

(c) Notwithstanding any other provision of law, the National Advisory Council may accept and use gifts if their acceptance and use will better enable the National Advisory Council to carry out its functions under this section.

GENERAL EDUCATION PROVISIONS APPLICABILITY

SEC. 108. Only the following sections of the General Education Provisions Act shall apply to programs conducted under this Act: Sections 412 (a) and (b), 415, 416, 417, 420, 422(a) (1) and (2), 426(a), 432, 433, 437, 438, 439, 440, 451, 452, 454, 455, and 456.

TITLE II—STATE PROGRAMS

USE OF FUNDS

SEC. 201. (a) The Secretary, in accordance with the amount allotted to each State under section 103, shall make grants to the States for the purposes of (1) establishing, expanding, and improving vocational education programs, projects, services, and activities in accordance with parts A and B, and (2) supporting adult education programs in accordance with part C.

(b)(1) Each State shall use the amount granted under subsection (a) to carry out programs, projects, services, and activities authorized by this title in accordance with paragraphs (2) and (3).

(2) First, the State may set aside that portion of the amount granted under subsection (a) required for the State's administration of the programs, projects, services, and activities described in its Proposed Use Report.

(3) From the remainder of the funds granted to the State in each fiscal year, the State shall use—

(A) not less than 30 per centum to carry out programs, projects, services, and activities authorized by part A;

(B) not less than 30 per centum to carry out programs, projects, services, and activities authorized by part B; and

(C) not less than 13 per centum to carry out programs, projects, services, and activities authorized by part C.

(c) A State may use funds reserved under subsection (b)(3) to pay not to exceed 50 per centum of the cost of an eligible recipient's administration of programs, projects, services, and activities described in its approved annual application.

(d) A State may use funds granted under subsection (a) to pay for the cost of any State or local advisory council which assists the planning, implementation, or evaluation of a program, project, service, or activity under this Act.

(e) A State may not use funds granted under subsection (a) to pay the cost of stipends or construction.

ELIGIBLE RECIPIENTS

SEC. 202. (a) A State may use the funds received under section 201 directly, or to make grants to or enter into contracts with eligible recipients, for the purpose of carrying out programs, projects, services, and activities authorized by this title.

(b) A State may prescribe the manner in which grants and contracts are made to eligible recipients and may prescribe whatever terms, consistent with Federal requirements, are reasonable and necessary for the proper and efficient administration of programs, projects, services, and activities authorized by this title.

PART A—ECONOMIC DEVELOPMENT AND SKILLED WORK FORCE TRAINING

STATEMENT OF PURPOSE; OBJECTIVES

SEC. 211. (a) It is the purpose of this part to assist States to provide vocational education programs, projects, services, and activities that foster State and local economic development by training persons including displaced workers in the occupational skills needed by business and industry.

(b) Skilled work force training conducted under this part must correspond to current State or local economic needs or plans that are specifically described in the Proposed Use Report submitted under section 104.

AUTHORIZED ACTIVITIES

SEC. 212. (a) In order to achieve the purposes of this part, a State shall use the amount reserved for this part in accordance with section 201(b)(3)(A) for—

(1) retraining persons whose jobs have been lost, or jeopardized by technological or economic change, for occupations in which there is a current or projected shortage of workers;

(2) training for skilled occupations needed to revitalize businesses and industries that are essential to State or local economic well-being;

(3) training for skilled occupations which are needed to attract or otherwise promote the entry of new businesses and industries into the State or community within the State;

(4) conducting applied research and developing information for dissemination to the public on occupational skills in emerging or rapidly changing trades, crafts, businesses,

and industries, including activities carried out in cooperation with the National or State Occupational Information Coordinating Committee;

(5) developing new curricula or innovative pilot programs for emerging or rapidly changing trades, crafts, businesses, and industries;

(6) providing vocational education for individuals who are out of school, unemployed, and who live in an economically depressed area;

(7) training or retraining vocational education instructors (through exchange programs between business or industry and the school where feasible);

(8) improving the quality of vocational educational courses leading to the development of a skilled work force through the acquisition or replacement of equipment;

(9) providing training in entrepreneurship and the skills necessary for entrepreneurship; and

(10) providing any vocational educational education program, project, service, and activity that promotes the purposes of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (10) of this subsection.

(b) Each State and eligible recipient shall give special consideration to the needs of persons described in subsection (a)(1) by using its best efforts to recruit those persons for participation in the programs, projects, services, and activities supported with funds under this subpart.

PART B—STRENGTHENING STATE AND LOCAL SYSTEMS OF VOCATIONAL EDUCATION

STATEMENT OF PURPOSE

SEC. 221. It is the purpose of this part to strengthen State and local systems of vocational education so that all persons regardless of sex, (including educationally disadvantaged persons, handicapped persons, and persons with limited English proficiency) can participate in vocational education programs that are designed to provide needed job skills and foster economic development.

AUTHORIZED ACTIVITIES

SEC. 222. (a) In using funds reserved for this part in accordance with section 201 (b)(3)(B) each State shall (1) use no less than fifteen per centum to meet the special needs of handicapped persons, and (2) give careful consideration to the special needs of educationally disadvantaged individuals and individuals with limited English proficiency.

(b) In order to achieve the purposes of this part, a State shall use the amount reserved for this part (in accordance with subsection (a)) for—

(1) strengthening State and local vocational education systems by promoting the active participation of representatives for business, industry, labor, finance, and agriculture in vocational education, through joint training programs and shared facilities;

(2) providing necessary support service (except stipends) for vocational education students, including students preparing to obtain employment in occupations traditionally associated with members of the opposite sex, current or former homemakers seeking employment, and single heads of households who lack adequate job skills;

(3) providing programs, projects, services, and activities designed to reduce sex stereotyping and sex bias in vocational education, including the support of personnel to assist the State in achieving sex equity in all its vocational education programs;

(4) providing cooperative vocational educational programs involving agreements between schools and employers;

(5) providing workstudy programs which address the vocational education needs of economically disadvantaged students.

(6) providing remedial instruction in basic skills for students who need it to benefit from vocational instruction and obtain employment, but who are not eligible to be served under part C;

(7) providing new training courses for adults who wish to improve current occupational skills or who wish to develop skills for new careers;

(8) strengthening secondary and postsecondary programs and projects to provide high-quality instruction in new or developing trades, crafts, or occupations that are technologically demanding;

(9) improving the quality of vocational education in the most economical manner possible through the acquisition or replacement of equipment and necessary minor remodeling of vocational education facilities;

(10) providing programs for the occupation of homemaking (consumer and homemaking education);

(11) providing programs of industrial arts and prevocational guidance;

(12) providing support to vocational student organizations that are an integral part of a vocational education program;

(13) providing career guidance, counseling, placement, and follow-up services;

(14) providing vocational education programs, projects, services, and activities that will benefit incarcerated individuals nearing release; and

(15) providing any vocational education program, project, service, and activity that meets the purposes of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (15) of this subsection.

PART C—ADULT BASIC EDUCATION

STATEMENT OF PURPOSE

SEC. 231. It is the purpose of this part to expand educational opportunities for adults as well as the encourage the establishment of adult education programs that will enable adults to acquire basic skills needed to function in society and continue their education to at least the level of completion of secondary school.

AUTHORIZED ACTIVITIES

SEC. 232. (a) In order to achieve the purposes of this part, a State shall use the amount reserved for this part in accordance with section 201(b)(3)(C) for—

(1) supporting adult education programs, projects, services, and activities for adults, including adult immigrants or adults with limited English proficiency, whose inability to understand, speak, read, or write the English language constitutes a substantial impairment of their ability to obtain or retain employment that is commensurate with their real ability;

(2) providing adult education programs, projects, services, and activities for institutionalized adults;

(3) providing adult education programs, projects, services, and activities for adults in rural or urban areas with high rates of unemployment;

(4) supporting adult education programs which lead to a certificate of equivalency to graduation from a secondary school;

(5) developing, demonstrating, evaluating, and disseminating innovative adult education practices and methods;

(6) training individuals to provide adult education; and,

(7) providing any other adult education program, project, service, or activity that meets the purpose of this part.

The State may use the amounts so reserved for one or more of the activities described in clauses (1) through (7) of this subsection.

(b) In using funds reserved for this part, each State shall give careful consideration to the needs of individuals described in subsection (a)(1), and shall use its best efforts to recruit those persons for participation in the programs, projects, services and activities supported with funds under this Part.

TITLE III—NATIONAL PROGRAMS

USE OF FUNDS

SEC. 301. The Secretary shall use funds reserved under section 102 to support one or more of the programs, projects, services, or activities authorized by sections 302, 303, 304, and 305. In any fiscal year the Secretary may use funds so reserved for particular types of programs, projects, services, or activities authorized by this title.

RESEARCH

SEC. 302. (a) The Secretary may support directly, or by way of grants to, or contracts or cooperative agreements with, public or private institutions, agencies or organizations—

(1) research and development activities on problems of national significance in vocational and adult education;

(2) studies addressing national problems, such as defense preparedness, that are caused by shortages of skilled workers;

(3) the collection and dissemination of information on research and program improvement activities in vocational and adult education;

(4) the collection of information to facilitate national planning and policy development in vocational and adult education; and

(5) the development of State and local leadership resources in vocational and adult education.

The Secretary, may use the assistance provided under this subsection for one or more of the activities described in clauses (1) through (5) of this subsection.

(b) The Secretary may support a National Center for Research in Vocational and Adult Education to conduct one or more of the activities authorized under subsection (a).

PROGRAMS FOR INDIAN TRIBES AND INDIAN ORGANIZATIONS

SEC. 303. (a) The Secretary may, upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", approved April 16, 1934 (48 Stat. 596; 25 U.S.C. 452-457), make one or more grants, contracts, or cooperative agreements with a tribal organization of that Indian tribe to plan, conduct, and administer vocational and adult education programs, projects, services, and activities that are authorized by title II of this Act and are consistent with tribal economic development plans.

(b) The Secretary shall review applications and award funds under subsection (a) on a competitive basis.

OCCUPATIONAL INFORMATION DATA SYSTEM

SEC. 304. The Secretary may provide financial and technical assistance to support the National Occupational Information Coordinating Committee established under section 464 of the Job Partnership Training Act.

PROGRAM IMPROVEMENT FOR MEETING NATIONAL SKILLED WORK FORCE NEEDS

SEC. 305. The Secretary may support directly, or through grants, contracts, or cooperative agreements to public or private agencies, institutions, or organizations—

(1) the development, demonstration, evaluation, validation, and dissemination of exemplary job training programs and projects for persons whose jobs have been lost or jeopardized by technological or economic change;

(2) the development and demonstration of programs and projects designed to reduce sex stereotyping and sex bias in vocational education;

(3) the development, demonstration, evaluation, and dissemination of skilled work force training programs and projects (including the curricula for such programs or projects) for rapidly changing occupations or occupations necessary for economic development;

(4) the development and demonstration of collaborative vocational and adult education programs and projects that combine the resources of business, industry, labor, education, finance, agriculture and employment and training programs;

(5) the development of vocational education programs and projects that incorporate the principles of entrepreneurship;

(6) the development, demonstration, and evaluation of programs and projects designed to train or retrain vocational education instructors through exchanges between business or industry and the schools;

(7) the development, demonstration, and evaluation of programs or projects designed to expand the use of volunteers in providing vocational and adult education;

(8) the improvement of rural vocational and adult education and rural family education;

(9) special training programs and projects designed to address critical shortages of skilled manpower which the Nation requires;

(10) joint planning and coordination of programs and activities supported under this Act (or other laws that affect vocational and adult education and employment and training programs such as the Job Training Partnership Act) with other Federal departments and agencies as well as representatives of business and industry, labor unions, and education and training organizations; and

(11) other programs or projects, including technical assistance and training, that are consistent with the purposes of this Act, and designed to support the efforts of States to improve the overall quality of the vocational and adult education the States provide.

The Secretary may use the assistance provided under this subsection for one or more of the activities described in clauses (1) through (11) of this subsection.

TITLE IV—MISCELLANEOUS PROVISIONS

CONFORMING AMENDMENTS

SEC. 401. (a)(1) Section 4(14) of the Job Training Partnership Act (Public Law 97-300) (hereafter in this section referred to as "the Act") is amended to read as follows:

"(14) The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution having administrative control and direction of a vocational education program.";

(2) Section 4(23) of the Act is amended to read as follows:

"(23) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary or secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.".

(3) Section 4(28) of the Act is amended by striking out "section 195(1) of the Vocational Education Act of 1963." and inserting in lieu thereof "section 3(11) of the Vocational and Adult Education Consolidation Act of 1983.".

(b)(1) Section 122(a)(8) of the Act is repealed.

(2) Section 122(b)(7) of the Act is amended—

(A) by striking out "(A)" and the word "and" at the end of subclause (A); and

(B) by striking out subclause (B).

(3) Section 125(b)(1) of the Act is amended by striking out "the Vocational Education Act of 1963," and inserting in lieu thereof "the Vocational and Adult Education Consolidation Act of 1983,".

(c) Section 427(a)(1) of the Act is amended by striking out "section 104(a)(1) of the Vocational Education Act of 1963" and inserting in lieu thereof "section 104(a) of the Vocational and Adult Education Consolidation Act of 1983".

(d)(1) Section 461(c) of the Act is amended by striking out "the Vocational Education Act of 1963" and inserting in lieu thereof "the Vocational and Adult Education Consolidation Act of 1983".

(2) Section 463(a) of the Act is amended by striking out "under section 161(b) of the Vocational Education Act of 1963," and inserting in lieu thereof "under section 464 of this Act,".

(3) Section 464(a) of the Act is amended to read as follows:

"(a)(1) There is established a National Occupational Information Coordinating Committee (hereinafter in this section referred to as 'the Committee') which shall serve as the successor to the entity previously established under section 161(b) of the Vocational Education Act of 1963. Membership of the Committee shall include the Assistant Secretary of Education for Vocational and Adult Education, the Administrator of the National Center for Education Statistics, the Commissioner of Labor Statistics, the Assistant Secretary of Labor for Employment and Training, the Assistant Secretary of Commerce for Economic Development, and the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

"(2) Of the amounts available for this part for each fiscal year, not more than $5,000,000 is authorized to be reserved for the Committee. Not less than 75 percent of the funds transferred by the Secretary to the Committee shall be used to support State Occupational Information Coordinating Committees and other organizational units designated under section 125 for carrying out State labor market information programs.".

(4) Section 464(b) of the Act is amended by striking out "In addition to its responsibilities under the Vocational Education Act of 1963, the National Occupational Information Coordinating Committee", and inserting in lieu thereof "In addition to any responsibilities that the Secretary of Education may impose on the Committee under the Vocational and Adult Education Consolidation Act of 1983, the Committee".

(5) Section 464(c) of the Act is amended by striking out "the National Occupational Information Coordinating Committee under this Act, under section 161 of the Vocational Education Act of 1963," and inserting in lieu thereof "the Committee under this Act, under section 304 of the Vocational and Adult Education Consolidation Act of 1983,".

(e)(1) Section 472(a) of the Act is amended by striking out "the National Advisory Council of Vocational Education (established under section 162 of the Vocational Education Act of 1963)." and inserting in lieu thereof "the National Advisory Council on Vocational and Adult Education (established under section 107 of the Vocational and Adult Education Consolidation Act of 1983).".

(2) Section 473(7) of the Act is amended—

(A) by inserting the words "and Adult" after the phrase "National Advisory Council on Vocational" wherever it appears; and

(B) in subclause (B) by striking out "section 162 of the Vocational Education Act of 1963" and inserting in lieu thereof "section 107 of the Vocational and Adult Education Consolidation Act of 1983".

REPEALS

SEC. 402. (a) The Adult Education Act (except section 316 thereof) and the Vocational Education Act of 1963 are hereby repealed.

(b) Funds appropriated for use during fiscal year 1983 or 1984 under the Acts in subsection (a) that are not obligated by July 1, 1984, by a State or other recipient shall remain available for obligation in accordance with the requirements of this Act.

(c) In order to effect a smooth transition to the consolidated program authorized in this Act, the Secretary may, prior to the effective date of this Act, promulgate regulations, establish dates for the receipt of Proposed Use Reports under section 104, and take other actions he deems necessary.

EFFECTIVE DATE

SEC. 403. This Act shall take effect July 1, 1984.

SECTION-BY-SECTION ANALYSIS—VOCATIONAL AND ADULT EDUCATION CONSOLIDATION ACT OF 1983

Section 1, short title: "Vocational and Adult Education Consolidation Act of 1983".

DECLARATION OF PURPOSE

Section 2 establishes the purpose of the Act as the authorization of state and national programs which will promote economic development by addressing the needs of youth and adults in all communities for vocational education, strengthening state and local systems of vocational education, enhancing equal opportunities in vocational education for all students, overcoming sex stereotyping and sex bias in vocational education, addressing the national need of employers for a skilled and literate workforce, addressing the training needs of displaced workers, assisting adults to acquire basic skills needed to function in society, and assisting adults to continue their education to at least the level of completion of secondary school. An additional intention is that states

participating in programs under the Act be afforded broad discretionary authority in planning, developing, administering, and operating these programs.

DEFINITIONS

Section 3 provides definitions for a number of terms used in the Act.

TITLE IV.—GENERAL PROVISIONS

Section 101 authorizes for this Act such sums as are necessary for fiscal years 1984 through 1988. It further provides for expenditure of funds appropriated under the Smith-Hughes Act.

Section 102 authorizes the Secretary to set aside, for national programs, up to 5 percent of the funds appropriated under the Act. Any funds set aside will be available for obligation and expenditure without regard to the fiscal year for which they are appropriated.

Section 103 prescribes a method for allotting funds to the states. Funds are to be allotted on the basis of population and number of unemployed persons in three age cohorts and inverse per capita income. No state may receive less than $100,000. (If funds are not available to satisfy this requirement, allotments to states shall be reduced proportionately.)

Section 104 describes the requirement of a Proposed Use Report that a state must submit to the Secretary in order to participate in programs funded under Title II. The report must designate a single state agency that is responsible for the administration or supervision of the administration of Title II programs. It will describe the goals the state will seek to achieve, the characteristics of the persons to be served; how the federal funds will be used, how the funds will be distributed within the state, and the anticipated results. It will further describe how the state will provide vocational education students to basic skills instruction, how equal opportunity in vocational education will be enhanced for all students, how the state will address sex stereotyping and sex bias in vocational education, and how the State Job Training Coordination Councils and private industry councils as well as the private sector will be involved in planning and carrying out vocational programs. The report will include assurances regarding proper administration, fiscal control, fund accounting, submission of reports, participation of private school students, and meeting the basic education needs of adults. Finally, the report will contain an assessment of programs and projects supported during the most recently completed program year. Prior to submission, the report will be made public in the state.

Section 105 provides for state audit of activities funded under Title II.

Section 106 requires that the Secretary submit an annual report to Congress on the status of vocational and adult education in the nation.

Section 107 establishes a National Advisory Council on Vocational and Adult Education, with members appointed by the President.

Section 108 makes certain sections of the General Education Provisions Act applicable to programs conducted under this Act.

TITLE II.—STATE PROGRAMS

Section 201 states that the Secretary shall make grants to the states (in accordance with Section 103) for establishing, expanding, and improving vocational education programs and for supporting adult education programs. A state may set aside that portion of the grant required for state administration. Of the remainder, at least 30 percent must be used for programs and projects under Part A (Economic Development and Skilled Workforce Training), at least 30 percent for programs and projects under Part B (Strengthening State and Local Systems of Vocational Education), and at least 13 percent for programs and projects under Part C (Adult Basic Education). Funds under this Title may be used to pay for up to half of the administrative expenses at the local level. Funds may be used to pay for state or local advisory councils, but not for stipends or construction.

Section 202 provides that states may use funds under this part directly or to make grants or enter into contracts with other eligible recipients for the purpose of carrying out programs and projects under Title II.

PART A.—ECONOMIC DEVELOPMENT AND SKILLED WORKFORCE TRAINING

Section 211 states the purpose of Part A as supporting Economic Development and Skilled Workforce Training programs and projects. Training conducted under this Part must correspond to specific state or local economic needs or plans.

Section 212 describes the types of activities that may be funded under Part A, including retraining persons whose jobs have been lost or threatened by technological or economic change; training for skilled occupations needed to revitalize business and industries that are essential to state or local economic well-being; training for skilled occupations which are needed to attract the entry of new businesses into a state or community; related research, curriculum development, and instructor training; and training in entrepreneurship. In conducting these activities, recipients shall give priority consideration to the needs of persons who have lost their jobs or whose jobs are threatened by technological or economic change.

PART B.—STRENGTHENING STATE AND LOCAL SYSTEMS OF VOCATIONAL EDUCATION

Section 221 states the purpose of Part B as supporting programs, projects, services, and activities for Strengthening State and Local Systems of Vocational Education.

Section 222 requires each state, in using its Part B funds, to set aside at least 15 percent for the special needs of the handicapped and to give careful consideration to the needs of the disadvantaged and the limited-English-proficient. Allowable expenditures under this Part include joint programs with business, industry, and labor; support services (except for stipends) for homemakers and single heads of households; programs designed to reduce sex stereotyping and sex bias in vocational education; cooperative and work-study programs; remedial instruction in basic skills; acquisition or replacement of equipment; consumer and homemaking education; and student organizations.

PART C.—ADULT BASIC EDUCATION

Section 231 states the purpose of Part C as supporting programs, projects, services, and activities in Adult Basic Education.

Section 232 describes the types of activities that may be supported under Part C. These include programs for the institutionalized such as persons who are incarcerated or confined to treatment facilities, programs for adults in rural or urban areas with high rates of unemployment, and high school equivalency programs. States are to give particular consideration to the special needs of immigrants and other limited-English-proficient adults.

TITLE III.—NATIONAL PROGRAMS

Section 301 authorizes and requires the Secretary to use funds reserved under Section 102 to support any or all activities authorized by sections 302, 303, 304, and 305.

Section 302 authorizes the Secretary to conduct research, develop programs, collect and disseminate information, and develop state and local leadership in vocational and adult education. The Secretary is also authorized to support a National Center for Research in Vocational and Adult Education.

Section 303 authorizes the Secretary to make contracts, grants and cooperative agreements with Indian tribes and organizations for vocational and adult education programs and projects consistent with tribal economic development plans.

Section 304 authorizes support of the National Occupational Information Coordinating Committee established under the Job Training Partnership Act.

Section 305 authorizes activities of Program Improvement for Meeting National Skilled Workforce Needs. These may include exemplary job-training programs for persons who have lost their jobs or whose jobs are threatened; demonstration programs designed to reduce sex stereotyping and sex bias in vocational education; model or demonstration training programs; collaborative programs, including employment and training programs, with business, industry, and labor and with other agencies of the federal government; programs designed to expand the use of volunteers in providing vocational and adult education; activities in the areas of rural vocational and adult education and rural family education; and special training programs and projects designed to address critical shortages of skilled workers which the nation requires.

TITLE IV.—MISCELLANEOUS PROVISIONS AND CONFORMING AMENDMENTS

Section 401 would make a number of conforming amendments to the Job Training Partnership Act.

Section 402 repeals the Adult Education Act (except Section 316) and the Vocational Education Act.

Section 403 establishes the effective day of the Act to be July 1, 1984.

By Mr. QUAYLE:

S. 1040. A bill to amend the Internal Revenue Code of 1954 to simplify the tax system by providing a low-rate progressive schedule for individuals and a flat-rate schedule for corporations, and for other purposes; to the Committee on Finance.

(The remarks of Mr. QUAYLE on this legislation appear earlier in today's RECORD.)

By Mr. HATCH:

S. 1041. A bill to improve the operations of the bilingual education program by focusing the program on building the capacity of local educational agencies to carry out programs of bilingual education, by broadening the range of instructional approaches eligible for assistance, by targeting assistance on the children of limited English proficiency most in need of such programs, and by providing financial assistance to State educational agencies for reviewing, evaluating, and

monitoring programs of bilingual education, and for other purposes; to the Committee on Labor and Human Resources.

BILINGUAL EDUCATION IMPROVEMENTS ACT OF 1983

Mr. HATCH. Mr. President, today I am introducing a bill to amend the Bilingual Education Act—contained in title VII of the Elementary and Secondary Education Act of 1965. I share the administration's belief that these amendments, as far as they go, will greatly improve the bilingual education programs in State and local school systems.

The major thrust of this bill is to assist school districts in building the capacity to carry out programs for children with limited English proficiency, to strengthen the role of State educational agencies in improving bilingual education programs, to authorize support for a broadened range on instructional approaches for serving children of limited English proficiency, to target funding on projects which will serve children whose usual language is not English, and to authorize vocational education activities under the act for out of school youths and adults with limited English proficiency.

One of my major concerns is finding means for strengthening the ability of State and local school systems to provide a wide range of options in the programing of language programs for those whose usual language is not English. This bill addresses that problem and allows maximum flexibility for local school districts to accommodate needs peculiar to their areas and the population they serve. Changes in the provisions related to project applications and grant periods and the requirement that all bilingual education basic grants be used for building capacity of school districts to carry out programs for children of limited English proficiency should give more vitality to programs. While the 3-year limitation on the length of a grant would be retained, districts would not be permitted to participate in the program for more than 5 years. In addition, the bill would eliminate administratively cumbersome language that provides for a 5-year phaseout of assistance for local school districts which have no further need for assistance under the act.

The proposed amendments would also authorize assistance to State education agencies in providing a much broader range of services and activities than they can under existing legislation. This change is intended to improve the quality of the program by involving State education agencies in the review and implementation of local programs and in efforts to build statewide capacity to operate bilingual education programs.

An additional provision would give highest priority for funding to projects which serve children who are limited English proficient and whose usual language is not English. While such children are served under current legislation, this new provision would establish a highest priority for them within the limited English proficient population. I share the view of the Department of Education that in a period of limited Federal resources, the new language authority should focus on the program more specifically geared to children of limited English proficiency who have the greatest need for immediate services.

Mr. President, one of the shortfalls in this bill is that it does not establish a system for mainstreaming youngsters after they have acquired sufficient proficiency with the English language to work successfully with the majority of their classmates whose language is English. There is nothing in the amendments which would require an orderly transfer of the student out of a special language program into the mainstream of the educational program. While, for the most part, I am fully supportive of capacity building legislation under this proposed legislation, local school officials could keep youngsters in programs much longer than necessary just to maintain capacity. I hope we can eventually report out a bill which will address the deficiency.

Finally, Mr. President, the vocational training activities for out of school youth and adults with limited English proficiency which are now authorized under other legislation would be authorized and funded under this act. Currently, vocational training activities authorized under the Bilingual Education Act are restricted to students in elementary and secondary school, and funding is available only to school districts. This is primarily a technical modification, designed to consolidate all program authorities now administered by the Department of Education's Office of Bilingual Education and Minority Languages Affairs within the same act and to broaden the range of instructional approaches eligible for Federal support.

Mr. President, I ask unanimous consent that the bill, along with a section-by-section analysis of it, be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bilingual Educational Improvements Act of 1983".

PURPOSE; DEFINITIONS

SEC. 2. The Bilingual Education Act (hereinafter referred to in this Act as "the Act") is amended—

(a) in section 702(a) by striking everything that follows paragraph (1) and inserting in lieu thereof the following:

"(2) that limited English proficiency has precluded many of these children from progressing in school and competing economically and otherwise in an English-speaking society;

"(3) that, therefore, these children of limited English proficency have educational needs that can be met through programs of bilingual education;

"(4) that no one educational technique or method for educating children of limited English proficincy through programs of bilingual education has been proven uniformly effective;

"(5) that local educational agencies are best prepared to evaluate the needs of such children and develop programs of bilingual education;

"(6) that research and evaluation capabilities in the field of bilingual education need to be strengthened;

"(7) that limited English proficiency has also precluded out-of-school youths and adults from participating in vocational programs that would provide them with work-related skills,

the Congress declares it to be the policy of the United States, in order to establish equal educational opportunity for all persons (A) to encourage the establishment and operation, where appropriate, of educational programs using a variety of bilingual education practices, techniques, and methods which meet the needs of limited English proficient students, and (B) for that purpose—

"(i) to provide financial assistance to local educational agencies to develop and institutionalize their capacity for carrying out programs of bilingual education, in elementary and secondary schools and at the preschool level, designed to enable children of limited English proficincy to achieve competency in the English language thereby providing such children an opportunity to progress effectively through the educational system;

"(ii) to provide financial assistance to eligible applicants to demonstrate effective and exemplary approaches or methods of providing children of limited English proficiency with such programs of bilingual education;

"(iii) to provide financial assistance to State educational agencies to strengthen their role in carrying out activities for the improvement of programs of bilingual education in their State; and

"(iv) to provide financial assistance to eligible applicants to carry out vocational programs for out-of-school youths and adults of limited English proficiency.".

(b) in section 703(a) by amending paragraph (4)(A) to read as follows:

"(4)(A) The term 'bilingual education' means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, in which—

"(i) there is instruction for the acquisition of English language skills and such instruction—

"(I) is designed to provide such children an opportunity to progress effectively through the educational system; and

"(II) is given with appreciation for the cultural heritage of such children.

"(ii) for programs of bilingual education assisted under this title, the requirements in subparagraphs (B) through (F) of this paragraph and those established pursuant to

subsection (b) of this section are met. Nothing in this definition or in any other provision of this title shall be construed to require a recipient of funds under this title to use any particular method or approach for providing education to children of limited English proficiency.".

CAPACITY BUILDING; PERSONNEL; TARGETING

SEC. 3. Section 721 of the Act is amended—

(a) in subsection (a) by striking out in the first sentence "Funds available for grants under this part shall be used for—" and inserting in lieu thereof "The Secretary is authorized to award grants under this section to local educational agencies that demonstrate a need to build their capacity for serving children of limited English proficiency in one or more of the following areas—".

(b) in subsection (b)—

(1) by striking out in paragraph (a)(A), after the semicolon, the word "and";

(2) by amending paragraph (1)(B) to read as follows:

"(B) include a description (i) of the linguistic and educational needs of all children of limited English proficiency who are eligible for services under this title and who are enrolled in public and private elementary and secondary schools within the jurisdiction served by the applicant, and (ii) of the extent to which the proposed project will meet the needs of such children;";

(3) by adding immediately after paragraph (1)(B) (as amended in paragraph (2)) the following new subparagraphs:

"(C) be accompanied by evidence that the applicant has selected methods of instruction designed to meet the special needs of the children of limited English proficiency to be served by the project;

"(D) provide an assessment of the applicant's ability to serve children of limited English proficiency, including an assessment of the qualifications of personnel who will participate in the proposed project and of the need for further training of such personnel;

"(E) describe the manner in which the proposed project will develop the applicant's capacity to meet the special needs of children of limited English proficiency when Federal assistance under this section is no longer available, and will provide such children an opportunity to progress effectively through the educational system; and

"(F) describe the progress achieved in such capacity building by the applicant under previous assistance awarded under this title.";

(4) by striking out paragraph (2);

(5) in paragraph (3)—

(A) by striking out in the first sentence the word "part" and inserting in lieu thereof the word "section";

(B) by striking out subparagraph (A);

(C) by striking out in subparagraph (C)(i) "including only those personnel who are proficient in the language of instruction and in English, to the extent possible," and inserting in lieu thereof "including only those teachers who are proficient (I) in English, and (II) to the extent that a program includes the use of a language other than English as a medium of instruction, in such other language,";

(D) by striking out in subparagraph (E) "proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this title is reduced or no longer available;" and inserting in lieu thereof "proficiency so that such children are provided an opportunity to progress effectively through the educational system, and that the applicant will have the resources and commitment to continue the program when assistance under this section is no longer available;";

(E) by striking out in subparagraph (F) "except that if any child is enrolled in a bilingual program assisted under this title for two years" and inserting in lieu thereof "except that if any child is enrolled for two years in a program of bilingual education assisted under this title";

(F) by amending subparagraph (H) to read as follows:

"(H) the applicant demonstrates that persons other than teachers involved in instruction in projects and activities under this section are, to the extent possible, proficient in English and any other language used to provide instruction.";

(G) by striking out in subparagraphs (C) through (F), inclusive, the words "under this title" wherever they appear and inserting in lieu thereof "under this section";

(H) by redesignating subparagraphs (E), (F), (G), and (H) as subparagraphs (A), (E), (F), and (G) respectively; and

(I) by redesignating paragraph (3) as paragraph (2);

(6) in paragraph (4)—

(A) by striking the word "initial" in the first clause of the first sentence;

(B) by inserting a comma after the word "give" and inserting immediately thereafter the following language: "from among the priorities listed in this paragraph, the highest";

(C) by inserting after "local educational agencies which", the following language: "propose to assist children of limited English proficiency whose usual language is not English. In addition, the Secretary shall give priority to applications from local educational agencies which";

(D) by redesignating paragraph (4) as paragraph (3); and

(7) by striking out paragraph (5).

(c) by striking out subsection (c).

(d) in subsection (d) by striking out "improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish." and inserting in lieu thereof "build the capacity of the Commonwealth to meet the special needs of children of limited English proficiency, and may also develop its capacity to serve the needs of children of limited Spanish proficiency.".

(e) in subsection (e)—

(1) in paragraph (1)—

(A) by striking out in the first sentence the word "title" and inserting in lieu thereof the word "section";

(B) by striking out the second sentence;

(C) by striking out in subparagraph (C), after the semicolon, the word "and";

(D) by redesignating subparagraph (D) as subparagraph (E);

(E) by adding immediately after subparagraph (C) the following new subparagraph:

"(D) the progress the local educational agency has made, with previous awards of financial assistance under this title, toward building its capacity for carrying out programs of bilingual education; and";

(2) by striking out in paragraph (2) the words "under this title" wherever they appear and inserting in lieu thereof "under this section"; and

(3) by adding immediately after paragraph (2) the following new paragraphs:

"(3) Beginning October 1, 1983, no local educational agency shall receive financial assistance under this section for more than five fiscal years. However, financial assistance to continue grants awarded to local educational agencies under this title on or before September 30, 1983 shall not be counted in applying this five-year limitation.

"(4) Subject to the five-year limitation in paragraph (3), a local educational agency may receive more than one grant under this section on or after October 1, 1983 only if it has—

"(A) submitted a new application for each grant; and

"(B) for each grant after the first grant awarded on or after such date—

"(i) demonstrated success in building its capacity to serve children of limited English proficiency under the prior grant(s) it received under this section on or after such date;

"(ii) taken measures to institutionalize such capacity; and

"(iii) demonstrated a need for further development of such capacity.".

(f) in subsection (f)—

(1) by striking out in the first sentence "under this title" and inserting in lieu thereof "under this section"; and

(2) by striking out in paragraph (2) "program of bilingual instruction" and inserting in lieu thereof "program of bilingual education".

(g) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e).

TRAINING PROGRAMS

SEC. 4. Section 723(a) of the Act is amended—

(a) in paragraph (1) by striking out "In carrying out the provisions of clauses (1) and (3) of subsection (a) of section 721, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, as defined in subsection (b), provide for—" and inserting in lieu thereof "The Secretary is authorized to award grants to, and enter into contracts with, eligible applicants (as defined in subsection (b)) to provide for—".

(b) in paragraph (4)—

(1) by striking out in the first sentence everything after "shall give priority to" and inserting in lieu thereof the following: "applications that propose to carry out training activities in areas with the greatest need for such activities."; and

(2) by striking out the second sentence.

DEMONSTRATION PROJECTS; STATE PROGRAMS VOCATIONAL PROGRAMS

SEC. 5. Part A of the Act is amended by adding immediately after section 723 the following new headings and sections:

"DEMONSTRATION PROJECTS

SEC. 724. (a) The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible applicants (as defined in section 723(b)) for—

"(1) activities designed to develop or demonstrate effective and exemplary approaches or methods of providing children of limited English proficiency with the instruction and services necessary for them to achieve competence in the English language and to progress effectively through the educational system;

"(2) activities designed to evaluate and validate effective and exemplary approaches or methods of providing such instruction and services to children of limited English proficiency;

"(3) activities designed to disseminate information on (A) effective and exemplary approaches or methods of providing children of limited English proficiency with

such instruction and services and (B) the evaluation and validation of such approaches or methods; and

"(4) such other activities designed to carry out the purposes of this title as the Secretary may prescribe by regulation.

"(b) A grant may be made, or a contract or cooperative agreement entered into, under this section only upon application therefor to the Secretary by an eligible applicant (as defined by section 723(b)) at such time, in such manner, and containing such information as the Secretary deems necessary.

"(c) Grants, contracts, or cooperative agreements awarded under this section for demonstration projects shall not exceed a period of three years.".

"STATE PROGRAMS

"SEC. 725. (a) The Secretary is authorized to enter into agreements with State educational agencies to carry out (1) activities for reviewing and evaluating programs of bilingual education assisted under this title in such State, and (2) other activities designed to support the purposes of this title.

"(b) Each State that enters into such an agreement shall review and evaluate programs of bilingual education assisted or proposed for assistance under this title in such State, in accordance with any standards that the Secretary may prescribe by regulations.

"(c)(1) The Secretary shall pay from the amounts appropriated pursuant to section 702(b)(1) of this title such amounts as may be determined necessary by the Secretary in each fiscal year to each State educational agency for activities approved by the Secretary under subsection (a) of this section.

"(2) The amount of financial assistance that the Secretary is authorized to pay in any fiscal year to a State educational agency under paragraph (1) of this subsection shall be based on the relative need of the State for such assistance, but in no event shall such amount be less than $25,000 or more than ten percent of the aggregate of the amounts paid under sections 721(a) and 724 of this title to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which payment under this section is made.

"(3) State educational agencies shall use financial assistance provided under this section to carry out activities in one or more of the following areas—

"(A) the review and evaluation of programs of bilingual education, including such programs that are not funded under this title;

"(B) the provision, coordination, or supervision of technical and other forms of nonfinancial assistance to local educational agencies and private elementary and secondary schools that have such programs;

"(C) the development and administration of instruments and procedures for the assessment of the bilingual education needs of children of limited English proficiency;

"(D) the training of State and local educational agency staff to carry out the purposes of this title; and

"(E) other activities and services designed to build the capacity of State and local educational agencies to serve the educational needs of children of limited English proficiency.

"(d) Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the State for the purposes described in this section, and in no case to supplant such State funds.".

"VOCATIONAL PROGRAMS

"SEC. 726. (a) The Secretary is authorized to award grants to, and enter into contracts with, eligible applicants (as defined in section 723(b)) to provide for the establishment, operation, or improvement of vocational programs that use bilingual education methods or approaches and that are designed: (1) to enable out-of-school youths and adults of limited English proficiency to participate in job training programs which assist such persons in acquiring work-related skills; (2) to train instructors and counselors for job training programs that serve out-of-school youths and adults of limited English proficiency; or (3) to assist eligible applicants to develop and disseminate instructional materials and methods that meet the job training needs of out-of-school youths and adults of limited English proficiency.

"(b) In making grants or contracts under this section, the Secretary shall give priority to applications that propose to carry out training activities in areas with the greatest need for such activities.

"(c) Grants may be made, and contracts entered into, under this section only upon application therefor to the Secretary by eligible applicants at such time, in such manner, and containing such information as the Secretary deems necessary.".

RESEARCH

SEC. 6. Part C of the Act is amended—

(a) by repealing section 741.

(b) in section 742—

(1) by redesignating section 742 as section 741;

(2) by striking out the word "Assistant" wherever it appears;

(3) in subsection (b)—

(B) by striking out in paragraph (8) the period at the end thereof and inserting in lieu thereof a semicolon and the word "and"; and

(C) by adding immediately after paragraph (8) the following new paragraph:

"(9) studies to determine alternative methods of approaches of providing educational services to children of limited English proficiency."; and

(4) in subsection (f) by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1985".

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. Section 702(b) of the Act is amended—

(a) by amending paragraph (1) to read as follows:

"(b)(1) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $95,000,000 for fiscal year 1984, and such sums as may be necessary for fiscal year 1985.".

(b) by striking out paragraph (3).

(c) by redesignating paragraph (4) as paragraph 3.

(d) by amending paragraph (3) (as redesignated in subsection (c)) to read as follows:

"(3) The Secretary shall reserve an amount not in excess of 1 per centum of the sums appropriated under paragraph (1) to carry out section 732.".

TECHNICAL AMENDMENTS; EFFECTIVE DATE

SEC. 8. (a) The Bilingual Education Act is Further amended—

(1) by striking out the words "Commissioner" and "Commissioners" wherever they appear and inserting in lieu thereof "Secretary";

(2) by adding immediately after section 703(a)(8) the following new paragraph: "(9) The term 'Secretary' means the Secretary of Education.";

(3) by striking out the phrase "Office of Education" wherever it appears and inserting in lieu thereof "Department of Education";

(4) by striking out the phrase "Office of Bilingual Education" wherever it appears and inserting in lieu thereof "Office of Bilingual Education and Minority Languages Affairs";

(5) in section 731—

(A) by striking out subsections (a), (b)(1), and (c)(5);

(B) by striking out in subsection (c)(1) "bilingual vocational and adult education programs" and inserting in lieu thereof "programs of vocational and adult education using bilingual education methods and techniques"; and

(C) by redesignating subsections (b)(2), (c), (c)(6), (d), (e), (f), (g), and (h) as subsections (a), (b), (b)(5), (c), (d), (e), (f), and (g), respectively; and

(6) in section 732(a)—

(A) by striking out in the fifth sentence "bilingual methods and techniques" and inserting in lieu thereof "bilingual education methods and techniques"; and

(B) by striking out in the last sentence thereof "October 1, 1983" and inserting in lieu thereof "October 1, 1985".

(b) The amendments made by this Act shall take effect on October 1, 1983.

BILINGUAL EDUCATION IMPROVEMENTS ACT OF 1983

SECTION-BY-SECTION ANALYSIS

Section 2.—Section 2(a) of the bill would amend section 702 of the Bilingual Education Act ("the Act") to emphasize that the purposes of Federal financial assistance to local educational agencies under the Act would be: (1) to build the capacity of such agencies to provide programs of bilingual education for children of limited English proficiency; (2) to demonstrate effective and exemplary approaches or methods of providing such programs; (3) to strengthen the role of State educational agencies in carrying out activities for the improvement of such programs; and (4) to carry out programs of vocational education for out-of-school youths and adults of limited English proficiency.

Section 2(a) of the bill also would emphasize that, because no one educational technique or method for educating children of limited English proficiency has been proven uniformly effective, local educational agencies are in the best position to determine which educational technique or method best meets the needs of such children.

Section 2(b) of the bill would repeal the present definition of "program of bilingual education" and would substitute, instead, a definition for "bilingual education." The definition of "bilingual education," unlike the present definition of a "program of bilingual education," would include methods of instruction that do not use a student's native language. The bill would permit the funding of any program of instruction designed to provide children of limited English proficiency an opportunity to progress effectively through the educational system.

Section 3.—Section 3(a) of the bill would authorize the Secretary to award basic grants for the purpose of building the capacity of local educational agencies to serve children of limited English proficiency by

establishing, operating, or improving programs of bilingual education.

Section 3(b) of the bill would require local educational agencies that apply for basic grants for capacity building activities to make assessments in the following areas: (1) the needs of limited English proficient children; (2) the method(s) of instruction selected for serving such children; (3) how Federal funds would be used to build their capacity to serve such children; (4) their ability to serve such children, including the qualifications, and need for further training, of personnel who would participate in the program(s) of bilingual education; (5) their capacity to serve such children when Federal assistance for basic grants is no longer available; and (6) the success of their past efforts to build their capacity to serve such children with previous assistance under the Act.

Section 3(b) of the bill also would eliminate the present provision (section 721(b)(2)) that permits the Secretary to terminate assistance under the Act if certain conditions are satisfied. This provision would be superseded by the proposed limitations on the number of years that a local educational agency could receive assistance for basic grants under the Act.

Secton 3(b) of the bill also would eliminate the present provision (section 721(b)(3)(A) that prescribes the method for the distribution of assistance to local educational agencies within a State.

Section 3(b) of the bill also would improve the operations of programs of bilingual education by requiring that teachers who participate in the program be proficient in English and, to the extent that a program includes the use of a language other than English as a medium of instruction, in such other language. The present language of the statute (section 721(b)(3)(C)(i)) requires that personnel be "proficient in the language of instruction and in English, to the extent possible." Section 3(b) of the bill would reorder this priority on a teacher's language proficiency. Section 3(b) also would impose a similar but less stringent requirement on non-instructional personnel.

Section 3(b) of the bill also would require the Secretary of Education to give the highest priority for funding basic grants to those applications from local educational agencies that propose to assist children of limited English proficiency whose usual language is not English. Section 3(b) also would make clear that the provision requiring the Secretary to give priority for funding to those applications from local educational agencies that propose to assist children of limited English proficiency who have been historically underserved by programs of bilingual educational applies to all applications and not just the first application that a local educational agency submits under this section.

Section 3(b) of the bill also would eliminate the present provision (section 721(b)(5)) that establishes State programs for the coordination of technical assistance to programs of bilingual education assisted under the Act in such State. (However, section 5 of the bill would establish an expanded State program to replace the one to be eliminated.)

Finally, section 3(b) of the bill would make several minor conforming amendments.

Section 3(c) of the bill would eliminate the present provision (section 721(c)) that requires the secretary, in determining the distribution of funds under the Act, to give priority to areas having the greatest need for programs assisted under the Act. Other criteria, some related to need, will apply instead. (However, section 4 of the bill would retain this priority for training programs.)

Section 3(d) of the bill would require the same capacity building purpose for programs in the Commonwealth of Puerto Rico as is required for programs in the United States.

Section 3(e) of the bill would require that an application for a multi-year basic grant also be based on the progress the local educational agency has made, with previous assistance under the Act, toward building its capacity for carrying out programs of bilingual education.

Section 3(e) of the bill also would limit the length of time that a local educational agency could receive financial assistance under basic grants to a maximum of five fiscal years beginning October 1, 1983. However, financial assistance to continue grants received on or before September 30, 1983 would not be counted in applying this five-year limitation.

Section 3(e) of the bill also would permit local educational agencies to receive more than one basic grant on or after October 1, 1983 only if the local educational agency met certain conditions related to its capacity building.

Finally, section 3(e) of the bill would make several minor conforming amendments.

Sections 3(f) and (g) of the bill also would make several minor conforming amendments.

Section 4.—Section 4 of the bill would require the Secretary to give priority to applications that propose to carry out training activities in areas with the greatest need for such activities. Section 4 would repeal the present requirement that the Secretary give priority to applicants with demonstrated competence and experience in the field of bilingual education and replace it with the priority on need. Finally, section 4 would eliminate current funding requirements on the minimum amount of aid that must be extended for training activities to States.

Section 5.—Section 5 of the bill would clarify the activities eligible for funding under the Department's Demonstration Projects Program. This section also would expand and improve the operation of the State Educational Agency Projects for Coordinating Technical Assistance Program funded under the Act. Finally, the section also would clarify and expand the types of bilingual vocational training to be carried out by the Department. Section 5 of the bill would add three new sections (sections 724, 725 and 726) for these programs.

New section 724, which represents added statutory language to clarify the existing Demonstration Projects Program, would authorize the Secretary to award grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out a variety of activities designed to develop, demonstrate, evaluate, validate, or disseminate information on, effective and exemplary approaches or methods of providing instruction and services to children of limited English proficiency. Section 724 would limit any award under this section to a maximum of three years. Most of the conditions or requirements applicable to basic grants would not apply to demonstration projects. Only the requirements of this section and the requirements that apply generally to all assistance under the Act would apply to demonstration projects.

New section 725 would authorize the Secretary to enter into agreements with State educational agencies to review and evaluate programs of bilingual education assisted or proposed for assistance under the Act within their State. This change is intended to improve the quality of the program by involving SEAs in the review and implementation of local programs and of encouraging efforts to build State-wide capacity to operate bilingual education programs. Section 725 also would provide financial assistance to State educational agencies that agree to carry out other authorized activities, including those noted above and the coordination of technical assistance permitted under the present Act, to improve programs of bilingual education in the State, whether or not such programs were funded under the Act. Finally, new section 725 would establish a minimum ($25,000) and a maximum (ten percent of the aggregate of the amounts paid under sections 721(a) and 724 of this title to local educational agencies in the State of such State educational agency in the fiscal year preceding the fiscal year in which payment under this section is made) amount of Federal funds that a State educational agency could receive to carry out its approved activities.

By Mr. HATFIELD:

S. 1042. A bill to convey certain lands in Lane County, Oreg.; to the Committee on Energy and Natural Resources.

CULP CREEK LAND CONVEYANCE

● Mr. HATFIELD. Mr. President, today I am introducing legislation directing the Bureau of Land Management to convey 3.11 acres of land to private property owners in Lane County, Oreg. In 1957, the BLM discovered a discrepancy in boundary determinations as a result of a faulty and erroneous tract division by the original land developer in the Culp Creek area. There are nine individual landowners involved in this matter, and many of them are elderly.

The BLM does not have the authority to convey this property within existing law. In the 97th Congress, authority to convey small tracts of land was granted to the Forest Service, but not to the Department of the Interior. The Oregon BLM office has attempted to solve this dilemma within existing statute and administrative authority, but has been unable to do so. The legislation I am introducing today gives authority to the agency to convey these very small parcels to the rightful owners.

The property owners involved have been paying property taxes on these land tracts since 1957. Without remedial action from Congress, the rightful owners will not be able to transfer this property to their heirs with clear title. Mr. WEAVER has introduced this legislation in the House of Representatives, and we both are hopeful that final action by both Houses will occur quickly.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may convey, without consideration, to any person claiming to have been deprived of title to any portion of real property in Lane County, Oregon, as a result of the Bureau of Land Management survey entitled "Resurvey and Subdivision of Section 31, Township 21 South, Range 1 West", dated June 27, 1957, all right, title, and interest of the United States in and to such portion of real property if application therefor, accompanied by such proof of title, description of land, and other information, as the Secretary of the Interior may require, is received by such Secretary within five years after the date of enactment of this Act.●

By Mr. D'AMATO (for himself, Mr. WEICKER, Mr. NUNN, Mr. COCHRAN, Mr. BAUCUS, Mr. JEPSEN, Mr. DURENBERGER, Mr. RANDOLPH, Mr. JOHNSTON, and Mr. HUDDLESTON):

S. 1043. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business; to the Committee on Finance.

SMALL BUSINESS CAPITAL FORMATION TAX ACT OF 1983

● Mr. D'AMATO. Mr. President, today I am introducing legislation, cosponsored by a number of my colleagues, including the distinguished chairman and ranking minority member of the Senate Small Business Committee, which provides vitally needed relief for the small businessman. Small business is a prolific job creator, as evidenced by the fact that the 4 million independently owned small businesses with under 100 employees, account for approximately 37 percent of America's total employment. If you include all businesses with under 100 employees, small firms account for almost 50 percent of all jobs now in the labor force. During a time when our economy is experiencing high real interest rates, an unprecedented number of business failures, and uncertain investors, we must do all that we can to help small businesses make ends meet. The Small Business Capital Formation Tax Act will provide needed relief for a most important sector of our economy. The health of our entire economy is at stake.

The Small Business Capital Formation Tax Act is the product of a consensus of the first annual SEC Government-Business Forum on Small Business Capital Formation. This urgent piece of legislation was drawn from 6 of the 37 recommendations agreed upon by the forum which was mandated by Congress "to review the current status of problems and programs relating to small business capital formation." The forum, comprised of small businessmen, venture capitalists, bankers, attorneys, government officials, and others discussed eight issue papers initially prepared by an executive committee after it reviewed the results of a questionnaire mailed to a cross section of high level executives of small companies located in major cities throughout the United States. The questionnaire was designed to elicit the major problems facing small business today.

A reduction in corporate tax rates for small business was voted as the preferred and most important method for tax relief for small businesses by 35 percent of the respondents, who were asked to rank order their choices. Incentives to institutional investors to invest in small businesses received top priority from 39 percent of the respondents. The Small Business Capital Formation Tax Act is thus responsive to the high priority needs of small business, as expressed by small businessmen themselves. This legislation encourages the expansion of small business, along with the accompanying growth in the employment rate.

The main objective of this bill is to stimulate investment in small businesses so that they will have the capital necessary to expand and create more jobs. This objective is pursued in three effective and cost-efficient ways. First, changes in the tax brackets which apply primarily to small businesses will enable small businessmen to increase their retained earnings, and therefore have more internally generated funds for expansion than now available. Without a high level of retained earnings, a small business must look to the credit markets for investment funding. At a time of high real interest rates, a small business' growth is inhibited by the unfeasibility of incurring debt at a high rate of interest when cash-flow is already a problem. This is especially true in light of the fact that the securities market is inherently unavailable to small businesses simply as a result of their size, thus restricting significantly this alternative method of financing for small businesses.

Second, the Small Business Capital Formation Tax Act addresses the needs and concerns of the Nation's small business community by incorporating several important and related changes in the way capital investments in small business property are treated. The legislation we are introducing increases the capital gain deduction from 60 to 80 percent for equity investments in small businesses. Thus, investors will have a much greater incentive to invest in small business. The deferral of a capital gain from the sale of property if the proceeds are reinvested in a qualified small business within 1 year also achieves the aim of increasing investment capital available to small businesses by providing an important incentive to potential investors. The establishment of a 20-percent maximum corporate capital gains rate for small business equity investments is beneficial to the entire business sector of our economy. It makes small business equity investments by corporations more profitable, thereby encouraging such investments and helping large firms increase their own retained earnings available for investment in the economy, and it allows small business to reap the benefits that higher corporate small business equity investments will bring.

Finally, by allowing more small businessmen to use the cash receipts method of accounting, there will be significant savings in accounting expenses, and bookkeeping will be simplified immensely. Other provisions included in the Small Business Capital Formation Tax Act, including a nonrefundable 10-percent tax credit for equity investments in qualified small businesses, serve purposes similar to those already enumerated. The stimulation of investment in small business is a must if small business is to regain its rightful place as a strong asset to the American job market and economy. The fate of small business is in our hands, and the Small Business Capital Formation Tax Act, which is drawn directly from the recommendations of a forum initiated by Congress in the Small Business Investment Incentive Act of 1980, is the opportunity to provide the necessary incentives for expansion. Businessmen and women have been anxiously waiting such action by the Congress in the hope of putting an end to our current recessionary woes.

We cannot allow the work of the congressionally mandated SEC Forum to fall by the wayside. The small businessman is depending on us for a respite from the economic hardships he now faces—hardships which have plagued him now for well over 1 year. We must take a careful look at the recommendations of the forum and implement the most feasible and cost-effective solutions to the problems of small business. If Congress acts to mandate a forum for the purpose of investigating and offering solutions to problems facing American citizens, then Congress should study the findings and initiate the best solutions.

Without decisive action such as adopting many of these recommendations, survival and profitability of small business is not guaranteed. If we wish to enjoy the numerous innovations and increased employment that small business provides, then we must be prepared to act in a manner that will insure the continuance of small

business as an integral part of the American economy.

Mr. President, I ask unanimous consent that the text of the Small Business Capital Formation Tax Act, along with a section-by-section analysis, be printed in the RECORD at the conclusion of amy remarks. In addition, Mr. President, I wish it noted that on April 12, 1983, the National Advisory Council to the Senate Committee on Small Business unanimously approved a resolution supporting this legislation. The council cited jobs creation and capital formation as the major challenges confronting small businesses today. Overcoming these challenges, the council stated, is stifled by high real interest rates. The Small Business Capital Formation Tax Act was deemed to be the best and most cost-effective means for alleviating this impediment. The council's mandate is unequivocal. Mr. President, I therefore ask unanimous consent that a copy of this resolution also be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Capital Formation Tax Act"

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. INCOME TAX RATE REDUCTION FOR CORPORATIONS.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed on corporations) is amended to read as follows:

"(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be the sum of—

"(1) 12 percent of so much of the taxable income as does not exceed $25,000,

"(2) 15 percent of so much of the taxable income as exceed $25,000, but does not exceed $50,000.

"(3) 20 percent of so much of the taxable income as exceed $50,000, but does not exceed $100,000,

"(4) 30 percent of so much of the taxable income as exceed $100,000 but does not exceed $150,000,

"(5) 40 percent of so much of the taxable income as exceed $150,000, but does not exceed $200,000,

"(6) 46 percent of so much of the taxable income as exceeds $200,000."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 3. 80 PERCENT CAPITAL GAIN DEDUCTION FOR NET GAIN ATTRIBUTABLE TO EQUITY INVESTMENTS IN SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

"(a) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income—

"(1) an amount equal to 80 percent of the lesser of—

"(A) the net capital gain, or

"(B) the net capital gain determined by only taking into account sales and exchanges of small business equity investments held for 5 years or more, and

"(2) 60 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the amount of the net capital gain taken into account under paragraph (1)."

(b) DEFINITIONS AND SPECIAL RULES.—Part 1 of subchapter P of chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1203. RULES RELATING TO SMALL BUSINESS EQUITY INVESTMENTS.

"(a) SMALL BUSINESS EQUITY INVESTMENTS.—For purposes of this part—

"(1) IN GENERAL.—The term 'small business equity investment' means any common or preferred stock of a small business.

"(2) STOCK IN THE NATURE OF DEBT EXCLUDED.—Stock shall not be treated as a small business equity investment if—

"(A) the payment of money or other property is required with respect to such stock solely by reason of the passage of time, or

"(B) the repurchase of such stock may be required of the issuer solely by reason of the passage of time.

"(b) SMALL BUSINESS.—For purposes of this part—

"(1) IN GENERAL.—The term 'small business' means any small business corporation (within the meaning of section 1244(c)(3)).

"(2) TIME FOR DETERMINING STATUS.—The determination of whether an equity investment is in a small business concern shall be made at the time when such investment is made.

"(c) REQUIREMENT OF 5-YEAR HOLDING PERIOD DETERMINED WITHOUT REGARD TO SECTION 1223.—The determination of whether an equity investment has been held for 5 years for purposes of section 1202(a)(1) shall be determined without regard to section 1223."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 4. 20 PERCENT MAXIMUM RATE ON CORPORATE NET CAPITAL GAIN ATTRIBUTABLE TO EQUITY INVESTMENTS IN SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Subsection (a) of section 1201 (relating to alternative tax for corporations) is amended—

(1) by striking out "plus" at the end of paragraph (1),

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) a tax of 20 percent of the lesser of—

"(A) the net capital gain, or

"(B) the net capital gain determined by only taking into account sales and exchanges of small business equity investments (within the meaning of sec. 1203), plus

"(3) a tax of 28 percent of the excess (if any) of—

"(A) the net capital gain, over

"(B) the amount of the net capital gain taken into account under paragraph (2)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 5. CERTAIN SMALL BUSINESSES PERMITTED USE OF CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING WITHOUT REGARD TO INVENTORIES.

(a) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by adding at the end thereof the following:

"(b) ELECTION BY CERTAIN SMALL BUSINESSES TO USE CASH RECEIPTS AND DISBURSEMENTS METHOD OF ACCOUNTING.—

"(1) IN GENERAL.—A taxpayer may elect for the taxable year the cash receipts and disbursements method of accounting for a trade or business of the taxpayer without regard to any requirement to use inventories if—

"(A) the average annual gross receipts of the taxpayer do not exceed $1,500,000 for the 3 taxable years ending with the taxable year, and

"(B) such taxpayer is a qualified small business for each of such 3 taxable years.

"(2) QUALIFIED SMALL BUSINESS DEFINED.—For purposes of this subsection, the term 'qualified small business' means a person engaged in a trade or business if, at all times during the taxable year, active participants in such trade or business own—

"(A) in the case of a trade or business other than a corporation, at least 50 percent of the capital and profits interests in such trade or business, and

"(B) in the case of a corporation—

"(i) stock possessing at least 50 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, and

"(ii) at least 50 percent of the total value of shares of all other classes of stock of the corporation.

"(3) ACTIVE PARTICIPANT.—For purposes of this subsection, the term 'active participant' means an individual—

"(A) who is actively involved in the management of the trade or business, and

"(B) whose principal business activity is such trade or business.

"(4) SPECIAL RULES.—For purposes of this subsection—

"(A) CONTROLLED GROUPS.—

"(i) IN GENERAL.—In the case of a taxpayer which is a member of a controlled group, all persons which are component members of such group at any time during the calendar year shall be treated as 1 taxpayer for such year for purposes of determining the gross receipts of the taxpayer.

"(ii) CONTROLLED GROUP DEFINED.—Persons shall be treated as being members of a controlled group if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

"(B) COORDINATION WITH SECTION 480.—In the case of a taxpayer who changes its method of accounting by reason of an election under this subsection, under regulations prescribed by the Secretary, the net amount of adjustments required by section 481(a)(2) to be taken into account by the taxpayer in computing taxable income shall be so taken into account in each of the 10 taxable years beginning with the year of change.

"(C) ELECTION.—

"(i) IN GENERAL.—The election under this subsection may be made without the consent of the Secretary and shall be made at such time and in such manner as the Secretary may by regulations prescribe.

"(ii) PERIOD TO WHICH ELECTION APPLIES.—The election under this subsection shall apply—

"(I) to the taxable year for which it is made, and

"(II) for all subsequent taxable years for which the taxpayer is a qualified small business and meets the requirements of subparagraphs (A) and (B) of paragraph (1),

unless the taxpayer secures the consent of the Secretary to the revocation of such election."

(b) TECHNICAL AMENDMENT.—Section 471 is amended by striking out "Whenever in the opinion" and inserting in lieu thereof the following:

"(a) GENERAL RULE.—Except as provided in subsection (b), whenever in the opinion".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 6. CREDIT FOR PURCHASE OF QUALIFIED SMALL BUSINESS INVESTMENTS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by inserting after section 44H the following new section:

"SEC. 441. PURCHASE OF QUALIFIED SMALL BUSINESS INVESTMENT.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the cost of any qualified small business investment purchased by the taxpayer during the taxable year.

"(b) QUALIFIED SMALL BUSINESS INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified small business investment' means any equity stock in a domestic corporation if, at the time such stock is issued, such corporation was a qualified small business corporation.

"(2) EQUITY STOCK.—The term 'equity stock' means any common or preferred stock—

"(A) with respect to which the payment of money or other property is not required solely by reason of the passage of time,

"(B) the repurchase of which may not be required of the issuer any sooner than 5 years after the date of its purchase by the taxpayer, and

"(C) which was issued by the corporation to the taxpayer for money or other property (other than stock or securities).

"(3) QUALIFIED SMALL BUSINESS CORPORATION.—The term 'qualified small business corporation' means—

"(A) any small business investment company operating under the Small Business Investment Act of 1958,

"(B) any business development company (as defined by Sec. 2(a)(48) of the Investment Company Act of 1940), and

"(C) any small business corporation (as defined in section 1244(c)(3)).

"(c) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the amount of the tax imposed by this chapter reduced by the sum of the credits allowable under a section of this part having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43. For purposes of the preceding sentence, the term 'tax imposed by this chapter' shall not include any tax treated as not imposed by this chapter under the last sentence of section 53(a)."

(c) CONFORMING AMENDMENT.—Subsection (b) of section 6096 (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44H" and inserting in lieu thereof "44H, and 44I".

(d) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by inserting after the item relating to section 44H the following new item:

"Sec. 44I. Purchase of qualified small business investment."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 7. NONRECOGNITION OF GAIN ON ANY PROPERTY SOLD WHERE QUALIFIED SMALL BUSINESS INVESTMENT ACQUIRED.

(a) IN GENERAL.—Part 111 of subchapter O of chapter 1 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. SALES OF PROPERTY WHERE QUALIFIED SMALL BUSINESS INVESTMENT ACQUIRED.

"(a) NONRECOGNITION OF GAIN.—

"(1) IN GENERAL.—If any property is sold by the taxpayer and, within the 1-year period beginning on the date of such sale, any qualified small business investment is purchased by the taxpayer, gain (if any) from such sale shall, at the election of the taxpayer, be recognized only to the extent that the amount realized on such sale exceeds the cost to the taxpayer of such investment.

"(2) ELECTION.—The election under paragraph (1) shall be made by filing, not later than the last day prescribed by law (including extensions thereof) for filing the return of tax imposed by this chapter for the taxable year in which the sale occurs, with the Secretary a statement (in such manner as the Secretary may by regulations prescribe) of such election.

"(b) QUALIFIED SMALL BUSINESS INVESTMENT.—For purposes of this section, the term 'qualfied small business investment' has the meaning given such term by section 441(b).

"(c) SPECIAL RULES.—For purposes of this section—

"(1) EXCHANGE TREATED AS SALE.—An exchange by the taxpayer of property for other property shall be treated as a sale of the first property, and the acquisition of any qualified small business investment on the exchange of property shall be treated as a purchase of such investment.

"(2) LIMITATION ON STOCK SALES.—In the case of any qualified small business investment (other than stock in an S corporation as defined in section 1361(a)), subsection (a) shall apply to the sale of such stock only if such sale would, if such stock had been purchased by the issuing corporation in such sale, be treated as a redemption within the meaning of paragraph (1), (2), or (3) of section 302(b), including the application of section 302(c).

"(d) REDUCTION OF BASIS.—Where the purchase of any qualified small business investment results under subsection (a) in the nonrecognition of gain on the sale of any property, the basis of such investment shall be reduced by an amount equal to the amount of gain not so recognized on the sale of such property. Where the purchase of more than one qualified small business investment is taken into account in the nonrecognition under subsection (a) of gain on the sale of a property, the preceding sentence shall be applied to each such investment in the order in which each such investment are purchased.

"(e) STATUTE OF LIMITATIONS.—If the taxpayer during any taxable year sells any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of the 3-year period beginning on the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified small business investment which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase any such investment within the 1-year period described in subsection (a), or

"(C) the failure by the taxpayer to purchase any such investment within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(b) TECHNICAL AMENDMENT.—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(26) in the case of any qualified small business investment the acquisition of which resulted under section 1041 in the nonrecognition of gain on the sale or exchange of property, to the extent provided by section 1041(d)."

(c) CONFORMING AMENDMENT.—The table of sections of part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1041. Sales of property where qualified small business investment acquired."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only to sales and exchanges of property (the nonrecognition of gain on which is to be claimed under section 1041 of the Internal Revenue Code of 1954) in taxable years beginning after December 31, 1982.

SECTION-BY-SECTION ANALYSIS

Section (1) Provides that this act may be cited as the "Small Business Capital Formation Tax Act."

Section (2) Lowers the amount of corporate tax liability up to $200,000 of taxable income. The tax imposed would be: 12% for taxable income not more than $25,000; 15% for taxable income greater than $25,000 but not more than $50,000; 20% for taxable income greater than $50,000 but not more than $100,000; 30% for taxable income greater than $100,000 but not more than $150,000; 40% for taxable income greater than $150,000 but not more than $200,000; and 46% for taxable income greater than $200,000.

Section (3) Increases from 60% to 80% the capital gain deduction for equity investments in small business concerns if such investments are held for 5 years or more.

Section (4) Establishes a maximum corporate capital gain rate of 20% attributable to equity investments in small business concerns.

Section (5) Allows a business taxpayer to use a cash receipts method of accounting, if it is a qualified small business and its aver-

age annual gross receipts do not exceed $1,500,000 for the 3 taxable years.

Section (6) Allows a nonrefundable, 10% tax credit for an equity investment in a qualified small business.

Section (7) Provides that if any property is sold by a taxpayer at a capital gain, the taxpayer may defer that gain by making an equity investment in a qualified small business within one year of the original sale. Also, the gain is only taxed to the extent that revenue from the sale exceeds the cost of the equity investment.

Note: All amendments apply to taxable years beginning after December 31, 1982.

RESOLUTION OF THE NATIONAL ADVISORY COUNCIL TO THE U.S. SENATE COMMITTEE ON SMALL BUSINESS

Whereas these are times of high real interest rates, large numbers of business failures, and other economic hardships;

Whereas small business serves as the most prolific job creator in the American economy;

Whereas small business also continues to remain the major innovating and job force in our economy;

Whereas affordable growth capital is essential for a business to purchase new equipment or otherwise expand, crucial to the success of any small business;

Whereas the Securities and Exchange Commission-sponsored Government-Business Forum on Small Business Capital Formation concluded with 37 nearly unanimous recommendations on small business capital formation, several of which are included in the "Small Business Capital Formation Tax Act" soon to be introduced by Senators D'Amato, Weicker, Nunn and Cochran.

Whereas this legislation also reflects the consensus of the results of a nation-wide survey of high level small business executives;

It is now therefore RESOLVED THAT, the National Advisory Council to the U.S. Senate Committee on Small Business encourage and support legislation which would implement the best and most cost effective recommendations of the SEC Government Business Forum on Small Business Capital Formation—particularly—allowing the creation of a Small Business Participating Debenture, a reduction in small business corporate tax rates, an increase in the capital gains exclusion for equity investments in small businesses, the establishment of a 20% maximum corporate capital gains tax rate attributable to equity investments in small businesses, a 10% tax credit for investments in small businesses, permitting small businesses which elect to do so to use a cash receipts method of accounting, and repeal of Section 385 of the Internal Revenue Code.●

● Mr. WEICKER. Mr. President, I am pleased to join with Senators D'AMATO, NUNN, and COCHRAN in the introduction of "the Small Business Capital Formation Act of 1983."

This bill contains many of the same provisions which were in S. 360, the small business bill introduced in the last Congress. A number of the measures in that comprehensive bill were enacted by the Congress and incorporation into the Economic Recovery Tax Act, thus providing some much-needed relief for the small business of this Nation. But much more remains to be done.

While the economic picture nationally is beginning to look brighter and signs of a real recovery are at last emerging, small businesses are still in need of help if they are to regain their status in the economy, and resume their traditional role as the innovators and the job creators in this country. And let me say that by help, I do not mean to imply that they want a handout. Ask any small business owner, and he or she will tell you that the last thing they want is a free-ride Government program. No, all small business wants or needs is that which they are entitled to—a chance to compete equally in the free enterprise system, a chance to operate free of inequitable tax policies and burdensome and unnecessary regulatory requirements.

Last September, the Securities and Exchange Commission held a 2-day conference with business leaders, Government representatives and members of the educational community to determine what reforms and initiatives were really needed to encourage capital formation and retention by small firms. The conference was mandated by the Small Business Investment Incentive Act of 1980. Eight issue papers, prepared by an executive committee after reviewing the results of a nationwide survey of small business executives, provided the basis for discussion by the more than 200 participants in the forum.

What emerged from that conference was a package of 37 recommendations, all designed to improve small business access to the capital needed for expanding, improving equipment and facilities, and most importantly, for hiring new employees.

The bill we are introducing today takes six of those recommendations, six which we feel after careful consideration, are the most cost-effective, productive, and feasible in this economic climate.

Yesterday the Small Business Committee's National Advisory Council met here to discuss issues of concern and interest to them and their fellow small business owners and operators. Mr. President, the 25 men and women named to this council are involved day to day in the operation of a working small business. They know first-hand what the difficulties of running a business are; they know personally the factors which impede their growth and make it impossible for them to expand and become stronger units in our overall economy. We on the Small Business Committee listen to them and value their opinions because we know what they say comes from experience.

What those 25 people told us yesterday was loud and clear. They want to hire, they want to expand, they want to help get the economy back on its feet in the best way they know how—by creating jobs. That is why they passed a resolution—unanimously, I might add—urging the Congress to adopt legislation to implement the six recommendations which are in the bill you have before you today.

As in the case of S. 360, this bill sets forth small business goals in the tax reform area for the 98th Congress. S. 1043, along with S. 842, which I introduced earlier last month to provide for the creation of a small business participating debenture, lays out a series of alternatives for the Congress to consider as we seek to find ways to foster job creation and small business growth.

It is my hope that the Small Business Committee and the Finance Committee will carefully consider these initiatives in light of their tremendous job creation potential.

There is no doubt, in these times of rising unemployment, that permanent, private sector employment must be expanded. And when it comes to jobs, small business is where the action is. Small business is and has been the leader in providing new jobs. This legislation will provide small firms with the basic fundamental tools they need for economic growth, so that they can continue to play that traditional and vitally important role.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1044. A bill to provide for the designation of the Long Island Expressway as part of the Interstate Highway System; to the Committee on Environment and Public Works.

LONG ISLAND EXPRESSWAY—INTERSTATE HIGHWAY SYSTEM

● Mr. D'AMATO. Mr. President, today I am introducing legislation which would designate the 59.1-mile section of the Long Island Expressway (LIE) between the Clearview Expressway and Riverhead in New York part of the National System of Interstate and Defense Highways.

Currently, the Long Island Expressway carries heavier volumes of traffic than most other sections of the Interstate System. The LIE has an average daily traffic volume of 150,000 vehicles at the New York City/Nassau County line and 120,000 vehicles at the Nassau County/Suffolk County line. The volumes on the LIE are about three times higher than the urban interstate nationwide average of 44,288.

The LIE is a critical transportation and economic link between Long Island through New York City to the other States for some 2.6 million people in Nassau and Suffolk Counties. Some 90 percent of all raw materials brought to Long Island manufacturers are brought by truck, while more than 90 percent of finished goods sent out of Long Island and distributed nationwide are transported by the same mode. Almost all of this activity occurs on the LIE.

The primary justification in 1956 of building an Interstate System was the need for a highway system for national defense. Two of the largest defense contractors in the Nation—Grumman and Republic—are located on Long Island. Therefore, Federal Interstate funds should be allocated to maintain the LIE as it serves several important defense industries.

Mr. President, early this year, the President signed into law the Surface Transportation Assistance Act of 1982 (STAA). I supported this measure and was intimately involved in drafting certain titles of this landmark piece of legislation which will help us address this Nation's deteriorating infrastructure. I compliment my good friend from Vermont, Senator STAFFORD, for the excellent work which he and his staff did in formulating the Federal aid highway title of STAA.

STAA provides that some $2½ billion annually be allocated to the "4-R" program for interstate resurfacing, restoration, rehabilitation, and reconstruction. Because Long Island does not have any interstate highway, however, it will not share in the "4-R" program. It is my understanding that Nassau and Suffolk Counties, which comprise Long Island, are the only counties with populations over 1 million people, respectively, without access to an interstate highway. I believe that it is time to rectify this inequity.

Mr. President, I will work closely with the chairman of the authorizing committee to make the LIE Interstate now.●

By Mr. BOSCHWITZ (for himself, Mr. BOREN, Mr. BURDICK, Mr. ZORINSKY, and Mr. ANDREWS):

S. 1045. A bill to assure the production of an adequate supply of pure and wholesome milk to meet the needs of markets in the United States; to assure a reasonable level of return to dairy farmers and stable prices for dairy products for consumers; to stabilize a temporary imbalance in the supply and demand for dairy products; to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRODUCTION ACT OF 1983

● Mr. BOSCHWITZ. Mr. President, today I am introducing the Dairy Production Act of 1983. Joining me as cosponsors are Senators BOREN, BURDICK, ZORINSKY, and ANDREWS. All Senators are aware of the problems of the dairy industry: increasing production, stagnant consumption, rising purchases by the Commodity Credit Corporation (CCC), and large budgetary outlays. The Dairy Production Act addresses each of those concerns.

This bill was developed over a period of several months with input from farmers, dairy industry leaders, and Members of the Senate and House of Representatives. It balances supply and demand by providing incentives for every farmer to reduce production a little instead of forcing many farmers out of business.

INCENTIVES TO REDUCE PRODUCTION

The price support level of $13.10 per hundredweight would be maintained and would apply to the amount of milk necessary to meet commercial demand plus the amount required for Government nutrition programs. Farmers who produce at or below their 1981-82 marketing history level will receive the full $13.10.

The farmer who has already reduced his production from a higher 1981 level to a lower 1982 level would be protected so that only his 1981 production is used to determine his marketing history. To encourage farmers to reduce production, a diversion payment of $10 per hundredweight will be made to those who reduce their output below their marketing history level.

DISINCENTIVES TO CONTINUED EXPANSION OF PRODUCTION

Farmers who expand their output beyond their marketing history level will receive a very low price—the dairy compliance price—of about $1.10 per hundredweight on the excess production. However, the blend price received by the farmer from the two price levels—$13.10 and $1.10—would not be allowed to drop more than $1 per hundredweight. The lowest blend price would be $12.10 per hundredweight. This would affect farmers who have increased their production substantially.

The $12.10 blend price would be maintained by applying the lower price to only that percentage of a farmer's marketing which is equal to the national dairy surplus percentage as determined by the Secretary of Agriculture. This is equivalent to the type of price reduction suggested by some who advocate a straight cut in the support price. This provision will allow new producers to enter the business at a somewhat reduced price level, but with no need to "buy base." In fact, a producer's marketing history will not be transferable, so it will not acquire a value of its own.

The difference between the $13.10 support price and the lower dairy compliance price will be collected by the CCC and used to help make the diversion payments to farmers who reduce production. Industry estimates place the cost of the Dairy Production Act at $767 million for fiscal year 1984. This is well below the $2.3 billion that the dairy program cost last year and also much less than the cost would be if there was a price support cut of $1 or $1.50.

DAIRY PROMOTION

Another provision of the bill which I strongly support is the dairy promotion program. This would be funded by a mandatory checkoff of 15 cents per hundredweight on all milk marketed. It will serve to complement existing State and regional promotion plans because a credit of up to 10 cents will be allowed for producers who participate in these plans. A Minnesota farmer who is contributing, for instance, 7 cents per hundredweight to the State program would only pay an additional 8 cents into the national program. This will tend to protect and strengthen the State programs.

My own experience in business has convinced me that effective advertising and promotion is the surest way to increase dairy consumption. This bill will provide enough funding so that the promotion effort can have a positive impact in a relatively short time.

DAIRY COMPLIANCE PROGRAM

The dairy compliance program is designed to bring milk supplies more nearly into line with commercial demand, to maintain farm prices for dairy farmers reducing production, to reduce Government costs under the dairy price support program from present levels, and to enhance demand for milk and dairy products through an accelerated national dairy promotion program.

The key elements of the dairy compliance program, which is designed to operate through September 30, 1985, include:

First, maintenance of the present $13.10 price support.

Second, prior to the beginning of the marketing year, the Secretary of Agriculture will estimate the level of marketings, domestic consumption, and Commodity Credit Corporation removals anticipated during the year. As part of domestic consumption, 2.5 billion pounds of milk is to be included as the quantity necessary to meet Government program demands.

Based on these estimates, the Secretary will determine the national surplus percentage for the year.

Third, achievement of production adjustment would be accomplished through a two-tier price system and payments for diversion below the level of marketings during the marketing history period, which is to be the average of marketings during the 1980-81 and 1981-82 marketing years. Farmers who have decreased their production would be able to use only their 1981 marketings to determine their history if 1981 marketings exceed those of 1982.

Producers delivering milk during the entire marketing history period will use their actual marketings as the basis for performance within the pro-

gram. For producers with less than the full 24 months of marketing history during the period, a marketing history will be developed by determining the average daily marketings for the days actually marketed and multiplying that result by 365 to determine an annual marketing level.

For producers who began marketing milk after September 30, 1982, no base would be assigned nor would there be opportunity for base to be built or earned. This would give the new producer the same status with regard to the program as the existing producer who chooses not to participate in reducing milk production.

No transfer of marketing history is allowed.

Fourth, the two-tier price operation would be applied in the following manner:

The $13.10 basic price per hundredweight would be paid for marketings up to the level deemed necessary to meet commercial demand plus an amount determined necessary to meet Government program needs.

A lower price, the dairy compliance price, would be paid on the percentage of marketings equal to the national surplus percentage for producers whose marketings exceed those of the marketing history period by more than that percentage. For producers whose marketings are in excess of the marketing history period level by less than the national surplus percentage, the compliance price would apply only to the marketings in excess of the history period level. There would be no application of the dairy compliance price to producers maintaining marketings at or below the marketing history period level.

The dairy compliance price will represent a reduction in the blend of the two price levels of no more than $1 per hundredweight for all milk marketed by the producer.

Fifth, the difference between the $13.10 basic price level and the dairy compliance price will be paid into the dairy stabilization settlement fund to be maintained by the Commodity Credit Corporation. These funds will be used to make diversion payments to producers who reduce marketings below their marketing history period level and to reduce costs of the dairy price support program.

To the extent possible, those making payment to farmers for milk will be allowed to make settlement with individual producers using a pooling concept. Such settlement would be designed to make payments to farmers who reduce production on a current—monthly if possible—basis with a final reconciliation to be made during the last month of the year. In operating such a pool among producers, person making payment to farmers would be fully accountable to the Commodity Credit Corporation for the funds, and any balance from producer settlements would be remitted to the dairy stabilization settlement fund on a monthly basis.

Sixth, producers would obtain a certification of their marketing history from the Agricultural Stabilization and Conservation Service and present it to the person from whom they receive payment for milk for reduced application of the dairy compliance price.

Seventh, producers who reduce marketings below marketing history period levels will be eligible for diversion payments from the dairy stabilization settlement fund. Producers will be eligible for payment providing that a reduction has been made and that it is not offset by transfer of interest in the operation or by other means of evasion.

The rate of payment will be $10 per hundredweight for reductions below the level of marketings during the marketing history period. Payments will be made for reductions of up to a maximum of 30 percent of a producer's marketing history. For producers who ceased dairying entirely, diversion payments could be made at the 30-percent rate for 1 year.

Eighth, a national milk and dairy products promotion program would be established, the basic elements of which include:

Congressional direction to the Secretary of Agriculture to create a national program for advertising and promotion of milk and dairy products and the funding of related market, nutritional, and research efforts.

The program would be conducted by a dairy farmer board of directors appointed by the Secretary from nominations submitted by qualified producer organizations.

The program would go into effect immediately, operating under regulations developed by the Secretary and the board.

The program would be funded by a mandatory assessment of 15 cents per hundredweight on all milk marketed. Credit for up to 10 cents will be allowed for producer participation in qualified local, State, and regional generic advertising and promotion programs.

Since the program would go into effect immediately, there would be no requirement of prior producer approval. However, the program would terminate on December 31, 1985, unless approved by 50 percent of the producers voting in a referendum conducted by the Secretary during October 1985. For purposes of this referendum and subsequent referendums held in conjunction with the program, cooperative marketing associations would be allowed to vote on behalf of their members. In doing so, they would be required to inform the membership of how the vote was cast, the issues involved in the referendum, and the procedures to be followed should the member choose to cast an individual ballot.

Mr. President, I ask unanimous consent that certain supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DAIRY COMPLIANCE PROGRAM

[Milk marketings, utilization, and CCC purchases]

Item	Unit	1983–84
Support Price, 3.67 percent Bf.	$/cwt	13.10
Percent of parity	pct	
Dairy compliance price	$/cwt	1.10
National surplus percentage (NSP)	pct	[1] 7.6
Milk production	bil. lbs	129.4
Farm use	bil. lbs	2.6
Marketings	bil. lbs	[2] 126.8
Beginning stocks	bil. lbs	5.0
Imports	bil. lbs	2.4
Commercial supply	bil. lbs	134.2
Commercial use	bil. lbs	[3] 127.2
Ending stocks	bil lbs	5.0
Total utilization	bil. lbs	132.2
CCC purchases	bil. lbs	2.0
CCC purchase costs	mil. dol	[4] 551
Dairy stabilization settlement fund (DSSF)	mil. dol	[5] 644
Paid diversions	mil. dol	[6] 860
CCC cost for paid diversions	mil. dol	216
Net CCC program cost	mil. dol	767

[1] National surplus percentage—128.B − 2.5B × 136.1B = 7.6 percent.
[2] Estimate of marketings (Color times col. 2 times col. 3 equals col. 4):

	Marketing history	Marketing as percent of history	1984 marketings
Producers (total 100 percent):			
35 percent	130.7B	80	36.6B
15 percent	130.7B	100	19.6B
50 percent	130.7B	108	70.6B
Total			126.8B

[3] Commercial use expands 1.5B lbs. (1.2 percent) due to advertising and promotion.
[4] Purchase cost at $15.05 per cwt., Me.E. plus $250M for extra NDM purchases.
[5] Estimate of DSSF: NSP 7.6 percent × marketing 70.6B × price difference $12.00/cwt. = DSSF $644M.
[6] Estimate of paid diversions:

	Amount
Total diverted marketings	9.1B
Producers leaving:	
2.0 percent producers retired dairying (0.02 × 130.7B)	2.6B
50 percent milk not marketed (0.50 × 2.6B)	1.3B
Payment on 30 percent (0.3 × 2.6B)	.8B
Diverted marketings by continuing producers (9.1B − 1.3B)	7.8B
Diverted marketings by retiring producers	.8B
Diverted marketings eligible for payment	8.6B
Diversion payment per cwt	× $10
Total paid diversion	$860M

DAIRY COMPLIANCE PROGRAM

[Impact on individual producer; marketings in hundredweight]

	Producer A	Producer B	Producer C	Producer D	Producer E
(1) Estimated 1984 marketings	5,500	6,000	6,450	9,180	15,000
(2) Actual marketings:					
1981	6,000	6,000	6,000	6,000	6,000
1982	6,120	6,000	6,300	9,000	9,000
(3) History Marketings	6,060	6,000	6,150	7,500	7,500
(4) Marketings minus History	(560)	0	300	1,680	7,500
(5) Limit on marketings to which noncompliance price applies (7.6 percent times line 1)	418	456	490	698	1,140
(6) Marketings receiving non-compliance price (lower of line 4 or 5)		0	300	698	1,140
(7) Marketings receiving paid diversion (line 4 if negative)	560	0	0	0	0
(8) Marketings receiving market price (line 1–6)	5,500	6,000	6,150	8,482	13,860
(9) Cash receipts:					
(line 8×$13.10)	$72,050	$78,600	$80,565	$111,114	$181,566
(line 6×$1.10)			330	768	1,254
(line 7×$10.00)	5,600				
Total	77,650	78,600	80,895	111,882	182,820
(10) Price difference remitted to CCC (line 6×$12)	0	0	3,600	8,376	13,680
(11) Returns per hundredweight (line 9×1)	14.12	13.10	12.54	12.19	12.19

● Mr. BOREN. Mr. President, I am pleased to join my distinguished colleague from Minnesota, Senator BOSCHWITZ, in sponsoring the Dairy Production Act of 1983.

This legislation will establish a program that will help to bring milk supplies more in line with demand. At the same time, the program will maintain farm prices for producers who reduce production and provide a disincentive to those who increase production. Unlike the administration's proposal to reduce the support level for all producers, this program will not penalize the dairy farmers who reduce production. We simply must provide our dairy farmers a level of farm income that will maintain the basic productive capacity needed within the industry.

Mr. President, the problem confronting the dairy industry is not simply a dairy problem. It is, rather, a problem that confronts our agricultural economy as a whole. In analyzing the dairy program, it is important to look at the overall agricultural situation.

In fiscal year 1980, the costs of the dairy price support program increased dramatically to $1 billion. In fiscal year 1981, the costs totaled $1.93 billion and in fiscal year 1982, the costs were $2.3 billion.

If we compare these figures with the net farm income figures, we find there is a correlation. The past 3 years, 1980–82, we have seen net farm income decline each year. Indeed, this is the first period of time that net farm income has consecutively declined for 3 years since the Great Depression. Looking at the dairy program from this standpoint, it is not surprising to learn that the costs of the daily program have consecutively increased during the same period. It appears that this pattern will continue this year as net farm income could decline again and the costs of the dairy price support program are estimated to rise to $2.4 billion before deducting receipts from the 50-cent assessment. This correlation merely exemplifies the fact that the dairy program reflects the condition American agriculture has been in the past 3 years.

We all recognize the need to reduce the cost of the dairy program. Our dairy farmers are willing to accept changes in the program. However, we must insure that the changes made are reasonable and equitable.

Reducing dairy farmers' income is not the solution. Eliminating some of our dairy farmers does not address the problem adequately.

The administration's proposal for a straight cut in the support level for milk will simply result in decreasing the number of dairy farmers. In the short term, a cut in the price support would result in an increase in production as farmers simply must maintain the cash-flow necessary to meet their obligations. It is doubtful, too, that a reduction in the support level would result in lower prices for the consumers as past price support reductions were not necessarily passed on to the consumer. A straight cut could also result in increased costs to the Government as the level of production increased.

In a recent CBO publication, CBO concluded that to reduce price support outlays sufficiently to offset the loss of potential assessment revenues would require a cut so drastic that it could destabilize the dairy economy. This would ultimately result in increased costs to the consumer. Clearly, this is not the direction we want to go.

The current program involving the 50-cent assessment that the administration will begin collecting in a few days, will also result in an increase in production. Indeed, farmers have already increased production in an effort to offset the income that they will lose under the assessment. This tax reduces the income for every dairy farmer without providing the farmer with an opportunity to avoid the reduction through a cutback in production.

The payment-in-kind (PIK) that is now in place for the 1983 crops will also have an impact on our dairy farmers' income. As a result of the PIK program, it is quite possible that we will see a 30-percent increase in the price our dairy producers have to pay for feed. Dairymen in Oklahoma have told me that they do not mind so much paying more for feed, but they do mind having a tax or a reduction in the support level added to the increased cost of production.

In February, the $13.10 support level represented only 62 percent of parity. A year ago, the support price of $13.10 was 65 percent of parity. Already, dairy farmers have not received an adjustment in the support level since October 1980. It would not be fair to ask them to accept a further decline in their income.

Mr. President, the legislation we are introducing today will bring about a reduction in milk production, enhance the demand for milk and dairy products, provide a level of farm income that will maintain the basic productive capacity needed within the industry, and reduce Government costs.

This legislation provides a strong incentive for a reduction in marketings of milk through a $10 per hundredweight "diversion" payment. Additionally, a $12 per hundredweight lower price on excess milk should provide a disincentive for overproduction.

Under the two-tier price system, the dairy farmers will share in the cost of the dairy price support program. The program maintains the $13.10 price support level for farmers who do not increase their production. Further, this program is voluntary.

An important part of this legislation is the authorization for a national dairy promotion program. Under this program, the Secretary of Agriculture would create a national program, to be conducted by a dairy farmer board of directors, for advertising and promotion of milk and dairy products and the funding of related market, nutritional and research efforts. Funding for the promotion program would come from a mandatory assessment of

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15 cents per hundredweight on all milk marketed. This is the only aspect of this legislation which is mandatory.

Both of these programs will work to bring supply more in line with demand and maintain and strengthen our markets.

Mr. President, it may be necessary to make some adjustments in this program before we enact it into law. However, I do believe this is a step in the right direction and would urge my colleagues to join in support of this legislation.●

By Mr. KASTEN:

S. 1046. A bill to clarify the applicability of a provision of law regarding risk retention; to the Committee on Commerce, Science, and Transportation.

RISK RETENTION

● Mr. KASTEN. Mr. President, I am introducing a technical amendment clarifying the scope of the Risk Retention Act. S. 1046 will make it clear, as was originally intended, that risk retention groups may insure damage to a product itself as well as injury to persons and other property. I hope in light of its technical nature, this bill will receive prompt consideration by the Senate.

In 1981 Congress enacted the Product Liability Risk Retention Act. Public Law 97-45 (15 U.S.C. § 3901 et seq.). This act was passed to facilitate the ability of businesses to establish self-insurance coverage on a group basis for product liability risks. The law also facilitates the ability of businesses to purchase comprehensive general liability insurance on a group basis. It does this by preempting certain State laws which restrict the organization of group captive insurance companies and the sale of insurance on a group basis.

Following the enactment of the Risk Retention Act the National Association of Insurance Commissioners (NAIC) developed a model State bill to assist States in implementing the Federal act. On the whole this model bill is a helpful piece of legislation. In a very critical area, however, it departs from the language of the Federal act. That departure is clearly contrary to the express language of the Risk Retention Act, and its effects would undermine the purpose of the act.

The Federal act authorizes risk retention groups to insure against product liability risks. The act defines "product liability" broadly as liability for damages because of "any personal injury, death, emotional harm, consequential economic damage, or property damage (including damages resulting from the loss of use of property) arising out of the manufacture * * * or sale of a product * * *."

In contrast, the NAIC's model State bill departs from this definition of "product liability." It defines product liability with reference to each State's tort law. Thus, under the model State bill the definition of "product liability" is dependent upon the nuances and various definitions of product liability under State law.

This is in conflict with the language and intent of the Risk Retention Act. The language of the Federal act clearly provides for a broad, uniform definition of product liability. The intent of that broad definition was to permit risk retention groups to insure anything that is or may be a product liability risk. The Federal act was intended to permit such groups to operate nationally—thus, a uniform definition of product liability is essential to facilitate the interstate operation of risk retention groups. The purpose of the Risk Retention Act is to establish a clear area of authorized insurance coverage in which manufacturer and seller groups would be exempt from duplicative and burdensome State insurance regulations. This purpose is made manifest by the explicit language of section 3(a) of the act which provides:

> Except as provided in this section, a risk retention group is exempt from any State law, rule, regulation, or order * * *

The NAIC's model bill would narrow the scope of the Federal act, jeopardize the legitimacy of risk retention groups seeking to provide coverage of their members, and, in effect, impose varying multistate requirements on such groups—all effects which are directly contrary to the language and intent of the Federal act. The NAIC apparently justifies its multistate definition of product liability by reference to a provision in the Federal act which states that the act's definition of porduct liability "shall not be construed to affect the tort law or the law governing the interpretation of insurance contracts of any State." Section 2(b).

Contrary to the NAIC view, this provision does not permit the States to ignore the Federal act's clear definition of product liability. Section 2(b), added as a technical amendment in the Senate Commerce Committee, addresses one point—the broad definition of product liability applies only for purposes of exempting the coverage provided by risk retention groups from duplicative State regulation and does not apply for general tort law purposes. In other words, Congress sought to clarify that a State's definition of tort suits was not affected by the Federal act and that the Federal definition of products liability affected only the scope of coverage to be provided by a risk retention group.

The Senate committee report on the Federal act expressly negates any inference that Section 2(b) was intended to narrow the scope of coverages exempt from State regulation:

> *The Committee recognizes that the definition of "product liability" may be broader than the existing product liability law of many jurisdictions in several respects.* In that regard, it should be noted that the definition of "product liability". . . *serves to define the coverage that may be provided by a risk retention group* . . . . In essence, *the definition delineates the boundaries of the preemption of state law* . . . .
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> * * * * *
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> The rationale for the inclusion of damages for *loss of use of property* . . . is to allow product sellers to protect themselves through risk retention groups against these types of damages . . . *The definition is permissive and concerns permissible coverage.*
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> In sum, the bill is intended to offer insurance opportunities to home builders and other manufacturers and product sellers, [providing coverage for damage to a product itself, as well as other property damage and personal injury liability protection] but *not to affect their tort liability—which remains subject to state law.* S. Rep. 97-172 at 7-8 (emphasis added).

The legislative history could hardly be more clear: all risk retention groups are authorized to insure against product liability as that term is defined in the Federal act.

The technical amendment I am introducing makes it absolutely clear that the Federal definition of "product liability" is controlling and preempts any definition of that term under State law. I want to emphasize that this amendment is merely clarifying. It does not change the legal effect of the Federal act in any way. I am quite confident that any risk retention group providing product liability coverage as that term is defined in the Federal act, including coverage for builder warranties or other damage to a product—is authorized to operate in any State and any challenge to it would fail. This clarification will remove any legal doubt on the matter and will avoid needless litigation and expense regarding the coverage a risk retention group or a purchasing group may provide under the Federal act.

Mr. President, I ask that the text of the bill and the text of the provision of existing law amended by this bill be printed in the RECORD at the close of my remarks.

Let me make just one additional observation about the implementation of the Risk Retention Act. Some persons have suggested that special reporting requirements should be imposed on agents and brokers servicing these groups. I hope these requirements will not be adopted since they would be contrary to the scheme of the act which places reporting responsibilities on the group itself, rather than on agents and brokers.

Finally, I want to make it absolutely clear that neither the Risk Retention Act, nor the clarifying amendment I am introducing today, affects the tort liability of product sellers; the Risk

Retention Act merely streamlines the regulation of self-insurance programs.

Mr. President, for all these reasons I urge the Senate to act promptly in adopting this clarifying amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b) of the Product Liability Risk Retention Act of 1981 (15 U.S.C. 3901(b)) is amended to read as follows:

"(b) Nothing in this Act shall be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State, and the definitions of product liability and product liability insurance under any State law shall not be applied for the purposes of this Act, including recognition or qualification of risk retention groups or purchasing groups.".

EXISTING LAW

Section 2(b), 15 U.S.C. 3901(b), now provides;

"(b) The definition of 'product liability' in paragraph (3) of subsection (a) of this section shall not be construed to affect either the tort law or the law governing the interpretation of insurance contracts of any State."●

By Mr. MELCHER:

S. 1047. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Finance.

LIMITATIONS ON IMPORTS OF MILK PROTEIN PRODUCTS

● Mr. MELCHER. Mr. President, the question of the dairy support program has come before the Senate time after time in the past several years. Yet, we seem no closer to finding a workable solution. Production, surpluses, and costs associated with those surpluses continue to increase.

Secretary of Agriculture John Block has recently announced that the U.S. Department of Agriculture will begin collecting the first 50-cent-per-hundredweight fee required on all milk marketed beginning April 16. A second 50-cent fee may be imposed in August. Each 50 cents imposed will reduce dairy farmer income by as much as $650 million annually.

It is frustrating to me that at the same time the Department is ready to proceed with this assessment to reduce the cost of the price support program, it has steadfastly refused to act to limit the costs of that program attributable to imports of milk protein products—primarily casein and mixtures of casein—even though restricting such imports could reduce the U.S. price support program cost by $300 million.

This is not my first effort to limit these imports. In 1981, the administration argued that any action should be delayed until the Department of Agriculture had a chance to complete a study on this situation. That study was completed in June 1981 and did conclude that these imports did have an impact on the dairy price support program and hence was subject to the requirements of section 22 of the Agricultural Adjustment Act which provides authority to limit imports of products if such imports interfere with or threaten to interfere with the effective operation of a domestic price support program.

It should be noted that the imported casein from the various foreign countries is a subsidized product and because of that is competitive in processing food products in this country. Without the foreign governments subsidies it would not be competitive here in the United States.

After completion of the USDA study, Secretary Block did inform President Reagan that the casein import situation did impact on the dairy price support program. And, as required by law, President Reagan did request the U.S. International Trade Commission to hold hearings on this situation. However, at those hearings, when asked for a recommendation to relieve the situation, USDA witnesses told the Commission that they had no recommendations.

I am shocked that a Department of Agriculture that is so ready to impose $1.3 billion in fees and assessments of dairy farmers could not come up with recommendations that would provide relief from $300 million in costs of the dairy price support program.

Since it is clear that the administration is not prepared to act in this area, Congress must. Congress has been counseled to be patient. We delayed action until the study was complete. It is now completed and confirms that casein imports have a negative impact on the dairy program. We have been told that the level of imports had stabilized and might even decline. In fact, the level of imports for 1981, 127.8 million pounds, suggested that that might be the case. However, in 1982 we saw imports reach a new record of 176.8 million pounds, a 38-percent increase over 1981.

Further, not only are absolute levels of imports increasing, but also we have seen a shift in the use of the product. Historically, casein has been used primarily for a number of industrial applications such as the production of plastics, paints, adhesives, paper coatings, and the like. However, more recently various synthetics have begun to replace these traditional usages. Today, more and more of this product is used in food and animal feed products. The largest and fastest growing use is in the production of imitation cheese.

Imported casein and casein products are displacing domestically produced milk in food and feed products and such displacement can be expected to increase. I will concede that there are certain products in which casein must be uniquely used—19 percent of the casein used in 1980 was used in products for which noting else will do. I will likewise concede that there is no longer any domestic casein production. We do not subsidize casein production nor its sale and consequently those foreign countries which do are the only countries now producing it. I want to emphasize again that casein consumption is displacing the use of milk to magnitude of $300 million annually according to the 1981 study. That is $300 million from the U.S. Treasury to purchase the domestic milk.

At the same time I want to point out that this legislation that I am proposing does not eliminate casein imports. It restricts them to 50 percent of the average of the quantity of such imports between January 1, 1977, and December 1, 1981.

This is really a very simple directive to the administration telling them to do what they should be doing already and to do what they already have the authority to do. In the face of inaction at a time when the problem is getting larger there is really no other choice.●

By Mr. MOYNIHAN:

S. 1048. A bill entitled the "Tandem Truck Amendments of 1983"; to the Committee on Commerce, Science, and Transportation.

TANDEM TRUCK AMENDMENTS OF 1983

● Mr. MOYNIHAN. Mr. President, today I am introducing legislation giving States a measure of flexibility in determining which interstate and primary highways will be required to accommodate tandem trailers.

The Surface Transportation Assistance Act of 1982 required States to allow motor vehicle combinations consisting of a truck tractor and two trailing units—commonly called tandem trailers—on all Interstate Highway segments and on those Federal-aid primary system highways designated by the Secretary of Transportation. The law contained two fundamental defects. First, it failed to recognize that certain Interstate Highways, for a variety of reasons, are incapable of safely accommodating tandems. Second, the Secretary of Transportation was not given well-defined criteria for determining which Federal-aid primary routes should be designated part of the tandem trailer network. As a result of these oversights, the Department of Transportation's April 5 notice establishing an interim designated network of highways met with almost universal disapproval. The fault is not DOT's; they were merely following the dictates of the Surface Transportation Assistance Act of 1982. The fault lies instead with the law. Our task is thus amending the Surface Transportation Assistance Act in a

fashion that meets the legitimate concerns of State and local transportation officials as well as the trucking industry.

The legislation I am introducing strikes such a compromise. It requires the Secretary of Transportation to issue guidelines and standards for the States to use in determining which interstate and Federal-aid primary routes should be part of the tandem trailer network. These standards must take into account factors such as roadway and ramp geometry, lane width, accident experience, and congestion.

The States will then be required to compile an inventory of all interstate and primary segments meeting these standards and designate these routes as part of the tandem trailer network. Each State must designate at least 90 percent of its interstate mileage and 10 percent of its primary mileage. The Secretary will periodically review and revise the standards for designation and the States will redesignate segments accordingly.

This legislation is fair and reasonable. It assures truckers access to a good part of our interstate and primary highway systems yet it allows States to ban tandem trailers from roads on which they would pose severe traffic or safety problems. I look forward to working with the administration on this eminently sensible proposal.

Mr. President, I ask unanimous consent that the bill and editorials from the Elmira Star-Gazette, the Rochester Times-Union, the Buffalo News, and the New York Times be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subsections (a) and (c) of Section 411 of the Surface Transportation Assistance Act of 1982 are amended by deleting the words "any segment" where they appear and substituting in lieu thereof the words "qualifying segments", and deleting "Secretary" where it appears and substituting in lieu thereof "each State".

SECTION 2. Subsection (e) of section 411 of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"(e)(1) Within 60 days of enactment, the Secretary shall determine the standards and operating characteristics which are required to safely accommodate the vehicle lengths and configurations specified in subsections (a) and (c) of this section on Interstate and Primary highways. In determining such standards and operating characteristics the Secretary shall consider factors such as: roadway and ramp geometry; lane widths; accident experience; congestion; and the extent of State control of such highways.

"(2) Each State shall compile an inventory of all segments of the National System of Interstate and Defense Highways and Federal-aid Primary System Highways which meet the standards and operating conditions determined by the Secretary and shall designate such segments and highways as qualified segments of the National System of Interstate and Defense Highways and qualified Federal-aid Primary Highways subject to the provisions of subsections (a) and (c) of this section. Adjacent States will act in concert to ensure continuity of designated segments and highways across State boundaries. Notwithstanding any other provision of this section, each State will designate at least 90 percent of the mileage of the National System of Interstate and Defense Highways and at least 10 percent of the Federal-aid Primary Systems as qualifying and subject to the provisions of subsections (a) and (c) of this section.

"(3) The Secretary shall periodically review the standards and operating characteristics determined to be required to safely accommodate the truck lengths specified in this section and will revise them as necessary. Upon such revision the States will be required to redesignate the qualified system to reflect the changes determined by the Secretary."

[From the Elmira Star-Gazette, Apr. 8, 1983]

A MATTER OF STATES' RIGHTS

The federal government's decision to give the trucking industry the right to use tandem trailers and larger trucks in states in which their use has been barred or limited is developing into a classic states' rights argument. And it is an argument that the states must win.

Even though the new routing system officially went into effect Wednesday, many Eastern states are defying the decision. Connecticut, for example, passed a law barring the larger trucks entirely. Several others, from Vermont to South Carolina, have said they would enforce their existing laws.

And little wonder. The new system was instituted solely to ease trucking industry opposition to the 5-cent increase in the federal gasoline tax, and it was done with little regard for states' concerns.

The tandem trailers, up to 75 feet long, and wider/heavier trucks raise serious safety questions and fears of increased damage in roads. Consequently, several states had sought to restrict them to the Interstate highway system and to small sections of "federal primary aid" roads.

New York, for example, recommended confining the larger trucks to 515 miles of non-Interstate highways. Yet the government approved 1,743 miles. Pennsylvania's recommended 498 miles was turned into 2,221. Why? Good question.

Does it make sense to allow heavier, wider and longer trucks, say, on Rt. 13? Has anyone from the Federal Highway Administration ever made the trip from Elmira to Cartland on the narrow, winding highway, especially during the winter? Yet Rt. 13 is on the federal list.

The federal government contends consumers will save money because the larger trucks can carry materials more economically. Perhaps. But that still doesn't stack up to the potential for road damage and possible safety hazards. The new rules, for example, increase the maximum width of a truck to 102 inches. On, say, a 10-foot-wide lane on a road, that leaves all of 18 inches for clearance.

The feds contend their law supersedes state laws, so the issue undoubtedly is headed for a showdown in the courts. But the fact remains that the states know more than the feds about which roads are suitable for such traffic. And with public safety on the line, the decisions on which trucks go where should be left to them.

[From the Buffalo News, Apr. 9, 1983]

FEDERAL RULE ON TRUCKS POSES SAFETY HAZARDS

The legitimate safety fears prompted by the new federal rule opening thousands of miles of non-interstate highways to bigger tandem-trailer rigs provide ample justification for the opposition of New York and other states.

Under the Surface Transportation Assistance Act, signed by President Reagan in January, longer and wider truck combinations are permitted not only on interstate highways but also on so-called "primary" routes built with federal aid. Among the roads effected in Erie County are sections of Transit Road, Walden Avenue and the Aurora. Scajaquada and Kensington expressways.

The lifting of federal restrictions on larger trucks was a concession to the trucking industry to offset the 5-cent-a-gallon increase in the federal motor fuels tax and new excise taxes on trucking equipment. Under the new law, states are required to allow double-trailer trucks up to 80,000-pound weight, and generally 70 feet long, to operate on all the federally-designated links. On most New York roads the length limit is 60 feet, and on the Thruway 110 feet.

According to state transportation officials, the federal order moving large trucks onto small roads poses legal questions as to whether Washington can supercede state restrictions. Presumably, federal highway aid dollars could be withheld from states that refuse to go along with the new rules.

Even so, New York State police officials say they will continue to issue tickets to vehicles exceeding state size limits for any particular highway. Other states have gone further in defying the federal rule. Connecticut has just enacted a new state law banning double trailers. Vermont threatens court action against the federal law, and New Jersey's Gov. Thomas Kean, in defying the law, condemned the federal government for proposing "a totally unsafe system."

In Buffalo, Police Commissioner Cunningham singled out a valid point in objecting to the way Washington lifted restrictions against behemoths on such busy links as the Kensington route. "If one of them ever jackknifed or skidded sideways across the road," he warned, "it would wreak havoc. You'd back traffic out to Depew or back to downtown."

The New York State Automobile Association has voiced similar fears that the bigger trucks will increase safety hazards, create traffic headaches and add to the local costs for highway maintenance. The most frequently voiced complaints of motorists, it notes, are the "buffeting air blast of massive trucks, the blinding spray that they kick up in bad weather and the way they block vision."

Whatever the arguments for allowing bigger trucks on four-lane interstate routes that can safely accommodate heavy traffic, the federal rule goes too far in allowing the double rigs uniformly on heavily-traveled urban-area links without proper regard to safety considerations. Federal highway officials should revise their rules out of respect for the rights and duties of states to protect motorists against safety hazards.

[From the Rochester Times-Union, Apr. 11, 1983]

TANDEM RIGS ON RURAL ROADS

Many states and cities are protesting the Federal Highway Administration's choice of highways it considers suitable for tandem trailer rigs. New York City talks as if it would burn its bridges rather than allow larger trucks across the Hudson.

It is dangerous to allow larger trucks on busy highways that are essentially city streets. It is at least as dangerous to allow them on the 2-lane country roads shown on the accompanying map.

These roads wind over hills, past farms and through villages. They are, in many places, narrow and not built as well as they should be. The FHA obviously picked them with scant consideration for safety and maintenance.

The State has allowed 105-foot tandem trailer rigs on the Thruway for some years. A number of other States with less tortured terrain than New York's allow tandems on their roads. And in 1981, 65-foot tandem rigs were allowed on Interstate and four-lane highways here too.

The Surface Transportation Assistance Act passed by Congress last fall give tandems greater access to State highways. These tandems can be 70–80 feet long and six inches wider than the trailers now on our roads.

The FHA asked States which highways should be in the new tandem system; the State Department of Transportation recommended the roads on which tandems are already allowed.

The FHA added 1,228 miles of 2-lane roads to the State list. Few of the additions are built to the standards of interstate highways, so bigger trucks will mean more maintenance problems.

But the greater concern is safety. The DOT says its limited experience with tandems is "not bad." The FHA says studies about the relative safety of single vs. double-trailer rigs are inconclusive.

Most of that experience is on interstates. Are tandems safe on winding, two-lane roads?

Scenic U.S. 20 soars over high hills and dives into deep valleys as it crosses the State. Imagine driving it with a tandem on your tail.

Or picture tandem rigs blasting through the village on U.S. 104, among the trucks lumbering from orchard and processor, the commuters rushing to Niagara Falls, Webster or Oswego.

Or imagine meeting a tandem coming around a bend on twisty Rt. 13 between Ithaca and Cortland, the second trailer playing crack-the-whip.

How did the FHA decide such roads are fit for larger trucks? By using safety and design criteria, plus field knowledge, says the FHA.

What kind of field knowledge did the FHA have to name Rt. 20A which includes Warsaw Hill, down which only light loads may go?

In fact, it seems clear, somebody stood in front of a map of New York and wielded a magic marker with no idea of the terrain or the roads involved.

New York and other Northeast states say they will resist the FHA and urge a more rational plan. If the White House is anxious to defer to local judgment, this is a good place to do so.

[From the New York Times, Apr. 8, 1983]

HIGHWAY MONSTERS AND CITY STREETS

Washington doesn't hear it yet, but New York and other cities do, loud and clear: the groan of huge double-trailer trucks making tight cloverleaf turns, intimidating motorists and monopolizing expressways. The Transportation Department, faithful to a rigid new law, has declared all urban interstate roads and half the country's major highways open to the tandems. States and localities, worried about safety, are up in arms.

Connecticut's Legislature has responded by declaring the entire state off-limits to the double-trailer trucks. In New Jersey, Governor Kean vows to keep them off all but main routes. New York City officials threaten to enforce existing laws that bar them from dense traffic arteries. But local defiance of a Federal law is not the way to correct it. Relief is needed, but it must come from Congress.

There's nothing wrong with Congress legislating national weight and size standards for the highways Congress has built. That's what the power to regulate interstate commerce is all about. States must not arbitrarily construct commercial barriers, even in the guise of safety. But Congress, more attentive to truckers' lobbying than safety, negligently treated all interstate highways alike—including those that function more like city streets, as in metropolitan New York.

Elizabeth Dole, the Secretary of Transportation, was entirely correct to reject New York's plea that the Brooklyn-Queens Expressway and other interstates in the metropolitan region be wholly closed to the 40-ton vehicles. The law, unfortunately, allows no such exceptions. Indeed, it is so strict that the department has to break it to administer it sensibly. Not seriously defending the legality of its action, the department has banned the monster truck at least from a segment of the B.Q.E. and of I-66 west of Washington D.C.

The trucking industry won highway access for the double trailers as compensation last December when Congress enacted higher gasoline taxes and quadrupled highway-user levies. But the truckers overreached, insisting on an inflexible statute rather than permitting any discretion in designating roads for truck access. At best, Congress was careless. It can remedy its hurry now with an amendment allowing some flexibility.

That is clearly the wisest route for alarmed state and local officials. Don't stage High Noon highway arrests. Don't impound the giants. Don't challenge the supremacy of Federal law. Don't litigate at all. Lobby. Take pictures of the 75-foot rigs and what they do. Make recordings of their roar—and let Congress hear it.●

By Mr. HART:

S. 1049. A bill to provide relief from natural gas price increases caused by certain contract provisions that are incompatible with current market conditions; to the Committee on Energy and Natural Resources.

NATURAL GAS MARKET REFORM ACT

● Mr. HART. Mr. President, I am introducing today the Natural Gas Market Reform Act. This bill is a simple but effective remedy to the high natural gas prices that are hurting consumers all across this country.

Those who live in the majority of American homes that are heated by natural gas know how the price of that fuel has increased. Nationwide, natural gas prices have increased about 25 percent just since last winter, and have doubled in the past 4 years. In my home State, the average residential natural gas bill is well over $100 per month during the winter—twice what they were just 3 years ago. Similar increases have hit consumers throughout the United States. The Congressional Research Service reports that residential natural gas rates have more than doubled in the past 4 years in Buffalo, N.Y.: Cincinnati, Ohio; Cleveland, Ohio; Dallas-Fort Worth, Tex.; Kansas City, Kans.; Los Angeles, Calif.; Milwaukee, Wis.; Minneapolis-St. Paul, Minn.; San Diego, Calif.; San Francisco, Calif.; and Seattle, Wash.

Under conventional economic theory these price increases would not be expected because of current market conditions. Demand for natural gas has decreased since 1979, largely because of conservation; with the recession, demand has decreased sharply in the past year. At the same time, supplies have increased, because of additional exploration brought about by the Natural Gas Policy Act of 1978's deregulation of some new natural gas and steady increases in the price of other newly discovered gas. In a situation like this, with demand decreasing and supplies increasing, economists tell us that prices should fall. But several reasons have led to the opposite result in this case.

One major reason, for example, is an inevitable economic consequence of decreased demand. Much of the cost to the ultimate consumer of natural gas is the cost of the pipelines and other distribution facilities necessary to deliver the gas. Once these facilities are installed their cost is fixed, regardless of how much gas is flowing through them. When demand is low, the price per unit must increase to recover these fixed costs.

But another major reason for the recent price increases is unnecessary and tragic. Pipeline companies' purchases of natural gas from producers are governed by long-term contracts. And many of the contracts now in effect were entered into when everybody expected growing competition for decreasing supplies of natural gas. Because of these expectations, many contracts included terms very favorable to producers. It is these contracts that have led to automatic increases in prices, to levels that bear no relationship to current market conditions.

The Natural Gas Market Reform Act would alleviate this situation by simply writing into all existing contracts for expensive gas that include either a take-or-pay clause or an in-

definite price escalator clause a standard market-out clause. This clause, which is included in many but not all such contracts, provides flexibility to respond to changed market conditions. If the pipeline company determines that the contract provisions make the natural gas unmarketable in current conditions, the pipeline can unilaterally reduce the price to be paid or the amount of gas to be subject to the take-or-pay provision. In cases where contracts include these market-out clauses, pipeline companies have used them successfully this winter to reduce the price paid for expensive natural gas. By one industry estimate, pipeline companies have exercised market-out clauses in at least 80 percent of the cases where they have that option, reducing the price from $7, $8, or $9 per thousand cubic feet to an average of about $5 per thousand cubic feet. As a result, the average wholesale price for natural gas decreased in both January and February.

But legislation is needed to write market-out clauses into all contracts for expensive gas. For example, Colorado Interstate Gas Co., which supplies natural gas to my home State and to other areas between Cheyenne, Wyo., and Amarillo, Tex., has 24 contracts for high-cost natural gas, but only 4 of those contracts have market-out clauses.

Legislative adoption of a standard market-out clause is the best response to our natural gas pricing problems. It would create a simple, effective remedy targeted to precise problems. It would remove barriers to operation of market forces, leading to immediate price relief.

A recent study by the American Gas Association documents the consumer savings that would result from the provisions contained in the Natural Gas Market Reform Act. The AGA study concluded that relief from take-or-pay and indefenite price escalator clauses would save the average residential customer $26 in 1984 and $119 in 1985. The study further concluded that these reforms in the market would keep the expected increase in the average residential gas bill between 1984 and 1985 to $30, rather than the $123 increase that would occur if take-or-pay and indefinite price escalator clauses continue to be in full effect.

The bill would provide this price relief without resorting to failed policies of price controls or extensive Government regulation. It would not discourage additional exploration for the new natural gas we will need in the future. The balanced nature of this approach was demonstrated a month and a half ago, when the National Governors' Association, with support from Governors representing both producing and consuming States, recommended that Congress enact legislation to "include in all existing and future natural gas contracts which contain take-or-pay or indefinite price escalator clauses a market-out clause allowing the purchase to refuse to take gas supplies without incurring any penalty and to renegotiate the contract." This is precisely what the Natural Gas Market Reform Act would do.

Mr. President, the Committee on Energy and Natural Resources will begin action tomorrow morning on natural gas legislation. No observer is willing to predict what will emerge from the committee; every observer predicts a major, protracted legislative struggle between those who favor accelerated decontrol and those who favor recontrol. I urge the committee to postpone that struggle long enough to first report simple legislation providing the market reforms that are so clearly needed. Let us make sure we do something to provide some consumer relief before next winter begins.

I ask unanimous consent to have printed in the RECORD at this point the text of the bill and the American Gas Association Study.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Natural Gas Market Reform Act".

SEC. 2. Any contract for the first sale of high-cost natural gas that is in effect on the date of enactment of this Act and that includes a take-or-pay clause or an indefinite price escalator clause shall be deemed to include, unless expressly provided otherwise in any revision of such contract agreed to by the parties to the contract after such date of enactment, the following contract provisions:

"PROVISIONS ADDED BY THE NATURAL GAS MARKET REFORM ACT

"1. If the purchaser determines that he cannot market any or all of the natural gas subject to this contract at the price otherwise specified by this contract, the purchaser may reduce the price to be paid under this contract, reduce the volume of gas to be subject to any take-or-pay clause of this contract, or both, to the extent necessary to prevent the natural gas from being unmarketable. Any such new price shall be in effect with respect to any such natural gas the delivery of which occurs on or after the fifteenth day after the purchaser notifies the seller in writing of such new price. Any such new volume of natural gas to be subject to any such take-or-pay clause shall take effect the fifteenth day after the purchaser notifies the seller in writing of such new volume.

"2. Within fifteen days after the purchaser notifies the seller under the preceding provision of a new price, the seller may terminate this contract, without penalty, by so notifying the purchaser in writing. Within fifteen days after the purchaser notifies the seller under the preceding provision of a new volume of natural gas to be subject to any take-or-pay clause of this contract, the seller may terminate this contract, without penalty, with respect to the amount of natural gas which would have been subject to the take-or-pay clause without the action of the purchaser but which is not subject to such clause after such action, by so notifying the purchaser in writing.

"3. For the purposes of these provisions, any contract establishing two or more categories of natural gas for purposes of pricing the natural gas delivered under this contract shall be treated as separate contracts for each such category.

"4. For the purpose of these provisions the term 'take-or-pay clause' shall have the meaning given to such term in the Natural Gas Market Reform Act.

"5. These provisions shall supersede any other provisions of this contract that are inconsistent with these provisions.".

SEC. 3(a) In the event that a contract referred to in section 2 is terminated by the seller under the provisions deemed to be included in that contract by that section, an interstate pipeline or an intrastate pipeline that was a party to the terminated contract shall have an obligation to transport natural gas that was subject to the terminated contract.

(b) The Commission, in the case of an interstate pipeline, or the State agency with appropriate jurisdiction, in the case of an intrastate pipeline, upon application by the pipeline and after opportunity for hearing, may order a limitation of the obligation of the pipeline under this subsection if compliance with the obligation would require construction of additional facilities or would impair the ability of the pipeline to serve its existing customers adequately.

(c) The consideration for any transportation provided under this subsection shall be $.05 per million British thermal units plus the cost of such transportation, as established by the appropriate Federal or State regulatory body, unless the Commission has established, by rule, a different rate as just compensation for such transportation. No amount of such consideration shall be required to be credited and flowed back to the customers of such pipeline.

SEC. 4. For the purposes of this Act—

(a) the term "Commission" shall mean the Federal Energy Regulatory Commission;

(b) the term "delivery" shall have the meaning given to the term "deliver" by paragraph 22 of section 2 of the Natural Gas Policy Act of 1978 (Public Law 95-621);

(c) the term "first sale" shall have the meaning given to that term by paragraph 21 of section 2 of the Natural Gas Policy Act of 1978;

(d) the term "high-cost natural gas" shall have the meaning given to that term by section 107(c) of the Natural Gas Policy Act of 1978;

(e) the term "indefinite price escalator clause" shall mean any provision of any contract for the first sale of natural gas that provides for the automatic adjustment of the price of the natural gas subject to such contract based on—

(1) changes in other prices for natural gas, for crude oil, or for refined petroleum products;

(2) changes in the GNP implicit price deflator (as defined in section 101(a)(3) of the Natural Gas Policy Act of 1978); or

(3) other economic indicators not related to the costs of production or delivery of the natural gas subject to the contract;

(f) the term "interstate pipeline" shall have the meaning given to that term by

paragraph 15 of section 2 of the Natural Gas Policy Act of 1978;

(g) the term "intrastate pipeline" shall have the meaning given to that term by paragraph 16 of section 2 of the Natural Gas Policy Act of 1978; and

(h) the term "take-or-pay clause" means any provision of any contract for the first sale of natural gas that requires the purchaser to pay the price of all or a specified portion of the natural gas subject to the contract, or to pay any other fee or charge, if the purchaser does not take delivery of such natural gas under the contract.

ANALYSIS BY THE AMERICAN GAS ASSOCIATION

IMPACT ON LOW INCOME AND ELDERLY CONSUMERS OF TAKE-OR-PAY AND INDEFINITE PRICE ESCALATOR CLAUSES IN GAS CONTRACTS

Introduction

The most recent American Gas Association projections of natural gas prices indicate that prices on average will grow more slowly during the coming years than they did over the past decade. Nevertheless, high take-or-pay requirements and indefinite price escalator clauses in many gas purchase contracts are likely to keep gas prices—and, as a result, residential gas bills—artificially high for the next two to four years unless some remedial action is taken. Concern is growing about the impacts of natural gas price trends on residential consumers—especially those with low or fixed incomes.

This analysis estimates the impact on residential gas bills of eliminating the adverse effects of take-or-pay and indefinite price escalator clauses in gas purchase contracts, with particular attention to the expected impacts on low income and elderly families. It also estimates the economics of gas heat as compared to oil or electric heat.

Executive summary

Legislative initiatives to reduce take-or-pay requirements and to defuse indefinite price escalator clauses in gas purchase contracts would have significant beneficial effects to gas consumers over the next two winters. These effects would be of particular importance to low income groups, whose gas bills require a proportion of their family income that is six times greater than the national average, and to the elderly, whose gas bills require nearly three times the national average proportion of family income (see Table 1).

On a national average, gas consumers can expect to save $26 on their total gas bills in 1984 and $119 in 1985 if these gas purchase contract provisions are modified—reducing the 1985 gas bill from 3.3 percent of median family income to 2.8 percent (see Table 1).

Without contract modification, the increase in the average residential gas bill between 1984 and 1985 will be four times greater than it would be if these contract provisions were modified ($123 vs. $30).

In 1985, the average residential gas bill will be 17 percent higher if contracts are not modified ($817 vs. $698).

Low-income families (whose 1985 income is less than $7,000) can expect to pay 20.9 percent of their income for gas in 1985 if contract provisions are not modified. With modification, this proportion would fall to 17.9 percent—saving these families three percent of their total income.

Similarly, elderly gas consuming households can expect to pay 6.4 percent of their income for gas in 1985 under the status quo, compared to 5.5 percent if take-or-pay and indefinite price escalator clauses are defused.

Natural gas will remain the most economic residential heating fuel, requiring 1.9–2.3 percent of median family income during 1982–1990 under current conditions.

Families heating with oil (on a national average basis) would require an estimated 2.7–3.5 percent of median family income to pay heating bills.

Electric resistance heat would take 4.4–4.9 percent and electric heat pumps would require 2.5–2.8 percent of median family income (see Table 2).

Background

Recent and expected increases in the average wellhead price of natural gas may be attributed to two prevalent features of the natural gas contracting procedure. One is the fact that contracts for higher-priced categories of natural gas (negotiated primarily during the supply-constrained period of 1977–1981) have contained higher take-or-pay requirements than were present in contracts for lower-priced gas (typically negotiated prior to 1977). As a result, when demand for natural gas fell in 1982, pipeline systems reduced their "takes" of lower priced gas in order to fulfill their higher take-or-pay commitments for higher priced gas, and the overall average purchase cost of natural gas increased. The higher prices in turn, reduce natural gas demand even further, which renews the cycle of price increases.

The second feature of natural gas purchase contracts is the existence of indefinite price escalator clauses, including clauses that provide that the price of gas be "the highest allowed price under law" (which currently impede gas prices from falling) and clauses that would take effect upon decontrol of the gas under contract (January 1, 1985 in most cases). These indefinite price escalator clauses have the potential to raise the price of the affected gas far above a market-clearing level until such time as the contracts can be renegotiated or the escaltor clauses legislatively defused.

The implications of these two types of contract provisions have significant implications for natural gas consumers, and especially for elderly and/or low-income consumers for whom fuel costs represent a sizeable proportion of the family budget. This report examines the implications for consumers of natural gas price increases expected to result from gas contracts as currently written as compared to the price increases that would be expected if take-or-pay requirements were reduced and indefinite price escalator clauses were defused.

TABLE 1.—ESTIMATED EFFECTS OF MODIFICATIONS TO GAS PURCHASE CONTRACTS ON RESIDENTIAL NATURAL GAS BILLS FOR ALL FAMILIES, LOW-INCOME FAMILIES AND ELDERLY FAMILIES, 1985

	Residential gas bill			Residential gas bill as a percent of median family income		
	NGPA	NGPA-contract relief	Percent difference	NGPA	NGPA-contract relief	Percent difference
1984:						
All families	$694	$668	3.9	3.1	2.9	6.9
Low-income families	616	593	3.9	19.2	18.5	3.8
Elderly families	668	643	3.9	5.9	5.7	3.5
1985:						
All families	817	698	17.0	3.3	2.8	17.9
Low-income families	725	620	16.9	20.9	17.9	16.8
Elderly families	786	672	17.0	6.4	5.5	16.4

TABLE 2.—PROJECTED NATIONAL AVERAGE RESIDENTIAL HEATING BILLS BY FUEL TYPE

	Estimated average residential heating bill (nominal dollars)					Median family income (nominal dollars)	Average residential heating bill as a percent of median family income				
	Gas			Electricity			Gas			Electricity	
	NGPA	NGPA-contract relief	Oil	Resistance [1]	Heat pump [1]		NGPA	NGPA-contract relief	Oil	Resistance	Heat pump
1982	$425	$425	$703	$906	$522	$19,926	2.1	2.1	3.5	4.5	2.6
1983	453	453	647	923	532	21,201	2.1	2.1	3.1	4.4	2.5
1984	491	473	710	1,048	604	22,745	2.2	2.1	3.1	4.6	2.7
1985	576	493	754	1,207	696	24,595	2.3	2.0	3.1	4.9	2.8
1986	559	514	786	1,234	712	26,298	2.1	2.0	3.0	4.7	2.7
1987	514	532	817	1,278	737	28,277	1.9	1.9	2.9	4.5	2.6
1988	556	553	849	1,392	803	29,991	1.9	1.8	2.8	4.6	2.7
1989	589	591	878	1,460	841	31,545	1.9	1.9	2.8	4.6	2.7
1990	623	623	905	1,512	872	32,976	1.9	1.9	2.7	4.6	2.6

[1] Electricity bills are influenced by the price of gas used to generate electricity. Therefore, projected electricity bills would be lower in 1985 and 1986 if the NGPA-contract relief case for gas were assumed. Specifically, electric resistance heating bill would be an estimated $997 in 1985 and $970 in 1986 while electric heat pump bills would be an estimated $575 in 1985 and $559 in 1986 if the modified gas price were in effect.

This report also compares the expected cost of natural gas used for home heating to that of the other major house-heating fuels—fuel oil and electricity. For that comparison, only the heating portion of the total gas bill is discussed. Elsewhere in the report, trends in the total gas bill (which is generally about 40 percent higher than the heating bill, for total-gas homes) are considered.

Methodology and assumptions

The "NGPA" projections presented in this report were derived from a modified version of The Winter 1983 A.G.A.-TERA Base Case, published February 8, 1983. The NGPA forecast discussed here differs from the Winter Base Case only in its assumed refinery acquisition cost of crude oil, which is $28.50 per barrel in 1983, rising at a 2-percent "real" annual rate (i.e., above the rate of inflation) thereafter. The Winter Base Case had assumed a $32 oil price in 1983, also rising at a real annual rate of 2 percent thereafter. Among the assumptions which this NGPA forecast shares with the Winter Base Case are the following:

1. Natural gas wellhead prices were assumed to follow the NGPA schedule. In 1985, that portion of currently flowing Section 102 and 103 gas subject to indefinite price escalator clauses with no "market-out" clause was assumed to be priced at 110 percent of the Btu-equivalent price of distillate fuel oil, phasing down to "market clearing" by 1987. All other Section 102 and 103 gas deregulated in 1985 moves to "market clearing" (estimated to be 55 percent of the crude oil price) in 1985 with no "fly-up."

2. Projected rates of economic growth and inflation were taken from the economic projections reported in A.G.A.'s Five Year Economic Outlook (Arlington, VA, A.G.A., December 30, 1982).

3. Unit house heating gas demand is assumed to decline by 0.4 percent for each 1 percent current dollar increase in fuel price. This representation implicitly assumes a trend toward a more energy-efficient stock of housing and heating appliances, and results in a national average decline in heating fuel use per household of approximately 6 percent between 1981 and 1990. Recent conservation studies indicate that this projected decline may be conservative. Consequently, these projected heating bills may be somewhat overstated in the outer years.

The "NGPA-Contract Relief" case is identical to the NGPA case except that take-or-pay requirements are assumed to be limited to 50 percent and indefinite price escalator clauses are assumed not to be activated in 1985. Rather, the average gas wellhead price is assumed to clear the market, at a price that was estimated to equal 55 percent of the price of crude oil in 1985 and thereafter. These projections were made using the TERA model (Scenario DM8326L, dated March 2, 1983).

National average residential gas bills were derived by multiplying TERA residential sector gas prices by TERA residential sector total gas use per residence. Gas heating bills were calculated using the TERA residential sector heating use per residence. Estimated average heating bills for alternative fuels (assuming comparable household insulation, house size, family size and behavior) were derived in the following manner:

1. Btus of fuel consumed were based on the gas consumption data for gas-heated homes, adjusted to reflect only fuel efficiency differences in heating appliances. Other factors, such as family size, house size, house age and insulation, which tend to vary for the different heating fuels, were held constant for purposes of this analysis. The "average" gas furnace was assumed to the 65 percent efficient, the "average" oil furnace 61 percent efficient, electric resistance heaters 98 percent efficient, and the electric heat pump 170 percent efficient on a U.S. average.

2. Heating fuel consumption per household was multiplied by the projected fuel price to derive the estimated heating bill.

Estimated total gas bills for specific age and income groups were based on fuel consumption patterns revealed in the U.S. Department of Energy's Residential Energy Consumption Survey: Consumption and Expenditures, April 1980 through March 1981 (Washington, DC: U.S. Government Printing Office, September 1982). The calculations were carried out via the following procedures:

1. The distribution of gas consumption by age and income group relative to the national average was calculated from the data reported by DOE. These distributions were then applied to the national average gas use projections from TERA to estimate future gas use by group. Implicit in this procedure is the assumption that future energy conservation measures will be evenly distributed across age and income groups. While there are theoretical reasons to suspect that energy conservation would be affected to some degree by age or income, a comprehensive treatment of this issue was beyond the scope of this analysis. Therefore, to the extent that lower income groups are not able to make energy conserving investments, for example, these results may overestimate the differential between the gas bills of low-income and high-income households.

2. Projected gas consumption, by age and income group was multiplied by projected residential gas prices to derive estimated total gas bills.

National median family income projections were based on the 1980 median family income of $17,710 as reported by the U.S. Census Bureau's Current Population Reports, Series P-60. Median family income after 1980 was assumed to increase at the projected rate of family income derived from the economic forecast underlying A.G.A.'s Five-Year Economic Outlook of December 30, 1982. The 1980 family income categories taken from the DOE reports were also expended to current year levels using the projected rates of family income growth. For example, the "less than $5,000" income category in 1980 would be a "less than $6,400" category in 1984, "less than $7,000" category in 1985, "less than $7,500" category in 1986 and "less than $8,000" category in 1987.

Discussion of results

The major impacts of the contract modifications analyzed here would be felt in 1984-1987. Without relief from onerous take-or-pay provisions and indefinite price escalator clauses, the national average residential gas price is projected to rise from $5.59 per million Btu's (MMBtu) in 1983 to $5.94 in 1984 and then to $7.17 in 1985. If these contract provisions are defused, the 1984 price would be only $5.72 and the 1985 price only $6.12 (see Table 3). Significant but diminishing discrepancies between the two scenarios remain during 1986 and 1987, during which time the NGPA projection assumes that contracts are renegotiated to eliminate gradually the adverse effects of high take-or-pay and indefinite price escalator clauses.

As a result of the lower gas prices projected in the NGPA-Contract Relief case, total gas use per gas home is somewhat higher in 1985 and thereafter than is true for the NGPA case (see Table 3). This increases the residential gas bill in the NGPA-Contract Relief case from the level that would be expected if the lower gas price had no demand effect. Nevertheless, the expected reduction in residential gas bills is substantial. In 1984, the NGPA projected gas bill is $694 compared to only $668 for the NGPA-Contract Relief case—a difference of $26. By 1985, the difference grows to $119 (a total gas bill of $817 under the NGPA vs. $698 with contract relief) and in 1986 the expected savings from contract relief remain significant at $66 ($796 vs. $730).

Compared to family income, the savings are also significant. While gas on average only requires about 3 percent of the median family income today, this proportion would rise to 3.3 percent in 1985 as a result of high take-or-pay and escalator clauses, compared to only 2.8 percent if these clauses were modified (see Table 4).

These effects vary widely by age and income group, however, since low income groups typically spend a larger proportion of their income on such essentials as fuel needs than do higher income families. Table 5 shows projected gas bills, and the proportion of income required to pay them, by income group for 1984-87 under the two scenarios. Under the NGPA assumptions, families in the lowest income category can expect their gas bills to increase from 19.2 percent of their income in 1984 to 20.9 percent in 1985. With the NGPA-Contract Relief assumptions, this proportion would decline from 18.5 percent in 1984 to 17.9 percent in 1985. Further declines would be anticipated, reaching approximately 17 percent in both cases by 1987.

Gas use by the elderly (ages 60 and older) is only slightly below the national average, according to the U.S. Department of Energy. Therefore, elderly households can expect to pay about the national average amount for natural gas. However, since elderly households typically receive much lower incomes than average ($8781 in 1980 compared to a national median of $17,710 according to the U.S. Census Bureau), their gas bills represent a significant proportion of their household budgets. Therefore, reduction of take-or-pay requirements and defusing of indefinite price escalator clauses in gas contracts would be of particular benefit to the elderly. As shown in Table 6, such modifications of gas contracts would reduce an elderly homeowner's gas bill from an estimated 5.9 percent of his or her family income in 1984 (NGPA case projections) to an estimated 5.7 percent (NGPA-Contract Relief case). Much greater savings could be realized in 1985, when the NGPA case projects a gas bill equal to 6.4 percent of elderly family income, compared to only 5.5 percent for the NGPA-Contract Relief case. The savings remain large in 1986 (5.9 percent vs. 5.4 percent of elderly family income).

Finally, it should be noted that natural gas is expected to remain the most economical home heating fuel for the foreseeable future. Table 2 compares projected heating

bills for natural gas (under both scenarios), fuel oil, electric resistance heat, and the electric heat pump. Natural gas heat is projected to require only 1.9 percent–2.1 percent of median family income throughout the 1980's (2.3 percent in 1985 unless contract modifications are achieved). Oil heat will require 2.7 percent–3.1 percent (the 3.5 percent level is estimated to have been achieved in 1982 and is not expected to recur). Electric resistance heat is expected to take 4.4 percent–4.9 percent and the electric heat pump 2.6 percent–2.8 percent. These are national average projections based on standardized house and family size; only fuel price and efficiency variations were considered in making these comparisons.

Conclusion

Natural gas is expected to remain the most economical fuel choice for most homeowners throughout the 1980's. However, adjustments in gas contracts are necessary to relieve high take-or-pay requirements and indefinite price escalator clauses which are putting upward pressure on gas prices and could adversely affect consumers—particularly elderly and low income families.

TABLE 3.—ESTIMATED EFFECTS ON RESIDENTIAL NATURAL GAS BILLS OF MODIFYING TAKE-OR-PAY REQUIREMENTS AND INDEFINITE PRICE ESCALATOR CLAUSES IN GAS PURCHASE CONTRACTS

[Dollar amounts in nominal dollars]

Year	Total gas use per gas home (MMBtu)		Residential gas price (per MMBtu)	NGPA contract relief	Total residential gas bill	
	NGPA	NGPA-contract relief	NGPA		NGPA	NGPA contract relief
1982	117.9	117.9	$5.11	$5.11	$602	$602
1983	115.6	115.6	5.59	5.59	646	646
1984	116.8	116.8	5.94	5.72	694	668
1985	113.9	114.1	7.17	6.12	817	698
1986	111.0	111.4	7.17	6.55	796	730
1987	108.3	108.7	7.14	6.98	773	759
1988	105.7	106.1	7.53	7.45	796	790
1989	103.2	103.5	8.21	8.18	847	487
1990	100.7	101.1	8.93	8.88	899	899

Source: NGPA projections from A.G.A.—TERA Scenario DM8328L, Feb. 25, 1983. NGPA—Contract relief projections from A.G.A.—TERA Scenario DM8326L Mar. 2, 1983.

TABLE 4.—PROJECTED NATURAL GAS BILLS AS A PERCENT OF FAMILY INCOME

[Dollar amounts in nominal dollars]

Year	Total residential gas bill		Median family income	Residential gas bill as a percent of family income	
	NGPA	NGPA-contract relief		NGPA	NGPA-contract relief
1982	$602	$602	$19,926	3.0	3.0
1983	646	646	21,201	3.0	3.0
1984	694	668	22,745	3.1	2.9
1985	817	698	24,595	3.3	2.8
1986	796	730	26,298	3.0	2.8
1987	773	759	28,277	2.7	2.7
1988	796	790	29,991	2.7	2.6
1989	847	847	31,545	2.7	2.7
1990	899	898	32,976	2.7	2.7

Source: Total gas bills from table 3. Median family income from U.S. Bureau of Census, Current Population Reports, Series P60, 1980.

TABLE 5.—PROJECTED NATURAL GAS BILLS BY FAMILY INCOME, 1984–87

1980 family income	Total gas bill (nominal dollars)		Total gas bill as a percent of median family income	
	NGPA	NGPA-contract relief	NGPA	NGPA-contract relief
1984				
Less than $5,000	$616	$593	19.2	18.5
$5,000 to $9,999	642	618	6.7	6.4
$10,000 to $14,999	635	612	4.0	3.8
$15,000 to $19,999	668	643	3.0	2.9
$20,000 to $24,999	752	724	2.6	2.5
$25,000 to $34,999	746	718	2.1	2.0
$35,000 or more	817	787	1.3	1.2
1985				
Less than $5,000	725	620	20.9	17.9
$5,000 to $9,999	756	646	7.3	6.2
$10,000 to $14,999	748	640	4.3	3.7
$15,000 to $19,999	786	672	3.2	2.8
$20,000 to $24,999	885	757	2.8	2.4
$25,000 to $34,999	878	751	2.3	2.0
$35,000 or more	962	822	1.4	1.2
1986				
Less than $5,000	707	648	19.0	17.5
$5,000 to $9,999	736	675	6.6	6.1
$10,000 to $14,999	729	668	3.9	3.6
$15,000 to $19,999	766	702	2.9	2.7
$20,000 to $24,999	863	791	2.6	2.4
$25,000 to $34,999	855	784	2.1	1.9
$35,000 or more	937	859	1.3	1.2
1987				
Less than $5,000	687	674	17.2	16.9
$5,000 to $9,999	715	702	6.0	5.9
$10,000 to $14,999	708	695	3.5	3.5
$15,000 to $19,999	744	730	2.7	2.6
$20,000 to $24,999	838	823	2.3	2.3
$25,000 to $34,999	831	815	1.9	1.9
$35,000 or more	911	893	1.1	1.1

Source: Gas bills calculated by using the distribution of gas use by family income as reported by U.S Department of Energy, Energy Information Administration, "Residental Energy Consumption Survey: Consumption and Expenditures, April 1980 through March 1981" (Washington, D.C.: U.S. Government Printing Office, September 1982) pp. 52–55.

Median family income assumed to be the midpoint of each 1980 income category, escalated by the growth in family income as projected by AGA for the "Five-Year Economic Outlook" (Arlington, VA.: American Gas Association, Dec. 30, 1982).

Family income categories shown are stated in terms of the 1980 family income categories reported in the DOE report. In nominal terms, these categories would have expanded according to the growth in family income since 1980. For example, the "less than $5,000" income category in 1980 would be a "less than $6,400" category in 1984, "less than $7,000" in 1985, "less than $7,500" in 1986 and "less than $8,000" in 1987.

TABLE 6.—PROJECTED NATURAL GAS BILLS FOR ELDERLY FAMILIES AND ALL FAMILIES

	Total gas bill (nominal dollars)		Gas bill as a percent of median family income	
	NGPA	NGPA-contract relief	NGPA	NGPA-contract relief
1984				
All families	$694	$668	3.1	2.9
Elderly	668	643	5.9	5.7
1985				
All families	817	698	3.3	2.8
Elderly	786	672	6.4	5.5
1986				
All families	796	730	3.0	2.8
Elderly	766	702	5.9	5.4
1987				
All families	773	759	2.7	2.7
Elderly	744	730	5.3	5.2

Source: Gas bills for all families from table 3.

Gas bills for the elderly calculated by using the distribution of gas use by the elderly as reported by U.S. Department of Energy, Energy Information Administration, "Residential Energy Consumption Survey: Consumption and Expenditures, April 1980 through March 1981" (Washington, D.C.: U.S. Government Printing Office, September 1982) pp. 52–55.

Median family income for elderly families for 1980 was taken from the U.S. Census Bureau, "Current Population Reports, Series P–60, 1980" (Washington, D.C.: U.S. Government Printing Office, 1982), and escalated by the growth in family income as projected by AGA for the "Five-Year Economic Outlook" (Arlington, Va.: American Gas Association, Dec. 30, 1982). To the extent that elderly families do not experience the national average income growth, these projections underestimate the impact of gas bills on elderly family budgets.●

By Mr. HEINZ (for himself, Mr. LEAHY, Mr. DOLE, Mr. HOLLINGS, Mr. D'AMATO, Mr. COCHRAN, Mr. CRANSTON, Mr. DIXON, Mr. HUDDLESTON, Mr. INOUYE, Mr. LEVIN, Mr. DURENBERGER, Mr. CHAFEE, Mr. BENTSEN, Mr. DANFORTH, Mr. SARBANES, Mr. METZENBAUM, Mr. PROXMIRE, Mr. EAGLETON, Mr. MELCHER, Mr. PELL, Mr. TSONGAS, Mr. BAUCUS, Mr. KENNEDY, Mr. ANDREWS, Mr. MOYNIHAN, Mr. BOREN, Mr. STENNIS, Mr. PERCY, Mr. ZORINSKY, Mr. JOHNSTON, Mr. STEVENS, and Mr. COHEN):

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day"; to the Committee on the Judiciary.

WORLD FOOD DAY

● Mr. HEINZ. Mr. President, I am proud to once again introduce a joint resolution designating October 16, 1983 as "World Food Day." This resolution was introduced last year and served to increase the awareness of people all across the country of the serious problem of world hunger. Last year, thousands of people participated in World Food Day events. Each year, this day grows in importance and increases our understanding of the terrible problems of starvation and malnutrition that trap a large part of the world's people in a painful existence.

As the accompanying text of the resolution indicates, more than 15 million people are expected to die from hunger this year. This staggering figure is too large a number, too great a cost for mankind to bear without making a serious effort to solve the problem, using the technology and the resources available to us. But the first step in solving this problem, which is of such a great magnitude, is to create a public understanding of the enormity of the issue. The World Food Day resolution is one such attempt to create a public awareness of world hunger. It is important for the U.S. Senate to take a leading role in the battle to eradicate world hunger and efforts such as this resolution emphasize the seriousness of the situation.

The problem is serious, but not unsolvable. It is a very simple fact that world producers now grow enough food to provide every man, woman, and child with a diet of about 3,000 calories per day, well over the average minimum requirements. The United States, as the leading exporter of food in the world, has a responsibility to take an active role in assuring that the world's population receives the food it needs.

The facts indicate a desperate situation: 15 million people are expected to die this year because of starvation. One out of every five children in the

developing world dies from hunger. Hunger of a chronic nature affects over 500 million people around the world today. Hunger and malnutrition are also responsible for a large number of the cases of brain damage, sterility, and other permanent physical defects affecting persons in the Third World and here in America.

One fact we cannot overlook is that there are still persons in America that are suffering from malnutrition, and people that daily go hungry. American Indians, the poor, and other minorities are starving here in the United States. The problem is not confined to the poorest nations of the world, but is a problem that exists to a large degree in our own Nation. Facts such as these are the facts that need to be understood by people, and World Food Day provides the opportunity to teach everyone about hunger in the world today, and methods for combating this problem.

It is incumbent upon the United States to take a leading role in the battle against world hunger. We cannot forget the problems of those who are starving. Hunger is a problem that touches all of us; we cannot ignore the suffering of others.

Over 300 groups have joined the World Food Day National Committee to coordinate efforts on this issue. All 50 States, as well as the District of Columbia, Puerto Rico, and other territories of the United States sponsored resolutions last year designating October 16 as "World Food Day." The World Food Day resolution shows the world that the U.S. Senate is serious about eradicating the problem of world hunger from this planet.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 81

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world are those who are suffering the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physcial or mental impairment, including blindness, because of vitamin and protein deficiencies.

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the danger posed by malnutrition and related diseases to these groups and to other people is intensified by unemployment and slow rates of economic growth;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agricultural foundation based on private enterprise and the primacy of the independent family farm;

Whereas a major global food supply crisis appears likely to occur within the next twenty years unless the level of world food production is significantly increased, and the means for the distribution of food and of the resources required for its production are improved;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist nations and peoples to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the security of the United States and the international community;

Whereas the Congress of the United States is acutely conscious of the paradox of immense farm surpluses and rising farm foreclosures in America despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation of the 1980 report of the Presidential Commission on World Hunger was that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas past observances of World Food Day have been supported by proclamations of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and other territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred national private and voluntary organizations plan to participate in World Food Day observances this year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1983, is designated "World Food Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.●

● Mr. LEAHY. Mr. President, I am pleased to cosponsor a joint resolution to designate October 16, 1983, as "World Food Day." This is the third consecutive year that the Government of the United States will join with the other member nations of the United Nations Food and Agriculture Organization to set aside this day as a time to think and to act about the tragedy of world hunger.

As a member of the Presidential Commission on World Hunger, I had an opportunity to examine the dimensions of the world hunger problem and the many solutions that have been proposed. It is clear to me that the key to ending the suffering of the half billion hungry people in the world will be found in international cooperation and coordinated strategies. World Food Day is an important opportunity for the people of over 150 countries to think about their responsibilities toward each other in the vital area of food and agriculture policy.

As American and European farmers continue to produce record amounts of food, children in Africa, Asia, and Latin America continue to die or to grow up with physical and mental handicaps caused by hunger. In some poor countries the infant mortality rate is over 15 times as great as it is in the United States. Poverty prevents these children and their parents from participating in the economy where food is bought and sold. Solutions to mass poverty exist, and American wealth, technology, and organizational expertise can do much to bring productive work and food to the poor of the Earth.

Over the past several decades, the United States has helped many nations to overcome serious food problems. Countries such as Japan and South Korea once depended on our aid to feed their people, but now they have built strong economies with good agricultural production. They purchase our food on an unsubsidized basis as equal trading partners. India has also reached a new level of self-sufficiency in grain, in part as a result of assistance from the United States.

I mention these success stories to make the point that the actions of the United States can make an important difference. World hunger is not a hopeless problem, and the American people can have a major hand in ending hunger once and for all. World Food Day provides an important occasion for schools, churches, civic organizations, and local governments to educate their constituencies about world hunger and the hope that exists for the poor of the world through international cooperative action.

Over 300 national organizations now sponsor World Food Day in the United States. The legislature of my own State of Vermont has already taken leadership by declaring its sponsorship of World Food Day this fall. Vermonters are planning an even bigger and better World Food Day in 1983 with festivals, walks for hunger, food drives, and hunger awareness days in several communities. We look forward

to the growth of World Food Day as a grassroots event all over this great country.●

By Mr. EAGLETON (for himself, Mr. BAKER, Mr. BOSCHWITZ, Mr. BUMPERS, Mr. CHILES, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DURENBERGER, Mr. EXON, Mr. FORD, Mr. GLENN, Mr. GOLDWATER, Mr. HATCH, Mr. HATFIELD, Mrs. HAWKINS, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. INOUYE, Mr. JEPSEN, Mr. KENNEDY, Mr. LAXALT, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MATHIAS, Mr. METZENBAUM, Mr. NICKLES, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. RANDOLPH, Mr. RIEGLE, Mr. SARBANES, Mr. STAFFORD, and Mr. SYMMS):

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month"; to the Committee on the Judiciary.

NATIONAL ALZHEIMER'S DISEASE MONTH

● Mr. EAGLETON. Mr. President, today, 37 of my distinguished colleagues and I are introducing a joint resolution declaring the sense of the Congress to be that the President is authorized and requested to issue a proclamation designating the month of November 1983, as "National Alzheimer's Disease Month."

Mr. President, we are all somewhat familiar with the major diseases from which most older people suffer and die—heart disease, cancer, and stroke. But, we are largely unfamiliar with the fourth major killer—Alzheimer's disease and related dementias.

Alzheimer's disease is an irreversible, degenerative mental disorder that victimizes between 600,000 and 1.2 million elderly Americans, affecting 4 to 6 percent of the population over age 65. In its early stages, it is characterized by forgetfulness, but as it progresses, Alzheimer's victims become disoriented and confused. Often they undergo severe personality changes resulting in violent and irrational behavior. Eventually, the patient becomes weak, needs total help with personal care, may not communicate at all or recognize anyone, and suffers generalized physical deterioration.

The quantifiable $14 billion impact of this "silent epidemic" on our health care system, as enormous as it is, is but a fraction of the true cost associated with this disease. The loss of productive members of society, disruption of families, and loss of human dignity are incalculable drains on our society as a whole.

Alzheimer's disease is one of the most overdiagnosed and misdiagnosed disorders of the mind. One of the difficulties associated with the diagnosis is the common, albeit mistaken, view that senility in later life is a normal part of the aging process.

Anyone suspected of having Alzheimer's disease should have a thorough physical, neurological, and psychiatric examination so that reversible conditions such as adverse drug reactions or head injuries can be ruled out. Even if Alzheimer's disease is diagnosed, proper medical care can reduce further complications of the disease.

Medical science today cannot identify the cause of Alzheimer's disease, but science is a reservoir of hope, and we do have every reason to hope that we are solidly on our way to a better understanding of this catastrophic disease. Just last month, a key discovery was reported, identifying a specific brain malfunction with Alzheimer's disease. In the words of the Director of the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS), Dr. Murray Goldstein, this breakthrough may mean that the first effective treatments for this devastating disorder could be developed in the next 2 to 3 years.

In addition, preliminary results with testing of two drugs—physostigmine and naloxone—on Alzheimer's patients show modest but significant results. Dr. Goldstein cautions that no drug treatment is currently available and that further research on the two drugs tested must be done, but he characterized the new findings as "exciting and encouraging." Dr. Goldstein said, "speaking of the new findings which located tiny centers deep in the brain that appear to cause memory loss and general brain deterioration characteristic of Alzheimer's, as a disease it may be treatable and, hopefully, preventable. It is not the hopeless thing we thought it was."

In addition to the research efforts on the part of the NINCDS, the National Institute on Aging (NIA) and the National Institute of Mental Health (NIMH) devote considerable resources to research on Alzheimer's disease and the dementias of aging. The NIA's first two teaching nursing home grants contain several projects which relate specifically to this problem. The NIA's intramural Laboratory of Neurosciences has now admitted the first patients to its clinical program, and through it has initiated a series of activities focusing on the dementias and related neuropathological diseases of the elderly.

Through the extramural grant program of the NIA, a number of important discoveries have been made. One grantee of the NIA and the National Institute of Neurological and Communicative Disorders and Stroke has made a discovery of potentially major consequence, a previously unknown "prion" which is a small protein-like infectious particle suspected of being similar to slow viruses. There is speculation, as yet unconfirmed, that the prion may have a role in Alzheimer's disease.

A second NIA grantee has reconfirmed earlier work of studies linking high concentrations of aluminum within the affected brain cells to development of the classic neurofibrillary tangles exhibited by Alzheimer's victims.

These recent research advances have prompted the Secretary of the Department of Health and Human Services, Margaret Heckler, to establish an HHS Alzheimer's Task Force to better focus the Department's research program on the causes of and treatment for the disease. I applaud the Secretary for moving so swiftly to provide the leadership and high level coordination necessary to maximize our opportunities to enhance significantly our understanding of central nervous disorders and the related dementias of aging.

As we continue our efforts to strengthen the research effort to find a cure for Alzheimer's disease, we can and should take other steps to ease the burden on Alzheimer's victims and their families.

A greater awareness of what Alzheimer's disease is and of the problems associated with caring for Alzheimer's victims is a first step, and that is what this resolution is designed to do. It is my hope that the declaration of National Alzheimer's Disease Month will lead to better understanding of the needs of Alzheimer's patients and their families, to a heightened awareness of our entire health care delivery system of the nature of this disease, to more intensive continuing education of physicians and nurses in the management of the disease and to bolstering families who too often are struggling alone to cope with the day-to-day vigil over the deterioration of loved ones.

Mr. President, I ask unanimous consent that a recent article which appeared in the New York Times Magazine of January 16, 1983, entitled "Another Name for Madness," which details the excruciating pain and sadness associated with this debilitating disease, be printed in the RECORD at the conclusion of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Jan. 16, 1983]

ANOTHER NAME FOR MADNESS

(By Marion Roach)

In the autumn of 1979, my mother killed the cats. We had seven; one morning, she grabbed four, took them to the vet and had them put to sleep. She said she didn't want to feed them anymore. It occurred to me that she might be going mad.

A few months later, she disappeared. When she returned, after four days, she had no idea where she had been. By now, she, too, knew that something was wrong. Over

the next two years, she was subjected to periodic memory tests and physical examinations by a battery of general practitioners, gynecologists, neurologists and other physicians. Day by day, she became more disoriented. She would seem surprised at her surroundings, as if she had just appeared there. She stopped cooking, and had difficulty remembering the simplest things.

Finally, in September 1981, the neurologist who by then was in charge of the case, told my sister, Margaret, what he had suspected for some time: My mother had Alzheimer's disease.

I had had heard of Alzheimer's, but I knew little about it. I didn't know that Dr. Lewis Thomas, the science writer and chancellor of the Memorial Sloan-Kettering Cancer Center, has called it "the disease of the century," because, "of all the health problems in the 20th century, this one is the worst."

I didn't know that it ravages the brain so severely that today it is believed to be this country's fourth leading killer. I didn't know that two million American adults are afflicted with it. I didn't know that what looked to me like madness is, in fact, an organic brain disorder which begins with forgetfulness and causes a progressive—and relentless—loss of intellectual and physical functioning. I didn't know that it is irreversible, incurable and virtually untreatable. I didn't know that the doctors would be unable to tell me what causes the disease. I didn't know that I would soon begin to wonder, every time I forgot someone's first name or misplaced my keys, whether the disease could be passed from one generation to the next.

Today, my mother can no longer drive a car. She cannot be left alone. Until my sister locked the phones several months ago, she called the operator or friends many times each morning to ask what day it was. Now she just asks whoever is at the house.

She frequently looks disheveled. Until she recently began to take sedation, she would hallucinate that the television or the toaster was in flames. She repeats the same few questions and stories over and over again, unable to remember that she has just done so a few moments before.

My mother, a college graduate who used to say television "rots the mind," now spends most of her days watching it—literally watching, for she rarely turns on the sound—and smoking cigarettes. When I visit her on Sundays now, I always find her watching one of those disco dance shows. She stares at it and smokes. Until last fall, she had gone 13 years without a cigarette. She cannot remember how much she smokes—and so, she smokes about four and a half packs a day. It is one of the few things she still remembers how to do.

My mother is 54 years old. She has been a widow for almost five years. Soon, within several years, her brain will forget not only what day it is but how to perform what for most people are automatic functions: how to eat, how to walk—in short, how to live.

Not long ago, my mother was a beautiful woman. She knew it and she enjoyed knowing it. She was a blonde in daylight and a redhead at sunset. Just as she could toss on clothes and be lovely, she could toss out phrases and be clever.

She grew up in Douglaston, Queens, where she still lives today. She raced sailboats on Long Island Sound; to yacht-squadron dances, she wore red dresses.

Her name is Allene, and she liked having a name that people would ask about. She would explain that she was named after Ethan Allen, the Revolutionary War hero, of whom she is a descendant. Her family came to the United States in 1674 with the Dorchester Company of Connecticut. My mother did not know that fact. My sister discovered it only recently, while Margaret and I were researching deaths in the family. We were looking for other instances of brain disease or madness.

As a young woman, my mother wrote for her high-school newspaper and received a degree in journalism from the University of Colorado. After college, she worked as the society editor of the now defunct Long Island Star Journal, a daily newspaper. At 25, she met James Pilkington Roach, a sportswriter, who was 21 years her senior. He would put on skates and practice with the Ice Follies girls after the hockey games at the old Madison Square Garden.

My parents met at Belmont race track. They married soon after and had two daughters: Margaret, in 1954; me, in 1956.

They were very different, yet they complemented each other. My father (who became sports editor of this newspaper) liked to read Dickens. My mother preferred Hemingway. My father was a turf writer who had never placed a bet. My mother placed an occasional $2 bet with a bookie; later, my father gave her an Off-Track Betting account as a gift.

Although my mother gave up her job to raise us, she devoted part of her spare time to the Visiting Nurse Service as a volunteer. When Margaret and I were older, she became a Girl Scout leader. She encouraged me through eight years of competitive swimming and wangled a "ringer's" position for me on a Catholic Youth Organization swimming team—we were Lutherans—because it was one of the best in the city.

A few years later, when my sister and I required less of her time, she went back to school and, in 1972, she received her master's degree in education from New York University. As recently as a year ago, she taught at a bilingual Montessori school in lower Manhattan.

I can remember how, when I was a child, she would sit beside my bed in the morning and tell me to live each day as if it were my last. I remember, about three years ago, finishing the quote for her, the way I had just read it in a novel—"because some day you might be right." Both of us laughed, unaware of how ironic the joke would later seem.

Not long after, I noticed that she had stopped taking phone messages. One friend said she sounded "jealous and hostile." She would abruptly hang up on people. She became obsessed with the plumbing: She would look under the sinks and start to take apart the pipes, convinced there was a drip. She would walk away in the middle of conversations. She became repetitive, depressed. Of the doctors she had seen, her gynecologist had diagnosed her as having a precancerous condition and scheduled a hysterectomy. Maybe that was the cause for her depression and odd behavior, I thought. Maybe, too, I would explain to anyone who asked, it had to do with the onset of menopause. The possibility that she might have a disease didn't even arise in my mind.

Last year, when we finally knew what was wrong with my mother, Margaret attended the first of many meetings for family members of victims of Alzheimer's disease. After the lecture, people compared notes in small groups outside the auditorium. One person asked if we had told my mother what was wrong with her. Margaret said that we had not. Someone told her that if our mother knew what lay ahead, she wouldn't want to live, and that if we knew, we wouldn't want her to, either. Another said that if she was still capable of comprehending her condition, we should tell and give her the option to kill herself. Later, several close family friends also suggested that she be given this option. My sister's surprise at this suggestion was echoed by my own reaction: We thought they didn't understand our situation. We were sure it would never get that bad.

Alzheimer's disease was first described in 1906 by Alois Alzheimer. A patient of his, a 55-year-old woman, had displayed "progressive jealousy" and died following severe dementia, medically defined as a profound loss of memory, intellectual functioning and the ability to take care of social and bodily needs. An autopsy revealed two abnormalities in the patient's brain, the first of which was a neuritic—or senile—plaque, a spherical formation which consists mostly of degenerating brain cells. The second abnormality was something called neurofibrillary tangles. These seem to be related to neurofilaments, which are structural components present in cells and which serve various functions, including cellular movement and division. These tangles appeared predominantly in the cerebral cortex and, in particularly large concentrations, in the hippocampus—the part of the brain thought to be associated with short-term memory.

The behavioral manifestations described by Dr. Alzheimer were not new. In 1838, Dr. Jean Etienne Esquirol, an eminent French physician, had described *démence sènile* as an illness which results in a loss of short-term memory, drive and willpower, and one which comes on gradually and may be accompanied by emotional disturbances. He described it as a condition which afflicts people over 65.

Dr. Alzheimer, however, concerned himself with what happened when a similar condition occurred in people *under* 65. This became known as a "presenile dementia." At this point, it was not clear to Alzheimer or other researchers that the two conditions—senile dementia and presenile dementia—were, in fact, the same thing.

Virtually no research was done on dementia during the 50 years after Alzheimer's discoveries. Then, in the 1960's, three English scientists Dr. Bernard E. Tomlinson, Dr. Garry Blessed and Sir Martin Roth, followed 50 demented, over-65 patients through to the end of their lives. After their deaths, autopsies were performed. Comparisons were made with the brain matter of 28 nondemented, age-matched adults who died during the same period.

More than half of the demented adults were found to have pathological changes in their brains indicative of Alzheimer's disease. The scientists concluded that, in most cases, senile dementia and presenile dementia were the same disease: Alzheimer's. Other forms of dementia include multi-infarct, probably the best-known, since it results from a series of small strokes. However, most researchers estimate that 75 percent of dementia patients suffer from Alzheimer's.

Today, the National Institute on Aging estimates that of the 25 million Americans over 65 years of age, 6 percent suffer from severe dementia; an additional 10 percent are mildly to moderately demented.

Until about five years ago, there were no statistics at all on under-65 sufferers from

dementia; there still is no definitive estimate on the disease's incidence in this portion of the population, because of the lack of funding for research. For example, the National Institutes of Health contributed $19.7 million for research on Alzheimer's disease in 1982; the cost to care for only the institutionalized Alzheimer's victims that same year was about $13 billion.

In the late summer of 1979, at Margaret's suggestion, I had taken our mother to the first of a series of neurologists. She was past the point of just losing her bowling ball and misplacing her keys. She could now no longer remember many things. She would forget, for example, that we had a burglar alarm and would set it off regularly. One night she came into my room with a fistful of colored, mangled wires. She had set off the alarm and, not knowing how to shut it off, she had ripped the wires from their connections in the control box.

I sat through the interview with the neurologist. My mother did not know the day of the week. She was not clear about the time of day. She would turn to me, frightened, for help. I looked out window. Grief, I found myself thinking, is a mute sense of panic. The neurologist told me that my mother had a memory problem—no surprise. He said he thought he should monitor it for a while.

In the months following the examination, she began to deny having a problem. In fact, she was getting much worse. By Christmas 1980, my mother and I had been living together for two years. It had been 15 months since I noticed signs of change, of what I thought was madness. That December, Margaret, who had been living in California, came to New York to live with us and help us.

Although Margaret knew from our many telephone conversations what had happened, she was shocked actually to see my mother's behavior. She was also shocked at the state of the house and state of our finances. (I realize now that, despite her actions, I still clung to my parental image of my mother. There were certain things that I thought she would always be able to do.) Bills that I thought my mother had paid had been ignored. The basement was flooding each time it rained. The heating system was burning up $6,500 of oil a year and producing little hot water. The roof leaked.

Margaret took my mother to a psychiatrist and then, on his recommendation, to Dr. Barry Reisberg, clinical director and senior research psychiatrist at New York University Medical Center's well-respected geriatric study and treatment program, located in the Millhauser Laboratories in Manhattan. He is also the author of the book "Brain Failure," published in 1981, containing the first detailed case histories of Alzheimer's disease.

Dr. Reisberg was one of the first modern researchers to focus on *living* victims of Alzheimer's disease. Up to then, the common notion was that you could not be sure of a diagnosis of Alzheimer's until an autopsy had been performed.

Dr. Reisberg and other clinicians set out to find a pattern that would identify an Alzheimer's victim. They attempted to describe how demented patients behave and how their brains change in life. According to Dr. Reisberg: "Until five years ago, there just weren't any doctors who had actually sat with an Alzheimer patient and tried to see what was happening to them."

Then, in 1979, the National Institute on Aging provided funds to Dr. Reisberg to study senile dementia. Since then, he says, he has "learned a great deal in terms of changes accompanying the illness—biochemical, immunological, genetic, behavioral."

The brain changes are studied through the use of CAT and PET scans—the first observing the degree of physical change in the brain, the second studying metabolic changes in the brain. According to Dr. Mony J. de Leon, a neuroscientist at the N.Y.U. geriatric program: "In Alzheimer's, there is a shrinkage of the brain that is superimposed on the normal shrinkage which takes place in aging. It is difficult to assess, but easy to overlook. The CAT scan is the road map that shows the location of places. The PET scan tells you what is happenig inside those locations. With PET scanning, you can see an Alzheimer's brain has a 25 percent difference in its ability to utilize sugar, the brain's primary source of energy."

It is from the combined behavioral and structural changes that the diagnoses are made. Dr. Reisberg estimates that he and his associates at the program have seen close to 1,000 people and continue to screen six each week for the experimental programs that aim to cure—or at least treat—victims of dementia.

Making a diagnosis of Alzheimer's disease is a process of elimination. Depression can cause listlessness and forgetfulness. Alcoholism or drug use can impair memory. Strokes and other cerebral vascular accidents or malnutrition can also result in memory disorders. And until recently, as Dr. Reisberg explains the catchall term for the dementias was "organic brain syndrome."

"But that was never differentiated from a hit on the head," he adds. "Diseases of the mind are frequently ignored, unless they happen in the young—in the teens as schizophrenia, or in midlife as a crisis. It used to be called a wastebasket diagnosis where everything got put. What was in there was one big ball, one well-formed entity, but nobody had pulled it out and looked at it."

During the day, the Millhauser Laboratories are full of patients, many of whom show what Dr. Reisberg and other clinicians now consider the characteristic signs of Alzheimer's disease. Many shuffle, others fidget. They forget the most basic facts: the name of the President, what season it is, how to dress. They experience extraordinary agitation. They repeat the same questions incessantly. They do want to know, they do want to remember—but they can't. While they can still speak, they are proud to tell you what little they can still retain. But they can't recall that they have just told you—so they tell you again and again.

My mother speaks mostly in non sequiturs. She will tell you that she lost her Nimblet, a small sailboat, in the hurricane of 1946. She will tell you that she met my father because "he was the slowest writer in the press box." Just why she tells you those particular things will remain unclear, but if you stay 20 minutes, she'll tell you those stories all over again. If you stay the day, you will hear them more times than you can count.

If she lives for three years, if she lives until she is 57—if she doesn't get out and get lost or swallow a poison—more than her memory will be gone: She will almost assuredly lose control of all her bodily functions and will have to be fed, bathed and dressed.

"We know a lot about the changes," Dr. Reisberg says. "we don't know what causes them."

In August 1981, shortly before the diagnosis of Alzheimer's disease was made, my mother and I flew to Martha's Vineyard together to visit friends. My sister brought my mother to the airport from the house they share in Douglaston (I had taken my own apartment in Manhattan that July). I wanted to give Margaret a rest, and I thought it might be good for my mother and me to get away together, to be with old friends.

On the plane, my mother—who in the last eight years had traveled alone to Europe, China and Egypt—asked me: "Where are we going? . . . Do we have tickets home? . . . When are we coming back? . . . Why are we going away?" I thought she didn't trust me, didn't think I was capable of making the arrangements.

I gave her a book, but she didn't look at it. As we flew over Block Island, where I had been sailing recently, I was describing the cliffs and the freshwater ponds. She asked, "When are we going home?" I reminded her about our hosts, about their house and their dog with the French name. She asked, "Where are we going?" After we were picked up at the airport, she asked where we were.

When we reached our friends' house and unpacked, I noticed that every outfit, every section of her suitcase was labeled in large, perfect print. Her vitamins were in a box of sections with the days of the week pasted over them. All this was Margaret's doing.

My mother spent the weekend in a state of high agitation. She could not sit still. She followed me into every room, asking me again and again when we were leaving, if we had tickets.

She slept soundly and deeply. She ate like an animal. She reached for things which were not offered to her. She tapped her feet incessantly. I would grab her knee, under the table, holding her leg down, and softly ask her not to do it. I explained to her that it interrupted conversation. She would start again. Tap, tap, tap, quick hard beats on the wooden floor.

Our hostess brought out a coffee cake and put it at more than arm's reach from my mother. She grabbed at the box, ripped off a hunk of the cake and stuffed it into her mouth.

I was horrified and I was scared. But I didn't know what to do or say.

Our hosts, a sportswriter and his wife, had been friends for many years. He had written my father's obituary. He would talk and my mother would listen. She would join in on the obscure dates and the names of those on the trains to the Derby, and she would smile. Then she would turn to me and ask if we had tickets home.

I cried when we left. I cried because I would be alone with her again. I cried because I was scared and because I did not understand.

Dr. Reisberg has since told us that to understand my mother's behavior, you have to imagine yourself a woman contemplating losing her mind. He said that the mind will not tolerate this conclusion, and so the denial, the questions, the constant questions, which are an appeal for some confirming sign that she is not losing her mind. But she cannot retain the answers, and she cannot remember that she just asked the same questions.

As the plane took off, she asked, "Why are we leaving?"

Margaret met us at the Marine Air Terminal. I had not expected her, but I was relieved to see her, to be able to tell her about

the weekend. Before I could begin, she began to cry.

"It's Alzheimer's disease." she said. "I spoke with the doctor this morning."

Though we now knew what to call my mother's affliction, and even what its effects would be, we still had no idea what actually causes the disease. One of the researchers trying to answer that question is Dr. Peter Davies, a neuroscientist at the Albert Einstein College of Medicine in the Bronx.

One theory is that the disease is caused by a virus. Examination of the material in the brains of Alzheimer's victims has revealed that the neurons, or nerve cells, which secrete acetylcholine, one of the important chemical neurotransmitters, are destroyed. Polio, known to be a viral disorder, also attacks neurons. The difference is that polio ravages only motor neurons—that is, neurons used in muscular movement. It largely leaves the rest of the brain unharmed. In contrast, it is hypothesized that Alzheimer's disease *primarily* attacks those neurons related to the higher functioning of the brain.

Usually, when a virus enters the brain, an immune reaction begins, in which white blood cells also invade the brain to combat the virus. In their inability to distinguish the intruding virus from the host, the white blood cells may undiscriminately destroy brain cells as well. There is no sign of an immune reaction in the brain of an Alzheimer's sufferer. Neither is there any evidence of the presence of a virus. "But there is a progressive disease occurring," says Dr. Davies.

One possibility is that Alzheimer's is caused by a "slow virus," a virus which is dormant until the necessary conditions—toxic, environmental or perhaps chronological—are present. Yet even slow viruses are usually transmittable, and Alzheimer's disease does not appear to be.

"A lot of researchers have tried to transmit it," says Dr. Davies, "and no animal injected with Alzheimer's tissue has gotten it. Maybe the virus doesn't like anything but humans, but there is no evidence of transmission from person to person. No husband and wife have ever gotten it. If it's a virus, it's a bloody strange beast."

It is also possible that Alzheimer's is genetic. Lonnie Wollin, the president of the New York chapter of the Alzheimer's Disease and Related Disorders Association, with headquarters in Chicago, has five family members—his father, his father's two brothers and two sisters—who are victims.

"There certainly are cases where it runs strongly in families and there seems to be a gene in the familial cases," said Dr. Davies. "But there are so many cases which do not fit into this pattern. One in six of us will get this disease, if we live to be 85. To separate genetics and chance is difficult. In 95 percent of the cases, there is no strong evidence of inheritability."

Following my mother's diagnosis, Margaret and I went through a period of research into Alzheimer's disease, memory disorders, senility. We poured through old newspapers and magazines. We read that the youngest recorded case of Alzheimer's disease was a Japanese woman, diagnosed at age 28, who died in 1981 at 33. We learned that chemotherapy research was being conducted, but that its results were only experimental. We looked in the phone book for some kind of organization or association concerned with Alzheimer's disease. There was, at that time, no listing. What we were looking for was more than information: We were looking for a cure, a little-known treatment, a shred of hope.

My mother became quiet, withdrawn, embarrassed. Sometimes she would look at us and say, "What's wrong with me?"

Margaret grew ever more diligent and determined. She labeled every drawer in my mother's bureau, the items in the medicine chest. Simple directions were pasted to the stove ("Put butter in pans before cooking food"), the toaster ("Unplug"), her alarm clock ("This time is correct"). My sister would choose clothes for my mother and plan her activities. She bought her a date book and a phone with automatic memory dialing.

With the progression of the disease, my mother took less interest in her work as a teacher. Starting in the spring of 1980, Margaret received frequent calls from the school, saying that she was uninterested and often did not show up. My mother was eventually taken from her classes and offered a clerical job.

That angered her. She would skip work and stay in bed. She would insist that there was nothing wrong with her. Denial, Margaret told me, is a clear expression of one stage of the disease. After three months in a clerical position, my mother left her job last January.

Through phone calls and more phone calls, Margaret did find an association of the families of Alzheimer's victims. We went to our first meeting in the winter of 1981. About 150 people gathered on Long Island to establish a Queens chapter of a family-support network started by Oscar Kanny, the husband of an Alzheimer's victim.

A doctor spoke. He wrote out the seven manifestations on a blackboard. The first three—agitation, disorientation and denial—were familiar to us by now. The others—incontinence, violence, loss of speech and death—seemed impossible.

At one point in the talk, a man stood up in the audience and said, "My wife doesn't do that. She doesn't have it, right?" The doctors looked at one another. They had seen this before. They asked about the diagnosis. They said they were familiar with her physician and, although there was a chance, the diagnosis was probably correct.

Like a skeptic at a gospel meeting, the man stood up again, insisting he had seen something that made him know he was right, that his wife didn't have "it."

People shook their heads. Some tried to quiet him. They told him to accept it. When he finally became quiet and his hope vanished, I felt mine go, too.

There is no present cure for Alzheimer's disease. There isn't even any treatment except for sedation, which is known as "management." As the brain increasingly forgets to tell the body how to act, the victims increasingly lose their ability to know what to do. They can be dangerous to themselves and to others. They need custodial care, and this is not covered by most health-insurance plans, which are designed to underwrite medical services.

Margaret went to a New York attorney, Peter J. Strauss, who specializes in "senior citizens' law" and, additionally, in cases involving Alzheimer's disease. Last year, he and his partner, Robert Wolf, counseled more than 100 Alzheimer families. He advised us how to protect what money my mother had so it could be used for her care.

"Estate planning has always focused on distribution of property at death," said Mr. Strauss, who also sees a need for planning against the possibility that the head of the household might become incompetent and require long-term care. "But now I program in a dimension I never used to—the possibility of long-term health care. I raise the issue of the alive but incapable person—shifting the focus from what happens at death to what can happen in life."

"The problem with Medicare," adds Mr. Strauss, "is that people think they are protected and don't explore other avenues of coverage."

Medicare aids those 65 and over and those under 65 who have received Social Security disability payments for two years. Medicaid is designed to provide benefits only for the poor. But neither Medicare nor Medicaid is adequate to help Alzheimer's victims, who are incurable and therefore untreatable. Medicare, Mr. Strauss says, has extremely limited coverage for home care in general, and none at all for Alzheimer's disease; nursing-home coverage is just as limited. The problem is devastating for married couples, according to Mr. Strauss: "Without proper planning, the healthy spouse could be left without funds."

He told me of cases where there were joint assets of $80,000 and all but $4,000 had to be expended on care before the ill spouse received Medicaid coverage for a nursing home.

At 54, my mother is not yet eligible for Medicare. She is also not poor, so she does not qualify for Medicaid. But with nursing homes averaging $30,000 a year, she would be very poor if she lived to 65.

Not that nursing homes, whose legal responsibility to accept Alzheimer's victims remains unclear, are eager to take on Alzheimer's patients. Margaret and I have been turned down for even an interview at the two nursing homes we have called. One administrator told me my mother was "too young," that the home wouldn't consider her until she turned 65. The administrator of a different home said that Alzheimer's victims are "unmanageable," that they might take her now but that they would probably "let her go" later, when she got "bad." We have since been advised that it would be better to lie rather than identify her disease as Alzheimer's to the administrators of any future homes to which we may apply. There are nursing homes that will accept Alzheimer's victims but, so far, Margaret and I have not found one where we would be willing to place my mother. We don't expect miracles from a nursing home. We do, however, hope for gentle, intelligent care and cleanliness.

"My major concern," said Dr. Lewis Thomas, in his office at Sloan-Kettering, "is that nursing homes are just not going to be able to cope with it. The numbers of cases coming in the next two decades alone is going to be so great that I doubt that nursing homes, no matter how many there are, are going to be able to deal with the case load."

"But," he added, "home care, although less expensive, is extremely difficult, and Alzheimer's causes more damage to the family than any other disease I can think of."

Another researcher adds, "This is an embarrassing disability. It is easier to say my father had a stroke than to say my mother has Alzheimer's disease."

Margaret and I have no relatives but my mother. The decisions we make are made together. Margaret works until 11 at night and on weekends. We have a young woman who lives in the house from Monday

through Friday. Another woman comes on Friday and Saturday nights. Yet another takes my mother out—for rides or to the movies—three afternoons a week. But the burden of care is on my patient sister, who manages the schedules and sees my mother daily. I work during the day. I am with my mother on Sundays.

As I have gotten to know this disease, I have felt ashamed at my own embarrassment. I find myself explaining her condition to people, to excuse her behavior. Sometimes I do this in front of her and, for an instant, my mother will look terribly embarrassed. I see it in her face and I feel very unlike a daughter. I feel like a traitor. And then she will forget my explanation of her "memory problem," and her questions and repetitions, along with my embarrassment, will continue. Alzheimer's victims are likely to say or do anything during the stages just before they can do literally nothing for themselves. It is difficult to know what to expect. The anticipation is sometimes the worst part.

We are angry. We are angry that our mother is 54 and is losing her mind. Margaret has to have strangers living in her house. I was angry that my sister was losing her privacy. We were angry at the diagnosis. We were angry at the lawyer's office, where we learned how difficult it would be to qualify for Federal medical assistance. We are angry that we have to lie to get an interview with a nursing home.

These days, my mother wakes Margaret during the night to ask her what time it is, when she is going bowling, to check her television to make sure it's off. She tells me, over and over again, that I am prone to cancer, because my father had it.

I have become short-tempered with my friends when they repeat themselves. Margaret and I attend group counseling sessions in the Millhauser Labs for relatives of Alzheimer's victims. It allows us to speak about the disease with people who have similar problems.

I sometimes dread the weekends. I try not to cry in front of Margaret, who tries not to cry in front of me. Margaret and I have discussed the possibility of our contracting the disease. If I get it, I have said that I'd want Margaret to kill me; she has said the same.

With each other as with our friends, we talk mostly about our mother. Someone I once dated said recently that my mother's disease is an "albatross" for anyone who might date me now, and that it would be impossible for us to have a future relationship because "I wonder if you might get what your mother has." Someone Margaret went out with asked whether our mother's condition was congenital, on the first date.

We are angry that many of her friends have stopped calling. Only a handful of my mother's old friends still call, still take her out bowling or shopping.

The season was upon us. My sister and I shopped for Christmas presents as if they were for an impaired child—no buttons; things that cannot become untucked—not for someone who should be in the prime of her life.

The season was here. With the visitors and the cards, it stayed for a while; the season of small intimacies and loving conspiracies to surprise each other at the holidays.

Right before Christmas, my mother and I went to see Dr. Reisberg. She was asked to write a sentence. She wrote, "Merry Christmas!" He asked her to write something longer. She wrote, "I have a memory problem."

When we left, we walked along the East River in the snow. We passed a girl who might have been 9—a redhead, like me—swaying under the weight of packages. When I was a child, my mother would point out adult redheads and tell me whether or not she hoped I grew up to look like them. As I got older, she would point out children and tell me whether I had looked like that. It was a routine.

She passed the girl with the packages without a word. I tried to begin our routine, saying, "Another redhead." My mother looked straight ahead.

I know that we will never again have that on-the-bed, stomach-down, real-truth time together. It was during one of these that I decided that my favorite color was green because she said it was hers. My favorite color still is green.●

● Mr. GLENN. Mr. President, the fear of losing one's mental faculties is perhaps as great as any human fear can be. It was three-quarters of a century ago when Alois Alzheimer first described a progressive and relentless deterioration of brain functioning which struck its victims in middle-age. Over the years, however, the perception persisted that the so-called senility of elderly citizens was a natural part of the aging process. Today, scientists believe that as many as half the dementia of old age stem from disease striking in middle years, as Alzheimer described so many years ago.

This illness, now known as Alzheimer's disease, apparently impacts individuals differently; there is sometimes a gradual, sometimes a rapid deterioration of brain functioning. As more people live longer, the wasteful incidence of this devastating ailment will grow. Already, it is estimated that 5 to 6 percent of Americans over age 65 suffer from the disease. Alzheimer's disease, with complications relating to it, is cited as the fourth leading cause of death among elderly Americans. About half of Alzheimer's aged victims are cared for in nursing homes. The costs of caring for such a patient are high both in dollars and in emotional upheaval for the individual and his or her loved ones. Inevitably, there is frustration, anger, grief, and tears for all concerned.

The White House Aging Conference said some 3 million Americans now suffer from dementia in their older years. Fortunately, recent breakthoughs in medical research have shed a little light on aspects of Alzheimer's disease and identified several other causes for the conditions of memory loss and confusion related to, and in the past misdiagnosed for the disease. These disorders, known as "pseudodementia" can be treated. While Alzheimer's disease remains incurable at this time, there is reason for hope.

Scientists, doctors, and support groups are dedicating many hours of expertise and effort to providing relief, if not a cure, from the disease. Trained medical specialists can now diagnose Alzheimer's with a progressively better degree of accuracy, by testing for other factors that might be causing the symptoms. An early diagnosis of the degenerative disease can provide a victim with time to spend with his or her loved ones before the ailment's progressive deterioration takes full force, and precautions can be taken to stay as healthy as possible.

The National Institute on Aging (NIA) facilitates Federal investigative efforts in Alzheimer's disease. Since the creation of the NIA as part of the National Institutes of Health, Federal research in the disease has significantly increased. The NIA is beginning a concentrated study of all aspects of the disease beginning from ways to ease the impact of the illness for the individual patient to ways to ease the disease's burden on the disrupted family. The NIA is recruiting some 80 victims of Alzheimer's and their families to analyze and aid in this program.

Public awareness of Alzheimer's disease and what it means to its victims and their families is growing. Public awareness is also growing that remedies may be found for those exhibiting Alzheimer-like symptoms but suffering from another disorder.

Support groups are forming across the country and this represents a solid beginning. These groups provide information about specialized programs of treatment, services, and coping techniques. In some instances, a victim or his or her relatives may approach these groups before seeking a physician's aid.

As the ranking minority member of the Senate Special Committee on Aging I am proud to cosponsor this resolution which would designate November as National Alzheimer's Disease Awareness Month.

Reading about the disease and its impact is one way of increasing public understanding. I would ask unanimous consent at this point that an article from the Journal Herald of August 17, 1982, be reprinted in the RECORD at the close of my statement. This article captures the cruelty and destruction of the disease and what one community support group—the Dayton Area Alzheimer's Association—is doing about it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal Herald, Aug. 17, 1982]

CONSUMER HEALTH

(By Carol Cancila)

Ruth Froehlich was only 54 when "the pictures in her mind just stopped developing," explains her husband, Louis.

It started with little things, memory lapses. "She'd stop the car at a stoplight, a half-mile away. She started getting lost on her way home from the store, and we'd lived there 22 years."

On this rainy Sunday afternoon, Froehlich and about 60 other members of the Dayton Area Alzheimer's Disease Associa-

tion are listening to a physician speak about the irreversible brain damage or premature senility that comes with this disease.

Meanwhile, a pretty woman in a navy and white dress sits quietly in the audience, smiling graciously as someone brushes by. She begins a remark, touching her hair, which is dark, only touched with gray. But the remark gets trapped, it seems, in a torrent of indistinguishable mutterings. And once again, there is silence.

Later, Lou Froehlich and others at the meeting share bits of their personal stories. Before the inroads of Alzheimer's, Ruth Froehlich, says her husband, "was the most active person." Her list of accomplishments was admirable: president of the League of Women Voters, president of Temple Israel's Sisterhood, chairwoman of the community chest drive one year, mother of two sons, a grandmother.

But the years Ruth could have spent enjoying her retirement have been lost now, laments her husband. What is left is progressive intellectual destruction which will eventually cause death.

Her disease, the fourth leading killer in the United States behind heart disease, cancer and stroke, plagues some 1.5 million Americans. It is called Alzheimer's Disease, a sometimes gradual, sometimes rapid deterioration of the brain.

It is *not*, as was once thought, a natural result of aging. More than 60,000 people suffering from Alzheimer's or a related disease were diagnosed in their 40s and 50s. And thousands more, health professionals now estimate, are improperly diagnosed or not diagnosed at all.

"Only a few years ago," says Molly Boyenga, president of the Dayton Area Alzheimer's Association, "a lot of doctors would just brush this off as part of the natural aging process. Now we know that's a terrible fallacy. It is *not* normal for people in their 50s, 60s, even 70s to experience great losses in thinking capacity."

In Ruth Froehlich's case, doctors first thought her symptoms were due to failing eyesight, says Lou Froehlich, "because it started when she couldn't read street signs and was having these problems getting lost. Then in 1972, after several examinations, they said, " 'It's not her eyesight.' "

The Froehlichs immediately scheduled a complete neurological examination at the Mayo Clinic and this time "they found something definitely was wrong with the brain, but they didn't put a name on it."

While there, Froehlich recalls, the experts asked Ruth to draw a rough sketch of their home. "And you never saw such a monstrosity. And this was the home she'd raised her children in."

It was another year before Ruth's condition was finally diagnosed as Alzheimer's. And the family learned what they had feared: There would be no cure; the deterioration would be progressive. The result, eventually, would be death.

A dizzying round of trips—to Harvard Medical School, McGill University, Albert Einstein College of Medicine in New York, Bethesda Hospital in Cincinnati—proved futile in finding a cure. But each time, says Froehlich, "we learned a little more about what we were up against. We decided we would just keep her healthy and try to prolong her life as long as possible."

Research on Alzheimer's is still in its infancy and though increasingly families are making provisions upon a victim's death to donate the body to research, it may be decades, experts say, before substantive medical treatment is known.

Currently the only medical prescription advised is to diagnose the disease as early as possible, "basically so you can still have some time together," says Froehlich.

Then once the disease begins taking its toll, blocking out learned skills such as arithmetic and typing, flattening personality, the only recourse, says Froehlich, "is tranquilizers, which serve basically as palliatives, a necessary evil to keep the victim less depressed and help the family or caretaker."

But Lou Froehlich is an optimist. "I'm a cocky individual. My glass is always half full," he says. And "greatly due" to that spirit, says Boyenga, Dayton now has a very active Alzheimer's Association. It was partly the need to build something out of personal tragedy, partly the need to establish a list of qualified caretakers to provide respite for families that lead Froehlich to call Molly Boyenga and social worker Doris Palm one day last year and say, "Let's get organized again."

The association started two years ago, but time constraints prevented original members from keeping the meetings going. "Now we've learned a lot," says Boyenga. The group has reorganized and is now incorporated, thanks to some legal help from the Froehlichs' two sons. In January, the first meeting brought in "33 people on the coldest day of the year," says Boyenga. Since then the group has been holding bimonthly education meetings and a weekly support group which meets at the South Community Mental Health Center. It's open to the public, says social worker Eleanor Kautz, who co-leads the group with Doris Palm. "Anybody can come."

And that support is important, believes Boyenga, "because there are a lot of problems in store for families. Probably the hardest decision we had to make was choosing a nursing home." And then, says Boyenga, whose mother has the disease, "visits are so difficult. She's 62, in the prime of her life. And she doesn't even know where she is."

From her experience and that of countless others, Boyenga knows another frustration for families is that medical professionals are only now starting to recognize the disease. If a patient exhibits intellectual deterioration, families may want to schedule a neurological appointment with a specialist, she says. And since there is no cure, at least diagnosing the disease can help families know what they're up against, says Boyenga. "Without knowing, families can go through a lot of guilt. They don't want to put their loved ones in a nursing home, yet they find they often have no other choice as the patient gets more difficult to take care of."

"It's heartbreaking for the families," says Boyenga. She uses this analogy, taken from a story written by a Chicago Tribune reporter whose mother has the disease, to describe the effect: "It's like watching someone locked in a room. He first finds the windows are stuck shut, then the telephone cord is cut, then the doorknob comes off in his hand. There is no way out, and confusion turned to fear."

"In many ways it's the cruelest of diseases," says Boyenga. "It's like watching your loved one die again each day."

Boyenga suggests that those who suspect a loved one might have the disease make careful observations because currently the disease is difficult to diagnose and can be mistaken for other things. (At the recent Alzheimer's meeting, one father said his 52-year-old daughter was diagnosed as mentally ill. Another man said when his wife, in her 60s, started having difficulty saying and recognizing words, the doctor said she was developing a speech impediment.)

The latest medical journal statistics indicate more women than men seem to be victims of the disease which runs in families and does seem to stem from brain nerve tissue which has become twisted. Medicare and Medicaid do not recognize the disease, however, and that can present a financial strain for families paying the high cost of full-time, professional care.

"Right now we're trying to raise money to approach foundations," says group treasurer Lou Froehlich. "We want to become a national affiliate so we can contribute to research and we feel there is a very definite need for education of doctors and nurses in this area."

In the meantime, Froehlich adds: "If we can support each other . . . Well, we have to. The survivors are the ones who have to go on now, and that's what we try to do."

For more information about Alzheimer's disease, the Dayton association or the support group, call Doris Palm, 435-0151 or Eleanor Kautz, 435-6660.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. FORD, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 12, a bill to provide for a 2-year Federal budget cycle, and for other purposes.

S. 44

At the request of Mr. KASTEN, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 44, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 49

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 57

At the request of Mr. SPECTER, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 108

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1954 to encourage contributions of equipment to postsecondary vocational education programs and to allow a credit to employers for vocational education courses taught by an employee without compensation and for temporary employment of full-time vocational educational instructors.

S. 137

At the request of Mr. ROTH, the name of the Senator from Wyoming

(Mr. SIMPSON) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 152

At the request of Mr. JEPSEN, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 215

At the request of Mr. THURMOND, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 215, a bill to amend the Bail Reform Act of 1966 to permit consideration of danger to the community in setting pretrial release conditions, to expand the list of statutory release conditions, to establish a more appropriate basis for deciding on postconviction release, and for other purposes.

S. 222

At the request of Mr. KASTEN, the name of the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 222, a bill to repeal the withholding of tax from interest and dividends and to require statements to be filed by the taxpayer with respect to interest, dividends, and patronage dividends.

S. 450

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service by authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 480

At the request of Mr. PRESSLER, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 480, a bill relating to the transfer of civil land remote sensing space satellite systems and meteorological satellite systems to the private sector.

S. 554

At the request of Mr. PELL, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 554, a bill to authorize the Secretary of Education to provide financial assistance to States for the training and retraining of older Americans.

S. 567

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 567, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 596

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 596, a bill to provide surplus commodities to farmers who lost grain stored in certain insolvent warehouses.

S. 671

At the request of Mr. MCCLURE, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 671, a bill to authorize a national program to encourage dam safety.

S. 673

At the request of Mr. MCCLURE, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the credit against tax for contributions to, individual housing accounts.

S. 704

At the request of Mr. HEINZ, the names of the Senator from Colorado (Mr. HART), the Senator from North Dakota (Mr. BURDICK), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 704, a bill to establish the Crime Victim's Assistance Fund.

S. 752

At the request of Mr. ARMSTRONG, the name of the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 752, a bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

S. 764

At the request of Mr. SASSER, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 836

At the request of Mr. PELL, the name of the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 836, a bill to provide for the continuation of the National Diffusion Network.

S. 858

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. DECONCINI), the Senator from Alabama (Mr. DENTON), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Incorporated.

S. 859

At the request of Mr. THURMOND, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as cosponsor of S. 859, a bill to amend title 38, United States Code, to require the continued payment of disability compensation at an unreduced rate pending review and appeal of a determination to reduce or discontinue such compensation by reason of a change in service-connected or employability status or in physical condition in the case of any veteran whose disability has been rated as total for a period of at least 10 years ending on the date such determination was made, who files a statement of disagreement with such determination, and who requests such continued payment, and for other purposes.

S. 870

At the request of Mr. ARMSTRONG, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 870, a bill entitled "The Federal Contractor Employees Flexitime Bill."

S. 911

At the request of Mr. CHILES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 949

At the request of Mr. CHILES, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 949, a bill to provide a program to increase the literacy of the American public in the fields of mathematics, science, and technology, and for other purposes.

S. 966

At the request of Mr. MCCLURE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 966, a bill to amend the Act of October 20, 1976 (90 Stat. 2662), as amended.

S. 968

At the request of Mr. EAST, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 968, a bill to provide for revision of the military retired or retainer pay of certain retired members of the Armed Forces who were called or ordered to active duty between October 1, 1963, and October 1, 1971.

S. 971

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 971, a bill to authorize the Secretary of Health and Human Services to expedite research on a disease or disorder which constitutes a public health emergency.

S. 972

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 972, a bill to appropriate funds for epidemiological and medical research on acquired immune disorders and related opportunistic infections.

S. 1005

At the request of Mr. D'AMATO, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1005, a bill to provide assistance for the construction, acquisition, and renovation of State and local correctional facilities.

S. 1007

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1007, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States.

SENATE JOINT RESOLUTION 28

At the request of Mr. TSONGAS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 28, a joint resolution calling for immediate negotiations for a ban on weapons of any kind in space.

SENATE JOINT RESOLUTION 45

At the request of Mr. BURDICK, the names of the Senator from Mississippi (Mr. STENNIS), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 45, a joint resolution designating November 20 through November 26, 1983 as "National Family Week".

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. LONG), the Senator from Florida (Mrs. HAWKINS), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the month of August 1983 as "National Child Support Enforcement Month".

SENATE JOINT RESOLUTION 68

At the request of Mr. SPECTER, the names of the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Maine (Mr. COHEN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of Senate Joint Resolution 68, a joint resolution to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day".

SENATE JOINT RESOLUTION 78

At the request of Mr. GORTON, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1983, as "National Organ Donation Awareness Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. MATSUNAGA, his name was added as a cosponsor of Senate Joint Resolution 79, a joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week".

At the request of Mr. D'AMATO, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Oklahoma (Mr. BOREN), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 79, supra.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Georgia (Mr. NUNN), the Senator from Idaho (Mr. SYMMS), the Senator from Alabama (Mr. HEFLIN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

SENATE RESOLUTION 100

At the request of Mr. WALLOP, the names of the Senator from Nevada (Mr. LAXALT), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. SYMMS), the Senator from Idaho (Mr. MCCLURE), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Resolution 100, a resolution relating to the building of weapons for deployment in space.

SENATE RESOLUTION 111—ORIGINAL RESOLUTION REPORTED RELATIVE TO EXPENDITURES BY THE SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 111

That Senate Resolution 333, section 21, paragraph (b), 97th Congress, be amended by striking out "$597.710" and inserting in lieu thereof "$600,210".

Resolved further that Senate Resolution 76, section 21, paragraph (b), 98th Congress, be amended by striking out "$623,490" and inserting in lieu thereof "$620,990".

AMENDMENTS SUBMITTED FOR PRINTING

BANKRUPTCY COURT AND FEDERAL JUDGESHIP ACT OF 1983

AMENDMENT NO. 546

(Ordered to be printed and to lie on the table.)

Mr. GORTON (for himself and Mr. JACKSON) submitted an amendment intended to be proposed by them to the bill (S. 1013) to amend title 28 of the United States Code regarding jurisdiction in bankruptcy proceedings, and to establish new Federal judicial positions.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 14, at 2 p.m., to hold a hearing on controlling space weapons.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY

Mr. BAKER. Mr. President, I ask unanimous consent that Subcommittee on International Economic Policy of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 13, at 10:30 a.m., to hold a hearing on continuation of U.S. stake in the global economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 13, in order to receive testimony concerning the nomination of Mr. William H. Barbour, Jr., of Mississippi, to be U.S. district judge for the southern district of Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of

the Senate on Wednesday, April 13, at 3 p.m., to hold a business meeting to markup S. 726, the Tribally Controlled Community College Assistance Act, and to consider amendments to Senate Resolution 333, section 21, 97th Congress, and Senate Resolution 76, section 21, 98th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 21, at 2 p.m., to hold a hearing on the Freedom Information Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, April 13, at 9 a.m., to hold a hearing to review the dairy price support program.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, April 14, at 9 a.m., to hold a hearing to review the dairy price support program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to have met during the session of the Senate on Tuesday, April 12, at 2 p.m. for a meeting with its National Advisory Council to discuss small business issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, April 13, at 2 p.m., to consider the nomination of Mary Wiesemen to be the Inspector General at the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PREPAREDNESS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Preparedness of the Committee on Armed Services be authorized to have met during the session of the Senate on Tuesday, April 12, at 2 p.m., for the purpose of reviewing S. 675, the fiscal year 1984 Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON BUDGET AUTHORIZATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Budget Authorization of the Select Committee on Intelligence be authorized to have met during the session of the Senate on Tuesday, April 12, at 2 p.m., to hold a closed session to receive a briefing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 14, at 9:30 a.m., to hold a hearing on the Management of the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 14, at 2 p.m., to receive testimony on S. 919, the Equal Access to Justice Act reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, April 15, at 9:30 a.m., to consider S. 49, a bill to redesignate public land in Alaska to allow hunting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE DETENTION OF LECH WALESA

● Mr. D'AMATO. Mr. President, I rise to express my outrage over the most recent detention of Solidarity Leader Lech Walesa by the Communist authorities in Poland. Reports from Gdansk, today, indicate that Walesa was seized by armed security police and taken from his home early this morning. This action is yet another example of officially sanctioned harassment of Walesa, who was confined for more than 11 months as a result of his efforts on behalf of Polish workers. While this is not the first provocation since his release last November, the timing of this act of blatant disregard for Walesa's civil liberties is most significant.

The International Labor Organization has repeatedly requested permission to send a representative to Poland in order to investigate the Jaruzelski regime's continued denial of basic rights to Poland's 19 million workers. Thus far, the Polish Government has rejected such requests. In addition, Walesa's detention raises serious questions with regard to the papal visit by John Paul II, scheduled for June.

As a member of the Commission on Security and Cooperation in Europe, I am particularly concerned over the unwarranted incarceration of Lech Walesa and I encourage Members of the Congress and the administration to speak out in support of this brave individual and the oppressed people of Poland.●

OUR NATION'S BANKS: PROFITING FROM THEIR MISTAKES

● Mr. HUMPHREY. Mr. President, proponents of an $8.5 billion expansion of the U.S. commitment to the International Monetary Fund have included among their arguments the point that an increase in the Fund's resources will protect the stability of the international banking system in general, and more particularly the standing of many of our Nation's largest banks. After reading the 1983 Annual Banking Survey, published in the April 11 issue of Forbes magazine, one cannot help but wonder if anyone has bothered to tell the banks that they are supposed to be in so much trouble.

As the survey's authors point out, the banks have adopted tactical bookkeeping maneuvers to insure that the real impact of their shaky foreign loans does not filter through to the bottom line. An increase in the resources of the IMF will lead directly to greater demands for private bank lending, which in turn will cause this charade to be played out still further.

If 1983 is going to be as good a year for the banks as the analysts predict, Mr. President, they should not fear a partial write-down of these loans to more realistic values. If the predicted performance of the banking industry is illusory, it is all the more reason to guard against a situation in which incapable foreign borrowers will pull them more deeply into the hole simply because the IMF, in a market-defying allocation of capital, makes its assistance contingent upon greater bank exposure. In essence, the time has come to reject the IMF quota increase and to rely upon the free marketplace to expose the reality of the international

debt situation. Again, if the Forbes survey is any indication, now is the ideal time to do it.

I ask that the article appear in the RECORD at this point.

[The article follows:]

NEARER, MY GOD, TO THEE?

(By Ben Weberman and Robert McGough)

It reminds us of those grim jokes about rearranging the deck chairs on the Titanic. At a time when a good many people think the banks will never again see billions of dollars that they so airily lent to foreign countries, the bankers, nothing if not resourceful, have figured a way to reshuffle the doubtful loans in such a manner as to help ensure the banks a banner year for 1983.

How can that be? It's really very simple. Manufacturers Hanover (assets: $64 billion) shows how this works. Manny Hanny had about $1.7 billion at risk in Mexico, but since the Mexicans couldn't pay the short-term loans, the bank, like its colleague banks, agreed to "convert" about half the Mexican paper into much longer paper (eight years). In return, the Mexicans agreed to increase the interest rate from 0.6 percent above the London interbank rate to 2.25 percent over. Of course, Manny Hanny isn't getting cash; it simply tacks the interest on to the existing debt. Never mind: Whether cash or not, the higher interest can be carried right to the bottom line. From Mexico alone Manny Hanny stands to benefit to the tune of $15 million or so this year. Meanwhile, all the banks are benefiting from the well-known stickiness of interest rates on the downside. Almost across the board—in loans to corporate customers and individuals as well—the banks are seeing to it that the interest rates they charge are dropping more slowly than the interest rates they pay for money.

Are the stockholders getting an honest count in all this? It depends on what happens to the world economy and in world politics. Since no one can predict the future, the banks are justified in assuming things will come out right in the end. They usually do.

But what about writeoffs on loans that have clearly gone bad? Oh, there will be plenty of them, but so far, at least, the banks have easily handled them out of accumulated loan-loss reserves. The reserves are established in good earnings years when a few million dollars taken out of profit don't mean much. Fortunately for the banks, they don't have to mark their foreign loans down to anything like true market value. See what we mean about rearranging the deck chairs to divert the passengers from that gaping hole in the hull?

So, now you know why the stocks of the money-center banks have been so strong in spite of all the scare stories in the press and on the tube about defaults on foreign loans. Citibank, for example, has almost doubled from its summer low of last year. Chemical, Manufacturers Hanover and J. P. Morgan are up almost as much. Chemical hit an all-time high this year and some of the others could easily do so if the market continues to rise.

Here is what the consensus of a group of analysts is predicting for the big New York City banks this year (net income per share before securities transactions):

Citicorp: $6.50–$6.75; up from $5.50. Consumer business is turning profitable and could contribute $150 million to earnings, more than double 1982's results.

Chemical: $9.55 to $9.70; up from $8.69. Chemical, along with J. P. Morgan, established the low point for loan losses in 1982.

J. P. Morgan: $11.30; up from $10.67.

Chase Manhattan: $11.50–$12.50; up from just under $8. A turnaround, but still facing immense problems.

Bankers Trust: $8.55 to $9; up from $8.73.

Manufacturers Hanover: $8.40; up from $7.82.

Not that the banks don't have plenty to worry about. Consider:

Deregulation of interest rates has made the business a lot tougher and more competitive. That situation is getting worse from the banks' viewpoint, not better.

While stockbrokers and other are moving into banking, the banks get a hard time when they try moving into other people's bailiwick. The banks are slowly getting their way but the question still remains: How good will bankers be at insurance? How good at stock brokerage?

The price of oil. The price of oil? What's that got to do with banking? Plenty. A total collapse of OPEC leading to $19 or $20 oil would be good for most of the American economy, but it would be a body blow to banks who have lent heavily on the expectation that the price of oil "could only go up." As the price of oil drops, the collateral becomes worth less and less. Says one West Coast lending officer: "At $25 a barrel most of our loans will be okay. But $22? Please, my nerves. At $22 a lot more of our loans will be in bad, bad trouble."

Reported earnings, quite clearly, are not what bankers have to worry most about these days.

And the band struck up, "Nearer, my God, to Thee. . . ."●

DEATH OF FRANK BODDY

● Mr. DURENBERGER. Mr. President, a rare breed of economist became one fewer in number late last month with the passing of Frank Boddy. Mr. Boddy was the kind of economist that seems all too rare these days. He was practical, sensitive to political reality and human needs and, maybe most importantly for we noneconomists, Frank Boddy was understandable.

I had the good fortune a number of times to benefit from Mr. Boddy's many talents. He was a charter member and active participant for 30 years in the Citizens League, a unique organization with which I also was involved. Through last year he was an active member of my economic advisory committee, a group of dedicated volunteers that helped me sort out the complex economic issues facing the U.S. Senate. Mr. Boddy was not one to treat an advisory committee lightly; he contributed more ideas in a few years than most of us will be able to use in a lifetime.

Frank and I did not always see eye-to-eye on issues, but he was always willing to listen to another's point and to consider all arguments. His openness and careful analysis of issues made him all the more valuable.

Maybe Mr. Boddy's most valuable asset was his desire to put his knowledge and experience to work for people. He was not as interested in abstract economic equations as he was in practical applications of theories—applications that would improve everyone's day-to-day life.

Mr. President, I ask that the article from the March 28, 1983, St. Paul Pioneer Press and Dispatch be included in the RECORD.

The article follows:

[From the St. Paul Pioneer Press/Dispatch, Mar. 28, 1983]

BODDY USED ECONOMIST'S KNOWLEDGE AS A CITIZEN

(By Lynda McDonnell)

When I was assigned to cover Minnesota's economy, it didn't take me long to make contact with Frank Boddy.

Boddy, who died last week at age 76, was the sort of analyst, commentator and teacher for whom journalists are abundantly grateful. Eight years past retirement as an economics professor at the University of Minnesota, he still monitored the state's economy as faithfully as others watch the stock market.

Visiting journalists in need of a quick course on the state's economy were referred to Boddy. He was habitually busy, because when he worked on Citizens League committees and state advisory groups, he rolled up his sleeves and produced 20-page papers instead of armchair advice. But he would make time for one more breakfast with a reporter or one more advisory committee.

Boddy remembered economic minutiae like others remember baseball stats. For conversations with him, one was well advised to be prepared. The tall, white-haired economist would give an estimate of some economic measure, lay down his pipe and go to his office to check it. Invariably, his estimate was within spitting distance of the exact number.

Just a few weeks ago, Boddy sent me a note chiding me for quoting data from the Northeast-Midwest Institute, a research group supported by congressmen from those regions. The Institute's data said that while personal income in Minnesota grew more quickly than the national average from 1976–81, after-tax income grew more slowly. In other words, taxes here grew more quickly than in the rest of the nation.

Untrue! Boddy wrote. And he provided his own calculations to show that taxes in fact grew a bit more slowly here than in the nation. "Never completely trust secondary sources," he cautioned. "Trusting primary sources can create enough problems."

It was a good reminder. Boddy's attention to careful measures of the state's economic performance rather than secondary sources and emotional arguments made him an invaluable participant on countless state advisory committees.

His precision and fairness also explain why several governors called on him for advice. While he was closer to DFLers, he was not easily characterized in partisan terms. Gov. Al Quie asked him to serve on a committee that recommended improvements in the method the state used to forecast revenues, for example.

"He didn't fit any obvious mold. He was more committed to his profession," observes Dan Salomone, research director for the state Revenue Department who served with Boddy on several advisory committees.

While he was open-minded, Boddy knew well that the soundest economic ideas need

a majority vote of the Legislature. Wendell Anderson, who named Boddy head of his council of economic advisers, says, "He was very sensitive to your political flanks. For him to propose something, there had to be a reasonable chance that it would pass."

Boddy enjoyed the chance to advise governors because he wanted to use public policy to make Minnesota a better place to live. He joined the Citizens League, which uses panels of citizen volunteers to examine policy questions, as a charter member in 1952 and stayed active for 30 years.

In the group's files, there is a card showing Boddy's involvement on League committees. It is crammed front and back with appointments as diverse as the library committee in 1954, the transportation committee in 1960, the committee on rebuilding central cities in 1972 and the tax and finance committee in 1980. Boddy's knowledge of public finance was so great that the Humphrey Institute engaged him to teach the subject this spring.

Boddy's interests as an economist extended beyond Minnesota's borders. There isn't much room to move around in his office at the university because the piles of books and periodicals on antitrust economics, the economics of education and the Soviet economy are everywhere.

Boddy was far from shy about sharing his knowledge and advice. Jim Simler, chairman of the Economics Department at the university, remembers that two days after Rudy Perpich was inaugurated, he received a memo from Boddy advising him what to do about the state's financial troubles. And Boddy regularly sent memos chock full of advice to university administrators.

These days, many younger economists are so busy probing the mathematical mysteries of economic theory that they have little time for worrying about bus stops and taxes.

Boddy chose to use his economist's knowledge as a citizen. As Wendell Anderson explains, "He was an economist who you could understand. He was an economist who was useful. He was an economist who was pragmatic."

He was an economist who will be missed.●

A TRIBUTE TO DIANE KASEMAN

● Mr. D'AMATO. Mr. President, I am pleased to take the opportunity to acknowledge the dedicated service of Diane Kaseman. A native of Rochester, N.Y., Diane recently marked her 30th anniversary of employment in the U.S. Senate. She began her distinguished career on March 27, 1953. During the past 30 years, Diane has worked on the personal staff of two U.S. Senators, John Sherman Cooper of Kentucky, and Kenneth Keating of N.Y. In addition, she has worked for five Sergeants-at-Arms including Forrest Harness, Joseph Duke, Robert Dunphy, William Wannall, F. Nordy Hoffmann, and Howard Liebengood.

Diane's accomplishments have not been limited to her professional career. In 1954, she approached the Senate Rules Committee in order to secure permission for the establishment of a Senate Staff Club. The club has sponsored a variety of social, civic, and charitable activities since its founding. Under her capable leadership, the Staff Club has grown from a membership of 150 staffers to over 3,000.

The organization has been responsible for a number of variety shows, dances, and dinners. An integral part of the club has been charitable activities. Diane Kaseman, more than any other individual, has been responsible for the success of these efforts. She has dedicated many hours of hard work in order to insure that the Senate blood drive meets its goal. As a result of her efforts, the Senate has received four Outstanding Merit Awards for its contributions.

Two years ago, Diane Kaseman was awarded the Sid Yudain Award "for her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community."

As U.S. Senator from New York, I am particularly pleased to congratulate Diane Kaseman on this memorable anniversary and recognize her dedicated service.●

THE BATTLE FOR FREEDOM

● Mr. SYMMS. Mr. President, the war between freedom and slavery is a never-ending battle that is waged in the minds and hearts of people with ideas and principles, not guns and bullets. If those of us who value liberty above security lose the fight, it will not be because we are without weapons, but because we fail to communicate the truth that the philosophy of the free lunch leads not only to coercion and dependency, but to moral and material poverty as well.

We will not lose that fight if Congressman RON PAUL of Texas has anything to say about it, because he is a master of communicating the philosophy of freedom. His "Freedom Report," published by the Foundation for Rational Economics and Education, is always thought-provoking and inspiring, making the case for a free society in the most logical and moral terms.

In a recent report, Congressman PAUL reminds us that everyone has a need to believe in something, and that if the need is not filled with something good it will be filled with something evil. "Unless we stand for something, we shall fall for anything," as the late Senate Chaplain Peter Marshall once said. I ask that Congressman PAUL's report be published in the RECORD, and I urge my Senate colleagues to read this powerful message.

Following is the text of Congressman RON PAUL's "Freedom Report" for February 1983:

SOMETHING TO BELIEVE IN: LIBERTY—MAN'S BIRTHRIGHT

(By Congressman Ron Paul)

All great movements throughout history have resulted from beliefs and convictions championed by courageous minorities. These movements, both good and bad, are always led by idealists and visionaries. Gandhi led millions and without tanks to conquer the world. Young people followed Hitler, not for material rewards, but because they were convinced he was right. Joining the Nazis gave them a sense of importance—something to believe in and work for. The tragedy lies in their choice to follow false gods who detested liberty. Communism is similar, with its own fanatical leaders and their lieutenants who seriously believe their system can create a better world for everyone. All one has to do to understand their sincerity is to read Whittaker Chambers' book, Witness. Our Founding Fathers were also men of great convictions, and they too were able to mobilize a nation to fight for and establish the freest society that has ever existed on earth.

Just recently, we saw the tremendous support the British gave Prime Minister Margaret Thatcher for the handling of the Falklands War. It seemed the British people were starved for something to rally around. And the convenient Falkland Islands War served the purpose. With their economy in shambles and the pound threatened, it seemed necessary to grasp at almost anything in order to have "something to believe in." I hope we can find something more positive to divert our attention, some belief that can ensure peace, not war; promote prosperity, not poverty, and yet truly satisfy our need to believe in a high ideal.

The need to have "something to believe in" is greater today than ever. It is hard to understand why millions of young people join religious cults and accept such discipline and austerity. But what they get in return is "something to believe in"—right or wrong. There is a tremendous need and desire in the human soul to believe in something. Nature abhors a vacuum; when one occurs, all sorts of unusual religious and evil political philosophies rush to fill it. There is no doubt a vacuum exists in this country today for something worthwhile to believe in. If that void is not filled with something good, the enemies of freedom will not miss the opportunity to fill it with something evil. As the late Senate chaplain Rev. Peter Marshall once said, ". . . unless we stand for something, we shall fall for anything."

Today many people don't know what they believe in. Definitions are never clear. Freedom's enemies frequently talk about rights and civil liberties, but they mean something quite different from what I mean. "Newspeak," a word coined many years ago by novelist George Orwell in his book, 1984, is an accurate description of this deliberately confused language. And the people know that there is something wrong, but can't quite identify it. So the vacuum occurs. We must fill the void with something positive and correct, or there will be many more looking to the cults and bizarre political movements for something worthy of conviction. Time is running out. The effort must be made to provide an ideology that satisfies the young and yet is logically and morally correct.

In recent decades, the champions of welfare and socialist ideas convinced the public that they have a monopoly on virtue. The total failure of socialism to help the poor provides for us an excellent opportunity to challenge its claims to virtue and replace it with an economically superior and morally correct system.

The debate must change: Government should never assume responsibility to ensure profits (as it frequently does). It

should never participate in "legal plunder"—stealing from those who work and giving to those who don't. Protecting private property and the right to earn and keep profits while serving consumers is certainly something we can easily defend. Our argument for a free society must be put in moral terms, reflecting a sound philosophy motivated by good, not evil.

The forced redistribution of wealth—even if couched in high-minded moral tones—is still theft. The assumption is that a little government force is to be tolerated because the end—economic security—justifies it. But now we know that welfarism and socialism create poverty, despondency and dependency. Instead of the welfare state being motivated by high moral principles, we find that to be only a veneer. In truth, socialism is a materialistic system based on greed, violence, envy, the lust for political power, and illusions. Interventionism creates poverty, government power grows, the political vocation degenerates into careerism, all while the nation's wealth dwindles. Production falls, unemployment rises, and the myth that money is wealth prompts massive creation of new money—only to compound the problems.

Although many have accepted and championed the modern liberal philosophy of welfarism, they did not do so for their own personal material benefit. They did so because they believed they could raise the material standard of living of others.

If those of us who believe in freedom lose the fight to preserve that freedom because we do not successfully challenge the claim of the interventionists that they care about people and we don't, our failure will be a failure to communicate. The evidence available to us, after all, is overwhelming. Our case can be proven. It's up to us to do it, and until now we have failed.

LIBERTY VS. SECURITY

Before the Civil War, state laws in the south protected the slaves from physical abuse. They were to be fed, clothed, given medical care, and housed. The elderly were not to be thrown out into the streets—and they weren't. The Mississipppi Constitution stated: "The legislature shall have no power to pass laws for the emancipation of slaves . . . unless the slave shall have rendered to the state some distinguished service." The slaves' interests were officially protected by laws guaranteeing food, housing, medical care, and old age care. And yet the very highest honor that the state could bestow on a slave for distinguished service was to free him from all these guarantees and the bondage and servitude that went with them. Let the slave be free and let him be responsible for his own sustenance—that was the greatest gift of all. Who would disagree? Not many then, many more today.

The fallacy today is that many think that they can continue to receive the benefits of government coercion yet still retain their freedom. This is not so. The economic system will not long tolerate government intervention. Standards of living begin to fall, free choice is restricted, and the character of those who receive the benefits of another's labor is destroyed, no matter how strenuously politicians insist that the welfare, business, and labor recipients are "entitled" to government help.

We must once again value freedom more than security. We must demolish the myth that temporary security bought at the price of government force does not also cost us our freedom. It was Benjamin Franklin who said, "Those who give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." If the economic order is not destroyed under socialism and welfarism, the will of our people will be. In time, both will be destroyed. It is under these circumstances that false prophets and leaders with delusions of grandeur exploit our youth, enticing them into preposterous cults like the Nazi and Communist youth movements.

All philosophic systems of socialism and welfarism bring poverty and diminish freedom. Yet we are losing the battle for the minds of the young to the demagogues who preach this nonsense. Freedom brings prosperity and rejects all oppressive actions of government, yet we struggle to overcome history and the preponderance of governments existing throughout the world today.

The desire of human nature to get something for nothing—to take from the more prosperous persons—is our great opponent in the struggle. Ignorance, greed, envy and the desire for equality prompts men to reject the ideals of freedom. The price we pay is poverty and depression. Slow progress over the centuries has been made. Our Founding Fathers were able to achieve great things. So must we. But we cannot, unless we give the youth of the nation something to believe in. We must lay claim to the moral highground. With peace, prosperity, freedom and non-violence as our goal, the task should not be difficult.

Eric Hoffer, the longshoreman philosopher, understood the nature of a free society. His life of trial and tribulation led him to a belief in freedom and independence, not statism and dependency. In Before the Sabbath he wrote:

"I cannot see myself living in a socialist society. My passion is to be left alone and only a capitalist society does so. Capitalism is ideally equipped for mastering things but awkward for mastering men. It hugs the assumption that people will perform tolerably well when left to themselves.

"The curious thing is that the reluctance or the inability to manage men makes capitalist society uniquely modern. Managing men is a primitive thing. It partakes of magic, and is the domain of medicine men and tribal chieftains. Socialist and communist societies are a throwback to the primitive in their passion for managing men."

This was written by a man who was blind and uneducated in his youth, a skid row "bum" for a decade, and for twenty-five years a working man on the waterfront. Just the sort of person the liberal is always trying to save from himself. Never once did Hoffer's desire to be left alone so weaken him that he was tempted to join the gang offering him security. And for this he survived his poverty and thrived on his individuality—something only a free capitalist society can allow.

Isabel Paterson wrote a remarkable book in 1943, The God of the Machine. She too was concerned about the same problem. In her conclusion she writes:

". . . humanity shapes its future by moral purpose and the use of reason. The faith in the benevolent omnipotence of government is pure superstition, an aggregate residue of all the 'magical' practices of primitive man . . .

"The most extreme fallacy is the belief that nothing can be done, that we must drift to disaster and accommodate ourselves to it. If that were true, we must die in heaps, with a miserable remnant resorting to savagery; for there is no compromise. But it is not true.

"Whoever is fortunate enough to be an American citizen came into the greatest inheritance man has ever enjoyed. He has had the benefit of every heroic and intellectual effort men have made for many thousands of years, realized at last. If America should now turn back, submit again to slavery, it would be a betrayal so base the human race might better perish. The opportunity is equally great to justify the faith which animated that long travail, and bequeathed them such a noble and happy heritage."

How many really understand about this "greatest inheritance man has ever enjoyed?" So few do, and yet we desperately need so many to join us in our struggle to hold back the rampaging river of authoritarianism that threatens to drown us. Man has a birthright to freedom, and government has no right to alter it. Civilized government should exist only to secure and preserve that birthright to all. When government attempts to do more than that, it acts perversely, and unless that trend is reversed, the government will become omnipotent and evil and all free men will become slaves.●

MIA'S IN SOUTHEAST ASIA

● Mr. DURENBERGER. Mr. President, every year when we observe the anniversary of the signing of the Paris peace accords which ended the Vietnam war, we remember those who fought valiantly and heroically for our country. That day fittingly commemorates the end of hostilities. But today, we focus our full attention on the men and women who gave their lives in defense of their country. This occasion is a very troubling and sorrowful one because not all of them returned to us. There are still nearly 2,500 men who have not been accounted for or returned to us.

On this occasion, I join with all Americans in demanding once again that the governments of Indochina give us a full accounting of our military personnel who are missing in action and whose whereabouts are still unknown. The commitment of Congress, the executive branch, and the American people to the satisfactory resolution of this deplorable situation is firm and our support of those who seek a final accounting is unfailing.

It was not easy for the Vietnam veterans to return and pick up the threads of their lives again. With the love and support of their families they have made that transition into civilian life. But it has been particularly difficult for the families whose sons, brothers, and husbands disappeared in Vietnam while in the line of duty. These families have shared their common sorrow and given each other needed encouragement. They have waited patiently for the governments of Indochina to give us a full accounting of our POW's and MIA's, but, unfortunately, they have been waiting in vain. All the inquiries and protests that our Government has made through diplomatic channels have

failed to give us the complete information we deserve. I share the frustration and anger that these families feel. My patience with the governments of Indochina has grown thin, as the years have passed and the excuses have increased.

Because of the intransigence of the Government of Vietnam and due to the current situation in Kampuchea (Cambodia), it has been extremely difficult to obtain any new or definitive information. The American people have not forgotten those who served and did not return. Let there be no doubt in Vietnam, Cambodia, or Laos: We are determined that no Americans shall be held against their will by any country at any time. We are firmly resolved to obtain a full accounting of all the persons declared missing in action. We are not satisfied with the progress to date.

Mr. President, in my own State of Minnesota, there is great concern about our missing personnel. We have 48 Minnesotans who are among the unaccounted for. Recently, the House of Representatives and the Senate of the State of Minnesota passed resolutions urging the U.S. Government to do all in its power to obtain information on the whereabouts of those who may still be alive and the remains of those who have died. Today, I join with my fellow Minnesota State legislators in calling upon the governments of Indochina to resolve this matter to our mutual satisfaction.

Mr. President, I ask that the resolutions passed by the Minnesota Legislature be included in the RECORD at this point.

STATE OF MINNESOTA—HOUSE RESOLUTION

Whereas, a decade ago, on January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

Whereas, one of the conditions of that agreement was provision for a return or accounting for prisoners of war and persons missing in action; and

Whereas, the government of Vietnam has only provided information on a few of the missing and this only through the pressure of determined families and dedicated congressmen; and

Whereas, 2,490 Americans, including 48 Minnesotans, remain unaccounted for with investigation of their status arrested by failure of the Socialist Republic of Vietnam and its allied governments to cooperate and assist; and

Whereas, there have been repeated verified sighting reports that some of the missing men are still alive in Southeast Asia; and

Whereas, the sorrow, anxiety, and frustration of the families of these men cannot be dispelled by delay or neglect; and

Whereas, it is America's duty to ensure, through an authentic, comprehensive investigation, the return of Americans still in Southeast Asia and to account for Americans who have perished there; and

Whereas, it is absolutely essential that the governments of the United States and the Socialist Republic of Vietnam act now to account for the missing: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota, That it joins with the families of the missing men in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the immediate return of the remains of those who died as a result of the war or imprisonment: Be it further

Resoved, That the government of the United States should do all it can to answer the questions surrounding the status of the missing men, to secure the return of any living prisoners or missing persons, and to secure the return of the remains of the dead: Be it further

Resolved, That the Chief Clerk of the House of Representatives is directed to send enrolled copies of this resolution, authenticated by his signature and that of the Speaker, to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations.

STATE OF MINNESOTA—SENATE RESOLUTION

Whereas, a decade ago, on January 27, 1973, the Paris Peace Accords were signed to end American involvement in the war in Southeast Asia; and

Whereas, one of the conditions of that agreement was provision for a return or accounting for prisoners of war and persons missing in action; and

Whereas, the government of Vietnam has only provided information on a few of the missing and this only through the pressure of determined families and dedicated congressmen; and

Whereas, 2,490 Americans, including 48 Minnesotans, remain unaccounted for with investigation of their status arrested by failure of the Socialist Republic of Vietnam and its allied governments to cooperate and assist; and

Whereas, there have been repeated verified sighting reports that some of the missing men are still alive in Southeast Asia; and

Whereas, the sorrow, anxiety, and frustration of the families of these men cannot be dispelled by delay or neglect; and

Whereas, it is America's duty to ensure, through an authentic, comprehensive investigation, the return of Americans still in Southeast Asia and to account for Americans who have perished there; and

Whereas, it is absolutely essential that the governments of the United States and the Socialist Republic of Vietnam act NOW to account for the missing: Now, therefore, be it

Resolved by the Senate of the State of Minnesota, That it joins with the families of the missing men in maintaining a constant vigil of anticipation and hope for a true accounting of their loved ones and the immediate return of the remains of those who died as a result of the War or imprisonment: Be it further

Resolved, That the Government of the United States should do all it can to answer the questions surrounding the status of the missing men, to secure the return of any living prisoners or missing persons, and to secure the return of the remains of the dead: Be it further

Resolved, That the Socialist Republic of Vietnam should immediately yield all information it has on the status of the missing especially since there is no reason for them to refuse to give this information other than a calculated effort to protract the agony of the families of the missing: Be it further

Resolved, That the Secretary of the Senate is directed to send enrolled copies of this resolution, authenticated by his signature and that of the President, to the President of the United States, the Speaker and Chief Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the chairman of the Committee on Foreign Affairs of the United States House of Representatives, the chairman of the Committee on Foreign Relations of the United States Senate, to the Minnesota Representatives and Senators in Congress and to the Permanent Representatives of the Socialist Republic of Vietnam to the United Nations.●

IRREGULARITIES AT THE PRESIDENT'S EXPORT COUNCIL

● Mr. EAST. Mr. President, with all that goes on in Government in Washington, it is difficult for the public to be apprised of every important meeting and decision. That is why I would like to use this forum to call public attention—and especially the attention of the media—to certain recent events at the President's Export Council.

The Export Council is a little known advisory body, which is supposed to make recommendations in the near future concerning revision of the Export Administration Act. Inasmuch as those recommendations will focus upon the future of U.S. trade with the Soviet bloc, and in particular the strategic significance of that trade in terms of our national security, the deliberations of the Export Council should be worth considerable attention. To date, however, they have not received the scrutiny they deserve. Perhaps the material I am submitting for the RECORD will change all that.

It seems that some members of the President's Export Council have been zealous in promoting trade with the Soviet bloc, despite President Reagan's strong assertion that elements of that trade undermine our national security.

Furthermore, it seems that irregularities may have occurred on the Council's Subcommittee on Export Administration. For example, a 106-page document, intended to be the subcommittee's draft recommendations, was actually prepared by employees of two corporations which wish to expand trade with the Soviet bloc. Furthermore, portions of the subcommittee's minority report, dealing with these indelicacies, have been denied official circulation to the full committee.

Well, there is more than one way to inform a committee, as well as to let the President, the public, and the news media know that the deliberations of the Export Council need some

additional scrutiny. To that end, I ask that the following informative materials be printed in the RECORD: First, an article from the Washington Times of March 31, 1983; second, an article from Human Events of March 28, 1983, entitled "Bureaucrats Endanger Tough Red Trade Policy"; and finally, the unexpurgated minority report of the Export Council's Subcommittee on Export Administration, prefaced by an explanatory memo from William Olson, one of the minority members, and by a letter from David Scott, chairman of that subcommittee.

The materials follow:

[From the Washington Times, Mar. 31, 1983]

BUSINESS, IDEOLOGY CLASH ON TRADE CURBS

(By Thomas D. Brandt)

For William Olson it was a graphic, gritty example of power politics when the stakes are big, as in corporate profits versus Soviet power.

At issue are billions of dollars in items like wheat sales, turbines for the Soviet pipeline or, especially, high-technology ware that some claim can be converted for use in ICBMs, armor piercing shells, or Trident submarine detection.

In the current internal battle for the soul of the Reagan administration over the redrafting of the Export Administration Act, Olson is a minor actor advocating stronger political controls over U.S. exports. When Congress reauthorizes the act this year, Olson wants more restrictions on exports for national security and foreign policy reasons.

The administration, which has twice delayed a decision on what it wants in the act, is also hearing from corporate America where the free enterprise view is that international trade should be nearly as free of political influence as domestic trade.

Industry does not want to be cannon fodder for economic or ideological warfare.

"Unfortunately the idea is growing that exports can be controlled at any time or any place for political reasons," said Howard Lewis of the National Association of Manufacturers in Washington.

"There is a growing awareness by a lot of interest groups of the use of export control as a weapon," Lewis added. "You're getting a control psychology."

As to national security controls on exports, Lewis said, "There's no question about supporting the purpose of stopping vital technology from getting into a potential adversary's hands."

The procedures for accomplishing that goal are what is dividing Olson and many at the Defense Department, who see "a virtual hemorrhage of strategic technology to the Soviet bloc," from international businessmen who could suffer signicant losses if the U.S. government starts making political judgements on what contracts industry can honor.

Olson, a Fairfax County lawyer and GOP official, served on a presidential commission making recommendations on the Export Act. Last week the report was put in near final form and Olson said three pages of his minority views, criticizing what he saw as a corporate slant, were undemocratically deleted by the panel's chairman. He is David Scott, chairman of the board of the Allis Chalmers Corporation.

Olson's minority statement objected that about 14 of the 20 panelists were "representatives of large national and multinational corporations and trade associations."

He added that, "In my view, when a conflict arises between national security or foreign policy objectives and a commercial interest, the national interest must take precedence.

"The report of the [panel] is that of a narrow commercial interest, and not what I consider to be the public interest," Olson wrote.

On March 18, Scott wrote Olson saying that as chairman he ruled Olson's three pages "to be out of order, because they are entirely devoted to subjects other than the legislation as such, and therefore do not constitute a dissent from the majority's recommendations."

Olson's reaction: "I've been in politics for a number of years but I've never been in a situation where the minority views were edited by the majority."

Last year, during the heat of the controversy over the Reagan administration's efforts to block shipment of American made goods for the Soviet pipeline, U.S. officials named Allis Chalmers as one of those affected.

"The impact is what we have already done, which is tell U.S. companies—including Allis Chalmers, Caterpillar, General Electric, Deere and Stewart-Warner—that they cannot deliver," the government spokesman said.

[From the Human Events, Mar. 26, 1983]

BUREAUCRATS ENDANGER TOUGH RED TRADE POLICY

President Reagan hopes to talk the allies into taking a far tougher stand on trade with the Soviet bloc at the forthcoming Williamsburg summit, and hardliners in Congress, led by Sen. Jake Garn (R.-Utah), are working vigorously to toughen up the Export Administration Act, which governs U.S.-Soviet trade relations.

Yet a major portion of the Administration's bureaucracy is actively working to undermine a tough, restrictive trade policy toward the Russians. Assistant Secretary of Defense Richard Perle and Assistant Secretary of Commerce Lawrence Brady are said to be in large measure ranged against Under Secretary of Commerce Lionel Olmer and Under Secretary of State Allen Wallis. The President's White House chief of staff, Jim Baker, is reported to be siding on at least one crucial issue with those who favor a less restrictive policy. Consider:

Under Secretary of Commerce Olmer recently placed in charge of a panel that is supposed to evaluate the strength of the Soviet economy and its vulnerability to sanctions Allen Lenz, a tireless supporter of commerce with Communist nations. Lenz had been director of the Office of East-West Policy and Planning at Commerce during the Carter Administration. Then, inexplicably, President Reagan's National Security Adviser, Richard Allen, put Lenz on the National Security Council to run its daily operations.

With Allen's departure, Lenz moved back to Commerce to head up the new Office of Trade and Investment Analysis, where he can still push his view that trading with the Communists is good for the West. In a Jan. 12, 1981, paper (see March 20, 1982, Human Events), Lenz argued against restrictive trade policies, suggested that East-West trade was even "highly desirable" and actually contended that we "dropped the ball" in failing during the Nixon Administration to develop Soviet Siberian gas fields.

Yet Lenz is now "coordinating" the new working panel on the Soviet economy at Commerce. Though Olmer insisted to us that Lenz "is not involved in policymaking ventures, and I consider his role administrative in character," others feel that he will be instrumental in shaping the panel's views.

Lenz has put on the panel, for instance, Ed Hewett of the Brookings Institute, who in early March at the Kennan Institute ridculed U.S. efforts to restrict trade with the East, mocking the Administration because "it persists in the general line that it would be good for the Western Alliance to restrict trade relations with the Soviet Union, and restrict the flow and increase the price of credits offered the Soviet Union.

The President's Export Council is shortly expected to come up with new recommendations to help the Administration and Congress formulate policy on East-West trade. Right now Congress is working on a key law dealing with the subject, the Export Administration Act. But the chairman of the PEC, the chief executive officer of the Sperry Corp., J. Paul Lyet, is a strong supporter of trade with the Soviet bloc. Asked in a December 1978 issue of U.S. News & World Report whether he favored using trade as a weapon, Lyet declared:

"I'm just a businessman trying to make a living—and so you may think this is self-serving—but I would think that trade builds bridges. . . . I don't subscribe to the Russian system. But eventually there's going to be a coming together—peaceful coexistence, if you want to call it that. I think that the more their people see of our system and how it works, the more it's going to moderate their views. . . .

"I would like to assume that economic growth in the Soviet Union will lead—even if slowly—toward more freedom for the people of that country as well as a more accommodating attitude toward world peace."

The Subcommittee on Export Administration, a key subcommittee of the President's Export Council, has just released its recommendations for changes in the Export Administration Act. The central push of its recommendations: a radical weakening of restrictions on Soviet trade. The report is expected to be approved by the President's Export Council that Lyet captains.

Three of the 20 people on the subcommittee have filed a minority report, including Earl C. Williams, president of BDM International, Inc., Ohio State Sen. Donald E. (Buz) Lukens, and Washington lawyer William Olson.

Olson stressed in his introductory remarks that the subcommittee is dominated by businessmen representing such export-minded corporations as Allis Chalmers, Motorola, Control Data, IBM, etc., and that their views must be seen for what they are: "an attempt by representatives of major exporting concerns to be freed from as many export controls as possible." Indeed, said Olson, the "thrust" of their recommendations is to drastically undermine two major types of controls on Soviet trade: national security controls and foreign policy controls. Both govern the Administration's capacity to block critical U.S. goods from going to Communist nations.

"In my view," Olson continued, "when a conflict clearly arises between national security or foreign policy objectives and a commercial interest, the national interest must take precedence. That is not the position implicitly adopted by much of the majority statement."

The biggest single clue to understanding the majority report occurred on March 11, 1983. As the minority report states: "A proposal was offered to set out as a Congressional Finding that the failure to restrict the export of national security sensitive technology and goods to the Soviet Union and certain other countries has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to our security and increasing our nation's defense budget." Yet this proposal lost.

The softliners within the Administration and Congress have several objectives on their agenda to loosen up trade. They are, for instance, trying to exclude from any revision of the Export Administration Act language pushed by Brady and Perle that would say it was "not in the interest of the United States and its allies to develop excessive dependence on potential adversaries for natural resources."

Clearly, this language is in the U.S. national security interest, but the softliners are opposed.

The softliners are also hoping to include in the Act—and Baker is reportedly pressing for this as well—the term, "sanctity of contract," a phrase consciously designed to appeal to conservative supporters of private enterprise and the free market. But this phrase, as Olson and Brady point out, would be used to make contracts with potential adversaries nearly sacrosanct, even when those adversaries—such as the Soviet Union on Libya—engage in aggressive acts seriously harmful to American foreign policy.

Objecting to the Subcommittee on Export Administration's recommendation that this phrase be inserted into legislation dealing with East-West trade, Olson, Lukens and Williams stressed that the inclusion of this term would seriously hinder the President's capacity to retaliate against an aggressor with an economic club.

The pro-Red-trade advocates are also bent on defeating Sen. Garn's effort to establish an Office of Strategic Trade, which, because of the way it would be structured, would have a far greater ability to put restrictions on East-West trade. In fact, both Olson and Lukens contend that passage of Garn's legislation could be the "single most important" congressional reform dealing with Soviet trade.

President Reagan, of course, has repeatedly called for tougher restrictions on East-West commerce, but, judging from the infighting within his own Administration, there are many observers who are now far from certain that he will receive the proper information to achieve his very reasonable objective.

Memorandum for: Members of the President's Export Council.

From: William J. Olson, Member, Subcommittee on Export Administration.

Subject: Excised Portion of the Minority Statement to the Subcommittee's Recommendations on Amending the Export Administration Act of 1979.

Date: March 22, 1983.

Yesterday the recommendations of the Subcommittee on Export Administration of the President's Export Council on amending the Export Administration Act were transmitted to you by the Subcommittee Chairman, David Scott, and PEC Chairman, Paul Lyet. These recommendations included a portion of a minority report submitted by three Subcommittee members. Although the document you received does not indicate it, portions of the minority report were excised by Subcommittee Chairman David Scott prior to publication.

In preparing the material for printing, Mr. Scott determined two sections of the minority views "to be out of order, because they are entirely devoted to subjects other than the legislation as such, and therefore do not constitute a dissent from the majority's recommendations." Mr. Scott informed me that if I wished to submit my "personal comments on the Subcommittee's membership and procedure" I must do so under separate cover. (Letter of David C. Scott, March 18, 1983, attached.) I am herewith responding to Mr. Scott's invitation and submitting these excised portions of the minority views directly to members of the PEC.

One of the deleted sections deals with "Procedural Irregularities" in the manner in which the Subcommittee prepared its recommendations on the Act. I believe the PEC is entitled to know the facts set out in that section as they directly relate to the nature of the recommendation before it. The Subcommittee's working group on the Export Administration Act was circumvented in preparing this recommendation. The draft of the Subcommittee's recommendation was prepared by the staffs of Allis-Chalmers and Motorola, not members of the Subcommittee. This draft was the document reviewed by members of the Subcommittee at its two meetings. The "Industry Comments" contained in the document mailed to you were also drafted by the staffs of these corporations and never reviewed for accuracy by the Subcommittee. These facts bear on several issues, including the propriety of the PEC taking action on recommending these legislative changes by mail or telephone ballot without a meeting to discuss them as Chairman Lyet has arranged. Certainly they deserve more careful consideration than a simple choice between "Approve" or "Disapprove" can provide.

I believe the views set out in the deleted "Introduction" are also of relevance to the work of the PEC. The majority report nowhere sets out the names of Subcommittee members, or whether they concur or dissent from the recommendation. One Subcommittee member informed me he wished to be associated with neither the majority report nor minority report. This fact was known to the persons preparing the Subcommittee document but not contained in the document. Other Subcommittee members may not wish to be associated with all recommendations, and silence should not always be viewed as agreement.

I am enclosing a copy of the full text of the minority views, including the excised sections, for your review.

I would like to stress that the Subcommittee and the PEC can best serve the President by allowing all views on the EAA a full hearing before final recommendations are adopted. The issues are controversial; there will not always be agreement on what is best for the business community and for the country. What is certain, however, is that the quality of our work is strengthened by fair debate. Only an open exchange of ideas within the PEC can bring this about.

ALLIS-CHALMERS,
Milwaukee, Wis., March 18, 1983.

Mr. WILLIAM OLSON,
Smiley, Olson & Gilman,
Washington, D.C.

DEAR MR. OLSON: On March 17 I received papers setting out the views of Messrs. Lukens, Olson and Williams regarding the Export Administration Subcommittee's Recommendations on the Export Administration Act of 1979. In accordance with the vote of the Subcommittee on March 11, the minority comments on the legislation have been bound with the Subcommittee's majority recommendations for transmittal to The President's Export Council. As Chairman of the Export Administration Subcommittee, however, I had to rule the attached pages numbered 1, 8, and 9 bearing only your name ("Introduction" and "Procedural Irregularities") to be out of order, because they are entirely devoted to subjects other than the legislation as such, and therefore do not constitute a dissent from the majority's recommendations. If you wish to submit your personal comments on the Subcommittee's membership and procedure, you must do so under separate cover.

Sincerely,

DAVID C. SCOTT.

MINORITY STATEMENTS TO THE SUBCOMMITTEE'S RECOMMENDATION REGARDING CHANGES IN THE EXPORT ADMINISTRATION ACT OF 1979

(Each section of these minority views is joined in by the person or persons designated at the top of each section.)

I. INTRODUCTION

(By William J. Olson)

On February 23 and March 11, 1983 the Subcommittee on Export Administration (SUB-PEC) considered proposed changes to the Export Administration Act (EAA) of 1969 for recommendation to the President's Export Council. The final report is not available as of this writing. Nevertheless, I was one of only eight of the twenty-six members of the subcommittee who attended both meetings and I submit my comments based on my notes of the actions taken at those meetings.

I strongly dissent from many of these recommendations for the reasons set out below. The thrust of the recommendations is to weaken national security controls and make the implementation of foreign policy controls virtually impossible.

The SUB-PEC is composed of about twenty persons, including two members of Congress or Congressional staff members, one or two representatives of medium sized domestic companies, one or two persons interested in export issues but not affiliated with major corporations, and about fourteen representatives of large national and multi-national corporations and trade associations. No representatives from Commerce, Defense, State or any other government agency sit as members of the SUB-PEC.

The recommendations of the SUB-PEC must be viewed for what they are—an attempt by representatives of major exporting concerns to be freed from as many export controls as possible.

It is appropriate to listen to the voices of large exporting interests as one interest group seeking to obtain changes in the laws of our nation. It is not appropriate to naively accept their recommendations, prima facie, as wise public policy or as consistent with national security. In my view, when a conflict clearly arises between national security or foreign policy objectives and a commercial interest, the national interest must take precedence. That is not the position implicitly adopted by much of the majority statement. The discussion in the sections below explains this in greater detail.

The President's Export Council has a slightly broader composition and it is my hope that members of the PEC do not simply rubber-stamp the numerous significant changes in law adopted by the majority in a mail ballot, as I understand is being planned. Rather, the matter should be placed on the agenda for a PEC meeting to allow this critical issue the attention it deserves.

Nevertheless, regardless of the approach taken, the report of the SUB-PEC is that of a narrow commercial interest, and not what I consider to be the public interest. The prestigious title "President's Export Council" will be used by some in an effort to give stature to these recommendations beyond what they are. I can only hope this will be an unsuccessful effort.

II. CONGRESSIONAL FINDINGS AND POLICY DECLARATIONS

(By Donald E. Lukens, William J. Olson, and Earle C. Williams)

Perhaps the most significant event in understanding the majority report occurred on March 11, 1983. A proposal was offered to set out as a Congressional Finding that the failure to restrict the export of national security sensitive technology and goods to the Soviet Union and certain other countries has led to the significant enhancement of Soviet bloc military-industrial capabilities, thereby creating a greater threat to our security and increasing our nation's defense budget. This proposal lost on a vote of 2-6. In its place a watered-down version was offered with several changes, of which one was of critical importance. No longer was there a finding that this export policy "has led" to a significant enhancement of the military capabilities of these nations. Substituted for this language was a finding that this policy "may lead" to this result. On a hotly contested 5-4 vote, the weaker language was adopted .

This change was not merely semantics: it was fundamental. The refusal to concede the adverse effect on our national security of past governmental policies is a critical element of the policy position set out by those who seek to weaken our export controls. It is an unchallengable fact that these policies have had these results and this fact should not be ignored.

The SUB-PEC should consider including a policy provision to the effect that it is in U.S. and Alliance security interests to minimize dependence on the natural resources of potential adversaries. This provision would not be country specific. Also, U.S. exports (coal, oil, nuclear technology) could receive an important boost if we are successful in preventing Soviet domination of Europe's energy markets.

The 1979 statute, with its emphasis on export promotion, overlooks the fact that exports of advanced technology to the Communists would constitute only a small fraction of U.S. manufactured sales abroad. Tight restrictions apply to the USSR and certain countries of Eastern Europe. Because of the financial difficulties in the region, likely to last throughout the decade, the USSR itself constitutes the only significant potential market for Western exports.

Unfortunately, Soviet industrial import needs are concentrated in areas that pose a direct threat to the security and cohesion of the Alliance. Imports of advanced technology are used to upgrade the military production base. Energy equipment is used to boost natural gas exports and hard currency earnings by which the USSR expands its economic presence in Eastern and Western Europe.

For these reasons, the Soviet market should not be looked upon as the solution to our balance-of-payments or unemployment problems. Short-term commercial gains would be more than offset by the strategic liabilities. The policy declaration should therefore be modofied to emphasize the limited gains, from a national standpoint, to be realized from exports to potential adversaries.

Numerous other changes proposed by the SUB-PEC in findings and purposes are troublesome as they establish the groundwork for: virtually eliminating West-West controls; adopting the flawed concept of "contract sanctity"; requiring the reductions of controls wherever possible; weakening foreign policy controls; elevating domestic economic well-being (i.e., unencumbered exports) to a "national security" consideration; limiting controls to areas where it can be proven that there is no foreign availability of the good, etc. Time does not permit a full rebuttal of these unwise proposals.

III. FOREIGN POLICY CONTROLS

(By Donald E. Lukens, William J. Olson, and Earle C. Williams)

One of the most objectionable recommendations is to impose restrictions on the President's authority to impose foreign policy controls. This recommendation is objectionable on several grounds.

The restriciton termed "sanctity of contract" means that foreign policy controls may not be used to stop shipment of goods under contract. In West-West trade this allows one American company and one foreign company to enter into a contract which would have precedence over our country's ability to conduct its foreign policy. In the case of East-West trade where the Eastern bloc government is a participant in procurement, the ability to thwart foreign policy objectives is shared with the government of an Eastern bloc country. To limit foreign policy controls to prospective business dealings is to deny them their prime source of strength in responding to foreign aggression. None of these aspects of the theory of "sanctity of contract" are desirable.

With the Williamsburg Summit fast approaching any retreat on the sanctity of contracts issue would be viewed as critical of the U.S. sanctions imposed against the USSR for its conduct in Poland. In the face of perceived vacillation in U.S. policy, the allies may be tempted at Williamsburg to reject the President's requests for more coordinated East-West trade policies. The Administration has already lifted the grian embargo and provided sanctity of contract protection for agricultural goods. The result was only embarrassment as the soviets refused to increase their purchases of U.S. grain above the minimums specified in the agreement. Instead, the Soviets have merely escalated their demands for the signing of a new long-term grain agreement and contract sanctity protection for nonagricultural goods. In short, when the United States has tried to enhance our reputation as a reliable supplier only the USSR, not U.S. business, has gained an advantage. Finally, the President must be allowed to retain discretion to choose to apply, or to not apply, protection for existing contracts when foreign policy controls are utilized. Each situation needs to be met with a unique response—a response only the Presdient can shape. While retaining such discretionary authority, the President can always announce that he will attempt to minimize the impact of controls to the greatest possible extent on existing commercial arrangements.

Some of the other restrictions on foreign policy controls include prior affirmative approval by both houses of Congress, a requirement of formalized industry consultation and publicly disclosed findings, a separate economic impact analysis by four departments of government, a foreign availability analysis by two departments of government, and a virtual requirement for Western Alliance concurrence.

The President's power to implement foreign policy controls is made subject to so many preconditions and restrictions by the SUB-PEC's recommended changes in the Act as to make these controls all but impossible to implement. Certain members of the SUB-PEC were sufficiently candid to admit that it was their goal to abolish all foreign policy controls.

The President of the United States has the need to maintain a range of possible responses to aggression in the world, a range of tools to implement our nation's foreign policy. The reality is that short of the utilization of military power, most of these sanctions are economic, and usually trade related. To eliminate a President's power in this area is to narrow his choice of responses and increase the chance that the undesirable alternatives of acquiesence or combat be adopted as our policy.

A Department of Commerce representative commented at the SUB-PEC meeting that it may be better for a President to have no foreign policy controls than the controls subject to the preconditions and restrictions set out in the SUB-PEC proposal, in order to avoid the international embarrassment to a President which would occur when the fact is learned that all the hurdles cannot be successfully cleared and he is unsuccessful in imposing announced controls.

IV. OFFICE OF STRATEGIC TRADE

(By Donald E. Lukens and William J. Olson)

It was unsuccessfully urged in the SUB-PEC that an Office of Strategic Trade be established, as proposed by Senator Garn and set out in his proposed bill. It is clear that the department of government charged with the promotion of exports cannot be logically, fairly, or effectively entrusted to restrict exports, where necessary, for national security purposes. The Commerce Department has failed to carry out this vital mission through several administrations. Recent progress at Commerce in implementing more effective controls should not be viewed out of context. The structure is faulty and committed personnel can only work to minimize, not eliminate, these faults.

The creation of a separate office within the Executive Branch of government to administer these controls would elevate the attention given to these controls. As each government department currently involved in export control has a vested interest in preserving the status quo, little support can be expected from the departments. As OST presents business with an unknown quantity, it would choose the evil it knows rather than the evil it doesn't know. These views are highly unfortunate as an OST would allow other departments to focus more clearly on their primary missions, and provide business with quicker and more consistent determinations made by a more highly expert staff. These advantages are often acknowledged by business but in evaluating an OST are often ignored.

The President would also be better served by an Office which attempts to balance ade-

quately the views of various agencies, including Defense, and which keeps broad strategic objectives foremost in mind. Much of the confusion that characterized formulation and implementation of policy on the Siberian pipeline could have been eliminated had such an Office been in existence. Confusing signals to the Allies would have been minimized and the sanctions against the USSR much more effectively applied.

Passage of Senator Garn's legislation is the single most important reform which the Congress could implement in its consideration of the EAA in 1983. It is central to and necessary for a solution in this area.

V. FREEDOM OF INFORMATION

(By William J. Olson)

Few realize that the Commerce Department's administration of our nation's export controls is conducted under a veil of secrecy. The Congress adopted in the 1977 Amendments to the EAA an exemption to the Freedom of Information Act (FOIA) for documents acquired in considering export licenses. This exemption is in addition to the standard protections for trade secrets and confidential business information provided by the FOIA. A change was proposed in the SUB-PEC which would have allowed access to limited historical records, defined as records over 5 years old not including information on the ultimate consignee and the price of the transaction. This was unsuccessful.

As the FOIA protects all trade secrets and confidential business information, the purpose of this blanket exemption serves only to insulate the Commerce Department's administration of this vital program from public view. Indeed, from 1969 to 1977 the Commerce Department interpreted a provision of the EAA to require that Commerce withhold these documents even from the Congress. Therefore, for eight years the Congress has conducted only the most superficial type of oversight of our export controls. Allowing public access to these records, consistent with reasonable business needs for protection of trade secrets and confidential business information, is essential if the public is to make informed judgments about the way in which the EAA has been administered.

APPENDIX.—PROCEDURAL IRREGULARITIES

(By William J. Olson)

The report of the SUB-PEC can only be judged on its merits. Nevertheless, there were procedural irregularities present which should be brought to the attention of the PEC. I attended the first meeting of the Subcommittee on January 27, 1982 at which time a decision was made to establish three "ad-hoc working groups" through which the SUB-PEC would conduct its work: Foreign Trade Activities (The "Spread Sheet" group); Review Group on the East-West Trade Subcommittee Report; and the Export Trade Administration Act Reveiw Committee (other groups were added later). At the end of that meeting volunteers were requested for these groups. I volunteered in a letter of February 18, 1982 to Chairman David Scott to serve on the EAA group. I missed the March 25, 1982 meeting, but at the May 26, 1982 meeting I again personally volunteered to EAA working group chairman John Copeland who told me he would let me know of any meetings. I then received David Scott's letter of June 25, 1982 listing the membership of the ad-hoc groups, without my name on the list for the EAA group. On July 7, 1982 I wrote John Copeland asking that this error be corrected and again requesting that I be invited to any meetings. On August 12, 1982 I discussed on the phone with John Copeland the need to study pending legislation. At the September 22, 1982 meeting a chart comparing three pending bills with the current Act was distributed by John Copeland. (I had volunteered to help with the chart but other commitments in mid-September prevented this.) No meetings were announced at the September 22, 1982 SUB-PEC meeting. I was unable to attend the December 3, 1982 meeting, but a 10 minute interim report was on the agenda.

The materials for the February 23, 1983 (Wednesday) meeting arrived on the afternoon of February 17, 1983 (Thursday). I was amazed to see among these papers a 106 page document entitled "Working Papers on the Export Administration Act of 1979" which the preface described as containing "the draft recommendations on legislative changes from the Subcommittee's Ad-Hoc Group on the Act." I called John Copeland on February 22, 1983 and asked when our ad-hoc group had met. He informed me that there hadn't been time for our group to meet, but that the recommendations were prepared by the staff of Allis-Chalmers (David Scott's company) and Motorola (John Copeland's company). I indicated to John Copeland and David Scott prior to the February 23, 1983 meeting that I strongly objected to considering these recommendations as having come from the working group. In presenting these "Working Papers" John Copeland described the portion of the preface quoted above to be in error—that the recommendations were not those of the ad-hoc group. I made a motion to recommit the recommendations to the ad-hoc group for review, and the motion failed for lack of a second.

Therefore, the 106 page document which constitutes 80 percent of the SUB-PEC's current recommendation was prepared by Allis-Chalmers and Motorola staff and not by the members of the SUB-PEC. There was little time to prepare in advance any more than minor changes by the February 23 meeting when sections 6 through 24 of the Act were passed upon. Sections 1 through 5 of the Act were acted on at the meeting of March 11, 1983, after members were afforded the opportunity to circulate proposed changes, which I did.

In a rush to get a recommendation out, the SUB-PEC's own procedures were set aside. At the same time an enormous stride toward adoption of the substance of the majority report was taken. Accordingly, I hope this report receives thorough consideration by PEC members prior to action being taken.●

LET US NOT FORGET

● Mr. D'AMATO. Mr. President, during these solemn days of remembrance of the Holocaust, the attention of millions of men and women throughout the world is focused on events which began to unfold 50 years ago with the ascent of Adolf Hitler to power. During the course of his reprehensible career, Hitler was driven by an all-consuming desire—to bring about the annihilation of the Jewish people. While Hitler, more than any other Nazi, was responsible for the senseless slaughter of more than 6 million Jews, it is important to remember that he did not act alone. Hundreds of thousands collaborated in "the Final Solution."

Today, despite irrefutable evidence of the enslavement and systematic mass murder of millions of innocent men, women, and children, there are those who deny that the Holocaust occurred. Others, meanwhile, maintain that such a heinous act could never happen again. Those who survived Dachau, Bergen-Belsen, Buchenwald, Auschwitz, and the other death camps, stand as a living testament of the unconscionable inhumanity wrought upon the Jewish people. These people, many of them mere children at the time, were forcibly removed from their homes, separated from their families, and deported to the ghettos—slums which served as temporary prisons until the camps were constructed. These brave individuals traveled in the cattle cars which herded the Jews to near certain death. By 1944, tens of thousands of Jews were being slaughtered daily, 34,000 during a single day at Auschwitz. Those who survived vividly recall the agony of their loved ones, the cries for help, the smell of burning bodies.

For the most part, the world stood by in silence while millions perished. A few brave individuals like Raoul Wallenberg, dedicated themselves to assisting those marked for death. Despite their efforts the murder continued.

As we commemorate Yom Hashoa, it is important that we reflect upon the events of the past in order to insure that they are not repeated in the future. Today, we must ask ourselves what, if anything, have we learned from the Holocaust?

Elie Wiesel, a survivor of the Holocaust and accomplished author has written:

> From the holocaust, we have learned that we are responsible for the past and for the future as well.

The origins of the Holocaust were deeply rooted in intolerance, bigotry, and fanaticism. Despite the Holocaust experience, we continue to witness examples of man's inhumanity to his fellow man. As a member of the Commission on Security and Cooperation in Europe, I have repeatedly spoken out in opposition to these abuses of human rights. It is important that we recall the human misery and suffering of the Holocaust and work toward eliminating hatred and bigotry.

Wiesel has posed an important question:

> How does one commemorate six million victims? What words does one use, what metaphors does one invoke to describe the brutal and unprecedented extinction of an entire world?

I have had an opportunity to personally visit Yad Vashem in Jerusalem and recall the words enscribed there:

Son of Man, keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children and they unto theirs from generation unto generation • • •

Let us ponder upon this message and strive toward improving the condition of men throughout the world.●

REFLECTIONS ON U.S. DETERRENCE OF NUCLEAR WAR

● Mr. SYMMS. Mr. President, perceptions of Soviet intentions are very important to our assessments of United States security programs from both a defense and an arms control perspective. Perceptions are especially troublesome because of the Soviet efforts to influence our perceptions—that is, to mislead us into grossly misjudging their intentions. This Soviet effort to mislead us has been estimated by the CIA to be a multibillion-dollar-per-year operation.

One of the key perceptions today as we address such issues as nuclear freeze, START, and new U.S. strategic nuclear programs is the nature of Soviet intentions regarding their nuclear forces, which we have seen expand well beyond all our anticipations. What are they up to and how well do we understand their intentions?

I would like to place in the RECORD a most timely, illuminating, and provocative article that was just published in Air University Review, "What Happens If Deterrence Fails?" This article presents a very studious and sobering assessment of Soviet intentions with respect to their nuclear forces, and equally if not more disturbing, the United States perceptions of these intentions, in particular, our failure to consider what the Soviets have to say about nuclear war to their own political and military officials.

The article certainly brings out the need to consider with great seriousness both the defense and arms control dimensions of U.S. national security strategy. To the extent both are based on faulty mirror images, both could be equally in error and in need of reassessment.

The principal messages of the article are as follows:

Once again, the American military is preparing to fight the wrong war. We hope and pray this war will never come, but if it does, there will be no time to change plans, strategy, or capabilities. Gross errors in understanding the enemy and the nature of the war he is planning to wage also undermines the efficacy of our deterrent, insofar as the Soviets are well aware of our short sightedness and lack of preparations.

For years the intelligence community consistently underestimated the Soviet missile build up. These errors continue in areas such as civil defense, industrial preparations for war, reserves, and arms control violations. At the heart of all these errors is a serious misjudging of Soviet doctrine and military strategy.

The estimates used in defense and national security planning since 1961 have been U.S. views on what was best, or what it had to be to support U.S. policy. Actual writings on Soviet strategy such as "Military Strategy" and internal Soviet literature have been ignored or downgraded, and continue to be. The problem has become more serious because a massive increase in Soviet disinformation beginning in the mid 1970's to mislead the West concerning their military strategy and intentions. This latest round of disinformation, directed to cover Soviet preparations for war and first strike intentions, is a perfect example of Lenin's guidance to the first chief of deception planning in the Soviet Union, Felix Dzerzhinskiy, "Tell them what they want to believe."

How can M–X or defense plans for protracted nuclear war be adequately addressed without taking into account Soviet doctrine and strategy?

The people who so wrongly judged Soviet policy and military strategy in the past are still in charge and still refuse to acknowledge Soviet strategy, which is the rationale behind the massive nuclear arms buildup we have witnessed over the past fifteen years. It reminds me of the episode in "The Holocaust" where Rudi questions his mother, "Nobody believes him (Hitler) when he says he's going to do these things. Why didn't anyone take it seriously? What he said about the Jews, and Slavs?" His mother stopped writing a letter to her husband, turned gray, pale, "people deceive themselves when they're frightened, Rudi."

The entire article follows:

[From the Air University Review]

WHAT HAPPENS IF DETERRENCE FAILS?

(Dr. Joseph D. Doughlass, Jr.)

This question emerged in the late 1960s during the reaction to the U.S. Mutual Assured Destruction (MAD) policy. People had grown concerned that while MAD might be a good deterrent, it did not provide much guidance for national survival should deterrence fail.

Serious questions were raised about how "mutual" the philosophy really was, and whether it would maintain its credibility in a crisis if the Soviet Union had different beliefs. As the Soviet forces grew both quantitatively and qualitatively, and in a manner in both regards quite different from what the MAD proponents had projected, the concern grew further and triggered a succession of U.S. nuclear war policy studies.

Such studies, whether they be for emergency management, continuity of government, force survivability, targeting, or recovery and reconstitution, depend most heavily on the scenario. The scenario lays out what is expected to happen or what appears prudent to anticipate. Policies and plans are both conceived and evaluated as they enable the nation to cope with scenario or influence its development.

In recent years, the scenario for nuclear war that appears to have received almost exclusive attention in the policy and planning process is the limited Soviet preemptive counterforce attack scenario. In this scenario, the Soviets mainly attack the U.S. strategic nuclear capability. They strive to reduce collateral damage and, where possible, avoid targeting cities. The strike is usually limited or carefully restricted, but in some cases it can even be fairly massive when command/control, communications, and other military targets are assumed to be targeted.

In January 1974, Defense Secretary James R. Schlesinger announced a new selective targeting strategy for nuclear war. The basis for this change was the limited counterforce scenario. The rationale was that the President should not have to choose between an all MAD or nothing response in such a scenario. Greater flexibility was required to cope with the less than all-out attack. This flexibility was the essence of the new selective targeting strategy.

Following the unanticipated growth in Soviet nuclear capabilities in the mid-1970s, especially their improvements in payload capacity and delivery accuracy, this scenario became even more popular. With the Soviet improvements, Minuteman and bomber survivability became serious issues. This, in turn, imparted increased concern that the Soviets might be able to target and destroy these strategic components while holding our cities hostage to coerce the President into not responding with what then would be regarded as a suicidal decision. Again, the driving scenario was a limited counterforce preemptive strike by the Soviet Union.

Further consideration of this scenario led to these questions:

How should the United States use whatever residual capability remained after such a strike?

What residual capability or strategic nuclear "reserves" were required?

This shifted policy and planning attention into the previously neglected realm of protracted nuclear war. Again, the main scenario is a limited counterforce exchange in which both sides exercise mutual restraint out of their own self-interest, and both search for ways of resolving the conflict short of total destruction.

To a considerable extent, the reason these scenarios are selected is not necessarily that they are quite likely. Rather, reading between the lines, they seem to be selected because they are interesting. They are not trivial, they are not impossible, they stimulate the imagination, and, in general, they have a more or less (relatively speaking) "happy" ending.

And thus it is with the scenarios involving limited nuclear counterforce attacks. Where mutual restraint is exercised, there exists the possibility of intrawar negotiation. There also exists the possibility of substantially altering the consequences of war by not basing missiles in one's backyard. The counterforce scenarios do not signal the end of the world, and, therefore, it may be worth allocating effort and resources to prepare for such possiblities. While challenging, they are not totally demoralizing and almost appear workable.

The possible problem is that while they may be interesting, logical, and even sensible, there is very little support for them evident in Soviet military doctrine, which is Soviet state policy, or in Soviet military strategy, as expressed in their military writings that we have obtained. This is not an isolated opinion. Several professional analysts have searched for interest in limited strategic nuclear war, or in counterforce exchanges, in the available Soviet military and party literature and have been unable to identify any even moderate support.

Certainly, these limited counterforce scenarios are all possible, if for no other reason than no one knows what will happen once nuclear weapons begin flying between the Soviet Union and the United States. In fact, the best way to lose one's credibility is to

argue that any scenario is much better or poorer than someone else's scenario.

On the other hand, the types of scenarios that would reflect more fully Soviet statements on military doctrine and strategy (i.e., that would reflect how they say they will fight the war where the audience appears to be their own officer corps) rarely seem to be addressed in U.S. policy or nuclear deterrence studies. And even should the United States become prepared for the counterforce variety of scenario, we might still be unprepared for the type of war the Soviets discuss in their literature. Moreoever, by being unprepared, we might ultimately encourage the Soviets to plan to wage exactly the type of war we would like to avoid and which makes the counterforce variety interesting in the first place.

The priority goal of the United States is to deter nuclear war. But deterrence, like beauty, "is altogether in the eye of the beholder"—here, the Soviet Union. While U.S. analyses and scenario constructs are valuable, useful, informative, and the essential input to the policy planning process, it still seems important not to lose sight of what the Soviets may believe. Therefore, in the process of conducting the various nuclear policy, targeting, force modernization, and civil defense studies, it would seem prudent to give equal time and attention to scenarios derived from evident Soviet military thinking. Even if many of these Soviet concepts seem inconceivable, they are still worth studying, if for no other reason than to isolate the qualities that make them inconceivable and, subsequently, to ensure that these qualities are not forgotten or allowed to atrophy.

With this in mind, the following discussion examines and contrasts various aspects of Soviet military thought, as discussed in their internal literature, with related aspects of the U.S. counterforce scenarios currently in vogue. The purpose is not to present a straw-man alternative, but rather to illustrate some types of complicating factors and problems that are rarely contained in the scenarios that seem to be used in the policy and planning process and that could be significant, should deterrence fail.

SURPRISE AND PREEMPTION

The importance of surprise dominates Soviet military thought. In launching an attack, the Soviets explain, it is important to catch the enemy by surprise so that the attack succeeds in destroying the enemy missiles before they can be launched back in an organized response.

Surprise and preemption tend to be incompatible concepts. This is inherent in the concept of preemption. To preempt is to strike when the enemy is poised and judged to be about to strike. Preemption, while better than striking second, is not a preferred Soviet strategy, because it is the enemy who is basically choosing the time of war. Moreover, because the enemy is by definition ready for war, he is maximally prepared to launch on warning a counterstrike. Thus, in preemption, the possibility of achieving surprise in general is minimized.

In Soviet strategic writings, surprise is far more important than preemption because in preemption, independent of who initiates, the Soviet and U.S. missiles "pass each other overhead," as the Soviets would say, and the main benefits of striking first are lost. All that preemption does is to prevent the other side from successfully seizing the initiative.

In the counterforce scenarios, the Soviets preempt during a crisis. Both sides tend to be alert or fully generated in this scenario. One is led to this type of scenario because surprise is often equated with a "bolt-out-of-the-blue" attack, which comes in peacetime and as such is considered unreasonable. Unfortunately, a Soviet surprise first strike during a crisis, which could be a local war in some area of the world, actually may be a more difficult case to prepare for than a peacetime, bolt-out-of-the-blue attack. To the extent the Soviets assess that the United States is about to strike, the preemption scenario would be consistent with Soviet military writings. However, it would not seem to be Soviet preferred strategy because it loses the element of surprise. A scenario more in line with Soviet writings might be for the Soviets, within a crisis and having decided to go to war, to deflect the attention of the key decisionmakers and prepare the grounds for a successful surprise first strike. This preparation could extend over several months.

One approach might be to attempt to defense the situation and eventually propose that the U.S. President meet with the Soviet General Secretary in a neutral city such as Geneva, to negotiate a mutually acceptable accommodation. Then, after U.S. forces come off alert or stand-down, or when the President is en route to Geneva—that is, at the most unlikely moment—the Soviet strike first.

But this is not a preemptive strike. Rather it is a cool, carefully executed and concealed first strike. This scenario was specifically suggested by a former high-level East European political officer during a discussion of how the Soviets might go to war. Two very similar scenarios, with the United States cast as the bad guys, have been identified in the Soviet General Staff literature.

In the United States, while considerable attention is given to strategic warning, the primary focus of the decision process appears to be the receipt of timely tactical warning information from sensors, for example, warning of missile launchings from the early warning satellites. This appears to differ from the Soviet thinking in two regards: First, the decision information considered most important in Soviet writings is strategic warning information from in-place agents. The Soviets want to know about a decision to attack before missiles are launched. Second, while warning information is essential, equal emphasis is placed on the decision to take action as part of the warning process. As the Soviets have analyzed surprise in the past, what was critical was not so much the lack of information but rather the failure to make decisions and take actions based on what information was available.

Consequently, to achieve surprise, in addition to employing secrecy to withhold important information, many actions to deflect or inhibit the opposition's decision process should be anticipated, such as the deliberate insertion of distracting and conflicting information and misleading the key decision-makers and their advisors regarding Soviet intentions. For example.

"In modern conditions, surprise action is of importance for the successful execution of strategic missions and the subsequent achievement of strategic goals. The concealed execution of all preparatory measures and the deeply planned, active supply of misinformation to the enemy side about the true plans may catch the enemy troops unaware, lower their resistance potential and their effective counter-action, and at the same time ensure the successful execution of the assigned mission."

Another especially important dimension of surprise that receives emphasis in the Soviet literature is military intelligence, in which the Soviets strive to disable, covertly if possible, both the sensors that otherwise would warn the United States that an attack was under way and the major command communication links that would be used to direct time-critical events such as warning, launching airplanes, and directing a response.

This activity probably only needs to succeed for twenty minutes to be successful. It clearly is called for in the Soviet literature and is an identified activity for both in-place and inserted sabotage teams as reported in the early 1970s by a former KGB officer who had been responsible for operating the sabotage network in Great Britain. His plans included the sabotage, immediately before a surprise attack on Great Britain, of radar stations, communication centers, and other essential defense installations. One specific high-priority target was the Fylingdales ballistic-missile early-warning radar. His plans coordinated the activities of teams of British traitors (several hundred) and in-place Soviet agents as well as Soviet assault forces that were to land from the North Sea with explosives. The importance of this activity also was reinforced by a second KGB officer who had served as captain of an elite KGB spetsnaz (sabotage, etc.) team.

Such activities could be undertaken to accomplish important strategic missions before the war really starts. For example, production, transportation, and communications are directly tied to electric power. A dozen sabotage teams directed by knowledgeable and competent power engineers could make the Northeast power failure of 1965 look like child's play—and this power failure has not gone unnoticed in the classified Soviet General Staff literature. A concerted Soviet effort could also be undertaken to disrupt U.S. reconnaissance, warning, and emergency communication capabilities prior to or coincident with the launching of Soviet missiles.

Another neglected dimension of this problem includes political, ideological, and subversive actions that might be undertaken on the eve of war. The Soviet logic is quite straightforward. Such measures deteriorate the enemy's political and morale state and "the lower this state is, the easier it will be to achieve surprise and the more serious consequences it will produce." The types of measures called for include propaganda, protest marches (perhaps even bordering on insurrection), and sabotage.

If one considers the relative ease with which people and material can be smuggled into the United States, the increased training of indigenous U.S. terrorist groups by the Soviet Union and its surrogates, the dismantling of U.S. internal security apparatus in the mid-1970s, and so forth, the potentially harmful consequences to the decision process of even uncoordinated activities in a severe crisis should raise a number of uncomfortable questions. The panic that could be produced could be orders of magnitude more severe and uncontrollable than was experienced in October 1962.

It is not inconceivable that such activities could seriously disable the United States' ability to go to war. And such activities directed toward exactly such a goal are called for in the Soviet military and party literature.

The inherent potential for disruption and distraction in the United States either overtly or covertly under the cover of protest seems large and is not treated in the counterforce scenarios and nuclear war games. Rarely do any games or studies seriously address the range of problems that might emerge before the "button" is pushed.

CONFLICT SCOPE

Nuclear war scenarios in the United States normally address only the nuclear exchange. While peripheral activities sometimes are included to add context and provide a degree of realism, they are at best just that—peripheral. Again, the Soviet approach appears to be quite different from the U.S. approach.

First, the Soviets do not appear to approach nuclear war as just a nuclear exchange. As counseled in their basic party-military text, *Marxism-Leninism on War and Army,*

"Such a war should not be thought of as a gigantic technical enterprise alone—as a launching of an enormous number of missiles with nuclear warheads to destroy the vital objectives and manpower of the enemy, or as operations by the armed forces alone."

All forces are to be used and coordinated in their plans—army, navy, air force—and all means are to be used—chemical, conventional, electronic, and intelligence—each to its best advantage.

And, second, the latter portion of this concept, nonmilitary forces are also included in their general war plans.

"Nuclear war is a complex and many-sided process, which in addition to the operation of the armed forces will involve economic, diplomatic and ideological forms of struggle.

"With the outbreak of war all means of policymaking are directed towards victory, towards achieving the political aims of the war. They are not achieved by the armed forces alone. Economic and ideology struggle, open and secret diplomacy, and other forms of struggle, are used not only to further the armed struggle but also to supplement it, and in aggregate with it they are able to break the will of the enemy to resist, and thus secure victory."

Included as a part of the ideology and other forms of struggle are the propaganda, sabotage, and revolutionary actions discussed earlier.

Third, nuclear war is discussed as a global war between two opposed coalitions in the Soviet literature. All areas of the world are involved and prepared in advance as part of the Soviet concept for general war. This preparation is called "preparing the territory." It even may include the development of revolutionary centers in various strategic regions during peacetime, including within the United States. As described by a former East European political officer, these centers, besides being bases for the revolutionary movements in peacetime, also have important roles in general war, specifically, in the disruption of U.S. communications and intelligence facilities overseas and in the overseas movement (staging) of Soviet military forces. This could be very important in a prewar stage, assuming that the war could grow out of a crisis in some limited area of the world, and especially in a postwar or protracted war phase where recovery may depend on the availability of overseas resources.

While "peripheral" Soviet activities may be peripheral insofar as the basic missile exchange portion of the scenario is concerned, which itself may be incorrect, this does not seem to be true during the threat period, wherein they might materially affect the U.S. capability going into the exchange, or soon after the conclusion of the major opening nuclear salvos. The non-ICBM forces that remain and the relative ability of the Soviet and U.S. high commands to husband these resources at the beginning of the war and direct them in a coordinated and meaningfully focused manner from a national rather than major command perspective following the main exchange could be an important factor in defining the command, control, communications, and intelligence (C^3I) requirements for fighting after the initial exchange and in determining how the war ends.

At present, these aspects of Soviet strategy seem to receive but scant attention in the U.S. counterforce scenarios, although their importance is constantly stressed throughout the Soviet party and military literature.

THE FIRST NUCLEAR STRIKE

How one characterizes the first strike is an especially critical aspect of the scenario. The counterforce scenarios that are in vogue range from the strictly counterstrategic missiles variety to the massive counterforce attack in which other military and C^3I targets are included. The common ingredient is hypothesized Soviet interest in limiting collateral damage and in holding U.S. cities hostage as negotiating leverage to deter the United States from striking Soviet cities. This notion of mutual restraint is central to the "interesting" scenarios.

Unfortunately, Soviet thinking about nuclear war as reflected in their literature appears to be quite different from U.S. thinking. If it comes, the Soviets say it will be the *decisive* battle. That is, it will determine which system, capitalism or communism, will triumph and which will be defeated. The Soviet objective is the total *defeat* of capitalism. This is to be accomplished rapidly, in the first strike if possible.

Gradualism does not appear to be a Soviet concept. As explained in 1968 by the Chief of the Soviet General Staff, Marshal M. V. Zakharov,

"As we know prenuclear strategy had to be content with gradualness in its actions and with an accumulation of tactical and operational results, thus building the structure of victory brick by brick. The core of this strategy can be expressed in the demand that only blows of ever-increasing force can crush the enemy.

"Nuclear strategy demands otherwise. Only the maximum concentration of force in the first strike (or strikes) can crush the enemy."

The possibility of achieving strategic results at the start of the war is the essence of the revolution in military strategy brought about by nuclear weapons. Accordingly, Soviet doctrine calls for constant readiness to deliver nuclear strikes and the attainment of victory in the "shortest possible time."

Western counterforce scenarios tend only to consider the readiness requirement. They almost totally ignore the Soviet objectives of victory (which by definition the United States considers impossible) and of achieving it in the shortest possible time.

The most immediate Soviet strategic goals appear to be selected to bring about or at least determine to the extent possible the total defeat of the United States and our allies right at the beginning of the initial period of war. As explained by Marshal N. I. Krylov, head of the Strategic Missile Force in 1967:

"The mass use of nuclear weapons in the first moments and hours of a war which has begun will undermine the economic might of the enemy, put out of commission centers of control of its armed forces and state, and lead to the destruction of the main groupings of troops, including strategic nuclear forces. This will insure achievement of the main strategic goals of war in its very beginning and will determine the entire subsequent military-political situation."

The strategic nuclear military forces are to be destroyed mainly to limit real and potential damage to the Soviet Union. All other military forces are to be destroyed to disarm the enemy so that he is unable to defend himself or offer any organized military resistance to subsequent Soviet actions; and as a derivative of this process, to demoralize any residual enemy military forces and the surviving population.

Additionally, the capability to rebuild military forces (i.e., the economy) also must be destroyed both because of its importance in the postexchange struggle for supremacy and, again, because of its obvious effect on morale.

"The economy, which is one of the mainspheres in the struggle between socialism and capitalism, has become the most important target of armed combat. Destruction and neutralization of the enemy economic potential have become one of the basic missions in war. A change in the economic conditions of a country or coalition of states is immediately reflected in political conditions and in the moral-psychological condition of the population and army."

The morale needs to be so utterly destroyed that the entire people give up and do what they are told without opposition. This is the evident Soviet goal, and it is to be accomplished rapidly, immediately if possible, at the start of the war. Strategic success, the Soviets state, is achieved not only through destroying the enemy's nuclear strike potential and major enemy troop concentrations but also by simultaneous annihilation of the enemy's war-economic potential and by disorganization of governmental and military control.

Unfortunately, neither counterforce targeting nor mutual restraint are concepts that one encounters in Soviet military thought, except as treated in their analyses of U.S. concepts. This is not to say that the Soviets are not interested in limiting damage. They most certainly are. This is why surprise is so important in their strategy. But, in Soviet strategy, one limits damage by destroying the enemy's forces, by "tearing the nuclear stings from the jaws of the enemy" before they can be used against the Soviet Union. The Soviets do not appear likely to depend on the good graces of the enemy for their basic survival—especially considering the gross uncertainties, confusions, and problems of control that they believe (as does the United States) will characterize a nuclear war environment.

Precisely what the Soviets would target and which targets would be struck in the first, second, or third wave are unknown. As a start toward building a representative scenario, analysts might ask how most effectively and efficiently they might target to destroy the U.S. military and economic potential, to disrupt all government and military control, and to disorganize the activities of the United States as a whole. In such a scenario, all means should be employed in

attacking targets, not just nuclear means. Depending on the target, its location, and the nature of destruction required, nonnuclear means such as chemical or biological agents, radio electronic combat (REC) measures, and so forth, might be preferable to nuclear strikes.

Also, the Soviet approach appears to be mission, not target, oriented. One mission might be to paralyze military production; another to disrupt communications. The Soviets do not talk about destroying classes of targets, such as power plants or all military-industrial centers, to accomplish such missions. Rather, they talk of targeting important centers and "critical branches" where the critical branch might be some distance from the intended target. The Soviets also write at length about sectionalizing the country by strikes on key transportation centers (airfield, rail, and road networks) and of destroying critical people (e.g., scientific and technical) and special industries (e.g., nuclear and chemical).

If the Soviets follow their expressed strategic logic, in addition to strikes against military and C^3I targets, one should expect substantial strikes (in terms of effectiveness) against selected facilities and even regions as required to eliminate the United States as a military power for a long time and to destroy the people's will to continue the war and possibly even to resist the introduction of a Soviet surrogate government and related occupational forces—that is, to "subjugate the United States to Soviet will." The strike might well be directed to destroy most electrical power or its distribution to key segments of the country, oil refineries, communication and transportation centers, selected large high technology and industrial centers, and even segments of heavy industry and strategic material stockpiles (e.g., petroleum). Areas spared or not struck would be either of secondary importance or possibly would be important areas that the Soviets would like to preserve for their own use.

FLEXIBILITY, OPTIONS, AND C^3I

Because of the anticipated severe nuclear environment—especially as regards possible disruption in communications, intelligence, and command—the missions designed to accomplish the most immediate Soviet strategic goals would appear to be largely preplanned.

But preplanned does not mean rigid or mindless. The Soviets stress the importance of maintaining control. This is reflected in their enormous investment to ensure the survival and continued functioning of their command, both party and military, or more specifically, of the Politburo, Secretariat, Defense Council, and General Staff and their counterpart organizations at all lower levels.

Survivability and flexibility in command are essential to enable the Soviets to manage their forces to achieve more, effectively, efficiently, and quickly their most immediate goals. While this battle-management capability would have the flexibility to play the tit-for-tat exchange or mutual restraint games, this facet of their capability should not be confused with or used to obfuscate what appears to be the real intent behind their capability, nuclear war fighting.

There is a tendency to confuse Western concepts of flexibility, i.e., options, with Soviet concepts of flexibility. Soviet battle-management capabilities are not discussed as providing options—different buttons to push at the start of the war—but rather to fight a nuclear war after it has started. This requires not only that one seize the initiative, i.e., strike first with surprise if possible, but that one maintain the initiative until total victory is achieved. Maintaining the initiative is as important in Soviet writings on military and political strategy as seizing the initiative. The enemy is not to be allowed the opportunity to recover. No quarter is to be given, except possibly as a temporary expedient to improve the Soviet position.

Again, as is typical of Soviet writings, the logic is clear and straightforward. The Soviets state that it would be wrong to assume that the enemy will cease operations after the main nuclear strike. It is more likely that the enemy will continue to launch nuclear strikes, will seek to recover his remaining forces, and mobilize to continue his aggressive acts. Therefore, it is essential to maintain the initiative with the delivery of successive nuclear strikes while the ground forces shift to a decisive offensive designed to complete the aggressor's defeat.

The counterforce scenarios rarely seem to credit the Soviets with pursuing their expressed war aims, with striving to accomplish their most immediate strategic goals, or with maintaining the initiative. Most of the dialogue in the West, particularly that in the United States about options and flexibility, only seems to sidestep the basic reality; namely, that the West is unwilling, unable, or possibly even afraid, especially in the sense of possibly making nuclear war more likely, to address nuclear war fighting.

This discussion will clearly upset proponents of selective targeting and options. An enormous amount of effort has been expended to get away from the one-button capability that we had for many years. Getting people to think in terms of options and selectivity has been an enormous, uphill battle. What is forgotten is that the original work that identified the need for options and selectivity took place when the United States was vastly superior. In that time frame and context, it may have made sense as a U.S. strategy. It may still make sense, although it is not clear that serious questions might not exist when it is put forth as a U.S. strategy in the context of substantial Soviet superiority and war-fighting strategy and capability. This becomes a very practical matter when preparations are made for one type but not for the other; or when preparations for one type detract from or disable preparations for the other type.

In today's world, the Soviets might even find a U.S. focus on options, selectivity, and mutual restraint to their advantage in the sense of improving the Soviet prospects for more effectively accomplishing their main strategic goals, as previously discussed. If this were the case, the Soviets might follow the development of such possibilities in U.S. nuclear strategy very carefully and possibly take whatever actions (or inactions) they felt might be most effective (from their point of view) in assisting the U.S. strategy evolve to their advantage.

In Soviet strategy, this is called influencing or controlling the opponent's decisions. The Soviets emphasize the importance of using all means to win the war. Strategic deception used to influence the opponent to make decisions to Soviet advantage is a very important tool. But this is discussed in terms of its effectiveness in enabling the Soviets to triumph more effectively, not in terms of negotiating the rules of the game, which the Soviets state are not negotiable.

This use of strategic deception to influence U.S. actions could be most difficult to detect because it might well combine apparently inconsistent themes, i.e., strong approbation in the open press coupled with indications that they agreed and were moving in the same direction in classified data or in exercises that they expect the Western intelligence agencies to follow and analyze. Unfortunately, few people in the United States concern themselves with Soviet deception. No analysts are known to have the experience and access to deal adequately with the problem. Nor is the problem limited to the analysts. Convincing people at the political level and at the high or medium-high decision-making level within the intelligence organization that deception is a real problem, is the nub of the problem, as explained by the former CIA deputy chief of counterintelligence.

PROTRACTED NUCLEAR WAR

After the short-war phase, which could last just hours or days, and assuming that the war is not resolved, the protracted phase begins. Almost by definition, protracted nuclear war refers to a nuclear war that does not end quickly.

In Soviet writings, the short war and protracted war appear to be directly connected. A short war in which the objectives are not achieved seems to be the beginning of a protracted war. Thus a protracted war scenario should begin with Act I, in which in Soviet short-war strategy is implemented but for one reason or another is not sucessful.

In contrast, U.S. counterforce protracted-war scenarios often seem to be drawn out, or phased, short-war scenarios. Certain missions, for example, those involving collateral damage or attacks on the political leadership, are delayed or withheld. While one can find support in the Soviet literature for withholding strikes even against very important military targets, in applying such statements to the design of a specific scenario, it is essential to explain why this makes sense in the specific case and to do so in Soviet terms using Soviet logic. Unfortunately, the builders of counterforce scenarios rarely if ever do this, and there is little in the Soviet literature that supports controlled or gradual escalation, as indicated earlier.

Other possible problems with protracted war in Western studies may be associated with the success of Soviet preparations to survive a U.S. nuclear strike. Western studies rarely address the relative postures, other than those of the principal nuclear forces, following a nuclear exchange. That is, relative preparations to survive and recover are almost never addressed.

These preparations receive great emphasis in the Soviet literature and plans, to the extent that we occasionally are able to obtain inside information on them. Many of these preparations as discussed in their literature are highly dependent on mobility and secrecy. Important elements of forces, command/control, industry, and so forth are to change locations on the eve of the war and again in several cases a few days later. Most relocations depend on secrecy for their survival, which in turn puts a very high premium on destroying the enemy's intelligence capabilities in the initial strike.

Duplication (in the sense of mothballing) is also key in important areas such as critical industry, strategic materials, and even electric power. Where these types of mothballed facilities, material, or ready capabilities would be located is also a hard intelligence question. Two obvious approaches are the massive use of underground facilities and imbedding operations where they are

easily lost (perhaps, for example, in cities). U.S. analysts have very limited insight into such Soviet preparations and almost no knowledge of how extensive they might be. Accordingly, such considerations do not enter into Western nuclear war scenarios.

One of the aspects of Soviet preparations for protracted war that has gained some attention in recent years is their strategic nuclear reserves. The current interest is mainly in reloads or refires from previously used missile silos. While this is certainly a valid possibility and concern, there is another interpretation of the data that may be worth some attention.

In the Soviet armed forces, reserves are divided into emergency and mobilization, strategic and government reserves. Emergency reserves are kept directly in the units and commands and are to be sufficient for the conduct of military operations for a specific period, for example, for the initial period of the war. Mobilization reserves are to replace losses or expenditures resulting from operations during the initial phase of the war. Strategic reserves are part of government reserves that have been placed at the disposal of the high command, and the remainder are termed state reserves. "Reserves" per se can refer to all of these stockpiles or to very specific ones.

The mobilization and emergency reserves generally are what the Soviets expect to use to fight and win the war. Strategic and government reserves are extras for the disaster scenario and are of special importance for protracted war. These reserves are to enable the Soviets to dominate the postwar world and as such are said to "win the war."

What or where the strategic and state reserves are poses a bit of a problem. One of the characteristics of these reserves is that they should be unknown to the enemy—unknown both regarding location and quantity. They are something extra that the enemy should be unaware of and that the Soviets still have after the mobilization and emergency reserves have been exhausted through use or attrition. Therefore, it seems that nuclear strategic and state or government reserves are important (i.e., the Soviets would have them in considerable quantity) and that they might not be associated through manufacture, storage, or operations with any of the known missile fields.

With this background, the missile silo reload/refire possibility can take on a slightly different color. First, reloads would seem to be more a mobilization reserve than strategic reserve. Second, having a reload capability could serve a second purpose, in a deception sense, by providing a good sink for U.S. warheads—i.e., the used missile silos are no longer just empty silos. They have become refillable silos and hence are valid targets for U.S. strategic missiles and bombers. That is, they are also a good mechanism to draw both fire and attention, in a sense dummy targets. The importance of dummy targets to draw fire and attention is consistently stressed in the Soviet literature. And what other strategic missile dummy target candidates are there?

Still further, why would the Soviets plan to reconstitute a force in the main areas where rubble and fallout radiation levels should be expected to be most severe. Following a nuclear exchange in which vulnerable U.S. reconnaissance capabilities can reasonably be expected to be destroyed, missiles and erector-launchers in the open or under light cover would seem to be adequately survivable.

The problem of reserves is additionally severe because of certain beliefs as to how large is large, or when a stockpile is unreasonably large. For some time, both the U.S. and Soviet stockpiles have been reported in the open literature to be in the range of 20,000 to 30,000 warheads, with the U.S. stockpile the larger of the two. These figures generally are considered to be very large. Even if they were halved, many people would still regard them as unreasonably high. Given such high levels, to assume there might be still more weapons that are hidden would be both unreasonable and unmeaningful.

The fact is, however, that we have little information on the Soviet stockpile. The figures are probably derived by estimating how many warheads go with their delivery systems that we believe exist, and ensuring this estimate is within their production capacity, again, that we believe exists. However, it is possible to reach quite different figures if the problem is approached from an aggressive military requirements point of view. In this case, the figures could easily range in excess of 100,000 warheads.

While it should not be too difficult to develop rough estimates of Soviet stockpile requirements based on Soviet military doctrine and strategy, this is not known to have been done. Were it to be done, the resulting range and variety could well differ substantially from the current stockpile estimates in both quantity and quality. Considering the importance attached to reserves in the Soviet literature—that is, reserves end the war as they would like to see it end—this question of reserves might warrant considerably more attention in U.S. scenarios.

DEVELOPING A SCENARIO BASED ON SOVIET MILITARY THOUGHT

The preceding discussion illustrates just a few of the myriad concerns that come to mind when comparing the counterforce scenarios that appear to be used in many U.S. studies with the available Soviet military and political literature, both classified and unclassified, and, to a lesser extent, Soviet capabilities and defector testimony. The discussion is not meant to be alarmist; it is meant only to indicate that there may be an enormous gulf between the policies, plans, strategies, and capabilities for nuclear war as appear to be reflected in Western thinking vis-a-vis Soviet military and political thought.

The preceding is also not meant to sell short Soviet recognition of the problems in nuclear war. The Soviets are well aware of how things can go wrong. In fact, one of their constantly emphasized principles of war—conformity to the conditions—is not to overplan, overestimate their own capabilities, or underestimate those of the enemy. In this regard, Soviet writings are even more cautious and more realistic than those of the West.

The difference is, they do not believe war is impossible. They believe war is definitely possible, and because of the enormity of the attendant consequences, they believe they should prepare for it. And while one may be hard pressed to find clear indications that they believe they can win a war today, they do believe that a war can be lost if insufficiently prepared for.

Perhaps because of reluctance of the West to come to grips with the possibility of nuclear war, for many years there has been a parallel reluctance to analyze with any degree of seriousness what the Soviets say, and many arguments are raised in opposition to placing much faith in the data. On the other hand, the data have exhibited a marked consistency over the years. In reviewing the military and party literature, especially that associated with the General Staff, the General Staff Academy, and the Lenin Military-Political Academy, from the late 1950s to the mid-1970s, the basic discussions on first strike, surprise, characteristic features of the war, war aims and goals, missions and means are almost invariant.

The most significant change emerged in the mid-1970s when the Soviets began censoring out of their literature that the West was known to be analyzing nearly all topics associated with nuclear war fighting. At the same time, strong propaganda was introduced, especially in the more public media such as *Pravda* and *Izvestia*, which stressed that the Soviets did not have and never have had a first-strike strategy, and that they agreed with the détente notions that nuclear superiority was meaningless, that war winning was impossible, and that it was essential to reduce the size of the nuclear arsenals through arms control agreements. As indicated elsewhere, this is believed to have been (and still is) carefully orchestrated Soviet disinformation designed to cover their real intentions and allow them to achieve a major shift in the balance of power through détente, as the British warned might be the case in 1973.

Additionally, the Soviet military and party literature is consistent with their capabilities that have emerged, both hardware and command/control as demonstrated in strategic force exercises. And, of special interest, one finds the same logic and thought processes, more specifically, careful attention to laws of war and principles of military art, in discussions of Soviet war plans and related documents.

This is also how constructing a Soviet scenario might well be approached, that is, with due regard for all the laws of war and principles of military art, using all forces and means—military as well as nonmilitary. As an example of the range of topics that probably should receive attention in constructing such a scenario, consider the following:

Soviet overt and covert actions to achieve a successful surprise first strike during or following a severe crisis;

coordination of sabotage, intelligence, economic, and diplomatic initiatives;

war aims and goals, military strategy and operational concepts, including missions and command responsibilities in all the different theaters of operation;

use of revolutionary centers around the world, including within the United States;

initial nuclear strike, subsequent nuclear strikes, and exploitation by ground and air forces, that is, seizing and maintaining the initiative;

simultaneous subversion and ideological warfare; and

Soviet concepts of reserves, reconstitution, recovery, war termination, and victory.

Two thousand years ago Chinese military philosopher Sun Tzu wrote, "Thus, what is of supreme importance in war is to attack the enemy's strategy. . . ." It would seem that central to any planning for war should be analyses of the enemy's strategy for war, his preparations to implement the strategy, and assessments of the consequences of its implementation, including under conditions of extensive employment of nuclear weapons. In fact, this almost would seem to be a mandatory prerequisite to evaluating the efficacy or credibility of the U.S. deterrent forces, to estimating the cost of redressing deficiencies, to setting meaningful strategic goals for plans and policies, to designing and

evaluating civil defense strategies, to developing survivable C³I, to establishing continental defense priorities and plans, and so forth. However, such an analysis or assessment is not known to exist.

Over the past few years, there have been a few notable efforts to "think like the Soviets." These, however, generally have been isolated and minimally supported. They have been focused mostly in the technical areas of weapons effects and initial nuclear strike modeling. Although recently there have been some notable excursions into other areas, none appear to have had much impact on the policy and planning process, at least as can be inferred from the various congressional hearings, statements of high-level officials, and open press reports.

Admittedly, preparing for just the interesting counterforce case is probably better than doing nothing and hence should increase the deterrent value of our capabilities. On the other hand, however, how significant such an increase would be, especially when most important in a severe crisis, and whether different strategies, plans, and expenditures might significantly improve U.S. ability to cope with what the Soviets say will happen, are unknown. The simple fact is that we have not and are not addressing the types of scenarios that fit the Soviet writings on how to fight and win a nuclear war.●

WHO LOST CENTRAL AMERICA

● Mr. EAST. Mr. President, in the Washington Times of April 11, 1983, Patrick Buchanan, one of America's most distinguished commentators and journalists, explores the disconcerting parallels between the public debate over Vietnam in the 1970's and the continuing debate over Central America today.

Mr. Buchanan correctly states that "the conclusive battle for Central America is underway." The Soviets and the Cubans have established a beachhead in Nicaragua and are trying to subvert El Salvador and Guatemala through terrorism. The response to this aggression from some quarters is identical to that given to Soviet support for Vietcong and North Vietnamese terrorism in South Vietnam: Our allies are "corrupt dictatorships," they do not respect human rights, the United States should not get involved, the enemy is agrarian reformers, et cetera. The refrain never seems to change.

Mr. President, all the people of El Salvador are asking is American support to defend themselves from Communist terrorists. Their request is reasonable. A failure to respond to it will not be irresponsible and immoral.

I commend Pat Buchanan's column to my colleagues as a warning that we must not witness again the kind of genocide and tyranny that we have already seen—and permitted—in Vietnam, Laos, and Cambodia.

I ask that Mr. Buchanan's column be printed in the RECORD.

The column follows:

[From the Washington Times, Apr. 11, 1983]

WHO LOST CENTRAL AMERICA?

(By Patrick Buchanan)

Whose side are you on?

That rhetorical question posed by Dean Rusk in the decisive years of Vietnam was said to be an insult to the patriotism of the politicians and press at whom it was directed.

Looking back, the question was valid. Not a few "anit-war activists" who bedeviled Johnson and Nixon, all the while whimpering "give peace a chance," privately hungered for an American defeat. Some, to vindicate predictions that "the war could not be won." Others, because they believe Marxist revolution to be the wave of the future, and want to ride with it.

The other evening, former CIA Director William Colby related how, after the massacre of the Viet Cong by American firepower during the Tet offensive of 1968, reform and pacification worked. By 1971, he insisted, he could ride a bicycle alone through Vietnamese provinces that in 1967 had belonged, militarily and politically, to the Communists.

"Who then, lost Vietnam?, I asked. Congress, he retorted: the Congress of the United States lost the Vietnam War.

And so it did. In a series of decisions shameful and vindictive, the American Congress between 1973 and 1975 reduced South Vietnam's war rations to 1 percent of what the United States expended in 1968 and 1969, leaving our desperate allies at the mercy of the dozen Soviet-supplied divisions from the North that invaded in the spring of 1975. Congress was collaborator in the worst defeat in American history, ushering in the greatest holocaust since Auschwitz.

The victors, whom the peace movement assured us would bring to Southeast Asia a far, far better future than anything dreamed of by American imperialists and their "corrupt and dictatorial" puppets, unmasked themselves as a pack of butchers.

And the Republican Party let them get away with it.

"Yalta!" was the epithet spat out at the obsequious "statesmen" who sold out Eastern Europe to appease Stalin. "Who lost China?" was the bitter question pitched in the face of apologists for bumblers like George Catlett Marshall, who had insisted a "coalition government" was the proper solution for China, and imposed it upon a dependent ally. During the '50s, the Democratic Party was forced, repeatedly and rightly, to answer for the fecklessness and stupidity of initial postwar policy toward China and captive Europe.

But with Ford and Kissinger at the helm, and the politics of conciliation in the ascendency, the Republican Party acquiesced in 1976 to establishment importunings that we "put Vietnam behind us." The decision was as unfair to the families of the 50,000 dead and third of a million wounded as it was politically foolish. Americans were allowed to forget that the war launched by the liberal Democrats John F. Kennedy brought to Washington had been betrayed by liberal Democrats.

Now, it is happening all over again. In Central America. Again, the petulant whine that we are on the side of corrupt and dictatorial right-wing regimes. Again, the recommendation that we fight armed Castroites with land reform, economic redistribution, human rights commission, anything except military assistance for our desperate friends. Again, the hands of the president are being tied.

Prohibited by the Clark Amendment from moving against the Russian beachhead in Southern Africa, the president now is prohibited, by the Boland Amendment of December last, from disrupting the Russian beachhead in the Americas. Odd, is it not? The two most exposed and vulnerable provinces of the Soviet empire, Angola and Nicaragua, are designated protected sanctuaries by the Congress of the United States.

Let us not mince words. The margin for the United States is narrowing; the conclusive battle for Central America is underway. In Guatemala, Gen. Rios Montt has turned the tide against the communist guerrillas in a conflict reminiscent of the French and Indian wars. In El Salvador, 7,000 communist guerrillas have won a stalemate. In Nicaragua, pro-American "contras" have established one base camp adjacent to Honduras and are about to open a second front on the border with Costa Rica. We will win, the "contras" proclaim proudly, because "the strongest power on earth is behind us."

Is it? What do we hear from Congress? Abandon Rios Montt! He has no respect for human rights! Make aid to El Salvador conditional on negotiations with the guerrillas. Cut aid at once to the contras; they are right-wing "Somocistas" and the Boland Amendment says we are not permitted to attempt the overthrow of a Nicaraguan regime working for the overthrow of its pro-American neighbors.

As the left never mentions free elections, human rights or land reform in "liberated" China or Cuba, Vietnam or Nicaragua, we ought not only to question their proposals, but their motivation and sincerity.

Sooner, rather than later, Reagan must lay his cards on the table. The United States cannot remain a credible superpower if it allows the establishment of half a dozen Cubas in Central America. The president should declare it to be American policy to liquidate every Soviet outpost in Central America; and congressmen who labor relentlessly to impede that national purpose, while cloaking their resistance with the familiar patter of progressive nonsense, should be identified for what they have become: passive—and in some cases active—collaborators of the communist empire.●

THE WILDCATS OF LOVINGTON, N. MEX.

● Mr. DOMENICI. Mr. President, in politics, as well as in sports, the victory of an underdog team against formidable odds is an event that can make even the most somber spectator a jubilant enthusiast. But, politics aside, I would like to call the attention of my colleagues to the tremendous victory that the city of Lovington, N. Mex.'s Wildcats won in the AAA State Basketball Tournament. Entering the tournament with a respectable, though hardly unbeatable 11-14 record, Lovington won all three games in the tournament—all over favored teams—and went on to capture the championship against Tucumcari: a rival that had beaten Lovington three times in the previous season. While the source of our pride is certainly in the dedicated team members, I feel

special recognition should be accorded the Wildcat coach, Art Karger, who ends this first season with not only the State championship, but the respect and gratitude of the delegation and the town of Lovington.●

WILL HISTORY REPEAT ITSELF?

● Mr. McCLURE. Mr. President, the other body will be debating and voting on the nuclear weapons freeze today and tomorrow. I believe that it would be of some interest to them to be able to read my recent letter to President Reagan, delivered yesterday, on Soviet violations of the Nuclear Weapons Threshold Test Ban Treaty. Accordingly, I ask that this letter be inserted into the RECORD.

The letter referred to follows:

U.S. SENATE,
COMMITTEE ON ENERGY AND
NATURAL RESOURCES,
Washington, D.C., April 10, 1983.

Hon. RONALD REAGAN,
President of the United States, the White House, Washington, D.C.

DEAR MR. PRESIDENT: Roberta Wohlstetter has written instructively: "The cheater in an arms agreement and the side cheated . . . both need to preserve the illusion that the agreement has not been violated. The British fear of an arms race (i.e. in the 1930's) so skillfully manipulated by Hitler, led to a (i.e. 1935) naval agreement in which the British . . . tacitly revised the Versailles Treaty. And British fear of an arms race prevented them from recognizing violations of the new agreement."

In the summer of 1935, high-ranking naval officers of Hitler's Germany approached officals of the British government with a "one-time offer." The Nazis promised to limit their surface naval fleet to one third the size of the British fleet, if only Germany could have 100 percent of Britain's submarine tonnage. Ignoring the fact that the Nazis were already in violation of the 1921 Versailles Treaty ending World War I by having any navy at all, the British eagerly grasped the Nazis' straw. The Germans began producing U-boats and the grim story of Nazi aggression unchecked by democratic military power led to World War II.

Is this history of appeasement going to be repeated? Is another great Western democracy—this time America—turning its face away from serious treaty violations on the part of an aggressive totalitarian regime? Far graver potential consequences for the fate of the world are now at stake. Mr. President, I am confident that we can avoid repeating the mistakes of the past. The best way to keep the peace is through deterrence and enforcement of Soviet compliance with existing arms control treaties.

Mr. President, I firmly support your recent realistic public assessments of Soviet non-compliance with four arms control agreements. You have accurately and courageously concluded what I have long believed—that the Soviets are violating the SALT II Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1975 Biological and Toxin Weapons Convention, and the 1925 Chemical Warfare Protocol. You and other spokesmen in your administration have also accurately accused the Soviets of violating the Yalta Agreement of 1945, the Potsdam Agreement of 1945, the 1975 Helsinki Treaty on Human Rights and Collective Security in Central Europe, and even the United Nations' Charter. I, too, have always been skeptical that the Soviets would show much concern for international law, unless it was temporarily in their interest.

As you know, the Threshold Test Ban Treaty (TTBT) was signed by the U.S. and USSR in Moscow in July 1974. In March 1976 the U.S. and the USSR agreed jointly to put the TTBT 150 kiloton threshold limit on underground nuclear weapon tests into effect, pending its ratification. In July, 1977, the Senate Foreign Relations Committee held hearings on the TTBT and favorably reported it to the full Senate. A little later, it was for various considerations returned to the Committee, where it remains. The U.S., however, has complied precisely and unilaterally with all the provisions of the TTBT since March 1976, for more than seven years. U.S. underground nuclear weapons tests have all been significantly below the 150 kilotons threshold since early 1976.

Mr. President, I have always opposed U.S. unilaterial compliance with unratified and expired arms control treaties, on Constitutional and legal grounds. Moreover, prolonged U.S. unilateral compliance with unratified arms control treaties also may do damage to U.S. national security. Without debating the merits of the TTBT, and without accepting the propriety of the U.S. policy of the last seven years that we unilaterally comply with the precise provisions of the unratified TTBT, I believe that the Senate should inquire about Soviet behavior regarding TTBT compliance. Beyond the Senate's Constitutional responsibilities in treaty-making and appropriations, the Senate has the right and even the obligation to determine whether the Soviets are showing any reciprocity for the U.S. policy of unilateral TTBT compliance.

As the former Director of the Arms Control and Disarmament Agency, Eugene Rostow, testified to Congress in July 1981: "No arms control agreement can contribute to the goal of a peaceful world unless we have confidence that the Soviet Union is abiding by its terms."

It has come to my attention that as recently as December, 1982, the Soviet Union may have tested a nuclear weapon underground which may have had a yield in excess of the 150 kiloton threshold of the Threshold Test Ban Treaty. Last July 4, 1982 there were reports of a similar Soviet TTBT violation.

In fact, there are reliable reports of over 15 Soviet underground nuclear tests over 150 kilotons, in probably violation of the Threshold Test Ban Treaty. It has previously been reported that several of these 15 Soviet tests are unambiguous violations of the TTBT. There was almost certainty that their lowest possible estimated yields were reportedly above the 150 kiloton threshold.

Former Arms Control Agency Director Eugene Rostow further testified to the Senate on July 29, 1982: ". . . We have real concerns about a number of tests conducted by the Soviets since the TTBT and PNET Agreements were signed."

Defense Secretary Weinberger stated on August 11, 1982 that some Soviet underground nuclear tests have been big enough "to raise serious questions about compliance" with the 150 kiloton threshold of the TTBT.

Dr. Harold Agnew, one of America's foremost nuclear weapons and arms control experts, stated in Science magazine of April 8, 1983: "Over the years, subsequent (i.e. Soviet underground nuclear weapons) tests (i.e. after 1976) appeared to us to range as high as 400 kilotons."

Mr. President, you yourself stated on March 28, 1983: "We have reason to believe that there have been numerous violations . . ." of the TTBT.

Mr. President, I have become aware of the conclusions of a recent comprehensive statistical study of Soviet nuclear weapons testing since the TTBT limit went into effect. This study apparently reflects a majority conclusion among those who have analyzed the Soviet test data. The analytical methodology of the study is important, because it expresses the statistical probabilities of Soviet violations. The methodology and analysis are solid. The following conclusions of the study can be expressed in unclassified form:

1. U.S. data on Soviet underground nuclear weapons tests derived from U.S. National Technical Means (NTM) of TTBT verification are not consistent with Soviet compliance with the TTBT.

2. NTM data are consistent only with the occurrence of significant Soviet violations of the TTBT.

3. The most probable Soviet TTBT violations are militarily significant.

4. There is 95 percent probability of several Soviet violations of the TTBT limit at militarily significant levels, that is, at 250 kilotons and above.

5. These conclusions are almost completely unaffected by the uncertainty attributed to our seismic yield determinations. Thus we can have high confidence in the above probability of Soviet violations.

6. Finally, the above probability has not assumed any deliberate Soviet effort to mask their testing, such as by the use of decoupling techniques, or other site selections to reduce substantially the seismic signal. There reportedly is evidence of Soviet test masking, such as decoupling. Should such Soviet masking efforts be assumed in the analysis, the violations could be over twice as large.

7. These conclusions effectively refute the assertion frequently made that the U.S. can not determine whether the Soviets are violating the TTBT limit. We can tell, and the violations are significant.

Mr. President, your own statement of March 28, 1983 that the U.S. has reason to believe that there have been numerous Soviet TTBT violations is consistent with the above unclassified conclusions of the recent comprehensive statistical study. The conclusion that the Soviets are violating the TTBT in militarily significant ways at 95 percent confidence is important. I am persuaded that the conclusions above are valid, and are derived from a sound analytical methodology.

Unlike many other verification judgments, the above study states hard, mathematical conclusions. The problems of interpreting the arms control treaty and ambiguous intelligence evidence are not present in the case of the TTBT. The 150 kiloton threshold is precise, and the intelligence is solid when treated statistically.

Therefore Mr. President, I completely support your initiative toward enhanced treaty verification, but as I see it, the objective should be enforcement of compliance rather than enhanced verification.

I would like to ask several further questions about Soviet arms control compliance:

(1) Since the TTBT limit went into effect in March, 1976, the U.S. has reportedly sent the USSR numerous diplomatic demarches expressing concern over the 15 or more ob-

served Soviet violations of the TTBT. In each case, the Soviets reportedly have denied the violation. How do you explain these denials? Are these further cases of Soviet diplomatic duplicity? In light of these denials and without adequate explanations, how can the U.S. possibly ratify the TTBT?

(2) Last July, the U.S. reportedly proposed renegotiation of the verification provisions of the TTBT to allow on-site inspection at U.S. and Soviet test sites. Given the above statistically sound strong evidence of Soviet TTBT violations at 95 percent confidence, how should we interpret the recently reported Soviet rejection of the U.S. enhanced verification proposal? If the Soviets were not cheating already, why would the Soviets reject better verification? Does the Soviet rejection provide final conclusive evidence that they are cheating on the TTBT for militarily significant purposes?

(3) If the U.S. now has conclusive evidence of Soviet violation of the unratified TTBT, will you request that the TTBT be withdrawn from the Senate, in order to end U.S. unilateral compliance with the TTBT which is militarily disadvantageous to the U.S.?

(4) What does the now conclusive evidence of Soviet cheating on the TTBT imply about the already strong evidence of Soviet cheating on:

(a) The 1972 SALT I ABM Treaty;

(b) The 1972 SALT I Interim Agreement on Offensive Weapons;

(c) The Limited Test Ban Treaty of 1963, for which 30 Soviet ventings of radioactive debris outside their borders have been reported;

(d) The 1967 Tlateloco Treaty for the Prohibition of Nuclear Weapons in Latin America, Additional Protocol II—banning Soviet nuclear weapons in or around Cuba?

(5) Has a consistent pattern of Soviet arms control cheating emerged?

(6) All previous Administrations have stated that if the Soviets were caught violating even one arms control agreement, that we would have to reassess our entire spectrum of negotiations and relations with the Soviet Union. It was argued that the Soviets would be deterred from violating any arms control treaty, even one such as the 1975 BW Convention lacking specific verification measures, because of their fear of the political consequences of even being accused of a violation. Have your public accusations that the Soviets violated 5 arms control agreements deterred Soviet arms violations in other areas? Have the Soviets stopped the violations you have accused them of? Has your Administration reassessed U.S.-Soviet relations in view of your arms control violations charges? Has world public opinion deterred the Soviets from further violations? What are the diplomatic consequences of Soviet cheating?

(7) What conclusions can be drawn about Soviet intentions, in light of the consistent pattern of Soviet arms cheating?

(8) What actions to protect U.S. national security interests are you now considering, in view of Soviet failure to stop their arms control cheating?

As you stated to the United Nations General Assembly on June 17, 1982: "Simply collecting agreements will not bring peace. Agreements genuinely reinforce peace only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war."

Mr. President, part of the reason that you were elected U.S. President in November 1980 is that the American people share your realistic view of the Soviet Union. Previous Administrations have been unwilling to pay the short term political price for challenging Soviet arms control violations and enforcing Soviet arms control compliance. If even Ronald Reagan will not challenge all Soviet arms control violations and try to enforce Soviet compliance, then America may already be paralyzed by Soviet nuclear blackmail and perhaps may be doomed to its own form of Soviet Finlandization.

Alternatively, the American peoples' skepticism of Soviet intentions may well make them applaud your statesmanlike attitude toward Soviet violations of 5 arms control treaties.

Mr. President, thank you for your prompt answers to these important questions, which I will share with all my colleagues. It may be too late for your answers to affect the debate over your defense budget, the MX, the nuclear weapons freeze resolution, and your nomination of Kenneth Adelman to be Arms Control Director, but your answers will be of great interest.

With warmest personal regards,

JAMES A. MCCLURE,
U.S. Senator.●

YELLOW RAIN

● Mr. QUAYLE. Mr. President, some 8 years ago, the world first heard that chemical weapons were being used in Laos to defeat the H'Mong, a primitive mountain people who had bravely fought against the North Vietnamese and the Pathet Lao with the support of the United States. Then in 1979, reports started coming out of Kampuchea and Afghanistan that chemical weapons were being used. Today, our intelligence is that chemical and toxin weapons are still being used in all three areas.

Our intelligence also shows that the Vietnamese have now intensified the use of chemical weapons during their latest offensive along the Thai border.

An offensive, I might add, that is bringing death and injury to innocent refugees whose only crime was to flee the oppressive Vietnamese-backed regime in Kampuchea. As devastating is the displacement of these thousands of innocent refugees who have been forced from their refugee camps.

On March 22, 1982, Secretary of State Alexander Haig issued a special report titled "Chemical Warfare in Southeast Asia and Afghanistan." This report, along with a companion one published by Secretary Shultz in November 1982, proves without a doubt that the Soviet Union and its allies are using these horrible weapons. And they are using these weapons in clear violation of two international treaties.

In 1925, the Geneva protocol was signed. In 1975, the Senate finally ratified it. This major treaty evolved after it was estimated more than 1 million people suffered or died as a result of the use of chemical weapons on World War I. The protocol outlaws the use in war of "asphyxiating, poisonous, or other gases, and all analagous liquids, materials, or devices." It also bans bacteriological warfare. But it does not prohibit the possession of any of these lethal agents. The Soviet Union, Vietnam, and 116 other nations have signed the protocol.

On March 26, 1975, the "convention on Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction" went into force. The convention was signed by the Soviet Union, the United States, and 109 other nations. It bans the development, production, stockpiling, transfer, and possession of biological and toxin weapons. Afghanistan, Laos, and Vietnam are also parties to the treaty.

The United States disposed of its biological weapons in 1969. Defense Department analysts believe the Soviet Union has at least one biological weapon—a toxin—in its arsenal.

These two treaties have not deterred the Soviet Union from using chemical or toxin weapons. There has not even been a major outcry from the rest of the world condemning the use of these weapons. To this day, the United States is the only Government to publicly come out and condemn the Soviet Union for its actions and use of these devastating weapons.

There are even those who say that the United States is fabricating the information. A report that recently was made public by Australian scientists did conclude that the items they had tested were fake. Yet the final conclusion of the report stated the samples ". . . shed no light at all on the main question as to whether mycotoxins have been used as warfare agents in Laos and Kampuchea."

I am convinced beyond a doubt that chemical and toxin agents are being used in Laos, Kampuchea, and Afghanistan. The evidence that has been meticulously prepared by the State Department substantiates the charges that the Soviet Union is supplying either directly or through the transfer of know-how chemical weapons to the Lao and Vietnamese. They are also using a variety of lethal and nonlethal chemical agents against the mujahidin in Afghanistan.

This issue is not only a legal question but it is a human rights issue too. People are dying, becoming seriously ill, and having long-lasting health problems due to contamination by these chemical agents. These are unprotected people who have no defense against such attacks. It is an international outrage.

I bring to the attention of my colleagues an excellent article on the subject that was written by Robert L. Bartley, editor of the Wall Street Journal, and William P. Kucewicz, an editorial-page writer at the same paper. This piece, which appears in

the spring issue of Foreign Affairs, gives an outstanding overview of the whole issue of the use of chemical and toxin weapons in Southeast Asia and Afghanistan. It also discusses the effects the issue has on future arms agreements.

At this point, I do want to commend the Wall Street Journal and Mr. Bartley for continuing to keep "yellow rain" an issue. It is the only major newspaper in the country that I am aware of that keeps coming back to this major news story. Others should take the lead of the Journal.

In addition, I suggest my colleagues read Lawrence S. Eagleburger's op-ed which appeared in the Washington Post the other day.

This issue will not go away. We, as a Nation, must continue to bring pressure to bear on the Soviet Union and its cohorts who use these weapons. We cannot let them think they can freely break these international treaties and have no repercussions.

As the Under Secretary of State writes in his op-ed:

The answer to Yellow Rain is not to turn our backs on the plight of the victims or to ignore the illegal actions of the Soviet Union and its allies. Neither is it for us to turn our backs on arms control, as some have suggested. In the near term, the answer lies in having the civilized world demonstrate first, its concern for today's victims of chemical warfare and, second, its contempt for actions that violate long-established and accepted practices and precepts of international law and agreements.

Countries must also seek in the near term, and urgently, to negotiate truly effective arms control constraints on these weapons. These treaties must provide for full and effective verification that countries are abiding by the terms of the agreement, and the treaties must provide the right to challenge a suspected violator and the means to resolve such concerns in a way that will safeguard the security of all the parties to the agreement.

This august body must not remain silent on this issue. I urge my fellow Senators to speak out whenever and wherever possible on the flagrant use of chemical weapons by the Soviet Union and its allies.

I also recommend they read the two articles I ask to have printed in the RECORD.

The articles follow:

[From the Washington Post, Apr. 11, 1983]

THE YELLOW RAIN IS NO HOAX

(By Lawrence S. Eagleburger)

People are dying in Southeast Asia and Afghanistan from chemical and toxin weapons. Most of us thought such inhumane warfare was outlawed. It was—some 58 years ago. But to the innocent victims and eyewitnesses to the death and suffering caused by Yellow Rain, this offers little solace. Neither is their plight lessened by debate in the West over the significance of results of the analysis of a single set of samples.

On March 6 and March 20, The Washington Post ran articles on a report prepared by an Australian government laboratory. The report describes tests conducted by Australian scientists on a set of suspected Yellow Rain samples from Southeast Asia. These scientists concluded that "* * * The yellow spots [on the samples] were formed from the pollen of rain-forest trees. No significant toxicity could be found. The items was fakes."

But the articles failed to emphasize the final conclusion contained in the report. Namely, that the analysis of these particular samples "* * * sheds no light at all on the main question as to whether mycotoxins have been used as warfare agents in Laos and Kampuchea." This is an important conclusion. It alerts the reader that conclusions about Yellow Rain have to be based on a broad range of information and evidence. That is exactly how the United States has addressed the question. And the public is entitled to be aware of that and of what the United States is doing about it.

Information provided by sample analysis—and that is what the recent Post articles relied on—is only one part of the much broader body of evidence that has been weighed by the United States in reaching its conclusions. Evaluation of the overall evidence is done carefully and systematically. Each piece is checked and cross-checked against each other piece. Reports from victims and eyewitnesses, medical and relief workers, journalists, defectors, private U.S. and foreign citizens, and government officials are collected, studied and assessed. Intelligence information on military activities, on troops, and on equipment in the areas of the attacks is scrutinized. Medical data from examinations and interviews with victims, from autopsy reports and from medical and scientific studies are compiled and evaluated. Analysis of a wide variety of samples, e.g., soil, vegetation, agent residue, human blood and tissue, is factored into the larger equation, as are other relevant data, such as information about weather conditions and material from scientific and other open-source literature.

Much of this work is done by U.S. government analysts and scientists. Non-governmental scientists and consultants have also contributed to the analysis of data and the review of the evidence and conclusions presented by the United States in its two detailed special reports to Congress and the United Nations. Additionally, a number of scientists, physicians and other individuals in other countries are conducting their own independent investigations of this problem. This work must be evaluated, as well, as part of the overall body of evidence.

On the basis of thousands of pieces of mutually corroborative evidence, the United States has concluded that chemical and toxin weapons are being used by the Soviets, the Vietnamese and the Lao against innocent men, women and children in Afghanistan, Kampuchea and Laos. The evidence for this conclusion has been publicized in extensive detail.

What we are witnessing today in Southeast Asia and Afghanistan cannot be attributed to natural phenomena. Neither can it be stopped by the efforts of a single country. This does not mean, though, that the problem should just be ignored. Then what can be done?

First, individuals and governments can undertake their own investigations of Yellow Rain. The United States fully supports and encourages such efforts. We do so because this is an issue of international importance and concern.

Second, people and organizations, as well as governments, can and should speak out on this issue. We must not be passive, else we invite further mockery of the rule of law, and graver violations of human rights.

Third, it is not sufficient merely to exhort the world to condemn those who supply and use these weapons. Rather, nations must work together to find a way to ensure that these weapons are effectively and totally abolished.

In 1925, the Geneva Protocol prohibited the first use in war of chemical, biological and poison weapons. Fifty years later, the Biological and Toxin Weapons Convention entered into force, making it illegal to develop, produce, possess or transfer biological and toxin weapons. Unfortunately, however, both of these treaties have two basic flaws: neither contains arrangements to verify that others are not violating the agreements. Nor do the agreements provide any effective mechanism for resolving concerns relating to suspected violations.

The United States is seeking, with others, to remedy these shortcomings. Only two months ago, the United States proposed that negotiations begin on a comprehensive ban on chemical weapons—a ban that would eliminate these terrible weapons from the arsenals of the world forever; a ban that would thereby eliminate any possibility that chemical weapons would be used.

The United States also put forward its detailed views as to what such a total chemical weapons ban should contain in the 40-nation Committee on Disarmament in Geneva. Among other things, the United States emphasized the crucial importance of mandatory on-site inspections. The United States did so because it believes an independent, imparial verification system, which is observed by and responsive to all parties, is absolutely essential if there is to be confidence that the provisions of the ban are being faithfully observed.

The United States is eager to proceed with working out an effective chemical weapons ban that takes account of the legitimate interests of all. It is now up to the Soviet Union to show whether it wishes as well to work constructively to ban chemical weapons completely and forever. It is up to the Soviet Union to demonstrate whether it will accept effective arms control in place of its massive chemical warfare capability. Above all, it is up to the Soviet Union to cease using chemical and toxin weapons on defenseless people.

The answer to Yellow Rain is not to turn our backs on the plight of the victims or to ignore the illegal actions of the Soviet Union and its allies. Neither is it for us to turn our backs on arms control, as some have suggested. In the near term, the answer lies in having the civilized world demonstrate, first, its concern for today's victims of chemical warfare and, second, its contempt for actions that violate long-established and accepted practices and precepts of international law and agreements.

Countries must also seek in the near term, and urgently, to negotiate truly effective arms control constraints on these weapons. Arms control treaties must be concluded that have real teeth in them. These treaties must provide for full and effective verification that countries are abiding by the terms of the agreement. And the treaties must provide the right to challenge a suspected violator and the means to resolve such concerns in a way that will safeguard the security of all the parties to the agreement. In the end, we must effectively eliminate this entire class of weapons.

"YELLOW RAIN" AND THE FUTURE OF ARMS AGREEMENTS

(By Robert L. Bartley and William P. Kucewicz)

"This Convention completely prohibits biological and toxin weapons. Since it provides for the elimination of existing weapons, it is a true disarmament measure."

So it seemed to Fred Charles Iklé, then director of the Arms Control and Disarmament Agency, as he testified before the Senate Foreign Relations Committee in 1974. He expressed the Ford Administration's support for ratification of a treaty with the comprehensive if awkward title, "Convention on Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction." At the same time, he recommended that the Senate ratify the Geneva Protocol of 1925, already ratified by all the other major military powers, which prohibited the use of both biological and chemical agents in warfare.

This seemed entirely appropriate to the full blossom of détente. In November 1969, the same month U.S. and Soviet negotiators opened the Strategic Arms Limitation Talks, President Richard Nixon undertook an experiment in unilateral disarmament, unconditionally renouncing all methods of biological warfare. Three months later this renunciation was broadened to include toxin weapons, i.e., poisons produced by biological processes but not themselves living organisms. The Administration set about destroying all stockpiles of biological and toxin weapons, and closing down the research into offensive use of such weapons that had been conducted at Fort Detrick, Maryland.

This U.S. initiative was quick to bear fruit. In early 1971, the Soviet Union dropped its previous insistence that any biological weapons treaty also include chemical weapons, which had created a negotiating deadlock because the United States and Great Britain were unwilling to destroy existing chemical weapons stocks they felt served deterrent purposes. With the Soviets willing to treat biological warfare separately, the Convention was concluded a year later, and was signed by 111 nations.[1]

The 1972 Convention called for an end to development of biological and toxin weapons. Signatories pledged not to acquire or maintain stocks of biological agents "of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes." Existing stocks and delivery equipment were to be destroyed, and transfer of either stocks or technology to third parties was specifically banned.

Perhaps curiously, the 1972 Convention did not ban the use of such weapons in warfare, though presumably this was already outlawed by the 1925 Geneva Protocol, not to mention customary international law. The Convention made only limited provision for verification of compliance with its terms. It required state parties "to consult one another and to cooperate in solving any problems which may arise." It established no supervisory machinery, but provided that governments that find evidence of violations "may lodge" complaints with the U.N. Security Council. Final appeal could be taken by persuading a majority of signatories to convene a special meeting.

In presenting the official case for ratification of the treaty, Mr. Ikle offered three arguments: that the treaty did not deny the United States any "militarily viable option" since the usefulness of such weapons was "dubious at best," that "biological weapons are particularly repugnant from a moral point of view," and that the Convention would "discourage some misguided competition in biological weapons."

Mr. Iklé added one caveat, that it would be "difficult" to verify compliance with the Convention "in countries with relatively closed societies." This did not preclude an agreement because the weapons were deemed militarily unimportant, but "the limited verifiability of this Convention should not be misconstrued as a precedent for other arms limitations agreements."

Such doubts seemed footnotes, though, compared to the promise of the Convention. As President Nixon, who had first requested ratification, had put it in his official message, it was "the first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenal of nations." The Convention seemed an apt expression of the spirit of détente, and a significant victory for arms control. It was ratified by the Senate, along with the Geneva Protocol, December 16, 1974. With deposit of U.S. ratification in Washington, Moscow and London, the Convention went officially into force on March 26, 1975.

II

Beginning in the summer of 1975, H'Mong refugees fleeing Laos for Tahiland started to carry terrifying stories. They spoke of aircraft attacking their villages with rockets that exploded overhead to release a cloud of vapor, usually described as yellow or white, but sometimes red or green. As the vapors settled over the huts and fields, they caused bizarre medical symptoms. Those most exposed frequently died, and similar though milder symptoms were reported by those on the periphery of an attack or who ate food or drank water contaminated with the yellowish powder. The refugees described dizziness. severe itching or tingling of the skin, the formation of numerous small and hard blisters, nausea, shock, coughing of blood-tinged material, bloody diarrhea, and vomiting of massive amounts of blood.

The H'Mong are primitive mountain people historically at odds with the lowland Lao, and for that matter any central authority. During the Vietnam War many of them fought against the North Vietnamese and Pathet Lao in a force organized under General Vang Pao and supported by the United States. At the time they were referred to as the Meo, the Laotian term for the tribes. They now complained that the Pathet Lao and North Vietnamese were attacking their villages in retribution for helping the United States during the War. Having little grasp of modern technology, or even a written language, they christened the gruesome new weapon "yellow rain."

In 1975 and 1976, however, such reports remained fragmentary. The reported attacks took place in north-central Laos; the journey to Thailand was long and arduous. U.S. intelligence had no systematic procedures for collecting such reports, and the available information came from doctors working in the refugee camps and the volunteer efforts of two Bangkok embassy officials, Foreign Service Officer Edward McWilliams and Lieutenant Colonel C. Dennison Lane.

By 1977 and 1978, the number of reports of apparent chemical attacks began to increase alarmingly, especially from the H'Mong stronghold area in the Phou Bia mountains. In October 1978, U.S. officials raised the reports with Lao Chargé d'Affaires in Washington, and Assistant Secretary of State Richard Holbrooke went to Vientiane to express American concern over human rights for the H'Mong. In March 1979, the United States raised the issue of poison gas use at the 35th session of the U.N. Human Rights Commission. The Laotians consistently denied the use of chemical weapons.

In May 1979, Mr. McWilliams went to refugee camps in Thailand to interview H'Mong eyewitnesses, and compiled a lengthy report of his conversations. This represented the first systematic record of the reports, and became the basis for later compilations published by the State Department. In the fall a U.S. Army medical team was dispatched to Thailand to conduct interviews. In the winter of 1979, the U.S. government raised the "yellow rain" issue with the governments of the Soviet Union, Laos and Vietnam; all three denied the charges.

By 1980 similar reports were being received from Kampuchea, where Khmer Rouge forces were still holding out against Vietnamese, and from Afghanistan, where Soviet troops were fighting against local resistance. The Carter Administration became concerned enough to compile a 131-page collection of refugee reports and newspaper accounts of chemical attacks,[2] and to seek an international investigation. In December of 1980, at the urging of U.S. and Canadian delegations and over the objections of the Soviet Union, the U.N. General Assembly voted to conduct an investigation of the charges.

The material compiled by the State Department in 1980 included interviews with a defector from the Lao People's Liberation Army who said he had been directly involved in the kind of attacks described by the H'Mong. He had flown captured U.S. L-19 and T-41 aircraft dispensing toxic chemicals over H'Mong villages in the Phou Bia area. He described the directions of Vietnamese officers, and special medical precautions taken during and after the flights. He said that the missions were called "Extinct Destruction Operations," and that he had been told by his superior officer that they were intended to "wipe out the reactionary H'Mong people."

In March 1981, the State Department issued a 33-page update of its previous compilation.[3] To get a flavor of the 164 pages of documents, consider the account of Mah Hear, who had lived in the H'Mong village of Long Sa in the Phu Khao Khaoi area, and who fled to Thailand with his son in February 1981. He told of a chemical attack the previous October on a cluster of four villages in which approximately 1,000 people had died after intensive vomiting and diarrhea with blood. The dead included Mah Hear's wife and daughter, and his five-year-old son Tou Houa was questioned about the attack.

State's summary of the child's testimony reads, "Tou said that his mother and sister had been poisoned by a white plane which dropped yellow—his father said 'red'—smoke. He said that many people died vomiting. He said that many animals also died. When asked what people at the local clinic did to make him better, he responded that they played with him. When asked how he got the various sores on his body which his father had attributed earlier to the gas at-

Footnotes at end of article.

tacks, he responded simply that he had the injuries a long time."

III

From the start, U.S. chemical warfare experts in the Defense Department and at the Central Intelligence Agency were puzzled by the "yellow rain" reports from Southeast Asia. The symptomology, particularly the massive hemorrhaging, did not correspond to any known chemical warfare agent. Early samples of vegetation, clothing and human tissue from attack sites and victims showed no traces of familiar chemical agents.

Even though the symptoms did not fit any known chemical agents, there was no denying the numerous and consistent reports from Southeast Asia. Analysts in the intelligence community decided by 1979 that they needed to broaden the list of potential chemical agents. Analysts from the State Department, the Defense Department, the CIA, the Defense Intelligence Agency, the National Security Agency and the Surgeon General's Office met regularly to discuss the latest evidence and to compare notes on their own research.

In 1981, breakthroughs started. In March, a CIA medical expert sent to Southeast Asia was able to conduct covert autopsies in Kampuchea of victims of a "yellow rain" attack, which had taken place only 12 to 24 hours earlier. His examination showed severe deterioration of the gut and upper small bowel, from which he deduced that a small molecular-weight toxin must be at work. Vegetation and water samples were collected from the site of the same attack for subsequent laboratory analysis.

Back in Washington, meanwhile, Dr. Sharon Watson, a research specialist in toxicology at the Department of the Army, was also pondering the symptoms reported in the "yellow rain" accounts. She noticed a striking similarity with symptoms produced by trichothecene mycotoxins, rare but especially poisonous toxins produced by a certain strain of fusarium, a common fungus found on moldy grains. The known effects of trichothecenes include nausea, vomiting, dizziness, a burning sensation of the skin, failure of muscle coordination, diarrhea with blood and internal hemorrhaging.

By far the most prominent outbreak of trichothecene poisoning in the medical literature concerned the devastation of 50 counties of the Orenburg district of the Soviet Union in the winter of 1943-44 by an epidemic of a disease then called Alimentary Toxic Aleukia (ATA). The symptoms of this disease were similar to those the H'Mong attributed to "yellow rain," except that the Orenburg peasants did not experience the exceptionally rapid hemorrhaging with massive vomiting of blood. Thirty percent of the population of the district became seriously ill, and over ten percent of the population died.

During the Orenburg epidemic, peasants had been scrounging the winter fields for unharvested wheat and millet. A.Z. Joffee, who worked in the Soviet Union during the epidemic and later emigrated to Israel, identified poisonous fusarium in the wheat samples. The poisonous forms of these molds grow best in cold climates, especially with cycles of freezing and thawing. Three decades after the epidemic, Chester Mirocha of the University of Minnesota identified T-2, a trichothecene mycotoxin, as the active agent in a sample of the wheat provided by the Soviets.[4] Trichothecene poisoning is now believed to have been responsible for the Orenburg epidemic. Trichothecenes fed to animals produce symptoms similar to those at Orenburg, and are recognized in the colder regions of North America as a veterinary problem with moldy feeds. Canada has recently established tolerance levels for trichothecene residues in wheat.

While the symptoms of trichothecene poisoning reported in the medical literature do not include the spectacular hemorrhaging claimed by the H'Mong, it was easy to form speculations to explain the discrepancy. In particular, the Orenburg peasants ingested the toxins, while villagers in Laos generally inhaled the "yellow rain." Subsequently, tests by U.S. Army scientists at Fort Detrick found that inhalation of the toxins does indeed produce pulmonary and gastric hemorrhaging that is both quick and massive; this effect can also be heightened by mixing the toxin with other agents, and by dispensing it with solvents to speed absorption.

Review of the scientific literature revealed that trichothecenes had been the subject of intense Soviet scientific investigation since the 1930s. The physical and chemical properties of the toxins, especially their chemical stability, made them ideal as warfare agents; they could also easily be mass-produced. Indeed, much of the published Soviet literature on the toxins is more concerned with how to produce them in large quantities as opposed to research into prevention or antidotes. In addition, the Soviet research projects on mycotoxins were performed at institutes previously associated with other chemical and biological warfare research.[5]

Dr. Watson conferred with the CIA analyst upon his return to Washington; they discovered that their theories, independently arrived at, matched completely. Samples taken from the site of the attack that killed the autopsied victims were sent for laboratory analysis. The initial tests in government labs failed to detect any evidence of mycotoxins, but some of the "yellow rain" samples along with negative and positive control samples, were sent to Dr. Mirocha for more sophisticated analysis. In August, his laboratory reported that the sample taken from the attack site tested positive for trichothecene mycotoxins. Six years after the first "yellow rain" reports, the United States had finally identified at least one of the poisons being used in Southeast Asia—an agent of a kind clearly outlawed by the 1972 Biological Weapons Convention.

IV

It was against this backdrop that Secretary of State Alexander Haig decided to go public with the "yellow rain" charges. Secretary Haig was scheduled to speak in Berlin on "The Democratic Revolution and Its Future" on September 13, 1981.[6] One of his themes was a "double standard" under which democracies were "impugned and criticized" for the slightest questionable behavior, while "a forgiving and accepting eye is turned toward adversaries." He revealed that "We now have physical evidence from Southeast Asia which has been analyzed and found to contain abnormally high levels of three potent mycotoxins—poisonous substances not indigenous to the region and which are highly toxic to man and animals." He added that the use of such weapons in warfare was prohibited by the Geneva Protocol, and that their manufacture or possession violated the Biological Weapons Convention.

The next day the State Department held a press conference in Washington to give further details of the "yellow rain" evidence. Its five-page "fact sheet" said, "Analysis of a leaf and stem sample from Kampuchea has revealed high levels of mycotoxins of the trichothecene group." It continued: "The levels detected were up to twenty times greater than any recorded natural outbreak. Since normal background levels of these toxins are essentially undetectable, the high levels found are considered to be abnormal, and it is highly unlikely that such levels could have occurred in a natural intoxication. In point of fact, these mycotoxins do not occur naturally in Southeast Asia."[7]

The State Department document also included circumstantial evidence of chemical warfare, noting previously published refugee testimony. It reported that the "yellow rain" symptoms matched the known effects of trichothecene poisoning, and related some details of the 1944 Orenburg epidemic. Reporters were told that no large pharmaceutical-type facility existed in Southeast Asia which could produce these toxins, although such facilities do exist in the Soviet Union. However, no attempt was made to systematically outline the history of the discoveries. Reporters were offered an opportunity to question government experts, but the names and positions of the experts were withheld.

The press reacted to these revelations with a withering skepticism. Bob Simon, CBS State Department correspondent, reported after the briefing: "It's viewed here as far from coincidental that this information is being released with such fanfare at a time when the Reagan Administration is anxious to muster support domestically and in Europe for what it perceives as an increasing Soviet threat." When the Public Broadcasting Service's "Inside Story" went back in March 1982 to reexamine this initial coverage, Mr. Simon said: "It just seemed to me like a story that was being planted, and being planted in a rather sloppy way." Don Oberdorfer of *The Washington Post* said: "In the course of the questioning it came out that they were hanging this thing on one leaf and stem that had been procured from Cambodia, which struck a lot of people as not very strong evidence for a charge made by the Secretary of State in a full dress State Department briefing."[8]

However, much blame should go to State's mishandling of the briefing or excessive skepticism by the reporters, clearly little had been done to prepare the ground for such charges. The briefing had been hastily drawn together; Secretary Haig's remarks had been inserted in his speech at the last minute, under pressure of a leak to *Time* magazine on the mycotoxin findings. State was also concerned about seeming to be behind the news because the book *Yellow Rain* was about to be released; author Sterling Seagrave had started out to investigate U.S. chemical warfare capabilities and the use of the herbicide Agent Orange, but concluded the real story was that the Soviets were already using chemical warfare on a massive scale. He had picked up the name for his book from the H'Mong, and remarked at the similarity of their symptoms to those of trichothecene poisoning.[9]

Prior to the State Department briefing, however, the "yellow rain" reports had received scanty public attention. There had been scattered reports in the American press, and more numerous ones in Asia. The October 1980 *Reader's Digest* had run a report by Jane Hamilton-Merritt, a freelance journalist and Asian studies scholar who had devoted herself to studying the H'Mong. Jim Coyne, an editor of *Soldier of Fortune* magazine, returned from Thailand

in May 1981 with a sample of yellow powder. It was ultimately delivered to Representative Jim Leach (R-Iowa), who was vainly trying to stir up some interest in possible violations of the biological weapons treaty.[10] And there had been press reports of an anthrax outbreak at Sverdlovsk in the Soviet Union in April 1979, also suggesting biological weapons activity.

This was not much to prepare the press or public for charges of such magnitude. Then, too, many observers were struck by what seemed an anomaly. If the Administration really believed the Soviets were breaking existing arms control treaties, this would seem to call for major adjustments in its whole arms control policy. Yet the week after making these charges Secretary Haig met with Soviet Foreign Minister Andrei Gromyko to schedule talks on theater nuclear forces. In November, President Reagan made his National Press Club speech proposing new strategic weapons talks under new acronym, START. The Administration was accusing the Soviets of breaking old treaties and simultaneously proposing to negotiate new ones.

The initial skepticism of the press was fed by the attitude taken by some key scientists knowledgeable about chemical warfare, notably Matthew Meselson, a Harvard University biologist, and Julian Perry Robinson of the University of Sussex's Scientific Policy Research Unit. "In such an important situation, one looks to our government for a very high standard of evidence," Dr. Meselson told *The New York Times*. "But in some respects, official government statements have contained demonstrable and serious scientific errors which damage our credibility and raise doubts about our case." Dr. Robinson told ABC News: "It's ludicrous in fact to base charges of quite such moment on one sample. No analytical chemist worth his salt would go along with that."

A Mennonite missionary, Frederick Swartzendruber, said in several forums that he had traveled the H'Mong communities in Laos, and had never heard of "yellow rain." Gene Lyons, a freelance journalist who had written previously on chemical warfare, wrote on the op-ed page of *The New York Times* that "yellow rain" might be a "CIA hoax." The urge to dismiss the gathering evidence reached absurd lengths. In a January 21, 1982 editorial opposing U.S. development of "binary" chemical weapons, the *Times'* editors brushed off "yellow rain" with the passing comment, "Reports that the Russians used toxic agents in Afghanistan and Indochina have not been fully confirmed. Besides, they describe small-scale use against unprotected people in remote areas."

Two major news organizations were exceptions to the general reaction. ABC News mounted its own expedition to Southeast Asia, and found its own trichothecene-contaminated sample.[11] And *The Wall Street Journal* repeatedly returned to the story, running some 50 articles in the 18 months following the Haig speech. But despite the rather extensive, if little circulated, knowledge that preceded the Haig speech, the "not enough evidence" mentality dominated press and presumably public impressions of "yellow rain" for more than a year after the Secretary first took it public.

Throughout 1982, however, wave after wave of accumulating evidence lapped at the shores of skepticism. In late January, the State Department published an analysis of blood samples taken from "yellow rain" victims in Kampuchea, showing the presence of HT-2, a metabolite of T-2 trichothecene toxin, in the blood of two victims.[12] The samples were collected by Dr. Amos Townsend, a retired Air Force physician, who began treating refugees in Thailand in 1980 and became deeply involved in the "yellow rain" issue. In March, Secretary Haig sent a 32-page report to Congress on chemical warfare in Southeast Asia and Afghanistan, providing the most complete and up-to-date information including involvement—the preparation of Soviet-manufactured chemical items for inspection by Soviet officers, precautions taken in receipt of Soviet crates the Vietnamese said contained "deadly toxin chemicals," and details suggesting heavy chemical contamination in the salvage operation of a ship sunk in the Black Sea en route to Vietnam in 1975.[13]

Also in March, Representative Stephen Solarz (D-New York) held hearings on the subject in the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs. In the course of the hearings, he remarked, "I suspect that short of being hit on the head by yellow rain, nothing would convince Mr. Swartzendruber that it was going on." The Congressman remarked to a scientific skeptic that while totally controlled experiments are not always possible in the real world, "that does not relieve us of the responsibility of trying to make judgments about whether these things are going on." At the end of the hearings, Congressman Solarz, scarcely a cold warrior, concluded, "I don't see how a reasonable person can argue with the proposition that this is going on and that things are happening here which shouldn't be happening and which are presumably prohibited by treaty."[14]

When the U.N. Special Session on Disarmament opened in June 1982, the U.N. investigative team on biochemical warfare had just completed its first trip to Afghan refugee camps in Pakistan. It was not scheduled to report until the General Assembly convened in the fall, but *The Wall Street Journal* obtained and published extracts from a 36-page verbatim transcript of the team's interviews with Afghan refugees.[15] These accounts paralleled reports about "yellow rain" from Southeast Asia, and indicated that other chemical warfare agents were also being used. The Afghans, for instance, spoke of "black smoke" which caused incapacitation and unconsciousness; victims found by Soviet troops were summarily shot. The Soviets also used other gases to kill or drive out people hiding in caves or in underground canals common in Afghanistan. (In its final report on December 1, 1982, the U.N. team concluded that the allegations were not proven, but that "circumstantial evidence" suggested "the possible use of some sort of toxic chemical substance in some instances.")[16]

Many heads of government addressed the summer disarmament session. When President Reagan came to speak on June 17, 1982, he had not made a major public statement on "yellow rain" despite the various State Department reports. At the United Nations, he directly accused the Soviet Union and its allies of violating the Geneva Protocol and the Biological Weapons Convention, as well as customary international law. He said that the evidence was "conclusive." He added, "Evidence of non-compliance with existing arms control agreements underscores the need to approach negotiation of any new agreements with care."

In November 1982, Secretary of State George Shultz sent yet another report to Congress, saying "the world cannot be silent in the face of such human suffering and cynical disregard for international law and agreements."[17] The report included the account of a Soviet soldier who defected to the Afghan resistance and described three chemical warfare agents. At its press briefing, the State Department was able to display a Soviet gas mask it reported had been taken off a dead Soviet soldier in Afghanistan and which had proved to be contaminated with trichothecenes. This was the first identification of trichothecenes from Afghanistan, as well as being a far more dramatic piece of physical evidence than a leaf and twig sample.

This time the reaction was acceptance. "The administration has proven out the Soviet pattern by a standard that reasonable people would accept."—*The Washington Post*, December 1, 1982. "There now appears to be sufficient evidence for the world to reach a verdict of guilty."—*The St. Louis Post-Dispatch*, December 3, 1982. "The evidence now accumulated—blood samples, gas masks, testimony from a Soviet defector, a Laotian pilot, and Afghan refugees—indicates that something is definitely going on, Soviet denials to the contrary."—*The Christian Science Monitor*, December 1, 1982. And *The Boston Globe*, December 3, 1982: "The Soviets appear to be on the road to convicting themselves of egregious violations of civilized norms, both the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention."

v

If the facts of "yellow rain" have recently become accepted, its implications have barely begun to be plumbed. What does it mean that the Soviets have supplied gruesome toxin weapons for use in a perhaps-genocidal campaign against the H'Mong? What does it mean that their own troops in Afghanistan use chemical and toxin agents in what seem to be routine military operations? What does it mean that these actions are clear and callous violations of two existing arms agreements?

To take the most obvious implications first, the discovery of "yellow rain" means that Western armed forces need to get deeply serious about defending themselves against chemical and biological weapons. After the notorious gas attacks of World War I, defense planners have of course recognized a chemical threat, and biological warfare has been a staple of science fiction. But such weapons were (perhaps miraculously) never used in World War II, presumably because the combatants felt mutually deterred. Since the Geneva Protocol had been observed even in total war, it became easy to assume it would probably also be observed in future wars. Defense planners naturally gave some prudent attention to a chemical threat, but surely gave it no high priority.

By now it is abundantly clear that the Soviets are not going to be fastidious about the Geneva Protocol. It is equally clear that they do not share our assessment that biological weapons are of "dubious" military value. Obviously they find chemicals and toxins handy in counterinsurgency operations. Nor is it any consolation from a military (let alone moral) standpoint that so far the weapons have only been used "against unprotected people in remote areas"; it can hardly be assumed they would never be used against white Europeans.

Consider, for example, the extracts from a 1977 East German military manual quoted

by Richard Burt, then director of the State Department's Bureau of Politico-Military Affairs, in a 1982 speech.[18] The manual expounds on the use of toxins in warfare, remarking in passing that it is now possible "to produce various toxins synthetically." It describes how toxins can be aerosolized, or dispensed with aircraft spray equipment, though "they can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets." It remarks, "When they are used in combat the atmosphere can be contaminated over relatively large areas. We can expect expansion depths of up to 6 kilometers before the toxin concentration drops below lethal concentration 50"—that is, the dosage that will kill half of those exposed will extend over large areas.

What is being described here actually may be what the "neutron bomb" was wrongly imagined to be—a way of killing people and capturing cities, or military installations, intact. Many of the standard Soviet missile systems, including the *Frog*, the *Scud* and the *Scaleboard* and their follow-ons, have not only conventional and nuclear but also chemical capabilities.[19] In a 1981 report for the Institute for Foreign Policy Analysis, Amoretta M. Hoeber, now a Deputy Assistant Secretary of the Army, reports that estimates of the proportion of chemical munitions in the Soviet stockpiles range from a low of 10 to 15 percent to a high of 50 percent.[20]

It bears noting, too, that while we have identified the trichothecenes, we have little idea what other chemical or biological agents we may face. The Afghan reports suggest the use of a wide variety of agents. One seems to cause rapid decomposition of bodies, another apparently induces sleep and incapacitation. Western analysts have little idea what these agents might be. Nor do we understand what mixtures might be used in biological-chemical "cocktails." In congressional testimony, Dr. Watson has said that some of the refugee accounts have included reports of a heavy garlic smell, a notable sign of DMSO (Dimethylsulfoxide), a chemical known to rapidly penetrate the skin and other body tissues.[21]

Another little-understood aspect of toxin warfare is the possibility of environmental contamination and long-term health effects. Since 1977, H'Mong refugees in the United States have experienced an epidemic of sudden night deaths, in which healthy young males die in their sleep of what appears to be cardiac arrhythmia.[22] Because the medical histories of the dead show no special incidence of exposure to "yellow rain" attacks, investigators at the Centers for Disease Control are disinclined to accept the H'Mong belief that these deaths are associated with "yellow rain." However, there is serious scientific speculation associating trichothecenes with heart symptoms, and apparently the mycotoxins are stored in the body rather than rapidly purged. At least one prominent pathologist, Dr. Bernard Wagner of Columbia University, suggests vigorous investigation of the possibility that the deaths could be caused by long-term effects of otherwise unnoticed exposure to trichothecenes.[23]

We cannot assume, finally, that Soviet preparations for biological warfare are confined to toxins. The Sverdlovsk incident suggests otherwise. Soviet émigrés brought reports of an explosion in April 1979 at Military Compound 19, classified by U.S. intelligence as a site of Soviet biological weapons activity. The explosion reportedly released a cloud that caused an epidemic of anthrax in the region. The Soviets have resisted U.S. démarches for more information on the incident, saying that there was an outbreak of anthrax, but that it was caused by tainted meat. The description of such symptoms as sudden onset of disease and respiratory difficulties, however, suggests much more deadly pulmonary anthrax, caused by inhalation of the spores and previously seem almost exclusively in wool-sorting sheds. While the incident has never been fully resolved, it does suggest the possibility of large stores of living bacteriological agents.[24]

Western armies are grossly unprepared for these threats. The best illustration concerns fighting vehicles. After the 1973 Middle East war, U.S. defense officials had an opportunity to examine Warsaw Pact tanks and armored personnel carriers supplied to Egypt and captured by Israel. They found that these vehicles were equipped with integral seals and air filters that provide a "positive atmosphere"—that is, enough air pressure within the vehicle that any leakage is toward the outside.[25] In short, by the early 1970s the Soviets were preparing their equipment to operate in a chemical environment.

It is symptomatic of the inattention that the United States has shown toward chemical and biological warfare that the M-1 tank now coming off the production lines, at a price of $1.8 million per copy, is not equipped with a positive atmosphere (though this capability is now planned as a "block" improvement in 1985). In the new Bradley armored personnel carriers, troops in a chemical environment are expected to wear individual protective suits, though such suits remain in short supply. These are not isolated instances. The Hoeber report cited Pentagon studies of chemical defenses that found them "grossly inadequate." The United States lacked, it concluded, "a protective posture capable of providing for force survival—to say nothing about providing for continued operations during a war which included chemical use."[26]

Beyond the realm of purely defensive measures lies the problem of deterrence. What capabilities do Western armies need to deter biological and chemical attacks? Should our doctrine be deterrence in kind, and, if so, should we develop toxin weapons? If we are not to deter in kind, should we have a doctrine of responding to chemical-biological attack with nuclear weapons—perhaps under the rubric of the Soviet term "weapons of mass destruction"? Any such doctrine would represent a dangerous lowering of the nuclear threshold, and for this reason would be unlikely to pose an effective deterrent threat.

Probably the least unsatisfactory solution is to maintain a separate chemical deterrent, which could be used in retaliation for either chemical or biological attacks. This in fact is current declaratory doctrine. The U.S. deterrent consists of large stocks of nerve gases produced prior to 1969, when President Nixon renounced biological weapons and ceased production of new chemical weapons. The Pentagon has periodically proposed to develop new "binary" chemical weapons, safer to use and handle than present weapons because lethal nerve gases are not produced until two nonlethal chemicals are mixed during flight. These proposals have been rejected, most recently when Congress turned down a Reagan proposal for their development in 1982. While defensive measures may have an even higher priority for chemical-warfare funding, "yellow rain" surely adds a new salience to the chemical-biological threat, and makes it plausible to believe that a 1960s-era deterrent may need modernizing to preserve a capability that looks usable and therefore presents a credible deterrent.

VI

In time the military problems can be addressed, but "yellow rain" raises even more fundamental questions about the future of arms agreements with the Soviet Union. For the easy use of such barbaric weapons and the cavalier disregard of existing arms agreements says much about the character of the current Soviet elites. Of course, not even the most enthusiastic American proponents of arms control are willing to rely on trusting the Soviets; even the "nuclear freeze" movement insists that a freeze be "verifiable." But, especially in the light of our experience with the Biological Weapons Convention, we have to ask what this word means.

Debates on verification of strategic arms agreements have had a certain sterile quality. American monitors discover that, say, the Soviets have started to encode data transmitted back from new missiles under test. Critics of the Soviets contend this violates the strategic arms pacts, which prohibit interference with "national technical means" of verification. This includes electronic monitoring, they contend, and the test data is essential to understanding the capabilities of their new missiles. Defenders of arms control reply that the agreements don't really quite prohibit what the Soviets are actually doing, and that anyway it's not that important. The argument revolves not around what the Soviets are doing, but around what the agreement means.

"Yellow rain" is different. By now the debate on the quality of evidence is from all appearances closed, at least in American circles, Persuading public opinion among the allies may take more time; a recent report in The Observer suggests this may require repeating all of the hesitations and mistakes that marked development of U.S. opinion.[27] Perhpas there is also still room for legalistic argument, along the lines of the East German hint that the toxins may be made synthetically and are thus merely chemical weapons (whose use, of course, would still violate the Geneva protocol), or along the lines that what is happening in Afghanistan is not technically a war. But there seems little disposition to follow any such line of reasoning, and, among those who have followed the debate, there is no great argument about the facts of what is happening in Southeast Asia and Afghanistan. The reality is that we have here arms control violations that are unambiguous, militarily important and totally cynical.

The record of how these violations were detected is at best an equivocal portent for future arms agreements. The violations involved actual battlefield use of the forbidden weapons, yet were detected and publicized only after many years. Even then, their exposure required heroic efforts by a handful of individuals, many of whom—Dr. Hamilton-Merritt, Dr. Townsend, not to mention the H'Mong—have felt desperately frustrated at being ignored or disbelieved even while people were being killed in most gruesome ways. To make much difference, verification would presumably require that outlawed weapons be detected before they are actually used, and on that the "yellow rain" episode provides cool comfort.

This experience comes atop several other new difficulties for verification. Dependence on signals intelligence, for example, has been called into question by the discovery that Geoffrey Prime, a linguist at the British code-breaking center at Cheltenham, had been a Soviet spy for 14 years. He was in a position to warn the Soviets that their codes were broken, or to help them plant misinformation. His conviction warns against putting too much confidence in our ability to intercept and read Soviet communications signals.

More fundamentally, in the negotiations on strategic and intermediate missiles, the trend of technology is away from large and easily detected fixed missile sites, and toward smaller and more mobile weapons. Many weapons in this new generation will be subject to concealment in a geographically large and socially closed nation. Verification of limits on them will be less like verifying missile silos, and more like trying to detect chemical and biological violations before the weapons were actually used.

Not surprisingly, there has recently been a new burst of talk about on-site inspection of arms agreements. We still have ongoing Soviet-American talks on a chemical weapons treaty, envisioned back in 1972 as accompanying the Biological Weapons Convention. To verify any chemical treaty, U.S. negotiators recently proposed an on-site inspection plan that Under Secretary of State Lawrence Eagleburger called "tough but fair." Mr. Eagleburger added that a treaty would require "a major revision of Soviet military strategy, which accepts use of these weapons."

For their part, the Soviets have recently dropped hints that they may be willing to open some of their nuclear power reactors to inspections by the International Atomic Energy Agency, and this is being seen as a breakthrough for on-site inspection. The IAEA is intended to police the Nuclear Nonproliferation Treaty, and is not an especially happy model for the future of on-site inspection. IAEA inspections, for example, require appointments made well in advance. Albert Wohlsetter has demonstrated that a nation could comply with IAEA requirements and still be within hours of assembling a nuclear weapon.[28] There is plenty of room to doubt that a few inspections on this model would suffice to give us high confidence in detecting the kind of cheating that has taken place with the Biological Weapons Convention. Final judgements will of course depend on what verification arrangements, if any, U.S. and Soviet negotiators can reach. But even on-site inspection is not a panacea.

The warning of the "yellow rain" episode is that the Soviets have the will and the cynicism to engage in determined and calculated programs of cheating on arms agreements. We must now be sure that our verification efforts take this fully into account, and it strains the imagination to come up with provisions that satisfy that need and still might be negotiable with the Soviets. Are they really going to allow us to inspect Military Compound 19 at Sverdlovsk? Will they allow us to inspect other installations where satellite photos show animal pens that for some reason must be enclosed in military-style double fences? What about light industrial buildings that could conceal cruise missiles? Basically, do we expect them to cease to be a closed society? Conceivably there are answers to these questions, but the usual rather bland talk of verification is scarcely adequate to deal with detection problems that arise when the Soviets take quite so cynical an attitude as they have with "yellow rain."

Our experience with the Biological Weapons Convention raises a second aspect of the verification problem that may prove even more acute. We have by now ascertained the facts. Indeed, despite the frustration of those involved from the beginning, in many ways the surprising thing is not how badly the various bureaucracies behaved when faced with possible violations, but how well. The Carter Administration had staked much on arms agreements with which the revelation of "yellow rain" was bound to interfere. Yet a surprising amount was done to collect evidence and even to make it public by creating a U.N. investigation. The United Nations, if you accept its considerable inherent limitations, also made its contribution to bringing the facts to light. We entered the Biological Weapons Convention knowing it to be one of the least verifiable arms proposals around, but in the end we did succeed in verifying it. The Soviets are cheating. But the problem remains, what do we do about it?

The problem "After Detection—What?" was foreseen in a brilliant 1961 article in the journal by, curiously enough, Fred Charles Iklé.[29] He warned that deterrence of arms-pact violations requires not only that a potential violator must suffer the risk of detection, but also that he may lose from the victim's reaction to it. Mr. Iklé added that "Democratic governments might experience serious political difficulties in reacting effectively to a detected evasion."

The difficulties envisioned in the 1961 article read like the history of the "yellow rain" episode. The evidence of the violation may be equivocal, or based on secret intelligence. The government may feel unsure of its ability to persuade public opinion, which in turn may be unwilling to back decisive measures such as large increases in military spending. The government may feel too much publicity on the violation may interfere with other promising policies. Finally, in an alliance, allies must be persuaded, and will further have all of the same political difficulties with their domestic opinion.

This precisely describes the current stage on "yellow rain." The American government has for over a year repeatedly asserted that the Soviets are violating arms agreements. By now it has persuaded elite opinion in the United States and, almost certainly, allied governments. But is has yet to find a course of action that promises to impose significant costs on the Soviets for these violations, and thus to deter them from equally cynical violations of other present or future arms agreements.

Indeed, for many of the same reasons outlined by Mr. Ikle, the U.S. government seems deterred from any vigorous pursuit of even the most obvious opportunities to at least embarrass the Soviets in a persistent and determined way. The Biological Weapons Convention provides procedures for taking compliance issues to the U.N. Security Council. And the United States has the option of suspending its other arms negotiations with the Soviets, on the commonsense grounds that you get disputes on old contracts settled before you enter new ones.

Even the Reagan Administration, often criticized as too hawkish on arms control issues, has refrained from such measures. A noisy Security Council debate, concluding with a Soviet veto, has been judged to be too confrontational and propagandistic, too likely to interfere with efforts to keep U.S. and particularly European public opinion on the Administration's side. The Administration recognizes, of course, that to many citizens an agreement on nuclear arms seems an overriding goal, not to be postponed for whatever reason. And, of course, President Reagan has been under pressure from the nuclear-freeze movement, from Senators opposing his nominee as the head of the arms control agency, and from European allies to be more, not less, accommodating to the Soviets in the strategic and intermediate-missile talks.

Even some within the Administration who are skeptical about the chances of reaching a sound agreement with the current Soviet leadership feel bound by force of public opinion to pursue the the negotiations. A Gallup Poll in September of 1982 found that 49 percent of the public felt violations of chemical treaties should not interfere with nuclear arms talks, while 36 percent of the public felt violations were reason to suspend the talks. The Gallup analysis remarked that polls have consistently shown a strong preference for "talks" with the Soviets, and "that less than half would favor continuing talks in indicative of a strong reaction to the 'yellow rain' charges." [30] These percentages might change if "yellow rain" were as well publicized as the nuclear freeze.

Surely the stance that the Soviets are violating existing treaties but that we must negotiate new ones with them present something of an incongruity, at the very least demanding a justification or explanation not yet offered by either the Administration or the more enthusiastic proponents of arms agreements. It will be interesting and instructive to see how this is resolved or justified over time. Perhaps the "yellow rain" charges will yet simply fade away as did earlier and less-documented reports of Soviet-backed chemical warfare in Yemen in the 1960s. (The Soviets do not seem to be cooperating, however, through any slackening of their biochemical assaults in Afghanistan.) Perhaps the panoply of arms talks will fail to reach agreement on substantive issues like deep cuts in missile numbers, so that the verification issue raised by "yellow rain" will never reach the forefront of negotiation. Perhaps future arms agreements will be reached, but their ratification will be dogged by the record the government has built on "yellow rain. Or perhaps the Reagan Administration will yet seize upon the "yellow rain" issue to rebut domestic and European critics of its arms control posture, protesting that the salient problem in arms negotiation is not American inflexibility but Soviet duplicity.

Arms agreements are not after all the only way of pursuing national security interests; a balance of power to deter aggression can be maintained even without treaties. But nearly all Americans would like to see the balance ratified in formal agreements; our national tendency is to seek the rule of law. While the record of disarmament agreements during the interwar period is not encouraging, and while a case can be made that recent arms agreements have sometimes been destabilizing by encouraging weapons systems like multiple warheads, it is possible to find successful arms agreements in the historical record. The Rush-Bagot agreement of 1817 and the Treaty of Washington of 1871 demilitarized the Great Lakes and the American-Canadian border, and arguably removed real or potential venom from the Canadian-American relationship. Surely all Americans would like to

see our relations with the Soviet Union codified in a similar way.

Unhappily, that prospect seems to recede as the "yellow rain" episode is studied. The hopes expressed in Mr. Ikle's 1972 testimony have proved less prescient than the fears expressed in his 1961 article. Indeed, the question is what stance toward the Geneva Protocol and the Biological Weapons Convention is most likely to advance the goal of meaningful arms agreements. As of now, the Soviets have brazenly violated existing arms agreements, and have been called to account only in the most limited way. If that is the lesson they carry away from "yellow rain," it will be no service to the future prospects of arms control.

FOOTNOTES

[1] A standard reference work on the Convention, including its historical background and list of signatories, is *Arms Control and Disarmament Agreements, 1980,* U.S. Arms Control and Disarmament Agency, Washington: GPO, 1980, pp. 120–131.

[2] *Reports of the Use of Chemical Weapons in Afghanistan, Laos and Kampuchea,* U.S. State Department, Bureau of Public Affairs, August 1980.

[3] *Update to the Compendium on the Reports of the Use of Chemical Weapons,* U.S. State Department, Bureau of Public Affairs, March 1981.

[4] See A. Z. Joffee, "Biological Properties of Some Toxic Fungi Isolated from Overwintered Cereals," *Mycopathol. Mycol. Applicata,* XIV: 1962, pp. 201–221; A. Z. Joffee, "Alimentary Toxic Aleukia," in *Microbila Toxins,* Vol. 7, ed. S. Kadis, A. Ceigler and S. J. Ajl, New York: Academic Press Inc., 1971, pp. 139–189; and C. J. Mirocha and S. Pathre, "Identification of the Toxic Principle in a Sample of Poaefusarium," *Applied Microbiology,* Nov. 1973, pp. 719–724.

[5] Sharon Watson, Statement before the Committee on Armed Services, U.S. Senate, 97th Cong., 2nd sess, March 15, 1982, Washington: GPO, 1982.

[6] Alexander M. Haig, Jr., "The Democratic Revolution and Its Future," Current Policy No. 311, U.S. State Department, Bureau of Public Affairs, Sept. 13, 1981.

[7] "Fact Sheet" on chemical warfare, released at U.S. State Department press conference in Washington, D.C., Sept. 14, 1981.

[8] "Poison or Propaganda," Inside Story, Program #207, March 5, 1982, transcript WNET–TV, New York.

[9] Sterling Seagrave, *Yellow Rain: A Journey Through the Terror of Chemical Warfare,* New York: M. Evans and Co., 1981.

[10] See *Yellow Rain,* Hearing before the Subcommittee on Arms Control, Oceans, International Operations and Environment of the Committee on Foreign Relations, U.S. Senate, 97th Cong. 1st sess., Nov. 10, 1981, Washington: GPO, 1981.

[11] "Rain of Terror," ABC News Closeup, as broadcast over ABC Television Network, Dec. 21, 1981, transcript ABC News, New York.

[12] "Analysis of Blood Samples from Chemical Attack Victims Indicates Probable Trichothecene Exposure," press release, U.S. State Department, Washington, D.C., Jan. 29, 1982.

[13] *Chemical Warfare in Southeast Asia and Afghanistan: Report to the Congress from Secretary of State Alexander M. Haig, Jr., March 22, 1982,* Special Report No. 98, U.S. State Department, Bureau of Public Affairs. Also see transcript of "On-the-Record Briefing on Chemical Warfare in Southeast Asia and Afghanistan," March 22, 1982, U.S. State Department, Bureau of Public Affairs.

[14] *Foreign Policy and Arms Control Implications of Chemical Weapons,* Hearings before the Subcommittees on International Security and Scientific Affairs and on Asian and Pacific Affairs, Committee on Foreign Affairs, U.S. House of Representatives, 97th Cong., 2nd sess., March 30 and July 13, 1982, Washington: GPO, 1982.

[15] "Chemical-Biological Warfare in Afghanistan," *The Wall Street Journal,* June 7, 1982.

[16] *Chemical and Bacteriological (Biological) Weapons: Report of the Secretary-General,* United Nations, New York, Dec. 1, 1982.

[17] *Chemical Warfare in Southeast Asia and Afghanistan: An Update; Report from Secretary of State George P. Shultz,* Special Report No. 104, Nov. 1982, U.S. State Department, Bureau of Public Affairs.

[18] Richard Burt, "A New Future for Security and Arms Control," speech delivered at Tutzing Disarmament Conference, Munich, Germany, March 2, 1982, U.S. State Department, Bureau of Public Affairs, pp. 19–20.

[19] Harold Brown, *Annual Report to the Congress, Fiscal Year 1981.* Washington: GPO, 1981, p. 92.

[20] Amoretta M. Hoeber, *The Chemistry of Defeat: Asymmetries in U.S. and Soviet Chemical Warfare Postures,* Special Report: December 1981, Cambridge, Mass.: Institute for Foreign Policy Analysis, Inc., p. 43.

[21] *Foreign Policy and Arms Control Implications of Chemical Weapons, op. cit.,* pp. 68–69.

[22] See "Sudden, Unexpected, Nocturnal Deaths Among Southeast Asian Refugees," *Morbidity and Mortality Weekly Report,* Centers for Disease Control, Dec. 4, 1981, Atlanta, Ga., and William Kucewicz, "Asian Refugees: Death in the Night," *The Wall Street Journal,* March 1, 1982.

[23] Bernard M. Wagner, "A Pathologist's Analysis of Yellow Rain," *The Wall Street Journal,* June 17, 1982.

[24] See *The Sverdlovsk Incident: Soviet Compliance with the Biological Weapons Convention?,* Hearing before the Subcommittee on Oversight of the Permanent Select Committee on Intelligence, U.S. House of Representatives, 96th Cong., 2nd sess., May 29, 1980, Washington: GPO, 1980; *Soviet Biological Warfare Activities,* Report of the Subcommittee on Oversight, Permanent Select Committee on Intelligence, U.S. House of Representatives, 96th Cong. 2nd sess., June 1980, Washington: GPO, 1980; and Leslie H. Gelb, "Keeping an Eye on Russia," *The New York Times Magazine,* Nov. 29, 1981.

[25] Hoeber, *op. cit.,* pp. 37–38.

[26] *Ibid.,* p. ix.

[27] "'Yellow Rain' Evidence Fake, Scientists Say," *The Observer* (London), March 6, 1983.

[28] Albert Wohlstetter *et al., Swords from Plowshares: The Military Potential of Civilian Nuclear Energy,* Chicago: University of Chicago Press, 1979, pp. 25–26.

[29] Fred Charles Iklé, "After Detection—What?", *Foreign Affairs,* January 1961, pp. 208–220.

[30] "Public Perceptions of Yellow Rain: A Wall Street Journal/Gallup Survey," *The Wall Street Journal,* Sept. 15, 1982.●

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Wisconsin (Mr. PROXMIRE) be granted a special order for not to exceed 15 minutes on Thursday, April 14, after the leaders' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, there is an order for recess this evening, is that correct?

The PRESIDING OFFICER. The Senator is correct, there is an order.

Mr. STEVENS. What time does the Senate convene tomorrow?

The PRESIDING OFFICER. The Senate convenes under the order at 10 a.m.

Mr. STEVENS. It is my understanding that, following the leaders' time and the special order, there will be a period for routine morning business until 11 a.m. and that we will go on the Adelman nomination at 11 a.m.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Chair.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and, at 6:22 p.m., the Senate recessed until Thursday, April 14, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 13, 1983:

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador (new position).

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Carol E. Vuono [redacted] U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States, Code, section 1370:

To be vice admiral

Vice Adm. Ernest R. Seymour, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10 United States Code, section 5064, to be Director of Budget and Reports in the Department of the Navy.

To be director of budget and reports

Rear Adm. Daniel L. Cooper, [redacted] 1120, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 13, 1983:

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Diana Powers Evans, of Oregon, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1984.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

Steven Roger Schlesinger, of Maryland, to be Director of the Bureau of Justice Statistics.

Daniel A. Bent, of Hawaii, to be U.S. attorney for the district of Hawaii for the term of 4 years.

Eugene M. Corr, of Washington, to be U.S. Marshal for the western district of Washington for the term of 4 years.

WITHDRAWAL

Executive nomination withdrawn from the Senate April 13, 1983:

Constance Horner, of the District of Columbia, to be Associate Director of the ACTION Agency, vice Lawrence F. Davenport, resigned, which was sent to the Senate on March 24, 1983.

HOUSE OF REPRESENTATIVES—*Wednesday, April 13, 1983*

The House met at 11 a.m.

Rabbi Salamon Faber, Anshe Sholom Jewish Center, Kew Gardens, N.Y., offered the following prayer:

Our G-d, Ruler of the universe.

For Thy light we pray on this fourth day of the week, when Thou hast placed Sun and Moon in the sky, to radiate light and serve as guideposts for the passage of time.

Mindful of Thy order and harmony in the heavens above, may we, in the course of our deliberations, be blessed with wisdom to make Thy will prevail even here on Earth in the affairs of man.

At this hour, when thousands of Holocaust survivors gather in this great city to voice their gratitude to America for a new life in freedom and dignity, we implore Thee O G-d: Grant us inspiration, discernment, and courage to help establish the triumph of right over might. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 16, answered "present" 4, not voting 52, as follows:

[Roll No. 52]

YEAS—361

Ackerman	AuCoin	Bevill
Addabbo	Barnard	Biaggi
Akaka	Barnes	Bilirakis
Albosta	Bartlett	Bliley
Alexander	Bateman	Boehlert
Anderson	Bates	Boggs
Andrews (NC)	Bedell	Boland
Andrews (TX)	Beilenson	Boner
Anthony	Bennett	Bonior
Archer	Bereuter	Borski
Aspin	Berman	Bosco
Boucher	Gore	McCollum
Boxer	Gradison	McCurdy
Britt	Gramm	McDade
Brooks	Gray	McDonald
Broomfield	Green	McEwen
Brown (CA)	Gregg	McGrath
Bryant	Guarini	McKernan
Burton (IN)	Gunderson	McKinney
Byron	Hall (OH)	McNulty
Campbell	Hall, Ralph	Mica
Carney	Hall, Sam	Michel
Carper	Hamilton	Mikulski
Carr	Hammerschmidt	Miller (CA)
Chandler	Hance	Mineta
Chappie	Hansen (UT)	Minish
Clarke	Harrison	Moakley
Clinger	Hartnett	Molinari
Coats	Hatcher	Montgomery
Coelho	Hawkins	Moody
Coleman (MO)	Hefner	Moore
Coleman (TX)	Hertel	Moorhead
Conable	Hightower	Morrison (CT)
Conte	Hillis	Morrison (WA)
Cooper	Holt	Mrazek
Corcoran	Hopkins	Murtha
Courter	Howard	Myers
Coyne	Hoyer	Natcher
Craig	Hubbard	Nelson
Crane, Daniel	Huckaby	Nichols
Crane, Philip	Hughes	Nielson
Crockett	Hunter	Nowak
D'Amours	Hyde	Oakar
Dannemeyer	Ireland	Obey
Daschle	Jeffords	Olin
Daub	Jenkins	Oxley
Davis	Johnson	Packard
de la Garza	Jones (OK)	Panetta
Derrick	Kaptur	Parris
Dixon	Kasich	Pashayan
Donnelly	Kastenmeier	Patman
Dorgan	Kazen	Patterson
Dowdy	Kemp	Paul
Downey	Kennelly	Pease
Dreier	Kildee	Penny
Duncan	Kindness	Pepper
Durbin	Kogovsek	Perkins
Dwyer	Kolter	Petri
Dymally	Kramer	Pickle
Dyson	LaFalce	Porter
Early	Lagomarsino	Price
Eckart	Lantos	Pritchard
Edgar	Latta	Pursell
Edwards (AL)	Leach	Quillen
Edwards (CA)	Leath	Rahall
Edwards (OK)	Lent	Rangel
English	Levin	Ratchford
Erdreich	Levine	Ray
Erlenborn	Levitas	Regula
Evans (IL)	Lewis (CA)	Reid
Fascell	Lewis (FL)	Richardson
Fazio	Livingston	Ridge
Feighan	Loeffler	Rinaldo
Ferraro	Long (LA)	Ritter
Fiedler	Lott	Roberts
Fields	Lowery (CA)	Robinson
Fish	Lowry (WA)	Roe
Flippo	Lujan	Rogers
Florio	Luken	Rose
Foglietta	Lundine	Rostenkowski
Foley	Lungren	Roth
Ford (TN)	Mack	Roukema
Fowler	MacKay	Rowland
Frank	Madigan	Rudd
Franklin	Markey	Russo
Frenzel	Marlenee	Savage
Frost	Marriott	Sawyer
Fuqua	Martin (IL)	Schaefer
Garcia	Martin (NC)	Scheuer
Gaydos	Martin (NY)	Schneider
Gekas	Martinez	Schulze
Gibbons	Matsui	Schumer
Gilman	Mazzoli	Seiberling
Gingrich	McCain	Sensenbrenner
Glickman	McCandless	Shannon
Gonzalez	McCloskey	Sharp
Shaw	Stenholm	Waxman
Shelby	Stokes	Weaver
Shumway	Stratton	Weber
Shuster	Studds	Weiss
Sikorski	Stump	Wheat
Siljander	Sundquist	Whitehurst
Simon	Swift	Whitley
Sisisky	Synar	Whittaker
Skeen	Tallon	Williams (MT)
Slattery	Tauke	Winn
Smith (FL)	Tauzin	Wirth
Smith (IA)	Taylor	Wise
Smith (NE)	Thomas (CA)	Wolf
Smith (NJ)	Thomas (GA)	Wolpe
Smith, Denny	Torres	Wortley
Smith, Robert	Torricelli	Wright
Snowe	Towns	Wyden
Snyder	Udall	Wylie
Solarz	Valentine	Yatron
Spence	Vander Jagt	Young (FL)
Spratt	Vento	Young (MO)
St Germain	Volkmer	Zablocki
Staggers	Vucanovich	Zschau
Stangeland	Walgren	
Stark	Watkins	

NAYS—16

Brown (CO)	Harkin	Sabo
Coughlin	Hiler	Schroeder
Dickinson	Jacobs	Solomon
Emerson	Miller (OH)	Walker
Forsythe	Mitchell	
Gejdenson	Roemer	

ANSWERED "PRESENT"—4

Chappell	Oberstar
Lehman (FL)	Ottinger

NOT VOTING—52

Annunzio	Gephardt	Murphy
Applegate	Goodling	Neal
Badham	Hall (IN)	O'Brien
Bethune	Hansen (ID)	Ortiz
Bonker	Heftel	Owens
Breaux	Horton	Rodino
Broyhill	Hutto	Roybal
Cheney	Jones (NC)	Skelton
Clay	Jones (TN)	Traxler
Collins	Kostmayer	Vandergriff
Conyers	Lehman (CA)	Washington
Daniel	Leland	Whitten
Dellums	Lipinski	Williams (OH)
DeWine	Lloyd	Wilson
Dicks	Long (MD)	Yates
Dingell	Mavroules	Young (AK)
Evans (IA)	McHugh	
Ford (MI)	Mollohan	

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So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. Res. 109

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Phillip Burton, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

RABBI SALAMON FABER

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, our opening prayer today is given to us by Rabbi Salamon Faber from Kew Gardens in New York City.

I have known Rabbi Faber for many years and for a long period represented his area. I have always admired his devotion and service to his congregation, his community, and to the residents of New York City. He had served for 22 years as rabbi to the Kew Gardens Anshe Shalom Jewish Center in Kew Gardens and he has acted as adviser to many Jewish scholars and has done much work himself in interpreting Jewish scriptures.

Among his many accomplishments, he has served on the law committee for the Rabbinical Assembly and acted as the former chairman of both the committee of cultural affairs of the American Jewish Congress in Philadelphia and as a member of the administrative council of the Zionist Organization of America.

At present, Rabbi Faber is serving on the committee on Jewish law and standards of the Rabbinical Assembly and acting as a member of its steering committee.

It is most fitting that Rabbi Salamon Faber open today's session of Congress as the thousands of survivors of the Holocaust gather in Washington this week to commemorate the Warsaw uprising and the sacrifices that millions of Jews had made during World War II.

THE NUCLEAR FREEZE RESOLUTION IS NOT A THROWAWAY VOTE

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, we have coming up, in the next few minutes, the resumption of a very important debate on the subject of the nuclear freeze. I think we recognize that a number of things have changed since we last engaged in that debate. One of the things that I find out is that a lot of Members are saying "Well, this resolution does not really mean anything; it is not going to pass the Senate; it is not going to be signed by the President of the United States. So this is just a throwaway vote." That is emphatically not the case.

If this freeze resolution passes the House of Representatives today, as I hope it will not, the exponents of the freeze are going to say, "It has passed the people's House, and therefore we should not do a single thing about approving any new MX missile, as recommended by the President's Commission, and we should also not do a thing about putting those Pershing missiles in Germany, as the NATO allies have urged."

Recently a member of the German Bundestag told a group of us the other day that if this freeze resolution were to pass in this House, the Germans will not accept the Pershing missile on their soil, and thus the North Atlantic Treaty Organization will to all intents and purposes, be destroyed.

I hope Members will remember that this is an important and a serious vote, and it can and will have very far-reaching consequences for America's national security at a very dangerous period in world history.

EQUALITY IS AN ECONOMIC ISSUE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I just wanted to say to my colleagues that there is a very interesting report in all of their offices that has been published by the U.S. Civil Rights Commission. It is called The Growing Crisis: Disadvantaged Women and Their Children.

It really is excellent, and it points out what so many of us have been talking about—that equality for women is an economic issue. I hope many of my colleagues will help the Congressional Caucus on Women's Issues eliminate some of the discrimination by cosponsoring the Economic Equity Act of 1983 and the equal rights amendment. Equality is not a social issue; it is clearly an economic issue. The Civil Rights Commission report in everyone's office documents that very, very thoroughly.

AMERICAN PEOPLE WANT WITHHOLDING LAW REPEALED

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, it seems the President of the United States continues to hold meetings with bankers and with banking industry representatives in his effort to defeat our move to repeal withholding on interest and dividends.

Mr. Speaker, it is not the bankers that the President should be talking to about this issue; it is the Representatives of the millions of people who oppose withholding that he should be meeting with.

As Members of Congress returned from a week in their districts, they found the same sentiments that I overheard overwhelmingly in New Hampshire and the same sentiments that the distinguished minority leader of this body recently reported, and that is that the American people who live beyond the Potomac want that new withholding law repealed, and the public outcry is not going to subside until Congress takes some concrete action.

Mr. Speaker, I urge Members of this body to join me and over 113 other Members who have already signed House Discharge Petition No. 1, so that we can, at long last, bring this withholding issue to the floor for an honest and open debate. The fight to repeal is a national grassroots movement, and no amount of pressure by the President or by anybody else is going to change that fact.

A WORKING WEST VIRGINIA IS AN ENERGY SECURE AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, economic indicators may foreshadow a recovery, but we cannot be lulled by the promise of prosperity around the corner.

Yesterday the Labor Department put West Virginia unemployment at 21 percent. Not only now is it the highest in the Nation, but it is the highest on record for any State since the Government began compiling jobless statistics in the late 1960's. Even Michigan's 16.5 percent rate, second in the Nation, is far behind West Virginia's.

We cannot ignore the fact that there are still some sectors of the economy which see no light at the end of the tunnel. Just ask out-of-work coal miners and laid-off factory workers in my State.

Congress can do much to help out-of-work West Virginians, Mr. Speaker. For example, this administration has backed off a commitment to coal production. Now is the time to begin a true synthetics fuel program to make this country self-sufficient.

Mr. Speaker, regardless of economic indicators, not only are we not out of the woods of unemployment, some of us are in now deeper than ever. We ask Congress help.

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UNILATERAL TARIFF PREFERENCES

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I would like to take this opportuni-

ty to make the Congress aware of a situation, recently announced by Ambassador Brock, that not only has a detrimental impact on the already ailing Mexican and United States border economies, but that belies the stated objectives of our foreign policy with Mexico.

On March 31, Ambassador Brock announced the products that have been graduated from the generalized systems of preferences. The GSP is a program of unilateral tariff preferences granted by the United States to developing countries to assist in their economic development. It is a good program. Since its inception, the value of imports receiving GSP treatment has risen from $3 billion to $8.4 billion in 1982. GSP imports account for 3 percent of total U.S. imports. While I agree that many of the products and countries graduated from the GSP list have reached a stage of development that merits the subjection of tariff rates, I do not believe that the United States should add almost $2 billion in tariff increases to Mexican products. That is simply counterproductive given the Mexican economic situation and its impact on El Paso, Laredo, and many other cities along the expansive 2,000-mile border.

With the potentially dangerous situation in Central America on the southern border of Mexico, the decision to graduate over 55 products from GSP treatment was ill-advised and sent the wrong signal to the Mexican Government. Instead of underscoring the importance of amicable and consistent relations between our two governments, this policy is yet another schism that will hinder regional dialog on issues of mutual concern.

PENTECOSTALISTS LEAVE U.S. EMBASSY IN MOSCOW

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, in the world of tensions between the U.S.S.R. and the United States, at least there is one ray of hope today, and that is the news that the Pentecostalists who have been, in effect, restrained in the U.S. Embassy, restrained because they were afraid to leave because they were afraid they would not be able to emigrate, have at last found hope that they can emigrate.

Let us hope that this will not be thwarted; that they will be allowed to emigrate; that the U.S.S.R. and the United States will have backed off from a potentially embarrassing and upsetting circumstance. Blessed are the peacemakers.

DEMOCRACY IS ALIVE AND WELL IN CHICAGO

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, I just rise on this happy occasion to announce that democracy is alive and well in the city of Chicago. That great industrial, bustling center of varied ethnicity, on the shores of Lake Michigan, believe it or not, is still afloat.

Although we are going to lose a great colleague of ours because of his election last night, Chicago will gain a great mayor, thanks to the help of many of you and the national leaders of our fine Democratic Party.

As our colleague, HAROLD WASHINGTON, was quoted in a paper this morning:

> The whole Nation was watching and Chicago sent a profound message out of the crucible of our city's most trying election. Blacks, whites, Hispanics, Jews, gentiles, Protestants, and Catholics have joined together in a new coalition in Chicago.

I say, let it become a model for our Nation.

SUPPORT OF THE EMERGENCY HOUSING RELIEF ACT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, one of the aspects of the American dream is owning your own home. Millions of Americans have toiled away in our factories, our mines, and markets in search of the financial resources to realize that dream.

This cruel recession that started 2 years ago has dashed that dream for many Americans. Many people in my district are out of work as a result of the worst economic downturn in 50 years. The recession has stopped the demand for copper, uranium, and other minerals mined in northern New Mexico. The lifeline of employment for so many thousands in my district has been cut off and families are faced with the horror of not being able to make their house payments. Some are faced with the prospect of losing their homes.

Mr. Speaker, some 61,000 New Mexicans would fall within the scope of this legislation. That is a clear indication of how many people in my State are in dire need of relief. The Emergency Housing Assistance Act will be an important first step for the people of my district and homeowners across the country to keep their homes while they wait for the recession to end and for their jobs to return.

I urge my colleagues to support the Emergency Housing Assistance Act. I commend my distinguished colleague from the State of Texas, the chairman of the Housing Subcommittee, for bringing to the floor a piece of legislation that will show that we in the Congress have compassion in our hearts and that we want all Americans to have a place that they can call home.

U.S. FINANCING FORMER SOMOZA SECURITY GUARDS

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, I rise to tell the House about a trip that I took this weekend to Honduras and Nicaragua.

I was absolutely shocked and amazed by what I saw on that trip. Everybody there knows that the United States is financing an effort by Somoza's former security forces to move from Honduras into Nicaragua to raid the common citizens of that country, to kidnap them, to murder them, and this sort of activity. They all know that it is the United States, and I hope that we realize that we are doing the financing.

First of all, it is morally wrong. I wish you could have been with me and met with the mothers whose children had been killed by those former security forces.

Second, it is surely pragmatically wrong. Do we think for 1 minute that we are going to do anything but strengthen the hold of the Sandinista government on the people by arming former criminals to come back and kill the people within that country? As one of the Sandinistas told me:

> If you really want democracy, we cannot understand why it would be that you would want the former security guard of Somoza to come back and take over our country.

I would hope that the people of this body would look at what is really happening and rise up and take what action should be taken to stop this terrible, terrible activity of our Government.

REAGAN'S ARMS CONTROL POLICIES

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I want to take the opportunity, as we prepare to continue consideration of the nuclear freeze resolution, to praise President Reagan for his initiative in presenting a farsighted approach to arms control negotiations with the Soviet Union.

Every rational person in the world wants to get rid of all the nuclear weapons that currently exist and to produce no new ones. There have been negotiations toward that goal for more than 20 years among most of the na-

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tions that produce these weapons. These negotiations have been protracted and have yielded results only with hard bargaining by all sides.

President Reagan has been conducting arms reduction talks for 2 years now and has already altered our offers to the Soviets on two occasions. The flexibility and the desire to go the extra mile that he has displayed should be appreciated and commended by all people who desire peace.

The fact that the Soviet Union has chosen to ignore our proposals and to insist that we practically disarm ourselves while allowing them to continue to threaten the entire world with their monster weapons is not the fault of President Reagan. The advocates of the resolution we are acting on today are attempting to tie the hands of this and future Presidents in their efforts to negotiate with the Soviets. Their efforts would remove all incentive for the Soviets to take seriously our position on arms reduction.

BULLDOG AND THE BEAR

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, our Capital never lacks for drama. And that is true tonight at the Kennedy Center which honors a student play from my hometown California State University, Fullerton called "Bulldog and the Bear."

The play is 1 of only 7 national outstanding plays chosen from 442 college drama departments. It was selected by the American College Theater Festival which is sponsored by the Amoco Cos.

The play, playwrite, cast, and department deserve special recognition. The play, "Bulldog and the Bear," is the only one of the seven written by a student, Richard Gordon, who is also an Orange County probation officer. The play offers new views on age and race. For "Bulldog and the Bear" Mr. Gordon has also received two national playwriting awards. The department has won regional competitions in the festival for the last 7 years.

To author, cast, and crew may we state in the language of the theater: Break a leg.

Hereafter is the playbill for "Bulldog and the Bear";

Author: Richard Gordon

Director: Alvin Keller (Chairman, Cal State Fullerton Theater Department).

Lead players: Richard Gordon and Gregory Leach.

Players: Raymond Harris, Eleanor O'Connell, James Matthis, Jamila Hunter, Regina LeVert, Stephen Crossley.

Designers: Brian Sandahl (scene); Deborah Slate (costume); Kevin A. Cook (lighting); Abel Zeballos (makeup); John R. Fisher (audio).

Stage manager: Brian Ray.

Assistant stage manager: Kathleen McEvilly.

Instructional support assistant: Angie Flaherty.

Region VIII south chairman: Charles Redmon, Jr.

REALISTIC WAY TO STABILIZE THREAT OF MISSILES

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAIG. Mr. Speaker, today we will debate again a very important issue—the threat of nuclear war. While we gird our loins for the forthcoming rhetorical battle over the nuclear freeze, I think we would do this Nation and the cause of peace and the underlying goal of reducing the threat posed by nuclear arms a gross disservice if we overlook the truly meaningful reduction contained in the President's proposal in Europe.

The President has proposed a realistic way to stabilize the threat posed by medium-range ballistic missiles in Europe. Yet many in this body seemed to be "bending over the dime to pick up the nickel." The offer this country has made to the Soviet Union is sincere—reduce the threat of nuclear arms now—not freezing them at some yet-to-be-determined level at some yet-to-be-established time. Many in this body have dismissed these proposals because the Soviets have not shown any interest.

Frankly, that appalls me, although I am not surprised by the Soviet reaction. After all, why should they negotiate when they think they can have exactly what they want and affect Americans more profoundly than the President by simply "stamping their feet, taking their ball and going home."

If we are really serious about reducing nuclear arms, you will assist the administration by supporting the only real, sincere arms negotiations we have going.

NUCLEAR FREEZE AT EQUAL AND VERIFIABLE LEVELS

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, it is imperative that a bilateral nuclear freeze should only be enacted at equal and verifiable levels. Any freeze resolution must guarantee U.S. national security.

Based on available classified and declassified information—an immediate freeze would give the Russians a considerable advantage.

Given this disparity the Russians would have no incentive to negotiate reductions in nuclear arms.

I support ongoing arms reduction talks between the United States and the Soviet Union and encourage the two superpowers to negotiate a freeze at equal, verifiable, and substantially reduced levels.

To freeze now would put the United States at a serious strategic disadvantage, a position from which we might never regain our strength and power to remain an instrument of peace and stand in defense of the free world.

□ 1145

DON'T FREEZE SOVIET SUPERIORITY

(Mr. McCANDLESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCANDLESS. Mr. Speaker, there are three critical areas in the proposed nuclear freeze resolution. First, any kind of a nuclear freeze in order to be mutually verifiable requires onsite inspection. It is not possible to accurately establish the actual numbers of missiles any other way.

Second, as interpreted by its proponents, the resolution language calls for a freeze and reduction of so-called nuclear delivery systems. Those "nuclear delivery systems" include our current military aircraft, the F-111, F-4, F-16, and F-18. Given this language the resolution would also prevent the manufacturing of these aircraft to supply our allies—because the planes are nuclear delivery systems.

Last, the proposed nuclear freeze would give the Russians an overwhelming advantage in the fact that they have advanced generation weapons now in place. Mr. Speaker, we have Model T's and they have Thunderbirds. In addition, their manned bomber aircraft are more modern than ours, with the exception of the B-1, and that, of course, has yet to go into production.

These are only three of the compelling factors that clearly show the nuclear freeze resolution as drafted would be ill-advised at this time.

NUCLEAR FREEZE, A MISGUIDED PROPOSAL

(Mr. HANSEN of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Utah. Mr. Speaker, I think most of the Members of this body are sophisticated enough to know that you do not show your opponent your playing cards while bidding for high stakes. But, if an immediate nuclear freeze is adopted, the Soviet negotiators at the arms reduction talks in Geneva would know exactly what the limits of our bargaining position would be.

The Soviets would know that the NATO alliance would not deploy the 572 Pershing and cruise missiles to

offset the more than 330 SS-20 intermediate range mobile missiles stationed in Eastern Europe.

The balance of power in Central Europe which has shifted dramatically toward the Soviets with the deployment of the 330 SS-20's would become an accomplished fact. This shift in the balance of power is dangerous because we know from 66 bloody years of Soviet history that the Kremlin will always exploit and abuse its advantage and power.

Our negotiators understand full well the folly of an immediate nuclear freeze which, they state, "would seriously undermine our ability to negotiate an equitable agreement with the Soviets."

A nuclear freeze is a misguided proposal. It would remove any incentive for the Soviets to negotiate seriously in Geneva and would virtually end our chances to achieve the major arms reductions which we have proposed. Instead, the Soviets would achieve their objectives through the freeze.

Mr. Speaker, I urge the defeat of the nuclear freeze proposal.

INTERIM ARMS AGREEMENT IS COMMONSENSE APPROACH

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, recently the President announced that the United States had presented a new proposal in Geneva for an interim agreement in the intermediate-range nuclear force (INF) negotiations. That proposal calls for a substantial reduction in the planned deployment of Pershing II and ground-launched cruise missiles if the Soviet Union will agree to reduce the number of its weapons on longer range INF missiles to an equal level on a global basis.

This proposal is not a substitute for the "zero-zero" proposal presented in November 1981, but is a serious initial step toward the "zero-zero" agreement.

The President's new proposal is just plain commonsense. The Soviets have not been negotiating seriously at the INF talks. Why should they when they have all of their weapons deployed and are consistently adding to their strength? And their counterproposals to "zero-zero" have been totally unacceptable. They want to perserve their present monopoly and have us remain at our current zero level.

As the President pointed out in his statement, the Soviet's latest proposal would have them retain 486 warheads on 162 SS-20's in Europe alone. The United States would have no missiles at all. Also, under their proposal, Soviet SS-20's in the Far East would be totally unlimited. In fact, the Soviets would end up with more SS-20 missiles than they had when the negotiations began in 1981.

We must present some real incentive for the Soviets to sit down and seriously discuss arms reduction, and I believe the President's approach provides that incentive.

PRESIDENT COMMENDED FOR GRANTING ASYLUM TO HU NA

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, I was dumbfounded to read in the newspaper today of comments attributed to the gentleman from Massachusetts (Mr. O'NEILL).

The Washington Times quotes him as saying that President Reagan was wrong in granting political asylum to the Chinese tennis star, Hu Na.

I would like this body to know that this Representative believes that President Reagan did what was right, what was humanitarian, and what was in the best tradition of America's heritage as a land of the free.

There are those of us who remember all too well the shameful blot on America's honor that occurred in 1975 involving another person who sought to escape totalitarianism.

Simes Kudirka, a Lithuanian seaman, jumped from a Russian trawler to a Coast Guard vessel in hopes of gaining the freedom that Miss Hu also sought.

But the Coast Guard officer turned this unfortunate seaman over to the Russians. He was returned to the Soviet Union and imprisoned. He probably still would be there if it had not been discovered that he was actually American by birth and his freedom could be secured on that technicality.

I would have hated to see a repetition of such a shameful episode in the case of Miss Hu and commend President Reagan for the courage to stand for freedom.

One cannot help but wonder if Members of Congress visiting the Soviet Union would return objecting to the President's concern over the plight of Soviet Jewry.

SUBCOMMITTEE ACTION SEEN AS AIDING COMMUNIST GUERRILLAS IN EL SALVADOR

(Mr. HYDE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, yesterday I was privileged to participate in the hearings before the Western Hemisphere Subcommittee of the Committee on Foreign Affairs where an incredible historic achievement occurred. In one afternoon we adopted, that is, the Democratic majority, over the stenuous objections of the Republican minority, adopted a series of amendments which have the effect of putting a stranglehold on this country's aid to El Salvador, the freely elected, struggling, democratic government, which is trying to resist a Communist guerrilla takeover.

We made it virtually impossible to aid them, and then, following right along with that, we protected and immunized the Communist Government of Nicaragua by hamstringing any efforts to help the Contra revolutionists there who are fighting against the Communist brutality that has overtaken that gentle land.

So, Mr. Speaker, Marxism gained a great victory yesterday, and I am sure that Fidel Castro smoked an extra cigar after hearing what our subcommittee did.

NUCLEAR FREEZE DEBATE FOCUSES ON WRONG ISSUES

(Mr. FIELDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I think the focus of the nuclear freeze debate is wrong. We should instead focus on the Soviet Union, and we should remember.

In addition to remembering, I think there are perhaps other subject matter on which we should draw a resolution or resolutions.

Should we not draft and pass a resolution condemning the Soviet Union for the invasion of Hungary in 1956 and of Czechoslavakia in 1978 and the continued occupation and subjugation of those people since that time? Or should we draft and pass a resolution condemning Soviet genocide in Afghanistan, where people are fighting and dying against an agressor who wants to subvert their freedom and exterminate them for the world?

Or should we not pass a resolution condemning the Soviet Union for its oppression of the Solidarity labor unions in Poland, or a resolution of inquiry into alleged KGB complicity in the attempted assassination of the Pope?

Aleksandr Solzhenitsyn said it best, and I quote:

> The main goal of communism is an irrational but fanatical urge to swallow the maximum amount of external territory and population, with the ideal limit being the entire planet. Under communism a country is never prepared for a long and healthy economic existence, but it is always ready to strike, to seize, and to expand militarily. That is an indispensible mode of Communist existence.

I ask, Mr. Speaker, can we trust the Soviets? Can we unilaterally freeze? History compels us to give a resounding "no" to both questions.

NEW LEGISLATION WOULD GUARANTEE ENFORCEMENT OF EXISTING TRADE LAWS

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COATS. Mr. Speaker, I believe our fight against unfair foreign trade practices ought to begin with the rigorous enforcement of our existing trade laws.

I am introducing legislation today which would accomplish this objective. Very simply, my bill would prohibit the Federal Government from entering into bilateral settlement agreements to negotiate away or otherwise compromise antidumping and countervailing duty findings which are determined under existing law.

In 1979, the Congress gave members of domestic industries and their workers the right to participate in the administrative assessment of antidumping duties. However, in at least one case—one involving efforts by the domestic color television industry to gain relief from unfair trade practices—a settlement of hundreds of millions of dollars has been reduced to a mere fraction of that amount without the knowledge or participation of the affected industry. There are more than 500 workers at a TV picture tube plant in my district who face the loss of their jobs largely due to this arbitrary decision.

It is not my intention to tie the hands of our trade negotiators or erect protectionist trade barriers. I simply believe that free trade must also be fair, and that we have an obligation to the workers of this country to effectively enforce existing laws.

If any of my colleagues agree—if any believe that foreign participation in our markets should be contingent on a willingness to abide by our laws—I urge them to consider cosponsoring this legislation.

NUCLEAR FREEZE—A POLITICAL ISSUE?

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARTNETT. Mr. Speaker, I wonder where all the advocates of this nuclear freeze resolution—many of them in Congress—were years ago and not being heard from. They were not necessarily needed to be heard from because we were systematically and unilaterally disarming ourselves through their votes in Congress. Throughout the Carter years there was no need for them to be advocates of a freeze.

Now, when the United States is preparing to be able to respond and build our arsenal to the point where we can continue to prevent nuclear war, we are hearing from them.

Let me tell the Members what I think the issue is. Just as in the 1982 elections, when they instilled fear in the hearts of American senior citizens by making social security a political issue, they want to instill fear in the hearts of all Americans by making us feel guilty and making us feel we are doing something wrong by not passing this freeze resolution and extending our ability to prevent nuclear war.

Mr. Speaker, I say to my friends that if we truly want to prevent nuclear war, the Members should not vote for this resolution because that will be putting us perilously in danger of losing our ability to prevent a nuclear war and thereby endangering the lives of countless millions of Americans.

THE NUCLEAR FREEZE DEBATE

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, in our debate over whether or not to freeze nuclear weapons, I am afraid that the greater goal of reducing nuclear forces will not receive sufficient attention. We would do well to remember that reducing weapons is the ultimate goal; not merely freezing them. In this regard, I am deeply concerned that the actions taken by this House could hamper efforts to reduce the level of nuclear forces.

In Geneva, real progress is being made at the START and INF talks. Both sides have placed proposals on the table that would promote a reduction in nuclear weaponry. We all hope that these talks will continue and that they will bear fruit.

It would seem to me that the important question here today is what can this House do to promote progress at the arms reduction talks. I submit to my colleagues that passage of the freeze resolution would undermine the position of our negotiations and would make an arms reduction treaty more difficult to achieve. Ambassador Rowny himself has said that, "Negotiations on reducing strategic arms will be made immensely more difficult, if not impossible, by passage of a freeze resolution." Those of my colleagues who argue that the freeze resolution has no real significance should carefully consider Ambassador Rowny's warning before casting their vote here today.

In conclusion, I would urge my colleagues to keep their sights set on the higher goal, nuclear arms reduction. This goal should not be forsaken in the pursuit of partisan political advantage.

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON NATURAL RESOURCES, AGRICULTURE RESEARCH AND ENVIRONMENT OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Natural Resources, Agriculture Research and Environment of the Committee on Science and Technology be permitted today while the House is proceeding under the 5-minute rule.

This has been cleared with my minority colleagues, and I understand there is no problem with it.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from New York?

Mr. LUNGREN. Mr. Speaker, reserving the right to object, do I understand that the gentleman is requesting that the subcommittee have the opportunity to sit today during the 5-minute rule, and that is the 5-minute rule that applies to the question of the freeze amendment which has been promoted in this House as the single most important question that we may have before us at this time?

Mr. SCHEUER. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. LUNGREN. Mr. Speaker, on those grounds, I would have to object.

The SPEAKER pro tempore. The Chair is informed that it takes 10 objectors to object. The Clerk will note 10 objectors standing.

(Messrs. BARTLETT, HARTNETT, HILER, COATS, BURTON, and MCCANDLESS, Mrs. VUCANOVICH, and Messrs. HYDE, HUNTER, PORTER, SILJANDER, and BROWN of Colorado objected.)

The SPEAKER pro tempore. Objection is heard.

□ 1200

A CREDIBLE NEGOTIATING STANCE

(Mr. FRANKLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKLIN. Mr. Speaker, several of my colleagues have gone to great lengths to label this issue of a nuclear freeze as the most important issue facing the Congress this year. I do not think that is an exaggeration. The safety and survival of our Nation and our allies is certainly a matter of significance.

And with such questions of survival at stake, I find it amazing that we are about to consider seriously a proposal which would say to our foes, "We're going to stop building, and we would appreciate it if you would do the same

thing." What have those foes done to deserve such blind trust?

That position is contrary to the negotiating stance adopted by our administration, a negotiating stance which must be given credibility if we are to have any sort of arms agreement in the near future.

Also, that position is contrary to the wishes of the great majority of the American people, despite what proponents of this resolution would say.

There are certainly ways to curb the growth of nuclear weapons, yet still provide for the safety of our country. Freezing ourselves to death, however, is not one of them.

A REDUCTION IN NUCLEAR WEAPONS

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, today I will offer an amendment to House Joint Resolution 13.

It simply adds as one of the objectives "a reduction in nuclear weapons."

It in no way conditions a freeze upon a reduction.

The Soviet Union has already offered to reduce their number of SS-20's deployed in Europe.

In the START negotiations the Soviets have offered a 25-percent reduction in the number of nuclear launchers.

Surely we will want to make it clear we are at least willing to consider reductions.

WHAT WILL FREEZE DO TO AMERICA'S DEFENSES IN THE 1990'S?

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I hope that during the debate over the nuclear freeze today, my colleagues will ask themselves what effect this freeze will have on America's defenses in the 1990's.

I would remind them that our bombers, built during the late fifties and early sixties, will be ancient by the 1990's. Our Poseidon submarines, the last one of which was launched in April 1967, will be at the end of their projected lives.

And meanwhile, the Soviet Union will have a modern strategic force which will be roughly half the age of our forces.

So my colleagues, let us not trade a little political capital today for America's security tomorrow.

I want us to remember that if we give away our strategic strength with this very shortsighted resolution, our grave mistake will be reflected in aggressive Soviet foreign policy for decades to come.

CRUCIAL INF NEGOTIATIONS

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, as this House today considers House Joint Resolution 13, the nuclear freeze resolution, I rise to remind the House that the United States is negotiating to reduce the threat posed by Soviet land-based intermediate range nuclear warheads that are pointed at Europe, the Middle East, and Asia. I rise today in support of the administration's proposals at these intermediate nuclear forces negotiations and urge my colleagues to carefully consider the damage that could be done to progress in these INF negotiations by passage of an ill-advised freeze resolution.

The irony of today's freeze resolution debate is that it ignores the fact that, as the President said in an address to the Nation last year, "Never in our history have we engaged in so many negotiations with the Soviets to reduce nuclear arms and to find a stable peace." The INF negotiations are crucial among these efforts.

Soviet land-based INF warheads have increased from 600 in 1972 and 1977 to about 1,200 last year. The United States had no INF missiles in 1977 and we have none today. The Soviets have added an arsenal of new missiles, each with three warheads, every week, largely with their newly deployed SS-10 missile.

The present U.S. INF proposal would have the United States reduce its planned deployment of Pershing II and ground-launched cruise missiles if the U.S.S.R. reduces its warheads on longer range INF missiles to an equal level around the world. By contract, the Soviet position would preserve Soviet monopoly on INF's and retain their 486 warheads on 162 SS-20's in Europe. Again, the United States would have none.

In addition to the INF talks, the administration has made landmark proposals for reducing strategic arms in the START talks, proposals for reduced and equal ceilings on NATO and Warsaw Pact military forces in the mutual and balanced force reduction talks and other serious efforts to, in the President's words, seek arms reductions to equal and balanced levels, which promote peace, world stability and which are effectively verifiable.

I urge my colleagues to join me in support of the President's INF and other serious arms control proposals.

THE SOVIET PENTECOSTALISTS

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the Congressional Human Rights Caucus and all who love freedom applaud our State Department in giving refuge for the past 5 years in the U.S. Embassy in Moscow to the Vashchenko family.

These Pentecostalists dashed into the Embassy compound in 1978 seeking to leave Soviet soil where their rights to practice their faith were denied and to find freedom elsewhere.

The Soviets refused to guarantee that they could emigrate and for 5 years they have remained living in one room in the basement of the Embassy, virtual prisoners to the caprice of the state.

A year ago in February, Lydia Vashchenko, after a 34-day hunger strike, left the Embassy and returned to her home in Chernogorsk in Siberia. Suddenly, last week the Soviet authorities granted Lydia the right to emigrate to Israel.

The other six Vashchenko's have now opted to go back to Chernogorsk and also seek to emigrate.

Let us pray that the Soviet's brand of compassion will allow them, too, to join Lydia soon in a land where the right to worship freely is guaranteed to everyone.

WHO'S FIGHTING THE SANDINISTAS?

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we are hearing a great deal these days about Nicaraguans who are fighting the Sandinista government in the north and we are told that, "they are ex-Somocistas." Given that label, they are summarily dismissed as unworthy. Well, about 5 percent did belong to the National Guard, but they have no great love for Somoza; when they were penned up by the Sandinistas awaiting a most uncertain future, Somoza fled the country. He left them flat. There is no love lost between them and Somoza. Indeed their statement after Somoza was killed was, "Somoza esta muerta y con el el Somocismo." "Somoza is dead and with him Somocism."

Of the Nicaraguans fighting the government in Managua are large numbers of ex-Sandinistas, Like who? Like Adolfo Calero, Edgar Chamorro, Indalesio Rodriguez, indeed Rodriguez was one of the founders of the FLN (the Sandinistas movement) and whose father fought with Augusto Sandino himself in the 1930's.

By and large, the great majority of the people who are fighting are Compesinos and Miskito Indians. They are jointed with this Fuerza Democratica Nicaruense by a wide cross section of the Nicaraguan people who do not wish to be part of what they perceive is an totalitarian society.

I think we should ask the question, why should the United States protect the totalitarian Sandinistas from the anger and the wrath of the Nicaraguan people?

LIBERALS CRITICIZE GRANTING OF ASYLUM FOR YOUNG CHINESE GIRL

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, it is profoundly disturbing to read that the Speaker of the House has criticized the granting of asylum for a young Chinese girl who wants nothing more than to live her life in freedom. In choosing to side with totalitarianism against Hu Na, the Speaker has made the Statue of Liberty blush; but perhaps what he has said tells us in an unvarnished way how far liberals have gone toward abandoning the goals of freedom to the immoral challenge of Communists dictatorship. That is a key concern in the nuclear freeze debate which will resume on this floor later today.

Do liberals understand that freedom cannot be compromised? Are liberals prepared to consign other Hu Na's to lives of enslavement for temporary political gain? Consistently the liberal political goals place them in the position of saying that we cannot defend freedom and that we end up placing defense of freedom into jeopardy, while encouraging the aspirations of totalitarianism.

In the context of that trend, the Speaker's statement makes today's freeze vote a real contrast of choices for a free nation.

BIPARTISAN ARMS POLICY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, this is not the time or place to discuss the complex report of the Presidential Commission on Strategic Forces, but since we are going to debate the freeze resolution today, I think we should keep in mind one finding of this bipartisan Commission. Speaking of arms control, the Commission report said:

> The Commission is particularly mindful of the importance of achieving a greater degree of national consensus with respect to our strategic deployment and arms control.

As the Commission pointed out, there is enough blame to go around for both parties, under various administrations, when it comes to failures in these areas.

What we need now—what America and the world needs now—is a united bipartisan approach to strategic deployment and arms control questions.

As we debate the freeze today, let us keep that need for consensus in mind: Anything that ties the hands of our negotiators, does not help America.

A LETTER FROM THE PRESIDENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. BROOMFIELD. Mr. Speaker, this morning I received the following letter from the President of the United States. I would like to read it to the Members at this time:

THE WHITE HOUSE,
Washington, April 12, 1983.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives,
Washington, D.C.

DEAR BILL: Of all the issues facing the American people today, none is more important or more pressing than the task of strengthening the foundations for peace. There is no higher priority for my Administration, and I am determined that we will explore every possibility and do everything in our power to reduce the risk of war.

For the first time, our negotiations with the Soviet Union in Geneva offer a hope of achieving deep cuts in the number of nuclear weapons both sides now have. The coming days, when the House will be considering H.J. Res. 13, will provide an important opportunity for the Congress and the American people to demonstrate their firm commitment to the goals of achieving significant nuclear arms reductions that are balanced and verifiable.

H.J. Res. 13 calls for a freeze at current levels on testing, production and deployment of nuclear weapons and their delivery systems. Although this resolution stems from a desire to reduce the risk of war, it would hinder, not help, that objective. Instead, it would undercut our efforts to negotiate with the Soviet Union for real reductions, and leave us in a position of permanent disadvantage. In fact, a freeze at current high levels of nuclear weapons would be a step backward from the progress we have made thus far in convincing the Soviet Union of the merits of negotiating for reductions

Moreover, by preserving current Soviet nuclear advantages and preventing us from replacing our own aging and increasingly vulnerable weapons systems, the freeze would be a formula for permanent insecurity. It would also be a formula for permanent uncertainty as to whether the Soviet Union was living up to its undertakings, since many elements of the proposed freeze are not effectively verifiable.

Last year, the House passed a substitute bipartisan resolution under your sponsorship which called for a freeze at reduced and equal levels. This substitute resolution was an important expression of support for the far-reaching goals we are striving so hard to achieve in Geneva. Today, the need for national unity is even more crucial, as we pursue deep reductions and essential military modernization

The American people are looking to the Congress to demonstrate the spirit of bipartisan resolve essential to our security and to the preservation of peace in the world. Once more, I am asking your colleagues to join you in standing up for the goals we all share—to achieve sound agreements for substantial, equitable and verifiable reductions—and to support the Broomfield, Carney, Stratton, and Price resolution which embodies that goal.

Sincerely,

RONALD REAGAN.

□ 1215

ACID RAIN

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUKEN. Mr. Speaker, I want to assure my colleagues I am not joining the filibuster on the nuclear freeze. I am for the freeze.

But I would like to address the House briefly on the subject of another campaign that is going on while we are discussing the nuclear freeze here. There is another campaign being conducted by lobbyists from Canada, our neighbor on the north, who are putting on a traveling road show around the country, including Washington, to sell us a bill of goods; namely, an experiment, an experiment for curing a problem—acid rain.

The victims of that experiment would be the people in the Midwest particularly who would be asked to pay for removing 10 million tons of sulfur dioxide, when we do not know that that is the problem.

It will reduce emissions but it will not reduce the acidity. It will not reduce the sulfate precipitation, which is the problem.

We do not want to be assessed on a regional basis for a theory. We do not want to pay for an experiment which, when it does not work will be a disincentive to really solving the problem.

Under the proposed solution the State of Kentucky will pay three times as much as New York to reduce SO_2 emissions, even though Kentucky and New York have exactly the same amount of emissions.

This kind of "regional" is "environmental gerrymandering." The solution will be a major part of the problem.

DWIGHT D. EISENHOWER VETERANS' ADMINISTRATION MEDICAL CENTER

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, on behalf of the Kansas congressional

delegation, I am honored today to introduce legislation designating the Veterans' Administration Hospital in Leavenworth as the "Dwight D. Eisenhower Veterans' Administration Medical Center."

It is perhaps a small, but fitting tribute to President Eisenhower, who grew up in Kansas and whose life was dedicated to the service of the United States in time of war and peace. His outstanding leadership marked a distinguished career as a soldier, university leader, and President.

He led Allied forces to victory in Europe in World War II, where the Normandy invasion secured a permanent place for him in the annals of world history. His years as President are considered, in hindsight, a time of calm in the world, but he faced many foreign and domestic tests, including the Suez Canal crisis and his enforcement of school desegregation orders in Little Rock.

I am proud to introduce this bill on behalf of all Kansans.

● Mr. ROBERTS. Mr. Speaker, I am proud to lend my endorsement to this legislation to rename the Veterans' Administration Medical Center at Leavenworth, Kans., the "Dwight D. Eisenhower Veterans' Administration Medical Center." Ike grew up in Abilene in the big First District of Kansas, which I have the privilege to represent. As President, a Supreme Allied Commander, and as an American citizen, Ike had profound impact, not only on his generation, but also on many generations to come.

Dwight D. Eisenhower typified the Kansas motto, "Ad Astra per Aspera"—"To the Stars through Difficulties." He was born to humble parents in modest surroundings, but rose to serve his country as a leader during war and a leader during peace.

General Eisenhower's talents as a leader and tactician were utilized heavily during World War II. These same talents also served his Nation well as President of the United States.

It is appropriate that the Leavenworth Medical Center be named for Dwight D. Eisenhower. He was raised in our great State and chose to be buried there. In addition, he came back to Kansas to attend Leavenworth's command and general staff course before moving on toward his destiny.●

NUCLEAR FREEZE RESOLUTION

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEIBERLING. Mr. Speaker, I have been sitting here listening to a seemingly endless series of speakers on the Republican side of the aisle attacking the nuclear freeze. I just wonder if that is really the position they want to put themselves in, when it is absolutely clear that the American people have ceased to believe the kind of scare talk we have just heard and are strongly in favor of the nuclear freeze.

I have just received a tabulation from my annual questionnaire to voters in my district which indicates that 82 percent support the nuclear freeze, up from 79 percent last year.

The American people are trying to send to their Representatives a message. They are tired of piling weapons upon weapons while the other side does the same thing.

There is one way to stop the Soviet Union from continuing to develop new weapons systems and that is to have a freeze on both sides, so that we can start negotiating reductions.

You cannot obtain reductions while you are building new weapons faster than your negotiators can produce agreements to reduce the existing ones.

AMENDMENT TO NUCLEAR FREEZE RESOLUTION ON A UNILATERAL FREEZE

(Mr. MARTIN of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of North Carolina. Mr. Speaker, there is much to be done with regard to the freeze resolution, House Joint Resolution lucky No. 13, which is before the House today. An amendment is needed to exorcize the unilateral freeze objective stated by the freeze movement this February at its St. Louis convention, and endorsed by many of its leaders during floor debate a couple of weeks ago.

The convention of the freeze movement and some of its leaders have avowed their intention to employ the bilateral freeze resolution as a force to compel the United States, presumably in keeping with the bona fide spirit of House Joint Resolution 13, to unilaterally initiate a freeze in hopes the Soviet Union will respond in like fashion.

Many newspaper editorials across the country have identified and objected to such a Trojan horse strategy.

The crucial aspect of this is that there is widespread popular support on record favoring a mutual bilateral freeze.

Millions of Americans have searched their hearts and scripture for an answer to the nuclear arms race and have placed their trust in what they take to be a bilateral freeze movement.

Once they realize that the leaders of that movement seek to unilaterally halt the modernization of the U.S. force, halt the B-1, the MX, the Trident, the Pershing II, cruise missiles of our country before any agreement is reached with the Soviet Union, they will turn against those freeze leaders who sought to abuse their trust.

That is why I will offer an amendment today to disavow and repudiate the unilateralist strategy adopted by the freeze convention in St. Louis.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 83

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Concurrent Resolution 83.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CALLING FOR A MUTUAL AND VERIFIABLE FREEZE ON AND REDUCTIONS IN NUCLEAR WEAPONS

The SPEAKER pro tempore. Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 13.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, with Mr. MCHUGH in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on Wednesday, March 16, 1983, pending was an amendment in the nature of a substitute to the text offered by the gentleman from Georgia (Mr. LEVITAS).

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, the House has debated House Joint Resolution 13 for over 13 hours. Many more hours of debate lie ahead of us. Much has been said by opponents and proponents of the resolution that has led to some confusion and misunderstanding of what House Joint Resolution 13 is all about. I take this time it set the record straight and to clarify those misunderstandings.

First, this resolution sets forth objectives for U.S. negotiators to strive to achieve in negotiations with the Soviet Union. During prior consideration of House Joint Resolution 13 much confusion arose as to just what was frozen. The clear answer is that nothing would be frozen until the negotiations were concluded by the

President of the United States, subject to the approval of the Congress.

As outlined in House Joint Resolution 13, the primary objective of the United States during those negotiations should be that of deciding when and how to achieve a mutual and verifiable freeze on testing, production, and further deployment of nuclear warheads, missiles, and other delivery systems. If the Soviet Union does not agree to a mutual and verifiable freeze, there is no freeze. House Joint Resolution 13 is not a unilateral freeze resolution. That is the bottom line.

Passage of this resolution would not lock the United States into a position of inferiority vis-a-vis the Soviet Union. Nor would it unilaterally preclude the development, modernization, and production of U.S. nuclear systems, like the B-1 bomber, unless and until those systems were included in a mutual and verifiable freeze agreement with the Soviet Union.

I contend, however, that we need a mutual and verifiable freeze if we are to maintain deterrence and to restore stability and sanity to a world that is consumed by an arms race that threatens the very survivability of this planet. Furthermore, if a mutual and verifiable freeze were negotiated, it would lock in a number of strategic advantages the United States has over the Soviet Union.

Second, House Joint Resolution 13 is, as its name states, a House joint resolution. It deals with the nuclear freeze as we here define it. I recognize that there are, in Washington and around the country, various individuals and groups who hold many different beliefs as to what a freeze should be. I respect their right to their views, but they do not define this resolution. It means what the committee and its sponsors say it means in the legislative history we will set out in a moment. The House should consider it on the basis of this definition.

Third, this resolution does not constitute a treaty text. It is not the business of Congress to write a treaty, to cross every "t" and dot every "i." This is the business of the negotiators. There will be instances when some may ask, "Do you mean this, or do you mean that?" And we will answer, "That will be subject to negotiations."

I will turn now to the specific terms of the freeze.

We propose the objective of a mutual and verifiable freeze. I repeat: Mutual and verifiable. Any item both sides do not agree to freeze, is not frozen. Any item that cannot be verified, is not frozen.

The freeze we are defining would apply to nuclear warheads, to defensive systems employing nuclear warheads, and to nuclear delivery vehicles after a negotiated agreement.

A nuclear delivery vehicle is a device whose primary or exclusive mission requires it to carry a nuclear weapon into territory of or occupied by hostile forces.

All stages of a ballistic missile are considered part of the delivery vehicle, even though they themselves may not reach hostile territory.

Ballistic missile submarines do not need to penetrate enemy territory to perform their missions. They are, therefore, considered to be launch platforms rather than nuclear delivery vehicles. They may be modernized, modified, or replaced in any way, so long as the aggregate number of in-service ballistic missile launch tubes and warheads is not increased.

Poseidon ships could be replaced by Trident ships, or by any new design, so long as the aggregate number of ballistic missile launch tubes and warheads is not increased.

Nuclear-warhead ballistic missiles of all types, and manned bombers primarily designed to carry nuclear weapons, are considered to be nuclear delivery vehicles and would be frozen if the objectives of House Joint Resolution 13 as defined would be achieved; that is, a negotiated, mutual, and verifiable agreement. But flight of manned bombers is considered to be training rather than testing and would be permitted.

If the objectives of House Joint Resolution 13 as defined are achieved, the following aircraft are considered to be either exclusively nuclear or primarily nuclear, and would be frozen at their present numbers: The Soviet Bear in all its versions, Bison, Blinder, Badger, Backfire in all its versions including the naval version because of its nuclear antiship missiles, and Blackjack; the U.S. B-52, B-1, and FB-111.

The following aircraft are considered to be true dual-mission weapons. Their treatment would be resolved by negotiation: The Soviet SU-24 Fencer in all versions; the U.S. F-111 A, D, E, and F.

All other existing aircraft are considered to be primarily nonnuclear, and would not be frozen. This list includes, but is not limited to—I repeat, is not limited to—the following: The Soviets' entire Mig series, Yakovlev series, and Sukhoi series except the SU-24 Fencer; the U.S. A-4, A-6, A-7, AV-8, A-10, F-100, F-101, F-105, F-106, F-4, F-8, F-14, F-15, F-16, F-18, F-20, EF-111.

If the freeze were to be concluded immediately, the Soviet Blackjack force would be frozen at one aircraft, the U.S. B-1 force would be frozen at four aircraft. The Soviet SS-NX-20 missile force would be frozen at 20 missiles; the U.S. Trident I force would be frozen at 240 missiles.

The longer the freeze is delayed, of course, these advantageous ratios would decrease.

If new aircraft types emerge during the negotiations, they will be dealt with by the negotiators. Further aircraft types emerging after the freeze has been ratified would be dealt with by the Standing Consultative Commission. Future types of primarily nuclear bombers—that is, beyond the Blackjack—would not be permitted.

It has always been the intention of the supporters of House Joint Resolution 13 to allow for such maintenance as is needed to preserve the credibility of the nuclear deterrent. Therefore, maintenance, replacement of parts, and any one-for-one replacement of nuclear weapons and nuclear delivery vehicles would be permitted to preserve the credibility of the nuclear deterrent. The negotiators will be tasked with determining specific definitions of maintenance.

For example, replacement of entire aircraft or missiles would be permitted on a one-for-one basis, provided the new delivery vehicle is the same type as the old. That is, we could replace an old B-52 with a new B-52. Whatever the number of B-1's that are in inventory at the time of ratification could be replaced by new B-1's. The Soviets could replace an old Bear with a new Bear, but not with a Blackjack.

Improvements in manned bombers would be permitted if they are primarily related to safety rather than performance. Establishing criteria for distinguishing between safety improvements and performance improvements would be the task of the negotiators. It would be emphatically inconsistent with the freeze for the Soviets to jack up the tail section of a Bear bomber, build a new Blackjack bomber under it, and call it an "Improved Bear." The U.S. negotiators are specifically charged with insuring that this is not permitted.

The objectives of this resolution would prohibit new performance-improving components in strategic delivery vehicles. Our ability to do this would, of course, be based on our ability to verify. Improvements in electronic countermeasures or navigation equipment, for example, are probably not verifiable. Our own military will not and should not permit Soviet experts to examine our electronic countermeasure black boxes. It will be up to the negotiators to establish which improvements are verifiable and to prohibit them. All nonverifiable improvements, will, of necessity, be permitted.

I emphasize once more that our objective is a verifiable agreement. We intend to prohibit only that which can be verified.

Field guns, howitzers, and mortars are considered to be primarily nonnuclear, and would not be frozen. Nuclear artillery projectiles are considered to be nuclear warheads and would be frozen if the negotiators find them to be verifiable.

Nuclear cruise missiles are considered delivery vehicles, and would be frozen if they can be verified. Establishment of functionally related observable differences between nuclear and nonnuclear cruise missiles will be subject to negotiation.

Having said all this, there are two points I must bring up in conclusion. I regret having to take the Committee's time with them, because we discussed them thoroughly in the earlier debate. Yet it seemed that the more often we made these two points, the more difficult it became for the freeze opponents to hear them.

I do not accuse the opponents of this resolution of willfully refusing to hear, nor of willfully misrepresenting the freeze. But so that there can be absolutely no misunderstanding, I state these two key points once again so there can be no doubt about them.

First, any freeze negotiated under the terms of this resolution would be mutual and verifiable. I repeat again: Mutual and verifiable. Any item both sides do not agree to freeze, is not frozen. Any item that cannot be verified, is not frozen.

Second and finally, I turn to the question of what would be frozen while the negotiations are being conducted. What is required to be frozen prior to ratification of the freeze is exactly equal to what is required to be reduced prior to ratification of START. I can state the answer in one word: Nothing.

I say again: Nothing will be frozen until the freeze is signed, approved, and ratified. The purpose of this resolution is not unilateral restraint. It is to guide, direct, and expedite the process of protecting the nuclear deterrent of the United States through a negotiated, mutual, and verifiable freeze.

□ 1230

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 4 additional minutes.)

Mr. STRATTON. Mr. Chairman, would the distinguished chairman yield to me?

Mr. ZABLOCKI. I will yield very briefly.

Mr. STRATTON. The gentleman pointed out at the beginning of his remarks, and I think this was a very helpful statement, that nothing will be frozen until there is an actual——

Mr. ZABLOCKI. Agreement.

Mr. STRATTON [continuing]. Instrument signed by both the Soviet Union and the United States of America and ratified in due course on both sides.

Mr. ZABLOCKI. That is correct.

Mr. STRATTON. Is that correct?

Mr. ZABLOCKI. That is correct.

Mr. STRATTON. But does not the distinguished chairman recognize that if this resolution were to pass today, which many of us hope will not be the case, that as a practical matter, the gentleman from Wisconsin or at least many of his supporters today will immediately be urging that since the peoples' body of the Congress has now spoken out in support of a freeze, it would be morally improper for us to approve, for example, the new MX missile arrangement, the Pershing II and so on. Does the gentleman feel——

Mr. ZABLOCKI. That is not the case. I know what the gentleman is driving at. That is not the case. He may believe that. We do not. This resolution provides objectives for the START talks. There will be only a freeze in effect, I repeat, after negotiations and approval by Congress. If I may go back——

Mr. STRATTON. Just one more question. In other words the gentleman would not object to a modernization of our nuclear force until that actual instrument is signed. Is that correct?

Mr. ZABLOCKI. As I have said, there would be no restriction on the improvements, call it modernization, until the freeze is negotiated.

Mr. STRATTON. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DOWNEY of New York and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 4 additional minutes.)

□ 1240

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the chairman for laying out in graphic detail, and clearly, the objectives of the nuclear freeze. I do not think that his statement leaves any room for doubt. This is not a unilateral approach. This is not anything other than a mutual and verifiable agreement that we would like to see negotiated.

Nothing, as the gentleman pointed out, and I hope that my colleagues have heard that, nothing is frozen until the treaty is put into force by the Senate and by the Soviet Union.

I thank the chairman.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(At the request of Mr. YOUNG of Florida and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

Mr. Chairman, I think this is an important point. The gentleman has mentioned several times during the discussion and in the resolution itself, including the title, the word "mutual" which is mentioned eight times.

I have just checked the dictionary at the front of the House Chamber and (la) under "mutual" says: entertained, proferred, or exerted by each with respect to the other of two, or to each of the others of a group, given and received in equal amount.

Now, when the gentleman mentions mutual, and the resolution mentions mutual, are we talking about equal amounts?

Mr. ZABLOCKI. We are saying that they must do what we will do at the same time.

Mr. YOUNG of Florida. But are we talking about equal amounts?

Mr. ZABLOCKI. The amounts would have to be negotiated.

Mr. YOUNG of Florida. But mutual says equal amounts according to the dictionary.

Mr. ZABLOCKI. There are various definitions to each word in Webster's. Did the gentleman look at all of them?

Mr. YOUNG of Florida. Yes.

Mr. ZABLOCKI. The freeze must be mutually accomplished by negotiation.

Mr. YOUNG of Florida. But not equal amounts?

Mr. ZABLOCKI. Equal amounts may be negotiated.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(At the request of Mr. CARNEY and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 2 additional minutes.)

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, may I clarify one thing. The gentleman said that the freeze would not interrupt modernization before signing the agreements, and modernization can continue after signing the agreements; is that correct?

Mr. ZABLOCKI. That is correct.

Mr. CARNEY. And then the gentleman also stated that the intent of this bill will be clearly delineated through legislative history and the intent of the sponsors would be known; is that correct?

Mr. ZABLOCKI. Thist is correct.

Mr. CARNEY. On that I ask—and I am reading from page 5771 of the RECORD—the gentleman from Massachusetts (Mr. MARKEY) says: "The objective of the freeze is to preclude the

necessity of any further force modernization."

Now there is a contradiction there and I was wondering where are we.

Mr. ZABLOCKI. We are here. This statement is agreed to by all those sponsors.

Mr. CARNEY. Could I ask the gentleman from Massachusetts if he would concur?

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

The statement that the gentleman from Wisconsin read is a correct statement of the position of the freeze. That is that modernization is permitted up to the point at which the treaty is signed and ratified by the U.S. Senate and by the Soviet Union. At that point no further modernization would be permitted on either side. But up to that point——

Mr. CARNEY. But that was not the chairman's position.

Mr. MARKEY. That is what the treaty said and in those areas that were covered by the treaty, but only with both sides acting and in mutual and verifiable basis. So nothing is in effect until that point; that is, the treaty is signed by both sides and agreed to.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman in the well, then, or the gentleman from Massachusetts, this is, then, a repudiation of what was said by the gentleman from Indiana (Mr. HAMILTON) at page 5699 of the RECORD, when he said, "* * * even when the freeze is in place, a lot of modernization will need to continue. For example, the Trident submarine program will continue * * * silos can be modernized and hardened, and more survivable basing modes can be developed."

We are now rejecting that; is that correct?

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has again expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. ZABLOCKI was allowed to proceed for 5 additional minutes.)

Mr. ZABLOCKI. I might say to the gentleman from Illinois I appreciate this additional time, but we do want to finish today.

Mr. HYDE. But this is so important. We want to understand what we are voting on.

Mr. ZABLOCKI. The gentleman from Wisconsin will not attempt to interpret what the gentleman from Indiana meant.

Mr. HYDE. But the gentleman can understand our confusion.

Mr. ZABLOCKI. I can understand that you look upon it as confusion, but I might add that if additional modernization was agreed to in the freeze negotiations perhaps that is what the gentleman from Indiana had in mind.

The resolution and my statement is intended to interpret, define what House Joint Resolution 13 means. And it does not permit automatic modernization after negotiation.

Mr. HYDE. Well, we desperately need definition.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

I want to commend the chairman for a very important statement and I hope that it will be possible that we can get a copy of it to review it, because it does seek—I think this is the purpose of the chairman—to clarify some of the issues that were left equivocal and ambiguous during the freeze debate, because of the fact that different people took different views.

Today we are seeing that there is still some disagreement amongst his allies on his clarifying statement, but one I think can be cleared up, thanks to the leadership of the chairman. And I would like to pursue it.

First, with regard to the element of a unilateral freeze. I think nothing could be clearer than to understand what the chairman of the committee has just said that it is his view that there is nothing in this resolution that would obligate the United States, based on this resolution alone, to take any steps that were not contingent upon agreement with the Soviet Union, or to take any steps that were not based on a treaty worked out by the U.S. Government and the Soviet Union.

But as the chairman pointed out, there are hundreds of cosponsors of the resolution. And if we want to be quite clear about it, it seems to me that an amendment is needed to make clear in the law that the United States, in pursuit of the negotiating objectives set forth in this resolution, would not be obligated to any steps in the authorization or appropriation process suspending, deferring, or deciding against research and development, testing, production, or deployment of nuclear warheads, missiles, or delivery systems, unless those restraints were agreed upon in negotiations with the Soviet Union. And there is a copy of that available for the subsequent perusal by the chairman and I would hope that the chairman would support me in an amendment to that effect so that we can make this point clear.

There have been indications by the St. Louis convention as the minority leader pointed out in the last debate——

Mr. ZABLOCKI. If I may reclaim my time, let me point out whatever happened in St. Louis is not in this resolution and I am in no way subscribing to the resolutions that were passed by that convention.

I do want to say and repeat to the gentleman that in my remarks I stated that as far as House Joint Resolution 13 is concerned, it is not a unilateral nuclear freeze. And I further said that the legislative history which we develop today will confirm that.

Mr. MARTIN of North Carolina. If the gentleman will yield further on that point, there is quite a bit of legislative history that has been developed in the previous day of debate by many other Members of this House who are regarded as leaders of the freeze movement, and there were some who said that it is their purpose to take away bargaining chips from the President of the United States before he goes into negotiation.

Therefore, it would seem to me to be in the national interest to repudiate that, and disavowing that intent, and making clear that it is not the purpose of this resolution to take away the President's bargaining chips or to deprive him of a strong bargaining position.

Mr. ZABLOCKI. If I may reclaim my time, the gentleman has been here long enough to realize that during legislative debates many statements are made.

I do not think, as chairman of the Foreign Affairs Committee, I should take it upon myself to repudiate any statement.

Mr. Chairman, I yield back the balance of my time.

□ 1250

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on March 16, this body engaged in an historic and thoughtful debate on the nuclear freeze and came to no conclusion.

As we resume debate today, let us all remember that we are talking about more than a simple freeze on nuclear arms. A lot is at stake in today's debate. Our vote today will influence the ongoing arms reduction talks in Geneva. If we vote in support of a freeze now, we will strenghten the Soviet negotiating position in the current talks. Our vote will also affect our NATO partners in Europe who are counting on our support. The German peoples' recent vote is testimony to their support of arms reductions and their concern about the strategic im-

balance in Europe. If we vote in support of a freeze now, we will be betraying the trust which the free nations of Europe have in America. Are we reneging on our promises to install medium-range missiles? Our vote will also affect America's weapons modernization efforts. If we call for a freeze now, do we really want to have an across-the-board halt to our weapons modernization efforts?

I continue to believe that reductions now, followed by a freeze on nuclear arms, is the safe and sound way to reduce the level of nuclear terror in the world.

The freeze resolution which we are considering today is already filled with inconsistencies and vague assurances. If the resolution were to receive our support, the cause of peace would be dealt a serious blow.

I believe that our March 16 debate on this question changed the very nature of the freeze debate. No longer is this simply a question of freeze now or freeze later. It is a question of what, if anything, does House Joint Resolution 13 really mean.

I am very concerned about the confusion which existed regarding the freeze question. Our last debate on this issue was filled with many interpretations of what a freeze would do to America's security posture. During the debate some participants claimed that our B-52 force could be modernized in spite of a freeze. Others objected and claimed that no modernization of this aging bomber force could be undertaken. There were equally conflicting interpretations of what effect a straight freeze would have on the development of the B-1 bomber. Some said that modern fighter aircraft were delivery systems while others claimed they were not. Confusion reigned supreme during the last debate. We failed to arrive at any firm conclusion about what a freeze would or would not do.

The American public, well-regarded newspaper editors and religious groups also see the problems in the simplistic "freeze now" approach.

The AFL-CIO's committee on defense undertook an official review of the entire nuclear freeze question. The committee took the position that the administration's call for the "zero option," the elimination of all such weapons, is a goal that merits support. The report went on to say,

> We are concerned, however, that demands for a quick agreement in the West may put unilateral pressures on American negotiators to make premature concessions while the Soviets, free of such pressures, stand pat.

Just recently the commander-in-chief of the Veterans of Foreign Wars said that the "VFW supported President Reagan's START proposal which calls for a sharp, mutual reduction of nuclear weapons to equal, balanced, and verifiable levels." He also noted that his organization was opposed to those who would freeze now and count later.

Also, the national commander of the American Legion has told the members of that organization that he supports the President's current negotiating position in Geneva. He also noted that dangers of an immediate nuclear freeze are clear; the advantages nonexistent.

The Washington Post, the New York Times, the Chicago Tribune, and Time magazine oppose the freeze now approach embodied in House Joint Resolution 13. A March 20 Post editorial noted that "* * * in our view, the proposal itself still amounts to bad public policy."

The Post editorial went on to say that "a freeze, or a close approach to one, would undercut not only Mr. Reagan's negotiating program but also the freeze's own."

A recent New York Times editorial suggested that:

> Most Members of Congress are now merely mouthing an arms control slogan with proven voter appeal. When pushed to define it, they are all over the lot.

Moreover, the March 20 Chicago Tribune pointed out that its—the freeze resolution's—only effect will be to weaken temporarily the U.S. negotiating position in Geneva and strengthen the Soviet position.

The most recent edition of Time magazine had an article titled "Freeze No, Deployment Yes." The writer stated that:

> The sentiment (freeze now) is understandable, but in the view of many nuclear experts, the proposed solution is impractical and unwise.

It appears that the Roman Catholic bishops were also moved by our revealing House debate. This respected religious group modified its previous support for the freeze idea. The bishops now call for a curb on development, production, and deployment of new weapons systems, rather than a halt as they had originally called for. After careful consideration of the facts, they have essentially refused to endorse the nuclear arms freeze.

Moreover, the President has acted to move ahead with the Geneva negotiations, especially in regard to the intermediate nuclear force talks. In late March, he presented new and significant compromises to the Soviets. He offered to substantially reduce the number of Pershing II and cruise missiles intended for deployment in Europe. This would happen if the Soviets agreed to scrap part of their already installed missile arsenal. The President said that:

> When it comes to intermediate nuclear missiles in Europe, it would be better to have none than to have some. But if there must be some, it is better to have few than to have many.

In offering this proposal in Geneva, the administration showed a spirit of seriousness, flexibility and compromise on the original "zero option." The President is determined to reach out for peace, and America is listening to its European allies and consulting with them on this important matter of arms control.

The revised American position was carefully coordinated in consultation with our NATO partners. Moreover, our Western European allies welcomed the new American initiative as a real step forward toward a fair and verifiable INF agreement.

Unfortunately, the Soviet response to the recent INF proposal was quick and to the point, "Nyet!"

Although the Soviet Union has a dismal track record in abiding by international accords, I believe our Government must continue its negotiating efforts in Geneva. The issue of peace demands no less. There is still hope that the Soviets will come to their senses and start working in good faith.

As we consider this vital issue today, let us continue a full debate so that all facets are understood.

If we go off half cocked and vote in support of this resolution, we will do a disservice to ourselves, this institution, and our Nation.

I believe that we must give the President's new and more flexible initiative a chance. We should not reward the Soviets for stonewalling our recent proposal. Our negotiators in Geneva soon will begin a new round of talks. They will need all the help and support which we can give them. A vote for the pending resolution will undercut their efforts.

In a letter which the President sent to me today, he said that the American people were looking to the Congress to demonstrate the spirit of bipartisan resolve which is essential to our security and to the preservation of peace in the world.

I hope that by the time this debate is concluded that all of us can support a final version which will serve the long-term national security interests of our great Nation, and of the free world.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the ranking minority member on the committee for yielding to me for the purpose of putting the question again to the Chairman of the full committee, our distinguished colleague, the gentleman from Wisconsin, whether he would then support an amendment which would make clear that there is nothing in this resolution before us, House Joint Resolution 13, which would obligate the United

States to take any action which is not contingent upon agreement with the Soviet Union.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, as the gentleman will recall, an amendment was agreed to on March 16, the Solomon amendment, which does just that. The Solomon amendment says explicitly that this resolution does not endorse any type of unilateral disarmament, that was passed by a voice vote.

Mr. MARTIN of North Carolina. If the gentleman will yield to me further, and if I can have the attention of the chairman of the committee again, I think a bit of semantic clarification is needed. The subject of the Solomon amendment, which the chairman has just referred to, was the subject of unilateral disarmament. "Disarmament" means you take the weapons that you have and scrap them. With "unilateral disarmament," we're the only ones to scrap them. What I am talking about is unilateral freeze. A freeze is where you do not build any more weapons. With a unilateral freeze, we alone would be refraining from building new weapons.

And it seems to me that there are many that can say that they are opposed to unilateral disarmament, but who will still press forward to obtain a unilateral freeze, to get the United States to make preliminary steps to withhold development and production of weapons in order to cajole the Soviet Union into doing the same thing. That folly has been tried and failed. In the decade before Reagan, we froze and built no new submarines or bombers. No one can say with a straight face that the Soviet Union followed our restraint.

So it seems to me that we need to spell out in this resolution that there is nothing in it to require us to any unilateral restraint unless there is agreement by the Soviet Union, and I hope the chairman will support that.

Mr. ZABLOCKI. If the gentleman will yield, the gentleman is reading into this resolution something that is not in it. There is no reference to a unilateral freeze. I have so stated in my remarks. I stand by those remarks, and there is no point for me to say that I am going to cosponsor the gentleman's amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I would like to ask the distinguished chairman of the Committee on Foreign Affairs, in view of what he has said, that there was included in the CONGRESSIONAL RECORD of yesterday an amendment which I offered, Amendment No. 1, which says that until such time as the final instrument embodying the objectives set forth in section 1 has been fully ratified by both the Soviet Union and the United States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of U.S. weapons may be required to maintain the credibility of the U.S. nuclear deterrent.

I assume that this is what we just discussed, and I would hope that the chairman would accede to my amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from Michigan yield?

Mr. BROOMFIELD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, the gentleman from New York knows that we must have regular order. The gentleman can call up his amendment, and we will consider it. But I do not think I should be accepting anything at this time.

Mr. STRATTON. Well, it certainly reflects the gentleman's views, does it not?

Mr. ZABLOCKI. Well, we will consider it when the gentleman calls up his amendment.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Chairman, I would like to address a question to the chairman. This is to try and clarify what we are talking about, because I think the gentleman has stated a position which does give a clearer interpretation of what this bill is about.

My question is this: The gentleman suggested that we would have the opportunity to modernize and to build weapons as we saw fit until we actually negotiated and ratified a treaty that went into effect. And I appreciate the gentleman's statement.

The confusion that comes is in line 17 on page 4 where it sets forth the following objectives:

(1) Pursuing the objective of negotiating an immediate, mutual and verifiable freeze.

The confusion arises from the word "immediate." I think a reasonable interpretation would be that we are suggesting to the President that his negotiating stance ought to be an immediate freeze. That means a freeze at current levels. Would it not be good to clarify, in accordance with the gentleman's interpretation of this bill, by removing the word "immediate," so that it would read: "Pursuing the objective of negotiating a mutual and verifiable freeze?" Then the word "immediate," which gives many of us a real question as to what it means, would be eliminated.

Mr. ZABLOCKI. If the gentleman will yield, does the gentleman maintain that there should be prolonged negotiations so that there is a freeze sometime in the distant future? Or should we proceed to negotiation, agreement and ratification?

Mr. LUNGREN. If the gentleman will yield further, it seems to me that if what the gentleman is saying that the purpose of it, the goal, is to have a treaty, which, upon completion of the treaty, has a freeze, that is one thing. But if he is saying that a negotiating stance ought to be that the freeze be at current levels, that is quite another. And the question of "immediate" is the problem. If we remove the word "immediate" we would not have that difficulty. And I was wondering if the chairman would look favorably upon an amendment to do that.

Mr. ZABLOCKI. If the gentleman will offer an amendment at the proper time, we will consider it. But the gentleman is missing a word there that is very important: "Negotiating."

The CHAIRMAN. The time of the gentleman from Michigan (Mr. BROOMFIELD) has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 5 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I, too, have a question for the chairman of the committee.

The Nuclear Weapons Freeze Campaign National Convention, which was mentioned earlier, adopted a resolution to urge the U.S. Congress to suspend funding for the testing, production and deployment of U.S. nuclear weapons.

Also, it rejected a motion to make this unilateral restraint contingent upon Soviet restraint. Instead, it voted only to call upon the Soviet Union to exercise corresponding restraint.

If I understood correctly—and I want to make certain that this is clear for the record—if I understood correctly the gentleman speaking from the well a few moments ago, in response to a question, he, speaking for the proponents of the freeze resolution, repudiated that resolution that was passed in St. Louis; is that correct?

Mr. ZABLOCKI. If the gentleman will yield, what the gentleman from Wisconsin said is that the resolution that is being considered here, House Joint Resolution 13, is our resolution. It is not a resolution that is as a result of the convention in St. Louis. What they have done is their business. We are here doing our business.

Mr. WALKER. If the gentleman from Michigan will yield further, all I want to do is clarify what I thought the remark of the gentleman was.

In other words, this resolution stands as a repudiation of that language that was adopted in St. Louis; is that correct?

Mr. ZABLOCKI. This resolution is our own.

Mr. Chairman, I am going to present to the gentleman from Pennsylvania a copy of my statement, in order to save time; so if I was not articulate enough in my statement, let him study it.

Mr. WALKER. If the gentleman will yield further, I would appreciate getting a copy of the statement. I think that would be very useful to us. I would say to the gentleman, though, that the statement I was referring to was not a part of his original statement. It was in response to a question. And I just wanted to clarify for the record where we stood on this.

I think my understanding is now that the gentleman's resolution is not in any way related to anything that took place in St. Louis.

Mr. ZABLOCKI. I might say to the gentleman from Pennsylvania that I was not in St. Louis. I was not getting guidance from the people in St. Louis. This resolution came out of the Foreign Affairs Committee in Washington, D.C.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, I would just like to briefly make it clear that the statement that the gentleman from Wisconsin has read before this House is exceedingly important. It represents a consensus among those who support the freeze resolution in terms of definitions. It is intended to put to rest many of the shibboleths of those who are uncertain of the meaning of the English language as they relate to this resolution. It is a very important statement that I would hope would be distributed widely to all Members as they vote on this resolution.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman.

Mr. Chairman, there has been an implication here that there has been some deliberate obfuscation. The term "shibboleth" was just used, and the distinguished chairman of this committee indicated that perhaps some of the confusion in interpreting what this resolution means has not been entirely sincere.

Well, I just want to point out, as someone who accepts at face value that this is the most important issue that we will deal with in our generation, I am confused by reading the CONGRESSIONAL RECORD.

First of all, I am not sure if this resolution is meant to be binding or not, because we have heard from no less an authority than the Speaker of this House that it is simply an expression of the will of Congress and not meant to bind the President, and yet the CONGRESSIONAL RECORD bristles with references to the fact that it is binding.

□ 1300

It will become law if passed and signed by the President. I also would point out that there are several versions of its meaning up until this moment, when we now have another version as to what this really means.

We have, of course, questions and answers about the B-1, and the chairman, the distinguished gentleman from Wisconsin, said the B-1 bomber can carry nuclear as well as conventional bombs. Therefore, it would be in the classification that the B-52 could be modernized by a B-1.

Now, that has been repeated several times, and to this moment I am not sure whether we can ever build a B-1 once a freeze is in place. It seems to be stated both ways. Now the distinguished chairman, the gentleman from Wisconsin, went on to the gentleman from California (Mr. HUNTER).

The CHAIRMAN. The time of the gentleman from Michigan (Mr. BROOMFIELD) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. HUNTER, at page 5782 of the RECORD, asked the distinguished chairman:

A cruise missile can carry a conventional warhead also. Are cruise missiles not then restricted by the freeze?

And the chairman said:

That is what the gentleman from Wisconsin just stated.

So I, in defense of our bewilderment, would just suggest that a reading of the RECORD does not enlighten, but it confuses.

We have the question of dual-capable systems, and the gentleman from Kentucky (Mr. HOPKINS), has several questions about aircraft, and the chairman said:

Systems that would be used primarily for delivering nuclear weapons. Dual-capable systems are not precluded from being maintained and modernized.

That was supported in the Solarz version. so then we have the gentleman from Wisconsin (Mr. ASPIN), an authority on military hardware and software, who said:

I don't interpret it to cover the submarines themselves. It covers the submarine-launched missiles.

So I suggest that the confusion as to what is covered and what is not, as we mandate the President to negotiate an immediate, freeze, that we are legitimately confused, and asking these questions ought not be a source of irritation to our distinguished chairman, but he ought to welcome the opportunity to tell us precisely what he means.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BLOOMFIELD. I yield first to the chairman, the gentleman from Wisconsin, and then to the gentleman from Oregon (Mr. AUCOIN).

Mr. ZABLOCKI. I thank the gentleman from Michigan for yielding.

Mr. Chairman, I thought I observed the gentleman from Illinois listening to me very intently, and I thought I spoke slowly, half as slow as he does; that he would get every word; and that he understood every word. If he has not, I urge the gentleman to read my statement. I will have a copy made available to him.

I have not changed my position from what I had said in the second last week of March. The purpose of my statement today was to clarify some of the confusion, and I see no point, Mr. Chairman, in a reading back of what this person said or that person said on March 16. This statement stands and is backed by all of the supporters; otherwise, I would not have made it. I hope the gentlemen will take my statement as the last word.

Mr. HYDE. Mr. Chairman, if the gentleman will yield further, I am delighted to do that, and I salute the chairman for making the statement today. It was very necessary.

I was merely indicating that the source of our confusion is not any shortcoming inherent on our side, but a reading of the CONGRESSIONAL RECORD. Now, you have straightened that out today and I accept you as the last word in defining what your resolution means.

But I simply ask you to understand the source of our confusion, called the CONGRESSIONAL RECORD.

Mr. AUCOIN. Mr. Chairman, how much time does the gentleman from Michigan have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. BROOMFIELD) has approximately 1½ minutes remaining.

(On request of Mr. AUCOIN and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Oregan.

Mr. AUCOIN. I appreciate the gentleman yielding to me, and I want to thank him for yielding to me.

Mr. Chairman, the gentleman from Michigan has a substitute to offer to the freeze resolution. He has respect-

ful but legitimate differences of opinion with those of us who believe that the freeze is the best way to control nuclear arms. I want to say at the outset that I respect the gentleman from Michigan, I understand his differences of opinion, and I offer my statements in that spirit, and I hope the debate today goes forward in that spirit.

The gentleman's allies today, from the beginning, before we have even gotten to amendments, have raised a number of questions about the freeze. I believe they have been thoroughly answered. Now I should like the gentleman to answer a few questions for me. I want to pose some questions to him about the START negotiating posture of the administration.

Particularly, I should like to ask the gentleman from Michigan how bombers are dealt with under the President's START proposal, and if in fact there is any effort in the START negotiating posture to limit bombers?

Mr. BROOMFIELD. I do not believe I am in a position to give you the specifics on the START talks. I merely indicate in my resolution in support of those talks that are going on, not only the START talks but the IMF talks, basically as far as the details of those, I am not obviously aware of everything that has been under consideration, and they keep changing as they are meeting there. But I am in support of those talks.

Mr. AuCOIN. Here is the reason I asked the question: The freeze cannot be understood as a statement or reflection of congressional interest, a policy interest on the part of the Congress unless it is understood against the policy objectives of the START negotiations. That is why the freeze is on the floor today.

One of the weaknesses, of the START negotiations, and indeed, one of the strengths of the freeze resolution, is that in the case of bombers, bombers are frozen under the freeze but not under START. Let me just give the gentleman a couple of examples.

The Backfire bomber: The Soviet Union has 180 of these today. Under the freeze, they would be left there at 180. Under START there is no limit. As many dreaded Backfire bombers as possible could be built.

The Blackjack bomber: The Blackjack bombers, which all of us are concerned about, and do not want the Soviets to develop, and produce, and deploy, they have one on a test basis right now. Under the freeze, because the freeze deals with bombers and START does not, under the freeze they would be left with one. If we want to stop the Blackjack, the freeze is the way to do it. The START negotiations leaves that unlimited.

I want to add one other thing.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, I think what might be equally as important as we look at the START negotiations and the IMF negotiations in the same vein as the gentleman in the well is looking at it, that is we would freeze in 351 SS-20's, 250 SS-4's and SS-5's Soviet missiles, to zero NATO response in Europe.

We feel that if the Broomfield resolution, which supports both START and the IMF, would allow for the latitude for reductions, reductions not only on the Soviet side but reductions on the U.S. side, there is nothing that would prohibit the START negotiators from freezing fixed-wing aircraft at the levels that they are at right now. Indeed, their emphasis has been on intercontinental ballistic missiles, but they certainly can change the latitude of the START negotiations, and I do not think it would be proper to freeze in the SS-29 levels now.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, does the gentleman from Georgia (Mr. LEVITAS) have an amendment pending?

The CHAIRMAN. The gentleman from New York is correct. The gentleman from Georgia has an amendment in the nature of a substitute to the text pending.

Mr. STRATTON. Well, is it proper to strike the last word on one's own amendment?

The CHAIRMAN. The gentleman asked for recognition, and without objection, he was recognized for 5 minutes.

Mr. STRATTON. I just wanted to make sure the amendment was still pending.

The CHAIRMAN. The gentleman is correct.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York for the purpose of a parliamentary inquiry.

Mr. CARNEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARNEY. Mr. Chairman, are we dealing with an amendment in the form of a substitute, or is it an amendment in the form of a perfecting amendment?

The CHAIRMAN. The gentleman's amendment is in the nature of a substitute.

Mr. CARNEY. I thank the Chair.

Mr. LEVITAS. In fact, Mr. Chairman, let me, if I may, take just a moment to explain the parliamentary situation we are now in at this juncture.

When the Committee of the Whole rose for consideration of this bill on the last occasion, there was then pending an amendment in the nature of a subsitute which I had offered, known as the mutual guaranteed build-down proposal.

□ 1310

It is that business which is now before the full committee and which I hope we will address during the next few moments.

I want to get back to this position because I feel it is an extremely important and serious proposal within the context of the arms control discussion. The proponents of a nuclear freeze and those who have taken the leadership in the movement have certainly provided an important service to the Nation in terms of focusing attention and marshaling the concerns of the American people, and people throughout the world, on the possibility of avoiding a nuclear catastrophe.

I think it is also important to recognize that those who have supported the so-called nuclear freeze and those who prefer to go directly to negotiations for reduction really have a common purpose, and that common purpose is to make this world a safer place in a nuclear age. That is a common purpose, and it is for that reason that I believe the guaranteed mutual build-down approach has considerable merit that is worthy of adoption by this committee, because it says to those who favor a freeze in terms of nuclear capability that there will be no increase in nuclear warheads: indeed there will be a guaranteed reduction of nuclear warheads. So we have built in, if you will, a freeze in terms of nuclear warheads which are the source of nuclear destruction.

For those who believe we ought to talk about reductions—and certainly we had all better be addressing ourselves to reducing the nuclear potential in this world—it guarantees a reduction of nuclear warheads. Therefore, I submit that both parties who have approached this concern can come together in adopting the mutual guaranteed build-down.

The mutual guaranteed build-down is a concept which the United States, through the President, would propose to the Soviet Union within the context of existing arms control discussions, and it would say that for every new warhead that is added to either side's arsenal a certain number—and we pro-

pose the No. 2—would be reduced, taken out, destroyed, and eliminated, so that we guarantee a reduction as well as a freeze on any increase or build-up. That would get us to a point where this world could be a safer place.

Now, until today I heard that one of the reasons that some people opposed the guaranteed mutual build-down—and I say this particularly to my friend, the gentleman from Oregon (Mr. AuCoin)—was that the guaranteed mutual build-down would permit modernization. And it certainly would permit modernization so that we could have more reliable, less vulnerable, more stable weapons rather than those which would raise the hair-trigger response. But I now find out, according to the statement today of the chairman of the Committee on Foreign Affairs, that even under a freeze and even after that freeze is in place, there could still be modernization, and that modernization could be the subject matter of the negotiations of a freeze.

So, therefore, some of the concerns that the gentleman from Oregon might have had about the mutual guaranteed build-down should be dissipated because we are in the same posture.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. Levitas) has expired.

(By unanimous consent, Mr. Levitas was allowed to proceed for 5 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. Of course, I would be glad to yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman's yielding to me.

I would say to the gentleman that the difficulty I have with his amendment is that it deals with the arms race only on a quantitative basis. It tries to limit the quantitative arms race; it does not deal with the most terrifying aspect of the arms race at all, and that is the qualitative aspect.

If we throw away two aged missile systems and replace them with an ever more deadly, sophisticated new weapons system, we have a qualitative increase, a deadly increase. That is the difficulty I have with the gentleman's amendment.

I just want to say one other thing. The gentleman and I have talked about his amendment and about the freeze in very thorough terms and very successful terms, it seems to me, although we still stand in disagreement. One of the great virtues of a freeze, I say to the gentleman—and he knows this—is the ban it places on testing, because when we put a ban on testing over a period of time, we are increasing deterrence. We are increasing deterrence because the longer the ban stays in place, the less reliable the weapons systems are on both sides and in both arsenals.

If all we are concerned about or if the main thing we are concerned about is a first strike, it ought to be clear to everyone that no one is going to attempt a first strike—with them attempting a first strike or us—with an unreliable weapon because if that weapon misses its target, that is no first strike, and they are setting themselves up for the most massive retaliation possible.

So this amendment does not cure those problems, but the freeze does. Notwithstanding what the gentleman has said, nothing the gentleman has said so far has convinced me to come over to his side.

Mr. LEVITAS. Mr. Chairman, if I may reclaim my time, I did not think that anything I said could convince my good friend, the gentleman from Oregon. I was hoping that what the chairman of the Committee on Foreign Affairs said might convince the gentleman from Oregon, because the chairman of the committee, the gentleman from Wisconsin (Mr. Zablocki) made it very clear that there could be modernization, not only up to the time of the freeze treaty but even after the freeze treaty.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield further?

Mr. LEVITAS. I will yield briefly. I have two other points to make.

Mr. AuCOIN. This will be the last time I will ask the gentleman to yield.

What the chairman of the committee said very clearly is that there would be nothing to prohibit modernization in a freeze, because if the negotiators negotiate something of that kind, and depending on how they define what "modernization" is, modernization can be many things to many people. I think the committee chairman's statement is very, very clear, but what we want to avoid is the qualitative march.

Mr. LEVITAS. Mr. Chairman, I think the gentleman has missed—well, I do not think he has missed it—rather I think the gentleman is addressing a very important point. For those Members who support the freeze in the form that it used to be in until modified and revised today by the committee chairman's statement, let me say that we have got to understand that the chairman of the full committee said today that modernization was on the table as a negotiating item in these talks for a freeze.

So we, those of us who believe in a guaranteed build-down, cannot any longer be the only ones who believe in modernization. It is now for the first time on the agenda of the freeze, and I think those who are supporters of the freeze out across America, if they knew that, would be somewhat disappointed to find that out.

I want to conclude by making one more point. I believe very strongly that by having more reliable weapons on both sides but fewer in number we will reduce the opportunity for either side, or the necessity for either side, to increase the hair-trigger response. One of the most important things that we ought to be moving toward, as the gentleman from Tennessee (Mr. Gore) has proposed, and as Secretary Kissinger has proposed, is the beginning of a de-MIRV'ing of our weapons systems. Do the Members realize that under the approach being taken by the freeze we would be precluded from de-MIRV'ing because we could not develop, test, or deploy single warhead weapons? The Midgetman would not be permissible, and, therefore, we would not be able to go to the point where we have less first strike capabilities on both sides. We would not move to the point where we could have a dispersement of U.S. missiles which would make them less promising targets for the hardkill heavier nuclear weapons.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. If the gentlemen will just allow me to proceed for one moment, I am almost at the conclusion of my remarks.

□ 1320

The guaranteed build down need not be considered inconsistent with any freeze or any reduction efforts thereafter. It is a concept that was originally proposed by Senator Cohen of Maine and Senator Nunn of Georgia. It has broad bipartisan support. People, such as former Secretary of State Ed Muskie, who believe it is one of the most serious and far-reaching arms control proposals that have been made, are speaking in favor of it. I would at this point like to enter into the Record an article by former Secretary of State Muskie which appeared in the Washington Post on March 6, 1983.

The article follows:

[From the Washington Post, Mar. 6, 1983]

"Build Down" the Forces We Don't Need

(By Edmund S. Muskie)

Something important is stirring in the Senate. For the first time in memory a serious and far-reaching arms control proposal has originated within the Armed Services Committee. It has already won the warm endorsement of the chairman of the Foreign Relations Committee and many other senators.

Sens. William S. Cohen and Sam Nunn have proposed a "mutual guaranteed build-down of nuclear forces." Under the plan, the United States and the Soviet Union would each pledge to eliminate from its

operational forces two nuclear warheads for each newly deployed nuclear warhead.

At first glance, the concept seems suspiciously simple, but closer examination shows that the build-down idea has great promise as a principle that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

One can understand the concept's merit best by considering how it might actually be put into effect. While the build-down scheme is applicable to all nuclear weapons, it would be sensible to treat tactical battlefield weapons as a separate category. Of most immediate interest would be strategic nuclear forces and long-range theater nuclear systems, the weapons currently being discussed in the Geneva negotiations between the two superpowers. All the latter weapons are essentially strategic, in the sense that they threaten critical targets in the heartlands of the two alliances. Altogether, these long-range systems probably carry 12,000 to 13,000 nuclear warheads on each side. Yet, unless negotiated limits are soon imposed, even these large arsenals may continue to grow.

The build-down rule would prevent any such growth. Force modernization would mean simultaneously greater force reduction. Thus, the plan would challenge both governments to move promptly toward the real reductions they profess to desire—to put up or shut up. While the exact pace and composition of such reductions would surely vary between the two sides, the price of new programs anticipated for the next several years could well be cuts of about one-third in operational nuclear warheads on long-range delivery vehicles—a reduction to perhaps 7,000–8,000 warheads on each side. Those numbers are compatible with both President Reagan's START proposal and the Soviet counter-offers.

To verify such reductions, the parties could employ procedures already elaborated in previous strategic arms negotiations. In particular, the so-called "counting rules" negotiated during the 1970s would be invaluable in confirming the numbers of warheads being eliminated. For example, a Soviet SS18 missile would be assumed to have 10 warheads, an American Poseidon missile, 14. Eliminating missiles and aircraft would be necessary to demonstrate removal of warheads from operational service.

In verifying these activities, the Standard Consultative Commission established in 1972 would be indispensable. As the build-down fulfills President Reagan's demands for real reductions, it would also build upon the vital precedents and procedures of prior strategic agreements.

Especially important are the build-down's implications for the American and Soviet military establishments. They would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price. Presumably, as forces began to shrink, the military incentives would favor emphasizing the most survivable weapons, thereby promoting strategic stability.

One could strengthen those incentives for stability by incorporating some of the ideas that Rep. Albert Gore and others have advanced to phase out the most dangerous weapons, multiple-warhead ICBMs. For example, if a side chose to deploy smaller, single-warhead missiles, it might be allowed to do so at a replacement ratio of two new warheads for three currently deployed warheads. This would still ensure reduction but would favor the less threatening missiles now attracting interest in the President's Commission on Strategic Forces.

Not only is the build-down concept technically and strategically sound; it also is politically appealing. It could go far toward healing the serious breach we have suffered on arms control policy by responding to the fundamental concerns of both those who favor and those who oppose a nuclear freeze. For understandable reasons, freeze proponents have feared that permitting any change in nuclear forces would in fact mean an increase in those forces. Freeze opponents have feared that preventing any change in the forces would undermine stability by perpetuating a structure of increasingly vulnerable and unreliable weapons. Both perspectives are legitimate. The build-down plan offers a unique opportunity to harmonize them. In the interest of stability, some modernization would be permitted, but there would be no modernization without reductions.

More than a decade ago, an overwhelming majority of senators urged the president to head off the deployment of MIRVed missiles by negotiating a ban on flight tests. But we spoke tardily and timidly, and the world grew far more dangerous. Today, with new technologies in prospect and arms negotiations in peril, a vigorous initiative by Congress could not be more timely. The guaranteed build-down could be the organizing principle on which a strong congressional majority could frame advice to the president in terms on which he might be willing to act. It could be the rallying point for a bipartisan coalition linking Congress and the executive in a renewed effort to blend diplomacy and defense. And forging such a coalition remains the key to effective negotiations with the Soviet Union.

I would also like to bring to the attention of my colleagues a two-part article, by Alton Frye, one of the experts on this matter, which appeared in the Los Angeles Times on April 4, 1983, and April 5, 1983. At this point, I would like to place Mr. Frye's analysis of the consensus made possible by the build-down in the RECORD.

The article follows:

[From the Los Angeles Times, Apr. 4, 1983]

DIVISIONS IMPERIL ARMS CONTROL: CONGRESS MAY HAVE TO CHOOSE RECONCILIATION OR IMPOTENCE

(By Alton Frye)

The nuclear-freeze movement has demonstrated the power and value of demand-side politics. It has raised an issue that political leaders cannot ignore, and the question now is whether they can meet that demand in a way that builds a consensus for the long-term effort required to achieve comprehensive arms control.

As an original endorser of the freeze concept, I find myself pondering that question with a troubled sense of *deja vu*. In 1969, then-Sen. Edward Brooke (R-Mass.) mobilized a majority of his colleagues on a resolution for a pullback on the testing of multiple independently targetable reentry vehicles (MIRV). Such tests had begun in 1968, and it was clear that, unless the United States and the Soviet Union moved promptly to suspend MIRV testing and deployment, the arms race would enter a phase of rising danger marked by the growing vulnerability of the land-based missiles on which strategic stability depended heavily.

But the Brooke initiative entered a moving stream of national debate in which almost all participants were preoccupied with the controversy over anti-ballistic missiles (ABM). Some of those opposed to ABM suspected that the proposal to restrain MIRV was some kind of plot to divert attention from ABM. Others felt that Congress was simply incapable of addressing two complex strategic problems at the same time. They insisted that the fight to stop anti-ballistic missiles should take precedence—even though MIRV deployment was scarcely one year away, while the first anti-ballistic missile sites were several years from operational status.

Under these cross-pressures, it proved impossible even to get hearings on the Brooke proposal for nine fateful months. It was only in March 1970, that the Senate Foreign Relations Committee hastily addressed the subject. The next month, the Senate endorsed the Brooke resolution 72 to 6, and included a far-reaching amendment by Sen. John Sherman Cooper (R-Ky.) recommending that the President propose to the Soviets "immediate suspension . . . of the further deployment of all offensive and defensive nuclear strategic weapons systems"—in short, a deployment freeze.

Tragically, that strong Senate consensus came too late to head off MIRV and, because it came too late, meant an astounding expansion of offenisve forces on both sides. That expansion has driven the arms race to new levels, raising the specter of counterforce strikes and nuclear war-fighting doctrines. With President Reagan's renewed call for an emphasis on strategic defense, the irony grows more bitter still.

I recall this history not to suggest that the anti-ABM activists who helped delay Senate action on MIRV are responsible for these dire consequences. That responsibility is widely shared. But there is a lesson in this experience that freeze supporters should heed: Beware of the tendency to view other serious proposals as hostile. Nothing will so surely undermine the promise and potency of the freeze movement as the purist notion that only "the freeze" is worthwhile, that nothing less is acceptable.

On such grave and divisive issues, a coalition can flourish only if it respects a variety of viewpoints and seeks allies where it cannot win converts. In consideration of the freeze resolution, there is a real danger that lines will be drawn and cleavages perpetuated when Congress desperately needs to define a zone of maximum consensus. Unless it can bring its authority to bear in a timely fashion, Congress will have little effect on the course of negotiations.

I think that there is considerably more agreement on the major components of a freeze than the recent debate suggests—agreement that underscores the merits of a comprehensive approach to controlling strategic competition, and (in particular) the verification advantages that come from multiplying the number and types of monitored restraints.

Perhaps most reassuring to those wary of the freeze is the fact that major features of freeze arrangements have already been proposed. From President Dwight D. Eisenhower to President Jimmy Carter, the United States has advanced individual proposals that, together, would constitute something like a general freeze—a comprehensive nuclear test ban, a cutoff of missile material production, restrictions on flight testing of

the more destablizing ballistic missiles and anti-satellite systems, measures to ensure verification and compliance and clear limits on the deployment of nuclear forces.

The ambitious negotiating goals of the freeze concept point to greater security for the United States and the Soviet Union. But those who advocate such comprehensive restraints must make it clear that there will be no instant gratification in this great endeavor. Years of negotiations on the complex components that might make up a reasonably broad freeze can leave no doubt. It will take time to frame a proposal in sufficient detail, more time to negotiate it, and still more time to implement an agreement between two suspicious superpowers. Meanwhile, the strategic balance will continue to evolve, and we will face hard choices on how to shape it with an eye toward more far-reaching restraints. Because the diplomatic timetable is bound to be lengthy, we must devise interim measures—compatible with long-term arms-control objectives—that can help moderate strategic competition in the short run.

Obviously, a counsel of patience is difficult to reconcile with the passions of a popular movement. But even if the House of Representatives passes the freeze resolution, the Senate will not do so. Even if the Senate were to concur in the House's recommendation, the President will not do so. And if any President proposes a mutual and verifiable freeze, negotiations will be protracted. During this process, Congress will face a series of decisions on individual weapons systems that, if handled injudiciously, could make the strategic balance less stable. Freeze advocates must make sure that a symbolic victory does not become a pyrrhic victory.

Many freeze supporters in Congress understand this and are disturbed by the course of events. Similarly, many who oppose the freeze respect the valid concerns that it addresses. The task is a familiar one in Congress—to provide a basis for both camps to unite in support of a constructive and effective policy. An initiative in that direction has been gathering strength in the Senate: Sens. William S. Cohen (R-Me.) and Sam Nunn (D-Ga.) have proposed a mutual, guaranteed build-down of nuclear forces by the Soviet Union and the United States. The proposal represents a new center of gravity in the Senate, where its co-sponsors now include 28 Republicans and 17 Democrats, including more than a quarter of those sponsoring the freeze resolution.

(Alton Frye is Washington director of the Council on Foreign Relations. He served as staff director for Sen. Edward Brooke (R-Mass.) during the 1969-70 campaign to forestall Soviet and U.S. MIRV deployment.)

[From the Los Angeles Times, Apr. 5, 1983]

A GUARANTEED NUCLEAR BUILD-DOWN?

(By Alton Frye)

The notion of freezing American and Soviet nuclear arms at their current levels has gained substantial support in the House of Representatives as a first step in halting the arms race. But another idea, the guaranteed nuclear build-down, has surged to prominence in the Senate. It is attracting bipartisan support because it offers a unique approach to balancing some of the most contentious issues that have been raised in the current nuclear debate.

The concept is simple, yet subtle. It would automatically lower the levels of forces by requiring the Soviets and Americans to eliminate from their operational forces two nuclear warheads for each one newly deployed. And, as proposed by Sens. William Cohen (R-Me.) and Sam Nunn (D-Ga.), the concept would allow force modernization to replace vulnerable weapons with more survivable systems.

The first tenet of nuclear stability is that weapons that cannot survive increase the pressures on a government to strike first in a crisis lest it lose the capacity to retaliate, and hence to deter the other side. Less vulnerable weapons are essential to the mutual restraint on which peace and security rest. Hence the rationale for modernization.

While the build-down would permit selective modernization, it would exact a substantial price in force reductions and require that weapons meet the crucial tests of survivability and stability. Its emphasis is clearly on dampening modernization impulses while moving both sides promptly onto a course of significant reductions. And, in order to verify compliance, the two sides would need to retain and enlarge negotiated arrangements, including the so-called counting rules and definitions that are set forth in the unratified SALT II agreement.

By forcing the two sides onto a path of reductions, the build-down would substantially alter the dynamics of the strategic relationship. If it were applied persistently over a long enough period, it should also create incentives to eliminate a number of worrisome features in the current force postures.

Two examples suffice. In a shrinking force, the premium on survivability grows. If the build-down were operating, at some point the Soviets would have to face such questions as whether to eliminate the next 10 warheads by dismantling one giant SS-18 missile or two smaller SS-19 missiles. In such a trade-off, the need to maintain survivability, as well as certain operational factors, would argue for phasing out the larger missile, long a bete noire of American critics.

Similarly, a shrinking force should induce planners to favor flexible systems and would point toward President Reagan's goal of a zero solution on intermediate forces. Presumably, defense authorities would prefer to retain intercontinental systems that could cover all likely targets rather than those of limited range. This process of reductions supports the proposal of the House Foreign Affairs Committee to incorporate intermediate forces into strategic reductions.

The plan also holds the promise of bringing Congress and the President into agreement on a major arms-control formula. One assumes that the President would not want to disregard a popular proposal that serves his objective of reducing weaponry. The build-down offers Congress an unparalleled opportunity to assert a proposition that the President cannot ignore.

Cohen and Nunn have made clear that their proposal is not intended as an alternative to a nuclear freeze. They have offered it as a measure to facilitate a wide range of arms-control objectives in current and future negotiations. It meshes well with the House freeze bill's provision that "nothing in this resolution shall be construed to prevent the United States from taking advantage of concurrent and complementary arms-control proposals." As SALT negotiator Paul C. Warnke says, in the step-by-step task of devising broader arms restraints, the build-down would be a "useful complement."

Equally important, the build-down has demonstrated its power to attract fresh congressional support for a balanced and vigorous arms-control initiative. Some freeze activists worry that the build-down would divert attention from their proposal. Some also believe that, since the freeze objective is to "stop modernization in its tracks," a measure that would merely restrain modernization is somehow antithetical to their aims. Unless congressional moderates recognize that the build-down is compatible with more ambitious arms-control arrangements, Congress may lose another precious opportunity to influence the course of negotiation.

Nothing in the build-down plan mandates modernization or precludes an agreement to reduce forces without further modernization. If any modernization occurs, it would be constrained by compulsory retirement of existing nuclear warheads. Moreover, tactical nuclear warheads would be treated separately from long-range strategic forces. Neither side could trade nuclear artillery rounds for city-busters.

Nor does it assume that newer or fewer weapons are necessarily more stabilizing than present forces. It assumes only that each decision regarding modernization or reductions would have to be weighed carefully in terms of its likely effect on stability. Some types of modernization can be more stabilizing than others, and the build-down would encourage scrutiny of the comparative stability advantage of competing systems. Indeed, it would reinforce the tendency to favor smaller, single-warhead ICBMs over larger, less stabilizing MIRV systems.

(As a matter of fact, many freeze advocates concede that some exceptions to a flat ban on modernizations may be necessary and wise—for example, allowing the de-MIRVing of the land-based missile force and in promoting relatively greater reliance on such stabilizing systems as air-launched cruise missiles.)

The most brilliant man I know argues that there is a tension between the freeze concept and the guaranteed build-down. But that would be true only if there were reason to believe that a freeze was imminent, and that there would be no succession of weapons-modernization programs on the horizon. He is correct in noting that the freeze concept aspires to end the arms race while the build-down would serve merely to manage it. The build-down does not pretend to resolve all the problems addressed by the freeze plans.

However, for thoughtful legislators who favor a freeze, the immediate question is quite narrow. Knowing that an early freeze is not in the offing, and knowing that some modernization will occur, should they reject or embrace an interim proposal that constrains the modernization process? Surely, it is untenable to refuse reductions now on the vague surmise that they would somehow be perverse, or impede the larger goals of the freeze movement.

Not all Americans—not all congressmen—share the convictions of the freeze movement. But many of them do share the profound desire to curtail the nuclear competition. The guaranteed build-down marks a path on which they can join freeze proponents in containing that competition. Members who stand apart on the freeze may stand together on the build-down. Without such reconciliation, Congress will remain squabbling on the sidelines—and arms control will remain the stepchild of Administration policy.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. Former Secretary of State Vance, former Secretary of Defense Laird, and many of the Senators who are in the forefront of the freeze movement believe the guaranteed builddown assures a more stable, less threatening world to live in.

I urge my colleagues on both sides, to come together on the builddown. Let us get fewer nuclear warheads. Let us get fewer nuclear opportunities to destroy each other and then we are on the road to making this a safer place in which to live.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be glad to yield to my friend, the gentleman from New York, and then to my other friend, the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for yielding.

I have great respect for the gentleman's intellect. I have some concerns about his proposal.

The builddown, as my colleague, the gentleman from Oregon clearly pointed out, would still allow the replacement of existing stabilizing systems to be replaced by existing destabilizing ones. Let us take the case of the Soviet Union, for instance.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. DOWNEY of New York, and by unanimous consent, Mr. LEVITAS was allowed to proceed for 3 additional minutes.)

Mr. LEVITAS. I yield to the gentleman.

Mr. DOWNEY of New York. There is nothing, for instance, in the builddown that would prohibit the Soviet Union from improving their accuracy and there is nothing in the builddown, for instance, that would prohibit the Soviets from taking out two old warheads and replacing them, for instance, with an SS-18 warhead and there is nothing, I would add as well, for the force mixture for our country to move away from stabilizing warheads to first strike warheads. Both sides could do that under the builddown; is that not correct?

Mr. LEVITAS. Each side would have the opportunity and flexibility to make those decisions which are in their best interests; but as we go to de-MIRV'ing, there is no incentive whatsoever for either side to want to have heavy hard-kill weapons, because the targets are not there.

Mr. DOWNEY of New York. Let me ask the gentleman this. There is nothing incompatible with what the builddown does with respect to de-MIRV'ing, but in no way does it deal with the question of de-MIRV'ing. One can just remove older—you could take artillery shells, could you not, under the gentleman's amendment, and add MIRV'd warheads on a 2-for-1 basis for every artillery shell or nuclear mine that was decommissioned; could you not do that?

Mr. LEVITAS. We are talking about strategic weapons under this proposal.

Mr. DOWNEY of New York. Does the resolution deal specifically with strategic weapons?

Mr. LEVITAS. We are talking about strategic weapons.

I respect the gentleman.

He is an expert on this subject, and therefore I know he has a full understanding of this. But in creating the worst case scenarios, the gentleman is building a strawman to destroy. The reality is that given the flexibility, we would have the opportunity to de-MIRV. Once we have de-MIRV'ed, which we could not do under the freeze, we have taken away every incentive for the deployment of an SS-18 warhead.

Mr. DOWNEY of New York. I would submit to the gentleman, I will make this point and let him yield to others, but as the gentleman from Oregon pointed out, the question of de-MIRV'ing is incidental to the question of what provides us deterrence, as the gentleman pointed out before. It is that which we seek, deterrence and stability.

The flight-test ban enables us to have this in a way that the gentleman's provisions would not, and it just bears restating. If we worried about a Soviet first strike against us, and I think we should, clearly a flight-test ban would hurt them more than it would us. We are only interested in responding. That is our aforestated policy and I think it is a sound policy.

Clearly, if you want to coordinate a first strike, you have to do an enormous amount of competence testing, the timing, all the variables involved. They are very difficult things to coordinate unless you are doing extensive testing; so while it is true that we do not de-MIRV, what we do is something better.

We provide that the first strike capability, if that is what the Soviets are up to, is taken away from them by this freeze and I would humbly submit that under the gentleman's proposal, the Soviets would still retain that first strike. The United States could acquire a first strike.

So I think that there are very many more stabilizing elements in our position than in the gentleman's and I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. CARNEY, and by unanimous consent, Mr. LEVITAS was allowed to proceed for an additional 5 minutes.)

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. CARNEY. I would first like to commend the gentleman for bringing this innovative approach of arms control to the attention of the Members of the House of Representatives.

Second, I would like to ask the gentleman in the well several questions as to the significance of this approach.

First, the gentleman's approach has selected a number of 2-for-1 in builddowns and they are 2-for-1 warheads; is that correct?

Mr. LEVITAS. The gentleman is correct.

Mr. CARNEY. And it is correct to state that we presently have 1,050, for roughness; we are down to 1,047 missiles today, with warheads on them in our ICBM category.

Mr. LEVITAS. That is my understanding.

Mr. CARNEY. So if we are to replace 2-for-1 in warheads, what this would mean, for instance, would be if we were to take 25 MX missiles MIRV'ed 10 times, which they have that capability, we would have 25 launchers and a total of 85 megatons of yield with a thousand warheads; correct?

Mr. LEVITAS. The gentleman is correct—well, no, 25 would be 250.

Mr. CARNEY. Two hundred fifty warheads, 85 megatons of destruction; that would replace 50 Titan II's, having a single warhead capability of 9 megatons; 450 Minuteman II's, having single warhead capability of 1.2 megatons.

If my math is correct, we have removed 500 launchers from the system, 500 warheads from the system, 990 megatons of destruction and have replaced it with 25 launchers, 250 weapons and 85 megatons.

Mr. LEVITAS. The gentleman is absolutely correct, and it is precisely for that reason we would have not only builtdown the number of warheads, we would have builtdown the amount of megatonnage in enormous multiples. For that reason I am baffled that there are those who would oppose the guaranteed builddown.

Mr. CARNEY. I am left equally baffled.

I would like to carry on this dialog, if I may, and talk about the B-1 and the B-52. If we were to approach that on the capability, the rack capability of the B-1 and the B-52, noting the capability to carry nuclear warheads on those two aircraft, we can very well replace the 350 B-52's by a number that would be substantially less than half, perhaps 152 or 153 B-1's. Would that be correct?

Mr. LEVITAS. The gentleman is correct, and as the gentleman knows, under the builddown and under the recommendations of the Scowcroft Commission, we would be dealing with the counting of warheads, as opposed to the counting of launchers, or aircraft, or however they get from here to there.

Mr. CARNEY. If the gentleman would further yield to me, I will not ask him any further questions, but I would like to express my opinion.

Under those circumstances, the reduction of so many missiles, launchers, and the reduction of weapons, warheads, the enormous reduction of destructive power or yield, to me we would be compelled not to go to the MX missile, a multireentry type of missile, because if we were to do that, ultimately we would replace 1,050 launchers with no more than 130 MX missiles, which I think would leave us vulnerable; so we would be compelled to go into a de-MIRV'ing policy, which the President's bipartisan commission has supported.

Mr. LEVITAS. The gentleman is absolutely correct and I think that is one of the important points that is being missed by those who oppose the builddown, and yet support the freeze. We would be driven into a de-MIRV'ing—a de-MIRV'ing that will make the first strike capability obviously less possible, that will make the superweapons the Soviets have less necessary, and will give the world a safer situation in the nuclear age. The gentleman has put his finger right on it. That is the reason in my judgment that people like Ed Muskie, and Cy Vance, and others who are concerned about this problem support the builddown.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(At the request of Mr. CARNEY and by unanimous consent, Mr. LEVITAS was allowed to proceed for an additional 5 minutes.)

□ 1330

Mr. CARNEY. Will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman.

Mr. CARNEY. Although the size of the yield of many of our weapons are classified, it is common knowledge that our weapon yields are substantially smaller today then they were years ago and we would be replacing weapons such as the Titan, which has a 9-megaton weapon on it, and a weapon that does not have an accuracy capability thus compelling the United States to target urban, industrial targets if we were ever to use them as a deterrent. We would be in a freeze, compelled to continue to look at their urban, industrial targets, whereas if we took your approach we would lessen the amount of launchers, lessen the amount of yield, lessen the amount of warheads, and be compelled to go to an anti-MIRV'ing posture as well as compelled to target only military and political targets in the Soviet Union.

Mr. LEVITAS. The gentleman is absolutely correct. That coupled with the fact, as the gentleman has already pointed out, that we would be driven to de-MIRV'ing which requires modernization. It is the only way in which we can assure a true freeze and reduction with a guaranteed builddown.

Mr. McCAIN. Will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Arizona.

Mr. McCAIN. I would like to congratulate my colleague from Georgia on pointing out the salient points to a builddown. I do not want to embroider on that.

I would like to point out one very important facet of this debate.

The nuclear freeze debate has divided this Nation very broadly and it has been a cause of great dissension and division within our society. We have seen what is taking place in Europe and even in parts of our own country bordering on disobedience and civil disorder.

I believe that the nuclear builddown offers an opportunity for both pro- and anti-freeze advocates to join together in our common goal of reducing the risk of nuclear war.

I believe the broad support this proposal has gotten from all factions of defense and national security thinking in this Nation indicates it is extremely worthy of consideration in this body and I appreciate the gentleman's efforts in bringing it to our attention.

Mr. LEVITAS. I thank the gentleman for his support and for his words.

Now that the chairman of the foreign Affairs Committee has removed the issue of modernization as a conflict between the two positions, I think it should have broad support.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Missiouri.

Mr. SKELTON. I commend the gentleman for offering this very important amendment. I think it is one that has drawn not only a great deal of interest but a great deal of support from the wide spectrum of people's philosophical views all across America, as well as those here on Capitol Hill.

Let me ask the gentleman this question: In the nuclear builddown proposal you would be allowed to deploy one additional warhead for the dismantling of two; is that not correct?

Are you using that as a criterion?

Can the gentleman, under any circumstances of a nuclear freeze, conceive of the Soviet Union not continuing to develop advanced types of warhead technology?

Mr. LEVITAS. Certainly that has been their practice in the past and one of the concerns I have about the freeze without a builddown being part of the picture is that we will have created, as a result of that scenario, a much more destabilized and unsafe situation.

Mr. SKELTON. So what we are looking for is a more stabilizing situation; is that not correct?

Mr. LEVITAS. That is exactly correct.

Mr. SKELTON. I commend the gentleman.

The guaranteed builddown amendment proposes that the United States and the Soviet Union must eliminate two older, less stabilizing warheads for each newly deployed nuclear warhead. The result would be a guaranteed reduction in the total destructive forces of nuclear weapons on a 2-for-1 basis. It would guarantee no further increase in nuclear warheads and, indeed, insure a reduction of nuclear weapons.

Importantly, the builddown approach would allow the United States and the U.S.S.R. to erase strategic vulnerabilities through force modernization. This would eliminate the tendency for either side to resort to a "hair trigger" response to a perceived threat.

To modernize, however, both sides would have to pay a price—reduction. Thus, the guaranteed builddown would get us off the arms race treadmill, while allowing both sides to maintain a credible deterrent and achieve meaningful reductions in the total number of nuclear warheads.

The guaranteed builddown concept is compatible with, and, in fact, complementary to, our ongoing arms control negotiations with the Soviet Union. It gives our military planners and arms control negotiators some much-needed flexibility. While the builddown puts a halt to the ever-spiraling arms race, as would a freeze, it also goes beyond a freeze by putting in place a mechanism to assure reductions.

Our guaranteed builddown proposal is identical to a resolution introduced in the Senate last month by Senators COHEN and NUNN. Already, their proposal has 43 cosponsors in the Senate that cover the political spectrum. Many freeze supporters, including Senators BIDEN, BRADLEY, and MOYNIHAN, and former Secretary of State Muskie, have endorsed builddown—as have a number of freeze opponents, such as Senators THURMOND, HATCH, and PERCY. We have printed an article written by former Secretary of State Muskie on the back of this letter. This article, which appeared in the Washington Post, further explains the builddown concept. We urge you to read it.

We are encouraged by the wide, bipartisan support the builddown proposal is generating. Unquestionably, this flexible approach to nuclear arms control can bring about a cessation of fear and hostilities and a fair mechanism for achieving a safer world.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be glad to yield to the gentleman from Washington.

Mr. DICKS. I, too, want to commend my colleague from Georgia. I think his proposal certainly deserves very thorough consideration.

However, I am concerned, having studied this, and I think the gentleman knows I am serious in terms of my interest in his proposal, but one of the things that has concerned me is this scenario with the MX. If we went ahead and deployed 20 MX missiles with 10 warheads that would require us, as I understand the build-down concept, to dismantle 400 Minuteman II with single warhead missiles.

Is the gentleman not concerned as I am that that would increase missile vulnerability and the Soviets would have only two targets to aim at rather than 400 targets?

It seems to me that the gentleman may have answered this partially but I would like to hear him on this particular question.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has again expired.

(At the request of Mr. DICKS and by unanimous consent Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. I am glad the gentleman from Washington raises that question because I really believe that this is one of the geniuses of the build-down approach.

I can say that because it was not originally my concept. It was that of Senator COHEN and Senator NUNN. But, as the gentleman from New York pointed out just a moment ago, because of the very reason that the gentleman has just described, what we would be compelled to do, driven to do, forced to do in terms of our national security is go to a de-MIRV'ing of our systems, to build the Minuteman missile with the single warhead.

Rather than having those attractive, MIRV'ed, heavy missile targets for the Soviet Union, we would have a dispersed, basically invulnerable and non-first-strike capability for the very reason the gentleman from Washington has pointed out.

I appreciate his giving me the opportunity to make that point.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. KASICH. I commend the gentleman from Georgia on his substitute to the resolution, and in addition to the absolutely vital aspect that the gentleman from New York (Mr. CARNEY) pointed out in terms of the overall reduction in the number of nuclear weapons.

The gentleman may recall that the gentleman from New York (Mr. STRATTON), had an amendment that talked about the need for modernization because 75 percent of the Soviet force is newer than 5 years of age, while 75 percent of our force is older than 5 years of age.

The gentleman from Oregon (Mr. AUCOIN), said the reason we ought to freeze, without even mentioning the negotiations for reduced levels, the reason we ought to freeze now is because essentially what we do is create stabilization, because as the forces get older they are not as effective. But with the Soviet Union in the position of having 75 percent of its forces less than 5 years of age, is there not an advantage for the Soviets to freeze and never negotiate because of the newness of their weapons systems?

No. 2, does the gentleman's amendment speak directly to the Stratton amendment in terms of a need for modernization coupled with the vital aspect of reducing the overall number of weapons?

Mr. LEVITAS. Quite clearly the guaranteed builddown addresses the question of modernization. That is the philosophy behind it, to give both sides an opportunity to have reliable and secure and less vulnerable systems.

The point the gentleman from Oregon has made, and this is where he and I just fundamentally differ, his theory is if both sides have unreliable weapons then nobody will be capable of using them.

The problem is the Soviet rate of deterioration is much less than ours in the first instance, and in the second instance what is basically a matter of great concern is that given a freeze, if that were negotiated, and now we do not know what the negotiations are going to be, but if it happened, what incentive would there be from that point forward for the Soviets to do anything further by way of reduction?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) had again expired.

(At the request of Mr. KASICH and by unanimous consent Mr. LEVITAS was allowed to proceed for 1 additional minute.)

Mr. KASICH. If the gentleman would yield for one further comment, the gentleman believes a freeze at the present level with the Soviet advantage inherent in the newness of their systems creates a destabilizing effect rather than a stabilizing effect?

Mr. LEVITAS. Absolutely. If we freeze and do nothing more, is we freeze and do nothing more, then we have a much more dangerous, a much more destabilizing situation in the world as far as nuclear arms are concerned.

Recognizing that, the proponents of House Joint Resolution 13 have put the pious hope in that once we achieve a freeze, the Russians will thereby and thereafter negotiate reductions. There is no assurance that they will and, indeed, what is worse, there is no incentive for them.

The guaranteed build-down provides both the assurance and the incentive and makes this a safer world.

Mr. FASCELL. Mr. Chairman, I rise in opposition to the amendment. I want to make it clear from the start that I am not a genius but I will take a back seat to no one when it comes to commonsense.

While I respect the gentleman who offers the amendment, I do have some kind of pertinent observations to make about this.

As a sense of the Congress substitute for the resolution I think the first thing that is quite clear is that the gentleman in the well, who is the proponent of the amendment, is against the freeze or he would not offer this substitute. So you have to make a decision right there which one you are for.

That is a useful purpose, I suppose, for the opponents of the pending resolution. By offering his substitute we will pretty much know where everybody is once we vote on this.

□ 1340

The other thing is that one should not be misled by the milk and honey of the language of whatever, the substitute says because one has to assume certain things in achieving the objective that the gentleman spoke about so sincerely and so eloquently.

One of those presumptions is that neither country will do nothing while the build-down process is negotiated and is proceeding. That is one presumption I think that all of us can agree just is not realistic. Each country will be working feverishly to improve the capabilities of each of the new missiles and warheads for the two old missiles.

The other presumption, in the pending substitute, is that you would honest to goodness have a negotiation whereby you would reduce warheads and that in some way you would ultimately get to a kind of position where nobody would be threatened.

If we are on a drive right now to reduce common probable error to less than 800 feet on both sides, you can just believe me, whether we reduce the warheads or we do a 2 for 1 or 3 for 1 or whatever, that the drive is going to continue to get a launcher and a mis-

sile that will go down the smokestack especially with the concern expensed for hardened silos.

Mr. McCAIN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I will be glad to yield to the gentleman.

Mr. McCAIN. Sir, I would like to address the first point. As far as people who are in favor cf the nuclear build-down being automatically against the freeze, we have people like Edmund Muskie——

Mr. FASCELL. I did not say that. If I said that, I did not mean that. I said this was a vote on the substitute. You could vote for the substitute, if it loses you could then vote for the bill and I would appreciate the gentleman doing that.

Mr. McCAIN. Yes, sir.

Mr. FASCELL. But no, it is not automatic.

Mr. McCAIN. I would point out that the purpose of this is to provide a better solution.

Mr. FASCELL. I understand that.

Mr. McCAIN. Yes, sir.

Mr. FASCELL. That raises the other point and I thank the gentleman for making it for me, which is that if you adopt a substitute you are saying it is the only method, or it is the preferred method. We would be saying, "It is our sense that this is the best and the only method by which to approach this tremendous problem. That we have the ultimate wisdom. We are not going to let our negotiators do anything else." I think that would be a mistake. But that is why I said a vote for the substitute is really a vote against the basic freeze resolution. The basic resolution leaves tremendous latitude for U.S. negotiators. The substitute limits the negotiators to one concept and that has more holes in it than silos.

Mr. DOWNEY of New York. Will the gentleman yield?

Mr. FASCELL. I yield to the gentleman.

Mr. DOWNEY of New York. I think that if the author of the amendment were doing our negotiating with respect to what systems were going to be dealt with and which ones were not, I think a lot of us might feel more comfortable. But I think there are some points we ought to emphasize with respect to what is possible. I do not like to engage in straw men for their own sake. I think the gentleman is correct, we sometimes trivialize this debate. But there really is no—if you talk about megatonnage reduction that would be marvelous, I would prefer we do other things in the freeze. And I made that point. But you could under your freeze change as an example the SSSN-18 warhead, 40 KT warhead, reduce it and put 25 megaton warheads on SS-18's. There is nothing to guarantee that the overall megatonnage would go down. That would be a 2-for-1 increase.

Also it has been made here, the point has been made a number of times that the Soviet systems are newer and that therefore they are somehow better or therefore somehow more maintainable; 97 percent of the Soviet land-based missiles are liquid-fueled missiles; harder to maintain, more difficult to maintain.

The Soviet submarines, the brand new Delta class submarine remains on station one-third as long as our supposed antique Poseidons. So, I think that before we get too carried away with the idea or ours being a little older, there are a whole variety of things that we have that are better. I wanted to make that point.

Mr. LEVITAS. I ask unanimous consent, having addressed the gentleman from Georgia, I want to make sure I have a chance to respond.

Mr. FASCELL. The gentleman from Georgia had 15 minutes. I am trying to use my time.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. WIRTH and by unanimous consent, Mr. FASCELL was allowed to proceed for 5 additional minutes.)

Mr. FASCELL. I do not know why, but if it made the gentleman from Georgia nervous——

Mr. LEVITAS. Mr. Chairman, would the gentlman yield?

Mr. FASCELL. I would be very happy to yield.

Mr. LEVITAS. The gentleman had indicated he wanted to complete his statement when he was running out of time.

Mr. FASCELL. I want the gentleman to ask his question. He is the proponent of the amendment. The only reason I am mentioning his name is he is the proponent of the substitute.

Mr. LEVITAS. I understand. I did not take it personally. I just wanted an opportunity to respond to what the gentleman said.

The gentleman has indicated that one of his concerns about the substitute now pending is that if adopted it would preclude other items that are now possibly subject to negotiation and while my amendment calls for negotiation it calls for negotiation in the context of the concept of the build-down.

Would the gentleman feel more comfortable about the build-down if it were offered as an amendment to the underlying resolution as one of the continuing and concurring and complementary methods of approaching arms control?

Mr. FASCELL. No; I will tell you why I do not, because I am concerned about the concept more than anything else. And when you make the concept the sole concept, it becomes even more distressing. I would not even want it considered as a concept. I am not sold on the idea. I do not think it is that great, in other words, to put ourselves in a position that negotiators would wind us down to zero while the other side still has warheads makes me nervous. The pending amendment is a substitute for the freeze resolution. It seems to me very simply that the thing to do is if you are for a freeze and reductions, you should vote against the substitute.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. Certainly, I will be happy to yield.

Mr. WIRTH. I thank the gentleman. I wanted to associate myself with the remarks of the gentleman from Florida and those of the gentleman from New York (Mr. DOWNEY).

The Levitas substitute misses the whole point of the freeze resolution. What we are talking about is that we want to have a limitation on both the quantitative and the qualitative improvements on both sides. That is what the freeze is all about. That point is missed.

Mr. Chairman, today we are again considering one of the most compelling pieces of legislation ever put before a U.S. Congress: House Joint Resolution 13, the nuclear weapons freeze and reductions resolution.

This resolution is not only a logical and practical complement to our national security, but also is an obvious moral imperative. However, as we are all aware, much of its meaning has been needlessly obscured by intense political efforts on both sides. The true implications, and eminent good sense, or the freeze resolution become apparent when we strip away the rhetoric.

Perhaps the single greatest point of controversy surrounding the nuclear freeze is the question of timing. In the opinion of the Reagan administration and other critics, any freeze implemented now would lock our Nation into a position of strategic weakness. To be sure, certain specific figures could be cited to support this assertion. But in the complex and largely theoretical reality of nuclear weapons, an emphasis upon such narrow comparisons is meaningless, and indeed, can be dangerously misleading.

The fact is that for perhaps the first time since the nuclear arms race began, the United States and the Soviet Union are at a rough, but real, strategic parity. This parity is not one of across-the-board numerical equivalence; it is rather the more realistic and meaningful parity of overall balance and deterrent capability. Each side currently has a significant enough combination of relative strengths and weaknesses to render a successful first strike by the other side impossible.

It simply does not make sense in such a situation to continue to develop new weapons whose progressively

more advanced engineering will contribute to an enhanced first strike capability on the part of either nation. Such weapons will only work to further destabilize the current strategic balance, and will decrease, rather than increase, our national security.

The MX missile is an example of such a weapon. The report of the President's Commission on Strategic Forces is more convincing evidence that the MX program should be scrapped. The proposal to base 100 MX missiles in existing Minuteman silos is just another lowest common-denominator approach to a problem that can not be solved. Basing a missile that is capable of a first strike, like the MX, in a way that leaves it vulnerable to a first strike itself would not deter a nuclear war—it would provoke it.

Mr. Chairman, no one is saying that a nuclear freeze will be a cure-all for the real and mortal danger posed by nuclear weapons. But we have seen in this Chamber a series of straw men raised up by opponents of the freeze—that a freeze would undermine the long-range credibility of our deterrent or even constitute unilateral disarmament—that do not stand up to the facts. The various objections that have been raised all seem to ignore the fact that a freeze will be a negotiated document, agreed to by both sides, spelling out what is and what is not covered, and specifying what actions are allowable to maintain each side's deterrent.

The various amendments before us that would substitute "reductions" for "freeze" in the resolution all serve to endorse the arms control policy of the Reagan administration—that is, "build now, freeze later." All are based on the flawed assumption that the United States is strategically inferior to the Soviet Union, and that a freeze must be prefaced by a correction of this imaginary imbalance. All are endorsements of a continued arms race.

The freeze proposal is our best hope for improving the atmosphere at the START talks in Geneva, and negotiating a halt to the arms race with the Soviets. I urge my colleagues to support the Committee resolution.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding because I too want to associate myself with his remarks.

It seems to me the problem we had in that last long debate on the nuclear freeze is that we got into all kinds of specifics as if we were talking about a treaty.

Mr. FASCELL. We are not negotiating anything on this floor. We are talking about a sense of the Congress and this is what the pending substitute is, sense of the Congress. I just do not think we ought to go for one single method. That is my basic objection.

Mr. HERTEL of Michigan. I agree. I think we are going to see that problem with other amendments, too.

They seem to be offering amendments as if we were talking about a treaty. Clearly, as the gentleman from Florida says, we are talking about a mutually verifiable nuclear freeze as a starting point but the fact is that it is only a sense of the Congress. I think when we are talking about specifics, substitutes, and amendments we get away from what the American people are calling for, our allies in NATO are calling for, that is a reduction, that is a freeze in nuclear weapons. This resolution is on that, a calling out for the administration and the Soviet Government to take those kinds of steps. The fact is we are not talking at this point about a treaty and in fact this House will never be talking about a treaty; that is the business of the other body.

I think the gentleman makes very good points in not tying the hands of our negotiators and allowing them much more freedom by rejecting this specific amendment.

Mr. FASCELL. We have a lot of colleagues here debating this resolution who would be excellent negotiators whatever their point of view and I would be happy to see them on a negotiating team. I think it is a waste of time to negotiate here on the floor of the House.

Mr. Chairman, I hope my colleague would not consider this substitute as the sole method by which the United States ought to proceed on this important matter and vote the substitute down.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the committee, this is the first time I have spoken on this resolution but some of the comments of the gentleman from Georgia suggest that this may be the appropriate time to interject an entirely new factor into this debate. I am particularly struck with some of the suggestions that the gentleman from Georgia made about the destabilizing aspects of the basic resolution which we are considering today. He is correct, although there is a more basis destabilizing effect in the Zablocki resolution.

The new factor that I would like to introduce in this debate to my colleagues for their consideration as we move toward a final vote, probably late this evening. Within factors within this body and external to this body are locking us into the incorrect view that we have to choose between the Broomfield resolution and the Zablocki resolution. Those forces are putting the Members into a decision box to which we are not bound.

□ 1350

We need not be locked into or boxed into a choice between these two alternatives. And I hope that the Members of this body will think about the course this Member will take and that is to vote against both resolutions.

I say this with the full recognition that the debate which has taken place in this body has had a salutary effect. I certainly believe that a number of amendments offered to these two alternatives, or amendments yet to be offered are quite appropriate. What is unfortunate is the fact that groups outside this body, and some of our Members, have come to view this debate as a contest between two forces.

There is an alternative that the Members ought to consider. Certainly it is popular political wisdom in this body that if a Member intends to vote against both alternatives, then that Member better have a good reason for such opposition. Rational thought also demands that conclusion.

While the supporters of the nuclear freeze resolution like House Joint Resolution 13 or House Joint Resolution 2, offered by the gentleman from Massachusetts and many others, while these are most assuredly offered with the best of intention, and while it is extremely tempting and almost an automatic reaction by a great many Americans to support this kind of bilateral immediate freeze on nuclear weapons, the adoption of such a solution, even if it is improved here today and we ought to try to improve them, would be counterproductive to any effort to move the United States and Soviet Union from a reliance on the most destabilizing nuclear weapons.

It is this Member's judgment that the most destabilizing nuclear weapons which both nations must limit, reduce and ultimately eliminate, are fixed point, land based, multiple warhead ballistic missiles that provide tempting targets for or coercive threats of a first strike strategy by reason of Soviet malice, fear, or mistake.

Mr. Chairman, these kinds of fixed-point, multiple-warhead, land-based missiles are inherently destabilizing and provocative.

Accordingly this Nation must shift its strategic weapons to a balanced reliance on improved submarine, air, and mobile land systems comparable in accuracy and capacity to Soviet weapons.

Now, given current Soviet capabilities and the disposition of its strategic weapons, the practical effect of imposing a bilateral freeze on existing weapons would be to make it even less likely that either country would shift away from these most dangerous destabilizing weapons.

If this Congress now is to act on any kind of resolution, it should adopt the

only thing substantially different, and the correct approach in this Member's judgment, that has been offered during this Congress. And that is House Joint Resolution 61, offered originally by the gentleman from Tennessee (Mr. GORE), now supported by over 100 Members of this body, even though it was introduced only approximately 3 months ago. It has growing bipartisan support. That is the only thing fundamentally different that we have heard this year in Congress and it is the correct approach.

The Broomfield amendment does not move it in that direction. The Zablocki amendment, in fact, makes it less likely that we are going to move away from those most destabilizing systems already located in silos in this country.

The Gore resolution (H.J. Res. 61) places the first priority on shifting away from the most destabilizing weapons.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 4 additional minutes.)

Mr. BEREUTER. Furthermore, this kind of strategy of moving away from these fixed point land based multiple warhead ballistic missiles is the strategy that we can implement unilaterally if we must and it will be to our advantage to do so. People in this country will be safer because we did it.

This debate is helpful, but passing either one of these resolutions, even though perfected, is not helpful; it is counterproductive. Such action would, in both instances, take us in the wrong direction. This Congress ought to address the Gore resolution, or a refined version of it.

The Gore resolution was at least given a brief notice by the Foreign Affairs Committee. It is the most important arms control initiative to be placed before the Foreign Affairs Committee. The Hamilton amendment to House Joint Resolution 13 attempted to provide the essence of the Gore resolution to the Zablocki resolution and I have an amendment pending which will place the essence of the Gore resolution in the Broomfield substitute.

But the fact of the matter is that there are parts of both resolutions that would still counteract even the Hamilton initative or a similar one this Member would offer.

In conclusion, this Member hopes and believes that the conscientious and informed proponents of the nuclear freeze effort will embrace the basic emphasis and concepts embodied in House Joint Resolution 61 as they have an opportunity to study and understand both the principles upon which it is based and the expected results from its implementation.

I invite Members who would like to further examine my views. They are found as dissenting views in the committee report on this resolution.

As I said before, political wisdom, certainly as I have heard it expressed on this floor, says a Member better not avoid voting on an issue here, that is a first-class blunder; a secondary blunder is that a Member better not oppose both supposed alternatives on an issue, especially when these two alternatives are thought to be the only alternatives. It can be the only acceptable way to point to a better and achievable course. Well, there is better alternatives; it is designated as H.R. 61.

Finally, it must be recognized that approval of neither of these resolutions is in the national interest, even after we refine them. Both have damaging defects. So I hope that the alternative the Members would choose is to vote against the Zablocki resolution and the Broomfield substitute and then walk up there, if you have examined the issue sufficiently to solve your own concerns, and add their names as cosponsors of the Gore resolution. Then we can take up something in this body which will truly benefit the country and pull us back from the edge of the nuclear precipice.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Georgia.

Mr. FOWLER. Mr. Chairman. I rise in reluctant opposition to the pending amendment, because it certainly represents an innovative and well-intentioned approach to the complex subject of arms control. However, after examining the likely real-life impact of the proposal, I have reached the conclusion that, in the absence of certain major revisions, the builddown amendment would not accomplish its objectives in either restraining the arms race or promoting stability.

In my opinion, the builddown amendment fails because it mistakenly equates modernization with stability, draws the wrong lessons about the actual needs for system reliability, and misreads the nature of the nuclear arms race.

Stragetic force modernization, it is claimed, is essential to promote crisis stability. On its face, this might seem like a reasonable claim: That newer weapons would be safer, more reliable and above all less vulnerable than the old systems they would replace. Furthermore, since the builddown approach requires a tradeoff of two other warheads for every one of these supposedly safer newer ones, the resulting nuclear balance would be even less dangerous.

Unfortunately, none of these assertions stand up when confronted by either the actual historical record or the most likely course of future events.

Our military leaders have told us that the major destabilizing strategic force, and the primary cause of the theoretical vulnerability of our ICBM's, is the fourth-generation Soviet ICBM's: The SS-17, SS-18, and SS-19. Yet this force was the result of the Soviet modernization program of the 1970's. The fiscal year 1984 military posture statement by the Joint Chiefs of Staff describes this program in the following terms:

> To move toward strategic superiority, the U.S.S.R. has focused on modernizing its ICBM forces by deploying new systems and modifying deployed systems. These initiatives have yielded more Soviet warheads per missile, greater warhead throw weight, improved command, control and communications, and improved weapon accuracy.

Let me reiterate the point: It is the Soviet modernization program, particularly the MIRV'ing and improved accuracy of Soviet missiles, that has threatened to destabilize the nuclear standoff, from the United States point of view.

More specifically, during the decade of the 1970's, the Soviets modernized their strategic nuclear force in the following manner:

Retired 689 SS-7, SS-8, SS-9, and SS-11 ICBM's. None of these missiles were MIRV'ed and none possessed an accuracy better than about one-half of 1 nautical mile.

Built 620 SS-17, SS-18, and SS-19 ICBM's. These missiles are MIRV'ed and possess a reported accuracy of better than one-quarter of 1 nautical mile.

There was a similar trend toward MIRV'ing and improved missile accuracy in the Soviet submarine launched ballistic missile (SLBM) program.

So what of the future? If the Soviets are allowed to continue to modernize their strategic forces, one is likely to see the same trend toward destabilizing, MIRV'ed, highly accurate missile systems. A builddown is not likely to change this situation; in fact, it might make things worse.

For example, the Soviets now have about 610 un-MIRV'ed and relatively inaccurate SS-11's and SS-13's, which represent the oldest contingent of Soviet ICBM's. They also have close to 700 un-MIRV'ed, inaccurate SLBM's, which similarly are the oldest Soviet forces. If the Soviets modernize by replacing older warheads with newer ones, as indeed they would be encouraged to do under the builddown, these would be the first removed. They would certainly be replaced by more accurate systems with either MIRV'ed warheads or single, very high yield

warheads. In either event, the proportion of Soviet strategic forces with first-strike characteristics will increase under the builddown approach.

Nor is the builddown's reduction in warhead numbers by itself necessarily a stabilizing development. As the Scowcroft Commission report issued yesterday states:

Warhead reductions, while desirable, should not be proposed or undertaken at a rate that leads us to limit the number of launching platforms to such low levels that their survivability is made more questionable.

While the builddown does not mandate any reductions, to the extent that it deviates from a freeze on existing systems it would be likely to lead to more accurate weapons on fewer, and hence more vulnerable, launchers. I fail to see how this would promote stability or reduce ICBM vulnerability.

So far, I have only discussed Soviet strategic forces but the same trends are present, albeit in somewhat less threatening form, on the American side of the coin. Our own modernization program of the 1970's, and indeed one did take place, saw us replace single-warhead, less accurate missiles, including the Minuteman I, and the Polaris SLBM with the MIRV'ed, highly accurate Minuteman III, Poseidon and Trident I missiles.

While a move toward the so-called Midgetman might at some point in the future alter the trend, our current force modernization plans, including the MX, the Trident missile and submarine program, and the strategic bomber—air-launched cruise missile program, involves the same kind of concentration of more capable weapons on fewer delivery systems that can be discerned in Soviet plans.

Force modernization and strategic stability are not synonymous. If anything, they are contradictory.

My second argument with the builddown amendment concerns the question of reliability. Apparently, the builddown is based on the premise that under a nuclear freeze, the reliability of our strategic forces would deteriorate and thus our strategic deterrent would be imperiled. Thus modernization is required to preserve our deterrent.

While I must say that I believe that a mutual degradation of confidence in the accuracy and yield of nuclear weapons systems would also certainly reduce the confidence so necessary for first-strike contemplation, I agree that reliability, if defined to mean safety of operation, responsiveness to control in peacetime and in crisis, and a reasonable probability of meeting optimum performance standards, is important. In my view, under this definition of reliability what is most needed is survivable command, control, and communications, which would not be constrained by the freeze, and maintenance of the components of the weapons systems, which would be allowed under the freeze.

There has been much confusion on this latter point, so I hope you will permit me to quote at some length from an article by Dr. Randall Forsberg, original author of the "Call To Halt the Nuclear Arms Race," which appeared in the November 1982 edition of Scientific American:

A strictly enforced freeze that includes production and testing as well as deployment could lead after some years to a decline in the reliability and readiness of existing nuclear armaments. Such incidental or inadvertent disarmament may be the only way the world will ever get rid of nuclear weapons, or so George B. Kistiakowsky, science adviser to President Eisenhower, has observed. A freeze should probably be designed and implemented, nonetheless, to avert an automatic decrease in nuclear-weapon stockpiles. Responsible officials will object to a situation in which the choice of what to reduce and when has been preempted by purely technical considerations that may not weigh equally on both parties to the freeze. What is more, even though reduced confidence in the nuclear arsenal may decrease the likelihood of nuclear war and make nuclear weapons seem less relevant to security, uncertainty in this regard is bound to make most people feel less secure rather than more so. Hence a freeze should be defined to allow the maintenance of existing nuclear forces until reductions can be agreed on with due deliberation.

Various factors in the aging of nuclear weapons must therefore be dealt with. For example, the tritium modules that initiate the fusion reaction in thermonuclear explosives must be replaced every few years. This implies that the freeze should allow the operation of tritium-component assembly facilities and the running of perhaps one military nuclear reactor to produce tritium. Special safeguards will be needed to ensure that the reactor does not produce plutonium for new warheads.

Among strategic delivery systems, submarines most clearly have a limited service life, generally estimated at 30 years. The "Call to Halt the Nuclear Arms Race" specifically excludes submarines from the freeze. It allows their replacement but requires the installation of existing missiles rather than new ones so that the quantitative and technical threat does not grow.

In principle aircraft and missiles have a shorter service life than submarines. In practice aircraft and missiles can be maintained indefinitely in good operating condition simply by the replacement of parts during regular maintenance and major overhauls. The B-52G's and B-52H's, the last of the B-52 series delivered to the U.S. Air Force in 1960-62, are expected to remain serviceable through the 1990's and even into the next century. With new engines and updated electronic gear installed and major structural elements replaced and reinforced, the aircraft are physically different entities from those originally delivered. The useful life of the planes is limited only by the availability of spare parts. Although some parts now being cannibalized from retired older-model B-52's may run out, new production lines could be opened.

Even missiles sitting in their silos deteriorate to some extent. The stored fuel can be corrosive and is subject to de-composition; the gyroscopes and electrical systems are in constant operation. By replacement of worn-out parts, however, missiles too can be maintained for long periods.

The nuclear freeze resolution would not prevent the necessary maintenance of our strategic forces nor an upgrade of our strategic command, control, and communications systems. The reliability of our deterrent would not be compromised. Thus, I do not believe that the modernization program allowed under the builddown, with all of the potential dangers I just outlined, can be justified on grounds of reliability.

Finally, and perhaps most importantly, I must object to the builddown proposal because I believe that this approach totally ignores the most dangerous aspect of the arms race: technological advancement.

While number and size of nuclear weapons are certainly of major importance, it was the original technological breakthrough in tapping the Ensteinian $E=MC^2$ formula that gave, and continues to give, nuclear weapons their particular catacyclsmic power. It has been the technical advance in guidance systems that has produced the MIRV'ing and missile accuracies that are the most destabilizing aspect of the current nuclear balance.

Is there any reason to believe that in the future it will not be the push of technology that continues to threaten to unbalance and destabilize the strategic weapons realm? If we do not put an end to technological competition in this arena then we can never be sure that we have really checked the nuclear arms race. The failure to address this vital issue is above all what, in my opinion, makes the builddown amendment fatally flawed.

In the final analysis, one's position on the freeze resolution can be distilled down to his or her view of the current balance of strategic forces. But with the builddown if we are at a disadvantage today, how will the mutual 2-for-1 tradeoff in warheads correct the disadvantage? If, as I believe, we are now in a position of essential equivalence, I do not see how the builddown, with its provision for ongong force modernization and unconstrained research and development, will add to our security.

Thank you for your attention.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the distinguished chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto end at 3 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Chairman, reserving the right to object, I would ask the gentleman, are we going to get into a pattern of limiting debate on amendments for the rest of the afternoon?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding.

That is not my intention, within reason.

Mr. WALKER. Is this time limitation that the gentleman is now seeking being done with the approval of the sponsors of this amendment?

Mr. ZABLOCKI. I have conferred with the gentleman from Michigan on the minority, a member of the Foreign Affairs Committee; and also the gentleman from Georgia (Mr. LEVITAS), it is my understanding, has no objection.

Mr. WALKER. Mr. Chairman, I thank the gentleman and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COURTER. Mr. Chairman, I hear what the unanimous-consent request was. Are there amendments to the substitute, or is it just the substitute so far that is on the floor?

□ 1400

The CHAIRMAN. The only item pending is the amendment in the nature of a substitute.

Mr. BROOMFIELD. Mr. Chairman, I support the request.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The time limitation is set at 3 o'clock.

The Chair will recognize the gentleman from New York (Mr. SOLARZ) for the remainder of his 5 minutes, and then the Chair will announce the names of those Members who are now standing who are seeking recognition under the time limitation.

Mr. SOLARZ. Mr. Chairman, I ask unanimous consent to have my original 5 minutes now.

The CHAIRMAN. Without objection, the gentleman will be recognized for a full 5 minutes.

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request to limit debate was agreed to will each be recognized for 1 minute and 45 seconds.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, the build-down proposal of the gentleman from Georgia is very creative; but as many have pointed out, it deals with only half the problem, that is, numbers and not modernization, quantity and not quality.

As the gentleman from California just a moment ago rhetorically asked, are we not better off reducing rather than holding the same? All of us would prefer to reduce. But I think it should be very clear that a trade off of two SS-4's for one SS-20, as the build-down proposed authorizes, might well not be in our interest. The freeze, on the other hand, would halt not hid the arms race.

Second—and I would stress ironically—the supporters of the builddown approach must understand, as its primary architect Alton Frye stresses, its negotiation depends on the definitional framework provided in SALT II. But unfortunately SALT II is not ratified.

In conclusion, let me stress that the gentleman from Georgia should be commended for his approach. At a future time it should be considered on its own merits in its own way. In the aftermath, for instance, of a full or partial freeze, the builddown approach might well be very constructive. But today it should be rejected. The freeze is a better idea, better conceived.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of the motion by the gentleman from Georgia. I think that while it perhaps would not stand clearly on its feet as a fully definitive program by itself, I think that added to the resolution offered by the gentleman from Wisconsin it improves it very considerably. It means that we can go forward with some modernization. While I would support it as a substitute I would prefer it to be a perfecting amendment.

(By unanimous consent, Mr. HOPKINS yielded his time to Mr. HYDE.)

□ 1410

The CHAIRMAN. The Chair now recognizes the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, for some months now, as this issue has been discussed, we have heard it discussed in terms of how many warheads does each side have that have the capacity of blowing up the Earth, and that has been one of the arguments that has been carried out to the American public and it is one of the things that stuck with the American public, and I think rightfully so.

That is a very, very emotional kind of argument and I think very valid.

What is embodied in the Levitas approach is an attempt to builddown those numbers, to say that we recognize that there is a problem out there and that over a period of a few years we are going to begin to eliminate those numbers of warheads that do pose a danger to this world, pose a danger on our side, pose a danger on the other side.

I think insofar as that argument has had validity in moving the nuclear freeze forward, it should have validity on this floor right now. Let us start the process right here and now of reducing the numbers of warheads in the world. Let us do the job of speaking to that concern of the American people that has been expressed over and over again that there are too many warheads, that both sides have too much capacity to destroy the world.

We can start right here with this amendment. We can say that from now on in, for every warhead that we modernize, we are going to take two away. That will speak to one of the real concerns of the American people.

The CHAIRMAN. The Chair now recognizes the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, the call for a mutual and verifiable nuclear freeze has produced a lively and useful debate throughout the country and here in Congress.

In its most dramatic form the debate revolves around the question, "Will the immediate cause of World War III be the preparations for it?" It is a haunting question, with no easy answers. But I believe that a nuclear freeze that works offers one of the most promising responses to curb the threat of nuclear war. So did the voters in North Dakota last November's referendum.

Let me make clear that I do not mean one-sided disarmament by the United States. I do mean that a two-sided halt in the nuclear arms race by both the United States and the Soviet Union. Nor is a workable freeze a bonnet full of wishful thinking about Soviet good intentions. It requires, on the contrary, tough negotiations to insure that we can check against Soviet cheating and take appropriate steps if that should occur.

I do not argue here that arms control is without risks. But I also believe that without the right kinds of arms control, we face even greater risks. We are entering an era of such advanced nuclear weapons, that we may soon lose control over our own destiny.

Now is the time to negotiate with the Soviets and to step back from the brink. And that is why I rise in support of House Joint Resolution 13 which calls for a two-sided, negotiated, and verifiable freeze of Soviet and American nuclear arms.

BENEFITS OF A FREEZE

A mutual, negotiated freeze agreement would result in several benefits to our Nation. For one thing, it would boost our national security by preventing the buildup of dangerous first-strike weapons. I mean the kind of weapons which might prompt either side to launch their strategic missiles (ICBM's) on warning of an attack—before an actual attack had occurred. if the Soviets agree not to deploy MX-type of Trident II-type missiles, and we do likewise, we both gain a measure of security. More on that later.

For States like North Dakota, a freeze would help to safeguard our citizens and our bases from potential first-strike attacks by the Soviet Union. Without a mutual freeze, the deterrent value of our intercontinental ballistic missile (ICBM) force could lapse for several reasons.

But by preventing the Soviets from confidence-testing their ICBM's the reliability of these weapons will decline over time. And the Soviets could not afford the loss of reliability if they really wanted to launch a first strike against our military bases.

Without a freeze, we probably would not be able to protect our long-range bombers against the future prospect of a Soviet first-strike. By 1990—or even before—the Soviets may have a force of submarine-launched ballistic missiles that could knock out our bombers before they got off the ground.

So for openers, a mutual freeze would not only help to safeguard two legs of our nuclear forces, it would also protect the civilians living near the air bases in cities like Minot and Grand Forks, N. Dak. These civilians would be among the first casualties of any nuclear war.

But a freeze could do much more. It would help put the brakes on a costly arms race. With our economy languishing, and our farmers fighting for survival, and our Federal budget facing record deficits, we cannot afford to spend trillions on an arms race which we could curb. With 40,000 children dying each day from hunger and diseases, the world cannot afford unfettered spending on costly weapons either. Big deficits also cause higher interest rates—which are the main source of our current economic woes. A freeze can help put Americans back to work.

And we cannot forget that nuclear weapons systems rank at the top of those flagged by the Government Accounting Office for excessive overruns. A 1982 GAO report on 40 major weapons systems showed that estimated costs grew from $289 to $412 billion. I fail to see the logic of copying the Soviets and bankrupting our economy, as they have done, by overinvesting in weapons that do not build security.

Budget savings are not all. A freeze could improve the climate for meaningful reductions in both Soviet and American nuclear forces. And progress on arms control could spell good news for stalled Soviet-United States trade. We should stop planning to trade more missiles and start planning to trade more grain.

THE RIGHT KIND OF FREEZE

So the right kind of freeze can pay handsomely in security and economic benefits.

A mutual freeze would recognize what the Pentagon calls the rough equality of American and Soviet forces. It would confirm the strategic improvements we have made with new warheads on our Minuteman ICBM's, the introduction of the Trident I non-first-strike sea missile, and the addition of the air-launched cruise missiles to our B-52 force.

A negotiated freeze would insure that the United States could keep open its options as we moved toward an arms control pact. No negotiations, no freeze.

A verifiable freeze is absolutely essential and would give us the power to check against any possible Soviet cheating.

It is important to remember that a variety of military intelligence experts, and arms control experts have testified that a freeze can be verified. Adm. Eugene Carroll, USN-retired, former CIA Director William Colby, and experienced arms negotiator Gerard Smith have all made this case. No verification, no freeze!

A FREEZE TO SQUEEZE THE RUSSIANS

Perhaps the most overlooked part of this arms control debate is what a bilateral freeze would do to the Soviet Union's defense buildup. Freeze opponents have pretended that this freeze resolution would benefit only the Soviets. This is regrettable and it is also rubbish.

A real two-sided freeze would halt the arms race in both countries. Here is a partial list of new Soviet weapons that a negotiated freeze could stop dead:

First. The Soviet's B-1 type, Blackjack bomber.

Second. The Typhoon missile submarine.

Third. The SS-N-20 submarine-launched missile.

Fourth. At least two types of ICBM's.

Fifth. Two new types of long-range cruise missiles.

Thomas K. Longstreth, an associate with the Arms Control Association, has documented, how the freeze will squeeze the Soviets and I will include this for the RECORD at the end of my remarks.

Putting the facts on the table makes clear why a bilateral freeze can help to build security. Ignoring the facts serves no one. The freeze is not a perfect solution. But it is, as one of our colleagues noted, "a good solution to a very thorny problem."

A closely related value of the freeze is that it stops qualitative improvements in the nuclear arsenals that might make future arms control all but impossible. The Scowcroft Commission on Strategic Forces correctly reported that a key ingredient in arms control is strategic stability. Simply put, we and the Soviets need to control the arms race before the arms race controls both of us.

Even the right kind of freeze would not solve all our defense problems. It would not guard against nonnuclear military advances by either side, for example. But blaming the freeze for that is like blaming cancer researchers for not preventing heart attacks.

However, a freeze can help preserve both our freedom and our security by reinforcing wise investments for a strong defense.

In the final analysis, a mutual, negotiated, verifiable freeze makes good sense. It reminds us that in a nuclear age the best test of national security is not whether we can win a nuclear war, but whether we can prevent one.

The following article was submitted for the RECORD:

HOW A NUCLEAR FREEZE WOULD SQUEEZE THE RUSSIANS

(By Thomas K. Longstreth)

Now that it has returned from Easter recess, the House of Representatives will again resume debate on the nuclear freeze issue in preparation for the expected vote on House adoption of a freeze resolution. The battle lines have been drawn between the Reagan administration and pro-freeze groups with each side vigorously lobbying to sway the hearts and minds of members of Congress. Last week President Reagan, during a speech in Los Angeles on arms control, again took the opportunity to condemn a bilateral nuclear freeze.

In addition to the President's renewed verbal attacks on the freeze, the administration's latest assault in the propaganda war included the release last month of the 1983 edition of "Soviet Military Power," the Pentagon's slick publication that portrays the size and growth of Soviet military forces. The Reagan administration has used "Soviet Military Power" to support its claim that the United States is falling into a position of nuclear inferiority and must build up its nuclear forces, at a cost of hundreds of billions of dollars.

Reagan officials, in their briefings to Congress and the news media, have gone to great lengths to explain that a freeze on US and Soviet nuclear forces would preclude the US from this buildup and harm national security. But a careful examination of "Soviet Military Power" leads to a conclusion different from that of President Reagan. For "Soviet Military Power" not only documents Soviet weapons systems already constructed and operational, but also those that are now being tested or are on the drawing board.

This dramatic evidence of Soviet development of new weapons systems, graphically demonstrates how a bilateral freeze would actually benefit the US. A freeze would prevent the next generation of Soviet nuclear

weapons and their delivery systems from being deployed. A few of the new Soviet weapons systems a bilateral freeze would halt include:

The Blackjack long-range nuclear bomber (the Soviet counterpart to the US B-1);

The Typhoon missile submarine (scheduled to begin operations on the heels of the US Trident submarine);

The SS-N-20 submarine-launched missile (SLBM) and one other new type of SLBM that will begin testing this year;

At least two and possibly four new types of land-based intercontinental ballistic missiles (ICBMs);

Two new types of long-range cruise missiles, one air-launched and one sea-launched;

A whole range of medium- and short-range missiles to be deployed against China and Western Europe.

"Soviet Military Power" also demonstrates the utility of other types of arms agreements which could complement a nuclear freeze. The Pentagon document reveals that the USSR has tested and deployed a weapon to attack and destroy low-orbiting satellites. While the present Soviet anti-satellite (ASAT) weapon is relatively crude, the Soviets are working on a more sophisticated system, though it is probably not as advanced as the one the US is developing.

The best way to prevent the Soviets from building these weapons is through arms agreements prohibiting their deployment. Talks on such a treaty were conducted with the Soviets by the Carter administration but President Reagan has declined to resume those negotiations. Further, Secretary of Defense Weinberger has emphasized that no treaty on ASAT weapons will be permitted to interfere with US development plans for these weapons.

"Soviet Military Power" mentions a Soviet effort to modernize its antiballistic missile (ABM) site around Moscow with new radars and interceptors. The US is also spending over a billion dollars each year to develop new antimissile technologies to protect its ICBMs. Though the ABM treaty allows each nation to maintain one site and to modernize its ABM system within certain strict limits, it prohibits large-scale ABM systems and mobile, space-based, sea-based or air-based ones.

If the administration is so concerned about Soviet modernization of their one permitted site, it should seek to amend the treaty and prohibit all ABM deployments. Such a decision would be far wiser than beginning an expensive race with the USSR to build new ABM systems.

Partisans for and against the nuclear freeze would probably agree that the Americans would like to stop Soviet weapons programs without giving up anything in return. We would all like to get something for nothing. Unfortunately, successful arms negotiations do not work that way. Each side must make concessions in order to extract concessions in return. While a bilateral freeze would force the US to abandon plans for more nuclear weapons, this recent release of US military intelligence provides further evidence of the comprehensive Soviet modernization that would also be brought to a halt.

Knowledgeable individuals may disagree over particular aspects of a bilateral freeze on the testing, production, and deployment of new nuclear weapons and their delivery systems. But with its rhetoric the Reagan administration has distorted the effects of a freeze by emphasizing only what the US would have to give up. The government's own information makes a strong case for favoring a nuclear freeze, if only to stop the next phase of Soviet nuclear weapons building.

(Thomas K. Longstreth is communications coordinator for the Arms Control Association, a public education organization based in Washington, D.C. The views expressed here are his own.)

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. DANNEMYER).

Mr. DANNEMEYER. Mr. Chairman, I rise in support of the Levitas amendment. It offers a reasonable alternative which should satisfy both sides.

Some commentators are billing the upcoming vote on House Joint Resolution 13 as being historic, the first official statement that the Congress of the United States is in favor of putting a stop to the arms race as a prelude to ending that race. Melodramatic rhetoric aside, I rise to question the use of the term "historic" as well as the logic of concluding that this freeze will help end the arms race. It seems to me that, if you remove any incentive one side might have to negotiate an equitable reduction of nuclear weapons, the end result will be either a continuation of the arms race or an ever worsening strategic situation for the other side or both.

The word "historic" implies that the event under discussion is either unprecedented or of momentous significance. However, this is not the first time Americans, or peace loving peoples of other nations, have attempted to legislate an arms reduction agreement or an agreement limiting production or deployment of a weapons system considered to be particularly dangerous. Indeed, what is so interesting about this particular effort is not that is plows new ground, but rather that it goes over ground plowed so unsuccessfully in the past which, in turn, suggests the effort is not momentous in a positive sense.

No one likes to think that war is inevitable or that a sound and lasting peace is impossible to achieve, but during more than 4,000 years of recorded human history, there have been very few years in which no war has been fought. In just the 206 years since the Declaration of Independence, America has fought no less than 10 wars—6 declared, 3 undeclared and 1 civil—spanning 29 years in time. In each case, this Nation came to its own defense or that of its allies, but the fact we have not been in the habit of initiating wars has not kept us out of them. In short, the pages of history clearly suggest that a national desire to stay out of war is an insufficient guarantee that a nation can have peace and yet stay free. For every nation like Switzerland there must be 10 examples of nations that have had to fight for their freedom or have seen that freedom go by the boards.

Just as the desire for peace has not been an antedote for war, neither have broad declarations of peace or one-sided disarmament agreements kept war from breaking out. No better example of that grim reality exists than the era between World Wars I and II. In 1922, for example, a naval agreement was reached calling on many of the world's naval powers to limit warship construction, yet that agreement did not forestall Japan from building up their navy to the point where it could launch a devastating sneak attack on Pearl Harbor. In 1928, the United States and many other nations signed the Kellogg-Briand Pact, which essentially outlawed war but its existence did not deter Japan from invading Manchuria, Italy from invading Ethiopia, or Germany from invading Poland and starting World War II. Neither did the self-imposed Neutrality Acts of the 1930's, which put strict limitations on the kinds of goods American companies could ship overseas, keep the United States out of World War II. Nor did the Munich Pact of 1938, which the British Prime Minister hailed as "peace in our time," keep the Germans from swallowing up the other half of Czechoslovakia 6 months later. The key to any peace agreement or disarmament arrangement lies in the ability of its adherents to enforce it. And without a military capability clearly perceived to be at least equal to, if not superior to, any and all others, such enforcement efforts are doomed to failure, if indeed they are launched at all. Potential aggressors have never viewed a sheaf of papers as a substitute for an adequate military deterrent; if anything, the substitution of words for weapons has been viewed as a sign of weakness deserving of exploitation.

It is often argued that nuclear weapons are so horrible that no one would dare start a war, especially since either of the superpowers supposedly has enough nuclear weapons to totally destroy the other. However, the history of weapons and war pokes holes in the first argument and logic says the second is questionable on the one hand and limited in its applicability on the other. Of course, nuclear weapons have a terrible potential for destruction, when compared to conventional air warfare for instance, but think of the terror that must have been felt by the swordsmen, spearthrowers and civilians of the Middle Ages when gunpower was first introduced and the musket became a weapon war. Yet that terror did not prevent the advent of another war. Think too how 19th century soldiers must have felt when the forerunner of the machine gun—the gatling gun—cut them down in rows as they tried to advance on an enemy position. Yet that terror did not prevent the outbreak of World

War I—and the tremendous casualties of trench warfare—nor did the development of either the tank or the airplane particularly hasten its end. Admittedly, what the advent of the airplane as a military weapon did do was bring about formation of ban the plane societies by well-meaning people who viewed the possibility of unseen destruction raining down on defenseless civilians from the skies as unthinkable. But, neither the societies, nor the terror that prompted them, deterred Germany from attacking Poland, or Japan from smashing Pearl Harbor. Indeed, the airplane was the principal weapon used in launching those attacks. So why should the horror of nuclear weapons be expected to deter the Soviet Union from using them, especially since the Soviets are, to a far greater extent than Americans, conditioned to the horrors of warfare, their nation having been ravaged in both World Wars.

If the terror of new weapons is, to a large extent, relative and has, in the past, not acted as a sufficient deterrent to warfare, then the same can be said for the argument that each superpower has enough weapons to wipe out each other irrespective of who has more. In warfare, both real and psychological, everything is relative and this is especially true of nuclear warfare; 1,000 nuclear weapons may, in theory, be enough to wipe out the other side, but if the other side has 1,500 and uses 1,000 of them to strike first, and those 1,000 wipe out 800 of the first side's 1,000, not only has the first side lost its ability to wipe out the second side but its 3 to 2 disadvantage has been turned into a 5 to 2 disadvantage which may leave it, and it alone, in the position of having to choose between utter destruction and surrender. That is why nuclear parity or nuclear superiority is so important and why the question—how many nuclear weapons is enough?—can only be answered in terms of what the Soviet Union has. Also, the fact that the Soviets have an ABM system around Moscow, a massive civil defense program, and a civilian and industrial relocation program—all of which will cut their losses and none of which we have—cannot be overlooked in any assessment of how many nukes is enough.

Currently, the United States has some 1,050 nuclear delivery systems to roughly 1,400 for the Soviet Union which might not be of so much concern if ours were newer, less vulnerable, and demonstrably better than those possessed by the Soviet Union. But, while 77 percent of the Soviets nuclear delivery systems are 5 years old or newer, 77 percent of ours are 15 years old or older, which explains why the current administration has been pushing for such things as the B-1 bomber the MX missile and more Trident submarines. With them, our defenses stand a decent chance of being perceived as equal to or better than those of the Soviet Union. But without them, the nuclear gap between the U.S. and the U.S.S.R will widen even if the Soviets do not develop any more weapons of their own, obsolescence being what it is. Thus, the danger of a nuclear freeze before rather than after a reduction of nuclear weapons to truly equitable levels; the United States would be locked into a position of not just permanent but ever worsening nuclear inferiority. And, as history has demonstrated time and time again, that is not a guarantee of peace but a recipe for disaster.

(By unanimous consent, Mr. DANNEMEYER yielded his time to Mr. HYDE.)

The CHAIRMAN. The Chair now recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the Levitas amendment.

Mr. Chairman, some thoughts on the nuclear freeze.

STRATEGIC BALANCE

Most experts agree that the United States and U.S.S.R. are presently at nuclear parity. Asymmetries exist in the nuclear balance with each side holding advantages over the other. Soviets lead us in launchers while we lead them in warheads. While three-quarters of the Soviet strategic arsenal is concentrated in vulnerable and targetable land-based missile silos, about one-half our nuclear arsenal is based in invulnerable submarines. A balance of imbalances exists between the superpowers, with the overkill accumulated by both sides rendering imbalances meaningless.

President Reagan claims that our nuclear forces are inferior to the Soviets, a belief that rests largely on a perceived "window of vulnerability" which presupposes three shaky assumptions: First, that the Soviets could launch a near-perfect attack, calling for simultaneous detonations of warheads to the millisecond, which most military experts do not believe is possible, second, that a President would accept up to 20 million casualties and not fire the remaining 3,000 warheads tucked away underwater in our submarines, and, three, that the U.S.S.R. would gamble and launch a first strike, not knowing whether we would launch on warning.

Despite the President's claim of nuclear inferiority, not one of his generals or admirals would trade our forces for the Soviet forces. For example, when Gen. John Vessey, Chairman of the Joint Chiefs of Staff, was asked at a congressional hearing last May whether he would swap our military and strategic capabilities for the Soviet's, he answered "I would not trade". When Secretary Weinberger was asked whether he would rather have at his disposal the U.S. nuclear arsenal or the Soviet's, he said, "I would not for a moment exchange anything because we have an immense edge in technology".

In a press conference on January 19, 1983, President Reagan said, "So up to now, in previous negotiations, they—the Soviets—haven't had to make any concession because we were unilaterally disarming". Fact: The number of U.S. strategic weapons rose from 4,000 in 1970 to 9,200 in 1980. Today, the United States has approximately 9,800 nuclear weapons, and is undergoing the biggest peacetime strategic buildup in U.S. history.

CAN A FREEZE BE IMPLEMENTED?

Our verification capabilities are extensive enough to implement a freeze. As former Under Secretary of Defense, William Perry, testified, "We monitor the Soviet activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it even began its tests".

As for the administration's second claim, that a freeze would be a disincentive for Soviet reductions if the Soviets were ahead, the experts state that the Soviets are not ahead. There is no credible evidence that the Soviets would not reduce after a freeze.

The freeze is far easier to negotiate than the administration's quixotic START proposals, because these proposals provide for a U.S. buildup with concurrent Soviet deployment cuts; a patently unworkable and untenable negotiating posture. The START proposals will take years to negotiate, while deployment and technological upgrading continues on both sides. A freeze, however, would bring the arms race to a halt and initiate reductions, much in the same way as an elevator must first be stopped moving up a building before is can be brought back down.

WHY A FREEZE MUST BE IMPLEMENTED NOW!

The freeze would stop deployment of new generations of counterforce weapons that pose an ever-increasing threat to each side's deterrent force. Such technologically advanced counterforce weapons would exacerbate the already out-of-control action/reaction syndrome that so efficiently fuels the arms race today.

For years we have been wrestling with the verification problem, trying to move toward onsight verification, which the Soviets have steadfastly refused. We have developed technology and methods to ascertain Soviet compliance with SALT accords, an achievement that is in increasing danger of being eroded because of the development of a new generation of high-tech strategic weapons like the Cruise missile and the mobile rocket launcher—Mini-man or "Armadillo" proposals currently being considered

by the Snowcroft Commission. These types of weapons systems, because of their relatively small size and maneuverability, will irreparably damage and make obsolete existing verification technology. A freeze would stop these unverifiable systems from being built, and would preserve the validity of present national means and continue the move toward onsite verification.

Reaganauts claim that the bargain-chip theory of negotiating with the Soviets mandates production of new systems to coerce them to the bargaining table. The ABM Treaty in 1972 is often cited as a manifestation of how well this theory works. In reality, that treaty was concluded because neither side had the technology to produce a workable, effective ABM missile. The bargain-chip theory was used to justify the production of the first hydrogen bomb, the MARV, MIRV, and Cruise missile improvements of the strategic systems, none of which have been successfully "negotiated away" or have led to further reductions in strategic arsenals. We are now talking of militarizing space as a bargaining chip to force the Soviets to conclude negotiations on Earth-based systems, a strategy that confirms the tenet that humans do not learn from experience.

The technological advancement of the new strategic systems, in terms of accuracy, enhanced radiation, and confinability of blast and aftereffects is engendering military Strangeloves, some who are highly placed in the present administration, with confidence in their ability to plan for a limited nuclear war. A freeze would reduce the danger of this kind of "high-tech overconfidence" and obviate the need for such military posturing. Simply stated, the increased counterforce targeting on both sides makes the danger of nuclear war much more real.

The more time that elapses before an arms control accord is reached allows the Soviets and the United States to improve first-strike capabilities and deploy new first-strike systems. Once fully funded and deployed these weapons are in to stay because neither side's military forces have any history of scrapping their new pride-and-joy systems. Once a system is built, it becomes part and parcel of the status quo. Witness Soviet reluctance to dismantle their newest technological breakthrough, the SS-20, because of the huge sums already spent on it.

Without the freeze and budget cuts, there will be no way to control growth of defense spending. The spending decisions that are being made now commit funds which will affect our deficit status years down the road.

BEYOND THE FREEZE

The United States would be able to adopt a stricter nonproliferation posture, which all pay lipservice to, without the tongue-in-cheek approach that has characterized past regulatory attempts. It is rather difficult to get burgeoning prenuclear powers to take us seriously in this area when we are one-half of the world's best arms racing team.

The freeze would provide momentum and precedent for future talks to control destabilizing development in antisatellite, antisubmarine, and space militarization areas.

The freeze would, of course, generate considerable support and momentum for talks on real reduction of nuclear arms.

(By unanimous consent, Mrs. SCHROEDER yielded her time to Mr. WRIGHT.)

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, very briefly, I think we should address a problem that will be affected by this substitute and by the Zablocki resolution. That problem involves the men and women who operate the weapons systems that we are talking about.

I have heard some of the proponents of the freeze resolution talk about supposed qualitative advantages that our systems still have, but they have really ignored the ages of our systems. It is a fact that our bombers were built in the late 1950's or early 1960's. The youngest one is going to be 30 years old in the 1990's. The last Poseidon system was launched, I believe, in April 1967. They are going to be nearing the end of their projected life in the mid-1990's, and I would like to remind my colleagues that we have never had a 30-year-old ballistic missile submarine before. We do not know if they will work until they are 30 years old.

Some of our colleagues who have opposed the Levitas substitute have brushed off this modernization argument, but I think it is extremely difficult to brush off facts surrounding the mishaps that have occurred with regard to our B-52 force since I have been in Congress.

I am looking at a list of accidents: A wing fracture in March 1983. A fire during a fuel system maintenance, five killed on January 27, 1983. A crash on take-off, December 16, 1982. And finally, I think most of my colleagues are aware that there is presently a B-52 missing somewhere over Nevada.

In fact, these systems are aging. They need to be replaced. If we are going to have any consideration for the people who operate these systems, we should support the Levitas substitute.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. Mr. Chairman, I think that my colleague from New York (Mr. SOLARZ) pointed out something that our colleagues need to remember. This is not an amendment to the freeze. This is a substitute for it.

So for those of my colleagues who like the idea of the build-down and like the idea of a freeze, you cannot have both. You can either have the freeze or the builddown, and that is an important point to remember.

Second, one of the things that the freeze supporters feel strongly about is that the freeze stops both the qualitative and the quantitative increase in new weapons on both sides when the treaty is agreed to. That is not the case with the builddown.

As my colleague from North Dakota pointed out, what you have is the possible replacement of two Derringers with one new Winchester rifle—older weapons for newer, more destabilizing one. While the gentleman from Georgia says that this will lead to the de-MIRV'ing, there is nothing to guarantee that and there is nothing in the language of this resolution that would guarantee that we would move to de-MIRV'ing. The contrary could be the case. We could have more Soviet first-strike weapons and more U.S first-strike weapons, and we would seriously undermine stability and deterrence.

One of the things that all of us who have been advocates of arms control have to recognize is that SALT I and SALT II were designed as arms control agreements to reduce destabilizing capability. In a way, we failed the American people and the people of the world with those agreements because they really have not done that. That is why people feel so strongly about a freeze. They believe that with a freeze, you can eventually have reductions, but that if you only talk about reductions, as we have heretofore only talked about, what happens is that you have the continued arms race. "Reductions" do not really mean reductions. Reductions usually mean more weapons.

So what the freeze gives us is the basis from which to reduce. I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, a couple of quick comments. It has been said that the Levitas amendment is lacking because it covers the question of prohibiting a quantitative increase but does not address qualitative improvements.

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However, if that charge can be made against the Levitas amendment, I think the charge can be made against the Zablocki resolution that it speaks to the prohibiting of qualitative improvements—modernization—but does not speak directly to quantitative improvements. So if one falls because of

one problem, then the other falls down because of the other problem.

Most importantly, I am not sure that the debate as it has proceeded has focused on the issue of stability. If a target becomes more attractive, then we have a less stable world. A target such as a Trident submarine with 18 Trident missiles with perhaps 10 individually targeted warheads becomes a more attractive target if we start building down and do not permit modernization, do not permit the construction of the Midgetman, and do not permit the construction of missiles that have one warhead.

The beauty of the Levitas amendment is the fact that it addresses the issue of stability. It protects against the situation where we freeze now, eliminate single warhead vehicles, thus increasing the attractiveness of a target such as a Trident submarine with approximately 180 warheads. That would create instability; the Levitas amendment speaks to that very crucial problem.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I think that the build-down proposal is thoughtful, and it is a legitimate proposal, but after listening to the debate it strikes me that this is a specific arms control proposal which is attempted to be added to a general and very symbolic statement which states that we ought to proceed to the arms table to negotiate.

So, therefore, I would urge a no vote on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) not because it is not thoughtful, but because we in the Congress should not be the architects of specific arms control agreements. That is why I reject those who place more meaning on the nuclear freeze resolution itself than it really has. This is a very general symbolic resolution intended to indicate the sense of the Congress that we want to get to the arms control table and we want to try to reach agreement on reducing nuclear weapons, but it should not be cluttered with specific arms control proposals, either build-down proposals or those from folks who want to push us toward disarming on a unilateral basis which very few of us would really support.

So again, Mr. Chairman, the nuclear freeze proposal is general and intentional nonspecific; it is a symbolic resolution, and it should not be cluttered with well-intended but irrelevant specific arms control proposals. Once the freeze is passed, then the President should have the impetus and flexibility to proceed forcefully at the negotiating table.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I come to this debate as one who supported the freeze resolution last year.

But I did so only after my amendment was adopted by the House to clarify that the freeze was not an end in and of itself but only a logical first step toward our overall objective of reducing nuclear arms.

It is interesting to me, Mr. Chairman, that this resolution, this year, contains no such language and in fact describes the freeze as the "overriding objective." Last year, the freeze proponents were all too happy to have my support and to say the freeze is only a stepping stone to reductions. This year the freeze is the overriding objective and they oppose my same language which I will offer as an amendment to the resolution again this year.

Perhaps, Mr. Chairman, you will clarify why you have changed directions and why a freeze has become not a means to a greater goal but an end in and of itself. In any case, I cannot support the resolution in its present form.

But neither do I believe that simply building more and more nuclear arms will necessarily lead us to a verifiable agreement with the Soviets to reduce them. Thus, neither the Zablocki resolution as now constituted, which says a freeze is the overriding goal, nor the Broomfield substitute—which accepts continuing buildups by both sides until somehow one runs out of resources and sues for reductions to an equal level that the leader would obviously not then accept—represent what I consider to be the best means to reach our goal of nuclear arms reductions.

But recently there came to my attention a concept so compelling in its capacity to achieve reductions while understanding the tremendous pressures on each country to modernize that I immediately seized on it as the best means I have heard to achieve this goal.

My colleague from Georgia has presented it fully, and skillfully, and persuasively today and I can add little to what he has said. Two old nuclear warheads for one new one—the basic premise of the guaranteed builddown concept—would mean that each side, within the deployment of three new generations of nuclear warheads will have reduced the number of warheads by 90 percent; one new generation would moderate nuclear warheads by 50 percent; the second would result in a 75-percent reduction. The tremendous implications for either actual reductions in nuclear capability or a—and I hate to use the word here—"freeze" on technological advances is immediately apparent. Moreover, it would be very difficult for the Soviets credibly to refuse such a concept once proposed.

I believe it should be proposed. Now. Immediately. Reasonable minds can differ as to whether a freeze is in our Nation's best security interests. I believe a limited freeze, one limited in time to say 18 months to offset the great momentum that currently exists on the side of the Soviets in strategic weaponry is in our best security interests. Unfortunately, the Zablocki resolution calls for an unlimited freeze and states that the freeze—not nuclear arms reductions—is our overriding objective.

But, Mr. Chairman, reasonable minds cannot differ that the guaranteed builddown is in our Nation's best security interests—and indeed in the Soviets and all the world's—if it can be absolutely verified.

This concept is new, of course, only introduced in the Senate 8 or 9 weeks ago by Senator COHEN and Senator NUNN, and I commend these gentlemen from the other body as well as my colleague from Georgia in bringing this innovative proposal before the House for discussion.

The process of working toward stepping away from nuclear arms confrontations and the horrible danger of nuclear war can never be allowed to be politicized. The subject matter is far too important, the dangers to mankind far too real.

Mr. Chairman, the guaranteed build-down, which I am proud to cosponsor, represents a middle ground and one with great promise to achieve the goal of nuclear arms reductions.

The nuclear freeze resolution will not be adopted by the Senate, but the guaranteed builddown could be. The nuclear freeze resolution will not be signed by the President. But he might sign and work for a guaranteed build-down.

Mr. Chairman, what we must find is a practical, workable way to stop the ever-escalating buildup of weapons of terrible destruction. I believe the guaranteed builddown has this potential.

I urge the Members of this body to study this proposal carefully, consider all of its implications and all of its potential in addressing the goal we seek—making the freedoms we enjoy as Americans secure in a hostile world and the world itself as secure as possible from its destruction in a nuclear holocaust.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Chairman, we have been debating here for quite some time the relative merits and demerits of the nuclear freeze resolution. I want to commend my colleagues for having raised so many compelling and incisive arguments against the nuclear freeze, and I know that there will be many more such arguments raised as the debate continues.

Before I take this opportunity to try and tie many of the fine antifreeze arguments together, I would like to expand upon the recurring theme of the freeze proponents in the House—that the American people all want a freeze, so by George, they should have one. If we examine some additional recurring themes in national polling, the freeze picture is not quite so rosy. While 60 to 70 percent of Americans say they want a verifiable, bilateral nuclear freeze, an equal number say that they would not support any freeze which was unilateral or which left the United States in a position of military inferiority. As my colleague from North Carolina (Mr. MARTIN) showed at the beginning of the debate, this freeze is intended to be unilateral by many of its proponents who are already on record in opposition to our country going forward with funding for the upgrading of our strategic programs. Finally, almost 80 percent of respondents in most polls say they expect the Soviet Union to cheat on any freeze agreement. Thus, there is a strong current of healthy suspicion which flows beneath and erodes away the superficial public support for the freeze movement.

Certainly the most compelling argument against a freeze now is that it would lock the United States into a position of nuclear inferiority. Here are the facts: The Soviet Union currently has more ICBM's, more ICBM warheads, more submarine launch ballistic missiles (SLBM's), more SLBM-firing submarines, more intermediate-range missiles, more intermediate-range warheads, more nuclear-capable bombers, and greater missile throw-weight than the United States

In addition, the vast majority of Soviet systems are newer than U.S. systems; 75 percent of them are less than 5 years old while at least 75 percent of ours are over 15 years old. What's more, you could expect that the Soviet Union would take advantage of any freeze negotiating period to build even more ferverishly than they have been for the last 10 years, in order to have an even more intimidating array of modern systems deployed when the freeze became effective. Contrary to the prediction of the gentleman from Massachusetts, the negotiation of a freeze could take 3 years, rather than 3 months. That is ample time for a major surge by the Soviet industrial base.

Then there is the issue of verification. It simply cannot be done under a total nuclear freeze without elaborate on-the-ground inspection. There are no satellites or sensors which can see inside warehouses or windowless design bureaus. Certainly, some systems can be monitored effectively, but even these require onsite inspection which the Soviets have never permitted in the history of arms control negotiations. I have heard it said that a little cheating by the Soviets would not matter, but I can assure you that many Members of Congress and the American people feel otherwise. We want and need airtight arms control agreements, and the freeze would not be of this variety.

A point that Mr. CARNEY and Mr. KASICH made in our earlier debate deserves reemphasis. They noted that the Soviets had declared a freeze on SS-20 deployments in Europe last year yet in the course of a few months, about 40 additional missiles were deployed. I should add that President Carter revealed last year in a New York Times interview that the Soviet Union had rejected a freeze proposal he made in 1979. Why are they suddenly so receptive to the idea? Clearly, it is because they have achieved and solidified their margin of nuclear superiority in a variety of areas; 1979 was just a bit too early for the Soviets despite more than a decade of their developing and deploying an extraordinary array of nuclear strategic weapons. But 1983 is clearly just right from the Soviet viewpoint.

Voltaire posited the fanciful existence of the "best of all possible worlds," where reality is suspended. Assuming that, in such a world, a nuclear freeze could be achieved, how do the freeze proponents believe money now being spent by the Soviets for nuclear weapons would then be spent? An educated guess is that the Soviet Union would work even harder on their defenses against our already deficient capability in strategic weapons. In the bomber defense area, they already have 12,000 missiles, 5,000 search radars, and 2,000 interceptors, some of which may have capabilities against cruise missiles, and all of which would make mincemeat of our ancient B-52 force. More Soviet money would go to this area. Incidentally, there are no antiaircraft missiles in the United States. We still use some Korean war vintage interceptors and radar. In the area of ballistic missile defense, the Soviets have the only operating antimissile system in the world. They are pouring money into this area, and they can be expected to increase their efforts under a freeze regime at least to the outermost limits of the 1972 ABM Treaty. Finally, in the area of antisubmarine warfare (ASW) the Soviets have an ongoing program which would certainly be augmented to threaten the U.S. submarine force. Our ASW capabilities are very good, but Soviet quieting and detection technology is getting better. This is what the freeze would give us.

I know that Mr. KAZEN and others raised the issue of "dual capable" weapons systems under a nuclear freeze, and the freeze supporters did not have an answer. They had several answers—none consistently with the other. The point bears repeating until a satisfactory answer is provided. There are many weapons systems on both sides which have the capability to deliver both conventional and nuclear missiles. Many of these systems have no functionally related observable differences (FROD's) which might distinguish between the missions. How would such systems be treated under a nuclear freeze? The question cuts the heart from the freeze argument.

There is yet another point to consider in this area. It is not a technical point involving the subtleties and complexities of our national strategic policies and capabilities but it is a point that needs to be made. It has an enormous impact on the merit of the proposed nuclear freeze resolution. The resolution purports to mandate an inflexible American position into our strategic arms reduction talks with the Soviet Union. This is fraught with grave concern as to its constitutionality. As much as I respect this body and would defend all its proper constitutional prerogatives, I do question both the wisdom and propriety of this 435-Member body purporting to control the very basis of negotiations on which treaties with foreign governments are negotiated.

Aside from the constitutional reservation I have posed there is a further flaw to the proposed freeze resolution. To the extent it is given effect as controlling our negotiating position and dictating our acceptance of a freeze, what should it mean to our negotiators. It was admitted on the floor of the House in the earlier debate that some proponents of the resolution supported it for reasons much different from those of other proponents. If proponents have not and cannot agree on what the words of the resolution mean, how, pray tell me, can our President and his negotiating team know how to proceed on what they are presumably bound to propose and bound to accept.

I will wind up my statement with a point that has not yet been made but which is very important. There are important essential differences between the U.S. and Soviet systems of government. In the United States, the President and the executive branch agencies actually control the nuclear weapons, and the Congress and the judiciary provide counterweights against any abuses of nuclear policy. In addition, the fourth estate, the news media, can be counted on to monitor nuclear policy very closely. The point is that our system of checks and balances would insure that the U.S. complied with any negotiated nuclear freeze agreement. The Soviet Union, by contrast, is a totalitarian country, with power vested in the Party Secretary, Yuriy Andropov, and a rubber-

stamp Politburo. There is no independent news media, and all internal dissenters, including nuclear freeze groups, are silenced, one way or another. We would have no assurances that there would be an internal verification, monitoring, or checks and balances. We would have to rely on trust, by and large, and the record of the Soviet Government does not inspire confidence. It warrants at the least a healthy skepticism. I would be interested in hearing the nuclear freeze proponents respond to this point.

Let me commend Mr. BROOMFIELD and the many other Members, both sides of the aisle, for the opposition they have focused on this flawed resolution. They have done a fine job, and I want to associate myself with their efforts. America will appreciate what we are trying to do and will be well served by defeat of this resolution. While it is well intended, its potential for mischief is large.

The CHAIRMAN. The Chair recognizes the gentleman for Georgia (Mr. THOMAS).

Mr. THOMAS of Georgia. Mr. Chairman, I rise in support of the amendment to reduce the threat of nuclear war through a mutual, guaranteed builddown of nuclear weapons. I am an original cosponsor of this provision with Mr. LEVITAS and Mr. PORTER, and I urge my colleagues, and particularly my freshman colleagues, to give this amendment their most serious consideration.

This is the first time I have addressed this distinguished body, and so I do not pretend to be an expert on House debates. But I do think we ought to acknowledge that this is not a debate in the normal sense of the word.

No one debates the fact that nuclear war is madness. No one debates the fact that the nuclear arms race is a race run on a dead-end road to Armageddon. No one debates the fact that the people of this Nation have had enough of empty talk about nuclear arms control. They want action.

The real debate is which resolution would actually reduce the threat of nuclear war if that resolution is implemented through negotations with the Soviet Union. And the real debate is which resolution has a practical chance of being accepted by the Soviets.

I believe the guaranteed build-down concept is the answer. There are many reasons why that is the case, but I will mention only two.

First, it would reduce the actual number of nuclear weapons by requiring that two weapons be eliminated for every new one deployed. Second, it would mean that those weapons remaining in our inventory would be less likely to be of a type that would compel the United States or the Soviets to launch an accidental nuclear war.

I join with my distinguished Senate colleague, Senator SAM NUNN, in believing that the greatest threat of nuclear war today is not through a premeditated attack by the Soviets—the so-called bolt from the blue attack.

The real danger is that some terrible technical error—a faulty circuit or a misunderstood satellite signal—would lead a world leader to wrongly believe that an attack was being launched against his nation.

The older nuclear weapons in our inventory and in the Soviet inventory are more vulnerable, and so they leave a national leader with only a very few precious moments to consider an attack report before issuing an order to retaliate.

More modern weapons, on the other hand, allow that leader the extra time needed to recheck and verify his information and learn whether his attack warning is really a false alarm.

His weapons would be more survivable under attack, and that factor alone would reduce the chance of an attack being launched in the first place.

In addition, more modern weapons are less vulnerable to terrorist attack. So modernization does not mean escalation.

If we endorse a freeze resolution that locks us into retaining the same weapons systems we have today, we will be guaranteeing a nuclear imbalance of the future. Our most effective nuclear shield is our Poseidon submarine fleet, but those submarine hulls are aging, and they must be replaced with Tridents. Without that modernization, we will be pulling down our own shield of deterrence in the face of continuing Soviet aggression.

Mr. Chairman, this is our chance to send a loud and clear message on arms control that will rattle the chandeliers in the negotiating room in Geneva. Let us send a message that is responsible, practical, and one that leaves the Soviets with some genuine incentive to negotiate.

I would compare the nuclear arms race today with a man playing Russian roulette with a six-shot revolver. The advocates who would freeze the arms race in the status quo are inviting us to keep playing the game—to keep pulling the trigger. The advocates who would escalate the arms race are trying to put more bullets in the cylinder. With the resolution I advocate, I am saying it is time to start unloading the gun.

Thank you.

(By unanimous consent, Mr. YOUNG of Florida yielded his time to Mr. HYDE.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman I would like to take this opportunity to summarize what the build-down would do and what the freeze would do.

I think again we have to go back to numbers. As has been stated before, that is what the American people understand best. If we were to simply take our ICBM forces that we have today and replace them under the build-down concept with the new MX missile, we would have a negative effect on the number of launches, the number of warheads, and the amount of yield that could be used for the destruction of targets. They would be numbers where we would have 100 launches, 1,000 warheads, and only 340 megatons of yield, where presently we would have to swap 1,000 launches, 2,000 warheads, and, most significantly, 1,421.25 megatons of yield.

What does that do? it requires us, I believe, to abandon the MIRV'ing concept which is so important.

First, we would be compelled to abandon the MIRV'ing concept, the freeze does not make us move in that direction.

Second, we would be developing a survivable system. We would be forced to develop a survivable system, which would make unpromising targets to the Soviet Union and thus add to our deterrence.

Third, the survivable system would enhance our ability to remove from the Soviet Union not only the capability of first strike but also the wish for first strike.

□ 1430

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I had hoped that the gentleman from Georgia would put this on as an amendment to the proposition, rather than make it a substitute.

I would hope that the chairman of the committee after reviewing it carefully, will accept it. I know I would be strongly in support of it if the gentleman can work it out as an amendment to the proposition,

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. PRITCHARD. I am happy to yield.

Mr. ZABLOCKI. It is the understanding of the gentleman from Wisconsin that we are going to have a vote on the substitute.

Mr. PRITCHARD. I realize that, but it is my impression that if this fails, that the gentleman being as adroit as he is, would bring it back.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. PRITCHARD. Of course.

Mr. ZABLOCKI. I hope the gentleman's impression will be a reality.

(By unanimous consent, Mr. BETHUNE yielded his time to Mr. HYDE.)

The CHAIRMAN, The Chairman recognizes the gentleman from Indiana (Mr. BURTON).

Mr. BURTON. Mr. Chairman, I think the issue ought to be defined very succinctly and that is, are we for a reduction in nuclear weapons or a freeze? That is the question.

A vote for this substitute is a step in the right direction. Everybody wants a reduction. We have been talking about it for weeks. Here is the opportunity to vote for it.

(By unanimous consent, Mr. PANETTA yielded his time to Mr. WRIGHT).

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, everyone in the House today ought to support this amendment, because essentially it does two things:

First, it reduces the overall megatonnage of nuclear weapons in the United States and in the Soviet Union.

Second, it also permits an actual reduction in the number of weapons in addition to the argument regarding megatonnage.

There is one additional point and that is the point that the gentleman from New York (Mr. STRATTON) so eloquently brought out in debate the last time this was on the floor, and that is, with 75 percent of the Soviet nuclear force capability being less than 5 years of age, and with 75 percent of the U.S. nuclear force capability being older than 15 years of age, there is no incentive for the Soviet Union to enter into negotiations, but rather to stall and let our forces age.

As the gentleman from Oregon (Mr. AUCOIN) said earlier, if we let these forces age, then we reduce the level of instability in the world. The only problem is that the Soviet's forces are so much more modern than ours and as time elapses, our forces become outdated, yet the Soviet Union's forces still remain effective.

As the gentleman from Georgia (Mr. LEVITAS) stated earlier, if this should occur, it creates greater instability in the world, rather than less.

So what this amendment will let us do, is to reduce the amount of megatonnage, reduce the number of weapons, and finally give us the ability to modernize, to create greater stability, rather than instability in the world in terms of the arms debate.

I urge my colleagues on both sides of the aisle to support the Levitas amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MARTIN).

Mr. MARTIN of New York. Mr. Chairman, I rise in support of this measure, this advisory measure, as a substitute for the advisory resolution, because I feel the object of this exercise ultimately ought to insure that not only do we have the reduction, but elimination of these terrible weapons from the face of the Earth.

A Member on the floor said that everyone in favor of this freeze movement is certainly in favor of reductions as well. I would certainly hope so, but I cannot understand for the life of me, if that be the case, why in the last debate on our advisory resolution that it was turned down when the gentleman from Michigan (Mr. SILJANDER) attempted to insert the words "and/or reductions" as well. If perhaps we are, indeed, hearing an exercise of sloganeering, perhaps a "freeze and/or reduction slogan," we could come up with something nearly as catchy; but I cannot understand what the people have to be afraid of to insert the word "reduction" when that should be the object of this exercise.

(By unanimous consent, Mr. MARTIN of New York yielded his time to Mr. HYDE.)

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, I rise to oppose the Levitas substitute. It makes a number of inaccurate assumptions. One is that all we need to stop is the quantitative arms race. I think the debate has clearly brought out that we need to stop the qualitative arms race, too.

In fact, new weapons are not necessarily more stabilizing than old weapons. If new weapons are highly accurate and carry great payloads and are first strike weapons, then they are destabilizing, not stabilizing. That is what the opponents of the freeze and the supporters of the Levita amendment fail to recognize.

The truth of the matter is if we were to support and pass the Levitas amendment, the Soviets would be free on a 2-for-1 shift shell game kind of basis to increase their first strike accuracy without limits, if they moved the numbers and did the sleight of hand cleverely enough.

I hope that the opponents of the freeze will take that into account when they argue against the freeze.

Beyond that, the builddown program allows the entire $225 billion strategic funding program of the administration to go forward. No less an authority than the chairman of the Senate Foreign Affairs Committee has brought that out.

We do not believe that we ought to be spending $225 billion if our negotiators can negotiate a freeze on both sides, so that this madness which costs so much and brings in a first-strike capability can be stopped. We want to stop it and the freeze does it. The Levitas amendment does not.

(By unanimous consent, Mr. FASCELL yielded his time to Mr. WRIGHT.)

Mr. McCLOSKEY. Mr. Chairman, I rise today to speak against the Levitas amendment. The issue today is the freeze and solely the freeze.

(By unanimous consent, Mr. McCLOSKEY yielded his time to Mr. WRIGHT.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Chairman, I must confess that I am terribly confused now having heard the gentleman from Oregon address this issue. It appears to me what he has just said is directly contradictory to what the chairman of the committee told us was the understanding on that side of the aisle with respect to those who are the prime movers in the freeze issue, and that is, the gentleman told us that we can do whatever we want to do until such time as we actually strike the treaty and the treaty is ratified.

The gentleman from Oregon has said that if we go along with the Levitas amendment, we will then be allowed to go forward with the administration's proposals with respect to our weapons systems, whereas in contrast suggesting that this is not the case with the freeze proposal.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will yield in just a second. I only have a few seconds, as the gentleman knows.

On the one hand, there is the argument that we do not have to worry about passing the freeze because we can still do whatever we can until such time as is negotiated a treaty, whatever the terms of the treaty are.

On the other hand, we are told that we ought to support the freeze as opposed to a build-down or anything else, because the freeze is the only concept which really gives us a hold on the number of weapons we have now by freezing them at present levels. So the gentleman is very confusing.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I would be happy to yield to the gentleman to try to clarify the point.

Mr. AUCOIN. I appreciate the gentleman yielding.

I do not think there is a Member in the House who wants to leave in place the necessity to spend $225 billion of borrowed money to build up for an arms race that we may not need. The freeze may interdict that need.

The gentleman is correct. Before the treaty is ratified, we can build anything we want to. After it is ratified, both sides would be frozen. I do not see anything confusing about that.

Mr. LUNGREN. I will reclaim my time merely to say that we ought to have one argument, not two contrary arguments, that go back and forth de-

pending on what the amendment is to the bill before us. One is that we ought to look at a freeze and say that it is going to freeze in present levels.

□ 1440

Then that argument is lost when we go and say not to worry about that because we are free to do whatever we want to do until the negotiation takes place.

You can have one or the other, not both.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. CLARKE).

Mr. CLARKE. Mr. Chairman, I rise in opposition to the Levitas substitute.

(By unanimous consent, Mr. CLARKE yielded his time to Mr. WRIGHT.)

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. RITTER).

(By unanimous consent, Mr. RITTER yielded his time to Mr. HYDE.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the Chairman.

The Levitas amendment is just a public relations cover for the arms buildup the administration wants. It is nothing more than START's version of shell game reductions.

What you would be getting with this proposal is unlimited modernization at the cost of replacing one warhead for two. This would allow the weapons program to continue full steam. It would allow for deployment of destabilizing first-strike weapons by the Soviet Union as long as two warheads are eliminated for one.

That way both we and the Soviets can throw away obsolete warheads and replace them with more deadly, more powerful, and more accurate modern weapons. And with the freedom to mix, for example, we could deploy an MX warhead and throw away two old bomber warheads, and the Soviets can do the very same thing.

To put it in perspective, this 2-for-1 proposal can be likened to throwing away two crossbows for one artillery piece. Sure, the number of weapons would be less but the ones left would be much more deadly.

This proposal runs totally contrary to the freeze and reductions called for in House Joint Resolution 13. It would not constrain anything. It is only an attempt to soft sell an arms buildup.

I can only cite from the backup material the gentleman from Georgia has presented on his amendment the statement by Senator PERCY that the gentleman from Georgia (Mr. LEVITAS) entered into the RECORD on March 11 which spells out the intent of this proposal clearly.

Senator PERCY states that the build-down would permit the United States to proceed with "strategic and theater force modernization," exactly what Ronald Reagan wants to do.

(By unanimous consent, Mr. SILJANDER yielded his time to Mr. HYDE.)

(By unanimous consent, Mr. BROOMFIELD yielded his time to Mr. GINGRICH.)

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, the previous speech brought us down to the real question. Do we want a political symbol or do we want real progress toward a safer world?

For a year, a passionate movement of American citizens at the grassroots has urged that we stop nuclear war and avoid the disaster of nuclear holocaust. Now a clear, specific, realistic proposal has been developed by the gentleman from Georgia (Mr. LEVITAS) to build down the nuclear forces that threaten all mankind.

The build-down will lower the number of hydrogen warheads which threaten our cities, our families, our children. The build-down will give the Soviets an incentive to decrease the number of warheads they have.

The build-down will lower the threshold of threat and fear.

The build-down will move us a step back from the dangers of a first strike. After all, as we build down to fewer and fewer missiles, they produce less and less threat.

So we come down to this question: Will you vote for the build-down amendment and lessen the danger of a first strike, or will you vote against the build-down and increase the danger of a first strike? Will you vote for the build-down and move mankind back from the brink of civilian annihilation, or will you vote against the build-down and encourage the Soviets to keep their current numbers of ICBM's and other hydrogen bomb delivery systems?

If you vote yes, you are voting for fewer missiles, fewer hydrogen bombs, less potential civilian deaths. If you vote no, you are voting for more missiles, more hydrogen bombs, more potential civilian deaths.

So the choice is simple. If you vote no, you are voting to preserve the symbol, to protect a slogan, to avoid complexities.

If you vote yes, you are voting for real progress toward a more stable world of fewer missiles, fewer hydrogen bombs, and fewer potential civilian deaths.

The CHAIRMAN. For what purpose does the gentleman from Georgia (Mr. LEVITAS) rise?

Mr. LEVITAS. Mr. Chairman, I have a perfecting amendment at the desk to section 2 of House Joint Resolution 13.

The CHAIRMAN. The Chair will advise that perfecting amendments to the underlying text are in order at this time while the Levitas amendment in the nature of a substitute is pending. But the Chair will also point out that if any Member is recognized to offer a perfecting amendment at this time, debate will not be limited on the perfecting amendment and the vote will first come on the perfecting amendment and on any potential amendments thereto before the question is put on the Levitas substitute.

PARLIAMENTARY INQUIRIES

Mr. HYDE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HYDE. Mr. Chairman, would a unanimous-consent request be in order that the gentleman from Georgia (Mr. LEVITAS) move his perfecting amendment and a unanimous-consent request that the same limitation on debate that prevailed before his motion obtain following it? Could that be done by unanimous consent?

The CHAIRMAN. The Chair is unclear as to the nature of the gentleman's inquiry.

Mr. HYDE. I think what the chairman has said is that if the gentleman from Georgia's motion is granted or his request is granted, the limitation that has been set on debate would no longer prevail; is that correct?

The CHAIRMAN. The Chair will advise the gentleman that the limitation of debate applies only to debate on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. LEVITAS) which is now pending.

Mr. HYDE. I am asking the Chair if he made another motion asking unanimous consent that the same limitation on debate that has previously been entered apply, would that be in order?

The CHAIRMAN. The gentleman could ask unanimous consent for a limitation on the perfecting amendment.

Mr. HYDE. My point is, so we do not prolong this debate, that the gentleman accomplish what he wishes to accomplish, and I would ask him to make such a request.

Mr. ZABLOCKI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ZABLOCKI. Is this discussion coming out of the limitation on time?

The CHAIRMAN. The answer to the gentleman's question is yes.

Mr. ZABLOCKI. Then I would object to any unanimous-consent request.

Mr. LEVITAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEVITAS. Mr. Chairman, I have been recognized, as I understand it, for the purposes of offering my perfecting amendment?

The CHAIRMAN. The gentleman has not been recognized as yet. The Chair asked the gentleman for what purpose he rose.

PERFECTING AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. LEVITAS. Page 5, line 19, immediately after "SEC. 2." insert "(a)"; and immediately after line 23, add the following new subsection to section 2:

(b)(1) The Congress—

(A) recognizes that arms control negotiations will require conscientious effort over a reasonable period;

(B) believes that interim restraints are needed to prevent the possible expansion of nuclear forces during such negotiations; and

(C) concludes that such modernization as may take place in the strategic forces of the United States and the Union of Soviet Socialist Republics should be regulated in the interest of more far-reaching arms control measures.

(2) The Congress declares that—

(A) strategic stability is essential to the security and well-being of the United States and of the Union of Soviet Socialist Republics;

(B) force survivability is indispensable to stability at the strategic nuclear level;

(C) strategic stability requires the periodic replacement of vulnerable strategic nuclear weapons with more survivable weapon systems;

(D) both the Government of the United States and the Government of the Union of Soviet Socialist Republics have pledged themselves to seek major reductions in strategic nuclear forces;

(E) the goal of strategic stability thus requires a balanced blend of force modernization and force reduction by both the Government of the United States and the Government of the Union of Soviet Socialist Republics;

(F) that goal could be served by a mutual guaranteed build-down of nuclear forces, under which the Government of the United States and the Government of the Union of Soviet Socialist Republics would each eliminate from its operational forces two nuclear warheads for each newly deployed nuclear warhead;

(G) the principle of a guaranteed build-down is compatible with other proposals to reduce nuclear forces already advanced by the Government of the United States and the Government of the Union of Soviet Socialist Republics; and

(H) the principle of a guaranteed build-down could be inaugurated immediately and remain in effect as a step toward achievement of such equal and lower levels of forces as may be agreed to by the two Governments.

(3) It is, therefore, the sense of Congress that the President should propose to the Government of the Union of Soviet Socialist Republics, in the context of the relevant negotiations, immediate adherence by the Government of the United States and the Government of the Union of Soviet Socialist Republics to the principle of a guaranteed strategic build-down of nuclear forces, subject to agreed procedures of verification and compliance.

Mr. LEVITAS (during the reading). Mr. Chairman. I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PARLIAMENTARY INQUIRIES

The CHAIRMAN. Does the gentleman from Georgia (Mr. LEVITAS) wish to be recognized for debate on this perfecting amendment?

Mr. LEVITAS. Mr. Chairman, I will seek recognition for debate on the amendment if I may ask a parliamentary inquiry before I do.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. LEVITAS. My parliamentary inquiry is this: The perfecting amendment which I have just offered is now available for debate under the 5-minute rule without any time constraints?

The CHAIRMAN. The gentleman is correct.

Mr. LEVITAS. The time limitation that was originally agreed to for termination of debate on the pending substitute to end at 3 o'clock, that was the focus of the time limitation.

The CHAIRMAN. The gentleman is correct.

Mr. LEVITAS. My parliamentary inquiry is this: Would it be in order to request unanimous consent to preserve the time of those Members who had time allocated to them under the original limitation so that their time would be preserved at the conclusion of the disposition of the pending amendment?

□ 1450

The CHAIRMAN. The gentleman or any other Member could request unanimous consent for that purpose.

Mr. LEVITAS. A further parliamentary inquiry: Would it be in order after this amendment is explained to seek a time limitation on debate of the pending amendment?

The CHAIRMAN. That would be in order.

Mr. LEVITAS. Well, under the circumstances, Mr. Chairman, I will make a unanimous-consent request that after the question is put on the pending amendment, that the time remaining under the original time limitation on the substitute will be made available to the Members who have such time allocated to them.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I reserve the right to object only because we did not have a total reading of the amendment.

Mr. LEVITAS. If the gentleman will yield, I am going to explain the amendment.

Mr. YOUNG of Florida. I understand that. But we will have lost our opportunity to object to your unanimous-consent request prior to the time we learn what your amendment is about. If I might ask and I would yield to the gentleman for a response: Whether this amendment is in lieu of his substitute or whether it is a perfecting amendment in addition to his substitute or just where we are parliamentarily. I yield to the gentleman.

Mr. LEVITAS. The amendment that I have offered and is now pending is an amendment to section 2 of House Joint Resolution 13. It is a perfecting amendment providing for a mutual guaranteed build-down under the terms of section 2 which provides for ongoing and complementary arms control discussions. It is not in lieu of the pending substitute; there will be an opportunity to vote on both the amendment which has now been offered as well as the substitute.

Mr. YOUNG of Florida. But further reserving the right to object, is the gentleman anticipating or assuming that his 2-for-1 formula would apply under his perfecting amendment as well as it does under your substitute?

Mr. LEVITAS. Yes. If the gentleman will yield.

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. LEVITAS. A copy of that perfecting amendment is before the ranking Member and is available for discussion. But the answer is "Yes."

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. I make a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Florida. Those of us who had time under the original reservation no longer have that time, and would be precluded by this unanimous-consent request from debating the perfecting amendment, which is an entirely different issue than the substitute was.

The CHAIRMAN. The Chair will advise the gentleman that that is not correct. That debate under the perfecting amendment would be governed by the 5-minute rule and is not affected by the original limitation of time.

Mr. YOUNG of Florida. With that assurance of the Chair, I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. STRATTON. Mr. Chairman, reserving the right to object, would the gentleman from Georgia advise this Member whether the so-called perfecting amendment is in fact the wording of the substitute? I yield to the gentleman.

Mr. LEVITAS. The operative part is the same as the wording of the substitute; the recitals or findings are addi-

tional verbiage which were part of the original build-down but under the procedures available had to be offered in two separate portions; under this procedure they can all be offered at one time.

Mr. STRATTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair would ask the gentleman from Georgia whether it is his intent under the unanimous-consent request that the time allocated to those who have not yet been recognized under the limitation of time be the time originally allocated to them by other Members or a pro rata reduction of the time that is now remaining before 3 o'clock, the time originally set?

Mr. LEVITAS. It is the intention of my unanimous-consent request that the time that was not consumed in terms of the minutes available that were originally allocated would be made available after the question is put on the pending amendment.

The CHAIRMAN. The Chair will advise: Under the unanimous-consent request as stated by the gentleman from Georgia, that Mr. HYDE would then be recognized at the appropriate time for 12 minutes and 45 seconds; Mr. WRIGHT, the gentleman from Texas, would be recognized for 8 minutes and 30 seconds; the gentleman from Georgia, Mr. LEVITAS, would be recognized for 1 minute 45 seconds; and the gentleman from Wisconsin, Mr. ZABLOCKI, would be recognized for 1 minute 45 seconds.

Is there objection to the request of the gentleman from Georgia?

Mr. FOWLER. Mr. Chairman, reserving the right to object, may I ask my colleague from Georgia whether or not it is his intention to seek a unanimous-consent limitation on any and all debate on the perfecting amendment that he has just proposed?

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. I yield to the gentleman from Georgia.

Mr. LEVITAS. It would be my intention to provide for a reasonable and brief period of debate by a time limitation. Since the substance of the matter has been debated for about 2 hours now, I think it requires explanation of the procedural implications of the amendment and why it is now being offered but I would, after I have explained the amendment, be happy to propose a reasonable time limitation which would be acceptable to the chairman and the ranking member.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. I yield to the chairman of the committee.

Mr. ZABLOCKI. Mr. Chairman, I would hope that since the substitute and the so-called perfecting amendment to House Joint Resolution 13 are practically identical, certainly in substance, that we could limit the time to 15 minutes after the gentleman from Georgia's 5-minute allocated time for explaining his amendment.

Mr. Chairman, I ask unanimous consent that——

The CHAIRMAN. The Chair will advise the gentleman that there is now pending a unanimous-consent request by the gentleman from Georgia to permit the Members who have not spoken under the limitation of time their allocated time as originally allocated on the amendment in the nature of a substitute.

Mr. FOWLER. Mr. Chairman, I withdraw my reservation of objection to the request of the gentleman from Georgia (Mr. LEVITAS). And in support of the motion, the unanimous-consent request made by the chairman of the committee——

Mr. DICKS. Mr. Chairman, reserving the right to object, may I make a point of inquiry to the Chair?

The gentleman from Washington was not on the floor and was not able to speak originally. Is the unanimous-consent request going to prohibit those people who did not speak from having an opportunity to speak on this amendment?

The CHAIRMAN. The unanimous-consent request made by the gentleman from Georgia is that those Members who have not had an opportunity to speak under the limitation of time agreement would be given that opportunity as originally provided.

Mr. DICKS. Those who had the 1 minute 45 seconds, but the rest of us——

The CHAIRMAN. The Chair will finish stating: Subsequent to a vote on the amendment which is now pending, offered by the gentleman from Georgia, as a perfecting amendment to the underlying text of the resolution and other possible perfecting amendments, on which there is no time limit.

Mr. DICKS. Very well. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. YOUNG of Florida. Reserving the right to object, Mr. Chairman, I do so only to make sure now we know which unanimous-consent request we are acting upon at this time. We have two that have been floating around.

The CHAIRMAN. There is only one unanimous-consent request pending; that is a request by the gentleman from Georgia that the Members who have not had the opportunity to speak under the limitation of time agreement be given that opportunity on the amendment in the nature of a substitute after the vote, after disposition of the pending amendment which is a perfecting amendment to the underlying text.

Mr. YOUNG of Florida. And further reserving the right to object, I make inquiry of the Chair: The time would not be limited by this unanimous-consent request on the perfecting amendment?

The CHAIRMAN. The gentleman is correct.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. ANNUNZIO. Reserving the right to object, Mr. Chairman, and I shall not object, how much time are we talking about?

The CHAIRMAN. If the unanimous-consent request is adopted, the gentleman from Illinois, Mr. HYDE, will be recognized for 12 minutes 45 seconds; the gentleman from Texas, Mr. WRIGHT, would be recognized for 8 minutes 30 seconds; Mr. LEVITAS of Georgia 1 minute 45 seconds, and Mr. ZABLOCKI of Wisconsin for 1 minute 45 seconds.

Mr. ANNUNZIO. And what is the total time?

The CHAIRMAN. About 24 minutes.

Mr. ANNUNZIO. The Chairman can afford to give me 30 seconds. We have been talking this thing to death. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from Georgia yield?

Mr. LEVITAS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I would ask unanimous consent that on the perfecting amendment, after the gentleman from Georgia has 5 minutes to explain the amendment, that the time for further debate on the perfecting amendment be limited to 20 minutes, 10 minutes in control of the gentleman from Michigan and 10 minutes in the control of the chairman of the Committee on Foreign Affairs.

□ 1500

Mr. COURTER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes in support of his perfecting amendment.

Mr. LEVITAS. Mr. Chairman, this amendment was an amendment that was printed in the RECORD last week in order to respond to the concerns of some Members that were expressed today relating to procedures. The gentleman from Florida (Mr. FASCELL) expressed some concern, the gentleman

from New York (Mr. SOLARZ) and the gentleman from North Dakota (Mr. DORGAN), also said that they thought this proposal had some merit to it, indeed, that it would be a very useful and fruitful approach to arms control, but that they were concerned because it would eliminate everything else in the freeze resolution.

The perfecting amendment, Mr. Chairman, which I have offered, directly answers that criticism, because what it does is it addresses itself to a specific provision in the House Joint Resolution 13 language that provides that nothing in this resolution shall preclude the United States from taking advantage of ongoing and complimentary arms control discussions. That is precisely what is encompassed in this amendment. It simply says that as part and parcel of the entire debate and discussions relating to arms control, the guaranteed mutual build down will be part and parcel of it.

Now, it then becomes obvious to me there is no logical reason for anyone opposing this amendment. It provides a guaranteed build-down, a reduction as part of the negotiations that will occur in the context of House Joint Resolution 13. It gives us assurance that we will be dealing with smaller nuclear arsenals and at the same time compliment any other language dealing with freeze negotiations or arms reductions negotiations that is elsewhere contained in the resolution itself.

So I would suggest that every Member now will have an opportunity to do what the gentleman from New York or the gentleman from Washington, or the gentleman from North Dakota suggested might be appropriate. It does not preclude a vote on the freeze resolution. It preserves that. And, at the same time says that a mutual guaranteed build-down concept should be in place as part of the provisions of section 2.

And for that reason, Mr. Chairman, I urge my colleagues on both sides of the aisle to adopt this amendment and put an end to the rancor. Adoption of this amendment will put an end to the divisiveness and let those of us who are all seeking to bring about a safer world, with fewer nuclear weapons, have a common ground. We can say to the American people and to the world we are dealing with arms reductions, we are dealing with the problem of nuclear control and we are doing it in a broader context.

I urge my colleagues to join with me and to join with people such as the 43 cosponsors in the other body, with former Secretary of State Muskie, with former Secretary of State Laird, with former Secretary of State Vance, with former National Security Adviser McGeorge Bundy, with Bill Perry and others who are experts in this field, with people like Senator MOYNIHAN, or Senator BIDEN, or Senator HART, or Senator PERCY, from across the political spectrum, because this is an idea which we can all get behind.

I urge its support.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

I think the gentleman has put before the House a very intriguing proposal which may have some merit to it, but I fear that there may be possible interpretations of the proposal which could be incompatible with the objectives the gentleman presumably seeks.

I gather it is the view of the gentleman from Georgia that it is in our interest to enhance strategic stability; is that not correct?

Mr. LEVITAS. That is absolutely correct and that will occur if we adopt the mutual guaranteed build-down.

Mr. SOLARZ. And I gather further that it is the view of the gentleman from Georgia that the acquisition of a first strike capacity by either of the super powers would be strategically destabilizing, rather than strategically stabilizing.

Mr. LEVITAS. There is no question in my mind that as we do this we achieve a de-MIRV'ing and that will bring about greater stability.

Mr. SOLARZ. But it is the view of the gentleman from Georgia that the acquisition of a first-strike capacity is not strategically stabilizing?

Mr. LEVITAS. The gentleman is certainly correct whatever a first-strike capacity is.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(At the request of Mr. SOLARZ and by unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. If the gentleman will yield further, I gather it is the view of the gentleman or is it the view of the gentleman from Georgia that we have a first strike capacity right now vis-a-vis the Soviet land-based ICBM's?

Mr. LEVITAS. Well, it is going to take more than 2 minutes to answer that question, but the answer is this: If we fired every one of our ICBM's at the Soviet Union and knocked out every one that was targeted, they would still have a substantial retaliatory power and therefore we do not possess in that sense a first-strike capability.

Mr. SOLARZ. The real answer, I would say to my friend from Georgia, is that right now our land-based ICBM's do not have sufficient accuracy to destroy in a single strike all of the Soviet land-based ICBM's——

Mr. LEVITAS. Nor do we have enough.

Mr. SOLARZ. Even if all of our land based ICBM's were fired at them.

The problem with the gentleman's amendment is that by permitting the replacement of our existing land-based ICMB's, even with single warhead land based ICBM's, which conceivably could be improved in terms of their accuracy so that they would have the capacity of striking precisely on target, Soviet land-based ICBM's would make theoretically possible the acquisition of a first strike capacity vis-a-vis the land based ICBM's of the Soviet Union which we do not have at present.

Mr. LEVITAS. If I may reclaim my time, I suggest that the gentleman from New York knows that the way that we have to move is to the single midgetman de-MIRV missile, which is obviously not a first strike, either a first strike weapon or a first-strike target. And that is what, for God's sake, we ought to be doing and not trying to spend our time and effort promoting some slogan. We ought to be spending our time reducing the nuclear threat.

Mr. SOLARZ. If the gentleman will yield further, let me say that I fully agree with the gentleman that we ought to be moving in the direction of replacing MIRV'ed land-based ICBM's with single warhead ICBM's, but I do not think we ought to do it in a way which would permit improvements in the accuracy of those land based ICBM's, because that in turn could facilitate a first strike capacity which would be strategically destabilizing and to the extent that the gentleman's amendment would permit that to happen it would be a destabilizing result.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on the perfecting amendment and all amendments thereto end at 3:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. YOUNG of Florida. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. HYDE. Mr. Chairman, I would like to speak in support of the amendment and to avoid complications I wonder if I might have the 12 minutes now that I have later on, because it is the same subject.

Mr. Chairman, I ask unanimous consent that I may have my 12 minutes now.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) is recognized for 12 minutes and 45 seconds.

□ 1510

Mr. HYDE. Mr. Chairman, I think we have a chance now to do something useful in the field of arms control, not just to make a political statement, but to achieve something, to advance the cause of legitimate, sensible, effective arms control.

Now, this amendment that is being offered by the gentleman from Georgia is known in the other body as the Sam Nunn-Bill Cohen amendment, and it has the support of some very distinguished, serious thinkers about arms control. One of them is the former Senator from Maine and the former Secretary of State, Edmund Muskie. And in a fascinating article in the Washington Post of March 6, of this year, he said:

. . . the build-down idea has great promise as a principle that reconciles the objectives of arms control with the imperatives of military planning. It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working.

. . . Force modernization would mean simultaneously greater force reduction. Thus, the plan would challenge both governments to move promptly toward the real reductions they profess to desire—to put up or shut up.

Now, Senator Muskie, then Secretary Muskie, says:

Especially important are the build-down's implications for the American and Soviet military establishments. They would be both liberated and constrained. They would have broad flexibility to choose which new systems to deploy, but they would have to decide whether modernization was worth the price. Presumably, as forces began to shrink, the military incentives would favor emphasizing the most survivable weapons, thereby promoting strategic stability.

Not only is the build-down concept technically and strategically sound; it also is politically appealing.

Now, this is very important, my colleagues. Secretary Muskie says:

It could go far toward healing the serious breach we have suffered on arms control policy by responding to the fundamental concerns of both those who favor and those who oppose a nuclear freeze.

Remember, there would be no modernization without reduction.

Today, with new technologies in prospect and arms negotiations in peril, a vigorous initiative by Congress could not be more timely. The guaranteed build-down could be the organizing principle on which a strong congressional majority could frame advice to the president in terms on which he might be willing to act. It could be the rallying point for a bipartisan coalition linking Congress and the executive in a renewed effort to blend diplomacy and defense. And forging such a coalition remains the key to effective negotiations with the Soviet Union.

The gentleman from New York, my friend, Mr. DOWNEY, said, "You cannot have both." And I would just like to say that if this amendment is adopted and becomes a part of the freeze resolution, you can have both. You are providing the President and his arms negotiators with an option, either negotiate a freeze or a mutual builddown which permits modernization.

Now, I suggest to the Members—and I accept the statement of the gentleman from Wisconsin as to his intentions—there are those who are very active in this freeze movement, and the last thing they want to do is to give the President any options. As a matter of fact, in one of the great resources for arms control information, Rolling Stone magazine, of October 14, 1982, we have a quote:

The freeze supporters in the next Congress, Markey explains, must go after each of the dangerous new weapons systems Reagan intends to build—the MX missile, the Trident II, the Cruise and others. If a new majority can kill or postpone deployment of these, it would take away Reagan's beloved "bargaining chips". . . .

If that is not unilateralism, I am Sam Rayburn, and I hasten to add that I am not Sam Rayburn.

So you can have both. You can give an option—much as it would offend the gentleman from Massachusetts—to the President to modernize but pay a price of building down—reduction, reduction.

Why are we so enamored with the word freeze? If you want freeze, keep freeze. But provide the option of a nuclear reduction. That is effective. That is not posturing. This is not a mere political statement, which is really what the freeze is all about. This is effective arms control.

Now, I hasten to add that, as Secretary Muskie and the other distinguished supporters of mutual builddown—and there is a lot of support in the other body—I would like to quote Walter Mondale, former Vice President, who, in an article in the Journal of Legislation, Notre Dame Law School of winter, 1983, says:

We could abandon the MX if the Soviets agree to major cuts in the missiles that threaten our Minuteman silos.

He is talking about reduction. He is talking about tradeoffs.

So I cite not Reagan, not Kenneth Adelman, not anybody in the administration, but former Secretary Muskie and Walter Mondale as people who are interested in reductions, reductions.

Now, you will not get reductions with a freeze any way you look at it, any way you slice it. Yes, you lock the President in, you will take away his "beloved options," as Rolling Stone so eloquently puts it, but you are not doing a thing for arms control, not a thing for arms control.

So if you are interested in the freeze, but if you are interested in more than mere political posturing, if you are interested in more than picking up any old stick to beat the administration with, then support Mr. LEVITAS' wise, effective, well supported, broadly endorsed amendment which will say, "If you are going to modernize, you reduce," because reductions are what we seek. We hear from the proponents of the freeze, "You cannot reduce unless you stop, you cannot go backwards unless you stop your forward motion." Well, let us get to it. Let us get to reducing. So we say, "You cannot modernize unless you reduce." Is that such a bad option to give the President? I think it makes eminent good sense. I think it will work. And I say to you on this side of the aisle, if you are interested in arms control, not as a political issue, not for milking it for votes, as social security was milked for votes before the last election, but if you are really interested in solving the problem, if you are really interested in saving civilization and avoiding nuclear holocaust, then I suggest: Do a little something effective for arms control by adopting the amendment offered by the gentleman from Georgia, which provides two options to our arms control negotiators. And I would suggest to you that you will get a bipartisan coalition. Maybe you do not want that. Maybe you want this to be partisan. But if you want to pickup some votes on this side of the aisle, here is a gentleman who will vote for the freeze if it has got Mr. LEVITAS' amendment in there, because the option of builddown, to me, makes sense. Freeze does not. But I will take the freeze, if I have to, to get the builddown.

So I suggest that if you want a bipartisan arms control signal out of this body, withhold the posturing, recognize there are other ideas from other people who are equally wise in this field, and support the amendment of the gentleman from Georgia. Then you do have both options.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from the great State of Washington.

Mr. DICKS. Mr. Chairman, I would like to commend the gentleman from Illinois for the point he makes about bipartisanship. I happen to be one of those who believes that we would be much closer to getting an arms control agreement and reductions if we could, somehow, put together a bipartisan approach to this issue.

I, too, have read Secretary Muskie's article in early March, and I have talked to Senator NUNN and Senator COHEN about their proposal. I find it very intriguing. But, just as the gentleman has raised a very serious question about the freeze, I think it may be too early at this point to go forward with the Levitas amendment without very thorough hearings, because here are some of the scenarios that worry me:

If, as the President is proposing, we are going to deploy 100 MX missiles with 10 warheads, under the Levitas approach, that would require us to pull out of the inventory 2,000 warheads.

Now, today we have deployed 450 Minuteman II's with a single warhead. Under this scenario, if you were going to meet the 2,000 warheads, it is possible that all 450 of those missiles would be taken out, and 183 of our Minuteman III—the point is, we are running the risk, I am afraid, of creating fewer high value targets for the Soviets and really creating a circumstance where you might give the Russians a very tempting opportunity for a first strike.

□ 1520

Mr. HYDE. Mr. Chairman, I would like to recapture my time.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman's arithmetic is correct, but the logical conclusion is totally off the mark because what the builddown will drive us and force us to do, and I think that it is one of the most important parts of the builddown, is that it will make us move into a de-MIRV'ed single warhead dispersed system.

Mr. DICKS. Wait a minute. That is not what President Reagan wants to do. He wants to deploy the MX or the D-5 missile.

Mr. HYDE. I do not yield to the gentleman from Washington.

The CHAIRMAN. The Chair would note that the gentleman from Illinois controls the time.

Mr. DICKS. Mr. Chairman, will the gentleman yield so I may answer the question?

Mr. HYDE. No.

Mr. LEVITAS. May I complete it?

Mr. HYDE. I would like the gentleman from Georgia to complete his answer.

Mr. LEVITAS. Mr. Chairman, President Reagan is not the author of this amendment.

Mr. DICKS. But he happens to be the Commander in Chief.

Mr. LEVITAS. But the President is also a person who can use the same arithmetic that the gentleman has just used. You do not deploy 25 MX missiles as likely targets with little ability to do much good if they are fired. What you have to do is move toward a de-MIRV'ed system of single warheads, the Midgetman, and that is precisely what the Scowcroft Commission is proposing, counting warheads with smaller, single warhead, mobile missiles which are less inviting targets, and that is why this builddown makes sense and makes sense today.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to ask the gentleman from Georgia wherein it says that we have to move to single warhead, small missiles under this proposal. It is by no means certain and, in fact, I can come up with several scenarios where it would not make any sense for the President to do that.

The gentleman's amendment does not address the issue of what kind of warheads he is proposing on the swap, on the builddown.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, my first instinct on hearing your question was to adopt the same tactic that the proponents of House Joint Resolution 13 have done today and say it does not make any difference what is in the resolution; we are going to tell you what it means right now, which is the exercise we went through earlier today.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. HYDE was allowed to proceed for 3 additional minutes.)

Mr. HYDE. I will yield to my friend, but before I do, the same answer to you would be the one that the chairman gave us earlier. We are going to negotiate these things. We are talking broad, general principles. We do not get into the nitty-gritty. As you well know, you told us submarines were going to be protected, and we are not so sure that is true. We are talking broad, general principles here, as we instruct General Rowny and Paul Nitze.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, on a more serious and direct response, the arithmetic requires us to go to a de-MIRV'ed situation because if you deploy 25 MX missiles, that is 250 warheads. That means you have to take out 500 existing warheads. To deploy 25 MX missiles does not accomplish anything because you do not have enough potential targets and you are also creating vulnerable targets which could be easily identified and hit.

The only solution under the guaranteed builddown, and one of the reasons that there are some people on this side of the aisle who are not enamored with it, is to force us into a de-MIRV situation that will never occur under the freeze because you preclude de-MIRV'ing of development, testing, and deployment of any new delivery systems. I would like to place in the RECORD at this point a chart which shows all of the stabilizing changes, such as de-MIRV'ing, allowed under the builddown as compared to a simple freeze without a builddown.

The builddown can move us toward stability as follows:

STABILIZING CHANGES ALLOWED UNDER BUILD-DOWN AS COMPARED TO FREEZE WITHOUT BUILD-DOWN

	Build-down	Freeze without build-down
DeMIRV'ing (movement toward smaller, single warhead missiles).	Yes	No.
Dispersal of U.S. missiles in way which makes them unpromising targets from hard-target-kill capabilities.	Yes	No.
Development of survivable systems which enhance deterrence of, and discourage first-strike capabilities.	Yes	No.
Compatible with prohibitions on depressed trajectory missiles and other sneak-attack devices.	Yes	Yes.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, this is an important point because I think there is some merit in a builddown. I do not think there is merit in passing it without carefully looking at it and refining it further. I think a version of a builddown is not a bad idea, provided we could make some amendments to it and clarify some things.

It would be very clear that in some cases you might want to deploy the MX, if, for example, you valued the accuracy of those warheads.

Mr. HYDE. I do not want to foreclose the gentleman.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Yes, but I just want to say this: You are quite right. Extensive hearings should be had on this, but we are leaping into the dark with a freeze, a mutual, verifiable freeze. I am suggesting that the concept of the guaranteed builddown is worthy of a lot of study. If we are going to leap ahead instructing our arms controllers what to do, let us give them a couple of options instead of saying freeze, which in my opinion forecloses reduction, is a disincentive to any further discussions.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, I think you only have to look at the total numbers. You are dealing with 25 MX's. If we were to go further out, we would see quite readily that if we went to the 100 MX's that everyone talks about originally, we would have almost totally eliminated our Titan 2, Minuteman II, and Minuteman III inventory. We would be down to as few as 50 Minuteman III and the logic there would say you

would have to go to de-MIRV'ed launch vehicles.

Mr. PERKINS. Mr. Chairman, for me the time has come when I must cast my vote for this resolution providing for an immediate, mutual, verifiable freeze on the testing, production, and deployment of nuclear weapons.

We must do this because we are here as the representatives of the American people, and I think there can be no doubt that this resolution has their overwhelming support.

Those of us who were out among the people during the Easter recess, listening to their voices, hearing their pleas, have come back to Washington with the realization that—in this debate—we are not leading them. They are leading us.

The people have grasped the nuclear danger to the world. And they have a strong sense that the time to save it is fast running out.

World War II was ended by the dropping of what were, by today's measure, two puny little atomic bombs. The destruction and the terror of that primitive weaponry were such that to continue the war became unthinkable.

In the 38 years since Hiroshima and Nagasaki, our scientists and military planners have enlarged and refined and adapted the instruments of global death. Today, the product of their work is so awesome and so terrifying that the human mind cannot fully comprehend its finality.

The resolution before the House today is not the frightened cry of cowards, but the strong call of the brave. It is the voice of a nation that wants not only to save itself from destruction, but to spare its enemies as well.

It does not strip a single weapon from our arsenal. It does not lessen our strength one iota. It simply says to those other nations that possess nuclear capability and who are engaged with us in a race to produce even more terrible weapons: Let us stop. Let us stop now, before it is too late for any of us.

The resolution does not abort or undercut any arms reduction talks with which this Nation is engaged with the Soviet Union. If anything, it strengthens America's hand in those talks.

It tells the negotiators of both sides that one of their major goals should be deciding when and how to achieve a mutual and verifiable freeze on the testing, production, and deployment of nuclear weapons.

It assures our allies as well as our enemies that we are very serious indeed in our desire to negotiate agreements that can eventually reduce the number of nuclear weapons that threaten the planet. A vote for this resolution is a pledge of our good faith.

In my lifetime, I have seen war firsthand as an American soldier on a foreign field. By the standards of 40 years ago, it was terrible war. When it ended, there were winners and losers. Both sides walked away, and we all began the task of rebuilding what we had destroyed.

That, I am sorry to say, would be a quaint and old-fashioned idea today. In a nuclear war, there are no winners—there are only losers. Nobody walks away, and nothing is left to rebuild.

There are those who say that a freeze on nuclear weapons, even a mutual freeze, would give an advantage to the Soviet Union. I do not believe that. And neither, apparently, does the President's own special commission on the MX missile that reported this week. Somehow, the much talked-about window of vulnerability has disappeared.

I am sure that not one member of our Joint Chiefs of Staff would swap our defense capability for that of the Russians.

We are militarily strong, and the resolution before us today speaks from our strength. We must pass it.

Mr. ZABLOCKI. Mr. Chairman, after consultation with the minority, I ask unanimous consent that all debate on the poending amendment and all amendments thereto end at 3:45.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. LEVITAS. Mr. Chairman, reserving the right to object, will the gentleman from Wisconsin and the gentleman from Michigan be able to control that time, rather than have a series of 10-second comments under his unanimous consent request?

Mr. ZABLOCKI. Mr. Chairman, I amend my unanimous-consent request so that the limitation of time be to 3:45, divided between the gentleman from Michigan and the chairman of the Committee on Foreign Affairs.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LEVITAS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The unanimous-consent request is agreed to and the Chair, in accordance with the agreement, will divide the time equally. The chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), is recognized for 9 minutes; and the ranking member, the gentleman from Michigan (Mr. BROOMFIELD), is recognized for 9 minutes.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to explain briefly the reason I objected to a time limitation before was that I had not had an opportunity to read the Levitas amendment.

I have the same concerns similar to those expressed by our colleague, the gentleman from Wisconsin (Mr. ASPIN). I am of the opinion that a builddown as a part of this freeze resolution could actually put us in more of an inferior position than the freeze itself. The reason I say that is since we began converting or modernizing our Minuteman forces to the Minuteman III configuration, the Soviets have fielded three brand new ICBM missiles.

That means that their force modernization is way ahead of ours, and if we want to get any kind of a modernization program to try to keep some kind of a parity, we are going to have to modernize but under this amendment build down at the same time. The Soviets have already modernized and they do not have that same requirement.

I am just really worried about what we are getting ourselves into.

When the Levitas amendment was actually a substitute for the freeze and, therefore, was more a political ploy to do away with the freeze, I was prepared to support it, to be very honest with you, because I knew, had it been adopted, the leadership would have pulled the resolution from the floor and there would have been no further action.

But, now we find a different animal. Now we have a perfecting amendment to the freeze and that makes it a far more serious matter. In my opinion, and I think we ought to pay close attention to not the politics of it but exactly what does this do to our strategic position relative to the Soviet Union. I think it is more serious than the freeze itself.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. I thank the gentleman for yielding this time to me.

Mr. Chairman, the gentleman from Florida has made exactly the point that I was going to make, and I think that the object of a 2-for-1 builddown is in itself an interesting idea, but we need some hearings on the idea. We need to state exactly what kinds of systems we are going to be interested in producing in order to have that builddown.

I think it would be very, very risky to do this resolution, to put this as part of the freeze resolution.

Just in response to the comment of the gentleman from Illinois, the freeze is not exactly the same leap in the dark that the Levitas amendment is. We did, as I understand it, have hearings in the appropriate committees.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, this is certainly not a leap in the dark. We have had extensive hearings in the last Congress. We have had three hearings on this resolution this year. We debated it for 13 hours on March 16. We have given it very thorough and serious thought.

If the gentleman will yield further, I agree with the gentleman from Wisconsin.

□ 1530

This is a new proposal in arms control. It is a good proposal in some respects.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. Therefore, I can assure the author that the Committee on Foreign Affairs and the subcommittees that are involved in this area, particularly the Subcommittee on International Security and Scientific Affairs, will give a thorough hearing and consideration to the proposal.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, of course, the hearings and the debate we had, the extensive debate on March 16—and we did not have any on March 17—still made it necessary for the chairman to read a very detailed, complex statement to explain what delivery systems were in and what were out, what were dual and what were not. So those hearings were not all that illuminating.

Mr. ASPIN. So I suggest so much the worse for the idea of passing this without any hearings.

Mr. HYDE. So why do we not defer all this instruction to the arms control negotiators until we know what we want to do?

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, there have been two statements against the Levitas perfecting amendment during the past few minutes here. One is that it permits one side to develop a first-strike capability, and the second is that there have been no in-depth hearings on that particular negotiating position, and, therefore, we should not accept it as part of the resolution today.

On the second point, with regard to hearings, I submit that it is very unusual to have extensive hearings on negotiating positions. That clearly cannot be an argument against this amendment.

With regard to the first-strike capability argument, I would say that the build-down approach creates less of a first-strike capability than a freeze followed by reduction. The following is the rationale: If we freeze, therefore, we are obviously not going to modernize and we are not going to be able to de-MIRV. Then if we start negotiating down or negotiating away, each side will be left with multiple warhead systems, the most potent weapons in their arsenals, such things as Trident submarines which then become extremely attractive targets. You have a target of approximately 180 warheads; that is in one target. Therefore, the Soviets do not have to increase their accuracy and they do not have to increase their capability. They do not have to modernize. They can afford to send 180 or 200 warheads at only 1 target. So the purpose here is to permit that modernization and permit us to get away from the Trident submarine MIRV-type capabilities that make an extremely attractive target and that destabilize and make a world that is less safe.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I have mentioned in the floor debate thus far, I believe that the proposal offered by Senator NUNN and Senator COHEN is one that deserves very serious and thoughtful consideration.

I am worried, as were so many of the Members on the other side were about the freeze a few weeks ago, that this proposal has not yet been given the kind of thorough scrutiny that is necessary to make a judgment on whether it should now be included as part of our arms control effort. I am intrigued with the idea, but I get worried when we start looking at what systems we would have to pull out in order to satisfy the Levitas amendment; particularly when we look at the current administration's strategic proposals.

The administration is talking about going ahead with 100 MX's, that would add up to 1,000 warheads and we would have to pull out 2,000 of our existing warheads. That would be equivalent to nine Poseidon submarines, and it would be equivalent to 450 Minuteman II's plus about 183 Minuteman III's.

What worries me is that the gentleman from Georgia talks about going to a small single-warhead missile. We have 450 single-warhead missiles already with our Minuteman II's. What we might have to do is pull out those single warhead systems, which the gentleman wants, to deploy the MX; 100 MX's are more vulnerable than 450 Minuteman II's.

The other point is that the Soviets could continue going forward with weapons like the SS-18's and the SS-19's, which are first-strike systems. That gives me great concern as well.

So, Mr. Chairman, as much as I support the concept, I do not believe we have thought it out carefully enough to add it to this resolution at this point in time.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, I think this amendment is pecularly appropriate in a week when we are looking for a B-52 which crashed somewhere in Nevada. The reality is that in the last year we have lost B-52 after B-52 because they are older than the people who fly them.

The fact is that we have not modernized for 10 years and the Soviets have modernized. The fact is that a pure freeze will lock us into a position of inferiority in terms of modern equipment, and any conservative who votes against this amendment is taking the risk of voting in favor of freezing the United States in inferiority.

On the other hand, those of our friends who are not totally and passionately committed to a slogan have a chance to produce a world 10 years from now in which there are fewer missiles, fewer warheads, and less danger of a first strike.

I think that this particular amendment was particularly well crafted. I think it tries to achieve both the goals of a more modern force to catch up to the Soviets who have modernized, and it tries to achieve the goal of a less dangerous world. I think that I should address only the narrowest of commitments to partisan sloganry, to the idea that a freeze is more important than a plan, particularly as an amendment.

All this does is offer an additional option for the President, which moves us away from the current size of our hydrogen forces and which moves us, I think, toward a more stable world, a safer world, and a world in which there is less danger of nuclear war.

The CHAIRMAN. The Chair will advise the Members that the gentleman from Michigan (Mr. BROOMFIELD) has 3 minutes remaining, and the gentleman from Wisconsin (Mr. ZABLOCKI) has 5 minutes remaining.

The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, I rise in support of the Levitas perfecting amendment.

It seems to me, as I listened to the debate, that the advocates of a nuclear freeze are missing the essential point of the arms race talks. There is only one issue here, and that is war or peace, and if we allow the Soviets to hold an advantage over us, we are in-

creasing the risk of war, not decreasing the risk of war.

I keep hearing about the moral argument in this freeze resolution. I do not find anything morally superior about risking the lives of 275 million men, women, and children, based on wishful thinking.

Mr. Chairman, I have a difficult time coming to grips with people who stand up and say that we should freeze now and leave the Soviets in a militarily superior position, but are against a reduction of nuclear weapons. I have always thought that the people who advocate only a freeze and not a movement toward reduction are a lot like the people who went to see the movie "Camelot," and not only thought it was a great movie but thought it was a true story. They are people who think that if you want to eliminate snow, you just pass a resolution and eliminate snow.

□ 1540

It becomes necessary, Mr. Chairman, for us to move toward modernizing our forces while we reduce the threat and while we prevent ourselves from becoming militarily inferior to the Soviet Union.

It seems to me that that is what we owe to the people who sent us here and allowed us each to stand in the well and take an oath of office to defend this country.

We have it within our power to move toward a reduction of nuclear weapons, to move toward reducing the threat of a nuclear holocaust in this world and to do so without merely giving the Soviets an advantage that is going to increase the chances that they will become adventurous and make a miscalculation that could lead to a war none of us would want.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the Levitas build-down amendment to section 2 of the Zablocki resolution (H.J. Res. 13).

As all of my colleagues know, strategic stability is essential to the security and well-being of the United States and the Soviet Union. We all know that force survivability is indispensable to stability at the strategic nuclear level.

The amendment before us allows for both reductions and U.S. force modernizations.

This unique amendment calls upon both the United States and the Soviet Union to undertake a guaranteed strategic builddown of nuclear forces. The real beauty of this proposal is that the two superpowers would each eliminate from their operational forces two nuclear warheads for every newly deployed nuclear warhead. This build down will be subject to agreed procedures of verification and compliance. This approach allows the United States and the Soviet Union to reduce their mutual strategic vulnerabilities by emphasizing a move away from large missiles with MIRV'ed warheads. This plan is also consistent with the recently released Scowcroft Commission recommendations on developing new U.S. ICBM's.

The Levitas amendment is one which many Members of the other body have already embraced as the Nunn-Cohen proposal. Most importantly, this proposal lessens the destabilizing impact of any immediate freeze of weapons by offering an opportunity for immediate reductions.

Finally, the amendment expresses the sense of the Congress on an appropriate approach to arms control.

For all of these reasons, I urge my colleagues in this Chamber to vote in support of the Levitas amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) to close debate.

Mr. ZABLOCKI. Mr. Chairman, I yield to the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment, not because I find anything inherently evil in it. I do not. It might be a good idea. I oppose it simply because I think it complicates what ought to be a reasonably straightforward, simple and uncomplicated proposal.

Let us recognize the limitations of what we can do here today. We do not have the capacity to negotiate a treaty on the House floor. Last month when we were debating this issue Members on one side would ask Members on the other side if the language under consideration would freeze a certain weapons system or not. In the process, we seemed to be losing sight of our natural limitation.

The truth of it is that the resolution in and of itself does not, cannot and should not freeze anything. What we do here cannot and will not freeze any weapons system unless and until the negotiators sit down and agree mutually that it be done.

It is a simple proposition that we face. It is not complicated. The question is, do we favor a mutual and verifiable freeze and reduction of nuclear weapons? There is nothing complicated about that, nothing sinister about that, nothing hidden about it.

I think it is something that all of humanity, for perhaps 30 years, has been seeking and striving for.

One of the last public statements made by the late Dwight D. Eisenhower while he was President was the following, it had to do with the nuclear weapons race:

> What can the world or any nation even hope for if no turning is to be found? The worst is atomic war. The best would be this: a life of perpetual fear and tension; a burden of arms draining the wealth and labor of all people; a wasting of strength.

So it seems to me that we need to uncomplicate the matter. Let us keep it clear, simple and straightforward. We should not try to get into the technical questions of what comes first—freeze or reduction, qualitative or quantitative limitations, delivery systems or warheads. Leave those to the negotiators as properly we should. It seems to me that the President himself in the spirit of his own campaign slogan, "Make a new beginning," ought to embrace this effort. That is just what we are trying to do—to make a new beginning. Perhaps it might help to recognize the origins of that very slogan. Those very words were expressed by a Greek named Aristophanes, who prayed as he walked among the ruins of the Greek temples destroyed by the Peloponnesian Wars:

> From the murmur and subtlety of suspicion with which we vex one another, give us rest. Make a new beginning. Mingle again among the kindred of the nations with the alchemy of love; and with some finer essence of forebearance temper our minds.

Aristophanes asked those many centuries ago that we make a new beginning, as did Eisenhower those 23 years ago.

Let us not try to complicate it. Let us simply say yes, this is what mankind yearns for and this is what the United States stands for, and that we stand with the President, not against him, in calling on the Soviet Union to join in a mutual, verifiable freeze and reduction of nuclear weapons.

Need we say more than that? Should we try to say more than that? When each of us tries to complicate this into a mirror image of his own particular predilections, we run the risk of destroying the central thrust of that which all of us, I think, really want to say, and that is, "Enough."

The world can scarce afford to spend our treasure on more and more weapons of destruction at a time when we need it so sorely to feed the hungry and clothe the naked and educate the illiterate and care for the sick, to build roads and schools and hospitals, homes and peaceful factories, and a better society for all of us.

Let us both—ourselves and the Russians—have sense enough to recognize that we already have enough weapons to kill one another several times over. Let us call a halt to the spiraling, costly arms race. Let us do it mutually and in a verifiable way, so that neither has an advantage over the other, but rather that all humankind and the whole vast future may gain the advantage of the vision that two nations acting together in strength can achieve for the human race.

The CHAIRMAN. All time has expired.

The question is on the perfecting amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 229, not voting 14, as follows:

[Roll No. 53]

AYES—190

Andrews (TX)	Hartnett	Pashayan
Anthony	Hatcher	Patman
Archer	Hightower	Paul
Barnard	Hiler	Petri
Bartlett	Hillis	Pickle
Bateman	Holt	Porter
Bennett	Hopkins	Price
Bereuter	Hubbard	Pritchard
Bevill	Huckaby	Quillen
Bilirakis	Hunter	Ray
Bliley	Hutto	Regula
Breaux	Hyde	Ridge
Broomfield	Ireland	Ritter
Brown (CO)	Jenkins	Roberts
Broyhill	Kasich	Robinson
Burton	Kazen	Roemer
Byron	Kemp	Rogers
Campbell	Kindness	Roth
Carney	Kramer	Rowland
Chandler	Lagomarsino	Rudd
Chappie	Latta	Sawyer
Cheney	Leath	Schaefer
Clinger	Lent	Schulze
Coats	Levitas	Sensenbrenner
Coleman (MO)	Lewis (CA)	Shaw
Conable	Lewis (FL)	Shelby
Corcoran	Lipinski	Shumway
Courter	Livingston	Shuster
Craig	Loeffler	Siljander
Crane, Daniel	Lott	Sisisky
Crane, Philip	Lowery (CA)	Skeen
Daniel	Lujan	Skelton
Dannemeyer	Lungren	Smith (NE)
Daub	Mack	Smith, Denny
Davis	Madigan	Smith, Robert
DeWine	Marlenee	Snyder
Dickinson	Marriott	Solomon
Dreier	Martin (IL)	Spence
Duncan	Martin (NC)	Spratt
Dyson	Martin (NY)	Stangeland
Edwards (AL)	McCain	Stenholm
Edwards (OK)	McCandless	Stratton
Emerson	McCollum	Sundquist
English	McCurdy	Tauzin
Erdreich	McDade	Taylor
Erlenborn	McDonald	Thomas (CA)
Fiedler	McEwen	Thomas (GA)
Fields	McGrath	Valentine
Fish	Michel	Vander Jagt
Flippo	Miller (OH)	Vandergriff
Franklin	Molinari	Vucanovich
Frenzel	Montgomery	Walker
Gekas	Moore	Watkins
Gilman	Moorhead	Weber
Gingrich	Morrison (WA)	Whitehurst
Gradison	Murtha	Whitley
Gramm	Myers	Whittaker
Gregg	Nelson	Winn
Gunderson	Nichols	Wolf
Hall, Ralph	Nielson	Wortley
Hall, Sam	O'Brien	Wylie
Hammerschmidt	Oxley	Young (AK)
Hance	Packard	
Hansen (UT)	Parris	

NOES—229

Ackerman	Aspin	Boggs
Addabbo	AuCoin	Boland
Akaka	Barnes	Boner
Albosta	Bates	Bonior
Alexander	Bedell	Bonker
Anderson	Beilenson	Borski
Andrews (NC)	Berman	Bosco
Annunzio	Biaggi	Boucher
Applegate	Boehlert	Boxer
Britt	Hawkins	Pursell
Brooks	Hefner	Rahall
Brown (CA)	Heftel	Rangel
Bryant	Hertel	Ratchford
Carper	Howard	Reid
Carr	Hoyer	Richardson
Clarke	Hughes	Rinaldo
Clay	Jacobs	Rodino
Coelho	Jeffords	Roe
Coleman (TX)	Johnson	Rose
Collins	Jones (OK)	Rostenkowski
Conte	Kaptur	Roukema
Conyers	Kastenmeier	Roybal
Cooper	Kennelly	Russo
Coughlin	Kildee	Sabo
Coyne	Kogovsek	Savage
Crockett	Kolter	Scheuer
D'Amours	Kostmayer	Schneider
Daschle	LaFalce	Schroeder
de la Garza	Lantos	Schumer
Dellums	Leach	Seiberling
Derrick	Lehman (CA)	Shannon
Dicks	Lehman (FL)	Sharp
Dingell	Leland	Sikorski
Dixon	Levin	Simon
Donnelly	Levine	Slattery
Dorgan	Long (LA)	Smith (FL)
Dowdy	Long (MD)	Smith (IA)
Downey	Lowry (WA)	Smith (NJ)
Durbin	Luken	Snowe
Dwyer	Lundine	Solarz
Dymally	MacKay	St Germain
Early	Markey	Staggers
Eckart	Martinez	Stark
Edgar	Matsui	Stokes
Edwards (CA)	Mavroules	Studds
Evans (IA)	Mazzoli	Stump
Evans (IL)	McCloskey	Swift
Fascell	McHugh	Synar
Fazio	McKernan	Tallon
Feighan	McKinney	Tauke
Ferraro	McNulty	Torres
Florio	Mica	Torricelli
Foglietta	Mikulski	Towns
Foley	Miller (CA)	Traxler
Ford (MI)	Mineta	Udall
Ford (TN)	Minish	Vento
Forsythe	Mitchell	Volkmer
Fowler	Moakley	Walgren
Frank	Mollohan	Waxman
Frost	Moody	Weaver
Fuqua	Morrison (CT)	Weiss
Garcia	Mrazek	Wheat
Gaydos	Murphy	Whitten
Gejdenson	Natcher	Williams (MT)
Gibbons	Nowak	Wirth
Glickman	Oakar	Wise
Gonzalez	Oberstar	Wolpe
Goodling	Obey	Wright
Gore	Olin	Wyden
Gray	Ortiz	Yates
Green	Owens	Yatron
Guarini	Panetta	Young (FL)
Hall (IN)	Patterson	Young (MO)
Hall (OH)	Pease	Zablocki
Hamilton	Penny	Zschau
Harkin	Pepper	
Harrison	Perkins	

NOT VOTING—14

Badham	Horton	Ottinger
Bethune	Jones (NC)	Washington
Chappell	Jones (TN)	Williams (OH)
Gephardt	Lloyd	Wilson
Hansen (ID)	Neal	

□ 1600

The Clerk announced the following pair:

On this vote:

Mrs. Lloyd for, with Mr. Washington against.

So the perfecting amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair will advise the Committee that under the previous unanimous-consent agreements, three Members are entitled to speak on the substitute offered by the gentleman from Georgia (Mr. LEVITAS).

Under that unanimous-consent agreement the gentleman from Texas (Mr. WRIGHT) is now recognized for 8 minutes and 30 seconds.

Mr. WRIGHT. Mr. Chairman, this is the same proposition we just voted on. I urge a "no" vote. I yield back the balance of my time.

The CHAIRMAN. Under the unanimous-consent agreement the Chair recognizes the gentleman from Georgia (Mr. LEVITAS) for 1 minute and 45 seconds.

Mr. LEVITAS. I thank the Chairman.

The issue has been fully debated and I do not choose to further extend the debate on the issue. I simply want to express my appreciation to the Members of the Committee for listening to and debating this very important issue on a high plane.

□ 1610

Mr. Chairman, I am convinced that the debate itself and an analysis of the results of that debate indicate a deep and abiding concern that Members in this House have about the proposition we have before us.

I am further convinced that by the time this measure comes back to this House from the conference, the proposition which those of us have put forward on the mutual guaranteed build-down will be the proposal that will pass the House.

I thank the Members of the House for their indulgence and I yield back the balance of my time.

The CHAIRMAN. Under the previous unanimous-consent agreement, the Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) to conclude debate.

Mr. ZABLOCKI. Mr. Chairman, this issue has been fully debated. The committee has spoken. I can assure the gentleman from Georgia his idea, his suggestion, will receive full and continuing consideration by the Committee on Foreign Affairs.

Nevertheless, I hope his substitute is defeated.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 4, immediately after line 16, insert the following new paragraph:

"(1) Pursuing the objective of negotiating an immediate, mutual and verifiable reduction in nuclear weapons."

And renumber the succeeding paragraphs accordingly.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, a nuclear freeze is one of the most hotly debated issues in America today, yet much of the discussion focuses on the wrong issue.

The issue is not peace or war, disarmament or nuclear holocaust, though this is usually the way the question is phrased. Any reasonable human being, faced with such a choice, would state that he favors peace and disarmament. Proponents of a nuclear freeze would have us believe that since we favor peace, we must also endorse an arms limitation agreement with the Soviets. This is not true at all.

I believe that the current U.S. arsenal of offensive nuclear weapons is excessive. The 30,000 nuclear warheads in our arsenal are sufficient to repel any genuine threat to the security and independence of the United States. I cannot, for several reasons, endorse a nuclear freeze treaty with the Soviets.

ARE THE SOVIETS TRUSTWORTHY?

Many supporters of a nuclear freeze believe that an agreement with the Soviets would be mutual and verifiable—that the Soviets, in other words, would abide by the terms of an agreement and that their cooperation could be verified. The Soviets, however, have shown no willingness to freeze their own stockpile of nuclear weapons at existing levels. On the contrary, they remain as belligerent as ever.

There is no evidence that a freeze would be mutual, and there is no reason to believe it would be verifiable. Since no one knows with any accuracy how many weapons the Soviets already possess, the problems of verification are obvious.

The argument in favor of the freeze is based on a misconception of the Soviet Union. This view holds that the leaders of the Soviet Union are motivated by the same values—the love of individual freedom and a commitment to constitutional government—to which our Nation's leaders traditionally have adhered. This view of the Soviet Union leads many well-intentioned Americans to assume that the Soviets come to the negotiating table for the same reason we do. The truth is they do not have a genuine desire for world peace. Their goal is world conquest.

Historically, the Soviets have come to the bargaining table only when it has been in their self-interest to do so. They come only when negotiation advances their plans for world domination. Historically, whenever it had been in their interest to do so, they have violated the treaties they have signed. In 1977, for example, former Secretary of Defense Melvin Laird called the evidence "incontrovertible that the Soviet Union has repeatedly, flagrantly and, indeed, contemptuously violated the [SALT] treaties to which we have adhered."

The Soviets have violated SALT I and other arms treaties at least 27 times. The use of chemical weapons against the resistance movement in Afghanistan is only the latest in a long series of such violations.

Unfortunately, successive administrations have refused to condemn the Soviets for these violations, issuing instead vaguely worded statements claiming the Soviet Union is in "general agreement" with the terms of SALT I. In so doing, they place the treaties themselves above our own national defense.

The United States, as a free and sovereign nation, should in no way allow its defense capabilities to be limited, controlled, or compromised by the Kremlin. It would be suicide to allow our greatest enemy to dictate to us the means we may use to defend ourselves against it.

MORE PROBLEMS WITH A FREEZE

There are other objections, equally serious. No treaty with the Soviets can be to our mutual advantage, for example. Liberty and freedom share no common goals with totalitarianism. More practically, any freeze treaty would prohibit the updating of our own technology. The decision to take advantage of our own technological breakthroughs should be made by the United States without having to seek the permission of the Soviets.

Finally, the advocates of a nuclear freeze all too often assume that disarmament is the cause, not the consequence, of peace. They make a very common mistake in assuming that peace is a policy, rather than a goal for which policies are needed. Yet simply reducing the level of nuclear weapons will not reduce tensions unless the preconditions of peace are met. Reduced tensions naturally lead to reduced armaments. Unfortunately, such a reduction in tensions cannot occur as long as the Soviets continue to seek world domination. Disarmament in a hostile world environment cannot bring peace; peace brings disarmament.

A PRO-AMERICAN FOREIGN POLICY

Until the 20th century, the United States pursued a foreign policy of strict noninterventionism. That policy was recommended by Presidents Washington and Jefferson, and endorsed in this century by men such as Senator Robert Taft of Ohio.

Noninterventionism means simply that the first purpose of a foreign policy is to defend the independence and territory of America. It is based on the recognition that the world would always be at war somewhere, but it is not our duty or in our best interest to get involved in local and regional conflicts. American foreign policy is to be neither pro-South African nor anti-South Africa, neither pro-Israel nor pro-Arab. It is to be pro-American. The support for a nuclear freeze may be seen as expressing a desire for returning to this long American tradition of noninvolvement in foreign conflicts.

Since the end of World War II the United States has abandoned every last vestige of its traditional foreign policy of noninterventionism. the result has been costly in economic terms and disastrous in military terms.

Since our departure from our traditional foreign policy, the United States has intervened all over the world, ostensibly to defend and sometimes prop-up our so-called allies. We spent $22 billion in Vietnam, $2.17 billion in Iran, and $1.89 billion in Cambodia, only to watch those friendly governments turn into enemies. Foreign aid programs since the end of World War II have cost American taxpayers over $2 trillion—almost twice the current national debt. Yet U.S. security has not been increased one iota by these giveaway programs. As long as the United States remains committed to this foreign policy, it cannot reduce its arms or its arms expenditures. If it is willing to return to its noninterventionist tradition, it can reduce both military spending and the number of weapons, and still maintain its freedom and independence.

There is only one reason that the United States needs the enormous stockpile of 30,000 nuclear warheads. We have spread our nuclear umbrella over most of the non-Communist world, in an effort to protect our allies. Few serious foreign policy observers expect a nuclear war to be triggered by a direct confrontation between the United States and the U.S.S.R. They believe, instead, that the United States could become the victim of a Soviet attack as a result of a regional conflict in Europe, the Middle East, or Japan.

Nations under our nuclear protection depend for their security on this assumption. Our nuclear umbrella has encouraged our allies to neglect their own conventional defenses, relying instead on U.S. nuclear weapons. We have subsidized the conventional defense of these now wealthy allies.

The time has come for the United States to bolster its own security. We have weakened our own defenses by trying to defend too many and too much. We must take steps to reduce the likelihood of our being dragged into a distant regional conflict. The gradual withdrawal of our conventional and nuclear forces from Europe and Japan would reduce the possibility of a military confrontation with the Soviets, saving the American taxpayers billions of dollars each year. Such a withdrawal would also strengthen Europe and Japan, for they would no longer

be dependent upon the United States for protection.

By reducing tensions with the Soviets and minimizing American presence in already tense regional conflicts, we could eliminate any need for greater levels of offensive weapons. We could even begin to reduce existing stockpiles without weakening our ability to defend ourselves.

If we took such steps to ease international tensions, we could bolster our security through development of an antiballistic missile (ABM) system. The United States has chosen not to develop such a system, though the technology is readily available, and we have actually dismantled the one ABM system we had when the United States-Soviet ABM Treaty was signed.

It is absurd to possess the technological means to defend ourselves, and not do so. But this is precisely the suicidal strategy this Nation has pursued for 20 years. That strategy is a deliberate rejection of defensive weapons in favor of holding the civilian populations of the United States and the U.S.S.R. hostage through "mutual assured destruction (MAD)."

THE REAL ISSUE

Support for a nuclear freeze need not conflict with the desire for a strong national defense expressed by the American people in the 1980 election. But any such freeze or reduction in our weaponry must be part of an overall change in our foreign and defense policies. Apart from such a return to the traditional and proven policy of noninterventionism, a nuclear freeze could play into the hands of those who favor unilateral disarmament or are actually pro-Communist. Such a result must be avoided.

The call for a nuclear freeze represents a simple solution to a complex problem. Unless Congress is willing to address the real issue—whom should we defend?—there will be no genuine movement toward world peace, and no adequate defense of American liberty.

Mr. BROWN of Colorado. Mr. Chairman, the amendment before the Committee is very simple and straightforward. I believe it represents the thinking and the wishes of both sides of the aisle. It simply adds to the list of objectives we have in these talks. And the objective it spells out is one of reducing nuclear weapons.

As I listened to the debate, both sides of the aisle have expressed a strong interest and desire to see that as a result. As I have talked to members of my constituency in Colorado, they tell me of their strong interest in reducing the threat of a nuclear holocaust. That is what this amendment is meant to do. It is meant to spell out clearly our interest in reducing weapons. It does not in any way harm a freeze. It does not in any way condition a freeze upon a reduction. It simply complies with the wishes of both sides of the aisle that we find a way to reduce harmful weapons.

It speaks to the concern that was voiced on this floor with regard to the Siljander amendment. Many were concerned on that issue that in some way we conditioned a reduction and a freeze as being mutually dependent. This simply sets it aside as a separate aim.

In the faith and belief that it addresses a concern that we all share, I would urge its adoption.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I just want to thank the gentleman for his leadership on this issue and join him in cosponsoring this very important amendment. This really puts the issue before the House in a very clear and obvious way and I think objectively as well.

The question that the gentleman raises is really at the heart and soul, indeed, at the center of gravity of this whole debate. If indeed nuclear weapons are terrible and strike terror into the hearts and minds of the world, and indeed, if this is a threat to world peace, as some people suggest, why freeze those weapons? Why not reduce them and why not make the opening bid at Geneva the goal of reducing those weapons across the board?

It seems to me the gentleman from Colorado has an amendment that ought to be carefully considered, one that will put everybody to the test. Are you for freezing terror or reducing terror? Do you want to achieve the aims of reducing the threat of a first strike or are you simply interested in maintaining the status quo?

And I think the gentleman has clarified the issue. He puts it before the House. He gives us a chance to vote up or down on freezing that terror or reducing that terror.

And I just personally want to thank him for putting this issue before the House.

Mr. BROWN of Colorado. Mr. Chairman, I might note that the Soviet Union has already offered on several occasions to reduce their nuclear weapons under certain conditions. Surely we do not want to be prohibited from agreeing to reductions of that kind or other kinds that may be in the interest of all mankind.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

As I read the gentleman's amendment it is very simple and straight forward. It says: "Pursuing the objection of negotiating an immediate, mutual and verifiable reduction in nuclear weapons."

Now that is in addition to the freeze concept; is that not correct?

Mr. BROWN of Colorado. It is in addition and in no way impairs the freeze effort.

Mr. HYDE. So if one voted against the gentleman's amendment, one clearly is voting against our pursuing the objective of negotiating immediate mutual verifiable reduction in nuclear weapons; is that true?

Mr. BROWN of Colorado. Unfortunately, I think that is true. And I hope that the Members will read that language. I think they will find that they agree with this amendment.

Mr. HYDE. I would hope so and I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(At the request of Mr. HILLIS and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, today and last month, we have listened to several speakers tell this body that it is the will of the American people to pass the nuclear freeze resolution contained in House Joint Resolution 13.

As proof, they cite public opinion polls, postal patron questionnaires, and votes in several States last year calling for a freeze.

I have no doubt that the overwhelming majority of Americans truly want an end to the arms race. They are concerned that billions of their tax dollars are being spent to manufacture horrible weapons that can destroy this planet. They are worried that our negotiations with the Russians may not be successful. And they are afraid that someday someone may decide the time is right to push the button.

Most of us in this body, I believe, share these same concerns. But, just as those who advocate passage of the Zablocki resolution say the American people have sent their message to Congress, let us remember that what we do here today also sends a message—to the Kremlin.

What is this message? It is that, somewhere down the line, we will be content to be No. 2. It is that we are satisfied with the current nuclear balance of power in Europe. Perhaps worst of all, it is a signal that there is a crack in our resolve to maintain a viable nuclear deterrent.

What does that do to our position in Geneva? Does it not undercut the only negotiating game in town? Is that what the nuclear freeze advocates want to accomplish?

The American people neither want to sabotage the Geneva talks nor put a freeze in place that will place the United States in a militarily vulnerable position.

But I believe the Zablocki resolution would do both.

What incentive has the Kremlin to scale back its tremendous arsenal when the American Congress is telling the Soviet Union that it is happy with the status quo?

Or what if the Soviet leaders pick up their copy of Pravda tomorrow morning, read this resolution and are as confused by its wording and interpretation as those in this body seem to be? How can ambiguity possibly aid the peace process?

Then, there is the question of eventual American strategic inferiority. It is something no one likes to talk about because our security has always been based on superiority.

But, if the Zablocki resolution means we would be prohibited from modernizing our nuclear forces, most certainly, we will become No. 2. The facts are that the Soviet weapons system has been constantly updated and improved while ours has remained relatively stagnant.

In the 20 years since the Cuban missile crisis, the Soviets have played an effective game of nuclear catchup and now have a force so formidable that we now debate which side is stronger.

There will be no question, however, if a freeze resolution locks us and the Russians into our current systems.

You can freeze the manufacturing and deployment of nuclear weapons but you can not freeze the natural aging process that breaks down these technologically complex machines.

Our weapon systems, simply put, are much older and less sophisticated than theirs. If we and the Soviets agreed today to a freeze, our missiles would rust in their silos before one speck of paint peeled off theirs.

The American people need to know that their Congressmen want to end this terrible arms race as much as they do. But I cannot believe they would want us to do it at the expense of our security or our children's.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

A few moments ago we heard from the majority leader who talked at some length about the previous amendment that was on the floor. He said rather clearly throughout his remarks that what the House wanted was a freeze and reduction. Is there any language in the present bill with regard to reduction, can the gentleman tell me?

Mr. BROWN of Colorado. The paragraph No. 4 makes a reference to reductions, but basically the addition of this would be the one clear indication that we are also interested in a reduction itself.

Mr. WALKER. What the gentleman is doing is making certain that the objectives that are talked about just vaguely in the bill at the present time are clearly delineated as meeting real reductions in terms of the overall objective of the policy; is that correct?

Mr. BROWN of Colorado. The gentleman is correct. And I would say to the gentleman it is in response to the remarks on this floor of Members who were not able to vote for the Siljander amendment that this amendment was brought up.

□ 1620

I believe they indicated—and I share their concern—that we have genuine reduction, if that is possible. But not at the expense of destroying the opportunity, if there is such, for a freeze. This amendment is designed to meet that concern.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Washington.

Mr. DICKS. I am somewhat surprised by my colleague from Pennsylvania saying the language is not strong in paragraph (4). It says:

Proceeding from this mutual and verifiable freeze, pursuing substantial, equitable, and verifiable reductions * * *

Now, what language could be more clear than that?

What we are trying to do here, I think, is to stop the forward momentum of the arms race and then move to substantial reductions. Is that not what the gentleman thinks is the most likely scenario?

Mr. BROWN of Colorado. I would hope that the gentleman could support the amendment. I think the ambiguity comes around this question——

Mr. DICKS. I am not worried about the gentleman. But I am just worried about this idea that there is nothing in House Joint Resolution 13 that talks about reductions, when clearly you have got language here that talks about reductions.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I think this is an important point. What we are concerned about is that the freeze supersedes the concept of reduction. I think in the gentleman's amendment, what we are saying is that in our negotiating posture and in the resolution we are adopting here, we should have equal objectives, that we should not have the freeze beginning the superseding kind of idea that it is in paragraph (4). And with the gentleman's amendment, what we will say is that we regard these as coequal kinds of responsibilities in our negotiating posture.

Mr. BROWN of Colorado. Let me suggest to the gentleman that, as I have talked to my constituents—and all of you who have talked to your constituents I know have had similar experiences—I find them indicating that they are in favor of a freeze if that is possible, and they are in favor of a reduction if that is possible. They object to one being conditioned on the other.

This avoids that problem of one being conditioned on the other, and I think it addresses a sincere concern that the advocates of the freeze and our constituents have.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think this is an excellent amendment. It definitely improves the resolution. I would hope that our friends who are the proponents of the resolution do not have a pride-of-authorship problem with regard to the word "reduction."

I think it is appropriate here. The gentleman has put it in the right context. It absolutely improves this resolution.

I commend the gentleman for his work.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding to me.

Mr. Chairman, the gentleman has said that he wants to reduce nuclear weapons. We want to reduce nuclear weapons. I do not think there is a rational person on the floor of the House—and I still think that makes up at least a majority of the House of Representatives—who does not want to reduce nuclear weapons.

I think the question is: At what point do we work to reduce? Do we allow a runaway freight train, which is what I would describe the arms race, to keep going, and then say that at some point in the future we are going to reduce, or do we say, instead, let us stop the runaway freight train, let us stop it in its tracks, and then reduce from there?

The people who support the freeze say let us stop where we are and, from that base, let us reduce.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has again expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. Given the fact that we are all after reductions, it is a question of how best we can get there and preventing a qualitative increase in the arms race while we are getting there. Given that, I ask the gentleman this question:

Why could not the gentleman support the idea of the freeze, and then reductions? So that his amendment would be that we will have reductions that will follow a freeze. We stop the freight train that is running away from us first, and then we reduce. That is all we are trying to do. Why cannot the gentleman support that? Or maybe he can support that. Could the gentleman support that?

Mr. BROWN of Colorado. I think the gentleman makes an excellent point. I personally can support that.

Mr. AUCOIN. The gentleman can support that?

Mr. BROWN of Colorado. My suggestion to the gentleman is this: If the best we can do is to stop the freight train, I think we ought to do it. If we find we have an opportunity not only to stop the freight train but to achieve a meaningful reduction, I think we ought to do that too. I do not think we ought to be so hammered into one position that we are unwilling to accept something better if it is available. I do not mean to put words in the gentleman's mouth, but as I have listened to him speak, he expresses a genuine concern about stopping the arms race and reducing the threat of a nuclear holocaust. I think that represents his concern. The tragedy I see in our current language is this: It seems to me that we have become so tied to certain language that we are on the verge of saying we do not want a reduction even if that is possible. The Soviet Union has made several offers and recommendations for reductions. Surely we do not want to tie our hands to prohibit considering that alternative.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding, and I think the gentleman is sincere in that he is getting at what I believe to be a very important objective. In that spirit, I want to pursue the conversation with him.

The gentleman has indicated that, ideally, he would prefer a freeze first and then reductions.

Mr. BROWN of Colorado. I am sorry, that is not my understanding. I prefer both alternatives and our pursuing everything that we can obtain in both areas.

Mr. AUCOIN. I understand the gentleman, then.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has again expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 5 additional minutes.)

Mr. AUCOIN. If the gentleman will yield further, what I am trying to say to the gentleman is: If you agree the arms race is a runaway train, if you follow that analogy—and I clearly think we can accept that—what we are trying to say, those of us who support the freeze, is that it is harder, it is almost impossible, to take boxcars off that train when it is still running away, if that is your objective, than it is if you stop the train and then take the boxcar off the train. And that is why we are saying we have to freeze first and then have reductions. That is all we are talking about on this side. We want reductions. We want zero nuclear weapons systems. Zero. We want reductions, but you have got to stop the train first, then take the boxcars off.

Mr. BROWN of Colorado. May I say to the gentleman, in addressing his concern, that this amendment in no way substitutes, in no way deletes, in no way removes anything in the resolution. All it does is simply add the additional objective of reduction. It in no way hinges a freeze on the existence of a reduction.

Mr. AUCOIN. If the gentleman will yield to me one more time, as I have read the gentleman's amendment, it puts the idea of reductions first defined in ways that could conceivably allow first-strike weapons to be developed, as long as some old weapons are thrown away. You put the reduction basis first, and then get around to a freeze. That is like allowing the freight train to continue going and then say that we are going to freeze at some point.

Mr. BROWN of Colorado. I will say to the gentleman that I honestly do not think that is a fair interpretation of the words that are offered in the amendment.

Mr. AUCOIN. I am looking at the gentleman's amendment.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I was listening to the question of my friend, the gentleman from Oregon, and I just thought I would like to respond, if I might.

I was just thinking, as the gentleman propounded the question to my friend, the gentleman from Colorado, that it may introduce the possibility, if the negotiations over an immediate reduction are not bearing fruit, to ultimately lead to the situation that the gentleman has suggested, which would be the modernization of some of our strategic weapons.

But the same thing is true of a freeze. If that is not instantly negotiable, I would imagine that even the gentleman from Oregon would allow as to the possibility of keeping our stretegic weaponry modernized in the absence of a Soviet agreement with the freeze.

□ 1630

Is the gentleman suggesting that we should freeze unilaterally?

Mr. AUCOIN. Mr. Chairman, will the gentleman yield to me?

Mr. BROWN of Colorado. I will be glad to yield to the gentleman from Oregon for a response.

Mr. AUCOIN. I appreciate the gentleman yielding.

Mr. Chairman, by putting the concept of reductions first, which is basically the posture of our arms controls negotiations now, by putting that as a first priority, what you are doing is putting as a first priority and asserting the will of the Congress that the basis for the negotiations ought not to be a halting of the freight train and then reductions, but instead, the basis on which the negotiations are going forward right now, which a lot of us feel is a mistake.

As I indicated to the gentleman from Michigan (Mr. BROOMFIELD), the author of the substitute, at the beginning of the debate today, the problem with our current posture is in no way does our current negotiating posture put any limit on the Blackjack bombers, for example.

Mr. BROWN of Colorado. May I say to the gentleman from Oregon (Mr. AUCOIN), I understand his concerns. The concerns he has addressed are not in the amendment. That in no way indicates what he has suggested. I am sure he does not mean to mislead the committee. I certainly do not mean to mislead the committee. Reduction is simply listed as an objective. It does not in any way dilute the effort for a freeze.

Mr. KEMP. Mr. Chairman, will the gentleman yield to me to finish that point?

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, here, again, it seems to me there is some confusion.

Does the gentleman suggest that there will be no negotiations if there is a freeze passed in the House? I do not think anybody in this House or on this floor wants to vote for something that is unilateral; at least that is what I believe the majority opinion to be.

Is my friend from Oregon suggesting that if we pass the freeze resolution that the Soviet Union is going to walk

to the table and automatically accept it? Are you so sure that there is going to be no negotiation conducted over a freeze? What about the verification provisions? Because if there are negotiations, one way or another, if they take time, if there is any breakdown, if there is any failure on behalf of the Soviet Union to accede to the desire of the gentleman from Oregon, we must retain the option of modernizing our forces lest it be purely unilateral disarmament.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me for some of that time.

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I just want to say that I intend to support the gentleman's amendment. I want to commend him for it.

Is it not true that one of the reasons that the gentleman offered this amendment is that the history of our dealings with the Soviet Union over the years since World War II have demonstrated that the only time they become interested in reductions is when they see that we are building up? If we are going to freeze, they have no incentive for reducing. Is that not one of the reasons?

Mr. BROWN of Colorado. The gentleman makes a good point.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Oregon made his argument against this amendment, which I think is a good amendment, based upon the analogy of a freight train having to stop before it goes backward or before cars are removed. But we have to keep in mind that arms control negotiations do not obey the laws of physics; that it is possible within a negotiation for a freeze to also agree to reductions of certain elements. But if we are prohibited by the language of this resolution to first freeze and only then reduce, we would be prevented from taking advantage of the opportunities that the gentleman from Colorado has pointed out have already been presented on the bargaining tables in arms control negotiations.

So I feel that the argument based on the analogy of stopping a freight train and going back is not a valid argument and that this amendment, which permits reductions to be negotiated within the context of a freeze, is a worthwhile amendment and should be supported.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. Chairman, I would once again mention to the Committee that the Soviet Union has already presented several offers in terms of reductions from their point of view. I am not suggesting to the Committee that we have to agree to those, but I am suggesting that we surely want to be able to negotiate their suggestions for reductions.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, I will just take a moment to point out that if we really want to get this train on the right track, the best thing to do is not to stop it, but to take it to the roundhouse and turn it in the right direction to try to achieve reductions in nuclear weapons at the roundhouse in Geneva where the President is presently trying to negotiate those reductions.

Mr. BROWN of Colorado. I thank the gentleman.

Mr. Chairman, I might observe that I was concerned that this amendment might be railroaded. Now it seems that it is on a different track.

Mr. SOLARZ. I appreciate the gentleman yielding to me.

Mr. Chairman, I just want to clear up what appears to be a fundamental misinterpretation of the resolution on the part of the gentleman in the well and some of the Members on the other side who have said that without this amendment it would not be possible for us, if this resolution were adopted, to take advantage of offers that have already been put on the table, or might be put on the table by the other side providing for reductions.

If you look at the resolution itself, on page 5, beginning on line 19, section 2, it explicitly says:

> Consistent with pursuing the overriding objective of negotiating an immediate, mutual and verifiable freeze—

And now here is the key phrase—

> nothing in this resolution shall be construed to prevent the United States from taking advantage of concurrent and complementary arms control proposals.

Which means, in plain English, that if there are proposals for reductions that are consistent with a freeze and they are put on the table, there is nothing to prevent us from accepting them.

Mr. BROWN of Colorado. Let me commend the gentleman for his sentiments and suggest to him the language that was suggested in the amendment would follow along with his thinking.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has again expired.

(On request of Mr. HYDE and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Colorado. Let me reiterate: If the amendment is adopted, it will be perfectly compatible with the aim that you are suggesting. It is offered as an improvement. It is offered as an addition, not in any way a diminution of the freeze effort.

Mr. SOLARZ. I take the gentleman's point, but I beg to differ with him because the language which is already in the resolution makes it clear that the overriding objective of this resolution is the negotiation of an immediate, mutual, and verifiable freeze, although nothing in the resolution should be construed to preclude accepting complementary or concurrent proposals.

The gentleman's amendment would elevate the effort to achieve reductions to the No. 1 priority in our arms control negotiations, and in that sense it distorts the emphasis, it alters the priorities which are contained in the existing resolution.

I believe the gentleman from Iowa will have an amendment to the amendment which will reestablish the sense of priorities which are provided for in the original resolution and which will make it clear that one of our objectives ought to be to get an agreement on reductions, but that the primary purpose and objective ought to be to begin by begetting a freeze first.

Mr. BROWN of Colorado. Let me thank the gentleman for his comments.

I might suggest that I do not see the word listed in terms of priorities. We listed objectives here in the language of the resolution. Nowhere does it appear that these objectives will be taken in priority.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Colorado.

Mr. KRAMER. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's amendment and I would just like to comment to the people on the other side of the aisle who apparently oppose the amendment that I do not see anything in here for you to be fearful of. Regardless of what position you take on the freeze issue, all this amendment does is simply add an additional objective, and that is reductions as well as freeze. But it is basically cumulative in nature and in no way, as I read it, diminishes whatsoever any of the language that is presently in the original resolution unamended.

AMENDMENT OFFERED BY MR. LEACH OF IOWA TO THE AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. LEACH of Iowa. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEACH of Iowa to the amendment offered by Mr. BROWN of Colorado: In the text of the Brown amendment, strike out all that follows page 4 through the end of the amendment and insert in lieu thereof the following:

Line 18, immediately after "freeze" insert ", then pursuing the objective of negotiating immediate, mutual and verifiable reductions in nuclear weapons".

□ 1640

Mr. LEACH of Iowa. Mr. Chairman, the nuclear freeze movement is not opposed to START, as it clearly states in this resolution, nor is it opposed to reductions. What it is opposed to is the notion that a frantic participation in the arms race is conducive to arms control negotiations.

What this amendment to the amendment does is carefully place a sequencing in the bill. We have a freeze, then we have an effort toward reductions.

I would stress that what has happened in this debate and what has happened in the last month in a very clear way is that the word, "reduction," has taken on the implication of a wolf in sheep's clothing. Since the debate commenced last month, the President of the United States has set forth a new proposal for a new arms race in space. Since the debate began we have seen increasing indications that the use of force by the United States in Nicaragua is in contradiction to domestic and international law.

What we need in this Congress at this time is to set forth an armistice as our first priority. We need a freeze, but to get a freeze we are going to have to get a thaw in relations between the United States and the Soviet Union. A new attitude is needed to set a new milieu for better relations.

What this amendment to the amendment does is recognize the importance of stressing reductions and the importance of START; but it makes clear that a firm message must be sent to the White House that the American people want a new course in arms control; that new course can only be articulated by new language which is in contradiction to current administration policy.

Mr. Chairman, I, therefore, urge adoption of this amendment to the amendment.

Mr. BARNES. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I am delighted to yield to the gentleman from Maryland.

Mr. BARNES. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the amendment to the amendment that has just been offered by the gentleman from Iowa (Mr. LEACH).

What the gentleman from Iowa is offering is language that reaffirms the fact that those of us who support the freeze also support reductions.

I would suggest that the Members look at the resolution, the resolution submitted by the committee chairman, that we have before us, and all we have to do is look at paragraph (4) on page 5, which says: "Proceeding from this mutual and verifiable freeze, pursuing substantial, equitable, and verifiable reductions * * *." And then it goes on to delineate the kinds of reductions.

So the amendment to the amendment that the gentleman from Iowa has just offered is absolutely consistent with the resolution. It indicates that what we are after here is an end to the arms race and an effort to see if it is possible to negotiate a freeze and to negotiate reductions.

I would urge all of our colleagues, whether they want the first objective to be a freeze or the first objective to be reductions, to support the amendment to the amendment offered by the gentleman from Iowa (Mr. LEACH) and to oppose the amendment offered by the gentleman from Colorado (Mr. BROWN) because it undercuts the basic thrust of what we are all about here this afternoon, and that is to bring about an end to the arms race.

Mr. Chairman, I commend the gentleman from Iowa (Mr. LEACH) for offering this very excellent amendment that makes it possible for us to offer our support.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I am delighted to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate my friend's yielding.

Mr. Chairman, I just wonder why the gentleman from Iowa (Mr. LEACH) persists in putting the freeze first, especially since it would have to be negotiated by those who believe we should reduce first. Does the gentleman not recognize that there is going to have to be negotiations, whether we have reductions first or a freeze first?

It seems to me that if the answer is that both need to be negotiated, the first opening bid in Geneva should be to get the levels of weapons down. And the gentleman is saying that if we do not get them down, we should not have any opportunity to modernize, and then the same problem is attendant to the freeze issue because that, too, has to be negotiated.

So my question is: Why does the gentleman persist in putting the freeze first when the ultimate goal, I thought, was to reduce?

Mr. LEACH of Iowa. Mr. Chairman, I thank the gentleman for his query. I think it is a fair and reasonable query, and I would only say that we have proof in the pudding.

This administration has been in office for 2 years and 3 months and has pursued a START reduction approach. That reduction approach has come to naught. Our negotiators themselves in the last week have indicated that there is no early indication of a likelihood of a successful arms control treaty.

Therefore, I think those who have had some doubts about the approach and the professionalism of the administration on arms control are saying, "Let's take a little different approach," recognizing that the ultimate goal is reduction.

Mr. KEMP. Mr. Chairman, will the gentleman yield one more time?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, the gentleman, then, questions the professionalism of the U.S. negotiators.

Does the gentleman admit of the possibility that the other side of the equation should bear some of the burden of proof on its shoulders? What if we are dealing with an intransigent negotiator? Is there no burden of proof on the Soviet Union?

That is what bothers me, frankly, about the whole nuclear freeze movement.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has expired.

(On request of Mr. KEMP, and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, if the gentleman from Iowa will yield further, what bothers me about this debate sincerely is that there do not seem to be any reservations or doubts about the good faith of the other side of the bargaining table. We are holding our own country responsible while looking at the other side through rose-colored glasses. We must listen to charges of the lack of professionalism, the lack of honesty, the lack of integrity, and the lack of sincerity on behalf of our own country.

It seems to me some of the gentleman's moral indignation should be reserved for the failure of the Soviet Union to comply with past agreements, for their obstreperousness and for the intransigence they have introduced into these talks.

I just believe that we must not leave this issue without clarifying the fact that the gentleman is holding his own country accountable and is not asking for some accountability on the other side of the table.

Mr. LEACH of Iowa. Mr. Chairman, I think the gentleman from New York makes some very valid points, and I would stress that I referred to the notion of lack of professionalism but

never the lack of sincerity and never the lack of honesty in doubting my own Government's approach.

With regard to the Government of the Soviet Union, there is a great deal to be asked. I think the gentleman made a number of valid observations. I would say the presentation of an agreement in the nature of a freeze would really put their feet to the fire.

If anyone listened very carefully to the opening presentation of the gentleman from Wisconsin (Mr. ZABLOCKI) and understood what would be expected from the Soviet Union under a freeze, they would understand the enormous restraint that would be required of the Soviet Government. All I am saying is, let us give them that option, and then let us test their sincerity, but we are not going to get anywhere until that sincerity is tested.

Mr. KEMP. And if they did not, then what? Would the gentleman reserve the right to modernize the U.S. Forces?

Mr. LEACH of Iowa. This gentleman certainly does reserve that right, as do the advocates of the freeze on this House floor. Until there is a ratified agreement in force, this Government shall have the right to pursue modernizations in the area of nuclear weapons.

Mr. KEMP. Then, Mr. Chairman, if the gentleman will yield further, the gentleman is relying on the same professionalism from our negotiators vis-a-vis a freeze negotiation as he does for the current START negotiations. How does the gentleman expect those people to be professional in negotiating a freeze when he is attacking their professionalism for failing to negotiate reductions? And why put handcuffs on our negotiators in Geneva and tell them, "You can only negotiate a freeze because we don't trust you to negotiate reductions."

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(By unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I say to my good friend, the gentleman from New York, there is nothing in this resolution that says that we cannot at the same time discuss and move toward reductions. It says, "concurrent and complementary arms control proposals," which would in fact take in the 2 for 1 or any other reduction program. So they can both be done at the same time.

So I do not see why the gentleman feels that we cannot say, "Let us as a matter of strategy suggest a freeze first and then reductions." Why is that any different than saying, "first reductions and then freeze later."

It just seems to me that we can do either thing under this amendment, and in my view, what we are saying here is, let us try a different tack because the other tack simply has not worked over the last 2 years.

Mr. LEACH of Iowa. Mr. Chairman, if I may reclaim my time, let me just stress that the analogy of the gentleman from New York about handcuffs is an excellent one. It is time that the peoples of the United States and the peoples of the Soviet Union attempted to handcuff their governments in a way so that we can have peace rather than a continued arms race.

Mr. KEMP. Mr. Chairman, if the gentleman will yield, I would vote for the gentleman's amendment if I thought there were somebody handcuffing the Soviet Union, but the problem is that the gentleman is handcuffing our own negotiators, and there is no quid pro quo on the other side of the ocean or on the other side of this debate. We are handcuffing ourselves, and in the absence of anyone demonstrating against the tremendous buildup of arms in the Soviet Union. So why should the gentleman handcuff us?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the amendment offered by the gentleman from Iowa (Mr. LEACH) makes a good deal of sense from a number of different perspectives, but there is an additional one. The amendment offered by the gentleman from Colorado (Mr. BROWN) talks about reducing.

Does it talk about reduction of all nuclear weapons? Or if we reduce one type of nuclear weapons, would the amendment be satisfying? Does it talk about reduction over a permanent period of time? Or if there were a reduction for 3 months and then an acceleration of the arms race, would the amendment satisfy that?

The freeze is a concept that has become so prevalent across the face of this Nation because it is simple and it is clear, and, quite frankly, it cannot be misconstrued by people who do not have the same intent as the sponsors of this resolution.

□ 1650

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I would be delighted to yield to the gentleman from New York.

Mr. KEMP. I appreciate the previous speaker's point, but the same thing holds true for the freeze: Which weapons systems would be covered by a freeze? To which delivery systems would a freeze apply—the F-15's that only carry conventional weapons now, but could carry nuclear weapons later? The definitional problems to which the gentleman alluded hold true for the freeze—only more so.

Now, the gentleman raises the point about simplicity. The Gulf of Tonkin resolution was one of the most simple resolutions ever passed by the Congress. Ninety-eight percent of the House of Representatives, 100 percent of the Senate, all voted for the Gulf of Tonkin resolution and then we found out later that there were some ambiguities, there were some clauses that were not quite clarified, and we ended up with problems that all of us know went far beyond that simple, seemingly straightforward resolution.

I am saying, we had better look at this a lot longer than we have looked at it so far, because the very problems that we talk about with regard to reductions negotiations are attendant to the problem of a freeze.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(At the request of Mr. BROWN of Colorado, Mr. LEACH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. LEACH of Iowa. Mr. Chairman, before yielding to the gentleman, let me just stress, there is one difference between a freeze and other approaches, with all respect to the gentleman from New York, and that is, in a freeze you do not need the definitional framework that applies to other approaches. If you advocate START, if you advocate a build-down, you do need a definitional framework.

I would stress to all my friends on this side of the aisle, the only definitional framework that has ever been negotiated is contained in SALT II. A premise for a build-down approach, a premise for a START approach, is SALT II. Those who support START and the Levitas approach are obligated to think seriously about changing attitudes toward SALT II.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I thank the gentleman.

I would like to summarize very quickly the changes that I think the gentleman's substitute incorporates. It incorporates as I see it, exactly the same language, with two exceptions; first, it changes the number of the paragraph from one to three, and thus the order that it would appear in the objectives, and second, it precedes my language with the word "then." Would that be correct?

Mr. LEACH of Iowa. That is correct.

Mr. BROWN of Colorado. I might ask the gentleman because I have

great respect for his concerns in these areas, is it the gentleman's intent or the gentleman's desire that we not consider reductions until we have obtained a freeze?

Mr. LEACH of Iowa. It is the gentleman's considered opinion that at this time we are going to have to do our very best at a maximum to achieve in a practical way a freeze on as many systems as possible.

In my personal opinion, we probably cannot achieve a freeze on everything. Based upon that, we might have to negotiate a partial freeze and then within that context there may well be the consideration of reductions; but if we do not start talking about a freeze, we are never going to achieve reductions. We are simply going to see an escalation of the arms race.

Mr. BROWN of Colorado. I thank the gentleman.

I would just submit for the Members who are listening that the thrust of the amendment I brought to the committee is simply to list a reduction as an alternative and not in any way to harm the freeze alternative that is here.

I further suggest that there are realistic opportunities for reductions, as witnessed by the several proposals by the Soviet Union.

In this Member's view, it would be a mistake to refuse to include reductions in the objectives.

The gentleman from New York earlier had pointed out that there is some other language in section 2 that may allow us to consider reductions. If that is, indeed, his viewpoint, all my amendment would do, then, is make section 1 and section 2 consistent.

Mr. LEACH of Iowa. I would emphasize to the gentleman from Colorado that his sincerity and his judgment are deeply respected. There is some difference of judgment between the two of us, but not an enormous one. That is why the amendment to the amendment is one of very slight modification, but it is a modification that in the opinion of many people in the freeze community is very important at this time.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(At the request of Mr. KEMP, and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. Of course, I yield.

Mr. KEMP. I thank the gentleman.

The gentleman mentioned SALT II and that the freeze movement would be predicated upon ratification or at least a de facto ratification of SALT II.

Mr. LEACH of Iowa. No; that is not what the gentleman from Iowa said.

Mr. KEMP. Oh, I am sorry.

Mr. LEACH of Iowa. What the gentleman from Iowa said was that the definitional framework of SALT II would be necessary for either a build-down approach or a START II approach.

The advantage of a freeze approach is that the sophisticated definitional framework is frankly not needed, because a freeze applies to virtually everything; whereas the minute you take an approach that involves 1-for-1, 2-for-1, 3-for-1 reductions you have to describe what are the systems involved; so the beauty and the simplicity of the freeze is that it can go forth without SALT II. This gentleman supports SALT II. Those people of this Chamber that support a build-down approach, a START approach, have to recognize in their own hearts that they may well have to reassess their positions if they have a negative opinion of SALT II.

Mr. KEMP. Well, my view toward SALT II was that it was fundamentally flawed. It gave the Soviets unequal advantage over the United States. It did not include the Backfire bomber, it gave the Soviets a unilateral right to 326 heavy SS-18's with MIRV's of 10 warheads each, and it was thoroughly unverifiable. I do appreciate the gentleman's clarification. I had thought for a moment that the gentleman was advocating resurrecting SALT II. I am relieved to know that that is not the case.

The second question that I would like to ask is, Is the gentleman telling us that the freeze would include every single nuclear weapon across the board or the various delivery systems or what?

Mr. LEACH of Iowa. The freeze will include precisely what the gentleman from Wisconsin read in his opening statement today.

Mr. KEMP. Well, then, in effect, the gentleman is saying that under a freeze we are going to leave in place in the Soviet Union over 320 SS-20's that are aimed at every major capital in Europe, and not allow the United States or the alliance to offset that tremendous threat, not only to NATO, but to the free world.

Now, how will it ever be possible to get the Soviet Union to negotiate a reduction in theater nuclear weapons if we are putting our own country in handcuffs? We would be denying ourselves the ability to negotiate from a position of strength. We would be renouncing our option to achieve parity. We would unilaterally be conceding an enormous advantage to the Soviets, without even token reference to any quid pro quo or reciprocity. We would be saying, we will freeze our position at zero, and you can stay west of the Urals, with more than 320 SS-20's aimed at the heartland of Europe. How is it possible that the Soviets would, after that, ever agree to reductions?

Mr. LEACH of Iowa. One of the interesting assessments that occurred this past week is the proposal of the Scowcroft Commission, which among other things articulates the vulnerability of land-based systems. If we froze today, we would leave the Soviet Union frozen with many, many vulnerable systems, with the United States frozen with many less vulnerable systems.

We would be in a position certainly of parity, but to a very large extent, and not improbably, of some advantage.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(At the request of Mr. KEMP, and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 1 additional minute.)

Mr. KEMP. Mr. Chairman, will the gentleman yield further?

Mr. LEACH of Iowa. Of course.

Mr. KEMP. We just had an election in West Germany. I understand the sincerity of the gentleman from Iowa. He and I have had many discussions and I appreciate his friendship. We have joined in other projects, talking with people from the United Kingdom, I remember that very clearly.

I just wonder, how are we going to tell our friends and allies, whether it is the United Kingdom or West Germany, particularly a new government in West Germany of Chancellor Kohl, that all of a sudden the United States supports his opponents—the very opponents who have been supported by the Soviet Union? After all the integrity and resolve Chancellor Kohl has displayed, to support this country, and to support NATO, and to support the defense of those values that we both hold dear and to help support a position established by the United States of America, now that he went through a very trying election and took all that heat, we are going to undercut everything that he ran on in that election. It seems to me that such an action would split us from the alliance. It would weaken our friends in Europe. It would strain our credibility in the eyes of our allies, and shake their confidence in our commitment to their defense. And it does not make any sense to try to negotiate with the Soviet Union from a position of supreme weakness, of unilaterally foregoing the deployment of our theater nuclear weapons when the Soviets have already deployed theirs.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(By unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. LEACH of Iowa. Mr. Chairman, I just wanted a couple additional minutes to respond to the gentleman from New York.

The gentleman from New York presents a very interesting argument and one that must be addressed in this debate.

I think very clearly from a NATO alliance point of view there are differences of opinion, but I would stress that it is Chancellor Kohl himself that is pressing this administration for more forthcoming approaches to arms control.

In the United Nations on a freeze resolution, two members of NATO voted for a freeze; a number of other countries of the NATO alliance were forced to abstain.

There is not a major country in Western Europe that is not saying to the United States at this time, "Let's be more forthcoming in arms control."

William Colby, the former Director of the Central Intelligence Agency, when asked this question several weeks ago said, "My belief is that the people of Germany and the Government of Germany would say, 'well, thank God, the American people have finally risen up to make their Government recognize the importance of arms control.' "

A freeze would be well received, not poorly received in Western Europe today.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me on that point?

Mr. LEACH of Iowa. I would be delighted to yield to the gentleman from New York.

Mr. STRATTON. The gentleman says that there is a great deal of sentiment for a freeze in NATO, but the fact is that there is not a single major government in NATO which supports the freeze.

The gentleman from New York pointed out here just a moment ago that if this freeze goes on, we are going to be selling our NATO allies down the river.

In fact, if the gentleman would just let me make my point, we met with a young member of the Bundestag the other day and that was his statement. We said, "What would happen if we vote a freeze over here?"

He said, "If the Americans vote a freeze, then the Germans are not going to accept the Pershing missile."

So the whole thing is going to be destroyed if this freeze proposal goes through as far as NATO is concerned.

□ 1700

Mr. LEACH of Iowa. I appreciate the gentleman's differing perspective.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman.

Mr. HUNTER. I think the difference between the gentleman's measure and the measure offered by the gentleman from Colorado (Mr. BROWN) or the way it affects the Brown measure basically is to take the option away from our negotiators of negotiating a reduction first and then a freeze, which you are basically saying, and several of the other proponents of the freeze have said, which is if the Soviets agree to reduce first they can, and the freeze resolution contains provisions for negotiating a reduction first if they want to.

But if the Soviets do not want to negotiate a reduction first, then our negotiators are bound, at least by this resolution, to freeze.

Is that accurate?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(By unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 1 additional minute.)

Mr. LEACH of Iowa. There is no doubt there is sequential priority given to a freeze in this resolution, but a freeze to be negotiated does take two to tango. If it cannot be negotiated, obviously other approaches will have to be considered.

Mr. HUNTER. But if the gentleman will further yield, you do agree that your amendment to the Brown amendment basically removes that option from our negotiators?

If the Soviets say no, we want a freeze first, our resolution says——

Mr. LEACH of Iowa. This amendment gives sequential priority to the freeze.

Mr. HUNTER. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment to the amendment and in opposition to the amendment offered by the gentleman from Colorado (Mr. BROWN).

Mr. Chairman, we have already discussed the Siljander amendment for about 2 hours. This is the same issue. It is a matter of what priority we are going to set as far as the negotiations.

The amendment offered by the gentleman from Colorado (Mr. BROWN) is less preferable than the amendment offered by the gentleman from California (Mr. ZSCHAU) with whom I had discussed this issue. He does not really put it, as he maintains he does, as an alternative. He puts it before the provision in House Joint Resolution 13 that a mutual and verifiable freeze should be negotiated. If he would have put it after, I think we would have no quarrel.

But I must state that the amendment of the gentleman from Colorado is no different than the Siljander amendment which the House has already rejected. Therefore I submit, Mr. Chairman, we should not debate this any further. We all know how we are going to vote and, therefore, I ask for a vote in support of the amendment to the amendment and in opposition to the amendment offered by the gentleman from Colorado (Mr. BROWN).

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. ZABLOCKI. I will yield briefly. The gentleman has had ample time.

Mr. BROWN of Colorado. I might observe that there is a significant difference in that the amendment I have suggested to the committee does not in any way condition a freeze upon a reduction. I thought at the time of the Siljander debate that that was a major objection and the amendment—this amendment—was drafted to answer that concern.

But I might address a question to the chairman. If we changed the number of this objective from No. 1, as I have it, to No. 3, as the gentleman from Iowa has suggested, would the chairman then feel that he could accept the amendment?

Mr. ZABLOCKI. Not with the amendment of the gentleman from Iowa.

Mr. BROWN of Colorado. The gentleman from Wisconsin has indicated that one of his concerns about my amendment is the order in which it lists the objective of reduction. If indeed we change that so that we move it to No. 3 instead of No. 1, is the amendment then acceptable to the chairman?

Mr. ZABLOCKI. We do have it in other sections of the resolution.

Mr. BROWN of Colorado. So the gentleman's objection to my amendment is not just the number of the sequence?

Mr. ZABLOCKI. I object to the sequence.

Mr. BROWN of Colorado. If we change the sequence, is the gentleman then willing to accept reduction as a goal?

Mr. ZABLOCKI. It is the sequence of the negotiations, and since the Leach amendment corrects that, I am supporting the amendment to the amendment offered by the gentleman from Iowa (Mr. LEACH).

Mr. BROWN of Colorado. It does more than that. It does more than change the number. It adds a sequential word of "then" indicating that you cannot consider reductions until you have negotiated a freeze. That is the whole point.

I think the American people want an opportunity to have reductions if they are possible.

Mr. ZABLOCKI. I am sure the gentleman understands fully the position of the gentleman from Wisconsin, and he is not going to change.

I ask for a vote.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am just as weary as anybody in this room and maybe a little more so of debating this issue. It is absolutely, positively a political issue, not arms control, and never was that more graphically underscored than by the amendment offered by the gentleman from Iowa, which I am sure is consonant with the dictates of "the freeze movement."

Notice the absence of a "reductions movement." Notice the hangup on the word "freeze" which, of course, stops modernization, keeps us in the antique category as far as our weaponry is concerned, and prevents us from responding to the SS-20's, 354 triple-headed SS-20's aimed at Western Europe.

There is no reason in logic or in commonsense why you cannot reduce as well as freeze.

Why in the world are you so hung up on "first we freeze and then we reduce"?

The gentleman from Iowa has just said our European allies want us to be forthcoming on arms control. Why chose the door and just say talk about freeze first? Why not leave the option to reduce?

Is there something incompatible with arms control, with fostering peace, that says you cannot reduce?

What if the Soviets want to reduce? We cannot talk to them?

We are going to have to negotiate a freeze first.

Freezing first requires negotiations on inventory, on verification. If you think verification is going to be easy to negotiate, you do not understand the subject.

If you ask anyone in the intelligence community how many atom bombs Israel has, do you know what answer you get? It is from zero to 200. We do not know. That is a little country, a free country the size of a postage stamp compared to Russia, and we do not know.

But now we are going to verify nuclear weapons production and deployment in the Soviet Union.

To negotiate the verification will take years. What nonsense to foreclose our negotiators from being able to discuss reductions.

The President no longer can say, "We will cut it in two; we will eliminate this; we will eliminate that." We have got to freeze first.

That is not forthcoming. That is stupid. I cannot see why you have to march to the drum of the freeze movement because they are hung up on the word "freeze."

Reductions, disappearance of all nuclear weapons, ought to be the ultimate goal. Why not at least let that word creep into the resolution by saying that, too, is an objective of what we are doing.

I yield back the balance of my time.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto end by 5:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. KRAMER. Reserving the right to object, Mr. Chairman, I did not hear the unanimous-consent request.

The CHAIRMAN. The gentleman asked unanimous consent that all debate on the amendment and amendments thereto cease at 5:30.

□ 1720

Mr. KRAMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Iowa to the amendment.

I think it is very fitting that we have discussed in the last few minutes the history of arms negotiations, because in effect what the gentleman from Iowa and the gentleman from Wisconsin would really have us consider here today on the floor of the House is not the first freeze that the United States has ever been involved in, but the second.

In fact, when the SALT I agreement was adopted—I do not know how many Members were here a number of years ago when that debate raged—it was really said to be a freeze that would stop the endless escalating arms race.

And let me, if I might, depict this graphically for my colleagues.

Prior to the SALT agreement, which I call the freeze that failed, the relative force structures of both sides looked something like this. The Soviets had deployed two strategic bombers, the United States one. Both sides had deployed a relative parity in both ballistic missiles and submarine launched missiles, as well as three classes of ballistic submarines.

The Soviets then developed two very large missiles, one of which was MIRV. The SS-9, both Mod-3 and Mod-4.

And the United States responded with a new submarine launched missile, the Poseidon, which was also MIRV'ed.

That is the background that forced us into SALT I, an escalating arms race on both sides, and approximate parity, a trip to the bargaining table in the hopes to freeze this escalating situation.

Now let us see how SALT I worked to accomplish its goal of a freeze. Kissinger, Ambassador Smith, and Mel Laird all testified in the background of SALT I that indeed this would have the effect of a freeze. In fact, we gave up our ABM system with the explicit understanding that the Soviets would indeed not develop any counterforce capability, any counterforce weapons. In fact, Secretary Laird said at the time that it would be a violation of SALT I if the Soviets did indeed develop some capability that threatened our deterrent.

How did that freeze work? The Soviets proceeded with aggressive, unrelenting development of new ICBM's, new SLBM's and new bombers. They deployed six new classes of submarines. And in this entire timeframe, between SALT I and the period we are presently in, the United States deployed one new submarine missile, a new warhead on an old missile, the Minuteman III. And finally, within the last year, an air launch cruise missile.

If indeed we go forward with the President's modernization program, we will then wind up with a force structure that looks something like this, where the United States attempts to gain back some of that parity that serves as a deterrent against the Soviet first strike and new generations of Soviet missiles, SS-18, the new solid missile, an air launch cruise missile, and a new submarine missile, and another bomber, the Blackjack.

That is the situation that we have found ourselves in today.

So virtually what we have done unilaterally is imposed a freeze upon ourselves. In fact, since 1967 this country has not dug one new silo, not one, and has only deployed in those almost 15, 16 years one new submarine, put into operation last December.

I would suggest that if we adopt this resolution here as it presently reads as presented by the gentleman from Wisconsin and as amended by the amendment of the gentleman from Iowa and the amendment by the gentleman from Colorado (Mr. BROWN), what we will wind up with is the second freeze that failed, not the first.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. KRAMER. What we will wind up with is a force structure that looks like that.

Now not wanting to be facetious, let me just ask my colleagues: Which team would you rather play on, the red team or the blue team? And I suggest that the havoc and the damage that we could wreck her today is almost incalculable in its impact on the security of this country.

Now all of us want peace. All of us want security. All of us want a world free from nuclear weapons in which nuclear weapons are obsolete. But to simply go forward with another unilat-

eral freeze will be the second freeze that failed.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

I want to compliment the gentleman on a very forceful and persuasive statement. I think the gentleman has graphically depicted the situation as I understand it to be.

I wonder—I see somebody else bringing charts, it looks like we might be engaging here in a battle of the charts—if the gentleman would care to inform the House under whose aegis this was prepared and where these figures came from.

Mr. KRAMER. Certainly. This chart was prepared by in fact two agencies, the Defense Nuclear Agency provided the information to the Office of the Assistant Secretary for Internal Security and Policy Development. And in fact we just had this in this form delivered to us this morning.

Mr. DICKINSON. Well, I want to again thank the gentleman and compliment him and say that I was just recently—over the weekend—involved on a panel where numbers came out of the air, people were quoting things that I had never heard of before. The only answer was, "Yes, you can check my figures." And it is for this reason I thought it very important for the gentleman to state the source of his figures, because they are very dramatic, very impressive, and persuasive.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unamimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. KRAMER. I would only say to the gentleman in response and to all the other Members of this House on both sides of the aisle, before the Members vote today and I have copies of this for anybody who wants to see it and examine it in a 9 by 11 form, what I would ask the Members to do is look at these figures. They are accurate, they are true, this is the red team and this is the blue team. And what I would ask my colleagues is to examine your own conscience and see whether you really want to do what the resolution of the gentleman from Wisconsin suggests is in the best hope of peace.

I suggest to unilaterally go forward again is to submit ourselves to nuclear terror and blackmail in the decade that lies ahead.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

The gentleman and I both serve on the Armed Services Committee. The gentleman asks the question: Which team would you serve on?

Let me speak as one Member of Congress, I would serve on the team of the blue, the United States.

Now, let me ask the gentleman a question, if I may.

Is the gentleman prepared or is any Member of this House prepared today to say that the United States is militarily inferior to the Soviet Union?

Mr. KRAMER. I will say that, yes.

Mr. MAVROULES. The gentleman would say that?

Mr. KRAMER. Yes.

Mr. MAVROULES. And the gentleman would say today, if I may, that the gentleman would swap, so to speak, what we have with the Soviet Union?

Mr. KRAMER. In the strategic setting, yes.

Mr. MAVROULES. In all settings?

Mr. KRAMER. From what is on this board, yes. I would.

□ 1730

Mr. MAVROULES. If the gentleman will further yield, the point is, of course, when you talk military, I think we have got to take all of the military structure into effect. We have got to be fair among ourselves. And the question I ask again—forget the strategic—would the gentleman swap militarily what we have today with the Soviet Union?

Mr. KRAMER. Yes; I would.

Mr. MAVROULES. When I ask for the time, I will address that issue.

I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(On request of Mr. DORGAN and by unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from North Dakota.

Mr. DORGAN. I just want to make a quick point. The gentleman has pointed out that we have dug no new silos in this country in the 1970's. I come from a State with 300 silos that house Minuteman missiles. The gentleman is probably correct about digging new silos, but the gentleman well understands, that we put new missiles in those silos in the 1970's. The Minuteman I gave way to the Minuteman II, the Minuteman II gave way to Minuteman III. We have housed new missiles with advanced warheads in those silos in the 1970's.

As a matter of fact, we have upgraded all three legs of our strategic triad in the 1970's.

If the gentleman will further yield, I would like to make one further point. I think the charts that the gentleman has brought to the floor make the case that many of us who support this freeze are concerned. The case is this:

The arms reduction talks, of previous Presidents and the START program of this President, have worked as a shield behind which both countries have built bigger and more advanced weapons. That shield is not working because behind that shield both are building bigger and more advanced weapons. We are suggesting that now is the time for a freeze.

I am on the Ways and Means Committee. I am not on the Foreign Affairs Committee or the Armed Services Committee. However, I have watched this debate closely, and I hear the buzz words and the acronyms thrown back and forth on this floor that give a predictable response in the hearts of all of these folks who have been dealing with this debate for months now. But the question is: When are we and the Soviets going to work together toward some sort of sanity here? That is the question.

And will not the freeze be a catalyst to move toward some kind of sanity in our arms control? That is the question. And it is a question that gets obscured by the minutia and the acronyms thrown across the floor during this debate.

Mr. KRAMER. I would like to briefly respond to the gentleman. I cannot think of a better way to characterize the situation we are in today than as the gentleman has; in other words, when will the United States and the Soviet Union sit down together and negotiate sanity?

But I can only tell you that I hope it will be soon, because I am just as afraid of nuclear weapons as the gentleman is. But I can tell you this, looking at the history of mankind: Unfortunately, it has been a history of war interrupted by periods of peace. And we cannot simply believe that the good faith of this country in trying to bring an end to nuclear obsolescence by unilateral restraint is going to bring about the accommodating kind of conduct from the other side. We have already been through one example of just what happened when we entered into that agreement in SALT I, and we saw the Soviet response, our refusal to build an ABM system in exchange for the Soviet's refusal or supposed willingness not to field a counterforce capability. And yet, you look at these weapons, starting with the 16 here, and going on out, every single one of those weapons has a counterforce capability. And I hope, I pray, that we can indeed enter an era that will indeed lead to nuclear obsolescence.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 1 additional minute.)

Mr. KRAMER. I hope and truly believe that we can do that, because I think the fate of mankind very well may lay in the balance. But I would also suggest that the way not to succeed in lowering the threshold of nuclear war is to allow the Soviets to continue arms racing while we once again tie our hands like we did during the last decade.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I would just like to call attention to my colleagues that while the gentleman from Colorado (Mr. KRAMER) was speaking and had the floor, somebody moved in two chart supporters and two large charts. I submit that while the gentleman from Colorado has the floor, that while his charts, although perhaps not as big and not as bold as the other charts, are being viewed by the Members of Congress, that the other side should refrain from the war of the charts.

Mr. AUCOIN. Is the gentleman asking for a freeze on charts?

The CHAIRMAN. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Leach amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, after the conclusion of the remarks of the gentleman from Massachusetts (Mr. MAVROULES), I wonder if we can have a unanimous-consent agreement that the debate on the amendment and the amendment thereto end at 5:45 p.m.

Mr. GINGRICH. Mr. Chairman, reserving the right to object, since our leadership is currently in conference, if the gentleman will check and raise that issue when the gentleman from Massachusetts has concluded, I am sure they will be here.

Mr. ZABLOCKI. Mr. Chairman, I did not know that the leadership on the minority side had deserted.

Mr. GINGRICH. Mr. Chairman, I appreciate the good humor and the kind comments of the chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, as we continue with the debate on House Joint Resolution 13, and these various amendments, I want to offer a few observations.

Twenty years ago this month, the United States and Soviet Union signed the limited nuclear test ban treaty. The goal was simply to control and outlaw the testing of nuclear weapons in the Earth's atmosphere.

It made sense. For so long as nuclear testing in the atmosphere continued, each rain storm would return to Earth the radioactivity, fallout, and other poisons of nuclear explosions.

During the debate, there were those like Senator Hubert Humphrey who called the test ban "A ray of hope to millions of worried people." But, like today, there were critics who claimed this type of initiative, not to test nuclear weapons in the atmosphere, was "catastrophic nonsense," and a "theatrical gesture."

Because of that limited test ban treaty, nuclear explosions in the atmosphere have been stopped. Our security has not been compromised. In fact, our planet is safer, healthier, and more secure because of it.

Today, we debate a mutual and verifiable nuclear weapons freeze. Mutual and verifiable—those are the two key operative terms. It is not perfect. No single arms control proposal is. It will be perfected, however; improved and made more specific as its individual provisions for implementation are negotiated with the Soviet Union.

Those who have been so active in opposing this resolution, I understand their arguments; I understand why they want this initiative defeated.

We have heard their voices before. They were critical of SALT II before negotiations were even finished. They oppose the continuation of negotiations for a comprehensive nuclear test ban treaty; negotiations pursued by the Kennedy, Johnson, Nixon, Ford, and Carter administrations.

Their voices continue to attack the provision of the SALT I agreement, limiting the deployment of antiballistic missile systems by both sides.

To be perfectly honest, I cannot think of a single arms control agreement or treaty they have ever supported.

There are those who contend that a freeze, or any arms limitation agreement, without billions for new and more sophisticated weapons, will lock the United States into a compromised position.

In fact, there was a recent White House meeting involving Mr. Jerry Falwell of Moral Majority fame. Since that meeting, Mr. Falwell has been sermonizing across the country that the U.S. military is No. 2, second rate and inferior to that Russian bear.

Are we?

That is not the testimony before our Armed Services Committee. Military leaders from all branches of the service have told our committee that they would not for a second, exchange U.S. forces for those of the Soviet Union.

America is not a weak and threatened nation and statements to that effect are damaging and dishonest.

Make no mistake, the Soviet military is growing and improving. But this does not mean that the United States military cannot meet its missions and responsibilities to preserve peace and freedom throughout the world.

There can be no doubt in the mind of the leaders of the Soviet Union that the military capability of the United States is massive. No rational Soviet leader could ever move against us and win.

Why the need, for this resolution? Why, amid all these complexities, a mutual and verifiable freeze? It is quite simple. Someone, some group, must take the lead.

Rather than opposing this effort, President Reagan should be leading it. Today that is what we really ask. Join us, Mr. President. Join us and let the world know that the United States will do all in its power to stop the nuclear arms race.

Offer the people of the world this hope, Mr. President, and millions of Americans will stand with you. This one Congressman certainly will.

□ 1740

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. MAVROULES was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I would just like to respond briefly to my friend from Massachusetts, a very valuable member of the Subcommittee on Procurement and Nuclear Military Systems.

It is quite true that the American military machine is not totally disabled. We have formidable capacity, there is no question about that, a great morale and other attributes, but the fact of the matter is that today, when our major nuclear deterrent is at risk, we do have a very serious inferiority to the Soviet Union in the fact that they have four hard-target, kill-capable missiles and we still are battling for a single one. They have a nuclear submarine that has a missile that can go 6,000 miles. Our Trident submarine missile only goes 4,000 miles.

Mr. MAVROULES. I want a colloquy with the gentleman.

Is it not also true, Mr. Chairman, when you talk about the submarine force, let us talk about the qualitative aspects of the U.S. submarine force, is

not our submarine force quieter? Is not our submarine force invulnerable to attack by the Soviet Union? Is that not a fact also?

Mr. STRATTON. The missile-firing submarines are the ones that count, and it is the range of the missiles that really are involved. We cannot match their range, and we have no supersonic bombers and they have two major supersonic bombers.

This is an inferiority that no major country can stand and tolerate, and that is why we are trying to restore our nuclear superiority.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I will yield in a moment, but I am enjoying this colloquy with my chairman.

On most things we agree for the national defense of our country. This is one particular issue on which we have strong disagreement.

I think what we have to do is, first off, take the remarks made by the chairman, the gentleman from Wisconsin, Mr. ZABLOCKI, in his opening statement this morning. Rather than getting into the weapons systems, and I think it is wrong to do that during debate of this resolution, nothing is going to happen until our negotiators can negotiate a freeze. Nothing is going to happen. We are not going to get into any weapons systems.

Qualitatively, if we talk about the triad, yes, I think we are weaker in the land-based missiles. I have to agree with you on your perspective on that.

I think we are superior, and I hate to use that term, in submarine forces carrying nuclear weapons, and certainly we are superior when it comes to air power with the cruise missile.

Why do we not talk about the strengths of this great country rather than talking about the inferior position prospected by so many people throughout the world?

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

(On request of Mr. DOWNEY of New York and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has done an invaluable service here when he talks about the submarines.

Is not true that we have 10 times as many warheads at sea as the Soviets do at this time?

Mr. MAVROULES. I think we number, and I stand to be corrected, they have roughly about 1,850; we exceed 5,000.

Mr. DOWNEY of New York. Is it not also true that our submarines, and everyone talks about how old they are, that they are on station about 55 to 65 percent of the time, as opposed to Soviet submarines that are on station about 15 percent of the time? Their brandnew submarines are only on station about 15 percent of the time.

Mr. MAVROULES. I think you are correct. I think two-thirds of our submarine force is submerged and stationed at any given moment.

Mr. DOWNEY of New York. Another point has been made about the freeze. Does the freeze not then lock in this advantage when it would take effect?

Mr. MAVROULES. There is no question about it. But I think the important thing, and I think we continually get away from it, I stood up to talk on the weapons system only because of a member of the Committee on Armed Services. I think I know a little bit about it.

The point is, nothing is going to happen until a negotiated freeze takes place. Nothing happens. What are we afraid of? Let us have some confidence in the American people and the people who are looking out for our benefit.

Mr. ASPIN. Mr. Chairman, will the gentleman yield to me?

Mr. MAVROULES. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, I would like to compliment the gentleman in the well for his statement because I think what he has said is absolutely accurate.

What we are talking about is some significant advantages, particularly in the bomber force. The Soviet Union, for reasons of their own, have never, never put a lot of money and effort into a bomber force. The United States has put enormous amounts of resources into bomber forces over the years, and our bomber forces are clearly superior to the Soviet Union's.

Secondly, on the submarine, I would just like to echo what you said and what the gentleman from New York said. There is one other point, though, and that is the accuracy. The accuracy of the warheads of the submarine force of the United States, the warheads that come off the missiles on the submarines on the United States side is very much better than the Soviet Union. The Soviet Union is having some trouble with that. I think the gentleman in the well is absolutely correct.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MAVROULES) has again expired.

(On request of Mr. DICKS and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, on another point the gentleman made, we talk about our Trident submarines. Our Trident submarines are highly capable, and I am not quite as worried about range because with a submarine you just move it up a few additional miles and you get exactly what you need. There is no question about the survivability of those submarines. They are quieter, they have longer range, and in my view they are highly capable.

I think that the debate here is good. I think too often those people who are so worried about the window of vulnerability, what they do is tear down the capabilities of this country, and I think it creates a very negative impression amongst the American people that we do not have any defense.

Mr. MAVROULES. Absolutely, and I, as a Member of Congress, resent that to a degree.

Mr. RITTER. Mr. Chairman, will the gentleman yield on that point to somebody from this side?

Mr. MAVROULES. I will yield, but let me finish my statement. If you give me time, I will continue to debate it.

The point is, we are locked in here in arguments and debate on weapons system, and it is wrong. That is not the debate here this afternoon. The debate and colloquy should take place on a freeze; then after the freeze you start talking the systems.

Mr. DICKS. If the gentleman will yield further for one point, the Commission's report just 2 days ago made a very important point that has not been made, in my view.

There is synergism between our bombers, between our missiles, and between our submarines. It is the three systems working together that give us a credible deterrent, and it is focused, as the chart did, on just one aspect, land-based missiles. I think that misstates the reality of the situation between the superpowers.

Mr. MAVROULES. Absolutely.

Mr. AUCOIN. Mr. Chairman, how much time does the gentleman from Massachusetts have remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MAVROULES) has 15 seconds remaining.

(On request of Mr. AUCOIN and by unanimous consent, Mr. MAVROULES was allowed to proceed for 3 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding to me.

Mr. Chairman, I want to compliment the gentleman on an extremely thoughtful statement, one that I

think debunks very clearly and very convincingly the statement by the gentleman from Colorado, who stood in the well of the House and said that this country was, first, inferior; and second, that he would trade our arsenal for that of the Soviet Union.

I think the gentleman from Massachusetts who stands in the well right now has refuted that very effectively in his remarks.

I serve on the Appropriations Subcommittee on Defense, and I also heard that contention stated by the gentleman from Colorado, debated and debunked and refuted by the Chairman of the U.S. Joint Chiefs of Staff. The Chairman of the Joint Chiefs of Staff, when the same question was put to him, said clearly the United States, considering the total capability of its triad, was far superior and stronger than the Soviet Union. I am glad the gentleman from Massachusetts brought that out.

Mr. Chairman, I want to make one additional point. We are still on the Leach amendment, as I understand it.

The reason we in the freeze movement believe it is so important to put the freeze first and then to get to a question of reductions later is the definition of reductions. The only definition I think we can operate under is that which the President has brought forward in this START definition. Under that definition, which calls for reductions, we would have to go forward and build 100 MX missiles, 500 Trident II missiles, more than 4,000 nuclear cruise missiles, and more than 6,000 extra warheads that would require, in the course of that, the construction of a new nuclear weapons facility.

□ 1750

I do not call that reductions. That is the operating definition and that is why many of us have difficulty putting reductions before a freeze. What we want are real reductions. A freeze first in place, what we have got and reduce from that.

It is a low-cost deterrence, because it gives us deterrence without spending hundreds of billions of dollars for weapons systems that we may not need. If we can get the Soviet Union to agree to this kind of treaty, which obviates the need for all of that, I think we are money ahead and we are certainly ahead from a safety standpoint.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I promised to yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman I thank the gentleman from Massachusetts for yielding.

The question has come up and now it has come up from several different persectives as to No. 1 versus No. 2 and who is No. 1 and who is No. 2.

The Joint Chiefs of Staff have stated that they would not switch the American defense capability for the Soviet capability. We are familiar with that.

I submit that their reasoning is not so much based on elements of hardware and of technology and of sheer massive force, but their arguments are based on cultural reasons.

What do I mean by that? We are and Western civilization has proven to be, in contrast to the Soviets, relatively benign peaceful nations. We developed deterrence in the form of our nuclear arsenals. The Soviets have developed, not deterrence, but a nuclear war fighting capability, a capability that fights a nuclear war to win.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(At the request of Mr. RITTER and by unanimous consent, Mr. MAVROULES was allowed to proceed for 2 additional minutes.)

Mr. MAVROULES. I yield to the gentleman.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to quote from the text, Marxism, Leninism, on war and army, the basic party military text on nuclear war. This is a Soviet text:

> Nuclear war is a complex and many-sided process. With the outbreak of war, all means of policy making are directed toward victory, toward achieving the political aims of the war.

I do not think the Joint Chiefs of Staff would be comfortable with a nuclear war fighting, nuclear war winning strategy, that goes against the grain of everything this country stands for.

Mr. MAVROULES. Let me say, nobody is comfortable with that. Nobody in this land wants a nuclear war, but we are diverting attention away from the main subject here this afternoon when we get into the weapons systems. That is not the argument here.

Mr. RITTER. I was talking about the gentleman's comment on who was first and who was second.

Mr. MAVROULES. Let my position be very clear, as an American citizen and as a Member of Congress, I resent very much when people without the facts continue to demean the strength of this country. I think I want to bring it back to where it belongs.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Ohio.

Mr. McEWEN. Will the gentleman point out specifically what statements were made by Members on this floor that were totally incorrect?

To describe the lack of parity between the Soviet Union and the United States does not demean the armed services. if there has been an error made, I would like to know it.

Mr. MAVROULES. Let me answer that, if I may.

Mr. McEWEN. Please do.

Mr. MAVROULES. When you come out with charts and when you look at charts on one side or the other, whether you are talking about missiles or bombers or airplanes or submarines, the important thing is when we talk about a weapons system, you talk about a deterrent and when you talk about a deterrent, you are talking about equality and what we have for deterrence. We are not doing that. All we are doing is showing numbers.

Mr. McEWEN. But we showed the fact that we have not placed a missile in the ground since I was in the sixth grade, since we have only built one submarine, since we have not built a bomber since I was in the fifth grade, is the gentleman prepared to talk about the submarine force between the Soviet Union and the United States? To point that out is not to demean the armed services.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, we have debated this amendment for almost 2 hours. Most of the debate was not on the amendment thereto, but on other matters; important, of course.

I wonder if we could not close debate in about 10 minutes.

I ask unanimous consent that debate close at 6:05.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. KEMP. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZABLOCKI. 6:15?

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The unanimous-consent request is agreed to and debate is limited to 6:15.

The Chair is going to exercise discretion and allot the time in three equal parts to the gentleman from Iowa (Mr. LEACH), the gentleman from Colorado (Mr. BROWN) and the gentleman from Wisconsin (Mr. ZABLOCKI) and, of course, those Members can yield for purposes of debate.

PARLIAMENTARY INQUIRY

Mr. GINGRICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GINGRICH. Mr. Chairman, if I may express my ignorance for a moment, is it, in fact, the prerogative of the Chair in that sort of unanimous-consent request to then design whatever system seems workable?

The CHAIRMAN. Yes, it is. the Chair has exercised its discretion in light of the circumstances and allocates 6 minutes to the gentleman from Iowa (Mr. LEACH); 6 minutes to the gentleman from Colorado (Mr. BROWN); and 6 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I would be delighted to split my time so that it does work out to be nine to nine in terms of time.

I would be delighted to begin by yielding 3 minutes to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. I thank my colleague, the gentleman from Iowa (Mr. LEACH).

Mr. Chairman, before in the debate, I questioned numbers that were going around as to what the freeze would mean and my colleague from New York (Mr. DOWNEY) suggested that I take the statement of the gentleman from Wisconsin (Mr. ZABLOCKI) and I would like to read that statement:

> Passage of this resolution would not lock the United States into a position of inferiority vis-a-vis the Soviet Union, nor would it unilaterally preclude the development, modernization and production of U.S. nuclear systems, like the B-1 bomber, unless and until those systems were included in a mutual and verifiable agreement with the Soviet Union.

That is precisely the point I am trying to make. We do not have those numbers that we would be dealing with.

Further, I asked the gentleman from Wisconsin, the chairman of the committee, and I would like the gentleman's attention now if I may.

I just read the statement that the gentleman from Wisconsin made and then in a colloquy before with the gentleman I asked the question and the gentleman answered it one way and I believe after subsequently speaking to the gentleman, the gentleman would like to change his answer.

I asked the gentleman, I said, would the freeze not interrupt modernization before signing an agreement and modernization could continue after signing the agreement?

The gentleman responded that that is correct.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I am glad to yield to my colleague.

Mr. ZABLOCKI. I misunderstood the latter part of the gentleman's question.

The correct answer is that modernization can continue unhampered during negotiations and until there is an agreement on a freeze and ratified by the Congress.

Thereafter, if an agreement is made, the modernization could not continue, unless the agreement would provide for some modernization.

Mr. CARNEY. I thank the chairman for that clarification.

It points out that modernization is negotiable. There is no set table of levels that has been mentioned before in the debate. I think that is significant.

It also points out why there is so much confusion and why people do not fully understand what we in the Congress are debating. We ourselves do not fully understand it; however, I would like to really go to the support of the gentleman from Colorado (Mr. BROWN) and his amendment, as opposed to the substitute of the gentleman from Iowa (Mr. LEACH).

□ 1800

It comes down to one thing, not numbers. It comes down to timeliness.

I believe we are beyond the freeze because of the activities that have already happened at the START talks. The Soviet Union has made offers to reduce their forces 25 percent. We have made an offer to reduce our forces 50 percent. Certainly through hard negotiations we can reach some accommodation, maybe 33 percent.

But to freeze at the levels we have now would be wrong.

So I think we are looking at timeliness and therefore the Brown amendment would be most preferable.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding. I would just like to discuss very briefly this really trick question about would we trade with the Russians.

I would ask the gentleman from Oregon would he trade Oregon for Illinois, or would I trade Illinois for Oregon. Neither of us would trade.

Would the gentleman from Washington trade Washington for Illinois? I would not make the trade and you would not make the trade, and what does that prove?

The fact is we have a defensive arsenal and they have an offensive arsenal, and no general in the American Army is going to say, "I would rather have the adversary's equipment."

Second, another point, here we are freezing our submarines and our aircraft, but we are not freezing countermeasures. So as we sit there with our aging submarines and our aging bombers, the countermeasures that the Soviets can develop will go apace. So pretty soon we will have zero. We will not even have the antique submarines and the antique bombers.

Let me say further for the forthcoming negotiations for arms control you ought to be for minimal flexibility to the President and let him seek a freeze or reductions as the opportunity presents itself. But to foreclose reductions until you get a freeze in place, one cannot be serious about arms control.

Mr. AUCOIN. Will the gentleman yield?

Mr. HYDE. I yield to my friend from the great State of Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding.

I would have to say to the gentleman that he has still not read the resolution or has not listened to the debate or the chairman's statement. He just said that the freeze freezes submarines. It does not freeze submarines. It has been said repeatedly throughout the debate today.

I wish the gentleman would listen. I think he is listening but he is not hearing.

Mr. HYDE. I am hearing and I hear from some that submarines are and from others that submarines are not. So if we can go on with our Tridents, that is wonderful, and I would urge the gentleman to vote to do that.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I think it is very important to go back again to the chairman's opening statement where he says very clearly that nothing is frozen until the negotiations are concluded by the President of the United States, subject to the approval of Congress.

The resolution itself, for those who keep worrying about whether we are going to have a freeze first or whether we are going to have reductions, obviously I would like to see us stop the arms race and then make a major reduction, but the resolution on page 5 in section 2, as my colleague from New York pointed out, says "Consistent with pursuing the overriding objective of negotiating an immediate mutual, verifiable freeze," and I underline this, "nothing in this resolution shall be construed to prevent the United States from taking advantage of concurrent and complementary arms control proposals."

So I believe that we can move on a dual track toward stopping the arms race and then making reductions. I think the gentleman from Iowa's amendment would do just exactly that.

I want to say one final thing. I happen to be one of those who believes that we have to have a strong defense and we need a strong arms control policy. I happen to believe that this administration has not done enough to try and get us an arms control agreement.

I think the firing of Mr. Rostow and the putting forth of the Adelman nomination shows their contempt for arms control negotiations, and really I think what the people who want to stop the arms race are talking about is a credible U.S. arms control strategy which we do not have today, which

this administration has not put forward.

I would contend that their proposals have been one sided and not credible, and that is why we are trying to come forward today to represent the concerns of the American people about stopping this mindless arms race.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. The gentleman from Washington knows all too well that this resolution is not going to stop anything. All it would do, allegedly, is to put the United States in a position of trying to work out a negotiated freeze.

All the gentleman from Colorado (Mr. BROWN) wants to do is set forth the proper priority: To negotiate reductions. So the real question is, if you want to freeze the terror, you should vote for Mr. LEACH, and if you want to reduce the terror, you should vote for Mr. BROWN.

The point I want to make here today is that, one way or another, we are going to have to rely on negotiations. Everybody agrees. There is no debate over that subject. There must be negotiations.

So the question is who do you trust?

I want to say publicly the thing that bothers me the most about this whole debate is listening to the gentleman from Washington—and other freeze proponents—reserving his righteous indignation for his own country and not for the country that is occupying Afghanistan, killing innocent civilians with chemical weapons there and in Southeast Asia, oppressing the people of Poland, encouraging the PLO to reject peace in the Middle East, growing instability in this hemisphere, has made an attempt on the Holy Father's life, is fomenting guerrilla warfare in Central America, has violated the SALT agreements, the Kennedy-Khrushchev agreement, the convention on biological and chemical weapons, and just about every international agreement they have ever signed. And the gentleman from Washington is worried about his own country. Indeed, my good friend from Iowa challenges the professionalism of his own President's emissaries.

Now, you can do that, and it may be entertaining to some to beat up on Ken Adelman, and it may be fun to beat up on our negotiators, but is there not a modicum of righteous indignation for a nation that has been attacking just about every value and every principle and every democratic ideal for which this Nation and its people stand?

I am telling you that it is a mistake, my friends, to unilaterally handcuff your own country in dealing with the Soviet Union.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. LEACH of Iowa. Mr. Chairman, I yield myself such time as I may consume.

I think the gentleman from New York (Mr. KEMP) has made a very thoughtful statement and raised issues that need to be addressed. There is no doubt whatsoever that the problem of the Soviet Union is serious in the modern world. There is no doubt whatsoever that they have violated a series of international conventions, including the Biological and Toxin Weapons Convention of 1972 and the Geneva protocol of 1925.

But I think we must at a minimum posit sanity on the part of Soviet leaders and recognize that they have one basic interest in common with that of U.S. leaders, and that self-interest is survival.

We have seen charts presented today, first by the gentleman from Colorado, showing areas where the Soviet Union leads the United States in weaponry and we have had charts showing where there is greater growth in Soviet military spending; and then we have had charts in this chart war demonstrating that there are some areas where we are ahead of the Soviet Union—all of which brings to mind the famous quote of Mark Twain. Twain once observed that there are three kinds of lies: lies, damned lies, and statistics. The basic picture that must be presented in the nuclear age is one of visualness, not one of statistics. The real visualization has to be that most poignantly portrayed by the victims of the bombs dropped on Hiroshima and Nagasaki.

I would stress from the point of view of the United States of America, if only 1 percent of Soviet strategic missiles were successfully launched against this country, four warheads carrying an average throwweight 30 times the atomic bombs dropped on Hiroshima and Nagasaki would strike each State of the Union.

The goal in all of this debate is to help achieve a world in which that is not likely to occur.

It is also a goal that must be shared by the Soviet Union. Their negotiators must be instructed to do everything possible to see that similar missiles are not dropped on Moscow, Leningrad, and Kiev.

□ 1810

That is a fair tradeoff.

It is the goal of the freeze movement to move to a world first in which the arms race is stopped, second in which reductions in nuclear weaponry occur, and finally, and most importantly, a world in which responsible arms control involving a whole spectrum of weapons such as biological, chemical, and radiological are subject to restraint. Issues of war and peace must be elevated to the plane of reasonable discussion. That is the professionalism we need today.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I thank the gentleman.

I think it is very unfortunate that some have tried to impugn the motives of the people who support this freeze. No one is calling for a unilateral action on the part of the United States. What we are trying to do is to get to a negotiated agreement and I think what the gentleman from Iowa has said is absolutely accurate. What we are trying to do is provide the impetus, the representation of the goals and aspirations of the American people that our country put forward a credible position on arms control. I think that is what we are trying to do.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Survival, Mr. Chairman, is indeed at stake. It depends a lot on whether we have today and continue to have into the future a retaliatory deterrent force that can survive the worst that the Soviet Union could contemplate throwing against us.

One most difficult issue facing us in this is the problem of obsolescence. Although we have more smaller warheads on submarine-launched missiles, the problem is that 31 of our 32 nuclear submarines, 31 of our 32 are much older than any of the 62 new nuclear missile submarines of the Soviet Union. Ours are old, theirs are new. Our submarines will face fleet obsolescence in the next 10 to 20 years; theirs will not. Even if our submarines are superior today, of what good will that be to us and to our survival a decade or two from now when they are no longer able to meet the mission that is assigned to them? Now as for bombers both the United States and the Soviet Union have some old bombers. Their old Bear bombers carry only 5 percent of their warheads, our old B-52's carry 28 percent of our warheads. Both will age out, but when they do at that time the Soviet Union will still have 250 Backfire bombers, brand new, a penetrating bomber and we will have nothing in that category. Seventy-seven percent of all of our retaliatory capability, of all of our warheads are on delivery systems 15 to 20 years old and they will wear out in 10 years or so and will be lost due to aging.

Only 5 percent of their warheads will reach obsolescence at that time; and 77 percent of theirs, the same number, ironically, are based on brand new missiles, and bombers, and submarines less than 5 years old. Ours is a

good, adequate system today, it is an adequate deterrent today but it is much older and I will have an amendment that will deal with this problem of obsolescence of unilateral attrition when this matter is disposed of.

The CHAIRMAN. The gentleman from Wisconsin has 4 minutes remaining; all other time has expired.

Mr. ZABLOCKI. Mr. Chairman, it is not my intention to take the 4 minutes. I know that we are prepared to vote on the amendment, on the amendment pending to the amendment. I urge the Members vote for the Leach amendment to the amendment offered by the gentleman from Colorado (Mr. BROWN).

After the disposition, Mr. Chairman, of the pending amendments, it is the intention of the Chair to rise and come back and continue debate on Wednesday next, if the leadership agrees.

I might state one reason for not continuing further into the night, many Members have plane reservations, there is a large delegation leaving early tomorrow morning for the funeral of our deceased colleague from California, Mr. Phillip Burton, and therefore it behooves us to not try to continue. I know we could probably dispose of the amendments on a voice vote, therefore I call for a vote, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. LEACH) to the amendment offered by the gentleman from Colorado (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were, ayes 219, noes 195, not voting 19, as follows:

[Roll No. 54]

AYES—219

Ackerman	Boxer	Downey
Addabbo	Britt	Durbin
Akaka	Brooks	Dwyer
Albosta	Brown (CA)	Dymally
Alexander	Bryant	Early
Anderson	Carper	Eckart
Andrews (NC)	Carr	Edgar
Annunzio	Clarke	Edwards (CA)
Applegate	Clay	English
Aspin	Coelho	Evans (IA)
AuCoin	Coleman (TX)	Evans (IL)
Barnes	Collins	Fascell
Bates	Conte	Fazio
Bedell	Conyers	Feighan
Beilenson	Coyne	Ferraro
Berman	D'Amours	Fish
Biaggi	Daschle	Florio
Boehlert	Davis	Foglietta
Boggs	Dellums	Foley
Boland	Derrick	Ford (MI)
Boner	Dicks	Ford (TN)
Bonior	Dingell	Forsythe
Bonker	Dixon	Fowler
Borski	Donnelly	Frank
Bosco	Dorgan	Frost
Fuqua	Martin (IL)	Rostenkowski
Garcia	Martinez	Roybal
Gaydos	Matsui	Russo
Gejdenson	Mavroules	Sabo
Gephardt	Mazzoli	Savage
Gibbons	McCloskey	Scheuer
Glickman	McHugh	Schroeder
Gonzalez	McKernan	Schumer
Gore	McKinney	Seiberling
Gray	McNulty	Shannon
Green	Mica	Sharp
Guarini	Mikulski	Sikorski
Gunderson	Miller (CA)	Smith (FL)
Hall (IN)	Mineta	Smith (IA)
Hall (OH)	Minish	Smith (NJ)
Hamilton	Mitchell	Snowe
Harkin	Moakley	Solarz
Harrison	Mollohan	Spratt
Hawkins	Moody	Staggers
Hefner	Morrison (CT)	Stark
Heftel	Mrazek	Stokes
Howard	Murphy	Studds
Hoyer	Natcher	Swift
Hughes	Nowak	Synar
Jacobs	Oakar	Tallon
Jeffords	Oberstar	Tauke
Kaptur	Obey	Torres
Kastenmeier	Olin	Torricelli
Kennelly	Ottinger	Traxler
Kildee	Owens	Udall
Kogovsek	Panetta	Vento
Kolter	Patterson	Volkmer
Kostmayer	Pease	Walgren
LaFalce	Penny	Watkins
Lantos	Pepper	Waxman
Leach	Perkins	Weaver
Lehman (CA)	Pickle	Weiss
Lehman (FL)	Price	Wheat
Leland	Pursell	Williams (MT)
Levin	Rahall	Wirth
Levine	Rangel	Wise
Long (LA)	Ratchford	Wolpe
Long (MD)	Reid	Wright
Lowry (WA)	Richardson	Wyden
Luken	Rinaldo	Yates
Lundine	Rodino	Yatron
MacKay	Roe	Young (MO)
Markey	Rose	Zablocki

NOES—195

Andrews (TX)	Dyson	Lagomarsino
Anthony	Edwards (AL)	Latta
Archer	Edwards (OK)	Leath
Badham	Emerson	Lent
Barnard	Erdreich	Levitas
Bartlett	Erlenborn	Lewis (CA)
Bateman	Fiedler	Lewis (FL)
Bennett	Fields	Lipinski
Bereuter	Flippo	Livingston
Bethune	Franklin	Loeffler
Bevill	Frenzel	Lott
Bilirakis	Gekas	Lowery (CA)
Bliley	Gilman	Lujan
Boucher	Gingrich	Lungren
Breaux	Goodling	Mack
Broomfield	Gradison	Madigan
Brown (CO)	Gramm	Marlenee
Broyhill	Gregg	Marriott
Burton (IN)	Hall, Ralph	Martin (NC)
Byron	Hall, Sam	Martin (NY)
Campbell	Hammerschmidt	McCandless
Carney	Hance	McCollum
Chandler	Hansen (ID)	McCurdy
Chappell	Hansen (UT)	McDade
Chappie	Hartnett	McDonald
Cheney	Hatcher	McEwen
Clinger	Hightower	McGrath
Coats	Hiler	Michel
Coleman (MO)	Hillis	Miller (OH)
Conable	Holt	Molinari
Cooper	Hopkins	Montgomery
Corcoran	Hubbard	Moore
Coughlin	Huckaby	Moorhead
Courter	Hunter	Morrison (WA)
Craig	Hutto	Murtha
Crane, Daniel	Hyde	Myers
Crane, Philip	Ireland	Nelson
Daniel	Jenkins	Nichols
Dannemeyer	Johnson	Nielson
Daub	Jones (OK)	O'Brien
DeWine	Kasich	Ortiz
Dickinson	Kazen	Oxley
Dowdy	Kemp	Packard
Dreier	Kindness	Parris
Duncan	Kramer	Pashayan
Patman	Schulze	Tauzin
Paul	Sensenbrenner	Taylor
Petri	Shaw	Thomas (CA)
Porter	Shumway	Thomas (GA)
Pritchard	Shuster	Towns
Quillen	Siljander	Vander Jagt
Ray	Sisisky	Vandergriff
Regula	Skeen	Vucanovich
Ridge	Slattery	Walker
Ritter	Smith (NE)	Weber
Roberts	Smith, Denny	Whitehurst
Robinson	Smith, Robert	Whitley
Roemer	Snyder	Whittaker
Rogers	Solomon	Whitten
Roth	Spence	Winn
Roukema	Stangeland	Wolf
Rowland	Stenholm	Wortley
Rudd	Stratton	Wylie
Sawyer	Stump	Young (FL)
Schaefer	Sundquist	Zschau

NOT VOTING—19

Crockett	McCain	Valentine
de la Garza	Neal	Washington
Hertel	Schneider	Williams (OH)
Horton	Shelby	Wilson
Jones (NC)	Simon	Young (AK)
Jones (TN)	Skelton	
Lloyd	St Germain	

□ 1830

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Valentine against.

Mr. FAZIO and Mr. OWENS changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BROWN), as amended.

The amendment, as amended, was agreed to.

● Ms. KAPTUR. Mr. Chairman, opponents of the nuclear freeze resolution are claiming new support for their opposition to the freeze resolution from the Roman Catholic bishops of the United States. I am disturbed by this effort to manipulate and twist the latest draft of the bishops' pastoral on war and peace into support for the status quo. This effort misrepresents the facts and does a disservice to the bishops who have been developing a pastoral which grapples with the threat nuclear weapons pose for the world and all that we hold dear.

Earlier this week, the head of the National Conference of Catholic Bishops stated that its letter can in no way be interpreted as a statement of opposition to the freeze resolution. The bishops have also released a separate press statement which responds to the mischaracterizations of their document. Specifically, with respect to the freeze, the bishops noted:

Neither the second draft of our statement nor the third draft advocates a "freeze" as such, but in both drafts there is a clear call to cap the arms race and reduce the weapons on both sides as rapidly as possible, especially potentially destabilizing systems. Our purpose in both drafts has been to state

a central moral imperative: that the arms race must be stopped and disarmament begun.

The call by the bishops for independent initiatives to break the stalemate of the nuclear arms race is precisely what the nuclear freeze resolution is all about.

I hope that my colleagues who oppose the freeze resolution will not again attempt to misconstrue the pastoral letter. The Catholic bishops' message is clear—their support for the freeze concept is unequivocal.●

● Mr. BOLAND. Mr. Chairman, on March 16, when the House last debated the nuclear freeze resolution, I indicated that we found ourselves dealing with legislation that resulted from a tremendous national outpouring of concern about the nuclear arms race.

Like most of my colleagues, I have heard from the people I represent on this issue. In letters, cards, and petitions, hundreds of my constituents have expressed their support for the negotiation, by the United States and the Soviet Union, of a mutual and verifiable nuclear weapons freeze. They want our Government, to work with other governments genuinely interested in controlling nuclear weapons, to end the nuclear arms race. They believe that the negotiation of a freeze agreement can contribute to that goal and I hope that the House of Representatives will allow that belief to be tested by approving House Joint Resolution 13.●

● Mr. FORD of Michigan. Mr. Chairman, I am pleased to have this opportunity to reiterate my support for House Joint Resolution 13, the nuclear freeze resolution. Over the past weeks, the Reagan administration has attempted to convince both the American public and the Congress that a freeze is not in the best interests of the United States. The American people have not been persuaded by the specious arguments of the President and remain committed to the nuclear freeze. I see this in my daily mail and when I return to the 15th District in Michigan. With the passage of each day, my resolve to see enactment of a freeze becomes more firm.

The strategic arms reduction talks in Geneva are at a stalemate and there is little hope for an agreement in the foreseeable future. Even administration officials admit that there is little prospect that the latest U.S. proposal will lead to a bilateral agreement. House Joint Resolution 13 should, and must, be passed without any weakening amendments or substitutes. This is the strongest message that we can send to the President and his advisers that the arms race should and must be halted through continued negotiations in Geneva.●

● Mr. FRENZEL. Mr. Chairman, congressional consideration of the nuclear freeze is just one part of the public debate that is being held on nuclear arms control. The whole issue of arms control has evolved and expanded at a remarkable rate in the past 2 years.

As we all know well, the idea that has garnered much support is the nuclear freeze. Many wise and respected people support it. To many people it offers the clearest repudiation of over 25 years of nuclear growth.

Mr. Chairman, I respect sincerely the desires of those who demand an abandonment of nuclear growth and who yearn for security and lessened nuclear tensions. Nonetheless, I must concur with the Washington Post, the New York Times, the New Republic, the Minneapolis Star & Tribune, experts such as Roger Molander of Ground Zero, and many others in insisting that as important as is the need for immediate arms control, the freeze is not the best way to achieve that goal.

The United States and the Soviet Union hold awesome nuclear weapons capacity. Civilian populations, cities, and economic capacity would be destroyed in the most limited of conflicts. A freeze without subsequent reductions, however, does little to limit the chance of conflict, as currently excessive arsenals would remain. Our goal must be to decrease, and hopefully eliminate, the risk of such devastation. In my judgment, Mr. Chairman, reductions of nuclear arms is the only way to do so.

In addition, congressional approval of a freeze treaty resolution does not immediately end expansion of nuclear arsenals. We must await treaty negotiations, a process which could take years, as did the SALT Treaties. Reductions should not be delayed, yet the initiation of freeze talks would postpone reductions for at least the duration of freeze negotiations. If we are to negotiate seriously, and work toward our prime goal, we ought to negotiate for reductions.

Moreover, I am concerned that a freeze treaty, rather than being a first step toward reductions, is more likely to delay an agreement on reductions. The desire for arms control is propelled in large part by economic considerations, particularly for the Soviets since their economy is more heavily burdened by defense expenditures than is ours. A freeze treaty could sufficiently ease economic constraints, with few additional savings to be accrued by reduction. Without this fiscal pressure the commitment for arms reductions in the Soviet Union, and to the lesser degree in the United States could well dissolve. I am also doubtful whether the United States or the U.S.S.R. would pursue reductions with as much vigor in the inevitable atmosphere of relief following ratification of a freeze treaty as we would in the presently ongoing negotiations.

I am encouraged by the fact that reductions treaties have been successful in the past. The Anti-Ballistic Missile Treaty, ratified in 1972; the 1925 Geneva Protocols on Chemical Warfare; and the Biological Agents Convention, ratified in 1975; were successful on strictly limiting or eliminating whole classes of weapons.

As in the times of those negotiations, I believe that the United States and the U.S.S.R. now have the political and diplomatic will to make the same reductions in nuclear arms. Both nations know that neither can afford the cost, or the risk, of a new arms race. Currently, we are near strategic parity, a critical precondition to meaningful negotiations. We do not need the huge nuclear stocks held by both nuclear superpowers. They ought to be reduced radically.

Mr. Chairman, there is, of course, no guarantees that either a freeze or reductions can be successfully negotiated. Nevertheless we cannot miss this chance. We should not put off reduction of nuclear arsenals for any reason.

I, therefore, intend to support the Broomfield substitute to the Zablocki resolution, as I feel it is a more promising path toward arms reductions. Some have suggested, however, that the START process may be flawed since it mandates quantitative reductions, but does not address qualitative improvements which could prove to be destabilizing. I believe that this is an important concern, and I am a strong supporter of the Gore Resolution which calls for special emphasis in the START talks of reducing the risk of first-strike nuclear attacks. The Gore language was attached to the Zablocki resolution, and I hope we will have a chance to add it to the Broomfield resolution as well.

I was distressed, though, that this body did not accept the Siljander amendment to the freeze last month, and I hope that Members will reconsider should a similar amendment be offered today. The Siljander amendment would have allowed a two-track approach allowing concurrent negotiations on both a freeze and reductions. It is very unfortunate that this amendment was not accepted—in my judgment, the ability of the United States to pursue both objectives would have made House Joint Resolution 13 acceptable. As it stands, however, reduction negotiations are blocked while we engage in freeze talks, even if the freeze talks last for years.

Some, of course, recognize these flaws advocate passage of House Joint Resolution 13 as a symbolic move, in part to indicate to the President our desire that he act promptly, and seriously, in pursuit of arms control. I feel that the lengthy congressional debate on this issue, and the spread of the

arms control movement, provides ample notification of our national commitment. I join in urging President Reagan and General Secretary Yuriy Andropov to pursue negotiations as a foremost priority. I applaud the President's new initiatives and flexibility in the Intermediate Range Nuclear Forces Talks, and hope that similar progress will be achieved in the START talks.

Nonetheless, Mr. Chairman, a vote for or against House Joint Resolution 13 should not be merely a symbolic vote. It cannot be a vote for or against nuclear arms control, nor a vote legitimizing or repudiating nuclear war. I feel it is a vote outlining our policy as to how to best decrease nuclear risks. I am compelled to support what is in my judgment the best policy, the Broomfield substitute. I urge my colleagues to support it also, and affirm immediate reductions as the best course for meaningful arms control.●

● Mr. MOAKLEY. Mr. Chairman, it has come to my attention that a number of Governors have signed a letter calling upon Members of Congress to vote affirmatively on House Joint Resolution 13, the proposal for a bilateral and verifiable nuclear weapons freeze.

I particularly wanted to share this letter with my colleagues as it is signed by Gov. Michael Dukakis of my home State of Massachusetts, the birthplace of the nuclear weapons freeze movement. The Governors who have signed this letter represent States and localities which have expressed their support for this approach to nuclear war prevention. I urge my colleagues—from both side of the aisle—to pay careful attention to the important points in this letter, and I urge a "yes" vote on the nuclear freeze legislation.

I would like at this time to read the Governors letter:

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE DEPARTMENT, STATE HOUSE,

Boston.

DEAR REPRESENTATIVE: As Governors of States whose citizens have expressed overwhelming support for a bilateral verifiable Nuclear Freeze either directly through ballot referendum or indirectly through legislative action we join together to urge your vote in favor of the Bilateral Nuclear Weapons Freeze and Reductions Resolution (H. J. Res. 13) when it comes before the House of Representatives this week.

The Freeze provides simply for an immediate halt to production testing and deployment of all nuclear weapons and systems both in the United States and the Soviet Union. Adoption of the Freeze at this time would leave the United States in a position of superiority or equality in almost all significant categories. According to Richard DeLauer Undersecretary of Defense for Research and Engineering the quality of US weapons is equal or superior to Soviet weapons in 27 out of 32 separate categories including landbased nuclear missiles, submarines, and bombers. (FY 1984 Department of Defense Program for Research Development and Acquisition).

The Freeze has won overwhelming national approval. Over 79% of the American public supports a bilateral freeze according to the March 1983 Harris Poll and 11.6 million of Americans voted for it in the November 1982 election. Freeze Referenda passed in 9 states where it appeared on the ballot plus the District of Columbia and Freeze Resolutions have been approved by 17 state legislative bodies. Finally, more than 500 town meetings, city councils, and county commissions through the country voted for the freeze. The support is enormous and growing. It represents a genuine outflowing of grassroots sentiment. There is no more urgent work facing Congress today and further delay tactics and parliamentary maneuvers to weaken or amend the freeze will not be tolerated by the millions of Americans who want an end to this nuclear madness.

On March 1, 1983 there was a historic vote by the assembled Governors at the National Governors' Association meeting which put all of us on record for reduction in defense spending so that our states might better provide for more pressing needs the social and economic well-being of our citizens.

For these reasons and more we call upon you as colleagues and representatives to heed this most serious concern not only of your local constituency but of a country and a world intent upon peace and the prevention of nuclear devastation.

Sincerely,

Michael S. Dukakis, Governor, State of Massachusetts; Anthony S. Earl, Governor, State of Wisconsin; Joseph Garrahy, Governor, State of Rhode Island; Rudy Perpich, Governor, State of Minnesota; Joseph Brennan, Governor, State of Maine; Harry Hughes, Governor, State of Maryland; George R. Ariyoshi, Governor, State of Hawaii.●

● Mr. BROWN of California. Mr. Chairman, I have watched and participated with interest and enthusiasm as grassroots efforts have brought the nuclear weapons issue to the forefront. Now we, the House of Representatives, again have the opportunity to debate and vote in favor of this vital issue.

Since I was a young man I have actively worked toward a more peaceful, less militaristic world. Perhaps this activism has made me too cynical, for while there have been moments of optimism, energetic endeavors, and success in our arms reduction history, more often there have been frustration and disillusionment, because we have only really been tinkering at the fringes of an insane and deadly situation. After almost every successful arms control agreement there is a renewed outburst of arms expenditures elsewhere. There has never been a time when successful arms control did not result in an increase in expenditures for arms. I fear that this is again happening. Today it appears as if we will pass a nuclear freeze resolution, yet at the same time our defense expenditures, even with the more modest increase in the House budget of 4 percent, will have risen 80 percent since fiscal year 1981—80 percent.

With this cynicism, some might believe that I would not wish to continue this apparently losing battle. But it is this very cynicism which activates me, which requires us all to continue to fight and to seek new and dynamic approaches. The nuclear freeze resolution before us today gives us an opportunity to begin alleviating the arms race we are now once again engaged in. But whether we win this skirmish today or not, whether the Senate endorses a freeze or not, whether the United States actively promotes a freeze or not—we cannot rest. We must formulate a multilateral, comprehensive approach to arms reductions. Last August, and again in January, I introduced the Common Security Resolution based upon the McCloy-Zorin Joint Statement of Agreed Principles for Disarmament Negotiations of 1961. This multilateral, comprehensive approach, endorsed by the United States, the U.S.S.R., and the United Nations, was the outcome of over 15 long and frustrating years of arms talks. I will be reintroducing a revised version in the next few weeks, and I ask those of my colleagues who wish to continue this endeavor to join me as cosponsors.

We will hear a lot of discussion today about the evil, destructive powers of nuclear warfare—and evil it is. But the advent of nuclear war is not the only drawback to this arms buildup. The Employment Research Associates of Lansing, Mich., have researched the economic drawbacks of investing so much in nuclear weapons. Their report, "Destructive Investment: Nuclear Weapons and Economic Decline," showed that Americans pay a high price for the nuclear arms race in jobs, taxes, and investment capital. In 1981, almost $20 billion was spent on the research, development, procurement, and maintenance of nuclear weapons and their delivery systems. This caused a net loss of 270,000 jobs to the civilian industrial and commercial base of the United States.

If this money had not been transferred from the taxpayer to the Pentagon, 745,000 jobs in industry, agriculture, mining, commerce, and services would have been generated by consumer purchases. The Pentagon's 1981 expenditures for nuclear weapons systems, including missiles, aircraft, submarines, and related goods and services, generated 475,000 jobs. Therefore, the net loss to our civilian industrial and commercial base in 1981 was 270,000 jobs.

When $1 billion of tax money was spent to procure nuclear warheads, and the missiles, submarines, aircraft, and other vehicles which deliver them, 24,000 jobs were generated. The same sum spent by the taxpayer to pur-

chase consumer goods and services would have generated 38,000 jobs.

There are two key reasons for this result. First, the production of military products is more capital intensive than most production for consumer goods. The military makes the bulk of its purchases from contractors who spend more on expensive machinery and less on personnel than the mix of businesses and industries which provide goods and services for consumers.

Second, the industries and businesses from which the military makes its purchases have a higher rate of inflation than the inflation prevailing in civilian industries. This means that a dollar spent by the military stimulates less industrial activity than if the dollar were spent by the consumer.

The decline in consumer purchases and the resulting loss of jobs are only part of the price that we pay for Pentagon spending on the nuclear arms race. For three decades, sustained high Pentagon budgets have choked off investment in research and development, new civilian technology, and in new factories and industrial equipment.

The preeminence given to military industry and technology over the last three decades has had a delayed but serious impact upon the civilian industrial economy. In stark contrast to the enormous sums allotted over the years to military technology, civilian technology has been starved for capital, and thus for talent, as people neither train for nor enter fields where employment is limited.

Over the last two decades, between 30 and 50 percent of U.S. scientists and engineers have been working on military and space contracts. This figure has dramatically increased in the last 2 years. The military research and development program has increased a staggering 80 percent since 1981 and comprises a whopping 70 percent of the entire Federal R&D budget under Reagan's proposed fiscal year 1984 budget. This has meant that our great pool of scientific talent has not been available to work on civilian commercial designs and applications of new technology.

The failure to apply our best talent directly to needed civilian technologies has never been offset by the indirect technological spinoffs of highly specialized military projects. There is no mystery why our economic competitors have surpassed us in production advances in steel, autos, machine tools, and electronics. They have captured markets in which we were once world leaders.

Financing the military has siphoned a tremendous amount of investment capital out of the civilian economy. Most people, including Members of Congress, have little sense of the magnitude of this drain. During the sixties and seventies, the Pentagon spent more money every single year than the after-tax profits of all U.S. corporations combined.

The squandering of our taxes, our talent, and our capital on the interminable buildup of both nuclear and conventional weapons must cease if we wish to have a healthy economy, an America at work. Our country is in need of roads, bridges, railroads, clean water, and pure air. We allowed our infrastructure to crumble, as we put our national investment into the production of weapons of mass destruction.

We can and we must develop the means to halt the global arms race, insure the peaceful resolution of conflicts, and improve our national and international economy. Some will argue that the political confrontation and tensions over the last 40 years show that the United States must continually increase the numbers and destructive power of its weapons. But if we continue on the road to superweapons—particle beam, laser, and antisatellite weapons, for example—it shall surely end in catastrophe—if not nuclear catastrophe, economic catastrophe. Today, with this resolution, we can take the first step achieving our goals.

I have great faith that the American people will help to guide this Congress and the President toward the proper course. They have become more knowledgeable about nuclear arms, and more insistent in demanding arms control. The American people realize that sane people must get together and reverse our course. Americans, I think, are smarter than their representatives, and they know what the real problem is.

On November 28, 1945, less than 4 months after the bombing in Hiroshima, the English philospher Bertrand Russell rose and said in the House of Lords:

> We do not want to look at this thing simply from a point of view of the next few years; we want to look at it from the point of view of the future of mankind. The question is a simple one: Is it possible for a scientific society to continue to exist, or must such a society inevitably bring itself to destruction? It is a simple question but a very vital one.

We must begin to do more than answer in the affirmative; we must act. Today we have the opportunity to do just that. I urge every single one of my colleagues to join me in voting in favor of this resolution, and bringing us one step closer to a saner, more secure world.●

● Mr. RAHALL. Mr. Chairman, we have an opportunity today to demonstrate to the American people our firm commitment to the elimination of the threat of a devastating nuclear war. Once again, we can take the lead in our quest for world peace by sending a message to the other countries of the world that we will not tolerate an escalation of the nuclear arms race. It is essential that the United States show its clear determination to put an end to this madness, not point toward an escalation of the arms race as evidenced in the recent defense buildup proposals. The Soviet Union and the United States must move toward a halt to the nuclear arms race and this must be done in a manner that is both mutual and verifiable. This resolution would do just that. It must be allowed to do just that, without any of these weakening amendments that so many Members are determined to attach to this resolution. This resolution must be allowed to stand on its own merits, without being diluted by amendments which seek to put an end to attempts to freeze and reduce our nuclear weapons arsenals. I urge my colleagues to pass this resolution unamended and let this country begin to show the world that we are firmly committed to world peace and that we are determined to remove the threat of a nuclear holocaust from our society.●

● Mr. CLAY. Mr. Chairman, 28 years ago following the end of World War II, there was the hope that stability and peace would be the first priority of our Nation. However, today the proliferation and dreadful possibility of a nuclear war hangs as a troubling specter throughout our world.

We are virtually beset by a psychological siege of nuclear terror and divisiveness. It is clear to me that in a world in which the superpowers possess nuclear weapons—the United States and the Soviet Union possess the awesome power to destroy each other and the world's equilibrium—that there cannot be any winners.

The time has come in the affairs of nations to end the irrationality and madness in discussing first strikes or preemptive strikes in regard to winners in a nuclear war. The superpowers may talk winners but the reality is that there are no winners in a nuclear war. We have reached the point of having what the late Winston Churchill called a balance of terror.

Mr. Chairman, I believe that the time has come for the cause of rationality, well-being, and security of 4.7 billion people who inhabit the planet Earth to take a stand for peace as opposed to universal destruction and calamity in the world order.

Between the United States and the Soviet Union, there are over 50,000 nuclear weapons which could destroy our world many times over. In a situation of this type, it becomes crystal clear to me that there can be no victors in a nuclear exchange. Both our Nation and the Soviet Union must be about the business of the preservation of our planet and not its nuclear incineration through colossal acts of madness.

I believe, as a great nation that as we keep our defenses strong, we should support the nuclear weapons

freeze which will bring about a halt in the production, deployment, and testing of new nuclear weapons for the following compelling reasons:

First, nuclear warfare is unthinkable and will lead to universal destruction. Nuclear warfare as an extension of the diplomatic process would produce no victors but an overwhelming and universal carnage. Therefore, for logic, reason, and commonsense, we must support a nuclear weapons freeze.

Second, in poll after poll, the Gallup poll being a notable example, an overwhelming number of the people in America have wisely voiced their opposition to a continued nuclear buildup. The voice of the American people must be respected and heard in this vital matter. As Representatives of the American public, we have an ethical, moral, and political obligation to be responsive to and supportive of those whom we purport to serve.

Third, we have an obligation to our children and our posterity. The continued nuclear proliferation in the name of achieving parity or superiority will simply increase the possibility of nuclear warfare. The time, I believe, has come given the vast destructiveness of our present nuclear arsenal to halt the nuclear buildup. One nuke given its awful destructiveness power will kill you or destroy you just as effectively as 10 nukes. The point is that there is no winner in nuclear warfare.

Fourth, there is the need to enhance, enrich, and to sustain the quality of life for all. The extravagant expenditures for nuclear weapons have resulted in the erosion of the quality of services available to the human family. At the rate we are proceeding in our defense buildup, over $2 trillion will have been spent by 1986. In addition, considering the vast expenditures by the Soviet Government, each of us will spend ourselves into bankruptcy. We must now devote fewer human and monetary resources to the nuclear infrastructure and more to human structures both in our Nation and throughout the world community.

Mr. Chairman, in closing, I would reiterate that our Nation must remain strong in order to protect all of our citizens but we must not permit ourselves in the name of a mythological nuclear superiority to threaten the peace, security, and the very well-being of Earth's most precious resource—human life.

The time has come, in fact the time is now for nations to "Study War No More." Let us do so in solidarity, strength, and compassion.●

● Mr. SCHUMER. Mr. Chairman, we in the U.S. House of Representatives are faced with an awesome decision. The issue before us may determine no less than the fate of humanity. We must choose between peace and war, hope and fear, life and death. We may choose a future of an ever present threat of nuclear holocaust, ever spiraling defense costs, and international hostility and mistrust, or one of relaxed tensions, national prosperity, and the possibility of international amity and peace. In referenda around the Nation, in demonstrations in the streets, the American people have made their wishes known. Let us do our duty, heeding their wishes, and vote for the mutual and verifiable nuclear freeze.

A nuclear arms race, such as the one we and the Soviet Union are engaged in, cannot but be suicidal. Never in the past has an arms race halted short of war. Never has the threat of war boded so ill for humanity. Backed by weapons of mass destruction, fear will feed upon fear and hate upon hate until our civilization ends upon a fiery atomic pyre. However, history has given us the unique opportunity to break the cycle of pointless and dangerous nuclear weapons building, to put aside our outmoded fears and hatreds, and to begin to progress toward a lasting era of peace and freedom.

Make no mistake, Mr. Chairman, a mutually verifiable freeze would be no panacea. Peace on Earth will not immediately follow today's action, nor will the United States and the Soviet Union instantly become friends and allies. A freeze would only be a first step toward peace, but, as said an ancient Chinese sage, even the longest journey must begin with a single step. History, our people, and posterity demand that we take that step. We dare not fail them.●

● Mr. WYDEN. Mr. Chairman, I rise today to add support—once again—for House Joint Resolution 13, calling for the negotiation of a mutual and verifiable nuclear freeze between the United States and the Soviet Union.

I urge my colleagues to join me in support for this crucial legislation—that has the overwhelming endorsement of the American people—who are crying out for an end to living on the brink of annihilation.

I understand and share the goal of my colleagues who are calling for reductions in the bloated arsenals of the superpowers. But the choice is not between a freeze and reductions in nuclear arms.

A freeze is the essential prerequisite for reductions. We cannot be satisfied because we have defused a few warheads, while continuing to allow the production and deployment of a whole new generation of increasingly deadly and accurate nuclear weapons.

We need to send a signal to President Reagan, urging him to lay a nuclear weapons freeze on the negotiating table, and to put the full force of U.S. policy behind such a freeze. Only then can Americans and the world begin to breathe easier.

Our Nation—and mankind—cannot afford further delay on this critical issue. It is my hope that my colleagues share my sense of urgency—and will join me in sending a signal of our determination to halt nuclear madness.●

● Mr. McKINNEY. Mr. Chairman, I support House Joint Resolution 13, the resolution calling for an "immediate, mutual and verifiable freeze" on the testing, production, and deployment of nuclear weapons. As an early cosponsor of the measure and a consistent supporter of nuclear disarmament since 1972, I believe the freeze resolution is a sensible first step toward achieving a fair and comprehensive arms control agreement between the Soviet Union and the United States.

House Joint Resolution 13, as I understand the resolution, has four important and basic objectives: First, it calls for the two superpowers to decide on a method for achieving a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems; second, the resolution directs the START talks to give special attention to destabilizing weapons, such as the MX and the SS-20 missiles which might have the capability of destroying a nation's strategic forces in a surprise first strike; third, after a freeze, continued negotiations should pursue substantial and verifiable reductions in our nuclear stockpiles; and fourth, preserve any other existing arms control agreements or treaties. The resolution asks no more or no less. In my opinion, it should remain as it was drafted by the Foreign Affairs Committee with the goal intact: stopping the senseless nuclear arms race.

House Joint Resolution 13 represents a widespread belief among this body and the American people that the nuclear arms buildup will continue unless unprecedented steps are taken to halt the massive increases in both countries arsenals. I can find no historical justification for the view, held by the current administration, that we can extract concessions from the Soviet Union on arms control by dramatically increasing our nuclear forces. That view ignores the existence of general parity in nuclear strength between the superpowers, an assessment shared by high-ranking officials in both the Republican and Democratic Parties. Comparisons carried out by the administration, the Defense Department, and various other groups, blind both sides to the fact that the size of both arsenals go far beyond what is needed to preserve deterrence, which is supposedly a nuclear weapon's only purpose. In fact, the current stockpiles are so large that any present technological or numerical margin confers no real advantage to either side.

It is senseless, therefore, to spend billions of dollars to develop and deploy more and more nuclear weapons, a policy that will only spur the Soviets to respond in kind. The freeze resolution suggests a realistic approach toward reversing this dangerous and expensive course. We must acknowledge, at the same time, that the freeze is not an end in itself. Passing House Joint Resolution 13, in itself, will not halt the arms race nor lock the United States and the Soviet Union into certain levels of nuclear weapons. Rather, the passage of the resolution will be a new beginning in a continuous negotiating process that will eventually, I hope, see the day when there will no longer be nuclear weapons. For this to happen there must be a mutual and verifiable freeze to which the Soviets must respond in kind. And our efforts will be meaningless unless this freeze is followed by substantial reductions in both countries' nuclear arsenals.

Mr. Chairman, I would urge all my colleagues to support House Joint Resolution 13 and in so voting send a message not only to U.S. arms reduction negotiators but to their Russian counterparts as well.●

● Mr. FAUNTROY. Mr. Chairman, there are three reasons why I rise in support of the nuclear freeze, House Joint Resolution 13, and other arms control measures.

First, the physical survival of our planet and its people are in immediate danger due to the threat of nuclear war.

Second, the global neglect of human needs caused by the billions we spend on nuclear weaponry versus the millions we spend on human needs conditions a world in which hunger, poverty, and ill health are the defining reality for two-thirds of the people in this world. Our world is in danger of exploding because of this human misery which leads to instability and conflict that can all too easily lead to conflict between the superpowers.

Third, and most immediately, on the domestic level the escalating development and deployment of nuclear weaponry is destroying our economy and causing us to neglect our people and their basic needs.

ELABORATION OF THE THREE POINTS

I. THE DANGER TO THE PLANET

Mr. Chairman, the uncontrolled buildup of nuclear weapons is, at present equal to an explosive force of 3½ tons of TNT for every person on Earth.

The continuing nuclear arms race increases the possibility of nuclear war:

The danger to our planet is real and it is immediate. The United States, under this administration, has moved far beyond deterrence to preparing to fight, survive, and win a nuclear war.

When he was Secretary of Defense in the Kennedy administration, Robert McNamara defined deterrence as the capacity to destroy 30 percent of the Soviet society's population and 70 percent of its economic infrastructure. He felt that this objective could be achieved through the use of approximately 400 strategic nuclear warheads. Today, the United States possesses more than 10,000 strategic nuclear warheads in its nuclear arsenal, plus another 15,000 more of intermediate range for theater nuclear use. But, for the Reagan administration, even that is not enough. They have ordered the production of an additional 17,000 nuclear weapons by the end of this decade.

Mr. Chairman, the second major consequence is even more ominous. This administration is committed to developing nuclear weapons that go beyond our capacity to verify or control. In past years, the necessity for verifiability and control have been integral elements of all previous arms control agreements and negotiations. The development of first-strike nuclear weapons, such as the MX missile, the Pershing II missile, and ground-, sea-, and air-launched cruise missiles, usher us into a new era of the nuclear arms race, one which threatens to destroy our planet.

In spite of radical advances in accuracy and power, deterrence has been subject to challenge on two grounds. One is that land-based nuclear weapons are vulnerable to destruction if the enemy strikes first, thus eliminating the power of retaliation. The other is that the use of nuclear weapons in a graduated, carefully orchestrated manner can be an integral part of warfighting strategy. Both theories are dangerous fantasies. The first, because it assumes the perfection of a technology which has had a poor record for reliability. The second, because it assumes an absence of human error and a perfection of discipline, including under war conditions, which are unknown in reality. Nevertheless, the jump from a deterrent against war to usable weapons of war is now a feature of nuclear strategy, used to justify further escalation in numbers and technology. It also greatly magnifies the risk that these weapons will be used, and that nuclear war to extinction will result.

II. NEGLECT OF GLOBAL HUMAN NEEDS: WORLD INJUSTICE—THE NUCLEAR CONNECTION

Mr. Chairman, what we are witnessing today is the neglect of human needs on a global scale. This neglect fuels an already dire situation created by social, economic, and political injustices.

The political instability that arises from these injustices, the neglect of human needs, and the lack of food, health care, and employment threatens in many places to bring the United States and the Soviet Union into conflict, a conflict that could result in a nuclear holocaust.

Expenditures on nuclear weaponry do not buy us security. Rather, they accentuate global insecurity by structuring misplaced priorities that intensify the misery that defines the lives of the overwhelming number of human beings on our planet. This misery, which remains unaddressed because of the billions we spend for nuclear weaponry, is capable of igniting regional conflicts which can all to easily escalate into nuclear warfare between the superpowers.

The world's military spending dwarfs any spending on development; 1980 military expenditures measured in 1979 constant dollars totaled $595 billion, of which over half is spent by the Soviet Union and the United States. This represents a 27-percent increase over the 1971 figure of $467 billion. On the other hand, annual spending on official development aid is only $20 billion. If only a fraction of the money, manpower, and research presently devoted to military uses were diverted to development, the future prospects of the Third World would look entirely different.

In any case there is a moral link between the vast spending on arms and the disgracefully low spending on measures to remove hunger and ill health in the Third World. For instance:

The program of the World Health Organization to abolish malaria is short of funds; it is estimated that it will eventually cost about $450 million which represents only one-thousandth of the world's annual military spending.

The cost of a 10-year program to provide for essential food and health needs in developing countries is less than half of 1 year's military spending. A modern tank costs about $1 million; that amount could improve storage facilities for 100,000 tons of rice and thus save 4,000 tons or more annually: One person can live on just over 1 pound of rice a day. The same sum of money could provide 1,000 classrooms for 30,000 children.

For the price of one jet fighter—$20 million—one could set up about 40,000 village pharmacies.

One-half of 1 percent of 1 year's world military expenditure would pay for all the farm equipment needed to increase food production and approach self-sufficiency in food-deficit low-income countries by 1990.

Moreover, arms production is not just a matter of spending but of manpower and skills. It is profoundly disturbing to realize that in East and West a very large proportion of scientists and much of the scientific resources of universities and industry are devoted to armaments.

The obstacles to reversing these trends are formidable, but they should not be allowed to get in the way of serious discussion of the dangers of the arms race and the realization of the dangers of the arms race and the realization of the size of the economic burden that it involves. One of the chief enemies of disarmament is the sense of resignation and traditional acceptance that accompanies large defense spending, while the dangers are constantly mounting.

III. DOMESTIC CONSEQUENCES

Finally, Mr. Chairman, this misplaced emphasis on nuclear weaponry also mandates tragic and dangerous outcomes in domestic priorities. The misplaced priorities associated with the escalating development and deployment of nuclear weaponry leads to the same neglect of basic human needs in our own communities.

This buildup in nuclear weaponry is the fuel of an undeclared but real war against the most vulnerable and needy in our society.

As dangerous and destablizing as the arms race is to allies and enemies abroad, it is equally destabilizing and destructive of people in our own communities. The distorted budget that results from the apocalyptic presumptions of nuclear war is one that continues to increase defense spending by 10 to 17 percent per year, while assistance—in a recession—is cut to families needing food stamps, or AFDC, or unemployment benefits. How can we invest in human capital—in education programs, or comprehensive and meaningful job training, or health and nutrition programs—while vast and disproportionate sums of money are invested in war materials?

In 1953, Dwight David Eisenhower warned:

> Every gun that is made, every warship launched, every rocket fired, signifies . . . a theft from those who hunger and are not fed, those who are cold and are not clothed.
>
> This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

If the militarized Reagan budget triumphs, the rollcall of casualties from this real war structured by the buildup in nuclear weaponry will include:

The Follow Through program—killed in action.

Title I—severely wounded by a $154 million cut.

Pell grants, supplemental educational opportunity grants, State student incentive grants and the national direct student loan program, graduate and professional opportunity grants—killed in action.

Legal Services Corporation—killed in action.

The Economic Development Administration—killed in action.

The job training program—severely wounded by a $786 million cut.

The minority business program—crippled by the injury of an 80-percent cut in the direct loan program.

Food stamp program—riddled with shrapnel by a $757 million cut.

Low income energy assistance—seriously wounded by a 34-percent cut.

Low income housing programs—almost killed in action by cuts of $11.4 billion, a 94-percent cut.

WIC program—severely wounded by a freeze at $1 billion amounting to a $4.8 million cut.

Mr. Chairman, let us put an end to this madness and support the nuclear freeze, House Joint Resolution 13.●

● Mr. DONNELLY. Mr. Chairman, I rise in support of House Joint Resolution 13, a deserving initiative calling for negotiations toward a mutual and verifiable freeze on nuclear weapons to be followed by equitable reductions in strategic systems. It is my belief that the resolution before us today conveys the deep concern of those we represent about the arms race. The continuing buildup of the nuclear arsenals places the prospect for true arms reduction further and further from our grasp. It is time to at least attempt through negotiation to halt the escalating nuclear arms race before we are powerless to do so.

One provision of the resolution which I strongly endorse states that, "Negotiations toward a freeze should give special attention to destabilizing weapons, especailly those which give either nation capabilities which confer upon it even the hypothetical advantage of a first strike." In an interesting parallel, the report of the President's Commission on Strategic Force advocates similar emphasis in arms control negotiations by recommending that, "We should try to promote an evolution toward forces in which each side is encouraged to see to the survivability of its own forces in a way that does not threaten the other." I believe that negotiations toward a mutual and verifiable freeze must begin now, and I strongly encourage my colleagues to join me in voting for the resolution.●

● Mr. HARKIN. Mr. Chairman, the House considers today a unique proposition. Unique not because of its magnitude, its subject, or because of the controversy surrounding it. The proposal for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons is unique in its origin, its momentum, and in the fact that no matter what we here today decide to do with it, it will eventually succeed. The American people are behind it, united in a way as they have not been since World War II. They will not be denied.

We here in Washington did not think of the freeze. We did not propose it to our constituents. They have presented it to us, and have demanded its passage by this House. The beauty of the freeze resolution is its simplicity. Clearly, it could never have been developed in one of our committee rooms. One does not need a lawyer or a defense analyst to understand it. My constituents understand it. They understand that despite 40 years of complicated solutions to the arms race, we are less safe than ever before. They understand that the testing, production, and deployment of nuclear arms has to be stopped. I support House Joint Resolution 13 because I think it is a good idea, but more importantly because I was instructed to by the people of the Fifth District of Iowa. I am certain that if every Member of this House voted as the majority of their constituents want them to, this resolution would pass.

Now is the perfect time to adopt a freeze, for the United States to negotiate one with the Soviet Union. Our nuclear forces are in a state of rough equivalency with the Soviet Union. We have more strategic nuclear warheads—9,600 versus 8,000. We have twice as many tactical nuclear warheads—20,000 versus 10,000. Our submarine missile force is far larger, more accurate, and more reliable. We have more long-range bombers, with greater range and better avionics. There are U.S. nuclear forces within range of the U.S.S.R. in Europe and the Pacific, the Soviets have nothing comparable. Most importantly, we maintain a nuclear arsenal balanced between the land, air, and sea; 70 percent of the Soviet strategic nuclear forces are based on land, making them almost completely dependent on forces most vulnerable to a surprise attack. The Soviets have four potential nuclear adversaries—the United States, Britain, France, and China—and is surrounded by potential enemies. We have peaceful borders and only one potential adversary in a nuclear war.

Russia has some advantages. Their ICBM's are larger and usually carry more powerful warheads. They have more land-based and sea-based missiles, and more strategic delivery vehicles, although the United States still leads in total warheads since our missiles are heavily MIRV'ed. They also have a greater total explosive power, or megatonnage. These advantages are really symptoms of a force that makes up with size and power what it lacks in accuracy and reliability.

All of this adds up to a state of rough equivalency. Before we start on a new arms race, let us stop now while we are ahead. Let us stop now before there comes the day when survivors of a nuclear war pick through the radioactive rubble and wonder who was the winner.

Some have other ideas. Over and over, we hear the call, sometimes plaintive and sometimes strident, for reductions in nuclear forces rather than the freeze. Under the misleading

acronym, START, the administration has the audacity to oppose the will of the people in the name of arms control while continuing their unprecedented nuclear escalation. They plan to build over 17,000 new nuclear warheads over the next decade. The fiscal year 1985–89 defense guidance lays out the plan to increase spending for each of the armed services by more than 80 percent in current dollars from 1983 to 1989.

If START was adopted, it could, and probably would, result in the following:

An increase in the total U.S. strategic warheads, from 9,600 to 11,500, due to the deployment of the cruise missile, not covered by START.

A threefold increase in U.S. submarine-launched megatonnage.

An unregulated buildup in vast areas of the strategic arena airborne systems, cruise missiles, and all tactical nuclear weapons systems.

This is not arms control. Neither is the 2-for-1 build-down proposal, which is suspiciously akin to START. Both pass under the rubric of modernization and would allow for the newest and most dangerously destabilizing weapons to be built. It would still allow for the construction of a first-strike capacity to destroy the Soviet Union's missiles in a single preemptive blow. Nothing will so aggravate the chance that they would push the button first. By this time, it is the quality and not the quantity of nuclear weapons that make nuclear war more likely. The 2-for-1 build-down allows new weapons systems to go forward as planned, and to be deployed as substitutes for the oldest and least advanced weapons which would have been retired anyway. This proposal makes the incredible assumption that the new weapons would be more stabilizing and survivable than the ones they replace. The new nuclear weapons are more accurate, have shorter flight times, and shift our doctrine from deterrence to offense. Only Mr. Kenneth Adelman would think it to be a safer world under such conditions.

Over 70 percent of Americans support the freeze proposal; 600,000 marched in New York City last year in support of the freeze and not START, not the Levitas 2-for-1 build-down proposal, and certainly not the Broomfield amendment. Passage of any of these would tell the country, and the world, that we are not serious about arms control, that we are content to sit here in Washington listening to the so-called experts who have brought us to the brink of destruction, and ignoring what the rest of the country is telling us to do. While each of our constituents may not know the difference between throw weight and dead weight, they know and demand that the arms race be stopped. They know that no one loses any weight until they stop gaining it. In their view, Washington has been far more adept with ideas and methods for waging war than with efforts to construct peace. Now, matters have taken a different course, as we here follow and truly represent our districts.●

● Mr. SHELBY. Mr. Chairman, as we seek together the answers to the complex and troubling questions we confront because man's technological advances in this century have outpaced the capacity of human understanding, we must strive individually to temper our emotionalism with realism.

An excellent example of our historic American inclination to speak with our hearts and not our heads lies in our demand for immediate resolutions to vexing international conflicts. We cannot help but see this pattern distressingly evident in our present nuclear freeze movement. Many of those advocating a nuclear freeze seem to be saying that with an immediate freeze on production, testing and development of nuclear weapons, the arms race will effectively cease, naturally resulting in a steady, mutual reduction of nuclear arsenals. Ultimately they see a day when the possibility of nuclear war will no longer exist. In our lifetime, I am afraid this may be a delusion.

Right now, our Nation is engaged in a series of delicate arms control negotiations. These talks are affirmative, realistic attempts to come to terms with a dramatically changed world society, having at its power unimagined modern warfare. The growth of the world's nuclear weapons capabilities has taken decades to accumulate; it cannot possibly be turned back quickly, or even in a matter of years. Progress is being made today—any amount of progress is good and deserves our wholehearted support. Anything which serves to disrupt the fragile negotiations process is a grave disservice and compromises our shared American goal of world disarmament. What has brought this arms race about over the course of the last several decades? An increasing level of suspicion arising from the ability of the world society to develop weapons which could ultimately destroy this planet. We need to recognize that there are human personalities and predispositions behind these inhuman weapons. These are human judgments with which we must grapple before we can possibly expect a unilateral decision which legislatively imposes a nuclear weapons freeze to succeed.

We must strive in unison toward the ultimate goal of world peace. This will be achieved, I am convinced, only when we resolve to bring our collective will, rationally, in line with what we have developed and to understand what type to minds control its destructive powers.

Albert Einstein once remarked that "the splitting of the atom has changed everything except the way we think." Mr. Chairman, I conclude that until we have hard evidence that the Soviets have changed their way of thinking, it would be naive and dangerous of us to impose upon our peace negotiators and this Nation a nuclear weapons freeze requirement such as the one before us today. I urge my colleagues' opposition to House Joint Resolution 13.●

Mr. ZABLOCKI. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on House Joint Resolution 13.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1190, EMERGENCY AGRICULTURAL CREDIT ACT OF 1983

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98–54) on the resolution (H. Res. 158) providing for the consideration of the bill (H.R. 1190) to provide emergency credit assistance to farmers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. OTTINGER. Mr. Speaker, on rollcall No. 53 earlier today, I was ill and could not get to the floor of the House. Had I been present, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, because of the funeral of our colleague, Mr. Burton, tomorrow, many Members will be in attendance, and our not meeting

on Friday, I thought it might be appropriate to ask unanimous consent to proceed for 1 minute for the purpose of inquiring of the distinguished majority leader what the program would be, then, for next week.

I yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

Mr. Speaker, I would respond that I understand the gentleman from California (Mr. WAXMAN) will seek recognition shortly for a unanimous-consent request to take up two Senate-passed bills, and that he has discussed this with Members on the Republican side of the aisle.

Beyond that, I know of no business to be conducted today.

As the distinguished minority leader has already observed, out of our respect for our late colleague, Phil Burton, and the desire of so many of our number to be present at the funeral services tomorrow in California, we will have only a pro forma session, and I will soon ask unanimous consent that when we adjourn tomorrow we adjourn to meet at noon on Monday, thus obviating a Friday session this week.

On Monday next, April 18, we would expect to have only a pro forma session.

On Tuesday, April 19, we will have at least one suspension, House Concurent Resolution 45, concerning the visitation rights for grandparents. It is possible that other suspensions might be added, but I know of none at this time.

Then we would hope to take up H.R. 1983, the Emergency Housing Assistance Act of 1983, under an open rule, with 2 hours of general debate.

On Wednesday and Thursday, April 20 and 21, we would hope to come in at 11 a.m. I will ask permission for that shortly. We would hope to take up and pursue to its completion on Wednesday, House Joint Resolution 13, the mutual and verifiable nuclear freeze resolution.

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Then we would expect on Thursday to take up H.R. 1190, the Emergency Agricultural Credit Act of 1983. That is an open rule with 1 hour of open debate.

We would expect that having done that, we might have a pro forma session on Friday of next week.

Mr. MICHEL. I thank the gentleman.

ADJOURNMENT FROM TOMORROW TO MONDAY, APRIL 18, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous contest that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to he request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 20, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next, it adjourn to convene at 11 a.m. on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SACCHARIN STUDY AND LABELING ACT AMENDMENT OF 1983

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 89) to amend the Saccharin Study and Labeling Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I yield to the gentleman from California to tell the House what is in this bill.

Mr. WAXMAN. I thank the gentleman for yielding to me.

Mr. Speaker, the bill that has passed the Senate would extend for 2 additional years the moratorium on the Food and Drug Administration which is now in the law to deal with the saccharin question. It would prohibit the FDA from acting against the saccharin under the Delaney clause, as is now the present law.

Mr. Speaker, the moratorium on regulatory action against saccharin expires on August 14, 1983. The Senate bill before us, the Saccharin Study and Labeling Act Amendment of 1983, S. 89, would continue the moratorium for 2 additional years. It passed the Senate on March 23, 1983, by unanimous consent. I urge all Members to join with Mr. MADIGAN and myself in supporting and passing this extension.

I believe Members are well aware that the original saccharin moratorium was passed in November 1977 to prohibit a ban on saccharin and to give the Food and Drug Administration (FDA) and those companies which manufacture and use saccharin an opportunity to conduct additional tests on its safety. During the intervening years two large-scale animal studies were begun, and in about 6 months the findings will be fully reviewed and made available to the Congress and the public. The studies are being conducted by the FDA's National Center for Toxicological Research and the International Research & Development Corp. under a grant from the beverage industry's Calorie Control Council. I expect that the results of the studies will enable us to understand better whether continued use of saccharin is advisable and healthy.

Even though we probably will not need the entire 2-year period provided for in the bill, I believe S. 89 strikes a proper balance. It guarantees us that there is sufficient time for FDA to conduct all necessary reviews of the test results; but it does not restrict FDA's authority to act against it as soon as the test results are clear. Under the bill, the FDA is prohibited from removing saccharin based solely on data available in 1977. Therefore, as soon as the tests are finished, FDA can regulate it under the current authority of the Federal Food, Drug and Cosmetic Act.

Mr. Speaker, S. 89 should be passed by the House. I urge the support by all Members.

Mr. MADIGAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Saccharin Study and Labeling Act Amendment of 1983".

SEC. 2. Section 3 of the Saccharin Study and Labeling Act is amended by striking out "twenty-four months after the date of enactment of the Saccharin Study and Labeling Act Amendment of 1981" and inserting in lieu thereof "twenty-four months after the date of enactment of the Saccharin Study and Labeling Act Amendment of 1983".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALCOHOL AND DRUG ABUSE AMENDMENTS OF 1983

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate Bill (S. 126) to remedy alcohol and drug abuse, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. MADIGAN. Mr. Speaker, reserving the right to object, I would yield to the gentleman from California to ask him if this is the bill recently passed by the Senate that was passed by the House last year? That would be my first question.

My second question is: Is this bill in the same form and substance as it was when it passed the House last year?

Mr. WAXMAN. Mr. Speaker, if the gentleman will yield to me, the bill that the Senate has passed is the measure that has been passed by the House of Representatives in the last Congress. It is the bill agreed to by the House and the Senate in discussions over the issues that were outstanding. All those issues have been resolved. The bill that is before us is the bill that passed the House last year.

If the gentleman would yield further, I would be pleased to describe the provisions of S. 126. The legislation extends through fiscal year 1984 the authorization of appropriation for the research activities of the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA). NIAAA and NIDA are agencies of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA) of the Department of Health and Human Services (DHHS).

The abuse of alcohol and other drugs seriously threatens the health and welfare of our citizens. The health of our young people is placed at special risk as alcohol-related traffic accidents are the leading cause of death among the 15- to 24-year-old age group. If we are to lessen the effect on, and to reduce the frequency of alcohol and drug abuse among our citizens, a national commitment to a strong research agenda is critical.

S. 126 is the result of extensive hearings held by the Subcommittee on Health and the Environment of the House Energy and Commerce Committee and the Subcommittee on Alcoholism and Drug Abuse of the Committee on Labor and Public Welfare of the Senate. Hearings were conducted during the 97th Congress and resulted in the passage of H.R. 6458—House Report 97-768—by the Energy and Commerce Committee on June 2, 1982, and later by the full House on September 20, 1983.

Shortly thereafter, the Senate completed action on S. 2365, a similar measure, and included its provisions in a Senate amendment to H.R. 6458 on October 1, 1982. Differences between the two proposals were resolved without a conference. On December 16, 1982, the House passed an amendment to H.R. 6458 embodying this compromise. Unfortunately the Senate adjourned prior to completing final action on the legislation.

S. 126 reflects the provisions extending alcohol and drug abuse authorities agreed to during consideration of H.R. 6458 in the 97th Congress. Similar legislation, H.R. 1696, was introduced on February 25, 1983, on behalf of Mr. MADIGAN, the ranking minority member of the Subcommittee on Health and the Environment and myself. Although H.R. 1696 is pending before the subcommittee, further consideration is unnecessary as its provisions are virtually identical to those of S. 126.

For the benefit of my colleagues I would like to review the major provisions of the legislation.

S. 126 authorizes appropriations of $56,160,000 for drug abuse research and $45,790,000 for alcohol research in fiscal year 1984. The levels authorized are identical to those contained in the President's budget. In addition, the legislation contains a technical amendment authorizing funds for fiscal year 1983. The levels authorized are consistent with those already provided by the fiscal year 1983 continuing resolution.

Although the authorization levels are not as high as I would prefer, nor as high as could be productively used by the Institutes, they provide for a significant and long-overdue increase in alcohol and drug abuse research capacity. Only recently have we come to appreciate the enormous human toll caused by addictive disorders. The impact of alcoholism, drug addiction, and alcohol and drug abuse are staggering. They contribute to higher health care costs and decrease the productivity of our work force.

The research activities of NIAAA and NIDA represent the Federal Government's commitment to better understanding these disorders. Through the efforts of these agencies, improvements in prevention and the development of more successful forms of treatment will be possible.

Other provisions of S. 126 include:

Technical revision of the ADAMHA's statutory authority to enhance its status as an independent agency of the Public Health Service.

Consolidation of alcohol and drug abuse congressional reporting requirements.

Increased emphasis upon support of prevention research through establishment within ADAMHA of a new position of Assistant Administrator for Prevention. The Assistant Administrator is charged with promotion and coordination of prevention research sponsored by NIAAA, NIDA, and the National Institute of Mental Health, and with preparation of an annual report to Congress describing these activities.

Systematic peer review of intramural research.

Establishment of a system for the investigation of reports of scientific misconduct.

Preparation of a report by the Secretary of the Department of Health and Human Services on the effectiveness of the alcohol, drug abuse, and mental health services block grant.

Dissemination of publications on current research findings respecting alcohol and drug abuse.

Mr. Speaker, S. 126 represents a clear and strong commitment by both House and Senate Members to strengthen Federal support for areas of health research which are essential to reducing the economic, social, and health costs of alcoholism and drug abuse on our Nation. I urge each Member's support.

Mr. MADIGAN. Mr. Speaker, I thank the gentleman for his explanation and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; STATEMENT OF POLICY

SECTION 1. (a) This Act may be cited as the "Alcohol and Drug Abuse Amendments of 1983".

(b) It is the policy of the United States and the purpose of this Act to provide leadership in the national effort to reduce the incidence of alcoholism and alcohol-related problems and drug abuse through—

(1) a continued Federal commitment to research into the behavioral and biomedical etiology, the treatment, and the mental and physical health and social and economic consequences of alcohol abuse and alcoholism and drug abuse;

(2) a commitment to—

(A) extensive dissemination to States, units of local government, community organizations, and private groups of the most recent information and research findings with respect to alcohol abuse and alcoholism and drug abuse, including information with respect to the application of research findings; and

(B) the accomplishment of such dissemination through up-to-date publications, demonstrations, educational programs, and other appropriate means;

(3) the provision of technical assistance to research personnel; services personnel, and prevention personnel in the field of alcohol abuse and alcoholism and drug abuse;

(4) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, drug abuse, and the abuse of other legal and illegal substances;

(5) the development and encouragement of effective occupational prevention and treatment programs within Government and in cooperation with the private sector; and

(6) the provision of a Federal response to alcohol abuse and alcoholism and drug abuse which encourages the greatest participation by the private sector, both financially and otherwise, and concentrates on carrying out functions relating to alcohol abuse and alcoholism and drug abuse which are truly national in scope.

THE ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION AND THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

SEC. 2. (a)(1) Title V of the Public Health Service Act is transferred to the end of the Public Health Service Act and redesignated as title XXI and sections 501 through 515 are redesignated as sections 2101 through 2115, respectively.

(2) Sections 217(c), 217(d), and 384 of the Public Health Service Act (42 U.S.C. 218 and 278) are each amended by striking out "501" and inserting in lieu thereof "2101".

(b)(1) The Public Health Service Act is amended by inserting after title IV a new title designated as follows:

"TITLE V—ADMINISTRATION AND COORDINATION OF THE NATIONAL INSTITUTE OF MENTAL HEALTH, THE NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, AND THE NATIONAL INSTITUTE ON DRUG ABUSE

"PART A—ADMINISTRATION AND INSTITUTES".

(2) Section 210 of the Act of May 14, 1974 (42 U.S.C. 3511) is transferred to title V of the Public Health Service Act established by paragraph (1), redesignated as section 501, and amended—

(A) by striking out "of Health, Education, and Welfare" each place it occurs;

(B) in subsection (c), by striking out "of the Public Health Service Act";

(C) by amending subsection (d) to read as follows:

"(d) To educate the public with respect to the health hazards of alcoholism, alcohol abuse, and drug abuse, the Administrator shall take such actions as may be necessary to ensure the widespread dissemination of current publications of the National Institute on Alcohol Abuse and Alcoholism and the National Institute on Drug Abuse relating to the most recent research findings with respect to such health hazards.";

(D) by adding at the end the following:

"(e)(1) There shall be in the administration an Associate Administrator for Prevention to whom the Administrator shall delegate the function of promoting the prevention research programs of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and coordinating such programs between the institutes and between the institutes and other public and private entities.

"(2) On or before January 1, 1984, and annually thereafter, the Administrator, acting through the Associate Administrator for Prevention, shall submit to the Congress a report describing the prevention activities (including preventive medicine and health promotion) undertaken by the administration, the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse. The report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

"(f) The Administrator shall establish a process for the prompt and appropriate response to information provided the Administrator respecting (1) scientific fraud in connection with projects for which funds have been made available under this Act, and (2) incidences of violations of the rights of human subjects of research for which funds have been made available under this title. The process shall include procedures for the receiving of reports of such information from recipients of funds under this title and taking appropriate action with respect to such fraud and violations.".

(3) Section 101 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 is transferred to title V of the Public Health Service Act, inserted after the section 501 inserted by paragraph (2), redesignated as section 502, and amended—

(A) in subsection (a)—

(i) by striking out "this Act" the first time it occurs and inserting in lieu thereof "this section",

(ii) by striking out "assigned to the Secretary of Health and Human Services (hereafter in this Act referred to as the 'Secretary')" and inserting in lieu thereof "relating to alcohol abuse and alcoholism assigned to the Secretary", and

(iii) by striking out "of the Public Health Service Act", and

(B) by amending the section heading to read as follows:

"NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM".

(4) Section 501 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 502 inserted by paragraph (3), redesignated as section 503, and amended—

(A) in subsection (a)—

(i) by inserting "SEC. 503." before "(a)",

(ii) by striking out "this title" and inserting in lieu thereof "this section",

(iii) by striking out "of the Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') with respect to drug abuse prevention functions" and inserting in lieu thereof "relating to drug abuse assigned to the Secretary by this Act", and

(iv) by striking out "of the Public Health Service Act",

(B) by striking out "(hereinafter in this title referred to as the 'Director')" in subsection (b)(1), and

(C) by striking out the section heading

"§ 501. Establishment of Institute".

and inserting in lieu thereof the following:

"NATIONAL INSTITUTE ON DRUG ABUSE"

(5) Subsection (a) of section 406 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to section 503 (as so redesignated), inserted after subsection (d), and redesignated as subsection (e).

(6) Section 455 of the Public Health Service Act is inserted in title V of the Public Health Service Act after the section 503 inserted by paragraph (4) of this subsection and redesignated as section 504.

(7) The following sections are inserted in title V of the Public Health Service Act after the section 504 inserted by paragraph (6):

"REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE

"SEC. 505. (a) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) containing current information on the health consequences of using alcoholic beverages,

"(2) containing a description of current research findings made with respect to alcohol abuse and alcoholism, and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"(b) The Secretary shall submit to Congress on or before January 15, 1984, and every three years thereafter a report—

"(1) describing the health consequences and extent of drug abuse in the United States;

"(2) describing current research findings made with respect to drug abuse, including current findings on the health effects of marihuana and the addictive property of tobacco; and

"(3) containing such recommendations for legislation and administrative action as the Secretary may deem appropriate.

"PEER REVIEW

"SEC. 506. (a) The Secretary, after consultation with the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse shall by regulation require appropriate technical and scientific peer review of biomedical and behavioral research and development grants, cooperative agreements, and contracts to be administered through the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse.

"(b) Regulations promulgated under subsection (a) shall require that the review of grants, cooperative agreements, and contracts required by the regulations be conducted—

"(1) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of this section to grants, cooperative agreements, and contracts under this Act for biomedical and behavioral research, and

"(2) to the extent practical, by peer review groups performing such review on or before such date.

"(c) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(d) The Administrator of the administration shall establish procedures for periodic, technical, and scientific peer review of research at the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the institute involved with such description and the results of the review by the entity.".

(8) The following heading is inserted in title V of the Public Health Service Act after the section 506 inserted by paragraph (7):

"PART B—RESEARCH

"Subpart 1—Alcohol Abuse and Alcoholism".

(9) Sections 501, 503, and 504 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the subpart 1 of part B of title V of the Public Health Service Act established by paragraph (8), redesignated as sections 510, 511, and 512, respectively, and amended as follows:

(A) Section 510 (as so redesignated) is amended—

(i) by striking out "the Institute" in subsection (a) and inserting in lieu thereof "the National Institute on Alcohol Abuse and Alcoholism (hereinafter in this subpart referred to as the 'Institute')",

(ii) by striking out "make available through publications and other appropriate means" in subsection (b)(1) and inserting in lieu thereof "disseminate through publications and other appropriate means (including the development of curriculum materials)",

(iii) by striking out "; and such Council shall give" and all that follows in subsection (b)(3) and inserting in lieu thereof the following: ", giving special consideration to projects relating to—

"(A) the relationship between alcohol abuse and domestic violence,

"(B) the effects of alcohol use during pregnancy,

"(C) the impact of alcoholism and alcohol abuse on the family, the workplace, and systems for the delivery of health services,

"(D) the relationship between the abuse of alcohol and other drugs,

"(E) the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages,

"(F) the interrelationship between alcohol use and other health problems, and

"(G) the comparison of the cost and effectiveness of various treatment methods for alcoholism and alcohol abuse and the effectiveness of prevention and intervention programs for alcoholism and alcohol abuse.",

(iv) by inserting "or the impact of alcohol abuse on other health problems" before the semicolon in subsection (b)(5), and

(v) by amending the section heading to read as follows:

"ALCOHOL ABUSE AND ALCOHOLISM RESEARCH".

(B) Section 511 (as so redesignated) is amended—

(i) by striking out the last sentence of subsection (a),

(ii) by striking out the second sentence of subsection (b),

(iii) by striking out "of the Public Health Service Act (42 U.S.C. 292a)" in subsection (b), and

(iv) by striking out subsection (c).

(C) Section 512 (as so redesignated) is amended to read as follows:

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 512. There are authorized to be appropriated to carry out this subpart $33,484,000 for fiscal year 1983 and $45,790,000 for fiscal year 1984. Of the funds appropriated under this section for any fiscal year, not more than 35 per centum may be obligated for grants under section 511.".

(10) The following heading is inserted in title V of the Public Health Service Act after the section 512 inserted by paragraph (9):

"Subpart 2—Drug Abuse Research".

(11) Section 503 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to the subpart 2 of part B of title V established by paragraph (10), redesignated as section 515, and amended—

(A) by striking out "The Director" the first time it occurs in subsection (a) and inserting in lieu thereof "The Director of the National Institute of Drug Abuse",

(B) by amending subsection (b) to read as follows:

"(b) In carrying out the activities described in subsection (a), the Secretary, acting through the Institute, may—

"(1) collect and disseminate through publications and other appropriate means, including the development of curriculum materials, information as to, and the practical application of, the research and other activities under this section,

"(2) make grants or enter into contracts with individuals and public and nonprofit entities for the purpose of determining the causes of drug abuse in a particular area, and

"(3) make grants to and enter into contracts with individuals and public and private nonprofit entities for research respecting improved drug maintenance and detoxification techniques and programs.",

(C) by amending subsection (c) to read as follows:

"(c) For the purposes of subsections (a) and (b), there are authorized to be appropriated $47,374,000 for fiscal year 1983 and $56,160,000 for fiscal year 1984.",

(D) by striking out the section heading and inserting in lieu thereof the following:

"DRUG ABUSE RESEARCH",

and

(E) by inserting before "(a)" in subsection (a) the following: "SEC. 515.".

(12) The following headings are inserted in title V of the Public Health Service Act after the section 515 inserted by paragraph (11):

"PART C—MISCELLANEOUS PROVISIONS RELATING TO ALCOHOL ABUSE AND ALCOHOLISM AND DRUG ABUSE

"Subpart 1—Provisions Relating to Alcohol Abuse and Alcoholism".

(13) Sections 201, 301, 321, and 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are transferred to the part C of title V established by paragraph (12), redesignated as sections 520, 521, 522, and 523, respectively, and amended as follows:

(A) Section 520 (as so redesignated) is amended—

(i) by striking out "the Institute" in subsection (a) and inserting in lieu thereof "the National Institute on Alcohol Abuse and Alcoholism",

(ii) by striking out "section 321" in subsection (a)(4) and inserting in lieu thereof "section 522", and

(iii) by striking out "under this Act and under the Drug Abuse Prevention, Treatment, and Rehabilitation Act" and inserting in lieu thereof "under this title".

(B) Section 521 (as so redesignated) is amended—

(i) by striking out "section 413(b) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act" in subsection (b)(4) and inserting in lieu thereof "section 525",

(ii) by striking out "title" in subsection (d) and inserting in lieu thereof "section", and

(iii) by striking out subsection (e).

(C) Section 522 (as so redesignated) is amended by striking out "of the Public Health Service Act" in subsection (a).

(14) The following heading is inserted in part C of title V of the Public Health Service Act after section 523 (as so redesignated):

"Subpart 2—Provisions Relating to Drug Abuse".

(15) Section 502 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the heading inserted by paragraph (14), redesignated as section 524, and amended—

(A) by striking out "The Director" in subsection (a) and inserting in lieu thereof "The Director of the National Institute on Drug Abuse",

(B) by striking out ", to promote the purposes of this Act," in subsection (b)(2),

(C) by striking out "section 407" in subsection (d) and inserting in lieu thereof "section 526",

(D) by striking out "under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" in subsection (d) and inserting in lieu thereof "under this title",

(E) by striking out the section heading and inserting in lieu thereof:

"TECHNICAL ASSISTANCE TO STATE AND LOCAL AGENCIES",

and

(F) by inserting before "(a)" in subsection (a) the following: "SEC. 524.".

(16)(A) Section 413 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act is transferred to title V of the Public Health Service Act, inserted after the section 524 inserted by paragraph (15), redesignated as section 525, and amended—

(i) by striking out the section heading and inserting in lieu thereof:

"DRUG ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES";

(ii) by inserting before "(a)" the following: "SEC. 525."; and

(iii) by striking out "section 201(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970" in subsection (b)(4) and inserting in lieu thereof "section 521".

(B) Sections 407 and 408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act are transferred to title V of the Public Health Service Act, inserted after the section 525 inserted by subparagraph (A), redesignated as sections 526 and 527 and amended as follows:

(i) Section 526 (as so redesignated) is amended—

(I) by striking out the section heading and inserting in lieu thereof:

"ADMISSION OF DRUG ABUSERS TO PRIVATE AND PUBLIC HOSPITALS";

and

(II) by inserting before "(a)" in subsection (a) the following: "SEC. 526.".

(ii) Section 527 (as so redesignated) is amended—

(I) by striking out the section heading and inserting in lieu thereof:

"CONFIDENTIALITY OF PATIENT RECORDS";

(II) by inserting before "(a)" in subsection (a) the following: "SEC. 527."; and

(III) by striking out "of Health and Human Services" in subsection (g).

(c)(1) Sections 102, 103, and 502 of the Comprehensive Alcohol Abuse and Alcohol-

ism Prevention, Treatment, and Rehabilitation Act of 1970 are repealed.

(2) Sections 405 and 504 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act are repealed.

(d) Title V of the Medical Facilities Construction and Modernization Amendments of 1970 (Public Law 91-296) is repealed.

ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH REPORTS BY THE SECRETARY

SEC. 3. (a) The Secretary of Health and Human Services shall submit to the Congress, on or before January 15, 1984, a report describing the extent to which Federal and State programs, departments, and agencies are concerned and are dealing effectively with—

(1) the problems of alcohol abuse and alcoholism,

(2) the problems of drug abuse, and

(3) mental illness.

(b) The report required by subsection (a) shall include information with respect to the services provided for alcohol abuse, alcoholism, drug abuse, and mental health under part B of title XIX of the Public Health Service Act. To obtain information respecting such services, the Secretary shall work with appropriate national organizations to ensure that State and local governments use compatible means of collecting data respecting such services so that uniform national data with respect to the provision of such services will be available to the States and to the Secretary.

(c) In compiling data for the report required by subsection (a), the Secretary may not require any State to submit any information which is not required under section 1916(a) of the Public Health Service Act.

DRUG ABUSE STRATEGY REPORT

SEC. 4. (a) Section 305 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1165) is amended to read as follows:

"§ 305. Report

"The President shall submit to the Congress, on or before August 1, 1984, and every two years thereafter, a written report describing the strategy. The report shall specify the objectives, nature, and results of the strategy and shall contain an accounting of funds expended under title II.".

(b) Section 207 of such Act (21 U.S.C. 1117) is repealed.

MISCELLANEOUS

SEC. 5. (a)(1) Section 311(c)(4) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(c)(4)) is amended by inserting "(including Native Hawaiians and Native American Pacific Islanders)" after "Native Americans".

(2) Section 18(b)(10) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is amended by inserting "Native Hawaiians, Native American Pacific Islanders," after "Alaskan Natives,".

(3) Section 410(d) of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1177(d)) is amended by striking out "native Americans" and inserting in lieu thereof "Native Americans (including Native Hawaiians and Native American Pacific Islanders)".

(b) Section 475(a) of the Public Health Service Act (42 U.S.C. 2981-4(a)) is amended (1) by striking out "the Directors of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse and", and (2) by striking out ", the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse," in paragraph (2).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POSTPONING CALL OF CONSENT CALENDAR UNTIL TUESDAY, APRIL 19, 1983

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar be postponed until Tuesday next.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

STRATEGIC COMMISSION'S REPORT: A LOST CHANCE TO PROMOTE STABILITY IN THE ARMS RACE

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. LOWRY of Washington. Mr. Speaker, now that the President's Commission on Strategic Forces has released its report, the debate over the MX missile and other arms race issues will be renewed. I am pleased by some aspects of the Commission's report. It contains a much more responsible and accurate assessment of the strategic balance than we have heard from officials of the present administration. The report calls for the enhancement of stability in the arms race, and suggests some potentially positive means to achieve stability.

The Commission also casts doubt on the urgency of the theoretical "window of vulnerability" problem, pointing out that the vulnerability of any element of our strategic Triad must not be viewed in isolation. I am pleased by the Commission's healthy skepticism about ballistic missile defenses. In the report's words, these systems "offer no real promise of being able to defend the United States against massive nuclear attack in this century." Moreover, I wholeheartedly support the recommendation for continued efforts to improve our command, communications and control ability.

Yet the Commission has failed to grasp the most dangerous aspect of American strategic policy. While calling for stability, it has endorsed steps that will add to instability—specifically the deployment of the highly accurate MX and Trident II missiles. In fact, the Commission has ignored the very issue that should be central to the debate over our nuclear policies: The destabilizing effect of first-strike weapons.

I was very disturbed by such statements as this: "Effective deterrence of any Soviet temptation to threaten or launch a massive conventional or a limited nuclear war thus requires us to have a comparable ability to destroy Soviet military targets, hardened and otherwise." In other words, we need to be able to fight a limited nuclear war. The Commission is wrong: there is no such thing as a limited nuclear war. Once a nuclear war has begun, everything is lost. Our objective should be to prevent a single nuclear warhead from ever being used by any nation. I do not believe that attainment of that goal will be helped if we are able to attack hardened targets.

The Commission has correctly stressed the importance of Soviet perceptions about our intentions and capabilities. But it assumes that the Soviets will understand that the MX and the Trident II are defensive missiles in spite of their offensive capability. The Commission does not consider the serious problems that will result if the Soviets conclude that we are preparing to fight a nuclear war. It is not sufficient to justify the development of highly accurate first-strike weapons simply by stating that we need them—especially since our deployment of such weapons will increase the dangers of nuclear war through accident or miscalculation.

Perhaps, as the report implies, the Soviet leaders do believe that they would gain some advantage from having survivable command centers from which to survey the death and devastation of a nuclear war. If so, they are mistaken. It would be a mistake of equal magnitude for our Nation to increase the accuracy of our strategic forces in the belief that we can enhance stability. The exact opposite will happen, and the escalation of the arms race will continue with renewed momentum. As the debate over the MX proceeds, I urge my colleagues to look at this broader issue and to support meaningful efforts to control the arms race.

ANALYSIS OF IMPACT OF BUDGET PROPOSALS FOR FOOD STAMP PROGRAM

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, today I am releasing an analysis by the Congressional Budget Office of the Reagan administration's budget proposals for the food stamp program for fiscal year 1984. What this analysis shows in clear and compelling terms is that the administration's proposals will have a severe, damaging effect on millions of the most needy families in this country, and will aggravate the

growing problem of hunger in America. What is so striking about this analysis is that it completely refutes what the administration has said would be the consequences of its own budget.

In testimony just last week before the Senate Subcommittee on Nutrition, the administration representative stated:

> I think it's important to note that 80 percent of the savings will come about by reducing misexpenditures rather than recipients' benefits. This proposed budget was designed to minimize the reduction of any household's entitled benefits.

CBO's analysis shows that only 3 percent of the anticipated savings from the administration's food stamp budget in fiscal year 1984 would come from reducing misexpenditures and simplifying administration. Ninety-five percent of the savings would come from reducing benefits and shifting costs to the States.

More specifically, 48 percent of the $1 billion total in food stamp savings would come directly from the pockets of low-income people. And 47 percent of the savings, or $479 million, would come from penalizing States based on their error rates in program administration. These penalties, of course, would not save taxpayers a dime since they would merely shift program costs to State and local governments. And, given the dismal fiscal condition of many State and local governments, additional cutbacks might well be imposed on the poor by State and local governments in order to pay for sanctions.

The CBO analysis shows the proposed benefit reductions are severe:

Overall, about 5 million households, or 62 percent of all food stamp households, will lose a total of $874 million in benefits in fiscal year 1984. This represents an average loss of $178 a year.

Seventy-nine percent of all households with gross incomes below 50 percent of the poverty line would lose benefits. For these 2 million households, most of whom have incomes of less than $3,800 a year, the average loss would be $100 a year. These households represent the poorest of the poor in our society. To further reduce benefits to these people, who have been so deeply hurt by budget cutbacks in the past 2 years, would make a mockery of the concept of a social safety net.

Over 1 million households with elderly and disabled members would lose an average of $250 a year, or 26 percent of their food stamp benefits. Those with the highest utility and shelter costs would lose the most.

Nearly two-thirds of all households with earnings. The so-called working poor, would be cut significantly. These households, the hardest hit by cutbacks in the past 2 years, would lose an average of $200 a year.

Of all the benefits cut under these proposals, about 85 percent would come from households with gross incomes below the poverty line.

The adminstration's proposals would result in an increase in benefits for some households. But I cannot emphasize enough that increases provided to some households in no way lessen the effect of the major reductions on those who lose benefits. Those who would lose benefits under the administration's proposals would lose large amounts. And even if increases to some households are factored in, the net result is still a large reduction in overall benefits. The consequence will be to force those households into soup kitchens or food pantries to try and fill the void in their benefits and in their stomachs.

The one adminstration proposal that would inflict greatest harm on the most people is the proposal to eliminate the current deduction allowed for those households with high shelter and utility costs, and instead provide a higher standard deduction for all households. What this means is that all households with the same income would receive the same amount of food stamp benefits, regardless of their shelter costs. It would result in a massive redistribution of benefits from those with high shelter costs to those with lower shelter costs. Thus it would shift the benefits from those with the greatest need.

Since average shelter costs, including utilities, can vary from household to household by $200 or $300 or more a month, depending upon where one lives and what fuel is available, the need for food assistance varies accordingly. Obviously, a family with utility costs that average several hundred dollars more a month than another family has less money left over for food.

In the name of simplification, the administration would eliminate this vital program feature. In fact the proposal saves relatively little money due to simplification. The primary savings come from reducing benefits paid to 3.5 million households nationwide. Clearly, this proposal introduces an intolerable degree of inequity into the program.

Let me conclude by briefly sharing with you some of my experiences in recent weeks in conducting hearings and field visits on the issue of hunger around the country. What I have heard and seen first hand is that hunger is a rising problem in the United States. Soup kitchens, food pantries and other emergency feeding centers are springing up in communities throughout the Nation to respond to a need unmatched since the Great Depression. They are appearing in suburbs as well as in the inner city.

It is not unusual for these volunteer programs to serve 200 to 300 persons a day, especially at the end of the month. The nature of their clientele might surprise many of you. There are many families with small children who were once middle class. Many, if not most, of the participants receive food stamps, but not enough to get them through the month. For these people any additional cut in benefits would be devastating. For many, even a $1 loss per month would inflict additional pain and suffering.

Let me add a comment about cost savings. As a member of the Budget Committee, I have come to know the difference between real savings and false savings. Regardless of the amount of funds that may appear to be saved in the short term, the real question is whether there are long-term hidden costs associated with any reduction. This is particularly true in the nutrition areas. Simply cutting benefits to the neediest households results in untold long-term costs to the society. Associated with such costs are increased medicaid and medicare costs for the undernourished elderly and handicapped. Expectant mothers who do not receive adequate nutrition give birth to low weight or handicapped babies or worse yet, become victims of increased infant mortality rates. Malnutrition in children results in higher educational costs because of special programs needed to repair the damage caused by the inability to learn. These are all well-known and doucumented consequences of hunger in our society. There is frankly no cost savings that are worth the devastating human cost of such hunger.

The food stamp program is far from perfect, but it will not be improved by cutting essential benefits from needy persons, and removing these persons from food stamps to soup kitchens. The food stamp program is well targeted—over 90 percent of all households have gross incomes below the poverty line and they receive over 95 percent of all benefits. In the past 2 years, food stamp cutbacks of about $2 billion a year, or 15 percent, have occurred. It is time to put a halt to any further cutbacks.

In a recent column, noted nutritionists and Tufts University president, Jean Mayer wrote the following about hunger in the United States:

> It seemed inconceivable to me that a country as rich as ours could ever move backward in an area of such basic human need. As an American, as a nutritionist, I am ashamed that this now appears to be the case.

It is my hope that Congress will not allow this situation to grow any worse. Next week, I will question the administration closely on the effects of their proposals on the neediest Americans in a hearing before the Agriculture

Subcommittee on Domestic Marketing, Consumer Relations and Nutrition, which I chair. On April 30, the subcommittee will conduct the last of its field hearings on hunger in Los Angeles. I hope that these CBO studies, the hearings, and the testimony make all Americans aware of the growing national shame of hunger in America, and will inspire us all to adequately protect these programs that are essential to feeding the needy.

NEGOTIATIONS FOR LONG-TERM GRAIN AGREEMENT WITH SOVIET UNION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, today, I am introducing, along with several of my colleagues, a resolution urging the President to immediately begin negotiations with the Soviet Union on a new long-term grain agreement. The resolution is identical to the one introduced in the Senate by Senators DOLE and PERCY. There have been several similar resolutions introduced here in the House; however, this resolution is unique in the sense that it also includes processed foods as an item to be included in the new long-term agreement with the Soviets.

Our current agreement with the Soviets is in its seventh year. The agreement first went into effect in 1976 and, for the most part, has been very beneficial for the American farmer, as well as the American consumer. In the crop years 1978–79, the Soviet Union bought as much as 15.5 million metric tons of corn and wheat from the U.S. farmer, although the Soviets were obligated to buy only a minimum amount of 6 million metric tons. However, this year the USDA is projecting that the Soviets may purchase approximately 6.9 million metric tons. The reduction in the Soviet purchases can be traced to the 1980 grain embargo. Before the grain embargo, the United States supplied as much as 70 percent of the grain purchased by the Soviets. Last year we supplied just over 30 percent of the grain purchased by the Soviets and this year the percentage will decline even further.

The 1980 grain embargo did little more than to encourage our competitors to stimulate grain production. Argentina, Brazil, and Canada have all seized upon this opportunity and increased their exports to the Soviet Union. The European Common Market—particularly France—now supplies wheat to the U.S.S.R., whereas, before they had an insignificant share of that market. Five countries have now signed long-term agreements with the Soviets that lock them into hard currency sales of bulk commodities.

President Reagan has taken several steps to correct much of the damage done by the 1980 grain embargo. He has initiated the domestic payment in kind program to help reduce the surplus problem. He has announced the "Reagan doctrine" stating that farm exports will not be singled out as instruments of foreign policy. Last year he signed into law the contract sanctity legislation. These are all important steps to restore a consistent and predictable export policy. Proceeding with long-term agreement negotiations is fully consistent with the President's previous actions and goals. I encourage the President to take this one additional step that will help make our farmers competitive in the world grain trade.

A new long-term agreement would not only benefit farmers, but would also help the entire economy. In recent years, the concept of value-added exports has taken on increased importance. When we export processed goods, this means the processing was done by American industry. The resolution I am introducing today specifically asks for the inclusion of value-added processed products, such as soybean meal, corn gluten feed, wheat flour, and other commodities in the long-term agreement. The value-added products will be made right here in America and will create thousands of new job opportunities. In addition, railroad workers, grain elevator operators, barge companies, trucking firms, and the owners of U.S. ocean-going freighters would all benefit from the negotiation of a new long-term agreement.

Mr. Speaker, it is time we sent a signal to the world that the United States will not sit on the sidelines and let our Treasury bear the cost of being the residual supplier of grain. It is time that we moved forward on a new long-term agreement with higher minimum purchase levels. It is time the House sent a message of our support for a new long-term agreement to the President. I urge the House to act expeditiously on this resolution and urge my colleagues to join me in this effort by cosponsoring the resolution.

RESPONSIBLE ARMS CONTROL

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EMERSON. Mr. Speaker, I rise today to express my support for the efforts of this administration in the area of strategic arms reduction and to commend the President on his goal of bringing about a more peaceful and stable world through responsible strategic arms controls policies.

There are Members of this body who have questioned his commitment simply because he is unwilling to compromise our national security in the process of reducing the threat of nuclear war. They would have us believe that he is a warmonger and a dangerous man because he recognizes and seeks to fulfill his duty to insure that our country is adequately defended against foreign attack.

I am continually amazed by the arguments of proponents of the nuclear freeze who seem unconcerned about the massive arms buildup in the Soviet Union. How can they possibly reach the conclusion that our response should be to decimate our own arms production program creating new areas of vulnerability and increasing risk in already vulnerable systems. Not only would such action seriously threaten our national security, but it would remove most, if not all, incentive the Soviets have to negotiate in good faith toward a mutual and verifiable arms reduction agreement. It is obvious that the President recognizes this and that he has chosen the only responsible course of action. The time has come for this House to do the same.

The elimination of the nuclear threat poses the greatest moral dilemma and political challenge of our time. The problems which we face are highly complex. Simple answers, as attractive as they may sound, simply will not solve them. If we ever are to achieve significant, substantial reductions in our dependence on nuclear arms, and still maintain our national security, there is but one way to do it. We must negotiate from a position of strength in order to extract meaningful concessions from the Soviet Union. We must make sure that Soviet leaders understand that we have both the physical capacity and the moral resolve to defend ourselves and our allies against aggression.

This is the philosophy upon which the START talks are based and I firmly believe that it would be a grave mistake for this House to take any action which would undermine or jeopardize these negotiations. Later today, we will be called upon to cast a final vote on the proposed nuclear freeze. I urge my colleagues to respect the efforts of our President in Geneva and reject the proposed freeze as dangerous to those negotiations and to the prospects for a meaningful arms control agreement in the near future.

I include the following article:

[From the Washington Times, Apr. 12, 1983]

THE NUCLEAR FREEZE IS SKATING ON THIN ICE

(By Richard Mowrer)

As the controversy over a nuclear-weapons freeze unfolds, the dismal fact stands out that many people still can't, or won't, recognize the Soviet Union for what it is: a predatory great power bent on subjugating what's left of the Free World.

The evidence of Russian rapacity is overwhelming. Since World War II the Soviets have taken over a dozen countries and are stomping on a 13th, Afghanistan. In the 1940s they annexed outright Lithuania, Latvia and Estonia, plus chunks of Finland, Poland, Germany, Czechoslovakia, Romania. They forcibly brought Poland, East Germany, Czechoslovakia, Hungary, Romania and Bulgaria within the ever-expanding periphery of their empire.

In Asia the Soviets took southern Sakhalin and the Kurile islands from a defeated Japan, and appropriated Mongolia as a protectorate under Soviet military control. Since then they have exported revolution to other parts of the world to extend their influence and to gain military advantage.

From the time of the overthrow of the moderate Kerensky government in 1917, the Soviets have made it clear that they regard the Free World as their enemy and their intended victim. Thus, Lenin:

"It is inconceivable that the Soviet republic should continue to exist interminably side by side with the imperialist states."

More recently *Pravada*, the Communist Party newspaper, declared in its issue of Aug. 22, 1973, that the struggle against the West will continue "until the complete and final victory of communism on a world scale." The theme has been repeated time and again by the Soviet leadership and the military.

Even as Hitler spelled out his intentions in "Mein Kampf," so the men in the Kremlin have proclaimed theirs. Hitler was not taken seriously until it was too late. Will history repeat itself?

Supporters of the freeze movement seem to have latched onto dangerous misconceptions, such as these:

The Russians are people just like us and want what we want: peaceful coexistence. Most likely. But the Russian people are prisoners in a police state and have no say at all in anything. Of the USSR's 270 million people only 17.5 million are members of the Communist Party. Of the latter only a select few have the power to make policy decisions. They rule the country with the help of a vast bureaucracy, stringent censorship, systematic brainwashing, an extensive police apparatus, sealed frontiers, a huge military establishment and the gulags. What the Russian people want or don't want is irrelevant.

The Soviets are expansionist because they are understandbly worried about their security; after all, their country was invaded by Napoleon and Hitler. Far-fetched. As French writer Jean-Francois Revel points out: "The U.S.S.R. has always had a gift for convincing the world that it suffers from an 'encirclement complex,' something which has allowed it to continue to enlarge the circle in which it feels encircled."

Never mind the small countries that happen to be in the way. The truth is that the Soviet empire, which now extends over one-sixth of the globe will not feel secure until it has all of it.

Twenty million Russians died in the Second World War and the last thing the Soviets want is another war. Makes sense, until one is reminded that under communism Russians in the tens of millions have died at the hands of their own regime.

The figures are so horrendous that one hesitates to accept them. Yet great Russian writer and former gulag inmate Alexandr Solzhenitsyn has mentioned an overall figure of 60 million. According to historian Anton Antonov-Ovseyenko, 22 million peasants died in the 1920s in the forced collectivization of agriculture, another 19 million people during the Stalin purges, 15 million more due to deportations, executions and frightful conditions in labor camps. According to Russian scientist and researcher Josef Dyadkin, between 43 million and 52 million people were killed from 1928 to 1954, not including the World War II fatalities.

Then, Lenin's view of war gives pause: "War is a great disaster. But a social democrat (as the early communists called themselves) cannot analyze war apart from its historical importance. For him there is no such thing as absolute disaster . . . He must evaluate war not by the number of its casualties but by its political consequences." Peace, Lenin said, is merely "a truce between wars."

Proponents of the nuclear freeze and one-way disarmament seem convinced that what's needed is to prod the West's leaders so that the West can work in partnership with the Soviet Union to maintain a stable world order.

But a stable world order is exactly what the Soviets don't want. Destabilization, revolution, subversion, intimidation is their game, not preservation of the status quo (except at home). Even some of the Kremlin's political allies see this and are alarmed by it. Enrico Berlinguer, leader of the Italian Communist Party, has denounced Soviet foreign policy publicly as a policy of power, not socialism.

As Britain's Prime Minister Margaret Thatcher has said: "The fundamental risk to peace it not the existence of weapons of particular types. It is the disposition on the part of some states to impose change on others by resorting to force."

JEFFERSON'S BIRTHDAY

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, I rise this evening, after long hours of debate in this Chamber, to take note of the 240th anniversary of the birth of Thomas Jefferson in what is now Albemarle County, Va.

Since, lamentably, no national holiday has ever been proclaimed to commemorate Jefferson's birth, its observance often is overlooked. But surely as an historic occasion it ranks with the birthdays of Washington and Lincoln, given the enormous contribution of Jefferson to the shaping of our republic.

Like most of the great leaders of history, Jefferson has gone through periods of veneration bordering on idolatry, and other periods of debunking and unfair assault. His solid and many-faceted achievements, documented beyond all possibility of dispute, has survived both fatuous worship and ill-conceived attack.

The fact is that Thomas Jefferson was a Renaissance man three centuries after the high Renaissance. He was not a dabbler but an earnest student or practitioner in fields as varied as agriculture, mechanics, philosophy, history, music, classical literature, law, and botany.

Of course he is chiefly remembered today, and rightly so, as the author of the Declaration of Independence and as third President of the United States, serving 8 years during the trying and dangerous time when America was seeking stable nationhood and respect around the world.

Through all his long life, Jefferson struggled with the eternal dilemma posed by the twin imperatives of liberty and order. Always he saw the necessity for government to have the authority and the power to maintain order; but at the same time, he rightly feared that such power and authority too readily become an instrument of tyranny.

Being a man of deeply held principle, he felt the constant need to govern his own actions in accordance with his philosphy. In letters and other writings over many years, he set forth with matchless eloquence the account of his own battle for adherence to conviction. The result was that he left to us perhaps the most moving testament ever written of the compelling urgency of preserving human freedom.

Two years before the Declaration of Independence, Jefferson presaged the words of that document with this credo:

> The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but it cannot disjoin them.

Later, a year before the Constitutional Convention, observing the operations of the new Government, he observed sadly that;

> The natural progress of things is for liberty to yield and government to gain ground.

But just after the Constitution was adopted, he wrote in a more hopeful vein:

> The republican is the only form of government which is not eternally at open or secret war with the rights of mankind.

Down through the rest of his years, again and again he returned to these themes, in thousands of brilliantly chosen words. While Jefferson showed clearly, in his skillful opposition to the Federalists, in the clever tactics he used to "sell" to the Congress the purchase of Louisiana, and on many other occasions, that he was a consummate practical politician, his greatest legacy to his countrymen lies in his eloquent iteration of the principles of liberty.

In the end, his most characteristic utterance probably is the one inscribed on the circular frieze of the inner wall at the Jefferson Memorial:

> I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man.

On this 240th anniversary of Jefferson's death, let us all join him in this oath.

□ 1850

INTERIM MEDICAL COVERAGE FOR THE UNEMPLOYED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. McDADE) is recognized for 10 minutes.

● Mr. McDADE. Mr. Speaker, today I have introduced legislation that addresses a problem of this recession that could continue to plague many individuals long after America goes back to work. My bill provides for a program of voluntary, interim health insurance or medical cost coverage for individuals receiving unemployment insurance.

Sickness, disease, and death resulting from inadequate medical attention threaten to be a bitter legacy of this recession. Already, the grim reports of this neglect are coming in, and they must shock us all. Infant mortality is on the rise in States hit hardest by unemployment, such as Michigan and Alabama. From 1980 to 1981, the number of infant deaths per 1,000 live births in Johnstown, Pa., jumped from 21.3 to 25.2, and the northeastern Pennsylvania city of Wilkes-Barre experienced an increase from 11.1 to 18.9. Recent studies of adults show greater incidences of heart disease and other sicknesses.

Why? One reason is that the Nation's system of health insurance—and thereby health care—is so closely linked to employment. More than four-fifths of those insured in the private sector are covered through their employment as a fringe benefit. Feeling that they must play Russian roulette with their health and finances—taking a chance that neither illness or injury will strike—the unemployed all too often neglect medical care until a crisis forces them to a hospital emergency room. And nationwide, emergency room visits are increasing; patients are coming in sicker and staying longer. Out deficit-ridden public hospitals are being inundated by destitute patients. Worse yet, many of our unemployed citizens have dropped out of our vaunted medical system. The New York Times reported that one Pennsylvania man without medical coverage treated his intestinal cancer by dosing himself with corn starch and sleeping pills. Hospitals report an increase in similar self-treatments, along with a revival of folk nostrums and unlicensed midwifery.

What is their alternative? The average hospital stay costs $1,350 for room and board alone. Most individuals have too many assets to qualify for help under our welfare programs. Nor can we expect them to pick up the higher costs for private individual health insurance once their employer-subsidized group coverage has lapsed. No; they are consigned to self-treatments, nostrums, neglect, and the fear or reality of financial ruin, sickness, and even death.

I believe that the Interim Medical Coverage for the Unemployed Act of 1983 offers a quick, efficient, and economically feasible solution to this national problem. Under this program, the Federal Government would provide 90 percent of the funding for State programs of interim health insurance or medical cost coverage for individuals receiving unemployment insurance who choose to participate. Each State would design its own program, using private insurers, health maintenance organizations, State health programs, and so forth. Each State could offer different types of coverage from catastrophic to comprehensive. The Federal Government would contribute up to 90 percent of the cost of medical coverage. The State would have to pay at least 5 percent of the cost, and each participant would contribute through a deduction of $13 to $20 per month from his or her unemployment insurance check, depending on the State's health and unemployment benefit levels and the relative cost of health care for the State. Coverage could last up to 1 year, and care would be extended only to those unemployment insurance recipients who have been involuntarily separated and who are not eligible for coverage under health insurance or medical coverage of a spouse.

According to my estimates, approximately 8.8 million workers and their dependents would be eligible for this program. Of course, my proposal is strictly voluntary on the part of States in establishing programs and on the part of the unemployment insurance recipients in participating in such programs. But even if all 8.8 million individuals were covered, my calculations indicate that the cost to the Federal Government should be no more than $1.6 to $1.9 billion.

I realize that this proposal may not satisfy those who desire a more comprehensive approach. Let the search for such an approach go forward. In the meantime, the unemployed individual without health benefits cannot wait for the perfect solution. My proposal would deliver health coverage to the unemployed swiftly, allowing States to come up with their own innovative ways of grappling with this problem. The required contribution by the unemployment compensation recipient is a reasonable figure and establishes the voluntary participant's willingess to sacrifice for this coverage. Further, it also serves to limit the cost to both the States and the Federal Government.

The Interim Medical Coverage for the Unemployed Act of 1983 is a sound sensible way to fill the gap in our health care system during our time of high unemployment. I urge my colleagues to support this effort.●

CATHERINE LAURA MORGAN BASIE, 1914–83

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

● Mr. ADDABBO. Mr. Speaker, I would like my colleagues to take a moment to mourn the passing of Catherine Basie, wife of jazz musician William (Count) Basie and devoted community leader.

Catherine Basie lived in my home district, St. Albans, Queens, for more than 40 years. She enriched not only the lives of her husband and daughter, Diane, but those of thousands of Queens' residents. She selflessly gave her time and heart to the Council on Multiple Sclerosis, served as chairperson of the women's division of the National Council of Christians and Jews, was a life member of the NAACP, and chaired the local Lighthouse for the Blind. Her work for others never stopped. The Phi Beta Sorority recognized this by naming her "Woman of the Year," and she has received almost countless other awards for her service.

Mrs. Basie had a rare ability to reach out to and help people with vastly different backgrounds and needs than her own. She was a member of the Jewish War Veterans Auxiliary. She worked for a local mental health facility. Catherine Basie sought to bridge gaps between us and broaden our understanding of each other. She was warm, concerned, and most importantly, involved.

I would like to extend my condolences to Count Basie, the Basie family, and everyone else who knew her. I have lost a dear friend. Catherine Basie will always be remembered, though, through the many people she helped and loved.

I would like to share an article by Walter Kaner, published in the New York Daily News which echoes my feelings:

QUEEN OF QUEENS CHARITIES IS MOURNED

I lost a dear friend in the passing of Catherine Basie, wife of Count Basie, after a heart attack Monday at their Freeport, Bahamas, home. We had been friends for 30 years and worked together in Queens charities during the quarter-century the Basies lived in St. Albans.

Cathy was the "queen" of Queens charities. She could've lived a life of luxury, doing nothing. That wasn't Cathy's style.

The beautiful 68-year-old ex-dancer was a caring, concerned woman who loved people. She could never say no to a charity. Cathy headed more charity drives, sold more tickets for charity affairs than anyone in Queens. She kiddingly called me a "troublemaker" because whenever a charity needed someone to head up a drive I would, without asking her permission, volunteer her services.

An outgoing, jovial, ever-smiling woman, few knew of her personal heartache. The Basies have a severely retarded daughter on

whom they showered love and care and refused to have institutionalized.

I was responsible for the Basies moving to the Bahamas. Once, after a visit to Freeport, I raved to Cathy about the place. She visited the island and the Basies moved there. We spent a New Year's Eve together in Freeport. I asked if she would become active with charities on the island. "No," she shrugged, "I've done my share." But, in no time, Cathy was busy as ever in island charities. Cathy is coming home to be laid to rest here. She'll be missed by all who knew, and loved, this wonderful lady.●

THE NEED TO REORGANIZE OUR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

● Mr. ENGLISH. Mr. Speaker, today I am introducing legislation designed to correct a basic flaw in the organization of the executive branch—one that cripples the ability of the United States to respond to the problems emerging from the imposition of barriers to the flow of information throughout the world. Unless corrected, this flaw could cost this Nation billions of dollars in foreign trade and tens of thousands of jobs. It could also result in the further erosion around the world of the basic democratic principle of the free flow of information.

The flaw I speak of is the fragmented, uncoordinated, confused, and conflicting structure within the executive branch for the development and implementation of international telecommunications and information policies. Investigations previously conducted by the Subcommittee on Government Information, Justice, and Agriculture, which I chair, found that the U.S. Government is unprepared to respond to the expanding set of problems facing this Nation in international communications and information. These findings were first detailed in a report by the Committee on Government Operations entitled: "International Information Flow: Forging a New Framework" (H. Rept. 96-1535) issued in December 1980.

The report outlines the fact that the United States has not developed the coherent strategy necessary to respond to policies of other nations that may damage U.S. interests. Furthermore, it found that the U.S. Government does not have even the organizational structure to develop such policies, coordinate its actions, and effectively protect U.S. interests. In response, the report recommends a basic reorganization of Government activities in international communications and information policy.

The measure I am introducing today translates the key recommendations of the Government Operations Committee report into statute. This legislation is identical to H.R. 1957 as reported from the Committee on Government Operations during the 97th Congress. Although H.R. 1957 did not receive final action during the last Congress, the bill and the work done in my subcommittee focused attention on U.S. Government organizational problems in the international communications area and served as an effective vehicle for debate. That debate will continue during this Congress.

Some small legislative actions dealing with the organization of U.S. international communications and information policy have already been taken. In the 1983 fiscal year authorization for the National Telecommunications and Information Administration of the Department of Commerce, Congress directed NTIA to conduct a comprehensive study of the long-range international telecommunications and information goals of the United States, the specific international telecommunications and information policies necessary to promote those goals and strategies that will insure that the United States achieves them. The same law also directed a review of the structures, procedures, and mechanisms which are utilized by the United States to develop international telecommunications and information policy. NTIA has just completed its study, and I am delighted to say that its analysis is very similar to that made in the 1980 Government Operations Committee report.

International communications issues were also addressed by the Senate last December during consideration of the Treaty on International Radio Frequencies (WARC-79). The Senate approved the treaty with a reservation that the Secretary of State shall take expeditious action to strengthen and improve the coordination of U.S. international communications and information policy, including consideration of appropriate changes in the organization of the Department of State for this purposes.

I am pleased that the State Department has already taken action in response to this reservation. My subcommittee just completed a hearing on U.S. preparations for the 1983 Regional Administrative Radio Conference. The State Department was represented at that hearing by a person who is to serve as the new State Department Coordinator for International Communication and Information Policy. The establishment of this new position is certainly a step in the right direction.

Overall, I am encouraged that increased attention is being paid to the reorganization of this Nation's international communications and information policy structure. After several years of efforts by my subcommittee, by other Members of Congress, and by the private sector, a consensus is developing about the existence of the problem and its scope and importance. The NTIA study provides additional support. Although I do not intend to comment any further on the NTIA study at this time, I would like to quote one line that reflects NTIA's assessment of the importance of the issue:

> We have today reached a point where the persistent inability of Government to set its own telecommunications policy house in order threatens severely to affect the future efficient development of key high-tech, "sunrise" industries upon whose effectiveness so much of our economy, security, and national life stands to depend.

Now that more people have agreed that there is a serious problem in this area, it it time to reach agreement on a solution. The United States needs an effective coordinating mechanism for the development and implementation of policy and for the representation of U.S. interests as the current international structure of communications and flow of information are modified.

The bill that I have introduced today provides one answer. It is not the only answer, and I anticipate that others will put forward their own ideas. I welcome these additional proposals, and I invite all Members to join with me in the search for the best structure for our Nation's international communications and information policy functions.

The text of the bill follows:

H.R. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Communications Reorganization Act of 1983".

ESTABLISHMENT OF COMMITTEE ON INTERNATIONAL COMMUNICATIONS AND INFORMATION; TRANSFER OF FUNCTIONS

SEC. 2. (a)(1) There is established in the executive branch of the Government, for a period of five years beginning one month after the date of enactment of this Act, a Committee on International Communications and Information (hereinafter in this Act referred to as the "Committee"). The Committee shall be composed of—

(A) the Secretary of Commerce;
(B) the Secretary of State;
(C) the Secretary of Defense;
(D) the Secretary of Labor;
(E) the Chairman of the Federal Communications Commission;
(F) the United States Trade Representative; and
(G) the Director of the Office of Management and Budget.

(2) The United States Trade Representative shall serve as chairman of the Committee. The members of the Committee may each designate an individual to attend meetings of the Committee in their absence, except that—

(A) an individual may not be so designated unless the individual holds a position within the respective member's agency to which he was appointed by the President, by and with the advice and consent of the Senate; and

(B) in the case of the Director of the Office of Management and Budget, the designee shall be the Administrator of the Office of Information and Regulatory Affairs.

(3) The Committee shall have a staff headed by an Executive Director, who shall be appointed by the President.

(b)(1) All functions vested in the Secretary of State by section 5-201 of Executive Order 12046 of March 27, 1978, to the extent that such functions relate to the determination of United States policies and positions, are transferred to the Committee.

(2) All functions vested in the Secretary of Commerce—

(A) by sections 2-301(c), 2-301(d), 2-301(f), and 2-404 of Executive Order 12046 of March 27, 1978, to the extent such functions relate to the determination and coordination of plans and policies, and

(B) by sections 2-401, 2-501, and 2-502 of such Executive order to the extent such functions relate to international telecommunications and information,

are transferred to the Committee.

(3) All functions vested in the Director of the International Communications Agency by section 6 of Executive Order 12048 of March 27, 1978, to the extent that such functions relate to responsibility for advising the President, are transferred to the Committee.

(c) The Committee shall, through performance of the functions transferred to it by subsection (b), develop and implement a uniform, consistent, and comprehensive United States policy on international communications and information and shall advise the President with respect to international communications and information. In order to implement such policy, to avoid duplicative activities and conflicting policies among Federal agencies, and to assure the greatest possible cooperation among such agencies, the Committee shall—

(1) coordinate the policies and activities of all Federal agencies involving international communications and information; and

(2) review all significant policy determinations of Federal agencies, and all proposed statements of United States policy by such agencies, relating to international communications and information, and recommend to the President, whenever appropriate, disapproval or modification of any such policy determination or proposed statement.

(d) The provisions of subsection (c)(2) shall not apply to any action or determination of an independent regulatory agency made pursuant to the rulemaking or adjudicatory procedures set forth in section 553, 554, 556, or 557 of title 5, United States Code, or pursuant to comparable statutory rulemaking or adjudicatory procedures. The provisions of subsection (c) shall not apply to any action of the Federal Communications Commission made pursuant to and in accordance with the procedural requirements of the Communications Act of 1934.

(e) The provisions of subsection (c) shall not apply to consultation or negotiation with foreign authorities or multilateral international organizations for the exclusive purpose of the acquisition, operation, or disposition of international telecommunications facilities or services for use by an agency or instrumentality of the United States Government.

(f) The Committee shall receive comments from United States citizens and United States organizations and enterprises about problems, concerns, and complaints regarding international communications and information. The Committee shall refer to appropriate Government authorities responsibility to respond to such problems, concerns, and complaints.

(g) The Committee shall, from time to time, make such recommendations and such reports to the President as it deems appropriate or as the President directs.

POWERS

SEC. 3. (a) For the purpose of carrying out its functions under this Act, the Committee may—

(1) subject to the civil service and classification laws, appoint and fix the compensation of necessary personnel;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including travel time) at rates not in excess of the maximum rate of basic pay payable for grade GS-18 of the General Schedule provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) promulgate such regulations concerning its procedures and operations as many be necessary;

(4) utilize those services, personnel, and facilities of the Department of State, the Department of Commerce, the International Communications Agency, and the United States Trade Representative, that are used for international communications and information activities;

(5) utilize, with their consent, the services, personnel, and facilities of any other Federal agency;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Committee and on such terms as the Committee considers appropriate, with any agency or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution; and

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

(b) In carrying out any function transferred by this Act, the Committee may exercise any authority available by law (including appropriation Acts) with respect to such function to the official or agency from which such function is transferred, and the actions of the committee in exercising such authority shall have the same force and effect as when exercised by such official or agency.

(c) Except as otherwise provided in this Act, the Committee may delegate any function to such officers and employees of the Committee as the Committee may designate, and may authorize such successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Committee under this section or under any other provision of this Act shall relieve the Committee of responsibility for the administration of such functions.

COOPERATION OF OTHER AGENCIES

SEC. 4. (a) All Federal agencies shall provide the Committee with any information which the Committee determines is necessary to carry out its functions, except to the extent that a Federal agency is prohibited by statute from disclosing information to another Federal agency.

(b) No Federal agency may issue any policy statement, engage in any consultation, establish any policy, or implement any change in policy, relating to international communications or information, unless such agency first submits to the Committee such statement, policy, or policy change or notifies the Committee of the nature, terms, and conditions of such proposed consultation and—

(1) the Committee approves such statement, policy, policy change, or consultation:

(2) the President, after receiving the recommendations of the Committee, modifies such statement, policy, or policy change, or modifies the nature, terms or conditions of the consultation, in which case the statement, policy, or policy change may be issued or consultation made only as so modified; or

(3) sixty days elapse after such submission or notification and the Committee does not approve and does not recommend to the President modification or disapproval of the submission or consultation.

(c) The provisions of subsection (b) shall not apply with respect to any action or determination of an independent regulatory agency made pursuant to the rulemaking or adjudicatory procedures set forth in section 553, 554, 556, or 557 of title 5, United States Code, or to comparable statutory rulemaking or adjudicatory procedures. The provisions of subsection (b) shall not apply to any action of the Federal Communications Commission made pursuant to and in accordance with the procedural requirements of the Communications Act of 1934.

(d) The provisions of subsection (b) shall not apply to consultation or negotiation with foreign authorities or multilateral international organizations for the exclusive purpose of the acquisition, operation, or disposition of international telecommunications facilities or services for use by an agency or instrumentality of the United States Government.

ADVISORY COMMITTEE

SEC. 5. (a) The President shall establish an Advisory Committee on International Communications and Information (hereinafter in this Act referred to as the "Advisory Committee") to provide overall policy guidance to the Committee with respect to the functions of the Committee. The Advisory Committee shall be composed of not more than thirty individuals appointed by the President and shall include representatives of labor, manufacturers of telecommunications and data processing goods, other manufacturers, providers of telecommunications and data processing services, financial institutions, other service industries, small business, consumer interests, the legal profession, educational institutions, journalistic enterprises, scientific and engineering organizations, television and radio broadcasting, and the general public.

(b) The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall serve as Chairman of the Advisory Committee.

(c) The Advisory Committee shall meet at the call of the Committee to provide policy advice, technical advice and information, and advice on other factors relevant to the activities of the Committee. A meeting of the Advisory Committee shall be called and held at least once each calendar quarter.

(d) The Committee shall, before approving under this Act any statement of new

United States policy relating to international communications and information, consult with the Advisory Committee for the purpose of obtaining the views of the Advisory Committee on the effect of the proposed statement on the social and economic interests of the United States.

(e) The Committee shall make available to the Advisory Committee such staff, information, personnel, and administrative services and assistance as may reasonably be required to carry out the activities of the Advisory Committee.

(f) The Committee shall adopt procedures for consulting with and obtaining information and advice from the Advisory Committee on a continuing and timely basis. Such consultation shall include the provision of information to the Advisory Committee as to significant issues and developments. The Committee shall not be bound by the advice or recommendations of the Advisory Committee, but the Committee shall inform the Advisory Committee of failures to accept such advice or recommendations. The Committee shall submit an annual report to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate on consultations with the Advisory Committee, issues involved in such consultations, and the reasons for not accepting any advice or recommendation of the Advisory Committee.

CONFIDENTIAL INFORMATION

. SEC. 6. (a) Any information submitted by a person to the Committee or the Advisory Committee which is exempt from disclosure pursuant to section 552(b)(4) of title 5, United States Code (relating to trade secrets and confidential commercial information) may be disclosed—

(1) to officers and employees of the United States designated by the Committee or Advisory Committee;

(2) to any Committee of the Congress, upon the request of such committee;

(3) to the Advisory Committee;

(4) pursuant to court order; or

(5) with the consent of the person who submitted the information.

(b) The Committee shall take appropriate steps to inform the recipient of the confidential nature of the information disclosed under subsection (a).

REPORT OF COMMITTEE

SEC. 7. The Committee shall submit simultaneously to the President and to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate—

(1) not later than three months after the date of the enactment of this Act, and periodically thereafter, a report setting forth the Committee's plans for fulfilling its responsibilities under this Act, including its priorities for responding to problems and developing policies with respect to international communications and information; and

(2) not later than sixteen months after the date of the enactment of this Act, and periodically thereafter, a report setting forth any legislative or administrative recommendations necessary to further coordinate and establish a uniform, consistent, and comprehensive United States policy with respect to international communications and information.

SAVINGS PROVISION

SEC. 8. The provisions of this Act shall not in any way affect or interfere with the authorities and responsibilities assigned to the Director of the Office of Management and Budget or to that Office under chapter 35 of title 44, United States Code.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission; and

(2) "Federal agency" means an agency as that term is defined in section 551(1) of title 5, United States Code.●

NATIONAL DEFENSE EDUCATION ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 20 minutes.

● Mr. LAFALCE. Mr. Speaker, in recent years we have heard stern warning that our Nation is courting a crisis in its preparation of students in math, science, engineering, and foreign languages. Almost daily, we are assaulted with statistics, testimony, and anecdotes which represent mounting evidence of softness in our educational product. The implications of the pending crisis affect not only our Nation's economic stability and growth, but also our defense capabilities and national security.

Today, I would like to address this pressing need which our country faces and introduce the National Defense Education Act of 1983. At the heart of the legislation is a full-scale Federal commitment to math, science, engineering, and foreign language education. I believe this commitment is crucial to the improvement of our Nation's productivity growth rate, international competitiveness, overall economic well-being, and national security.

The task before us is monumental, but it is not impossible. The Soviet's launching of sputnik 25 years ago sent a powerful message to America's political and educational establishment. Since the 1940's, the trend in education had been toward the social development of children rather than emphasizing basic academic subject matter. Russia's exploit in space highlighted the costs of neglecting rigorous academic training, particularly in mathematics and sciences.

In short, sputnik was a rude awakening for our Nation's leaders. This technological and scientific feat threatened not only our national pride, but more importantly, our national security. It was this realization which spurred our Nation's leaders to act. Congress in 1958 passed the National Defense Education Act which funded university research and development projects, and provided scholarships to young people interested in pursuing technological careers.

In proposing the National Defense Education Act of 1983, I am confident that we in Congress can develop a counterpart to the critical legislation of the late 1950's and 1960's. As John F. Kennedy spoke of the New Frontier in the the 1960's, the educational and technological era of the 1980's and 1990's presents its own challenges. The reality to be faced is that competition between nations is increasingly being fought on the economic front. Nations are judged strong or weak by the vitality of their economies, the modernity of their industrial plant, and the quality of their advanced research.

Twenty-five years after the Sputnik, educators, scientists, industrialists, and other concerned citizens are again declaring that American children are not being adequately educated. Clear evidence exists of a lack of technical preparedness, shortages of certified teachers in math and science, and insufficient foreign langauge competency. The urgency to act to reverse this trend is made more apparent when one looks at the following data:

(1) LACK OF TECHNICAL PREPAREDNESS

The U.S. Department of Labor estimates that there were 17,000 unfilled entry-level engineering jobs in 1980.

The United States now ranks fourth in the world in scientific literacy, behind the Soviet Union, West Germany, and Japan.

The Soviet Union has a population slightly larger than ours, yet it graduates three times as many engineers as we do. Japan, with half our population graduates 5,000 more electrical engineers, than does the United States.

(2) SHORTAGES OF CERTIFIED TEACHERS IN MATH AND SCIENCE

During the 1970's, the number of secondary school math and science teachers being trained declined 77 and 65 percent.

Last year, 50 percent of the Nation's math and science teachers were working under "emergency certification"—not even minimally qualified.

Twenty-two percent of all secondary school math positions are either filled or are being filled by those not certified to teach math.

There have been diminishing State certification standards for graduates of teacher colleges and a marked decline in the number of math and sci-

ence courses required to obtain certification in many States.

(3) INSUFFICIENT FOREIGN LANGUAGE COMPETENCY

Fewer than 1 percent of this Nation's students learn languages which are spoken by three-quarters of the world's people.

Less than one-fifth of the U.S. high school graduates have any training whatsoever in a foreign language.

Only 4 percent of all high school graduates in the Nation have studied a foreign language for more than 1 year.

Mr. Speaker, the National Defense Education Act of 1983, seeks to reverse the deteriorating trend of the state of our educational system. Central to the bill is the realization that a strong defense depends upon a solid educational base. For this reason, I believe it is appropriate that the National Defense Education Act of 1983 would amend the Defense Production Act of 1950.

The National Defense Education Act of 1983 consists of a multiphase package of grants to primary, secondary, and postsecondary schools to improve their technical and foreign language programs, and scholarship aid to students who are interested in pursuing careers as teachers of math, science, and foreign languages. I believe that this comprehensive approach will provide a solid foundation, upon which our educational institutions can begin to produce the quality and quantity of trained graduates needed to meet the challenges of our future economy.

The first phase of the bill provides educational achievement grants for local school districts. These grants would be used by institutions to assist them in planning, developing, and, most importantly, implementing programs to strengthen and improve standards of achievement of our school-age children in the maths, sciences, and foreign languages.

The second phase of the bill consists of three provisions which address the severe shortage of certified mathematics, science, and foreign language teachers. The first provision makes direct loans available to students in institutions of higher education preparing to be elementary and secondary schoolteachers of these three subjects. The bill allows 25 percent of the loan, along with any interest that has accrued, to be canceled for each year of service provided by the graduate student. The second provision complements the first, authorizing the Secretary of Education to make grants to colleges and universities to assist them in planning, developing, and implementing competency testing for students in the areas of mathematics, science, and foreign languages in order to determine appropriate undergraduate instruction programs in these areas. The third provision makes grants available to institutions of higher education for continuing education programs to improve the skills of secondary schoolteachers and assist them to qualify for certification in the fields of mathematics, science, and foreign language.

Unlike other proposals to encourage the study of these areas, the National Defense Education Act of 1983 would not just distribute funds to local school districts and colleges. Instead, the act would demand that recipients of grant and loan money provided under the act demonstrate both qualitative and quantitative improvements in math, science, engineering, and foreign language achievement. This, Mr. Speaker, is critical to the birth and growth of innovative programs at the local level. New funds must generate quantitative and qualitative improvements in those areas critical to our Nation's future.

To further describe the provisions of my bill, I wish at this time to insert for the RECORD a section-by-section analysis of the National Defense Education Act of 1983:

SECTION-BY-SECTION ANALYSIS

The Defense Education Act of 1983, amends the Defense Production Act of 1950 by inserting Title II—"Science, Mathematics, and Foreign Language Education Assistance," and subsequent provisions.

SEC. 201. Findings/Purpose.

SEC. 204. Elementary and Secondary Assistance: Establishes Educational Action Grants, to assist local educational agencies with the planning, development and implementation of educational programs designed to improve achievement standards.

Describes eligibility requirements and method by which local agencies may apply for funding. By so doing, the bill requires that local educational agencies achieve qualitive and quantitive educational improvements, as a condition of obtaining financial assistance.

This section, also specifies those types of projects and activities, which would be eligible for funding.

SEC. 210. Postsecondary Assistance: Establishes Direct Loan Program for qualified students in institutions of higher education, who are preparing to be elementary and secondary school mathematics, science and foreign language teachers.

Establishes the method by which institutions of higher education may apply for, and upon receipt administer these funds. Institutions will be determined eligible, based on its estimated needs for making student loans, and on the actual cost of attendance.

Describes eligibility requirements, for students applying for a direct loan. Qualifications include good academic standing and an academic workload of at least one-half the normal load, as determined by the institution.

Describes the repayment obligation, which includes a provision allowing for the repayment to be in the form of service. Upon receiving teacher certification, a graduate may repay the loan by working for a period equal to the number of years in which the loan was received.

SEC. 211. Competency Testing Grants: Establishes Competency Testing Grants, for institutions of higher education, which administer competency tests in the areas of mathematics, science, and foreign languages. The purpose of these tests is to determine appropriate undergraduate instruction programs in this area of instruction.

SEC. 212. Continuing Education Programs in Mathematics, Science, and Foreign Languages for Teachers: Establishes grants to institutions of higher education for continuing education programs, specifically designed for secondary school teachers of science, mathematics, and foreign languages.

Describes eligibility requirements and method by which institutions may apply for funding. By so doing, the bill establishes procedures for design and implementation of Continuing Education Programs, specifically offered for skill improvement and certification of eligible teachers.

SEC. 213. Graduate Study Fellowships: Establishes fellowships for students pursuing doctoral studies in mathematics, sciences, engineering, and foreign languages.

Describes eligibility requirements, and criteria to be used by institutions of higher education in nominating graduate fellows. Fellows will be chosen, based on superior ability, and intent to teach elementary or secondary school, or postsecondary mathematics, science, engineering, or foreign language.

Fellowship repayment is allowed either in the form of monetary compensation or a fellow may opt to teach for one year for each year of the fellowship.

SEC. 214. High Technology Skill Education Programs: Establishes grants to colleges, for the purpose of assisting them in planning, developing and implementing programs of education in high technology areas.

Directs colleges to coordinate their efforts with other job training efforts on the Federal, State and local level.

SEC. 216. Engineering Planning Grants: Establishes grants to colleges to assist them in long-range planning for engineering programs.

Eligibility requirements direct colleges to obtain matching funds from non-Federal sources.

SEC. 217. Authorization of Appropriations: Establishes funding for the National Defense Education Act of 1983, according to such sums as may be deemed necessary.

Establishes that the Act will take effect on October 1, 1983.●

REPEALING THE FINANCIAL INTEREST RULE IS A BAD IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, yesterday, the Washington Post carried an excellent editorial which makes a very compelling argument about why the Federal Communications Commission should not repeal the financial interest and syndication rules.

Those rules were established by the FCC in 1970 to address the overwhelming dominance in the television marketplace of the three networks. Over the past decade, the rules have proved their value by leading to increased competition in the creation, production, distribution and broadcasting of programing by a growing

and diverse group of independent writers, producers, program distributors, and broadcasters.

The Post's assessment that "repeal would kill competition, not increase it" is a sound one. But despite the clear benefits engendered by the rules over the years, the FCC is now moving to repeal them.

Because of that, I have joined our colleague, Representative HENRY WAXMAN, in introducing H.R. 2250, a bill which will place a 5-year moratorium on any FCC action on the rules. It is our hope that with a 5-year delay, the potential of the new broadcast technologies will be fulfilled, and competition in the video marketplace will be sufficient to enable modification of the rules.

I urge my colleagues to read this editorial, and to consider joining with us in cosponsoring this important legislation.

[From the Washington Post, Apr. 11, 1983]

WHO CONTROLS TV'S FARE MARKET?

More than most television viewers realize, the greening and screening of what they see is controlled by the three big networks: ABC, CBS, and NBC. The networks' dominance of commercial access automatically makes them gatekeepers of content. It is these networks to which producers come to sell programs, usually at a loss, but always with a hope and incentive of recovery and profit once the networks let the shows go into rerun sales and distribution to various stations. Yet were it not for some important protections adopted by the Federal Communications Commission in 1970, the networks would have an even tighter lock on this market. So guess which three organizations are now pressing for repeal of those protections?

The big three networks are attacking rules that prohibit them from syndicating any programs, or from sharing in the syndication revenues from programs they do not produce. If the networks were to have their way with the FCC, viewers could say goodbye to what little competition has managed to grow in the independent production, distribution and broadcasting of programs; farewell, too, to any growth and program diversity of independent television stations whose lifeblood (and liveliness of fare) is their access to syndicated shows.

In most industries, "deregulation" is supposed to open a market and allow competition to flourish. But it is the other way around here; in the commercial TV—unlike radio, where some 10,000 stations of all financial and organizational sizes can peel off shares of their program markets with modest investments—these very rules were enacted to *increase* competition. Repeal would kill competition, not increase it.

An example: those "M*A*S*H" reruns on local stations first ran in prime time on CBS, which made its money by selling advertising. Were there no rule prohibiting CBS from start-to-finish ownership of this program, the network could have controlled all rerun sales. Would it have sold "M*A*S*H" reruns to nonaffiliated stations for broadcast during those years or evenings in which it was showing the first runs? With the rules in effect, the producer—20th Century-Fox Television—was free to sell the reruns to any stations.

The big networks agrue that competition is growing through cable, satellite-dish and other innovations in broadcasting, and that they need protection. When they're not talking repeal, though these same networks are assuring advertisers, stockholders and viewers that they will continue to dominate the news and entertainment market on TV. Either way, these networks already have financial interests in this new technology, and are not exactly punching up "signoff" for the last time.

If the day comes when all those extra new independent channels are beaming quality programs to option-hungry viewers in a majority of America's homes—and if the networks aren't in this business in enough other ways to keep turning hefty profits—then the FCC might take another look at repeal of the financial interest and syndication rules. But until then, the public's interest in more open competition and program diversity lies in defending these rules against the high-powered attacks of the big three networks. And that defense looks to the votes of refletive FCC members to reject repeal proposals that would strip away these important protections.●

F. RICHARD CICCONE RECEIVES THE 1983 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the achievements of F. Richard Ciccone, the managing editor of the Chicago Tribune, who will receive the 12th Annual Dante Award of the Joint Civic Committee of Italian Americans on May 6 at a luncheon given in his honor at the Como Inn in Chicago.

Since 1976, when he began his career with the Chicage Tribune, and during his 14 years at the Chicago Bureau of the Associated Press, Richard Ciccone has shown his devotion to the city of Chicago and its people and has upheld the highest standards of integrity. He coauthored the book "Who Runs Chicago?" and he richly deserves the Dante Award, because it was Dante Alighieri, in his book "Divine Comedy," who said, "If I should prove a timid friend to truth, I fear to lose my fame among the people whose age will call the present era ancient."

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicago area, to extend recognition annually to an individual in the mass media communication field who has made positive contributions to the profession of journalism.

Richard Ciccone was born in Ambridge, Pa., and attended the University of Notre Dame. He started his professional career as a reporter for the Beaumont, Tex., Enterprise, where he worked from 1961 to 1962. From 1963 to 1966, he served in the U.S. Marine Corps in Vietnam. In 1974, he became AP's Chicago bureau news editor.

Joining the Chicago Tribune in 1976, Mr. Ciccone was the newspaper's political editor from 1977 to 1981. In July 1981, he became the metropolitan editor and has been the managing editor since December.

The 12th Annual Dante Award Luncheon to honor F. Richard Ciccone will be held at the Como Inn and many political dignitaries, civic leaders, and leaders of the communications industry will be in attendance.

Jerome N. Zurla, president of the JCCIA, is chairman of the luncheon, and Jim Ruddle will serve as master of ceremonies. The invocation will be offered by the Reverend Lawrence Cozzi, C.S.

For the eighth straight year, the John Fischetti Scholarship will be awarded. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian American students in communications and is named after the Pulitzer prize-winning political cartoonist.

Mr. Speaker, I extend my warmest congratulations to F. Richard Ciccone on this honor, and for the strong and constructive impact he has made on our community. His career, his character, and his splendid record of achievement prove that he is, indeed, a "friend of truth."●

DWIGHT D. EISENHOWER VETERANS' ADMINISTRATION MEDICAL CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, it is my pleasure today to be introducing with my colleagues from Kansas a bill to designate the Veterans' Administration Medical Center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans Administration Medical Center." What an apt tribute to name a medical center which serves many World War II veterans after our 34th President and distinguished five-star general who led the Allied armies to triumph in Europe.

Dwight David Eisenhower—or Ike as he was more commonly and affectionately called—spent his growing years in Abilene. From that small town in Kansas, he set his sights on the Naval Academy at Annapolis. Although by the time he completed his entrance exams he was too old to enter the Naval Academy, he did not abandon his goals and in 1911, he enrolled at West Point with the class of 1915. It was that class, history today reveals,

which went on to give this country not only a five-star general, but its core Army leadership during the Second World War.

Ike returned to Kansas in 1925 for courses in Fort Leavenworth. Here he took top honors in his class, and went on to develop the skills and strength which eventually earned him a string of five stars for his military leadership and courage, an honor achieved by only five Americans.

Ike served as President from 1953 to 1961. By the third year of his first term, he was able to claim a balanced budget, a feat many so covetously admire. Under his Presidency, the Interstate Highway System was greatly expanded. In 1957, he sent Federal troops into Little Rock, Ark., to guarantee that court orders on desegration were observed. In his two terms as President, he displayed a sure, steady ability to lead the American people.

Dwight David Eisenhower was a great soldier and a great President. Without a doubt, he was a great American, and naming the Veterans' Administration Medical Center in Leavenworth after him is not only a fitting honor to Ike, but a designation my Kansas colleagues and I can propose with pride.●

THE INCOME TAX SIMPLIFICATION ACT OF 1983—H.R. 2520

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation which would radically reform our Nation's system of taxation. My bill, a slightly revised version of a measure I introduced in the last Congress, would drastically simplify the Federal income tax and make it fair and rational for all taxpayers.

The need for income tax simplification is always brought home to us at this time of the year. As millions of Americans scramble to complete their annual tax returns in time to meet the April 15 deadline, they are confronted by a virtual maze of special deductions, credits, and exclusions. The system is practically impossible to understand without the help of an expensive tax attorney or accountant.

One result of this complexity is that only those who can, in fact, afford such assistance are able to take full advantage of the vast array of provisions written into the tax code.

The unfairness of distribution of the many tax preferences in the system has been well documented. For example, a study conducted by the Treasury Department and issued late last year by the Joint Economic Committee showed that 71 percent of the benefits of the 33 tax expenditures which they were able to analyze go to taxpayers earning more than $50,000 a year. And of those the Department could not analyze, the preponderance could be expected to go to the relatively wealthy. Those earning $50,000 a year make up only 4.4 percent of the tax returns submitted nationwide. Therefore, we have at least 71 percent of the benefits of tax preferences going to 4.4 percent of taxpayers.

Indeed, the Internal Revenue Service has reported that in 1980, before the Kemp-Roth tax cut even went into effect, 198 couples or individuals with incomes above $200,000 were able to get away without paying any income tax whatsoever. This was almost a 75-percent increase from the year before, and the IRS stated that the figure might actually be much higher.

In addition, most economists agree that the enormous number of special deductions and credits in the system have a tendency to distort economic decisionmaking, not only by individuals but also by corporations and other businesses, both large and small. When economic decisions are made with an eye toward tax considerations rather than actual economic and profit considerations, the distortions lead to sharply reduced productivity and extra, unintended benefits to particular sectors of the economy.

There are other problems created by the current system as well. First, we must realize that tax expenditures used to achieve societal goals create a strain on the Federal budget that is practically concealed, since we often do not think of tax breaks as expenditures. The burden is similar to that imposed by entitlement programs in that once a tax break is written into the law, Congress cannot choose from year to year how much it wishes to lose in revenues in order to finance it. Eligible taxpayers are legally entitled to their deductions, no matter what the cost.

Finally, it is important to remember that these terribly complex laws have led to the growth of an Internal Revenue Service bureaucracy that is two-thirds again as large as it was only 20 years ago. Because of the ambiguity and complexity of the tax laws, the IRS is not only given the opportunity but is practically forced to establish arbitrary rules and regulations in order to carry out its enforcement responsibilities.

The bill I am introducing today would eliminate these problems simply, rationally, and fairly. It would eliminate virtually all deductions, credits, and exclusions, establish an 18-percent tax rate on all income—both individual and corporate—and provide individual tax credits to insure fairness for low- and middle-income taxpayers. Those credits would be $1,000 for each taxpayer, $1,000 for a spouse, $200 for each dependent, and $200 for any member of the family who is blind or over age 65, and they would be subtracted from tax owed, not from gross income. This would make them considerably more powerful than the current personal exemption. Indeed, a family of four would have the equivalent of a $13,333 exemption, and a couple with no dependents would have the equivalent of an $11,111 deduction. Only income above those levels would be taxed.

This is how the system would work for a family of four with a total income of $25,000. That family would figure out 18 percent of its $25,000 income—regardless of the number of earners. That would be $4,500. Then, the family would subtract its personal credits from that amount. It would receive a $1,000 credit for the husband, a $1,000 credit for the wife, $200 for one child, and $200 for the other—a total of $2,400 in credits. They would then subtract $2,400 from $4,500 to get their tax owed, which would be $2,100. The same family using the standard deduction under the present system would pay $2,800.

To provide another example, a single person earning $30,000 would take 18 percent of that amount, $5,400, subtract a credit of $1,000, and pay a tax of $4,400.

The legislation would also eliminate special deductions and credits which benefit corporations. All businesses would pay a tax on profit, which would be determined simply by subtracting basic expenses from its gross receipts. Again, an 18-percent rate would apply to their taxable income.

This would be a simple, fair system for individuals and businesses, and virtually any taxpayer could complete his or her own return with a minimum of effort. In addition, this system would raise approximately the same amount of revenue as the current system.

The argument has been made that tax reform can be accomplished simply by eliminating a few bad deductions and loopholes. I think it should be clear from past experience that the Congress has a very difficult time reforming and simplifying in a piecemeal way. Generally, for every loophole taken away, two are added. That is why we have an approach that does not allow for exceptions.

Mr. Speaker, other measures have been introduced to simplify the Federal income tax. Frankly, I think my bill accomplishes this goal in a way that balances simplicity with fairness. I believe this Congress has a responsibility to heed the complaints of the American people about their system of taxation, and this issue should be a top

priority for the Congress in the coming months and years. I hope my colleagues will join me in the effort to achieve income tax simplification and fairness by supporting this legislation.

KOREAN WAR MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ROSE) is recognized for 5 minutes.

● Mr. ROSE. Mr. Speaker, today I am introducing legislation which would authorize the erection of a monument on public grounds in the District of Columbia or its environs in honor of members of the Armed Forces of the United States and Allied Forces who served in the Korean war.

Thirty years have passed since the United States joined with 16 allied nations to protect the freedom of South Korea from Communist aggression. At that time, we saw almost 6 million of our Armed Forces joined with forces of allied nations in a war which resulted in the wounding of 100,000, and the death of 54,000 Americans.

Today, 5.7 million Korean war veterans are living in the United States. But their dedication to freedom has largely been ignored. For the Korean war is the only major armed conflict involving U.S. troops which is not honored by a memorial in Washington.

There is already a committee formed to raise the funds necessary for the construction of such a memorial. The National Committee for a Korean War Memorial has, among others, former President Gerald R. Ford, Mrs. Douglas MacArthur, Gen. Matthew B. Ridgeway, Senator Paul Laxalt, University of Notre Dame president, the Reverend Theodore Hesburgh, Lane Kirkland of the AFL-CIO, and Speaker THOMAS P. O'NEILL, Jr., as members of its national sponsoring committee.

The memorial would be built without the use of public funds. The Secretary of the Interior, the National Commission on Fine Arts, and the National Capitol Planning Commission would select the site and approve the design. Maintenance would be provided by the Department of the Interior or the government of the District of Columbia, depending on the location of the memorial.

I urge you to join me in honoring this deserving yet largely unrecognized segment of our veterans' population, and invite you to cosponsor this important joint resolution.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to revise and extend their remarks and include extraneous material:)

Mr. MCDADE, for 10 minutes, today.
Mr. GINGRICH, for 60 minutes, today.

(The following Members (at the request of Mr. BOUCHER) to revise and extend their remarks and include extraneous material:)

Mr. MCCLOSKEY, for 5 minutes, today.
Mr. ADDABBO, for 10 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. LAFALCE, for 20 minutes, today.
Mr. WIRTH, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. ROSE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. BEDELL, for 60 minutes, today.
Mr. BORSKI, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PERKINS, immediately following the remarks of Mr. HYDE on the Levitas perfecting amendment to House Joint Resolution 13 in the Committee of the Whole today.

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. BETHUNE in three instances.
Mr. CLINGER.
Mr. MCKINNEY.
Mr. BROOMFIELD.
Mr. HILER.
Mr. MARRIOTT.
Mr. DANIEL B. CRANE.
Ms. SNOWE in two instances.
Mr. ERLENBORN.
Mr. SAWYER.
Mrs. SCHNEIDER.
Mr. GRADISON.
Mr. GOODLING.
Mr. MICHEL in two instances.
Mr. CONTE.
Mr. THOMAS of California.
Mr. HOPKINS in two instances.

(The following Members (at the request of Mr. BOUCHER) to revise and extend their remarks and include extraneous material:)

Mr. MARKEY.
Mr. TALLON.
Mr. VENTO.
Mr. KILDEE.
Mr. SHANNON.
Mrs. SCHROEDER.
Mr. FAUNTROY.
Mr. PEASE.
Mr. NOWAK in two instances.
Mr. CARR.
Mr. CORRADA.
Mr. RICHARDSON.
Mr. MCDONALD in two instances.
Mr. EDGAR in two instances.
Mr. BONKER.
Mr. RODINO in two instances.
Mr. MAZZOLI.
Mr. YATRON in two instances.
Mr. RATCHFORD.
Mr. D'AMOURS.
Mr. GAYDOS in two instances.
Mr. MICA.
Mr. FLORIO.
Mr. LANTOS in two instances.
Mr. OTTINGER.
Mr. FRANK.
Mr. ST GERMAIN.
Mr. DWYER of New Jersey.
Mr. YATES.
Mr. HAMILTON.
Mr. MOAKLEY in two instances.
Mr. SHELBY.
Mr. ADDABBO in two instances.
Mr. JONES of Oklahoma.
Mr. OBERSTAR.
Mr. DONNELLY.
Mr. AKAKA.
Ms. KAPTUR in two instances.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled resolutions of the Senate of the following titles:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, April 14, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

904. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the required supplemental summary of the President's fiscal year 1984 budget, pursuant to section 201 of the Budget and Accounting Act of 1921, as amended (H. Doc. No. 98-47); to the Committee on Appropriations and ordered to be printed.

905. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance of the training and audiovisual support center activity at Fort Bliss, Tex., pursuant to section 502(b) of

Public Law 96-342; to the Committee on Armed Services.

906. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to Venezuela, pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

907. A letter from the Executive Secretary, National Mediation Board, transmitting a report on the Board's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

908. A letter from the Director, Federal Emergency Management Agency, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

909. A letter from the Chairman, Federal Election Commission, transmitting 20 recommendations for legislative action, pursuant 2 U.S.C. 438(a)(9); to the Committee on House Administration.

910. A letter from the Secretary of the Interior, transmitting the annual report on Federal coal management for fiscal year 1982, as well as proposed changes in the coal leasing program for fiscal year 1983, pursuant to section 8 of Public Law 94-377; to the Committee on Interior and Insular Affairs.

911. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $67,784.37 in excess royalty payments to Gulf Oil Exploration & Production Co., Chevron U.S.A. Inc., ARCO Oil & Gas Co., and Amoco Production Co., pursuant to section 10(a) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

912. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $592,707.58 in excess royalty payments to Aminoil USA, Inc., pursuant to section 10(a) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

913. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting a draft of proposed legislation to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior; to the Committee on Interior and Insular Affairs.

914. A letter from the Secretary of Commerce, transmitting the eighth annual report on ocean dumping monitoring and research, pursuant to section 201 of Public Law 92-532; to the Committee on Science and Technology.

915. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the tax treatment of bonds that are guaranteed by certain Federal agencies; to the Committee on Ways and Means.

916. A letter from the President, Gorgas Memorial Institute of Tropical and Preventive Medicine, Inc., transmitting the 54th annual report of the Institute for fiscal year 1981, pursuant to section 3 of the act of May 7, 1928, as amended; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

917. A letter from the Assistant Attorney General of the United States, Office of Legislative Affairs, transmitting drafts of two legislative proposals to meet the requirements of the fiscal year 1984 appropriations authorization process for the Department of Justice; jointly, to the Committees on the Judiciary, Education and Labor, Energy and Commerce, Foreign Affairs, and the Permanent Select Committee on Intelligence.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 158. Resolution providing for the consideration of H.R. 1190, a bill to provide emergency credit assistance to farmers, and for other purposes. (Rept. No. 98-54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA:

H.R. 2520. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification and reform; to the Committee on Ways and Means.

By Mr. AuCOIN (for himself, Mr. WEAVER, Mr. WYDEN, Mr. DENNY SMITH, and Mr. ROBERT F. SMITH):

H.R. 2521. A bill to amend the Internal Revenue Code of 1954 to provide, for purposes of the residential energy credit and the investment tax credit, that a State or local program shall not be treated as having a principal purpose of providing subsidized energy financing unless subsidized energy financing represents 5 percent or more of the total outstanding loan balance of loans provided under the program; to the Committee on Ways and Means.

By Mrs. BYRON:

H.R. 2522. A bill to amend the Internal Revenue Code of 1954 to provide basic $10,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. COATS:

H.R. 2523. A bill to improve the administration of the countervailing duty and antidumping duty laws; to the Committee on Ways and Means.

By Mr. DE LA GARZA:

H.R. 2524. A bill to amend the Water Resources Development Act of 1974 relating to the determination of the non-Federal share of the costs of certain flood control projects; to the Committee on Public Works and Transportation.

By Mr. PASHAYAN:

H.R. 2525. A bill to establish a National Commission on Technological Innovation and Industrial Modernization; jointly, to the Committees on Banking, Finance and Urban Affairs; Education and Labor; Foreign Affairs; Energy and Commerce; the Judiciary; Ways and Means; and Science and Technology.

By Mr. DREIER of California:

H.R. 2526. A bill to amend the Internal Revenue Code of 1954 to decrease the holding period required for long-term capital gains treatment to 6 months; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2527. A bill to reorganize the international communications activities of the Federal Government; to the Committee on Government Operations.

By Mr. ERDREICH:

H.R. 2528. A bill to amend chapter 7 of title 31, United States Code, to abolish the Commission on Executive, Legislative, and Judicial Salaries and transfer its functions to the Comptroller General, and to provide that any legislation increasing the rate of pay for Members of Congress is considered separately from other legislation, is adopted only by a recorded vote, and does not take effect until the start of the Congress following the Congress in which approved, and to eliminate the automatic annual pay adjustment for Members of Congress; jointly, to the Committees on Post Office and Civil Service and Rules.

By Mr. ERLENBORN:

H.R. 2529. A bill to amend the Federal Employees Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Ms. FERRARO (for herself, Mr. EDGAR, and Mr. NOWAK):

H.R. 2530. A bill to provide that the Secretary of Transportation may exempt segments of the Interstate System from the requirement that double bottom trucks be allowed to operate on all Interstate highways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. GINGRICH:

H.R. 2531. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for computers designed primarily for educational, professional, or other essentially nonrecreational use in the home; to the Committee on Ways and Means.

By Mr. HAMILTON (for himself, Mr. WINN, Mr. LANTOS, Mr. IRELAND, Mr. DYMALLY, Mr. SMITH of Florida, Mr. TORRICELLI, Mr. LEVINE of California, Mr. SILJANDER, and Mr. ZSCHAU):

H.R. 2532. A bill to authorize supplemental assistance to aid Lebanon in rebuilding its economy and armed forces, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HERTEL of Michigan:

H.R. 2533. A bill to amend the Internal Revenue Code of 1954 to allow individuals a refundable income tax credit for expenditures to remove formaldehyde foam insulation from their homes, and for other purposes; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mr. HUNTER:

H.R. 2534. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to accept donated horses for use in patrolling the borders of the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 2535. A bill to amend title 38, United States Code, to authorize the admission to Veterans' Administration hospitals for psychiatric evaluation and treatment of veterans who have been determined to require such evaluation and treatment; to the Committee on Veterans' Affairs.

By Mr. McCAIN (for himself, Mr. LUJAN, Mr. YOUNG of Alaska, Mr. MARRIOTT, Mr. DENNY SMITH, Mrs. VUCANOVICH, and Mr. HORTON):

H.R. 2536. A bill to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

By Mr. McDADE:

H.R. 2537. A bill to amend the Small Business Act; to the Committee on Small Business.

H.R. 2538. A bill to provide for an interim program of grants to States to provide health care benefits for the unemployed; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MICA (for himself, Mr. FASCELL, Mr. CROCKETT, Mr. GARCIA, Mr. DIXON, Mr. FAUNTROY, Mr. TOWNS, and Mr. OWENS):

H.R. 2539. A bill to promote the development of the Haitian people and to provide for orderly emigration from Haiti; to the Committee on Foreign Affairs.

By Mr. NEAL:

H.R. 2540. A bill to amend the Export-Import Bank Act Amendments of 1978 for purposes of discouraging noncompetitive financing; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2541. A bill to amend the Export-Import Bank Act of 1945 to establish the Competitive Tied Aid Fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NICHOLS (for himself and Mr. DICKINSON):

H.R. 2542. A bill to authorize the Secretary of the Army to correct certain slope failures and erosion problems along the banks of the Coosa River; to the Committee on Public Works and Transportation.

By Mr. NOWAK (for himself, Mr. WILLIAMS of Ohio, Mr. MITCHELL, Mr. McDADE, Mr. MARRIOTT, Mr. CONTE, Mr. SMITH of Iowa, Mr. BRITT, Mr. DAUB, Mr. MAVROULES, Mr. LAFALCE, Mr. BROOMFIELD, Mr. STENHOLM, Mr. HILER, and Mr. LUKEN):

H.R. 2543. A bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 2544. A bill to provide an emergency public works jobs program by authorizing the construction of short-term infrastructure repair projects, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. PRICE (for himself and Mr. DICKINSON):

H.R. 2545. A bill to amend chapter 137 of title 10, United States Code, to revise and reform the defense procurement system by promoting competition and streamlining contract procedures, and for other purposes; to the Committee on Armed Services.

By Mr. ST GERMAIN (for himself, Mr. WRIGHT, Mr. FOLEY, Mr. ALEXANDER, Mr. MURTHA, Mr. FLIPPO, Mr. COELHO, Mr. PERKINS, Mr. DE LUGO, Mr. DASCHLE, Mr. HOWARD, Mr. BRYANT, Mr. DYMALLY, Mr. ROE, Mr. FRANK, Mr. BENNETT, Mr. ANDERSON, Mr. FROST, Mr. MURPHY, Mr. COYNE, Mr. RODINO, Mr. SMITH of Florida, Mr. ECKART, Mrs. KENNELLY, Mr. DORGAN, Mr. PATMAN, Mr. FASCELL, Mr. DOWDY of Mississippi, Mr. ANNUNZIO, Mr. GARCIA, Mr. SMITH of Iowa, Mr. VANDERGRIFF, Mr. NOWAK, Mr. DINGELL, Mr. WILSON, Mr. KOGOVSEK, Mr. BERMAN, Mr. McNULTY, Mr. RATCHFORD, Mr. FORD of Michigan, Mr. HUGHES, Ms. KAPTUR, Ms. MIKULSKI, Mr. EDGAR, Mr. CORRADA, Mr. HANCE, Mr. TALLON, Mr. HUCKABY, Mr. HARRISON, Mr. HERTEL of Michigan, Mr. HUBBARD, Mr. FLORIO, Mr. WHEAT, Mr. ADDABBO, Mr. OWEN, Mr. WILLIAMS of Montana, Mr. CROCKETT, Mr. HARKIN, Mr. VENTO, Mr. RAHALL, Mrs. LLOYD, Mr. SUNIA, Mr. DWYER of New Jersey, Mr. LUNDINE, Mr. TORRES, Mr. GEJDENSON, Mr. MINISH, Mr. RICHARDSON, Mr. JONES of North Carolina, Mr. WON PAT, Mr. GUARINI, Mr. WISE, Mr. OTTINGER, Ms. OAKAR, Mr. KILDEE, Mr. PEPPER, Mr. DE LA GARZA, Mr. GLICKMAN, Mr. MAVROULES, Mr. EVANS of Illinois, Mr. ROSE, Mr. DYSON, Mr. ORTIZ, Mr. WASHINGTON, Mr. SEIBERLING, Mr. ANTHONY, Mr. WOLPE, Mr. SOLARZ, Mr. GORE, Mr. FAZIO, Mr. MINETA, Mr. BONER of Tennessee, Mr. WEISS, Mrs. SCHROEDER, Mr. BONKER, Mr. APPLEGATE, Mr. BEVILL, Mr. MITCHELL, Mr. LOWRY of Washington, Mr. CONYERS, Mr. LEHMAN of California, Mr. FOGLIETTA, Mr. HEFNER, Mr. BOUCHER, Mr. FEIGHAN, and Mr. BONIOR of Michigan):

H.R. 2546. A bill to amend the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SEIBERLING:

H.R. 2547. A bill to establish a Homeowners Loan Corporation to prevent the loss of homes due to adverse economic conditions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHELBY:

H.R. 2548. A bill to amend the Federal Rules of Civil Procedure to provide for certain service of process by mail; to the Committee on the Judiciary.

By Mr. SLATTERY (for himself, Mr. ROBERTS, Mr. GLICKMAN, Mr. WHITTAKER, and Mr. WINN):

H.R. 2549. A bill to designate the building known as the Veterans' Administration Medical Center in Leavenworth, Kans., as the "Dwight D. Eisenhower Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. TALLON:

H.R. 2550. A bill to improve farm commodity prices, to strengthen the national economy through a comprehensive, demand-oriented agricultural export policy, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mrs. VUCANOVICH:

H.R. 2551. A bill to authorize and direct the Secretary of the Interior to convey certain real property to the Pershing County Water Conservation District; to the Committee on Interior and Insular Affairs.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. JACOBS, and Mr. FORD of Tennessee):

H.R. 2552. A bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes; to the Committees on Energy and Commerce and Ways and Means.

By Mr. WINN:

H.R. 2553. A bill to amend the Internal Revenue Code of 1954 to increase to $2,500 the maximum deduction for contributions to retirement savings; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 2554. A bill to establish a national mineral and material policy and council, to provide for a secure minerals and materials base for the national economy and national security, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, Ways and Means, the Judiciary, Armed Services, and Foreign Affairs.

By Mr. HUNTER:

H.J. Res. 235. Joint resolution to designate the week beginning May 23, 1983, as "National Medical Transcriptionist Week"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H.J. Res. 236. Joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the Allied Forces who served in the Korean war; to the Committee on House Administration.

By Mr. CONTE:

H. Con. Res. 108. Concurrent resolution to express the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. ROE, Mr. UDALL, Mr. NOWAK, Mr. WILSON, Mr. MURPHY, and Mr. RAHALL):

H. Con. Res. 109. Concurrent resolution declaring that the Congress recognizes the continued need to help workers injured by economic dislocations resulting from increased imports and shall adopt legislation to reauthorize and improve the operation of the trade adjustment assistance program; to the Committee on Ways and Means.

By Mr. MARRIOTT:

H. Con. Res. 110. Concurrent resolution to express the sense of the House concerning the observance of the week of April 25 through April 29, 1983, as National Student Leadership Week; to the Committee on Post Office and Civil Service.

By Mr. HARKIN (for himself, Mr. LUKEN, Mr. CARR, Mr. AUCOIN, Mrs. KENNELLY, Mr. RATCHFORD, Mr. OBERSTAR, Mr. EDGAR, Mr. DOWNEY of New York, Mrs. SCHROEDER, Mr. BEDELL, Mr. TORRICELLI, Mr. WALGREN, Mr. DORGAN, Mr. MILLER of California, Mr. SABO, Mr. SHANNON, Mr. MARKEY, Mr. PATTERSON, Mr. FEIGHAN, Ms. OAKAR, Mr. DASCHLE, Mr. KASTENMEIER, Mr. WEISS, Mr. CONYERS, Mr. BONIOR of Michigan, Mr. OTTINGER, Mr. WEAVER, Mr. HAWKINS, Mr. BERMAN, Mr. FRANK, Mr. HALL of Ohio, Mr. FOGLIETTA, Mr. SEIBERLING, Mr. TORRES, Mr. RICHARDSON, Ms. FERRARO, Mr. LEVIN of Michigan, Mr. BROWN of California, Mr. BONKER, Mr. SIMON, Mr. LOWRY of Washington, Ms. MIKULSKI, Mrs. BOXER, Mr. EVANS of Illinois, Mr. BATES, Mr. DELLUMS, Mr. VENTO, Mr. MRAZEK, Mr. DURBIN, Mr. CROCKETT, Mr. ASPIN, Mr. KOGOVSEK, Mr. LELAND, Mr. SIKORSKI, Mr. WILLIAMS of Montana, Mr. STARK, Mr.

WOLPE, Mr. GRAY, Mr. MITCHELL, Mr. MOAKLEY, Mr. MAVROULES, and Mr. EDWARDS of California):

H. Res. 159. Resolution directing the President to furnish certain information to the House of Representatives with respect to U.S. activities in Honduras and Nicaragua; jointly, to the Committees on Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence.

By Mr. McKINNEY (for himself, Mr. EDGAR, Mr. SAWYER, Mr. FAUNTROY, and Mr. FORD of Tennessee):

H. Res. 160. Resolution to provide for the accelerated release of certain records of the Select Committee on Assassinations; to the Committee on House Administration.

By Mr. ROBERTS (for himself, Mr. EMERSON, Mr. WHITTAKER, Mr. STANGELAND, Mr. HUCKABY, Mr. WINN, Mr. GLICKMAN, Mr. STENHOLM, Mr. EVANS of Iowa, Mrs. SMITH of Nebraska, Mr. MORRISON of Washington, Mr. BEDELL, Mr. SLATTERY, Mr. MADIGAN, and Mr. CRAIG):

H. Res. 161. Resolution to urge the administration to begin negotiations on a new long-term agreement on agricultural trade with the Soviet Union; jointly, to the Committees on Foreign Affairs and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

75. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to changes needed in the supplemental security income program; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Tennessee:

H.R. 2555. A bill for the relief of Patrick P. W. Tso; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 2556. A bill for the relief of Maria Govea-Murillo; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 2557. A bill for the relief of the Federation Employment and Guidance Service, New York, N.Y.; to the Committee on the Judiciary.

By Mr. MRAZEK:

H.R. 2558. A bill for the relief of Grace Allen; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 2559. A bill for the relief of Rabi Satyal and Kamala Satyal; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. TOWNS, Mr. ANDERSON, and Mr. EMERSON.

H.R. 287: Mr. WHITEHURST, Mr. SHUMWAY, Mrs. HOLT, Mr. WINN, Mr. ERLENBORN, Mrs. VUCANOVICH, Mr. GINGRICH, Mr. PARRIS, Mr. FRENZEL, Mrs. LLOYD, Mr. SUNIA, Mr. SUNDQUIST, Mr. WON PAT, and Mr. FORSYTHE.

H.R. 329: Mrs. BOXER.

H.R. 656: Mr. OBERSTAR, Mr. HOWARD, Mr. CLAY, Mr. RATCHFORD, Mr. BOUCHER, Mr. VENTO, Mr. SUNIA, Mrs. SCHROEDER, Mr. WALGREN, Mr. OTTINGER, Mr. GARCIA, Mr. SHANNON, Mr. SEIBERLING, Mr. OWENS, Mr. CROCKETT, Mr. LOWRY of Washington, Mr. LUKEN, Mr. FLORIO, Mr. MITCHELL, Mr. DICKS, Mr. HOYER, Mr. WASHINGTON, Mr. PARRIS, Mrs. BOXER, Mrs. COLLINS, Mr. TRAXLER, Mr. HEFTEL of Hawaii, Mr. GUARINI, Mr. WOLPE, Mr. PRITCHARD, Ms. MIKULSKI, Mr. LELAND, Mr. DYMALLY, Mr. DOWNEY of New York, Mr. ROE, Mr. YATES, Mr. BERMAN, Mr. FRANK, Mr. GOODLING, Mr. BARNES, Mr. STOKES, Mr. RAHALL, Mr. FORD of Tennessee, Mr. SISISKY, Mr. SCHUMER, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. WILLIAMS of Montana, Mr. SWIFT, Mr. PATTERSON, Mr. PEPPER, Mr. WON PAT, Mr. ACKERMAN, Mr. FAZIO, Mr. ANNUNZIO, and Mr. CONYERS.

H.R. 877: Mr. McDONALD and Mr. DORGAN.

H.R. 1083: Mr. CONYERS, Mr. HARKIN, Mr. HAWKINS, Mr. MOAKLEY, Ms. OAKAR, and Mr. VENTO.

H.R. 1087: Mr. NEAL.

H.R. 1092: Mr. LONG of Louisiana.

H.R. 1104: Mr. FRENZEL, Mr. RICHARDSON, Mr. BADHAM, Mr. NIELSON of Utah, Mr. MITCHELL, and Mr. SIMONS.

H.R. 1146: Mr. MILLER of California and Mr. WALGREN.

H.R. 1176: Mr. MAVROULES, Mr. DANIEL, Mr. BONKER, Mr. MORRISON of Washington, Mr. VALENTINE, Mr. OXLEY, Mr. BILIRAKIS, Mr. SPRATT, Mrs. ROUKEMA, Mr. MARRIOTT, Mr. SCHEUER, Mr. CONYERS, Mr. KOSTMAYER, Mr. BORSKI, Mr. SKEEN, Mr. McEWEN, Mr. REID, Mr. LAFALCE, Mr. STOKES, Mr. MOODY, Mr. OLIN, Mr. O'BRIEN, Mr. HARKIN, Mr. RINALDO, Mr. ANDERSON, Mr. EDWARDS of Oklahoma, Mr. ROBERTS, Mr. ROTH, Mr. GREEN, Mr. PARRIS, Mr. ORTIZ, Mr. LAGOMARSINO, Mr. FLORIO, Mr. RIDGE, Mrs. BOXER, Mr. BOEHLERT, Mr. DENNY SMITH, Mr. WOLF, Ms. OAKAR, Mr. WEBER, Mr. BARTLETT, Mr. WALGREN, Mr. KASICH, Mr. FISH, Mr. ROYBAL, Mr. FEIGHAN, Mr. CHAPPELL, Mr. LELAND, and Mr. DIXON.

H.R. 1197: Mr. DUNCAN, Mr. WEISS, Mr. BOSCO, Mr. STUDDS, Mr. BARNARD, Mr. SCHEUER, Mr. BATEMAN, Mr. BERMAN, Mr. HOYER, Mr. BORSKI, Mr. KOSTMAYER, Mr. EVANS of Illinois, Ms. OAKAR, Mr. SMITH of Florida, Mr. RIDGE, Mr. ORTIZ, Mr. MOLLOHAN, Mr. MARTINEZ, Mr. DYMALLY, Mr. ANDREWS of North Carolina, Mr. WILLIAMS of Montana, Mr. SABO, Mr. KAZEN, Mr. PATMAN, Mr. DORGAN, Ms. SNOWE, Mr. ROTH, Mr. MOAKLEY, Mr. BRYANT, Mr. JACOBS, Mr. HARRISON, Mr. RICHARDSON, Mr. BROWN of California, Mr. GUNDERSON, Mr. HUTTO, Mr. MORRISON of Connecticut, and Mr. HOPKINS.

H.R. 1199: Mr. TORRICELLI, Mr. FORD of Tennessee, Mr. SHUSTER, Mr. ROWLAND, Mr. CORRADA, Mr. SOLARZ, Mrs. SCHNEIDER, and Mr. PETRI.

H.R. 1206: Mr. DAVIS.

H.R. 1347: Mr. MACKAY.

H.R. 1384: Mr. GAYDOS, Mr. BOEHLERT, Mr. FORD of Michigan, and Mr. WON PAT.

H.R. 1405: Mr. HILER, Mr. DUNCAN, Mr. EMERSON, and Mr. HOPKINS.

H.R. 1452: Mr. GOODLING.

H.R. 1510: Mr. LUKEN.

H.R. 1533: Mr. ROBINSON and Mr. WIRTH.

H.R. 1580: Mr. PARRIS, Mr. FAZIO, Mr. MCGRATH, Mr. MRAZEK, Ms. MIKULSKI, Mrs. MARTIN of Illinois, Mr. RAHALL, Mr. MCCOLLUM, Mr. NIELSON of Utah, Mr. SIMON, Mr. CHAPPIE, and Mr. FORSYTHE.

H.R. 1584: Mr. CHANDLER, Mrs. COLLINS, Mr. DICKINSON, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. GARCIA, Mr. GUARINI, Mrs. HALL of Indiana, Mr. HOYER, Mr. HYDE, Mr. LEVIN of Michigan, Mr. MCKINNEY, Mr. OTTINGER, Mr. RICHARDSON, Mr. SWIFT, Mr. VANDERGRIFF, Mr. WASHINGTON, and Mr. WHITTEN.

H.R. 1607: Mr. FOWLER and Mr. SHANNON.

H.R. 1609: Mr. CONABLE.

H.R. 1618: Mr. BADHAM, Mr. DANNEMEYER, and Mr. LAGOMARSINO.

H.R. 1621: Mr. GOODLING, Mr. STAGGERS, Mr. FEIGHAN, Mr. SKEEN, and Mr. BEDELL.

H.R. 1663: Mr. ROE, Mr. SUNIA, Mr. GOODLING, Mr. BRITT, and Mr. HILER.

H.R. 1691: Mr. BLILEY.

H.R. 1730: Mr. BREAUX and Mr. SNYDER.

H.R. 1737: Mr. WILSON and Mrs. COLLINS.

H.R. 1787: Mr. FRENZEL, Mr. THOMAS of Georgia, Mr. FISH, Mr. WYDEN, Mr. STENHOLM, and Mr. SIMON.

H.R. 1944: Mr. EVANS of Illinois.

H.R. 1989: Mr. CLINGER, Mr. COATS, Mr. CORCORAN, Mr. DANNEMEYER, Mr. FIELDS, Mr. NIELSON of Utah, and Mr. RITTER.

H.R. 2053: Mr. SIMON.

H.R. 2193: Mr. HANSEN of Utah, Mr. SHELBY, and Mr. KASICH.

H.R. 2222: Mr. FISH, Mr. GUARINI, and Mr. LOWRY of Washington.

H.R. 2253: Mrs. BOXER, Mr. BRYANT, Mr. DAUB, Mr. EMERSON, Mr. FORD of Michigan, Mr. GEJDENSON, Mr. HANCE, Mr. KINDNESS, Mr. PEASE, Mr. SIKORSKI, Mr. SIMON, Mr. SKELTON, and Mr. TAYLOR.

H.R. 2268: Mr. LAGOMARSINO.

H.R. 2323: Mr. DASCHLE, Mr. SLATTERY, and Mr. DYMALLY.

H.R. 2432: Mr. LEWIS of Florida, Mr. HALL of Ohio, Mr. SENSENBRENNER, Mr. MURTHA, Mr. BLILEY, Mr. SMITH of Florida, Mr. MADIGAN, Mr. SUNIA, Mr. MARRIOTT, Mr. KINDNESS, and Mr. KASICH.

H.J. Res. 168: Ms. OAKAR, Mr. CORRADA, Mrs. COLLINS, Mr. ORTIZ, Mr. LIPINSKI, Mr. DYSON, Mr. FISH, Mr. FRENZEL, Mr. MARTIN of New York, Mr. NIELSON of Utah, Mr. CONTE, Mr. MINETA, Mr. GILMAN, Mr. RALPH M. HALL, Mr. MCGRATH, Mr. SHELBY, Mr. LANTOS, Mr. HUTTO, Mr. ERDREICH, Mr. MCHUGH, Mr. ANDERSON, Mr. SIMON, Mr. CLARKE, Mr. JACOBS, Mr. RICHARDSON, Mr. OBERSTAR, Mr. LEHMAN of Florida, Mr. ANTHONY, Mr. MATSUI, and Mr. GORE.

H.J. Res. 184: Mr. JENKINS, Mr. NEAL, Mr. EMERSON, Mr. WINN, Mr. SMITH of Florida, Mr. OXLEY, Mr. ERDREICH, Mr. SUNIA, Mr. STOKES, Mr. SCHULZE, Mr. KASICH, Mr. OBERSTAR, Ms. SNOWE, Mr. ROE, Mr. BONER of Tennessee, and Mr. VANDERGRIFF.

H.J. Res. 210: Mr. MATSUI and Mrs. SCHNEIDER.

H.J. Res. 215: Mr. MATSUI and Mr. FUQUA.

H.J. Res. 220: Mr. ROGERS, Mr. ACKERMAN, Mr. MYERS, Mr. MATSUI, Mr. MCGRATH, Mr. DELLUMS, Mr. FAUNTROY, Mr. CORCORAN, Mr. BIAGGI, Mr. VANDER JAGT, Mr. ORTIZ, Ms. FERRARO, Mr. MCCOLLUM, Mr. SYNAR, Mr. MINETA, and Mr. HUGHES.

H. Con. Res. 40: Mr. AUCOIN, Mr. MCDADE, Mr. HARKIN, Mr. PEPPER, Mr. CARPER, and Mr. GILMAN.

H. Con. Res. 46: Mr. EMERSON.

H. Con. Res. 85: Mr. LOTT, Mr. BETHUNE, Mr. COATS, Mr. GUNDERSON, Mr. EDWARDS of Oklahoma, Mr. STUMP, Mr. MCGRATH, and Mr. DEWINE.

H. Con. Res. 90: Mr. FAZIO, Mr. SISISKY, Mr. SMITH of Florida, Mr. ALBOSTA, Mr. WEBER, Mr. MCHUGH, Mr. FRENZEL, Mr. NIELSON of Utah, Mr. CLINGER, Mr. CHAN-

DLER, Mr. MATSUI, Mr. FLORIO, Mr. RANGEL, Mr. SIMON, and Mr. MRAZEK.

H. Res. 17: Mr. NATCHER, Mr. BEVILL, Mr. CHANDLER, Mr. HALL of Ohio, and Mr. NEAL.

H. Res. 133: Mr. THOMAS of Georgia, Mr. GINGRICH, Mr. FRENZEL, Mr. VANDER JAGT, Mr. MCCAIN, Mr. DICKS, and Mr. MORRISON of Washington.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 83: Mr. YOUNG of Missouri.

PETITIONS, ETC.

Under clause 1 of rule XXII,

73. The SPEAKER presented a petition of the county council, Maui, Hawaii, relative to the price support program for domestic sugar; to the Committee on Agriculture.

EXTENSIONS OF REMARKS

THE KREMLIN AND THE POPE

HON. ROBERT H. MICHEL
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, did Yuriy Andropov, when he was head of the KGB, order Pope John Paul II to be assassinated? The evidence is not conclusive. But one thing is certain: The Soviet Union's Communist masters see John Paul II as an obstacle to their designs not only in Poland but throughout the world.

Given the overwhelming evidence of the Kremlin's hostility toward the Pope, it takes no great leap of the imagination to believe that the same people who gave us the Katyn Forest massacre in 1940, innumerable horrors in Europe for decades, yellow rain, the recent atrocities in Afghanistan in our own time and a terrorist mentality going all the way back to Lenin's "Chekists" and the NKVD of Stalin, would coldbloodedly order the assassination of the Pope through their Bulgarian hirelings.

At this time, I wish to insert in the RECORD, "The Battle Between the Kremlin and the Pope," by Alex Alexiev, in the Wall Street Journal, March 30, 1983:

THE BATTLE BETWEEN THE KREMLIN AND THE POPE

(By Alex Alexiev)

The growing implications of Soviet involvement in the attempt to kill the pope should lead us to question what might have motivated such a "crime of the century." Most Western analysts have focused on the alleged determination of John Paul II to fly to his homeland and galvanize resistance to the Soviets had they invaded Poland prior to the establishment of martial law in December of 1981. While this is a plausible motivation, focusing on it alone obscures the much broader impact the pontiff's election and policies have had on the Soviet bloc.

From the day of the election of Karol Wojtyla as Pope John Paul II it was clear to Moscow that it had to deal with a formidable opponent. During the tenure of his predecessors Paul VI and John XXIII the Vatican had pursued on Ostpolitik characterized by a seeming desire to accommodate the Soviets. In Wojtyla, though, the Kremlin rulers faced a convinced and outspoken opponent of communist totalitarianism and a man with a record of standing up to communist regimes.

This was most dramatically demonstrated during his triumphant visit to Poland in June of 1979, which Moscow now believes gave rise to Solidarity. Speaking before collective Polish audiences numbering some six million, the pope criticized the Communist system for allowing "evident privileges for some and discrimination against others" and castigated regime control of the media and censorship by telling half a million people at Gniezno that it is "sad to believe that each Pole and Slav in any part of the world is unable to hear the words of the pope, this Slav."

AN UNPRECEDENTED CHALLENGE

In what could only be interpreted by Moscow as a blatant attack on Soviet domination in Eastern Europe, John Paul II further asserted that "no country should ever develop at the cost of another, at the cost of enslavement . . . conquest, outrage, exploitation and death." The pontiff's remarks in front of millions of people represented an unprecedented challenge to the legitimacy of the communist system and Soviet interests in Eastern Europe.

While the pope's influence on the events in Poland following his visit and until the imposition of martial law is fairly well documented, his revitalizing effect on the church in other Eastern European countries is less well known. In Czechoslovakia, for example, the Catholic Church is experiencing a remarkable revival which has included widespread underground religious life with tens of thousands of participants and a clandestine press.

The pope has been accused by the authorities of actively encouraging these illegal activities even to the point of consecrating three secret bishops for the underground church. In a bold effort to help the church regain some control over its affairs, the Vatican issued a decree in March of 1982 prohibiting any political activities by priests, which was seen by most as a direct attack on pro-regime Catholic organizations through which the authorities often controlled the church.

In Lithuania, a homogeneously Catholic nation with a long record of historical and cultural ties with Poland, the election of Wojtyla was greeted with elation. The church there has been experiencing a dramatic revival since the early 1970s, and has emerged as the most militant church in the Soviet Union.

Within weeks of Wojtyla's election, Lithuanian priests organized a Catholic Committee for the Defense of the Rights of Believers, to assist the hierarchy in publicizing and resisting the violation of the constitutional rights of believers. Faced with increasing repression and harassment by the regime and the KGB, the Lithuanian Church has organized many of its traditional activities in the underground. Open defiance of the regime through unauthorized religious processions, demonstrations and mass petitions of all kinds has become commonplace.

The pope has firmly, if quietly, supported the Lithuanians' struggle. He has, for example, refused to appoint regime-approved church officials, considered collaborators by most believers. It is also widely rumored that in 1979 the pope bestowed the cardinal's hat in pectore to Bishop Stepanovicius, a man recognized by most Lithuanians as the head of their church, even though he has lived in internal exile for over 20 years because of his opposition to the regime's policies. Last summer the pope was able to push through the reinstatement of another bishop, who also had been exiled internally for two decades.

No less troublesome for the Kremlin has been John Paul II's perceived impact on the Ukrainian Catholic Church of the Eastern Rite. The Uniate Church, as it is also known, has for centuries commanded the allegiance of the people in the Western Ukraine, which was incorporated into the Soviet Union following the Nazi-Soviet pact in 1939. As a result, it became an obvious target of the Soviet drive to extirpate Ukrainian nationalism and was the only church in the Soviet Union to be outlawed outright.

Ever since that time, the Ukrainian Catholics have been persecuted and victimized like no other religious community in the Soviet Union. Their tragic lot was compounded by the seeming lack of interest on the part of John Paul II's predecessors, who appeared to have abandoned them in the interest of good relations with Moscow.

This situation has changed under Wojtyla's leadership. In the spring of 1980, the pontiff convoked the first synod of Uniate bishops, which openly called for the restoration of the church. Like the Lithuanians before them, last September the Ukrainian Catholics organized an Initiative Group for the defense of the Rights of the Church and boldly petitioned the government to allow the reopening of Uniate churches and monasteries. Despite particularly brutal KGB suppression, an underground church with as many as 500 priests and 3 bishops is reported to be flourishing in the Ukraine. In February 1983 John Paul II convened another synod of the Uniate bishops and urged them to intensify their efforts in connection with the thousandth anniversary of Christianity in the Ukraine in 1988.

While the pope's influence has undoubtedly been strongest among the Catholics in the Soviet bloc it has had much broader ramifications. By emphasizing Europe's common Christian roots, he has consistently stressed its spiritual unity—East and West—and has gone beyond that to argue for the opening not only of borders, but also of (political) "systems." In a highly significant gesture, the pope has declared the Sts. Cyril and Methodius, who were instrumental in the spread of Christianity among the ancestors of many present-day Catholic and Orthodox Slavs, co-patron saints of Europe along with St. Benedict, thus symbolically overcoming the centuries-old East-West division of Europe.

Soviet media reaction to the pope has faithfully reflected Moscow's increasing apprehension over the pontiff's policies and influence. In the initial period between his election in the fall of 1978 and his visit to Poland in June 1979, Soviet reporting on John Paul II was scant and generally restrained. This kid-glove approach was promptly discarded in the wake of the pope's visit to his homeland. An ever more strident campaign was orchestrated in the media and castigating the pope as an inveterate opponent of socialism.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

This campaign took particularly virulent forms in the areas inhabited by Soviet Catholics. In Lithuania the authorities have accused the church of attempting to transform itself into a nationalist political force and have assailed unnamed "fanatical agents of the pope." Simultaneously, a campaign of physical intimidation, assaults on priests, and desecration, looting and burning of churches has taken place. Most ominously, three activist priests have been murdered, following vicious media attacks against them, in circumstances which suggest KGB involvement.

In the Ukraine, vilification of the pontiff reached an early peak in a particularly inflammatory attack in the literary political journal Polimya in March of 1981. In it, Wojtyla stands accused of having both known of and acquiesced in an alleged Nazi-Vatican plan to exterminate the Polish people, including the clergy, during World War II.

The attempt on the pope's life in May of 1981 marked another watershed in Moscow's campaign against him. Immediately following the event Soviet propagandists were mainly concerned with steering any suspicion of complicity away from the Soviet bloc.

DIRECT REPRESSION OF CHURCH

The media offensive against the pontiff, however, was resumed once it became evident that he would survive the attack, and has continued with mounting shrillness.

A hard-hitting article in the Czech journal Tvorba, widely reprinted in the Soviet media, stated: "The American president, during his June 1982 sojourn in Rome, enjoined John Paul II to assume a more resolute posture in connection with the situation in Poland, to interfere more into the internal affairs of that country. As a reward, Ronald Reagan has shown his readiness to raise financial support, which the Roman Catholic Church would distribute among the opposition in Poland."

Alongside the massive media campaign against the pope, there are disturbing signs that the Soviet regime under Andropov is stepping up the direct repression of the church. Last January the KGB arrested the most prominent Lithuanian religious dissident and a founding member of the Catholic Committee, Father Svarinskas, a man who has already spent 24 years in Soviet camps, and the organizer of the Ukrainian Initiative Committee, Yosif Terelya.

It should come as no surprise then that the Kremlin's attitudes toward the pope some four years after his election and close to two years after the attempt on his life continue to be unremittingly hostile and increasingly confrontational. For Moscow, John Paul II was and continues to be much more than a narrow Polish problem. The pope on his part realizes clearly what a serious challenge he presents for the Kremlin. As early as 1979 during his visit to Poland he told an audience: "I'm sure there are people out there who are already having a hard time taking this Slavic pope." Hard enough, it seems, to prompt an exasperated Kremlin to cry out, as Henry II once did regarding the Archbishop of Canterbury: "Will no one rid me of this turbulent priest?"●

NEIGHBORHOOD WATCH—A CRIME PREVENTION PROGRAM THAT WORKS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WOLF. Mr. Speaker, the neighborhood watch program is an important partnership between communities, local organizations, government officials, civic leaders, and police departments—and has proven to be one of the best anticrime efforts ever established.

Recently we have witnessed the reduction of serious crimes in Fairfax County, Va., within the 10th Congressional District which I represent. Much of the reduction can be attributed to increased citizen involvement through the neighborhood watch programs and greater communication between police and the community.

In northern Virginia, the private sector, as well as public officials and police organizations, is committed to reducing crime. Neighborhood watch programs have been an instrumental part of their plan of action against crime and criminals and have earned the respect of both law enforcement officers and the many citizens who are served by this volunteer effort.

Certainly, all citizens should take precautions to protect themselves, their families, and properties against crime. A proven way to help in that effort is through participation in and support of local neighborhood watch programs. This is a sound crime prevention effort and a vital element in our country's law enforcement system.

Our local neighborhood watch participants and others like them throughout the Nation are to be commended for the contributions they have made to preventing crime. They have proven that citizen involvement can make a difference.

Mr. Speaker, Fairfax County's neighborhood watch programs have served as national role models, and, as such, have received extensive national media coverage and recognition. At this point in the RECORD, I would like to recognize and call to the attention of my colleagues the accomplishments of the Fairfax County program detailed in a comprehensive report written by Fairfax County Chief of Police Col. Carroll D. Buracker. His report outlines the growth and success of neighborhood watch programs in Fairfax County.

CITIZEN PARTICIPATION IN CRIME PREVENTION: A SYNOPSIS OF THE SUCCESSFUL DEVELOPMENT AND GROWTH OF THE NEIGHBORHOOD WATCH PROGRAM IN FAIRFAX COUNTY, VA.

The Neighborhood Watch Program in Fairfax County, Virginia, is one of the nation's leading examples of how effective widespread citizen volunteer action in cooperation with a local police department can be in deterring crime. In just a few years, the Neighborhood Watch program in this suburban Washington, D.C. jurisdiction of 600,000 residents has grown to encompass nearly 350 communities and thousands of individual citizen participants on a daily basis. The results of their efforts are reflected in a dramatic drop in serious crime in the past two years, especially residential burglaries and vandalisms, and by numerous cases of crimes closed and offenders arrested. Recent newspaper articles cited Fairfax County as the safest county in the Washington metropolitan area. Virginia state crime rates for 1982 show Fairfax County with a crime rate lower than the average for the state.

The Chief of Police in Fairfax County, Colonel Carroll D. Buracker has credited the Neighborhood Watch program as the key ingredient in the success rate of the Police Department for 1981 and 1982. Chief Buracker has conservatively estimated the value of citizen volunteers at $30 million annually, if police personnel were employed to do the same job as citizens in Neighborhood Watch.

As Neighborhood Watch programs proliferated during 1982, all major crimes in Fairfax County decreased 11.6 percent, and burglaries plummeted 30.1 percent to 3856, the fewest in the County in ten years. This decrease is even more significant when considered in light of the facts that the population of the County increased by more than 125,000 during that same ten years, while the number of potential burglary targets in terms of housing units increased by some 68,000. Another impressive indicator of the progress being made against property crimes in Fairfax County is the 44.6 percent reduction in vandalism cases, from 8506 to 4622, which occurred from 1981 to 1982. Most vandalisms are committed in neighborhoods as crimes of opportunity and the ever-increasing presence of Neighborhood Watch members throughout Fairfax County has sharply reduced that opportunity.

The concept that laid the foundation for the Neighborhood Watch of today had its beginning in Fairfax County in 1974. At that time, residents of one of the County's larger neighborhoods were concerned about recurring incidents of vandalism and burglary in their community. Working with the police department in a pilot program, these citizens began to patrol their subdivisions of 2,000 homes, reporting descriptions of suspicious individuals and vehicles to police. Apprehensions were made, and, as word of the neighborhood surveillance spread, a significant decrease in crimes against property was noted in that neighborhood compared with another neighborhood of similar size. Subsequently, several other neighborhoods in various parts of Fairfax County began Neighborhood Watch programs and experienced similar results. These initial programs are still functioning today as part of the Fairfax County Neighborhood Watch program.

In October 1979, the Fairfax County Police Department, with the full endorsement and wholehearted encouragement of the Fairfax County Board of Supervisors, formally adopted County-wide Neighborhood Watch and establishing working procedures for the formation and operation of these citizen groups. There were four basic objectives of Neighborhood Watch.

To educate the citizens as to what steps can be taken to make their homes and property more secure against theft.

To teach citizens how neighbors can help each other and protect their entire community.

To make law enforcement more effective in its fight against crime through citizen involvement and participation.

To promote awareness of the role citizens can play in reducing burglary rates.

As implemented in Fairfax County, Neighborhood Watch involves three separate but interrelated activities; citizen patrol, home security inspections of neighborhood residences and property identification by residents through recording serial numbers and physically marking property. It is a requirement that each Neighborhood Watch group be under the sponsorship of the community, civic, condominium owners or similar organization. Prior to participating in actual patrols, citizen volunteers receive training from police crime prevention officers on basic law, how to identify suspicious activity and instructions on how to report their observations to the police. Citizen participants are encouraged to maintain records of their observations and to be available for court appearances if necessary.

The primary purpose of the citizen patrol is to observe and report. The volunteers are instructed never to confront suspects and to remain in their vehicles and not interfere with responding police officers. It is significant to note that over several years of operation and with the involvement of thousands of citizen volunteers, there never has been an untoward incident involving a Neighborhood Watch member in Fairfax County nor substantiation of any so-called "vigilante" action.

Expanding from a small nucleus of original groups in 1979, the growth of Neighborhood Watch in Fairfax County has been nothing less than dynamic. Inquiries were received from throughout the County from civic associations eager to qualify for the distinctive signs they could purchase (at cost) from the Police Department to post in their communities signifying an active Neighborhood Watch was in operation there. Another element in the Police Department's communications link with the community, Citizens' Advisory Committees at each police district station, frequently served as catalysts to spark interest in additional areas to establish Neighborhood Watch groups.

By the end of the first full year after the Police Department had actively embraced the Neighborhood Watch concept, 1980, there were about 75 active programs. During 1981, that number more than doubled, to about 175. By June 15, 1982, the number of programs throughout Fairfax County totalled 250. The 325-mark was passed by the end of 1982. Programs vary greatly in size, some involve half a dozen people surveilling a small cluster of homes, others include dozens of volunteers patrolling communities of several thousand homes. Many Neighborhood Watch participants are senior citizen members who keep an eye on largely deserted neighborhoods during the day. The Fairfax County Police Department has attempted to tap this vast reservoir of skilled citizens who want to contribute to their county, state and nation. But no matter who, when or where, the role of the Neighborhood Watch volunteer remains constant—alert eyes and ears reporting and recording vital information which aids the Police Department in deterring crime and apprehending perpetrators.

There are numerous examples where information provided by Neighborhood Watch participants has enabled police to solve crimes rapidly. On two different occasions in 1981, bank robbers were apprehended quickly because alert Neighborhood Watch members in areas adjoining the banks became suspicious and promptly called police with descriptions of the robbers and their getaway vehicles. Another dramatic example of the value of these neighborhood observers occurred in June 1982 when a woman was abducted at gunpoint and transported to a school parking lot, where she was sexually assaulted. Investigating officers contacted the local Neighborhood Watch members who had been patrolling the area of the school. These two alert men had observed a vehicle near the school and recorded its tag number. Follow-up investigation resulted in locating the vehicle and the arrest of a suspect within hours after the crime occurred. The same week that this event transpired, other Neighborhood Watch participants in two other areas of the County provided information which in one instance led to the arrests of five persons, closure of eight residential burglaries and recovery of a substantial amount of stolen property, and, in the other case, to the apprehension of two suspects within minutes of the daytime burglary of a home. On site arrests avoid long, costly follow-up investigations.

Another example of the effectiveness of Neighborhood Watch is provided by residential burglary statistics compiled by the Fairfax County Policy Department's McLean District Station. During an eight-month period covering late 1982 and early 1983, 177 burglaries were reported in areas without Neighborhood Watch programs, while only 60 were reported in Neighborhood Watch areas. The annual rate of burglaries per 100 residential units in non-watch areas was 1.06, while for Watch areas it was 0.65. This means that the annual burglary rate for non-Watch areas was one and one-half times the rate for neighborhoods with Watch programs. In non-Watch areas the annual rate would indicate one burglary for every 94 residential units, versus one for every 153 residential units in Watch areas. While these figures are for but one area of Fairfax County, they are indicative of what is behind the significant decrease in crime, especially burglary, recorded in Fairfax County in the last two years.

"I think the criminals have gotten the message that the risk of being caught in Fairfax County and being prosecuted is very high," Colonel Carroll D. Buracker, Fairfax County Chief of Police, said in commenting to the news media on the reasons for the decrease in crime. "Criminals get nervous. They don't know if there's a citizen watching who will call. The public's cooperation through Neighborhood Watch has helped tremendously."

The accomplishments of Neighborhood Watch and the contributions of these citizen volunteers have not gone unrecognized, both within Fairfax County and elsewhere. April 30, 1982 was proclaimed Fairfax County Neighborhood Watch Day by both the Fairfax County Board of Supervisors and the Governor of Virginia. On that date, more than 400 Neighborhood Watch leaders were honored by County officials at a banquet hosted by members of the County's business community anxious to express appreciation for the efforts of those who spend many daytime and nighttime hours on lonely tours of their neighborhood or quiet vigil by a radio base station and telephone. Fairfax County's Neighborhood Watch has received extensive national media attention, including coverage by U.S. News and World Report and the NBC and Mutual radio networks.

That those citizens are fully deserving of such attention and recognition as role models of volunteerism at its best becomes apparent when one considers that right now, in 1983, on any given day there are at least 1000 citizens in Fairfax County serving as eyes and ears of the Police Department, deterring crime through visibility and assisting in the apprehension of criminal suspects. Neighborhood Watch is an idea whose time not only has come, but also will endure.●

SURVIVORS OF THE HOLOCAUST

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. STOKES. Mr. Speaker, I would like to thank my colleagues, the distinguished gentlemen from New York, Mr. SOLARZ and Mr. GREEN, for taking this special order to honor the survivors of the Holocaust.

Today, almost 15,000 people have arrived in the city of Washington. These people are survivors—survivors of a Holocaust that ended less than 40 years ago when a way of life was almost lost. They represent only a portion of those that live in the United States and a smaller portion yet of those that survived their near destruction as a people. The survivors are here this week for many reasons: to seek family and friends, unseen for many years; to establish a museum, lest we forget the harsh sentence that once accompanied the crime of existence; and last, to thank America for extending to them the opportunity to rebuild their lives and regain their dignity.

Mr. Speaker, as they gather to express their thanks to the people of the United States, I, too, wish to take this opportunity to express my thankfulness for how the survivors of the Holocaust have enriched America. They have enriched America in many ways, foremost is that they have served as a reminder of the heights to which human spiritual strength will rise to defy oppression. These people demonstrated courage through their survival in the face of tragedy, unspeakable and unprecedented in both ancient and modern times. America thanks every one of these survivors for the inspiration each one has provided for Americans in our own troubled times.

They have enriched America through emphasizing the value of freedom by virtue of the price they paid for it. The high cost of freedom and democracy is not confined to the past, but is something that needs to be attended to on a daily basis if America

is to endure as a refuge both for her own citizens and for newcomers. It is appropriate that this reunion is taking place in the city referred to as the "Capital of Democracy."

The Holocaust survivors have also enriched American life through the talents they brought to this Nation and through the hard work they exhibited as they played important roles in American cultural, social, economic, and political life.

Mr. Speaker, what better way to recognize the many contributions of Holocaust survivors to America than to dedicate the Holocaust Museum which now takes shape a short distance from our Capitol? This museum will serve as a reminder to future generations of both Americans as well as other peoples of the world that the past will not be repeated due to forgetfulness. Nor will we forget the words of Hillel Bavli, who adopted America as his home. Of his people, he wrote:

"We have served our God while alive."●

COVERT ACTION IN NICARAGUA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MILLER of California. Mr. Speaker, March 24, 1983, 36 of our colleagues in the House and I addressed a letter to President Reagan expressing our concerns that fighting between anti-Sandinista insurgents in Nicaragua and troops of the Nicaraguan Government could provoke a war between Nicaragua and Honduras. Our concern was heightened by press reports over and over again that the Central Intelligence Agency was engaging in covert operations against Nicaragua, through support for the Honduran-based anti-Sandinista elements. Our concerns about covert action led the Congress to adopt the Boland amendment last December, which prohibits the funding of persons or groups who seek to overthrow the Nicaraguan Government, or provoke a military exchange between Nicaragua and Honduras.

I am deeply concerned, as are many of my colleagues, about articles which have appeared almost daily in our Nation's press that appear to establish a direct link between the U.S. Government and the covert war being waged against Nicaragua. The war, incidentally, is not covert in Nicaragua, where many have died as a result of incursions by anti-Sandinista fighters. Nor is the war covert in Honduras, where thousands of the insurgents are apparently based, posing a growing challenge to peace and the stability of democratic rule.

The war in Nicaragua is covert and hidden only from the American public and the majority of the Congress. Each and every day, Congress is in the position of reading in the newspapers about the activities being funded by our intelligence agencies. And with the exception of the Intelligence Committees, Congress is unknowingly funding the training and equipping of the insurgent forces. Most disturbing of all, it appears that actions by our Government could be indirect violation of U.S. law.

Mr. Speaker, our Intelligence Committees are in the position of overseeing and monitoring U.S. covert activities as reported by the administration. To maintain the full confidence of all of our colleagues, I urge them to exercise the strictest vigilance, especially as it relates to legislation adopted by this entire body.

The text of our letter to President Reagan and an article on covert action appearing in the New York Times follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 24, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are writing to express our deep concern about published reports that thousands of heavily-armed insurgents have entered Nicaragua from Honduras. There have also been press reports of a build-up of Honduran troops along the Nicaraguan border. Leaders from both Nicaragua and Honduras, most recently during an emergency meeting of the United Nations Security Council, have exchanged charges that the other side is about to invade. The climate of heightened tensions and escalating military activity inside Nicaragua raises, we believe, the threat of direct conflict between Nicaragua and Honduras.

Press reports over the past year and a half have suggested that the Central Intelligence Agency has engaged in covert operations against Nicaragua, and that these activities include the support of anti-Sandinista elements based in Honduras. We believe that U.S.-supported anti-Nicaraguan forces may be involved in the current hostilities. If this is the case, we believe this support is a violation of the Boland amendment to the Department of Defense Appropriations bill adopted last December.

As you may recall, the Boland amendment specifically prohibits the funding by the CIA or the Department of Defense of any group or individual for the purpose of overthrowing the government of Nicaragua or of provoking a military exchange between Honduras and Nicaragua. We believe that the current attacks inside Nicaragua are creating a climate in which open hostilities between Nicaragua and Honduras are a distinct possibility.

We urge you to act in strict compliance with our domestic legal obligations as well as those embodied in the international charters of the United Nations and the Organization of American States.

We support a policy in Central America that seeks reconciliation among opposing forces and minimizes the potential for interstate conflict. We believe that our national interests lie in promoting peace in the region.

Sincerely,

George Miller, William Clay, Martin Olav Sabo, George W. Crockett, Jr., Bruce R. Vento, Dale E. Kildee, Dennis E. Eckart, Charles Schumer, Jim Slattery.

Edward Feighan, William Gray, Sander M. Levin, Sam Gejdenson, Bruce A. Morrison, Ted Weiss, Parren J. Mitchell, Barney Frank.

Jim Shannon, Bill Ratchford, Gerry Studds, Anthony C. Beilenson, Pete Stark, Barbara A. Mikulski, Tom Downey, Norman Dicks, Robert J. Mrazek, Leon Panetta.

Pat Williams, Ronald V. Dellums, Ed Markey, John Seiberling, Julian C. Dixon, Tom Harkin, Michael D. Barnes, James L. Oberstar, Jim Leach, Richard Ottinger.

[From the New York Times, Apr. 3, 1983]

U.S. TIES TO ANTI-SANDINISTS ARE REPORTED TO BE EXTENSIVE

WASHINGTON, April 2.—A Honduran who was directly involved in planning American covert activities reports that the United States has been giving intelligence assistance and military advice in Honduras to forces fighting the Sandinist Government in Nicaragua.

According to this Honduran, the United States was extensively involved in training and arming the paramilitary forces before they recently entered Nicaragua from Honduras.

The information supplied by the Honduran in a series of interviews over the last few days was confirmed in large measure by two Senators on the Senate Intelligence Committee and a highly placed Reagan Administration official.

In its detail, the information supplied by the Honduran suggests a mosaic of American covert activities that Administration official acknowledge is apparently having the effect of supporting the current insurgency in Nicaragua. The political and military leaders of the anti-Sandinist forces have openly vowed to overthrow the Government.

Administration officials, say, however, that the United States' objective in Nicaragua is to harass, not overthrow, the Government. A law passed by Congress last year prohibits United States support of efforts to topple the Sandinist Government.

Administration officials say the United States' involvement does not mark a shift in policy, and they maintain that the support for the anti-Sandinist forces, although increasing, remains consistent with the original intention of blocking arms shipments from Nicaragua to guerrillas in El Salvador.

The conflicting descriptions of the purpose of the American involvement may reflect the difficulty inherent in trying to manage foreign paramilitary forces in a highly volatile region.

Several senators on the Senate Intelligence Committee, reporting that their colleagues had grown increasingly uneasy in recent weeks about the American role in Honduras and Nicaragua, said the Central Intelligence Agency had overestimated its ability to control the anti-Sandinist forces. As a result, they said, it appeared to have been been drawn into underwriting more ambitious operations than it intended.

The Honduran informant has close ties to the Honduran military as well as American diplomatic and military officials in Tegucigalpa and was directly involved in joint military planning until early this year. He said that to his knowledge no Americans were operating inside Nicaragua with the insur-

gents. He described these covert American activities:

Providing frequent intelligence reports to the insurgent forces about the movement of Nicaraguan Government soldiers as well as the location of Nicaraguan tanks and artillery.

Training and arming the paramilitary forces, including the shipment of planeloads of arms and ammunitions in August 1982 to Moskito Indian units in eastern Honduras. More than 50 United States military advisers, most of whom were of Hispanic background and did not dress in uniforms, trained paramilitary units in Honduras last year. The C.I.A. and the Pentagon refused to comment on these matters.

Providing underwater equipment and explosives to Argentine-trained sabotage teams that were infiltrated into Nicaragua earlier this year and blew up port installations in Puerto Cabezas in Nicaragua. The C.I.A. and the Defense Department declined to comment.

Honduran source said the intelligence reports are based in part on information collected by planes manned by United States Air Force personnel that make regular reconnaissance flights along the Nicaraguan-Honduran border as part of an intelligence-gathering operation with the code name Royal Duke.

The reports are given to the Honduran military with the understanding that they will be shared with the commanders of the paramilitary forces, he said. The C.I.A. and the Defense Department refused to comment on the Air Force operation or other intelligence-gathering efforts.

THE PRETENSION IS OVER

The activities described by the Honduran source would indicate a far deeper level of American involvement in the Nicaraguan conflict than the Reagan administration has publicly acknowledged. The Administration, while refusing to deny a covert American role in the fighting, has portrayed the conflict in Nicaragua as a factional dispute between different elements of the coalition and seized power from Gen. Anastasio Somoza Debayle in 1979.

The Honduran informant said the "real objective" of the operation in Nicaragua "is to overthrow" the Sandinists. He added that "the pretension is over" that the United States was interested only in harassing the Sandinist Government.

Although he is troubled by the Marxist orientation of the Sandinists, he said, he is more concerned that the current hostilities in Nicaragua may expand into a war between Honduras and Nicaragua.

The Honduran said the United States Ambassador to Honduras, John D. Negroponte, and the chief of the Honduran military, Gen. Gustavo Adolfo Alvarez Martinez, were "the brains behind the operation."

"They were, and they still are," the informant said, referring to the role the two men played during the planning of the operation and its execution. He said the two met daily to discuss the progress of the war, including strategy. Mr. Negroponte has refused to comment on such reports.

THREE COMMAND CENTERS

The Honduran said the operation was being directed from three command centers. He said the rebels' command center was in the southern part of Honduras, and two or three liaison officers from the Honduran military were assigned there. The Honduran military high command directs the operation from its regular headquarters in Tegucigalpa and the United States participation is directed out of the American Embassy, he said.

The three-tier system is apparently part of an effort by the American mission in Honduras to remain insulated from direct contact with the anti-Sandinist forces now that the irregular troops are operating in Nicaragua. C.I.A. officials have cited the system to Congress as an example of how the agency has organized its operations to remain in compliance with the law, according to two members of the Senate Intelligence Committee.

According to the Honduran informant, the United States is most active in gathering intelligence information about activities inside Nicaragua. He said the United States was supplying the Hondurans with surveillance photographs, tapes of intercepted communications between Nicaraguan leaders, and other raw intelligence information.

The official said 15 to 20 United States Air Force pilots and technicians based in Honduras conducted frequent reconnaissance flights as part of Operation Royal Duke. He said the men were not permitted to write their families or inform anyone about their activities or location.

TWO TWIN-ENGINE PLANES

The men operate two Beechcraft Queen Air twin-engine airplanes, according to the official. He said these planes were loaded with electronic equipment, and the operation was part of the C.I.A.'s intelligence-gathering efforts in Central America.

The Defense Department declined to comment on whether Air Force pilots and technicians were present in Honduras. For the record, the Pentagon has stated that there are 43 military trainers and six support personnel in Honduras.

According to the Honduran, the rebels' military plan calls for them to gain control of either Jinotega, in the northwestern part of Nicaragua, or Puerto Cabezas, a Caribbean port, and then to install a provisional government.

He added that the Honduran military had plans to airlift supplies, troops and provisional government leaders into either of these cities.

AN INDIAN SABOTAGE RAID

As a prelude to the effort to seize Puerto Cabezas, the official said, a team of Miskito Indians trained as frogmen sabotaged the port installations last January. According to the source, the Miskitos had been trained in underwater demolition techniques at the island of Vivorillo off the east coast of Honduras. He said they had been trained by Argentines, and the equipment and explosives used for the sabotage mission had been supplied by the United States.

According to the Honduran, nearly all the weapons and equipment being used by the anti-Sandinist forces have been supplied by the United States.

He said, for example, that last August numerous United States C-130 cargo planes "full of weapons" landed at Puerto Lempira, an eastern Honduran city, and that the weapons were then distributed to the rebel forces. He said these planes had arrived after joint exercises in the area involving the United States and Honduran Armies. "Because of the exercise, they figured that the planes would not attract notice," he said. The Pentagon again declined to comment.

WE JUST OPENED THE DOORS

In addition, he said, at the end of the exercises the United States forces left most of their equipment behind. In previous exercises, he said, the Americans took their equipment when they left. The official said this equipment also went to the anti-Sandinist forces. There was no comment from the Pentagon.

Other weapons were supplied to the rebels by the Honduran Army—"we just opened the doors" of warehouses, the official said—with the United States, in turn, resupplying the Honduran Army.

He said the rebels began moving weapons and supplies into Nicaragua last November. He said there were three phases to the movement of supplies. First, he said, the United States would deliver the supplies into Honduras primarily by air. Next, the Honduran armed forces would move them to the border by truck. And, finally, the rebels would pay individuals $10 a kilometer to carry them, sometimes loaded on mules, into Nicaragua.

According to the Honduran informant, American military personnel began training the anti-Sandinist rebels in late 1981. He said about 55 American soldiers were involved in the training, adding that they were not part of the regular United States military advisory group in Honduras.

He said the presence of the American military personnel went largely unnoticed because they blended in with the Honduran population. He said most were of Cuban, Mexican, Puerto Rican and other Hispanic backgrounds, spoke Spanish and did not wear uniforms.

U.S. AND ARGENTINE INSTRUCTORS

Most of the training the Americans provided was at Lepaterique, a few miles west of the capital, according to the source. He said this was the main camp for training the rebel commanders. Rebel soldiers were trained at five or six other camps in Honduras near the Nicaraguan border.

The source said Argentine soldiers provided the training in these other camps, which the Americans visited for short periods.

The Honduran source said the decision to shift the operation from one of harassment to one of trying to overthrow the Sandinists was made jointly by Honduran and American officials in Tegucigalpa.

According to the source, approximately 5,000 rebels have entered Nicaragua from training camps in Honduras. One of the largest infiltrations was on Dec. 30, 1982, when according to the source, five columns, each with 5 Miskito Indians, crossed from Honduras into the eastern part of Nicaragua.●

THE TRAGEDY OF CHILD PORNOGRAPHY

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PASHAYAN. Mr. Speaker, earlier this year I introduced H.R. 2106, a bill to strengthen law enforcement in the areas of child exploitation and pornography. By removing two major legal obstacles to the prosecution of child pornographers, H.R. 2106 will reduce the number of children exploited as models for sexually explicit materials, exploitation that experts agree leave such youngsters with emotional

scars they often carry for the rest of their lives.

The depth and seriousness of the problem of child pornography was graphically described in an article in the April 1983 issue of Ladies Home Journal entitled "Innocence for Sale." I should like to insert the full text of that article in the RECORD:

[From the Ladies Home Journal, April 1983]

The first time Sunny appeared in a pornographic magazine, she was about 6, a towheaded youngster with a toothless grin and wide, innocent blue eyes. Detectives in the Indianapolis Police Department's child porn unit nicknamed her "Sunny," because she was such an obvious contrast to the other children whose pictures crossed their desks. Sgt. Tom Rodgers, head of the unit, remembers, "This kid's smile was real."

Her strikingly childlike expression is an unchildlike pose alerted police that this little girl's victimization had probably just begun. If she were lucky, she'd be identified before the assault on her young mind and body twisted her grin—and her life.

But Sunny wasn't found. In the next few years, she appeared in more pornographic magazines and films, and her smile changed to a half-smirk, a look that might have been a comic parody of seduction were it not worn by a youngster photographed in a sexual encounter with an adult male. By the time she was about 14 and beginning to develop into a young woman, she was the filmed object of increasingly savage sadomasochism.

Police officers report they haven't come across any pictures of Sunny in more than a year. That's not surprising since she's reached the age when models are routinely discarded for younger children. If her life parallels statistics, Sunny, not yet 16, is walking the streets as a prostitute.

Julie Rich was a chatty 3-year-old with an expanding vocabulary. Her latest acquisition was "butt," a word that puzzled Julie's mother since it wasn't one she or her husband were likely to use. Then one day, while talking about James Meacham, the owner of Isabel's Nursery School in Los Angeles, where she spent the mornings, Julie announced: "James took pictures of my butt today."

Diane wanted desperately to believe her child was confused. But when she questioned Julie further, the little girl demonstrated positions she was forced to take for the photographs—and Rich's worst fears were confirmed.

Around the same time, parents of other children who attended Isabel's heard similar stories from their youngsters, and the police were notified. When Meacham, a middle-aged man with a doctoral degree, was finally arrested, police confiscated more than two thousand pictures of boys and girls between the ages of two and five, including nude pornographic shots of giggly little Julie Rich.

Johnny Atwood was a troubled kid. The 13-year-old couldn't get along with his real father (his parents were divorced), and he was having difficulty adjusting to his stepfather. So when Johnny was hired by Donald Glaser, a United Church of Christ minister, to help with home repairs, his mother was delighted. Perhaps the Reverend would have a positive influence on the boy.

But young Johnny's troubles had only just begun. Two months after he accepted the job, his parents became suspicious of gifts and money he had received, They questioned him, and the boy eventually broke down and told the truth. He had been the willing prey of the charismatic clergyman who convinced him that posing in homosexual acts was no more than an easy way to earn big money fast.

When the police arrested the minister, they found a diary and a photo album chronicling 13 years of encounters with young boys.

Unfortunately, these aren't isolated cases. Two teenage girls in rural New Jersey narrowly escaped death last year when a man, jailed for soliciting their participation in child pornography, tried to have them killed so they couldn't testify against him. Law enforcement officials estimate that as many as 1 million youngsters—ranging in age from 16 to under a year—are sexually molested and then filmed or photographed, either for the abuser's own pleasure or for a profit. Many of the young victims, like Sunny, are never identified and are subjected to every form of sadism and bestiality. One magazine, Baby Sex, shows 6-month old infants in sexual acts with adults. Some audio tapes, complete with descriptive narrative, record the screams of a little girl being raped.

"This sickness exists," says Father Bruce Ritter, founder of New York's Covenant House, a nonprofit youth shelter, "because a small segment of society wants it, another segment profits by it, and the rest aren't doing anything about it. Maybe we don't know enough—or care enough."

Who are the child pornographers? Often they are people who profit from the sickness of others. There are disturbed, immature people called pedophiles who cannot relate to other adults sexually, but can only receive sexual satisfaction by having relations with children. Pedophiles are excited by seeing children in stimulating poses. Child pornographers realize that a great deal of money can be earned by catering to these perverted tastes. Dana E. Caro of the criminal investigation division of the Federal Bureau of Investigation has testified that most child pornography material available in this country was originally produced for self-gratification by individuals or groups of pedophiles. Commercial photographers and distributors of child porn pose as pedophiles in order to obtain these sexually explicit photographs of children free of charge. The commercial pornographers then sell the photographs, which are published in child porn magazines.

Children become ensnared in child pornography in many ways. Commercial operators may pick up youngsters who have run away from home. According to police, the pornographer's favorite subject is the attractive, well-scrubbed, smiling child, the more innocent-looking the better. Pedophiles may kidnap and molest a child, then take photographs for their own use or to pass along to friends. Other children may actually be exploited by their own parents. Every child is a potential victim.

Even children from happy homes may be lured into the vile business by someone familiar, someone they're supposed to respect. The toddlers who kissed their mothers good-bye at the entrance of Isabel's Nursery School had been taught to be "good little boys and girls" and obey the teacher. Jacqueline Connor, head of the sexual crimes program in the Los Angeles county district attorney's office, says she gets at least one complaint a week that youth leaders, camp counselors, baby sitters or other people in positions of authority are involved in some form of child molestation, including pornography.

Since the predator is often someone parents trust, they easily miss signals that something is wrong. "When Jenny complained that she didn't like her gym coach," recalls one mother, "I snapped that if she did what she was told she'd get along with her teachers." Jenny, however, stuck to her opinion of the coach and stayed away from him. He was later fired for asking children to pose nude.

Pornographers get children to pose through insidious methods, including blackmail. When two young girls in Chicago accepted a job modeling jeans, one of their mothers went to the first session to be sure everything was legitimate. But after several weeks, the girls were coaxed into modeling bathing suits with the bribe. "We won't tell your mom. This will be extra money you can pocket." Next came nude photos, and by the time they were asked to pose for hardcore pornography, their photographer had them cornered. "He told us that if he showed our parents the nude photos, they'd believe we had done the rest anyway," one of the girls reports. "I was really ashamed to let my folks see those pictures."

The seducer is also quick to prey on a child's vulnerabilities. For instance, Ellen Crandon, 14, had recently been diagnosed as diabetic and was coping with the anxieties the disease produces in addition to the usual traumas of adolescence. She began to confide her personal feelings to a family friend, Senne Brookshire, 53, who was always a kind, patient listener. He had to be. It took more than a year of kindness and grandfatherly attention before he had so ingratiated himself that he caught Ellen sufficiently off guard to molest her and take pictures.

Brookshire then swore Ellen to secrecy, convincing her that she was at fault, that her parents would never forgive her and that her father would probably wind up in prison for trying to kill him as revenge. For months, Ellen kept her awful secret to herself. However, when she found out that Brookshire had also molested her 12-year-old sister, she told her parents about their trusted friend.

PSYCHOLOGICAL DAMAGE

But telling the truth is not always easy. Ellen has been in therapy for several years trying to deal with the after-effects of sexual abuse.

The psychological damage to children can be serious—and long term. Johnny Atwood was so shaken by his encounters with the Reverend Glaser that he had to be placed in a resident adolescent psychiatric facility. Two years later, he still needs counseling. Several years after the incident at Isabel's Nursery School, one little boy still cries out in the night, "He's going to kill me! If I tell, he'll cut me up!"

According to Ann Burgess, at Boston City Hospital, who has studied children involved in pornographic exploitation, many of the youngsters, withdraw, avoiding all social contact. She believes that the secrecy demanded by the pornographers leaves children feeling that they are society's outsiders and increases the chances they'll turn to antisocial behavior such as truancy, alcohol and drug abuse.

Still worse, "Some of these youngsters never get back into the mainstream," says Frank Osanka, a social psychologist in Naperville, Illinois, and a leading specialist in the prevention of sexual exploitation of

children. "By the time they are fourteen and no longer young and 'attractive' enough to pose, they have accepted the pornographer's brainwashing—that they are no good—and so they go on to a deviant lifestyle."

Also, there is a tendency in some police departments and even among some parents to think of youngsters as participants rather than victims in pornography. Particularly if the child is older, people are judgmental. In turn, the child hears an adult definition of pornography as crime, and begins to think of himself as a criminal. The terrifying reality is that relatively few child pornography victims are identified. So there may be hundreds of thousands of youngsters, alone, coping with their own interpretations of whether they are "good guys" or "bad guys" in society.

In many cases, a youngster's pornographic experience will color future attitudes about sex. According to Dr. Osanka, the child tends to blame himself, not the adult, and thinks "There must be something wrong with me." "That conviction," says the psychologist, "can lead to promiscuity, or it can cause some youngsters to grow up believing sex is bad." Psychiatrists note that, as victims get older, some have difficulty synchronizing the physical, emotional and psychological dimensions of marriage. "Sex may become the victim's only form of expression," says Dr. Burgess, "or it may become separate from feeling."

Sex may also become a bartering tool. "Pornographers teach children to be manipulative," Dr. Burgess warns. "Even a five-year-old can be programmed to use sex to acquire recognition and attention." The child learns that sex is something to be given in exchange for favors—anything from ice cream to a ten-speed bicycle. Kathy Johnson, one of the Isabel Nursery School parents, reports that after her 3-year-old son left the school, he tried to get his way at home by giving his mother a "French kiss."

In addition to the trauma of being sexually molested, a child who's been photographed or filmed must cope with another fear: Will the obscene pictures or movies show up again? A youngster may know that the material still exists and that he or she has no control over its future use. The child's own imagination, plus any suggestion of blackmail the pornographer may have made, becomes a constant threat to the youngster's happiness. "One photograph," says Dr. Osanka, "can haunt a child for a lifetime."

For instance, Margie, a shy 9-year-old, was lured into a pornographic session by a Little League coach who used provocative pictures of Brooke Shields as a child to entice her. Although the coach has been convicted, not all the photos of Margie were found. Recently she refused to go to her school's open house because she dreamed her teacher had the missing photographs displayed for everyone to see. "No one in her school has any idea what went on," her mother says, "but she has nightmares just the same."

While children like Margie suffer, pornographers make huge profits. A magazine of obscene pictures of children can be produced for fifty cents and sold for as much as $12.50. Overall, the kiddie porn industry is estimated at half a billion to a billion dollars annually.

The pornographers work in back rooms, garages and motels in every size community across the country. In 1981, an FBI investigation of a film developer in Syracuse, New York, uncovered truckloads of child smut for customers in such diverse places as Chicago and Swansboro (North Carolina), New York and Gardner (Montana).

Even those who deal in adult pornography are incensed at the proliferation of material using children. "This is a monstrous crime," charges Joe Steinman, chairman of the Essex Group, an "adult film" conglomerate. "It bears no similarity to adult media, which features consenting people of legal age. Children don't have a choice—they're exploited." Steinman, who is vice president of the Adult Film Association of America reports that the national organization voted unanimously to oust any member involved in child porn.

PORNOGRAPHERS' ALLIES

Nevertheless, those engaged in the sexual exploitation of children have some powerful allies. In Los Angeles, the Rene Guyon Society, which claims 5,000 members, is made up of doctors, lawyers and other men and women in respected, influential positions who believe that young children should experience sex. The group, whose slogan is "Sex by age eight, or it's too late," use child porn to stimulate youngsters.

The North American Man-Boy Love Association (NAMBLA), a homosexual group, has chapters around the country, an emergency defense fund for members arrested for molestation, a prisoner support committee and a lending library of what they call "boy love literature." Last December, police officials raided a cottage in Massachusetts that they believed was used by members of NAMBLA, and found photographs, some of which they say showed young boys in sex acts with men. In the past, NAMBLA has taken positions on a variety of issues, including the military draft, and consequently received support from some student groups and gay organizations.

In recent years, there have been moves to crack down on child pornography. In 1978, the Protection of Children Against Sexual Exploitation Act was signed to halt the production and dissemination of pornographic material involving youngsters. Since then, the FBI reports 428 investigations under the provisions of the Act, leading to thirty-three indictments and twenty-three convictions. Last year, the U.S. Supreme Court held that the dissemination of pornography using children is illegal regardless of whether the material is judged legally obscene. The ruling upholds laws in twenty states and paves the way for other states to enact stronger legislation. Also, the Missing Children's Act, sponsored by Senator Paula Hawkins (Rep., Fla.), was made law last year, allowing a national computer to be used to help trace children reported missing.

But despite these moves, law-enforcement efforts are too often fragmented. Civil, criminal, local and federal codes differ, and three federal bureaus—postal, customs and FBI—have jurisdiction over child porn. Local police, who are usually ill-equipped to track down the offenders, frequently claim that the FBI doesn't do enough, while the FBI says it needs expanded authority. "Right now," says Sean McWeeney, chief of the organized crime section, criminal investigative division of the FBI, "we get involved when there's evidence of a large operation. But it's the small-town operator who contributes to the massive business in child pornography."

Part of the enforcement problem is that many children are too frightened to come forward, and many parents are unwilling to press charges. Sometimes, they refuse to face up to the full implications of what has happened. When a Boy Scout leader in Louisiana was arrested on child porn charges, parents wouldn't testify, reasoning: "He was the best Scout leader we ever had." Some people regard an abused youngster as suddenly "sexual." For instance, last year one judge dismissed a charge of sexual molestation, calling the 5-year-old girl involved "provocative."

In addition to overcoming bias and getting cooperation from parents and victims, a strong legal case also requires concerted efforts by law-enforcement officials. In Los Angeles, according to Connor of the D.A.'s sexual crimes program, her office and the police department's sexually exploited child unit worked hand in hand for more than a year in preparing the case against James Meacham, the owner of Isabel's Nursery School. Meacham was eventually tried on eleven counts of molestation and received a 26-year, 8-month sentence, just short of the 28-year maximum.

In most cases, however, the courts tend to be lenient. For example:

Donald Glaser, the minister who seduced Johnny Atwood, was put on probation and sent back to an unwary community to do two hundred hours of community service. Johnny's mother, who was reluctant to testify for fear of exposure, but did so to keep the minister off the streets, now wonders, "I risked my son's reputation, his peace of mind, and for what?"

Senne Brookshire was out on probation for child abuse when he molested the Crandon sisters. After his arrest, he was released on bail and soon molested two other children. Police estimate he'll probably have to serve only four and a half years of his current seven-year sentence.

Judges who hand out easy sentences are often swayed by a defendant's willingness to seek psychiatric counseling. They assume psychiatry is equipped to help a molester reverse his sexual deviation. Most psychiatrists, however, claim there's no satisfactory treatment.

Overall, child pornography tends to be a low priority with police and politicians. A few years ago, Dr. Judianne Densen-Gerber, a noted child advocate, tried to get White House involvement by approaching then President Carter for help in curbing sexual abuse of children. "He told me I represented a special interest group," she charges.

The persistent child advocate hasn't given up. She's collecting one million signatures appealing to President Reagan to declare children the nation's first priority.

Dr. Densen-Gerber believes that the laws already on the books aren't being implemented. She says, "I've heard district attorneys say they can't concern themselves with naughty pictures when they have murders to deal with."

Such an attitude, however, indicates ignorance. These sexually lewd pictures harm society as a whole. All children become more susceptible to violence. "There's a ripple effect," says Kristin Cole Brown, information director of Child Find, a nonprofit agency devoted to locating missing youngsters. "Kiddie porn readers may be incited to abduct and rape a child." To stop these crimes against children and put this double-x-rated industry out of business will take the combined efforts of concerned community leaders, law enforcement officials—and parents.

Senator Arlen Specter of Pennsylvania, who chairs the subcommittee on juvenile

justice, agrees that tougher sentences are needed, and says law enforcement should initiate an intensive program to acquaint parents with the dangers of child porn. "We've got to make it expensive for these criminals to do business," he argues. "If we accept the findings that abused children often become child abusers, we have to see that ignoring this issue is setting up a pattern for future violence against yet another generation."●

A NEW POLITICAL LANGUAGE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, I have noticed that there is a new political language. I hereby offer to our colleagues some definitions from that language:

When a Republican administration seeks to get rid of Government officials who are either unable or unwilling to carry out administration objectives or have a secret political agenda of their own, contrary to the administration's views, we say the administration has a "hit list."

But when a Democratic administration performs the same function, we say it is "engaged in helping the President to carry out his mandate."

When a Republican President states that religious organizations have a duty to get involved in the political process, this is called an appeal to religious bigotry.

When a Democratic President does the same thing, we are told he is "acting in the spirit of the great religious teachers."

When citizens and groups contribute to Republican campaigns, this is called undue influence and political payoffs.

When the National Education Association uses all its resources to elect a Democrat as President and is then rewarded by that President by the creation of a Department of Education, this is called the democratic process at work.

When a Republican President asks for reduced rates of growth in nondefense spending, this is called a disastrous, inhuman cut, made without compassion or concern.

When Democrats ask for drastically reduced rates of growth in defense spending, this is called a rise in defense spending and we are to be thankful for it.

When a Republican President presents a zero-option approach to disarmament and then modifies it to include an interim solution, this is called a sign of obstinacy and rigidity on his part.

When Democrats say they will accept a freeze now and only a freeze, this is called concern for mankind.

When Republicans try to make certain that the administration is staffed by those willing to carry out the President's program, this is called political partisanship.

When Democrats do the same thing for a Democratic President, this is called the political system at work.

When Republicans say that Marxist-Leninist movements are totalitarian in nature and never should be allowed to take power if we can help threatened governments, this is called cold war tactics.

When Democrats demand that we cut off all aid from any government fighting Marxist-Leninist so long as that government has human rights violations—never mind what the Marxist-Leninists do—this is called diplomacy in the great tradition.

It is not yet 1984, Mr. Speaker, but as you can see, George Orwell's "Newspeak" has already begun.●

SIPSEY WILDERNESS ADDITIONS ACT OF 1983

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FLIPPO. Mr. Speaker, I am reintroducing today the Sipsey Wilderness Additions Act. This bill is identical to the legislation reported by the Committee on Interior and Insular Affairs and the Committee on Agriculture last year as part of the Alabama Wilderness Act of 1982. The House passed the Alabama Wilderness Act by a vote of 354 to 49 on August 4, 1982.

In 1974 Congress enacted the Eastern Wilderness Act which designated 12,000 acres within the William F. Bankhead National Forest in Alabama as the Sipsey Wilderness. The legislation I am introducing today would expand the Sipsey Wilderness by designating an additional 28,500 acres located adjacent to the Sipsey as wilderness. The Sipsey Wilderness and the proposed additions are located entirely in Lawrence County, Ala., in the Fifth Congressional District which I am proud to represent in Congress.

The commercial forest land base in Alabama is the third largest in the Nation. Only Georgia and Oregon have more commercial forest land than Alabama. Two-thirds of the land in Alabama or 21.3 million acres are covered by forest. Some of this forest land located in the southern half of the State is among the most productive in the country. The expanded Sipsey Wilderness proposed in the bill I am introducing today of a little more than 40,000 acres would only amount to less than two-thirds of 1 percent of the total land area in Alabama and less than two-tenths of 1 percent of the total commercial forest land in Alabama.

Like most other Southern States, 75 percent of Alabama's commercial forest land is owned and controlled by thousands of nonindustrial private owners. Our forestry industry depends on free timber markets with many participants for most of its wood supply. Public forest lands account for only 1 million acres of the total commercial forest lands in Alabama. The expanded wilderness I proposed and approved by the House last August would amount to less than 5 percent of the total public forest lands in Alabama.

This legislation proposes to include in the National Wilderness Preservation System approximately 28,500 acres, encompassing a network of canyon-enclosed streams and tributaries flowing directly into the existing Sipsey Wilderness Area, and culminating there in the formation of the West Fork Sipsey River. The protection thus afforded to a virtual entire watershed benefits our State and Nation by preserving a complete ecosystem harboring a nationally renowned refuge for unique plant and animal life; by assuring the permanent physical integrity of the beautiful West Fork Sipsey River, which has been designated by this Congress for study as a potential unit of the National Wild and Scenic Rivers System; and by helping maintain the purity of Lewis Smith Reservoir downstream, a major source of water supply for Alabama's largest city.

The canyons of the Sipsey, formed by tributaries slicing through massive, flat-lying sandstone beds, have long been recognized as a refuge for a unique diversity of life forms; 78 species of fish, including two unnamed, endemic darters, inhabit the Bankhead Forest's remote streams. The gorges and uplands provide habitat for 80 species of woodland birds, many of which must have hardwood to survive. The Sipsey has a full range of mammals, including not only abundant game wildlife, but also otter, mink, beaver, raccoon, opossum, shrews, bats, and—a true relic of ancient times—elusive evidence of mountain lion. The geology of the area is particularly remarkable, with precipitous cliffs and massive boulders revealing plant and animal fossils from the dim past.

But the Sipsey's greatest renown lies in its unique botany, resulting in part from the remarkable coincidence of three geographic regions, the Coastal Plain, Appalachian Mountains, and the Piedmont Plateau, and three frost zones in one area. In consequence, the deep, shadowy, and moist canyons harbor a plant fauna of unusual size, diversity, distribution, or rarity, some very demanding in habitat. Moreover, receding glaciers from the ice age have left within the narrow gorges a remnant of such northern trees as the Canada Hemlock and sweet birch, and 22 other plants which reach their

southern limit in the Bankhead National Forest.

The watershed is also a refuge for the kind of old-growth hardwood forest which once covered the Eastern United States, but which survives now only in such remote areas as the Sipsey's canyons. According to U.S. Forest Service data, hardwood trees over 60 years of age constitute the single most predominant type in the acreage here proposed for inclusion in the wilderness. A few of the most inaccessible canyons contain coves harboring virgin stands of both hardwood and conifer, notably hemlock. A visitor to the proposed wilderness sees a forest that is overwhelmingly old growth, naturally regenerated, predominantly hardwood.

Honeycombed by canyons, the land involved in this legislation is not appropriate for intensive timber production. In 1971, the U.S. Forest Service performed a hydrological analysis of the entire watershed of the proposed wilderness, and found that most of the acreage was inappropriate for intensive management due to a high erosion hazard and potential for intolerable soil damage on the steep slopes and floodplains. Indeed, according to current U.S. Forest Service data, less than one-fourth of the acreage included in their RARE II "further planning" areas here lends itself to intensive management, and this is restricted to the narrow divides between canyons. However, because the unique ecology of the canyons are dependent upon a water supply from slope wash and subsurface seepage from the divides, clearcutting, roadbuilding and other disruptive practices there can radically impact the canyons, flooding them in wet seasons and desiccating them during drought. Therefore, the physical integrity of both the existing wilderness, and the expanded wilderness as here proposed, dictate that all of the land involved in this legislation be included in the National Wilderness Preservation System.

In the Sipsey, abundant water and sheltering walls enclose an island of the past. Sheer sandstone cliffs, crowned with mountain laurel and filled with rare ferns and wildflowers, rear above the steep valley slopes. Hundreds of waterfalls cascade down the rock walls or plunge to the valley floors. Numerous rock shelters occur throughout the miles of gorges, and monstrous boulders lie shattered at the bases of the cliffs. Here indeed one finds outstanding opportunities for solitude and the primitive, unconfined form of recreation required by the Wilderness Act of 1964.

The Sipsey Wilderness Additions Act has received widespread support throughout my district and the State. The expansion of the wilderness area has been endorsed by every major newspaper in my district and throughout the State. It has also been endorsed by a large number of public officials throughout the State including the Governor, the Lieutenant Governor, the State attorney general, the secretary of state, the Lawrence County Association of Elected Public Officials, the Lawrence County tax assessor, the Lawrence tax collector, the local members of the State judiciary, and a wide spectrum of public and private citizens. I am pleased and proud to submit for the RECORD a letter from Gov. George C. Wallace in support of my plan to enlarge the Sipsey Wilderness.

Mr. Speaker, the Sipsey Wilderness Additions Act is the product of a great deal of hard work on the part of many Alabamians. The widespread interest in this proposal has enabled me to benefit from the advice and recommendations of large numbers of knowledgeable Alabamians with expertise in forestry, conservation, tourism, recreation, and education.

We have adjusted the boundary lines on the proposed Sipsey Wilderness additions at every opportunity to preclude designating private landholdings as wilderness. This was not an easy task.

Information provided to me by the U.S. Forest Service indicated that there were 23 private landholdings in the RARE II lands in Bankhead Forest. The owner of one tiny piece of private property, the Gum Pond Cemetery, was unidentified. By carefully drawing the boundary lines around the wilderness additions we were able to exclude 17 of the 22 private landholdings from the proposed wilderness area. Two of the remaining four landowners have indicated an interest in swapping their holdings for other forest land in the Bankhead National Forest. I am, of course, giving to support these efforts to swap land.

The two remaining private landholdings are located near or on the Northeast Road which will remain open to limited public use. All of the private landholdings in the area are small in size. It is worth noting that this bill does not provide the Forest Service with condemnation powers.

I urge the support of my colleagues for the Sipsey Wilderness Additions Act of 1983.

GEORGE C. WALLACE,
January 12, 1983.

Hon. JEREMIAH DENTON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR, I am writing to confirm my support for Representative Ronnie Flippo's legislation to enlarge the Sipsey Wilderness Area by some 29,000 acres, and to urge you to obtain Senate approval of the measure as quickly as possible.

Our Alabama Department of Conservation and Natural Resources has endorsed the Sipsey Wilderness expansion as representing minimum acreage which should be set aside for natural management of our forests and wildlife. Since only about 2/10 of 1% of Alabama's total forests will be contained in the enlarged wilderness, this certainly seems to be a reasonable proposal.

Also, I understand that the Sipsey expansion has been endorsed by outgoing Governor Fob James and his Bureau of Publicity and Information, as well as by Lt. Governor-elect Bill Baxley, Attorney General Charles Graddick, Secretary of State Don Siegelman, the Lawrence County Chamber of Commerce, State Representative Roger D. Dutton of Lawrence and Morgan Counties, the Alabama Mountain Lakes Tourist Association and many other Alabamians.

As an early supporter of the original Sipsey Wilderness Area, I am pleased to join in urging your support for the enlargement proposed by Representative Flippo.

Very truly yours,

GEORGE C. WALLACE.●

THE NEW LOBBYISTS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, if, when you hear the word "lobbyist," you think of a sly agent of big business, grabbing a politican by the lapel, dropping a cigar ash on his shirt and whispering some cynical advice in his ear, you are all wrong. Today's lobbyist probably is a white wine and brie cheese, limousine-liberal type who would not be caught 10 feet from a cigar and would not grab a lapel unless it was attached to a fashionable and expensive custom-made suit. That at least is what we must conjecture when we discover that the biggest spending lobby in Washington for the last quarter of 1982 was Common Cause, hardly a place where old-fashioned business lobbyists congregate.

At this point I wish to insert in the RECORD a very perceptive editorial on this subject published in the Peoria Journal Star, Wednesday, April 6, 1983.

THE NEW LOBBYISTS

Remember when the big spending lobbyists were automatically assumed to be U.S. Steel, General Motors, Exxon and such like?

Many people—including some current cartoonists—still imagine a lobbyist as a big bellied, cigar-smoking representative of Big Business.

But times have changed. Goodness! How they have changed!

The biggest-spending lobby in Washington for the last quarter of 1982 was Common Cause . . . a membership organization that calls itself the People's Lobby.

Close behind? Handgun Control Inc., a group organized to promote laws for the registration and restrictions on gun ownership—another cause-oriented citizen's group. Not far behind them is the Sierra Club—environmentalists; the Postal Workers's Union; the AFL-CIO; the Farm Bureau and the American Rifle Association.

The American Medical Association is also in the top 12 as well as is Farm Bureau, big companies are absent.

The "cause" gimmick is the biggest money-raiser in the lobby profession these days, far and away, this cause or that, pro or con. With computers and bulk rate postage, the appeal across country to people who share a like passion for or against this or that has become a major industry in itself, run by experts in the system of fundraising and cause promoting.

Defending the underdog has slipped quietly into an industry all its own, with big money coming in and very few expenses so that subscription groups or membership bodies dominate the lobbying devices in Washington today.

They all have this style of fund-raising in common—and they feed on controversy. Without controversy over their own chosen issue, they would die on the vine.

The old-time business lobbyists were viewed with suspicion and most were obliged to provide technical data to public officials—and woe to the one that gave false information.

The new style lobbyists are of a different sort. They are flat-out propagandists. They have to be. You can't get volunteers to contribute unless you go for the emotions. And they have not only more money to spend than the surviving business reps, but they have a Big Club in hand—all those members who are also voters and will get the newsletter that praises or damns this or that politician depending on whether he goes along or doesn't.

The problem of lobbying is not what group or cause is represented. The problem of the professional lobbyist is that he is one skilled at the techniques of bending government policy his way by exerting pressures within the legislative system.

It is a practice to be viewed with concern and suspicion today as before, regardless of the cause a lobbyist claims to be serving.

This is doubly true since the whole thing has become a special industry of its own, and there are situation where one has to wonder if the lobbyist is acting in the best interests of his dues-payers or in the best interests of his own profession . . . the lobbying industry, itself.

In that institution, real solutions to problems are deadly. Eternal controversy is what brings in the cash—and that is not a healthy condition when it is apt to become the real motive of some guy you think you are supporting to champion your cause . . . and from whom you expect to get truthful information.

That is a naive expectation in the circumstances.●

MR. JACK STAUFFER: CITIZEN OF THE YEAR

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. BERMAN. Mr. Speaker, I would like to commend Mr. Jack Stauffer on his recent selection as Citizen of the Year in the community of Arleta, Calif.

Jack Stauffer is a native Californian, but he did not get the same kind of start in life that most of us receive. He was raised in an orphanage during the depression, never having known his parents. However, he has found his place in his community, in his own way making a significant contribution to the area's youth, so that they might enjoy the advantages he was denied.

Jack Stauffer's hobby, Mr. Speaker, is helping people. He is the man who makes it possible for the Arleta Little League to exist. Although he seeks no recognition for his work, Mr. Stauffer takes care of the little league field, looks after the equipment, and generally assists in all possible ways. It is hard not to notice the contributions he has made.

It is for these reasons that the community of Arleta has chosen to honor Jack Stauffer at their annual parade to be held on April 17, 1983. I congratulate Jack Stauffer on this well deserved award, and wish him the best of luck in the future.●

REPORT ON NEW METHODS OF IMPRISONMENT: THE USE OF MILITARY PENAL CAMPS IN POLAND

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ZABLOCKI. Mr. Speaker, I appreciate your forwarding the recent report from the Committee in Support of Solidarity. The substance of the report disturbs me deeply because it underscores the growing repression of civil rights in Poland. Since November 1982, the Committee in Support of Solidarity reports that the Polish regime has forcibly conscripted thousands of Polish people into penal military camps: that 22 such penal camps now exist. Most are located in isolated forest areas but the exact locations are not known. Those incarcerated in these camps are individuals previously interned by the Polish authorities and later released as well as members of Solidarity suspected of union activities. Camp conditions are deplorable: Individuals live in densely crowded and poorly heated buildings; their food is unedible; their books and private papers have been confiscated; and they are not even permitted family visits. One escapee from a penal camp has alleged that the authorities in the camps—the Polish Peoples Army—have tortured conscripts.

Thirty-five signatories of the Final Act of Security and Cooperation in Europe in 1975 in Helsinki, Finland, pledged to uphold and observe the principles of that important treaty, including principle VII, basket I on human rights and fundamental freedoms. The current regime in Poland is clearly violating human rights and fundamental freedoms which its government pledged to observe: The rights of freedom of association and to form trade unions, the right to trial by jury, to due process of law, to life, liberty, and the security of the person.

So that the dimensions of this dreadful situation can be fully considered, I request that the report of the Committee in Support of Solidarity be inserted in the RECORD at this point:

Since November 1982, the Polish communist-military regime has been forcibly conscripting Solidarity members and activists into "military penal camps" under the jurisdiction of the Polish People's Army.

The existence of these penal camps is kept hidden by the Polish government and the camps are isolated from normal military bases. However, recent information received by the Committee in Support of Solidarity from underground Solidarity publications and from an individual who was forced to leave Poland February 17, 1983 under threat of military internment indicates that there are as many as eight thousand people in twenty-two such camps.

As of December 16, 1982, Tygodnik Mazowsze (Warsaw Weekly), an independent paper of the free trade union movement Solidarity printed underground, reported that there were already twelve penal battalions known to exist throughout Poland, with approximately five hundred conscripted in each. The bulletin of the Circle of Social Resistance (K.O.S.), published underground, reported at the end of January the existence of twenty-two camps. K.O.S. members have been investigating the penal camps and interviewing the members of families of conscripted soldiers.

Several letters from those in the camps and their family members, published in underground Solidarity bulletins, report the use of forced labor (mostly clearing of forests), bad living conditions, monitoring by army and police agents, interrogations, and the drafting of individuals with serious physical disabilities.

The aim of the regime is to isolate activists of Solidarity both from society and from regular army detachments. The majority of those conscripted were interned without charges during the state of war, December 12, 1981 to December 31, 1982, for a significant period of time. There are reports that a number of individuals who were interned for nearly one year were immediately conscripted for undetermined lengths of time upon their release from internment in November and December 1982 without regard to age, health, or previous military service.

The regime also used military conscription widely in November and December 1982 to thwart the eight-hour general strike called for November 10 and other protests planned for December. In one case, a witness reported that 600 workers from the Nowa Huta Steelworkers alone were conscripted on the morning of November 10.

The camps are usually located in isolated forest areas and their whereabouts and living conditions are kept secret from Polish society and the world public.

Several accounts state that those with severe physical disabilities are being drafted and employed in forced labor. Some of these "soldiers" have missing fingers, leg ailments, and heart problems. In one case troops were forced, as a form of punishment, to run three miles to attend roll call. Three to five people fell during the run with heart attacks; available medical facilities were inadequate. [See page 5 of "Internment in Military Penal Camps in Poland."]

The "soldiers" are guarded by special army and police units gathered from various security forces who have often been told that the new battalions are made up of common criminals.

In the enclosed documents, we include several accounts of the military penal camps published by Solidarity underground bulletins, an affidavit by a ranking Solidarity activist served with a draft notice, and a partial list of the military camps that we know to exist.

The Committee in Support of Solidarity believes it of the utmost importance that this gross violation of human rights devised by the communist-military regime in Poland be publicized as widely as possible. The government of the Polish People's Republic, which has used all means at its disposal to crush the free trade union Solidarity and all independent organizations, must not be allowed to act in silence and with impunity. We appeal especially to the United Nations Commission on Human Rights, the International Labor Organization, the International Committee of the Red Cross, and Amnesty International to take whatever action possible to defend those imprisoned in military camps.●

DR. BLAUSTEIN WORLD'S FOREMOST AUTHORITY ON CONSTITUTIONS INTERVIEWED

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FORSYTHE. Mr. Speaker, earlier this year, Dr. Albert P. Blaustein, a professor of law at Rutgers School of Law in Camden, N.J., was interviewed by the Washington Times newspaper because of his expertise as one of the world's foremost authorities on the constitutions of the world. He has personally assisted with the drafting or rewriting of six Third World country constitutions. The National Constitution Commission of Liberia has just now approved his constitutional draft for their country. I would like to share with you today Dr. Blaustein's February 9, 1983, interview with the Washington Times.

Q: How is it that you came to be involved with drafting the constitution of a country such as Liberia?

A: It started back in 1966 when the U.S. Information Agency asked me to buy a library of French and American law books which the Vietnamese could use as a backstop for drawing up a new constitution. The Vietnamese had asked for support from the United States in the sense of having various books dealing with the American Constitution, since that was the model they were interested in. Among other things, the Vietnamese asked for a French version of our constitution because this was the language of their professors.

After getting the books, I went to Vietnam to work with the development of a new Supreme Court, which also was to have been built on the American model. There I met with the people who had worked on the constitution using the books I sent and I realized the need to have a set of books which would have the constitutions of all the different countries in the world, so that one might pick and choose—get different ideas. That's when I started this book on constitutions of the world, which is now 16 volumes and growing.

Three years later, I met with Long Broet, the Prime Minister of Cambodia, in New York and he asked me to work on a new constitution for Cambodia. Unfortunately, Cambodia fell shortly thereafter and all the work I did there disappeared.

My third constitutional involvement was to help prepare a new constitution for Bangladesh after it gained its independence from Pakistan. It was a frustrating experience because Kamal Hossain had with him the constitutions of both Pakistan and India, and even though I had brought him the constitutions of many other countries to look at, he was constrained to have a British parlimentary structure such as existed in Pakistan and India. That's what their lawyers knew and were interested in.

Next I was involved in the new Peruvian constitution. What happened there, unfortunately was that the members of the legislature would say we need this and we need that, so the thing was put together like a prefabricated henhouse. There are duplications and contradictions which, if Peru had a judicial system like ours, would be declared unconstitutional. It seems that Latin Americans do not approach constitutions as legalistically as we do.

Then came my participation in hammering out the constitution of Zimbabwe, and after that came the Liberian experience.

Q: Since both Zimbabwe and Liberia are African nations, perhaps you could go into more details?

A: In Zimbabwe, Bishop A. T. Muzorewa was head of a black coalition, which had been elected to replace the white government of Ian Smith and draw up a new constitution. The Patriotic Front of Robert Mugabe and Joshua Nkoma was still continuing the war, but finally all the various groups agreed to meet at Lancaster House in England.

Q: What's Lancaster House?

A: That's where all the British colonies meet to hammer out their constitutions.

Mugabe and Nkoma came with their own lawyers and they spoke directly to the British government. Ian Smith had with him a coterie of lawyers who had worked on the previous constitutions of Rhodesia, and Muzorewa came with a group of black lawyers, including a Muslim from Canada. My function was to serve as someone who knew something about the Third World and could act as a computer on world constitutions.

Most of my work in Zimbabwe was overcoming the whites headed by Ian Smith who wanted to put things into the constitution which had to be beaten down in advance, such as wanting both the army and judiciary to be completely separate from the political process. That would not only be dangerous in terms of judges, it would be even worse in terms of the military. We had a big fight with Smith's lawyers about the right of the Prime Minister to appoint the chief of the armed forces.

In America, the Senate has to approve appointment of anyone the rank of general or above. But in a small country where there may not be so many generals, it might be preferable to modify that to apply to colonels and above.

Q: When you are starting from scratch like that, where do you begin?

A: There is no simple answer. In the Zimbabwe situation, Muzorewa felt that his people would be overshadowed in terms of constitutional experience by Smith's lawyers, so he called and asked me to come to London to help them, which I did.

Why did the people of Zimbabwe continue to fight against white rule? It wasn't because the white man was denying them habeas corpus or interfering with their right to privacy, they were fighting for land. In other words, at what point can you take property from the private owners and give it to the general public. This was something that was very important to the black groups. They wanted some constitutional right to property and were very wary of anything in there that might take it away.

I was frustrated a bit by Ian Smith whose intransigence caused much bad feeling and caused people to want to go to the opposite extreme.

Every once in awhile Africans say to me that this constitution was forced on the black majority. I say it wasn't forced, but we did make compromises in order to end the war, such as provisions which prohibit certain parts of the constitution from being amended for a set number of years. That raises an interesting question: Can you put something in the constitution that says a certain part cannot be amended?

Q: Isn't that just a temporary freeze to help stabilize a volatile situation

A: Yes.

Q: Then it's not altogether bad.

A: No, it's not. Interestingly, in South Africa there is one thing in their constitution that is frozen; everything will be in both English and Afrikaan. That bi-linguistic right cannot be changed.

Q: What about your work on the Liberian constitution?

A: The reason I'm so excited about the Liberian experience is because I've never met so many people who were open to new ideas.

If you recall, the government of William Tolbert was overthrown by a military group headed by then Master-sergeant Sam Doe, who said that he was not desirous of dictatorial powers but wanted to return the country to civilian rule as soon as possible and create a national commission to write the constitution. I had met Winston Tubman, the ambassador of Liberia to the U.N., and he recommended me to the commission.

We immediately started a survey, traveling all over the country to question people about what they wanted and did not want, how they would like to see things change and so forth.

This data was sent to me at my office in Rutgers University and I met with members of the commission to discuss things. In March I went to visit Liberia and began working with the commission to draft the new constitution.

One section I thought was very important dealt with emergency powers, since we had a military dictatorship. My proposals to them were that within 48 hours of a declared emergency a written presentation of the crisis must be submitted to the Parliament, which cannot be dissolved during an emergency, nor can there be any constitutional amendments or a suspension of habeas corpus at that time.

The fattest thing in the draft which they drew up was a section called miscellaneous. I spent a lot of time with a young man named Philip Banks, who acted as the detail person, figuring out where to put everything.

Some Englishmen looked at the first draft, but their reaction was that it was too

American, too general. The British are much more legislatively oriented than we are—we're more judicially oriented—and they have a penchant for spelling everything out in great detail. Things which require court orders, like searches and seizures, bother the British terribly because under their system Parliament makes those decisions.

But it had to have a certain American structure because that's what they were interested in. They have 150 years of American Supreme Court decisions which they study in their law schools, so you can't divorce yourself from that. The prior Liberian constitution, written by a Harvard law professor in 1847, was based on the Massachusetts Constitution.

I joked with them that they were more American than the Americans and that they had to open themselves up to new Third World ideas.

Q: When will the constitution be ready?

A: Probably by March or April it will go into a national referendum.

Q: Do you expect any parts to be controversial or rejected?

A: No, because where there were serious disputes we provided alternatives. I must emphasize again the openess with which they were willing to accept my ideas from overseas. Very different from the British.

One time I sat with a British lawyer and said, "My God, man, what is this" and he replied, "But professor, we always put that in an independence constitution." They wanted to use the same exact wording in Zimbabwe as they used in Ceylon (Sri Lanka) 22 years earlier. It's this kind of stubborness they have.

Q: You mentioned that the new Liberian constitution was rather American in some respects. What about areas where it differs?

A: What we tried to do in the Liberian case was to pick up on the errors of other constitutions and be more clean-cut and precise. One example is the right to counsel from the moment of arrest. Now, we may take that for granted here, but in some parts of Liberia they still have "trial by ordeal." A young woman might be accused of adultery, so they give her an emetic. If she throws up, she's guilty. You can't enshrine that into a national constitution.

We also made provisions, however, for tribal chiefs to legally represent their people, even though they are not elected. These things go beyond the American way of thinking.

This is not a prefabricated henhouse a section from Peru here, a part from Zimbabwe there, a piece from West Germany over there—but rather leads to precedent type thinking.

At the reception a colonel got up and said, "Make sure there is a provision to prevent a Communist Party." Well, the Communist Party was specifically prohibited under the laws of South Vietnam, but it led to much distaste and abuse. If you didn't like someone or wanted to get rid of someone, just call him a communist.

On the other hand, the phraseology of the (West) German constitution prohibits extreme parties at either end of the political spectrum, a direct response to the Hitler problem. It was a very valuable precedent.

Some of things that people think they want in a constitution are simply outrageous. For instance, if you took a survey in America today on what people want in regards to capital punishment, most of what you would get would be hopelessly unconstitutional.

The idea of a constitution is not simply to give the majority rule, it's to protect the rights of the minority. Freedom of speech is really the freedom to say things that may be unpopular or disagreeable. You cannot accede to the wishes of the common man in all things.

A real masterstroke of our constitution is the right to know, the right to information. This includes academic freedom and specifically states that libraries will exist to preserve that information, which is something you won't find in any other constitution. The Liberian commission was very excited about some of these ideas.●

A DRAMATIC BREAKTHROUGH

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PORTER. Mr. Speaker, the American Committee for the Weizmann Institute of Science in Chicago recently brought my attention to a dramatic research breakthrough by scientists at Israel's Weizmann Institute of Science and the Memorial Sloan-Kettering Cancer Center in New York.

The recent publicity given the desperate attempts of William Head in Iowa to locate a potential bone marrow donor has highlighted the difficulty and frequent unavailability of compatible donor marrow. Now, however, a new technique for separating marrow cells offers new hope for the many who suffer from what are currently among the most difficult conditions to treat—those involving massive malfunction of the blood-forming tissue. I commend the Weizmann Institute's press release which follows to my colleague's attention.

[Press release of the Weizmann Institute]

A bone-marrow transplant, often the last ray of hope for many victims of life-threatening blood disorders, can now be administered with greater safety and to larger numbers of patients thanks to a new technique for separating marrow cells developed by researchers at Israel's Weizmann Institute of Science and the Memorial Sloan-Kettering Cancer Center in New York.

In initial clinical testing at Sloan-Kettering and later at five other major medical centers in the U.S. and West Germany, marrow subjected to the new cell-separation procedure has been grafted successfully into over 20 infants suffering from severe combined immunodeficiency disease and for whom compatible donor marrow was unavailable. Prior to this advance, these children could not have received transplants, currently the only proven cure for their condition, since noncompatible marrow would surely have induced fatal graft-vs-host disease (GVHD).

However in the toddlers recently treated with the specially processed marrow, no GVHD was evident, and some of these former "bubble children"—now possessing functioning immune defenses against infection—have already left their prison-like plastic isolation chambers to play for the first time with other youngsters. Because it often requires over six months before a patient can be permitted to leave his protective enclosure, it is still too early to predict how many of the treated children will eventually be considered as cured. Early evidence, however, is encouraging: The first three patients given the improved marrow transplants more than a year ago now live at home like other children of their age.

The cell-sorting technique, an outgrowth of bone marrow studies in mice carried out by Prof. Nathan Sharon and Dr. Yair Reisner, at the Weizmann Institute's Department of Biophysics, has enabled the safe use of bone marrow from noncompatible donors. Application of the animal work to human therapy was carried out by Dr. Reisner at Sloan-Kettering in collaboration with Drs. Richard J. O'Reilly, Neena Kapoor, and Robert Am. Good, and appears in the leading biomedical journal blood.

Explains Dr. Reisner: Today, a broad spectrum of major blood disorders, involving massive malfunction of the blood-forming tissue, is still among the most difficult-to-treat medical conditions. However, the use of donor marrow to replace the entire blood-forming system in these patients has provided a valuable new approach to handling these often hopeless situations. Till now, the use of marrow transplants has been largely limited to the 30 to 40 percent of patients having a brother or sister with HLA (human leukocyte antigen) markers on their blood cells identical to those of the recipient. Use of noncompatible marrow would invariably lead to a lethal form of GVHD. Moreover, even when grafting marrow from matched donors, GVHD develops in as many as 50 to 70 percent of recipients. Fortunately, these cases tend to be comparatively mild and controllable by chemo- or immuno-therapies. Nevertheless, 15 percent of these GVHD victims will also die from its effects.

Numerous studies over the last 15 years with animals revealed the cause of GVHD: marrow, even from a compatible donor, contains sufficient numbers of mature lymphatic cells capable of recognizing the recipient's tissues as foreign and destroying them. When these mature, thymus-derived T Lymphochytes are removed, the remaining stem marrow cells, which cannot yet recognize antigenic material, provide no danger. The grafted immature cells act much like children adopted at a very early age who, when they mature, have no memories of their natural parents and accept their new home as their own. The problem, however, was that previous attempts to separate out the damage-causing T lymphocytes in order to obtain the cells needed for human transplant all failed.

The basic studies leading to the new cell-sorting process to eliminate GVHD-causing marrow cells is an outgrowth of 20 years of research carried out by Prof. Nathan Sharon at the Weizmann Institute on lectins, plant proteins with the useful ability of specifically recognizing and binding to sugar entities on cells. Mice engrafted with the processed marrow did not develop GVHD.

In proceeding from mouse to monkey to human transplants, Dr. Reisner and colleagues at Sloan-Kettering had to make some major changes in the original cell-sorting procedure. They had discovered that the sugar entities appearing on monkey or human lymphocytes differ from those found in mice. However, by using a revised agglutination protocol, involving, TH the first stage, the soybean lectin followed by

treatment with red blood cells of sheep, non-detectable levels of mature T Cells were obtained in the final preparation. The procedure is simple, and large volumes of bone marrow cells can be readily separated.

"We're really just at the beginning of the road with the new technique," Dr. Reisner notes. "We made our initial trials on bubble children because these patients, with no immune systems of their own, are more likely to accept grafts from noncompatible donors than patients with functioning immune defenses. We hope that our lection separation technique will also permit the use of mismatched marrow for treatment of other diseases. Additionally, it is possible that—if this procedure were applied routinely to clear GVHD-causing lymphocytes from donor-compatible marrows—the number of successful transplants in patients with HLA-matched relatives might also be significantly increased."●

UNILATERAL DISARMAMENT, BRITISH-STYLE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, it would appear that the leaders of the unilateral nuclear disarmament in Great Britain, not able to secure the votes of even a sizable minority of their fellow countrymen, are ready to abandon the democratic process and turn to civil disobedience in their effort to disarm the West in the face of a Soviet treaty. When asked if the movement should and would obey the laws, a leader of the Campaign for Nuclear Disarmament said: "There are laws and there are laws. We have to choose which laws are our priority."

Whatever one may think about the thought processes of these befuddled, if sincere people, we must at least pay them the tribute of recognizing their honesty. They want to disarm Great Britain and they don't care what the Soviet Union does in return. Such bluntness is refreshing after hearing similar groups take stands that are de facto, unilateral disarmament while at the same time protesting they want only mutual, verified treaties.

At this point I wish to insert in the RECORD, "Outflanked by Thatcher, Missile Foes Look Past the Law," from the Wall Street Journal, Wednesday, April 6, 1983.

[From the Wall Street Journal, Apr. 6, 1983]

OUTFLANKED BY THATCHER, MISSILE FOES LOOK PAST THE LAW

(By Gordon Crovitz)

GREENHAM COMMON, ENGLAND.—The Easter weekend antinuclear demonstration here seemed to accomplish its goals. About 40,000 people came to the site of several defense installations in rural Berkshire to link hands across a 14-mile stretch. It was, according to leaders of the Campaign for Nuclear Disarmament a smashing success.

But the British anti-nuclear movement, the oldest and largest in Europe, has been forced to change its general strategy. Having failed to gain a political consensus that Britain would be better off without nuclear weapons, the CND and allied movements have given signs they are about to abandon the democratic process and turn to civil disobedience in a last-ditch bid to stop the new generation of NATO missiles.

That's the unmistakable message of the Easter demonstrations. Unlike in previous protests, the demonstrators made no effort to prove they were level-headed strategists for whom unilateral nuclear disarmament was somehow a viable defense plan. Instead, they sacrificed rational discourse to make way for collective cathartic expressions of their sincerely felt fear of nuclear war: Tens of thousands of them here cheered and let off ballons as they linked arms along a road that divided a U.S. Air Force base, a British weapons research center and an armaments factory. In Scotland, 3,000 held a "die-in" in which they sounded a siren and fell to the ground after putting paper bags over their heads.

This change in the movement comes largely from a feeling of resignation that U.S. cruise and Pershing 2 missiles will inevitably be installed in Britain. If the recent demonstrations are any indication, the battle for the minds of most Britons—who continue to support reliance on British and American nuclear weapons—may be largely over. But the movement against nuclear weapons could take some new and troubling turns. Most likely among these will be repeats of last weekend's efforts to close the Greenham Common air base and other places where cruise missiles are planned.

A group of radical feminists who've lived in tents outside the Greenham Common base for a year and a half represents the new breed of British "peace" protesters. The women have gained notoriety for knocking British Defense Minister Michael Heseltine to the ground and for religiously excluding men from their camp. (They have no sense of humor about this segregation: None so much as smiled when a visiting writer explained he was a journalist, not a man.) And last weekend a group of more than 100 of them scaled the 10-foot fence around the base and eluded capture long enough to hold a picnic. They were dressed as Easter bunnies and Russian bears.

The overall movement has become too far-out even for leaders of the opposition Labor Party, which recently re-endorsed unilateral nuclear disarmament. None of Labor's leading politicians showed up for the festivities, although they had been among the main attractions at past CND rallies.

One reason for the lurch toward civil disobedience and away from political debate is the strong line Prime Minister Thatcher has taken. She blames Soviet intransigence for the failures at the Geneva arms talks and urged the Greenham Common protestors "to link hands around the Berlin Wall" instead of demonstrating here. She even sent her defense secretary to Berlin to underscore her point; he returned to tell the demonstrators that they were free to protest but that the government wouldn't "risk that freedom . . . to follow you on a naive and reckless road."

Although the CND organizers deny, if they have been put on the defensive to the Thatcher government. Their general secretary, Msgr. Bruce Ken, made a telling slip of the tongue when criticing Mrs. Thatcher for her recommendation that they protest in occupied Berlin. "All she can do is say we should go protest in Russia," he said at a press conference. An Orwellian CND poster outside a picketed Royal Ordnance factory read "Checkpoint Maggie." Meanwhile, a group called the Coalition for Peace Through Security hired a plane to have a banner above the April 1 demonstration that read, "CND; Kremlin's April Fools."

President Reagan's offer last week to come to an "interim agreement" with the Soviets had little or no effect on the demonstrators. This offer of a reduction but not elimination of intermediate-range missiles had been urged by the State Department as necessary to calm European public opinion. The idea was that if Mr. Reagan looked "flexible" it would impress the antinuclear groups. CND leaders made it clear that the interim offer didn't have its intended effect. "We're not impressed at all with Mr. Reagan and his so called offers," said Msgr. Kent. "The offer was made in the hope it would be rejected," said an other member of the group's executive committee.

In fact, many CND members continue to hold the U.S. solely responsible for the arms race—even in the area of chemical warfare. The CND recently held a press conference at which a scientist explained that, contrary to reports, there was no evidence that chemical weapons—yellow rain—had been used in Southeast Asia or Afghanistan. "It seems hypocritical to us for the U.S. to say the Russians are using chemical warfare when it's the U.S. that's the greatest international culprit," Msgr. Kent said. "The effect of Agent Orange used in Vietnam is the same as any yellow rain." It does not matter, he said, that the chemical defoliant was not intended to kill anyone. And evidence of Soviet violations of international chemical warfare treaties two decades after Britain unilaterally ended its chemical weapons program doesn't dampen his enthusiasm for unilateral nuclear disarmament. "Unilateralism promotes and stimulates international negotiations," he argues.

The CND organizers are hoping to avoid repetition of a split in the 1960s. The goal then as well was unilateral disarmament, but there was disagreement about the means the group left justified in using. Its members were worried about losing popular support as a result of breaking the law and they even hesitated to march. Now, the group is trying to figure out what its policy of "direct action" means. Its time, Msgr. Kent says, "is looming up fairly rapidly on the horizon just now as the date for deployment for cruise missiles comes closer." And he defends the move away from political debate within the law by arguing that "even for conformist consciences there must be a point beyond which secular law ceases to bind."

The women who are camping outside the Greensham Common base and who frequently but harmlessly trespass inside have offered strategic guidance to the CND. One, 28-year-old Rebecca Johnson, has lived outside the base since summer and has spent a month in jail for climbing over its fence. She recently set the agenda for the anti-nuclear groups: "There are laws and there are laws. We have to choose which laws are our priority."

The move from politics to "direct action" isn't likely to make the movement attractive to the large number of people who oppose unilateral disarmament but who are still unsure of the need for cruise and Pershing 2 missiles. Western governments should feel more confident about plans to deploy the new missiles. President Reagan and Chancellor Kohl in particular should note how a

resolute Mrs. Thatcher has forced opponents of the missiles to change their tactics, thereby admitting political defeat.●

COUNCILMAN ROBERT OLNEY RETIRES

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to commend councilman Robert Olney of Burbank, Calif., on his outstanding service to our community. Councilman Olney is retiring from the Burbank City Council after 4 years, one of which he served as mayor.

Bob Olney has been a resident of Burbank since 1946. He is a past president of the Burbank Republican Assembly; he served as a member of the Burbank Planning Board for 11 years, chairing the board for two of those years; he was a member of the Burbank Park and Recreation Board, president and charter member of the Magnolia Park Optimist Club, vice president of the Magnolia Park Chamber of Commerce, and a board member of the Burbank Chamber of Commerce.

Councilman Olney will be honored at a farewell dinner given by the city of Burbank on April 16, 1983. I congratulate him on his exemplary service to the people of Burbank, and wish him the very best of luck on the occasion of his retirement.●

A FEW SERIOUS THOUGHTS

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. LIVINGSTON. Mr. Speaker, the April 11, 1983, Wall Street Journal editorial, "A Few Serious Thoughts," addresses the failure of the Congress to say what it means about U.S. foreign policy in the Western Hemisphere. I commend the editorial to my colleagues because it sets forth the extent of Soviet and Soviet-related presence in our own backyard, a factor we cannot afford to overlook while we are deciding what role the United States is to play in its own affairs.

The editorial follows:

A FEW SERIOUS THOUGHTS

Soviet military penetration into the Western Hemisphere is a subject of some interest to those of us who still worry our heads about U.S. national security.

We don't want to exaggerate. We know as well as anyone that there are no Soviet armored divisions on the Mexican and Canadian borders. And although Havana is a mere 75 miles from Key West, Cuba harbors only 11,500 Soviets, 200-plus MiGs, an arsenal of naval cruise missiles, SAMs and Apex and Aphid air-to-air missiles, several dozen large troop transport planes and a fleet of frigates, torpedo boats and attack submarines. There is no point in being alarmist over the fact that in 1981 and 1982, the Soviets delivered 132,000 tons of arms to the island, the highest level of shipments since the Cuban missile crisis in 1962.

Elsewhere in the Caribbean basin, Cubans are building a high-performance jet staging airfield in Grenada, near the Atlantic shipping lanes. Bulgarians have hauled Nicaraguans off to Europe to teach them to fly MiGs, East Germans are instructing Nicas in secret police tactics, Cubans are indoctrinating their teen-age youth in how to hate and someday kill Yankees, and Russians are directing the Sandinista communists in the fine art of consolidating political control. Nicaragua is the support base for guerrillas seeking to overthrow the governments of El Salvador, Guatemala, Honduras and Colombia. All this is given a heroic revolutionary gloss by front groups operating with free speech protections in the U.S. A murderous military government has just taken over Suriname and turned its eyes to Cuba. And then there's that quiet little Soviet base, ostensibly a Lada car distributorship, in the Panama Canal Free Zone, a few hundred yards from the Atlantic-side Gatun locks and about the same distance from a top-secret U.S. naval communications facility.

Elsewhere in Latin America, 150 Soviet military advisers still are in Peru, working closely with the Peruvian military even though Peruvians elected an anti-communist civilian government three years ago. Argentina, which may soon call on the Peronists for another deadly dose of populism-fascism-socialism, has become highly dependent on the Soviets as a market for grain and foodstuffs. Bolivia's new civilian president has communists in his government and flirts with Castro.

And, oh yes, Vadim Zadladin, first deputy chief of the international department of the Soviet Communist Party's central committee, told the Rome publication La Republica a few days ago that if the U.S. deploys Pershing 2 missiles in Europe to counter Soviet SS-20s, "we will have to deploy missiles equivalent to the Pershing 2s, with an equally rapid flight time, in the vicinity of the United States."

Pitted against this, the U.S. has 40 military advisers in Honduras, helping the Honduran army acquire some chance of defending against a full-scale Cuban-Nicaraguan assault when it comes, and 60 U.S. advisers in El Salvador, trying to help the Salvadoran army find ways to defend against an assault that is well advanced. Feeble attempts are being made by the Honduran and Salvadoran armies to interdict air, land and sea supply lines to the Salvadoran guerrillas from Nicaragua. And the CIA is presumably giving some help to a Nicaraguan guerrilla force that has been harassing the Sandinistas, hoping to save the Nicaraguan people from the communist noose that is tightening around their necks. As to the U.S. direct presence in Latin America, a lightly armed brigade guards the canal, gradually turning over more authority to Panama, and there are 3,800 troops in Puerto Rico and 2,100 in Guantanamo. That's about it.

Once upon a time, the appropriate committees of Congress would have wanted to know if the administration were taking a few minimal steps to discourage Soviet opportunism near our borders. But clearly times have changed. Key members of various foreign policy related committees—Tsongas, Dodd, Leahy, Moynihan, Cranston, Barnes, Zablocki and Boland, for example—are more frightened of the dreaded CIA than of the Russians. Congress is stirring itself not to worry about the possible fall of the Caribbean or Comrade Zadladin's threat to stuff the place with missiles or missile-carrying subs. They are worried about whether the feeble U.S. efforts in the region are "following the law." Last year Rep. Harkin of Iowa wanted an amendment to bar the CIA from financing "military activities in or against Nicaragua." This was rejected in favor of an alternative by Rep. Boland of Massachusetts banning aid to any nongovernmental group "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." Whose purpose—the aid donors or the aid recipients—is ambiguous.

And of course Congress never really seriously discussed what this means or how it fits into any strategy for the Caribbean. It passed without much debate and by unanimous vote. But none of this mattered, since the purpose was to let Congress avoid any responsibility for what might be done, forcing the administration to carry the full burden and leaving ideologues like Sen. Leahy and vice presidency-seekers like Sen. Moynihan free to throw mudballs.

Innocent enough sport, we suppose, except for the signal it sends to Mr. Zadladin back in the Kremlin: The Americans have been immobilized by our propaganda and their own left and the next time we try to put offensive missiles in Cuba, or maybe Nicaragua, we could probably get by with it. At least it would be worth a try, just to see how they respond.

If Congress is worried about whether the administration is following the law, it can solve its problem in one of two ways. It can decide what ought to be done about the Caribbean—let it go communist, resist with covert activities, send in the Marines—and take the responsibility for the consequences. Or it can stop throwing mudballs from the sidelines, repeal its sophomoric amendments and let the administration go about its business. As we said at the outset, we don't want to exaggerate, but Caribbean security seems to us to be worth at least a few serious thoughts.●

MOSCOW LEAPS TO THE DEFENSE OF THE NATIONAL COUNCIL OF CHURCHES

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. McDONALD. Mr. Speaker, as the saying goes "by their friends, ye shall know them" might apply to the National Council of Churches, so it was not surprising to read in the Pittsburgh Post-Gazette of February 22, 1983, that the Soviet paper Izvestia rallied to the defense of the National Council of Churches in the aftermath of the recent "60 Minutes" program so critical of some of the allocation of funds by the NCC. Therefore, I commend this item to the attention of my colleagues.

[From the Pittsburgh Post-Gazette, Feb. 22, 1983]

MOSCOW LEAPS TO THE DEFENSE OF THE NCC

(By Joseph Sobran)

NEW YORK.—Leftist propaganda has developed a wonderful technique of sustaining contradictions. On the one hand it will thunder against the slanderous accusation that Alger Hiss was working for Stalin, on the other it will play the antiphonal theme that working for Stalin was a rather high-minded thing to do. The people who swore most vociferously that Alger would never do such a thing were the same people who would have been least offended if forced to admit that he had. It is a little like saying you have never committed the heinous crime of burglary, but why should it be a crime?

The left is now furious with CBS' "60 Minutes" for doing an expose of what are, after all, some rather well-known facts about the National Council of Churches. A lead article in New York's pinker-than-thou Village Voice gently chides CBS for "one of the most delirious spasms of open red-baiting and intimidation since the McCarthy era." The rest of the article rises to the Voice's habitual standards of turgidity.

But the defense of the NCC is not left to the Voice alone. Help has arrived from Moscow, where an Izvestia story attempts to restore objectivity under the headline "Malicious Attacks: White House Waging Unbridled Campaign of Persecution Against Clergy."

In case you assume, as I once did, that the Soviet press in recent years has toned down its ideological shrillness, let me give you a free sample of the story, as furnished to Izvestia by the Tass News Agency from Washington:

"Acting upon orders from the White House, the U.S. forces of reaction are waging an unbridled campaign of persecution against religious organizations in that country whose political position does not follow the official Washington line.

"After malicious attacks against the National Conference of Catholic Bishops in the U.S.A., which had decisively protested the suicidal militaristic course of the White House, the largest and most influential religious organization in that country, the National Council of Churches of the U.S.A., has been subjected to persecution." Specifically, says Izvestia, CBS has "unleashed a cascade of ugly accusations" against the NCC.

"What are the 'crimes' of that mass religious organization? CBS offered a whole list of 'accusations' blaming the NCC, for instance, for having provided humane aid to the Socialist Republic of Vietnam. It regards as crime the NCC's support rendered to organizations defending the Puerto Rican people's struggle for liberation from U.S. oppression . . .

"'All we are trying is to assist those who need help and justice,' declared Paul McCleary, a representative of the NCC.

"The campaign of persecution waged against U.S. clergy clearly reveals the hand of the White House . . ."

But all this traditional Stalinoid boilerplate is for domestic consumption. The Soviets adopt one tone for Russian audiences, another for Americans.

For a remarkable look at American-targeted Soviet propaganda, you can do no better than read the forthcoming book, "The Soviet Viewpoint," to be published next month by Dodd, Mead & Co. It consists of a few interviews with the Soviets' leading American specialists, Georgi Arbatov.

Arbatov completely avoids Izvestia-style rhetoric. He has mastered the idiom of Cyrus Vance and The New York Times, and has no need of double-barreled agitprop phrases like "the Puerto Rican peoples' struggle for liberation from U.S. oppression." Instead he croons about "detente," "mutually acceptable solution," "international cooperation," and "today's increasingly complex, fragile and interdependent world."

About one thing there is no doubt: Arbatov is an extraordinarily intelligent and adroit man, with a nearly perfect ear for the evasiveness of Western diplomatic language. And he knows how to put that language to use. In the old days American fellow travelers would echo the Moscow line, in all its crudity. Not so today: instead Arbatov echoes the liberal line, because he realizes there is no longer any need of radical subversion. Just by reinforcing our cliches he knows he can hasten our ruin.

Far from banging his shoe on the table, he sounds like any speaker at the Council of Foreign Relations: "In the coming decades, global problems like the depletion of natural resources, environmental pollution and hunger will be still more acute." In a nuclear war, he warns us solemnly, "there will be no winners." This is the muted, conventional language of our own decadence, and the Soviets are glad to encourage us to speak it. As long as we do, Alger Hiss will be a superfluity.●

DISPOSING OF EXCESS SILVER

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. CRAIG. Mr. Speaker, today, I am joined by my esteemed colleagues in introducing a proposal designed to redirect the sale of silver from the national defense stockpile in an effort to minimize its effect on the price of silver and protect an industry important to our Nation.

The Omnibus Budget Reconciliation Act of 1981, Public Law 97-35, authorized the disposal of 105.1 million troy ounces, or about 75 percent, of the stockpile silver in fiscal years 1982-84. However, the fiscal year 1982 Defense Appropriation Act, Public Law 97-114, suspended the disposal pending: First, a July 1, 1982, redetermination by the President that the silver to be disposed of is excess to stockpile requirements, and second, congressional approval of any proposed disposal method. In making the redetermination, the President is required to consider certain factors, including the findings and recommendations in the General Accounting Office's (GAO) report of January 11, 1982.

The administration established a Federal task force, the Interagency Silver Commodity Committee, to address the legislative requirements. The committee will ultimately make recommendations to the Cabinet Council on Natural Resources and the Environment. Both the Federal Emergency and Management Agency and the Department of Defense are members of the committee.

On June 24, 1982, the Secretary of the Interior as chairman pro tem of the Cabinet Council informed the Congress that the redetermination had been postponed for several reasons. The administration is currently preparing a report to the Congress as required by Public Law 97-114. The report is tentatively scheduled to be released during the spring of 1983.

As war clouds gathered in the late 1930's, Congress created the national defense stockpile to build up supplies of critical materials needed in wartime. The President sets the goals for stockpile procurement, and only Congress can authorize the sale or disposal of stockpiled material.

In 1979, Congress created the national defense stockpile transaction fund. Proceeds from the sale of surplus materials go into the fund and are used to buy materials in short supply.

Since the discovery of fabulous mines in the 19th century, the United States has been a major producer of silver. There was no need to stockpile silver in World War II. In fact, the Government began to stockpile silver only 13 years ago, when the rising level of imports created concern about the ability of domestic producers to meet emergency demands.

Imports of silver average around 40 percent of consumption per year, but the leading sources of supply are nearby friendly countries such as Canada, Mexico, and Peru. Because of this supposedly readily available supplies from such countries in peacetime (questionable in time of war) FEMA determined in 1976, the first time, that the silver stockpile was well in excess of national needs. Each President since then has tried to sell varying amounts of the stockpile silver, but Congress declined to go along until 1981 when sale of 105.1 million troy ounces was authorized as part of the budget reconciliation package. In the meantime, the prospect of the sale of such large amounts of silver created severe disruption in the marketplace. Prices nosedived as potential buyers considered the impact of suddenly increased supplies.

The GSA attempted to sell stockpiled silver through an auction method in the fall of 1981. This was not very successful, however. It failed to carry out the mandate of Congress that the silver be accessible to the general public because the minimum allowable bid was for eight 1,000 ounce bars—costing between $60,000 and $70,000. The investors who could afford such quantities were scared off by the declining price and stiff restrictions. Consequently, the GSA rejected

all bids at two of their six auctions because they were too low. Altogether, only 2 million ounces were sold of the 10 million offered.

Thus, no one—not the Government, nor investors, nor the public—got what they wanted.

Many nations offer their citizens, and the citizens of other countries the chance to buy coins made of precious metals as investment opportunities. Why not the United States? Silver coins would give all citizens the opportunity to invest in American silver and would easily dispose of the required portion of the stockpile at a handsome profit to the Government for purchase of other materials which, unlike silver, are deemed to be in short supply.

This is why we are introducing the National Silver Disposal Act. The bill would generate revenues for the national defense transaction fund for purchasing other strategic and critical materials as well as not causing any major disruption to the silver market.

Highlights of the bill include:

The Morgan dollar: A restrike of the famous 19th century silver dollar, this coin would weigh three-quarters of an ounce and contain 90 percent silver. It would bear the date of imprint, a face value of $1 and official Government markings.

The coin would be worth far more than a dollar because of its silver content, however, and is intended as a collector's item rather than as a circulating coin. The coin would be sold at a premium over the cost of production and would be offered to the public by coin dealers as well as through the Department of the Treasury, with all profits going back into the transaction fund.

The silver liberty: This 1-ounce coin would be made of 99 percent pure silver and would carry no face value although it would have legal tender status. It, too, would be sold at a premium over the cost of production with profits returning to the transaction fund, and its value would float according to the value of silver in the marketplace. As a collector's item prized for its beauty and enduring value, and as a convenient method of investment, the coin would doubtless enjoy wide sales.

After carefully studying all the alternative methods for disposal of the stockpile, the GAO—fiscal watchdog of the Congress—reported that the coinage option "appeared to be an attractive alternative that should be considered."

GAO said factors favoring the coinage include:

More revenue for the transaction fund than bulk sales of silver in a depressed market;

New demand—from the general public—which would be created to help offset disruption in the market price that might otherwise be caused by the new supply;

Greater likelihood that silver, in the form of coins, will remain in the United States as opposed to bulk silver which finds its market more with foreign investors and commodities speculators.

"Therefore we believe that the feasibility of disposing of any silver found to be in excess of stockpile requirements by combining the numismatic, commemorative and bullion attributes of coins deserves serious consideration," the GAO report concluded.

The United States has one of the oldest continuous coinage systems in the world. The instant recognition and prestige of U.S. mintage, the convenient and familiar size, the large market represented by the millions of U.S. coin collectors and potential market for small investors combine to make coinage of both denominated and undenominated bullion coins a ready and workable solution to the excess stockpile of silver.

Americans purchase an estimated $1 billion worth of foreign coins such as the Krugerrand and maple leaf each year. Is it not time they were able to purchase American precious metal coins, too?●

A CALM, REASONABLE LOOK AT DEFENSE SPENDING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, Herbert Stein, chairman of the Council of Economic Advisers under Presidents Richard Nixon and Gerald Ford has written an admirably reasonable and informed look at the question of defense spending. His calm, objective appraisal of the facts of the Reagan defense budget is all the more welcome since so many discussions of the defense budget lack the qualities of reason and objectivity.

At this point I wish to insert in the RECORD, "Affording Defense and More" by Herbert Stein, the New York Times, April 8, 1983:

[From the New York Times, Apr. 8, 1983]

AFFORDING DEFENSE AND MORE

(By Herbert Stein)

WASHINGTON.—Though the United States is engaged in a debate about defense and domestic spending priorities that may be crucial for our survival, the most basic and obvious facts relevant to that debate are never put on the table.

President Reagan has proposed to increase defense spending by 56 percent, in real terms, from 1982 to 1988. On all sides—Democrats and Republicans, businessmen and financiers, labor leaders, religious leaders and others—there is strong opposition to this policy. They say that this proposal would devote too much national output (the total production of goods and services, or gross national product) to defense, which means it would devote too little to other purposes—consumption, private investment and Government nondefense programs. The opponents mean, although they do not usually put it clearly, that it is very important to increase output available for nondefense purposes even more rapidly than output would increase with the Reagan defense program—so important, that it is worth taking risks with national security to achieve that goal.

The fact being concealed, as if it were a guilty secret, is that America is rich in output available for nondefense purposes and that even with the Reagan defense program it will become still richer at a rapid rate.

America can easily afford to slow down the pace at which it is becoming richer in order to provide the defense program that the Administration considers essential. We are not besieged in the Alamo, trying to decide whether the last rations should go to the fighting men or the women and children. The whole debate is over a tiny, even insignificant, difference in the rate at which an already rich population becomes still richer.

In 1982, the most depressed year of our postwar history, total output devoted to nondefense uses was 25 percent higher than it was 10 years earlier. Private consumption almost 30 percent higher and private consumption per capita was 17 percent higher. Moreover, if total outputs rises, as commonly expected, and if the defense program is carried out, total nondefense output will rise significantly faster than in the past 10 years. These were not the best 10 years in our history, but the increase in nondefense output would also be very close to our long-term experience.

From 1950 to 1980, total nondefense output rose by 3.5 percent per year; from 1982 to 1988, during the Reagan defense buildup, nondefense output is to rise 3.3 percent per year. That is, the output available for private consumption, investment and the Government's nondefense programs will rise almost as rapidly as during the average of the postwar period. The resources available for nondefense purposes would rise fast enough to double in 20 years. A society already richly endowed with output available for nondefense purposes would enjoy an increase of such output at a healthy rate—despite having to increase its defense expenditures rapidly.

The explanation for this combination of conditions is simple. Defense absorbs only a tiny proportion of the national output—5.5 percent in 1982. As a result, even a rapid increase in that share does not much affect the remainder. Of course, no one is proposing to end the defense program or even to end its increase. The range of policies under consideration runs from the President's proposal, which would increase defense outlays by 7.7 percent a year between 1982 and 1988, to a Democratic proposal that would increase them by 4 percent a year.

What would be the effect of choosing the 4 percent instead of the 7.7 percent program? The rate of growth of output available for nondefense uses would be 3.5 percent instead of 3.3 percent a year. Is it worthwhile giving up defense increases that the President, Secretary of Defense and Joint Chiefs of Staff consider essential in order to achieve that difference in the rate of growth of nondefense output? Is it worthwhile giving up those defense increases to

save an amount of money in 1988 about equal to annual expenditures for admissions to theaters and spectator-sports events? To be willing to sacrifice defense outlays for so little gain, one would have to be certain that they are not essential.

Two questions will be raised about this line of argument. First, although it is correct to say that the American people on the average are very affluent and can easily afford to divert another 2 or 3 percent of their income to defense, what about those who are not affluent? Second, what about the budget deficit?

These are questions about how we should allocate the 93 percent of the national output we don't devote to defense, not about the 7 percent we plan to devote to defense. In 1988, according to Adminstration estimates and proposals, the gross national product would be about $5 trillion, in 1988 prices, of which about $390 billion would be for defense and $4.61 trillion would be for nondefense purposes. That $4.61 trillion is the logical source from which to provide additional support for poor people or to reduce the budget deficit, if either is considered urgently necessary.

A standard argument of those who want the defense program cut is that the rise of defense outlays will weaken the economy by increasing the deficits and that national security depends on our economic strength. This argument is full of holes.

First, the Reagan budget provides for restraint on increases in nondefense expenditures and for contingent tax increases that would reduce the budget deficits to moderate size. Those who oppose the defense program on the ground that it will cause unbearable deficits are really saying they would rather increase nondefense spending, or avoid possible tax increases, than carry out the defense program. They would rather do this even though under the Reagan program, real national income after tax will be higher than ever before and real Federal nondefense expenditures will be higher than ever before except in years of deep recession.

Second, even without the measures proposed in the budget to reduce them, the prospective deficits would not stop the growth of the economy. They would slow it down, which would be unfortunate, but growth would continue. Our economic superiority relative to the Soviet Union, now enormous, would remain enormous for a long, long time.

Third, economic superiority does not insure national security unless economic supriority is translated into usable military force. The Romans were economically far superior to the barbarians who overran them. The Axis imposed a hard, risky and extremely costly fight upon a coalition that was far superior economically. Yuri V. Andropov will not be restrained by our G.N.P. statistics, and still less by a balanced budget—if we should ever achieve that.●

SPEECH BY MAYOR EDWARD I. KOCH

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to include in the RECORD a speech given by Mayor Edward I. Koch of New York City at a luncheon with representatives of the construction industry on March 8, 1983. In his speech, Mayor Koch outlined a provocative and especially well thought-out proposal for universal national service. As the Congress considers measures to remedy the variety of social and economic programs which have been aggravated by the current recession, I believe it would be wise for us to bear Mayor Koch's proposal in mind. At this point, I would like to have the text of Mayor Koch's speech printed in the RECORD.

REMARKS BY MAYOR EDWARD I. KOCH AT CONSTRUCTION INDUSTRY LUNCHEON

Thank you, Ben Holloway. I am very pleased to be here with you today. It is an honor to accept this award. Thank you for making me a "good scout." There are those who said I'd never make it.

I am especially pleased to have the opportunity to speak to you today because, as representatives of the Boy Scouts and New York's construction industry, you are concerned on a day-to-day basis with service to others, character development, work and the building of America. With these elements, I believe we can solve two of our most serious problems—jobless, alienated youth and the Nation's unmet need for public service.

As we well know, America is facing critical problems. Last month, eleven and a half million people were out of work, almost two million of them teenagers. Youths between the ages of 16 and 19 make up only seven and a half percent of the labor force, but comprise sixteen and a half percent of the Nation's unemployed. More than a fifth of our teenagers can't find work, and the figure among black and Hispanic teenagers is close to 50 percent. at the same time, government at all levels is reducing commitments to basic social programs.

Every time the unemployment rate goes up one percent, the national economy loses—by conservative estimates—about $7.7 billion in wages. The 1.8 million 16-to-19-year-olds who are out of work could be adding almost $13 billion to the economy on an annual basis—if they had jobs. Prolonged periods of youth unemployment represent a huge loss in national output—and an enormous waste of human potential. Worse, young people deprived of the opportunity to develop their skills and hold jobs may never get into the mainstream of American life.

Add to this the fact that many young people—affluent and impoverished alike—are disaffected and lacking in purpose. Their outlook is narrow. Too often, they are out of touch with the spirit of altruism which is a basic part of every human being, especially the young. They don't know what it feels like to give to others and to their country; and this is unfortunate. Because the Boy Scout Handbook teaches us that "you become a better person when you help others."

To help solve this problem, I want to discuss with you today my proposal for a nationwide program in which all young men and women would give a year of service to their country when they reach age 18. The participants would be free to choose between the military and civilian service.

I believe that a universal service program would have many benefits. For example, it would strengthen the military by producing a more socioeconomically balanced force. An Army and Navy from which the upper and middle classes of America are largely missing is not representative of our Nation, nor is it as effective as it could be. Those who enjoy the benefits of democracy must share the responsibility for defending it.

An intelligently designed and administered universal service program would also give the Nation's 18-year-olds an early opportunity to apply their skills and energies. Those who do not have skills would be given a chance to learn.

In 1978, the Urban Institute and the American Institutes for Research completed an analysis of job-creation potential for the 1980's.

They found there is an annual need for more than three million jobs in a wide variety of areas. Environmental protection alone could absorb 150,000 low-skilled teenagers who could plant trees, monitor air quality, survey water supplies and work in labor-intensive jobs such as recycling glass, paper, aluminum and other materials.

In education, there is a need for classroom and teacher aides. Staff support is needed for truancy follow-up and for counseling and tutoring programs. Half a million teenage workers could be absorbed in educational work alone.

A national service program could provide significant impetus to basic literacy training. America may have as many as 40 million illiterate adults. And the importance of literacy training should not be underestimated—in recent years, the Army had to downgrade some of its training manuals from twelfth to seventh-grade levels.

In the area of social services, there are more than 400,000 jobs that teenagers could fill. Recruits in the national service program could help deliver meals on wheels, escort the elderly and handicapped on shopping trips and to doctors' offices and provide home care for persons who would otherwise be institutionalized.

We know our population is aging. Twenty-five million Americans—one out of nine—are 65 or older. Census Bureau projections indicate that, by the year 2025, one out of every five of us will be 65 and older. Making it possible for men and women to avoid institutionalization is a civilized and humane approach to caring for the elderly—and by using the services of our young people it would also be far less costly.

National service participants could work with children in day-care programs, and increase staff support for foster care and adoption agencies. One of our Queens community boards (Board 5 in Ridgewood) estimates that it could put up to 100 youngsters to work in a variety of projects. For example, they could prune the thousands of trees that line Ridgewood streets. They could work on special clean-up projects, escort senior citizens who cannot travel alone, do small repair jobs, help care for the children in local day-care programs and work in a variety of clerical and administrative positions assisting understaffed not-for-profit community organizations.

On a citywide basis, the Victim Services Agency could absorb 1,000 full-time workers in a variety of jobs to help cut down on crime and to assist crime victims. Let me give you some examples of what they could do.

A team of 20 workers could assist V.S.A. locksmiths who secure homes that have been broken into, allowing the V.S.A. to help 2,000 additional burglary victims each year. Another team of 20 could notify 4,000 civilian witnesses each month of upcoming

court appearances. This would expedite the work of the courts and would help to restore confidence in our judicial system. Workers could also be assigned to hospital emergency rooms to help victims of assault, domestic violence, or rape. Others could be trained to work in junior and senior high schools to teach crime-avoidance strategies to students.

The kinds of jobs that national service participants could fill are almost unlimited. Moreover, this is work that needs doing and no one is doing it. And it's not likely that the private sector will find the money to have it done.

The young people themselves would gain a great deal. Those who have not completed high school (and there are 60,000 functionally illiterate teenagers in New York City alone) would leave national service with the ability to read and write and do basic math.

A recent survey of American industry and school systems conducted by the Center for Public Resources showed that American industry is hampered in its attempts to meet foreign competition because too many young people entering the work force lack basic skills in reading, writing, mathematics and science, forcing American companies to spend millions of dollars for remedial training. But many of the youngsters in a national service program would obtain their high school equivalency diplomas. They would develop responsible work habits. Because of national service, they would be better prepared to hold jobs.

VISTA and the Peace Corps demonstrated that doing something to make the world a better place to live in leads to an improved self-image and a better way of life. After national service, some young people will go on to college or aspire to jobs they hadn't thought they could perform.

Other nations have already developed versions of universal service, notably West Germany and Israel. Our own recent history shows that the New Deal offered us the Civilian Conservation Corps and the National Youth Administration, programs that together employed seven million young people. This year marks the 50th anniversary of the Civilian Conservation Corps, so it is appropriate to look back at that program to see what it accomplished.

Historians estimate that the value of work performed by the Civilian Conservation Corps exceeded the program's expenditures in wages, equipment and supervision over its duration. We still benefit from work done by the C.C.C. C.C.C. erosion-control efforts improved 40 million acres of farmland. The C.C.C. built 126,000 miles of roads and planted 21 million acres of trees. Near Olympia, Washington, 90,000 acres were reforested at a cost of $270,000. Today these trees are being harvested as timber valued at $630 million.

More recently, in the 1970's, it was established that participants in an action-sponsored youth program designed to test national service at the local level performed work in Seattle valued at twice the cost of funding the program.

What's more, 70 percent of the participants were unemployed when they entered the program but, six months after the program ended, only 18 percent were without jobs.

Today, the young people in the California Conservation Corps—which, incidentally, usually has a waiting list of up to 2,000 would-be members despite its emphasis on "hard work, low pay and miserable conditions"—are cleaning up oil spills, restoring areas devastated by mud slides, fighting forest fires and reforesting State timberlands. Two years ago, they played an important role in efforts to eliminate the Mediterranean fruit fly which threatened the State's multi-billion-dollar agricultural industry.

I believe that young people everywhere are eager to do the kind of meaningful work done by the California Corps. Just look at our experience with the Peace Corps and VISTA. For every person accepted there were six or seven applicants who had to be turned away.

A national service program would give every teenager the opportunity to serve the Nation, and it would be just that—a service program, not a make-work or job-training program.

We would need to find an efficient way to administer a universal service program. The Federal Government would be the likely agent for establishing the sytem and would, of course, continue to administer the military service. The domestic service programs, however, might be run by a Federally chartered public benefit corporation. State and local governments could be responsible for day-to-day administration, recruitment, job selection and facilities. Private organizations such as the Boy Scouts of America might serve as partners. After all, the Boy Scouts of America stand for service.

Of the approximately four million young people who will turn 18 this year, we might assume that initially three million would be eligible to serve. Their entry into a universal service program should, of course, be phased so as to ensure a smooth start-up period. Among those ineligible would be youths with physical and mental health impairments, mothers with infants, those who are the sole support of their families and youths who happen to be serving time in jail.

The cost of administering a program for three million people would be substantial—perhaps $25 billion to $30 billion a year if the program were residential and a basic subsistence allowance were provided. But the costs would decline as the number of 18-year-olds goes down. By 1990, the demographers tell us that there will be a half million fewer 18-year-olds than in 1983. And the cost of the program must be compared to the costs associated with unemployment. The Congressional Budget Office estimates that each rise of one percent in the jobless rate costs the United States Treasury $25-30 billion in lost taxes and increased unemployment insurance.

Consider the enormous cost of dependency and unemployment in New York City. In 1982, we spent $27 million in transfer payments to 18-year-olds alone, $7.8 million of it paid directly by the city. And we must bear in mind the cost of providing assistance over a long period of time to young people who never develop their potential for independence. A single mother on public assistance who has the first of two children at age 18 can easily cost the public $180,000 in income assistance alone by the time she reaches 65, and that figure doesn't include medical assistance, housing assistance or food stamps. While these expenditures ensure the survival of the needy, they don't improve the recipients' gloomy prospects for the future.

A mandatory national service program would also result in savings in the military budget, principally in the areas of advertising, recruitment and dropouts. As long as the defense dollar is eroded by a 30 percent dropout rate among first-term enlistees, we will continue to spend defense dollars without increasing the quality of our defense. Today we spend 50 cents of every defense dollar on personnel costs. The Soviets spend half as much on manpower as we do.

The costs of a universal service program are modest in comparison to the $187 billion we spent on Defense in fiscal 1982 and the $215 billion scheduled for fiscal 1983. The program could easily be funded out of the cuts that have been advocated by a wide array of elected officials and other observers of the defense program—which could amount to as much as $136 billion over the next 5 years. Just cancelling the controversial B-1 bomber would save $32 billion. Billions more could be saved if other recommended cuts were made. These savings would go a long way to offset the cost of national service.

Seventy years ago, the distinguished American philosopher and psychologist William James urged the establishment of universal service as the "moral equivalent of war." James was looking for a way to maintain social cohesiveness in a peacetime democracy. He suggested that all American males be drafted to do the work of building the Nation: erecting skyscrapers, working in steel mills, building highways. His specific examples were better suited to the building spirit of the early 1900's than they are to the America of today. But his premise remains sound. Young people, women as well as men, can do the unfinished work of America. And, in so doing, they will help to reduce injustice and achieve what James described as "toughness without callousness."

A universal service program developed in the 1980's would look different from the one that James proposed in 1910. How could it be otherwise when the demographic, economic and political facts of that era were so different from those facing America today?

Legislation setting out various forms of national service has been introduced in both Houses of Congress but has not been enacted. Last week, the House of Representatives approved a bill to establish the American Conservation Corps. If this bill becomes law, the Corps could possible lead to a full-scale national service program.

It's time to get serious. It's time to assess the costs and benefits. We need to know what we can save in public assistance, unemployment insurance, employment and training programs, military recruitment, jails and crime on the streets, and what we would be adding to the gross national product. We need to know what the work would be worth. It's time to address the administrative, constitutional and financial issues and to evaluate how mandatory service would affect our military and civilian institutions.

These issues should be examined by a bipartisan Presidential Commission on National Service consisting of representatives from Federal, State, and local governments; business; labor; education; the military; and, of course, young people. The result of its deliberations should serve as a blueprint for national service, with guidelines for participation, administration and financing.

I hope that the President will be responsive to this suggestion. If, however, he remains wedded to private solutions for public problems, then Congress should establish such a bipartisan commission.

National service would benefit young people and all our people. Better still, it would benefit the Nation.

Thank you.●

DECLARATION OF LOIZA

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. CORRADA. Mr. Speaker, on February 22, 1983, the State Central Committee of the New Progressive Party, one of the two major political parties in Puerto Rico, to which both the Governor of Puerto Rico, Hon. Carlos Romero Barceló and I belong, met in the small and colorful town of Loíza. Loíza if located in the north coast of Puerto Rico and is known throughout the island and the rest of the Caribbean for its folkloric and cultural richness. There we reaffirmed our commitment to obtain statehood for Puerto Rico as the only political means to achieve political equality, security, and social and economic progress for 3.2 million American citizens, the people of Puerto Rico.

I am introducing for inclusion in the CONGRESSIONAL RECORD the complete text of this important statement entitled "Declaration of Loíza" which I believe will be valuable to all my colleagues.

This document embodies the political principles that sustain the New Progressive Party and its members. The document shows why both our Nation and Puerto Rico should move ahead to resolve the dilemma of Puerto Rico's political status by the admission of that great and historic Caribbean island as the 51st State of the Union.

DECLARATION OF LOIZA

The New Progressive Party is a political entity of the people of Puerto Rico devoted to promoting the social, economic and political advancement of each Puerto Rican and the people of Puerto Rico in general.

Meeting in Loiza, its State Central Committee declares the following:

DECLARATION

Almost five centuries after its discovery and eighty-four years under the American flag, Puerto Rico has not resolved the dilemma of its final political destiny. We are an "unincorporated territory" of the United States, over which the Congress, the President and the federal bureaucracy can exercise broad powers of sovereignty. A constitutional and legal system safeguards our individual liberties. However, at the collective level, the will of others rules over our will.

The granting of American citizenship in 1917 did not alter the condition of political and juridical subordination of the people of Puerto Rico vis-a-vis the Government of the United States. Neither was it altered by actions which subsequently amended the Organic Acts and established, through congressional decision, the present territorial condition of free associated state.

As before, the authority of the United States over Puerto Rico does not emanate from the consent of our people, nor from our participation in the decisions of the federal government, but from the Treaty of Paris of 1898 and the Territorial Clause of the Constitution of the United States, that grants full powers to the Congress to determine, as it deems necessary, Puerto Rico's future.

Upon that base, precarious and unstable, our relation with the United States is sustained. We are talking about a territorial link, with colonial vestiges, that does not correspond with our economic and social structure, nor with the aspiration(s) of a vigorous people, proud of their deep ethnic, cultural and democratic roots, that has been an example of progress in America.

Throughout the present century, Puerto Rico has multiplied its wealth; has broadened its productive activities; has trained its human resources; has increased its cultural contacts with the rest of the Nation and abroad and reaffirmed its own identity; has strengthened its patterns of democratic coexistence; and, in sum, has left behind its old condition as the "Poorhouse of the Caribbean". In effect, we have grown in all aspects of our cultural life, but, in that which pertains to our political and constitutional status, we still lack the right to participate in the Government processes that order our lives. That lack of substantial growth in a vital area now constitutes an impediment—a restraint—to continued growth and a threat to what we have already achieved.

We should emphasize that, although our economic and social development has been large in relation with the past and with that of the Latin American peoples, Puerto Rico finds itself falling behind in its economic development in comparison with the states of the Union.

The problem of political status is not a matter of mere theories or abstract principles. It has, on the contrary, a close relation with our daily life. On its resolution depends our being able to reach the levels of progress and well being, the security and the social stability that our people desire.

This is proved by the recent events related to the amendments to Section 936 of the federal Internal Revenue Code; the excessive cuts in our funds under the food stamp program and our exiguous participation—or lack thereof—in federal programs that grant benefits to the most needy citizens in the states of the Union.

The aforementioned confirms the breadth of federal powers over Puerto Rico and demonstrates—in the case of the attempted amendments to Section 936—that a single congressional action would be enough, a brief instant, to affect the conditions for the investment of capital and the economic development on the Island and to counteract our effort in the area of industrial development. The other cases underscore (the fact) that electoral power, and the representation that emanates from this, constitutes an indispensable condition for the full enjoyment of the rights inherent to our citizenship. No ethnic, racial or religious community has ever reached economic and social equality within a Nation, without first reaching political equality.

From that perspective we assess the Puerto Rican reality and discern that, in order to reach our collective objectives, it is essential to create the political links that would unite us permanently to the United States. This requires fulfilling our citizenship, adding to it the full dignity of the rights that would give us participation in the processes and governmental organisms that rule Puerto Rican life from the federal sphere. Such participation, essential also to the preservation and strengthening of our culture, has been made even more necessary as the sphere of jurisdiction and competence of the free associated state has been further reduced.

Statehood is, thus, the principal reason for being of the New Progressive Party. The political condition that we suffer does not satisfy us because we cannot admit, in perpetuity, the legitimacy of a federal power that is exercised without our participation and because we are not pleased with an incomplete citizenship, devoid of the political and economic rights that are inherent in it. Neither can we accept the fragility of our political relation with the Nation, that affects the economic and social development of Puerto Rico.

These conditions go to the root of the political problem of our people. The problem is made patent when we receive unequal, unfavorable treatment in federal programs for economic development and social security, as we do in programs for education and employment of the youth, or to protect the blind, the handicapped, the aging, the sick and poor families.

Both the Congress as well as the President of the United States have committed themselves to support the decision of the people of Puerto Rico in resolving their status dilemma. Our people have never proposed a statehood petition and for this reason Congress has not considered the question. However, when the majority of our people request admission as members of the Union, the Congress and the President of the United States will be morally and politically obligated to grant us statehood.,

The lack of political definition of our people is the essential cause of many economic and social problems that we must correct as soon as possible by way of statehood. This has been the commitment of our party from its origins, and this commitment constitutes the principal reason for being of the New Progressive Party. We want and we need statehood:

Because we aspire to political equality within the American Union;

Because we need to exercise the right to vote for the President and the Vice President and elect our Senators and Representatives to the Congress, thus participating in the approval of laws that affect our lives and in the election or confirmation of the federal officials who take decisions applicable to Puerto Rico;

Because the rights of political participation inherent in the citizenship and the power that emanates from those rights represent guarantees and safeguards for our economic, social and cultural development, threatened today by the lack of power of a free associated state that is fading away in its own impotence; and,

Because in statehood we Puerto Ricans will preserve the characteristics that identify us as a people, that is, our language and our culture;

We will preserve also our liberal institutions in the political and the economic realms and we will raise our standard of living, as we will our level of scientific and technological development, that form part of our cultural identity.

Because, putting an end to the indecision, we will put an end to the antagonisms, the extreme polarization and the division of the Puerto Rican family and we will be able to direct our common efforts to the solving of our vital problems, and to the creation of a better civilization, with a sense of direction and with unity of purpose.

Statehood would give us the opportunity to make a peaceful social revolution. With this we would achieve a better education;

greater opportunities for employment; better conditions of health and housing; a more fair distribution of wealth; in sum, a life with more safeguards for security and progress.

To these ends, the New Progressive Party will continue guiding and educating the people about the benefits, responsibilities and the advantages of statehood.

We urge the Puerto Rican people to join our demand for equality and political dignity and in a special plebiscite separate from general elections express to the Congress of the United States the will of the majority to enter into the Union with all the rights, prerogatives and obligations that correspond to a State.

The fatherland is its people and the formula that best guarantees the well being of the Puerto Ricans, of each Puerto Rican, of all Puerto Ricans, is the equality and the sovereignty embodied in statehood. Through that course, with the greatest sense of patriotic responsibility, Puerto Rico directs its steps towards the conquest of the rights that assure the well being, the tranquility and the progress of the Puerto Rican people, of each Puerto Rican.

Today, the 22nd of February of 1983, in the Municipality of Loiza, the New Progressive Party ratifies its unswerving commitment to Statehood and proclaims that the task to acquire it does not admit hesitation nor delays.●

TOXIC WASTE POLLUTION

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. THOMAS of Georgia. Mr. Speaker, the work of the House of Representatives in combating the dangers of toxic wastes is one of the most important legislative achievements of the Congress in recent years. I have had the significance of that work brought dramatically to my own attention when State investigators recently discovered a PCB spill in my home county.

As the House continues its work of oversight and revision of toxic waste laws, I believe it is especially appropriate that we recognize those who have been involved in this activity. In Georgia, we are proud that the dean of our House delegation, the Honorable ELLIOTT LEVITAS, is the nationally acknowledged leader in the work to clean up the legacy of toxic waste pollution that remains a critical threat to our environment.

I ask that a column which appeared in the March 23 edition of the Atlanta Journal be reprinted in the RECORD at this point.

[The Atlanta Journal, Mar. 23, 1983]

LEVITAS IS HERO OF FIGHT TO CLEAN UP THE EPA

(By Durwood McAlister)

Elliott Levitas isn't the type you would cast in the role of hero. Most of the time he goes quietly about his business of representing Georgia's 4th District in the U.S. Congress, handling constituent requests, studying legislation and building a mildly conservative political record in line with the thinking of his district.

But on one subject he is a zealot. He is firmly committed to the principle that it is the function of Congress to make laws and the duty of the executive branch to administer them without distorting their intent.

His almost passionate devotion to that principle has brought him into conflict with two presidents; and if he gets the credit he is due it should win him a reputation as the true hero in the battle to stop the poisoning of America.

During the Carter years, he led the fight to rein in executive branch regulatory agencies which were writing their own laws by extending their rules far beyond the intent of original legislation.

Now, defending the same principle from the other flank, Levitas finds himself a leader in the growing congressional struggle to stop the Reagan administration from dismantling regulatory protection vital to the health and safety of the American people.

For a time, Levitas was a lonely voice demanding that the administration let Congress and the public know what it was doing to the Environmental Protection Agency.

As chairman of a House subcommittee responsible for monitoring the EPA's management of the toxic-waste cleanup Superfund, he pressed for testimony and documents which would show what was going on.

When EPA Administrator Anne Gorsuch Burford refused to turn over vital documents, he persuaded Congress to issue a contempt citation against her. That triggered a confrontation between the president and Congress that has exploded into revelations of mismanagement, abuse, favoritism and political manipulation.

It has resulted in the resignation of the EPA director, the firing of some of her deputies and a frantic scramble by the Reagan administration to try to restore some credibility to the agency it has so brutally dismembered.

Other representatives and senators have now jumped on the bandwagon, grabbing the headlines and the television cameras; but it was the persistent, low-key Levitas who brought the EPA mess into the open, and that should not be forgotten.

There is no way of calculating how much damage he has prevented. Already, however, it is apparent that the people Reagan put in charge of EPA had abandoned their responsibility to safeguard the health and safety of the public in their zeal to cripple the regulators who offended their friends in industry. That trend has now been reversed.

Perhaps more important, the EPA scandal has made the entire question of toxic wastes a top-priority issue. It has made the public aware that there is a real peril, that those chemicals with the strange sounding names which evoke images of death and deformity really are seeping into the water we drink and the air we breathe.

An informed public will force the government to face up to its responsibilities. It may be too late for some towns and cities; but for most of us the alarm has been sounded in time.

We can thank Elliott Levitas for that.●

THE GATHERING OF HOLOCAUST SURVIVORS IN WASHINGTON, D.C.

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ROTH. Mr. Speaker, this week nearly 12,000 survivors of the Holocaust will gather in Washington, D.C., to remember and remind the world of how hatred and bigotry can pervert nations. They are here in Washington to remember and remind the world what Hitler, and nazism did to the Jewish people of Europe. The survivors of the Holocaust are also here to frighten each of us, and remind each of us that the Holocaust was not an abberation of history—a moment in the history of man when a part of the world went mad. The Holocaust unleashed instincts so vile and despicable that men of good will have difficulty comprehending the enormity of the evil that nazism was to the Jews and the millions and millions of others who perished or suffered at the hands of the Nazis.

I think what it must have been like for the men and women who survived the death camps and returned to their homes. From the dairy farmer, shoemaker, storekeeper, carpenter, professor, or to the rabbi—men and women in every profession and walk of life—who returned to their homes and found not just the destruction of war, but the obliteration of their way of life, the destruction of their entire society, the demise of their cultural institutions. Most tragic of all was the disappearance of friends, relatives, grandparents, aunts, uncles, nieces, and nephews, cousins, wives, children, and grandchildren.

But Mr. Speaker, in spite of all the tragedy and destruction, these people who are gathering in Washington—prove the indestructability of man and his faith. It proves that a people who live by the faith of their ancestors can draw upon a well of strength that their persecutors could never understand. In America, in Israel, and in many other countries the survivors of the Holocaust have rebuilt their lives. Their lives will never be complete—the lives of their children, according to several studies, will carry the burden of the terrible tragedy which befell their parents.

In one sense, the survivors are a witness for all men of what can happen when hate takes precedence over reason. Whether in Cambodia or in the Gulag—men and women are murdered for their race, or faith, or political beliefs. Mr. President, this week we in Washington are privileged to participate in this commemoration.

What happened to the Jewish people in Europe, or to the Cambodian people reminds each and every one of us how precious and rare is our liberty and form of government. There are times when I detect a condescending view of our democracy among certain political observers. They point to the many failings of our system—and they exist. But we know what we stand for and upon what principles of liberty our society is constructed. It is taught in elmentary schools, it is taught in junior and high schools. As we become older we take our freedoms for granted. We cannot afford that luxury. The Holocaust survivors here in Washington are a living witness to the differences which separated, and continue to separate, our form of government from ideologies which trample upon the individual and would crush its citizens.

I am proud that the President of the United States has not only addressed the gathering, but has helped to make possible right here in Washington a major museum about the Holocaust. This is not a gathering of interest only for those of the Jewish faith. At the same time it is a celebration of man—because their gathering proves that their struggle for life was not an impossible dream.

Mr. Speaker, yesterday evening the President spoke to the gathering of survivors. His was a speech of humanity and understanding. I ask that it be printed in the RECORD.

REMARKS OF THE PRESIDENT AT HOLOCAUST REMEMBRANCE GATHERING

CAPITAL CENTER

The President: Thank you very much. (Applause.) President Meed, Chairman Wiesel, the other distinguished leaders of the United States Holocaust Memorial Council, participants in the American gathering of Jewish Holocaust survivors, members of the second generation, friends, survivors—tonight we stand together to give thanks to America for providing freedom and liberty and for many here tonight, a second home and a second life. (Applause.)

The opportunity to join with you this evening as a representative of the people of the United States will be for me a cherished memory. I am proud to accept your thanks on behalf of our fellow Americans and also to express our gratitude to you for choosing America, for being the good citizens—(applause)—for being the good citizens that you are and for reminding us of how important it is to remain true to our ideals as individuals and as a nation. (Applause.)

We are here, first and foremost, to remember. These are the days of remembrance, Yom Hashoah. Ours is the only nation other than Israel that marks this time with an official national observance. For the last two years I've had the privilege of participating personally in the Days of Remembrance Commemoration as President Carter did before me. May we take a moment to pause and contemplate, perhaps in silent prayer, the magnitude of this occasion, the millions of lives, the courage and dignity, the malevolence and hatred, and what it all means to our lives and the decisions that we make more than a generation later. Would you please join me and stand in a tribute to those who are not with us for a moment of silence. (Silent prayer.) Amen.

In the early days of our country, our first President, George Washington, visited a Hebrew congregation in Newport, Rhode Island. In response to their address, he wrote them a now rather famous letter reflecting on the meaning of America's newly won freedom. He wrote, "All possess alike liberty of conscience and immunities of citizenship. For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens." Well, certainly our country doesn't have a spotless record, but our fundamental beliefs, the ones that inspired Washington when he penned that letter, are sound.

Our whole way of life is based on a compact between good and decent people, a voluntary agreement to live here together in freedom, respecting the rights of others and expecting that our rights in return will be respected. But the freedom we enjoy carries with it a tremendous responsibility. You, the survivors of the Holocaust, remind us of that. Good and decent people must not close their eyes to evil, must not ignore the suffering of the innocent—(applause)—and must never remain silent and inactive in times of moral crisis. (Applause).

A generation ago the American people felt like many others in the Western world, that they could simply ignore the expanding power of a totalitarian ideology. Looking back now, we must admit that the warning signs were there, that the world refused to see. The words and ideology of the Nazis were rationalized, explained away as if they had no meaning. Violations of religious freedom, the attacks on Jewish property, the censorship, the heavy taxes imposed on those who wished to emigrate, even the first concentration camps—all this was ignored, as was the incredible expansion of Germany's war machine.

A few brave voices tried to warn of the danger. Winston Churchill was driven into the political wilderness for speaking the unpleasant truth. There were also those who in their sincere desire for peace were all too ready to give totalitarians every benefit of the doubt and all too quick to label Churchill a warmonger.

Well, time has proven that those who gloss over the brutality of tyrants are no friends of peace or freedom. (Applause.)

Tonight let us pledge that we will never shut our eyes, never refuse to acknowledge the truth, no matter how unpleasant, If nothing else—(applause)—if nothing else, the painful memory we share should strengthen our resolve to do this. Our Founding Fathers believed in certain self-evident truths, but for truth to prevail we must have the courage to proclaim it.

Last week we reaffirmed our belief in the most meaningful truths of our Judeo-Christian heritage—Passover and Easter. These two religious observances link our faiths and celebrate the liberation of the body and soul. The rites of Passover remind us of the freeing of our common ancestors from the yoke of Pharaoh's bondage and their exodus to freedom. (Applause.) And today you bear witness to a modern-day exodus from the darkness of unspeakable horror to the light and refuge of safe havens: The two most important being America and what soon became the State of Israel. (Applause.)

As a man whose heart is with you and as President of a people you are now so much a part of, I promise you that the security of your safe haven here and in Israel will never be compromised. (Applause.) Our most sacred task now is ensuring that the memory of this greatest of human tragedies, the Holocaust, never fades; that its lessons are not forgotten. Although so much has been written and said, words somehow are never enough. If a young person, the son or daughter of a neighbor or friend should die or suffer a terrible illness, we feel the sorrow and share the pain. But how can we share the agony of a million young people suffering unspeakable deaths? It's almost too great a burden for the human soul. Indeed, its very enormity may make it seem unreal.

Simon Wisenthal has said, "When a hundred people die, it's a catastrophy. When a million people die, it's just a statistic."

We must see to it that the immeasurable pain of the Holocaust is not dehumanized, that it is not examined clinically and dispassionately, that its significance is not lost on this generation or any future generation. Though it is now a dry scar, we cannot let the bleeding wound be forgotten. (Applause).

Only when it is personalized will it be real enough to play a role in the decisions we make. Those victims who cannot be with us today do a vital service to mankind by being remembered. But we must be their vessel of remembrance. (Applause). This reunion is part of our duty to them.

Ben Meed, by serving as the catalyst for this historic event, you exemplify the meaning of good citizenship. America is lucky to have you. (Applause). Elie Wiesel, you have done so much for so many years now, for all you've done, thank you for your noble effort. (Applause).

Americans can be proud that with the help of these two men and many others, we're moving forward to build a Holocaust Memorial, a living museum here in the nation's capital. (Applause). And it is being financed, as is this gathering, by voluntary contributions by Jews and Gentiles, by citizens from every walk of life of every race and creed who grasp the importance to our soul and to our well being of seeing, of understanding and of remembering. (Applause).

Imparting the message of the Holocaust, using it to reinforce the moral fiber of our society is much more than a Jewish responsibility. (Applause). It rests upon all of us who, not immobilized by cynicism and negativism, believe that mankind is capable of greater goodness. For just as the genocide of the Holocaust debased civilization, the outcome of the struggle against those who ran the camps and committed the atrocities gives us hope that the brighter side of the human spirit will, in the end, triumph. (Applause).

During the dark days when terror reigned on the continent of Europe, there were quiet heroes, men and women whose moral fiber held firm. Some of those are called "righteous Gentiles." At this solemn time, we remember them also. (Applause). Alexander Rozlan and his wife, for example, now live in Clearwater, Florida. But during the war, they lived in Poland and they hid three Jewish children in their home for more than four years. They knew the terrible risk they were taking. Once when German soldiers searched their home, the Rozlans kept serving wine and wiskey until the troops were so drunk they forgot what they were looking for. (Applause). Later, Rozlans own son, who was in the hospital with scarlet

fever, the boy hid half of the medicine under his pillow so he could give it to the Jewish children his family were hiding because they, too, had scarlet fever. (Applause).

There are many such stories. The picturesque town of Assisi, Italy, sheltered and protected 300 Jews. Father Rufino Niccacci organized the effort, hiding people in his monastery and in the homes of parishioners. A slip of the tongue by a single informant could have condemned the entire village to the camps, yet they did not yield.

And, of course, there was Raoul Wallenberg—(applause)—one of the moral giants of our time, whose courage saved thousands. He could have remained in his native Sweden, safe from the conflagration that engulfed the continent. He chose to follow his conscience. Yes, we remember him, too.

I would affirm, as President of the United States and, if you would permit me, in the names of the survivors, that if those who took him from Budapest would win our trust, let them start by giving us an accounting of Raoul Wallenberg. (Applause). Wallenberg and others who displayed such bravery did not consider themselves heroes. I understand that some of them when asked about why they risked so much, often for complete strangers, replied, "It was the right thing to do." And that was that. It was just their way.

That kind of moral character, unfortunately, was the exception and not the rule; but for that every reason is a consciousness we must foster.

Earlier, I described our country as a compact between good and decent people. I believe this because it is the love of freedom, not nationalistic rituals and symbols, that unites us. And because of this, we are also bound in spirit to all those who yearn to be free and to live without fear. We are the keepers of the flame of liberty. (Applause).

I understand that in Hebrew, the word for "engraved" is charut. It is very similar to the word for "freedom," cheyrut (Applause). Tonight, we recognize that for freedom to survive and prosper, it must be engraved in our character, so that when confronted with fundamental choices, we will do what is right, because that is our way. (Applause.)

Looking around this room tonight I realize that, although we come from many lands, we share a wealth of common experiences. Many of us remember the time before the second World War—how we and our friends reacted to certain events has not faded from our memory. There are, also, in this room many young people, sons and daughters, maybe even a few grandchildren. Perhaps some of the younger ones can't understand why we're making so much of a fuss. Perhaps. some of them think we're too absorbed by the heartaches of the past and should move on.

Well, what we do tonight is not for us. It's for them. (Applause.) We who are old enough to remember must make certain those who take our place understand. So, if a youngster should ask you why you are here, just tell that young person—"Because I love God, because I love my country, because I love you, Zachor." (Applause.)

I can't close without remembering something else. Some years ago, I was sent on a mission to Denmark. And while there, I heard stories of the War. And I heard how the order had gone out for the Danish people under the Nazi occupation to identify the Jews among them. And the next day, every Dane appeared on the street wearing a Star of David. (Applause.)

Thank you all. And God bless you. (Applause.)●

TRIBALLY CONTROLLED COMMUNITY COLLEGES ACT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. DASCHLE. Mr. Speaker, I am very pleased to sponsor, along with Congressman PAUL SIMON and others, the reauthorization of the Tribally Controlled Community Colleges Act.

The accomplishments and potential of tribal colleges are both impressive and growing. Because of this, I strongly support this legislation which goes beyond a simple reauthorization of the previous act by providing an opportunity for tribal colleges to meet what can only be viewed as a positive development—growing demand for and use of college services.

In just 10 years the five tribally controlled colleges which serve South Dakota—Oglala Sioux, Sinte Gleska, Cheyenne River, Sisseton-Wahpeton, and Standing Rock have achieved academic excellence, have become an integral and very active part of their communities and have raised the aspirations and hopes of the people they serve, both students and nonstudents.

Gleska College of the Rosebud Sioux Tribe this year became the Nation's first tribally controlled college to receive a 4-year bachelor's degree accreditation. The Oglala Sioux Community College has just this month been recommended for 4-year full accreditation on the associate and bachelor degree level. The other colleges are also on the path to receiving full accreditation. This is quite a record for schools which started out with very little funding, with makeshift facilities, and with volunteer and part-time teachers.

My colleagues know of the destructively high unemployment rates among Indian people—unemployment rates run as high as 90 percent on reservations. The education and resulting confidence and self-esteem provided by the colleges result in high-employment rates among tribal college graduates. Wayne Stein, president of both Standing Rock Community College and the American Indian Higher Education Consortium, recently testified before the House and Senate Appropriations Committee that tribally controlled community colleges graduates are employed at an 85-percent rate on reservations. He went on to cite a recent study where:

It was found that the non-Indian higher education institutions had a drop-out rate approaching 90 percent for Indian students scheduled to complete a degree plan. For Indian students completing a two year degree at a tribally controlled community college, and transferring to a four-year non-Indian institution, there was an 80 percent completion rate.

Last year the Oglala Sioux Community College reported that 86 percent of its graduates were employed and another 10 percent were in school.

And Mrs. Dolores Edwards, president of the board of regents of the Navajo Community College, testified before the Senate Interior Appropriations Subcommittee this year:

About 70 percent of Navajo Community College students enter with sub-survival level scores on achievement tests—with many having failed in previous off-reservation college experiences—and about 80 percent come from families earning less than $3,300 a year. Still, half of Navajo Community College's graduates go on to four-year colleges and universities and more than 80 percent of these students graduate. Navajo Community College now counts among its graduates doctors, lawyers, Ph.D.'s, principals, teachers, superintendents, mechanics, secretaries and nurses, and there is a huge demand, right on the reservation, for the skills being developed at Navajo Community College.

As an aside to this, I would like to add that the House today is considering the conference report on the jobs bill which has about $180 million specifically set aside for projects on Indian reservations. While money in the jobs legislation cannot provide the kind of structural change that education can, it is certainly a welcome development.

Educational achievements are not events which end at a point in time. Educational opportunities offered—whether they be providing graduate-equivalency diplomas through the colleges adult education programs, library services, training workshops, or teaching and preserving Indian language and culture—when taken advantage of, live forever.

Tribally controlled community colleges provide educational opportunity, in terms of academic and cultural content and location, which cannot be filled by nonreservation, non-Indian institutions. I urge my colleagues to actively support this legislation.●

THE AFGHAN FREEDOM FIGHTERS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MICHEL. Mr. Speaker, one of the most remarkable stories of our time is unfolding before our very eyes and not too many Americans are aware of it. I refer to the heroic resistance of the Afghan freedom fighters against the Soviet occupying force in Afghanistan. Against modern equipment, overwhelming numbers and the use of chemical weapons, the Afghan

people are not only holding out—they are punishing the aggressor. The Soviet Army got a black eye and bloody nose from tiny Finland 43 years ago. It would appear that the Afghan people are teaching them the same lesson today.

At this point, I wish to insert in the RECORD, "Afghan Rebels Match Soviets' Spring Offensive," from the Washington Post, April 6, 1983.

The article follows:

[From the Washington Post, Apr. 6, 1983]

AFGHAN REBELS MATCH SOVIETS' SPRING OFFENSIVE

(By William Claiborne)

NEW DELHI, April 5—With the onset of a major spring offensive by Soviet and Afghan troops against rebel bands in the countryside, guerrillas have escalated their attacks in and around Kabul, according to western diplomatic reports from the capital.

Diplomatic sources here, whose accounts were supported by refugees who left Afghanistan recently, said today that Afghan rebels during the weekend besieged a military garrison opened only last month in south Kabul, killed or captured all of its Afghan Army occupants and seized a large cache of ammunition. They reportedly were aided by a mutinous Afghan soldier in the garrison.

Following the daring nighttime attacks in the Qala-e-Wahe neighborhood of south Kabul and sustained rebel firing on Afghan Army positions in the nearby Char Gala-e-Chardelhi district, the guerrillas were reported to control that entire area of the capital during darkness.

The fatal shooting of an unarmed Afghan civilian by a Soviet soldier in central Kabul on Sunday triggered the largest antigovernment demonstration since a series of protests in February, the diplomatic sources said.

They said an Afghan student was shot to death during an altercation with the Soviet soldier in a gas station, after which a large crowd shouting, "Death to the Soviets" stoned Soviet vehicles. Afghan Army troops arrived, disarmed the Soviet soldiers and took them away from the crowd, but the Kot-e-Sange neighborhood of the capital was reported to have remained tense.

The diplomatic sources said rebels also surrounded the home of an Afghan Communist Party official, kidnaped him and, after a prolonged exchange of gunfire with security forces, escaped. Also on Friday, two suspected Afghan informers were assassinated in the capital.

Citing "reliable" Afghan sources, the western diplomats said that the commander of the 8th Division of the Afghan Army, Maj. Gen. Mohammed Nabi Azimi, was critically wounded on March 16 when rebels fired a rocket at his jeep during an inspection tour near Paghman, 15 miles northwest of Kabul.

Reports from two western diplomatic missions in Kabul said that the main highway from the capital to the Salang Pass to the Soviet border has been closed to most traffic as a result of guerrilla activity and an avalanche.

The highway disruption, compounded by the destruction of a key bridge two miles north of the Salang tunnel, has resulted in severe shortages of fuel in Kabul, the diplomatic sources said.

Moreover, repeated sabotaging of a petroleum pipeline from the Soviet frontier to the Bagram Air Base near Kabul has increased the necessity to keep the highway open to supply Soviet forces, diplomatic analysts said.

But Soviet and Afghan forces were reported to have launched major offensives in several areas of rural Afghanistan.●

IMPROVEMENTS MADE IN OUR NUCLEAR WEAPONS DELIVERY SYSTEM

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. EDGAR. Mr. Speaker, much of the debate about the nuclear freeze has dealt with the contention of the administration that for years the Soviets have been modernizing their forces while we have not.

In early October, Secretary of Defense Weinberger said:

The simple fact of the matter is that we haven't done any strengthening or any modernization of our strategic systems virtually since they were built.

In a press conference on January 19 President Reagan said:

So up until now, in previous negotiations, they (the Soviets) haven't had to make any concession because we were unilaterally disarming.

Those are serious indictments of our Armed Forces, to say that they have been asleep on the job and have not kept our strategic forces strong and up to date. In fact, those charges are wrong. Our strategic forces are very, very strong, and they have been getting stronger, not weaker.

The number of U.S. strategic nuclear weapons rose from 4,000 in 1970 to 9,200 in 1980. Today, the United States has approximately 9,800 strategic nuclear weapons. Numerous improvements have been made in the delivery systems of nuclear weapons. The Center for Defense Information has compiled a list of improvements made since 1970. The list makes clear that we have not been sitting still.

1. 1965-73—Replacement of Minuteman I with Minuteman II missiles.

2. 1970-75—Replacement of MM I and MM II with 550 MM III missiles.

3. 1970-75—MIRVing of 550 MM III ICBMs. (1650 MK12 weapons).

4. 1971-76—Replacement of Polaris A-3 SLBMs with 496 Poseidon C-3 SLBMs.

5. 1971-78—MIRVing of 496 SLBMs on Poseidon subs. (About 5,000 weapons).

6. 1966-76—Addition of 76 FB-111 SAC bombers and 356 F-111 nuclear capable bombers to U.S. Air Forces.

7. 1972-75—Addition of Short-Range Attack Missile (SRAM) to B-52, FB-111 aircraft. 1,140 now in inventory.

8. 1979-83—Retrofitting of 900 MK12A weapons on 300 MM III ICBMs.

9. 1979-82—Retrofitting of 192 Trident missiles on 12 Poseidon subs. (About 1,500-1,600 weapons).

10. 1976-81—Construction of 8 and delivery of two Trident subs.

11. 1981—Air Launched Cruise Missile operational. (At least 4,348 to go on B-52G/Hs.)

12. Throughout the 1970's—B-52 Improvements. (Some for only B-52G/H versions), Offensive Avionics, Electronic Counter Measures, Electro-optical Viewing, Terminals for AFSATCOM, Fuselage Extension, Enlarged bomb bay, EMP Hardening, New Engines, SRAM Carriage, ALCM Carriage, Wing Skin Change, Shortened Tail.

13. Throughout the 1970's—FB-111 Improvements, Larger Wings, Strengthened Landing Gear, Offensive Avionics, EMP Hardening, SRAM Carriage, New Engines, ECM, Structural Strengthening.

14. Throughout the 1970's—Other ICBM Improvements, Command Data Buffer System (MM III), Silo Hardening (MM & Titan), New Launch Control System (MM), Airborne Launch Control System (MM III), INS-20 Guidance System (MM III).

15. Ongoing R & D Programs throughout the 1970's, Ballistic Missile Defense (Deployed in 1976), Anti-Satellite Weapons (Testing in 1982, Operational—1985), Lasers and Particle Beam Weapons, MARV (First test in 1975), Anti-Submarine Warfare.●

ONE HUNDREDTH ANNIVERSARY

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. DASCHLE. Mr. Speaker, on April 12, of this year, the U.S. Post Office in Wolsey, S.D., will celebrate the 100th anniversary of its founding. While we all recognize the changing nature of the postal system, and the communities it serves, this anniversary should cause us to reflect for a moment on the vital role that the Postal Service has served in uniting this country, and giving us our national character. If we allow it to, the Postal Service, operating through institutions like the Wolsey Post Office, will continue to serve that mission in the efficient, timely manner it has in the past.

I would like at this point to include in the RECORD a brief history of the first 100 years of the Wolsey Post Office, and convey my sincere wishes that it, and the community it serves, will have another 100 years of success.

The postal records in the National Archives show that the post office at Wolsey, Beadle County, S. Dak., was established in Dakota Territory on April 12, 1883.

Henry Mosher was the first postmaster.

The Wessington Times of April 19, 1890, states that "Wolsey has been made a money order post office. This makes three in the county, Huron, Wessington, and Wolsey."

According to the 1906 plat book, the post office was located on block 9, lot 8, which is across the street and south of the present post office building. At

one time Cora Whitney, postmaster, would go to the railroad depots and stamp the letters. She was paid by the number of pieces of mail she stamped Wolsey.

Harry Barnes, editor of the Beadle County Herald built a brick building in block 9, which housed the post office in front and the print shop at the back.

A fire at the Northwestern depot in March 1913, had gotten too big to save the express and freight mail. First-class mail was saved and fourth-class mail was slightly damaged.

The post office was apparently moved to block 4 on the west side of main street and north of its first location, before the fire of 1920, as a report in a Wolsey newspaper, dated August 1920, states that the post office, which was located on a lower floor of a building lost in the fire, and was moved to the former post office room located in the Barnes Building.

The post office was moved to its present location in 1934 or early 1935.

Postmasters through the years were: Edwin S. Shannon, Maj. Carrie A. Watson and Porter A. Bliss, all serving at different periods of time through September 4, 1893; Henry Newton, Myron W. Snyder, Gertie H. Whitney, Marietta D. Whitney, and Cora Whitney, served from September 1893 through February 14, 1912.

Harry Barnes was appointed postmaster on June 23, 1911, and again on February 14, 1912. He apparently also served as postmaster in 1907, when he built the brick building that housed the post office and newspaper.

David C. Campbell was appointed postmaster on May 24, 1916, when the post office was still located in the Barnes Building. At this time an article from the Beadle County Herald, commented on the young people who would loaf in the post office lobby, destroying pens by writing on the desk and destroying the desk by climbing on it with their shoes and scratching the top.

Other postmasters throughout the years were: Mayme E. Hamilton; Mrs. George "Minnie" Lumbard, who served from March 4, 1922, through July 31, 1934, when the post office was located across the street north of the present location.

Frank A. Allen was acting postmaster on August 1, 1934, and was later appointed postmaster, a position which he held until January 1, 1948.

Edward D. Siemens assumed charge of the post office on January 1, 1948, and served as postmaster until December 31, 1974, at which time Mary Ethel Houck assumed charge of the post office and was appointed postmaster on March 23, 1975. A position she currently holds.

Rural carriers over the years included: Hiram Bond, Victor Chesley, Forrest Gordon, Verna Allison, Thomas Montgomery, A. B. Custer, and Edward Hoskins. Current rural carriers are: Kenneth A. Sargent and Gerald L. Boe.

Substitute carriers through the years include: Elmer Getscher, George Boston, Parke Hoskins, and Clinton Pownell.

Clerical help during the existence of the Wolsey Post Office includes: Virginia Babcock Jungemann, Ruth Leyhe, Elsie Jensen, Frances Johnson Chenoweth, Jennie Montgomery Allen, Lorraine Hinkle, Hazel Case, Edna Hagen Harris, Connie Carson Fuller, Mary Ethel Carson Houck, and currently, Mavis I. Price.●

THE NATURAL GAS EQUAL ACCESS AMENDMENTS OF 1983, H.R. 2182

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. SCHROEDER. Mr. Speaker, on March 17, 1983, I introduced the Natural Gas Equal Access Amendments of 1983, H.R. 2182. This bill would have the effect of lowering natural gas prices by allowing purchasers to shop around for the cheapest natural gas. Currently, gas prices are higher than need be because pipelines are simply not buying and transporting the cheapest gas. Local distribution companies buy most of their gas from a pipeline, who in turn buys it from a pipeline production affiliate or some other natural gas producer. This bill would allow direct purchases from producers and would make available cheap natural gas that is currently not reaching the market.

SECTION BY SECTION DESCRIPTION OF THE "NATURAL GAS EQUAL ACCESS AMENDMENTS OF 1983"

Sec. 1. Title—"Natural Gas Equal Access Amendments of 1983."

Sec. 2. Findings and Purpose:

Findings: A national market for natural gas does not now exist, causing severe economic dislocations and impeding prudent gas development with end-user prices varying widely. The lack of a national market is detrimental to both consumers and producers and exists due to the basic structure of the natural gas industry as required by federal laws and regulations. The monopoly powers of natural gas pipelines over producers and consumers prevent development of a critically necessary national market for natural gas.

Purpose: The purpose of the bill is to establish a national market for gas by encouraging direct sales of gas between producers and end-users of their wholesalers and requiring transportation of gas involved in direct sales.

Sec. 3. Equal Access to Natural Gas Transportation Facilities:

This section adds a new section to the Natural Gas Policy Act of 1978, Section 316, which has the following provisions.

(a) Transporters shall transport gas based on available capacity upon demonstration of need on terms the Federal Energy Regulatory Commission considers just and reasonable.

(b) Any gas not currently under contract is available for transportation. Sec. 8 establishes mechanisms for freeing certain categories of gas from existing contracts.

(c) Tariffs would be established for transportation, such tariffs to be cost-based and just and reasonable as determined by the FERC.

(d) Establishes rules for submission of requests for transportation.

(e) Specifies how the need for transportation is documented and establishes minimum tender requirements of 500 Mcf per day for a minimum of 180 days. These minimum requirements are excused for gas for which the contract has been marketed-out or breached by the purchaser. FERC is allowed to modify these requirements in the public interest.

(f) Establishes that capacity is available for gas to be transported under this bill unless the Commission finds upon hearing that sufficient capacity does not exist. In the event partial capacity exists, transportation will be mandatory to that extent. Storage capacity and current documented demands for gas supply will be considered in determining available capacity. The Commission will require compression and may require looping to increase capacity, with costs being allocated equitably to protect existing users.

(g) Ratable transportation is required where insufficient capacity exists to transport gas involved in all applications. High priority users will continue to be protected.

(h) Precludes affiliates of pipelines, interstate or intrastate, from selling equal access gas, retaining that gas as general system supplies.

(i) Presidential emergency allocation is maintained.

Sec. 4. Definition of Natural Gas Transporter: Defines transporter as interstate and intrastate pipelines and local distribution companies—excludes gathering systems.

Sec. 5. Natural Gas Transporters Having No Available Capacity: Restricts new purchases and sales by transporters determined to have no available capacity.

Sec. 6. Reduction of Minimum Bills and Service Obligations: Provides for reduction of service obligations of pipelines to customers and minimum bill obligations of such customers to pipelines to the extent that gas transported under this bill is purchased.

Sec. 7. Amendment of Service Classification: Prevents change of service classification without Commission hearing where user is buying both pipeline supplies and equal access gas.

Sec. 8. Increased Availability of Gas: A new section is added to the NGPA of 1978, Section 320, which makes certain other gas, besides uncontracted gas, available for direct sale and transportation:

(a) Gas from wells drilled after December 31, 1982.

(b) Gas that has reached a contract renegotiation date.

(c) Heavily curtailed gas.

(d) Provides that new contracts may waive applicability of (a) or (b).

(e) Defines renegotiation date.

(f) Provides that old interstate gas and old intrastate rollover gas (NGPA 104 or 106(a) gas) is subject to a right of first refusal by the current purchaser.

Sec. 9. Nonapplicability of Natural Gas Act to Certain Sales by Exempt Pipelines: Preserves the exemption of certain small natural gas pipelines from FERC regulation under the Natural Gas Act.

Sec. 10. Limitations on Charges Payable by Affiliated Entities: Modifies the pricing provisions of the NGPA to provide that prices paid by pipelines to their production affiliates cannot exceed the lowest paid in comparable sales to unaffiliated producers, as opposed to the highest price as now allowed.

Sec. 11. Effective Dates: Upon enactment.●

AMERICA'S STRENGTH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I would like to enter into today's CONGRESSIONAL RECORD an exceptional speech written by an Alaskan high school student, Miss Lori J. Reynolds. Miss Reynolds wrote this speech for the annual Veterans of Foreign Wars Voice of Democracy contest. I am pleased to submit this speech and hope you enjoy it as much as I have.

The speech follows:

LORI J. REYNOLDS, ALASKA WINNER, 1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

Stop and ask yourself, do you really feel that the youth of today are the strength of America? We are a nation of originals—driven by the belief in ourselves and our ideals, fueled by our independence of thought and action. Our possibilities are limited only by the height of our dreams. We are the youth of America.

What makes a great nation? I personally believe that the leaders make a great nation. To have a great leader you need to train him and you can achieve this end two ways. The first is by setting a good example. The adults of today need to set a pattern that they themselves would not mind following. You must keep in mind, what you put in the minds of today's youth will show in tomorrow's leadership.

The second way to have a good leader is to give him a good education. Henry Broughan once said, "Education makes a people easy to lead, but difficult to drive; easy to govern, but impossible to enslave." What you teach the youth will help him not only to set their goals, but to also set their guidelines for their lives.

Who will determine the destiny of America? Surely not the old and feeble. No, it's the youth. William Jennings Bryan once said that, "Destiny is not a matter of change, it is a matter of choice; it is not a thing to be waited for, it is a thing to be achieved." After World War II, what would America's destiny have been if the youth had been unwilling to do their part? The statement made by Edwards Phelps is so true, "The man who makes no mistakes does not usually make anything." If we never try, then we will never gain anything. Most teens of today have taken this attitude, which is seen in the way they are taking part in government, small businesses, and other areas in the adult world. Sure, some of today's youth have made some mistakes • • • a few might be involved with drugs, sex, booze, and other such things. This is, however, no reason to condemn all of today's youth. If the youth of today would stop and take a serious look at the mistakes of the youth in the past, maybe we could prevent some of the unnecessary mistakes that the youth of today are making. If they would stop and look at what drugs, sex, and booze are doing to their friends; then maybe they would stop and consider, "Is it really worth it to be in the crowd?"

I still feel that America's strength lies in its youth. Why? The main reason has to do with their open minds. The youth of today are searching, looking for answers and ways to improve this world. Robert Louis Stevenson said, "For God's sake, give me the young man who has brains enough to make a fool of himself." We should at least try; if nothing else, we can at least learn by our mistakes.

I doubt that there would even be youth of today if it were not for the youth in years past. Those youths were no different than we are; they had dreams, hopes, plans, and futures—yes even future—but they were willing to sacrifice it all so that today there might be an America. So that we might have the opportunity to be the youth of today • • • America's Strength.●

MARTIN AMENDMENT AGAINST UNILATERAL U.S. FREEZE

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, a central issue in the freeze debate is the fact that some freeze advocates would use the bilateral freeze resolution as a Trojan Horse to obtain a unilateral U.S. freeze.

Following is the position of Messrs. BROOMFIELD, HYDE, CARNEY, and myself in response to a letter on this issue signed by Messrs. MARKEY, LEACH, and others:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 11, 1983.

On March 22 we wrote to describe for you the evidence showing that many prominent leaders of the movement for the bilateral freeze resolution (H.J. Res. 13, lucky number) openly advocate a unilateral freeze. On March 28, six of them countered with a letter protesting what they took to be an accusation that they favor "unilateral disarmament". Well, now, those are entirely different concepts. Disarmament means "to reduce armed forces" (Webster's); freeze means to keep what we have and not add new weapons to replace those becoming obsolete.

Representatives Markey, Leach, Aspin, Downey, Solarz and AuCoin presented a very charming response to an accusation we never made, and were careful not to make. Six times we used the phrases "unilateral U.S. freeze" and "unilateral U.S. restraint"; and we quoted the Washington Post and the New Republic criticisms of "unilateralism" within the freeze leadership. (The Post editorialized on March 20, "it is not easy to find new systems in which they (the freeze movement) see merit. The letter of the movement honors mutual negotiated cuts. But its spirit is patently unilateralist.") Out of courtesy we did not once suggest or imply that our colleagues favor unilateral disarmament.

That raises the intriguing question of why these six stalwarts now make such a big deal over an accusation that was never made. Is it because they would rather tar us with a brush we never used, to make us appear to be more churlish than we really are? That is indeed a quaint version of a kind of "reverse McCarthy" tactic: to impugn an opponent for a base charge that he did not make.

So our freeze champions have resorted to a new wrinkle in ad hominem discreditation.

Secondly, and more important, is the question of why their response did not once mention the only accusation we did make: namely, that some of them favor a unilateral freeze in the vain hope that the Soviet Union would be inspired to follow suit. This is what the freeze movement means by a "mutual" freeze. First the U.S., then (they hope) the Soviet Union. Thus, the Nuclear Weapons Freeze Campaign, at its national convention in St. Louis on February 6, paid lip service to mutuality, but then spelled out what it really means by voting to "urge the U.S. Congress to suspend funding for the testing, production, and deployment of U.S. nuclear weapons" and only to "call upon the Soviet Union to exercise corresponding restraint." Amazingly, the convention defeated a motion to make U.S. actions "contingent on" the Soviet response. So much for mutuality.

Why did our colleagues ignore this, the only issue we raised? Do they not distinguish "unilateral freeze" from "unilateral disarmament"? Do they oppose a "unilateral freeze" but lack words to say so? Do they in fact support a "unilateral freeze" but prefer not to say so? Are they divided amongst themselves?

Their feigned outrage over an imagined accusation and their dodging of the real issue only makes us wonder at the apparent strategy of using the bilateral freeze resolution as a Trojan Horse for achieving a unilateral freeze. If H.J. Res. 13 passes, you can depend on it thereafter being argued that the MX, Pershing II, B-1, Trident and cruise missiles all must be halted unilaterally, regardless of the Soviet response, lest we violate the "spirit of the freeze." Last fall, after the August vote on the freeze, many of us received mail asserting that a vote for the freeze was a commitment to vote against the MX. If this resolution passes, the pressure will only intensify against all our programs.

Widespread public support for a bilateral, mutual freeze does not mean there is widespread support for a unilateral freeze. Accordingly, Mr. Martin of North Carolina will put before the House and amendment to give the freeze leaders the opportunity to make clear whether they disavow the unilateral freeze and repudiate the position taken by the freeze movement at its St. Louis convention on February 6.

JAMES G. MARTIN.
WILLIAM CARNEY.
WILLIAM S. BROOMFIELD,
Ranking Minority Member,
House Foreign Affairs Committee.
HENRY J. HYDE.●

H.R. 1234, DOMESTIC CONTENT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. DANNEMEYER. Mr. Speaker, the Energy and Commerce Subcommittee on Commerce, Transportation and Tourism held a hearing today on H.R. 1234, the Fair Practices in Automotive Products Act. This hearing is a part of a series by the subcommittee on world trade in general and the auto industry in particular.

Although I am privileged to serve on the Committee on Energy and Commerce, I do not sit on the subcommittee which held the hearing. Therefore, I appreciate the courtesy extended by the subcommittee chairman, the gentleman from New Jersey (Mr. FLORIO), to permit me to sit in on, and participate, at the hearing.

Given the importance of this issue to our economy and world stability, I would like to insert the full text of my opening statement at this point in the RECORD:

STATEMENT OF THE HONORABLE WILLIAM E. DANNEMEYER, MEMBER, COMMITTEE ON ENERGY AND COMMERCE

Mr. Chairman, and colleagues, I appreciate having the opportunity to present my views as part of the hearings of the Subcommittee on Commerce, Transportation and Tourism relative to H.R. 1234, the Fair Practices In Automotive Products Act, and trade policy in general.

I would like to first discuss procedural matters attendant to consideration of legislation in this area, then outline the policy problems that I have with the "domestic content" approach to trade policy and auto issues, and finally touch upon the broader context within which these problems must be resolved.

Mr. Chairman, as you know, the subcommittee held only one-half day of hearings on H.R. 5133, the domestic content bill that was introduced in the 97th Congress. Therefore, I am pleased that this hearing is the second in what I hope will be a series of sessions on trade policy, the auto industry, and the views of a broad range of witnesses on domestic content legislation.

You may also recall that during the mark-up of the Full Committee last year, I made the point that the committee did not have access to a report of the Congressional Budget Office (CBO) on the specific provisions of the Ottinger Substitute that was forwarded to the committee after the subcommittee hearing and just prior to the scheduled mark-up. It would seem to me that the prudent course of action this year would be to request a CBO study of the legislation sufficiently in advance of subcommittee and committee action so that Members might benefit from their analysis in formulating positions on the legislation.

Mr. Chairman, moving now to the policy-related problems that I have with the substance of H.R. 1234, let me say that my objections are deeply rooted in a reading of history before and after the passage of the Smoot-Hawley Tariff Act in 1930.

THE SMOOT-HAWLEY TARIFF ACT

The pending domestic content bill is not the first time that the Congress has considered the option of protectionist legislation in response to the problems of a domestic economic sector. A similar situation arose in the 1920's, originally with agriculture. The response of the Congress was to raise tariff barriers on the importation of foreign agricultural products and other goods through passage of the Smoot-Hawley Tariff Act of 1930.

The following quotations from The Way The World Works by Jude Wannisky ought to be thought provoking items as we consider H.R. 1234:

The stock market crash of 1929 and the Great Depression ensued because of the passage of the Smoot-Hawley Tariff Act of 1930.

On May 5, 1930, 1,028 American economists petitioned (President) Hoover not to sign the tariff bill if and when it was enacted:

"Our export trade, in general, would suffer. Countries cannot permanently buy from us unless they are permitted to sell to us and the more we restrict the importation of goods from them by means of even higher tariffs, the more we reduce the possibility of our exporting to them . . ."

Mr. Chairman, as we all know, President Hoover signed the legislation on June 16, 1930. It is a fair question to ask how a bill signed into a law in 1930 could have caused, or substantially contributed to, the stock market crash in 1929. Mr. Wanniski's book traces the high public profile that the action of Congress in 1929 and 1930 enjoyed on the tariff legislation as the bill worked its way through the committees of the House and Senate and the full chambers of the respective bodies. He documents the swings in the stock market that occurred as votes were taken to raise, or not to raise, tariffs in selected industries. The stock market was able to anticipate, Wanniski argues, the economic events which would follow enactment given the strong sentiment in Congress for passage of the legislation.

Other writers have commented that if the Smoot-Hawley Tariff Act did not cause the Depression, then it at least prolonged the economic disaster of the 1930's. It is indeed sobering to note that editorials on domestic content have also drawn the parallel between the pending bill and the Smoot-Hawley Tariff Act. For example, I would like to bring to the attention of the subcommittee an excellent editorial from the Christian Science Monitor of September 16, 1982. Under the heading of "Made-in-America Madness", the editorial begins with this passage:

Back in the early 1930's, when the world was in the grip of depression, nation after nation slammed shut its doors against overseas imports. Instead, political leaders sought to protect domestic industries, in part by encouraging citizens to "buy American", "buy French", "buy German", and so on. Such policies, of course, worked against the very upturn in world economic conditions sought by everyone concerned.

In light of this historical experience, one cannot but be disturbed by the misguided and potentially dangerous trade legislation now working its way through the U.S. House of Representatives—and likely to be passed by that chamber. Called the Fair Practices In Automotive Products Act and sponsored by the United Automobile Workers union, the act is neither fair to consumers nor likely to encourage production of auto parts or stimulate world trade in general.

Those of us who are opposed to the domestic content legislation are particularly concerned about the negative impact on U.S. exports and the jobs that go with them. Foreign retaliation would not only be limited to specific compensatory relief granted by the General Agreement on Tariffs and Trade (GATT). Proponents of domestic content have tried to dismiss the export retaliation argument by stating that Japan and other auto-exporting countries would not seek GATT action, or if they sought it would not receive it, given their own violations of GATT provisions. This latter statement misses the fact that there will be adverse economic effects targeted at U.S. exports without any action of an international body. These effects would take place automatically as a result of fluctuations in the exchange rates between the U.S. and Japan, or between the U.S. and other countries, as currency values adjust to the altered trading relationship. As Japanese imports to the U.S. decline due to the domestic content requirement, fewer dollars are sent to Japan in return for the automotive products. With relatively fewer dollars, and other factors being equal, the exchange rate will tend to move to strengthen the dollar relative to the yen. When this occurs, exports from the United States become more expensive as expressed in foreign currencies. The result would be a loss of exports and export employment, which are critical to states such as California, and the district within that state which I am privileged to represent in Congress. In addition, there is the unquantifiable psychological impact on trade brought about in other countries when the U.S. lessens its commitment to free trade, which is precisely the message of a domestic content requirement.

The post-enactment history of Smoot-Hawley should give us a reason to pause and reflect upon the seriousness of the domestic content undertaking and its potential ramifications. The League of Nations' World Economic Survey, 1932-33, contains the following information,

The Hawley-Smoot tariff in the United States was the signal for an outburst of tariff making activity in other countries, partly at least by way of reprisals. Extensive increases in duties were made almost immediately by Canada, Cuba, Mexico, France, Italy and Spain. During 1930, general tariff increases were announced by India, Peru, Argentina, Brazil, China and Lithuania.

And, finally, I would like to point to information taken from "The Tariff Act of 1930: The Smoot-Hawley Tariff" by Raymond Ahearn, Analyst in International Trade and Finance, at the Congressional Research Service,

Under the impact of higher tariffs and growing nontariff restrictions, world trade declined precipitously. Between 1929 and 1932 the value of world trade dropped from $66.6 billion to $26.3 billion, while total U.S. trade plunged from $9.5 billion to only $2.9 billion.

At a time when one in five U.S. jobs are export-related, and the crops from one in three farm acres are exported, can we afford to set the precedent of H.R. 1234 and perhaps fuel a trade war? The answer, in my judgment, is clearly negative, as the history of the Smoot-Hawley Tariff Act makes clear.

IS DOMESTIC CONTENT LEGISLATION A SOURCE OF TRADE LEVERAGE?

During the debate on the bill last year, many of our colleagues stated that their support for the legislation rested upon deep concerns over the existence of trade barriers to the entry of American products in Japan and other countries. Members of Congress expressed the desire to use this legislation as leverage in trade talks.

I share the feelings of my colleagues on the need for the United States to press Japan to lower, if not eliminate, trade barriers. This effort should extend to all nations of the world, but particularly to those who enjoy the opportunity to do a substantial amount of business in our relatively open marketplace.

However, there is nothing in the legislation that would give our trade negotiators any leverage. If H.R. 1234 were to be enacted into law, the content requirements would take effect in the first, second, third, and subsequent model years as set forth in the tables contained in the bill. There is nothing in the bill that would alter the schedule of its implementation if a nation were to take steps to reduce trade barriers, thus giving no incentive for nations to liberalize their trading policies. In fact, the bill would strengthen the agricultural interests in Japan that are the political force behind restrictions on beef, citrus and tobacco products while simultaneously hurting the very manufacturers in Japan that have a pecuniary interest in securing trade reform from the Government.

It seems to me that the attention of Congress is best directed towards authorizing or supporting administrative action against selected imports if it is necessary to increase pressure on recalcitrant trading partners. In that manner, the administrative action can be terminated if the offending policies are altered.

THE DOMESTIC AUTOMOBILE INDUSTRY

I do not blame the United Auto Workers (UAW) for pushing domestic content legislation to preserve a wage position that would not otherwise hold up in a competitive market. According to a study by the Heritage Foundation, the average autoworker's wage is 28 percent higher than that of the average manufacturing employee; $9.50 per hour versus $7.00 per hour. This matter was placed in additional perspective by the Washington Post in an editorial entitled, "Wages at Chrysler." In relevant part, the editorial reads,

Labor costs, including cash wages and all the fringes, now average $19.60 an hour among production workers at Chrysler, according to the company. They are $2.60 an hour higher at GM and Ford. Those wages are more than half again as high as the average for all American manufacturing workers. In the past, the United Auto Workers justified that tremendous wage differential by citing the high productivity in the automobile factories. But now their grip on the American market is being eroded by competitors whose wages are lower and whose productivity is higher.

The American manufacturers use about 200 hours of labor to build a subcompact car, the CBO calculated, while the Japanese use 111 hours. The result is a price differential of about $2,000 in a subcompact car, two-thirds of it in the hourly cost of labor and one-third in productivity. (September 14, 1982)

Against this backdrop, we must not forget the automobile consumer when we evaluate the impact of domestic content legislation on the auto industry. If U.S. auto companies, their workers and suppliers face less competition, whether from home or from abroad, they will have less of an incentive for quality control and performance will be significantly reduced.

Douglas Fraser, the president of the UAW that is the main force behind the domestic content bill, provided evidence for this proposition on the CBS News broadcast, "60 Minutes", in a refreshing display of candor with interviewer Morley Safer,

It's been a hard lesson for us, and I can't imagine things going back on a shop floor, and that's where it really counts, back to the old adversarial days. And you know, I'd be frank to admit this is where competition comes in play. And had it not been for the Japanese competition, maybe we would have ignored quality to the degree that we did in 1978. We didn't ignore it completely, but it was lowered in our sense of priorities.

Unfortunately, Mr. Chairman, domestic content requirements, as proposed in H.R. 1234, would reduce the competitive position of both Japanese and U.S. manufacturers. The impact on Japanese manufacturers is self-evident from the content requirements, which would break up their chain or structure of operations that is the basis for their productivity. The impact on domestic companies is a little more hidden, but no less disruptive in terms of making our own manufacturers less competitive. I would strongly urge the subcommittee to closely examine Section 4(a) of H.R. 1234, which sets forth the content percentages for manufacturers. Section (4)(a)(1) would "freeze" domestic manufacturers, who already achieve content rations in excess of 90 percent in the case of Ford, GM, and Chrysler, at the content they obtain in model year 1984, minus 10 percent. The practical effect of this provision is to put a higher burden on U.S. companies in the initial model years then would be placed on foreign manufacturers.

By treating domestic manufacturers in this discriminatory fashion, the bill would prohibit, or at least severely restrict, the ability of U.S. companies to secure parts and other automotive components from the least cost source of supply—whether at home outside the company or overseas.

The practice attacked by the legislation is known in the lingo of the auto industry as "out-sourcing". The "world car" is a reality in the industry. Parts are manufactured all over the world. The bill would deny U.S. companies the access to the world marketplace, where competition will keep costs and prices down, just as it does in the retail market for finished automotive products. As I noted earlier, the bill woud not deny foreign manufacturers access to the world sources of supply to the same extent in the initial years of the implementation of content requirements. Therefore, foreign companies will have an advantage that will only work against a maximum rebound in U.S. car sales.

THE BROADER ECONOMIC CONTEXT AT WORK

As the Congress examines trade and automotive issues, let us not lose sight of the broader context within which we are working. Our trade position and the state of the auto industry are both impacted by the fiscal and monetary policies of the federal government, which are in turn driven by massive amounts of deficit spending that distorts and diminishes the availability of capital.

In plain English, Mr. Chairman, we still suffer from high interest rates, which are down from the 20 percent-plus level of the 1970's but which remain high by historical standards given the current low rate of inflation. There can be no doubt that the projected deficits in the federal budget around the $200 billion mark for the rest of the decade are keeping interest rates up. It goes without saying that high interest rates retard auto sales, which are dependent upon the availability and affordability of consumer credit. As discussed earlier, the high rates of interest also aggravate our trading position due to the interplay between interest rates, capital flows between countries, currency exchange rates, and import/export balances.

Unfortunately, neither this Committee nor the Congress as a whole has yet to display the fiscal responsibility on the spending side that is necessary to bring the deficits down to the point that financial markets will respond with lower rates of interest. If we want to help our trade deficit and our auto industry, let us be more judicious in our spending decisions. The upcoming round of mark-ups on authorization bills, and later action on appropriations measures, provide an opportunity to follow through on this course of action.

We can, of course, also provide government assistance in the form of action on tax, environmental and regulatory reform legislation in the 98th Congress. Ultimately, however, those directly working in the industry, whether as labor or as management, face the task of becoming more competitive. What really disturbs me about this legislation is the underlying assumption that we must legislate the competition away in order to survive. If we tried to do so, we would penalize other American workers in export industries and all American consumers. By what moral authority or legal right do we in the Congress derive the power to take jobs away from some Americans and give them to others simply in response to the organized political pressure of a single interest group?

Mr. Chairman, I reject the notion that some must lose in order for others to gain in the battle to promote economic recovery. It is cynical, simplistic, hopeless, and just plain wrong-headed. Protectionist measures such as domestic content merely export our misery and put it on someone else's doorstep.

For this reason, let us not ignore the implications of trade policy in general on national security and world political stability. It would be foolish, in my estimation, to dismiss as mere coincidence the fact that World War II followed economic troubles around the globe, that in turn followed the decline in trade, which itself was rooted in the protectionist action and reaction of the Smoot-Hawley Tariff Act in 1930.

It has been said that if goods do not cross international boundaries, then armies will. This is not to suggest that passage of a single piece of legislation will directly and immediately result in armed conflict. Rather, it is to suggest that in our pursuit of economic advantage, we must exercise some restraint in our methods. Protectionist action, in combination with other forces, would be a destabilizing course at a time when we need to improve our relations with allies in Europe and Japan. The world political situation calls for unity, not discord. The passage of this and similar legislation would not help us accomplish our objective of world peace.

CONCLUSION

Again, Mr. Chairman, I appreciate having had this forum within which to discuss trade policy in general and domestic content legislation in particular. Specifically, to share my recommendations on procedural matters, a historical perspective, particular problems with domestic content as an auto policy, and an overview of the broader context within which we work on these matters.●

H.R. 1035—IMPACT AID

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. BOEHLERT. Mr. Speaker, we cannot lose sight of our obligations to educate our youth, especially those who are disadvantaged. The education of these children is our future strength, and we must take every possible step to insure that all our children are able to receive the education they need to work for a better society. Without the necessary skills and abilities, our source of American ingenuity and creativity will end, and the future of our children will be darkened by our own shortsightedness.

As the House of Representatives considers the Education Consolidation and Improvement Act Amendments, H.R. 1035, I can think of no better time to remind my fellow colleagues of the importance of the educational programs included in this measure.

When the Congress undertook the Education Consolidation and Improvement Act (ECIA) in 1981, it revised the Federal education program for disadvantaged children, and consolidated 28 categorical elementary and secondary education programs into a single block grant to the States. The purpose of the ECIA was to give flexibility to the States, and to insure that the educational needs of all children were fully met. In any reform, one can fully expect to find unintentional results or inadequacies.

H.R. 1035 corrects these inadequacies. This new block grant program is refined by better targeting its much needed educational funds. Useless audits are eliminated, compliance by education agencies is effectively confirmed with less expensive procedures, and needless regulations are eliminated. The measure lowers the States' costs for the administration of these educational programs, and reduces unnecessary waste. Furthermore, adoption of the measure will not require new Federal funds.

The programs included in ECIA are vast. One particular program affected by this legislation is category B impact aid, funds for education of children whose parents either live or work on Federal property. A drafting error in Public Law 97-35 eliminated category B payments at the end of fiscal year 1983. The enactment of H.R. 1035 will correct this injustice and extend the aid through fiscal year 1984. Without the continuance of impact aid, a great number of deserving children in my congressional district would be faced with diminished hopes for their education's future. Their needs are real, and the Congress had not intended to cut them off. I am pleased that we have the opportunity to include this correction in our efforts to refine the ECIA.

The education programs made available to the disadvantaged and all children under ECIA should be strengthened whenever possible. With the budget constraints we continue to live under, I see no reason for the Congress to balk away from these efforts to improve a block grant program, make up for mistaken deficiencies, and to create fairer and more efficient targeting of Federal funds.

Passage of H.R. 1035 will better accomplish the original intentions of Congress in the Education Consolidation and Improvement Act. I embrace those improvements, and urge you to do so. We must show the American people and our disadvantaged students that we know the problems they are forced to endure, and that we are making every effort to improve their educational opportunities. People are our Nation's greatest resources, and we must protect it by giving our youth the skills they need to live and work in a better society. They deserve every effort we can give them.●

OUTSTANDING BATTALION IN THE NATION

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SHELBY. Mr. Speaker, I would like to take this opportunity and share with my colleagues in the House of Representatives the news of a wonderful honor that has come to the Seventh Congressional District and the State of Alabama.

The 4th Battalion, 14th Marine Regiment of the 4th Marine Division has been chosen as the recipient of the Gen. Harry G. Schmidt Award, which recognizes the most outstanding battalion in the entire Marine Corps Reserve nationwide.

This is truly a historic honor because the battalion is the first artillery unit ever to receive the award for 2 years in succession.

Winning an award such as this says a great deal about the type of Marine program that is being offered in the Greater Birmingham area. The quality of leadership and caliber of individuals that compose the unit is just excellent. I want to commend Lt. Col. J. D. Phillips and Lt. Col. J. D. Wilson for their outstanding work in leading the unit and in preparing the men for this competition.

The unit was selected from among some 190 units, representing more than 150 cities, to receive the award. I am certainly proud to have this outstanding accomplishment come to the Seventh Congressional District. This has brought great honor to the State of Alabama, and I am proud to serve as their Congressman in Washington.●

NAT OWINGS RECEIVES GOLD MEDAL FROM AMERICAN INSTITUTE OF ARCHITECTS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PANETTA. Mr. Speaker, one of our Nation's foremost architects, whose work has won him national and international reknown, has been awarded the highest honor of the American Institute of Architects—the Gold Medal. The 1983 winner of this most prestigious award is Nathaniel A. Owings, whose designs can be found all over the globe but whose most lasting achievement will probably be the redevelopment of our Capital's most famous boulevard—Pennsylvania Avenue.

I am particularly proud to announce this to my colleagues, as Nat Owings is not only a resident of Big Sur, California, in my district, but also a good friend. His concern about urban and rural environments has extended to Big Sur, and he has been a strong advocate of preservation of the Big Sur coast.

In choosing Nat Owings to receive this award, AIA cited his "most distinguished service to the architectural profession and to the Institute." He has made "signal contributions to the quality and scope of American architecture, and the firm he helped found in 1936—Skidmore, Owings, & Merrill—has received 16 AIA Honor Awards for such major architectural achievements as Lever House and Pepsi-Cola World Headquarters in New York City and other structures in cities ranging from Buffalo, Kansas City, Des Moines, and Cambridge to Brussels, Guatemala City, and Kamuela, Hawaii.

According to AIA, Nat Owings' "drive, imagination, sense of mission and singular genius for choosing and giving continued support to brilliant individuals with exceptional design talent were major forces that made SOM an outstanding architectural practice."

AIA also noted two major projects on which Nat served as project manager, the U.S. Air Force Academy in Col-

orado Springs, and the Crown-Zellerbach Office Building in San Francisco. He also was involved in revitalization of San Francisco's Market Street.

Nat's work in San Francisco and his work as chairman of the Chicago Planning Commission from 1958 to 1961 honed "his ability to deal in idealistic and pragmatic terms with the complexity of urban change," according to AIA.

The most enduring contribution of Nat Owings to urban design in America, however, may be his work on the development of Pennsylvania Avenue in Washington, D.C. In 1962, he served as Chairman of President Kennedy's Advisory Council on Pennsylvania Avenue. Since that time, he has conducted what AIA calls a "20-year campaign to achieve unity and beauty on the Nation's most processional street. His work inspired the rebirth of development on this avenue and led to enrichment of the Mall from the Capitol to the Lincoln Memorial." Nat worked under Presidents Johnson, Nixon, and Ford in planning and formulating the development corporation established in 1974 to implement the plan for Pennsylvania Avenue.

"His steady determination and wise prodding as well as his joyful combativeness have kept this process moving," the AIA continues, "set high standards for its architectural elements and achieved a broad acceptance of the importance of design unity and historical diversity on the avenue."

Of course, Nat has a host of other achievements to his credit, and they range from further architectural work and teaching to his environmental activism. As AIA says, "People who design buildings, live in cities, visit the monuments of Washington and love the landscape are all deeply in his debt."●

UPDATE ON THE POLISH DEBT ISSUE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WINN. Mr. Speaker, as the ranking Republican member of the Subcommittee on Europe and the Middle East of the House Committee on Foreign Affairs, I thought it would be useful for the House Members to have an update on the debt Poland owes the United States and the payments in 1982 on this debt.

The following information was provided to the subcommittee in March 1983 by the Department of State:

POLAND: DEBT ISSUE

Poland currently owes the U.S. Government $1,848 million. Poland owes U.S. banks a total of $1.6 billion, of which $500 million is guaranteed so that the banks' non-guaranteed exposure to Poland is $1.1 billion. The U.S. Government paid to banks $271 million under guarantees in fiscal year 1982 and $396 million in guaranteed Polish debt obligations to U.S. banks will come due in fiscal year 1983. The total Polish debt in convertible currencies as of the end of 1982 is $24.8 billion according to Polish statistics.

As of December 31, 1982 Poland had only paid the U.S. Government the relatively insignificant amount of $14.5 million on total 1982 payments due on officials debts of $842 million. Although the bulk of Poland's 1982 payments due to U.S. private banks were rescheduled, the Poles did, we understand, make substantial payments to the banks under the terms of the rescheduling. We have no means for keeping track of exactly what the Poles paid, however. As we have noted, $396 million in U.S. Government guaranteed Polish debt obligations to U.S. Banks will come due in fiscal year 1983.●

CHANGING CHAPTER I TO A VOUCHER PLAN: AN ATTACK ON PUBLIC SCHOOLS AND POOR CHILDREN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WEISS. Mr. Speaker, without question, one of the most successful federally funded efforts to enhance the educational achievement of our Nation's economically disadvantaged children is the chapter I program of the Education Consolidation and Improvement Act, formerly known as title I of the Elementary and Secondary Education Act. Yet under the guise of fiscal austerity, the Reagan administration has displayed unparalleled insensitivity to the intellectual development of poor children by requesting massive cuts in funding for the program. Fortunately, the Congress has rejected the most devastating of these proposed cuts, although funding for chapter I remains woefully inadequate. Now, in proposing the conversion of the chapter I program into a voucher system, the President has clearly renewed his attack on this effective program and the children who participate in it.

The proposed voucher plan is objectionable in principle because it would erode and fractionalize support for public education. Increased competition among schools resulting in higher quality education would not be the result. We would see, rather, a Federal subsidy of private schools at the expense of a proven-effective public education. Furthermore, because antidiscrimination provisions contained in the President's proposal are inadequate, it is possible that some Federal dollars would go to schools that discriminate against racial minorities.

A recent article by David S. Tatel in the New York Times highlights the successes of the chapter I program, and calls attention to the dangers of the President's proposed voucher plan. Mr. Tatel was formerly Director of the Office of Civil Rights of the Department of Health, Education and Welfare. I urge my colleagues to take the time to review Mr. Tatel's cogent arguments on this most important issue.

The article follows:

[From the New York Times, Mar. 23, 1983]

DEPRIVING DEPRIVED CHILDREN

(By David S. Tatel)

WASHINGTON.—President Reagan wants to convert into vouchers the program that funds special opportunities for educationally deprived children. He apparently believes that this program, known for many years as Title I of the Elementary and Secondary Education Act and now as Chapter 1 of the Education Consolidation and Improvement Act of 1981, is another bloated, ineffective remnant of the Great Society. But recent studies, including one by President Reagan's own Secretary of Education, Terrel H. Bell, demonstrate that Chapter 1 is enormously successful and is improving the educational achievement of millions of disadvantaged children.

Title I was enacted by Congress in 1965 to help school districts meet the special needs of educationally deprived children in low-income areas. It pays for teachers and teachers' aides who are trained to teach basic skills in reading and mathematics. In 1981 (the latest data available), Chapter 1 spent $3.1 billion to help 5.4 million schoolchildren.

In the beginning, Title I did not succeed. Its objective of making additional funds available for children with special needs was frustrated by school districts that used the money for general aid. Some even used the funds to reduce their own taxes. As a result, the funds were diluted. Not surprisingly, early studies showed that the program was ineffective.

But in the early 1970's, Government auditors got tough and began to insist that Title I funds be used exclusively for disadvantaged children. They uncovered millions of dollars of misspent money and drafted tighter regulations that prohibited Title I funds from being used for general education purposes. Title I children then began to receive the special attention they needed. The results were dramatic.

In 1981, the federally funded National Assessment of Education Progress reported that black 9-year-olds increased their reading scores by 9.9 percentage points from 1971 to 1980. It also reported a 9 percentage point increase for all rural students and a 5.2 percent increase for students in disadvantaged urban communities.

Secretary Bell has also concluded that Chapter 1 is responsible for improved achievement scores. In his December 1981 annual evaluation report, he concluded that the program is "effective in helping many participating students to progress beyond what would be expected without the program." His report showed that in grades one through three, Chapter 1 students gained in reading by 10 to 17 percent more than non-Chapter 1 children of the same age. In mathematics, Chapter 1 students showed gains ranging from 9 to 74 percent over similar students in non-Chapter 1 programs in grades one through six.

These dramatic achievement gains are not temporary. Mr. Bell emphasized that gains

persisted over the summer and that children who graduated out of Chapter 1 programs because of high achievement continued at the higher levels even one year after the programs had ended for them.

Because of this remarkable record, one would expect President Reagan to propose more money for Chapter 1. Instead, the President has tried to dismantle the program.

At his request, Congress cut the 1982 budget for Chapter 1 from $3.1 billion to $2.8 billion at a time when the needs of disadvantaged children were growing. Also at the President's request, Congress weakened those provisions of the law that after so many years of effort had finally insured that children eligible for Chapter 1 actually received the special programs and attention that have been so critical to increasing their achievement scores. And last year, the President proposed further reductions in Chapter 1 funding, but Congress would not go along.

Now the President wants to give states and local school districts the option of converting Chapter 1 into vouchers that parents could use to send their children to schools. If the President's proposal were a legitimate effort to eliminate waste or abuse or to free school administrators from unnecessary regulations, it could be seriously considered. But it is not.

Like the tuition tax credits that the President has so far been unable to persuade Congress to enact, vouchers will simply divert badly needed funds from the public schools and undermine a program that after years of effort and billions of dollars is delivering proved and dramatic benefits for one of the most vulnerable elements of our society—disadvantaged children who otherwise have little hope for educational improvement.

Now that the President has sent the voucher plan to Capitol Hill, the Congress should reject it and insist that Chapter 1 be funded adequately. The millions of children who can learn so much under Chapter 1 and who can some day become productive, working and voting adults deserve no less.●

LEO TROMBATORE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FAZIO. Mr. Speaker, Members of the House of Representatives, on Saturday, April 16, 1983, hundreds of friends and colleagues of Leo Trombatore will come together to honor him on the occasion of his appointment as director of the California Department of Transportation. A gathering of this magnitude is indicative of the love and esteem in which Leo is held.

A professional in every sense of the word, this man has devoted his adult life to developing the finest transportation system in the Nation. A native of Los Angeles, and an alumni of UCLA and Carnegie-Mellon University, he joined Caltrans in 1947 as an engineer moving up to assistant director engineer of district 7. In 1967, he was appointed as deputy district director of transportation for district 4, headquartered in San Francisco. In this capacity he administered the project development capital program. In 1975, his previous successes earned him a promotion to district director of transportation for district 3 in Marysville, where he has been in charge of over 1,000 employees and a yearly budget in excess of $100 million. While in Marysville, he has served on the governing board of the Sacramento Transit Development Agency, and on the board of the Tahoe Transportation District.

California, in the past 35 years, has experienced a phenomenal rate of growth. And with increases in population come demands for more and better roadways. One need only travel over the more than 16,000 miles of highways in this State to understand the magnitude of the problem of providing and maintaining such a system. Few of us can even begin to appreciate the complexities involved. But Leo Trombatore understands, and it is this knowledge and experience that make him uniquely qualified for the position of director of Caltrans. He brings to this position an ability to work with the many disparte interests and individuals involved with and concerned about our transportation systems.

It is not an exaggeration to say that Leo is one of the most respected and popular individuals in the great State of California. I have known Leo since my days as a member of the California Assembly when I chaired the Transportation Subcommittee of the Ways and Means Committee. Leo, first as an adviser and then a friend, remains so to this day. But that would surprise no one, for he is thought of by all who know him and work with him as a thinking man and a caring man. He has always given freely of his time for civic activities and community endeavors. He is a member of the Rotary Club, the Amici Club and has served on the board of pathways and the United Way. People are always turning to Leo for guidance and assistance, and he is always there. I think that everyone will share my view that the California highways, byways and transit systems are in good hands.●

BUILDING COSTS ON HIGHWAYS ARE DECLINING

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. HUGHES. Mr. Speaker, the Wall Street Journal, a couple of weeks ago, reported that the cost of constructing highways in the Nation has fallen significantly, in some cases by as much as 25 to 30 percent below the engineers estimate. Highways, as everyone knows, are paid for by the taxpayers, and it is satisfying to know that these extremely important projects, unlike many other things these days, are becoming less expensive.

The point I want to make is that this remarkable decline in costs has occurred because the Department of Justice has investigated and prosecuted dozens of cases of bid-fixing in the highway construction industry. Prosecutions in 15 States have produced indictments of over 180 companies and 200 executives. Numerous jail sentences, and fines totaling $41 million have been imposed. The conviction rate in these cases has been over 90 percent.

Law enforcement is not simply a matter of punishing wrongdoers. It helps society clarify the standards of conduct that we expect to be upheld by businessmen, employees, Government workers, and everyone else.

This news is evidence that the deterrent power of the law when enforced can be very strong, especially in the area of white collar crime.

We must remember that the crime problem and the need for law enforcement is not just a matter of violent crime, street crime, or drug trafficking. These important bid rigging cases were brought under the provisions of the Sherman Antitrust Act which we do not even usually think of as a criminal statute. The prosecution of white collar crime, which silently robs millions of dollars from all of the taxpayers, a few dollars at a time, must remain a high priority for Federal law enforcement. I commend the Department of Justice for their sustained effort in bringing cases that have had such a positive effect on everyone of us who uses and pays for the highways.

[From the Wall Street Journal, Mar. 25, 1983]

BUILDING COSTS ON HIGHWAYS ARE DECLINING

(By Albert R. Karr and Robert E. Taylor)

The low bid for an interstate highway interchange in the Atlanta area was $63.2 million recently, more than $10 million below the state engineer's estimate. In Utah, where contractor bids are coming in as low as 25 percent under estimates, the state has been able to undertake four projects for the price that three used to cost.

One big reason for the lower prices: Justice Department prosecutions of widespread bid-rigging by highway contractors. In addition, state budget problems have produced a prolonged slump in highway construction, and raw-material costs are down. Roadbuilding expenses are expected to rise again soon, but they haven't turned up yet and at the moment costs are actually declining.

"Contractors are super-sensitive" to the prosecution threat, says Harvey Haack, a deputy transportation secretary in Pennsylvania. He says the winning bid on a recent $14 million earth-moving contract in Allegheny County, which includes Pittsburgh, was 30 percent below the $20 million engineering estimate.

Since 1979, criminal grand juries in 21 states have investigated highway bid-fixing. Prosecutions in 15 of those states have produced indictments of more than 189 companies and 200 executives. Convictions have led to fines totaling $41 million and numerous jail sentences.

A WAY OF LIFE

The Transportation Department's inspector general, who has aided the investigations, recently reported "a strong correlation" in contractor bidding patterns "between the success of our activity and the reduction in bid prices."

Richard Braun, a Justice Department attorney who prosecuted cases in five states, says bid-riggins was "pervasive" in each of them. The rigging involved "setting up" contracts, or conspiring to offer higher bids, so that an agreed-upon contractor would win the award with the lowest bid. Rigging typically inflated contracts 10 percent, but Mr. Braun says some contractors raked off much more.

The practice was a "way of life" for years in Tennessee and other states, officials say. "The asphalt people just took it for granted. Most of them didn't even think it was breaking the law—it was more or less helping each other out," says Samuel Slate of Virginia's Highways and Transportation Department.

But the federal crackdown, called one of the biggest Justice Department enforcement campaigns ever, seems to have stopped much of the bid-fixing. As prosecutors used evidence against one contractor to force testimony against another, contractors fell like dominoes in one state after another. Conviction rates have topped 90 percent.

CONSTRUCTION COSTS DECLINE

In Virginia, Mr. Slate says, contractors didn't want to go through this anymore. Adds the Justice Department's Mr. Braun: In states where judges have handed down substantial jail sentences, road-building firms "will be leery" of further rigging.

The big test will come as construction picks up. Price conspiring is more likely when a surplus of business reduces competition for contracts.

That won't happen immediately. Nationwide, construction prices for federally aided highways climbed 63 percent between 1977 and 1980, according to the Federal Highway Administration. By the 1982 fourth quarter, though, they had fallen nearly 13 percent from a high in spring 1980.

In Texas, fiscal 1979 contract awards for road-and-bridge projects were an average of $4.8 million, or 3 percent, above state engineering estimates. But in fiscal 1981, awards were $45.3 million, or 14 percent, below state estimates. John Kramer, the transportation secretary for Illinois, says that the state has had "the first sustained decline" in highway bids since the 1930s and that construction costs are continuing to decline. He says costs have dropped about 20 percent in the past 2½ years.

The price declines won't continue forever. Utah Gov. Scott Matheson expects increased road work to drive up bids by 5 percent to 10 percent. Other state officials also predict bids will rise as road and bridge building increases because of new money from federal and state gasoline-tax revenues. A 5-cent federal tax rise takes effect April 1, and many states are increasing their own levies. The new law means federal highway financing will climb from $7.66 billion in fiscal 1982 to $11 billion in fiscal 1983 and $13.87 billion by fiscal 1986.

Michigan plans to increase its road-contract awards to $315 million in fiscal 1983 from $146 million in fiscal 1982. For six months, Texas will triple its contract awards to $120 million a month.

Francis Francois, executive director of the America Association of State Highway and Transportation Officials, says he expects substantially higher construction costs this year. And Mr. Kramer of Illinois says, "We're predicating our future programs on construction prices beginning to turn up by midsummer," with a five-year annual inflation figure of 8 percent to 10 percent.

Still, even though states have begun to increase contracting, prices haven't rebounded yet. "With construction activity the way it has been, I don't think you're going to have rising prices for quite a while," says Arnold Kupferman of New York's Transporation Department. He says his agency is still getting eight to 10 bids for every project. In Illinois, seven firms bid on an average project, up from two in 1980.

In most states, a Federal Highway Administration official says, contractors are still "more interested in survival than profits." But Louie Pittman, president of Pittman Highway Contracting Co. of Conyers, Ga., says bids must rise before long or "there are going to be a lot of failures." He says last year was his company's worst in 15 years.

Meanwhile, some states have taken precautions to prevent a recurrence of bid rigging. Tennessee, for example, makes more precise estimates, has stopped publishing the estimates and shields the identity of potential bidders on specific projects. The state also uses a "trigger" to alert the transportation department to unusually high bids, says Robert Farris, Tennessee's transportation commissioner.

Furthermore, Mr. Farris says, contractors are saying to each other that now that they're getting another chance because of increased federal money, "for God's sake, let's do it right."●

U.S. POLICY ON MEETING WITH WEST BANK VILLAGE LEAGUE OFFICIALS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention some correspondence I have had with the Department of State on the desirability of a State Department official meeting with Mr. Mustafa Dudeen, the principal leader of the Village Leagues, a Palestinian organization operating with Israeli support in the occupied West Bank and Gaza.

Because it is important for the United States to maintain as broad contact as possible with a wide cross-section of Palestinian groups and leaders, the United States cannot ignore the Village Leagues. It is hoped that current policy of not meeting with Village League officials will be reviewed in the coming months. Such a meeting can take place without conveying support for the Village Leagues or its members. The Village Leagues will ultimately obtain power and legitimacy only through solid support within the Palestinian community and not from meetings with American diplomats.

The correspondence follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1983.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I had the opportunity recently to meet with Mustafa Dudeen and other officials of the Israeli-sponsored West Bank Village Leagues while they were in Washington.

I have tended to support the elected officials of the Palestinians, but I nonetheless feel that it is important that the United States maintain as broad contact as possible with as many Palestinian individuals and Palestinian organizations as possible. I would like to know why United States officials, even at a low level, will not meet with Mr. Dudeen or other officials of the Village Leagues. I believe it is in our interest to be talking to as wide a spectrum of Palestinian opinions as we possibly can.

I appreciate your consideration of this letter and hope that you will give serious consideration to the possibility of a meeting with Mr. Dudeen in the future. Such a meeting would be conducted without conveying any sense of support for the Village Leagues or its specific members.

I look forward to hearing from you on this matter in the near future.

With best regards,

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE
Washington, D.C., March 24, 1983.

DEAR MR. HAMILTON: This is in reply to your letter of March 1, in which you ask why United States officials, even at a low level, have not met with Mr. Mustafa Dudeen or other officials of the Israeli-sponsored West Bank Village Leagues.

As a matter of policy and principle, we very much agree with your comment that it is important that the United States maintain as broad contact as possible with a wide range of Palestinian individuals and organizations. Within this context, however, it is our obligation to assess what impact meeting with, or not meeting with, a given individual or organization will have on our overarching interest in achieving expanded peace negotiations on the basis of the President's September 1 initiative.

As you are aware, Mr. Dudeen and the Village Leagues are widely perceived on the West Bank and elsewhere as being key elements of a concerted Israeli effort to discredit and strip away the influence of the elected local Arab leadership. This leadership includes both the mayors who have been removed from office and those who have been expelled from the area (notably, Mohammed Milhem of Halhul and Fuad Kawasme of Hebron) by the Israeli authorities. Much as we disagree with many of the positions held by these leaders, we frankly do not believe it would serve our larger interest if we were to seem to acquiesce in or lend sustenance to the active effort to supplant them with Village League figures. It is our judgment that such would inevitably be the implication of a meeting with Mr. Dudeen or his colleagues at this delicate stage.

I hope you find the foregoing responsive to your concern.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.●

BIPARTISAN COMMISSION ON MEDICARE PROPOSED

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. RINALDO. Mr. Speaker, today, Senator PEPPER and I, along with a number of our colleagues, introduced legislation to establish a bipartisan Commission on Medicare. There are enormous financing problems facing the medicare hospital insurance trust fund, and only genuine, bipartisan legislation can hope to resolve this impending crisis.

Medicare currently provides health coverage to 30 million Americans. It is projected to spend about $60 billion in the coming year—more in any month than it did in the entire first year of its operation, 1966. But we are approaching a crisis.

Recently, I chaired a hearing of the Select Committee on Aging in Princeton, N.J. At that time, the committee heard grim projections of the future financial instability of the hosptial insurance trust fund.

The Congressional Budget Office released a report showing that the trust fund would be depleted in just 4 years—by 1987. CBO projections show that the system will have a cumulative deficit of anywhere between $300 and $400 billion by 1995. The deficit could be $70 billion each year in the middle of the next decade.

Health care costs continue to skyrocket. They are the only segment of the economy still experiencing double-digit inflation. Over the past 5 years, medicare costs have averaged a staggering 19-percent increase per year. Over the program's history, cost increases have outpaced the Consumer Price Index by better than 2 to 1. That inflation is a ticking time bomb for the medicare trust fund.

The increase in medicare costs is due almost entirely to inflation in health care—more expensive procedures, new technology, higher prices for physicians and hospitals' fees. It is not caused by the aging of America's population. While increased costs are expected to average 13.2 percent, CBO points out that only 2.2 percentage points are due to the aging of the population.

CBO predicts that medicare outlays will rise an average of 13.2 percent annually over the next decade. Revenues, however, are expected to rise only 6.8 percent. Unless we act, that structural funding gap spells disaster for America's elderly.

The elderly want reassurance. They are asking us: What will our health benefits be when we retire?

There have been a number of proposals to deal with the financing shortage in medicare. People have recommended increasing revenues—through use of general revenues, increasing the payroll tax, or providing new, earmarked sources of revenue to the hospital insurance trust fund. Others have suggested we reduce costs through benefit reductions, increasing copayments by beneficiaries, and voluntary participation in a voucher system.

In her testimony before the Aging Committee, Dr. Carolyne Davis, Administrator of the Health Care Financing Administration, explained that without significant cost containment reforms, the enormous financing shortfalls in medicare would require a benefit reduction of 44 percent, or a payroll tax hike of 80 percent.

Any attempt to close the funding gap solely through benefit cuts is unacceptable. As it is now, medicare covers less than half of the medical expenses of the elderly, and additional cuts would spell poorer health and greater suffering for millions of older Americans.

Nor can we afford to reduce the shortfall by simply raising the payroll tax. Financing the deficit by the payroll tax alone would require an unprecedented hike in the contributions of both employers and employees from 1.3 to 2.5 percent. Furthermore, the payroll tax is already scheduled to increase 5 out of the next 7 years.

Congress must face the problem head on. We have got to hold down hospital costs. Only by concentrating on the source of health care inflation can we hope to preserve a viable medicare system. Any legislation to reform medicare must be based on three fundamental principles: First, it should address the real problem—inflation, second, it must protect health benefits for the elderly, and third, it should have broad bipartisan support.

Toward this end, at the recent Aging Committee hearing in New Jersey, I proposed creation of a bipartisan panel to make recommendations to the President and the Congress on medicare's long-range funding gap, as well as study cost saving reforms and other improvements to the system.

The legislation Representative PEPPER and I are sponsoring today embodies this proposal. I think we all hope that such a panel will deliberate in an atmosphere devoid of partisan politics and that its recommendations will receive a top priority in Congress.

I urge my colleagues to join us in supporting passage of this measure, so that we may begin careful study of medicare reform while there is still time.●

YOUTH—AMERICA'S STRENGTH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. JOHNSON. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a Voice of Democracy contest. I am proud to have this year's Connecticut State winner in the 6th District, from the town of Windsor Locks. His name is Brian E. Hanson, and he is a senior at Windsor Locks High School. This young man has an impressive record of awards and achievements including: the National Scholastic Writing Award, the National Council of Teachers of English Nomination, the Observer Essay Award, and the Windsor Locks High School Poetry Award and Poetry Reading. In addition, he is a member of the National Honor Society. I think his essay, "Youth—America's Strength," provides all of us with something to think about as we ponder the future of our society—America's youth:

Ask anyone you know what time in his life he cherishes most, and he will tell you the answer is his youth. It is the time when one makes himself stand most tall and when he thinks his most boundless thoughts, the time when there is no place to go but up and onward with no end in sight, the time when there are miracles to be sought and won. When in this prime of life, we speak what we feel, and this we don't speak to repeat what has been said in the past; we would know too little of the past to speak with confidence. Instead, we speak of what newly comes to us from a world that is forever changing. We speak to make our opinions heard by everyone and to feel the earth shake beneath our feet, as we care nothing of tired routines or dated consequences. We still know what it means, when we are young, to be daring and feel no restrictions.

No one can refute the statements that in youth there is strength, physical strength and energy, and that the agility of the young is what keeps America on its feet and running. Time never stagnates like rain in a barrel, and so America, too, must never become bogged down in antiquated methods. Our social ideals, whose truths have remained intrinsic and constant in our lives throughout the ages, must continue at their present rate and must forever be applied to each incoming generation; ideals should be molded around each child to comfortably fit his needs like a warm philosophical jacket against the cold of confusion, and these same ideals must be embraced by the people as a firm but hospitable ground upon which all can stand equally beneath the common law. Youth, by nature, will always keep our American ideals in motion. When the young tap one another's vast resources and bind together in support of common ideals, they multiply their strength immeasurably; they need not be thought of as the uncertain

wave of the future but rather as a working integral part of today's society. And our society, here and now, is given a greater horizon by their contemporary points of view voiced equally as loud as anyone else's opinions.

I am not, however, forgetting the strengths of those who have already run the course. When our youthful freshness fades somewhat, we call ourselves old or elderly. One might come to the false conclusion that men grow weak and stale with age and must eventually be polished off our shining political heritage as dust from a venerable heirloom. The general consensus, though, is that age mellows youthful strength and ferments a range in thought such that the energy one used to spend excitedly running in circles about his own purpose must in time travel up to his head. The head is a compass the Rome to which all roads lead when energy has lost its sense of direction. Direction is important, for no matter how young and powerful his legs are, a man can't win a footrace if he doesn't know the twists and turns of the beaten path.

And so youth is energetic, but age holds the greatest experience. How can either be thought of as "America's Strength" in absence of the other? The duty of the young man is to come to know the nation as he comes to know himself, for the youthful self and the nation are built on the same principles of central government; one governs himself as a leader governs the people. The duty of the aged man is to preserve and insure what he has built and not walk away knowing that after himself will come the deluge. The two men must work together—for their duties are such that they can't possibly work apart. Youth is idle hands put into motion, and age is the sense that masters the fingers and allows them to work efficiently. Should the two be separated, the awkward hand would unwittingly touch things that burn, and the intellect without an outlet does nothing useful with its thoughts but think them. When the best of both worlds unite, though, and when one teaches the other, the young come of age and the aged are given tools for their thoughts. Hence, the mind is given back its hands, and the hands their sense of control. In this mutually granted exchange will America find its true strength.●

MUTUAL GUARANTEED BUILD-DOWN: A SERIOUS PROPOSAL FOR ARMS CONTROL

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. LEVITAS. Mr. Speaker, I would like to bring to the attention of my colleagues my response to a "Dear Colleague" letter put out yesterday by Congressman ED MARKEY, which supposedly relates to my mutual guaranteed build-down amendment to the nuclear freeze resolution. The letter is misleading in its characterization of what has been proposed as a serious and realistic concept which can lead toward the end we are all seeking, a reduction in the threat of nuclear war.

I hope that each Member of this body will take a few moments to read my letter to Congressman MARKEY.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 12, 1983.

Hon. EDWARD J. MARKEY,
205 Cannon House Office Building,
Washington, D.C.

DEAR ED: I am writing with regard to your "Dear Colleague", entitled "Why Let the Russians Replace Two Lightning Bugs With One Bolt of Lightning", which supposedly relates to my "build down" amendment to the nuclear freeze resolution. I am distressed that your letter misrepresents a serious and thoughtful arms control initiative—the mutual guaranteed build-down. Cute phrases don't properly address a serious subject.

We have listened carefully to the arguments advanced in support of a nuclear freeze; and indeed, it is the freeze movement, in which you have played a key role, that has heightened the concern for controlling the arms race and brought us to the serious debate in which we are now engaged. The freeze movement has served the nation by bringing the issue of arms control to the top of our agenda.

With all due respect, Ed, I urge you to give the mutual guaranteed build-down proposal equally serious consideration.

We all share the same overall objective, that is reducing the threat of nuclear war. Unfortunately, it is not an easy task to achieve. We cannot instantaneously wipe away the threat. It is a long-term process which will take time. The build-down is a beginning.

The build-down proposal can complement the freeze. I plan to offer it as an amendment to Section 2 of H.J. Res. 13, following the language regarding pursuit of "concurrent and complementary arms control proposals." Former Secretary of State Edmund Muskie has said, "It is the kind of constructive initiative for which those of us who support a nuclear freeze have been working."

This proposal forces an explicit trade-off between any new systems and reductions in existing systems, while we are working toward a negotiated freeze. Can you object to a proposal which leads to an overall reduction in force?

We must face the question of what will happen during this critical transition period. And in your letter, you point out that it is best to move toward more stabilizing weapons systems. The build-down proposal would allow for that, and would direct decision-making toward the primary concern of developing survivable systems which will contribute to overall stability. The build-down would allow and encourage us to go forward with the new weapons, such as the Trident I and the air-launched cruise missile, which you state "are stabilizing in that they deter by assured retaliation but do not threaten a first strike." Would it not be wise to put in place a proposal which encourages deployment of these more stable weapons while a freeze, which would preclude their deployment, is being negotiated?

There are several points in your letter which puzzle me and which I find misleading.

Your reference to the enhanced stability generated by the "assured retaliation" of weapons such as the Trident I and the air-launched cruise missile puzzles me in light of the subsequent statements in your letter regarding the ban of flight testing of ballistic missiles. How can the credibility and maintenance of our forces be assured when even limited testing is prohibited? Credibility of retaliation is the foundation of deterrence. How can we have the retaliatory capability, which you point out is stabilizing, without testing the reliability of the weapons systems?

Your critique of the build-down is based on speculation of possible technological developments in one Soviet weapons system—the SS-N-18. And yet, the build-down is a mechanism which is not fairly assessed with regard to single weapons system. The speculations are in fact examples of "a worst case" analysis of the type which you and other pro-freeze advocates have properly condemned in other contexts. Can we assume that the Soviets would achieve, or would seek to achieve, the kinds of improvements described in your letter? What would the Soviet Union gain from pursuing the "build-up" of the powerful warheads you envision, when a build-down would be encouraging dispersal of U.S. missiles in such a way as to make them unpromising targets for such hard-target-kill capabilities? The reliance on this one example greatly distorts the intended and likely impact of the build-down proposal on the overall strategic postures of both sides.

The flexibility of the build-down proposal would encourage us to focus on many of the concerns which you raise in your letter in the course of ongoing arms negotiations. Ideas such as limiting depressed trajectories, test restraints, and deMIRVing are all ideas which fall within the framework put forward by the build-down. In negotiating a build-down requirement, I would agree that it would be highly desirable to encourage both fewer and smaller warheads. The developing consensus in favor of deMIRVing our missile forces and installing smaller, single warhead ICBMs requires the kind of flexibility offered by the build-down concept. It is considerations of this nature which have led former Secretary of State Cyrus Vance and former National Security Advisor, McGeorge Bundy, and other experienced Americans to encourage development of the build-down concept.

Your summary chart suggests that "destabilizing warhead properties" would be down under the freeze, but up under the build-down. But how could these destabilizing properties be down under the freeze when the freeze would prevent us from moving toward more stable systems? The build-down can move us toward stability as follows:

STABILIZING CHANGES ALLOWED UNDER

	Builddown	Freeze without builddown
DeMIRVing (movement toward smaller, single warhead missiles).	Yes	No.
Dispersal of U.S. missiles in way which makes them unpromising targets for hard-target-kill capabilities.	Yes	No.
Development of survivable systems which enhance deterrence of and discourage first-strike capabilities.	Yes	No.
Compatible with prohibitions on depressed trajectory missiles and other sneak-attack devices.	Yes	Yes.

Certainly, we are dedicated to enhancing our national security and protecting the American people, and mankind, by reducing the threat of nuclear war. The build-down could be a first step on the path toward the kind of comprehensive arms control which you, and all of us, ultimately seek. In your commitment to the more encompassing concept of the freeze, I suggest that you consid-

er seriously what the build-down can contribute, in terms of stability and actual reductions, while we move toward negotiating the ultimate goal of a freeze and a halt to the arms race.

Very truly yours,

ELLIOTT H. LEVITAS,
Member of Congress.●

CITIZENSHIP FOR WILLIAM PENN

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. GOODLING. Mr. Speaker, today I am introducing a joint resolution to bestow posthumously full rights of citizenship to William Penn and his wife, Hannah. The two Pennsylvania Senators, JOHN HEINZ and ARLEN SPECTER, have introduced a companion resolution.

William Penn, as we all know, was the founder of Pennsylvania. Early in life, Penn became interested in religion and politics and through his written work made pleas for religious toleration, security of person, and property, and other rights of free Englishmen.

A Quaker himself, Penn urged Quakers to take part in the struggle for a government more tolerant of individual religious choice.

Penn's first connection with America was New Jersey. West Jersey came into the hands of the Friends and Penn became one of the trustees to manage the property. When early colonists settled in Burlington, they brought with them the famous Concessions and Agreements for their government. Historians feel this document was largely drafted by William Penn. It was his first gift to American government and more than likely the precursor of our modern Bill of Rights. The charter guaranteed to settlers the right of petition and of trial by jury and provided against arbitrary imprisonment for debt. It made no provision for capital punishment, even in cases of treason. The charter also guaranteed religious freedom. In addition, it provided for equal representation of Indians in jury trials—with the jury made up of six Indians and six whites.

Then, in 1681, in payment of a debt, the King of England gave to William Penn a tract of land north of Maryland which the King insisted Penn name for his late father. As Penn had wanted to call the province New Wales or Sylvania, the compromise was Pennsylvania. In 1682, William Penn secured from the Duke of York the territory of Delaware. At first this area was joined to the government of Pennsylvania but later became a province in its own right.

Mr. Speaker, as you can see, William Penn was highly involved in the founding and early history of three of the original Thirteen Colonies of our country—yet he was never a citizen.

Although Penn wanted to remain a resident of Pennsylvania, he was drawn back to England at the outbreak of the War of the Spanish Succession when a proposal was made in the English Parliament to annex all proprietary colonies to the Crown. Penn was able to retain his proprietorship, but never returned to Pennsylvania. He died in England in 1718.

This truly good man spent a lifetime promoting peace and liberty and helped to establish the foundation for our great country. It is only appropriate that we pay this one last tribute to William Penn and his wife—citizenship in the country he loved so dearly.●

UNILATERAL ATTRITION

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, it is now almost a month since the March 16 nuclear freeze debate. One of the key issues unresolved is whether the freeze would permit us to replace aging weapons when they become inoperable. The leading freeze advocates repeatedly contradicted each other on this vital question.

We explained during the debate that even if there is essential equivalence today in the strategic balance, and many of us think there is not, this is not a fixed, unchanging situation. Nuclear weapons do not last forever; they suffer from obsolescence just like any other piece of equipment. We demonstrated that our deterrent forces are significantly older than the Soviets': Three-quarters of our strategic nuclear warheads are on missiles, submarines and bombers 15 years or older; three-quarters of the Soviets are on such vehicles that are less than 5 years old. Thus, the freeze would undermine the credibility of our deterrent well before the Soviets' and would give them a critical nuclear advantage.

For example, our B-52 bomber force, the air leg of our triad, averages 20 to 25 years old and will soon be obsolete. The Soviets also have an aging bomber force, but it carries only 5 percent of their strategic warheads, whereas our force carries 28 percent of U.S. warheads. Hence, a key question is whether the freeze would permit us to replace our increasingly ineffective bombers with the B-1 or Stealth. If not, the freeze would result in the loss of this leg of our triad.

Amazingly, the freeze advocates did not know. Some said no, we could not build any new aircraft, we could only repair the ones we now have. To this we responded that you cannot repair an aircraft forever, any more than you can an old car.

Another example is that 31 of our 32 nuclear missile submarines are 15 to 20 years old and will have to go out of service in the 1990's. The Soviets have deployed more than 60 such submarines in the past 15 years. We asked whether the freeze would permit us to go ahead with deployment of our new Trident submarines, or whether it would result in the loss of the second leg of our triad in the next decade. Again, we could not get a straight answer.

Unless they are replaced, the next two decades will see our strategic systems' rates of failure rising rapidly due to normal aging, while the Soviets' most powerful systems will be in much better condition. The issue is not whether we should be able to buildup, as the freeze advocates claim. It is whether we will be able to maintain our forces at all, or instead find them decaying due to unilateral attrition.

The Zablocki amendment that was adopted does nothing to resolve this fatal flaw. In fact, it is contradictory. It says that nothing shall prevent the maintenance of and credibility of our deterrent. Maintenance alone will not allow us to preserve our deterrent's credibility because, as we explained, you cannot repair a piece of equipment forever. Assuring the credibility of the deterrent on which our security and world peace have relied for decades requires that we replace our forces with new systems like the B-1, Stealth—when available—and Trident.

Other issues which the freeze proponents could not answer were whether the freeze applies to weapons that have both nuclear and conventional capabilities and whether the resolution is binding on the President. Dual capable systems take in everything from missiles to tactical aircraft. What kind of a loophole is that? Clearly, the freeze is bad public policy. (Washington Post, March 20, 1983).

I respectfully urge my colleagues to support amendments to be offered by me, Messrs. COURTER, LUNGREN, and perhaps others, to clarify this confused legislation which, as it stands today, endangers our national security.●

AN OPEN LETTER TO FRANCE

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WEBER. Mr. Speaker, I believe the current economic policies advocated by the Mitterand government in France provide American policy

makers with an idea of what not to do to restore economic viability to a nation.

Professor of economics and author of the infamous "Laffer Curve," Art Laffer has written an excellent "Open letter to France" which provides a basic understanding of current French economic policy, offering tips on how the Mitterand government can avert the current economic crisis.

I would commend this polemic work to my colleagues:

AN OPEN LETTER TO FRANCE

(By Arthur B. Laffer)

Shortly after the Socialist election landslide, a good friend and I crossed the Swiss/French border into France. I passed through the usual officious customs area with nary a nod. My friend, on the other hand, was directed to a special police office where for over one hour his personal belongings were rifled for traces of secret Swiss accounts. He, of course, was a French citizen.

In Paris, other French citizens arrived at their offices only to find government agents absconding with records. Much of the French financial community had been nationalized under one of the first edicts of the Mitterand government. So it was with the new wave in France's quest for economic justice.

Wage and price controls were imposed to stop inflation. Workweeks were shortened with no change in pay to reduce unemployment. Wealth taxes were introduced to fund greater social programs and 90,000 new public jobs. The French franc was devalued to improve France's competitive positions and strict capital controls—enforced on a very personal basis—were instituted to head off capital flight.

Unfortunately, the experience France has had was precisely the converse of Mitterand's promise of a growth agenda. Since he took office in May of 1981 the number unemployed in France has risen by 300,000. The inflation rate, however, has not fallen in France as it has in other countries. Three-month interest rates were incredibly unstable. Just prior to the most recent devaluation, the 90-day Eurofranc interest rate stood at an incredible 23%, whereas a month prior to Mitterand's taking office that same rate was at 13¾%. Immediately following the devaluation the rate once again fell to the 13% range. Industrial production is almost 4% below where it had been when the Socialists took office and the franc's dollar value on the world's foreign exchanges has been debased by almost one-third.

And yet, in spite of this economic record and the rebuff suffered by the Socialists and Communists in the recent municipal elections, the government has intensified its efforts to control the economy and the incomes of its citizens. The continued debasement of the franc is blamed on the excessive strength of the German mark. In an extreme move, the government also has restricted foreign currency purchases for French travelers and other Frenchmen to no more than 2,000 francs ($275) per year. These two measures are intended to stop the literal hemorrhaging of funds out of France. The government also has put on an additional 1% tax surcharge, sharp increases in the prices charged for public services and a forced savings program whereby each income earner is required to buy government bonds to the amount of 10% of his income and hold them for at least three years. Yikes!

The lessons of history and France's own immediate past evade the consciousness of those involved in the intoxicating vapors of a sitting government. The entire response of government officials is to increase their control over the economy even as they are totally incapable of understanding the controls they currently have. Mitterand, as intelligent as he and his compatriots are, is not better at determining what's good for the average Frenchman than is the average Frenchman. Hope has led to desperation which is quickly turning into panic.

People don't invest in a country from which they are unable to retrieve their money. Often it is the fear associated with the return of principal rather than the return on principal that causes investors to shy away from the big plunge. And, any government that almost offhandedly in a surprise post-election policy reversal can deny its citizens the right to use their own income to travel abroad surely is capable of far more heinous acts against foreigners. Even the country's citizens who are subjected to these new prohibitions feel the survival imperative to slip capital out of the country on the off-chance that current policies fail and more severe strictures will ensue. Without the requisite capital flows, the French franc faces more tribulations on the bourses of the world.

The supply-side or classical answer to a paucity of foreign capital and the excessive flight of domestic capital is not to feed the fears of wary investors as to the arbitrary and capricious nature of the existing state. Rather, investors both domestic and foreign should be reassured that implicit or explicit expropriation and confiscation of private investments so widely feared will not occur. France has so many options in this direction as to render it pointless to enumerate. The lesson simply is this: people of all nationalities invest to augment their wealth, not to have it expropriated. If in the process of people becoming wealthier, their government also benefits, so much the better.

Wage and price controls don't stop inflation; they stop constructive production and cause inflation. Furthermore, shortened workweeks don't end unemployment; they reduce production and wealth and more often than not increase unemployment. Once controls are imposed on an economy such as France, markets veer toward nonprice allocation techniques such as rational side contracts and long delivery schedules. These forms of non-price rationing make everything less efficient and in reality force the true costs of goods and services up. Shortened workweeks impose such heavy costs on businesses due to the lack of continuity and increased inefficiencies that on balance any modest increment to employment from this government-on-high decree is swamped by the loss of total production. Unemployment increases.

Additional tax levies don't balance budgets, nor do they help the poor. They so reduce incentives and thwart hope that lawyers and tax accountants prosper using special knowledge to avoid the dire consequences of the new promulgations while the very people who put the government into power are gulled. Budgets are balanced when interest rates are low, inflation rates are low and unemployment rates are low. Higher tax rates and arcane reporting procedures coupled with loathesome enforcers don't lower inflation rates, interest rates or unemployment rates.

Devaluations do not make an economy or a worker more competitive, nor do they improve trade balances. If it were so, unemployment in Britain and Italy would have disappeared years ago as British and Italian companies ran competitive circles around their counterparts in Germany and Japan.

Individuals do not work to lower their standard of living. Nor do traders accept fewer goods in return for their hard earned merchandise simply because of a change in exchange rates. When devaluations occur, both worker and trader ask for more of the now less valuable currency in order to maintain the former exchange in goods and services. Thus, when a country devalues its currency, it experiences more rapid inflation than exists elsewhere in the world, offsetting the anticipated benefits of devaluation. The latest devaluation assures that double digit inflation will continue to plague the French economy, undermining the functioning of capital markets and further subtracting from investment in France. Far from helping French workers, devaluation stands as an additional roadblock to their prosperity.

Economics is the key to prosperity. Governments which operate so as to frustrate the desires of the citizenry ultimately will fail and render poverty instead of the wanted prosperity. The scenario now unfolding in France should be a good object lesson for America. The path to be taken should not be the accusatory path of envy so often relied upon by the Congress and the Presidency. People if unshackled can provide government success after success.●

PRINCESS GRACE OF MONACO AND THE JOHN B. KELLY FAMILY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. HUGHES. Mr. Speaker, last Sunday, my hometown of Ocean City, N.J. sponsored a ceremony to honor the late Princess Grace of Monaco and the John B. Kelly family. It was our special privilege to welcome Prince Albert, John B. Kelly, Jr., and other members of the family. The Prince is a fine-looking, dignified, and well-spoken young man. He is a tribute to Prince Rainier and the late Princess Grace of Monaco.

A native of Philadelphia, Grace Kelly and her family spent their summers at the family home in Ocean City. The people of South Jersey have always felt that a special bond existed between them and the Kelly family, and thus took pride in their many accomplishments.

The late John B. Kelly, and in later years his son John B. Kelly, Jr., became oarsmen of world renown. The senior Mr. Kelly had a major role in promoting the use of lifeboats as part of the lifesaving service provided by our seashore resorts. He was a great booster of rowing and an inspiration to many of our outstanding lifeguards

such as our own John Carey, one of Ocean City's most prominent citizens.

Princess Grace's studies in dramatic arts took her to New York City and then on to Hollywood for a short and brilliant career as one of the America's leading ladies. Grace Kelly's career took her all over the country yet she never forgot her home. For many years Grace returned each summer to visit home in Ocean City.

At the peak of her career Grace married Prince Rainier III and became Princess Grace of Monaco. It was a wedding that captured the imagination of the whole world. Her concern for people, her love of life, and her strong sense of family soon won the hearts of Monaco, and indeed all who came in contact with her. Princess Grace never forgot her roots or basic values. She cherished her title as one of Philadelphia's first ladies and Her Serene Highness for Monaco, but preferred to be thought of as a woman, wife, and mother.

Grace Kelly's life touched us all. Her quiet dignity, radiant beauty, great talent, and deep commitment to family will remain in the hearts of all of us for generations to come. Those of use who call Ocean City home are proud that we shared so many happy hours with Princess Grace and the Kelly family, and we are indebted to John and Betty Carey for their leadership in setting aside this important day to honor this remarkable family.●

JOE KUPCINET

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. RUSSO. Mr. Speaker, recently a man who was a hero to many people passed away. Among the admirers of Joe Kupcinet was his younger brother, the outstanding columnist for the Chicago Sun-Times, Irv Kupcinet, and Irv has written a loving and thoughtful tribute to his brother. It is clear that Joe did indeed lead an exemplary life and it is from such citizens that we can measure and gage ourselves and our contributions. They serve as a reminder of what can be, and as an inspiration for what one can contribute in life when there is genuine caring and commitment involved. "Kup's Column" on his brother is a special one, and I would like to share it with my colleagues.

[From the Chicago Sun-Times, Apr. 6, 1983]

This is a column I dreaded writing for weeks, even though it was inevitable. We knew brother Joe was terminal weeks ago, a victim of cancer compounded by emphysema. When his doctor called last week to inform us that the end was approaching, Essee and I dashed to Los Angeles, where Joe and his wife Peggy have been living since he retired after 44 years with the Chicago school system. The Joe we found in the hospital was not the Joe we will remember. The look of death was in his eyes, which stared blankly ahead without seeing. There was no indication he recognized us. Lifesaving devices were keeping his heart beating and enabling him to breathe. The end, mercifully came late Monday night.

We can state unabashedly that Joe was as much a hero to his younger brother as he was to the players he coached at Taft High and to the youngsters who attended his summer camp, Interlaken for Boys at Eagle River, Wis. I can still recall how, as teenagers, we took turns helping our father, a bakery truck driver in making his rounds in the wee hours of the morning. And how proudly I carried Joe's football uniform to Saturday afternoon games when he was playing at Harrison High. That worship of an older brother continued throughout his life, which was exemplary in so many ways.

As a coach, Joe was a strict disciplinarian who demanded scholarship from his athletes. No player, no matter how skilled, remained on the squad if he didn't maintain his grades. Joe lived his own life that way, too, and considered himself an educator first, a gym teacher second and a coach third. His influence on young people is typified by the fact that hardly a day would go by without one of his former Taft pupils or the boys of summer stopping me on the street to inquire about Joe. I can't vouch for today's high school coaches, but in Joe's day, the coaches were probably the single most important influence on their players. Joe took that responsibility seriously and maintained contact with his athletes through the years.

Joe was known as the "father of football" at Taft, where he became the coach when the school opened in 1939, a position he filled over 23 years—with time out for three years of service in the Army Air Corps. And how the family thrilled when Taft won the city prep championship in 1960, the same year he was named "coach of the year." Joe was especially proud of the football success of some of his Taft players who made it in college and pro ball. These include Jim Grabowski, Greg Schumacher, Al MacFarlane, Dick Thornton, Rich Coady, Steve Nosek, and Phil Klezek, names that readily come to mind.

An old newspaper photo in the Sun-Times library is an additional indication of Joe's interest in scholarship. It shows him handing out scholarships to high school athletes, a program he helped originate for the B'nai B'rith Sports Lodge. Joe served as the first chairman of the lodge's scholarship committee.

Our grief over Joe was compounded by the fact that his wife tripped on a telephone wire at home and suffered a fractured hip just 24 hours before his death. Surgery is required, which will prevent her from attending the funeral on Thursday in Los Angeles. . . . Theirs was a romance of which movies are made. They met and fell in love while attending the old Chicago Normal School, preparing to become physical ed teachers. But Peggy's career took another turn and she became a dancer, appearing with chorus lines that danced at the Chicago Theater and the Palmer House. Her group later went to Paris, where she met and wed a Frenchman. After that marriage ended in divorce, Peggy returned to Chicago and she and Joe resumed their long interrupted romance which led to marriage in 1946.

One little "family" story that pleased Joe considerably involved his World War II service. At one stage, he served as the Special Services officer for the Air Corps on Okinawa. Many years later, I visited Okinawa, traveling with Bob Hope on his annual overseas junket to entertain our troops. And there, in the theater where Hope performed, I discovered a sign that Joe never had mentioned: "This theater was constructed under direction of Capt. Joe Kupcinet." More, he also had constructed a memorable life.●

LAW DAY, U.S.A.

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. CHAPPELL. Mr. Speaker, this year Law Day, U.S.A. will be celebrated on Sunday, May 1, 1983. Traditionally, Law Day has been a day set aside to honor our legal system, the legislators, members of various law enforcement agencies, and judicial and correctional systems.

Certainly it is no secret that our system of law and justice in America today involves a cooperative effort from the executive, legislative, and judicial branches of our Government.

In Congress we create laws in an attitude of healthy debate and established dignity. In the courtrooms these laws are interpreted in a legally postured environment. But in the streets of America, this is generally not the case, as it concerns the enforcement of our laws. Today it is to the latter, the system of law enforcement personnel throughout our Nation that we express appreciation and offer deserved recognition.

I speak for the law enforcement profession. They are professionals in every semantical sense of the word. I speak to members of that profession at the Federal, State, county, and local levels. Men and women who dedicate their lives to the preservation of peace. Men and women who serve their fellow citizens, placing their own lives second to ours. Nothing better epitomizes their profession more precisely than their own code of ethics which reads as follows:

LAW ENFORCEMENT OFFICERS CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in observing the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever

secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without force or violence and never accepting gratuities.

I recognize the badge of my office as symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession—Law Enforcement.

Traditionally, we Members of the Congress of the United States have been quick to respond to heroism. In our recognition of the law enforcement officer on the occasion of Law Day, 1983, let us, in proper perspective, realize that these men and women are the bulletproof vest, the living shield, that protects each and every citizen of the United States, 24 hours daily, from the deadly enemy—crime. Oftentimes, police units are underfunded at local levels, frequently understaffed, and all too often, unheralded.

In Florida's Fourth Congressional District, eight of these heroes have given up their lives in this decade of the 1980's, in service above and beyond the call of duty. By their commitment to their fellow Americans, and out of deep respect to their surviving families, their fellow officers, and their friends and associates, it is fitting that this honor roll be read into the RECORD on this day:

Officer Sam Ethridge, Daytona Beach Police Department; killed in an ambush while answering a shooting call on Christmas Day, 1980.

Officer Greg Joseph Sorrenson, Daytona Beach Police Department, injured when he was dragged by a speeding car while assisting in a disturbance call on March 27, 1981, subsequently expiring of injuries, July 26, 1982.

Deputy Frank Genovese, a former Daytona Beach Police Officer serving with the Palm Beach Sheriff's Office Swat Team, killed by a gunman during a hold-up on January 3, 1982.

Deputy Steve Saboda, Volusia County Sheriff's Office, shot and killed in Deland, Florida, while working with a Swat Team attempting to move in on a subject who was fortified in a private residence.

Officer Thomas Joseph Szafranski, Jacksonville Sheriff's Office, was killed when ambushed on a routine patrol in the early morning hours of May 23, 1981.

Corporal C. L. Thomlinson, Trooper M. J. Cox and Trooper R. L. Pruitt, of the Florida Highway Patrol were killed when their plane crashed in St. Augustine, Florida, while searching the area for several escaped prisoners on July 13, 1981.

To these eight brave men who gave their lives in the line of duty and to all law enforcement heroes present and past, let us honor them by paying tribute to their courageous performance in law enforcement.

Let us be ever mindful that between us who make the laws and those who break the laws, exists the shield of honor, the badge over the heart of every man and woman law enforcement officer throughout this great American precinct. A beat covered, 24 hours each and every day, at so many different levels, by the individual man and woman who is willing to lay down his or her life for our loved ones, us, or for the millions of citizens who receive the benefit of a safer and a more sane world in which to live.

May God bless, and may we honor our law enforcement personnel on Sunday, May 1, 1983, as we celebrate Law Day, USA.●

UNWARRANTED LEGISLATION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SCHEUER. Mr. Speaker, I would like to call my colleagues' attention to an article authored by Earl Lifshey which appeared in the January 24, 1983 issue of HFD Retail Home Furnishings.

While I was chairman of the Subcommittee on Consumer Protection and Finance, I directed that an economic analysis be conducted of the impact of the Sales Representatives Protection Act (then H.R. 5099) on New York's apparel industry. The bill has since been reintroduced in this Congress as the Sales Representatives Protection Act of 1983 (H.R. 797). That study, by Kurt Salmon Associates, Inc., raised serious questions concerning the advisability of this legislation and concluded that its passage would decrease the ability of businesses to adjust their marketing strategy to changing economic conditions, increase the cost of doing business, expose companies to greater legal liability and result in increased prices to consumers.

In view of the likely adverse economic impact on many American industries, Mr. Lifshey's views, based on his decades of experience in marketing, take on added weight. I believe that the message he conveys is one that cannot be ignored by the Congress. The column follows:

UNWARRANTED LEGISLATION

(By Earl Lifshey)

When are we going to learn to stand firmly on our own two feet and not run to Congress every time something displeases us to demand, "There ought to be a law . . ."?

How much more of a bellyfull of federal rules and regulations do we want controlling our lives and, in the best Big Brother tradition, tell us precisely what we can and what we can't do?

About four or five years ago, it will be recalled, a delegation of manufacturer's reps and sales agents, unhappy about the headaches they had to suffer in their day-to-day dealings with their factories, decided to put an end to their troubles once and for all; they attempted to have Congress pass a law. Of course it failed.

But since a good salesman rarely takes "No" for an answer, some time ago this particular portion of the sales force—but by no means all of it—managed to have such a bill revived. Before this month is over, I'm informed, it will again be introduced in Congress.

So, as if our legislators aren't already overwhelmed with such less important matters as the federal budget, social security and the arms race, they can now devote their time to a law, H.R. 3496, titled: "To correct inequities in the relationship between sales representatives and their principals for other purposes."

Of course no one can deny that there are unquestionably serious malpractices in the marketplace that demand federal regulation. But "inequities in the relationship between sales representatives and their principals" hardly qualifies as a potential national crisis as some of its proponents imply.

Although the sales reps managed to get more than 100 Congressmen to join in introducing the bill, many are now having second thoughts.

One who changed his mind said, "I am not now convinced that a government standard, in lieu of market forces, should affect this particular business relationship."

Of course it shouldn't. And hopefully it never will. America is already bogged down far too deeply in unnecessary federal regulation and special interest legislation, including unwarranted subsidies, that strangles the free enterprise system that made our economy the world's greatest. Existing laws governing the marketplace should suffice to cope with the reps' gripes.●

PARTNERS OF THE AMERICAS—FOREIGN AID THAT HELPS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FASCELL. Mr. Speaker, many Americans do not understand how our bilateral U.S. public and private foreign aid programs serve both the U.S. national interest and the people of other nations. An article in the Oct. 4, 1982, edition of U.S. News & World Report has contributed to a greater understanding of the worth of such efforts—in this case, those of the Partners of the Americas, a nonprofit private organization which has, for 18 years, contributed to progress for individual citizens in Latin American nations.

[Reprinted from U.S. News & World Report]

FOREIGN AID THAT NEVER MAKES HEADLINES

CITIZEN GROUPS ACROSS THE UNITED STATES ARE REACHING OUT TO LATIN NEIGHBORS IN WAYS THAT GOVERNMENTS OVERLOOK. THEY USE KNOW-HOW, INSTEAD OF MONEY, TO IMPROVE THE LIVES OF THE POOR

MANAGUA, NICARAGUA.—While Washington frets over ways to thwart Communism in the Caribbean Basin, a barely noted, private

organization is strengthening ties between Americans and peoples in that strategically critical area.

In little ways—and with little money—the Washington, D.C.-based Partners of the Americas is helping impoverished Latin American communities develop better ways of life.

Hardly anyone noticed earlier this year when Arthur Maurer, an agriculture professor at the University of Wisconsin, arrived here with a batch of hand-operated water pumps. Yet the devices enabled poor Nicaraguans, for the first time, to bring up uncontaminated water from 15 feet below ground level.

The deal for the pumps, which cost only $20 apiece to manufacture, probably could not have been struck between officials in Washington and Managua—even if relations between the two governments were not hostile. Governments tend to think big, not small, and good ideas often get lost in bureaucracies or are smothered by international politics.

To José Canton and his fellow Nicaraguan Partners, however, each pump delivered may be equal to one doctor. As Canton explains it, if people can drink pure water from underground, they will no longer fall victim to the myriad diseases that lurk in the streams of this tropical land.

Such small successes are happening throughout Latin America under guidance of the Partners, a nonprofit, self-help program that began as an after-thought of President Kennedy's Alliance of Progress. The organization links citizens' groups in 42 states and the District of Columbia with counterpart groups in 27 Latin countries in projects to increase literacy, improve health and sanitation, raise agriculture production and share culture.

One key to the program is finding some common bond, no matter how tenuous, between Americans and the Latins with whom they work. Thus, New Jersey, which has a number of Haitian immigrants, is partnered with Haiti. Maine and the northern coast of Brazil, both home to seafarers, are partners. Alabama and Guatemala are partners because both are agricultural areas of about the same size.

The Partners' record of achievement could be a model for President Reagan's controversial 350-million-dollar Caribbean-aid package that was approved by Congress in mid-August. But after 18 years of operation, the Partners remains, as its president, Alan A. Rubin, complains, one of the Western Hemisphere's "best kept secrets."

The main reason is that its projects, while beneficial, tend to be unspectacular.

A case in point: The 5-mile artificial reef in the Bay of Amatique off Puerto Barrios, Guatemala. The Guatemala Partners advised their colleagues in Alabama that the bay, which had been a major source of food for the nation, was nearly fished out. Marine biologists at the University of South Alabama studied the problem, discovered a natural shoal in the bay and suggested building a reef of old cars, cement blocks and other debris that might attract fish and become a new breeding ground. With the help of the Puerto Barrios city government and the Guatemalan Navy, the reef was constructed this summer. "Eventually," says Guatemala Partners President Harris Whitbeck, "the whole country will benefit."

A SPECIAL GIFT FROM UTAH

Hundreds of such projects are under way in a given year, some costing only people's time and many others operating with a Partners grant of $5,000 or less. What money is needed may come in small donations. For instance, 100 schools have been built in Bolivia during the past 12 years—the funds coming from small change raised by 50,000 Utah schoolchildren.

Often the need is for expertise as much as it is for cash. In nearly every field in Antigua, hoses pumped no water this summer. The trade winds brought little rain, and the government diverted available water to homes and tourist hotels. On one farm, an elderly man tried to keep his vegetables alive with a watering can, using water painstakingly conserved in old oil drums.

Meanwhile, Vincent Sterling, president of the Small Farmers Association and chairman of the Antigua Partners Agriculture Committee, anxiously awaited a report from William Larson, a civil-and-sanitary engineer sent by the Rochester, N.Y., Partners to survey the island's irrigation needs. Larson was developing a plan to build small dams and ponds. The Antiguans were ready to do the work but needed know-how.

A PROFESSOR'S CONCERN

The experience of the Partners program shows that a small project can affect an entire nation. Two and a half years ago, Sam Varghese, a professor at Michigan State University, took 100 baby Japanese quail and 200 quail eggs to Santo Domingo. Today, 22,000 quail eggs are incubated monthly at an agricultural station north of Santo Domingo. Many of the eggs are given to farmers who, in turn, breed their own quail.

Why quail? In 1979, Hurricane David wiped out most of the island's chickens. Then, Sanford Neal, Jr., who had worked in the Dominican Republic as a Peace Corps volunteer before joining the Partners in Michigan, suggested quail as a good substitute because they take half the time of chickens to begin laying eggs and require much less feed. Also, one chicken raised for food needs a square foot of space, whereas 150 quail take up only 1 square meter.

Dr. Emile de Boyrie, president of the Dominican Partners, says quail now are becoming a new, inexpensive food source for the country and are providing many small farmers with a new income source. One farmer who got 100 free eggs at the government station now produces 2,500 eggs daily and sells them for 5 cents each. De Boyrie says as many as eight new incubation-and-breeding centers are needed, and the Dominican Republic is looking to the Partners for further assistance.

"We don't ask for a tremendous amount of money," notes Kay Donawa, regional director of the Partners projects in the Caribbean. "What we mostly need is a little training."

On the island of St. Lucia, where the unemployment rate is 27 percent, Leonard Simon, planning officer in the St. Lucia Ministry of Education, turned to Partners for help with a plan to teach youngsters how to run income-producing cooperatives.

His idea was for high-school students to learn how to raise rabbits, bananas or cassavas and how to market them. Simon had qualified teachers but no curricula. The Rockland County, N.Y., Partners sent down experts in curriculum development.

"Our people were not expert in the particular subject matter," observes Seymour Eskow, the Rockland Partners president. "But they knew how to get the teachers to define their objectives and organize skills that had to be taught. . . . Our people helped the teachers decide what instructional materials to use, how to use them, what kinds of practical experiences to use."

The flow of expertise often goes in the other direction, particularly in programs that deal with culture and sports. When the Barbados Dance Theatre Company went to Albany, N.Y., its production outdrew a later performance by the Martha Graham Company. And while North American Partners have sent sports celebrities to Latin America, the Latin Partners have reciprocated by sending sports teams and soccer coaches who have passed on their skills to American students.

A recent addition to Partners' programs is Women in Development, which is geared toward helping women become visible as productive workers.

The need for this was explained at a conference in Jamaica last year when one speaker, Carmen Delgado Votaw, told of a man in Honduras who was asked by a social worker if his wife worked. He said she did not. But, said Votaw, the wife arose at dawn, collected water from the river and firewood in the forest, prepared breakfast for a family of six, washed clothes, tended the garden, went to market, fed the chickens and hogs, prepared the evening meals and did handicrafts.

"Can you imagine," said Votaw, "that after 16 to 17 hours of hard labor, this typical woman realizes she is the invisible worker, not included in the official labor statistics or in the consciousness of her family or community as a contributor to a productive life."

To help women become income earners, the Partners have assisted a number of craft projects. In Barbados, women who have been turning out a small number of stuffed animals are being taught how to increase production and to open new markets. In Haiti, women of the village of Ballanger are learning to tan the animal skins that used to be thrown away and to turn the hides into pocketbooks and other leather goods. In St. Lucia, Partners has bought sewing machines and hired an instructor to teach village women fancy sewing and embroidery for market sales.

VAST MEDICAL NEEDS

Throughout Latin America, the Partners are working to bring basic health services to the poor. It is both a rewarding and frustrating task.

In the Dominican Republic, for example, more than 82 percent of the children are not vaccinated against tuberculosis and 53 percent are not vaccinated against tetanus, whooping cough and diphtheria.

Only 21 percent of the homes have running water. In Haiti, good medical care is available mostly for the rich or middle class, and the Partners-funded clinic there for children and expectant mothers is a rare facility for the poor—although it has little equipment and its pharmacy consists of only a few shelves of medicines.

The Partners program has trained thousands of medical and health personnel in Latin America, but the problem goes far beyond that. "We have well-trained doctors," says Dr. Sergio Inchaustegui of the Dominican Republic Partners. "It is a matter of equipment and medicines."

For instance, in Antigua, Chief Health Inspector Vincent Edwards notes that there are only two devices available on the island for testing water in private wells. Even those devices were not usable for a long time until William Larson of the Rochester

Partners learned of the need and mailed the parts necessary to restore the instruments.

THE SUCCESS OF THE PARTNERS

Typically, an American partner arrives in a Latin country with books for a library, a Braille typewriter, or catheters that a U.S. hospital was about to throw away after a single use but which may be sterilized and re-used in Latin America over and over again.

The success of Partners of the Americas may best be explained by L. B. Bird, Deputy Prime Minister of Antigua:

"Sometimes we get aid we can't use because no one asked us. The Partners program makes sure of what we want and how they can help."

TIES THAT CROSS NATIONAL BORDERS—PARTNERSHIPS BETWEEN U.S. STATES AND LATIN AMERICAN NATIONS, STATES OR REGIONS

Alabama—Guatemala.
Arizona—Mexico (Durango, Oaxaca).
Arkansas—Eastern Bolivia.
California—Mexico (Baja California Norte y Sur, Sinaloa, Morelos, Nayarit) (Bay Area) Mexico (Mexico City).
Colorado—Brazil (Minas Gerais).
Connecticut—Brazil (Paraiba).
Delaware—Panama.
District of Columbia—Brazil (Brasilia).
Florida—Northern, central Colombia.
Georgia—Brazil (Pernambuco).
Idaho—Ecuador (mountain region).
Illinois—Brazil (São Paulo).
Indiana—Brazil (Rio Grande do Sul).
Iowa—Mexico (Yucatan Peninsula).
Kansas—Paraguay.
Kentucky—Ecuador (highlands).
Louisiana—El Salvador.
Maine—Brazil (Rio Grande do Norte).
Maryland—Brazil (Rio de Janeiro).
Massachusetts—Colombia (Antioquia).
Michigan—Belize, Dominican Republic.
Minnesota—Uruguay.
Missouri—Brazil (Pará).
Nebraska—Brazil (Piaui).
New Hampshire—Brazil (Ceará).
New Jersey—Haiti.
New Mexico—Mexico (Michoacán, Chiapas, Tabasco).
New York: (Albany area)—Barbados; (Central area)—Trinidad and Tobago; (Dutchess County)—Dominica; (Elmira, Corning)—St. Kitts and Nevis; (Long Island) St. Vincent; (Rochester)—Antigua and Barbuda; (Rockland County)—St. Lucia; (Western area)—Jamaica.
North Carolina—Bolivia (Cochabamba).
Ohio—Brazil (Paraná).
Oklahoma—Mexico (Chihuahua, Coahuila, Colima, Jalisco, Mexico, Puebla, Sonora, Tlaxcala).
Oregon—Costa Rica.
Pennsylvania—Brazil (Bahia).
Rhode Island—Brazil (Sergipe).
South Carolina—Southwestern Colombia.
Tennessee—Brazil (Amazonas) and Venezuela.
Texas—Peru and Mexico (Nuevo León, Tamaulipas, Guerrero, Vera Cruz).
Utah—Bolivia (La Paz and Altiplano).
Vermont—Honduras.
Virginia—Brazil (Santa Catarina).
West Virginia—Brazil (Espírito Santo).
Wisconsin—Nicaragua.
Wyoming—Brazil (Goiás).●

VIETNAMESE OFFENSIVE ON THE THAI-CAMBODIAN BORDER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. GEJDENSON. Mr. Speaker, today I rise to express my deep concern about the recent reports of brutal Vietnamese attacks on the Cambodian refugee camps on the Thai-Cambodian border.

For months the unstable situation in Latin America has gained great attention from the press and has created much concern and debate in this Congress. Although this area of the world deserves our utmost attention, we must not allow ourselves to become so engrossed in any one issue or area of the world that we disregard the suffering of people in other parts of the world.

For years the people of Cambodia have had to live under the most repressive regimes. From 1975–79 the horrendous Communist Pol Pot government pillaged the country and was responsible for the deaths of an estimated 2 million citizens. If this torture was not enough, the Vietnamese invaded Cambodia and also engaged in an equally genocidal rampage forcing thousands of Cambodians to seek refuge on the border of Thailand.

The nightmare for these people is not yet over. As I speak here today, the Vietnamese Army is ravaging the refugee camps on the Thai-Cambodian border killing hundreds of innocent people. The Vietnamese have stated that the reason for this offensive is to dismantle the Khmer resistance forces they believe to be hiding in the refugee camps. In fact, recent reports indicate that the Vietnamese forces are moving down the border and indiscriminately massacring women, children, and other innocent persons seeking sanctuary on the border camps. These reports indicate further that civilians are being herded into trenches and blown up with hand grenades or murdered with bayonets.

In the face of this crisis, the United States has openly protested the Vietnamese intrusion and expressed support for our ally, Thailand. In addition, Thailand has been given priority status by the United States and the regular arms shipments to that country have been accelerated in order to force the Vietnamese back across the border. Contributions to the U.N. relief organizations and the Red Cross have been increased to aid both the citizens of Thailand and the refugees who have been effected by this violence.

Due to the fighting, an estimated 55,000 additional refugees have fled to Thailand seeking refuge. The urgency of this situation is clearly evident and it is my opinion that due to these disturbing circumstances the United States must do everything possible to help the thousands of innocent people who have been subjected to yet another tragic situation.

Mr. Speaker, I would like to submit into the RECORD an article that appeared on the op-ed page of the New York Times on April 6, 1983, which I feel helps to remind all of us here today that the situation on the Thai border is one that demands our immediate attention.

I urge my colleagues to read this article, if they have not done so already.

TORTURING CAMBODIA YET AGAIN

There are many ways to kill a nation, and all of them have been tried in Cambodia. Unimaginable slaughter, invasion, brutal occupation have followed famine and pestilence, all of it aggravated by the cynicism of big powers and the paranoia of smaller ones. And now Vietnam, having already done so much to reduce Cambodian nationhood, is striking at Cambodians in camps along the Thai border. The arc of misery widens and the flood of refugees swells to 45,000 in a week.

Vietnam's border war comes only days after its client regime in Phnom Penh boasted that "we control the whole country." The truth is otherwise, as Colin Campbell reports in The Times. Vietnam fields an occupation army of 180,000 and controls a Cambodian Army of 30,000. Yet the country is not pacified, and the Vietnamese should be the first to understand why: They deny it the self-determination they fiercely claim for themselves.

The tragedy comes in layers. When Vietcong guerrillas used a neutral Cambodia as a sanctuary, it was pounded by American bombs and drawn into a war it hoped to avoid. This opened the way for the eventual victory of the Chinese-backed Pol Pot. As many as two million died in ideological purges and in forced migrations to rural communes.

The Communist regime later installed by Vietnam is writing a new chapter in the tragedy. The current rulers, Mr. Campbell reports, while less murderous, adhere as fervently as Pol Pot to rural collectivization, "re-education" camps, harsh relocation of masses of people and rule from the top. A tiny cadre of party members, 700 in all, promotes a rewriting of history to deny the Cambodian past and the awkward reality that Pol Pot was enthroned with Vietnam's help.

Vietnam may thus try to blame the excesses of "cliques," but what it cannot deny is that it shares much the same ideology as Pol Pot. His real offense in Hanoi's eyes was to ally himself with China, Vietnam's hated foe. It was out of deference to China that successive American Governments treated Pol Pot as an acceptable partner in the coalition opposing Vietnam's client regime. However rationalized, this tolerance for a mass murderer taints any United States claim of concern for Cambodian liberation.

Liberation will come when Vietnam withdraws, restoring to Cambodia an inclusive government at peace with its people and neutral toward outsiders. To bring that about would require a regional settlement securing all frontiers in an Indochina at peace with its neighbors. That deliverance seems light years away. Still, there's imme-

diate work for the United States to do: rally to Thailand's aid in the face of the current Vietnamese raids and give comfort to refugees. In an ambiguous conflict, that much can be unambiguous.●

CONGRESSMAN ERLENBORN TO RECEIVE NATHAN HALE AWARD

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. HYDE. Mr. Speaker, I was pleased to read in Departmental Word, the newspaper for the Reserve Officers Association of the United States, Department of Illinois, that our esteemed colleague, Representative JOHN N. ERLENBORN, will be the recipient of that groups' Nathan Hale Award on April 23.

I know my colleagues join me in congratulating Congressman ERLENBORN on this honor, as well as in recognizing the perceptiveness of the association in choosing JOHN as this year's recipient—it is recognition that is well-deserved.

I am happy to submit the attached article for inclusion in the RECORD:

[From the Departmental Word, spring 1983]

ERLENBORN TO RECEIVE NATHAN HALE AWARD

Representative John N. Erlenborn, from Illinois 13th Congressional District will be the banquet speaker and recipient of the prestigious Nathan Hale Award at the Department Convention Banquet on April 23, at the O'Hare Air Reserve Facility Officers Club.

A native of Chicago, Erlenborn graduated from Immaculate Conception High School, Elmhurst and did undergraduate work in the Navy V-12 program at Notre Dame University (1944); Indiana State Teachers College (1944-45); NROTC at the University of Illinois (1945-46). After discharge from the Navy, Loyola University of Chicago and Loyola University College of Law J.D. degree in 1949.

He served on active duty with the United States Navy Reserves during World War II for two years. He was Assistant State's Attorney of DuPage County, 1950-52 and served in the Illinois House of Representatives 1957-65. Elected to the 89th Congress, Nov. 3, 1964, and re-elected each subsequent term to the present.

He currently serves on the House Committee on Government Operations and the Legislation and National Security Subcommittee.

He is the ranking Republican on the House Committee on Education and Labor.

Erlenborn is a member of the bi-partisan Congressional division of the Coalition for Peace Through Strength. The coalition is working for a national security policy that reflects a national strategy of peace through strength.

The Department of Illinois, Reserve Officers Association is honoring Rep. Erlenborn with its prestigious Nathan Hale Award for his efforts in speaking out for a national strategy of peace through strength.●

EXPO 1985

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FUQUA. Mr. Speaker, I want to take this opportunity to call attention to an international event which is still 2 years in the future but of great significance for our high technology exports.

I am referring to the 1985 World's Fair in Tsukuba, Japan. This is going to be a major national event in Japan and will get a lot of international notice with as many as 30 national pavilions and hundreds of Japanese corporations participating. Some 20 million people are expected to visit the fair during the 6 months it is open.

President Reagan has named James J. Needham, former Securities and Exchange Commissioner and chairman of the New York Stock Exchange, to serve as commissioner general for U.S. representation. Mr. Needham will carry the personal rank of Ambassador.

Mr. Needham reports that the Japanese are going to turn the fair into a national celebration and affirmation of their intention to prevail in the expanding technologies of the information age.

Our friends in Japan are carefully watching our preparation for the fair and our response to their high-technology theme. Mr. Needham interprets the Tsukuba theme and the Japanese watchfullness of the American response as a challenge to America's innovativeness and a test of America's desire and will to compete in the information and robotic technologies of the future. The combination of machine intelligence and international networks of telecommunications systems has awesome implications for America's social, economic, and strategic well-being.

American charges of unfair trade practices are countered in the Japanese media with claims that American corporations are reluctant to do what it takes to penetrate the Japanese market. The Japanese will look at the extent of U.S. corporate cooperation with the official U.S. national pavilion at Tsukuba Expo 1985 as a mark of America's determination to accept Japan's challenge to America's science and technological leadership.

We have voted the U.S. Information Agency some $4 million in public funds with the understanding that every effort would be extended by the executive branch to raise the balance from the U.S. private sector. Mr. Needham has set that goal at $16 million.

I want to endorse this joint Government-private sector effort to showcase American information, computer, and telecommunications technology in Japan.

Japan is a valuable trading partner and ally in the northern Pacific. As in any democracy, their leaders act on the will of the people. It is those 20 million estimated visitors who must be convinced that the United States intends to be a bold competitor in the Japanese market. Our official theme will do exactly that by reflecting the creativity and innovativeness of our country.●

FREDRICO BONSIANO: HOMETOWN HERO

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. O'BRIEN. Mr. Speaker, I would like to take a moment to share with my colleagues a very moving story about a 10-year-old boy in my district whose act of bravery saved the life of his younger sister.

On Sunday morning, April 3, a fire broke out in the Bonsiano household in Joliet. Young Fredrico Bonsiano, a fourth grader at Taft grade school, managed to escape from the burning dwelling only to realize that his 4-year-old sister, Esmerelda, was still in the house. He returned immediately to the house to rescue her amid raging flames and smoke. In what seemed like a miracle, Fredrico was able to lead his sister to safety within a matter of minutes. While he escaped unharmed, Esmerelda sustained second degree burns on her feet and ankles. However, her condition is now listed as fair and she is reported to be steadily improving.

Someday, in the not too distant future, Esmerelda will come to realize that her older brother, risking injury and even death, saved her life. And, I applaud the community of Joliet for taking steps to see that Fredrico's bravery and valor do not go unnoticed. In fact, on May 2, the East Joliet Fire Department will honor him with a plaque for his outstanding bravery.

Mr. Speaker, it is people like Fredrico Bonsiano that show all of us the true meaning of selflessness and courage. We can be thankful for his quick thinking, which averted a sure tragedy. In my mind, he has undoubtedly earned the recognition he will soon receive.●

MAKING THE GRADE IN LOUISIANA

HON. BUDDY ROEMER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ROEMER. Mr. Speaker, I would like to call the attention of my colleagues to a remarkable academic achievement in the Fourth Congressional District of Louisiana.

Recently, the State department of education conducted an educational survey designed to identify the best public schools in Louisiana. Of the top five high schools in our State, two of them—Captain Shreve High School in Shreveport and Leesville High School in Leesville—are located in the Fourth District.

These schools were selected from some 400 evaluated by the department of education. They were judged on 22 criteria including academic excellence, discipline, and school philosophy.

I am proud to see that two of our State's top five high schools are located in the Fourth District. I want to commend all the school board members, administrators, principals, teachers, parents, and students who have helped make Captain Shreve and Leesville High Schools among the very best. All of those involved in this achievement are to be congratulated for their obvious interest in and commitment to quality education, a goal vital to the future of our State, America, and the world.●

THE DENTAL LABORATORY INDUSTRY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. DONNELLY. Mr. Speaker, 1983 marks the 100th anniversary of the founding of the first dental laboratory in the United States. Boston dentist William H. Stowe opened a dental laboratory separate from his practice to do prosthetic work for other dentists in 1883. Until then, each dentist had to divide his time between treating patients and fabricating prosthetic dental devices.

A century ago, partial or full dentures were often crude, unattractive, ineffective, and uncomfortable. But with the emergence of the commercial dental laboratory industry, there was created a segment of dentistry wholly concerned with improving the quality of dental restorations.

The 100 years of the commercial dental laboratory industry has seen great innovators concentrating on the function and esthetics of prosthetic devices. Metals research, studies of the movement of the jaw, and analysis of color and light as appropriate to tooth coloration are part of the history of the commercial dental laboratory industry and have added to the lifelike restorations fabricated today. The research that occurred in dental laboratories has helped other American industries as well. The art of lost wax as practiced in dental technology had a remarkable influence on the jewelry and the surgical appliances industries. In fact, all types of industrial casting had their source in the procedure used in the developing years of dental prosthetics.

Today, 97 percent of all oral prosthetic devices are fabricated in a commercial dental laboratory. While a commercial dental laboratory works under the prescription of a dentist and remains basically unknown to the American public, the industry has continued to grow and to serve the public's best interests. The dangers of oral cancer from an improperly fitting oral device, metals sensitivities in individuals and the importance of appearance to one's general well-being are understood and of primary concern to the dental laboratory.●

TRIBUTE TO GEN. FREDERICK J. KROESEN, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SKELTON. Mr. Speaker, I take this time today to pay tribute to a great commanding general who will be retiring from the Army on April 30, 1983. Gen. Frederick J. Kroesen, Jr. long and successful career has been marked by his outstanding service during his numerous command positions. Included in his long list of command positions are; Commanding General, 82d Airborne Division, Deputy Commander, V Corps, Commanding General, VII Corps, Commanding General, U.S. Army Forces Command, Commander and Chief U.S. Army Europe, and the Seventh Army Commander Central Army Group, Commander North Atlantic Treaty Organization, and Army Vice Chief of Staff.

General Kroesen has been especially noted for his ability to bring the organization which he commands to levels of peak performance and preparedness. His work in Europe with the American Forces and our European allies proved his exceptional skill as a soldier-diplomat. The combat readiness of our troops in Europe, as well as their high morale and efficiency are further testimonials to the high quality work which General Kroesen gave to the Army during his 38-year career.

Mr. Speaker, I ask my colleagues to join me in adding our praise to that of the Army as General Kroesen's Army career draws to an end. His achievements have not only done a great honor to himself, but also to the the U.S. Army and to the United States of America.

I know that the Members of this body join me in wishing the general and his lovely wife the very best in the days ahead.●

THE CITY OF CARSON'S COMMUNITY CENTER WILL FULFILL THE NEEDS OF HER RESIDENTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ANDERSON. Mr. Speaker, on the 15th of this month, the city of Carson will dedicate a new community center. I am especially proud of this project, because great pains have been taken by the city of Carson to construct a community center which has facilities that can accommodate the needs and interests of just about everyone. What has been borne out of their efforts represents quite an accomplishment, indeed.

The Carson City Community Center is comprised of four component buildings that are harmoniously united by a lovely atrium. The main building, Community Hall, will be used for lectures, banquets, exhibitions, and other similar events of special interest to the city's residents. Community Hall also can be adapted for use as a theatre, which enhances its cultural and aesthetic value to the Carson community. In addition to Community Hall, there is also a senior center, an adult lounge, an international room, child care facilities, and a young adult center.

As designed and equipped, the community center undoubtedly will serve as a constructive meeting and activity center for all age groups. The young adult wing is equipped with video games, which, as each of us knows, have become very popular with young people. But the young adult wing also will provide teen counseling and job referral services. Seniors now have a warm and friendly atmosphere for their activities, too. Croquet and shuffleboard are just two of the activities intended for seniors, but I would not be surprised to learn of their interest in shared usage of the video game room with some of their younger counterparts. I am sure that the commingling of the generations will produce many meaningful friendships, as well as keen competition for champion of the video games.

Mr. Speaker, I would like to invite you or any of our colleagues to visit the Carson Community Center during your next visit to California. Located

at 801 East Carson Street, I am certain you would be impressed with what the city of Carson has done. My wife, Lee, joins me in congratulating the city of Carson on the completion of their outstanding community center.●

SUCCESS DURING RECESSION AND A 1-YEAR ANNIVERSARY

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SIMON. Mr. Speaker, In the past year, we have witnessed the effects of a depressed economy: loss of jobs, bankruptcies, bank closings, and small and large business failures. So, it is with great pleasure that I share with my colleagues the success story of one of my constituents, Richard W. Snyder.

One year ago today, Mr. Snyder purchased the Singer Co.'s climate control division which manufactures heating and air-conditioning equipment. The plants are located in Red Bud, Ill.; Auburn, N.Y.; and Wilmington, N.C., and employ over 1,500 personnel. Having previously served as president of the climate control division under Singer, Mr. Snyder now serves as president and chairman of the board under his own newly formed company, Snyder General Corp.

Mr. Snyder admits that the chances of an employee buying off that big a chunk of a corporation's business "is a 1-in-a-1,000 shot." The ingredients that pulled it off were the same ingredients that turned the division's operations from a $2 million net loss to a $4.8 million net profit during Mr. Snyder's tenure as president under Singer: Hard work, ingenuity, and an aggressive, straightforward posture.

So it is with the same aggressive posture that Snyder General plunged in full force, despite the sluggish economy, to improve current products, develop new ones and to increase production and sales. His management team announcing that they "did not plan to participate in the recession" surpassed their initial goal within the first 6 months. At that time Climate Control, a unit of Snyder General, reported record sales, better profits than projected, and a bank debt cut by one third.

Now, a year later, the company has again exceeded their targets for sales and profits and have cut their debt in half.

With this amazing success during a construction recession, it is a fairly safe bet that Snyder General's air-conditioning sales will heat up, not only to cool us down this summer, but because the economic recovery is on the horizon.

Happy anniversity to Richard W. Snyder and his team at Snyder General Corp.●

H.R. 2420

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. VOLKMER. Mr. Speaker, on Thursday, April 7, I introduced the Firearms Owners Protection Act, H.R. 2420. This bill is similar to last Congress H.R. 3300 and is intended to reform a number of provisions of the Federal firearms laws which serve no legitimate purpose or which have been used by Federal officials to harass and infringe upon the rights of law abiding firearms owners.

These abuses and the overstepping of some Federal officials in this area have been well-documented in a variety of House and Senate hearings over the past three Congresses. The provisions of the Firearms Owners Protection Act will help prevent such abuses from occurring. The act will shift the focus of the Federal law enforcement effort away from a regulatory mentality, toward an actual law enforcement strategy aimed at the criminal.

This bill provides protection for the law-abiding citizen by:

Providing for the first time a workable definition of "engaged in the business" so that the licensing requirements of the Gun Control Act have a precise meaning.

Requiring that criminal intent be shown before a citizen is subject to the penalties of a Federal felony.

Requiring that before firearms can be seized and forfeited, they be shown to have actually been part of a criminal violation, that charges be filed within 120 days of seizure, and that in the event of acquittal the firearms be returned.

Limiting the intrusions of records and inventory checks to situations where agents have reasonable cause to believe a criminal violation has occurred—annual checks and bona fide tracing are also permitted.

Retaining existing definitions of "felon" while making this and similar categories of prohibited buyers uniform throughout the gun laws.

This legislation is not, as critics have claimed in the past, a boom to the criminal. It will not permit dangerous individuals to obtain firearms. In fact, the classes of prohibited persons are more consistently defined and comprehensively covered than in existing law. Moreover, restrictions are made to apply to any person rather than just dealers, as under current law.

This bill will not permit purely mail-order sales. Requirements of a face-to-face meeting between the seller and purchaser will still exist, and transfers will still have to comply with Federal law as well as State and local requirements.

A mandatory prison sentence for the commission of a felony with a firearm is included in H.R. 2420. The bill is designed only to aid law-abiding firearms owners, not those who criminally misuse guns.

Similar legislation secured the support and cosponsorship of over 180 of our colleagues, from both sides of the aisle, in each of the last two Congresses. Over 70 Members have already joined in cosponsoring H.R. 2420. Any Members who have questions or wish to cosponsor H.R. 2420 may contact me or Tim De Coster of my staff at X5-8467.●

SANTA ANA UNIFIED SCHOOL DISTRICT'S THIRD ANNUAL SUCCESS DAY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PATTERSON. Mr. Speaker, I am pleased to note that the Santa Ana Unified School District will hold its third annual Success Day on May 18, 1983.

Sucess Day is an effort by educators, parents, and students to acknowledge the successes of former and present students. On this day, students have the opportunity to visit with past graduates to learn about their achievements and successes in life. Additionally, students participate in various presentations and hear keynote speakers.

The purpose of Success Day is twofold. While motivating students further toward becoming successful and productive members of society, the community also acknowledges the accomplishments of curent students and educators.

The 33,500 students of the Santa Ana Unified School District have many exceptional alumni to look up to, including Academy Award-winning actress Diane Keaton, Spacelab astronaut Gerald Carr, and professional football star Issac Curtis. Nevertheless, Success Day recognizes the contributions of people from regular walks of life to stress the importance and value of education for all students.

I would also like to recognize the Santa Ana Educators Association and the South Coast Plaza Village for cosponsoring this event with the alumni and students of the Golden City's Unified School District.

Mr. Speaker, it is with a shared sense of pride that I join my community in honoring the successes of former and present students of the Santa Ana unified School District and commend

those who are working diligently to instill the pride of learning in young people.●

TRIBUTE TO MR. HERBERT EDWARD LARM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. SKELTON. Mr. Speaker, it was with great sadness that I recently learned of the death of a leading citizen from my district in Missouri. Mr. Herbert Edward Larm from Jefferson City, Mo., was a hard working family man who was deeply involved in his community and will be deeply missed.

Herbert Larm worked for the National Life & Accident Insurance Co. for the past 30 years and raised a family of two boys and one girl; Stephen, Gregory, and Rebecca. He was a member of the Immaculate Conception Parish and the Holy Name Society of the Immaculate Conception Catholic Church. He was also a veteran of World War II, and was an active member of the Booneville Veterans of Foreign War Post. He was a member of the Knights of Columbus, where he had held positions as district deputy and as grand knight of the Booneville Council. Mr. Larm was active in managing Little League baseball teams, as well as working with the Boy Scouts.

I am sure that the loss of Mr. Larm will be deeply felt by all who knew him, and I ask my colleagues to join me in expressing our condolences to his family and friends.●

TRIBUTE TO JAMES N. GOLDSMITH

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. TRAXLER. Mr. Speaker, I want to take this opportunity to pay tribute to Comdr. James N. Goldsmith, an outstanding civic leader and active member of the Veterans of Foreign Wars, as he nears the end of a highly successful year with the Michigan Department of the VFW.

Commander Goldsmith earned an exemplary record as a war veteran and VFW loyalist. Born in the year 1944, in Flint Mich., "Goldie," as he is known to his friends, graduated from Flushing High School and immediately thereafter enlisted in the U.S. Army. He served with the 84th Engineer Battalion in Vietnam from 1966 to 1967.

Upon his return to the States, he joined the Flushing VFW post 5666 and quickly rose through the ranks, holding many offices, to become all-State post commander in 1973.

At the Michigan Department of the VFW, Commander Goldsmith served on the State legislative committee, the all-State commander's committee, the post honor roll director and as membership director on the commander's committee. He was elected State junior vice commander in 1980, becoming senior vice commander in 1981. After the State convention in Grand Rapids, Mich., last year, he rose to the department's highest office.

Commander Goldsmith's national involvement with the VFW has included assignments on the national security and foreign affairs committee, the national youth activities committee, and the national community service committee. He participated in the national VFW conventions at Minneapolis and Dallas.

Commander Goldsmith, his wife, Dianne, and son, James, Jr., live in Clio, Mich., where he is employed by the A-C Spark Plug Co. I am very proud to have such an outstanding American citizen in my congressional district, and I appreciate this opportunity to honor him on the floor of the U.S. House of Representatives.●

VOICE OF DEMOCRACY WINNER

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. CRAIG. Mr. Speaker, we sometimes get so involved in our own discussions on what is good and what is bad about this country, we lose sight of how great our country really is. Interestingly enough, it seems that we can be most effectively reminded of that greatness through the thoughts and dreams of this Nation's youth. Today, I would like to submit for the RECORD the remarks of Kristin Schauman, of Weiser, Idaho. Kristin is Idaho's Veteran's of Foreign Wars Voice of Democracy winner. Her message is penetrating. Our actions here today are no more important than the strength of the youth tomorrow will make them. I submit this for your reading.

I know of two pocket knives. One is rather old and worn. It has three blades and it belongs to my father. The large blade is very sharp and cuts through things easily. The other two are dull and not used for much. Men are often like a knife with several blades. They know how to open all the blades, but after a while they use only one. The rest are buried in the handle. They are really no better off than if they had a knife with but one blade. As the years go by, just as my father only sharpened one of the three blades, men more and more begin to use but one of two faculties out of the score with which they are endowed.

The other knife belongs to my brother. It is new and shiny and has seven different blades. The knife has every blade sharpened and ready for use. In addition, it has a can opener, cork screw, and nail file. I think youth can be compared to this knife. Youth are ready and anxious to try many different avenues. They have new skills and new tools to work with. They want to test and try out new situations. They sharpen and re-sharpen all of their faculties just as my brother re-sharpens all the blades of his knife.

Young people are full of determination. A failure in youth often creates a greater determination to succeed the next time. Youth are ready to blaze the trail to new horizons. They know no limits for they have yet to be knocked down or defeated.

Changes—what about changes? The world is constantly changing, but, this is no problem for youth. Changes are looked forward to, absorbed, and carried out with a minimum amount of effort. The more years that pass in one's life time, the more established and comfortable a person feels. He no longer looks forward to change. Quite the contrary, he resents and resists it. Youth are quick to seize opportunity—they seldom drag their feet. They can make decisions based on facts from the present, not looking to problems of the past. It has been said that when you are through changing, you are through.

A man is not paid for having brains, but for using them. Youth have the ability to learn quickly. They look upon education as a challenge. When they don't know something, they are not ashamed to inquire about it, thus they attain knowledge.

For these three reasons: determination, a willingness to accept change, and ability to learn, I think youth are the strength of our nation. They will ensure progress. But, youth isn't the permanent property of anyone. Henry Wadsworth Longfellow describes it well, "How beautiful is youth. How bright it gleams with its allusions, aspirations, and dreams. Book of beginnings, story without end, each maid a heroine, each man a friend." Youth is merely a corridor we pass through in which there is no stopping place for any of us. Life is forever—but youth is just a few fleeting years.

The future of our community, our nation, our world marches forward, always on the feet of little children for they are the youth, the strength, of tomorrow.●

NIT WINNERS

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PASHAYAN. Mr. Speaker, on March 30, 1983, a great deal of collegiate basketball history was made in Madison Square Garden at the annual National Invitation Tournament.

A college, Fresno State University, its basketball team, the Battlin' Bulldogs, its avid fans and boosters, affectionately called the Red Wave, a whole community, Fresno, and more broadly the San Joaquin Valley, Calif., gained respectability by clawing its way to the top and providing basketball fans the west coast's version of the cardiac gang.

This community of interest came together March 30 when the little-

known Bulldogs from California beat the DePaul University Blue Demons, 69-60, for the NIT championship. In so doing, the Bulldogs became the first west coast school in 35 years to win the NIT, and became the first representative of the Pacific Coast Athletic Association to win a national basketball championship.

The Bulldogs finished the season with a 25-10 record, giving the team a 52-14 record overall for the last two seasons. The tourney title earned Bulldog coach, Boyd Grant, the NIT coach of the year. Also to be commended are the assistant coaches, Ron Adams, Fred Litzenberger, and Jim Thrash. Ron Anderson was chosen the most valuable player of the NIT. He received superb support from his teammates, Bernard Thompson, Desi Barmore, Tyrone Bradley, Omel Nieves, Mitch Arnold, Cleave Lewis, David Mosebar, Marvin Carter, Mario Ellis, Mark Gustin, Charles Smith, and Jevon Nixon.

Looking back to his team's victory, Coach Grant summed up this year's successes aptly when he told New York Times reporter James Tuite, "When you play against teams with more talent than yours, defense must be the foundation of your program. Like our President, I am very conservation on offense and like to have a strong defense."

I am proud of the school, its teams, its fans, and the community that supports them: Fresno.

The NIT victory will be replayed over and over again in the weeks and months ahead. It is and will continue to be a rallying point for a community. It means a winning memory, something to build on.●

WORLD PEACE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. PEPPER. Mr. Speaker, please allow me the privilege of reprinting, in the RECORD, for the benefit of my colleagues the report entitled, "The Report of the Secretary General on the Work of the Organization"—1982. The Secretary General of the United Nations, Javier De Cuellar, points out in his eloquent and learned address his belief that the only way for world peace to exist is when the five permanent members of the Security Council resolve their differences and use their power collectively to prevent war, as they agreed to do in writing when each signed the U.N. Charter. I think we could all benefit by thoughtfully considering the Secretary General's remarks.

The report follows:

[Original: English, September 1982]

REPORT OF THE SECRETARY GENERAL ON THE WORK OF THE ORGANIZATION

The past year has seen an alarming succession of international crises as well as stalemates on a number of fundamental international issues. The United Nations itself has been unable to play as effective and decisive a role as the Charter certainly envisaged for it. Therefore, in this, my first annual report to the General Assembly, I shall depart from the usual practice of surveying the broad range of the work of the United Nations; instead I shall focus on the central problem of the Organization's capacity to keep the peace and to serve as a forum for negotiations. I shall try to analyse its evident difficulties in doing so, difficulties related to conflicts between national aims and Charter goals and to the current tendency to resort to confrontation, violence and even war in pursuit of what are perceived as vital interests, claims or aspirations. The general international divisions and disorder which have characterized the past year have unquestionably made it even more difficult than usual for the Organization to be, as it was intended to be, a centre for harmonizing the actions of nations in the attainment of common ends.

The problems faced by the United Nations in fulfilling its mission derive in large measure from the difficulties which Governments appear to have in coming to terms, both within and outside the Organization, with the harsh realities of the time in which we live. This question is, of course, highly relevant to the use, misuse or non-use of the United Nations as an instrument for peace and rational change.

I am of the view that we now have potentially better means to solve many of the major problems facing humanity than ever before. For this reason I retain, in the last analysis, a sense of optimism. This basic optimism, however, is tempered by our apparent inability to make adequate use of these means. Instead we sometimes appear still to be in the grip of the dead hand of a less fortunate past. As a result we often lack the vision to differentiate between short-term advantage and long-term progress, between politically expedient positions and the indispensable objective of creating a civilized and peaceful world order. While such attitudes do not affect the validity of the ideals of the Charter, they seriously impair the proper utilization of the machinery of the United Nations for the purposes for which it was set up.

We live today in the presence of a chilling and unprecedented phenomenon. At the peak of world power there exist enough nuclear weapons to destroy life on our planet. It seems evident that nothing worthwhile would survive such a holocaust, and this fact, above all else, contains the nuclear confrontation—for the time being at least.

In the middle level of world power there exist vast quantities of sophisticated, so-called conventional weapons. Indeed we have seen some of them in devastating action this very year. These weapons are, by comparison with those of former times, immensely destructive, and they are actually being used. They are also the objects of a highly profitable international trade.

At yet another level we have the poverty of a vast proportion of the world's population—a deprivation inexplicable in terms either of available resources or of the money and ingenuity spent on armaments and war. We have unsolved but soluble problems of economic relations, trade, distribution of resources and technology. We have many ideas and plans as to how to meet the growing needs of the large mass of humanity, but somehow such human considerations seem to take second place to the technology and funding of violence and war in the name of national security.

It is for these reasons that our peoples, especially the young, take to the streets in their hundreds of thousands in many parts of the world to proclaim their peaceful protest against the existing situation and their deep fear of the consequences of the arms race and nuclear catastrophe. Who can say that these gentle protesters are wrong or misguided? On the contrary, they recall us to the standards and the duties which we set ourselves in the Charter of the United Nations. The States Members of this Organization should not ignore the significance of what they are trying to say.

What in reality is the role and the capacity of the United Nations in such a world? Our Charter was born of six years of global agony and destruction. I sometimes feel that we now take the Charter far less seriously than did its authors, living as they did in the wake of a world tragedy. I believe therefore that an important first step would be a conscious recommitment by Governments to the Charter.

Certainly we have strayed far from the Charter in recent years. Governments that believe they can win an international objective by force are often quite ready to do so, and domestic opinion not infrequently applauds such a course. The Security Council, the primary organ of the United Nations for the maintenance of international peace and security, all too often finds itself unable to take decisive action to resolve international conflicts and its resolutions are increasingly defied or ignored by those that feel themselves strong enough to do so. Too frequently the Council seems powerless to generate the support and influence to ensure that its decisions are respected, even when these are taken unanimously. Thus the process of peaceful settlement of disputes prescribed in the Charter is often brushed aside. Sterner measures for world peace were envisaged in Chapter VII of the Charter, which was conceived as a key element of the United Nations system of collective security, but the prospect of realizing such measures is now deemed almost impossible in our divided international community. We are perilously near to a new international anarchy.

I believe that we are at present embarked on an exceedingly dangerous course, one symptom of which is the crisis in the multilateral approach in international affairs and the concomitant erosion of the authority and status of world and regional intergovernmental institutions. Above all, this trend has adversely affected the United Nations, the instrument that was created specifically to prevent such a self-destructive course. Such a trend must be reversed before once again we bring upon ourselves a global catastrophe and find ourselves without institutions effective enough to prevent it.

While I do not propose here to review in detail specific situations and developments, it is, of course, my deep concern about them that leads me to examine the underlying deficiencies of our present system. The tragedy of Lebanon and the imperative need to resolve the problem of the Middle East in all its aspects, including the legitimate right of the Palestinians and the security of all States in the region; the war between Iran and Iraq; the political situation relating to Afghanistan; the prevailing convulsion of

Central America; questions relating to Kampuchea; painful efforts to reach a settlement in Cyprus; the situation in Western Sahara and in the Horn of Africa—these and other potential conflict situations, although often differing widely in their nature, should all be responsive to a respected international system for the peaceful settlement of disputes. Even in the sudden crisis over the Falkland Islands (Malvinas), despite the intensive negotiations which I conducted with the full support and encouragement of the Security Council and which endeavoured to narrow the differences between the parties, it nevertheless proved impossible in the end to stave off the major conflict.

Yet in all of these cases, all of the parties would have gained immeasurably in the long run from the effectiveness of a system for the peaceful settlement of disputes. In the case of Namibia we now see some signs of the possibility of a solution after many setbacks. Let us hope that this will prove a welcome exception to the general rule. But the lesson is clear—something must be done, and urgently, to strengthen our international institutions and to adopt new and imaginative approaches to the prevention and resolution of conflicts. Failure to do so will exacerbate precisely that sense of insecurity which, recently, cast its shadow over the second special session of the General Assembly devoted to disarmament. Despite present difficulties, it is imperative for the United Nations to dispel that sense of insecurity through joint and agreed action in the field of disarmament, especially nuclear disarmament.

I must mention here some of the other main sides of our work. There is the promotion and protection of human rights throughout the world, to which I intend to devote, as a matter of high priority, the attention that is called for by the charter and made all the more imperative by the current state of world affairs. There are the great humanitarian challenges, often involving large numbers of refugees and dsplaced persons, whose plight in many parts of the world is the tragic reflection of political strife and economic distress. There is the grave and as yet unsolved problem of apartheid. There is, furthermore, the whole spectrum of issues related to social and economic development, which so vitally affect both present conditions and future prospects. My statement to the Economic and social Council on 7 July of this year provided an opportunity to review the latter, to call for action and to express my concern on the stalemate in the North-South dialogue and the difficulties encountered in furthering global negotiations and measures to promote world economic recovery.

In our endeavour to carry out this extremely wide and demanding range of tasks, a fundamental requirement is the continued dedicaiton, integrity and professionalism of the international civil service. I expect the highest standards from the staff of the Secretariat and, for my part, am determined to protect their independence and to ensure that performance and merit are the essential criteria for professional advancement. I have already defined as one of my first priorities the attainment of enhanced efficiency in the Secretariat, which must be worthy of the full confidence of Member States. I will continue to devote every effort towards an improved, unified and coherent administration.

It seems to me that our most urgent goal is to reconstruct the Charter concept of collective action for peace and security so as to render the United Nations more capable of carrying out its primary function. It was the lack of an effective system of collective security through the League of Nations that, among other factors, led to the Second World War. Although we now face a vastly changed world situation, Governments in fact need more than ever a workable system of collective security in which they can have real confidence. Without such a system, Governments will feel it necessary to arm themselves beyond their means for their own security, thereby increasing the general insecurity. Without such a system, the world community will remain powerless to deal with military adventures which threaten the very fabric of international peace, and the danger of the widening and escalation of local conflicts will be correspondingly greater. Without such a system there will be no reliable defence or shelter for the small and weak. And without such a system all of our efforts on the economic and social side, which also need their own collective impetus, may well falter.

There are many ways in which Governments could actively assist in strengthening the system prescribed in the Charter. More systematic, less last-minute use of the Security Council would be one means. If the Council were to keep an active watch on dangerous situations and, if necessary, initiate discussions with the parties before they reach the point of crisis, it might often be possible to defuse them at an early stage before they degenerate into violence.

Unfortunately there has been a tendency to avoid bringing critical problems to the Security Council, or to do so too late for the Council to have any serious influence on their development. It is essential to reverse this trend if the Council is to play its role as the primary world authority for international peace and security. I do not believe that it is necessarily wise or responsible of the Council to leave such matters to the judgement of the conflicting parties to the point where the Council's irrelevance to some ongoing wars becomes a matter of comment by world public opinion.

In recent years the Security Council has resorted increasingly to the valuable process of informal consultations. However there is sometimes a risk that this process may become a substitute for action by the Security Council or even an excuse for inaction. Along the same line of thought, it may be useful for the Council to give renewed consideration to reviewing and streamlining its practices and procedures with a view to acting swiftly and decisively in crises.

Adequate working relations between the permanent members of the Security Council are a sine qua non of the Council's effectiveness. Whatever their relations may be outside the United Nations, within the Council the permanent members, which have special rights and special responsibilities under the Charter, share a sacred trust that should not go by default owing to their bilateral difficulties. When this happens, the Council and therefore the United Nations are the losers, since the system of collective security envisaged by the Charter presupposes, at the minimum, a working relationship among the permanent members. I appeal to the members of the Council, especially its permanent members, to reassess their obligations in that regard and to fulfill them at the high level of responsiblity indicated in the Charter.

There is a tendency in the United Nations for Governments to act as though the passage of a resolution absolved them from further responsibility for the subject in question. Nothing could be further from the intention of the Charter. In fact resolutions, particularly those unanimously adopted by the Security Council, should serve as a springboard for governmental support and determination and should motivate their policies outside the United Nations. This indeed is the essence of the treaty obligation which the Charter imposes on Member States. In other words the best resolution in the world will have little practical effect unless Governments of Member States follow it up with the appropriate support and action.

Very often the Secretary-General is allotted the function of following up on the implementation of a resolution. Without the continuing diplomatic and other support of Member States, the Secretary-General's efforts often have less chance of bearing fruit. Concerted diplomatic action is an essential complement to the implementation of resolutions. I believe that in reviewing one of the greatest problems of the United Nations—lack of respect for its decisions by those to whom they are addressed—new ways should be considered of bringing to bear the collective influence of the membership on the problem at hand.

The same consideration applies to good offices and negotiations of various kinds undertaken at the behest of the Security Council. Very often a Member State or group of Member States with a special relationship to those involved in such negotiations could play an extremely important reinforcing role in promoting understanding and a positive attitude.

In order to avoid the Security Council becoming involved too late in critical situations, it may well be that the Secretary-General should play a more forthright role in bringing potentially dangerous situations to the attention of the Council within the general framework of Article 99 of the Charter. My predecessors have done this on a number of occasions, but I wonder if the time has not come for a more systematic approach. Most potential conflict areas are well known. The Secretary-General has traditionally, if informally, tried to keep watch for problems likely to result in conflict and to do what he can to pre-empt them by quiet diplomacy. The Secretary-General's diplomatic means are, however, in themselves quite limited. In order to carry out effectively the preventive role foreseen for the Secretary-General under Article 99, I intend to develop a wider and more systematic capacity for fact-finding in potential conflict areas. Such efforts would naturally be undertaken in close co-ordination with the Council. Moreover, the Council itself could devise more swift and responsive procedures for sending good offices missions, military or civilian observers or a United Nations presence to areas of potential conflict. Such measures could inhibit the deterioration of conflict situations and might also be of real assistance to the parties in resolving incipient disputes by peaceful means.

Peace-keeping operations have generally been considered to be one of the most successful innovations of the United Nations, and certainly their record over the years is one of which to be proud. They have proved to be a most useful instrument of de-escalation and conflict control and have extended the influence of the Security Council into the field in a unique way. I may add that United Nations peace-keeping operations have traditionally shown an admirable

degree of courage, objectivity and impartiality. This record, which is a great credit to the Organization, is sometimes overlooked in the heat of partisanship.

The limitations of peace-keeping operations are less well understood. Thus when, as happened recently, a peace-keeping operation is overrun or brushed aside, the credibility both of the United Nations and of peace-keeping operations as such is severely shaken.

It is not always realized that peace-keeping operations are the visible part of a complex framework of political and diplomatic efforts and of countervailing pressures designed to keep the peace-keeping efforts and related peace-making efforts effective. It is assumed that the Security Council itself and those Member States in a position to bring influence to bear will be able to act decisively to ensure respect for decisions of the Council. If this framework breaks down, as it did for example in Lebanon last June, there is little that a United Nations peace-keeping force can by itself do to rectify the situation. Indeed in such circumstances it tends to become the scapegoat for the developments that follow.

Peace-keeping operations can function properly only with the co-operation of the parties and on a clearly defined mandate from the Security Council. They are based on the assumption that the parties, in accepting a United Nations peace-keeping operation, commit themselves to co-operating with it. This commitment is also required by the Charter, under which all concerned have a clear obligation to abide by the decisions of the Council. United Nations peace-keeping operations are not equipped, authorized, or indeed made available, to take part in military activities other than peace-keeping. Their main strength is the will of the international community which they symbolize. Their weakness comes to light when the political assumptions on which they are based are ignored or overridden.

I recommend that member States, especially the members of the Security Council, should again study urgently the means by which our peace-keeping operations could be strengthened. An increase in their military capacity or authority is only one possibility—a possibility which may well give rise in some circumstances to serious political and other objections. Another possibility is to underpin the authority of peace-keeping operations by guarantees, including explicit guarantees for collective or individual supportive action.

In recent months, two multinational forces were set up outside the framework of the United Nations to perform peace-keeping tasks, because of opposition to United Nations involvement either within or outside the Security Council. While understanding the circumstances which led to the establishment of these forces, I find such a trend disturbing because it demonstrates the difficulties the Security Council encounters in fulfilling its responsibilities as the primary organ for the maintenance of international peace and security in the prevailing political conditions.

We should examine with the utmost frankness the reasons for the reluctance of parties to some conflicts to resort to the Security Council or to use the machinery of the United Nations. The fact is that the Council too often finds itself on the sidelines at a time when, according to the Charter, its possibilities should be used to the maximum. Allegations of partisanship, indecisiveness or incapacity arising from divisions among Member States are sometimes invoked to justify this side-tracking of the Council. We should take such matters with the utmost seriousness and ask ourselves what justifications, if any, there are for them and what can be done to restore the Council to the position of influence it was given in the Charter.

This last problem also applies to other organs of the United Nations and brings me to the question of the validity and utility of the United Nations as a negotiating forum. We have seen in the case of the law of the sea for example, what remarkable results can be achieved in well-organized negotiations within the United Nations framework, even on the most complex of issues and even though there was no unanimous agreement. On the peace and security side, the Security Council has shown and continues to show that it is often capable of negotiating important basic resolutions on difficult problems. The General Assembly also has to its credit historic documents negotiated in that organ and in its subsidiary organs, not only on the political but also on the economic and social side.

But in spite of all this I am concerned that the possibilities of the United Nations, especially of the Security Council, as a negotiating forum for urgent international problems are not being sufficiently realized or used. Let us consider what is perhaps our most formidable international problem—the Middle East. It is absolutely essential that serious negotiations on the various aspects of that problem involve all the parties concerned at the earliest possible time. Far too much time has already elapsed, far too many lives and far too many opportunities have been lost, and too many faits accomplis have been created.

I feel that the Security Council, the only place in the world where all of the parties concerned can sit at the same table, could become a most useful forum for this absolutely essential effort. But if this is to be done, careful consideration will have to be given to what procedures, new if necessary, should be used and what rules should govern the negotiations. I do not believe that a public debate, which could well become rhetorical and confrontational, will be enough. Other means will have to be used as well if negotiations on such a complex and deeply rooted problem are to have any useful outcome. The devising of such means is certainly well within the ingenuity and capacity of concerned Member States.

A related question to which we should give more consideration concerns what are productive and what are counter-productive approaches to the different aspects of our work. Obviously, a parliamentary debate may generate rhetoric, and sometimes even a touch of acrimony. But negotiations and the resolution of urgent problems require a different approach. Debate without effective action erodes the credibility of the Organization. I feel that in the United Nations if we wish to achieve results, we must make a more careful study of the psychological and political aspects of problems and address ourselves to our work accordingly. It is insufficient to indulge in a course of action that merely tends to strengthen extreme positions.

The United Nations is now 37 years old. It has survived a period of unprecedented change in almost all aspects of human life. The world of 1982 is vastly different from that of 1945, and that difference is reflected in the United Nations. In other words, the Organization has had to adapt to new circumstances to a quite unexpected extent. But it is not enough for the United Nations merely to reflect change or conflict. The Organization was intended to present to the world the highest common denominator of international behaviour and, in doing so, to develop a binding sense of international community. It was to that end that Governments drafted and ratified the Charter. Amid the various perils that now threaten the orderly progress of humanity, I hope that we can rally once again to the standards of the Charter, beginning with the peaceful settlement of disputes and steadily branching out towards the other objectives of that prophetic document.

Finally let me appeal to all Governments to make a serious effort to reinforce the protective and pre-emptive ring of collective security which should be our common shelter and the most important task of the United Nations. The will to use the machinery of the Charter needs to be consciously strengthened, and all Governments must try to look beyond short-term national interests to the great possibilities of a more stable system of collective international security, as well as to the very great perils of failing to develop such a system. For these reasons I would suggest that consideration be given to the usefulness of holding a meeting of the Security Council at the highest possible level, one object of which might be to discuss in depth some of the problems I have mentioned.

Member States will, I hope, understand if I end this report on a personal note. Last year I was appointed Secretary-General of this Organization, which embodies the noblest hopes and aspirations of the peoples of the world and whose functions and aims under the Charter are certainly the highest and most important ever entrusted to an international institution. This year, time after time we have seen the Organization set aside or rebuffed, for this reason or for that, in situtations in which it should, and could, have played an important and constructive role. I think this tendency is dangerous for the world community and dangerous for the future. As one who has to play a highly public role in the Organization, I cannot disguise my deep anxiety at present trends, for I am absolutely convinced that the United Nations is indispensable in a world fraught with tension and peril. Institutions such as this are not built in a day. They require constant constructive work and fidelity to the principles on which they are based.

We take the United Nations seriously when we desperately need it. I would urge that we also seriously consider the practical ways in which it should develop its capacity and be used as an essential institution in a stormy and uncertain world.●

CIVILIAN RULE IN URUGUAY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. DELLUMS. Mr. Speaker, the last internal election in Uruguay held on November 28, demonstrated again the peoples' determination for a return to civilian rule. Of 2 million eligible voters, 1.2 million cast votes, 82.8 percent chose figures representing op-

position to the military government. In the plebiscite 2 years earlier, the military's Cronograma was also soundly defeated. The Uruguayan people are on an adamant progression toward the return of their nation to its historical tradition of democracy.

Although the exemplification of will is considered a victory by Uruguayans, the North American press virtually unrecognized the significance; coupled with the United States backing of the military's Cronograma, the struggle of the Uruguayan people has been theirs' alone. As the majority leader Wilson Ferreira Aldunate noted:

The comment of the State Department welcomed the election as another important step in Uruguay's return to democracy, the Uruguayans would not necessarily agree with this assessment; after all the conditions surrounding the election were hardly Democratic. Nonetheless, they celebrated a triumph—the triumph of the whole country of civilians, and thus the triumph of civilization.●

MITCHELL INTRODUCES PRIVATE BILL

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MITCHELL. Mr. Speaker, today, I am introducing a bill on behalf of two constituents whose civil rights were violated during the years 1972 and 1973. Emerson B. Vereen and his daughter, Audrey O. Lewis, from the city of Baltimore, have since tried to secure appropriate compensation through the judicial system and have failed. The facts follow:

My constituents' civil rights were violated as a result of an illegal drug arrest and subsequent criminal prosecution during 1972 and 1973. Since that time, except for a hallow judgment obtained against the two arresting officers, one of whom was a Drug Enforcement Administration agent, and the other a Baltimore city police detective, my constituents have been unable to obtain relief through the judicial system to compensate them for their losses. In the Federal tort claim and section 1983 actions, the U.S. Government, and the city of Baltimore's motions for summary judgment were granted because of the judge's holding that, despite the fact that the officers' perjury did not become known until 6 years after the tort, the 3-year statute of limitations began to run on August 16, 1972, the date of the wrong. Additionally, the judge concluded that the Federal Tort Claim Act's section which provided for liability in cases of intentional torts committed by police or investigative officers did not become effective until March 1974, and could not be applied retroactively.

My constituents, consequently, have exhausted all judicial avenues and can only resume a normal life if they are aided through the initiative I have introduced. The significant financial loss which we are attempting to recover can never, however, compensate for the mental anguish and tainted images imposed upon Mr. Vereen and Ms. Lewis throughout the last 10 years.

In introducing this bill today, I would like to express my admiration to my constituents for their valiant attempts to secure justice. It is just shameful that, due to improprieties on the part of arresting officers, innocent citizens have had to suffer needlessly.

Additionally, I would commend the outstanding efforts of Attorney Charles Honeyman who has acted on behalf of Mr. Vereen and Ms. Lewis above and beyond the call of duty. In the absence of sufficient financial remuneration, Mr. Honeyman has extended his services and has worked closely with my office to insure the introduction of this bill, which represents a final alternative.

I urge expeditious consideration of this bill.●

CONTROL THE EXPORT OF WESTERN TECHNOLOGY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ROTH. Mr. Speaker, today I am introducing by request, with Mr. BONKER, the President's proposals to amend the Export Administration Act. For a quarter century, Congress has wrestled with developing an effective statute to control exports of strategic goods and technologies and to establish a basis for East-West trade. The administration's proposals are an important contribution to this process. Over the past several months, several cabinet-level departments have examined the operation and purposes of our export control laws and regulations. The administration, in congressional testimony before the Subcommittee on International Economic Policy and Trade, has addressed the problem of the hemorrhage of advanced Western technology to the Soviet Union and adversaries around the world.

The administration has highlighted, as have other Members of Congress, the lax enforcement in previous years of export control regulations which permitted the transfer to the Soviet Union of defense-sensitive U.S. technology. Our investigations into this subject area may have uncovered only the tip of the iceberg.

I welcome the administration's bill. It is a contribution to the debate now before the subcommittee and will shortly come before the Committee on Foreign Affairs. Congress during the past several reauthorizations of this legislation has developed its own approach to export control, export promotion, and East-West trade. I look forward to carefully evaluating these proposals with my colleagues on the committee.●

TRIBUTE TO RAYMOND E. WALKER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. HUBBARD. Mr. Speaker, I speak today in tribute to a longtime friend of mine, Raymond E. Walker, who died on February 26 at the age of 61 in Hopkinsville, Ky.

Walker, a native of Trigg County, retired in December 1981, having served 26 years with the Hopkinsville police force, the last 10 years of which he was chief of the police department. As a youth he never thought of being a police officer, but in 1955, he decided to join the police force and worked his way through the ranks to chief.

It was during his administration that many department changes—such as expanding the duties of black officers and the acceptance of women as regular beat officers—were made.

Raymond E. Walker was a chief who voiced pride in the members of the local police force. He worked constantly and diligently against what he saw as temptation for corruption. Indeed, his decade at the top was a strong and tough administration.

A World War II Army veteran who served a tour of duty in the Pacific Theater, a member of the Second Baptist Church, and a member of the Hopkinsville Masonic Lodge, Walker was a great contributor to his community. Indeed, he spent many years of his life in dedication to the police department and to Hopkinsville.

Chief Walker was helpful and kind to me as his Congressman on several occasions. I was proud to call him a friend.

Survivors include his lovely wife, Onie Shelton Walker, and a son, Michael Walker, both of Hopkinsville. I extend my sympathy to the survivors and friends of this fine Kentuckian who was truly an inspiration to those who knew and respected him.●

OPPOSE THE FEDERAL COMMUNICATIONS COMMISSION'S PLAN TO REPEAL THE FINANCIAL INTEREST AND SYNDICATION RULES

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. BEILENSON. Mr. Speaker, recently I have received a number of letters from constituents favoring repeal of the Federal Communications Commission's financial interest and syndication rules. My constituents, who represent charitable community service organizations, have been given an ominous warning from the local broadcast stations affiliated with the three major television networks. The stations have been spreading the word that the growth of pay TV threatens their continued financial success and that, unless the FCC's rules are repealed, they will not be able to continue to carry the public service announcements which are so vital to these nonprofit community groups.

Mr. Speaker, naturally my constitutents are concerned about the possible loss of this essential means of reaching the public. However, since I oppose the repeal of these FCC rules and have joined with more than 40 of my colleagues in cosponsoring H.R. 2250, which would prevent repeal of the rules for 5 years, I want to set the record straight about the claims being made by the networks.

Contrary to what the networks are saying, this is not a question of free TV versus pay TV or cable TV. It is really a question of the networks versus the independent TV stations and independent producers of TV shows—and the public. Despite the growth of alternatives to network programing, the networks still have more than 75 percent of the prime-time audience, and their profits have continued to grow enormously in recent years. When the networks are not trying to scare people, they boost that they will remain the dominant—and profitable—medium for the foreseeable future.

Mr. Speaker, the networks are seeking the power to drive independent TV producers and stations out of business. The existing rules have created a place in the TV market for independent producers and stations, which has led to greater competition than ever before. Deregulation would lead to less competition and a drastic reduction in the quality of prime time TV.

I urge all Members to join our distinguished colleague, HENRY WAXMAN, in cosponsoring H.R. 2250, and I am appending an editorial from yesterday's Washington Post in support of the rules.

The editorial follows:

[From the Washington Post, April 1983]

WHO CONTROLS TV'S FARE MARKET?

More than most television viewers realize, the greening and screening of what they see is controlled by the three big networks: ABC, CBS and NBC. The networks' dominance of commercial access automatically makes them gatekeepers of content. It is these networks to which producers come to sell programs, usually at a loss, but always with a hope and incentive of recovery and profit once the networks let the shows go into rerun sales and distribution to various stations. Yet were it not for some important protections adopted by the Federal Communications Commission in 1970, the networks would have an even tighter lock on this market. So guess which three organizations are now pressing for repeal of those protections?

The big three networks are attacking rules that prohibit them from syndicating any programs, or from sharing in the syndication revenues from programs they do not produce. If the networks were to have their way with the FCC, viewers could say goodbye to what little competition has managed to grow in the independent production, distribution and broadcasting of programs; farewell, too, to any growth and program diversity of independent television stations whose lifeblood (and liveliness of fare) is their access to syndicated shows.

In most industries, "deregulation" is supposed to open a market and allow competition to flourish. But it is the other way around here; in commercial TV—unlike radio, where some 10,000 stations of all financial and organizational sizes can peel off shares of their program markets with modest investments—these very rules were enacted to *increase* competition. Repeal would kill competition, not increase it.

An example: those "M*A*S*H" reruns on local stations first ran in prime time on CBS, which made its money by selling advertising. Were there no rule prohibiting CBS from start-to-finish ownership of this program, the network could have controlled all rerun sales. Would it have sold "M*A*S*H" reruns to nonaffiliated stations for broadcast during those years or evenings in which it was showing the first-runs? With the rules in effect, the producer—20th Century-Fox Television—was free to sell the reruns to any stations.

The big networks argue that competition is growing through cable, satellite-dish and other innovations in broadcasting, and that they need protection. When they're not talking repeal, though, these same networks are assuring advertisers, stockholders and viewers that they will continue to dominate the news and entertainment market on TV. Either way, these networks already have financial interests in this new technology, and are not exactly punching up "signoff" for the last time.

If the day comes when all those extra new independent channels are beaming quality programs to option-hungry viewers in a majority of America's homes—and if the networks aren't in this business in enough other ways to keep turning hefty profits—then the FCC might take another look at repeal of the financial interest and syndication rules. But until then, the public's interest in more open competition and program diversity lies in defending these rules against the high-powered attacks of the big three networks. And that defense looks to the votes of reflective FCC members to reject repeal proposals that would strip away these important protections.●

RESTORING THE ECONOMY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. COELHO. Mr. Speaker, one of our colleagues, LANE EVANS of Illinois, recently brought to my attention an excellent article that appeared in the Des Moines Register. Among other things, it describes a line from the President's state of the Union address that is familiar to us all: "We who are in Government must take the lead in restoring the economy."

I want to thank LANE for sending me the article. I hope that all Members will take a minute to look it over.

[From the Des Moines Register, Jan. 31, 1983]

PRESIDENT'S STATE OF THE UNION ADDRESS

(By Donald Kaul)

President Reagan gave his State of the Union address to less than rave reviews. The right-wingers didn't think it was right enough; the left-wingers didn't think it was left enough; the moderates didn't think it was middle enough.

I thought it was OK.

Let me say at the outset that I am a sucker for the State of the Union address; I think it is a marvelous institution. It forces the president to go before the Congress and the world and explain why things aren't as bad as they seem. It's not the place for a great speech—I doubt that there's ever been a great State of the Union address—but it is a valuable exercise in public humiliation for a figure who must constantly struggle with the temptation of arrogance.

And I thought Reagan did just fine.

I had a friend once who was an unfaithful husband: a good man in most respects but cursed with a wandering eye, among other things. I asked him what he would do if his wife ever found out about his philandering.

"If she accuses me, I'll deny everything," he said. "And if she proves it on me, I'll fall on my knees and beg for mercy."

I thought that Reagan struck a nice balance between those two extremes. He said, basically, that his program has been a grand success and that he'll have it fixed any minute. With 10-percent unemployment and $200 billion deficits on the horizon, what else could he say?

The speech did have one truly fine moment, however, though not of Mr. Reagan's making.

The president was reading along in his speech, pretty much amid dead silence, when he came to the line: "We who are in government must take the lead in restoring the economy." And the Democrats in the chamber rose as one person and applauded and cheered. The Republicans, of course, then followed suit. It stopped the show.

Well, let me tell you something, folks: Those Democrats were not merely demonstrating their appreciation of the line. They were making an ironic statement on Reaganomics, the cult of "he governs best who governs least." They were using body language to say to the president: "So you finally wised up, eh? Welcome to the club."

You will watch a great many political events before you again see a group of politicians join together in ironic statement.

Most politicians feel about irony the way WASP feel about garlic.

Anyway, it was one of your Great Moments in Government. Too bad if you missed it.

Speaking of presidents, I read a good Lyndon Johnson story the other day. Johnson, remember, always made a big deal about having put his money in a "blind trust" when he became president, saying that he was bending over backward to see that no conflict of interest arose. Well, this story is about just how blind that trust was.

One of the foundation stones of the considerable Johnson fortune was a television station in Austin, Texas. The station wasn't doing as well as Johnson would have liked one year, so he took time off from his presidential duties to go down there and chew out the general manager. Then he turned to the station's anchorman and said:

"Bob, I saw you do the 11-o'clock news last night. And you never smiled. You got to smile more. People like it."

The anchorman replied: "Remember, Mr. President, last night we had the new casualty figures from Vietnam, and the earthquake in Italy, plus that jet crash in Australia."

Johnson leaned forward and said: "Bob, smile in between."

That was not merely a blind trust; it didn't even need reading glasses.

I happen to be one of those people who think that President Reagan is going to run for re-election.

I don't think he could stand giving up show business.●

THE HOME OF NATIONAL BASKETBALL CHAMPIONS

HON. IKE ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ANDREWS of North Carolina. Mr. Speaker, the Fourth Congressional District of North Carolina is becoming known as the home of national basketball champions. Last Monday night in Albuquerque, N. Mex. the Wolfpack of North Carolina State University in Raleigh defeated the University of Houston, 54–52, to bring the national title back to North Carolina for the second straight year. You may recall that the University of North Carolina at Chapel Hill was last year's champion.

Mr. Speaker, I believe this is a first, and I challenge my colleagues here to offer evidence to the contrary. Never before in the long history of the NCAA basketball tournament has the national title been claimed in successive years by two different schools from the same congressional district.

Hats off to Coach Jim Valvano, his team, and the alumni and supporters of North Carolina State University. We in North Carolina are mighty proud of their accomplishment. We are equally, if not more, proud of the outstanding academic tradition of our North Carolina institutions of higher learning. In fact, Mr. Speaker, I would like to issue another challenge to my colleagues. To the best of my knowledge and belief, there is no other congressional district which can boast more Ph. D.'s than the one I am privileged to serve. We are doubly blessed in the Fourth District and across our State to have such an excellent record of both athletic and academic achievement.●

NORTHWEST CONNECTICUT CITIZEN OF THE YEAR FOR 1982—KATHLEEN BARNES

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. JOHNSON. Mr. Speaker, I would like to take this opportunity to honor a constituent of mine, Kathleen Barnes, who has recently been selected as the northwest Connecticut citizen of the year for 1982. She was cited for her variety of activities from her work on helping establish and monitor the recycling program at the four-town regional landfill, and her civic-mindedness as coordinator for the New Hartford Environmental Action Committee, to her volunteer activities at the Winsted Memorial Hospital. I would like to reprint an editorial from the Winsted Citizen, which so aptly sums up the valuable contributions of this energetic and dedicated woman.

[From the Winsted Citizen, Feb. 28, 1983]

CITIZEN OF THE YEAR

With great pleasure, the Citizen today announced its selection of Kathleen Barnes of New Hartford as Citizen of the Year. The award was established by the newspaper in 1978 to recognize individuals who have significantly contributed to improving the quality of life in our corner of the state and who have set a good example of citizenship and civic responsibility.

By any standards, Kathleen Barnes more than measures up. Her work on New Hartford's Environmental Action Committee has promoted public awareness of environmental issues and the groups poll of municipal political candidates has given town voters something more than campaign rhetoric to consider when they enter the voting booth.

Her work promoting a regional recycling center at the Regional Refuse Disposal District and then monitoring its operation has helped reduce litter, conserve resources and produce income that reduces the cost of landfill operations by $20,000 to $25,000 a year.

Her volunteer work at Winsted Memorial Hospital demonstrates her compassion for her fellow man.

And her regular attendance at New Hartford Board of Selectmen and Board of Finance meetings shows a personal commitment to fulfilling her civic responsibility and makes her an informed spokesman who usually commands attention, if not always agreement.

Through it all, she has maintained a sense of proportion and modesty. She eschews awards, gives praise to others around her and protests, "I get more credit than I should."

On that point, we must disagree, Kathleen Barnes is truly an outstanding citizen of Northwest Connecticut and, though she may protest, she is our Citizen of the Year for 1982.●

JEFFERSON COUNTY'S CDBG PROGRAM

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. APPLEGATE. Mr. Speaker, as Members of Congress, we are only too aware of the sensitive money crunch that often plagues government at virtually all levels, from the Federal Government to the smallest hamlet. There are no quick-fix solutions to these problems as we have come to learn, only prudent sound fiscal management. It is for this reason that I wish to bring to the attention of the House membership the outstanding efforts being made with success by the Jefferson County, Ohio County Commissioners Albert Olexia, Edward Swiger, and Jerry Krupinski, as well as the other county officials there.

As evidence of their efforts, the county has received a letter of commendation from the National Association of Towns and Townships for its handling of funds from the State-administered community development block grant (CDBG) program. According to this association, Jefferson County's program works "because of the foresight of the county commissioners, the analysis of local problems by townships and village officials and the coordination of county and local government efforts through the regional planning commission."

During the first year that the individual States administered these funds, Jefferson County received a formula grant of $231,500. The commissioner decided to set aside one-half of this amount to allot to villages and townships. Under the county plan, all villages and townships were eligible, with awards being made on the basis of population and projects that met Federal eligibility rules. The county took it upon themselves to shoulder all the State and Federal administration requirements within its own CDBG fund allotment. Door-to-door surveys to determine up-to-date income levels were also conducted by the county planning commission, which meant some communities first declared ineligible because of outdated income data were then found to be eligible to receive funds.

Mr. Speaker, I encourage all Government officials, particularly those serving on the local level, to use Jefferson County's fiscal responsibility as a model. I believe this would be to their advantage. Again, I congratulate these

Government officials on their endeavor.●

HUMANITARIAN SERVICE BILL

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. MITCHELL. Mr. Speaker, last year, the President signed Public Law 97-360, "to set aside certain surplus vessels for health services to developing countries." Mr. VANDER JAGT and I were the original sponsors of this measure in the House and Mr. DOLE introduced the Senate bill. We proudly fought to insure that, while these vessels had outlived their value as national security ships, we could still find some use for them.

Through the efforts of Life International, a private, nonprofit organization, we were able to secure three vessels and for the next 5 years, in accordance with Public Law 97-360, Life will be raising funds so that they may lease or purchase them at the end of this set-aside period.

Today, I am introducing a bill to set aside additional vehicles so that they will not be merely scrapped, thereby denying a chance to ever utilize them to guarantee help from our country to developing nations. Realizing that Life International is currently raising funds for the first three vessels, my attempt, with the introduction of the present bill, is to merely save the remaining vessels from destruction. The set-aside legislation will at least accomplish this.

I do urge other Members to join me in cosponsoring this bill and I urge its expeditious consideration.●

REMEMBERING OUR POW/MIA'S

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. VENTO. Mr. Speaker, on Saturday, April 9, I spoke before a gathering of several hundred Minnesotans at the Minnesota State Capitol in St. Paul to commemorate National POW/MIA Recognition Day. I was certainly one of the less important persons present considering the presence of the families and friends of the 47 Minnesotans who are still officially listed as "missing in action." These 47 Minnesotans are among the nearly 2,500 Americans who are still missing in action. The families of those still listed as missing in action have endured their loneliness and anguish with great strength and courage. They implore all of us not to forget, but to remember their loved ones.

One of those Minnesotans still listed as missing in action is Eugene Handrahan of St. Paul. Eugene grew up right down the street from my parents' home on East Montana Avenue, on the east side of St. Paul. In 1968, Eugene was drafted and went to Vietnam. One day, near the Vietnam-Cambodian border, Eugene was wounded and later disappeared without a trace. Eugene's daughter, Pam Handrahan, was born shortly before her father disappeared. She is now a 14-year-old high school freshman who has never known her father. Pam Handrahan has written the following poem, which was delivered in the Minnesota State Capitol Rotunda on Saturday, April 9, 1983. Pam asks all of us to remember her father, Eugene, and all of the nearly 2,500 Americans who are still missing in action in a very special way.

Far away in Indochina
Are some men held prisoner there.
And they're sure they've been forgotten;
They think we just don't care.
If you remember, show the people
And wear a ribbon bright and red.
Tell all the world they're not forgotten
For the blood and tears they've shed.
They were warriors in a far land
And the price—they can't come home
'Cause you see, they're still held captive
All abandoned . . . and all alone.
It's been years since they were captured
And their homes have died away
But somehow we've got to free them
And they've got to hear us say:
"Yes, we remember! We'll show the people
We'll tie ribbons bright and red
We'll tell the world—You're not forgotten
Nor the blood and tears you've shed."
We'll tell the world you're not forgotten
Nor the blood and tears you've shed
There's a movement in this nation
To wake the people and get them marching
And let the ribbon proudly say:
"Yes, we remember. We'll show the people
We'll tie ribbons bright and red
We'll tell the world—You're not forgotten
And we'll shed the tears you've shed."●

NEW KEN CAMPUS, PSU, MARKS 25TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. GAYDOS. Mr. Speaker, on Tuesday, April 12, the New Kensington Campus of Pennsylvania State University will observe its 25th anniversary as a center for higher education.

The list of honored guests and speakers who will gather in the Holiday Inn to mark the occasion is impressive. It includes Dr. John W. Oswald, president of Penn State; Dr. Robert Scannel, vice president and dean; Mr. Kenneth Holderman, vice president emeritus; Dr. Robert D. Arbuckle, executive officer of the New Kensington Campus; Mary Louise Grendon, president, faculty senate; Walter Crognale, president of the campus' student government association, and Mr. Ralph Spencer, president of the New Kensington Area Chamber of Commerce.

The New Kensington Campus of PSU today is a far cry from the facility which opened its doors in 1958 to just 79 students, who were enrolled in two technical associate degree programs taught in a rented public school building in the city of New Kensington.

Now, the campus is home to more than 1,100 full-time students, enrolled in a multitude of programs, and contains seven modern buildings on a 65-acre tract of land in Upper Burrell Township. During the past 25 years, more than 20,000 students have been served in resident instruction programs offered by the campus and another 100,000 in continuing education operations.

The New Ken Campus, however, has become more than just a facility for educational advancement. It stands today as a cultural, public service, and economic stimulus for the city of New Kensington and five surrounding counties.

The importance of this campus, and others like it, must never be underestimated. Education was, is and always will be the key to our Nation's, indeed any nation's, future.

Today, the world of high technology has burst upon us and if we, as a nation, are to remain competitive we must depend on our schools of learning, such as the New Ken Campus, to produce the scientists and engineers we will need.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States I extend our congratulations to the New Kensington Campus of the Pennsylvania State University on this milestone in its history and wish it continued success in the years to come.●

DEMOCRATIC RESPONSE TO AN ADDRESS BY THE PRESIDENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Ms. KAPTUR. Mr. Speaker, I call the attention of my colleagues to Congressman SIMON's excellent Democratic response to President Reagan's Saturday radio talk on April 9, 1983. Our distinguished colleague called on the President to formulate real, solid initiatives that involve more than drifting to meet our urgent national needs. Congressman SIMON underscores the need for strong leadership and bipartisan efforts to achieve solutions to the serious problems which confront our Nation.

I ask my colleagues from both sides of the aisle to take the time to read PAUL SIMON's statement and to join together to structure and implement achievable solutions to our society's pressing problems.

PAUL SIMON's Statement follows:

DEMOCRATIC RESPONSE TO AN ADDRESS BY THE PRESIDENT

(By PAUL SIMON)

I'm Paul Simon, Congressman from Southern Illinois.

I commend the President for these radio talks. It's important that a free nation have dialogue on issues, and President Reagan is helping to provide that.

Today, the space shuttle "Challenger" returns and when it touches down, we will feel a sense of pride and accomplishment.

We are realizing goals set years ago.

But what are we doing to challenge ourselves today? What goals are we setting to make America a better place, and to assure that it is better yet for our children, and for their children?

The President has told you the most popular thing any politician can tell you: that he wants to cut taxes. What he hasn't said is that it is really a shift in taxes. Have you noticed that in the last two years your local and state taxes have gone up? He also fails to mention the record-breaking deficits which we now have—more than three times higher than any previous administration for one fiscal year. What he advocates is that we should borrow money to give ourselves a further tax cut. Does that really make sense? The President talks about indexing—but he didn't tell you that Republicans like Arthur Burns and others have warned against this. He didn't tell you that it will result in greater deficits and cause the worst tax of all, higher interest rates. He didn't tell you that Minnesota tried this and had a huge deficit, that Brazil and Israel have done this and ended up with high inflation. As to the economy, yesterday's newspapers tell us that there are now more poor than ever. Business failures are at the highest point since the Great Depression.

The President says that workers did not lose their jobs by chance. He's right. Since he took office unemployment has grown three percent—more than three million workers have lost their jobs. Those out of work more than six months have more than doubled. The policies he is advocating will not improve things. Those who disagree, Mr. President, include Republicans and Democrats. Those who oppose you are not Socialists. Your name-calling doesn't help. We just want action. Why not try the same bi-partisanship that we provided on Social Security and use it for the unemployment, for the deficit, for arms control, for foreign policy.

It is sometimes difficult for a member of Congress to keep in touch with reality, even more difficult for a President. I with the President could talk to Bill Wilson who works at the post office at West Frankfort, Illinois. Bill's wife died after surgery, and he now has a hospital and medical bill of $152,000—none of it covered by insurance. I wish the President could have been with me recently at Elizabethtown, Illinois—population 436. One of the people there was Ervin Price, 40 years old. He is out of work. He and his wife Linda have three children: 15, 13, and 8. They're on welfare. Their 15-year-old daughter needs glasses, which they can't buy. When I asked if he could go to a town thirty miles away if I found part-time work for him, he replied, "I'll hitchhike." They heat their home with wood picked up along the road.

That is real life in the real America today. That is the America the President and Congress must acknowledge and help. It is not enough to make speeches in Pittsburgh about training people for high tech. That sounds good, but it is not practical for most people in Elizabethtown, Illinois—nor for most unemployed steelworkers, coal miners and auto workers. Mr. President, Ervin Price and eleven million other Americans can't hand you their resumes. We need real, solid answers. We need a vision and some concrete goals that call for more than drifting.

My concerns about the void in leadership include three areas. First, in a world in which total destruction is now possible, the overwhelming sentiment in Congress—among Republicans and Democrats—is that President Reagan and Soviet leader Yuriy Andropov should meet and meet soon. Too much is at risk to do anything less. We need genuine, enforceable arms control, but that can be built only on the basis of greater understanding at the very top. The most minimal kind of understanding is now lacking. Never in all of history has it been so important that two nations not miscalculate. Amazingly, we are doing less and less to understand each other. The tough job of negotiating an arms control agreement becomes impossible if the present tone of viciousness on both sides continues to worsen.

Second, there is the belief in this Administration that you can help the least fortunate most effectively by helping the already fortunate more. It is easy to respond to the wishes of the rich and powerful: any government can do that. But we test whether we are a civilized society by the way we respond to the needs of the poor and the elderly and the unemployed and the handicapped. Our government today is responding more to the big political contributors than to the big sufferers. That must change.

Third, this Administration has forced most businesses, families, farms, communities, schools, and colleges to struggle to maintain the status quo. In fact there is no such thing as the status quo. We are either moving ahead or moving backward. For the past two years, it has been backward. To move ahead we need a dream, a sense of direction, a sense of purpose from the President. We need fewer speeches about government being the enemy, more understanding of how the tool of government can be used to build a better nation.

We need less sermonizing about evils overseas, more medicine for ills that plague us at home. We need leadership which appeals to the best in all of us, not the mean and selfish in us.

The Challenger is about to land. Now we need a challenge from the White House. Drifting did not get our four men into space. Drifting will not solve the problems of our nation and our small world.

We need vision and we need action for a better tomorrow.●

SACCHARIN STUDY AND LABELING ACT AMENDMENTS OF 1983

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, I am today introducing legislation to amend the Saccharin Study and Labeling Act and extend the moratorium on the Food and Drug Administration's regulatory efforts to remove saccharin from the market. The extension would be for 24 months beyond the present deadline of the August 14, 1983.

As a cosponsor of the bill the Congress passed in the 97th Congress to extend the moratorium to August 14 this year, I feel that it is important to mandate an additional extension.

The results of two large-scale animal studies on the safety of saccharin will be available later this year. One was undertaken by the National Center for Toxicological Research and the other by the International Research and Development Corp. It is essential that the scientific community and the committees of Congress have sufficient time to analyze these findings before reaching any definitive conclusions about saccharin's safety.

There are additional factors that must be considered as well, Mr. Speaker. To this date, no substitute for all uses of saccharin has been found. This search must continue until a suitable commerical product is available. Furthermore, the Congress must continue in its quest to revise the existing food safety laws. The reexamination of these laws has started and we have reason to expect that it will continue. The extra time provided by the extension of the moratorium will be most valuable in bringing this about.

To the best of my knowledge, there is no controversy over the approval of an additional extension and I trust that both the Senate and House will proceed to authorize the extra time.●

MILTON GLAZER AND THE GHOSTS OF PATTON'S ARMY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. LEVINE of California. Mr. Speaker, I rise today to honor Milton Glazer.

There are a number of reasons why Mr. Glazer should be honored. He is a successful businessman, a respected community leader, and dedicated family man. I choose today to concentrate on his remarkable record as a

member of the legendary 2d Cavalry and the role he played in its march through France.

Mr. Glazer joined the Army in January 1943 and served in Gen. George Patton's 2d Army. His company, which became known as the "Ghosts of Patton's Army" because of their incredible ability to elude the German Army, were given some of the most important and dangerous assignments of the war in France.

Operating behind enemy lines, and surrounded by enemy guns, the 2d Cavalry nevertheless covered more than 3,000 miles in its sweep through France. Gen. George S. Patton said of these brave men: "By all rules of logic these unsung heros should have been annihilated on numerous occasions. However, they've used up all their tricks, and now each day they invent new ones." The motto of this unit, "toujours pret" or "always prepared" symbolized the attitude which this unit brought to the service of our country.

After the fierce battle for Luneville in France, Mr. Glazer had the honor of being the first American GI to enter the city after its liberation. The entire unit was accorded a hero's welcome as they followed Mr. Glazer into the last French city to be liberated in the battle for France. This battle helped pave the way for the allies invasion of Germany and the ultimate defeat of the German Army.

Following their victory at Luneville the 2d Cavalry continued their sweep into Austria where they freed the famous Lippizaner stallions and then continued on into Germany.

Mr. Glazer was wounded in action twice, the second time in France near the German border on October 21, 1944. Following this he was sent home to recuperate in a hospital in Durham, N.C.

The valor which Milton Glazer displayed during his military career should serve as an example to all of us. It is because of courageous men like him that we were victorious in the Second World War.

I know that my colleagues join with me today in honoring Milton Glazer for his service to our country and his community.●

INTRODUCTION OF A BILL TO DESIGNATE WILDERNESS IN ARKANSAS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. ANTHONY. Mr. Speaker, yesterday, I introduced a bill (H.R. 2452) to designate seven areas in the Ouachita and Ozark National Forests of Arkansas and Oklahoma as wilderness under the Wilderness Act. My bill also releases other lands within the two national forests from further consideration under the Department of Agriculture's second roadless area review and evaluation (RARE II). My bill incorporates all of the recommendations of the forest supervisors of the Ouachita and Ozark National Forests.

The Ouachita National Forest is located largely in Arkansas but sizeable portions of it are also in Oklahoma. Two of the areas which would become wilderness lie astride the State lines of the two States. These are the Black Fork Mountain study area and the Upper Kiamichi River study area.

My bill designates 11,560 acres in the Black Fork Mountain, and 9,172 acres in Upper Kiamichi River study areas. In addition, I propose that 6,310 acres in the Dry Creek study area and 5,398 acres in the Belle Star study area to be designated as wilderness.

In the Ozark National Forest of Arkansas, I propose that 15,057 acres of the Hurricane Creek study area, 6,290 acres in the Richland Creek study area, and 1,504 acres known as the Upper Buffalo wilderness addition to be designated as wilderness.

All the areas covered by this bill were studied extensively under RARE II. The areas are all recommended by the Forest Service, and I believe that no purpose would be served by further study. My bill will withdraw these areas from mining and mineral leasing. All other areas studied as part of RARE II will be managed in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974. I am submitting detailed maps provided to me by the Forest Service to the Committee on Interior and Insular Affairs, Subcommittee on Public Lands and National Parks for their review.

I believe that these great natural areas of Arkansas and Oklahoma which merit designation as wilderness should receive this protection as soon as possible. Other areas which have been reviewed but which have not received the recommendation of the U.S. Forest Service should be released for multiple purposes as authorized by law.●

COMMUNITY FETES AMADO FAMILY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. WAXMAN. Mr. Speaker, it is my great honor to call attention to the signal contributions of the Amado family of Los Angeles. I am making these remarks at this time so that they might coincide with a communitywide dinner of appreciation held on April 9, 1983, to honor the Amados.

The Amado Tribute Dinner is being tendered by the Sephardic Temple Tifereth Israel of West Los Angeles. However, a wide range of community institutions and leaders will join the temple in expressing gratitude to the Amados for their myriad contributions.

For more than half a century, the name Amado has been synonymous with support for the unique cultural and religious heritage of Sephardic Jewry. Temple Tifereth Israel, one of the largest and most beautiful Sephardic houses of worship in the world, was built largely as a consequence of the persistence, dedication, and generosity of the Amado family.

The vision of Maurice Amado and his kin has extended far beyond local Sephardic life. The Amados have been in the forefront of work in the area of biomedical research. Their concern for conquering disease is reflected in their long association with such key centers of medical treatment and advanced study as the City of Hope, Cedars-Sinai Medical Center and the U.C.L.A. School of Medicine.

Each member of the Amado family has expressed the humanitarian impulses for which the family is known in his or her own distinctive way. The impact of the family has been felt not only in southern California, but also in such diverse centers of intellectual and technical research as the Cardozo School of Law of Yeshiva University and the Technion Institute of Israel.

In my own years as a public official, I have rarely heard of a truly worthy project which did not enjoy the beneficence of the Amados. During this time of hardship for many Americans, I find it particularly gratifying to note that we have among our citizens, individuals and families of enormous decency and integrity. Ours would be a far better land if each of us, within the limits of our talents and resources, emulated the standard of compassion and humanitarianism set by the Amados of southern California.●

STATEHOOD FOR PUERTO RICO

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. CORRADA. Mr. Speaker, on March 17, 1983, the Governor of Puerto Rico, Hon. Carlos Romero Barceló, delivered a speech in New York before the Americas Society conference on "Press and Political Status of Puerto Rico."

The speech, entitled "Statehood for Puerto Rico," includes valuable information and important statements which should be examined by all Members of Congress to broaden their individual perspectives when confront-

ed with the issue of Puerto Rico's political status.

I am introducing the complete text of this speech for inclusion in the CONGRESSIONAL RECORD.

The political status of Puerto Rico is a matter of national concern and all my fellow Members of Congress should be prepared to deal with this important issue.

I am sure this document will be helpful in providing information and insights on statehood for Puerto Rico as the best alternative to solve this national dilemma.

STATEHOOD FOR PUERTO RICO

Let me begin by mentioning one point on which all Puerto Ricans are in agreement, regardless of our various political status positions.

That point is this: we are one people; the people of Puerto Rico.

As such, we have one very basic aspiration: to protect and improve the well-being of our families, and of future generations of Puerto Ricans.

All of our other aspirations derive from that simple but profoundly important consideration.

Fundamental fact number two is that more than 90 percent of the Puerto Rican people are satisfied and content to be citizens of the United States.

We did not ask the United States to take Puerto Rico away from Spain. And we did not ask Congress to make us American citizens in 1917.

Nevertheless, after 85 years under the Stars and Stripes, and after 66 years of American citizenship, the people of Puerto Rico overwhelmingly oppose independence.

Despite our very high population density, and despite our total lack of income from mineral resources, and despite the shocking levels of poverty which existed on our island only a few decades ago, the Puerto Rican people can look with pride upon a recent record of truly remarkable achievement in social and economic progress, especially in comparison with our neighbors in the Caribbean and Latin America.

That progress could not have come about, first of all, without the incredible driving force of our people: the desire to give our children more and better opportunities than we have had. It could likewise not have come about without the friendship and cooperation of fellow American citizens from the mainland, nor without the comprehension and financial support of the federal government. Neither could it have come about without the individual liberties and democratic institutions of government which are guaranteed to us by our American citizenship.

Yet in spite of our extraordinary progress, and in spite of the extent to which federal assistance has helped us to achieve that progress, we do not live in a world of illusion. We know very well that Puerto Rico continues to experience severe social and economic problems. And we know too that our relationship with the federal government, is inadequate in many respects.

The fact remains, however, that in election after election, Puerto Rico's pro-independence political parties poll no more than five percent, or six percent, or seven percent of the vote.

By contrast, in the 31 years since the so-called "commonwealth" status was created, the pro-statehood movement has nearly quadrupled its share of the vote, rising from 12.9 percent in 1952, up to 47 or 48 percent in the last two elections.

As the spectacular economic growth of the 1940s and 1950s has levelled off, dissatisfaction among Puerto Rican voters has been manifested not by increasing support for independence, but rather by increasing support for statehood. Why?

The answer is that Puerto Ricans are increasingly coming to acknowledge the virtues of statehood and the shortcomings of "commonwealth," while they continue to recognize, as they always have, that the rhetoric of the independence advocates makes no sense.

Not only that, but they likewise recognize the hypocrisy of many spokesmen for independence, as well as the hollow emotionalism of their efforts to appeal to our universal desire to preserve and strengthen our identity as a people.

These preachers of separatism denounce the teaching of English in our public schools. They call English a threat to our Puerto Rican culture. But the majority of these independence advocates are themselves fluent in English, and yet their own sense of identity as Puerto Ricans seems not to have been weakened in the slightest. Indeed, they regard themselves as the purest of Puerto Rican patriots!

Can it be, therefore, that their true motivation is not really so much the preservation of our identity as a people, but rather the creation of a gulf of misunderstanding and the inability to communicate with our fellow citizens, which will thus alienate our people from our fellow citizens on the mainland? Why else would they propose to deny to other Puerto Ricans an advantage which they themselves enjoy?

And even more hypocritical are some of the advocates of so-called "Puerto Rican liberation" who are based here in New York and in Chicago. The majority of them can barely speak Spanish; others were not even born in Puerto Rico; and still others are not Puerto Ricans, either by birth or heritage, and therefore would probably not even want to live in Puerto Rico if it did become independent!

Similar instances of intellectual dishonesty have also undermined support for the status quo.

With the adoption of Puerto Rico's local constitution in 1952, the island underwent a change in nomenclature: from "territory" to "commonwealth."

During the governorship of the late Luis Muñoz-Marín, many Puerto Ricans accepted his assertion that the events of 1952 had truly produced a kind of "autonomy" for Puerto Rico. Moreover, they accepted his vision of a "culminated" autonomy, to be attained in the near future, under which Puerto Rico would acquire ever greater degrees of self-government, to the point where eventually our island might almost be described as an "associated republic" of the United States.

This concept, combined with the rapid economic progress then being acheived, seemed feasible and attractive, especially as presented by Muñoz, who was a very forceful and charismatic leader.

Gradually, however, our people became disillusioned. Over a period of 20 years Muñoz, and subsequent pro-"commonwealth" governors, went repeatedly to Congress with proposals for greater autonomy. And they accomplished exactly nothing.

During this same period, little by little, we statehooders made the voting public conscious of the truth: that "commonwealth" was fundamentally no different from territorial status; that Congress had delegated some of its authority, but that it had surrendered none of its authority. Moreover, as we also pointed out, Congress was constitutionally prohibited from surrendering that authority, except by granting either statehood or independence.

As I have frequently observed in other forums, the "cosmetic autonomy" of the so-called "commonwealth compact" served the national interest of the United States in 1952, because it permitted Washington, during an era of worldwide decolonization, to have Puerto Rico removed from the United Nations' list of non-self-governing territories. In the years since that objective was achieved, however, Congress and the White House have had no further incentive to delegate additional special privileges to Puerto Rico—especially privileges which have never been enjoyed by any of the states.

In this decade, as diffcult economic times have prompted Washington to tighten the federal pursestrings, the limitations and weaknesses of "commonwealth" status have become even more apparent.

The most dramatic example occurred last year, when Chairman Robert Dole of the Senate Finance Committee proposed significant changes in Section 936 of the Internal Revenue Code.

Section 936 is the provision which grants federal corporate tax exemption to manufacturing firms that operate within U.S. possessions. "Commonwealthers" have always cited this exemption as one of the greatest—if not the greatest—advantages of our current political status. This is the very cornerstone of the highly touted "fiscal autonomy." (In reality, this exemption also existed when Puerto Rico was called a territory, but "commonwealthers" always conveniently fail to mention that.)

So it was that, for decades, "commonwealthers" warned that statehood would be economically disastrous, because we would lose all our manufacturing plants after statehood took away their tax exemptions. The "commonwealthers" talked about Section 936 as if it formed an integral part of a "compact" between the U.S. and Puerto Rico—a compact which could not be changed without the consent of both parties.

We, in turn, argued that they were misrepresenting the facts. We insisted that Congress had every legal right to overturn Section 936, at any time, because no authentic "compact" ever existed between the United States and Puerto Rico. And we were right.

The U.S. Supreme Court upheld our view in a May 1980 decision, *Harris vs. Santiago*, which reaffirmed without comment or discussion—it was a per curiam decision—that Puerto Rico falls entirely under the jurisdiction of the territorial clause of the federal Constitution, and that Congress can therefore, in the words of the Constitution, "make all needful rules and regulations" with respect to the island. In other words, no "bilateral compact" has ever really existed between Puerto Rico and the United States.

Two years later, in putting together the package of revenue-raising proposals that eventually became law as the Tax Equity and Fiscal Responsibility Act of 1982, Senator Dole recommended measures which would have dramatically reduced the incentive for mainland companies to operate

manufacturing subsidiaries in Puerto Rico. Obviously, the "fiscal autonomy" of Puerto Rico was not the product of a bilateral compact, but resulted merely from a section in the Internal Revenue Code which Congress could amend or even repeal.

With the invaluable assistance of the White House, sympathetic Senators and Congressmen, influential news media, and many representatives of the private sector, we succeeded after several months in having the Dole proposals amended, so as to reduce the damage which they would otherwise have inflicted on our economy.

Nevertheless, I believe 1982 marked a watershed year, in awakening the people of Puerto Rico to the inadequacy of perpetual political inferiority. Because in that same year, after we had already endured disproportionately heavy federal program cutbacks under Reaganomics, we suffered the additional blow of being the only U.S. jurisdiction to be removed entirely from the food stamp program. In its place, we were assigned a block grant for nutrition assistance: a block grant that reduced our funding levels by several hundred million dollars a year, below what we would have received with the food stamp program. Needless to say, this kind of deliberate discrimination against our poorest and neediest would have been both politically and legally impossible, if Puerto Rico were a state.

So the harsh truth is at last being driven home to those who may have doubted it before: the so-called "advantages" of "commonwealth" status are at best very fragile, and at worst are non-existent.

The ideological position of "commonwealth" advocates has always been impossible for me to accept. And I honestly cannot understand how they are able to accept it either, if they possess any sense at all of dignity and self-respect.

They speak of permanent union with the United States, and yet they argue that we, and our children, and our children's children, should and must remain forever inferior to other American citizens. It is as if they truly believed that Puerto Ricans are somehow incapable of exercising the same rights, and assuming the same responsibilities, as other citizens of our nation.

It cannot be a question of losing our identity. That is simply not an issue. We have been under the American flag for all of this century without losing our identity. Or our language. Or our music. Or our food. Or our holidays, our heroes, and our heritage.

As a state, moreover, with seven Congressmen, two Senators, and the Presidential vote, our ability to defend Puerto Rican values will increase, not diminish.

Nor can the "commonwealthers" be justified in opposing statehood on economic grounds: once we have attained political equality, prosperous Puerto Ricans should pay their share of the federal tax burden; and, under statehood, the poor will not bear that burden, just as poor people in the 50 existing states do not pay federal taxes.

Some marginal manufacturers may pull out of Puerto Rico when federal corporate taxation arrives, but most will not, and many new firms will begin operating there. Why? Because, although the return on investment may be lower under statehood, and investor views potential profit as a direct function of risk, and the political security and stability offered by statehood will automatically reduce the currently existing demand for a larger return on Puerto Rico investment, than the return demanded on the mainland. Besides, Puerto Rico offers investors a great deal more than just tax exemption, and any Puerto Rican who argues otherwise is insulting the ability and dedication of our workers, our managers, and our professionals.

And finally, as the events of the past three years have made abundantly clear, "commonwealth" status is predicated not upon a compact between peoples, but rather upon concessions which Congress has granted, and which Congress can take away at any time.

My friends, in a very real sense, we Puerto Ricans are like sharecroppers on the American plantation. We pay none of the overhead, and none of the property taxes, but we remain entirely at the mercy of the plantation managers: they decide how much we can benefit from the prosperity of the plantation; they send us to fight in their wars; and they make us pay for their mistakes.

There was a time, perhaps, when it may have been argued, as it was argued, that we lacked the preparation and experience required to assume a responsibility much greater than that of sharecropper. But even if that time did exist, it does not exist any more. Puerto Ricans are ready, willing and able, to assume the responsibility of being co-owners of the American plantation. That is our aspiration, and we have earned the right to see that aspiration converted into reality.

Before I close, a few words about one other aspect of the status question.

The removal of Puerto Rico from the United Nations list of non-selfgoverning territories, which occurred in 1953, has not put an end to the international controversy over our island's future.

Ever since the Castro regime took power in Cuba, the principal world adversaries of the United States have attempted to exploit Puerto Rico's political status as a propaganda tool. In this effort, they have received encouragement and support from Puerto Rico's independence advocates.

The intensity of the international pressure for Puerto Rican independence has increased in proportion to the growth of statehood sentiment within Puerto Rico itself. This is interesting, because it obviously suggests that the principal adversary of the United States is very anxious to prevent Puerto Rico from becoming a state. And that, in turn, underscores our own argument that a Spanish-speaking U.S. state in the Caribbean would be very beneficial to the nation. The nation has 50 English-speaking states; it needs a Spanish-speaking state.

During this same time frame, various scholars and analysts, within the United States, have grown increasingly active in promoting ideas of their own concerning the future of Puerto Rico. To the extent that such ideas involve encouraging the Puerto Rican people to make a final decision on political status, I applaud such initiatives, because I agree fully that this decade should be Puerto Rico's decade of decolonization.

I would, however, issue an emphatic word of caution to those academics and policymakers who may be thinking in terms of having a decision imposed on Puerto Rico. Indeed it surprises me, in this day and age, that such proposals have even been brought up for discussion in sophisticated circles.

If there is one thing the United States ought to have learned, since the end of World War Two, it is that our nation cannot win friends and build alliances by conducting itself in a patronizing manner.

It may sound fine, in theory, to propose that Congress draft alternative solutions for Puerto Rico, and then submit those solutions to our people for a vote. And it may sound fine, in theory, to design a blueprint for "friendly independence," and then try to persuade Puerto Ricans to accept it.

But just as has been the case in so many other places around the world, the Puerto Rico political status dilemma is far too complex to be resolved through any form of outside intervention, no matter how sincere and well-intentioned that intervention may be.

The United States Government is firmly on record in support of self-determination for Puerto Rico. And that is how it must be.

We in Puerto Rico must be the ones to take the initiative in resolving our political status dilemma. Outside intervention, be it from the United Nations, or from Washington, or from a university campus, or from a "think tank," cannot and will not be tolerated.

What is at stake is our destiny. We and we alone must decide what we want that destiny to be. Once we have decided, we shall then—and only then—be ready to sit down with the elected representatives of our fellow American citizens, to work out details for the implementation of that decision.

In conclusion, I leave you with one last observation.

No ethnic, racial or religious group within any nation, has ever in history been able to achieve social and economic equality, until that group has first achieved political equality.

We Puerto Ricans are committed to preserving our identity as a people, and we are committed to preserving our American citizenship.

Accordingly, in order to achieve our goal of social and economic equality with our fellow American citizens, it is our duty to press on with the task of gaining political equality.

The Irish did it. The Italians did it. The Jews did it. Blacks are doing it. Women are doing it. And Puerto Ricans must do it also.

Full acceptance, and full opportunity, for Puerto Ricans on the island and for Puerto Ricans on the mainland, will never come about until the people of Puerto Rico demand political equality. And political equality means statehood.●

PRESERVE THE PAST

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DURBIN. Mr. Speaker, all too often in all too many places our precious historical heritage is lost to development or neglect.

In Pana, Ill., a community in the 20th District which I represent, a group of citizens have banded together to preserve the past. They are presently restoring two log cabins, both built in central Illinois more than 140 years ago.

Chartered by the State of Illinois in 1981, the Pana Pioneer Heritage Guild now numbers about 75 members, comprised of individuals, businesses and groups. Sharon Bilinski and Don Mazheimer, both of Pana, are the cochairmen of the group.

Recently, the Decatur Herald & Review newspaper published an article about the guild and its preservation efforts. I would like to insert it in the RECORD for the benefit of my colleagues.

PANA PIONEER HERITAGE GUILD RESTORES HISTORIC LOG CABINS

(By Gordon McKerral)

PANA.—The future of two log cabins built during the 1840s is in the hands of a group concerned with preserving the past.

Since its beginning in 1981, the Pana Pioneer Heritage Guild has worked to restore the two cabins built in Central Illinois more than 140 years ago.

One—called the Pryce cabin—belonged to William Pryce of Cole Stone Precinct (forerunner of Pana). The cabin was discovered inside an old barn on the property of Mike Tex of Pana.

Tex's deed to the property gave no clues as to who originally owned the cabin. That information came after Tex's discovery. Stories in local papers raised the curiosity of area residents.

Among those interested in the Pryce cabin's history was Pat Hunter of Pana. Mrs. Hunter, relatives and friends began genealogical research and learned the cabin originally belonged to Pryce, Mrs. Hunter's great-great grandfather.

While the detective work was in progress, Tex decided to tear down the barn and the cabin. He started that work in the fall of 1981.

The Pryce cabin was remarkably well preserved. The base and four walls were intact. But the roof, chinking (the filling between the logs) and stone fireplace were gone. After Tex dismantled the cabin be planned to cut the logs into firewood.

"He didn't think anyone was interested in having the cabin," said Sharon Bilinski, co-chairman of the Pana Pioneer Heritage Guild. "Since he didn't have any use for it, Mr. Tex took it down."

When Mrs. Hunter and others found out the cabin was going to be sold as firewood, they moved quickly. The guild (a non-profit corporation) was formed, and bake sales and bazaars helped charter members raise money. The dismantled Pryce cabin was bought from Tex for $1,000.

"A lot of the Pryce descendants were willing to get involved," Mrs. Hunter said.

Now the guild had a cabin, but nowhere to put it. The cabin—a collection of logs—was transported by truck from the Tex property in Pana to the farm of Mike Lacy, a guild member, in Assumption. It was stored there for the winter.

In the spring of 1982, the cabin was hauled to a two-acre tract of land on the Pana-Tri-County Fairground. The guild negotiated a 99-year lease for the site from the fairground board of directors for $1. In turn, the guild promised to sponsor events at the fairground.

Rebuilding the cabin might have been difficult had it not been for a stroke of luck. When Mrs. Hunter first heard about the Pryce cabin, she went to the Tex barn and took photographs. Since Tex dismantled the cabin before each of the logs could be marked (so an order for reconstruction could be established), rebuilding of the cabin's walls was done using Mrs. Hunter's photos.

"It was like a puzzle, " she said.

Reconstruction of the Pryce cabin began in spring 1982 at the fairground. Since all work is done by volunteers, the pace up to now has been leisurely. However, the guild's Cole Creek Festival is planned for May 15, and the Pryce cabin will be the centerpiece.

"We would like to get as much work done on the Pryce cabin as we can before the festival," Mrs. Hunter said. "The four walls and the rafters are up. We hope to get the roof done before the festival."

Lyle Bruns of Tower Hill, who owns a sawmill, has volunteered to cut planks for the roof but must fit the work in among other jobs.

"I don't think we will be able to finish the chinking and the fireplace," Mrs. Hunter said. "George Shanta, a mason from Pana, has volunteered to do the fireplace. We will have to collect the stones he will use from creek beds, and the creeks are running pretty high now and are awfully cold."

Reconstruction efforts have been headed by Stanley Elvers of Pana, who is on strike from Caterpillar Tractor Co. When weather permits, he and a small crew of volunteers do the work. Elvers' wife, Nina, also a guild member, said Elvers has become "the unofficial foreman of the reconstruction work."

Mrs. Hunter said the Pryce cabin eventually will be furnished with pieces from the 1840s donated by local residents or purchased by the guild. The guild also is looking for an old wagon to place at the site.

"When it's done, someone could probably live in it," Mrs. Bilinski said. "But I don't think I'd care to!"

Although the Pryce cabin is a priority, it is not the only project the guild has undertaken. A second cabin, the Snapp cabin, also awaits reconstruction at the guild's fairground site.

The Snapp cabin is believed to have been built near Findlay by Joseph Foster about the same time as the Pryce cabin. Mr. and Mrs. Kenneth Snapp, formerly of Central Illinois and now living in California, owned the cabin. The Snapps contacted the Shelby County Historical Society to see if they wanted the cabin. Foster was Snapp's great-grandfather.

The Shelby County group wasn't interested, but members contacted the Pana heritage guild during the winter of 1981 and let them know the cabin was available free of charge. Since one reconstruction already was planned, and the cabins were originally built in the same period, guild members thought acquiring the Snapp cabin would be a worthwhile investment. The Snapp cabin's original four walls still were intact.

The only catch was that the cabin had to be moved from its rural Findlay site by March, 1982. The land was scheduled to be cleared for spring planting.

Judy Peitzmann, guild corresponding secretary, said members made two trips to the Snapp cabin site in "knee-deep snow and the freezing cold" to mark logs for reconstruction. The first markings faded away and the logs had to be re-marked.

Although the cabin was free, the guild paid $1,500 to have it dismantled and hauled to the fairground. "We didn't have the heavy equipment necessary to move it," Mrs. Peitzmann said.

Currently the Snapp cabin's four cornerstones are in place, and the first level of logs for walls has been set up. Work will resume on the Snapp cabin when the Pryce cabin is completed.

Mrs. Hunter said interest in the guild and its cabin projects is "growing all the time," since preserving history and studying genealogy are very popular now.

Mrs. Peitzmann said the work can be hard, but guild members enjoy it. "It's also a lot of fun," she added.●

IN HONOR OF THE TRICENTENNIAL YEAR OF GERMAN SETTLEMENT IN AMERICA

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RATCHFORD. Mr. Speaker, the members of the Germania Sport Club of Bridgeport, Conn., will be gathering this Sunday to celebrate a momentous occasion—300 years of German settlement in America. Because I am half German, I feel a special sense of joy and excitement and pride at this occasion. The long and happy history of German settlement in America is indeed a cause for celebration, and also presents an important opportunity for all Americans to reflect on the tangible and intangible benefits our country had derived from all of its immigrants, and German Americans in particular.

Germans began to emigrate to the United States in the 17th century. In the postcolonial period, Germany contributed more immigrants than any other country—over 6.9 million between 1820 and 1970. That is an astonishing 15 percent of the total number of immigrants to America. German immigrants tended to settle in the locations of greatest opportunity in this country, and began immediately to lend their industry and ingenuity to building the modern nation. New York City, the port of entry for most immigrants, always contained the largest urban German concentration. But the large cities of the Midwest were to become the most characteristically German environments. In America's vast rural areas, German farmers were among the best and most productive in the country.

Germans in America duplicated the class, religious and regional divisions of their homeland but managed also to retain an essential cultural unity. The transfer of diversity to their new homeland assured persons of varied background a new culture which fostered achievement and upward mobility. Over the years German immigrants have been one of the most easily assimilated cultural groups into American life while continuing to share their rich heritage, and economic, political, scientific and cultural insights.

All Americans continue to admire the skills, diligence, thrift and family strength of German Americans that characterized their earliest predecessors in this country. In this 300th year of German settlement, I join with all German Americans and my friends in the Germania Sport Club, in the pride they enjoy in their long and fruitful history in America. Her future is made brighter by the presence of her German sons and daughters.●

VOICE OF AMERICA DEMOCRACY CONTEST

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Ms. SNOWE. Mr. Speaker, I would like to share with you and my colleagues the following speech by Miss Judith Ann Meltzer of Bangor, Maine. It was written for the annual Voice of Democracy contest conducted by the Veterans of Foreign Wars of the United States and its ladies' auxiliary. This year's theme was "Youth—America's Strength."

I invite you to read as Judith presents her case for today's youth citing their enthusiasm, energy, ambition, and dedication toward the betterment of our Nation. We look to this new generation for our future leaders. I am proud to say that if they all have the insight and awareness of Judith, who is a junior at Bangor High School, we will be in good hands.

I am pleased to present her speech which was the winning entry from the State of Maine:

Your Honor, ladies and gentlemen of the jury . . . you have now heard both sides of the issue at stake in this courtroom today: Is American youth innocent or guilty of its criticisms by adult society? Is indeed American youth the despair rather than the strength of our country's future? I, an American teenager, as defense counsel in this trial have spoken in behalf of all American youth today. Now I will present my summation. The prosecution claims that today's youth are irresponsible, poorly educated and unable to face the reality of the adult world.

You have heard the statistics of the defense. Over thirty percent of "irresponsible" youths from the ages of sixteen to seventeen hold paying jobs, and, according to a University of Michigan study, nearly eighty percent of high school seniors also hold down paying jobs.

You have heard from Mrs. Catherine Shane, a graduate of Northwestern and DePaul Universities, who, in a survey she conducted among America's youth, stated: ". . . it was an impressive experience working with these young people. Without exception, they came across as thoughtful, articulate and insightful people who cared about their world and showed considerable knowledge of the problems confronting us on a national and global scale."

Take, for example, the story of nineteen-year old Red Cross worker Karen Schuldt of Roseburg, Oregon. In just two years, Karen has progressed from a youth volunteer to an elected member of the board of directors of the Douglas County Red Cross. Karen is on call twenty-four hours a day, as her town is situated between two rivers, and floods are a constant threat to Roseburg. Karen is an outstanding example of a responsible youth, an individual willing to give up her time to help others, truly our very own red badge of courage.

American democracy depends on an enlightened people, and American youth are more serious about a solid education than ever before. It has been said that young people today are more knowledgeable and aware of the world around them than any other previous generation.

Our willingness to learn is everywhere. It speaks out in our volunteer services, in our various school activities and organizations, and in the voice we have created in national and world affairs.

More specifically, there is Betsy Bryenton, our voice in further refuting the charge of the prosecution. Betsy, a nineteen year old from New Jersey, has discovered a natural compound that could help in easing the nation's energy crunch. Betsy realized her country's grave problem and knew that her experiments could very well be of help.

Betsy's discovery did not just happen, either. She had been working on and perfecting her experiments since she was in the fifth grade! It involved much research, patience and time. Betsy is a true example of an informed and educated youth who, in her desire to help her country, has made a discovery that perhaps could be vital to everyone's future.

Your Honor and members of the jury, let's face the facts. We, the youth of America, are the hope and strength of our country's future. We are more than willing to face the reality of our future. May I again present our credentials to you.

Our attributes are our enthusiasm, our energy, our ambition and our hope. We are the products of a system of government that has given us the gifts of freedom of choice, the freedom from fear, and the freedom to learn, not only from our triumphs, but from our mistakes as well. We pledge ourselves to continue to learn, to develop, and to produce to the best of our abilities for the betterment of our country.

We, the young Americans of the '80s, are optimists, for we see the challenges of the future as opportunities—not problems. We are aware that education means preparation for change, and we welcome the challenges the future is offering to us. We are not only willing but eager to join other Americans of the past and those in the future, to keep our country, in the words of Abraham Lincoln, " . . . the last best hope of all people on earth."

The defense rests.●

CENSORSHIP OF CANADIAN FILMS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BROWN of California. Mr. Speaker, Americans were shocked by the recent Justice Department action of determining three Canadian films to be political propaganda. This type of questionable censorship disturbs me, as well as many other Members of Congress. As a result, our colleague, the Honorable ROBERT KASTENMEIER of Wisconsin, introduced H.R. 1969, to amend the Foreign Agents Registration Act of 1938. I encourage my colleagues to join me in cosponsorship of this vital legislation.

I would like to share a recent article from the Christian Science Monitor that further expresses concern about labeling of material by the Justice Department. Its author, Robert Richter, lost the Academy Award for best documentary short to one of the Canadian propaganda films, "If You Love This Planet," in the April 11 Academy Award presentations. I am providing this article for my colleagues, and urge them to consider the implications of what the Justice Department has done.

It is well to remember the words of James Madison, the father of our Constitution:

Since the general civilization of mankind, I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations.

The article follows:

[From the Christian Science Monitor, Mar. 29, 1983]

WHEN FREE SPEECH FALLS ON THE CUTTING-ROOM FLOOR

(By Robert Richter)

The recent decision by the United States Justice Department to label three Canadian films as "political propaganda" is a disturbing development that inevitably will damage the free marketplace of ideas that has made America's democratic system healthy.

Groups that may want to screen these films may now hesitate to schedule them, because they will realize that their names and addresses will have to be supplied by the Canadians to the US government.

This can work against US films which are exported to Canada or other countries, often through the United States Information Agency. How will groups in other countries feel if they know that every American-made film they look at will mean getting singled out by the justice departments of their own governments?

If this kind of action is permitted, where will it stop? Are the films I have produced—on precisely the same subjects as those three Canadian films—going to be next?

I recently completed "Gods of Metal," which is about people in the U.S. who are so concerned about their fear of the nuclear arms race leading to war that they are taking a variety of actions to express their concerns. "Gods of Metal" has been nominated for an Academy Award as best documentary short, as has "If You Love This Planet," one of the Canadian productions rated "political propaganda."

"If You Love This Planet" features Dr. Helen Caldicott, founder of the Physicians for Social Responsibility. She appears prominently in another film I am currently coproducing. Am I going to have to think twice about including her in the final production?

Two of the Canadian films are about acid rain. It happens that I produced "What Price Clean Air?" which PBS telecast nationally last summer. It focuses on acid rain as a scientific as well as political issue. Included in my documentary was Canada's environment minister, John Roberts, who states his government's views about acid rain which may originate from our Midwestern power-generating plants. I am now, because of the Justice Department's decision, wondering if the inclusion of Mr. Roberts in my film will jeopardize its exhibition in the future.

Additionally, I have seen one of the Canadian films on acid rain ("Requiem or Recovery"). It presents a scientific analysis of the issue, and is benign compared to some of the views expressed by people in my film. Perhaps I should start to tell those I interview in future productions to temper their views because the government of this great democracy is now having second thoughts about how much free expression we really are entitled to have.

There are hundreds of films that are shown in the U.S. every year that originate in other countries. Many of them are undoubtedly advocating a point of view that is not necessarily endorsed by the Reagan administration's Justice Department. They are valuable for Americans to see for all kinds of reasons, not the least of which is to be exposed to diverse visions and viewpoints that will broaden the audience's perceptions of what the rest of the world is all about.●

SPEECH BY THE MINISTER FOR FOREIGN AFFAIRS OF IRELAND TO THE NATIONAL PRESS CLUB

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SHANNON. Mr. Speaker, on March 16, 1983, the Foreign Minister for the Republic of Ireland, Mr. Peter Barry, delivered a major address at the National Press Club. In his remarks, he outlined the Irish Government's views on the continuing violence in the north and he presented a proposal for a "Forum for a New Ireland," to which political parties in Northern Ireland, the Republic of Ireland, and the United Kingdom will be invited. In assessing the campaign of violence, Mr. Barry was explicit in his message to the purveyors of violence in Northern Ireland and to those in this country who support the violence as a means to an end. I commend his message, and through him that of the Irish people, to my colleagues.

TEXT OF SPEECH DELIVERED BY THE MINISTER FOR FOREIGN AFFAIRS OF IRELAND, MR. PETER BARRY, T.D., TO THE NATIONAL PRESS CLUB, MARCH 16, 1983

Early in the last century an Irish exile in the United States wrote to a friend in Ireland in the following terms:

"America is not what you saw it, nor what even your sanguine mind could anticipate; it has shot up in strength and prosperity beyond the most visionary calculation. It has great destinies, and I have no doubt, will ameliorate the condition of man throughout the world."

The writer of these lines was Thomas Addis Emmet, brother of the Irish patriot Robert Emmet. His words, written when the United States were just two generations old, are strikingly perceptive. They are also typical of the faith and commitment which countless Irish people before and after him brought to this, their country of adoption. Their energy, courage and skills contributed much to translating into reality Emmet's prophetic vision of the future greatness of the United States. Today their descendants are to be found in the highest offices of the land and in every field of endeavour. Their presence here constitutes a special bond between Ireland and the United States and gives a special dimension to the relationship between the two countries. From the very beginning, that relationship is one which has enriched both countries. As one historian has written: "An Irishman was among the five who died in the Boston Massacre, and eight signers of the Declaration of Independence, the secretary of Congress who certified it, the officer who first read it to a public gathering, and even the printer who turned out the first copies were all Irish-born or the descendants of Irish immigrants."

If the Irish contributed significantly to the establishment of this nation, the achievements and the concern of the Irish in the United States were a source of strength and encouragement to people in Ireland in times of difficulty and despondency. The energies and the capacity for hard work of the Irish people helped to lay the first foundations of the prosperity of the United States. Today the performance of American corporations who generate employment and exports in Ireland are a valued element in our industrial development. Our overall record of economic development since independence has been a very positive one. The average Irish family is now three times better off than when the State was founded. Yet, as a small open economy, Ireland has felt in full measure the chill of the current world recession. The Irish Government has taken the necessary steps to ensure the future health of our economy. We are determined to protect the basis of our economic growth. Our current difficulties can and will be overcome. They are nevertheless real and painful. They add to the importance for us of our economic partnership with the United States. That partnership is again one of mutual benefit. The 350 U.S. corporations manufacturing in Ireland enjoy the benefits of a generous system of incentives, access to the European market, a consistent industrial policy and an educated and highly motivated work force. In spite of the climate of recession the average rate of return on investment in Ireland by U.S. corporations is 31 percent. For us in Ireland that partnership provides employment opportunities which are particularly important because of our young and growing population. They are particularly appreciated in a country where the painful memory of widespread emigration is all too recent.

My presence here in the United States on this St. Patrick's Day is to celebrate the bonds of friendship between Ireland and the United States—countries so different in history and scale, yet so akin in many of the fundamental values which their peoples hold dear. It is also to share with you our concern on a problem which touches all of us deeply, as it must touch all who have the welfare of Ireland at heart. The continuing and unresolved tragedy of Northern Ireland casts a shadow over our celebration of the joyful feast of the patron saint of Ireland. Our many friends in the United States share our anguish at what is happening. They ask us: how has this tragedy come about? Can it be resolved? Are there ways in which we can help? Here on a day when interest is focused on Ireland and in the capital city of a people whose sympathy and interest in Ireland has been a cherished part of our relationship, I would like to try to answer those questions.

The Northern Ireland problem is a product of the long and complex history of the relationship between Britain and Ireland. Its most recent manifestation arises from the attempt made by Great Britain some sixty years ago to resolve the problem of division of Irish opinion on the basis of a division of Irish territory. It aimed to protect the unionist minority in Ireland by creating the new entity of Northern Ireland in which the unionist community was ensured a local majority. However, that measure went beyond the protection of a minority. To the extent that it did so it sowed the seeds of instability. It created a new minority—the nationalist population which found itself dominated by the permanent unionist majority of Northern Ireland. Each of the two communities in Northern Ireland is determined to avoid permanent minority status—whether as a nationalist minority in Northern Ireland or a unionist minority in Ireland as a whole. It is that which gives the conflict its particular bitterness.

Nationalist opinion in Ireland opposed the partition of Ireland. It believes that the elimination of division between the two parts of Ireland is an important goal. But there are two sharply different perceptions of how this can be attained. There are two fundamentally divergent approaches to the problem of ending the division between the two Irish traditions which partition cast in territorial form.

In recent years in Ireland we have seen the effect of a destructive approach which has systematically attacked the links which tie North and South together. It has done so on the level of physical infrastructure. It has done so in relation to the personal and commercial relations which draw people of the two parts of Ireland together. That is the approach of the IRA. There is the constructive approach which seeks to hold on to the bonds between North and South which already exist in many fields of endeavour. That is the policy of the Irish Government.

There is a form of nationalism that has been frozen or warped by the burden of past history. It is so vengeful and narrow as to be rejected by the great majority of nationalist people living in Ireland, not to speak of the unionist community. That is the outlook of the IRA. There is a spirit of Irish nationalism which is generous and forward-looking. It seeks to accommodate the basic concerns of all the people living on the island of Ireland in a spirit of reconciliation and harmony. That is the philosophy of the Irish Government and the majority of the Irish people.

There is an approach which invokes the rhetoric of Irish unity to justify a campaign of violence in Northern Ireland which is tribal and sectarian in practice. A recent survey showed that in Northern Ireland one Protestant in four now has personal experience of the killing or serious injury of a relative or personal friend. The victims are most often gunned down while about their daily business—a police officer murdered in sight of the children he was helping across the road, a postman shot delivering a letter which had been mailed to lure him to an isolated farmhouse, a bible teacher killed in front of his class, a school bus driver murdered in the presence of his passengers. These are recent additions to a long litany of victims. Each and every such atrocity gives fresh intensity to the fears and hatreds which—on anyone's definition—must be dismantled if Irish unity is to become a reality. Yet the Provisional IRA

and their allies, who according to a recent count have been responsible for more deaths than all other agencies involved in Northern Ireland combined, persist in the campaign of violence which inflicts these fresh wounds which will take so long to heal.

The Irish Government take seriously the implications of our aspiration to unite the Irish people. Our position says in effect to the unionist community: "We see you as future partners in a new Ireland. Even if you do not yet, in Wolfe Tone's phrase, invoke 'the common name of Irishman' we will spare no effort to protect your basic human right to life and to freedom from violence".

The last twelve years have demonstrated beyond all doubt the tragic futility of violence. In the name of all that is good and honourable in the Irish tradition, I appeal to those engaged in or supporting violence to think again about what they are doing. At successive elections, in both parts of Ireland, over the last ten years the Irish people have rejected those associated with violence. They have given a clear mandate to those of us who believe that political change in Ireland can be brought about only through the peaceful, constitutional process.

My message to the IRA and to those in this country who support it by sending guns, money or organising propaganda support is very simple. We have attainable objectives. You don't. We have the support of the Irish people. You don't. The Irish people want you out of the way. The Pope has pleaded with you to cease. Political leaders in this country who wish Ireland well—including President Reagan and Speaker O'Neill—have pleaded with you to cease. All the Churches in Ireland, have individually and jointly urged you to cease. A joint report of the Roman Catholic Church and all the main Protestant Churches in Ireland said it starkly and simply: "In spite of the complicated historical and social issues involved and without prejudice to any political aim, we find unanimously that there is no justification in the present situation in Ireland for the existence of any para-military organisations".

The approach of the Irish Government aims at uniting Irish people rather than dividing them. It is based on the realities of the political situation rather than on the wishful thinking which denies these realities. It is concerned with the position of the minority in Northern Ireland. It strives also to take account of the concerns of the unionist community in Northern Ireland rather than relying on dehumanising stereotypes of them. It advocates a constitutional and political approach to the problem of Northern Ireland and seeks patiently to establish the conditions for a coming together of all the people of Ireland. This clearly involves agreement between the two communities in Northern Ireland, between North and South and between Ireland and Britain. We have said that the campaign of violence is a serious obstacle to progress on all of these fronts. But we are concerned also to provide positive leadership, as an Irish Government must. We wish to point out the direction in which we believe progress can be attained.

Since taking office some three months ago, the Irish Government and I personally have devoted the most serious consideration to the challenge posed for all of us in Ireland by the continuing problems of Northern Ireland. Let me tell you precisely what we want to achieve and how we aim to achieve it.

Our objectives are the ending of violence, the reconciliation of the two Irish political traditions, the establishment of normal relations between the peoples of Britain and Ireland and the attainment of lasting peace and stability on the island of Ireland.

Towards this end, the Irish Government propose to arrange, in agreement with the political parties concerned, for the establishment of a forum for consultations on the manner in which lasting peace and stability in a new Ireland through the democratic process can be achieved.

Participation will be open to all democratic parties which reject violence, and which have members elected or appointed to the Oireachtas (Irish Parliment) or the Northern Ireland Assembly.

The views of other people of all traditions who agree with the purpose of these consultations and who reject violence will also be sought by the forum.

It would be the intention that the forum will report before the end of the year on possible new structures and processes through which its objective might be achieved.

The Taoiseach (Prime Minister) will arrange a meeting of the leaders of all the parties who wish to participate at an early date to discuss the arrangements involved.

We believe that the forum we have created will make a significant contribution to progress. It will help to define the conditions necessary for the process of reconciliation and clarify the different models which might best serve this purpose. It will provide a focus for what is most constructive in the traditions of Irish nationalism. It will enable us to pool ideas towards solving problems. It will highlight the resources of goodwill and peaceful purpose of those who reflect the commitment of the consistent majority of Irish people to democratic and constitutional methods.

As a second avenue of approach, the Irish Government is setting out to persuade the people and Government of Britain that the British role should not be merely to reflect the real or imagined fears of one million unionists in the island of Ireland. This produces nothing but immobility and policies of mere containment which ultimately will serve the interests of the unionist community as little as they will serve the interest of Anglo-Irish relations. we believe that both interests will be better served by a policy of cooperation with us in which Britain too plays a role in dismantling past fears and suspicions. We believe that Britain too must join actively and imaginatively in the search for an accommodation between the two traditions in Ireland and between Ireland and Britain. Such a development would constitute a far more reassuring guarantee of the welfare of the unionist community than anything which can be devised in a climate of dissension or uncertainty.

The task facing us in Ireland is to dismantle those fears by which the two communities in Northern Ireland are held hostage. We do not underestimate the difficulties in our path. We will be opposed in our task by extremist paramilitary groups on both sides who rely on fear in its most distilled form—the effect of indiscriminate terrorism. We are being, and will be, opposed also by those who rely on possibly less drastic but no less pervasive forms of fear. There are politicians on the unionist side who seek to derive a personal ascendancy from feeding the sense of threat to their community. Already they have hastened to interpret our proposal in terms of threat rather than in terms of opportunity. If there is any threat in our proposal it is only to those merchants of fear who stand to lose from the process of reconciliation and accommodation in Ireland—whether it be extremists on the unionist side who continue to deny the realities of the aspirations of the nationalist community in Northern Ireland—or the extremists on the other side who dismiss the unionist populations as so many incidentals to be disposed of.

Because of the difficulty of the task we are undertaking we consider the support of our friends in other countries will be of particular importance to us. This brings me to the third question which I raised at the outset. Are there ways in which Americans can help? What would we wish Americans to do?

In the first place let me make clear that American concern and sympathy is something which we greatly value. We believe it has enormous potential to contribute to a solution. For that potential to be realised we would ask our friends in America to distinguish, as we in Ireland do, between the two distinct and mutually exclusive approaches to the Northern Ireland problem which I spoke about earlier. It is of great importance for the future welfare of all Ireland that the influence of the American people should be on the side of that spirit of nationalism which sees as its mission the creation of a new spirit of reconciliation and accommodation in Ireland. It is important that you join with us in opposing those who seek the preservation and exploitation of ancient hatreds. We ask you to align yourselves with those who seek to build a new Ireland generous enough to accommodate all its people and diverse traditions. We ask you to reject with us those who maintain that the legacy of death and hatred which they add to almost daily will in some unexplained way generate into a spirit of trust and harmony or provide a basis for future agreement.

We welcome and share your rightful concern for the human and political rights of the minority in Northern Ireland. But we would ask you not to be swayed by those who say that concern for the rights of the nationalist people in Northern Ireland is measured by or must imply a readiness to countenance violence against Irish people of another tradition.

We welcome support for our aspiration to unite the Irish people. But we also ask you to listen to the consistent majority of people actually living in Ireland and to their elected representatives who say that violence is morally wrong and a serious obstacle in our progress towards unity. There are not two paths to Irish unity—a peaceful path and a violent one. There is only the peaceful one. There are not two platforms which can unite Irish people at home and abroad in their endeavours to promote progress. The peaceful platform alone can achieve that.

Here in the United States on this St. Patrick's Day two very different signals are being sent home to the land we commemorate. In New York those who have inherited the trust of organising the St Patrick's Day Parade have chosen, wittingly or unwittingly, to allow what should be a joyous commemoration of all our Irish traditions to be presented as a gesture of support for the narrowest and most bitterly divisive element in Ireland today—the IRA campaign of violence. This development signals despair. We who actually live in Ireland know that vio-

lence offers no foundation on which to build.

Here in the Capital of this great nation I perceive a different signal. It is a signal of hope. In the course of my visit here I shall be discussing the situation in Ireland and our latest proposal with the President of the United States, with Speaker O'Neill, with the Secretary of State and with Senators and Congressmen who are members of the Friends of Ireland. I shall be conveying to President Reagan the appreciation of the Irish Government and people for his support for the process of reconciliation between the two Irish political traditions and between Britain and Ireland. The President shares with us his opposition to those elements in this country which threatens this process.

In setting up a Forum for consultation on the path to peace and stability in Ireland, we believe we have taken a significant first step. We hope it will prove a rallying point for the forces of moderation and constructive nationalism in Ireland. We hope that it can be the beginning of a process which will provide the basis of a new and fruitful cooperation between Britain and Ireland in addressing this, the last outstanding problem of their relationship. We hope too that the process we have launched will attract the support of all those in the United States who have the true welfare of Ireland at heart.●

LABOR MANAGEMENT RELATIONS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DURBIN. Mr. Speaker, there has been much talk recently of the need to foster a new labor-management relations climate. I would like to call the attention of my colleagues to the initiation of that effort in Decatur, Ill., a community of about 100,000 in the 20th District, which I represent.

In Decatur, representatives of organized labor and management began their efforts 2 years ago with the formation of the Decatur Area Labor-Management Committee. Through this group, both labor and management work together to identify, discuss and resolve common problems. It represents a legitimate and successful attempt to work together.

One offshoot of this committee has been the PROUD program. PROUD stands for pride, responsibility, opportunity, understanding and development. This program deals with problems that might arise on a job site, involving union labor and contractors.

It has fostered an excellent labor-management climate on PROUD projects and has resulted in some projects being finished ahead of schedule. Much of the credit for these progressive efforts must go to the Decatur Building & Construction Trades Council and its leadership. Men like Joe O'Dell, Don Miller, Al Burket, Jerry Koehler and Beryle Redding have worked hard for this organization.

Recently the Decatur Herald & Review newspaper published an article on the council and I am entering it into the RECORD for the study of my colleagues. In Decatur, and the attempts that are being made jointly by union and management, I believe we can see the seed of something that might well blossom into success in other places.

Talk is frequent and action rare in some of the problems that now face our Nation. This, however, represents thought being translated into action.

UNION COUNCIL'S INTERESTS EXPAND

(By Ron Ingram)

The Decatur Building and Construction Trades Council has come a long way since the Sunday afternoon in May 1910 when representatives of seven craft unions met in the old Labor Temple to form the Decatur Building Trades Council.

Improved wages for construction craft union members was the major objective of that initial organization.

Today, the council still is a major watchdog of wages, benefits and working conditions for members of the 15 unions which form the body. But its interest have expanded to economic development, charity work, supporting candidates for public office and lobbying at the local, state and federal levels for legislation that will benefit the community as well as member unions.

Representatives from each of the 15 unions meet once a month as the council. But business agents from each union local meet weekly as an executive committee to set policy and act on matters that arise between monthly meetings.

What does the council do? Business agents attending last week's executive board meeting answered that question:

"It brings more unity to all the crafts," said Don Miller, business agent for Laborers Local 159.

"A small local has as much voice as a big one," said Al Burkett, council vice president and business agent for Local 103 Plasterers and Cement Masons. "I've only got 50 members, but I have as much say as some of the larger locals."

"Most of us have contracts with area contractors. When a job is ready to go, they come in for a pre-construction conference so there won't be any problems with the job," said Beryle Redding, assistant business agent for Teamsters Local 279.

The unions also talk among themselves about different contracts being negotiated to get each craft's feelings about the bargaining which will go on concerning wages, health and welfare issues, Miller said. "We try not to get too much out of line with the wage increases in different contracts," he said.

"We try to encourage apprenticeship training programs," said Joe O'Dell council president and business agent for Plumbers and Steamfitters Local 65. "Most locals have those kind of programs. Through good training, they try to get the best value for each construction dollar spent on a project."

Miller said the council coordinates efforts among craft unions when requests are made for assistance with community projects. He cited the construction of ball diamonds at Borg-Warner Field as an example of that coordination. Member unions also recently helped remodel quarters used by the Good Samaritan Inn soup kitchen.

In more traditional activity, the council helps enforce the federal prevailing wage rates in its area—the counties of Macon, Moultrie, DeWitt, Shelby and Christian.

The group also protests the use of non-union labor by contractors. Many craft union members have been out of work with construction sharply curtailed in the current recession, bringing the issue more into public view in recent years.

The council also seeks to:

Eliminate jurisdictional disputes among member unions that could result in work stoppages.

Work on the state level to improve worker's compensation and other laws affecting union members.

Work on the federal level on legislation such as the Occupational Safety and Health Act.

"We work on all types of social legislation that would be for all Americans," O'Dell said. "We work through the council and its individual members.

Each union has its state and national lobbyists, Miller said. Positions recommended by the council are forwarded to those people to support their efforts, he said.

Perhaps the project the council points to with the most pride is the part it has played in development of the PROUD program under the auspices of the Decatur Area Labor-Management Committee. Formed in 1981, the committee is a forum for labor and management to discuss issues of mutual concern.

O'Dell said PROUD (an acronym for pride, responsibility, opportunity, understanding and development) allows a quick resolution of problems that might arise between unions and contractors at a job site.

A project of particular benefit both to the area and the unions which the council has strongly supported for many years is the upgrading of U.S. 51 from a two-lane to a four-lane highway.

Council members have attended numerous meetings with legislators and other state officials in Springfield to voice support for the project, Redding said.

"And we've worked with the (Metro Decatur) Chamber of Commerce on 51," Miller said. "That's one place we've cooperated, although we don't agree with them and they don't agree with us on all issues."

O'Dell said there has been a change of attitudes in recent years on the part of both the unions and the Chamber of Commerce that has improved cooperation.

"I now serve on the Chamber's economic development committee, and we were in on the preparation of the city's application for a state enterprise zone designation," he said.

Another council function not frequently seen is aid it may give what O'Dell termed a "construction user," an area company threatened economically by competitors in other parts of the country.

He cited as an example when the A.E. Staley Mfg. Co. asked the council for assistance in streamlining a construction program it has undertaken to make its Decatur plant more modern.

"We put the program in place last October to help Staley cut (construction) costs," O'Dell said.

Among public projects the council has supported are the proposed improvements to the Decatur Sanitary District's treatment plant and various concepts to ensure a water supply for the city of Decatur, water that

could mean economic development and more jobs, Miller said.

Union locals which are members of the council are Asbestos Workers Local 1, Bricklayers Local 13, Boilermakers Local 363, Carpenters Local 742. Plasterers and Cement Masons Local 103, International Brotherhood of Electrical Workers Local 146, Elevator Construction Workers Local 92, Glaziers Local 1168, Iron Workers Local 46, Operating Engineers Local 965, Painters Local 288, Plumbers and Steamfitters Local 65, Roofers Local 92, Sheet Metal Workers Local 84, Teamsters Local 279 and Laborers locals 159, 573, 703 and 1262.●

RICHARD S. PAGE LEAVES POST AS METRO'S GENERAL MANAGER

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BARNES. Mr. Speaker, Richard S. Page recently announced his resignation as general manager of the Washington Metro transit system. He has accepted a position as president of a group of Seattle business leaders, the Washington Roundtable.

During his 4 years as general manager, Mr. Page earned a reputation as an effective administrator who was dedicated to improving the transit services that are so vital to this region. Metro's general manager has the difficult task of working with politically divergent local jurisdictions, States, the Congress, and the administration, and Mr. Page handled this challenge skillfully. His tenure at Metro was characterized by growth and tangible improvement in the region's bus and subway services.

I have enjoyed working with Mr. Page in seeking congressional appropriations for Metrorail construction, and I wish him the best of luck in his new endeavor. For the RECORD, I would like to insert a copy of a recent Washington Post editorial acknowledging Mr. Page's distinguished service to the region:

FAREWELL TO METRO'S MR. PAGE

There's no official yardstick, but four years as general manager of Washington's Metro transit system is the equivalent of a career lifetime in public service. No wonder, then, that Richard S. Page is trading in his stake in the Red, Blue, Orange and Yellow lines for greener pastures in another Washington. If he performs half as well as president of the Washington State Business Roundtable as he did answering with competence and diplomacy to a politically charged Metro board of regionally divergent politicians, two state legislatures, a D.C. mayor and council, both house of Congress and the White House, then Seattle will have done just fine.

Mr. Page would be the first to acknowledge that Metro's riders—and nonriding sponsors, the taxpayers—have more than a few legitimate beefs. The buses and trains are hardly clockwork-perfect, and a tragic accident last year was one of the most difficult episodes to despoil an otherwise unusually good safety record. And fares go up faster than service, and the outlook for future financing looks as bleak as the ends of the tunnels on those unfinished subway lines.

But that description could apply to almost any urban transit system in the country—and it overlooks significant progress during, and thanks to, Mr. Page's administration. In that time, three new subway lines have been opened; construction for two more important openings has been completed and still other construction is proceeding according to its last schedule.

But Metro's primary emphasis is changing significantly, moving away from construction to operations; new buses will be arriving this summer and fall; there have been fewer subway interruptions (even if they always seem to occur on your commute); and instead of making excuses for accidents, Mr. Page moved with candor and dispatch to improve safety training, preventive measures and inspections. There have been important changes, too, that are not so readily detected by riders, but that are starting to pay off; procurement, auditing and the team of top managers have been improved markedly under Mr. Page.

Still, Mr. Page's successor will have a new full plate of challenges. Financial pressures, too, have shifted from construction to operations and they have made the local politicians on Metro's board more assertive, more argumentative and less likely to reach consensus—the last fare debates being a classic example. Until some changes in the composition of Metro management are made, and until there is some dependable regional tax structure to ease and equalize the financial contributions of the local jurisdictions, any general manager is in for grueling times.●

TRIBUTE TO BILL O'SHAUGHNESSY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to share with my colleagues an article written in the March 24 edition of the Home News and Times, a major weekly newspaper in Westchester County part of which I represent. The subject of the article is a good friend and remarkable individual, Bill O'Shaughnessy who as president of Hudson-Westchester Radio is one of the most successful of all broadcast executives in New York.

Bill's real passions are his two radio stations—WVOX and WRTN-FM. He operates these stations in a manner which reflects his own lifestyle—they are stations which are active in community life—unique in their format and of consistent high quality.

Bill O'Shaughnessy's life is a success story which is captured in the Home News and Times article which I am proud to insert into the CONGRESSIONAL RECORD at this time:

[From the Home News and Times, March 1983]

HIS RADIO AUDIENCE SHARES HIS LOVE AFFAIR WITH LIFE

(By Phyllis R. Sandler)

In the first five minutes of a conversation with Bill O'Shaughnessy you realize you have met a man involved in a long term love affair with life itself, which he is more than willing to share with others through the two radio stations he operates.

Bill is officially the President of Hudson-Westchester Radio, which is the parent company to Radio stations WVOX and WRTN-FM, billed as "a Westchester Community station" and in operation for only the past three years.

Born and raised in upstate New York, where Bill emphasizes his mother "worked at West Field State Farm," which later became Bedford Prison, radio has been his lifelong career. He started at eighteen "with a jewel of a radio station in Mount Kisco, which is still run by Martin Stone, a marvelous man. Though I know he doesn't like this title, he is really the spiritual father of suburban radio and a lot of the ideas he invented and pioneered in the fifties are being reinvented and reinterpreted by broadcasters all over the country today."

Starting as a sixty-five dollar a week time salesman and working with Morton Dean, who later went on to CBS, as the local station newsman, Bill moved on to WNEW in New York.

Three years later Bill left WNEW for Army service, where he had a brief skirmish with print media, as editor of a service newspaper but returned to WNEW to work with John Van Buren Sullivan, who is still a consultant in the field.

In 1965, Bill left New York behind for Westchester and a small radio station in New Rochelle, called WVOX, taking over the duties of General Manager. At the time, the station was up for sale and was having difficulty attempting to find a format that would appeal to the varied population of Westchester within its signal range.

Bill settled for the "townies," described as "those people with roots in the community. People who really run Westchester and work so hard in the towns and villages and in the civic community."

He is pleased that his station has been dubbed "the quintessential community radio station in America" by the mighty Wall Street Journal. Bill calls WVOX a "glorious hodge podge of local county stuff. It has almost something for everyone in this marvelous mosaic which we call Westchester. We editorialize. We endorse candidates. We raise hell. We try and generate leadership in Westchester and beyond . . . Our theme is vox populi, from the Latin, where many different voices are heard in the land. We try to use the franchise which is ours and the opportunity which is ours to get people to participate in their own radio station."

And he does get listeners and he does get participation. Some of his listeners are billed as "people others listen to" and include a long list of top corporation executives from some of the fortune five hundred companies, who reside in the Westchester, Connecticut and Jersey area reached by the station's transmission signal. Sometimes, when the wind is right, the signal even reaches midtown Manhattan.

On WVOX, music is subordinate to community involvement and Bill is especially proud of what he calls the "flagship pro-

gram and one which I hope will be broadcasting from our brave little transmitter when they are coming up the stairs after me," is the Westchester Open Line. The program runs each week day, Monday through Friday, from ten to eleven in the morning and is "really the people's program."

Of the nine radio stations based in Westchester today, Bill says Open Line on WVOX is the only one "that provides a daily opportunity for people to get on the radio and say whatever they damn well please. I am very proud of that."

Because he loves life so enthusiastically, he also loves people and it transmits itself into a feeling for them and a pulse on their interests, long before the trend articles begin to appear in popular magazines.

He felt the reaching out of suburban residents towards a part and a partnership in their community and he offered them that with WVOX. Three years ago, he felt an emotional hunger for tradition and found a way to reach out once again to fill the need. Both its listening audience and its advertising client list make it apparent that Bill knew the pulse long berore the people themselves did, and three year old WRTN features only music in the jazz, swing, show tune, saloon singer and romantic mode.

Before WRTN was born, Bill says "You could listen to the radio in this region and you could hear either rock or "strings." There either were no words or none that could be understood. "I have a great respect for words, a respect for the words of Johnny Mercer, or any of the great song writers," says Bill. "After you were gone, there was still some stardust on my sleeve . . . A song called The Midnight Sun . . . Polka dots and moon beams . . . What a lovely song . . . those songs and phrases are a part of what we call the great American popular song. The music is ageless and timeless, so we started WRTN. But we also said that old ain't necessarily good. A lot of people were peddling nostalgia and big band music, That ain't what I'm selling. I'm selling style and good taste in music and most of the musicians, song writers and composers in the New York area take a very proprietory interest in WRTN and as soon as I stray, they come down on me in a fury."

He calls his WRTN about the only station that not only brags about the quality of its programs but the quality of its listeners, citing the Chairman of Dun and Bradstreet, Chairman of Phillip Morris, the Chairman of Norton Simon and the President of the New Yorker, as well as Bobby Short, John Chancellor and Bill Beutel among other trend setters, movers and shakers of the world.

Bill feels his organization "really lucked out" when they moved their tower from New Rochelle to Yonkers, where fm radio was actually born. Of his programming he notes "we home brew it. We don't buy any of that taped syndicated stuff."

Bill has three children, all of whom are interested and participating members of their radio family. Matthew, fifteen and David, fourteen, are both going to work at the station on a part-time basis this summer. Eleven year old Kate has already done promos urging listeners "to tune in to daddy's station."

If this sounds something like the children of politicians promoting their parent's campaign it may be because of Bill's deep personal interest in politics. "Broadcasting, communications and government are all closely interrelated," he believes.

He calls himself a former self-styled Rockefeller Republican and one of the men I have most admired is former Governor Malcolm Wilson.

Over the years, Bill has been mentioned as a possible political candidate but he considers himself too widely committed in other areas to sit still in one place long enough to serve, though there is no doubt he has the energy and capability required for the hard campaign trail. He claims to have lost interest in politics, after Ed Michaelian and Malcolm Wilson left office and a "lull" appeared to descend for a while.

However, he finds himself turned on again by "tremendous admiration for Mario Cuomo, the new Governor of New York" and served as Chairman of New York State Republicans for Cuomo in last November's election, followed by service on Cuomo's "talent search committee."

He strongly believes Cuomo has a loftier political destiny than the Gubernatorial mansion in Albany and predicts he will someday trade that position for a White House on Pennsylvania Avenue in Washington.

Bill says of Cuomo, "I think he is operating on a level which is different and unlike any other politician and I am just in awe of the stuff he is pushing off from his bright fine mind and from his heart, so if I have any spare time, I am going to devote it to his cause and to the cause of the people of this state, which has been so inordinately generous and good to me."

Bill O'Shaughnessy can admire men he considers qualified and dedicated in either political party and remains a registered Republican, as well as being very supportive of the efforts of Westchester Republican Chairman and former Eastchester Supervisor Anthony Colavita. "I will do everything I can to support him in his efforts to bring professional government to Westchester," said Bill.

He also does not preclude his listeners from expressing views which are diametrically opposed to his own personal ones, whether they be on issues or individuals, and he isn't shy about dropping accolades on others in the community, who are involved in different communications media.

He especially cited Vincent Bellew, editor of the Eastchester Record and long active in civic and business affairs of the community, with some high praise.

He also had accolades for his staff and associates at the two stations, including Mrs. Jean Ensign, who serves as Executive Vice President, Mrs. Ensign has been active in local radio for over twenty-five years. "A great deal of my success is certainly owed to her." said Bill, "She is a classy, bright, sensitive woman and she really is the hidden ingredient in my success."

Two radio stations, civic, political and community involvement and his family, which he refers to "as the light of my life," are not enough to fill Bill's already high-powered daily schedule. He is presently writing a book, appropriately entitled "None Of His Damn Business," which will contain a collection of commentaries and editorials previously broadcast on WVOX, providing a "mosaic of Westchester in the sixties and seventies." Bill expresses surprise that not one but three publishers are interested in the book.

Jacket quotes from former New York Mayor John Lindsay, William S. Paley, Senator Daniel Patrick Moynihan, Henry Kissinger, former Senator Jacob Javits and Walter Cronkite, citing the sensitivity and fighting spirit of some of those editorials, makes one who missed the original broadcasts anxious to obtain a copy of the book the moment it is published.

In his spare time, Bill is an occassional Lector at Immaculate Heart of Mary Church in Scarsdale, which is not his parish, since he lives in the north end of New Rochelle, "but I have sort of adopted it and they have adopted me."

He belongs to the American Yacht Club in Rye, loves to put a knife and fork to the cuisine at Salerno's in Tuckahoe and often heads to Twenty-One in the city, to "do a little heavy lifting" with friends.

In just about everything he does, Bill likes to see if he can get a little controversy going, so people will participate and express themselves. Few other people would address the Conservative organization of Westchester County, as he recently did, giving them a twenty minute presentation on the attributes of Governor Mario Cuomo, who not only ran with Democratic but Liberal endorsement.

With it all, there are still things Bill would have liked to have done. One of them is "If I could have written just one song, it would be a fairly contemporary one called I Love You Just The Way You Are, by Billy Joe. It has a haunting melody and lyrics that come right at you. He lays his message right on the table." So does Bill O'Shaughnessy and what he doesn't "lay on the table" he "lays" on the airwaves and invites everyone else to listen in and join in. Daily, more and more people are accepting that invitation and the challenge it presents to also participate in a love affair with life.●

A POSTHUMOUS TRIBUTE TO THE REVEREND PAUL J. DeROSE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. KILDEE. Mr. Speaker, one of the most beloved and loving priests I have ever known passed away recently. An article afterward in the Flint (Mich.) Journal by religion editor Betty Brenner provided a portrait of this outstanding man and his remarkable priestly life, and I wish to share it at this time with my colleagues in the Congress.

THE REVEREND DEROSE'S LAST DAY WAS FULL OF PRIESTLY ACTIVITY

The Reverend Paul J. DeRose has a full day January 29.

Although he was supposed to take like easy because he had a bad heart, he conducted a funeral in the morning, heard confessions in the afternoon and said Mass at 5 p.m. at St. Agnes Catholic Church. He was substituting for the pastor, who was out of town.

On the way home, he was in an automobile accident and received a bad cut when his head hit the steering wheel. About 1 a.m., last Sunday, after surgery, he was taken home by Onalee Ecker, who had been his secretary for 22 years and had taken care of him after his open heart surgery in 1979.

It was his last full day of serving as a priest.

Last Sunday night, Ecker rushed him back to Hurley Medical Center, where, she said, "that great, big, warm heart stopped" at 4:06 a.m. Monday.

It was appropriate that this last full day of activity should have been so filled with priestly activity. It was like his life.

As Ecker said, "I used to tell him, 'You're doing too much.' But he loved it so much. He was always there when anybody needed him."

He continued to work even after retiring as pastor of St. Leo the Great in 1979 because of his heart. Lansing Catholic Bishop Kenneth J. Povish said at the funeral Thursday, he thought of his physical weakness as a cross, almost an embarrassment.

So he spent one day a week at DuKette School, worked in the inner city and gave talks in parishes on peace and justice.

People with problems came first in his life, Povish said. "Family, friends, recreation, he himself came second to these demands."

Beggars would come again and again to his door, and he would help them out. Couples who needed help and counseling—couples that other priests could not find the time for—went to him and he found hour after hour for them, friends said. He spent time with prisoners.

He offered aid and support to cancer patients at Hurley. (He wore the yellow jacket of volunteers over his black pants and shirt and got the nickname, "Fr. Bumblebee.")

He co-signed notes for the needy; when people defaulted, he paid off the notes, and signed others anyway. One report is that he sold his car to keep the parish school going.

Povish referred Thursday to DeRose's "very simple lifestyle" that bordered on poverty. Partly, Povish said, it stemmed from his belief in simplicity, but some of it was caused by sheer necessity because he gave his money away.

In the annals of Catholic history, DeRose will never be listed as a man of important. He never became a bishop; he was never named a monsignor or regional vicar or chancellor or to any other important office. All he did was start a parish—St. Leo the Great—that was not considered prestigious, and then remain its pastor for 22 years. But don't tell the people of his parish that he was not important.

Many of them were saying last week, "He's the only father I ever knew," or "I'm an orphan again."

Five hundred jammed the church for the funeral. Perhaps 100 stood throughout the service. Among the mourners were 75 priests.

Even the room is which the funeral was held said something about DeRose. It was built as part of a school building. Later, a parish hall was built, but never a church as such.

As one observer said Thursday, "He thought it was more important to build a community than a church."

Paul DeRose was not a saint. He was too human for that. If he thought you deserved criticism, he gave it. As one friend put it, "You always knew where you stood." But that included affection and amusement as well.●

OUR ECONOMIC HEALTH

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DURBIN. Mr. Speaker, one aspect of restoring the economic health of the Nation is to increase our business and manufacturing productivity. One of the reasons we suffer in the international competition for markets is that we are being aggressively challenged by other nations who make quality products at lower prices.

There is ample evidence that American business and industry, and the general public, are aware of this problem and willing to take steps to restore American productivity.

This goal will require an educational campaign of the nature recently initiated by WAND television, channel 17, in Decatur, Ill. I would like to reprint in the RECORD the following editorial broadcast recently made by Barrett Geoghegan, president of WAND:

EDITORIAL BY BARRETT H. GEOGHEGAN

A few weeks ago, I did an editorial "Let's Begin to Work Together" because the decline in American productivity is so severe that our country is experiencing a national economic crisis.

Productivity is defined as output per worker-hour and by increasing productivity, we automatically increase employment levels and incomes, and we lower inflation and interest rates. We need to make the Nation's corporations and products more competitive in world markets.

What happened to Americas growth rate? From 1948-65 the annual average rate was 3.2. From 1966-72, it dropped to 2.1, and from 1973-80, it fell to 0.8.

In the weeks to come, we will tell you about a three phase plan to increase productivity. Phase one consists of a massive educational campaign to help the public realize just how crucial it is that we all work together to turn the economy around. Phase two will concentrate on retraining the workforce to handle a multitude of jobs, and the third phase will focus on reducing illiteracy.●

TRIBUTE TO ISRAEL—35 YEARS AS A NATION AND STAUNCH ALLY OF THE UNITED STATES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BIAGGI. Mr. Speaker, this year Israel and the world will observe a significant event with the celebration of the 35th anniversary of Israel Independence Day. In advance of this occasion, I wish to take this opportunity not only to pay tribute to the Nation and people of Israel but also to reaffirm my total commitment and support of Israel's right to exist as a sovereign and free people.

Since the establishment of the modern Jewish State, the United States and Israel have had a sound and valuable relationship. The United States was the first Nation to extend full diplomatic relations to the new Nation of Israel. In the ensuing 34 years, through eight different administrations, this relationship has continued, although regrettably there have been some notable lapses.

Israel was born out of the devastation which was World War II. It became a home for homeless Jews, the culmination of an ideal, and the realization of an idea that only in a Jewish State can Jews be forever free of persecution. Tragically, while Jews may live free within the borders of Israel, throughout these 34 years Israel has faced major challenges from neighboring adversaries who have refused to recognize Israel's right to exist. Israel has been forced to fight several major wars on her soil for its very survival. While Israel has triumphed in each one, these victories have not translated into independence from further aggression by those who oppose Israel in the Arab world.

The 35 years of modern day Israel is a remarkable saga. From the outset, Israel chose to be a genuine democracy. Today, Israel is the only true democracy in the entire Middle East and one of only 40 in the entire world. As a result, Israel has been alined as a true ally of the West. Yet as it relates to the West in general and the United States in particular, Israel plays an even more significant role. Israel is a strategic necessity, is the one power in the Middle East capable of supporting an American response to any rapid growth of Soviet naval power in the Mediterranean and the Indian Ocean. It is safe to say that if we removed Israel from the Middle East, the region would be far more dangerous and volatile than it is at present. The key to a peaceful Middle East is a strong and secure Israel, and the maintenance of a strong and secure Israel has been a fundamental premise of American foreign policy over the past 3½ decades.

As we observe the 35th anniversary of Israel's independence we do so with the hope that the coming years may bring true peace to Israel and the Middle East. We hope that the forces of moderation and reason will predominate in the Arab world so that the foundation for a peace in that region can be formed. Let us renew our support for the Camp David peace process, one of the most significant foreign policy actions of this century. Let us not waver in any fashion from our steadfast support of Israel in terms of military aid. Let us help the people of Israel achieve the lifelong dream of living in a world of peace, free from persecution. The celebration

of Israel's 35th anniversary of independence comes during the same year when the world marks the 40th anniversary of the horror known as the Holocaust. If we are sincere in our commitment to never again plant the seeds which could produce another Holocaust, we must insure the continuation of a safe and sovereign Israel while also working to root out anti-Semisism wherever it may exist.

President Reagan in an address this past Monday night at the meeting of the Holocaust survivors, made an important pledge which must be the basis upon which our Middle East negotiations are conducted. The President pledged that "the security of your safe havens both here and in Israel will never be compromised." That commitment is absolutely vital if Israel it to enjoy another 35 years of independence.

The administration's efforts to bring peace to the Middle East cannot sacrifice our total commitment to Israel in exchange for a balanced policy. We should continue to oppose any dialog with the PLO until such time as they publicly recognize Israel's right to exist and they endorse the Camp David peace accords. We must not repeat mistakes such as the sale of AWACS aircraft to Saudi Arabia which have the effect of weakening Israel's security.

The past 35 years for Israel have been important for the Jewish people and for the world. Yet unless we rededicate ourselves to the maintenance of a strong and sovereign Israel the future could be dangerous not only for the Middel East but for our own national security as well.

I have had the pleasure of visiting Israel as recently as last August. I witnessed the evacuation of the PLO from Lebanon and considered that an important first step in stabilizing the Middle East in general, and Israel in particular, from the threat which the PLO posed to its security. Yet the threat has by no means dissipated in its entirety. Israel has the right to protect herself from any and all aggressors. We should recognize this and not insist on supporting any action which could jeopardize her security.

Let us join with the people of Israel and the Jewish communities in this Nation in rejoicing on the occasion of 35 years of Israel's independence. Let us also remember the great sacrifices which Israel has had to make to preserve her freedom and sovereignty. Let us hope that a new era of peace based on a balance of power in the Middle East may come to the people of Israel, and let us continue to be in the position of supporting that vital goal.●

MAY—OLDER AMERICANS MONTH

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Ms. SNOWE. Mr. Speaker—

Old Age can only be understood as a whole: it is not solely a biological, but also a cultural fact.—Simone de Beauvoir, "Coming of Age."

Today I join many of my colleagues as a cosponsor of House Concurrent Resolution 101, a measure which expresses the sense of the Congress that the month of May should be observed as Older Americans Month. Since 1965, May has been a time to honor the people who make up the fastest growing segment of the population—time set aside to serve as a reminder of a valuable national resource and to renew our commitment to our senior population.

Happily, average lifespans have almost doubled, assuring each of us the possibility of a longer life than only a few decades ago. The problems of senior population have grown in importance, however, as our aged population increases. Today approximately 23 million Americans are over 65 years of age. By the year 2000 this number will reach 31.8 million, a 33-percent increase. There is no question that this increase will intensify the pressures on Government to creatively respond to their needs.

Growing old in America must be the concern of the young as well as those of us in Government. Our perspective on aging while young largely controls the course of our own aging. Older Americans Month gives us a chance to reflect on the past and time to think about the kind of lives we want for our elderly today, and what we want for ourselves tomorrow. Our view of aging affects our decisions as voters and citizens about our many social programs and institutions that older people have come to depend upon. We are now being challenged to look again at these programs because so many more of us are and will be dependent on them.

Mr. Speaker, it is important that we set aside time each year to honor the elderly for their past achievements and continuing contributions to our society. It is also important that we recommit ourselves through the month of May, and throughout the year, to better the lives of our aged and to assure them the dignity and understanding they have earned.●

THE FALLEN FIREFIGHTERS MEMORIAL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. GOODLING. Mr. Speaker, on October 4, 1981, the people of these United States dedicated a monument, the Fallen Firefighters Memorial, honoring America's firefighters who had been the bulwark of the Nation's civil defense effort since the founding days of our country. Throughout our history, patriotic Americans have risked their lives to defend their communities against fire and disasters. Therefore, it is only fitting to remember those who have given their lives unselfishly to protect and serve their fellow man.

This past October 3, 1982, the first annual Fallen Firefighters Memorial ceremony was held at the monument site, National Emergency Training Center, National Fire Academy, Emmitsburg, Md., honoring those who had made the ultimate sacrifice in 1981.

Gen. Louis Giuffrida, Director of the Federal Emergency Management Agency, was the memorial day speaker. Fred J. Villella, Director of the National Emergency Training Center, acted as master of ceremonies.

I deem it not only proper but a privilege to bring the names of these everyday patriots to your attention before their names are etched on a permanent bronze plaque as a lasting record of their great deeds.

The list of names follow:

FIREFIGHTER AND DEPARTMENT

Marvin C. Strohman, Marshfield Fire Department, Wis.

Ralph J. Buchman, Sr., Harrison Twp. Fire Department, Mount Clemens, Mich.

Dean W. Rhoades, Carmichael Fire Department, California.

Paul M. Lentini, Jr., Boston Fire Department, Massachusetts.

James M. Gibbons, Boston Fire Department, Massachusetts.

Thomas L. Anderson, Edgerton Volunteer Fire Department, Wisconsin.

Elmer L. Hodge, Owosso Fire Department, Michigan.

William Ziegler, Lehigh Acres Fire Department, Florida.

William E. Goude, South Carolina Forestry Commission, Columbia, S.C.

Joseph C. Sella, Jr., Crescent Township Volunteer Fire Department, Glenwillard, Pa.

Stewart T. Baker, Winter Garden Fire Department, Fla.

Thomas G. Taylor, Los Angeles City Fire Department, California.

Thomas J. Levy, Baltimore County Fire Department, Towson, Md.

Benjamin B. Watkins, Jr., Georgia Forestry Commission, Macon, Ga.

Charles B. Zeigler, Sr., Alpha Fire Company, State College, Pa.

William J. Kenny, Hartford Fire Department, Connecticut.

David L. Burton, Gary Fire Department, Indiana.
Hampton L. Hobbs, Faison Fire Department, North Carolina.
Robert E. Sparks, San Jose Fire Department, California.
John G. Heidish, Jr., Penn Hills No. 1, Lincoln Park Volunteer Fire Department, Pittsburgh, Pa.
William H. Shields, Tennessee Division of Forestry, Manchester, Tenn.
Paul E. Ahrens, Eagle Fire Company No. 1, Mount Woff, Pa.
Thomas M. Lydon, Chicago Fire Department, Illinois.
Richard A. Eierdam, Parma Fire Department, Ohio.
Harles G. Grasmick, Lincoln Fire Department, Nebraska.
Eugene F. Jankowski, Parma Heights Fire Department, Ohio.
Robert M. Edwards, Jerico Springs Fire Department, Missouri.
John R. Nichols, Hudson Fire Department, Maine.
Robert C. Lamme, Metro Dade County Fire Department, Miami, Fla.
Dale J. Walker, Kansas City Fire Department, Missouri.
Larry W. Marks, Fluvanna County Volunteer Fire Department, Palmyra, Va.
David A. Cosner, Fluvanna County Volunteer Fire Department, Palmyra, Va.
Marshall E. Wells, Gansevoort Fire Department, New York.
Gary N. Turner, Green Acres City Fire Department, Florida.
Charles R. Haas, High Falls Fire Company, Inc., New York.
Coleman A. Tate, Detroit Fire Department, Michigan.
John M. Wood, Parker Fire Protection District, Colorado.
Robert W. Forest, Lynn Fire Department, Massachusetts.
William J. Anger, San Jose Fire Department, California.
William C. Dale, Scenic Loop Volunteer Fire Department, Livingston, Tex.
James H. Hockett, Bernalillo County Fire and Rescue, Albuquerque, N. Mex.
James J. Koen, Jr., Salem Fire Department, Massachusetts.
Donald C. Graham, Springfield Fire Department, Michigan.
Paul D. Glahn, McPherson Volunteer Fire Department No. 6, Roxbury, Kans.
Allan F. Hogancamp, Elsmere Fire Department, Glenmont, N.Y.
W. Bruce Fiedling, Cooper Fire Department, Texas.
Ernest C. Gregory, Great Cacapon Volunteer Fire Co., Inc., West Virginia.
Gary C. Soper, Argyle-Adams Volunteer Fire Department, Argyle, Wis.
Roger B. Casselman, Land and Timber—International Paper Co., Georgetown, S.C.
George F. Hilton, Cobb County Fire Department, Marietta, Ga.
Merton R. Jackson, North Carolina Division of Forest Resources, Raleigh, N.C.
Donnie G. Cathcart, Toledo Fire Department, Ohio.
Henry J. Hoover, Jr., Kinsey Fire Department, Bloomsdale, Mo.
Thomas J. Garrahy, Rocky Hill Fire Department, Connecticut.
Beau W. Sauselein, U.S. Fish and Wildlife Service, Kennedy Space Center, Fla.
Scott J. Maness, U.S. Fish and Wildlife Service, Kennedy Space Center, Fla.
Jeffrey W. Jones, Bausman Fire Company No. 1, Pennsylvania.
Earl Taft, Claxton Fire Department, Georgia.
Ronnie O. Beems, Clark County Fire District No. 6, Vancouver, Wash.
Richard L. Yarman, College Twp. Volunteer Fire Department, Ohio.
Archie C. Reed, Cheatham County Volunteer Fire Department, Ashland City, Tenn.
Gilbert Lopez, U.S. Forest Service, Region 5, California.
Scott D. Duncan, Atlanta Fire Department, Georgia.
Donald E. Moore, Kern County Fire Department, Bakersfield, Calif.
James E. Devlin, Elmont Fire Department, New York.
Dean L. Rawson, Rockford Fire Department, Illinois.
Ricky K. Genth, Elkhart Fire Department, Indiana.
James A. Taylor, Hudson Fire Department, New Hampshire.
Edward C. Rupp, Ickesburg Fire Company, Pennsylvania.
Ronald F. Coates, Crystal Beach Volunteer Fire Department, Canadaigua, N.Y.
Franz G. Warner, Tampa Fire Department, Florida.
Isaac Royal, Jr., Tampa Fire Department, Florida.
Ralph J. Osterhout, Broadalbin-Kennyetto Fire Company, Inc., Broadalbin, N.Y.
Gordon D. Stark, Sr., Pequea Volunteer Fire Company, Pequea, Pa.
Albert Jenkins, Louisiana Forestry Commission, Baton Rouge, La.
Harvel F. Dulaney, Louisiana Forestry Commission, Baton Rouge, La.
James D. Cox, Gwinnett County Fire Department, Lawrenceville, Ga.
James J. Lorbeck, Wauwatosa Fire Department, Wisconsin.
Lawrence R. Schampers, Wauwatosa Fire Department, Wisconsin.
Earl R. Harrison, Clarksville Fire Department, Tennessee.
Charles R. Rogers, Jr., Dallas Fire Department, Texas.
Charles L. Metters, Dallas Fire Department, Texas.
Zappy C. Ott, McAlester Fire Department, Oklahoma.
William E. Moss, Avalon Volunteer Fire Company, Pennsylvania.
Henry E. Runco, Toms River Fire Company No. 1, New Jersey.
Julian J. Malek, King County Fire Protection District 47, Ravensdale, Wash.
Myron A. Alford, Godfrey Fire Protection District, Illinois.
Craig L. McShane, Chicago Fire Department, Illinois.
Joseph R. Hitz, Chicago Fire Department, Illinois.
Ernest B. Osborne, Canaan Fire Company, Connecticut.
Allan J. Turner, New Haven Fire Department, Connecticut.
Thomas G. Cagni, Pittsburgh Fire Department, Pennsylvania.
William C. Lasley, Sr., Mounds Volunteer Fire Department, Illinois.
George R. McCormack, Sr., Bass Lake Volunteer Fire Department, Knox, Ind.
Donald L. Myers, Jefferson Volunteer Fire Company, Codorus, Pa.
Robert E. Costa, Fonda Volunteer Fire Department, New York.
Frank F. Dailey, Jr., Garfield Twp. Fire Department, Engadine, Mich.
Stanley M. Bumgarner, Davis Fire Department, Oklahoma.
Jerome F. Srejma, Pleasant View Fire Protection District, Countryside, Ill.
Gary M. Michalek, Pleasant View Fire Protection District, Countryside, Ill.
Richard J. Smith, New York City Fire Department, New York.
Joseph P. Ritter, Jr., Affton Fire Protection District, Missouri.
Francis J. Novak, Babylon Fire Department, New York.
Robert C. Harpster, Juniata Gap Volunteer Fire Company, Altoona, Pa.
Dennis M. Peterson, New York City Fire Department, New York.
Walter E. Eberhart, Charlotte Volunteer Fire Department, Iowa.
Dana H. Fuller, Bellows Falls Fire Department, Vermont.
Terry B. Brown, Bellows Falls Fire Department, Vermont.
William T. Nixon, Rochester Fire Department, New York.
Carl Lackey, Waupun Fire Department, Wisconsin.
Samuel L. Taylor, Sr., Winthrop Harbor Volunteer Fire Department, Illinois.
Thomas C. Harry, Springfield Fire Department, Illinois.
Robert F. McNeely, Otis Air Force Base Fire Department, East Sandwich, Mass.
John R. Buchner, Scranton Fire Department, Pennsylvania.
Richard F. Kelleher, Simsbury Volunteer Fire Company, Connecticut.
Thomas L. Kernusz, Irvington Fire Department, New Jersey.
Robert G. Callahan, Oak Bluffs Fire Department, Massachusetts.
Frederick H. Letsch, Jr., Fairfield Fire Department, Connecticut.
Lloyd Whiteside, Clarendon Fire Department, Arkansas.
Sherry K. Garner, Indian Ford Fire & Rescue Department, Bessemer, Ala.
Francis G. Casale, Southington Fire Department, Connecticut.
George G. Spinner, Robinson Twp. Volunteer Fire Department, Grand Haven, Mich.
William C. Runyon, Golfview-Woodland Park Fire Department, Lake Wales, Fla.
Charles Rogallosky, Chester Volunteer Fire Company No. 1, New Jersey.
Robert M. Wynn, Wrightville Beach Volunteer Fire Department, North Carolina.●

SECRETARY WATT'S HOLOCAUST

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. CARR. Mr. Speaker, once again, the Secretary of the Interior has made an important point other than the one he set out to make.

I am referring to Mr. Watt's statement, quoted in today's Washington Post, that as a "persecuted evangelical Christian," he is sensitive to the Holocaust and to the possibility that it could happen again.

The Secretary's comments cheapen and demean whatever meaning we can derive from the Holocaust. They point out, better than any other statement I have heard, the need for the United States to commemorate the Holocaust and its victims through the proposed memorial to be constructed on the Mall and through gatherings such as the one held in Washington this week.

Such remembrances are needed to preserve forever that meaning from efforts by individuals such as Secretary Watt to appropriate it for their own purposes.

Leaving aside the Secretary's astounding revelation that evangelical Christians are persecuted in the United States of America, his comments reflect a profound misunderstanding of what the Holocaust was. The Holocaust was to persecution what a nuclear bomb is to a matchstick. The Holocaust must not be remembered as simply one more of the hundreds of instances of "persecution" in the history of the world. It has lost all meaning if we allow that. The Holocaust was a uniquely horrible event, an attempt to systematically destroy the Jewish people, their history, their culture and even any evidence that they had ever existed. To ignore that, as Secretary Watt has done, is to ignore why we commemorate the Holocaust, to ignore why its survivors gather in Washington today.

Secretary Watt's vision of how those of us who were not its victims should consider the Holocaust must not be allowed to prevail. Listen instead to the words of Elie Wiesel:

> Accept the idea that you will never see what they have seen—and go on seeing now, that you will never know the faces that haunt their nights, that you will never hear the cries that rent their sleep. Accept the idea that you will never penetrate the cursed and spellbound universe they carry within themselves with unfailing loyalty.

To recognize that there are truths we will never know or understand is humbling. The subject of the Holocaust requires humility from all of us who will never know. I hope that Secretary Watt will learn humility, will learn some sense of proportion, from the survivors who gather in Washington this week, and from the memorial which will be America's token of remembrance.●

RELEASING THE RECORDS OF THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. McKINNEY. Mr. Speaker, this year marks the 20th anniversary of the assassination of President John F. Kennedy and the 15th anniversary of the assassination of Dr. Martin Luther King. Today I am joining with four of my colleagues from the former House Select Committee on Assassinations (SCOA) to introduce a resolution that will write the final chapter in the lives of these two great men—the public release of the proceedings of that committee.

Nearly all proceedings of the President's Commission on the Assassination of President Kennedy, better known as the Warren Commission, have been available for years to scholars, historians, journalists, and the interested public. The FBI has a separate reading room just for unclassified documents relating to the assassination of President Kennedy. Yet right across the hall from the Warren Commission documents, in the National Archives, the SCOA documents remain closed to the public, and for no reason.

By all accounts, the select committee sought full public disclosure of the facts relating to its investigations, but time and money constraints at the end of its tenure prevented the necessary review and release. Because the committee failed to act to open up its proceedings to the public, the records have been embargoed for 50 years in accordance with normal House rules. Our resolution would simply direct the Clerk of the House to release those documents now.

The opening up of these important documents would serve two purposes: It would assist those with scholarly or personal interest in the lives of these two men; and it would allow the public to assess fairly the performance and conclusions of the Select Committee on Assassinations.

I would like to assure my colleagues that no sensitive material would be released under this resolution. It adopts the guidelines used by the National Archives for processing the Warren Commission's records. These guidelines prevent the release of information that:

Would be detrimental to enforcement of U.S. law;

Might reveal the identity of confidential sources or jeopardize future investigations; or

Might embarrass innocent individuals.

In addition, our resolution prohibits the release of records from any proceedings that the committee voted to keep secret or where confidentiality was guaranteed to a witness in executive session.

Even under these strict guidelines, over 90 percent of the Warren Commission documents have been released. Thousands of Americans have made use of this material, with no detriment to national security. I might add, Mr. Speaker, that passage of this important resolution will not cost the Government any additional money, as the National Archives already has archivists familiar with the topic from working with the Warren Commission records.

What this resolution comes down to is the public's right to know about the tragic deaths of two of our finest leaders and about the procedures of the House investigation. To keep the House records secret when nearly all of the Warren Commission documents have been released only contributes to public distrust of our activities.

I need hardly remind my colleagues that President John F. Kennedy and Dr. Martin Luther King were eloquent advocates of honest government and an educated citizenry. Our passing this resolution and releasing the Select Committee on Assassination records would be a most worthy testament to these two men after so many years.●

CLEANING UP FEDERAL WORKERS' COMPENSATION (II)

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ERLENBORN. Mr. Speaker, I am today reintroducing legislation to amend the Federal Employees' Compensation Act (FECA). This bill is virtually identical to H.R. 4388, which I introduced in the 97th Congress (CONGRESSIONAL RECORD, Aug. 4, 1981, p. E3949).

FECA, the workers' compensation program for the Federal Government's own civilian employees, provides wage-replacement income, medical and death benefits to survivors for job-related injuries or deaths. As I have stated on numerous occasions, FECA is a much-abused law badly in need of a major overhaul. The source of its malady is the 1974 amendments which removed the 3-day waiting period at the onset of disability, instituted a 45-day continuation-of-pay provision (COP) permitting employing agencies to continue an injured employee's full pay for up to 45 days following an injury, granted an employee the right to choose his or her own physician without any agency controls, and liberalized the benefit structure significantly.

The upshot was a claims filing explosion from which the Labor Department's Office of Workers' Compensation Programs has yet to fully recover. The General Accounting Office, in a 1979 report, traced the impact of the 1974 amendments as of fiscal 1978:

Total claims, 126,000, up from 31,000 in fiscal 1974;

COP claims, 94,000, up from 32,000;

Lost-time injuries, 51 percent, up from 36 percent, indicating an abuse of COP.

The amendments also stimulated the filing of long-term claims for injuries which are more complex and, thus, more susceptible to fraud or exaggeration. Back injuries and hearing loss claims, for example, have constituted a higher proportion of total long-term claims: 30,000 back injuries per year; over 37,000 hearing loss claims per year. The GAO placed the

actuarial cost of the long-term cases at $6 billion. All this happened at the same time the Federal work force level remained static.

More recent history and future projections are no less disturbing. The Labor Department still predicts a continually rising incidence of reported injuries and cases:

One, 190,000 reported injuries in fiscal 1984, up from 177,489 in fiscal 1982;

Two, 82,000 COP cases in fiscal 1984, up from 76,058 in fiscal 1982;

Three, 25,000 claims received—lost-time cases exceeding 45-day COP period—in fiscal 1984, up from 22,200.

What about cost? In 1974 total compensation costs were $270.7 million; in fiscal 1984, over $1 billion. Including medical costs raises these figures substantially more, to $305.3 million in 1974 and $1.4 billion in fiscal 1984. That is right. FECA has now joined the billion-dollar club of Government programs, monuments to congressional malfeasance. It should feel comfortable beside its close relative and longtime club member, the black lung program, which costs are running over $2 billion per year.

That FECA has been victimized by overutilization and outright fraud is indisputable. The GAO's 1979 study found 46 percent of surveyed COP claims to be minor, frivolous, or marginal, and fully 20 percent to be abusive in occurrence, job-relatedness, or duration.

The absence of a waiting period at the onset of disability—present in every State workers' compensation law, as well as the Longshoremen's and Harbor Workers' Compensation Act—as a means to discourage fraud and abuse; granting of 45 days' full pay following an injury; and permitting doctor-shopping through the free-choice-of-physician overlay a benefit structure exceeded in generosity only by Alaska's workers' compensation law. Not only does this benefit formula—75 percent of gross pay in most cases—replace far too great a percentage of predisability income, but the replacement ratios are skewed inequitably toward higher wage earners. The GAO reported in a 1981 review that FECA replaced 82 percent of predisability income of a GS-2 employee but 115 percent of a GS-15 worker. Is it any wonder that claims filings have continued ever-skyward despite a level Federal work force since the mid-1960's?

More recently, FECA has come under intense scrutiny by the Senate Permanent Subcommittee on Investigations and the Labor Department's Inspector General. The PSI hearings documented medical provider fraud, and the IG's investigations have unearthed instances of claimant and FECA program employee fraud. Yet, as indefensible as fraudulent practices may be and the maladministration which permits them, it is the underlying statute itself which is chiefly culpable. Sure, the Department can hire more and better qualified claims handlers; sure, it can develop a computer-tracking system; it can implement a full panoply of improved management practices—and it has begun to do so—but so long as the law itself encourages the filing of claims—nonfraudulent as well as fraudulent—the system will forever suffer from overutilization, the Department's resources will forever be strained, and the program will forever cost more than neccessary.

My bill addresses FECA's shortcomings by:

Changing the benefit formula from 66⅔ percent or 75 percent of gross pay to 80 percent of spendable income, defined as gross pay minus amounts withheld for Federal, State, and local income taxes, mandatorily withheld pension contributions and, where applicable, social security;

Eliminating the 45-day continuation-of-pay period but providing a safety net of interim compensation beginning on the 21st day following the Labor Department's receipt of all information necessary to adjudication. The employing agency would also have the option of advancing compensation beginning on the third day of disability if the employee was expected to be totally disabled for at least 28 days;

Establishing a waiting period of 7 workdays at the onset of disability, with 5 days' compensation repaid if the disability lasts beyond 14 days;

Converting FECA beneficiaries to civil service retirement at age 65 or when vested after age 65, returning FECA to the proper role of workers' compensation of replacing lost wages due to employment injuries;

Paying the same benefit—80 percent spendable income—to survivors as paid to disabled workers;

Paying the same benefit—GS-8 step 1—for loss or loss of use of a body member regardless of income level with no offset for wage-loss benefits;

Instituting mandatory rehabilitation;

Increasing funeral, attendants, and maintenance allowances;

Amending the basis for the cost-of-living adjustment from increases in the Consumer Price Index to the average annual Federal wage increase, so that employees on disability are treated equally with nondisabled employees;

Pursuant to hearing, prohibiting reimbursement under FECA to medical providers who have been indicted or convicted of fraud, in connection with another Federal program, or have been found to have furnished inappropriate medical services;

Requiring the Labor Department to develop a fee schedule for providers of services under FECA;

Granting employing agencies, pursuant to a recommendation by the GAO, specific authority to order agency-paid medical exams; and

Revamping the claims review process by narrowing the scope of review of cases by the Employees' Compensation Appeals Board consistent with appellate-level review, and providing both employing agencies and employees with a new right of case reconsideration by the Office of Workers' Compensation Programs.

The legislation's effect would be prospective only, both as to the new benefit formula and conversion to CSR. Current beneficiaries would be "grandfathered" and, thus, not sustain benefits cuts.

The savings from this bill are modest, merely reducing the rate of future growth. Although I believe the FECA program costs too much, my chief goal is not reducing expenditures per se, but designing a better balanced compensation system. The Department's estimates compiled in 1982 projected a fiscal 1983 saving of $26 million, increasing to $88 million in fiscal 1987.

My bill is in large measure the administration's proposal of this past year. I do not consider it the final word on FECA and am open to revised proposals which honestly address FECA's basic problems.

Two years ago the House enacted comprehensive FECA changes as part of the Gramm-Latta budget reconciliation substitute. The Senate—which had not included FECA among its changes—was prepared to recede to the House with amendments. Did our majority seriously consider a compromise? No. At that time the majority members of the subconference bemoaned the lack of hearings on the legislation, but through countless GAO reports and 4 years of oversight hearings everyone knew what FECA's deficiencies were and that the House bill along with the Senate amendments accurately addressed them. So hearings were promised and, indeed, were held by the Labor Standards Subcommittee during the 97th Congress; and there the majority let the matter lie.

I strongly urge that the Labor Standards Subcommittee seriously address this matter. First, however, I hope the subcommittee would promptly approve the Longshore Act bill which Chairman MILLER and I agreed upon at the end of the 97th Congress but which was lost due to delay in the closing days of the session.●

COUNTY CLERK WILLIAM TANGNEY

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DURBIN. Mr. Speaker, Macon County, a large portion of which I represent in the 20th Congressional District of Illinois, is fortunate to have the services of County Clerk William Tangney.

Bill has held this job since 1962. His father held the office from 1934 until his death in 1960, leaving only 2 of the last 49 years without a Tangney overseeing Macon County elections. As past president of the Illinois County Officials Association and a former director of the National Association of County Officials, Tangney is considered to be an expert on Illinois election laws. When Illinois established a State board of election, Tangney advised the process.

As reflected by their continued reelection, quite often without opposition, the Tangneys have compiled an exemplary record in this office. A demonstration of the respect others hold for Bill Tangney's knowledge of election law was supplied recently by Michael Lavelle, executive director of the Chicago City Election Commission. When Chicago Mayor Jane Byrne announced she would mount a write-in campaign, Lavelle turned to Tangney for advice in the complicated matter of handling write-in ballots.

Tangney reviewed the write-in laws for Lavelle in a telephone conversation and offered his sympathies for what seemed an impossible job. "I told him I wouldn't trade jobs if they filled this courthouse with $100 bills," said Tangney. As we know, Mrs. Bryne changed her mind and dropped her write-in bid, saving Mr. Lavelle a monumental administrative headache. But had she maintained her bid, chances are that Bill Tangney's advice would have played a role in easing a difficult situation.

[From the Decatur Herald & Review, Mar. 16, 1983]

WRITE-IN LAW SPELLED OUT

When Chicago election officials needed advice on how to sort out Mayor Jane Byrne's on-again, off-again re-election campaign, they turned to Macon County Clerk William Tangney.

After Mrs. Byrnes lost the Democratic mayoral primary to U.S. Rep. Harold Washington, she endorsed him for the April 12 general election.

Last week, she withdrew the endorsement and announced she would run as a write-in candidate.

Faced with threats of lawsuits by the Byrne campaign if the write-in were not handled the way she wanted, Michael Lavelle, executive director of the Chicago city election commission, telephoned Tangney on Tuesday.

Tangney is considered an expert on Illinois election laws. He is a past president of the Illinois County Officials Association, a former director of the National Association of County Officials and was an adviser to the state Board of Elections when it was first established.

The county clerk told Lavelle, who has been conducting elections using computer-counted ballot cards for years, what the rules required.

"I told him I wouldn't trade jobs if they filled this courthouse with $100 bills," Tangney said. "At most we might have a couple of hundred (write-ins); he might have 100,000."

A day later, on Wednesday, Mrs. Byrne changed her mind again and the write-in campaign was called off.●

FMC CORP. HAS UNIQUE SAFETY RECORD

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DANIEL B. CRANE. Mr. Speaker, the FMC Corp. of Hoopeston, Ill., a manufacturer of food processing equipment, has compiled a remarkable safety record of over 3 million manhours of work without any lost time due to accidents. I doubt if there are many, if any, plants in the Nation the size of FMC that can make that statement.

Along with my personal congratulations on this outstanding achievement, the employees of FMC the other day received a commendation from a gentleman right down the street from here. Here is the text of the March 18 letter from the President to the employees of FMC.

THE WHITE HOUSE,
Washington, D.C., March 18, 1983.

THE FMC CORP.,
103 East Maple Street,
Hoopeston, Ill.

To the Employees of the FMC Corporation:

Through the courtesy of Congressman Dan Crane, I have learned of the exemplary safety record compiled by the employees of the FMC Corporation. Over a period of four years, you have totaled 3 million manhours of work without any lost time due to accidents. This is a remarkable achievement, and I am pleased to commend each and every one of you for your contribution to this record.

Improving the safety of the workplace and protecting the health of the American worker are vital and complementary goals of any program for a stronger economy. All of us recognize the impact of good health and safety practices on productivity, but it is most important that we remember and recognize the human impact these practices have on the well-being of workers and families. For these reasons, you can be particularly proud of your extraordinary accomplishment.

I wish all of the employees at FMC the very best for continued success in worker safety in the years to come.

Sincerely,

RONALD REAGAN.●

THE SPIRIT OF VOLUNTEERISM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RICHARDSON. Mr. Speaker, giving people a helping hand in your own community is what volunteerism is all about. I want to draw the Congress attention to an article which recently appeared in the New Mexican, a daily newspaper in my district.

The article's author, Wayne Vann, discusses his role as a volunteer in Santa Fe, N. Mex., and eloquently makes the point that "we all have an obligation to give back to our community more than we take from it."

During these difficult economic times there are a lot of people whose needs go unnoticed—people who would appreciate a helping hand. Mr. Vann's 23-year spirit of volunteerism should not go unnoticed. I applaud him and the millions of other Americans who are working to make their communities a better place to live. I urge my colleagues to take the time to read this thoughtful piece.

The article follows:

[An editorial from the Santa Fe New Mexican, Apr. 3, 1983]

VOLUNTEERS SHAPE SANTA FE'S NATURE

(By Wayne Vann)

When I first came to Santa Fe in 1971 I became active in both cultural and community activities. It's because I believe that a person in business should do so, but also because I receive a great deal of satisfaction from serving the good of the community and helping people who sometimes can't help themselves.

Santa Fe is blessed with more than its share of people who give a great deal of their spare time serving as volunteers for hundreds of worthwhile organizations. This week's column is a tribute to those people and I hope an encouragement for others to get involved who haven't up to now.

Whether you are a person who works in government, private business, research or manufacturing, we all have an obligation to give back to our community more than we take from it.

Santa Fe, more than any other community in which I have lived, offers us rich traditions, our tri-culture, art, unique architecture and a host of other benefits we rarely take the time to think about or fully appreciate.

We take visitors to the annual Indian Market, Fiesta, Festival of the Arts, theater, opera, or just walk around the plaza during the holiday season enjoying the unique decorations that are displayed. I have never attended these events without thinking how lucky I am to live in such a beautiful city.

If you want to become a part of these activities and feel the "spirit" of Santa Fe—get involved. You don't have to be Hispanic to be active with the Fiesta Council. You don't have to be an artist to become a part of the Festival of the Arts. You don't have to understand opera to be a volunteer with the Opera Guild. You just have to be inter-

ested in helping these events take place each year.

Maybe of greater importance is becoming a part of one or more of the hundreds of agencies or organizations who help people. People who may need a helping hand.

I won't try and name all organizations who help people, but maybe I can identify a few for you.

If you want to work with youth, there is the Boys' Club, Girls' Club, Boy Scouts, Girl Scouts and many city sponsored summer youth programs that need our help to make them a success.

There is the United Way and the newly formed Santa Fe Community Foundation that annually raise money to help local nonprofit organizations solve "local" people problems. They work hard to make Santa Fe a better place to live for all of us. Not just those of us who are more fortunate.

In the 23 years I have been involved as a volunteer, I have always "received" more than I have given in my service to the community. You will work with some of the finest people in Santa Fe. Many of my closest friends are people I have met while working with these organizations.

If you are sitting out there spending your evenings and weekends watching television and wishing you had more friends, or the opportunity to meet new people—this is your chance. Get involved.

There is an organization called the Volunteer Information Service at 305 Washington (telephone 982-1122) which gathers the names of volunteers and places them with organizations that fit their particular interests. All you have to do is inform them of your interests, and they will put you in touch with the right people.

I can assure you that if you take the time and make the effort to become active with one of these organizations, you will have a greater appreciation for Santa Fe, for the people who make this city a decent place to live, and you'll be amazed at how many new friendships you'll make in the process.

The personal rewards are too numerous to mention and your community needs your help.●

TRIBUTE TO PASTOR BUSTER SOARIES

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RODINO. Mr. Speaker, on Sunday, April 17, I will have the distinct pleasure of attending a dinner in honor of Pastor Buster Soaries of the St. Paul's Seventh Day Christian Church.

Pastor Soaries presides over the entire Seventh Day Christian Conference. He is an inspirational figure to all those who know him, one who gives unselfishly of himself to his congregation, his community, and to society.

Before becoming a pastor, Buster Soaries was the president of the New Jersey chapter and also the national coordinator of Operation PUSH. I have known his outstanding work for many years, and it will be an honor to participate in this event in recognition of such a dedicated individual. Pastor Soaries has been honored in the past by the National Coalition of Title I Parents, the National Council of Negro Women, the League of Women Voters, and the Montclair Youth Service Bureau. In addition, he was named National Clergyman of the Year.

The dinner is sponsored by the St. Paul's Pastors Aide Society and Friends, and marks Pastor Soaries' sixth anniversary with the church. The master of ceremonies will be Rev. Ralph T. Grant, president of the Newark City Council, and the keynote speaker will be my esteemed colleague from Pennsylvania, Representative William H. Gray III.●

EPA SUPPRESSED INFORMATION ON OSCEOLA PHOSPHATE ISSUE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. FUQUA. Mr. Speaker, two resourceful reporters for the Jacksonville Florida Times-Union have just brought to light actions by the Environmental Protection Agency that can best be described as appalling.

In a recent article, they relate how officials of the Agency knew for a fact that the wetlands could not be reclaimed after strip mining and yet they hid the report to keep it from coming to light. Further, even after the report was written, administration officials testified before Congress that the lands could be reclaimed and denied the existence of the report.

As we prepare for another round of actions to prevent phosphate mining in the Osceola, I urge my colleagues to read the article, reprinted below. Clearly we must provide the Osceola with the protection it needs and deserves and I am confident that Congress will not permit the EPA to continue to deny the environmental nightmare mining would bring.

[From the Florida Times-Union, Jacksonville Journal, Apr. 10, 1983]

EPA SUPPRESSED OSCEOLA DOCUMENT

(By Jamie Starbuck Plant and Ken Cummins)

The Environmental Protection Agency (EPA) suppressed for a year a scientific report that could have helped Florida in its 20-year legal and congressional fight to keep phosphate mining out of the Osceola National Forest, *The Florida Times-Union* has learned.

The study—requested by the EPA and prepared by two EPA scientists—said that if the Osceola's wetlands were mined for phosphate, existing technology could not return them to their present condition.

The report was written nearly a year before Interior Department Secretary James Watt denied 41 leases to four companies that wanted to mine 52,000 acres of the forest. Watt based his decision on a Bureau of Land Management report dated Jan. 7, 1983, that came to the same conclusions reached in the EPA's study.

The 157,000-acre national forest lies about 40 miles west of Jacksonville in Columbia, Baker and Union counties.

In interviews last week at the EPA's regional office in Atlanta, the two scientists who wrote the EPA report said that on March 22, 1982, they hand-delivered the study to Paul C. Cahill. Cahill headed the agency's Office of Federal Activities until he resigned last month in a shake-up of the EPA that started when Congress began looking at the agency's dealings with industry.

Ten days after the scientists gave the report to Cahill, Florida officials testified before the Senate subcommittee considering a proposal to ban mining in the forest. The officials say the findings in the EPA report would have been critical to their case.

Congress eventually passed the bill, but President Reagan vetoed it Jan. 14, a day after Watt said he would deny the leases.

Seven EPA employees in Atlanta and Washington confirmed to the *Times-Union* that Cahill would not release the document from his custody, despite repeated requests for it during 1982 from Gov. Bob Graham, the Florida Department of Environmental Regulation, U.S. Sen. Lawton Chiles, D-Fla., and members of state environmental groups.

"I think it was a heck of a cover-up," Chiles said in an interview Thursday. "I think there's no doubt about it."

"The thing I'm concerned about now is why did Cahill do this? Is there somebody still here [in the Reagan administration] who was directing him? It's not exactly the kind of thing one does on his own."

Cahill could not be reached for comment. One of his former aides at the EPA said he was driving to northern California, where he lived before joining the Reagan administration.

Five EPA career employees in both Atlanta and Washington, who asked not to be identified for fear of jeopardizing their jobs, said the way the report was handled illustrated how they often found themselves caught in a political squeeze that compromised their professional integrity.

"It was an appalling process," Bill Hinkley, environmental administrator for the Florida Department of Environmental Regulation, said of how information was handled at the EPA.

"It was a period of time I felt like I was in an occupied country. I've never been in a situation when one government agency couldn't get information from another."

Florida officials, who received copies of the report only after Cahill resigned March 25, expect the document to be used if the state decides to help Watt and the Interior Department defend a suit brought in February by Kerr-McGee, one of the four phosphate companies denied mining leases.

In its suit, Kerr-McGee charges that Watt denied the leases for "political reasons."

Also denied leases were Global Exploration and Development Corp. of Florida, the Monsanto Co. and Pittsburgh Midway and Mining, a division of Gulf Oil Corp.

For nearly two years before Watt denied the leases, he and other Reagan administration officials pushed to get the leases granted.

EPA files, obtained by the *Times-Union* under a Freedom of Information Act request, showed that the Reagan administration urged the EPA to withdraw questions it

had about mining in the Osceola that were expressed during previous administrations.

And Department of Agriculture and EPA officials also told congressional committees that new methods of reclamation technology made it likely that the forest could be restored to its present condition after phosphate mining.

Florida's state and congressional leaders, united in their opposition to the Osceola mining, said they were surprised by Watt's denial of the leases. Some now question whether he will vigorously support his decision in court.

"I've worried all the time [that] the action Interior has taken can have a negative effect," Chiles said. "I didn't feel comfortable with the veto report. If anything, this [EPA] report strengthens the position that the permits should not be granted."

Victoria Tschinkel, who heads Florida's Department of Environmental Regulation, called Watt's action a sudden reversal by the administration.

"We don't know what depths their commitment is going to be," Ms. Tschinkel said last week. "That's why we're getting involved, to protect the state's interest."

A spokesman in the Florida Attorney General's Office said the state is expected to decide soon whether to join Watt and the Interior Department in the Kerr-McGee suit.

Five environmental groups that joined Chiles in a suit over the mining last year also have committed to joining the state in the Kerr-McGee suit, said Helen Hood, vice chairman of the Florida Defenders of the Environment.

The *Times-Union* began looking into the disputed EPA report two weeks ago after receiving a tip about its existence. A Freedom of Information Act request was filed with the EPA's regional office in Atlanta. A copy of the scientists' report was included in the nearly 20 pounds of the EPA's Osceola files.

However, the report was not available when a similar request was made 11 days ago to the EPA office in Washington.

In an interview in Washington, William Dickerson, deputy director in the Office of Federal Activities, who coordinated the EPA's work with other federal agencies, said he knew Cahill had received the report—the third part of an EPA study—but did not give it to his aides or other agencies.

"I knew that it was deliberate because I talked to the region [the Atlanta EPA office] about it," Dickerson said.

The EPA study was divided into three parts, the first two of which were an overview of present phosphate-mining operations in Central Florida. The third part dealt with whether the current technology would work in the Osceola forest and contained the conclusion that the wetlands could not be reclaimed.

The first two parts were released by the EPA in early March 1982 with the disclaimer that they had not gone through the agency's required review process.

"I knew that there was a third chapter," Dickerson said. "He [Cahill] didn't give me a copy."

Dickerson said that under normal procedures, Cahill would have sent the third part of the study to the staff for comment.

"Cahill kept it under his own hat," Dickerson said.

A source inside Cahill's office who asked not to be named said, "Cahill should have never commissioned that report to be done from the standpoint of the administration. He goofed."

The source said the administration did not want such a report done because of fear it would not substantiate the position that reclamation was possible.

Four other sources said independently that Cahill tried to keep the scientists from writing the conclusion to the three-part study.

"He scolded us for bringing it, mentioning possible difficulty with an FOI [Freedom of Information] request, but was interested in reading it, ordered a copy made and kept both," said Jean Tolman, an EPA environmental specialist and co-author of the report.

"If that [EPA] document had said Osceola could be reclaimed, it would be on the street in a minute," said Bill Kruczynski, the other EPA environmental specialist who worked on the report. "But because Cahill didn't want it, it was sat on. It was a waste of time and effort to go through the same thing a year later [when the Bureau of Land Management did its study]."

The EPA document—titled "Analysis of Reclamation Potential for the Osceola National Forest" and referred to by scientists as "Part 3"—is the concluding chapter of an extensive study by an EPA research team at the agency's Region IV office in Atlanta.

EPA sources confirmed that Cahill had initiated the study only after testifying before a congressional committee that the work was in progress. The first two parts were completed in December 1981; Part 3 was finished in early March 1982 and hand-delivered to Cahill shortly thereafter.

Ms. Tolman praised Region IV administrator Charles Jeter for supporting the research team by urging Cahill to release the information. But Jeter, a political appointee, would not say whether Cahill withheld the documents deliberately.

"My position was that he [Cahill] would review and distribute [information] as he saw fit," Jeter said. "The position I always took was these are technical reports and should be available to everybody."

Jeter acknowledged that he was overruled by his superiors.

Interior Department staff members, familiar with what had happened to the EPA's report, said they feared that their superiors would try to squelch their efforts to reach scientific conclusions in the Bureau of Land Management's study of the Osceola mining plan.

However, Steve Altman, public information officer for the Bureau of Land Management, said there was no pressure.

"Not a word was said in this office to get these [leases] granted," he said.

Doug Blankinship of the Interior Department also said he was given a free rein. He led a team of more than a dozen scientists from several agencies working on the Bureau of Land Management report.

"It appeared at times that what happened at EPA would happen here," Blankinship said. "The bottom line was we had autonomy."

Companies have been seeking to mine the forest for phosphate since 1964.

But the EPA files show that during the waning years of the Carter administration, phosphate mining in the Osceola was a relatively dormant issue.

When the EPA's Region IV headquarters in Atlanta had technical problems with an Environmental Impact Statement done on Osceola in 1974 by the Bureau of Land Management, the dispute was sent to the Council on Environmental Quality, an arm of the president's executive office. The issue remained there through the Carter years.

But when the Reagan administration took office in 1981, the EPA files began to swell with memos, letters and reports on the forest-mining project. High-level Reagan officials—in and out of the EPA—corresponded frequently about the agency's position on Osceola.

In a June 22, 1981, letter, Garrey Carruthers, the Interior Department's assistant secretary for land and water resources, told then-EPA administrator Anne Gorsuch Burford that he was trying to resolve several lease applications for phosphate development in the forest.

He asked whether EPA held reservations about the adequacy of the 1974 Environmental Impact Statement. If not, Carruthers said, "I would urge you to formally withdraw any previous expression of concern. If your agency maintains (that) an adequacy problem continues to exist, I would appreciate receiving an outline of the defects so we may take quick measures to correct them.

"Industry is pressing me on this issue, hence, I would be most grateful for a quick response."

Cahill met with Kerr-McGee and EPA staffers on Oct. 1, 1981, shortly before he officially took over the EPA's Office of Federal Activities. Kruczynski, the EPA scientist who worked on Part 3, said that after the briefing, he gave Cahill a stack of scientific data that included a report by the Florida Phosphate Industry Council.

Kruczynski said Cahill quoted from the industry council's document when he testified in support of new reclamation techniques during the House public lands and national parks subcommittee hearing Oct. 22, 1981.

In his prepared remarks, Cahill said, "As with everyone else involved in this project, EPA is anxious to end the long-standing indecision over phosphate leasing in the Osceola National Forest."

During a questioning period, Cahill termed technological work on reclamation "promising." He also said, "I have asked my office to prepare a full study with the results (of reclamation)."

In response to a question, Cahill said, "I think with stipulations—at least what I've seen so far and with these preliminary results—that we could adequately protect the environment and the purposes of the national forest."

Yet, when Chiles requested a copy of the EPA study in December 1981, Cahill sent him a letter Feb. 17, 1982, stating: "We have no prepared report nor is one contemplated."

The Senate Energy and Natural Resources subcommittee on public lands and reserved water held its hearing on the Osceola phosphate-mining ban bill April 1, 1982, 10 days after Part 3 of the EPA study was hand-delivered to Cahill.

John B. Crowell, Jr., assistant U.S. agriculture secretary for natural resources and environment, testified before the subcommittee for the Reagan administration. Crowell said during the hearing that he was presenting the administration's position on the legislation.

After testifying, he told reporters that the EPA, the U.S. Forest Service and the Interior Department all were in agreement that new developments in reclamation technology had made it possible for the companies to restore strip-mined land in the forest.

Crowell's testimony is contradicted by Part 3 of the EPA study. But no EPA official was asked to testify or submit state-

ments to the Senate subcommittee for the April 1 hearing.

In its lawsuit against the Interior Department's refusal to grant the mining leases, Kerr-McGee uses as support for its case statements made in the congressional hearings by Crowell and Cahill.

It is also quotes letters to Chiles from Interior Undersecretary Donald Hodel and Agriculture Secretary John Block as supporting the idea that existing technology could reclaim the forest.

The pending Kerr-McGee suit is not the only Osceola mining activity now going on in Washington. U.S. Rep. John Seiberling, D-Ohio, chairman of the House subcommittee on public lands and national parks, plans to hold hearings later this month on a new proposal to ban mining in the Osceola forest and may call EPA officials to testify.●

TRADE MUST BE A TWO-WAY STREET

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. PEASE. Mr. Speaker, six members of the House Ways and Means' Subcommittee on Trade recently traveled to Japan to meet with officials of the Japanese Government. We went to Japan as legislators, not diplomats, and while our delegation did not cause an earthquake, we did send tremors through Japanese Government and industrial circles. Our message was simple and direct: "Trade must be a two-way street."

This is the topic that I addressed in my most recent weekly newspaper column. It follows.

WASHINGTON REPORT

(By Don J. Pease, U.S. Congressman, 13th District)

No earthquake was registered, but the House Ways and Means Committee's Trade Subcommittee definitely caused some rumbles in Japan during a series of Easter week meetings with Japanese officials.

In meeting after meeting, the six-member delegation of which I was a part pounded away at the Japanese government for keeping American products out of Japan while helping their companies penetrate the U.S. market.

We six congressmen went to Japan as legislators, not diplomats, and we saw no reason for diplomatic pussy-footing around the issues.

"The political consensus for free trade has been destroyed in America largely because of resentment of Japan," thundered one member of our delegation to Prime Minister Yasuhiro Nakasone.

In a heated discussion with Japanese Foreign Minister Shintaro Abe, one of our Trade Subcommittee members was fuming: "I've listened to your excuses about autos, and I don't buy them. I've listened for 15 years to your excuses on oranges and beef restrictions, and I don't buy them."

The Japanese were well aware of my role as a principal sponsor in the Congress of the automobile domestic content bill which would require cars sold in the United States to have a high content of U.S.-made parts. The bill's passage in the House of Representatives last year and its reintroduction this year have the Japanese scrambling to ease some of their barriers to U.S. products going into Japan.

Thus, the Japanese were not surprised at my insistence that U.S. autos should be able to enter the Japanese market as freely as Japanese cars enter our country. But Japanese officials were impressed by the strong support I got from Sam Gibbons, D-Florida, chairman of the Trade Subcommittee, and other members of our delegation who had opposed the domestic content bill.

Referring to political pressures building in the United States, one member said, "I'm a free trader with no apologies, but we're about to be overwhelmed."

The Japanese were also impressed when two other congressmen from non-automobile areas joined me in pressing for a fourth year of voluntary restraint on the part of Japanese automakers exporting cars to the United States.

All in all, I felt it was a great team effort on the part of our six-member delegation in dealing with not only auto, orange, beef and cigarette restrictions, but also with vital broader issues like Japanese targetting of U.S. industries and the undervaluation of the yen (which makes Japanese cars 20 percent cheaper in the United States than they would be if the yen were properly valued).

Most importantly, we got to deliver our strong message to absolutely the top people in Japan. In addition to the prime minister and foreign minister we had long meetings with the chief cabinet minister, with the minister of finance, with the minister of trade, with leaders of the ruling political party in Japan, and with the presidents of all of the auto manufacturers in Japan.

Nor did we forget the public. In a 75-minute press conference for Japanese and American reporters, the same points were emphasized. The next day, all of the major Japanese newspapers carried prominent news stories.

As I say, our Trade Subcommittee delegation didn't cause an earthquake, but we did send a few tremors reverberating through Japanese government and industrial circles. The messages: "Trade must be a two-way street."●

MARY DETERT—CYCLING AGAINST CANCER '83

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HILER. Mr. Speaker, William Arthur Ward once spoke of achieving the impossible.

If we can imagine, he said, we can achieve. If we can dream, we can make it real.

Mrs. Mary Detert, a South Bend citizen, is trying to prove that Mr. Ward was correct. She is chairman of an event that is being held on May 1, "Cycling Against Cancer '83." She is spearheading this 8-mile bike-a-thon in an effort to raise funds for St. Jude Childrens Hospital in Memphis, Tenn., her contribution in the effort to fight leukemia.

The reasons that she is so involved in this effort are personal. Her sister died of this dreaded disease at the young age of 16. Mary was so moved by her battle for life that she has dedicated herself to help others in their own personal wars against leukemia.

Mr. Speaker, Mary Detert is one of the everyday heroines of our society. Her only reward is that she may be able, through her own efforts and leadership, to help raise enough money that might just lead to a cure for this disease.

Mary Detert is one of the reasons that despite the recession last year, charitable contributions increased. She is one of the reasons that Americans are known as one of the most compassionate peoples on this Earth.

She holds no illusions about her efforts. She knows that leukemia is a difficult and ominous enemy, particularly of children. But she believes in miracles, and I am confident that her efforts will not go unrewarded. Her efforts and the efforts of hundreds like her are our best hope in the effort to cure many of our Nation's ills.

I know St. Jude Childrens Hospital appreciates her efforts, and I urge all my colleagues to join me in honoring Mary Detert for her unselfish efforts.●

ENTERPRISE DEVELOPMENT AND INDUSTRIAL REVITALIZATION ACT OF 1983

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. NOWAK. Mr. Speaker, our Nation's older cities are facing the prospect of long-term economic deterioration. The demise of our country's industrial base, persistently high unemployment and the plight of our displaced workers are dramatic symbols of the grim problems encountered by these urban centers.

In light of these serious economic problems, on March 23, 1983, I introduced the Enterprise Development and Industrial Revitalization Act of 1983. This act is a refined version of the Enterprise Development Act of 1981, as well as being an active response to the recommendations of the report on job creation and the revitalization of small business released by my Subcommittee on Tax, Access to Equity Capital and Business Opportunities.

These investigations reemphasized the importance of targeting aid to small- and medium-sized businesses in distressed areas, particularly in our older urban centers. This development process encompasses procedures to insure a viable infrastructure base, up-front incentives for investment in plant and equipment and for working capital.

The Administration's primary urban initiative is based on targeted tax incentives. I contend that this is too narrow a concept to spur growth in distressed areas. Instead, tax incentives should be combined with other concepts to form a comprehensive, broad-based and balanced agenda for urban economic revitalization.

My home city, Buffalo, N.Y., suffering from a 19.1 percent unemployment rate, is a prime example of a traditional industrial center struggling to combat economic deterioration. Layoffs and unemployment are inherent in all plant closings and relocations, but the presently unemployed American, the formerly productive wage earner faces even greater discouragement and distress. Today's displaced worker is envisioning the prospect of losing his home and property, as well as being unable to support his family. As our country transforms from a manufacturing-based economy to a service-based economy the plight of the displaced worker must be addressed.

In order to meet the present economic challenges and to initiate long-term revitalization, the Enterprise Development and Industrial Revitalization Act of 1983 couples a comprehensive development investment strategy with targeted tax incentives, as well as provisions for retraining the displaced worker.

Title I of this act establishes a successor agency to the Economic Development Administration (EDA). States, economic development districts, local governments and pockets of distress in otherwise prosperous areas will be recipients of funding, which will provide essential seed and working capital for new and developing enterprises, and loans for small businesses. Grants will be targeted toward infrastructure improvements and the construction of public facilities, as well as technical planning and assistance. This proposal authorizes $425 million a year for development facilities and $75 million a year for planning, both over a 3-year period. All of these projects will have job creation potential.

Title II of this act provides adequate financing for enterprise development by amending Small Business Administration programs. For small firms located in distressed areas, my legislation would permit such firms to receive enterprise development loans up to $500,000 if a certain amount of capital is obtained from non-Federal sources SBA would also need the applicant's assurance that any loan granted would provide further employment opportunities. Additionally, the borrowing authority of small business investment companies (SBIC's) would be increased to encourage these firms to invest in job expansion businesses. In general, my bill enables SBIC's to borrow on a 4-to-1 or 5-to-1 basis from SBA, as opposed to the current 3-to-1 or 4-to-1 ratios.

I recognize the importance of tax incentives to spur business' internal capital formation, and under title III of my proposal tax incentives are targeted toward areas and businesses meeting certain criteria. Job expansion areas are designated as such by embodying a population of at least 5,000 and by falling under one of the following two categories: First, unemployment rate for area is at least 1 percent higher than national average; or second, has experienced sudden economic dislocation resulting in job losses.

Once an area qualifies as a job expansion area, tax incentives for capital investment may be applied to qualified job expansion businesses. These provisions are:

First, an expensing allowance on property purchases of an additional $50,000;

Second, a 10-percent investment tax credit on construction of new buildings;

Third, an additional $400,000 of used property would be eligible for investment tax credit;

Fourth, a 25-percent investment tax credit would be allowed on renovation of buildings at least 20 years old;

Fifth, the investment tax credit would be refundable up to $250,000;

Sixth, a 2-percent payroll-based tax credit for contribution to employee stock ownership plans by qualified job expansion businesses;

Seventh, a 10-percent jobs tax credit for increasing payroll expenditures over a base period; and

Eighth, a deduction in the amount of $20,000 for individuals filing separate returns ($40,000 for joint returns) is an individual investor purchases the stock of small business in a designated distressed area.

My bill addresses the plight of the displaced worker by offering businesses a direct incentive to hire and train displaced employees. A business which hires qualified displaced employees would be allowed a 50-percent job tax credit. Furthermore, employees may receive a 5-percent tax credit based on the wages earned from the business in the distressed area.

Mr. Speaker, I believe the Enterprise Development and Industrial Revitalization Act of 1983 is a coherent and well-balanced approach to urban revitalization. As our country continues to adjust and mature as a service-based economy, the major elements in this system, small- and medium-sized businesses, will be able to adequately fulfill their vital role in the system. Further, our Nation's older urban centers and distressed areas will be saved from long-term economic deterioration.

The responsibility for funding the enterprise development efforts will be shared by government and nongovernment sources alike, reflecting the fact that complex economic issues facing us are shared problems. The proper infrastructure base must be available to encourage growth and expansion, and viable tax incentives are needed to improve internal cash flow generation. The problems of the displaced workers will improve as they once again become productive members of our country's work force.

My proposal is a realistic approach to the problems of business enterprises in distressed areas. I believe this act offers a viable solution to one of the most serious economic puzzles facing our Nation today—the revitalization of our distressed urban centers.●

TIME MAGAZINE AND WALL STREET JOURNAL OPPOSE NUCLEAR FREEZE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BROOMFIELD. Mr. Speaker, as we engage in this very important debate over the question of nuclear weapons control, I wish to call my colleagues' attention to two editorials, one from the April 8 edition of Time magazine and the other from today's Wall Street Journal.

Both of these editorials correctly point to serious drawbacks in the proposals embodied in House Joint Resolution 13.

As we did when the House began this debate, these editorials question whether a comprehensive freeze can really be "mutual and verifiable" as proposed, whether a freeze would not, in fact, jeopardize our arms negotiations, and whether a freeze would not, as Time points out, "Be much to the satisfaction of Moscow and to the detriment of East-West stability."

Mr. Speaker, nuclear arms reduction is too important an area for symbolic politics. I hope my colleagues will give these two editorials serious consideration.

[From the Wall Street Journal, Apr. 13, 1983]

FREEZE, SECOND ROUND

Today the House of Representatives will resume debate on the resolution for a nuclear freeze. When the resolution's backers first brought it to the floor before the Easter recess, they thought they could readily push it through the House and add one more booming voice to the anti-nuclear chorus swelling across the land. But their campaign turned to confusion when anti-freeze congressmen took the floor to show that their foes did not know what they were talking about. Here's to another donnybrook this time around.

The resolution calls for a mutual, negotiated nuclear freeze by the U.S. and the Soviet Union. It sounds terrific. It avoids all

those complicated disputes over who owns how many sky guns and whether three old Captain Video disintegrators equal one new Luke Skywalker anti-matter bomb. And the resolution sounds as if it is safe for U.S. interests. After all, it isn't asking us to give up anything that isn't mutual and negotiated. Meanwhile, the freeze movement in the country is aching for results. How can the resolution lose?

Well, the hawks in the House have been showing surprising spirit in ripping these arguments apart. Rep. James G. Martin, chairman of the Republican Research Committee, has been explaining to his colleagues about the problem of obsolescence. Our nuclear systems, you see, are often significantly older than the Soviets'. The freeze resolution doesn't say whether it would allow updating. If not, it would put us in very serious trouble. If it does allow some new building, it will be doing little more than to involve us in another type of complicated old arms negotiations. Freeze backers haven't been sure so far about which version they mean.

The hawks have also been hammering home the point that the "mutual" freeze called for by the resolution would in all likelihood turn out to be a unilateral freeze by us. When we declare in advance our wish to stop building weapons, we give up our most powerful prod for keeping the Soviets at the negotiating table. When we sit down and begin negotiating a freeze, we strengthen the hand of those in this country who want to stop improving our forces.

Freeze advocates insist that their plan is for mutual arms cuts, but they also admit that there is almost no new weapon of ours that they would approve for development and deployment. Thus does the passion for arms control turn into a rationale for inaction.

The freeze proponents get furious when their opponents accuse them of this sort of unilateralism. They use their worst epithet, saying it is McCarthyism when the hawks say the anti-nuke forces are working for the objective interests of the Soviet Union. But they haven't been able to stop the argument this way, nor should they. An activist can be pushing his views with the best faith in the world and still be a dangerous fool.

In private conversation last week, one well known freeze proponent in Congress admitted that he did not think the freeze was such a good idea on the merits. It was useful, he said, only as a way to send President Reagan a message about the importance of arms control. We hope the doves will show enough of this sort of guilty conscience today to save the field of arms control from becoming a sandbox for their symbolic politics.

[From Time Magazine, April 1983]

FREEZE NO, DEPLOYMENT YES

In an extraordinary burst of democratic brainstorming, the American political system has generated hundreds of plans for a nuclear arms freeze, including the one that is before the House. While vague in their details and varying in their language, all convey the same message: enough is enough.

The freeze movement reflects a populist impatience both with the arms race and with the traditional arms control that has failed to stop "the madness." Rather than running faster or haggling over rules for the next lap, say the freeze advocates, the superpowers should simply stop where they are. No more new nuclear weapons on either side, period.

The sentiment is understandable, but in the view of many nuclear experts, the proposed solution is impractical and unwise. While most freeze resolutions call for measures that are "mutual and verifiable," a comprehensive freeze, almost by definition, would meet neither of those criteria. If the U.S. agreed to suspend all production of new nuclear weapons, then congressional watchdogs, Pentagon whistle blowers and investigative reporters would make sure that the ban was observed. There would be no similar self-policing in the secrecy-shrouded, security-obsessed U.S.S.R. Also, it would be extremely difficult for American intelligence agencies to monitor Soviet compliance with a ban on production, as opposed to deployment, of new weapons.

But the far greater problem would be reconciling the simplicity of the freeze concept with the complexities of maintaining true mutuality and stability in the U.S.-Soviet nuclear competition. Despite President Reagan's alarmism about the Soviets' supposed across-the-board "margin of superiority," the U.S. and the Soviet Union are in a relationship variously described as parity, rough equivalence, or "offsetting asymmetries." The Soviets are ahead in some categories, while the U.S. is ahead in others. But parity is not a static condition; it is dynamic. It is subject to shifting trends in areas that on the Soviet side could not, and on the American side should not, be frozen.

For some years, the Soviets have been building up a sizable, potentially destabilizing advantage in land-based, highly accurate, highly destructive ballistic warheads. The U.S. is seeking to preserve a balance by modernizing the land- and sea-based legs of its strategic triad with the MX and the submarine-launched Trident II missiles. The Soviets are constantly improving their formidable antiaircraft defenses. That makes it harder for U.S. bombers, the airborne leg of the triad, to be sure of getting to their targets. That, in turn, makes it all the more important that the U.S. develop two types of weapons: a new, faster, "penetrating" bomber, like the B-1 or Stealth; and cruise missiles, which can sneak in under Soviet air defenses.

Yet the new American weapons—the MX, the Trident II, new bombers and cruise missiles—would all be canceled by a freeze, while the Soviet offensive inventory and defensive network would not be affected.

An even more pertinent flaw in the freeze idea has to do with the prospective deployment of new American missiles in Europe. The Soviet Union brought about an asymmetry with its SS-20 program, and that asymmetry must now be offset by the U.S. NATO has been committed since 1979 to installing 572 Pershing II ballistic and Tomahawk cruise missiles later this year.

There is room for argument over whether the Pershing II and the Tomahawk are the best military answer to the problem, and whether NATO leaders three years ago should have linked their deployment, in carrot-and-stick fashion, to the Geneva arms-control negotiations. But the balance of power includes an element of political resolve as well as military might. The political imperative of following through on the 1979 decision ought to override historical second-guessing, technical quibbles and protest posters in the streets about the deployment. The freeze movement, if it had its way, would probably prevent the Euro-missiles from going in—much to the satisfaction of Moscow and to the detriment of East-West stability.●

THE CORRINA A. KAY CIVIC ASSOCIATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RODINO. Mr. Speaker, on April 17 the Corrina A. Kay Civic Association will proudly present its first annual breakfast in West Orange, N.J.

It is an honor to know Corrina Kay, who has made a tremendous contribution to the education of Newark's young people, as principal of Central High School. She has been a very strong, positive influence on countless students who have benefited by her wisdom, guidance, and support.

The purpose of the civic association is to promote civic pride and good will through various means: education and family services, social welfare and multicultural awareness, youth services, and other informational and public relations programs.

At the breakfast on Sunday, four outstanding individuals will be honored for their civic and community achievements. They are: The Honorable Evora A. Thomas, presiding judge, East Orange Municipal Court; Delia Martin, senior citizen, legislative chair of the New Jersey Senior Citizen Federation of Colored Women's Clubs; Herman Buckner, deputy mayor of Irvington, N.J.; and Laura King, youth achievement. The keynote speaker will be Dr. Malcolm Corrin, president and chief executive officer for Interracial Business Opportunity.

It is an honor to salute the Corrina A. Kay Civic Association. I wish them well on their first annual breakfast and on all of their future events.●

VOICE OF DEMOCRACY SPEECH

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. WATKINS. Mr. Speaker, today I would like to take a moment to share with you and our colleagues a speech written by Catherine M. Burton of Shawnee, Okla. Cath's speech is the winning speech from the State of Oklahoma in the Veterans of Foreign Wars' 1983 Voice of Democracy, speech contest.

The voice of democracy scholarship program began 35 years ago with the endorsement of the U.S. Office of Education and the National Association of Secondary School Principals, later to be assumed by the Veterans of Foreign Wars. The Veterans of For-

eign Wars annual national scholarships total $32,500, with the first place winner currently receiving a $14,000 scholarship to the school of his/her choice. This year more than 250,000 secondary school students participated in the contest with the winning contestant from each State being brought to Washington, D.C., for final judging.

Oklahoma's winner, Catherine Marie Burton, is presently a senior at Shawnee High School. She has been very active in the student council where she is serving as president. She has achieved numerous awards while at Shawnee High School, from being selected for Girls State, being voted by her classmates Most likely to Succeed in the Senior Class, to receiving awards at both the district and State levels for her singing. Next year Cath will attend the University of Oklahoma and study law.

The following is Catherine Burton's award-winning speech:

CATHERINE M. BURTON, OKLAHOMA WINNER, 1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

America has many strengths ranging from the garbage collector to the President of the United States, or the housewife to the college professor. As Rich Devos, President of the Amway Corporation, says "Man was given talents and responsibilities, to use them to make this world a better place in which to live. In him is a living spirit, that he is not just a bunch of dirt and clay put together for a few years until we bury him, but that he has greater depth and greater responsibilities than that."

Every citizen contributes to the strength of our country. It is fascinating to comprehend that we, you and I, have a hand in the strength of America, which brings me to the most promising strength, not only in America, but in every other country as well. And that is the youth! Our only hope for the future lies in our youth. This is no new concept. Socrates once said "The right way to begin is to pay attention to the young and make them just as good as possible."

Youth are not only our hope, but they are our future, the future leaders and followers. But, how do we prepare them? There is no better way than to teach them—the youth. They will only duplicate the leaders of today, unless their horizons are expanded. The youth today are hearing continously that it will be their challenge to find the solutions to the problems they will inherit. Daily they are reminded that tomorrow they will have the dubious honor and responsibility of trudging with their iron ball and chain through the dark alleys of the poor and oppressed, over the mountainous regions of the national debt, and under the seas of environmental waste.

Among these challenges that the youth will incur is the attitude of our people. They go to work despising their jobs, living for the weekends, and dreading Monday mornings. Seldom do employees greet each other with "Isn't it great to be here?" It is not carved in stone that one should despise his job and role in life.

How do we prepare the youth—America's Strength? What better way than the power of positive thinking!

The belief that "Whatever your mind can perceive that you can believe, you can achieve." Teach the youth to set high goals, to define their goals specifically with time frames. When the youth are establishing high goals for themselves, they are also establishing high goals for America.

Youth, that's what's right about America. That's our strength.●

LET US GIVE OUR STUDENT LEADERS A HAND

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MARRIOTT. Mr. Speaker, there are many outstanding people throughout this country that are currently learning to govern organizations by first presiding over their own local student body governments and student honor councils. The National Association of Student Councils and the National Honor Society have asked that Congress recognize the achievements of these students by proclaiming the week of April 23 through April 29, 1983, as "National Student Leadership Week." Today I am submitting this resolution.

National Student Leadership Week sets aside 1 week for students, administrators and community leaders to recognize the contribution that student government plays in shaping the leaders of tommorrow.

Secretary of Education, Terrel H. Bell, has been named honorary chairman of National Student Leadership Week. In understanding the importance that young people develop leadership qualities, Secretary Bell applauds the many students that have already accepted the responsibilities of leadership and urges greater participation by the student body.

New problems face Americans today as never before. Students that are equipped with leadership capabilities, developed through cocirricular school activities, will be able to meet the challenges of the future. Aristotle stated it best when he said, "All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth."

I commend our student leaders and ask my colleagues in the House to join with me in a sense of the House resolution to honor these fine young people.●

THE NEA'S CURRICULUM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. McDONALD. Mr. Speaker, the National Education Association long ceased to have any real interest in the basic education of our children and concentrates almost exclusively on its labor union activities and grabs for political power. The most recent escapade of the NEA, however, deserves the critical scrutiny of all concerned parents. The NEA is now peddling slanted material to our schools on nuclear war. The NEA, if it cannot prepare balanced teaching materials, should stay out of the educational arena and just be a trade union, which is about all it is now.

A very fine editorial on this matter from the Richmond Times-Dispatch of Monday, April 4, 1983, follows for the benefit of my colleagues.

THE NEA'S CURRICULUM

The National Education Association, the largest and most militant of teacher unions, has a political agenda that arguably is far to the left of most of the people who pay the bills for public education—more radical, in fact, than perhaps even a majority of the 1.7 million teachers who (not always willingly) feed dues to this brontosaurus. The agenda ranges far beyond such items as a federal law legalizing teacher strikes to embrace the trendiest of trendy issues: the nuclear freeze.

Not only is the NEA on record as pro-freeze; its executive director, a hard-nosed Michigan labor organizer named Terry Herndon, helps run a freezenik organization out of NEA's Washington digs. And the NEA's political affairs director has said regarding NEA-PAC's support of pro-freeze candidates for public office: "When you're in the political arena, you take advantage of what's around."

When the NEA seeks to advance its political objectives in the classrooms of America, however, it goes way beyond the pale. And that is what it has done by preparing a 10-lesson curriculum for junior high school use entitled "Choices: A Unit on Conflict and Nuclear War." Prepared in collaboration with the Union of Concerned Scientists, an anti-nukes advocacy organization, the NEA curriculum is slanted grossly toward the pro-freeze viewpoint. Field-tested by 47 teachers—one of whom, Paul Fleisher, is an itinerant teacher in the Richmond public schools and used it with a small group of city pupils—the curriculum is just now being made available to teachers throughout the nation.

In a foreword, Harvard psychiatry Prof. John E. Mack speaks of calming adolescent fears about perishing in a nuclear war as being a reason for developing this curriculum. But how (one may ask after reading Lesson One) are the fears of 11-year-olds who lack historical perspective calmed by vividly relating to them the horrors of Hiroshima? ("Some people who were near the center of the explosion literally evaporated and only their shadows remained; others were turned to charred corpses." Etc. Etc.) Ah ha, read on. Lessons 2-10 are quite cleverly contrived to implant the idea that students can keep from being incinerated by becoming little anti-nuclear activists who implore the federal government to spend defense money on good things instead—education being at the top of the list, naturally.

The curriculum employs a variety of games to stress the idea that conflicts can be solved through cooperation and communication. "Studying the consequences of a fight between two teen-agers," teachers are told, "may help introduce concepts such as

escalation, negotiation and resolution." After tackling the heavy problem of divvying up an unequal number of M&Ms, junior high schoolers are asked to ponder the causes of national conflict. The clear implication is that the United States and the Soviet Union are just like a couple of recalcitrant schoolboys, equally culpable for escalation of the arms race.

In one exercise, students are given tokens and asked to "spend" them as they think best for various services (health care, parks, education, the military, etc.). Then the teacher writes on the blackboard the percentages actually devoted to each in the federal budget. Since the students by then will have been thoroughly indoctrinated in the notion that defense spending is the work of playground bullies, they naturally will be shocked. Another odious little exercise gives separate groups of students an identical tough law-and-order statement. One group is told John F. Kennedy was the author; the other, Adolf Hitler. In reality, it is a fictitious statement, but students are supposed to be impressed by how authorship affected their reactions. (Possibly unintended lesson: U.S. leaders are no better than foreign totalitarians?)

Except for a few turgid pro-defense expositions thrown in to give the illusion of objectivity, the NEA curriculum pooh-poohs deterrence and ignores the huge Soviet buildup of offensive arms that has jeopardized American ability to forestall a nuclear attack or nuclear blackmail.

But don't take our word for it, parent groups and local school board members: Obtain a copy and read it for yourselves. Then see if you aren't as appalled as we are that the NEA is trying to poison the nation's classrooms with its political propaganda. Could this kind of material infiltrate the classroom without prior approval of state or local school boards? Our research indicates that in some cases a Virginia teacher would need only a go-ahead from a sympathetic, or apathetic, principal, and in some cases not even that. That's distressing.●

U.S. EXPORT CONTROLS: EUROPE'S APPEAL

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BONKER. Mr. Speaker, in addition to the damage to the reputation of U.S. industries for reliability in foreign markets done by the administration's clumsy and belated effort to stop the construction of the Yamal gas pipeline, that effort was extremely hard on our relations with our allies in Europe and Japan. In particular, they resented and ultimately resisted our effort to enforce our position on the pipeline by imposing export controls on companies and goods within their national borders. With the Export Administration Act, under which those controls were exerted, coming before the Congress this year for renewal, the European Community has formally submitted its views on the extraterritorial application of U.S. laws in a diplomatic aide-memoire submitted to the executive branch. Such formal expressions of disagreement with U.S. laws are relatively rare, and their issuance with respect to U.S. export controls must be taken as a sign of the seriousness with which our allies view this matter. Congress should take the European view fully and carefully into account in acting upon the Export Administration Act this year. To encourage that, I submit the text of this diplomatic note for publication at this point in the RECORD.

DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

AIDE-MEMOIRE

The European Community and its Member States have the honour to present to the U.S. Administration the following Aide-Memoire concerning the Export Administration Act of 1979.

1. The considerations set out below pertain to the way this Act affects companies doing business in the Community and in particular to the claims, implicit both in the Act itself and in the way it has been interpreted by the U.S. Administration, that U.S. jurisdiction under the Act extends to persons doing business in the Community.

2. The Export Administration Act contains such phrases as "any person subject to the jurisdiction of the United States" which has consistently been defined so as to include companies incorporated, having their registered office or doing business in foreign countries and owned or controlled by U.S. natural or legal persons. Moreover, the Act itself defines a "U.S. person" so that those words include foreign subsidiaries or affiliates of U.S. domestic concerns which are "controlled in fact" by those concerns. As regards the Administration's interpretation of the Act, this has consistently been such as to include within "goods", technology or other information subject to the jurisdiction of the United States" such goods and technology which have already left the United States. As well as being contrary to international law such assertions of jurisdiction by the U.S. Congress and Administration are bound to lead to conflict at the political and legal level. The problems arising from the application of the Export Administration Act are compounded by the fact that section 6 of the Act enables the President to impose export controls for reasons of foreign policy adopted by the United States, but not necessarily shared, or shared to the same extent, by friendly countries. Finally, the problem is exacerbated where, as in a recent case, the U.S. Administration have seen fit to apply restrictions with retroactive effect to the re-export, under contracts already lawfully entered into, of goods and technology which had already left the United States.

3. These aspects of the Export Administration Act and its application have given rise to considerable concern in the European Community. In this connection its comments on the amendments of June 22, 1982 to the U.S. Export Administration regulations which were transmitted to the Department of State on August 12, 1982 are recalled. The renewal of the Export Administration Act provides the opportunity to bring the following points to the attention of the U.S. Administration in order to stress the deeply felt concern about these matters once again.

4. According to a basic principle of international law, any natural or legal person doing business in the Community should abide both by Community and national legislation in force therein. The legal and regulatory definitions of the terms "any person subject to the jurisdiction of the United States" and "U.S. person", which include companies incorporated, having their registered office, and/or doing business in foreign countries, because they are owned or controlled by U.S. natural or legal persons, run counter to this principle. As already shown in the aforementioned comments on August 12, 1982 the claim to regard as having U.S. nationality companies incorporated and having their registered office in Member States of the Community is not in conformity with recognized principles of international law.[1]

It is unacceptable that the U.S. Administration and Congress should assert jurisdiction over the activities of these companies in the Community.

5. Moreover, such assertions of jurisdiction, which imply that overseas subsidiaries and associates of U.S. companies owe allegiance to U.S. law and policy, cannot be reconciled with proposals by the U.S. Administration in various international fora for the "national treatment" of investment from abroad and they create a climate less favourable to U.S. investment.

6. According to a basic rule of private international law as generally applied, goods are subject to the law of the place where they are located.

However, the words "any goods, technology or other information subject to the jurisdiction of the United States" though not defined in the Export Administration Act, have been interpreted by the Administration so as to mean that U.S. jurisdiction follows these goods, technology or other information even after they have left U.S. territory.

7. In the comments of August 12, 1982 it was stressed that there are no known rules of international law for using the domestic origin of goods or technology situated abroad as a basis for establishing jurisdiction over persons abroad which control those goods or technology.

8. Several decisions by respected non-U.S. Courts[2] confirm the principle that U.S. jurisdiction may not follow goods originating in the U.S. once they have been discharged in the territory of another country.

9. This extension of U.S. export controls to the trade between Third Countries in goods, which are claimed to be subject to U.S. jurisdiction, is also objectionable for commercial and political reasons. Many industries in the Community have quite readily accepted U.S. know-how and advanced products in the past and have a certain extent become dependent upon them for their own production. If it turns out that they may become subject to U.S. export restrictions at any moment, they might feel constrained to change their policy and either seek technology or advanced products elsewhere, developing them themselves, or developing them in joint ventures with non-U.S. companies. It is inconsistent for the U.S. Government, which has always been a strong proponent of the free exchange of technology and know-how, at the same time

[1] Ref: Barcelona Traction case, ICJ Report 1970, 3, 43.

[2] *American President Lines* v. *China Mutual Trading Co.*, 1953 A.M.C. 1510, 1526 (Hong Kong Sup. CT) and *Moens* v. *Ahlers North German Lloyd*, 30 R.W. 360 (Tribunal of Commerce, Antwerp (1966))

to subject the use of this technology to such hazards.

10. The U.S. regulatory practice under the Export Administration Act of imposing export controls retroactively has the effect of exposing companies incorporated in the Community and/or handling certain U.S. origin goods to sanctions long after contracts have been concluded in good faith and in full conformity with all U.S. laws and regulations in force at the time.

11. This has serious consequences for international commercial relations. It introduces an element of uncertainty against which it is virtually impossible to take effective precautions and must breed reluctance to deal with companies of the country using this method of regulating trade.

12. It has been argued in the past by U.S. authorities that the practices sub 6 and 10 are not objectionable where foreign companies have agreed either in a contract clause or in an undertaking to the U.S. Government to respect U.S. export control legislation. However, such "Submission Clauses" cannot confer on the U.S. export controls a valid jurisdictional reach which they would not otherwise have.

It is also particularly objectionable for a government systematically to encourage or require companies to include such "Submission Clauses" in their contracts with foreign clients. This is a clear abuse, for foreign policy purposes, of the freedom of contract.

13. All the above-mentioned problems are compounded by the fact that export controls can be introduced unilaterally by the U.S. Administration for the furtherance of U.S. foreign policy goals which are not necessarily shared even by friendly countries which have close political and economic ties with the U.S.

14. Unlike national security and short supply controls, foreign policy controls are not covered by any of the exemptions in Articles XX or XXI of the GATT. Therefore, in respect of any measures taken under the Export Administration Act for foreign policy reasons, which have the effect of limiting Community trade, the position and rights under the GATT are strictly reserved.

15. It is not justifiable nor acceptable that Section 6 of the Export Administration Act be used to impose U.S. law and policy on other friendly countries which will have their own policy views and will wish to take their own decisions on what restrictions, if any, can be imposed on trade with Third Countries.

16. The correct course to follow in cases where the U.S. Government considers it necessary for controls to be applied outside its territory for reasons of national security or foreign policy, is to seek a consensus with its trading partners on the trade controls to be adopted and not to try to extend controls unilaterally to Community companies through the objectionable legal techniques discussed.

17. If the unacceptable practices referred to above continue, it may be necessary to consider means by which the effects on persons doing business in the Community of the extraterritorial application of U.S. export controls might be countered.

18. Conclusions:

The extraterritorial aspects of U.S. law and practice in the export control field are contrary to international law and it is in the interest of both parties that disputes over U.S. export controls should be avoided in the future. As we have seen on the occasion of the pipeline dispute, considerable political disruption and commercial damage can ensue. Such disputes should be avoided and the U.S. Administration is, therefore, urged to take such measures as are necessary to secure the amendment of the Export Administration Act at least in the following respects:

(1) The terms of the Act should make it clear that companies incorporated and having their registered offices in the Community are not to be regarded as being within U.S. jurisdiction by reason of the fact that they are owned or "controlled in fact" by U.S. citizens or companies incorporated in the U.S.

That the words "any goods, technology or other information within the jurisdiction of the United States" must be interpreted as excluding any goods, technology or other information located outside the United States regardless of its origin.

(2) The authority to impose controls for the furtherance of U.S. foreign policy should be reconsidered and if this power is retained it should be limited so that controls cannot affect companies incorporated and having their registered office in the Community.

With respect to the administrative practice followed under the Export Administration Act, it is strongly urged that the U.S. Administration modifies the text of the new Export Administration Bill along the above-mentioned lines.

WASHINGTON, D.C., *March 14, 1983.*●

MORAL IMPLICATIONS OF NUCLEAR ARMS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. VENTO. Mr. Speaker, during consideration of the nuclear freeze resolution, a focus of the debate has focused on the moral implications of President Reagan's nuclear arms buildup.

I believe that my colleagues would benefit from the statements of Bishop Thomas J. Gumbleton on this serious issue. Bishop Gumbleton eloquently lays out the moral imperative for a change in the direction of the administration's nuclear weapons and the vital importance of positive steps such as a nuclear freeze.

Mr. Speaker, Bishop Gumbleton's statements are relevant to today's debate and I hope that my colleagues will carefully consider his statements. At this time I would like to draw my colleagues attention to some relevant portions of a more lengthy statement Bishop Gumbleton, auxiliary bishop of Detroit, Mich., made February 11 in St. Paul, Minn.

THE MORAL IMPLICATIONS OF NUCLEAR ARMS

At the meeting of the American Catholic Bishops this past November, our National Meeting, Archbishop John Roach, the Archbishop of St. Paul-Minneapolis, spoke to all of the Bishops as the President of our conference and in his presidential address he made this statement, "On a global scale, the most dangerous, moral issue in the public order today is the nuclear arms race. The Church in the United States has a special responsibility to address this question." A responsibility underscored by Pope John Paul in his remarks at the White House in 1979.

Arnold Toynbee some time ago made the statement that we are now entering into an era of human history when the choice before us is no longer a choice between one world and a shredded up world, but a choice between one world and no world. Never before in history of human kind have we had the capacity, truly, to destroy the whole world as we know it. To destroy the human species. But that is within our capacity now. So obviously then this is the most dangerous issue in the public order today.

But what I would like to emphasize is that, it is also—and to me this is even more important—the most dangerous moral issue. And I emphasize moral because what I think is happening to us now, not in some future time that we fear when war might break out, but right now, is that we are destroying ourselves because of the evil moral choices that we are making as individuals and as a people.

This was brought home to me in a very clear way about three weeks ago when I met as part of an ad hoc committee of the American Bishops established to prepare a pastoral letter for the American Bishops on the question of war and peace. This Committee was established a year ago November by the National Conference of Bishops and we have really just begun our work during the last six months or so and now we are into it in a very intensive way. And it was about three weeks ago that we met with various people who are providing us with all the information that we need from every point of view concerning this question. That particular day we were meeting with people from the defense establishment of the United States.

What these people told us at that committee hearing highlighted for me the terrible moral dilemma that faces us as well as the terrible physical danger we face. Because each of them said clearly and explicitly without reservation that it is the public policy of the United States to use nuclear arms first. We have a commitment as a nation to use these weapons and to use them first. This is tactical nuclear weapons on a battlefield, theater nuclear weapons in a theater such as Europe, or strategic nuclear weapons, the kind that can go from one continent to another and destroy whole cities.

When Pope John Paul issued his peace day statement of 1980, entitled, "Truth, the Power of Peace," he said this, "Restoring peace means in the first place calling by their proper name acts of violence in all forms. Murder must be called by its proper name. Murder is murder. Political or ideological motives do not change its nature, but on the contrary are degraded by it. The massacre of men and women, whatever their race, age or position must be called by its proper name. It is murder."

Obviously, as we begin to reflect upon this, each of us would say, well, what can I do, what must I do?

First, the primary moral imperative for us is to prevent any use of nuclear weapons under any conditions. To me that means that we must repudiate the doctrine that calls for us to use these weapons first.

That secondly then we must become involved in whatever way we can in the effort toward disarmament—first to the limitation of nuclear weapons and then to the ultimate

elimination of such weapons from the Earth.

Pope John Paul, when he was at Hiroshima last February, said that our future on this planet exposed as it is to nuclear annihilation depends upon one single factor—humanity must make a moral about face. And I think that that is the most important thing that each of us can begin to do; to make a moral about face.●

AGRICULTURAL EXPORT EXPANSION ACT OF 1983

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. TALLON. Mr. Speaker, today I am introducing legislation entitled the Agricultural Export Expansion Act of 1983.

This legislation has two purposes. First, Congress must take decisive action to induce other nations to curtail their use of export subsidies in agricultural trade. Second, we must use every appropriate means at our disposal to encourage and expand the export volume and value of agricultural commodities and products.

Foreign export subsidies undermine the price-comparative advantage of U.S. agricultural commodity and product exports. Congress must undertake unilateral actions to accomplish this goal so as to discourage the further spread of predatory trade practices. Our failure to do this will not only result in the undermining of the world trading system but will also result in permanent reduction of the agricultural production capacity of the United States as U.S. export sales are replaced by subsidized sales from other countries.

With regard to the second objective, the value of U.S. agricultural exports in fiscal year 1982 was $39 billion, a decline of almost $5 billion from the 1981 level. This represents the first year-to-year decline in this export figure in more than a decade. In the current year, USDA is projecting a further decline to $37 billion. We must undertake every practical effort to encourage as much agricultural export trade as is competitively possible. Every billion dollars of agricultural export means 35,000 jobs for Americans.

While we may never have a completely free trading system in the world, it is realistic to expect free trade to be a guiding principle for all nations. Indeed, freedom and fairness in trade have been the hallmark of U.S. trade policy for some 35 years.

However, for a number of years the agricultural sector of our economy has had to suffer the increasingly unfair trading practices of competitor nations, such as the excessive use of export subsidies by the European Economic Community and other nations.

Last November, a number of Senators and Congressmen attended the ministerial meeting of the General Agreement on Tariffs and Trade (GATT) in Geneva. This legislation comes as a result of noncompetitive and predatory trading practices employed by other nations, as well as their lack of interest to change or even discuss these practices.

The message we must forcefully state is that we intend to stand up for our interests. This legislation is a reasonable but decisive effort to induce those who are placing free and fair world trade in jeopardy to come to the bargaining table.

While minor progress with the Europeans has perhaps been made through recent meetings, it will be short lived if we do not continue to move decisively. Legislation mandating a number of specific unilateral actions on the part of the United States is needed to keep the momentum going and convince our trading partners that we mean business.

The bill has a number of distinct but mutually consistent features, and encompasses ideas and proposals that have been discussed in agricultural trading circles for quite some time. The bill strengthens authority for the Secretary of Agriculture to provide assistance for U.S. agricultural exports. Other sections require the direct sale of Government-owned dairy products on the world market and broaden the Secretary of Agriculture's authority to donate agricultural commodities abroad for humanitarian purposes. Selling Government dairy stocks is an idea long touted by dairymen, and it is an idea whose time has arrived. Then, there is authority for an export PIK program—a payment-in-kind utilization of Commodity Credit Corporation owned stocks for an export bonus plan.

If the EEC and other nations that employ predatory export subsidies will not discipline their export trading practices either through their own good judgment or through the unilateral actions we must take in the absence of the exercise of such good judgment, there is no question that trade relations between the United States and those countries will deteriorate to such a degree that it will have long-term consequences that could adversely affect the world economy and world security.

This must be avoided, and so we must take measures to induce those who have abused free and fair trade to come to the bargaining table. We must insist upon an effective and meaningful work program to set in motion policies that will restore equity to agricultural exports. We will not be taken seriously about it unless we demonstrate a willingness to employ measures that will get our trading partners to the negotiating table. They have heard enough of our complaints. Now is the time to deliver, and that very simply means Congress must mandate certain specific actions, patterned after our competitors' own practices, that the EEC and others who use export subsidies will find painful and that will help our producers by increasing our exports.

Clearly, there are certain commodities and countries where the use of export subsidies is unmistakable, and an immediate response is called for. The actions mandated by this bill are examples. Beyond that, however, we need comprehensive information on which countries are using various types of export subsidies, and where it is occurring.

This legislation will do both. It provides for action where there is immediate need, and it also provides for compiling more information so that any further actions which become necessary may be appropriately focused.

Several of the specific provisions of the bill include the following. The export PIK program insures that agricultural commodities and products acquired by the CCC may be tendered at no or only nominal cost to exporters, users, and foreign purchasers to encourage foreign market development for U.S. commodities under the export PIK program. This provision assumes that CCC commodities must be used to encourage increased use and avoid displacing usual marketings of the United States, and reasonable precaution must be taken to prevent resale or transshipment of commodities. All interested foreign purchasers are to be considered for participation, with priority given to those who have traditionally purchased U.S. agricultural commodities and who continue to make such purchases in excess of purchases during a recent historical period. Also, domestic users must be provided equal treatment relative to foreign purchasers and users in cases where domestic users may be disadvantaged as a result of the program, and bonus distribution of commodities may be made to foreign purchasers who sell the commodities in the importing country and use the proceeds for the construction and rehabilitation of facilities in the importing country to improve the marketing, storage, or distribution of U.S. agricultural commodities in the importing country.

Section 416 expands current authority (to donate stocks of dairy products to needy persons in foreign countries) to include donations of other CCC agricultural commodities and products.

Public Law 480 program authorizes the use of CCC-owned commodities under titles I and III of Public Law 480 in addition to the programed levels carried in the annual USDA budget.

Surplus dairy product sales requires the Secretary of Agriculture to sell for export Commodity Credit Corporation stocks of at least 150,000 metric tons in each of the fiscal years 1983-85. Such sales would have to be made above the minimum prices established in the Dairy Arrangement Agreement.

The poultry export program authorizes the Secretary of Agriculture to make available surplus corn and soybeans to poultry producers at less than the mandated release price for the purpose of increasing poultry export sales. The Secretary would be required to establish rules and procedures which would insure that corn and soybeans made available under this provision go only to feed birds which would lead to an increase in the producer's foreign sales. This could be done by releasing the CCC corn and soybeans only upon presentation by the producers of a valid export contract above his normal export sales.

A report on export subsidies would require the Secretary of Agriculture to report to the House and Senate Agriculture Committees by September 1, 1983 on the use of predatory export subsidies by foreign countries competing in world agricultural trade with the United States.

A report on long-term agreement negotiations would require the President to submit to Congress no later than June 1, 1983 a written report describing his actions and intentions with respect to the negotiations of a long-term grain sales agreement with the Soviet Union. A report on bilateral agreements would require the Secretary of Agriculture to submit to the Congress no later than September 1, 1983, a report describing the growth of and prospects for bilateral agricultural trade agreements worldwide.●

THE FLAWS IN THE CHINA CARD

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. CLINGER. Mr. Speaker, I submit for my colleagues' perusal a most thought provoking article on United States-China relations. The author, Dr. Parris Chang, professor of political science and chairman of Asian-area studies at Pennsylvania State University, addresses the tenuous nature of Sino-Soviet-United States relations and the need for the United States to build a strong relationship with those two superpowers.

In reading this article, I urge my colleagues to recognize China's need to maintain stable diplomatic relations with both the United States and the Soviet Union, especially in the context of the arms control negotiations and the nuclear freeze debate.

THE FLAWS IN THE CHINA CARD

(By Parris Chang)

To the great surprise of no one, Secretary of State George Shultz's recent visit to Peking failed to generate any significant breakthroughs. Despite all the smiles and friendly greetings, the Chinese press made its leaders' unstated opinion clear: although the Shultz mission helped Sino-U.S. relations "to some extent," longstanding differences remain. What are those differences? How fundamental are they to either side's position? And what can be done to resolve them? The answers to such questions are crucial to establishing what is possible in relations between Washington and Peking over the coming decade.

Taiwan is usually named as the principal bilateral sticking point—but in fact, the dispute over U.S. support for the Nationalists is as much a symptom as a cause of differences between the two sides. The post-1972 U.S.-China rapprochement was not a marriage made in heaven, but one of strategic convenience. Then—as now—agreement on the Soviet threat was its principal motivating force. But such an arrangement has built-in flaws: based on mutual interests rather than mutual trust, it does nothing to encourage reciprocal understanding of each side's priorities and problems.

CHERISHED IMAGE

China has its reasons for avoiding too close a relationship with the United States—especially one giving the impression of an alliance, either formal or de facto. The proud Chinese leadership can have little interest in what would inevitably be viewed at the lesser role in such a partnership. Nor would open strategic ties with what communist nations have long regarded as the archimperialist superpower help Peking's much-cherished image as a leader of the struggling Third World. And because Moscow would almost certainly attempt to counter such a move, the Chinese have legitimate reason to fear being caught in the rhetorical cross fire between Washington and Moscow.

Washington's loose talk of "playing the China Card" has also hurt Sino-U.S. relations. Such overtly manipulative statements can hardly be shrugged off in Peking—where officials have repeatedly expressed their disaffection with U.S. attempts "to stand on China's shoulders to strike at the Soviet Union." Similarly, former Secretary of State Alexander Haig's much-touted offer of limited U.S. arms sales to China was instantly—and correctly—seen as a transparent effort to mollify Peking while continuing support for Taiwan. The Chinese have retaliated by pressing Washington for a complete cutoff of arms to Taipei or, more recently, by grandstanding to the Third World with renewed rhetorical assualts on U.S. "hegemonism." The net result of both sides' short-term bickering has been to undermine much of the truly mutual good will built up in the early years of Sino-U.S. rapprochement.

That uneasy climate has already triggered a potentially more serious development: exaggerated U.S. alarm over signs of warming relations between Peking and Moscow. Already, the slowly advancing pace of Sino-Soviet contacts—including renewed high-level talks this week—has spurred suggestions that Washington should somehow try to "entice" the Chinese away from the Russians with promises of arms or military technology. But any such offer is almost certain to be rebuffed—and rightly so. China's leaders know too well where their "larger interests" lie, and if lowered tensions with Moscow are deemed a major policy goal, no amount of U.S. "bribery" is likely to forestall it.

FLEXIBILITY

In the past, Sino-Soviet relations have advanced—or declined—independent of any third-party manipulation. They will continue to do so in the future. The Chinese have no choice but to view Moscow as the principal threat to their security. Still, while there may be some sort of rapproachement in the offing, chances are it will prove very limited. China's goal is greater leverage and flexibility with both superpowers, an aim that implies a fluid independence of policy—not, as U.S. officials fear, "equidistance" from Washington and Moscow alike.

The obvious conclusion for U.S. policymakers should be to develop relations with the Chinese on their own merits. China should be viewed as a developing country striving to improve the livelihood of its 1 billion people. Regardless of Peking potential value as a counterweight to the Soviets, the United States has a major stake in China's economic modernization and political stability. Washington could greatly assist that devlopment by relaxing export controls on U.S. high technology. American officials must also resist domestic pressures for protectionist tariffs and quotas that would deny the Chinese access to U.S. markets. And Washington should place greater emphasis on the academic "open door" that gives a new generation of Chinese scientists, engineers and managers exposure to the best the West can offer.

But Peking will have to give as well—and the first order of business is to stop haranguing Washington over Taiwan. In the joint communiqué announced last August, the Reagan administration went about as far as it could in accommodating Chinese sensitivities. Reagan has already abandoned his campaign pledge to upgrade U.S. relations with Taipei and has gone beyond his three predecessors in giving a blessing to Peking's proposal for peaceful reunification of Taiwan and the mainland.

In more practical terms, Peking must begin to understand the ways in which its frequent policy shifts and its torpid bureaucracy discourage American investors. China's leaders should also realize that the stringent restrictions they place on American scholars and scientists visiting China have already begun to undermine support for reciprocal exchange programs in U.S. congressional and academic circles. Finally, Peking must recognize that indiscriminately equating American and Soviet "hegemonism" is unfair and counterproductive. To assert independence in foreign policy is not the same as to engage in demagogy. It is high time for the Peking leadership to cool its rhetoric, show statemanship and take visible steps to advance relations on both sides.●

THE U.S.S.R. HOLDS A GUN TO EUROPE'S HEAD

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. McDONALD. Mr. Speaker, as this body debates the so-called freeze

resolution today, it becomes even more apparent that the Soviet Union is not interested in an arms agreement of any kind except on its terms. As Josef Joffe points out in the Wall Street Journal today, Wednesday, April 13, 1983, its terms include keeping 750 SS-20 missiles pointed at Europe's throat. I commend this item to the attention of my colleagues because no freeze resolution makes sense if the Soviet Union is allowed to retain such advantages.

[From the Wall Street Journal, Apr. 13, 1983]

THE U.S.S.R. HOLDS A GUN TO EUROPE'S HEAD

(By Josef Joffe)

The Geneva arms talks on reducing intermediate-range missiles in Europe are turning into a farce. As the U.S. hastens to demonstrate pliancy by successively softening its stance, the Soviet Union moves to shore up its position of rock-like immobility.

Moscow has ridiculed President Reagan's "zero-option" proposal (for no missiles on either side), and it has scorned the President's recent "interim solution" as "absurd." That offer, made in response to allied prodding, no longer bids the Soviet Union to scrap all of its SS-20s. It foresees equal "ceilings" on some deployment as a first step toward the ultimate goal of zero missiles on both sides.

"I believe that the Soviet Union intends to stonewall the situation," says Paul H. Nitze, Washington's chief negotiator in Geneva. That may be the diplomat's polite way of describing a far more serious problem. What Moscow seems to be signaling to the West is contempt for the very foundation of all arms control: the principle of equal rights.

The Soviet Union is playing for much higher stakes than mere numbers, let alone a real balance. Alas, the Kremlin's idea of "zero" is "half-zero": no *American* missiles in Europe for minimal Soviet concessions.

By darkly threatening counter-measures, as Foreign Minister Gromyko did earlier this month, to "defend its legitimate interests" (a sequel to the Cuban missile crisis?), Moscow is actually telling the U.S.: You have no right to extend nuclear deterrence on behalf of your European allies.

Such a claim, if ever codified into treaty language, would undo diplomacy's most sacred precept—the principle of reciprocity and equal rights—and would also yield to the Soviets an unacceptable veto power over the common defense of the West. The entire postwar order in Europe rests on America's commitment to unsheath its nuclear sword for the sake of its allies. That foundation will surely crumble (and crumble fast) once the Soviets are allowed to determine the means by which the U.S. upholds its security guarantee for Western Europe.

By now, at least 750 SS-20 warheads are arrayed against Europe, adding up to a lavish first-strike potential. They are numerous and accurate enough to obliterate all of NATO's worthwhile military targets (including air bases, ports and nuclear weapons depots). Nor does this force have to be used to drive home its political message. It is enough to hold NATO's defenses hostage to a nuclear strike. To put it in strategic terms, the Soviets have amassed a counter-deterrence panoply which intimidates by its sheer existence.

Another political message cuts even closer to the bone. Unable to reach American targets, these SS-20s are like a gun held against only Europe's head. They concentrate the allies' minds wonderfully on the worst of their obsessions: the "decoupling" of their security from that of the U.S. And thus they advance a historic Soviet objective: to sow doubts about the solidity of America's security pledge as the first—and decisive—step toward the rupturing of the Atlantic compact.

SS-20s, then, are political weapons, first and foremost—a fact that persistently escapes those op-ed strategists who harp on the military "irrelevance" of Euromissiles. Casting a separate shadow over Western Europe, the Soviet SS-20 buildup dramatizes Europe's special fate as hostage to Soviet power. If these missiles go unchallenged, the Alliance won't flourish. Uncertain protection can only breed uncertain allegiance.

This is precisely why the Soviets keep raising the ante against American counter-deployment. They are dead-set against an arms deal which might enshrine equality because such an agreement will inevitably rob them of their quasi-imperial advantage over Europe.

Ironically, the Soviets acquired that advantage through a fit of American absent-mindedness. For until the late 1960s, the U.S. did have various nuclear systems in Europe (and North Africa) capable of striking the Soviet Union: B-47 bombers, Jupiter and Thor rockets, finally the Mace B cruise missile stationed in Germany until 1968. It is therefore not true, as the Kremlin would have us believe, that cruise and Pershing II missiles would suddenly pose a revolutionary, Cuba-like threat to the Russian homeland.

What is true, however, is that the withdrawal of these nuclear systems ("a mistake," according to former Chancellor Helmut Schmidt) has clearly undercut the raison d'etre of those Soviet weapons originally targeted against America's Europe-based threat. From a strictly military rationale, the Soviet SS-4 and SS-5, let alone the hydra-headed SS-20, have become a historical atavism, an objectless luxury. Since the Soviet Union has long been able to strike at American strategic forces directly, these weapons make sense only as a political investment—as silent symbols of a favorable "correlation of forces" in Europe.

In rejecting President Reagan's claim for equality, the Soviets keep pointing at the 162 missiles in the French and British arsenal which they should have the right to match. That is a red herring, and a smelly one to boot. It was first plunked down on the negotiating table 14 years ago. Since then, the Soviets have managed to sell it no less than three times for American concessions in SALT.

In the first SALT treaty (1972), Moscow was allowed some 500 extra launchers—more than enough to compensate for the puny nuclear forces then in possession of the French and the British. In the Vladivostok Agreement (1974), the U.S. and the Soviet Union did agree on equal numbers on either side. Yet again, Washington threw in a generous measure of (tacit) compensation by making it quite clear that the American force would stay well below the common ceiling of 2,400 strategic systems.

In SALT II (1979), there were again equal limits for both the U.S. and the Soviet Union, but for the third time Moscow exacted a tacit bonus for the Franco-British potential. "There were a lot of things we did not press," says former SALT negotiator William Hyland, "and in exchange, the Soviets did not press their demands on our forward-based systems and the Franco-British missiles."

In short, the Soviet compensation claim is disingenuous. They cannot have it both ways. They cannot enter the Franco-British forces into the global SALT tally and then turn around to have them counted, for the fourth time, in the European balance. And the Soviets know of course that the French and British deterrents cannot accomplish what only American weapons can visibly guarantee: the security of America's non-nuclear allies.

The sad fact is that the Soviet Union does not want to lose the quasi-imperial advantage it has labored so long and hard to achieve. The Soviets do not want equality but what the French call droit de regard—a veto power—over NATO's defense choices. They want to be more than equal than others in the search for equal security, and that does not bode well for the arms control talks in Geneva.

(Mr. Joffe is writing a book on European-American relations at the Woodrow Wilson International Center for Scholars in Washington.)●

THE BANKRUPTCY COURT AND FEDERAL JUDGESHIP ACT OF 1983

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RODINO. Mr. Speaker, I would like to bring to the attention of my colleagues a letter written to me by Profs. Vern Countryman, Frank Kennedy, and Lawrence King, concerning legislative solutions to the crisis facing the bankruptcy courts.

APRIL 12, 1983.

Re: S. 1013: The Bankruptcy Court and Federal Judgeship Act of 1983

Hon. PETER W. RODINO,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for an analysis of the provisions in S. 1013, The Bankruptcy Court and Federal Judgeship Act of 1983, concerning the status of the bankruptcy courts.

On June 28, 1982 the Supreme Court decided the case of *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.* (hereinafter *"Northern Pipeline"*) —— U.S. ——, 102 S. Ct. 2858 (1982) ruling that 28 U.S.C. § 1471 was unconstitutional. That case involved an action for damages for breach of contract brought by Marathon, a debtor in possession under chapter 11 of the 1978 Bankruptcy Code. A majority of the Supreme Court, consisting of a plurality of four Justices and a concurrence of two other Justices, held the jurisdictional grant to bankruptcy courts in 28 U.S.C. § 1471 to be unconstitutional because those courts were established by Congress under Article I of the Constitution rather than Article III. Because the majority felt the jurisdictional grant was nonseverable, the Court did not attempt to delineate what matters could be

adjudicated by Article I courts and what ones were reserved to Article III courts; accordingly, how much of § 1471 is unconstitutional remains unclear.

28 U.S.C. § 1471 was enacted in response to the unanimous criticism leveled against the system that had developed under the Bankruptcy Act of 1898. Pursuant to that Act, the bankruptcy courts, consisting of the district courts (Article III) and bankruptcy referees, later judges (Article I), had a bifurcated jurisdiction. They were able to adjudicate disputes if either the property in dispute was in the actual or constructive possession of the bankruptcy court, or the parties consented. This part was called "summary" jurisdiction. Absent either element, the bankruptcy trustee commencing the lawsuit had to bring a "plenary" action; that is, he was required to sue in a nonbankruptcy forum, which would be either the appropriate state court or federal district court if diversity of citizenship or a federal question was present.

While the bifurcated system is relatively simple to state, it was difficult to apply. In proceeding after proceeding, time, energy, and money were wasted through the need to litigate the issue of proper jurisdiction in the trial and appellate courts before the appropriate court could resolve the dispute on the merits.

This feature of the former Act was considered by all to be one of its most serious defects requiring Congressional cure. The Commission on the Bankruptcy Laws of the United States (a Congressional commission which included federal district judges), the American Bankers Association, the National Bankruptcy Conference, the National Commercial Finance Conference, the Commercial Law League, the Department of Justice, and the Judicial Conference of the United States all recommended that jurisdiction rest in a single court; that is, a bankruptcy court should be able to resolve all disputes arising in or related to bankruptcy cases. The only dispute was as to the type of court. The Judicial Conference argued for an Article I court, the Senate accepted that argument, a compromise with the House was reached, and the Bankruptcy Reform Act of 1978 established the bankruptcy courts as Article I courts with the judges thereof appointed by the President with the advice and consent of the Senate for a term of 14 years. (28 U.S.C. §§ 152,153.)

In Northern Pipeline, the Supreme Court has now concluded that to exercise the jurisdiction conferred by 28 U.S.C. § 1471 these judges must be appointed for life and their salary may not be reduced (Article III of the Constitution).

The House Judiciary Committee has approved H.R. 3 to comply with the Supreme Court's holding and mandate and to continue the policy decision with respect to jurisdiction reached by the earlier Congress. H.R. 3 establishes the bankruptcy court as an Article III court.

The Senate Judiciary Committee has approved S. 1013, the "Thurmond-Heflin" bill which continues the bankruptcy court as an Article I court. That bill proposes the following:

1. Jurisdiction would be vested in the district courts (Article III courts).

2. The bankruptcy courts (Article I courts) shall exercise the district court's jurisdiction unless the case is recalled to the district judge on motion of the district judge, bankruptcy judge or a party.

If a party does not request such a recall in the first pleading it files in the case, the party is deemed to consent to the bankruptcy court's exercise of jurisdiction.

How does S. 1013 differ from the jurisdictional grant the Supreme Court found objectionable in Northern Pipeline?

1. In § 1471 as enacted, the district court had no power of recall. The jurisdiction granted it could be exercised only by the bankruptcy court. But the Court did not hold the lack of authority to act in the district court constitutionally invalid; it only held the grant of authority for the bankruptcy court to act to be invalid. S. 1013 grants similar authority to the bankruptcy court and it is, therefore, likewise presumptively invalid.

2. Section 1471 as enacted did not base the bankruptcy court's jurisdiction on consent of the party, but S. 1013 does. If the jurisdictional grant is constitutionally invalid, consent is irrelevant; it cannot cure such a legal infirmity. It is black letter law that lack of subject matter jurisdiction is an objection that cannot be waived by the parties and cannot be consented to by the parties. As a matter of fact, the court, including an appellate court, can and should raise such an objection on its own volition at any stage of the proceeding. In other words, it is an incurable infirmity. One example of lack of subject matter jurisdiction is the exercise of jurisdiction by an Article I court over matters reserved by the Constitution to Article III courts as interpreted by the Supreme Court.

The Supreme Court has not expressed what matters may and may not be heard by Article I courts. It would be impracticable if not impossible for Congress to do so. But S. 1013 does not purport even to limit the jurisdictional grant to the bankruptcy court. It appears to carry forward a system the Court has already found to be unconstitutional.

The Senate bill may also be looked upon as reverting to the system as it existed under the Bankruptcy Act of 1898. By such a comparison one could conclude that S. 1013 permits the bankruptcy court to adjudicate disputes by consent of the parties. The dissenting opinion of Justices White, Powell and Burger indicated that § 1471 should be upheld because it was relatively so little different from the system as it had existed before the 1978 Act. However, in footnote 31 of the plurality opinion, Justice Brennan stated that the former system (exercise of summary jurisdiction by consent) had never been approved by the Supreme Court. He thus called into question the very constitutional validity of the judicial system as it had developed over 80 years under the Bankruptcy Act of 1898. For Congress now to revert to that system in any guise whatsoever would be a disservice to the bench, the bar and the litigants. It would be a tremendous disservice to all those involved in attempted business reorganizations under Chapter 11 of the Bankruptcy Code, including employees, suppliers, and customers, not to mention secured and unsecured creditors, public debenture holders and shareholders and governmental agencies.

It should also be recognized that the 95th Congress approved a court composed of judges appointed for 14-year terms. The average tenure of a federal district judge appointed for life is 15 years. The entire dispute, which is exclusively political, revolves, in reality, around one year. It would be unconscionable for the Congress to cause continued uncertainty in the law and require additional litigation through the federal judicial system ultimately to the Supreme Court for such a minor, even de minimus, difference in substance.

The clear, clean and dispositive solution to the problem is to permit the bankruptcy court to be an Article III court. All that requires is for the judges to be tenured and their salaries to be irreducible while in office.

S. 1013 is of such questionable constitutionality as to be unworthy of passage. It additionally would establish an inefficient and time-consuming system for adjudicating disputes that would prove to be unwarrantably expensive to the litigants as is more fully discussed below. For this reason as well, it should not be enacted.

For decades and more, enactment of the bill would generate time-consuming and costly litigation to determine the meanings and implications of the jurisdictional grants and limitations on them.

(1) Instead of the pervasive grant to the bankruptcy court proposed in H.R. 3, S. 1013 would invite and thus assure challenges to the imposition of implied consent to suits being tried in the bankruptcy court. No authoritative precedent or doctrine establishes that the right to have a claim of a kind specified in Article III adjudicated by an Article III judge can be cut off involuntarily by an implied waiver based on a procedural misstep at the commencement of the litigation.

(2) There would be litigation as to the scope of the implied consent. Would it extend to litigation by the trustee instituted under § 544(b), invoking the rights of a creditor by relying on the extended measure of recovery permitted by *Moore* v. *Bay*, 284 U.S. 4 (1931)? Litigation by the trustee instituted under § 544(a), invoking the rights of a hypothetical lien creditor or a bona fide purchaser? Litigation to enforce a claim of the debtor that has been extended pursuant to § 108? Litigation between the trustee and the debtor as to the validity of a claim for exemption under § 522(b)(2)? Litigation instituted by a debtor pursuant to § 522(h) to avoid a transfer under § 544(b)?

(3) There would be litigation challenging the district court's refusal to recall a proceeding notwithstanding a timely motion. There are no standards prescribed for the exercise of discretion when the proceeding does not come within proposed § 1471(e)(2). There would be litigation as to the scope of proceedings involving claims not arising under title 11, which must be recalled on a request by a party or judge. And there would be litigation on the scope of proceedings, which must be recalled when "the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce." Indeed, the breadth of these provisions and the uncertainties they suggest are so great that every motion for recall seems likely to generate litigation to determine whether recall is mandatory.

(4) There would be litigation challenging the validity of designating a bankruptcy judge or magistrate to serve as a special master or referring a case or proceeding to a magistrate, as authorized in proposed section 1471(d) of title 28. If the case or proceeding is similar to that involved in *Northern Pipeline Construction Co.* v. *Marathon pipe Line Co.*, it is not apparent how the designation or reference would differ in any constitutionally significant way from the grant of jurisdiction to the bankruptcy court found unconstitutional in the Northern Pipeline case.

An undesirable consequence of enacting a statutory arrangement presenting so many grounds of constitutional challenge and so many issues of statutory interpretation is that it would frustrate for years efforts to achieve expeditious administration of reorganization and liquidation cases. The delay would tend to benefit defendants resisting trustees' efforts to collect estates and impede debtors' efforts to obtain relief granted by the Code. The statutory scheme thus would provide some interested parties incentives for litigation. Predictable consequences would include reduced distributions to creditors and a higher rate of conversion of reorganization and rehabilitation cases into liquidation cases because of excessive costs and delays.

The advantages that could be gained by a litigant who interposes jurisdictional and procedural objections would not be the only factor causing delay. The uncertainties respecting the constitutional authority of bankruptcy judges that stem from the opinions in the Northern Pipeline case, and would not be settled by S. 1013, would impel counsel for purchasers of estate assets, lenders of money and extenders of credit to debtors, investors in enterprises undergoing reorganization, and participants in negotiations to settle disputes to insist on orders and judgments bearing the imprimatur of the district judges. Concern for potential liability for malpractice as well as the necessity for furnishing assurances demanded by potential buyers, lenders, and investors would dictate resort by counsel to review and recall procedures to obtain greater certainty and finality. This increased workload could only lead to delays and other adverse consequences affecting all of the judicial business of the federal courts at all levels. The predictable result would be the involvement of the district judges in far more orders and determinations than would be required under the system envisioned by H.R. 3 and that was established by the Bankruptcy Act and the Bankruptcy Reform Act.

A regrettable consequence of the establishment of the system envisioned by S. 1013 rather than that proposed in H.R. 3 would be the loss of the advantages that would accrue to bankruptcy administration from conferring the constitutional protections of Article III on the bankruptcy judges. S. 1013 contemplates that the bankruptcy judges would carry the main burden of decision-making in the bankruptcy system. The mandate of Northern Pipeline was that this responsibility should be given to Article III judges. S. 1013 would provide formal arrangements that leave the responsibility with the bankruptcy judges but provide an Article III patina in the form of a grant of authority to the district judges to recall references of cases and proceedings and to retain or redelegate them.

It is a travesty to suggest that S. 1013 represents a rational response to the constitutional concerns expressed by the majority of the Supreme Court in Northern Pipeline. Enactment of S. 1013 would represent an abandonment of the effort embodied in the report of the Commission on the Bankruptcy Laws and the Bankruptcy Reform Act of 1978 to elevate the status of the bankruptcy judges to one commensurate with their responsibilities. In denying to the bankruptcy judges the authority of Article III judges, S. 1013 is a repudiation of Northern Pipeline.

Respectfully submitted,

VERN COUNTRYMAN,
Professor of Law, Harvard Law School, Cambridge, Mass.

FRANK R. KENNEDY,
Thomas M. Cooley Professor of Law, University of Michigan Law School, Ann Arbor, Mich.

LAWRENCE P. KING,
Charles Seligson Professor of Law, New York University School of Law, New York, N.Y.●

UNION PRESIDENT KINSORA ACTIVE IN STATE CITIZENSHIP

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. FLORIO. Mr. Speaker, despite ideological opposition from the administration, a growing number of us in the House are recognizing the need for the development of a partnership between government, industry, the academic community, and labor.

One leader of organized labor in New Jersey who is being honored on April 23 provides us with an excellent example of the basic reasons why we must foster this partnership.

Sam Kinsora of Wayne, N.J., has served as president of the Retail Store Employees Union Local 1262, the largest in the State, for the past 16 years. By all standards, Mr. Kinsora has been a successful leader of this union's members.

But I am happy to note that his leadership abilities, concern, and knowledge have not been restricted to his union activities.

Mr. Kinsora has served on many special government advisory committees and task forces established to solve serious statewide problems. Most recently, he served as a member of a special task force on unemployment.

In another recent role addressing a State problem, he was responsible for developing a plan of action that not only met New Jersey's energy conservation needs, but also provided ways for preserving the jobs of thousands of his union's members and many other workers in industry throughout the State.

Without Sam's cooperative spirit and his willingness to get involved with solving problems that our State has faced, this type of equitable solution probably would not have occurred.

Sam Kinsora should serve as an example of what is possible when a partnership exists between labor and government. This is a partnership that all levels of government must strive for and nurture.

I ask that the House join me in recognizing Mr. Sam Kinsora for his efforts and accomplishments in many different areas, but especially for his work as a partner with government.

Thank you.●

MICA AMENDMENT ON HAITI

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MICA. Mr. Speaker, today I am reintroducing legislation designed to promote the economic development of the Haitian people and to stem the illegal migration from Haiti to the United States. Also, this legislation should help to create a more orderly immigration process.

As my colleagues will recall, the flow of illegal Haitian migrants to south Florida during the period from April 1980 to January 1982 was over 13,000. Additionally, at least that number entered the country clandestinely. According to the State Department Cuban-Haitian Task Force, the cost to the Federal Government was a staggering $15.5 million for that period. This comes to $4,200 per individual and does not include State and local government expenditures which are not reimbursed. Coinciding with this was the massive Cuban refugee boat lift from Mariel Bay.

The State Department and the Immigration and Naturalization Service determined that the vast majority of the Haitian migrants had left Haiti for economic reasons. Moreover, a Foreign Affairs Committee staff team reported that many of the migrants had paid relatively large fees for their transportation to a sophisticated, well-financed illegal network of boatowners operating out of Haiti, the Bahamas and the United States.

In order to address this problem at the source, I was joined by the gentleman from Florida, Mr. FASCELL, in adding an amendment to the fiscal year 1982 foreign assistance authorization bill linking the expenditure of U.S. foreign aid funds to the Haitian Government with its cooperation in halting illegal migration to the United States, in implementing U.S. aid programs, and in protecting the basic human rights of its citizenry.

As a result of this amendment, close congressional scrutiny, and the United States-Haitian illegal migrant interdiction agreement, the flow of illegal migrants to the United States from Haiti has been reduced to a trickle.

This bill essentially restates and updates the original amendment with respect to foreign aid expenditures to Haiti in fiscal years 1984 and 1985.

Mr. Speaker, I am again pleased to be joined by a number of my colleagues in this constructive effort to work with the Haitian Government in those areas which will bring economic development to that country and to give the Haitian people a better life in their own country.

Attached is the text of the legislation.

H.R. 2539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) it is the sense of the Congress that for each of the fiscal years 1984 and 1985—

(A) up to $24,000,000 of the funds available to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, and

(B) up to $10,000,000 of the funds available to carry out chapter 4 of part II of such Act,

should be made available for development assistance for Haiti, subject to the limitation in subsection (b) of this section.

(2) To the maximum extent practicable, assistance for Haiti under chapter 1 of part I and under chapter 4 of part II of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

(b) Funds available for fiscal years 1984 and 1985 to carry out chapter 1 of part I or chapter 2, 4, or 5 of part II of the Foreign Assistance Act of 1961 may be obligated for Haiti, and credits may be extended and guarantees may be issued under the Arms Export Control Act for Haiti, only if the President determines that the Government of Haiti—

(1) is continuing the cooperate with the United States in halting illegal emigration to the United States from Haiti;

(2) is cooperating fully in implementing United States development, food, and other economic assistance programs in Haiti (including programs for prior fiscal years);

(3) is continuing to comply with the fiscal performance targets set by the International Monetary Fund; and

(4) is making a concerted and significant effort to improve the human rights situation in Haiti by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections, and freedom of the press.

(c) Six months after the date of the enactment of this Act and each six months thereafter through the end of the fiscal year 1985, the President shall report to the Congress on the extent to which the actions of the Government of Haiti are consistent with each paragraph of subsection (b).

(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal years 1984 and 1985 may be used for programs with Haiti to assist in halting significant illegal emigration from Haiti to the United States.●

JOBS WITH PEACE WEEK

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. EDGAR. Mr. Speaker, around the country, cities, towns, and individuals are observing Jobs with Peace Week from April 10 to April 16. The Jobs with Peace campaign is a grassroots movement to transfer spending from unnecessary and wasteful military programs to pressing domestic needs. Through educational activities, local referendums petitions, and resolutions, Jobs with Peace allows citizens to demand that more of their Federal tax dollars be used for local priorities.

In November 1982, 56 towns and cities across the United States approved Jobs with Peace referendum, winning from 60 to 78 percent of the vote. These resolutions called for Congress to "make more money available for jobs and programs—in education, transportation, housing, health care, human services, and other socially productive industries—by significantly reducing the amount of our tax dollars spent on nuclear weapons, foreign military intervention, and wasteful military programs," with the goal of producing a stronger economy, greater national security, and jobs.

This groundswell of support produced a Jobs with Peace resolution in this body, House Resolution 46, of which I am a proud cosponsor. In my own State of Pennsylvania, the Philadelphia City Council unanimously endorsed Jobs with Peace week on January 20. Pittsburgh a binding Jobs with Peace referendum won last November with 63 percent of the vote, and included a requirement that the city produce a yearly report on the impact of military spending on the area. These votes by the citizens and elected officials of Pennsylvania support my view that reckless and untargeted spending on defense does not increase our national security; such spending at the expense of a strong, well-educated, compassionate society at home will in fact work against greater national secruity. President Dwight Eisenhower made a similar point almost 30 years ago, on April 16, 1953:

> Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

Mr. Speaker, the Northeast Midwest Congressional Coalition (NMCC) has shown that the Reagan administration's excessive defense buildup has a particularly negative effect on my State. In fiscal year 1983 the NMCC estimates that per capita defense spending in Pennsylvania will be $289, just over half of the national average of $532. While losing tax dollars to defense, Pennsylvania has inadequate resources for education, unemployment compensation, job training, housing, economic development, and many other areas of human need.

At the very least, Congress must begin to seriously examine this problem, to answer the demands of our constituents for jobs and programs which will improve the quality of life of all Americans. Along with Representatives TOM FOGLIETTA and ROBERT BORSKI, I am pleased to be holding a hearing in Philadelphia this weekend to explore the effect of increased defense expenditures on the Philadelphia metropolitan area. We plan to hear testimony from a wide variety of local officials, business and labor leaders, and citizens on what effects President Reagan's current 5-year, $1.6 trillion dollar defense buildup has had on the quality of their lives. Mr. Speaker, by being more judicious in our defense spending, we can reduce Federal deficits and strengthen our economy. We can target increased sums to effective, efficient programs to promote a healthy economy, true national security, and jobs with peace. I urge my colleagues to participate in Jobs with Peace Week in their own districts and to cosponsor Representative DON EDWARDS' Jobs with Peace resolution, House Resolution 46.●

THE SMALL BUSINESS CAPITAL FORMATION TAX ACT

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. NOWAK. Mr. Speaker, as chairman of the Small Business Subcommittee on Tax, Access to Equity Capital, and Business Opportunities, I have initiated many proposals designed to improve the capital formation opportunities of smaller firms. These proposals have consistently focused on both increasing the internal and external cash flow of the business and on simplification of the tax law.

With these objectives in mind, today I am introducing H.R. 2543, the Small Business Capital Formation Tax Act. This legislation, which has 14 original cosponsors in the House, is also being introduced in the Senate today by Senators D'AMATO, WEICKER, and NUNN.

SMALL BUSINESS AND THE CURRENT RECESSION

The Nation is currently in the depths of the worst economic downturn since the Great Depression. More specifically, the length and breadth of this recession is unprecedented. Between 1948 and 1975, we had six recessions which lasted an average of 11 months each. The current one has covered 21 months, started July 1981, and is still proceeding. Civilian unemployment continues to hover around 10.3 percent of the work force, resulting in about 11.5 million people without work nationwide.

Another indication of the severity of the recession is the low utilization level of the productive capacity of our factories. There can be no hope of increased business investment as long as our manufacturing base continues to operate at approximately 60 percent capacity. Plant utilization levels have been at their lowest levels since World War II.

Business failures have also dramatically portrayed the depths of the current recession. According to Dun & Bradstreet statistics, business failures totaled in excess of 25,300 in 1982. This is an increase of almost 50 percent over 1981, which is the year the recession began. These statistics are ever more telling when one realizes that these business failures are virtually all smaller firms.

One of the best ways of reversing these recessionary trends is to provide small business with the proper tools to compete. Small business has consistently shown itself to be the engine of the economy and of the job generation process. It is for these reasons that I am introducing the Small Business Capital Formation Tax Act today.

LEGISLATION BASED ON RECOMMENDATIONS OF SEC SMALL BUSINESS FORUM

H.R. 2543 is based conceptually on five of the tax recommendations from the SEC Government-Business Forum on Small Business Capital Formation. The forum, which was mandated by section 503 of the Small Business Investment Incentive Act of 1980, resulted in a stimulating discussion last September of proposals designed to foster the capital formation and retention abilities of smaller firms.

I am firmly convinced that the conference achieved its stated objective of establishing a meaningful dialog between business and Government concerning the tax and capital formation needs of small business. Stemming from the enthusiam and conscientiousness demonstrated by the almost 200 participants, 37 recommendations were adopted by the forum. these recommendations fell within eight broad topics, which included, among others, incentives for institutional investors and venture capital, proposals for pension reform, credit assistance initiatives, and tax reduction measures.

The SEC forum recommendations are balanced in scope. They are designed to help labor, as well as capital-intensive small business boost internal cash generation and attract new equity investment. H.R. 2543 accomplishes these objectives and at the same time, brings more equity to the tax system.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The Act may be cited as the "Small Business Capital Formation Tax Act."

Section 2. Corporate rate reduction. This section increases the surtax exemption from $100,000 to $200,000. The rates and brackets are as follows:

Existing law

	Percent
$0 to $25,000	15
$25,000 to $50,000	18
$50,000 to $75,000	30
$75,000 to $100,000	40
Over $100,000	46

H.R. 2543

	Percent
$0 to $25,000	12
$25,000 to $50,000	15
$50,000 to $100,000	20
$100,000 to $150,000	30
$150,000 to $200,000	40
Over $200,000	46

Section 3. Capital Gains Deductions on Equity Investments in Small Business.

Currently, if an individual has held a capital asset for more than one year and subsequently sells the asset, he may exclude 60 percent of his long term capital gain. More specifically, only 40 percent of the net long term capital gain is taxable to the individual.

This legislation would increase the capital gains deduction to 80 percent for individuals selling a small business equity investment. To qualify for the exclusion the individual must have held the "qualified investment" for at least five years. For taxpayers in the 50 percent tax bracket, this would result in a reduction in the effective capital gains rate from 20 to 10 percent.

Section 4. 20 percent Corporate Capital Gains Rate.

Although corporations cannot use the 60 percent capital gains deduction described in Section 3, they may apply an "alternative tax rate" on net long term capital gains. The alternative tax rate is currently 28 percent. For the purpose of increasing investment in small business concerns by corporations, Section 4 reduces the alternative tax rate from 28 to 20 percent.

Section 5. Cash Receipts and Disbursements Method (Cash Method) of Accounting.

A business may elect the cash method if its gross receipts are less than $1.5 million and if it meets the active participant test. In general, an active participant is someone who is actively involved in management and whose principal business activity is such trade or business.

Sections 6 and 7. Capital Gains Rollover Proposal.

The last two sections provide for a comprehensive small business rollover provision. As provided by Section 6, if a taxpayer purchases stock in a qualified small business corporation, he is eligible to receive a 10 percent tax credit on the purchase price.

Finally, Section 7 would allow a deferral of capital gains on the sale of an asset when proceeds are reinvested (within 12 months) in an equity position of a qualified small business corporation.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 14, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 15

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Inspector General, Office for Civil Rights, policy research, departmental management, salaries and expenses, Department of Health and Human Services.
SD-116

9:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Architect of the Capitol, Office of Technology Assessment, and the Congressional Budget Office.
S-128, Capitol

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 42, proposed American Gold Eagle Coin Act, and S. 269, to provide for the disposal of silver from the national defense stockpile through the issuance of silver coins.
SD-538

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 49, to redesignate public land in Alaska to allow hunting.
SD-366

10:00 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on the status of emergency planning and preparedness at commercial nuclear powerplants.
SD-406

Joint Economic
To hold hearings on the economics of natural gas deregulation, focusing on the present regulatory system and options for the future.
SD-138

11:00 a.m.
Rules and Administration
To continue hearings on Senate Resolution 66, to establish regulations needed to implement television and radio coverage of proceedings of the Senate.
SD-106

APRIL 18

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 774, to revise certain provisions of the Freedom of In-

formation Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

9:30 a.m.
Small Business
To hold hearings to review the President's second annual report to Congress on small business and competition.
SR-428A

10:00 a.m.
Environment and Public Works
To resume hearings on infrastructure issues relating to job opportunities in public works, and related proposals, including S. 23, S. 532, S. 724, and S. 871.
SD-406

10:30 a.m.
*Labor and Human Resources
To hold hearings to review science education programs.
SD-106

2:00 p.m.
Armed Services
Military Construction Subcommittee
To hold open and closed hearings on S. 720, authorizing funds for fiscal year 1984 for military construction programs of the Department of Defense.
SR-222

Judiciary
Juvenile Justice Subcommittee
Business meeting, to mark up S. 53, proposed Justice Assistance Act, and S. 57, proposed Sexual Exploitation of Children Act.
SD-226

APRIL 19

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-124

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 663, to prohibit payments to producers of certain agricultural commodities on highly erodible land.
SR-328A

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for agriculture and rural development programs.
SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 255, to provide that daylight savings time shall begin each year on the last Sunday of March instead of the last Sunday in April.
SR-253

Labor and Human Resources
To hold hearings on railroad retirement program.
SD-430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984, receiving testimony in behalf of funds for the Government Printing Office, Library of Congress, and the Copyright Royalty Tribunal.
S-128, Capitol

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Intelligence
Closed business meeting, to mark up proposed legislation authorizing funds for fiscal year 1984 for the intelligence community.
S-407, Capitol

10:30 a.m.
Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

2:00 p.m.
Armed Services
Military Construction Subcommittee
To continue hearings on S. 720, authorizing funds for fiscal year 1984 for military construction programs of the Department of Defense.
SR-232A

2:30 p.m.
Select on Indian Affairs
To hold hearings on S. 856, authorizing funds for fiscal years 1984 through 1987 for Indian housing programs.
SR-253

APRIL 20

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for agriculture and rural development programs.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of Harry O'Connor, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on proposals to promote jobs through small business enterprise.
SR-428A

10:00 a.m.
*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, U.S. International Trade Commission, and the Federal Maritime Administration.
S-146, Capitol

*Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Executive Office of the President, National Security Council, and the Property Review Board.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine matters relative to the attempted assassination of the Pope.
SD-226

11:00 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings to review programs of the Tennessee Valley Authority and the Clinch River breeder reactor project.
SD-406

Joint Economic
To hold hearings on the first quarter gross national product estimates and the economic outlook for 1983.
SD-342

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 21

9:30 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for agriculture and rural development programs.
SD-138

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To hold hearings on S. 307, and S. 951, bills to provide continued health protection for certain individuals who lost their health insurance coverage as a result of being involuntarily unemployed.
SD-215

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to mark up S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SR-428A

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of State, and certain international organizations.
S-146, Capitol

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
To hold hearings on the nomination of Joseph H. Sherick, of Virginia, to be Inspector General, Department of Defense.
SD-342

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to review U.S. immigration quotas.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service, and the Office of Indian Education.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Judiciary
Constitution Subcommittee
To resume hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

APRIL 22

9:30 a.m.
Finance
To hold hearings on S. 98, S. 634, and S. 863, bills to provide tax incentives for businesses in economically depressed areas to stimulate job programs.
SD-215

Joint Economic
To hold hearings on the Consumer Price Index figures for March.
SD-138

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 947, authorizing funds through fiscal year 1988 for water resource development projects of the Army Corps of Engineers.
SD-406

Judiciary
To resume hearings on organized crime in the United States.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act of 1973.
SD-430

10:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 916 and S. 848, bills to provide for the termination, extension, or modification of certain contracts for the sale of Federal timber.
SD-366

APRIL 25

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Theodore J. Garrish, of Virginia, to be General Counsel of the Department of Energy.
SD-366

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

APRIL 26

8:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983, 1984, 1985, and 1986 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SD-628

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Federal Procurement Policy within the Office of Management and Budget.
SD-538

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Labor and Human Resources
To hold hearings on disease prevention.
SD-430

10:30 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Land and Water Conservation Fund.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To hold hearings on S. 528, to provide a Federal income tax credit for tuition.
SD-215

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Constitution Subcommittee
To hold joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve, and the naval petroleum reserves, Department of Energy.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-116

2:30 p.m.
Governmental Affairs
To hold hearings on nominations of John L. Ryan, of Indiana, to be a Governor of the U.S. Postal Service, and Maria L. Johnson, of Alaska, to be a member of the Merit Systems Protection Board.
SD-342

*Select on Indian Affairs
To hold hearings on S. 727, to authorize the Secretary of the Interior to set aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, S. 884, to provide for the use and distribution of certain funds awarded the Red Lake Band of Chippewa Indians, and S. 973, to make technical amendments to the Indian Self-Determination Act.
SD-538

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 249, to make permanent and extend the exclusion from income for amounts paid under educational assistance programs, and S. 825, to exclude income from the sale of membership lists from the unrelated business income tax on nonprofit organizations.
SD-215

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, focusing on nuclear waste activities.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 883 and S. 558, bills to expedite exploration and development of geothermal resources.
SD-562

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To continue oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audiovisual rental.
SD-226

Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

MAY 6

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the strategic petroleum reserve to review financing mechanisms, interim storage, fill capacity, and other related issues.
SD-366

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resouces
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

MAY 13

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on the status of emergency preparedness in the Washington, D.C., metropolitan area.
SD-562

Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SR-325

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-325

MAY 19

9:30 a.m.
*Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

Judiciary
Patents, Copyrights, and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226

Labor and Human Resources
To hold hearings on health care cost.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 696, to provide for the ratification of the Memorandum of Agreement between the U.S. Department of the Interior and the State of Texas for the management of the Matagorda Island State Park and wildlife management area as a unit of the national wildlife refuge system in Calhoun County, Tex.
SD-406

10:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the Employee Retirement Income Security Act (ERISA).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226

Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SD-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SD-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judicicary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226

Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

10:30 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 14

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on the implementation of vocational education programs administered by the Department of Education.
SD-430

APRIL 15

9:30 a.m.
Finance
Health Subcommittee
To hold hearings on consumer access to health benefits information under publicly and privately financed insurance programs.
SD-215

APRIL 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
To hold oversight hearings on the investigation by the Department of Labor and the Department of Justice on the alleged involvement of certain union workers in organized crime.
SD-430

APRIL 29

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430
Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, April 14, 1983*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MURTHA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *April 13, 1983.*

I hereby designate the Honorable JOHN P. MURTHA to act as Speaker pro tempore on Thursday, April 14, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Dr. Charles V. Bergstrom, Lutheran Council in the USA, Washington, D.C., offered the following prayer:

O God of purity and peace, God of light, freedom, and justice, God of comfort and joy. Once more we join in the strength of prayers offered so many times in this place for our Nation as a land of hope and of sharing. We pray for the millions of people in the world who search for peace, who face hunger and are unemployed. May Your great power be with them.

As we thank You for Your care, we also ask for the strength that will bless this Nation through storm and darkness. Give us the wisdom to accept the responsibility and opportunity of giving the world a standard of impartial liberty. Bless these Halls of Government to make decisions and pass laws that support our families and our people. Give new resolve this week against bigotry, against prejudice—new hope for all minorities.

On this day, O God, we thank You for the lives of those who have served here—especially for Phillip Burton. Bless his wife Sala, daughter Joy, brother John, and all who memorialize him this day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a joint resolution of the following title in which the concurrence of the House is requested:

S.J. Res. 41. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week."

A STRONG EXPORT-IMPORT BANK IS NEEDED

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AUCOIN. Mr. Speaker, today I am introducing legislation which would give the U.S. Export-Import Bank a new charter to make it the innovative, aggressive instrument that our exporters here in this country need in order to compete in the world for jobs and profits. It is similar to a bill introduced in the Senate by Senator HEINZ.

Mr. Speaker, America is being had when it comes to trade. We all know it. Part of the reason for this is due to the fact that America simply has not been aggressive enough when it comes to exporting. Frankly, Mr. Speaker, we have been on the defensive far too long. This Congress has the opportunity to take the offensive and the bill I am introducing today is but one step in that direction.

All of us agree that it would be nice if all the countries of the world decided to live by our notion of free trade. Unfortunately, they do not and we have been slow to correct that situation. A strong Eximbank is an essential first step in providing American exporters with the tools they need to compete in the world marketplace. Furthermore, we ought not to forget that the Eximbank annually supports over $18 billion in U.S. exports with each billion dollars providing nearly 31,000 jobs.

The House wisely approved a decent level of support for Eximbank direct loans and guarantees in the budget resolution. But simply providing adequate funding is not enough. The Eximbank, regardless of administration, has not done enough to enhance America's export opportunities. The bill I am introducing today provides the direction the Bank needs to help our exporters compete.

First of all, my bill leaves no doubt that the Bank's primary responsibility is to provide competitive financing in all of its programs. The bill also reestablishes the Eximbank Advisory Committee along the lines described in the bill introduced in the Senate. The authorization levels and the length of the extension are also identical to S. 869.

One of the key sections of the bill provides direction to the Bank with regard to its medium term credit program. This program is open to all exporters, but could be of tremendous assistance to firms dealing in smaller transactions or those firms attempting to enter into the export market. The bill directs the Eximbank to aggressively promote the medium term credit program and provides the means by which the Bank's resources can be used by an expanding list of businesses.

Mr. Speaker, the practice of mixing foreign aid moneys with official export credits is a growing problem and our exporters have been at a terrible disadvantage due to the lack of such programs from our Government. While the bill directs our Government to limit, through negotiation, the use of mixed credits, it also directs the Eximbank and the Agency for International Development to develop our own mixed credit programs. We simply cannot go to the bargaining table emptyhanded.

The bill also amends the Export Expansion Facility Act. Again, this section of the bill is designed to provide American exporters with the tools necessary to compete by giving the Bank additional leverage to meet foreign competition.

Mr. Speaker, a strong Eximbank is a prerequisite if our exporters are going to compete against foreign firms. It is not the only answer, but it is, as I said earlier, a step in the right direction. This Congress should act constructively and positively so that our exporters can compete on the same footing as the rest of the world.

KAREN A. PIESLAK, VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM WINNER

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARPER. Mr. Speaker, each year, the Veterans of Foreign Wars and its ladies auxiliary conduct a Voice of America Scholarship contest. This scholarship contest awards six scholarships nationally with the first place winner receiving a $14,000 scholarship to the school of his/her choice.

Many more awards are made in local contests across the United States.

This year, over a quarter million students participated in the contest. The winner from Delaware was Karen Anne Pieslak, of Wilmington, who is a student at Archmere Academy in Claymont. Karen is an outstanding student who has received many academic and forensic awards in addition to being involved in many activities outside of schoolwork. All of us in Delaware are proud of her.

I would like to submit for publication in the CONGRESSIONAL RECORD the text of the speech written and delivered by Karen for the Veterans of Foreign Wars contest. I believe you will find it, as I did, reassuring about the youth of America.

DELAWARE WINNER

The ancient Roman poet Lucretius once said: "In a short space the generations of living creatures are changed, and like runners, hand on the torch of life." Yet, the torch of life is not all that is being handed on. So is the torch of strength, a nation's strength, America's strength. Youth, the runners in the race, have been an important part of America and her strength from the beginning.

Look at Benjamin Franklin, for example. While he is most famous for his achievements as an adult, he was an extraordinary young man. At the age of seventeen, he set out on his own and traveled from Boston to Philadelphia. When he arrived, he had only one Dutch dollar to his name. Yet, in several years, he was a pillar of the community and later on, a founding father of the country. He had only two years of formal schooling. Yet, because of extensive reading and teaching himself, he was able to establish a newspaper and "Poor Richard's Almanac," the most popular magazine in the colonies, in which he published the moral sayings of his system of moral bookkeeping, which he adopted around the age of twenty to perfect himself and make him a more worthy servant of the community. Franklin's creativity and originality enabled him to invent bifocals, experiment with lightening and conceive and found the first fire station and police force in the colonies. Yet, it was evident from his beginnings in his early writings.

Franklin's career seems proof that a free society helps men achieve to their full potential from youth on. Franklin epitomizes the strengths that American youth are famous for; physical, intellectual, moral and creative strengths, strengths they have been famous for from the early days through the Civil War—through the World Wars. Yet, some claim that because of recent political and social upheavals that the youth today do not possess the same strengths of the youth of yesterday. I say no! America today is not the same as the America of 1776; that is all that has changed.

We have the same strengths and ideals as the youth of yesterday; they are just expressed in different ways. We do not get up early in the morning to go chop firewood; we get up early to go run three miles or spend hours down in the weight room benching. We are not organized in units of minutemen. Yet, we play on volleyball, football, basketball, baseball or track teams that promote many of the same values—unity, cooperation, hard work, physical strength and concern for one another, for the youth today are very concerned about one another. We don't bring chicken soup to sick neighbors or help build barns. We give the change from lunch to help buy a Thanksgiving dinner for a needy family. We organize dances to raise money to help handicapped children. We volunteer in nursing homes or day care centers. We join church youths that put on haunted houses and plays and parties for the parish, or manage spaghetti dinners or Fast-a-thons to raise money for Adopt-a-family. We develop responsibility, not through being in charge of the farm livestock, but by babysitting for our neighbors or managing a sports team. Our schools may not be the "little red schoolhouses" of the past. We have Apple Computers, audio-visual equipment and language tapes, but we still thirst for knowledge and want to learn about America. We just do it in different ways through field trips to museums, research projects about life in early America and movies. We do not invent new guns, lightbulbs or city papers. We found school newspapers, write computer programs and poetry and participate in debates about current issues. Our creativity is still alive; it is just expressed in different ways.

Youth today have many of the same traits of the youth of yesterday, and, like the youth of yesterday and the youth of tomorrow, we will be ready to step in, when our elders retire, and receive the torch of life and strength, the torch of America, and carry it on—high and bright and shining.

THE GENERAL REVENUE SHARING PROGRAM

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, during the district work period, I met with local leaders in each of the 13 counties in my congressional district. Clearly, the major concern among mayors and county commissioners is the future of the general revenue sharing program.

Several bills are pending which would extend the authorization of appropriations for revenue sharing, but I rise today in support of H.R. 1930. This measure would reauthorize the program for 5 years and increase allocations to keep pace with inflation.

Many States—not just my State of West Virginia—are suffering because of this economic recession. It is becoming increasingly difficult for many communities in my district to meet essential community needs. Cities and counties in my district have made excellent use of revenue sharing dollars and demonstrate the efficacy of this cooperative program.

Mr. Speaker, I urge my colleagues to explore the ways in which general revenue sharing moneys are utilized in their districts. Such review should confirm the need for prompt action to continue this vital program, as well as the need for increased allocations.

A ONE-STOP SERVICE DELIVERY SYSTEM

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, today I am introducing legislation to authorize federally assisted pilot projects designed to improve the delivery of human services by establishing integrated service delivery systems. The proposal would combine the administration of these separate programs into a one-stop service delivery system.

At last count, there were 62 separate federally funded programs that provide social services and benefits directly to needy individuals. These 62 separate Federal income security type programs are affected in one way or another by 11 committees of the House and 10 of the Senate and are administered by 9 executive departments or agencies. The one-stop service delivery program would not only more efficiently serve needy individuals but it also would save State and Federal resources.

The one-stop service delivery system is a step toward consolidating the administration of as many of these programs as possible into a smoothly integrated system where one caseworker deals with the family—or individual—through all of the various program requirements to develop an overall profile in one physical location. At present an individual in need of services must contact a variety of existing agencies throughout one community. If, for instance, the individual is mentally retarded, he or she would need to contact the Department of Human Resources, the Social Security Administration, the Department of Vocational Rehabilitation, and the Public Housing Commission. However, if these programs were combined under a one-stop service delivery system the individual would see one interviewer and be referred throughout the building to have his or her various needs met. In addition, under my proposal, paperwork would be reduced as the agencies would be able to keep information on the family in one location. Administrative errors, inequities and waste would be eliminated as the result of the consolidation of the administration of these programs.

I am convinced that both the client, and the agencies who serve the client, would greatly benefit from one-stop service delivery.

SLAVERY IS NOT ACCEPTABLE EVEN FOR DIPLOMATIC REASONS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I rise in some surprise at the statement by the Speaker that the Reagan administration was wrong in allowing Hu Na to stay in the United States.

The notion of requiring a 19-year-old girl to go back to a political tyranny, after she had publicly indicated she wanted to flee, would seem to guarantee her punishment, her probable imprisonment and conceivably her brainwashing.

Not since the Dred Scott decision have we had high officials of this Government actually saying slaves have to be returned to their owners. And for leading figures in this Government to start suggesting that slavery is something that is acceptable for diplomatic reason, that returning 19-year-old girls to slavery is an acceptable behavior strikes me as particularly saddening. And to have that come from the State which founded the abolition movement is peculiarly saddening.

THE NEED FOR MODERNIZING OUR BOMBER WING

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, yesterday I talked on the House floor during the nuclear freeze debate about the necessity of modernizing our strategic forces and particularly our bomber wing to protect not just the men and women of the United States of America, but the men and women of our Armed Forces. And I described a list of accidents that have befallen our B-52 force since I have been in Congress, just the last couple of years, and noted the last fatal accident that occurred in December 1982.

And I also mentioned that at that very moment, yesterday, a B-52 was missing over Nevada. I understand now we have found that B-52. It has, in fact, crashed and there are seven fatalities.

I would like to remind my colleagues that this freeze resolution, if passed and if followed, will preclude modernization, the modernization that is necessary to replace the B-52 force of the United States which will be at least 30 years old by 1990. Our youngest bomber will be 30 years old by 1990 and a number of them will be much older.

Mr. Speaker, I would like to remind my colleagues that a freeze resolution, without a modernization provision, will be a great disservice to the people who have been ignored in this debate, and those are the men and women of the armed services who operate our strategic systems.

U.N. INVOLVEMENT NEEDED IN CENTRAL AMERICA

(Mr. LEACH of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEACH of Iowa. Mr. Speaker, I am today introducing legislation which would require the President to seek the assistance of the United Nations Secretary General in mediating the growing crisis in Central America, with specific reference to the heightened state of tension along the Nicaraguan-Honduran border.

Mr. Speaker, the root of our problem in Central America is that we are perceived as not being for anything—only against those with whom we do not agree. We will not contribute to a true solution of the problems in Central America unless and until we adopt a positive policy aimed at peace and stability. We can do that if we exert our own efforts and call upon the assistance of our friends, not to send military advisors and military hardware but to offer envoys of peace and alternatives to continued violence. That is the intent of the resolution I am introducing today, which I urge the Congress and the administration to consider promptly and seriously.

JUSTICE ASSISTANCE ACT OF 1983

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, I am pleased to inform my colleagues that on April 6, 1983, the Committee on the Judiciary reported favorably to the House the Justice Assistance Act of 1983 (H.R. 2175). This bill is the first of a number of significant anticrime measures that the Subcommittee on Crime intends to initiate in an attempt to stem the rise of crime in this country.

Unfortunately for all of us, there can be no victory in our war against crime. But we can, I hope, win a few battles. In these battles the Federal Government's role is very limited in that it investigates and prosecutes less than 5 percent of the total criminal justice workload. We can, however, assist the State and local law enforcement communities in providing leadership by funding model programs and in this way give them added tools in their difficult task.

What we are proposing is a very limited program of Federal assistance to support activities that can help all crime-fighting agencies at the State and local levels, but which, realistically, few can afford to undertake. This includes developing good information and statistics to measure our crime problems. It includes research on matters of crime, testing promising ideas, and, when they seem to work, demonstrating their effectiveness in criminal justice agencies throughout the country.

In this way, I believe the Justice Assistance Act of 1983 will be a major anticrime benchmark for this Congress.

A TRIBUTE TO THE LATE HONORABLE PHILLIP BURTON

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, today a number of our colleagues departed for California on a sad mission to pay tribute to our departed colleague, Phil Burton.

He will be missed greatly in this House, but nowhere more than in this very well, where time and again he produced for the Democratic Party on the close votes. He was here able to persuade that winning margin that was necessary time and again on critical issues.

We will miss Phil Burton, especially on the close ones, for he delivered time and again.

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MILITARY COMMAND REORGANIZATION ACT OF 1983

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today, I am introducing the Military Command Reorganization Act of 1983, a bill which provides for a major reorganization in the top levels of our Armed Forces. The bill is a product of my experience as a member of the House Armed Services Committee. As I have participated in hearings in the committee, particularly in the Procurement Subcommittee, I have come to realize that we will never get a handle on the defense budget, and improve our defense capabilities, until we drastically restructure our present military command structure. Virtually everyone agrees there are problems in this area, and I am convinced that a fundamental change in the status quo is what is needed. We simply must do something that will eliminate the kind of interservice conflict that leads to duplication, overlap, and the waste of defense dollars.

In formulating the provisions of this bill, I have personally talked with two former Chairmen of the Joint Chiefs, as well as many others with expertise in this area. I am pleased to say that both Gen. David C. Jones, and Gen. Maxwell D. Taylor, distinguished former Chairman of the Joint Chiefs, indicated their support for my propos-

al after reviewing advanced copies. You will recall that it was General Jones who really started the current debate on the subject of Joint Chiefs of Staff reform with his provocative New York Times article of November 1982. General Taylor, who served as Chairman under President Kennedy, has frequently spoken out on the need for a thorough reform in this area.

Let me review some of the major provisions of my bill:

First the Joint Chiefs of Staff and the position of Chairman of the Joint Chiefs of Staff would be abolished. The Chiefs of Staff of the various components of our Armed Forces would then be free to devote their full time to running their particular services. This would eliminate one of the biggest flaws in the present system. These service Chiefs have been overloaded by the fact that they have two full-time jobs: First, head of an individual service, and second, member of the Joint Chiefs. Since they represent an individual service, the service Chiefs vie for their parochial share of the defense budget dollar in buying weapons systems that in many cases overlap and duplicate mission requirements. Moreover, this dual hatting not only divides loyalties, but it also leaves each service Chief with little time to ponder over long-term national problems or develop strong opinions on future military policy. This is precisely the kind of advice that is needed for the Defense Department and the Congress to make sound decisions on the long-term procurement of weapons systems and future force structures.

The present structure would be replaced with a single officer to be known as the Chief of Staff of the National Command Authorities who would serve as the principal military adviser to the President, the National Security Council, and the Secretary of Defense on matters related to current military policy, strategy, and major Department of Defense programs, and on all major matters related to current forces. He would be subordinate to the President and the Secretary of Defense in the chain of command.

To focus on the longer term, the bill establishes a National Military Council, a group of five distinguished military leaders, either recalled from retirement or on their last assignment, and, at the discretion of the President, one civilian. The Council will be responsible for advising the President and the Secretary of Defense on matters pertaining to national security policy, national and military strategy, and for providing independent assessments of the way in which national security policies and defense programs are carried out by the Department of Defense. In this latter function, the Council would serve as a check and balance on the Chief of Staff of the National Command Authorities.

It needs to be emphasized that this bill will not lessen civilian control of the Defense Department and create an all-powerful military figure. If anything, it will improve civilian control of the military, by insuring that civilian decisionmakers get better, and more timely, advice on military strategy and policy. As I stated earlier, the bill makes it clear that the Chief of Staff is to be subordinate to the Secretary of Defense and the President in the chain of command, that his duties are to be primarily advisory, and the bill provides for checks and balances in the form of the National Military Council. It is also interesting to note that when the Investigations Subcommittee of the House Armed Services Committee held hearings on this issue last year, those who were least worried about the effects of reform on civilian control were those witnesses who had experience on the civilian side of the Defense Department.

It is my strong feeling that enactment of the Military Command Reorganization Act of 1983 will improve the quality of advice from the military to civilian decisionmakers, will save defense dollars, particularly in the area of procurement of weapons systems, and will ultimately lead to a stronger national defense. I intend to seek cosonsors for the bill from both political parties, and to seek a hearing in the Investigations Subcommittee at the earliest possible date. I can report that the initial response to this proposal, from those of my colleagues who have seen it, has been extremely favorable.

HEALTH CARE FOR THE UNEMPLOYED ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, as the number of American workers facing long-term unemployment continues to rise, we must realize that this condition spawns problems beyond the worker's loss of dignity and the strain on the Nation's social fabric. Recently, Congress took measures to provide emergency food and shelter assistance to the jobless. We must now work to guarantee adequate health care for them and their families. I, therefore, strongly support the Health Care for the Unemployed Act which was introduced yesterday by Mr. WAXMAN. This legislation addresses this critical issue and should receive the full and immediate support of the Congress.

Often we debate the role of the Federal Government in providing services to the American people. There is one thing that we are all in agreement upon, and that is our sworn obligation to promote the general welfare of the Nation. I believe that there is no ingredient more essential to our welfare as a nation than the health of our people.

Recent evidence points to a precipitous decline in the Nation's standard of health, primarily because of the protracted recession. Today, there are nearly 25 million people who lack health care insurance because of unemployment. Eleven million Americans lost their health insurance in 1982 alone.

In areas of high unemployment, like my own in northern Ohio, the problem is most acute. We are seeing infant death rates on the rise. The loss of health insurance is yielding poorer prenatal and maternity care. When we look at the jobless parents themselves, we see an even more desperate situation. Unemployed workers are resorting to home remedies or no remedies for major illnesses. They are without means to get cancer symptoms diagnosed, to get hypertension treatment, they are without the means to avail themselves of the medical attention they need to treat a host of serious health problems.

What we are witnessing is a vicious dilemma faced by the jobless. Most cannot qualify for medicaid, yet are without sufficient income to provide for themselves and their families. One municipal official in a major Midwestern city succinctly and freghteningly assessed this situation in these words, "We're sitting on a time bomb." In seeking help, they quickly bankrupt meager family savings.

The health of this Nation's working people is not a partisan issue. We cannot, in good conscience, stand by while mothers and fathers debate whether or not to take a desperately ill child to a doctor or a hospital because they are caught in this unfortunate web. The examples are not isolated or confined to a particular group. This is not a melodrama, but rather a bitter reality. I reject the premise that people will find a way to help themselves without the Government getting involved. As the evidence poignantly illustrates, this is too often a prescription for more illness and more loss of life. I believe that there are very few things more threatening to our national security than to have a large segment of the American people, the jobless, and their families in poor health— because they cannot afford it.

I urge all members to support this necessary legislation. Its cost is totally within the budget resolution which we passed.

SOCIAL SECURITY FINANCING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 15 minutes.

Mr. GREEN. Mr. Speaker, as you know both the House and the Senate passed legislation based on the National Commission of Social Security Reform's recommendations. The House passed its version of the bill on March 9 by a vote of 282 to 148. The Senate passed its version of the bill on March 23 by a vote of 88 to 9. The conference report adopted by a House vote of 243 to 102, and by a Senate vote of 58 to 14, ironed out the differences between the House and Senate versions. As we are all aware, the vote on this issue was a difficult one. It was no secret that many of the provisions contained in the bill were controversial. This controversy, however, did not justify a "no" vote on the entire package. The social security financing package, as approved by the conference committee, makes an honest attempt to reconcile the concerns of both present and future retirees while restoring financial soundness to the system. The fiscal crisis presently existing in the old-age and survivors insurance (OASI) trust fund made passage of this bill imperative. Without such action, insolvency would have been upon us as early as this summer. The $165.3 billion which this legislation will raise falls within the recommendations of the National Commission. This sum, to be secured over the next 6 years, should be sufficient to eliminate all of the deficit now projected in the social security trust fund, both over the short term and over the next 75 years.

In the following statement I have outlined the key provisions of the bill and some of the provisions on which I reserve objections. The bill is divided into six titles. Title I deals with short-term financing of the system. This includes: coverage of all newly hired Federal employees; delays in the cost-of-living adjustment; the installment of a stabilizer, beginning in 1988; and the elimination of windfall benefits to those individuals reaching 60 after 1983. Taxation of benefits as well as four special provisions continuing benefits for a surviving divorced or disabled spouse are also short-term measures. Title II deals with delayed eligibility; title III is a series of technical amendments; title IV concerns increasing the Federal SSI benefit payment; title V extends for 6 months emergency Federal supplemental compensation (FSC) and title VI initiates a "prospective payment" plan as a gradual substitute for the present reimbursement procedure to cover hospital medicare costs.

COVERAGE OF FEDERAL EMPLOYEES

All Federal employees hired on or after January 1, 1984, as well as all present Members of Congress, the President and the Vice-President, Federal judges, elected officials, political appointees, and nonprofit employees will be included in the social security system. Federal workers who are newly hired with previous Federal service (provided that the break in service lasted at least 365 days) will also be included among those having to participate in the social security system. The legislation makes no changes in the retirement coverage of current Federal employees—other than elected officials, judges, and senior political appointees. All other current Federal workers will continue to be covered by the civil service retirement system, and will not be brought under social security as long as their Federal careers are uninterrupted. The Senate provision to postpone coverage until a supplemental pension system for these workers was developed was not included in the conference agreement because of the tremendous impact it would have on the short range raising of revenue. I want to stress that I have never favored a merger of the civil service retirement system and the social security system. However, I have been a longtime advocate of "universal coverage."

COLA

Both the House and Senate versions of the financing package provided for a deferral in the cost-of-living adjustment (COLA) due in July 1983 until January 1984, with the payment of all future cost-of-living adjustments to be made every January 1 thereafter. There will also be a delay in the supplementary medical insurance (medicare part B) premium increase originally scheduled to coincide with this year's July COLA. This delay in the premium increase until next January is a one-time occurance. In addition, the new law waives the 3-percent cost-of-living adjustment trigger, but only for the January 1984 COLA. Thus, a cost-of-living adjustment will be paid in January 1984, even if the increase in the Consumer Price Index is less than 3 percent. In subsequent years, however, no COLA will be provided if the CPI increase is less than 3 percent.

TAXATION OF BENEFITS

Regarding the taxation of benefits, the conference agreement stated that, as of 1984, a portion of social security benefits and tier one benefits payable under the Railroad Retirement Act of taxpayers whose adjusted gross income combined with 50 percent of their benefits exceeds a base amount will be included in taxable income. The base amount would be $25,000 for an individual, $32,000 for a married couple filing a joint return and zero for married persons filing separate returns. The amount of benefits that could be included in taxable income would be the lesser of one-half of the excess of the taxpayers' combined income (adjusted gross income plus one-half of benefits) over the base amount. Unlike the House version of the bill, the Senate included a provision that requires the income from tax-exempt bonds be taken into account when determining whether or not a taxpayer's income is over the threshold at which social security benefits become subject to taxation. This Senate provision was included in the conference report and will take effect on 1984 income taxes. It should be understood that, while this measure requires income from tax-exempt bonds to be taken into account when determining the portion of benefits subject to taxation, the law does not affect in any way the tax-exempt status of income from such bonds. This particular provision was probably one of the most controversial sections of the bill for those of us who do not support the taxation of benefits.

Another provision advances the payroll tax increase scheduled for 1985 to 1984 and part of the increase scheduled for 1990 to 1988. To help offset this tax increase a one time credit of 0.3 percent of wages will be allowed against 1984 employee FICA and tier one railroad retirement taxes. Tax credits will also be allowed for self-employed persons. Starting in 1984, the tax rates for self-employed persons will be equal to the combined employer-employee tax rate. Self-employed persons will be allowed a tax credit of 2.7 percent of net self-employment income in 1984, 2.3 percent from 1985, and 2 percentage points for the period from 1986 through 1989. Effective in 1990, these credits will terminate and be replaced with a system designed to achieve parity between employees and the self-employed. Under this system, the self-employed will be allowed to take a deduction against both their income and self-employment taxes equal to 50 percent of the self-employment taxes they pay.

RAISED RETIREMENT AGE

In the House, an amendment offered by Representative PICKLE struck the Ways and Means Committee's long-term benefit cut and tax increase proposal from the bill and substituted in its place an increase in the normal retirement age from 65 to 67, to be phased in gradually in two stages between the years 2000 and 2027. No one now retired or nearing retirement would be affected. This amendment recognizes the changing demographics of the United States. During this century, there have been enough workers paying into the system to pay for the retirees—for every three individuals paying in, there has been one drawing out of the fund. This would not be the case in the coming decades under the previous law. After the age of 65, that number will decrease to one-and-a-half Americans working for every one drawing out. The amendment recognizes this demographic crisis in our pay-as-you-go system. It also recognizes that individuals live longer, healthier lives than they did when the

system was first enacted. This amendment insures that workers will still be able to retire as early as age 62, with partial reduction of their benefits, just as at present. The increase in the retirement age to 67 was adopted by the conference committee as a superior alternative to the other House or Senate proposals, namely further increases in the payroll tax, which would add to excessive tax burdens and contribute to unemployent and inflation, or a 5-percent across-the-board reduction in initial benefit levels combined with an increase in either taxation or retirement age.

Title III includes, among other things, a series of miscellaneous and technical provisions relating to trust fund investment procedures and the elimination of gender-based distinctions under the social security program. Among the examples of gender-based distinctions which have been eliminated under the new law are the following: prior law provided for spouse's benefits to aged divorced wives; the new law extends this treatment to aged divorced husbands. Prior law also provides that a widowed mother or surviving divorced mother who has an entitled child under age 16 in her care receives a benefit for both herself and her child based on the earnings of her former husband. The new law extends the same treatment to a father in a similar situation. One of the technical provisions relates to the suspension of benefits to any alien receiving benefits as a dependent or survivor of an insured worker when the alien beneficiary has been outside the United States for 6 consecutive calendar months.

Alien beneficiaries are exempt from this provision if they can prove that they had lived in the United States for a total of at least 5 years, during which their relationship to the insured worker was the same as the relationship upon which eligibility for benefits is based—spouse, child, parent, for example.

SUPPLEMENTAL SECURITY INCOME

Title IV of the new social security amendments concerns the increase in the Federal supplemental security income benefit. SSI is a means-tested income security program that provides cash payments to needy aged, blind, and disabled individuals. The new law delays until next January the cost-of-living adjustment in SSI benefits scheduled for this July and provides that all future cost-of-living adjustments will be paid in January instead of the previous July. This change coincides with the change made in the COLA for social security. Prior law provided for equal percentage increases in SSI and social security benefits to compensate for cost-of-living adjustments. SSI cost-of-living changes will be exempted from those situations where the social security COLA is made on the basis of the lower of the increases in wages or prices. Instead, SSI adjustments will always be made on the basis of the increase in prices.

The provision also allows a one-time permanent increase of $20 per month for all individuals and $30 for all couples receiving SSI benefits, effective July 1, 1983. Even with the COLA delay this represents a net benefit increase.

Under the new legislation, residents of public shelters will receive SSI payments for up to 3 months in any 12-month period. Prior law provided for only residents of private shelters. The measure also allows SSI and AFDC recipients to receive in-kind assistance until September 30, 1984, without affecting the level of their SSI benefits.

FEDERAL SUPPLEMENTAL COMPENSATION

Title V of the bill extends for 6 months, from April 1, 1983 through September 30, 1983, emergency Federal supplemental compensation (FSC). Enacted in response to the recession, this temporary program provides unemployment benefits to workers who have exhausted all other unemployment compensation. FSC provides workers with additional weeks of unemployment compensation, depending on the insured unemployment rate (IUR) of the State in which the worker claims benefits. Under the new law, unemployed workers who begin to collect FSC benefits after April 1 will be able to obtain benefits for the following number of weeks: 14 weeks in States with an IUR of 6 percent or more; 12 weeks in States with a IUR of 5 to 5.9 percent; 10 weeks in States with an IUR of 4 to 4.9 percent; and 8 weeks in all other States. Workers who began collecting FSC benefits under existing law but who exhausted their FSC benefits before April 1 are able to receive additional benefits for the following number of weeks: 10 weeks in States with an IUR of 6 percent or above; 8 weeks in States with an IUR of 4 to 5.9 percent; and 6 weeks in all other States. The new law provides for a phaseout of FSC benefits when the program ends on September 30, 1983. After this date no new claimants would be added to the program and current beneficiaries would be able to receive only 50 percent of their remaining entitlement.

MEDICARE PROSPECTIVE REIMBURSEMENT

Title VI initiates a "prospective payment" plan as a gradual substitute for the present reimbursement procedure to cover hospital medicare costs. The plan is part of the protection needed by the hospital fund to guarantee social security retirement benefits—and requires no additional copayments from the elderly. The prospective payment provisions of the legislation apply only to reimbursement of hospitals. Under the new law, fixed payment rates will be set in advance for each category of ailment or other reason for hospitalization. Hospitals will be permitted to keep any payments that exceed their actual costs, but will be required to absorb any costs that exceed the fixed payments. Hospitals will not be permitted to charge beneficiaries directly for costs not covered by the medicare payments, except for the deductible and copayments already required. The department of Health and Human Services will be required to make appropriate exemptions and adjustments to take into account the special needs of public hospitals and other hospitals that serve a disproportionately large number of low-income persons or medicare beneficiaries. Special provisions are also made for hospitals that are the sole providers of care in a community. Psychiatric, long-term care, children's, and rehabilitation hospitals will be excluded from the prospective payment system and will continue to be reimbursed on an actual cost basis.

One of the measures included in the House "prospective reimbursement" plan was a clause regarding the elimination of the 1.5-percent medicare savings requirement currently placed on New York State by the Department of Health and Human Services. Elimination of this requirement would mean at least $45 million in additional medicare funds available to New York State hospitals in 1985. As well as supporting this measure in the House passed version of the bill, I joined my New York colleagues in sending a letter to Senator DOLE, of the Senate Finance Committee, regarding the inclusion of such a provision in the Senate bill. I am pleased to inform you that this provision was included in final passage.

The merits of this package cannot be evaluated with item-by-item scrutiny. Its success rests in its ability to incorporate a variety of measures to solve both the long- and short-term financial crisis of the system. It is in light of this fact that H.R. 1900 and its counterpart, S. 1., passed the House and Senate, respectively, by significant bipartisan margins securing the vote of such distinguished defenders of the aged as our colleague from Florida (CLAUDE PEPPER).

THE NATURAL GAS CONSUMER ACCESS AMENDMENTS OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

Mr. CORCORAN. Mr. Speaker, today I am joined by Mr. SIMON and several other Illinois colleagues in introducing the Natural Gas Consumer Access Amendments of 1983—a bill that would substantially restructure

the interstate natural gas pipeline industry in the United States. The centerpiece of the consumer access plan is a provision that would immediately change natural gas interstate pipelines to common carriers. If the Congress were to adopt this legislation, it would cause a prompt reduction in natural gas prices nationwide.

Currently, the interstate gas pipeline industry is a regulatory anomaly—they buy gas in the field and resell it at the other end. No other transportation system operates in this exclusive fashion—not airlines; not trucking; and even oil pipelines have been common carriers since the early 1900's.

Our current system allows interstate pipelines to shut in producers that have gas available at reasonable prices. It prohibits distributors and users from acquiring reasonably priced and available supplies in the field.

If we presently had a common carriage system in place, these practices could not occur. Buyers and sellers would be able to negotiate a reasonable agreement and use the transportation system to move the gas to market.

Mr. Speaker, the Illinois Commerce Commission (ICC) has estimated that if Congress were to enact the consumer access plan, it would yield nationwide savings of $5 to $10 billion per year. Additionally, the ICC has also calculated that on the average, the gas bills of Illinois consumers would be reduced by 10 percent after the enactment of this legislation.

The consumer access amendments would complement many of the natural gas proposals presently pending before the Congress. I personally plan to offer it as an amendment to H.R. 1760, the administration's natural gas bill of which I am the chief sponsor in the House. I believe the President's bill, and the consumer access amendments, fit well together. However, they could also be enacted separately.

Let us begin to replace the excessive regulatory system, which allows gas prices to increase despite all of the signals in the marketplace, with one that fosters increased competition. This bold new approach would take a big step in that direction. Mr. Speaker, I urge my colleagues to seriously consider this innovative and timely plan.

How this legislation would affect a particularly unfortunate situation in a large part of Illinois, which is duplicated elsewhere in our State and in the Nation and which highlights the general problem, was outlined by the editor of the Springfield State Journal-Register, Ed Armstrong, on April 4 ("CILCO" is the Central Illinois Light Co., which serves gas consumers, and "Panhandle" is the Panhandle Eastern Pipe Line Co.):

Why could CILCO and other utilities buy gas cheaper than Panhandle is buying it?

Because Panhandle's contracts a shortage of natural gas was forecast, and supply, rather than price, was the major concern. The pipeline companies are required by those contracts to buy certain amounts of gas from suppliers, and, in turn, contracts with distribution companies require those companies to buy specified amounts of gas from the pipelines.

This keeps CILCO, for example, from going to another source and buying gas cheaper than Panhandle is selling it. In addition, Panhandle is the only pipeline company with lines into CILCO's service area; under present arrangements, Panhandle wouldn't transport gas CILCO bought independently. If O'Connor's plan were approved, Panhandle would be required for a reasonable fee to transport gas CILCO bought from someone else.

O'Connor, Corcoran and others contend there's a lot of cheap gas around that's not under contract to the pipeline companies, but now it's not available to anyone, because the pipelines won't transport it.

This concept of changing the role of pipelines has quickly received favorable reviews in Illinois. "Why don't natural gas prices obey the law of supply and demand?", asked an editorial in the March 22 Chicago Tribune, which continued—

According to ICC Chairman Philip J. O'Connor, the real source of rising prices is the pipeline companies that transport natural gas from the producer to the utilities that distribute it. Unlike other carriers—a railroad delivering coal, for example—the pipeline companies first buy the gas they deliver; they are buyers at one end of the pipeline and sellers at the other. And because of complexities in the way they are regulated by the government, they often have an incentive to buy the more expensive gas instead of cheaper gas.

Mr. O'Connor's proposal is to pass federal legislation treating pipelines as common carriers so that they must transport the product whether they own it or not and charge rates that do not discriminate between their own gas and other people's. This, he says, will allow utility companies to shop around for the best deals producers are offering instead of being forced to buy whatever the pipeline is selling at whatever price. And the consumer will benefit.

It is an appealing idea, and it complements President Reagan's plan to speed up deregulation of gas prices at the producer end. * * *

The editorial concluded, "if changing the way the law treats pipelines will help, then it ought to be done."

THE NUCLEAR FREEZE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 30 minutes.

Mr. LEVITAS. Mr. Speaker, before I begin the few remarks I would like to make, I would like to express my appreciation to the gentleman from Georgia (Mr. GINGRICH) for his leadership yesterday during the debate on the mutual guaranteed builddown amendment. I believe the gentleman made a substantial contribution to this ongoing debate.

Mr. Speaker, I have asked for this special order of 30 minutes to have some discussion of yesterday's debate on the issue of House Joint Resolution 13.

Mr. Speaker, I believe that it is fair to say that the debate yesterday on the question of a mutual guaranteed builddown has advanced the public discussion of this very important and meaningful approach to arms control. Even among some of the Members yesterday who found themselves, in the last analysis, voting against the particular proposal, there was substantial expression of support for this concept, and it is my firm belief that, as this debate continues, this concept will clearly be the approach that will be adopted because it does assure an end to the arms race and a reduction of nuclear forces.

The number of votes in favor of the builddown was significant and showed a broad base of support even under adverse circumstances. The administration did not support the proposal and no particular group in town was lobbying for the proposal. Yet the impact of the arguments, in this first instance of discussion, was based on the soundness, the rationale, and the merits of the proposal. This impact was evident in the significant number voting for the proposal, and I believe it augurs well for the future.

I have notified the office of the gentleman from Massachusetts (Mr. MARKEY) that I was going to make some reference to remarks he made yesterday, and I will make some comments about that, and will likely make additional remarks on Monday. Specifically I want to address some comments that the gentleman from Massachusetts (Mr. MARKEY) made during the course of the debate yesterday in which he stated that the mutual guaranteed builddown, what he identified as the Levitas amendment, ". . . is just a public relations cover for the arms buildup the administration wants. It is nothing more than START's version of shell game reductions."

That is an unfortunate comment because I think it demonstrates a total lack of understanding by the gentleman from Massachusetts of what the mutual guaranteed build-down would do, and it suggests that the administration is supporting this approach. Neither of those statements is correct. Indeed, it appears to me to be nothing more than the same sort of nonproductive rhetorical rubbish that we have had too much of on this debate rather than a serious consideration of how we can honestly put an end to the arms race.

It is one thing for us to go through exercises. It is another thing for the world to be made a safe place. And,

frankly, I do not believe the types of observations that the gentleman from Massachusetts made during the course of the debate are constructive in terms of furthering this Nation and the world along in reducing the threat of nuclear war.

The gentleman from Massachusetts further said that the proposal for a mutual guaranteed builddown is "likened to throwing away two crossbows for one artillery piece."

Now, that is another clever rhetorical tour-de-force. Again, it is a total misunderstanding because the difference between delivery systems and warheads is so fundamental that it must be understood by everyone engaged in this debate. It is not whether you have one missile or five missiles. It is how many nuclear warheads we are dealing with in order to reduce this arms race and to make this world a safer place.

I think it is going to be very important for us to put in perspective the efforts, the rhetorical efforts, being made by some of the unilateralists who are approaching this in the context of a nuclear freeze so that the rest of the people in this Nation and the world will understand that we have got to make this world a safer place in a nuclear age by literally reducing the amount of nuclear weapons that are available on either side which have the potential of bringing about a nuclear catastrophe.

Mr. Speaker, I hope that as this discussion continues, it can be restored to the high plain that, for the most part, was the nature of the debate yesterday and, as I have indicated, on next Monday I will continue some discussion of what this is about.

Mr. LUNGREN. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would also like to thank the gentleman from Georgia (Mr. LEVITAS) and the gentleman from Georgia (Mr. GINRICH) for their efforts yesterday in what I thought was a very intriguing and a very positive approach. The one thing I would like to make reference to, however, was some comments made by the majority leader just prior to the vote on that amendment, because I think that some confusion arose and I think we ought to address it.

In quoting the majority leader, he said this concerning the resolution, as he argued against accepting the amendment of the gentleman from Georgia:

> It is a simple proposition that we face. It is not complicated. The question is, do we favor a mutual and verifiable freeze and reduction of nuclear weapons? There is nothing complicated about that, nothing sinister about that, nothing hidden about it.

Then he goes on to say this:

> So it seems to me that we need to uncomplicate the matter. Let us keep it clear, simple and straightforward. We should not—I repeat—not try to get into the technical questions of what comes first—freeze or reduction, qualitative or quantitative limitations, delivery systems or warheads. Leave those to the negotiators as properly we should.

The reason I bring those comments up is, it seems to me that they could have been used by those who were supporting the proposition of the gentleman from Georgia, they could have been used by the people who were supporting the proposition of the gentleman from Michigan (Mr. SILJANDER), they could have and should have been used, in my judgment, to support the proposition of the gentleman from Colorado (Mr. BROWN), all of whom were trying to point out that we ought to have more than one option, that if we can reduce first rather than freeze first, we ought to do that. I thought that was one of the elements of the gentleman's proposition yesterday. I know it was from the gentleman from Michigan (Mr. SILJANDER) and certainly the gentleman from Colorado.

I think what the gentleman from Georgia mentioned a minute ago is extremely important. Much of the rhetoric that has been heard in these Halls is confusing. And it ought not to be the question of whether you are for peace or against peace, whether you want to reduce weapons or you do not want to reduce weapons. It ought to be: How do we get together in working with the legislative branch and with the executive branch so that we put forward the most effective proposal to engage the Soviet Union in this exercise, because we all know we cannot do it unilaterally.

□ 1130

I would hope that perhaps the gentleman might bring his amendment up next time and maybe we could call it the majority leader's amendment and cite the majority leader's comments and perhaps we might get those few votes necessary to pass it.

I thank the gentleman from Georgia for his indulgence.

THE LIBERAL FOREIGN POLICY IS PROSLAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGRICH) is recognized for 30 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk today about the reality which came into focus this week about liberal foreign policy and its indifference to slavery and its indifference to issues of the survival of freedom on this planet.

We have had three incidents this week that I think are extraordinarily revealing. One was the leader of the Democratic Party in the House saying that allowing a 19-year-old girl to stay in America was unwise when her alternative was slavery. The second was a series of votes in the Committee on Foreign Affairs whose net effect is to say that if you are for freedom in Central America, we will not help you, and if you are against freedom in Central America, we will not stop you, and then an additional series of votes in the Committee on Foreign Affairs in which they applied that to North Africa as well, saying in effect to our friends in Morocco and Zaire and in Tunisia that your military problems, the reality of foreign aggression, the reality of the Polisario guerrillas, the reality of being next door to Libya and the dictator the reality of having Cuban and Soviet-trained guerrillas training against Zaire is irrelevant; your freedom and your survival does not matter to us.

Finally, a debate on the nuclear freeze resolution, whose sophistry and lack of realism was breathtaking at best and stunning at worst.

Let me start first with the case of Hu Na, the young lady who is a 19-year-old tennis player who decided she did not want to go home. It raises a fundamental issue, and I think a fundamental problem for America, a problem which was raised in larger numbers by the boat people, a problem which has been raised for us again and again since World War II.

In Abraham Lincoln's phrase, a house cannot stand half free and half slave. That may be true of the world. The long-run consequence of our giving in, of our withdrawing, of our pulling out, of our pulling back, of our isolationism, of the increasing cry for what is in effect unilateral disarmament, the consequence has been that free Vietnamese now live in Los Angeles or in Washington, they do not live in Saigon; that free Cambodians now live in Atlanta or Detroit, they do not live any longer in Cambodia; that free Laotians live literally in my district in Clayton County; they sadly no longer live in Laos.

That is a reality. That happened. Free Cubans live in Florida, in Atlanta; they do not live in Cuba.

Now, we have two choices. We can become a Byzantine empire surviving against a hostile world, closing our borders, crushing resistance when it comes near us, and paying the cost for that survival, or we can resurrect the flag of freedom and say that freedom is worth fighting for, that freedom is worth helping, that freedom is a noble cause, that freedom is worth the effort.

This week, after, I am sure, an acceptable and interesting and exciting visit to China, the leader of the Democratic Party in this House said, in what I think is the first time since the Dred Scott decision in the 1850's, that

it is legitimate to return a slave to its master and that a 19-year-old girl is not nearly as important as dining well with the people of the Republic of China, a logical first step toward giving up Taiwan and putting 18 million free Chinese under a Communist regime. It is a tragedy, but it is the first step in what was a terrible week for freedom.

The second step is the whole debate over El Salvador and Nicaragua and the Caribbean. What we have been saying is that if you are for freedom, granted, crude, clumsy, incompetent freedom, freedom more on the style of the former Chicago city machine, freedom more in the style of parts of south Texas and south Georgia, freedom of a style that has corruption, and anyone who saw "Murder in Coweta County," which occurred in my district, which was true in the late 1940's, knows that there has been repression in America, that probably, in fact, if those who are purest about El Salvador look carefully enough at America, they would find good reason not to defend us either.

But those who are against freedom, the Soviet Union, Cuba, increasingly the Nicaraguan Government, are in fact against freedom. It is very simple. They do not like free newspapers. They do not like free voting. They do not like free businesses. They do not like freedom, period. And they show it every day. It is not complicated. It is simple.

The real question is: Which is the underlying issue in the Caribbean, 55 American advisers in El Salvador? That is the liberal argument. Those 55 American advisers are destabilizing; they are not helping the cause of peace.

Let me list the other side of that equation. I wish I had a chart to list the 55 advisers on one side, and on the other side there is a Soviet brigade in Cuba protecting the largest intelligence operation the Soviets have outside their home country. The Cuban Air Force is now larger than all of the air forces in Latin America combined. There is a 10,000-foot airfield being built in Grenada. The KGB, the Soviet secret police, has a large contingent in the Nicaraguan Embassy. The Nicaraguan Army has increased four times in size and eight times in effective power since the Marxist Communists took over.

And the El Salvador guerrillas? The El Salvador guerrillas say openly on radio, for all to hear, they are glad they are getting help from the Soviet Union, they are glad they are getting help from Nicaragua. They intend to have their side, the side of slavery, do all it can to win in El Salvador.

In that setting, what does it tell us about the American news media and its liberal bias; indeed, what does it tell us about liberalism in this country and this Congress: that the issue is not the Soviet brigade, the issue is not the largest air force in Latin America, the issue is not a 10,000-foot airfield, the issue is not Soviet secret police in Nicaragua, the issue is not a Nicaraguan army large enough to conquer all of Central America, nor is the issue the fact that the El Salvador guerrillas consciously and openly accept and are grateful for and proud of Soviet and Cuban help.

Oh, no. The issue in our own backyard, in an area we once considered literally good neighbors, to quote Franklin Roosevelt, a great Democrat who understood the importance of protection, among our good neighbors the issue is 55 helpers from America.

Now, why does that matter to us? How in the abstract all of us agree we are for freedom but, after all, it is not our country; as Neville Chamberlain once said, it is a distant place about which we know little. And frankly, the people who gave us Ho Chi Minh City, the people who gave us the boat people, the half-million refugees, they now want to give us the KGB and the Cuban secret police in El Salvador. Next they will want to give us the KGB and the Cuban secret police in Guatemala. Finally, they will want to explain why we need to have the KGB and the Soviet secret police in Mexico.

As a former liberal Ambassador to the United Nations said, after all, the Cuban troops in Africa are stabilizing influences. If we want stability in Mexico, I am certain the Cubans and the Russians would be glad to provide that stability. Of course, that stability comes at the cost of freedom. You then have a Communist slave state in Mexico.

But, "Ah," our liberal friends will say, "dominoes do not exist. El Salvador is an isolated case, just as Nicaragua was, just as Grenada was, just as Cuba was. There is really no linkage." Tell that to the Cambodian refugee camps that are being bombed and attacked by North Vietnam in Thailand. Go back and read who was right and who was wrong in the early 1960's. Go back and look at who said if, in fact, Vietnam wins its war of aggression, which is not a civil war, it will impose a Communist state on Laos, it will impose a Communist state in Cambodia, and it will threaten Thailand. And look then at the newspapers of the last few weeks and ask yourself: Is there a lesson in the fact that the very people who were wrong, the very people who did not understand freedom and slavery in Southeast Asia, are as wrong and as blind and as arrogant today about Central America.

There are dominoes. I would challenge Ed Asner and Jane Fonda. I would challenge the members of the Foreign Affairs Subcommittee who voted against aid, go and visit the Cambodian refugee camps, go and look at the warfare being fought on the Thai border, go and talk to the Government of Thailand, and then, in God's name, come back and explain to us what lessons you have learned about the failures of the past.

But, oh, no, freedom is difficult; slavery is easy. Freedom requires effort; slavery requires nothing. We are having a good picnic in America. Why be concerned abut our neighbors? And these are people who call themselves New Deal Democrats and who think that they sup at the table of Franklin Roosevelt. He would turn in his grave at the thought that his good neighbor policy has become an excuse to hide from the reality of aggression.

Do we really think the KGB is better than the Gestapo? Do we really think that this effort to stop fascism was less important than our efforts to stop communism, or to have the gentleman who represents John F. Kennedy's seat in the House, John F. Kennedy, who said in his address, "We will go anywhere, bear any burden, to help the cause of freedom," to have that gentleman, representing the seat of John F. Kennedy, suggest that we send a 19-year-old girl back to China, back to slavery.

The mind boggles at the changes in this country in a quarter of a century. How can we explain the lack of historical memory, the lack of learning? We are repeating the horrors of slavery again. And it is not totally ignorance. The chairman of the Committee on Foreign Affairs was quoted as saying, "One of the problems we have with Communist regimes is that they do not always live up to their word."

May I repeat that. "One of the problems we have with Communist regimes is that they do not always live up to their word." This from the gentleman who is saying, "Let us not send a 19-year-old back." He is on the right side of that issue. Let us not send a 19-year-old back because we cannot necessarily trust the Communist regime not to imprison her, but let us pass a nuclear freeze because we can trust the Communist regime with the matter of the survival of America as a country and the survival of freedom in the world.

Now, if we cannot trust one Communist regime with a 19-year-old girl, how in the Lord's name can we possibly trust the Soviet Union with the entire fate of Western civilization? Yet the same gentleman who would not return the girl sponsors the freeze resolution. But he knows better. He at least understands that, as I said, quoting him, "One of the problems we have with Communist regimes is that they do not always live up to their word."

Now, the gentleman from Massachusetts may not know better. He was

quoted as saying in China, and I quote, "I am a domestic Congressman, the leader of the House, and my knowledge of foreign affairs, to be perfectly truthful, is extremely limited." He may not know better. He may not understand freedom versus slavery, El Salvador; in fact, in the tradition of Stanley Baldwin and Neville Chamberlain, both were remarkably successful politicians domestically, whose only weakness was they left their nation with war with Nazi Germany. He may well be a very good domestic politician, he may be one of the best, but I think he was honest in China.

And that should, and I mean this with no insincerity, that should lead him to pause and ask himself: If that is true, is it possible that the entire nuclear freeze debate is taking place in a vacuum and that if we looked at history we would learn something?

I would suggest that every American should read the debate 3 weeks ago, and everyone should read yesterday's RECORD. It is one of the most appalling examples of sophistry and irresponsibility we have had in a long time. The left in America on foreign policy is either ignorant, irresponsible or indifferent to the issue of freedom and slavery. These 2 days of debate indicate that some Members are ignorant, some Members are irresponsible, and some Members are indifferent. It will be useful for the average citizen to read it and decide which group their Member fits in if, in fact, they are very strong advocates of the freeze.

There are five great mistakes in the freeze advocates. The first is the issue of obsolescence. If we freeze today, 15 years of Soviet buildup and 15 years of relative American stability, we have obsolescent B-52's that are crashing. If that freeze lasts 10 years, then the balance of power will decisively shift to the Soviets.

No one in Britain wanted the Nazis to be superior, but no one in Britain except Churchill wanted to talk about it. Everyone in the freeze debate focuses on today, but if you look at America in 1993, if you look at those B-52's that are already 28 years old, you look at planes like the one that crashed this week in Nevada, then you can understand why the freeze frightens those of us who are genuinely worried about preserving the peace.

Second, there were Members yesterday who had the gall to say that our West German allies want a freeze. Imagine. For weeks, for months, we in America saw West Germany fight out its future on the battlefield of politics. We saw a free nation choose between no missiles and missiles, and they chose overwhelmingly to have missiles. Now that we have a West German Government asking us to put the Pershing II's in place, a West German Government whose Chancellor went to the mat and went to the country when it was difficult, now that we have a Socialist President of France, Mitterrand, saying you have to have deterrents, we have Members of this House with the gall to stand here, and it is in yesterday's RECORD, and tell us, "Oh, they do not mean it."

Are we then their masters and they our slaves? Is this House then to decide for the West Germans their fate? Are we to adopt a freeze which would, in fact, leave us without any options? Such shame.

Third, not a single Member of the freeze advocate side, all of whom proudly pointed to the Trident submarine, not a single Member talked about the transfer of resources into antisubmarine warfare.

□ 1145

Yet the fact is that if we have a freeze on nuclear weapons, the Soviets will almost certainly transfer resources into antisubmarine warfare, and if they do, the Tridents will eventually become vulnerable. Yet there is no provision in the freeze for freezing antisubmarine warfare.

Fourth, the discussion about the Soviet state yesterday was breathtaking. Let me repeat. The Soviet state is a tyranny. It is committed to slavery. It believes that the only way to coerce people is through the secret police. Andropov is the moral equivalent of Heinrich Himmler. He headed the KGB, which is the equivalent of the Gestapo. He spent 15 years torturing people, giving them brain treatments, and various kinds of shock treatments, and putting them in insane asylums. Anyone who talks with a refusenik or anyone who talks with a refugee gets a clear sense of who Andropov is and what fun he had as head of the secret police. That is the man they chose to lead their country.

We have to at least ask ourselves, if a country chooses the head of the secret police to be in charge, what kind of a nation does that make it? Were Andropov pro-American and living in Central America, he would be inappropriate, and Jane Fonda would be against him. Since he is a Soviet leader, he is, of course, somebody Walter Mondale wants us to go and negotiate with.

We have evidence about the nature of the Soviet Union, not just from the refuseniks, not just from the refugees, but from Poland and Afghanistan, and we have overwhelming evidence that thay are using chemical warfare weapons. We have evidence that the KGB is not a nice group. There is some evidence that through the Bulgarians the KGB, the secret police, may have in fact tried to kill the Pope—certainly not a stabilizing activity. Yet that is not given very high play. The KGB at that time, by the way, was headed by Mr. Andropov, who is now the head of the Soviet Government.

Even without the efforts to assassinate the Pope, the KGB is basically the nastiest organization left on the planet now that the Gestapo is gone. What we are facing in fact is a Nazi Germany without Hitler, a country that has a grim, gray, bureaucracy presiding over it, with a secret police that enslaves the nation.

Yet one advocate of the freeze said this—and my quote is from page 8418, probably the most mind-boggling single statement, and I quote:

> It is time that the peoples of the United States and the peoples of the Soviet Union attempted to handcuff their governments in a way so that we can have peace rather than a continued arms race.

Anyone who believes the people of the Soviet Union, living in a police state, can handcuff their government should vote for the freeze and promptly be defeated by the Nation at large on the grounds that they are totally out of touch with reality. That is like mistaking a rattlesnake for a bunny rabbit.

How can the people of the Soviet Union handcuff their government? They are in fact living in a police state, and they in fact have no real ability to influence that state. Yet there are Members of this body who actually think that Washington is the danger to peace and freedom, and that Moscow is our ally. What nonsense. What utter rot.

Finally, what does the freeze mean? We have had a number of versions or explanations so far. If one reads yesterday's RECORD, we have a number of new versions. Is the freeze, as one Member said, "simple and clear," or is the freeze, as the chairman of the Committee on Foreign Affairs suggested in his opening statement, in fact "very difficult and very complex"? I suspect that in reality, in negotiating with the Russians, the freeze will rapidly become very complex, even if it is a simple symbol.

In closing, Winston Churchill would have recognized this week. He lived in a time when Stanley Baldwin was popular and Neville Chamberlain was popular, and they told people what they wanted to hear. He lived in a time when freedom was not very important, when they could sell out Austria and then Czechoslovakia. He lived in a time when deterrence was not important, when people did not need weapons, when the Liberal Party or the left wing party of that day in fact was for unilateral disarmament. He lived in a time when people laid the base for what he was to call "the unnecessary war."

These are not simple political documents. These are not just symbols. We are in the process of cutting ourselves to pieces in Latin America. We are in the process of betraying our allies in Africa. We are in the process of repu-

diating our allies in Europe. We are in the process of crippling our own defense.

That is the legacy of liberalism in this country. It gave us a defeat in Vietnam, it gave us a half million boat people, it gave us the refusal to cope with Castro, and it is now giving us a triangular base in the Caribbean, from Grenada to Cuba to Nicaragua, which may well cripple this Nation. It is in the process of giving us a decisive defeat in El Salvador, and one of its leaders this week wanted to send a 19-year-old girl back into slavery.

Mr. Speaker, that is the state of this country today.

BELOW MARKET RATE AUTOMOBILE FINANCING: CONSUMERS BEWARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, every time I open a newspaper these days I see an advertisement proclaiming "below market rate" financing on new automobiles. If one were to believe these ads it would indeed seem that now is a time like no other to get an incredible deal on a brandnew car.

But that, unfortunately, is the problem, as many of these ads are full of seemingly believable statements that in many cases turn out to be enormously misleading—if not downright false—upon closer inspection. Many of them disguise the true cost of credit to such an extent that it is absolutely impossible for consumers to comparison shop for credit or cars. Consumers are unable to get the information they need to negotiate the best deal in buying a car. These advertisements and the supposed terms of the financing available frustrate both the spirit and the intent of the Truth in Lending Act.

The automobile dealers who are trying to attract customers with these new financing deals are offering loans at rates of anywhere from zero to 10 percent. All of the ads are short on details as they are designed to get the customer into the store. For example, I have seen ads containing headlines like "Our rates never lower" or "The No. 1 financing rate in the USA." One group claiming interest-free loans apparently anticipated the suspicions of wary customers as the ad also included in bold print the words "Yes, You can believe it!"

Well, no you cannot, for these ads are more noteworthy for what they do not say than for what they do. In order to qualify for the below market rate financing consumers frequently have to make a large downpayment, sometimes as high as one-third of the price of the car. Still other ads that claim low rates for new cars really apply only to certain models. Of course, consumers do not find out about these things until they are in the showroom.

What is even more dangerous about this misleading advertising is what the potential customers would not find out at all—behind almost every below market rate financing deal lurks an undisclosed finance charge. Although the automobile dealers claim that the potential customers are getting the loans at low rates of interest, the truth is very different indeed.

Below market rate financing is only possible because the automobile dealers arrange it and pay for it. In a typical case, the dealer tells a bank the rate that he wants to offer and then finds out how much it will cost him. The dealer pays the bank the difference between the prevailing market rate and the lower advertised rate. He then makes up this outlay by increasing the cost of the car to the customer.

For example, suppose the dealer wants to cut the prevailing rate of 15 percent on a $7,000 48 month loan to a more attractive rate of 9.9 percent. In order to do this, he must compensate the lender for the lower rate of interest charged to the consumer by paying a fee. In this example, that fee will come to $633.

The dealer then runs ads and tells potential customers that he is offering a $7,000 loan at 9.9 percent for 48 months. Consumers are told that the monthly payments on the loan will be $177.20. The payments will total $8,505.60 for the life of the loan and the finance charge is $1,505.60.

Though the consumer thinks that he is getting a $7,000 loan at 9.9 percent, he is really getting a $6,367 loan at 15 percent, because the dealer is almost certain to include the $633 fee in the final price of the car. The dealer must recover the cost of the cheap credit somewhere, and that somewhere is going to be in the price of the car. The consumer is not able to learn the separate cost of the credit and the car because they are sold as a single package. In effect, the consumer is back where he was before the Truth in Lending Act was passed, unable to ascertain in the true cost of goods and credit.

If, in my example, the dealer's $633 cost of the buy-down was included in the finance charge where it belongs, rather than hidden in the price of the car, it is obvious that the finance charge is actually $2,138.60, not $1,505.60. If all of this information was properly disclosed to the consumer, the fact that this is hardly below market rate financing would be quite evident.

Under the original Federal Reserve Board regulation concerning the treatment of sellers buy-downs under the original Truth in Lending Act it would still be quite evident. Under the old rule, buy-downs that were passed on to the consumer had to be revealed as part of the finance charge and taken into account in calculating the annual percentage rate. As a result, consumers were aware of the true cost of credit.

Unfortunately, this is no longer the case. Since the implementation of the Truth in Lending Simplification Act by the new Board regulation in March of 1981, automobile dealers, homebuilders and anyone else who wanted to offer below market rate financing have been able to deceive consumers by hiding these buy-downs without technically violating the Truth in Lending Act. When the Board had second thoughts and proposed that the old rule be reinstated, a torrent of screams from creditors and sellers washed away any possible reversal by the Board. Last fall, I wrote in support of the proposal to reinstate the old rule. I warned the Board that the new regulation actually encourages sellers to arrange low interest financing and pass the hidden cost on to consumers. Sadly, that prediction has been shown to be all too accurate.

It has always been quite clear to me that new regulation completely contradicts the findings and declaration of purpose for the act which states:

> The informed use of credit results from an awareness of the cost thereof by consumers. It is the purpose of [the Truth in Lending Act] to insure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily terms available to him and avoid the uninformed use of credit.

As the discussion of below market rate financing on automobiles clearly shows, the original goals of the Truth in Lending Act are not shared by many of those who arrange credit and sell products to consumers. And thanks to the Federal Reserve Board's loss of nerve on reinstating the original rule on the treatment of sellers points, they do not have to be. Unfortunately, it is the American consumer who is suffering, and who will continue to suffer from this regulation that completely nullifies the Truth in Lending Act.●

SEVEN AMERICANS LOST IN B-52 CRASH

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I, along with millions of Americans, was saddened to read again this morning of the loss of another B-52 and, with it, seven American lives.

As this Congress addresses the issue of whether or not the World War II technology and the 1950 production of our strategic bomber force is now sufficient to enter into the next century,

we should take into consideration the loss of three such aircraft since Christmas. We learned of the collapse of a wing during refueling some 18 days ago, and now the loss again of the fathers and sons of Americans as they attempt to protect this country on a duty that is entrusted to the Congress of the United States.

Mr. Speaker, as we call upon them to serve, we refuse to face the reality that a 25-year-old aircraft is too old to defend this country and too old to ask our airmen to fly.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DYMALLY of California (at the request of Mr. MURTHA) for April 18 through 22, 1983, to attend a conference in southern India.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, today, for 15 minutes.

Mr. CORCORAN, today, for 10 minutes.

Mr. GILMAN, on April 26, 1983, for 60 minutes.

Mr. GINGRICH, today, for 30 minutes.

Mr. LEACH of Iowa, today, for 30 minutes.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. LEVITAS, today, for 30 minutes.

Mr. MITCHELL, today, for 15 minutes.

Mr. ANNUNZIO, today, for 5 minutes.

Mr. SKELTON, today, for 10 minutes.

Mr. LEVITAS, on April 18, 1983, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EVANS of Iowa) and to include extraneous matter:)

Mr. ARCHER.

Mr. MOORHEAD.

Mr. JEFFORDS.

Mr. KEMP in three instances.

Mr. FISH.

Mr. MCKERNAN.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. D'AMOURS in three instances.

Mr. CLARKE.

Mr. GRAY in three instances.

Mr. FASCELL.

Mr. LEHMAN of California.

Mr. STARK.

Mr. OBERSTAR.

Mr. MAVROULES.

Mr. FROST.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 41. Joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education for Business Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. RATCHFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 52 minutes a.m.), under its previous order, the House adjourned until Monday, April 18, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

918. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles to Japan (Transmittal No. 83-28), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

919. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the annual report on the status and needs of tribally controlled community colleges, pursuant to section 106(e) and section 107(c)(2) of Public Law 95-471; to the Committee on Education and Labor.

920. A letter from the Executive Director, National Council on Educational Research, Department of Education, transmitting notice of a delay in submitting the Council's annual report; to the Committee on Education and Labor.

921. A letter from the Secretary, Department of Education, transmitting a draft of proposed legislation to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational and basic skills in the work force that will improve productivity and economic growth, and for other purposes; to the Committee on Education and Labor.

922. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to sell certain defense articles and services to Japan (Transmittal No. 83-28), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

923. A letter from the Assistant Secretary of Indian Affairs, Department of the Interior, transmitting a proposed plan for the use and distribution of the Mississippi and Lake Superior Bands of Chippewa Indians judgment funds in docket Nos. 18-C and 18-T, pursuant to section 2(a) and section 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

924. A letter from the Comptroller General of the United States, transmitting a report reviewing the neighborhood reinvestment corporation's financial statements for fiscal year 1982 (AFMD-83-55, April 13, 1983); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. House Concurrent Resolution 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes (Rept. No. 98-61, Pt. I). Ordered to be printed.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 594. A bill to amend section 1 of the act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible (Rept. No. 98-62). Referred to the Committee on the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 596. A bill to transfer responsibility for furnishing certified copies of Miller Act payment bonds from the Comptroller General to the officer that awarded the contract for which the bond was given (Rept. No. 98-63). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 723. A bill for the relief of Marsha D. Christopher. (Rept. No. 98-55). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 726. A bill for the relief of James A. Ferguson. (Rept. No. 98-56). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 730. A bill for the relief of Ronald Goldstock and Augustus M. Statham. (Rept. No. 98-57). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 732. A bill for the relief of Gregory B. Dymond, Samuel K. Gibbons, Jack C. Kean, James D. Nichols, and Roy A.

Redmond. (Rept. No. 98-58). Referred to the Committee of the Whole House.

Mr. KINDNESS: Committee on the Judiciary. H.R. 745. A bill for the relief of Stephen C. Ruks. (Rept. No. 98-59). Referred to the Committee of the Whole House.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 1750. A bill for the relief of Apolonio P. Tumamao and others. (Rept. No. 98-60). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SKELTON:

H.R. 2560. A bill to amend title 10, United States Code, to abolish the Joint Chiefs of Staff and establish a single Chief of Staff for the National Command Authorities, to establish a National Military Council, and for other purposes; to the Committee on Armed Services.

By Mr. AUCOIN:

H.R. 2561. A bill to amend the Export-Import Bank Act of 1945; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

By Mr. BIAGGI:

H.R. 2562. A bill to amend section 45 of the Shipping Act, 1916; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL (for himself, Mr. MATSUI, Mr. MOORE, Mr. PEASE, Mr. THOMAS of California, Mr. MARTIN of North Carolina, Mr. HANCE, Mr. FRENZEL, Mr. GIBBONS, Mr. SCHULZE, Mr. VANDER JAGT, Mr. ARCHER, and Mrs. KENNELLY):

H.R. 2563. A bill to amend the Social Security Act to authorize the conduct of federally assisted pilot projects designed to improve the delivery of services under the various human services programs by establishing integrated service delivery systems for those programs; to the Committee on Ways and Means.

By Mr. HANCE (for himself, Mr. PICKLE, Mr. MATSUI, Mr. MOORE, Mr. GIBBONS, Mr. DUNCAN, Mr. ARCHER, Mr. FOWLER, Mr. FRENZEL, Mr. JACOBS, Mr. HEFTEL of Hawaii, Mr. PEASE, Mr. VANDER JAGT, Mr. PHILIP M. CRANE, Mr. SCHULZE, Mr. ANTHONY, Mr. THOMAS of California, Mr. BEREUTER, Mr. BLILEY, Mr. BROWN of Colorado, Mr. CHENEY, Mr. DAUB, Mr. FIELDS, Mr. HUGHES, Mr. KINDNESS, Mr. LOEFFLER, Mrs. MARTIN of Illinois, Mr. NICHOLS, Mr. PATMAN, Mr. STUMP, Mr. WHITEHURST, and Mr. YOUNG of Alaska):

H.R. 2564. A bill to direct the Secretary of the Treasury or his delegate to conduct a study of the advisability of replacing the current Federal income tax system for individuals and corporations with a system under which income tax is imposed on gross income; to the Committee on Ways and Means.

By Mr. CORCORAN (for himself, Mr. SIMON, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DURBIN, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. MICHEL, Mr. O'BRIEN, Mr. PRICE, Mr. MADIGAN, and Mr. RUSSO):

H.R. 2565. A bill to amend the Natural Gas Policy Act of 1978 to establish natural gas pipelines as common carriers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MAVROULES:

H.R. 2566. A bill to amend the Federal Reserve Act to provide for increased representation of small business interests and agricultural interests on the Board of Governors of the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ST GERMAIN:

H.R. 2567. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. SHANNON (for himself, Mr. FRENZEL, Mr. MATSUI, Mr. JENKINS, Mr. WYDEN, Mr. DYMALLY, and Mr. THOMAS of California):

H.R. 2568. A bill to amend the Internal Revenue Code of 1954 to repeal the provision which terminates the exclusion for amounts received under certain educational assistance programs; to the Committee on Ways and Means.

By Mr. LEACH of Iowa:

H.J. Res. 237. Joint resolution expressing the sense of the Congress that the Secretary-General of the United Nations should be requested to act as an intermediary in the Nicaraguan-Honduran border dispute; to the Committee on Foreign Affairs.

By Mr. SOLOMON:

H. Con. Res. 111. Concurrent resolution to commemorate the Ukrainian famine of 1933; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

76. By the SPEAKER: Memorial of the General Assembly of the State of North Carolina, relative to low-income housing programs; to the Committee on Banking, Finance and Urban Affairs.

77. Also, memorial of the Legislature of the State of Washington, relative to Port of Grays Harbor; to the Committee on Public Works and Transportation.

78. Also, memorial of the General Assembly of the State of North Carolina, relative to Tax Deductions; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FORSYTHE:

H.R. 2569. A bill for the relief of Harold N. Holt; to the Committee on the Judiciary.

PRIVATE RESOLUTIONS

H. Res. 162. Resolution to refer the bill, H.R. 2569, for the relief of Harold N. Holt to the chief commissioner of the Court of Claims; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of April 13, 1983]

H.R. 175: Mr. ALEXANDER, Mr. HAMILTON, Mr. HOWARD, Mr. MONTGOMERY, Mr. PRICE, Mr. ST GERMAIN, Mr. WHITTEN, Mr. DICKINSON, Mr. HORTON, Mr. FRENZEL, Mr. SNYDER, Mr. SPENCE, Mr. ROBINSON, Mr. MCKINNEY, Mr. MARRIOTT, Mr. HAMMERSCHMIDT, Mr. FORSYTHE, Mr. RAHALL, Mr. DAUB, Mr. STUMP, Mr. PORTER, Mr. WOLF, Mr. DWYER of New Jersey, Mrs. ROUKEMA, Mr. ROGERS, Mr. LUKEN, Mr. BEVILL, Mr. WHITLEY, Mr. LIPINSKI, Mr. HATCHER, Mr. CORRADA, Mr. SOLOMON, Mr. HUTTO, Mr. DANIEL, Mr. GOODLING, Mr. RINALDO, Mr. JONES of North Carolina, Mr. JACOBS, Mr. BARNES, Mr. RUDD, Mr. MARTIN of New York, Mr. NIELSON of Utah, Mr. MARTIN of North Carolina, Mr. MITCHELL, Mr. DREIER of California, Mr. STENHOLM, Mrs. HOLT, Mr. YOUNG of Alaska, Mr. LOWERY of California, Mr. EMERSON, Mrs. LLOYD, Mr. PAUL, Mr. BOEHLERT, Mr. MCNULTY, Mr. FORD of Tennessee, Mr. SUNIA, Mr. LENT, Mr. BLILEY, Mr. HANSEN of Idaho, Mr. REGULA, Mr. ROBERTS, Mr. WINN, Mr. DANIEL B. CRANE, Mr. WHITEHURST, Mr. CHAPPELL, Mr. CLINGER, Mr. HUBBARD, Mr. BEREUTER, Mr. VANDER JAGT, Mr. RITTER, Mr. HEFTEL of Hawaii, Mr. BEDELL, Mr. ROE, Mr. MARLENEE, Mr. ROSE, Mr. TAUKE, Mr. BURTON of Indiana, Mr. HOPKINS, Mr. MAVROULES, Mr. EDWARDS of Oklahoma, Mr. MCDONALD, Mr. OLIN, Mr. HANSEN of Utah, Mr. DAVIS, Mrs. VUCANOVICH, Mr. SMITH of New Jersey, and Mr. NEAL.

[Submitted April 14, 1983]

H.R. 220: Mr. GOODLING, Mr. GUNDERSON, Mr. BEREUTER, and Mr. BEVILL.

H.R. 485: Mr. CHAPPELL.

H.R. 927: Mr. NEAL.

H.R. 1315: Mr. ACKERMAN, Mr. BARTLETT, Mr. BERMAN, Mr. BREAUX, Mr. CAMPBELL, Mr. CLINGER, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. DUNCAN, Mr. FORSYTHE, Mr. GARCIA, Mr. GINGRICH, Mr. SAM B. HALL, Jr., Mr. HILER, Mr. HUTTO, Mr. LAGOMARSINO, Mr. LOWERY of California, Mrs. MARTIN of Illinois, Mr. OTTINGER, Mr. PATTERSON, Mr. ROE, Mr. SAWYER, Mr. SCHULZE, Mr. SENSENBRENNER, Mr. SHELBY, Mr. SMITH of Florida, Mr. STOKES, Mr. STANGELAND, Mr. SUNDQUIST, Mr. VANDER JAGT, Mr. WALKER, Mr. WEBER, Mr. WHITEHURST, Mr. WISE, and Mr. THOMAS of California.

H.R. 1543: Mr. BEILENSON, Mr. WON PAT, Mrs. SCHNEIDER, Ms. FERRARO, Mr. HOWARD, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. HEFTEL of Hawaii, Mr. BERMAN, and Mr. EDGAR.

H.R. 1598: Mr. LOWRY of Washington, Mr. WEAVER, Mr. DASCHLE, Mr. VENTO, Mr. FORD of Michigan, Mrs. BOXER, Ms. KAPTUR, Mr. LELAND, Mr. ROSE, Mr. MCNULTY, Mr. OTTINGER, Mr. STOKES, Mr. D'AMOURS, Mr. FRANK, Mr. FAUNTROY, Mr. HORTON, Mr. KILDEE, Mr. RATCHFORD, Mr. RICHARDSON, Mr. WILLIAMS of Montana, and Mr. PATTERSON.

H.R. 1905: Mr. WILLIAMS of Ohio, Mr. COATS, Mr. EDWARDS of Oklahoma, Mr. BLILEY, Mr. MAVROULES, Mr. NICHOLS, Mr. ROE, Mr. BEVILL, Mr. JEFFORDS, and Mr. HALL of Ohio.

H.R. 2071: Mr. LUJAN, Mr. BROWN of Colorado, Mr. PASHAYAN, Mr. MARRIOTT, Mr. CHENEY, Mr. HANSEN of Utah, Mr. MARLENEE, Mr. YOUNG of Alaska, Mr. MCNULTY, Mr. MCCAIN, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. PATTERSON, Mr. WEAVER, and Mr. NIELSON of Utah.

H.R. 2382: Mr. OXLEY, Mr. YATRON, Mr. SNYDER, Mr. GRAMM, Mr. LIVINGSTON, Mr. EMERSON, Mr. MONTGOMERY, Mr. SKEEN, Mr. CORCORAN, Mr. THOMAS of Georgia, Mr. VANDER JAGT, Mr. MARTIN of New York, Mr.

O'BRIEN, Mr. BROWN of Colorado, Mr. NATCHER, Mr. CHENEY, Mr. ALEXANDER, Mr. WILSON, Mr. MARLENEE, Mr. DUNCAN, Mr. QUILLEN, Mr. DE LUGO, Mr. BEVILL, and Mr. HILER.

H.R. 2560: Mr. GEPHARDT.

H.J. Res. 105: Mrs. BOGGS, Mr. JEFFORDS, Mr. LIVINGSTON, Mr. MARTIN of North Carolina, Mr. CHAPPELL, Mr. BARNARD, Mr. WALKER, Mr. MOORE, Mr. ROSE, Mr. GUARINI, Mr. TAUZIN, Mr. ANTHONY, Mr. TAUKE, Mr. DEWINE, Mr. CONTE, Mr. LAGOMARSINO, Mr. CARPER, Mr. WYDEN, Mr. ALEXANDER, Mrs. HOLT, Mr. NEAL, Mr. MINETA, Mr. PATTERSON, Mr. ADDABBO, and Mr. SAM B. HALL, JR.

H.J. Res. 187: Mr. SIMON.

H. Con. Res. 39: Mr. ANDERSON, Mr. BARNES, Mr. BOUCHER, Mr. DYMALLY, Mr. FLIPPO, Mr. FOLEY, Mr. FROST, Mr. GARCIA, Mr. WALGREN, Mr. MORRISON of Connecticut, Mr. JACOBS, Mr. SOLARZ, Mr. TOWNS, and Mr. VANDERGRIFF.

PETITIONS, ETC.

Under clause 1 of rule XXII,

74. The Speaker presented a petition of the American Public Health Association, Washington, D.C., relative to health insurance for the unemployed; which was referred, jointly, to the Committees on Ways and Means and Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1983

By Mr. GLICKMAN:

—Page 8, line 18, strike out "a" and insert in lieu thereof "an involuntary".

Page 8, lines 19 and 21, insert before each semicolon the following: "due to adverse economic conditions".

—Page 8, line 18, strike out ", or reduction in".

Page 8, line 22, strike out "or reduction".

—Page 9, line 6, strike out "reasonable prospect" and insert in lieu thereof "significant likelihood".

—Page 10, after line 6, insert the following new subsection:

(c) The Secretary shall establish criteria for the computation and consideration of the assets of each mortgagor applying for assistance under this title, which criteria shall be applied by the Secretary in determining whether, as required in paragraphs (4) and (5) of subsection (a), such mortgagor is unable to correct a mortgage delinquency within a reasonable period of time or to resume full mortgage payments and such assistance is necessary to avoid foreclosure.

Page 10, line 7, strike out "(c)" and insert in lieu thereof "(d)".

—Page 10, strike out lines 3 and 4 and insert in lieu thereof the following: "the mortgagor applying for assistance under this title shall have the burden of proving that he or she will be able to fulfill".

H.R. 1190

By Mr. WATKINS:

—Page 8, line 17, insert "(a)" after "SEC. 4.".

Page 9, after line 3, insert the following new subsections:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers of rural technology development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that such center will be located in a rural area in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation and adaptation of existing technology) and commercialization of—

"(i) new products which can be produced in rural areas; and

"(ii) new processes which can be utilized in the production of products in rural areas.

"(C) A description of the activities which such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology search, investigations, and basic feasibility studies in any field or discipline for the purpose of generating principles, facts, technical knowledge, new technology, and other information which may be useful to rural industries, agribusinesses, and other persons, in rural areas in the development and commercialization of new products and processes.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, and other information which may be useful to rural industries, agribusinesses, and other persons, in rural areas in the development and commercialization of new products and processes.

"(iii) Programs providing training and instruction for individuals residing in rural areas with respect to the development (through technological innovation and adaptation of existing technology) and commercialization of new products and processes.

"(iv) Programs providing loans and grants to individuals in rural area and to small businesses in rural areas for purposes of generating, evaluating, developing, and commercializing new products and processes.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, and industries, in rural areas for purposes of developing and commercializing new products and processes.

"(D) A description of the contributions which such activities are likely to make to the improvement of the economic condition of the rural area in which such center is to be located.

"(E) Provisions that such center, in carrying out such activities will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 (7 U.S.C. 2661 et seq.) in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) the monitoring and evaluation of such activities by the institution operating such center; and

"(ii) the accounting of money received by such institution under this section.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology development which—

"(A) will be located in rural areas which have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment;

"(iii) high rates of migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(B) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) the term 'nonprofit institution' means any organization or institution, including any accredited institution of higher education, no part of the net earnings of which inures, or may lawfully insure, to the benefit of any private shareholder or individual; and

"(B) the term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.".

"(c) The amendment made by subsection (b) shall take effect October 1, 1983.

SENATE—*Thursday, April 14, 1983*

(Legislative day of Tuesday, April 12, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Abraham, Isaac, and Jacob, of our Lord Jesus Christ, the Apostles and the church, having been reminded yesterday of the most vicious violation of human rights in modern history, may we heed the insightful words of Thomas Jefferson: "God who gave us life gave us liberty." Hearing these words, O Lord, may we respond to the profound, penetrating question which Jefferson asked, "Can the liberty of a nation be secure when we have removed a conviction that these liberties are the gift of God?"

Father in Heaven, in a day when Godless forces would deny and destroy human rights, help us to see the futility in struggling to preserve them when we deny, privately and publicly, the God who gave them. Restore to us the convictions of our forefathers: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, ***. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Righteous God, in mercy, enable us to return to our spiritual and moral roots. In the name of Him who is "the Way, the Truth, and the Life." Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, after the time of the two leaders under the standing order, the Senator from Wisconsin will be recognized for 15 minutes. Following that, there will be a period for the transaction of routine morning business until the hour of 11 a.m., during which time Senators may speak for not to exceed 2 minutes each. At the hour of 11 a.m., the Senate will go into executive session to resume consideration of the Adelman nomination. The vote on the nomination is scheduled for 2 p.m. Time on the nomination is equally divided and under the control of the chairman and the ranking member of the Foreign Relations Committee.

We do wish Senators to be on notice that there may be votes that will occur prior to that vote on the nomination itself. I have no notice of precisely when those votes may occur or if they will occur. It is entirely possible, if not probable, that at least one vote will occur. I think the Senate ought to be on notice that there is the possibility of a vote before 2 p.m. That is the message we would like to deliver to the leadership and hope the two cloakrooms will deliver that to respective Members.

I reserve the remainder of the time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

S. 1050—NATIONAL SECURITY AND ARMS EXPORT REVIEW ACT OF 1983

(Introduced by Mr. BYRD, for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON, and Mr. PROXMIRE.)

Mr. BYRD. Mr. President, prior to the Easter recess, Senators PELL, BIDEN, and SARBANES joined with me in expressing concern about one of the most important aspects of our foreign policy: The foreign military sales program. My distinguished colleagues and I made it plain that we see these sales as a valuable part of a well-crafted foreign policy. But we and many other Members of Congress are deeply troubled by the fact that the present administration views arms sales not as a valuable tool of foreign policy, but as the centerpiece of its program, almost to the exclusion of any other considerations. As I said several weeks ago, this approach does not give due consideration to the matter of how such sales contribute to the defense and security goals of our own country. Nor, in my opinion, does it recognize the risks which accompany the sale of some of our best and most sophisticated weapons to a growing list of developing countries.

Our concerns were well founded. The Congressional Research Service has completed its annual survey of sales to developing countries, utilizing Defense Department information. The results show that the United States leads the Soviet Union and all other suppliers, with sales agreements for 1982 totaling more than $15 billion to the Third World. That amount exceeds Soviet sales by more than $5 billion, challenging administration claims that there is a sales gap, with the United States far behind. In fact, the survey reveals that combined Western allied sales were more than double the value of all Communist agreements with Third World customers last year. France alone sold more than $7 billion, and the combined Western European allies sold more than the Soviets.

These new statistics show that the administration's program of aggressive arms sales promotion has resulted in a clear U.S. lead in transfers to the Third World. But, as I have said before, we must ask ourselves whether increasing the sales of some of our most sophisticated weapons is in our interest. Does an unrestrained, open-ended program of weapons transfers to developing nations promote our security and improve our defenses? I very much doubt that it can.

In fact, our experience with the reported compromise of F-14 aircraft and the Phoenix missile after the fall of the Shah of Iran points up the danger of such a policy. We may find that these sales provide our adversaries with access to new high-technology systems, permitting them to be reverse engineered or otherwise compromised. We may even find, as the British did during the Falklands war, that this equipment can be used against our own Armed Forces.

Along with these obvious security concerns, accelerated sales to foreign countries already have resulted in borrowing from our own military inventories. As such sales continue to increase, we stand to lose even more materiel. This means diminishing U.S. Armed Forces readiness for the benefit of a foreign market which we have created. It also may mean reducing technical support, as we struggle to fulfill the demands of foreign buyers

for trained maintenance personnel, draining the limited pool of specialists available to keep our own Armed Forces at the ready. The sales of F-16 fighters to Pakistan and Venezuela are recent examples of this problem. And I was concerned to read in last week's New York Times that the administration is considering the sale of some 1,200 of the Army's new M-1 tanks to Saudi Arabia. Since it takes more than 800 Americans to service less than 60 new F-15 fighters we sold to the Saudis, it is impossible to imagine how many of our trained technicians they would need to keep that many of the complex and troublesome M-1's going.

In light of these concerns, I have sent a letter to the Comptroller General, Mr. Bowsher, to request that the General Accounting Office look into the effects that these foreign military sales have on the U.S. Armed Forces. I believe that it is imperative that Congress understand the consequences of such sales, so we may weigh the security and defense risks. Mr. Bowsher has indicated that his office will undertake such an investigation.

But beyond further research and investigation, we must act now to return to a policy of selectivity and restraint in arms sales. Senators PELL, BIDEN, SARBANES, PROXMIRE, CRANSTON, and BINGAMAN have been most helpful in their support and sponsorship of a bill I am introducing today on my behalf and on their behalf to require congressional approval of all arms sales in excess of $200 million in value. This bill also calls upon the President to initiate negotiations among the NATO countries to limit the level of sophistication of weapons sold to developing countries, in an effort to stem the tide of regional arms races. Finally, it requires automatic submission to Congress of defense requirements surveys, used by the Pentagon in planning foreign purchases. All of these measures are intended to assure a greater congressional role in this very important expression of American foreign policy. I hope to see the support of other Members of Congress in achieving this objective. I feel that Senators PELL, BIDEN, and SARBANES will introduce this measure as an amendment to the Arms Control Act in committee, and I urge other members of the Foreign Relations Committee to add their support.

Mr. President, I send forward the bill and ask unanimous consent to have it printed in the RECORD, and, of course, it will be referred appropriately to the appropriate committee, and I also ask unanimous consent to have printed in the RECORD the Congressional Research Service report to which I alluded.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Security and Arms Export Review Act of 1983".

POLICY ON LIMITING TRANSFERS OF CONVENTIONAL ARMS TO DEVELOPING COUNTRIES

SEC. 2. The first section of the Arms Export Control Act (22 U.S.C. 2751) is amended by adding at the end thereof the following:

"In recognition of the goals and policies set forth by this section, it is further the sense of the Congress that the President should initiate, through the North Atlantic Council or other appropriate committes of the North Atlantic Treaty Organization, discussions to limit the transfer by member countries of the North Atlantic Treaty Organization to developing countries of conventional arms with regard to the level of sophistication of such arms, with regard to the region of which the country eligible to receive certain arms is a part, and with regard to any other appropriate criterion for the limitation of such arms.".

DEFENSE REQUIREMENT SURVEYS

SEC. 3. Section 26 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) by inserting after "in the survey" the following: "and shall provide as an addendum to such quarterly report the text of all defense requirement surveys completed during the preceding calendar quarter"; and

(2) by striking out subsection (c).

REQUIREMENT OF CONGRESSIONAL APPROVAL FOR CERTAIN ARMS SALES SOLD UNDER THE ARMS EXPORT CONTROL ACT

SEC. 4. (a) Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) by inserting before the period at the end of the second sentence the following: "and an item stating whether the proposed recipient country or organization has entered into an agreement with the United States under section 3 and, if so, including the text of such agreement; and

(2) by striking out in the fifth sentence "The letter of offer" and inserting in lieu thereof "A letter of offer to sell any defense articles or defense services under this Act for not less than $50,000,000 but less than $200,000,000 or a letter of offer to sell major defense equipment for not less than $14,000,000 but less than $200,000,000".

(b)(1) Section 36(b) of such Act (22 U.S.C. 2776(b)), as amended by subsection (a), is further amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) A letter of offer to sell any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $200,000,000 or more shall not be issued, unless—

"(A) the Congress within thirty calendar days after receiving such certification agrees to a joint resolution stating that it approves the proposed sale and such joint resolution is enacted; or

"(B) the President states in his certification that an emergency exists which requires such sale in the national security interests of the United States and sets forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.".

(2) Paragraph (3) of section 36(b) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended by inserting before "resolution" each of the four places it appears "joint or concurrent".

(3) Paragraph (4) of section 36(b) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended—

(A) by inserting "and joint resolutions" after "concurrent resolutions"; and

(B) by inserting "joint or concurrent" after "any such".

REQUIREMENT OF CONGRESSIONAL APPROVAL FOR CERTAIN COMMERCIAL SALES

SEC. 5. (a)(1) The first sentence of section 36(c)(1) is amended—

(A) by striking out "$14,000,000 or more" and inserting in lieu thereof "not less than $14,000,000 but less than $200,000,000"; and

(B) by striking out "$50,000,000 or more" and inserting in lieu thereof "not less than $50,000,000 but less than $200,000,000".

(b)(1) Section 36 (c) of such Act (22 U.S.C. 2776(b)), as amended by subsection (a), is further amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) inserting after paragraph (2) the following:

"(3) A license for the export of any defense articles or defense services sold under a contract in an amount of $200,000,000 or more or any major defense equipment sold under a contract in an amount of $200,000,000 or more shall not be issued, unless—

"(A) the Congress within thirty calendar days after receiving such certification agrees to a joint resolution stating that it approves the proposed export and such joint resolution is enacted; or

"(B) the President states in his certification that an emergency exists which requires such proposed export in the national security interests of the United States and sets forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.".

(2) Paragraph (4)(A) of section 36 (c) of such Act (22 U.S.C. 2776 (b)), as redesignated by paragraph (1)(A), is amended by inserting "joint or concurrent" before "resolution".

(3) Paragraph (4)(B) of section 36(c) of such Act (22 U.S.C. 2776(b)), as redesignated by paragraph (1)(A), is amended—

(A) by inserting "and joint resolutions" after "concurrent resolutions"; and

(B) by inserting "joint of concurrent" after "any such".

PROHIBITION AGAINST FRAGMENTATION OF ARMS SALES

Sec. 6. Section 36 of the Arms Export Control Act (22 U.S.C. 2776), as amended by sections 4 and 5, is further amended by adding at the end thereof the following new subsection:

"(e)(1) No letter of offer to sell any defense article, defense service, design and construction service, or major defense equipment under this Act may be constitut-

ed so as effectively to circumvent any reporting or review requirement of this section.

"(2) Each letter of offer for the sale of any defense article or major defense equipment under subsection (b) shall include, as part of its proposed sales price, the sales price of any related defense article or defense service, including related munitions, support equipment, spare parts, training, training equipment, and technical assistance, proposed to be sold in connection with such sale.".

APPLICATION OF CERTAIN AMENDMENTS MADE BY THIS ACT

Sec. 7. The amendments made by sections 4, 5, and 6 of this Act shall apply to any letter of offer or any application for a license for export, as the case may be, under the Arms Export Control Act the numbered certification for which is required to be submitted to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations by section 36 (b) or section 36 (c), as the case may be, of such Act and which certification is so submitted after the date of enactment of this Act.

TRENDS IN CONVENTIONAL ARMS TRANSFERS TO THE THIRD WORLD BY MAJOR SUPPLIER, 1975-82

INTRODUCTION

This report updates its predecessor—"Trends In Conventional Arms Transfers To The Third World By Major Supplier, 1974-1981"—published by the Congressional Research Service (CRS) on August 12, 1982. It provides unclassified background data on transfers of conventional arms to the Third World by major suppliers for the period from 1975-1982.

The Third World category includes all countries except NATO nations, Warsaw Pact nations, Europe, Japan, Australia and New Zealand. U.S. data are for fiscal years 1975-1982 covering the period from July 1, 1974, through September 30, 1982. All foreign data are for the calendar year given. U.S. commercial sales and deliveries data are excluded. However, all Foreign Military Sales (FMS) construction sales and deliveries are included in the U.S. values totals. The reader is directed to the footnotes of the tables for other details regarding data used in this report.

The data in this report are set out in a series of tables illustrating dollar values of sales agreement and deliveries as well as actual numbers of weapons delivered to Third World countries. Table 1 shows the dollar values of arms transfer agreements with the Third World by supplier from 1975-1982. Table 2 shows the dollar values of arms transfer deliveries to the Third World for the same years. Tables 1A and 1B show the averages of agreement values for suppliers for 1975-1978 and 1979-1982 respectively. Tables 2A and 2B show the averaged data for delivery values by suppliers for the respective periods of 1975-1978 and 1979-1982.

Tables 3 through 7 provide delivery data of major suppliers to the Third World and to specific regions from 1975-1978, 1979-1982 and 1975-1982. These tables give detailed totals of specific weapons categories actually delivered to either the Third World as a whole or to a specific region of it by the United States, the USSR, or the four major Western European suppliers as a group. Regions are indentified at the end of the tables as are descriptions of items included in the twelve specific weapons categories. None of the data included in the weapons deliveries tables includes items delivered to any country not defined as a Third World nation.

SELECTED SUMMARY OF DATA TRENDS, 1975-82

Table 1—Third World arms transfer agreements values

Table 1 shows the annual current dollar values of arms transfer agreements (sales contracts) with Third World nations by major suppliers from 1975-1982. Some of the notable facts reflected by these data are summarized below.

From 1975-1982 the United States led in total value of arms transfer agreements with the Third World at $75.58 billion. The Soviet Union ranked second with $65.23 billion. The French ranked third with $30.75 billion. As a group, the four major West European suppliers made $59.97 billion in agreements during this period.

In 1982 the United States reached a record high in arms transfer agreements with the Third World at $15.3 billion. The Soviets ranked second with $10.2 billion, while the French ranked third at nearly $7.7 billion. The four major West European suppliers, as a group, made nearly $11 billion in agreement during this year.

Tables 1A and 1B—Third World arms transfer agreements values averages

Tables 1A and 1B show the average of arms agreement values of suppliers for 1975-1978 and 1979-1982 respectively in order to smooth out high and low points in the data for these two periods. Among the facts reflected in these tables are the following:

In the earlier period, 1975-1978, (Table 1A) the United States averaged about $2.93 billion more in arms transfer agreements with the Third World than did the Soviet Union.

From 1975-1978, the four major West European suppliers, as a group, averaged about $5.62 billion in agreements, slightly less than the Soviet Union's average of $5.81 billion.

In the recent period, 1979-1982, (Table 1B) the Soviet Union averaged about $840.5 million more in agreements than did the United States.

From 1979-1982, the four major West European suppliers, as a group, averaged $9.37 billion in agreements, only about $288 million less than the United States sales agreement average for these years. The French alone averaged $5.51 billion in agreements during these years, reflecting a notable growth in their share of the Third World arms market from the earlier four year period.

The data on Third World arms transfer agreements in Tables 1, 1A, and 1B show that the French are the major conventional arms seller after the United States and the Soviet Union. At the same time, as a group, the four major West European suppliers have played an important role in the conventional arms marketplace throughout the years 1975-1982. Further, in the more recent period (1979-1982) it seems apparent that their share of the Third World arms market is increasing.

Table 2—Third World arms deliveries values

Table 2 shows the annual current dollar values of arms transfer deliveries (items actually transferred) to Third World nations by major suppliers from 1975-1982. Some of the notable facts reflected by these data are summarized below.

From 1975-1982 the Soviet Union led in total value of arms deliveries to the Third World at $50.1 billion. The United States ranked second with $45.75 billion. The French ranked third at $14.57 billion. As a group, the four major West European suppliers made arms deliveries during this period valued at about $33.6 billion.

In 1982 the value of U.S. arms deliveries to the Third World was the highest of any year in 1975-1982 period at $7.6 billion. The Soviet Union ranked second in deliveries values at $7.25 billion, the French were third at $2.4 billion. The four major West European suppliers, as a group, made about $4.94 billion in deliveries during this year.

Tables 2A and 2B—Third World arms deliveries values averages

Tables 2A and 2B show the averages of arms delivery values of suppliers for 1975-1978 and 1979-1982 respectively. Among the facts reflected in these tables are the following:

In the earlier period, 1975-1978, (Table 2A) the United States averaged about $752 million more in the value of arms deliveries to the Third World than did the Soviet Union.

From 1975-1978, the four major West European suppliers, as a group, averaged about $2.67 billion in the value of arms deliveries—about 62 percent of the average value of the Soviet's arms deliveries during this period ($4.33 billion).

In the recent period, 1979-1982, (Table 2B) the Soviet Union averaged about $1.84 billion more in the value of arms deliveries to the Third World than did the United States.

From 1979-1982, the four major West European suppliers, as a group, averaged about $5.61 billion in the value of arms deliveries—over 88 percent of the average value of United States arms deliveries during this period ($6.36 billion).

The data on Third World arms deliveries in Tables 2, 2A and 2B show that the average value of Soviet deliveries increased 91 percent from the earlier period (1975-1978) to the most recent period (1979-1982). In the case of the four major West European suppliers, their average delivery values, as a group, have increased over 110 percent from the earlier period to the most recent one. The United States, meanwhile, has increased its average delivery values by only 27 percent from the 1975-1978 period to the 1979-1982 period.

The basic utility of the dollar values of arms transfer agreements and deliveries data is in indicating long-range trends in sales activity by major arms suppliers. These dollar values reflect what is or has been in the delivery "pipeline." To use these data for purposes other than assessing general trends in seller/buyer activity in the Third World is to risk drawing hasty conclusions that may be rapidly invalidated by events.

More useful data for assessing arms transfers to the Third World by suppliers are those that indicate who has actually delivered numbers of specific classes of military items to a region. These data are relatively hard in that they reflect events that have occurred. They have the limitation of not giving detailed information regarding the

sophistication level of the equipment delivered. However, these data will show relative trends in the delivery of various classes of military equipment and will also indicate who the leading suppliers are from region to region over time. This trend line data can thereby indicate who is developing a market for a category of weapon in a region, and perhaps suggest whether or not an arms race is emerging. For these reasons, the following tables set out actual deliveries of 12 separate categories of weaponry to the Third World from 1975-1982 by the United States, the Soviet Union, and the four major West European suppliers as a group.

Table 3—Weapons delivered to the Third World

The data in Table 3 show that from 1975-1982 the Soviet Union led in 5 of the 12 categories of weapons delivered to the Third World as a whole, while the major West European suppliers led in 4 and the United States in 3. In the most recent four year period (1979-1982) the Soviet Union led in seven categories, the major West Europeans in four, and the United States in one.

Table 3 illustrates that from 1975-1982 the Soviets led in deliveries of tanks and self-propelled guns, artillery, supersonic combat aircraft, surface-to-air missiles, and guided missile boats. In the 1975-1982 period the major West European suppliers led in deliveries of both major and minor surface combatants, submarines, and helicopters. The United States from 1975-1982 led in deliveries of APCS and armored cars, subsonic combat aircraft, and other aircraft.

Table 3 shows that in the most recent period (1979-1982) the Soviets led in deliveries of tanks and self-propelled guns, artillery, supersonic and subsonic combat aircraft, helicopters, guided missile boats and surface-to-air missiles. The major West European suppliers led in deliveries of major and minor surface combatants as well as submarines in this same period. They also led in deliveries of other aircraft. The United States from 1979-1982 led only in the delivery of APCs and armored cars.

Breaking the Third World delivery data into major regions gives an indication of which supplier or suppliers are dominating in deliveries in specific classes of equipment and in general. The regions examined are East Asia and the Pacific, Near East and South Asia, Latin America, and Sub-Saharan Africa.

Table 4—Weapons delivered to East Asia and the Pacific

The data in Table 4 show that from 1975-1982 the United States dominated the delivery of major weapons to East Asia and the Pacific, leading in 9 of the 12 categories. The Soviets led in only 2 categories, while the major West Europeans led in one. In the most recent period (1979-1982) the delivery picture became much more competitive. The Soviet Union led in six categories to five for the United States and one for the major West Europeans.

Table 4 illustrates that from 1975-1982 the United States led in the delivery of artillery, APCs and armored cars, major and minor surface combatants, supersonic and subsonic aircraft, other aircraft, helicopters, and surface-to-air missiles. The Soviet Union led in deliveries of tanks and self-propelled guns, and guided missile boats. The major West European suppliers led in deliveries of submarines.

Table 4 shows that in the most recent period (1979-1982) the Soviet Union led in deliveries of tanks and self-propelled guns, minor surface combatants, supersonic combat aircraft, other aircraft, helicopters and guided missile boats. The United States led in deliveries of artillery, APCs and armored cars, major surface combatants, subsonic combat aircraft, and surface-to-air missiles. The major West European suppliers led in the delivery of submarines.

Table 5—Weapons delivered to Near East and South Asia

The data in Table 5 show that from 1975-1982 the Soviet Union dominated the delivery of major weapons to the Near East and South Asian region, leading in 8 of the 12 categories. The United States and the major West European suppliers led in 2 categories each. In the most recent period (1979-1982) the Soviet Union led in nine categories, and tied with the major West Europeans in another. The major West Europeans led in two categories, while the United States led in none.

Table 5 illustrates that from 1975-1982 the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, major surface combatants, submarines, supersonic and subsonic combat aircraft, guided missile boats, and surface-to-air missiles. The United States led in the delivery of APCs and armored cars, and other aircraft. The major West European suppliers led in deliveries of minor surface combatants and helicopters.

Table 5 shows that in the most recent period (1979-1982) the Soviet Union led in deliveries of tanks and self-propelled guns, artillery, APCs and armored cars, major surface combatants, supersonic and subsonic combat aircraft, other aircraft, helicopters, and surface-to-air missiles. The Soviets tied with the major West Europeans in deliveries of submarines. The major West European suppliers led in deliveries of minor surface combatants and guided missile boats. The United States did not lead in any category.

Table 6—Weapons delivered to Latin America

The data in Table 6 show that from 1975-1982 the major West European suppliers led in five categories of weapons delivered to Latin America. The Soviet Union led in four categories and the United States in three. In the most recent period (1979-1982) the major West European supplies led in six categories and tied with the Soviet Union in one other. The Soviet Union led in four categories, while the United States led in one.

Table 6 illustrates that from 1975-1982 the major West European suppliers led in the delivery of APCs and armored cars, major and minor surface combatants, submarines, and helicopters. The Soviet Union led in the delivery of tanks and self-propelled guns, supersonic combat aircraft, and other aircraft.

Table 6 shows that in the most recent period (1979-1982) the major West European suppliers led in deliveries of major and minor surface combatants, subsonic combat aircraft, other aircraft, helicopters, surface-to-air missiles and tied with the Soviet Union in the deliveries of submarines. The Soviet Union led in deliveries of tanks and self-propelled guns, APCs and armored cars, supersonic combat aircraft and guided missile boats. The United States led in the delivery of artillery.

Table 7—Weapons delivered to Africa (sub-Saharan)

The data in Table 7 show that from 1975-1982 the Soviet Union led in seven categories of weapons delivered to Sub-Saharan Africa. The major West European suppliers led in four categories. The United States led in none. In the most recent period (1979-1982) the Soviet Union led in six categories, while the major West European suppliers led in five. The United States led in none.

Table 7 illustrates that from 1975-1982 the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, APCs and armored cars, supersonic and subsonic combat aircraft, guided missile boats and surface-to-air missiles. The major West European suppliers led in the delivery of major and minor surface combatants, other aircraft, and helicopters. The United States led in no delivery category.

Table 7 shows that in the most recent period (1979-1982) the Soviet Union led in the delivery of tanks and self-propelled guns, artillery, supersonic and subsonic combat aircraft, guided missile boats, and surface-to-air missiles. The major West European suppliers led in deliveries of APCs and armored cars, major and minor surface combatants, other aircraft, and helicopters. The United States led in no delivery category.

Regional summary 1979-82

The regional weapons delivery data collectively show that the Soviet Union was the leading arms supplier to the Third World of several major classes of conventional weaponry from 1979-1982. The United States also transferred substantial quantities of many of the same weapons classes, but did not match the Soviets in sheer numbers delivered during this period. The major West European suppliers were serious competitors of the two superpowers in weapons deliveries from 1979-1982, making notable deliveries of certain categories of armaments in every region of the Third World, but most particularly in Latin America.

In spite of these various trends a note of caution is warranted. Aggregate data on weapons categories delivered by suppliers do not provide indices of the quality or level of sophistication of the weaponry actually provided. As the history of recent conventional conflicts suggests, quality and/or sophistication of weapons can offset a quantitative disadvantage. The fact that the United States, for example, may not "lead" in quantities of weapons delivered to a region does not necessarily mean that the weaponry it has transferred cannot compensate, to an important degree, for larger quantities of less capable weapons systems delivered by the Soviet Union or others.

Further, these data do not provide any indication of the capabilities of the recipient nations to use effectively the weapons actually delivered to them. Superior training—coupled with quality equipment—may, in the last analysis, be a more important factor in a nation's ability to engage sucessfully in conventional warfare than the size of its weapons inventory.

TABLE 1.—ARMS TRANSFER AGREEMENTS WITH THE THIRD WORLD, BY SUPPLIER [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	1979	1980	1981	1982
Total	19,717	24,339	25,077	20,434	28,212	45,620	30,209	43,197
Non-Communist	15,302	16,579	13,987	16,534	17,807	27,840	15,984	29,292
Of which:								
United States	9,617	12,574	6,042	6,714	9,077	9,660	4,589	15,307
France	2,625	1,040	3,065	1,965	4,130	8,700	1,555	7,670
United Kingdom	495	500	1,410	2,535	1,270	2,140	1,835	1,485
West Germany	630	725	1,225	2,510	875	780	1,640	430
Italy	1,040	360	980	1,390	345	2,875	345	1,405
Other free world	895	1,380	1,265	1,420	2,110	3,685	6,020	2,995
Communist	4,415	7,760	11,090	3,900	10,405	17,780	14,225	13,905
Of which:								
U.S.S.R	3,655	6,550	10,155	2,875	8,925	15,485	7,380	10,205
Other Communist	760	1,210	935	1,025	1,480	2,295	6,845	3,700
Dollar inflation index (1975=100) [3]	100	107	114	123	132	146	166	180

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1982). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF for fiscal year 1975 was $544,000,000. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $132,000,000 in fiscal year 1980; $100,000,000 for fiscal year 1981, and $130,000,000 in fiscal year 1982. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: fiscal year 1975 ($1,157,000,000); fiscal year 1976 and transitional quarter ($236,000,000); fiscal year 1977 ($2,953,000,000); fiscal year 1978 ($1,673,000,000); fiscal year 1979 ($6,000,000); fiscal year 1980 (0); fiscal year 1981 (0); fiscal year 1982 (0). Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. data for fiscal year 1976 includes the transitional quarter (fiscal year 197T).

[3] Based on Department of Defense price deflator (minus pension funds).

Source: U.S. Government.

TABLE 1A.—ARMS TRANSFER AGREEMENTS VALUES AVERAGES, TO THIRD WORLD BY SUPPLIER, 1975–78 [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	Average (1975–78)
Total	19,717	24,339	25,077	20,434	22,391.75
Non-Communist	15,302	16,579	13,987	16,534	15,600.50
Of which:					
United States	9,617	12,574	6,042	6,714	8,736.75
France	2,625	1,040	3,065	1,965	2,173.75
United Kingdom	495	500	1,410	2,535	1,235.00
West Germany	630	725	1,225	2,510	1,272.50
Italy	1,040	360	980	1,390	942.50
Other free world	895	1,380	1,265	1,420	1,240.00
Communist	4,415	7,760	11,090	3,900	6,791.25
Of which:					
U.S.S.R.	3,655	6,550	10,155	2,875	5,808.75
Other Communist	760	1,210	935	1,025	982.50
Dollar inflation index (1975=100) [3]	100	107	114	123	

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1978). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF for fiscal year 1975 was $544,000,000. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: Fiscal year 1975 ($1,157,000,000); fiscal year 1976 and transitional quarter ($236,000,000); fiscal year 1977 ($2,953,000,000); and fiscal year 1978 ($1,673,000,000). Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. data for fiscal year 1976 includes the transitional quarter (fiscal year 197T).

[3] Based on Department of Defense price deflator (minus pension funds.)

Source: U.S. Government.

TABLE 1B.—ARMS TRANSFER AGREEMENTS VALUES AVERAGES, TO THIRD WORLD BY SUPPLIER, 1979–82 [1]

[In millions of current U.S. dollars]

	1979	1980	1981	1982	Average (1979–82)
Total	28,212	45,620	30,209	43,197	36,809.50
Non-Communist	17,807	27,840	15,984	29,292	22,730.75
Of which:					
United States	9,077	9,660	4,589	15,307	9,658.25
France	4,130	8,700	1,555	7,670	5,513.75
United Kingdom	1,270	2,140	1,835	1,485	1,682.50
West Germany	875	780	1,640	430	931.25
Italy	345	2,875	345	1,405	1,242.50
Other free world	2,110	3,685	6,020	2,995	3,702.50
Communist	10,405	17,780	14,225	13,905	14,078.75
Of which:					
U.S.S.R.	8,925	15,485	7,380	10,205	10,498.75
Other Communist	1,480	2,295	6,845	3,700	3,580.00
Dollar inflation index (1975=100) [2]	132	146	166	180	

[1] U.S. data are for fiscal year given (and cover the period from Oct. 1, 1978, through Sept. 30, 1982). U.S. agreement figures reflect those sales consummated during the fiscal year indicated. Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for Thailand, South Korea. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $132,000,000 in fiscal year 1980; $100,000,000 for fiscal year 1981; and $130,000,000 in fiscal year 1982. The value of Iranian contracts canceled but not included in the U.S. data above are as follows: fiscal year 1978 ($1,673,000,000); fiscal year 1979 ($6,000,000); fiscal year 1980 ($0); fiscal year 1981 ($0); and fiscal year 1982 ($0). Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] Based on Department of Defense Price Deflator (minus pension funds).

Source: U.S. Government.

TABLE 2.—ARMS DELIVERIES TO THE THIRD WORLD, BY SUPPLIER [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	1979	1980	1981	1982
Total	8,040	11,996	15,587	19,534	23,170	22,241	26,358	26,376
Non-Communist	5,015	7,726	9,787	12,139	12,415	12,571	16,268	15,876
Of which:								
United States	3,085	4,646	5,932	6,649	6,825	5,001	6,008	7,601
France	480	970	1,050	1,755	1,445	2,745	3,755	2,365
United Kingdom	405	575	785	1,120	900	1,765	1,755	1,305
West Germany	270	515	655	660	750	980	1,155	435
Italy	190	190	345	705	620	630	1,000	830
Other free world	585	830	1,020	1,250	1,875	1,450	2,595	3,340
Communist	3,025	4,270	5,800	7,395	10,755	9,670	10,090	10,500
Of which:								
U.S.S.R	2,390	3,445	5,060	6,410	9,720	8,260	7,570	7,245
Other Communist	635	725	740	985	1,035	1,410	2,520	3,255
Dollar inflation index (1975=100) [3]	100	107	114	123	132	146	166	180

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF deliveries values for fiscal year 1975 were $1,125,000,000. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $10,000,000 in fiscal year 1980; $100,000,000 in fiscal year 1981; and $130,000,000 in fiscal year 1982. Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. data for fiscal year 1976 includesthe transitional quarter (fiscal year 197T).

[3] Based on Department of Defense Price deflator (minus pension funds).

Source: U.S. Government.

TABLE 2A.—ARMS DELIVERIES VALUES AVERAGES TO THIRD WORLD BY SUPPLIER, 1975–78 [1]

[In millions of current U.S. dollars]

	1975	1976 [2]	1977	1978	Average (1975–78)
Total	8,040	11,996	15,587	19,534	13,789.25
Non-Communist	5,015	7,726	9,787	12,139	8,666.75
Of which:					
United States	3,085	4,646	5,932	6,649	5,078.30
France	480	970	1,050	1,755	1,063.75
United Kingdom	405	575	785	1,120	721.25
West Germany	270	515	655	660	525.00
Italy	190	190	345	705	357.50
Other free world	583	830	1,020	1,250	921.25
Communist	3,025	4,270	5,800	7,395	5,122.50
Of which:					
U.S.S.R.	2,390	3,445	5,060	6,410	4,326.25
Other Communist	635	725	740	985	771.25
Dollar inflation index (1975=100) [3]	100	107	114	123	

[1] U.S. data are for fiscal year given (and cover the period from July 1, 1974, through Sept. 30, 1978). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for South Vietnam, Laos, Philippines, Thailand, and South Korea. MASF for fiscal year 1975 was $544,000,000. Third World category excludes Warsaw Pact Nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] U.S. data for fiscal year 1976 include the transitional quarter (fiscal year 197T).

[3] Based on Department of Defense price deflator (minus pension funds).

Source: U.S. Government.

TABLE 2B.—ARMS DELIVERIES VALUES AVERAGES TO THIRD WORLD BY SUPPLIER, 1979–82 [1]

[In millions of current U.S. dollars]

	1979	1980	1981	1982	Average (1979–82)
Total	23,170	22,241	26,358	26,376	24,536.25
Non-Communist	12,415	12,571	16,268	15,876	14,282.50
Of which:					
United States	6,825	5,001	6,008	7,601	6,358.75
France	1,445	2,745	3,755	2,365	2,577.50
United Kingdom	900	1,765	1,755	1,305	1,431.25
West Germany	750	980	1,155	435	830.00
Italy	620	630	1,000	830	770.00
Other free world	1,875	1,450	2,595	3,340	2,315.00
Communist	10,755	9,670	10,090	10,500	10,253.75
Of which:					
U.S.S.R.	9,720	8,260	7,570	7,245	8,198.75
Other Communist	1,035	1,410	2,520	3,255	2,055.00
Dollar inflation index (1975=100) [2]	132	146	166	180	

[1] U.S. data are for fiscal year given (and cover the period from Oct. 1, 1978, through Sept. 30, 1982). Foreign data are for the calendar year given. Statistics shown for foreign countries are based upon estimated selling prices. All prices given include the values of weapons, spare parts, construction, all associated services, military assistance and training programs. U.S. commercial sales contract values are excluded, as are values of the military assistance service funded account (MASF) which provided grant funding for Thailand and South Korea. Related grant transfers to South Korea and Thailand, also excluded, were $11,000,000 in fiscal year 1979; $132,000,000 in fiscal year 1980; $100,000,000 in fiscal year 1981; and $130,000,000 in fiscal year 1982. Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand.

[2] Based on Department of Defense price deflator (minus pension funds).

Source: U.S. Government.

TABLE 3.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO THE THIRD WORLD [1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	3,703	4,250	1,100
Artillery	3,093	6,250	1,110
APCs and armored cars	6,740	6,525	2,000
Major surface combatants	38	15	23
Minor surface combatants	85	70	176
Submarines	6	4	14
Supersonic combat aircraft	824	1,360	220
Subsonic combat aircraft	452	190	20
Other aircraft	838	200	500
Helicopters	358	400	970
Guided missile boats	0	36	13
Surface-to-air missiles (SAM's)	4,617	13,100	1,500
1979–82			
Tanks and self-propelled guns	2,485	5,830	320
Artillery	2,426	6,350	560
APCs and armored cars	5,971	5,950	2,500
Major surface combatants	25	26	43
Minor surface combatants	39	105	137
Submarines	0	5	7
Supersonic combat aircraft	430	1,800	250
Subsonic combat aircraft	127	190	100
Other aircraft	224	280	330
Helicopters	184	850	640
Guided missile boats	0	42	26
Surface-to-air missiles (SAM's)	3,390	5,200	1,450
1975–82			
Tanks and self-propelled guns	6,188	10,080	1,420
Artillery	5,519	12,600	1,670
APCs and armored cars	12,711	12,475	4,500
Major surface combatants	63	41	66
Minor surface combatants	124	175	313
Submarines	6	9	21
Supersonic combat aircraft	1,254	3,160	470
Subsonic combat aircraft	579	380	120
Other aircraft	1,062	480	830
Helicopters	542	1,250	1,610
Guided missile boats	0	78	39
Surface-to-air missiles (SAM's)	8,007	18,300	2,950

[1] Third World category excludes Warsaw Pact nations, NATO nations, Europe, Japan, Australia, and New Zealand. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.
[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.
Source: U.S. Government.

TABLE 4.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO EAST ASIA AND THE PACIFIC[1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	734	110	70
Artillery	1,213	90	30
APCs and armored cars	388	80	50
Major surface combatants	28	2	1
Minor surface combatants	51	5	0
Submarines	0	0	0
Supersonic combat aircraft	278	15	0
Subsonic combat aircraft	137	0	0
Other aircraft	269	70	100
Helicopters	97	30	90
Guided missile boats	0	0	0
Surface-to-air missiles (SAM's)	409	0	10
1979–82			
Tanks and self-propelled guns	419	1,050	10
Artillery	778	700	100
APCs and armored cars	993	350	250
Major surface combatants	13	4	0
Minor surface combatants	31	40	23
Submarines	0	0	2
Supersonic combat aircraft	138	250	0
Subsonic combat aircraft	103	50	10
Other aircraft	79	100	80
Helicopters	131	140	100
Guided missile boats	0	8	3
Surface-to-air missiles (SAM's)	1,287	300	50
1975–82			
Tanks and self-propelled guns	1,153	1,160	80
Artillery	1,991	790	130
APCs and armored cars	1,381	430	300
Major surface combatants	41	6	1
Minor surface combatants	82	45	23
Submarines	0	0	2
Supersonic combat aircraft	416	265	0
Subsonic combat aircraft	240	50	10
Other aircraft	348	170	180
Helicopters	228	170	190
Guided missile boats	0	8	3
Surface-to-air missiles (SAM's)	1,696	300	60

[1] Excludes Japan, Australia, and New Zealand. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.
[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.
Source: U.S. Government.

TABLE 5.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO NEAR EAST AND SOUTH ASIA [1]

Weapons category	United States	U.S.S.R	Major Western European [2]
1975–78			
Tanks and self-propelled guns	2,892	2,960	900
Artillery	1,060	3,700	750
APCs and armored cars	6,125	4,500	1,450
Major surface combatants	4	11	13
Minor surface combatants	29	15	89
Submarines	1	4	3
Supersonic combat aircraft	507	1,030	150
Subsonic combat aircraft	173	100	10
Other aircraft	392	50	210
Helicopters	194	250	685
Guided missile boats	0	30	10
Surface-to-air missiles (SAM's)	4,208	11,100	1,420
1979–82			
Tanks and self-propelled guns	2,041	4,080	230
Artillery	907	3,970	300
APCs and armored cars	4,890	4,950	1,200
Major surface combatants	5	15	8
Minor surface combatants	6	12	50
Submarines	0	2	2
Supersonic combat aircraft	278	1,300	220
Subsonic combat aircraft	6	90	40
Other aircraft	68	100	90
Helicopters	4	650	360
Guided missile boats	0	19	23
Surface-to-air missiles (SAM's)	2,103	3,900	690
1975–82			
Tanks and self-propelled guns	4,993	7,040	1,130
Artillery	1,967	7,670	1,050
APCs and armored cars	11,015	9,450	2,650
Major surface combatants	9	26	21
Minor surface combatants	35	27	139
Submarines	1	6	5
Supersonic combat aircraft	785	2,330	370
Subsonic combat aircraft	179	190	50
Other aircraft	460	150	300
Helicopters	198	900	1,045
Guided missile boats	0	49	33
Surface-to-air missiles (SAM's)	6,311	15,000	2,110

[1] U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.
[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.
Source: U.S. Government.

TABLE 6.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO LATIN AMERICA[1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	43	130	110
Artillery	601	190	120
APCs and armored cars	194	20	200
Major surface combatants	6	0	8
Minor surface combatants	5	15	40
Submarines	5	0	11
Supersonic combat aircraft	18	100	30
Subsonic combat aircraft	142	10	10
Other aircraft	172	40	80
Helicopters	63	70	70
Guided missile boats	0	5	3
Surface-to-air missiles (SAM's)	0	750	110
1979–82			
Tanks and self-propelled guns	5	140	20
Artillery	673	490	90
APCs and armored cars	0	170	140
Major surface combatants	7	3	20
Minor surface combatants	2	25	30
Submarines	0	3	3
Supersonic combat aircraft	10	120	30
Subsonic combat aircraft	18	0	20
Other aircraft	42	40	90
Helicopters	49	30	90
Guided missile boats	0	8	0
Surface-to-air missiles (SAM's)	0	340	500
1975–82			
Tanks and self-propelled guns	48	270	130
Artillery	1,274	680	210
APCs and armored cars	194	190	340
Major surface combatants	13	3	28
Minor surface combatants	7	40	70
Submarines	5	3	14
Supersonic combat aircraft	28	220	60
Subsonic combat aircraft	160	10	30
Other aircraft	214	80	170
Helicopters	112	100	160
Guided missile boats	0	13	3
Surface-to-air missiles (SAM's)	0	1,090	610

[1] Excludes Canada. U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.
[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.
Source: U.S. Government.

TABLE 7.—NUMBERS OF WEAPONS DELIVERED BY MAJOR SUPPLIERS TO AFRICA (SUB-SAHARAN) [1]

Weapons category	United States	U.S.S.R.	Major Western European [2]
1975–78			
Tanks and self-propelled guns	34	1,030	50
Artillery	219	2,250	220
APCs and armored cars	33	1,850	310
Major surface combatants	0	2	1
Minor surface combatants	0	35	43
Submarines	0	0	0
Supersonic combat aircraft	21	225	50
Subsonic combat aircraft	0	80	6
Other aircraft	5	40	120
Helicopters	4	80	130
Guided missile boats	0	3	1
Surface-to-air missiles (SAM's)	0	1,150	10
1979–82			
Tanks and self-propelled guns	20	550	60
Artillery	68	1,200	80
APCs and armored cars	88	500	900
Major surface combatants	0	4	15
Minor surface combatants	0	28	34
Submarines	0	0	0
Supersonic combat aircraft	4	110	5
Subsonic combat aircraft	0	50	40
Other aircraft	35	40	80
Helicopters	0	60	70
Guided missile boats	0	7	0
Surface-to-air missiles (SAM's)	0	680	200
1975–82			
Tanks and self-propelled guns	54	1,580	110
Artillery	287	3,450	300
APCs and armored cars	121	2,350	1,210
Major surface combatants	0	6	16
Minor surface combatants	0	63	77
Submarines	0	0	0
Supersonic combat aircraft	25	335	55
Subsonic combat aircraft	0	130	46
Other aircraft	40	80	200
Helicopters	4	140	200
Guided missile boats	0	10	1
Surface-to-air missiles (SAM's)	0	1,830	210

[1] U.S. data are for fiscal years given (and cover the period from July 1, 1974, through Sept. 30, 1982). Foreign data are for calendar years given.
[2] Major Western European includes France, United Kingdom, West Germany, and Italy totals as an aggregate figure.
Source: U.S. Government.

DESCRIPTION OF ITEMS COUNTED IN WEAPONS CATEGORIES, 1975–82

Tanks and Self-propelled Guns: Light, medium and heavy tanks, self-propelled artillery, self-propelled assault guns.

Artillery: Field and air defense artillery, mortars, rocket launchers, and recoilless

rifles—100 mm. and over; FROG launchers—100 mm. and over.

Armored Personnel Carrier (ACP's) and Armored Cars: Personnel carriers, armored and amphibious, armored infantry fighting vehicles, armored reconnaissance and command vehicles.

Major Surface Combatants: Aircraft carriers, cruisers, destroyers, frigates.

Minor Surface Combatants: Minesweepers, subchasers, motor torpedo boats, patrol craft, motor gunboats.

Submarines: All submarines, including midget submarines.

Guided Missile Patrol Boats: All boats in this class.

Supersonic Combat Aircraft: All fighters and bombers designed to function operationally at speeds above Mach 1.

Subsonic Combat Aircraft: All fighters and bombers, including propeller driven, designed to function operationally at speeds below Mach 1.

Other Aircraft: All other fixed-wing aircraft, including trainers, transports, reconnaissance aircraft, and communications/utility aircraft.

Helicopters: All helicopters, including combat and transport.

Surface-to-air Missiles (SAM's): All air defense missiles.

REGIONS IDENTIFIED IN ARMS DELIVERY TABLES AND CHARTS

EAST ASIA AND PACIFIC

Australia, Brunei, Burma, China, Fiji, French Polynesia, Gilbert Islands, Hong Kong, Indonesia, Japan, Kampuchea (Cambodia), North Korea, North Vietnam, Laos, Macao, Malaysia.

Nauru, New Caledonia, New Hebrides, New Zealand, Norfolk Islands, Papua New Guinea, Philippines, Pitcairn, Singapore, Solomon Islands, South Korea, South Vietnam, Taiwan, Thailand, Western Samoa.

NEAR EAST AND SOUTH ASIA

Afghanistan, Algeria, Bahrain, Bangladesh, Egypt, India, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya.

Morocco, Nepal, North Yemen (Sana), Oman, Pakistan, Qatar, Saudi Arabia, South Yemen (Aden), Sri Lanka, Syria, Tunisia, United Arab Emirates.

EUROPE

Albania, Austria, Bulgaria, Belgium, Canada, Czechoslovakia, Cyprus, Denmark, Finland, France, Germany, Democratic Republic, Germany, Federal Republic.

Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Turkey, United Kingdom, U.S.S.R., Yugoslavia.

AFRICA (SUB-SAHARAN)

Angola, Benin, Botswana, Burundi, Cameroon, Cape Verde, Central African Empire/Republic, Chad, Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar.

Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Reunion, Rwanda, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, St. Helena, Sudan, Swaziland, Tanzania, Togo, Uganda, Upper Volta, Zaire, Zambia, Zimbabwe.

LATIN AMERICA

Antigua, Argentina, Bahamas, Barbados, Belize, Bermuda, Bolivia, Brazil, British Virgin Islands, Cayman Islands, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Falkland Islands, French Guiana, Grenada, Guadeloupe.

Guatemala, Guyana, Haiti, Honduras, Jamaica, Martinique, Mexico, Monteserrat, Netherlands Antilles, Nicaragua, Panama, Paraguay, Peru, St. Christ-Nevis, St. Lucia, St. Pierre and Miquelon, St. Vincent, Suriname, Trinidad-Tobago, Turks and Caicos, Uruguay, Venezuela.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. BYRD. I yield.

Mr. TOWER. Will the Senator's instructions to the Comptroller General include any possible savings that might result from lower per unit costs? In some instances we may produce more military sales. We can see the plus side of that also.

Mr. BYRD. I will be delighted to do that.

Mr. TOWER. I know in the instance of certain type of aircraft, for example, the more we sell abroad the lower the procurement costs for our own military forces.

Mr. BYRD. I would hate to see those same aircraft used against our boys as the British saw their own weapons used against their own boys in the Falklands dispute.

Mr. TOWER. We should be very careful how we sell them.

Mr. BYRD. I am happy to do that.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. BYRD. I yield it to the Senator from Texas if he needs the time.

Mr. TOWER. No.

I simply wanted to make that point for the distinguished Senator from West Virginia.

There are some instances in which we do have excess capacity, for example, in the F-16, and the fact we sell those to Israel and manufacture those here in our plants actually reduces the per unit cost to us.

I think the Senator will agree it is legitimate to sell aircraft to our ally Israel.

Mr. BYRD. Yes, I agree.

I think the Senator made a good suggestion and I will submit a second letter requesting such action on the part of the General Accounting Office.

Mr. TOWER. I thank the distinguished minority leader.

Mr. BYRD. I yield back the remainder of my time unless the acting Republican leader would like to have it.

Mr. STEVENS. No, Mr. President.

Mr. BYRD. I yield back my time, Mr. President.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

VERIFICATION—THE KEY TO ARMS CONTROL

Mr. PROXMIRE. Mr. President, again and again and again, we hear that we cannot trust the Russians, that if we make an agreement with the Russians, they will violate it, that they will violate their treaties. Others say that they do not violate their treaties and that we can make an agreement that will be kept depending on the agreement, and so forth. This morning, I would like to address myself to the whole record—every treaty we have had in recent years, every treaty that has affected the strategic situation—and see the extent to which the Russians have violated the treaties, have abided by the treaties, and the circumstances which will persuade them to abide by the treaties.

Mr. President, will the Soviets abide by a negotiated nuclear freeze or would they cheat? The stark answer is that the Soviets will cheat under two related conditions: When they deem it of overriding value and when they think they will get away with it. Foolproof verification procedures are the only deterrent to this behavior.

If there is only one element that proponents and skeptics of the arms control process agree on, it is the need for a reliable, high-confidence verification. Verification is the key to the arms control process. Since treaties are not built on trust or blind faith, only strong verification procedures can provide the confidence required for both nations to agree to curtailing or reducing weapons programs.

Verification, in effect, is the third-party policeman of arms control. In the absence of adequate verification, arms control becomes too risky in most calculations of nation-state behavior.

The more complex the treaty, the more provisions that must be watched, the more difficult the verifications process. Therefore, we are faced with a serious question when thinking about the role of verification and the nuclear freeze proposals. By far the most comprehensive suggestions for arms control and potentially the most complex from the standpoint of verification, the freeze raises serious questions as to how verification will work and with what confidence level.

REVIEW OF ARMS CONTROL AGREEMENTS

Before examining the role of verification in the freeze proposal, it is important to review a little diplomatic history, since the most fundamental question of all is, What track record does the Soviet Union have with respect to cheating on its treaty obligations?

Even if we have adequate verification procedures, if the Soviets systematically violate treaties, arms control is counterproductive.

Surprisingly the history of bilateral and multilateral arms control agreements involving the Soviet Union is comparatively rich. There have been about 14 major treaties that could be described as involving primary arms control principles linking the United States and the U.S.S.R.

GENEVA PROTOCOL

Let us start with the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating Poisonous or Other Gases, and of Bacteriological Methods of Warfare which was signed in 1925 and ratified by the United States in 1975. Although generally observed during World War II, spurious charges were leveled against the United States by North Korea during the Korean war that United Nations troops were using bacteriological warfare. During Vietnam the United States was criticized for using tear gas and chemical herbicides. The U.S. position was that these were not covered under the Geneva protocol. Subsequently in 1975 we renounced the first use of tear gas or herbicides while retaining the right to retaliate in kind.

There can be little doubt but that the U.S.S.R. has systematically violated the terms of the Geneva protocol by assisting in the use of various poisonous gases and toxins in Southeast Asia and Afghanistan. There are no verification procedures outlined in the Geneva protocol.

ANTARCTIC TREATY

The Antarctic Treaty, ratified in 1961, is interesting from another standpoint. It introduced the concept of onsite inspection of scientific facilities and has served as a model for other treaties. The treaty requires that the continent of Antarctica be free of military activity and be used only for peaceful purposes. Nuclear explosions, bases, and equipment are prohibited unless the military equipment is used exclusively for peaceful purposes—such as transport aircraft. Onsite inspection is unlimited geographically. It can occur at any place, any time including all cargoes coming to or leaving the continent. There is no evidence that the U.S.S.R. has violated this treaty.

HOT LINE

In 1963, the United States and U.S.S.R. signed the so-called Hot Line Treaty establishing a direct communications link between top policymakers of both countries. This was modernized by a subsequent agreement in 1971. These provisions have been carried out by both sides.

LIMITED TEST BAN

Also in 1963, the United States and U.S.S.R. ratified the limited nuclear test ban. In its day the Limited Test Ban Treaty was as controversial as the freeze resolution is today. It prohibits nuclear weapons tests in the atmosphere, in outer space, under water, and under ground where radioactive debris drifts across national boundaries. Otherwise, underground nuclear tests were permitted.

Verification was a primary concern during the limited test ban negotiations. The Soviet position in 1956 was that verification could be achieved by national means. The United States disagreed and suggested onsite inspection among other control devices. The U.S.S.R. unilaterally stopped testing and challenged the United States to do likewise. We continued testing while proposing a suspension of tests on a yearly basis while installing a complex inspection system. The Soviets rejected the offer and resumed testing in 1958. Then the United States and U.S.S.R. self-imposed moratoriums on testing which lasted until the Soviets resumed testing in 1961. The United States followed weeks later.

During negotiations leading up to the 1963 treaty, the U.S.S.R. agreed to accept three on site inspections a year while the United States insisted on a minimum of seven annually. There was disagreement on various technical details regarding inspection. The result was a treaty concentrating on explosions in areas which could be monitored by national means solely. That treaty has been abided by by both countries.

OUTER SPACE TREATY

The Outer Space Treaty followed in 1967 with its provisions prohibiting the stationing of nuclear weapons or other weapons of mass destruction in outer space. During negotiations, the Russians employed the linkage argument—stating that they could only agree to an outer space restriction if the United States withdrew its short and medium range missiles from around the Soviet border.

There have been no charges of Soviet violations of this treaty although concerns have been expressed about Soviet fractional orbit and multiple orbit missile systems that were tested in the 1960's. The treaty also applies to the Moon and other celestial bodies. Should the United States develop and deploy a space-based ABM with a ground attack capability—something that the President had hinted at and spoke directly in favor of recently—it might be challenged on the basis of being a weapon of mass destruction under the Outer Space Treaty, but that again is a treaty that has been abided by by both sides.

TREATY OF TLATELOLCO

The treaty for the Prohibition of Nuclear Weapons in Latin America was built on the concept of limiting the proliferation of nuclear weapons into new regions. The U.S.S.R. is a signator of protocol II as is the United States. This calls for nuclear parties to respect the nuclear free zone and not use or threaten the use of nuclear weapons against the treaty's parties.

Stimulated by the Cuban missile crisis, Cuba is not a party to this 1968 treaty. There have been charges by Argentina that Great Britain violated the treaty when it sent nuclear capable military equipment to the South Atlantic during the Falkland crisis. There is no evidence of Soviet violations of the treaty.

NPT

The purpose of the 1970 Nonproliferation Treaty was to restrict the spread of nuclear weapons. An international system of safeguards was established. Once commonly thought of as a successful example of international controls, the International Atomic Energy Agency more recently has been found to be far from adequate in stopping the flow of nuclear technology or materials to nonnuclear countries. The United States, in particular, along with its major commercial nuclear competitors France, Germany, and Italy, have been less than diligent about safeguarding nuclear technology.

Permitting this proliferation and, in fact, selling our own commercial know-how with respect to nuclear weapons to other countries constitutes a very serious violation and a very serious mistake on the part of the United States.

Now, I might say, Mr. President—this will shock some people—the Soviet Union, on the other hand, seems to have been quite strict in its export controls.

The Nonproliferation Treaty has been hampered by its lack of success in obtaining support from nuclear-interested nations such as India, Pakistan, Israel, Brazil, Argentina, and South Africa.

So far as proliferation is concerned, maybe for understandable reasons, the Soviet Union has not proliferated. It has done its best to refrain from sending nuclear know-how, equipment, and capability to other countries. We, unfortunately, have not.

SEABED TREATY

Two years later, the U.S. and U.S.S.R. became parties to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and the Subsoil Thereof. A logical outflow from other treaties geographically restricting nuclear weapons, this treaty is limited to an area 12 miles beyond the coastal zone. It calls for verification by national means with an appeal to the United Nations, where, obviously it could be blocked by veto.

BIOLOGICAL WARFARE CONVENTION

This then brings us to the Biological Warfare Convention of 1975. I have spoken of this at length a number of times before this body so suffice it to

be said that there is compelling evidence that the U.S.S.R. has violated this Convention by stockpiling and using toxin weapons which are clearly prohibited, except for minor amounts, in the terms of this agreement. President Nixon first unilaterally renounced the offensive use or stockpiling of biological and toxin weapons. President Ford submitted the treaty to the Senate. Its major failing is the complete absence of international or bilateral safeguards. There are no verification procedures aside from a complaint to the United Nations Security Council. I have proposed and the Senate has accepted language that the President reopen this Convention and place therein tough verification standards.

I got that resolution passed through the Senate but it did not pass the House. Here is a treaty without enforcement procedures, without verification, and the Soviet Union violates it.

THRESHOLD TEST BAN

By 1974 the U.S. and U.S.S.R. had arrived at a modification of the Limited Test Ban called the Threshold Test Ban. This treaty limits underground tests to below a threshold of 150 kilotons. Not yet ratified by the United States this treaty has some verification requirements particularly the exchange of data about specific test sites, the nature of the geology at these sites and certain data useful for calibration of monitoring equipment. In addition, both nations recognize that there may be unintended breaches of the 150-kiloton limit from time to time—perhaps one or two a year. These are found to be acceptable by mutual agreement. This provision has often been overlooked when various parties have charged that the U.S.S.R. has breached the 150-kiloton limit. Eminent U.S. scientists say that current technology will allow for monitoring of clandestine underground nuclear tests down as small as 1 kiloton in size. While onsite inspection would help, it is no longer a requirement, they argue. Nonetheless, the administration has broken off negotiations on a comprehensive Test Ban Treaty and has requested that the Threshold Treaty be renegotiated to strengthen its verification procedures.

PEACEFUL NUCLEAR EXPLOSIONS TREATY

At nearly the same time, the United States and the U.S.S.R. agreed not to carry out peaceful nuclear explosions larger than 150 kilotons. This treaty is important since it establishes the principle of onsite inspection in the U.S.S.R. Detailed provisions spell out what advance notification and inspection procedures must be adhered to when using a nuclear device for peaceful purposes. Onsite inspection, with appropriate equipment, is carefully established. I repeat: Onsite inspection is carefully established. Since neither country has utilized nuclear explosions for peaceful purposes since ratification, the onsite provisions have not been exercised. Like the Threshold Test Ban, this treaty has not been ratified by the United States.

In the aftermath of the Vietnam war, concerns began to be expressed about using the environment as an act of war. The United States reportedly had tried some forms of weather modification over Laos to limit infiltration down the Ho Chi Minh Trail. Theoretical discussions about the possibility of changing ocean currents, causing earthquakes, or interfering with crop production led to the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques. The ranking minority member of the Foreign Relations Committee, Mr. PELL, played a dominant role in the passage of this treaty. This treaty has no verification clause except for a protest being lodged with the Security Council.

SALT I AND II

This leaves us, Mr. President, with SALT I and SALT II. There have been extensive discussions as to whether or not the Soviets have been cheating on these two treaties—the latter of course unratified by the United States although we have pledged to abide by its provisions, the President has. Any interpretation of Soviet cheating must by necessity rely heavily on intelligence data to which I am not privy. Nonetheless the general areas of concern revolve around three areas: Soviet encrypting of telemetry to impede United States monitoring; possible violations of the ABM Treaty by the testing of certain ABM missiles and associated equipment; and the testing of more than one type of new light ICBM. The U.S.S.R. and the United States are allowed one new light ICBM under the terms of SALT II. The Soviets notified our Government that their one new ICBM was tested on October 26, 1982—a test monitored by the United States. A subsequent test of what appears to be a totally different missile occurred on February 8, 1983, only about 2 months ago. If this second missile is a modification of an older generation ICBM such as the SS-13 as the Russians claim, then it is constrained in size growth to a 5-percent variance. Apparently this second missile was much larger than 5 percent giving rise to the possibility that the terms of SALT II have been violated.

This state of events causes any thoughtful person to reanalyze the freeze concept in light of Soviet behavior. How do we answer the question "Why have any agreement if the Soviets are going to cheat to their own advantage?" For the time being the answer regarding SALT I and SALT II must remain—"it is not clear if a violation has occurred." That data just is not public. The SALT II Treaty may be subject to different interpretation. Perhaps our intelligence data is preliminary in nature and subject to change. Or perhaps the Russians are cheating. The issue is in doubt.

What is not in doubt is the absolute requirement for strict verification standards in every treaty we enter into with the U.S.S.R.—including onsite inspection where it is called for.

VERIFYING A FREEZE

Now how about verification of a freeze? An indepth review of U.S. national means of verification and how these resources could be applied to a freeze has been conducted by the Federation of American Scientists. They examine a freeze on ICBM deployments; delivery vehicle testing; nuclear weapons testing; ballistic missile, bomber and submarine production; nuclear warhead production and production of weapons-grade nuclear materials. The range of national technical means at our disposal is matched against each freeze component.

The conclusion of this analysis indicates that a comprehensive freeze could be verifiable with confidence by national means in almost every case.

This should not dispell our resolve for more complete assurrances that would come from onsite inspection. That should be our persistent goal—the highest degree of information and the greatest degree of security from surprise.

SUMMARY

Let me now summarize the facts of this review, Mr. President.

In two instances, the case of Soviet violations is clear. There can be little doubt but that the U.S.S.R. has systematically violated the terms of the Geneva Protocol of 1925 by assisting in the use of various poisonous gases and toxins in Southeast Asia and Afghanistan. There are no verification procedures outlined in the Geneva Protocol.

There is compelling evidence that the Soviet Union also has violated the 1975 Biological Warfare Convention by stockpiling and using toxin weapons, which are clearly prohibited except for small amounts, by the terms of that Convention. Again there are no verification procedures in this Convention except for a complaint system to the Security Council of the United Nations where a veto could be exercised by the Soviet Union.

Treaties with onsite inspection such as the Antarctic Treaty, the Peaceful Nuclear Explosions Treaty (unratified by the United States) and the Nuclear Non-Proliferation Treaty (onsite inspection agreed to in principle by the U.S.S.R. but no inspections have taken place) seem to give the best assurances against cheating.

Treaties with strong national means of verification coupled with clear defi-

nitions of violations such as the Limited Test Ban, the Outer Space Treaty, and the Seabed Treaty, have been safe from significant violations.

There is more ambiguous data with regard to the complex technical treaties verified by national means such as SALT I and SALT II. The issue there is in doubt for the time being.

Mr. President, I ask unanimous consent that the Federation of American Scientists analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

VERIFYING A MODEL FREEZE

This issue is an effort to bring the concept of a strategic weapons freeze into sharper focus. It contains three elements.

First, there is an editorial describing some fundamental premises underlying verification—without agreement on these or other such premises, no consensus on "verifiability" is possible.

Second, some background information is provided on the many, and astonishingly effective, means of verification which are at our Nation's disposal. Last, but obviously not least, is a sketch of one way in which a freeze might be defined.

We hasten to add that this yeoman effort by two of our staff (Christopher Paine and Thomas Karas) has many loose ends, some of which we hope to treat in late issues. There is the question of controls on defensive weapons. There is the linkage between the freeze and subsequent reductions; no freeze is going to be stable indefinitely and, by the same token, no freeze is going to be politically or strategically defensible if viewed in steady state. There is the question of how the freeze might be implemented. There are obviously a host of definitional questions. And so on.

Indeed, this freeze is only a sketch of one of a variety of treaty possibilities in each of which enough is frozen to justify the word "freeze." In its design, there are necessarily branch points, not all of which are fully exposed and for none of which was there space to justify the choices. Thus for long-lived weapons such as nuclear submarines and nuclear bombers, need replacement provisions be included in the freeze? And can the same be said of missiles? What is the real meaning of this model freeze's decision to close down final assembly plants for missiles but not to prevent missile components from being manufactured and installed?

Accordingly, it might be well to state briefly here what distinguishes the freeze approach from other approaches. Obviously, in neither case can one halt more than the two sides can agree on, and verify. But in the one case the presumption is that the negotiation is aimed at isolated weapons systems most vulnerable to agreement, and that no effort will be made to put together a really comprehensive package.

In the freeze approach, on the other hand, the presumption is that an effort will be made to end, or dramatically slow, the arms race rather than simply to manage it. In this context, the presumption is that serious negotiating efforts will be made to stop the central manifestations of the arms race. Weapons sysems testing, production or deployment would be permitted to continue only if the negotiators saw no way to stop it, or if it would hopelessly complicate or burden the agreements they could otherwise reach.

In sum, what is contained within is designed simply to stimulate more concrete thought on a subject which now commands the support of solid majorities from the most diverse walks of American life. It behooves all interested in arms control to begin to think through the details of what can, and what cannot, be done with this public support. Readers are encouraged to write.

NATIONAL TECHNICAL MEANS—IMAGING RECONNAISSANCE SATELLITES

"KH-11"

The KH-11 satellite won fame in 1978 when CIA employee William Kampiles went to jail for selling its interpretation manual to Soviet agents. The big spacecraft, which probably weighs about 10,300 kilograms, usually flies at altitudes of about 300 to 600 kilometers. That means that its imaging system probably returns fairly wide-area pictures of the ground. But if it also carries longer focal-length telescopes, it could zoom in on more interesting targets for greater detail. The "ground resolution"—meaning the smallest size of objects distinguishable—of KH-11 images is probably between 2 and 5 meters, depending on what assumptions we make about its telescopes and sensors.

The military virtue of the KH-11 is that it operates nearly in "real time." It doesn't use cameras with photographic film, but instead forms images on an electronic focal plane. A scanning mirror sweeps across the satellite's field of view, and the light from the mirror registers on the focal plane as a series of electrical impulses which become digital "bits" of data, either recorded for later playback or directly transmitted to the earth stations of the U.S. Air Force Satellite Control Facility. It is possible, but not certain, that KH-11 data is beamed upward to the satellites of the Air Force Satellite Data System, from which it is relayed to ground stations. In any case, the Satellite Control Facility Remote Tracking Station in Greenland can pick up KH-11 signals minutes after the satellite has passed over the Soviet Union. Again via the Satellite Data System satellites, the Remote Tracking Station can pass the data immediately to the Air Force satellite headquarters in Sunnyvale, California for futher processing. Because this is a CIA-owned satellite, at some point the images go to CIA headquarters for analysis.

Most likely the sensors on the KH-11 are multispectral—they form images in several bands of visible and infra-red light. These images can carry information that is just as valuable as the details of size and shape produced by the finer resolution of "close-look" photographs, as we shall see below. The KH-11 satellites keep recording images and transmitting data until their maneuvering fuel runs out—which takes upwards of two years. The U.S. seems to keep two of these spacecraft operating at any one time.

"Big Bird"

The "Big Bird" satellite, primarily an Air Force vehicle, stays up about six months, weighs about 11,000 kilograms, and flies somewhat lower than the KH-11—between about 160 and 280 kilometers. Maneuvering at lower altitudes, where some air resistance against the vehicle accumulates, probably uses up a good deal of thruster fuel. But the main limit on the satellite's lifetime is its use of old-fashioned photographic film to record images. The satellite surveys larger areas with a camera developed by Kodak that develops the film on board and then transmits a television-scanned image of the developed picture. The satellite also carries a few (some say 4, others 6) film pods that it can send back to earth for development. These are no doubt used to have the satellite take a more detailed look at specially chosen targets.

"Close-look"

A third type of imaging satellite can take quite close-up pictures, resolving objects on the ground which are perhaps six inches across. This "close-look" satellite can swoop in to altitudes as low as 80 or 90 miles, photographing the ground with color film. The film is released on command for re-entry and then caught in mid-air by special airplanes based in Hawaii. The close-look satellites run out of fuel and film more quickly than the other types, and they usually stay in orbit for 60 days or so.

Since the "Big Bird" became available, the Air Force has flown the close-look satellites much less than before and apparently is almost out of them. The most recent went into orbit at the end of February, 1980. According to the trade press, both the "Big Bird" and the close-look satellites will be replaced in 1984 with a large satellite that will have a long lifetime and take very detailed pictures as well.

ELECTRONIC RECONNAISSANCE

"Ferret"

From time to time, when the Air Force launches a Big Bird, it attaches a much smaller satellite which jumps up to a higher orbit, over 400 miles up. This smaller satellite probably collects information about Soviet radar, indicating what frequencies and types of signals the Soviets are using to watch out for incoming planes and missiles. Since the U.S. has flown very few of these in recent years, one might speculate that the Big Bird or the KH-11 can collect some of the same types of information.

"Rhyolite-Chalet"

The United States has also sent up a series of geosynchronous satellites—they revolve around the equator once every 24 hours, thus hovering over one spot—for intelligence purposes. In a spy trial a few years ago, this type of satellite was identified as "Rhyolite," although the name has probably changed by now (the new name may be "Chalet"). The Rhyolite type of satellite collects the telemetry—the information on rocket performance—sent back by Soviet missiles when they are tested. It may pick up other kinds of military communications inside the Soviet Union as well.

A likely candidate for the most recent satellite in the Rhyolite series is one launched in March, 1981. It probably has more sensitive listening devices than the earlier versions. Senator John Glenn, who in 1979 expressed doubts about the verifiability of the SALT II agreement, now says he thinks new developments do make them verifiable. In 1979, Secretary of Defense Brown said that in a year or so we could replace the eavesdropping capabilities we lost in Iran. Apparently we have. (We also have ground-based listening posts in China.)

OCEAN RECONNAISSANCE

The Navy has another kind of electronic intelligence satellite for monitoring the oceans. These satellites fly in a series of four—a "mother ship" and three sub-satellites nearby. By detecting the radar and communications signals of ships from more than one receiving point, the Navy can locate the ships. If necessary, the imaging

reconnaissance satellites or aircraft could be assigned to take pictures.

"UNKNOWN"

In January, 1982, the U.S. launched yet another type of intelligence satellite, one from which apparently three subsatellites split off. This set of satellites flies at about 360 miles up, not 600 like the ocean reconnaissance type. And while the plane of the ocean reconnaissance satellite orbit is inclined about 62.5 degrees to the equator, the inclination of this type is 97 degrees. That brings the satellite closer to the poles and allows them to cover more of the earth's surface. They would have a better view of the Soviet naval ports north of the Arctic circle than do present U.S. ocean reconnaissance satellites.

MISSILE WARNING

Defense support program (DSP)

With 3 satellites in geosynchronous orbit (1 over the Eastern Hemisphere and 2 over the Western Hemisphere) the DSP system provides early warning of ICBM and SLBM launches by infrared detection of rocket plumes. The satellites also carry visible light detectors and radiation sensors for detecting nuclear explosions and provide surveillance of missile test launches.

NUCLEAR EXPLOSION DETECTION

"Vela Hotel"

Launched in the 1960's into orbits 60,000 miles up, these satellites carried "bangmeters," or nuclear explosion detectors for monitoring the atmosphere and space for violations of the partial test ban treaty. The last working pair of these satellites still provide some data.

Defense support program

The U.S. missile early warning satellites also have some ability to detect the electromagnetic radiation from nuclear explosions.

Global positioning system (GPS)

The new military navigation system satellites also carry a system called "IONDS"—the Integrated Operational Nuclear Detection System. Combinations of signals from the ultra-violet and x-ray sensors which will eventually be carried by all 18 of the GPS satellites will give the precise locations, using time of flight measurements, of any nuclear explosions in the atmosphere or in space out to 11,000 miles.

Seismic sensors

Seismic stations around the globe detect underground nuclear explosions. In connection with the incomplete draft treaty for a Comprehensive Nuclear Test Ban Treaty, the Soviet Union has agreed to the placement of additional unmanned stations on Soviet soil.

UNDERWATER ACOUSTIC SURVEILLANCE SYSTEM

The U.S. Navy has the world's oceans virtually "wired for sound," using both seabed and mobile acoustics sensors. These are useful not only for keeping tabs on nuclear-capable Soviet ships but also for detecting any nuclear tests in the oceans.

GROUND-BASED MONITORING POSTS

The U.S. Intelligence Community maintains a network of electronic "listening posts" and test observation radars near most of the major Soviet missile-testing areas. For example, posts in Turkey monitor the IRBM and developmental SLBM testing range at Kapustin Yar, while two listening posts in Sinkiang, China's western-most province bordering on Soviet Central Asia, monitor the main ICBM test complex at Tyuratam. Listening posts in Norway monitor operational tests of SLBMs fired from submarines in the White Sea. Additional facilities are believed to exist at other locations.

OTHER SPECIAL RADARS

Soviet test warheads descending to their impact areas on the Kamchatka Peninsula or in the Western Pacific are tracked during the high-altitude portion of their flights by the giant "Cobra Dane" phased-array radar at Shemya Air Force Station, Alaska, and during their near-earth trajectories by the shipborne "Cobra Judy" phased-array radar.

PLANES AND SHIPS

SR-71, U-2, and TR-1 Aircraft

These high-altitude reconnaissance platforms, based in the United States, Europe, and Japan, fly along coastlines and border areas of the Soviet Union and Warsaw Pact nations, peering into the foreign territory with side-looking radars, cameras, and electronic intelligence receivers.

Electronic intelligence submarines and ships

So-called "Holystone" submarines—Los Angeles-class nuclear attack submarines specially configured for signal and communications intelligence missions, eavesdrop along the coastlines of the USSR. Intelligence-gathering surface ships overtly perform a similar mission.

HUMINT

Intelligence analysts also garner information from agents, defectors, emigrés, defense attachés, businessmen, tourists, and from the painstaking collation and sifting of published literature.

ON-SITE INSPECTION

Under the Protocol to the 1974 Treaty on Underground Nuclear Explosions for Peaceful Purposes, the Soviet Union and the United States agreed to detailed "on-site" inspection procedures whose general principles were carried over into the negotiations for a comprehensive ban on all nuclear tests. While not immediately available to the intelligence community to assist in verifying agreements, such inspection arrangements are clearly not as far out-of-reach as they once were.

In verifying the delivery vehicle and nuclear warhead production bans which could be a part of a far-reaching comprehensive nuclear freeze agreement, on-site verification would be selectively employed to further investigate—with the intent of definitively identifying—ambiguous activities which are detected by national means but whose explanation remains unclear.

VERIFICATION OF A MODEL FREEZE: MONITORING TASKS

A comprehensive freeze on the testing, production, and deployment of nuclear weapons and their primary delivery vehicles could be broken into seven key provisions which are distinct for the purposes of negotiation and analysis but interlocking and mutually reinforcing from the perspective of verification:

(1) a freeze of "indefinite duration" (like the ABM Treaty), without modernization,* on the deployment of ICBMs, SLBMs, IRBMs, and (if necessary) GLCMs;

(2) a numerical freeze—permitting modernization and one-for one replacment of delivery vehicles, but with no increase or modernization of weapons load—on strategic bombers, other "dual-capable" aircraft assigned a nuclear role, nuclear-armed ships and subs, and nuclear artillery and battlefield missiles;

(3) a prohibition on the flight testing of "new" or significantly modified ballistic missiles, and a low limit on the number of operational ballistic missile flight tests;

(4) a Comprehensive Test Ban (CTB) on nuclear explosions;

(5) a shut-down of existing main assembly facilities for intercontinental, submarine-launched, and intermediate-range ballistic missiles, and a prohibition on the transfer of this activity to other sites,

(6) a shut-down of existing key nuclear component fabrication and final assembly facilities for nuclear weapons, and a prohibition on the transfer of this activity to other sites; and

(7) the international inspection and installation of safeguards at all nuclear facilities to permit a verifiable cutoff of weapons-grade nuclear materials production and the conversion or disposal of existing stockpiles.

I. The deployment freeze.—Few would dispute that a freeze on the number of deployed strategic nuclear delivery vehicles can be adequately verified. Soviet missiles are unambiguously identified with either fixed ICBM launchers, in the case of large liquid-fueled ICBMs, or easily counted submarines, in the case of submarine-launched ballistic missiles. As Secretary Brown testified during July 1979 Senate hearings on ratification of the SALT II Treaty, "We have high-confidence in our ability to monitor the number of fixed ICBM launchers, SLBM launchers, and heavy bombers" ("high-confidence" means a counting error of 10% or less—see chart). Brown noted that ICBM silos are "readily identifiable during construction, and take a year or more to build."

The missiles themselves, he reported, "require extensive support facilities, including missile handling equipment, checkout and maintenance facilities, survivable communications, and nuclear warhead handling, storage, and security facilities. Our intelligence collectors regularly examine the existing ICBM fields, but in addition they also conduct extensive surveys of the Soviet Union at periodic intervals for evidence of additional ICBM activity. The intelligence community judgment is that we would detect a Soviet effort to deploy a significant number of excess fixed ICBM launchers even if they departed substantially from their current deployment practices." In other words, even if the Soviets were to deploy their missiles in salt mines or grain elevators, U.S. ability to monitor ICBM-associated support, transport, communications, and security measures guarantees a high probability of detection.

"Turning to SLBMs," Brown testified, "we monitor the launch, fitting out, and sea trials of each submarine. We also monitor Soviet ballistic missile submarines at operational bases, at sea, and at overhaul facilities. In addition, we search for evidence of SSBN-related activity at other facilities, and we monitor naval activities generally with a wide range of intelligence collection systems. We are confident we can monitor closely the number of SLBM launchers."

As for strategic bombers, Brown said, they are "large in size, built at a small number of plants, and deployed at a limited number of operational bases which are closely monitored. The total inventory of heavy bomber-type aircraft can be monitored with confidence."

Potential prohibitions on major modernizations (e.g., adding a new stage, more reentry vehicles, etc.) and system replacement for new production are primarily verifiable

through monitoring other aspects of the Soviet weapons program, for the simple reason that before a new missile or reentry vehicle can be installed in a silo, it must first be developed, tested, and produced. Under one scheme, the only replacement permitted would be for missiles fired in operational tests, and since no new production would be allowed under a freeze, this would foster a tendency to conserve missiles, leading to few tests and therefore few "opportunities" for replacement. However, since transporting a Soviet missile from its storage area and loading it into a silo requires, according to official testimony, "a minimum of two or three days," there is a significant chance that missile replacement in violation of the freeze would be detected by imaging reconnaissance satellites.

VERIFICATION OF A NUCLEAR FREEZE: TASKS AND SYSTEMS

Monitoring tasks	Intelligence systems—												
					Nuclear explosion detection								
	Imaging reconnaissance satellites	Electronic reconnaissance satellites	Ocean surveillance satellites	Missile warning satellite	Satellites "Vela Hotal" IONDS	Ground-based seismic sensors	Acoustic underwater surveillance	Ground-based monitoring posts	Test observation radars	Aircraft and ships	Humint and overt collection	On site inspection	Overall monitoring confidence level (estimate)
I. Deployment freeze:													
(a) Count fixed ICBM/IRBM launchers [1]	X	X											High.
(b) Count mobile ICBM/IRBM/GLCM launchers [1]	X	X											High moderate.
(c) Count SLBM launchers [1]	X	X	X										High.
(d) Count launchers for MIRV'd missiles [1]	X										([2])		Do.
(e) Count strategic bombers (including ALCM) [1]	X	X											Do.
(f) Count other primary nuclear mission aircraft (e.g., FB–111, Backfire).	X	X						X		X	X		High moderate.
(g) Count nuclear-armed ships/subs (including those with SLCM's, ASROC's, SUBROC's).	X	?	X				X			X	X		Do.
(h) Count nuclear artillery/battlefield missile units, weapons depots.	X	?						?		X	X		Do.
II. Delivery vehicle testing freeze:													
(a) To monitor (prohibited) testing of new ICBM's/SLBM's/IRBM's, monitor flight tests of existing missiles to detect:													
1. Changes in length, diameter, launch-weight and throw-weight (no greater than 5 percent).	X	X						X	X	X	X		Moderate-high moderate.
2. Number of stages/type of propellant (no change permitted).	X	X						X	X	X	X		High moderate.
3. Number of RV's (no increase from maximum number tested for each type).	?	X						X	X	X	X		High.
4. Weight of RV's (no decrease from lightest test flown).		X						X	X	X	X		High moderate.
5. RV performance (no increase in ballistic coefficient above maximum already tested and no maneuvering).	?	?							X	X	X		High.
(b) Monitor limit on operational ballistic missile flight tests (6 or less per year).	X	X	X	X			X[1]	X	X	X	X		Do.
III. Nuclear weapons testing freeze (CTB):													
(a) Detect ambiguous seismic events						X	X						High moderate.
(b) Monitor activity/geography at potential test sites.	X	?	?					?		?			Do.
(c) Detect evidence of nuclear explosions on land/in sea/air/space.				X	X	X	X			X			Do.
(d) Identify ambiguous events												X	Moderate-high moderate.
IV. Ballistic missile/strategic bomber/SSBN production freeze: [1]													
(a) Monitor shut-down of existing main assembly plants and shipyard(s).	X												High.
(b) Detect ambiguous activity at other facilities	X	X						X[1]	X[1]	X[1]	X		Moderate.
(c) Identify ambiguous activity	X	?									X	X	Low-high.
V. Nuclear warhead production freeze:													
(a) Monitor shut-down of existing key nuclear component fabrication facilities.	X	?						?		?	X		High.
(b) Detect ambiguous activity at additional facilities	X	?						?		?	X		Low-moderate.
(c) Identify ambiguous activity at additional facilities.	X	?						?		?	X	X	Low-high.
VI. Weapons-grade nuclear materials cutoff:													
(a) Monitor military nuclear materials production facilities.	X	?									X		High moderate-high.
(b) Detect ambiguous activity at civilian nuclear facilities.	X	?									X		Low-moderate.
(c) Identify ambiguous activity	X	?									X	X	Low-high.

[1] Comprehensive freeze could include a ban on replacement of these systems from new production.
[2] Counting rule.

Note: X [1]—indirect assistance in monitoring provision.

Lesser modifications to the missile might be accomplished in less time and be considerable harder to detect, given that routine maintenance, including replacement of defective components, would be permitted under a freeze. Thus a prohibition on major modifications to existing missiles would be verifiable chiefly as a consequence of monitoring the testing prohibitions of the freeze agreement.

A freeze on mobile ICBMs and IRBMs, "while more difficult than counting silos," Brown testified, "is a manageable task."

"For example, the Soviets are now deploying the mobile SS-20 IRBM, and we can estimate the number of launchers deployed with reasonable confidence. If the Soviets made special efforts to conceal mobile ICBM launchers, or if they deployed a system without central support facilities, the uncertainties could be larger. But covert deployment of a force on a scale large enough to be militarily significant would be a formidable task, requiring successful concealment of a large number of deployed launchers, and of their production, support and training exercises as well, and deployment without central support facilities would entail operational disadvantages."

While complaining about the novel "instability caused by the Pentagon's alleged inability to target the "highly mobile" SS-20s, the Reagan administration has issued regular updates on the exact number of SS-20 launchers deployed and the number of SS-20 sites at various stages of completion, even to the extent of having sufficient confidence to accuse the Soviets of violating their own unilateral SS-20 European deployment freeze by completing construction of bases begun before the freeze took effect. Clearly, a deployment freeze on at least this current generation of Soviet IRBMs is adequately verifiable.

All these conditions apply to the threatened potential unverifiability of ground-launched cruise missiles as well. Although the missiles themselves are small and probably in some cases not directly accessible to counting, they will be embedded in transport, security and launch-control systems that is monitorable, and during peacetime they will be deployed in main operating bases which can be surveyed from aircraft and satellites.

II. A Numerical Freeze on Dual-Capable Launch Platforms and Delivery Vehicles. To

prevent circumvention of the freeze and diversion of superpower energies into a destabilizing tactical/theater-nuclear arms race, a freeze on the numbers and payloads of such systems would be desirable. However, because many of these systems perform both conventional and nuclear missions, and their production and support systems are intimately connected to those for conventional weapons, a freeze on replacement and modernization of these systems does not seem politically feasible for the immediate future.

What *would* be feasible in the near term would be to freeze the current inventories of such weapons by type, for example: long-range strategic bombers (B-52/B-1; Bear, Bison/new Soviet bomber); peripheral attack bombers (F-111, Backfire); long-range nuclear-certified attack aircraft (e.g., A-6, Blinder); nuclear-armed attack submarines (SSN-688, Charlie/Alfa classes) nuclear-cruise missile-equipped surface ships (Iowa, Kirov); and nuclear artillery/battlefield missiles (8-inch, 155mm artillery, Lance, Pershing 1-A, Frog, Scud and Scaleboard missiles). Also frozen would be the nuclear payloads of such systems. One-for-one replacement and modernization of the *delivery vehicles* could be permitted, and transfer of deployed or currently stockpiled weapons to these new platforms could be allowed, *but with no increase in weapons load.*

According to one retired member of the intelligence community, each side has a fairly good idea of which forces on the other side *actually are assigned* a nuclear mission, as opposed to being theoretically "capable" of performing one. Special training, communications, operations, and security measures accompany the deployment of "nuclear-certified" units in the field, making moderate-to-high-confidence verification of a numerical freeze on these systems quite feasible. In addition to imaging and electronic reconnaissance satellites, both countries maintain ocean surveillance satellites to keep track of world-wide naval deployments, and the United States has the added benefit of information gleaned from a unique worldwide acoustic surveillance system.

Deployments of theater and tactical nuclear weapons in and around Europe, the key area of confrontation for these systems, are also monitored by SR-71, U2R, and other reconnaissance aircraft which overfly border areas and peer into Eastern Europe, monitoring activity at known nuclear weapons storage sites, and looking for signs of additional sites and dual-capable units. National Security Agency and military intelligence "listening posts" also gather vital signal (SIGINT) and communications (COMINT) electronic intelligence (ELINT) about the locations and operations of dual-capable units.

Based on our own intelligence analysis of Soviet dual-capable weapons payload capabilities, a common data base could be established with the Soviets on which systems should be included, and maximum allowable weapons load counting rules could be developed to ease verification tasks. For example, if one version of the *Backfire* can carry more weapons than another, then all versions might be considered as carrying the larger weapons load. The nuclear weapons themselves could not be modernized or replaced with newly produced versions. This provision would be verifiable mainly through the freeze on warhead production, which would preclude a supply of new warheads for tactical and theater systems.

Many observers have expressed the concern that the widespread deployment of cruise missiles threatens to make the freeze unworkable. Although cruise missiles are a legitimate cause for concern, they do not represent *that* great a departure from previous systems. It has already been suggested above how the deployment of GLCMs might be frozen and verified in a manner similar to mobile IRBMs.

Because deployed ALCMs must be attached to aircraft, which can be monitored with high confidence, ALCM deployment could be frozen and reliably monitored under a freeze, particularly if the parties adopted rules, as in SALT II, limiting ALCM deployments to heavy bombers.

However, for a host of reasons—including Soviet dependence on a variety short- and medium-range cruise missiles, difficulties in distinguishing between shorter- and longer-range versions, the fact that they use technologies and components in common with conventional weapons and can in theory be assembled in any one of thousands of light manufacturing facilities, and because their testing is not easily monitored—it will probably prove difficult to include cruise missiles in the nuclear delivery vehicle production and testing bans.

Their deployment can be effectively hemmed in, however. The shutdown of nuclear warhead production facilities will, at a minimum, drastically curtail the number of cruise missiles which potentially could be armed with nuclear warheads. Those nuclear ALCM and GLCM depolyments existing at the time a freeze enters into force can be frozen and monitored effectively. That leaves the problem of what to do about SLCMs—sea-launched cruise missiles.

Deployment of nuclear-armed SLCMs on submarines and surface ships could be restricted to those ships and subs which were commonly identified as having a nuclear role at the time the freeze is negotiated. Under the warhead production segment of the freeze, no new warheads could be produced for these systems, but, for example, existing warheads in the tactical airdrop inventory, such as B-61 bombs, could be redeployed on SLCMs, provided that for each eligible sub or surface combatant so equipped, the equivalent in weapons delivery capability is retired from whatever force gave up these weapons. As a purely hypothetical example, one squadron of A-6 carrier attack planes, or Blinder bombers, might be exchanged for the payload equivalent in attack subs armed with SLCMs. In other words, a technologically and numerically frozen, but free-floating, population of warheads might be redeployed, under agreed "exchange rates" based on real payload-carrying capacities, on a numerically frozen, but replaceable and upgradeable inventory of "dual-capable" delivery vehicles.

Finally, the deployment of conventionally-armed long-range cruise missiles on vessels not included in the theater nuclear forces of either side might be prohibited in the interest of easing the task of verification.

III. Delivery Vehicle Testing Freeze. The verification of a ban on the testing of new missiles and major modifications to existing missiles could be accomplished under a freeze much the way it would have been under the SALT II Treaty. A set of percentage changes in key missile size and performance parameters would be agreed upon as constituting the boundary between "old" (permitted) and "new" (banned) missile testing. Over an extended test series of 20 to 30 firings required to validate a new design of major modification, these limits could be monitored with high confidence using a broad array of collection systems, including imaging and ELINT satellites, ground-based listening posts, test observation radars, and high-flying SR-71/U2R aircraft.

A limit on the number of operational tests would be monitored by these and other systems, including the DSP early warning satellites and ocean surveillance satellites.

IV. A Comprehensive Test Ban. During the Carter administration, the United States, the Soviet Union, and the United Kingdom reached agreement on the broad issues involved in verifying a test ban agreement, but at least half the "details" of the verification scheme remain to be worked out. Agreement was reached, however, on placing unmanned seismic monitors on the territory of each of the three parties in such a way as to gather seismic data from all possible test sites. These data would not be the sole means for verifying compliance with the test ban, but instead would be integrated into the worldwide seismic monitoring network and, even move importantly, into the stream of data coming from other relevant U.S. collection systems, including imaging, ELINT and Vela satellites, underwater acoustic sensors, and atmospheric sampling aircraft to detect signs of "venting."

It was also agreed during the Carter-era negotiations that on-site inspections would be allowed in the case of doubts about suspicious events that could not be allayed by data exchange and consultation. More precisely, there could be a hierarchy of requests and mandatory responses that would lead to either an on-site inspection or a prima facie case that there was indeed something to hide. In short, a comprehensive test ban would be adequately verifiable. Debate on this point more often than not represents the displaced doubts of CTB opponents concerning its desirability, not the ability of U.S. monitoring systems to confine cheating under a test ban to occasional very-low-yield tests which themselves carry at least some risk of detection, if only through agents, emigres, and defectors.

V. Ballistic Missile Production Freeze. According to Secretary Brown's 1979 testimony, "our intelligence system has enabled us to build a comprehensive understanding of the Soviet ICBM system from design through deployment. We know that the Soviets have four design bureaus for the development of their ICBMs. We monitor the nature of the projects and the technologies pursued at these bureaus. We know which bureau is working on each of the new or significantly modified ICBMs known to be under development. We have a reasonably good idea of when they will begin flight testing of these missiles. Missile production takes place at several main assembly plants and at hundreds of subassembly plants, employing hundreds of thousands of workers."

Then-Undersecretary of Defense William Perry testified, "We monitor the Soviet activity at the design bureaus and production plants well enough that we have been able to predict every ICBM before it even began its tests."

Defense Intelligence Agency Director Maj. General Richard Larkin and Vice Director for Foreign Intelligence Edward M. Collins informed the Joint Economic Committee, in prepared testimony of July 8, 1981, that "there are 134 major final assembly plants involved in producing Soviet weapons as end products. In addition, we have identified over 3,500 individual installations that pro-

vide support to these final assembly plants." A table accompanying their report noted that "missile materiel" was produced in "49 plants," and they provided a table giving a five-year annual breakdown of Soviet missile production by type.

Clearly, our national intelligence system has amassed a considerable body of knowledge, over more than 20 years of constant observation, concerning the Soviet ballistic missile production system. This accumulated stock of knowledge, in conjunction with current monitoring capabilities, would permit a shutdown of ICBM, IRBM, and SLBM main assembly plants to be verified. Given a willingness to forego further development of conventional bombing capability, and bilateral agreement on what constitutes a "long-range strategic bomber," there is no technical reason why main bomber assembly plants could not also be closed down. And given the present state of knowledge and monitoring confidence concerning each side's production system, the freeze could very likely be extended to include major subsystem manufacturing facilities (e.g., for missile stages and reentry vehicles) as well. Since nothing would be coming in or out of these facilities in their shut-down condition, any significant alteration in their operating status would not long escape detection by the variety of sensors deployed on imaging reconnaissance satellites. Doubts about the mission of facilities not included in the freeze could be resolved, in the first instance, by intensive monitoring by national means (possibly facilitated by "cooperative measures") and subsequently by data exchange and "voluntary" on-site inspections along the lines worked out for the draft Comprehensive Test Ban Treaty.

VI. Nuclear Warhead and Weapons-grade Materials Production Ban. For perhaps a two-or three-year period, a ban on nuclear warhead production could be implemented and verified along the same lines as the ballistic missile production ban, as it would take at least that long to secretly replicate warhead production facilities. The ban would involve placing in caretaker status the principal nuclear component fabrication and final assembly facilities for nuclear warheads and bombs. For example, on the U.S. side this would include the unique U-235, U-238, and lithium-deuteride "secondary" component fabrication facilities at the Y-12 plant in Oak Ridge, Tenn., the Rocky Flats "primary" (fission-stage) facility outside Denver, Colorado, and the Pantex assembly plant near Amarillo, Texas. Similar Soviet facilities no doubt have been identified and are already under frequent surveillance by U.S. intelligence systems.

During this warhead production moratorium, agreements could be negotiated placing all nuclear facilities and materials stockpiles under IAEA safeguards (suitably strengthened, if necessary), creating the basis for long-term confidence that the warhead production ban would be respected. The CTB system of "voluntary" on-site inspections to resolve serious treaty-related ambiguities could be maintained to buttress the IAEA system of safeguards, leading to a verifiable cutoff in weapons grade materials production.

CANADA INVESTIGATES SUSPECTED WAR CRIMINALS

Mr. PROXMIRE. Mr. President, the Canadian Government disclosed recently that it is checking the backgrounds of 110 people sought by West Germany and other nations for alleged war crimes during World War II. This follows the decision of the Supreme Court of Ontario Province last November in which the court ordered a naturalized Canadian, Helmut Rauca, extradited to West Germany, where he is accused of responsibility for the deaths of 11,584 Jews.

In commenting on the extradition, an official of the Canadian Jewish Congress emphasized that "Rauca is suspected of killing more people than Barbie."

The deportation of former Gestapo officer Klaus Barbie from Bolivia to France in January has captured world attention. The reports of Barbie's deportation and upcoming trial serve as a reminder to the citizens of the world that indeed many suspected mass murderers remain free.

The trial of Helmut Rauca in Canada has had just such an effect on the people of Canada and now they are demanding action.

Understandably, many Canadian citizens are angry and frustrated that the country has not taken action sooner. Until last year, the Canadian Jewish Congress notes, not a single arrest had been made in Canada in connection with war crimes.

I understand their frustration; it is very similar to the frustration many Americans feel about our failure to ratify the Genocide Treaty.

But I do not rise here today to condemn inaction of the past; rather, I rise to applaud the efforts being made by the Canadian Government now. The Washington Post recently wrote:

* * * there is no doubt that the Trudeau government has tried in the past few years to extend its cooperation in the hunt for ex-Nazis, improving communication channels with West German officials and with (Simon) Wiesenthal.

Mr. President, in overcoming whatever apathy may have existed in the past, I think our neighbor to the north is setting an important example for us now. Let us follow their lead in addressing this major concern of all mankind.

An invaluable step that the United States must take is to ratify the Genocide Convention. This treaty declares genocide of a national, ethnic, racial, or religious group an international crime. In addition to our own ongoing investigations into the war crimes of the past, ratification of the Genocide Treaty would be an important statement to our allies throughout the world that we join them in their efforts to assure that such horrors never occur again.

I urge my colleagues to take immediate action to ratify the Genocide Convention. As Chief Justice Earl Warren said, we as a nation should have been the first to ratify the Genocide Convention. I can only hope that we will not be the last.

(Mr. SYMMS assumed the chair.)

Mr. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD. What impact would the ratification of the convention have on the genocide we see going on in Afghanistan, chemical weapons being used, the ruthless shootings of students, and all the other horrifying actions that are being taken by the Soviet?

It is unfortunate that the press cannot go into Afghanistan, as it went into Vietnam, to reveal what is going on.

Will the Senator respond to that?

Mr. PROXMIRE. I am delighted. I am glad my good friend, the Democratic leader, has raised his question because it is a critical question. There is no question in my mind that genocide is occurring today in Cambodia. It very well may be occurring in Afghanistan. The difficulty in Afghanistan, however, is the state of war.

There is a distinction between war and genocide. Genocide is the planned, premeditated destruction of an entire ethnic group and it is not for the purpose of conquering territory. It should not be confused with war. It is something separate and different.

I think, in Afghanistan, what they have done is to violate the biological warfare treaty, as indicated in my earlier statement, and there is no question that they violated it, in my view. But at least in that country, I do not think the Genocide Treaty would apply.

It would apply in Cambodia where the Communists have murdered 2 million Cambodians, and it would apply elsewhere.

The difficulty is, we have not ratified that convention. The failure to ratify it puts us in a much weaker position to attack that kind of action or activity.

As I pointed out, we are the only developed country in the world that has not done so. Eighty-five countries have ratified it. Harry Truman secured the unanimous acceptance of that treaty at the United Nations. We have not done it.

This administration is the first administration, Repubican or Democratic, that has not supported the Genocide Treaty.

Mr. BYRD. The Senator has been very persistent, tenacious, and dedicated in his speeches on this treaty, going back a period of some years, and I compliment him on his tenacity, determination, and dedication to this cause.

I wish that more of us would speak out just as persistently—and I include myself, and I have made several speeches—on the war in Afghanistan and the ruthless actions by the Soviets there in trying to take over a country and subdue its people, subjugate its

people, with the result being that millions of Afghans have left their homes, their country, and have seen their families slaughtered. We have read of few accounts of what goes on.

One account especially struck me when students stood up in the face of rifles of the Soviets and the Soviets shot them down. It was ruthless, it was inhuman, and I regret that it seems to be swept under the rug, so to speak. There is not a lot of outcry about what the Soviets are doing there. But I think people everywhere, and particularly Moslem countries, should talk more about it and should insist on the Soviets getting out and letting the press get in.

If the world could see what is happening in Afghanistan, I think there would be a tremendous outcry.

In Vietnam, we were at war. Our correspondents went in and kept the people in the United States and the people in other parts of the world well informed on what was going on from day to day, and I just wish that the Soviets had the guts to let the press see what is going on in Afghanistan.

Mr. PROXMIRE. I could not agree with the Senator more. I think the Senator is absolutely correct.

The difference between our society and their society is, of course, we have an open society. We encourage the press to cover whatever we do.

When we engaged in war in Vietnam, the war correspondents were all over the place reporting exactly what happened.

In Afghanistan, of course, with the closed society, the Soviet Union permits no coverage by anyone, including their own correspondents, and prints exactly what they want to print.

Mr. BYRD. Yes. Even the Soviet citizens do not know what is really going on in Afghanistan.

Mr. PROXMIRE. Exactly.

I thank my good friend.

Mr. BYRD. I thank the Senator.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11 a.m. with statements therein limited to 2 minutes each.

RAY MEYER—A MAN FOR ALL SEASONS

Mr. PERCY. Mr. President, May 18, 1983, has been declared "Ray Meyer Day" in Illinois by our Governor James R. Thompson. The designation is appropriate because that evening in Chicago, at the Chicago Marriott O'Hare, the Hemophilia Foundation of Illinois will be saluting Coach Ray Meyer and his family in an all-sports spectacular. I have the distinct pleasure and honor of serving as an honorary member of the dinner committee along with Governor Thompson and my distinguished colleague ALAN DIXON.

For 41 glorious years, Ray Meyer has served with distinction as the head basketball coach at one of our Nation's outstanding private universities, DePaul in Chicago. "Coach" Meyer has the distinction of being America's winningest active major college coach with 676 career victories. Anyone who has ever witnessed a DePaul University basketball game, as I have, knows that Ray Meyer enjoys the support and respect of basketball fans across the Nation. His commitment to excellence, education and sportsmanship make him an inspiration to young people everywhere.

Ray Meyer grew up in Chicago and had an outstanding basketball career himself as a player, at both St. Patrick's Academy and Notre Dame. He took the helm at DePaul in 1942. Basketball has been such an integral part of the Meyer family that two of Ray's sons now coach the game, as well.

Ray has recived his share of honors throughout the years. In 1979, he was named "Chicagoan of the Year" by the Chicago Press Club.

Mr. President, I join with the thousands of Ray Meyer fans and friends from across the Nation in paying tribute to this good man. The dinner on May 18 will raise funds for a most worthy cause, the Hemophilia Foundation. Mr. William T. Osmanski and Mr. Alvern A. Engwall have agreed to serve as honorary chairman, and chairman of the dinner respectively. This will indeed be a glorious occasion, saluting a great American on behalf of a great cause.

A COMPANY TOWN

Mr. BAUCUS. Mr. President, in recent years the media has been full of stories about ailing American mining towns. These stories have described the bleak circumstances surrounding communities that fall victim to depressed mineral prices, and the economic travail which follows corporate withdrawals and relocations.

Anaconda, Mont., has received a great deal of media attention in recent years. Long a processing center for copper mined in nearby Butte, Anaconda's copper-based economy was thrown into disarray 3 years ago when the Atlantic Richfield Co., closed the town's smelter. This closure threw more than 1,100 people out of work—a crushing blow to a town with a population of only 10,000.

A recent followup article in Business Week, "A Company Town Survives Without Its Company," gives a rather balanced view of Anaconda today. Far from going belly up as many observers might have predicted, Anaconda has shown unusual resilience throughout this difficult period. With little outside help, the town has managed to deal with its problems on its own, and has maintained a strong sense of community.

I expect that there are other examples of small towns in America which are finding unexpected strength and dedication in dealing with difficult economic times. However, like most Montanans, I am especially proud of Anaconda's efforts.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A COMPANY TOWN SURVIVES WITHOUT ITS COMPANY

(By Sandra D. Atchison)

The cold, grimy Anaconda smelter thrusts its stack into the gray Montana sky like a clenched fist. For three-quarters of a century the stack symbolized the town's livelihood. Now it attests to the town's tenacity.

Nearly three years ago, Anaconda Minerals Co., owned by Atlantic Richfield Co., closed the smelter, blaming pollution-control costs. The move threw 1,100 people out of work in this town of 10,000. Copper mined at Butte, 30 mi. away, now goes to Japan for smelting.

When the smelter closed, the people of Anaconda wondered if their community would survive. So did I when I visited the town two years ago to write about the closure (BW—Feb. 23, 1981). But Anaconda has held on. It is hardly booming, but it's not a ghost town either. And in Anaconda's survival, there is a lesson for other mining towns hit by lengthy layoffs or permanent closures. "We can adjust. We will get on with being Anaconda," says Kirby L. Nave, pastor of the First Lutheran Church.

RETIREES AND WEEKEND FATHERS

On the surface, Anaconda looks much as it did on my last visit. Frank van Meel's furniture and appliance store is well stocked with gaudy recliner chairs and blaring television sets. High school students tool around town in late-model pickups with bumpers stickers boosting their teams, the Copperheads. The towering community Christmas tree that Anaconda Minerals put up each year stood again this winter—erected by volunteers.

But underneath, Anaconda is a changed community. The town no longer is dominated by a single employer. Today, it is made up of retirees and weekend fathers, of working wives and families that have lowered their standards of living and face new problems. They are less prosperous, and for the first time in their lives, a few are accepting handouts. Still, Anaconda survives, a testament to the resilience of this diverse mixture of Slavic, Irish, Scandinavian, Italian, and Cornish immigrants.

Of the 1,100 laid off by the smelter, some 250 took retirement. "The biggest payroll we have right now is Social Security," says Howard R. Rosenleaf, field representative for the carpenters' union. An additional 250 now work in Anaconda Minerals' Butte operations, although they will be laid off this summer when the company shuts down production there—again because of low prices. About 150 residents are employed in new,

lower-paying jobs, opened up through the efforts of a community task force. Some 100 people have gotten jobs in other towns, such as Colstrip, Mont., 400 mi. away, where a huge power plant is under construction. They come home only on weekends.

In other families, wives have gone to work, taking low-paying jobs at a nearby hospital, for instance. A few former smelter workers have opened "mom and pop" businesses, while others do odd jobs. Several are using severance pay for vocational training at a college in Butte. Many, of course, remain out of work, although Anaconda's 15-percent unemployment rate (up from 2.4 percent in 1970) is well below the 39 percent at Leadville, Colo., where Amax Inc. has closed a molybdenum mine. "There was a little more [of a] base in the town than people thought," James L. Marvin, president of Anaconda Minerals, says in his Denver office. Only about 100 families have moved away. "Anaconda is not part of mobile America," explains Pastor Nave.

Anaconda is luckier than other distressed mining towns such as Leadville and Kellogg, Idaho. Anaconda Minerals gave the town $3 million, which was put into a community task force fund to attract new businesses. A third of the fund went for amenities for a 57-acre office park built on land also donated by Anaconda Minerals. An additional $1 million was used as seed money for small businesses, such as a boot maker and a cabinet manufacturer, that now provide 150 new jobs.

But $1 million went to a now-defunct plastics company that made dairy containers, and the loss of that money has fueled a local controversy. "The risk was great, but there was the possibility of 300 to 400 jobs," explains task force head Kevin M. McNelis, a former teacher and native of Anaconda's Goosetown neighborhood (so called because saloons there once kept geese to be awarded to winners of horseshoe tournaments). But 150 new jobs is not a bad record, McNelis points out, and "$3 million is a very small amount to reindustrialize a town."

Merchants such as Van Meel are still holding their breath. A family-owned hardware store dating back to the turn of the century went out of business, but other businesses are surviving. Van Meel reports that more customers are paying with cash. And deposits at the First National Bank of Anaconda-Butte have gone up by one-third since the smelter closed, reflecting the cautious mood of the town's economic survivors.

Some businesses actually are prospering. "I know for a fact the bars in this area haven't suffered," quips Gary D. Miller, president of Anaconda's steelworkers local. A shot and a beer at the corner saloon after work are as traditional among copper workers as Cornish pasties (meat and potatoes encased in a crust) once were in miners' dinner buckets. Despite the steady stream of customers in bars, however, alcoholism has not become the problem the town had feared. When the full impact of the closing hit in late 1981, the number of active cases at the Anaconda-Deer Lodge Alcoholism Program doubled to about 60, but it has since dropped back to 35. "Some people found out life was not going to be as bad as they thought," says Vernon E. Clawson, director.

Still, other social problems, among them suicide, divorce, and family squabbles, have increased. County food stamp expenditures have doubled to $41,000 a month, assistance cases tripled to 78 since the closing, and in January local residents were shocked to see the needy in block-long lines for government-surplus cheese.

LITTLE OUTSIDE HELP

Tough times have brought out the best in some people. Anaconda's families, whose ties go back as far as five generations, are looking out for each other. There have been few foreclosures on homes, for instance. And differences within the community, such as a disagreement over a proposed shopping center, have been set aside.

The community is dealing with its problems on its own. With the exception of the $3 million grant, the town has received little outside help. In Helena, Governor Ted Schwinden explains that there is little the state can do beyond making itself more receptive to new businesses through its Build Montana program. "The survival of Anaconda and its relatively stable economy are a reflection of the determination of the local people," he says.

Ultimately, what keeps Anaconda going is what has always kept the West's hard-rock mining towns going—hope. Some Anacondans believe the defunct plastics plant will be reorganized, and there is talk of processing the smelter's slag pile for sandpaper and sandblasting materials or of jobs dismantling the smelter. And there is always the flicker of hope that copper will come back—as it usually has in the past 100 years.

Two years ago, Philip R. Rowe, a former president of the steelworkers' local union and now one of 11 men still employed in maintenance work at the smelter, told me: "It's a one-horse town, and the horse has died." Says Rowe today: "There are still a lot of people who think Arco will come back, and that that horse will give them one more kick."

COL. REINHOLD J. KRAFT

Mr. BAUCUS. Mr. President, I am proud to bring to the attention of my colleagues the accomplishments of Reinhold J. Kraft, native of Kalispell, Mont. Colonel Kraft was promoted March 1, 1983, from the rank of lieutenant colonel to the rank of full colonel in the U.S. Army. The distinguished career of Colonel Kraft has earned the respect of all those familiar with his dedicated service to this country.

I feel privileged in providing a little background information on the achievements of this man. He joined the National Guard in Montana at age 17½ in March 1953 and entered the Regular Army in 1963. While a member of the Montana National Guard, he was selected to carry the State flag at the inaugural parade for John F. Kennedy, a great honor indeed. Further, he has held every rank during his career from private to colonel. During this same period, he had completed a college degree along with attending numerous Army command schools.

Besides these peacetime achievements, Colonel Kraft served with distinction in Korea and Vietnam. He has earned many awards during his 30 years of service, including the NCO Academy Medal, the Soldiers Medal, the Bronze Star—three oak clusters, II-V oak leaf clusters, the Meritorious Service Medal—two oak leaf clusters, the Army Commandant—four oak leaf clusters, the Reserve Medal, the Vietnam Medal, and the Armed Forces Expeditionary Medal.

Such dedicated service deserves due acknowledgment. It is my honor to congratulate this Montanan on his recent promotion to full colonel and to wish him well in the future.

VICTIMS OF THE HOLOCAUST

Mr. STEVENS. Mr. President, Sunday, April 10, was designated a Day of Remembrance of Victims of the Nazi Holocaust. During the years of the Nazi reign in Germany, over 6 million Jews were exterminated. It is beyond doubt that this was the greatest debasement of human existence in the history of mankind.

This day of remembrance says to the world that the people of the United States have not forgotten the horrendous ordeal that their Jewish brothers and sisters were forced to endure. The State of Alaska, on behalf of the citizens of Alaska, has carried the recognition of the victims of the Holocaust one step further. Gov. Bill Sheffield has proclaimed this week, April 10-17, as the "Days of Remembrance of the Victims of the Holocaust."

Mr. President, I ask unanimous consent that Governor Sheffield's executive proclamation may be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA—EXECUTIVE PROCLAMATION

Less than forty years ago, six-million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other victims suffered at the hands of Nazism.

The people of the State of Alaska must always remember the atrocities committed by the Nazis so that such horrors will never be repeated, and should continually rededicate themselves to the principle of equal justice for all. They should remain eternally vigilant against all tyranny, and recognize that bigotry provides a breeding ground for tyranny to flourish.

April 10 has been designated nationally, pursuant to an Act of Congress, and internationally as a Day of Remembrance of Victims of the Nazi Holocaust, and it is appropriate for the people of the State of Alaska to join in the commemoration.

Now, therefore, I, Bill Sheffield, Governor of the State of Alaska, do hereby proclaim the week of April 10-17, 1983, as:

Days of Remembrance of the Victims of the Holocaust—in Alaska, and urge all Alaskans to continue to strive to overcome prejudice and inhumanity through education, vigilance, and resistance.

THE DOLE FOUNDATION

Mr. DOLE. Mr. President, today is April 14. This day brings special

memories for the Senator from Kansas, for it was on this day 38 years ago that I nearly gave my life in Italy in the service of my country. On that day long ago, an enemy bullet entered my right shoulder, fracturing several vertebra and initially paralyzing all of my extremeties. I lost over 70 pounds, my temperature reached 108.7°—I had more than a few tough moments during my 39 months in hospitals in Europe and at home.

The point is not what happened to me but that, by 1947, I had made enough of a recovery to return home on my feet to my hometown of Russell, Kans. When my neighbors and other citizens of Russell learned that I would need additional surgery, they established a fundraising effort to help with the expenses. One person gave $100, I remember. Another gave a nickel.

I will never forget the help I received from the people of Russell. I hope that in some small way I can provide help, and hope, to others who may be in similar situations now and in the future.

I take great pleasure today in announcing the formation of the Dole Foundation, a public foundation organized primarily for the benefit of handicapped citizens in Kansas and across the Nation. We all recognize that there is a great need in our society for better education, job training, and job placement for our handicapped and less fortunate citizens. Many outstanding programs have been endorsed and supported by the Congress. While my dedication and support of these programs has not waned, there is much that can be done through private foundations such as the one I am establishing.

The world has changed in so many ways since that day long ago in Italy, but the spirit which moved my friends in Russell to help we when I needed help—the human kindness and generosity which gave me hope that there would be better days ahead for me—is as much alive today in all of us.

I could have never imagined that I would have had the opportunities I have had. To serve the people of Kansas and to play some role in managing the affairs of the Nation has truly been beyond my wildest dreams of 1945. It is my hope that the Dole Foundation can provide clearer focus on the public policy questions facing the dreamers of today, the leaders of tomorrow.

So on this day I say a simple thank you to my friends in Russell for not only helping me, but teaching me the lessons of a lifetime about human kindness. It is my hope that the Dole Foundation can help pass those lessons on to future generations.

THE UNITED STATES' INDUSTRIAL BASE

Mr. GRASSLEY. Mr. President, today, we face many problems that are of national concern: High levels of unemployment; a record trade deficit; an extremely large budget deficit; high cost of defense systems; a decline in productivity, and a deteriorating industrial base.

Two years ago, a number of Government panels, including the House Armed Services Committee, warned that the U.S. industrial base had deteriorated to the point that national security was in jeopardy. The report characterized our industrial base as crippled by declining productivity, aging facilities and machinery, shortages of critical materials, increasing leadtimes, skilled labor shortages, inflexible Government contracting procedures, inadequate defense budgets and cumbersome Government regulations and paperwork.

While industrial base considerations are important in determining our ability to rapidly increase defense production in response to a world crisis, that is not the only cause for concern. The capability and the productivity of the industrial base also determine our ability to procure required defense systems in a timely manner and at reasonable cost in a peacetime environment. Failure to improve industrial responsiveness will not simply maintain the status quo—it will result in further deterioration of industry capability and, ultimately, higher defense costs, longer leadtimes and further diminished defense readiness.

In the past, a high level of productivity and ingenuity in our manufacturing processes has enabled the United States to truly be the arsenal of democracy and to successfully compete in the world marketplace.

Productivity increases in the United States are now in a long-term downtrend. Most experts agree that the impact of this trend is of crisis proportions. America's ability to compete is diminishing, and in some industries, it is lost.

Our lagging productivity growth is aggravated by low levels of long-term investment in technology and modern machine tools. For more than 25 years, our national growth in productivity has traveled hand in hand with investment. Whenever we increase our investment in more efficient equipment, our productivity improves. Furthermore, when we invest in new, more productive equipment, we produce higher quality products and all the people of America benefit.

Given this fact, it is revealing to note that the United States is last among industrialized nations in investment in new and more productive equipment as a percentage of gross national product (GNP). The effect of these years of underinvestment in America's manufacturing plant are dramatically illustrated by the average age of machine tools in use in industrialized nations. The United States has the lowest proportion of machine tools less than 10 years old and the highest proportion that are more than 20 years old.

Our aggressive international competitors from Japan have the opposite standing. Nearly two-thirds of their machine tools are new, modern, and ultraefficient. When you consider the dramatic improvements that have occurred in machine tool productivity during the past 10 years, with the application of computer control to virtually every type of machine tool, is it any wonder that Japanese manufacturers are overrunning some segments of our manufacturing economy?

In short, because of chronic underinvestment since 1970, America's metalworking industries have been using up more capital equipment each year than they purchase. This means they have, de facto, engaged in unconscious and involuntary liquidation, and the same probably holds true for many other American manufacturing industries.

The Nation's ability to compete globally in electronics, optics, aerospace, and other high-technology industries, and to produce advanced weapons for national defense depends on the availability of a healthy U.S. machine tool industry. Machine tools are needed to produce every ship, plane, tank missile, transport vehicle and other armament used by our Armed Forces, as well as essential elements of the supporting civilian infrastructure.

In the past 10 years, imported machine tools have taken a massive share of the domestic market. Imports' share of the domestic market for 1982 was approximately 27 percent, measured by value, or 44 percent, measured by units, and is growing. The Japanese Government has followed an industrial policy of "targeting" the high technology growth segment of the machine tool industry for dominance by giving special governmental assistance to Japanese machine tool builders. As a consequence, imports of numerical controlled machine tools in certain categories account for more than 50 percent of the value of current domestic consumption and more than 70 percent of the units.

Strengthening American competitiveness in world markets must be a priority goal of Government, business, and labor. An increasingly important component of the U.S. economy, exports have increased over the past decade from 4 percent of our gross national product to nearly 8 percent. One of every five jobs in the United States depends on trade.

The U.S. share of total world exports increased from 12 percent to 13

percent between 1975 and 1981, during a period when a relatively weak dollar made U.S. exports attractively priced in foreign currencies. Nevertheless, our merchandise trade balance has been in deficit for 7 years, and another record-breaking deficit is predicted in 1983. In responding to this situation, the United States should look to an expansion of exports. quality, price, innovation, reliable deliveries, and knowledge of foreign markets are essential factors in export expansion. However, the primary responsibility for increased competitiveness rests with corporate management and labor. Confronted with recessionary conditions at home, a slump in worldwide demand, and increased foreign competition in every market, managers and employees of U.S. companies should work within a framework of constructive Government policies to stimulate greater productivity and strengthen American competitiveness.

Our Nation is losing its competitive edge—our competitive stagnation threatens both our economic health and our National security. As a nation, we must make the restoration of U.S. competitiveness a national priority, and we must examine all avenues and options to assure recovery of our basic wealth producing industries.

In the debate over how to generate economic growth and strengthen the competitiveness of U.S. industry, one critical factor needs to be more fully addressed—improving the American work force. We are presently faced with two types of unemployment problems. One is a cyclical problem resulting from 4 consecutive years of productivity stagnation. We are in a recession. A revived economy is the only solution to this problem. The other unemployment problem is a structural one. Old industries are sizing down while new industries are ready to explode. This problem can only be addessed by new and well thought-out policies.

The real key to devising appropriate policy changes is a broad understanding of the current economy and how it is evolving. This will eliminate the fear factor that often accompanies confrontation with change.

To date, public incentives overwhelmingly favor capital and technology investment over worker training as a route to productivity. In fact, in 1981 the annual expenditure on training by American firms was $300 per worker, versus $3,000 per worker in capital investment. Even as the Nation relies primarily on increased capital investment and technological innovation for achieving productivity gains, advanced technologies and complex machines require highly skilled workers. Indeed, investment in American workers is crucial to our economic renewal. In order to get the 11.6 million currently unemployed Americans back to work, and to provide for a growing and changing work force, the Nation's public and private training programs should be encouraged at the Federal, State, and local levels.

In today's fast-paced technological environment, university equipment and facilities have become obsolete, while the feverish advancement has made it impossible for industry's managers to keep up with the changes in their fields. It has become necessary for education to occur closer to the source of production and service.

In the last half year or so, I introduced legislation to spur community colleges and vocational training schools to train and retrain workers for increasing technical jobs. That legislation provides incentives and opportunities for modernizing state-of-the-art technological equipment for learning centers, for improving the expertise of their faculty, and for encouraging more direct contact between learning centers and industry.

I have been an outspoken member of the Budget Committee for holding down the cost of Government not only in the social programs, but also in reducing the waste and abuse in our defense procurement contracts. As a member of the Finance Committee, I have worked hard toward trying to establish equity in our tax structure for both our corporations as well as the individual. As a member of the International Trade Subcommittee, I have been active in trying to establish fairness in our import and export programs.

I also requested that the President establish an immediate domestic economic and trade summit in which we would bring together our most intelligent minds from Government, business, labor, agriculture, and academia to wrestle with the economic and trade problems before us and hopefully come to a solution by consensus. I have even taken this request one step further and asked the President to suggest the same type of program for the participants at the economic summit in May to be followed up by an international summit. But there is only so much we in Government can do before our actions become regressive rather than progressive.

We must look back on the history of this great Nation of ours and learn from our mistakes, repair the foundations of our industrial bases that have begun to crumble, and tap the ingenuity and inventive minds of our citizens that have kept us in the forefront of technological advancement and military strength.

In conclusion, I wish to quote from the President's state of the Union message in which he said:

> Americans have been sustained through good times and bad by noble vision, a vision not only of what the world around us is today, but of what we, as a free people, can make it tomorrow. Back over the years, citizens like ourselves have gathered within these walls when our Nation was threatened: Sometimes when its very existence was at stake. Always, with courage and commonsense, they met the crises of their time and lived to see a stronger, better, and more prosperous country.

Now is the time to call these same forces into play to meet the crises of our time so that we and our children may live to see a stronger, better and more prosperous country and world. Mr. President, the American people are aware of a fundamental crisis in our economy and I believe are ready to support extraordinary measures to reverse it if given the proper motivation and tools to compete.

The welfare of our people—perhaps even the prospects for world peace, stability, and development—will depend on the wisdom and the realism with which we and other countries adapt to the changed circumstances of the eighties.

I end my statement by quoting from the report of the Commission on International Trade and Investment Policy, dated 1971, in which it states:

> The next few years will determine: whether our people can enjoy the benefits of open channels of trade and investment while coping with the real human problems of adjusting to rapid economic change; whether the world will drift down the road of economic nationalism and regional blocs or will pursue the goal of an open world economy; whether the European community and Japan will accept responsibilities commensurate with their economic power; whether we can evolve with our trading partners a sound international monetary system reconciling domestic and international economic objectives; whether developed and developing countries can mobilize the will and resources to cope with global problems of poverty, population, employment and environmental deterioration; whether we can seize new opportunities for improved political and economic relations with the Communist world.
>
> To meet these challenges, the United States must develop new policies that serve our national interest—a national interest which comprehends a prosperous and congenial world.

In the next few years, Mr. President, the challenges faced will not be that different from the 1970's.

I believe that if we in Congress, along with all the American people, are put to the task, we will be able to show the world that there are no shortages of creative solutions to those challenges in the United States.

SOVIET VIOLATIONS OF ABM TREATY

Mr. SYMMS. Mr. President, on April 4, 1983, I sent a letter to the President concerned with Soviet violations of the SALT I Anti-Ballistic Missile Treaty of May 1972. I believe that my letter would be of interest to my colleagues in the other body who will be

debating and voting soon on the nuclear weapons freeze resolution.

I ask unanimous consent that the letter and the attachments thereto may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 4, 1983.

Hon. RONALD REAGAN,
President of the United States,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: I strongly congratulate you on your recent public statements that the Soviets are violating five arms control treaties. You have exercised statesmanlike leadership in the highest tradition of the American Presidency.

You have made the following positive statements on Soviet arms control treaty violations:

(1) *Soviet violation of the unratified SALT II Treaty.*

President Reagan, press breakfast, February 23, 1983, on Soviet flight testing of a second new type ICBM in violation of SALT II: ". . . This last one comes the closest to indicating that it is a violation. . ."

President Reagan, speech, March 31, 1983: "And I am sorry to say, there have been increasingly serious grounds for questioning their (i.e., Soviet) compliance with the arms control agreements that have already been signed and that we have both pledged to uphold. I may have more to say on this in the near future. . ."

The Washington Post of April 1, 1983, added: "Administration officials said the President was referring to reported Soviet deployment of the *SS-16* missile and the testing of *two types of missiles*, instead of one, in *violation* of the SALT II Treaty." (Emphasis added.)

The Washington Post of April 3, 1983, noted: "An interagency study group is likely to report to President Reagan that the Soviet Union has *violated* the terms of the unratified SALT II Treaty limiting nuclear arms. Administration sources said last night, . . . in the panel's thinking, that test (i.e., on February 8 of a second Soviet new type ICBM) is a *violation*. . ." (Emphasis added.)

(2) *Soviet violation of the Kennedy-Khrushchev Agreement of October 28, 1962.*

This agreement would "halt" further introduction of such weapons systems (i.e., Soviet offensive weapons which Khrushchev defined as including Soviet troops) into Cuba as "firm undertakings" on the part of "both" the U.S. and the Soviet governments. President Reagan, press conference, May, 1982: ". . . You know, there's been other things we think are violations also of the 1962 Agreement."

(3) *Soviet violation of the Threshold Test Ban Treaty of 1974.*

President Reagan stated on March 28, 1983: ". . . We have reason to believe that there have been numerous violations. . ."

(4 and 5) *Soviet violations of the Biological and Chemical Warfare Conventions of 1975 and 1925.*

President Reagan, January 26, 1983: ". . . There is overwhelming evidence of Soviet violations of international treaties concerning chemical and biological weapons."

President Reagan, June 17, 1982: "The Soviet Union and their allies are violating the Geneva Protocol of 1925 . . . and the 1972 Biological Warfare Convention. There is conclusive evidence. . ."

Finally, President Reagan made the following statement on general Soviet compliance with arms control treaties, May 9, 1982: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige. Unfortunately, for some time suspicions have grown that the Soviet Union has not been living up to its obligations under existing arms control treaties."

In view of your above positive statements, I am puzzled, however, by an article in the Washington Post of April 2, 1983. It was reported by White House spokesmen that you met privately with Soviet Ambassador Anatoly Dobrynin sometime in February. The meeting was intended "to assure him (Dobrynin) of U.S. determination to improve East-West relations," according further to White House officials. Your above statements on Soviet arms control violations suggest that it is the Soviets who should be the diplomatic demandeurs for better relations, not the United States. Indeed, it would be disappointing if you did not mention the pattern of Soviet arms control non-compliance at this meeting.

In March, 1983, Henry Kissinger, writing in Time, said in regard to the Soviet response to his own arms control proposals: ". . . One of three conclusions is inescapable: a) Their (Soviet) arms program aims for strategic superiority if not by design, then by momentum; b) they believe strategic edges can be translated into political advantages; c) arms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage."

Kissinger's assessment of Soviet arms control behavior, especially as applied to the history of arms control, is sound.

Mr. President, on May 12, 1981, twenty-one Senators wrote to you inquiring about whether Soviet construction of five large Anti-Ballistic Missile Battle Management Radars violated the 1972 ABM Treaty. (letter attached.) In early January, 1981, the Joint Chiefs of Staff reported to Congress that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling *capabilities for ABM battle management*, are under construction at *various locations throughout the U.S.S.R. These radars could perform some battle management functions* as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s." (Emphasis added.)

Article I of the ABM Treaty states: ". . . Each Party undertakes not to deploy ABM systems for a *defense of the terrority of its country* and not to provide a *base for such a defense* . . ." (Emphasis added.)

The above JCS statement, made at the end of the Carter Administration, strongly implies that the Soviets are in violation of Article I of the ABM Treaty, by deploying ABM Battle Management Radars which are a base for a defense of its national territory.

For a year, no answer was received to the May 12, 1981 letter from 21 Senators. In early 1982, another letter was sent to you requesting that you answer the May 12, 1981 letter from the 21 Senators. Still, there is no answer to the May 12, 1981 letter—almost two years later.

On September 15, 1982, the Washington Times reported a John Lofton interview with the chief architect of the SALT I ABM Treaty, Dr. Henry Kissinger. Kissinger was asked if the Soviets had ever violated the ABM Treaty. Kissinger answered: "On actual violations, I'm familiar with one . . ." This Soviet ABM Treaty violation was, he explained, Soviet flight-testing of Surface to Air Missiles in the prohibited ABM mode. Thus, the Soviets have already violated the ABM Treaty, in the opinion of Kissinger, whose reference was to over 50 illegal SAM-5 ABM mode tests between 1973 and 1975.

On September 16, 1982, three Senators wrote to you requesting that you delay the second five-year review of the ABM Treaty scheduled for last November. (This letter is also enclosed.) We requested that the review be deferred until after the MX deployment decision was made, in order to keep open the option to deploy an ABM defense around MX. But the recommendation of our letter was ignored, and the ABM Treaty review proceeded as scheduled, reportedly between November 9 and December 15, 1982 in the SALT Standing Consultative Commission.

The March, 1983 issue of the Heritage Foundation's National Security Record reports on page 5 that the State Department stated: "The United States and the Soviet Union . . . announced the completion of their review of the 1972 Anti-Ballistic Missile Treaty."

But this review was conducted totally in secret with the Russians. Your long standing failure to answer the letter to the 21 Senators questioning Soviet compliance with the ABM Treaty may help to explain why the review was conducted in secret. Is it possible that the U.S. has again acquiesced in Soviet SALT violaltions? But the Senate's Constitutional role in treaty-making and appropriations for the "Common Defense" suggests that a report to the Senate on Soviet compliance with the ABM Treaty would be warranted. Indeed, there are serious questions raised by the delay in such a report and the secret nature of the ABM Treaty review.

Another factor also suggests the advisability of a report to the Senate on Soviet ABM Treaty compliance. Soviet leader Yuri Andropov recently unjustifiably stated that your recently announced U.S. space-based ABM concept is a U.S. violation of the ABM Treaty. It would be ironic if it turned out that the Soviet Union was violating the ABM Treaty today in the present, while falsely accusing the U.S. of ABM Treaty violations which were still in the conceptual phase and 15 to 20 years from development or deployment. Thus, a Presidential report to the Senate on Soviet compliance could affect the debate over a U.S. space-based ABM defense, and other defense and arms control proposals.

There is a further matter of concern. The Wall Street Journal of Friday, March 25, 1983, reported: "There is even a possibility that the Soviets themselves are in violation of the ABM Treaty, or nearly so, with a missile, the SA-12, soon to be in production, that may have the capability of intercepting ICBMs."

Mr. President, the above concerns require me to reiterate the questions raised in the May 12, 1981 letter from 21 Senators, and to add some new qustions. I request that you answer these questions as soon as possible, so that the Senate can more fully deliberate on the requirements for the "Common Defense:"

(1) Do the five Soviet ABM Battle Management Radar by now almost completed provide a base for a Soviet nationwide ABM

defense? Do they violate Article I of the ABM Treaty?

(2) Did the numerous ABM-mode tests of the Soviet SAM-5 between 1973 and 1975 violate the ABM Treaty, as even Dr. Kissinger has conceded?

(3) Do the Soviets have in series production and deployment around Moscow a mobile or a rapidly deployable new ABM system, the ABM-3? Are mobile ABMs banned by the ABM Treaty? Does this production of a rapidly deployable or mobile ABM also provide them with the base for a nationwide ABM defense, also in violation of Article I?

(4) Did the Soviets test the SAM-10 in a prohibited ABM mode?

(5) Has the SAM-12 been tested in an ABM mode, and is it capable of intercepting ballistic missile re-entry vehicles? Does the Intelligence Community believe that the SAM-12 can intercept Pershing re-entry vehicles? Are Pershing re-entry vehicles similar to Poseidon and Trident I SLBM re-entry vehicles? Is the SAM-12 therefore an ABM system, which is mobile and about to be deployed nationwide?

(6) Do the five ABM Battle Management Radars have the capability to contribute to the use of SAM-5s, Sam-10s, Sam-12s, and ABM-3s as ABM interceptors in a nationwide ABM defense? If the five ABM Battle Management Radars and the SAM and ABM interceptor systems are being mass produced and widely deployed, do the Soviets now have a nationwide ABM defense in violation of the ABM Treaty? Have they already broken out of the ABM Treaty?

(7) Have the Soviets violated the ABM Treaty with SAM upgrade tests (as Henry Kissinger has conceded), ABM Battle Management Radars, ABM camouflage and concealment, creation of a new ABM test range without prior agreement, and falsification of ABM deactivation?

(8) If the Soviets have violated the ABM Treaty, why have you never answered the letter from the 21 Senators? Has there been a cover-up of Soviet SALT violations?

(9) Did the last ABM Treaty review conclude that the Soviets have violated the ABM Treaty? If not, why not? if so, why was this not reported to the Senate and the American people?

Thank you, Mr. President, for your prompt answers to these important questions.

Very respectfully,

STEVE SYMMS,
U.S. Senator.

U.S. SENATE,
Washington, D.C., May 12, 1981.

President RONALD W. REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The issue of Soviet compliance with the terms of SALT constitutes an essential element of your Administration's thorough review of our nation's future participation in nuclear arms control negotiations. Indeed, you have, yourself, called the Soviets to task for their woeful record in complying with the terms of SALT. In addition, a major interagency review of this matter is in the process of being concluded in preparation for the next meeting of the Standing Consultative Commission (SCC) scheduled for May 27th.

We are writing to urge you to take a strong stance with respect to the issue of Soviet compliance at the upcoming SCC meeting. To do otherwise would, in our view, send a dangerous signal of complacency to the Soviets, and provide undesirable incentives for the Soviets to continue with a standard of practice which contradicts the very spirit of SALT. This is particularly so in light of the two month delay the U.S. has already requested in scheduling the SCC session, and the failure, to date, to appoint a Commissioner to head the U.S. delegation to this meeting.

A matter which we find especially disconcerting is the continued Soviet construction of ABM battle management radars in apparent violation of the 1972 ABM Treaty. The Carter Administration refused to confirm this activity until a few days before your inauguration. Then General David Jones, Chairman of the Joint Chiefs of Staff, reported to the Congress that:

"Soviet phased array radars, which may be designed to improve impact predictions and target handling capabilities for ABM battle management, are under construction at various locations througout the USSR. These radars could perform some battle management functions as well as provide redundant ballastic missile early warning coverage. The first of these radars is expected to become operational in the early 1980s."

To the best of our knowledge the Carter Administration never raised the construction of these radars as a compliance issue with the USSR in the SCC. This omission is striking in view of the potential strategic implications of these radars. Large radars of the battle management type are clearly the long lead time element of an ABM system. They are potentially the basis of a Soviet breakout capability from the ABM Treaty that could be exercised within a few years.

As far back as 1976, the Ford Administration reported that the Soviets were developing a rapidly deployable ABM system based upon small mobile radars. Recently there have been press reports that the Soviets have developed a more effective interceptor missile and may be deploying a new ABM radar and interceptor system at Moscow. If the new radars General Jones noted are of the battle management type, the performance of a rapidly deployable ABM would obviously be considerably enhanced.

The Soviet Union apparently engaged in an extensive series of experiments aimed at upgrading the SA-5 air defense missile into an ABM in 1973-1974 and more recently appear to have engaged in upgrade experiments involving the SA-10, an advanced high performance system. The significance of these possible SALT violations again is based upon the battle management potential of the new Soviet radars.

We believe the ABM compliance issue must be raised with the Soviets at the next session of the SCC. The United States is paying a significant price, particularly in terms of obtaining the most cost-effective MX basing mode, in its adherance to the ABM Treaty. We are certainly entitled to Soviet compliance. Finally, a failure to clarify this matter would threaten to undermine further the credibility of any future arms control agreements.

Sincerely,

Jake Garn, Ted Stevens, David Durenberger, Orrin Hatch, Steven Symms, Robert Dole, Warren Rudman, John East, Charles Grassley, James Abdnor, David Boren, Dennis DeConcini, James McClure, Don Nickles, Malcolm Wallop, Gordon Humphrey, Mack Mattingly, Jeremiah Denton, Mark Andrews, Richard Lugar, Jack Schmitt, Bob Kasten, and Bill Armstrong.

U.S. SENATE,
Washington, D.C., September 16, 1982.

President RONALD REAGAN,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: We believe that it is strategically and politically unwise for the September 1982 ABM Treaty review with the Soviets to occur before the December 1, 1982 MX deployment decision. We request that you postpone the ABM Treaty review until after the MX deployment decision is made, so as to ensure that all options for defending America's number one defense program are protected.

It is now time to make a hard decision on compliance with the unratified SALT II Treaty versus MX deployment. In view of the Administration's decisions to redesign the B-1B bomber to comply with SALT II, to unilaterally deactivate 292 strategic delivery vehicles counted in SALT II, to limit the MX throw-weight and payload in accordance with SALT II, and to accept cancellation of deployment of 50 Minuteman III ICBMs in accordance with SALT II, we are concerned that SALT II may also constrain MX Densepack deployment. Are you willing to set aside SALT II and renegotiate the SALT I ABM Treaty, in order to deploy the MX in the densepack mode with an ABM defense?

With warmest personal regards,

STEVE SYMMS.
JOHN EAST.
JESSE HELMS.

THE WHITE HOUSE,
Washington, D.C., September 23, 1982.

Hon. STEVE SYMMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMMS: On behalf of the President, I would like to acknowledge and thank you for your recent letter, cosigned by Senators Helms and East, urging that the ABM Treaty review be postponed until after the MX deployment decision is made.

Please know that we are expediting a thorough study of the points raised in your letter, in coordination with the President's national security advisers. I assure you that your comments and concerns will receive every attention and consideration.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

THE WHITE HOUSE,
Washington, D.C., November 10, 1982.

Hon. STEVE SYMMS,
U.S. Senate
Washington, D.C.

DEAR SENATOR SYMMS: On behalf of the President, I would like to respond further to your recent letter concerning the ABM Treaty Review. As you know, Article XIV of the ABM Treaty calls for a review of the Treaty every five years. Since the last review took place in the autumn of 1977, we agreed with the Soviets last June that the next review would begin a few days following the Standing Consultative Commission's current session, which began on September 14. In addition, a review of issues connected with Article XI of the Treaty will be conducted during the current round of the START negotiations which began on October 6.

While it is not feasible or desirable to delay initiation of the ABM Treaty Review, the United States will not take any actions at the review which would restrict our abili-

ty to provide for the security of our Nation. The Administration is approaching this review with care and caution to ensure that we do not foreclose any options which we may want to exercise during our strategic modernization program. In this connection, it should be noted that, although the current review will be under way before important decisions about MX are completed, we retain the right to propose amendments to the Treaty at any time. Indeed, on the sole occasion so far on which the Treaty has been modified (by the Protocol of 1974), the amendment was proposed and negotiated through diplomatic channels and not during a formal review conference.

Thank you again for apprising us of your concerns.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION—NOMINATION OF KENNETH L. ADELMAN, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Mr. BAKER. Mr. President, I defer to the minority leader and the distinguished manager of the nomination, the chairman of the Foreign Relations Committee.

It is now a few minutes before 11 a.m. In order to get started and not waste the time of the Senate, I ask unanimous consent that the Senate now go into executive session for the purpose of resuming the consideration of the Adelman nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I thank my distinguished colleague.

The PRESIDING OFFICER. Under the previous order and the unanimous-consent agreement that was just agreed to, the Senate will now go into executive session and resume consideration of the nomination of Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency, with the time between now and 2 p.m. to be equally divided and controlled by the Senator from Illinois (Mr. PERCY) and the Senator from Rhode Island (Mr. PELL).

Who yields time?

Mr. PERCY. Mr. President, I yield such time as he may need to my distinguished colleague from Illinois, Senator ALAN DIXON, whose judgment in these matters is always sound and good. He carefully looks at a matter and he has maintained through his entire Senate career a bipartisan spirit in advancing what he feels is the best interest of the country. I am most grateful indeed for that spirit that he has always evidenced.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I thank my distinguished colleague and warm friend from Illinois.

Mr. President, when the President's nomination of Ambassador Kenneth Adelman as Director of the U.S. Arms Control and Disarmament Agency first began to generate controversy, I resolved to review the matter thoroughly before reaching a decision on this important vote.

As I have stated in this Chamber on previous occasions, my general view in regard to executive appointments during my years of service in the Illinois Senate and here in the U.S. Senate is that, unless there are very compelling reasons to the contrary, a Governor or a President is entitled to have as his chief advisers the people he believes will be the most effective advocates of his program.

In the important field of arms control, the President has chosen Ambassador Adelman as his nominee. In this light, in newspapers, academic journals, and other periodicals. The bibliography of his publications, Mr. President, runs seven pages, single spaced.

In addition to reading what he has put on the public record for all to see, I also took the additional step of inviting Ambassador Adelman to my office so that I could question, interview and evaluate him personally.

Finally, Mr. President, I have talked to individuals who have worked directly with Ambassador Adelman. One of those individuals is a former Congressman and former Secretary of Defense, Donald Rumsfeld, and a resident of my home State of Illinois. Secretary Rumsfeld told me that Ambassador Adelman served him ably as his assistant with great skill and dedication. Secretary Rumsfeld thinks highly of Ambassador Adelman. In a letter to me, he says this:

> Ken will bring to this post his dedication, a fine brain, tremendous energy and creativity, and the intellectual toughness necessary to deal with difficult problems and bureaucratic complexities. I am confident he will do a first-rate job for the country.

I have received similar reports from others who have been associated with Ambassador Adelman in government and at the United Nations.

My research and interviews suggest to me that Ambassador Adelman has the intellectual capacity and determination to do the job for which he has been nominated.

In connection with this view, Ambassador Adelman gave me his firm commitment, Mr. President, that he is determined to pursue arms control vigorously and enthusiastically. He further gave me his commitment of support for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. He also made a commitment to aggressively pursue the intermediate range nuclear forces proposal, as well as the strategic arms reduction talks (START). He likewise assures me he feels the SALT process can be modified to make it successful.

Ambassador Adelman sits in on National Security Council sessions, so he is well briefed and well aware of the ramifications and nuances of one of our most important concerns in this country—our Nation's national security.

After looking at his educational background, his Government service, his publications and his commitments made to this Senator, I have concluded, Mr. President, that Ambassador Adelman should receive the confirmation the President has asked us to grant.

For these reasons, and in light of my extensive review of this important matter, I have decided to vote for confirmation of Ambassador Adelman, who is, by the way, Mr. President, a native son of Illinois.

I have stated to him in no uncertain terms that those of us who support him here today expect him to show us forthrightly by his performance that he is truly committed to arms control, and the effective pursuit thereof.

The burden is now upon him, and the President who selected him, to demonstrate to those of us who must make this decision today, and to all of our fellow citizens throughout this Nation, that arms control under this administration is a goal to be transformed into reality.

Mr. PERCY. Mr. President, I thank my colleague very much indeed. It is so characteristic of the distinguished Senator from Illinois to make his judgments after a great deal of research and sound reasoning. I might say that is contrary to some who came out against Ambassador Adelman even before the opening of the hearings. Others who have come out against him have never met him.

As the distinguished Senator from Illinois, Senator DIXON, said, he sought out Ambassador Adelman, sat down with him, probed his ideas, and received from him important commitments. On such an important nomination as this, I believe this is the way Senators should go about it. I commend him on his decision.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point, an editorial from the Chicago Tribune of today. I think it appropriate to follow the remarks of Senator DIXON. It is called "A lesson in MX logic * * * and illogic on Adelman."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Apr. 14, 1983]

. . . AND ILLOGIC ON ADELMAN

There is no really good, logical reason for the Senate to refuse confirmation of Kenneth L. Adelman as director of the Arms Control and Disarmament Agency. He is a bright man, experienced in diplomacy and knowledgeable on arms control. He reflects the President's thinking on arms limitations talks, which is vital for the success of negotiations with the Soviet Union.

Yet a large number of senators—but not a majority—are vigorously opposing his nomination. When the issue comes to a vote, probably Thursday afternoon, it is expected that he will be confirmed by a narrow margin.

Why the opposition? The main reason is presidential politics. The senators are behaving as if the 1984 election is in the offing even though it is still more than a year and a half away. Most of the Democrats and some of the Republicans are beginning to maneuver against Mr. Reagan for reasons of politics rather than policy, and the Adelman nomination serves as a convenient forum.

But arms control policy is far to important to become a political football, especially so early in the presidential election season. Negotiations are in progress on both intercontinental-range missiles and intermediate-range missiles based in Europe. The President's approach to those talks—reductions in arms—is sound and achieveable. Opposition in the Senate can only serve to weaken the U.S. position.

But the goal is achievable only if the President can put together a team of negotiators to pursue it. He has chosen Mr. Adelman as the captain of that team, and barring evidence of incompetence or dishonesty there is no reason the President should not get the man he wants. The senators have found no such evidence. They should put policy above politics and confirm him by a wide margin.

Mr. PERCY. The editorial reads in part as follows:

There is no really good, logical reason for the Senate to refuse confirmation of Kenneth L. Adelman as director of the U.S. Arms Control and Disarmament Agency. He is a bright man, experienced in diplomacy and knowledgeable on arms control. He reflects the President's thinking on arms limitations talks, which is vital for the success of negotiations with the Soviet Union.

Yet a large number of senators—but not a majority—are vigorously opposing his nomination. When the issue comes to a vote, probably Thursday afternoon, it is expected that he will be confirmed by a narrow margin.

But arms control policy is far too important to become a political football, especially so early in the presidential election season.

Of course, not every Senator is running for the Presidency, and certainly this is not a motivation in the minds of all his opponents. I know some of them are genuinely concerned about the matters they expressed on the floor.

To continue:

Negotiations are in progress on both intercontinental-range missiles and intermediate-range missiles based in Europe. The President's approach to those talks—reductions in arms—is sound and achievable. Opposition in the Senate can only serve to weaken the U.S. position.

But the goal is achievable only if the President can put together a team of negotiators to pursue it. He has chosen Mr. Adelman as the captain of that team, and barring evidence of incompetence or dishonesty there is no reason the President should not get the man he wants. The senators have found no such evidence. They should put policy above politics and confirm him by a wide margin.

Mr. President, I suggest the absence of a quorum with the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PERCY). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield to myself such time as may be necessary.

Mr. President, today, the Senate continues its consideration of the nomination of Kenneth L. Adelman, President Reagan's nominee to the position of Director, Arms Control and Disarmament Agency.

The Constitution confers on the President and upon the Senate the joint responsibility to determine the foreign policy of the United States. Article II, section 2 reads in part:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law * * *.

Since late January, some of my colleagues have seized upon this confirmation process as an opportunity to attack President Reagan's policies concerning arms control.

It is my intention to redirect the focus of my peers to their constitutional task—a review of Ambassador Adelman's qualifications for the position to which he has been nominated, rather than the peripheral issues that have unduly occupied the attention of some of my colleagues.

Ambassador Adelman's qualifications are indeed meritorious. He has worked with the Federal Government since 1968 and has been involved in international or defense policy issues since the mid-1970's.

Beginning with the Agency for International Development. From 1976–77, Ambassador Adelman served as Assistant to the Secretary of Defense. As a senior political researcher at the Strategic Studies Center of Stanford Research Institute in Arlington, Va., where he was employed from 1977 to 1981, Ambassador Adelman wrote extensively on national security affairs. His writings have appeared in publications such as Foreign Affairs, Foreign Policy, Washington Quarterly, the Wall Street Journal, and the New Republic.

For the past 2 years, Ambassador Adelman has served as the U.S. Deputy Permanent Representative to the United Nations. In this capacity, he has been intimately involved in arms control and disarmament negotiations. As an example, Ambassador Adelman coordinated the U.S. delegation at the Second Special Session on Disarmament held by the United Nations last summer. As a participant in the session, I can attest to Ambassador Adelman's outstanding skills as a diplomat, negotiator, and manager on behalf of American interests. He ran the day-to-day operations and developed the U.S. strategy for the session. It is noteworthy that half of the U.S. staff working during the 2-month session came from the Arms Control and Disarmament Agency. With his direction and ability to negotiate with foreign governments, the United States successfully inserted language in one of the major documents of the session calling for free expression of opinion from all disarmament groups, not only in Western countries (as in the original draft) but also in Red Square.

I urge my colleagues to consider these aspects of Ambassador Adelman's career. The Director of the Arms Control and Disarmament Agency is a foreign policy position; the President has a right to have his arms controller to institute his policies. I respectfully recommend that we permit him this prerogative.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll, in accordance with the previous understanding that the time for any rollcall will be evenly divided.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I would like to speak in opposition to the nomination of Mr. Kenneth Adelman to head the Arms Control and Disarmament Agency.

ARMS CONTROL

We are considering this nomination at a critical time. Many of us are deeply troubled by the direction that this administration is heading on arms control.

Earlier this week, the President's Commission on Strategic Forces issued its report. The Commission's recommendation to deploy 100 MX missiles is nothing but a warmed over version of a plan we have rejected before.

We should be developing defense budgets that protect our national security without bankrupting the economy. Instead, the administration seems propelled toward developing more and bigger weapons without regard to their strategic mission or ultimate cost.

The administration has also left a confusing impression at the negotiating table. The administration has not developed strong proposals, mobilized public support, and challenged the Soviet Union to respond.

Instead the administration has appeared negative and defensive.

The administration should be using the arms control process to unify our allies and reduce world tensions. Instead, bureaucratic infighting here has created uncertainty abroad.

The START talks are going nowhere. The INF negotiations on European-based missiles are stalled.

There is a crisis in the Western alliance.

The Soviet Union is making an all-out effort to exploit and encourage the growing split between the United States and our European allies.

The Soviets are waging a propaganda war depicting the United States as the aggressor, the threat to peace, the one unwilling to negotiate in good faith.

The failure of this administration to make serious efforts to promote meaningful arms control dialog with the Soviets has only fueled the protests in Europe and increased the anxiety of our allies.

It would be a strategic disaster of incalculable proportions if the Soviets succeeded in breaking apart the Western alliance.

In the midst of this crisis, what does the administration do to improve our credibility in Europe and calm the mounting public fear? It nominates a man to lead our arms control negotiations who has no standing in Europe, very limited knowledge in the field and no negotiating experience.

MR. ADELMAN'S QUALIFICATIONS

The Arms Control and Disarmament Act describes the position of Director of the Arms Control and Disarmament Agency in this way:

> The agency shall be headed by a director who shall serve as the principal adviser to the Secretary of State, to the National Security Council and the President on arms control and disarmament matters. In carrying out his duties under this act, the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters as defined in this act.

The position of Director should be filled by someone who has a demonstrated commitment to reducing the danger of nuclear war by controlling the development of nuclear weapons.

It requires a sophisticated understanding of the arms control process.

Mr. Adelman, unfortunately, lacks a strong arms control background. His most substantial professional and academic achievements are unrelated to arms control.

I do not believe it is appropriate for Congress to deny a President's nomination solely on the basis of disagreement with the nominee's policies.

After all, the President has the right as an elected officer to institute, enact, and execute the policies that he thinks are fit. Therefore, he certainly has the right to appoint people who agree with his policies.

But under our constitutional form of government, we in the legislative branch have the right and obligation to look at the nominee and to some degree pass judgment. We must not simply rubber stamp the President's nominations.

Mr. President, in my view there are two instances where the Senate has the obligation not to confirm a President's appointment. One is where there is a serious question with respect to the nominee's integrity. The other is where the nominee is not competent to serve.

The issue today is not whether Mr. Adelman is intelligent, or sincere, or worthy of our respect. The issue is whether he is qualified for the job, particularly at this critical juncture in our relations with both the Soviet Union and our European allies.

In contrast to the Adelman nomination, the new nominee for administrator of the Environmental Protection Agency, Mr. Ruckelshaus, is one in whom the Senate will have confidence. He is a man of stature, integrity, and deep experience in environmental issues—all necessary qualities to hold such a position.

In my opinion, Mr. Adelman has not shown the knowledge, the judgment, or the commitment to head the Arms Control and Disarmament Agency.

I very much hope that my colleagues and friends on both sides of the aisle who share my concerns will join me in opposing Mr. Adelman for this post. Arms control must not become a victim of partisan politics. The stakes are too high, the dangers are too great, and the cause too important.

I am hopeful that the President's next choice as the nominee for this position is one who will indicate a more serious commitment on the part of the administration to reducing the threat of nuclear war through arms control and reductions.

Mr. GLENN. Mr. President, the Senate is considering today a matter of profound importance. It goes beyond just the normal confirmation hearing. The Senate must decide whether it is going to insist that arms control and the U.S. Arms Control and Disarmament Agency are to be treated seriously or whether the Senate will endorse a continuation of the present disarray.

Mr. President, I think the time is running out on us in the arms control field, particularly with regard to nuclear weapons. The distinguished Presiding Officer of the moment and I worked very hard in past years on the Nuclear Non-Proliferation Act and other efforts in the Foreign Relations Committee. Those efforts bore fruit in the past and I think set a path that we should be following today.

When I say that we do not have much time, Mr. President, what I mean is that as time goes on we are more likely in the nuclear nonproliferation field to have new methods of fabricating nuclear weapons and new methods of enriching uranium, whether chemical or laser isotope separation. There are quite a number of different means that might become commonplace and mean that any nation who wishes to have nuclear weapons may well be able to have them.

So while we have been trying to push forward nuclear arms control negotiations with the Soviets, we should be trying equally to prevent the spread of nuclear weaponry around the world and, indeed, to do our very best to pull down existing weapon stockpiles of conventional weapons as well.

Can we do this? Is there any hope? What are the odds? I wish I could quote odds and think they would be accurate on our ability to control weapons at all levels, whether conventional or nuclear. But obviously no one can give any odds on what the likelihood of getting a negotiation successfully completed would be.

But I know one thing, Mr. President: We had better try, and those of us in the Senate today have to have as one of our prime purposes our dedication toward making arms control a priority across this Nation. So for all of those reasons we should be putting forward at Geneva not someone who can just get by, not someone just appointed for political reasons, but the finest diplomatic team, the very finest negotiating team we possibly can assemble—be putting them together for purposes which may well involve the survival of the whole world.

But unless we put the proper emphasis on this we may well lose one of the last hopes of mankind. I think it is just that serious. So, to say we should treat this matter seriously is an understatement.

Now, to the issue at hand. Kenneth Adelman, so far as I know, is a very fine man, a very pleasant fellow, good

personality. But he came before the Committee on Foreign Relations, and he was judged by the Committee on Foreign Relations to be unqualified to be the Director of ACDA, and we voted him down. I voted against him, regrettably.

I have taken part in some of these confirmation fights on the Senate floor before. In fact, I led one of the major ones against one appointment of this administration, and after losing that fight I felt that, perhaps, it was best to just go ahead and let the President have his people and swing in the wind, more or less, with what came out of that.

But when Mr. Adelman came before us and was a person who, according to press accounts at least, although he denies this, talked about what a sham arms control negotiations were as recently as 2 years ago, I could not sit still and just say "This will be another appointment that will automatically go through."

So Mr. Adelman was judged by the Committee on Foreign Relations to be unqualified to be Director of ACDA, and, absent a compelling reason otherwise, that judgment must be allowed to stand.

The extensive debate during the last 3 days has not provided such compelling reason. Indeed, Mr. President, I point out that the debate has been marked by some rather unusual deviations from the normal debate process here in regard to confirmations because the debate has been marked by a reluctance to jump in and really support Mr. Adelman.

I would submit if we go back over the debate of the past couple of days, we would find that most of the support statements for Mr. Adelman have been rather mild, rather meek support.

I, at least, have yet to hear any ringing endorsements of Mr. Adelman. That is rather unusual because in our confirmation debates in the past usually there are those who are very staunch proponents and who really come in with ringing statements of endorsement. Perhaps I have missed those, I do not know. But I have not heard any such ringing statements of support.

I know Senators who support Mr. Adelman today may well be rewarded with a very heartfelt "thank you" from the White House. But I submit to those Senators to think twice because the White House will not be out in the country with Senators as they try to justify a vote for Mr. Adelman's confirmation to a constituency deeply concerned over the threat of nuclear war.

The people of this country fear that we in Washington are simply not serious about curbing the nuclear arms race.

The development of thermonuclear weapons and thousands of missiles, and bombers to carry them, have given security—like the Roman god Janus—two faces. We must provide weapons to deter aggression and yet we must with equal vigilance—I repeat with equal vigilance—see that these weapons are never unleashed. Preserving security in an age of nuclear weapons is the most sacred and the most solemn responsibility we give to anyone who leads our Nation.

Today we and our allies and our adversaries together have failed to achieve a solid and workable arms control regime, and that failure presents us all, friend and foe alike, with a ticking timebomb. If we do not solve it then our collective achievement may be to prove T. S. Elliott wrong, "When the world ends not with a whimper but with a bang."

Mr. President, time is fleeting. There exists a bipartisan consensus for arms control not just in the Congress but across this country, and it is not too late for major successes. No one in his right mind wishes the President to fail. I wish him every possible success in arms control. As a Democrat, but as an American first, I can only hope and pray success for the President in arms control. I believe the Senate must support the administration in a quest for serious arms control.

The first step is to turn elsewhere for a Director for ACDA. The President should have in place a Director with the stature, the experience, and the commitment to serve as the focal point for arms control in the administration, to carry weight in the national security deliberations of this Nation, and to restore ACDA to effectiveness in the councils of this Government.

There is no question in my mind that the Senate would give its advice and consent readily, surely, and very promptly to a strong, effective, and committed Director. There are a number of such people in this country with whom I believe the President could be comfortable. I hope he will select such a person after this matter is resolved so that with strong bipartisan support we can again move ahead in arms control.

There is too much at stake here for the Senate to falter. It must do its duty. It is clear that that duty now is to refuse to confirm Mr. Adelman. That decision will carry with it additional responsibilities which we all must recognize. We must do our best to insure the preservation of the existing strategic arms limitations regime, and we must work toward a mutual and verifiable freeze on nuclear weapons—underlining any number of times the words "mutual and verifiable." Those are key in our present arms debate.

I think anyone across this country can be for a freeze if it is mutual and if it is verifiable, but those are very key elements. Can we ever reach those levels of mutual and verifiable qualifications? I do not know. But I know we had better try.

We must also strive assiduously for reductions in the START and INF negotiations, we must find new and better ways to halt the spread of nuclear weapons, we must bring other nations with nuclear weapons into the arms control process, and, finally, we must address the question of arms control in its totality by an expansion of efforts to control other nuclear weapons and by increasing our efforts to reduce conventional armaments in Europe, and restrain conventional arms transfers.

Let me expand on those points just a little bit. It seems to me if we are after arms control, and we are calling for a freeze, we have to have a means of getting to that freeze. We have to have several different points that would have to be accomplished to make a freeze really mean anything.

Going back to SALT II days, I opposed SALT II because it could not be verified at that particular time. I took a lot of pressure at that time. But to me, while SALT II was something that set a reasonable balance, unless we could verify what the Soviets were doing we were not going to just trust them to somehow look out for our best interests.

In the meantime we now have new means, we now have the satellite capability which we did not have before. We now have monitoring places we did not have before.

So SALT II is a good place to start and I am sure we can pass it within a couple of weeks if the President would get behind it. At least that would establish a limit above which we do not build. So that is the first point, at least limit.

No. 2, reduce. Put the best negotiating team, the finest diplomats we can possibly put together into a team, and go to Geneva. Put far more emphasis on those talks; get reductions in arms. So limit and reduce.

No. 3, prevent the spread. We passed in this Senate, and it is the law of the land now, the Nuclear Nonproliferation Act of 1978, which will govern the transfer of reprocessing and enriching equipment around the world. We hoped that other nations would follow our lead. I think that was a good step forward. I hate to see that not being emphasized now. If we let time get away from us, we will find one of these days that any nation in the world that wants a nuclear weapons capability will be able to get it. So limit, reduce, and prevent the spread.

No. 4, to me this is one of the most important ones of all, we must involve other weapons states besides the Soviet Union and ourselves in these

negotiations. It is inconceivable to me that the Soviet Union would reduce their weapons stockpiles to an appreciably lower level even if we do, so long as Britain and France and China, for instance, are all able to build their weapons stockpiles up to unlimited heights as they are not now part of the limitation process.

So I think we are making a big mistake when we do not try and get these other nations involved in our nuclear negotiations at the earliest possible time. I think it is unlikely that we will get serious reductions in superpower nuclear weapons stockpiles unless these other countries are brought into that process.

Is that possible? I do not know. It complicates the process tremendously, that is for sure, because it means we have to bring into this nuclear weapons negotiating process nations like the People's Republic of China. But they are now a major nuclear weapons power. So how can we say Britain and France, and other powers, China, for instance, will be able to build their nuclear weapons stockpiles to unlimited heights and expect the Soviet Union to take their stockpiles down to low levels?

Thus I reiterate, as a fourth point, we absolutely must attempt, at the earliest possible time, to bring other nuclear weapons states in.

As a fifth point, overall arms control. Matters nuclear cannot be considered in some sort of pristine purity off on the side as though they had no relationship to conventional arms. They do. We have used our nuclear weapons capacity to balance off Soviet conventional power in some areas and they have done the same thing against us in other areas. So this has to be part of overall arms control, although I admit that the awesome, horrendous, total nature of nuclear arms has and should be the area that receives the greatest emphasis.

We must do our best to insure the preservation of the existing strategic arms limitations regime. We must work toward a mutual and verifiable freeze on nuclear weapons. We must strive assiduously for reductions in the START and INF negotiations. We must find new and better ways to halt the spread of nuclear weapons. We must bring other nations with nuclear weapons into the arms control process. Finally, we must address the question of arms control in its totality by an expansion of efforts to control other nuclear weapons and by increasing our efforts to reduce conventional armaments in Europe and restrain conventional arms transfers.

Mr. President, these efforts will require our best efforts, not our second best, not someone with whom we can just try to get by.

We must devote our energies and our most capable people to the task. If we do not make the right decision today, we will fail before we have even started. Accordingly, I urge my fellow Senators to make the right choice by refusing to approve the Adelman nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HECHT). Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from Colorado (Mr. HART) for 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. I thank the distinguished minority manager.

Mr. President, President Reagan's nomination of Mr. Kenneth Adelman to head the Arms Control and Disarmament Agency reflects a serious lack of commitment to pursue arms control. I urge my colleagues to join in opposing this nomination and in calling for a qualified applicant who recognizes the value and vital importance of arms control negotiations.

Mr. Adelman has shown he lacks the basic philosophy, attitude, and knowledge to make an effective ACDA Director. He has demonstrated a lack of knowledge of basic arms control issues and a lack of thought on many of the critical problems facing our negotiators. Mr. Adelman appears to be more dedicated to an arms buildup than to reducing the hazards of unrestricted competition. His attitude and lack of experience cast serious doubt on his ability to deal effectively with the Soviet Union, and his skepticism of the efficacy of arms control agreements would significantly hamper progress on this vital issue.

At no time since the end of World War II has there been a greater need for a serious, determined effort at arms control. Since the first atomic bombs were dropped on Nagasaki and Hiroshima in 1945, the number of atomic and nuclear weapons in the world has grown at an alarming rate. Their accuracy has indeed become frightening.

One of the most important aspects of this worldwide arms race is the growth of the nuclear club. From the early days when atomic weapons were the exclusive domain of the United States, Great Britain, and the Soviet Union, we have entered an era when most countries will feel themselves vulnerable without nuclear weapons. France has become a formidable nuclear power; China is rapidly becoming one; and there are disquieting reports about a plethora of countries from Israel and South Africa to Pakistan and Brazil developing their own nuclear arsenals.

For more than 30 years, we have lived with the reality that, at any given moment, on any given day, nuclear weapons might be unleashed, leaving in their aftermath a magnitude of death and destruction beyond the comprehension of the human mind. We must constantly remind ourselves that nuclear war is more than a continuation of war by other means, it is an entirely new form of conflict. This simple yet all-important reality of the nuclear age compels us to reverse the arms race, and do it forthwith.

With this as our goal, it is imperative we have strong, knowledgeable leadership dedicated to the process of negotiating for arms reductions. Arms control negotiation is a sensitive process, requiring skill, knowledge, and the conviction that the process is functional and vitally important. President Reagan's nomination of Kenneth Adelman signifies a serious lack of concern for the efficacy of arms control negotiation. If this nomination is confirmed, the process will suffer and progress toward continuing world peace will be retarded.

Mr. President, in a world still marked by superpower confrontation and innumerable regional conflicts, the increasing speed, volume, and sophistication of modern arms is rapidly shrinking the margin for error. In such an atmosphere, we cannot afford to take a casual, unprofessional attitude toward control. We must show our concern and dedication by appointing a person well qualified and dedicated to reducing the global risk of an unrestricted arms race. Because Mr. Adelman does not live up to these necessary standards, we must reject his nomination and call on the President, to show his genuine concern for a peaceful world, a world where nuclear arms threats are reduced, by presenting a candidate who will enhance our chances for securing a peaceful, safe world.

The issue before the Senate, Mr. President, in a word, is the President's own commitment to arms control. It is feared by those of us who oppose Mr. Adelman that Mr. Adelman's nomination is merely another symbol that the administration is not genuinely committed and concerned about the process of negotiating limitations and reductions in the overall nuclear arsenals of the world.

I yield the floor.

Mr. BOSCHWITZ. Mr. President, I yield such time as required to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, with respect to Presidential appointments that require Senate confirmation, it has been my view—scarcely an exceptional one—that a President ought to have advisors who will carry out his policies, and that a President's judgment in such matters is owed a certain deference. To vote to confirm a Presidential nominee is in no way to vote to endorse that President's policies. Questions of capacity and integrity do arise; and also questions as to the willingness of an appointee faithfully to execute the laws entrusted to the care of his or her office. In the case of Mr. Adelman, I find none of these latter impediments. As to the former concerns, I was satisfied on Monday evening when I received a telephone call from Secretary of State Shultz expressing his hope that I would vote for Mr. Adelman's confirmation. The Secretary of State is the President's principal advisor in foreign policy, of which arms control must be a central concern. The Director of the Arms Control and Disarmament Agency, for practical purposes, reports to the Secretary of State. Obviously in the matter of appointments, the Secretary expressed the President's own wishes.

I am familiar with Mr. Adelman's previous and considerable Government service, and I have read some of his writings. His view expressed in 1978 that the SALT process was not bringing about actual reductions in nuclear weapons was significantly ahead of its time and leads me to hope that should he be confirmed, he will bend his undoubted energies and talents to doing just that.

I might add that the chairman of the Committee on Foreign Relations expressed his fervent hope that I should support this nomination. He stated to me that he was convinced that if Mr. Adelman is confirmed, the administration will cooperate in obtaining Senate passage of the threshold test ban treaty and the peaceful nuclear explosions treaty. I accept that a comprehensive test ban treaty would be preferable to any of these more limited measures, and would properly bring to fruition the task begun 20 years ago with the limited test ban treaty, but I feel the urgency that many do for some palpable measure of progress meanwhile. The chairman further expressed his expectation that we would see a successful conclusion to the two strategic arms treaty negotiations now underway.

Mr. DECONCINI. Mr. President, I will cast my vote against the confirmation of Kenneth Adelman as the Director of the Arms Control and Disarmament Agency with some degree of reluctance. I believe that the President should be given considerable flexibility in filling key positions in his administration and I believe that Mr. Adelman is an honest man with a respectable amount of knowledge and experience in the field of international relations, in general.

I base my opposition to this nomination on factors which go beyond the general guidelines I have just described. I believe that the position of Director of the Arms Control and Disarmament Agency is a particularly sensitive one at this point in time, and I believe that the Director should have a strong background in the arms control area. The importance of specific expertise in this area is heightened by the fact that the President's two chief foreign policy advisers, the Secretary of State and the National Security Advisor, are not career specialists in international politics and must, therefore, rely on the expertise of others in key subordinate positions. Regrettably, Mr. Adelman does not have this type of expertise.

Furthermore, when trying to link together the contradictory remarks which Mr. Adelman made during his confirmation hearings with the remarks he has been quoted as saying, I cannot quite determine his position on arms control. At the first hearing, he seemed to have no point of view. At this second hearing, he was considerably more articulate, but only after rigorous priming by administration officials who apparently knew more about arms control issues than the man who would be their superior. If his views are as he was quoted in the New York Daily News, then Mr. Adelman is, at the very least, indiscreet—ala the pattern established by Mr. David Stockman in Atlantic Monthly—or he is, at the most, dead wrong. I do not believe that either of these extremes is tolerable when negotiating arms control with the Soviet Union.

In conclusion, I urge the administration to place a little more emphasis on experience in its international affairs appointments. It is all well and good to nominate individuals who share the administration's "wave length" to key positions. But, I am confident that if the administration explored in greater depth the vast number of men and women who understand arms control policy they would find a nominee who combines both the attributes of expertise and their particular philosophical approach. I am confident that such a nominee would easily receive the consent of the Senate.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I rise to speak in favor of the nomination of Kenneth Adelman for the directorship of ACDA, the Arms Control and Disarmament Agency. I do so with some enthusiasm. I have heard on the floor that Ambassador Adelman lacks a commitment to progress in arms control. I do not believe that, having listened to him. I also have heard on the floor that he lacks knowledge about arms control. I do not believe that, having read all that he has written on the subject. And I also understand that he is accused of only being in favor of an arms buildup. I certainly do not believe that, having spoken to him, and heard him profess a strong desire for real arms reduction.

Actually, Mr. President, I suspect that if the first hearing that Ambassador Adelman had before our committee had gone differently, we perhaps would not be here in this protracted debate about his nomination. Without question, his first appearance before the Foreign Relations Committee was not a very successful one. He was perhaps thrown a little bit off balance when one of my collegues announced that nothing he could say during the course of the hearings could entice this particular Senator to vote for him. And then apparently he was also subjected to some rather poor advice on how to appear before our committee.

Having said all of that, I should like to speak a little bit more about his thoughts on SALT, on the arms process and on whether or not he really does have a sense that negotiated arms reduction is possible and desirable.

On August 2, 1978, he wrote an article "Can There be a SALT III?" He outlined some of the changes that he felt had to occur in the arms negotiating process if it was to continue and succeed. First, he argued that the measurement of the United States-Soviet strategic force must be altered and should no longer focus merely on launchers.

As you know, Mr. President, SALT I and other negotiations have pretty much centered on launchers, or the ability to launch the missiles rather then the missiles themselves. These launchers have included submarines, airplanes, and also launchers that are put into the ground. The reason for this focus is quite clear—launchers can be seen from the air, while the weapons themselves, the warheads, are more difficult to track.

Launchers were counted, Mr. President, because launches can be tracked from satellites. Launchers were counted because other items in the defense equation could not be successfully observed. However, during the 1970's the entire strategic equation was changed because of MIRV'ing, because of multiple targeted reentry vehicles, so that on top of one missile you could put 10 or 14 warheads. Indeed the Russian SS-18 is such a powerful missile that it may even have the capacity to carry 30 warheads yet that would be just

one launcher as it is counted in the process of arms negotiation up to this time.

Ambassador Adelman quite correctly pointed out that while moving any from counting launchers carries difficulties in verification, nevertheless, some different approach had to be taken because the counting of launchers did not properly reflect threats involved in armaments and did not really bring about meaningful arms control.

He also pointed out that SALT I, which was ratified, and SALT II, which has been signed by both parties but not ratified by the Senate, really did not bring about any reduction in either the United States or Soviet strategic arsenals. As a matter of fact, people from both sides of the aisle, from the most conservative to the liberal philosophies here in the Senate, opposed SALT II just on that basis, that it did not bring about a meaningful "builddown" of nuclear weapons.

So, first and foremost, Ambassador Adelman said that there must be new measurements of United States-Soviet strategic forces in order to bring about a meaningful SALT III negotiation. I believe that he is quite correct in that regard.

Second, the type of weapons included in the negotiation must be expanded to encompass those based in or targeting Western Europe. And, of course, this has been done in the INF negotiations.

Mr. President, as you may well know, we have several negotiations going on all at one time—the START negotiations, as the SALT negotiations are now called, headed on our side by Gen. Edward Rowny; the INF or the intermediate nuclear force negotiations, headed by Paul Nitze; and then we have the MBFR negotiations, which are another set of negotiations that have not gone very far.

But in August of 1978, Ken Adelman wrote about what has now become the INF negotiations. It must be noted that prior to this administration, the administration that is supposed to be opposing arms control, there was no such thing as an INF negotiation. The current INF negotiations, as have Ambassador Adelman suggested extended beyond the intercontinental capacity of missiles. The Reagan administration has started an entirely new set of negotiations. Indeed, Ambassador Adelman spoke about the necessity of such negotiations in August 1978, prior to their being begun.

Third, Kenneth Adelman said that the number of actors on the stage of nuclear arms negotiation must likewise be enlarged.

I agree with that. That, of course, makes nuclear arms negotiations much more difficult. But I just listened to my friend and colleague, Senator HART from Colorado, speak about the fact that other countries must be included in the negotiations. That is going to make the negotiations considerably more difficult, but the truth is that there are other countries that now have nuclear weapons. There are other countries that have deployed nuclear weapons, and I agree with Mr. Adelman that all we can do should be done to include them in negotiations.

Mr. Adelman, when he came before the committee, also spoke about the problems of proliferation; that we not only have a problem negotiating with the Russians or bringing the French and the British and other countries into the negotiations, but we also have a problem of proliferation and that in the years ahead many countries will suddenly have nuclear capabilities. The probability of their being used by other countries is much greater than the probability of countries such as ourselves or the Russians using them, since we have a greater feeling and understanding of the scope of what can happen from such usage.

Can you imagine if the Israelis had not attacked the Iraqi reactor and if the Iraqis had been successful in developing a nuclear weapon? Is there any question in our minds that they would threaten to use or perhaps actually use such a weapon in their present war with Iran which has been so destructive?

That is as much a threat to the world as the expansion of the nuclear arsenals of the two great powers, which at least have communications and which at least are negotiating to reduce those arsenals.

Mr. Adelman, in all his writings, has talked about the necessity of expanding the process of negotiations, has talked about the necessity of expanding the participants, has talked about the realism of counting weapons as they exist today and not as they existed at the beginning of SALT I and even at the beginning of the SALT II negotiations.

He has written a great deal on the business of arms control. For many years, he has been part of the President's inner circle of foreign affairs advisers. He was chosen by the President to accompany President Carter, when President Carter went to Europe after the 1980 election to greet the hostages returning from Iran. Ken Adelman was the representative of President-elect Reagan.

He has written in Foreign Affairs magazine, the most prestigious foreign affairs publication in the country, and in a number of other prestigious publications.

In 1976 and 1977, he was an assistant to the Secretary of Defense. He has attended innumerable National Security meetings and participated in the discussions on arms control which have taken place in those meetings.

While he has been the second in command of the U.S. delegation at the United Nations, he has participated in numerous sessions on disarmament and has led the disarmament considerations that have taken place in our delegation to the United Nations.

Mr. President, Kenneth Adelman is a young man who has achieved a great deal in just a few years. I think he has been nominated to lead an agency that is widely considered to be in disarray and lacking direction. I believe he will bring that direction, that he will bring the type of leadership to that agency that will make him a strong working partner with the administration, a strong working partner with Mr. Nitze, who is conducting the INF negotiations, a strong working partnership with General Rowny, who is already sending him memos. Indeed, I believe he will make an important contribution to our country and to peace in the world.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from Oklahoma.

Mr. BOREN. I thank my distinguished colleage from Rhode Island.

Mr. President, making a decision about how to cast my vote on the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency has been a particularly difficult one for me.

I have tried my best to reach the right decision. In the course of my personal deliberations, I have studied the hearing record, read the speeches of my colleagues on both sides, read Mr. Adelman's own writings, studied newspaper editorials and columns, listened to his coworkers from the past, and visited with Mr. Adelman personally. Those inquiries have pulled me in a number of different directions.

First of all, even in the political process, we must not lose sight of the fact that we are impacting the life and career of a fellow human being who is entitled to our sensitive concern and fair treatment. In my meeting with Mr. Adelman, I found him to be a likable, bright person of good will who obviously has a sincere dedication to the well-being of this country.

Second, I was pulled by my own inclination to allow a President to select the personnel for his own administration. As a former Governor, I understand clearly that since the Executive is held accountable for his administration, he needs to be able to select the people to work with him in carrying out his own policies. A President is elected by the people and whether or not he is of my party or my philosophy, I believe that he should have the ability to respond to the mandate given him by the people.

However, while these factors pulled me toward a positive vote on the nomination, there were others that had to

be balanced on the other side. In the final analysis, they were persuasive to me by the closest of margins. In many ways, I wish that I could be afforded the luxury of voting undecided or for a split verdict. The people, however, have given me the responsibility to cast a vote according to my own best judgment. My own sincere best judgment is that Mr. Adelman should not be confirmed. The selection of another person to head the agency would be best for Mr. Adelman personally, best for the President, and best for the Nation.

As I have said, I believe that the ordinary standard should be that a Presidential appointee should be confirmed unless he is clearly unfit for the position for a very strong reason like incompetence or lack of integrity. If I were applying the ordinary standard, I would vote in favor of Kenneth Adelman's confirmation.

However, I believe that there are special conditions which require a higher standard of evaluation. In those situations, adequacy is not enough. Excellence is demanded. In those situations, only the best available persons should be considered. Lifetime appointments to the highest Federal courts have been held to that standard. So have a few other key posts in our Government. With the grave danger posed to the very existence of the world by the destabilizing technical changes in nuclear weapons systems of the past two decades and with the growing effort of the Soviet Union to use the growing fears of nuclear war in Europe to drive a wedge between the United States and her European allies, arms control has clearly become a central issue in the entire Western World. For that reason, we should confirm as Director of that Agency only the best possible choice and one who will be recognized as such not only in the U.S. Senate but by our allies in Europe and by our adversaries in the Soviet Union as well.

While Mr. Adelman has performed relatively well in subordinate posts, I do not believe that anyone would argue that his experience or his writings would yet place him in the same category of stature and respect as a Eugene Rostow, whose successor will head the agency, or a Brent Scowcroft, who has been rumored as another possible choice, or others that could be mentioned. With more time, concentrating on these issues, he might in the future be qualified for this position. Intelligence is not only required but also exceptionally sound judgment. This kind of judgment is not a matter of how long a person has lived, it can come only from experience and from living with issues and viewing them from every possible perspective. Compared with others who might be considered, I cannot conclude that Mr. Adelman is the best possible choice. Whatever the cause, a lack of poise and consistency was demonstrated during his testimony before the foreign relations committee including a failure to respond to critical questions in the first hearing to which he had concise glib answers in the second.

I also want to make it clear that I am not opposing him because of his past skepticism about SALT II or about Soviet intentions. I, too, had serious doubts about SALT II, about whether it allowed the Soviets an advantage, and about the degree to which it really represented any movement toward a real reduction of weapons. I also have grave concerns about Soviet intentions and I, too, believe that unilateral disarmament by the United States will never bring the Soviets to the bargaining table.

Even yet, Mr. President, while one may believe that it will be very hard to get a fair and verifiable agreement from the Soviet Union, it is vital that the person who will be Chief Adviser to the President and the Secretary of State on Arms Control matters should have a passionate commitment to the necessity of making a true and fervent effort to find such an agreement. I realize that any judgment on my part is necessarily subjective, but I do not find in Mr. Adelman's writings that kind of passionate commitment reflected. While I agree that there is cause for cynicism about Soviet intentions, I would like to have read a strong statement from Mr. Adelman that, nonetheless, for the sake of the whole world, we must work with all of our will and ability to achieve a balanced reduction in nuclear weapons and that we must never give up the effort.

It is not only because of the importance of the issue of nuclear war and because of the threat posed to the Western alliance caused by the debate on arms control policy that we must have the best possible director. It is also because we are facing the toughest possible adversary in these negotiations. They are cunning and quick. They can be unyielding. The Soviets have an able team on their side of the negotiating table with far more continuity of membership than our own. As one colleague put it informally: "When you're dealing with our Nation's vital interests, and you are up against the Soviet Union, you should only send in the first team."

I have great respect for the senior Senator from Mississippi (Mr. STENNIS). For many years, he chaired the Armed Services Committee of the Senate. He is not naive. He believes in a strong America. He pointed out yesterday that arms control issues are among the toughest and most difficult. He also pointed out that the Director of the Arms Control Agency is the "principal adviser" to the Secretary of State, the National Security Council, and the President, and arms control matters and he has "primary responsibility" within the Government for arms control and disarmament matters. Considering the scope of this position, Senator STENNIS concluded that he could not support this nomination, and I share his conclusion.

In closing, Mr. President, I mean no disrespect to Mr. Adelman. He is undoubtedly suitably qualified for many positions but not for this one. A person could be qualified to be a U.S. Senator, or the Cabinet Secretary of some departments, or a high Federal judge and yet not have the combination of the particular skills, experience, or expertise, required for this position.

In the past 100 years, on only three occasions has the Senate confirmed a nominee against the advice of the responsible Senate committee. In this case, a bipartisan majority of the Foreign Relations Committee recommended against confirmation. In my opinion, we should not add this nomination to this short list of historical exceptions.

Usually, the President should be allowed to have his choice accepted. However, when the issue of nuclear weapons is the focal point and when the decision impacts so severely upon the Atlantic Alliance, and when the course of negotiations with a tough adversary like the Soviet Union is at stake, we must only select the best possible candidate. If I am to be true to my own best judgment, I feel compelled to vote against Mr. Adelman's confirmation. In conscience, I simply cannot support the nomination of Mr. Adelman for this post.

Mr. PELL. I thank the Senator from Oklahoma for his remarks and know that he labored mightily over his decision and stayed up late last night thinking about this nomination.

Mr. President, I believe that the Senator from Pennsylvania wishes recognition on his side on the time of the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have decided to vote in favor of the nomination of Ambassador Adelman and I think it worthwhile to state my reasons for the record.

My own deliberations on this subject have extended through this morning so my comments will not have the coherent organization of a carefully prepared presentation. Had there been more time between decision and presentation, I would have made one.

I have considered the matter at length and conferred with many people, both in the administration and in the Senate. In reaching this decision, I have reviewed many documents

and have interviewed Ambassador Adelman at length.

My own interest in the subject of disarmament and relations with the Soviet Union began in college as an international relations major at the University of Pennsylvania where I wrote my senior thesis on Soviet foreign policy. It has extended through the years and has been intensified since coming to the Senate and working on the Foreign Operations Subcommittee of the Committee on Appropriations. I have even made a visit to the talks in Geneva where I had an opportunity to confer with Ambassador Nitze and Ambassador Rowny and to attend briefing sessions both before and after the negotiations on START and INF.

When I first saw Ambassador Adelman on television, I was very concerned with his performance before the Foreign Relations Committee. He was indecisive. He was not well prepared. He vacillated. And in his second appearance, he directly contradicted testimony which he had offered on his first appearance.

On the basis of that testimony, he did not present the picture of a man who should be entrusted with the tough task of negotiating with the Soviets or of leading ACDA.

When the hearings were concluded, I reviewed the transcript and then I invited Ambassador Adelman in, and we talked for about an hour-and-a-quarter. Based upon that review and that discussion, and discussions with some others, I wrote to the President on February 21 of this year. Under the constitutional provision of "advice" as well as "consent," I offered the President some advice, suggesting that he reconsider the nomination of Ambassador Adelman.

While suggesting reconsideration, I was so careful not to ask him to withdraw the nomination but to further consider it.

At this time, I ask unanimous consent to have printed in the RECORD the full text of the letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 21, 1983.

THE PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: Since the Constitution calls for "advice" as well as "consent" from the Senate, I think it appropriate to write to you at this time concerning my deep reservations about the appointment of Ambassador Adelman to be Director for the Arms Control and Disarmament Agency. While some might oppose Ambassador Adelman for political reasons as you said in your Wednesday night news conference, my record of having supported your nominations on all 45 roll call votes demonstrates the respect and weight which I have accorded to your selections.

Since I wrote my senior college thesis in 1951 on Soviet Foreign Policy as an international relations major at the University of Pennsylvania, I have closely studied U.S.-U.S.S.R. relations, especially as they relate to nuclear arms. I have conferred with Ambassadors Nitze and Rowny in Geneva last November and in Washington last month on my continuing study of the issue.

Last week, I met with Ambassador Adelman for more than one hour after studying the extensive record before the Senate Foreign Relations Committee. While Ambassador Adelman is a man of obvious ability and doubtless qualified for most governmental positions, I have grave reservations about his competency for the ACDA post. Next to the Presidency and a few other positions such as Secretary of State or Defense, there is no other post as critical at this moment in our nation's history as Director of ACDA.

I strongly feel that this position could be pivotal on whether arms reduction is achieved and therefore potentially critical on the prevention of a nuclear holocaust. To have anyone in this position other than the very, very best would be a grave mistake.

The public perception of this appointment is also very important on support for the large Department of Defense budget. Continued support for substantial DoD expenditures requires total assurance that everything possible is being done to secure arms reduction, consistent with national security.

My considered judgment is that a superior appointment could be made and therefore urge your reconsideration of the nomination. If Ambassador Adelman's nomination reaches the Senate floor, I shall carefully consider all factors including your position, the Committee report, and the floor debate before reaching a final conclusion; but, I do feel compelled to volunteer this "advice" at this time to urge your reconsideration.

I am taking the liberty of sending copies of this letter to Secretary of State Schultz, National Security Adviser Clark, and Ambassador Adelman so that they will be fully informed of my views.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, last Friday, while talking to a friend at the White House, I was asked to support Ambassador Adelman. I responded that I was undecided and referred to the letter that I had written to the President. That may have prompted the reply which I received from the President dated April 11, 1983. Since it concerns a matter of public import and responds to the letter that I had written him, I think it appropriate to include his letter in the RECORD as well. I ask unanimous consent to have that response printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 11, 1983.

HON. ARLEN SPECTER,
U.S. Senate,
Washington, D.C.

DEAR ARLEN: I apologize for the delay in responding to your letter regarding the nomination of Ken Adelman to serve as Director of the Arms Control and Disarmament Agency.

In considering nominations, members of the Senate share the serious responsibility of enduring that qualified and dedicated individuals are selected for government service, and I appreciate the thoughtful and judicious manner in which you approach this responsibility.

I agree wholeheartedly with your observation that the role of the ACDA Director is a critical one. As President, I have no higher priority than to preserve peace for our people, and I am personally dedicated to the goal of achieving genuine and mutual arms reduction consistent with protecting our national security. For this reason, I have given very careful thought to filling the ACDA post, and I am confident that Ambassador Adelman would be a strong and effective advocate of arms control within this Administration.

As you know from your own discussions with Ken, he has a wide-ranging knowledge of the technical aspects of arms control and has written extensively in this field. In addition, he has an excellent understanding of the international political environment in which the arms control talks are being conducted. Finally, let me assure you that Ken has the respect and support of other members of my Administration involved in the arms control area.

If confirmed by the Senate, I am confident that Ken will make a significant contribution to the arms control effort, and I hope you will see fit to support his confirmation.

Sincerely,

RON.

Mr. SPECTER. Mr. President, in reaching my decision on this nomination I have conferred with a number of people in the executive branch.

President Reagan called to urge me to support Ambassador Adelman, and we talked for perhaps 5 tor 10 minutes on the telephone. I told him that I would consider the matter. I expressed to him my concern about the overall policy of the United States on arms control and expressed to him my keen interest in seeing a summit between President Reagan and Premier Andropov. I reminded the President that I had sponsored a sense-of-the-Senate resolution for a summit about a year ago, which had passed by a decisive vote. I noted that the reasons which had been advanced by the administration last year for not having a summit seemed to me no longer applicable.

At that time, in discussion with then Secretary of State Haig and others in the administration, I was informed that the administration did not want to have a summit unless it was carefully prepared and amounted virtually to a signing ceremony.

In the intervening year, that has not occurred. As I said earlier this week when I introduced the sense-of-the-Senate resolution again calling for a prompt summit, I believe that in President Reagan we have a remarkable communicator and a remarkable leader. We should utilize his talents while they are available. In my judgment, 1984 may well be too late for a summit because there will already have been deployment of the Pershing II and cruise missiles, and by 1984 President Reagan will either be a can-

didate for reelection or a President about to retire.

I mentioned the summit in my conversation with President Reagan; and I emphasize it here today because I think these issues are all closely related because if we have an active policy on arms control and on disarmament then Ambassador Adelman may well be well qualified to carry out such a policy. If not, then we may well need someone with greater initiative, greater experience, greater intensity, and greater advocacy skills than Ambassador Adelman.

In the last 2 days I have talked at length with National Security Adviser William Clark, again with Ambassador Nitze, again with Ambassador Rowny, and once again with Ambassador Adelman. Although the conversations with Judge Clark, Ambassador Nitze, and Ambassador Rowny were in person it was only by telephone that I talked this morning with Ambassador Adelman.

My net conclusion is that the President's nomination should be confirmed. I say that because of my conclusion that in fact there is a very active administration effort on arms control and arms reduction.

I have supported the President's approach on the so-called two-track direction: Seeking strength and seeking arms reduction at the same time, because my studies of Soviet foreign policy have convinced me that we have to be strong in order to give the Soviets appropriate inducement to accept mutual arms reduction.

I have been encouraged to hear that the President presides personally over the White House discussions on arms reductions, a practice that I understand to be a change from that of his predecessors. Likewise, I have been encouraged to learn that the President is now spending more time on foreign relations and arms control than on all other subjects that occupies his time.

I believe that, on balance, it is more in the interest of arms control and arms reduction to confirm Ambassador Adelman and to let this process move ahead than to reject Ambassador Adelman and send the President and his advisers back to the drawing board in search of a replacement nominee.

The entire process relating to this confirmation I think has focused necessary attention on this issue. There has been extensive debate on this floor on whether it is appropriate to send someone or other some message or other, and it may be that the Senate sends messages that ought not to be sent or sends conflicting messages. But I believe it is our function in this nomination process to advise the administration on how we feel, and there is a significant impact resulting from all of the discussions which many of us have with the key people of the administration, including the President.

I am concerned about challenges to the President's leadership in the field of international relations. I am concerned about the status in El Salvador, although I insisted, along with my colleagues on the Foreign Operations Subcommittee, on tight restrictions as a precondition to aid there.

I am concerned about the situation in Nicaragua.

I am concerned about the MX missile. While I am supportive of the administration generally on arms expenditures, I voted against the roughly $990 million for the MX last year because there was no plan of deployment.

I am concerned about the discussion on the freeze, which is complicated, and I shall not digress into that at this time.

It is important that the Soviet Union not misunderstand what is happening in the United States on any of these issues and especially on the issue of Ambassador Adelman's confirmation.

There is value in supporting the President, although our system, in my judgment, derives its greatest strength from discussions like these and from disagreements with the President, even on matters of international affairs and foreign policy, where the executive branch has the paramount responsibility under the Constitution.

Our strength is derived from these discussions. When we come to a conclusion and a consensus, it is an agreement freely arrived at by free men expressing themselves in an independent way. That expresses the character of the country, which is 230 million free men and women who elect their officials to the Senate and the House of Representatives, and the officials in turn exercise their independent judgment, which is all far different from the monolithic approach of the Soviet Union. Although we may not have their kind of unity or cohesiveness or single direction, we have much greater strength as a result of the processes we have here.

Even though we may disagree with the President on a number of issues, we stand behind him once a decision is made.

Finally, in my discussion with Ambassador Adelman this morning, I told him that I was inclined to support his nomination but wanted his assurance on one important point: His commitment to be an advocate for arms control and arms reduction.

If you look at the way the Arms Control and Disarmament Agency functions and its interrelationship with the Defense Department, the State Department, the CIA, and the Joint Chiefs of Staff, it is not easy to see the line of authority along which the decisions proceed to the President or to delineate the responsibilities of potentially competing agencies.

But as I understand the structure, and as it has been confirmed to me by the members of the executive branch in authority, the main function of the Arms Control and Disarmament Agency Director, the position for which Mr. Adelman is now being considered, is to be an advocate for disarmament and arms control. That is somewhat different from the Joint Chiefs or the Defense Department where their bias may be somewhat more in favor of greater comparative military strength for the United States, although these are all relative because no one expects anyone to make unwarranted or unwise concessions.

But in this mix, it is my understanding that the ACDA Director is supposed to be the advocate, and it has been my concern that Ambassador Adelman might not have the experience, the stature, or the toughness to carry forward that line of advocacy within the administration.

I asked him point blank if he was committed to be an advocate for disarmament and an advocate for arms control, and he said positively that he was and he would regard that as his mission.

The process, I think, is useful when, before decisions are made with finality or announced, that a Senator can call a nominee and put that kind of a question to him and get that kind of a commitment. I do think it has value on how a person will later carry on his responsibility, just as a candidate for the Senate must take positions before a great many people, must face up to a lot of questions, must make commitments, and all within the realm of discretion as being executed on votes, because situations do change, and none of the commitments is binding if new factors should come into play.

But just as those situations impact on a Senator's decisions so, I think, it is useful to have the kind of a conversation that I had with Ambassador Adelman this morning to impact on his decisions.

In sum, I am persuaded of the President's commitment to arms reduction. I have always been persuaded to that commitment but have been concerned about the intensity of his own personal involvement, and I have been reassured on that subject. And I have been reassured on the specifics of the administration's policy and program to achieve arms control and arms reduction.

Based on those assurances, I believe the Ambassador Adelman does have the capability to carry out a policy, assuming or concluding as I now do that that policy is clearly delineated and clearly defined and has sufficient affirmative qualities to it.

Given the assurances that Ambassador Adelman considers himself an ad-

vocate for arms reduction as well as arms control, I intend to vote for his confirmation when the roll is called at 2 o'clock this afternoon.

I thank the Chair and I yield the floor.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from Georgia.

The PRESIDING OFFICER (Mr. DANFORTH). The Senator from Georgia is recognized.

Mr. NUNN. I thank my colleague.

Mr. President, I would like to make a short statement on the matter of the nomination of Ambassador Kenneth Adelman for the position of Director of the Arms Control and Disarmament Agency.

There have been many statements by both supporters and opponents about Dr. Adelman's integrity and capabilities. I have studied the hearing transcript in detail; I have read a large number of articles he has written over the years; I have discussed the hearings and the record with many Senators involved in the process; and I have met personally with Dr. Adelman and his supporters.

In my judgment, the record does not support the contention that Dr. Adelman has compromised his integrity or is not a capable individual. I have read the factsheet circulated with summaries of Dr. Adelman's answers to committee questions at the first hearing on this nomination. Several of the answers on this circulated sheet were not complete, and I ask unanimous consent that a more accurate summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HEARING TRANSCRIPT EXCERPTS PROVIDED TO MEMBERS OF THE SENATE AND FULL TRANSCRIPT EXCERPTS

Circulated excerpt: Senator Pell asked whether nuclear war could be limited. He said: I just have no thoughts in that area . . ." (page 40).

Complete excerpt: Senator PELL. Do you believe that war can be limited, or do you think both sides would then use their total arsenals:

Ambassador ADELMAN. Senator Pell, I just have no thoughts in that area, and I will tell you why. I think it would be such a time of extreme human stress and extreme conditions that I think any predictions on what leaders around the world would do in that kind of situation would just not be accurate or not be based on anything that I know (p. 40).

Circulated excerpt: Senator Pell asked whether either side could prevail. He evaded an answer (pages 42 to 43).

Complete excerpt: Senator PELL. If there were a full-scale exchange with the Soviet Union, do you believe that either country could survive or prevail, which would seem to be the current term in use, to any substantial degree?

Ambassador ADELMAN. I entirely agree with the President that there could be no clear winners in a nuclear war.

Senator PELL. I'm delighted to believe that the President said that. But I thought the word "prevail" was creeping into the lexicon these days and that the Administration's view was that one side or the other could prevail. I am delighted to hear that is your view and that the Administration believes neither side would prevail.

Ambassador ADELMAN. Senator, as you say, I have read in the newspaper about supposed defensive guidance leaks that have prevailed on prolonged nuclear war. I personally have not seen that kind of defense guidance in the classified form. I do not know if the wording is correct or what the situation is. It has not been an area of responsibility of mine at the U.N.

Senator PELL. Would you agree that neither side would prevail?

Ambassador ADELMAN. Senator, you are asking me to look at a word that has been used in a context supposedly because of these newspaper reports of a defense guidance that I just have never seen, and you are asking me to judge that word in a larger context. I don't know what the context is. I trust it is an accurate reflection of what the defense guidance is, but I have never seen the context and I don't know the document (pages 41 to 43).

Circulated excerpt: Senator Helms asked him what the United States' response would be if the Soviets offered to have a verifiable elimination of nuclear weaponry altogether. He responded that that thought was something "I just have never thought about in my life . . ." (pages 90–91).

Complete excerpt: Senator HELMS. Suppose Ed Rowny were to get from the Soviet Union an offer to have a verifiable elimination of nuclear weaponry altogether. What do you think the United States response would be to that?

Ambassador ADELMAN. Senator, I would not be honest if I did not tell you that is a thought I just have never thought about in my life. I would have to really look at that and explore it. It seems a breathtaking type of endeavor and may we be blessed with such a problem in the future (pages 90–91).

Circulated excerpt: Senator Pell asked whether the societies could survive, he replied: ". . . so, again, I am sorry to tell you I just have no strong opinion" (pages 42–43).

Complete excerpt: Senator PELL. Now, in the case of a full exchange, do you believe that either country could survive in any governable form?

Ambassador ADELMAN. Senator Pell, again over the years I have been acquainted with some of the literature, but not very much of the literature, on those kind of scenarios and the pro and con, kind of looking at the figures back and forth. But it has not been an area that I personally have been engaged in. So, again, I am sorry to tell you I just have no strong opinion on that.

Senator PELL. Would you agree with me that the Director of ACDA should develop very quickly very strong views on this subject, because it is your job to be the protagonist of the arms control and disarmament views?

Ambassador ADELMAN. I think that a Director of the ACDA should have very strong views on the structure of the arms control agreements, to go after the problem of instability in the nuclear field. I think that addressing the most destabilizing systems on both sides, like the START proposal does, the systems that are the most threatening to each side, that are most vulnerable, that are the land-based systems, the most rapid, the biggest problem in the world, I think that would be a very important responsibility for an ACDA director.

Circulated excerpt: Senator Pressler asked whether he would argue for an immediate resumption of the Anti-satellite talks. He responded that he would have to examine that. (pages 78–79 and 153).

Complete excerpt: Senator PRESSLER. Do you agree with me that we must give arms control a try before military developments make it extremely difficult to reach a verifiable arms control agreement?

Ambassador ADELMAN. I do agree with you, Senator, that the fact that the Soviets have an operational ASAT capability—antisatellite capability—is very worrisome. It is not only worrisome for our national security, let me say, but in what Senator Cranston—to follow up to his remarks—it is very worrisome from an arms control point of view.

So much of our success or our prospects for arms control through the years have depended, as you know, on national technical means. If there is some threat to systems of national technical means, that will throw back the prospects for real reductions, for verification, for success in arms control significantly.

Senator, that is not an area that I have looked into. It is not an area I am knowledgeable about at all.

Circulated excerpt: Senator Cranston pressed him on the question of possible Soviet cheating on SALT II and Mr. Adelman said in effect that one has to know exactly what the treaty requires. Asked whether he knows all that, he responded no (pages 100–101).

Complete excerpt: Senator Cranston. Well, I too am astounded that you do not have a view of whether the Soviets are cheating or not.

Ambassador ADELMAN. Senator Cranston, that is a very important subject. That is a very delicate subject and delicate in the sense that you have to look at it, what you have to know to answer that question is (a) what is the specific provisions of SALT II itself, (b) what is the legislative history of the treaty.

In other words, did one side or another side make a unilateral interception of a provision? Did we mean this by the interception? The other side says we accept that interception of that provision or do not accept that interception.

Three, you would have to look at the verification techniques and the verification of them. That is a very, at times, uncertain area, so you have to know what it is that you have agreed to. You have to know what it is that the other side and your side agreed to at the time.

Senator CRANSTON. Do you know all that?

Ambassador ADELMAN. No, I do not, Senator (pages 100–101).

Circulated Excerpt: Senator Boschwitz pressed him on the question of Soviet adherence and he said that this "is not an issued I have a judgment about, and I just cannot give you a judgment if I do not have a judgment about it" (pages 100–102).

Complete excerpt: Senator BOSCHWITZ. In your judgment perhaps we should ask the question, has SALT II been adhered to by the Russians, and if not, why not?

Ambassador ADELMAN. Senator Boschwitz, let me just tell you, in all frankness, that that is not an issue that I have dealt with at the U.N. It is not an issue I have a judgment about, and I just cannot give you a judgment if I do not have a judgment about it. I know it is very important. I would think that any ACDA Director, into his term, who had the responsibility of compliance, of ver-

ification in his mandate, would be derelict if he did not know the answer to that.

I do not think a Deputy Permanent Representative of the United States to the United Nations would be derelict in his responsibilities if he could not answer that. I can assure that this is an area I would look into, I would be in touch with you about. It is going to be an important area and it is an important consideration.

Senator CRANSTON. Do you know . . . whether we have ever submitted evidence in the form of a complaint to the Standing Consultative Commission that they are violating, cheating on SALT II.

Ambassador ADELMAN. Yes (pages 102-104).

Circulated excerpt: Senator Cranston asked him whether a freeze on the testing and deployment of strategic nuclear weapons is verifiable. He replied, "... I do not know, Senator" (pages 142-143).

Complete excerpt: Senator CRANSTON. Do you believe a freeze on testing and deployment of U.S. and Soviet strategic weapons is verifiable?

Ambassador ADELMAN. On the testing and deployment, I do not know Senator. I do not think it (a freeze) would be wise, because, Like I said this morning I think what we should really be looking at, and I would hope that all of the people interested in arms control through the years, like you have been with your Cranston meetings that I have heard about, for instance, when I joined the government, looking at arms control in a serious way, would be for real reductions if we can get real reductions (pages 142-143).

Circulated excerpt: Senator Cranston asked him how submarine based cruise missile limitations could be verified and he said that I do not have the answer (page 143).

Complete excerpt: Senator CRANSTON. How would we verify cruise missile limitations if the Soviets follow suit with their cruise missiles on submarines.

Ambassador ADELMAN. That is a technical question I just do not have the answer to now. I would be happy to look into it for you, Senator. I would be happy to discuss it.

Senator CRANSTON. Well, it is highly technical, but incredibly important.

Ambassador ADELMAN. I agree with you, Senator. The whole question you raise there, Senator, on the amount of verifiability for cruise missiles and technologies in the future is a very essential question, and I think it is a question that a lot of arms control will turn on (page 143).

Circulated excerpt: Senator Pell asked whether he supported the Outer Space resolution that the Senator had sponsored in the North Atlantic Assembly. He said I would have to look at it (pages 174-176).

Complete excerpt: Senator PELL. Do you have a reaction to this resolution? Would you be in support of it? The main thrust of which is, as it says, to limit the deployment of offensive weapons in space?

Ambassador ADELMAN. I would really have to look at a resolution like that. My feeling is to address the problems of having the Soviets with an ASAT capability or anti-satellite capability is a very dangerous thing, not only for security but also for arms control. And if we could solve that problem through an arms control device, or help solve it through that, I think it is well worth exploring.

Senator PELL. But you would not be able to support that? You could not say you support that as of now?

Ambassador ADELMAN. Senator Pell, I would have to look at it. I would have to know the history, and I just would not want to give you an answer right now and have someone say, well this language goes against the Outer Space Treaty III words and, therefore, it is going to cause something else.

I have had some experience in the U.N. at looking at different resolutions, and you have to do it on the basis of the legislative history on a lot of these things (pages 174-176).

Mr. NUNN. In my judgment, Dr. Adelman has demonstrated in his writings, his testimony for the most part, and his experience that he is a bright, capable individual.

Were this debate occurring at the beginning of the Reagan administration, I have no doubt that Dr. Adelman would be confirmed by the Senate with little controversy and would be in a position to make a real contribution to the administration's arms control policies. That is obviously not the case today.

While Dr. Adelman has the requisite capabilities to do a good job at ACDA under normal circumstances, these times are not normal. In my mind, then, the issue is not really Dr. Adelman's integrity or his capabilities. The issue is the long-term best interests of this country in the arms control arena.

There is a growing focus, both in this country and abroad, of the need to move arms control to the front and center in the search for peace and stability. There is a growing pressure and impatience for some signs of progress and continuity. In fairness, the Reagan administration has put forward several sound proposals in this area. From the outset of this administration, however, the path to progress has been littered with unwarranted and unneeded rhetoric which has caused considerable controversy and confusion both in this country and abroad. For every step forward it seems we take two steps backward.

Arms control in 1983 is one of our most important foreign policy objectives. More than ever before, other important foreign policy and national security goals are intertwined with our arms control proposals. Progress in this area, which is essential to many of our national security objectives, depends on the European citizenry, as well as our own, believing that this country's leadership is serious about arms control. If the European public is not convinced, then the European political leaders are going to have difficulty deploying the Pershing II and ground launched cruise missiles. If the Soviets perceive that NATO will not deploy those missiles, there will not be an intermediate range nuclear force agreement. If we do not reach an INF agreement, the prospects for START diminish considerably. We are in a battle for the hearts and minds of the European public as well as the American public. It is important that our friends and our adversaries believe that U.S. arms control policies have broad bipartisan support with continuity from administration to administration. The Adelman nomination and this debate certainly does not encourage that belief.

I would have preferred that President Reagan withdraw Dr. Adelman's nomination without prejudice and nominate someone who would enjoy a broad bipartisan consensus. Despite his impressive general qualifications, Dr. Adelman has admitted that he is not a recognized expert with international standing in the arms control field. The President, however, as is his prerogative, has not withdrawn this nomination, and the Senate is now faced with deciding between two undesirable choices: Confirming or defeating the nomination by a small margin. In my view, our Nation loses either way.

Mr. President, I am convinced that there will be no success in arms control unless the Soviets are firmly convinced that U.S. arms control policies have continuity and strong bipartisan support and will not significantly change in 1985 whether President Reagan is in office or not. This is a major challenge for the Reagan administration during the remainder of this term.

In my judgment, the Adelman nomination is a move away from this essential national goal. I will, therefore, vote "no" on this confirmation.

Whatever the outcome of today's vote, it is imperative that both the administration and Congress begin to approach our national security and arms control policies on a bipartisan basis. Unless this is done, there will be little chance of providing continuity in our arms control efforts.

Mr. President, I yield back the remainder of my time to the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield 3 minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I thank my friend, the ranking member on the Foreign Relations Committee.

Mr. President, I have been agonizing over this vote for a long time. Unfortunately, I have been tied up the last few days with the night-and-day sessions in the Senate Budget Committee and therefore have not been able to be on the floor to the extent that I would have liked to listen to the debate to try and help inform me on how I should vote on this nomination.

As I said when I was on the floor a couple of days ago and had a chance to listen to some of the debate then, during that time I became involved in the debate and I said I felt that probably this was the most important vote or one of the most important votes

that I probably will cast as a Member of this body.

I listened with interest to my friend from Georgia and the remarks that he made. Generally speaking, I would like to associate myself with what he had to say.

It seems to me that the arms control failure or success by the present administration is going to go a long way to write their chapter in history as to whether it was basically a good or less than good administration. Therefore, I generally in the past have given the support to most or all of the nominees that have been sent over here by not only this President but the previous one, because I do believe that generally speaking we should go along with the President's wishes.

However, some of the remarks that have been made that we should give Mr. Adelman the stamp of approval just because he was sent over by the President, it seems to me, violates that very important part of our Constitution that gives the Members of the Senate the right to look at these individuals and the right of advise and consent. Therefore, because this is a very important issue, I have been wrestling with it long and very hard.

About 3 weeks ago, I had a visit in my office for about an hour with the nominee. Certainly I found him to be a very interesting, a very articulate, and a very impressive man indeed. But I have concerns about what happened following his nomination to this highly important position by the President of the United States.

I suspect, frankly, Mr. President, that what Mr. Adelman said in his second hearing in front of the Foreign Relations Committee was what he should have said and probably wanted to say when he was there for the first hearing. We all agree, including Mr. Adelman and his strongest supporters, that his testimony in the first hearing was a disaster in front of the Foreign Relations Committee which recommended against this nomination.

Mr. President, I think the question comes that if my suspicions are correct, then why was it that a man that we expect to sit down and bargain across the table with the Soviet Union was so inarticulate and evasive in the first hearing in front of the Foreign Relations Committee and why was he not as forthright and forthcoming as he was to most questions in the second hearing? I guess that is what, above everything else, above and beyond his qualifications, which are obvious and highly good in some areas and not quite so obvious or quite so good in others, especially with regard to experience.

But if I could ask the ranking member of the committee what explanation is there from his perspective as to the question that I have. Why was it that Mr. Adelman was so evasive, if that is the right term, in the first hearing and not evasive in the second? The key question I am trying to answer in my mind is: Was there a valid reason that he was not forthcoming and forthright in the first hearing as he seemed to be in the second? Can the Senator enlighten me at all?

Mr. PELL. It is very hard to put oneself in the skin of another individual. But I think my own presumption was that he was nervous, certainly, with us on that first day, and overly cautious. I think he had a very hard drill with the administration as to how he should have handled himself and that drill was given to him after the first day instead of, as should have been the case, before. That would be my own explanation as to the difference.

Mr. EXON. The answer that the Senator gave me confounds and compounds my concerns more than answers it. Because I would think that a man of his experience that had done considerable writing on a whole series of subjects would not need prompting or coaching on most of the questions that I read or heard that he was asked in the Senator's committee.

In fact, my friend from Rhode Island asked one of the questions. I do not remember exactly what it was, but it had something to do about, "Had you, Mr. Adelman, thought about the survivability of either nation in the event of a nuclear exchange?" And the answer came back, "Well, frankly, I had never thought about that."

That statement is very hard for me to understand because I think most people in the United States have thought about what would happen to this country and the whole world in regard to a nuclear exchange. It worries me when a man said to be experienced says he has never thought about it.

Mr. PELL. I think that is the reason why a majority of the Foreign Relations Committee voted not to support the nomination, and it is also the reason why earlier, by a 15-to-2 vote, the committee voted to postpone the decision for a week to give the President an opportunity to send up somebody who was more forthcoming, forthright, and articulate. That is, I think, basically the reason as to why that particular vote occurred the way it did in our committee.

Mr. EXON. One more question, please. Assume that Mr. Adelman made a mistake. Let us say he made a mistake. We have all made mistakes in our lives. I certainly do not want to vote against him because of just one mistake on one question.

In the view of my friend from Rhode Island, and I would be happy to hear anyone else who may be on the other side of this issue respond if they wish, was that the overriding reason that, in the opinion of the Senator from Rhode Island, the committee cast the negative vote in the end, or were there other reasons?

Mr. PELL. That was one reason. Another reason in my case was that I did not feel that he had that burning fire in his belly which, in my opinion, you should have in arms control, if you are going to lead that Agency. Also, I did not think he had the national stature or depth of experience in this field that he should have. It is a combination of all of these factors which had to be overcome for us to support the President's choice, which, as the Senator knows, we all like to do.

Mr. EXON. I thank my friend from Rhode Island.

Mr. McCLURE. Mr. President, I yield 2 minutes to my friend from Utah.

Mr. HATCH. Mr. President, I have been listening carefully to the comments of my colleagues opposed to Dr. Kenneth Adelman who is President Reagan's choice to be Director of the Arms Control Agency, and it seems to me that the reasoning used by Dr. Adelman's opponents is complex and interesting.

They say that they have met him and they like him. They say he is intelligent, even brilliant. They say he has written impressively for many prestigious journals. They say he has had experience not only as deputy representative to the United Nations but also as Secretary of Defense Donald Rumsfeld's special assistant at the Pentagon. They say he would be qualified for any other job in the administration but this one. They say that the President ought to have the right to his choice of political appointees except for this one.

Mr. President, I was puzzled by these arguments because of what Dr. Adelman's opponents do not say. To justify opposition to Dr. Adelman they would have to make more persuasive arguments than they have. They do not say he has a criminal record. They do not say he is mentally incompetent. They do not say he lacks experience in foreign policy and arms control. They do not say he has a conflict of interest. They do not say he is immoral. They do not say that he had some sort of secret plan to purge career officials at the Arms Control Agency which he tried to conceal in his testimony before the Senate Foreign Relations Committee.

Dr. Adelman's opponents do not say these things because they are not true and there is no evidence for any of them. What then is the essence of the case Dr. Adelman's opponents have made against him?

When I listen closely, I think I can hear an echo of earlier debates here in the Senate into which Dr. Adelman's opponents have tried to drag him. First, having failed to obtain approval of the SALT II treaty in 1979 some

Senators seem to be arguing that another Arms Control Agency Director less faithful and less loyal to President Reagan's views will be able to lobby and pressure the White House toward the kinds of arms control policy represented by the Carter administration and the SALT II treaty. They do not want Dr. Adelman, in other words, because he has written against the SALT II treaty, and more than that he mocked the Carter administration's pathetic efforts to sell the SALT II treaty to the Senate in a witty and provocative article entitled "Rafshooning the Armageddon." I have heard this article mentioned by Dr. Adelman's opponents probably because by its tone it adds insult to the injury suffered by the supporters of the SALT II treaty here in the Senate. So this is one key point in the case against Dr. Adelman. These last 2 days have been a chance to refight the SALT II debate and to appeal for an ACDA Director who will lobby the President on arms control and somehow reverse President Reagan's long-standing view that the SALT II treaty is fatally flawed and that deep reductions in strategic weapons must be sought in negotiations with the Soviet Union instead.

The second key point in the opponents' case against Dr. Adelman seems to be that he lacks the kind of experience in arms control matters that his opponents believe is required for an ACDA Director. No Senator has specified in detail what this great experience should be that Dr. Adelman lacks, but I suspect what his opponents have in mind is that Dr. Adelman did not experience either the selling of the SALT II treaty or the negotiating of this treaty. It is this lack of experience which his opponents are actually lamenting. Many of Dr. Adelman's supporters, however, probably including President Reagan, count Dr. Adelman's nonparticipation in the selling and negotiating of SALT II as one of his highest qualifications to serve as Director of ACDA. Indeed, how could anyone tainted with guilt by association with SALT II successfully serve our President who made it clear in the campaign against President Jimmy Carter that the SALT II treaty was fatally flawed?

What is the evidence for my hunch about the case against Dr. Adelman that his opponents have not dared to state clearly and openly? The names they whisper as possible replacements are those who worked on SALT II during the Nixon and Ford administrations or those who did not publicly and forthrightly oppose the ratification of the SALT II treaty

This then is the secret hope of Dr. Adelman's opponents. They want us to vote him down and instead find someone whose policy views are to the left of President Reagan. At the least they hope to embarrass the President and feed the minority perception that the President is not serious about arms control.

I must advise Dr. Adelman's opponents as chairman of the Subcommittee on the Constitution that they would find interesting reading in the Federalist Papers on the subject of why the Senate should give its advice and consent to Presidential appointments. This is a debate we should have another day. And I intend to raise the comments of Dr. Adelman's opponents on that day, should it ever come, when another President in the distant future, perhaps even a member of the Democratic party, nominates a fanatic zealot for arms control at any price to be his Director of the Arms Control Agency. On that future day, I ask my colleagues should the Senate rise up in opposition and seek to replace that future liberal President's nominee with a hawk who is skeptical about Soviet violations of arms control agreements? On that day, should I live so long, I will read the words of Dr. Adelman's opponents into the CONGRESSIONAL RECORD and ask them to vote down that future President's nominee, if that is their understanding of our Constitution and the meaning of the Senate's power of confirmation of Presidential appointments.

Mr. President, I will vote enthusiastically today to confirm Dr. Adelman who is an outstanding choice. I might add my personal view that the experience he has suffered these last few weeks at the hands of his critics is not a bad thing but a useful tempering experience that he may look back upon with fondness and relief that he was put to the test by the President's opponents and that he passed the test and earned greater respect, admiration, and sympathy than if he was a mere bland, noncontroversial figure in a field which seems to excite such passion from both liberals and conservatives; namely, the field of arms control and disarmament.

Perhaps there was a time when arms control was an unpleasant subject for conservatives who looked only to America's military might to defend our people, but today conservatives must be interested in and familiar with arms control issues. I commend those Senators who have visited the arms control negotiation that Dr. Adelman will be supervising. I visited the MBFR, INF, START, and CSCE negotiations and believe more conservatives should do so to make plain to the Soviets that the Senate stands behind President Reagan's negotiating offers and will accept nothing less than strict verification of any agreements.

I thank my colleague from Idaho.

Mr. McCLURE. Mr. President, I yield myself 8 minutes.

ARMS CONTROL POLICY: WHERE HAVE WE BEEN? WHERE ARE WE GOING?

Mr. McCLURE. Mr. President, arms control has been a major thrust of U.S. foreign and defense policies for 25 years, and a top American priority for the past 10. Unfortunately, notwithstanding a few notable successes, the results have been disappointing. The arms control process has not produced stability around the world, better relations between the United States and the Soviet Union, enhanced security, or an end in the growth of nuclear arms.

Today, more than ever before, dissatisfaction with arms control is intense. Perhaps because of the past disappointments, there is an increased sense of urgency and pressure to negotiate, to reach agreement, to end the nuclear arms race. This pressure is substantial, coming as it does not only from Congress and the media, but from town meetings as well.

The situation is critical because the problems associated with agreements—systems, definitions, verification, and so forth—are all more difficult than they have been at any time in the past. Pressing for an agreement in 1983, or 1984, is tantamount to asking for more and better accomplishments in 1½ or 2 years than were achieved in 7 years of negotiating SALT II, when the issues were technologically less difficult.

Mr. President, the arms control process is not working, as I will show. And, when business as usual is not working, it is time for change. I believe we need to take a hard look at the past, preserve what is good, and introduce some new ideas—ideas that take into account why the past approach has failed.

Today, as we consider the nomination of Dr. Kenneth Adelman to head the Arms Control and Disarmament Agency, it is an especially good time to review this past and suggest some improvements. In reviewing the past, one of the agreements I will bring up is the little known basic principles of relations, which was part of SALT I and SALT II. In this agreement, both sides agreed not to seek to gain unilateral advantage.

But, if there is a common thread to the Soviet approach to arms control, it has been to gain unilateral advantage, beginning with the first arms control initiative, the nuclear test moratorium. As I will discuss, this has also been the case with the Threshhold Test Ban, the ABM Treaty, the Interim Agreement, SALT II, the Geneva Protocol, and the Biological and Toxins Weapons Conventions. Soviet violations and circumventions have destroyed all of the basic objectives we had in entering into these treaties.

Clearly, the horrible consequences associated with today's weapons of war

are of such a magnitude that in spite of the past disappointments, we cannot afford to discard the process. But changes are definitely called for. I believe Dr. Adelman has the wisdom to identify and retain the positive aspects and the imagination and courage to identify and put forth new initiatives.

Mr. President, the problem of compliance has to be dealt with as a matter of highest priority. I also would like to remind the Senate of the seven most militarily significant violations and circumventions, to which Dr. Adelman will surely give his intense attention. These seven Soviet violations are:

First, Soviet deployment of heavy ICBM's replacing light ICBM's, enabling them to quintuple their counterforce capability.

Second, Soviet ICBM rapid reload/refire, stockpiling of extra missiles, covert soft launch, and mobile ICBM capability, circumventing all SALT launcher ceilings, and also adding a strategic reserve with strong counterforce capabilities.

Third, Soviet flight-testing of two new type ICBM's, in violation of SALT II, which adds to an already overwhelming counterforce capability.

Fourth, Soviet violation of the Threshold Test Ban Treaty in militarily significant ways, which also adds to their counterforce capability.

Fifth, Soviet development of a nationwide ABM defense, through their construction of ABM battle-management radars, three types of SAM's for ABM mode use, and a mobile or rapidly deployable new ABM in mass production. All of these capabilities give the Soviets a real ABM breakout capability.

Sixth, Soviet violation of the biological warfare and chemical weapons conventions.

Seventh, Soviet deployment of offensive weapons to Cuba, in violation of the Kennedy-Khrushchev agreement of 1962.

President Reagan himself has accused the Soviets of four of the above arms control violations. The Scrowcroft MX Commission report mentioned one, Dr. Henry Kissinger has referred to one as "sharp practice," and the Defense Department has expressed concern over one.

Another requirement in looking toward the future that I will discuss is patience. The rush to seek agreement for immediate political gains has directly contributed to the failure of SALT I and SALT II. Certainly, if there is any quality Dr. Adelman has displayed over the past few months, it is that of patience—and, to his great credit, I might add.

I will also propose several major new initiatives to help deal with the difficult question of verification, and I will strongly support the need to focus much more attention on how wars start, that we may better prevent their occurrence. Dr. Adelman's training in political affairs and his impressive writings prepare him eminently well to lead serious efforts in these areas.

Above all, the arms control process needs leadership and direction on a continuing, day-to-day basis. Someone who is mindful of the past and realistic about the future. I believe that Dr. Adelman fits that bill and should be confirmed by the Senate.

Mr. President, with this brief introduction, I would like to turn now and review the accomplishments of our past arms control efforts with the Soviet Union.

The 1958 nuclear test moratorium can be taken as the first real United States-Soviet arms control agreement. This informal agreement was actually just a succession of unilateral public statements in which both sides agreed to cease nuclear testing. This moratorium lasted until September 1, 1961, when the Soviets unilaterally resumed atmospheric nuclear testing with the most extensive series of nuclear tests the world has ever experienced, including tests at high altitude and yields in excess of 50 megatons.

In examining this Soviet breakout of the moratorium, three observations are worth making.

First, it is highly probable that the Soviets intended to violate the agreement from the beginning. The tests were too extensive, too well planned, and too great an extension of the prior art to be viewed as a mere Soviet defensive move undertaken in response to French atomic tests in early 1961.

Second, the United States knew in advance that the Soviets were going to resume testing, but did nothing to prepare the United States to respond either with its own test series or with a propaganda barrage. It was not until some time after the Soviet test series was finished that the United States decided to resume atmospheric testing, which it did in April 1962.

The third observation concerns the arms control protest responsg in the U.S. media. President Kennedy had expected an outpouring of U.S. media protest when the Soviets broke the moratorium and was surprised when only a dribble came forth. The U.S. outcry did not emerge until the United States decided to resume testing the following spring.

The moratorium enabled the Soviets to leapfrog ahead of the United States in the design of high-yield weapons and to gain critical knowledge of weapon effects associated with high altitude explosions. At that time, high-yield designs were important to overcome accuracy deficiencies associated with the attack of hardened targets. Understanding the effects of high altitude nuclear explosions since has been determined to be very significant in designing ballistic missile defenses and in assessing the vulnerability of electronics and the changes in communication propagation paths caused by the high-altitude burst electromagnetic pulse phenomena.

The second United States-Soviet arms control agreement was the 1962 Kennedy-Khrushchev Cuba agreement. On October 27, 1962, Khrushchev proposed "to remove those weapons from Cuba which you regard as offensive weapons." In his response, President Kennedy made it quite clear that the weapons not only be removed, but "further introduction be halted." The "weapons" not only referred to bombers and missiles, but troops as well. As had been acknowledged by Khrushchev the previous day, "troops are by Soviet definition offensive weapons." Finally, Kennedy stated that the series of letters should be regarded "as firm undertakings on the part of both our Governments."

While there is some doubt as to whether or not all the Soviet offensive missiles and bombers were actually removed at the time, there is no doubt that since then, Cuba has been transformed into a Soviet military base that is now as significant a danger to the United States as it was about to become in the fall of 1962, perhaps more significant. The offensive military capabilities that have been introduced gradually into Cuba include a combat military brigade that could be specially trained Spetsnaz forces for sabotage, special operations, or nuclear weapons security forces; nuclear submarine docking and supply facilities, expanded air base facilities; and associated basing and operations of reconnaissance and, more importantly, nuclear capable aircraft, namely Mig-23's and TU-95 Bear bombers.

Cuba also has been turned into the main base—or revolutionary center to use Soviet terminology—for training revolutionary forces and exporting these forces and equipment to Central America and throughout the Caribbean. Cuban intelligence, totally a Soviet KGB surrogate, has been identified as active in intelligence operations within the United States and in supplying heroin and other illegal drugs to criminals in the United States.

In the fall of 1963, a formal agreement banning all atmospheric tests, the Limited Test Ban Treaty, was signed and ratified. The objectives were to stop polluting the atmosphere and to put a cap on the development of high-yield designs. Underground testing was permitted provided that no radioactive debris would be allowed to escape into the atmosphere and be carried across national boundaries.

Since the treaty went into effect, the United States has had one case of minor "venting" of debris that was deposited locally and did not pass any

national boundaries. In contrast, the Soviet Union has repeatedly vented—30 known times—with sufficient intensity that the radioactive debris was carried beyond the Soviet boundaries. The United States has repeatedly complained, but with no apparent effect.

These are serious incidents, but public statements and discussions have never raised the level of public understanding of the nature of the threat or the extent of the Soviet violations. Our reactions, Soviet disdain, and our almost total failure to pursue the obvious patterns, have nearly rendered the treaty void on one side. While we have adhered to it, they certainly have not.

Throughout the 1960's, the most significant nuclear arms control efforts were unilateral American initiatives. In this time frame, we greatly expanded our nuclear capability with the deployment of 1,000 Minuteman missiles and 41 Polaris submarines with 656 missiles.

But, these deployments should not be allowed to mask the more dominant long-range actions that were undertaken in the early 1960's to "put the nuclear genie back in the bottle."

The Minuteman and Polaris deployments were mainly the last vestige of momentum of the nuclear weapons programs of the 1950's. The Minuteman deployment actually was a significant cutback from what had been previously planned and funded. The procurement was to have been 4,000 missiles. This was cut back to 1,000 missiles, which was selected as the smallest number Secretary McNamara felt he could get through Congress and get the Air Force to accept. The Polaris program also was cut back somewhat.

Also, beginning in 1964, the United States shut down 10 nuclear weapons material production reactors, explicitly to limit the availability of critical nuclear material, and in that manner, place a ceiling on the future size to which the U.S. nuclear stockpile could expand. At about the same time, the new B-70 strategic bomber that was to have succeeded the B-52 was canceled. And finally, weapon system design efforts having first strike capabilities, for example high yield and high accuracy, were discouraged, along with ABM development efforts.

In addition to these "strategic" actions, there also was a strong effort to "put the theater nuclear genie back in the bottle." Immediately following President Kennedy's inauguration, the NATO policy review group was formed to review and revise U.S. theater nuclear policy. The thrust of the new policy, officially adopted in late April 1961, was to shift NATO strategy and capability from nuclear to conventional defense. The implementing actions had significant impact on personnel, deployments, posture, plans, technical assistance to allies, and especially on the development of new tactical and theater nuclear systems, all of which were canceled.

During this same period of time, the 1960's, the Soviets deployed their first significant array of strategic nuclear systems. This deployment was well underway in 1964. It was sufficiently massive that Secretary Clifford in his last speech as Secretary of Defense in January 1969, warned that the Soviet Union would surpass the United States in strategic nuclear capability later that year. This change in the balance was also reflected in President Nixon's shift from having strategic superiority as an objective, one that he campaigned for in 1968, to a "sufficiency" objective in March 1969.

The U.S. policy in the 1960's of letting the Soviets catch up and attain strategic parity had been achieved by 1969. Additional expansion of Soviet theater nuclear capability followed and later, in the mid to late 1970's both their strategic and theater nuclear capabilities were still further expanded—U.S. unilateral restraint in both areas notwithstanding.

The last significant arms control action in the 1960's, again, a unilateral U.S. action, came in November 1969 when President Nixon renounced the use of biological weapons and declared that the United States would destroy its stockpile of such agents and weapons. This action was extended in February 1970 to include toxins. Within 2 years, the Soviet Union and the United States, and a variety of other nations, signed the Biological and Toxin Weapons Convention, which went into effect in March 1975. By that time, the United States had already destroyed all its stocks of biological and toxin agents and weapons, although some minor quantities were later learned to have been retained inadvertantly by the CIA. This action was accompanied by parallel unilateral disarming actions by the United States in the chemical warfare area that left the United States essentially unarmed in the chemical area by 1975. The United States now has no offensive biological or toxin capability, essentially no chemical offensive capability, and very weak defenses to use to counteract a Soviet biological or chemical attack.

What few people know is that the 1969 U.S. decision to disarm unilaterally had been preceded by a secret, Soviet invitation for mutual restraint in chemical and biological warfare that was passed to President Nixon via a Soviet double agent. This deceptive invitation was responsible for the President's decision.

However, notwithstanding this Soviet invitation and the U.S. disarming initiatives, beginning in roughly 1972 the Soviets began a major expansion of their chemical, biological, and toxin research, development, production, and testing programs. Then, in the late 1970's the Soviets are believed to have employed and assisted others in employing lethal chemical agents and toxins in Southeast Asia and Afghanistan in direct violation of both the Geneva Protocol of 1925 and the 1972 Biological and Toxin Weapons Convention. Finally, in 1979, it became apparent that the Soviets were continuing to manufacture and store biological warfare agents, also in deliberate violation of the 1972 convention.

The Soviet Union has denied all charges of violations in Southeast Asia and Afghanistan. Moreover, in retaliation the Soviet Union countercharged that the United States was the source of the contaminants and, further, that we are experimenting with biological warfare in Afghanistan. Further, the Soviet Union has obstructed the United Nations efforts to investigate.

In sum, the United States has been able to do nothing other than raise the issue through a series of demarches and, after those proved ineffective, through public complaints, that have been equally ineffective.

This is the only situation in which the top U.S. leadership have explicitly, unanimously, and publically accused the Soviets of deliberate arms control violations. It is interesting that this also is the only area where the United States, in entering into the treaty, acknowledged that means of verification were totally inadequate and then discounted the need to verify, perhaps because the United States previously had decided to disarm unilaterally and perhaps because, as stated during the hearings on the treaty, the weapons were not considered strategically significant. This, of course, was misleading because at that time, eminent scientists privately and publically warned that developments in the new field of genetic engineering soon would make biological and toxin weapons very strategically significant.

The major watershed in United States-Soviet nuclear arms control agreements in the 1970's came in May 1972, an election year, when SALT I and the basic principles of relations were signed in Moscow. SALT I had two parts, the ABM Treaty and the Interim Agreement. The ABM Treaty was to limit each party to two ABM deployment areas, later reduced to one, and to limit ABM technology development. The Interim Agreement was to limit competition in offensive strategic arms for 5 years while further negotiations were conducted. Competition was to be limited by placing a ceiling on the number of ICBM and SLBM launchers and by limiting conversion of light launchers into launchers for modern heavy ICBM's. In addition, both sides agreed not to interfere with the national means of technical verification, and not to use

deliberate concealment measures to impede verification.

Before examining Soviet and U.S. actions covered by these two agreements over the ensuing years, it is useful first to consider the third agreement, the Declaration of Basic Principles of Relations that was signed 3 days after SALT I, but which is usually ignored—it is not even contained in the annual Arms Control Agency's "arms control and disarmament agreement" publication—even though it is explicity cited in the preamble of subsequent agreements, such as the prevention of nuclear war agreement and SALT II.

In the declaration of basic principles of relations, the United States and the Soviet Union, among other things, agreed to "do their utmost to avoid military confrontation" and to "exercise restraint." The declaration clearly states:

> Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives.

The parties agreed to "continue to make special efforts to limit strategic armaments."

Furthermore, they agreed "to promote conditions in which all countries will live in peace and security and will not be subject to outside interference in their internal affairs." This certainly lays the basis for valid subsequent concern over diplomatic "linkage." Good behavior is explicitly called for in the SALT I Declaration of Basic Principles of Relations. This declaration is very important to consider in deciding how to interpret possible violations or circumventions, as well as other misbehavior of concern.

In interpreting the various Soviet actions as violations or circumventions, two additional important considerations are the significance of the actions and whether they relate to the spirit or letter of the treaty.

If an action is not militarily significant, is it still important? The problem, of course, is the word "significant." To many articulate and influencial experts in the arms control area, very little at present is militarily significant because the levels of armaments are so high. Anything over a few hundred weapons is deemed insignificant according to this view.

This view is then directly carried over into verification and specifically into the "adequacy" or "sufficiency" of the verification, where adequacy and sufficiency are determined by one's beliefs concerning "significance." In the minimum deterrence view, verification is really a nonproblem; several thousand warheads more or less is insignificant.

Equally subjective is the question of whether it is the letter or the spirit of the agreement that the signatories should be held accountable for, and in the case of spirit, this would include how unilateral statements should be treated. Some of the most serious problems or disagreements that have arisen have been questions of interpretation, questions of "sharp negotiating practices," and negotiating "deception."

One school of thought is that the spirit of an arms control agreement is a U.S. invention, and something to which the Soviets cannot be held accountable. On the other hand, in most cases, it is clear that the Soviets were aware of the U.S. concerns, knew at the time they would be violated and kept silent or deliberately misled American negotiators. Is this in keeping with the basic principles of relations, specifically the principles of cooperation and no efforts to obtain unilateral advantage?

Either way, from the American point of view in evaluating the entire arms control process, what has to be most important is the extent to which our national security interests are being served and safeguarded. If objectives are not met, if the treaty in retrospect is regarded as a bad bargain, then, the entire process is placed at risk.

Therefore, in the following review of United States and Soviet action under SALT I, and later under SALT II, the criteria for evaluation is the combination of military significance, specific treaty terms, and the basic principles of cooperation, mutual restraint, and no efforts to gain unilateral advantage as agreed to in the 1972 declaration of basic principles of relations.

Following the SALT I agreement, the United States scrupulously complied with all aspects of the ABM and the interim agreement. The main issue raised by the Soviets concerned small environmental covers placed over Minuteman silos for weather protection purposes. These were removed following Soviet complaints.

The situation with Soviet actions was not as simple; nor were their reactions to U.S. complaints so responsive. There have been a variety of technical treaty violations by the Soviet Union, including failure to stay within the upper limit on launchers allowed, deployment of ICBM's in disallowed areas, for example, SS-11's at SS-4 sites and operational SS-9's at test ranges, opening a new ABM test range without prior notification, and testing three air defense systems—both radars and missiles—in an ABM mode.

Most of these technical violations do not appear to be of any immediate significance, although some people might question the illegal basing of SS-9 and SS-11 missiles and the testing of air defense systems in an ABM mode as not only strategically significant, but also as a major threat to stability. Part of the problem in assessing significance in such cases, is that the significance really may not be apparent until a much later time. This is especially true in regard to testing air defense systems in an ABM mode. If the test leads to subsequent models that have a significant capability against ICBM or SLBM warheads, the basis for a nationwide defense is established. And, with the recent tests of the SAM-12 in an ABM mode, this is exactly what appears to have happened.

The SAM-12 is a new mobile air defense system that has been tested in an ABM mode. This system has been tested against IRBM's and MRBM's and has been assessed as effective against pershing and missiles aboard Poseidon and Trident submarines. The SAM-12 is expected to go into production shortly and have an initial operating capability in the mid-1980's. With the SAM-12, the Soviets have a relatively cheap ABM system that can be proliferated. As a replacement for current air defense systems, this suggests the procurement of thousands of discrete point defense systems, which when internetted may provide an effective nationwide BMD capability. Because it is mobile, it is essentially covert and nontargetable, which is precisely as called for in the classified Soviet general staff literature in the late 1960's.

The seriousness of this Soviet violation of the ABM Treaty is further increased by two additional Soviet actions that, if correctly analyzed, also could be very significant violations. These are the construction of radars with assessed battle management capability at five locations and the apparent development of a rapidly deployable mobile ABM. Together, they also could provide a second base for a nationwide ABM capability.

These combined developments mean the Soviets should be expected to have a two-layered nationwide BMD capability coming into existence within 5 years. And, as the Soviets themselves have stated, the development of a nationwide ABM capability would be a most strategically significant development, one that would have major impact on the balance of power. In the just released bipartisan Scrowcroft Commission report on strategic programs, there are three references to the Soviet capability to now breakout of the ABM Treaty.

The most significant Soviet violation or circumvention, labeled a "sharp practice" by Henry Kissinger, was the Soviet deployment of their new SS-19 missile, clearly a heavy missile as defined by SALT I, as a replacement for the light SS-11 missile. This has been acknowledged as significant by numerous top U.S. officials, as clearly outside the spirit of the agreement, and, as revealed in reports from sensitive intelligence sources, to have been known and considered by the Soviet officials during the negotiations—spe-

cifically in stonewalling U.S. efforts to define "light" and "heavy" and in not responding to U.S. unilateral statements. Indeed, Soviet statements actively misled the United States about the SS-19.

Through this action more than any other, the Soviet Union achieved substantial unilateral advantage in offensive strategic nuclear capabilities during the 1970's. It is hard to view this action as in any sense being consistent with the basic principles of relations or with U.S. arms control objectives.

The final Soviet indiscretion during the SALT I Agreement, was a steady increase in the use of deliberate camouflage, concealment, and deception designed to interfere with our national technical means of verification. The known measures employed include camouflage of ICBM testing, production, and deployement; concealment of ballistic missile submarine construction and berthing, including the famous "rubber submarine"; and the encryption of missile telemetry.

Because the treaty forbids new concealment and deception practices, not continuation-of-old practices, one can argue that all the preceding examples were merely continuation of prior practices and do not constitute violations. One also can argue that the preceding examples were not violations because national technical means are not defined and because the Soviet Union still considers U.S. satellite surveillance as illegal spying.

However, there is no question about what the United States meant during the negotiations, and the importance the United States places on verifiability. Consequently, it is difficult to label these Soviet actions as anything other than significant violations of the basic principles of relations and of SALT I, particularly because they gradually and increasingly have been expanded over the ensuring years, a Soviet practice that will be discussed further under SALT II.

The second major nuclear arms control agreement of the 1970's was the Threshold Test Ban Treaty, which limited underground nuclear tests to a maximum yield of 150 kilotons. Since the treaty yield limit went into effect in 1976, the Soviets are reported to have conducted over 15 tests in excess of the 150-kiloton threshold. In two reported cases, even the lower uncertainty bound on the yield calculation was in excess of 150 kilotons, with one reported to have been 400 kilotons, grossly in excess of the prescribed limit.

The United States has repeatedly complained, but to no avail. The Soviets continue to maintain that there have been no violations; and, the Soviets turned down the U.S. proposal to allow on site inspection at each others test sites to help resolve the compliance disagreement.

The last event of the 1970's was SALT II. Negotiations began in November 1972, and ended with the signing of the agreement in Vienna on June 18, 1979. The principal U.S. objectives were to correct the launcher number inequalities registered in SALT I, establish equal limits on the number of strategic nuclear delivery vehicles, begin to reduce those numbers, and restrain further qualitative developments that might threaten future stability.

SALT II negotiations encountered numerous difficulties in trying to deal with different forces, systems, and concepts. Trying to corral the entire panoply of Soviet delivery vehicles, and do so in a manner that was verifiable, perhaps was the treaty's undoing. And when SALT II was presented to the Senate for its advice and consent, it quickly became apparent that the treaty was in trouble.

Before considering the U.S. and Soviet actions under SALT II, it is worth reviewing the main reasons why the Senate and the public would not support the treaty, which then caused the President to defer its active consideration. First, the treaty was simply too complex, and exactly those factors that made the treaty complex were such that a party not wanting to be constrained by the treaty, was not. The loopholes were said to be sufficiently large to drive a Mack truck through. This was judged especially important to those who opposed the treaty because of the actions by the Soviet Union that were clearly outside the spirit of SALT I, such as SS-19 deployment, SAM testing in ABM modes, and increased use of concealment and deception measures.

The consensus was that SALT I had been to the disadvantage of the United States, and that SALT II put no significant constraints on the Soviets and was even more disadvantageous to America.

The feeling of inequality, which was made a major public issue by the committee on the present danger, was heightened by a growing concern over the general misbehavior of the Soviet Union.

By 1979, it was clear that SALT I did not stop the buildup in Soviet nuclear capability. This buildup took on an especially ominous character with the deployment of the SS-18 and SS-19 missiles and the newly revised assessments of Soviet missile accuracy, both of which raised concerns of Soviet first strike intentions and potential.

It was also clear that détente, SALT I, and SALT II had not resulted in improved U.S.-Soviet relations or in a more peaceful, secure world. Soviet instigation and active support of revolutionary movements in Third World areas and sabotage of U.S. relations with those countries, had taken on a new and greatly expanded dimension in the 1970's. The declaration of basic principles of relations notwithstanding, there certainly was no diplomatic "linkage" in the Soviet mind, or at least not the type the United States had expected to be associated with détente and continued arms control negotiation, as spelled out in the declaration.

The three events that sealed the fate of SALT II, at least up to the present, were first, the revealing in July and August 1979, of the presence of a combat brigade in Cuba; second, the Soviet invasion of Afghanistan in December 1979; and 2 months later, the revealing of a large scale anthrax accident that had taken place at Sverdlovsk the previous April and that indicated that the Soviets were actively violating the biological and toxin weapons convention that had taken effect only 4 years earlier. And, woven in amongst these "indiscretions," was the emergence of evidence that strongly suggested that the Soviets were violating or circumventing SALT I in the variety of ways mentioned earlier.

All the above, coupled with the problems of the SALT II treaty language itself, caused the administration and the proposed treaty to lose credibility.

SALT II, although not officially withdrawn from Senate consideration, was set aside and the treaty has yet to be ratified. Consequently, there is considerable question of how to view Soviet and U.S. actions following signing of the treaty. Are violations challengeable or not?

At times, there have been questions whether either the Soviet Union or the United States felt bound by the treaty. The U.S. policy is not to undercut SALT II as long as the Soviets show equal restraint. The Soviets are not known to have made a high-level commitment to observe SALT II, but have informally indicated they have been complying with the terms of the treaty.

Rather than get lost in the legal morass, or likewise in the technicalities of the treaty itself, it seems more useful to examine subsequent actions as indications of intentions and for the lessons that possibly can be drawn.

The United States has clearly complied with all aspects of the SALT II treaty. Internal DOD directives address all the terms and insure that developers and planners understand that they are as constrained by the terms of SALT II as much as they would be had it been ratified. Numerous specific actions regarding deployed weapon systems have been taken that further reflect this adherence.

With the Soviet actions, again, several major concerns have arisen. The actions of greatest concern have been rapid reload and refire exercises of the

SS-18 missile; concealed deployment of banned mobile SS-16 missiles at the Plesetsk Test Range; deployment of long range air-to-surface cruise missiles on TU-95 Bear intercontinental bombers and on Backfire bombers, which greatly increases their intercontinental attack capability; almost total encryption of the telemetry associated with the testing of all significant missiles; development of two new types of ICBM's; testing of a new mobile air defense system, SAM-12, in an ABM mode; further increased strategic camouflage, concealment, and deception designed to interfere with the U.S. national means of technical verification; and finally, evidence of direct attack on one of the U.S. national technical means with blinding laser radiation.

The implications of this panoply of Soviet indiscretions are quite simple: Verification of Soviet compliance is now an obvious major problem for the United States. More and more, it appears that the arms control process has had little effect on Soviet nuclear weapons programs, and the declaration of basic principles of relations is clearly ineffective and inoperative.

Verification is a major problem for two main reasons. First, the telemetry encryption prevents accurate assessments of Soviet missile capabilities, such as range and payload. In terms of capabilities, this is significant.

For example, Soviet telemetry encryption prevents assessment of critical SS-20 parameters. We cannot assess whether the SS-20, whose deployment continues, has an intercontinental capability. There is considerable disagreement over the SS-20 range—it could be greater than the 5,000-km range that is most often associated with it. A mere 10-percent increase would put the SS-20 into the SALT II ICBM category. The missile range clearly becomes intercontinental if the payload is reduced to one warhead. And, in this regard, it is important to recall that each of the three warheads said to make up the current SS-20 payload is larger than most Minuteman warheads. It is also an intercontinental missile if it is deployed northward into the Kola Peninsula or Kamchatka area, from which the missile can reach most of the United States.

The SS-20, with either 1, 2, or 3 warheads, could be an excellent land-based strategic reserve, and also could play a major role in a Soviet surprise first strike because of its ability to launch out of unexpected areas, thus confusing the defense satellite warning system. Moreover, there is no target base in Europe that comes even close to justifying the system, both in terms of quantity and quality.

The second problem of verification is the result of mobile missiles, the SS-16, SS-20, and perhaps the most recent PL-5, which is described as an intercontinental mobile missile follow-on to the SS-20 or SS-16. Since the early 1960's, the Soviets have stressed the need for mobile missiles for survivability. Because of their ability to change location and their relative ease of concealment and camouflage, survivability is achieved because the enemy cannot effectively find and target the missiles.

This makes verification a serious problem in two ways: First, the missiles are almost impossible to find and, hence, to verify. Verification of production probably is even harder. Second, they bring into question the SALT I practice whereby counting silos was considered tantamount to counting launchers, and that, in turn, to counting missiles. In this latter sense, mobile missiles do not make verification more difficult, they only make non-silo-based missiles more difficult to ignore. Now, to verify the number of strategic offensive missiles, it becomes necessary to recognize and account for the thousands of extra missiles known to exist but not contained in the silos. Further, it will be difficult to estimate with credibility quantities of mobile missiles merely by counting buildings within which they are "believed" to be stored.

The two new Soviet ICBM's PL-4 and PL-5, are also significant in that they further support the argument that the arms control process has not had any appreciable effect on the Soviet arms development process or schedule. The Soviet system continues to turn out new and improved capabilities, contrary to U.S. expectations for the strategic arms limitation process.

Nor are the Soviet developments the result of a "mindless momentum," often attributed to the Soviet system. The capabilities that emerge are well designed and carefully planned to support Soviet military doctrine in an efficient and coherent manner. About the only thing they do not fit is the U.S. mirror image doctrine often attributed to them.

In addition to the above actions that can be considered as challenging, if not conflicting with the terms of the SALT II treaty, all the Soviet actions in areas that contributed to the deferral of the treaty from active Senate consideration in 1980 have continued through 1983 and, in most cases, have become all the more alarming. In the case of Cuba, nuclear capable aircraft (Mig-23's and TU-95 Bear bombers) are now based and being staged through the island. Nuclear submarines of the Golf and Echo class have been identified at the Cienfuegos Sub Base.

The Soviet war against Afghanistan continues. The use of toxin and lethal chemical weapons in Laos, Kampuchea, and Afghanistan has been intensified. Most recently, there has been the Soviet invasion threat and imposition of martial law in Poland and associated restrictions in individual freedoms, which is only one of a continuing succession of blatant violations by the Soviet Union of the Helsinki Agreement.

Finally, there is the ominous cloud of suspicion associated with the possible Soviet involvement in the attempted assassination of the Pope.

Looking back over the past 25-year history of arms control, the U.S. objectives for the most part have been honest and sincere. The best encapsulation of the U.S. objective has been, as best expressed by President Kennedy, to "put the nuclear genie back in the bottle."

At the same time, in assessing the Soviet objectives, it is becoming increasingly difficult not to give considerable credence to the conclusions from a 1973 British intelligence report on a meeting of high level East European officials at which the Soviet General Secretary, Leonid Brezhnev, explained that détente was really a ruse designed to better enable the Soviets to gain overall military superiority. This report was suppressed by high U.S. officials at the time because it ran counter to U.S. détente policy.

Last month, Henry Kissinger, in a time magazine article, wrote,

> If the Soviets refuse to discuss such a proposal (his new approach to arms control), one of three conclusions is inescapable: (A) Their arms program aims for strategic superiority, if not by design, then by momentum; (B) they believe strategic edges can be translated into political advantages; (C) arms control to the Soviets is an aspect of political warfare whose aim is not reciprocal stability but unilateral advantage.

Mr. President, looking back, it would seem to me that all three of these conclusions already should have been reached.

Having reviewed the somewhat sorry accomplishments of our arms control efforts over the past 25 years, I would like to sum up the lessons we should have learned and then suggest some changes that I would like to see the new Arms Control Director seriously consider.

The principal conclusions are first, the product of the past has been disappointing and therefore changes in expectation or in approach or both are called for, second, rushing to achieve a treaty by a certain date has been counter-productive, third, there are very few areas where the meaningful mutuality of interest essential for real progress appears to exist, fourth, verification of Soviet compliance is unattainable with current approaches and new approaches need to be identified, and fifth, the arms control process appears to suffer badly from a lack of effective leadership in policy formulation and direction.

In reviewing the accomplishments of the arms control process, it is hard to

conclude that it has served United States national security interests well. The process has not contributed to stability or to better United States-Soviet relations. It has not resulted in any change in Soviet international behavior. It has not had any significant effect on Soviet weapon acquisition policy.

On the other hand, the process has been accompanied by a substantial decline in relative U.S. military strength—the result of simultaneous U.S. restraint in the face of continuing Soviet expansion.

This does not mean that arms control efforts should cease. The dangers of nuclear weapons and nuclear war are too severe not to continue a major arms control effort. The above conclusion only means that the product of the past has been disappointing and that changes in expectations or approach are warranted, if not essential, to achieve meaningful progress.

One serious problem in our approach to arms control has been the rush to achieve results for immediate political payoff. This has been counterproductive. Most serious problems could have been (or were) anticipated during the negotiation processes, but were not resolved in the haste to reach agreement. This was clearly true of the interim agreement and SALT II.

The failure to resolve differences, if anything, has damaged the process because subsequent actions that were considered "at odds with the spirit of the treaty," in retrospect were directly related to the negotiating problems. This, in turn, resulted in attacks of "sharp practices" and "negotiating deception," which have the effect of discrediting the entire process.

That is, the problem in the approach is not just that the Soviets cheat, but also that the United States sacrifices care and assumes unnecessary risks to its security in the name of progress—progress that has turned out to be illusory and contrary to U.S. national security interests.

And, this problem of reconciling differences during negotiations should be expected to grow more severe. The shear complexity of SALT-II and the problems in start are worse—indicates that unless both sides share roughly mutual interests and intentions, it may be quite difficult to negotiate a safe and equitable agreement on a reasonably encompassing or comprehensive treaty. This may be especially serious because both sides do not appear to share many mutual interests or intentions.

In fact, there appears to be very little mutuality in United States and Soviet foreign policy and arms control interests or objectives. In assessing interests or intent, it is important to examine actions not words. In examining actions, the results of the process speak for themselves. It is difficult to find much congruence of interests or intent.

Assessing interests or intent is further a problem because of Soviet ideology. In particular, the meanings they assign to words, is alien to most Americans. Words such as "peace," "peaceful coexistance," "defense," "noninterference," simply do not have meanings in American dictionaries that are in any sense similar to their Soviet counterparts. The failure of many U.S. negotiators to recognize and understand this is obvious in the very language of many agreements, for example the basic principles of relations and the biological and toxin weapons convention.

Unpleasant as the thought may be, our objective to "put the nuclear genie back in the bottle," may be unrealistic, given the political and ideological differences between the United States and the Soviet Union.

This is not a call to build arms. It is merely warning that U.S. security interests, including arms control, might be better served by channeling efforts into areas where there might be some prospect for meaningful agreement, rather than continuing to try to negotiate nuclear weapons out of existence. The results of the arms control process over the past 25 years suggests that the weapons are not about to go out of existence. It may even be unrealistic to expect to achieve substantial reductions. These possibilities, albeit unpleasant, need to be faced.

In reviewing the various arms control problems, two areas where there may be common interests are nonproliferation and reducing the risks of accidental war. In regard to the second, there has been a small but growing recognition that instead of focusing almost sole attention on numbers of weapons, we should direct increased attention to the problem of how nuclear war or other wars might start, and look for ways to guard against that event or reduce its likelihood. This is an area that deserves greatly increased attention.

To place verification in the proper perspective, it is essential to recognize that verification is only half of the problem. Enforcing compliance is the other half. Another observation is that there is no way of enforcing compliance against the will of the noncomplying party, which generally will be the case when the noncomplying party is deliberately noncomplying.

Perhaps the more serious complaint levied against the overall approach of the current administration has been the apparent lack of a definite policy, and of little central direction. The administration is being subjected to pressures from a variety of directions to get moving seriously on arms control, and, except for the President, no one appears able to respond effectively.

Policies appear to be developed mainly to counter pressure from Congress and the media. INF and START, to all outward impressions, are valid examples of this reactive problem. Important issues appear to be left to the inevitable compromises of bureaucratic politics, which produces ample inertia, but little progress. The verification/compliance and chemical/biological/toxins areas are two good examples of this problem.

Verification was not a serious issue in the past, because of the mystique associated with national technical means; because of a widespread belief that, while the Soviets might exploit every loophole and technicality, they would not deliberately cheat; and because there was no history, that is, no data base or experience, to draw upon.

All these perceptions have changed, and it should be clear that verification has rapidly become the Achilles' heel of arms control. Yet, no one has taken charge, or has been allowed to take charge, of this area, and congressional concern over the types of violations and circumventions previously mentioned is rapidly mounting.

The chemical, biological, and toxin area, as discussed earlier, is the main area where the Soviets have been directly and unequivocally accused by the Reagan administration of deliberate violations. It seems that this should have important implications for the entire arms control process; yet the administration has not established any policy or course of action designed to bring about compliance or deal with the consequences of compliance failure.

As indicated above, the reasons for suggesting new initiatives to improve the arms control process and increase the likelihood of achieving meaningful progress in a desirable direction while simultaneously avoiding the types of disappointments and threats to U.S. security that have resulted from the arms control process over the past two decades.

Clearly, the ongoing INF and START negotiations are well defined and should not be disturbed without major cause. The original objectives set by President Reagan, in INF to eliminate intermediate systems entirely, and in START to reduce strategic nuclear arms to significantly lower and equal levels, certainly appear to be valid and meritorious. There is no reason that the United States cannot continue to strive to achieve these original INF and START objectives, while carefully evaluating possible conceptual improvements or alternative guidelines.

The INF objective, to eliminate intermediate range systems, is good for three reasons: It is a simple concept, noncompliance is probably easiest to identify, and follow-on actions, for ex-

ample, elimination of short-range missiles, are easy to envision.

But, pressure has already caused the Reagan administration to back off of this "zero base" option, which if successful would result in a treaty that suffers from most of the defects of the past. The current yielding in process, proposing an interim agreement in route to the zero base, is reminiscent of the SALT I interim agreement and should be expected to be equally ineffective. However, while such a treaty would be technically deficient and unverifiable, because most of the pressure is coming from European NATO countries, a bad treaty that NATO decides it wants, at least would not be disharmonious insofar as the alliance is concerned.

The START objective, to reduce the levels of strategic nuclear arms, is good because it recognizes the need to reduce the stockpiles if meaningful accomplishments are to be achieved and especially because as a collateral condition the need for cooperative measures of verification visibly brings out the severe disabilities of the national technical means of verification. However, insofar as there are substantial questions regarding what is to be reduced and what is meant by cooperative measures, START appears headed for serious trouble.

START appears to be headed back into many of the SALT I and SALT II traps—lack of attention to equality, limits that are not limits, an absence of verifiability, and a failure to comprehend the impact on national security—and also SALT I and SALT II, in large measure the result of haste to see results.

Therefore, the best suggestion for START and INF is to recognize the serious inherent difficulties in the process and stop raising false expectations by placing artificial time constraints, such as an INF treaty by the end of 1983 or a START agreement "in time" for the 1984 election. These artificial time constraints are most serious as they apply to START.

In START, the actual nuclear capabilities and intentions of the parties are expected to dominate the process. At the same time, it might be appropriate to review the priorities of negotiating the "systems" terms or verification terms. A major portion of the negotiating effort should address the problems of verification and compliance. Agreement on system definitions, numbers, and deployments will be of little avail without satisfactory means of handling verification and compliance. There is not even agreement on what are national technical means or what constitutes interference, or what camouflage, concealment, cover, and deception is allowed and what is not allowed. None of the negotiations have taken the time to resolve these types of critical questions.

In reviewing the potential for flexibility in the "systems" terms of START, achieving substantial reductions in one step along the lines of the START proposal simply may not be in the cards. Further, considering the past, negotiating substantial reductions in one step easily could be considered too risky.

An alternative approach to consider is a longer term approach composed of a sequence of discrete and well-spaced smaller, less substantial steps. This approach would enable the parties in between steps to assess the other side's intentions and behavior at minimal risk.

One guideline might be to not agree to any restraints that the United States is not willing to undertake unilaterally; that is, agree to no restraints that would be judged to be detrimental to United States national security interests, assuming the Soviet Union does not undertake similar restraints. In this approach, the future prospects become based on satisfaction with past performance rather than on speculation about Soviet behavior or intentions or on the politics of achieving substantial immediate results.

This same approach might help ease the verification and compliance problem. That is, it may be more sensible to seek agreements where verification and compliance are used to judge the possibility of moving forward as much as to assess the past.

A related worthwhile, if not essential, effort is to make verification and compliance a two-way street. This problem is presently only a U.S. problem. The Soviets have no problem. A major effort of the verification activities should be to shift the verification burden off the back of the United States national technical means and onto the back of Soviet secrecy and deception where it belongs. There are many actions available to support such a conceptual shift, but few if any have been undertaken or even examined. There has not even been a comprehensive study of Soviet secrecy, cover, and deception practices. Considering the problems of SALT I and SALT II and the inherent importance of verification, which can be viewed as the art of penetrating Soviet secrecy, cover, and deception, such a study would seem to be of the highest priority.

As a general recommendation, there is a strong need to develop a full awareness of the past. In Western bureaucracies, there is a strong tendency to forget the past, that is, to look forward, not back; do not cry over spilt milk. This tendency is especially strong in the United States. However, unless the mistakes of the past are surfaced and understood, they are bound to be repeated. This is exactly what happened in SALT II and it is beginning to happen in START. We cannot make informed decisions on changes unless the past is understood and corrected.

The need for a critical and continuing review of the past in the process of managing the present and formulating future plans and priorities cannot be overestimated. This is especially applicable to violations and circumventions. The U.S. practice of continuing to forget the past in order to move forward does not enable true forward movement, and quite likely signals Moscow that the United States is really not serious about the need for bilateral arms control.

Does it make sense for the United States or any other nation to continue to talk about a new chemical warfare treaty at Geneva when the 1925 Geneva protocol and 1975 Biological and Toxin Weapons Convention are being actively violated by the Soviet Union and its allies or when these treaties are even suspected of being violated? How can START or INF move forward with credibility when SALT I and SALT II have been violated, or are suspected of being violated? How can one plan to reduce the allowed nuclear test threshold when the current threshold is being exceeded?

As a matter of priority, compliance and enforcement issues deserve critical high-level attention. The tendency to forgive and forget the evidence, look for reasons to excuse or downplay the issues, change the measure (the "shrinking ruler"), and counterefforts to raise the issues by admonishing the "wolf-cryers" that their rhetoric is "anti-Soviet" and counterproductive, have not worked and should be discarded.

A new approach is called for. It should not just look forward. The future is critically dependent on the past. It is crucial to begin by reconstructing the past and resolve all past issues with satisfaction while dealing with the present and future.

The Swedish diplomatic effort, supported and encouraged by the United States, to reconvene the BW/CW States Parties Convention to address future compliance rather than the 1976-83 violations and inspection problems is a good example of evading the real problem and, in effect, assisting the Soviet cause by rendering ineffective exactly that mechanism that should be used to deal with the problem.

A case file on each incident—both violations and circumventions—should be opened. Circumventions should be treated as violations under the 1972 Basic Principles of Relations Agreement. This file should be kept open for 20 years or until the incident is resolved. Incidents can take a long time to develop sufficiently for the total significance to be understood and assessed. Two good examples of this are SAM testing in ABM modes and mis-

sile test telemetry encryption. In both cases, the significance of mid-1970's violations did not really get widespread appreciation until 1983.

Each incident should be examined from both a pro and con perspective. Because the natural tendency of the bureaucracy is to want to find compliance and not raise problems, an externally constituted "Red Team" should be used in this evaluation. This team should contain expertise in areas of United States military strategy, Soviet political and military strategy, technology, intelligence, and especially Communist ideology.

The Red Team should review all relevant original source data, identify specific additional data to collect or search for, and determine when nothing is really wrong or when the evidence is such that the burden of proof, insofar as the United States is concerned, has shifted to the Soviets to show they are complying. In the latter case, the Red Team should be used to help develop a specific strategy for the United States to implement to gain compliance or, alternatively, advise the President whether or not the United States should withdraw from the treaty.

As indicated earlier, the two areas where United States and Soviet interests appear to be most alined are nonproliferation and reducing the risk of accidental war. Efforts in these two areas, especially the latter, could be significantly expanded. The accidental war problem could well be the most important area for arms control research and analysis. The problem will not be easy because it is so closely related to the surprise attack problem, and requires a detailed understanding of Soviet concepts and practices. Soviet surprise attack scenarios in use in the West are unimaginative, do not reflect Soviet thinking as expressed in their literature, or the importance accorded the topic in their doctrine and in their strategic capabilities. A great deal of research and analysis is essential in this area before concrete proposals are formulated or proposed for bilateral discussion. This work also should begin as soon as possible.

The need to examine how war might start, rather than continuing to focus on numbers, necognizes that numbers are a very limited part of capability and can be misleading. This is not meant to say that numbers are unimportant and should be ignored, but rather, that when exclusively relied upon, lead to overly simplistic analysis.

Nuclear capability is as much determined by factors that can not be quantified in a simple manner. Command and control, leadership, morale, and strategy are just as important determinants of capability as are the number of warheads or throw weight. The problem in not just weapons, but war. SALT I and SALT II begin with a recognition of the devastating consequences nuclear war would have for all mankind. The hope then expressed is that the treaty will reduce the risk of outbreak of nuclear war.

Increased analysis of the nature of such war and how it might come about is worth far more attention, both to identify measures that might more directly reduce the risk and to better understand what systems and system variables—that is, what numbers—are significant.

Another general suggestion is to use the red team to provide devil's advocate analyses of all potential treaties. This could be an integral part of all negotiations, which should not be terminated until all uncertainties have been resolved and all unilateral statements have been reponded to.

President Reagan came to Washington believing that the arms control process was failing and that new approaches were required. The seemingly interminable personnel staffing delays at the Arms Control Agency has resulted in a policy planning vacuum, or rather, has ceded control of the process to the very forces responsible for the prior failures. As an example of the slowness of the process, the ACDA assistant director responsible for verification was not confirmed until last month, and still no one responsible for strategic and theater nuclear matters has even been nominated.

The resultant vacuum has helped make the administration vulnerable to pressures that, for all practical purposes, are forcing the process directly into the mold of the past—pressures to lower U.S. objectives, ignore the problems of the past, not upset the Soviets, and reach an agreement soon.

The apparent objective of turning President Reagan into a "peace candidate," while well intentioned, appears to discount dangerously the past and, in the process, run an unnecessary risk of leading him and the arms control process directly into an election year "buzz saw" not entirely dissimilar to what President Carter experienced with Salt II.

The alternative is obvious. As a matter of urgency, arms control should be accorded the high and serious management priority it deserves. People and policies are needed to provide reasonable direction and response to the serious political and public pressures. The bureaucracy is in dire need of a focus, and, as I stressed at the beginning, one that is mindful of the past and realistic about the future.

Mr. President, I believe the best course of action now, and one that should not be put off any longer, is to bring in someone new, someone with drive and ideas, with sensitivity to the ongoing process, but someone who is not wedded to the past, who is free to consider new ideas from the outside.

Dr. Adelman is exactly that type of professional. His background makes him eminently well qualified. He will be a Director whom I believe will bring new ideas into the arms control process and set about to achieve real progress.

The Arms Control and Disarmament Agency has been floundering for half a year, some would say much longer. The Senate should end that problem now by confirming Dr. Adelman.

Mr. PELL. Mr. President, I yield to the Senator from Massachusetts (Mr. TSONGAS) 2 minutes.

Mr. TSONGAS. Mr. President, I should like to read from a letter that was inserted into the RECORD by Senator SPECTER, of Pennsylvania. The letter was sent by him to the President. Let me read part of it.

> While Ambassador Adelman is a man of obvious ability and doubtless qualified for most governmental positions, I have grave reservations about his competency for the ACDA post. Next to the Presidency and a few other positions such as Secretary of State or Defense, there is no other post as critical at this moment in our nation's history as Director of ACDA.
>
> I strongly feel that this position could be pivotal on whether arms reduction is achieved and therefore potentially critical on the prevention of a nuclear holocaust. To have anyone in this position other than the very, very best would be a grave mistake.

I could not agree more, Mr. President. I regret that we came out on different sides of the issue.

Let me address, finally, one other point. The issue has been raised that we have to support the nominee and get on with what is happening in Geneva. Nothing is happening in Geneva, because the Soviets believe that they can take Europe away from the United States by using propaganda and the Adelman nomination plays right into their hands, The best thing to do to get progress in Geneva is to have a competent, qualified, credible arms control Director and let us then win over the European hearts and minds and force the Soviets to abandon their political objective, to finally sit down and negotiate. I hope that the Senators, those who are wavering, would call a European of your choice and ask them how they feel about this nominee.

I thank the Senator from Rhode Island.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield 3 minutes to my distinguished colleague (Mr. WEICKER).

Mr. WEICKER. Mr. President, I have pondered the nomination of Kenneth Adelman to direct the U.S. Arms Control Agency for many weeks now. Arms control is without doubt one of the paramount issues of our time and

its pursuit is one of the most important responsibilities of this or any government.

Amid the controversy over Mr. Adelman's qualifications for the job, one central truth has become ever clearer to me. That is that if President Reagan is truly committed to an arms control agreement with the Soviet Union, then we will have one. If he is not, such an agreement will never materialize, no matter who is in charge of the Arms Control Agency. In the final analysis, the responsibility for forging and executing our arms control policy lies not with an arms control ambassador but with the President of the United States.

The evidence to date seems to indicate that this administration lacks the commitment necessary to achieve a sound and timely arms control agreement, but that judgment is still only a partial one, the final verdict cannot be delivered until 1984. At that time, the American people will get to judge for themselves the depth and sincerity of this administration's approach to arms control.

In the meantime, I want this administration to have no excuse for failing to achieve some tangible results. I do not want this administration to be able to excuse its record on the basis that its nominee for this post was rejected and that it had to expend all its energies dredging up another. I do not want this administration to justify the paucity of results on the grounds that the President was not allowed to choose his own person for the job—because I intend to hold this President and this administration accountable on the arms control issue and I expect the American people will too.

Therefore, I do not think it appropriate to turn Mr. Adelman's nomination into a referendum on the Reagan arms control policy. While admitting that policy leaves a lot to be desired, I believe the Congress should give Mr. Adelman a chance to achieve the results that have not been forthcoming from the administration to date. As a result, Mr. President, I shall cast my vote in favor of Kenneth Adelman to become our arms control Ambassador.

I yield back the remainder of my time.

Mr. PERCY. Mr. President, I express my deep appreciation to my colleague for his statement.

Mr. PELL. Mr. President, after debate on the Senate floor lasting 3 days, Senators will shortly have to decide whether Kenneth L. Adelman is qualified to be the Director of the United States Arms Control and Disarmament Agency. I urge each of my fellow Senators to vote on the basis of the judgment made on that question. If each Senator does that, Mr. Adelman will surely not be confirmed.

In the course of this debate, I have not heard a single argument which has contradicted the finding of the Committee on Foreign Relations that Mr. Adelman is not qualified to serve as the Director of ACDA.

Mr. President, in winding up the debate, I think we should consider that the committee held three lengthy hearings on the nomination and discussed the issue extensively. After the first two hearings, the committee decided, in a 15-to-2 vote, to delay action for a week to allow the President to reconsider the nomination.

I think this shows what the real sentiments of our committee members were toward the advisability of confirming Mr. Adelman for this important job. Despite those sentiments, the President stood firm, and the majority of the committee decided reluctantly that they had no choice other than to recommend to report the nomination unfavorably. I believe that the committee gave Mr. Adelman every reasonable chance to prove himself. He simply failed the test.

The majority of the committee concluded:

> The exhaustive hearings established, in our view, that Mr. Adelman is not qualified to hold the important position of ACDA Director. His interest in arms control was revealed to be more general than specific, his familiarity with the broad range of arms control issues limited, his background in twenty years' history of negotiations shallow, his approach political rather than substantive.

Some Senators have chosen to say that there is no compelling evidence that Mr. Adelman is unqualified to serve as Director of ACDA. This is an odd, an Alice-in-Wonderland standard to apply to any nominee. The committee chose a higher and more proper standard. In a fair-minded and careful fashion, the committee attempted to ascertain the positive, whether he is qualified—not is he not qualified, or is he the most qualified, or is he well qualified? Our conclusion was that he most definitely is not qualified. It is now the responsibility of the Senate to decide whether Mr. Adelman is qualified. It is simply not enough to ask whether there is compelling evidence that a nominee is not qualified.

The argument has been made that the President deserves to be supported in his choice. Normally I would agree, unless there is a compelling reason to decide otherwise. There is such a compelling reason in this case. Surely there is no Senator here who believes that the President would be dealt an irreparable blow if Mr. Adelman were not confirmed. The President is resilient. He would know what to do. I have a sneaking suspicion he might make the right choice given the second chance, as he did when the nominee for Assistant Secretary of State for Human Rights was rejected by the committee and as he did when the Environmental Protection Agency was in disarray. I think he would do the same thing here.

The argument has been made that this vote is a referendum on the President's arms control policies. Those who have been here for the discussions on the floor, as I have, will know that such a view is simply wrong. There will be times and places for such referendums. Those who have visited with their constituents lately know full well that there will be such referendums. The object here was much more confined—to pass on the qualifications of Kenneth Adelman. To pretend otherwise is to obscure the point that Mr. Adelman failed the test of competence.

Mr. President, I hope that Senators appreciate that the Committee on Foreign Relations reached its judgment only after the most thorough and careful consideration. This is the first nominee reported unfavorably by the committee since 1925. The committee has only once voted down a nominee in that period, and the nominee withdrew almost immediately after the vote. We gave the President and Mr. Adelman every chance to withdraw. That opportunity was not taken advantage of.

This is only the 13th time in that period that a committee has recommended rejection of a nominee. Only 3 of the previous 12 have been confirmed.

Against such a history, I urge most strongly that Senators consider very carefully their decisions. We must think of the duty of the Senate under the Constitution. Our duty is not to rubberstamp decisions; our duty is to consider most carefully whether to advise and consent. In this case the choice is clear. The committee's judgment should be upheld.

Our forefathers did not give the Senate this responsibility and obligation to be treated lightly. It is a solemn trust. We must not fail that trust.

Mr. President, I realize this is a very tough vote for many of my colleagues. I just ask them to search their consciences and ask themselves if they really believe they should not only advise but consent to the nomination of Mr. Adelman, if he is the best choice, a man with a burning desire for arms control, a forthright man, and a man who will stand up on a toe-to-toe basis with those representatives of governments of high rank and stature.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, during the past 2 days I have listened very carefully to the debate on the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency. About one-fifth of the Senate, more than 20 of my col-

leagues, have come to the floor to express their views in this Presidential appointment, and I greatly appreciate their interest in this matter.

Having had the full benefit of this discussion, it is clear to me that one issue rises above all others—and this is the paramount question facing mankind—whether the confirmation of Ambassador Adelman will be an impediment to serious arms control or, instead, will be a catalyst for further progress in this vital area of national and international security.

I am convinced, in light of the extensive debate in these chambers, that his confirmation will be a major step in the right direction and vigorously move the Reagan administration toward achieving arms control agreements that can win the approval and praise of the Senate.

Ambassador Adelman is well known to the President, who has repeatedly expressed his confidence in him and has made it very clear that he wants him to be the next ACDA Director. The President's judgment of Ambassador Adelman's abilities is shared by some of the most eminent people in this country.

President Ford has spoken strongly of Ambassador Adelman. He knows him well, and has contacted me indicating his strong support for the nominee. Former Secretary of State Kissinger holds Ambassador Adelman in the highest regard. Former Secretary of Defense Donald Rumsfeld has conveyed to me his full support for the nominee, having worked with Ambassador Adelman in the Department of Defense where Ambassador Adelman was a close aide of his.

Ambassador Kirkpatrick has written to me that Ambassador Adelman has done an outstanding job as her principal deputy at the United Nations. She indicated:

> He did a first-class job, won the respect and friendship of his colleagues in the mission and among other delegations.

I know that Secretary Shultz agrees with this assessment. He wants Ambassador Adelman in this job and has indicated that he intends to work closely with him. He feels that this nomination will advance the cause of arms control more than any other nomination at this time. His immediate predecessor, the distinguished Eugene Rostow, has indicated publicly that he has "high regard" for Ken Adelman and that he had enthusiastically asked Ambassador Adelman to take a senior job in the Arms Control and Disarmament Agency.

In light of these strong endorsements from such outstanding people, I believe Ambassador Adelman should be confirmed.

The nominee has gone on record that he will be a strong and consistent advocate of arms control. He testified:

> If confirmed ... my overriding obligation would be to serve as an advocate of arms control to the President and to tell him that it is an objectively important subject in the world.

Ambassador Adelman also pledged that his commitment to arms control will take priority over his personal allegiance to the administration and that he would resign his office if he became convinced that his values and principles conflicted with administration policy. I interpret this statement to mean that if he is "stonewalled," as Director Rostow was before him in his arms control efforts or if his ability to counsel the President on arms control is rendered ineffective, that he will step aside rather than go back on his commitment to the Senate.

Mr. President, I believe that almost all of my colleagues will agree that any further resignations from the Arms Control and Disarmament Agency would not be productive for the administration. This factor will give Ambassador Adelman the necessary "leverage" to which Senator TSONGAS referred during the nomination hearings to press hard within the administration for negotiable arms control agreements.

Yet, just as Ambassador Adelman will enjoy increased leverage, he also will bear the direct burden of proof that he can get the job done and that he can be effective in achieving substantial results in this field. In a sense then, those of us who support the nominee will enjoy a certain degree of leverage as well. Ambassador Adelman will owe it to his supporters and to the American people to prove their judgment of his character and ability to be sound. And rest assured, this Senator will look to the nominee to make good on this vote of confidence if he is confirmed by the Senate.

It is also very clear to me that the administration, as a whole, must achieve real progress on arms control in the near term if it is to retain its credibility and influence on such matters among concerned Americans as well as among our allies. Simply put, the world will be looking to President Reagan and his team of arms control advisers and negotiators and to Chairman Andropov and his arms control team for results. Words alone will no longer satisfy all of us who want so badly to reduce the risks of a nuclear holocaust.

Mr. President, I take note of a recent development that I find very encouraging. The Scowcroft Commission, consisting of some of our most distinguished thinkers on defense and arms control issues, has put forward a prudent and imaginative plan for proceeding with strategic force modernization in a new and more stabilizing arms control framework. It is my hope that the acceptance of the Commission's recommedations can be the beginning of a new bipartisan consensus on the direction in which U.S. arms control policy should move. I believe that confirming Ambassador Adelman will greatly improve the prospects for sustaining this effort at bipartisan arms control policy formulation.

Moreover, let us not forget that two of the administration's foremost negotiators, Secretary of State Shultz, and Deputy Secretary of State Dam, will be intimately involved in the development of our arms control proposals. Clearly, their involvement will help to assure that our arms control efforts get the highest priority attention possible within this administration.

Other important commitments have been obtained since Ambassador Adelman was nominated to be the ACDA Director. Priority is being given to removing the last obstacles blocking ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties. Ambassador Adelman has pledged to get the best possible people available to fill the vacancies that have plagued ACDA for 2 years, and it is expected that extensive and substantive use will be made of the fine career professionals who already are serving at ACDA.

Mr. President, if we reject this nomination today, we undercut all of the commitments that have been made on behalf of arms control since Ambassador Adelman was nominated to be ACDA Director almost 3 months ago. Such a negative vote will only make it possible for the Arms Control and Disarmament Agency to flounder once again without the top leadership it so desperately needs. Let us not lose the momentum for real arms control progress that the committee hearings and this debate have made possible. I urge my colleagues to vote in favor of the nomination of Kenneth Adelman.

I wish also to thank my distinguished colleagues who opposed the nomination for not offering a motion to recommit it to the Foreign Relations Committee. We deeply appreciate that courtesy since it is clear that no hearings would have been held, and it would have languished in committee.

It was a far better course of action to have an up-and-down vote. I believe that this is in keeping with the great tradition of the Senate on a nomination of this importance.

Mr. PELL. Mr. President, I thank the Senator from Illinois, the chairman of our committee, for his gracious remarks.

At this point, I yield 4 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, the most important responsibility we have as legislators and leaders is to provide for the security of the United States.

We face today a mounting threat to the very survival of our country. We

and the Soviet Union pile up nuclear weapons on a hair trigger than can destroy both countries and conceivably wipe out humanity.

Our country is supposed to be led in this struggle by the President, who has the exclusive power of the United States to initiate and conduct diplomatic negotiations designed to half the nuclear arms race.

To be successful in these efforts, the executive branch must gain the benefit of experienced counsel on arms control issues. Yet, today there is no Cabinet-level official in the executive branch with any prior professional or academic experience in arms control endeavors. I do not believe that arms control experts alone can solve the mammoth problem that confronts us in the nuclear age, but I believe that the national interest demands that we in the Senate seize the opportunity before us to express our view that we need a committed and competent expert on arms control at the head of the Arms Control and Disarmament Agency.

No Member of this body can seriously make the case that Kenneth Adelman is such a man. No Senator has even tried to make that case. With an astonishing lack of enthusiasm, the supporters of this nomination have argued that we should give the President his choice. That is not what article II, section 2 of the Constitution states. The Founding Fathers did not give the President his choice. They conferred upon Senators the right and responsibility to advise on these nominations and to ratify or reject Presidential nominations.

It should be a cause of deep concern to us that no one in the executive branch controlling policy in this matter has the experience of their counterparts in Moscow. The Soviets have a Foreign Minister who has dealt with more than a dozen Secretaries of State. With the nomination of a novice like Kenneth Adelman, this administration appears to be unilaterally disarming in the contest of competence with the Soviet Union. It is a cause of deep concern to many of us in this body that the nomination and the approval of Kenneth Adelman would give ammunition to those in Europe who criticize America and who doubt our commitment to arms control.

Mr. President, the Constitution of the United States confers on the Senate the solemn responsibility to approve or disapprove Presidential nominees for senior posts in the executive branch. This serious obligation requires each Member of the Senate to consider thoroughly the competence and the commitment of a nominee to fulfill the statutory mission of the post for which he has been named.

The nomination last January by President Reagan of a new Director for the Arms Control and Disarmament Agency presents the Senate with an extremely important task. We are charged as individuals with the duty to decide whether or not confirmation of this nomination is in the best interests of our country.

The nomination of a new ACDA Director is always a serious business. The Arms Control and Disarmament Agency was established by congressional initiative in 1961 with the distinct mission of providing leadership in, expertise on, and advocacy of arms control as an instrument of national security policy. Congress created ACDA to insure that an expert's perspective on the great promise and problems of arms control would be voiced within the senior councils of the excutive branch.

Mr. President, the most important responsibility we have as legislators and leaders is to provide for the security of the United States. Today we face a mounting threat to the very survival of our country. Over the past four decades the American and Soviet Governments have produced and deployed nuclear weapons around this planet sufficient to obliterate our entire human civilization in one nuclear spasm.

These ever-growing nuclear arsenals have confronted our generation with a duel with destiny—a struggle for our very survival as a civilization.

Our country is supposed to be led in this struggle by the President, who has the exclusive power in the United States to initiate and conduct diplomatic negotiations designed to halt the nuclear arms race. In the executive branch also lies the power to propose initiation of new arms programs or the curbing of existing arms programs after weighing, among other factors, the impact of these proposals on hopes for arms control.

To be successful in these efforts, the executive branch absolutely must gain the benefit of experienced counsel on arms control issues. And yet today there is no Cabinet-level official in the executive branch with any prior professional or academic experience in arms control endeavors. This is an essential fact which each Member of this body must weigh as we consider the pending nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

I do not believe that experts alone can solve the mammoth problem of halting and reversing the nuclear arms race. But I believe that the national interest demands that we seize the opportunity before us to express our view that we need a committed and competent arms control expert to head the Arms Control and Disarmament Agency for this administration.

No Member of this body can seriously make the case that Kenneth Adelman is such a man. No Senator has tried to.

With an astonishing lack of enthusiasm, the supporters of this nomination have argued that we should "give the President his choice."

But what about article II, section 2 of the Constitution? Our Founding Father's did not say "give the President his choice." Rather they conferred upon Senators the right and the responsibility to advise on these nominations—and to ratify or reject the President's nominee.

I believe our national security interests oblige us to take the latter course in the case before us and to reject the nomination of Kenneth Adelman to head ACDA.

Our Nation is currently confronted, along with the Soviet Union with the critical challenge of ending the nuclear arms race before it ends us.

It can only harm our efforts to meet this challenge if we add to Reagan administration Cabinet councils yet another key official bereft of expertise in the intricacies of arms control negotiations.

Our Nation is currently engaged in a crucial contest with the Soviet Union for the support of European peoples concerned about controlling nuclear arms.

It can only harm our chances in this contest to confirm as our leading arms control advocate a man who has given wide distribution to his disparaging view of all arms control efforts.

Our Nation is currently driven by an anxious debate over the future course of our arms policies.

It can only harm our efforts to heal these divisions and to form a bipartisan consensus on security policy if we put in place a man who has in his previous writings and interviews—heaped scorn on those in public and private life who have advanced the cause of arms control.

It should be a cause of deep concern to all Senators that the current arms control policymakers in the executive branch have none of the experience of their counterparts on Moscow. The Soviets have an arms negotiating team in place which has been working professionally on these issues for decades. And they have a foreign minister who has dealt with more than a dozen American Secretaries of State. Meanwhile the Reagan administration is beset with serious disarray in its arms control policymaking team. With the nomination of an arms control novice like Kenneth Adelman, this administration appears to be unilaterally disarming in the contest of competence in this area.

It is also a cause of deep concern to me that Mr. Adelman's writings provide such effective ammunition for those in Europe who criticize American arms and defense policies and question our national commitment to arms control. We are engaged in a dip-

lomatic struggle with Soviet leaders who must carry the heavy water of their actions in Afghanistan, Poland, domestic repression, SS-20 deployment and other fields. And yet, inexcusably, our Government finds itself on the defensive in the contest of minds in Europe. Senators deeply concerned about the NATO alliance would do well to consider the impact in Europe of confirming as our Nation's No. 1 arms control advocate a man who has expressed scorn for the very idea of arms control. His nomination lends credence to widespread suspicions that the Reagan administration is not serious about reaching an arms control agreement with the Soviet Union. Confirmation of Mr. Adelman could provide a propaganda bonanza for the Soviets in Europe.

The ACDA post has never been a partisan position; experts of such stature as Gerard Smith, Paul Warnke, Fred Ikle, and Ralph Earle have advanced arms control negotiations under both Democratic and Republican administrations. And yet we now have before us a man who will only be confirmed if partisan political pressures from the White House succeed in bludgeoning the Senate to reject the bipartisan majority of the Foreign Relations Committee that has found Mr. Adelman wanting in both experience with and commitment to the arms control process.

I believe confirmation of Mr. Adelman would be a betrayal of the hopes of tens of millions of Americans for swift progress toward a mutual, balanced, verifiable end to the United States-Soviet nuclear arms race.

And I fear confirmation could be seen as an abandonment of the three-decade-long bipartisan congressional commitment to an effective role for ACDA in senior executive branch councils.

The conclusion of the bipartisan Foreign Relations Committee majority is clear:

> The exhaustive hearings established, in our view, that Mr. Adelman is not qualified to hold the important position of ACDA Director. His interest in arms control was revealed to be more general than specific, his familiarity with the broad range of arms control issues limited, his background in twenty years' history of negotiations shallow, his approach political rather than substantive * * *.
>
> His testimony confirmed suspicions that he does not regard on-going efforts to achieve mutual, verifiable arms control agreements in a number of areas as an important aspect of strategic planning, but is rather inclined to see them, first of all, as an impediment to expansion of the defense budget. He did not display the informed, coherent, professional approach to these highly complex questions, that the nation needs in the Director of the ACDA * * *.
>
> However, capable and accomplished a citizen Mr. Adelman may be, we have concluded that he is not qualified, in the words of the statute, to be "the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters" and, under the direction of the Secretary of State, to have "primary responsibility within the Government for arms control and disarmament matters." We urge the Senate to sustain this judgment. Republicans and Democrats alike must be concerned to ensure that our nation has the leadership to carry forward the continuing efforts to achieve arms control and arms agreements that truly serve the national interests.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. PELL. I yield the Senator from California as much time as I have remaining.

Mr. CRANSTON. I thank the Senator very much.

Mr. President, I do not take lightly the matter of rejecting a Presidential nomination. I hold to the general rule that the President should be given the benefit of the doubt on nominations. For that reason, I was one of the Democrats on the Foreign Relations Committee who voted to confirm the nomination of Alexander Haig as Secretary of State. Not all Democrats on the committee did that. I entered those hearings with doubts about the advisability of voting for Alexander Haig. I expected to vote against him. I wound up voting for him after the hearings.

I was the only Democrat on the Foreign Relations committee to vote for the nomination of William Clark as Deputy Secretary of State. I felt that the President was entitled to have at close hand the man he wanted in that position, a man whom he knew very well, with whom he had worked closely over many years.

However, I submit that the Adelman nomination is just "too much." Why put a novice in arms control in charge of the Arms Control and Disarmament Agency, a novice who will be dealing in matters vital to our security and to our survival, with the Soviet arms control experts who have spent years, decades, learning all there is to know about arms control, defense, and foreign policy?

I say that the President's advisers have not served him well in recommending Kenneth Adelman for this position, nor are the President and his advisers wise in insisting on staying with him, despite the adverse recommendation of the Foreign Relations Committee. But because the President has made a mistake is no reason for the Senate to compound that mistake. We should reject the nomination of Kenneth Adelman.

I yield 30 seconds to the Senator from Montana.

Mr. MELCHER. I thank my friend from California.

Mr. President, President Reagan should not have contemplated Ambassador Adelman for appointment as the Director of the Arms Control and Disarmament Agency. It embarrasses me that the President has made this nomination. My reasons follow.

One of the most important individuals in the process to provide a method of reducing the threat of nuclear destruction will be the next Director of the Arms Control and Disarmament Agency.

The Agency's Director plays a leading role to devise a means to prevent nuclear holocaust. The Director must have the expertise, experience, stature, and intellectual prowess to formulate arms control policies, as well as the determination to aggressively represent the cause of arms control at the highest level of decisionmaking in our Government.

The single question that faces us today is, "Has Kenneth Adelman displayed these qualities?"

There can be no doubt that Mr. Adelman has a sound education and has worked hard to develop a career as a specialist in international affairs, both in and out of Government. That is not enough.

Mr. Adelman served less than 2 years as Deputy Permanent Representative of the United States to the United Nations. As has been pointed out in both the Foreign Relations Committee report and in testimony here on the Senate floor, Mr. Adelman's duties at the United Nations, related to arms control, have involved less the development of arms control policies than their explanation and defense. In short, for less than 2 years he has been a part time spokesman for arms control but not a decisionmaker. That is not enough.

Prior to serving at the U.S. Mission to the United Nations, Mr. Adelman was employed at the Departments of Defense, State, and Commerce and worked as a senior political analyst at the Stanford Research Institute. That is not enough.

None of Mr. Adelman's earlier Government service during the Nixon and Ford administrations related directly to arms control. He has been an African affairs specialist and writer in his years of non-Government employment. His writings are largely in fields removed from arms control. That is not enough. The President has suggested that he is confident of Ambassador Adelman. That too, is not enough.

By his own testimony, Mr. Adelman has a very limited view of what he sees as his own role if confirmed. He has said that he sees himself as a "contact point" rather than a focal point for arms negotiations.

The truest measure of the standards we have set for our ACDA Director can be seen by looking at Mr. Adelman's predecessors.

There have been seven Directors of the ACDA since it was established on September 26, 1961. Without excep-

tion, all of the previous Directors have been men of stature and professionalism who were credible advocates and spokesmen for arms control. Most of them had had significant negotiating experience on arms control matters prior to their appointment as Director.

The Agency's first Director, William C. Foster (1961-69) had been Deputy Secretary of Defense shortly before being appointed as Director. In the capacity of Deputy Secretary, he headed the U.S. delegation to the 1958 Geneva Conference of Experts who were focusing on the question of reducing the possibility of surprise attack. When he became ACDA Director, he also became the chief arms control negotiator and either negotiated or was intimately involved in the negotiations for the hotline agreement, the Limited Test Ban Treaty, the Outer Space Treaty, and the Nuclear Non-Proliferation Treaty. He left a distinguished arms control legacy.

Gerard Smith, who served from 1969-73, had had even more extensive negotiating experience prior to his appointment. He had worked for nearly 20 years in various capacities in the U.S. Atomic Energy Commission and the Department of State, and he was a part of the U.S. delegation involved in the first Atoms for Peace Conference in 1957, the Four-Power Conference on Berlin in 1959, and the Paris Summit Meeting of 1960. He is credited as having been instrumental in the negotiation of the hotline agreement. As Director, he also left a distinguished record encompassing the negotiation of the ABM Treaty and the SALT I interim agreement on offensive arms.

Fred C. Ikle was Director from 1973-77. He had come from a post at the Rand Corp. where he had written a seminal article entitled "Can deterrence Last Out the Century?" which had just been published in Foreign Affairs magazine. One of his major achievements as Director of ACDA was the negotiation of the protocol to the ABM Treaty which reduced the number of permitted ABM sites. During Director Ikle's term of office the Threshold Test Ban and Peaceful Nuclear Explosions Treaties were negotiated with the Soviet Union. Ikle is also credited with having provided effective guidance to Ambassador U. Alexis Johnson, chairman of the SALT II delegation, and to Ambassador Stanley Resor, who headed the mutual balance force reduction negotiations.

Paul Warnke was the fourth Director of the ACDA, serving from 1977-78. He came to the post from the Department of Defense, where he had served as Assistant Secretary of Defense for International Security Affairs in the 1960's. He brought with him significant negotiating experience from that position.

George Seignious, who was Director from 1978-80, had negotiating experience gained from serving on the U.S. delegation to the quadripartite negotiations on the status of Berlin, and as public member of the U.S. SALT II delegation in 1977-78. During his term as Director, the SALT II negotiations were completed.

Ralph W. Earle II, Director from 1980-81, came to the post from chairmanship of the U.S. SALT II delegation. Prior to that, he was deputy chairman of the SALT II delegation from 1977-78, and the ACDA member of the SALT II delegation from 1973-77. He also served as the defense adviser at NATO Under Secretary Laird from 1969-73, gaining negotiating experience working with NATO allies.

Eugene V. Rostow (1981-83) had had extensive experience in Government prior to his selection as ACDA Director. As Under Secretary of State from 1966-69, he was in a highly visible policy position. During his term in office, the START and INF negotiations commenced.

Each of these ACDA Directors had extensive experience and expertise in Government and arms control before assuming the position of ACDA Director. Another aspect of the men on this list is that they all had close ties with the various Presidents they served, and there is very little doubt that they could effectively make their case directly to the President for arms control.

Ambassador Adelman was a foreign policy adviser to Governor Reagan during the 1980 Presidential campaign and was a member of the President's transition team following the election. He also served as the President's representative during the release of the U.S. hostages from Iran. But that is not enough.

Paul Warnke was the fourth Director of the ADCA, serving from 1977-78. He came to the post from the Department of Defense, where he had served as Assistant Secretary of Defense for International Security Affairs in the 1960's. He brought with him significant negotiating experience from that position.

George Seignious, who was Director from 1978-80, had negotiating experience gained from serving on the U.S. delegation to the quadripartite negotiations on the status of Berlin, and as public member of the U.S. SALT II delegation in 1977-78.

In the law establishing the Arms Control and Disarmament Agency, Congress clearly intended the Director of ACDA to be one of the most senior officials in Government and an individual who could hold his own with the Secretary of Defense or any other official in any contest or dispute on arms control.

Mr. Adelman falls short of the qualities and stature we need in our next Director of ACDA. My vote will be "no" against his appointment.

I am left with the sense, both from Mr. Adelman's testimony before the Foreign Relations Committee and the other information presented on him, that he is really meant to "fill in" as Director of the ACDA—to be a "caretaker." In a less troubled time, a time where there was less urgency in obtaining an end to the nuclear arms race, this in itself would not disqualify a Presidential nominee. We cannot afford a caretaker in this most important Government position. We must have the best individual we can find. The ACDA Director must be qualified and immediately ready to play a vigorous role in developing and pressing for arms control policies which further the national security interests of the United States. This is a job of prime importance. This is a position of responsibility, of great significance—and we must have an individual that fills that description.

For all of the people of this country the Senate should vote "no" on this nomination and give the President a second chance on another nomination.

I believe we should vote "no" on the nomination.

Mr. PERCY. Mr. President, I yield 30 seconds to the Senator from Iowa.

Mr. JEPSEN. Mr. President, I support the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

I am convinced he has the necessary qualifications for the position, including clear support of the President's sound goals for arms reductions.

On November 18, 1981, President Reagan outlined three policy guidelines for future arms control policy. They are: First, substantial, militarily significant arms reductions; second, equal ceilings for similar types of weaponry; and third, adequate provisions for verification.

Every arms reduction proposal that the President has made since November 1981, has embodied those clear first principles.

On the occasion of that landmark speech, the President proposed the so-called zero option as an opening U.S. position in the intermediate-range nuclear force talks that began on November 30 of that year. The President correctly focused on the major threat to nuclear stability in the European Theater: The threat posed by over 300 highly accurate SS-20's deployed by the Soviet Union beginning in the late 1970's. By offering to scrap the planned deployment of Pershing II and ground-launched cruise missiles if the Soviets agreed to dismantle all of their SS-4's, SS-5's and SS-20's, the President had in effect proposed eliminating the Soviet margin of superiority in the most critical weapons catego-

ry and restoring a more stable balance in Europe.

On May 9, 1982, the President once again focused on militarily significant reductions in the one category of strategic nuclear weapons that is curently most destabilizing: intercontinental ballistic missiles. In his commencement address to Eureka College, the President presented a plan for the gradual reduction to equal levels of the missile arsenals of the United States and the Soviet Union.

Last month, the United States submitted a draft treaty for negotiations to provide for a complete ban of chemical weapons and production over a 10-year period. The administration has also decided to move forward with the Threshold Test Ban Treaty and the Peaceful Nuclear Test Ban Treaty. The President has proposed ratification as soon as new protocols improving verification procedures can be negotiated.

The issue of verification in arms control with the Soviet Union cannot be emphasized too much. The examples of Soviet violations of international treaties are legion. One need only reflect on the history of the Soviet violations of the Yalta agreements to the recent compelling evidence of the Soviet use of chemical weapons in Afghanistan and Laos, to understand that the Soviets cannot be trusted to abide by international agreements unless adequate verification provisions are included. In the case of arms control agreements, this must include onsite inspection in some form.

The need for guaranteed onsite inspection is a direct result of the relative openness of U.S. society compared with the very serious restrictions placed on foreigners in the Soviet Union. William F. Scott, in an article entitled, "The Myth of Free Travel in the U.S.S.R.," which was published in the March issue of Air Force magazine, has stated:

> In the U.S., practically every county is crisscrossed by roads over which trained Sovet observers may travel without restriction. It is improbable that any sizeable movement of military personnel or equipment could take place without detection by a Soviet agent. The travel assymetry between the two nations makes for a serious imbalance in arms control verification.

The arms control agreements with onsite inspections are the only means of insuring mutual confidence and trust with the Soviet Union. Despite the propaganda and rhetoric, the Soviet Union has responded to the President's initiatives with constructive, if inadequate, counterproposals, as well as providing unprecedented information on the composition of their armed forces. The far-reaching proposals of President Reagan, combined with the flexibility shown in his March 30, 1983, interim proposal for intermediate-range nuclear force reduction proposal, are very likely to result in a long-term stable nuclear balance.

Now the Senate must decide if Dr. Adelman's views on arms control are consistent with the very serious approach in this area taken by President Reagan and whether he can be considered, on the basis of education and experience, to be qualified to manage our arms control policy and execution.

Senator LAXALT very wisely inserted a series of articles and speeches by Dr. Adelman in the CONGRESSIONAL RECORD during the debate on Wednesday. This collection, which covers a period from 1979 through the present, is the most reliable source we have of Kenneth Adelman's views on the proper role of arms control in national security policy. It is therefore useful to compare the views expressed in them with those principles which serve as the basis for President Reagan's arms control policy.

In an article taken from the American Spectator, December 1979, Dr. Adelman provided a thorough critique of the thinking that led to the SALT II and the military situation in which the United States found itself as the Senate debated ratification of the treaty. In that piece, he argued forcefully that arms control agreements are not ends in themselves, but that they must be in accord with existing defense policies and place restraints on the military buildup of our potential adversary, the Soviet Union.

In the summer 1981 issue of Policy Review, Dr. Adelman underscored this point further when he wrote:

> President Reagan has advocated a "margin of safety" for the United States, including, of course, the overall strategic balance. But the problem pressing his Administration is not the development of such a "margin" but, in fact, the removal of the Soviets' looming "margin". . .

These views are wholly consistent with the arms control agenda laid out by the President.

Mr. President, Kenneth Adelman is equipped by both experience and education to fill the Arms Control Director's post. He has behind him 10 years of public service in a wide variety of positions, including serving in the Department of Defense, and, most recently, as Deputy Permanent Representative to the United Nations where he has led the U.S. Delegation to the Second Special Session on disarmament. Dr. Adelman's career in public service has been supported by extensive scholarship in national security and foreign policy issues, including his work as a senior political scientist at the Strategic Studies Center of the Stanford Research Institute.

In closing, I would like to point out the final, very important qualification of Dr. Kenneth Adelman. He has the confidence of the President of the United States, whose policies he must faithfully execute. The American people elect the President and the Senate must ratify arms control treaties, but it is upon our President, Ronald Reagan, that the negotiation of arms control agreements must rest. Kenneth Adelman should be confirmed. He is qualified and the President has chosen him to carry on his arms control agenda.

DR. ADELMAN'S PRIOR ARMS CONTROL NEGOTIATING EXPERIENCE

Mr. SYMMS. Mr. President, I have heard some criticism to the effect that Ambassador Adelman should not be confirmed because he lacks arms control negotiating experience. This is a specious argument on at least three counts.

First of all, he does have relevant international experience by virtue of his position as Deputy Permanent Representative of the United States to the United Nations. This has been established by Ambassador Kirkpatrick and by his record. Second, the position for which he was nominated is that of Director of the Agency, not chief negotiator. Third, predecessors with no more arms control negotiating experience have some of the best track records in arms control achievements while serving as Director.

The distinction between being nominated Director and being nominated to head a U.S. delegation to a particular arms control negotiation was illustrated by the confirmation debate and vote over Paul Warnke in 1977. In 1977 he was nominated for two different positions: ACDA Director, and chief negotiator including Chairman of the U.S. SALT II delegation. The Senate vote on these jobs was separate. He was confirmed as Director by a vote of 70 to 29, but after long debate, he was confirmed as chief negotiator by the much closer vote of 58 to 40.

As for the relevance of arms control negotiating experience to being Director, Fred Ikle was among those examples of a good Director cited by Senator PELL during Mr. Adelman's confirmation hearing. Fred Ikle had no prior negotiating experience. Nevertheless, during his incumbency he negotiated, through the Soviet Embassy in Washington, the protocol to the ABM Treaty which reduced the number of permitted ABM sites under the ABM Treaty from two to one. Also while he was Director he gave effective guidance to Ambassador U. Alexis Johnson, Chairman of the SALT II delegation; he also assisted in getting the MBFR negotiations under Ambassador Stanley Resor underway. During Director Ikle's term of office the Threshold Test Ban and Peaceful Nuclear Explosions Treaties were negotiated with the Soviet Union. ACDA played a major role in supporting these negotiations. Also the negotiation of the Environmental Modifica-

tion Treaty was completed in 1976. The U.S. delegation was headed by an ACDA official. Finally, Director Ikle was an outstanding spokeman on the important subject of U.S. nuclear nonproliferation policy.

General Seignious, who served effectively as Director from 1978 to 1980, had very little prior negotiating experience, and Bill Foster, the first Director of ACDA, had considerable foreign affairs experience but very little negotiating experience prior to becoming Director. Yet under his tenure as Director, Ambassador Foster either negotiated or was intimately involved in the negotiating process that resulted in the "Hot Line" Agreement, the Limited Test Ban Treaty, the Outer Space Treaty, and the Non-Proliferation Treaty.

Mr. President, I submit to you and to my colleagues that Ambassador Adelman has every bit as much, and in some instances more, experience and background relevant to being good at the job of Director as many of his predecessors. And some of those predecessors with little or no arms control negotiating experience made some of the most distinguished records of progress during their incumbency. I submit Ambassador Adelman will do the same and deserves our support for confirmation as Director of ACDA. The real question is, Can we afford another hiatus in leadership in this key Agency at a time like this, a hiatus that would come if we denied our consent to confirmation and another candidate had to be found and put forward to run the confirmation course? I put it to you: If arms reduction is so important to national and world security, and it is so important, can we afford the luxury of a further prolonged gap in leadership in the Agency this Congress made the focal point in Government for arms controls? I say we do not have that luxury.

Mr. LAUTENBERG. Mr. President, the requirement that the Senate confirm the appointment of the Director of the Arms Control and Disarmament Agency is one means we have for shaping the arms control and defense policies of the United States. This prerogative flows from the law which established the Agency in 1961.

For the last few days, the Senate has been debating the nomination of Kenneth L. Adelman to be the Director. In doing so, we are exercising our responsibility to pass on this Presidential appointment and acting under the larger advice and consent function given the Senate by the Constitution.

The Presidential power of appointment is broad, Mr. President, as is his discretion. But neither is to be exercised alone. The power of the Senate is narrower, but real, and not to be abdicated. It is a check on Presidential power and was intended to be so.

Under the 1961 law establishing the Arms Control and Disarmament Agency, the Director is to have clear duties as "principal adviser" with "primary responsibility within the Government for arms control and disarmament matters." The Director is not to be just one of many working in this area. He or she is to be the advocate for arms control within the Government, the counterweight to other national security actors.

Background, relevant experience, integrity, temperament, intellect and good judgment are required for any Director to be successful in fulfilling this broad and difficult mandate. And these are the characteristics we must weigh in the nomination before us.

The Committee on Foreign Relations held 3 days of hearings in January and February to review the President's appointment. The committee reported to the full Senate that Mr. Adelman's initial appearance before it was marked by his lack of information, ambiguity, and confusion. The committee reported that it did not find Mr. Adelman's experience in the arms control sphere to be substantive. The committee reported that Mr. Adelman was less than candid in response to some of the committee's inquiries.

A review of Mr. Adelman's responses and comments before the Committee on Foreign Relations and of the committee's unfavorable report must give us pause.

But there is a responsibility beyond examining the personal characteristics of a nominee. It is our duty as elected representatives to determine whether a nominee appreciates fully the broad national objectives forged by the Congresses and the Presidents of the United States over time.

In this case there is a broad national objective that places arms control in the forefront of our national security policy. It is our duty to evaluate whether a nominee, this nominee, shares the commitment of the American people to halting and reversing the arms race.

Tens of millions of Americans, Mr. President, are raising their voices now—for their fellowmen and for themselves—to bring an end to the futility of the arms race and to make peace more than just an absence of open warfare. We must know whether this nominee would raise his voice.

It is regrettable that the committee instead suspected that Mr. Adelman's commitment to arms control was more rhetorical than real.

It is regrettable that the committee found Mr. Adelman's voice not strong and clear in support of arms control, but vague and evasive.

It is regrettable that Mr. Adelman seems all too willing to find more logic in proceeding unchecked in the arms race than in furthering the arms control consensus of the decades since the first atomic bomb.

Mr. President, I am convinced that the United States must be active in its efforts to end the nuclear arms race. I believe we must negotiate with the Soviet Union wherever progress in this area seems possible. I arrive at these positions as a hard realist. It is the tens of thousands of nuclear weapons on all sides that place the very future of this planet and every person on it at risk. We can only reduce the risk of a nuclear holocaust by reducing the capacity of all states to wage nuclear war.

Our need just now is not for a greater effort to manage public opinion. Our need is not for a redoubled effort to build up the threat from our adversaries or to justify new weapons as symbols of our resolve. Our need is for bold leadership on the issues in a time when we, our allies, and our adversaries together are floundering, struggling for forward movement on arms control.

Mr. President, the duties and responsibilities of the Director of the Arms Control and Disarmament Agency proceed from the law that established the Agency in 1961, not from the discretion of the President. The Director has clearly assigned duties to be an advocate. These are duties that require stature, respect, and commitment to arms control.

A majority on the Committee on Foreign Relations, reviewing these duties and our needs, find Mr. Adleman to be unqualified to be the Director of the Agency. This is true despite the fact that a majority of members of that committee are from the President's own party.

For me, Mr. Adelman has not demonstrated that he could or would as Director "give impetus to the U.S. goals of a world which is free from the scourge of war and the dangers and burdens of armaments." This is what the law requires and this is what the people demand.

I will oppose confirmation of Mr. Adelman.

If Mr. Adelman is not confirmed, Mr. President, I hope the President of the United States will use his power to nominate the most distinguished and capable person he can find to assist him in shaping a more credible, coordinated, and successful arms control policy.

If Mr. Adelman is confirmed, I pray that the President will take heed of the clear goals established by law for the Arms Control and Disarmament Agency and of the deep reservations in the Senate over this nomination.

● Mr. HUDDLESTON. Mr. President, I will vote against the nomination of Kenneth L. Adelman to be Director of the Arms Control and Disarmanent Agency.

I believe a President is generally entitled to have his nominees confirmed, to have his choice of men and women to advise and counsel him. But the Senate also has a responsibility over nominations, and perhaps the most important aspect of that responsibility is knowing when to exercise it in order to disapprove a nominee.

U.S. arms control policy is currently in disarray. Our European allies are uncomfortable. U.S. citizens or various political persuasions are dissatisified. Twenty years of efforts by both Republican and Democratic Presidents to make arms control a central part of strategic policy are threatened.

They are threatened at a time, perhaps the last time in the immediate future, when a new agreement is feasible. Technological developments and potential deployments could well take us into an era where controls and verification could become increasingly difficult.

In such a climate, the Director of the Arms Control and Disarmament Agency can—and must—play a crucial role. The agency is no place for a nominee who demonstrated in a confirmation hearing an amazing lack of knowledge and opinion on a subject in which he was supposedly versed. The fact that a subsequent appearance sought to remedy the unfavorable impression created at the first does little to erase the initial imprint or to override the fact that Mr. Adelman apparently misjudged the level of preparation necessary for that first appearance. We in the Senate have the right to have expected more.

The agency is also no place for a nominee swathed in controversy who more than likely would have to spend more time replying to the controversy swirling around him than addressing the substance of arms control. It is time to move ahead with the important business or arms control and arms reduction. To do so, we need a strong, experienced, and knowledgeable head of the Arms Control and Disarmament Agency. Mr. Adelman's own appearances before the Senate Foreign Relations Committee indicate we need someone else for that task.●

● Mr. BIDEN, Mr. President, I deeply regret that this debate is taking place, for this controversy is not helpful to Kenneth Adelman, nor to President Reagan, nor to U.S. foreign policy, nor to the search for effective arms control. When former Director Eugene Rostow was fired, the President had—and still has—an opportunity to name another experienced, well-regarded individual who fully shares his views on the Soviet Union and on arms control.

Instead he chose Kenneth Adelman, an obviously bright and articulate individual, well-qualified for any number of foreign policy posts, but who had little background in the complex and demanding issues of arms control.

In three appearances before the Foreign Relations Committee, Mr. Adelman demonstrated uneven competence on arms controls issues and a curious hesitation to express his views. He also failed to show the strength and stature which I believe the Director of the Arms Control and Disarmament Agency should have.

Congress created ACDA because it wanted that Agency and its Director to be a powerful advocate for arms control, not a sideline observer or mere contact point. That role is especially important now, since no one else in the key foreign policy positions in this administration has substantial knowledge or experience of arms control issues. I suspect that arms control may have been one of the matters Secretary of State Shultz had in mind when he said that he was concerned about the importance of issues which he did not have time for.

Mr. President, good intentions are not enough. In order to reassure our allies and the American people, we need a serious, sustained, visible commitment to negotiations and agreements which could reduce the risks of nuclear war. To that, we also need a distinguished and effective Director of ACDA.

The Foreign Relations Committee, at my urging, tried to give the President a nonconfrontational chance to reconsider his appointment of Mr. Adelman by delaying our formal and negative vote for a week. I still regret that the President did not seize that opportunity.

Now we face a no-win situation. If we reject Mr. Adelman's nomination, that action is likely to be construed as a personal rebuff to the nominee and the President, rather than as a warning and an opportunity to name a different person who could command widespread bipartisan support. If we confirm Mr. Adelman, it will be a narrow victory, with our lack of confidence in the nominee and administration policy painfully evident.

Over the years I have given the benefit of the doubt to Presidential nominees. Only in rare circumstances have I voted against confirmation. In this case, after careful consideration, I have concluded that Mr. Adelman lacks sufficient background experience and also lacks sufficient unambiguous commitment to the arms control process to perform the duties of ACDA Director as Congress intended.●

Mr. MITCHELL. Mr. President, I oppose the nomination of Kenneth L. Adelman to be Director of the Arms Control and Disarmament Agency (ACDA).

I agree with the chairman of the Senate Foreign Relations Committee, Senator PERCY, who, on the first day of Mr. Adelman's confirmation hearings, said,

> The question which must be responsibly addressed with respect to this or any other nomination for the position of ACDA director, is whether the nominee possesses the specific experience, capabilities, and commitment to arms control envisioned by Congress when it created the Arms Control and Disarmament Agency.

In my judgment, the evidence before the Senate establishes clearly and convincingly that Mr. Adelman does not possess the requisite experience, capabilities, or commitment to arms control.

The post for which Mr. Adelman has been nominated is an important one. The Director of the Arms Control and Disarmament Agency sits at National Security Council meetings and presents his views and recommendations directly to the President. He is also the Secretary of State's chief adviser on arms control issues.

ACDA and its Director, however, are supposed to do more than simply advise the President and Secretary of State.

The law which established the Agency specifically requires it to perform a vital and major advocacy function. Senator PELL, who was an author of the law, recently emphasized the importance of this function. He stressed that ACDA was intended ". . . to play the role of an advocate for arms control as a complement to, and sometimes as a substitute for, arms programs, as a way to enhance our national security."

I have carefully reviewed Mr. Adelman's background and career. That review discloses no familarity with the range of arms control issues with which the agency must deal. Nor does it disclose any commitment whatsoever to arms control; to the contrary, it discloses a hostility to, and cynicism about, arms control.

These deficiences were highlighted during the 4 days of hearings on Mr. Adelman's nomination. The hearing record contains numerous passages which support the conclusion that Mr. Adelman, though an intelligent person, is not qualified to advise the President on arms control, to advocate arms control, and to implement the important provisions of the Arms Control Act. Consider Mr. Adelman's responses to the following questions posed by members of the Committee on Foreign Relations:

When asked if, in the case of a full nuclear exchange, he believed that either the United States or U.S.S.R. could survive in any governable form, Mr. Adelman responded: "I just have no strong opinion on that."

When asked by Senator HELMS what the U.S. response would be if the Soviets proposed to eliminate nuclear weaponry altogether, Mr. Adelman said: ". . . that is a thought I have just never thought about in my life. I

would have to really look at that and explore it."

When asked whether a freeze on the testing and deployment of strategic nuclear weapons is verifiable, he replied: "I do not know."

When asked if he would consider separating out from negotiations the pursuit of a "confidence-building" measure (in this case, a proposal that each superpower would have to notify the other in advance of all nuclear warhead tests and ICBM tests), Mr. Adelman stated: "You mean separate it out from the START negotiations or something? I just do not know, Senator."

When asked the extent to which the President ought to be able, by a unilateral course of action, to preclude the involvement of Congress in arms control decisionmaking, Mr. Adelman responded:

> That is a question I would have to seek legal counsel to answer and look at the precedents in law and the kinds of legal judgment that would have to be rendered to answer that kind of question.

The questions and answers which I have cited deal with first the objectives of arms control, second an understanding of the ability to verify, third arms control negotiating practice, and fourth the policy making relationship between the executive and legislative branches. The President and Secretary of State's primary arms control adviser and our Government's primary advocate for arms control should possess substantial knowledge of these subjects.

Mr. Adelman does not possess that level of knowledge. The transcript of the committee's hearing makes this clear. In more than 20 different instances, his answers reveal uncertainty, and a lack of basic arms control understanding and experience.

We should also be concerned about Mr. Adelman's May 1981 interview with Mr. Ken Auletta, a New York Post reporter. During that interview, Mr. Adelman said that, first, he could not "* * * think of any negotiations on security or weaponry that have done any good"; second, "one reason not to rush into negotiations * * * is that in a democracy, these negotiations tend to discourage money for defense programs"; and third, a major reason to enter into arms control negotiations would be to placate our allies and American public opinion. Mr. Adelman said about arms control: "My policy would be to do it for political reasons * * * I think it's a sham."

When the Foreign Relations committee questioned Mr. Adelman about these comments, he did not deny having made them, though he said he could not recall the interview. After reviewing the reporter's notes and questioning the reporter under oath, the committee stated in its report: "The majority of the members concluded that Mr. Adelman's denials did not stand up to scrutiny."

It seems almost incredible that the United States would appoint, and the Senate would confirm, as the Director of an agency devoted to arms control a person who has expressed views so hostile to, and cynical about, arms control negotiations.

We must bear in mind another episode as we consider Mr. Adelman's nomination. At the Januray 27 hearing, in response to a question by Senator PELL, Mr. Adelman said that he had not thought about ACDA personnel matters. Subsequently, the committee learned that on January 14, Mr. Adelman had sent to Mr. Robin West, another administration official, a memo concerning ACDA personnel written by arms control negotiator Edward Rowny. Attached to the memo was an Adelman note which read: "Ed Rowny's very confidential real views on people." The following day, Mr. Adelman sent a second communication to Mr. West in which he discussed the timing of appointments, kinds of appointments, and the types of people he wanted for ACDA. In light of these communications, it is reasonable to conclude that Mr. Adelman misled the committee in his answers about personnel matters.

Finally, the views of the Foreign Relations Committee must be given great weight in our deliberations. After lengthy hearings and extensive deliberation, that committee recommended rejection of this nomination. The vote was not wholly partisan; the majority of the committee is, after all, Republican.

In this century, the Senate has considered hundreds of thousands of nominations, most of them routine, but surely thousands of them significant. In only three instances has the Senate failed to accept a negative recommendation from the relevant committee. Ordinarily, protracted delay based upon strong bipartisan opposition has been sufficient to persuade the President to withdraw a nomination. Unfortunately, the President refuses to withdraw this nomination. It remains, then, the task of the Senate to reject it.

The Senate's history is replete with confirmation battles in which the votes focused not on the nominee's qualifications but on some other subject—some Presidential policy or approach, or the fact that someone else wanted the position. All too often, Senate confirmation proceedings deteriorate into partisan wrangling.

The Senate's role is to gauge qualifications and fitness, and we should not be diverted from this task. In this particular instance, the President's nominee has failed the fitness test, and I therefore urge my colleagues to oppose his nomination.

Mr. BRADLEY. Mr. President, today the Senate must decide whether Mr. Kenneth Adelman should be confirmed as the Director of the Arms Control and Disarmament Agency. This is an important decision: National security policy, of which arms control is one component, is being questioned today from all sides—by the American public, by the Congress, and by our allies. We must strive to reestablish a consensus for a strong national security policy that is capable of gathering the support of these same groups. Is Mr. Adelman the man to play a role in the reestablishment of that consensus?

The arms control component of national security policy is extraordinarily complex. On the one hand, it appeals to our American idealism: We hope to make the world a better place to live by somehow limiting the nuclear arms race. We must reduce the number of nuclear weapons on both sides. The nuclear freeze resolution is a symbol of this fervent hope. On the other hand, to be effective, we must temper our hopes with realism. Arms control must not be oversold; it is not a panacea for the ills of the world. It will not make the Soviets less adventuresome, or less oppressive. It will not eliminate international conflict. We will still need to spend national resources to maintain a credible nuclear and conventional deterrent.

But in the area of nuclear weapons, we continue to hope that a negotiated, verifiable arms control agreement will bound the arms race and make both sides—and hence the world—more secure.

Negotiating that agreement is a difficult task for any individual, any team, any government, but it is especially challenging for the U.S. arms control negotiators. They must face their Soviet counterparts who represent stubborn, sometimes rigid, sometimes paranoid, always clever adversaries. The Soviet negotiators need not worry about Russian public opinion; the U.S. negotiators must always consider American public opinion. The Soviet negotiators need not worry about ratification of a treaty; the U.S. negotiators must consider the opinions of the Senate. The Soviet negotiators need not worry too much about the opinions of their allies or even public opinion in Warsaw Pact nations; the U.S. negotiators must consider the interests of the NATO Alliance and the strong and volatile public opinion in each NATO country. The U.S. negotiators, Mr. President, have an immensely difficult job.

Arms control policy is further complicated by the technical intricacies of weapons systems—current and future—and verification techniques. The negotiator must know what limits on weapons systems can be verified

and which cannot. He must know what level of variance from an agreement can be tolerated, if any, and then determine whether the means of verification is able to detect such a variation.

Further, the U.S. negotiator must be prepared to walk away from an agreement if it does not pass the crucial test: Is the United States more secure or less secure as a result of this treaty? On the other hand, we should not walk away from an agreement just because the Soviets refuse to unilaterally disarm. Even if we do not get immediately everything we might desire out of a particular arms control agreement, if it increases our security, we should be prepared to sign it. We should not allow the best to be the enemy of the good.

The job of the Director of ACDA at this time in history and in this administration is especially demanding. Since 1962, the Soviet Union has been engaged in a massive arms buildup; so much so that they have essentially caught up with us in overall military capabilities. The Director of ACDA has a difficult task to promote arms control in such an environment. Further complicating his job is this administration's ideological view of Soviet-United States relations. Policymaking in arms control in this administration is indeed a challenge.

Does the administration recognize the complexities of national security policy and how arms control fits in? This week's Time cites the "partial vacuum of experience, expertise and interest in arms control that exists at the highest levels of the Government, including the Oval Office." Time goes on to say:

> Not since World War II has American national security policy been presided over by a group with so little grounding and standing in the field. National Security Adviser William Clark is a transplanted California judge and loyal Reagan staffman; Director of Central Intelligence William Casey is a seasoned businessman and an energetic Republican campaigner; Casper Weinberger does not have the background in defense policy to match his zealous commitment to the goal of rearming America. If confirmed, Kenneth Adelman will be the least qualified Director in the 21-year history of the Arms Control and Disarmament Agency.

That is Time magazine speaking.

Now, Mr. President, I normally support the prerogative of the President to put his own people in positions of authority. I have not voted against any of this President's more controversial appointments. However, this appointment is different in several respects.

First, unlike every previous nomination, the relevant committee has recommended that this nominee not be confirmed.

Second, this administration's national security policy in general—and the arms control component in particular—is in disarray. This week, I have talked to three different officials of the administration, including representatives from the White House and the Defense Department and Mr. Adelman himself. I have heard three different, contradictory descriptions of the role of ACDA in this administration. On one hand, I was told that this nomination is crucial, all or nothing, a part of a seamless web of national security policy that all fits together—it includes the MX, the START and INF talks, the defense budget. On the other hand, I was told that ACDA is not an important player in national security policymaking; the Director does little more than make speeches. One person said that the Secretary of State would be the principal architect of arms control strategy; another told me that the START and INF negotiators would report directly to Mr. Adelman.

Support for defense is eroding in the Congress and among American citizens. If changes are not made and policies are not clarified, this erosion of support for the Nation's defense threatens to weaken the security of this country. Men and women of the highest stature must be brought in to bring balance and substance back to national security policy and thereby to begin to restore the measure of consensus so essential to any foreign and national security policy. We cannot afford to wait.

Third, I fear that the extraordinary controversy surrounding Mr. Adelman's nomination, some of which he and his legislative advisers brought on him at his first hearing, will keep him from accomplishing his mission as Director of ACDA. The President would be well advised to choose a person of high stature and wide respect to fill this job. There is no dearth of acceptable candidates who support a strong national defense and an aggressive arms control policy. Such a person could begin to gather the support for U.S. arms control policies from the American people, the Congress, and our allies. Mr. Adelman is not incompetent or unqualified but the challenge demands a person of deep proven ability, and of commanding authority. Mr. Adelman is not yet that person.

I urge the President to reconsider this nomination. I will vote against Mr. Adelman.

Mr. MATSUNAGA. Mr. President, I rise with some reluctance to express my concern and opposition to the nomination of Kenneth Adelman to be Director of the Arms Control and Disarmament Agency.

Let me say at the outset that I share the same ambivalent feelings about voting to reject the President's arms control nominee as do many other Senators. I respect the desire of the President to have at the helm of our Nation's crucial arms control effort someone he can trust, someone he is confident can do the job, someone he feels shares his philosophy on arms control and his views of how the United States should go about negotiating with the Soviets to attain that crucial goal.

In other words, it is usually the decision of the Senate, in carrying out its advice and consent role under the Constitution, to give the President the benefit of the doubt on his nominations. In many instances, after in-depth committee consideration of nominees has left certain questions unanswered or unsatisfactorily answered, reasonable doubts about the nominee are almost always decided in favor of the nominee and the President. The key phrase here, Mr. President, is reasonable doubt. In the case of Mr. Adelman, the Senate Foreign Relations Committee could not overlook a number of glaring and substantial doubts that had surfaced about the ability of Mr. Adelman to adequately fill the post of Arms Control Director. These concerns and questions about the nominee went beyond reasonable doubt and provided the basis for the committee's decision to report the nomination to the full Senate with an unfavorable recommendation.

Critics of the committee's decision have argued that the committee broke historic precedent by recommending that the Senate not honor the customary right of the President to select high officials whom he believes will best implement his policies. In my view, however, the committee fulfilled its proper constitutional role in evaluating and passing judgment on the nominee's qualifications to hold the high post of Director of the Arms Control and Disarmament Agency, on his experience in the arms control field, and the circumstances surrounding his nomination, particularly the current status of the administration's arms control efforts.

With respect to Mr. Adelman's qualifications and experience, the committee expressed its deep concern that the nominee has not had the level of involvement in arms control which would give him the ability to carry out the duties of the ACDA Director, which is to be the President's principal adviser on arms control and disarmament issues. To his credit, Mr. Adelman does not have a background in arms control demonstrated by his various writings in the field and his service over the past year and a half as Deputy Permanent Representative of the United States to the United Nations.

However, the Foreign Relations Committee, in its report on the nominee, points out the fact that Mr. Adelman's experience at the U.N., in particular his work with the Second Spe-

cial Session on Disarmament, had very little to do with actual formulation of administration arms control policy. His lack of firsthand, intimate knowledge of the intricacies of past and present arms control initiatives and current strategic issues were apparent in his testimony before the committee and have been referred to and repeated during this debate by a number of Senators.

Mr. President, Mr. Adelman's lack of sufficient qualifications and experience were central to the committee's decision to reject the nomination and very important in persuading me to cast my vote in opposition.

Mr. President, in my judgment, Mr. Adelman lacks the stature and experience necessary to effectively direct our Nation's arms control efforts, particularly at this critical juncture in our strategic nuclear relationship with the Soviet Union. The nominee also appears to have a far too limited view of what his role would be if confirmed as arms control chief. Furthermore, there are serious questions which have yet to be satisfactorily dispelled as to the degree of Mr. Adelman's support for arms control treaties and negotiations and, very importantly, his commitment to pursuing new and meaningful arms control initiatives with the Soviets.

The fact of the matter is that the Director of the Arms Control and Disarmament Agency is one of our Government's most highly visible officials abroad, symbolizing the commitment of the United States to halting the nuclear arms race and preventing a nuclear holocaust. He must also be the President's foremost adviser on arms control negotiations and he must have the skill, the expertise, the stature, and the stamina, to deal with the Pentagon on strategic arms and arms control and to successfully contest the Soviets at the bargaining table. The Arms Control Director must also be in a strong enough position within the administration to be able to shield his Agency against budget cuts and personnel purges which might cripple its mission.

What I believe the Reagan administration needs is a distinguished appointee who would be able to hold his own with the Pentagon, with the Soviets, and with the White House, overcoming the administration's former disdain for arms control, and compensating for the inexperience in arms control of its top officials. I think it is widely recognized that neither the President, nor his National Security adviser, nor his Secretaries of State and Defense, has ever wrestled with the complexities, the intricate diplomacy, and the intellectual problems associated with the controlling of nuclear arms. And I believe that the Foreign Relations Committee has correctly determined that the President's nominee for Arms Control Director, Kenneth Adelman, does not have the qualifications or the experience necessary to make up for this lack of arms control knowledge at the highest policy levels of the administration.

Mr. President, beyond Mr. Adelman's personal qualifications, I am also deeply concerned that the Senate's confirmation of Mr. Adelman will send the wrong signal to both the Soviets and our allies in Europe about the intentions of the United States on arms control. At the present time, we are at a stalemate with the Soviets at the strategic arms reduction talks, and we are at a similar stalemate at the medium-range Euromissile talks.

Last week, the Senate Foreign Relations Committee received testimony from the administration's top arms negotiators that in the foreseeable future there does not appear to be any chance for an accord in either of these crucial negotiations. This is, indeed, discouraging news, but news that was not totally unexpected. Certainly, the Soviets can be rightly blamed for their intransigence, but I think the Reagan administration, by virtue of its lack of enthusiasm, its lack of positive action over the long haul, and its lack of consistent leadership and direction in arms control, must bear a great deal of responsibility.

The nomination of Kenneth Adelman has without a doubt added to the administration's serious lack of credibility on arms control in Europe. Europe, of course, is the principal focus of much of our strategic policies and our current arms control negotiations. The Europeans see the President's nominee as a lower-level diplomat with little hands-on arms control experience and even less standing with the European arms control community.

It has been argued, and quite correctly in my view, that if the United States does not win the hearts and minds of the people of Europe, if we do not convince them that we are serious about arms control, we will make little headway in arms negotiations with the Soviets. Most observers agree that the Soviet Union is presently sitting back waiting to see what we do here in the Senate on this nomination. Some argue that it might be in the best interest of the Soviet Union for us to confirm Kenneth Adelman because of the negative signal it will send to our European allies about our commitment to arms control and strategic reductions in Europe. That, of course, remains to be seen.

However, it is a fact that the Soviets are hoping that continued conflict between President Reagan and Europe over the direction and approach the allies should take on arms control will place a wedge between the United States and NATO. I must say that the confirmation of Kenneth Adelman does not bode well for a change in the administration's approach to the negotiations in Europe. For this reason, I believe that the Senate should reject the Adelman nomination, thereby urging the President to nominate an arms negotiator of credibility and stature, both with the Soviets and with the Europeans, who can speak forcefully and eloquently for the United States and Europe in the strategic arms talks.

I sincerely hope that the Senate will have the courage to do what is necessary to insure that arms control is our highest foreign policy priority. Without a doubt, the President will incur a certain amount of political damage if his nominee is rejected by the Senate. However, I believe that it could be greatly minimized and be only momentary if the administration acts quickly thereafter to name an acceptable, distinguished nominee. In the short run, the President will lose a little ground politically, but in the long run he will gain badly needed stature and technical skill for his arms control team.

Mr. President, I think a great many of my colleagues believe that what we are voting on here today is no less than the future direction of this administration's arms control policies. If we confirm Mr. Adelman, I am convinced that we will not see a great deal of substantive progress in arms control during the remainder of President Reagan's term in office. I say this because it seems clear that Mr. Adelman will merely carry on the administration's ambivalent approach to arms control, which has been badly misinterpreted abroad, strongly opposed at home, and which threatens to place us firmly on the path of an accelerated arms race.

I ask my colleagues to consider the alternative of rejecting this nominee, limiting the political rhetoric that would usually accompany such a setback for a President, and working with the White House on appointing a Director of the Arms Control and Disarmament Agency who will command the respect of the Soviets and our allies and insure that our Nation has the leadership it needs to carry forward our continued efforts to achieve true and meaningful arms reductions with the Soviet Union.

I urge a "no" vote on Mr. Adelman's nomination.

Mrs. HAWKINS. Mr. President, I rise today to speak in favor of the nomination of Kenneth Adelman to be the Director of Arms Control and Disarmament Agency. I have reviewed the Foreign Relations Committee's report with care because of the importance I place on the issue of arms control. I support Ambassador Adelman because I believe that the defeat of his nomination will terribly damage the prospects for achieving timely and

meaningful arms control agreements that will enhance our national security, world stability, and at the same time reduce the threat of nuclear war. Ambassador Adelman has the qualifications necessary to fulfill his duties in a way that will contribute to the arms control process, and the defeat of this nomination will further delay and disrupt efforts to achieve significant arms control agreements.

In addition, I believe that Ambassador Adelman is well qualified to assume the directorship of the Arms Control and Disarmament Agency. Most important, he is strongly dedicated to the cause of arms control. His convictions about the need to sharply reduce the nuclear arsenals of both the Soviet Union and the United States are evident in his public statements and published writings. And he put these convictions into action as the head of our delegation to the United Nations' Special Session on Disarmament. Furthermore, Ambassador Adelman is the man the President and the Secretary of State want to fill this important post. He is the man they feel comfortable working with on the issues of arms control and I believe that it is important for the President to have the man on his team who he believes is best qualified. After all, the ultimate outcome of our arms control negotiations is the President's responsibility. Finally, Ambassador Adelman is experienced in a wide range of national security and foreign policy issues. I believe that this equips him with a fuller understanding of the implications of arms control on the national interest. I believe this broader perspective is strong argument in favor of Ambassador Adelman.

While the qualifications and abilities of Ambassador Adelman are critical considerations in making a prudent decision on his confirmation, it is also essential that we examine the consequences for arms control of rejecting Ambassador Adelman's nomination. I am convinced that the rejection of this nominee will hinder, not help, achieve meaningful arms control. The rejection of Ambassador Adelman will further delay the quick establishment of needed leadership in the Arms Control and Disarmament Agency. It will undermine the sense of unity so critical to any international negotiation. And it will restrict the administration's ability to freely negotiate with the Soviets on arms limitation. Thus, I urge those who are most concerned about the need for an arms control agreement and reducing the threat of nuclear war to recognize that their interests and mine are best served by the approval of this nominee.

Mr. President, the question before us today is whether this nominee, Kenneth Adelman, is qualified to fill the post of Director of the Arms Control and Disarmament Agency. We can debate the merits of the administration's approach to arms control but we should not let that debate spill over into this issue. We cannot allow these policy debates to deprive our Government of the ability to function smoothly. I sincerely hope those in this body who favor different approaches to arms control will realize that they have nothing to gain by rejecting this nomination. Government paralysis is too high a price to pay especially over issues as important as arms control. Mr. President, I strongly urge my colleagues to approve this nomination thereby serving our national security, the cause of arms control, world stability, and peace.

Mr. WALLOP. Mr. President, the opposition to Mr. Adelman's nomination has been disingenuous—until quite recently. For months we have been led to believe that the opposition to Mr. Adelman was based on misgivings about him as a person, on disagreements with his own publicly expressed views on various aspects of public affairs. But none of this ever rang true. Yes, Dr. Adelman is young. But the Senate has recently confirmed people for equally high diplomatic posts who are just as young —and lack Adelman's impressive academic credentials. Yes, Dr. Adelman has written much. Published writings invite people to lend fault and to state more persuasive cases for opposing views. But those opposed to Dr. Adelman have not countered with attempts at academic dissections of his published works. They have not tried to argue that his views are so inconsistent with the standard of right which they proposed that he ought not to be confirmed. This in not to say that the opposition has not been based on Dr. Adelman's views. Indeed it has.

But the views which the opposition opposes are not peculiarly Kenneth Adelman's. They are views of the man who appointed him—President Reagan. Those who oppose Dr. Adelman have had no trouble supporting other nominees of this President's, even very young ones—so long as they had reason to believe these nominees agreed more with them than with the President who appointed them. But Dr. Adelman's views are the President's views. Hence the attack. Dr. Adelman has been the occasion of an attack directed not at him, but at the President.

In recent days, this has at last become explicit. Hence today the opposition is a bit more honest. But not totally so. The opposition has used this nomination to advance the most invidious innuendos about President Reagan. The President, so the story goes, is increasing the danger of nuclear war. Mind you, the Soviet buildup is not increasing that danger, but President Reagan's attempts to restore the U.S. military position are increasing that danger. This is worse than political malice. This is outright falsehood.

When the United States enjoyed strategic superiority over the Soviet Union there was no danger of war. Does anyone argue otherwise? That danger has arisen as the Soviet Union has built a force of ICBM's clearly designed to disarm the United States with a fraction of its number, while holding us hostage with the rest. The peace of the world will not be safe so long as the Soviets hold this tempting offensive advantage. Those who argue we should let the Soviets enjoy this threatening posture bear a heavy burden. The opposition to the nomination of Dr. Adelman have not argued this explicitly. They have implied it. That is less honest and more pernicious.

How shall we escape from our current predicament, a predicament that is dangerous, unstable, and surely evolving toward greater and greater Soviet ability to threaten our lives and freedoms? We could try to reduce the numerical balance by building the equivalent of the Soviet ICBM—large, fixed, counterforce missiles. But the Soviets' lead in this field may not be surmountable. Success would mean a situation in which not only the Soviet Union, but now also we ourselves, would be tempted to launch before the other struck. That does not seem to be a goal worth striving for. The President has decided not to go down that road. But what shall we do? Again, who will argue publicly that we ought to follow the strategic policies of the late 1960's and 1970's? We must change course. Unless we do, the present course of events may well lead us to war.

The President has chosen the only other way out: We can deny to the Soviet ICBM's the ability to disarm us on the ground without preparing to strike them on the ground. We can do it by defending ourselves against Soviet missiles if and when they are ever launched against us. In short, we can protect ourselves. This ability to deny to the Soviets their present capability to disarm us and hold us hostage will make it less likely that they will try. The President does not propose to acquire the ability to attack their weapons except after those weapons are launched against us. They can keep them in all safety. They just would not be able to shoot at us successfully. Why should they be able to? These are the President's views. Anyone who disputes them should do so openly and openly argue that the peace of the world requires that ordinary American citizens peacefully going about their business be defenseless hostages to Soviet nuclear weapons. Let the argument be on substance rather than by innuendo.

The opposition has charged that the President is not serious about arms control. Well, the President is as serious about arms control as he can reasonably be. The Constitution, which he is sworn to defend, commits him—and all of us—to the common defense. His job and ours is to protect the American people. Arms control is one means among many to do this. Defense—safety—are the ends. Arms control is something to be pursued insofar as it helps us achieve safety. It is not to be pursued in ways that endanger us.

The point of all this is that certain kinds of arms control are better—and some are worse—than others. The President and his nominee are not committed to arms control in the way that the last President and his nominees were. That does not mean they are wrong. The arms control policies of the 1970's were tried—and how they were tried. They bore bitter fruit. The American people rejected them in the election of 1980. This President has his own priorities. The President's emphasis on protection of the population will affect our arms control policy, and it should. In the past our arms control policy has been shaped by the overall policy of mutual assured destruction followed by the U.S. Government since the days of Robert McNamara. Therefore in SALT I and II we sought to limit the number of launchers, fully knowing that most launchers would launch multiple warheads and perhaps multiple missiles. We sought to keep the launchers fixed and we succeeded. We sought—unsuccessfully—to limit accuracy. We sought to insure that neither side could impede the arrival of the other's missiles on target. We have succeeded in keeping ourselves vulnerable while the Soviets have built greater and greater protection for themselves. Clearly we have come to the end of a road.

Technology has changed. While we Americans, for the sake of arms control and MAD, did not take advantage of the technology of the 1970's—counterforce missiles—Soviet forces took advantage of that technology as they grew. Now we find ourselves vulnerable to being disarmed by a fraction of Soviet forces and threatened by the rest. What can arms control do about this? Will the Soviets be moved to release us from this predicament by the sweet reasonableness of our negotiators? What sort of arguments should our negotiators use? What arguments by someone other than Dr. Adelman would persuade the Soviets to deprive themselves of hard-won advantage? I suggest that such arguments do not now exist.

But technology—and our aerospace industry—can provide new and different arguments. We could agree each to build numerous defensive weapons, thereby automatically devaluing each other's ICBM forces. Then cuts in those forces would become possible. The prerequisite for all this of course is the existence of American space-based laser ABM stations. No one should doubt that the Soviets are working on them as hard as they can. True arms control would not be served if the United States were to decide not to take advantage of the technology of the 1980's even as it decided not to take advantage of the technology of the 1970's.

In order to contribute to our security, arms control must break out of the intellectual mold of mutual assured destruction, take into account new technology, and pursue new approaches. The President has new approaches in mind. That is why he is appointing new people.

If the opposition to Dr. Adelman were fully honest, it would seek to show why the policies of the 1970's would lead the Soviets to give up the advantages they have worked and paid for. The opposition would try to show that those policies, which have led us to the point for the first time in our history, where we legitimately fear war and defeat, should be continued. But the opposition is not fully honest precisely because it does not believe it can carry that heavy burden.

Mr. DODD. Mr. President, most nominations requiring the advice and consent of the Senate are processed through this body routinely, with little or no controversy. Occasionally, however, a major controversy erupts around a nomination as in the case of Mr. Kenneth Adelman. The controversy may not be based entirely on the nominee's fitness viewed in abstract. When the Government function itself, the nominee would be called upon to manage, is subject of a broad national controversy it is to be expected that the Senate takes a particularly hard look at the candidate's qualifications to step into that position with authority, to bring order into the area afflicted by disarray. In other words, the Senate's function cannot be viewed as that of a fine scale operating in vacuum. The Senate has to exercise its collective judgment in a particular historical moment, under the then existing national political conditions.

It would be unfair to blame Mr. Adelman for all the problems that cluttered his path to his confirmation. He is a very talented individual with a distinguished career. One can think of a whole range of government positions for which he would ordinarily have no difficulty in gaining the approval of the Senate.

This, however is not an ordinary nomination, and is certainly not considered under ordinary circumstances. Both among the American public as well as our allies there is a strong concern that this administration is not dedicated to the cause of arms control, its protestations to the contrary notwithstanding.

We cannot base the security of our Nation solely on trying to outspend the Soviet Union in building more and more nuclear arms. A prudent national security policy has to establish a judicious balance between arms procurement and arms control initiatives. These two components presuppose and complement each other. For far too long, the President seemed to recognize only the armament side of this equation. He allowed his spokesmen to make imprudent statements on limited nuclear war or on nuclear war-fighting that understandably alarmed the people of the United States and our European allies. As a result, the consensus behind the President's defense policies evaporated. To arrive to a significant arms control agreement with the Soviet Union is a task of enormous complexity and difficulty. With a new Soviet leader who may still be in the process of establishing his authority vis-a-vis the military this task is even more arduous. Under these circumstances we have no chance at that negotiating table unless we have a President whose authority is intact and who has a comprehensive and credible arms control policy with a national consensus behind it. The President's principal advisers have a crucial role in establishing that authority, in fashioning that policy. At present, among the President's principal officers on national security matters there is no one who has in-depth experience in the arms control field. This is no time for another trainee-on-the-job. In the present situation we need an ACDA director with an impeccable record of commitment to arms control and a well-established expertise in the technical as well as the political aspects of the field.

It is perhaps unfair to Mr. Adelman to be judged, at least in part, on the basis of circumstances that he did not create, nor does he control. It is fair, however, to point out that during the last 3 months he utterly failed to establish to the members of the Foreign Relations Committee, the informed public, indeed, to the whole Nation the genuineness of his commitment to the cause of arms control and the depth of his expertise in the field. The considerable body of writings on the subject that is so often cited by his supporters consists of little more than abrasive political philippics against supporters of arms control efforts. He was given ample opportunity before the committee to demonstrate his mastery of the technical, as opposed to the political, aspects of the issue, but he declined to rise to the challenge.

In sum, Mr. Adelman does not have sufficient credibility in this field, nor does his expertise measure up to the

very high standards that are called for. In the Nation's best interest and even in his personal political interest the President should have seized the opportunity offered to him by the Foreign Relations Committee and replace Mr. Adelman with one of the many outstanding Republican figures who would have no difficulty in gaining the trust of the Senate and the Nation.

Mr. President, for the above reasons I cannot vote for the confirmation of Mr. Adelman. Precisely because I want the President to be able to launch a successful and effective arms control effort I urge my colleagues to vote against the present nominee.

Mr. PERCY. Mr. President, I yield the remainder of our time to the distinguished majority leader, Senator BAKER.

Mr. BAKER. I thank the chairman.

Mr. President, the Senate has now spent a great amount of time debating the Adelman nomination.

May I begin by expressing my appreciation to the minority leader, to the ranking minority member of the committee, and of course to the chairman and all other Senators for entering into a unanimous-consent agreement that permitted us to reach the point we are about to reach—that is to say, an up-and-down vote on the Adelman nomination at 2 p.m. I think it is in the highest and best traditions of the Senate, in the execution of its advise and consent constitutional responsibility, that the matter has been handled in the way it has.

Notwithstanding the fact that the nomination was controversial—and indeed, the Foreign Relations Committee recommended that the Senate disapprove the nomination—the Foreign Relations Committee reported the nomination for the consideration of the full Senate. That is in keeping with previous precedents of that committee and of the Senate, and I commend the members of the committee, particularly the chairman and the ranking minority member, for agreeing to that procedure.

There has been a full, fair, and thorough examination of this nomination, as there should be; and I am convinced that the Senate should confirm the nomination of Kenneth Adelman. I am sure that there are questions that remain in the minds of many Senators.

The VICE PRESIDENT. The time of the majority leader has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the majority leader have an additional——

Mr. BAKER. Mr. President, do I correctly understand that the time for the vote is 2 p.m.?

The VICE PRESIDENT. The Senator is correct.

Mr. BAKER. Is it the statement of the Chair that time of the Senator from Illinois has expired?

The VICE PRESIDENT. The Senator's time has expired. The Senator from Rhode Island has 3 minutes remaining.

Mr. PELL. I yield to the Senator.

Mr. BAKER. Mr. President, there are 2 minutes remaining before 2 o'clock. I thank the Senator from Rhode Island for yielding from his time so that I can complete these remarks.

Mr. President, the Senate's consideration of the nomination of Ambassador Kenneth Adelman to become the Director of the Arms Control and Disarmament Agency has consumed more of the Senate's time than I would have expected when the nomination was received. I am pleased that we now have the opportunity for the Senate to express its will on this matter.

In the past several months I have had the opportunity to spend a considerable amount of time with Ambassador Adelman. During that time I have come to know him quite well and I believe I have a good understanding of his views on national security and the importance of arms control as a fundamental element of our security. In the normal course of events it would be my inclination to support him as the President's nominee; in this instance, I not only support him, I am convinced that Ambassador Adelman has the will and capacity to become an outstanding advocate of the arms control process. Because I believe deeply in that process, I believe it vitally important that the Senate confirm his nomination. I am encouraged to believe, Mr. President, that the Senate will.

Mr. President, we all know that this nomination has been embroiled in a variety of issues that go far beyond the examination of Ambassador Adelman's qualifications for this position. The Washington Post characterized these as "largely ephemeral side issues." I would be less than candid if I did not confess a similar degree of frustration at the number of seemingly unrelated issues with which we and Ambassador Adelman have had to deal. The question the Senate should be asking, and I trust will ask, is whether this nominee is qualified for the position. I am absolutely convinced that he is.

I will readily concede that an essential element of the qualifications of this nominee is his commitment to the arms control process, and I have heard it said that since Ambassador Adelman was critical of the SALT II agreement, his commitment to the process is less than enthusiastic. Mr. President, that simply is not true. I and many others in this Chamber shared the Ambassador's belief that the SALT II agreement, as submitted to the Senate, was both a detriment to the security of this country and to the long term prospects of achieving an arms control agreement that in a meaningful way reduced the risk of a nuclear war. I assure you, Mr. President, that opposition to SALT II in no way reflects, either for me or for this nominee, a belief that meaningful arms control is not essential to our national security.

There have been, as well, questions raised with respect to the President's commitment to arms control. While these questions do not bear directly on this nomination, I think it important to say that I am equally convinced of the President's commitment and belief in the importance of arms control. This, too, I can say from personal experience, having talked with the President on many occasions on this subject. Moreover, I know that Ambassador Adelman enjoys the trust, confidence, and respect of the President, as well as that of the Secretary of State, Secretary of Defense, and others with whom he will have to coordinate the Nation's arms control policies. I am confident, therefore, that he will be an able and effective advocate for arms control and highly competent in the execution of the responsibilities entrusted to his agency.

Finally, Mr. President, I understand the deep commitment of many in this Chamber to arms control and their concern that there seems to be little progress in the negotiations that are underway. Although I am more inclined to fault the Soviet Union for that lack of progress, that is a subject for an entirely separate speech. I, too, want progress on those negotiations and I believe the greatest contribution this Chamber can make to that effort is to confirm this nominee—a nominee in whom the President has the highest confidence—and give the President a full team with which to seek these important agreements. ACDA has been too long without effective leadership and I would be terribly concerned should this Chamber take any action that will contribute further to that problem.

Therefore, Mr. President, I urge my colleagues to examine this question carefully and thoughtfully. I believe the Senate should consent to his confirmation and I believe it important that we do so.

Mr. President, I urge my colleagues to consider favorably the nomination of Kenneth Adelman. I believe our confidence in him to assume this important position will be fully justified.

Mr. President, I ask for the yeas and nays on the nomination.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Will the Senate advise and consent to the nomination of Kenneth L.

Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 55 Ex.]

YEAS—57

Abdnor	Hatfield	Nickles
Armstrong	Hawkins	Percy
Baker	Hecht	Quayle
Boschwitz	Heflin	Randolph
Chafee	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
D'Amato	Jackson	Specter
Danforth	Jepsen	Stafford
Denton	Johnston	Stevens
Dixon	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Laxalt	Tower
Durenberger	Long	Trible
East	Lugar	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Weicker
Grassley	Moynihan	Wilson
Hatch	Murkowski	Zorinsky

NAYS—42

Andrews	Eagleton	Matsunaga
Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Gorton	Nunn
Boren	Hart	Pell
Bradley	Hollings	Pressler
Bumpers	Huddleston	Proxmire
Burdick	Inouye	Pryor
Byrd	Kennedy	Riegle
Chiles	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Stennis
Dodd	Mathias	Tsongas

NOT VOTING—1

Packwood

So the nomination was confirmed.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I yield to the chairman of the Foreign Relations Committee.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, may we have order?

The VICE PRESIDENT. The Senate will be in order.

The majority leader is recognized.

Mr. BAKER. Mr. President, may I take this opportunity to express my appreciation to both sides of this issue for their unfailing cooperation. I congratulate the distinguished chairman of the Foreign Relations Committee.

Mr. BYRD. Mr. President, the majority leader is entitled to more order than he is getting. I ask that there be order in the Senate Chamber and in the galleries.

The VICE PRESIDENT. The Senate will be in order. The galleries will please be in order as guests of the Senate. Will the Senate be in order?

The majority leader is recognized.

Mr. BAKER. Mr. President, if Senators would give me their attention, what I want to try to do is see if we can work out a schedule of activities for the Senate for the next day or so. If I could have the attention of the Senators on my right and on my left, we will try to do that.

But before I do, let me continue what I began.

I wish to express my deep appreciation to both those who supported and opposed this nomination for permitting the Senate to act as it now has acted and express its will in respect to this nomination.

Mr. President, I particularly wish to congratulate the distinguished chairman of the committee (Senator PERCY) for his good work over a long period of time in presenting this matter to the Senate and in managing the proponents' case.

Mr. President, the Senator from Rhode Island (Senator PELL) deserves special high marks for his management as well. In addition, Senator TSONGAS deserves recognition as perhaps the principal opponent. He handled himself like a real pro, which indeed he is. I wish to congratulate him for a job well done, notwithstanding that his position did not prevail.

Mr. President, I wish to say that there is much work yet to be done by the Senate.

Mr. BYRD. Mr. President, will the Senator yield to me before he changes the subject?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, I express my compliments and my thanks to Mr. PERCY and Mr. PELL. I think it was very wise not to have a filibuster conducted on this nomination. I think it was very wise not to have a motion to recommit. I think the President was entitled not to just anybody he wishes—the Constitution does not say that—but I think the President was entitled to a vote up or down on his nominee.

I congratulate the committee. They did not kill the nomination. They reported it out so that the Senate could have its say and the nominee could have his day in court.

I congratulate the committee and I thank the distinguished majority leader for yielding.

Mr. BAKER. Mr. President, I thank the minority leader.

ADELMAN NOMINATION

Mr. PELL. Mr. President, the Senate has just taken the highly unusual action of giving its advice and consent to a nomination despite the negative recommendation of the relevant committee. This has happened on only three previous occasions during this century, the last time being 33 years ago.

Having been the beneficiary of this highly unusual action, Mr. Adelman in my view is under a heavy obligation to prove by his future actions that the judgment of the full Senate was correct and that our committee's contrary judgment was wrong. As one who opposed Mr. Adelman's confirmation, I very much hope that my lack of confidence in Mr. Adelman's commitment to arms control and in his ability to be an effective advocate of arms control will prove to be unfounded. As my colleagues on the Foreign Relations Committee are aware, it was with great difficulty that I came to the judgment that Mr. Adelman is not qualified to be the Director of the Arms Control and Disarmament Agency. I like Mr. Adelman as a person and respect his personal integrity and intelligence. I therefore hope that these positive aspects, which made my decision difficult, will prove to have been justified—and I say that with the utmost sincerity.

The Senate's decision in this matter was clearly a close judgment call, just as it was in the Foreign Relations Committee. It is a rare event whenever more than 40 votes are cast against a nominee; and in the case of Mr. Adelman, the 42 votes cast against him constitute the highest negative vote on any nominee for ACDA Director in the Agency's history. Today's vote will, I am confident, be widely interpreted at home and abroad as a sign of deep concern in the Senate about the future course of the administration's arms control policy.

That is a heavy burden for Mr. Adelman to bear as he takes office, but that burden is not necessarily a source of despair; it could just as well turn out to be a source of hope. Let me briefly amplify that point.

I hope that Mr. Adelman, having squeaked through the Senate, will be sensitized to the need to make real accomplishments in the field of arms control, just as Elliott Abrams was sensitized to the need to make positive contributions to the advancement of human rights after Ernest Lefevre withdrew in the wake of his rejection by the Foreign Relations Committee.

I hope that Mr. Adelman will be as tenacious and imaginative in his advocacy of arms control as he was in his pursuit of Senate confirmation. I would be greatly comforted if I knew that such spirited perseverance would be put to work in the cause of reversing the arms race in its many dimensions.

I hope that Mr. Adelman's confirmation will, as Senator PERCY suggested, serve to speed up the arms control process. Clearly, we have dallied too long in the quest for meaningful arms

control agreements with the Soviet Union.

I hope that Mr. Adelman will, as Senator MATHIAS proposed, visit Hiroshima so that he will gain a firsthand appreciation of what a nuclear holocaust is like.

I hope that Mr. Adelman will reverse the decline in effectiveness and morale of the Agency which he is about to head. Whether or not he puts his new house in order quickly will be a good indication of where he is headed on matters of policy.

Finally, I would like to reiterate my hope that I will be proven wrong in opposing this nomination. I would like nothing better than to rise one day in this Chamber in order to praise Mr. Adelman for advancing the cause of arms control and peace in the world.

Mr. RIEGLE. Mr. President, I think it is a sad day for America that Kenneth Adelman's nomination was confirmed by the Senate. Now that he is in this position, the only way we can remove him is by removing Mr. Reagan from the Presidency. I am very much of the opinion that in 1984 our Nation, for a variety of reasons, will take that step and we will in fact elect a new President. In so doing, we will not only put the Presidency into new and more capable hands but afford ourselves the chance to then select on behalf of our Nation someone to head the arms control effort who brings the qualification and the professional standing and the awareness of the issues that this vital, absolutely critical issue requires.

In a sense, I suppose the confirmation today draws the issue even more clearly, and that is the problem of a lack of movement on arms control and in the end is a problem of inadequate Presidential leadership.

I think it is time for us now to deal with the problem—of President Reagan; when this term is up, to replace him with a President that can perform this job at a higher standard and in a much better way.

Mr. BYRD. Mr. President, I never made any statement to the Senate prior to the vote on the nomination today. I thought that was a bipartisan matter, and I felt that had I spoken against the nomination, it might be viewed as a partisan issue. I feel that a thing or two should be said, however.

As I read the Constitution, article II, section 2, paragraph 2, it is as follows:

He—

Meaning the President—

shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law . . .

I do not read the Constitution, Mr. President, as saying that the Senate has to rubberstamp every nominee or any nominee of any President, of any party. Over the years, I have heard the argument made many times to the effect that, "Well, it's the President's nominee. He should have whomever he wishes."

That is not with what the Constitution says. Each of us takes an oath, as we begin our holding of this office as a United States Senator, to uphold the Constitution.

I simply wish to say for the record that this is one Senator who will never subscribe to the view that any President—this President, a Democratic President or a Republican President—is entitled automatically to have his choice as nominee for any office.

I do not say that that is not a factor in my thinking when I approach my vote on a nomination. It is a factor and has some degree of validity, but it should not be the overriding factor; because if it is the overriding factor, the Constitution might as well be expurgated of the words I have just read, which should be taken out of the Constitution. That can be done only by a constitutional amendment.

Our Founding Fathers were concerned about extending a President such inordinate power. They feared that giving a President such unfettered power would allow him to place in office any person of his choice, no matter how unqualified or how incompetent, to conduct the important business of our Government. They were concerned that this would accord to the President the very monarchial powers against which our Founding Fathers rebelled.

History indicates that the framers of the Constitution intended that responsibility for foreign policy be shared between Congress and the President. In this connection, the Senate was accorded a special advisory role under the Constitution.

I think we make a mockery of the role for the Senate that is written into the Constitution, by simply voting automatically for a nominee once the nomination comes up.

The requirement that ambassadors, ministers, and consuls be subject to Senate confirmation appears to have been intended as a basic part of the division of foreign relations powers between Congress and the President. The power-sharing was structured in this manner as recognition that the Senate also had a special advisory role in the treaty making processes of our Government. Therefore, it was logical to our Founding Fathers that there was a connection between requiring the advice and consent of the Senate in the making of treaties and requiring the advice and consent of the Senate for the appointment of representatives of our Government responsible for overseeing treaty negotiations and those who would participate in the actual negotiations themselves.

The requirement for Senate confirmation of nominees also serves the purpose of keeping up the caliber of appointees by providing a check on the choices and an opportunity for scrutiny. In the foreign affairs field, it provides a means for the Senate to assure that the United States is ably represented. It also provides a channel of communications between Senators and executive branch officials on the problems and goals of U.S. foreign policy. And finally, the hearings and nominations are a method of overseeing the administration of foreign policy by the executive branch.

So if we subscribe to the notion that a President should have whomever he wishes, why should he even send the name up to the Senate? Why should the appropriate committee that may have jurisdiction over the nomination bother to have hearings? If it is an automatic thing, committees are wasting their time, the Senate is wasting its time debating the nominations, and the President is wasting his time in bothering to send the nomination up to the Senate.

I certainly do not find any reason to criticize any Senator for voting one way or the other on nominations, as we saw today.

I voted against the nomination for various reasons, one of which was that the President stated publicly that "If they could not see the light up there, they would feel the heat." I resented that statement. It is not a matter of feeling the heat. It is a matter of fulfilling our constitutional duties, and they are clear—that the President shall appoint, by and with the advice and consent of the Senate.

I was offended, on behalf of this institution, that the President made that statement. I hope that no future President—or this one, either—will make such a statement again. I can understand his doing everything he can in favor of a person nominated by him, and I can understand his contacts with Senators in his efforts to get a nominee confirmed. I have no objection to that. But to make a public statement that "If they cannot see the light, they can feel the heat," leaves me cold—cold. I am talking about absolute zero when I say "cold," absolute zero being minus 459 degrees Fahrenheit.

I do not subscribe to that kind of public statement, nor do I subscribe to the idea that this Senate, under this Constitution that I have here in my hand, should automatically confirm any nominee that any President sends up for any position. We cannot give any President just any old nomination he wants just because he is President; it is the responsibility of the Senate to

determine whether or not the nominee is qualified and competent. And in the case of Mr. Adelman the Committee on Foreign Relations, by a bipartisan vote, determined that he was not qualified to assume the position as Director of the Arms Control and Disarmament Agency.

I am glad that the committee did report the nomination to the Senate. I think the President is entitled to have a Senate vote on his nominee. The Constitution does not say that he shall appoint by and with the advice and consent of a Senate committee. It is "by and with the advice and consent of the Senate." So I compliment the committee—even though it reported the nomination adversely, I compliment the committee on reporting the nomination, and I commend all Senators for not engaging in a filibuster and for not moving to recommit the nomination.

I think both the President and Mr. Adelman were entitled to a vote up or down on the nomination.

As Mr. PELL pointed out, in almost 60 years rarely has the Senate Committee on Foreign Relations reported a nominee unfavorably. Only once during that period of time has the committee voted down a nomination, and in that case the nominee withdrew almost immediately. In addition this is only the 13th time in this century that any Senate committee has reported an executive branch nomination unfavorably and on only three occasions has the full Senate overturned the judgment of the committee responsible for judging the qualifications of the individual being nominated.

So the recommendation of the Senate Committee on Foreign Relations should not be taken lightly.

I think that among those issues surrounding this nomination, one of those issues was that this is an institutional matter.

But I wish to say that it was a fine debate; it was bipartisan in nature. The Senate has spoken. I wish the nominee well, just as I wished Mr. Haig well after I had voted against his nomination and after the Senate had confirmed him for the office of Secretary of State.

I believe that to vote for a nominee just because there is a feeling that the President should have his own team no matter how unqualified those individuals may be is not a responsible exercise of our institutional duty under the Constitution. Each Senator has to determine for himself where his responsibilities are, how he should view them and how he should approach them, but the words of the Constitution are clear. The Founding Fathers I think were wise in according the Senate this responsibility. They knew all too well that it would serve as a check on the President if the Senate demonstrated that there were risks in nominating questionable aspirants for positions of responsibility in the Government of the United States.

If we finally come around to the view that we give any President any nominee that he wishes, why then we are going to undermine the Constitution and we are going to undermine the intentions and deliberate words that the Founding Fathers wrote into the Constitution and in the long run we will remove a check on a President if we succumb to the idea that just any old body, any old guy, any old nominee that he sends to the Senate could have Senate confirmation just because the President wants it.

It will not make any difference whether it is a Democratic President or a Republican President. It is a duty of the Senate to fulfill its responsibility under the Constitution, and I hope that Senators will agree with me that there is that responsibility. We cannot avoid it because of the oath that we take when we enter upon our office. As I say, if that is going to be the position of the Senate, then there will be no check on the nominees that future Presidents may send or wish to send to the Senate, and we will have abdicated our own responsibility.

I yield the floor.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to this nomination.

The PRESIDING OFFICER (Mr. DURENBERGER). Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr President, if I may have the attention of Senators for a moment.

The PRESIDING OFFICER. The majority leader is entitled to the attention of all Members of the Senate. Those who are carrying on conversation will find other places to do that.

Mr. BAKER. Mr. President, under the order previously entered, the Senate on tomorrow will turn to the consideration of the reciprocity bill, at which time the Kasten amendment will be the pending question before the Senate. I do not know, of course, but I anticipate that the proponents of the Kasten amendment may wish to file a cloture motion to limit debate on that subject. That, of course, interacts pretty intimately with the question of how we schedule the activities of the Senate.

Mr. President, I would like to see if we could also work in the consideration of the bankruptcy bill. The Chief Justice of the United States has urged on many occasions that we consider this measure as soon as possible. It is urgent, I believe, that we clarify the law in respect to bankruptcy in view of the expiration of certain prior statutory provisions.

I may say to my friend, the minority leader, that what I would like to do for the remainder of this day, if we can do it, is to try to go to the bankruptcy bill, to spend some time on that this afternoon, if the chairman of the committee is agreeable and others, and to return to the consideration of that measure tomorrow until a reasonable time, say 1 or 2 o'clock, at which time we would—could I inquire of the Chair, what time does the order provide we will go to the reconciliation bill?

The PRESIDING OFFICER. The Senate is scheduled to go to the trade reciprocity bill 1 hour after the Senate convenes.

Mr. BAKER. I thank the Chair.

Mr. President, at that time, we will begin the consideration of the reciprocity bill.

Mr. President, I would also like to see if there is a possibility that we could avoid a Saturday session by providing that Saturday would count as the intervening day in the case of rule XXII to permit a vote on Monday, if that is the wish of those who propose it, or on Tuesday, if that seems preferable, and to provide a regular schedule of votes for next week based on the maximum convenience of Senators and circumstances involved.

Mr. President, let me say that on the reciprocity bill, I indicated to the Senate, and more particularly to the Senator from Wisconsin, Senator KASTEN, that, notwithstanding that I do not support his amendment and indeed that I will vote against cloture, I will cooperate with him in every way to see that he has an opportunity to present that motion and to schedule it in an appropriate way. I will do that.

I also indicated, I believe, in my earlier remarks, that I would see that he had an ample opportunity to try to prevail on his initiative.

Mr. President, I would like to elaborate on that now, even before we get to the subject, with this addition. What I had in mind at that time, and what I wish to offer at this time, is that if cloture is not invoked on the first try, and it may be, but if it is not, I will cooperate with the Senator from Wisconsin, if he wishes, in the matter of providing for a second cloture vote. If he does not get cloture on that, and he very well may, I will cooperate with him in trying to get a cloture vote on a third cloture vote, but it would not be my intention to go beyond three clo-

ture votes. There is so much to be done by the Senate that I think that is a fair opportunity under the circumstances.

So, Mr. President, on tomorrow, we will go, under the order previously entered, to the Kasten amendment as an amendment to the reciprocity bill.

I would like to inquire of the minority leader if we can arrange a schedule of those cloture votes so that they succeed one after the other, if that is necessary to meet the maximum convenience of Senators to avoid a Saturday session, and to get on with the consideration in the interim of the bankruptcy bill.

Mr. BYRD. Mr. President, I will respond to the majority leader that I discussed this matter in the caucus on yesterday and indicated that the majority leader might wish, or someone may wish, to enter a cloture motion on——

The PRESIDING OFFICER. Will the minority leader withhold? Either there is a deficiency in the President's hearing or there is a rather loud hum in this Chamber. The Presiding Officer, therefore, would advise both Senators and the people who continue to move in the galleries that it is very difficult for the Members of the Senate to listen to their leadership as we attempt to negotiate a time schedule for the next several days.

The minority leader is recognized.

Mr. BYRD. Mr. President, I commend the Chair, because, under the rules, the Chair has the responsibility and the duty to get order and to keep order without a point of order being made from the floor. Not many times do we see the Chair taking the initiative in doing that. That is precisely what the Chair ought to do under the rules. Any Senator who wants to read the rules, can do it for himself. But that is one reason why we do not have better order around here is that the Chair just simply does not enforce the rule—maybe he does not know the rules. But it is his responsibility to get order in the Chamber and maintain order without a point of order being made from the floor. I congratulate the present occupant of the Chair on a job well done.

Mr. President, in replying to the majority leader, I took this matter up in caucus the other day and I said that a cloture motion might be introduced on Friday and it was the majority leader's wish to vote on Monday if such occurred and that the majority leader also would want a cloture vote on Tuesday.

I indicated that the majority leader would like to try to get a unanimous-consent order that both cloture motions would be offered on Friday, if that is his wish, and that the Senate would not be in session on Saturday under the order if the majority leader prevails in getting unanimous consent and that there would be a cloture vote on Monday and one on Tuesday.

Mr. President, I have heard no objections to the procedure which the majority leader has indicated.

Mr. BAKER. I thank the minority leader. Let me yield to the Senator from Wisconsin.

Mr. KASTEN. I thank the Senator for yielding. I thank the majority leader for his assistance in this regard, even though we are on different sides.

I agree that we want to facilitate the work of the Senate and also invoke the least inconvenience to Senators. I hope also we can avoid a Saturday session.

It is my understanding that there is a number of Senators who would prefer the vote on cloture to occur on Tuesday afternoon. We may be able to set a specific time for that vote to occur. I would not object to that. It would be my intention tomorrow, sometime during the debate on the trade reciprocity bill and the Kasten amendment, to in fact file a cloture petition. I would be happy to work with the majority leader with the aim of a vote on Tuesday next and without the necessity of a Saturday session, without the vote occurring on Monday because it will create a conflict with a number of Senators with whom I have spoken.

Mr. BAKER. I thank the Senator. I have no problem with the vote occurring on Tuesday. If the minority leader has no objection, I am prepared to offer a unanimous-consent request in that regard.

Mr. BYRD. I have no objection. I suggest the majority leader proceed.

Mr. BAKER. Mr. President, let me complete the check on my side before I do that.

Mr. President, I anticipate we will be able to do that and that there would be no need for a Saturday session or a unanimous-consent request, either one. If the Senator files his petition on tomorrow, the vote would automatically occur on Tuesday.

While we are checking the cloakroom on that, could I inquire of the minority leader if there would be any objection on his side to proceeding to the consideration of the bankruptcy bill today and tomorrow until we turn to the consideration of the reciprocity bill and to lay aside that measure when, under the previous order, we are obligated to take up the reciprocity bill?

Mr. BYRD. Mr. President, the majority leader has asked me a question. Before I respond, I note the distinguished Senator from Ohio is on his feet. I would like to hear what he has to say.

Mr. METZENBAUM. I thank the distinguished minority leader.

I have no problem with the basic bill nor any amendment in connection with that bill, as such. However, as the majority leader and the minority leader both know there are two bankruptcy matters pending. One has to do with the matter of filling of vacancies and the problem that exists from the standpoint of the courts, and the other bankruptcy bill has to do with the substantive law.

I have raised this question in the Judiciary Committee where the substantive matter is presently pending. I indicated at that time that I wanted some assurances that there would be no effort to attach the substantive law measure to the pending bankruptcy bill.

It is my understanding that this bill that the leader wishes to proceed with is not that controversial, although I do believe the junior Senator from North Carolina may have one amendment. If the Senator from Ohio could have some assurances that the substantive law bill would not be attached, or an effort made to attach it as an amendment, then I have no objection whatsoever. Absent that, I do have problems and would want to discuss them at length.

Mr. BAKER. I understand the Senator does not mind us taking up the bankruptcy bill which deals with procedure but not the one which deals with substantive law and they are two separate measures.

Mr. METZENBAUM. That is correct.

Mr. BAKER. Mr. President, let me see if we can do that. I will consult with the chairman of the Judiciary Committee. I will perhaps have a request to make later. I will say to my friend from Ohio that it is my intention to go to only the procedure matter at this time. I am perfectly willing to limit my unanimous-consent request, if I can get that consent, on any amendments that can be offered to the bill.

Mr. METZENBAUM. So there may be no misunderstanding, it is my understanding that the Senator from North Carolina has an amendment to the bill the majority leader wants to proceed on, and that is not a matter of my concern. My concern is with the substantive law. The substantive law questions are contained in a bill being sponsored by Senator DOLE with a number of cosponsors, as well as a companion measure by the Senator from Ohio and the Senator from Massachusetts. It is S. 445, the substantive law bill. I know Senator DOLE and Senator THURMOND understand my position with respect to this matter. I do not believe there is any controversy about it, but I thought we ought to get it clarified to see if we do it by unanimous consent. As far as I am concerned, the bill which the majority leader wishes to proceed on this afternoon is not, I believe, very controversial.

Mr. BAKER. Mr. President, S. 445 is a bill dealing with "future income." I will consult with the distinguished Senator from Kansas and the chairman of the committee, the Senator from South Carolina. I will maybe be in a position to make that request in a little while.

Senators should be on notice that it is the desire of the leadership to try to get to the bankruptcy bill for a while this afternoon and for a brief time tomorrow before the reciprocity bill.

Mr. BYRD. If the Senator will yield, Mr. HEFLIN is to manage the bill on our side and I have been advised by Mr. HEFLIN that he is not prepared to take up that bill this afternoon.

Mr. HEFLIN. If the Senator will yield, I did not know this matter was coming up, but I would like to talk to my staff person, who has now arrived, and perhaps we can agree to do it.

Mr. BAKER. Mr. President, perhaps we would all be better served by discussing this matter at 3 p.m.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there may be Senators who wish to speak. I ask unanimous consent that the time between now and 3 p.m. be devoted to routine morning business during which Senators may speak for not more than 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHILLIP BURTON, A CHAMPION OF PACIFIC PEOPLE

Mr. MATSUNAGA. Mr. President, news of the unexpected passing of a friend and classmate always comes to us as a shock and leaves us with sobering thoughts. We learn, and experience, in tandem with out colleagues at each stage of life's continuing education. So it was when the report of Congressman Phillip Burton reached me in Hawaii over the weekend. Phil Burton and I were Members of the class of '88, freshmen Members of the 88th Congress 20 years ago. Until I joined this body I served as president of the 88th Congress Club, while Phil collected our dues as treasurer. Although we shared many legislative aims in the House, we worked most closely since my election to the Senate because of his chairmanship of the House National Parks and Insular Affairs Subcommittee of the Interior Committee and my membership on the Senate Energy and Natural Resources Committee. We shared a common interest in the welfare of the people of our Pacific islands. With his well established credentials as a leader in environmental legislation he was as sensitive as I that we not make the Pacific a dumping ground for nuclear waste. He was keenly interested in Pacific island issues and spearheaded successful moves for official delegate representation in the U.S. Congress for Guam and American Samoa, and commonwealth status for the Northern Marianas. A mercurial champion of the poor, he has also left the Nation a legacy in our park systems that we are honorbound to maintain. He was an outstanding lawmaker who will be sorely missed, Mr. President. To his wife, Sala, and daughter Joy, I exent heartfelt condolences.

I ask unanimous consent that a news article written by David Shapiro on the death of the late Phillip Burton, published in the Honolulu Star-Bulletin of April 11, 1983, and an editorial of April 12, 1983, from the same newspaper, be printed in the RECORD, so that readers of the RECORD may be better reminded of his accomplishments, in his memorial.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

[From the Honolulu Star-Bulletin, Apr. 11, 1983]

CALIFORNIA CONGRESSMAN PHILLIP BURTON DIES AT 56

(By David Shapiro)

Rep. Phillip Burton, D-Calif., the longtime "godfather of U.S. policy in its island territories, died yesterday at St. Francis Hospital in San Francisco.

Burton, 56, who last year won election to his 10th term in Congress, was admitted to the hospital late Saturday might complaining of chest pains. He died two hours later.

A heart attack or blood clot was the suspected cause of death, but a coroner's spokesman said "there will be no way of knowing until an autopsy today."

Burton is survived by his wife, Sala, and his daughter, Joy.

The eulogies in Congress will center on Burton's national achievements, particularly on environmental and labor issues.

A leader of House liberals, he came within one vote in 1977 of being elected majority leader—the second highest position in the House leadership. In recent years, he won passage of the biggest expansion of the National Parks system in history, and has been a point man in organized labor's fight against the Reagan administration.

But nowhere will Burton's passing be felt as much as in the U.S. territories—an invisible empire that stretches from the Virgin Islands and Puerto Rico in the Caribbean to Guam, the Northern Mariana Islands and American Samoa in the far reaches of the Pacific.

As chariman of the House territories subcommittee in the 1970s, Burton became a champion of these distant and often voiceless Americans. Through Burton, the territories gained an important measure of power in a Congress generally indifferent to their interests.

"He was like a godfather to the island people," said Edward Pangelinan, the Northern Marianas' representative in Washington. "Despite his national responsbilities, Phil took it upon himself to be the spokesman for the island people. We are going to miss him—his leadership, his warmth and his generous heart."

In the last decade, Burton won commonwealth status for the Northern Marianas, representation in Congress for Guam, the Virgin Islands and American Samoa, and struggled to assure that territories benefitted from the full range of federal social and economic programs available to other Americans.

A master parliamentarian, Burton could often be found on the House floor quietly slipping through bills that exempted the territories from new federal taxes, forgave loans to the islands and swept aside federal trade barriers that hampered local developement.

Burton's affinity for the islands even extended to Hawaii, a fully represented state where he had no official responsibilities.

In 1980, he won approval of a new national historical park at Honokohau—a project that Hawaii's congressional delegates had tried to get for years, without success. And in 1980, he played a key role in ordering a federal study of native Hawaiians' land claims against the government.

Burton had to give up his territorial post in 1980, when labor leaders prevailed upon him to focus on the Education and Labor Committee, where he could help fend off Reagan's agenda for changing U.S. labor law.

But Burton saw to it that his territories chairmanship was passed on to Del. A. B. Won Pat of Guam—the first non-voting territorial delegate ever to chair a House subcommittee. And Burton continued to play a major behind-the-scenes role on island issues.

Just last month, he announced plans to fight major provisions in the Reagan administration's proposed compact to grant semi-independence to the Micronesian states, claiming the Micronesians were being shortchanged.

Won Pat, who has built his political career around his close ties to Burton, called Burton's death "a crushing blow for me personally, and for the territories."

"Congressman Burton was one of our most powerful allies in Congress," Won Pat said. "He was tremendously helpful in bringing millions of dollars in additional federal aid to Guam. We will have to work even harder to fill the void left by the death of this remarkable man."

Hawaii Rep. Cecil Heftel today recalled the San Francisco lawmaker's concern for Hawaii.

"Congressman Phil Burton was a great friend of Hawaii, and a source of leadership and inspiration to me," Heftel said. "It was to him I turned to for guidance when there was a threat to Hawaii's sugar industry and the jobs it provides for Hawaii's people.

"The nation and the Congress will miss him. But, most of all, the people of his district and of Hawaii will feel the loss of this truly great and compassionate leader."

Burton's intense interest in island affairs was not without controversy.

In 1980, many local leaders became incensed when Burton injected himself into hot congressional races in Guam, the Virgin Islands and American Samoa.

In Guam, where Democrat Won Pat was facing a tough challenge from Republican Tony Palomo, Burton suggested that Congress might become less generous with Guam if Won Pat were defeated. As an example of what could happen, Burton cited a loss in federal aid suffered by the Virgin Islands after Republican Del. Melvin Evans had replaced DeLugo.

Burton's statements brought cries of outrage from Republicans in both territories, who accused him of using bullying tactics to interfere in local affairs. But Burton won on

both fronts when Won Pat handily defeated Palomo, and DeLugo won his rematch against Evans.

[From the Honolulu Star Bulletin, Apr. 12, 1983, Editorial]

PHILLIP BURTON

Over the last decade or so, a California congressman made a reputation for himself as an authority on the United States' island territories. He was Phillip Burton, who died Sunday at age 56.

Most members of Congress have little interest in and less knowledge of the problems of the territories. Certainly there is little political profit for them in such issues.

That was true of Burton, too, but as chairman of the House Territories subcommittee he made himself an expert on island affairs and a champion of their interests. He gave up his chairmanship in 1980 to focus on the Education and Labor Committee, but maintained an influential role behind the scenes.

Burton was a liberal Democrat with interests in labor and environmental issues who came within one vote of being elected House majority leader in 1977. But in Guam, American Samoa, the Virgin Islands and the Trust Territory he will be remembered as the congressman who appreciated and fought for the interests of the territories in the face of widespread apathy.

A HERITAGE UNSHARED

Mr. MATSUNAGA. Mr. President, last month my friend and colleague, the distinguished junior Senator from Ohio (Mr. METZENBAUM), rose on this floor to speak on the subject of Japanese American civilian internment during World War II, a matter I had addressed earlier on the occasion of the release of the findings of the Commission on Wartime Relocation and Internment of Civilians. Senator METZENBAUM had read the Commission's full report from cover to cover and was moved to organize a 2-hour special order of floor speeches on this subject. His keen sensitivity to the subject of civilian internment by military forces no doublt is based in his cultural heritage.

Similarly, I was deeply moved by the recent gathering of the survivors of the Holocaust and their recital of their incredible, nightmarish experiences. Somehow, as the years bring a degree of wisdom, we begin to see more clearly the truth of the old Oriental maxim: "Deeper understanding of human values cometh only through personal suffering."

In a recent letter to the two major Honolulu daily newspapers, the president of the Jewish Federation of Hawaii, Mr. Alex Weinstein, wrote as follows:

We who belong to a people which still bear the scars and memories of oppression in contemporary times are grateful that the injustices and errors which were practiced against our Japanese fellow citizens during World War II by the United States Government are finally being acknowledged.

In his lengthy and thoughtul letter, Mr. Weinstein also observed:

When we succumb to the adoption of totalitarian methods of European practices that we sought to defeat in World War II, we diminished our spiritual security to the extent that we endangered our physical security.

Mr. Weinstein's observation are well taken, and I am grateful that he saw fit to make them publicly. I must confess, however, that after reading the agonizing prose of writer Elie Wiesel in last Sunday's Washington Post, "A Plea for the Survivors," I find it difficult to consider the suffering of 120,000 Japanese Americans in World War II in the same breath with the extermination of 6 million Jews in Europe during that war.

The enormity of it has no precedent in recorded history. As Wiesel wrote:

Accept the idea that you will never see what they have seen—and go on seeing now, that you will never know the faces that haunt their nights, that you will never hear the cries that rent their sleep. Accept the idea that you will never penetrate the cursed and spellbound universe they carry within themselves with unfailing loyalty.

If there are any parallels to be detected in these two events—as disproportionate as they are—it is in the question whether Auschwitz and Buchenwald are the insane consequences to be expected of a policy leap from that of racial enslavement to one of racial annihilation. The answer is in the affirmative. If it be so, is not the prospect of such a leap of nonfaith in humankind always present when one group seeks to enslave another? Historians can offer evidence that such can be the case but never on the mammoth scale of the Holocaust that even to this day—four decades later—we find so difficult to comprehend or even imagine. And yet we know that technologically, if not ideologically, we are quite capable of such genocide today—many times over, in fact. Perhaps that is the rub. Will it really matter, in any moral sense, that we bring a civilization to an end by a bang, rather than a whimper?

(During Mr. MATSUNAGA's remarks the following ocurred:)

Mr. BYRD. Mr. President, the Senator is entitled to be heard. I ask for regular order in the Senate.

Mr. MATSUNAGA. I ask unanimous consent that the remainder of my statement be printed.

Mr. BYRD. I object to the dispensing with further reading. I want to hear it, but I want order in the Senate so I can hear it.

Mr. RIEGLE. Mr. President, I agree with the Senator. I care to hear it as well.

Mr. BYRD. I insist on hearing all of it.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask that we not proceed further until there is order in the Senate.

The PRESIDING OFFICER. The Senator is correct. The members of the Judiciary Committee and anyone else who is meeting this afternoon may do so in another part of the Chamber, and we look forward to the comments of the Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator for his concern. I had not heard the Senator. I thought perhaps he was anxious to get moving to other business.

(Following Mr. MATSUNAGA's remarks:)

Mr. BYRD. Mr. President, I thank the Senator for indulging my objection to his dispensing with the reading of his statement. I think it is well that he read it. I learned from listening to it. I thank him.

Mr. RIEGLE. Will the Senator yield?

Mr. MATSUNAGA. I thank the minority leader for his comments. I certainly appreciate them. It is good to know that there are people on the floor listening to what you say.

I am happy to yield now to the Senator from Michigan.

Mr. RIEGLE. Mr. President, I should like to make a comment to the Senator from Hawaii and then perhaps seek the floor in my own right.

However, I commend him on his remarks today and on his outstanding leadership in this body and, before service here, in the House of Representatives. I find the remarks of the Senator deeply meaningful and important. I appreciate the statement that the Senator has made.

Mr. MATSUNAGA. Mr. President, I thank the Senator from Michigan (Mr. RIEGLE), with whom I served in the House prior to our joining together in the Senate. We came to the Senate at the same time. I must say that Michigan made a right choice by electing him, for he has certainly been one of the true leaders in the area of civil rights. This is the subject of our talk today. And as was said by the Vice President, Mr. BUSH, earlier today in dedicating two Federal buildings for the construction of a memorial to those who died in the Holocaust, the issue is civil rights, that if we fail to observe and to work toward attainment of civil rights, then we will in effect permit what happened during World War II to happen again.

I again thank the minority leader and the Senator from Michigan for their comments.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended under the same terms and conditions until no later than 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACID RAIN

Mr. GLENN. Mr. President, the problem of acid rain has presented a dilemma for Congress for many years. There is no question that acid deposition on lakes and streams with watersheds having little capability to neutralize acid causes severe adverse effects. There is growing evidence of possible damage to crops, drinking water, and human health. As additional information is gathered, the effects of acid deposition of lakes, forests, crops, and cities is being seen as increasingly serious. This issue will not go away. All the evidence suggest that the arguments for control will continue and become stronger. It is time that all of us realize that there will be legislation in this area. It is important to be sure that we have the right legislation.

The acid rain control programs I have seen thus far would induce many utilities to engage in the practice of fuel switching; that is, replacing eastern coal with lower sulfur western coal, but with the additional cost of long-distance shipment from source to site of use. This could disrupt coal markets severely and adversely impact the families and communities which depend on coal mining. Not only would many thousands of jobs be at risk in the Midwest, but any environmental gains made in the East as a result to such fuel switching could be offset to a degree by the sudden and uncontrolled expansion of strip-mining in the West. In addition, some acid rain control programs would place the costs of control predominantly on the industrial Midwest, which is already suffering from excessive unemployment. More jobs would be lost as a result.

We need an acid rain control program that will clean up the environment in the East as well as protect the environment in the West. We need an acid rain control program that will allow the expansion of eastern coal, not its substitution by something else. We need an acid rain control program that will protect and expand jobs and industry, not contract them. Finally, we need an acid rain control program whose cost burden does not fall too heavily on any persons' shoulders, including the people of our industrial heartland who have devoted their lives to mining coal to support our country's need for energy and to produce steel and automobiles to support our country's need for transportation, as well as other vital industrial use.

I believe that such an acid rain control program can be designed.

America has the technology to burn coal cleanly as opposed to requiring fuel switching to meet environmental concerns. New technologies are emerging that will enable this to be done at very low cost. By designing a program that promotes the use of such technology, we can both reduce acid rain and make our coal and other industries, stronger than they have been in years.

A just completed study by the Congressional Research Service, initiated at my request, indicates we can meet the goal of a 10-million-ton reduction in sulfur-dioxide emissions over the next 12 years in the 31-State area constituting the Eastern United States at reasonable cost and without mining and industrial dislocation. This goal can be met by requiring that such reductions be accomplished by reliance on technology rather than disruptive shifts in fuels. Since all fossil-fuel-fired powerplants contribute to the production of sulfur-dioxide or nitrogen oxides, and since approximately 75 percent of total sulfur-dioxide emissions and 35 percent of nitrogen-oxide emissions are produced by electric utilities, it is reasonable for a program of emission reductions to focus on this particular source.

The crux of the acid rain cleanup problem has always been the cost of cleanup and who should bear it. I firmly believe that the problem should not be seen as pitting the Midwest against the Northeast or as coal plants versus other fossil fuel plants. The problem of acid rain is shared by all those in the Eastern United States and the benefits to all States of cleanup, whether through preservation of natural resources, better health, or greater crop yields, will likewise be shared by all. Thus, to insure that no State or individual suffers as a result of our decision to solve this broad regional acid rain problem, the CRS report indicates feasibility of the establishment of an acid rain superfund through a small fee of 3 mills per kilowatt hour (1 mill equals one-tenth of 1 cent) on electricity sales from fossil-fuel-fired powerplants in the 31-State area of the Eastern United States to fund the capital costs of sulfur-dioxide and nitrogen-oxide control technologies.

The CRS report, which I am releasing today, is entitled: "Distributing Acid Rain Mitigation Costs: Analysis of a 3-mill User Fee on Fossil Fuel Electricity Generation." The author is Dr. Larry B. Parker, an economist and analyst in energy policy for the Environment and Natural Resources Policy Division of CFS. The CRS analysis indicates that the phased-in 3-mill-per-kilowatt-hour fee will produce an acid rain superfund that will cover the capital costs of a 12-year, 8-million-ton SO2/NOx reduction program using existing commercial technologies, without dependence on the emerging new technologies for the clean burning of coal. However, I am convinced that new technologies, such as Limestone Injection Multi-stage Burners (LIMB) or fluidized bed combustors will be available if the Federal Government will cooperate with industry in moving these technologies more quickly into the marketplace. The CRS study indicates that the availability of the new technologies reduces capital costs sufficiently so that a 12-year, 10-million-ton reduction can also be funded with a 3-mill-kilowatt-hour fee without running a significant risk of an extended payback period.

Mr. President, it is my intention to communicate with all of the interested groups in the acid rain controversy—industry, labor, the enovironmental community, and governmental bodies—to turn this proposal into legislation.

Mr. President, we will all share in the benefits of this program. Our lakes and streams and the fishing and other recreation they support will be protected from further damage. One of the things I have learned is that these damages are not just confined to a few lakes in the Adirondacks and Canada. According to the Congressional Office of Technology Assessment, 23 of the 27 States east of the Mississippi contain lakes and streams sensitive to acid rain.

Not many sensitive lakes and streams are located in my State of Ohio, but Ohio and other Midwestern States are at risk from acid rain damage. Acid rain, and the pollutants that produce it, fall on our buildings, homes, roads, and bridges causing corrosion and other damages. Acid rain falls on our crops. One study calculates a possible 10-percent reduction in soybean yield from current levels of acid rain; such damage alone would amount to a loss of hundreds of millions of dollars each year in the Eastern United States.

There is also evidence of damage to forests.

The West German Government, which until recently had defended the idea that not enough was known about the problem to warrant control actions, has now adopted a new policy of reducing SO2 emissions following disturbing revelations linking acid deposition, including the dry deposition of SO2, to significant damage in forests over widespread areas of West Germany and to the almost complete destruction of large stands of trees in the neighboring high-elevation forests of Eastern Europe.

The pollutants that cause acid rain are ones that are visibly with us in the Midwest. We can reduce our summer haze and smog problems as one of the dividends of an acid rain control program. We all breathe these same pollutants every day in the Eastern United States, regardless of the States we live in. Some respected scientists have concluded these pollutants are the cause of significant health damage that shortens the lives of many of our citizens. Others may argue that these effects have not been proven. But, surely, breathing these pollutants cannot be good for us. Reducing these pollutants under an acid rain control program is an added value as a preventive health insurance measure.

This program could produce real benefits for coal mining and other hard-hit industries. By using technology, the program may help to stop the loss of markets for eastern U.S. coal, especially our abundant reserves of higher sulfur coal. Using our technical knowhow will give this coal a new lease on life. The jobs associated with building this technology will help our depressed steel and heavy manufacturing industries as well, much of them located in the Midwest where our unemployment problems are most acute.

Finding new and less expensive ways to burn American coal cleanly will give us a large boost in the world coal markets. We have to wake up to the fact that other countries won't buy our coal in the future if it cannot be burned cleanly and cheaply. The new technology stimulated by acid rain controls will make American coal the fuel of choice for the 20th and 21st centuries.

There is another path. We could argue for years more that we don't know enough to act on acid rain. I am convinced that this argument is wrong. It is also the worst path to take if we want to promote the use of American coal. Without an acid rain control program, today's consumers of coal will become more and more concerned about new commitments to long term reliance on coal. More years of uncertainty about the shape of an inevitable acid rain control program will hurt today's coal suppliers and users, not help them.

It is time to end the uncertainty. Technology can protect our environment and enable coal resources to be more effectively used. We need only decide to use it. Mr. President, in light of the report, it is my intention to move as rapidly as possible to discussions with all interests concerned with this problem, with a view toward early introduction of legislation.

Mr. President, I ask unanimous consent that the CRS study that I am releasing today be printed in the RECORD in its entirety at the end of my remarks.

I thank the Chair.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

DISTRIBUTING ACID RAIN MITIGATION COSTS: ANALYSIS OF A THREE-MILL USER FEE ON FOSSIL FUEL ELECTRICITY GENERATION

SUMMARY AND CONCLUSIONS

This paper examines the feasibility of imposing a phased-in fee on electricity generated by fossil fuel-fired power plants within a 31-State area (either east of or bordering on the Mississippi River) to fund the capital costs of sulfur dioxide (SO_2) and oxides of nitrogen (NO_x) control technologies. The fee is imposed on a per kilowatthour (kwh) basis and begins immediately upon passage of acid rain mitigation legislation, continuing for ten or twelve years, depending on the specific program. The monies collected accumulate in an interest-earning fund for several years, and then, toward the end of the program are used to construct the necessary control equipment.

The analysis indicates that the capital costs of a twelve-year, eight million ton SO_2/NO_x reduction program can be funded through a phased-in 3 mill per kwh fee. Indeed, if new technologies are available to reduce capital costs, a twelve-year, ten million ton reduction can also be funded without running a significant risk of an extended payback period. For a twelve-year, ten million ton reduction without the benefit of new control technologies, an additional 1 mill increase in the fee might be necessary in 1991 to endure payback by the start of operations in 1996, although the extended payback period beyond completion of construction might not be considered excessive without it (estimated at three years).

Secondly, the paper suggests that new technologies (Limestone Injection Multistage Burners (LIMB) in this analysis) could reduce capital costs by a sufficient amount to fund removal of an additional two million tons of SO_2 by flue gas desulfurization (FGD). Such savings could also be used to reduce the cost of compliance by eliminating the potential need for the 1 mill increase in 1991. Congress may wish to consider this potential if it opts to enact an acid rain reduction program.

Finally, the maximum increase in residential electricity bills resulting from the 3 mill fee is estimated to be under 7 percent. Typical increases are estimated to be less than 4 percent in the most expensive year. All percentage increases will decline in succeeding years assuming other factors drive up the cost of electricity.

BACKGROUND

In an effort to begin mitigating the acid rain problem, several bills have been introduced in the Congress to reduce SO_2 and NO_x emissions by utilities and industry in the thirty-one States east of or bordering on the Mississippi River. These bills vary both in terms of quantity of SO_2 emissions to be removed (eight, ten, or twelve million tons) and the time given to achieve those reductions (ten or twelve years). They also vary in their treatment of NO_x emissions, with some proposing a NO_x emissions ceiling and others allowing two for one trading of NO_x emissions for SO_2 emissions.

Because midwestern States emit more SO_2 and NO_x per capita than other areas within the region, the cost of such a program would fall primarily on them unless the federal government provides some financial assistance. The cost to the Midwest would be both in terms of increases in electricity rates and unemployment resulting from decreased demand for the region's high-sulfur coal. Those unconcerned with such cost distributions state that this is reasonable: the area that pollutes the most should pay the most. They also point out that the Midwest currently has electricity rates considerably lower than in the Northeast and therefore any electricity rate increases would tend to equalize the cost of electricity between the regions.

People concerned with the impact that such a program would have on the Midwest respond with three arguments: (1) the economically-depressed Midwest is incapable of withstanding the initial price shock of an acid rain program; (2) the region's costs are compounded by unemployment impacts in the region's high-sulphur coal areas; and, (3) acid rain is a national problem and therefore should be dealt with on a national basis.

Drawing upon the analogy between acid rain mitigation and nuclear waste disposal, one proposal to redistribute the cost is to fund the program through a user fee on fossil fuel-fired power plants.[1] The resulting fund would be used to finance the capital cost of various technology-based control methods, actively discouraging the switching of facilities to low-sulfur coal. The fee would prevent the sharp rate increases in the earlier years of operations before significant depreciation of the control equipment has occurred. It would leave the individual utilities or industry to pick up the cost of operations and maintenance for the equipment for the rest of its useful life. The fee would involve some subsidizing of the Midwest by other parts of the country since the emissions rates of midwestern plant are, on average, higher than in other parts of the region. However, assuming the fee was small (3 mills per kwh), the projected benefits to the region as a whole might justify the small additional cost to assist the Midwest in financing the reductions.

This paper examines the potential for funding the capital costs of an eight, ten, and twelve million ton reductions in SO_2 and NO_x emissions over either ten or twelve years through a phased-in 3 mill per kwh user fee on fossil fuel electricity generation.[2] The fee is assumed to be phased-in beginning in 1984 (1 mill in 1984, 1 additional mill in 1985 and an additional mill in 1986) and run for either ten or twelve years (depending on the specific program) when construction of control equipment is mandated to be completed. The paper also assumes that a two-for-one substitution of NO_x emissions reductions for SO_2 emissions reduc-

[1] Utilities are not the only emitters of SO_2 and NO_x. However, there has been no proposals yet to include a fee on fossil fuel burning industrial plants as a part of an acid rain mitigation program, and this paper does not examine this possibility.

[2] Fossil fuels include oil, natural gas, and coal.

tions will be allowed. In addition, the potential of new combustion technologies for reducing the cost of a technology-based implementation strategy is evaluated. Finally, projections of increases in electricity bills are made.

METHODOLOGY

Projecting into the future is a risky business. Various assumptions have to be made about financial conditions, control costs, electricity demands, and the implementation of an acid rain program. To hedge against this uncertainty, conservative assumptions about most of these parameters have been made, and possible revenue enhancement downstream provided for if the need arises. However, the future is uncertain and the actual result could fall outside of the parameters chosen for this analysis.

Fund Administration

Analysis of three SO_2 reduction proposals (eight, ten, and twelve million tons) is conducted using two different time scenarious: (1) a ten-year program, and, (2) a twelve year program. A phased imposition of the user fee is assumed to begin immediately (i.e. 1984) and continue until the program has paid off all its expenses. It is assumed that a dedicated fund will be established within the Treasury Department to collect receipts from the proposed user fee. These receipts are assumed to be invested by the Treasury in short- and mid-term government securities at the beginning of each year after their collection.[3] Such investment and reinvestment is assumed to continue throughout the duration of the program with all interest remaining in the fund for future disbursement.

In order to maximize interest collections, it is assumed that money will nto be disbursed from the fund until four years before the program's implementation deadline. This will provide the fund with six to eight years to accumulate funds and interest before expenditures are made. Of the total amount to be spent, it is assumed that 15 percent will be spent in the first year of construction (seventh or ninth year of program), 30 percent in each of the second and third years, and 25 percent in the last year. During this time, interest is calculated on the previous year's balance after current year expenditures have been made.[4]

Financial parameters

For programs being funded through a flat rate, the three most important financial parameters are inflation, the weighted cost of capital, and the interest rate on funds collected. Inflation is important because while all costs incurred here are assumed to rise with it (and indeed, in excess of it), the flat fee will not increase. Hence, relative to the fee, inflation could make the aggregate fixed fees collected inadequate to do the job. The weighted cost of capital is important because the technology-based strategy is a capital intensive one. The interest rate on funds accrued is important because it acts as a second revenue stream which could, perhaps, offset the effect of inflation on the fund. Indeed, if inflation is minimal, it could reduce the size of the fixed fee required.

1982 is used as the base year for calculations. This assumption results in an historically high weighted cost of capital (6.6% in real terms), high interest rate, and high discount rate. (See Table 1) The use of the short-term treasury bill rate as the rate for invested funds is based on the assumption that the fund will be required to invest its money in short- and mid-term government securities throughout the duration of the program, accumulating and compounding interest. The discount rate represents the government's long-term cost of money, given a 6 percent inflation rate. The 6 percent inflation rate represents both the 1982 rate and that currently projected by DRI for the period in question.

Revenues

Revenues for the acid rain program would come from two sources: (1) a user fee on fossil-fuel electricity generation; and (2) interest on moneys collected. To avoid sudden increases in electricity rates, it is assumed that the fee will be phased-in on the schedule shown in Table 2. A total fee of 3 mills per kilowatthour is assessed as of 1986 and continues until all costs of the program are paid. Electricity generation from fossil fuel sources is assumed to increase at a 1.5 percent annual rate throughout the duration of the program.

TABLE 1.—FINANCIAL PARAMETERS

Parameter	Rate	Source
Inflation	6	Data Resources Incorporated
Discount rate	13	1982 10-yr. Treasury bill rate
Interest rate for funds accrued	12	1982 short-term Treasury bill rate

TABLE 2.—SCHEDULE OF FEES

[In mills per kilowatt hours]

Year	Increase	Cumulative total
1984	1	1
1985	1	2
1986	1	3
1987 through duration of program	0	3
Optional increase in 1989 (10-yr. program) or 1991 (12-yr. program) if necessary	1	4

As an hedge against uncertainty, an optional 1 mill additional increase in the fee is provided for to cover negative contingencies in the availability of emerging technologies to control emissions and where a high tonnage reduction program is pursued. Generally, it provides an alternative to those who would prefer to shorten the payback period of some of the proposals analyzed here.

The second revenue stream is interest on these funds. The assumptions and administration of this source of revenues have been discussed earlier.

Cost

As noted earlier, the purpose of the fund is to pay the capital cost of buying and installing SO_2 and NO_x emission control technologies in fossil fuel-burning plants. The capital cost estimates for this paper are those used by the Environmental Protection Agency and are presented, along with the theoretical maximum reduction of each technology, in Table 3. Where a range of estimates was available, the highest estimates were used. The resulting capital costs are considerably higher than those projected by the Department of Energy in their analysis of SO_2 reduction costs.[5]

For each of the proposed reduction levels (8, 10, and 12 million tons), two cost scenarios were developed. These are shown in Table 4. One is a scenario which assumed a technology such as Limestone Injection Multistage Burners (LIMB) would be available in time to assist in the reduction effort. The scenario assumed that technologies would be employed from least cost (LIMB) to most expensive (FGD) to a limit of about 50 percent of their theoretical maximum reduction capability as estimated by EPA and shown in Table 3. This assumption is similar to the one employed by DOE in their analysis. After seven and one-half million tons of SO_2 equivalent has been removed, all future reductions are assumed to be achieved through FGD.

TABLE 3.—COST OF CONTROL TECHNOLOGIES USED IN STUDY

Technology	Capital cost[1]	Theoretical maximum reduction capability[2] [3]
Limestone injection multistage burner	0.58	6.35
Low NO_x burners	1.00	1.3
Physical coal cleaning	2.00	2.3
Lime spray drying	2.75	6.9
Lime/limestone FGD	3.13	8.3

[1] In billions of dollars per million tons of SO_2 equivalent removed.
[2] Assumes retrofit of SO_2 control technologies to all Eastern U.S. utility boilers whose primary fuel is coal with greater than 1.5 percent sulfur.
[3] In millions of tons of SO_2 equivalents removed annually.

Source: Environmental Protection Agency, LIMB/LOW NO_x Burners—EPA's Program to Develop Low Cost SO_2/NO_x Controls for Coal-fired Boilers. Revised March 1983.

TABLE 4.—REDUCTION SCENARIOS

[In millions of tons of SO_2 equivalent and billions of December 1982 dollars]

Reduction level: Technology	Current technology altnerative		Current technology with LIMB alternative	
	Amount of reduction	Cost	Amount of reduction	Cost
8,000,000-ton reduction:				
LIMB	0.0	0.0	3.0	1.74
Low NO_x burners	.5	1.0	.5	1.0
Physical coal cleaning	1.0	2.0	1.0	2.0
Lime spray drying	3.0	8.25	3.0	8.25
Lime/limestone FGD	3.5	10.96	.5	1.57
Total	8.0	22.21	8.0	14.56
10,000,000-ton reduction (additional amount):				
Lime/limestone FGD	2.0	6.26	2.0	6.26
Total	10.0	28.47	10.0	20.82
12,000,000-ton reduction (additional amount):				
Lime/limestone FGD	2.0	6.26	2.0	6.26
Total	12.0	34.73	12.0	27.08

The second scenario assumed that LIMB would not be available and that reductions would have to be made with current technology. Basically, this resulted in a substitution of emissions reductions by LIMB technology with much costlier reductions through FGD.

Although specific technologies have been chosen, it should not be inferred that these are the only ones available. Other technologies, such as Atmospheric Fluidized Bed Combustion may very well be available in time to assist in the reduction effort. However, the lack of reliable cost estimates excluded them from this analysis.

To reflect inflation and real escalation in construction costs, all capital costs listed earlier are escalated at an 8 percent per year rate beginning in 1983. This escalation represents a general inflation rate of 6 per-

[3] This is done to simplify calculations. In reality, funds would be invested almost immediately upon arrival.

[4] This is done to simplify calculations. In reality, funds would be invested until the last possible moment.

[5] Department of Energy. Cost to Reduce Sulfur Dioxide Emissions. March 1982.

Note.—DOE's numbers are in 1980 dollars.

cent and an additional 2 percent per year for construction cost escalation.

ANALYSIS*

The following discussion analyzes three aspects of the user fee question: (1) payback period, (2) impact of new technologies, and (3) impact on residential electricity bills.

Payback period

Twelve-year program.—A twelve-year user fee program will inherently have a shorter payback period after equipment installation than a ten-year program because of its ability to collect revenues two years longer before expenditures are necessary (all else being equal). Based on the assumptions made earlier, Table 5 presents the balance of the proposed user fee fund as of January 1, 1996, the date when all construction is mandated to be completed and controls in operation. If the fund is running a deficit at this time, the number of additional years the fee would have to be in effect to pay off the balance is estimated.

As indicated, a 3 mill fee is more than sufficient to cover the cost of an eight million ton reduction regardless of the control scenario employed. Indeed, the surplus is so large that the user fee could be halted at least a year early (several years if LIMB is available) and still the balance would remain positive. (See also Tables A-1 and A-2 in the Appendix.)

TABLE 5.—PAYBACK PERIOD FOR 12-YR PROGRAM WITHOUT ADDITIONAL 1-MILL FEE

[In billions of current dollars]

Reduction level	Current technology with LIMB scenario		Current technology with LIMB scenario	
	Balance of fund Jan. 1, 1996	Years to pay off balance	Balance of fund Jan. 1, 1996	Years to pay off balance
8,000,000 tons	+34.91	Surplus	+10.44	Surplus
10,000,000 tons	+14.87	Surplus	−9.74	3
12,000,000 tons	(1)		−30.08	20

[1] Not calculated. Result would be similar to a 10,000,000-ton reduction employing the current technology approach.

For a ten million ton reduction, the control scenario determines whether the program runs a surplus or requires an additional one mill fee to pay the costs by the implementation deadline. If new technology is available, a 3 mill fee appears adequate to fund the cost of reduction. If such technology is not available (and assuming no additional fee is provided), the fund would have to borrow funds and the 3 mill fee would have to be imposed for three additional years beyond the implementation date of the reduction program to recover costs. However, as shown in Table 6, the addition of a fourth mill in 1991 would reduce the extended payback period from three years to less than one for the current technology scenario. (See also Tables A-3, A-4 and A-6 in the Appendix.)

For a twelve million ton reduction, the additional fee prevents the user fee from becoming an almost permanent addition to consumers' utility bills. Even with the additional fee, considerable borrowing is necessary to meet expenditures, the interest on which extends the payback period. (See Tables A-5 and A-7 in the Appendix.)

* Program balance sheets for all calculations are provided in the appendix.

TABLE 6.—PAYBACK PERIOD WITH ADDITIONAL 1-MILL FEE FOR CASES EXCEEDING 12-YR PAYBACK PERIOD

[In billions of current dollars]

Reduction level	Current technology scenario	
	Balance of Funds Jan. 1, 1996	Years to pay off balance
10,000,000 tons	−0.89	1
12,000,000 tons	−21.17	5

In sum, a 3 mill fee can provide, with some confidence, sufficient funds to cover the cost of an eight million ton reduction within twelve years. For a ten million ton reduction, an additional 1 mill fee in 1991 may be necessary to provide sufficient funds to pay off the costs before operations begin of LIMB is not available. For a twelve-million ton reduction, the additional mill will most likely be necessary to fund the program during any circumstances and, unless new technologies are available, that addition may be insufficient for the fund to recover all costs before 1996.

Ten-year program.—As noted, a ten-year program is expected to present a more difficult situation for a user fee than a twelve-year program. As shown in Table 7, this expectation turns out to be correct, with all current technology scenarios showing negative balances at the beginning of 1994. In the case of the eight million ton reduction, the deficit is not serious and would be eliminated in the following year. However, for the ten and twelve million ton reduction, the importance of new technologies to cut costs become very evident, with the prospect of extended payback periods for the current technology scenarios. (See also Tables A-8 through A-12 in the Appendix.)

TABLE 7.—PAYBACK PERIOD FOR 10-YR PROGRAM WITHOUT ADDITIONAL 1-MILL FEE

[In billions of current dollars]

Reduction level	Current technology with LIMB scenario		Current technology scenario	
	Balance of fund Jan. 1, 1994	Years to pay off balance	Balance of fund Jan. 1, 1994	Years to pay off balance
8,000,000 tons	+17.85	Surplus	−3.24	1
10,000,000 tons	+.62	Surplus	−20.64	8
12,000,000 tons	(1)		−37.85	Never

[1] Not calculated. Result would be similar to a 10,000,000-ton reduction employing the current technology approach.

The 1 mill additional fee in 1989 improves the payback situation to some extent, as shown in Table 8. However, both the ten and twelve million ton reductions using current technologies would entail significant borrowing for several years as the 4 mill fee chips away at the deficit. (See also Tables A-13 and A-14 in the Appendix.)

In sum, a 3 mill fee is probably adequate to fund a ten-year, eight million ton reduction. However, the fee does not appear adequate for either a ten-year, ten or twelve million ton acid rain program unless new, more efficient, technologies are available to cut capital costs. An additional 1 mill increase in the fee in 1989 would reduce payback periods, but the fund would have to borrow for several years before the 4 mill fee eliminates the deficit.

TABLE 8.—PAYBACK PERIOD WITH ADDITIONAL 1-MILL FEE FOR CASES EXCEEDING 10-YEAR PAYBACK PERIOD

[In billions of current dollars]

Reduction level	Current technology scenario	
	Balance of fund Jan. 1, 1994	Years of pay-off balance.
10,000,000 tons	−11.99	3
12,000,000 tons	−29.39	9

Impact of new technologies

As suggested by the preceding section, new technologies could have a significant impact on the cost of an acid rain mitigation program, assuming they can remove SO_2 or NO_x less expensively than current technology. For this paper, LIMB technology has been singled out as an illustrative example of such technology, although other significant technologies also exist.

To evaluate the impact of new technology on program costs, the net present values of the twelve-year, eight and ten million ton scenarios have been calculated. The net present value of these scenarios after twelve years is presented in Table 9. As indicated, LIMB offers a significant cost advantage across both reduction levels. Using the cost estimates assumed here, the effect of LIMB is to reduce costs by the equivalent cost of reducing two million tons of SO_2 by FGD. Hence, a ten million ton reduction using LIMB equates roughly to the cost of an eight million ton reduction using more conventional technologies.

Such projected savings could be the basis for increasing research, development, and demonstration of emerging new technologies now in order to promote their availability for an acid rain mitigation program. Savings achieved could be used either to increase the quantity of SO_2/NO_x removed, or to reduce the cost of compliance by eliminating the potential need for the 1 mill fee increase in the middle of the program. Congress may wish to consider this if it opts to enact an acid rain mitigation program.

TABLE 9.—NET PRESENT VALUE OF 8,000,000 AND 10,000,000 TON REDUCTION SCENARIOS

[13-percent discount rate, 1984 1 year, in billions of dollars]

Reduction level	Current technology with LIMB scenario	Current technology scenario	Difference
8,000,000 tons	+19.89	+13.33	6.56
10,000,000 tons	+14.52	+7.92	6.60

Impact of fee on residential electricity bills

The most important factor in estimating the potential proportional (dollar) impact of a 3 mill fee on consumers is inflation. The maximum effect of the fee will occur in 1986, the first year of the full 3 mill fee. To determine the maximum impact of a 3 mill fee imposed in 1986 on a January 1982 electricity bill, the proposed 3 mill fee was discounted to reflect projected inflation for the period from 1982 to 1986 using two different rates. The results are presented in Table 10. The projected increase could be considered a "worst case" situation since it assumes a totally fossil fuel-dependent utility and a complete passthrough of the fee.

TABLE 10.—IMPACT OF 3-MILL INCREASE IMPOSED IN 1986 ON 1982 MONTHLY ELECTRICITY BILLS

[In January 1982 dollars]

Monthly use of electricity	Monthly cost of 3 mill fee in 1986—Annual inflation rate	
	4 percent	6 percent
500 kWh	1.28	1.19
1,000 kWh	2.57	2.38

Estimates of the potential maximum percentage increase in an residential electricity bill within the 31-State region depends on two factors: (1) estimated 1986 electricity bills, and, (2) the percentage of a utility's electricity generated by fossil fuels. To compute the worst-case situation, calculations have been made with the lowest typical electricity bills available in the region, according to the Department of Energy.[6] It is emphasized that the resulting percentages are increases in electricity bills, not rates. Consumers' utility bills may include charges besides kWhs used, such as taxes. These other charges may influence the potential impact of the fee.

The results of this comparison are presented in Table II. As indicated, the maximum impact of a 3 mill fee is under 7 percent, an impact which may decline if other factors drive up the cost of electricity. The typical increase is estimated to be under 4 percent of consumers' 1986 electricity bills.

TABLE 11.—IMPACT OF USER FEE ON SELECTED RESIDENTIAL ELECTRICITY BILLS

[500 kWh consumption per month]

Company	Jan. 1, 1982 electric bill	Maximum percent increase due to user fee (in 1986) [1]
Southwestern Electric Power Co.:		
4-percent inflation	$20.28	6.3
6-percent inflation	20.28	5.9
Union Electric Co.:		
4-percent inflation	25.15	5.1
6-percent inflation	25.15	4.7
National average:		
4-percent inflation	37.26	3.4
6-percent inflation	37.26	3.2

[1] Because DOE includes some taxes, but not others, the resulting percentages may be slight underestimates.

APPENDIX

The following tables are the program balance sheets for the various scenarios examined in this study.

TABLE A–1.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated kWhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25

[6] Department of Energy. Typical Electric Bills, Jan. 1, 1982. Energy Information Administration, October 1982.

TABLE A–1.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)—Continued

[Billions of current dollars unless otherwise noted]

	Estimated kWhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	4.12	4.72	42.59
1993	1.39	4.17	3.89	10.18	40.47
1994	1.41	4.23	3.54	11.00	37.24
1995	1.43	4.29	3.28	9.90	34.91

[1] From Fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–2.—PROGRAM BALANCE SHEET OF 12-YEAR, 8-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.83	7.19	39.83
1993	1.39	4.17	2.92	15.53	31.39
1994	1.41	4.23	1.75	16.78	20.59
1995	1.43	4.29	.66	15.10	10.44

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–3.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL COST)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.88	6.74	40.33
1993	1.39	4.17	3.09	14.56	33.03
1994	1.41	4.23	2.08	15.73	23.61
1995	1.43	4.29	1.13	14.76	14.87

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–4.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.58	9.22	37.55
1993	1.39	4.17	2.12	19.91	23.93
1994	1.41	4.23	.29	21.51	6.94
1995	1.43	4.29	−1.61	19.36	−9.74
1996	1.46	4.38	−1.27		−6.63
1997	1.48	4.44	−.86		−3.05
1998	1.50	4.50	−.40		1.05

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–5.—PROGRAM BALANCE SHEET OF 12-YEAR, 12-MILLION-TON REDUCTION (NO ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs Generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	4.05	3.75		39.08
1992	1.37	4.11	3.34	11.25	35.28
1993	1.39	4.17	1.32	24.30	16.47
1994	1.41	4.23	−1.27	26.24	−6.81
1995	1.43	4.29	−3.95	23.61	−30.08
1996	1.46	4.38	−3.91		−29.61
1997	1.48	4.44	−3.85		−29.02
1998 [2]	1.50	4.50	−3.77		−28.29

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institutes data.

[2] Payback period estimated at 20 years.

TABLE A–6.—PROGRAM BALANCE SHEET OF 12-YEAR, 10-MILLION-TON REDUCTION (ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs Generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	5.40	3.75		40.43
1992	1.37	5.48	3.50	9.22	40.43
1993	1.39	5.56	2.46	19.91	28.54
1994	1.41	5.64	.84	21.51	13.51
1995	1.43	5.72	−.76	19.36	−.89

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–7.—PROGRAM BALANCE SHEET OF 12-YEAR, 12-MILLION-TON REDUCTION (ADDITIONAL FEE), USING CURRENT TECHNOLOGY ONLY

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.92		31.28
1991	1.35	5.40	3.75		40.43
1992	1.37	5.48	3.50	11.25	38.16
1993	1.39	5.56	1.66	24.30	21.08
1994	1.41	5.64	−.67	26.24	−0.19
1995	1.43	5.72	−3.09	23.61	−21.17
1996	1.46	5.84	−2.75		−18.08
1997	1.48	5.92	−2.35		−14.51
1998	1.50	6.00	−1.89		−10.40
1999	1.52	6.08	−1.35		−5.67
2000	1.55	6.20	−.73		−.20

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–8.—PROGRAM BALANCE SHEET OF 10-YEAR, 8-MILLION-TON REDUCTION (NO ADDITIONAL FEE) USING CURRENT AND LIMB TECHNOLOGY

[Billions of current dollars, unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.44	4.04	26.76
1991	1.35	4.05	2.16	8.73	24.24
1992	1.37	4.11	1.78	9.43	20.70
1993	1.39	4.17	1.47	8.49	17.85

[1] From fossil-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–9.—PROGRAM BALANCE SHEET OF 10-YEAR, 8-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fee	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.18	6.17	24.37
1991	1.35	4.05	1.32	13.32	16.42
1992	1.37	4.11	.24	14.38	6.39
1993	1.39	4.17	−.85	12.95	−3.24
1994	1.41	4.23	−.42		.57

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–10.—PROGRAM BALANCE SHEET OF 10-YEAR 10-MILLION-TON REDUCTION USING CURRENT AND LIMB TECHNOLOGY (NO ADDITIONAL FEE)

[Billions of current dollars, unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fee	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	0.46		8.06
1987	1.27	3.81	0.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	2.23	5.78	24.81
1991	1.35	4.05	1.48	12.49	17.85
1992	1.37	4.11	0.52	13.48	9.00
1993	1.39	4.17	−0.41	12.14	0.62

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–11.—PROGRAM BALANCE SHEET OF 10-YEAR 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwh generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	1.98	7.90	22.44
1991	1.35	4.05	.64	17.07	10.06
1992	1.37	4.11	−1.09	18.44	−5.36
1993	1.39	4.17	−2.85	16.60	−20.64
1994	1.41	4.23	−2.68		−19.09
1995	1.43	4.29	−2.48		−17.28
1996	1.46	4.38	−2.25		−15.15
1997	1.48	4.44	−1.97		−12.68
1998	1.50	4.50	−1.65		−9.83
1999	1.52	4.56	−1.28		−6.55
2000	1.55	4.65	−.85		−2.75

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

TABLE A–12.—PROGRAM BALANCE SHEET OF 10-YEAR 12-MILLION TON REDUCTION USING CURRENT TECHNOLOGY ONLY (NO ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	3.93	2.19		24.37
1990	1.33	3.99	1.77	9.62	20.51
1991	1.35	4.05	−.04	20.83	3.69
1992	1.37	4.11	−2.26	22.49	−16.95
1993	1.39	4.17	−4.83	20.24	−37.85
1994 [2]	1.41	4.23	−4.92		−38.54

[1] From fossil fuel-fired plants. Initial estimates derived from Edison Electric Institute data.

[2] Interest payments are greater than revenues collected from user fee. Hence, the fee can never pay off the debt.

TABLE A–13.—PROGRAM BALANCE SHEET OF 10-YEAR, 10-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	0.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	5.24	2.19		15.68
1990	1.33	5.32	2.13	7.90	25.23
1991	1.35	5.40	.98	17.07	14.54
1992	1.37	5.48	−.51	18.44	1.07
1993	1.39	5.56	−2.02	16.60	−11.99
1994	1.41	5.64	−1.56		−7.91
1995	1.43	5.72	−1.03		−3.22
1996	1.46	5.84	−.42		2.20

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

TABLE A–14.—PROGRAM BALANCE SHEET OF 10-YEAR, 12-MILLION-TON REDUCTION USING CURRENT TECHNOLOGY ONLY (ADDITIONAL FEE)

[Billions of current dollars unless otherwise noted]

	Estimated Kwhs generated [1] (trillions)	Revenues from fees	Interest on balance	Expenditures	Cumulative balance
Date:					
1984	1.22	1.22			1.22
1985	1.24	2.48	.15		3.85
1986	1.25	3.75	.46		8.06
1987	1.27	3.81	.97		12.84
1988	1.29	3.87	1.54		18.25
1989	1.31	5.24	2.19		25.68
1990	1.33	5.32	1.93	9.62	23.31
1991	1.35	5.40	.30	20.83	8.18
1992	1.37	5.48	− 1.86	22.49	− 10.69
1993	1.39	5.56	− 4.02	20.24	− 29.39
1994	1.41	5.64	− 3.82		− 27.57
1995	1.43	5.72	− 3.58		− 25.43
1996	1.46	5.84	− 3.31		− 22.90
1997	1.48	5.92	− 2.98		− 19.96
1998	1.50	6.00	− 2.59		− 16.55
1999	1.52	6.08	− 2.15		− 12.62
2000	1.55	6.20	− 1.64		− 8.06

[1] From fossil-fired plants. Initial estimate derived from Edison Electric Institute data.

HOUSE ACTION ON THE NUCLEAR WEAPONS FREEZE

Mr. KENNEDY. Mr. President, yesterday the House of Representatives completed a second full day of debate on the joint resolution for a nuclear weapons freeze and reductions. Despite concerted administration efforts to defeat the freeze initiative, Members of the House once again demonstrated their commitment to an immediate and comprehenisve freeze by decisively rejecting alternative proposals for nuclear reductions and a mutual "builddown" of nuclear warheads, that would also permit a nuclear weapons buildup.

In the course of yesterday's debate, an important new poll by Louis Harris was circulated, which confirmed that a 79 to 16 percent majority of Americans—incuding a 72 to 23 percent majority of Republicans and an 83 to 13 percent majority of Democrats—wants

Congress to pass a nuclear freeze resolution.

In addition, seven Governors, including Michael Dukakis of my State, wrote a letter calling for passage of the nuclear weapons freeze and reductions resolution, in which they stated:

There is no more urgent work facing Congress today; and further delay tactics and parliamentary maneuvers to weaken or amend the freeze will not be tolerated by the millions of Americans who want an end to this nuclear madness.

Finally, five former State Department, Defense Department, Central Intelligence Agency, and Arms Control and Disarmament Agency officials—George Ball, Clark Clifford, William Colby, Averell Harriman, and Paul Warnke—have written to "strongly urge Members of Congress to approve this resolution, and oppose any efforts to dilute and distort it."

Mr. President, I strongly agree with these distinguished Americans and the millions of their fellow citizens who are calling upon the Congress to enact the nuclear weapons freeze and reductions resolution. I request that Mr. Harris' report and the letters from the Governors and former administration officials be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FAVOR PASSING NUCLEAR FREEZE RESOLUTION

(By Louis Harris)

A 79-16 percent majority of Americans wants Congress to pass a resolution that "would call upon the United States to negotiate a nuclear freeze agreement with the Soviet Union under which both sides would ban the future production, storage, and use of their nuclear weapons." Despite the controversy that has surrounded the nuclear freeze issue, key groups of the public now would favor passage of such legislation, including a 78-19 percent majority of those who voted for Reagan in 1980 and a 72-23 percent majority of Republicans.

In the latest Harris Survey of 1,254 adults nationwide, taken by telephone between March 17th and 20th, people remain concerned about the threat of a nuclear war, despite assurances by President Reagan that he is trying to negotiate an agreement with the Russians to control and reduce nuclear arms:

By 63-24 percent, a majority of Americans is convinced that a third world war is likely to break out in the next 20 years and that nuclear weapons will be used in such a conflict.

A 69-25 percent majority now favors having "every country that has nuclear weapons banning the production, storage, and use of those nuclear weapons," down slightly from 73-23 percent a year ago.

By 80-17 present, majority now supports the idea of "all countries that have nuclear weapons agreeing to destroy them." This is up from 61-37 percent a year ago.

This anti-nuclear weapons sentiment in the United States should not be taken to mean that the public favors unilateral disarmament for this country. Instead, a 78-19 percent majority would oppose "the United States deciding to gradually dismantle our nuclear weapons before getting agreement from other countries to do the same."

When asked if they throught a limited nuclear war is winnable, an 81-10 percent majority of Americans is convinced it is not and would "inevitably become an all-out nuclear war."

Obviously, what has captured the public's attention is not the nuclear freeze proposal as such, the fear that the United States and the Soviet Union might be headed for a nuclear confrontation. A record 85 percent majority of Americans now feels hostility toward the Soviets, with 51 percent saying categorically that that notion is our enemy. And President Reagan does not instill Americans with a sense of confidence that he is dedicated to avoiding a nuclear confrontation with the Russians. He comes up 64-29 percent negative on the way he has handled the nuclear arms negotiations with the Russians in Geneva over the past year. Close to half of the American population expresses concern that President Reagan will get us into another war.

People feel there's a very real risk that a devastating nuclear war could take place anytime, and that's why the anti-nuclear sentiment has spread so wide and far in America today.

The White House has answered the freeze demands by suggesting that the Reagan proposals call for a reduction in nuclear weaponry. Americans support a nuclear arms reduction every bit as much as they support a freeze. Yet the strongest sentiment is expressed by the better than 4 to 1 majority that wants all nations with nuclear arms to destroy them in a verifiable way. As a result, pressure on both the House and Senate to pass nuclear freeze resolutions has become very intense.

Between March 17th and 20th, the Harris Survey asked a cross section of 1,254 adults nationwide by telephone:

"How likely do you think it is that a third world war using nuclear weapons will break out in the next 20 years—very likely, somewhat likely, or not very likely at all?"

LIKELIHOOD OF NUCLEAR WEAPONS BEING USED IN THIRD WORLD WAR

	Percent
Very likely	29
Somewhat likely	34
Not very likely at all	34
Not sure	3

"Would you favor or oppose every country that has nuclear weapons banning the production, storage, and use of those nuclear weapons?"

FAVOR BANNING PRODUCTION, STORAGE AND USE OF NUCLEAR WEAPONS?

[In percent]

	Favor	Oppose	Not sure
March 1983	69	25	6
May 1982	70	25	5
March 1982	73	23	4

"Would you favor or oppose the United States deciding to gradually dismantle our nuclear weapons before getting agreement from other countries to do the same?"

POSITION ON UNITED STATES DISMANTLING BEFORE GETTING AGREEMENT FROM OTHERS TO DO SAME

[In percent]

	Favor	Oppose	Not sure
March 1983	19	78	3
March 1982	15	82	3

"Do you think it is possible for one side to win a limited nuclear war, or do you think a limited nuclear war would inevitably become in all-out nuclear war?"

POSSIBLE TO WIN A LIMITED NUCLEAR WAR?

[In percent]

	March 1983	December 1981
Possible to win a limited nuclear war	10	9
Would inevitably become on all-out nuclear war	31	86
Not sure	9	5

"Would you favor or oppose all countries that have nuclear weapons agreeing to destroy them?"

FAVOR COUNTRIES WITH NUCLEAR WEAPONS DESTROYING THEM?

[In percent]

	Favor	Oppose	Not sure
March 1983	80	17	3
May 1982	74	22	4
March 1982	61	37	2

"Would you favor or oppose Congress passing a resolution that would call upon the United States to negotiate a nuclear freeze agreement with the Soviet Union under which both sides would ban the production, storage, and use of their nuclear weapons?"

FAVOR CONGRESS PASSING RESOLUTION CALLING UPON THE UNITED STATES TO NEGOTIATE FREEZE AGREEMENT?

[In percent]

	Favor	Oppose	Not sure
Total	79	16	5
Republican	72	23	5
Democrat	83	13	5
Independent	82	14	4
Voted Reagan in 1980	78	19	3
Voted Carter in 1980	84	12	4
East	82	16	2
Midwest	82	15	3
South	76	15	5
West	80	17	3
Conservative	75	20	5
Middle of the Road	84	13	3
Liberal	85	13	2

METHODOLOGY

This Harris Survey was conducted by telephone with a representative cross section of adults 18 and over at 1,254 different sampling points within the United States between March 17th and 20th. Figures for age, sex and race were weighted where necessary to bring them into line with their actual proportions in the population.

In a sample of this size, one can say with 95% certainty that the results are within plus or minus three percentage points of what they would be if the entire adult population had been polled.

This statement conforms to the principles of disclosure of the National Council on Public Polls.

THE COMMONWEALTH OF MASSACHUSETTS,
Boston, Mass.

DEAR REPRESENTATIVE: As Governors of States whose citizens have expressed overwhelming support for a bilateral, verifiable, Nuclear Freeze—either directly through ballot referendum or indirectly through legislative action—we join together to urge your vote in favor of the Bilateral Nuclear Weapons Freeze and Reductions Resolution (H.J. Res. 13) when it comes before the House of Representatives this week.

The Freeze provides simply for an immediate halt to production, testing and deployment of all nuclear weapons and systems both in the United States and the Soviet Union. Adoption of the Freeze at this time would leave the United States in a position of superiority or equality in almost all significant categories. According to Richard DeLauer, Undersecretary of Defense for Research and Engineering, the quality of US weapons is equal or superior to Soviet weapons in 27 out of 32 separate categories, including landbased nuclear missiles, submarines, and bombers. Fiscal year 1984, Department of Defense Program for Research, Development and Acquisition).

The Freeze has won overwhelming national approval. Over 79% of the American public supports a bilateral freeze, according to the March 1983 Harris Poll; and 11.6 million of Americans voted for it in the November 1982 election. Freeze Referenda passed in 9 states where it appeared on the ballot, plus the District of Columbia; and Freeze Resolutions have been approved by 17 state legislative bodies. Finally, more than 500 town meetings, city councils, and county commissions through the country voted for the freeze. The support is enormous and growing. It represents a genuine outflowing of grassroots sentiment. There is no more urgent work facing Congress today; and further delay tactics and parliamentary maneuvers to weaken or amend the freeze will not be tolerated by the millions of Americans who want an end to this nuclear madness.

On March 1, 1983, there was a historic vote by the assembled Governors at the National Governors' Association meeting which put all of us on record for reduction in defense spending, so that our states might better provide for more pressing needs: the social and economic well-being of our citizens.

For these reasons and more, we call upon you, as colleagues and representatives, to heed this most serious concern—not only of your local constituency, but of a country, and a world intent upon peace and the prevention of nuclear devastation.

Sincerely,

Michael S. Dukakis, Governor, State of Massachusetts; Anthony S. Earl, Governor, State of Wisconsin; Joseph Garrahy, Governor, State of Rhode Island; Rudy Perpich, Governor, State of Minnesota; Joseph Brennan, Governor, State of Maine; Harry Hughes, Governor, State of Maryland; George R. Ariyoshi, Governor, State of Hawaii.

APRIL 12, 1983.

Hon. CLEMENT ZABLOCKI,
Chairman,
Committee on Foreign Affairs,
Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our support for H.J. Res. 13, the bilateral nuclear weapons freeze and reductions resolution in the House of Representatives. We strongly urge members of Congress to approve this resolution, and oppose any efforts to dilute and distort it.

We support redcutions in the number of nuclear weapons; that is why we support the nuclear weapons freeze. A mutual and verifiable freeze offers the best hope of halting the nuclear arms race and providing a framework for initiating the complex process of reducing the nuclear arsenals of both superpowers. With a freeze in place, real reductions can be achieved, rather than reductions in some areas that are tacitly used to ratify a re-direction of the arms race to higher levels of danger and instability.

We would strongly oppose any arms control agreement that depended on U.S. trust of Soviet compliance. But our experience in nuclear arms control makes us confident that a nuclear weapons freeze can be verified—in fact, we believe that a freeze may actually be more verifiable than other arms control agreements, including the President's own START proposal. In any event, we agree with the intent of the pending freeze resolution that anything which cannot be verified will not be frozen.

In sum, we believe that America's national security will be enhanced by a nuclear weapons freeze. A bilateral freeze is the most effective way to stop the further development of dangerous and destabilizing new nuclear weapon systems, and to reduce the risk of nuclear war.

Respectfully,

George Ball, Former Under Secretary of State; William Colby, Former Director of the Central Intelligence Agency; Clark Clifford, Former Secretary of Defense; W. Averell Harriman, Former Governor of New York and Under Secretary of State; Paul C. Warnke, Former Arms Control and Disarmament Agency Director and Chief SALT negotiator.

VOTING RIGHTS ACT PROGRESS

Mr. HOLLINGS. Mr. President, I take pleasure in calling attention to an event soon to take place that speaks much about the importance of the Voting Rights Act of 1965 and the extension of this act which Congress enacted last year. The event to which I refer, is the upcoming annual meeting of the Georgia Association of Black Elected Officials to be held April 22 and 23 in Atlanta. And, at this meeting, Mr. President, one of the outstanding members, the Honorable Richmond Daniel Hill, mayor of Greenville, Ga., and, incidentally, the first elected black mayor of Georgia, will be honored upon his retirement from public life.

It was not too many years ago that an annual meeting of elected black officials in Georgia, or any other State in my region, would have been a curiosity. Today it is a respected part of the political process. And, Mr. President, it is because of the outstanding commitment and dedication of public servants like Mayor Richmond Hill that the body of elected black officials is an important and contributing part of the political process.

At age 77, Mayor Hill is retiring from a position he has held since 1973 and a capacity in which he has served with great distinction. Greenville is a small town of 1,200 located southwest of Atlanta near the Georgia-Alabama border. As mayor, Richmond Hill has done much to improve the living conditions of his town and improve the services, services that citizens in larger town routinely expect from city hall, but, in many instances, are unknown in the smaller towns of the Nation. In his term of office, Greenville has seen the water and sewer supply systems expanded to all areas of the town; all the streets are now paved; the fire department is fully equipped; a million dollar housing rehabilitation program for low-income residents has been completed; 50 public housing units have been built; industry has come to Greenville jobs for its residents; the old train depot has been converted to a multipurpose center for elderly residents; and the list could go on. The progress Greenville has made is widely recognized. The town won first place in the Governor's Competition Project in 1981 after a second place finish in 1980. And, Mr. President, Mayor Richmond Hill has done something all of us in this body should respect and value—he has achieved these and many more accomplishments for Greenville without adding any new tax burden, and he has kept the budget in balance and operating in the black. That is a record we should all wish for. The leadership that Mayor Richard Hill has given his community justifies our recognition. He is a fine example for all of us.

Mr. President, let me acquaint my colleagues with a little of the mayor's background. Like so many men of accomplishment, Mayor Hill comes from humble origins. He was born on May 2, 1905, in Harris County, Ga., to Johnny A. and Annie Bell Hill. He is the son of a sharecropper who took his first job in Atlanta as a bellhop at the age of 15. Although his normal educational process was interrupted, it is a tribute to his persistence and the value in which he holds education that he earned his high school degree when he was in his twenties. In his early years he held many jobs, far too numerous to list here, but he finally settled in Greenville in 1940 as a tailor, later to enter the funeral business, which he operates today with his daughter, Ms. Virginia Lee Hill. His wife, Mrs. Hiran Green Hill is deceased.

Richmond Hill has had a long and distinguished career as a leader. In addition to being the first black elected

mayor in Georgia, he was in 1968, the first black elected to the Greenville City Council where he served as vice mayor until his election in 1973. He also served two 4-year terms on the board of education. He has been recognized for his public service by numerous civic and fraternal organizations.

The success of Richmond Hill, and the Georgia Association of Black Elected Officials is not only a tribute to the individual and collective work they have contributed, and achievements they have realized, but to the larger accomplishments we have made as a region and a nation over the last generation. The passage of the Voting Rights Act of 1965 has made a dramatic impact on black voter participation, and in the number of blacks holding elective office. In those States that are fully, or significantly, covered by the Voting Rights Act, the percentage of black voting age population registered to vote in 1965 was 29.3 percent. In 1980 that figure rose to 59.7 percent. In the same States, in 1970, there were 404 black elected officials—Federal, State and local offices. By 1981 that figure rose to 1889, an increase of 468 percent.

Blacks are now routinely making valuable contributions to the political process. It is no longer unusual for a group like the Georgia Association of Black Elected Officials to be in existence. And, it is no longer unusual for a man like Richmond D. Hill to be mayor. It will, however, always be significant that he was the first to hold this important office and that he showed the way to the many others that will come after him, and that he performed his responsibilities in an effective and credible manner. That is what is important, and, Mr. President, that is what I call to the attention of the Senate today. The progress exemplified by Richmond D. Hill is a symbol for all the other Richmond Hills of this Nation who are capable and willing to serve. It is encouragement for all to participate in the political process. That is what Richmond D. Hill stands for and that is why we can all take pride in his lifelong achievements and the outstanding service he has provided to so many.

THE ICBM-CONTROVERSY

Mr. HATCH. Mr. President, with all of the controversy surrounding the MX missile, particularly with the recent release of the report of the President's Commission on Strategic Forces, a great deal of attention has settled upon the use of the small ICBM, known in some circles as the Midgetman. In discussion with some of my colleagues, and reading their statements both in the RECORD and in the media, I have witnessed a trend toward supporting the small ICBM in lieu of the MX.

I want to caution anyone who supposes that this will be a quick and inexpensive venture; nothing could be further from the truth. Development of a small ICBM will take both time and money. In an article appearing in the Washington Post this morning, "Small Missiles Carries Problems of Its Own," by Michael Getler, many of the problems attendant to moving in this direction are identified.

Among the problems listed are: First, military and industry sources indicate development time for the entire system to be up to 10 years; second, the cost of such a system could be as high as $69 billion. "Don't forget," one officer said, "1,000 single warhead missiles means 1,000 guidance systems, 1,000 transporters, 1,000 a lot of things."; third, estimates are that it could take up to 47,000 personnel to operate the system; fourth, questions remain about guidance systems; and fifth, there is currently no vehicle capable of performing the mission being identified for the small missile transfer-launcher.

These problems were further highlighted by comments contributed to former Secretary of Defense Harold Brown. According to Secretary Brown, "This new system still has many uncertainties, particularly in terms of cost and the feasibility of hardening truck-mobile missiles or superhardening of fixed shelters."

Mr. President, these are only a few of the problems that must be resolved before we can say this is the system we will use. What must be understood is that this is not an alternative to the MX. The MX remains a vital part of our national security.

As we go forward with this problem, and as we consider both the President's recommended basing mode and the defense spending bill, it behooves all of us to keep an open mind to the options available to us. One of these is the small ICBM, but is will require a great deal of work. In the meantime, we should proceed with the deployment of MX. I point out to my colleagues that in the Commission's report these options were laid out as a package and not in a manner in which they would pick and choose those options which we seem more attracted to as opposed to others. Mr. President, I ask unanimous consent that the above-mentioned article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 14, 1983]

SMALL MISSILE CARRIES PROBLEMS OF ITS OWN

(By Michael Getler)

The small, single-warhead nuclear missile that the president's advisory commission on arms recommended this week as a possible successor to the MX would solve some problems the Pentagon faces. But it would create some new ones.

Among other things, it might cost more than twice as much as the MX, some experts estimate. One reason is that it might require as many as 47,000 people just to tend a sizeable small-missile force of the kind now envisioned.

One important advantage of small missiles, supporters say, is that they make less attractive targets than large ones like the multiple-warhead MX. If the United States and Soviet Union shifted to smaller missiles there would be less temptation for either side to strike first in a nuclear war in hopes of knocking out the other's retaliatory power.

Supporters also argue that the small missile—30 tons vs. 100 for the MX—would be relatively easy to move around or otherwise protect. The likelier U.S. missiles are to survive an attack, the more deterrent value they have.

Whether a small missile of the kind envisioned can be built is not in doubt. It is a relatively easy job.

But how it might be transported and protected from the blasts of even distant nuclear explosions, how much it would cost, how many would be needed and how many persons it would take to operate and guard such a system are very big question marks.

In addition, it is not clear that all the important elements of the U.S. Air Force, which would be charged with developing the missile, are unified behind the idea.

Some Air Force estimates submitted to the presidential commission, according to military and industry sources, forecast costs of $69 billion over 10 years to develop, deploy and operate a force of about 1,000 such missiles on mobile transporters specially designed to withstand nuclear blast, heat and radiation.

"Don't forget," one officer said, "1,000 single-warhead missiles means 1,000 guidance systems, 1,000 transporters, 1,000 a lot of things."

The Air Force says its small-missile cost estimate compares with roughly $30 billion over the same period to deploy 100 MX missiles, with a total of 1,000 individual warheads on them, in the Dense Pack basing system that was rejected by Congress but which the Air Force said it believed offered a good chance for survival.

In addition, some estimates indicate that it could take 47,000 personnel to operate, maintain and guard these weapons, with the security requirements especially high if provisions are made to move the mobile launchers off military reservations and onto the nation's road system during exercises or periods of alert or crisis.

Industrial experts, who also asked not to be identified, say they believe the military estimates are far too high. For one thing, they say it is not likely that 1,000 missiles will be needed because they will be more survivable than MXs in fixed silos. One contractor estimated that even if a 1,000-missile force on protective vehicles were needed it could be done for $30 billion to $40 billion over 10 years.

There are also military concerns about whether the small missile would have enough power to carry a big enough warhead to knock out Soviet missile silos and command bunkers if the Soviets increase the strength of such underground installations.

Another question is whether a sufficiently accurate guidance system could be developed to steer the missile to its target after

its transporter had raced from its peacetime base to a new firing point.

The key technical challenge, however, would come in developing vehicles able to carry the missile around at 40 to 55 mph and still protect itself, its crew and its missile cargo from atomic attack. There is considerable interest in new vehicles which supposedly can squat down and "seal themselves" to the earth to protect against blast and shock.

But such vehicles exist only on paper. The Air Force says a normal transporter without special protection would be able to withstand pressure of about 2 pounds per square inch, which means that an atomic blast within eight miles of the vehicles would destroy it.

If vehicles can be built to withstand blast pressures of 20 to 30 psi, then it would take blasts within a half mile to two miles to destroy them, military officers say. That is the kind of protection the commission was told was possible by industry specialists.

One company, General Dynamics, is building a nuclear-hardened transporter for new U.S. cruise missiles being deployed in Europe. But the hardness of these vehicles is said to be well below the goal for the new missile.

In its report to President Reagan this week, the commission recommended that while development goes ahead on the new missile, 100 MX missiles be deployed in silos now used for the existing force of older Minuteman missiles.

While agreeing with the commission's recommendation, former secretary of defense Harold Brown, a respected scientist and an influential counselor to the commission issued a separate statement of caution.

"This new system," Brown said of the small missile, "still has many uncertainties, particularly in terms of cost and of the feasibility of hardening truck-mobile missiles or superhardening of fixed shelters."

"For example," he said, "unless the United States can negotiate severe limits on a level of ICBM warheads, the number of single-warhead missiles needed for a force of reasonable capability and survivability could make the system costs, and the amount of land required, prohibitively great.

"We also do not know whether truck-mobile systems will be able to survive a megaton blast two miles away [a megaton is the equivalent of one million tons of TNT]. Lacking that hardness, the mobile system is easily barraged into destruction or forced into peacetime deployment on highways, which would raise political difficulties."

Those arguments are not unlike others that repeatedly have thwarted attempts by Carter and Reagan to deploy the MX in a more survivable manner.

THE FARM CREDIT CRISIS

Mr. PRYOR. Mr. President, 1 week ago today, the Administrator of the Farmers Home Administration, Charles Shuman, and the Under Secretary of Agriculture for Small Community and Rural Development, Frank Naylor, were testifying before a Senate Appropriations Subcommittee. At that hearing, members of the subcommittee, and later the full Senate, learned that the Farmers Home Administration had stopped making farm operating loans in 17 States. One of the States involved was the State of Arkansas. I could hardly believe it when I learned of this fact because all spring those of us who represent farm States had been assured that there would be sufficient money to make operating loans this spring.

Mr. President, it has now been 1 week since that bomb was dropped, and the farmers of 17 States who depend on FmHA for operating loan money still do not know what is going to happen. They are wondering whether or not the administration is going to do something to resolve this crisis, and they are also wondering whether or not we are going to take steps to correct the problem. I was pleased to learn that the House Agriculture Appropriations Subcommittee tentatively approved a measure yesterday that will provide an additional $600 million in funds. It is my understanding, however, that this measure is not going to be considered again until next Tuesday because many Members of the other Chamber are attending the funeral of the very distinguished member from California, Mr. Burton. I would hope, Mr. President, that before that date, the Secretary of Agriculture and other officials of this administration would take steps to begin making operating loans again. Even if we get a supplemental appropriation through the Congress and the President signs it, we are still talking about several days, and then we will be faced with the normal processing of the loans.

Mr. President, I cannot stress to my colleagues, and to the Secretary of Agriculture, how urgent this situation is. Time is of the essence. Our failure to act will bring financial ruin to many hardworking men and women, and will create serious problems in many parts of rural America. It is terribly ironic, Mr. President, that just when the farmers of this country have so overwhelmingly endorsed the PIK program and showed their willingness to get farming back to profitability, that this administration would allow operating loans to be stopped dead in their tracks. We have got to get this reversed and I urge all of my colleagues to consider this matter and what will occur in many parts of our country if it is not corrected.

AMBASSADOR TONY MOTLEY

Mr. STEVENS. Mr. President, recently an article appeared in the March 1983 issue of Manchete magazine featuring the U.S. Ambassador to Brazil, Tony Motley. Ambassador Motley and his family have been quite successful in representing our country in Brazil. I must say that I and my colleague from Alaska, Senator FRANK MURKOWSKI are proud of the leadership he has given in the area of United States-Brazil relations.

As the article points out, Tony was born in Rio de Janiero and lived there for the first 17 years of his life until his entrance into the Citadel for college education in the United States. After the Citadel, Tony began a career in the U.S. Air Force during which time he was taken to Alaska. It was in Alaska that Tony and I began to know one another on a professional and personal basis.

Over the years Tony and I have experienced times, good and bad, through which mutual admiration has developed. He was instrumental in working out the Alaska lands issue. His ability and organizational talents were exhibited time after time.

I know that Senator MURKOWSKI has a great deal of respect and admiration for Tony Motley. They spent many years in Alaska working on issues ranging from banking to foreign affairs.

President Reagan made an excellent choice in asking Tony Motley to serve as the U.S. Ambassador to Brazil. As he has in the past, Tony continues to perform effectively and with purpose, not by being aloof or callous, but by listening, participating, and acting with care.

Mr. President, Senator MURKOWSKI and I congratulate Ambassador Motley for his good service and ask unanimous consent that the text of the article be printed in the RECORD in its translated form from Portuguese to English.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANTHONY MOTLEY—AN AMBASSADOR WITH A BRAZILIAN KNACK

"Carioca" and "Tricolor", the U.S. Diplomatic Representative in Brazil talks about current relations between the two countries.

Tony Motley is a 44-year old "Carioca" (native of Rio) who represents the United States Government in Brazil. The son of an Atlantic official, the American Ambassador not only was born in Brazil: The formative years of childhood and youth took place in the "Carioca" atmosphere. A fanatic "sufferer", in his words, pulling for the Fluminense (sports club), he was an athlete-member of the club as a young basketball player. Today, when he returns from a sophisticated diplomatic reception, many times he can be surprised in the kitchen of his house eating two fried eggs, rice, and . . . manioc flour. He loves "feijoada". The other day, he was playing tennis at the Embassy tennis-court when a pick-up soccer game began nearby, played by janitorial employees. He let loose of his racket and went to play center forward.

"It is not only the fact that I was born in Rio," he says with a Carioca accent. "The more positive emotional influence is the fact that I lived here the first 17 years of my life. For an Ambassador this is very advantageous, because it is conducive to the creation of a favorable atmosphere and facilitates understanding of Brazilian characteristics."

Besides soccer, Anthony Motley plays golf and tennis on weekends. But he does not

have time for regular physical exercise as he would like to make. Among his habits is to frequent regularly the Embassy Club on Friday, where he fraternizes with employees around a table with Brazilian beer.

His Brazilian style has diffused throughout the Embassy. Instead of a special lunch. "Ambassador service," he prefers the rice and beans of cordial—a services' company which prepares the food for the employees in general. At the cafeteria he picks up a tray, enters the line where he waits about 20 to 30 minutes chatting with whoever is closer to him. He sits down at any table and converses with his table companion, be it a driver, a guard, or a diplomat. Sometimes he asks a high-level diplomat: "When was the last time you had a conversation with your driver?" and when he notes that a section chief is eating the traditional American noontime meal, he advises: "Aren't you going to take the cordial rice and beans?"

He may not know it. But we has turned into a charismatic figure in the Embassy as well as on the outside. His driver gave him a tape with jokes by Chico Anisio, which he sometimes listens to on his car's cassette-player. "During my twenty years with the Embassy, I have never seen anyone more sympathetic nor more open to resolve the employees' problems," testifies a Brazilian (employee).

If he asked for any extra effort, everyone is ready to help him, not because he is the Ambassador, but because of his personal appeal. After Reagan's visit, he wrote a letter thanking each employee for the work done. At Christmas and New Year he greeted every single one, and participated in the parties given by every single section of the Embassy. On Independence Day, 4th of July, he invited all employees to his house, Brazilians included, for a big barbecue. The low-ranked personnel of the Embassy live in an apartment building at superblock 113 South. Well, Motley built a recreation area for their families, and on weekends he goes there to socialize with them.

Tony Motley has a lot to do with the present good understanding between Brazil and the United States. He attributes that to the personal friendship between Reagan and Figueiredo. But the truth is that Motley was the one who was the catalyst for such friendship. "Part of his charisma is the fact that he is not a career diplomat"—states an American diplomat.

After leaving Brazil, at 17 years of age, he studied political science at the Citadel, in Charleston, South Carolina. Then he served as an officer in the United States Air Force for 10 years. He was the first foreign military officer under the rank of colonel to receive the Brazilian Government Decoration "Order of Santos Dumont" for his efforts on behalf of Brazil. Following his Air Force service he entered business, founding Crescent Realty Inc., in Anchorage, Alaska, which subsequently merged with Area Inc. Realtors, now the largest real estate firm in Alaska. During the same period, he was Commissioner of the Department of Commerce and Economic Development of the State of Alaska, where his responsibilities include public housing and finance, the state bond and loan program, economic development, tourism, energy and fisheries, and regulatory practices involving banking and insurance. As chief executive officer for the Citizens for the Management of Alaska Lands, Inc., he coordinated the lobbying and grassroots efforts of various industries and recreational groups interested in the balanced use of Alaska lands. A personal friend of vice-president George Bush, when he was nominated Ambassador of the United States to Brazil, inevitably someone had to carp: "a real estate agent to represent Reagan in Brazil."

Anyone who was critical must be biting his tongue now. Just as those who criticize him today must be chewing on the cud of their bureaucratic envy. For Tony from Leblon, son of Dona Faith from Teresopolis, is proving to be a great Ambassador.

When he served in the USAF, he automatically lost his Brazilian citizenship. But, in any case, a Presidential decree formally cancelled his Brazilian citizenship on August 9th, 1981, 40 days before he returned to Brazil as Ambassador.

A good part of the credit Brazil has with the bankers in the United States is due to Motley. He traveled to his country and talked with the bankers: Above all, he gained, for Brazil, the sympathy of the Treasury of the United States. Also in the case of the Bandeirante airplane, Motley's support was important in solving the matter in favor of Brazil. On the occasion of the floods in Belo Horizonte, he provided 2 million cruzeiros to help the victims. But he had to face an impenetrable bureaucratic web to make such help reach those who needed it.

The bureaucracy, in fact, envies him. Because he acts as a good businessman: He is objective, clear, simple and right to the point. If he can say "Mae" he doesn't say "Genitora". And he understands Brazil's problems and difficulties as few people do. Not only because he is acquainted with them, but because he has intellectual capacity, is sensible and maintains good contacts in both countries. He is a model of a new style of diplomacy, a modern style. He speaks not only with Formin Saraiva Guerreiro. He is a personal friend of President Figueiredo, with whom he talks directly and is also close to the Treasury Minister, Ername Galveas. His relationship with Brazilian Ministers, both civilian and military, is excellent. Recently he had a luncheon with Delfim Hetto. But not one, he least of all, could think about the idea of interfering in Brazil's internal affairs. A unique and able man. When asked why he behaves that way, he says: "people seem not to understand that I do this because I like Brazil".

Manchete interviewed U.S. Ambassador in his residence, in the Park Way mansions sector, in Brasilia. He was there with his family: his wife Judith, and daughters Allison, 14, Valerie, 12, and his mother-in-law Betty Jones, who was visiting with them. Also Missy, a cat from Alaska, and a dog, likewise born in Alaska, at 40 degrees below zero. Because of the color of his fur, he was named Terra in Portuguese. In Motley's house, where he promotes Brazilian and American confraternization, one can see autographed photos of Ronald and Nancy Reagan, Joao Figueiredo and George Bush, in addition to photos showing them together. When I requested the interview, this man who practices diplomacy without bureaucracy, answered: "Oh, come to my house on such and such a day".

How does an Ambassador feel who is not a career diplomat?

Although I have not received specific training as a diplomat, I am lucky because I can count on a first class team and this makes up for any gap I may have. On the other hand, Brazil-U.S. relations are basically commercial (trade) and I have experience in this. I was a bank director and chairman of a corporation. I was born and grew up here and I can understand the challenges and problems of Brazilian businessman better than most Americans. But I was involved also in politics in U.S., and I can understand the political game which is similar here.

Do preconceived ideas still exist between the two countries?

I am in a position to understand both sides. And this is even hereditary. My father was an employee of Atlantic, in Brazil, and also a member of the board of the Brazil-U.S. Chamber of Commerce. I remember when we traveled to the U.S. in 1948, riding through the country by car. My father stopped everywhere and talked favorably about Brazil. I would like my daughters to be given an opportunity to continue this habit of showing Brazil to Americans. But there are also Brazilian who do not know the U.S. They know the things shown in movies and on TV, which are not typical. There is an evolution, though. Many Brazilians studied in the U.S. and brought back their impressions. Unfortunately, for many, there is a lack of better mutual understanding, to eliminate prejudice.

Do you accept the statement that during your mandate Brazil-U.S. relations have reached one of the highest levels in their history?

If is difficult to be objective in answering such question. But I do think that all agree that the lowest relationship level occurred in 1977–78. One newspaper even illustrated this with a graph. I think we enjoy today a high level of relationship, and I think that the major contribution to that was the personal understand between the two Presidents. This understanding was spread through other echelons. In the White House, for example, Bill Clark and George Shultz have an understanding about Brazil totally different from their predecessors. Before, this understanding was limited to a East-West vision of the world. Both have this understanding with a more broader perspective. At the beginning of the Reagan administration, because there was a great emphasis on defense, some newsmen thought that we were exclusively concerned about the Soviet Union, with East-West comfrontation. But they forgot that the U.S. Armed Forces had been losing a high percentage of appropriations for a long time, and what we did was merely to restore the level. There were Presidents concentrated only with Camp David, SALT II, China, all at East-West level. Now the south is also included.

Did the Malvinas crisis damage the understanding between Brazil and the United States, which adopted opposing positions?

I do not believe that it caused any damage. Besides, the first encounter between Reagan and Figueiredo occurred during the war, and in the midst of the crisis both of them acted without compromising themselves. They talked openly and displayed great class as statesmen. I can say this because I was the interpreter in that conversation.

You were always with Reagan and Figueiredo during the formal and informal meetings. During the official meetings, what did they talk about?

Both of them discussed the large world issues. For me, it was an interesting revelation to perceive the ability of President Figueiredo to talk about the Middle East and the South of Africa, which are not areas close to Brazilian interests. But, during the first encounter, held in Washington, the Malvinas crisis was the dominant issue.

You said that the basis of the relationship between the two countries is trade. In this area, what seems to be the problem, nowadays?

I would say that the points of irritation are the issues of shoes, juices, planes, steel. But this is only happening because Brazil, today, has changed its list of exports. During the period when coffee was the main export product, the only problem was the price of coffee. Brazil has become industrialized and today has problems that are common in European countries. It is just that in Europe the problems are so common that they don't make headlines. Here in Brazil, this is still a novelty and therefore it still makes the headlines. Twenty years ago, 77 percent of Brazilian exports were made up of coffee. Today, Brazil sells the same volume of coffee, but it represents only 8 percent of the value of its exports. This is the evolution of Brazil. Thus, when the steel industry in the United States is only operating at 56 percent of its capacity, the steel producers try to defend themselves, accusing imports of giving them competition. This is not directed against Brazil. It is also directed at Japan, and at Europe. And it will continue, inasmuch as Brazil continues to increase its exports, because this happens to all large suppliers to the United States. The United States is not a protectionist country. So much so that 50 percent of Brazilian exports to the U.S. enter the country with zero duty on them. But those who suffer, scream. The squeaky wheel gets the grease. Even so, I do not think that Brazil has another partner with the same percentage of zero duty. And the United States, today, does not consider Brazil as a "developing country". But as a country which is reaching the levels of an industrialized country. Brazil is in no way like Chad, or Bangladesh. It is not like Western Germany, but it is getting there. Therefore, it cannot complain like Bangladesh, because it is not like it. The problem is that our rules and those of international organizations, established 20 years ago, only describe two types of countries. But nowadays there are others half way down the road, such as Brazil and South Korea, for example. It is therefore necessary to change the rules. Actually, the rules are changing and industrialized countries have to understand this. And so does Brazil.

How was the issue of the Bandeirante airplane?

One must understand that, when an American manufacturer feels damaged by external competition, he sends his complaint to the International Trade Commission which is an independent Federal agency not subordinated to the Executive. Therefore, it is difficult to get into this. I made a guess saying that Embraer would win and this came out in the Wall Street Journal. Then, I got a call from the White House saying that I couldn't talk about things that are not within the Executive's province. But I was right in my guess.

Having a profound knowledge of Brazil and being a personal friend of the highest Brazilian authorities, including the President, by what miracle do you face to give the slightest impression of meddling in our internal affairs?

Because I really don't meddle. When I came here, I told myself that I should always be careful in not interfering in Brazil's internal affairs. And I know I have been able to do this. I like politics, but I don't interfere, I don't discuss them, and I don't make statements about them. This is not my rule. As to the friends I have, I guess I wouldn't have them, if I tried to meddle into Brazil's internal affairs.

Has the friction from the time of the nuclear agreement with West Germany been eliminated?

That was the worst time in the relations between the two countries. The intent of the United States was that of attaining nonproliferation, but one must see how things are done. One country cannot push the other one. Carter and Mondale were ill-advised about the Brazilian program and the agreement with Germany. It was a bad time. Today, there is a better understanding about the rights and obligations between sovereign countries.

Brazil and the U.S. were allies in the last World War. How does the U.S. view Brazil today?

As a friendly, independent, and powerful country. There is a historical friendship: Both countries follow parallel but independent courses. Brazil's political and economic power shows that it is a powerful country. A country which has (business enterprises like) Mendes Junior, Engesa, Embraer, the automobile industry, is a country with remarkable presence in the world. This economic power gives weight to Brazil before the international organs.

How about the old idea of dividing responsibilities in the Defense of the South Atlantic?

Any responsibility that Brazil may have in the South Atlantic originate in Brazil. Today it is difficult to convince a partner to do something which is not in its national interest. If the country wants to, it does, jointly or alone. The South Atlantic has a very great strategic importance. Looking at the map one sees that navigation in the North Atlantic is surrounded by defenses. In the south there is a vacuum. In the eyes of military strategists, this means a lot.

Another old idea is the division of tasks. The U.S. would take care of the north of the Americas, and Brazil the south. This still persists?

AMS: I have access to secret papers and have never read, talked, or heard about the possibility of Brazil having to render some service to the United States in Latin America. The United States knows that there already are sufficient problems in the area, and would do nothing to augment them. Brazil has a tradition in foreign policy of not creating problems with its neighbors. Rio Branco ceded territory in order not to have problems. This policy has continued up to the present, with figueiredo, and deserves an "a-plus."

RECLASSIFICATION OF CERTAIN ALASKA LANDS AS PARK PRESERVES

Mr. STEVENS. Mr. President, my colleague from Alaska, Senator MURKOWSKI, and I have introduced a bill to transfer 12 million acres of land currently classified as national parks, to national park preserves. We have introduced this measure along with 18 cosponsors in the Senate because of our strong belief in multiple-use land management.

When the Alaska lands bill was passed in December of 1980, 25 million acres of land in Alaska were closed to hunting. These lands were classified as national parks wherein hunting was prohibited even though, for generations, many of these acres were considered prime hunting grounds and were used for such purposes. The decision to close off these lands was not one based upon sound wildlife management techniques, it was one based upon a romantic nonscientific notion that closing off the lands would eternally preserve the land and wildlife. While the land designation prohibits mining, oil drilling, and timber-cutting activities, the prohibition unfortunately covers sports hunting even though no strong case for disallowing this activity can be made.

The bill the Alaska delegation has sponsored seeks to rectify this problem and reclassify a portion of the lands presently designated as national park to a new designation of park preserve. The State of Alaska has an excellent record in the management of fish and game and I am certain would monitor these lands carefully under the land designation of park preserve. Should the proposed transfer take place, the Alaska Department of Fish and Game would assume the responsibility for monitoring these lands.

Sports hunting would be allowed in the newly created park preserves under our bill. Hunting is not antithetical to nature. It is, in fact, a very natural activity. The multiple-use concept is one which Alaskans have supported since the days prior to statehood.

I am hopeful that wisdom and proper public policy will prevail and that the Senate will pass S. 49, the Alaska National Hunting bill, in the very near future. Hunting and preservation are not incompatible.

Mr. President, across the Nation, numerous newspaper editorials have been written in support of our bill. Careful study of the situation in Alaska will, I am certain, lead the Senate to the same conclusion that the reclassification of these lands in Alaska is the proper and prudent course to take.

I ask unanimous consent that editorials appearing in the Friday, April 8, 1983, edition of the Fairbanks Daily News-Miner, and the Saturday, March 26, 1983, edition of the Los Angeles Times be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Daily News-Miner, Fairbanks, Alaska, Apr. 8, 1983]

A GOOD MOVE

A proposal to transfer 12 million acres of Alaska land from national park status to park preserve status will be up for its first hearings in Congress next week.

The bill is good move, consistent with multiple use land management and equal treatment of Alaskans, and deserves the backing of Alaskans.

Sponsored by Sen. Ted Stevens last year, the package of amendments to the Alaska

Lands Act didn't get anywhere in the 1982 congressional session. Reintroduced this year as S. 49 and introduced in the House as HR 1493, the bill has been gathering support since last year. Around the nation, sportsmen's groups are hailing the amendment package—the Alaska National Hunting Bill—as a measure which will "determine the status of hunters in Congress for at least the next decade and will be a factor in every hunting-related bill that comes before Congress and state legislatures therefore."

The bill would open to sport hunting 12 million acres now included in national parks, where sport hunting is prohibited but subsistance hunting is permitted.

The Alaska Lands Act, passed in December 1980, closed to hunting and trapping nearly 25 million acres of Alaska lands, by designating them as national parks and monuments. The bill would open to sport hunting about 5 million acres in the Gates of the Arctic National Park; about 1.5 million acres in the additions to Denall National Park; about 1 million acres in Lake Clark National Park; about 1 million acres in Katmai National Park; about 88,000 acres in Aniakchak National Monument; about 667,000 acres in Kenai Fjords National Park; about 3.2 million acres in Wrangell-St. Elias National Park; and about 214,000 acres in Glacier Bay National Park.

The Alaska Department of Fish and Game has a pretty good track record of managing Alaska's big game species, even within the many constraints that exist today. By transferring this land to park preserve status, state fish and game regulations would be in effect there.

In a recent letter to sport hunters, Sen. Frank Murkowski, a co-sponsor of S 49, pointed out that the state Department of Fish and Game employs 93 full-time biologists and had a budget of more than $10 million. The Department of Public Safety employed more than 100 people for wildlife enforcement activities and budgeted more than $13 million for that responsibility. In contrast, the National Park Service has only one full-time biologist and five others with wildlife biology responsibilities in Alaska; less than 1 percent of park service employees are stationed here even though over 50 percent of the nation's park land is in Alaska.

"These figures clearly indicate the major contribution the state of Alaska can make in the wise management and use of a major Alaskan renewable natural resource," Murkowski wrote.

Multiple use of Alaska's resources is a concept recognized in our state Constitution; so are equal treatment of residents and equal access to natural resources. It makes sense for Alaskans to support this change in federal law to make it more consistent with the principles we already recognize and support within state law.

MINORITY BUSINESS AID CONTRACT LET

WASHINGTON.—The Commerce Department has awarded a $200,000 contract to Community Enterprise Development Corporation in Anchorage to provide business and marketing aid to minority-owned businesses and individuals in Alaska.

The funds are made available under a new minority business development project which is aimed at helping minority firms to improve their profitability and performance, according to Rep. Don Young, R-Alaska, who announced the award.

The corporation is a non-profit economic development company owned by community-based organizations from throughout Alaska. The funds will be used to give technical assistance to minority firms in business management, loan packaging, venture capital, marketing, financial analysis, accounting and business expansion. All Alaska businesses that are at least 51 percent minority owned are eligible for the assistance.

Francis Gallela, an Alaska business consultant, directs the project.

[From the Los Angeles Times, Mar. 26, 1983]

VIEWPOINT: HUNTERS DESERVE ANOTHER SHOT AT IT

Environmentalists and resource developers were the principal antagonists three years ago in a battle over the appropriate uses of vast federal holdings in the Alaskan wilderness.

The environmentalists won when Congress classified 25 million acres as National Parks and Monuments, placing them permanently off limits to mining, oil drilling and timber cutting.

But the designation also had the effect of evicting hunters and trappers from areas that had been open to them for many years.

We agreed at the time that Congress was right in protecting the wilderness from irreparable damage that would result from commercial exploitation, yet no case could be made that hunters were also a danger to the physicial environment.

Alaska's two Republican senators—Ted Stevens and Frank Murkowski—are pushing an amendment to the 1983 legislation that would reclassify 12 of the 25 million acres from park status to park reserve status. That designation would continue the current protections against oil, timber and mineral development, but would permit hunting under the control of the Alaskan Department of Fish and Game.

The game population are in no danger of extinction in the areas that would reopen to hunting, and Alaska's strict enforcement of bag limits would protect them from the possibility of future depletion.

The fact is that hunters were caught in the middle three years ago in the crossfire between lobbyists for conservationists and developers. The Stevens/Murkowski amendment to the Alaska lands act simply acknowledges that hunting and preservation of scenic resources are not incompatible.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTIONS SIGNED

At 10:04 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983 through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month."

The enrolled joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 12:14 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following bills, without amendment:

S. 89. An act to amend the Saccharin Study and Labeling Act; and

S. 126. An act to remedy alcohol and drug abuse.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1035. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes;

H.R. 1071. An act for the acquisition by the United States by exchange of certain native owned lands or interests in lands in Alaska;

H.R. 1437. An act entitled the "California Wilderness Act of 1983; and

H.J. Res. 80. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1035. An act to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 1071. An act for the acquisition by the United States by exchange of certain native owned lands or interests in lands in Alaska; to the Committee on Energy and Natural Resources.

H.R. 1437. An act entitled the "California Wilderness Act of 1983"; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary reported that on today, April 14, 1983, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 52. Joint resolution to authorize and request the President to designate the week of April 10, 1983 through April 16, 1983, as "National Mental Health Week"; and

S.J. Res. 53. Joint resolution to authorize and request the President to designate the month of May 1983 as "National Physical Fitness and Sports Month".

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-69. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry:

"H.R. 433

"Whereas, the General Assembly of Georgia has become aware of the possible termination of the Farmers Home Administration's interest credit programs; and

"Whereas, these interest credit programs are the primary rural housing programs that offer assistance to the rural home buyer according to his ability to repay such assistance; and

"Whereas, the State of Georgia is restricted by the state Constitution from using state funds for housing development and the homeownership programs of the Georgia Residential Finance Authority cannot reach the income levels of many low income rural home buyers: Now, therefore, be it

"Resolved by the House of Representatives, That this body does call upon the United States Congress to consider the impact and damage that will be done to rural communities if the Farmers Home Administration's interest credit programs are terminated: Be it further

"Resolved, That this body does call upon the United States Congress to continue the Farmers Home Administration's interest credit programs or to take whatever other action is necessary to provide for the support of housing programs which are adequate to meet the needs of residents of rural areas: Be it further

"Resolved, That copies of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives of the United States and to all members of the Georgia Congressional Delegation."

POM-70. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, the Congress has authorized the Secretary of Agriculture to deduct 50 cents per hundredweight from payments to milk producers; and

"Whereas, this deduction is costing Minnesota dairy farmers $50,000,000 per year at the present level; and

"Whereas, the cost to Minnesota milk producers will rise to $100,000,000 per year or $4,000 per dairy farm if the assessment is doubled in April; and

"Whereas, the deduction is increasing the level of milk production rather than causing a reduction in output as was intended: Now, therefore, be it

"Resolved by the Legislature of the State of Minnesota, That Congress should speedily enact legislation to repeal the deduction and create a fair dairy program that serves the needs of farmers and consumers alike: Be it further

"Resolved, That the Secretary of State of the State of Minnesota is instructed to transmit certified copies of this resolution to the President of the United States, the President and Secretary of the Senate of the United States, the Speaker and Chief Clerk of the House of Representatives of the United States and to Minnesota's Senators and Representatives in Congress."

POM-71. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE CONCURRENT RESOLUTION No. 3017

"Whereas, the production and marketing of grain by farmers in this state and throughout the nation provides a commodity vital to the health, safety, and welfare of the nation; and

"Whereas, the recent grain embargo and international trade restrictions have placed in jeopardy the efficient marketing of this grain and future foreign markets for it; and

"Whereas, as an alternative to placing their total production yields of grain into the market, farmers have privately built storage facilities and are participating in the federal grain reserve program authorized by 7 U.S.C. 1445(e), designed to establish orderly marketing and which provides an emergency source of food supplies to the nation; and

"Whereas, farmers receiving loans pursuant to the federal grain reserve program, and using their grain placed in the federal grain reserve program as security, and currently charged nine percent interest on the loan principal; and

"Whereas, current grain prices are inadequate to sustain a continued strong and independent agricultural industry: Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the President and the Congress of the United States are urged to repeal the authority to charge any interest to farmers participating in the grain reserve program who receive loans through the Commodity Credit Corporation; and be it further

"Resolved, That copies of this resolution be forwarded to the President of the United States, the Speaker and Clerk of the United States House of Representatives, and the President and Secretary of the United States Senate."

POM-72. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Appropriations:

"Whereas, the Legislative Assembly recognizes the existence of a state obligation to provide education and rehabilitative services to disabled and handicapped citizens; and

"Whereas, the Legislative Assembly further recognizes that education and rehabilitative services to disabled and handicapped citizens must be accomplished on an individual basis, and that great deference should be given to the professional judgment of qualified professionals as to which types of treatment and education should be afforded each individual; and

"Whereas, Congress has considered the needs of handicapped and disabled persons and has enacted Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142, the Education for All Handicapped Children Act of 1975; and

"Whereas, Congress has never provided sufficient funding to the states to bring their practices and facilities into compliance with Section 504 of the Rehabilitation Act of 1973, and P.L. 94-142; and

"Whereas, state and local governments have been made subject to civil suits and often the payment of plaintiffs' attorneys fees by persons alleging deprivation of their constitutional or statutory rights; and

"Whereas, the state of North Dakota and its political subdivisions have been confronted with significant expenditures mandated by federal courts following decisions based in part upon these federal laws; and

"Whereas, federal statutes and federal court decisions are mandating requirements for states in terms of numerical ratios and macroscopic statistics and are setting timetables for implementation: Now, therefore, be it

"Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein, That the Forty-eighth Legislative Assembly urges the Congress to provide sufficient funding to the states to enable such states and their political subdivisions to fairly undertake the fiscal responsibility for providing facilities and services that are reflective of the rights granted under these federal Acts; and be it further

"Resolved, That the Forty-eighth Legislative Assembly urges the Congress to amend 42 U.S.C. 1983 et seq. to limit the payment of attorneys fees to reasonable and prevailing rates in the states, and to remove the unreasonable provisions of the law including the doubling of attorneys fees at the courts' discretion; and be it further

"Resolved, That the Forty-eighth Legislative Assembly urges the Congress of the United States to enact legislation providing rights for handicapped and disabled persons which would provide for individualized consideration of the specific needs of such persons rather than legislation based upon general assumptions of educational and rehabilitative needs of handicapped and disabled persons; and be it further

"Resolved, That the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation."

POM-73. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Banking, Housing, and Urban Affairs:

"Whereas, in recent years there has been a steady erosion of the national currency resulting in high interest rates paradoxically accompanied by unemployment rates not seen since the Great Depression of the 1930's; and

"Whereas, while protecting the economy from the ravages of inflation is vital, it is of equal and vital importance that there not be further repetition of the cycles of boom and bust that in the past two decades have characterized American business, whether on Main Street or on the farm; and

"Whereas, recent years have seen unprecedented interest rates that have made it extraordinarily difficult for farmers and other businesses of North Dakota to obtain the capital necessary for the continued operation of their businesses; and

"Whereas, the volatility of interest rates, as evidenced by the prime rate recently hitting levels that just a few years ago would

have been unheard of, makes it nearly impossible for the operator of a farm or other business to plan sensibly for future operations: Now, therefore, be it

"Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein, That the Forty-eighth Legislative Assembly urges the Federal Reserve Board to consider carefully the impact of its decisions about money supply and interest rates on the economic good health of America, especially as those decisions affect agricultural states such as North Dakota, and to adopt a monetary policy that will protect this nation not only from the ravages of inflation, but also from the volatility of interest rates and high unemployment; and be it further

"Resolved, That the Secretary of State send copies of this resolution to the chairman and each member of the Federal Reserve Board, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to each member of the North Dakota Congressional Delegation."

POM-74. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 10

"Whereas, The Administrator of the Environmental Protection Agency has announced that the Clean Air Act (42 U.S.C. Sec. 7401 et seq.) requires the agency to invoke the construction ban sanction and, in some cases, to cut off all air grant and highway construction funds by January 31, 1983, for nonattainment areas; and

"Whereas, The proposed reimposition of federal highway construction funding sanctions by the agency would be a breach of faith with the motoring public in California who are required to pay increased federal gasoline taxes; and

"Whereas, The proposed reimposition of a highway construction funding sanction upon California, under the enforcement program recently announced by the agency, would jeopardize many highway projects within California which are vital to public safety; and

"Whereas, The California Legislature passed Senate Bill No. 33 (Chapter 892 of the Statutes of 1982) establishing vehicle inspection and maintenance only after repeated assurances from the Environmental Protection Agency that the legislation would be sufficient to remove highway construction funding sanctions and other sanctions imposed upon California; and

"Whereas, California's recently enacted vehicle inspection and maintenance program contained in Senate Bill No. 33 may be jeopardized if the agency breaches good faith and reimposes a highway construction funding sanction upon California on or after January 31, 1983; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, without any intention to address the basic framework of the Clean Air Act, respectfully memorializes the Congress of the United States to take appropriate action to ensure that the Environmental Protection Agency does not reimpose sanctions against highway construction funding or sewer construction funding, or continue the imposition of a ban on construction or modification of major stationary sources; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-75. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 3019

"Whereas, the State of North Dakota through its tax system has adopted a program of tax incentives for landowners to sell or rent farmland to beginning farmers; and

"Whereas, this program has been in effect since 1979 and has proven to be a positive method of encouraging landowners to consider beginning farmers when they decide to transfer their land; and

"Whereas, such a program to assist beginning farmers is one which does not require the establishment of new agencies or additional bureaucracy; and

"Whereas, the federal tax policy has been shown by United States Department of Agriculture studies to have a significant impact on American agriculture; and

"Whereas, federal tax policy has in general led to upward pressure on farmland prices, larger farm sizes, incentives for farm incorporation, altered management practices, and increased use of farmland as a tax shelter by both farmers and non-farmers; and

"Whereas, these impacts of federal tax policy have generally negative effects on beginning farmers and therefore contribute to the continued decline of farm numbers in the United States;

"Now, therefore be it *Resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:*

"That the Forty-eighth Legislative Assembly urges the United States Congress to adopt a system of tax incentives for those who sell or rent land to beginning farmers, similar to that presently used in North Dakota.

"Be it further *Resolved,* that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Secretary of the Treasury, the Secretary of Agriculture, and the President of the United States.

POM-76. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Foreign Relations:

"SENATE JOINT MEMORIAL No. 106

"Whereas, The unleashing of nuclear weapons would cause death, injury, and destruction on a scale unprecedented in human experience, and a major nuclear war would end civilized human existence throughout the world; and

"Whereas, Both the United States and the Soviet Union now have enough nuclear weapons in their arsenals to destroy every population center in both nations and in all nations with which they are allied; and

"Whereas, The technology of nuclear weaponry is rapidly being disseminated, and more countries have or will soon gain the technical proficiency to develop nuclear weapons; and

"Whereas, The history of the nuclear arms race demonstrates that the continued and unrestrained development of new weapons will overtake arms control agreements before the agreements have been negotiated; and

"Whereas, The enormous cost of nuclear weapons has caused the reallocation of funds from programs that improve the quality of life for people in many countries, has contributed in our own country to continued high budget deficits and borrowing costs, and has caused the redeployment of technical resources, scientists, engineers, and the capital investment necessary for the improved productivity of our civilian economy;

"Now, therefore, Your Memorialists respectfully pray that the President and Congress of the United States immediately propose to the Soviet Union a mutual and verifiable freeze on the testing, production, and further deployment of nuclear weapons and of the systems designed primarily to deliver nuclear weapons, and upon agreement, to jointly seek negotiation of a permanent, international, and multilateral nuclear weapons ban subject to rigid verification; and

"Be it *Resolved,* That copies of this Memorial be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Honorable John Spellman, Governor of the State of Washington, and each member of Congress from the State of Washington."

POM-77. A concurrent resolution adopted by the Legislative Assembly of the State of North Dakota; to the Select Committee on Indian Affairs:

"SENATE CONCURRENT RESOLUTION No. 4029

"Whereas, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other acts of the United States government; and

"Whereas, the various governmental relationships among tribal, local, state, and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by our federal system; and

"Whereas, the existence of extensive adverse title claims, and claims for money damages against current land owners, pursuant to 28 U.S.C. 2415 appear to be imminent; and

"Whereas, such claims also constitute a clear and present threat of a permanent, significant erosion of state and local tax bases which are already jeopardized by the constant conversion of deeded land to trust land; and

"Whereas, the fundamental question of the definition of boundaries of the reservations is still unresolved after years of litigation in the federal courts; and

"Whereas, in addition to the land claims and boundary questions, there are further questions surrounding the relative authority of tribal, local, state, and federal governments to exercise normal governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries, and particularly within incorporated cities such as Parshall and New Town; and

"Whereas, the uncertainties and complexities of these land claims and jurisdictional disputes raise substantial questions concerning the availability of full constitutional guarantees to American citizens residing

within the reservation boundaries, and further that these conditions tend to have the undesirable effect of establishing various classes of citizenship with attendant differences in the rights and obligations of these classes of individuals in such important areas as taxation; and

"Whereas, the application of governmental authority is further complicated by property ownership patterns intermingling privately owned and deeded lands with tribal and trust lands within a given reservation; and

"Whereas, the administration of justice and protection of personal safety and property of both Indian and non-Indian people alike remains in question in such matters as extradition, application of tribal law to non-Indian persons and application of state law to Indian persons residing or located within reservation areas; and

"Whereas, legal uncertainties extend beyond personal rights to the management of natural resources and environmental protection, including but not limited to oil, gas, coal, and other mineral rights, conflicts involving hunting and fishing regulation, water management and individual water rights; and

"Whereas, free and orderly commerce on the reservations and within disputed areas is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, other financial transactions, the Federal Traders Act, liquor control, and other aspects of commerce; and

"Whereas, consumer protection in such matters as professional licensing and others is in question in reservation areas as a result of apparent and growing limitations placed on the application of state law within the several Indian reservations; and

"Whereas, questions are being raised relative to what services state and local governments should and must provide reservation residents in view of growing assertions that state law and authority do not extend to reservation areas; and

"Whereas, the cost and time involved in seeking a resolution to these and other problems through litigation is undesirable and only serves to prolong uncertainties and encourage increased tensions; and

"Whereas, the availability of quality and clearly defined governmental services is critical to the solution of these problems and is not readily possible under current conditions; and

"Whereas, these undesirable conditions are largely a result of acts of the United States government and the State of North Dakota is virtually powerless to achieve their fundamental solutions;

"Now, therefore, be it *Resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:*

"That the Congress of the United States and the President of the United States and subordinates are urged, petitioned, and memorialized to fulfill their respective responsibilities in providing leadership in the solution of these and other problems which are equally destructive to the progress and quality of life and preservation of peace of both Indian and non-Indian residents of the State of North Dakota; and

"Be it further *Resolved,* That copies of the resolution be forwarded by the Secretary of the Senate of the State of North Dakota to the presiding officers of the United States House of Representatives and the United States Senate, the North Dakota Congressional Delegation, and the President of the United States, the Secretary of the Interior, the Attorney General of the United States and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming. The director of Indian affairs commission shall send a copy of this resolution to all Indian tribes and affiliated organizations across the state of North Dakota."

POM-78. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA STATE SENATE—RESOLUTION 196

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations: Now, therefore, be it

"Resolved by the Senate, That the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-79. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA HOUSE OF REPRESENTATIVES—H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations: Now, therefore, be it

"Resolved by the House of Representatives, That the members of this body ex-

press our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-80. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA HOUSE OF REPRESENTATIVES—H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations; Now, therefore, be it

"Resolved by the House of Representatives, That the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children; be it further

"Resolved, That the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-81. A joint resolution adopted by the General Assembly of the State of Arkansas; to the Committee on the Judiciary:

"H.J.R. 9

"Whereas, Arkansas, like many other sister states, must carefully spend taxpayers money on vital public services; and

"Whereas, Arkansas, like many other sister states is financially strapped and many public services are required to be cut back and others eliminated altogether; and

"Whereas, Arkansas taxpayers, acting through their duly elected Representatives and Senators, resent being told by the Federal Courts to spend vast sums of money on the State penal facilities which means, in effect, that the Federal Courts put a heavier priority on prison inmates than they do on delivering essential services to law abiding taxpayers; and

"Whereas, under Article 5 of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds (⅔) of both Houses deem it necessary. We believe such action vital: Now, therefore, be it

"Resolved by the Seventy-Fourth General Assembly of the State of Arkanas, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the General Assembly of the State of Arkansas requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States forbidding Federal Courts exercising jurisdiction over the State penal facilities of the United States: Be it further

"Resolved, That copies of this Resolution by sent by the Secretary of State to the Arkansas Congressional Delegation; and be it further

"Resolved, That the Secretary of State of the State of Arkansas is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C."

POM-82. A resolution adopted by the Senate of the State of Georgia; to the Committee on the Judiciary:

"GEORGIA STATE SENATE—RESOLUTION 86

"Whereas, in 1973, the Georgia General Assembly, responding to and reflecting the overwhelming public sentiment present within this state, enacted legislation providing for the imposition of the death sentence for persons convicted of the commission of certain heinous crimes; and

"Whereas, since 1973, more than 100 persons have been convicted and sentenced to death for the commission of various horrible and violent crimes; and

"Whereas, if citizens of the State of Georgia are to maintain confidence in the judicial and criminal justice systems and if capital punishment is to serve as an effective deterrent, there must be a certainty that the sentence of death will be imposed and carried out expeditiously for persons found guilty of the commission of these abhorrent acts; and

"Whereas, in 1980, the Georgia General Assembly, responding to the sense of frustration of the public in the matter of the imposition of the death sentence, took appropriate and needed steps to streamline the review processes of the death sentence in the state judiciary; and

"Whereas, this body, while recognizing the appropriateness of each defendant's constitutional right to pursue all legal remedies available to test the legality of his conviction and sentence in criminal cases, recognizes that it is nevertheless not in the public interest that such challenges be pursued in any manner other than timely, with the courts resolving in an expeditious manner all such proceedings: Now, therefore, be it

"Resolved by the Senate, That this body does urge the United States Congress to enact appropriate federal legislation establishing in the federal judiciary an efficient and expeditious unified appeals process regarding all challenges to the imposition of the death penalty so that in all death penalty cases the people of the State of Georgia may be assured that there will be swift and sure punishment for persons convicted of those horrible and violent crimes within this state for which the death penalty may be imposed: Be it further

"Resolved, That the Secretary of the Senate mail a copy of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the United States House of Representatives, to the chairmen of the United States Senate and United States House Judiciary Committees, to the members of the Georgia Congressional Delegation, and to each appellate and district court judge of the 11th U.S. Judicial Circuit."

POM-83. A resolution adopted by the Lambda Rho Chapter of Phi Beta Sigma Fraternity urging Congress to pass the proper legislation to declare Martin Luther King, Jr.'s birthday, January 15th, as a national legal holiday and urging Congress to freeze gas prices for the next two years; to the committee on the Judiciary.

POM-84. A resolution adopted by the International Association of Chiefs of Police urging the commitment of public resources toward improving public understanding of our Constitution, Bill of Rights, and the system of governmental laws established by our Constitution through law-related education; to the committee on the Judiciary.

POM-85. A memorial adopted by the House of Representatives of the State of Arizona; to the Committee on Veterans' Affairs:

"HOUSE MEMORIAL 2001

"Whereas, thousands of members of the United States armed forces and service personnel who served in Vietnam and elsewhere in Indochina were exposed to herbicides used by the United States military to defoliate jungle growth and destroy food crops; and

"Whereas, these herbicides, one of which is commonly known as "agent orange", contained as a contaminant the substance known as dioxin, which is one of the most toxic substances in existence; and

"Whereas, many veterans exposed to these herbicides have suffered severe health problems including cancer, nervous disorders and birth defects in their offspring.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the Congress of the United States provide information services, health care and psychological counseling to veterans exposed to herbicides contaminated with dioxin.

"2. That the Congress of the United States mandate an investigation into the health history of service personnel who were exposed to these herbicides or who may be afflicted with delayed stress syndrome, so that it may be established whether these personnel are entitled to service-related benefits.

"3. That the Congress of the United States instruct the United States Veterans Administration to cooperate in these efforts.

"4. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COHEN, from the Committee on Governmental Affairs:

Report to accompany the bill (S. 461) to extend the authorization of appropriations for the Office of Government Ethics for 5 years (with additional views) (Rept. No. 98-59).

● Mr. COHEN. Mr. President, I rise to file the report of the Committee on Governmental Affairs to accompany S. 461, a bill to reauthorize the Office of Government Ethics for 5 years. I am pleased that the Senate passed S. 461 on April 6, and I want to take this opportunity to comment on the provisions of this bill.

This legislation preserves the Office of Government Ethics, an important reform of the Ethics in Government Act of 1978. In creating the OGE, the Congress recognized the need for a central office to oversee, monitor and enforce compliance by executive branch agencies and officials with financial disclosure and other conflict-of-interest requirements. The present authorization of the OGE, however, expires on September 30, 1983. In anticipation of this sunset date, the Subcommittee on Oversight of Government Management conducted an extensive investigation and held a hearing to evaluate the performance of the OGE. The subcommittee found that the OGE has performed its duties admirably, carried out its statutory mandate, and deserves to be reauthorized. S. 461 extends the authorization of the OGE for 5 more years.

Despite the commendable record of the OGE, the committee concluded that structural changes are necessary to strengthen the Office by insuring its independence. The Director of the OGE rules on many sensitive ethical issues involving top-level officials. Yet, the OGE could be vulnerable to political pressure or undue influence from the administration because of the structure of the present law. I want to emphasize that the committee found no evidence that the present administration has ever attempted to influence an OGE decision. However, the independence of the OGE should not be dependent on the attitude or support of any one administration. Rather, statutory safeguards should exist to insure that the OGE is insulated from actual or perceived political pressure.

Under the present law, few such safeguards exist. All regulations proposed by the OGE are subject to approval of the Office of Personnel Management; the Office's budget and staff levels are determined solely by the OPM, and the Director serves at the pleasure of the President.

S. 461 corrects these problems by making the following changes in title IV of the Ethics Act:

First, the bill gives the Director of the OGE a set term of 5 years, makes him or her removable for only "good cause," and upgrades the position of the Director from level V to level III of the executive schedule. These changes strike the appropriate balance between the need to guarantee independence and the need to safeguard against an overzealous or abusive Director, and would also provide continuity in the management of the Office. Upgrading the position of the Director gives him or her more symbolic enforcement power to insure compliance with conflict-of-interest requirements.

Second, the bill authorizes the Director to issue regulations in his or her own name, rather than simply recommending regulations for approval by the OPM. This amendment affirms the primacy of the OGE is establishing conflict-of-interest policies of the executive branch.

Third, the bill gives the OGE a separate line item in the Office of Personnel Management's budget. By providing congressional review of the OGE's budget, this amendment safeguards against administratively imposed budget reductions that could seriously harm the effectiveness of the Office.

S. 461 remedies other problems of the present law that impede the effectiveness of the ethics system or create inequities in the financial disclosure system. The legislation facilitates a stronger, more coordinated ethics program throughout the executive branch by authorizing the Director of the OGE to recommend the replacement of an agency's ethics official and to request assistance from the inspectors general to investigate possible conflicts of interest. Similarly, by requiring the Director of the OGE to conduct an independent review of financial disclosure statements of top-level White House officials, the bill provides an additional check against conflicts of interest by these officials who are closely involved in broad policy decisions of the executive branch.

Finally, to address inequities in the present law, S. 461 makes three changes in the executive branch financial disclosure provisions. First, it extends the restriction on outside earned income, which currently applies to only Senate-confirmed officials, to top-level White House officials. Because these officials are also in policy-making positions, the purposes underlying the restrictions—to prevent the use of these offices for private gain—are equally applicable to these White House personnel. Also, the bill amends the blind trust rules established by title II of the Ethics Act by extending qualified diversified blind trusts to all executive branch officials and by allowing "old family trusts" to be blinded. These changes are designed to make the blind trust rules more uniform and to provide officials with more options on how to resolve conflicts of interest. The bill maintains important safeguards to prevent abuses of the blind trust provisions.

I am pleased that the Senate has passed S. 461. In doing so, it has once again signaled its strong commitment to a unified, effective ethics system in the executive branch, which is crucial to public confidence in Government. I am confident that the changes made by S. 461 will better promote and protect such a system.

I urge the House of Representatives to act swiftly to reauthorize the Office of Government Ethics and to adopt the important reforms in S. 461.●

● Mr. LEVIN. Mr. President, I am pleased to have had the opportunity to join with Senator COHEN in supporting the reauthorization of the Office of Government Ethics and in making several improvements in the current governing statute.

While I was impressed with the job that is presently being done by the Office of Government Ethics, I was troubled by the extent to which the Office could be subject to political influence and pressure from the President. I emphasize "could be." The record at the hearing on the reauthorization bill was clear—the current acting director for the Office of Government Ethics stated unequivocally that he had not been subject to any kind of pressure from the White House. That is the way it should be. However, so long as the Director of the Office serves, like political appointees, at the pleasure of the President, there will always be the appearance of possible influence, particularly

where the issues involved have the potential to be so damaging politically.

By establishing a 5-year term of office for the Director of the Office of Government Ethics and permitting removal only for good cause, I think we have significantly addressed the appearance problem. And, by lessening the administrative authority of the Office of Personnel Management over the Office of Government Ethics, we have further increased the independence of the Office.

I support this reauthorization because the Office of Government Ethics serves an important function in helping to maintain the integrity of the Federal Government and the public's confidence in it.●

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board for the remainder of the term expiring August 27, 1986; and

Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation for a term of 6 years.

(The above nominations were reported from the Committee on Labor and Human Resources with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WEICKER, from the Committee on Small Business:

Mary F. Wieseman, of Maryland, to be Inspector General, Small Business Administration; pursuant to the order of March 16, 1983, referred to the Committee on Governmental Affairs for not to exceed 20 days.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD (for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON and Mr. PROXMIRE):

S. 1050. A bill to amend the Arms Export Control Act to provide increased control by the Congress over the making of arms sales; to the Committee on Foreign Relations.

By Mr. TOWER (for himself, Mr. HELMS, Mr. EAST, Mr. GARN, Mr. INOUYE, Mr. WARNER, Mr. BURDICK, Mr. HEFLIN, Mr. STEVENS, Mr. LUGAR, Mr. ZORINSKY, Mr. D'AMATO, Mr. SYMMS, Mr. JEPSEN, Mr. THURMOND, Mr. HUDDLESTON, Mr. BUMPERS and Mr. NUNN):

S. 1051. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such account to purchase a principal residence, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. DURENBERGER, Mr. PERCY, Mr. SASSER, Mr. MOYNIHAN, Mr. EXON, Mr. CHILES, Mr. LEVIN and Mr. ABDNOR):

S. 1052. A bill to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1053. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to use surplus agricultural commodities to make supplemental payments-in-kind to producers who divert acreage from the production of agricultural commodities under a basic payment-in-kind program and devote such acreage to long-term conservation uses; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BURDICK:

S. 1054. A bill for the relief of Albert Korgel; to the Committee on the Judiciary.

By Mr. QUAYLE:

S. 1055. A bill to provide a Block Grant for the improvement of instruction in the fields of mathematics and science, for the improvement of achievement levels of students in the fields of mathematics and science, and for the establishment of a secondary school industry partnership exchange program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1056. A bill to authorize the National Science Foundation to provide assistance for a program for visiting faculty exchanges and institutional development in the fields of mathematics, science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 1057. A bill to amend the Internal Revenue Code of 1954 to place a cap on the reduction in individual income tax rates, and for other purposes; to the Committee on Finance.

By Mr. WEICKER (for himself, Mr. D'AMATO and Mr. DODD):

S. 1058. A bill providing for the resolution of the current rail labor dispute in Connecticut and New York, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. ROTH, Mr. HOLLINGS, Mr. COHEN, Mr. GLENN, Mr. TSONGAS, Mr. BENTSEN, Mr. SARBANES, Mr. CHILES, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BURDICK, Mr. BAUCUS, Mr. COCHRAN and Mr. BUMPERS):

S.J. Res. 83. A bill to recognize Senior Center Week during Senior Citizen Month as proclaimed by the President; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 112. Resolution expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the armed conflict on the border between Thailand and Kampuchea; to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. Con. Res. 24. Concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1983 as Older Americans Month; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD (for himself, Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. BINGAMAN, Mr. CRANSTON, and Mr. PROXMIRE):

S. 1050. A bill to amend the Arms Export Control Act to provide increased control by the Congress over the making or arms sales; to the Committee on Foreign Relations.

(The remarks of Mr. BYRD on this legislation appear earlier in today's RECORD.)

By Mr. TOWER (for himself, Mr. HELMS, Mr. EAST, Mr. GARN, Mr. INOUYE, Mr. WARNER, Mr. BURDICK, Mr. HEFLIN, Mr. STEVENS, Mr. LUGAR, Mr. ZORINSKY, Mr. D'AMATO, Mr. SYMMS, Mr. JEPSEN, Mr. THURMOND, Mr. HUDDLESTON, Mr. BUMPERS, and Mr. NUNN):

S. 1051. A bill to amend the Internal Revenue Code of 1954 to allow certain prepayments of principal and interest to be treated as contributions to an individual retirement account, to allow amounts to be withdrawn from such an account to purchase a principal residence, and for other purposes; to the Committee on Finance.

MORTGAGE RETIREMENT ACCOUNT ACT OF 1983

Mr. TOWER. Mr. President, I am pleased today to introduce the Mortgage Retirement Account Act of 1983, along with 17 of my distinguished colleagues from both sides of the aisle. Additionally, the bill is being introduced today in the House by the distinguished chairman of the House Banking Committee, Mr. FERNAND ST GERMAIN.

I believe this legislation will stimulate savings and make home ownership a reality for a greater number of American taxpayers.

Let me explain briefly how the mortgage retirement account, or MRA, works. It, quite simply, uses the existing individual retirement account, or IRA, mechanism to allow taxpayers to accumulate tax-deferred savings to use as a downpayment on a personal residence and/or to prepay mortgage principal, and receive a deduction up to current IRA limits. In the most basic sense, it simply adds one more option for Americans wishing to save for retirement in response to the incentives

provided by Congress through traditional IRA's.

The MRA does not expand or duplicate current limitations on IRA deductions. It merely includes the personal residence as a qualifying IRA investment asset. In other words, an individual or couple could contribute to an IRA, an MRA, or both. In any case, however, the maximum deduction allowed for all contributions would be $2,000 for a working individual, $2,250 for a couple with one working spouse, or $4,000 for a couple with both spouses working. These limits now exist under IRA law.

The rules and regulations concerning taxation upon distribution of MRA tax-deferred funds would be virtually identical to current IRA rules and regulations. There is only one exception to that statement. The bill exempts owner-occupiers of personal residences with MRA equity from the requirement of "drawing down" their MRA balance at age 70½. Instead, taxation of MRA equity would occur when the home is sold after age 70½ without a qualifying rollover into another personal residence, or upon the death of the surviving spouse who continues to own and occupy the residence.

The benefits of this proposal are considerable. Americans planning for retirement now have two choices for their $2,000 annual IRA deduction—to invest $2,000 in a traditional IRA or to use the $2,000 to reduce the home mortgage principal debt with a goal of having their home free and clear at retirement. Americans who now rent have a means to accumulate, through the IRA mechanism already in place, the funds needed to make a downpayment on a personal residence. The MRA program gives renters a way to build equity for their retirement, while adding the advantages and pride of owning their own home, the dream of all Americans.

Individuals and couples in their early twenties, for example, who might have a hard time visualizing the need to save for retirement 40 to 45 years off, would have the incentive to start saving tax-deferred MRA funds as soon as possible if they could use those funds as a downpayment on a home. The retirement security advantages of owning a home free and clear are certainly substantial.

Mortgage lenders will also benefit. Their mortgage loans will be repaid in less time, reducing the average maturity of their assets and increasing their interest sensitivity. This industry has demanded more interest sensitivity. Further, funds attracted under the MRA option will not be deposits on which interest must be paid, and which would be subject to disintermediation. They would be debt repayment, and as you know, repayment of debt is saving.

The revenue effect of this bill has not yet been calculated. All indications are, however, that the revenue effects should be neutral in the short term and positive in the long term. Even though the tax revenues associated with mandatory withdrawals of traditional IRA balances would be eliminated in the case of owner-occupied housing, MRA designated equity would be taxed as ordinary income upon the death of the owner or surviving spouse, or upon sale without the requisite rollover. On the other hand, the tax revenues generated from the reduction of interest payments (and therefore interest deductions) because of MRA mortgage prepayments are rather astounding. For example, consider a $50,000, 30 year mortgage at 12 percent. If the taxpayer were to prepay this mortgage by $1,000 per year (or an increase of $83.33 in the monthly mortgage payment), the mortgage would be paid off in 15 years and 3 months, and the taxpayer would save over $91,000 in interest expense. The total MRA investment is approximately $15,300; however, the reduction in interest expense leaves the Treasury ahead by almost $76,000 in net deductions. A $2,000 annual MRA mortgage prepayment results in interest savings of $116,000 from an MRA investment of slightly over $22,000—a savings of $94,000 in net deductions to the Treasury.

In addition, revenue collections will be enhanced by increased employment in the homebuilding industry and the many industries closely related to, and dependent upon, homebuilding. According to recent estimates, an increase of 100,000 housing starts results in the creation of 142,000 jobs. It has also been estimated that each 1 percent rise in unemployment costs the Treasury $25 to $30 billion in lost tax revenues and increased unemployment compensation and other entitlement benefits. I would respectfully submit to my colleagues that no industry has a broader effect of the economy than the housing industry. The Mortgage Retirement Account Act of 1983 will privide a permanent stimulus to that vital industry—the favorable effects upon employment and economic growth should not be discounted.

I have deliberately kept this bill relatively simple and basic. I welcome the suggestions of my fellow Senators as to additional issues to be considered. In short, I offer this bill in the hope that my colleagues on the Finance and Banking Committees will consider the bill and raise additional questions in working with me to arrive at final legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mortgage Retirement Account Act of 1983".

SEC. 2. (a) Section 219 of the Internal Revenue Code of 1954 (relating to retirement savings) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) SPECIAL RULES FOR PREPAYMENT OF PRINCIPAL AND INTEREST ON MORTGAGE ON PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—A taxpayer may elect, at such time and in such manner as the Secretary may prescribe, to treat any qualified home mortgage prepayment for any taxable year as a qualified retirement contribution.

"(2) QUALIFIED HOME MORTGAGE PREPAYMENT.—For purposes of this subsection, the term 'qualified home mortgage prepayment' means, with respect to any taxable year, an amount equal to the amount paid by the taxpayer during such taxable year as a prepayment of principal or interest on indebtedness which was used to acquire, and which is secured by, the principal residence (within the meaning of section 1034) of the taxpayer.

"(3) SPECIAL RULES FOR TAX-TREATMENT.—For special rules for the tax treatment of qualified home mortgage payments, see section 408 (o).".

(b) Section 408 of the Internal Revenue Code of 1954 (relating to individual retirement accounts) is amended by redesignating subsection (o) as (p) and by inserting after subsection (n) the following new subsection:

"(o) SPECIAL RULES FOR ACQUISITION OF, AND PREPAYMENT OF FIRST MORTGAGE ON, A PRINCIPAL RESIDENCE.—

"(1) AMOUNTS MAY BE DISTRIBUTED TO ACQUIRE PRINCIPAL RESIDENCE.—

"(A) IN GENERAL.—Notwithstanding subsection (d) and subject to the provisions of this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall not be included in the gross income of the payee or distributee if such amount is used to acquire a principal residence (within the meaning of section 1034) of the payee or distributee.

"(B) LIMITATION ON AMOUNT.—The amount which may be excluded from gross income under subparagraph (A) with respect to any account or annuity shall not exceed the sum of—

"(i) the qualified retirement contributions to such account or annuity for any taxable year beginning after December 31, 1983, and

"(ii) the amount of any income of the account or annuity allocable to the contributions described in clause. (i).

"(2) SPECIAL RULES FOR TAX TREATMENT OF QUALIFIED AMOUNTS.—In the case of a principal residence with respect to which there is a qualified amount, the following rules shall apply:

"(A) That portion of the gain from the sale or exchange of the principal residence—

"(i) which does not exceed the qualified amount, and

"(ii) with respect to which this subparagraph has not previously applied,

shall be treated as ordinary income.

"(B) Section 121 shall not apply with respect to that portion of gain from the sale or exchange of a principal residence described in subparagraph (A).

"(C) That portion of the gain described in subparagraph (A) shall be treated as a rollover contribution under subsection (d)(3) if all of such gain—

"(i) meets the requirements of subparagraphs (A) and (B) of subsection (d)(3), or

"(ii) is used to acquire another principal residence of the taxpayer.

"(D) Notwithstanding subsection (a)(6) or (7) or (b)(3) or (4), a qualified amount with respect to any individual shall not be required to be distributed (or used to purchase an immediate annuity) before the time prescribed in subsection (a)(7) or (b)(4), respectively.

"(F) Under regulations prescribed by the Secretary, if at any time during any taxable year, the sum of—

"(i) the qualified amount with respect to any principal residence, and

"(ii) the amount of indebtedness secured by such principal residence,

exceeds the fair market value of such principal residence, then, for purposes of subsection (e)(4), the taxpayer shall be treated as using an account as security for a loan in an amount equal to such excess.

"(3) QUALIFIED AMOUNT.—For purposes of this subsection, the term 'qualified amount' means, with respect to any principal residence, the sum of—

"(A) any qualified home mortgage prepayment (within the meaning of section 219(g) with respect to which a deduction was allowed under section 219(a) for any taxable year, and

"(B) any amount which was excluded from gross income under paragraph (1) for any taxable year.".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

SEC. 3. No person may impose any prepayment penalty, charge, fee or other cost with respect to any qualified home mortgage prepayment (within the meaning of section 219(g)(2) of the Internal Revenue Code of 1954.

Mr. SYMMS. Mr. President, I am pleased to be a cosponsor of the legislation that is being introduced by Senator TOWER today to establish mortgage retirement accounts.

Housing holds a priority in the United States, and it is a priority that should be maintained. Individual homeownership is an American dream that has been fulfilled for many individuals until recent years. In my opinion, the fulfillment of that dream—homeownership—has been extremely beneficial to our economy and society.

Individual homeownership has engendered stability within every community in the United States. The fact of the matter is that if people own their homes, they generally tend to be positively involved in the communities in which they live. The results of that positive involvement are reflected in the general domestic stability within our Nation.

The American dream of owning a home, which once was a reality for many individuals, is becoming an unreachable dream in today's financial environment. Dramatic changes have taken place in the financial system of this country in recent years. The system of housing finance in the United States, driven by economic and market pressures, is in transition. Further change is inevitable. Within this shifting environment, a more broadly based and revitalized system of housing finance is essential if the Nation is to meet the considerable demands for housing during this decade.

The legislation that is being introduced today is an important ingredient in shaping a well-rounded national housing policy that will help develop a new framework for the accumulation of funds necessary to help finance the housing needs of the 1980's.

I look forward to working with my colleague from Texas, Senator TOWER, in helping him gain the necessary support to achieve enactment of this legislation.

● Mr. D'AMATO. Mr. President, I rise in support of this most creative legislative initiative introduced by my good friend and colleague, the distinguished senior Senator from Texas. If efforts such as this are indicative of what is to come in the area of housing legislation under the tenure of Mr. TOWER as the Senate's new Housing Subcommittee chairman, it most certainly will be a productive period.

Perhaps no other industry has been hurt more in these hard economic times than the housing industry: An industry so dependent for its well-being on interest rates, it has come to a virtual standstill in recent years. Unfortunately, with the demise of this industry we have also witnessed the concurrent shattering of the American dream of homeownership for countless citizens.

Senator TOWER's innovative proposal would utilize the existing mechanism of the IRA account to permit taxpayers to accumulate the financial resources necessary for homeownership. The result is an instrument which will encourage homeownership, increase capital formation necessary for economic recovery, and provide a needed stimulus to the now nearly dormant housing industry. Thus, with minimal administrative effort, a boost will be given to an industry which may very possibly spearhead our economic recovery.

Mr. President, I urge the speedy consideraton of the Mortgage Retirement Account Act of 1983 by the Congress and I commend Senator TOWER for its introduction.●

By Mr. ROTH (for himself, Mr. DURENBERGER, Mr. PERCY, Mr. SASSER, Mr. MOYNIHAN, Mr. EXON, Mr. CHILES, Mr. LEVIN, and Mr. ABDNOR):

S. 1052. A bill to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations; to the Committee on Governmental Affairs.

CHANGES IN MEMBERSHIP AND OPERATION OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

● Mr. ROTH. Mr. President, today I am introducing legislation to expand the membership of the Advisory Commission on Intergovernmental Relations.

Since its creation by the Congress in 1959, the ACIR has provided a forum for members of the Federal, State, and local governments to meet, discuss, and seek solutions to problems in intergovernmental relations. The recommendations of the Commission, based upon its own research, have had a profoundly positive effect on Federal-State-local relations in our country. The development of the general revenue sharing program, the renewal of which we are debating this year, is one shining example of ACIR's role in crystallizing the debate and encouraging consensus on an important public policy issue.

The ability of this small Commission to have a measurable policy impact is rooted in the objectivity and high quality of its research work. The studies carried out by the ACIR represent an invaluable resoure for those in government and for the academicians who monitor the evolution of our Federal system.

It is to this changing nature of our government relations that the bill I am introducing today speaks. Since the creation of the ACIR, smaller communities and school districts have come to play an increasingly important servicing role in our intergovernmental system. Yet, historically, small communities have not achieved adequate representation on the ACIR and school districts have had no representation at all.

This legislation will remedy both of these concerns by adding one elected member of township government and one elected school board member to the ACIR. The elected township official would be nominated by the National Association of Towns and Townships and selected by the President. The elected school board member would be nominated by the National School Boards Association and selected by the President. Thus the total size of the Commission would be increased from 26 to 28 members.

Mr. President, I strongly support the addition of a single member of a local school board to the ACIR. As I have said in the past, the provision of educational opportunity to all of our people is one the most fundamentally important responsibilities of government. Education is a means of improving the quality of life of our people today and it will help to insure that we have an informed and participative citizenry in the future.

Local governments, and elected school boards in particular, bear the

primary responsibility for the development and administration of quality education curricula. The major intergovernmental role played by school boards is evidenced today by the total amount of their expenditures, the number of people they employ, and the range of services they provide. Nationwide school boards expend nearly $111 billion on education and education-related activities. This figure represents nearly 39 percent of total State and local expenditures. School boards today employ over 5 million people nationwide, which is over 48 percent of the State and local total. Additionally, school board activities have a significant impact on several industries, including agriculture and food processing, transportation, construction, and building maintenance and repair.

Yet, despite these factors, in our increasingly interdependent governmental system these local governments frequently are not adequately represented in the policy discussions that affect their role as public educators. The absence of a school board voice at the ACIR table is an example of this problem. Directly or indirectly the work of the Commission touches upon the interests and responsibilities of school board members. Placement of a single school board member on the ACIR will insure that his important governmental point of view is incorporated directly in the research and recommendations of the panel.

Mr. President, in developing this legislation I am mindful of the concerns about maintaining a workable size for the Commission and preserving the carefully crafted balance among the levels of government represented. This bill, I believe, takes the appropriate cautious approach while correcting the two deficiencies in Commission membership that I cited earlier.

Senator DURENBERGER has held 2 days of hearings on this membership issue in his Subcommittee on Intergovernmental Relations, and a bill similar to the one I introduce today was considered last year. My hope is that this version of the proposal will be moved out of the Governmental Affairs Committee expeditiously and considered promptly by the full Senate.

In closing, Mr. President, I want to thank each of the Senators who have joined me in introducing this bill. In particular Senator DURENBERGER, Senator PERCY, and Senator SASSER have shown sustained interest in and support for the proposal. Their leadership on the issue was critical for today's introduction of this legislation.●

● Mr. DURENBERGER. Mr. President, I am pleased to join Senator ROTH and others to introduce this legislation, which would add two new members to the Advisory Commission on Intergovernmental Relations, one representing towns and township governments and one representing local elected school boards.

Although a bill is just being introduced today, this issue has already generated considerable legislative history. In the 97th Congress my Subcommittee on Intergovernmental Relations held 2 days of hearings on the structure and activities of the Commission. We came close to passing legislation which would have added members at the end of the last Congress.

I believe that the legislation being introduced by Senator ROTH reflects the principles that were developed in the hearings and debate last year. Many organizations have understandably sought membership on ACIR. In judging those claims we must keep three principles in mind. First, we should seek balance in the membership across all three levels of government. The current membership includes nine Federal officials, seven State officials, seven local officials, and three private citizens. Senator ROTH's bill would add two local officials, which I do not think would greatly disturb the balance which we seek.

Second, ACIR is designed to represent the views of elected officials of general purpose governments. I have in the past expressed concern about adding school board members because it moves away from this principle. I agree to one additional member representing school boards because education is such a large and important element of local government. I can see the advantage of this addition, if it brings school boards into the circle of public interest groups representing elected officials who work actively to strengthen our Federal partnership.

Third, we should seek to maintain a relatively small Commission representing the principal general purpose elected officials at the State and local level. The personal interaction between Commissioners at the quarterly ACIR meetings is an important factor in developing the understanding that has made the Commission so successful in the past. Congressman L. H. Fountain, father of ACIR, who only retired from Congress last year, often mentioned the importance of keeping the Commission to a size that promoted effective interaction among the members. His observation on this point, developed over 20 years as a member of the Commission, should carry great weight in our decisions on the future of the Commission.

One final note, Mr. President. I am particularly pleased that the legislation introduced by Senator ROTH will add one full member representing towns and townships. In the past, the voice of small governments has not been well-represented on the Commission. The concerns of small communities are very different from those of our large and urban cities and counties. In the last Congress, I sponsored legislation to add three town and township officials to correct this imbalance. I know that the town and township officials of this Nation will be pleased that Senator ROTH's bill moves in this direction.

As the chairman has indicated, we expect early action in the Governmental Affairs Committee on this bill. And once again, I would like to thank the chairman, Senator ROTH, for his leadership on a knotty and difficult issue.●

● Mr. PERCY. Mr. President, I am pleased to join Senators ROTH and DURENBERGER and others in reintroducing legislation to expand the membership of the prestigious Advisory Commission on Intergovernmental Relations (ACIR) for the first time since its creation in 1959. This bill brings the ACIR into the present by modifying its composition to more adequately reflect the federal system of today.

Our bill expands the ACIR from 26 to 28 members by adding one elected school board member and one township official. I am particularly pleased at the inclusion of the school board official because it reflects the intent of the bill I introduced in the last Congress, S. 2338, to add three elected school board members to the ACIR.

Mr. President, the ACIR was established to bring together representatives of the Federal, State, and local governments to consider common problems and work out solutions that are agreeable to all levels of government. The Congress also charged the ACIR with providing a forum for discussing the administration and coordination of Federal grant programs requiring intergovernmental cooperation. The ACIR is also responsible for recommending the most desirable allocation of governmental functions, duties, and revenues among the several levels of government. This function is central to today's ongoing debate over the New Federalism.

As a former member of the ACIR, I have been concerned that the Commission's membership has not changed over the years to reflect the growing federal system. School boards, for example, have enjoyed dramatic growth in their role as a governmental unit since the late 1950's. Yet the ACIR has never had school board representation even though school boards today control more public dollars and more employees than any other unit of local government. Towns and townships have also greatly expanded their role as local units of government and deserve ACIR recognition.

A very similar bill passed the Senate late last year. Unfortunately, last minute differences in the House and Senate versions of the bill could not be worked out and the bill was not enacted. But both Houses are on record in support of ACIR expansion. For

these reasons, I urge my colleagues to support our bill and its expeditious adoption.●

● Mr. SASSER. Mr. President, I am a cosponsor of S. 1052, legislation to add representation on the Advisory Commission on Intergovernmental Relations for elected school board members.

Education is the shared responsibility of the Federal, State, and local governments. If there is a truly intergovernmental function, this is it. The ACIR is the perfect forum for the exchange of ideas about education between levels of government.

Forty percent of the total local funding was spent by school boards in 1980. The employees of school boards represented almost 50 percent of all local government workers. Indeed, school boards are the largest unit of local government. That is why I believe that it is time these local government policymakers take a seat alongside the mayors and county officials who are already represented on the ACIR.

School boards have a great stake in the recommendations of ACIR on such issues as block grants, State and local taxation, labor-management policies for State and local governments and State and Federal mandating of local expenditures. We need to give them a voice in the discussion of these and other issues studied by the Commission.

It is unfortunate that legislation similar to S. 1052 that was introduced in the last Congress was not finally enacted. In the course of the Senate hearings on that predecessor bill, on June 24, 1982, Merlin L. Cohen, the president of the Tennessee School Boards Association spoke in behalf of the National School Boards Association. I would like permission to enter Mr. Cohen's remarks in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

TESTIMONY OF MERLIN L. COHEN

The inclusion of school board members on the Advisory Commission on Intergovernmental Relations (ACIR) is by no means a new issue. In fact, almost from the time of its inception, there has been discussion concerning the seating of school board members on the ACIR and the relationship of school boards to other units of government that are represented. You have seen many times, as have others before you, facts and figures that can aid you in making a sound decision in the best interest of fulfilling the objectives of the Commission. However, in the final analysis, a conceptual and philosophical judgment will determine whether or not local school board members are to be seated on this most influential and effective organization.

The single, most isolated reason for the prosperity and growth of the United States has always been the education of its citizens including the mechanism by which they received that education. For the past several years, unfortunately and for whatever reasons, criticism of this unique system has increased to a point that it could endanger the very foundation on which our great country was built. The response to the concerns we are hearing must not only be decisive but must also be well coordinated to mesh with the future directions of society and substantiated by reliable and credible sources. It would seem that the scope and purpose of the ACIR fulfills the needs necessary to restore the confidence of the population and to promote the sense of security that is so sadly lacking at this time. In the performance of its tasks of studying, recommending, drafting, and promoting legislation for government agencies at all levels, it is essential that the ACIR incorporate the future directions of education into the process and not let the education of our citizens become a byproduct.

If education is to continue, or to regain, its previous status in the continued development and progress of our nation, it must be allowed to communicate on an equal basis with other agencies responsible for broad spectrum planning. The ACIR will afford that opportunity. The present commissioners bring with them an overview of all phases of government, at least through direct working relationships with suboridnate specialized staff, except in the area of education. To provide the educational opportunities that will continue to keep Americans in tune with the rapidly changing world, elected public school board officials need to be considered for inclusion as members of an advisory commission that potentially can have so much influence on the future directions of our country.

For the purpose of testimony before this subcommittee and with the intent of becoming members of the ACIR, school boards find themselves in a unique situation. However, this uniqueness is the very reason they should be represented rather than the basis for their exclusion. Until the time of separation of church and state, government influence on schools as nonexistent. Since that time, there has been an ever increasing erosion of the jurisdiction of local education agencies. Combining this with the ever decreasing confidence of the people and the reactionary solutions to criticisms by sometimes uninformed government officials at all levels, schools dedicated to producing knowledgeable and productive citizens are in jeopardy. Government agencies must have a reliable and established source of information readily available to thoroughly comprehend the far reaching effects of legislation. In all too many cases, solutions to problems hastily conceived and based on an incomplete understanding of the total situation have created multiple problems of often a greater magnitude than the original.

Representation on the ACIR has also been denied because school boards do not qualify as a general form of government. Philosphically this is questionable. As duly elected officials, school boards must set policy and provide services as required by the populace they represent. Although these services may differ in some respects from those provided by other forms of general government—municipal, county, state, and federal, they are essential to the inhabitants of the governed locale. On the other hand, school boards do not necessarily qualify as a special form of government agency because of the varied and general interests they must serve. They are not representative of any vested interest group and are concerned primarily with the well being of their constituency.

The introduction of "New Federalism" by President Reagan will stand as a landmark in the rapidly changing status of the United States. Modification to the basic program and compromise within its parameters will be coming fast and furiously. Much of the research, planning, and proposed legislation necessary to guide our nation into, and along, this new era will be formulated within the confines of the ACIR or at least by many of its members and staff. For the government bodies of our educational systems to be omitted from these ground level sessions is almost unthinkable.

Just as government is changing to meet the needs of the future so is public education. To help keep abreast of the educational scene now requires a commitment of local school officials to the welfare of their constitutents and to the other levels of government. They must be considered as a source of information and as a sounding board for any plans or ideas conserved with the governance of the future direction of our nation. As members of the ACIR, this significant source of information would be readily and continuously available, assuring coordination of efforts and effects from the beginning, rather than as an afterthought.

In conclusion, I ask for your endorsement to amend P.L. 86-380 to include elected school board officials on The Advisory Commission on Intergovernmental Relations. I am proud that Senator Sasser, from my state of Tennessee, has chosen to be an original co-sponsor of Senate Bill S. 2338. He is to be commended for his foresight into the management of the affairs of our government by trying to ensure that the necessary coordination of effort occurs at the proper time and place. Thank you for the opportunity to present my views.

Mr. SASSER. Mr. President, I commend Senators ROTH, DURENBERGER, and PERCY for the work that they have done in shaping this legislation. As a member, now serving my second term, of the Advisory Commission on Intergovernmental Relations and as the ranking Democrat on the Senate Intergovernmental Relations Subcommittee, I endorse this bill.

I urge my Senate colleagues to speedily pass S. 1052, so that we can have the invaluable perspective of the Nation's school boards represented on the Advisory Commission on Intergovernmental Relations.●

● Mr. MOYNIHAN. Mr. President, today I rise in support of the bill being introduced by my distinguished colleague from Delaware, that will expand the membership of the Advisory Commission on Intergovernmental Relations (ACIR) to include a member of an elected school board and an elected officer of a township.

The ACIR is a federally supported organization that brings together representatives of Federal, State and local government to come to grips with mutual problems. The ACIR, created in 1959, has met this challenge with vigor, successfully addressing many areas of concern that involve different levels of government. This bill will enhance the capability of ACIR to confront the intergovernmental issues of the future.

Local government's role in ACIR is critical. Local government has always been at the foundation of our democracy. The Federal Government has been remiss in not including local school board and township officials on the ACIR; their inclusion will add unique and needed perspectives to the work of the ACIR.

Consideration of a few salient facts concerning local school districts and school boards bears this out. Of the $287 billion in total State and local government expenditures made in fiscal year 1981, $111 billion went toward education. Of the 10.9 million State and local government employees—full time equivalents—5.3 million worked in education. School districts spent between $12 and $14 billion on food. School districts operate a $3.8 billion transit system. Schools and school districts also operate services that are not directly education related: health services, recreation and park facilities, libraries and emergency shelters to name just a few.

The same is true for townships. We need only mention a few of the primary responsibilities of townships to understand the scope of their duties and their central importance in the American intergovernmental system. Townships have the responsibility for such things as police and fire protection, road maintenance, water supply, and recreation areas.

It is essential that ACIR's membership include a representative of both school boards and townships. I urge my colleagues to support this worthwhile measure.●

By Mr. BUMPERS (for himself and Mr. PRYOR):

S. 1053. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to use surplus agricultural commodities to make supplemental payments-in-kind to producers who divert acreage from the production of agricultural commodities under a basic payment-in-kind program and devote such acreage to long-term conservation uses; to the Committee on Agriculture, Nutrition, and Forestry.

SUPPLEMENTAL CONSERVATION PAYMENT-IN-KIND PROGRAM

Mr. BUMPERS. Mr. President, today I am introducing a bill to enact a supplemental conservation payment-in-kind program that would aid our farmers with their age-old struggle against soil erosion. With the setting aside of over 82 million acres in the regular payment-in-kind program, we have a golden opportunity to encourage and to assist our farmers in establishing long-term conservation uses on much of this set-aside acreage, thereby helping to control erosion and removing marginal acreage from production.

According to the Soil Conservation Service, wind and water causes over 5 billion tons of topsoil to erode from our cropland every year. Of the 413 million acres classified as cropland, over 100 million suffer from serious soil erosion. In Arkansas, out of 8 million acres of cropland, 3.755 million, almost half, are suffering severe erosion rates—that rate which is above the level of erosion that can be allowed for the soil still to maintain its productivity in perpetuity. Arkansas is losing 50 million tons of topsoil every year, an average loss of 6.5 tons per acre. Between one-third and one-half of this amount enters Arkansas lakes, rivers, and streams and is the major contributor to our water pollution. If all the topsoil that eroded in 1 year from our Arkansas cropland alone could be stacked on 1 acre, it would form a column of soil 5½-miles high.

Nationally, the problem of erosion on cropland is just as severe. The Pacific States average 1.5 tons of topsoil lost per acre per year, the Mountain States 1.8 tons, the Lake States 3 tons, and Northern and Southern Plains States 3.5 tons, the Northeastern States 5 tons, the Southeastern States 6.3 tons, the Delta States 7.2 tons, the Corn Belt 7.5 tons, and the Appalachian States 9 tons. One of our most critical resources is literally being washed away, and with it the ability of our farmers to feed this Nation and the hungry people of the world.

To help farmers combat the ravages of soil erosion, the agricultural conservation program was established under the auspices of the Agricultural Stabilization and Conservation Service. The agricultural conservation program offers funding and technical assistance, with the cooperation of the Soil Conservation Service, on a cost-share basis to farmers struggling with conservation problems. However, just when the conservation task before us is reaching a crisis proportion, the administration is proposing to slash our cost-share conservation programs by $161.1 million and to combine the objectives of the agricultural conservation program, the emergency conservation program, forestry incentives, and water bank programs at the greatly reduced funding level of $56 million. The Secretary of Agriculture says that this tremendous reduction can be justified because the payment-in-kind program requires set-aside acreage to be put into conservation use. Yet, the requirement under the current PIK program that set-aside acreage be placed temporarily in conservation use is not addressing the massive and long-term soil loss problem threatening our greatest resource. I think that farmers should be given additional incentives to place land in long term, rather than just temporary, conservation uses, and that is the intent of my bill.

My bill will take advantage of the recently established payment-in-kind program to reestablish our conservation priorities by offering additional in-kind commodities to producers who entered the PIK program and who agree to put their set-aside acreage into long-term conservation use. The conservation use must have a lifespan of at least 5 years and the Secretary has the flexibility to designate eligible uses, although the establishment of permanent vegetative growth would be preferable. Under my bill, the Secretary would be authorized to make available to producers in-kind commodities up to the cash value equivalent of $25,000, with this payment satisfying cost-share requirements of the producer and the Government. The type of commodities made available will depend on which surplus crops are most plentiful and can practically be offered to participating producers.

Although $25,000 is intended to be the maximum payment under normal circumstances, the Secretary would be authorized to make a payment exceeding $25,000 when, for example, the land dedicated by a producer has severe erosion problems that would be expensive to correct, or when a producer dedicates a large number of acres to long-term conservation use. For example, estimates for placing and maintaining an acre of land in conservation use for 5 years range from about $350 to $500, depending on the type of grasses and other materials used. Thus, for $25,000, a farmer could dedicate from 50 to 70 acres. But if a farmer chose to dedicate, say, 150 acres, or if he had severe erosion problems on the dedicated land, my bill would give the Secretary the authority to make a payment to that farmer in excess of $25,000.

We have an ideal opportunity to begin widespread conservation work with the 82 million acres that will be set aside under the PIK program. Most of this will be marginal and highly erodable land, and a long-term conservation program aimed at this acreage can encourage producers to keep it out of production or to work cooperatively to help maintain its future productivity.

My bill creates four incentives for farmers to set-aside land into long-term conservation uses. First, producers who participate in the conservation program my bill establishes will have the technical assistance of the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, and the Forest Service. Second, the additional commodity payment the bill authorizes is intended to be sufficient to cover the cost both to establish the use and to maintain that use over its minimum lifespan. Third, producers may dedicate all or some of the set-aside acreage to long-term conservation uses under my bill, and the dedicated land will be considered part of the eligible base for any future re-

quired or voluntary set-asides for as long as the acreage is in the long-term conservation use. And fourth, except in the year in which the PIK program is in effect, the producer will have the freedom under my bill to cut hay and graze livestock on the participating conservation acreage if this is compatible with the long-term conservation objective.

Without a doubt, the severe problem of soil erosion must be addressed if we are to maintain our agricultural productivity into the 21st centruy. A long-term conservation program not only will aid in the battle against erosion, it also will allow us to remove marginal land that should not be in crop production and, thereby, lessen the threat of yearly massive surpluses being acquired by the Government.

I urge the Agriculture Committee to give prompt and favorable consideration to this measure. I delayed introducing it until after the Easter recess in order to consult further with farmers and conservationists in my State, and I know that the Department of Agriculture is considering a similar concept. I am also aware that other Senators are keenly interested in the PIK conservation concept, and I appreciate in particular the leadership that Senators COCHRAN and BOREN have shown in this area.

I ask unanimous consent that the text of my bill be printed in full following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new section:

"SUPPLEMENTAL CONSERVATION PAYMENT-IN-KIND PROGRAM

"SEC. 423. (a) As used in this section—

"(1) the term 'agricultural conservation program' means the program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590(g) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510);

"(2) the term 'basic payment-in-kind program' means a program under which the Secretary pays a producer with a quantity of an agricultural commodity to divert farm acreage from the production of an agricultural commodity and devote the acreage to conservation uses; and

"(3) the term 'surplus commodities' means agricultural commodities owned and held by the Commodity Credit Corporation that are not obligated for use under any othe provision of law.

"(b) If the Secretary establishes a basic payment-in-kind program, or if such a program is established by legislation, the Secretary shall establish a supplemental conservation payment-in-kind, program under which the Secretary shall, in accordance with this section, use surplus commodities to make payments-in-kind, in addition to payments made under the basic payment-in-kind program, to producers who—

"(1) participate in the basic payment-in-kind program;

"(2) devote all or part of farm acreage diverted under the basic payment-in-kind program from the production of one or more agricultural commodities to long-term conservation uses which—

"(A) are conservation uses approved by the Secretary under the agricultural conservation program; and

"(E) have a minimum life span of at least five years, as determined by the Secretary; and

"(3) devote such acreage to the approved conservation uses for the duration of the minmum life span of the uses.

"(c)(1) To be eligible for payments under this section, a producer must—

"(A) file with the Secretary, in accordance with subsection (b), an application for payments and a plan to devote to conservation uses specified acreage on the farm; and

"(B) have the application and plan of the producer approved by the Secretary.

"(2) The Secretary shall provide technical assistance to an applicant for payments under this section to assist the applicant in preparing a plan referred to in paragraph (1)(A).

"(d) After the date of the termination of the basic payment-in-kind program referred to in subsection (b), a producer may devote acreage referred to in subsection (b)(2) to hay and grazing without terminating the eligibility of the producer for payments under this section.

"(e) Except as provided in subsection (f), the Secretary shall make payments to eligible producers under this section to share the costs incurred by the producers in establishing and maintaining long-term conservation uses on acreage on the farm in accordance with this section.

"(f) The aggregate fair market value of commodities provided to a producer under this section (as of the date on which commodities are provided) may not exceed $25,000, except that the Secretary may provide an in-kind payment in excess of $25,000 when he determines—

"(1) that such additional payment is necessary to correct severe erosion or extraordinary circumstances on participating acreage; or

"(2) that $25,000 would be a clearly inadequate payment in a case where a producer dedicates a large acreage base under this section.

"(g) If a producer receives payments under this section and fails to devote acreage on the farm to long-term conservation uses in accordance with this section, the producer shall repay to the Secretary an amount equal to the aggregate fair market value of the commodities provided to the producer under this section (as of the date or dates on which the commodities were provided or the date on which the Secretary makes the determination of such failure, whichever would result in the higher amount).

"(h)(1) If a producer receives payments for devoting acreage to long-term conservation uses under the program provided for in this section, the producer shall be ineligible during the minimum life span of the conservation uses for any cost-sharing assistance under any other program administered by the Secretary on the acreage on which such payments are received.

"(2) Acreage devoted to long-term conservation uses in accordance with this section shall be considered during the minimum life span of the uses as acreage devoted to conservation uses under any acreage set-aside program established for an agricultural commodity under any other provision of law.".

By Mr. QUAYLE:

S. 1055. A bill to provide a block grant for the improvement of instruction in the fields of mathematics and science, for the improvement of achievement levels of students in the fields of mathematics and science, and for the establishment of a secondary school industry partnership exchange program, and for other purposes; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE BLOCK GRANT ACT

● Mr. QUAYLE. Mr. President, I am today putting forth a proposal for improving the quality of math, science, and computer science instruction in the elementary and secondary schools around our country. I introduce my bill at this time to coincide with the work of the Education Subcommittee, of which I am a member, so that we might bring a compromise of all these proposals to the full Senate very quickly.

Mr. President, as my colleagues know, I have been active in the issues of job training, worker retraining, and vocational training for the disadvantaged and displaced workers during the past 2 years. I continue to be concerned about the problems of the unemployed, the displaced workers, and the plight of poorly trained people looking for work in America today.

We have before us today a problem which is just as big, and just as important for the long-run economic recovery and growth of this Nation. Those of us in the industrial Midwest and Northeast know we have a problem with our supply of skilled workers. We know that we need a more "scientifically literate" labor force. More importantly, we are concerned that our reserve of well-trained and educated scientists, engineers and thinkers—the men and women of our society who create the jobs—may be falling behind.

A lack of trained and up-to-date teachers in our high schools, declining enrollments in rigorous math courses, and generally declining test scores are well known to all of us. I would just like to highlight my own State's situation for the RECORD:

In 1982, Indiana's four major universities graduated a total of three people in chemistry, four in earth science, four in general science, and two in physics who were qualified to teach the subjects in Indiana secondary schools. This is double the number of physics teachers graduated in 1981.

Since 1977, there has been a steady decline in math scores for entering Purdue University students. More than one-third of Purdue students are unprepared for college calculus and must take remedial math courses.

In 1982, Indiana's major State universities graduated sufficient mathematics teachers to fill only 58 percent of the vacancies listed in Indiana schools.

Indiana, at a time of critical need for training, retraining, and preparation for industries of the future, requires only 1 year of high school science and 1 year of mathematics for graduation.

The statistics for our Nation as a whole, and particularly our standing internationally, are just as dismal:

In the U.S.S.R., East Germany, the People's Republic of China, and Japan, the school year averages 240 days compared with 180 days in the United States.

The secondary school system in these same countries is a balance of science and math together with social science, language, and humanities. Students must carry seven to nine courses a semester to accommodate the demanding curriculum.

English is the "language of science" around the world. Today, there are more adults learning English in China than there are English-speaking people in the United States.

I am certainly not one who believes the Federal Government must try to solve every crisis in America's classrooms. Education, and more particularly, the classroom teaching of our Nation's youth, is the responsibility of State and locally elected officials. But there is a Federal role here, and if properly narrowed and focused, the Federal Government can provide the resources needed for equal opportunity and access to excellence. My proposal therefore provides a block grant similar to the block grant which the Congress adopted in 1981, with the maximum flexibility and discretion left to local officials.

I believe we must explore incentives for our best teachers in the sciences to continue in teaching. For this reason, my bill includes training and retraining funds for current, as well as new teachers of math and science. If we are seeking excellence, then we must recognize it in our schools, and we must pay for it.

Training new teachers, together with a commitment from them to actually teach in the fields of science and mathematics, must be a highest priority. For this reason my bill provides scholarships and stipends to college juniors and seniors who have agreed to teach for at least 3 years.

I believe the time has come to recognize our best and brightest students—gifted and talented students—and to provide programs which will enable them to compete on a world scale. Thus, my bill will provide moneys for local and State educational agencies to identify these gifted and talented students, to provide special instruction during summer institutes, and to train and retrain teachers in providing special instruction for our best students.

Finally, and most importantly, I believe the time has come for the business community, including local small enterprises, large business, and national concerns, to participate in the preparation of our young people for work in the world today. Thus, I have included a new effort on the part of the Federal Government to support those local and State educators who undertake cooperative programs with business, industry and institutions of higher education. These industry-school partnerships will provide teacher training and development, exchange programs for teachers and employees of private business, and participation of the business community in our schools.

I am hopeful that these proposals together with some of those put forward by my colleagues, can be brought together in a compromise form for the full Senate's consideration very soon.

Mr. President, I ask that a copy of my bill and its accompanying summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mathematics and Science Block Grant Act".

SEC. 2. The Education Consolidation and Improvement Act of 1981 is amended by redesignating chapter 3, relating to general provisions, and all references thereto, as chapter 4; and by inserting immediately after chapter 2 the following new chapter:

CHAPTER 3—BLOCK GRANT FOR THE IMPROVEMENT OF EDUCATION IN MATHEMATICS AND SCIENCE

SEC. 590. It is the purpose of this chapter to provide assistance to States to permit State and local educational agencies and institutions of higher education in the State to supplement State and local resources with Federal funds in order to—

"(1) improve the quality of instruction in the field of mathematics and science in the State;

"(2) furnish additional resources and support teacher training and retraining in the fields of mathematics and science;

"(3) encourage secondary school industry partnership programs between the business community and secondary schools in the community; and

"(4) establish demonstration centers for the improvement of education in mathematics and science at institutions of higher education within the State.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 590A. There are authorized to be appropriated $250,000,000 for the fiscal year 1984 and for each of the fiscal years ending prior to October 1, 1987.

"ALLOTMENT TO STATES

"SEC. 590B. (a)(1) From the sums appropriated to carry out this chapter in any fiscal year the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands to be allotted in accordance with their respective needs.

"(2) From the remainder of such sums in each fiscal year the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to school-age population of all States, except that no State shall receive less than an amount equal to 0.5 per centum of such remainder.

"(b) For the purpose of this section:

"(1) The term 'school-age population' means the population aged five through seventeen.

"(2) The term 'States' includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

"IN-STATE ALLOCATIONS

"SEC. 590C. (a) Not to exceed 50 per centum of each State's allotment shall be available to the State agency for higher education for activities described in section 590D(c).

"(b)(1) The State educational agency shall reserve from the remainder not less than 15 per centum of each State's allotment to be available to the State educational agencies for programs and activities described in section 590(b) to be conducted at the State level.

"(2) The State educational agency shall distribute the remainder of each State's allotment to local educational agencies within the State according to the relative enrollments in public and nonpublic schools within the school districts of such agencies, adjusted in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies which have the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

"(A) children from low-income families,

"(B) children living in economically depressed urban and rural areas, and

"(C) children living in sparsely populated areas.

"(3) The Secretary shall approve criteria suggested by the State educational agency for adjusting allocations under subsection (a) if such criteria are reasonably calculated to produce an equitable distribution of funds with reference to the factors set forth in paragraph (1).

"(4) To the extent practicable, each State educational agency shall use the same criteria established under section 565 of this Act.

"(c)(1) From the allotment of the State under section 590B during each fiscal year, the State educational agency shall distribute to each local educational agency which has submitted an application as required in section 590E the amount of its allocation as determined under subsection (b).

"(2) From the amount reserved under subsection (a) from the allotment of the State for each fiscal year, the State agency on higher education shall make payments to students awarded scholarships and to institutions of higher education awarded grants for centers in accordance with the provisions of this chapter.

"AUTHORIZED ACTIVITIES

"SEC. 590D. (a) Each State educational agency and local educational agency shall use funds under this chapter to develop and implement one or more of the programs and activities described in subsection (b).

"(b)(1) Each State and local educational agency, in cooperation with institutions of higher education and business concerns in the community, may conduct special projects for—

"(A) in-service training and retraining of elementary and secondary school teachers of mathematics, science, and computer science;

"(B) summer institutes for elementary and secondary school students of mathematics, science, and computer science; and

"(C) projects designed to make science an integral part of the curricula in the elementary and secondary schools within the State or school district, as the case may be.

"(2) Each State and local educational agency may carry out a secondary school industry partnership exchange program under which—

"(A) secondary school teachers in the schools of State and local educational agencies who teach mathematics, science, or computer science are made available to local business concerns and business concerns with establishments located in the community to serve in such concerns or establishments;

"(B) personnel of local business concerns and business concerns with establishments located in the community serve as teachers of mathematics, science, or computer science in the secondary schools within the State; and

"(C) training and retraining is furnished to secondary school teachers of mathematics, science, and computer science under a cooperative arrangement between the State or local educational agency and appropriate business concerns.

"(3) Each State and local educational agency may carry out projects designed to—

"(1) identify students with high potential and above average academic achievement in the fields of mathematics, science, and computer science;

"(2) provide special instruction in summer institutes in the fields of mathematics, science, and computer science to such students;

"(3) train and retrain teachers to provide instruction to gifted and talented secondary school students in the fields of mathematics, science, and computer science; and

"(4) encourage, motivate, and assist gifted and talented secondary school students to pursue a career in the field of mathematics, science, or computer science.

"(c)(1) Each State agency for higher education may carry out a State program for awarding scholarships to students for the third and fourth years of undergraduate study at institutions of higher education within the State in order to enable such students to qualify to teach in the fields of mathematics or science in the secondary schools within the State in accordance with the provisions of section 590E(a)(5).

"(2) Each State agency for higher education may make grants to institutions of higher education within the State to assist such institutions in developing and operating demonstration centers for mathematics and science education at such institutions. Each such center shall be designed to—

"(A) furnish State and local educational agencies with technical assistance and training in the fields of mathematics, science, and computer science;

"(B) conduct training and retraining projects for elementary and secondary school teachers of mathematics and science, including instruction in the use and the development of computer-aided instruction; and

"(C) develop tests and disseminate curriculum materials to be used in the elementary and secondary schools within the State and continuing education programs conducted within the State.

STATE, LOCAL, AND INSTITUTIONAL APPLICATIONS

"SEC. 590E. (a) Any State which desires to receive grants under this chapter shall file a supplement to the application filed under section 564 of this Act. Each such supplement shall—

"(1) designate (A) the State educational agency as the State agency responsible for the administration and supervision of programs described in section 590D(b) assisted under this chapter, and (B) the State agency for higher education as the State agency responsible for the administration and supervision of programs and activities described in section 590D(c) assisted under this chapter;

"(2) describe the activities for which assistance under this chapter is sought;

"(3) provide assurances that not more than 5 per centum of the allotment of the State in any fiscal year may be expended on administrative expenses at the State level or at the local level by State and local educational agencies;

"(4) with respect to the secondary school industry partnership exchange program provide assurances that—

"(A) 25 per centum of the funds for each such project will be furnished by business concerns within the community;

"(B) 25 per centum of the funds will be supplied by State and local educational agencies participating in the program;

"(C) no stipend will be paid directly to employees of a profitmaking business concern; and

"(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

"(5) provdes assurances that the State program for awarding scholarships to third and fourth year undergraduate students at institutions within the State who wish to pursue a course of study at institutions of higher education in mathematics or science, or both, leading to a degree to qualify as a teacher of mathematics or science, or both, under which—

"(A) each student awarded a scholarship under this chapter will receive a stipend which shall not exceed the cost of tuition at the institution of higher education plus a stipend of not to exceed $750 for each academic year of study for which the scholarship is awarded;

"(B) the State will establish procedures for an equitable distribution of awarding scholarships throughout the State;

"(C) the State will provide assurances that each student receiving a scholarship under the program assisted under this chapter will enter into an agreement with the State under which the student, will, within one year after completing the degree for which assistance is furnished under this chapter, teach for a period of not less than three years in an elementary or secondary school in the State as a mathematics or science teacher; and

"(D) the State will provide procedures designed to assure that the State will require the student to repay promptly the amount of the scholarship made in the case of any student who fails to comply with the agreement entered into pursuant to clause (C) or any portion thereof which is subject to the failure to comply; and

"(6) provide such additional assurances as the Secretary determines essential to ensure compliance with the requirements of this chapter.

"(b) A local educational agency may receive its allocation of funds under this chapter for any year in which it has on file with State educational agency a supplement to the application submitted under section 566 which—

"(1) describes the activities for which the local educational agency seeks assistance under this chapter;

"(2) provides assurances, with respect to the secondary school industry partnership exchange program, that—

"(A) 25 per centum of the funds for each such project will be furnished by business concerns within the community;

"(B) 25 per centum of the funds will be supplied by State and local educational agencies participating in the program;

"(C) no stipend will be paid directly to employees of a profitmaking business concern; and

"(D) teachers participating in the exchange program may not be employed by the participating business concern with which the teacher served within three years after the end of the exchange program unless the teacher repays the full cost of the exchange program to the State and local educational agency, as the case may be; and

"(3) contains such other assurances and agreements as the State educational agency determines essential to assure compliance with the provisions of this chapter.

"(c) Any institution of higher education within the State which desires to receive a grant under this chapter shall file an application with the State agency on higher education which—

"(1) describes the demonstration center for science and mathematics education to be established and operated at the institution together with the activities which the center will conduct; and

"(2) contains such other assurances and agreements as the State agency on higher education deems essential to assure compliance with the provisions of this chapter.

"(d)(1) The provisions of section 564 and of subsections (b) and (c) of section 566 of this Act shall apply to the supplements required by this section.

"(2) Each application filed by an institution of higher education under subsection (c) shall be for a period not to exceed three fiscal years, and may be amended annually as may be necessary to reflect changes without filing a new application.".

SEC. 3. Section 595(a) of the Education and Consolidation Act of 1981 is amended by striking out "and" at the end of clause (9), by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following:

"(11) the term 'institution of higher education' has the same meaning given that

term by section 1201(a) of the Higher Education Act of 1965; and

"(12) the term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or if there is no such officer or agency, an officer or agency designated by the Governor or by State law.".

SECTION-BY-SECTION ANALYSIS

Section 1. The purpose of this bill is to establish a new block grant, entitled "Mathematics and Science Block Grant Act," to follow the ECIA Chapter 2 block grant created in 1981.

Section 2. The current ECIA chapter 3, dealing with administrative application, is redesignated as chapter 4.

Section 590. The purpose of the block grant is to improve the quality of instruction in the field of mathematics and science; to furnish resources, teacher training and retraining; to establish partnership programs with the business community, and; to establish demonstration centers at institutions of higher education.

Section 590A. The appropriation for this bill is $250,000,000.

Section 590B. The distribution formula applied is that of the Chapter 2 Block Grant. Allotments are made by the Secretary of Education based upon a state's population of school age children, with a small state minimum of 0.5 percent.

Section 590C. 50 percent of the funds alloted shall go toward higher education activities; a minimum of 15 percent of state funds are reserved for the state educational agency; the remainder of funds are distributed to local educational agencies. Adjustments in distribution are allowed for children with special needs above the average cost per child.

Section 590D (a). State and local educational agencies may use funds for the following purposes:

1. Special projects in cooperation with the business community and institutions of higher education to provide: * * * and secondary teachers of math, science and computer science; summer institutes for elementary and secondary students in math, science and computer science; projects making science an integral part of the curricula in elementary and secondary schools.

2. Secondary school-industry partnership programs designed to: Provide exchanges for teachers of math and science to participate in the business community; encourage local business concerns to become involved with secondary schools; provide training and retraining of teachers of math and science under a cooperative arrangement between the local educational agency and appropriate business concerns;

3. Projects for the gifted and talented designed to: Identify students with high potential and above average academic work; provide special instruction in summer institutes; train and retrain teachers to provide instructions to gifted and talented students; assist gifted and talented students in pursuing careers in mathematics, science and computer science.

Section 590C (c). State agencies for higher education, or their equivalent, may use funds for the following purposes:

1. To award scholarships to college students during their third and fourth year to enable them to qualify to teach math or science.

2. To establish demonstration centers for mathematics and science education designed to: Furnish technical assistance; train and retrain teachers of math and science, particularly in the use of computer-aided instruction; develop testing and curricula materials.

Section 590E. State and local educational agency applications for funds under this block grant must: Assure that not more than 5 percent of funds will be used for administrative purposes; provide a 25 percent matching grant from business concerns for school-industry partnership programs; provide a 25 percent matching grant from the state and local education agencies for school-industry partnership programs; provide that no stipend will be paid directly to employees of a profit making business concern; provide that teachers participating in an industry-school-industry exchange program may not be employed by the participating business concern within 3 years; assure that college students receiving grants to prepare them to teach math and science will agree to teach for a three year period, or be required to repay the scholarship.●

By Mr. INOUYE:

S. 1056. A bill to authorize the National Science Foundation to provide assistance for a program for visiting faculty exchanges and institutional development in the fields of mathematics, science, and engineering, and for other purposes; to the Committee on Labor and Human Resources.

SCIENCE AND TECHNOLOGY FACULTY EXCHANGE AND INSTITUTIONAL DEVELOPMENT ACT

● Mr. INOUYE. Mr. President, today I am introducing a bill which is aimed at a critical national problem and which also offers a solution based on a very noble American tradition. The problem is the need for improvement in our mathematics, science, and engineering education, particularly for students at schools below the top rank of technical institutions and for minority students. The American tradition which I have in mind is offering assistance to those who are willing to help themselves.

The problem is, by now, well known to everybody. We have a severe shortage of qualified teachers in mathematics, science, and engineering, at all levels, in elementary schools, as well as colleges and universities. Only a small percentage of students in high schools take more than 2 years' courses in mathematics and sciences. Even fewer then enter colleges and universities to study mathematics, sciences, and engineering. More Ph. D. degrees in these fields are earned by graduate students from foreign countries than by American citizens. Research facilities at many educational institutions are out of date. In contrast, the Germans, Japanese, Russians, and Chinese are paying a great deal of attention to science and technical education.

In 1958, after the launching of Sputnik Congress passed the National Defense Education Act, as part of an effort to compete more successfully with the Soviet Union's advancements in technology. Large sums of money were spent in educating our young at all levels—from elementary schools through graduate institutions. We succeeded so well in promoting science teaching that we were able to land an astronaut on the Moon in 1969. Yet by the 1970's, many of our highly educated scientists and engineers could not find employment in industry or in our schools because of declining opportunities in business, social indifference to science, shrinking school enrollments, and reduced interest by many firms in high-technology products and services.

Today, our problem is significantly different from that which faced us in the mid-1950's. Not only do we still face the Soviet threat, which has not abated, but our technological leadership is being successfully challenged by other industrial powers. While our national research and development budget has stagnated, other countries have increased their research and development funds close to our rate of spending. Japan, with one-half of our population, produces the same number of electrical engineers. The solutions to all these problems will not be easy.

Several pieces of legislation addressed to different aspects of our diminishing scientific leadership have already been introduced. Our colleagues in the House of Representatives have passed legislation to address these problems, and several of my Senate colleagues have also introduced bills. I look forward to working with them to develop omnibus legislation that will be adequate in both scope and funding and will provide the kind of support that will not result in short-term over-supply of technical and scientifically trained people, followed again by shortages of educators and workers in highly technical fields.

The bill that I am introducing today is both unique and modest in cost. It authorizes $12 million a year to benefit directly between 100 to 200 institutions of higher education. My bill works in two ways. First, it will help those who are willing to help themselves and are eager to improve their own abilities and qualifications to teach others and thus increase the quality of their institutions. The following examples will make clear what I have in mind. There are many colleges and universities that are interested in improving the quality of their science teaching. They may be in a remote area not within commuting distance to a major educational institution and hence have no easy access to most recent developments in mathematics, science, and engineering. They may be in financially disadvantageous situations, with poor research facilities and heavy teaching loads for the faculty members. Or they may have an unusually large percentage of minorities whose needs and backgrounds may

be quite different from students in major technical universities.

Under this bill, faculty members at these institutions may apply for a fellowship to spend a year at another institution where the fellowship holder can take new courses and work on a research project to improve their professional qualifications. These grantees would then return to their original institutions better qualified to improve the general level of instruction and to stimulate student involvement. This bill would provide funds for equipment purchase and reduced teaching loads, so that the fellowship recipient can have time to work on new curricula and have money to purchase new research and teaching tools.

Second, my bill also provides opportunities for scientists and technicians to help others. In the United States there are many first rate researchers and educators who are ranked among the top in the world in their specialties. This bill will offer these skilled educators and researchers an opportunity to go to institutions where their services would be most welcome and especially needed. They can offer new courses which may be of interest and importance to the students and faculty members at the institutions where the visitors will spend a year in residence. These visitors can also share ideas and methods of teaching and methods of research, can further conduct and supervise selected research projects, either as demonstrations or original research. They may also work with people in the college community, give lectures to popularize mathematics, science, and engineering, or conduct other community-related activities. This bill, therefore, provides opportunities for educators, researchers, and the communities to get acquainted with each other and to exchange ideas and possible solutions to scientific, technological, and educational problems.

Today, we are being challenged and tested as we have rarely been before. Not only should our top technical institutions be strengthened, but the quality of teaching throughout the educational system should be enhanced. We shall be much stronger as a nation and a much better competitor in the international high-technology race if the benefits of good teaching are distributed evenly. Our success cannot depend on only a shallow elite but rather must provide all our students with a good basic education with the prospect for advancement. This attempt to deal with less well-to-do schools and students is a unique feature of this measure, and I urge that it be given favorable consideration as the Committee on Labor and Human Resources marks up an omnibus science education bill.

Mr. President, I request unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Science and Technology Faculty Exchange and Institutional Development Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) scientific literacy of the general public and the existence of a sufficient number of personnel with the knowledge and qualifications to pursue careers in science and technology are essential for the military and economic strength of the Nation, and for efficient decisionmaking and management at the personal, local, and national level;

(2) at present there are not enough adequately trained applicants to fill advanced scientific and technological positions in private industry, the Government and the Armed Forces, and there is a shortage of qualified teachers of mathematics, science, and engineering at every level from grade school through graduate school;

(3) in contrast, other industrialized nations, especially Japan and West Germany, strongly support mathematics, science, and engineering education, and as a result have modernized old industries and are creating new industries and products, competing with the United States;

(4) the successful Fulbright-Hays Fellowship Program is an excellent example of an exchange program to help promote mutual understanding and aid in the solution of the educational problems of the Nation;

(5) most of our people are not exposed to the high quality of mathematics, science, and engineering education offered at the first class institutions of higher education in this country; and

(6) many attend small colleges in remote areas or institutions serving a large percentage of minority students or economically disadvantaged students, and the faculty at these colleges and institutions are interested in improving their qualifications and in upgrading the educational level at eligible institutions.

(b) It is the purpose of this Act to—

(1) overcome the shortage of qualified teachers in the fields of mathematics, science, and engineering and to improve the quality of teachers in such fields by—

(A) emphasizing the continuing need for excellence in science and technology skills for use in defense industries and international competition;

(B) promoting an increased interest and a better understanding of the fields of mathematics, science, and engineering; and

(C) increasing the quality of teaching and research in the fields of mathematics, science, and engineering at institutions of higher education where such improved quality is needed; and

(2) establish an exchange of accomplished faculty and researchers from institutions of higher education to eligible institutions where institutional development is very much in need and thereby—

(A) promote better communication, mutual understanding, and cooperation between accomplished mathematicians, scientists, and engineers from institutions of higher education at which they are serving the faculty and students at eligible institutions in which visiting faculty and researchers will serve under the program established by this Act;

(B) demonstrate an improved strength and quality of education in the United States by the sharing of knowledge and experience and by a mutual improvement in institution and research at eligible institutions and other institutions of higher education; and

(C) provide opportunities for professional development of faculty members that enable faculty members to return to the eligible institutions of higher education from which they came to develop and improve educational programs at such institutions.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "eligible institution" means an institution of higher education in any State which—

(A)(i) has an enrollment which includes a substantial percentage of students who are members of a minority group or who are economically or educationally disadvantage; or

(ii) is located in a community that is not within commuting distance of a major institution of higher education; and

(B) demonstrates a commitment to meet the special educational needs of students who are members of a minority group or are economically or educationally disadvantaged;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given such term under section 1201(a) of the Higher Education Act of 1965; and

(5) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

PROGRAM AUTHORIZED

SEC. 4. (a) The Foundation is authorized, in accordance with the provisions of this Act, to carry out a visiting faculty program for mathematicians, scientists, and engineers with experience in teaching and research who desire to share knowledge or experience in the fields of mathematics, science, or engineering.

(b) The Foundation is authorized, in accordance with the provisions of this Act, to award fellowships to individuals who have demonstrated an interest in teaching and research in the fields of mathematics, science, or engineering and are prepared to return to the institution of higher education which sponsors the individual.

(c)(1) There are authorized to be appropriated $12,000,000 for the fiscal year 1984 and for each succeeding fiscal year ending prior to October 1, 1988, to carry out the provisions of this Act.

(2) There are authorized to be appropriated such sums as may be necessary for administrative expenses for the fiscal year 1984 and for each succeeding fiscal year prior to October 1, 1988.

SELECTION OF VISITING FACULTY SCHOLARS

SEC. 5. (a)(1) The Foundation is authorized, in accordance with the provisions of this section, to select visiting faculty scholars to participate in the program authorized by this section from among scholars who

desire to share their knowledge and experience at eligible institutions and who submit an application in accordance with subsection (b).

(2) Any individual who—

(A)(1) is an active or retired faculty member at an institution of higher education with a Doctor of Philosophy or equivalent degree and who has had at least three years experience in teaching in the field of mathematics, science, or engineering;

(ii) is a professional staff member associated with a research facility or is a professional staff member employed in private industry in a research capacity and has a Doctor of Philosophy or equivalent degree and has had at least three years experience in the field of research related to mathematics, science, or engineering; or

(iii) is an individual with unusual talent or accomplishment in the fields of mathematics, science, or engineering determined in accordance with criteria established by the Director; and

(B) wishes to participate in the visiting faculty program authorized by this section; shall submit an application in accordance with paragraph (3) to the Director at such time, in such manner, and containing or accompanied by such information as the Director may require.

(3) Each such application shall contain—

(A) a resumé of the individual making application together with a list of publications, if any, of which the individual is an author;

(B) a plan of the proposed activities to be conducted at the eligible institution selected by the applicant including an outline of courses to be taught, the type of research project or seminar to be conducted, and community services related to the teaching of mathematics, science, and engineering to be offered to the community served by the eligible institution; and

(C) such other information as the Director may reasonably require.

Each application shall be accompanied by a letter of acceptance from the eligible institution selected by the applicant.

FACULTY FELLOWSHIP PROGRAM

SEC. 6. (a) The Foundation is authorized, in accordance with the provisions of this section, to award fellowships to individuals who demonstrate an interest in teaching and research in the fields of mathematics, science, or engineering and who agree to return to the sponsoring eligible institution after the completion of the period for which the fellowship is awarded.

(b) Any eligible institution desiring to participate in the program under this section shall submit an application to the Director at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each such application shall—

(1) be made on behalf of a full time faculty member of the eligible institution who—

(A) has demonstrated an interest in teaching and research in the field of mathematics, science, or engineering; and

(B) has agreed to return to the sponsoring eligible institution at the conclusion of the period of study and research for which the fellowship is awarded; and

(2) describe the fellowship program for which assistance is sought, including the institution of higher education selected by the faculty member for the first year of study under the program, together with a description of the course of study, research, and teaching activities which the faculty member will undertake for the first year of fellowship; and

(3) contain a description of the courses of study, research projects, and plans for institutional development which the faculty member will undertake upon returning to the sponsoring eligible institution.

SUPPORT FOR VISITING SCHOLARS AND FELLOWS; CONDITIONS

SEC. 7. (a)(1) Each individual selected under section 5 may participate in the visiting faculty program for a period not to exceed two years and must participate for a period of at least one semester in each of the two years.

(2) Each visiting faculty member who is selected in accordance with section 5 shall receive a stipend for the period of the visiting faculty program at the eligible institution which shall not exceed the compensation paid to the faculty member in the year prior to the year the faculty member participates in the program under this Act (in the case of a retired member, the amount of retired compensation) together with such adjustments for moving expenses and other necessary expenses associated with visiting the eligible institution as the Director may establish.

(3) In addition each faculty member participating in the visiting faculty program under sections may receive a support payment not to exceed $5,000 for equipment, material, and supplies necessary for projects to be carried out at the eligible institution.

(b)(1) Each individual selected under section 6 shall participate in the fellowship program for a period of three years.

(2)(A) A faculty member who is awarded a fellowship under the provision of section 6 shall receive for the first year of the fellowship period, a stipend which may not exceed the compensation paid to the faculty member in the year prior to the year the faculty member participates in the program under this Act (in the case of a retired member, the amount of retired compensation) together with such adjustments for moving expenses and other necessary expenses associated in visiting the eligible institution as the Director may establish.

(B) Each faculty member shall for the second and third years of the program for which the fellowship was awarded under the provisions of section 6 receive payments not to exceed $15,000 for each such year determined in accordance with criteria established by the Director for the costs associated with research and curriculum development by the faculty member at the eligible institution to which the faculty member returns.

(3) In addition a faculty member participating in the fellowship program authorized by section 6 may receive a support payment for the first year of such program not to exceed $5,000 for equipment, materials, and supplies necessary to carry out the projects at the institution of higher education at which research and courses of study are taken.

(c) The Foundation is authorized to require reports containing such information in such form and to be filed at such time as the Foundation determines to be necessary with respect to any individual serving as a visiting scholar or awarded a faculty fellowship under the provisions of this Act. Such report shall be accompanied by such certifications as the Director determines to be necessary to carry out the functions of the Foundation under this Act.

ADMINISTRATIVE PROVISIONS; REPORTS

SEC. 8. (a) In order to carry out the provisions of this Act, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this Act, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the Foundation deems necessary under this Act without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Director at the end of each fiscal year shall prepare and submit a report to the President and to the Congress. Each such report shall contain a description of the activities assisted under this Act, an analysis of the programs supported with such assistance together with such recommendations, including recommendations for legislation, as the Foundation deems appropriate.●

By Mr. BAUCUS:

S. 1057. A bill to amend the Internal Revenue Code of 1954 to place a cap on the reduction in individual income tax rates, and for other purposes; to the Committee on Finance.

TAX RATE EQUITY ACT

● Mr. BAUCUS. Mr. President, earlier this week I outlined several actions that I believe are needed to insure economic recovery. There are no quick fixes that will produce an economic recovery.

But there are several actions that Congress can take that will make sure the economy does not slip back into recession. One of the most critical steps is to reduce the Federal budget deficit. I outlined several ways to cut the deficit through steady, year-by-

year reductions. The legislation I am introducing today is a key part of that strategy. This legislation would cut the deficit by some $6 billion, while also making sure that middle-income taxpayers will receive the income tax cut scheduled for July 1.

BACKGROUND

The tax cut enacted in the Economic Recovery Tax Act of 1981, or "ERTA," actually consists of three cuts.

First, in 1981, the maximum tax rate was reduced from 70 to 50 percent and overall tax rates were reduced by 5 percent. Second, in 1982, overall tax rates were further reduced by 10 percent. Third, in July 1983, overall rates are scheduled to be reduced by another 10 percent. The cumulative effect of these cuts will be to reduce overall tax rates by about 23 percent.

When President Reagan proposed this 3-year tax cut, he predicted that it would not create larger deficits, because "the economy will be rapidly growing in response to [the] tax changes and the other parts of [my] program * * *."

Unfortunately, the President's prediction was wrong. The collision between his supply-side fiscal policy and the Federal Reserve Board's tight monetary policy caused interest rates to soar. This, in turn, caused a devastating recession that pushed unemployment and bankruptcies to record levels.

The recession also created a fiscal deficit so huge that it threatens to rekindle high interest rates and choke off any potential for a healthy recovery, especially in the "out" years.

CAPPING THE TAX CUT

It is not pleasant to propose this legislation. Everybody loves a tax cut. But we must face facts. The ERTA tax cut did not increase Federal revenues, as the supply-siders predicted it would. And now, with the deficit at $200 billion and rising, we simply cannot afford to make the full third-year cut. It increases the deficit too much.

There are, however, two competing considerations.

The first competing consideration is fairness. The way the overall 3-year tax cut works out, upper income taxpayers receive most of their tax cut in the first year—in the form of the reduction of the maximum tax rate from 70 to 50 percent—but middle and lower income taxpayers receive most of theirs in the later 2 years. This means that a complete repeal of the third-year tax cut would leave upper income taxpayers with more of their originally planned tax cut than middle and lower income taxpayers. That would be unfair.

The second competing consideration is stimulating economic recovery. This third-year tax cut happens to come at a time when it can provide a needed kick to stimulate economic recovery. This means that a complete repeal of the third-year tax cut might dampen the recovery. That would be unwise.

Therefore, we must balance these competing considerations. We must limit the third-year tax cut, but not so much that middle and low income taxpayers are treated unfairly or that economic recovery is significantly dampened.

This balance can be achieved by capping the tax cut. That is what the Tax Rate Equity Act I am introducing today does. It limits the amount of the third-year tax cut to $700. Such a limit would reduce the Federal deficit by $6 billion in fiscal year 1984, $7 billion in fiscal year 1985, $7 billion in fiscal year 1986, $8 billion in fiscal year 1987, and $9 billion in fiscal year 1988. At the same time, such a limit would permit a couple earning about $35,000 and filing a joint return to receive their full 10-percent tax cut. Above that, the effective percentage of the cut would diminish.

Mr. President, I offer this legislation not only as a balance between competing policy considerations, but also as a potential compromise—between those who want to reduce deficits at any cost and those who refuse to admit that the ERTA tax cut did not live up to expectations. I hope that my colleagues will endorse the compromise and help me enact this legislation into law.●

By Mr. WEICKER (for himself, Mr. D'AMATO, and Mr. DODD):

S. 1058. A bill providing for the resolution of the current rail labor dispute in Connecticut and New York, and for other purposes; to the Committee on Labor and Human Resources.

RESOLUTION OF METRO NORTH RAIL DISPUTE

● Mr. WEICKER. Mr. President, I rise today to introduce legislation to provide for a resolution to the current labor dispute between two commuter authorities—the Connecticut Department of Transportation (ConnDOT) and the Metropolitan Transportation Authority (MTA)—and certain employees of the United Transportation Union (UTU).

The reason I am introducing legislation at this time is that nearly 90,000 commuters in the New York/Connecticut area have been without rail service for more than 5 weeks. The continued interruption of rail service to the region poses a severe threat to its economic viability and to the health, safety, and welfare of the commuters who depend on this service.

I would prefer to see a resolution of this labor dispute through the collective-bargaining process. This process has long been the mainstay of labor-management contract proceedings in this country, and I believe that it should continue to prevail as the means by which such contracts are negotiated. Last week, I joined my good friend Senator D'AMATO in supporting Gov. Mario Cuomo's call for round-the-clock negotiations.

However, as of midnight on Sunday, April 10, those negotiations had broken down, with the parties firmly entrenched in their respective positions. They had reached an impasse on the major outstanding issue—management's prerogative to set crew size versus the principle of "crew consist"—labor's term for a guaranteed number of trainmen per number of cars. It now appears that all channels for resolution of this dispute through the collective-bargaining process have been exhausted. Therefore, Senator D'AMATO—who joins me in introducing this legislation—and I urge our colleagues to recognize the intractibility of this situation and to support this legislation.

The strike stems from the transfer of rail service operations from Conrail to a newly formed subsidiary of the MTA, the Metro-North Corp. Pursuant to the Northeast Rail Services Act (NERSA), Congress directed that Conrail be relieved of its commuter rail obligations by January 1, 1983, in an effort to make Conrail a more efficient freight rail system. The legislation established a process for transferring commuter rail service operations to either a subsidiary of Amtrak—the Amtrak Commuter Service Corporation—or the commuter authorities. The MTA and ConnDOT chose to take over the service themselves and entered into negotiations with the various unions, successfully securing contracts with all but the UTU by the transfer date.

Pursuant to section 510 of NERSA, the commuter authorities and the UTU exhausted all mean of resolving the outstanding issues of rules, pay, and working condition, including submitting the dispute to a Presidential emergency board convened at the request of the States of New York and Connecticut on October 1. Although the emergency board recommendations were rejected by the UTU, service did begin on January 1 when Metro-North took over from Conrail. Continued efforts to achieve a resolution through collective bargaining failed to yield a solution, and the UTU went on strike on March 7, 1983.

I have met with the parties and kept in close communication with the States of Connecticut and New York for 5½ weeks. With no end in sight, it is now my responsibility, and the responsibility of the Congress, to question the cost borne by groups not party to the negotiations—the commuters and businesses of the two States.

For my constituents in Connecticut, the strike has been an unmitigated hardship over which they have had no control. The State of Connecticut is to be strongly commended for its efforts

to provide alternative transportation service by bus. Some have chosen the bus and subway route. Others have formed carpools, and some large companies have resorted to van pools. However, the New Haven rail line is an essential service for which there is no real substitute. The existing highways to and from New York City and New Haven are already badly congested and the additional traffic forced onto these limited arteries threatens public safety. At best, traveling time has doubled during the strike.

Costs have also skyrocketed. A monthly rail commuter ticket from Greenwich, Conn., the closest in town to New York, costs just over $100. The cost for bus and subway for 4 weeks is at least $190. From points farther north and east, the costs are significantly greater.

Mr. President, while we do not yet have all the supporting documentation, it is clear that the strike also has had a serious impact on businesses throughout the region, which is, of course, a major metropolitan center. Should the strike continue, the economic viability of the area could be threatened. With these various facts in mind, we feel we have no choice but to seek action on the Federal level.

The bill I am introducing today is similar to legislation introduced by Congressman STEWART MCKINNEY on April 12, 1983. It provides for immediate restoration of commuter rail service on the New Haven and Harlem and Hudson lines and submits outstanding issues to binding arbitration. The conductors would return to work under contract provisions already agreed to by the parties at midnight of April 10, the last formal bargaining session called by the Federal mediator. I believe this provision preserves compromises and agreements achieved to date by the two parties. Until outstanding issues are resolved, the UTU would operate under rules which were in effect before the takeover from Conrail, prior to January 1, 1983.

A tripartite arbitration board, consisting of a member chosen by each side and a third member jointly agreed to by the union and transit authority, would then determine the crew size and any other undecided issues.

If the two parties fail to agree on a third member within 45 days, the Governors of New York and Connecticut will jointly make the appointment within 10 days.

The two parties would then have 10 more days to present their arguments, and the arbitrators then would have 30 days to issue a decision, which would be binding on the parties. Under the process envisioned in the legislation, a final decision would be handed down by the arbitrator with 95 days of enactment of the legislation.

Mr. President, this bill would achieve two desirable courses of action—the resumption of commuter rail service for the States of Connecticut and New York and the resolution of a very difficult issue, which the unions and commuter authorities seem unable to reach agreement on. I believe the people of Connecticut and New York have suffered long enough. It is my intention to hold hearings on this matter as soon as possible. I urge my colleagues to join me in resolving this difficult impasse.●

● Mr. D'AMATO. Mr. President, today I join my friend from Connecticut, Mr. WEICKER, in introducing legislation which will end the labor dispute between Metro-North, a subsidiary corporation of the Metropolitan Transportation Authority, and the employees of the United Transportation Union (UTU).

On March 7, after exhausting all of the labor provisions of the Northeast Rail Service Act of 1981, the UTU commenced a strike against Metro-North, a strike which is well into its sixth week. For 6 weeks now, 90,000 commuters from Westchester and Connecticut have suffered a tremendous hardship as a result of this job action on Metro-North. Thousands of our commuters are wasting hours and hours getting to and from work each day and spending additional dollars on alternate means of transportation.

Over the last several weeks, I have heard from constituents who arrive late to work. This has a detrimental impact on the economy of the metropolitan area. I have also been contacted by working mothers and fathers who, as a result of this strike, come home late to their families each night.

A dispute between the 622 members of the UTU and Metro-North has completely halted operations on these rail lines. The one unresolved issue at the bargaining table deals with the determination of crew sizes—also known as crew consists. It is time to settle this issue, and this strike and resume service for the 90,000 commuters. Moreover, it is high time to get the balance of the over 4,000 employees who work on the lines and have reached agreements with the company back to work. I know these men and women would certainly prefer to be working.

My decision to enter this dispute did not come easy. The labor law of this country is founded on the principle of private collective bargaining. I am committed to the principle of collective bargaining and could support legislative intervention in these matters only under compelling circumstances. Such circumstances exist here.

Mr. President, during my tenure as Senator from New York, I have been an ardent supporter of mass transportation and believe it is vital to our economic vitality as a nation. I was one of the principal authors of the mass transit reauthorization legislation signed by the President in January. I fear that this prolonged strike might result in commuters turning from the trains and back to the highways. The New York metropolitan area simply cannot tolerate this increased congestion of the roads entering New York City. Moreover, decreased ridership will ultimately lead to service cutbacks which in turn will hurt the employees on the lines.

Mr. President, this legislation is really quite simple. It would call for the employees to return to work immediately so that service may resume on the Harlem, Hudson and New Haven lines. All issues which have been agreed to between Metro-North and the union prior to April 11 will take effect, and those issues on which there is no agreement will be submitted to binding arbitration. The bill provides a mechanism for the selection of the arbitrating panel. As I have stated, it is my understanding that only one issue remains to be resolved—the crew consist issue.

Mr. President, in closing, I do want to reiterate my commitment to collective bargaining. But this situation is unique. A vital transportation network has been crippled. The parties have engaged in exhaustive collective bargaining. A real impasse has been reached. In the final analysis, this legislation represents an attempt to build a consensus around a solution which will bring about a fair settlement for the parties and an end to this strike.

Mr. President, I urge the adoption of this measure.●

By Mr. HEINZ (for himself, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. GRASSLEY, Mr. WILSON, Mr. ROTH, Mr. HOLLINGS, Mr. COHEN, Mr. GLENN, Mr. TSONGAS, Mr. BENTSEN, Mr. SARBANES, Mr. CHILES, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BURDICK, Mr. BAUCUS, Mr. COCHRAN, and Mr. BUMPERS):

S.J. Res. 83. Joint resolution to recognize Senior Center Week during Senior Citizen Month as proclaimed by the President; to the Committee on the Judiciary.

SENIOR CENTER WEEK

● Mr. HEINZ. Mr. President, I am proud to offer today, along with my distinguished colleague and ranking member of the Senate Special Committee on Aging, Senator GLENN, and 19 cosponsors a Senate joint resolution designating the week of May 8 to be "Senior Center Week."

Mr. President, traditionally, May of each year is designated as Older Americans Month. It is a month set aside to acknowledge and honor older persons for their valuable contributions to our Nation. Older Americans Month is celebrated across the country by senior citizen organizations, local gov-

ernments, and other community groups. Senior Center Week will illustrate that communities and older citizens are increasingly accepting senior centers as the primary source in the community for social as well as service needs of the older person.

Senior centers are an integral part of our Nation's policy for older people. Today, local communities support over 8,000 centers operating in all parts of our Nation. Senior center programs serve over 5 million older persons and range from small programs in church halls to extensive multipurpose centers offering services from nutrition to counseling. Wherever they are, they have one thing in common—these programs provide services and activities which enhance and, in many cases, extend the quality of life of older persons.

Congress recognized the value of senior centers when it established a separate program under the Older Americans Act to develop multipurpose senior centers where older persons could go for a variety of services such as health and legal services under one roof. This program continues today under the auspices of title III-B of the Older Americans Act, and as chairman of the Senate Special Committee on Aging I will work to insure that senior centers remain a visible part of the Older Americans Act.

Senior Center Week will give attention to centers across the country that are responding in creative ways to older individuals who are at risk, those who are more frail and more dependent than their able bodied counterparts. The work senior centers do complements, in a very real sense, our efforts to promote alternatives to institutionalization for older persons. They supply the types of preventive services which are so critical to older persons who need a small amount of help in order to remain independent.

Mr. President, I am proud to sponsor this resolution on senior centers to promote the recognition they so richly deserve.●

● Mr. GLENN. Mr. President, I am pleased to join my distinguished colleagues in introducing this joint resolution to designate the week of May 8 as "Senior Center Week."

During the month of May, senior citizen organizations, State and local governments, and community groups will celebrate "Older Americans Month." This special month gives us an opportunity to recognize and honor older persons for their valuable contributions to our Nation. One place in the community where older persons gather on a daily basis is the senior center—a facility that has become firmly established in the fabric of American social agencies.

Since 1943, when the first senior center was established in New York City, the senior center concept has grown into a nationwide service system utilized by over 8,000 communities. Hardly a city or town is without one. Communities and older citizens are increasingly accepting senior centers as the primary source in the community for the social as well as the service needs of older adults. With Federal assistance and State and local resources, senior centers provide nutrition programs, counseling, health and legal services, social activities, and employment opportunities for older Americans. Senior centers have become the focal point on the local level for senior citizen activities.

When we study the growth of senior centers, we realize that their proliferation is closely related to the flow of Federal dollars made available by passage of the Older Americans Act of 1965. Today, senior centers are provided for through title III-B of the Older Americans Act. The recognition of Senior Center Week reaffirms our support for senior centers as a prominent part of the Older Americans Act.

I am pleased to sponsor this resolution which highlights senior centers and honors their dedicated personnel for the important work they do on behalf of our seniors. Through the neighborhood senior center, a senior citizen can remain active, associate with friends, and obtain necessary services. I urge my colleagues to support this resolution for Senior Center Week.●

● Mr. DOMENICI. Mr. President, I am honored to be joining my colleagues in sponsoring this resolution to designate the week of May 8 as "Senior Center Week." It is very appropriate. May has already been designated as the month in which all of us recognize the contributions of older Americans.

In recent years, senior centers have become a strong link between retired citizens and the communities in which they live. Many networks have been formed at these sites. The network of support is highly publicized. It includes nutrition programs and transportation services which benefit senior citizens. There is also the educational network which provides opportunities for participants to explore new areas from ceramics to Spanish. Finally, there is the important network of friendship, encouraged by social activities such as field trips, and Saturday night dances.

Senior centers offer a way to reach our goal of economic and social independence for Americans at all ages. Therefore, it gives me pleasure to call upon the President to proclaim a special week during the month of May to acknowledge the role that senior centers play in our society.●

● Mr. GRASSLEY. Mr. President, today I enthusiastically join my colleagues on the Senate Special Committee on Aging in the resolution declaring the week of May 8 as "Senior Center Week."

All of us in this Chamber have supped at the tables of these warm and friendly havens of our States' elderly citizens. During these visits we have been privileged to discuss national and local issues with those whose experience and counsel have come to count on—rich and poor alike.

I urge all Members of the Senate that during May, they remember the senior centers and the Older Americans Act that created them.●

ADDITIONAL COSPONSORS

S. 19

At the request of Mr. DOLE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 57

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 159

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 159, a bill to amend section 1086(c) of title 10, United States Code, to provide for payment under the CHAMPUS program of certain health care expenses incurred by certain members and former members of the uniformed services and their dependents to the extent that such expenses are not payable under medicare.

S. 209

At the request of Mr. INOUYE, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 209, a bill to amend the Controlled Substances Act to establish a temporary program under which heroin would be made available through qualified hospital pharmacies for the relief of pain of cancer patients.

S. 272

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 272, a bill to improve small business access to Federal procurement information.

S. 427

At the request of Mr. BAUCUS, the names of the Senator from Alaska (Mr. STEVENS), the Senator from Indiana (Mr. LUGAR), the Senator from Missouri (Mr. DANFORTH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mrs. HAW-

KINS), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 427, a bill to amend the Internal Revenue Code of 1954 to remove certain limitations on charitable contributions of certain literary, musical, or artistic compositions.

S. 474

At the request of Mr. COCHRAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 474, a bill to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Indiana (Mr. LUGAR), the Senator from Iowa (Mr. JEPSEN), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 572

At the request of Mr. DODD, the names of the Senator from Maryland (Mr. SARBANES), the Senator from New York (Mr. MOYNIHAN), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 572, a bill to provide emergency assistance for children.

S. 602

At the request of Mrs. HAWKINS, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Alabama (Mr. DENTON), the Senator from Washington (Mr. GORTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Nevada (Mr. LAXALT), and the Senator from Wyoming (Mr. WALLOP) were added as cosponsors of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 629

At the request of Mr. CRANSTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 629, a bill to amend title 38, United States Code, to increase the per diem rate payable by the Veterans' Administration to States providing domiciliary, nursing home, and hospital care to veterans in State homes.

S. 668

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 668, a bill to reform Federal criminal sentencing procedures.

S. 691

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 691, a bill to amend title 38, United States Code, to establish a new veterans' educational assistance program and a veterans' supplemental educational assistance program, and for other purposes.

S. 760

At the request of Mr. CRANSTON, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 760, a bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and in the Atlantic Ocean off the State of Massachusetts.

S. 911

At the request of Mr. CHILES, the name of the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 911, a bill to establish a Commission to make recommendations for changes in the role of nonparty multicandidate political action committees in the financing of campaigns of candidates for Federal office.

S. 986

At the request of Mr. PRESSLER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 986, a bill to repeal employer reporting requirements with respect to tips.

SENATE JOINT RESOLUTION 19

At the request of Mr. INOUYE, the names of the Senator from Arkansas (Mr. PRYOR), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of Senate Joint Resolution 19, a joint resolution to authorize and request the President to designate the period August 26, 1983, through August 30, 1983, as "National Psychology Days."

SENATE JOINT RESOLUTION 41

At the request of Mr. STAFFORD, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Iowa (Mr. JEPSEN), the Senator from Washington (Mr. GORTON), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Michigan (Mr. LEVIN), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolution 41, a joint resolution to authorize and request the President to designate the week of April 10, 1983, through April 16, 1983, as "National Education For Business Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. ANDREWS, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), the Senator from Ohio (Mr. GLENN), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Mississippi (Mr. STENNIS), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. DIXON), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. BURDICK), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of May 22, 1983, through May 28, 1983, as "National Digestive Diseases Awareness Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. INOUYE, the names of the Senator from Indiana (Mr. QUAYLE), the Senator from Ohio (Mr. GLENN), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Indiana (Mr. LUGAR), the Senator from Arkansas (Mr. PRYOR), the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. FORD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Idaho (Mr. SYMMS), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of Senate Joint Resolution 66, a joint resolution to authorize and request the President to designate May 6, 1983, as "National Nurse Recognition Day."

SENATE JOINT RESOLUTION 68

At the request of Mr. SPECTER, the names of the Senator from Maine (Mr. MITCHELL), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of Senate Joint Resolution 68, a joint resolution to authorize and request the President to designate July 16, 1983, as "National Atomic Veterans' Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. GORTON, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to authorize and request the President to issue a proclamation designating April 24, through April 30, 1983, as "National Organ Donation Awareness Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BOSCHWITZ, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress that the Federal Government should maintain current efforts in Federal nutrition programs to prevent increases in domestic hunger.

SENATE RESOLUTION 90

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 90, a resolution expressing the sense of the Senate that the Soviet Government should immediately release Anatoly Shcharansky and allow him to emigrate.

SENATE CONCURRENT RESOLUTION 24—RELATING TO THE OBSERVATION OF OLDER AMERICANS MONTH

Mrs. HAWKINS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 24

Whereas older Americans have contributed many years of service to their families, their communities, and the Nation;

Whereas the population of the United States is comprised of a large percentage of older Americans representing a wealth of knowledge and experience;

Whereas acknowledgment should be given to older Americans for the contributions they continue to make to their communities and the Nation; and

Whereas many States and communities provide such acknowledgment of older Americans during the month of May: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring), That in recognition of—

(1) the traditional designation of the month of May as "Older Americans Month" by the President of the United States, and

(2) the repeated expression by the Congress of its appreciation and respect for the achievements of older Americans and its desire that these Americans continue to play an active role in the life of the Nation,

it is the sense of the Congress that the people of the United States should observe Older Americans Month with appropriate programs, ceremonies, and activities.

SENATE RESOLUTION 112—RELATING TO PROTECTION OF CIVILIANS IN THE CONFLICT BETWEEN THAILAND AND KAMPUCHEA

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 112

Whereas the people of Kampuchea have long endured war, bitter civil strife, and atrocities;

Whereas since January 1979, a new agony has been imposed on these long-suffering people by the occupation of their homeland by a foreign power, Vietnam, which, after four years, has not won the support of the Kampuchean people, and has attempted to exert its control with more than 170,000 troops;

Whereas the pain of foreign occupation has been increased for the Kampuchean people by the occupying power's use of chemical and biological weapons in areas of resistance;

Whereas in recent days a tragic by-product of an intense Vietnamese offensive against anti-Vietnamese Khmer resistance forces was an outpouring into Thailand of tens of thousands of civilians, many wounded, who were displaced from their positions of temporary refuge;

Whereas the attacks on the border have spilled over into Thailand bringing death and destruction of Thai villagers;

Whereas the hundreds of thousands of refugees and displaced persons on Thai soil constitute a serious humanitarian problem;

Whereas the United States' commitment to the security of Thailand under the Southeast Asia Collective Defense Treaty, done at Manila on September 8, 1954 (also known as the "Manila Pact") was reaffirmed by President Reagan in his 1981 meetings with Thai Prime Minister Prem;

Whereas the United States Government supports the Association of Southeast Asian Nations (ASEAN) goals regarding a political settlement for Kampuchea within the framework of the United Nations International Conference on Kampuchea, which calls for withdrawal of all foreign forces from Kampuchea; and

Whereas the United States Government has consistently been committed to alleviating the burden to Thailand presented by the large outflow of refugees from Kampuchea and to providing humanitarian assistance to the Kampucheans through an international program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) all parties to the armed conflict near the border between Thailand and Kampuchea should refrain from actions which may endanger refugees and extend protection to all refugee camps in such areas; and

(2) the Government of Vietnam should immediately halt armed attacks on civilians and respect their right to safe haven.

NOTICES OF HEARINGS

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a hearing on the District of Columbia school system's career oriented curriculum.

The hearing will be held on Wednesday, May 11, from 10 a.m. to 12 noon in room SD-124 of the Dirksen Senate Office Building.

Anyone needing further information is invited to contact Bill Leonard at 224-4161.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of public hearings before the Committee on Energy and Natural Resources. On Monday, April 25, beginning at 10 a.m., the committee will hold a hearing on the nomination of Theodore J. Garrish, of Virginia, to be General Counsel, Department of Energy. Staff contact: David Doane—224-7144.

On Thursday, May 19, beginning at 10:30 a.m., the committee will hold an oversight hearing on the geopolitics of strategic and critical minerals. Staff contact: Bob Terrell—224-5205.

Both hearings will be held in room SD-366. Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20510.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Agriculture Committee has scheduled a hearing on S. 663 on Tuesday, April 19. S. 663 would prohibit participation by farmers in certain farm programs if the crops were produced on highly erodible lands. Senator ARMSTRONG is the sponsor of this legislation.

The hearing will begin at 9:30 a.m. in room 328-A Russell Senate Office Building.

Anyone wishing further information should contact Mary Ferebee of the Agriculture Committee staff at 224-6901.

ADDITIONAL STATEMENT

HOLOCAUST COMMEMORATION

● Mr. DOLE. Mr. President, there is an extraordinary congregation in Washington this week of survivors of the Nazi attempt to eradicate an entire people. It has been called the Holocaust, a word evoking total destruction, the burning of a nation, and genocide. The murder of a people is so staggering that it is hard even to embrace the idea, and so we must sometimes focus on the real tragedies of individuals. The sole survivor of a large family, the survivor whose haunted dreams of torture and sacrifice torment him 40 years later, the homes that no longer exist, the families destroyed, and the mind-numbing numbers that overwhelm us.

It takes a special kind of courage for the survivors to meet, Mr. President, and the Senator from Kansas would like to salute them for doing so. At the same time, the Holocaust Museum should give all Americans some notion of what the Yad Vashem Museum in Israel has presented, for we must make absolutely certain that the memories of the Holocaust remain strong. In that way, we make the best answer to those who tried to destroy a people and a way of life. We will remember and continue to remember, as we honor those survivors who have sought a belated freedom in the United States and who have become productive citizens of our country.

Mr. President, I found it particularly appropriate that on the very steps of this Capitol, Vice President BUSH presented keys to the Holocaust Museum to these survivors. It has not always

been so. Throughout their tragic history, keys have more often been used to keep the Jewish people out of an area or a city, and to lock them into a quarter or a ghetto. How appropriate that in this home of American democracy the doors are open. Let them always remain so.

What can one say, Mr. President, to those who survived the Holocaust? The very names of the death camps are emblazoned into our souls: Auschwitz, Majdenek, Treblinka, Bergen/Belsen. We seem to hear again the sad keening of a people for its lost towns and its lost children, and its lost familiar treasures of home and family. That the Holocaust came at the end of centuries of persecution adds further poignancy to the plight that the Jewish people have endured in so many places and for so long. And that is another reason why we doubly value the rich contributions that immigrants of the Jewish faith have made for three centuries to the life of this country. But we must also, in the light of the barbarism of the Holocaust, rededicate ourselves to a new understanding of what happened within our own lifetimes.

And so, Mr. President, let us take this occasion and this week of commemoration to rededicate ourselves to the witness of those victims that were murdered, and to those who have survived to bear witness with us this week. We must be very sure that the lessons of the Holocaust and what preceded it are well learned. For many, the wounds will never heal. But for many more to come, let the promise of America be renewed. And let us all rededicate ourselves also to the famous pledge of George Washington to the members of the Newport Synagogue, that America would extend "to bigotry no sanction." For by our own humanity, we fulfill our deepest identify as American citizens. And by the sufferings of the Holocaust survivors, we will always remember what never should have happened, and what must never be forgotten. Shalom.●

BECAUSE WE CARE DAY

● Mr. MITCHELL. Mr. President, on April 6 in many of the 172 Veterans' Administration hospitals across this country the American veterans of World War Two, Korea and Vietnam sponsored "Because We Care Day." The purpose of this program was to salute the thousands of hospitalized veterans who are daily facing personal battles against illness, pain and loneliness.

"Because We Care Day" ceremonies were held during the morning of April 6 at the VA Medical and Regional Office Center at Togus, Maine. There was a wreath laying ceremony to honor America's deceased veterans, a round of visitations with patients in the wards and a short lunch.

Among those participating in the day's activities were AMVETS Maine Department Commander Dale Andrews, AMVETS Maine Auxiliary President Janet St. Michael, representatives from the cities of Bangor and Augusta, and Maine's National Guard Adjutant General Paul Day. Coordinating the day's activities was Merrill Morris, Maine AMVETS national service officer.

Mr. President, I believe AMVETS deserves our praise for their efforts April 6, on behalf of those veterans hospitalized in VA facilities across this country who are sometimes forgotten. Hospitalized veterans are receiving treatment as a result of their service to this country. They deserve our attention and respect. But more than that, hospitalized veterans deserve our gratitude. "Because We Care Day" was one small way to honor and recognize men and women who gave all they could give to this country in times of need.●

JEWISH HOLOCAUST SURVIVORS

● Mrs. HAWKINS. Mr. President, I rise today to join my colleagues in commemorating the 40th anniversary of the Warsaw ghetto uprising and the beginning of a new tradition: The first American gathering of the Jewish Holocaust survivors. It is important that we remember and honor those whose indomitable spirit remains an example for us all. We must remember.

Many of us have never had the experience of these people. Most of us have never experienced a brutal and degrading attack on our way of life, our religion, and our very souls and bodies. The Warsaw ghetto uprising is the story of ordinary men and women who took the extraordinary action of facing the German war machine in an effort to throw off the bonds of Nazi tyranny. It is the story of bakers and butchers, of teachers and doctors, of women and children who valued their freedom and dignity so much that they risked and even sacrificed their lives. These men and women represented the very best that is in the human race—in stark contrast to their Nazi oppressors, who represented the very worst.

We remember the Warsaw ghetto uprising not as a military triumph but as a spiritual triumph, a triumph over the attempt to repress the longing for freedom and justice that live in each of us.

The Jewish resistance to the Nazis in Warsaw is a tribute to all who have struggled against tyranny. It is not enough, however, to honor those who have fought on behalf of all of us against tyranny and oppression. We must look to the future. We must make a convenant to insure that the racism, the hatred, the oppression, and the atrocities committed by the Nazis never be allowed to happen again, anywhere on the face of the Earth. We must forever be alert to the slightest warning signal—whether it be in Eastern Europe, South America, or right here at home.

Our first line of defense against a tragic repetition of the Holocaust is to remember those events and to make sure that the memory is passed on from generation to generation. This is why the first American gathering of the Jewish Holocaust survivors is so important. It helps us to remember. But, more than remember, we must actively guard ourselves against any growth of racism and hatred. We cannot live under the illusion that it could never happen here. Too often we forget that Germany was a democracy before Hitler took power. We are not immune. We must remain ever vigilant. It is not enough for us to say in our homes and among our friends that we are enemies of hatred and oppression. We must speak out. We must do battle with these forces wherever they rear their ugly heads. Furthermore, our children must be taught the tragedies of Auschwitz, Dachau, and Birkenau. They must learn to guard against man's inhumanity to man. The battle against hatred and injustice must be carried on by the young if future generations are to live free of fear and repression.

Forty years ago, 6 million Jews died in Nazi concentration camps. It was an event so overwhelmingly evil that today it is almost incomprehensible, and yet it happened. This week thousands of survivors from this nightmare have gathered here in Washington to give thanks for their new home, America, and to remind us that what once happened could happen again. I believe that we must use this occasion to remember those, both living and dead, who suffered at the hands of tyranny and to reaffirm our undying opposition to hatred and injustice.●

GRAND BLANC TOWNSHIP, MICH., CELEBRATES SESQUICENTENNIAL

● Mr. LEVIN. Mr. President, 1983 marks the passing of the 150th anniversary of Grand Blanc Township, Mich. One hundred and fifty years ago, the rapidly growing, fertile wilderness of Michigan was well traversed by Indians, officers, traders, and settlers. In 1823, one such settler, Jacob Stevens, ventured with his family along the Saginaw Trail until settling north of Detroit in an Indian town called Grumlaw. Ten years later, the Stevens family, joined by many of their friends from New York seeking inexpensive land, organized Grand Blanc Township. The township name, Grand Blanc, which, in French, means

"Great White," has been explained as referring to either the heavy blankets of snow which cover the area in winter or to the inhabitation of the area by the white man.

In its humble beginnings, Grand Blanc contained a trading post, a tavern, a public school, and a sawmill and grist mill on the Thread River. The traveled highway, which followed the old Indian trail, went rambling through the woods, avoiding hills and swamps, and was quite a comfortable wagon road. With the completion of the railroad in 1864, travel became much easier and Grand Blanc grew from township to a village to a city by 1930.

As Grand Blanc grew, so did its commercial sector. By 1873, business had sprung up throughout the town's "Center" and residents were thankful for not having to make the trip into nearby Pontiac for food, clothing, and shoes. It has since expanded, featuring a multitude of shopping centers, a prosperous downtown district, and a variety of public services, making Grand Blanc an ideal family community. And thanks to the presence of a Fisher Body GM plant, the community has a healthy tax base.

It is indeed a pleasure to honor Grand Blanc Township on achieving its 150th anniversary of growth and change. This solid community and all its admirers look with pride to the future. What is basic to any community is people—their families, their homes, their schools, their churches, and community organizations, and the services provided by their local government. These have been the basic concerns of the people of Grand Blanc Township since 1833, and they will remain so in the future.●

COMMENCEMENT OF TERMS OF OFFICE

● Mr. MATHIAS. Mr. President, late last month I was pleased to join with my colleague Senator PELL in introducing Senate Joint Resolution 71, which would eliminate any possibilities of either lameduck congressional sessions or lameduck Presidents. An editorial in the Providence Sunday Journal of March 27 entitled "Need To Speed Transition of New Congress, President," makes a compelling case for the amendment, and I ask that the article be printed in the RECORD for my colleagues' review.

The article follows:

NEED TO SPEED TRANSITION OF NEW CONGRESS, PRESIDENT

A few months ago, Sen. Claiborne Pell's new bill to speed the date for presidential and congressional election winners to take office would have received widespread supportive attention. The nation had just witnessed then what a do-nothing body a lameduck Congress can be. That may be just a fading memory now, but the idea of changing such a frustrating and outdated system still deserves serious consideration.

Of equal—and perhaps greater—concern with the present two-months transition between old and new congresses is the slow-paced accession of a newly elected president. It takes nearly three months before he enters the White House. The interim, during which effective government grinds to a virtual halt, poses a potentially dangerous period for the nation in the fast-moving modern world.

Senator Pell's remedy, co-sponsored with Sen. Charles McC. Mathias, R-Md, as a proposed amendment to the U.S. Constitution, would have a new Congress and a new president take over on Nov. 15 and Nov. 20, repectively, after their election. Now, they don't do so until the next Jan. 3 and Jan. 20, respectively. These dates have been in force since the 20th Amendment was ratified in 1933. Previously, there were even later changeovers—Mar. 4 for the president and sometimes not until the following September for Congress. Just as there was good reason a half-century ago to move up those times oriented to an older, predominantly agricultural society, the transportation and communications advances of recent decades argue for at least a study of another speed-up. What's more, they make it possible.

There would be no real difficulty providing this for Congress. Computerized tallies leaves few, if any, House and Senate races unresolved by mid-November. Any still unsettled would not prevent the bulk of the newly elected lawmakers from getting down to business. With the presidency, it might be questioned whether a new administration could be put in place that quickly. However, this could be ascertained by Judiciary Committee hearings on the Pell bill.

Testimony from President Reagan and former Presidents Nixon and Carter would be helpful on that point. All campaigned for years before their victories, and probably had a good enough idea of who would join them in government. In any event, nothing would be lost by such a review. Congress ought to do it.●

THE FEDERAL TRADE COMMISSION IS NOT ENFORCING THE ANTITRUST LAWS

● Mr. LAUTENBERG. Mr. President, the preservation of a free and competitive marketplace is critical to our economic revival. Competition breeds innovation and efficiency. And those are two important ingredients in our effort to promote economic growth and employment in our Nation. In this light, I was very disturbed by a report, prepared at my request by Federal Trade Commissioner Michael Pertschuk, detailing a record of nonenforcement of our antitrust laws by the Commission's Bureau of Competition. I think my colleagues would be interested in his findings. For their information, I ask that Mr. Pertschuk's report, along with a related article from the Star-Ledger of Newark, be inserted in the RECORD.

The material follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., April 5, 1983.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LAUTENBERG: At the March 16 hearing of the Senate Commerce Committee, you asked the Federal Trade Commissioners to give you their views on the performance of our Bureau of Competition. I stated that I believed its performance was inadequate and I promised to supply you and the Committee with more specific information. In this letter, I review the performance of the Bureau compared with prior years and I point out some specific areas where enforcement has been essentially non-existent.

NUMBER OF CASES

The following chart shows the number of complaints, orders and federal court actions brought by the Commission in the antitrust area. I have also attached an appendix which explains each category.

Type of action	Fiscal year—						
	1977	1978	1979	1980	1981	1982	1983
Administrative complaints	9	6	11	13	7	2	1
Part II consents:							
Provisional	12	15	21	21	11	9	1
Final	15	6	26	21	16	5	5
Part III consents:							
Provisional	4	6	7	1	6	1	2
Final	4	3	8	3	4	1	1
Final part III orders	6	8	6	4	5	7	2
Civil penalty actions filed	2	2	3	1	3	1	0
Preliminary injunction cases filed	5	2	4	0	2	3	0

[1] Through Mar. 28, 1983.

In interpreting this chart, it should be kept in mind that the same case is recorded in more than one category. For example, an administrative complaint could be issued in a particular matter in fiscal year 1978, then be recorded as a final order or consent in fiscal year 1982. One corollary of this is that a decline in administrative complaints or provisionally accepted consents insures that there will be few final orders in future years. Consequently, the decline in these categories during the last two years assures a lower output in the near future. Also, this reliance on past actions means that final orders in FY 82 and FY 83 during the current administration are largely based on previous actions taken under different Bureau and Commission leadership.

SPECIFIC AREAS OF ENFORCEMENT

It is useful to review the performance of the Bureau of Competition in certain specific areas of enforcement—mergers, monopolization, price discrimination, resale price maintenance, and horizontal collusion.

MERGER ACTIVITY

The most active area of Commission antitrust activity during the current administration has been in the merger area. I believe a major reason for this relatively active presence (though extremely modest by historical standards) is that the Hart-Scott-Rodino Act forces the Commission to decide whether a merger will be challenged within a short period of time. This "action-forcing" procedure tends to force the Bureau of Competition to forward recommendations to the Commission where they can then be acted upon. In other areas, the Bureau tends to develop investigations and cases very slowly or not at all. Even in the merger area, of course, the number of cases is much lower than in prior years.

The Commission has brought the following number of merger cases since October 1, 1981 (approximately when Chairman Miller arrived):

(1) Administrative complaints, 3. Chairman Miller voted against the issuance of the complaint in one of these matters (Schlumberger, Dkt. No. 9164).

(2) Part II and III final consents, 6.[1] All of the part III complaints resulting in settlements were issued before Oct. 1, 1981; two of the four part II consents were essentially completed before Oct. 1, 1981. In one of these latter two matters (ConAgra, Inc., File No. 821-0007) the Commission accepted the settlement over the objections of Commissioner Bailey and myself, who felt it was too weak.

(3) Preliminary Injunction cases, 3. In one of these matters, Mobil Corporation's proposed takeover of Marathon, the Commission (over the objections of Commissioner Bailey and myself) filed papers in federal court stating the merger could take place under certain conditions. Fortunately, the merger was enjoined in a private suit and the Commission's position which would have allowed most of the acquisition was mooted. In all, during fiscal year 1978-81, 21 part III administrative complaints were issued in merger cases and eight requests for preliminary injunctions were filed, compared to three administrative complaints and three requests for preliminary injunctions from Oct. 1, 1981 to March 28, 1983.

Another indication of declining merger activity is a steady drop in the number of requests for information sent out pursuant to the Hart-Scott-Rodino Act. These requests are used to obtain information about proposed mergers during the waiting periods provided in the Act. The number of these "second requests" for each year is shown below:

Number of FTC second requests under H-S-R

1978	23
1979	58
1980	36
1981	48
1982	26
1983 (through March 28)	2

PRICE DISCRIMINATION

The Commission has brought no new price discrimination cases since Chairman Miller arrived, nor has it won a settlement. Two price discrimination cases, brought earlier by the Commission, Gillette Co., Dkt. No. 9152 and Ford Motor Co., Dkt. No. 9113, have been withdrawn from adjudication but have never been acted upon by the Commission.

MONOPOLIZATION

The Commission has not brought a new case in this area since Chairman Miller arrived. The only significant Commission action concerning monopolizing conduct undertaken by this administration has been to weaken substantially an earlier Commission order in Borden, Inc., Dkt. No. 8978, which had already been affirmed by the court of appeals.

RESALE PRICE MAINTENANCE

The Commission has issued three orders involving resale price maintenance since Chairman Miller arrived. However, a review of these matters shows that each was essentially completed before the new administration began and no new cases have been brought. The following RPM orders have been issued since October 1, 1981:

(1) Onkyo U.S.A. Corp., File No. 801-0117; provisionally accepted before 10/1/81

(2) Germaine Monteil, File No. 801-0080; signed by the staff and the respondent before 10/1/81

(3) Russell Stover Candies, Inc., Dkt. No. 9140; on appeal when Chairman Miller arrived and he dissented from a finding of liability

In short, there have been no resale price maintenance cases completed for which the new administration can claim credit. Instead, Chairman Miller continued to press for a complex economic analysis before any resale price maintenance case is brought, an approach which has so far resulted in no new cases. In contrast, there were 24 final RPM orders during the FY 1977-81 period.

ORDER MODIFICATIONS

The only area in which the Bureau of Competition has recently excelled is in weakening existing Commission orders. The number of order modifications granted by the Bureau in recent years is shown below.

Number of modifications

Fiscal year:	
1977	0
1978	3
1979	0
1980	2
1981	5
1982	15
1983 (through March 28)	5

Although I supported some of these modifications, I strongly believe that others were inappropriate or excessive. These figures illustrate that the Commission is sending more resources in weakening existing orders and has encouraged more and more companies to petition for modification during the current administration.

HORIZONTAL COLLUSION AND FACILITATING PRACTICES

Despite the promise of activity concerning horizontal price-fixing activity, no such cases have been brought. There have been two consent agreements involving collusion by medical groups. These are laudable cases but the numbers are small given the low level of activity in other areas.

CONCLUSION

The fact is that enforcement activity has declined to the lowest level in several years. Even the modest level of activity in fiscal 1982 and 1983 represents, to a large extent, a completion of cases initiated before the current administration arrived. To the best of my knowledge, there is no evidence that anticompetitive activity has sunk to record lows or that the Justice Department has aggressively seized the opportunity to fill the gap. Indeed, historically recessions intensify the pressures and incentives to evade the discipline of competition. This is not "lean and mean" enforcement. It represents a law enforcement famine.

Sincerely,

MICHAEL PERTSCHUK,
Commissioner.

APPENDIX—DEFINITION OF TERMS

Administrative Complaints—allegations filed when Commission has "reason to believe" the law is violated; the issuance of an administrative complaint under Part III of the Commission's rules begins a formal adjudicatory proceeding.

Part II Consents—consent settlements which resolve a matter before an administrative complaint is issued beginning a formal adjudicatory proceeding. "Provisional" consents are those accepted for public comment. Consents become "final" upon final approval by the Commission after the comment period.

Part III Consents—consent settlements which resolve a matter after a formal adjudicatory proceeding has begun. "Provisional" and "final" consents are analogous to Part II consents discussed above.

Final Part III Orders—orders which are issued after a trial and any appeal to the Commission.

Civil Penalty Actions—suits filed in federal court alleging that respondents under an existing Commission order have failed to comply.

Preliminary Injunction cases—suits filed in federal court by the Commission seeking to enjoin some action by the companies (e.g., a proposed merger) until the Commission can determine its legality in an administrative proceeding.●

[1] As of March 28, 1983, two consents in merger cases had been provisionally accepted and were awaiting final acceptance.

[From the Star-Ledger, Apr. 7, 1983]

LAUTENBERG ACCUSES THE FTC OF SHUNNING ITS ENFORCEMENT RESPONSIBILITIES

(By Robert Cohen)

WASHINGTON.—Sen. Frank Lautenberg (D-N.J.) yesterday released information which he said shows that the Federal Trade Commission (FTC) has done little to stop anticompetitive business practices.

Lautenberg, echoing the sentiments of a growing list of senators and congressmen, said data supplied to him by Michael Pertschuk, one of five FTC commissioners, shows a clear "lack of enforcement" in cases dealing with price fixing, price discrimination, monopolization and merger.

The New Jersey senator said this absence of FTC antitrust enforcement is not an oversight, but a "deliberate policy" by the Reagan Administration. He said the FTC has sent a signal to the business community that "the umpire has walked off the field".

"It's now easier for larger companies to pick up their market shares and drive smaller ones out of business through predatory practices," said Lautenberg. "The consumer ultimately pays."

James T. Miller 3d, the chairman of the FTC and a Reagan appointee, has denied repeatedly during congressional hearings that the agency is abandoning its duties to enforce the antitrust laws.

He has said the FTC is interested in the quality of its enforcement cases, not in the quantity of complaints filed.

"Prosecutorial discretion is a fact of life and I think it is incumbent on us to put those resources where we can make the biggest difference for consumers and honest business people alike," said Miller at a recent Senate hearing.

"I think it is too frequent that law enforcement agencies focus on numbers," Miller continued. "Our purpose is to get people to comply with the rules and to comply with the laws. To the extent we can do this in a less litigious manner, I think we use leverage that enhances the public interest."

Pertschuk, who served as FTC chairman during the Carter administration and now is a commissioner, said in a letter to Lautenberg that the FTC has brought no new price discrimination or monopolization complaints against companies since Miller took office in October, 1981.

Pertschuk said the number of complaints to prevent anticompetitive mergers "is much lower than in prior years" and he

pointed out that the FTC has issued only three orders involving a form of price fixing known as resale price maintenance since Miller took office. He said these three price fixing cases were "essentially completed before the new Administration began."

"The fact is that enforcement activity has declined to the lowest level in several years," said Pertschuk in his letter to Lautenberg. "Even the modest level of activity in fiscal 1982 and 1983 represents, to a large extent, a completion of cases initiated before the current Administration arrived.

"To the best of my knowledge, there is no evidence that anticompetitive activity has sunk to record lows or that the Justice Department has aggressively seized the opportunity to fill the gap," he said. "Indeed, historically recessions intensify the pressures and incentives to evade the discipline of competition."

The House Energy and Commerce subcommittee on oversight and investigations, for example, has begun an inquiry of the FTC because of its failure to crack down on retail price fixing.

Rep. John Dingell (D-Mich.) said he is concerned the FTC is altering the antitrust laws by administrative fiat and abandoning its job to maintain competition in the marketplace.

Rep. James Florio (D-1st Dist.), a member of the investigations panel, has written to Miller complaining that the FTC is failing to protect consumers, and is sending a signal that price fixing will be tolerated. Florio has said that the FTC's deterrent effect is being eroded by the current policies.

Others, including Sen. Bill Bradley (D-N.J.), have complained to Miller about the lack of enforcement in the retail price fixing area.

Both Bradley and Florio have cited the case of Burlington Coat Factory, a discount clothing retailer with stores in New Jersey and 15 other states. The discount chain's president has complained that some manufacturers, at the behest of big department stores, are refusing to supply him with goods, if he sells below a recommended retail price.

Under the antitrust laws, such a practice is illegal, but Miller has maintained that there are situations of this nature that can boost competition.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notificiations which have been received.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 12, 1983.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Southeast Asian country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 12, 1983.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country for major defense equipment tentatively estimated to cost in excess of $14 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF,
Director.●

DEATH OF CONGRESSMAN PHILLIP BURTON

● Mr. TSONGAS. Mr. President, I rise today to express my shock and deep sorrow at the news of the death of my friend and colleague, Congressman Phillip Burton of California.

Phil Burton was widely recognized as one of the toughest and shrewdest among us in the U.S. Congress—and he was. He was a master at the art of getting things done, sometimes even at the cost of some of the parliamentary niceties. But yet, I will always remember this tough, blunt man as one of the very first to befriend a green freshman Congressman in 1975. I learned a great deal from Phil Burton, particularly about the qualities of leadership.

When the chips were down, when the going was tough, that is when Phil Burton could be counted on to be in the forefront on the side of minorities, the poor, in fact, all of the disadvantaged in society.

No one man has done more during the past decade for the protection of our national parks and wilderness. The people of Massachusetts, and particularly my home town of Lowell, Mass. will always remember his central and critical role in the establishment of the Lowell National Park.

Mr. President, others will catalog the almost endless string of accomplishments which have marked Phil Burton's public service more articulately than I can. I want simply to join with all of my colleagues in the Senate and the Congress in mourning the loss of this great man.●

BIELARUS INDEPENDENCE DAY—MARCH 25

● Mr. DIXON. Mr. President, March 25 marked the 65th anniversary of an important day in the annals of the constant struggle for human rights. On March 25, 1918, the Slavic nation of Bielarus declared its independence from Russia. Sadly, the Bielarusians enjoyed their new-found freedom only briefly, for the Soviet Union soon retook Bielarus by force. The Bielarusian people have been struggling ever since to retrieve their lost rights.

Bielarus, also known incorrectly as Byelorussia or White Russia, is a Slavic region with a present population of 10 million people. It is located in the western part of the Soviet Union, with Poland and the Ukraine at its borders. Its territory today covers more than 207,600 square kilometers.

Bielarus has now been under Soviet domination for 61 years. Yet the people of Bielarus continue to fight to regain the political and civil freedom they once held so briefly. The brave people of Bielarus deserve our support and admiration, because they are a source of hope for oppressed people everywhere. As Americans, a people who cherish freedom and democracy, we salute the people of Bielarus and support them in their quest for basic human rights and liberties.●

THE IMF BLEEDS US DRY

● Mr. HUMPHREY. Mr. President, within a few weeks, the Senate will be asked to approve an increase of $8.5 billion in U.S. participation in the International Monetary Fund. In the view of this Senator, the overwhelming preponderance of evidence should compel us to flatly reject this request. The arguments against the quota increase are many: That we should not deprive our credit markets of $8.5 billion as our economy shows signs of revival, that we should not swap liquid dollars for dormant reserve assets, that we should not allow many of our Nation's largest banks to continue to escape the free market consequences of very poor lending decisions, and that we should not broaden the powers of an IMF which has to date largely failed in its effort to cure the ills of the world economy.

To this list of arguments, Mr. President, must be added another, one which involves serious questions of national character and pride. With every additional dollar we cede to the IMF, we transfer another degree of the authority and influence which accompanies the world's most valuable currency. We transfer wealth—permanently—from our domestic economy to a multilateral institution that is plainly unaccountable to our national interests. Supporters of the IMF bailout claim that the most recent world recession has created a temporary liquidity squeeze, and that an expansion of the IMF's resources is needed to bridge the gap. This Senator has repeatedly asked, in the absence of a satisfactory response, the following question: If the problem is indeed temporary, why are we being coerced to make a permanent transfer of our national wealth which can only come at the expense of our own economic recovery?

In a column appearing today, the distinguished columnist Patrick J. Buchanan outlines the process through which an increase in IMF resources will contribute to the construction of "a system of permanent wealth transfers from the capitalist West to the anti-capitalist south and the Communist East." As this wealth is transferred, Mr. President, so is our leverage to use it in dealing with nations whose interests are contrary to our own. I do not wish to be a party to this process and sincerely hope that a majority of my colleagues will arrive at the same conclusion.

I ask that the Buchanan article be printed in the RECORD at this point.

The article referred to follows:

HOUSE BANKING COMMITTEE GREASING SKIDS FOR IMF

(By Patrick J. Buchanan)

As Mr. Reagan scrounges about for a piddling $50 million for ammunition for the beleaguered army of El Salvador, the House Banking Committee is greasing the skids for the International Monetary Fund-Bank Bailout, involving a sum a thousand times as large.

The $8.4 billion tranche, the U.S. share of the $47 billion IMF package, is said to be unstoppable. Perhaps so. When, previously, the President lined up with the Establishment, the coalition proved invincible.

Eventually, however, when the American people learn how the Republican Party conspired to use their savings—to spare Mr. Rockefeller's reputation and save Mr. Rockefeller's bank—while less favored businesses were allowed to perish at the rate of 500 a week, a reckoning will come.

But the point here is not to underscore anew the social injustice or political folly of the Big Bank Bailout, but to limit the Brave New World toward which we now seem irretrievably headed.

With that $47 billion, the IMF will receive more than an immense slice of the accumulated savings of Western people. With it goes unprecedented clout, lethal leverage over the American banks—to a claque of international bureaucrats who bear no allegiance whatsoever to the United States.

What is taking place is not simply a transfer of savings, but a transfer of sovereignty.

Here is how the New International Economic Order—the dream of the Brandt Commission, the demand of the Third World—will work:

One by one, the bankrupts of the Communist Bloc and the Socialist south will be arriving in Washington, D.C. and queueing up at the offices of the IMF.

We cannot pay our debts, they will say; besides, we need more money. Not to worry, the IMF officers will answer. We will draw up an "austerity plan" for your economy. Upon your acceptance, we will tide you over with a few hundred million or billion from our newly replenished hoard of capital. In addition, the Big Banks will be "bailed in" to your rescue plan, i.e. the Big Banks will be required by the IMF, to send good American dollars chasing the tens of billions in bad loans. If a country balks at the IMF terms, it gets no new money; if a bank balks at the IMF demands, it gets no relief—i.e. no interest on its old loans.

With the new billions and enhanced power, the IMF will gain permanent access to the investment capital of the United States, a decisive voice in how much of America's savings, henceforth, will be used to maintain the credit ratings of regimes from South America to Central Africa to Eastern Europe. As not a single applicant at the IMF window has yet been turned away, we may expect this record of generosity with our money to continue.

Before our eyes and by the hand of our Congress, the greatest foreign aid machine in history is being constructed, a system of permanent wealth transfers from the capitalist West to the Anti-capitalist south and the Communist East.

It will work, Don Regan of Treasury assures us, because the IMF "requires debtor nations to pursue sound economic policies." The IMF "is playing a key role in assisting nations to move back to a sound economic footing."

That so. What "sound economic policies" were imposed by the IMF upon Stalinist Romania, $10 billion in debt, as a condition of its latest loans?

Who is looking out for the American people? One day, they will demand to know why their savings were plundered to be shipped off to Nigeria and Mexico and Venezuela so these three arrogant oil producers could hold production down and keep prices up, the better to gouge the very American people bailing them out.

Watching Mr. Conservative merrily march movement toward this sunken road calls to mind the *cri de coeur* of Oliver Cromwell in his letter to the Church of Scotland: "I beseech you, in the bowels of Christ, think it possible you may be mistaken."●

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mrs. HAWKINS). The majority leader is recognized.

SENATE SCHEDULE

Mr. BAKER. Madam President, today has been an important day in the Senate. In executive session, the Senate confirmed a controversial nominee of the President.

I say once again that I think Senators, both those who favored and those who opposed the nomination, handled the matter in a most responsible way and discharged their obligation to themselves and to the Senate.

It had been my hope that we could reach another matter in legislative session—the bankruptcy bill. That cannot be done today, at least not by unanimous consent. I am not inclined to move to the consideration of that measure today. I continue to feel that there is some possibility that the problems can be reconciled and worked out either tomorrow or Monday, or as soon as possible.

I urge Senators who may hear me to consider that the bankruptcy bill is an important measure and that we must address it, and we should give serious consideration to the possibility of beginning that measure tomorrow, if indeed we cannot finish it tomorrow.

ORDER FOR RECESS

Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Madam President, on tomorrow, 1 hour after the Senate convenes, under the order previously entered, the Senate will proceed to the consideration of S. 144, the reciprocity bill.

At that time, under the order previously entered, the Chair will lay before the Senate an amendment by the Senator from Wisconsin (Mr. KASTEN) dealing with the repeal of the interest and dividend withholding provision of the Internal Revenue Code, as the pending question.

I anticipate that tomorrow the Senator from Wisconsin or some other Senator will file a cloture motion to limit debate on that amendment. Under the provisions of rule XXII, the vote would occur, in the ordinary course of events, on Tuesday, 1 hour after the Senate convenes and after the establishment of a quorum.

I do not anticipate a Saturday session.

ORDER FOR RECESS FROM TOMORROW UNTIL MONDAY NEXT

Madam President, I ask unanimous consent that on tomorrow, Friday, when the Senate completes its business, it stand in recess until 12 noon on Monday next.

Before the Chair puts the request, I say that it may be that in keeping with my recent practice, the leadership on this side will change that to adjournment, but I will not do that at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Madam President, tomorrow the Senate will proceed to the consideration of the reciprocity bill,

on which the Kasten amendment will be the pending question.

It is anticipated that a cloture motion will be filed tomorrow to limit debate on the Kasten amendment. A vote on that will occur, according to the provisions of rule XXII, 1 hour after the Senate convenes on Tuesday next.

There will be no session of the Senate on Saturday of this week, contrary to previous indication, unless an unknown emergency of some sort were to arise, which I do not anticipate.

Madam President, on Monday we will continue the debate on the Kasten amendment or such other matters as may be brought before the Senate in connection with the pending business or the pending question.

A cloture vote will occur on Tuesday. It is anticipated that a further cloture motion may be filed if cloture is not invoked on the first motion on Monday which will produce a vote on Wednesday.

There is the distinct possibility of a vote on Thursday for a third effort at cloture if the first two do not prevail.

As indicated earlier it is not the intention of the leadership to continue beyond three clotures on this measure if cloture is not invoked.

Madam President, I have nothing further to bring before the Senate at this time.

Could I inquire of the minority leader if there is any matter he wishes to address to the Senate at this time.

Mr. BYRD. Madam President, I have nothing further.

Mr. BAKER. Madam President, I thank the minority leader.

RECESS UNTIL TOMORROW

Mr. BAKER. Madam President, in view of that, I move now in accordance with the order previously entered that the Senate stand in recess until the time appointed on tomorrow.

The motion was agreed to; and, at 4:20 p.m., the Senate recessed until Friday, April 15, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 14, 1983:

THE JUDICIARY

Joel M. Flaum, of Illinois, to be U.S. circuit judge for the seventh circuit vice Robert A. Sprecher, deceased.

H. Ted Milburn, of Tennessee, to be U.S. district judge for the Eastern District of Tennessee vice Charles G. Neese, retired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. William Y. Smith, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Richard L. Lawson, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. James E. Dalton, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Eugene P. Forrester, [redacted], (age 56), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. James M. Lee, [redacted], U.S. Army.

CONFIRMATION

Executive nomination confirmed by the Senate April 14, 1983:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Kenneth L. Adelman, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

ANATOLY SHCHARANSKY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mrs. SCHNEIDER. Mr. Speaker, on this sixth anniversary of the arrest and imprisonment of Anatoly Shcharansky and as original cosponsor of House Resolution 67, which calls on the Soviet Union to release Mr. Shcharansky, I would like to take this opportunity to speak on the plight of the many Soviet Jews who wish to emigrate. The inhumane treatment and persecution many Soviet Jewish citizens are suffering is deplorable and Anatoly Shcharansky has come to symbolize the countless number of Soviet Jews and others whose fundamental rights are being violated by Soviet authorities.

Mr. Shcharansky has been a victim of Soviet persecution since he was refused permission to emigrate to Israel to be with his wife in 1973. Since that time he has been a constant target of the Soviet Government in their constant battle against Soviet Jews. In March 1977, Mr. Shcharansky was arrested on false charges of treason and was sentenced to 13 years imprisonment, where he has been subjected to the most brutal treatment including isolation, severe cold, and inadequate food, sleep, and health care. As a result Mr. Shcharansky required hospitalization several times, and in January 1982, the last time he was permitted visitors, his mother and brother were horrified by his condition. All Mr. Shcharansky wishes is to join his wife Avital in Israel, who he has not seen since the day after their marriage almost 10 years ago.

Mr. Speaker, enough is enough. Actions like these by the Soviet Government must stop. As the number of Soviet Jews allowed to emigrate decreases each year, from 9,447 in 1981 to 2,692 in 1982, we must praise this individual for his constant courage in fighting for what he believes is fundamentally right, the right to live freely as a Jew. Even though Mr. Shcharansky displays such bravery, we must not forget his suffering and persecution as the Soviet assault on Jewish heritage continues. Freedom is an inherently human right and no one should be subject to such a gross violation. As a prominent Soviet dissident, Shcharansky's struggle symbolizes the struggle facing all Soviet Jews.

In addition, I think most Americans would welcome the chance to establish a constructive dialog with the Soviet Union, so that both our nations could work together to ease international tensions and curb the arms race. One of the conditions that must be satisfied before we can establish a more positive relationship is Soviet adherence to the Helsinki accords, which pledge the Soviet Government to respect, "human rights and fundamental freedoms, including freedom of thought, conscience, religion, or belief."

Unfortunately, the Soviet Union has moved in the opposite direction. Mr. Shcharansky's plight dramatically demonstrates the Soviet Government's intentions to close its borders to dissidents, particularly Jewish ones, seeking to emigrate to Israel and the United States. It is difficult to negotiate in good faith with a government that has to lock its own citizenry within its borders. Mr. Shcharansky's release could help to demonstrate the Soviet Union's willingness to return to the Helsinki accords, and toward a more positive relationship with the United States.

Mr. Speaker, I want to insert the following statement by Mr. Shcharansky:

NEXT YEAR IN JERUSALEM—ANATOLY SHCHARANSKY'S WORDS ON HIS JUDGMENT DAY

Five years ago, I submitted my application for exit to Israel. Now I'm further than ever from my dream. It would seem to be cause for regret. But it is absolutely otherwise. I am happy. I am happy that I lived honestly, in peace with my conscience. I never compromised my soul, even under the threat of death.

I am happy that I helped people. I am proud that I knew and worked with such honest, brave and courageous people as Sakharov, Orlov, Ginsburg, who are carrying on the traditions of the Russian intelligentsia. I am fortunate to have been witness to the process of the liberation of Jews of the U.S.S.R.

I hope that the absurd accusation against me and the entire Jewish emigration movement will not hinder the liberation of my people. My near ones and friends know how I wanted to exchange activity in the emigration movement for a life with my wife, Avital, in Israel.

For more than 2,000 years the Jewish people, my people, have been dispersed. But wherever they are, wherever Jews are found, every year they have repeated, "Next year in Jerusalem." Now, when I am further than ever from my people, from Avital, facing many arduous years of imprisonment, I say, turning to my people, my Avital: Next year in Jerusalem.

All I can say is that I hope "Next year in Jerusalem" becomes a reality for this outstanding individual.●

NATIVE LAND CONVEYANCES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. YATES. Mr. Speaker, as Chairman of the Appropriations Subcommittee on the Interior and Related Agencies, I would like to state the intention of the House conferees on the fiscal year 1983 Interior appropriations bill, with respect to the language in section 315 of that bill. This section pertained to the provisions of section 506(c) of the Alaska National Interest Lands Conservation Act (ANILCA).

By section 506(c), Congress granted land entitlements to Shee Atika on Admiralty Island. Under both the Alaska Native Claims Settlement Act (ANCSA) and ANILCA, however, all Native land conveyances are subject to various terms, conditions and restrictions. The conveyance to Shee Atika, under section 506(c), was subject to those same statutory terms and conditions.

The purpose of section 315 of the Interior appropriations bill was twofold. On one hand, the conferees intended to reconfirm Congress intent to convey lands on Admiralty Island to Shee Atika and to confirm those easements and restrictions which had been reserved and imposed by the Secretary as a part of that conveyance. At the same time, however, the conferees were careful to express no position as to whether the Secretary of the Interior may have had additional responsibilities under ANCSA or ANILCA which he may not have fulfilled in implementing section 506(c). In short, Congress confirmed what the Secretary has already done, but took no position as to whether the Secretary should have done more.

The purpose of the conference amendment to the Senate provision was to make it clear that Congress was not relieving the Secretary of any of his statutory responsibilities under ANCSA or ANILCA. If the Secretary has failed to take some action or impose some restriction which is required under either of these statutes, that is for a court to determine. Certainly, the House conferees did not intend to preclude judicial review of these matters, nor did the conferees determine the merits of pending or future litigation. Any suggestion to the contrary is erroneous.●

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

EMERGENCY PUBLIC WORKS EMPLOYMENT ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. OBERSTAR. Mr. Speaker, today I have introduced the Emergency Public Works Employment Act of 1983, a bill which will provide immediate, useful jobs on labor-intensive projects repairing, renovating, and improving public facilities, such as water and sewer lines, roads, bridges, and streets.

This bill will provide $4 billion in 100-percent grants to local governments with high unemployment, to help these financially strapped communities begin the job of restoring their public facilities while returning their citizens to the work force.

I want to emphasize that this bill will create jobs almost immediately, and during at least part of the long period of high unemployment which remains in the economic forecast.

It requires the Secretary of Commerce to publish his implementing regulations within 30 days. It requires applicants to apply within 30 days of that publication. Construction must begin within 60 day of project approval, and projects must be completed within 365 days after work has begun. I want to emphasize that 1-year schedule for startup and completion of these projects.

To assure that projects can be approved within this tight timeframe, the bill provides that the States shall handle applications from communities with a population under 25,000, while the Secretary is to process applications from municipalities of over 25,000.

The distribution formula both for the Secretary and the States is based on unemployment, weighing both the unemployment rate, and the number of unemployed.

This bill is the first phase of a two-pronged approach to restoring the Nation's public capital facilities. A second, longer phased program of infrastructure repair, renovation, and rehabilitation, as well as additions to our public capital resources, will be introduced later.

The Public Works and Transportation Subcommittee on Economic Development, which I chair, has scheduled 4 days of hearings on the bill I have introduced today, on long-term public capital management and financing, and on establishment of a Federal Capital Budget and incentives to promote local capital planning and budgeting. These hearing are schedules for April 20, 21, 26, and 27.

I would like to include at this point in the RECORD a more detailed summary of the Emergency Public Works Employment Act of 1983.

EMERGENCY PUBLIC WORKS EMPLOYMENT ACT OF 1983

Purpose.—To create immediate, useful jobs on labor-intensive projects repairing, renovating and improving public facilities.

Eligible applicants.—States, municipalities (25,000 population or more), urban counties and Indian tribes.

States to administer program for non-metropolitan areas.

Criteria.—Above 8% unemployment, plus number of unemployed; Funds to be apportioned on formula basis; $4 billion over one year: No State may receive less than ¾ of 1%, or more than 12½%; 2½% set-aside off the top for Indian Tribes; 1% for administrative costs—Federal and State; remaining funds are allocated among the State as follows: 65% on the ratio of unemployed in each State to the total number of unemployed nationwide; 35% to be apportioned among those States with an average unemployment rate of over 8% for the preceding 12 months on the basis of relative severity of unemployment in each State; within States, funds are divided between metropolitan and non-metropolitan areas, 65% based on the number of unemployed, 35% to areas above the unemployment average within each State Allocations to local communities are then made from metropolitan and non-metropolitan pots according to the 65/35 formula. There is a set-aside for pockets of poverty in metropolitan areas; the Secretary of Commerce makes allocations to metropolitan areas; the Governor makes allocations to non-metropolitan areas, according to the above formula.

Eligible projects.—Construction, renovation, repair and improvement of local public works projects such as: water and sewer lines; roads, bridges, streets; industrial parks.

Fast track program implementation.—Secretary of Commerce must publish rules within 30 days; Projects must be submitted within 30 days of publication; Secretary (or Governor) must decide on project within 30 days of application or project is automatically approved.

Rapid Construction Timetable.—Construction must begin within 60 days of approval; work must be completed within 365 days.

Work performed by private sector, private contractors.

Local certification and project selection.

Funding: $4 billion.

Federal share: 100%.

Administered by Secretary of Commerce.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent on Tuesday, April 12, 1983. Had I been present, I would have voted:

"Yea" on rollcall No. 48, passage of H.R. 1071, to provide for the acquisition by exchange of certain Native-owned lands of interest in lands in Alaska, Kodiak National Wildlife Refuge Act;

"Nay" on rollcall No. 49, an amendment to H.R. 1437, the California Wilderness Act of 1983, which would have provided that the Secretary of Agriculture may, upon application by the State of California, waive any provision of the bill which could be shown to result in a significant increase in unemployment;

"Nay" on rollcall No. 50, an amendment in the nature of a substitute to H.R. 1437 that sought to designate 1.3 million acres as wilderness area instead of the bill's 2.38 million acres; and

"Yea" on rollcall No. 51, final passage of H.R. 1437, the California Wilderness Act of 1983.●

TRIBUTE TO SHERIFF JAMES POSEY

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in Congress the heroic and selfless actions of my friend, the late James Posey of Mississippi. Mr. Posey, while serving as sheriff of Franklin County, exchanged himself for four hostages being held at gun point. As a result of his unparalleled heroism, the four hostages were saved, but tragically, Sheriff Posey lost his life. Through his courageous act, Sheriff Posey earned not only the everlasting gratitude of the four hostages, a Franklin County woman, her two children, and a grandchild, but also the deepest admiration and respect of the entire community and State. His heroism serves as an example and inspiration to people everywhere who hope that they too would be able to rise to the kind of unselfish courage and bravery that Sheriff Posey displayed.

We recently paid a very special tribute to Sheriff Posey in Mississippi. Gov. William Winter presented his widow, Mrs. Donna Posey, with the State's highest award for bravery, the Governor's Heroism Award. Sheriff Posey's actions have caused an outpouring of sympathy and admiration from people all over the world. Mrs. Posey has received letters from strangers, who though unknown to to Sheriff Posey, take pride and comfort in this one man's extraordinary example of humanity. Governor Winter commented at the posthumous presentation, "His act was expressed in the highest fulfillment of love—giving up one's life for another * * * it is what James Posey lived and died by."

There is no example of heroism that exceeds the valor, dignity, and human selflessness of the action of Sheriff James Posey. His memory will forever be held high as an example of the

goodness and humanity of which man is capable. In the words of Sheriff Posey's mother, Mrs. Annie Bell Posey, "He was brave and he stood tall."

I know you will join me today in honoring Sheriff Posey and his family, who have borne this ordeal with grace and courage.●

ADINA NADELHAFT SELECTED TEACHER OF THE YEAR

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ADDABBO. Mr. Speaker, I would like to extend my heartiest congratulations to Mrs. Adina Nadelhaft of Briarwood, Queens, who has been selected by the New York City Association of Teachers of English as the Teacher of the Year for 1983.

Mrs. Nadelhaft has been teaching in the New York City public school system for 17 years and is currently teaching a 5th and 6th grade class at the Adolph Ochs Elementary School, P.S. 111, in Manhattan.

I have been aware for many years of Mrs. Nadelhaft's devotion and unexhausting efforts when it came to teaching her students. She has spent time and developed teaching techniques that are above and beyond what is normally expected by a teacher of these young children. In plain terms, she has made learning fun again for many children who would not normally be interested in their studies.

It is with pleasure that I see her being honored by the NYCATE and I am proud that she is a part of the New York City school system. It is an honor that is well deserved and I would like to wish Mrs. Nadelhaft luck in the years to come.●

PROPOSED CONCURRENT RESOLUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. CONTE. Mr. Speaker, today, I will introduce a concurrent resolution expressing the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations.

Over the past month, there have been numerous reports, allegations and innuendos regarding American covert operations against Nicaragua. I am concerned—as are many Members of this House—about the nature of U.S. involvement in Central America. Domestic and international law clearly states that covert or overt activities designed to overthrow a foreign government are not only inappropriate, but illegal.

Two, very widely accepted treaties specifically address the issue of political sovereignty. First, the charter of the United Nations Organizations requires member States to refrain in their international relations from the threat or use of force against the territorial or political integrity of any State. This document, agreed to by 157 member States, is widely recognized as a standard for international relations and global conduct. The United States must adhere to this treaty.

Second, the charter of the Organization of American States, to which the United States is a signatory, clearly declares that "no state or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal affairs of any other State." There is little room for interpretation in this document. Ratified by the United States in 1951, the charter explicitly prohibits any State in the Americas from engaging in activities designed to overthrow the government of any country in the region. Article 15 of the OAS charter states further that "the foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic and cultural elements." The United States must adhere to this treaty.

Recently, the Congress enacted legislation outlining the parameters of U.S. activities in this area, The Continuing Appropriations Act of 1983, Public Law 97-377, section 793, mandates that no funds appropriated for 1983 can be used by the Central Intelligence Agency or the Department of Defense "to furnish military equipment, military training or advice, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." The Boland amendment, as it was called, passed the House by an indisputable margin: 411 to 0. The United States must adhere to this law.

U.S. covert operations against Nicaragua are not only illegal, but also are not in the best interest of the United States. A real danger exists that American sponsored covert activities could provoke or facilitate a war between Honduras and Nicaragua—a war that could regionalize to include El Salvador and other countries in the area. No one can say that such violence in Central America is in the best interest of the United States.

Aside from the danger of increased violence, American credibility in this region is at stake. Covert activities interfering in the internal affairs of another state severely discredit the United States in Latin America and provide an opportunity for anti-American propaganda. A soul-searching question immediately comes to mind—considering possible American interference, how can the United States protest Nicaraguan or Cuban arms supplies to Salvadoran guerrillas or criticize threats by the Soviet Union to the sovereignty of Poland or Afghanistan? Our action must be consistent with our stated views and objectives.

Mr. Speaker, my resolution simply reconfirms the American position concerning U.S. involvement in Central America. We must respect the territorial and political independence of all countries in this region, and we must strive for a peaceful, negotiated solution to the conflict—before it is too late.

The following is the text of the concurrent resolution:

H. CON. RES. 108

Concurrent resolution to express the sense of the Congress that activities designed to destabilize or overthrow the government of any nation in Central America are inappropriate, and that outstanding grievances between different nations of the region should be resolved through peaceful negotiations

Whereas the charter of the United Nations, to which the United States is a signatory, requires member states to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state";

Whereas the charter of the Organization of American States, to which the United States is a signatory, clearly declares that "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State";

Whereas Public Law 97-377, Section 793, mandates that no funds appropriated under the Continuing Appropriations Act of 1983 can be used by the Central Intelligence Agency or the Department of Defense "to furnish military equipment, military training or advice, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras";

Whereas the spread of violence in Central America does not contribute to fulfilling the aspirations of the people of that region for social justice and a better life, encourage respect for basic human rights, or promote the national security of the United States and other nations in the region;

Whereas the charter of the Organization of American States requires that "controversies of an international character arising between two or more American States shall be settled by peaceful procedures"; and

Whereas the United States, mindful of its obligations under the charters of the United Nations and the Organization of American States, should support efforts to bring about a peaceful resolution of conflicts within the region: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Government of the United States should not encourage or support, either directly or indirectly, efforts to destablize or overthrow the government of any nation in Central America;

(2) other nations in the region share a similar responsibility to refrain from efforts designed to destabilize or overthrow the government of any of their neighbors;

(3) all interested parties should encourage a peaceful resolution of conflicts in the region by engaging in unconditional negotiations on a bilateral and multilateral basis with other governments in the region; and

(4) the Government of the United States should immediately engage in multilateral negotiations with Nicaragua and Honduras to reduce the growing tensions in the region.●

CALL TO CONSCIENCE VIGIL—THE GENCHIK FAMILY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DWYER of New Jersey. Mr. Speaker, it is an honor and privilege to once again take part in the Call to Conscience Congressional Vigil for Soviet Jews.

This year, I would like to call to the attention of the Congress the case of Mordha and Sarra Genchik, and their son Joseph, who have been denied permission to emigrate from the U.S.S.R. on repeated occasions.

Mordha Genchik was an officer in the Russian Army and is now retired. His son Joseph also served in the army for two years.

The Soviet Union has used this former military connection as one reason for its denial of the Genchiks' emigration appeal, despite the fact that their daughter and her family were granted exit visas in 1979.

Yet members of this body who are concerned with the plight of Soviet Jewry know only too well the truly dismal levels of Soviet emigration since 1979. We are deeply troubled by this decline which is in direct violation of the Soviet Union's Helsinki commitments.

Through this Vigil and other appropriate forums, I will be continuing to press for the human rights of these refuseniks and the ultimate reunification of their family.

We must remain steadfast in our efforts in behalf of Soviet Jews who are being denied their basic rights. These efforts have assumed an even greater importance in recent months and help to sustain the hopes of these refuseniks, their families and people all over the world who are committed to the justice of their cause.●

NEW KEN CAMPUS, PSU, MARKS 25TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. GAYDOS. Mr. Speaker, on Tuesday, April 12, the New Kensington Campus of Pennsylvania State University will observe its 25th anniversary as a center for higher education.

The list of honored guests and speakers who will gather in the Holiday Inn to mark the occasion is impressive. It includes Dr. John W. Oswald, president of Penn State; Dr. Robert Scannel, vice president and dean; Mr. Kenneth Holderman, vice president emeritus; Dr. Robert D. Arbuckle, executive officer of the New Kensington Campus; Mary Louise Grendon, president-faculty senate; Walter Crognale, president of the campus' Student Government Association, and Mr. Ralph Spencer, president of the New Kensington Area Chamber of Commerce.

The New Kensington Campus of PSU today is a far cry from the facility which opened its doors in 1958 to just 79 students, who were enrolled in two technical associate degree programs taught in a rented public school building in the city of New Kensington.

Now, the campus is home to more than 1,100 full-time students, enrolled in a multitude of programs, and contains seven modern buildings on a 65-acre tract of land in Upper Burrell Township. During the past 25 years, more than 20,000 students have been served in resident instruction programs offered by the campus and another 100,000 in continuing education operations.

The New Ken Campus, however, has become more than just a facility for educational advancement. It stands today as a cultural, public service, and economic stimulus for the city of New Kensington and five surrounding counties.

The importance of this campus, and others like it, must never be underestimated. Education was, is, and always will be the key to our Nation's, indeed any nation's, future.

Today, the world of high technology has burst upon us and if we, as a nation, are to remain competitive we must depend on our schools of learning, such as the New Ken Campus, to produce the scientists and engineers we will need.

Mr. Speaker, on behalf of my colleagues in the Congress of the United States I extend our congratulations to the New Kensington Campus of the Pennsylvania State University on this milestone in its history and wish it continued success in the years to come.●

A DANGEROUS DREAM

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MOAKLEY. Mr. Speaker, I was especially disappointed that President Reagan, in his March 23 speech, decided to embrace the concept of a space-based ballistic missile defense system (BMD).

Simply stated, the President's announcement of this new weapons scheme raises false hopes. The futuristic weapons systems which he alluded to will be extravagantly expensive and far from reliable enough to guarantee this Nation any security in the face of a nuclear attack.

I, for one, do not think that we will find a solution to our strategic problems by building new, costly, and exotic weaponry. These systems are not a substitute for real arms control. It is an illusion, albeit an appealing one, to believe that we can adopt a purely defensive posture with this technology. Even if a ballistic missile defense system was 95 percent effective—and this is dubious—the Soviet Union would still have sufficient warheads to destroy all our major cities. Further, the Soviets may well respond to such plans by deploying greater numbers of nuclear missiles—to counter the effectiveness of a BMD system. This certainly will not mean greater security for the United States.

Mr. Speaker, rather than extending the arms race, I think it is far more responsible to pursue a bilateral treaty banning weapons of any kind from space. I, along with 117 of my colleagues, have introduced legislation (H.J. Res. 120) calling for such action. Such a ban could be verified—and judging from the expected costs—could save the United States a great deal of money which could be better spent elsewhere. Before going ahead with this grandiose war fighting capability, let us consider all the implications.

For the benefit of my colleagues, I would like to submit two excellent articles to the RECORD which together offer a good critique of the concept of a space-based ballistic missile defense system. The first is written by Gerard Smith, a former Director of the U.S. Arms Control and Disarmament Agency. The second is written by David C. Morrison who is a research analyst at the Center for Defense Information here in Washington.

[From the Baltimore Sun, Mar. 29, 1983]

A DANGEROUS DREAM

(By Gerard Smith)

WASHINGTON.—It is not at all certain that the defensive anti-ballistic-missile (ABM) system of President Reagan's vision can be realized. What is certain is that the start of such a superprogram will have a destabilizing effect on the present nuclear balance which depends on the mutual vulnerability of the superpowers to massive retaliatory attack.

This stability has two aspects: Arms race stability and crisis stability. Arms race stability is a condition the United States has been pressing for in which both sides feel they have sufficient strategic forces and that spiralling forced buildups are not needed. Crisis stability is said to exist if a nation during a crisis does not feel that it must attack first lest its forces be destroyed by the adversary's preemptive strike—the so-called "use 'em or lose 'em" phenomenon.

Going for major ABM systems will prejudice arms race stability by causing a new arms competition in defensive systems and by accelerating the present competition in offensive systems as the two sides mount new weapons designed to penetrate the defensive screens.

And if ABM systems are deployed, future crises will be more dangerous as both sides come to believe that they may be immune to retaliation if they launch an attack. The president admits this and explicitly recognizes that if the superpowers had both offensive and defensive weapons, a more dangerous situation would develop. But how could such a development be avoided? By unilaterally decommissioning offensive forces? By Soviet-American agreements? Neither alternative seems at all likely.

So the president's vision, which on its face seems to promise a more humane and moral approach to deterrence of war, is a dangerous dream.

A main reason for the 1972 (SALT I) treaty limiting ABMs to minimal levels was a common recogniton by the United States and the Soviet Union that with anti-ballistic missiles unlimited both aspects of strategic instability would arise: There would be escalating arms races in defensive as well as offensive missiles and during crises the risk of nuclear war would increase as the rivals believed they could protect themselves from attacking missiles.

The issue of treaty stability should also be faced. Arms control agreements especially should be considered as long-lived arrangements on which the parties can rely in planning and programming for the foreseeable future. Although all modern arms-control treaties contain termination clauses exercisable if a party's supreme interests are jeopardized, the presumption should be that such treaties once ratified are to last indefinitely. It is one thing to have research programs as we now do for insurance against a Soviet technological breakthrough in defensive systems; it is quite another for an American president to announce a major quest to develop the technological basis for systems presently banned by international law.

The president's dream foreshadows a first step onto the slippery slope leading to abandonment of the existing limits of 100 anti-ballistic missiles for each side—a number which has no military or psychological significance.

Starting a new defensive program, the end of which must entail the abrogation of the most promising strategic arms control agreement to date, will also hurt current efforts in the Strategic Arms Reduction Talks (START) at Geneva to limit offensive systems. Coming on top of our nation's failure to ratify three present arms control treaties signed by American presidents, it will raise even more serious doubts than now exist as to our commitment to the whole process of international control of strategic weapons.

But has not the president assured us that his vision is consistent with the ABM Treaty commitments? Unless the effort he is calling for fails in its early years, it won't be long before the treaty is terminated because its provisions ban the very systems the president envisions. And if they involve space basing, treaty limits restrict the parties to paper studies and laboratory experiments. Moving from research to development of space-based systems is now outlawed.

Visionary scientists even now are pressing for an ABM system involving laser beams driven by nuclear explosions in outer space. To test such a system would violate the Limited Test Ban Treaty of 1963 as well as the ABM Treaty. And to deploy it would also violate the Outer Space Treaty.

Some officials seem to rely on an airy expectation that when the ABM Treaty begins to pinch it can be amended. Maybe so. But what possible significance would remain in agreed ABM limitations which permitted the United States and the Soviet Union to have the vast defensive screens contemplated by the president to protect many nations?

In considering switching to a defensive posture and strategy the president recognizes that the vital interests of our allies around the world will be at stake. If the United States alone were protected that would mean the end of alliances. (A Soviet defensive screen could neutralize the offensive strategic forces of Great Britain and France!) But the idea of designing and constructing protective screens over Europe and Japan as well as all of North America boggles the mind.

And protection must also be effective against bombers and cruise missiles and other delivery vehicles developed in the future.

The president prefaced his vision by reporting that our military leaders, the chiefs of staff, view the future as bleak. This chilling statement may signal a healthy recognition by the Pentagon that more weaponry is no longer the sovereign remedy for improving the nation's security. Perhaps a deeper commitment to arms control agreements may follow.

The chiefs of staff apparently did not have an opportunity to give careful consideration to the proposed new program and the administration makes no claim that the Pentagon recommends it or that the National Security Council has ever debated it.

Before embarking on this vast new weapons program our security managers would do well to pause and consider if it would not be more prudent and safer to modernize existing strategic forces, to plan on continuing to honor existing treaty commitments and try to extend them by safeguarded agreements rather than to bet the nation's future on most uncertain and far off new weapons systems.

The day may come when after years of experience with agreements limiting strategic arms the United States and the Soviet Union will have developed enough confidence in each other's intentions to retain only residual offensive forces as insurance against unforeseen contingencies. If that fortunate condition were ever reached, it might be fair to speculate that the superpowers would be disposed to cooperate in developing defensive systems as protection against attack by a third party. That utopian projection is the only case I can think of where it would be wise to try to make the president's dream come true.

[From Newsday, Mar. 28, 1983]

LASER DEFENSE CAN BLOW UP IN OUR FACES

(By David C. Morrison)

On the face of it, only a fool or madman would reject the alluring vision held out by President Reagan in Wednesday's television address.

He called upon "the scientific community who gave us nuclear weapons to turn their great talents to the cause of mankind and world peace: to give us the means of rendering . . . nuclear weapons impotent and obsolete." We must mount a crash campaign, he said, to develop defensive weapons to "intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies."

President Reagan's challenge is a bold one, comparable in scope to an earlier space gauntlet thrown down by President Kennedy 23 years ago. But his plan raises two crucial issues, issues seemingly debated to death during the antiballistic missile (ABM) controversy of 1969 and 1970. Can a reasonably effective ballistic missile defense (BMD) be raised? If so, would it really bring the welcome end to almost four decades of frenzied arms racing?

The answer to the first question is a highly tentative "yes," though it would take decades. The scientific community will have its work cut out for it, perfecting a class of Buck Rogers weaponry that long existed only in the dreams of science fiction writers. High-energy lasers, particle beam weapons, electromagnetic radiation: The very names conjure up a far-off future we seemed fated never to know. But we live in that future today.

The United States has been spending about a billion dollars a year on ballistic missile defense, much of which is laser- and particle-beam-related. This research has obviously been sufficiently encouraging to embolden our commander in chief to call for stepped-up military R&D. Coincidentally—or perhaps not—the very day of Reagan's speech, Maj. Gen. Donald L. Lamberson, the Pentagon's chief for directed energy weapons, testified before the subcommittee on strategic and theater nuclear forces of the Senate Armed Services Committee.

Stating that "defensive applications could be a very attractive and competitive use of directed energy weapons," Lamberson said his office would spend around $900 million on "technical feasibility" studies through 1988, at which time the Pentagon would make a go-ahead decision on actual development. Of course, now that the President has made his bid, the general will find his budget much enhanced. Lamberson's boss, Dr. Robert Cooper, director of the Defense Advanced Research Projects Agency, testified last spring that a system comparable to that envisioned by the President, would run to $200 to $300 billion in acquisition costs alone.

He outlined his agency's "space laser triad" of development programs: ALPHA (high-energy lasers), LODE (beam focusing) and TALON GOLD (targeting). Exotic as his projects and their code names sound

(only the "triad" strikes a note of Pentagonanian predictability), he failed to mention the $10 million DAUPHIN project. This compact X-ray laser device "pumped" by a small nuclear explosion was successfully tested in an underground vacuum chamber in 1981. Pentagon officials have said that, potentially, a single space shuttle could loft enough of these tiny, H-bomb-boosted lasers to soak up a Soviet nuclear attack on the United States.

Lamberson was not quite so optimistic. While gung ho about his programs, he admitted that directed energy weapons could only "selectively thin out" a massive attact. The biggest problem with ballistic missile defenses—after designing and paying for them—is that they have to be perfect. It's one thing to try to protect hardened missile fields with ABMs; failure need not be catastrophic. But it's quite another to protect our cities and industrial complexes. The consequences of even a single leak over a major urban area—one 500-kiloton warhead exploding on New York City, for instance—are too hideous to risk going with anything but the best.

For argument's sake, however, let's assume that the United States *could* raise a virtually leakproof umbrella against ballistic missiles, a "layered defense" of space-based lasers and ground-based ABM interceptors. Would this lead us into the postnuclear Shangri-La so glowingly evoked by the President?

Reagan's assumption is that, since the U.S. is dedicated to "preserving peace and freedom," no one should be unduly concerned if we shield ourselves from attack while maintaining a full quiver of offensive nuclear missiles. He did acknowledge that defensive systems "can be viewed as fostering an aggressive policy and no one wants that."

How does he think the Soviets will take all this? What if it had been Yuri Andropov addressing his nation Wednesday night? How would we react? After an hysterical outcry, our immediate and justifiable response would be a massive buildup of our offensive nuclear arsenal to maintain "deterrence" and, simultaneously, a race to develop a ballistic missile defense before the Soviets did. By the sick, inescapable logic of nuclear deterrence, one man's defense is the other's offense—something the President had conveniently forgotten. This, remember, is the same Ronald Reagan who has repeatedly warned of the dire danger to deterrence posed by a much-overrated Soviet civil defense network. Not even a purely defensive space-based ballistic missile defense could negate the mutual national security imperative that the superpowers be able to deliver devastating, retaliatory nuclear strikes against each other's homelands. For 40 years the arms race has been fueled by a pernicious action-reaction cycle in which every measure eventually confronts its counter-measure. Ballistic missile defense will be followed by counter-BMD, and that by anticounter-BMD and so on into bankruptcy or nuclear war, whichever comes first. With a ballistic missile defense system, the U.S. would simply shatter existing arms-control regimes, sparking an offensive arms race of renewed intensity linked to a new, defensive arms race, one we successfully—but apparently only temporarily—averted with the 1972 ABM treaty.

Nor would space-based lasers be unambiguously defensive. Lamberson favorably referred to counterforce laser attacks against Soviet silos and intelligence satellites. Space-based lasers do nothing to overthrow thousands of years of military wisdom; the best defense will continue to be a good offense. Even our hypothetical, fail-safe ballistic missile defense would be impotent against weapons currently in the arsenals. Saturation attacks with ground-hugging cruise missiles could swamp even the most elaborate defenses. More devastating yet would be attack by "depressed trajectory" submarine-launched ballistic missiles, launched not on a trajectory through space but parallel to the earth. Any future that yields space-based ballistic missile defense will assuredly also offer up as yet undreamed-of BMD-penetrating offensive weapons.

In theory, a strong case can be made for the advantage of being able at least to partially soak up a massive attack or to deflect, an accidental launch, thereby avoiding an unintentional holocaust. These are relative advantages, however, and weigh poorly in the balance against the extreme crisis instability that would accompany a spiraling laser race in space and a redoubled missile race on earth.

One of the most persistent myths of a nuclear age burdened with too many dangerously erroneous beliefs is that Mutual assured destruction (MAD) based on nuclear retaliation, is an immoral strategic doctrine that can simply be discarded in favor of a more palatable policy, such as Assured Survival based on ballistic missile defense. Nothing could be further from the truth. Mutual assured destruction is not a strategy. It is a terrifying fact of life, inherent in the weaponry we deploy to "protect" ourselves. Unless and until we dismantle the weapons, destruction is assured and assuredly, it will be mutual.

President Reagan's dream of wishing this ugly truth away with a trillion dollars' worth of high technology is undeniably an attractive one. He will find many supporters. But let them be aware: Once we set out on this course, there will be no turning back. Saddled with a whole new tier of military technology, the eagle and the bear will still be locked in their deadly frozen embrace.●

AWARD FOR SAFETY

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. DOWDY of Mississippi. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that KLM, Inc., of Jackson, Miss., has been awarded the Grand Prize Award for Safety presented by the Common Carrier Conference-Irregular Route.

The conference, an affiliate of the American Trucking Associations, represents more than 500 trucking companies throughout the country.

Mr. W. J. Liles, Jr., president of KLM, was present to receive the award at the conference's annual meeting held last month in Las Vegas, Nev.

KLM has long been associated with the proud tradition of trucking within the State of Mississippi. The company's executive vice president, Mr. Benjamin Lee, is a past president of the Mississippi Trucking Association. And Mr. Merle Rester, the company's safety director, is a regional officer of the Mississippi Trucking Association's Safety Council.

It is indeed fitting that the outstanding contributions of this fine company have been nationally recognized. I know that you will join me in congratulating the employees of KLM for a job well done, and in extending our best wishes for continued success.●

EASE DEBT BURDEN ON DEBTOR NATIONS?

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SCHUMER. Mr. Speaker, during the past 4 months, the Banking Committee has been holding hearings on the international financial crisis and the administration's request for an $8.4 billion increase in U.S. support for the IMF. During these hearings, we have been repeatedly assured that no developing country would dare to repudiate its debt.

Supporters of this view explain that a country which repudiated its debt would become an international financial pariah. Without access to new loans with which to finance its growth and development, its economy would stagnate and its unemployment would soar.

No one doubts that repudiation would be a painful option. Unfortunately, repudiation may still be in a country's best short-term economic and political interests. As this article from the March 31, 1983, Wall Street Journal makes clear, the pain associated with repudiation may be less severe and shorter lasting than the pain of complying with the IMF's strict austerity policies.

I urge my colleagues to read this article carefully and to consider whether it would not be in the best long-term interest of U.S. banks to ease the debt burden on some of the most financially strapped debtor nations. Converting short term, high interest bank credits into longer term, lower interest loans would provide significant debt relief. It would also reduce the allure of repudiation and increase the probability that the banks will be repaid.

[From the Wall Street Journal, Mar. 31, 1983]

WHAT MEXICO'S PRESIDENT MUST BE THINKING RIGHT NOW

(By Lawrence Rout)

The imagined musings of Miguel de la Madrid, president of Mexico:

It's been a crazy four months. We've done a lot more than anybody thought we could.

Devaluations, reducing subsidies, raising interest rates, cutting the budget.

I'm convinced we're doing the right things. But how much more will we have to do?

The economy is just about stopped, without dollars to import the machines to keep it running. Unemployment is awful and getting worse. Inflation is still running at more than a 100% clip. Foreign bankers told me that they could scrape together a $5 billion loan in a few weeks and it took a few months. And now oil prices are failling. Where are we going to get the dollars to make up for that?

The left keeps saying that we have to stop paying interest. Repudiate. The right screams we're tearing apart the economy with austerity. They don't demand repudiation, but I suspect they may eventually.

I hate the thought of it. I'm ethically against it. I promised everybody that we wouldn't do it.

But it's an option.

The U.S. bankers and politicians don't understand the pressure I'm under. I'd love it if the IMF said to the U.S. Congress, "Sorry but you boys have to halve your budget deficit this year." Can you imagine the wailing about the IMF not understanding political and social consequences of budget cuts? But why don't they understand when we say the same things?

Look, the left and labor disliked me from the start. A friend of business, they said. A buddy of the Americans just because I went to Harvard.

Well, maybe I am. But we're talking political survival here. This economy is a disaster, and if it gets much worse—and it could—I might have real problems holding things together. When does the political price of paying the debt become to high? When must I decide that I can't keep going to the banks, agreeing to bite the bullet just a little bit more in exchange for a few extra dollars?

I know there would be an international uproar if I defaulted. If there weren't, a lot of countries would default tomorrow. Bankers warn us that we'd never get another loan. We couldn't trade because every one of our exports would be seized by a lender, and nobody would export to us. We'd be the pariah of the international financial community.

I agree. But the other side makes some pretty interesting—and almost convincing—arguments. Do we really want more money, more debt and more of a burden? That's just more to pay back. I don't know if we'll ever get out from under. Interest rates are falling, but it doesn't yet make up for all those fees and higher spreads we have to give the bankers. Maybe it's better to act now if we know we'll have to do it at some point anyway.

And do we really care if we don't get new money for a while? We're borrowing only $5 billion from the banks this year, and every penny goes back to them as interest. If we default, we'd lose the $5 billion, plus a couple of more billion from the IMF. But we save some $12 billion in interest payments due this year alone.

And besides, bankers are famous for their short memories. The say they wouldn't lend again. But I think that in three, maybe five years, when our economy looks better, they'd come running down. They're lending to China again, aren't they? And China defaulted on bonds and is a Communist country on the other side of the world.

And how about Cuba? It's long delinquent on debts to the U.S. government. Yet European banks have since lent Cuba money.

At the worst, the next Mexican president comes in, tells the bankers that Mexico didn't repudiate, Miguel de la Madrid did. He promises to start paying interest again. And we've saved six years of payments and I've saved my political hide.

Trade, I admit, is a bigger gamble. But isn't it possible that barter and a leaky border with the U.S. will allow some trade? And there's always going to be some country that lets us ship our exports through it; we just change the labels. Although, I suppose, 1.5 million barrels of oil a day is pretty hard to hide.

And—the U.S. forgets this—the West isn't the only possible trading partner. The Soviet bloc could sell us the machines we need, and buy some of our oil.

Even better would be if we and a few other countries could default together. The industrial countries aren't going to attack the assets of all of us. They couldn't afford to stop trading with every country that defaulted, if there were enough of us.

Still, I don't think it has to come to this. When the bankers hear talk of repudiation, they envision hordes of flag-waving Communists comrades shouting about those damn gringos. The newspapers here can play it like that for local consumption, but we're not so stupid.

There are other ways to go about this. We can come, very apologetically, to the U.S. government, the IMF and the bankers and tell them that we did all that we could. We tried. But we just couldn't do all that you asked and we're very sorry but interest payments must stop. We might even throw in a line or two about the Soviets' willingness to help us out in case of economic retributions from the West.

All those bankers and congressmen who've been saying "Mexico wouldn't dare" would find not only do we dare, but we can pull it off. At the least, this becomes a bargaining position, with the bankers saying, "OK, we'll reduce your interst payments." We would be a lot better off than we are now.

And I'm sure that the bankers could figure out some way to avoid calling it a repudiation or default. We're not paying principal now and they call it rescheduling the principal. If we only paid part of the interest, the loan itself would be stronger in the long run. Isn't that loan enhancement through redesigned interest terms?●

THE REAGAN DEFENSE BUDGET: A CRITIQUE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Ms. KAPTUR. Mr. Speaker, I commend to the attention of my colleagues an article by Prof. William Kaufmann of the Massachusetts Institute of Technology (MIT), which appeared in the Washington Post on April 10, 1983. Professor Kaufmann's article, explaining how we can achieve more "real" security for less money, is extremely insightful. In the coming weeks, as we consider the cost of President Reagan's defense buildup and its impact on budget deficits and social welfare programs, Professor Kaufmann's alternative deserves consideration. I urge my colleagues to assess the viability and practicality of a defense plan along the lines of Professor Kaufmann's ideas. The article follows:

THE REAGAN DEFENSE BUDGET: A CRITIQUE

(By William W. Kaufmann)

How much does the United States need to spend on defense during the next five years? The Reagan administration proposes $238.6 billion for fiscal 1984 and a total of $1,553.6 billion between fiscal 1984 and fiscal 1988.

Although the president indicates that this is a rock-bottom amount, a case can be made that U.S. security will be better served by canceling or stretching out some of the investment programs that will be responsible for half of these large expenditures, by holding active-duty military personnel at current levels, and by using some of the savings for acquisition of additional conventional forces that are readily available and deployable. For once, in fact, it seems possible to get more real defense for less money.

Consider U.S. strategic nuclear forces. These constitute the foundation on which the more useable power of the United States and its allies rests. It is eminently desirable to have high confidence in their retaliatory power, we can have that kind of confidence at the present time.

Right now, the strategic offense is capable, even after a well-executed Soviet surprise attack, of delivering at least 3,000 nuclear warheads on targets in the U.S.S.R., and that number will increase to more than 4,000 as additional Trident submarines and air-launched cruise missiles (ALCMs) are deployed during the next five years. Even so, prudence dictates that the strategic offense remain both diversified and capable of destroying a wide variety of targets (including hard targets) in the face of Soviet efforts to undermine it.

Prudence, however, does not require the deployment of two ballistic missiles with a hard-target kill capability, two heavy bombers in close succession, two versions of the ALCM, or a submarine-launched version of the nuclear cruise missile. Nor does prudence necessitate any rush toward the deployment of a technically questionable ballistic missile defense, a more modern continental air defense that could be destroyed by ballistic missiles, or a few pieces of a command-control system ostensibly designed for the conduct of a protracted nuclear war that no one understands how to fight or to terminate.

In short, nothing but a few campaign pledges would be lost by eliminating the most obvious redundancies and excesses in the administration's program for modernizing the strategic forces. More specifically, cancellation of the MX, the B1, the modernized air defenses and several of the more exotic sensors based in space, and deceleration of the program for ballistic missile defense, would save more than $57 billion in outlays over the next five years without in any way jeopardizing the retaliatory power of the strategic forces.

Conventional forces are what give the nation its real military leverage, and it is considerable, despite repeated and mystifying efforts to downgrade it. Current U.S. ground and tactical air forces, in conjunction with allied capabilities, have a high probability of conducting a successful forward defense if concentrated in a single the-

ater such as central Europe, even against a major attack by the Warsaw Pact. Existing U.S. naval forces, together with allied fleets, are fully capable of holding open essential sea lines of communication to Europe, the Persian Gulf and Northeast Asia.

However, all the conventional capabilities are in need of gradual modernization. Furthermore, in light of continued Soviet efforts to improve their own conventional capabilities, it would be politic to hedge against the possibility of having to deal simultaneously with major crises in Europe, the Persian Gulf and Northeast Asia. National Guard and Reserve forces, if given more modern equipment and additional training, are now sufficiently large to provide the necessary insurance.

Considering the relatively measured pace with which the Warsaw Pact can be expected to mobilize and deploy fully combat-ready forces, fast sealift would be the most efficient way to deploy U.S. reinforcements to the threatened theaters. That, however, is not the direction in which the administration is going in its programs for the conventional forces. It has acceded to the Navy's long-held but unexplained ambition to deploy 15 carrier battle groups and four surface action groups built around battleships. It has also agreed to an accelerated modernization of the Army and Air Force and to a large increase in stocks of modern munitions independently of how long the Warsaw Pact and U.S. allies are capable of fighting.

The only specific justification for the expanded Navy has been the ill-digested notion of carrying a conventional war to Murmansk and Vladivostok in retaliation for a Soviet attack elsewhere. Modernization of the ground and tactical air forces not only is taxing their absorptive capacities; it is also ensuring an expensive redundancy of aircraft with the production of three different types for close air support and another four for fighter and attack missions.

By holding the Navy to 12 carrier battle groups and halting the recommissioning of at least two battleships, by slowing the Army's modernization to a manageable pace and canceling a questionable program for the production of binary chemical weapons, by procuring modern munitions at a lower rate, and by eliminating three of the seven different types of tactical aircraft—preferably the AV-8B, the F14 and the F15—on the order of $98 billion in outlays could be saved during the next five years. Of that total, nearly $20 billion could be allocated to the improvement of the combat power and effectiveness of the National Guard and Reserve, still leaving a net saving of $78 billion.

What is more, at least 32 fast sealift ships could be acquired for the price of the additional airlift, which is now planned but is unlikely to add significantly to the rapid deployment capabilities of the United States in the late 1980s. These new ships, together with eight others already acquired, existing airlift and equipment already prepositioned in Europe and on board ships in the Indian Ocean, would make U.S. deployment capabilities commensurate with the dimensions of the threat toward the end of this decade and with the scale of the U.S. reinforcements that can be available by then.

The administration's five-year defense program will provide more rapidly, more luxuriously and more redundantly the military capabilities already sought by the Carter administration in the late 1970s. But it will not appreciably change the numerical imbalances about which President Reagan has expressed such concern.

However else the so-called military balance may evolve by 1988, one thing is likely to remain constant: the Soviet Union will continue to outnumber the United States in ballistic missiles, military personnel, tanks, artillery pieces and a great many other items of military equipment. If these differences are the measure of the window of vulnerability, the window will remain just as open with the administration's defense program as without it.

In actuality, of course, there is no military crisis of the imminence and scale described by the administration. If there were, it would make sense to put the strategic forces on a higher state of alert, reinstitute conscription, declare a national emergency and call the National Guard and Reserve to federal service. These and other quite feasible steps would permit the delivery of more than 1,000 additional warheads on a second strike and nearly a doubling of U.S. conventional forces in the near future.

But such draconian measures are not what is needed. This is not 1939, and a pell-mell mobilization is not what is required. The United States already maintains a large and powerful military establishment.

What is needed for the future is a gradual and orderly modernization of existing forces, higher readiness and modest insurance against the possibility of multiple crises around the perimeter of the Soviet bloc. Capabilities of the size and effectiveness necessary to satisfy these needs can be acquired within a real increase in defense total obligational authority of somewhat less than 6 percent a year. The outlays of $1,553.6 billion projected by the administration would be reduced by $135.5 billion.

Even so, the nation's security would be increased by more than is being proposed under the administration's current plan.●

SAN MATEO CONSERVATION FARMER OF THE YEAR, SUCCESS STORY OF AN AMERICAN IMMIGRANT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. LANTOS. Mr. Speaker, today I am proud to call to the attention of my colleagues the story of achievement of Giuseppe Berta, a 92-year-old farmer in Half Moon Bay, Calif. Mr. Shorty Berta has recently been named "Conservation Farmer of the Year" by the San Mateo County Resources Conservation District.

Giuseppe Berta was born on June 25, 1890 in Lavagnola, Italy. His mother died when he was 4 years old, and he was raised by his sisters while his father worked to support a family of eight children. He began tending sheep by the time he was 6, and at age 8 he made extra money singing in the market and selling song sheets.

At 14 he became a laborer in Savonna, sleeping in a hayloft behind the boarding home where he took his meals. He made his own way as a laborer until he was drafted into the Italian Army at age 20.

In 1914, at the age of 24, he came by ship to the United States, settling in California where he held a variety of jobs. He worked with a pick and shovel on construction jobs, loaded wine barrels for wineries, worked in copper mines, picked fruit, and drove a horse and plow in the farmlands. He was young, healthy, and hard working, and within a few years became a partner in a farming business in Moss Beach.

By 1929 he became the sole proprietor of the farming business which raised brussel sprouts, artichokes, cabbage, and peas for the San Francisco produce market. Passersby saw the fresh vegetables coming from the field and often stopped to buy. He opened the first vegetable stand in Half Moon Bay in 1935, 2 years after receiving his U.S. citizenship.

In 1934, at the age of 58, Shorty returned to Italy for a visit, bringing back with him a new wife and her two daughters Eugenia, age 10, and Silvana, age 4.

The farm expanded over the years, the store prospered, and eventually a son-in-law joined the business as a partner.

Hard work, fresh air, the sense of purpose in planning and raising high quality vegetables, not to mention his sense of humor and good diet of fresh produce, have kept Shorty going all these years. He does take it a little easier these days, having reached the age of 92, but he continues to have a strong sense of purpose and pride in raising the best vegetables possible.

We in San Mateo are proud of Shorty, and the example he provides for all Americans of all ages. His life represents the values most cherished in our society.●

A TRIBUTE TO ANNA WALLACE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. YATRON. Mr. Speaker, on April 16, the Pennsylvania Joint Board of the Amalgamated Clothing and Textile Workers Union, AFL-CIO, will be honoring Anna Wallace, on the occasion of her retirement. It is my privilege to bring Anna Wallace's accomplishments to the attention of my colleagues in the U.S. Congress.

Anna's retirement marks the end of five decades of service to the Amalgamated Clothing and Textile Workers Union. She is one of those rare individuals who has dedicated her life to service and excellence. Her devotion to her work has made her virtually irreplaceable.

In addition to her outstanding career as the secretary-treasurer of

the Pennsylvania Joint Board, Ms. Wallace has always proven herself to be an indispensable member of our community where her ceaseless efforts to provide help to others will certainly continue.

From her work at the Penn State Schuylkill County campus, her service on the advisory boards of the Pottsville and Ashland State Hospitals, to her participation in numerous community and political activities, Anna has served as a shining example of what it means to be a good neighbor, a good friend, a good American and a great humanitarian.

Her life is a testament to what can be accomplished. I am indeed honored to know a woman of her stature and to count her as a good friend. I am certain that my colleagues will join me in paying tribute to Anna Wallace for her 50 years of service which reflects her dedication to excellence.●

REVIVING THE HOME OWNERS LOAN CORPORATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SEIBERLING. Mr. Speaker, nothing is more basic to the American dream than the idea of owning a home. Yet the Reagan administration's unsound tax and budget policies have made it more difficult than ever before for that dream to be realized. Even more important, the recession is turning thousands of American families out of the homes which they have worked so long and so hard to purchase.

The February 1983 national delinquency survey of the Mortgage Bankers Association shows that, for the fourth quarter of 1982, 5.7 percent of residential mortgage loans were past due. FHA-insured loan delinquencies were up to 7.14 percent, VA-guaranteed loan delinquencies were up to 6.18 percent, and conventional loan delinquencies were holding steady at a rate of 3.81 percent. With an estimated $1 trillion total mortgage debt, more than $55 billion in mortgage loans are past due.

My own State of Ohio has mortgage problems greater than the national average. In Ohio, more than 7 percent of the State's 305,000 residential loans are delinquent, and about 1.4 percent are in foreclosure. For Ohio, that means that nearly 23,000 homeowners were delinquent on their mortgage payments, and more than 4,000 Ohioans lost their homes in 1982. In sum, nationwide, 1.2 million American homeowners are delinquent on their loan payments. More than 21,000 American families lost their homes in the first half of 1982. For them, the American dream has become a nightmare.

The loss of a home is a devastating experience. Homeowners lose what little equity they have been able to build over the years. Banks are saddled with unwanted property. Everyone loses. Congress is in the process of taking action to provide some measure of relief to delinquent homeowners. The House will soon consider legislation to authorize temporary emergency mortgage payments to qualified homeowners in need.

While I intend to support the emergency mortgage assistance bill, I am convinced that more comprehensive and permanent steps are necessary to deal with this major problem. Accordingly, I am today introducing legislation to reauthorize the Home Owners Loan Corporation.

The Home Owners Loan Corporation, created by the Home Owners Loan Act of 1933, granted long-term mortgage loans at low interest rates to homeowners under immediate threat of foreclosure. The Home Owners Loan Corporation was authorized to exchange obligations with the lending institution for the value of the property under threat of foreclosure. The homeowner then made payments to the Home Owners Loan Corporation at a schedule agreed upon by the Corporation and the homeowner. Interest on the loan to the homeowner could not exceed 5 percent. The Corporation was also authorized to invest in specified securities, and to sell obligations, in order to raise capital for additional mortgage activity. When the program was finally terminated in the 1950's, total activity had reached more than $4 billion. The Home Owners Loan Corporation program was a success, and, at the time of its termination, actually produced a small profit for the Treasury, while at the same time preserving the homes of many Americans.

Mr. Speaker, the Home Owners Loan Corporation (HOLC) program worked in the Depression, and it can work again today. I have modified the original program significantly to account for the changed circumstances in today's economy.

Under my bill, homeowners who are delinquent on mortgage payments and are facing the threat of foreclosure would be eligible if the following criteria are met: The mortgage must be for a one- to four-family dwelling or a condominium or cooperative; the dwelling must be the principal residence of the mortgagor; the mortgagee must have indicated intention to foreclose; the mortgage is a minimum of 60 days delinquent; and the mortgagor has incurred a substantial reduction in income due to economic conditions beyond his or her control. Homeowners fired for cause, or who voluntarily leave their job, would not be eligible for HOLC assistance.

Initial HOLC capitalization would be $1 billion, but the bill specifically requires the capitalization to be recaptured. The Corporation would be administered by a Board appointed by the President. Term of service would be limited to 5 years, with a maximum of two consecutive terms of service permitted. The chairman, elected by a majority of the Board, would serve for one term.

Maximum repayment of HOLC assistance would be 30 years, but HOLC is also directed to consider the desirability of shortening the repayment period to reflect retirement of principal to the point at which HOLC became involved in the mortgage.

The original Home Owners Loan Act did not require the HOLC to require the homeowner to begin repaying the loan within a specified period of time. While it is not reasonable to assume that an unemployed homeowner is going to be able to begin repaying HOLC on a date certain, I think it is reasonable to require the homeowner to make regular payments on the note based on his or her ability to pay. Accordingly, my bill requires the homeowner to begin making payments to HOLC 30 days after the agreement governing HOLC assistant is final, but in no case can a homeowner be required to pay more than 30 percent of his or her adjusted income while unemployed.

Under my bill, interested on HOLC assistance is set at prevailing interest rates, or Government rates, whichever is lower. However, in no case can the interest charged to an unemployed homeowner result in a payment in excess of 30 percent of the homeowner's income. In cases where the interest charges would result in a payment larger than 30 percent of income, the Corporation is authorized to add a portion of the interest to the principal balance remaining.

In cases where the mortgagee refuses to accept the HOLC obligation in exchange for the note, the HOLC is authorized to make cash payments directly to the lending institution.

The original Home Owners Loan Act authorized the HOLC to make cash advances and exchange obligations for the rehabilitation, modernization, or enlargement of the homes financed. While I recognize that some of these homes may need rehabilitation, I do not think the HOLC should be financing the enlargement or modernization of homes financed. Accordingly, my bill limits such assistance only to those repairs necesary to preserve the habitability of the property. Other provisions of the bill address interest payable on HOLC obligations, restrictions on HOLC investments, Government guarantees of HOLC obligations, capital restrictions, and so on, The bill

also sets a regional trigger for starting and stopping HOLC activity.

Mr. Speaker, it is time for the Congress to acknowledge the devastating problems facing thousands of American homeowners today. The Home Owners Loan Corporation is a program of proven effectiveness, and I hope the House will seriously consider such a means of aiding those of our constitutents who are facing the loss of their homes.●

THE 98TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 16, 1983, into the CONGRESSIONAL RECORD:

THE 98TH CONGRESS

To the surprise of many observers who thought that it would be marked by confrontation and stalemate, the 98th Congress is off to a flying start.

A new Congress usually proceeds at a sluggish pace, but this year the legislative tempo has been quicker. Despite a few problems with an angry and contentious Senate, the 98th Congress is making rapid progress, at least by congressional standards. In two months, it has cleared two major pieces of legislation—a bill designed to rescue the failing social security system and an urgent supplemental appropriations bill containing $4.6 billion for a jobs program and an extra $5 billion for the hard-pressed unemployment compensation system. Its work on less noteworthy items has not been negligible, by any means.

Even so, it is far too early to draw any definite conclusions about the 98th Congress. In view of the controversy which surrounded the issues of social security and jobs, the bills just mentioned represented a remarkable bipartisan achievement. There was a board consensus on the wisdom of and urgent need for the legislation in each instance, so compromise was possible and was eventually achieved. However, extremely tough decisions on domestic and foreign issues lie ahead. With the next national election already looming on the horizon, the possibility increases that there will be sharp legislative clashes motivated by partisanship. The real question for legislators of both parties in the remainder of the session is whether they will continue to work together in the spirit of bipartisan harmony that marked action on the social security and jobs bills.

The House of Representatives passed a budget resolution, but the Senate, after postponing action on it for weeks, takes up the budget resolution only this week. Defense and taxes are the key issues emerging in the budget and probably on the entire congressional agenda, at least for the time being.

Defense is the special focus of attention. The President has been pushing hard to generate greater public support for his military programs, but so far it does not appear to me that his strong rhetoric and vigorous lobbying of members have changed very many minds on Capitol Hill. The question for Congress is not whether defense spending will rise, but rather by how much. The parameters of the debate are 4% per year, the figure in the House budget resolution, and 10% per year, the figure favored by the President. The Senate Budget Committee is on the verge of reducing the President's proposed increase. The problem for the President is that if he cannot get the Senate to accept his figure, he will face a bipartisan agreement in Congress for much lower defense spending than he wants.

That defense issues pushed domestic issues off center stage is one of the more interesting developments of recent days. Several factors contributed to the new congressional emphasis on national security. The cost of the defense buildup is one. Another is the general recognition that we have not kept our defenses up to par since the end of the Vietnam War. Still another is the unease in Congress over the Reagan Administration's Central American and arms control policies. There are growing signs that a substantial number of lawmakers question the wisdom of the heavy involvement in Central America. In both the Senate and the House, the President is battling for an additional $60 million in military aid for El Salvador. Likewise, there are sharp disputes over the President's arms control policies. In the Senate, the President must fight for the confirmation of his nominee to head the Arms Control and Disarmament Agency. In the House, he faces a close vote on a bipartisan resolution to freeze Soviet and American nuclear arsenals—a fundamental change in his nuclear weapons strategy.

Tax issues have yet to emerge to the same extent as defense issues, but they clearly are surfacing. There is a growing feeling on Capitol Hill that in light of the large federal deficits threatening the economy's stability, something is going to have to be done. The House budget resolution calls for about $140 billion in new taxes in the next three years, including the increase in social security taxes just passed. The President calls for $85 billion in new taxes in the same period. No one is anxious to address the issue now, and there are good economic reasons not to hike taxes as the country struggles out of recession, but these figures suggest the limits of the debate as it begins to evolve. Significant action on taxes at some point in the future is now widely anticipated.

Other important domestic issues remain. While the budget sets overall spending and taxing targets, individual legislation is needed to authorize and appropriate funds and to raise taxes. Congress starts work soon on the annual authorization and appropriation bills. It also intends to deal with additional legislation to help the unemployed. Other issues range from the decontrol of natural gas prices to immigration and naturalization policy, from the repeal of withholding on interest and dividends to skyrocketing health care costs. But domestic issues will not be the total preoccupation that they were during the first two years of the President's term in office.

We are entering a period of bargaining among the nation's political leaders. In the end, since the Republicans control the Presidency and the Senate and the Democrats control the House, there will have to be bipartisan compromise on the budget and other issues. It is my impression that the 98th Congress will not be dominated either by compromise or by confrontation. Instead, there will be a lot of both, with the balance between them wavering uncertainly.●

AN AMTRAK FOR SPACE? NO, THANKS

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. AKAKA. Mr. Speaker, as cochairman of the Congressional Space Caucus, I am vitally concerned with the overall health of our Nation's space program. We have, for over two decades, been a leader in the field of space and space-related technologies. For over two decades, America has been at the cutting edge—we have developed a variety of sophisticated technologies first and then used them to pioneer new firsts in space in man's effort to explore the universe.

Indeed, America has every reason to be proud of her space program. The question is: Will our role as a world leader in space last?

I am concerned, for I see a decline in our willingness to fund our space program at levels necessary to sustain our role as a leader in space.

I am concerned, for I see an unwillingness on the part of some to come to terms with the role the private sector plays in space.

And I am concerned, for I sense a reluctance in some quarters to encourage the commercialization of space and space transportation systems in meaningful ways.

Just yesterday, a very interesting article crossed my desk. This article, "An Amtrak for Space? No, Thanks" deserves the undivided attention of every Member of this House who cares about our Nation's space program. I therefore ask that this article be inserted in the RECORD immediately following my remarks.

[From the Heritage Foundation Executive Memorandum, Apr. 11, 1983]

AN AMTRAK FOR SPACE? NO, THANKS

(By Stuart M. Butler, Director of Domestic Policy Studies)

The flight of the Challenger space shuttle is a dramatic reminder of the enormous commercial potential of space in America's future. Yet as legislators now ponder the FY 1984 space budget, they must resist taking the first steps toward establishing an Amtrak in space. Instead, they should demonstrate that they have learned the lesson that the public is best served by the private development of commercial opportunities. Even now, NASA is not the only organization in space, nor is the proposed sale of the weather satellite system the first indication of private interest in utilizing government owned space technology. Some companies are even planning to compete with the shuttle. Last September, for instance, Texas-based SSI Inc. successfully tested a privately financed launch vehicle. A former NASA employee has formed a company to finance and market a private space carrier. A California company, Arc Technologies, is privately financing and developing its own launch vehicle service. And a consortium of Martin Marietta, Aerojet, and United Tech-

nologies is pressing the government to allow it to lease federal launch facilities to provide a private satellite launch system.

Yet there are indications that what may well become a dynamic new private industry could be held back, or even grounded, unless Congress and the President clearly endorse the concept of private commercial activity in space. There is a danger that the lessons of industries as diverse as telecommunications and trucking will be forgotten, and that instead of embarking on a policy of minimal government regulation and intervention, the federal government will suffocate space entrepreneurs with red tape and subsidized government competition. When Congress puts its final stamp on the 1984 NASA budget, and the President makes his much-awaited statement on commercial use of space, a clear signal must be given to the new industry—"All systems go."

The existing maze of regulation must be rationalized, or it could become a straitjacket to commercial and technical innovation. At the moment, the Department of Defense, the Federal Aviation Administration, the Federal Communications Commission, and the State Department all are involved in the regulatory process. And there is a strong pressure within the U.N. for an international satellite monitoring agency. Such a space-age version of the Law of the Sea Treaty would lead to U.N. control over many aspects of space commerce.

The President should direct U.S. diplomats to oppose moves to undermine the opportunities presented by the new frontier of space. He should also announce that the Administration will require U.S. agencies to adopt a simplified regulatory regime designed to facilitate competition, markets, and innovation. Furthermore, the White House should explore the possibility of parceling out most of the basic standard-setting to the insurance industry, which has every incentive to keep space vehicles safe but economical.

The role of NASA must be defined more precisely since it is a taxpayer financed competitor to the private launch systems. After all, the NASA charter limits its activities to research and development—not operations. Yet the House Science and Technology Committee has quietly agreed to change the 1958 NASA Act to expand the agency's activities to include the operation of a "Space Transportation System." If this seemingly minor change is included in the April 12 markup to the space budget and creeps into the final authorization, it will open the way for NASA to become an "Amtrak in space"—government subsidized space transportation system. This would gravely threaten private, unsubsidized programs. NASA could price itself below the competition and siphon off government business from private carriers. NASA could expect a cozy working relationship with the federal regulators, unlike the competition.

Technical problems and cost overruns with the shuttle already suggest that NASA has bitten off more than it can chew. Meanwhile, the French-led Ariane system, using relatively simple expendable rockets, has cut deep into the multi-million dollar satellite launch business. By putting so many of its eggs into the NASA basket, while frustrating private American firms, the United States is in danger of losing more and more business abroad.

Congress should remind NASA of its legitimate mission by requiring it to concentrate on building an advanced research and development knowledge base. NASA should share this technical information more readily with private industry, so that innovations may be turned to private use. NASA and the Air Force also should make launch facilities available to private ventures at an appropriate price.

There must be limits, of course, to this open skies approach. National security, for instance, requires constraints on the flow of technology. The price, if any, of innovations and facility leases would have to be determined carefully. The goal of making these widely available would have to be balanced against the danger of the possible discouragement of totally private research and launch facilities if government services were priced artificially low.

From bold shoestring entrepreneurs to multi-billion dollar conglomerates, American firms are eager to seize the commercial opportunities in space transportation, and provide new products and services. The Administration must not allow this budding private creativity to be frustrated, in the mistaken belief that space is so exotic and expensive that it must be controlled and monopolized by the government. The history of air travel and telecommunications demonstrates clearly that the private sector will enter the most sophisticated fields and bring services to the public that had been unimaginable a few years earlier. America's future in space will be no different—unless Congress and the Administration fail to give the private sector the clear green light it needs.●

THE SHOPPING CENTER TENANT BANKRUPTCY PROTECTION IMPROVEMENTS ACT OF 1983

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SAWYER. Mr. Speaker, I recently introduced H.R. 2377, The Shopping Center Tenant Bankruptcy Protection Improvements Act of 1983. The provisions of this bill would provide important protections to solvent tenants and shopping centers in the event of a bankruptcy.

The commercial success of a shopping center enterprise relies heavily upon the ability of all the tenants to function as one entity. A major consideration in a decision to go into a mall or shopping center is the other tenants, their advertising—the overall tenant mix. Their ability to serve one another by engaging in specified business, maintaining certain standards of appearance and drawing a sufficient amount of clients is primary to remaining solvent and profitable. In light of such an interdependence, it is easy to understand that the bankruptcy of a tenant in a shopping center is a tremendous burden to solvent businesses.

Prior to 1978, landlords and solvent tenants were able to protect themselves from the impact of a tenant bankruptcy by including provisions in leases which permitted the landlord to regain control of the leased property in the event of the bankruptcy of a tenant. The Bankruptcy Reform Act of 1978 made these lease provisions unenforceable and instead included specific protections for solvent tenants. Unfortunately, this language is ineffective in practice. The purpose of this bill is to clarify congressional intent and remedy the problems relating to the operation and assignment of shopping center tenant space.

Under current law, debtors have been permitted to vacate or partially operate leased space for extended periods of time. During this time, rent and other charges, such as maintenance fees, are generally not paid by the bankrupt. This legislation requires that the trustee decide to assume or reject the lease within 60 days after the bankruptcy petition is filed. It further provides that the obligations of the debtor, including rent payments, be fulfilled on time until the lease is decided upon.

A third serious problem has arisen when leases are assumed or assigned and then used in a way that was not intended by the landlord or lease and disrupts the delicate tenant mix. H.R. 2377 requires that lease provisions, such as location, exclusivity or use clauses be honored and that tenant mix remains intact.

It also provides that the assignee of the lease has an operating and financial performance similar to that of the debtor when the lease was first excuted. This will eliminate the possibility of the shopping center space being assigned to a business in poor financial condition.

Last, since the assignee is often not required to pay the customary security deposit, which is an incentive to keep space in good repair, H.R. 2377 requires that the assignee pay the same security deposit as he would if the landlord were leasing the space.

This legislation addresses the problems of shopping center bankruptcy without reversing any policies established in 1978. It is, rather, a clarification of congressional intent and I would urge your approval.●

JOBS WITH PEACE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ADDABBO. Mr. Speaker, it is with much pride and great conviction that we honor and commemorate this week as the Jobs With Peace Week so that we may show our support for the unified front that is now backing the jobs with peace efforts throughout the country.

The Jobs With Peace Week helps demonstrate the public's desire and need for reordering the priorities of

the current administration. In my own district, where unemployment runs rampant, there is almost no hope for the thousands of untrained young workers who are coming into the work force for the first time. It is the dreadful statistics on the unemployment that could be changed in an instant with the enactment of legislation which would remove the priority from military spending and put it where it is necessary to be in the human sector.

The unneeded and astronomical level of military spending and unnecessary weapon systems can be canceled in order to put back some money into the communities for the development of jobs with peace.

I will personally be participating in a panel in New York City to discuss the necessary efforts needed to divert some of the funds used to finance the military budget to job programs that could create jobs for the unemployed throughout New York City and the country.

I urge you, my colleagues, to become involved and active in the job with peace efforts in order to avoid a crisis that is now facing our Nation.●

EDUCATION, FUNDING, AND EXCELLENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MICHEL. Mr. Speaker, the debate about the connection between educational funding and educational excellence has been going on for many years. A recent report suggests that while we have been spending increasing amounts of money on education over the past decade, the results have not been beneficial to American children.

At this point I wish to insert in the RECORD "Schooling and Education" by Robert J. Samuelson, the National Journal, April 9, 1983.

SCHOOLING AND EDUCATION

(By Robert J. Samuelson)

The report card is beginning to be written on one of the great generational experiments of the past 40 years: the national binge on education. And the results are disheartening.

As a form of national uplift, Americans believe in few things as in education. But recent experience reveals a puzzling and disturbing development. The more education spending has risen, the more students' test results have declined.

We are perhaps beginning to appreciate that education as an abstract ideal isn't a cure for every national problem. Schooling by itself doesn't solve anything. Without an underlying sense of seriousness and purpose, it has little to do with either genuine education or employability.

The forthcoming report of the National Commission on Excellence in Education may help explain the riddle of rising spending and declining performance. According to commission data, schools lowered their standards over the past two decades. Schools expected less of students—and got less.

All this has a broader relevance to the nation's economic problems. For now, as before, education is advanced as an answer to the ailments of the day. In the 1960s, more education would reduce poverty and realize the promise of equal opportunity. Today, it's supposed to restore technological competitiveness and, in the guise of "retraining," ease unemployment.

If there is a moral in recent experience, it is that more schooling cannot simply be applied as a salve to social and economic ills. What matters more than money in realizing education's potential are underlying motivations and expectations—of students, teachers, parents and schools.

Even in retrospect, increases in educational spending have been staggering. Between 1950 and 1975, total spending on schools rose from 3.4 to 8 percent of gross national product. Although this partly reflected the effect of the giant "baby boom" generation, much of it stemmed from a general increase in the level of schooling.

College attendance exploded, from 2.7 million in 1950 to about 12 million today. For every 100 students who enter fifth grade, about three-fourths now graduate from high school and nearly half attend college. In the early 1950s, those proportions were half and less than a third.

Federal and state assistance have increased dramatically at all levels. In the 1970s alone, real spending (adjusted for inflation) on public elementary and secondary schools rose 29 percent. Since the late 1950s, student-teacher ratios at the same schools have dropped roughly 40 percent.

These improvements make test score declines as surprising as they are disappointing. Results on the College Board scholastic aptitude tests (down 9 percent in mathematics and 6 percent in verbal skills since 1960) accurately reflect other tests. At the college level, graduate school entrance exams have shown even larger drops. Only some of the decline stems from the larger pool of students, which dilutes the impact of the best students.

In retrospect, the country paid a price for its social ideals. Believing that everyone should have access to a college education, governments expanded higher education enormously. And they subsidized it: even today, two-thirds of the costs of public colleges are paid from government funds; at community colleges, the proportion is three-fourths.

Schooling is like anything else. When the price is lowered, people buy more. Also, its value shrinks. To keep classrooms filled—and to qualify for government payments based on enrollments—public colleges and universities reduced entrance standards. And these changes inevitably influenced high schools.

Once students discovered they didn't need academic courses to meet entrance requirements, they didn't take them, said Scott Thomson, superintendent of the Evanston (Ill.) high school district in the early 1970s. And, according to Thomson, the commitment to "equality of opportunity" had other unintended effects.

"All the pressures on me were to lower the dropout rate, to make sure courses were 'relevant,' to loosen pressures on students—whether it was course requirements or dress requirements," he said. "Nobody asked at school board meetings 'What are your reading scores, what are your SAT scores?' "

Electives proliferated, and students drifted toward less demanding courses. Roughly 59 percent of graduating seniors in the late 1970s took drivers' education, compared with less than 1 percent in the 1960s, according to Clifford Adelman of the National Institute of Education. Sociology's popularity jumped from 7 to 19 percent among graduating seniors, and psychology's, from 2 to 24 percent.

Likewise, the proportion of students on an "academic" track declined, from 48 to 36 percent, while those on a "general" track rose from 12 to 42 percent. (Remaining students were on a vocational track.) Adelman said of the "general" track:

"It's the wasteland of the American high school. It's a confused conglomeration of courses. They're watered down—a lot of personal service and remedial stuff."

To recite these figures is not to describe the American school system as a universal mediocrity. Averages being what they are, the statistics disguise enormous diversity. And increased spending has had some beneficial effects. Test scores of poor and minority students have shown improvement.

But given the magnitude, the return on the nation's recent massive investment in education has been meager. Quality has suffered and waste has resulted. About half of the students who attend college don't graduate. Either they don't want or can't handle higher education.

There are signs of a reversal of the 1970s' deterioration. Chester E. Finn Jr. of Vanderbilt University argues in the April issue of Change magazine that local pressures—from parents, legislatures, school boards—are tightening standards for students and teachers. A number of major state universities, facing spending cuts, are raising their entrance requirements.

If more schooling is not a panacea for America's economic problems, more education is at least an element in alleviating those problems. But therein lies the distinction: between schooling and education. No education is complete without understanding that true learning is always a struggle.●

SUPPORT FOR NATIONAL BUILDING SAFETY WEEK AND HOUSE JOINT RESOLUTION 163

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. ST GERMAIN. Mr. Speaker, I would like to take a few minutes to draw my colleagues' attention to the important work being done throughout this Nation by competent, professional building code administrative and enforcement personnel to assure our citizens' safety in the buildings in which we live and work.

In recent years, the development of modern, model building codes and their increased adoption and professional enforcement by trained employees of our States, counties, cities, and towns has made a significant contribution in enabling government to better provide for our citizens' health and

welfare. Our colleagues at all levels of government in this Nation are becoming increasingly more aware of these vital health and life safety services which are being provided by their building code departments.

Working together with the building design and construction community in our country, building departments enforce a wide range of safety provisions for new and existing buildings. Among these are provisions covering: structural, mechanical, elevator, plumbing, fire, seismic, and electrical safety in buildings. In addition, building departments are also responsible for the enforcement of provisions providing for barrier-free access to buildings for disabled individuals, consumer cost-saving energy conservation, and solar energy provisions for new and existing structures.

Furthermore, in States like my own which have adopted uniform statewide building codes and safety requirements, modern, model building codes actually have helped to reduce construction costs for builders by requiring them to only have to build homes and other structures to one set of technical requirements.

Early last month, I introduced together with Congressmen WYLIE of Ohio and GONZALEZ of Texas, House Joint Resolution 163, designating the third week of April 1983, as National Building Safety Week.

The purpose of that week is to help make all Americans more aware of these and other important health and safety services which are available to them from their state and local professional building departments.

To accomplish this, State and local building departments across this country, later this month, will be holding open houses, exhibits, and safety training programs for their local residents. Some of the safety information which will be highlighted will include: the importance of the proper installation and maintenance of energy-saving devices and smoke detectors, structure and safety features that should be looked for when purchasing a home, and the importance to consumers' safety of obtaining building permits and proper inspections of any new construction or rehabilitation projects which they may undertake.

I urge those of my colleagues here in the House, who have not already done so, to join in cosponsorship of House Joint Resolution 163. I further call upon my colleagues in the Senate to likewise support their companion Senate Joint Resolution 70 introduced last month by Senator JAKE GARN on behalf of himself and Senators JOHN TOWER, DONALD RIEGLE, JR., and RICHARD LUGAR.

The slogan for this national safety week is, "Building Safety Is No Accident." Making our constituents more aware of and encouraging their increased participation in the building safety process is an important concern to all of us in Congress.

Thank you.●

HONORING HOSPITAL VOLUNTEERS IN KERN COUNTY

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. THOMAS of California. Mr. Speaker, the President has designated the week of April 17 to 23 as National Hospital Volunteer Week in America, and I would like to commend to my colleagues the fine efforts of our four local hospital auxiliaries in the Bakersfield area.

Each year, the 583 members of the Greater Bakersfield Memorial Hospital Auxiliary, San Joaquin Hospital Auxiliary, Mercy Hospital Auxiliary, and Kern Medical Hospital Auxiliary volunteer thousands of hours of time to help improve medical care and make hospital patient's lives a little brighter.

Hospital volunteers in Bakersfield staff information desks at these hospitals, provide a daily newspaper and coffee each morning for thousands of patients, deliver flowers and cards to patients, help patients settle into their rooms, and serve as valuable public liaison persons in hospital emergency rooms.

In addition, volunteers help to educate our community about medical care. Show-and-Tell on Wheels is a mobile presentation which helps acquaint children with hospitals and medical care so they will have a better idea of what to expect when the time does come for them to visit the hospital. Also, volunteers conduct a maternity get-acquainted program for expectant mothers.

Since 1955 when the first hospital auxiliary was formed at Mercy Hospital in Bakersfield, volunteers have given more than 1½ million hours of their time, and they have raised nearly $1.3 million for the local hospitals. These are valuable contributions and I salute them.

Mr. Speaker, in closing I would just like to say that I am pleased with the administration's emphasis on volunteerism, because we have so many fine examples which show that volunteerism is a long tradition in our area. The local hospital auxiliaries are part of this tradition.●

THE HEALTH CARE FOR THE UNEMPLOYED ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. WAXMAN. Mr. Speaker, I am pleased to introduce legislation today providing a program of health care benefits for unemployed individuals and their families. Joining with me in sponsoring this measure are Congressman JOHN D. DINGELL, chairman of the Committee on Energy and Commerce, ANDY JACOBS, chairman of the Subcommittee on Health of the Committee on Ways and Means, and HAROLD E. FORD (Tennessee), chairman of the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means.

We know the unemployment statistics all too well: 12.4 million Americans are now unemployed—more than 10 percent of our labor force. That problem is not going to go away for a long time—the Congressional Budget Office estimates that unemployment will remain above 9 percent through 1985.

One of the many tragic consequences of that level of unemployment is the loss of health insurance protection. Since health insurance coverage is generally linked to employment, when you lose your job, you lose your health benefits for yourself, your spouse, and your children.

The Subcommittee on Health and the Environment held hearings on this issue in late January, and heard from labor, business, health insurers, and health providers about the extent of the problem. Most compelling of all, we heard from unemployed individuals who were without coverage. The message was clear. The problem is real, and it is one that employers, insurers, and providers cannot finance in the short term.

The Congressional Budget Office now estimates that there were 14 million unemployed workers and family members without health coverage in February—including 4 million children. A total of 21 million people will be in that situation at some time during the year. These families, like those we heard from at our hearing, face fears of illness and high medical bills at the same time that they confront all of the other burdens of unemployment.

This population's lack of coverage is one of the major gaps in our Nation's existing social programs.

For the aged and disabled, we have social security cash benefits and a health program—medicare;

For certain groups of the poor—the aged, disabled, and families with dependent children—we have cash wel-

fare programs and a health program—medicaid;

For the unemployed, we have an unemployment compensation cash program, but no health program to meet their health needs during this difficult period.

Whenever unemployment rates are high, as they are now, this gap in coverage is painfully apparent. Many of the Members of the House may recall the intense interest in the subject in the mid-seventies when unemployment was also at high levels. The nature of the problem is such that we focus on it only when employment rates are high, which is the very time that the costs of addressing the problem are highest.

Unfortunately, during these earlier periods, we did not enact legislation to address the problem then or in the future. So we are left with another crisis situation today. The only way that we can assure that we cover the millions of individuals in this situation is to entitle the individuals and families to some basic health protection. Simply giving a limited amount of funds to States through a block grant will not get the job done.

The legislation we have developed helps to address the short-term problems of the currently unemployed, and would begin to build in longer range reforms to address the issue in the future.

The bill would establish a public program set up and run at the State level. Federal support would be substantial in a State with a high unemployment rate, rising to pay the entire cost in certain States. The program would cover those receiving unemployment compensation and their families, as well as those who have exhausted unemployment benefits in the last 2 years.

The public program covers people only if no private insurance coverage is available, and requires that employee health plans offer an immediate open enrollment period for employees whose spouse has become unemployed.

Benefits covered would focus on a basic, but limited, primary care benefit package.

I think it is a good beginning in resolving this difficult problem. And it builds in longer range reforms that are designed to encourage States to assure that employers continue private health coverage for 3 months following unemployment, with the public program limited to those out of work for longer periods of time. In this way, the private sector would assume responsibility for short-term unemployment, with the public program assuming responsibility for longer term unemployment.

A final feature of the bill would authorize a program of direct Federal grants to the public general hospitals which today serve a disproportionate number of these unemployed individuals and other low-income patients who have no ability to pay for their care.

Official cost estimates are not yet available, but preliminary estimates from the Congressional Budget Office indicate that spending will be roughly the $2.7 billion provided in the House budget. I must stress that we have had to impose some very tight limits on the program to reach that figure:

Eligibility does not begin until 4 weeks after unemployment compensation begins and extends only for 6 months following termination of unemployment benefits. We have been able to keep 12 months of benefits for those who have already lost their unemployment compensation in the past 2 years.

Benefits are limited to 9 hospital days and 10 outpatient visits.

These limits were required because this is all that the funding will allow. All of us here and the unemployed across the Nation should know what they will get from this program. If we come out of the budget conference with even less money, further eligibility and benefit cuts will be required. We should not delude ourselves or the unemployed into thinking that less funds through a block grant will do more. The States would have to make similar cuts, and deeper cuts, if less money is available.

The Subcommittee on Health and the Environment will schedule hearings on the legislation in the near future, with markup following those hearings.

A more detailed summary of the legislation follows.

SUMMARY—HEALTH CARE FOR THE UNEMPLOYED ACT

GENERAL APPROACH

The legislation would make basic health benefits available to unemployed workers and their dependents who have no private health insurance coverage and who are not eligible for Medicaid. It uses a two-part approach: short-run and long-run.

In the short-run, the bill would establish a Federal-State entitlement program under Title XXI of the Social Security Act for those receiving unemployment compensation benefits, as well as those jobless workers who lost their unemployment benefits within the past two years. Participation would be optional with the States. Federal matching payments would vary with a State's total unemployment rate; States with very high unemployment rates would not be required to provide any matching funds.

States would have a choice of administering these benefits through a public program, using the unemployment compensation offices and the Medicaid agenices, or through a State insurance pool. The same eligibility, benefits, and financing standards would apply to either the public program or the insurance pool.

In the long-run, the division of responsibility for health coverage of the unemployed would change. Over the next two years, States would be expected to arrange for continuation of private health insurance coverage to those losing their jobs during the first 3 months of unemployment. Those out of work for a longer period would be covered under the entitlement program. The States could arrange for such continuation coverage through employer mandates or statewide insurance pools. After October 1, 1985, States with total unemployment rates for less than 10 percent would not qualify for any Federal matching funds unless most of the workers in the State with health insurance had this 3-month continuation coverage.

In both the short-run and the long-run, the bill would authorize a program of direct Federal grants to public general hospitals serving disproportionate numbers of unemployed and other low-income patients with no ability to pay for care.

What follows is a more detailed discussion of each of these elements.

SHORT RUN PROGRAM

Public program option

Eligibility

Two groups of individuals would be eligible for health coverage:

Jobless workers (and their dependents) who (1) are receiving unemployment compensation, (2) do not have private health insurance coverage available through either their former employer or their spouse's employer, and (3) are not eligible for Medicaid. Once an individual qualifies, they remain eligible for 6 months after receiving their last benefit check; and

Jobless workers (and their dependents) who (1) have received unemployment compensation within the two years before establishment of the program, but are no longer receiving benefits (2) do not have private health insurance coverage through either their former employer or their spouse's employer, and (3) are not eligible for Medicaid.

Unemployment compensation includes the regular State unemployment compensation program, the Federal extended benefits program, and the Federal supplemental compensation program.

No means test would be required.

Coverage

For those receiving unemployment benefits, coverage would begin 4 weeks after the person first received benefits, would continue for the period during which benefits were being paid, and would end 6 months after benefits stopped.

For those who have already lost unemployment compensation benefits before the start of the program, coverage would extend for 12 months from the start of the program.

In either case, coverage would terminate after an individual has returned to work for 4 consecutive weeks.

Enrollment and disenrollment would be voluntary.

In States choosing to impose premiums, coverage would terminate upon failure to pay the required premium.

Private Insurance

In order to qualify for tax deductibility, employee group health insurance plans would be required to offer a 30-day "open enrollment" period without a medical screening to working spouses of those who become unemployed so that the working spouse could obtain alternative coverage for the family.

If an unemployed individual could enroll under a spouse's policy but refused to do so,

the individual would not be eligible for benefits.

Benefits

Nine days of inpatient hospital care;

Ambulatory visits for outpatient hospital, emergency room, physician, rural health clinic, nurse midwife services, family planning services, and prenatal, delivery, and post-partum care. Limit of 10 visits per person except for those related to pregnancy and well baby care.

Laboratory and x-ray services.

States could not provide a broader package of benefits than the package they offer to Medicaid beneficiaries.

Cost Sharing

States would be allowed to impose premiums up to 5 percent of an individual's weekly unemployment compensation payment, deducted directly from the checks of those individuals choosing to enroll. Those persons who have lost their benefits would not be subject to any premiums.

States would be allowed to impose copayments on covered services, but only to the extent permitted under Medicaid law (ie., no cost-sharing for pregnant women and children). If a State imposed such cost-sharing under its Medicaid program, it would be required to impose the same cost-sharing under this program.

Hospitals, physicians, and other providers choosing to participate in the program would have to accept its reimbursement as payment in full.

Financing

Federal matching payments would be available at a 100 percent rate in those States with total unemployment rates equal to or greater than 133 percent, whichever is higher.

In those States with total unemployment rates of more than 10 percent but less than 133 percent of the national average, the federal matching payment would be 95 percent.

For States with total unemployment rates below 5 percent, there would be no Federal matching payment.

For States with total unemployment rates between 10 percent and 5 percent, the Federal matching payment would decline proportionately from 95 percent to 0 percent.

Administration

State unemployment offices would handle eligibility for those receiving unemployment compensation benefits; eligibility for those who have lost their benefits would be determined either by the State unemployment office or the State welfare office, at State option.

State Medicaid agencies would process claims for payment, under current Medicaid reimbursement rules.

States would be reimbursed for their administrative costs in the same manner as under current unemployment compensation and Medicaid law.

Private program option

Insurance Pool

States could, at their option, arrange for health coverage for the unemployed through a State insurance pool rather than a public program. The pool would have to be established by statute, and would have to meet the eligibility benefits, and cost-sharing standards listed above. Federal matching payments to the pool could be no greater than they would be for a qualified public program. A State would have to contribute at the same rate it would be required to contribute under the public program approach.

LONG RUN PROGRAM

After October 1, 1985, Federal matching payments for health benefits for the unemployed would not be available in those States with a total unemployment rate of less than 10 percent unless the State made arrangements for employers and insurers to extend the health insurance coverage of those workers laid off for at least 3 months after loss of employment. After the 3 month continuation period, Federal matching funds would be available for health benefits coverage for eligible persons.

The States could arrange for this coverage in one of two ways:

They could require employers to offer extended health insurance coverage to employees cancelled under their group health plans for 3 months after lay-off, either through:

Extension of the employer's regular group coverage, at the same proportional employer contribution, or

Extension of more limited coverage (but no less limited than the minimum public program benefits described above) at the same proportional employer contribution.

States could make this extension coverage available through a State insurance pool established by statute.

In addition, States would be required to guarantee employees covered under employee group health plans the right to covert to individual coverage without evidence of insurability.

In order to qualify for Federal matching payments, States would have to arrange for this continuation or conversion coverage for at least 75 percent of the employees in the State covered under group health plans subject to insurance regulations. Existing collective bargaining arrangements would not be subject to such requirements until their expiration.

States with unemployment rates of greater than 10 percent would continue to qualify for Federal matching funds as under the short run program even without these continuation or conversion arrangements in place.

ASSISTANCE TO PUBLIC HOSPITALS IN HIGH UNEMPLOYMENT COMMUNITIES

The bill authorizes the Secretary of Health and Human Services to make grants directly to public hospitals that serve as providers of last resort in areas experiencing high unemployment in order to assist them in providing services to low-income individuals without public or private insurance coverage (under the proposed program or any existing program).

Facilities would be required to use the grant funds to supplement existing State and local revenues that currently finance care to indigent patients.

Authorized appropriations would be $70 million in fiscal year 1984, $77 million in fiscal year 1985, $86 million in fiscal year 1986, and $95 million in fiscal year 1987.●

A TRIBUTE TO MRS. MARGARET HAWK

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HOPKINS. Mr. Speaker, there are people in this country who do not have to be urged by the President of the United States to volunteer their time and services. Mrs. Margaret Hawk, who lives in Cynthiana, Ky., is one of these shining examples. Mrs. Hawk, now 85, has actively volunteered in so many ways for so many years and I would like to take this opportunity to recognize some of her accomplishments.

Through the years, Mrs. Hawk has given her energy, talents, and skills unselfishly to her community. In the early days of the Harrison County Horse Show, her garden was the scene of dinners served to board members and exhibitors. She was a cochairman of the committee for building the Harrison County swimming pool.

At one time, when funds were no longer available for paid workers, Mrs. Hawk donated her services to keep the youth center in operation. She was recipient of the 1975 Service of Distinction Award, a silver tray—presented by the chamber of commerce. Another year, she received a citation plaque for master soil conservation, in recognition of her environmental concern. In 1980, the Cynthiana Christian Church rewarded her many years of faithful service with the gift of a silver bowl.

Mrs. Hawk represents the Cynthiana Chapter of the Daughters of the American Revolution as a board member of the Duncan Tavern Historic Center, and at different times has filled several offices on that board. She also maintains grounds around Duncan Tavern.

Not only has Mrs. Hawk helped clean and repair the old Indian Creek Baptist Church building, but she promotes attendance at the regular services of that church. She has also been a leading spirit in maintaining a roadside garden at the corner of U.S. Highways 27 and 62.

Some organizations, not previously mentioned, of which she is a member are: The Christian Women's Fellowship of her church, Women's Club of Harrison County, Woman's Club of Central Kentucky, Harrison County Garden Club, the Iris Society, State Officers Club of the Kentucky Society, Daughters of the American Revolution, Chapter Regents Club of K.S.D.A.R., Cynthiana-Harrison County Chamber of Commerce, Harrison Memorial Hospital Auxiliary, and the Harrison County Historical Society.

Quite recently, Mrs. Hawk was also recognized for her volunteer services by the Kentucky Office of Volunteer Services and the Kentucky Federation of Business and Professional Women's Clubs, which sponsored a program called SHARE (sharing hope and responsibility effectively). It came as no surprise that Mrs. Hawk qualified—over and over—for this outstanding award. Mrs. Hawk was nominated for

this award by her appreciative friends in the Harrison County Garden Club.

It is with the greatest pleasure that I submit Mrs. Hawk for recognition in the CONGRESSIONAL RECORD for being an outstanding volunteer and an exemplary citizen of Cynthiana, Harrison County, Ky. and of the United States of America.●

UNITED STATES-JAPAN RELATIONS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, now that Japan is in the midst of a municipal election cycle, and parliamentary elections are coming up in June, I think it is important that we pause to reflect on our political, economic, and military relations with our close Pacific ally.

Our political relations could not be stronger. Under the stewardship of Prime Minister Yasuhiro Nakasone, the Japanese Government has made great strides to show its sincere desire to maintain these close ties. Prime Minister Nakasone, more than any other Prime Minister in the postwar period, recognizes and has made efforts to strengthen tangibly the relations between our countries. Recent efforts to reduce tariffs on many goods coming from the United States into Japan are examples of Japanese good faith in its dealings with its trading partners. The announcement last week that the Government will propose legislation to the Diet calling for a relaxation of certification requirements for imported automobiles is another example. The certification changes are particularly important due to the strong resistance in Japan from environmental and labor groups.

Recent diplomatic exchanges between Japan and the Soviet Union over the deployment of Russian nuclear weapons in East Asia underscore the need for continued U.S. support for our Japanese ally. In a time of growing budget deficits in Japan and internal political resistance to increased defense spending, Prime Minister Nakasone has pushed for a boost in defense outlays. While many of us in Congress feel that Japan can and should do even more in this area, Mr. Nakasone's action indicates a strong desire to strengthen ties with our country and to increase its share of the burden of providing for the common defense.

Mr. Speaker, it is clear that our economic differences with Japan will not be resolved over night. But it is equally clear that the Nakasone government has put its best foot forward in its efforts to clear up our differences. Based on my experience in the past as Chairman of the United States-Japan Trade Task Force, I believe that the attitude of Mr. Nakasone and his Cabinet indicates a great development for a strong and even-handed relationship between our countries. There are many who will be skeptical. Based on past performance, I know why. I think, though, that we will all be pleasantly surprised as we work with the Nakasone government to strengthen our relationship with Japan.●

PERSONAL EXPLANATION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. OTTINGER. Mr. Speaker, I was unavoidably absent on April 12 because of important business in my district. The House at that time approved H.R. 1437 California Wilderness Act of 1983 offered by our beloved late colleague PHIL BURTON of California. I fully endorse this act which will go a long way toward rounding out the Nation's wilderness system. H.R. 1437 is a major step in the protection of key wildlife populations in our Nation and it will be a wonderful legacy to Representative BURTON.

I would like to add that I would have voted no on the amendments to H.R. 1437 proposed by Mr. WALKER of Pennsylvania and the amendment proposed by Mr. YOUNG of Alaska.●

CHEMICAL WEAPONS BAN

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. BETHUNE. Mr. Speaker, I recommend the following article on chemical weapons to my colleagues. It is particularly appropriate for today—the day we are discussing freezes. We should all remember that we have had a freeze on chemical weapons for 14 years. We should also note that this has been a real freeze; we have not added any chemical weapons to our stockpile since 1969. Even if we passed a nuclear freeze, we have already demonstrated that we do not mean it when this House passed a defense budget calling for a 4-percent increase. This House demonstrated we do not mean it even more dramatically last year when it defeated an amendment offered by Congressman CONYERS that would have delayed procurement authorizations for nuclear weapons for 1 year. The amendment was defeated 21 to 355.

But this House demonstrated we do mean to have a chemical weapons freeze by passing the Zablocki-Bethune amendment to delete production funds for binary chemical weapons by an overwhelming vote of 251 to 159. We have now got a treaty on the table in Geneva to ban chemical weapons and make this freeze a permanent freeze.

[From the Christian Science Monitor, Apr. 7, 1983]

CHEMICAL WEAPONS: A PROMISING AND OVERLOOKED ARMS CONTROL PROSPECT

(By Brad Roberts and Ron Bee)

The burgeoning nuclear weapons debate has overshadowed a set of negotiations in Geneva that are showing hopeful signs of progress. Their subject is chemical weapons, including choking agents, blood gases, blister agents, psychochemicals, and nerve agents—some of the grisliest reminders of the ugliness of war. These talks are in a critical phase, and the wisdom and goodwill of American policy are being tested.

The need for a complete and verifiable ban on chemical weapons grows ever more urgent. Their possible proliferation to other nations is a major worry. A more urgent concern for the United States derives from the East-West balance: the Soviets possess a significant advantage over the U.S. in terms of their ability to wage combat in a chemically contaminated environment and in terms of their apparent readiness to use such weapons.

Without a ban, the U.S. is faced with two unpalatable options. The first, a willingness to respond to a chemical attack with nuclear weapons, lowers the nuclear threshold. The second, the maintenance of a credible chemical deterrent, is highly distasteful, and is becoming increasingly difficult as the U.S. faces the problem of modernizing its chemical warfare capability.

The Reagan administration has, in fact, proposed to modernize the currently existing U.S. retaliatory capability by producing binary chemical weapons, though Congress last year denied the funds. Binary weapons consist of two relatively nontoxic chemical components that form nerve gas only when combined, which makes them safer, easier, and cheaper to store and transport. Their production also raises the specter of substantial political turmoil in Europe on a level commensurate with the infamous neutron bomb controversy.

Chemical weapons have been on the arms control agenda for many years, and the negotiating successes have been important but inadequate. The Geneva Protocol of 1925, set in motion by the abhorrent experiences of World War I where poison gases were used extensively, was an attempt to control this form of warfare. But it forbids neither the production, stockpiling, nor use of such weapons, though use is permitted only in retaliation against those who use them first. During the Nixon administration, negotiators were able to split off biological weapons from the comprehensive chemical weapons domain, and since the Soviets shared our perception that there could be no possible rationale for such weapons, an agreement was quickly achieved.

A complete ban on chemical weapons production, stockpiling, and use has been actively sought since 1972. Under the rubric of the Committee on Disarmament, a 40-member group of nations loosely affiliated with the United Nations, talks in Geneva have resolved many technical obstacles to effective chemical weapons control. But progress has been slow. Reports of Soviet

"yellow rain" activities in Southeast Asia and Afghanistan have made the search for verification provisions more arduous. And nonaligned nations have avoided anything that might trap them in a superpower propaganda whirlpool.

The source of our current optimism is a document submitted Feb. 10, 1983, by US negotiator Louis G. Fields that for the first time spells out in detail US views on the necessary contents of a chemical weapons ban. Happily, its submission broke a long lull in US activism. The document reflects a careful review of the achievements of the many working groups over the years. It attempts to resolve the longstanding stumbling block—verification—by proposing a mix of systematic and ad hoc international on-site inspections.

There have been recent indications that the USSR is moving toward acceptance of this idea. But whatever optimism this initiative engenders must be tempered by the lessons of the past.

First, progress in the multilateral talks historically has been dependent upon bilateral US-USSR talks, but these have been held in abeyance by the US since the election of the Reagan administration. The intended effect, to help the world community perceive more clearly Soviet recalcitrance and manipulation, has been realized. But without US-USSR bilateral agreement, there is no chance for an effective ban. Is the US prepared to gamble by returning to the bilateral talks?

Second, bureaucratic ineptitude and unclear lines of authority have frustrated the talks from the start. Soviet delegates last summer tabled a document similar in purpose to Fields', but when pressed to explain positions on verification, they were apparently unable to gain Moscow's clearance. Let us hope that the current malaise at our own Arms Control and Disarmament Agency does not paralyze our efforts.

Third, there is a real question of the negotiating sincerity of both superpowers. The Soviets have been astute propagandists, and their intense focus on temporary, tactical advantage raises questions about their commitment to the broader arms control goal. But our own record is not as good as we might wish, and many abroad question our intent. US prestige has been tarnished by the 50 years it took us to accede to the Geneva Protocol and by the five years it took us to sit down to bilateral talks on chemical weapons after they were first proposed by President Nixon in 1969.

Washington's reluctance to return to bilateral talks is increasingly perceived as a sign of US insincerity about chemical weapons arms control, as is the administration's dual-track, "carrot and stick" approach to arms control and modernization. Further doubts are instilled by our policy, only just overturned, to deny a negotiating mandate to our representatives in Geneva (without which they can only talk in a noncommittal way).

Success now in these talks could rid the world of the specter of one of the most horrid of man's inventions. It could also create an atmosphere conducive to arms control successes on other fronts. Failure could precipitate dangerous proliferation, extensive troubles for NATO, and a further erosion of US prestige abroad. Our commitment must be unflagging.

(Brad Roberts is in the politico-military affairs section of Georgetown University's Center for Strategic and International Studies. Ron Bee is a Washington-based foreign affairs and national defense consultant.)●

VOICE OF DEMOCRACY SPEECH CONTEST

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. HOPKINS. Kathryn Burgess McKee, a senior at the Harrison County High School in Cynthiana, won the Voice of Democracy speech contest in Kentucky this year. Miss McKee, daughter of Mr. and Mrs. Thomas McKee of Rural Route 1, Cook Pike, shows an uncommon understanding of the importance youth holds in this country. As she writes in her winning speech:

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

Youth is the hope of America and Miss McKee's speech eloquently expresses this. Below is the complete text of Kentucky's prize-winning Voice of Democracy speech:

"Your old men will dream dreams and your young men will see visions . . ." are words of wisdom found recorded in the Bible. Dreams and visions are much the same thing as they culminate, without the barriers of age, into hope for the future.

"America's eternal circle of strength is found not in the material comforts we enjoy, but in the people who compose the greatest democracy ever created. The people of my generation are America's youth and we are a part of the never-ending circle which upholds American ideals, and we can be America's strength, but first we are our country's hope. The hope for citizens to defend her, to respect her, and to improve her. We are the hope for the strength of the future.

I am young and I am overflowing with a vigorous ambition to tackle age-old difficulties whose solutions have eluded the wisest of preceding generations. Because of my youth, I am naive and cannot understand the complexities of America's difficulties. Likewise, I am unable to fathom the depth of my good fortune in natural citizenship.

It will be a long time before I can comprehend. First I must join the marching ranks of young soldiers and sailors, doctors and nurses, pilots and prisoners of war who defend our heritage of freedom.

I must join the parade of businessmen and executives who shape our economic destiny. I must walk with ambassadors and missionaries who proclaim the hope for peace and the desire for stability worldwide.

I must be the representatives and the senators, the Cabinet members and spokesmen, and the Presidents who mold America's destiny and exhibit the fruit of her hope.

But not yet. Now I am the student who learns how to express her wish for tomorrow and touch her elusive vision. I cannot be strong yet. I cannot shoulder a burden I have yet to understand—but I can learn. I need to be nurtured and protected so I can learn how to defend. And then I can understand.

Do not depend on me too much America. I cannot carry the load alone and I know you will not expect me to do so. I must drink of Ponce de Leon's mythical fountain of youth and mature into the hope and strength of tomorrow.

Because youthfulness is as much an attitude as an age group, America's real strength lies in the undaunted flexibility of her people that allows us all to be eternally young and forever fortified.

The sage advice found in the book of Timothy, "Despise not the days of your youth" must be the pattern followed by today's young people. We must cherish the time of our development rather than press for an irresponsible maturity. We must be patient and we must ask America to believe in us. And then—the hope which we have envisioned must blossom into a tangible element of an eternal circle of strength.

Certainly, this patriotic young lady had felt the need for all Americans to join in the shaping of its future, guaranteeing its rights and freedoms for generations to come. She, for one, is willing to accept her share of the responsibility.

It is with great pleasure that I submit her speech in the CONGRESSIONAL RECORD. And I applaud the Veterans of Foreign Wars of the United States and its Ladies Auxiliary for the annual scholarship contest.●

RESOLUTION TO MAKE SELECT COMMITTEE ON ASSASSINATIONS PROCEEDINGS PUBLIC

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. EDGAR. Mr. Speaker, it has been almost 20 years since the assassination of President Kennedy and 15 year since the assassination of Dr. Martin Luther King.

The resolution introduced by Mr. MCKINNEY and I today, along with other colleagues, makes the proceedings of the Select Committee on Assassinations available to the public. This is an action which the committee, of which I was a member, intended to take but failed to carry out for lack of time and money in the waning days of its existence.

We can affirm a policy of full disclosure of the proceedings in a manner consistent with the protection of classified information and the protection of innocent victims. The release of the committee's work would be governed by the guidelines used in making the Warren Commission documents available, and I certainly believe the House proceedings are comparable documents.

The Warren Commission has released over 90 percent of its records and the FBI and CIA have made thousands of pages available to the public in the interest of an informed citizenry.

For Congress to stand alone in the withholding of its files can only create an aura of mistrust and skepticism as to the thoroughness and competency of the House investigation.

I state, as I believe President Kennedy and Dr. King would state were they here today, that it is in the national interest to make the Assassination Committee's proceedings, under responsible Federal guidelines, available to the public.●

HOLOCAUST GATHERING

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Ms. SNOWE. Mr. Speaker, thousands of survivors of the Holocaust are gathering in Washington this week to share with each other and with all of us the anguish of their experiences. It is in preparation for a time when there will no longer be living witnesses to those events.

This gathering has several objectives, but two are particularly meaningful to me: To act as a remembrance of the past and faith in the future and to extend gratitude to the people and Government of the United States.

For an American growing up after World War II, the fact of the Holocaust was but a distant, omnious roll of thunder. It did not become part of my deepest consciousness until I saw human beings with numbers tatooed on their arms, until I heard the stories of resistance and escape, or until, as a schoolgirl, I contemplated the presence of a militant and purposeful evil in the world.

It is interesting to me that we refer to certain historical moments in time as the Dark Ages when within our own lifetime outrageous acts of violence and hatred touched so many innocents. Democracy is a powerful force, but we should be mindful that its existence is precarious. Its spark can only continue to illuminate our lives through the civic genius of our people—and through the commitment of all of us to the proposition that freedom cannot be left to chance, but must be continually reaffirmed by the process of free choice, and defended if necessary by force.

The President's Commission on the Holocaust report of September 1979 points out that "to remember the Holocaust is to sensitize ourselves to its critical political lessons. Nazism was facilitated by the breakdown of democracy by the erosion of faith in the political leadership and in the ability of democratic governments to function." It is clear the message of the Holocaust deserves the most careful consideration of everyone of any religion. Human progress finds its foremost expression in the concept of universal brotherhood, as in the story of Ruth where we learn that shared understanding and commitment can extend beyond the bond of kinship.

Therefore, as we follow the events of this week, let us concentrate not on the moments of dispair, but rather proceed in a spirit of hope and determination that the decent and civilized people of this world will remain vigilant to prevent such tragedy from occurring again.●

THE PEOPLE OPPOSE WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues an excellent article by Mr. Ross Mantooth from the Farmersville Times of Farmersville, Tex., explaining why the people of the United States are genuinely opposed to withholding, and why they are not impressed by theatrics at the White House or the Treasury.

THE PEOPLE OPPOSE WITHHOLDING

(By Ross Mantooth)

Well, there he goes again. Twice recently the President, in a fit of temper, has said he was up to his keister with some group of people.

Just how deep he is in with a lot of people must cause his advisers some concern. The last exhibition, so unbecoming to a man in his position, came when he violently threw his glasses on the floor and declared he had had it up to his keister with the bankers of America.

This tirade of temper was brought on because every saver in America objects to the government requiring the banks and other savings institutions to withhold 10% of the earned interest on their savings accounts. He intimated that bankers had misrepresented the facts regarding withholding of interest. Somehow the hundreds of thousands, perhaps millions of letters received by congressmen fail to register with the Messrs. Reagan, Regan, Dole and others that the majority of the people object to withholding of their money.

The money does not belong to the banks. It belongs to the people who are hoping to add to their savings. It belongs to people who now or at a later date will depend on interest for at least a part or perhaps all their income. They will definitely be affected by the intention of the government to get and spend their money before time to even report their income.

Just who is misrepresenting the issue may have been clarified last week, according to Pratt's letter: Treasury Secretary Regan virtually acknowledged the withholding law is nothing but a scam on the consumer. He says the Treasury could collect the taxes now being avoided at a cost of $1 billion. Studies show the start-up costs to banks will be $3 billion. That's efficiency, government style. He says the banks should be willing to sacrifice a little. $3 billion just isn't a little thing, especially to collect the taxes when the IRS already has the information and should be collecting them now.

The Messrs. Reagan, Regan and Dole have all shown red-faced displays of anger. Could it be these advisers have backed themselves into a corner and are in need of a scapegoat? It is very difficult to believe they are fooling the people. The administration is already very unpopular with social security recipients and to anger them even more along with all of America's savers would cause one to wonder just who is in trouble up to their keisters.

Anyway, all of them have displayed temper tantrums like a child when his favorite toy has been taken away from him. Such displays detract from the dignity of their offices. Such unwillingness to listen to the majority of the people or even give consideration to the desires of the people can only disclose stubborn, obstinate, self-opinionated personalities.

Paul Harvey excuses the President's outrageous outburst by saying he has a little bit of the Irish in him. Paul; my friend, a lot of people wore green on St. Patrick's Day. It is almost a sure thing that America's savers, jobless and social security recipients are also capable of getting mad.

Incidentally, Mr. Harvey, the recent shuffle in compiling figures concerning unemployment, consumer price index and all other economic indicators leaves us wondering just what is the true picture. It sure is hard for some people to see the beautiful picture you tend to paint regarding rapid recovery from recession while each paycheck buys less than the last one. Sorry, Paul, but we are not buying snow jobs today.

Yes, bankers do object to the costly burdens being placed on them, but they are joined by the millions of savers in trying to convey their message to their congressmen. Besides hurting savers financially and interrupting their tax paying program, removing money from savings is in direct opposition to the administration's program of making more money available to borrowers for the stimulation of the economy. The best leaders are willing to listen, compromise or even change directions when proven to be wrong.●

ILGWU PLAYS IMPORTANT ROLE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. FRANK. Mr. Speaker, recently, in an article published in the Fall River Herald, Nicholas Roussos, district manager of the International Ladies Garment Workers Union for the Fall River area, made some very important statements about American trade policy. Mr. Roussos is a labor leader with considerable experience in fighting for the rights of American working men and women. His concern for the rights of the people he represents, and his concern for the social and economic well being of all working people, are widely recognized in the Greater Fall River area and throughout the State of Massachusetts. As a former labor commissioner of the Commonwealth of Massachusetts, and

as a man with very wide experience in both Government and the labor movement, Mr. Roussos is a man whose opinions on trade deserve a wide reading.

I ask that his article be reprinted here so that the Members may profit from the words of a respected and able leader of the American labor movement on the important subject of trade.

The article follows:

[From the Fall River Herald, Mar. 29, 1983]

ILGWU: PLAYS IMPORTANT ROLE

(By Nicholas Roussos)

Since 1974, the United States has, with other nations of the world, joined in a treaty called the "Multi-fibre Agreements," in general, the ground rules for international trade in apparel and textile manufacture. The ILGWU, over the years, has played an important role in the development of these "Fair Trade Policies."

As a result of these treaties, any economic planning in Southern New England must consider modifications or major changes proposed in future Multi-fibre Agreements, including President Reagan's attempt to open the Caribbean Basin for such imports. In the international economic game of chess, we have, as a nation, promoted foreign competition, particularly in those areas of economic growth requiring relative low capital investment and in industries that are labor intensive, i.e., textile, apparel, leather, plastics, etc. We banked upon the fact that as wartorn or underdeveloped nations' economies improved, they would not only attain a semblance of political stability, but eventually would require and purchase those sophisticated goods and services we pioneered and developed.

It seemed to work until many of those countries developed industries that began to compete with those manufactures we felt secure we could remain competitive in: steel, auto, electronics, and those sophisticated, much-touted high technology industries—our imagined "ace-in-the-hole."

Today over 10 million American workers are victims of short-sighted planning, with at least another 5 million employed part-time or in those much proclaimed, but in the main low paying minimum wage, service industries. The McDonald's hamburger chain alone presently employs more workers than the total employed in the American steel industry. The last domestic maker of televisions, Zenith Inc., ceased operations in this country over five years ago. Even our "ace-in-the-hole," the much heralded computer industry, is beginning to crack, as technological breakthroughs and cheap labor recently lured "Atari," with its 5,000 production jobs, from the recession-proof Silicon Valley of California to Hong Kong.

The argument that imported textile and garment manufacture reduce costs to the American consumer was refuted by testimony presented by Sol C. Chaikin, president of the ILGWU, when actual products both of foreign and domestic manufacture were shown before the Trade Subcommittee of the U.S. House Ways and Means Committee. These items were identical, sold under the same label, bought at the same time and in the same stores, and sold for the identical retail prices.

"If there are benefits from lower prices of imported apparel, they go to the retailer and importer, not the ultimate consumer," Chaikin said.●

SIGNS OF STRAIN IN SAO PAULO

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. SCHUMER. Mr. Speaker, earlier this month, there were serious riots in Sao Paulo, Brazil. According to a recent editorial in the Washington Post, these riots were "a response to the financial pressures on Brazil."

Unfortunately, Brazil is not the only nation facing serious financial pressures. Since January 1, 1982, more than two dozen countries have announced that they can no longer repay principal and interest according to the original terms of their loan agreements. Several have unilaterally announced that they will not pay any principal in 1983. Others, are reportedly considering the pros and cons of forming a debtors cartel and postponing principal payments for at least 2 years.

This financial crisis affects every American. Many of the countries with the most severe financial problems are among the best customers for U.S. exports. If we do not take steps to ease their debt burden, we will be increasing U.S. unemployment, reducing the prospects for a robust recovery, and increasing the probability of a new round of civil disorders throughout the Third World.

Fortunately, there are ways to avoid these problems—alternatives that insure that U.S. banks will be repaid and that employment in the United States will increase. I have introduced H.R. 2378, the International Financial Stability Act. This bill calls on the International Monetary Fund, in conjunction with the relevant finance ministers and bank officials, to convert short-term, high-interest bank credits into longer term, lower interest loans. It also asks the IMF to arrange this stretch out so that each country's annual payments of principal plus interest are set as a reasonable and prudent percentage of its annual export earnings.

This approach offers the best opportunity to deflate the debt bubble in a prudent and reasonable manner. It will give debtor nations the breathing room they need to get their finances in order and to continue purchasing U.S. products. It spreads the burden of rescuing the financial system equitably among banks, debtor nations, and developed countries. And by helping debtor nations and banks, it increases the prospects for rapid economic growth, both at home and abroad.

With this in mind, I am pleased to call to the attention of my colleagues, an editorial in the April 11 Washington Post. The editorial makes two important points. First, as Congress considers the IMF quota increase, "one urgent question is whether some of the high-interest, short-term debt cannot be converted into low-interest, long-term debt." Second, "moderating the interest burden on Latin borrowers is an important element in the recovery of the North American economy."

SIGNS OF STRAIN IN SAO PAULO

The riots in Sao Paulo last week are an early response to the financial pressures on Brazil. Those rising loan payments translate into lower standards of living at a point when, after nearly 20 years of military rule, Brazil is trying to find its way back to democracy. An elected governor was installed in Sao Paulo several weeks ago, and the recent trouble started with a demonstration at his palace protesting unemployment.

Brazil is now in the third year of recession, and its austerity program was sharply tightened over the winter as it negotiated for new loans. The government devalued the currency by a staggering 30 percent in February, and the International Monetary Fund imposed pretty stiff conditions on a crucial loan six weeks ago. The riots are not necessarily a sign that the IMF was wrong. But they are certainly a reminder that everybody, including the international lenders, needs to go cautiously. Austerity programs can't be tightened indefinitely.

Here in Washington, the House Banking Committee is working on legislation to expand the IMF's lending resources. Without that expansion, credit terms for the borrowers will get a great deal worse. But if the bill is passed, Congress is certain to attach new restrictions on American commercial banks' foreign lending. The federal bank regulators have now made a series of sensible proposals, including a requirement that banks disclose publicly their total foreign lending broken down by country. In the aftermath of last year's debt crisis, it became clear that no one, including the banks themselves, fully realized how much had been lent and how fast the totals had been run up especially in the past two years.

But the Banking Committee might keep in mind that there's another side to the story. Brazil was one of the most careful of foreign borrowers and used its loans well over the years to support rapid and substantial growth of its economy. Because of that growth, Brazilians live longer, among other things, and the infant mortality rate is falling. The repayment got out of hand only when a worldwide recession coincided with soaring interest rates that no one, in Brazil or anywhere else, fully foresaw.

As the debts of countries like Brazil are renegotiated, one urgent question is whether some of their high-interest, short-term debt cannot be turned into low-interest, long-term debt. If most of Brazil's foreign earnings are preempted by high interest payments, it will have little to spend for imports—goods bought from, say, the United States. Moderating the interest burden on the Latin borrowers is an important element in the recovery of the North American economy.●

H.R. 1900

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. GRADISON. Mr. Speaker, in December 1981, and again in February 1983, I introduced legislation to stop the erroneous payments of social security benefits to deceased persons. Recently this bill was included as section 337 in H.R. 1900, the Social Security Act Amendments of 1983.

Section 337 requires the Secretary of Health and Human Services to gather from the States a data base of each certificate information, set up a computer system with the data base to cross-check beneficiary records, identify through computer matches deceased people on benefit roles and, after validating the computer identification of a deceased person, remove the deceased person from the roles.

The provision also allows Health and Human Services to share the data, under specified safeguards, with other Federal agencies and the States. As many as 10 Federal agencies can benefit from the use of this data to purge deceased recipients from their roles. All of the States can use the data to tighten up various State-run programs.

The key legislative provision of section 337, without which the Social Security Administration (SSA) has been unable to establish a computer system using death certificate data, is an exclusion of the death certificate data from the Freedom of Information and Privacy Acts. This exclusion allows States with confidentiality laws which prohibit the public disclosure of death certificate information to release the information without breaching such laws. The Freedom of Information Act (FOIA) grants the public legal access to any Federal agency documents, except those important for national security. Without an exclusion from FOIA, the public could obtain death certificate data from SSA and then the States' laws could be violated. With an exclusion from this act for the death certificate data, the States will be willing to let SSA use the data since the exclusion protects the data from public disclosure and their laws would not be violated.

The drafting and passage of this section were aided greatly by the work of SSA, the National Center for Health Statistics, the State registrars, the General Accounting Office (GAO) and Senator ROBERT DOLE. Of particular note were pilot projects which SSA and GAO each developed based on the methodology suggested by H.R. 5188, which I introduced in the 97th Congress. Both pilots found significant numbers of deceased persons on benefit roles. SSA's pilot found millions of dollars in social security payments to the deceased, while GAO found death fraud in nine different Federal agencies. These studies showed the efficacy of H.R. 5188 and helped insure its passage.

The legislative history of H.R. 5188 may be of interest. The bill was made a part of the Miscellaneous Social Security Act Amendments of 1982, after the Social Security Administration testified in support of H.R. 5188 during hearings on the miscellaneous amendments in December 1982. The bill subsequently was made a part of the Miscellaneous Social Security Act Amendments of 1983, which in turn was written into H.R. 1900. Senator DOLE added an amended version of the bill, incorporating suggestions by GAO and SSA, into S. 1, the Senate social security reform legislation. Then, finally, that version was adopted in the House-Senate conference on H.R. 1900.

The legislation becomes effective on January 1, 1984. My only concern now is its effective implementation. The bill purposefully gives the Secretary of Health and Human Services some discretion in determining which Federal agency should maintain the data bank.

The most likely place for the data bank is SSA itself, because SSA will have the greatest use for the information. The other major alternative is the National Center for Health Statistics (NCHS) because NCHS now already maintains a data bank containing some of the death certificate information needed for the section 337 data bank.

I have been working with GAO and SSA to provide some oversight of the implementation of the bill and am pleased to note that Health and Human Services is proceeding quickly. I will continue to follow the agency's progress closely; section 337 requires Health and Human Services to report on the section's implementation in 1984 and I am hopeful that by that time the system will be in place.●

THE B-52: AN AGING WARRIOR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. MICHEL. Mr. Speaker, the Christian Science Monitor recently had two of its reporters fly with the crew of a B-52H, one of those airplanes that make up one-third of our nuclear deterrent force.

Their report stressed the fact that the B-52 "has been reburbished and modernized as much as it can. The plane is hard put to generate enough electricity to run the new gear. Many of the spare parts manufacturers have gone out of business * * *." Yes, one officer proudly states that the B-52 is not "an unsafe plane" and contains many systems that are "state of the art." But the general impression left by this article is that the B-52 simply cannot do the job in the technological environment of the 1980's and beyond.

If the radar image of the B-1 can be compared to the size of a desk, the radar image of the B-52 is the size of an airplane hanger. We simply cannot risk our national security on such an airplane. The B-1 is needed.

At this point I insert in the RECORD, "The B-52's: Short on Space, Long on Thunder," from the Christian Science Monitor, Friday, April 8, 1983:

[From the Christian Science Monitor, Apr. 8, 1983]

THE B-52'S: SHORT ON SPACE, LONG ON THUNDER

(By Brad Knickerbocker)

The morning sounds of an office coming to life grow louder as Chuck Holland and his colleagues gather to discuss the coming day's work. Their briefcases stuffed with papers and books, thermos bottles and sandwiches, could easily belong to young lawyers or accountants.

But their workplace this day is out across the flight line at a US Air Force base. A chilly, windswept space separates them from most Americans in what they do but brings them very close to an increasingly common concern: how to prevent nuclear war.

Captain Holland is a bomber pilot. At 29 he is the "old man" of a crew of six young men prepared to drop and launch in a single flight more destructive power than 100 Hiroshimas would have seen.

They fly Boeing's B-52 Stratofortress, known among crew members as the "Buff," for "Big Ugly Fat Fellow." Decked out somewhat uncomfortably in parachutes, helmets, and oxygen masks, two journalists have joined this day's training mission. They are trying to find out something about the airplane some say should be relegated to the Smithsonian Institution and about the crews, whose members often are younger than the planes they fly.

Our craft this cold, lowering South Dakota morning is a B-52H, the newest B-52 and last delivered to the Air Force 21 years ago. That means Chuck Holland and company probably were concentrating on the TV program "Leave it to Beaver," Little League baseball, and the mysteries of long division when their bomber first entered service some 9,000 flight hours ago.

As we approach the hulking craft, which has a ground crew standing by and a number of umbilicals attached, I notice that its camouflaged skin is wrinkled. "Twenty years of flying will do that to you," explains Holland. "Just like a face."

After a quick walkaround, a tug here, a kick there, crew members burrow up through a hatch in the plane's belly, crawl to their assigned spots, and strap into ejection seats.

The aircraft commander and copilot are up front in the only spot with windows. Electronics warfare officer and gunner are 12 feet behind, facing aft. Navigator and radar-navigator are down a ladder beneath pilot and copilot in a cave dimly lit by the erie, red glow of what seems like a thousand gauges and dials. Reporters are wedged in between black boxes and will spend most of the next eight hours on hands and knees.

The B-52 was not built for comfort.

"I honestly think at the last minute they remembered they had to put a crew in so they scraped out a little space for us," says Capt. Holland. There is no place to stand. The best way to be sure of a good meal is to bring it from home. The incessant noise of the cabin pressurization system makes it impossible to talk without shouting or using the intercom.

"It's a flying gas tank with a little spot in the front for the crew and a spot in the middle for the bombs," he adds. A big spot for the bombs, he might have said. The B-52 can carry 70,000 pounds of weapons, including four of the biggest bombs mankind has ever built and eight shortrange attack missiles (SRAMs) in the bomb bay. Twelve more SRAMs can hang under the wings. Each SRAM explodes with a force equal to 200,000 tons of TNT, more than a dozen times the size of the first atomic bomb dropped on Japan.

The crew goes over its preflight checklists and begins turning up the eight engines. Each engine produces 17,000 pounds of thrust, all of it necessary to propel the 244-ton behemoth down the runway and into the air.

As usual with B-52s, not everything works on start-up. There is a problem with the celestial navigation system, which seems to correct itself as the plane bumps and jiggles during taxi. On our flight, two other important systems—terrain-avoidance radar and cabin pressurization—will fail.

In six years of flying B-52s, Captain Holland says he has never landed without some maintenance problem.

With a roar and jerk, we accelerate about a mile down the runway, gaining lift at 142 knots (becoming "unstuck" as the pilots say), and heading quickly into the haze and fog. Our eight-hour flight will take us over South and North Dakota, Wyoming, Idaho, Utah, Nebraska, and Montana.

The Strategic Air Command has about 300 B-52s, originally designed as a high-altitude bomber. But over the years, improvements in air defense weapons have forced it to fly low to maintain its ability to penetrate hostile airspace. And its ability to adopt to new strategies and technology have presented it with more tasks, including ship surveillance and support for the Rapid Deployment Force. Several months ago, B-52s began carrying long-range cruise missiles.

The Pentagon (especially at budget time) likes to stress that these bombers suffer from varying degrees of aging and absolescence, and that they need to be replaced by the B-1. Two B-52s have crashed within the past six months, a third blew up during ground fueling, and the wing collapsed on another.

In fact, the B-52 is very different from the plane first introduced nearly 30 years ago, and is likely to remain in service for years to come.

"It really isn't a 20-year-old airplane," explains Col. Robert Durkin, commander of the 28th Bombardment Wing at Ellsworth. "I would be surprised if there's an original rivet in any of those airplanes we have out on the ramp. It's been rewinged. It's been reskinned. It's been retailed. It's not an unsafe airplane."

"The airplane has been continually modified over the years," continues Colonel Durkin, who soon will pin on his general's stars. "There are a number of systems in the airplane that are state-of-the-art. We couldn't have anything better if we wanted it." That includes the new offensive avionics system (OAS), which has begun to replace older analog computers and navigation components with modern, solid-state digital systems.

After takeoff, Holland and crew climb to 27,000 feet to rendezvous with a KC-135 tanker (a modified Boeing 707) for aerial refueling. The two giants slowly join together, the bomber flying up underneath the KC-135 until the tanker's probe bumps and scrapes across the B-52's shoulders and into the proper receptical. We fly along in formation while the B-52 takes on 1,000 pounds of jet fuel for the drill. Without refueling, it can fly 10,000 miles. With tanker support, its endurance is limited only by that of its crew.

After more high-level navigation, the pilot throttles back and we descend to 750 feet for low-level navigation and practice weapons delivery.

This is where the radar-navigator, electronics warfare officer, and gunner are busiest. Simulated enemy radar and defenses are detected and countered electronically with 17 different transmitters or with strips of metal chaff and flares.

Some jamming frequencies are purposely avoided on these training runs. As the electronics warfare officer, Capt. Jon Antonson, says, "People get a little upset when you block out their favorite soap opera."

If enemy fighters appear, the six-barreled, 20-millimeter Gatling gun in the tail can spit out 4,000 rounds a minute under automatic radar guidance. This fire breather is controlled by Staff Sgt. Randy Kendrick, the crew's only enlisted man.

Things are tenser now as the northern Great Plains rush beneath us at eight miles minute. The B-52 heaves and pitches like a mechanical pterodactyl. It wasn't designed for this kind of treatment, and its wrinkles show it. Oxygen masks that had been removed for comfort are clamped back in place. Eyes and hands dart from controls to instruments and back. The intercom is punctuated with clipped reports and orders.

At predetermined points simulated SRAM missiles are launched against "highly defended targets" (mostly small towns and farms) within 100 miles of the flight path. "There goes Malad City," someone remarks cheerily over the intercom.

In the practice bombing area, several passes are made and a tone sounds as we approach the target under the control of the radar-navigator, Capt. Howard Philip, the soft-spoken Southerner who actually unleashes the B-52's nuclear fury. When the tone stops, bomb release is simulated and ground observers can plot within feet how close the hit would have been. If this were war, curtains would have been drawn to avoid flash effects and the low-level maneuvering would be strictly with the electro-optical viewing system, a low-light infrared TV screen that shows pilots the terrain ahead.

We climb out and head back to Ellsworth, but have to stay at 10,000 feet because the jet has lost cabin pressurization. More relaxed now, crew members talk about their plane and mission.

The problem with the B-52, they say, is that it has been refurbished and modernized as much as it can. The plane is hard put to generate enough electricity to run the new gear. Many of the spare parts manufacturers have gone out of business. But mostly, it's the increasing "threat environment" that has made the hulking Buff so vulnerable.

Copilot Mike Guillot (who's working on his MBA at the University of South Dakota) uses this analogy: On an enemy radar screen, if the newer B-1 were the size of a desk, the B-52 would be as big as a hanger. Or as Wing Commander Durkin puts it, "We've run out of ways to suppress the observables." This includes not only size, but noise and infrared emissions from the engines.

Chuck Holland and his fellows do not strike a visitor as "Strangelovian" in any way.

If asked, they will tell you that a manned bomber remains a necessary part of deterrence and the US strategic triad. They note that bombers, unlike missiles, can be launched and recalled without inflicting any damage. But they don't have much time to think about such things as strategic doctrine, nuclear parity, or geopolitics.

With families in mind and the knowledge that Ellsworth is a prime target for Soviet missiles and bombers, they don't relish the idea of taking off other than for practice.

Using the breezy jargon for the start of a nuclear war, copilot Mike Guillot says: "The chances are, if the bubble goes up, I'm not going to have much to come back to."

"We don't ever want to use this thing in anger," says Holland as he guides his B-52 back home at day's end "On the other hand, we have to stay ready."●

LEHIGH UNIVERSITY INAUGURATES ITS 11TH PRESIDENT, DR. PETER LIKINS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 1983

● Mr. RITTER. Mr. Speaker, on April 16, 1983, Lehigh University in Bethlehem, Pa., will inaugurate its 11th president. The man chosen for this position is on ordinary individual. At age 46, Dr. Peter Likins has accomplished more than most men do in a lifetime and he will bring to Lehigh a list of accomplishments that range from excellence in athletic competition to high honors in scholastic and research achievement. In short, Dr. Likins' career epitomizes the fine reputation that Lehigh University has achieved.

John F. Kennedy once stated, "there is nothing more beautiful than a university campus." Lehigh University reflects this feeling. Situated on the hills overlooking Bethlehem and the Lehigh Valley, Lehigh University is a school steeped in tradition and history, yet poised for the future. As one of the Nation's leading schools of science and engineering and emphasizing the high technology that is revolutionizing American industry today, Lehigh has earned an international reputation in producing well rounded scholars. The university maintains particularly strong programs in the humanities and social sciences. Its ivy-covered buildings have been witness to the legions of students whose minds and eyes it has opened; students who became leaders in our Nation's evolving industrial age, in the dynamic

changes of the New Deal, the industrial revolution brought on by World War II, and students who today pursue an understanding of the outer reaches of our galaxy.

Peter Likins brings to Lehigh University over a quarter of a century of education and engineering experience. As an undergraduate at Stanford, Dr. Likins distinguished himself not only as a scholar, but as a varsity wrestler, a sport of no mean achievement at Lehigh. In that sport which combines a constant interplay of intelligence and physical prowess—competition in which only the mentally and physically strong climb to the pinnacle—Peter Likins was undefeated throughout his 4-year college career. In championship competition, he earned silver medals in Pacific coast competition and the AAU far western freestyle championship. As a scholar, his career has been meteoric. In 1957 he received his under-graduate degree from Stanford, in 1958 an S.M. in civil engineering from MIT and in 1965 a Ph. D in engineering from Stanford.

His career has taken him from the jet propulsion labs of the California Institute of Technology to the faculties of the University of California and Columbia University. At Columbia, he served as provost and before that as dean of the Columbia University School of Engineering and Applied Science. He is the author of an engineering mechanics textbook, contibutor to several advanced texts in the aerospace field and author to more than 50 technical journal publications. He has been honored 11 times for the quality of his teaching.

Outside the laboratory and classroom, Dr. Likins and his wife Patricia have taken an active part in the communities where they have resided. Their love for sports and competition has not languished since the Stanford days. In Park Ridge, N.J. Patricia Likins served as president of the Youth Athletic Association and coached young wrestlers. Dr. Likins also served as coach of the wrestling and football teams. They are the parents of six children, all of whom were adopted by Dr. and Mrs. Likins. The family is a story in and of itself, a story of love and understanding and one that reflects the kind of people that Peter and Patricia Likins are. These adopted children, like the larger adopted university families at Columbia, the University of California, and Lehigh have been the driving force in Peter Likins's life.

Peter Likins is a man who leads others with quiet confidence, intellectual sharpness and good judgment. To those who have gotten to know him personally, he is a warm, compassionate fellow. If the perfect president for Lehigh University, at this time, were to have been designed from on high, a better selection than Peter Likins could not have been found.

We in the Lehigh Valley are proud of the fine reputation of Lehigh University and I am personally proud to be a Lehigh alumnus. Lehigh's outstanding reputation serves to attract people like retiring President Deming Lewis and now, someone of the caliber of Dr. Likins. The Lehigh community whose alumni stretch across the country and around the world, as well as the entire Lehigh Valley of Pennsylvania will be the benefactors of Lehigh's new president. The Likins family takes an active interest in their community. And their interest is our community's gain. I applaud the selection of Dr. Likins as Lehigh's 11th president. Our Nation remains strong, free and productive because of institutions such as Lehigh and university presidents such as Peter Likins. I speak for the sentiment of the U.S. Congress when I congratulate him on his new presidency, offer him our support and pray for his success.

Welcome, Dr. and Mrs. Likins and your children to our university, welcome to our community.●

HARD TIMES AND HAPPY DAYS: THE CCC IN NORTH CAROLINA

HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. CLARKE. Mr. Speaker, the Civilian Conservation Corps—known to many of us as the CCC—was a very successful Government program that put our people back to work during the Depression and placed renewed hope in our hearts during a time of great despair.

Dr. Harley Jolley, a professor of history at Mars Hill College and a constituent of mine, has written an excellent article for the Asheville Citizen-Times, April 3, 1983, commemorating the 50th anniversary of the CCC. I would like to share this important work with my colleagues in the Congress and with the people of the Nation by submitting the text for the RECORD:

On a beautiful 1933 October day, 50 years ago, a group of young men were heard singing these words:

We are men of the CCC.
We are happy as can be;
We work all day, sleep all night;
We're all OK and feel all right.

What is so remarkable about those young men is that just a very few months previously they and millions like them were—

Nobody's men; unhappy as they could be; were never working; were doing little but sleeping, and even that was uncertain. They were never OK; and they never felt all right.

They were, indeed, the innocent victims of the Great Depression. And, yet in turn, they became the beneficiaries of one of the most remarkable reclamation projects ever launched in the United States—the Civilian Conservation Corps, popularly known as the "CCC," hence their song.

Never in the memory of man had life looked more dismal for the average American than it did in 1933. The Great Depression, constantly spilling its devastation across the land filled millions of hearts and minds with fear and frustration. And like the black plague, it was no respector of persons—all classes and all walks of life felt its horrible blight. Unemployment hit an all-time high, including some five million young men who were out of jobs, out of school, out of homes, out of place, and on the prowl.

Thus, at the age when they should have been in high school or college, entering the professions, and establishing homes these young men found themselves little more than civilization's driftwood cast aside, with no incentives and no hopes for improvement.

And it was not only these youths and their families who needed assistance. Our farms, soils, streams, and forests were also ravaged, senseless victims of man's prodigality. Throughout the nation more than half the farms were devitalized, forests were devastated, grasslands were blowing away, and relentless floods befouled land and life. In short, man and the land were in such a dire predicament that either a cure would be shortly found or the great American dream was doomed to become a nightmare.

To the great joy of the depressed millions there came on March 4, 1933 a vibrant promise of cure. Taking his presidential oath, Franklin D. Roosevelt confidently assured them: "This great nation will endure as it has endured, will revive, and will prosper." To insure this he summoned Congress for a special emergency session and convened innumerable task forces to implement measures which could turn America back toward prosperity.

Within days enabling legislation initiated his famous New Deal. Of vital interest to unemployed young men was a bill creating, in Roosevelt's words, "A Civilian Conservation Corps to be used in simple work, not interfering with normal employment, and confining itself to forestry, the prevention of soil erosion, flood control and similar projects." He also optimistically predicted that the moral and spiritual value of the work would be more important than the material gains.

Hoping to get at least 250,000 young men off the street and into the forest, Roosevelt called in key bureaucrats and assigned specific tasks. The Department of Labor was to recruit the enrollees; the Army was to house and feed them, vaccinate and condition them; the Departments of Agriculture and Interior were to find jobs and put them to work.

For a normally lumbering, cumbersome bureaucracy the results were almost miraculous. Within an unbelievably short time Roosevelt's so-called "Tree Army" was mobilized with a speed which far surpassed even the efforts put forth in World War I; the Civilian Conservation Corps legislation was passed on March 31, 1933; the first enrollee was selected April 7, 1933 (in the George Washington National Forest).

Spurred on by a dynamic President, the impelling economic needs, and the smell of a potential bonanza of federal dollars, an unprecedented number of agencies superbly cooperated across the nation. Within three months 250,000 young men, 25,000 war veterans, and 25,000 experienced woodsmen

were at work in 1,468 Civilian Conservation Corps scattered from coast to coast.

And soon the newspapers in Western North Carolina began filling their front pages with headlines like these from the Bryson City Times: "318 Men Arrive in Bryson City."

It was an exciting time for all concerned. One Tar Heel lady, with a twinkle in her eye, recently reminisced: "We girls got up at four o'clock in the morning to go down to the depot and pick us out a boy friend."

The newly established Great Smoky Mountains National Park, and the national forests in North Carolina, Pisgah and Nantahala, quickly received camps and towns like Hot Springs, Brevard, Franklin, and Bryson City immediately began to feel their impact. By the time the program ended in 1942 at least 60,000 young North Carolinians had served in the Civilian Conservation Corps.

Each state was assigned a specific quota for enrollment, with North Carolina originally being requested to send 6,500 men. This she did, plus 1,150 more, thanks to an increased allotment. And, according to the state relief administrator, "North Carolina was the first state to complete the enrollment."

To qualify for enrollment a candidate had to be an American citizen, between the ages of 18 and 25 (later changed to 17-28), physically fit, unmarried, unemployed, willing to stay six months, and willing to serve for $30 per month (with $25 of that being sent home to support his needy family). Soon, World War I veterans, many of whom had recently marched on Washington seeking relief, were also declared eligible for enrollment in veteran camps.

Each unit was set up like a military encampment with tents, or barracks for quarters, mess hall, infirmary, utility buildings, recreational hall, etc. Because of the speed with which the program developed many of the enrollees found it necessary to set up sawmill, saw lumber, and build their own camp from scratch.

Every camp was also given a number and a letter designation denoting its geographical location and agency affiliation. For example, Company Number 402, N.C. F-1, was located at Pisgah Forest and a U.S. Forest Service Camp. Company Number 3408, SCS-7, was located in Lexington and was a Soil Conservation Service Camp.

Most of the camps also had a name. The one of Topton was called "Camp Bob Reynolds." A Negro camp at Rainbow Springs was called "Camp Nathaniel Greene;" and "Camp Winfield Scott" was at Aquone. Cherokee history was honoerd by naming the camp at Smokemont "Camp William H. Thomas." Will Rogers and Wiley Post were commemorated with "Camp Post Rogers," a Negro unit at Forest City. The camp at Mars Hill was to pay off a Mars Hill College indebtedness.

While in camp the boys were under the supervision of military officers, including a commanding officer and a camp physician. For field work the Technical or Using Service (Forest Service, National Park Service, etc.) was charged with assigning and supervising all projects. A typical work day called for reveille at 6 a.m., physical exercise at 6:30 a.m., breakfast at 7 a.m., work call at 7:45 a.m., lunch at noon, return to camp at 4 p.m., retreat at 5 p.m., dinner at 5:30 p.m., followed by free time for recreation or school until 9:45 p.m., then lights out and all quiet.

For most enrollees camp life was a new and frequently traumatic experience. Everything, from the food to social life, contained a new challenge, adventure, or opportunity. One lad, writing to his mother said, "Mom, you won't believe the kind of food they give us. One of the things they feed us is yellow-looking, round, and a quarter-of-inch thick, and, umm-mm, it's good. They call-it pineapple, I think."

A commanding officer recalls the enrollee in a camp on the Blue Ridge Parkway who "rode" sick call and would not report for work duty. The nature of his complaint was that he was homesick. Finally the camp superintendent went to the physician and asked him to discharge the boy. "On what grounds?" "Find some grounds!" Wracking his brains for an acceptable excuse, 'Doc' granted him a medical discharge on the basis that he was "afflicted with nostalgia."

But that did not end the matter. About a week later the parents of the boy came to the camp and threatened to bring a lawsuit against the government: "He was perfectly normal when we sent him to you and you've sent him back to us with a dread disease, 'nostalgia.' We intend to sue!"

One of the camp experiences which fulfilled Roosevelt's long-time dream of a work-study program for youth was programmed education. It was quickly discovered that many enrollees were illiterate. To remedy this professional educators, called educational advisors, were assigned to most camps and they rapidly instituted a broad-ranging educational program.

Along with education went a recreational program which included most of the athletic sports, especially basketball, tennis, baseball, and boxing. Competition between camps became extremely hot and one Buncombe County man today has as his most cherished trophy, "The baseball that won the tournament!"

Boxing was extremely popular as is indicated by this new release for two camps in the Smokies:

"The star bout of the evening will bring together "Red" Evans, undefeated champ of CCC camp 413, and an excellent boxer, and Ed Thompson, big and tough fighter of CCC camp 411, who was unable to get an opponent to face him on Armistice day."

Camp life also brought an unprogrammed benefit—cultural exchange: many of the North Carolina boys who had never been out of sight of home wound up in such exotic places as Death Valley, Calif., and Yellowstone Park, Wyo. In turn, many an enrollee off the streets of New York and New Jersey landed in the mountains of North Carolina.

This kind of cultural exchange went on all over the nation, and proved to be an unforgettable bonus. The extent of the exchange can be surmised when it is recalled that a few months previously those Yankee boys had been in the soup lines yet this was their 1933 Thanksgiving dinner menu: Oyster soup, oysterettes, hearts of celery, green olives, mixed sweet pickles, grapefruit, tomato and avocado salad, roast Smoky Mountain turkey, oyster dressing, giblet gravy, cranberry jelly, sliced tomatoes, mayonnaise dressing, head lettuce, baked hubbard squash, Spanish string beans, cauliflower hollandaise, caramelized sweet potatoes, Bavarian rolls, hot minced pie, pumpkin pie, coconut cream layer cake assorted candies, mixed nuts, grapes, apples, oranges, bananas, cigars, cigarettes, New Deal punch, cafe noir.

Hard times and happy days, indeed.

But it was in the world of work that the camps made a gigantic contribution. By 1937 North Carolina had 60 separate camps serving about 50 counties and nine agencies. For example, the United States Forest Service had 19 camps, located at such places as Johns Rock (near Brevard), Buck Creek (near Marion), and Barnardsville. The Soil Conservation Corps had 20 camps, located mostly in the Piedmont. The Tennessee Valley had two camps, one at Mars Hill and one at Bakersville. The National Park Service had four in the North Carolina portion of the Great Smoky Mountains.

The State Park system had three, including one at Mount Mitchell. From the mountains to the seashore a remarkable variety of tasks were tackled and the results thereof are still being enjoyed today. Included were construction of recreational facilities, reforestation, erosion control, timber stand improvement, landscaping, fire fighting, beach stabilization, as well as construction of trails, roads, and bridges.

Perhaps even more important than these work accomplishments was the vocational training the young men received. Almost every conceivable trade skill was required to cope with the diverse projects. Thus thousands of enrollees received on-the-job training and acquired skills, such as welding, and heavy equipment operator, which earned them good livings for the rest of their life.

But it must be remembered that it wasn't just the enrollees who profited. Honorable and challenging jobs were provided for previously unemployed military officers, landscape architects, engineers, carpenters, mechanics, etc. Local farmers and merchants throughout the nation found economic salvation by catering to the Civilian Conservation Corps needs. For the state of North Carolina alone it has been estimated that more than $82 million were channeled into the economy, 1933-1942.

The advent of World War II brought a mass exodus of the enrollees out of the Civilian Conservation Corps into military service. They scattered into all the military branches and went unto the ends of the world, generously giving of their life's blood and applying the many skills they had learned while being salvaged from the depression.

Today, 50 years later, the first enrollee is deceased. The camps are overgrown and obliterated. The survivors are now senior citizens in a nation that is almost unaware of the rich heritage represented by the Civilian Conservation Corps. Every county in North Carolina has in it a fantastic oral history resource, as has recently been demonstrated by Eliot Wiggington and his Foxfire students. Of the "CCC" it may be truly said, as it was of a great English architect years ago: "If you seek their monument, look about you." So, here's a salute to the Civilian Conservation Corps and a prayer as parodied years ago by one of their own. "Now I lay me down to sleep. And if I should die before I awake, please, dear Lord, don't let some CCC boy my shoes to take."

Happy 50th anniversary!●

IDA NUDEL: CONTINUING CALL TO VIGIL FOR SOVIET JEWRY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. ARCHER. Mr. Speaker, Ida Nudel first applied to the Government of the Soviet Union for a visa to emigrate to Israel in 1971. Since then, she has tried to obtain, and has repeatedly been denied, her visa. The 12 years since her application have been a nightmare for her and those concerned about her welfare.

In June of 1978, Ida was sentenced and served 4 years of exile in Siberia. Her "crime" was malicious hooliganism. She had hung a placard from her balcony in Moscow which read "KGB give me my visa."

Elena Fridman, Ida's sister who immigrated to Israel with her family, receives periodic letters from her. They have now become very rare, and Elena writes to me that she is very concerned as Ida seems to have lost hope. She is ill and tired. She has no known address—she sleeps at bus stations. She feels that the Soviet Government has singled her out as an example and believes that we, the free world, have forgotten her. She has suffered beyond our comprehension.

The Congressional Call to Conscience Vigil for Soviet Jews is but one path to call attention and bring help to all those like Ida Nudel. We have many more to explore. We must continue through diligent efforts to force the Soviets to realize that we will not tolerate their lack of regard toward basic human rights.

Through the testimony of her fellow refuseniks, some of whom have been granted permission to leave and now reside in Israel, we find Ida to be a courageous, compassionate woman. Her relentless efforts and will have offered hope to her fellow prisoners of conscience and their families. When she had a home, she opened the doors to any refusenik seeking shelter and care. In these testimonies Ida Nudel is repeatedly referred to as the "Guardian Angel." She has helped focus world attention on the plight of Jews imprisoned in the Soviet Union for their beliefs alone. We must remember that Ida is more than a symbol. She is a human being who has undergone 12 years of persecution. She is a living example of human spirit and courage and she must not be forgotten.●

IN SUPPORT OF H.R. 1305

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. AuCOIN. Mr. Speaker, I rise to extend my full support for H.R. 1305 and the improvements it brings to the Education Consolidation and Improvement Act of 1981.

I stress in particular my admiration of two specific parts of the bill that are crucial to the future of bilingual and migrant education. Crucial, because without these provisions the administration will succeed yet again in turning its back on the truly needy in our society.

This administration, which brought us catsup as a vegetable and has consistently assaulted school lunches, now wants to throw tens of thousands of children out of the migrant education program by redefining what is a "migrant child."

I have no difficulty identifying migrant children. They are young and very poor and very easy to locate, for they usually live in shantys near the fields where their mothers and fathers and brothers and sisters work sunup to sundown picking the crops that the rest of us buy in our supermarkets. They are mostly very young Latinos with poor English skills, with no real family tradition of education to encourage them, with the poorest learning environment anyone can imagine. And now they have to fight the administration, too, for a chance to learn to read, and write, and spell.

In Oregon, Mr. Speaker, there are 11,000 migrant children who largely meet this definition, children who depend on the migrant education program. I have seen these children. I have spent hours and days in my district, looking at their housing, their medical care, the general state of their well-being. It is not good; it is awful. But what is even more awful, what is unforgivable, is the administration's indifference and hostility.

The Oregon Migrant Education Service Center predicts that if the administration gets its way on the definition of who is a migrant child and if it gets its way on the proposed budget cuts, migrant children will be dropped from the summer program, classroom time will be slashed, and, ultimately, children will be eliminated from all migrant programs.

When I see this happening, I know we have found the soul of this administration. Pull the funding. Tighten the regulation. Squeeze people out of the programs. And the great tragedy is that over and over, the losers are those too poor or too weak to fight back. In this case, it is the children.

What the administration seeks is to gut an effective program. The President's budget for next year asks $130 million for migrant education—a 49 percent cut. No one on Earth can convince me that these savings are warranted. And, despite claims that the truly needy will be protected, no one can convince me that we would not be turning our back on children who need these services if we allow the changes to go through.

H.R. 1305 will block this sort of action, as we have had to do time and again since the start of this administration. In addition, it clears up the confusion surrounding reauthorization of bilingual education, extending the program through next year. The bill makes it crystal clear that Congress has no plans to retreat from its commitment to bilingual education.

This will be welcome news because, just at the time its most needed by school districts across the Nation, funds for bilingual education have fallen dramatically. In the Portland Public Schools, funding for bilingual education has fallen from $170,374 to $106,000 in the past 4 years. Needless to say, there has not been a corresponding decline in the number of children being served, placing an incredible strain on this program.

With H.R. 1305, we address the first half of a two part program. The other part is to provide sufficient funding this year for migrant and bilingual education. The President's budget is another attempt to turn out the children who need this help. With H.R. 1305 we take an important first step for justice and fair play. Let us take that step. Then let us keep going.●

NEW YORKER'S HIROSHIMA FILM FOOTAGE UNCOVERED

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GREEN. Mr. Speaker, I direct my colleagues' attention to an article, entitled "Why the Bomb Didn't Hit Home," in the March, 1983 edition of Nuclear Times. The article concerns the work of Herbert Sussan to make public film footage he took in Japan after the U.S. atomic attack on Hiroshima and Nagasaki.

Sussan, who is my constituent, was the production director for the film crew sent by the United States to film the aftermath of the first wartime atomic explosions. The film, taken in color, is a graphic depiction of the horror of nuclear weapons. The material taken in 1945, was classified "top secret" in 1946 and kept from the public. In 1979, portions were released and made into a documentary.

Enabling a wide audience to view his film has been an enduring goal in Sussan's life. Sussan said:

I wanted to get the footage so that the American people could see, firsthand, what the effects of the bombs were. And if they saw the effects, I felt there would be a groundswell against ever using nuclear weapons of any type again. Eventually the world (should) finally see a small bit of what the true reality of the nuclear age is.

This article offers insight into the inhumanity of the arms race, and I regret its length prevents me from placing it in the RECORD at this point. "Why the Bomb Didn't Hit Home" is available, however, in the March edition of Nuclear Times or from my office. Thank you, Mr. Speaker.●

DEPLORES DELAY OF SALE OF PLANES TO ISRAEL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MRAZEK. Mr. Speaker, on Monday night, the President stood before 12,000 survivors of the Holocaust and remarked, "As a man whose heart is with you—and as a President of a people you are now so much a part of—I promise you that the security of your safe havens, here and in Israel, will never be compromised."

It is in light of the President's words that I must note a disturbing trend in the administration's policies in the Middle East. In particular, the President's recent announcement of his intention to suspend the sale of F-16 fighter bombers to Israel raises serious questions about the strength of our commitment to fulfill longstanding military pledges and to insure the security of Israel's borders.

The United States originally agreed to sell 75 F-16 fighter bombers to Israel in 1978 in response to the massive arms buildup throughout the Arab world. In May of 1982, the administration notified Congress, in a letter to the Senate Foreign Affairs Committee, of its intention to sell these planes to Israel. Final notification of the sale was due on June 16 of last year. However, following the Israeli incursion into Lebanon, the administration decided to delay the sale until the fighting in Lebanon subsided.

Mr. Speaker, the administration contends that the proposed sale may violate the spirit of the law and states that it will delay the delivery of the aircraft until Israel withdraws its forces from Lebanon. Citing section 3(c)(2) of the arms Export Control Act, the President has remarked that the sale is forbidden by law until the Israeli occupation of Lebanon ends.

Under the relevant law, the President must report to Congress "that a violation may have occurred." If the President or Congress concludes that a violation has occurred, that country will be denied military aid. To date, however, neither the Congress nor the President has made a determination that a violation took place in Lebanon. Further, just 1 week earlier, the administration informed Congress of its intention to sell 200 Sidewinder air-to-air missiles to Israel.

Mr. Speaker, our failure to ship these aircraft would deal a serious blow to Israel at a time when the Soviet Union is engaged in a massive arms buildup in Syria. As we know, the Soviets have installed Sam-5 missiles in four bases and emplaced thousands of troops and military advisers throughout Syria. This presence poses a threat, not only to the security of Israel, but to our own strategic and economic interests in the Middle East.

The President's announcement is particularly puzzling coming at a time when both Israel and Lebanon are reporting significant progress in the negotiations for the withdrawal of Israeli troops. It comes just weeks after Israel has agreed to provide the United States with military data garnered during the incursion into Lebanon. And it comes at a time when the enormous cost of Israel's defense needs is putting tremendous strains on its already troubled economy.

Mr. Speaker, the time has come for the United States to renew its commitment to Israel. Rather than threatening to withdraw our support of Israel at this critical time, we should be reaffirming our longstanding moral and political obligations to the protection and preservation of the Jewish homeland. We can demonstrate the sincerity of this pledge through immediate final notification of our intention to deliver these 75 warplanes. Failure to do so would amount to a breech of faith with our most reliable ally in the Middle East.●

JACK R. ANDERSON IV, NAVY LEAGUE

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MOORHEAD. Mr. Speaker, John R. Anderson IV of San Marino, Calif., completes 2 successful years as president of the Pacific Southwest Region of the Navy League of the United States on April 16, 1983.

Mr. Anderson is a retired naval reserve captain and a member of the National Board of Directors of the Navy League.

He has received high honors for his Navy League service from the Secretary of the Navy. On March 25, the Secretary presented to Mr. Anderson a Meritorious Public Service Citation. The presentation was made in Washington, D.C. at the 81st Navy League Convention before some 2,200 leaders from the private and public sectors.

The Secretary's citation reads:

As President of the Pacific Southwest Region of the Navy League of the United States, Mr. Anderson has continuously utilized his position as a civic and business leader in support of the Navy in countless ways. He has been intimately involved in stimulating growth and participation in local youth programs such as Navy Junior ROTC and Sea Cadets. He spearheaded a campaign that raised over $100,000 for the welfare of the crew of the U.S.S. *New Jersey* and has been a prime mover in arranging visits to local Navy installations and ships, a program which significantly enhances two way communications between the Navy and the Los Angeles community. Through his exceptional efforts, Mr. Anderson has significantly expanded public understanding of the U.S. Navy and its role in the security of our Nation.

Mr. Speaker, Mr. Anderson is a sincere, dedicated advocate of sea power, freedom of the seas and the importance of our maritime forces. He has devoted a substantial portion of his life to the Navy that he loves, respects and values.

I am particularly proud to have this outstanding American living in the 22d California Congressional District.●

EMPLOYEE EDUCATIONAL BENEFITS LEGISLATION

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. SHANNON. Mr. Speaker, today I am introducing, along with several of my colleagues, legislation to make permanent section 127 of the Internal Revenue Code. Section 127 excludes from an employee's taxable income educational assistance provided by his or her employer as long as it is furnished in accordance with a plan meeting certain qualifications. This provision is due to expire at the end of 1983.

Before section 127 was enacted in 1978, the cost of such educational assistance was considered taxable income to the employee unless it was directly related to his or her current job. Training to improve or expand an employee's skills to make him or her eligible for a higher level job was taxable. Typically, the tax on the value of this educational assistance would be withheld from the employee's salary. Furthermore, the "job-related" requirement proved to be ambiguous and difficult to administer. Different IRS auditors would take varying positions as to the tax treatment of identical plans. There was thus a great deal of uncertainty and confusion as to what types of employee assistance would be free from taxation, and this greatly discouraged the utilization of such as-

sistance. Those who suffered most from this situation were minorities, women, and those in low-paying, entry-level positions who needed additional education or training to advance to a better job.

Section 127, enacted as part of the Revenue Act of 1978, resolved this problem by providing that educational assistance to employees, if provided pursuant to a plan that is nondiscriminatory and meets certain other requirements, would be tax-free to the employee. Since section 127 was enacted, the use of employee educational assistance plans has been widespread and highly successful. The American Society for Training and Development estimates that 93 percent of all companies have such plans, with 35 percent providing remedial education courses, such as basic math and writing, to upgrade employees' skills. In 1980, an estimated 3.6 million employees participated in educational assistance plans. In many cases, the employees, many of them women and minorities, have been able to use the knowledge and skills they acquire through these courses to move out of dead-end jobs and up the career ladder. The utilization of these programs has helped companies meet their affirmative action goals. And in a time of soaring tuition costs and cuts in Federal student aid, these programs have provided many employees with the only means they can afford of obtaining an education.

The bill we are introducing would simply remove the clause in section 127 that terminates it at the end of this year. Unlike many of the tax changes we have seen in the past few years, section 127 has worked, and worked well. We must allow it to continue.●

REMEMBRANCE OF THE HOLOCAUST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. STARK. Mr. Speaker, four decades ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide, and millions of other people suffered as victims of Nazism. April 10, 1983, has been designated as a Day of Remembrance of Victims of the Nazi Holocaust. Internationally, this day is known as Yom Hashoah.

We shall always remember the atrocities committed by the Nazis so that such horrors are never repeated. We need to remain vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish. This is a responsibility that every citizen needs to share in.

In memory of the victims of the Holocaust, Mr. Speaker, I hope that we will strive always to overcome prejudice and inhumanity through education and watchfulness, as we dedicate the week of April 10 through 17, as the Days of Remembrance of the Victims of the Holocaust.●

ACID RAIN

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. JEFFORDS. Mr. Speaker, today I am inserting in the RECORD the text of a resolution that was passed recently by the Vermont Legislature on the issue of acid rain.

Although consideration of the Clean Air Act appears to be stalled in the Congress, it is important to note that States which have been severely impacted by the acid rain problem are seeing these effects more clearly each day. Vermont is one of the States where these effects have been felt and there is nearly a unanimity about the need to take corrective action.

I urge my colleagues to examine this resolution and to recognize the importance of dealing with this problem as soon as possible.

J.R.H. 17

Joint Resolution relating to the long-range atmospheric transportation of sulfates and other pollutants.

Mr. Smith of New Haven, for the Committee on Natural Resources, recommends that the resolution be amended by striking it in its entirety and inserting in lieu thereof the following:

Whereas, although Vermont emits the smallest quantity of sulfur dioxide of any state, Vermont's atmosphere frequently is contaminated by high sulfur concentrations which can be attributed to wind-borne sulfate particulate emissions of neighboring states, and

Whereas, prevailing wind patterns and known levels of sulfur dioxide emissions from individual states can approximate sources of this contamination, and

Whereas, many aquatic and terrestrial regions in Vermont have little natural capacity to resist the adverse effects of acid rain, fog, snow and dust, and

Whereas, the scenic Green Mountain vistas so vital to our tourism economy are frequently spoiled by episodes of sulfate particulate originating from beyond our borders, and

Whereas, there is ample evidence that acid deposition adversely affects aquatic growth and the growth of plants at higher elevations, and

Whereas, acid deposition ultimately may harm the productivity of agricultural lands and accelerate the leaching of heavy metals into surface and subsurface waters and water supplies, and

Whereas, a study entitled "Health Effects of Fossil Fuel Burning", conducted by faculty at Harvard University and the Massachusetts Institute of Technology has estimated that the costs of reducing the dangers created by air pollutants is far exceeded by the damages presently incurred solely through the health effects of air pollution, and

Whereas, Vermont and certain other parts of our Nation and Canada unjustly are being required to bear most of the economic burden of acid deposition and suffer the health threats as well, and

Whereas, The National Academy of Science in its 1981 report entitled "Atmospheric-Biosphere Interactions", has concluded that strong measures are necessary to prevent further degradation by air pollution of natural ecosystems which together support life on this planet, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the members of Congress and the President of the United States are urged to set a goal of decreasing by one-half by 1990 sulfur dioxide emissions from sources in the United States as proposed by Vermont Senator Robert T. Stafford for inclusion in the Clean Air Act, *and be it further*

Resolved: That the Department of State is urged to accelerate negotiations to draft the United States-Canada Memorandum of Intent of Transboundary Air Pollution and to negotiate with Canada a meaningful treaty on transboundary air pollution, *and be it further*

Resolved: That the Environmental Protection Agency is urged to tighten enforcement of Section 110 of the Clean Air Act, covering emissions of sulfur dioxide, and to disallow any further relaxation of State Implementation Plan limitations for this pollutant, *and be it further*

Resolved: That the Secretary of State send copies of this resolution to Vermont's Congressional Delegation to be used in expressing the sentiments of the people of this state to the Congress and the President of the United States of America, *and be it further*

Resolved: That the Secretary of State send copies of this resolution to the Governors of the States, the officials of the various states who are at the secretarial level in state agencies with jurisdiction over air quality activities, the Prime Minister of Canada, Canada's Minister for Environmental Affairs, the Premiers of Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island.●

MILITARY AID TO EL SALVADOR MUST BE SUSPENDED

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. OBERSTAR. Mr. Speaker, in late March, the gentleman from Vermont (Mr. JEFFORDS), the gentleman from New Mexico (Mr. RICHARDSON), and I visited El Salvador and Mexico as part of a weeklong factfinding mission to examine the effect of U.S. military aid on the conflict within El Salvador.

We concluded that proposed increases in military aid to El Salvador will not contribute to an end to the civil strife within El Salvador nor to the killing of innocent civilians by Salvadoran military forces. The United States, which is bankrolling the Salvadoran military and economy, has tre-

mendous potential influence over the conduct of the Salvadoran Government and military. Regrettably, the United States has failed to use that potential to force a cleansing of the Salvadoran military.

I am including the report of our delegation in the RECORD at the conclusion of my statement.

In addition, I wish to urge the Members of this House to join with me in calling for a suspension of military aid until the Salvadoran military is cleansed of those military personnel who ordered and carried out the murder of innocent civilians.

Our report discusses the massacre at Las Hojas in Sonsonante on February 22. Two hundred uniformed military personnel executed at least 18 and possibly as many as 74 unarmed Salvadoran peasants, including young boys and 2 men aged 75 and 82. The Salvadoran Defense Minister, the American Embassy, the Salvadoran Human Rights Commission, and President Magana know who committed this atrocity. They should be court-martialed and punished. Until that is done, there can be no effective control on human rights violations, and there should be no further American military assistance.

Congress is now considering a request for additional military aid in fiscal year 1983, as well as aid requests for fiscal year 1984. I believe that approval of military assistance in the absence of the punishment of the known human rights violators within the military would be the condonation of murder.

STATEMENT OF U.S. CONGRESSIONAL DELEGATION VISIT TO MEXICO AND EL SALVADOR

BACKGROUND AND PURPOSE

We returned from a week-long trip to Mexico and El Salvado on March 30. This trip was sponsored by the Unitarian Universalist Service Committee. We undertook it for the purpose of re-examining options for United States policy toward El Salvador.

We met in Mexico with two leaders of the FDR-FMLN, with officials of the Mexican government, and with Colonel Adolfo Majano, a member of the Salvadoran junta from 1979 until December 1980. In El Salvador, we talked to Defense Minister Garcia, President Magana, leaders of the Hacienda Police and the Air Force, church and labor officials, and U.S. Embassy personnel. We visited two peasant cooperatives created by the agrarian reform, toured the military hospital and the men's and women's prisons, and visited the U.S. trained Atlacatl brigade.

We made extensive inquiries regarding two recent incidents characteristic of human rights problems in El Salvador. The first involved the murder of Salvadoran peasants, the second the arrests of two American journalists, T. J. Western and Joan Ambrose Newton.

On February 22, near the village of Las Hojas, in the Department of Sonsonante, at least 18 and perhaps as many as 74 Salvadoran peasants were killed by the Army. We visited the Departmental Commander, Colonel Gonzalez Araujo. He told us the deaths occurred when his forces were attacked by a group of subversives armed with M-16's and machetes. We also met the eyewitnesses who said that the Army had simply rounded up men throughout the area, bound them, tortured them and killed them. Among the dead were young boys, and two men aged 75 and 82.

Colonel Araujo is a liar. The Minister of Defense knows it, the President of El Salvador knows it, the U.S. Embassy knows it, and the government's human rights commission knows it. If justice is not done in this instance, justice will never be done in any case in El Salvador.

On March 26, the day we arrived in San Salvador. Western and Newton were arrested and taken into custody by the Hacienda Police for allegedly assisting the guerillas. The only evidence was the police claim of a taped telephone conversation of a story filed by Western with a radio station in San Diego. Armed men in civilian dress made the arrest. We met with the Commander of the Hacienda Police, Colonel Moran. Representative Oberstar met with Western at police headquarters. Newton was released into custody of American Embassy personnel.

The nature of this arrest and the manner in which was carried out, the flimsiness of the "evidence," and the method by which it was gathered are routine in El Salvador. Mr. Western could have been held for years under Salvadoran law with no lawyer, no trial, no rights. The difference in this instance is that he is a citizen of the United States, and his release—after intense pressure applied by Members of Congress—has been obtained.

EL SALVADOR: TRAGEDY AND PROMISE

We went to El Salvador skeptical about the merits of U.S. policy toward that country. When we arrived, we found a policy conceived in ideological primitivism, overly dependent on military force, and confused and reactive in its implementation. If we are to protect U.S. interests and play a constructive role in El Salvador, we must undertake a dramatic shift in U.S. policy toward El Salvador.

We know that elections, alone, are not sufficient to produce a democratic allocation of power in El Salvador. The election last March has had little effect on the reign of right-wing terror; military violations continue to go unpunished; the land reform is endangered; and the guerrillas are stronger than before.

We talked to both left and right in El Salvador. We know that a political settlement of the war will be extremely difficult to achieve, but no other acceptable options exist.

The government will not yield a share of power to the opposition prior to elections. The opposition will not participate in elections unless the integrity and openness of those elections are guaranteed—such guarantees, the FDR-FMLN argues, can only be obtained through the sharing in power.

Each side has legitimate reasons for the position it has taken. The government, however, has a responsibility to think with far greater care about the methods by which meaningful elections can truly be achieved. If the government is unwilling to grant a share of power to the left, it must at least purge from illegitimate power the far right, including high officials in the armed forces.

The sources of rightist terror in El Salvador are not shrouded in mystery. They are known to the Salvadoran government, to the Salvadoran left, and to the United States. Until those responsible for this violence, who are in government, are removed from their positions, and until all Salvadorans, including the military, are made subject to the criminal process, El Salvador will have no right to call itself a democracy.

The Salvadoran opposition has a responsibility, as well. There are many who doubt the willingness of the FDR-FMLN to abide by the rules of any political process which does not guarantee victory for themselves. Accordingly, the left must be willing to make an explicit commitment to abide by the results of a truly democratic electoral process, once such a process has become possible in El Salvador. To make this commitment meaningful, the left also will have to be willing to purge their most exteme elements.

The Salvadoran civil war has deep historical roots; it has been waged viciously and with determination by both sides; the hatred and fear will not readily be controlled. The majority of El Salvador's people want peace. This desire must be harnessed and brought to bear on both sides to generate progress toward a settlement.

We believe that all sectors—military, business, labor, the church, professionals and the FDR-FMLN—should be brought into discussions, without preconditions, for the purpose of ending the war. We believe our government should encourage such discussions at the earliest possible time.

RECOMMENDATIONS

U.S. military aid

Congress must develop a legislative mechanism to limit United States military aid to training and basic supplies which are essential to the protection of economic targets and the prevention of military victory by the FDR-FMLN.

Deliveries of authorized military aid should be closely regulated in order to avoid artificially created emergencies caused by rapid expenditures at the start of the fiscal year.

We should condition continued military assistance strictly, requiring a dramatic decline in violations of human rights, on greater protection for the agrarian reform program, on the development of a credible criminal justice system, on a willingness on the part of the government to participate unconditionally in a dialogue, and on the creation of a political atmosphere within which meaningful democratic elections can be held.

One specific prerequisite to free elections is the lifting of the state of siege and repeal of Decree 507, which legalizes the suspension of civil liberties in El Salvador.

It must be recognized that the reforms listed above will not be achieved in the absence of a reorganization and reorientation of the Salvadoran military. This process, strongly advocated by Colonel Majano, should be designed to produce an armed forces dedicated to serving the Salvadoran people, not ruling them. To achieve this goal, significant changes in high level military personnel will be required.

U.S. economic aid

U.S. economic aid should continue, with particular emphasis on the implementation of agrarian reform, the provision of medical supplies and health care to military as well as civilian sectors, education, basic economic development assistance, and humanitarian aid to persons displaced by violence.

We believe that aid may properly be used to provide compensation to landowners under the "Land to the Tiller" program and

that U.S. law should be changed to permit this to occur. A much greater effort is required, in addition, to provide credit and technical assistance to cooperatives under phase I of the reforms.

Aid to displaced persons should be distributed impartially to all victims of the violence.

U.S. responsibility to act for peace

The United States needs to develop a policy based on a realistic assessment of United States interests, and a recognition of the strength and legitimacy of forces contending for power in El Salvador. Ideological rigidity in the midst of a loathsome tragedy is indefensible.

The United States, and perhaps only the United States, has the power and the influence to reconcile conflicting political forces in El Salvador. It is demonstrably in our interest to do everything to accomplish this reconciliation. But, to date, we have lacked the will, the seriousness of purpose, and the unity to succeed. This must change.

The call for dialogue without preconditions echoes now throughout the region of Central America; it reflects the position of the Salvadoran church, many civilian political officials, campesino leaders, and increasingly it is discussed by pragmatists within the Salvadoran military itself. The people of El Salvador want an end to civil war. They want peace, and they want the United States to help them achieve that peace.

There are those who suggest that violence and brutality are endemic to the Salvadoran culture, and that the killing must inevitiably grind on. We reject that view absolutely.

Peace is possible, if the will to pursue peace is sufficiently strong. If the parties involved in the Salvadoran conflict, inlcuding our own government, are truly convinced of the logic and justice of the positions they espouse, negotiation for peace should be deemed not a sign of weakness, but instead a gesture of confidence and faith.

We call, therefore, upon all parties to the conflict to stop the killing and start talking. We think it can be done. We think it must begin now.●

A TRIBUTE TO JAMES BETINIS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. RUSSO. Mr. Speaker, I recall reading once that neither democracy nor effective representation is possible until each participant in the group—and this is true equally of a household or a nation—devotes a measurable part of his life to furthering its existence.

We are a remarkable nation in terms of the contributions some of our citizens make, and this month one of our finer citizens, Mr. James Betinis, will be retiring as president of the Suburban Transit System in Oak Lawn. Mr. Betinis, 87 years young, has worked in the transit industry for 62 years and has been president of STS since 1933.

It is a job that keeps you running, but Mr. Betinis found time to work in the local community and to think of the larger world community as well. He was a founding father of Oak Lawn. He was instrumental in the founding of the Cretean Society, a Greek philanthropic organization that among its good works supports a hospital in Greece. He donated the land for the ballfield for the Oak Lawn Community High School. It is appropriate that this dedicated man who has contributed so much to so many will be honored at a retirement ceremony on April 18. I know that my colleagues join with me in commending Mr. Betinis for the work he has done and in wishing him the best in retirement.●

A UNANIMOUS CALL FOR ACTION ON ACID RAIN

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. D'AMOURS. Mr. Speaker, the people of New Hampshire have sent an important message to Congress and the administration. In recent weeks, residents of 194 Granite State communities have considered an acid rain article appearing on town meeting warrants. The vote has been unanimous—all 194 communities voted to adopt the resolution which calls on the Federal Government to:

First. Reduce by at least half the major cause of acid rain, sulfur emissions, by the year 1990.

Second. Conclude negotiations and adopt a treaty with the Government of Canada that will commit both nations to this same goal.

Mr. Speaker, this action is indicative of an acute awareness of the damage acid rain is inflicting on our lakes, rivers, and streams, and of a growing apprehension over the economic and health problems associated with acid rain. The people of New Hampshire and other affected areas are becoming increasingly impatient with Government inaction as the assault on the integrity of our environment continues unabated.

It is my hope that the strong endorsement of this article will serve to underscore the urgency of the acid rain threat as it affects not only New Hampshire but many other regions, and lead to the responsible and meaningful action called for in this resolution.●

ENCOURAGE CONSERVATION

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. AuCOIN. Mr. Speaker, I have introduced legislation, sponsored by all of the members of Oregon's delegation in the House, to correct a problem that hinders State and local efforts to encourage conservation and renewable energy use.

Our bill would amend the Internal Revenue Code so that individuals may claim Federal energy tax credits for energy improvements paid for under certain State or local programs provided that no more than 5 percent of the total funding under such a program is allocated for energy loans.

A companion bill is being introduced in the Senate by my distinguished colleagues from Oregon, Mr. HATFIELD and Mr. PACKWOOD.

The Windfall Profits Tax Act of 1980 provided that if an energy conservation feature were paid for using subsidized energy financing from Federal, State, or local programs, a double-dipping rule would take effect which would exclude the subsidized part of the expenditure from tax credit eligibility.

The act further defines subsidized energy financing as "financing provided under a Federal, State, or local program, a principal purpose of which is to provide subsidized energy financing for projects designed to conserve or produce energy."

It has been 2 years since the enactment of the Windfall Profit Tax Act, and the Internal Revenue Service has still not issued regulations to implement this section of the law.

Their silence on this issue has created considerable concern and confusion about what constitutes the "principal purpose" of a program.

The inherent ambiguity in the definition both undermines State and local efforts to become more energy self-reliant and places the Federal energy tax credit off limits to many otherwise qualified individuals.

In my State of Oregon, thousands of veterans have been penalized for conserving energy in their homes for this very reason.

Despite the absence of any formal ruling, a recent IRS district counsel opinion held that State department of veterans' affairs home improvement loans for residential weatherization or renewable energy sources constitute a "principal purpose" of the department of veterans' affairs home loan program.

Furthermore, the IRS has applied this opinion retroactively, forcing many veterans who received both the loans and claimed the Federal tax credit to pay back the credits with interest in amounts up to $4,300.

Since the Veterans' Affairs home energy loans constitute less than one-quarter of 1 percent of the outstanding loan balance of the veterans home loan program, it stretches the imagination that these energy loans could be considered a "principal purpose" of the home loan program.

Many of you may find programs in your own State similarly affected. Like Oregon's veterans, many who have made energy improvements and taken the tax credit in good faith may soon find themselves victims of the IRS unless we take action now.

Clearly, further legislative clarification is needed. Our bill would clarify the law and allow individuals to claim energy tax credits for energy improvements made with subsidized financing when that financing is not the sole objective of the program and constitutes a small fraction of program funds.

Energy conservation and the development of renewable resources are a vital component of our domestic energy security strategy. Let us not forget the painful lessons learned during the oil crises of 1973 and 1979 because the oil market now appears to be slack.

Energy incentives, like the Federal energy tax credit, reduce our dependence upon foreign oil, improve our national security, and in the long run prevent us from having to fund an expensive military buildup in the Middle East to protect our oil interests.

I urge my colleagues to lend their support to this bill and prevent the IRS from perpetuating an unfair application of the law and penalizing Americans who conserve energy.●

INDEXING—REPEAL WILL HURT THE WORKERS OF AMERICA

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. KEMP. Mr. Speaker, in late July 1981, the American people took the initiative to convince their Members of Congress that they wanted lower taxes. As Prof. Paul Craig Roberts points out in today's Wall Street Journal, indexing the income tax rates was the critical difference between the President's tax cut package and the Democratic alternative.

Professor Roberts points out that indexing is a key element in maintaining our current economic recovery. He presents an accurate and timely discussion of the critical importance of maintaining this change in our tax policy. He demonstrates how all middle-class families would suffer sharp tax increases after 1985 if indexing were repealed and inflation is only 5 percent. He shows that the economic theory of increasing taxes to reduce the deficit has failed. In fact, tax revenues are up as a result of the portion of the tax cut enacted thus far.

I believe that Professor Roberts correctly and clearly presents the case for maintaining the indexing provision for the good of the economy and for the good of the American people. I therefore ask that his column be printed in the RECORD so that all of our colleagues may benefit from it.

Today the Senate Budget Committee is scheduled to begin plugging in the revenue numbers for the 1984 budget resolution. By the end of the day it may have repealed the Reagan revolution.

As the president realized in 1981 when he took his case for his tax cut to the American people, the Reagan revolution rests on the indexation of the personal income tax in order to prevent inflation from pushing taxpayers into higher brackets. On July 27, 1981, two days before the vote on the tax bill, Mr. Reagan unveiled a dramatic chart on national television. The Democrats' tax cut was better "if you only plan to live two more years." Under the Democrats' bill, taxes would begin rising again in 1983 and by 1984 the tax cut would have disappeared.

In contrast, with his bill the president pledged to "get your taxes down and keep them down." Mr. Reagan's chart showed that with his bill income tax on a fixed amount of purchasing power would fall until 1984 and then level off. Income taxes could not rise unless real income rose.

The indexing provision made the difference between the two bills. The morning of the vote, House Speaker Tip O'Neill declared: "We are experiencing a telephone blitz like this nation has never seen." Forty-eight Democrats voted with the Republicans to give the president and the American people a 238-195 victory.

By close of business today the median income family is likely to be facing a striking different tax future—one exemplified by a second chart. The reason is that Sen. Pete Domenici, chairman of the Budget Committee, is not a fan of indexing and is intent on adding revenues to the president's budget of an amount that could lead to repealing the provision. The Budget Committee cannot write the tax law, but it can give the Finance Committee a revenue figure that is otherwise hard to realize.

Without the indexing provision the Reagan revolution registers only as a minor short-lived dip in an ever-escalating tax burden. If the third year (1983) tax cut goes too, as House Democrates demand, Ronald Reagan might as well not have proposed to cut taxes.

With such a threat to the president's achievements from his own party in the Senate, you might think the White House would be busy twisting Budget Committee arms. So far there is no sign of this.

The president's economic program is endangered because his tax cut has been misrepresented by his own aids, as well as by his opponents, as irresponsibly large—so large that it "has eroded the tax base," with the result being large deficits for the next decade. The picture of the president painted in the press is one of well-meaning man who almost destroyed the economy with massive tax cuts. Little wonder that he was forced to accept last August the repeal of most of his tax cut for business and that Congress is now threatening to repeal the bulk of the individual tax cut.

It is a shame because the facts are on the president's side. According to his budget, tax revenues will average 19.2 percent of GNP for fiscal years 1983-86, higher than the 18.9 percent average for the 1970s and the 18.6 percent average for the 1960s. Moreover, the 19.2 percent figure is probably an understatement, because it is based on a forecast that does not forsee much of an economic recovery—or much effort to produce one.

Whereas the tax base has not been eroded, the president's tax cut has. Indeed, the 1981 tax cut is only a "cut" when measured against the rapidly rising tax burden under prior law. Table 1 shows that "the greatest tax cut in history" is an inadequate offset to bracket creep and payroll tax increases.

As Table 2 shows, all middle-income families will experience sharp tax increases after 1985 if indexing is repealed and inflation is 5 percent. At higher rates of inflation the tax increases would be larger. At a zero rate of inflation no revenues are gained by repealing indexing, which should tell you something about the prospects for inflation if indexing goes.

TABLE 1.—TAX INCREASE OR DECREASE (—) AFTER BRACKET CREEP AND PAYROLL TAX INCREASES

Income	1981	1983	1985	1987
$15,000	146	41	80	106
$25,000	261	−60	−37	−6
$30,000	317	−86	−57	−22
$40,000	520	56	168	321

TABLE 2.—TAX INCREASES IF INDEXING IS REPEALED

Income	1985	1986	1987	1988
$15,000	125	195	251	320
$25,000	67	205	319	475
$30,000	86	268	423	620
$40,000	355	740	1,084	1,516

In a sense one can understand the Budget Committee's position. Without automatic tax increases the failure to control spending leads to larger budget deficits. The indexing provision puts pressure on the Budget Committee to prevent spending from growing faster than the economy. On the other hand the spending constituencies are always demanding more, and it is not pleasant to be caught between a rock and a hard place.

Bad economics is playing a role, too. Once again the Republicans are trying to fix the budget prior to fixing the economy. The large tax increase of last August did not narrow the deficit projections as the Office of Management and Budget promised. Instead the economy worsened, and the deficit projections doubled.

Many Republicans are now fooling themselves that the repeal of indexing will reassure the financial markets that the deficits will be reduced. This is supposed to allow interest rates to fall more, thus helping the recovery. However, the repeal of indexing cannot appreciably help the deficit unless inflation accelerates, and interest rates are unlikely to fall in the face of rising inflation.

The politics of the issue are even worse for the Republicans. They are already accused of favoring the rich, and the repeal of indexing will hit the lower income earners the hardest. This is because the lower brackets are narrower than the higher brackets. Therefore, inflation pushes lower income people upward more rapidly through the brackets.

The Democrats want to repeal indexing, and instead of doing it for them, the Republicans should fight. The fact that the Democrats want to repeal indexing and to inflate is the best issue President Reagan has for the 1984 campaign, but his party in the Senate is about to take it away.

The repeal of indexing can raise revenues only by wrecking the economy. Consider something important like the competitiveness of American labor. Without indexing it takes larger wage increases to keep a worker even with inflation. For example, without indexing it costs an auto firm about $1.83 to give a worker a $1 cost-of-living raise after payroll and federal, state and local income taxes. With indexing it costs about $1.45. The corresponding figure in Japan is $1.30.

Last year the Republicans lost the tax fight early when they voted for a budget resolution that provided for a tax increase. When the tax bill itself came up, they were already in the bag. Party leaders told them they "couldn't go against the tax increase now." The three-dollar spending cut that they were supposed to get for every dollar of tax increase dwindled away to almost nothing. A repeat performance and the Republicans will have made Reagan irrelevant, economic recovery or not.●

JOHN SCALI HONORED FOR LIFETIME ACHIEVEMENTS IN JOURNALISM—A TRIBUTE TO EXCELLENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. BIAGGI. Mr. Speaker, last Saturday I had the distinct honor and privilege to participate in a national conference which was designed to examine ethnicity and the media. Jointly sponsored by the Commission for Social Justice, Order of the Sons of Italy in America and the National Italian American Foundation, this meeting brought together—for the first time—a number of respected journalists, scholars, community leaders, and ethnic organizations to examine the importance of the positive portrayal of Italian Americans in the media.

The highlight of the day-long conference—which was a significant success—was the granting of the first lifetime achievement award in journalism to ABC senior correspondent John Scali. John not only has distinguished himself in the field of reporting the news—but has also been a newsmaker long before he came to journalism, as an Ambassador to the United Nations during the Cuban missile crisis. He emulates the highest levels of personal and professional accomplishment and has selflessly given of his time and energy to a number of causes of profound importance to Italian Americans.

I would like to place John Scali's remarks in the RECORD so that we all might be able to reflect upon his ideas and recognize him for the giant that he truly is—and will continue to be.

His remarks follow:

REMARKS BY JOHN SCALI, ABC SENIOR CORRESPONDENT

I am honored to accept this award for lifetime achievement in journalism. But in so doing I suggest you hold off the goodbye festivities, the gold watch, the fireworks and color ads showing that happy, retirement condominium down south. Put all those thoughts aside because I want it known I still have a lot of living to do. And, God and the network willing, I intend to be around a long time, reporting, analyzing and interpreting the news and trying to make some sense out of this topsy turvy world.

But I am willing, indeed I am proud to accept, this award for whatever it is I have done so far that merits the praise and the generous words you have been so kind to shower on me tonight.

News of this award will be welcome to my fan club. Yes, I do have a fan club. It is tiny but active, sometimes in a bewildering way. One of its members, a lady in Sumter, S.C., to whom I had once sent an autographed photograph of Ambassador John Scali recently sent it back. She said now that I had returned to the news business she wanted an autographed picture of reporter John Scali. I was pleased she had followed my career that closely until I noticed the picture she had sent back was of John Chancellor.

I wish to thank the Commission for Social Justice, the Order of the Sons of Italy and the National Italian American Foundation for organizing this unique conference and inviting me to be present. As I sat in on the workshops today I was deeply impressed by both the fervor and the caliber of discussion. I found many of the comments perceptive, practical and promising.

The problem we discuss tonight is not a new one. It is deeply imbedded in the very fabric of our society. To illustrate this point, I considered for a while opening my remarks with the same words Franklin D. Roosevelt used back in 1938 when he addressed the Daughters of the American Revolution. Fellow immigrants was the way President Roosevelt described those fine ladies who were so proud of how far back they could trace their American heritage.

But I felt it would have been unfair to compare our present difficulties with that period of time, when antiforeign discrimination was often blatant, pervasive, often a common part of every day life. Since the day when President Roosevelt spoke out, I think we can all agree there has been substantial progress toward the goal of genuine equality for all ethnic groups in our Nation.

A combination of factors have been responsible for these steps forward—first of all leadership of fair-minded men and women who have recognized discrimination for the poison it is, and fought for genuine equality of all ethnic groups. They in turn built up the support needed for the array of laws banning discrimination, making it an offense not only against humanity but a crime punishable by law.

Lastly, but potentially even more important today, the action of the ethnic groups in protesting and even denouncing the false or distorted image of Italian Americans as they appear in films, television and in print.

But the progress achieved by this uncoordinated approach has been uneven. Some racial and religious groupings have been assimilated and accepted as a welcome part of mainstream America far faster than others. I think generally this is true of most Americans of Italian background.

Americans of Italian descent now can be found among the most distinguished citizens of our land—among the professions, the doctors, lawyers, educators, businessmen, industrialists, in every field of the arts, in government and politics on the national, State and local levels.

It is a pretty impressive cross-section of America today and Italian Americans can be proud their sons and daughters not only have endured and survived hardships but they have excelled.

I think we Americans of Italian descent who have achieved some modest success, mostly through our own efforts, owe some obligation to those who come after us, our children and their children's children to make their path a little easier.

This is why I am here tonight, belatedly to thank those early Italian immigrants and their children who fought the good fight. They did not have a mayflower pedigree to bestow upon us that could automatically open doors to opportunity. They urged us to move forward despite obstacles, taught us that being something is more important than having something.

Frank Capra, one of the giants of Hollywood directors, recalled this past Columbus Day how, as a boy of 6, he came to the United States with his father aboard a ship which barely survived 13 stormy days. Vividly, he remembered how his father hauled him from deep in the hold to the deck of the ship when they finally reached the Statute of Liberty. With the others, he knelt on the deck in prayer as his father described the Statute of Liberty like a saint that would help them in the new land.

Capra eventually did succeed in becoming perhaps the greatest film director Hollywood has ever known. He succeeded because of his own enormous talent, that would not be denied, his unwillingness to allow anything to deter him. He competed and he excelled, surmounting prejudice and discriminations so many Italians confronted in those days.

What did he do to keep alive a spirit of Italy, things Italian, in his home while his own sons were growing up in California? "Not a damn thing," Capra replied when he was asked. His sons were not interested in being reminded of their father's foreign background, they wanted to be as American as any of their friends. They wanted to belong.

Frank Capra felt the best way to help his two sons succeed was to play down the fact that their father was Italian, so they could compete on equal terms with others. I could not help but contrast this with what the Hispanic police lieutenant on Hill Street Blues, Rene Enriquez, said this week when he was asked on Good Morning America why he was so proud to have a feature role in this splendid series. It is because of so many Hispanic people watch the program, he said. "They can dream and think the American dream is possible because I am part of it."

These two comments I think speak eloquently of how times have changed, how finally being an ethnic today can sometimes help, be a positive force, instead of a handicap. In their young lifetime, my three daughters have not had to face any prejudice they can remember.

So too, I believe, can there be a change for the better in how we deal with the problem of negative portrayals of Italian Americans. The days of resorting to writing an indignant letter to the editor or making an angry telephone call to a network, are now outdated and ineffective.

If further changes are to be made, there is a need for informed, rational criticism, rather than emotional tirades. It must be made clear no one wishes to stultify the cre-

ative process or to impinge on the first amendment to the Constitution which guards our freedom of speech.

The approach should be, I believe, that of a dignified dialog. A few dialogs of this nature are already underway. There should be more where each side discusses his views calmly in a spirit of conciliation not confrontation. Small, knowledgeable groups can eventually create an attitude of understanding and trust that advances each toward the goal of accuracy, a sensitivity which will serve all the American people.

But, if we are to move with a quickening pace toward our goal, there is one essential ingredient we must bring into each discussion, when we seek to right a wrong.

Know your facts when you speak, not just generally, partially, or superficially, you must know as much in detail of the problem, its history, its future, and how these fit into the real world you are seeking to change.

Facts some times are elusive, slippery little devils. But you can, with enough effort, find them so you then speak on equal terms with whomever you are seeking to convince. But we must recognize that having the best set of facts doesn't guarantee success.

A few years ago, two diplomats I know set out to negotiate a treaty of Friendship. They succeeded in writing most of it, then got hung up on whether a particular sentence should end in a semi-colon or a period. For four days, they argued back and forth, growing more and more exasperated. Finally, they decided on a two day break.

When they resumed, the diplomat who had been insisiting on a semi-colon, said he had changed his mind and would accept the period. The other diplomat promptly said: "No, I wont accept it." In the past four days you've been such a nasty so-and-so, that I've now concluded that if you're giving up the semi-colon, it must be because you're planning to double cross me in some other way." The other exploded and walked out in a huff and the treaty never was finished.

We must beware of that kind of dialog. Success will depend on continuing goodwill on both sides, especially when discussing the most sensitive issues.

Within ABC, and I'm sure at other major networks, there already is in place a corps of trained serious men and women who deal with problems of discrimination and predjudice. They are ready to listen and take corrective action when necessary.

Among the quiet unofficial changes ABC has put into practice, for example, is the fact there now is a ban on the use of the word Mafia. And if you notice, the gangsters that get on the air at ABC don't all have Italian names.

Small changes to be sure but to Americans of Italian descent they represent a signficant step in the goal of building a positive image.

As one who has traveled and reported from some 70 countries, I know first hand of the power of American television. Virtually every important dramatic series appears on foreign television screens, the voices dubbed in the local language.

Foreigners learn far more of life in the U.S. from American television and movies than all the newspapers, magazines, books and speeches combined.

It was an eerie feeling last week for my wife and I to watch a re-run of an old John Wayne series in Rome just before bedtime.

The scene I'll never forget is when John Wayne is leaving the saloon and as he opens the swinging doors, he turns and calls to his sweetheart, "CIAO, Bambino."

This is why as we say CIAO tonight it is important to remember the success of this meeting on the impact of American television at home, depends not so much on what was said here today but on the follow up in the months ahead.

If the spirit of unity and desire for acting I saw in evidence today moves us to greater, coordinated effort, we can one day say we participated in an historic meeting.●

JOE PECHMAN'S ANNUAL MASTERPIECE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

Mr. ALEXANDER. Mr. Speaker, there are a number of durable institutions in this country that are famous to every American schoolchild—the Congress, the White House, the Supreme Court, the Washington Redskins, to name just four.

Those of us who work in this Capital City can name another institution that deserves considerable fame and respect and has had, in its own way, a measurable impact on the history of our times. I mean, of course, the Brookings Institution, which has been providing guidance and policy options for some of us in Government since 1927. One of the most valuable Brookings services in recent years has been the series called setting national priorities which, under the astute editorship of Joseph Pechman, has provided analysis of fiscal and budgetary policy each year since 1970.

Last week the Washington Post reviewed the 1984 edition of Mr. Pechman's annual masterpiece and found it a "reasoned and careful road map toward a solution" in this time of budgetary crisis. Having recently profited from a study of this volume, I wholly concur, and I would commend the volume to all Americans as being, indeed, what the Post says it is; an "Antidote to Pessimism."

[From the Washington Post, April 6, 1983]

AN ANTIDOTE TO PESSIMISM

Contemplating the huge deficits in President Reagan's budget, a good many people in Congress seem to have succumbed to hopelessness. If the deficits projected into the future are so large, why cast unpopular votes for spending cuts that can make only minor differences? If the deficits are out of control, why get yourself into trouble by struggling with them? As a response to that kind of pessimism, the Brookings Institution's annual study of the budget is particularly valuable this year.

The Brookings analysis argues that the consequences of letting the deficits run are not tolerable. "Deficits of such a size are unprecedented since the Second World War," Joseph A. Pechman, the editor of the book, writes, "and will cause serious, painful side effects." The analysis provides a reasoned and careful road map toward a solution.

On the central question of defense spending, it takes the position that the Soviet military buildup is a serious challenge to the United States, and requires a serious response. William W. Kaufmann, who contributes a chapter on the military programs, concludes that the country could achieve a stronger defense than the Pentagon currently proposes at somewhat less cost. He asks, for example, whether it is useful to include budget allocations for a protracted nuclear war. He observes that supplying too many highly advanced and unfamiliar weapons to the armed forces too fast may reduce their state of readiness rather than improve it. Mr. Reagan proposes to spend $1,550 billion for defense over the next five years. Mr. Kaufmann suggests that the figure could be safely cut by about $135 billion while actually raising the country's defense capability beyond the level that the Pentagon's current plans foresee.

With that kind of limited and cautious reduction in defense spending, the budget's structural deficit could be eliminated by a tax increase that rises in steps to bring in about $110 billion a year by 1988. That's a large increase, but by no means unrealistic. It is about double the contingent tax increase to which Mr. Reagan has already given his support.

Eliminating the structural deficit does not necessarily mean balancing the budget. The structural deficit is the hypothetical deficit that the government would run if the economy were running well and the unemployment rate were down to 6 percent. It is now about $155 billion, and, the White House calculates, it will be over $300 billion a year by 1988 if there's no change in the present course. That's a formula for very high interest rates, very high unemployment and industrial decline. Changing that course is not only necessary. It is also possible, the Brookings analysts have demonstrated, and it is possible well within the limits set by the very real requirements of national security.

[From the Washington Post, April 6, 1983]

BROOKINGS SAYS REAGAN COULD BUY THE SAME SECURITY FOR LESS

(By John M. Berry)

The government could buy the same level of national security as could the Reagan administration's five-year $1.55 trillion defense program for $155 billion less, according to the Brookings Institution's annual study of the federal budget. Portions of the study were released yesterday.

William W. Kaufman, an MIT professor who was an adviser to secretaries of defense in every administration from John F. Kennedy to Jimmy Carter and who wrote the defense chapter, said that the Reagan program is "not realistic" and questioned whether it is "adequately related to the dangers that may lie ahead for the United States and its allies."

But Kaufman also raised questions about his own conclusions. He said the administration probably has underestimated the cost of its planned defense procurement by about $28 billion over the next five years, and has underestimated the cost of operating and maintaining the complex new weapons systems by a far larger amount.

To maintain the new weapons in a state of "high readiness" through 1988 could require as much as an additional $230 billion, Kaufman said.

The annual volume, called "Setting National Priorities: The 1984 Budget," urged

Congress to enact some combination of defense and non-defense spending cuts and tax increases to reduce future budget deficits.

Economist Joseph A. Pechman, editor of the book, warned that if the deficits are not lowered once the current economic recovery is well under way, a renewed clash between stimulative fiscal and restrictive monetary policy could mean more years of high interest rates and economic stagnation.

"This is the major economic problem we face," Pechman said. "Unless Congress does something about the budget this year, we are not apt to have a satisfactory economic performance for some years to come."

The book said, "If the Federal Reserve Board were to increase the money supply enough to hold down interest rates, the deficits would generate inflation. If, as seems more likely, the Federal Reserve refused to accommodate that much fiscal stimulus, interest rates would rise sharply and economic recovery would be retarded."

In the longer run, the failure to reduce deficits will mean less investment by business in new plants and equipment and less by individuals in housing because the government will be using a large portion of total national savings to finance the deficits, the book said.

In the defense chapter, Kaufman proposed major modifications of the Reagan program, which he termed the "hot-rod" version of the Carter defense plan. The suggested changes, which would save $223 billion in new obligational authority and $155 billion in outlays between 1984 and 1988 include:

Scrap the MX missile but leave research and development funds available for a new missile.

Cancel several aircraft programs, including the B1 bomber, the F14 and F15 fighters, the C5B transport, and the AV8B air support aircraft.

Cancel construction of 32 planned Navy ships, including three aircraft carriers, nine cruisers, 11 nuclear attack submarines and nine guided missile destroyers, and renovation of two battleships.

Reduce several Army programs, including the M1 tank, the M2 armored fighting vehicle, the AH64 attack helicopter, as well as the Patriot air defense program, the binary chemical munitions program, and a truck purchase program.

Reduce programs to stockpile conventional munitions.

Freeze military manpower at 1983 levels.

Kaufman criticized as not realistic and unnecessarily costly the administration's attempt to create the ability to simultaneously fight a protracted nuclear war, to esclate a conventional attack in one part of the world by another country by attacking that country or one of its allies in another part of the world—called horizontal escalation, and to fight a conventional conflict of indefinite length.

JOBS WITH PEACE WEEK

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GRAY. Mr. Speaker, I am pleased to join in the observance of Jobs With Peace Week. This coming Saturday, Philadelphia Jobs With Peace will participate in drawing national attention to the issue by convening hearings in Philadelphia to consider the impact of military expenditures on people's lives and on the local economy.

As an early cosponsor of House Resolution 46, the jobs with peace resolution initiated by Congressman DON EDWARDS, I know that conversion to a true peacetime economy is vital to the survival of our country and our world. Adding steadily to the arsenal of overkill—while denying decent employment, housing and public services to millions of Americans—is a cruel distortion of our Nation's basic principles.

Each of us knows of unmet human needs in our own communities. I believe that each of us should know, too, that more bombs and more weapons have no real relation to our society's long-term security.

I commend all of the people who are participating in various Jobs With Peace Week events. Through the committed efforts of concerned citizens, this country can at last pursue enlightened policies leading to permanent peace and prosperity.●

AMERICA CAN ORGANIZE ITS RESOURCES TO BOLSTER TRADE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. PORTER. Mr. Speaker, Mr. Joel D. Honigberg, the president of J. D. Honigbert & Associates and the past president of the International Business Council MidAmerica, recently wrote to me expressing his suport for the Export Trading Company Act, which was signed into law by the President in October of last year. He enclosed a most enlightening article which he wrote on the subject. I commend him for his excellent work and call my colleagues' attention to this most informative piece:

Americans have always cherished the tradition of responding to a national challenge. In peacetime or during the dark days of war, it is something we have always done well. History recounts numerous examples when this country has organized its resources to achieve national goals.

Today, American business faces, perhaps, its toughest challenge in decades—survival in a fiercely competitive global market. At stake is the economic strength of our country and the prosperity of its people. Some experts, observing the devasting invasion of domestic markets by foreign competitors, claim that U.S. executives appear helpless, rushing to react to developments instead of directing them; that as a result American business can never again be a force in international markets.

A challenge of this magnitude reminds me of the missile gap in 1957 when the Soviets launched Sputnik. If we could generate the same fervor and single-minded determination to organize our trade resources and improve our competitive position in foreign markets, we would surely avert the economic crisis which is predicted, and overcome the debilitating trade deficits this country has experienced for the last five years.

To accept the inevitability of the decline and fall of U.S. prominence in world trade circles at a time when the Congress has legislated the Export Trading Company Act and the Administration has moved briskly into an active role of implementation, is to fly in the face of hope.

In Long Beach Harbor on Oct. 8, watching President Reagan, with a single pen stroke, sign the Export Trading Company legislation into law, I became acutely aware that the months and years of committee deliberation, of debate and compromise had ended.

A national policy had been unequivocally signaled to the business community that export promotion benefits all Americans, that trade is a worthwhile activity.

Standing on that pier, surrounded by the optimism and hope that so many share for what this bill may mean to the future of American export trade, my mind was already on the practical business of translating rhetoric into sensible applications.

The law is revolutionary in the sense that besides encouraging all forms of private business, including banks, to act, it authorizes state and local government entities and other non-profit organizations to form or join trading companies.

It legally designs a system to permit the financial resources of banks, the international expertise of multinational companies, and the export management industry, to work together in organizing thousands of small and medium-sized companies to stake out a share in foreign markets.

The many new, creative combinations of investment capital, export product, and foreign market expertise made possible by this legislation would form the basis for strong trade recovery.

In addition, I am convinced that it will transform the global approach of many American companies. There has been little change in foreign business strategy since the end of World War II. Direct foreign investment, joint ventures with foreign nationals, technology transfer and licensing have been dominant options.

I strongly believe that the American business community has the courage to accept this challenge. It has the resiliency to adapt to the global trade realities of the 1980s. At a time when the pot of protectionism is boiling over, President Reagan's appeal to the business community is to create a modern, viable trading company system, without the benefit of federal government grants or subsidy, forged from the provisions contained in the Export Trading Company Act of 1982.

Unless we begin to make a stronger showing in overseas markets, we may not have the strength to stand up in the ring later to face challengers. If the possibility exists that an international trade war is brewing, this is the time to mobilize our resources to bolster America's share of the global market.●

REFORM OF ICC RAILROAD RATE PRACTICES URGENTLY NEEDED

HON. NICK JOE RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. RAHALL. Mr. Speaker, I rise to bring to the attention of this body the roguish and irresponsible manner in which the Interstate Commerce Commission is implementing provisions of the Staggers Rail Act of 1980.

During our consideration of this railroad reform legislation, I and others worked to strike a balance between the revenue interests of the railroads with those of coal and other captive shippers by maintaining an appropriate degree of rate regulation. Since enactment of the Staggers Rail Act, I have watched as the Commission considered and decided how to interpret and promulgate key provisions of the act. I have repeatedly called for congressional oversight hearings on this process. And, I have issued alerts when I felt the Commission was ignoring the intent of the law.

However, these efforts and the intent of Congress to provide captive shipper protections, have been for naught. The ICC has taken a cavalier attitude toward implementing provisions of the act meant to protect captive shippers from monopolistic pricing practices and has mounted a campaign to administratively deregulate rail pricing for captive traffic; that traffic which lacks viable transportation alternatives and is captive to the railroads. In a number of proceedings the ICC has subverted the meaning of market dominance, sanctioned a 15 percent per year increase above inflation on coal movements, has determined that captive, or market dominant, movements may be made to pay for other less profitable traffic carried by the railroads and has exempted from any type of regulation export coal to the east, gulf and west coasts.

To the detriment of coal producers and users such as the utility industry which purchases about 80 percent of all coal produced and depends on this coal for 52 percent of its electrical generation, the ICC's various and sundry actions have lead to:

Unrealistic and illegal definition of rail market dominance by including product and geographic competition, leaving captive shippers with little prospect for recourse before the Commission;

Adoption of a cross-subsidization scheme which enables a carrier to charge a disproportionate amount of its fixed costs to captive shippers so that it can move less profitable and more competitive traffic;

A ruling that rail rates on coal may increase by the arbitrary amount of 15 percent per year above inflation despite the fact that Congress in the Staggers Rail Act already provided for inflation-based increases and a zone of rate flexibility which allows an additional 6 percent per year increase;

Unrealistic definition of railroad revenue adequacy based solely on the current cost of capital, despite past use of other relevant tools of financial analysis, which has resulted in the determination that only two class I railroads are revenue adequate; and

Exemption from regulation of coal export traffic despite the fact that U.S. coal is already 15 to 20 percent more expensive on the world market largely due to transportation costs.

In short, the ICC has declared an open season on capitive coal traffic. Already faced with escalating railroad transportation costs—a 50-percent increase over the past 3 years—coal shippers and the electric utility and export markets they serve have nothing to look forward to for effective relief from oppressive market conditions. At stake is the basic fabric of a sound national energy policy. Over 65 percent of all coal produced is transported by rail with 85 percent of this amount captive to the railroads. Without a doubt, higher transportation costs for electric utilities using coal to generate over 52 percent of the Nation's electricity will be passed on to the consumer.

According to a recent study conducted by the National Economic Research Associates, Inc., deregulated rail transportation rates for coal would be anywhere from 30 to 60 percent higher than regulated rates. In 1981, the railroads earned about $6 billion in revenues for hauling coal with coal accounting for 27 percent of carloadings and 20 percent of gross freight revenues. Of this $6 billion, electric utilities paid about $4.7 billion. The NERA study indicates that if coal rates were deregulated in 1981, this would have translated into an extra delivered coal cost to utilities of between $1.4 to $2.8 billion, by 1990, an extra $2 to $4 billion. It should be noted that currently on the average 30 percent of the delivered price of coal to a utility is due to railroad transportation costs.

Mr. Speaker, I submit that this is not the scenario Congress envisioned in enacting the Staggers Rail Act of 1980. The act was intended to provide the financial mechanism for the restoration, maintenance, and improvement of the rail system. The shortage of capital to invest in rail plant has largely disappeared and the major coal-hauling railroads are now in fact highly profitable:

[In percent]

Railroad and coal revenues (total revenue)	Profitability (return on equity)	Growth (earnings per share)
Burlington Northern (29.4)	10.5	18.2
CSX Corp. (28)	11.3	8.1
Norfolk & Western (50.4)	17.5	16.7
Southern Railway (15.8)	15.6	14.9
Union Pacific (12)	13.7	18.0
Rail industry medians	13.2	15.7

The Staggers Rail Act has served its purpose with respect to railroad revenues. Now, it is time to attend to another purpose of the act, that of providing captive shipper protections.

Today, I am introducing amendments to title 49 which will accomplish this task. In light of the recent decisions made by the ICC—decisions which run roughshod over captive shippers—it appears it is time to clarify what exactly is meant by market dominance, provide commonsense business standards for determining revenue adequacy and insert additional guidance with respect to developing standards for rail rates. In no way do these amendments run counter to the intent of the Staggers Rail Act. Rather, they enhance and reinforce the provisions of this act intended to protect captive shippers.

The amendments would establish three basic tests in the determination of market dominance. As in current law, making a showing of market dominance is a prerequisite for the ICC to investigate a rate. The first test is the revenue-to-variable cost ratios which establish the threshold for ICC jurisdiction over rail rates contained in the Staggers Rail Act. Second, the Commission would consider whether the shipper has a substantial investment in railroad related plant and equipment and third, whether 70 percent or more of a specific movement was handled by the rail carrier. The latter two tests were used by the Commission prior to its recent proceeding on market dominance in which it decided to include both product and geographic competition during consideration of the presence of market dominance.

It should be made clear that the Staggers Rail Act did not require a change in approach to market dominance and in fact retained the definition of market dominance contained in the 4-R Act (Railroad Revitalization and Regulatory Reform Act of 1976). As such, market dominance is defined as "an absence of effective competition from other carriers or modes of transportation for the traffic or movement to which a rate applies * * *" The Commission's inclusion of product and geographic competition went far beyond the transportation competition definition of market dominance provided by both the 4-R and Staggers Acts. As such, the recent Commission proceeding did not reflect any directives of the act or the intent of the

act, but rather the attitude of the present members of the ICC. This was confirmed by the Fifth Circuit Court of Appeals which—keeping in line with its ruling in the 1980 Coleto Creek case—has since remanded that proceeding because of the inclusion of the product and geographic competition factors.

In the same sense, the Staggers Rail Act did not require the ICC to rely solely on a rate of return on investment equal to the current cost of capital in determining revenue adequacy. As it did with market dominance, the act retained the definition of revenue adequacy established in the 4-R Act. The Staggers Rail Act, rather, placed emphasis on taking into consideration the adequacy of a carrier's revenues in determining the maximum reasonable rate. In addition, many of the new rate freedoms contained in the act are tied to revenue adequacy. And, the act said that the ICC had the authority to revise its standards and procedures as necessary.

The Commission, however, took that authority and substituted as the sole measure of revenue adequacy a rate of return on net investment equal to the current cost of capital. Under this standard, almost every railroad—including those thought by the investment community to be financially sound—are considered to have inadequate revenues and it is primarily captive shippers the railroads look to obtain the increased revenues they are allowed under this formula to achieve revenue adequacy. A rate of return based solely on the current cost of capital provides for an unrealistically high standard since much of the railroads' investment base contained property that is unproductive, obsolete, and inflated by capacity exceeding current market needs. Also, due to the use of betterment accounting, the rate of return for the railroad industry is understated as compared to returns for other industries which use standard depreciation accounting. It should be noted that the 1981 tax law prohibits the railroads from using betterment accounting for tax purposes.

My amendments provide guidance to the Commission in formulating revenue adequacy determinations by requiring the use of standard depreciation accounting and ratios indicative of financial health such as return on investment and bond ratings. Prior to the ICC's latest proceeding on revenue adequacy, it was relying heavily on such financial ratios.

Finally, the amendments contain additional standards for determining whether rail rates are reasonable. The Commission would have to consider the relationship of the rate to the cost to the railroad of providing the service and whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs. These provisions are aimed at mitigating cross-subsidization and serve to further the intent of the Long-Cannon amendment to the Staggers Rail Act.

Mr. Speaker, those Members who were present during the long debate on the Staggers Rail Act of 1980 will remember efforts to address excessive rates for all commodities. They will remember the other body's adoption of the Long-Cannon amendment and the adoption by this body of the Eckhardt-Rahall amendment and the subsequent compromise Staggers-Rahall-Lee-Loeffler amendment. These actions evidenced our struggle to achieve a balance in railroad ratemaking. It is time we make good on those efforts.

I ask that a section-by-section analysis of the bill and the bill itself be printed following these remarks:

SECTION-BY-SECTION ANALYSIS

Section 1: Rail transportation policy.—States that competition for transportation services is to be used to establish reasonable rail rates and that rail rates on captive traffic must be kept at a reasonable level.

Section 2: Standards for rail rates.—In making a determination of revenue adequacy, the ICC must take into consideration factors such as the relationship of the rate to the cost of providing service, the impact of the rate on the attainment of national energy goals and the extent of additional revenues required for the carrier to achieve revenue adequacy. This section also imposes the burden of proof on the carrier to establish the reasonableness of a railroad rate where the rate in question exceeds 190 percent of variable costs in conformity with the "Long-Cannon" amendment to the Staggers Rail Act of 1980.

Section 3: Rules and practices.—This section requires adherence to sound business practices and procedures in considering whether a carrier has adequate revenue such as ratios indicative of financial health (bond ratings, return on investment) in addition to having the ICC use standard depreciation accounting practices when determining depreciated costs in the investment base for purposes of computing return on investment.

Section 4: Rail cost adjustment factor.—Simply requires the ICC to consider railroad productivity, volume and output mix during its compilation of the Index of Railroad Costs.

Section 5: Market Dominance.—This section makes it clear that product and geographic competition are not to be considered in the determination of market dominance. It places into law the standards for determining market dominance and forbids the ICC from exempting from regulation any market dominant traffic not carried under contract.

Section 6: Railroad Accounting Principles Board.—Simply reauthorizes the Board which was created by the Staggers Rail Act of 1980 but never funded.

Section 7: Requires the ICC to conclude a proceeding to implement these amendments within 180 days after enactment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10101a(1) of title 49, United States Code, is amended by striking out "and the demand for services" and inserting in lieu thereof "among carriers to provide transportation services".

(b) Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a);"

SEC. 2. (a) Section 10701a(b)(2)(B) of title 49, United States Code, is amended to read as follows:

"(B) The rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate is greater than that authorized under section 10707a of this title and the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; or

"(ii) such rate results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title.".

(b) Section 10701a(b)(2) of such title is amended by adding the following new subparagraph at the end thereof:

"(C) The rail carrier shall have the burden of going forward with evidence responsive to the factors set forth in subparagraphs (B) and (D) of paragraph 3 of this subsection.".

(c) Section 10701a(b)(3) of such title is amended to read as follows:

"(3) In determining whether a rate described in paragraph (1) of this subsection is reasonable, the Commission shall consider, among other factors, evidence of the following—

"(A) the relationship of the rate to the cost to the rail carrier of providing the service;

"(B) whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs;

"(C) the impact of the rate on the attainment of national energy goals; and

"(D) the extent of additional revenues, if any, required by the carrier in order to achieve adequate revenues as established by the Commission under section 10704(a)(2) of this title, while taking into account the factors described in section 10707a(e)(2)(C) of this title.".

SEC. 3. Section 10704(a)(2) of title 49, United States Code, is amended by inserting "(A)" after "(2)", and by striking all that follows the first sentence and inserting the following new subparagraphs:

"(B) Such standards and procedures shall provide for consideration of—

"(i) indicators of financial health including but not limited to bond ratings, return on investment, return on shareholders' equity, return on total capitalization, fixed charge coverage, debt-to-equity ratio, and operating ratio;

"(ii) the current cost of equity capital; and

"(iii) the actual cost of debt capital at the time such debt was incurred.

"(C)(i) In computing return on investment, the Commission shall include in the investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing railroad transportation service, less the amount of the railroads' deferred tax reserves.

"(ii) The Commission shall commence within 60 days of the date of enactment of this Act a rulemaking proceeding in which the burden of proof shall rest upon the rail

carriers to determine for each of the Class I railroads the extent to which its railroad assets are used and useful in providing railroad transportation service. The Commission shall update its evaluation of each rail carrier's investment base each year in connection with its annual revenue adequacy determination.

"(iii) Until a railroad's investment base has been properly determined in accordance with this subparagraph, the Commission shall consider as a major factor in its revenue adequacy determination funds flow analyses projecting the extent to which available funds will fulfill its fund requirements.

"(D) Revenue levels established under this paragraph should—

"(i) provide a flow of net income plus depreciation adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(ii) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(E) The Commission shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed in this paragraph, recognizing, however, the need to maintain rates at reasonable levels where there is market dominance as defined in section 10709(a).".

SEC. 4. Section 10707a(a)(2)(B) of title 49, United States Code, is amended by inserting ", and changes in railroad productivity, volume and output mix" after "labor" in the parenthetical clause.

SEC. 5. (a) Section 10709(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate has market dominance over the transportation to which the rate applies if—

"(A) the rate charged results in a revenue-variable cost percentage for such transportation that is more than—

"(i) 170 percent during the period beginning on the effective date of this paragraph and ending September 30, 1983;

"(ii) 175 percent during the period beginning October 1, 1983, and ending September 30, 1984; and

"(iii) the cost recovery percentage during each 12-month period beginning on or after October 1, 1984; and either

"(B) within the 12-month period immediately preceding the beginning of such determination process, more than 70 percent of the transportation to which the challenged rate applies was by railroad; or

"(C) a shipper, with respect to the transportation of whose property the challenged applies, has made a substantial investment in railroad equipment or rail-related plant which prevents or makes impracticable the use of a mode of another rail carrier or transportation other than railroads; or

"(D) on the basis of other factors and circumstances there is an absence of effective competition for the transportation to which the rate applies.

For purposes of clause (iii) of subparagraph (A) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost precentage of 180 percent.".

(b) Section 10709(d) of such title is amended by adding the following new paragraph at the end thereof:

"(6) No person, class of persons, transaction, or service may be exempted by the Commission under section 10505 of this title from the application of a provision of this subtitle with respect to any transportation unless a rail carrier is determined under this section not to have market dominance over such transportation, unless such transportation is pursuant to a contract entered into under section 10713 of this title.".

(c) Section 10709 of such title is amended by adding the following new subsection at the end thereof:

"(e) In determining the existence or absence of effective competition for purposes of this section, the Commission shall consider only transportation competition for movement of the same commodity from the same point of origin to the same destination.".

SEC. 6. Section 11161(f) of title 49, United States Code, is amended to read as follows:

"(f) The members of the Board shall be appointed by the Comptroller General within 120 days after the enactment of this subsection. The Board shall cease to exist three years after its members have been appointed.".

SEC. 7. Except as otherwise provided, the Commission shall conclude a proceeding to establish procedures for the implementation of the amendments made by this Act within 180 days after the date of enactment of this Act.●

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 7, 1983

● Mr. McKERNAN. Mr. Speaker, it is with great honor that I join my colleagues in rising to recognize an event that is taking place in Washington: The American Gathering of Jewish Holocaust Survivors. Between April 11 and 14, the Nation's Capital is hosting a gathering of over 12,000 survivors of the Holocaust and their families. This week was chosen for the reunion because, according to the Jewish calendar, it coincides with the 40th anniversary of the uprising of the Warsaw Ghetto.

One clear purpose of the gathering is to mourn and to remember. When we pay homage to those who perished, and when we keep alive our recollection of the horror and destruction, we remain vigilant in our respect for the rights and sanctity of the human being.

But another purpose of this event is to celebrate. Holocaust survivors are joining together to share a celebration of the life they have found in this country. Today, second and third generations carry on, their very existence witnessing the indestructible spirit of the Jewish people.

And in remembering those who died, we also remember their lives. Many tales of the victims survive. We know of Emanuel Ringelblum who organized a historical society in the Warsaw Ghetto so that even if he and the ghetto perished, their testimony would remain. Mordecai Anielevitch and his compatriots understood that although they lacked the freedom to avoid death, they still had the choice of what statement to make by their death. Challenging the might of the many, they commenced their resistance on the second night of Passover—the festival of freedom—and withstood the German Army longer than did the armies of France and Belgium combined.

Whoever kills a person shatters an entire world. In the Jewish Holocaust, 6 million worlds were shattered—men, women, and children were lost, along with their descendants for all generations. The event that is taking place this week, however, is an amazing celebration of the vital force of the Jewish people. This gathering is in many ways a victory—the Holocaust sought not only to exterminate all of the Jews in the world, but to erase even the memory of their existence. The Nazi crime is thwarted by collective memory. The survivors who have gathered together show a profound, yet intuitive decision to answer death by affirming life, by creating life.

Mr. Speaker, I am indeed honored to join my colleagues in paying tribute to the American Gathering of Jewish Holocaust Survivors. I know that I add my voice to an event that will be heard around the world.●

FEDERAL-STATE JOINT BOARD PROCEEDING

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GORE. Mr. Speaker, this week marks another important step in the evolution of our Nation's telecommunications policy as the Federal/State Joint Board meets to continue the process of restructuring the telephone industry. I am deeply concerned that the changes in the separations and settlements process involved in the Federal Communications Commission's access charge decision and the pending Federal/State Joint Board proceeding will have a severe impact on universal telephone service at reasonable rates.

As you recall, the House Energy and Commerce Committee spent an enormous amount of time over the past 6 years drafting telecommunications legislation. Much of our effort was incorporated in the outline of the Modified Final Judgment of the Divestiture of AT&T as proposed by the U.S. Department of Justice. However, the provisions dealing with the tens of millions of rural Americans and those in high-

cost urban areas have not been sufficiently defined to assure that rates will not dramatically increase.

The House Telecommunications Committee wrestled with this issue a few years ago in H.R. 6121 and 5158. At my recommendation we devised a rural safety net for rate increases pegged at 110 percent of the national average for comparable services. Beyond that amount a national pool would provide revenues to keep rural rates reasonable.

The access charge plan follows some of our recommendations. It creates a universal service fund (USF) to provide revenues to rural areas and other high cost areas to prevent undue rate increases. However it does not specifically accept our benchmark in 1984 of rural rates going on higher than 110 percent of national rates. It assesses a flat monthly charge on residential and on business users. Over 7 years these monthly rates will increase to $7 on a national average, and will be proportionately more for high-cost rural areas. This will recover the full amount of the joint and common costs or nontraffic sensitive costs—for the local telephone loop between user and central switching office.

The FCC plan left for the Federal/State Joint Board the decision on how much of the joint and common costs—the traditional separations process—will be allocated between local and long-distance revenue requirements. The effort to switch common costs from the long distance carriers—AT&T, MCI, Sprint, ITT, et cetera, who want to change lower toll rates to heavy business and residential users. The burden of making up these cost shifts are falling on small business and most residential users.

Congress has clearly mandated in the Communications Act of 1934 that the FCC "make available, as far as possible, to all the people of the United States a rapid efficient, nationwide, and worldwide wire and radio communications service with adequate facilities at reasonable charges. * * *"

Unless the FCC carefully structures the access charge scheme's USF to the recommendations of the Federal/State Joint Board, universal service at reasonble rates will be in jeopardy.

Therefore, I urge the Joint Board to include all the nontraffic sensitive local loop costs in the high-cost factor designed to prevent rural subscribers from paying disproportionately high access charges. The high-cost factor will be recovered in charges to interstate, or long distance, carriers under the universal service fund mechanism.

If the FCC incorporates my 110 percent rural rate safety net in the formula it would keep rural rate increases at no more than 110 percent of the national average. Since the amount of money required to keep rural rates comparable with other areas is only about 1½ percent of the total telephone industry revenues, no one will be significantly impacted. It can be collected from customers of long-distance carriers.

After decades of neglect between the two world wars the congressional policy of universal telephone service is now nearly a reality. Everyone benefits from the integrated national telephone network, both the business and private sector. The FCC should not adopt a Joint Board proposal unless it is assured that universal service at reasonable rates will be continued. We in Congress cannot shirk our responsibility to our constituents and must assure that sound national telecommunications policy will be continued which will benefit all Americans and not just the affluent business and residential users.●

HOW TO DEAL WITH WITHHOLDING ON INTEREST AND DIVIDENDS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, I recently came across an article in Money magazine that contained information that will be helpful to many of our constituents who will have taxes withheld from their interest and dividend income.

The article addresses such issues as filing exemption forms and adjusting estimated taxes to compensate for withholding.

The article follows:

NEW WITHHOLDING TACTICS

Despite the repeal campaign waged by bankers, withholding for taxes of 10% of your interest and dividends is likely to begin July 1. The new law will be felt by almost everyone who has savings or investments. You won't owe any more taxes in the end, of course, but you will lose a little yield on your savings because the IRS will be taking out money that otherwise would have been compounding interest. More important, if you collect a lot of dividends or interest, your withholding may be large enough to raise tax-planning considerations. For instance:

You may want to adjust your withholding allowances at work. The new W-4 certificates let you reduce the tax withholding on your pay by the amount you expect to be withheld on your interest and dividends.

If you file quarterly estimated tax payments and will have dividends and interest withheld after June 30, you can lower each quarterly payment beginning April 15 by 25% of your total anticipated withholdings in 1983, according to Albert Ellentuck, national tax partner for the accounting firm of Laventhol & Horwath.

You no longer will need to file quarterly estimated tax payments after June 15 if the amount withheld from your dividends and interest plus that taken out of your paycheck comes within $300 of your tax bill for the year. The lower your tax bracket, the more likely you will be able to avoid estimated payments.

If you won't be subject to the new withholding taxes, be sure to file an exemption certificate with every source of your interest or dividends. You're exempt if you will pay $600 or less in income taxes for 1982 ($1,000 for married couples filing jointly) or, if you're 65 or older, your 1982 tax bill will not exceed $1,500 ($2,500 for married couples). You also may need to complete an exemption certificate if you own utility stock that qualifies for the special tax exclusion for reinvested stock dividends. If you are taking the deduction on your tax return and haven't received an exemption form from the utility by May, call and ask for one.

If you will earn less than $150 in interest in a savings account, NOW account or moneymarket account, tell your banker you want that money to be exempt from withholding. He doesn't have to grant the exemption, but he probably will after you fill out an exemption certificate. You may be tempted to divide your account into several smaller ones to keep your earnings from every one of them below the $150 cutoff, but for most people that's hardly worth the time and trouble. Withholding on $10,000 in a money-market account earning 9 percent would, at most, cut your net annual yield from $900 to $895.

If you have more than one account at a bank, suggests Sam Starr, a Washington, D.C., tax manager with the accounting firm of Coopers & Lybrand, try to work out an arrangement so withholding taxes will be taken out of your checking account. That way you won't lose any yield on your interest-bearing accounts.

Instead of spreading out your withholdings over the year, ask your banker to take them all at once, on Dec. 31. Unlike money-market funds, banks have the option to do just that, and a lump-sum withdrawal allows your savings accounts to work for you throughout the year.●

MAJOR CONCERNS OF AMERICA'S WOMEN

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Ms. FERRARO. Mr. Speaker, on April 11, I had the honor of sharing the dais at the luncheon of New York Women in Communications with the senior Senator from Massachusetts, EDWARD M. KENNEDY.

The event brought together some of the most influential and distinguished women in journalism, literature, and communications. We were all galvanized by Senator KENNEDY's excellent speech in which he forcefully and effectively linked the major concerns of America's women—a secure peace and a fair economy—which provides equal opportunity to Americans of both sexes.

I would like to share the Senator's speech with my colleagues:

ADDRESS OF SENATOR EDWARD M. KENNEDY

I want to thank Jeannine Dowling for that warm introduction, and to say how grateful I am to be here today and for her

tireless effort in making this luncheon a success.

And I also want to acknowledge two others whose leadership in the New York chapter has contributed so much to the success of Women in Communications here and across the country—your President, Carolyn Carter, and your President-Elect Madeline Amgott.

And I am honored to share this dais with one of the finest representatives that Queens has ever sent to Washington, the very able and highly respected Congresswoman from this city, Geraldine Ferraro.

I also want to commend another leader who has done so much to advance the cause of women here, a key adviser to Ed Koch, the Chair of the New York City Commission on the Status of Women, Marcella Maxwell.

This truly is an extraordinary occasion, because of the excellence and high achievement of this year's award recipients:

Maya Angelou is one of the most sensitive and perceptive authors of our time.

Kay Koplovitz is creating the new frontier of cable that is already transforming sports and television.

Patricia Martin and Charlotte Kelly Veal are among the most respected advertising leaders in the nation, and they have pioneered the expanding role of women in the industry.

And I suspect that we would all be better off today if Donald Regan were writing columns for Newsweek—and Jane Bryant Quinn were making economic policy for the nation.

And then there's Mary McGrory, a friend and critic whose Pulitzer Prize winning columns are renowned for both eloquence and insight, and who more than any other writer is the conscience of Washington on the great issues of our time.

I have come to speak with you today about the continuing struggle for the full economic rights of women.

But first I want to discuss a separate issue that women have done so much to bring to the forefront of national and international debate. It is an issue that cuts across every line of party, philosophy and region in America. It is the most fundamental issue of our time, and the greatest issue of all time—the prevention of nuclear war.

I am deeply concerned about the course of arms escalation on which the present administration has embarked. We cannot, and we must not, continue to play this endless game of nuclear poker with the Soviet Union, in a contest where the mounting piles of bargaining chips are measured in MX missiles, and where the slightest miscalculation may bring megadeaths not only to the peoples of our two nations but perhaps to all the earth.

It is neither sensible statesmanship nor constructive negotiating strategy for the two great superpowers to posture against each other across the nuclear divide, and to abuse the language of fair debate with the rhetoric of heedless invective and needless confrontation. There is no morality in the mushroom cloud; the silent black radioactive rain will fall equally on the just and the unjust; and the world that is left in the ashes of Armageddon will little note nor long remember which was the evil empire.

Women and men in growing numbers across the country have come to understand that there must be a better way. But women have always had a special role in the great peace movements across the generations. For by heritage and history, women have been the true pioneers in the search for alternatives to war. In this century, from Jane Addams before World War I, to Randall Forsberg and Helen Caldicott in the 1980's, women have often found themselves shut out of the political process. But they have fashioned other effective ways to press their human and humane perspective—and to gain a higher priority for the lives of sons and husbands, friends and families and fellow citizens.

The peace movement today is neither pacifist nor unilateralist. The vast majority of women in many lands who demonstrate for peace are not denying that their nations will ever fight; they have always recognized that relentless militarism must be met with a military response. Many who marched for peace in Vietnam also became Gold Star Mothers. But before accepting the inevitability of war, they have insisted that we must truly explore all the possibilities of peace.

That tradition of leadership in the search for peace has a special relevance today. Instead of launching a new arms race into outer space, instead of seeking only to manage the escalation of superpower competition to higher and higher levels of danger and instability let us strive instead to stop the nuclear arms race now, once and for all time. That is why I favor an immediate agreement between the United States and the Soviet Union for a mutual, comprehensive, and verifiable freeze on the production, testing and deployment or nuclear weapons, followed by deep reductions in the arsenals on both sides. The people of this country deserve a national leadership with a sincere commitment to genuine arms control. This administration should spend less time preparing for nuclear war, and more time preventing one. And if the government does not heed that message, then the people will change the government.

There is another great enterprise before us here at home. Second only to the challenge of nuclear peace is the difficult struggle we face on many fronts to revive our economy and return America to the historic path of economic progress and social justice.

Our first priority must be to turn the capsized economy rightside up, to put unemployed men and women back to work, and to curb the wasteful surge in military spending.

A sound economy is the greatest social program America ever had; and so our goal today must be to do all we can to assure that the present upturn becomes a broad and a lasting recovery from this worst of all recessions in the post-war ear. And in our platform, a key plank with growing bipartisan support in Congress is a new and higher priority for a comprehensive plan to secure the full economic rights of women.

The centerpiece of that effort is still the fundamental goal for which millions of Americans of both sexes have struggled for so long—the Equal Rights Amendment. The effort begins again this Spring in earnest, and this time it will be won—not just because we will the Equal Rights Amendment in Congress, but because we will not rest until E.R.A. is ratified in the states. I pledge to you that I will speak out on this issue again and again, until the constitution at long last holds this truth to be self-evident—that not only all men, but all people, are created equal.

I am optimistic that we will send E.R.A. to the states before Congress adjourns next year. It is not too soon, therefore, to begin planning for the ratification campaign. In all likelihood, the legislatures elected next year in the states will decide the fate of E.R.A. in this decade. And the way to assure the victory is to elect women in greater numbers to state legislatures in 1984. I am convinced that if there had been more women in state senates and state assemblies and state houses of representatives in the 1970's, the Equal Rights Amendment would have joined the constitution years ago.

And E.R.A. is only lesson number one. The fair participation of women in our democracy will bring other victories as well. Today, women make up 51% of our total population—but only 11% of all elected officials. It is fair to wonder why other democracies are so far ahead of us in this respect, and to wonder when America will join India, Israel, Britain, and other nations that have chosen a woman for the highest office in the land. It is time for our two great political parties to start talking about women candidates for President and Vice President.

You do not need a masters degree in mathematics to realize that if we lower the barriers to women in public life, we will double the ability and energy we bring to the countless challenges facing us in foreign and domestic policy. And once those barriers are finally down, we will have at last a government in this country that is as responsive to the needs of women as it is today to the needs of men.

It is as though a great dam is finally cracking, with a rush of opportunity that is sweeping women to places of prominence in professions and careers that had always seemed out of reach before.

All of you know this phenomenon first hand, because you are living witnesses to it in communications. Just the other day, I happened to see some remarkable statistics in other fields. In the decade of the 1970's alone, the number of women graduating from college with degrees in engineering rose from 500 to over 7,000. In law, the number climbed from 800 to nearly 11,000. And in business, the number soared from 9,000 to 63,000.

As President Kennedy liked to say, each individual can make a difference, and everyone must try. Millions of women in their own communities have already made an important difference on nuclear arms control. And that same potential is waiting to work its healing influence on so many other issues that confront us.

On critical matters such as law enforcement, we must have a government that cares as much about rape and domestic violence as it does for other criminal conduct.

On health care, we must have a government in the future that displays as much concern for safe birth control devices as it does today for safe pacemakers.

We must have a government that truly addresses the needs of the unseen impoverished elderly, three-quarters of whom are women.

We must reform the outdated laws of earlier generations of property and taxation, on Social Security, on insurance and inheritance, and bring those laws into the modern world of women and families in today's economy.

We must have a nation that pays women a fair wage for a fair day's labor, instead of denying equal pay for work of comparable worth.

Instead of relegating women to second class status in the boardroom or the classroom, we must reward ability in management with responsibility in the boardroom or the classroom, we must reward ability in management with responsibility in the exec-

utive suite, and pay a living wage to those who teach our children how to read.

Above all, we must have a nation where vast numbers of women in the work force are no longer consigned to jobs with the lowest skills, the poorest fringe benefits and the fewest opportunities for advancement. Job segregation by race or sex is unacceptable in any workplace in America.

We are familiar with the depressing statistic that women earn only 59 cents for every dollar earned by men; but it is even more distressing that this ratio is actually five cents worse in the 1980's than it was in the 1950's, thirty years ago, when women earned 64 cents for each dollar earned by men. In spite of all the social progress that women have achieved in this generation, the earnings gap is wider than it was before.

And that gap is worst for those who have the least. Today, one out of every seven full-time working men earns less than $7,000 a year; but for women, the figure is one in three. The feminization of poverty is not simply an academic theory of sociologists, but a grim and worsening reality that is unfairly pressing women down and that no American should ignore.

It is wrong for any President, as President Reagan did a year ago, to dismiss the record levels of unemployment by blaming women in the work force. A job today is no more and no less a luxury for a woman than for a man. Two-thirds of all the women in the workforce—over thirty million women—are there for precisely the same reasons that men are there—because of economic necessity, because they are the breadwinners for themselves and their families, or because their husbands earn less than $15,000 a year. And for women, as for men, the right to a job should be readily available as a source of personal growth and self-fulfillment.

To remedy the inequities that exist, the working women of America deserve their own Bill of Economic Rights. They deserve protection for hard-won gains when times are bad, and a pledge of surer progress when times are brighter.

Let me speak briefly about just some of the possibilities that lie well within reach toady, if Congress and the administration have the courage and commitment to grasp them.

We must insist that the pension system shall fairly protect the rights and needs of both working and non-working women. Too often under present law, a woman is denied her pension because she has not worked at the same job long enough to become vested in a plan. And harsh rules too often permit employers to cancel the pensions of workers who suffer untimely death, with the unconscionable result that thousands of elderly women are condemned to endure their remaining years in want and need. Congresswoman Ferraro has been a truly outstanding and outspoken leader in these concerns. I was proud to stand with her last month in introducing legislation to achieve the far-reaching reforms essential to end the abuses and injustices of the present system. No woman who works should lose her pension because she interrupts her career to bear a child. No woman should be denied retirement benefits because she works part-time or works part-year. No woman whose husband has earned retirement income should be compelled to live her golden years in poverty.

Both the public and private sectors must also begin to look more favorably upon extended leave and more flexible hours for new fathers as well as new mothers. It is time to dispel the convenient male myth that child rearing and child care are women's work and the responsibility of women alone. And it is also time to eliminate the cruel choice that a new mother too often has to make between losing her job or returning to work when her newborn infant is barely a few weeks old.

We must expand child-care opportunities for working families. Half of all children under the age of six have mothers in the labor force, and the costs they pay for child care should be a legitimate business expense. It is impossible to justify a tax code that sets strict limits on child care, while there is no limit except the sky on the lavish tax breaks for oil.

We must guarantee equal access at equal premiums to life insurance and annuities. Insurance companies do not discriminate because of race; it is time to put the same prohibition in place against insurance discrimination based on sex.

Finally, there must be greater efforts by government in partnership with the private sector to assure equality for women in the new technologies and work opportunities of the future. Affirmative action is essential if women are to enjoy full access to math and science programs, to vocational education, and the pursuit of non-traditional careers. The computer revolution will mean new occupations in the home for women, the elderly, and the handicapped. But it may mean new dangers too. And so we must be vigilant against efforts by employers to substitute piece rates for hourly wages and salaries. The personal computer must not be misused as an excuse to return to the sweatshop days when impoverished women toiled for endless hours in their homes to meet the piecework quotas of the garment industry.

In time, all of these advances—and more—will come. But progress will not be easily won. And no progress of any worth will be achieved without unremitting sacrifice and enduring commitment, and without vigorous political action on every front—federal, state, and local.

For the first time in our history, women have begun to wield their enormous power at the ballot box on a range of vital issues. Women actually cast more votes than men in the 1982 elections—and the potential of those votes will be there in every future election in every community in America. Every candidate for public office now understands that when the votes are counted, women count—and our democracy is better for it.

In closing, let me add a few personal comments of my own. All around us, in communities across this country, we see the emerging challenges and opportunities for progress on equal rights. But closest to home is where the feelings run the deepest, and where our perceptions are the clearest.

The traditions of prejudice die slowly, whether their poison infects the streets of Cyprus or Northern Ireland or Chicago. When my grandfather was growing up in Boston, the street windows in the city stores still had signs that said "No Irish need apply."

I grew up in a family with many advantages. My parents instilled in their children a sense of compassion and caring for others, a belief in the worth of each individual, and a commitment to excellence in whatever endeavor we might choose. But I think back now with mixed feelings on those days, because I know that my own daughter, who graduates from Tufts University this Spring, has far more opportunities today than my mother ever had.

Nearly three-quarters of a century ago, one of our greatest Republican Presidents spoke about the man in the arena:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, and comes short again and again; but who does actually strive to do the deeds; who knows the great enthusiasms, the great devotions; who spends himself in a worthy cause; who are the best knows at the end the triumph of high achievement, and who at worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory or defeat."

There is only one thing I would change now in those words of Theodore Roosevelt. Today, it is women who are in the arena too. And as a result, women like those we honor here are at last able to dare greatly, and to earn in this new day and generation the triumph of high achievement.●

TRIBUTE TO WILL N. (BILL) BARLOW

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and recognition of a longtime friend and constituent of mine, Will N. (Bill) Barlow, of Gilbertsville, Ky., who died on February 23, 1983, at the age of 69 in Paducah, Ky.

Barlow, an outstanding Kentuckian, was a member of the First Baptist Church of Benton, Ky., and the Masonic Lodge of my hometown, Mayfield.

Bill Barlow was helpful to me on many occasions, and I was proud to call him a friend as I represented him as his Congressman. Bill Barlow was one of those Americans whose contributions to his country and those with whom he came in contact were substantial.

Survivors include his lovely wife, Evelyn Barlow, his two sons, Gene Barlow, of Mayfield, and Donnie Barlow, of Owensboro, Ky., two sisters, Mrs. Mary Elizabeth Holshouser and Mrs. Lottie Coplen, both of Mayfield, and four grandchildren.

I extend my personal sympathy to the survivors and friends of this dear friend of mine who was truly an inspiration to those of us who knew and respected him.●

MAKING MONETARY POLICY RESPONSIVE TO SMALL BUSINESSES

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. MAVROULES. Mr. Speaker, high interest rates and tight money have been the bane of the Nation.

Nowhere is this more apparent than among the men and women who own America's small businesses and farms. Small business failures alone amounted to a record number of 25,000 firms last year, largely due, according to the President's report on the state of small business, to today's tight money climate. Farms were also hurt by their inability to compete for credit.

Today, I am offering at least a partial remedy to this deplorable situation, one that also recognizes the invaluable contributions small business men and women and farmers are making to the Nation's economy.

Mr. Speaker, today I am introducing a bill that would place, at the earliest openings, representatives of small business and agricultural interests on the Federal Reserve Board, with the aim at making the Nation's monetary policy more responsive to these two groups.

The legislation represents a sound, first step toward reversing a disastrous trend that neither small businesses, nor farms, nor—more important—the Nation can allow to continue any longer.

The bill, I would stress, is not a radical departure from the existing guidelines established to aid the President in nominating members to the Federal Reserve Board. It merely calls for a minor adjustment in the language of the law, without requiring a change in direction of that law. But it would have a major and beneficial impact on the small business and agricultural sectors, struggling for the capital to keep their shops and farms going and their people employed.

The law now reads that the President must show "due regard * * * to a fair representation of financial, agricultural, industrial, and commercial interests," when making nominations for the Federal Reserve Board of Governors. My bill would amend the Federal Reserve to mandate the appointment of small business and agricultural representatives to the Board at the time of the next two vacancies. It is essentially an enforcing provision to the law now on the books.

I submit that no sustained economic recovery is possible so long as these two sectors, buffeted by tight money problems, remain an object of indifference to our economic planners. Small business men and women and farmers are key players on the Nation's economic scene. America's farms have made the Nation the breadbasket of the world, and small businesses, collectively, are the Nation's largest employer, account for close to half the gross national product, and are the leading edge of technological innovation. We must move to recognize these contributions and to keep them going. That is the intention of the bill I am filing today.

A more responsive monetary policy, boosting two of the Nation's most productive sectors, can put us on the road to economic recovery. For at stake, ultimately, are those things that have dominated the Nation's economic agenda for the last several years: Productivity, innovation, a favorable trade position, and jobs, jobs, jobs.

H.R. 2566

A bill to amend the Federal Reserve Act to provide for increased representation of small business interests and agricultural interests on the Board of Governors of the Federal Reserve System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the first paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 241) is amended by inserting before the period at the end thereof the following: ", except that one member of the Board shall have a background in small business and shall represent the interests of small businesses and another member of the Board shall have a background in agriculture and shall represent the interests of agriculture".

SEC. 2. With respect to the first two members appointed by the President to the Board of Governors of the Federal Reserve System after the date of the enactment of this Act, one such member shall have a background in small business and shall represent the interests of small businesses and the other such member shall have a background in agriculture and shall represent the interests of agriculture.●

INTERNATIONAL DAY FOR ELIMINATION OF RACISM

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. GRAY. Mr. Speaker, March 21 marked the observance of the International Day for the Elimination of Racial Discrimination. On that date, at a meeting of the United Nations Special Committee Against Apartheid, U.N. Secretary-General Javier Perez de Cuellar spoke eloquently of the "grave dangers of racial discrimination and the imperative need for international action to rid the world of that negation of human values and civilization."

Particularly in South Africa, but in other nations as well, the evils of racism continue to oppress and degrade millions of our fellow human beings. I urge my colleagues to reflect upon the Secretary-General's statement reprinted below, and I hope that we in the Congress will redouble our efforts to achieve the total disappearance of racism from the planet we all share.

SECRETARY-GENERAL'S STATEMENT ON INTERNATIONAL DAY FOR ELIMINATION OF RACISM

"The elimination of discrimination based on race has been one of the main preoccupations of the United Nations since the founding of the Organization.

Racism is contrary to the purposes and principles of the Charter of the United Nations and is an affront to the dignity and conscience of mankind. It is a serious hindrance to genuine international cooperation, has been a root cause of conflict and has to be eliminated by the continued efforts of all nations and peoples.

The International Day for the Elimination of Racial Discrimination coincides with the anniversary of the tragic shooting of peaceful demonstrators against racial discrimination in South Africa. That tragedy must constantly remind us of the grave dangers of racial discrimination and the imperative need for international action to rid the world of that negation of human values and civilization.

Indeed, the killings in Sharpeville and the accession to independence of African States have led to intensified efforts by the United Nations for the elimination of all forms of racial discrimination. I request all Governments and organizations, as well as the media, to co-operate in these efforts. I invite them to help ensure the success of the Second World Conference to Combat Racism and Racial Discrimination, to be held in August this year.

I urge all Governments which have not yet done so to accede to the International Conventions on racial discrimination and on apartheid.

Apartheid, a system of institutionalized racism, has been of particular concern to the international community since its represents a consolidation of a bitter legacy of discrimination in contravention of the obligations of Member States under the Charter.

I would appeal to the leaders and the people of South Africa to seek a truly lasting, just and peaceful solution to the situation in their country, in recognition of the human rights and fundamental freedoms of all people irrespective of race, colour or creed. They would thereby help avert a wider conflict in the whole region and make a great contribution to international co-operation.

I must, on this occasion, pay tribute to the work of the Special Committee and of its distinguished Chairman, His Excellency Alhaji Yusuff Maitama-Sule, for their dedicated work in promoting international action for the elimination of apartheid.

This Special Committee will soon be observing the twentieth anniversary of its first meeting in 1963.

It can look back with great satisfaction at its many initiatives and achievements, particularly in educating world public opinion on the evils of apartheid, and in promoting international assistance to the victims of racial discrimination. It has set a worthy example by its close cooperation with public organizations all over the world, and by its efforts to encourage artists, writers, sportsmen, entertainers and other leaders of

public opinion to join the campaign against apartheid.

But the task is not yet fulfilled. I am confident that the Special Committee will continue to explore all avenues to discharge the important mandate entrusted to it by the General Assembly. In this, it can count on my full cooperation."●

SAM ERVIN ON WITHHOLDING

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 14, 1983

● Mr. D'AMOURS. Mr. Speaker, I would like to share with my colleagues a thoughtful and important letter written by our distinguished former colleague, Senator Sam J. Ervin, on the subject of interest and dividend withholding:

SAM J. ERVIN, Jr.,
Morganton, N.C.

TO SENATORS AND RESPRESENTATIVES IN CONGRESS: As an American who abhors tryanny, I urge you to repeal the law which will compel banks, savings and loan associations, and other financial institutions to withhold ten percent of the income of American taxpayers from dividends and interest beginning on the first of July, 1983.

The implementation of this law would constitute rank tyranny on the part of the federal government because it visits the sins of the guilty upon the innocent.

Under existing law every law-abiding taxpayer having income derived from dividends and interest already pays 25 percent of the federal income tax due on such income to the federal government every three months by filing an estimated tax return. It is totally unnecessary to have an additional withholding law which compels the withholding by banks, savings and loan associations, and other financial institutions of ten percent of such income as it matures.

In opposing the repeal of this law, the IRS is trying to get the banks, savings and loan associations, and other financial institutions to perform its duties. The IRS is kept informed by these institutions of the names and addresses of every taxpayer receiving such income. Hence, it knows the names and addresses of any taxpayers who may be cheating the government by failing to pay the taxes on this income. If the IRS would simply perform its duty and call upon the taxpayers who try to cheat on these items of income for their payment of the taxes, it could collect virtually all of the unpaid income on these items as a result of simple demands in franked letters. It could then insist on the prosecution in the federal courts of those who refuse to heed these demands.

The news media indicate that President Reagan, Secretary of the Treasury Regan, and Senator Bob Dole are promising some form of governmental retaliation upon banks, savings and loan associations, and other financial institutions for encouraging their customers to lobby for the repeal of this withholding law. They seem to be under the impression that these financial institutions are the only advocates of its repeal. They are sadly mistaken. The truth is that untold millions of law-abiding taxpayers deeply resent a law which visits upon them the sins of tax cheaters.

If the President, the Secretary of the Treasury, and Senator Dole would read the First Amendment, they would discover that it gives every institution and every person in America the right to petition the federal government for a redress of grievances. They might then realize that these banks, savings and loan associations, and other financial institutions, and millions of law-abiding taxpayers are merely exercising their constitutional right when they petition Congress to repeal this withholding law which is certainly a most annoying grievance.

SAM J. ERVIN, Jr.●

SENATE—*Friday, April 15, 1983*

(Legislative day of Tuesday, April 12, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Our Father in Heaven, we pray for our families. As the business of the Senate increases in intensity, as pressure builds and emotions rise, as issues are complicated by disagreement and controversy, may the Senators and their staffs take more seriously than ever their obligations to spouses and children. May they refuse to allow their loved ones to be sacrificed on the altar of politics.

Deepen their awareness, that in the economy of God, the family must have priority—the Nation cannot endure disintegration of the home. In recess, grant to the Senators the will to make time for their families, however much else they have to do. If something must be neglected, let it not be their loved ones. Grant that this weekend will be a time of strengthening family ties and personal rest and relaxation as well as work. In the name of Him who said, "Come unto me all ye who labor and are heavy laden and I will give you rest * * *." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, 1 hour from this moment the Senate will go to the consideration of the reciprocity bill under the order previously entered, at which time the Kasten amendment will be the pending question.

I anticipate the Senate will not be in late today. I also anticipate that a cloture motion will be filed which will produce a vote on Tuesday under the provisions of rule XXII.

BANKRUPTCY LEGISLATION

Mr. President, I had hoped to bring up the bankruptcy bill today if there was time for it, and I think there probably will be. But I do not think we can get to it. I am advised there is a possibility that the difficulties remaining in that bill and another bill relating to bankruptcy may be worked out. It may be a fond wish. But, in any event, there is some possibility that those differences will be reconciled and we can get to both bills on some basis maybe Monday or at least sometime next week.

So indulging that hope, no matter how tenuous, I do not intend to try to get the bankruptcy bill up until I hear from the principals there involved.

THE DOLE FOUNDATION

Mr. BAKER. Mr. President, yesterday in this Chamber, a man of courage proved he was a man of vision and compassion as well. The distinguished senior Senator from Kansas, and my good friend, BOB DOLE, took the occasion of the day when he was wounded in service to our country, 38 years ago, to establish a new and vital public foundation for the benefit of handicapped citizens.

On April 14, 1945, an enemy bullet entered the right shoulder of Senator DOLE which fractured his vertebra and initially paralyzed all of his extremities. During his miraculous recovery he lost over 70 pounds and saw his temperature rise to 108.7 degrees. Still he survived. In all he spent over 39 months in hospitals in Europe and at home.

In 1947, when he returned to his hometown of Russell, Kans., BOB DOLE found out that he would need additional surgery, and that it would be expensive. Almost immediately, the citizens of Russell began a fundraising effort to help with the expenses, and Senator DOLE received the surgery that he needed.

Yesterday, in announcing the formation of the Dole Foundation, which will be a public foundation aimed at educating and training handicapped individuals, Senator DOLE said:

> I will never forget the help I received from the people of Russell, and I hope that in some small way I can provide help, and hope, to others who may be in similar situations now and in the future.

Mr. President, I want to congratulate Senator BOB DOLE on the creation of the Dole Foundation and I want to commend him for his empathy and conviction. I am confident that this foundation will play a large part in the lives of handicapped individuals in Kansas and across the country, and I hope the foundation meets with every success.

I will also say at this time, how grateful I am, along with everyone else who has come to know BOB DOLE, to the citizens of Russell for assisting a wounded veteran 36 years ago, and for making it possible for him to continue to serve his country in the exemplary fashion in which he always has, which we all recognize and acknowledge.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I am happy to yield.

Mr. BYRD. I suppose in a way I probably would be expected to be one of the last in the Senate to associate my remarks with the remarks the distinguished majority leader has made, and I refer to the recent election. But BOB DOLE, even though he tried to render assistance to my opponent, was always courteous to me. He never went into my State and said anything against me.

I admire him tremendously. I like his wit, I like his ability to poke fun at himself, which is a real attribute.

He has assisted me on the floor in matters that are of importance to my State of West Virginia, and he is, I think, universally recognized as an extremely capable and bright Senator.

So I will try to look ahead and not look backward. I have no malice toward BOB DOLE. He did what he thought he ought to do, I guess, in trying to strengthen the size of the present majority in the Senate.

I have a tremendous respect for him, and I think he knows it. We both joked about some of the things I referred to. But as far as I am concerned any man who puts his hand to the plow and looks backward is not fit for the Kingdom of Heaven.

So I join with the majority leader in saying that Mr. DOLE is a patriot who has served his country well, bravely, and courageously, and who still wears the marks and always will, apparently, of his service to his country.

He has likewise rendered many services to his country here in this body.

Mr. BAKER. Mr. President, I thank the Senator from West Virginia, the minority leader. He not only is the most skillful legislator I ever knew, but he is also a man of understanding and compassion. I am sure Senator DOLE will appreciate the remarks the minority leader has just made.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the distinguished minority leader under the standing order, any time remaining between the expiration or yielding back of that time and the hour of 1 p.m. today be devoted to the transaction of routine morning business in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, since there will not be very much business

transacted other than debate on the amendment which will be pending, I expect today to make another of my series of comments on the U.S. Senate.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COHEN). The Democratic leader is recognized.

CENTRAL AMERICA

Mr. BYRD. Mr. President, I am extremely concerned about our role in the entire region of Central America, not just Nicaragua but also El Salvador, Honduras, and other countries, as well. I worry that the current administration is looking at this strictly in terms of a Soviet versus United States relationship, and in doing so it is myopic to our long-term interest in Central America.

I think there is a possibility that the administration's actions since coming into office may have harmed chances of having a more moderate government in Nicaragua. I think there is a possibility that the administration is undoing the stabilization that took place in Honduras during the last administration. I think there is a possibility that the administration's actions in El Salvador could bog us down in that country militarily in the years to come.

I am not an expert on Central American affairs.

But, speaking for the people of my State, which has the highest unemployment rate in the country, 21 percent, I wish the administration would be more concerned about our own people than keeping a wealthy few people in power in Central America.

I do want to learn more about the region. Over the Easter break, I sent two staff people to Mexico and El Salvador. They have made observations to me. They are in the process of preparing a report, and I shall bring this report to the attention of the Senate.

In closing, may I say that I am willing to always keep an open mind and I am willing to listen to all sides of this issue.

A SELFLESS ACT OF BRAVERY

Mr. BYRD. Mr. President, during the Easter recess, a dramatic rescue took place in West Virginia by a three-man crew of the Chessie System. Their selfless act of bravery saved the lives of three people, one of them an expectant mother.

This rescue took place near Hawks Nest, one of the most beautiful spots in West Virginia. The Chessie System Train No. 93 had slowed to cross the bridge at Hawks Nest when the crew heard cries from the New River, saw that a boat had capsized and three people were floundering in the icy water. Without a thought of personal safety, the crew stopped the train and jumped in to save them. Their quick action saved the trio from almost certain death.

My attention was brought to the heroic act of these men by an article in the Martinsburg Journal on March 29. I want to share with my colleagues in the Senate this heartening story about three brave men—Jay L. Harwood of Russell, Ky.; K. W. Winters of Danville, W. Va.; and Jim Shoemaker of Huntington, W. Va., and I ask unanimous consent that the article entitled, "No. 93 Crew Pulls Three From River," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Martinsburg Journal, Mar. 29, 1983]

NO. 93 CREW PULLS THREE FROM RIVER

HAWKS NEST (UPI)—Ol' No. 93 never had a day quite like it. And maybe it never will again.

What normally is a serene train ride through some of the more scenic countryside of West Virginia on its run from Hinton to Russell, Ky., provided a dramatic moment Saturday.

Just as the Chessie System Train No. 93 broke its speed to accommodate a difficult turn over Hawks Nest Bridge in southern West Virginia, the crew's ears perked up to the sharp cries for help from below.

No one aboard could believe what he was hearing.

When the drama finally unfolded, they found it even harder to believe what they did in response to the life-and-death scene that took place just below them.

Underneath the bridge were three people, frantically trying to keep from drowning in the ice-laden New River. Their shouts were loud and desperate, but fell on deaf ears, until No. 93's crew heard them.

Immediately, engineer Jay L. Harwood of Russell, Ky., halted the train. Head brakeman Jim Shoemaker, Huntington, and fireman K. W. Winters, Danville, leaped into the water and brought the three to safety.

Rescued from the turbulent waters were Sonya Wood, who was five months pregnant, her husband, Craig, and their friend, Carlos Rolles, all of Fayetteville.

Chessie System spokesman Lloyd Lewis called the train crewmen true heroes, noting that had they not heard the cries for help and instantly leaped to save the trio, all three would have perished.

Only Mrs. Wood was taken to the Plateau Hospital in Fayette for treatment. She was released a few hours later. The others made it through the ordeal unharmed.

Lewis said apparently the three were test-driving the brand new boat, when the steering mechanism malfunctioned causing the small craft to capsize.

Mr. BAKER. Mr. President, I have no further need for time.

Mr. BYRD. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until 1 p.m. in which Senators may speak for 5 minutes each.

Mr. BAKER. Mr. President, there is one item on the Calendar of General Orders that appears to be cleared on this side for action by unanimous consent.

Will the minority leader indicate whether he is prepared to consider Calendar Order No. 81, S. 1011, the Federal Deposit Insurance Act to provide for the issuance of income capital certificates.

Mr. BYRD. Mr. President, the Senators on my side are ready to proceed with this matter.

ISSUANCE OF INCOME CAPITAL CERTIFICATES

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, S. 1011, Calendar Order No. 81.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1011) to amend the Federal Deposit Insurance Act to provide for the issuance of income capital certificates.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATFIELD. Mr. President, I am grateful to the majority leader and to the chairman and ranking member of the Senate Banking Committee for their timely efforts in achieving an agreement on a technical change to the Garn-St Germain Depository Institutions Act.

This bill remedies an unanticipated problem that has arisen in the administration of the capital assistance provisions of last year's major banking legislation. As most Senators will recall, that legislation created a new program that will bolster the net worth of thrift institutions to enable them to survive the problems caused by persistent high interest rates.

Federal regulatory bodies have moved quickly to put this program into operation but it appears that a few financial institutions have been unable to participate because of technical problems caused by the issuance of preexisting debt obligations. We want to be sure that when the Federal Government comes to the aid of an institution through the FDIC, it has priority over other creditors. This legislation would insure that this is accomplished.

Mr. President, we must act promptly in order for the net worth assistance to be truly effective for banks now unable to qualify. Many institutions are still incurring a serious erosion of their capital positions notwithstanding

the recent decline in market interest rates. Because two quarters of net worth assistance have already been provided to participating institutions, this legislation would be effective as of the date of enactment of last year's Garn-St Germain Depository Institutions Act—October 15, 1982. Since it is a change affecting a very small number of financial institutions and is designed only to correct an unanticipated problem in last year's legislation, it should be done as soon as possible in order to allow presently disqualified institutions to participate.

The FDIC has indicated its support of the purpose of this change, and stands ready to process the applications of those institutions which are presently ineligible. This legislation has also been cleared with the chairman and ranking members of the Senate Banking Committee. They are convinced of the need to act expeditiously on this legislation. I strongly urge the Senate to approve this technical change in order to insure that intended financial institutions can benefit from the provisions in the Garn-St Germain Depository Institutions Act.

Mr. PACKWOOD. Mr. President, I am pleased to join my colleague from Oregon in urging passage of this bill today. The purpose of this legislation is to make a technical change in last year's major banking bill—better known as the Garn-St Germain bill.

The need for this legislation became clear during the development of the capital assistance program, authorized by the Garn bill. This program is aimed at providing assistance to financially troubled thrift institutions—institutions ridden with the problems caused by year after year of high interest rates.

This program is already in operation, but it has come to my attention, and to the attention of Senator HATFIELD, that a few qualified financial institutions have been unable to take advantage of it. The problem has arisen because these institutions, in previous years, issued debt obligations barring them from granting creditor priority to anyone other than the holders of these debt obligations, including the Federal Deposit Insurance Corporation. We want to insure that if the Federal Government assists these institutions, it has priority over other creditors. This legislation achieves this goal.

Timely consideration of this bill is critical. Some of the institutions requiring this change of law in order to participate in the capital assistance program need assistance soon. The FDIC supports the goal of this legislation and the chairman of the Senate Banking Committee, Mr. GARN, has no objection to it. I, therefore, urge my colleagues to support this legislation and ask for its prompt consideration.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 13(i)(1)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1823(i)(1)(D)) is amended by adding at the end thereof the following: "Issuance of net worth certificates in accordance with this subsection shall not constitute a default under the terms of any debt obligations subordinated to the claims of general creditors which were outstanding when such net worth certificates were issued.".

(b) The amendment made by subsection (a) shall be deemed to have taken effect on the date of enactment of the Garn-St Germain Depository Institutions Act of 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay the majority leader's motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL MONDAY, APRIL 18, 1983

Mr. BAKER. Mr. President, on yesterday, I had an order for the Senate to convene, after a recess today, on Monday next. I now ask unanimous consent that when the Senate completes its business today it stand in adjournment until Monday next at the hour of 12 noon.

Let me say, by the way, before the Chair rules, there are other parts to this request, and parenthetically, we may change that time during the course of the day.

I further ask unanimous consent that when the Senate does reconvene on Monday next, the reading of the Journal be dispensed with, no resolution come over under the rule, the call of the calendar be dispensed with, and following the time allocated to the two leaders under the standing order and any special orders, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each, and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

Mr. President, the Senator from West Virginia, the minority leader, has apprised me of the fact that there may be a motion on Monday for a closed session. Under the rules of the Senate, of course, any Senator can make that motion. That requires only a single second, that is a second by one other Senator, to put the Senate in closed session.

As the minority leader knows, I am not in a position at this time to agree to such a session, but I appreciate his advising me that such a motion may be made on Monday. It may be that we will wish to readjust the time for the convening of the Senate, or even the order of precedence of business, given the fact that, in order to go into closed session, certain requirements are necessary to secure this Chamber. Senators are on notice that the time, therefore, of noon on Monday for the convening of the session may be changed. I express my appreciation to the minority leader for advising me in advance of that possibility.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

FLORENCE BARR RETIRES

Mr. PROXMIRE. Mr. President, I would like to take this opportunity to acknowledge the retirement of Florence Barr, the chief clerk of the Senate Committee on Banking, Housing, and Urban Affairs.

The Senate Banking Committee, and indeed, the U.S. Senate, has benefited by her devotion, loyalty, and faithfulness throughout her 30 years of service.

During those 30 years of allegiance, Florence has been attentive, thoughtful, enthusiastic, and efficient. In short, she cares. And to show Florence that we care, I am taking this moment to thank her for those years of hard work and, above all, to let her know how we value knowing her.

We wish you good luck, good health, and enjoyment in your new life. Florence, we will miss you. Please keep in touch with your many friends in the Senate.

NUCLEAR PROLIFERATION THE NO. 1 THREAT TO HUMAN SURVIVAL

Mr. PROXMIRE. Mr. President, most of us have focused our fears of a nuclear war on the Soviet Union. We have devoted increasingly large expenditures to meeting the nuclear challenge from Russia. A vigorous debate has continued for years as to whether the Soviets have superior nuclear forces, whether we need to pro-

ceed with a variety of nuclear weapons to deter a possible Soviet preemptive nuclear strike.

Mr. President, I think we have been looking in the wrong direction. I think the odds of a nuclear war starting between the U.S.S.R. and the United States in the next 20 years are less than 1 in 10. On the other hand, I believe that the prospects of a nuclear war breaking out involving other nations in the next 20 years is better than 50-50. Furthermore, I think the chances are very strong that such a war once begun would escalate into a nuclear war involving the United States and the Soviet Union. Once a nuclear war begins, there are many ways in which it could spread, and it would be very hard, indeed, to stop. After all, within 20 years 25 or 30 nations will have at least a beginning nuclear arsenal. Even small countries will have the capability of destroying every major American city. All of this will happen unless we promptly get serious about stopping nuclear proliferation. The know-how necessary to build nuclear weapons has spread like wildfire. All any number of nations need to have this ultimate military power is plutonium. And the supply of plutonium is beginning to explode, thanks to weak, vacillating antiproliferation policies by this administration as well as our allies.

Mr. President, this terribly dangerous story of the spread of plutonium was told recently by the Cox newspapers in their excellent report on the nuclear dilemma. I ask unanimous consent that the article by Andrew Glass entitled "Plutonium Spread Escalates Chances for Nuclear War" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLUTONIUM SPREAD ESCALATES CHANCES FOR NUCLEAR WAR

(By Andrew J. Glass)

On the 41st anniversay of Pearl Harbor, Pakistan's military-bred ruler, Mohammad Zia ul-Haq, making his first visit to the United States, solemnly declared to Ronald Reagan in the Oval Office that Pakistan had no interest in building nuclear weapons.

After Reagan and Zia parted, an administration official told reporters: "We accept that the president of Pakistan is telling us the truth." The briefer observed that Reagan had championed $3.2 billion in assistance to Zia's regime—an aid package aimed in large part at inducing Pakistan not to go nuclear.

But across the Potomac, at the Central Intelligence Agency, these words rang hollow. The CIA has a fat folder crammed with documents that point to one clear fact: Pakistan poses a substantial threat to any hope of stopping the runaway spread of atomic bombs.

Near Islamabad, the Pakistanis have secretly built a laboratory designed to reprocess spent nuclear fuel into plutonium. At Chasma and Rawalpindi, construction is underway on larger reprocessing plants for separating plutonium. It is this deadly metal which provides the easiest path toward acquiring nuclear weapons.

At Kahuta, the Pakistanis are building a plant that can yield highly enriched weapons-grade uranium. This is yet another path toward joining the world's exclusive nuclear-weapons club—a path that the CIA believes uranium-laden South Africa is also following.

At Paradise Point, a desolate spot on the Arabian Sea near Karachi, the Pakistanis have built a modest nuclear power plant. To run it, they could get along without reprocessed plutonium or highly enriched uranium. For nuclear weapons, these materials are basic.

The word proliferation is often used as kind of shorthand for the detonation by a state of its first nuclear explosion.

Yet a nuclear test does not necessarily cause a country to become a nuclear power. India is one example. As a 1979 CIA study notes: "India has detonated a 'device,' (in 1974) but probably has less ability to deliver a usable nuclear weapon than Israel, which has not."

And a country can become a nuclear power without conducting a nuclear test. Israel is a clear example; according to the CIA, Pakistan may soon become another.

The emphasis on a successful test fails to recognize that even though a nation might not be able to deliver—or even produce—a usable weapon, it can accumulate the knowledge and industrial capacity to quickly arm itself—to go nuclear—without ever conducting a test.

"In a general arms race, Japan, West Germany and Sweden could probably arm in large numbers more readily than Israel, India or Taiwan," says a CIA study. "The continued spread of nuclear materials, technologies, equipment and trained personnel accompanying the worldwide development of commercial nuclear power, and the attendant increase in the generally achievable level of sophistication and information, increasingly leads to a condition that has been characterized as 'latent' proliferation," the CIA report concludes.

The CIA warns that in the 1990s "a large number of nuclear reactors will be in operation around the world. They will be present on all continents, and at least 50 countries will have the capability to develop nuclear weapons."

Yet for the purposes of its study, the CIA concludes that perhaps two dozen or fewer countries—of varying motivations and capabilities—will have developed or otherwise acquired a nuclear weapons capability. They include: Argentina, Brazil, Iran, Israel, Egypt, Iraq, Japan, South Korea, Taiwan, Spain, West Germany, Yugoslavia, India, Pakistan, Libya, South Africa, Greece and Turkey.

The real key to their nuclear potential—and the world's uncertain fate—is plutonium, a radioactive silvery metal whose name derives from an ancient Greek god who presided over Hell—stern and pitiless, unmoved like death itself by prayer or sacrifice.

Plutonium retains its radioactivity for a quarter of a million years. If it had been stored in the Great Pyramids of Egypt, 2,500 years before the birth of Christ, it would still be 90 percent as lethal as when they were built.

Until World War II, plutonium was found only in traces of natural uranium deposits. Today, most plutonium exists as the spent waste of nuclear power plants. It is produced when uranium fuel rods are irradiated in the cores of nuclear reactors. Some of it has been extracted, or reprocessed, to make nuclear weapons in the United States, the Soviet Union, France, Britain and China.

Consider the dimensions of the problem:

There are 286 commercial reactors operating in the non-communist world. They provide 165,000 megawatts—or some 9 percent of the non-communist world's electrical power. Each one is also a potential source of bomb-plutonium.

The typical nuclear power plant produces, as a waste by-product, up to 600 pounds of plutonium annually. In theory, that's enough to produce about 35 atomic bombs of the type and force that devastated Nagasaki in 1945.

Commercial recovery of plutonium from spent fuel is already underway in Great Britain, France, Italy, Japan and India. Paul Leventhal, a Washington-based nuclear watchdog, estimates that by 1990 world stockpiles of plutonium available for reprocessing will amount to 760 tons. That's enough to produce 95,000 nuclear bombs. By the beginning of th 21st centruy, that figure could climb to 2,700 tons, or enough for some 337,500 bombs.

Shortly before leaving office, President Gerald Ford called for a halt in the rush to plutonium as a nuclear fuel until, he said, "the world can effectively overcome the associated risks of proliferation." Ford then took the United States out of the plutonium-making business. It was a policy that his successor, Jimmy Carter, adhered to, despite strong protests from the nuclear industry and America's industrialized allies.

By contrast, the Reagan administration said it would deal with the world as it really is. It has eased nuclear export controls to those countries which seem to pose little or no proliferation risk. Yet restraints also have been eased for sales to South Africa, which presents one of the world's most serious proliferation problems.

In some cases, the administration has stepped up enforcement of the 1978 Nuclear Non-Proliferation Act. It has targeted those countries it suspects already have or are trying to acquire the means to build their own nuclear weapons: Pakistan, Brazil, Argentina and Israel.

"They are very tough," a West Genman nuclear official said. "What we think is overlooked in the United States is that Reagan—as far as the way he implements the (law) in countries other than his allies, is much tougher than Carter was."

In 1925, two decades before the blood-red dawn of the atomic age over Hiroshima, Winston Churchill wrote: "Might not a bomb no bigger than an orange be found to possess a secret power to destroy a whole block of buildings, nay, to concentrate the force of a thousand tons of cordite and blast a township at a stroke?"

The runaway plutonium glut increases the risk that today's leaders will not have to wait as long as Churchill did in order to realize their own nuclear dreams—and, consequently, our own nuclear nightmare.

VOICES FROM THE HOLOCAUST

Mr. PROXMIRE. Mr. President, throughout the week, the Senate has paid tribute to the Holocaust and its victims. This body is only one of many commemorating the American Gathering of Jewish Holocaust Survivors. We are joining millions of people from all

walks of life in their efforts to honor the 6 million Jews who died under the regime of Adolph Hitler. We hear the stories, relive the fears, and feel the pain. Above all, we share the hopes that such a tragic event will never be repeated. Still, only the survivors themselves can feel the real pain. And only the survivors themselves can tell the real stories.

This week, 10,000 Jewish Holocaust survivors are gathered in Washington to share such experiences. Each survivor brings personal memories of the years from 1933 to 1945. They speak of the warning signs—how they could not leave their houses during certain times of the day. They speak of the round-up—how German soldiers entered their homes where they were hiding. They speak of the camps—how they were tortured and forced to live like animals. They speak of their liberation—how they were faced with the sudden fear of having no family and having no country. And they speak of the future—how they must do everything possible to prevent another similar act of genocide.

Mr. President, the Genocide Treaty is designed to help prevent the very crimes we are commemorating this week. It declares that the systematic destruction of any national, ethnic, religious, or racial group is an international crime. It also guarantees, by international law, that groups have the right to live.

Mr. President, this week, we have a rare opportunity to learn from the past. When the survivors leave town next week, we must make certain that the lessons they have taught us remain here in Washington. By ratifying the Genocide Convention, we can demonstrate to the survivors that we have received their message.

The survivors have spoken, and we have listened. Now we must act.

I ask unanimous consent that the survivors' stories, printed in yesterday's Washington Post, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 12, 1983]

VOICES FROM THE HOLOCAUST

An estimated 10,000 Jewish Holocaust survivors have gathered in Washington this week to share their experiences and honor the six million Jews who died as a result of Adolf Hitler's "Final Solution." Each survivor brings personal memories of the years from 1933 to 1945, and here are some of them, compiled by Washington Post staff writers Blaine Harden, Caryle Murphy, Joanne Ostrow, and Judith Valente.

WARNING SIGNS

"First of all we wore the yellow star. What can I say to you? I was terrible hurt. It was a terrible thing. We couldn't go out from our house at certain times of the day. They didn't want the Jews on the street. And it just happens one time I was on the street and there was an air raid and they wouldn't let me in the air raid shelter that I was a Jew. So I had to stand at the gate."—Ilona Ginsburg, 68, of Los Angeles, retired candy company representative. Born in Hungary; imprisoned at Auschwitz.

"We knew there was danger coming in. I was maybe 20, but what could I do? Why didn't I flee? In the Jewish tradition the family is always knit very close. I had a chance to escape. How could I in my mind save myself and leave my father and mother helpless? Of course, it didn't do them any good that I stayed."—Edward Golfer, 62, Silver Spring carryout owner. Born in Kaunas, Lithuania; imprisoned at Stutthof and Dachau.

"Every day, the Germans would come with trucks and round people up. Polish people would even show the Nazis where Jews were living, but there were some good Polish people. The Polish people had to stand in line for food, but they could get food the Jewish people couldn't. We had a neighbor, she was half Polish and half German. She told me that I could come with her on the food line, but just to wear a cape and hide the star we were all required to wear on our arms. When I was going home with the food, one of our Polish neighbors saw me and he said he was going to call the Nazis. So I ran all the way home and gave my mother the food so she could hide it around the house. We were so frightened, but no one ever came."—Linda Fox, 64, Rockville grocery clerk. Born in Sosnowiec, Poland; imprisoned in a work camp in Poland and worked in flax factory.

"When the Nazis came in, right away it was bad. They were shooting from buses into crowds, at people on bread lines. They took out certain people for torture . . . German soldiers searched and took everything away. We remained without a penny to live from. Everything pointed to the bad times we were facing. Then they started to build a wall separating the Jews starving the people. There was such sickness. People had no choice. We were ready to go to the death camps for a piece of bread."—Samuel Goldstein, 69, of Brooklyn. Born in Kozienice, Poland.

ROUND-UP

"The German SS and the collaborators came to our house. The German SS pointed at me and said to my mother, 'Who is this?' She said 'This is my little boy.' He said, 'Mitkommen,' which means come along. My mother gave me a lunch pail to take with me. She said, 'Maybe you will get some food.' She did not know that we would not be coming back."—Sam Sherron, 51. Born in Lithuania; imprisoned at Auschwitz, Dachau and Muldorf. His mother and two sisters were killed.

"My father was a lumber and furniture manufacturer. He bribed people to get us false papers and to hide us in the homes of Gentiles. I went to Protestant schools. I was an altar boy. We were betrayed by the daughter of the people that were hiding us. She wasn't mad at us. She wanted money; it was strictly business. She was paid much less than 30 pieces of silver."—Mark Rubin, 46, Beverly Hills banker. Born in Sabinov, Czechoslovakia. Imprisoned at Theresienstadt.

"In the [Lodz] ghetto, the Germans threw babies from the fourth floor of the hospital into a truck. Our job was to pick up the babies that missed the truck and throw them in."—Adam Tems, 72, Jamison, Pa., electrical engineer. Born in Lodz, Poland. Imprisoned in Lodz ghetto, Auschwitz and Dachau.

"My son and wife. She was 18 years old. I remember one day [outdoors with them in the Berdzin ghetto]. They were sitting outside and he stretched out his arms to me. And she said, 'Take him, you don't know how long you'll be able to hold him in your arms.'

"There was a roundup and my wife and child were hiding in an underground, secret bunker. They came out and I said, 'Why did you come out?' And she said because [the baby] was crying and [his wife] didn't want to jeopardize the other people. It was daytime, June 23, '43. We were segregated by age. There was shooting all over."—Victor Cooper, 68, retired New York auditor. Born in Poland: imprisoned in several camps in Poland and Germany.

THE CAMPS

"When we arrived in Auschwitz, it was four in the morning and we piled out of cattle cars. There were big empty barrels and we had to throw in watches, rings, anything we were saving. They searched the mouth, the rectum, to see maybe you were hiding something . . . . The work we did was unnecessary, just to make us crazy. 'Take your coat off, put it on backwards, put rocks in the pockets, walk three miles.' We were hungry, dirty, used coffee to wash our faces. Lice was eating us alive. The Germans said, 'If I kill 15 Jews I get a surplus of five kilos of sugar.' We were animals on the floor."—Leo Cwilich, 68, semiretired furrier in Cincinnati. Born in Lodz, Poland; imprisoned at Auschwitz.

"At 12 o'clock noon one day we lined up to get hot water to warm up. It was our soup. We lined up to the cans of soup. This German copa [term for German camp guard, often a common criminal], this short fella, he may be a gangster or something in Germany, he takes these cans of soup and starts spilling them. He says being that we didn't work, we didn't deserve it. I had my pick in my hands and I jump out of line. I grab him and before I was going to hit him I said, 'German officers have the right to do this. You don't have right.' The German commandant rode up on his horse then. He slapped me in the face with his gloves. He said, 'You got saved by saying a German officer can do it.' "—Joseph Gordon, 57, Silver Spring businessman. Born in Lithuania; imprisoned in Auschwitz and Muldorf.

"I was picked out by Dr. [Josef] Mengele, along with about 200 other children. We were sent to Birkenau Camp D, where the experiments were. I was experimented twice through injections and twice with chemicals. We were children, we didn't know what the drugs were. It made you very sick, make you vomit. I was passed out eight hours, I think. Some of the children died."—Alex Dekel, 51, of New York, Hebrew Immigrant Aid Society worker. Born in Cluj, Romania; sent to Auschwitz-Birkenau when he was 12.

"Every once in a while an international delegation from the Red Cross would come in [to camp]. When the Nazis knew they were coming, they would give out linens for the beds. They gave the inmates new uniforms and hid the sick and emaciated. We all wore wooden shoes that killed your feet, but when the delegation was coming, they gave out leather shoes. When the delegation left, you had to give them back. They told people if they said anything [about camp conditions] to the Red Cross, they would be killed the next day. So when someone asked, 'How are they treating you?' the inmates would say, 'Fine.' And when they asked 'How's the work?' they would say, 'Satisfac-

tory.' "—Fred Diament, 59, Los Angeles garment manufacturer, Born in Gelsenkirchen-Buer, Germany; imprisoned at Sachsenhausen.

LIBERATION

"When we were separated at Auschwitz, me and my wife said if we ever survive we would be meeting in Radom. After liberation, I rode on the roof of a train for two weeks going to Radom. When I got there, they told me my wife was dead. I took sick. I had a fever. One morning a man from the railroad station came to me and said a woman is looking for you at the station. I got up, put scarf on beacuse I had a high fever. I made way to the railroad station and I saw her. Nothing can describe that meeting."—Elias Snyder, retired dry cleaner from Boca Raton, Fla. Born in Radom, Poland; imprisoned in several camps in Poland and Germany.

"On May 8, 1945, the Russians liberate us. A Russian woman soldier showed up on a horse. She stop horse. Behind her was a whole army—young Russian soldiers with trucks and different kinds of food and drinks. We were locked up in a house with 100 women. They said not be afraid, you are all free. We were afraid because we hadn't eaten very much for so many years. They had pork and salami and all kinds of meat. There were girls who ate too much and they died. Me and my sister ate dark bread and butter and tea for two days."Bella (Dancigier) Zarnowiecki, 54, of Windsor, Ont. Born in Bedzin, Poland; imprisoned for four years at a work camp near Prague.

"We rode for 14 days in a train, back and forth [in Gernamy]. [The Germans] didn't know what to do with us. I had typhus. There was no water, no food, just the cracks in the train for air. A can for a bathroom. When it was full, you threw it on the people [who had died]. Unbelievable. They let us out and were going to kill us. At the last minute, we saw the head of the Swedish Red Cross on a motorcycle. We were pushed back in the train and taken to a small camp and were washed. I remember there was one room of showers, one room full of skeletons. On the boat to Sweden, we were dirty people. . . . There were tables with white tablecloths and a cake. We were grabbing the cake and hiding it like this [inside a shirt]. The waiters looked, 'What kind of people are these?' 'They could see lice on us . . . Then, we were like animals."—Frieda Salomon, 63, of Elizabeth, N.J. Born in Hungary; imprisoned at Auschwitz and Buchenwald.

"First of all there was terrible happiness that, gosh, we were free. And then all of a sudden—where am I? What's going to happen to me? I have no country. I have no family. Then, you know, it turned into a terrible fright. I was 19 years old, my family was dead. I couldn't see myself going back to the country which was then Romania. Nobody did anything to stop . . . the mass extermination [there]. Returning to your neighbors who just stood by and let you go. Some of them happy. Some of them turned their back. How to return to those people and live among them I couldn't imagine."—Irene Lowinger, 58, of Los Angeles, Born in Hungary; imprisoned at Auschwitz.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have discussed with the majority leader this request and it has his approval. I ask unanimous consent that the time limitation on speeches in morning business be lifted insofar as I am concerned as I present one of my continuing speeches on the U.S. Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I want to assure all Senators that if any Senator comes to the floor and wishes recognition, I will yield the floor at that time. In any event, I know that I cannot deliver this entire speech between now and 1 p.m., but I will complete it at some point during the day. I ask unanimous consent that the RECORD show no interruption.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES SENATE

THE SENATE IN THE ERA OF RECONSTRUCTION, 1865-1868

Mr. BYRD. Mr. President, earlier I discussed the tragic events of the Civil War and their impact upon our national legislature. The force of the War struck at the very core of the American Republic. Economically, politically, and socially the nation had been irreversibly altered.

The direct cost exceeded $7 billion in loans and interest. That was only the starting place. Additional losses in destroyed land, companies, buildings, transportation lines, and personal property could never be calculated.

The price paid in human life extracted something from almost every family in the North and the South. When the fighting ceased, a saddened nation counted some 620,000 dead and thousands more wounded and maimed. No tally could be given of the numbers who died from malnutrition and sicknesses, or whose mental health never recovered from the war trauma. Beyond calculation were the animosities—some to linger well into the twentieth century—that the war unleashed.[1]

The significant accomplishment of the war was that it freed the slaves, ending a life of bondage for four million black people. This freedom marked the initial step in the extension of equal representation under the Constitution to all Americans. The struggle ahead proved to be filled with frustration and grief for blacks and whites alike. But, for the moment, it was worthy to celebrate the establishment of a free life for former slaves. With this freedom came a host of new problems for the nation. Questions about the future for slaves, the best ways to develop and fulfill the promises of equality, freedom, and suffrage would not be easily resolved.

The political arena was the appropriate place to thrash out these difficulties. However, the war left the political structure of the South devastated with state and local governments no longer in a functional condition. At the national level, the political machinery was characterized by confusion.

Eleven states had withdrawn their representatives from the Congress during the war and the maintenance of the national governmental process had fallen upon the remaining twenty-five. Now as the Southern states sought to regain their privileges within the Union, both legal confusion and jangled emotions served to frustrate and retard the reunion. Loyalist states displayed a reluctance to accept the returning South. The readmittance of Southern members, likely to be Democrats who would be hostile to the plans of those who sought to reorganize the Southern structure, could only upset the control exercised by the Senate's Republicans.

This epoch—known among historians as the Era of Reconstruction—spanned a troubled twelve-year period. The difficulties and challenges of those years often have been misunderstood, as evident by the sensational and bombastic vocabulary used to describe the events between 1865 and 1877. We tend to accept the popular image that this time of reconstruction was a vicious, cruel, and excessive era.

Today, I shall examine the work of the Senate during the earliest of those particularly demanding years. I will suggest that the Senate, faced with the staggering task of returning the eleven states of the Confederacy to their former national status, as well as responding to the needs and expectations of newly freed slaves, answered these challenges with purpose and resolve. With no prior experience in any similar circumstance, the Senate, indeed the whole Congress, could only have felt uncertain and confused. As a result, their actions, in retrospect, often appear haphazard or poorly conceived. Given the grave nature of the situation, we should not allow some of their lesser successes to overshadow their underlying unfaltering efforts to deal with a profound constitutional crisis.

Members of the Senate found themselves facing issues crucial to the American democratic system. We are in the debt of our earlier colleagues

Footnotes at end of article.

for the important precedents that they established. I speak of concerns fundamental to many of our Senate deliberations. Often here, we are challenged to define the proper relationship between the executive and legislative branches, or to determine what constitutes the legitimate areas of federal and state responsibility.[2] These were the thorny issues the Reconstruction Senate attacked with vigor.

It did not require the cease-fire to make clear to the Congress that a host of perplexing problems faced the nation. Not the least of these would prove to be a debate between the president and Congress over which branch of government should supervise the process of Reconstruction. The basis for an executive/legislative split over this issue surfaced at least two years before the close of the war. President Lincoln and the Thirty-eighth Congress had scuffled over this very point. It appeared they might reach some agreement in the passage of the Wade-Davis bill, which neatly packaged an entire plan for Reconstruction, but in the eleventh hour Lincoln astonished his fellow Republicans by vetoing that bill. The Thirty-eighth Congress adjourned in March 1865 with its members deadlocked with the president over this matter. Congressional leaders could not ignore a gnawing sense of uneasiness that the future would bring only more conflict with the president over this issue. How could any of them know that a month later, in April 1865, their troubles would intensify when the nation, already confused by murky Reconstruction plans, would be staggered by the assassination of President Lincoln.[3]

So it fell to the new president, Andrew Johnson, to plunge into the morass of Reconstruction, for the Congress, standing in adjournment, was not scheduled to meet again until December 1865.

Andrew Johnson, himself was one of the uncertain elements in the Reconstruction drama. Born to extreme poverty, Johnson struggled to climb the ladder of political success. His accomplishments included service to Tennessee as senator before the war and state military governor during the war. His Unionist pronouncements catapulted him onto Lincoln's 1864 ticket, a move designed to provide sectional balance for the Republicans.

Yet there were those who regarded Andrew Johnson as an undesirable character, devoid of personal refinement. He enhanced his rough-hewn image when he appeared on the Senate floor in an apparently intoxicated condition for the inaugural ceremony. Graced with only the coolest favor from the Washington social set, Johnson further lowered himself by his drunken performance.[4] When the mantle of presidential responsibility descended upon him, Johnson faced additional burdens from some members of Congress who felt predisposed to distrust and dislike him. Yet, Johnson's first public statements on Reconstruction appeared to be compatible with the views of his Republican colleagues who had been most active in the advocacy of civil liberties for blacks. Republican Senators, for whom these issues represented passionate personal convictions, greeted the new president with cheered spirits. Grieved though they were over the death of Lincoln, they were visibly relieved that a dreaded confrontation with the chief executive had been avoided.

Senator Charles Sumner, wearied from his long struggle against the forces of slavery, voiced great confidence after his first visits with President Johnson. Sumner rejoiced in his belief that Johnson actively supported suffrage for former slaves. With relief and gratitude, Sumner reported to his friends that he felt comfortable with the new president.[5]

Sumner clearly hoped that strong executive leadership would deter the development of further political factions among senators. Only through a forceful president did Sumner see the means to harness the wide range of views held by Republican senators. Not only had Republicans failed to agree with the late President Lincoln, but they held little accord among themselves. Their suggestions for Reconstruction policy covered a spectrum from the most moderate to the most extreme of proposals. Some hoped to welcome the Southern states back into the national fold immediately, while others sought a program of wide-scale land confiscation and disenfranchisement for former Confederates.

Charles Sumner, as we know, was identified with the group known as the Radical Republicans. Their goal was to reorder the social, economic, and political structure of the South through the redistribution of land and the inclusion of blacks in voting rights.[6] Although historians have concentrated on the "revenge" element in the Radicals' approach to white Southerners, perhaps we should consider their attempts to effect change through forceful action. They took up the banner of universal male suffrage when others were less willing to argue for this basic constitutional right. These men were not content to sit idly on the sidelines and watch the gains made from the Civil War slip away. They spoke for those who had no champions here in the Congress, and for that, they deserve our admiration. Sometimes they spoke with an unchecked fervor, but their goal was to create a better nation for all citizens.

Despite the Radicals' vigor, the events and the passions of the day moved beyond their control. The benevolent relationship with the president proved premature, and Republicans saw their hopes fade for a Reconstruction program predicated on party unity. Senator Sumner, stung by the turn of events, in a letter to a friend, lamented "It is very hard that we should have this new controversy."[7]

How did they come to this new controversy? What events led the Senate to a complete rupture with the president of the United States? Senator Sumner's first rush of confidence in Andrew Johnson caused him to miss some early signs that perhaps the relationship of the Radical Republicans with the new president was not quite as sanquine as it had first appeared. If Sumner missed the first warning signals that came from the new administration, Representative Thaddeus Stevens and General Carl Schurz did not. Schurz feared that some Southern states would attempt to persuade Johnson to forego Republican Reconstruction, while Thaddeus Stevens recoiled in horror when Johnson recognized the government of Virginia. Despite these early rumblings, Senator Sumner remained unperturbed, convinced that his colleagues had nothing to fear from the president. The senator's calm was shattered on May 29, 1865. On the date, President Johnson issued two proclamations that revealed the future direction of his administration. The first explained the lenient terms of amnesty for former Confederates, while the other established a North Carolina Reconstruction government that excluded blacks from voting.[8]

Now aroused, Sumner launched a vigorous letter-writing campaign designed to check the president's plans. The confused senatorial responses reflected the diverse opinions held among Republicans. Some urged that the Senate adopt a conciliatory note with the chief executive, others hoped that the best could be made of the situation, still others felt unsure about the constitutionality of challenging the president, yet others expressed little interest in the subject of black suffrage.[9] The small band of Democrats in the Senate, of course, watched delightedly as the president turned away from his own party and into that of the opposition. Yet, regardless of personal opinions, all senators watched uneasily as they recognized the danger signs of an almost certain clash ahead.

Johnson, confident in his executive position, did not soften the burgeoning crisis. Andrew Johnson simply did not have a winning manner. When faced by opposition, the worst rather than the best of his character surfaced. Even Johnson's good friend, Senator John Sherman of Ohio, came to feel that the situation was exacerbated by Johnson's "unreasoning pugnacity." It proved the president's undoing that he

failed to understand that in his station he was not required to answer his critics, but had only to maintain his strength in an ordered appearance. No—Andrew Johnson, when faced with an opponent, immediately threw himself into the fray, hurling abusive and violent language in all directions. The comparison with the late Lincoln could not be avoided. The coarse, verbal hostility of the new executive stood in sad contrast to the gentle man from Illinois. The result brought only weakness to the Republicans as they flailed about at each other. The tragedy was, of course, that the country, reeling under a series of crippling national blows, needed greater unity and harmony in its leadership.[10]

By August 1865, the division between the Radical Republicans and the president had escalated to such a degree that the president called these members of his own party his "adversaries" whom he sought to foil.[11] The Radicals lost no opportunity to challenge the constitutional nature of the president's actions, questioning his authority to appoint provisional governors, or require states to abolish slavery and repudiate their debts.[12] The confrontations gained momentum when the Southern states, increasingly truculent with even the most modest of presidential regulations, elected not fewer then twenty-five loyal Confederates to the United States Congress.

Emotions ran at a fever pitch in all camps—the executive office, the Democrats, the Radicals, the Moderates, and the former Confederates who now turned their attention to their national status. As the date for the convening of the Senate drew near, it became increasingly clear that here in these halls, the issues that had brought the nation to war would now assume new dimensions, be argued with a new rhetoric, and continue to demand new constitutional interpretations.

December 4, 1865 arrived, the day for the start of the Thirty-ninth Congress. Here for the first time since secession, members from both the North and the South would gather. So hopeless had been the congressional condition in the last months before secession, so debilitating the nature of their acrimony in 1860 that we should marvel that the Union persevered and that once again our full national legislature assembled. True, it assembled with varied and often bitter emotions, but disagreement and debate are part of the essence of this body. That is as true today as it was yesterday, as it was in the 1800's. It is a great tribute to the fundamental soundness of our institution that the members reconvened and that the business of the government continued.

The importance of this momentous occasion was not lost on the Washington populace. The atmosphere was charged with expectation as the curious gathered in the Capitol to witness the opening of this historic session. A spectator gazing down from the gallery could not have missed the solemnity of the day as Senator Lafayette S. Foster of Connecticut, a member respected for his legislative skills, took the position of president pro tempore. Foster's presence underscored the tragic events of the assassination, for the vice president had vacated his seat in the Senate to assume the executive office. (To my colleagues who may have wondered, this is the Lafayette Foster whose bust is displayed in the vice president's room just outside this chamber.) As Senator Foster began his duties, the seventy senatorial seats before him provided a grim reminder to the war's legacy. All seventy, arranged in their three-tier fashion, were not to be filled on that opening day. To the left and the right of the presiding officer stood the vacant seats, sentinels to the South, waiting for their senators to be readmitted to the chamber.

Slowly, the senators gathered on that first morning. The dynamic, aggressive Sumner was, of course, the center of attention. Close by him were freshman Senators Edwin Morgan of New York and Richard Yates of Illinois. Seated together in a middle tier of seats was a collection of distinguished and seasoned senators—Lyman Trumbull of Illinois, Henry Wilson of Massachusetts, Ben Wade of Ohio, and William Pitt Fessenden of Maine. Some like Senator Reverdy Johnson of Maryland were noted for their wisdom and balance. Others like the elderly Garrett Davis of Kentucky were known for their talkative, quarrelsome nature. The Senate has not changed much really. Some were young, like William Sprague of Rhode Island, and some like the widely admired Solomon Foot of Vermont were near the end of life's journey and would not live to see the close of the Thirty-ninth Congress. Yet another, James Lane of Kansas, tormented by ill-health and personal distress was soon to kill himself in the presence of several friends. These individual tales were still to unfold but, for that day, December 4, 1865, perhaps the spirit of the senators was best captured by the restless and brooding—it reminds me of Robert C. Byrd, with that dour look, that humorless junior Senator from West Virginia with that brooding look—Willard Saulsbury of Delaware who repeatedly paced back and forth across the little carpet behind his desk.[13]

At noon, twenty-five senators responded to the roll call. It fell to the Reverend Edgar Gray, Chaplain of the Senate for the Thirty-ninth Congress, to entone the thoughts that must have been in the hearts of many who gathered in the Senate chamber. Gray raised his voice and prayed, "Glory be to the name, O God, that the Republic still lives, the nation survives, the country is safe." But unable to ignore the mood among the senators and aware that only Divine Intervention could avoid the conflicts ahead, Reverend Mr. Gray continued, "Grant . . . that all our deliberations and enactments may be such as to . . . insure the unanimous acquiescence of our people . . ."[14]

If the air in the Senate was somber and foreboding, it differed across the way in the House of Representatives. Hours before the appointed time for the opening of the House, huge throngs gathered in the halls and the galleries. The diplomatic gallery, the reporters' gallery, every available nook and cranny overflowed with the curious who wanted to witness the first calling of the roll. What would happen when the clerk came to the names of those states lately in rebellion? How would he respond to the challenges from the representatives of states whose governments had not yet been recognized as reunited with the Union? If those states could gain recognition on the floor of the House, it would represent their first step in the return to full constitutional power. That was a step that most Northern states were not yet ready to grant to the South. The tension mounted and the spectators received the show they wanted, for what followed was indeed unique in roll call procedures. The Clerk simply passed over the names of the Confederate states and refused to allow the challengers to interrupt the reading of the roll. In the same fashion he proceeded to block any challenges until he announced that a quorum was present. Upon determination of the quorum, the clerk boldly proclaimed that no one could address the chair whose name was not on the roll. So did the House of Representatives manage to side-step the recognition dilemma until the Congress was more fully organized for the business at hand.[15]

By the 21st of December, the Congress had completed one of its most delicate chores; it had established the Joint Committee of Fifteen on Reconstruction. Solemnity and wrenching debates marked the creation of this committee. Although members of both houses viewed the Reconstruction Committee as necessary and proper, all knew that it would serve to intensify the already sticky problems of reunion. The committee included a politically moderate group of senators and representatives, but this did not help. Southerners looked upon the committee with ill-concealed hatred, for they were certain they could only expect revenge and stringency from the North. Some from the North regarded the

committee with skepticism, certain that it would only hinder their own Reconstruction goals. President Johnson Allowed the committee only his suspicions and misgivings and promptly labeled it the "Central Directory."[16]

At the very least, the Reconstruction Committee heralded the introduction of worsening relations between the Congress and the president. Despite many other national topics that required the attention of the Congress, this single joint committee mushroomed in importance as the tensions between the executive and the Congress multiplied. The Reconstruction Committee emerged as the major symbol of a nasty division between two of our three branches of government, a division that would ultimately lead the Congress to bring impeachment proceedings against the president of the United States.

The division crystallized in February 1866 when a shocked Congress heard President Johnson's veto message for the Freedmen's Bureau bill. This bill, designed to expand the powers of that agency and provide monies for the support and building of schools, had passed both Houses with dispatch. Congressional leaders, secure that the president supported the measure, felt betrayed when he exercised his veto. Even moderate Republicans were keenly disappointed and recognized that President Johnson was turning away from his own political party and casting his lot with the Southern Democrats. Moderates who thought they correctly anticipated the president's wishes in the matter of the Freedmen's bill felt uncertain about the future. To what end could this lead? What would be the outcome of this presidential slap?

They had not long to wonder. Within three days of the veto message, President Johnson tossed all caution to the winds and attacked the Radicals of his own party with words not designed to mollify. The Radicals, he said, were "traitors," who planned to assassinate him. In a burst of excess Johnson declared himself a "Christ" facing a collective Judas. The president's rude words left the senators little room for retreat. An embittered Senator Fessenden announced, "He has broken the faith, betrayed his trust, and must sink from detestation to contempt." [17]

A few Republicans clung to a feeble hope that a full-blown confrontation with the president could still be avoided. These final vestiges of optimism were dashed in March 1866 when the president vetoed another round of legislation as unconstitutional because it had been passed in the absence of Southern representatives. This turn of events greatly cheered Southern Democrats, now anxious to resume all of their constitutional privileges. Republicans, however, saw this as merely a new and gloomy twist to the process of Reconstruction.

Republicans of the Thirty-ninth Congress gathered as a divided group, unsure about the correct course for Reconstruction legislation. Not all had been ready to follow the strong lead of Senator Charles Sumner, but events drew them to his camp. Republicans, now welded in a spirit of unity, marched under a single Reconstruction banner. The president, either by design or by accident, alienated all members of his own political party because he trampled on the prerogatives of the legislative branch. Faced with such a momentous threat, senators of all persuasions could not ignore the dangerous precedents that Johnson was establishing. What could be the future of the Senate itself if the chief executive, with total abandon, could denounce and belittle its proper responsibilities? This issue struck at the very essence of our government structure. Correctly, the Congress felt awed and challenged.

Stunned though they were, the members regrouped and focused on moving ahead with the work at hand. Republicans, anxious to honor previous commitments to black suffrage, struggled to write a civil rights bill, expand the Freedmen's Bureau bill, and draft the Fourteenth Amendment. Passioned were the speeches that came from both sides.

On the topic of the Civil Rights bill, the full fury of the Senate can be extracted in a host of fiery speeches. No one expressed the central conflict of power between the executive and the legislative better than Ohio's Senator Benjamin Wade when he remarked:

> The Constitution makes him the executive of the laws that we make, and there it leaves him; and what is our condition? . . . if the President of the United States can interpose his authority upon a question of this character, and can compel Congress to succumb to his dictation, he is an emperor, a despot, and not a President of the United States. Because I believe that the great question of congressional power and authority is at stake here, I yield to no importunities of the other side.[18]

The senator who rose to answer Wade's protest about the veto of the civil rights bill was a gentleman whose personal life was something of a scandal, but whose legislative interpretations were brilliant. Other senators noted sadly that Senator James McDougall of California often came to the Senate so inebriated that he could barely walk. But here was a legislator of such analytical skill that, although he appeared unable to focus on the topic at hand, within moments after entering the chamber he had grasped the discussion so clearly that he could rise to his feet and contribute some of the most incisive and forceful of senatorial comments. On this occasion, McDougall chose not to support the veto of the Civil Rights bill itself, but he defended the concept of the veto power as a just and proper function of the president given by the Founding Fathers.[19]

These theoretical debates aside, the Senate continued to wrestle with the practical problems of reuniting the nation, while fending off presidential encroachments. Do we today wonder at the passion of their debates and question their motives? Rather than judge harshly, we would admire these tireless men who tried to encourage the recognition and the acceptance of a national responsibility for civil rights.[20] It is because these senators were willing to hammer out the fundamental issues, that they refused to be bullied by emotion, and that they pursued the question to the finest point of constitutional analysis, that our Constitution today continues as a monument to the concepts of equality for all our citizens. Here in the record of these heated arguments are the very areas where we should feel the greatest pride in the Reconstruction Congress, for they did not shrink from these thorny issues, but saw them through to their just conclusions and established universal male suffrage for all United States citizens.

The aggressive actions of the Congress only served to further agitate the already combatant president, who refused to accept that the legislative branch was exercising its proper prerogatives. Johnson persisted in making excessive statements in public and again reminded the nation that he paralleled the martyred Christ.[21] This new outburst proved more than Americans seemed willing to accept from their chief executive. In the congressional elections of 1866, Republicans in both houses received stunning victories. Surprisingly, Republicans gained in traditional Democratic strongholds of West Virginia, Missouri, and Tennessee. Whether this represented a victory for Radical Republicans programs or a rejection of the embarrassing apostate Republican president is hard to judge. Radical Republicans saw it as a mandate for their plans and launched an offensive to limit the powers of the alienated president.

Despite the efforts of Congress to curtail the president's authority, the executive office possessed many powers that the legislature would not be able to limit. This helped to create among Republicans a growing belief that the only solution for the clash over Reconstruction policy was to remove the president from office. Members of Congress reached that decision only after the most tortured considerations.

Article II, Section 4 of the Constitution empowers the House of Representatives to impeach and the Senate to convict on a two-thirds vote of each

House. The umbrella of Section 4 covers any federal official charged with "Treason, Bribery, or other high Crimes and Misdemeanors." Yet, never before in our history had the Congress seriously considered using this ultimate sanction against a chief executive.

Accordingly, the prospective seriousness brought to naught the first efforts to initiate impeachment when in 1867 a House resolution failed to pass the Judiciary Committee. Moderate Republicans were simply not ready to assume the frightening responsibility of presidential impeachment. Of that decision, Maine's William Fessenden, observing from the Senate, commented in a letter:

> You will have learned that the House has decided not to impeach the President. I am glad of this . . . The President has undoubtedly been guilty of very serious offenses, the consequences, I think, of bad temper and of self-confidence . . . The country will now breathe more freely, and if we can act like sensible men I shall have some hopes of the future. Yet we have many more troublesome problems to solve, while the folly and madness of certain men keep us in constant peril.[22]

From the executive's corner, word spread that the president, impressed by the congressional rumblings, would begin to implement Reconstruction laws. The feelings of relief among Fessenden and his moderate colleagues proved short-lived as the uneasy truce between the branches quickly collapsed.

The focal point for the final breakdown of presidential/congressional relations proved to be the Tenure of Office Act passed by Congress in March 1867 as a deterrent to the president's tendency to dismiss public officials supportive of the congressional Reconstruction goals. This measure included a proviso that Senate permission was a requirement for the firing of a cabinet officer. It was a thinly-disguised move to protect the position of Secretary of War Edward Stanton, one administration official in agreement with the plans of the Congress for Southern Reconstruction.[23]

As the relations between the opposing branches deteriorated, President Johnson widened the fight by attempting to remove Secretary Stanton. Johnson's efforts to manipulate that crisis rested on cooperation from General U.S. Grant, whom the president appointed to Stanton's post. This action did not pass without challenge and as arguments on both sides heated, Grant, unwilling to offend members of his party in Congress, withdrew from the conflict. Stanton resumed this post, the relations between President Johnson and Grant dissolved, and the Republicans bathed in victory's warm glow, while they looked to Grant with new admiration.

There followed a series of comic scenes, unworthy of national leaders. Stanton literally barricaded himself in his office and refused to admit Johnson's next appointee, General Lorenzo Thomas. Thomas was unable to wrest the keys to the office from the obstinate Stanton, all a scenario that the Senate watched with delight.

This circus wiped out any small remaining support that the president held among moderate Republicans. They had tried, through a series of maneuvers, to deflect the growing sentiment against the president, but to no avail. Finally the bitter feud, filled with contempt and angry words, came to its predictable climax. The difficulties with Stanton only supplied the immediate excuses for initiating some decisive action. The House reactivated its impeachment motions.

Whether Johnson's actions truly represented impeachable offenses of "high crimes and misdemeanors" was not certain to all participants. It seems fair to say that, as with most critical issues, the combination of forces leading to the impeachment and trial are not easily separated. Motives for action included some of the highest political purpose and concern for human rights in our nation's history, intense interest in constitutional law, and the need to protect the separation of powers in the federal government. But also, there could be found ample measures of partisanship, greed, and a desire to extract personal gain and political advancement from a national crisis. The result of this piebald mix of political chemicals was that both houses of Congress moved forward with the impeachment process.

Republicans charged that the president systematically obstructed all congressional procedures to provide equality for freed slaves, ignored the efforts of Congress to insure safeguards for the future protection of black citizens, deserted his own party, and openly collaborated with the Southern states to restore their political powers without impediments or supervision. Not only was Andrew Johnson seen as a dangerous threat to the future success of the Republican party, but he was also viewed as a national embarrassment, a president reveling in disregard for the authority of the United States Congress, and the individual most responsible for inciting the continued attitudes of rebellion among white Southerners.

Out of these sentiments the House of Representatives drew up ten (later eleven) articles of impeachment against the president and presented them to the Senate. On February 27, 1868 a special House delegation visited the Senate. Headed by Thaddeus Stevens and John Bingham, the group announced the impeachment resolution had passed the House on February 24, 1868 and asked the Senate to prepare for the trial to follow. President pro tempore Wade then selected a special committee of seven senators to establish rules of procedure for the trial. By March 2 the Senate had received the report of the special committee on rules, debated the topic, and voted to accept the committee's suggestions.[24] The powers of the presiding officer, powers of the Senate to subpoena witnesses, protocol for witness interrogation by senators, and methods for recording the testimony were included among the twenty-five rules of procedure.

The pending trial became the focus of the social season. Washingtonians began to exude a festive air as they thronged to the Capitol in their best finery. Only holders of numbered and dated tickets could enter the Senate galleries. Of the one thousand tickets printed, forty were reserved for the diplomatic corps, while the Chief Justice, the Speaker of the House, and each senator got four. Pairs of tickets were distributed among House members, Supreme Court Justices, and various other public figures. Twenty tickets were reserved for the President.[25]

Opening day saw the Senate galleries jammed with a curious mob, but among them, one person's absence did not pass unnoticed. That, of course, was Andrew Johnson, who contrary to his own personal desires, accepted the insistence of counsel that he boycott the tribunal.[26]

The trial itself began on March 30, 1968. Massachusetts' Benjamin Butler led the House impeachment managers. The waiting crowds had anticipated this moment. Butler, a colorful and vigorous character, was billed as one of the main attractions. The observers expected that his remarks would sparkle with a lusty style and an irreverent humor.

They left that day disappointed. Butler initiated the events with a three-hour speech defining the nature of an impeachable crime. A tedious discourse, filled with legal technicalities, it failed to capture the crowd's attention. In the summation, Butler strove to captivate when in a resounding voice he boldly proclaimed: "never again, if Andrew Johnson go . . . free . . . can the people of this or any other country by constitutional checks or guards stay the usurpations of executive power."[27] This melodramatic conclusion was not enough to rescue an oration that left the spectators bored and restless. The whole performance marked an inauspicious beginning for the prosecution.

Moreover, it forecast a glum fate for the prosecution's entire case. Pretrial sentiment throughout the nation seemed to indicate conviction was expected and favored. But as the trial dragged on for several weeks, the national mood appeared to shift. Interesting. They had no poles in these days. A flow of contradictory tele-

grams to the Capitol aside, more and more the public appeared to dread the implications of removing a president from office.

Senators—their political acumen waxing and their fevered emotions waning—began to vacillate. Especially the moderate Republicans wavered, influenced by two considerations. First, they feared the permanent damage that removal might incur for the executive branch of the government. Secondly, several senators cooled before the unattractive realization that they would inherit president pro tempore Benjamin Wade as the next president.

Johnson, for the first time in the crisis, comported himself with a measure of dignity. He avoided his habitual tirades against Congress and informed moderates that he was ready to comply with congressional Reconstruction. He maintained himself quietly throughout, apparently content to receive trial reports each evening from his servant, Warden.[28] Though he had frequently destroyed the public peace in the past, Johnson now unexpectedly strengthened his case by a decorum that was designed to increase sympathy for his position.

The trial ground on to its conclusion. Public excitement began to mount again as the time approached for the verdict to be returned. By the end of April 1868, Radical Republicans increasingly suspected that their efforts were doomed. The outcome centered again on the decisions of the moderate Republicans. They had the numbers to turn events either for or against acquittal. The opposing sides quickly moved to ensnare the votes of those senators regarded as unpredictable. Political promises and threats circulated throughout Washington.

Missouri's moderate Senator John Henderson received warm assurances of Democratic support in his next election if his acquittal vote cost him the backing of his own Republican party. The more crude action included blatant attempts at bribery, as reported by Senator Samuel Pomeroy of Kansas. One pro-Johnson group instigated a proposal to nominate the politically-oriented Chief Justice, Salmon P. Chase, at that very moment presiding over the trial, as an alternative candidate for president of the United States. That faction succeeded in moving their pressure campaign to the domestic front and into the home of Rhode Island's Senator Sprague who was married to Chase's beautiful daughter, Kate.[29]

Radical Republicans foresaw that acquittal could unleash a flurry of presidential powers that would defy containment. The immediate issue, the removal of Secretary Stanton, paled as Republicans came to perceive the fundamental constitutional issues embedded in the president's defense. Johnson's counsel argued that the president could legitimately refuse to enforce a law that he believed unconstitutional, if it restricted the rightful powers of the executive. Second, the presidential attorneys maintained that the president could replace officials appointed by the consent of the Senate and install his own *ad interim* appointees. Further arguments suggested that the president could overrule any law that his cabinet advised him was unconstitutional. The cumulative impact of these interpretations would be to provide the president with unlimited powers in the matter of Reconstruction. Ultimately he could override all Reconstruction laws, establish his own state governments in the South, endanger the rights of all Southern blacks and white Republicans, and restructure the composition of the next electoral college.[30]

On May 4, 1868 the task of summarizing the prosecution's case fell to Representative John Bingham of Ohio. For three days senators in a packed chamber listened to his remarkable oration. Among his many dramatic and compelling remarks he included:

> It is this spirit of justice, of liberty, of equality, Senators, that makes your Constitution dear to freemen in this and in all lands, in that it secures to every man his rights, and to the people . . . the . . . right of self-government . . . which is this day challenged by this usurping President, for if he be a law to himself the people are no longer their own law makers through their Representatives in Congress . . .[31]

Upon his conclusion spectators in the galleries burst into cheering and a great clapping of hands. Men and women jumped to their feet, waving their handkerchiefs and ear-splitting whistles filled the air. When the Sergeant-at-Arms attempted to restore the order the Chief Justice demanded, his efforts were met with hisses and boos. In the ensuing ballyhoo, the Chief Justice demanded the galleries be cleared. This only generated more confusion for it was unclear whether this order included the diplomatic and reporters' galleries. The senators and the Chief Justice continued to argue the point until finally all spectators had been removed from the chamber. At that moment, one of the central protagonists in the fray, Senator John Conness of California, immediately called for a recess, a motion that was greeted with a chorus of "Oh no's" from his colleagues.[32]

The uproar was put to an end with the announcement that the case was closed. But the senators had learned much from the wild outburst and clearly they had little interest in its repetition when the verdict was returned. On May 11, 1868 the opening moments of discussion centered on the need to assure that there would be no recurrence. Senator John Sherman of Ohio remarked that the verdict was certain to incite a great deal of excitement in the Senate chamber. He suggested that the assistants to the Sergeant-at-Arms be strategically placed throughout the galleries to arrest any rowdy persons, that the Chief Justice announce the intention of this from the floor at the opening of the session and through the morning newspapers.[33]

The next day Senator Zachariah Chandler rose to announce that his Michigan colleague, Senator Jacob Howard, had been struck with a high fever, was delirious, and his physicians thought him unable to attend. Chandler requested a postponement.[34] The supporters for acquittal saw this as a last-ditch stalling technique of the weakened Radicals.

The adjournment served only to prolong the agony of suspense for Republicans, who increasingly recognized the likely outcome. On Saturday, May 16, 1868, the Senate convened at noon and shortly thereafter the voting began. Chief Justice Chase polled the members individually, article by article. Chase began, "Mr. Senator Anthony, how say you? Is the respondent, Andrew Johnson, President of the United States, guilty or not guilty of a high misdemeanor as charged in this article?" The Rhode Island senator responded, "Guilty," and as the Chief Justice proceeded, the chamber echoed with somber replies of "guilty" or "not guilty." Senators Grimes and Howard, although permitted to remain seated for their votes, through great physical effort, stood to be counted, one on each side of the question.[35]

It required a two-day period to complete the voting. On the first day, by a tally of 35 to 19, the strongest charge against the president, article 11, failed by one vote the two-thirds majority needed for conviction. When the Senate reconvened on the 26th to complete the voting—the adjournment called for Republicans to attend their national convention in Chicago—the scene from the 16th was repeated. Both the second and third articles of impeachment failed, and again the count was 35 to 19—one short of necessary two-thirds count. The failure of these articles, fundamental to the case against the president, showed the Radicals that Johnson could not be convicted. For the Radicals their cause was lost; the fragile friendship they forged with the Moderates collapsed when nineteen senators chose to reject the plan to remove the president.

Senators had an opportunity to explain the basis of their individual decisions through the submission of a written opinion after the completion of the voting. Several senators took up the pen to explain the rationale of their votes on those two days, not unlike what Senators will do today. The weary Senator Grimes concluded in his written statement:

I am wholly unable . . . to deduce any criminal intent . . . I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable president . . .[36]

On the other hand, that Radical leader of great power and persuasion, Charles Sumner wrote:

If Andrew Johnson is not guilty, then never was a political offender guilty before . . . he has set your laws at defiance, and when Congress . . . strove to constrain him, he broke forth in rebellion against the constitutional authority . . . For myself, I cannot despair of the Republic. It is a lifeboat which wind and wave cannot sink; but it may suffer much and be beaten by storms. All this I clearly see before us, if you fail to displace an unfit commander, whose power is a peril and a shame . . .[37]

Sumner's remarks reflected his concern for the future of the nation, but also his confidence that the troubled events would not defeat this sturdy republic. Sumner judged the nation correctly. As for individuals, the impact of the impeachment proceedings influenced the fate of some political lives more than others.

Senator Fessenden, sometime friend, sometime foe of Charles Sumner, never quite escaped from his decision to vote for acquittal. At the time he defended himself saying:

The consequences which may follow either from conviction or acquittal are not for me, with my convictions, to consider. The future is in the hands of Him who made . . . the universe, and the fear that He will not govern it wisely and well would not excuse me for a violation of His law.[38]

Fessenden had many opportunities to remind himself that the personal consequences of his act were of small importance. His defense failed to convince Maine Republicans. They subjected him to a barrage of anger and criticism for his betrayal of the Radicals' cause. Some political opponents and Republican newspapers continued to abuse him throughout the remainder of his life. Others adopted an air of indifference and ignored him. When Fessenden died in 1871, former friends had not been reconciled. However, Senator Sumner cast aside any lingering disappointments over Fessenden's defection and eulogized his old associate.

Senator Benjamin Wade endured widespread censure for his active involvement in the trial proceedings. Some thought it unseemly and unethical that the individual to gain the greatest personal boon from a conviction—succession to the presidency—should sit in the trial. Wade did not enhance his image when he voted with the Radicals. The defeat of the removal attempts also brought to a conclusion Wade's political service. At the end of the Fortieth Congress he retired from public life and returned home to Ohio. Wade did not hold another elected office, but continued to exert some small political influence. He died in 1878, still loyal to the Republican party.[39]

Charles Sumner continued his work in the Senate. Weary though he was from his political battles and physical ailments, Sumner did not abandon his efforts to promote universal equality. He remained a unique figure in Senate history, a man either loved or hated by his colleagues. This intense response to Sumner is in part explained by his unfaltering insistence that black citizens were entitled to a full share of civil rights and privilege before the law. Sumner never wavered from that concept and would not alter it to accommodate political expediency. For that his peers sometimes regarded him as inflexible, but Sumner ignored such charges for he demonstrated the commendable quality of total political commitment to an ideal.[40] Charles Sumner continued to champion the cause of human equality during the remainder of his Senate service.

In the general political arena the impeachment proceedings did clarify for the American public and the world that our system could endure such an awesome test. That such a crisis followed so quickly upon the heels of bloody national strife only reinforced the realization that the American democratic system was amazingly resilient.

However, the procedure also showed that the Radical Republicans possessed only a tenuous hold on their congressional leadership. With the failure of this major congressional endeavor, the Radicals shortly saw their power base erode. In August 1868 the death of Representative Thaddeus Stevens, an arch foe of Johnson, further weakened the leadership of the Radicals. Wade had retired, as did one of the sources of the controversy, Edwin Stanton. Representative James Ashley of Ohio, an early Johnson opponent, also departed from the scene politically crippled by the collapse of removal efforts. His constituents did not forget that Ashley introduced the first House impeachment resolutions and they declined to re-elect this Radical.[41]

The central figure in the scenario, President Andrew Johnson, had but a short time to serve in his term. His own party gave no thought to a renomination for the outcast executive and passed the Republican standard to Ulysses S. Grant. Johnson may have hoped, aware of the Republican scorn, to secure a presidential nomination from the Democrats. This did not materialize. The Democrats let Johnson know that his Reconstruction efforts were appreciated, but members of the minority party were reluctant to embrace openly a president whose public posture was often so exceedingly bad.[42]

Johnson's term formally expired on March 4, 1869. The rejected Johnson, then sixty years old, and not in the best of health, returned to his home in Tennessee. In 1875 the former president succeeded in securing a senatorial seat from the Tennessee legislature, and he returned to Washington to the Senate chamber and took his oath of office. Again Johnson's political exploits caused the Senate galleries to be packed with curious spectators. Johnson entered the chamber and faced many of his old foes—Logan of Illinois, an impeachment manager from the House, now in the Senate. Boutwell, Frelinghuysen, Anthony, Sherman, Cameron, Howe, Morrill, and Conkling rounded out the list of former opponents.

After a moment of stillness, the senator from Tennessee stepped forward and began to shake hands with his colleagues. One more time the Senate galleries burst into a noisy display in response to a poignant moment in the difficult political career of Andrew Johnson.

Johnson's moment of personal vindication lasted but a brief time. Only five months later, in July 1875, he died of a stroke at the home of his daughter. His death brought to a close the impeachment epoch. For the persons who experienced the passions and the challenges of the only presidential impeachment and trial in our nation's history, the ramifications were both personal and political.

Yet, in the midst of these overwhelming and weighty deliberations it is easy to forget that other matters demanded Senate attention. The Senate could not permit itself to be entirely preoccupied with impeachment and Reconstruction business.

The economic and political development of the trans-Mississippi West also required Senate deliberation. Repeatedly, the topic of Indian land claims and treaty negotiations faced the Senate. A major focus concerned the development of rail transportation in the West. By 1867, the Senate began to question the slowness of track completion for the trans-continental railroad, as well as to inquire into the number of bonds issued to the Union Pacific Railroad.[43] Other Western issues concerned the right of way and land grants to mining companies and the economic administration of the territories. It was the Fortieth Congress that received the official notice of the transfer of territory from Russia, and thus the Senate acknowledged the acquisition of Alaska. All these items pointed to the burgeoning national promise to be found in the far West.

Yet all the travail of Reconstruction had not disappeared. The trial of Andrew Johnson simply altered its nature and quality. In my next state-

ment, which will be my fifty-ninth statement on the history of the Senate, I shall direct my remarks to the second phase of the Reconstruction area.

FOOTNOTES TO "ERA OF RECONSTRUCTION, 1865-1868"

[1] Samuel E. Morison, Henry S. Commager, and William E. Leuchtenburg, *A Concise History of the American Republic* (New York: Oxford University Press, 1977), 319-20.
[2] Kenneth Stampp, *The Era of Reconstruction* (New York: Random House, 1965), 84.
[3] John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet: An Autobiography*, Vol. 1 (Chicago: Werner, 1895), 361.
[4] Ibid., 351.
[5] Edward L. Pierce, *Memoirs and Letters of Charles Sumner: 1860-1874*, Vol. 4 Boston: Roberts, 1893), 245.
[6] James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), 497.
[7] Pierce, *Memoirs and Letters*, 270.
[8] Ibid., 248-49.
[9] Ibid., 250-51.
[10] Sherman, *Recollections*, 363-64.
[11] McPherson, *Ordeal by Fire*, 500.
[12] Ibid., 501.
[13] William H. Barnes, *History of the Thirty-Ninth Congress* (New York: Harper and Brothers, 1868), 22-24, 569-70.
[14] *Congressional Globe*, 39th congress, 1st sess., 1.
[15] Ibid., 3.
[16] Barnes, *History of the Thirty-Ninth Congress*, 49.
[17] McPherson, *Ordeal by Fire*, 575.
[18] Barnes, *History of the Thirty-Ninth Congress, 276.*
[19] Ibid., 277-79.
[20] William R. Brock, *An American Crisis: Congress and Reconstruction, 1865-1867* (London: St. Martin's Press, 1963), 127.
[21] McPherson, *Ordeal by Fire*, 520.
[22] Francis Fessenden, *Life and Public Services of William Pitt Fessenden*, Vol. 2 (Boston: Houghton, Mifflin, 1907), 123-24.
[23] McPherson, *Ordeal by Fire*, 523.
[24] Georges Clemenceau, *American Reconstruction: 1865-1870, and the Impeachment of Andrew Johnson* (New York: Lincoln MacVeagh, 1928), 156, 162.
[25] *Trial of Andrew Johnson, on Impeachment*, Vol. 1 (New York: Da Capo Press, 1970), 10.
[26] Hans L. Trefousse, *Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction* (Knoxville: University of Tennessee Press, 1975), 151.
[27] *Congressional Globe Supplement*, 40th Congress, 2nd sess., 41.
[28] Robert W. Winston, *Andrew Johnson: Plebian and Patriot* (New York: Henry Holt, 1928), 440.
[29] Michael Les Benedict, *The Impeachment and Trial of Andrew Johnson* (New York: W. W. Norton, 1973), 171.
[30] Ibid., 172.
[31] *Congressional Globe Supplement*, 40th Congress, 2nd sess. 405.
[32] Ibid., 406.
[33] Ibid., 409.
[34] Ibid., 410.
[35] Ibid., 411.
[36] Ibid., 424.
[37] Ibid., 474.
[38] Fessenden, *Life and Public Services*, 273.
[39] A. G. Riddle, *The Life of Benjamin Wade* (Cleveland: William W. Williams, 1886), 386-96.
[40] Pierce, *Memoirs and Letters*, Vol. 4, 504.
[41] Trefousse, *Impeachment of a President*, 183-85.
[42] Ibid., 192.
[43] *Senate Journal*, 40th Congress, 2nd sess., 43.

Mr. BYRD. Mr. President, I thank the Presiding Officer for his patience.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION POLICY IN NICARAGUA IS COUNTERPRODUCTIVE

Mr. PELL. Mr. President, the President's acknowledgement yesterday of the U.S. Government's covert support for insurgent activity in Nicaragua reinforced the grave concerns I already had about our policy toward that country. It reinforced my belief that what the administration is doing is directly contrary to the best interests of the United States and against the will of the American people.

The President stated that the U.S. Government is not trying to overthrow the Nicaraguan Government, but it is difficult not to reach the opposite conclusion when one considers the present situation there along with recent press reports. These reports pretty much confirm what has been suspected these many months about U.S. covert support for the anti-Sandinista forces, many of whom formerly served in the security forces of the hated former dictator, Anastasio Somoza. These forces had been operating from bases in Honduras and are now operating in Nicaragua proper in their effort to topple the present government. As I read the legislation and the comments of persons such as Chairman Wyche Fowler of the House Intelligence Oversight Committee, who just returned from Nicaragua, the administration is very close to being in violation of the law.

Last December, the Congress enacted a measure designed to prevent exactly what is happening today. The provision, known as the Boland amendment, states that money could not be spent "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." I share the concern of Senators MOYNIHAN and LEAHY of the Senate Intelligence Committee regarding the possible violation of the law. It strains credibility to argue that U.S. support for the anti-Sandinista forces is designed only to make it more difficult for Nicaragua to help the guerrillas in El Salvador when the anti-Sandinistas are clearly bent on overthrowing the Sandinista regime. They are not risking their lives just to give the Sandinistas a hard time.

In my view, the administration's policy toward Nicaragua is proving counterproductive because it is driving that beleaguered government even more into the arms of the Cubans and the Soviets and is serving to accelerate the polarization that is taking place within the country. Eden Pastora, the hero of the Nicaraguan revolution in 1979 against the Somoza dictatorship, and present leader of an anti-Sandinista group based in Costa Rica, has refused to join the anti-Sandinista guerrillas because of its Somoza links. Pastora and his associates argue that the U.S. backing for the guerrillas is making matters worse because of the polarization it is causing inside Nicaragua. It is making it more difficult for the forces associated with Pastora to make inroads when the people are rallying behind the Sandinistas in reaction to the support the United States in giving to the former Somocistas. On the other hand, the Nicaraguan people are paying dearly as this polarization has seen a hardening of restrictive and repressive policies which have affected freedom of the press and religion.

The Miskito Indians are especially paying for the present U.S. policy. Randall Richards in the Providence Journal reported on April 3, that a Moravian pastor and Miskito leader, who himself was earlier placed in jail by the Sandinistas, said that the United States must stop exploiting the Miskitos. He said that U.S. policies are preventing the return of thousands of Miskitos from exile in Honduras. The Miskito leader argued that the United States should stop providing weapons and training for the counterrevolutionaries and should use its offices to bring about a dialog between Nicaragua and Honduras.

Yet another reason for my concern about the present situation is the very real possibility that the current fighting in Nicaragua could soon erupt into a Central American-wide conflagration. I have long warned of this possibility and this was one of the reasons why I opposed a little-known Defense Department project to modernize airfields for military use in Honduras when it was before the Congress last summer. On June 30, I introduced an amendment which would have prohibited the use of funds for the modernization of three airfields. The measure lost by a 65-29 vote but a sufficiently aroused House of Representatives succeeded in cutting the project back so that only one field is being improved.

I noted that the runways would be designed to land U.S. tactical aircraft and thus personnel and equipment, and expressed my concerns that the project would exacerbate the fragile relationship that existed between the United States and Nicaragua. The Nicaraguans, even then, believed that Honduras was cooperating with U.S.-backed anti-Sandinista groups operating on the border. Furthermore at that time, I expressed my concern over the possible provocation of Nicaragua into attacking Honduras which might provide a rationale for the use of U.S. forces in Honduras and for the expansion of the U.S. military role in Central America. I believed then that U.S. policy had the potential for involving Honduras and more importantly, the

United States, in a widening Central American War. I fear that my premonitions of last year are getting closer to reality.

I am becoming increasingly worried about the prospects of Cuba being drawn into the battle if the Sandinistas perceive that they may be facing defeat. The repercussion of this would be disastrous as the chances for more direct military involvement between Nicaragua and Honduras and even with the United States would most certainly be increased.

The dangerous absurdity of all of this is that the United States is increasingly alone and isolated in its policy toward Nicaragua. Nations such as the Netherlands, France, Spain, and Mexico supported the Nicaraguan charge that the United States was backing insurgents intent on overthrowing the government in the debate in the U.N. Security Council at the end of March. Only Honduras enthusiastically backed the U.S. view of the situation. How sad it was to see Ambassador Kirkpatrick respond to charges of U.S. involvement by charging Nicaragua with sending arms to neighboring countries which is incidentally, just what we are doing. Moreover, the moral standards of our great Nation should not be determined by the lower standards of other nations.

This current policy of covertly supporting anti-Sandinista operations in Nicaragua places our Nation in a very contradictory and hypocritical moral position. On the one hand, we strongly condemn Nicaragua for its covert supplying of arms to the guerrillas in El Salvador, but on the other, the administration, by its actions, believes that it is fine to covertly support forces attempting to overthrow the Nicaraguan Government.

Mr. President, I strongly feel that we are rapidly reaching a point from which there may be no turning back from disaster. The U.S. Government should cease its aggressive counterproductive policy. The administration should remember that it is in the best interests of this country to live in peace with a Nicaragua that could be encouraged to adopt more moderate policies and made to feel at ease with its sister nations in the Western Hemisphere community.

The need for negotiations is urgent and I believe the United States should engage Nicaragua in a serious discussion of major differences. Nicaragua must sit down with Honduras and do the same thing. Other nations of the region such as Mexico might help in mediation efforts but I would caution against a Central American "solution" that would be imposed on Nicaragua.

Finally, I firmly endorse the call of Episcopal Bishop George Hunt of my own State of Rhode Island as well as Bishops John T. Walker of Washington, D.C., and H. Coleman McGehee of Michigan, who after a visit to Nicaragua a few weeks ago, appealed in a letter to the President for the opening of a dialog with the Nicaraguan Government. The Bishops also called for an end to U.S. aid to the anti-Sandinista forces.

Last December, I delivered a statement on the Senate floor citing the need for a positive change in U.S. policy in Central America. My principal message on Nicaragua bears repeating these 4 months later.

We must get our relations with Nicaragua back on track by ceasing our negative activities, by opening a sincere and honest dialogue. . . . A turnaround in our policy toward Nicaragua could very well signal the beginning of a positive U.S. policy toward Central America.

Mr. President, I ask unanimous consent that the text of the letter signed by the three Episcopal Bishops and articles by Randall Richards, which appeared in the Providence Journal of March 27, 30, and April 3, and by Roland S. Homet, Jr., which appeared in the New York Times on April 6, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIOCESE OF WASHINGTON,
Washington, D.C., March 29, 1983.

DEAR MR. PRESIDENT: We, the undersigned, write you at this time because the subject of Nicaragua has become a matter of public concern and debate. We write as individuals, bound by the imperatives of the Gospel of Jesus Christ, and as citizens and voters, who also hold positions of responsibility in the Episcopal Church in the United States. We do not write as representing the Episcopal Church nor any other organization of which we may be members. We are George N. Hunt, Bishop of the Episcopal Diocese of Rhode Island, H. Coleman McGehee, Jr., Bishop of the Episcopal Diocese of Michigan, and John T. Walker, Bishop of the Episcopal Diocese of Washington.

We have just returned from an intense visit in Nicaragua. During our time there we were able to visit with people representing every political point of view. We also visited many places in Managua and its environs including Masaya and Granada.

We were asked to come to Nicaragua by the Rt. Rev. Cornelius J. Wilson, Episcopal Bishop of Costa Rica who also serves as Interim Bishop of the Episcopal Church in Nicaragua. In the company of Bishop Wilson we conversed at length with the Papal Nuncio, the Archbishop of Managua, leaders of the Episcopal Church of Nicaragua, representatives of two important ecumenical groups, a number of persons of the Eastern or Mesquito Coast of Nicaragua (one of them being a priest of the Episcopal Church and another a pastor of the Moravian Church. The latter Church is a product of missionary activity supported by the Moravian Church of Pennsylvania). In addition we were able to interview at length one member of the ruling Junta of the Sandinista Party, Senor Sergio Ramirez, and Senor Carlos Tunnermann, the Government's Minister of Education.

What we saw and heard led us to conclude that the vast majority of people in Nicaragua want a dialogue to begin immediately among the differing groups within the country regarding the political direction of the nation. Of equal clarity is their desire that a similar dialogue begin between the United States and the Government of Nicaragua. Everywhere we were asked to convey this message to our President and to the American people. Hence, the open form of this letter.

We recognize how complicated the problems are in Central America and particularly with the differing factions in Nicaragua. Nevertheless, our experience in Nicaragua leads us to ask three things of you.

First, that serious consideration be given to the opening of dialogue with the Nicaraguan Government. This is urgent because we came away believing that there is yet time to influence the leaders of the revolution in Nicaragua.

Second, that a bold and imaginative initiative, a kind of "Marshall Plan" for Central America, be made to assist those who are victims of strife along the frontier or who have been displaced by the revolution or by counter-revolutionary activities; and those made homeless by recent floods. Medical supplies and food are needed immediately.

Finally, we trust that if we are in any way aiding the contra-revolutionary forces (the Sandinistas) that such aid will cease and that our efforts will be used to help provide stability internally and along the border. The most commonly held view in Nicaragua is that we are supplying arms to the Samosistas as well as to the people of the East Coast.

Far be it from us to presume that we are more knowledgeable than those who are responsible for our nation's foreign policy. Nor are we naive about the importance of the threat of marxism or the influence of other communist governments in Nicaragua. We do believe that through dialogue we may have a positive effect on Nicaragua and on the other nations of Central America. Absent any dialogue we may find that our worst fears may become a self-fulfilling prophecy.

Sincerely yours,

JOHN T. WALKER,
Bishop of Washington.
GEORGE N. HUNT,
Bishop of Rhode Island.
H. COLEMAN MCGEHEE, Jr.,
Bishop of Michigan.

[From the Providence Journal, Mar. 27, 1983]

U.S. BISHOPS ASK REAGAN TO STOP OPPOSING SANDINISTAS

(By Randall Richard)

MANAGUA, NICARAGUA.—Moved by what they described as compassion and openness in the Sandinista revolution, the Episcopal bishops of Rhode Island, Costa Rica, Michigan and Washington, D.C., will ask President Reagan to end any U.S. support of anti-Sandinista guerrillas.

In an open letter scheduled for release on Wednesday, the four bishops also planned to urge the President to begin a "dialogue" with the Sandinistas.

They will also request humanitarian aid to Nicaragua, especially for those displaced by the increased fighting along the nation's border with Honduras.

The bishops' findings contrast sharply with the administration's view that the leftist Sandinista government represents a menace to the hemisphere.

The bishops wrote their statement after seeing what Nicaraguan officials claim is a

cache of arms supplied by the United States to anti-Sandinista guerrillas, and after they heard a top government official claim the CIA is training and backing the anti-government forces.

They met with Episcopal and Roman Catholic leaders as well as top U.S. and Sandinista officals here.

Before returning to Rhode Island at the end of his four-day tour, Bishop George Hunt said that one of the major discoveries of his visit was the compassion that he found within the Sandinista leadership:

"There is a sense that the people who are most powerful in the revolution . . . deeply care about their people. This compassion for people—this deep caring—was evident in the people we talked with."

The other bishops agreed and said they were particularly distressed that the United States has refused to begin a "dialogue" with Nicaragua.

Bishop John Walker of Washington said he was especially impressed with the "humane aspects" of the Sandinista revolution:

"Unlike most revolutions there has not been the kind of recriminations against those who were on the other side—the killings and the bloodshed. I am also impressed with the tremendous effort to contain the forces that attempt to overturn the revolution and with the work being done to bring unity to this country."

The U.S. bishops came to Nicaragua at the request of Bishop Cornelius J. Wilson of Costa Rica, who is also the acting Episcopal bishop for Nicaragua.

Although the estimated 7,000 Episcopalians in Nicaragua make up only a tiny percentage of the population, the visit by the bishops was viewed here as significant for several reasons—not the least of which is the perception that the Episcopal Church wields considerable influence on policymakers in the United States.

The tour also closely followed the visit here by Pope John Paul II—a visit that turned into a public relations disaster for the Sandinistas and served to underscore the growing rift between a Roman Catholic hierarchy that has grown suspicious of Sandinista goals and tactics and a number of priests, nuns and lay-people who continue to support the revolution.

And while the Episcopal Church here is relatively small, the majority of its members are Miskito Indians from Nicaragua's Atlantic coast—a section that has become a major staging area for anti-Sandinista activity.

Three of the church's 12 deacons, in fact, have been arrested and jailed in the course of the four-year-old Sandinista revolution. And the church's treasurer in the Atlantic coast town of Tasbaponi—a lay person—is still in prison as a suspected gun-runner.

In addition to meetings with U.S. Ambassador Anthony Quainton and Roman Catholic Archbishop Miguel Obando y. Bravo—an increasingly outspoken critic of the Sandinistas—the Episcopal bishops also spoke with Msg. Andres Cordero Lanza d'Mondezmolo, the Vatican's diplomatic representative in Managua, and with the Rev. Norman Bent, a Miskito leader who had once been imprisoned by the Sandinistas.

But it was their meeting with Dr. Sergio Ramirez, a member of Nicaragua's three-man ruling junta, that appeared to most impress the bishops—a two-hour session marked by sometimes pointed questions, especially from Bishop Hunt.

In his opening remarks to the bishops, Ramirez declared that they had come to Nicaragua "at one of the most difficult times for the revolution."

Only hours earlier, he said, Nicaragua was invaded by "two thousand armed men—most of them Somoza's guardia (the members of Anastasio Somoza's National Guard who fled Nicaragua after the dictator was ousted by the Sandinistas in 1979).

"Given the population of Nicaragua, it would be as if two million soliders had just invaded the United States . . . ," he said.

In reponse to a question from Bishop H. Coleman McGehee of Michigan, Ramirez declared that "there is no doubt that these two thousand men have been armed by the United States . . . and that another two thousand are in Honduras waiting to come in."

The session went this way: Bishop Hunt: ". . . We've been about a great deal for the last few days and I don't feel a sense of oppressiveness among the people in the countryside or in Managua. There's not that sense that I would have expected to feel on the heels of a revolution. But . . . I have a concern that somehow the revolution remain open-ended—free to continue to grow and develop and not be closed off either by the dictates of Marxism on the one hand or the dictates of capitalism on the other. And what seems to be emerging is a fairly closed and doctrinaire Marxist ideology which would be, in my humble judgment, destructive to the revolution itself. . . ."

Ramirez: "We are concerned that this honest perception that you have is also an extreme: That is to say, so that Nicaragua doesn't become converted into a Marxist dictatorship—so that Nicaragua doesn't fall into the claws of communism—the Reagan administration wants to save us and keep us under the protection of U.S. democracy—the U.S. democratic system, that is an extreme.

"To fulfill that objective, the Reagan administration is using the members of Somoza's guard, which he has armed to massacre the Nicaraguan people, before and now. This is the guardia—this is the army that the U.S. maintained here for 50 years—an army that was defeated by the people. The remainder of this army fled to Honduras and the United States.

"The CIA has organized them again to attack us—to guarantee that we stay in the democratic system, and that communism doesn't come to Nicaragua. And today, just before you got here, we received news of the murder of three technicians from the Ministry of Construction, three civil engineers who were working on new roads on the northern border. Yesterday, three technicians from the agrarian reform office were killed—three agricultural technicians. In these days, volunteer adult education teachers have also been killed. All this to fight communism. This makes us wonder if Reagan is mistaken and if what he really wants from Nicaragua is democracy or a dictatorship just like the one we had for the last 50 years before the triumph of the revolution."

Bishop HUNT: "It is easy for us to go home and tell the people what we see—what I described earlier . . . But there is a kind of paranoia—not only in the Reagan administration, but throughout much of the United States—about Marxist communism. When the specter of a Soviet satellite in Central America is raised in any form it becomes very, very difficult to be rational in one's conversation about it. Can you say something that will help?"

RAMIREZ: "The Reagan administration sees the danger of cancer in the patient . . . From its examination they say the patient does not have cancer yet but there is a danger of cancer in the future . . . that it is best to shoot him and get it over with so he doesn't contract cancer. This is his remedy. . . ."

Bishop WALKER: "We go back and some people are going to say we didn't ask the right question vis-a-vis the Soviet Union—that the Soviet Union is working its will through Cuba to change the face, not only of Nicaragua, but all of Central America. Would you respond to that?"

RAMIREZ: "That is a classical argument. It comes from a cultural formation in the United States—that Marxism and communism are the devil's process and could infest Central America from Nicaragua. That does not permit any type of reasoning.

"That was the reason given for the U.S. Marines to invade Nicaragua before the Bolshevik revolution in the Soviet Union . . . Leninism had not yet taken over the government in Russia when the United States came into Nicaragua. The Soviet Union did not exist at that point. . . ."

"Central America is not a confrontation between East and West . . . It involves people who live with great riches and those who have nothing. That is the problem. That is what the Nicaraguan revolution is about—to distribute the riches better—in a just society. This is a Christian view—a humanist revolution. We are confronted with Reagan because he is not a humanist. . . ."

Bishop MCGEHEE. "How do you respond to charges in the United States that you are passing arms from the Soviet Union and Cuba on to El Salvador?"

RAMIREZ. ". . . We never give arms to the Salvadorans, but not because we do not want to give them. Morally, we should give them but we do not give them for other reasons. First, we don't give them because if we did it would be an excuse for Reagan to invade. Also, we believe that these countries should solve their own problems. It would be childish on our part to give arms to all the people of Central America who need them—to give arms, like Reagan gives arms, to all these counter-revolutionaries who came into Nicaragua."

To underscore his charge that the United States is supplying arms to the anti-Sandinistas, Ramirez gave the bishops a tour of an auditorium filled with rifles, machine guns, mortars and explosives.

He said they were all manufactured in the United States and were taken from the anti-Sandinista guerrillas.

Dr. Robert Renouf, an Episcopal priest in Managua who hosted the visit, said there were two points made repeatedly throughout the meetings:

"The idea that this country has a revolution because of outside influence from the Soviet Union and the Cubans is just not true . . . Poverty, injustice, inequality—that's what this revolution is all about. . . ."

"The other thing is—as I read the U.S. press—is the idea that if the United States invaded . . . that Masaya Highway would be just lined up with people with American flags just waving them in. That's not where they would be. They would be on the border driving them out.

"Nicaraguans may have some complaints about this government but they are not going to get rid of it for the U.S. substitute—that's just America's lack of reality. . . ."

BISHOPS URGE MANAGUA AID

(By Richard C. Dujardin)

PROVIDENCE.—The Episcopal bishops of Rhode Island, Michigan and Washington, D.C., today called on President Reagan to undertake a "bold and imaginative" economic aid plan for Nicaragua similar to the kind of aid provided to Europe after World War II.

Bishops George N. Hunt III of Rhode Island, H. Coleman McGehee of Michigan and John T. Walker of Washington, D.C. also reiterated a call, made last Saturday as they were ending a four-day trip to Nicaragua, that the United States needs to open a "dialogue" with the leaders of Nicaragua's Marxist Sandinista government.

Their appeal, in the form of an open letter to President Reagan, insisted that there is still time to influence the leaders of the revolution, but only if the U.S. undertakes to talk with Nicaragua's Marxist leaders. They said the economic aid to Nicaragua could be "kind of a Marshall Plan for Central America" and should try to assist those who have been victimized by strife, revolution, counter-revolutionary activity and floods.

At a news conference today, Bishop Hunt said he was struck during their trip that even right-wing critics of the government there had the feeling the United States was meddling too much in Nicaragua's affairs through covert CIA operations.

He said his trip has also caused him to change his attitude toward Marxism.

"Two weeks ago I would have been among those who said the basic tenets of Marxism and Christianity are not compatible. I now believe that it is possible for Marxist ideology to evolve in such a way that both the Church and the Marxist idealogy can live compatibly in the same person. This has not been the experience certainly in the Soviet Union, China, Cuba and other countries."

He said he found Nicaragua to be completely calm and without tension and "I felt safer walking the streets of Managua at 10 o'clock at night than I do walking in downtown Providence."

While the bishops' letter stops short of accusing the United States of actually providing covert aid to anti-Sandinista counterrevolutionaries, Bishop Hunt said, "In my own mind there is no question whatever that the CIA has been directly involved in an attempt to subvert the present government and to bring it down."

The bishops traveled to Nicaragua after the confrontational visit there by Pope John Paul II. The Pope made it clear that he and the Sandinistas clearly were at odds.

AMERICAN AGITATION IN NICARAGUA MAY SNAG INDIANS' REPATRIATION—CHURCH LEADER CITES COVERT U.S. EFFORT TO ARM THE MISKITOS AGAINST SANDINISTAS

(By Randall Richard)

MANAGUA, NICARAGUA.—The Sandinista government of Nicaragua reportedly is considering two proposals for the eventual return of more than 40,000 Miskito Indians to their tribal lands along the Rio Coco.

The proposals are contained in previously undisclosed letters from officials of the Moravian Church here and from Miskito leaders living in exile in Costa Rica.

But according to a Miskito pastor here, the United States is blocking the repatriation by engaging in covert efforts to turn the Miskitos into an armed force against the Sandinistas.

The Sandinistas forced the Miskitos off the Rio Coco 15 months ago in an attempt to prevent Honduran-based, anti-Sandinista guerrillas from crossing the river into Nicaragua.

The Rio Coco, which forms Nicaragua's western border with Honduras, has been a major staging area for anti-Sandinista activity since December, 1981.

More than 400 Miskitos have been jailed by the Sandinistas since then for allegedly collaborating with "counterrevolutionaries" and 10,000 others have been evacuated to resettlement camps 60 miles south of the river.

An additional 18,000 Miskitos fled Nicaragua rather than be moved to the camps—about 15,000 to Honduras and 3,000 to Costa Rica—while another 15,000 settled in Nicaragua's Atlantic Coast town of Puerto Cabezas and in surrounding villages.

According to one report, the exodus of Miskito and other Indians from Nicaragua is continuing—the latest example being the "disappearance" two weeks ago of all 300 inhabitants of the Sumu Indian village of Awas Tingi, a village 60 miles north of Puerto Cabezas.

The Rev. Norman T. Bent, a Moravian pastor and Miskito leader who was arrested by the Sandinistas in January, 1982, said the Moravian pastor of Awas Tingi told him he had left his village two weeks ago and when he returned the following afternoon Awas Tingi was "a ghost town."

Mr. Bent said it is possible the Sumu villagers left voluntarily but residents of nearby towns, he said, reported to church officials that they believed that armed bands of anti-Sandinista guerillas forced them to cross into Honduras.

In mid-January, he said, three Miskito villages totalling 800 people also "disappeared."

Such incidents and the tensions they create along the border, he said, make it difficult to negotiate the return of the Miskitos to the Rio Coco.

But the major stumbling block to the repatriation of his people. Mr. Bent said, is the United States.

The United States, he said, has been exploiting legitimate Miskito grievances in an effort to recruit anti-Sandinista guerrillas.

He said it is unlikely the Sandinistas will allow the Miskitos to return to their tribal lands as long as that effort continues.

Mr. Bent said it was the United States that his people looked to for support in their dealings with the Sandinistas but that trust has been betrayed:

"I believe that the United States could have been the greatest source of help for the Miskito Indians . . . but what the Reagan administration did was to get the Miskito Indians in exile involved in counterrevolutionary plans and connect them with the Somocistas (the members of Anastasio Somoza's national guard who fled Nicaragua after the dictator was ousted by the Sandinistas in 1979).

"If the United States had kept them apart from the Somocista counterrevolutionaries and had not exploited the mistakes made by the Sandinista government . . . I think there would be no Indian in a Sandinista jail right now, there would be no Indian in any counterrevolutionary activity and maybe there would be no Indian in exile right now in Honduras. . . ."

Mr. Bent said he has no proof that the United States is supplying arms to the Miskitos in Honduras but added that "it is obvious to everyone in the Miskito community where the guns are coming from."

If the United States really wanted to help the Miskitos, he said, it could take three steps to make it possible for them to return to their tribal lands:

"Stop providing weapons and military training to the counterrevoluntionaries.

"Use its offices to bring about a diaglogue between Nicaragua and Honduras.

"Demand the rights of the Indians from the Nicaraguan government."

His church's proposal for the repatriation of the Miskitos will go nowhere, he said, unless border tensions between Nicaragua and Honduras subside.

Mr. Bent said his church's proposal to the Sandinistas includes several key points: that the Sandinistas respect original Indian land titles along the Rio Coco; that they permit the Indians to form a "free indigenous organization" and provide for greater participation in the Sandinista government; that the Sandinistas reinvest a greater share of the revenue from the resources taken out of eastern Nicaragua and that they increase medical, educational and transportation services in the area.

The Sandinistas, he said, have been "sympathetic" to most of those requests but "more dialogue will be needed to work out the details." His arrest by the Sandinistas a year ago last January, he said, was based on charges that he should have known about a plot by some of his people to declare eastern Nicaragua a separate country and that he should have done something to stop it.

For three months after his arrest he was prohibited from traveling outside Managua. Now, he said, he is free to travel throughout the country, and does so often, but he maintains a parish and relief center for the families of 365 Miskito prisoners in Managua.

The prisoners, all charged with counterrevolutionary activities, have been given sentences ranging from three to 14 years. Their convictions are under appeal.

Not one of those arrested, he said, was arrested on a battlefield or with arms: "They were all arrested in their beds at night simply because someone—perhaps a neighbor with a grudge—accused them of collaborating with the guerrillas."

Fifty-seven of those prisoners, he said, were acquitted after their trials but all remain in prison and no date for their release has been set.

Mr. Bent said it is unlikely any of the prisoners will be released as long as heavy fighting continues between the Sandinistas and the guerrillas.

He said there are, however, some encouraging signs that they eventually will be released. About 100 of the prisoners, he said, have been moved to open farms under minimum military supervision. They are given salaries, allowed to live with their families and can leave the farms with a special permit to visit relatives on the Atlantic coast.

"The prisoners view this as a good gesture on the part of the Sandinistas—as a sign that they will be given their freedom."

Mr. Bent said one of his church's proposals for the repatriation is the establishment of joint Sandinista and Miskito military patrols along the Rio Coco to prevent crossings by Somocista raiders.

Asked if he thought that was a realistic possibility, Mr. Bent said it was:

"If the Sandinistas guarantee Miskito rights—in black and white and with international supervision—then our people would be willing to take up arms on behalf of the Nicaraguan struggle. . . .

"But the United States has got to stop exploiting the Miskitos and the Sandinistas

have got to be more mature in their dealings with our people. . . .

"Right now we are in the middle. We are the meat of the sandwich. We are being squeezed from both sides and that has got to end if there is to be a return to our homeland."

[From the New York Times, Apr. 6, 1983]

LET LATINS ALONE

(By Roland S. Homet, Jr.)

WASHINGTON.—A citizen unversed in Central American affairs may nonetheless inquire what United States interest is supposed to justify the political costs of breast-beating intervention in the growing-up process of an incidental neighbor.

The days of reflexive intrusion, of banana peonage and gunboat diplomacy, have surely passed. But some illusions may die slowly. In its policy toward El Salvador, the Reagan Administration appears to believe that if it recites a litany of accelerated elections and land reform it can intervene with military and economic support to shore up a beleaguered regime.

The issue this provokes is not so much the distinction between military advice and military training, much ballyhooed, or even the avoidance of progressive Vietnam-style entanglement. The question is: What proper business is it of ours?

Of course this growing-up process is noisy and uneven. (Consider our own families; consider ourselves.) Of course the Cubans and the Sandinistas would like to profit from the turmoil. That does not mean we have to help them. The cries of alarm now issuing from official Washington about destabilization of Mexico and the Panama Canal are so patently absurd as to manifest a root disdain for the long-run prospects of democratic stability and self-reliance throughout the region.

Turn back the calendar to North America 170 years ago. An armed rabble in the American Colonies has turned out its British governors and exiled much of the local propertied class. Dangerous doctrines of the "rights of man" have gained currency and helped to inflame a destructive revolution in France, the new country's only firm ally. Jacobin upstarts are circulating freely, preaching upheaval in many lands. What is a responsible great power to do?

Britain chose the War of 1812, in part to encourage the merchant class of America and to promote stability. It prevailed at Waterloo against Napoleon—the other great power of the day—but not against the unruly new regime in Washington.

What is the worst that can happen now?

El Salvador, like Nicaragua, may yield to a ragtag governance by factions not of our choosing. They may call themselves Communists, and they may stay. The internal economy of these countries may be disrupted, and innocent people may continue to be mamed, killed and dispossessed. Votes and speeches in the United Nations may for a time gain an added anti-American fervor. Is this more than a "great power" can abide? Are we incapable of taking a longer view? Thirty to 50 years after these upheavals, the region will in all likelihood be strengthened by the stability of self-determined states. And it would surely be better for the United States to have influenced this evolution by example and by good relations.

We can have our own "War of 1812" by proxy in Central America if we choose. The world, and our power position in it, will probably endure. But why lower our standing with a Sri Lanka, a Gabon or other responsible leaders of third-world opinion? Why confirm, and imitate, the Soviet Union's stand on great-power hegemony? Why pander to our own meanest view of ourselves? Why not demonstrate instead our grander confidence in the flow of history toward democratic self-rule?

Americans like to think of their country as a world leader. That calls, arguably, for vision and restraint exceeding that of a precinct policeman. We have serious long-range concerns—for nuclear arms reduction, for a stable Middle East, for international trade and finance—that summon the best in enlightened leadership. A short-term preoccupation with the to-and-fro of Central American wars diverts our energies and demeans our purposes.

POSTPONEMENT OF THE SALE OF F-16'S TO ISRAEL

Mr. DECONCINI. Mr. President, I rise today to speak to the issues raised by President Reagan's recent announcement that he is holding up his proposal to sell 75 F-16 fighters to Israel on the grounds that Israel continues to occupy Lebanon.

Two points require elucidation. First, the decision to postpone the sale has nothing to do with legal requirements as the President has suggested. Administration officials now agree that President Reagan misspoke when he stated that the law required a delay in the sale so long as Israeli troops continued to occupy parts of Lebanon. Under the Arms Export Control Act, arms sales to Israel could be stopped if it were determined by Congress or the administration that the invasion of Lebanon clearly violated the terms of Israel's 1952 arms sales agreement with the United States. No such determination has been made or attempted.

Second, the decision to postpone the sale has nothing to do with Israel's violation of the "spirit of the law" governing the transfer of arms between the United States and Israel. If this were truly the concern, the administration would delay all arms sales to Israel. In fact, however, the Reagan administration recently proposed to sell to Israel $16 million worth of highly advanced Sidewinder air-to-air missiles.

If the need to comply with the law is not the motivating force behind the administration's decision, then what is? The intent of Mr. Reagan and his advisers is apparently to gain a measure of credibility with the Arab countries, especially Jordan, by taking what appears to this Senator as an unwarranted political "potshot" at our Israeli allies. The shabby execution of the announcement of the decision was only one part of an especially poorly conceived plan. Perhaps the plan grew out of the administration's feeling that it ought to do something to prod Israel into hurrying its departure from Lebanon, and it thought this was as good a way as any.

The decision to suspend the sale of F-16's, and particularly the off-the-cuff way it was announced, confused and insulted Israel. Furthermore, the decision has not had a noticeable impact on Arab behavior vis-a-vis Middle East peace talks. Indeed, most knowledgeable observers agree that the postponement will have no salutary impact on Arab policies.

No one—certainly not this Senator—objects to the President's efforts to help establish peace in the Middle East. If he can succeed in this worthwhile task, he will have made an indelible imprint on history. But he cannot successfully pursue this objective by undermining our ally, Israel. He must learn that measures such as public criticism or the suspension of particular arms sales serve no useful purpose in settling issues in which nations believe that their very existence is at stake.

The opponents of Israel would have us believe that, in the final analysis, Israeli and Arab actions are comparable. They would like us to forget that there is a strong element of principle in our support of Israel. They would like us to forget the generations of terrorism and genocidal war that they have launched against peaceful Israeli citizens.

To the extent that this Government accepts Arab propaganda and is publicly willing to rebuke the Israelis for the "invasion and occupation" of Lebanon, we lend credence to the Arab cause. In the process, we diminish our own position and that of our most steadfast ally, Israel. Granted that we live in a world of power politics and cynical alinements, what purpose does it serve to debase the currency of our own commitment? It certainly hurts Israel in its long-term struggle to survive in a region dominated by states and groups dedicated to its destruction.

The President and his administration should view the Israeli involvement in Lebanon in its proper historical perspective. He should immediately recognize, as most dispassionate observers do, that Lebanon has long served as a haven for terrorists launching attacks on civilian populations. There comes a point when nations can no longer tolerate that sort of activity. I further suggest to the President that he imagine himself to be in the shoes of the leaders of Israel. I hardly think that the President would be so quick to bandy about such terms as "invasion" of "occupation" to describe a response to the murder of U.S. citizens by terrorists operating out of Canada with the acquiescence, by default, of the Canadian Government. Furthermore, if such terrorism occurred against the United States, I hardly think that President Reagan would appreciate the threats by allies

that arms sales would be postponed or canceled unless the situation with Canada were quickly resolved.

In sum, Mr. President, if the United States hopes to play a useful role in settling the turmoil in the Middle East, it must engage in "nitty-gritty" negotiations. The nations involved must be willing to negotiate, but they cannot be forced to negotiate. The only way to achieve successful negotiations is when the parties to the dispute perceive that they can gain more out of the negotiations than they can gain from a continuation of the status quo. President Carter was well aware of this requirement and his quiet patience and diplomacy resulted in the monumental achievement at Camp David. Henry Kissinger understood that delicate negotiations were the only means for progress in the Middle East and thus perfected the technique of shuttle diplomacy. President Reagan should learn from these examples and drop the public rhetoric about Israeli aggressiveness. He should approve the sale of F-16's to Israel because by refusing to do so implicitly lays the blame for the unfortunate situation in Lebanon at Israel's doorstep.

I also believe that the Arab nations can and should learn from the example of Egypt. Under the courageous leadership of Anwar Sadat, Egypt dared to open diplomatic relations with Israel; it dared to take the first brave step toward ending the generations of turmoil and bloodshed that have deprived the Middle East of peace and prosperity. Today, those two erstwhile enemies live in reasonable accord. They have resolved rationally many of the outstanding problems which separate them. And, although difficulties remain, they stand as an example to the entire world that conflict is not inevitable, but that men and women with vision and commitment can make this a better world.

I firmly believe that the President can make a useful contribution to peace in the Middle East—but it should not be done at the expense of Israel.

REPEAL OF WITHHOLDING ON DIVIDENDS AND INTEREST

Mr. PRESSLER. Mr. President—I am a cosponsor of the amendment to repeal withholding on dividend and interest income. As an opponent of the withholding legislation during its consideration last July, I continue to believe that withholding will impose a serious burden on small savers and financial institutions alike.

It is unfortunate that this issue has generated so much controversy and ill will. In my opinion, it is unproductive and unnecessary. We are all here to protect the best interests of our constituents, even if those interests seem to differ widely. My hope is that a compromise may still be worked out which will increase taxpayer compliance without requiring withholding on the accounts of honest taxpayers.

The goal of increased taxpayer compliance is a very worthy one. I have supported past efforts to limit the abuse of the tax code by increasing the number of IRS agents and by closing tax loopholes. However, the new withholding law is not the best method to boost compliance.

I am afraid that the taxpayers of our Nation are on the verge of a revolt. For many years, they have watched the Congress add regulation after regulation which all had the same end result—to increase their taxes and their paperwork burden. Americans' reaction to these increases has been one of deepening disgust and distrust of the Congress and the way our Federal Government works. This distrust is not healthy. Now, our citizens have let us know in no uncertain terms and in large numbers that they oppose the additional burden of withholding. If we once again move ahead with complete disregard of their concern, I believe we face serious consequences.

Much analysis has been done in recent years of the reasons that taxpayer compliance is so low and the incentive to cheat so strong. Most experts will tell you that one major reason is the disillusionment I spoke of earlier. We may lose a few more honest taxpayers if we allow withholding to stand.

Only 15 percent of dividend income and 11 percent of interest income is unreported to the IRS, according to their own figures. Is it necessary to alienate the 80-plus percent of the people who are honestly reporting theirs? If our aim is to increase compliance, let us do it in a manner which is acceptable to the American public. Let us add the necessary IRS agents, let us require that taxpayers submit their 1099 forms, but let us be sure that we do not further dishearten the American people by allowing the withholding law to stand.

DAMIEN OF MOLOKAI

Mr. MATSUNAGA. Mr. President, on this day a memorial observance is being held in Honolulu, during this Easter season, to commemorate the passing 94 years ago of a world-renowned figure from the history of my State. I refer to the Reverend Joseph Damien de Veuster of the Sacred Hearts order, better known as Father Damien of Molokai, the leper priest.

The observance will take the form of a marching band parade from Thomas Square, which honors the British admiral who recognized the Hawaiian kingdom's independence and rescinded an unauthorized challenge to its sovereignty by a fellow officer, down Beretania Street, also named to recognize British goodwill, to the State Capitol, where Damien's statue stands facing the street and an eternal flame, honoring our war dead, next to the Governor's residence. The parade will be led by the band of Damien Memorial High School. Appropriate ceremonies will be held at the statue.

The statue is an exact copy of the unusual but inspired statue of Damien here in this Capitol as one of the two great figures from Hawaii's past to be honored in Statuary Hall. The Damien story of selfless devotion to outcast lepers, to the point of contracting the disease himself, has made an impression on people all over the world. It has inspired writers of the stature of Robert Louis Stevenson, his champion and defender; Gavan Daws, his biographer; and Aldyth Morris, author of the powerful play, "Lamien," with the world-class actor Terence Knapp in the leading role. And this Belgian priest inspired the distinguished Marisol Escobar, who sculptored his statue.

When it first entered the Capitol in 1969 its boxy frame and deformed face stood out from the traditional forms and attracted the curiosity of touring visitors. One of our police officers told me so many of them questioned him on it that we really should have a piece of literature to pass out explaining his story and how it fits the artist's depiction of the man. I investigated that idea but the cost would have been prohibitive, given the volume of visitors of the Hall. So I called Governor John A. Burns, now deceased, and asked him if he could send a plaque to affix to the base of the statue to tell the story of the leper priest. It arrived within 2 weeks. But I was informed that it would be against the rules to put it on. This setback took me to then House Speaker John McCormack, who told me he could not bend the rules—not even for his close friend and former daily communion companion at St. Peter's, John Burns, who had served as Hawaii's last Territorial Delegate in the House in the late fifties. But I put on my saddest countenance—my most hand-dog expression—and slunk slowly toward the door of his office. As I was going out the door, he called out, "It's against the rules, Sparky, but if you put it up when I'm not looking, I may not order it to be taken down." It was all the encouragement I needed. We had quietly put on and arranged a ceremony to mark the occasion—and I invited the Speaker to participate in order to secure his blessings, after which no one would dare to take it down.

The cause of sainthood for Father Damien is being pressed within the Catholic Church, I am told, and he has been recognized as someone worthy of being considererd venerable, a major step in that process. He is cer-

tainly an inspiring figure from humble and selfless origins, Mr. President. For a moment of needed inspiration during our hard-working day, I urge my colleagues to visit Father Damien in the Hall of Columns.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-815. A communication from the Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a report on new contracts of $100,000 or more which the Agency entered into without competitive selection procedures during fiscal year 1982; to the Committee on Foreign Relations.

EC-816. A communication from the Secretary of State, transmitting, pursuant to law, a report on payments by the Commodity Credit Corporation to U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic; to the Committee on Foreign Relations.

EC-817. A communication from the Executive Secretary of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-818. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on a new Privacy Act System of records; to the Committee on Governmental Affairs.

EC-819. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-24, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-23, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-821. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-22, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-822. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-21, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-823. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-20, adopted by the Council on March 29, 1983; to the Committee on Governmental Affairs.

EC-824. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-825. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Congress Should Consider Revising Basic Corporate Control Laws"; to the Committee on Governmental Affairs.

EC-826. A communication from the Deputy Inspector General of the Department of Labor, transmitting, pursuant to law, a report of a computer match involving beneficiaries of state unemployment insurance and Health and Human Services and Veterans' Administration payroll records; to the Committee on Governmental Affairs.

EC-827. A communication from the Chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-828. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Retirement Reform Act; to the Committee on Governmental Affairs.

EC-829. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the General Accounting Office for fiscal year 1982; to the Committee on Governmental Affairs.

EC-830. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting a draft of proposed legislation to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Select Committee on Indian Affairs.

EC-831. A communication from the Assistant Attorney General for Legislative Affairs, transmitting drafts of proposed legislation to authorize the Department of Justice to conduct certain activities and make certain expenditures and to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1984, and for other purposes; to the Committee on the Judiciary.

EC-832. A communication from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend chapter 25 of title 18, United States Code, to provide penalties for the forging of endorsements on, or fraudulently negotiating, United States checks or bonds or securities, and for other purposes; to the Committee on the Judiciary.

EC-833. A communication from the Secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report of the Foundation for fiscal year 1982; to the Committee on the Judiciary.

EC-834. A communication from the Director of the Administrative Office of the United States Courts, transmitting a draft of proposed legislation to amend section 3006A of title 18, United States Code, to improve the delivery of legal services in the criminal justice system to those persons financially unable to obtain adequate representation, and for other purposes; to the Committee on the Judiciary.

EC-835. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the activities of the Department under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-836. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, a report on the new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-837. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-838. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-839. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department on activities under the Freedom of Information Act for calendar year 1982; to the Committee on the Judiciary.

EC-840. A communication from the Acting Attorney General, transmitting, pursuant to law, a report on applications for orders and extensions of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act; to the Committee on the Judiciary.

EC-841. A communication from the Secretary of Education, transmitting a draft of proposed legislation to consolidate existing Federal vocational and adult education programs, to simplify requirements for States and other recipients participating in Federal vocational and adult education programs, and to authorize certain State and national programs for the development of vocational and basic skills in the workforce that will improve productivity and economic growth, and for other purposes; to the Committee on Labor and Human Resources.

EC-842. A communication from the Assistant Secretary of Labor, transmitting, pursuant to law, a report on proposed fiscal year 1984 allotments to States for programs under title II-A of the Job Training Partnership Act; to the Committee on Labor and Human Resources.

EC-843. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations—Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-844. A communication from the Secretary of Education (Educational Research and Improvement), transmitting notice that a report on financing of public and private elementary and secondary education in the United States will be transmitted to the

Congress by April 29, 1983; to the Committee on Labor and Human Resources.

EC-845. A communication from the executive director of the American Association of School Administrators, transmitting, pursuant to law, a report on the impact of chapter 2 of the Education Consolidation and Improvement Act on local education agencies; to the Committee on Labor and Human Resources.

EC-846. A communication from the Comptroller General, transmitting, pursuant to law, a report on the legislative and administrative changes needed to improve regulation of the drug industry; to the Committee on Labor and Human Resources.

EC-847. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report on recommendations for legislative action; to the Committee on Rules and Administration.

EC-848. A communication from the Deputy Administrator of the Veterans' Administration, transmitting, pursuant to law, a report covering those cases recommended for equitable relief for veterans; to the Committee on Veterans' Affairs.

EC-849. A communication from the Chairman of the President's Commission on Strategic Forces, transmitting a report on the strategic modernization program of the United States; to the Committee on Armed Services.

EC-850. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the annual report to the Congress on the Defense Industrial Reserve covering calendar year 1982; to the Committee on Armed Services.

EC-851. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of the required information concerning the Department of the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-852. A communication from the Deputy Secretary of the Treasury, transmitting a draft bill "to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes"; to the Committee on Banking, Housing, and Urban Affairs.

EC-853. A communication from the Administrator of the National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the Ocean Thermal Energy Conversion Report of the NOAA for fiscal year 1982; to the Committee on Commerce, Science, and Transportation.

EC-854. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear powerplants; to the Committee on Energy and Natural Resources.

EC-855. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Federal Coal Management Report for fiscal year 1982; to the Committee on Energy and Natural Resources.

EC-856. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting a draft of legislation "to amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior"; to the Committee on Energy and Natural Resources.

EC-857. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the operating, statistical, and financial information about the helium program for the fiscal year ending September 30, 1982; to the Committee on Energy and Natural Resources.

EC-858. A communication from the Acting Inspector General of the Environmental Protection Agency transmitting, pursuant to law, the final audit report of the Agency's portion of the hazardous substance response trust fund; to the Committee on Environment and Public Works.

EC-859. A communication from the Secretary of Transportation transmitting a draft of proposed legislation entitled "Appalachian Development Highway System Amendments Act of 1983"; to the Committee on Environment and Public Works.

EC-860. A communication from the Deputy Administrator of the General Services Administration transmitting, pursuant to law, 3 prospectuses for Federal building alterations and 19 design projects for fiscal year 1984; to the Committee on Environment and Public Works.

EC-861. A communication from the Secretary of the Treasury transmitting a draft of proposed legislation to deny tax exempt status to certain bonds that are guaranteed by the FDIC or FSLIC; to the Committee on Finance.

EC-862. A communication from the Acting Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation relative to authority for taking of certain actions by various Federal agencies in furtherance of settlement of claims between U.S. nationals and the Government of Iran; to the Committee on Foreign Relations.

EC-863. A communication from the Comptroller General of the United States transmitting, pursuant to law, the 1982 GAO Annual Report, volume II; to the Committee on Governmental Affairs.

EC-864. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, the fiscal year 1982 report on tribally controlled community colleges; to the Select Committee on Indian Affairs.

EC-865. A communication from the Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a plan for the use of certain judgment funds of the Mississippi and Lake Superior Bands of Chippewa Indians; to the Select Committee on Indian Affairs.

EC-866. A communication from the National Commander of the Civil Air Patrol transmitting, pursuant to law, the 1983 Civil Air Patrol Report to Congress; to the Committee on the Judiciary.

EC-867. A communication from the Communications Director of the President's Committee on Mental Retardation transmitting a list of the membership of the committee; to the Committee on Labor and Human Resources.

EC-868. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Funds Needed to Develop CPI Quality Control System"; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 607. A bill to amend the Communications Act of 1934 (Rept. No. 98-60).

HOUSE CONCURRENT RESOLUTION PLACED ON THE CALENDAR

The Committee on the Budget was discharged from the further consideration of the concurrent resolution (H. Con. Res. 91) revising the congressional budget for the U.S. Government for the fiscal year 1983 and setting forth the congressional budget for the U.S. Government for the fiscal years 1984, 1985, and 1986, and the concurrent resolution was placed on the calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DENTON:

S. 1059. A bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act; to the Commission on the Judiciary.

By Mr. WILSON.

S. 1060. A bill for the relief of Samuel Joseph Edgar; to the Committee on the Judicary.

By Mr. DOLE.

S. 1061. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of bonds that are guaranteed by certain Federal agencies; to the Committee on Finance.

By Mr. PERCY:

S. 1062. A bill to amend section 474 of the Internal Revenue Code of 1954 to provide that small businesses with average annual gross receipts not in excess of $10,000,000 may elect to use one inventory pool; to the Committee on Finance.

By Mr. DECONCINI:

S. 1063. A bill to exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes; to the Committee on Finance.

By Mr. METZENBAUM:

S. 1064. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit assistance to recipients which compensate officials at rates higher than rates paid to local officials; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. EXON:

S. 1065. A bill to authorize continued Federal and State cooperative efforts to study the depleting water resources of the States of the high plains, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. BENTSEN, and Mr. BAUCUS):

S. 1066. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.

By Mr. PELL (for himself, Mr. CHAFEE, Mr. GLENN, and Mr. PERCY):

S. 1067. A bill to assist other countries in the protection of endangered species and to enhance international understanding and knowledge of environmental issues; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 1068. A bill to provide for the efficient utilization of wildlife resources conservation expertise by the Government of the United States and other nations for the purposes of enhancing the ability of such nations to manage their wildlife resources consistent with mankind's long-term best interests and providing reliable information upon which to guide United States actions; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. PELL, Mr. BIDEN, Mr. HUMPHREY, AND Mr. DANFORTH):

S. 1069. A bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Natural Resources.

By Mr. GARN (for himself and Mr. PROXMIRE):

S.J. Res. 84. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week;" to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 85. Joint resolution to designate September 21, 1983, as "National Historically Black Colleges Day;" to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 86. Joint resolution to designate the week of June 12, 1983, through June 16, 1983 as "National Brick Week;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. PROXMIRE, and Mr. D'AMATO):

S. Res. 113. Resolution expressing the sense of the Senate that the Secretary of Agriculture should delay implementation of the legislation authorizing deductions from proceeds from the sale of milk under the dairy price support program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRESSLER:

S. Res. 114. Resolution to express the sense of the Senate that certain rural fire protection programs should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983; to the Committee on Agriculture, Nutrition, and Forestry.

S. Res. 115. Resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports; to the Committee on Foreign Relations.

By Mr. GARN (for himself and Mr. PROXMIRE):

S. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that the Federal Reserve System should continue to promote a reduction in interest rates; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DENTON:

S. 1059. A bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act; to the Committee on the Judiciary.

EQUAL ACCESS ACT

Mr. DENTON. Mr. President, today I introduce a bill which will make unlawful the practice of discrimination against religious public school students. I have already introduced a similar bill, S. 425, that limits Federal funds to public schools if a policy of discrimination is in place. But the measure I introduce today provides a specific Federal court remedy. I believe that the Judiciary Committee, chaired by my colleague, Senator STROM THURMOND, should be afforded an opportunity to examine this special judicial remedy for violations of the "equal access" concept.

I ask unanimous consent that the text of this bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Access Act".

SEC. 2. Any individual aggrieved by a violation of this Act may bring a civil action in the appropriate district court of the United States for damages or for such equitable relief as may be appropriate, or both.

(b) The district courts of the United States shall have jurisdiction of actions brought under this Act without regard to the amount in controversy.

(c) Each district court of the United States shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of this Act.

(d) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

SEC. 3. It shall be unlawful for any State or local educational agency or any public institution of higher education to implement any policy or practice which permits students or faculty, or both, or groups of students, groups of faculty, or both, to engage in voluntary extracurricular activities on school premises of a public elementary or secondary school or a public institution of higher education during noninstructional periods, but denies equal access and opportunity to, or discriminate against, students or faculty or both, or groups of students, groups of faculty members, or both, that seek to engage in voluntary extracurricular activities that involve prayer, religious discussion, or silent meditation on school or institution premises during noninstructional periods.

SEC. 4. As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local educational agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(4) the term "elementary school" has the same meaning given that term by section 1001(c) of the Elementary and Secondary Education Act of 1965; and

(5) the term "secondary school" has the same meaning given that term by section 1001(h) of the Elementary and Secondary Education Act of 1965.

By Mr. DOLE (by request):

S. 1061. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of bonds that are guaranteed by certain Federal agencies; to the Committee on Finance.

TAX TREATMENT OF CERTAIN BONDS

● Mr. DOLE. Mr. President, at the request of the administration, I am today introducing legislation to deny tax-exempt status to certain bonds that are, in effect, guaranteed by Federal agencies such as the Federal Deposit Insurance Corporation (FDIC) and the Federal Savings and Loan Insurance Corporation (FSLIC).

THE TRANSACTIONS INVOLVED

This legislation will curb the use of a recently developed technique to obtain indirect Federal guarantees of certain private purpose tax-exempt bonds. This technique works in the following manner: in a typical transaction, bonds are issued by an industrial development authority with the understanding that no purchaser will acquire more than $100,000 of the bonds. The bond trustee then deposits the proceeds of the bond in a certificate of deposit of a savings and loan association or a commercial bank which, in turn, will lend the proceeds to a real estate developer. Both FDIC and FSLIC will insure the certificate of deposit up to $100,000 per bondholder. Consequently, a bondholder's investment in the tax-exempt bonds is at least as secure as a deposit in a neighborhood bank.

THE POLICY CONCERNS

The Federal Government has long had a policy of not insuring tax-exempt bonds. This policy is based on the concern that insured tax-exempt bonds would be more attractive in the marketplace than Treasury's own bonds and, if Federal Insurance or

guaranty were not universally available, would provide competitive advantage for some State and local obligations over others. This would cause serious distortions in the market for tax-exempt obligations. In addition, to the extent that bonds are backed by the FDIC or FSLIC, these agencies are exposed to the risk of substantial losses.

WHY LEGISLATION IS NECESSARY NOW

Needless to say, the attraction of this financing technique is extraordinary and the technique has recently become increasingly popular. The Treasury Department responded on March 4 by issuing a statement announcing it would seek legislation to curb this practice, effective on April 15. It is instructive to note that, following the Treasury Department's announcement, bond issuers rushed to get their bonds issued under the wire. It has been reported that bond issues totaling $4 billion were awaiting ratings at the major bond rating services. While not all of these bonds will be issued by April 15, this rush of activity certainly indicates the magnitude of the problem.

IMPORTANCE OF AN APRIL 15 EFFECTIVE DATE

The April 15 effective date is very important if the legislation is to have its intended result. If legislative changes were not effective until the date of enactment, for example, it is likely that an additional flood of federally insured bonds would be issued in the interim. The experience of the period from March 4 to date is evidence that this concern is justified. This financing technique should be contained before it gets completely out of control.

Mr. President, the Senator from Kansas hopes that the Finance Committee will act expeditiously on this legislation and that it will receive favorable consideration by the full Senate. Mr. President, I ask unanimous consent that the bill and an explanation prepared by the Treasury Department be printed in the RECORD immediately following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX EXEMPTION DENIED WHERE PROCEEDS INVESTED IN FEDERALLY INSURED DEPOSITS.

The Internal Revenue Code of 1954 is amended by adding after Section 103A the following new section:

"SECTION 103B. FEDERALLY GUARANTEED BONDS.

"(a) IN GENERAL.—Except as otherwise provided in this section, subsections (a)(1) and (a)(2) of section 103 shall not apply to any obligation issued as part of an issue if a significant portion of the principal or interest required to be paid on the issue is to be insured (directly or indirectly) by a Federal depository insurance agency as a result of the investment of the proceeds of the issue in deposits or accounts in a Federally insured financial institution.

"(b) EXCEPTIONS.—For purposes of subsection (a), the investment of proceeds of the issue will not be taken into account to be the extent that proceeds of the issue are invested—

"(1) for a temporary period (as defined in section 103(c)(4)(A)),

"(2) in a bona fide debt service fund, or

"(3) in a reserve which meets the requirements of section 103 (c)(4)(B).

"(c) FEDERALLY INSURED FINANCIAL INSTITUTION.—For purposes of this section, the term 'federally insured financial institution' means—

"(1) a bank (as defined in section 581),

"(2) a mutual savings bank, cooperative bank, domestic building and loan association, or other savings institution, or

"(3) a credit union.

the deposits or accounts of which are insured under Federal law.

"(d) FEDERAL DEPOSITORY INSURANCE AGENCY.—For purposes of this section, the term 'federal depository insurance agency' means a Federal agency that insures deposits in Federally insured financial institutions."

SEC. 2 EFFECTIVE DATE.

The amendment made by section 1 shall apply to obligations issued after April 15, 1983, except that such amendment shall not apply to any obligation issue after April 15, 1983, pursuant to a written commitment that was binding on March 4, 1983, and at all times thereafter.

[Explanation of Proposal]

FDIC—FSLIC GUARANTEES OF TAX-EXEMPT BONDS

CURRENT LAW

Under current law, if the proceeds of an issue of state or local government obligations are placed on deposit with a bank, savings and loan association or other financial institution, the obligations generally will be classified as industrial development bonds and the interest on the obligations generally will not be exempt from Federal income tax. However, such obligations may qualify for tax-exempt status if the amounts deposited with the financial institution are loaned to customers of the financial institution for projects qualifying for tax-exempt financing. See Internal Revenue Code section 103(b); Treasury Regulation § 1.103-8(a)(4).

Consequently, issuers can invest the proceeds of tax-exempt bond issues in certificates of deposit issued by Federally insured financial institutions if the financial institutions use the funds for qualifying purposes. These certificates of deposit then can be pledged as security for repayment of the tax-exempt bonds. Recently, it has been determined that these tax-exempt bond issues can be structured so that the certificates of deposit will be insured by either the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings & Loan Insurance Corporation (FSLIC) in an amount up to $100,000 per holder of the tax-exempt bonds. The FDIC or FSLIC insurance of the pledged certificates of deposit effectively provides a Federal guarantee of these tax-exempt bond issues.

REASONS FOR CHANGE

Placing the credit of the United States behind an obligation that is exempt from Federal taxation creates a security which is superior in the market to the direct obligations issued by the Federal government. A Federally guaranteed tax-exempt obligation also has a distinct competitive advantage over all other tax-exempt obligations issued by State and local governments. As a result, Federal guarantees of tax-exempt obligations increase the borrowing costs of Federal, States and local governments.

Because of these and other considerations, there is an established Federal policy against Federal guarantees of tax-exempt obligations. The Public Debt Act of 1941 prohibits the Federal government from issuing tax-exempt obligations directly; and numerous other statutes preclude Federal guarantees of tax exempts in other contexts. The use of FDIC of FSLIC insurance to guarantee tax-exempt bond issues violates this established Federal policy.

PROPOSAL

A new provision will be added to the Internal Revenue Code to deny tax-exempt status to bonds that are backed by Federal deposit insurance. Under this provision, interest on bonds that otherwise would qualify for tax-exempt status will be subject to tax if the issuer's obligation to repay a significant portion of the principal or interest on the bonds is to be insured by FDIC, FSLIC or another Federal depository insurance agency as a result of the investment of the proceeds of the bond issue in Federally insured deposits. The determination whether a deposit is Federally insured will be based upon the laws governing the applicable Federal agency responsible for insuring the deposits made in a particular type of financial institution. The provision would apply to types of all bonds that may be exempt from taxation under section 103 of the Code.

For purposes of the new provision, the investment of proceeds of a bond issue will not be taken into account to the extent that such proceeds are invested: (1) for a temporary period (as defined in Code section 103(c)(4)(A)); (2) as part of a bona fide debt service fund; or (3) in a reasonably required reserve or replacement fund (as defined in Code section 103(c)(4)(B)). A bona fide debt service fund is an investment fund used primarily to achieve a proper matching of revenues and debt service within a bond year.

EFFECTIVE DATE

The proposal generally would apply to all bonds issued after April 15, 1983. However, the proposal would not apply to bonds issued after April 15, 1983, pursuant to a written commitment that was binding on March 4, 1983, and at all times thereafter. A written commitment is binding only if the commitment obligates the issuer to issue the bonds and obligates the underwriter or other bond purchaser to buy the bonds, subject to the conditions customarily contained in bond purchase agreements. The passage of an inducement resolution by an issuer or the issuance of a commitment by a financial institution to issue certificates of deposit will not prevent the application of the proposal to bonds issued after April 15, 1983.●

By Mr. PERCY:

S. 1062. A bill to amend section 474 of the Internal Revenue Code of 1954 to provide that small businesses with average annual gross receipts not in excess of $10,000,000 may elect to use one inventory pool; to the Committee on Finance.

SMALL BUSINESS TAX TREATMENT OF INVENTORY POOLS

● Mr. PERCY. Mr. President, the Economic Recovery Tax Act of 1981 provided for a simplified version of LIFO—last-in, first-out—inventory rules for businesses with less than $2 million in annual gross sales. The purpose of the simplified rules was to extend to small businesses the tax savings available for many years to larger businesses which were able to use the complex LIFO rules because of their size and sophisticated accounting systems.

This legislation will be very helpful to the eligible small businesses. Most small businesses now using the simple LIFO rules were using the first-in, first-out, or FIFO method of accounting prior to the passage of the act. The FIFO method is unfairly burdensome to businesses because inflation causes them to understate the cost of goods sold and therefore overstate their taxable income. It also overstates their tax liability.

In 1979, for example, inadequate inventory accounting added $42.6 billion to taxable profits. Small companies were unable to use the fairer LIFO method because its complexity usually required costly assistance from outside accounting firms. The Economic Recovery Tax Act relieved the very small businesses from their excessive taxes by allowing them to use a single LIFO "pool" to calculate the value of their inventory instead of the variety of pools that are required for larger businesses. The single pool LIFO method is simple and less costly to implement and is thus available to most small businesses.

However, it has been brought to my attention by the Illinois Manufacturer's Association that the eligibility requirement of less than $2 million in sales is too small. Many companies whose sales exceed $2 million also use simple accounting systems that preclude the use of LIFO. Since the intent of the Recovery Act was to make LIFO available to all small businesses, adjustments are necessary in the Tax Code.

The legislation I am reintroducing today—and which I first introduced as S. 2707 last summer—will raise the annual sales limit for using the simplified LIFO rules from $2 million to $10 million. The higher limit will insure that all businesses will have access to LIFO inventory accounting methods. This legislation is particularly beneficial to the thousands of retailers, wholesalers, and manufacturers who are inventory intensive as opposed to capital intensive in nature.

I would like to commend the Illinois Manufacturers Association for its efforts to revise the current law and for bringing this needed law change to my attention. They have provided a great service to not only their small business constituency but to small businesses throughout the country. A number of other organizations also support passage of this legislation, including the National Federation of Independent Business and the National Association of Chain Drug Stores.

Mr. President, I ask unanimous consent that a letter from the National Association of Chain Drug Stores supporting this legislation be included in the RECORD at this point.

Mr. President, small businesses face a large number of problems which are not encountered by their larger competitors. Despite this fact, small companies create most of the new jobs in America today. I urge all my colleagues who are concerned with this overburdened but highly productive sector of the economy to support this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NACDS,
Alexandria, Va., September 13, 1982.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: The National Association of Chain Drug Stores, Inc. (NACDS) wishes to express our support for legislation, S. 2707, which you have introduced. As a member of the Inventory Reform Task Force, NACDS has long championed the inherent fairness of simplified LIFO (Last-In, First-Out) accounting for small business. The Economic Recovery Tax Act of 1981 provided the first step by containing provisions to allow for a simplified version of LIFO accounting for businesses with less than $2 million in annual gross sales. Your legislation would extend this fairness to additional segments of the small business community.

As to our particular industry, we support the proposed increase in the annual sales limit. NACDS small chain members operating between 4 and 10 stores have been most hurt by the nation's continuous high rate of inflation. Small chains are the cornerstone of our industry and constitute nearly one-third of the NACDS membership. Increasing the annual sales limit to $10 million for using the simplified LIFO rules would more truly represent today's small businessman.

Many companies are presently adversely impacted by their inability to use a single LIFO pool to calculate inventory value. An increase in the level of annual gross sales to $10 million would be fair and equitable, and maintain the strong foundation of small business. It is well-recognized that small business is a source of future employment opportunity, growth, investment, and innovation. The benefit of increasing the sales level far outweighs any potential decrease in Treasury revenues.

In closing, NACDS is very interested in the future of this legislation. To this end, we would appreciate the opportunity to work with your staff to secure passage of S. 2707.

Sincerely,

ROBERT J. BOLGER,
President.●

By Mr. DECONCINI:

S. 1063. A bill to exclude from gross income any discharge of a mortgage debt on a principal residence occurring in 1982, and for other purposes; to the Committee on Finance.

MORTGAGE FORGIVENESS TAX ACT OF 1983

Mr. DECONCINI. Mr. President, at midnight tonight every eligible American will be expected to have filed his or her income taxes for 1982. This is not a pleasant day for many of us, but it is nonetheless a day which symbolizes the voluntary partnership between citizen and government. No one enjoys paying taxes, yet each of us recognizes that there are vital functions and services rendered by the Government.

Most Americans comply with our tax laws both honestly and promptly. In return, they expect the laws to be fair and fairly applied. Yet, there are times when, for reasons beyond anyone's control, some taxpayers are treated unfairly. It is to rectify such a situation that I rise today and introduce the Mortgage Forgiveness Tax Act of 1983.

As we all know, Mr. President, financial institutions are coming off a danerous period, a period during which a record number of these institutions failed. The basic reason for this was simple. A large proportion of their investments were in long-term mortgages at relatively low interest. With the doubling and even trebling of short-term interest rates, these institutions were forced to pay out to investors more than they collected.

As the policies of the Federal Reserve have moved toward easing credit with the concomitant lowering of interest rates, these institutions have tried to eliminate as many of these long-term, low-interest mortgages as possible. One device they used worked to the benefit of all concerned while promoting the socially valuable goal of full homeownership.

Financial institutions offered substantial discounts to customers if they would buy out the mortgage. In some instances, mortgages were offered discounts of between 20 and 30 percent. Many families used their savings to scrape together the necessary capital to take advantage of this once-in-a-lifetime opportunity to own their own home free and clear.

There was a general expectation within the financial community that the amount forgiven would be treated by the Internal Revenue Service as a reduction in basis for the purpose of calculating capital gains. Instead, the IRS came out with Revenue Ruling 82-203 in November of 1982, and ruled that the amount of the mortgage that was forgiven should be treated as ordinary income. In other words, a family which put up its entire savings to buy out its mortgage at a discount, now finds itself with the amount of that discount added to its income, raising

its marginal rate as well as the total amount on which taxes are owed.

Mr. President, I believe that Revenue Ruling 82-203 is, quite simply, unfair. I believe it is unfair generally, but it is especially unfair to make such a ruling in November after thousands of taxpayers had entered into good faith agreements with financial institutions on the expectation that the discount would be treated like a business loan.

My legislation seeks to remedy this situation in two ways. First, it reverses Revenue Ruling 82-203 as it applies to 1982, thereby protecting the thousands of individuals who are now caught in what amounts to retroactive legislation. Second, it places a moratorium on the implementation of Revenue Ruling 82-203 for 1983 and 1984 to give Congress an opportunity to consider and act on the question of how such forgiveness should be treated, and whether it is better public policy to treat it as ordinary income or as a change in the basis for capital gains purposes. If, by the end of the 98th Congress, we fail to act, then Revenue Ruling 82-203 will go into effect.

Mr. President, I believe my legislation remedies an unfortunate and unfair situation. On this final day of filing, we should be especially concerned that our rules are as fair as possible. Clearly, Revenue Ruling 82-203 is not fair and should not apply to 1982 taxes. I further believe that once the Congress takes a close look at the matter, it will conclude that the IRS ruling is bad public policy.

I urge my colleagues on the Senate Finance Committee to give serious consideration to this problem, and I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME OF CERTAIN MORTGAGE DISCHARGES MADE IN 1982.

(a) EXCLUSION FROM GROSS INCOME.—

(1) IN GENERAL.—For purposes of applying the Internal Revenue Code of 1954, gross income of an individual shall not include income from any discharge of qualified mortgage indebtedness which occurred in calendar year 1982.

(2) LIMITATION.—The amount excludible from gross income under paragraph (1) shall not exceed the adjusted basis of the taxpayer (as of the close of the taxable year in which the discharge of indebtedness occurred) in the principal residence with respect to which the qualified mortgage indebtedness was incurred.

(b) REDUCTION OF BASIS IN PRINCIPAL RESIDENCE.—For purposes of applying the Internal Revenue Code of 1954, the basis of the taxpayer in his principal residence shall be reduced (but not below zero) by the amount of any discharge of qualified mortgage indebtedness incurred with respect to such residence which is excluded from gross income by reason of subsection (a).

(c) GAIN TREATED AS ORDINARY INCOME.—Notwithstanding any provision of the Internal Revenue Code of 1954, any gain recognized from the disposition of the principal residence of the taxpayer shall be treated, for purposes of such Code, as ordinary income to the extent such gain does not exceed the amount of the reduction made to the basis of the taxpayer in such residence (or to the basis of the taxpayer in any other residence that is taken into account in determining the basis of the taxpayer in such residence) by reason of subsection (b).

(d) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED MORTGAGE INDEBTEDNESS.—The term "qualified mortgage indebtedness" means indebtedness incurred by an individual in—

(A) acquiring the principal residence of such individual (within the meaning of section 1034), or

(B) making improvements to such principal residence (but only if the costs of such improvements are taken into account in determining the basis of the taxpayer in such principal residence).

(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the meaning given to such term by section 1034.

SEC. 2. TEMPORARY SUSPENSION OF REVENUE RULING 82-202.

The Internal Revenue Code of 1954 shall be applied with respect to any discharge of qualified mortage indebtedness (within the meaning of section 1 (d) (1)) which occurs in calendar year 1983 or 1984 without regard to—

(1) Revenue Ruling 82-202, or

(2) any other revenue ruling, regulation, or decision reaching the same result as, or a result similar to, the result set forth in Revenue Ruling 82-202.

SEC. 3. LEGISLATION CONCERNING DISCHARGE OF QUALIFIED MORTGAGE INDEBTEDNESS.

It is the sense of the Congress that legislation be enacted during the Ninety-eighth Congress which—

(1) addresses the Federal income tax consequences presented by any discharge of qualified mortgage indebtedness (within the meaning of section 1(d)(1)) that results from prepayment of such indebtedness, and

(2) applies with respect to any discharge of qualified mortgage indebtedness that occurs after December 31, 1982.

By Mr. METZENBAUM:

S. 1064. A bill to amend the Urban Mass Transportation Act of 1964 to prohibit assistance to recipients which compensate officials at rates higher than rates paid to local officials; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC TRANSIT SUBSIDY

Mr. METZENBAUM. Mr. President, I am today introducing legislation to correct an inequity in our public transit subsidy program. This bill will insure that American taxpayers are no longer forced to foot the bill for excessive salaries paid to executives of our Nation's transit systems.

In many of our largest cities, transit executives are the highest paid of all public officials. Their salaries exceed those of the mayors and city managers of the communities they serve. More often than not, their salaries exceed those of the Governors of the States in which they operate.

I have a table which compares these salaries. I ask unanimous consent that it appear in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SALARIES: COMPARISON OF PUBLIC OFFICIALS AND PUBLIC TRANSIT AUTHORITY GENERAL MANAGERS

City	Governor [1]	Mayor [2]	Appointed administrative office [2]	Transit authority general managers [3]
Boston, Mass.	40,000	65,000	.....	60,000
Cleveland, Ohio	50,000	52,500	.....	65,000
Chicago, Ill.	58,000	60,000	81,000	70,000
Denver, Colo	50,000	50,000	52,915	65,000
Detroit, Mich.	70,000	75,172	.....	[4] 62,000
Washington, D.C.	.....	67,410	58,500	73,402
Houston, Tex.	78,700	81,255	.....	102,500
Kansas City, Mo	55,000	35,000	70,980	55,000
Los Angeles, Calif	49,100	73,205	86,861	82,000
New York, N.Y.	85,000	80,000	.....	[5] 100,000
Philadelphia, Pa	66,000	55,000	50,000	[6] 75,010
San Francisco, Calif	49,100	76,917	75,742	[7] 69,000
Seattle, Wash	63,000	75,237	.....	36,000

[1] Provided by National Governors Association.
[2] Provided by International City Management Association.
[3] Provided by American Public Transit Association.
[4] SEMTA.
[5] MTA.
[6] SEPTA.
[7] BART.

Mr. METZENBAUM. Mr. President, I do not question the ability or dedication to duty of these executives. But it is hard to understand why they should be the top-paid public employee in the community. And one is further forced to question these high salaries in view of the fact that transit operating subsidies have been reduced to a maximum of 80 percent of what we provided transit authorities last year. Would salaries be that high if the money came directly from local taxpayers or if transit executives were elected officials?

My bill is straightforward. It prohibits the Urban Mass Transportation Administration from awarding grants to any transit authority operating in an urbanized area of over 200,000 population if the board members and executives, or employees, receive compensation exceeding the compensation of the highest paid elected official, and/or appointed public official of the community in which the transit authority operates. The restriction applies to the highest paid local public official, whether it is the mayor, city manager, law director, or whatever. Smaller and rural transit systems are exempt from the bill because their salaries have not appeared to be unreasonable, and they are further not comparable because local public jobs are oftentimes part time or honorary in nature.

Mr. President, the Federal Government first subsidized public transit in order to revitalize a failing, badly dete-

riorated, but urgently needed public resource.

Unfortunately, transit has become a very expensive obligation. In 1970, fare box revenues paid for 90 cents of every dollar of operating cost. Five years later, fare box revenues accounted for only 57 cents of every needed dollar.

Two years ago, when the Reagan administration cut operating subsidies, budget crises followed in transit authorities all across the country. Several authorities, including one in my State, and the one in Mobile, Ala., were forced to shut down because they ran out of operating subsidies. Is there not an inconsistency in paying transit authority executives the highest of salaries, when dollar economies are so needed?

I believe that transit authority executives should be fairly paid. But I do not believe their positions justify salaries higher than other public officials.

I hope, Mr. President, that we will be able to act quickly on a measure designed to assure the public that Federal transit dollars are not being expended in a less than businesslike manner.

By Mr. EXON:

S. 1065. A bill to authorize continued Federal and State cooperative efforts to study the depleting water resources of the States of the high plains, and for other purposes; to the Committee on Environment and Public Works.

HIGH PLAINS STUDY COUNCIL ACT OF 1983

Mr. EXON. Mr. President, I am pleased to introduce today the High Plains Study Council Act of 1983 and ask it be properly referred. This measure, supported by the members of six State representatives of the high plains States, would continue the work of the current study council which has been examining the long-term problems of water supplies for the States which rely heavily upon the Ogallala aquifer to support agricultural activities which are vital to the economies of this region.

Without this measure, the work of the study council's cooperative efforts with both State and Federal officials cannot continue. Although the council submitted its report as mandated by the Water Resources Development Act of 1976, the efforts of the council have only just begun. Based upon a cooperative Federal and State project, the "Ogallala Aquifer Regional Study" began an initial inquiry into the depletion of the water resources in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

Mr. President, serious economic, environmental, and social consequences are looming ahead in the next century as a consequence of declining supplies of natural resources, especially water, in the high plains area. The study has indicated that, as with our energy problems, conservation programs may be the single most important public policy and private sector initiative for the immediate future. Conservation alone, however, will not reverse the ominous trend toward declining water supplies as both international and domestic demands place even greater burdens on our water resources in the years ahead.

Water is our Nation's next great resource battle. The continuation of the efforts of the High Plains Study Council is a critical tool in our efforts to meet the challenges which lie ahead as we draw nearer to a face-to-face confrontation with water shortages. The Council's December 13, 1982, report has noted that further study is required to examine various possible multistate cooperative efforts which might be feasible in meeting regional water problems in the future for agricultural, municipal, and industrial needs in the high plains region.

Mr. President, this legislation would simply authorize the Secretary of Commerce, acting through the Economic Development Administration and in cooperation with the Army Corps of Engineers and other appropriate Federal, State, and local agencies and the private sector, to continue and complete the work which the High Plains Study Council has only just begun. This measure would require each participating State to match Federal contributions on a 50-50 basis using either cash or in-kind services to meet such costs. Finally, the bill would require annual reports to the Congress on the actions and recommendations of the High Plains Study Council to assist the Congress in developing an effective Federal water policy for the high plains region.

I would urge the Senate's consideration of this measure and ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Plains Study Council Act of 1983".

SEC. 2. (a) The Congress recognizes the long-term water supply problems of the States of the high plains and recognizes the need for continued federal and state cooperation and communication regarding such problems.

(b) The Secretary of Commerce acting in cooperation with the High Plains Study Council, has been conducting studies pursuant to section 193 of the Water Resources Development Act of 1976 regarding the depletion of water resources, is authorized to continue to cooperate with the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas in the implementation of the recommendations made by the High Plains Study Council.

(c) No cooperative effort authorized by subsection (b) may be conducted until the appropriate officials of the participating states enter into an agreement with the Secretary of Commerce that such states agree to bear 50 per centum of the costs of such an effort. The state share of such costs may be provided in the form of cash or in-kind services.

(d) Not later than one year after the date of enactment of this Act, and at intervals of one year thereafter, the Secretary of Commerce shall prepare and transmit to the Congress a report on activities undertaken under subsection (b), recommendations of the High Plains Study Council, and any recommendations of the Secretary of Commerce for further congressional action.

(e) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. CHAFEE (for himself, Mr. BENTSEN, and Mr. BAUCUS):

S. 1066. A bill to amend the Internal Revenue Code of 1954 to allow an employer to provide participants in a defined benefit plan with supplemental retirement benefits through a defined contribution plan of the employer; to the Committee on Finance.

SUPPLEMENTAL RETIREMENT BENEFIT ACT OF 1983

Mr. CHAFEE. Mr. President, today I am pleased to be joined by Senator BENTSEN and Senator BAUCUS in sponsoring legislation that will create a mechanism for private pension plans to grant annual cost-of-living increases. Our bill accomplishes this by allowing employees and their employers to jointly purchase an insured annuity at the time of retirement in order to fund what we call the "supplement retirement benefit" (SRB).

Retirees and those approaching retirement today face much uncertainty about the future buying power of their private sector pensions. Unlike social security and many Government employee pension plans, virtually no private sector pensions are regularly indexed to compensate for cost-of-living increases. Consequently, inflation, such as we have experienced during the past decade, rapidly erodes the economic security of millions of elderly Americans. By making this supplemental retirement benefit available, we not only can offer inflation protection to retiring workers, but we will encourage them to increase savings to purchase the added benefit.

The SRB program would be voluntary on the part of employees and could be funded by any combination of savings from the worker and contribution from the company. Already, several large employers have shown interest in offering an SRB program. Of course, it would have to be offered on a nondiscriminatory basis to high and low paid employees alike. The amount of the SRB could not exceed the greater of 3 percent of a retiree's initial pension payment or a percentage of the pension equal to a 7-year average of the Consumer Price Index. The

supplemental benefit will be increased and compounded each year under the terms of the annuity.

Legislation is needed to implement this program because current law will not allow making a 1-year contribution toward retirement benefits that would be large enough to fund the SRB. Furthermore, our bill assures that the employer's contribution will not be taxable to the employee until it is received as income in the form of supplemental retirement benefits.

In the interest of enhancing retirement income security for our working men and women, we urge all our colleagues to consider cosponsoring and supporting this legislation.

Mr. President, I ask unanimous consent that the text of the Supplemental Retirement Benefit Act of 1983 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. SHORT TITLE.—This Act may be cited as the "Supplemental Retirement Benefit Act of 1983".

SEC. 2. (a) Section 401 of the Internal Revenue Code of 1954 (relating to qualified pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after subsection (l) the following new subsection:

"(m) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—

"(1) GENERAL RULE.—A defined contribution plan shall not fail to satisfy the requirements of this section merely because the plan includes a qualified supplemental benefit arrangement which supplements a primary retirement benefit.

"(2) PRIMARY RETIREMENT BENEFIT.—For purposes of this subsection, a primary retirement benefit means a retirement benefit which is payable under one or more defined benefit plans maintained by the same employer.

"(3) QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified supplemental benefit arrangement' means an arrangement which is part of a defined contribution plan of an employer which supplements the primary retirement benefits and which meets the following requirements:

"(A) IN GENERAL.—The arrangement provides that—

"(i) an eligible participant in a defined benefit plan of the employer may elect, in the earlier of the year in which—

"(I) the participant attains normal retirement age and retires, or

"(II) the primary retirement benefit of the participant begins,

to purchase an annuity which commences not earlier than the year after the year in which the election is made,

"(ii) such annuity is provided through the purchase, on or before the date on which payments under the annuity begin, of an individual or group annuity contract (including a guaranteed investment contract or similar arrangement) from an insurance carrier licensed under the laws of any State to issue such contracts, and

"(iii) the employer and the participant each share a stated portion of the cost of such annuity.

"(B) ELIGIBILITY.—Each employee of the employer who—

"(i) is a participant in any defined benefit plan of the employer,

"(ii) is employed by the employer at the time the employee—

"(I) attained the earliest age at which the primary retirement benefit may be paid under the defined benefit plan, or

"(II) became disabled, and

"(iii) is entitled to a primary retirement benefit at the time described in clause (ii),

must be eligible to participate in the arrangement.

"(C) AMOUNT OF SUPPLEMENTAL BENEFIT.—Any benefit payable under the arrangement for any year is computed as a percentage of the primary retirement benefit, except that the supplemental benefit attributable to any employer contribution with respect to any participant under a qualified supplemental benefit arrangement within the meaning of section 401(m)(2) may not exceed the greater of: (i) 3 percent of the primary retirement benefit; compounded annually from the date on which the primary retirement benefit commences, or (ii) a percentage of the primary retirement benefit equal to the average cost-of-living increase (as determined using the appropriate Consumer Price Index or other comparable index, as may be selected by the Secretary) calculated over the seven calendar years which immediately precede the commencement of the primary retirement benefit, compounded annually from the date such primary retirement benefit commences.

"(D) EMPLOYER MAY MAKE CONTRIBUTION CONTINGENT UPON PROFITS.—If the employer provides an arrangement under a profit-sharing plan, the employer may make any employer contribution for any year contingent upon profits for such year, except that any participant who elected to participate in the arrangement in the year described in subparagraph (A)(i) shall—

"(i) be reimbursed for any contribution made by him, and

"(ii) be eligible to participate in the arrangement in any subsequent year (for which profits are available) before any other participant who made such election after such participant.

"(3) APPLICATION OF DISCRIMINATION STANDARDS.—*A qualified supplemental benefit arrangement shall be considered to satisfy the requirements of subsection (a)(4), with respect to the amount of contributions, so long as those employees eligible to benefit under the supplemental benefit arrangement satisfy the provisions of subparagraphs (A) or (B) of section 410(b)(1).*

SEC. 3. (a) Section 415(c) of the Internal Revenue Code of 1954 (relating to limitation on defined contribution plan) is amended by adding at the end thereof the following new paragraph:

"(9) CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Any contribution or addition with respect to any participant under a qualified supplemental benefit arrangement (within the meaning of section 401(m)(2)) shall, for purposes of paragraph (1), not be treated as an annual addition.".

(b) Section 404(a) of such Code (relating to deduction for contributions of an employer to an employees' trust, etc.) is amended by adding at the end thereof the following new paragraph:

"(11) SPECIAL RULE FOR CONTRIBUTIONS TO QUALIFIED SUPPLEMENTAL BENEFIT ARRANGEMENTS.—Notwithstanding the limitations under this section, there shall be allowed as a deduction for any taxable year an amount equal to the amount of the deductible employer contributions to a qualified supplemental benefit arrangement (within the meaning of section 401(m)).".

SEC. 4. (a) Except as provided in subsection (b), the amendments made by this section shall apply to taxable years beginning after December 31, 1982.

(b) The amendments made by section 3(a) shall apply to years beginning after December 31, 1982.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. PELL, Mr. BIDEN, Mr. HUMPHREY, and Mr. DANFORTH):

S. 1069. A bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases; to the Committee on Energy and Natural Resources:

CONSTRUCTION WORK IN PROGRESS POLICY ACT OF 1983

Mr. CHAFEE. Mr. President, today I am introducing legislation which will protect electric utility ratepayers from unjustified rate increases by limiting the authority of the Federal Energy Regulatory Commission (FERC) to permit utilities to pass on the costs of construction work in progress (CWIP).

CWIP as currently interpreted permits electric utilities to charge their ratepayers for the financing costs incurred in building new generating or transmission facilities as these facilities are being built. From an equity standpoint, CWIP violates the traditional "used and useful" principle of utility ratemaking. This principle, recognized by the Supreme Court in 1898, holds that utility customers should not pay for the costs of a plant until it provides them service. That is to say the shareholder—not the ratepayer—should bear the financial burden of new construction.

Until recently, FERC deviated from this principle only slightly. The Commission allowed CWIP for pollution control facilities, plant conversions to fuels other than oil and gas, and if a utility was in severe financial difficulty.

On March 10 of this year, however, FERC issued a rule that radically departs from the "used and useful" principle. Instead of only permitted financially strapped utilities to qualify for CWIP, the Commission will permit any utility—regardless of its financial condition—to include up to 50 percent of its CWIP costs in its wholesale rate base. As a result electric rates around the country will increase between 3 and 5 percent.

Since Rhode Island buys about 80 percent of its electricity at wholesale from out of State, our ratepayers will have to pay substantially higher prices

as a result of FERC's action. Rhode Island citizens already pay the highest electric costs in the country and it has been estimated that customers served by one local utility will almost immediately have their rates raised by 4 percent under the CWIP rule.

Additionally, this new rule will have a direct affect on the outcome of a rate case in my State now pending before FERC involving the Montaup Electric Co. Last year Montaup filed an application with FERC under the old CWIP policy asking for $18.9 million in relief on financial distress grounds for its investments in the Seabrook I and II and Millstone III nuclear powerplants. Unbelievably, FERC has allowed CWIP while the case is being litigated at a cost of about $3 million to Rhode Island ratepayers. With the new rule now allowing a greater portion of CWIP costs to be collected—with no financial distress test—our ratepayers will be providing more cash to this company for what may turn out to be imprudent investments.

FERC's rule could very well lead to unneeded new construction of powerplants. Since utilities can get ratepayers to pick up the tab for at least half the cost of new facilities they need not go to financial markets seeking funds to build new projects.

We all know the ability to finance large corporate construction projects rest on the merits of the given project, but the new FERC rule eradicates this built in system of financial checks and guarantees funding—at the ratepayers expense—for projects whether they turn out to be prudent investments or not. Under this unequitable situation the consumer takes the investment risk but has no role in the investment decisions and may never derive any benefit from them.

Ironically this rule gives utilities a "green light" to build new plants at a time when the Nation has a large surplus of electrical generating capacity. For example the North American Electric Reliability Council estimates that there is about a 42 percent excess generating capacity in my area of New England. Peak demand for electricity during the hot summer months is estimated for 1983 at 14,800 megawatts but our utility systems are capable of generating 21,379 megawatts. The situation is forecast to remain about the same through 1991. If these numbers are correct, and I have every reason to believe they are, there is not a burning need to build new plants to add to our excess capacity. But under this new CWIP policy some utilities will be tempted to build because the rule creates the built-in financing mechanism I described earlier.

CWIP is no stranger to many State public service commissions. Four States, Pennsylvania, New Hampshire, Missouri, and Connecticut prohibit CWIP by law. My own State of Rhode Island and 13 other States prohibit CWIP under administrative regulation and 14 States have very restrictive policies regarding the allowance of CWIP in retail rates.

Mr. President, my legislation would insure that consumers are not asked to pay for electrical generating facilities they may never need. Basically it does not alter the underlying CWIP policy that FERC had in effect before March 10. The bill would permit CWIP to be collected for pollution control facilities and fuel conversions. If a utility is in severe financial distress it may receive CWIP relief.

Unlike the old rule, however, this bill offers an objective standard of determining whether a utility is in financial distress. Specifically, a utility will have to show that it has insufficient earnings to issue debt to initiate or construct a plant. A utility will also have to demonstrate that it has pursued other means of meeting its cash needs, including encouraging use of least-cost energy alternatives and seeking innovative financing methods for its projects. If a utility's severe financial condition is attributable to mismanagement then the utility must also demonstrate that such mismanagement has been corrected. If the FERC decides that these steps outlined above will not enable the utility to regain financial stability, then the Commission could order an appropriate amount of CWIP relief.

Instead of allowing blanket approval of CWIP as exists under the rule of March 10, my legislation will insure that FERC exercise its regulatory authority properly by making a case-by-case determination of each utility's application for CWIP.

I am hopeful that this bill will enjoy broad support and I urge my colleagues to join me in moving this legislation forward, and ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Construction Work in Progress Policy Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) it is in the public interest that the electric utility industry be in good financial health;

(2) it is also in the public interest that electric energy-related energy services be delivered at the least possible cost and with adequate reliability;

(3) while there is evidence that the inclusion of the costs of construction work in progress in Federal Energy Regulatory Commission jurisdictional electric rate bases can improve the financial health of electric utilities in the short run, there is also evidence that inclusion of such costs in such rate bases can worsen electric utility financial health over the long run;

(4) while inclusion of the costs of construction work in progress in electric rate bases may lower the rates for electric energy over the long run, such inclusion will raise rates for electric energy in the short run;

(5) construction work in progress transfers the risk that a facility under construction will be cancelled (because of reasons unrelated to the financial health of the utility) from shareholder to ratepayer; and

(6) since there may be instances in which it is appropriate to include the costs of construction work in progress in the rate bases of public utilities regulated by the Federal Energy Regulatory Commission, the Commission should have limited discretion to approve such inclusion pursuant to policies and procedures established by law.

PURPOSE

SEC. 3. It is the purpose of this Act to establish policies and procedures governing the inclusion of costs of construction work in progress in the rate bases of electric utilities regulated under the Federal Power Act.

AMENDMENT OF FEDERAL POWER ACT

SEC. 4. The Federal Power Act is amended by adding the following new section at the end of title II:

"COSTS OF CONSTRUCTION WORK IN PROGRESS

SEC. 213. (a) Upon application of a public utility, the Commission may—

"(1) consistent with the provisions of section 205 and 206 of this Act, approve the inclusion of the following costs of construction work in progress in the rate base of such utility—

"(i) the costs of any pollution control facility; and

"(ii) the costs of conversion of oil or natural gas fired facilities to the use of fuels other than oil and natural gas; and

"(2) subject to the provisions of subsections (b)-(d) of this section approve by final order the costs of construction work in progress for facilities other than those referred to in paragraph (1) of this subsection.

"(b)(1) Upon application by a public utility for approval of any increase in the rates charged for electric energy where such increase is based on the inclusion in such utility's rate base of the costs of construction work in progress incurred for facilities other than those referred to in paragraph (1) of subsection (a), the Commission shall commence an evidentiary hearing. In any such hearing, the burden of proof to show that any increased rate for which application is made under this subsection is consistent with the requirements of this subsection and subsection (d) shall be upon the applicant public utility. The Commission shall give to the hearing and decision of such questions the same preference as is given to questions arising in proceedings brought under subsections (a) through (e) of section 205, and the Commission shall decide such questions as speedily as possible.

"(2) Any application submitted to the Commission under this subsection for the inclusion in the rate base of any costs of construction work in progress for any facility shall contain—

"(A) a certification, with explanation, that the public utility submitting the application will be in severe financial difficulty unless such costs are included in the rate base;

"(B) a statement explaining in detail the benefits and costs to customers of including

such costs in the rate base, together with an analysis of the likely short-run and long-run rate effects associated with such inclusion;

"(C) a statement explaining the need for such facility, including a detailed assessment of the potential of alternative means of meeting demand for electric energy-related energy services at less system cost, including

"(i) customer consumption efficiency improvements and use of renewable resources,

"(ii) load management techniques,

"(iii) cogeneration,

"(iv) electricity generation using biomass, waste, renewable resources or geothermal resources,

"(v) changes in rate design,

"(vi) production efficiency improvements (including improved powerplant productivity and inter-utility coordination), and

"(vii) any other alternatives established by the Commission by rule;

"(D) a statement explaining why inclusion of the costs of construction work in progress in rate base, as opposed to other means of alleviating or preventing the severe financial difficulty (including innovative financing and other regulatory actions which the Commission could take consistent with existing law and regulations) is necessary to alleviate or prevent the severe financial difficulty; and

"(E) such other information reasonably related to the Commission's duties under subsections (c) through (d) as the Commission shall by rule require.

"(3) If, after evidentiary hearing, the Commission finds that—

"(A) unless all or a portion of the costs of construction work in progress for any facility is included in the rate base of applicant public utility, the utility will be in severe financial difficulty;

"(B) inclusion of the costs of construction work in progress, or any portion thereof, is necessary to alleviate or prevent such severe financial difficulty;

"(C) the applicant has initiated programs to acquire the resources identified in the statement prepared in accordance with paragraph (2)(c) of this subsection;

"(D) the facility the costs of which are proposed to be included in the rate base is reasonably necessary to meet the demand of its customers for electric energy-related energy services at least system cost;

"(E) if the record of the evidentiary hearing includes a serious allegation that the severe financial difficulty of the applicant public utility is at least partially attributable to mismanagement, that such mismanagement will not likely hinder the alleviation or prevention of the severe financial difficulty in the future;

"(F) in the case of customers of the public utility who are purchasing electric energy for resale, the long-term benefits of the inclusion of such costs in the rate base are sufficiently important to necessitate short-run rate increases, if any, caused by such inclusion;

"(G) innovative financing is insufficient to alleviate or prevent severe financial difficulty; and

"(H) the applicant public utility will discontinue the capitalization of allowance for funds used during construction for these costs of construction work in progress which are included in the rate base,

the Commission shall approve the rate increase applied for or, if applicable, order a lesser rate increase in accordance with subsection (d) of this section. No affirmative finding shall be made by the Commission under subparagraph (B) unless such finding is supported by clear and convincing evidence on the record.

"(d) No electric energy rate increase approved or ordered by the Commission under this section may—

"(1) be charged for electric energy sold prior to the date of such approval or order;

"(2) exceed an amount necessary to alleviate or prevent the severe financial difficulty of the applicant public utility;

"(3) be so substantial as to have an anticompetitive effect, including the establishment or maintenance of unreasonable price discrimination between wholesale and retail electric energy rates;

"(4) be charged to recover any costs imprudently incurred;

"(5) be otherwise unduly discriminatory or preferential or exceed an amount that is just and reasonable.

"(e) Not later than one hundred and eighty days after the date of enactment of this section, the Commission shall promulgate a rule governing the implementation of the authorities granted in this section.

"(f) As used in this section, the term—

"(1) 'construction work in progress' means construction of a facility used to generate or transmit electric energy which construction is undertaken, or proposed to be undertaken, but which is not yet in service;

"(2) 'severe financial difficulty' means the inability of a public utility to satisfy the minimum indenture requirements governing the issuance of additional debt securities by such public utility;

"(3) 'allowance for funds used during construction' means interest charged to construction work in progress;

"(4) the term 'system cost' means an estimate of all the direct costs of a resource over its effective life, including, if applicable, the cost of distribution and transmission to the customer and, among other factors, waste disposal costs, end of cycle costs, and fuel costs (including projected increases and decreases), and such quantifiable environmental costs as are directly attributable to such resource.".

By Mr. GARN (for himself and Mr. PROXMIRE):

S.J. Res. 84. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week"; to the Committee on the Judiciary.

FEDERAL CREDIT UNION WEEK

● Mr. GARN. Mr. President, today I am introducing legislation which would set aside and designate the week of June 24-30, 1984 as "Federal Credit Union Week," in commemoration of the signing of the Federal Credit Union Act on June 26, 1934.

During the dismal days of the Great Depression, the Federal Credit Union Act stood out as a beacon of financial hope to Americans whose economic well-being had been challenged. The statutory purpose of the act was to promote thrift among credit union members and to provide credit for provident or productive purposes. The success and growth of Federal credit unions through the years has been due to their adherence to these guiding principles.

Recent marketplace and legislative changes have caused a blurring of some of the traditional distinctions among different types of financial organizations, but Federal credit unions remain cooperative, not-for-profit institutions. As such, a Federal credit union is member-owned and controlled and provides a safe and convenient place to save and to obtain reasonably priced loans.

Federal credit unions have grown tremendously over the past 50 years. Today there are approximately 12,000 Federal credit unions with total assets of more than $45 billion and more than 26 million members. Their orientation remains toward smaller, local institutions, with 87.7 percent of Federal credit unions having assets of less than $5 million.

As limited membership institutions, Federal credit unions rely on their members having a common bond. The most prevalent bond is occupational, with approximately 88 percent of Federal credit unions having a common bond among their members of employment. Others are associated with groups of people from churches, fraternal societies, farm organizations, or well-defined communities or rural districts.

This joint resolution recognizes the contributions which Federal credit unions have made over the years to the financial welfare of their millions of members. The resolution authorizes and requests the President to issue a proclamation and call upon the people of this Nation to observe "Federal Credit Union Week" with appropriate ceremonies and activities.

I would point out to my colleagues that an identical resolution, House Joint Resolution 139, has been introduced in the House with the strong endorsement and cosponsorship of many House Members. I invite all of my colleagues to join with Senator PROXMIRE, the distinguished ranking minority member of the Banking Committee, and me in making possible a fitting celebration of the 50th anniversary of the signing of the Federal Credit Union Act by cosponsoring this commemorative resolution.●

By Mr. THURMOND:

S.J. Res. 85. Joint resolution to designate September 21, 1983, as "National Historically Black Colleges Day"; to the Committee on the Judiciary.

NATIONAL HISTORICALLY BLACK COLLEGES DAY

Mr. THURMOND. Mr. President, it gives me great pleasure today to introduce Senate Joint Resolution 85 which authorizes and requests the President to designate September 21, 1983, as "National Historically Black Colleges Day." This resolution is a companion to House Joint Resolution 105 introduced by the distinguished Representative of the Fourth Congressional District in South Carolina, Congressman CARROLL A. CAMPBELL.

The importance of this commemorative resolution is that it recognizes the contributions to society of the 103 historically black colleges and universities. I am particularly pleased that 6 of these 103 historically black institutions of higher learning, namely Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College, are located in my own State of South Carolina. These colleges are vital to the higher education system in my State. They have provided opportunities for thousands of minority young people in South Carolina to go to college who would not have been able to afford a college education if these institutions of higher learning were not available.

Mr. President, hundreds of thousands of young Americans have received quality education at these 103 colleges. These institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. The predominantly black colleges and universities in America have offered to our citizens a variety of curriculums and programs through which they could develop their skills and talents, thereby expanding their opportunities as individuals and laying the foundation for continued social progress.

Mr. President, through passage of this commemorative resolution, Congress can reaffirm its support of our historically black colleges and appropriately recognize their place at the center of our Nation's higher education system. I invite my Senate colleagues to join as cosponsors of this resolution, and I ask unanimous consent that a copy of the resolution appear in the RECORD following my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 85

Whereas there are one hundred and three historically black colleges and universities in the United States; and

Whereas they are providing the quality education so essential to full participation in our complex, highly technological society; and

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history; and

Whereas these institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of these historically black colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 21, 1983, is designated as "National Historically Black Colleges Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe that day by engaging in appropriate ceremonies, activities, and programs, thereby showing their support of historically black colleges and universities in the United States.

By Mr. TOWER:

S.J. Res. 86. Joint resolution to designate the week of June 12, 1983, through June 16, 1983, as "National Brick Week;" to the Committee on the Judiciary.

NATIONAL BRICK WEEK

Mr. TOWER. Mr. President, today I am pleased to introduce Senate Joint Resolution 86, designating the week of June 12, 1983 through June 16, 1983, as "National Brick Week."

As a building material, the brick has been, and continues to be, the key component to our Nation's construction industry. As the chairman of the Senate Subcommittee on Housing and Urban Affairs, I am proud to announce this tribute to the men and women who work to produce this critical element of our home building sector of the economy. Housing construction has done more in recent months than any other sector to get our people employed and our country moving again.

Brick manufacture is truly national in scope. There are 172 brick manufacturers in the United States, with a total production capacity of 1 billion bricks per year. Brick is produced in 42 States, with the 6 largest producers being Texas, North Carolina, Ohio, Alabama, South Carolina, and Pennsylvania. In my own State of Texas, we have 16 manufacturers. The largest brick company in the United States is Acme Brick Co., a part of Justin Industries which is located in Fort Worth, Tex. In fact in the Wall Street Journal on Monday, April 4, 1983, Justin Industries was quoted as saying that they manufacture enough brick annually to provide a brick to every man, woman, and child in the Peoples Republic of China.

Thus, Mr. President, I urge my colleagues to join in supporting this resolution designed to recognize the valuable contribution that the brick industry has made to provide jobs for our citizenry and a trade for American workers.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 86

Whereas our country and its people have always found brick to be a useful material of strength and value in the construction of buildings for shelter and other purposes;

Whereas the first settlers gained a foothold in the new world and established for themselves and their descendents a free Nation and built homes, schools, and churches using brick as the basic construction material and many of these structures stand today;

Whereas early building multiplied a thousandfold and the importance of brick has developed so that today it is useful in many forms of construction that provide shelter and otherwise improve the lives of our people;

Whereas the production of brick and the bricklaying craft provide employment for American workers who take pride in the application of their skills to the construction process; and

Whereas more Americans should be aware of the importance of brick and the industry that produces it: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 12, 1983, through June 18, 1983, is designated as "National Brick Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 62

At the request of Mr. SASSER, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 62, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 144

At the request of Mr. DANFORTH, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

S. 333

At the request of Mr. METZENBAUM, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 333, a bill to amend title 11 of the United States Code to make certain changes in the personal bankruptcy law, and for other purposes.

S. 434

At the request of Mr. GARN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 434, a bill to unify the export administration functions of the U.S. Government within the Office of Strategic Trade, to improve the efficiency and strategic effectiveness of export regulation while minimizing interference with the ability to engage in commerce, and for other purposes.

S. 496

At the request of Mr. COHEN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 496, a bill to amend title 10, United States Code, to authorize the Secretary concerned to transport to the place of burial the remains of a member of the uniformed services entitled to retired or retainer pay who dies in a military medical facility.

S. 540

At the request of Mr. GOLDWATER, the names of the Senator from Geor-

gia (Mr. MATTINGLY), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 585

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 585, a bill to amend title 18 of the United States Code to prohibit the robbery of airline tickets.

S. 691

At the request of Mr. ARMSTRONG, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 691, a bill to amend title 38, United States Code, to establish a new veterans' educational assistance program and a veterans' supplemental educational assistance program, and for other purposes.

S. 738

At the request of Mr. DANFORTH, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 738, a bill to amend the Economic Recovery Tax Act of 1981 to make the credit for increasing research activities permanent.

S. 775

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Iowa (Mr. JEPSEN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 775, a bill entitled the "Government Accountability Act of 1983."

S. 788

At the request of Mr. QUAYLE, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1036

At the request of Mr. DECONCINI, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1036, a bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes.

S. 1043

At the request of Mr. D'AMATO, the names of the Senator from Illinois (Mr. DIXON), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 1043, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business.

S. 1045

At the request of Mr. BOSCHWITZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1045, a bill to assure the production of an adequate supply of pure and wholesome milk to meet the needs of markets in the United States, to assure a reasonable level of return to dairy farmers and stable prices for dairy products for consumers, to stabilize a temporary imbalance in the supply and demand for dairy products, to enable milk producers to establish, finance, and carry out a coordinated program of dairy product promotion to improve, maintain, and develop markets for dairy products, and for other purposes.

SENATE JOINT RESOLUTION 74

At the request of Mr. GARN, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Idaho (Mr. MCCLURE), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Utah (Mr. HATCH) were added as cosponsors of Senate Joint Resolution 74, a joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable, and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. MITCHELL, the names of the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Concurrent Resolution 11, a concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

AMENDMENT NO. 522

At the request of Mr. KASTEN, the names of the Senator from Idaho (Mr. MCCLURE), the Senator from Texas (Mr. TOWER), the Senator from Idaho (Mr. SYMMS), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Florida (Mrs. HAWKINS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Iowa (Mr. JEPSEN), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from California (Mr. WILSON), the Senator from South Dakota (Mr. PRESSLER), the Senator from Virginia (Mr. WARNER), the Senator from Indiana (Mr. QUAYLE), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mr. MITCHELL), the Senator from West Virginia (Mr. BYRD), the Senator from South Carolina (Mr. THURMOND), the Senator from New York (Mr. MOYNIHAN), and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 522 proposed to S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

SENATE CONCURRENT RESOLUTION 25—RELATING TO A REDUCTION IN INTEREST RATES

Mr. GARN (for himself and Mr. PROXMIRE) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 25

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Federal Reserve System, in conducting monetary policy for 1983, should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation. It is further the sense of the Congress that to the extent the Congress is able to reduce the projected budget deficits, that the Federal Reserve System should permit the reductions in interest rates resulting from these actions to occur without attempting to offset these reductions through a more restrictive monetary policy.

● Mr. GARN. Mr. President, today I am submitting a concurrent resolution, along with the ranking minority member of the Banking Committee, Senator PROXMIRE, to express the sense of the Congress that the Federal Reserve System should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation. This concurrent resolution is consistent with the Banking Committee's responsibilities as contained in the rules of the Senate and as further outlined under the Humphrey-Hawkins Act.

That act established a specific procedure for congressional oversight of monetary policy. Under that act, the Federal Reserve Board is required to submit its plans for monetary policy to the Congress twice a year. These plans are to be referred to the Banking Committees in the House and Senate, and these two committees are required, by law, to report their conclusions to their respective bodies. The

Senate Committee on Banking, Housing, and Urban Affairs fulfilled its responsibilities under the Humphrey-Hawkins Act on March 22 when it filed Senate Report 98-31.

I cite these facts to underscore that there is a specific and established procedure for the oversight of monetary policy. The rules of the Senate as well as the Humphrey-Hawkins Act make it clear that the Banking Committee has exclusive jurisdiction over monetary policy. There is nothing in the Congressional Budget Act or the more recently enacted Humphrey-Hawkins Act that gives the Budget Committees any jurisdiction over monetary policy.

Despite the clear provisions of the rules of the Senate and the Humphrey-Hawkins Act, the House and Senate Budget Committees have seen fit to invade the jurisdiction of the Banking Committees by prescribing guidelines for the conduct of monetary policy.

I am not terribly enthusiastic over Congress trying to conduct monetary policy. We have done such a miserable job on the fiscal side, I do not know why some Members believe we would be better qualified than the Federal Reserve to control monetary policy. Nonetheless, if the Congress does feel compelled to express formally its views on monetary policy, it should do so through the established procedure we ourselves have set up and not as a rider to a budget resolution. If we start the precedent that the budget resolution can contain the Budget Committee's views about anything and everything, no committee's jurisdiction is safe.

Mr. President, I believe the concurrent resolution Senator PROXMIRE and I have submitted does respond to the concerns of those Members who are concerned about the effects of monetary policy on the economic recovery. Specifically, the resolution expresses the sense of the Congress that the Federal Reserve should continue to promote a reduction in interest rates consistent with sustainable economic growth and without rekindling inflation.

In addition, the concurrent resolution goes on to say that if the Congress is successful in reducing the budget deficits projected over the next several years that the Federal Reserve should allow the effect of these lower deficits to be reflected in lower interest rates without attempting to offset the reduced pressure on financial markets with tighter monetary policy.

Mr. President, I believe this concurrent resolution responds to those who are concerned that the effects of any budget deficit might be offset by the Federal Reserve. At the same time, it preserves the existing system established by Congress for overseeing monetary policy.

Mr. President, I am prepared to work with those Members of the Senate who are interested in expressing a congressional guideline for the Federal Reserve. But I intend to strongly resist and oppose any efforts to bypass the Senate Banking Committee on questions of monetary policy. It is high time we called a halt to the expansive reach of the Budget Committees. If we start loading up the budget resolutions with virtually any subject, the other standing committees might just as well fold up their tents and their members seek membership on the Budget Committee.●

SENATE RESOLUTION 113—RELATING TO DAIRY PRICE SUPPORT PROGRAMS

Mr. BAUCUS (for himself, Mr. PROXMIRE, and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 113

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should delay until at least July 1, 1983, implementation of the authority provided under paragraphs (2) through (7) of section 201(d) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(7) (2) through (7)), as amended by section 101(2) of the Omnibus Budget Reconciliation Act of 1982, to make deductions from proceeds from the sale of milk.

● Mr. BAUCUS. Mr. President, for myself, Senator PROXMIRE, and Senator D'AMATO, I send a resolution to the desk.

This resolution urges Agriculture Secretary John Block to delay the first of two scheduled 50-cent assessments on dairy products that are marketed commercially. The first assessment is scheduled to be imposed April 16.

I have stated my views clearly on this assessment several times. On March 23, Senator LEAHY and I urged the House Subcommittee on Livestock, Dairy and Poultry to approve legislation repealing the assessments. I have urged the Senate Agriculture Committee to do the same.

All of us agree that the growing dairy surplus is draining the Treasury. We agree that changes in the dairy program to reduce that surplus would benefit both farmers and consumers.

But this proposal to impose a 50-cent assessment is the wrong way to reduce the surplus. My State of Montana is a good example of how this policy would discriminate against producers in States where there is no dairy surplus.

In Montana, dairy producers are not under Federal marketing orders, and dairymen already are increasing their production to meet the need for cash.

Several dozen diary producers will be forced out of business entirely by the assessment. If production falls below the demand, Montana will have to begin importing milk from neighboring States. That means Montana consumers will pay more than they should.

I am pleased that members of the Senate and House Agriculture Committees understand the problem the 50-cent assessments cause.

The purpose of this resolution is to tell Secretary Block that Congress understands the seriousness of the dairy surplus problem, that Congress is revising the dairy program to curtail these costly surpluses, that a new dairy program hopefully will be passed soon.

I hope that in view of these developments, Secretary Block will postpone imposing the assessment. I believe this approach is fair to dairy producers and to consumers. I urge the Senate to approve my resolution.●

SENATE RESOLUTION 114—RELATING TO RURAL FIRE PROTECTION PROGRAMS

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 114

Resolved, That it is the sense of the Senate that rural community fire protection grants provided under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106) and rural fire prevention and control activities of the Forest Service of the Department of Agriculture should receive a level of funding for fiscal year 1984 which is at least as high as the level of funding provided for such programs for fiscal year 1983.

RURAL FIRE PROTECTION PROGRAMS ESSENTIAL

● Mr. PRESSLER. Mr. President, today I am introducing a sense of the Senate resolution that the rural community fire protection grant program and the rural fire prevention and control program receive funding at a level equal to or higher than that approved in fiscal year 1983. These programs are essential to effective fire protection service in rural communities across the Nation.

The rural community fire protection program was authorized by the Cooperative Forestry Assistance Act of 1978 to provide financial, technical, and other assistance to organize, train, and equip fire departments in rural areas and communities under 10,000 population. The funding level for the program has been $3.25 million in past years, even though the administration has not requested funding. In 1983, 2,813 grants were made to rural fire departments to help prevent and suppress fires.

The rural fire prevention and control program applies Federal funds and Federal fire control and prevention research and expertise in the task of protection Federal, State, and private forests. The program is a cooperative effort between the Forest Service

and the States. The States match Federal funds for fire control efforts. The program has been very effective. In recent years, funding for the program has declined from $22.4 million in fiscal year 1981 to $14.4 million in fiscal years 1982 and 1983. The administration has requested only $3 million for this program in its fiscal year 1983 budget request.

Continued funding for these two programs is vital to guaranteeing essential fire protection in rural areas. Annually, over $11 billion of our resources are destroyed by fire, with over 12,000 people killed and tens of thousands injured by fire. Many of these losses occur in rural communities and small towns. Most of these communities depend on volunteer fire departments and do not have funds to purchase much needed fire equipment without these programs.

The goal of these programs is to save lives and protect property in rural areas. The 50,000 volunteer fire departments with over 1 million firefighting volunteers in this country depend heavily on the programs to purchase equipment and to provide adequate training. It is important that the programs be continued.

Mr. President, I urge my colleague to join me in support of this resolution calling for continuation of the rural fire protection programs.●

SENATE RESOLUTION 115—RELATING TO UNITED NATIONS CONSUMER GUIDELINES

Mr. PRESSLER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 115

Whereas in an increasingly interdependent world economy, government measures that restrict the economic and efficient marketing and distribution of American exports of agricultural commodities, goods, and services hurt not only United States producers but also consumers in countries around the world; and

Whereas United Nations Ambassador Jeane Kirkpatrick recently called attention to the growth of such restrictions in her speech of December 9, 1982, on "Global Paternalism: The U.N. and the New International Regulatory Order;" and

Whereas the Economic and Social Council of the United Nations is scheduled to act at its July 1983 meeting in Geneva on proposed "consumer protection" guidelines which may restrict U.S. exports and consumer choice; and

Whereas other comparable restrictions are currently under development in the United Nations Commission on Trade and Development, and elsewhere; and

Whereas it is the policy of the Reagan Administration to seek relief from unnecessary domestic regulations which restrict the effective operation of the American market economy, and there seems every reason to apply a similar policy with respect to international regulations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the U.S. representatives to United Nations-related agencies and to other international organizations should oppose the adoption of international marketing and distribution regulations or restrictions which unnecessarily impede the export of U.S. agricultural and other products.

● Mr. PRESSLER. Mr. President, today I am submitting a resolution to promote U.S. agricultural and other exports by opposing unnecessary restrictions and regulations developed and administered by international organizations.

On March 22, I reported to this body that I had expressed my concerns to Secretary of State George P. Shultz about recent developments in the United Nations that could adversely affect exports of American products, especially agricultural commodities and finished goods.

My concerns focused generally on the dramatic increase in the number and scope of U.N. attempts to regulate or otherwise influence our international trade, and my specific concern was the proposed worldwide consumer protection guidelines pending before the U.N. Economic and Social Council. As Ambassador Jeane J. Kirkpatrick stated in her article, "Global Paternalism," published in the January/February 1983 issue of Regulation:

Attempts to deal with these problems [health and safety] within the U.N., however, too often are caught up, in a very crude kind of anti-capitalist ideology that is more concerned with restricting and discrediting multinational/transnational corporations.

Mr. President, this is a subject that should concern all of us in Congress from a jurisdictional, as well as a substantive, point of view. I chair two subcommittees with foreign trade oversight responsibilities, and I represent a State that has significant interests in matters affecting foreign trade. Yet, neither I nor any similarly situated colleague, to my knowledge, was given direct notice of the pendency and scope of these so-called consumer protection guidelines that are expressly intended to affect the regulation of both our foreign and domestic commerce.

Unless article I of the Constitution was amended recently, Congress still has exclusive jurisdiction over the regulation of American commerce here and abroad. Yet, according to a State Department response to my original letter, only the views of trade associations, consumer groups and Federal agencies were directly solicited by the executive branch to approve in the name of the United States concepts for regulating our commerce. What is next—the signing of binding foreign trade agreements without our review?

Mr. President, because of the importance of this subject to American agriculture, trade and this body's own constitutional mandate, I ask unanimous consent that the State Department's response to my original inquiry be printed at this point in the RECORD, followed by my reply to that response, and my most recent letter to Secretary Shultz. My original five questions appear at page 6559 of the March 22, 1983 RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 1, 1983.

Hon. LARRY PRESSLER,
U.S. Senate.

DEAR SENATOR PRESSLER: Secretary Shultz has asked me to respond to that portion of your letter of March 10 which deals with the draft United Nations "Guidelines for Consumer Protection."

I am pleased to enclose answers to the specific questions which you asked. If you wish additional details from the Department of State, your staff should contact William Brew, Special Assistant for Legislative, Consumer and Public Affairs; Bureau of Economic and Business Affairs; Telephone: 632-9310.

Sincerely,

ALVIN PAUL DRISCHLER,
Acting Assistant Secretary for Congressional Relations.

With respect to the Draft U.N. Guidelines for Consumer Protection now pending before the Economic and Social Council, please answer the following questions separately:

Q(a): What is the present position of the United States on these Guidelines, and how was that decision arrived at?

A: The general approach of the comments on the Guidelines, which were delivered to the U.N. Secretariat on March 25, is recognition of the importance of the goal of consumer protection both domestically and internationally, but skepticism that the Guidelines are the best or only means of achieving that goal. Our comments dealt with every section of the Guidelines, opposing some concepts, approving of others, and raising questions about the remainder. Copies of the Guidelines and the March 25 comments are enclosed.

The comments were developed on an interagency basis, with each agency commenting on sections of interest to it at meetings or in writing. Each agency was provided copies of public (usually trade association) comments that had been received. The State Department served as the "secretariat" for this interagency process, drafting the comments on the basis of the views expressed.

Q(b): What evaluations were made with respect to the effect of the Guidelines, if implemented worldwide, on the export of agricultural commodities?

A: No econometric or analogous analysis of the potential impact of the Guidelines on exports of agricultural commodities was attempted. The draft Guidelines focus, in part, on food products and national food policies and, except for one significant exception, speak in fairly general terms; portions of the Guidelines were reviewed for consistency with U.S. policies in similar areas. The exception is a reference to highly processed foods; as can be seen from the enclosed comments, the negative reference to such foods (which might be interpreted as meaning value-added agricultural commodities) was not accepted. Our opposition is

based on the desirability of freedom of choice for consumers.

Q(c): What groups and members of Congress were given an opportunity to comment on the proposals for national legislation on these Guidelines and what positions did they take on the provisions that might affect or influence American export policy or practices?

A: Development and assembly of the U.S. comments on the Guidelines was coordinated by the U.S. Office of Consumer Affairs (USOCA), in cooperation with the Department of State. Mrs. Virginia H. Knauer, Special Assistant to the President, is Director of USOCA and serves as the U.S. representative to the Committee on Consumer Policy of the Organization for Economic Cooperation and Development (OECD). Coordination of our comment on the Guidelines was approached in three ways:

(1) A Federal Register notice was published on December 3, 1982 (Federal Register, Vol. 47; No. 233, page 54556; copy enclosed) explaining that comment was being sought on the Guidelines and that copies were available upon request. Copies were supplied to any party which requested them. At least 15 requests were received as a result of this notice.

(2) Copies of the Guidelines were provided to, and comments sought from, broadly-based trade associations and consumer organizations such as the U.S. Council for International Business, the National Association of Manufacturers, the National Consumers League, and Consumers Union.

(3) Federal agencies were asked for comments. Specifically interested agencies provided their comments through two meetings under the auspices of Mrs. Knauer and through written and oral comment.

All comments received from individuals and groups were considered during the preparation of the U.S. comments to the U.N. Copies of the comments received from nongovernmental sources are enclosed. In general, both governmental and private sector comments reflected concern that the Guidelines not be used to permit the development of unnecessary barriers to trade.

Q(d): What is the basis for singling out "highly refined and expensive food products" for special attention by the world's regulators? See Guideline 7(e)

A: We are unaware of the specific basis for including this reference to "highly refined and expensive food products." However, the proposed guideline is similar in tone to many of the arguments in favor of the "Infant Formula" marketing code, approved by the WHO in 1981. The argumentation implies that developing countries, or poor people, do not need to be offered expensive products, which they cannot afford, or products of less than optimal nutritional value. Our comment on this guideline is negative.

Q(e): What specifically is meant by suggesting that all governments should have policies and plans providing for "processing and distribution and should include mechanisms for appropriate activity in the case of seasonal fluctuation in food supply and prices"? See Guideline 7(a).

A. Presumably what is intended is the promotion of a government-sponsored method of storage of food supplies to be used in cases of shortage. What is meant by a plan for processing and distribution is less clear. It could mean plans for ensuring that food is available at all times, such as the milk marketing orders and support prices for commodities. It could, however, also mean governmental control over the distribution and processing systems, a position which the U.S. should oppose.

Q(f): When are these Guidelines scheduled to be considered by ECOSOC, and is it possible for us to have that consideration postponed if it is scheduled to be within the next six months?

A: The Guidelines are to be considered at the next meeting of ECOSOC, currently scheduled for July 1983, in Geneva. The discussions will be based on a U.N. Secretariat report currently in preparation; we understand this report will consist of four parts: a history of U.N. involvement in consumer protection issues, the Guidelines (revised from the version on which comments were made), a summary of the Guidelines, and a summary of the comments made by member states. It is unlikely that the Guidelines could be removed from ECOSOC's summer agenda, but it is conceivable that ECOSOC will not take any final action but rather delay such a decision pending either further comments or the holding of an intergovernmental meeting.

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., April 15, 1983.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I am disappointed by recent correspondence with your Department. On March 10, 1983, I sent to you a request for answers to five questions relating to the alarming increase in attempts at the United Nations to control our international trade, especially the export of agricultural products. I have not received answers to four of these questions, and the April 1, 1983 answers to the fifth question were substantively disturbing. This letter is to request answers to my original four questions by May 16 and to ask some follow-up questions inspired by the answers that I did receive for the fifth question. My previous letter to you has been inserted in the CONGRESSIONAL RECORD, and I will also be putting your Department's response and this letter in the RECORD.

The answers that I received related to the so-called Consumer Protection Guidelines pending before the United Nations Economic and Social Council. Despite the fact that these Guidelines expressly will affect our country's domestic and foreign commerce, I am shocked to learn from your Department's letter to me that on one in Congress was consulted before the position of the United States was taken at the U.N.

Apparently, only trade associations, consumer groups and other federal agencies were directly consulted, and a notice was published in the Federal Register. Section 8 of Article I of the Constitution provides that Congress has the exclusive jurisdiction to regulate domestic and foreign commerce. The Guidelines include principles, the endorsement of which would be a statement of our nation's policy on how our commerce should be regulated. At the least, a proposal of such magnitude deserves to be brought to the direct attention of legislators who serve on Committees with oversight responsibilities for domestic and international commerce.

The Department's response to my fifth question raised the following related questions for which I would appreciate receiving answers by May 16, as well:

(1) What comments were made by government sources?

The Department's reply encloses copies of the comments of nongovernmental organizations that were considered in formulating the position of the United States on the proposed Consumer Protection Guidelines. It mentions that federal agencies provided input "through written and oral comments" in two meetings. Please provide copies of the written comments and a complete set of the notes and other memorializations made of any meetings or conferences on this subject. Please take care to identify who from each agency commented, the content of their comments and how they determined their positions.

(2) What methods of analysis were used?

In determining what our country's position should be on the proposals that would affect regulation of our commerce, what are the established procedures, if any, for determining potential costs and benefits? For example, are procedures for evaluating proposed regulation of commerce by the federal government, such as those in Executive Order 12291, used? If not, why not?

(3) What is the status of the Guidelines, and can consideration be postponed?

When are the proposed Consumer Protection Guidelines expected to be considered by ECOSOC and is that consideration likely to result in a vote on adoption? If so, what are the procedures for the United States to withdraw its comments and request postponement of any vote on the Guidelines until Congress or interested legislators have had a reasonable opportunity to determine what position this nation should take?

I look forward to your Department's prompt attention to these matters.

Sincerely,

LARRY PRESSLER,
U.S. Senator.●

AMENDMENTS SUBMITTED FOR PRINTING

RECIPROCAL TRADE OPPORTUNITIES

AMENDMENT NO. 547

(Ordered to be printed and to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to amendment No. 522, proposed by Mr. KASTEN, to the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, in services, and investment for the United States, and for other purposes.

AMENDMENTS NOS. 548 THROUGH 776

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted 229 amendments intented to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

AMENDMENTS NOS. 777 THROUGH 1060

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted 284 amendments intented to be proposed by him to bill S. 144, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON INFORMATION AND REGULATORY AFFAIRS

Mr. DANFORTH. Mr. President, on Friday, May 6, 1983, the Subcommittee on Information Management and Regulatory Affairs of the Committee on Governmental Affairs will hold an oversight hearing on the Paperwork Reduction Act of 1980. The hearing will be held in room SD-342 of the Dirksen Senate Office Building, commencing at 10 a.m.

Witnesses expected to testify include representatives from the Office of Management and Budget, the General Accounting Office, the Business Advisory Council on Federal Reports, and the National Federation of Independent Business.

Interested persons, should contact Reid Detchon, Staff Director of the Subcommittee, at 224-0211. Anyone wishing to submit a statement for the record should forward it to the Subcommittee on Information Management and Regulatory Affairs, 128 C Street NE., room 44, Washington, D.C. 20510.

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee's April 18, 1983, hearing on the President's Second Annual Report to the Congress on Small Business and Competition has been postponed until further notice.

Mr. President, I would like to announce that the Senate Small Business Committee's Subcommittee on Urban and Rural Economic Development has postponed until further notice its April 20, 1983, hearing on proposals to foster jobs creation through small business.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the budget will resume its deliberations on the markup of the first concurrent budget resolution for fiscal year 1984 on Tuesday, April 19, at 10 a.m. and 2 p.m. in room 608 of the Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 18, at 2 p.m. to hold a hearing on S. 720, fiscal year 1984, military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 19, at 2 p.m., to hold a hearing on S. 720 fiscal year 1984, military construction bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CASE OF DR. IOSIF BEGUN

● Mr. MATHIAS. Mr. President, today the distinguished majority leader, the Senator from Tennessee (Mr. BAKER) and I have sent a letter to the Secretary of State asking him to communicate to the Government of the Union of Soviet Socialist Republics the concern of the American people over the fate of Dr. Iosif Begun and other Soviet Prisoners of Conscience. We deplore the infringement of basic human rights implicit in harassment of teachers of Hebrew and the obstacles placed in the way of teaching that ancient language.

Both Senator BAKER and I have been actively working to improve the plight of Soviet Jewry for a number of years. It is gratifying that our efforts have produced some results. An excerpt from a letter recounting one such positive experience speaks for itself.

Last month I sent you the name of my cousin in Russia, who had been refused permission to emigrate. As I understand it, you went to Russia and presented a list of names to a very high official requesting that they be allowed to emigrate. Today I received a call from Vienna, Austria: my cousin, his wife, child, in-laws, etc.—eight people in all—are safely out of captivity. It is my hope that within a few months they will be here in Baltimore (just as long as it is not next week), where I will do everything within my power to integrate them into American society. We are richer by two older people, four young adults and two lovely children. We are all richer.

Senator BAKER and I have great confidence in the ability of Secretary Shultz to make a positive and forceful case on behalf of Soviet Jewry at a critical moment in the relations between the United States and the Soviet Union. In seeking Secretary Shultz' help we are following an appropriate historical precedent. A century ago another great Secretary of State, Frederick Theodore Frelinghuysen, made a powerful appeal on behalf of Russian Jews who were then the victims of Czarist oppression. Since that time it has been the consistent position of the U.S. Government to support the rights of Jews in Russia to enjoy the human rights that are considered essential by most of mankind.

Senator BAKER and I have confidence that Secretary Shultz can today make a contribution of comparable significance and importance with that taken by Secretary Frelinghuysen.●

NATO ALLIES: THERE IS STRENGTH IN NUMBERS

● Mr. TOWER. Mr. President, the relationship of the United States to the North Atlantic Alliance has always been subject to questioning and doubt in America, perhaps no more so than today. In Congress, there has been a threatened revival of the Mansfield amendment to bring U.S. forces back from Europe. In addition, there were a number of unfortunate provisions in the 1983 continuing resolution that have seriously troubled relations between the United States and her allies in Europe. These include the cutting of funds for the Pershing II program, the overly restrictive language on specialty metals, the denial of funds for the United States-West German wartime host nation support program, and the prohibition against funding for the pre-positioning of equipment for POMCUS Division Sets 5 and 6.

Senator PERCY, the distinguished chairman of the committee on Foreign Relations, recently gave a speech to the Chicagoland-O'Hare Chapter of the Air Force Association in which he outlined the importance of NATO to the United States and the deleterious effects on the Alliance of those troubling provisions in the 1983 continuing resolution. In speaking of President Reagan's statement that "Europe's shores are our shores; Europe's borders are our borders", Senator PERCY said, "If America should ever lose sight of this basic truth, if we should ever forget that we are in Europe not out of charity or good will, but rather to protect and preserve our own security and way of life, then the Western democracies will indeed face a threat of monumental proportions."

I should like to state my full concurrence with those sentiments, and I request that the full text of Senator PERCY's excellent and timely speech be printed in the RECORD.

The speech follows:

SPEECH BY SENATOR CHARLES H. PERCY—THE NATO ALLIES: THERE IS STRENGTH IN NUMBERS

I was particularly pleased to read the statement of policy which the chapter chose to highlight the theme of this symposium. The statement reads, "No service fights alone. They must plan and exercise together, just as they would fight—jointly and shoulder-to-shoulder with our Allies." I am reminded of my first job in charge of the Norden Bomb Sight project, which was developed by the Navy but its greatest use was with the Air Force.

As Chairman of the Foreign Relations Committee, I have taken special pains to inject an alliance dimension into the Senate's deliberations on defense and arms control issues. I congratulate the Air Force Association for reminding us that we cannot go it alone in countering the global chal-

lenge posed by Soviet military might. There has been criticism of our NATO Allies for not doing enough for our common defense. As a long-standing member of the North Atlantic Assembly and a friend of General Bernie Rogers, the able and well-respected Supreme Allied Commander in Europe, I do not believe this is so.

For this informed audience I am sure that I need not restate the entire contribution which NATO makes to our collective defense capabilities. Consider, though, just a few statistics. At this moment, the United States has about 660 fighter aircraft deployed at airfields in Europe; our Allies have over 3,000. The United States has 3,000 main battle tanks on European soil; our Allies have over 15,000. And while we have 165 naval combatants operating in European waters, our Allies have over 1,500. So, if war came we would not just be shoulder-to-shoulder with our Allies, they would be above us, below us and on each side of us and in numbers far exceeding our own.

But NATO is obviously more than a grouping of men and materiel. Ultimately, the Atlantic Alliance is only as strong as the political, economic and cultural bonds that permit its sixteen nations to act as one. President Reagan addressed this theme in a speech last summer to the German parliament. The President said, "Europe's shores are our shores; Europe's borders are our borders." If America should ever lose sight of this basic truth, if we should ever forget that we are in Europe not out of charity or good will, but rather to protect and preserve our own security and way of life, then the Western democracies will indeed face a threat of monumental proportions.

Today, NATO remains a strong and viable proposition. Under Francois Mitterand's leadership, France has taken an increasingly strong stand in support of NATO policies. This week, I had dinner with our envoy in London, Ambassador Lewis, and he emphasized how, in the wake of the Falklands campaign, the United Kingdom has rededicated itself to rebuilding its military strength. Italy has begun to play more and more of a leadership role in Alliance affairs. Last year, Spain joined NATO, an action of both military and symbolic importance. And just last week, German voters overwhelmingly re-elected a centrist coalition which has firmly associated itself with the NATO position on new Intermediate-Range Nuclear forces (INF). In the process, the forces of disengagement and neutralism in Germany were delivered a stinging rebuke.

Despite NATO's present vitality, we must never take the Alliance for granted. If NATO is to continue to serve the national security interests of its sixteen Members, we must anticipate future problems before they arise and resolve lingering disputes before they reach crisis proportions. Above all, we must remember that the United States cannot rule NATO by dictate. Mutual trust and support can only be sustained if we maintain the closest consultation and dialogue. In this context, I would like to discuss a number of contentious issues that stand at the top of the Alliance's current agenda.

The issue most likely to affect the well-being of NATO in the year ahead is clearly the "dual track" INF missile deployment and arms control plan. Some observers have said that 1983 will be "the year of the missile," and I tend to agree, at least as it pertains to NATO. With the re-election of Chancellor Kohl, the NATO plan crossed a significant hurdle. The new German government has reiterated its willingness to accept the deployment of Pershing II missiles on its soil at the end of the year, should the Geneva discussions have not by then borne fruit. But a steady willingness to go forward if need be should not in any way lessen our determination to make every effort to find an acceptable arms control solution to this particular military threat.

The people of Europe expects not less of us. Indeed, if civil disobedience is to be minimized when and if the deployments actually begin, the vast majority of the European public must be convinced that we left no stone unturned in our search for a negotiated solution. On February 22d, President Reagan announced that while the "zero option" remains an ideal, long-term objective in these negotiations, the United States would accept any interim INF agreement that meets four conditions: strict equality of U.S. and Soviet INF systems, no compensations for British or French nuclear forces, no shifting of Soviet INF systems from Europe to the Far East, and effective verification.

I applaud the President for showing flexibility on this crucial issue. With the German elections behind us, I believe that our able chief negotiator in Geneva, Ambassador Nitze, should now be directed to follow up on the President's announcement and present the Soviets with a new U.S. proposal that incorporates these four principles. Having already defined the rough outlines of an acceptable agreement, there is no point in letting the Soviets score a propaganda coup by being the first to move away from their current negotiating position.

However, time is growing short in these negotiations. The German elections have given us more bargaining strength than ever before. I believe, therefore, that the time to move is now. The United States should tender a new INF proposal during the current negotiating round, and if need be, keep the two delegations in Geneva until we receive a Soviet response. If the Soviets then refuse of modify their current unacceptable offer, arms control will of course continue, but the burden of responsibility for the new NATO deployments will clearly rest on their shoulders.

A second action vital to the INF plan is for Congress to restore full funding for the Pershing II and Ground-Launched Cruise Missile (GLCM) programs. Much to my regret, the House and Senate conferees to the FY 1983 defense appropriations bill decided to delete all production funds for Pershing II and cut GLCM production funds by $79 million. Although the conferees claimed that NATO can still meet the December 1983 deployment date for this missile with the 21 Pershings funded in last year's appropriation, I am concerned that a congressionally-mandated halt in the production series can only create doubts in Europe as to American resolve to carry through with the deployments. Moreover, as Ambassador Nitze advised me in a letter last December, "There is no prospect that the Soviets will negotiate seriously on the basis of the U.S. proposal if they conclude that support of the Congress for our deployments may be withdrawn or weakened."

While we in Congress are about the business of correcting the damage done to NATO by last year's defense appropriations bill, there are three other important programs that require special attention. First, Congress should modify the overly restrictive and protectionist language on specialty metals to permit a broader waiver authority in cases that promote NATO weapons standardization. The language adopted in December has created consternation in Europe and confusion throughout the defense industry in the United States, and it risks far more American jobs than it protects.

A second casualty of the bill was the U.S./West German Host Nation Support program. On April 15, 1982, the two countries signed an agreement creating a new 93,000 man reserve unit in the German armed forces. For the first time, a NATO ally has agreed to pay a major portion—in this case 50%—of the support costs of designated U.S. combat units.

Nonetheless, the conferees to the FY 1983 defense appropriations bill deleted funds for our share of this program.

In this bill, Congress also eliminated funding for the prepositioning of equipment for the fifth and sixth U.S. divisions that would reinforce Europe in time of crisis. Failure to restore funding for this program will have more than political repercussions. It will seriously jeopardize the strength of NATO defenses in a critical sector of its front lines. As General Rogers has warned, "Without this minimal force, the relative capability of the Warsaw Pact in the North German plain would be so overwhelming that we could not defend successfully without early use of nuclear weapons."

Before I close, I would like to raise one other issue that is critical to the strength and cohesiveness of NATO, the issue of U.S. troop levels in Europe. As many of you know, last year I fought hard to turn back a threatened revival of the "Mansfield Amendment." In the early 1970's, I opposed Senator Mansfield on this issue. In 1979, I vigorously opposed President Carter's plan to withdraw U.S. combat forces from South Korea. I remain equally opposed to any unilateral U.S. reduction in U.S. military strength in Europe now.

U.S. troop withdrawals simply cannot be justified in terms of a lessened Soviet military threat. Soviet conventional superiority in Europe is real and growing, as is forcefully illustrated in the new book on Soviet Military Power released by the Defense Department this week. At my request, DOD agreed to make a copy available to each of you today.

A unilateral U.S. pull-out would lower the nuclear threshold, undermine the Mutual and Balanced Force Reductions talks, and would not save money. A study prepared last year by the Congressional Budget Office found that withdrawing 70,000 U.S. troops would produce savings of $400 million a year, but it would also require $10.4 billion in new construction for stateside facilities.

None of this is to suggest that we should in any way lessen our efforts to promote greater defense contributions on the part of our Allies. We must all do more. But a great power like the United States should lead by example. A great power determines the course that must be pursued and, by force of logic and persuasion, encourages its allies to make greater efforts and sacrifices than might otherwise be the case.

This is the challenge, and the responsibility, that confronts the Alliance as we struggle in hard economic times to deploy adequate conventional defense capabilities. A decision by the United States to unilaterally withdraw troops from Europe would not, in my opinion, serve as a catalyst for greater European defense expenditures. Rather, I fear that it would send quite a different signal, a signal that America is confused about its security interests and unwilling to

bear the burdens of Alliance leadership. The result would be a crisis greater than NATO has ever faced. But this is a crisis that can and must be avoided. I can assure you that I will oppose any proposal this year for withdrawing troops from NATO with all the energy and conviction that I can muster.●

HINTS OF TROUBLE REACHING SOVIETS FROM AFGHAN WAR

● Mr. ARMSTRONG. Mr. President, on Sunday, April 10, the Philadelphia Inquirer ran a Los Angeles Times dispatch by Robert Gillette concerning the views of the ordinary Soviet soldiers of the conflict in Afghanistan. It sheds light on the barbaric Soviet military practices, and the effect these are having on Soviet military morale. I ask that it be printed at this point in the RECORD.

The article follows:

HINTS OF TROUBLE REACHING SOVIETS FROM AFGHAN WAR

(By Robert Gillette)

Moscow.—A Soviet army lieutenant, home from Afghanistan, shocked his civilian companions in a restaurant recently he told them that he never wanted to see his comrades-in-arms again. The officer had been drinking, but his sincerity was not to be doubted.

To the civilians at the table, Russians steeped in the sentimental reminiscences of World War II that fill popular books and magazines and a good part of Soviet television programming, the young lieutenant's attitude was incomprehensible.

He explained simply that there was nothing about the war to sentimentalize. It is brutal and brutalizing, he told his tablemates, and the less that he had to think about it the better.

In the three years since the Soviet army installed the pro-Moscow regime of President Babrak Karmal in Kabul, about 300,000 soldiers and officers have returned from Afghanistan on regular troop rotations, according to Western military specialists. Like the lieutenant, some of them are bringing home feelings of bitterness, frustration and horror of the American experiences in Vietnam.

Some have told friends and relatives of the futility of massive Soviet firepower in mountainous terrain, where a fanatic enemy seems to be everywhere yet is rarely seen.

There are scattered reports from returning troops about high casualties—squads and platoon-size units devastated by deaths, wounds, accidents and illness. In one instance, a Soviet officer has told friends that he was gravely injured by a chemical weapon apparently one involving Soviet-made poison gas.

Other veterans of the conflict are talking about the widespread use of marijuana and hashish among Soviet troops. A few have hinted at casual violence and atrocities committed by youthful Soviet recruits, possibly in retaliation for similar acts by Muslim insurgents. The disillusioned lieutenant, for one, gave two reasons for wanting to banish his memories of Afghanistan, which he said was "ruining" good men:

There are the severely wounded and crippled whose own traumas, he said, are painful to think about. And there are others, he said, who had debased themselves by "cutting off heads and other body parts" of Afghan guerrillas. He did not elaborate, and his companions thought it best not to ask.

Pervasive secrecy about the Afghan war and the dispersion of returning troops through a country that has 271 million people and is spread almost halfway around the world make it hard to draw a representative picture of the Afghan war as seen through Soviet eyes.

But on the basis of comments collected through a variety of Soviet sources during the last eight months from 15 officers and soldiers who served there it would appear that the 105,000 Soviet troops now in Afghanistan suffer significant problems of morale and discipline.

Western diplomats do not believe that these problems are likely to weaken Soviet determination to stay in Afghanistan or to force basic changes in the conduct of the war agaainst the insurgents. But experiences of Soviet troops, as they spread, are beginning to color public impressions of the war.

Secrecy limits the effect. Soviet news media, except for a recent spate of articles about heroic Soviet soldiers, rarely publish anything resembling war news. Many returning soldiers seem reluctant to talk about the war for personal reasons. Moreover, all military personnel, in addition to signing pledges not to have contact with foreigners, appear to live under special constraints where Afghanistan is concerned, and these may extend to troops discharged from the army.

On the overnight train from Leningrad to Moscow, for example, a Soviet office worker recently found himself sharing his compartment with an army captain on sick leave. The captain, eyes yellow with jaundice, turned down an offer of cognac, saying that he was recovering from hepatitis—a common illness among Soviet troops in Afghanistan—and that doctors had ordered him not to drink.

The office worker, struggling to make conversation, asked the captain what he did in Afghanistan. "We guard sites," he replied curtly, and fell silent for the rest of the trip.

Other military officers, however, have provided vivid glimpses of the difficulties that Soviet forces face in rooting guerrillas out of the awesomely rugged terrain of Afghanistan. During a brief home leave last summer in the Moscow area, an air force lieutenant colonel told an acquaintance that the military situation there was "terrible."

Echoing frustrations heard more than a decade ago from Americans in Vietnam, he complained, "You shoot but you never see anyone or anything to shoot at." He added that tanks, the mainstay of the Soviet army, had proved of limited value in a guerrilla war. "What good are tanks in the mountains?" he asked.

His perspective appeared to be that of an officer providing air support for ground operations. According to Western military specialists, the Soviets gradually have absorbed basic lessons of guerrilla warfare in Afghanistan and are adapting their tactics to local conditions. Air support is said to have improved, mainly through the growing use of helicopters. In the process, however, the Soviets have turned to scorched-earth techniques, using ground forces to cordon off villages and reducing them to rubble with indiscriminate strafing and bombardment.

None of the soldiers and officers whose remarks were accessible reported having seen or hear about the use of Soviet chemical weapons in Afghanistan. In one instance, however, a Soviet officer who came home after spending several months in a military hospital told close friends that he had suffered severe lung damage from a chemical weapon and had been given five years to live.

His friends, who asked that he not be further identified, assumed at first that he had been the victim of a gas attack by insurgents. But when he steadfastly refused to say how he had been injured, or by whom, they concluded that he must have been the victim of an accident involving a Soviet chemical weapon.

Moscow has denounced as a fabrication U.S. contentions that Soviet chemical weapons have killed at least 10,000 villagers and insurgents in Afghanistan, Laos and Cambodia since 1975. In a mirror image of the U.S. accusations, the Soviet have contended in turn that the United States is supplying "poison chemicals" to Afghan guerrillas.

The only physical evidence the Soviet have cited consists of hand grenades they say were found among guerrilla arms caches. Published Soviet photographs clearly show some of them labeled as smoke grenades designed for defensive training exercises. Others are marked as containing nonlethal agents used in civilian riot control. Neither is likely to have caused the kind of severe injury reported by the Soviet officer.

One Western military attache said he had no doubt that Afghan guerrillas would "use anything they could get their hands on," but he added that it would make no sense to put lethal gases in hand grenades because their short range would endanger the troops using them, even if they had protective gear.

Western analysts generally agree that while Soviet and Afghan government forces hold the cities, they control no more than about 20 percent of the countryside. Remarks by returning soldiers conform with this; they also tend to corroborate Western reports that guerrilla resistance continues in Kabul and other cities and that city streets in Afghanistan are far from secure.

The air force officer who described the overall military situation as terrible, for instance, also said that even in the capital of Kabul "there is no safe place to walk."

One young Muscovite, home on sick leave for hepatitis, said the standard procedure for Soviet soldiers going to Kabul cafes is to travel in groups of half a dozen, accompanied by two or three armed Afghans. In the cafes, he said, all keep their machine guns in their laps.

No official Soviet figures on casualties in Afghanistan have been made public, but the U.S. Defense Department estimates that the Soviets have paid a relatively low price in three years of conflict, with 5,000 killed and about 10,000 wounded. In the absence of official Soviet information, Soviets often are willing to believe much higher figures, in part because of sporadic but persistent reports of badly depleted units.

One young veteran from the Ural Mountains wrote to friends in Moscow last fall, for example, telling that only he and one other had survived out of his squad of 10 draftees.

The Moscow soldier flown home to recuperate from hepatitis said that 20 percent of those in his unit—he did not specify size—were either dead, wounded or ill. Still another soldier, from the Georgian capital of Tbilisi, told friends several months ago that only two of the 14 troops in his unit were still alive after less than a year in Afghanistan.

According to Western military specialists, the high incidence of infectious hepatitis reflects a combination of scarce water in Afghanistan and poor sanitation in military camps.

In the case of the soldier from Soviet Georgia, an acquaintance said that after recuperating at home, he was sent back to Afghanistan, in evident despair, with only three months left to serve. When his mother told him she was buying him new clothes in anticipation of his discharge, the friend said he replied. "Don't bother. I won't be coming home."

Whether he came home safely could not be learned.

Most Soviet soldiers in Afghanistan are draftees in their teens and early 20s who know little about the outside world and often seem ill-prepared and poorly motivated for the ferocity and complexity of modern guerrilla war. Recruits heading for Afghanistan are told routinely that their job is to defend a brotherly communist country from U.S. aggression. Not everyone believes it.

"They told us we had to go to Afghanistan to keep America from deploying nuclear weapons there," a veteran told two American students in Moscow last fall. The veteran indicated that he and his friends who had served there had attached little credence to the argument and that, overall, they had found their experience in Afghanistan a dispiriting one.●

TRIBUTE TO GEN. WILLIAM LYON

● Mr. WILSON. Mr. President, at a time when so many people find it easy to criticize the omissions or commissions of others, I am particularly pleased to bring to the attention of this body favorable recognition of someone who has given unselfish and outstanding service to our Nation and his own community. It is truly a pleasure for me to join with the Construction Industries Alliance Division of the City of Hope, Los Angeles, Calif., in honoring Maj. Gen. William Lyon (USAF retired) as the recipient of that organization's "Spirit of Life Award" for 1983.

General Lyon's brilliant military career, culminating in his very successful efforts as Chief of Air Force Reserve, is exemplary. His extraordinary activities as a respected leader in the business community of our State and in his civic and charitable endeavors have improved the lives of countless people.

It is most fitting that General Lyon's strength, determination and fortitude as a concerned citizen and caring human being are recognized in the manner of the Spirit of Life Award, and I ask that the U.S. Senate share in lauding his good works.●

THE CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION ACT AMENDMENTS OF 1983

● Mr. HATCH. Mr. President, it is indeed my pleasure to cosponsor S. 1003, "The Child Abuse Prevention and Treatment and Adoption Act Amendments of 1983." This legislation will reauthorize Federal efforts in child abuse and adoption assistance.

The primary purpose of this legislation is to facilitate and encourage the adoption of special needs children and assist States in treatment and prevention of child abuse and neglect. These programs, as a part of the overall child welfare system, served over 100 million children in 1981.

Through the National Center on Child Abuse and Neglect, an entity designated to provide information and research grants to States on various child abuse and neglect issues, States receive grant moneys for demonstration and service projects to treat child abuse and neglect. The definition of child abuse under this act has been amended to include "the denial of nutrition, medically indicated treatment, general care or appropriate services to infants with life-threatening congenital impairments." The expansion of the scope of these services is meant to provide the protection of State and Federal child abuse, neglect, and treatment laws to handicapped infants. As a strong advocate of handicapped patients, programs and groups, it is my hope that the protection offered under these laws will be extended to handicapped infants.

These amendments would reauthorize that authority as well as programs that provide adoption assistance for special needs children. Special needs children include those over 6, children that may have a handicapping condition, minority children, and the list has been expanded under this act to include handicapped infants, with the hope of facilitating their adoptions.

There is no national resource as important to our Nation's well-being and future as that of our children. They have the right to healthy, happy lives in homes with families where they are loved, safe, and secure. The Child Abuse Prevention and Treatment and Adoption Act offers a means for States and local governments to prevent abuses of our children and foster an atmosphere in which children with special needs can be adopted by families who will care for and love them.

I commend Senator DENTON for his work on these issues. I look forward to assisting him in working for a swift reauthorization of these important programs.●

LITERACY VOLUNTEERS IN MAINE CELEBRATE 14TH ANNIVERSARY

● Mr. COHEN. Mr. President, this year marks the 14th anniversary of the founding of Literacy Volunteers in Maine. During those 14 years, this organization has helped thousands of Maine people learn to read and thus become more fully active in society.

We do not often stop to consider the insurmountable difficulties of the functionally illiterate—frequently, it seems that we would prefer to ignore the problem. But imagine the disadvantages of people who cannot read a menu, understand directions on prescription drugs, read the daily newspaper, or read a story to his or her child. More importantly, many of our fellow citizens are denied opportunities for job advancement because they cannot read required information on complete necessary paperwork.

In Maine, more than 10 percent of the adult population is classified as functionally illiterate. That percentage translates to 80,000 Maine people who are functioning well below their potential—and that represents a staggering loss in human energy and productivity.

Literacy Volunteers has been doing something about the problem. There are currently over 450 active volunteers in Maine giving their time and energy to help their fellow Maine citizens overcome this handicap. While public recognition of the efforts of this fine organization has not been what it should, more and more people are aware of Literacy Volunteers and the fine work the group does. In fact, earlier this year a special week was designated as "Literacy Volunteers Week in Maine."

Much of the credit for the work done by Literacy Volunteers in Maine must go to Sister Mary Benigna and Agnes Beckwith, who organized the group in Maine in 1969 and have been vigilant in working for this worthwhile cause ever since.

Ignoring a problem as serious as illiteracy will not make it go away. Only through increased public attention and the concerted efforts of groups like Literacy Volunteers can we hope to make progress in battling this national problem.●

INCOME TAX INFORMATION OF SENATOR DOLE

● Mr. DOLE. Mr. President, on this April 15, known throughout the counntry as "Tax Day," the Senator from Kansas would like to insert into the RECORD the following income tax information and a statement being issued from my office this afternoon.

The material follows:

SENATOR DOLE RELEASES PERSONAL INCOME TAX INFORMATION

Senator Bob Dole today stated that he and Mrs. Dole paid a total of $171,206 in Federal and State income taxes for calendar year 1982, and of that amount the Senator paid $53,285 in Federal taxes and together they paid $28,642 in Kansas and District of Columbia income taxes. Their Federal return, filed today, shows a total 1982 Federal tax payment of $142,564, which Dole stated

represented 117.5% of their combined salaries.

Senator Dole released a summary of their joint return, highlights of which indicate that Dole earned $135,750 for speaking engagements, but that 37.9% of this, or $51,500 was donated directly to charity. An itemized listing of the charitable donations is attached.

As a result of the honoraria income from speaking engagements, Dole paid $34,782 in Federal taxes in addition to those taxes withheld from his Senate salary. This figure represents 25.62% of the honoraria earned, and 57.34% of his Senate salary. As a consequence, Dole retained only 36.44% of the honoraria income after deducting the charitable donations and additional Federal taxes. In the future, Dole will channel these contributions directly to charity through the auspices of the Dole Foundation, a newly formed public foundation organized for the benefit of handicapped citizens in Kansas and across the nation.

Other highlights of the return indicate that none of Dole's income was from stocks or bonds and that he had no tax-sheltered income. His only other income was from radio programs that netted him $6,397, he received $7,709.73 in interest from savings accounts and certificates of deposit, and a non-taxable retirement pension from the U.S. Army of $12,596.74, which the Senator receives as a result of injuries sustained in World War II.

Detailed summaries of the Doles' joint returns for the years 1978 through 1982 are attached.

Honoraria Donated to Charity—1982—Senator Bob Dole

Easter Seal Society for Crippled Children & Adults of Kansas	$3,200
Kansas Elks Training Center for the Retarded	1,500
American Lung Association of Kansas	1,800
Institute of Logopedics, Inc., Wichita, Kansas	200
Foundry Methodist Church, Washington, D.C	10,000
Kansas Jaycee Cerebral Palsy Foundation, Inc	3,200
Leukemia Society of America, Kansas Chapter	1,600
Kansas Masonic Home	400
The Salvation Army, Kansas City, Kansas	1,400
Kansas Foundation for the Blind	2,800
Lakemary Center, Paola, Kansas	2,400
Kansas Chapter, American Heart Association	2,500
Kansas Children's Service League	2,000
Kansas Association for Mental Health	1,500
Capper Foundation for Crippled Children, Topeka, Kansas	2,000
National Kidney Foundation of Kansas and Western Missouri	4,000
United Negro College Fund, New York, N.Y	4,000
Kansas Wesleyan College, Salina, Kansas	1,000
Kansas Society for Crippled Children	2,000
Kansas Association for Retarded Citizens, Inc	2,000
WETA-TV 26, Washington, D.C	2,000
Total honoraria donated to charitable organizations	51,500

SENATOR AND MRS. BOB DOLE—TAX SUMMARIES—1978–1982

	1982	1981	1980	1979	1978	5-year average
Total income	[1] $436,676	[2] $283,068	$207,559	$96,391	$125,889	$227,717
Combined salaries	125,741	116,017	60,663	67,970	107,500	95,578
Honoraria	[1] 142,147	[2] 66,850	29,850	20,325	22,500	56,334
Employee business expense	22,196	17,873	5,695	7,470	5,588	11,764
Adjusted gross income	414,480	257,695	198,264	88,921	120,301	215,932
Deductions:						
Medical	150	150	150	150	150	150
State, local and other taxes	26,378	20,426	11,600	5,304	9,666	14,675
Interest	4,406	[3]	2,450	2,525	2,548	2,386
Charitable contributions	69,588	46,710	19,919	6,417	7,938	30,114
Miscellaneous	12,376	5,858	6,157	24,358	12,106	12,171
Total Federal taxes paid	142,564	93,534	80,052	38,424	36,538	78,222
Federal taxes withheld	37,372	37,577	19,861	21,888	32,050	29,750
Additional Federal taxes paid	105,192	56,935	60,191	16,536	4,487	48,668

[1] Includes $51,500 in honoraria donated directly to charity (see attachment), and $6,397 net income from radio programs, but excludes $12,596.74 in non-taxable retirement pension from U.S. Army Senator Dole receives as a result of injuries sustained in World War II.

[2] Includes $30,500 in honoraria donated directly to charity.

[3] $2,374 standard home mortgage interest deduction included in Employee Business Expense.●

WHITE PAPER ON NATIONAL SECURITY

● Mr. ARMSTRONG. Mr. President, Mr. Edward Walsh has prepared for the U.S. Industrial Council a thoughtful and provocative "white paper" on national security. It is meticulously researched, carefully written, and suggests some imaginative answers to some of the most vexing questions facing us in national security policy. I believe all Senators will profit from studying it carefully. I ask that the United States Industrial Council's White Paper on National Security be printed at this point in the RECORD.

The material follows:

UNITED STATES INDUSTRIAL COUNCIL WHITE PAPER: NATIONAL SECURITY

PREAMBLE

This paper is a statement of the United States Industrial Council's views on the critical issues of national defense. It is a broad statement, an attempt to look to the future, with a sense of concern about the present.

A statement by a business organization on the vast and complex issues of national security must necessarily provoke disagreement within the American business community. Those who facilely separate national security from more immediate economic issues affecting their balance sheets may well object to the importance the USIC places on national defense. Yet the Council derives its identity from such disagreement. We are an organization of American businessmen who consider ourselves Americans first. Furthermore, as businessmen, we see a clear link between the defense of our nation and those allies who share our political values, and the preservation of the vital and precious economic liberties that enable us to continue to provide prosperity and security to our employees, our shareholders, our families, and our country.

INTRODUCTION

The United States Industrial Council has long recognized the need for America to remain militarily strong. The Council membership is composed of patriotic businessmen who believe that our precious political and economic liberties, including the freedom to participate in a free enterprise economic system, are purchased by constant vigilance against internal and external enemies.

Forty years ago, those enemies were the forces of militarism and fascism. Today, the principal threats to our nation are Soviet imperialism and the puppets of international communism, aligned against us since the end of World War II.

U.S.-Soviet relations since the Second World War and even earlier is characterized by conflict and competition for political, economic, and military leverage in every corner of the globe. Although this point seems so elementary as to hardly be worth mentioning, it deserves to be stated early in this paper, since recognition of the fundamental, unrelenting conflict between the United States and the USSR, at every level, is the linchpin of the USIC perspective on national defense.

Furthermore, the reality of U.S.-Soviet conflict is no longer as apparent as it once was. Two decades of diplomatic obfuscation and overwrought idealism by liberal U.S. policymakers have distorted the image of the Soviet Union, transforming it from that of an aggressive, totalitarian, militaristic superpower, as the USSR was recognized to be twenty years ago, into an economically troubled, insecure, and backward rival to the U.S., but still a rival that yearns for friendship with the American people.

Backward it may be. Economically weak it certainly is. Yet, in international affairs, the Soviet Union today is essentially the same as it was under Stalin: aggressive, ambitious, deceitful, and militaristic. This reality has never changed, even in the years of preten-

sions to "détente," when trade and cultural contacts with the Western democracies expanded greatly. Neither has it been altered by fifteen years of discussion of strategic arms control with the United States, and negotiations on reduction of conventional force levels in Central Europe with the Western allies. Rather, a cursory look at recent history shows that the Soviets have scored their greatest political and military gains in the years when Western diplomats believed them to be growing more conciliatory.

The Cuban missile crisis of October, 1962 is probably the most useful point of demarcation from which to trace the modern U.S.-Soviet military relationship. At that time, the United States enjoyed nuclear supremacy over the Soviets in a ratio of roughly 10:1 and was thus able to face down boldly Premier Khrushchev's attempts to base nuclear weapons in Cuba. The concensus among Western observers of Soviet affairs is that that humiliation ensured Khrushchev's removal from power, which took place in 1965, orchestrated by a triumvirate led by Leonid Brezhnev, who was to lead the USSR until his death in November 1982.

If Brezhnev's accession to power was rooted in Soviet military shortcomings, he quickly set about redressing them. Even as the Soviet government accepted President Lyndon Johnson's invitation, at the Glassboro summit in 1967, to begin strategic arms limitations talks, the Soviets were building their armed forces, both conventional and strategic, into the largest military machine in history. That buildup continues today.

COMPARISON OF FORCES

Although it is impossible to determine exactly at what level the military capabilities of the United States and the Soviet Union are equal, all experts believe that, since the mid-Sixties, the military balance has been transformed from one of clear-cut American supremacy in nearly every area to a condition of "parity," or "rough equivalence," which means that the Soviets, while remaining behind the U.S. in certain fields, have in fact surpassed us in others. It is clear, moreover, that the Soviets, while improving and increasing their military capabilities across-the-board, have put special emphasis in the areas in which the U.S. formerly held overwhelming superiority: naval power and intercontinental ballistic missile forces.

To gain a clearer insight into the current U.S.-Soviet military balance, it is necessary to look at the figures on the forces that comprise it. In doing so, we recognize that the capabilities and weaknesses of specific weapons systems and military units vary greatly, and that the military establishments of both superpowers are configured for different missions. Still, the disparities are startling. For example, in 1981 the Soviet armed forces numbered more then 4.8 million men. Soviet ground forces are organized into 180 divisions, including motorized rifle, tank, and airborne divisions, deployed in Eastern Europe, Mongolia, and Afghanistan. These forces are armed with 50,000 tanks and 20,000 artillery pieces. They possess more than 5,200 helicopters. In contrast, the American armed forces are expected to number 2,127,000 men and women by the end of 1983. U.S. ground forces will be composed of 16 Army and three Marine divisions.

The Soviet Navy boasts 360 major surface warships and amphibious vessels, up from about 260 in 1965. In addition, the Soviet fleet includes 935 smaller missile and patrol vessels and minesweepers, and some 755 logistical and auxiliary ships. The Soviet Navy operates 377 submarines, 180 of which are nuclear powered. Of these, 270 are torpedo-firing attack submarines, the latest class of which is believed to be the fastest and deepest diving in the world. The balance of the conventional submarine inventory is composed of cruise missile-firing boats that can strike at surface targets from a distance of 60 miles. The newest, Delta class of Soviet submarine is a strategic weapon, armed with ballistic missiles that can reach targets in the United States from most of the oceans of the world.

Soviet naval aviation maintains 1,440 aircraft, including the supersonic Backfire, which can attack ships from long ranges with cruise missiles or bombs. The Backfire is also a strategic bomber in the Soviet Air Force. The Soviet Navy also has some 400 fixed-wing aircraft for anti-submarine warfare and surveillance.[1]

In 1981, the U.S. Navy possessed 370 surface battle force vessels, including combatant ships, amphibious vessels, patrol craft, minesweepers, and support ships. The Navy had 87 attack submarines and 34 intercontinental ballistic missile-firing subs (SSBN), for a total of 121, of which 115 are nuclear-powered.[2] The Reagan defense program proposes to increase the total number of vessels, including submarines, to 526 by 1984 and aims at a 600-ship navy by the late Eighties.[3]

U.S. naval aviation, by 1984, is expected to muster 16 tactical air wings, including 3 Marine air wings and 24 land-based patrol squadrons and support aircraft. Total operating naval air strength will reach 4,940 aircraft by 1983. This will include 643 fighters and 1,075 attack planes,[4] as well as antisubmarines, patrol, transport craft, trainers, and others.

The Soviet Air Force is divided into three separate air divisions, frontal (tactical), long range, and transport. The tactical division possesses some 4,800 fixed-wing combat aircraft, 250 transports, and 3,500 helicopters. The transport air arm has approximately 600 medium and long range cargo planes. Soviet long range aviation maintains a force of over 800 bombers and support aircraft, including 156 bombers capable of carrying nuclear weapons. These include about 70 Backfires. The Soviet air defense force consists of roughly 2,500 fighter aircraft, including the sophisticated Foxbat, which can operate at an altitude of 25,000 meters. The Soviet Air Force also possesses an early-warning AWACS-type aircraft and is developing a newer version of it.[5]

The United States Air Force is expected to have 26 active tactical air wings of 72 planes in 1984. These would eventually be composed of high-performance F-16 and F-15 jet fighter-interceptors. Bomber versions of these planes are also planned. The Air Force expects to have 20 strategic bomber squadrons by 1984* The B-1 strategic bomber program has been revived, after behng cajceled by President Carter in 1977. Eventually, 100 B-1s are expected to be built.[6]

Soviet strategic forces are likewise formidable. Since the mid-1970s the Soviets have developed three new land-based intercontinental missiles (ICBM), the SS-17, -18, and -19. The SS-18 is the world's largest rocket, more than twice the size of the U.S. Minuteman III. All these missiles are configured as multiple-targeted reentry vehicles (MIRV), that is, multiple warheads mounted on a single launcher. Soviet ICBM forces now boast five types of launchers (SS-11, -13, -17, -18, -19) for a total of 1,398. The Soviet Navy, furthermore, possesses 950 submarine-launched ballistic missiles (SLBM), which carry a total of about 2,000 warheads.[7]

The strategic forces of the United States include 1,000 Minuteman II and III ICBMs, and 43 Titan II ICBM launchers. Each Minuteman III is capable of carrying three MIRV'd warheads. Currently, the U.S. SSBM forces carry 616 Polaris, Poseidon, or Trident SLBMs.[8] The U.S. Air Force's strategic bomber squadrons include some 300 long-range bombers.

[Charts are not printed.]

Theater nuclear weapons, based in Europe, are a key indicator. The United States has 108 intermediate-range nuclear missiles, which are more than offset by some 750 Soviet land-based theater nuclear missiles of varying types, including the newest, SS-20, a mobile missile based in Eastern Europe and the Western Soviet Union.

These figures are the key to the U.S.-Soviet military balance. They do not tell the whole story, since the forces of our NATO allies and the Warsaw Pact countries have not been included. However, the essential "correlation of forces," to employ the Soviets' term in the military context, remains the same even when the totals for those countries are considered: clear superiority in numbers in manpower and most weapons systems for the Soviets, with areas of demonstrated technological superiority for the Western allies.

The general perception of Soviet advantage in numbers, and Western lead in technology, the "quantity versus quality" view, has been the heart and soul of U.S. national security policy for nearly a generation. The American strategic arsenal was developed and deployed, at least in part, to serve as a nuclear "umbrella" over our Western European allies, whose conventional forces were not then, and are not now, expected to be a match for the massive Soviet and Warsaw Pact formations stationed in Central and Eastern Europe—even in concert with ours. Instead, should war come to Europe, the allies would rely on superior mobility, armor and anti-air defense, and theater nuclear weapons.

The American lead in the application of sophisticated technology to weaponry is still today a significant factor in assessing the U.S.-Soviet military balance. In certain areas—for example, the employment of microelectronics in air defense—the U.S. lead remains dramatic. The Israeli Air Force's destruction of Soviet-built Syrian air defenses in June 1982, using American techniques of coordinating early warning, detection, and attack, clearly demonstrates that in the United States, military technology has advanced to a very high level of sophistication.

Nevertheless, the principal consideration must be to determine what U.S. national security policy should be in the future, not the present. What matters most is the long-term trend in the evolution of the military establishments of both superpowers. The theme may have been "U.S. quality" arrayed against Soviet "quantity." But the trend in nearly every criterion of military preparedness has been in the Soviets' favor. The relationship today is more precisely U.S. quality vs. Soviet quality and quantity.

In short, the fundamental assumptions on which U.S. defense policy has long been

Footnotes at end of paper.

based have been fractured. The perennial warnings about Soviet efforts to "catch up" with the U.S. in military power are on longer relevant. Although the perception of U.S. technological superiority in certain areas remains valid, the Soviets have caught up. Despite the hopes of liberals in the U.S. foreign policymaking apparatus through the Sixties and Seventies, the trends in Soviet military development demonstrate that the Soviets are not, and never have been, content with "rough equivalence." Instead they are pressing for clear military superiority over the West.

This conclusion is amply supported by the recent history of Soviet and U.S. spending on defense. The chart below provides a graphic illustration of the trends in military spending by both superpowers:

[Charts are not printed]

The chart reveals not one, but two significant trends: first, the nearly inexorable growth in Soviet military outlays; and, second, the precipitous decline in U.S. defense expenditures in the years 1968–1976.

The U.S. Defense Department, in its 1981 report on Soviet military power, estimated that in 1979, the Soviet Union outspent the United States on defense by 70 percent. Gen. David C. Jones, who retired as chairman of the Joint Chiefs of Staff last year, suggested in his Fiscal Year 1982 Military Posture Statement a more conservative figure of 50 percent, or a dollar figure of $450 billion over the past ten years. The Central Intelligance Agency estimates that the Soviet devote 12–14 percent of gross national product to military expenditures. The Soviet defense sector is the first priority of the Soviet economy. In contrast, U.S. defense spending in relation to GNP is depicted below:

[Chart is not printed.]

The conclusion to be drawn from the evolution of Soviet and U.S. military spending is not that the United States should mimic the Soviets in every weapon ordered and dollar allocated to defense. Comparisons of forces and expenditures are only useful in discovering the direction most likely to be taken by both sides into the future. Until 1978, the disparity in the trend was unmistakable: the USSR regularly and dramatically increased its military spending, regardless of overall economic growth year-to-year. In contrast, American military expenditures declined consistently, both in real terms and as a percentage of GNP, with the exception of the bulge on the graph during the years of the height of the Vietnam War.

The chart on Page 9 demonstrates that United States military preparedness vis-a-vis the Soviet Union has declined markedly over the years. It shows also that Congressional concern for military readiness has deteriorated.

A STRATEGY FOR DEFENSE

The position of the United States Industrial Council is that both of these trends must be reversed, if our political and economic liberties—and those of our allies—are to be safeguarded against the multiple forms of Soviet aggression, subversion, and intimidation that have been made possible by the Soviets' achievement of military might. As a business organization, the USIC leaves the analysis of the specific means by which our national security can be enhanced to those professionally trained in such matters. A sophisticated debate is taking place in political, military, and public policy forums on the nature of weaponry that the Defense Department should procure into the future, in light of cost, mission, and rapidly developing technologies. Insofar as the participants are honorably engaged in determining how the United States can best defend itself and its interests, the USIC stands apart from the debate. However, it is clear that many of those who object to building new, larger nuclear-powered aircraft carriers, high-performance jet fighters, and other weapons are uninterested in, or antagonistic to, the critical national security challenge facing the United States in the mid 1980s.

The Council believes that the fundamental consideration in deciding what weapons should be tested, evaluated, and procured by the Defense Department is, simply put, that weaponry must reflect a coherent strategy. This unremarkable axiom has served as the underpinning of defense planning through the postwar decades. In recent years, however, questions have arisen as to what the U.S. strategic view should be. Long-held assumptions about our relations with the Soviet Union, China, the Middle East, the nations of Latin America, and our allies in Western Europe have been shaken and revised. The developing nations of the "Third World" commanded greater attention from both superpowers. The repercussions of the Vietnam tragedy were felt throughout American policymaking, and the pursuit of "detente" with the Soviets blurred our assessment of their international behavior.

While our nation's policies and positions with regard to all nations will constantly be amended to reflect changing conditions, our strategic world view, as it affects national security, should remain constant. As stated at the outset of this paper, the USIC believes that the centerpiece of that strategic view should be the conviction that the Soviet Union is the greatest threat to our security, and that the Soviets or their agents are close to the center of most regional political crises that endanger the United States' interests.

For American policymakers to formulate strategy, from which the technical configurations of weapons systems are derived, it is first necessary to examine Soviet international behavior: an unremitting pattern of subversion, terror by proxy, and active aggression in every corner of the globe, resulting, in recent years, in the assimilation of Vietnam, North Yemen, Angola, Nicaragua, Mozambique, and Ethiopia into the Soviet orbit. Soviet efforts continue throughout Central America and Southern Africa. Afghanistan is under the Soviet heel. The Soviets supply arms to Syria, Iraq, and Libya, which function, in varying degrees, as Soviet clients. India has also signed a treaty of friendship with the USSR. In 1980, according to the Defense Department, some 20,000 Soviet military advisers were stationed in 28 countries. The Soviets employ approximately 35,000 Cuban proxy troops in 20 countries. In short, the Soviet strategy is fundamentally aggressive and offensive. It has had significant successes in recent years, compared with only a few setbacks, for example in Egypt, Chile, and Jamaica.[9]

The Soviet strategy aims at the United States and its allies through a variety of political, economic, and covert means. The Kremlin attempts to restrict Western access to mineral and energy resources critical to industry. The underdeveloped, unstable nations of Southern and Central Africa, which provide the bulk of the free world's supplies of chromite, platinum-group metals, cobalt, and manganese are under pressure from Soviet operatives, especially Cuban troops. Through the means of legal and illegal "technology transfer," the USSR has tapped Western sources of sophisticated new technologies for both military and civilian applications. The U.S. Industrial Council has long opposed, and continues to oppose, trade with Soviet bloc countries in such strategic goods and technologies. Currently, there are ten agreements on scientific and technological cooperation in effect between the U.S. and the USSR. These have eased the efforts of Soviet spies to obtain access to classified U.S. industrial and scientific information with potential military uses.

Since the Soviet strategy is offensive, the strategy of the United States must be to counteract that offense. Despite the slanders of leftists at home and abroad, the U.S. seeks only to defend fundamental political freedom. Our strategy is defensive in nature; thus, the military posture through which that strategy is expressed, and the tactical organization and weaponry it deploys, will be configured for defense as well.

For this reason, the USIC strongly supports President Reagan's efforts to increase the tactical and strategic capabilities of our armed forces. It should be emphasized that those efforts do not attempt to suddenly overturn the ratio of federal dollars devoted to domestic social programs and military spending. The President's program aims at a much-needed reorientation of budget expenditures, in order to improve our defenses. A larger share of the budget will be spent on the military, but the weight of federal expenditures will continue to pay for domestic programs, as illustrated on the chart at the top of page 14. In other words, the claim by the opponents of the President's program that funding is being shifted from social programs to defense is false. The President's original defense proposal projected defense expenditures of $1.611 trillion through the years 1982–87. That figure reflects an average real growth rate of 8.1 percent, which is not excessive in light of the trend of the seven preceding years, 1975–81, during which defense spending rose at a real rate of only 1.8 percent.[10] (See second chart on page 14.)

[Charts are not printed.]

THE POLITICAL PROBLEM

As a result of the Administration's efforts, certain improvements in military preparedness can already be noted, especially in manpower levels. The Defense Department has accelerated research, testing, and evaluation of a number of new weapons, both tactical and strategic, that are needed to redress the imbalance between both the NATO-Warsaw Pact conventional force levels and the strategic nuclear arsenals of the United States and the USSR. Because of its demonstrated resolve, the Administration has incurred the anger of the perennial enemies of strong defense: the social welfare constituency, liberal and radical religious activists, and extreme left, pro-Soviet individuals and organizations. At the same time, concern about the Reagan defense proposals has been expressed by others who normally support defense increases: businessmen, conservative Congressmen, and various pro-defense analysts and scholars.

This paper has already replied to those who believe a U.S. defense buildup is immoral; it has detailed the magnitude of the Soviet military buildup and stated unequivocally that U.S. strategy must be purely defensive—of our values and interests and those of our allies. However, the reservations of those who do support some measure

of increased military readiness must be addressed as well. In them, there are both sound reasoning and fair questions for the Administration.

The gist of these objections to the Reagan defense program seems to be fourfold: (1) the Administration has failed to deal with the problem of excessive costs for weapons that meet with excessive delays in delivery; (2) political realities prevent further reductions in social welfare spending and other entitlements programs; therefore, the Defense Department must take some cuts if the budget is to be balanced; (3) the Administration, while seeking funding for a variety of new weaspons, has failed to enunciate a clear strategy in which those weapons would play a role; (4) having framed the Soviet threat in apocalyptic terms, the Administration has since retreated and compromised on the defense budget in the way of politics as usual.

The first of these charges has been leveled at the Defense Department for many years. Cost overruns are to be found in nearly every government project, and modern weapons, developed on the frontiers of technology, seem particularly prone to them. Still, Defense Department officials of the Reagan Administration have shown themselves to be sensitive to this charge and have been publicly aggressive in demanding that contractors keep tight reins on costs. Excessive costs are also a function of other problems: in the procurement process, for example, unwarranted political considerations have led to contracts being awarded to firms ill-equipped to fulfill them to specifications or kn time, or to contracts being awarded for weapkns no longer needed nr wanted. This indictient caj be leveled at Congress as well as at the Administration.

On the second objection, while the USIC does not believe that the Defense Department should be given carte blanche to spend whatever it likes, it does state, as one of the pillars of the USIC Declaration of Policy, that a credible defense must be maintained. This is a judgment on principle, not on an economic or political calculation of what the nation can afford to spend on national security. The Council believes that defense is the ultimate social welfare program, which determines whether the United States will be able to continue to provide both social services to the undeprivileged and economic freedom to the businesseman.

The third and fourth points are startling opposites. That they are voiced at all demonstrates the central problem of the Reagan Administration's defense planning: the Administration has not adequately explained or defended its policy. The dichotomy was illustrated in a speech by Secretary of Defense Caspar Weinberger on April 19, 1982 to the Council on Foreign Relations. Mr. Weinberger outlined a strategic view that the USIC believes is the correct one. He called the USSR a "mature and aggressive superpower" and explained that "the United States seeks to deter Soviet aggression against the United States and its allies by maintaining the capability to respond effectively at the lowest level of violence."[11] At the same time, however, he stated that the Administration might make "certain budget reductions" in the defense budget for fiscal year 1983. Without retreating from any defense commitment, he suggested that the door was open to cutting the defense plan the administration had suggested one year earlier.

Needless to say, the perception was one of contradictions: of wanting to maintain and even augment military commitments, yet willing to make spending cuts. In the U.S. Congress today, there exists a mentality that is utterly closed to imprecations about national security needs. Thus, while two signals were delivered by the Administration, only one was heard: that the defense budget could be cut. And cut it was.

This is not to suggest that politics can be kept out of defense spending considerations. Horsetrading is inevitable, due to the realities of the task of getting legislation through Congress. But the USIC is concerned with adherence to principle, not with swimming with the political currents of the day. The Council's view is that the Reagan Administration's initial request for obligational authority for defense reflected genuine determination to build up our defenses. It was not extravagant (a 14 percent increase in fiscal year 1982 and about 7 percent through 1986) in view of the continuing Soviet buildup and the decline in U.S. defense capabilities over a ten year period.

The Administration, however, miscalculated the incipient power and ideological dedication of the anti-defense lobby. While offering to compromise on defense spending, it failed to extract important concessions on other budget items. This ignited the opposition to defense spending in Congress that had been neutralized by the Administration's chief political asset: a steadfast, unwavering commitment to national defense.

The Administration's waffling on defense is unfortunate, because it is taken by longtime opponents of larger defense budgets as a sign that defense will be slashed back if the political pressure is sufficient. This kind of pressure takes various forms. Currently, an influential school of defense analysis is arguing that the U.S. can obtain better defense by ordering updated versions of older tanks, smaller, less sophisticated aircraft carriers, diesel-powered rather than nuclear-powered submarines, and simpler helicopters and other conventional weapons systems. The "simpler is better" option may well be worth evaluating where more complex weapons have failed repeated testing and force readiness requires as-soon-as-possible delivery. Nevertheless, it should be considered on a case-by-case basis, not as a general rule. Those who advocate buying all smaller, cheaper, and simpler weapons without regard for mission or battle conditions in which they would likely be used are probably more interested in cutting defense spending than in insuring adequate military preparedness. The "cheaper is better" school is in some ways a convenient, somewhat respectable smokescreen for outright enemies of strong national defense.

THE PROBLEM OF "DETERRENCE"

It is in the strategic area where the Administration risks losing the support of longtime believers in strong national defense—the "defense consensus," as a result of its failure to articulate its policy, or more precisely, the link between strategy and weapons-building. This is especialy true since the spread of a popular movement calling for a bilateral "freeze" on development of strategic nuclear weapons. Despite its roots in the pro-Soviet Left of Western Europe, the freeze movement is also an expression of the fears of many well-intentioned Americans that the nuclear arms "race" is out of control. These fears are a culmination of some twenty years of lack of understanding by the American people of the direction of our nuclear arms policies. Despite the president's efforts this lack of understanding still exists.

The distrust, apprehension, and fatalism displayed by the American people towards new strategic weapons sought by the Administration is not a lack of support for a stronger national defense. Rather, it is the outcome of the legacy of a strategic weapons policy created by engineers and social scientists, instead of experienced military officers, during the Sixties.[12] This policy came to be known as deterrence. It grew out of the search for a policy to control nuclear weapons, in recognition of the new world of warfare that such weapons introduced. As Daniel Patrick Moynihan describes it, "the nuclear power was to deploy its forces so that if attacked, it could attack back, inflicting assured destruction on the party that had attacked it in the first place."[13] Assured destruction was the key, which, it was thought by the theorists who surrounded Defense Secretary Robert McNamara, would deter the United States and the Soviet Union from ever using nuclear weapons. In 1969, Donald Brennan of the Hudson Institute used the term "mutually assured destruction," coining the acronym MAD, which became the watchword of politicians and analysts who opposed the policy, and the siren of the disarmament movement in the Eighties.

The key to deterrence in this sense, therefore, was the calculated certainty of a second, retaliatory nuclear strike. Each side would forever refrain from nuclear attack on the other, it was thought, out of fear of reprisal. It was essential to the theory that the Soviets have the confidence that they too could launch a retaliatory strike, notwithstanding that an unprovoked U.S. first strike against the USSR was as unthinkable then as it is now. Thus, the United States relaxed its lead in nuclear weapons in order to allow the Soviets to "catch up" with us and join us at a level of nuclear weaponry that the authors of deterrence thought would create a stalemate. This slowdown in building strategic weapons meshed well with the political realities of the Vietnam years, when it was difficult enough to get defense appropriations through Congress. But it had a highly theoretical rationale: that each side would deploy a "countervalue" nuclear capability—the power to inflict "unacceptable" civilian casualties on each other—such that the horror of nuclear war would in effect deter it.

The problem with deterrence was that no one explained it to the Soviets. As the Soviets built their strategic arsenal to the level of the awesome power they boast today, it became clear that they were not content with a stalemate. Instead they were building nuclear weapons large enough and powerful enough—and building enough of them—to destroy the American missiles that made up our "deterrent."

In late 1976, the President's Foreign Intelligence Advisory Board suggested that the nation's intelligence community, as part of the annual National Intelligence Estimate, conduct an exercise in strategic theory, utilizing competing teams to challenge and defend deterrence. The challenge team, called the "B" team, won. The N.I.E. conclusion, that the Soviets possessed a "counterforce" or anti-missile capability, sent shock waves through the U.S. defense and foreign policy establishment.

Today the Soviets possess, in their 300-plus SS-18 ICMBs, each of which carries ten warheads, the capability to destroy our land-based deterrent.

The unprecedented Soviet strategic buildup that gave birth to the counterforce capa-

bility took place, in the height of irony, during the years of strategic arms limitation talks between the U.S. and the USSR. The SALT II treaty was signed in Vienna on June 18, 1979, by President Jimmy Carter. A little more than a year later, an anonymous Carter Administration official leaked the story that Mr. Carter had signed Presidential Directive 59, which proposed a sea change in strategic policy.[14] Deterrence in its former sense—utilizing assured destruction—was to be augmented by a policy of fighting a "limited" nuclear war. Soviet military installations, including missile silos, communications centers, and command posts, would be targeted, in recognition that the Soviets contemplated nuclear war in terms far less theoretical than most U.S. strategic thinkers. If they possessed the ability to destroy our land-based missile force with a first strike, then deterrence was obviously less credible. While the U.S. strategic missile forces based in submarines would survive such a first strike, the retaliatory power of the SLBMs is less intimidating to the Soviets than the land-based force of ICBMs and bombers, which would be the targets of first strike.

The development of the SS-18 was the key to the end of deterrence as originally envisioned by U.S. planners. It skewed the nuclear "balance" in favor of the Soviets, who have been striving not for balance, but for superiority. In July 1974, Secretary of State Henry Kissinger asked rhetorically: "What in the name of God is strategic superiority? What is the significance of it . . . at these levels of numbers?"

In 1979, Daniel Patrick Moynihan suggested an answer: "Strategic superiority is the power to make other people do what you want them to do."[15]

What the Soviets wanted the U.S. to do was negotiate, and negotiate we did: the fruit of those negotiations was SALT II, an agreement which amounted to a limitation on numbers of launchers, but not on killing power. The 308 SS-18s were not affected. The Soviets retained the prerogative to continue research and development of means to increase the number of warheads that could be carried by their superheavy counterforce weapon.

COUNTERVALUE AND COUNTERFORCE

The Carter Administration's answer was a pledge to deploy the MX missile, a highly accurate replacement for the Minuteman III, that, like the SS-18, would carry ten warheads. Unlike the Minuteman and like the SS-18, the MX would be a counterforce weapon, capable of destroying Soviet missiles in their silos.

The possibility that the United States may build the MX is of profound strategic importance. As a counterforce, missile-killing weapon, it represents a shift away from the Sixties-vintage theory of deterrence. Albert Wohlstetter, one of the earliest strategic thinkers, recognized that since the heart of deterrence was the implicit threat of a second strike, the theory required that the missiles of both sides be invulnerable. The SS-18 renders the U.S. Minuteman vulnerable—a development that causes deterrence in its original sense to collapse. Conceivably the MX could redress this imbalance. But what then?

Wohlstetter warned that it was impossible to insure missile invulnerability for all time. Missile components deteriorate with age, even as the enemy works constantly to achieve a new advantage. Thus there can be no final deterent.

This is the realization we have arrived at today. Over the years, the United States has phased out obsolete ICBMs. The Minuteman II was a replacement for the older Titan II, and the Minuteman III was an update of the former. Now, however, we face an unprecedented situation, a pause in the evolution of nuclear weapons strategy. The Reagan Administration, like the Carter Administration, has been unable to find a politically acceptable MX basing mode that will be invulnerable to attack by the current generation of Soviet missiles and that can be rapidly constructed. Early on, the Administration ruled out Mr. Carter's plan of "multiple-point" basing throughout the deserts of Nevada and Utah, in which the missiles would be transported among 4,600 launch sites—a "shell game" that was universally criticized.

A subsequent proposal to site the MX in hardened Minuteman silos was abandoned in favor of a plan to locate it in superhardened silos in a "dense pack" configuration near Cheyenne, Wyoming. The "dense pack" proposed was announced by President Reagan late in November 1982. It would place 100 MX missiles in silos located no more than 2,000 feet apart, on the theory that attacking Soviet missiles would be neutralized by the first one that exploded, in phenomenon called "fratricide," that would protect the MXs that survived the first explosion.

As with the Carter "shell game" plan, "dense pack" encountered heavy criticism, not only from the anti-defense lobby, but from traditionally defense-minded ortganizations and individuals, including pro-defense conservatives in Congress. Their principal objection is not cost, which at an estimated $35 billion throughout the decade, is considerable. Rather, the question is will it work? Will it insure "survivability" of the MX?

It is apparent, from the debate on the MX and its several basing plans, that the technology of ICBMs has surpassed developments in missile protection. The concept of the "superhardened" silo is something of an abstraction. There is no way of knowing how much protection for the MX would be required, or how much could be provided, in any on-the-ground basing mode, against a barrage of warheads launched by dozens of SS-18s. What is known, however, is that whatever basing mode is approved, the Soviets will immediately begin working to defeat it. On December 6, 1982, Soviet Defense Minister Dmitri F. Ustinov said exactly that: "If the present White House leadership . . . challenges us by starting MX missile development, the Soviet Union will deploy in response a new ICBM of the same class, and its characteristics will not be inferior to those of the MX missile in any way."[16] As Wohlstetter made clear, there can be no final deterrent.

There was, at one time, an attempt to avoid the competition in city-destroying "countervalue" nuclear weapons of the 1960s. As the implications of deterrence, and of Wohlstetter's insights became clear, he and other strategists recommended an antiballistic missile defense for the U.S. Minuteman.[17] Secretary McNamara, committed to deterrence, counseled against an ABM since one of the tenets of deterrence is that U.S. cities must remain vulnerable to attack, if the Soviets were to be assured that they could deter an American first strike by theatening reprisal against those cities. But McNamara did not win the ABM debate. On June 24, 1968, the Senate voted tk deploy an ABM system, the Sentinel. Three days later, the Skviets agreed to begin the arms limitation talks that led to SALT I, signed by President Nixon in Loscow on Mai 26, 1972. The centerpiece of SAHT I was that neither side deploy an effective ABM defense. The dismajtling of the single U.S. ABM site near Grand Forks, North Dakota was not reciprocated by the Soviets. Hn violation nf SALT I, they cjnthnued research and development of ABM, violations of which were at times both clandestine and blatant.

The 1982 report of the Joint Chiefs of Staff reported publicly the U.S. intelligence community's suspicions that the Soviets had continued to work on an ABM system: "A new phased-array radar is being constructed near Moscow. This radar will probably serve in a battle management role for the upgraded Moscow (ABM) system, augmenting or possibly replacing existing (ABM radar) systems."

Today, however, the United States has no ABM defense for its cities. They remain open to Soviet attack, even as the Soviets have amassed a huge arsenal of superheavy weapons that could destroy the heart of the U.S. deterrent, the land-based ICBM, in an initial counterforce strike—and then attack our defenseless cities. Such is the legacy of deterrence, a strategic theory born of political science and sociology, but practiced from the first by only one side.

DEFENSE VERSUS OFFENSE

Furthermore, U.S. vulnerability is aggravated by the clumsy evolution our strategic policy is undergoing, from one of countervalue-deterrence to one of counterforce capability. In Presidential Directive 59, our strategists recognized that their Soviet counterparts were thinking about the unthinkable, and had been for years. A counterforce strategy, in which weapons and military installations, but not cities, would be attacked, represents the concept that nuclear war may be "winnable"—an idea foreign to deterrence. Moreover, the counterforce posture is a long-needed reorientation of our strategic policy towards defense, and a turning away from a contradictory policy of maintaining offensive nuclear weapons to enforce a policy which, while intended as defensive, always projected the impression that the U.S. strategy is identical to that of the Soviets.

This image of U.S. strategy, though unintended, contributes to the current political difficulties of strategic weapons programs. The confusion, misunderstanding, and apprehension of many Americans over the merits of deterrence have developed over the years and are shared by many strategic thinkers themselves. For example, Edward Luttwak, a conservative supporter of President Reagan's defense plan, wrote in August 1982 that "It was always clearly understood that if for some inexplicable reason the Soviet Union were to launch large numbers of intercontinental weapons upon our cities, then our own use of surviving nuclear weapons to destroy the Soviet population would serve no rational strategic purpose and no moral aim."[18]

Yet the inevitability of such a second strike was the foundation of deterrence. If deterrence was effective in preventing nuclear war, it was because, despite the platitudes about a desire for peace recited by U.S. political leaders over the years, the Soviet Union has been kept sufficiently uncertain as to how the United States would really react to nuclear attack.

A shift away from deterrence, in its original, abstract formulation, to a defensive counterforce posture, in which Soviet missile silos and other military sites, rather than cities, would be targeted, carries both benefits and risks. The benefits are, first, that because this policy is purely defensive, it is the only sensible and moral policy for the United States to have. Second, it demonstrates a seriousness of purpose about protecting national interests, and about the realities of nuclear war, that the Soviets have always understood. Should the MX be deployed in a basing mode that would afford protection from a Soviet attack to a number of missiles sufficient to destroy the Soviets' capacity to launch a third strike, then "deterrence" of a Soviet first strike would remain valid. This is the fundamental goal of the Reagan Administration in backing the MX program.

The risks of a counterforce policy are primarily political. Because a counterforce policy is a genuine warfighting strategy, it incites fervent domestic criticism, as demonstrated by opposition to the construction of the MX. Furthermore, because it is a military strategy, not a political theory, it rests on a sophisticated analysis of Soviet weapons capabilities and wartime probabilities, rather than on the stark and simplistic "eye for an eye" threat of mutually assured destruction. Thus, a counterforce policy is complex and more difficult to explain to the public. In a democracy, these political and educational problems, if mishandled or ignored, have the potential of turning into a powerful tidal wave of opposition, especially when the opposition is reinforced by Soviet agitation and propaganda. The nuclear "freeze" movement carries such a risk.

The Reagan Administration's handling of the shift in strategic policy that the MX implies has not been effective. One might argue that the Administration has not explained the policy at all. It has failed to respond to the change of the anti-defense lobby that the MX is but another terrifying weapon in an endless arms race. The real case for the MX, that it is a defensive weapon that represents a move away from the arms race of the Sixties and Seventies, has not been made. Moreover, the Administration is wrong to claim that real progress in strategic arms reduction talks will be helped along if the U.S. builds the MX. The American people saw the hope of "real progress" in arms talks dashed by SALT II and will not consent to new missiles as bargaining chips. The irony of arms control talks bearing fruit only if new weapons are built as a result of them is too overwhelming to persuade anyone, as the Carter Administration learned.

Even so, the political difficulties of the MX are not wholly the Administration's fault. The significance of the MX as a counterforce weapon derives from its sophisticated technology, which provides unprecedented hitting power against Soviet silos. To the naked eye of the layman, the MX appears no different from any other giant nuclear missile. Most Americans think of any conflict which involves the use of nuclear weapons as the holocaustic destruction of cities and civilians. The distinction between an anti-weapons strategy (counterforce), and mutually assured destruction (countervalue) is not readily apparent. Further, the MX is just as capable of being used against cities as against missile silos. Thus, it represents a shift away from the deterrence of the McNamara era, but not the clean break with it. The Reagan Administration seems caught between two nuclear strategies, disavowing the old (in effect ratifying P.D. 59), but thus far failing to enunciate the new. Therefore it is perceived by both allies and enemies as having no broad, long-term strategy at all.

While a case can be made for building the MX as a counterforce weapon, large political and technological problems obstruct its deployment. Currently, it appears nearly impossible to achieve a domestic political concensus on new ICBMs in the United States (witness opposition of the conservative Mormon Church to basing the missile in Utah). No genuinely survivable, politically feasible basing mode has been found. As suggested earlier, the technology of nuclear missile attack seems to have outrun that of nuclear missile protection.

The USIC recognizes these realities. The Council believes that the United States must look beyond the technological and political battles over land-based strategic nuclear weapons to the newest realm of scientific, political and military competition—space.

HIGH FRONTIER: AN OPPORTUNITY

Ever since the launch of the Soviet Sputnik in 1957, it has been obvious that the Soviets recognized the vast strategic significance of space. Even now, they are striving mightily to achieve military mastery over it. Throughout the short history of space exploration, the United States has stressed peaceful scientific study, while the Soviets have pursued military advantages. They began in the Sixties, by testing a fractional orbital bombardment system, literally, bombs in orbit. Through the 1960s, both the Soviet Union and the United States, in response to the Soviet effort, conducted research on anti-satellite systems (ASATS), or "hunter-killer" satellites. The U.S. program, however, stagnated and was discontinued in the early Seventies. In February 1976, the Soviets resumed testing of their ASATS, shortly after a U.S. satellite was "blinded" by a mysterious beam of light over Siberia.

The Soviets today have an anti-satellite vehicle that can intercept target satellites on their first orbit. They have the capability to employ anti-satellite vehicles in less than strategic levels of conflict and are pursuing research and development programs to upgrade them.[19] More than 70 percent of U.S. military overseas communications are now routed by satellites. Since the United States is more dependent on satellites for communications, command, and control (C^3) than the USSR, the U.S. is more vulnerable to severe C^3 breakdowns, should a Soviet ASATS prove to be effective during conflict or diplomatic crisis. As a result, President Ford authorized the resumption of U.S. research on ASAT just before leaving office in 1977. However, President Carter placed a cap on spending on the ASAT program in the expectation that limits on such research would be negotiated with the Soviets. The Reagan Administration, in turn, reversed this decision and assigned a high priority to protection of U.S. C^3 systems.

The mission of ASATS, then, is of vast political and military significance. The Soviets intend to use this weapon to put out the eyes and ears of U.S. surveillance and communications systems, not only in the event of war, but during severe political crises. The implications of this Soviet capability and of the Soviet space program in general overshadow many other defense issues.

The Soviet military space program goes beyond the ASATS. According to the Department of Defense, the Soviets have been launching an average of 75 spacecraft per year, a pace four to five times that of the U.S. The annual payload placed into orbit by the Soviets has been approximately 660,000 pounds, or ten times that of the United States. It is estimated that 70 percent of this effort is the purely military purposes.[20] Moreover, Soviet research appears aimed at building a major war-fighting capability in space. A large space booster, which is thought to have six to seven times the launch weight capability of the U.S. Space Shuttle, is under development. Such a vehicle would be a huge step towards a major, permanently orbiting space station, manned by as many as 120 cosmonauts.[21] A space station would feature both offensive and defensive strategic weapons, including powerful advanced lasers and "particle-beam" weapons that transmit thermal energy. These not only would be aimed on U.S. satellites, as in ASATS, but also would have the capability of hitting targets on earth.

To counter the ambitious Soviet military space program, the United States has also made great strides in the research and development of space-based technology for defense. The Space Shuttle program is a great step towards meeting the Soviet challenge, as a "space plane" to monitor and inspect Soviet satellites. The Shuttle technology is a basis for future permanent U.S. space installations, and the Shuttle serves as a model for reusable space ferries that would transport men and material to and from such permanent outposts in space.

The potential of these diverse, complex, and expensive projects is as yet not fully appreciated by all sectors of the U.S. defense establishment. To the public, the concept of space as a theater of future warfare remains in the realm of science fiction. Yet, as technology forces us inevitably to confront the ultimate, critical necessity of advancing into space militarily in order to ensure our survival, the weapons and only partly-formed tactics of space conflict must be incorporated into the United States' overall national security strategy. Again, the fundamental nature of that strategy is defensive, not offensive.

The looming importance of space-oriented technology in the superpowers' order of battle gives the United States an unprecedented opportunity to redefine and re-explain, in the clearest possible way, the defensive intent of our overall military posture. That is because the technology of space, current and potential, enables the U.S. finally to break free of the long-term policy of threatening the Soviet populace with annihilation in response to a Soviet first strike. Instead, through a purely defensive array of weapons that would reach through space and actually operate in space, the U.S. would have the capability—through non-nuclear means—of preventing such a first strike from ever taking place, or short of that, to greatly limit the destruction it would cause.

This is the fundamental premise of High Frontier,[22] an approach to the strategic defense of the United States and our allies that offers a chance to go beyond the present competition in strategic nuclear weapons—a competition which saps the willingness of many Americans to support new expenditures for defense and which fails to ensure adequately our security in any event. High Frontier is a multi-faceted concept of U.S. exploitation of the "high frontier" of outer space that is only partly military. It envisions as well in the pursuit of space ex-

ploration a vast array of civilian commercial and scientific benfits.

The credit for the birth of High Frontier as a highly integrated strategic option for the United States belongs to Lt. Gen. Daniel O. Graham, U.S.A. (Ret.). Gen. Graham, who formerly served as director of the Defense Intelligence Agency, recognized in the late 1970s that the nuclear deterrence in the McNamara sense was doomed to both political and military failure. He saw that the fundamental contradiction of an ostensibly defensive strategy utilizing offensive weapons (ICBMs) would become untenable in the face of (1) growing disillusionment with the "arms race"; (2) the rundown in the U.S. defense infrastructure vis-a-vis the Soviets'; and, most importantly, (3) the unwillingness of the Soviets to abide by the central presumption of deterrence: that both sides refrain from targeting each other's missiles.

A central theme of High Frontier is that the basic technology needed to defend the United States from Soviet nuclear attack already exists.[23] No spectacular scientific breakthrough would be required—only the time, funding and bureaucratic effort necessary to develop the requisite space vehicles which would feature weapons, radars, and other systems that grow out of today's technology. The virtues of High Frontier are that it is both straightforwardly devoted to defense (destroying enemy missiles) and fully compatible with the longtime U.S. posture of counteracting Soviet advantages in mass and numbers with technological sophistication (referred to on page 7). As Gen. Graham explains: "A bold and rapid entry into space, if announced and initiated now, would end-run the Soviets in the eyes of the world and move the contest into a new arena where we could exploit the technological advantages we hold." In stressing the defensive nature of High Frontier, he adds that "This is far preferable to pursuing a numbers contest here on earth, which will be difficult if not impossible for us to win." [24]

The elements of High Frontier needed to ensure the defense of the United States, are three:

(1) A quickly deployable point defense for U.S. ICBM silos which could destroy incoming Soviet warheads. Such a system would be a version of the Sentinel and Safeguard ABM, originally intended for just that purpose. This point defense system would rely on a large number of small conventional projectiles fired at enemy warheads close to their targets.

(2) A first-generation spaceborne missile defense, which would employ current "off-the-shelf" technology to destroy Soviet missiles upon launch, including theater nuclear weapons such as the SS-20. Such a system would be capable of defending itself and other C^3 satellites from attack.

(3) A second generation space defense able to destroy enemy targets anywhere in space or on earth, using advanced lasers and/or particle beams.

In addition, High Frontier calls for a utilitarian space vehicle capable of inspection, repair, and maintenance of orbiting both C^3 and defense satellites and other space vehicles; and a workable civil defense program implemented in the United States.[25]

As noted, the first requirement of a point defense against incoming enemy missiles exploits the ABM technology of the early seventies and since the dismantling of the U.S. ABM program. High Frontier projects 2-3 years for such a system to be deployed. The first- and second-generation active space defense vehicles would take advantages of existing satellite and Space Shuttle technology and is envisioned to be deployable within twelve years.

High Frontier is not an obscure scientific theory, nor a program of the defense and aerospace industries that stand to benefit from its adoption. It is not a radical restructuring of American defense policy—basic research in all of its features has been conducted by the Department of Defense for years.

Instead, it is a new perspective on the requirements of national defense and the potential of science: a blend of highly sophisticated space technology with the critical need to reorient our national security policy away from the politically intractable and strategically unsound posture countervalue-deterrence, toward a clearly defined, straightforward, and politically acceptable stand on defense. Adoption of High Frontier as our approach to strategic policy is not abandonment of the desire to "deter" Soviet attack. It is deterrence on the basis of our ability to actively protect our cities, our industries, and our military installations rather than on a threat to destroy Soviet cities in exchange for our own. High Frontier is a move away from deterrence through mutually assured destruction. It is deterrence based on the ability to ensure the futility of attack.

PROCUREMENT FOR DEFENSE

The momentous decisions of military strategy facing the United States today are underlined by a host of other, less theoretical, but no less urgent, problems. These can be summed up in the question: How does the U.S. address its national security requirements in an era of economic difficulty and budgetary austerity? It is clear that, despite the ominous and growing Soviet threat, the warring interest groups that seek a growing share of the federal budget will not miraculously unite to support needed expenditures for defense. In order to make their case most persuasive, therefore, the Defense Department and the Administration must make the absolute best use of the authorized appropriations for defense. In order to restore the credibility of our defenses by building the essential weapons and conducting the essential research, the DOD, the Administration, and the relevant Congressional committees must look hard at the less critical elements of the defense budget. These include, first and foremost, procurement and personnel.

The general problem of excessive costs in weapons procurement has already been referred to in this paper. Department of Defense acquisition practices, procurement regulations, procurement methods, procurement policies, and procurement procedures adversely affect our military posture and our military readiness.

Our country's defense needs a free enterprise-oriented Defense Department capable of effecting the following goals:

(a) To affect economic efficiency
(b) To stabilize Defense procurement
(c) To affect strategic responsiveness
(d) To encourage competition
(e) To double source procurement
(f) To affect Defense planning through multiyear procurement
(g) To enforce planned production rates
(h) To manage materiel required for operational readiness and war
(i) To maintain effecive materiel maintenance management in support of "trigger" readiness

Our defense preparedness and our military "trigger" readiness will experience a quantum jump improvement of our Defense programs' specifications require the contractors to provide five-year warranties on all military systems and military materiel. Procurement of services, particularly of operations and maintenance services as they relate to materiel readiness, is another source of needless costs and waste. In the current system of operations and maintenance service procurement, technical competence takes a back seat to low price. The short-term effect of this procurement system is a third-rate, inadequate product which the fighting man is required to accept with no questions asked. The long-term effect is the degradation of materiel worth billions and an inadequate state of materiel readiness that directly affects our national security. Inflexible budget restrictions in this unglamorous but critically important area of procurement—a "penny-wise, pound-foolish" approach—has led to technically inferior operations and maintenance services.

Much of this problem could easily be solved. The armed services should have the authority to procure, through preferential purchasing power, the creativity and innovation needed to solve operations and maintenance problems that adversely affect readiness, in lieu of the mandatory low-bid procurement practices now in effect. This change not only could solve service materiel problems that affect readiness, but also could produce order-of-magitude cost reductions and life-cycle savings. Procurement of top-quality operation and maintenance services, even at higher costs, would save billions and achieve "trigger readiness," which is the readiness our fighting forces need in order to win and survive.[26]

OUR DEFENSE BASE

The future of American shipbuilding, of the American merchant fleet, and of the American shipyard defense mobilization base cannot surpass ten more years if the present U.S. maritime policy is not restructured to benefit these United States.

According to Edward J. Campbell, Chairman of the Shipbuilders Council of America and President and C.E.O. of Newport News Shipbuilding, "it would be encouraging to be able to report that the Administration's 'policy,' announced in 1982, will assure the resurrection of our merchant fleet. It will not! Not a single merchant vessel will be constructed or converted in U.S. shipyards as a result of this policy. In fact, it will instead encourage U.S. shipowners to use their profits to finance construction or acquisition of foreign-built ships." [27]

Furthermore, in order to ensure the defense of the United States, the Defense Department should restrict its sources of weapons systems to American firms. Our defense cannot be dependent on a foreign mobilization base. Our friend or ally today could plead neutrality or side with our enemy in time of war.

Our industrial defense mobilization base is thin and weak. Our Defense Department does not maintain the following essentials:

(a) Lower tier defense suppliers for critical parts and material
(b) A skilled labor base
(c) An advance production base
(d) An exotic raw material supply base

There is an urgent requirement to correct these problems and deficiencies by forcing changes into our defense programs. The onus for this change is on the Administra-

tion, and it must be supported by the Congress.

PERSONNEL AND PENSIONS

The issue of personnel costs also comes to the fore when defense priorities come under hard scrutiny. The need for adequate manpower at affordable costs is an extremely sensitive national question. The military draft gave way to the all-volunteer Army in 1972—part of the bitter legacy of the Vietnam experience. Since then, the all-volunteer concept has received mixed reviews. Yet it is the extent of U.S. military commitments, rather than the quality of the troops attracted to military service, that poses the future challenge. Of the 2.1 million Americans in uniform, some 528,000 are serving in 129 countries and aboard ship. Over the next five years the armed services plan to increase active duty forces by 9-10 percent.[28]

At the same time, it is estimated that number of 18-year-old American males will fall from 2.2 million to 1.7 million by 1990. Higher manpower requirements and a smaller pool to draw on will make recruiting far more difficult. Nineteen eighty-two was the best recruiting year ever for the services, due to economic recession and substantial increases in military pay and benefits enacted in 1980 and 1981. But continual increases to attract personnel will be difficult to justify. Miltary pay became competitive with the private sector in 1972 and since then has exceeded it in many areas. The question of whether the nation will be forced to return to the draft is one that is destined to arise again. It is an extremely complex question, involving economic as well as military considerations. The drafting of young men into the military imposes an economic cost, in that their economic productivity is lost to the nation while they serve. Still, the USIC believes that national security considerations should take precedence.

However, there is no question but that one benefit of military services—the military pension system—must be reformed. Some 55 percent of the military payroll, or $16 billion in fiscal year 1983 [29] is devoted to pensions. There are a host of costs, in terms of both economics and military readiness, associated with this overgenerous system. The attractiveness of the pension system encourages skilled military personnel to leave the service when they are most valuable, to seek private employment while eligible for military retirement pay. The military pension program comes directly out of annual appropriations for defense; there is no budgeting of future pensions costs.

The Reagan Administration intends to propose limitations on annual cost-of-living adjustments for retirees whose retirement pay is greater than that of similar personnel retiring under other federal pay scales. In addition, the Administration plans to propose that the defense budget include the cost of pensions being earned by personnel on active or reserve duty. Currently, the budget includes only the pensions being paid to personnel who have already retired.[30]

CONCLUSION: RECOMMENDATIONS FOR ACTION

This White Paper is an explanation of the beliefs of the American businessmen who compose the United States Industrial Council regarding our national security needs. The USIC staunchly supports President Reagan's five-year plan to increase America's defense capabilities. This White Paper examines the state of our military preparedness, and makes recommendations intended to improve it. First and foremost, it describes the evolution of the Soviet Union's armed forces into a military machine that in many areas is now the equal of our own, and in others actually outclasses our forces. Soviet military power is currently on display in Afghanistan, exacting a cruel and bloody toll on an innocent population. However, as this White Paper explains, Soviet forces are an effective tool of Soviet policy even without being used. The ominous reality of a giant war machine is an invaluable diplomatic weapon. Soviet bluster and bullying in the United Nations and other international forums, and the Soviets' vast propaganda and disinformation operations are founded on the USSRs power to wreak destruction on any nation on earth—except the United States.

The U.S. must remain the bulwark of freedom and defense against Soviet aggression—both blatant and subtle. This White Paper features recommendations on how the United States can continue in that vital mission. These include:

(1) The U.S. must augment and improve its conventional and strategic forces;

(2) Protect our sources of strategic minerals in the Third World;

(3) Develop a non-nuclear space defense capability as an eventual alternative to land-based ICBMs;

(4) Institute additional safeguards against the transfer of military-applicable technology and hardware to the Soviet bloc:

(5) Provide the armed forces the authority to award procurement contracts for materiel and services to the best performer;

(6) Restrict critical military contracts to U.S. firms;

(7) Rebuild our shipyard/defense mobilization base;

(8) Reexamine the performance of the all-volunteer force in light of the dwindling manpower pool and budgetary restraints on recruiting and retention;

(9) Reform the military pension system in order to reduce its cost.

These recommendations are broad. They deserve further study. Some of them have already been considered, and undertaken, by the Reagan Administration. Others should be seriously discussed and debated by the Administration and Congress. Our goal in proposing them, however, should not be subject to debate: that it falls to the United States to safeguard the liberties and the heritage of the free world. This is our responsibility. We cannot ignore it; we cannot shrink from it.

FOOTNOTES

[1] *Soviet Military Power* (Dept. of Defense) n.d. 1981, pp. 27-40, 47.

[2] Force Summary, U.S. Navy and Marine Corps," *Proceedings of the U.S. Naval Institute* (May, 1982) pp. 217-219.

[3] *Budget of the U.S. Government, Fiscal Year 1984* (U.S. Government Printing Office) p. 5-11.

[4] *Proceedings* (May 1982), pp. 217-219.

[5] *Soviet Military Power*, pp. 31, 60.

[6] *Budget*, FY84, pp. 5-9.

[7] *Soviet Military Power*, pp. 53-60.

[8] *Budget*, FY84, p. 5-13.

[9] *Soviet Military Power*, p. 88.

[10] *Budget*, FY83, p. 3-16.

[11] Leslie H. Gelb, "Weinberger Sees Flexibility in Military Spending," *New York Times*, April 20, 1981.

[12] Daniel P. Moynihan, "The SALT Process," from *The New Yorker* quoted in *Congressional Record*, August 6, 1980, p. S10967.

[13] Moynihan, p. S10967.

[14] Richard Burt, "Carter Said to Back a Plan for Limiting Any Nuclear War," *New York Times*, Aug. 6, 1980, and Michael Getler, "Carter Directive Modifies Strategy for a Nuclear War," *Washington Post*, Aug. 6, 1980.

[15] Moynihan, p. S10973.

[16] Serge Schmemann, "Soviet Says It Would Build Missile to Match MX," *New York Times*, Dec. 7, 1982.

[17] Moynihan, P. S10968.

[18] Edward Luttwak, "How to Think About Nuclear War," *Commentary* (Aug., 1982), p. 27.

[19] Francis X. Kane, "Anti-Satellite Systems and U.S. Options," *Strategic Review* (Winter 1982), p. 59.

[20] *Soviet Military Power*, p. 79.

[21] "The New Military Race in Space," *Business Week*, (June 4, 1979), p. 142.

[22] Lt. Gen. Daniel O. Graham USA (Ret.), *High Frontier: A New National Strategy* (High Frontier, Washington, D.C.), p. 1.

[23] Graham, p. 7.

[24] Graham, p. 3.

[25] Graham, p. 7.

[26] Tad Stanwick, "The Fleet Readiness Problem," The Stanwick Corp., (unpublished letter, July 20, 1982).

[27] Edward J. Campbell, *Leaders*, Jan.-Feb.-Mar. 1983, p. S2.

[28] Council of Economic Advisers, *Annual Report*, February 1982, p. 87.

[29] Budget, FY 84, p. 5-8.

[30] Budget, FY 84, p. 5-14.●

UTAH'S "GRAND CIRCLE OF THE SOUTHWEST" AN UNFORGETTABLE ADVENTURE

● Mr. HATCH. Mr. President, I would like to take a minute to share with you the wonderful opportunity for an unforgettable adventure that Utah has to offer. I will not detract from the "Greatest Snow on Earth" offered by the Wasatch Mountains in Utah or the other wonderful opportunities there, but that is only the tip of the adventure iceberg.

This last year I was presented with a serious problem in the southern part of my State. The road from southern Utah to the north rim of the Grand Canyon was not scheduled to open until July 1. I investigated, and we got the road open by Memorial Day. In the course of this investigation I found disappointed visitors from 41 States and 13 foreign countries who had come to see this great wonder of the world and were prevented from doing so. But I found much, much more; and I have worked to be certain that the wonderful adventure of a lifetime to be found in southern Utah can be better understood and enjoyed by more citizens of our country and, indeed, the world. On this 900-mile circle, referred to as the "Grand Circle of the Southwest," can be found 7 national parks—approximately 20 percent of all national parks—including the Grand Canyon in Arizona, 6 national monuments, 1 national recreational area, 19 State parks, and 1 tribal park and historical monument.

All of these natural wonders can be visited in the comfort and convenience of your own car on self-guided tours or, if you wish, in motor coaches, on modern paved highways—an adventure unmatched anywhere in the world.

While, naturally, I would suggest that you come to Salt Lake City to

start your adventure, you can join the grand circle of the Southwest from any of five major U.S. highways or from the Interstate System along its route. Las Vegas, Phoenix, and Denver are all portal cities. The entire grand circle of the Southwest is designed to be covered in as little as 7 days or you can take as long as you wish. Several days could easily and enjoyably be spent at each of the areas described.

The Grand Canyon needs no introduction. Internationally and nationally it is recognized as one of the wonders of the world. To those who wish, they may ride the raging Colorado River on an unforgettable raft trip or ride to the bottom of the canyon on mules. Of course, part of this grand adventure can be a flight by a fixed-wing aircraft or by helicopters over and through the Grand Canyon; The Grand Canyon alone is an adventure in and of itself—an adventure never to be forgotten.

Lake Powell, featured on the cover of United Airlines March issue of United Magazine, has more shoreline than the United States has on the Pacific Ocean. It is, in reality, another spectacular "Grand Canyon," coupled with a different perspective and with the added dimension of water and water experiences. Houseboats. Swimming and water sports in the shadow of spectacular beauty. Again, an adventure in and of itself. An adventure never to be forgotten.

Navajo National Monument.

Monument Valley.

Valley of the Gods.

Hovenweep National Monument.

Natural Bridges Monument.

News Paper Rock Historical Monument.

Canyonlands National Park.

Dead Horse Point State Park.

Arches National Park.

Goblin Valley State Reserve.

Capitol Reef National Park.

Bryce Canyon National Park.

Cedar Breaks National Monument.

Zion National Park.

Glen Canyon National Recreation Area.

Rainbow Bridge National Monument, and more.

Volumes can, and have been, written about the awe-inspiring beauty and unforgettable adventure to be realized at each of these fascinating sites.

You will also find on your adventure around the grand circle of the Southwest modern motels, restaurants, and other facilities with folks eager to help you. Or you may wish to camp at many of the improved or wilderness sites around the "Circle." Friendly fellow adventurers will add to your enjoyment of these natural wonders.

I would urge all Americans and our international visitors to take advantage of the marvelous opportunity to visit the grand circle of the Southwest and to share this joy with millions who have already participated in this adventure and who each year come back for more.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. HECHT). Is there further morning business? If not, morning business is closed.

INTERNATIONAL TRADE AND INVESTMENT ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 144, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 522

The PRESIDING OFFICER. Under the previous order, the pending question is amendment No. 522 offered by the Senator from Wisconsin (Mr. KASTEN).

Mr. BAKER. Mr. President, if I may have recognition for a moment, for a variety of reasons that I have discussed with the distinguished author of the pending question and the chairman of the Finance Committee and now briefly with the minority leader, in a moment, I am going to yield to the distinguished Senator from Wisconsin for two purposes: one, to offer a cloture motion against further debate on the amendment and, second, so that he may ask unanimous consent to add cosponsors to his amendment.

After that is done, Mr. President, it is my intention to ask the Senate immediately to go into a further period for the transaction of routine morning business.

So that Senators who are not in the Chamber will fully understand what is going on and so everyone is aware of the circumstances, there is considerable maneuvering going on now in respect to the amendment, possible modifications of the amendment, possible amendments to the amendment, and the like.

The course of action that I have just outlined will permit the filing of the cloture motion and the adding of cosponsors but no further action of any sort will be taken on the amendment until Monday.

On Monday, the amendment of the Senator from Wisconsin will recur as the pending question before the Senate when we resume consideration of this matter.

That is my purpose, Mr. President, and now I yield to the Senator from Wisconsin for the two purposes just described.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. I thank the majority leader for yielding.

Mr. President, first of all, I ask unanimous consent that the following additional Senators be added as cosponsors of my amendment: Senator MCCLURE, Senator TOWER, Senator SYMMS, Senator PROXMIRE, Senator KASSEBAUM, Senator HAWKINS, Senator HUDDLESTON, Senator JEPSEN, Senator TSONGAS, Senator COCHRAN, Senator STENNIS, Senator JOHNSTON, Senator WILSON, Senator PRESSLER, Senator WARNER, Senator QUAYLE, Senator ZORINSKY, Senator PERCY, Senator MITCHELL, Senator THURMOND, Senator MOYNIHAN, and Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, this list would be added then to the 21 cosponsors that have been previously listed who are as follows: Senator HELMS, Senator BOREN, Senator HEFLIN, Senator MATTINGLY, Senator RANDOLPH, Senator EAST, Senator GLENN, Senator FORD, Senator NUNN, Senator DENTON, Senator NICKLES, Senator BAUCUS, Senator HOLLINGS, Senator MURKOWSKI, Senator HUMPHREY, Senator DECONCINI, Senator EXON, Senator MELCHER, Senator D'AMATO, Senator PRYOR, and Senator GOLDWATER.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment. I previously introduced legislation to carry out the purposes of this amendment. And I also ask unanimous consent that my name be added as one of those on the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. KASTEN. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Kasten amendment No. 522 to S. 144.

Bob Kasten, William Proxmire, Paula Hawkins, David L. Boren, John P. East, Jesse Helms, Wendell H. Ford, Walter D. Huddleston, Steven D. Symms, J. Bennett Johnston, Ernest F. Hollings, John Melcher, Nancy Landon Kassebaum, David H. Pryor, Orrin G. Hatch, Don Nickles, J. James Exon, Jeremiah Denton, Jennings Randolph, Thad Cochran and Mr. Byrd.

Mr. BAKER. Mr. President, the effect of this motion, of course, will be to produce the vote 1 hour after we convene on Tuesday next after the establishment of a quorum unless that time is changed by unanimous consent.

Between now and Tuesday, I will explore with the minority leader and other Senators whether we should assign a different time for that vote and, of course, with the author of the amendment and the chairman of the Finance Committee.

But as of this time, it will occur 1 hour after the Senate convenes on Tuesday.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a further period for the transaction of routine morning business to extend not past the hour of 3 p.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we are now in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Very well.

Senators should know there will be no votes today and this matter will not recur as the pending business today.

I yield the floor.

THE CALENDAR

Mr. BAKER. Mr. President, there are a couple of items that appear to be cleared for action by unanimous consent on my calendar. May I inquire of the minority leader if he is in a position to proceed to consideration of Calendar Order Nos. 88 and 89 at this time?

Mr. BYRD. Mr. President, in response to the distinguished majority leader, I am pleased to state that Senators on this side of the aisle have cleared these two items for action.

Mr. BAKER. I thank the Senator.

OBLIGATIONS OF THE GOVERNMENT OF THE SOVIET UNION WITH RESPECT TO HUMAN RIGHTS

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate at this time Calendar Order No. 88 (S. Con. Res. 11).

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights.

Mr. PERCY. Mr. President, I am pleased to be a cosponsor of Senate Concurrent Resolution 11, and I urge my colleagues to support the resolution as well. This resolution urges the President to take every opportunity to raise the plight of Soviet Jewry with Soviet officials. At a time when the emigration of Soviet Jews has been severely restricted by the Soviet Government, it is vital that the U.S. Government—through the executive and legislative branches—keep attention on the issue. Our concern for Soviet Jews and for their right to emigrate is unyielding.

Recently, members of our Foreign Relations Committee staff were in the Soviet Union to help prepare for hearings on Soviet-American relations which the committee will hold this year. In Moscow, they visited a Jewish family who have been denied emigration for many years, and in Leningrad, they visited the Synagogue and talked with some of the congregants. Just yesterday, we received two large packages of matzoh which had been given to the staff members by the congregants in appreciation of our strong support for Jewish cultural and religious rights in the Soviet Union and for the right of free emigration.

In the United States, many groups work diligently and well to achieve better treatment of, and free emigration for, Soviet Jews. Among them are the National Conference on Soviet Jewry, the Union of Councils for Soviet Jews, the Student Struggle for Soviet Jewry, Chicago Action for Soviet Jewry, the Chicago Conference on Soviet Jewry, and many others, all of which deserve our commendation on this occasion.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 11) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 11

Whereas the Government of the Soviet Union is pursuing a policy of virtually closing its borders to Jewish emigration, as evidenced by declining emigration levels which for 1982 were the lowest since 1970, with only two thousands six hundred and eighty-eight Soviet Jews allowed to emigrate;

Whereas this policy has left tens of thousands of people seeking to emigrate from the Soviet Union with little hope of being granted permission to emigrate in the foreseeable future;

Whereas there are several hundred long-term "refuseniks", including many children, who applied to emigrate from the Soviet Union between 1970 and 1976 and have been waiting for permission to emigrate since that time;

Whereas those who have been denied emigration rights, especially the long-term "refuseniks", are often subjected to a life as internal refugees in the Soviet Union, resulting in loss of jobs, loss of membership in important social and professional organizations, revocation, of academic degrees, surveillance and arbitrary assault, and other forms of harassment of social isolation;

Whereas these individuals also suffer physical, emotional, and psychological problems which result from social isolation;

Whereas these individuals are also denied the right to cultural expression, evidenced by the breaking up of cultural seminars and Hebrew classes and harassment by Soviet officials of those individuals participating in those forms of cultural expression;

Whereas these individuals are subjected to arbitrary arrest, imprisonment, and internal exile, as is the case with the Jewish "Prisoners of Conscience" currently serving sentences in the Soviet Union;

Whereas it is the stated policy of United States law, including section 502B(a)(1) of the Foreign Assistance Act of 1961 and section 402 of the Trade Act of 1974, that human rights considerations are a vital element of United States foreign policy; and

Whereas the Government of the Soviet Union, by arbitrarily denying its citizens the right to emigrate and the right to religious and cultural expression, and by harassing members of a specific ethnic group, is violating the norms of international law as set forth in agreements and declarations such as the Final Act of the Conference on Security and Cooperation in Europe (hereafter in this concurrent resolution referred to as the "Helsinki Final Act"), the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Labor Organization Convention Concerning Employment Policy, and the UNESCO Convention Against Discrimination in Education: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the Government of the Soviet Union should fulfill obligations undertaken in the Helsinki Final Act, the Universal Declaration of Human Rights, and other international agreements relating to human rights, by pursuing a more humane emigration policy and ceasing harassment of Jews and others seeking to emigrate;

(2) the fulfillment by the Government of the Soviet Union of its obligations with respect to internationally recognized emigration rights would significantly prkmote improved relations between the United States and the Soviet Union;

(3) the President or his representatives should cjnvex to the Goverjment of the Soviet Union the concerns of the Congress expressed in this cnncurrent resolution at every appropriate opportunity, including—

(A) at such time as agreements are negotiated between the United States and the Soviet Union in the areas of trade, commerce, including grain sales, and science and technology exchange; and

(B) at such time as the President or his representatives meet with leaders of the Soviet Union concerning other aspects of relations between the two countries; and

(4) the President or his representatives should also convey these concerns of the Congress to the governments of allies of the United States and urge the cooperation of those governments in efforts to promote emigration from the Soviet Union.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he transmit such copy to the Chairman of the Presidium of the Supreme Soviet of the Soviet Union.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the Senate concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 150TH ANNIVERSARY OF THE OPENING OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THAILAND

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate Calendar Order No. 89 (S. Con. Res. 19).

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) expressing the sense of the Congress on the occasion of the one hundred and fiftieth anniversary of the opening of diplomatic relations between the United States and Thailand.

Mr. PERCY. Mr. President, today the Senate considers a resolution, Senate Concurrent Resolution 19, expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand. The resolution has a distinguished bipartisan group of cosponsors and was reported favorably by the Foreign Relations Committee.

It is fitting that the Congress acknowledge our close friendly relations with this Southeast Asian ally, particularly at this time of crisis caused by Vietnam's aggressive attacks against civilian refugees along the Thai-Kampuchean border, and its armed incursions into Thai territory.

At the same time, Thailand and the other members of the Association of Southeast Asian Nations (ASEAN) face a new danger from a different quarter. Press reports of the recent tour of the region by a Soviet vice foreign minister have disclosed that the U.S.S.R. envoy warned Thailand and other ASEAN states that if they do not change their policy toward Vietnam and recognize the Vietnamese domination of Kampuchea, Vietnam would retaliate by fostering armed insurgencies throughout the region.

Thailand and the other ASEAN members have spoken out strongly against Vietnam's attack along the Thai-Kampuchean border; and the Soviet diplomat's remarks have been sharply repudiated by Government and press comment in Bangkok and throughout the region.

While joining in condemning the Vietnamese and Soviet provocations, I ask my colleagues to be aware of the tragic human dimension of this conflict—innocent Kampuchean refugees have borne the brunt of the Vietnamese military attacks. I applaud the prompt efforts by the Royal Thai Government, the Thai people, and international organizations to render humanitarian assistance to the unfortunate victims, and I commend our own Government for moving quickly to provide needed humanitarian assistance, as well as military support for our ally in need.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (S. Con. Res. 19) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 19

Whereas March 20, 1983, marks the one hundred and fiftieth anniversary of the signing of the Treaty of Amity and Commerce between the United States and the Kingdom of Thailand, formerly named Siam;

Whereas this treaty marked the opening of formal diplomatic relations between the two countries and was the first treaty concluded between the United States and an Asian nation;

Whereas the United States and Thailand, during the past one hundred and fifty years, have developed a close, friendly, and cooperative relationship to the benefit of their nations and peoples; and

Whereas the people of the United States and the people of Thailand share a strong and abiding attachment to the ideals of individual freedom and national independence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby recognizes the one hundred and fiftieth anniversary of the establishment of relations between the United States and Thailand.

SEC. 2. The Congress extends warm congratulations to His Majesty the King of Thailand and to the Thai people on this historic occasion, together with the best wishes for long continuation of the warm and cordial relations which bind our two peoples.

SEC. 3. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President of the United States with the request that the President transmit such copy to the Government of the Kingdom of Thailand.

JOINT REFERRAL OF SENATE RESOLUTION 95

Mr. BAKER. Mr. President, I have two requests that appear to be cleared by the minority leader and other Senators. Let me state them now for his consideration.

First, Mr. President, I ask unanimous consent that Senate Resolution 95, a resolution which expresses the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union, be jointly referred to the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

JEWISH HERITAGE WEEK

Mr. BAKER. I have one other matter, Mr. President.

I say to the minority leader that I have here a clearance on our side to consider House Joint Resolution 80, which I believe is a message from the House of Representatives on Jewish Heritage Week. I would propose to proceed to the consideration of that at this time.

Mr. BYRD. Mr. President, the matter has likewise been cleared on this side.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent to proceed to the consideration of House Joint Resolution 80, a resolution designating April 17 through April 24, 1983, as "Jewish Heritage Week," which is at the desk.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 80) to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983 as Jewish Heritage Week.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (H.J. Res. 80) was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, on April 13, 1983, Senate Joint Resolution 79, a similar resolution, was passed, I believe, by the Senate. I ask unanimous consent that that action by the Senate on Senate Joint Resolution 79 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that Senate Joint Resolution 79 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARJORIE GUTHRIE

Mr. METZENBAUM. Mr. President, it is with great sadness that I take this opportunity to pay tribute to a fine lady and a wonderful human being, Marjorie Guthrie, who died of cancer on March 13, 1983. I am proud—and very fortunate—to have had the opportunity to know Marjorie Guthrie, and to experience first-hand her kindness, her bravery, and her compassion-

ate dedication to improving the lives of people.

From 1967—the year Huntington's disease took the life of her husband Woody Guthrie—until her final days, Marjorie Guthrie dedicated her life to creating a public awareness of this hereditary, debilitating neurological disorder. She founded and for 15 years directed the Committee to Combat Huntington's Disease, a group dedicated to promoting research on the disease, assisting families afflicted by Huntington's chorea, and promoting an understanding of the disease worldwide. She traveled across the globe to meet with international health professionals while she served as chairperson of the Congressional Commission for Control of Huntington's Disease and its Consequences. She was a member of the World Federation of Neurology Commission on Huntington's Chorea, the Society for Neurosciences, the National Organization for Rare Disorders, the New York State Commission on Health Education and Illness Prevention, the Advisory Council of the National Institute of General Medical Science, and the National Committee for Research in Neurologic and Communicative Disorders.

Marjorie Guthrie was a gutsy, determined person who fought the battle against Huntington's disease across the country. Nearly a fourth of her lifetime was dedicated to leading the crusade against all genetic diseases, and for an overall improvement in our Nation's health.

I cannot say enough about the courage and selfless dedication of this remarkable human being. I was fortunate to have known Marjorie Guthrie, and we were all fortunate that she was with us for 67 years. It is an honor for me to bring her achievements and the beauty of her life to the attention of my colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION DURING ADJOURNMENT

Mr. BAKER. Mr. President, in view of the fact that it appears that the Senate will go out shortly, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President and the House during the adjournment of the Senate until Monday, April 18, and that such messages be appropriately referred.

I further ask unanimous consent that during the adjournment of the Senate until Monday, April 18, the Vice President and the President pro tempore be authorized to sign duly enrolled bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I say to the minority leader that there are three items on today's Executive Calendar that appear to be cleared for action by unanimous consent. I refer to the three nominations under "New Reports," being Calendar Nos. 70, 71, and 72.

I wonder whether the minority leader is prepared to proceed to the consideration of all or any of those matters.

Mr. BYRD. Mr. President, the three calendar orders referred to by the majority leader have been cleared on this side.

Mr. BAKER. I thank the Senator.

Mr. President, in view of that, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the three nominations so identified, which are as follows: Office of the U.S. Trade Representative, Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative; National Labor Relations Board, Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board; and National Science Foundation, Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

The assistant legislative clerk read the nomination of Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

Mr. DOLE. Mr. President, it is with great pleasure—but also with some regret—that I report the recommendation of the Committee on Finance that the Senate confirm the nomination of Robert E. Lighthizer to be Deputy U.S. Trade Representative.

Most Senators know Bob well from his service these past 4 years first as minority staff director, and then as chief counsel and staff director of the Finance Committee. Under his stewardship, the staff has provided superb service to not only committee members, but to all members of the Senate. The Trade Agreements Act of 1979, the Economic Recovery Tax Act of 1981, and the Tax Equity and Fiscal Responsibility Act of 1982 are but three examples of the major efforts undertaken by the committee during Bob's tenure. The successful completion of work on these programs is due in no small part to Bob's yeoman efforts.

Last December, Congress authorized the U.S. Trade Representative's Office to create a third deputy's position. Members of our committee and others were particularly concerned that agricultural trade matters be given higher priority in the formulation of trade policy. I am pleased that these matters will be reflected in Bob's new duties. His experience here will provide a strong voice in the executive branch to represent well congressional and private sector interests in trade policymaking, particularly in the agricultural area.

Thus, although I personally regret Bob's departure and also the Senate's loss of his talent, I can only be pleased that he will remain in Government service and put his wealth of experience and commonsense to use in a critical area. I know that members will join me in wishing Bob well and every success in his new responsibilities.

Mr. BAKER. Mr. President, I join Senator DOLE—and I am sure every other Senator—in expressing our regret that Bob Lighthizer is leaving the service of the Senate.

He has served well as the chief counsel and staff director of the Finance Committee and prior to that as minority counsel for the Finance Committee.

Bob Lighthizer is one of those bright young men who made the Senate function, and I am sure he will bring the same talents to the Office of the Special Trade Representatives.

I wish him well in his new endeavor.

Mr. MATHIAS. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. MATHIAS. Mr. Lighthizer is a citizen of the Free State of Maryland. We are extremely proud of him, and I wish to associate myself with the remarks of the distinguished majority leader.

Mr. BAKER. I thank the Senator from Maryland.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCIENCE FOUNDATION

The legislative clerk read the nomination of Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOSEPH SHERICK NOMINATION

Mr. BAKER. Mr. President, I ask unanimous consent that the order of the Senate of March 17, 1983, relating to the referral of the nomination of Joseph Sherick to be Inspector General of the Department of Defense be modified to provide that the Committee on Governmental Affairs be discharged from further consideration of the nomination on April 26, 1983, if the nomination has not been reported to the Senate by the Governmental Affairs Committee by that date.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD of today's proceedings be held open until 3 p.m. today for the insertion of statements and the introduction of bills, resolutions, petitions, memorials, and so forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further business to transact. I will inquire of the minority leader if there is anything further to do.

Mr. BYRD. Mr. President, one of my staff members is checking out a matter and I will respond shortly.

Mr. BAKER. Very well.

Then, Mr. President, in the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADE AND INVESTMENT ACT

Mr. JEPSEN. Mr. President, today we are considering the International Trade and Investment Act of 1983. This bill seeks to establish reciprocity in the trade relationships between the United States and other nations. As a long-time supporter of free trade, I have hesitated to support more Federal involvement in international commerce. However, the exclusionary practices, subsidies, and other tactics employed by some of our trading partners have taken a heavy toll on U.S. business. It has gotten to the point where some kind of change is clearly necessary. I am all for free trade but I am not for unfair trade.

In addition, Mr. President, I support the Kasten amendment to S. 144 and, in fact, I am a cosponsor.

By now it has become crystal clear that the American people resent and oppose the concept of tax withholding on dividend and interest income.

According to the Treasury Department, an overwhelming majority of the people already pay taxes due on this income, and to catch a very small number of cheaters, to bring this compliance up from the low 90's to the 97.3 percent average compliance, we would penalize the overwhelming majority of honest American savers and investors as well as impose excessive costs on financial institutions.

The central issue is not the banking lobby. The issue is that millions of savers and investors in this country consider tax withholding obnoxious, cumbersome—in fact, I have received more than 105,000 letters and postcards from Iowans objecting to this tax.

The writers include farmers, senior citizens, business people, consumers, and taxpayers all of them. And they are not all just routine postcards sent through the mail. Over 25 percent of all of my correspondence has been individually handwritten.

With expanded reporting in effect, the IRS has the information it needs to enforce the law. All it has to do is match 1099 forms with tax returns. The issue of tax withholding really boils down to one of administrative convenience for IRS versus administrative inconvenience to financial institutions and millions of Americans. Instead of using information the IRS already has, we are to have the financial institutions collect taxes at enormous cost to them and the public.

To me it seems more rational to let the tax collectors do the tax collecting through already established procedures instead of harassing our citizens and financial institutions.

Perhaps the most important reason to delay withholding is its likely effect on saving and investment.

Everyone knows that over the years our economy has suffered from inadequate capital formation. The administration's tax reduction program was structured to increase saving and capital formation. But withholding would undercut the previous tax incentives. The cost to savers and investors could exceed $1 billion annually.

The startup costs imposed on financial institutions could amount to $2.5 billion, and annual maintenance about $1 billion thereafter. These additional costs will ultimately be passed on, and have a negative impact on saving and investment.

Mr. President, given the magnitude of the cost involved, both economically and emotionally, we should stop the implementation of this withholding. We should support the Kasten amendment and repeal this legislation and do it with some dispatch, Mr. President, I support the amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, APRIL 18, 1983

Mr. BAKER. Mr. President, I have conferred with the minority leader. He has indicated he has no further business he wishes to present to the Senate. There is no other Senator now seeking recognition.

Mr. President, I move in accordance with the order previously entered, that the Senate now stand in adjournment until Monday next.

The motion was agreed to; and, at 2:35 p.m., the Senate adjourned until Monday, April 18, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 15, 1983:

OFFICE OF PERSONNEL MANAGEMENT

David H. Martin, of Maryland, to be Director of the Office of Government Ethics, vice J. Jackson Walter, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. James R. Allen, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. Thomas M. Ryan, Jr., [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Andrew P. Iosue, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Kenneth L. Peek, Jr., [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Harry A. Griffith [redacted], (age 58), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Arthur E. Brown, Jr., [redacted] U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Lando W. Zech, Jr., [redacted]/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601 to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601.

To be vice admiral

Vice Adm. William P. Lawrence, [redacted]/1310, U.S. Navy.

IN THE NAVY

The following-named temporary captain of the U.S. Naval Reserve for permanent promotion to the grade of captain, in the line, as indicated, subject to qualifications therefor as provided by law:

LINE

Clarke, Brandon O.

The following-named temporary commanders of the U.S. Naval Reserve for permanent promotion to the grade of commander, in the line and staff corps, as indicated, subject to qualifications therefor as provided by law:

LINE

Husbands, Robert A.
Murphy, Thomas A.
Sullivan, Timothy B.

MEDICAL CORPS

Gibbs, Steven C.
Polland, Calvin L.
Rabetoy, Gary M.

DENTAL CORPS

Brian, John D., Jr.

The following-named temporary lieutenant commanders of the U.S. Naval Reserve for permanent promotion to the grade of lieutenant commander, in the line and staff corps, as indicated, subject to qualifications therefor as provided by law:

LINE

Brown, John M.
Richards, David S.
Smith, Gene A.

MEDICAL CORPS

Karlin, Charles A.
Schwartz, John C., Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Kennedy, Mike O.

The following-named officer of the Supply Corps of the U.S. Navy, for appointment in the line as permanent lieutenant, subject to qualifications therefor as provided by law:

Gangler, Douglas N.

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant, subject to qualifications therefor as provided by law:

Berry, Vance D.
Hickman, John R.
Laughlin, Larry M.
McCurry, Patrick T.
Workman, Orus B., III

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant, subject to qualifications therefor as provided by law:

Butrym, Kenneth P.
Claussen, Mark D.
Gravely, Harry A.
Hill, Michael L.
Mathews, Peter
Mikula, Kevin E.
Pedrick, Merritt W., III
Rakel, Jerome P.
Wall, Richard A.

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Hubbard, Barry D.
Hurley, James J.
Rackliffe, John A.
Schneider, Eddy E.
Vaughan, David D.

The following-named officers of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Ashley, Mark C.
Jackson, Gary W.
Matthew, George C., III

The following-named officers of the line of the U.S. Navy, for appointment in the Supply Corps, as permanent ensign, subject to qualifications therefor as provided by law:

Barber, Christopher J.
Garvey, Paul C.
Kojm, Leonard R., Jr.
Smellow, Daniel B.
Wilson, Mark C.

Executive nominations received by the Secretary of the Senate after the adjournment of the Senate on April 15, 1983, under authority of the order of the Senate of April 15, 1983:

UNITED NATIONS—INTERNATIONAL ATOMIC ENERGY AGENCY

Richard Salisbury Wiliamson, of Virginia, to be the Representative of the United States of America to the Vienna Office of the United Nations and Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 15, 1983:

NATIONAL SCIENCE FOUNDATION

Edward A. Knapp, of New Mexico, to be Director of the National Science Foundation for a term of 6 years.

NATIONAL LABOR RELATIONS BOARD

Patricia Diaz Dennis, of California, to be a member of the National Labor Relations Board for the remainder of the term expiring August 27, 1986.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

OFFICE OF THE U.S. TRADE REPRESENTATIVE

Robert Emmet Lighthizer, of Maryland, to be a Deputy U.S. Trade Representative, with the rank of Ambassador.

HOUSE OF REPRESENTATIVES—*Monday, April 18, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that against the anguish and tension of our world we will see the hope and promise of Your love; that in contrast to the evil destruction of selfishness, we will know Your peace; that in spite of those who do wrong, we will do what we can for right and justice. Empower all people by Your spirit, O Lord, to rise above the crude and crass and evil of the day to acts of dignity and noble purpose, wherein Your will is known and Your grace is ever apposed. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 64. An act to establish the Irish Wilderness in Mark Twain National Forest, Mo.;

S. 96. An act to establish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes;

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes;

S. 597. An act to convey certain lands to Show Low, Ariz.;

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day"; and

S.J. Res. 62. Joint resolution to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
April 15, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5, rule III of the Rules of the U.S. House of Representatives, the Clerk received at 3:25 p.m. on Friday, April 15, 1983, the following message from the Secretary of the Senate: That the Senate passed without amendment H.J. Res. 80.

With kind regards, I am,
Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, April 15, 1983.

S. 89. An act to amend the Saccharin Study and Labeling Act;

S. 126. An act to remedy alcohol and drug abuse; and

H.J. Res. 80. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

THE WHITE HOUSE IS PLAYING A MEAN TRICK ON THE UNEMPLOYED AND HARD-HIT COMMUNITIES

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, there is an old trick magicians play called "now you see it, now you don't." Now, it looks like the White House is playing this trick on Congress.

We are told the administration is planning to cut back future expenditures to compensate for funds appropriated in the bipartisan jobs bill last month.

Perhaps the administration's support of the jobs bill was, like a magic trick, just an illusion. But the victims of this sleight-of-hand are the 11 million unemployed Americans whose bad fortunes are not all going to change overnight.

The commitment to economic development and jobs that began in the jobs bill should be a beginning, not an end. The White House is playing a mean trick on the unemployed and hard-hit communities. Let us hope the Congress is more straight forward with the American people.

CUTTING TAXES AND CUTTING SPENDING IS THE RIGHT MEDICINE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, in the last few months, have you noticed how few liberal Democrats have taken the floor to berate Ronald Reagan and Reaganomics?

Six months ago, you would have had this whole aisle filled up here, and maybe for good reason, because for several months now, most economic indicators have been on the rise, indicating an even stronger economic recovery than we had expected. But if you watched the Sunday evening news this past week, every single economic indicator was good news. Inflation was a minus; retail sales were up; industrial output was soaring; auto sales were up; housing and construction was on the move; and Reaganomics was working. This means that cutting taxes and cutting spending was the right medicine, after all.

But, now what do the Democrats want to do? Mr. Speaker, they not only want to increase spending, but they want to increase your taxes again. Wake up, America. The Democrats are about to get into your pockets again. And if you do not like it, let them know about it.

ARKANSAS WILDERNESS AREA

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, the people of my State are proud of our State motto, "Arkansas is a Natural."

Part of the reason is that, back in the early part of this century, President Teddy Roosevelt had the foresight to set aside two large tracts of land, one known as the Ouachita National Forest, and the other one known as the Ozark National Forest. And for that reason, those lands have been protected for a long time now. It enhances the beauty of our State. As everyone knows, Arkansas has fine people. We also have beautiful land.

The Forest Service has been charged with the responsibility of managing those national forests since the inception and the set-aside by President Roosevelt. Under their authority, they can permit private entrepreneurs to come in and clearcut rather sizable

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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portions of the forest, they can permit mining, they can build roads through those forests. Now, to a certain extent, that is good. It is good for the economic development. But once that sort of thing is done, you cannot go back and undo it.

Therefore, I believe we ought to set aside a portion of those lands as wilderness so that they will be protected from that kind of development. Therefore, I am introducing today a bill which will set aside 6 percent of the national forest lands in Arkansas, 11 areas all together, as wilderness, and they would be protected for perpetuity.

I think it is a good thing to do, and I think the people of our State will support it. Additionally, I have asked the Forest Service and the Department of Agriculture to withhold any development in those areas until my other colleagues in the Congress from the great State of Arkansas can have a chance to deliberate and reach a consensus on this issue.

NUCLEAR FREEZE RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 60 minutes.

Mr. LEVITAS. Mr. Speaker, I take this time again to address some of the important issues that have been raised during the discussions that we have had in this House over the last several weeks with respect to House Joint Resolution 13, the so-called nuclear freeze resolution, and I do so, Mr. Speaker, because I feel that one of the most important things that has come out of this entire matter has been the ongoing discussion of the issue which relates to the very survival of humankind on this planet.

□ 1210

It is an important issue that deserves full, careful, and thoughtful consideration. In that regard I think those people across this Nation who have been actively involved in the matter of discussing nuclear arms control in the context of the so-called freeze movement, or in other efforts, deserve a great deal of credit for focusing both public and congressional attention on this matter. Many individuals that I know personally who have spoken to me or written to me about this matter are people for whom I have the greatest respect. They are good, they are intelligent, they are educated, they are informed individuals, and I think what we have seen is an outpouring of concern by these individuals which has thus far found expression only in the context of what has come to be known as the nuclear freeze movement.

But the important thing, Mr. Speaker, is the fact that all sane and rational people, in this country and in the world, know several things; we know that we must take steps not only to deal with an immediate piece of legislation pending on the floor of this House, but we also must move to a situation where the world will become a safer place, and where we will have an opportunity to give to future generations a world that is safe from the threat of a nuclear catastrophe. We have come to focus on the resolution now pending before this House, and one of the most important developments in this entire discussion occurred on Wednesday of last week when the chairman of the Committee on Foreign Affairs took the opening time to explain what he understood House Joint Resolution 13 to mean.

I think it is very interesting that in that discussion, which will form a portion of the legislative history of the nuclear freeze debate, a great many things which have previously been said publicly about that debate and about what a nuclear freeze really means were quite different from the public discussion, particularly within the nuclear freeze movement.

I am reminded of the quotation from Lewis Carroll by Humpty Dumpty. "'When I use a word,' Humpty Dumpty said in rather scornful terms, 'it means just what I choose it to mean, neither more nor less,' "

I think what we saw develop in the discussion of explaining what a nuclear freeze means, at least within the context of House Joint Resolution 13, is Humpty Dumpty having decided that the words, "nuclear freeze," mean something quite different from what many people who have been active in the nuclear freeze movement might have thought they meant.

For example, and I think, very importantly—and I commend the gentleman from Wisconsin for recognizing the importance—it means that the freeze discussion would be resolved in the course of negotiations, and that those negotiations explicitly involve an opportunity for modernization of nuclear forces, which is a matter that those of us who have concerns about a freeze without modernization or movements toward reduction have been concerned about for quite some time.

Now, it may be that if proponents of a nuclear freeze who have been discussing this matter around the country were fully informed and understood what the redefinition of "freeze" now means within the context of House Joint Resolution 13, they might be somewhat disappointed because the new explanation of what is involved in a nuclear freeze goes directly to the question of negotiation, which provides broad scope, including such matters, according to the gentleman from Wisconsin, as modernization and indeed even the possibility of testing itself.

But the entire debate that we have had thus far has been for the most part a high level discussion of this issue, which some of the proponents have described as the most important single issue facing this Congress or indeed facing humanity in the world today, and I hope that the debate and the discussion will continue along those lines.

I must say that during the course of proceedings on last Wednesday, I got the feeling in one or two instances that this debate had not measured up to those standards. For example, I heard several of the proponents of House Joint Resolution 13 speak to their colleagues as they entered the doors on either side of this Chamber, and, when being asked to explain what the nature and impact of a particular amendment was, gave a response which simply said, "the pro-freeze vote is no," with no explanation or no consideration of the important issues that were being developed. I do not think that that served well the type of debate that an issue that is the most important to mankind deserves.

I also saw a "Dear Colleague" letter what went out from one of the proponents of House Joint Resolution 13, and it said that no amendments were acceptable, no matter what they were and no matter how they may be phrased. Now, that is a very serious approach to something that we ought to be discussing, because what it was saying is: "Don't clutter my attention with any facts. Don't bring any logic or reason to my attention that might affect my voting one way or the other on a particular amendment that is pending or which might be offered." It simply said, "We don't want to deal with the substance; we simply want to make a symbolic gesture and enact a term rather than a piece of legislation."

All of us who are approaching the matter of arms control in a serious and concerned way have a common interest, and that is an end to the arms race. I repeat, an end to the nuclear arms race. I do not think that there are any people who have any understanding about what nuclear war could mean who believe that there could be such a thing as a survivable nuclear catastrophe. So we have got to devise the most effective means, not only of talking to ourselves about what needs to be done but of trying to have some impact upon the Soviet Union and its leadership to make certain that we can have a negotiated mutual and vertifiable treaty that will end the arms race and bring about a reduction in the nuclear arsenals we both have.

Unfortunately, the nature of our two systems of government, that of the United States and that of the Soviet Union, is quite different. In this country and in Western Europe we

have democratic societies where the citizens make the decisions through their elected representatives and where their grievances or concerns, whether by protest or other means, are made known to the leaders of these countries, and that formulates public policy.

There is no doubt in my mind that demonstrations, both in Western Europe and in this country, have had an impact upon policymakers and have had an impact upon the administrations of these countries, and I think one of the reasons that this movement has had the impact and gained the attention that it has received is that many of the early decisions made by the present administration in this country gave cause for alarm that there would not be serious arms control negotiations, and that we would not achieve a safer way through some sort of arms control treaty. It was in response to that that people all across this Nation and in Europe approached the problem by expressing themselves through participation either in demonstrations or through other means of making their concerns known. There has been a response, both in the Congress and, I believe, even in the administration.

But the sad part is that there are not demonstrations of this sort in the Soviet Union because in the Soviet Union, if there were such demonstrations, the people involved in the demonstrations would be arrested and convicted for crimes against the state. And yet we know that there can be no arms control treaty unless the Soviet Union is prepared to go into good faith negotiations with the United States on these matters; and it will not simply result in a treaty being adopted when people in this country or even this Congress express themselves in a certain way unless that expression motivates or provides incentives for the Soviet leadership to take similar corresponding action.

□ 1220

Thus far the history has been that they are not responsive to those types of treaties, those types of in-treaties and those types of demonstrations that we have seen by citizens of free nations in the West.

In fact, the only time we have ever seen the Soviet Union make any effort toward arms control or arms reduction was in response to specific actions we in the West have taken. The Soviet Union would not participate in antiballistic missile treaty discussions where they had already developed such systems until the U.S. Congress voted to develop systems of the same sort. Then there were such negotiations. When the Soviet Union deployed the hundreds of SS-20 intermediate nuclear force missiles in Europe, there was no such thing as discussions or negotiations about limiting or controlling or reducing those until the NATO Alliance agreed that we would respond by deploying Pershing II's and cruise missiles and only then was there a discussion entered into in Geneva for INF negotiations; so it will be in the case of strategic arms control that until the Soviet Union realizes that we in the West, and particularly the United States, are prepared to take those steps necessary to bring about negotiations, that there will be no serious negotiations.

It concerns me as a Member of this body to watch what our European allies have done very courageously, looking literally down the barrels and down the missile tubes of the Soviet Union, to agree to go forward and take action for deployment of intermediate range missiles by NATO, if necessary, in order to bring about a reduction of intermediate range nuclear weapons that the Soviets have deployed and are continuing to deploy, pointing at those very nations. It takes not only a great deal of courage on the part of the political leadership of Germany and Great Britain and other of our Western Allies to take these courageous actions, but it also takes a commitment by the populations of those countries who know that the Soviet threat is a clear and present danger with modern nuclear weapons pointed directly at them.

How will those European leaders and Europeans feel if we in the United States respond with anything that demonstrates less than similar courage and commitment? Will we cower after they showed courage? Are we going to provide the Soviet Union with a victory that does not even involve negotiations at Geneva? Are we going to make the decisions in this Congress that will give the Russians everything they want in return for nothing?

I hope and pray that that will not be our decision, because it concerns the future of the world. If we give the Soviet Union everything it is trying to accomplish without having to negotiate a quid pro quo, a reduction, then it is my concern that the Soviet Union will look upon the two negotiations now going on in Geneva and, indeed, the conventional force negotiations that are going on in Vienna, as unnecessary exercises, because they know that they do not have to make any concessions to achieve their purposes of maintaining their level of force deployment, with regard to both intermediate range and strategic missiles in Europe and in the Soviet Union.

So I would hope that as we continue this very important debate, Mr. Speaker, we realize that we have got to give incentives to the Soviet Union to enter into serious discussions, not merely to freeze the levels, whether they are strategic or intermediate range, where they are today but, indeed, to go beyond that and see a reduction, a building down of the nuclear warheads that are pointed at each other.

I would hope that as we in this country and in this Congress continue this debate, that we not get hung up on cliches or slogans. I have no doubt that there are many people across this Nation who because of their frustrations and concerns have become fixed on a term "freeze" and that there are leaders who are leading these people in that direction, that that leadership not end up being the Pied Pipers of our generation, leading the children to destruction, but rather, that the leadership be leadership that can look upon this subject and this discussion in a much broader context, to see how we can get away from the arms buildup to an arms reduction, from MIRV'd missile systems to deMIRV'd systems, which would be more stabilizing and create either a smaller kill target or create less likelihood of first strike capability.

It is for these reasons, Mr. Speaker, that I am hopeful and desirous that we in the interest of achieving peace and security in this world do not create a situation which is more dangerous simply because we have lost the will to do that which is necessary.

We must remember what happened in Europe before World War II. In the 1930's following in the aftermath of the great destruction that was visited upon Europe during World War I, there was a great peace movement that built up, particularly in France and Britain, and at that time the leadership of France, and even more so Britain, was taking a position that they could avoid the growing threat of tyranny and Fascism and Naziism in Europe by not being prepared to deal with it if necessary. There were marches throughout Britain of people, well-intended people, who were very concerned about not having another war, who marched under the banner that "we will not fight for King or country," and yet thousands upon thousands of those very marchers had to pay a price of their blood during World War II, because in the face of tyranny the attitude of the Western alliance in Europe in the 1930's was not adequate to deter the growing threat of miltarism and of tyranny that was growing in Germany and in Italy at that time.

Now, Winston Churchill said, during that period of time, that, "You cannot keep so great a nation in an inferior position. What others have they must have," was the argument that the Germans were making.

Churchill said that:

It is a most dangerous demand to make. Nothing in life is eternal, but as surely as Germany acquires full military equality with her neighbors while her own grievances are unredressed, while she is in the temper which we have unhappily seen, so

surely should we see ourselves within a measurable distance of the renewal of general European war.

His words were not heeded. His words that were saying to the British that we must prepare to meet the German threat, the Nazi threat, if we are to avoid conflict, were words that went unheeded and, indeed, the Germans, the Nazis, built up their war machine, while France and Britain did not.

The outcome is now a matter of tragic history. World War II came upon Europe as a dark cloud, because at a time when there was an opportunity to say to the aggressors, "You shall not have a free hand," the Western Allies, Britain and France, passed that up because there was such a fervor to bring about peace and to avoid the risk of rearmament that many of those who were leaders of the peace movement felt would only lead to war.

□ 1230

How tragically mistaken they were, because they did not learn the lesson that has been a lesson in all history: In the face of an aggressor, you do not get peace by not being prepared for war. You must be prepared to meet that threat of aggression if you are to avoid war, is the unmistakable lesson of history.

It is for that reason, in the context of this important debate which we are now engaged in, that we must not simply be talking to ourselves, we must not be simply saying, "Would it not be nice if we could stop building nuclear weapons or modernizing our forces" in the hopes that the Soviet Union would do likewise.

Every piece of evidence we have indicates that the Soviet Union is not only continuing to deploy SS-20 missiles in Europe, but that the Soviet Union, at a rapid pace, is continuing to modernize their SS-19's and their SS-13's, that they are continuing to build at an increasing pace the Oscar-class and Typhoon-class nuclear submarines, that they are going forward with a buildup of their forces. And what we have got to do is create a context within which there will be no incentives for the Soviet Union to continue their nuclear buildup even as freeze or START negotiations go forward. They will have forces at a certain point where there will be no incentive for the Soviet Union to take any action other than to maintain the force levels that they now have. They will not move to reduce.

Therefore, Mr. Speaker, I would hope that in the next days and weeks as this House completes its action on the matter of nuclear arms control as embodied in House Joint Resolution 13, and as the other body takes up similar matters relating to arms control, that we will come together at some point with a rational approach, that will create more stability, less opportunity for first strike capabilities, and that we can gradually but certainly continue to see a reduction in the nuclear forces that both sides have under circumstances where the fear of vulnerability will be lessened.

And I think that that will take moving away from cliches and moving away from preconceptions, and focusing upon the substances of what we are talking about. And if we are able to do that, if we are able to do more than pass a slogan; if we are able to create a context of arms negotiations in which there will be greater stability for both sides, less hair-trigger response concern on both sides, where both sides will see that it is in their mutual interest to gradually reduce the number of nuclear warheads that we have and make them less destabilizing, that we will have done more for future generations than anything else. But if all we end up doing is going through an exercise, a symbolic march led by pied pipers, then we will have done a great disservice to the future of mankind.

Mr. SEIBERLING. Mr. Speaker, would the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman has made a very good contribution to this continuing debate in the statement that he has just completed. Much of what he says I find myself in complete accord with.

I was a college student during the period before the United States entered World War II and I was one of those who advocated intervention by the United States on the side of Britain and France and was labeled a warmonger at the time because the popular position of students in this country was, "We do not want any part of it."

And of course they all ended up, along with myself, being involved.

I think the analogy to the situation that existed at that time, while to some extent valid, is not completely valid, because we are not dealing with a government like Nazi Germany, which has proclaimed its intention to, in effect, conquer the Western democracies by military force, despite the rhetoric of Marxist ideology. I think the debate that is going on, and the nuclear freeze proposal that is involved in the debate, is an effort to express a feeling that our side of the arms control negotiations is insufficiently flexible and that the posture of our Government, particularly the President, himself, is unduly bellicose. The Soviets are taking advantage of that, because that kind of a posture feeds on the fears which are certainly legitimate fears, of the people here and abroad, of the consequences of a nuclear war.

And there is a general sense that this thing is drifting out of control; meanwhile the weapons are piling up and up and up and nobody is really getting a handle on the situation.

I was fortunate enough to be with a group of Congressmen who went to the Soviet Union in January and met with the two top arms control negotiators, Mr. Karpov and Mr. Kvitsinsky. When I came back I put my notes on our meeting in the CONGRESSIONAL RECORD. And the members of that delegation seemed to feel that those were an accurate summary of the discussions that we had.

The Soviet position, insofar as their response to the U.S. negotiating position, was not without some validity. I think placing 300-some SS-20's in a position to attack Western Europe was a serious mistake and was unnecessary from any reasonable defensive point of view. But their rationale is that the French and the British have nuclear missiles aimed at the Soviet Union, some 160 nuclear missiles. And therefore that their action was merely a response.

That would be plausible if the Soviets had merely deployed a number which could have been the equivalent of the French and British missiles. But the Soviets went on and put in many more, which was certainly not justified. Yet this is the pattern of the nuclear arms race for the last three decades.

The pattern has been that one side deploys a new system and then the other side deploys a countering system, and maybe improves upon it or expands it and then there is a further reaction and so on and so forth. The Soviets are now threatening that if we deploy Pershing II's in Europe they will respond with intermediate range missiles that can attack the United States.

So the thing goes on. That is what the nuclear freeze resolution is all about. Freeze resolution supporters are saying to the people in the executive branch, and the American people are saying to Congress, that the nuclear arms race has gone crazy, it has gone way beyond deterrence, it is now at a point where it is beginning to get completely out of control.

Now if the gentleman would yield further, I would like to get his reaction to something.

Mr. LEVITAS. Before I do, may I just comment on what the gentleman has said?

Mr. SEIBERLING. Certainly.

Mr. LEVITAS. Because I find very little if anything in what the gentleman has just said that I disagree with. Indeed I think he has, perhaps more succinctly and more eloquently than I,

made precisely the point I was trying to make in my remarks.

I think one of the benefits and important consequences of the nuclear freeze movement both in this country and in Western Europe, has been to focus attention both in Congress and elsewhere upon the concerns and fears that the people have about the possibility of a nuclear war catastrophy. And I think one of the reasons this movement has gotten so much momentum in the last 2 years is because of the attitude or perceived position of this administration as one that did not appear to have a realistic and serious good faith policy toward bringing about serious discussions and negotiations.

□ 1240

And I think that if nothing else were accomplished by the good people in the nuclear freeze movement, this has been achieved and we in the Congress, and perhaps even to a certain extent in light of the Scowcroft Commission report, people in the administration are now taking an attitude which will be more realistic and more flexible. And it is for that reason that I am hopeful that our debate as the lawmakers will be one that will not be trivialized simply with slogans, but will try to provide a framework within which realistic incentives can be provided and realistic reason given to the Soviet Union to enter into these negotiations.

And I thank the gentleman for making these points.

Mr. SEIBERLING. If the gentleman will yield further, I certainly agree with what he has just said.

Let me say this. When we met with Karpov and Kvitsinsky we started out by telling them that we support the zero option that the administration has proposed while recognizing that there may be other alternatives that could be explored. And they said, well the trouble with the zero option is that it does not take into account the British and French missiles that are aimed at the Soviet Union. And they noted that Britain and France are both members of NATO and that in any conflict they certainly are not going to be on the side of the Soviet Union.

Now it does seem to me that with that opening our administration could be more flexible, and maybe they have in their secret discussions, but in the public debate they have not. The administration have come back with a proposal of something less than zero option, but they have not spelled it out.

It does seem to me there are plenty of possible intermediate negotiating positions. For example, the British and French take the position that they are not going to eliminate their nuclear missiles, even if the Soviets eliminated theirs. The United States takes the position that it cannot rely just on the British and French missiles in the case of a Soviet threat and have to have some counter to the SS-20's that is under the control of the United States.

Well there are possible negotiating positions. Kvitsinsky said they would be willing to reduce their SS-20's down to the level of the British and French missiles, for starters. It seems to me that we could counter with a proposal, for example, that we would try to get the British and French to each agree to limit their total number to 100 missiles and we would put in 50 Pershing II missiles and the Soviets would scale down so that on their side they had 150 missiles.

That is the kind of flexibility that in actual negotiations is needed and maybe that flexibility will be forthcoming. But I do not see any sign of it in the public statements of this administration. There is no sign of practical, realistic proposals coming out of this administration, particularly in the light of the fact that when Nitze and Rostow tried to work out a deal with Kvitsinsky, they got their ears pinned back last year by the administration.

So there is a general sense on the part of the public that the Reagan administration is not serious, and that feeds the constant fear that is behind the antinuclear demonstrations in Europe and the antinuclear movement in this country.

It is a sad thing, because we cannot negotiate the arms control agreements in the Congress and certainly it cannot be negotiated in the newspapers, but we are trying to send a message. I am glad to see that the gentleman is joining us.

This administration first has got to do something to stop this escalation, and the first thing the President could do to contribute to that would be to just stop the scare talk. And second, they have got to try to move forward with realistic proposals.

I could also go into the Soviets' reaction to our administration's position on the strategic nuclear weapons. The U.S. proposal would be, from the Soviet point of view, that they eliminate the bulk of their land-based ICBM's, which is the mainstay of their nuclear force and we would not eliminate the bulk of our nuclear force, which is in B-52-carried cruise missiles and in submarine launched missiles.

That was all right as an initial opening ploy, but it certainly is not going to be acceptable to the Soviets if we want a balanced agreement that protects both sides. The public is saying there must be progress, not merely political rhetoric, and so far all we have had is the latter.

Mr. LEVITAS. I thank the gentleman for his observation and I would like to take a moment to respond to a couple of points because I think he has raised some very important issues.

Mr. Speaker, I want to comment on a couple of specific points that the gentleman from Ohio has made.

First, the matter of the British and French missiles and the Soviet attitude toward them. It is my understanding based upon my study of this matter that the British and French missiles are basically national defense systems which have as their purpose considerations quite different from the NATO alliance missiles as such or the SS-20's. For example, it is pretty obvious that 162 missiles in no way could be considered as a first strike capability against the Soviet Union. The thought of launching 162 missiles, whatever the number of warheads against the enormous arsenals of the Soviet Union would simply be an invitation to suicide.

It is my understanding that the role of the British and French missiles, which have different targeting considerations from those that we are talking about in the INF negotiations, are essentially retaliatory strike capabilities that the British and French seek to have under their own national control.

On the other hand, it is quite true that the Soviet Union makes the case why should they remove their missiles from Europe if we or our allies maintain 162 missiles pointed at the Soviet Union for any reason. And it would be my hope, although I have no more information than is now generally available to the public, but it would be my hope that what the administration was attempting to communicate in its proposal that was announced just prior to the recess of the talks in Geneva this month, that when they said there could be intermediate stages of negotiation for reduction of theater forces that it took into account some of the concerns the Soviet Union has about the British and French missiles and which was expressed to the gentleman and his delegation when he was there.

As the gentleman points out, the administration did not and I think correctly did not try to spell out in a press conference what was intended by that intermediate stage negotiation. What concerned me—and I would be interested in knowing from the gentleman from Ohio what his feeling was—was that the Soviet response to that statement which was made just before these talks recessed, was one of pretty much rejection out of hand, not waiting until they got back to Geneva to have some of the proposals flashed out, but it is my recollection that Mr. Gromyko in a press conference in Moscow almost immediately several days after, indicated that that would not be an acceptable negotiating stance.

Now I would hope that this is nothing more than public posturing and that when the negotiators get back to Geneva they will be sitting down and having serious discussions on an intermediate stage negotiation which will take into account some of these concerns that the Soviets have about the British and French missiles.

What I am concerned about, and I am sure the gentleman from Ohio is, too, that even as we debate this subject in Congress today, the Soviet Union is continuing to deploy SS-20 missiles pointed toward Western Europe.

□ 1250

Mr. SEIBERLING. Well, I think that the response of Mr. Gromyko was a very disappointing one, although the administration spokesman, at the time they released their proposal, made also the statement that an initially negative response was expected.

That is no question that the Soviet Union is trying to take political advantage of the general fear on the part of people here and in Europe over the nuclear arms race and are exploiting it for their own ends, as they did, for example, during recent elections in Germany.

However, I think that, to the extent that the posture of our administration seems to be one of either rigidity or undue bellicosity, we simply help the Soviet to use the issue politically and encourage them to do so.

I must say that I agree completely with the gentleman that there is no valid excuse, if the Soviets were merely trying to balance off British and French missiles, for the continuing buildup of SS-20's I suspect that about the only legitimate argument one can make for that continued buildup is that it is a way of continuing to put pressure on the United States, just as we are using the MX missile threat as a means of trying to put pressure on the Soviet Union.

I do feel that the Soviet Union, from our years of experience with it, is a government which will try to exploit every possible weakness that it can find in the United States and its allies, that it will get away with whatever it thinks it can get away with in international affairs and, for that reason, we cannot just assume that if we are nice, the Soviet Union will be nice too. I think sometimes President Carter conveyed that impression, and that may be one reason that he is no longer President.

But the other side of the coin is that it is just as bad to make statements, as the President did, that we are going to put economic pressure on the Soviet Union and cause the breakup of their economy. That is hardly going to build an atmosphere of mutual confidence. And then we have statements by administration spokesmen that we are going to build up the MX as a bargaining chip but we do not intend to give it up, which makes no sense whatsoever, if it is indeed a bargaining chip. I just think that this administration needs to get its act together so that it can really find out whether the Soviets are serious about arms control. I happen to think that they are, from talking to their top negotiators and from talking with some of their other leaders, and particularly some of their economists. I talked with a Soviet economist who was at a gathering at the U.S. Embassy in Moscow, and I asked him what the arms race was doing to the Soviet economy. He said, "It is ruining our economy." I said, "Well, it is ruining the U.S. economy." And I added, "What concerns me is that, while the two superpowers go on escalating the arms race, other countries like Japan, who are not doing that, are going to grab the ball and run away with it economically." He said, "That is a very legitimate concern, and it is one that concerns us, too."

So there are pressures on the Soviet Union. This is a threat to them. It is a costly undertaking. And we really need to believe that there are already pressures in the Soviet Union that favor a scaling down of the arms race.

But when the President of the United States goes on the radio and talks about how he now wants to investigate the possibility of missile defenses that will not even be feasible, if ever, until the next century, what does that say about his seriousness as to nuclear arms reductions and eliminating this whole terrible threat by negotiation? That is a lot cheaper way, if it can be brought off, and a lot better one than trying to build some kind of star-wars defense system which will probably be destabilizing and only provoke a similar effort on the other side.

I think that this debate has been very healthy. I think the gentleman's contribution today has been a very salutary one, and I am happy that he gave me the opportunity to participate in it.

Mr. LEVITAS. I thank my good friend and colleague, the gentleman from Ohio, for his comments, and I have listened to his discussion of this matter not only today but on previous occasions, and I believe that he has perhaps been not only one of the most effective but one of the most responsible advocates for the position that he articulates so well.

I, too, am concerned that the administration adopt a more credibly perceptive position on arms control, not only in the sense of the position that it takes or stakes out at Geneva, but also in terms of the personnel that we have representing us in connection with arms control matters.

I think the recent appointment of Mr. Adelman, regardless of his abilities or experience, but based upon his reported approach to arms control, exacerbated the concerns that many people have had about the sincerity of this administration in arms control.

I understand that this administration has proposed substantial budget cuts for the arms control agency, including such matters as removing computer capabilities and library resources, and the like, at the very time we are engaged in the most important arms control discussions of the last 10 or 15 years. That also creates the apprehension that the gentleman describes.

But just as important as sending signals to the White House and to President Reagan, to this administration, we have also got to be very mindful of the types of signals we are sending to the Kremlin and to the Soviet Union.

The gentleman is, of course, quite correct in saying that the Soviet Union is not going to take action simply because they are nice guys. They are not nice guys. One has only to look at the history of Soviet intervention and aggression. You do not have to look at Afghanistan and Poland, to begin with. You can go back to Czechoslovakia, you can go back to Hungary, and now look at Poland and Afghanistan, where we have seen the direct manifestation of the use by the Soviet Union of brute force to accomplish their political objectives.

I fear that as we look around the world today, there are other areas beyond Afghanistan where the possibility and potential of Soviet involvement is very real—Iran being one of them. And I am concerned that the signals that we send to the Soviet Union are signals that let them realize that they do not have a free hand and that there has got to be negotiations toward realistic arms control and reduction, because if they ever believe that they can accomplish without negotiations the same decisions about our defenses, about our deployment of intermediate force missiles, about our strategic forces, without participation in negotiations because of the types of pressures they are bringing to bear upon public opinion in Western Europe and indeed in some instances even in the United States, that they would have no reason whatsoever for engaging in meaningful arms control negotiations.

One of the proposals that we discussed last week in the course of the debate was what we described as the mutual guaranteed build-down of nuclear forces, which would assure an end to the arms race in terms of increase and a movement toward more stability, the possibility of ending the MIRVing race and moving toward stabilizing deMIRV'd forces. And I believe that that is another example of constructive discussion and consideration. I frankly believe that when the

other body has completed its deliberations on this matter we are going to see a great deal of movement in that type of direction. I think the Scrowcroft Commission Report has also signaled that the reduction of nuclear warheads and a movement to the small single warhead mobile missile may be a realistic approach to take in arms control. But we have got to talk in reality and not just in symbolism.

William Safire has a book known as "The Political Dictionary, the New Language of Politics," and in it he defines demagog as "one who appeals to greed, fear, and hatred, a spellbinding orator careless with facts and a danger to rational decision."

And I would hope that, on a matter as important as the survival of humanity on this planet, we avoid being demagog on either side of this issue, that we do not exploit fear, and that we are not trivial with the utilization of our facts that are going to drive us to certain decisions.

Last week during the course of the debate, one of our colleagues made reference to the build-down concept and said that he was unwilling to swap two crossbows for one artillery piece.

□ 1300

Now, I suggest that the gentleman knows better than that. Crossbows and artillery pieces have to do with delivery systems, if you will. There are many types of artillery shells, from TNT to nuclear. There are many types of arrows that can be launched from a crossbow.

The guaranteed build-down focuses on the reduction of a number of nuclear warheads that both arsenals contain today, and we should not trivialize this debate by not addressing what are really serious concerns. I am confident that as this debate continues and as we go from the consideration in this body to the consideration in the other body, we will be not only sending the correct signals to this administration but we will not endanger our security and the peace of the world by sending the wrong signals to the Soviet Union.

We in this country have never said, even when we had a monopoly upon nuclear weapons, that we would use those weapons for purposes of accomplishing our political aims by launching a strategic attack against the Soviet Union. The Soviet Union, on the other hand, has built up a massive first strike capability which indeed threatens the Western World and Western civilization today, and it is for that reason that I passionately appeal to our colleagues that we must address this matter of nuclear arms control in a rational way, in a way which will bring about substantial reduction of nuclear forces in order to maintain the security of the Western civilization of which the United States is today the foremost leader.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I think the gentleman is absolutely right in objecting to the trivialization of some of the serious issues that were brought up, and his amendment on the build-down is certainly one of them. I voted against it. I have some serious problems with it.

For one thing, I felt the Congress should not put itself in the position of trying to dictate the details of arms control settlements; and second, I felt that unless we spelled out the kind of weapons we were getting rid of versus the kind we were replacing them with, there was some basis for saying we still might end up with a more powerful nuclear force in one more accurate, more powerful warhead than the two that were disposed of. But that is an issue which I do not think we need to go into at great length today.

I do feel, however, that it is important for those of us who support the nuclear freeze resolution—and I am one of those, and I support it strongly—to make it clear that we are under no illusions about the necessity of maintaining the continued ability to offset whatever nuclear forces the Soviets have until such time as they and we work out an agreed upon freeze and reduction. And the reduction is, of course, the most important objective.

Those of us who support the freeze simply feel that at some point we have to call a halt, and I am satisfied that the scare tactics that are used by the administration, including the President himself, implying that somehow the Russians have a tremendous advantage in strategic weapons over the United States at this time, are presenting something that is simply not true. And they are making that statement, knowing that it is not true, but for purposes of trying to stampede the opposition into giving way.

That is not to say that there are not specific threats which must be countered, and particularly in Europe with the SS-20's. I do not see how we can tolerate the continued deployment of those huge numbers of SS-20's against NATO countries. It is clearly an effort to do an end run on the United States and to alter the balance of power in Europe, which we must not tolerate. The Soviets need to understand that, but we need to be realistic and flexible in our efforts to try to counter that and not merely use it, as I think the administration started out doing, for its own propaganda ends.

So there is a lot to be said for getting serious on both sides of this issue. I do feel that the Soviets are serious, and if we are serious, we can make progress. If they decide we are not serious, then they are just going to try to exploit the thing politically, and that would be a terrible tragedy for all mankind.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from Ohio (Mr. SEIBERLING) and in conclusion let me say that I appreciate his comments on, for example, the build-down concept, which, I want to reemphasize, is simply a concept. I trust that as the discussion of that concept proceeds, the gentleman from Ohio and others will look at it with real seriousness in terms of structuring a build down of nuclear forces in a way that addresses the matter of the megatonnage of reduced forces, the development of single warhead missiles, and a de-MIRV'ing of our present arsenals on both sides.

I think, as the gentleman and others in the debate indicated, if that is the case, we should take a look at these other alternative approaches and they will see the importance of moving toward arms reduction within that context.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. LEVITAS. Let me just make this one concluding remark first.

I am troubled that there are some who support the nuclear freeze who believe that simply by freezing at present levels and nothing else, with no more testing, no more R&D, and no more deployment, we are going to move toward a safer world. That is certainly not the case, because as our forces and indeed the Soviet forces deteriorate, we raise the hair trigger response mode both sides would have to engage in, and I certainly would not want to see American forces sitting beside silos of deteriorating, unreliable, unpredictable capabilities, nor would I want the President of our country to know that he could not rely upon whatever forces we have at our disposal.

So I think that we have got to be very concerned about doing more than just freezing, whatever "freezing" might mean today, but I think we have got to drive ourselves and the Soviet Union with realistic incentives to reduction of nuclear forces in a way that gives both sides assurances for their own security.

Mr. Speaker, I will be happy to yield to the gentleman from Ohio now, if he wishes me to do so.

The SPEAKER pro tempore (Mr. KAZEN). The Chair advises the gentleman from Georgia he has 2 minutes remaining.

Mr. LEVITAS. I thank the Chair.

Mr. SEIBERLING. Mr. Speaker, I will simply make a unanimous-consent request.

Mr. Speaker, during the last Saturday office appointments I had in my congressional district, I was visited by a Catholic priest, now stationed in my district, who had recently returned from 9½ years in El Salvador. It was

his view that there was no way that the United States could successfully block the eventual success of the guerrilla movement there by the policies presently being employed. He pointed out that the proposed solution, early elections, would not work as long as the center and leftwing candidates had substantial reason to suspect that they would be assassinated.

It was his belief that a dialog must be opened up between the Government of El Salvador and the guerrilla leadership, and that effective curbs on the violence of the military and paramilitary death squads would have to be one of the top items on the agenda.

Mr. Speaker, the Washington Post for Sunday, April 17, contained an excellent article by Samuel L. Popkin, associate professor of political science at the University of California. Professor Popkin had made an indepth study of the pacification program in Vietnam and draws some interesting comparisons between the situation there and that in El Salvador. His ultimate conclusion is:

The price of any further aid to the government of El Salvador must be its readiness to deal ruthlessly with indiscriminate killing. In the long run, it is easier for a government to maintain its authority if it can claim credit for protecting the lives of its citizens than if it provides roads and schools while leaving citizens' lives at risk.

The full text of the article follows these remarks:

[From the Washington Post, Apr. 17, 1983]

PACIFICATION WON'T FLY IN SALVADOR

YOU HAVE TO PROTECT LIVES TO WIN HEARTS AND MINDS

(By Samuel L. Popkin)

There is a new bumper sticker in California that reads: "El Salvador Is Spanish for Vietnam."

The Reagan administration has made this comparison inevitable by urging an extensive pacification program for rural El Salvador at the same time it is asking for increased military aid.

As a social scientist who once studied the pacification program in Vietnam, I find myself being asked whether such a program can work in El Salvador. That is, will new roads, schools and clinics along with expanded local government in control of a local militia make a difference to the campesinos? (In Vietnam, after all, the pacification program did enable the Saigon government to establish control over most of the country.)

To believe that local government and infrastructure will win campesino support while lawless violence rages is to ignore a major lesson from Vietnam. The question Congress should be asking is whether it makes any sense at all to bother about such programs in El Salvador when the most elemental form of pacification—physical security—is denied to rural people by their own government.

The lesson from the pacification program in Vietnam is that the control of violence is more important in a long war than programs to improve rural welfare. The successes of the pacification program in Vietnam resulted not from capital projects and local government but from bringing a measure of physical security to the everyday lives of the villages.

What villages appreciated was the ability to go to their fields without being abducted and to retire at night confident that they would not be killed in their sleep.

It took a long time for the American and South Vietnamese military to learn that how they fought the war affected the reponse of the peasants to the Saigon government. Too often when guerrilla forces were reported in a village, the military bombed the village. When villagers reported that a neighbor had talked with guerrillas, the neighbor was arrested or killed. The villagers quickly learned that it was very costly to cooperate with the armed forces no matter how strongly they opposed the guerrillas.

The suppression of violence will be harder in El Salvador. In Vietnam, the violence the peasants feared most was misdirected American firepower. The pacification program put American advisers into positions from which they could protect peasants from our lethal weaponry. In El Salvador, there will be no American advisers with such authority and there are two sources of violence to be controlled: the regular military and the quasi-official death squads.

In El Salvador, campesinos fear indiscriminate killing by the regular military and by death squads carrying out secret executions at the behest of, or with the acquiescence of, military officers or landowners. In addition to controlling the regular military, any pacification program must bring these death squads to heel. Any program that tries to co-opt these groups or make them its agents without controlling their violence will fail. More than that it will increase the likelihood of a bloodbath by giving them a new license to practice terror.

In Vietnam, there were thousands of American civilian and military advisers to protect the pacification program and those who administered it. In the absence of such protection in El Salvador, could rural officials stand up to the regular military or the death squads? What then would their lives be worth?

The temptation for the Reagan administration is to not confront the problem directly but to defer it to a later time. This is what all past administrations did in Vietnam.

The electoral cycle leads our presidents—in Richard Betts' phrase—to nibble the bullet rather than bite it. With a presidential or congressional election always imminent, every president chose to buy time in Vietnam rather than to risk the short-term costs of reform. Reform risks destabilizing a government or provoking opposition on the right but it is necessary if there are to be any long-term gains.

Without reform, pacification merely defers collapse and raises the stakes. The next president will inherit a larger war to which more of the nation's prestige has been committed.

If the lessons of Vietnam are to be applied to El Salvador, the president and Congress must ensure that any commitments that raise the stakes in El Salvador will increase the chance of ultimate success.

The price of any further aid to the government of El Salvador must be its readiness to deal ruthlessly with indiscriminate killing. In the long run, it is easier for a government to maintain its authority if it can claim credit for protecting the lives of its citizens than if it provides roads and schools while leaving citizens' lives at risk.

In El Salvador as in Vietnam, real pacification must follow the priorities people everywhere acknowledge, be they peasants or philosophers. The fundamental human right is still the right to life.

Mr. LEVITAS. Mr. Speaker, I yield back the balance of my time.

THE IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I am pleased to report to our colleagues that my Subcommittee on Immigration, Refugees, and International Law voted on April 6, 7 to 1 to report out to the full Judiciary Committee H.R. 1510, the Immigration Reform and Control Act of 1983.

I want to personally thank my seven colleagues on the subcommittee—SAM HALL, BARNEY FRANK, GEORGE CROCKETT, LARRY SMITH, DAN LUNGREN, BILL MCCOLLUM, and HAM FISH—for their extraordinary dedication to this issue, not just in this subcommittee markup, but over the past 2 years. Two weeks ago, they sat through two long sessions in order to complete action on this most important piece of legislation.

The bill emerged from the subcommittee as it had come in—a fair and balanced piece of legislation. The delicate symmetry of the bill continues, though we have adopted some amendments to make it an even more agreeable and attractive measure than was sent to the floor late last Congress.

I also want to thank each of the witnesses who came before the subcommittee during the 7 days of hearings on the bill. The subcommittee established a substantial hearing record during consideration of the legislation in the last Congress. However, our hearings this year were not perfunctory. On the contrary, the witnesses we heard gave the subcommittee many new suggestions, some of which are incorporated in the measure the subcommittee reported. For the benefit of our colleagues, Mr. Speaker, I am including a summary of the bill as reported by the subcommittee at the conclusion of my remarks. If any Members have any questions, please contact me or the subcommittee staff on 5-5727.

I look forward to seeing the Immigration Reform and Control Act of 1983 enacted into law this year.

The summary of the bill follows:

SUMMARY—IMMIGRATION REFORM AND CONTROL ACT OF 1983, H.R. 1510

(As reported by the House Subcommittee on Immigration, Refugees, and International Law, April 6, 1983)

I. ILLEGAL IMMIGRATION

A. Employer Sanctions

Makes it unlawful for any employer knowingly to hire for employment or to recruit for a fee or consideration, after the date of

enactment, any alien not authorized to work in the United States.

Requires employers of four employees or more to have all prospective employees show them, as a condition of hiring, either: (1) a U.S. passport, or (2) a U.S. birth certificate or social security card and a driver's license, or a state issued I.D. card, or an alien identification document.

Requires such employer, to attest in writing, under penalty of perjury, that he has seen the necessary documentation; requires the employee, to attest in writing, under penalty of perjury, that he or she is authorized to work in the U.S.

Any employer of four or more employees who does not meet the requirements for checking documents, signing the appropriate form, and retaining the appropriate form is liable to a civil fine of $500 per employee hired.

Employers who hire employees referred by a governmental referral service do not need to meet the requirements of checking documents as long as the employee presents a form, to be retained by the employer, stating the governmental referral service has checked the documents of the employee in cases where that has occurred.

States that within three years of enactment the President shall make such changes "as may be necessary" to make the system more secure.

States that the bill does not authorize the creation of national identification cards.

Establishes a graduated penalty structure for hiring unauthorized aliens—first offense: warning; second offense: $1,000 civil fine per unauthorized alien hired; third offense: $2,000 civil fine per unauthorized alien hired: fourth offense: $3,000 criminal fine per unauthorized alien hired or one year in jail, or both. Also, Attorney General may seek an injunction to stop "pattern or practice" violators.

Requires extensive outreach program to inform employers, employees, and the general public of this new law. Allows violations occurring during the first six (6) months after enactment to go unpunished.

Gives violators a right to a hearing before a Department of Justice Administrative Law Judge. (See page 2.)

Requires Civil Rights Commission to issue reports on possible discriminatory effect of this law.

Creates an affirmative defense for employers who have complied with the attestation requirements in good faith.

Creates a Department of Labor/Department of Justice/Equal Employment Opportunity Commission Task Force to review complaints of discrimination. Authorizes $6 million each year for fiscal years 1984, 1985, and 1986 for its activities.

Makes it a felony to use fraudulent documents in order to obtain employment.

B. Increased Border and Other Enforcement; User Fees

Creates criminal penalty for bringing an alien to the U.S., knowing or in reckless disregard of the fact, that the alien had not received prior official authorization to enter.

Provides a three year authorization for the Immigration and Naturalization Service to carry out their present duties, to increase enforcement and service to the public generally, and to implement the provisions of H.R. 1510. (Fiscal Year 1984—$743 million; Fiscal Year 1985—$718 million; Fiscal Year 1986—$763 million. This is approximately $500 million more over the three years than would be provided under a static budget.)

Allows Attorney General to impose fees for the use by aliens of border and other immigration facilities and services in an amount commensurate with cost.

C. Adjudication Procedures and Asylum

Creates United States Immigration Board, an independent agency within the Department of Justice. Seven member Board is appointed by the President with the advice and consent of the Senate, with members serving six year-terms. It may meet en banc or in panels of three or more. It hears all appeals from decisions made by the Administrative Law Judges.

Chairman of the Board appoints Administrative Law Judges to hear all exclusion and deportation cases (including those involving asylum), challenges to fines, and all other matters heard by the present immigration judges. Some of the Administrative Law Judges are specially trained to hear asylum cases.

Decisions by the Administrative Law Judges would be reversible by the Board if not supported by substantial evidence.

Judicial review in habeas corpus, exclusion and deportation cases available in U.S. Court of Appeals for the Federal Circuit.

Judicial review of asylum matters available in U.S. Court of Appeals for the Federal Circuit once a final order of deportation or exclusion has been entered.

At asylum hearings, alien is entitled to an open hearing, representation by counsel, the right to call witnesses, present evidence, and confront witnesses.

Aliens who attempt to enter the U.S. without proper documents can be excluded unless they assert some reasonable basis for entering the U.S. or claim asylum, in which case they are entitled to go before an Administrative Law Judge and receive a full scale hearing.

Requires speedy asylum hearing: If alien is not given asylum hearing within 45 days of the filing of the application, the alien, if detained, will be released on parole.

Imposes various time limits in the processing of asylum claims.

D. Adjustment of Status

Adjustment of status procedure would not be available to aliens who have violated the terms of their nonimmigrant visa.

II. LEGAL IMMIGRATION

A. Country Ceilings

Increases ceiling for colonies to 3,000 from the present 600.

Increases per country ceilings for Canada and Mexico to 40,000 from the present 20,000.

Requires the President to submit to Congress every three years a report on the impact of immigration on the U.S.

B. G-4's

Relief provisions are provided for certain children and widowed spouses of employees of international organizations.

C. Nonimmigrants

Special procedure esablished for H-2 seasonal workers in agriculture:

The employer must apply to the Secretry of Labor no more than 50 days in advance of need, asking for foreign workers; employer then must attempt to recruit domestic workers;

The Secretary of Labor must provide a decision on the certification no later than 20 days in advance of need;

If the Secretary of Labor determines that a certain number of qualified U.S. workers will be available at the time needed, but at the determined time those workers are not qualified and available, an expedited procedure to determine need would be available.

Establishes a three year phased down transition program for agricultural producers to employ aliens who would not otherwise be entitled to enter or work in the U.S.

H-2 and "transition" workers guaranteed certain benefits such as housing or a housing allowance and worker compensation (to be provided by the employer if not available under a state program).

D. Visa Waiver

After the Immigration and Naturalization Service has implemented a system to track the entry and exit of nonimmigrants, the State Department may establish a three year pilot nonimmigrant visa waiver program for eight countries which provide or will provide a similar benefit to the U.S. The visa refusal and visa abuse rates for the nationals of such countries must be minimal, and the visitors must have nonrefundable, roundtrip tickets.

E. Foreign Students

Foreign students who enter the U.S. after date of enactment will not be allowed to adjust status or return to the U.S. until they have resided in their home countries for two years, unless such a student is an immediate relative of a U.S. citizen. Foreign students who entered before date of enactment, will not be permitted to adjust status, and must leave the U.S. to seek a visa if they wish to return. Exceptions are allowed, until 1989, for students with degrees in natural science, engineering, computer science, or mathematics with certified job offers in industry or who have advanced degrees and have been offered a teaching or research job by a college or university. Exceptions also for adjustment to three year nonimmigrant training status in industry.

III. LEGALIZATION

Permanent resident status (not citizenship) for aliens who have continuously resided in the U.S. since before January 1, 1981 and who are not excludable (See below).

Federally funded public assistance (other than emergency medical care, aid to aged, blind, or disabled, and for serious injury or in the interest of public health) will not be available to permanent residents for four years (other than "Cuban/Haitian entrants").

Persons will not be eligible for legalization who:

Have been convicted of a felony or three misdemeanors committed in the U.S.;

Have assisted in political persecution;

Have been convicted of a crime involving moral turpitude, or two or more offenses for which sentences aggregating five or more years were imposed;

The government has reason to believe seek to enter for activities inimical to the welfare, safety or security of the U.S.;

Are, or have been, anarchists, Communists, or who advocate the overthrow of the government;

Are Nazis;

Would engage in subversive activities;

Have been convicted of a drug violation, other than simple possession of 30 grams or less of marijuana;

Are nonimmigrant exchange aliens subject to a two year foreign residency requirement.

Authorizes "such sums" for each year through Fiscal Year 1989 for the purpose of reimbursing state and local governments for increased educational and public assistance

costs resulting from the legalization program.

Provides that aliens in the U.S. continuously since before January 1, 1973 may adjust to permanent resident status if of good moral character and not ineligible for citizenship; imposes a four year public benefits disability on aliens thus legalized.

MISCELLANEOUS

A. Putative Fathers

Recognizes, for preference petitioning purposes, the relationship between a biological father and his illegitimate child.

B. Retirees

Allows self-sufficent aliens who entered U.S. prior to 1978 in expectation of obtaining an immigrant visa as retirees to adjust to permanent resident status.●

EMERGENCY HOUSING ASSISTANCE ACT OF 1983

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise to point out and remind my colleagues that tomorrow on the agenda for business we have the scheduling of H.R. 1983, the Emergency Housing Assistance Act of 1983. It will come to us under an open rule, with 2 hours of debate, which we hope will afford every possible opportunity to each and every Member who wishes to be heard on this very important matter.

At this point I rise in order to anchor down two very important points: First, this act, which incorporates an emergency home mortgage assistance program, provides also for grants to governmental entities throughout the country in order to enable them to meet the growing and the now state-of-crisis problem of the homeless in our country.

□ 1310

I want to make sure that every Member understands that the result of this was only after very extensive and comprehensive hearings. As a matter of fact, the last hearing we had was during the waning hours of the lameduck session of Congress last December on the very question of the homelessness of people, Americans, without shelter.

We had testimony, in fact, it was an emergency hearing, from witnesses coming from every single geographical sector of the country, urban as well as rural, and it was a very distressing hearing. The presentation of the testimony clearly and irrefutably outline the context of the current problem of homelessness.

As I said in December, tragically for our Nation, we do not have to go to Calcutta or other places where for years you could go and see people actually die out in the streets. We have had them doing that in America.

Fortunately for us, this last winter we had a relatively mild winter, but the growing dimensions of that problem of homelessness that should disturb us is the result of the loss of shelter, not by the traditional homeless, the hobo, the wanderer, the ne'er-do-well, the alchohlic, but families, entire families, people who just a few months before did have shelter and through no fault of their own, found themselves literally living in public areas, under bridges, in parked cars, in parks and public areas of cities and towns.

So this is a recognition of an attempt on our level to help those communities that have set up shelter programs in confronting the growing problem of homelessness. That is the second part of the bill.

The first part and the main thrust of this bill is to afford emergency assistance to homeowners who are facing the loss of their homes through foreclosure or distress sales.

There again, we had many hearings, not just a few, and some of these hearings going back to 2 years ago mostly because I have been attempting to have the Congress react to this type of need for the period of 2 years. It was not until it because obvious that we had a crisis in our midst and particularly in those areas in which we still see in unfortunate areas, such as West Virginia, communities where the unemployment rate is not 20 or 25 percent, but 90 percent—90 percent.

We still have counties in Pennsylvania where your unemployment rate is still better than 23 percent; but the testimony that we had from all sections of the country, from the sheriff in Ohio who testified just a matter of weeks ago, that this question of distress sales would become acute at this point, this month of April, whereas they had been able to temporize.

This is exactly what we had foreseen when we concluded that the need was for this legislation.

Now, this legislation is neither new nor novel, much less radical. During the depression, for example, and the creation of the Homeowners Loan Corporation, this is exactly what our Government did, except that there the Government's intervention was direct and comprehensive. the Government actually went in and assumed the mortgage.

Under our plan, and benefiting by the experience of prior legislation and the economic track record of the country, we have perfected this legislation to the point where I am secure that by the time it comes up for debate tomorrow all the serious-minded and responsible and above all responsible Members of this House will give it their wholehearted support.

It is not a budget buster. Under the requirements of our rules today, the inflationary impact of this, if approved, is nil, no adverse inflationary impact.

Budgetary impact—we also had this and we passed it by the Budget Committee and it has its stamp or its imprimatur of conformity with the aims and objectives and controls that the House itself through the budgetary process has heretofore respected.

So we are talking about something that is clearly at this point our duty to confront.

We presented it on an emergency basis and that is the way the legislation is labeled. That is the way it was considered in the committee and the subcommittee. We had quick action on this. The subcommittee approved this bill a long time ago. We subtracted it from what is known as H.R. 1, which is the Housing and Rural Recovery Act or authorization bill for housing for 1983. We subtracted these two sections, the mortgage assistance section and the assistance for the homeless section and encapsulated them in this version of an emergency bill, which was given the number of H.R. 1983.

It would have come up 2 weeks ago, except for the fact that the leadership wisely considered that we had other matters that demanded priority before we had the Easter break.

As a matter of fact, I said 2 weeks ago, actually 4 weeks ago.

Then last week the very sad and untimely death of one of our colleagues prevented the debate and the discussion of it last week; so we will be facing it tomorrow, everything being equal, God willing, and I just want the Members to have at least an idea of what it consists of.

So at this point, Mr. Speaker, I ask unanimous consent to insert into the RECORD the copy of H.R. 1983 and also that Mr. JOSEPH P. KOLTER, our distinguished colleague from Pennsylvania, also be shown as a cosponsor of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Cosponsors of the bill include: Mr. GONZALEZ, Mr. ST GERMAIN, Mr. FAUNTROY, Mr. PATTERSON, Mr. LUNDINE, Ms. OAKAR, Mr. VENTO, Mr. GARCIA, Mr. LOWRY of Washington, Mr. MITCHELL, Mr. HUBBARD, Mr. D'AMOURS, Mr. SCHUMER, Mr. FRANK, Mr. COYNE, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. CARPER, Mr. KOLTER, and Mr. TORRES.

The bill follows:

H.R. 1983

A bill to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION. 1. This Act may be cited as the "Emergency Housing Assistance Act of 1983".

EMERGENCY MORTGAGE RELIEF

SEC. 2. Title I of the Emergency Housing Act of 1975 is amended to read as follows:

"TITLE I—EMERGENCY MORTGAGE RELIEF

"SHORT TITLE

"SEC. 101. This title may be cited as the 'Homeowners Emergency Relief Act'.

"FINDINGS AND PURPOSE

"SEC. 102. (a) The Congress finds that—

"(1) the Nation is in a severe recession, and the sharp downturn in economic activity has driven large numbers of workers into unemployment and has reduced the incomes of many others;

"(2) as a result of such adverse economic conditions, the capacity of many homeowners to continue to make mortgage payments has deteriorated and may further deteriorate in the months ahead, leading to the possibility of widespread mortgage foreclosures and distress sales of homes; and

"(3) many such homeowners could retain their homes if they received temporary financial assistance until economic conditions improve.

"(b) It is the purpose of this title to establish a program that will preserve and promote forbearance with respect to mortgages and, through emergency mortgage relief payments, prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income.

"DEFINITIONS

"SEC. 103. For purposes of this title:

"(1) The term 'district' means any Federal home loan bank district established by the Federal Home Loan Bank Board under section 3 of the Federal Home Loan Bank Act.

"(2) The term 'Federal supervisory agency' means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration.

"(3) The term 'Fund' means the Homeowners Emergency Relief Fund established in section 109.

"(4) The term 'monthly net effective income' means the monthly gross income of a mortgagor, less any Federal, State, or local income or employment taxes due with respect to such income.

"(5) The term 'mortgage' includes a land contract or other instrument providing for the sale and purchase of property referred to in section 105(a)(1), and the term 'mortgagor' and 'mortgagee' include the parties to such agreement of sale and purchase.

"(6) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(7) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(8) The term 'total monthly housing expense' means the sum of (A) the monthly payment of principal, interest, taxes, assessments, ground rents, hazard insurance, and mortgage insurance premiums due by a mortgagor with respect to a property assisted under this title; (B) the monthly maintenance costs of such mortgagor with respect to such property; and (C) the monthly utility costs of such mortgagor with respect to such property.

"EFFECTIVE MORTGAGE DELINQUENCY RATE

"SEC. 104. (a)(1) The Secretary of Housing and Urban Development shall, to the extent approved in appropriation Acts, carry out the program established in this title.

"(2) For the purpose of carrying out such program, the Secretary shall contract to make, and make, assistance available under this title in any district when, on an average monthly basis for a period of 3 consecutive months for either such district or the Nation, the amount of funds represented by mortgage loans and contracts that are accounted for in a mortgage delinquency series maintained by the Federal Home Loan Bank Board, and for which payments have been delinquent for 60 days or more, exceeds 1.3 percent of all funds represented by mortgage loans and contracts accounted for in such series.

"(3) For purposes of determining when such assistance is to be made available pursuant to paragraph (2), the Secretary shall take into account all months beginning with or after the third month before the month in which the Emergency Housing Assistance Act of 1983 is enacted.

"(4) With respect to the initial occurrence, after the date of the enactment of such Act, of the delinquency rate condition described in paragraph (2), the Secretary shall begin to contract to make, and make, assistance available at the beginning of the first month after the month in which the mortgage delinquency series referred to in such paragraph indicates that such condition has occurred.

"(5) The mortgage delinquency series referred to in paragraph (2) shall be made available by the Federal Home Loan Bank Board to the Secretary and the Congress on a monthly basis and shall contain data on the mortgage delinquency rate during the previous month for each district and for the Nation.

"(b)(1) Once assistance is made available under this title in any district, the Secretary shall continue to contract to make, and make, such assistance available until the date on which the mortgage delinquency series referred to in subsection (a)(2) indicates that the amount of funds represented by 60-day delinquent mortgage loans and contracts accounted for in such series has declined, on an average monthly basis for a period of 3 consecutive months for both such district and the Nation, to below 1.2 percent of all funds represented by mortgage loans and contracts accounted for in such series, except that—

"(A) such assistance shall continue to be made available pursuant to contracts entered into before such date; and

"(B) the Secretary shall reinstitute the program established in this title in such district whenever the delinquency rate condition described in subsection (a)(2) reoccurs.

"(2) In any case in which such program is reinstituted in any district, the Secretary shall begin to contract to make, and make, such assistance available beginning with the day after the date on which such mortgage delinquency series indicates that such delinquency rate condition has reoccurred.

"(c) The Secretary shall promptly notify each financial institution or other mortgagee holding a mortgage on property in any district in which the Secretary has determined to institute or reinstitute the program of assistance established in this title.

"ELIGIBILITY FOR ASSISTANCE

"SEC. 105. (a) No assistance may be made with respect to a mortgage under this title unless—

"(1) the property securing such mortgage (or other security interest in the case of units in cooperative or condominium projects or in the case of any manufactured home and the lot on which such home is situated) is a one- to four-family residence (including one-family units in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and any manufactured home and the lot on which such home is situated) and is the principal residence of the mortgagor involved;

"(2)(A) the mortgagee involved has indicated to such mortgagor its intention to foreclose; or

"(B) payments under such mortgage have been delinquent for at least 90 days;

"(3) such mortgage is not insured under the National Housing Act or assisted under title V of the Housing Act of 1949;

"(4) such mortgagor has incurred a substantial reduction in income as a result of—

"(A) a loss of, or reduction in (i) his or her employment; (ii) his or her self-employment; or (iii) returns from the pursuit of his or her occupation; or

"(B) any similar loss or reduction by any person contributing to the income of such mortgagor;

which reduction in income renders such mortgagor unable to correct a mortgage delinquency within a reasonable time or to resume full mortgage payments;

"(5) the Secretary has determined that payments under this title are necessary to avoid foreclosure and that there is a reasonable prospect that such mortgagor will be able to—

"(A) resume full mortgage payments within 36 months after the beginning of the period for which payments under this title are provided or upon termination of assistance under this title; and

"(B) make the payments under such mortgage in full by its maturity date or by a later date agreed to by such mortgagor and mortgagee; and

"(6) an amount equal to the original principal obligation of such mortgage does not exceed the principal amount that could be insured, at the time such mortgagor applies for assistance under this title, with respect to the property of such mortgagor under section 203(b) of the National Housing Act (or under section 203(n) or 234(c) of such Act with respect to a unit in a cooperative housing project or condominium project, respectively).

"(b) For purposes of this section, there shall be a rebuttable presumption that a mortgagor will be able to fulfill the requirements set forth in subparagraphs (A) and (B) of subsection (a)(5).

"(c) Upon a determination that the conditions of eligibility described in subsection (a) have been met by a mortgagor, such mortgagor shall become eligible for the assistance described in section 107.

"APPLICATION FOR ASSISTANCE

"SEC. 106. (a) During any period in which the program established in this title is in effect in any district, each financial institution or other mortgagee shall, not less than 30 days prior to instituting any foreclosure proceeding with respect to any property described in paragraphs (1), (3), and (6) of sec-

tion 105(a), assist the mortgagor involved in the preparation and submission to the Secretary of an application for assistance under this title. Such application shall not be required if such mortgagor executes a waiver of assistance under this title after full disclosure of his or her possible eligibility.

"(b) If any mortgagor submits an application for assistance under subsection (a), the financial institution or other mortgagee involved may not institute foreclosure proceedings with respect to such mortgagor prior to the receipt of notification from the Secretary under section 107(g) with respect to approval or disapproval of such application for assistance.

"(c) A mortgagor may submit an application for assistance after foreclosure proceedings have been instituted, in which event such proceedings shall be automatically stayed until receipt of notification from the Secretary under section 107(g).

"(d) In States that require judicial approval of foreclosure, compliance with this section shall be pleaded and proved as a precondition to foreclosure of any mortgage eligible for assistance under section 105. In all States, failure to comply with the provisions of this section shall be the basis of an action to enjoin a foreclosure. Proof of the refusal of the mortgagor involved either to submit an application or to execute a waiver under this section shall satisfy the burden of proof established in this subsection.

"(e) Each application for assistance under this title, other than an application submitted under subsection (c), or waiver of such application shall contain the certification of the mortgagee involved that—

"(1) not less than 3 full monthly installments due under the mortgage involved are unpaid after application of any partial payments; and

"(2) such mortgagee has extended to the mortgagor involved the same or greater opportunities for voluntary forbearance as such mortgagee extended to similarly situated mortgagors within the 4-month period ending March 31, 1983.

"ASSISTANCE PAYMENTS

"SEC. 107. (a) Assistance under this title shall be provided in the form of emergency mortgage relief payments made by the Secretary to mortgagees on behalf of mortgagors. Such payments shall be made using amounts available in the Homeowners Emergency Relief Fund.

"(b)(1) Payments with respect to any mortgage under this title shall be in an amount that, together with the contribution of the mortgagor involved, is equal to the amount of the principal, interest, taxes, assessments, ground rents, hazard insurance, expenses of the mortgagee involved in connection with payments or repayments under this title, and mortgage insurance premiums due under such mortgage, and the initial such payment shall include an amount necessary to make the payments on such mortgage current. Payments under this title shall not exceed amounts that the Secretary determines to be necessary to supplement the amounts, if any, that the mortgagor involved is capable of contributing toward such mortgage payments.

"(2) Payments on behalf of any mortgagor under this title shall not be less than the amount required to ensure that the total monthly housing expense of such mortgagor does not exceed 38 percent of the monthly net effective income of such mortgagor.

"(c) Payments under this title may be provided for a period of not to exceed 18 months plus any period of delinquency. Such period shall be extended for a period not to exceed 18 months if the Secretary has determined that such extension is necessary to avoid foreclosure. The Secretary shall establish procedures for (1) each mortgagor, on whose behalf payments are made under this title, to inform the Secretary of any significant increase or decrease in income; and (2) periodic review, to be conducted not less than once annually, of the financial circumstances of such mortgagor for the purpose of determining the necessity for continuation, termination, or adjustment in the amount of such payments. Such payments shall be discontinued at any time if the Secretary determines that, because of changes in the financial circumstances of such mortgager, such payments are no longer necessary to avoid foreclosure.

"(d)(1) All payments under this title shall be secured by a lien on the property involved and by such other obligation as the Secretary may require. Such lien shall be subordinate to all mortgages existing on such property on the date on which the initial assistance payment is made under this title on behalf of the mortgagor involved.

"(2) Payments under this title shall be repayable upon terms and conditions prescribed by the Secretary, and such terms and conditions may include requirements for repayment of any amount paid by the Secretary toward the expenses of a mortgagee in connection with the payment or repayments made under this title. The Secretary may establish interest charges on payments made under this title, except that the interest charge on the payments made on behalf of any mortgagor shall be set at a single rate that does not exceed whichever of the following rates is less: (A) 10 percent; and (B) a rate determined by the Secretary of the Treasury taking into consideration the average interest rate on all interest bearing obligations of the United States then forming a part of the public debt, computed at the end of the month preceding the month in which the initial such payment is to be made on behalf of such mortgagor. Such interest charges on any payments made on behalf of a mortgagor under this title shall not begin to accrue until termination of such payments. Such interest charges shall be payable notwithstanding any provision of any State constitution or law or local law that limits the rate of interest on loans or advances of credit.

"(3) The Secretary shall establish the monthy repayment to be made by any mortgagor under this title at an amount necessary to ensure that the sum of such monthly repayment and the total monthly housing expense of such mortgagor does not exceed 38 percent of the monthly net effective income of such mortgagor. The Secretary may, at the option of any mortgagor, establish appropriate incentives for early repayment of the amount owed to the Secretary under this title, including forgiveness of part of the interest charged on the payments made on behalf of such mortgagor. The Secretary shall establish procedures for (A) each mortgagor making repayments under this title to inform the Secretary of any significant increase in income; and (B) periodic review, to be conducted not less than once annually, of the financial circumstances of such mortgagor for the purpose of determining the necessity for adjustment in the amount of such repayments.

"(4) All receipts from repayment made to the Secretary under this title shall be deposited in the Homeowners Emergency Relief Fund established in section 109.

"(e) Payments by the Secretary under this title may be made without regard to whether the Secretary has previously taken action under this title on behalf of a mortgagor, except that payments may not be provided on behalf of a mortgagor under this title for more than an aggregate of 36 months.

"(f) The Secretary shall provide homeownership counseling to mortgagors on whose behalf payments are made under this title.

"(g) The Secretary shall process applications for assistance under this title in as expeditious a manner as is practicable. In carrying out this title, the Secretary shall provide that, within not more than 45 calendar days from the receipt of an application for assistance under this title, the mortgagor and mortgagee involved will be notified by the Secretary of his determination to approve or disapprove such application for assistance.

"AUTHORITY OF THE SECRETARY

"SEC. 108. (a) The Secretary may make rules and regulations that are consistent with the provisions of this title and are necessary to carry out the provisions of this title.

"(b) In the performance of, and with respect to, the functions, powers, and duties vested in the Secretary by this title, the Secretary shall—

"(1) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this title; and

"(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretaty by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this title.

In the event of any such acquisition, the Secretary may (notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States) complete, remodel and convert, dispose of, lease, and otherwise deal with, such property.

"(c) Notwithstanding any other provision of law, the Secretary shall also have power to pursue to final collection by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this title. Any funds collected by the Secretary under this section shall be deposited in the Homeowners Emergency Relief Fund established in section 109.

"HOMEOWNERS EMERGENCY RELIEF FUND

"SEC. 109. (a) There hereby is established in the Treasury of the United States a revolving fund, to be known as the Homeowners Emergency Relief Fund.

"(b) The Fund shall consist of—

"(1) any amount approved in appropriation Acts for purposes of carrying out this title;

"(2) any amount received by the Secretary as repayment for payments made under this title;

"(3) any amount collected by the Secretary under section 108; and

"(4) any amount received by the Secretary under subsection (d).

"(c) The Fund shall be available to the Secretary for purposes of carrying out the provisions of this title, including—

"(1) the making of emergency mortgage relief payments to mortgages on behalf of mortgagors under section 107;

"(2) the provision of homeownership counseling under section 107(f); and

"(3) the administrative expenses of the Secretary in carrying out the provisions of this title.

"(d) Any amounts in the Fund determined by the Secretary to be in excess of the amounts currently required to carry out the provisions of this title shall be invested by the Secretary in obligations of, or obligations guaranteed as to both principal and interest by, the United States or any agency of the United States.

"AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON BUDGET AUTHORITY

"SEC. 110. (a) There is authorized to be appropriated to carry out the provisions of this title $760,000,000 for fiscal year 1983. Any amounts so appropriated shall be deposited in the Fund and shall remain available until expended.

"(b) The aggregate amount of assistance made available over the duration of the contracts entered into under this title, including amounts expended for the provision of homeownership counseling assistance under section 107(f), may not exceed $760,000,000.

"ACTIONS BY FEDERAL SUPERVISORY AGENCIES

"SEC. 111. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, not later than 14 days following the date of the enactment of the Emergency Housing Assistance Act of 1983—

"(1) communicate in writing with each such institution or mortgagee encouraging them to exercise forbearance (including the acceptance of partial payment), to the maximum extent possible, with respect to residential mortgage foreclosures;

"(2) waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies, to the extent the waiving or relaxing of such limitations is not inconsistent with laws relating to the safety and soundness of such institutions or mortgagees; and

"(3) take such actions as may be necessary to ensure that each such institution or mortgagee complies with the requirements established in section 106.

"(b)(1) In considering applications for advances, the Federal home loan banks shall give special consideration to those institutions that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

"(2) in considering applications for advances or discounts, the Federal Reserve banks shall give special consideration to those depository institutions and other borrowers that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

"(3) in considering applications for extensions of credit, the National Credit Union Administration Board, on behalf of the National Credit Union Central Liquidity Facility, shall give special consideration to members that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

"REPORTS TO CONGRESS

"SEC. 112. (a) Within 60 days after the date of the enactment of the Emergency Housing Assistance Act of 1983, and within each 90-day period thereafter, the Secretary shall make a report to the Congress on—

"(1) the current rate of delinquencies and foreclosures in the housing market areas of the country that should be of immediate concern if the purposes of this title are to be achieved;

"(2) the extent of, and prospect for continuance of, voluntary forbearance by mortgagees in such housing market areas;

"(3) actions being taken by governmental agencies to encourage forbearance by mortgagees in such housing market areas;

"(4) actions taken and actions likely to be taken with respect to making assistance under this title available to alleviate hardships resulting from any serious rates of delinquencies and forclosures; and

"(5) the current default status and projected default trends with respect to mortgages covering multifamily properties, with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how such defaults and prospective defaults may be cured or avoided in a manner that, while giving weight to the financial interests of the United States, into full consideration the urgent needs of the many low- and moderate-income families that currently occupy such multifamily properties.

"(b)(1) The Secretary shall, after consulting with the Federal Home Loan Board, conduct a study to determine if a mortgage delinquency series other than the mortgage delinquency series referred to in section 104(a)(2) would be a more effective and efficient series to utilize in carrying out this title.

"(2) The Secretary shall, by April 1, 1984, transmit to the Congress the findings and conclusions of such study along with any legislative recommendations concerning the program established in this title.".

EMERGENCY SHELTER ASSISTANCE

SEC. 3. (a) Section 107(a) of the Housing and Community Development Act of 1974 is amended by inserting after the first sentence thereof the following new sentence: "In addition to such amounts authorized to be set aside for grants under subsection (b), there is authorized to be appropriated $100,000,000 for fiscal year 1984 to carry out the provisions of subsection (d).".

(b) Section 107(c) of the Housing and Community Development Act of 1974 is amended by inserting ", or appropriated for use under subsection (d)," after "subsection (b)".

(c) Section 107 of the Housing and Community Development Act of 1974 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) The Secretary shall, to the extent approved in appropriation Acts, make grants to States, units of general local government and Indian tribes for the provision of shelter and essential services for individuals and families who are subject to life-threatening situations because of their lack of housing, except that in the case of a grant to a State, the Secretary shall first certify that the purposes of this subsection will be more effectively carried out by making a grant to such State that has an existing program that serves such individuals and families. Such grants shall be awarded on the basis of the need for emergency housing in the area where the project is or will be located, shall take into account regional variations in the cost of providing shelter, and shall consider the extent to which units of general local government and nonprofit organizations are currently providing shelter and assistance. Such grants may be used by such units of general local government or by local nonprofit organizations to rehabilitate existing structures in order to provide basic shelter, to maintain structures providing such shelter, to pay for utilities and the furnishing of such shelters, to provide for any necessary health and safety measures that are required to protect the individuals using such shelter, and for other purposes described in section 105(a) that are consistent with the purpose of this program. In the case of a structure that is rehabilitated with assistance under this subsection, such structure shall be used for emergency housing, after such rehabilitation, for a period of not less than 3 years. In providing grants under this subsection, the Secretary shall take into consideration the special needs of families and single women. The Secretary shall ensure that grants provided under this subsection are used solely to provide additional shelter capacity and essential services and are not used to replace amounts currently expended in the provision of such shelter and services. The restriction contained in the preceding sentence shall not apply to applicants under this subsection that, pursuant to a State constitutional mandate, have provided shelter to any person who presents himself or herself for shelter."

MORATORIUM ON PAYMENTS UNDER RURAL HOUSING LOANS

SEC. 4. Section 505 of the Housing Act of 1949 is amended—

(1) by striking out "is authorized under regulations to be prescribed by him to" and inserting in lieu thereof the following: ", prior to foreclosing any mortgage or taking any other action, including the acceptance of a deed voluntarily given, that would result in the loss by the borrower of housing financed under this title, shall, under regulations prescribed by the Secretary,"; and

(2) by adding at the end thereof the following new sentences: "The Secretary shall ensure that each delinquent borrower under this title is provided notice, in a timely and meaningful manner, of the assistance available under this section. The Secretary shall, to the extent necessary, provide technical assistance to each such borrower in applying for such assistance. The Secretary may, before or after any period of moratorium under this section, reamortize the accrued debt of any delinquent borrower under this title for a new period equal to the original amortization period, if such reamortization is likely to result in the resumption of periodic payments by such borrower.".

Mr. GONZALEZ. Mr. Speaker, I should like the record to also show for the benefit of those who will be able to read it in sufficient time before the debate, some of the high points.

But first, the history.

As I said earlier, this is not new or novel legislation. As a matter of fact, not too long ago, in 1975, our same subcommittee, the same committee, approved the emergency homeowners assistance law, based on a different thrust and triggered by a different set of factors. It never was implemented.

In 1975, you will remember, we had a strong recession. In fact, our figures showed then that the intensity of its impact in this area was the first time

that it had been that adverse since the Depression period.

Well, of course, now we are confronting a longer lasting period, not a recession, but in effect a depression. In fact, one of the objections raised by those that seemed to be at the time we had the hearings on the subcommittee level was that maybe we ought to hold up, because recovery was around the corner.

I think the testimony of the sheriff from Ohio clearly revealed why there is a continuing need for this legislation and an urgent need to implement it as soon as possible, and that is, that this one county in Ohio, and he was testifying in the first week in February, he himself, that sheriff from that one county, would be confronting over 1,200 distress sales by this month, by this time this month, unless something could be done, and he had temporized off and on with some 37 cases in which the distress sale had been actually avoided through the action that he took of in effect postponing the distress sale and because of the ability of that prospective eligible homeowner to come back and find some kind of temporary or submarginal employment; revealing again why it is that we have such faith in our fellow Americans, because the other objection raised up to now, the only two basic objections has been those, that first one that maybe we ought to hold up because maybe the need will disappear.

□ 1320

The fact is that this need is cumulative. Better than 65 percent of the unemployed are today now not receiving any kind of compensation whatsoever. They are off those unemployment compensation rolls. They have exhausted their compensation, but they are still unemployed. So, this is a very serious question as to the validity of the statistics upon which the President and the supporters of the administration are basing their so-called economic revival. The folks back home in my district ask me: "Where is inflation less? It is not at the grocery store. We are paying, if anything, more for food. It is not shelter. We just got our notice that our rent is going to be raised." In fact, I got my notice in Washington, D.C., last week that my rent would be raised.

So, everything is going down except in the cost of the necessities of living, such as shelter and food.

Now, when it comes to unemployment, the unemployment figure is not reduced; as a matter of fact it is greater, because the statistics—and this is why I question them—do not reveal those that have just simply disappeared off the list of unemployment simply because they are not receiving unemployment compensation any longer and therefore are not defined as legally or statistically unemployed.

But what it means is that those of us who are saying we are representatives of the people have the duty of at least being responsive to what it is the real world is all about. The real world is that we ought to respond to the one big thing that identifies an American with his country, and his soil, and maintaining the unity of his family upon which our country must depend in turn, and that is some homeownership. This is what is at stake at this point.

Now, because of other factors there is no question in my mind that for the past 10 years we have cheated these generations of young Americans from the great dream of homeownership, of being able, if they wanted to, to own a safe, decent, affordable house. But that is a complicated issue we are trying to address even minimally, because at this point some of us are just trying to struggle to keep alive those policies and programs that housed America for 40 years. The miracle of the United States, of this great country of ours, in 1940 over 63 percent of our dwellings were substandard; today it is about 7 percent.

Two years ago it was less than that. In 40 years, America performed the housing miracle of the world; never in any land in any country, at any time, has such an action been performed. America literally was housed. The basic thrust for that was the ability to mass produce, which in turn was based on the development of a financial underpinning, institutional underpinning that made it possible. This was the creation of the savings and loans. All of that, only because the Government and the American people through their representatives made a commitment to that purpose and intent, and with the massive intervention and infusion of the collective forces of the people, its Government.

This is what is at issue, ironically at this point. Some of us have barely managed to keep alive. We were able to defeat the attempts to kill off these basic programs 2 years ago. But all we have been able to do is keep minimal life in some of these basic programs such as FHA, for example. But in the meanwhile, the whole financial institutional underpinning has disappeared. S&L's today are no different from banks. There is no financial institutional device at this point that will enable America to keep a commitment, to provide affordable housing to the American family that needs and wants to have its own home.

I think this is a terrible commentary on our time and in our era and in our generation, and quite unnecessary, because it has, and it will eventually, I am sure, develop the ability to once again or continue what it did, once again, over a 40-year period; but it has to be done through deliberate and collective action on our part.

It is not self-operative; it is going to have to be worked on. And this recognition of H.R. 1983 on an emergency basis is just merely an attempt to afford those American families that have a home, about to lose it through no fault of their own, a chance to keep it.

Now, the other, the second objection is that this program would be abused. Well, we built in all of the possible safeguards that anybody could put in.

As a result of these objections partially and also through foresight and experience and reading the history of the enactment of prior efforts, we have put limitations where I, for the life of me, cannot see. I did not think they were necessary. The same arguments were raised during the depression period against the Home Owners Loan Corporation. Yet what happened? When the Home Owners Loan Corporation was finally closed out and its books terminated, it made a profit to the American taxpayer, millions of dollars. Taxpayers did not lose a thing. The Government did not lose anything. Those homeowners kept their homes. Why? Because if there is any one thing in this dramatic testimony from these sheriffs who have the job to go up and board up that home and throw out that family, they will tell you the last thing that that family will do will be to forego whatever meager amount of money they have coming in and make that payment on that house. They will even shortchange themselves in food, clothing, automobiles. That has always been the hallmark of the average American family I know. That is what history has shown us.

So, I have that faith. I am secure that with this plan of temporary assistance, and with good will and good faith administration on the part of the administrators, which, of course, always we must have faith will happen, I think the same thing will happen as happened in the thirties, that we will not waste the substance of this great land but rather add to its welfare, its well-being, its wealth, and above all that priceless ingredient, the happiness and stability of its families.

□ 1330

No citizen who has anything in the way of a connection between himself and his efforts as a citizen trying to earn a living and his soil can even be disconnected from those most loyal and supportive of the Government and the country. And no more and greater instability results, no greater potential for social mischief then when that connection is missing.

So I urge my fellow Members to support us tomorrow, be present. There is no such thing as a perfect bill ever having been written by anybody, including a committee. So if my col-

leagues have constructive amendments, we would welcome them.

Let me again say briefly that this is not new, novel, or radical legislation. If anything, it is perhaps in the 21½ years I have been a member of this committee and subcommittee, one of the most finely honed, after presentation of diverse testimony, legislation that I have had the great privilege of working with, for and on behalf of in the 21½ years.

As I said, we have present programs, for instance, the one has to do with the FHA related mortgages, which resulted from prior legislation, but that is tied up in court and it has not been implemented at this point. Our legislation is targeted for those who have their mortgages under VA. And can anybody tell me what greater area at this point or targeted area we should have than trying to help our veterans? VA and the conventional mortgagor which is the overwhelming preponderant number of mortgagor homeowners.

So it fills a need, it is responsive to clear, comprehensive, and fulsome testimony garnered from every point of this great Nation. And I urge support for its passage and approbation.

Let me say further that the fact that this need is here is not debated by those who so far have expressed opposition. They admit there is need. What they cannot make up their minds is either ideologically, philosophically, or as to whether or not if we wait long enough there will not be any need.

Let me tell my colleagues that this need is recognized over on the Senate side. The Senate last week marked up the housing bill by the full committee. It is ready now for the full Senate. And it includes a section to provide emergency mortgage assistance for homeowners except that their version, I do not think, has the precautions, the opportunities, and the implementation of those opportunities as well provided for as our version.

THE PROBLEM OF INTERNATIONAL MIGRATION

(Mr. FISH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. FISH. Mr. Speaker, I have recently returned from Geneva, Switzerland, where I attended an international seminar on the subject of undocumented migration.

That seminar was conducted by the Intergovermental Committee for Migration (ICM), which is a nonpolitical, operational entity which has been dealing with migration and refugee matters since its creation in 1952. ICM has received the support of many members of the House Judiciary Committee over the years and it has been instrumental in the processing and movement of refugees from many areas of the world to the United States.

At the seminar, delegates from many governments which are members of ICM, as well as many of the sending and receiving countries, discussed in detail their perspectives and problems concerning international migration and the need for international responses to them.

The distinguished chairman of the Judiciary Committee, PETER W. RODINO, JR., delivered a major address at the ICM seminar. In his remarks, he addressed the serious worldwide problem of undocumented migrants and emphasized the urgent need for both unilateral and multilateral solutions to it. His thought-provoking comments were enthusiastically received by the participants at the meeting, as was his call for further exploration of this complex problem by the international community.

Because of the timeliness and significance of his remarks, I wish to share them with my colleagues by inserting them into the RECORD at this point:

REMARKS OF HON. PETER W. RODINO, JR., AT THE SIXTH ICM SEMINAR ON UNDOCUMENTED MIGRANTS

It is a privilege—and a distinct pleasure—for me to participate in this Sixth ICM Seminar on Undocumented Migrants.

At the outset Director Carlin, let me say that I am delighted to return to Geneva after several years to meet with you and your staff, and of course, the representatives of the member governments of ICM. I am also pleased that a colleague from the House of Representatives Committee on the Judiciary has joined me as a participant in this seminar. Congressman HAMILTON FISH JR., of New York, the senior Republican member of our committee, presently serves on the Subcommittee on Immigration, Refugees, and International Law which is now considering comprehensive legislation dealing with the subject of illegal migration.

I have long been an ardent supporter of ICM, and I continue to have a deep and abiding interest in the organization and its objectives. I believe our presence here, along with that of Mr. Robert McConnell, representing the Attorney General of the United States and other representatives of the executive branch of our Government, attests to the importance that the United States attaches to the committee and its humanitarian endeavors.

Approximately a year ago, on the occasion of ICM's 30th anniversary, in my message to Director Carlin, I expressed the "hope that as ICM examines its future, it would play a more active role in identifying and surveying those areas of the world that require the infusion of skilled, and in some cases, unskilled labor" and that "a survery would provide valuable service to the United States and to other member governments."

I also called on the Director "to convene an international conference to examine in detail the future trends of international migration and how best ICM can respond to these future responsibilities."

Mr. Director, I compliment you and your working group, for having selected as the theme for the Sixth ICM Seminar on adaptation and integration of immigrants, the problem of undocumented migrants. It is a subject which merits—and demands—serious attention and consideration by the international community. Our experience in the matter certainly confirms that the issues are extremely complex, emotionally charged and politically sensitive. Nonetheless, we have a responsibility—on a global basis—to pursue practical and humane solutions.

In 1980 I had the honor of participating in a lecture series on immigration held at Georgetown University in Washington, D.C.

At that time, I pointed out that the only operational international entity dealing with migration was the intergovernmental Committee for Migration. I stressed that ICM had to be more innovative and resourceful in developing effective approaches to worldwide migration. I am gratified that this series of seminars is attempting to provide this direction and am especially appreciative that this seminar is dealing with a most timely and serious problem.

We are, after all, living in an era of mass migration, in a world populated with millions of refugees, economic migrants, victims of military and civil strife, and natural disasters. We are living in a world where tragedy resulting from such mass migration—particularly from undocumented migration—is commonplace.

Although the phenomenon of mass migration is not new, it has become so pervasive and its potential consequences so catastrophic that it must now be considered in a global context. Quite simply, the development of policies to respond to international migration can no longer be only the responsibility of just the sending or receiving countries. That responsibility now must be shared by the entire world.

While responses to specific migration patterns can, and should, be addressed on a bilateral, regional or hemispheric basis, ultimately the international community as a whole must accept the responsibility of bringing—and maintaining—some order out of the chaos with which we are confronted. Ad hoc, reactive responses by individual countries are no longer sufficient. My own country's experience with the 1980 Cuban boatlift clearly demonstrates that long-term, carefully planned international approaches are imperative.

The population of the world has increased by 75 percent in the past 30 years, from 2.5 billion in 1950 to 4.4 billion in 1980. The developing countries grew much more, both in numbers and rates. Their populations almost doubled, increasing from 1.7 to 3.3 billion.

The magnitude of the potential problem in the Western Hemisphere is exemplified by the fact that the most rapid population increase during the same 30 year period was in Latin America, which grew from 164 million to 368 million. I believe it is this area that will produce the greatest pressures to emigrate over the next decade.

Mexico presents a particular problem. That country, which already has a high proportion of young, working-age males, will double its population by the year 2000. At the current time, 31 million of Mexico's population of 68 million is under 15 years of age and 50 percent of its work force is either unemployed or underemployed. Because Mexico cannot create enough jobs to accommodate its citizens, the pressure for outmigration to the United States will continue.

But Asia, Africa, and Europe will also produce large numbers of undocumented migrants over the next decade. The dimensions of the problem are already clear: Millions of Afghans in Pakistan and Iran following Soviet intervention in Afghanistan; millions more refugees and displaced persons in Sudan and Somalia after the Ethiopian civil war and the Ethiopia-Somalia conflict over the Ogaden; and hundreds of thousands of Poles unwilling to return to their country. And, as you are all aware, these are but a few of the many examples I could mention.

We are, in short, faced with a problem which knows no boundaries and spares virtually no part of the globe. And the solutions are far more complicated—and far more elusive—than they were 50 or 100 years ago.

Before turning to some concrete suggestions as to how the international community should deal with mass migration, let me take a few moments to review the character and causes of the phenomenon as it stands today. For while the current pattern is in many respects similar to migration patterns of the past, there are important differences.

Political upheavals and the resulting flow of refugees continue to be a major part of the current mass migration, as they have been throughout this century. The United Nations estimates that refugees have accounted for more than half of all international migration since the end of the first world war. Although figures are at best inexact, the current worldwide refugee population is conservatively estimated by both the U.S. Department of State and the United Nations High Commissioner for refugees at 7.5 million.

The admission and resettlement of refugees has been complicated in recent years by the difficulty in distinguishing between political refugees and economic migrants. In some cases, economic migrants turn themselves into political refugees by the act of departure, and in other cases political unrest and poverty are so closely intertwined that the two become almost indistinguishable as motives for flight. The United States has faced the difficult distinction in connection with the Indochinese, Haitians, and Salvadorans.

Economic, labor-related migration is the dominant pattern of our era, overshadowing even the movement of political refugees. Counting those in both legal and illegal status, more than 20 million workers were estimated to be outside their home countries in the late 1970's, together with countless dependents. This included an estimated 6 million in the United States, 5 million in Western Europe, and 3 million in the Middle East, with other large concentrations on the West African Coast and in South Africa.

The labor migration of the current era resembles the voluntary, labor related mass migration of the 19th century which, among other things, populated the United States. However, three are some important differences. Migration then was primarily for permanent resettlement. Today's migration is more temporary, at least in its initial phases. It is heavily characterized by single males traveling alone for work, leaving their families behind them, to whom they send money and eventually return. In fact, of course, many do not return but are joined instead by their families in the host countries.

Migration in the 19th century was generally from comparatively developed to undeveloped countries. This trend has been at least partially reversed today, with labor migration tending to flow from developing to developed or capital-rich developing countries. At least 12 million of the estimated 20 million workers outside their countries are thought to be from developing countries. Finally, another major difference between the mass migration of our era and that of the past was summarized by demographer Kingsley Davis: "In the past migration has helped to fill the world with people. That the world is not full is a new condition that complicates prediction."

Experience with labor migration has differed under different circumstances, notably in developed and developing countries, but in both cases there have been problems. Turning first to labor migration to developed countries, the primary example here, of course, is the guest worker programs of Western Europe. The importation of foreign guest workers greatly facilitated Western European recovery following World War II and the subsequent economic boom. According to the United Nations, by 1973 more than 6.6 million foreign workers were employed in Western Europe, representing an estimated one-seventh of the labor force.

The economic recession and oil crisis in 1973 brought and end to Western Europe's need for guest workers, although not necessarily to their presence. More than 600,000 returned home to their sending countries, which included Turkey, Yugoslavia, Portugal, Italy, and Greece. This was, of course, a far smaller number than had been expected to return. In the face of the halt to labor recruitment, many guest workers remained behind and were joined by their families in the receiving countries—Germany, France, Switzerland, the Netherlands, Luxembourg, Sweden, and Belgium. This has resulted in unexpected social and political problems in these countries, summed up in the now famous statement by Max Frisch, the noted Swiss writer, "We called for workers and there came human beings."

The lessons most commonly drawn from the Western European guest worker experience are that temporary workers cannot be used for permanent jobs and that temporary migration is not necessarily temporary. According to the United Nations, "The most important lessons to be derived from the Western European experience are the advantages of comprehensive planning over the formulation of labour migration policies on an ad hoc basis." The Western European experience has been of great interest to the United States in our deliberations over alternative means of controlling our own largely illegal labor migration, about which I will have more to say shortly.

Labor migration to the capital-rich developing countries has had the greatest impact in the Middle East. Approximately 2.7 million foreign workers were employed in the eight major oil-exporting countries there in 1980, up from 1.7 million in 1975. In 1980, the foreign workers constituted 30 percent of the total employment in the eight countries. In Saudi Arabia, the foreign workers accounted for nearly half of the work force, as many as 1.6 million. In Kuwait, the natives made up on an estimated 40 percent of the 1.5 million population. The majority of the new labor migrants to the Middle East were from Asian countries. In 1980, India and Pakistan accounted for 23 percent, with large numbers also from Malaysia, the Philippines, and Korea.

Labor migration to the developing countries has also been accompanied by problems, including a concern that the heavy dependence on foreign workers is potentially destablizing, politically as well as economically. There are also indications that the rights of the workers are more limited than they were in Europe. Finally, with the recent fall in oil revenues, the oil-exporting countries of the Middle East are duplicating the experience of the Western European receiving countries in the early and mid-1970's, although apparently with more success. The numbers of foreign workers allowed in these countries are being decreased as the need for them diminishes.

Turning now to the United States, our labor-related migration is primarily undocumented or illegal. The opportunities for labor migration under current U.S. immigration laws are comparatively limited. Of the 270,000 visas available annually for permanent immigration, a maximum of 54,000 is allocated for those who enter on the basis of their needed occupational skills, a number which also includes the accompanying immediate family members of the workers. Immigrants entering on the basis of their family ties are, of course, permitted to work, as are refugees, but they are not admitted specifically for the purpose of work.

The United States also has a small, nonimmigrant temporary worker program, popularly referred to as the "H-2 program," which accounts for approximately 43,000 temporary entries annually. While this program may be expanded slightly, it seems highly unlikely that the United States will institute a large-scale temporary worker program. Our current domestic unemployment rate is over 10 percent, and we have unpleasant memories of the abuses, exploitation and adverse impact which occurred under the Mexican Bracero program, which lasted from 1942 until 1964. We have learned useful lessons from the Western European experience with guest worker programs.

The recent United Nations report surveying international migration policies and programs notes that the United States has the world's largest stock of illegal immigrants, a finding which comes as no surprise to me. The U.N. credits this to our high wage levels, virtually unregulated labor market, and long open borders. The exact size of the undocumented alien population is unknown, but it is estimated at between 3.5 and 6 million, of which 50-60 percent is believed to be Mexican. The causes and impact of this illegal immigration are believed to be primarily economic. There is no question that what we are dealing with is illicit labor migration. The migrants come for employment at higher wages than they can earn at home. They are outside the protection of the law, and consequently are subject to exploitation. This gives them a competitive advantage over U.S. workers. They are believed to displace them and adversely affect wages and working conditions.

The problem of illegal immigration has been before the U.S. Congress since the early 1970's. The most common legislative remedy proposed is penalties for employers who knowingly hire alien workers who are unauthorized to accept employment in the United States. Legislation which I sponsored establishing such penalties passed the House of Representatives twice, in 1972 and 1973, but was not acted on by the Senate. A similar bill is now under active consideration by our committee. Provision is also made in this bill—and this is essential—for a legalization program which would allow a substantial number of the current undocu-

mented population to regularize their status and remain legally. The only alternatives are the continued tolerance of an exploited underclass of workers or mass deportations, neither of which is acceptable.

While it is severe in the United States, the problem of undocumented migration is increasingly a worldwide problem. It seems to be an inevitable spin-off temporary labor migration, which is generally imperfectly regulated to begin with. According to the U.N. report, "All of the labour-importing countries have large numbers of illegal foreign workers." The report noted that the European Economic Community (EEC) countries were estimated to have at least 600,000 illegal immigrants in 1976. Other estimates put Italy's illegal population at 500,000 and France's at 300,000. Venezuela is estimated to have 2 million illegal migrants, 800,000 of whom are believed to come from Columbia.

Undocumented migration is also a function of the difficulty I referred to before of distinguishing between political refugees and economic migrants. In short, it is endemic to this particular era of mass migration.

However, it is one thing to recognize the problem as it exists, it is quite another to find solutions that are feasible, sensible and sympathetic. When countries are less concerned about perceptions and sensitivities they may resort to direct and extreme enforcement actions.

In just the last few months, for example, we have witnessed Nigeria's mass expulsion of hundreds of thousands of Ghanians, and the massacre of thousands of Moslem immigrants by Hindu tribesmen in the Indian state of Assam.

There is no question that soverign nations have the right to control their borders, to set criteria for permanent admission and employment and to expel from their territory persons who may be detrimental to the national interest and security. But in exercising these sovereign rights, international considerations, consequences and agreements—such as the Helsinki agreement—cannot be ignored.

Certainly one cannot minimize the difficulties in defining our appropriate national and international responsibilities relating to migration. To a great extent, this will depend on the nature of the movements and their root causes.

I will spend the final minutes of my remarks setting forth what I believe are those responsibilities for three specific types of international migration. These are: Temporary labor migration; forced migration; and uncontrolled/undocumented migration.

With regard to temporary labor migration, we must insure that such movements are carefully planned and regulated rather than simply responding to the serious social and economic problems they often create "after the fact". As I stated, we have learned from the mistakes of massive guestworker programs. Now, we must assess the advantages and disadvantages of free labor market movements, as well as, strictly controlled contract labor systems.

In developing any policy for such temporary migration, it is clear that carefully negotiated bilateral and multilateral arrangements must be made; it is evident that labor migration cannot be effectively regulated only by the receiving country. Arrangements must insure that the economic needs of the receiving country are met, that the rights of the migrants are protected, and that the migrants return home once their task is completed. The receiving country can only do so much in encouraging the return of migrants and for this reason the sending country must be actively involved in the process. In this regard, ICM's "return of talent" program should be carefully examined to find what types of incentives can be provided to encourage the return of these migrants.

With regard to forced migration I find nothing more abhorrent than the governmental expulsion of persons from their country for political or economic reasons. It is my strong belief that all members of the world community have a firm obligation to prevent mass expulsion and to utilize any and all diplomatic measures to protest such actions when they occur.

Each sovereign nation has an obligation to develop contingency plans to handle a mass influx and the world community must be prepared to bring international condemnation against the offending country and insist that it abide by international law in accepting the return of its own nationals.

We have seen how the expulsion of ethnic Chinese from Vietnam in 1979 affected regional stability and how the Cuban boatlift to south Florida in 1979 created serious problems for our country.

I do not believe these problems can—or should—be addressed on either a regional or national basis. It is the duty of the international community, acting in concert, to take remedial measures.

The first action should be the urgent internationalization of the problem. This responsibility must be placed in an international mechanism, which would be able to provide an immediate operational response. Based on recent events, the need for effective international machinery to respond to these emergencies is obvious.

From a national standpoint, the first asylum countries must strongly resist the temptation to use these events for their own propaganda or foreign policy purposes. This only exacerbates an already serious problem and indeed efforts to obtain foreign policy gains can only encourage similar actions by other unfriendly governments.

In short, I do not believe any government should encourage a mass exodus from any country by extending an open invitation or welcome to such individuals.

Finally, regarding uncontrolled/undocumented migration, which is a most severe problem, not only for the United States, but also for most countries in the free world. It should be clear to all of us that global pressures for this type of migration will increase for some time to come. I certainly believe that every nation has a clear responsibility to protect its national interest by preventing the uncontrolled influx of aliens.

In doing so, however, a national government cannot ignore the root causes of the problem and the international consequences of unilateral actions to curb it.

Likewise, that problem must not be viewed solely as a problem of the receiving country. The sending nations of the world must recognize their responsibilities to provide for their own citizenry and must be willing to accept the return of their nationals.

As I said in my speech at Georgetown University in 1980, "Emigration should not be viewed by sending countries as a mechanism for solving their internal economic and political problems. Instead, these countries must pursue domestic policies designed to create jobs, reduce population growth, strengthen their economies, and improve the distribution of wealth."

In my judgment, there is an urgent need for a better understanding and acknowledgment of these responsibilities on the part of both sending and receiving nations and a willingness on their part to accept such responsibilities.

These are certainly not easy tasks, but discussions between sending and receiving countries must begin now. In addition, we must foster a greater concern about, and interest in, migration problems on the part of the foreign policy community in our respective countries. In short, migration must become a higher priority item on each of our foreign policy agendas.

Migratory problems by definition do not lend themselves solutions and as a result, we must diligently pursue bilateral and multilateral discussions—perhaps leading to formal international agreements on the subject of international migration.

I congratulate the Director for having arranged for this seminar, but I only look upon it as a first step. It has given each country and the experts in the field a forum to set forth their policies, problems and perceptions on illegal migration.

This seminar has established the groundwork for convening the international conference I called for in my message to the Director on the occasion of ICM's 30th anniversary. I still consider ICM as the logical focal point for "studying and planning a future course in resolving international migratory movements."

I therefore reiterate my call for an international conference under ICM auspices "to examine in detail the future trends of international migration", to include the issues we are discussing, as well as the subject of refugees.

I hope that the member governments will join me in calling for such an international meeting where concrete government positions can be established and a program set in motion.

Thank you.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. MAZZOLI, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BEDELL, for 30 minutes, on April 26.

Mr. TORRICELLI, for 30 minutes, on April 26.

Mr. WEISS, for 45 minutes, on April 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FISH and to include extraneous material, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,207.50.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. CORCORAN.
Mr. MCKINNEY in two instances.
Mr. MOORHEAD.
Mr. BADHAM in two instances.
Mr. GINGRICH.
Mr. BROOMFIELD in two instances.
Mr. MICHEL.
Mr. LOWERY of California.
Mr. CONABLE.
Mr. FISH.
Mrs. SCHNEIDER.
Mr. WYLIE.
Mr. LENT.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. RODINO in two instances.
Mr. LEVITAS.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. SCHUMER in three instances.
Mr. RATCHFORD.
Mr. STARK.
Mr. SCHEUER.
Mr. LAFALCE.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 64. An act to establish the Irish Wilderness in Mark Twain National Forest, Missouri; to the Committee on Interior and Insular Affairs.

S. 96. An act to estalish the Lee Metcalf Wilderness and Management Area in the State of Montana, and for other purposes; to the Committee on Interior and Insular Affairs and Agriculture.

S. 543. An act to designate certain national forest system lands in the State of Wyoming for inclusion in the National Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes; to the Committee on Interior and Insular Affairs and Agriculture.

S. 597. An act to convey certain lands to Show Low, Ariz.; to the Committee on Interior and Insular Affairs.

S.J. Res. 51. Joint resolution designating May 21, 1983, as "Andrei Sakharov Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 62. Joint resolution to provide for the designation of the week beginning on May 15, 1983, as "National Parkinson's Disease Week"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 89. An act to amend the Saccharin Study and Labeling Act; and

S. 126. An act to remedy alcohol and drug abuse.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 80. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on April 15, 1983, present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 80. An act to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 19, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

925. A letter from the Under Secretary of Defense (Research and Engineering), transmitting the annual report on the defense industrial reserve, pursuant to section 809 of Public Law 93-155; to the Committee on Armed Services.

926. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting a notice of the decision to convert to contractor performance the support activities at Dugway Proving Ground, Utah, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

927. A letter from the Chairman, National Credit Union Administration, transmitting a report on the feasibility and desirability of permitting Federal credit unions to compensate members of their boards of directors; to the Committee on Banking, Finance and Urban Affairs.

928. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 69th annual report of the Board, covering calendar year 1982, pursuant to section 10 of the Federal Reserve Act; to the Committee on Banking, Finance and Urban Affairs.

929. A letter from the District of Columbia Auditor, transmitting a report entitled, "Revenue for February 1983," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

930. A letter from the District of Columbia Auditor, transmitting a report entitled, "Review of Smoke Detector Compliance by the District of Columbia Government," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

931. A letter from the District of Coumbia Auditor, transmitting a report entitled, "University of the District of Columbia President's Discretionary Fund," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

932. A letter from the Acting Deputy Assistant Secretary of Defense, transmitting the annual testing report for the overseas dependents' school for school year 1982-83, pursuant to section 1405 of Public Law 95-561; to the Committee on Education and Labor.

933. A letter from the Acting General Counsel, Department of Energy, transmitting a draft of proposed legislation to reduce costs and the public reporting burden of the Energy Information Administration; to the Committee on Energy and Commerce.

934. A letter from the Director, Defense Security Assistance Agency, transmitting the quarterly report for the period ending March 31, 1983, of the price and availability of certain defense articles, pursuant to section 28 of the Arms Export Control Act; to the Committee on Foreign Affairs.

935. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed lease of defense articles to Portugal, pursuant to section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

936. A letter from the Director, Peace Corps, transmitting notice of proposed changes in an existing records system pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

937. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a proposed plan for the use of Shoshone-Bannock Tribes of Fort Hall judgment funds awared in Docket 326-C-1 before the U.S. Clains Court, pursuant to sections 2(a) and 4 of Public Law 93-194; to the Committee on Interior and Insular Affairs.

938. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a draft of proposed legislation to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes; to the Committee on Interior and Insular Affairs.

939. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $92,889.93 in excess royalty payments to the Texas Gas Exploration Corp., pursuant to 10(b) of the Outer Continental Shelf Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

940. A letter from the Assistant Secretary of the Army (Civil Works), transmitting the

eighth annual report recommending deauthorization of various water resources projects, pursuant to section 12 of the Water Resources Development Act of 1974, as amended (H. Doc. No. 98-48); to the Committee on Public Works and Transportation and ordered to be printed.

941. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice that NASA's fiscal year 1983 space applications program will exceed amounts authorized, pursuant to section 104(2) of Public Law 97-324; to the Committee on Science and Technology.

942. A letter from the Secretary of Agriculture, transmitting a report of the Department's activities related to minority recruitment in the Foreign Service for the period ending September 30, 1982, pursuant to section 105(d) (1) and (2) of the Foreign Service Act of 1980; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 12, 1983, the following reports were filed on April 15, 1983]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1010. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal, including the movement of coal over public lands, and for other purposes; with an amendment (Rept. No. 98-64, Pt. I). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 2065. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; with amendments (Rept. No. 98-65). Referred to the Committee of the Whole House on the State of the Union.

[Filed April 18, 1983]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1723. A bill to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, Sailors' Snug Harbor, and San Francisco Bay National Wildlife Refuges; with amendments (Rept. No. 98-66). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 1935. A bill to ratify an exchange agreement concerning national wildlife refuge system lands located on Matagorda Island in Texas (Rept. No. 98-67). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (by request):

H.R. 2570. A bill to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BETHUNE:

H.R. 2571. A bill to establish the Flatside Wilderness in Ouachita National Forest, Ark., and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. BEVILL:

H.R. 2572. A bill to release the city of Gadsden, Ala., from all the terms, conditions, reservations, and restrictions contained in a certain deed with respect to certain real property which was previously transferred by such deed as surplus property to the city for airport purposes; to the Committee on Public Works and Transportation.

By Mr. CARNEY:

H.R. 2573. A bill to modify the navigation project for Moriches and Shinnecock Inlets, N.Y., to the Committee on Public Works and Transportation.

By Mr. CONABLE (by request):

H.R. 2574. A bill to amend the Internal Revenue Code of 1954 to provide for the inclusion of certain employer contributions to health plans in an employee's gross income; to the Committee on Ways and Means.

H.R. 2575. A bill to restructure the medicare hospital insurance program; to the Committee on Ways and Means.

H.R. 2576. A bill to make improvements in the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

H.R. 2577. A bill to provide for voluntary private alternative coverage for medicare beneficiaries, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DICKINSON:

H.R. 2578. A bill to require that not more than one-fourth of the budget authority of any department or agency of the executive branch may be obligated during the last quarter of a fiscal year; to the Committee on Government Operations.

By Mr. LANTOS:

H.R. 2579. A bill to amend the Internal Revenue Code of 1954 to provide a credit or deduction for amounts contributed to a homeownership opportunity account; to the Committee on Ways and Means.

By Mr. LENT (for himself, Mr. DOWNEY of New York, Mr. CARNEY, Mr. MCGRATH, and Mr. MRAZEK):

H.R. 2580. A bill to direct the Secretary of Transportation to designate the Long Island Expressway, New York, as part of the Interstate System, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. LOWERY of California (for himself, Mr. PACKARD, and Mr. BADHAM):

H.R. 2581. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California; to the Committee on Interior and Insular Affairs.

Mr. MARKEY:

H.R. 2582. A bill to amend the Solid Waste Disposal Act to provide compensation for injury, illness, or death resulting from certain exposure to hazardous substances, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

Mr. MITCHELL:

H.R. 2583. A bill to amend the Small Business Act to improve assistance to victims of disasters; to the Committee on Small Business.

By Mr. RAHALL (for himself, Mr. PERKINS, Mr. MURTHA, Mr. ROE, Mr. MURPHY, Mr. WILSON, Mr. MOLLOHAN, Mr. WISE, Mr. MCNULTY, and Mr. BOUCHER):

H.R. 2584. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, with respect to railroad accounting principles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RINALDO:

H.R. 2585. A bill to amend the Flood Control Act of 1970 to include the possible prevention of loss of life among the factors to be considered in evaluating the benefits of proposed water resource projects; to the Committee on Public Works and Transportation.

By Mr. LOWERY of California:

H.J. Res. 238. Joint resolution designating the week beginning May 8, 1983, as "Navy Nurse Corps Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

79. By the SPEAKER: Memorial of the Legislature of the State of Arizona, relative to the Clean Air Act; to the Committee on Energy and Commerce.

80. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the track abandonment program of Conrail; to the Committee on Energy and Commerce.

81. Also, memorial of the Legislature of the State of Nebraska, relative to American POW and MIA servicemen and civilians in Southeast Asia; to the Committee on Foreign Affairs.

82. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to the Federal general revenue sharing program; to the Committee on Government Operations.

83. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to health care to veterans exposed to atomic radiation; to the Committee on Veterans' Affairs.

84. Also, memorial of the Legislature of the Commonwealth of Pennsylvania, relative to foreign steel importation; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 79: Mr. DOWNEY of New York.

H.R. 550: Mr. REID.

H.R. 569: Mr. PORTER.

H.R. 1084: Mr. MCDONALD, Mr. DEWINE, Mr. ALBOSTA, and Mr. RUDD.

H.R. 1244: Mr. MINETA and Ms. KAPTUR.

H.R. 1266: Mr. FAUNTROY, Mr. MRAZEK, Mr. DWYER of New Jersey, Mr. VENTO, Mr. RANGEL, Mr. ROE, and Mr. WYDEN.

H.R. 1398: Mr. FRANK.

H.R. 1441: Mr. BEDELL and Mr. LEACH of Iowa.

H.R. 1527: Mr. MCCOLLUM.

H.R. 1604: Mr. BONER of Tennessee and Mr. FORSYTHE.

H.R. 1620: Mr. BROYHILL, Mr. YATRON, and Mr. D'AMOURS.

H.R. 1646: Mr. MCCLOSKEY and Ms. MIKULSKI.

H.R. 1693: Mr. BEDELL, Mr. WAXMAN, and Mr. STUDDS.

H.R. 1701: Mr. BLILEY, Mr. HANSEN of Utah, Mrs. MARTIN of Illinois, Mr. FRENZEL, Mr. DENNY SMITH, Mr. PORTER, Mr. ROEMER, Mrs. HOLT, Mr. DELLUMS, and Mr. FORSYTHE.

H.R. 1795: Mr. DORGAN, Mr. RAHALL, and Mr. EMERSON.

H.R. 1799: Mr. SIMON.

H.R. 1823: Mr. MITCHELL, Mr. EDGAR, Mr. DUNCAN, and Mr. GRAY.

H.R. 1876: Mr. CONABLE and Mr. RATCHFORD.

H.R. 1883: Mr. RICHARDSON, Mr. HARKIN, Mr. SIMON, Mrs. BOXER, Mr. MINETA, and Mrs. SCHROEDER.

H.R. 1942: Mrs. SCHNEIDER.

H.R. 1948: Mr. HEFTEL of Hawaii and Mr. GUARINI.

H.R. 1998: Mr. DIXON.

H.R. 2172: Mr. BLILEY, Mr. EMERSON, and Mr. RUDD.

H.R. 2228: Mr. GIBBONS, Mr. LEHMAN of Florida, Mr. HUTTO, Mr. FASCELL, Mr. FUQUA, Mr. NELSON of Florida, Mr. PEPPER, Mr. CHAPPELL, Mr. MCCOLLUM, and Mr. MICA.

H.R. 2276: Mrs. JOHNSON.

H.R. 2403: Mr. STOKES, Mr. WEISS, Mr. CONYERS, Mr. GARCIA, Mr. BERMAN, and Mr. GRAY.

H.R. 2432: Mr. MYERS, Mr. HILER, Mr. WEAVER, Mr. ROE, Mr. MAZZOLI, Mr. BILIRAKIS, Mr. TAUKE, Mr. STOKES, Mr. GINGRICH, Mr. NEAL, and Mr. BENNETT.

H.R. 2438: Mr. RATCHFORD and Mr. GEJDENSON.

H.R. 2485: Mr. RATCHFORD, Mr. MORRISON of Connecticut, Mrs. JOHNSON, Mr. GEJDENSON, Mrs. KENNELLY, and Mr. FORSYTHE.

H.R. 2490: Mr. MAVROULES, Mr. SIKORSKI, Mr. GEJDENSON, Mr. FEIGHAN, Mr. WILSON, Mr. WEISS, and Mr. CLAY.

H.J. Res. 44: Mr. BOEHLERT.

H.J. Res. 71: Mr. GUARINI and Mr. RINALDO.

H.J. Res. 139: Mr. CHANDLER, Mr. BREAUX, Mr. PERKINS, Mr. REID, Mr. DE LUGO, Mr. DELLUMS, Mr. EDWARDS of Alabama, and Mr. HAMMERSCHMIDT.

H.J. Res. 153: Mr. LELAND, Mr. MCKERNAN, Mrs. BOXER, Mr. MCNULTY, and Mr. SCHEUER.

H.J. Res. 160: Mr. ADDABBO, Mr. AKAKA, Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. BARNARD, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BEILENSON, Mr. BENNETT, Mr. BERMAN, Mr. BEVILL, Mr. BIAGGI, Mr. BILIRAKIS, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOUCHER, Mrs. LLOYD, Mrs. BOXER, Mr. BRITT, Mr. BROWN of California, Mrs. BYRON, Mr. CARNEY, Mr. CARR, Mr. CHANDLER, Mr. CHAPPELL, Mr. CLAY, Mr. COATS, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORRADA, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. CROCKETT, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. EARLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. FUQUA, Mr. GAYDOS, Mr. GIBBONS, Mr. GONZALEZ, Mr. GREEN, Mr. GUARINI, Mrs. HALL of Indiana, Mr. HALL of Ohio, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HATCHER, Mr. HAWKINS, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. KILDEE, Mr. KINDNESS, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LIPINSKI, Mr. LONG of Maryland, Mr. LUNGREN, Mr. MCCAIN, Mr. MCGRATH, Mr. MCNULTY, Mr. MADIGAN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICHEL, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MURPHY, Mr. MURTHA, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OTTINGER, Mr. PATTERSON, Mr. PRICE, Mr. PRITCHARD, Mr. QUILLEN, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROBINSON, Mr. ROE, Mr. SABO, Mr. SAVAGE, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHELBY, Mr. SHUMWAY, Mr. SIMON, Mr. SISISKY, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Florida, Mr. SNYDER, Mr. SOLARZ, Mr. SPENCE, Mr. STAGGERS, Mr. STARK, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VANDERGRIFF, Mr. VENTO, Mr. VANDER JAGT, Mr. WALGREN, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEISS, Mr. WHEAT, Mr. WHITTEN, Mr. WILLIAMS of Ohio, Mr. WINN, Mr. WIRTH, Mr. WISE, Mr. WON PAT, Mr. WORTLEY, Mr. WRIGHT, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. CORCORAN, Mr. MINETA, Mr. RUDD, Mr. NELSON of Florida, Mr. MOLLOHAN, Mr. MCKERNAN, Mr. MARTINEZ, Mr. NOWAK, Mr. MORRISON of Connecticut, Mr. LOWRY of Washington, Mr. NEAL, Mr. OLIN, Mr. SHANNON, Mr. KOGOVSEK, Mr. MONTGOMERY, Mr. PATMAN, Mr. OWENS, Mr. PERKINS, Mr. RODINO, Mr. ROEMER, Mr. ACKERMAN, Mr. LONG of Louisiana, Mr. REID, Mr. ARCHER, Ms. KAPTUR, Mr. SIKORSKY, Mr. PICKLE, Mr. GRAMM, Mr. EVANS of Illinois, Mr. BROOKS, Mr. DANIEL, Mr. LEVINE of California, Mr. BOEHLERT, Mr. D'AMOURS, Mr. RINALDO, Mr. HOPKINS, Mr. MICA, and Mr. MYERS.

H.J. Res. 190: Mr. EDGAR, Mr. BEREUTER, Mr. CONTE, Mr. BEVILL, Mr. FRENZEL, Mr. MCGRATH, Mr. COURTER, Mr. WEISS, Mr. LEHMAN of California, Mr. HUGHES, Mr. HERTEL of Michigan, Mr. BOUCHER, Mr. GRAY, Ms. MIKULSKI, Mr. SUNIA, and Mr. FEIGHAN.

H.J. Res. 192: Mr. BEDELL.

H.J. Res. 208: Mr. CARPER, Mr. FAUNTROY, Mr. WOLPE, Mr. LEHMAN of California, Ms. OAKAR, Mr. WORTLEY, and Mr. PATTERSON.

H.J. Res. 215: Mr. MICA.

H.J. Res. 219: Mr. DOWDY of Mississippi, Mr. RICHARDSON, Mr. ECKART, Ms. MIKULSKI, Mr. TAUZIN, Mr. LENT, and Mr. RITTER.

H. Res. 149: Mr. SCHEUER, Mr. PURCELL, Mr. SKELTON, Mr. WOLPE, Mr. PATTERSON, Mr. SIMON, and Mr. GRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 13

By Mr. LOTT:

—Page 5, after line 23, insert the following:

SEC. 3. Any nuclear warhead, missile or delivery system both the United States and the Soviet Union do not agree to freeze would not be frozen.

By Mr. SILJANDER:

—On page 4, after line 16, strike lines 17 through 18 inclusive and insert in lieu thereof.

"(1) Pursuing the objective of negotiating an immediate, mutual and verifiable freeze.

"(2) Pursuing the objective of negotiating an immediate, mutual and verifiable reduction.".

Redesignate succeeding paragraphs accordingly.

On page 4, line 23, strike the word "objective" and insert "objectives".

On page 4, line 24, after the word "freeze" strike out the comma and insert "and reduction,".

On page 5, after line 3, strike lines 4 through 8 inclusive and insert in lieu thereof,

"(4) Proceeding from this mutual and verifiable freeze and/or reduction, promptly pursuing additional, substantial, equitable and verifiable reductions through numerical ceilings, annual percentages, or any equally effective and verifiable means of strengthening strategic stability, in order to achieve expeditiously mutual reductions to the absolute minimum level of nuclear forces essential to deterring and finally eliminating the possibility of nuclear war.".

On page 5, beginning on line 19, strike out "objective" and insert "objectives".

On page 5, line 21, after the word "freeze" strike out the comma and insert "and/or reduction".

On page 5, line 23, after the word "proposals" insert "including but not to exclude substantial, equitable, and vertifiable reductions.".

By Mr. ZSCHAU:

—On page 4, line 18, after the word "freeze" insert the following: ", determining if stabilizing reductions of nuclear weapons can be negotiated within the context of the freeze and if so,".

On page 5, line 4 strike out "Proceeding from" and insert "Pursuing" and on line 5 strike out "pursuing" and insert "and".

H.R. 1983

By Mr. BETHUNE:

—On page 4, line 24, after the word "property" insert the following: "except that such costs shall not include more than 50% of the costs of maintaining a golf course on the premises".

—On page 4, line 24, after the word "property" insert the following: "except that not more than 50% of the costs related to the maintenance of gardens, lawns and shrubs on the property shall be included".

—On page 4, line 24, after the word "property" insert the following: "except not more than 50% of the costs of employing individuals to clean the inside of the residence shall be included".

—On page 4, line 24, after the word "property" insert the following: "except that not more than 50% of the costs attributible to the maintenance of riding stables on the premises shall be included".

—On page 5, line 2, after the word "property" insert the following: "except that such costs shall not include more than 50% of the costs attributable to running a sauna".

—On page 5, line 2, after the word "property" insert the following: "except that such costs shall not include more than 50% of the costs attributable to heating a swimming pool, running a Jacuzzi, heating a "hot tub" or maintaining any other private recreational facility".

—On page 5, line 2, after the word "property" insert the following: "except that such costs shall not include the lighting tennis courts on the premises".

—On page 7, after line 14, insert the following new subsection:

"(d) Notwithstanding any other provision of this section, the Secretary may not institute or reinstitute the program of assistance established in this title in any district unless, following the occurrence or reoccurrence of the delinquency rate condition described in subsection (a)(2), each Federal supervisory agency with respect to financial institutions subject to its jurisdiction, and the Secretary with respect to other approved mortgagees, determine that such program will not reduce the degree of forbearance, or result in any increase in the number or rate of foreclosures, by such financial institutions and mortgagees with respect to mortgages on residential property in such district.".

By Mr. COLEMAN of Texas:

—On page 16, after line 11, insert the following new subsection:

"(h) In reviewing applications for assistance under this title, the Secretary shall give priority to properties located in units of general local government with rates of unemployment that exceed the national average.".

By Mr. WYLIE:

Amendment in the nature of a substitute.

—Strike all after the enacting clause and insert in lieu thereof the following:

"SHORT TITLE

"SEC. 1. This Act may be cited as the 'Emergency Housing Assistance Act of 1983.'

"ACTIONS BY FEDERAL SUPERVISORY AGENCIES

"SEC. 2. (a) Each Federal supervisory agency, with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall, not later than 14 days following the date of the enactment of the Emergency Housing Assistance Act of 1983—

"(1) communicate in writing with each such institution of mortgagee encouraging them to exercise forbearance (including the acceptance of partial payment), to the maximum extent possible, with respect to residential mortgage foreclosures;

"(2) waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies, to the extent the waiving or relaxing of such limitations is not inconsistent with laws relating to the safety and soundness of such institutions or mortgagees; and

"(b)(1) In considering applications for advances, the Federal home loan banks shall give special consideration to those institutions that have exercised forbearance in residential mortgages foreclosures as a result of actions taken pursuant to this section.

"(2) In considering applications for advances or discounts, the Federal Reserve banks shall give special consideration to those depository institutions and other borrowers that have exercised forbearance in residential mortgages foreclosures as a result of actions taken pursuant to this section.

"(3) In considering applications for extensions of credit, the National Credit Union Administration Board, on behalf of the National Credit Union Central Liquidity Facility, shall give special consideration to members that have exercised forbearance in residential mortgage foreclosures as a result of actions taken pursuant to this section.

"ACTION BY SECRETARY OF AGRICULTURE

"SEC. 3. Section 505 of the Housing Act of 1949 is amended—

"(1) by adding after 'the Secretary is authorized' the following: 'and encouraged to take all reasonable steps,'; and

"(2) by adding at the end thereof the following new sentences: 'The Secretary shall ensure that each delinquent borrower under this title is provided notice, in a timely and meaningful manner, of the assistance available under this section. The Secretary shall, to the extent necessary, provide technical assistance to each such borrower in applying for such assistance. The Secretary may, before or after any period of moratorium under this section, reamortize the accrued debt of any delinquent borrower under this title for a new period equal to the original amortization period, if such reamortization is likely to result in the resumption of periodic payments by such borrower.'."

H.R. 1190

By Mr. MADIGAN:

—(1) Page 2, strike out lines 3 and 4 and insert in lieu thereof the following:

That this Act may be cited as the "Consolidated Farm and Rural Development Act Amendments of 1983".

—Page 2, line 9, strike out "$300,000" and insert in lieu thereof "$250,000".

—(2) Page 2, line 11, strike out "$400,000" and insert in lieu thereof "350,000".

—(3) Page 8, after line 14, insert the following new subsection:

(d)(1) Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture—

(A) shall conduct a nationwide evaluation of the need for additional potable water and for additional water supply and waste disposal facilities in rural areas, and

(B) shall submit to the Congress a report describing the results of such evaluation.

(2) There is authorized to be appropriated $5,000,000 to carry out paragraph (1).

—(4) Page 9, line 3, strike out "$25,000,000" and insert in lieu thereof "$35,000,000".

—(5) Page 8, line 17, insert "(a)" after "SEC. 4.".

Page 9, after line 3, insert the following new subsection:

(b) Section 310B(d)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(5)) is amended by striking out "greater than 10 per centum." and inserting in lieu thereof "of up to, but not exceeding 20 per centum. The Secretary shall permit an applicant to make the required equity investment in the form of cash, tangible earning assets at book value, appraisal surplus, or any combination of such forms.".

—(6) Page 8, line 17, insert "(a)" after "SEC. 4.".

Page 9, after line 3, insert the following new subsection:

(b) Section 310B(d)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(5)) is amended by inserting after "(5)" the following: "No loan may be made or guaranteed under this section, section 304, or section 312 for a business or industrial enterprise unless the applicant for such loan is unable to obtain sufficient credit elsewhere to finance the applicant's needs at reasonable rates and terms taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time, and, in the case of guaranteed loans, the lender certifies that the lender is unwilling to provide credit to the applicant at the same rate of interest in the absence of the guarantee authorized by this title.".

—(7) Page 8, line 17, insert "(a)" after "SEC. 4.".

Page 9, after line 3, insert the following new subsection:

(b) Section 310B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)) is amended by adding at the end thereof the following new paragraph:

"(7) No loan may be made or guaranteed under this section, section 304, or section 312 for a business or industrial enterprise located in a rural area having a population in excess of 25,000. The Secretary shall give priority under such sections to applications submitted with respect to loans for business and industrial enterprises located in rural areas having a population not in excess of 10,000.".

—(8) Page 8, line 17, insert "(a)" after "SEC. 4.".

page 9, after line 3, insert the following new subsection:

(b) Section 310B(d)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(5)) is amended by inserting "not to exceed 20 per centum. The Secretary shall permit an applicant to make the required equity investment in the form of cash, tangible earning assets at book value, appraisal surplus, or any combination of such forms" before the period at the end thereof.

—(9) Page 9, line 7, strike out "$100,000" and insert in lieu thereof "$150,000".

Page 9, line 10, strike out "$400,000" and insert in lieu thereof "$350,000".

—(10) Page 9, strike out line 15 and all that follows through line 2 on page 10, and insert in lieu thereof the following new paragraph:

(1) by amending the fifth sentence of subsection (b) to read as follows: "The interest rate on such consolidated or rescheduled loans, other than guaranteed loans, shall be the lower of (1) the rate charged under the prior loans so consolidated or rescheduled, or (2) the rate being charged for loans made under this subtitle at the time of the consolidation or rescheduling."; and

—(11) Page 9, strike out line 15 and all that follows through line 2 on page 10, and insert in lieu thereof the following new paragraph:

(1) in the second sentence of subsection (b) by striking out "seven years" and inserting in lieu thereof "fifteen years"; and

—(12) Page 10, line 5, strike out "shall" and insert in lieu thereof "may".

—(13) Page 10, strike out lines 12 through 20 (and redesignate succeeding sections and references accordingly).

—(14) Page 10, strike out line 21 and all that follows through line 20 on page 11 (and redesignate succeeding sections and references accordingly).

—(15) Page 13, line 17, strike out "shall" and insert in lieu thereof "may".

Page 14, line 2, strike out "shall" and insert in lieu thereof "may".

Page 14, line 17, strike out "shall" and insert in lieu thereof "may".

Page 14, line 22, strike out "shall" and insert in lieu thereof "may".

Page 15, line 6, strike out "shall" and insert in lieu thereof "may".

Page 15, line 13, strike out "shall" and insert in lieu thereof "may".

—(16) Page 15, strike out lines 1 through 3.

—(17) Page 16, line 12, insert close quotation marks and a period at the end thereof.

Page 16, strike out lines 13 through 15.

—(18) Page 14, line 24, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 14, line 24, insert the following at the end thereof: "During the period of deferral under this paragraph, the borrower shall meet monthly with the county committee, or at such other time as may be requested by any party to the loan agreement involved, for the purpose of reviewing the financial condition of the borrower. If the county committee determines that the borrower has become able to resume making the loan payments, the period of deferral shall then be terminated by the Secretary.".

—(19) Page 14, after line 16, insert the following: "and if the borrower agrees to carry out a sound management plan applicable to the operations of the borrower, to maintain any property securing the loan, and to cooperate with the Secretary in the administration of the loan, then".

—(20) Page 16, after line 22, insert the following new subsection:

(d) It is the sense of the Congress that the Secretary of Agriculture, in administering laws carried out through the Farmers Home Administration, continue to set high priority on counseling, on a case-by-case basis, borrowers who are unable to make payments due to circumstances beyond the borrowers' control and consider the full range of his authority (including authority to consolidate, reschedule, an defer loan payments) to assist such borrowers and to avoid termination of any loan account when avoiding such action will enable the borrower involved to remain in business and ultimately to repay such loan. The Secretary of Agriculture is encouraged to consider, on a case-by-case basis, the implementation of section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a).

—(21) Page 16, line 24, insert "(a)" after "SEC. 11.".

Page 21, after line 2, insert the following new subsection:

(b) Section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982) is amended by adding at the end thereof the following new subsection:

"(d) On the request of a borrower with respect to whom the committee has made a certification under section 333(b) of this title, the committee may meet with the borrower—

"(1) to discuss any matter relating to the farming operation of the borrower, or

"(2) to advise the borrower regarding farm management decisions the borrower should make.".

—(22) Page 16, line 24, insert "(a)" after "SEC. 11.".

Page 21, after line 2, insert the following new subsection:

(b) Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report assessing the effectiveness of county committees in carrying out their duties under section 332 of the Consolidated Farm and Rural Development Act as amended by subsection (a).

—(23) Page 17, line 12, strike out "three" and insert in lieu thereof "Two".

Page 17, beginning on line 22, strike out ", one member shall be elected for a term of two years,".

Page 18, line 3, strike out "Two" and insert in lieu thereof "Three".

Page 18, line 6, strike out "and" and insert in lieu thereof a comma.

Page 18, line 7, insert ", and one member shall be appointed for a term of three years" before the period.

Page 18 line 9, strike out "One" and insert in lieu thereof "Two".

—(24) Page 19, line 3, strike out "two" and insert in lieu thereof "One".

Page 19, beginning on line 11, strike out "one member shall be elected for a term of one year and one" and insert in lieu thereof "such".

Page 19, line 14, strike out "elected members" and insert in lieu thereof "the elected member".

Page 19, line 16, strike out "One" and insert in lieu thereof "Two".

Page 19, line 18, strike out "Such member" and insert in lieu thereof "One of such members shall be selected from among individuals who are familiar with both agricultural and financial conditions in the country or area and one of such members".

—(25) Page 20, beginning on line 19, strike out "which fairly represents" and all that follows through "members" on line 21, and insert in lieu thereof "not less than the level of the rate of compensation paid to members of local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (61 U.S.C. 590h(b))".

—(26) Page 21, strike out line 3 and all that follows through line 3 on page 22 (and redesignate succeeding sections and references accordingly).

—(27) Page 22, line 9, strike out "shall" and insert in lieu thereof "may".

—(28) Page 22, line 16, strike out "shall" and insert in lieu thereof "may".

—(29) Page 23, line 7, strike out "shall" and insert in lieu thereof "may".

Page 23, line 19, strike out "shall" and insert in lieu thereof "may".

—(30) Page 24, beginning on line 1, strike out ", but" and all that follows through the period on line 3.

—(31) Page 23, line 6, strike out "two years" and insert in lieu thereof "one year".

Page 23, line 18, strike out "three years" and insert in lieu thereof "18 months".

—(32) Page 24, strike out line 9, and insert in lieu thereof the following: inserting ", and in any other State designated by the Secretary," after "State of Hawaii".

—(33) Page 25, strike out line 23, and insert in lieu the following:

"(A) real estate loans, $680,000,000 including $650,000,000 for farm ownership loans of which $600,000,000 may be for insured loans and $50,000,000 may be for guaranteed loans with authority to transfer 25 per centum of such amounts between categories, and $26,000,000 for water development, use, and conservation loans of which $20,000,000 may be for insured loans and $6,000,000 may be for guaranteed loans with authority to transfer 25 per centum of such amounts between categories;".

—(34) Page 25, strike out line 24, and insert in lieu the following:

"(B) operating loans, $1,860,000,000 of which $1,810,000,000 may be for insured loans and $50,000,000 may be for guaranteed loans with authority to transfer 25 per centum of such amounts between categories; and".

—(35) Page 26, strike out lines 1 and 2, and insert in lieu the following:

"(C) emergency loans, $1,540,000,000."

—(36) Page 26, strike out lines 15 through 24, and insert in lieu thereof the following:

"(2) To the extent and in such amounts as are approved, in advance, in appropriation Acts, loans for each of the fiscal years 1984, 1985, and 1986 authorized to be insured, or made to be sold and insured, under the Rural Development Insurance Fund as follows:

"(A) water and waste disposal loans, $250,000,000; and

"(B) community facility loans, $100,000,000.".

—(37) Page 25, line 2, strike out "20 per centum" and insert in lieu thereof "10 per centum".

Page 25, line 4, strike out "20 per centum" and insert in lieu thereof "10 per centum".

—(38) Page 25, line 1, strike out "(f)(1)" and insert in lieu thereof "(f)".

Page 25, strike out lines 9 through 16.

—(39) Page 27, line 7, strike out "sixty days" and insert in lieu thereof "30 days".

—(40) Page 28, line 6, strike out "each Unit has" and insert in lieu thereof "Units have".

Page 28, line 7, strike out "its" and insert in lieu thereof "their".

Page 28, beginning on line 10, strike out "each Unit has funds adequate to meet the demands in the area for which it is" and insert in lieu thereof "Units have funds adequate to meet the demands in the areas for which they are".

Page 25, line 14, strike out "the Unit informs" and insert in lieu thereof "Units inform".

Page 25, line 15, strike out "it is" and insert in lieu thereof "they are".

Page 25, line 16, strike out "they" and insert in lieu thereof "such loan guarantees".

—(41) Page 29, after line 2, insert the following new subsection:

(d) Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report assessing the effectiveness of Units established under section 349(a) of the Consolidated Farm and Rural Development Act in carrying out their duties.

—(42) Page 29, strike out lines 7 through 9 (and redesignate succeeding paragraphs and references accordingly).

—(46) Page 29, line 4, insert "(a)" after "SEC. 18.".

Page 29, after line 23, insert the following new subsection:

(b)(1) Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 is amended by striking out "$600,000,000" and inserting in lieu thereof "$300,000,000".

(2) The amendment made by paragraph (1) shall not apply with respect to contracts made before the date of the enactment of this Act.

—(47) Page 29, line 4, insert "(a)" after "SEC. 18.".

Page 29, after line 23, insert the following new subsection:

(b) Section 202(2)(C) of the Emergency Agricultural Credit Adjustment Act of 1978 is amended by inserting "(as evidenced by not fewer than 2 written denials by lenders, of applications for credit of the type and amount requested under this title by the applicant)" after "credit elsewhere".

—(48) Page 29, line 4, insert "(a)" after "SEC. 18.".

Page 29, after line 23, insert the following new subsection:

(b)(1) Section 207(b) of the Emergency Agricultural Credit Adjustment Act of 1978 is amended by striking out "$400,000" and inserting in lieu thereof "$300,000".

(2) The amendment made by paragraph (1) shall not be construed to require the termination of any loan made before the date of the enactment of this Act.

—(43) Page 29, line 9, insert "and" at the end thereof.

Page 29, strike out lines 10 through 12 (and redesignate succeeding paragraphs and references accordingly).

—(44) Page 29, line 15, strike out "1984" and insert in lieu thereof "1986".

—(45) Page 29, strike out lines 13 through 23, and insert in lieu thereof the following new paragraph:

(3) In Section 211, striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

—(49) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

COMPREHENSIVE REPORT DESCRIBING OPERATION OF LOAN PROGRAM

SEC. 19. The Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following new section:

"SEC. 350. (a) Not later than 30 days after the end of each calendar quarter beginning with the first quarter ending after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the information specified below with respect to loans made, insured, or guaranteed for farm ownership purposes under subtitle A, farm operating purposes under subtitle B, disaster emergency purposes under subtitle C, and economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978:

"(1) the estimated number and dollar value of loans designated delinquent;

"(2) the estimated number and dollar value of loans voluntarily liquidated;

"(3) the estimated number and dollar value of loans accelerated;

"(4) the estimated number and dollar value of loans in the process of foreclosure;

"(5) the estimated number and dollar value of loans foreclosed; and

"(6) the estimated number and dollar value of loans on which any other adverse action was taken.

"(b) Each report submitted under this section—

"(1) shall provide the required information on a State-by-State basis;

"(2) shall list such information separately for each type of loan specified in subsection (a);

"(3) within each such type, shall list such information separately for loans made by the Secretary, for loans made by the Secretary and insured, and for loans guaranteed by the Secretary;

"(4) shall list such information separately for regular loans and for loans made to low-income, limited resource borrowers.

"(c) In preparing the format of the report to be submitted under this section, the Secretary shall closely consult on a continuing basis with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, to ensure a mutual understanding of the requirements specified in this section.".

—(1a) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

REPORT ON ADMINISTRATIVE OPERATIONS OF FARMERS HOME ADMINISTRATION

SEC. 19. Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall—

(1) on a State-by-State basis, identify any unusual agricultural credit conditions in each State and conduct an evaluation of the effectiveness of the Farmers Home Administration in carrying out its duties under all laws administered by the Farmers Home Administration, including the effectiveness of the Farmers Home Administration in addressing such conditions, and

(2) submit to the Congress a report describing the information and evaluation produced under paragraph (1).

—(2a) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

PERIODIC REPORT RELATING TO CHANGES IN BORROWERS' STATUS

SEC. 19. Not later than June 30 and December 31 of each year, the Secretary of Agriculture shall submit to the Congress a report, for the respective 6-month period ending on each such date, specifying on a State-by-State basis the number of borrowers who have succeeded in obtaining credit from conventional sources, thereby allowing the termination of outstanding loans made to such borrowers by the Farmers Home Administration.

—(3a) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

INTERNAL REVIEW STAFF

SEC. 19. The Secretary of Agriculture shall designate, from among the employees of the Department of Agriculture, an adequate number of employees who shall have responsibility, on a full-time basis, to evaluate to bring about the correction of problems revealed in the periodic reviews and audits of the Farmers Home Administration, prepared by the Inspector General of the Department of Agriculture and by the Comptroller General of the United States.

—(5a) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

REPORT REGARDING LIMITED-RESOURCE BORROWERS

SEC. 19. Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall submit a report to the Congress—

(1) describing, on a State-by-State basis, the effectiveness of the Farmers Home Administration in carrying out those provisions of the laws administered by the Farmers Home Administration that relate to loans authorized to be made to low-income, limited-resource applicants, and

(2) specifying, on a State-by-State basis, the number of low-income, limited-resource borrowers who have succeeded in obtaining regular loans from the Farmers Home Administration or credit from conventional sources, thereby allowing the termination of outstanding limited-resource loans made to such borrowers by the Farmers Home Administration.

—(7a) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

RULES REGARDING CONFLICTS OF INTEREST

SEC. 19. The Secretary of Agriculture shall promptly issue and enforce rules—

(1) prohibiting employees of the Farmers Home Administration to engage in any activity which involves a conflict of interest, or the appearance of a conflict of interest and identifying the types of activities which are prohibited by such rules, and

(2) requiring that whenever a close relative, as defined by the Secretary, of an employee of the Farmers Home Administration is known to have submitted a pending application for financial assistance under any of the laws administered by the Farmers Home Administration, such employee shall be notified promptly of the pendency of such application.

—(50) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

REPORT REGARDING REORGANIZATION

SEC. 19. Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall submit to the Congress a report evaluating the feasibility and desirability of transferring to other Federal departments and agencies all authority vested in the Secretary and the Farmers Home Administration with respect to matters relating to rural development.

—(51) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

TERMINATION OF AUTHORITY RELATING TO LOANS TO FARMERS FOR RECREATIONAL USES

SEC. 19. (a) Section 303(a) of the Consolidated Farm and Rural Development Act is amended by striking out "(2) recreational uses and facilities," and redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) Section 304(a) of the Consolidated Farm and Rural Development Act is amended by striking out", and without regard to the requirements of section 302 (2) and (3), to farm owners or tenants to finance outdoor recreational enterprises or to convert to recreational uses their farming or ranching operations, including those heretofore financed under this title".

(c) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act is amended by striking out clause (ii) and redesignating clauses (iii) through (vii) as clauses (ii) through (vi), respectively.

(d) Section 312(a) of the Consolidated Farm and Rural Development Act is amended by striking out paragraph (5) and redesignating paragraphs (6) through (11) as paragraphs (5) through (10), respectively.

(e) Section 313 of the Consolidated Farm and Rural Development Act is amended—

(1) by striking out "or (2)" and inserting in lieu thereof "(2)", and

(2) by inserting "; or (3) for recreational enterprises or uses" before the period at the end thereof.

(f) Section 316(a) of the Consolidated Farm and Rural Development Act is amended by striking out paragraph (3).

—(52) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

TERMINATION OF AUTHORITY RELATING TO CERTAIN SMALL BUSINESS ENTERPRISES

SEC. 19. (a) Section 312 of the Consolidated Farm and Rural Development Act is amended by striking out subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) Section 317 of the Consolidated Farm and Rural Development Act is amended by striking out "(except section 312(b))".

(c) Section 309A(a) of the Consolidated Farm and Rural Development Act is amended by striking out "310B, and 312(b)" and inserting in lieu thereof "and 310B".

(d) Paragraphs (2) and (3) of section 310B(d) of the Consolidated Farm and Rural Development Act are amended by striking our "310B, and 312(b)" and inserting in lieu thereof "and 310B".

(e) Section 344 of the Consolidated Farm and Rural Development Act is amended by striking out "312(b), or 312(c)" and inserting in lieu thereof "or 312(b)".

—(53) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

LIMITATION ON EMERGENCY CROP LOANS

SEC. 19. Section 329 of the Consolidated Farm and Rural Development Act is amended—

(1) by inserting "(a)" after "SEC. 329.", and

(2) by adding at the end thereof the following new subsections:

"(b) No applicant under subsection (a) shall be eligible for a production loss loan with respect to a crop under this subtitle if crop insurance was available to the applicant under the Federal Crop Insurance Act with respect to the crop damaged by the disaster.

"(c) Notwithstanding the provisions of subsection (b), the Secretary may make production loss loans to applicants under subsection (a) whenever the Secretary determines that—

"(1) as a result of the disaster, such applicants have suffered substantial production losses and such losses have created an economic emergency for such applicant;

"(2) Federal crop insurance indemnity payments and other forms of Federal assistance for such losses are insufficient to alleviate such economic emergency; and

"(3) additional assistance must be made available to such applicants to alleviate the economic emergency.".

(2) The provisions of this section apply to loans made in connection with disasters which occur 180 days after enactment.

—(54) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

DURATION OF CERTIFICATION

SEC. 19. Section 333(b) of the Consolidated Farm and Rural Development Act is amended by inserting after the proviso the following: "(i) for operating type loans such certification or recommendation shall be effective for all loans made during the same crop year, and (ii)".

—(55) Page 29, after line 23, insert the following new section (and redesignate succeeding sections accordingly):

DEFINITION OF FAMILY FARM

SEC. 19. Section 343 of the Consolidated Farm and Rural Development Act is amended—

(1) by striking out "and" before "(6)", and

(2) by inserting before the period the following: ", and (7) the term 'family farm', as may be defined by the Secretary, may include farms which are principally engaged in agricultural production and where the family provides the principal part of management of and principal part of labor on the farm".

—(56) Page 29, after line 23, insert the following new section (and redesignate succeeding sections and references accordingly):

ADMINISTRATIVE AUTHORITY OF SECRETARY

SEC. 19. The Consolidated Farm and Rural Development Act, as amended by section 17 of this Act, is amended by adding at the end thereof the following new section:

"SEC. 350. The Secretary, in relation to guaranteed loans under this Act or any other Act administered by the Secretary, may authorize a private financial agency or other approved lender to take actions on behalf of the Secretary.".

—(9a) Page 2, after line 4, insert the following new section (and redesignate succeeding sections accordingly):

TERMINATION OF AUTHORITY RELATING TO PRIVATE DOMESTIC CORPORATIONS

SEC. 2. Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking out "private domestic corporations and", and

(2) by striking out ", corporations," each place it appears.

—(11a) Page 8, after line 14, insert the following new section (and redesignate succeeding sections accordingly):

FIREFIGHTING EQUIPMENT

SEC. 4. Section 306(a)(14)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(14)(B) is amended by inserting the following before the period at the end thereof: ", which has a median income level below 85 per centum of the statewide nonmetropolitan median family income, and which is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in or near the geographical area served by the applicant for loans for similar purposes and periods of time".

—(12a) Page 8, after line 14, insert the following new section (and redesignate succeeding sections accordingly):

MAXIMUM TERM OF REAL ESTATE LOANS

SEC. 4. (a) Section 307(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(1)) is amended by striking out "forty years" and inserting in lieu thereof "25 years".

(b) The amendment made by subsection (a) shall not be construed to permit or to require the termination or modification of any loan made before the date of the enactment of this Act.

—(13a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

SOLAR ENERGY

SEC. 5. Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended—

(1) by striking out "control, (2)" and by inserting in lieu thereof "control and (2)", and

(2) by striking out paragraph (3).

—(14a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY REGARDING POLLUTION ABATEMENT PROJECTS

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking out subsection (b).

—(15a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY RELATING TO WATER SUPPLY AND WASTE DISPOSAL SYSTEMS

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking out subsection (c).

—(16a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY REGARDING RELATING TO PRIVATE BUSINESS ENTERPRISES

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking out subsection (d).

—(17a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY REGARDING RELATING TO SUBTERMINAL FACILITIES

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking out subsection (e).

—(18a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF SUPPLEMENTAL LOAN AUTHORITY

SEC. 5. Section 310D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934) is amended—

(1) by striking out ", (5)" and inserting in lieu thereof ", and (5)", and

(2) by striking out paragraph (6).

—(19a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

ELIGIBILITY FOR OPERATING LOANS

SEC. 5. Section 311(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(a)) is amended—

(1) by striking out "and private domestic corporations and partnerships", and

(2) by striking out "corporation, and partnerships," each place it appears.

—(20a) Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF CERTAIN NONAGRICULTURAL LOAN AUTHORITY

SEC. 5. Section 312 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942) is amended—

(1) in subsection (a) by striking out "(a)", and

(2) by striking out subsections (b), (c), and (d).

—(21a) Page 9, after line 10, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY RELATING TO SOIL CONSERVATION DISTRICTS

SEC. 6. The Consolidated Farm and Rural Development Act is amended by striking out section 314.

—(22a) Page 9, after line 10, insert the following new section (and redesignate succeeding sections and references accordingly):

MAXIMUM PARTICIPATION BY SECRETARY IN THIRD-PARTY LOANS

SEC. 6. Section 315 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1945) is amended by striking out "80 per centum" and inserting in lieu thereof "70 per centum".

—(23a) Page 10, after line 11, insert the following new section (and redesignate succeeding sections and references accordingly):

MAXIMUM INTEREST RATE

SEC. 7. Section 316(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)(1)) is amended by striking out ", but not in excess of a rate as may be determined by the Secretary".

—(24a) Page 10, after line 11, insert the following new section (and redesignate succeeding sections and references accordingly):

UNIFORM INTEREST RATES

SEC. 7. Section 316(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)(2)) is amended by striking out "reduced by 3 per centum per annum".

—(26a) Page 10, after line 11, insert the following new section (and redesignate succeeding sections and references accordingly):

MAXIMUM TERM OF OPERATING LOANS

SEC. 7. Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by striking out "seven years" and inserting in lieu thereof "10 years".

—(27a) Page 10, after line 11, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF CERTAIN WAIVER AUTHORITY

SEC. 7. Section 322(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1973(b)) is amended by striking out the last proviso.

SENATE—*Monday, April 18, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Let us spend a moment in silence remembering those who died in the bombing of the Embassy in Lebanon with all of their loved ones and all of the implications of that situation.

(Moment of silence.)

Lord, thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever thou hadst formed the earth and the world, from everlasting to everlasting thou art God.—Psalm 90:1, 2, RSV.

We need Thee, Lord. We were made for Thee. Nothing is ever completely right without Thee. We pile up acquisitions until possessions become a burden—yet we never have enough. We move faster and faster—yet we never have enough time. We exhaust ourselves with pleasure—yet we are never really happy. We are satiated—yet never satisfied.

Help us, Patient God, to see that our problem is that no matter what we have, it never is enough—if we do not have Thee. We were made to love Thee and to be loved by Thee. We were made to belong to Thee—to serve Thee—to glorify Thee—to enjoy Thee. "Thou hast made us for Thyself, O Lord, and restless are our hearts until they repose in Thee" (St. Augustine). Gracious God, give us grace to acknowledge our need of Thee—to turn to Thee in humility and receive Thee as our all-sufficiency. In His name who gave Himself totally and sacrificially for us. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

BOMBING OF AMERICAN EMBASSY IN BEIRUT

Mr. BAKER. Mr. President, shortly before the Senate convened, the distinguished minority leader and I were briefed by Under Secretary of State Kenneth Dam, on the bombing of the American Embassy in Lebanon.

Mr. President, the bombing in Beirut this morning is an outrage against the United States for indeed the American Embassy there is a part of the sovereign territory of this country. It appears that there were American casualties. Until all of the people have been rescued from the rubble of that building and properly identified, and perhaps until after the notification of next of kin, it will be impossible to tell how many casualties. In any event, it is clear that there were many injuries and deaths.

Mr. President, matters of this sort are always sad events, but for it to occur on Israeli Independence Day is particularly sad. In this troubled part of the world, the conflict between Israel and her neighbors is well known. But that conflict is no excuse for rank terrorism of this sort.

Mr. President, I condemn those who participated in this sad assault. I hope they will be identified and brought to trial, and I am confident that the outrage of the American people will support that imperative.

I am happy to report that our Ambassador, Ambassador Dillon, succeeded in burrowing his way out of the rubble of his office after the bombing. To give you some idea of how extensive the damage to that building was, the Ambassador's office is on the top floor of that building.

Fortunately, Ambassadors Habib and Draper were not in the building at the time, but in another part of Beirut. Both are safe. I hope later today to have a further report to give the Senate about this tragic event.

POLO GROUNDS

Mr. BAKER. Mr. President, this week's poem celebrates the dawn of yet another baseball season, and I ask unanimous consent that "Polo Grounds," a poem by Rolfe Humphries be printed in the RECORD. Mr. Humphries was awarded the 1956 Fellowship of the Academy of American Poets, largest award of its kind, for outstanding achievement.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

POLO GROUNDS

(By Rolfe Humphries)

Time is of the essence. This is a highly skilled
And beautiful mystery. Three or four seconds only
From the time that Riggs connects till he reaches first,
And in those seconds Jurges goes to his right,
Comes up with the ball, tosses to Witek at second
For the force on Reese, Witek to Mize at first,
In time for the out—a double play.
(Red Barber crescendo. Crowd noises, obbligato;
Scattered staccatos from the peanut boys,
Loud in the lull, as the teams are changing sides . . .)
Hubbel takes the sign, nods, pumps, delivers—
A foul into the stands. Dunn takes a new ball out,
Hands it to Danning, who throws it down to Werber;
Werber takes off his glove, rubs the ball briefly,
Tosses it over to Hub, who goes to the rosin bag,
Takes the sign from Danning, pumps, delivers—
Low, outside, ball three. Danning goes to the mound,
Says something to Hub, Dunn brushes off the plate,
Adams starts throwing in the Giant bull pen,
Hub takes the sign from Danning, pumps, delivers,
Camilli get ahold of it, a *long* fly to the outfield,
Ott goes back, back, back, against the wall, gets under it,
Pounds his glove, and takes it for the out.
That's all for the Dodgers. . . .
Time is of the essence. The rhythms break,
More varied and subtle than any kind of dance;
Movement speeds up or lags. The ball goes out
In sharp and angular drives, or long, slow arcs,
Comes in again controlled and under aim;
The players wheel or spurt, race, stoop, slide, halt,
Shift imperceptibly to new positions,
Watching the signs, according to the batter,
The score, the inning. Time is of the essence.
Time is of the essence. Remember Terry?
Remember Stonewall Jackson, Lindstrom, Frisch,
When they were good? Remember Long George Kelly?
Remember John McGraw and Benny Kauff?
Remember Bridwell, Tenney, Merkle, Youngs,
Chief Meyers, Big Jeff Tesreau, Shufflin' Phil?
Remember Mathewson, and Ames, and Donlin,
Buck Ewing, Rusie, Smiling Mickey Welch?
Remember a left-handed catcher named Jack Humphries,
Who sometimes played the outfield, in '83?
Time is of the essence. The shadow moves
From the plate to the box, from the box to second base,
From second to the outfield, to the bleachers.
Time is of the essence. The crowd and players
Are the same age always, but the man in the crowd
Is older every season. Come on, play ball!

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Senate is now in session pursuant to

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the adjournment of the Senate on Friday. According to the order previously entered, the reading of the Journal has been dispensed with, no resolution would come over under the rule, the call of the calendar has been dispensed with, and the morning hour is deemed to have expired. After the expiration of the time allocated to the two leaders, Mr. President, under the order previously entered, there will be a period for the transaction of routine morning business of not more than 30 minutes in length in which Senators may speak for not more than 5 minutes each. At the expiration of that time, the Senate will resume consideration of S. 144, at which time the Kasten amendment, No. 522, will be the pending question.

A cloture vote will occur tomorrow, pursuant to the petition filed under the provisions of rule XXII. I will explore with the minority leader the possibility of arranging a convenient time for that vote.

I will not be here tomorrow. I must report that my uncle, my father's eldest brother, the last of three surviving brothers, died and his funeral will be tomorrow.

Mr. President, I ask unanimous consent that I may be excused from attendance in the Senate on Tuesday, tomorrow.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Now, Mr. President, I see the distinguished Senator from Arizona, the chairman of the Intelligence Committee, is here. I have been trying to ascertain whether there will be a call under the rules for a closed session of the Senate. The information I have, I may say to the minority leader, is apparently there will be no request today. Is that correct?

Mr. BYRD. That is my understanding. It is also my understanding that the Senator who planned to make the motion is not here.

Mr. BAKER. Mr. President, I would respectfully request the minority leader to provide us, that is, to provide me and most especially the chairman of the Intelligence Committee and the Vice President, who is a former Director of Central Intelligence, as much forewarning as possible if such a motion is to be made.

Mr. BYRD. I will endeavor to get in touch with the party today and will advise the majority leader.

Mr. GOLDWATER. Will the majority yield?

Mr. BAKER. Yes.

BRING OUR MARINES BACK

Mr. GOLDWATER. First, Mr. President, speaking to the opening remarks, I think it is high time we bring our Marines back. I think we are heading for trouble. I think the day one Marine is killed we have to answer that serious question of what do we do.

That is not what I asked the majority leader to yield for.

THE PROPOSED CLOSED SESSION

Mr. GOLDWATER. Mr. President, I have been on rather important duty in Colorado in connection with the Air Force Academy. I was called Saturday and requested to be here Monday to participate in a closed session. I flew all night to get here. Now I find that one of the participants is not in town.

I have to inform the majority leader that we Westerners, who have a hard time getting home, are getting a little bit tired of these people in the East who can conduct their business out of a taxi, going home and not showing up until Tuesday. If the Senator I am referring to wants to be in town tomorrow and asks for a closed session, fine and dandy. But I am here and ready to go and he is not. I have to report that I think I represent all Senators who come from west of the Mississippi that we are getting a little bit tired of this place being run for the benefit of those people who do not live so far away. I am not speaking of the two Senators I am looking at now. I am speaking of the constant offenders. We are ready to go if they want to go. That is all I have to say. I may have a little more to say on this because I am a little upset.

Mr. BAKER. Mr. President, I believe the Senator is. I understand. I have never been prouder of the fact that I am from the South than I am at this moment. Since the Senator mentioned only the West and the East, I feel absolutely safe and secure under these circumstances.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I can understand the inconvenience that is wrought upon Senators from the West and I am sorry that the distinguished Senator from Arizona has been put to any inconvenience in this matter. I do not know why the Member who is going to make the motion is not here today. It may be that he has very pressing senatorial business back at home, but I think that is something that none of us can control.

I personally hope that the distinguished Senator from Arizona will not be too upset about the matter. I think being upset is something that happens to all of us in this Chamber and often for what appears to be no clear reason. But, as the Senator knows, Senators do sometimes stay in their home States on Mondays, or at least the larger portion of Mondays. In this instance, as I say, I do not have any reason that I can state for the cause of the absence, but we are all absent from time to time, some of us for great lengths of time.

Again, I am sorry that the Senator has been inconvenienced. He is a gentleman, and I know that he will mellow, as he always does. I respect his forthrightness and plain spokenness. I have known BARRY GOLDWATER for a long period of years, and I find that he sort of mellows after he gets things off his chest and begins to smile and everything works out all right.

May I say, too, Mr. President, if the majority leader will allow me, that I am glad I am from a State that had split loyalties during the Civil War. Part of it is above the Mason-Dixon line, part of it is south of the Mason-Dixon line. I guess I might qualify in any category.

Our State is the most eastern of the western, the most western of the eastern; the most northern of the southern, and the most southern of the northern. It is where the East says "good morning" to the West and where Yankee Doodle and Dixie kiss each other goodnight. So you can put me in either category or leave me out.

Mr. BAKER. Mr. President, I have always known I was confused by West Virginia, but I have never known why until now.

Mr. GOLDWATER. Mr. President, I can understand the Senator and I have to say, as a native of the territory of Arizona, we still maintain great pride in the fact that we were the first territory of the Confederacy. Many people still think we made a mistake. I have not reached that point yet, but I am rather close to it. We have had three little battles in our territory between the North and the South. One took place in the saloon my grandfather ran. Another was when the California Column attacked the Pima Indians and got the daylights beaten out of them. The other was when the California Column chased the Confederates out of our territory. Many people still weep on that day. It was a sad day.

Mr. BAKER. Mr. President, I sense a great danger overtaking the Senate. If we do not end this conversation before very long, the very fabric of the Republic may be rent asunder.

Mr. President, I have no further need for my time, if any time remains under the standing order.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. ABDNOR). The minority leader is recognized.

Mr. BYRD. I yield my time to the majority leader or the distinguished

Senator from Arizona or any other Senator—the Senator from Kansas, if he wishes.

I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

A DEFENSE OF STRATEGIC SUPERIORITY

Mr. DENTON. Mr. President, we have all been participants in, and objects of, the broad national debate about the strategic posture of our country and what we can and must do to insure our security and our survival. Much of the debate has been sterile and repetitive, but occasionally one finds an article or a speech that cuts through rhetoric to essential substance.

One such article, by Robert Jastrow, appeared in the March 1983 issue of Commentary magazine. Dr. Jastrow is a man of considerable experience in American nuclear weapons programs and in a broad range of activities affecting our national defense and technological advancement. In his article, "Why Strategic Superiority Matters," Dr. Jastrow makes a reasoned and compelling case for keeping America's strategic defenses strong and for resisting the siren's song of "nuclear freeze" or any other ephemeral "quick fix" for our security problems.

I commend Dr. Jastrow's article to my colleagues.

Mr. President, I ask that the text of Dr. Jastrow's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Commentary, March 1983]

WHY STRATEGIC SUPERIORITY MATTERS

(By Robert Jastrow)

When I was a young physicist I spent a year working on nuclear-physics problems with Robert Oppenheimer at Princeton. I then went out to the Lawrence Radiation Laboratory in Berkeley, where I shared an apartment for a time with Harold Brown, who later became Secretary of Defense in the Carter administration. My friendship with Dr. Brown brought me into contact with Herbert York and the weapons physicists in Berkeley, and that led to a job on the Greenhouse project.

The Greenhouse experiment, which took place in 1951 on Eniwetok atoll in the Pacific, was supposed to create the first man-made thermonuclear reaction, using the energy of a 500-kiloton atomic bomb to ignite a fraction of an ounce of deuterium and tritium placed in a small adjoining chamber. The project was more of a public-relations stunt than a genuine experiment, because everyone knew beforehand that it was pretty certain to work; using a huge atomic bomb to ignite the little vial of deuterium and tritium was like using a blast furnace to light a match. According to my understanding at the time, Edward Teller was trying to get support for the H-bomb project, and since he could not figure out how to build an H-bomb, he thought up the Greenhouse project instead, as a demonstration piece for the people back in Washington.

In any case, my job on Greenhouse was to calculate the temperature of the reacting mixture of deuterium and tritium. As I recall, it was supposed to hit a million degrees or so, which is beyond the range of an ordinary thermometer. As the house theorist, I applied the methods of the branch of physics known as radiative transfer theory to compute the temperature inside the vessel of deuterium and tritium, using measurements on the amount of radiation coming from the outside. It was the kind of calculation astronomers do routinely for the hot gases in stars, and later on I was to do it quite often in NASA, as a part of my work in astrophysics and planetary science.

The Greenhouse assignment led to a trip to the Pacific and a close look at a 500-kiloton atomic explosion. I also had a chance to work with some very bright people, such as Drs. Teller, York, and Brown, and later on, at Los Alamos, with Stanley Ulam, George Gamow, and others. And, of course, there was a great deal of government and Atomic Energy Commission politics swirling around the figures of Oppenheimer, Teller, and Lawrence, of which I had an initimate and revealing worm's-eye view. But that is another story.

I left nuclear research in 1958 when I joined NASA. I did not think much about it, or about nuclear bombs, for the next twenty years until, three years ago, I happened to come across a New Yorker article on nuclear weapons and SALT by Daniel Patrick Moynihan (November 19, 1979). In reading Senator Moynihan's article, I became aware for the first time that the policies of the United States for protecting its citizens from destruction are based on a flawed premise.

The premise is that the Soviet Union will be deterred from a surprise nuclear attack on the United States by the knowledge that such an attack would trigger a devastating American counterattack. And, of course, we are deterred from an attack on the USSR by the knowledge that the Soviets maintain a similar arsenal. The result is a nuclear standoff, and world peace.

In other words, each side holds the other side's civilian population as hostages. Holding hostages, and threatening their massacre, are time-honored methods of achieving one's objectives in war, but they have never been suggested before as a means of keeping the peace. The proposal for mass exchange of hostages is a simple but brilliant strategy conceived by American intellectuals who were trying to figure out a solution to a terrible problem: how does the U.S. protect itself from nuclear destruction in an age in which missiles vault the oceans and the concept of Fortress America no longer has meaning?

The academicians who thought up this idea called it Mutual Assured Destruction, or sometimes simply MAD. It makes very good sense, as you would expect, since the policy was formulated by some of the most brilliant scientists and academicians who have ever served in an advisory capacity to our government. The trouble is that MAD is a theory, and like all theories, it depends on an assumption. This assumption has turned out to be false.

The assumption behind the theory of Mutual Assured Destruction is that both the United States and the USSR will freely offer up their populations for massacre. But this requires that each country give up all attempts to defend its own people. In other words, the two countries must agree that neither will have a civil-defense program, and neither side will try to shoot down the other side's missiles.

On the face of it, this proposal sounds peculiar. What does it mean, as Senator Moynihan wrote, to say "we must not defend ourselves because if we do the enemy will attack"? As a physicist once remarked of Einstein's theory of relativity, when you first hear this line of reasoning you think you must have misunderstood it, and when you understand it you think you must have misheard it.

Actually, MAD is a logical response to the problem of nuclear war, and it could have worked if the Russians had been reasonable and seen matters our way—if they had been willing to offer up their people as hostages, just as we have done. But the Soviet Union saw things differently.

It is now clear—in fact it has been clear for a decade—that while for many years the American government adopted the strategy of Mutual Assured Destruction proposed by our scientists and academicians, the Soviet government rejected it. The USSR undertook to do exactly what our strategists say it is supposed not to do: it implemented large programs for defending its citizens from nuclear attack, for shooting down American missiles, and for fighting and winning a nuclear war. The result, as Senator Moynihan has said, is "a policy in ruins," and the greatest peril our nation has faced in its 200-year history.

Why did the Russians reject the American plan for avoiding nuclear war? Perhaps the reason is that the strategy of Mutual Assured Destruction is very logical, and therefore appealing to a scientist; it is what a physicist might call a "sweet" solution to a difficult problem. Now scientists have an important voice in formulating American defense policy; after all, a physicist became Secretary of Defense in the Carter administration. But in the Soviet Union scientists carry little or no weight in defense matters. Adrei Sakharov—the great colossus of Soviet atomic weaponry, with the stature of Oppenheimer and Teller rolled up in one—tells the story of a banquet attended by Soviet generals and scientists following the first test of a Russian H-bomb in 1955. Sakharov, who had designed the bomb and was responsible for its success, toasted the achievement with a wish that the Russian bomb would never be exploded over cities. The general in charge of the tests replied to the effect that the job of a scientist was to make the bombs, and how they were used was none of his business.

In any case, the Russians have made it clear that they think the theories of the American scientist-advisers are crazy, and they want no part of them. Their rejection goes beyond the concept of Mutual Assured Destruction itself; they reject the view, so widely held in America, that the mass detonation of nuclear weapons would mean the end of civilization, and, therefore, that these weapons are not useful tools of military policy.

At one time, Soviet thinking on nuclear war did echo American ideas on the impossibility of a nuclear victory. That was in the 1950's, soon after Stalin's death, when Malenkov, who was then the Soviet premier,

announced that nuclear war could lead to the "destruction of world civilization." But Malenkov was severely criticized by Khrushchev, who said he had it wrong; only capitalism would perish in a nuclear war. By the mid-1960's the debate was over, and the elements of Soviet nuclear policy were set in concrete. In 1979, Secretary of Defense Brown confirmed that since 1963, "The Soviets have had a policy of building forces for a preemptive attack on United States ICBM's."

And in fact Soviet military writings make it plain that the entire war-fighting posture of the Soviet General Staff rests on the mass use of nuclear missiles:

The most important task of the General Staff in preparing for a modern war is the detailed planning of employment of nuclear weapons by all services of the armed forces.

The armed forces of the Soviet Union . . . must be prepared above all to wage war under conditions of the mass use of nuclear weapons.†

The basic method of waging war will be massed nuclear rocket attack. . . .

Nuclear missile strikes . . . and the ability to use them before the opponent does, are the key to victory.

It is recommended that the nuclear strike be launched . . . unexpectedly for the enemy. Preemption in launching a nuclear strike is expected to be the decisive condition for the attainment of superiority.

Some American scientists and arms-control experts find it hard to believe that the Russians can actually hold these views on the massive use of nuclear weapons. They feel that if the Russian generals think they can fight and win a nuclear war, the reason must be that the generals have not thought the question through carefully. "I don't think we should substitute their judgment for our common sense," said Paul Warnke about the matter. Warnke, who was President Carter's chief arms-control negotiator, thought Russian thinking about emerging victorious from a nuclear war was "primitive," and the United States "ought to educate them into the real world of strategic nuclear weapons."

But the Russians have refused to be educated. Around 1963, in pursuit of their objective of winning a nuclear war if it should break out, they began a massive program for building nuclear bombs, missiles, and submarines. In the next few years, American satellites photographed new missile silos sprouting all over the Soviet Union. In 1967, the Russians built 160 new silos; in 1968, they added 340 more; in 1969, they drew abreast of the United States. By then each side had about 1,000 silos and a like number of missiles.

None of this bothered American strategists because their policy of Mutual Assured Destruction required that each country must have enough nuclear destructive power to kill a lot of the other fellows. Secretary of Defense Robert McNamara had figured out that we had enough bombs to kill at least 50 million Russians directly in a mass nuclear attack, in addition to millions who would die later from radiation poisoning. He stated that he thought this was sufficient to deter the Russians from starting anything. Therefore, in 1967, he froze the United States force of ICBM's at 1,000 Minutemen plus 54 of the older Titans. He also froze the number of missiles carried by our nuclear submarines at 656. Secretary McNamara had said a few years earlier: "There is no indication that the Soviets are seeking to develop a strategic nuclear force as large as our own." The Secretary was relaxed about the Soviet build-up; his feeling was that if the Soviets improved their capabilities for blowing us up, they could be more equal partners in the strategy of Mutual Assured Destruction, and the peace of the world would be more secure.

So, while the Russians were working away at increasing the size of their nuclear arsenal, the United States made no attempt to stay ahead of them, and the number of American missiles and nuclear submarines remained fixed at their 1967 levels. Meanwhile the Soviet military budget continued to climb. It went up steadily, 4 percent a year, year after year. At the same time, the American defense budget, exclusive of Vietnam, began to decline. In 1970, the two budgets crossed—one going up, and the other going down. Still the Soviet budget continued to increase, especially in the area of strategic forces—nuclear bombs, missiles, and submarines—where the Soviets spent about $40 billion a year, while American expenditures in this critical area of defense averaged about $12 billion a year.

By 1969 or 1970, the effects of the massive Soviet build-up were becoming apparent. In round numbers, the Soviet Union now had 1,400 ICBM's plus another 300 nuclear missiles in submarines. Meanwhile, the U.S. strategic forces remained frozen at their 1967 levels of 1,054 ICBM's and 656 nuclear-submarine missiles. Soviet superiority in ICBM's was roughly balanced by our edge in submarine-launched missiles. (We still had a fleet of aging B-52 bombers, but their usefulness against the massive Soviet air defenses was open to question.) Overall the Russians were about equal to us in nuclear destructive power.

Now both sides met the requirements for Mutual Assured Destruction. Each possessed enough weapons to inflict serious damage on the other fellow, and to American strategists, any further build-up by either nation would have been pointless. All that remained was to sit down with the Russians and formalize the arrangement with an arms-control treaty. SALT—the Strategic Arms Limitation Talks—was the result.

Salt, ratified in 1972, did not actually limit the number of nuclear bombs in the American and Russian arsenals. What it limited was objects that carry bombs, such as missile silos and nuclear submarines. A missile silo, as Senator Moynihan has pointed out, is a hole in the ground and it can hurt you if you fall into it, but otherwise it is harmless. A true arms-control treaty should have limited the number and size of the nuclear weapons in the arsenals of the two countries. But the United States was never able to get the Soviet Union to agree to anything like that; the Russians would only accept a limit on items such as the number of holes in the ground.

Even so, the Russians found it difficult to live by the terms of the treaty after they signed it. Some years ago, for example, our satellites caught them in the act of digging 150 extra missile silos that were not permitted by the SALT treaty. When the United States brought this matter to the attention of the Russians, they explained that the new holes were launch-control silos, intended to house the crews and equipment which launched the missiles. But the extra silos had special doors of the kind that pop open to permit a missile's quick escape. A silo with a pop-up door is essential for launching missiles, but highly undesirable for housing the launch-control crew, which usually is housed in an underground bunker to protect it from radiation and other effects of nuclear attack. Whatever use the additional silos might be put to initially, it was obvious that they were meant to be convertible to missile silos at a moment's notice.

Specialists monitoring Soviet compliance with the SALT treaty have reported many other violations. Some are ominous because they indicate a serious intent to deceive the United States. For example, former Secretary of Defense Melvin Laird reported in 1977 that the Soviets had gone to great lengths to conceal from our satellite cameras their operations with the SS-16, a new Soviet ICBM.

Unlike our strategic missiles, the SS-16 is mobile. American satellites discovered signs that SS-16's were being moved about under cover of darkness, concealed in wooded areas, and tested on ranges partly covered with camouflage netting. As a result, Secretary Laird said, we could not be sure whether the Russians were producing SS-16's merely in numbers sufficient to replace older missiles, as the 1972 SALT treaty allows, or enlarging their missile force illicitly beyond the number permitted by SALT. All we knew was that by "elaborate concealment" the Soviet Union had deliberately interfered with the means of verifying compliance with the SALT treaty, which was itself a flagrant violation of the treaty.

Secretary Laird also reported that when the Soviets were testing their SS-20 missile—the medium-range missile that has been deployed in large numbers in Russia and aimed against targets in Western Europe—they scrambled or coded the radio signals which are normally transmitted from the missile to the ground during a test flight so that missile experts can monitor the missile's performance. Because the signals were coded, United States experts could not decipher them to determine the characteristics of the SS-20's.

When the experts finally were able to break the code, they concluded that the SS-20 missiles had been tested with a ton of ballast aboard. This ballast, replaced by fuel, would increase the range of the SS-20 and enable it to attack targets in the United States. In effect the Soviet Union has constructed a dual-use missile that can be aimed either at Western Europe or the U.S., yet its numbers are not counted in the limit on Soviet ICBM's set by the SALT treaty.

The scrambling of the SS-20 radio signals was a particularly cynical violation of SALT on the part of the Soviet Union, because it struck at the very heart of the treaty—the promise by each side that it would not interfere with the other side's "national means of verification."

How did our government handle Soviet violations of the SALT treaty? Senator Edward Zorinsky brought that point up during Senate hearings on SALT II in 1979 when he asked Paul Nitze: "Do you know of any SALT violations that were not resolved . . .?" Nitze replied: "No; but how were they resolved? They were resolved by [our side's] accepting what had been done in violation."

SALT treaty or no, the Soviet Union continued to outspend the United States by a wide margin on bombs and missiles throughout the 1970's. The United States budget for strategic forces—bombs, missiles, bombers, and submarines—went down under the Nixon, Ford, and Carter administrations, and reached a low point of about $9 billion in 1979, at which time is was three-tenths of 1 percent of our Gross National Product. Meanwhile, Russian spending on missiles and bombs continued at a level of about $40

billion a year. By that time, the Soviet Union had spent about $1 trillion on nuclear weapons.

These numbers belie the "action-reaction" theory of the arms race, which holds that the Soviet military build-up is always a response to increases in American defense spending. As Defense Secretary Brown said: "As our defense budgets have risen, the Soviets' have risen. As our defense budgets have gone down, the Soviets' have risen."

Now the time is 1983. The Russians have been outspending us on nuclear weapons since the 1960's. In President Reagan's administration the budget for strategic forces has risen, but not enough to make up for two decades of massive Soviet weapons construction. The Soviet Union is building 150 to 200 ICBM's a year, and we are building none. They are constructing several nuclear-missile submarines a year, and we have retired old submarines faster than we have added new ones, so that the number of submarine-launched missiles in the U.S. arsenal has actually declined.

The result is that the destructive power of the Soviet nuclear arsenal is now more than twice as great as that of the United States. The missile forces of the Soviet Union also have a combination of accuracy, destructive power, and numbers that will enable them to destroy most of our Minuteman missiles in their silos in a preemptive first strike. We lack any such capability. In other words, the Soviet Union has strategic superiority.

But does it matter? As Secretary of State Henry Kissinger once asked: "What in the name of God is strategic superiority? . . . What do you do with it?" The American strategic-nuclear arsenal, divided into the population of the world, is equivalent to a half ton of TNT per person. The Soviet strategic-nuclear arsenal is equivalent to two tons of TNT per person. Nothing seems to demonstrate the folly of building additional bombs and missiles more clearly than these numbers. By any reasonable criterion, both the United States and the Soviet Union have acquired "overkill."

But the reasoning that leads to the idea of overkill, like the reasoning that leads to Mutual Assured Destruction, is based on an assumption. This assumption, again, has turned out to be false. The assumption is that the bombs of the Russians and of the Americans will be exploded over cities. This is what is meant by holding the civilian population hostage. The Russians, however, have made it plain that they find no merit in this idea. In their planning, the top-priority targets are not our cities but our missile silos, bombers, and submarines—and the communication links which would carry the orders for attack to their commanders. In other words, the Soviets aim to prevent us—in the event war should break out—from inflicting damage on their country.

How would the Soviet Union accomplish that objective? Civilian defense, air defense, and missile defense are part of the answer, and the Soviets have large programs in each of those areas. Civil defense is a fifth arm of the Soviet military, with status equal to that of the Soviet Strategic Rocket Forces, Air Force, Army, and Navy.

Another part of the answer is the 5,000 warheads on Soviet ICBM's. It is true that a small fraction of that huge arsenal could destroy every major city in the United States, but the warheads are not intended for that purpose; they are targeted against our 1,054 missile silos, probably two to a silo. This redundancy will insure nearly complete destruction of the American missile force, even when allowance is made for the fact that some Soviet missiles will not get off the ground, others will wander off course, and some will fail to explode.

Thus, the targeted American missile force accounts for approximately 2,000 of the 5,000 Soviet ICBM warheads. Another 500 warheads could be targeted on military airfields and whatever nuclear-missile submarines are in port or can be located. An additional 500 warheads could be allotted to the destruction of our military command-and-control centers and our military-communication links, with the aim of compromising the system by which instructions flow from the President and senior officials to military commanders in the field for the launch of a retaliatory strike on the Soviet Union.

This would leave a force of 2,000 ICBM warheads still available to the Soviet Union for use in deterring the United States from launching a retaliatory second strike with the ICBM's, bombers, or submarine missiles that had survived the first strike. If our government failed to see the wisdom of submission at this stage, and launched a retaliatory strike against Soviet cities, Russian reprisal would be swift and devastating, and the life of our nation would be ended.

What about our nuclear submarines? A great many Americans feel that submarines will be the ultimate deterrent to Soviet attack, regardless of the number of ICBM's in the Soviet arsenal. American Trident submarines are nearly invulnerable to detection when at sea, and, as President Carter once pointed out, the nuclear warheads carried on a single one of these would be sufficent to destroy all the largest cities in the Soviet Union.

The difficulty with this line of thinking is that missiles launched from submarines can only be used to attack cities and similar "soft" targets. The reason is that a submarine never knows precisely where it is in the ocean. Although the path of the submarine-launched missile may be very accurately guided during its flight, if the starting point of the missile's trajectory is uncertain, the place where it lands must be equally uncertain. As a consequence, the accuracy of submarine-launched missiles is relatively poor.

American submarines and their missiles therefore cannot be used to eliminate the missile force of the Soviet Union, or its command-and-control centers, because those targets, hardened with reinforced concrete and underground construction, can be destroyed only by the pinpoint accuracy of a direct hit. (An attack on cities does not require great accuracy, since the power of the nuclear weapon will destroy a city if the bomb explodes anywhere.)

These considerations indicate why American submarines cannot substitute for our force of Minutemen, as a deterrent to Soviet attack. From the limited accuracy of submarine-launched missiles it follows that these missiles can only be used against cities. Therefore they cannot be used at all, because our government will know that if used in this way, they will trigger a punishing Soviet counterattack on our own cities. What President would decide to launch our submarine missiles in an attack on Leningrad and Moscow, knowing that New York and Washington would be destroyed in return? Faced with this option, any government would prefer to live and fight another day.

In the course of time, technology will improve the accuracy of our submarine-launched nuclear missiles to the point where they will have a hard-target "kill" capability, and the American deterrent will be restored. According to present estimates, that should happen by the end of the 1980's. The intervening four to five years will be, as Dr. Kissinger has said, "a period of vulnerability such as we have not experienced since the early days of the Republic."

If the nuclear-freeze movement is successful, the period of vulnerability will be extended into the 1990's. Assuming that does not happen, how will the Russians make use of the four to five years of nuclear superiority they will still enjoy?

The Persian Gulf is the most likely target of a Soviet move. Imagine a Soviet-instigated outbreak of violence in Saudi Arabia, with American businessmen taken hostage, and a pro-Soviet regime installed, backed by Russian guns and Cuban mercenaries. With a substantial part of the oil flow to Western Europe under Soviet control, and the Middle East in upheaval, the United States will be tempted to intervene with conventional forces. If the Soviets respond by sending in their own troops, and conventional war breaks out, we cannot prevail. The USSR has constructed five airfields in southern Afghanistan, bringing the Persian Gulf within range of its fighter aircraft. The Soviet navy heavily outnumbers the American navy in surface ships and attack submarines. As a consequence, we will probably not be able to maintain our supply lines to the Gulf and the Mediterranean and simultaneously protect our sea lanes in Atlantic and Asian waters. Defeat will be almost certain.

Could we threaten to escalate to the nuclear level? Only this threat could hope to save us from defeat in the Persian Gulf. But now the Soviet superiority in nuclear weapons becomes the decisive factor. The United States has gone on a *nuclear alert three times* in the past—in 1948 in the Berlin crisis, in 1962 in the Cuban missile crisis, and in 1973 when the Russians threatened to intervene in the war between Egypt and Israel. We prevailed in each confrontation. In the first two cases we had strategic superiority, and in the third a rough parity. Today, this is no longer true. We would not dare to threaten the use of our nuclear weapons, because of the circumstances I have described.

What about a Soviet move into Western Europe? In Europe, the superiority of conventional Soviet forces would be overwhelming: approximately 45,000 tanks on the Soviet side against 17,000 in NATO; a Soviet superiority of 2 to 1 in aircraft, 2 to 1 in artillery, and 3 to 1 in missile launchers. NATO forces would not be able to withstand a massive Soviet thrust into Western Europe.

But a direct attack would not be necessary. Threats, accompanied by a general escalation of tension, would probably suffice to bring all of Western Europe under Soviet hegemony. Aleksandr Solzhenitsyn has described how it would happen:

"At one time there was no comparison between the strength of the USSR and yours. Then it became equal. . . . Perhaps today it is just greater than balance, but soon it will be two to one. Then three to one. Finally, it will be five to one. . . . With such a nuclear superiority it will be possible to block the use of your weapons, and on some unlucky morning they will declare: 'Attention. We're marching our troops to Europe, and if you make a move, we will annihilate you.' And this ratio of three to one, of five to one, will have its effect: you will not make a move."

Twenty years ago, or even ten years ago, the American nuclear arsenal would have been sufficient to deter a Soviet attack on Western Europe, but that is no longer the case.

When will the Russians make their move? Leonid Brezhnev supplied the timetable a few years ago, in a speech to Communist leaders in Prague:

"We are achieving with détente what our predecessors have been unable to achieve using the fist. . . . By 1985, . . . we will have achieved most of our objectives in Western Europe. . . . Come 1985, we will be able to extend our will wherever we need to. . . ."

And so we finally see why strategic superiority matters. We see how it is that, as Senator Moynihan has said, he who can blow the world up three times has more power than he who can blow it up only twice.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, there is no Senator now seeking recognition. Rather than engage in an idle quorum call, I ask unanimous consent that the Senate now stand in recess until the hour of 1 p.m. today.

There being no objection, the Senate, at 12:16 p.m., recessed until 1 p.m.; whereupon, it reassembled when called to order by the Presiding Officer (Mrs. KASSEBAUM).

The PRESIDING OFFICER. Is there any further morning business?

Mr. BAKER. Madam President, I understand that at least one Senator is on his way to the floor who has a need for time for the transaction of routine morning business. While we await his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Madam President, it is my understanding we are in morning business; is that right?

The PRESIDING OFFICER. That is correct.

WHAT IS RIGHT, BUT ESPECIALLY WHAT IS WRONG WITH SCOWCROFT MX RECOMMENDATION

Mr. PROXMIRE. Madam President, yesterday the New York Times carried the most interesting analysis I have seen of the Scowcroft Commission's MX study. McGeorge Bundy offered his opinion. It was a stunner. Bundy is specially qualified to speak on the MX. He served as Special Assistant for National Security Affairs for both Presidents Kennedy and Johnson. He was Chairman of the General Advisory Committee of the Arms Control and Disarmament Agency from 1979 to 1981.

Bundy begins his analysis by calling the Scowcroft report both the best and worst state paper of the nuclear age. And Bundy is right.

The Scowcroft Commission is right in these respects:

First, it slams shut the so-called window of vulnerability—the threat that a Soviet first strike would destroy our deterrent. It does not claim that our Minuteman silos are themselves invulnerable, or that even our Triad will forever be invulnerable, but it concedes that there is now no window of vulnerability.

Second, the Scowcroft Commission report suggests that in the longer run we can buy long-term ICBM survivability with a smaller single warhead missile.

Third, the report recommends that we should seek to shift arms control from the missile counting basis to the warhead basis. This would sharply reduce the advantage of heavily MIRV'd missiles that are highly vulnerable but devastating first-strike weapons. Both sides have emphasized intense MIRV'ing—especially the U.S.S.R.—and in the process the nuclear arsenals have become far more hair-trigger, first-strike oriented. Single missiles would go the other way. They would make the missile system less vulnerable and less threatening at the same time.

Bundy calls these three Scowcroft recommendations what makes the Commission's paper the best state paper of the nuclear age. What makes it the worst?

With that great start, one would expect the Scowcroft people to recommend that we deploy our missiles to make them as invulnerable as possible and negotiate to make the missiles on both sides as unthreatening as possible. But does it? No. It does in precisely the opposite direction. It recommends that we put the hard target multiple warhead MX in Minuteman silos. Since they are highly vulnerable and very likely to be knocked out in a first strike by the U.S.S.R., they pose little or no survivable deterrent. What is worse, because they are useful for a first strike, they persuade the Russians that we are building them because we want that first strike as a very real option.

Placing the MX in vulnerable silos also raises the problem of launch on warning—putting a hair trigger on the arms race.

As Bundy says: "If ever there was a 'use it or lose it' system, ill designed for stability in crisis, it is this one." This recommendation is designed to kill arms control not to encourage it.

Madam President, the Scowcroft recommendations could move this Government away from the survivable deterrent system that this country has relied on throughout most of the nuclear age, since it became clear that the Soviet Union had developed their own nuclear capability. This Commission would move us into a nonsurvivable first-strike posture. We should reject this recommendation.

Madam President, I ask unanimous consent that the article by McGeorge Bundy from yesterday's New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1983]

MX PAPER: APPEALING, BUT MOSTLY APPALLING

(By McGeorge Bundy)

Last week the Scowcroft commission published what is at once one of the best and worst state papers of the nuclear age. Unfortunately, it seems possible that the best parts will be less appealing to President Reagan than the worst. It is obvious from the elaborate White House orchestration that the report has been constructed with built-in Presidential approval and that at its core it is a selling job for the wrong missiles in the wrong place—100 MX missiles in Minuteman silos. This solution has been repeatedly reviewed and rejected both by Congress and by the executive branch over the last 10 years.

But let us begin with the good parts. First, the report deliberately and correctly destroys one of the principal myths on which Mr. Reagan campaigned in 1980—the myth of the "window of vulnerability," or the threat of a Soviet first strike on Minuteman silos. Growing Soviet missile forces with growing accuracy, it was said, would allow the Russians to knock out nearly all those silos early in the 1980's and the President would not dare respond because our cities would still be hostage. It was an unreal but chilling scenario, and until last week no one around Mr. Reagan had ever questioned it in public. Now the commission has given it a fitting burial. The commission observes that a "massive surprise attack" on our 1,000 Minuteman silos would be a very special case and concludes: "To deter such surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression." Thus, the window of vulnerability is slammed shut on the fearful fingers of the Committee on the Present Danger.

The commission puts one condition on this conclusion, and again it is a good one. The vulnerability of the Minuteman, consid-

ered alone, is real if uncertain, and it does raise a serious long-range question, because our bombers and submarines may not always be as survivable as they are now. If we can buy "long-term ICBM survivability" for a sensible price, we should indeed have it, and the most promising possibility is a smaller single-warhead missile, as thoughtful students have been saying for quite a while. The recommendation for careful research and development on such a new missile deserves full support.

A third good basic recommendation is allied to the first two: It is that we should seek to shift the counting rules of strategic-arms control from launchers toward warheads. This good idea is a belated but entirely sensible effort to deal with the destabilizing effect of MIRV's (multiple independently targetable re-entry vehicles)—that is, many warheads on one missile. MIRV's are the United States' worst single contribution to the nuclear arms race. What they did, as many warned at the time, was to give the attack an advantage over the defense, because a multiple-warhead missile can "kill" several opposing missiles in one shot, while it takes at least two single-warhead missiles to "kill" even one similar weapon with assurance.

SALT, for reasons of verification and habit, counted mostly launchers, not warheads. This way of counting strengthened attachment to MIRV's on both sides, because if you can have only so many missiles under an agreement, why not pack them with as many warheads as you can? We were firstest with MIRV's but the Russians have been mostest, and the commission is right: It is time to go to work to change the counting rules. The commission is also right when it notes that some of Mr. Reagan's proposals in the strategic arms talks in Geneva move in the wrong direction on this score.

So far so good. What is wrong? Only the centerpiece of the report. It goes in exactly the opposite direction by placing the first-strike multiple-warhead MX in Minuteman silos, right where Soviet MIRV's could knock it out if ever the Kremlin thought we were about to use it. Because the MX has 10 warheads, not the two that is the average in the Minuteman force, it will be five times as vulnerable, warhead for warhead, as Minuteman itself. It violates the fundamental rule first laid down in the Eisenhower Administration: The object of any new strategic system is to deter, and to deter safely it must be able to survive.

If there was ever a "use it or lose it" system, ill-designed for stability in crisis, it is this one. Yet it comes to us from a commission that elsewhere tells us that "stability should be the primary objective." A system of this kind is open to only one protective device, a capacity for launch-on-warning—for rapid firing on possibly fallible electronic notice of an incoming attack. But on this critical point, the commission is alarmingly silent. It would have done better to recognize more candidly its deliberate abandonment of our most important single standard for strategic force planning.

The arguments offered directly for this strange choice are thin. We need it to induce Soviet acceptance of new arms control limits, says the commission. But as the commissioners recognize, the Russians are already testing their own MX and their own single-warhead missile. The Soviet answer to new programs will be new programs, not new concessions. If the commission wants a no-new-MIRV agreement, which would make good sense, it should propose just that. It should not pretend that the MX in Minuteman silos is arms control in disguise. Nor should it compare this problem with that of the antiballistic missile defense treaty. The Russians joined us in curbing ABM systems precisely to insure the deterrent effectiveness of their land-based missiles. They are not going to be driven to sea by MX. The whale will not convert the elephant by imitation.

Most of the commission's other direct arguments are thinner still. If we do not deploy MX, it says, the Russians will doubt our "national will and cohesion." Is honest disagreement on hard choices a sign of weakness? A commission of Americans should know better. But our existing land-based intercontinental missile force is aging, says the commission. So it is, but as the commissioners recognize in the very next sentence, the necessary programs for keeping this force effective are already in train. But, they argue, we need a hedge against possible Soviet antiballistic missiles. Is the commission suggesting that our existing 10,000 warheads could not be programmed for this task? But, it says, we need a new booster as a backup for the space shuttles. Well, if we do, we do. But is this a serious argument for 1,000 new first-strike thermonuclear warheads?

The real purpose is different, but the commision wraps it in jargon. The main reason for this recommendation is that a commanding majority of its authors want these first-strike weapons because the Soviet Union has them. Never mind their contribution to instability in crisis; never mind what the Russians will build in reply; never mind what else you could do with $15 billion; never mind the fact that the Russians do not have a true first-strike capability because the window of vulnerability was never open; never mind that Soviet advantages on land are fully matched by our superiority in the air and under water. Because the Russians do have weapons that can strike first at hard targets, the commission concludes that we must have them, too. When you disentangle all the report's complex language, that is all there is, and the commissioners neglect to tell us that we have plenty of weapons already that can strike hard targets second—our bomber force may be the best system in the world for this legitimate purpose.

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the commission or its sponsor. It might begin by seeking counsel from all quarters—there are many outstanding students in its own ranks. It should not rely on a report written by a panel carefully selected to include only tested friends of MX. It might well find that the Scowcroft commission has almost everything right except the recommendation that was preplanned by the White House. In spite of the commission's unexplained insistence that all its ideas make a single package, Congress has every right and duty to take only what it finds truly needed.

THE HOLOCAUST MUSEUM: APPROPRIATE FIRST STEP TOWARD PREVENTION OF FUTURE GENOCIDAL ACTS

Mr. PROXMIRE. Madam President, the U.S. Government recently donated two vacant buildings adjacent to the National Mall for use by the U.S. Holocaust Memorial Council. The buildings will house an extraordinary museum—one dedicated to the memory of those who perished in the Holocaust.

Through a combination of private funding and Government support, the Holocaust Museum will preserve the memory of the dreadful annihilation of European Jews by Hitler's Nazi regime.

Although it seems preservation of this memory through the Holocaust Museum is an act no one would question, many people have raised doubts about the approriateness of the U.S. Government donating buildings and funds for this purpose. Their basic question is, "What did the Holocaust have to do with the United States? Isn't it just a thing between the Jews and the Germans?"

Columnist Richard Cohen addressed this question in a recent Washington Post article. "Of course," he said, "the Holocaust is about Jews and it is about Germans, too." But, he continued, "by extension and a kinship in horror, it is also about the slaughter of the Armenians by the Turks and the slaughter of the Cambodians by the Cambodians."

The Holocaust, concluded Cohen, is a haunting illustration of what man has, does, and can do to his fellow man. It is not an exception to history, but rather part of a continuum. It is what he calls the "ultimate" example of mindless horror—ultimate not because it will be the last such horror, but ultimate because of its scale. It is, because of its magnitude, the most blatant example of irrational horror perpetrated by man, and that is why it should never be forgotten.

Of course, the United States had no real role in the Holocaust. But, as Cohen explained:

> We are people and those who died in the Holocaust were people and so it is neither wrong nor weird that we should memorialize them on the Mall and build a monument in both stone and programs to their memory.
>
> Not because America had any role in the Holocaust.
>
> Not even so it never can.
>
> Not because it is the least we can do.
>
> But because it is all we can do.

Cohen's column shows that genocide, such as the Holocaust, is not a thing of the past. It is part of history, and can always occur. For that reason, we must do all that we can to guard against it ever happening again. One measure we can take to do so is, as Cohen says, to preserve for all future generations the memory of the Holocaust. However, contrary to what Cohen says, that is not all we can do. Another major step we can take toward preventing genocide is ratification of the Genocide Convention. This

treaty was born out of the same horror at the Holocaust which prompted the Holocaust Museum. It was a measure passed by the United Nations to accomplish the same purpose as the Holocaust Museum—to neither let us forget nor allow to occur again any form of genocide. In the same spirit in which we allocated two buildings for the Holocaust Museum, let us ratify this essential treaty. To fail to do so would be hypocritical. To do so would be both timely and appropriate. I urge my colleagues to join me in seeking ratification of this vital treaty.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

INTERNATIONAL TRADE AND INVESTMENT ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 144) to ensure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 522

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I ask for the yeas and nays on the Kasten amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

CLOTURE MOTION

Mr. KASTEN. Madam President, I send a cloture motion to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Kasten amendment No. 522 to S. 144.

Bob Kasten, William Proxmire, Paula Hawkins, David L. Boren, John P. East, Jesse Helms, Wendell Ford, Walter D. Huddleston, Steve Symms, J. Bennett Johnston, Ernest F. Hollings, John Melcher, Nancy Landon Kassebaum, David Pryor, Orrin G. Hatch, Don Nickles, J. James Exon, Jeremiah Denton, Jennings Randolph, and Thad Cochran.

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. DOLE. Madam President, today we begin discussing the merits of withholding income taxes due on interest and dividend income. We have had a lot of discussion on this floor about this issue, but it has been confused, in the view of this Senator, with the primary issue then on the floor—first of all, the jobs bill, then social security. Now, in order to consider this matter more or less on its merits, we may be borrowing trouble by bringing up an S numbered revenue bill to send to the House of Representatives.

The Senator from Kansas is certainly mindful of the emotions that this issue and the possibility of extended debate have generated already. The Senator from Kansas is not certain what will happen on the cloture vote tomorrow or on following days, but this is an important issue. We have over 500 amendments to dispose of in the event cloture should be invoked. This Senator is certain there will be time to allow all of his colleagues one opportunity to examine the merits of this issue.

The President, on Saturday, issued a strong statement in support of withholding, indicating his continued commitment to tax reform and tax compliance, not new taxes, not repealing indexing, not repealing the third year of the tax cut, not repealing other tax reductions we have enacted in the past couple of years in this Congress. But the Senator from Kansas is aware, and I am certain others are aware, that in the 1983 budget the President of the United States suggested we take a look at withholding of taxes on interest and dividend income. I am pleased that, in the President's radio message last Saturday, he indicated he has not yielded from that position.

The President indicated in no uncertain terms that he had his pen behind his ear; he was prepared to veto any repeal of the legislation passed last year that would require withholding of tax due on interest and dividend income.

Notwithstanding that, we have had a lot of discussion. We have been deluged with mail. We have had a very well-financed lobbying campaign carried on by financial institutions in this country. Much of the information sent to us has been inaccurate. We constantly have seen advocates of repeal refer to this as a withholding tax instead of tax withholding. In fact, I suggest that the President made that mistake in the first sentence of his radio address on Saturday. But notwithstanding that, it was a good address and it indicated very clearly the President's position on this issue.

Madam President, this Senator did not come to the decision to support interest and dividend withholding easily. The Dole-Grassley compliance bill introduced a little over a year ago contained most of the compliance provisions which were incorporated in the Tax Equity and Fiscal Responsibility Act. It did not, however, include withholding on interest and dividends. The Senator from Iowa and I opted to rely primarily on increased reporting requirements and more stringent penalties to improve tax compliance. The only withholding provision in the bill as originally introduced was pension withholding. However, when the Finance Committee received a budget target of $98.3 billion in increased revenues over 3 years, we were faced with the decision on how best to raise those taxes. We decided it was far more appropriate to do our best to collect taxes that are owed under present law and are not being paid than to impose new taxes on the people now paying their taxes. As a result, we took another hard look at how we could strengthen the compliance package without imposing unacceptable levels of interference with the lives of American citizens. We found that the percentage of the compliance on interest and dividends was unacceptably low, especially in comparison with wages, which is about 99 percent. Compliance on interest and dividend payment of taxes was around 85 percent.

It seemed to a majority of us on the Senate Finance Committee that withholding on interest and dividends was a compliance measure that was both effective and fair. We have had withholding on wages for 40 years and I would guess the working people in this country could make the same argument the American Bankers Association makes now, that is, "If you did not take the taxes out of my check every 2 weeks or every month, I could put that money in the bank and make interest and then pay my taxes at the end of the year."

We have a 99-percent compliance rate with the people in this country who work for a living and receive wages and salaries. We have an 89-percent compliance rate with those who receive interest income. The dividend compliance rate is a little less than the interest compliance rate, about 85 percent.

It has been suggested by some that all we have to do is audit more returns, hire more IRS agents. We are informed by the Internal Revenue Service that less than 2 percent of the

returns in this country are audited. But if we lose on this issue, and expect to collect the same percentage of taxes due on dividends and interest we are going to have to hire 30,000 to 40,000 new employees. That is what will be necessary to make a reporting system as effective as interest and dividend withholding.

Now, if you want a real tax revolt, let us hire 30,000 or 40,000 more IRS agents and spread them across the country and let them audit about one in every five returns. Then we will have, I think, a real tax revolt on our hands, and it will be a people's revolt.

Some have argued that withholding punishes a majority of honest Americans in order to enforce compliance from the dishonest or negligent ones. This argument rests on the loss of compounding if taxes were withheld throughout the year. This Senator has already discussed the minimal nature of this possibility—less than 5 cents per $100 of savings.

However, when the issue was last discussed on the Senate floor, this Senator explained that the banks had the option of end-of-the-year withholding on passbook accounts and that Treasury by regulation had recently extended end-of-the-year withholding to money market accounts.

The final regulations extended this option to money market funds also. We have accordingly received revised revenue estimates that confirm that the availability of end-of-the year withholding has made the loss of compounding a nonissue.

The most recent estimates show that, on an ongoing basis almost all—over 98 percent—of the gain from withholding is improved compliance.

We want people who owe taxes to pay their taxes, so that we are not required to raise other taxes or take away certain tax benefits, justifiable benefits, that some people have today.

Thus, this Senator believes that the argument that withholding is an unjustified intrusion on honest Americans, if it ever had any validity, no longer can be argued by anyone who has the facts.

COST TO THE BANKS

The other principal argument advanced by those who would repeal withholding is that withholding would be costly to implement.

This Senator has often stated publicly and privately that, if the financial institutions establish that the so-called "float" included in the withholding rules does not adequately compensate them for the costs of implementation, he would be willing to discuss further modifications to the float provisions.

However, the American Bankers Association admittedly has not analyzed the costs of implementation, evidently preferring to devote resources to repeal of the provision rather than to establish if it in fact gives them any substantial problems. They have "guessed" that the costs would be in the several billion dollar range, but they have prepared no empirical study to support this number.

On the other hand, the Treasury Department has attempted to develop a preliminary estimate as to the costs of implementation. They estimate that the costs would aggregate $600 to $700 million which would be compensated for both by the float and by a business deduction from income for Federal income tax purposes. To put this cost in a different perspective, it comes to about $2 per account before float and before tax deductions.

Mr. KASTEN. Madam President, will the Senator yield on that point?

Mr. DOLE. I yield.

Mr. KASTEN. Does that $600 million or $700 million include the cost to the Treasury, or is that the cost the Treasury estimates the banks will have?

Mr. DOLE. I will touch on that in a second.

Mr. KASTEN. We have had a hard time getting the Treasury to tell us how much it will cost the IRS to implement this new withholding regulation, particularly the exemptions. Does that number include that?

Mr. DOLE. I will touch on it in a few minutes. If not, we will come back and discuss it further.

I might also point out that computer software companies are taking up the challenge to provide mechanisms for the financial institutions to implement withholding and the cost of these programs appear to be relatively modest, indeed.

In fact, there is a firm in Baltimore, Md., which indicates that they can provide the necessary software for almost any financial institution for around $30,000.

I will go into this issue in more detail later, but I want to emphasize that, to the extent costs to the institutions are a real problem, neither this Senator nor the administration has indicated anything other than sincere willingness to discuss and resolve it.

A PEOPLE'S ISSUE

Madam President, this issue is a people's issue. How the Senate votes will let the people know whether we are serious about compliance with the tax laws or whether the income tax should be, in part, voluntary. It will also inevitably let the people know whether we believe that all individuals should pay the taxes they owe before we raise taxes on honest individuals, cut spending programs or increase the Federal deficit. How the Senate votes on this issue will be a measure of how responsible we are about the economy, our society, and the fairness of our laws.

Madam President, let me say, as an aside, that I note that the Senate Budget Committee is deadlocked over the issue of taxes. That is rather interesting. Some members of the Budget Committee say we should raise taxes so many billions of dollars and are, at the same time, saying we should not collect taxes that are due. I find that to be a rather amusing argument—that we do not want to collect taxes, but we will solve the Federal budget problem by imposing more taxes.

As chairman of the Finance Committee, it seems to me that we have an obligation to say to the American people, "OK, if there are $87 billion or $100 billion in taxes," as reported in U.S. News & World Report about 2 weeks ago, "that are not being collected, then we should collect those taxes before we take away any part of the third year of the tax cut or start tampering with indexing or make any other changes that were made in the tax laws in 1981."

So as I watch the Budget Committee discuss what they believe the revenue and spending mix should be, maybe we cannot reduce spending enough. Maybe there will have to be some give on the revenue side. The Senator from Kansas would be willing to undertake whatever target the Budget Committee suggests, if we were certain we could have tax compliance before we had tax increases.

Madam President, as this debate develops and as we focus on the issues, the Senator from Kansas will make one or two other points, and then I will be glad to yield to others who wish to speak.

This is a very sensitive issue. I think every Senator, every Member of Congress, and everybody else who has been involved will agree that there never has been an issue that has generated so much mail and that has caused so much concern, not only among the financial institutions, but also among those of us who enact the laws and try to provide consistency and fairness in what we do.

The Senator from Kansas has been unduly blessed. As chairman of the Finance Committee, I get more mail on this issue than most other Senators. We now have more than 600,000 pieces of mail from credit unions, which call this a withholding tax. Credit unions are tax exempt, and some have nearly a billion dollars in assets. They pay no taxes at all. So they have a lot of money to send out all the propaganda they have sent to Members of Congress. I think that by their lobbying statement, although it is hard to tell what they have spent, they have spent a considerable amount of money.

The American Bankers Association admits to spending only about $300,000, but that does not account for all the money spent in each State by many banks in running ads. Most of the cards that come to our office have been stamped by a bank. It is not a

grassroots campaign. It is not a campaign in which the people are so irate that they are going to put a stamp on a postcard.

Mr. KENNEDY. Madam President, will the Senator yield?

Mr. DOLE. I yield.

Mr. KENNEDY. I intend to talk on the issue, but inasmuch as the Senator is talking about the mail, I wonder whether his experience is similar to mine. It seems that from some of the smallest banks, you usually get a small letter, which is paid for by the banks. From the medium-sized banks, you get a larger envelope paid for by the banks. From the even larger banks, you get even a bigger envelope paid for by the banks. Then, from some of the biggest banks, you get a whole box paid for by the banks.

Mr. DOLE. Yes; I have noticed that odd progression.

Mr. KENNEDY. I wonder whether it is also the Senator's experience that on some mail it just says "To Senator," but it does not even have the Senator's name. Is that similar to the experience the Senator from Kansas has had?

Mr. DOLE. That certainly tracks this Senator's experience.

Mr. KENNEDY. Is it the experience of the Senator from Kansas that the bank itself would be paying for this mailing?

Here is an envelope on which the postage was $3.49, from the Mutual Bank, Franklin Street, Boston.

So the banks themselves, I find, are actually sending this.

Mr. DOLE. That is the experience we have had. We know that in some cases people have sent them in on their own. The great majority have come in large boxes or bundles, and the smaller banks have a simple form letter they use. You go in and make your deposit and sign one of the cards.

The Senator from Kansas has had a lot of mail from people who had never written to him. They were glad to get my response, but they had not sent me a postcard.

So it indicates that someone in some bank has just gone down the list of depositors, filled in enough coupons, mailed them in to Senator BOB DOLE in this case, and I am certain the Senator from Massachusetts has been blessed with a lot of this kind of mail also.

Mr. KENNEDY. I thank the Senator.

Mr. KASTEN. Madam President, will the Senator yield on that point?

Mr. DOLE. I yield on that point.

Mr. KASTEN. I only wish to ask the Senator from Massachusetts if any of those cards or letters are coming from the big banks. He said the big banks are sending in cartons. I wish the Senator to know that the big banks, the very biggest banks in the country, are in favor of this law. They are in favor of this new regulation because it is going to give them a greater competitive advantage. They already have the computer hardware and the computer software.

I cannot remember—the Senator from Massachusetts might know—whether First Boston is now supporting the appeal as is the Chase Manhattan Bank, the Mellon Bank in Philadelphia, the Bank of America, and others. The Hanover Trust and several other big banks are now on the other side. I do not know if the First Boston is one of those. He did not read off First Boston. He had a different bank there.

I wish the Senator to know that the banks are not opposed to this regulation because they can digest it. It is the medium-size and small banks and savers who are having the trouble.

Mr. KENNEDY. I would respond that these come from all of the banks but perhaps not from the biggest banks. I will be glad to make that clarification. I think the Senator from Kansas has already addressed the issue in terms of the cost factors. But the biggest banks—the Senator is quite correct—are not supporting the Kasten amendment.

Mr. DOLE. There may be some of the bigger banks—I am not certain—but I do not know of any bank that has been out lobbying against the Kasten amendment. A few of the biggest banks may quietly say that they do not really have any trouble with this but they do not say it very loudly. They do not want anyone to hear them say it, but we are happy to have their help.

But we have other great organizations such as the chamber of commerce, of course, that are opposed to anything. They are out here trying to get this repealed and they have really been helpful to the President in the last 2 years. We must accept their position for what it is.

But the point the Senator from Kansas wants to make is that there is a lot of money being spent on this campaign that does not show up on any official statement.

The Senator from Massachusetts pointed out the postage is paid by the bank. I do not suggest that a lot of people are not upset about this issue. A lot of people in my State are upset about it, primarily because they never heard the other side and do not know all the facts.

This Senator went to his State during the recess, made about 16 appearances, and was asked about withholding at every stop.

I found that once the people understood the issue and we did not have all this misunderstanding, they said "Well, it is probably all right." Once they were told we were not going to take 10 percent of their savings or their savings were not going to disappear and all the other misinformation that has been spread about withholding, then I think most people were not opposed. If they are working for a living, withholding on their salaries or wages is imposed and, it is pretty hard to say you should do that but you should not withhold taxes due on interest and dividend income.

As I will discuss later this week or next week, whenever we get around to it, we have had withholding before on interest and dividend income. I was reminded by Mortimer Kaplan, who was the Commissioner of the Internal Revenue Service under President Kennedy, that in the Civil War, in 1862 and thereafter, we had withholding on interest and dividend income. We did not have withholding on wages, with the exception of the Federal employees.

So this is not something new that just sort of sprung up overnight. We have had it in the past, and I hope we are going to have it take effect July 1.

But the point is that this has been a very, very emotional issue, and the Senator from Kansas understands that fact probably as well as any Senator, being chairman of the Finance Committee and having made rather strong statements in support of withholding.

We are now told by Treasury, based on the latest changes they have made, we are talking about losing in revenue about $18 billion over the next 5 years. If we are not going to collect $18 billion in taxes that are due, then where are we going to find the $18 billion? Are we going to take it from other taxpayers? Are we going to take it from working men and women? I would hope not.

It just seems to me that once people understand this is tax compliance and once they understand this is part of the President's and Congress effort to make certain we have compliance, then I believe we can stave off this massive effort to repeal a law that we have not had a chance to determine whether it will work or not. Had it been in place for 1 or 2 years and had we discovered there were so many exemptions, so many problems that could not be administered, then I would think the repeal argument might have some merit.

But I think to say we have to repeal it before it ever starts is an indication of what I thought was the case: That it is probably going to work and many people who have been told how bad it was are going to determine very quickly that it is not a bad law.

It only requires us to pay taxes we owe in the first place. It is not going to take away any of our savings. It is not going to do a lot of other things.

Mr. HEFLIN. Madam President, I rise to speak in support of the amendment offered by my good friend from Wisconsin, Senator KASTEN, to repeal

the savings and dividend withholding provisions approved by Congress last year.

This is a people's issue, not a bankers' issue. It is an economic recovery issue, for increased savings are essential for the Nation's turnaround.

The people of my home State of Alabama are justifiably outraged, as are all Americans, at this new law which will require financial institutions to deduct 10 percent of their customers' savings and dividend income and deposit them with the Internal Revenue Service. Under this new law, the Internal Revenue Service will be receiving funds that before would have been in citizens' accounts drawing interest. It removes funds from accounts that would otherwise be available for compounding or reinvestment. This withholding law is, in effect, forcing the citizens of this country to make interest-free loans to the U.S. Government.

My opposition to this ill-conceived law is well known to the Members of this body. I opposed and voted against the withholding measure when it was offered as a provision in the Tax Equity and Fiscal Responsibility Act of 1982. I offered an amendment, at that time, which would have deleted this provision from that bill. During the lame duck session in December, I offered an amendment to delay the implementation of this procedure. A modification of my amendment was passed by the Senate, but was not agreed to by the House conferees. Since that time, my opposition to the withholding law has grown even stronger as I have traveled through my home State and listened to the concerns of thousands of Alabamians regarding this law.

The vast majority of our taxpaying citizens are honest people. The Secretary of the Treasury, Donald Regan, has acknowledged that there is 97 percent compliance in the interest and dividends area when three conditions are met: First, the individual files a tax return; second, the payor files a 1099 information return; and third, the information return has a correct taxpayer identification number and is readable. Currently, there is only a 3- to 4-percent loss in tax collections in this type of income. This is a very good record when one considers the complicated tax laws under which we now operate.

If allowed to become operational, the withholding procedures will create yet another bureaucratic burden on wage earners, savers, investors, and perhaps most importantly, the elderly. In order to be exempt from withholding, elderly and low-income individuals will be required to file exemption certificates with each institution from which they receive payment of interest and dividends. They will also be required to file a different exemption certificate for each account relationship, and a new exemption certificate each time they cash in an interest coupon, savings bond, certificate of deposit, or similar obligation. The impact of the withholding law on elderly taxpayers who are not exempt from its requirements will be particularly damaging. For example a widow under the age of 65, with no dependents, whose investment of life insurance proceeds and savings earn her $7,000 per year in interest and dividends would be subject to withholding of as much as $58.33 per month. This taxpayer's Federal income tax liability for 1984 would only be $157, but as much as $700 would have been withheld.

If the withholding provisions go into effect, the initial setup cost to financial institutions could be as high as $3 billion. Instead of imposing these increased costs upon the financial institutions of our country, we should strive to improve compliance in this area with the information we already have. Present law already requires financial institutions to report this income to the IRS. As the Secretary notes, there have been problems with incorrect or missing taxpayer identification numbers. The Tax Equity and Fiscal Responsibility Act increases the penalties on banks for failure to report a correct number to the Internal Revenue Service and this should go a long way toward correcting any problems in this area.

I urge my colleagues to support Senator KASTEN's amendment and correct this grave error in our tax law before the headaches and burden of withholding really begin.

Thank you, Madam President.

UP AMENDMENT NO. 141

(Subsequently numbered Amendment No. 1068.)

(Purpose: To finance a program of health benefits for the unemployed from additional amounts collected by withholding of tax on interest and dividends)

Mr. DOLE. Madam President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 141.

Strike out all after "Viz:" and insert in lieu thereof the following:

At the end of the bill, insert the following new title:

TITLE II—TRUST FUND FOR HEALTH BENEFITS FOR UNEMPLOYED WORKERS

SEC. 201. ESTABLISHMENT OF TRUST FUND TO FINANCE A PROGRAM OF HEALTH BENEFITS FOR UNEMPLOYED WORKERS.

(a) IN GENERAL.—Subchapter A of Chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Unemployed Workers' Health Benefits Trust Fund', consisting of such amounts as may be appropriated or credited to the Unemployed Workers' Health Benefits Trust Fund.

"(b) TRANSFER OF CERTAIN TAXES.—

"(1) IN GENERAL.—There are hereby appropriated to the Unemployed Workers' Health Benefits Trust Fund for each fiscal year an amount equal to the lesser of—

"(A) the applicable amount, or

"(B) the increase in Federal revenues for such fiscal year allocable to the provisions of subchapter B of chapter 24.

"(2) APPLICABLE AMOUNT DEFINED.—For purposes of this subsection, the applicable amount shall be determined in accordance with the following table:

"For fiscal year:	The applicable amount is:
1984	$500,000,000
1985	600,000,000
1986	700,000,000

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, for making expenditures to meet obligations of the United States which are incurred under a Federal program providing health benefits to the unemployed.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9504. Unemployed Workers' Health Benefits Trust Fund.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts may be transferred to or from the Unemployed Workers' Health Benefits Trust Fund established by the amendments made by subsection (a) for fiscal years beginning after September 30, 1983 and before October 1, 1986.

(2) PAYMENTS MAY BE RETROACTIVE.—If a Federal program providing health benefits for the unemployed takes effect before October 1, 1983, amounts may be borrowed to carry out such program and funds in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, to repay any amount so borrowed, provided, however, that any amount so borrowed shall be added to the applicable amount described in subsection (a) for fiscal year 1984.

Mr. DOLE. Madam President, just let me indicate that this will permit us to focus on a problem of real concern as opposed to repeal of withholding.

We have hundreds of thousands of families in this country of ours where one or two people in the household, generally both, are out of work—they have no health care coverage, their health care benefits have expired, they have children.

One way they can qualify is to dispose of enough assets to qualify for medicaid, to get on their knees and qualify for medicaid.

It seems to me rather than talking about repeal of withholding we should

talk about a problem we have. Withholding is not a problem.

Health care coverage for the unemployed is a problem on which we are having hearings in the Finance Committee on Thursday of this week. How do we address the concerns of probably hundreds of thousands of workers who have been out of work for 6 months, 8 months, or a year and have lost their health care coverage?

So I am proposing this amendment, which is offered as substitute for the Kasten amendment, rather than repeal withholding that we set aside and dedicate some of the withholding money that will be collected from taxes due, not new taxes but taxes due, for a program to provide such coverage. The amounts set aside for fiscal years 1984, 1985, and 1986 in a trust fund will total about $1.8 billion over a 3-year period.

To this Senator this amendment, I think, has some merit. We can adopt it by not invoking cloture tomorrow voting on the amendment or we can vote on the amendment today. It seems to me we have an issue here before us now that we ought to discuss. We can discuss repeal of withholding and we can discuss the concerns of the powerful groups in this country. But we ought to discuss the concerns of the less powerful groups, the vulnerable groups, those who are out of work and those who are without health care. It is my hope we might shift the debate and talk about a real problem and set up a trust fund. The appropriate committees would also have time to authorize legislation. The amendment would provide that, if we pass the legislation before October 1, we can borrow on the trust fund and that will not be counted against any future year.

The Senator from Kansas will debate further. I know other Senators want to be heard on the repeal. I would like to mention just one other thing and then I will be happy to yield the floor, and that is on the so-called withholding costs, and this appeared in the Dallas Times Herald, Dallas, Tex., April 5.

This is a story about how much it is going to cost for banks to gear up and do withholding. I will just read portions of it:

The law that will force banks to begin withholding taxes on their customers' savings accounts has produced a storm on Capitol Hill.

They go on and talk about some of the software people and what it costs generally for a bank to implement withholding. The American Bankers Association spokesman, Mr. Hastings, has been saying that it is going to cost him millions of dollars to implement withholding in his bank in Richmond, Va. I am quoting now:

Other bankers dispute him.

Mack Miner, marketing director at InterFirst Bank Dallas, said officials there were startled to discover that the costs of adjusting to withholding have been "minuscule." InterFirst, with $21 billion in assets—

That is a fair sized little country bank, $21 billion in assets. The cost is to be about 30 cents an account. I estimated $2. This is about one-seventh, 30 cents an account. That is a one-time cost. I would just suggest, Mr. President, that if cost is a real concern for a lot of small and middle-sized bankers, I would hope that we can address some of those concerns. One concern already addressed was the adverse impact of quarterly withholding. Now, we have yearend withholding and now we know the cost is going to be much less than the banks estimate. That does not mean the banks or S&L's or credit unions want to withhold. I am not certain how many employers have been wanting to withhold taxes from wages and salaries in the past 40 years but they have done it and the compliance rate, as I have indicated before, is about 99 percent when you withhold from wages and it is going to approach that level when we have withholding on dividends and interest income.

Madam President, I know other Senators would like to speak to the Kasten amendment and I am prepared to yield to those Senators at this time.

I ask unanimous consent that the article from the Dallas Times Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Dallas (Tex.) Times Herald, Apr. 5, 1983]

SOFTWARE FIRMS SAY BANKS EXAGGERATE WITHHOLDING COST

(By Bill Keller)

WASHINGTON.—The law that will force banks to begin withholding taxes on their customers' savings account has produced a storm on Capitol Hill, but it is raining dollars on at least two computer software firms.

Pacesetter Systems Inc. of Dallas and DISC Inc. of Baltimore are peddling computer programs they say will turn the complex task of withholding taxes on interest and dividends into a fairly simple push-button operation for most bankers.

Besides making cash for their inventors, the software programs may make hash of one of the banker's main arguments for repealing the new law: The claim that withholding will mean billions of dollars in costs and mountains of red tape.

The predicted high cost of collecting taxes has been a rallying cry for banks and savings and loan associations in one of the most highpitched lobbying campaigns ever to hit Congress. A majority of congressmen have co-sponsored bills to repeal the withholding law, but President Reagan has vowed to veto it. It is uncertain if Congress would override it.

The American Bankers Association, leader of the lobbying drive to repeal the law, contends it will cost financial institutions $3 billion just to make the adjustment and "untold" billions in operating costs.

Though the law allows banks to use the withheld money for 30 days before passing it on, the ADA says the earnings from the money during this "float" period will not cover the actual costs of adjusting.

Provoked by bank statement-stuffers and advertisements, depositors have deluged Congress with millions of letters, postcards and Mailgrams urging repeal of the law before it takes effect in July.

But according to officials of the two software companies, the banks are crying wolf.

"I really can't afford to kick them in the teeth," said Jim Atchley, executive vice president of Pacesetter, "but I frankly don't understand the hue and cry they've put up."

"I think the numbers the banks are quoting are outrageous," said Albert Harris, president of DISC.

Both companies sell a software package for under $40,000 that they say will handle the biggest adjustment required under the new law, computing the withholding on retail deposits.

The companies, both established bank software dealers, said they are doing a booming business in the new programs. Atchley said Pacesetter has 24 banks signed up, including many large ones. Harris would only say that DISC has sold "a lot" of its packages.

A third entry in the field, Cutler-Williams Inc. of Dallas, in March began offering a less elaborate, $20,000 package. Cutler-Williams is primarily a computer services company but has recently branched into software.

Once the programs are hooked up to the bank's existing computers—an exercise that costs about as much as the program itself—the programs track all transactions, determine whether the depositor is exempt from the withholding law, and compute the tax bill.

The programs also can provide for annual withholding, which is permitted by the law, so that depositors do not lose compounding of their interest.

While bankers unanimously agree that withholding is inconvenient for their customers, they are divided on how heavy a burden it will be for financial institutions.

David Hastings, chairman of ABA's task force on withholding, said software is only part of the expense.

Hastings is senior vice president and tax director of First Merchants Bank in Richmond, Va., which has $3 billion in assets. It has bought the Pacesetter system to handle withholding for its depositors.

"What Pacesetter is doing is certainly extremely helpful," he said. But he predicted that the additional expense of withholding on trust accounts and commercial paper, of operating the new system, and of dealing with customers will push start-up costs to $1 million, plus another $1 million annually to operate it.

Hastings estimated his bank will recover only $180,000 through the float.

Tom Vicknair, assistant group manager for data services at Texas Commerce Bank in Houston, with $18 billion in assets, said even with the DISC system his bank sought to withhold taxes from savings and NOW accounts, the adjustment "is still very costly."

Vicknair estimated Texas Commerce would pay more than $250,000 for initial data processing costs, plus manpower and customer relations costs that "I don't think we'll ever be able to measure."

Other bankers dispute him.

Mack Miner, marketing director at InterFirstBank Dallas, said officials there were startled to discover that the costs of adjusting to withholding have been miniscule."

InterFirst, with $21 billion in assets, is the lead bank for the state's largest bank holding company. It devised its own data processing program to withhold taxes—at a cost of $187,000.

Even adding the cost of a seminar to train 50 member banks in the new law, and the price of a statement-stuffer to tell customers about the new law, the total cost was under $200,000.

"I'd like to tell the ABA I spent $3 million doing this, but it's not true," Miner said. "I spent less than 30 cents an account, and that's a one-time cost."

According to software dealer Harris and Atchley, one side effect of the lobbying campaign against withholding is that a lot of banks have sat back praying for repeal, rather than preparing themselves.

Not surprisingly, the software companies are rooting against repeal.

"We're banking that it's not going to happen." Harris said.

Just in case, Atchley said Pacesetter will allow its bank customers to apply part of the cost of the withholding program to another Pacesetter product. But he said the company will not make refunds.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Wisconsin.

Mr. KASTEN. I share the concerns of the Senator from Kansas on the question of health benefits for unemployed workers. As you may know, we discussed this at length in the Budget Committee. The Senator from Michigan (Mr. RIEGLE) and the Senator from New Mexico (Senator DOMENICI), among others, share the concerns of the Senator from Kansas. We are trying to figure out what kind of a mark we ought to consider in the Budget Committee in order to deal with this particular problem. A key problem is that we are unsure of the exact dollar amount needed to pay for this new benefit program.

This amendment, however, is not germane to my amendment to repeal withholding on interest and dividends. I do not believe that it makes sense to link these two questions. Rather than debate the amendment or ask for a ruling of germaneness at this point, I would like to go back to the basic issue.

First of all, is this a campaign of the thrift institutions and the bank? It is not. The big banks, as the Senator from Massachusetts and the Senator from Kansas have suggested, in fact support this whole idea because it gives them a competitive advantage. They already have the computers, the programers, and the software. In effect, withholding just gives the big banks one more advantage in terms of competition with the small banks and medium-sized banks. In fact, the Chase Manhattan Bank, Morgan Guaranty, the Mellon Bank, and the Bank of America, to name a few, are now working to oppose this amendment.

The Senator from Kansas has commented on the bank's campaign, to repeal withholding. But, what about the campaign the IRS and the Treasury are presently conducting? What Treasury mailings include their little pro-withholding propaganda cards? I know for a fact that the IRS is including them in all refunds. This means that 75 percent of all American taxpayers who are getting refunds, are also getting the IRS's propaganda. The IRS and the Treasury are also sending out cards about dividend and interest withholding in social security checks. One person, who recently began a small business here in Washington, D.C., asked the IRS for some tax information, and received not only the information, but also a propaganda sheet on interest and dividends withholding.

I do not know how many of these forms have been printed. I do not know how many they are stuffing in their mailings. I do not know how much taxpayer money is being spent on them. Somebody at the IRS ought to know, but no one is willing to tell me.

So here we have taxpayer dollars being used by the IRS and Treasury in order to combat whatever efforts the people across this country are making to repeal withholding.

It is also impossible to find out how much it will cost the IRS and the Treasury to enforce this new regulation. The closest estimate comes from a discussion Senator STROM THURMOND had with the Secretary of Treasury and a couple of his representatives down at the White House a week or two ago. In that meeting it was said that they might have to hire 2,000 more Internal Revenue agents to make this sytem work. I am not sure if they are going to or not. The Senator from Kansas suggested that in order to get the kind of compliance we could get with withholding, we would need to hire 50,000 to 60,000 people.

Mr. DOLE. 30,000 to 40,000.

Mr. KASTEN. 30,000 to 40,000 people. The question addressed to the Secretary of Treasury, though, was how much would it cost to make withholding work?

And the second question that was addressed to the Secretary of the Treasury was: "If we knock out withholding and match up the 1099 forms, how many people would that take?" The response was that he said 2,000 people.

Senator THURMOND is reported to have said to go ahead and hire them.

But I still have not been told—and maybe the Senator from Kansas can help me—how much it is going to cost the IRS to put in the 10-percent withholding system. The IRS will need to monitor the roughly 200 million exemption forms, which are going to be filed with every savings institution in the country. How much is it going to cost the IRS to deal with those 200 million exemptions?

Mr. DOLE. Will the Senator yield at that point?

Mr. KASTEN. I am pleased to yield. I hope the Senator can help me.

Mr. DOLE. Mr. President, I understand the matching is going to take 30,000 or 40,000 new IRS employees. I was present at the meeting where Senator THURMOND made the comment: "Well, if it takes 2,000 to do it, that is better than losing the election," or something like that. But I must say that was not a meeting with the Secretary of the Treasury. It was a meeting with all the Republican leadership and there must have been 25 or 30 people around the table, plus another group around the table in the background, and it really was not a very sophisticated discussion of the issue. I think at that point it reached a political discussion of the issue.

But I will address the questions raised by the Senator from Wisconsin later this afternoon.

Mr. KASTEN. Will the Senator also try to help me get an accurate estimate of how many cards and information folders the IRS is sending out? Somebody at the IRS should be able to give me some kind of an idea about how much it costs to print these new cards, to distribute them, and mail them out.

Mr. DOLE. Mr. President, let me say that we required that in the act we passed in 1982 in the conference report. I quote from the conference report:

> The conferees realize that, although many elderly and low-income persons will qualify for exemption, they will need to file exemption certificates to enjoy the benefit of their exemptions. In addition, the withholding rules will affect the financial planning of many nonexempt individuals. Therefore, the Conferees anticipates that the Secretary will endeavor to inform the public about the operation of the withholding rules and the requirement that exempt individuals file exemption certificates. In this regard, the Internal Revenue Service should notify and counsel affected individuals through new or existing taxpayer-assistance mechanisms and should create forms that are as simple to understand as possible.

Mr. KASTEN. Mr. President, I am not saying that they are in any way violating the law, although this particular set of folders at this particular moment is extraordinary at best.

Why is it, for example, that someone who is starting a new business, a new travel agency in Washington, D.C., gets information on interest and dividend withholding? It looks as if they are mailing to everyone they can in order to sell this program to America.

Mr. DOLE. Mr. President, if the Senator will yield, I do not think the Treasury has done nearly the job the

bankers have. We have urged the Treasury to see what the bankers have done and try to duplicate that amount of effort but with all the facts, even though it would be a little late. In fact, they have been encouraged by this Senator, and I think by others who believe we ought to keep withholding, to do more. I think, had Treasury started to act on this problem in January instead of March or April, we would not be debating it today. But the bureaucracy, believe me, is hard to move. Now they are responding with cards in social security checks and also tax refunds.

I will try to find the exact number. One thing they do not do, though, is ask those people to send a card into their Senator or Member of Congress, thank goodness.

Mr. KASTEN. I agree with the Senator on his point about the bureaucracy. As you know, the first day you were eligible to send in your withholding exemption form was February 1. But it was not until roughly 2 weeks after February 1, I believe it was February 18, that the Treasury finally published the exemption forms. The Government has been lax on this.

The Senator was correct when he pointed out that for 40 years we have been withholding on wages. But the fact is that that very same year, 1942, they tried to get withholding on interest and dividend income. They tried that for the very first time in the Roosevelt administration. It was rejected because it would not work and it was not right. For 40 years since that time, the IRS has been trying to get withholding on interest and dividends under Republican Presidents and Democratic Presidents, under Republican Senates and Democratic Senates, under Republican Congresses and Democratic Congresses. The idea has always been rejected. It has been rejected for 40 years by President after President, by Senate after Senate, by Congress after Congress.

It is unbelievable that with this President, with the dedication we have for restoring the reward for savings and investment, we end up attaching this new regulation which is a disincentive to savings. It is contrary to the goals we share in this Congress.

The Senator pointed out that we have problems with revenue. The first problem we have is in estimating the amount of revenue to be raised by withholding. The Treasury first said it would raise $26 billion. They then went to $18 billion. Then, last week, OMB reestimated and it was revised to $13 billion. Now the Senator says it is back up to $18 billion.

Maybe it is and maybe it is not. Much of that revenue estimate comes from the float. The idea that Uncle Sam gets to use your money rather than you. In other words, they are taking 10 percent out of your account, sending it to Uncle Sam and letting the Government use it.

Already 75 percent of the American people are having more money withheld than they ought to because they do not understand the complexities of taking additional exemptions. We are already overwithholding on 75 percent of American taxpayers, and we are about to overwithhold on even more if this law is not repealed.

It is no surprise that this withholding scheme has been rejected over the last 40 years. It has been rejected because interest and dividend income is much different than wage income. Most people have one job; maybe two. Everyone is subject to it, whether you are old or young or rich or poor, so that there is no exemption problem on the wages.

In the case of interest and dividend withholding, most people have more than one account. As a matter of fact, they have an average of 5 each. They might have a credit union account, an account in a savings and loan, an account at a bank, and an education account for one of their children. In fact, they might have started four or five different savings accounts for four or five of their children to save money for their education.

Now if one of those accounts is earning less than $150 in interest per year, it would be exempt. If one of them earns more than $150 per year, it would not be exempt.

So, if somebody is going to be smart, he should not let his children's account get to the point where it is earning more than $150, and start another one when it does. They will probably find a way to track those down, but meanwhile we are going to have more and more accounts in more and more institutions.

That is why it has been rejected under Republicans and Democrats alike. That is why it has been rejected for over 40 years, despite the fact that there is some little gremlin over at the IRS who bubbles up this idea because it looks as if it might be a convenient way of raising tax revenues. We call it compliance. That little gremlin bubbles with Mr. Simmon and Mr. Blumenthal, with the Ford Presidency and the Carter Presidency. Unfortunately, it bubbled up this time and made it all the way through the system in a package where we could not get a vote at all in the House of Representatives. And where, on a vote of 48 to 49, it passed in the U.S. Senate.

You can argue, as the Senator from Louisiana (Mr. LONG) has argued, that this provision never had a majority of support in the Senate or in the House of Representatives.

We want to improve compliance and we must have improved compliance. People who are proponents of the Kasten amendment are in favor of section No. 1, which repeals the provision for interest and dividend withholding, as well as section No. 2, which mandates that the 1099 forms be matched up. Section No. 2 is just as important as section No. 1.

The Treasury Department itself said they could get 97.3 percent compliance by simply matching up the information they already have. We are not sure how many Treasury people that will take, but they will not tell us how many people it will take to do 10-percent withholding.

We can get compliance by matching up 1099 forms. I am not sure we can get the compliance they are talking about by withholding. Existing overwithholding on wages and salaries causes 75 percent of all taxpayers now to receive refunds from the Treasury.

The IRS will continue to have problems they cannot solve; such as unclaimed refunds and the filing of false exemption certificates to avoid withholding. The law requires that the exemption be filed with the savings institutions. There is no requirement that the IRS verify the exemption status.

Another problem is that the new law only withholds 10 percent of the interest and dividends. The IRS must collect the rest, most of which comes from those owing 20 to 40 percent more in taxes.

They might get the first 10 percent but what will they do to get the rest of the interest and dividend income that is still due? The withholding provision will not help solve that problem.

For the year 1981, the IRS found 9.7 million discrepancies in taxpayer information reporting through its matching program. Only 4 million of those cases were screened. Only 2 million notices were mailed. Over 710,000 were ultimately followed up on. They already are having problems following up on the information they have. They found 9.7 million discrepancies in taxpayer information reporting and only 710,000 were ultimately followed up.

If we put in this system, there will be at least 200 million exemption forms, and that will give them more problems to not follow up.

The Senator was correct that right this minute we face an impasse in the Budget Committee over the question of revenues. I am a member of the Budget Committee. I want to say to the Senator from Kansas that I join him in support of the third year of the tax cut. We are working to do that in the Budget Committee.

I want to say to the Senator from Kansas that we want to keep indexing. We are trying to be sure that the revenue marks, particularly in 1985, 1986, and 1987, would create the need for us to lose the third year and indexing. We want to preserve indexing and the third year of the tax cut, because they

are essential to restore incentives for work and investments that will bring about the economic recovery.

But this 10-percent withholding requirement goes against that whole idea. We ought to knock out this new regulation on savings, knock out this 10-percent withholding on interest and dividends, in order to be consistent with the position we are taking on the third year of the tax cut and indexing.

Once people understand that issue in Wisconsin, they become more and more concerned about it. Once people see what is going on here, and that the problem of noncompliance can be solved through matching up the 1099 forms, people become more and more concerned about it, not less and less. The reason that we see a greater interest now, and more cosponsors of my amendment and the repeal legislation, is that we are seeing the issue grow. Savings are sacred to the people in this country. They recognize that we need incentives in the system for people to save, and that we can identify and find the cheaters without this cumbersome, costly, new regulation.

There are a number of other questions that the IRS cannot answer. I think we might as well put them all in right here and see if they can answer some questions for the Senate.

The first question is: What happens to someone who just lost their job?

The exemption based on income is based on last year's taxable income. Last year you were a worker at American Motors in Kenosha, Wis., and had an income of $25,000 and a month or two ago you were laid off. They sent the Eagle car, which they were manufacturing in Wisconsin last year, to a Canadian plant and we lost several thousand jobs in Racine and Kenosha. Last year you had an income of $25,000 and right now, today, in April 1983, you have an income that is based on unemployment compensation and the little that you can get from your savings. But there will be 10-percent withheld each month from your credit union account, from your savings and loan account, and from your bank account, if you have one. Legally the Federal Government will take 10 percent of that interest or dividend income, send it to Washington, keep it in Washington and earn interest on it in Washington, and only at the end of this year, a year from right now, when you file your tax form, will you be eligible to recoup some of that money. So at the very time you need it the most, when you are unemployed and your income depends upon your savings, the little bit you have been able to put aside, is sent to Uncle Sam. That is the way the law is supposed to work.

What about the senior citizen who misses filing for an exemption because he did not know he had to file for an exemption, was physically unable to do so, or did not understand these forms? What about that individual?

He or she discovers in July, August, or September that they should have filed an exemption for each of their different accounts. Maybe they just filed it for one. What can that person do?

Absolutely nothing. That income will be withheld. The 10 percent will be taken out of the account they forgot to file on, for August, September, October, November, December. Only next year, a year from now, when that person files a tax return will he be able to get his money back. But it is likely that the elderly are not filing tax forms at all because the only income that they have is from social security plus the small amount they have in one or two of savings accounts. So for the first time in several years they are back in the business of trying to deal with the IRS, filing a form, and getting a refund back.

Is this likely to happen? There are 200 million accounts that are eligible for exemptions; 200 million forms are going to be filed and processed between now and July 1 when this takes effect. This is a hot political issue right now because people are worried about what might be happening to them when this goes into effect. Look what is going to happen when people are, in fact, withheld on. What is that letter from that unemployed worker in Kenosha, Wis., going to say to his Senator or Congressman? What about that senior citizen who did not understand the law and got mixed up? What will that letter from him do in terms of moving the U.S. House of Representatives and the Senate. I maintain we should repeal that law—repeal it now before we get those people writing to us this fall because their problem is going to be very, very real and not just imagined.

Question No. 3 of what the IRS cannot answer: What about the competitive disadvantage created when one bank, savings and loan, or thrift institution in a small town starts withholding money from people's accounts but the other bank, thrift institution, or savings and loan in that same community does not withhold 10 percent from their accounts?

This is possible, because by law, a small institution that can demonstrate it is not able to comply may file for a hardship exemption. The question the Treasury cannot answer is, What are you going to do in that community, when you have one thrift institution that is withholding and another that is not? What are you going to do about the competitive disadvantage?

I suggested at one meeting I had with the representatives of the IRS and Treasury that this was a major problem, a competitive disadvantage problem. One of them said to me, "You are right; we have not quite been able to figure that one out. But I tell you one thing we know we are going to do. We are going to prevent that one institution which is not withholding the 10 percent from advertising the fact that it is not withholding the 10 percent."

That is going to be great, Mr. President. That is going to solve all the problems.

The IRS's own credit union is not computerized. How will withholding affect it? The IRS's own credit union. What is it going to invest in new computers? What is it going to do with the new requirement?

Mr. President, there has been talk that the form is very simple. I ask unanimous consent that at this point in the RECORD, we print the form, as well as the instructions for forms W-6 and W-7.

There being no objection, the forms were ordered to be printed in the RECORD, as follows:

[Forms not reproducible in the RECORD.]

INSTRUCTIONS FOR FORM W-6

INDIVIDUAL CERTIFICATE OF EXEMPTION

General.—The law requires that, beginning July 1, 1983 payers of interests, dividends, or patronage dividends must withhold 10% of each payment as Federal income tax withheld. (Patronage dividends are those paid by a cooperative.)

Payees Other Than Individuals (including nominees and custodians).—See instructions for Form W-7, Certificate of Exemption—Other Than Individuals.

Individuals.—You may claim exemption from the withholding requirement if you meet any of these tests for last year (1982 if filing form in 1983):

Your tax liability for last year was $600 or less; or

You are 65 or older, and your tax liability for last year was $1,500 or less; or

You and your spouse filed a joint income tax return last year, and your tax liability was $1,000 or less; or

You or your spouse or both of you are 65 or older, you filed a joint income tax return last year, and your tax liability was $2,500 or less; or

You were not required to file on income tax return last year.

Your "tax liability for last year" is the income tax shown on your return minus any credits you were entitled to claim (other than the credit for withholding on wages, pensions, interest and dividends, etc.; the earned income credit; and the credit for Federal tax on special fuels and oils).

You must file a certificate in order to claim exemption from withholding. If your payer provides a certificate, please use it. Otherwise, use the one IRS provides.

When to Claim Exemption.—File this certificate when you determine you are able to claim exemption. This will generally be when you file a tax return (Form 1040, 1040A, or 1040EZ) that meets one of the tests above, or when you determine that you are not required to file a return. Even if you are exempt from withholding, the interest and dividends are still taxable income, and are reported to the IRS by the payer.

More Than One Payer.—If you receive interest or dividends from more than one payer, file a certificate with each payer.

More Than One Account With the Same Payer.—You must file a certificate for each account.

You Only Have to File Once.—This certificate remains in effect until revoked.

To Revoke on Exemption.—You may revoke your exemption at any time. You must revoke all your exemption certificates no later than 10 days after the due date (without extension) of a tax return that shows a tax liability that does not meet any of the tests for exemption. To revoke your exemption, check the revocation box, or use the method prescribed by the payer. Withholding will then begin on the account listed.

You do not have to file a revocation with a payer if you are no longer receiving interest or dividends from that account.

If you file a false certificate when you are not entitled to the exemption from withholding, or if you fraudulently fail to revoke an exemption when you know you are no longer entitled to exemption, you may be subject to penalties of up to $500 or one year imprisonment or both.

Signature.—On joint accounts, only one of the persons to whom the interest or dividend statement is issued needs to sign Form W-6.

INSTRUCTIONS FOR FORM W-7

CERTIFICATE OF EXEMPTION—OTHER THAN INDIVIDUALS

(References are to the Internal Revenue Code.)

General.—The law requires that, beginning July 1, 1983, payers of interest, dividends, or patronage dividends must withhold 10% of each payment as Federal income tax withheld. (Patronage dividends are those paid by a cooperative.)

Individuals.—See instructions for Form W-6, Individual Certificate of Exemption.

Other than Individuals.—You may claim exemption from the withholding requirement if you are an "exempt recipient" as defined in section 3452. This includes:

A simple trust where all beneficiaries are either exempt individuals, sec. 501(a) exempt organizations, or individual retirement plans;

A corporation;

A sec. 501(a) tax-exempt organization;

An individual retirement plan, as defined in sec. 7701(a)(37);

The U.S. Government, or a U.S. agency;

A state, the District of Columbia, or a U.S. possession (including political subdivisions of these);

A foreign Government (including its political subdivisions, wholly owned agencies, and instrumentalities);

An international organization, as defined in sec. 7701(a)(18) (including its wholly owned agencies and instrumentalities);

A foreign central bank of issue;

A securities or commodities dealer;

A real estate investment trust, as defined in sec. 856;

An entity registered under the Investment Company Act of 1940;

A common trust fund, as defined in sec. 584(a);

A middleman (including a nominee or custodian) between the payer and payee (you are then considered to be the payer, and must withhold on payments to the payee);

A financial institution; or

A trust exempt from tax under sec. 664(c), or described in sec. 4947(a)(1).

See the regulations under sec. 3452 for more details on these definitions.

Filing.—You may have to file a certificate in order to claim exemption from withholding. If your payer provides a certificate, please use it. Otherwise, use the one IRS provides.

More Than One Payer.—If you receive interest or dividends from more than one payer, file a certificate with each payer.

More Than One Account With the Same Payer.—You must file a certificate for each account.

You Only Have to File Once.—This certificate remains in effect until revoked.

To Revoke an Exemption.—If you cease to qualify for exemption, you must, within 10 days, revoke all exemption certificates previously filed. (You do not have to file a revocation with a payer if you are no longer receiving interest or dividends from that account.) To revoke an exemption, check the revocation box, or use the method prescribed by the payer. Withholding will then begin on the account listed.

If you file a false certificate when you are not entitled to the exemption from withholding, or if you fraudulently fail to revoke an exemption when you know you are no longer entitled to exemption, you may be subject to penalties of up to $500 or one year imprisonment or both.

Signature.—Any person who is authorized to sign for the organization may sign the Form W-7.

Mr. KASTEN. Mr. President, without having an opportunity for people to look at and read this form, one would think it is relatively simply or relatively easy. It is not.

One further question that the IRS or the Treasury Department cannot answer is, if withholding is such an easy way to solve the noncompliance problem, why did they exempt themselves on Treasury bills? Why did they exempt themselves from withholding on interest and dividends on Treasury bills? They ask everybody to do it and the IRS itself exempts its own Treasury bills. This is madness. If it is a simple, easy process, at least the Federal Government ought to do it for its own Treasury bills.

Mr. President, this debate is going to go on for a while. I want to say to the Senate that I hope the issue can be resolved. At least we can decide to go forward and vote on the issue tomorrow by voting for cloture on the Kasten amendment. We need 60 votes and it looks as if we might have them. On passage, there is no question that the majority of the Senate, maybe even two-thirds of the Senate, right now wants to repeal this 10-percent withholding before it takes effect so we can avoid the unnecessary expenditures that are going on right now in the private sector. It is important to point out that what we are doing here, effectively, is seeing the Federal Government—the IRS, the Department of the Treasury—say:

We do not want to spend more money on computer hardware, on computer software, on new programers, on a new bureaucracy here in order to enforce dividend and interest compliance. Instead, what we are going to do is force the thrift institutions to make those expenditures, have them buy the computers, have them hire the programers, have then become the IRS enforcement agents, set up a system to have then do it rather than have the IRS and Treasury do right here.

It seems to me that that is contrary to the basic nature of our country. We have a lot of trouble already. The last thing we want to see are new regulations, which would add disincentives to the system with the result that people will not save. We do not want disincentives. Already, the United States of America has one of the lowest rates of savings of any country in the industrialized world. This new regulation will make that rate of savings even lower. At a time when we are trying to put America back to work we need dollars in savings accounts, which then will go into investments, which then will provide jobs.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I stand with President Reagan and Senator DOLE on the issue of withholding—not just because I agree with their position on the merits, but because I am deeply concerned about this attempt of the banking industry to buy the Congress.

Last Friday was the day on which millions of honest Americans paid their income taxes to the Federal Government. But for some citizens, it was an opportunity to evade the law by failing to declare the income they receive from interest and dividends.

Our current tax laws encourage this evasion by granting, in effect a $2 to $3 billion tax subsidy every year to those who neglect or cheat on this aspect of their taxes. In 1982, upon the recommendation of President Reagan, and in culmination of a far-reaching bipartisan tax reform effort over the past two decades, Congress voted to close this loophole by enacting legislation requiring withholding of taxes on both interest and dividends.

Now, however, a misguided campaign is underway by the American banking industry to repeal this measure through the deliberate and deceitful manipulation of public opinion. Organized by a small group of bankers and their Washington agents, the cynical lobbying offensive is being waged against Congress with outright falsehood, and with fear mongering on a massive scale. If the "truth in lending" applied to these activities, the bankers would be in violation of the law.

In reality the repeal amendment ought to be called the Tax Cheaters Protection Act of 1983. The only beneficiaries of repeal will be the small minority of citizens who fail to pay their fair share of taxes every year. The losers will be in the tens of millions of

law-abiding Americans who obey the law and pay their way in taxes, and who will have to make up the difference in higher taxes if withholding is repealed.

The merits of this issue are even more lopsided in favor of withholding than the lopsided mail against it. We all know that the Senate and the House of Representatives are awash in the largest, most misleading, and most distorted campaign of lobbying misinformation that I have ever witnessed in my two decades in the Senate. To borrow a phrase from President Reagan, Congress is up to its keister in mail against withholding.

In my office, for example, I have received over 70,000 identical post cards on this issue since the beginning of the year. Piled on top of one another, these post cards would make a stack 27 feet high. Stretched end to end, they would reach for 7 miles. The message they contain reads as follows:

I urge you to work toward, and vote for, repeal of the 10 percent withholding tax on savings interest, before the law takes effect on July 1, 1983. This law is unncessary because I already pay taxes on my earned interest when I file my Federal income tax return. Further, the law is unfair and penalizes savers like myself because it will reduce the interest I earn on my savings.

All of those post cards advocate the repeal of withholding—and all of them reveal on their face three critical distortions that are the fatal flaws of this artificially stimulated mail:

First, they describe the law as a "10-percent withholding tax on savings interest." It is no such thing. It is not a 10-percent tax on savings, and it is not a withholding tax. Instead, it is "tax withholding," and the devious inversion of those two words by the bankers' lobby makes the difference between night and day—between a new tax that savers would have legitimate reason to oppose, and the withholding of taxes already due that imposes no new burden on any saver.

Second, the post cards claim that the law is "unnecessary," because these law-abiding savers already pay their taxes. But that argument misses the point—withholding is necessary to insure compliance by those who do not now voluntarily comply. Law-abiding automobile owners might as well try to argue that the Highway Patrol is unnecessary, because they never drive over 55 miles an hour.

Third, the post cards claim that the law is unfair because it penalizes savers by reducing the interest they earn on their savings. That simply is not so. Under the provisions of the withholding law, the vast majority of savers will suffer no penalty at all. And for all the rest, the amounts involved are so small as to be virtually nonexistent—on the order of 50 cents a year on savings of $1,000.

The Senate has a responsibility not just to weigh the mail, but to weigh the merits. The most distressing aspect of this distressing situation is that so many honest American taxpayers have been misled by their banks into signing these post cards in the mistaken belief that withholding is a new tax on their savings. The avalanche of mail we have received is nothing more than a crude example of the use of the "Big Lie" technique to inflame the public for the benefit of a well-heeled special interest group. If we permit such propaganda to prevail, then the Senate is failing in its fundamental responsibility to serve the public interest, not the private interest of a powerful lobby.

In fact, the present circumstance is precisely the situation for which the Senate was created in the Constitution. According to a well-known tradition, Thomas Jefferson once asked George Washington why the Senate was needed at all as a separate Chamber in the Congress. Their discussion took place over coffee after breakfast, and Washington said to Jefferson, "Why did you pour that coffee into the saucer?" "To cool it," Jefferson replied. "And that," said Washington, "is why we pour legislation into the Senatorial saucer—to cool it."

That is why we need time in this debate, to air all aspects of withholdings, to debate the issue calmly, and to cool the public passions inflamed so irresponsibly by the banking lobby.

Take the untruths that are being spread, and analyze them one by one.

It is not true that withholding is a new tax. This is the blatant distortion that launched the false and misleading lobbying campaign, and that has fueled it from the start. Withholding means only that taxes fairly owed will be honestly collected. In just one sense is withholding a new tax for any group—and that group consists entirely of those who cheat on their taxes, and who at last will finally have to pay their share if withholding is the law.

It is not true that withholding penalizes honest savers in order to catch the ones who cheat. The fact is that compliance with the income tax laws is 98 percent on wages, where withholding has been the unchallenged rule for 40 years—but it is only 87 percent on interest and dividends, where withholding does not apply. Withholding imposes no significant burden at all on honest workers, and it will impose no such burden on honest savers. It is fair, it is simple, and it is effective. All that Congress did last year was to take the withholding provisions that already apply to the 90 percent of income earned in wages, and apply them to the 10 percent of income earned through interest and dividends.

It is not true that withholding penalizes small savers, the elderly, and the poor. Each of these groups is protected by generous exemptions specifically written into the law to insure that no unfair burden is imposed. Any taxpayers who wish to do so are permitted to adjust the withholding on their wages in order to eliminate inappropriate withholding on their interest and dividends.

As a result of these protections, two-thirds of all households in the country are totally exempt from withholding.

A small saver provision exempts any account earning interest of $150 or less a year.

Only 10 percent of all senior citizens are covered; only 2.7 million out of 26 million elderly taxpayers will be subject to withholding—and the average balance in their savings accounts is over $200,000.

Under measures such as these, it is clear that every reasonable effort has been made to accommodate every reasonable interest of taxpayers affected by this law.

Similar accommodations have been made for banks. It is not true that withholding imposes any significant burden on the banks. Under the float provisions, the vast majority of banks will be permitted to take the funds withheld and keep them long enough to recover their enforcement costs before transmitting the funds to the Government. Under this provision, for example, small banks will have up to a year's use of the funds to avoid any hardship in implementing withholding. In any event, this burden issue is vastly overstated. For 40 years, businesses of all sizes have carried out withholding on wages and salaries with a maximum of efficiency and a minimum of financial or bureaucratic burden. It is difficult to believe that, in this brave new world of technological revolution that is transforming all facets of their industry, the banks will suddenly become all thumbs when they try to implement withholding.

It is not true that savers will lose the benefit of compound interest or interest on their interest. To avoid this, banks are given the option to defer withholding until the end of the tax year. And even if periodic deductions for withholding were to be made during the year, the cost of withholding would amount to the grand total of only 50 cents for every $1,000 on deposit. Yet the banks have spent millions of dollars to organize and carry out their deceptive lobbying campaign. If those same banks had put as much time and effort into bringing down interest rates, the Nation would be well on its way to real economic recovery.

It is not true that repeal of withholding is a people's issue. The banks have made the preposterous claim that they are speaking for consumers and average citizens. But this is not an issue of representative government at all—it is an issue of misrepresentative government. What the banks actually

have in mind is not the interest of the people, but the interest they can charge the people. If bankers truly cared about consumers, they would lower the rate of interest on a mortgage to buy a home. They would reduce the minimum level of deposits required for savers to obtain the benefits of money market interest rates at 9 or 10 percent, instead of passbook rates at 5 percent. In fact, the groups who do speak for average citizens in this country have already been speaking out on this issue—and they are speaking with one voice, if only Congress would listen. The broad range of public interest groups who have faithfully represented the elderly, workers, women, minorities, and consumers in all the great battles of recent years are standing firmly with us today. They are unanimous in their support for withholding and in their opposition to the bankers' efforts on repeal.

Mr. President, I ask unanimous consent to include as part of my presentation the list of the various organizations who support our position.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AFL-CIO and at least 14 of its principal international unions.
American Association of University Women.
American School Food Service Association.
Americans for Democratic Action.
Center on Budget and Policy Priorities.
Center for Community Change.
Children's Defense Fund.
Citizens for Tax Justice.
Common Cause.
Community Nutrition Institute.
Congress Watch.
Consumer Federation of America.
Consumer Union.
Food Research and Action Center.
Mexican American Legal Defense and Education Fund.
NAACP.
National Consumer League.
National Council of Senior Citizens.
National Low Income Housing Coalition.
National Organization for Women.
National Retail Merchants Association.
National Urban Coalition.
National Urban League.
National Women's Political Caucus.
Public Voice for Food and Health Policy.
Teamsters Union.

Mr. KENNEDY. The answer to the question—who speaks for consumers?—is obvious. For the Congress on this issue, the first law of consumer protection is—"Beware of bankers bearing post cards."

Finally, it is not true that alternative methods of enforcement are available to catch the tax evaders. Witholding is the most cost effective and least intrusive way for Congress to insure compliance with the tax laws. The alternatives suggested by the banks would fail to do the job, while costing billions of dollars more. In effect, the use of these alternatives would turn the Internal Revenue Service into a branch of the Pentagon, with an army of IRS agents processing information forms and harassing millions of honest taxpayers in the effort to weed out those who cheat.

After two decades of effort to achieve this worthwhile tax reform, it is no secret that Congress finally mustered a majority of votes last year to pass withholding because of the enormous pressure of the Federal budget. Instead of raising taxes across-the-board, Congress rightly chose to enact a broad range of loophole-closing and compliance measures. Withholding is the centerpiece of that effort, worth $13 billion in revenues over the next 5 years.

Think what $2 to $3 billion a year means in the present budget crisis. That amount would cover over half the annual budget of the National Institutes of Health. It would pay for almost all of the student loan program, or the title I program of education for the disadvantaged, or the job training program. It could support three full Head Start programs, or 10 community health center programs.

The staggering budget deficits we face in the coming years must be reduced somehow. Deeper spending cuts are unlikely, because of the broad bipartisan consensus in the Congress that spending in areas such as jobs and education and health has already been cut too deeply. If withholding is repealed, additional sources of Federal revenue will have to be found somewhere. That will mean new and higher taxes for honest taxpayers.

But most of all, withholding on interest and dividends is needed in the Nation's tax laws to deal with the growing crisis over noncompliance and the underground economy. The greatest strength of our income tax system is its extraordinary tradition of voluntary compliance—the willingness of tens of millions of taxpayers to bear the onerous burden of taxation because they believe that other taxpayers are also paying their share. If we permit this historic tradition of voluntary compliance to deteriorate, if we reject reasonable measures such as withholding that enhance the tradition, then we undermine the entire structure of the income tax system.

Withholding is a better and fairer way to raise essential revenues than imposing higher taxes on honest savers and average citizens. We must stop giving tax cheaters a free ride, and start making them pay their way. Withholding has worked well with respect to wages, and we can no longer afford the luxury of denying its use with respect to interest and dividends.

I urge the Senate to resist the "Big Lie" propaganda campaign of fear and deception by the banking industry. By rejecting their attempt to repeal withholding, we shall achieve not just a legislative victory, but a victory for the fairness of the tax laws and for the integrity of the Senate as a cornerstone of our Democracy.

If I could have the attention of the chairman of the Finance Committee for just a few questions. Will the Senator from Kansas agree with me that we could reduce the costs of all of the IRS if we basically abolished the tax system? I hear a good bit of talk about what this is going to cost the IRS. If you carry that to its logical conclusion, we could probably save tens of millions of dollars by just abolishing IRS.

I understand that the Senator will put in the RECORD the specific figures, but I understand that the publication that was put out with regard to withholding by the Treasury was a result of a requirement in the law that said we were going to notify the savers that there was going to be this change in the law.

Does the Senator agree with me that it is important that at this point we not confuse what is being done by the IRS to try to inform taxpayers what the law is, with the lobbying effort that has been made by the banking industry? Does the Senator agree with that distinction? Because I think it is important that we put this thing in some perspective.

Mr. DOLE. The Senator from Kansas does agree with that distinction.

First, I commend the distinguished Senator from Massachusetts for his consistent support of this proposal.

What we have on the one hand is the Treasury Department responding to the conference report, suggesting that everybody be notified about the new law and the exemptions and everything else. On the other hand, we have this massive multimillion dollar campaign of misinformation carried on by people who do not like withholding.

I do not quarrel with those who say, "I don't like it," but I do quarrel with those who misrepresent the facts.

There is a very clear distinction between these two mailings as indicated by the Senator.

Mr. KENNEDY. Will the Senator also agree with me with respect to the point that has been made during the debate that while we have not had interest withholding, that wage withholding was instituted in 1942, and actually it became effective in 1943? It is my understanding that at that time, income from interest and dividends was only about 2 percent. Now it is close to 10 percent, and we have seen a

rather dramatic change in the sources of total income.

Therefore, the reason for withholding, say, 40 years ago was a completely different rationale from the determination by the Senate and by the Finance Committee when they put this into effect a year ago, in an attempt to try to meet some of the Federal deficits. Does that conform with what the Senator from Kansas understands about the change in the types of income citizens receive.

Mr. DOLE. That is the understanding of the Senator from Kansas. I might add that in the budget for 1983, the President suggested several areas we should look to for tax compliance or tax reform, in an effort to make the system fair. Everybody wants to make the system fair. One of the items suggested by the President was withholding on dividend and interest income. He stated at that time that this was part of his overall policy—not just reducing taxes and reducing spending but also increasing compliance for those who were not paying taxes that were due.

I saw that as a balanced program. It is not something that the President thought of all by himself. It was part of an overall program by the President of the United States, and I think it deserves support.

Mr. KENNEDY. There was some mention here about the fact that it would almost appear that this concept of withholding has just sprung out of the Finance Committee a year or two ago, and some statements have been made that other Presidents have not been interested in or committed to withholding. It is my understanding that President Kennedy supported withholding, President Johnson supported withholding, as did President Carter and President Reagan. So, looking at the past 20 years, we have had bipartisan support from the Presidents of the United States in this particular area.

As a member of the Finance Committee, I am wondering whether it is the understanding of the chairman of the Finance Committee that this concept has been supported by Presidents in the past as a measure of collection.

Mr. DOLE. The Senator is correct. I understand that the late President Franklin Roosevelt, supported withholding taxes on dividends, not interest income. President Truman also supported interest.

For those who may be under any illusion, I repeat that this was a part of President Reagan's fiscal 1983 budget. It is not something that was dredged up in the Senate Finance Committee at the last hour. It was part of the President's budget, and it now is law, and it is my hope that it will remain.

Mr. KENNEDY. I should also like to review for the RECORD one additional point. The point has been made, but I think it is worth underlining: Whether the intrusiveness of the Federal Government will be greater by a series of agents of the IRS going out and monitoring and auditing various tax forms, through cumbersome enforcement procedures, or whether the simple process of withholding would mean less interference in terms of the individual taxpayer.

I know that this argument has been made by those who oppose the position of the Senator from Kansas, about the long arm of the Federal Government reaching into the mom and pop banks in the small communities of this country and that this is an additional Federal intrusion into the lives of the citizens and the small banks.

I am wondering which process the Senator from Kansas feels would be more intrusive into the lives of the American people—whether it is the simple, efficient process and procedure which is now in the law, which will provide for withholding, or whether it is the idea of IRS agents monitoring and auditing the forms of individual taxpayers. As chairman of the Finance Committee and one who has given a great deal of thought to taxation, I am interested in his view.

Mr. DOLE. I might call the attention of the Senator from Massachusetts and other Senators to the chart at the rear of the Chamber, which indicates that about 94 million individual returns are filed.

At the present time, current audits of all individual tax issues are about 15 percent. If we do as some suggest and start taking people where there is a mismatch involving interest or dividends, that means we will have to contact about 20 million taxpayers. If we add to that the illegal and the nonfilers, it will be about 25 million followup contacts, which means that out of the 94 million, we would have to have an army, we are told, of 30,000 to 40,000 additional IRS employees.

As the Senator from Kansas tried to make the point earlier, if we are talking about a tax revolt, all we need to do is turn loose about 30,000 or 40,000 more tax agents in order to pick up what we may lose if withholding is repealed.

So the Senator is absolutely correct. I think we should be auditing more than 2 percent of the returns, but that is the present level. If we carry it to the extreme suggested by some, we would have a jobs bill, all right—a jobs bill for IRS employees to harass the American taxpayer. In my view, that is not what this Senator or the Senator from Massachusetts or any other Senator wants—to hire 30,000 or 40,000 more IRS agents.

Mr. KENNEDY. Mr. President, I have here a blown-up replica of the kinds of cards I am sure the Senator from Kansas is receiving, as well as other Senators. Perhaps the Senator from Kansas knows by heart the various words included on this form.

Does the Senator from Kansas share my view that with the words "I urge you to work toward and vote for repeal of the 10-percent withholding tax on savings and interest, before the law takes effect on July 1," it is not only implicit but also is fairly explicit that this is a new tax. Would it be reasonable for the Senator to believe that this is some form of new tax; that these words, "repeal of the 10-percent withholding tax on savings interest before the law takes effect," suggests that this is somehow a new tax on savings and interest; and that, therefore, it really distorts, in an important and significant way, the factual situation? Does the Senator agree?

As part of this dialog and debate which is beginning today on this issue, what is at stake is billions and billions of dollars to the Treasury. It has been said that repeal is going to be $15 billion or $18 billion or $13 billion. I think it is absolutely evident that it is going to means billions and billions of dollars to the Treasury, and that is obviously of importance.

Does the Senator agree with me that that is a misrepresentation and a distortion as to what is really the situation?

(Mr. HECHT assumed the chair.)

Mr. DOLE. It is a misrepresentation in the first sentence itself when it says withholding tax as though we had organized or passed some new law that imposed a new tax. That postcard is either from the credit unions or the banks. They both pretty much use the withholding tax, but even the distinguished Senator from Wisconsin, Senator KASTEN, put out a newsletter "How to stop the new tax on your savings."

If someone is told that there is going to be a new tax, they should be upset. Withholding is not a new tax. They were supposed to have been paying taxes on interest and dividend income for a long time. So it is misleading, and that is what makes the argument so difficult at this point.

Mr. KASTEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. If we could finish off with the chart here, then I will be glad to yield.

It goes along, "This law is unnecessary because I already pay taxes on my earned interest when I filed my Federal income tax return."

If the person is paying his taxes, this is not going to in any way really affect his position, Senator, is that correct?

Mr. DOLE. That is correct.

Mr. KENNEDY. It continues: "Further the law is unfair and penalizes savers like myself because it will reduce the interest I earn on my savings."

That is again a basic and fundamental misstatement of what the law actually is. Am I correct on that?

Mr. DOLE. The Senator is correct, because in response to a lot of complaints and just concerns by banks, S&Ls, and others the Treasury made some changes to its regulations. One of those changes was year-end withholding which addresses the very question raised on that post card.

Mr. KENNEDY. I thank the chairman of the committee.

I think, as mentioned earlier, the only ones who really should have any fear of this particular provision are those who are not paying their taxes at the present time, and I think the Senator from Kansas has stated very clearly something that the American taxpayers should understand, and while I am not sure that they do yet, I think they will. If these tax cheaters and evaders are successful, someone else is going to have to make up the difference; and the people who will have to make up the difference are the average working men and women, middle-income families. The ones who are paying their taxes at the present time. They will have to make up the amounts that are lost.

Is that the Senator's understanding as well? So we penalize them in an important way if this law is changed.

Mr. KASTEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. Could I just hear from the Senator from Kansas? I wish to enter into a dialog with him. Then I will be glad to yield. I wish to hear from the chairman.

Mr. DOLE. The Senator from Kansas understands that there are probably two or three things we can do. We can charge it up to the deficits and say, "We will add $13 or $15 billion to the deficit over the next few years;" or we can go in and reduce some of the programs to which the Senator from Massachusetts referred, which I would not want to do; or we can find someone else to pick up the tab; or we can take away part of the tax cut or indexing.

None of these are acceptable to this Senator. Whatever we do in the tax area or the spending area, improved tax compliance is good tax policy. There is no reason that we should ask the American people to stand up and pay more taxes or do anything else if we do not have the best tax compliance we can have. In this instance we do not have it, and that is all we are seeking.

Mr. KENNEDY. I thank the Senator from Kansas because I do think that this has been an enormously useful exchange this afternoon. This chart over here shows the facts on withhholding, and tries to detail exactly what the situation is. We have heard a great deal. We have all heard a good deal of information that has distorted and misrepresented the issue. But as I have heard the Senator from Kansas explain the exemptions for the elderly and for the poor are provided for such that actually an elderly household would need to have to have savings above $200,000 before they will be affected; so for the most part the elderly are going to be excluded.

We have heard the testimony of the Council on Aging, those who speak for the elderly, and they support the position that has been taken by the Senator from Kansas and the President that really the only ones who really have to fear are the evaders, the tax cheaters. The Finance Committee has dealt with the issue of lost interest with its timing provisions. The Senator from Kansas has responded to the issue of whether this is a new tax or not a new tax, and I think his explanation and response to the form that has been put out now has been enormously valuable. The Senator from Kansas and I have reviewed what the alternatives are and what would be really more intrusive and we have agreed that the greatest intrusion into the lives of Americans would be IRS agents coming around, monitoring, and auditing volumes of tax forms. This concept is an old one, it has been accepted by working men and women. Wages have been covered since 1943.

I thank the Senator from Kansas for his responses and hopefully we have been able, in this brief exchange, to clear up some of the distortions and misrepresentations.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. DOLE. Let me say to the Senator from Massachusetts before he yields the floor that I again thank the distinguished Senator from Massachusetts. I know that we are on the unpopular side of an issue. Obviously the easiest thing to do is say, "Well, I have all this mail and I have to write back, and it is a lot easier if I write back and say, 'I am with you on this issue'."

But withholding is good tax policy. No one quarrels with the policy. It is a matter of politics. Some say "I just cannot take the heat. I have so much mail. I have all these people at home. They do not like it and some are my friends, and I just do not have time to explain it." The Senator from Kansas understands that.

I thank the distinguished Senator from Massachusetts for his willingness to be on this side of the issue. In my view, if we can sustain this law, a lot of this propaganda is going to go by the wayside because the American people are going to find out. In fact, I can say to the Senator from Massachusetts that many of my bankers in my State, bankers that I know to be good solid people, are now saying "Well, maybe we overdid it, maybe we went too far, and we will make it work if the President wants it. We will make it work."

Well, the President does want it. He said so as recently as Saturday.

I thank the Senator from Massachusetts for his steadfast support, knowing this is a very difficult issue, knowing there is a lot of politics. It is not a people issue now. It is a political issue, and that makes it sometimes difficult to deal with, but I appreciate the Senator's support.

Mr. KENNEDY. I thank the Senator from Kansas again for his leadership and for addressing this in the bill that we passed last year. I then welcomed the chance to join with the Senator in support of that program. I think this is a completely responsible position.

Mr. KASTEN. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield.

Mr. KASTEN. I know there has been a lot of discussion as to the use of the revenue gained from withholding. Is the Senator aware of the fact that in his address this last Saturday the President, and I am reading from the President's radio address of April 16, said he is concerned about misrepresentations surrounding the withholding tax on interest and dividends. He used the word tax, and he and the Senator from Kansas are supporting this idea. It is difficult to express this idea. Technically he is wrong and technically a number of other representations of it are wrong, but he is talking about a withholding tax on interest and dividends.

The question here is, How does the Senator define the vehicle by which we are raising this additional revenue? Much of the revenue comes from tax compliance. Some comes from float—the idea that the Government is going to get to use your money for the year rather than you.

How does the Senator define that float?

One could argue and stretch the point that is a kind of a tax. I do not believe it is, but I just wish to suggest that the President as late as last Saturday said "withholding tax on interest and dividends."

I just remind the Senator. He might be familiar with it. Is he familiar with the letter we received from former Senator Sam Ervin? In his letter he said, and I shall read just part of it:

> I hope (that our old friend Senator Dole and others) they will read the item and after doing so will spend a few seconds reading the First Amendment. If they will read the First Amendment, they will discover that it gives the banks, financial institutions, and the millions of law-abiding taxpayers a constitutional right to petition the Government for a redress of the grievance which this law generates. Maybe they will then quit making threats against banks and financial institutions as well as law-abiding taxpayers for petitioning Government for a repeal of this law.

I ask unanimous consent that the entire letter be printed and appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SAM J. ERVIN, Jr,
Morganton, N.C., March 14, 1983.

Hon. ROBERT KASTEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KASTEN. On Sunday, March 13, the Charlotte, N. C. Observer printed an item entitled "Tax Law Feud Splits Republican and Republican, GOP and Banks." This item which is enclosed and the television interview of you and my old friend, Bob Dole, on the McNeil Lehrer program prompts me to write you this letter.

It is rank tyranny for the federal government to punish the innocent for the sins of the guilty. This is exactly what the law which provides that on and after July 1, 1983 banks and other financial institutions must withhold 10% of all dividends and interest due American taxpayers.

This law is totally unnecessary and manifests reluctance of some IRS officials to perform their plain duty. Law-abiding taxpayers pay 25% of the taxes due on dividends and interest they receive to the government every three months. It is totally unnecessary to change this law and to have banks and financial institutions withhold 10% of these dividends and interests as they accrue.

By reason of reports which banks and financial institutions make to the IRS, the IRS knows the name and address of every person who attempts to cheat the government by failing to pay to it the tax imposed upon dividends and interest. The IRS can collect every penny of this money by two simple processes. In the first place, it can collect most of it by a simple frank letter demanding that the cheater forward to the IRS the tax due it, and in the second place, it can prosecute in the courts every cheating taxpayer who does not comply with such letter.

I am taking the liberty of sending a copy of this letter and a copy of the newspaper item to President Reagan, Secretary of the Treasury Regan, and my old friend, Senator Bob Dole. I hope they will read the item and after doing so will spend a few seconds reading the First Amendment. If they will read the First Amendment they will discover that it gives the banks, financial institutions, and the millions of law-abiding taxpayers a constitutional right to petition the government for a redress of the grievance which this law generates. Maybe they will then quit making threats against banks and financial institutions as well as law-abiding taxpayers for petitioning government for a repeal of this law.

I urge you to stick by your guns and insist on the passage of your amendment to repeal this tyrannous law.

I also take the liberty of sending copies of this letter to Senate Majority Leader Howard Baker, Senate Minority Leader Robert Byrd, and Senator Russell Long.

Sincerely yours,

SAM J. ERVIN, Jr.,
Former U.S. Senator.

Mr. KASTEN. But I think it is important to recognize that an expert such as former Senator Sam Ervin believes that it is a constitutional right of people across this country to communicate with their Congress.

Mr. KENNEDY. Mr. President, just to respond, I do not think anyone denies the right of petition. I think the Senator from Kansas has probably said it the best. He said the banks have the right to petition Congress, but not to bury it. I think that is really what we have seen over this period of time.

No one questions, obviously, the right to petition, but I will also say to the Senator from Wisconsin that never before in my 20 years in the Senate have I seen such a campaign by a group that has so distorted and misrepresented the truth. I do think it is legitimate and fair to point out to the Senate that when these cards come in they come in various types of big envelopes. Unfortunately I cannot include them in the RECORD, but the fact is they come packed in big bundles such as this, and they come in envelopes paid for by the banks.

This is a good deal different from what I think most of us consider petitioning the Government, which is when the letters are sent by individual citizens who are sufficiently concerned about the issue that they take the time to write it themselves, and to put a stamp on it. I think it is important that we characterize the nature of this appeal to the Congress for what it is. The Senator from Kansas and I have tried to point out that the claims being made are a distortion and a misrepresentation.

Second we have pointed out the nature and quality of the petitions, that we have received.

Mr. DOLE. Mr. President, I will just take a minute. I wanted to comment on the statement. As I mentioned earlier on, the Senator from Kansas pointed out that even the President is capable of getting confused on this. In fact I learned about this 6 minutes before he was to go on radio on Saturday and tried to get word to the President of the United States that it is not a withholding tax, it is tax withholding. But it is hard to reach the President in 6 minutes, at least hard for this Senator to reach the President in 6 minutes. But beyond that, the statement was extremely good. He indicated, I think rather firmly, that he feels strongly about this tax compliance measure.

I want to just insert in the RECORD—I regret somebody—whoever wrote that for the President—either was imprecise or does not know the difference. The President does know the difference and he indicated that clearly on the radio program. But I did want to put in the RECORD a letter to my distinguished colleague from Wisconsin, Senator KASTEN, from John E. Chapoton, Assistant Secretary from Tax Policy, which indicates the Senator from Wisconsin's effort to sort of fill up the void here by attaching 1099's is not going to obtain additional tax compliance at all.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. ROBERT W. KASTEN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR BOB: This is in reply to your request for estimates of additional revenues that could be raised through various compliance measures, including the reporting provision contained in S. 222.

Requiring taxpayers to submit copies of forms 1099 provided to them by payors of interest and dividends is estimated to have a negligible revenue effect since the perceived risk of noncompliance will not be appreciably greater than under current law.

Increased use of magnetic computer tapes by payors in reporting payments made to the IRS and increased cross-checking of forms 1099 against taxpayer claims of dividends and interest received would, in principal, give rise to higher levels of compliance. Under the Tax Equity and Fiscal Responsibility Act of 1982, however, the Secretary has already been directed to prescribe regulations to assure optimal use of magnetic tape reporting. Thus, increased use of magnetic tapes, together with the increased IRS cross-checking that such use will facilitate, has already been assumed in estimates of current law tax revenues.

The IRS currently has the authority to request additional funds for stepped-up audit and debt collection programs. Undoubtedly some additional tax revenues could be raised through such efforts. However, it would be a serious mistake to attempt to attain desired compliance levels by substituting a vast audit program for withholding on interest and dividends. An audit program of the magnitude necessary would be viewed as taxpayer harassment because millions of new taxpayer contacts, audits, and legal proceedings would be initiated. Such contacts, audits, and legal proceedings would be required in cases where the apparent underpayment of tax is very small. This process would seriously undermine tax administration efforts to insure honest taxpayers that our tax system based on voluntary compliance is both workable and fair. Thus, withholding is by far the most effective means of combating the noncompliance problem in the area of interest and dividends.

Sincerely,

JOHN E. CHAPOTON,
Assistant Secretary for Tax Policy.

Mr. DOLE. We are going to lose all the revenue we would get on withholding if we repeal withholding and adopt the provision in the Kasten amendment which simply requires attachment of a 1099 form, unless we are willing to spend a billion dollars a year to hire 30,000 to 40,000 more IRS agents. That would make it a jobs bill, we could call it jobs bill No. 2 since we have already passed one jobs bill. But in this Senator's view it is not the kind of a jobs bill that I want any part of. I do not want 30,000 or 40,000 IRS agents scattered around the country, 30,000 or 40,000 more, bothering taxpayers to collect taxes on small

amounts of interest and dividend income.

I think we ought to understand this because many in this body may believe that with the Kasten substitute we can pick up all that money just by attaching the information reports to tax forms.

Again, I would say that the President of the United States, who has not debated this issue every day on the floor, may have inaccurately referred to a withholding tax, but he made his position very clear. However, the distinguished Senator from Wisconsin, who claims to be the leader of this effort, has referred to "stopping the new tax on your savings." It is not a new tax unless you have not paid anything on your savings interest, and then it is a new tax, and I have had some very hot letters from people saying, "It is unconstitutional to make me pay taxes on my interest." It is not unconstitutional but if they have not paid any taxes on their interest over the years, they have had a pretty good thing going, and I sort of figured out the nastiest letters I have are probably from those who have failed to report for some reason their interest and dividend income.

Again I would say because we are about to hear from two distinguished colleagues, one in favor of repeal and one supporting withholding, and I have highest regard for each, that the Senator from Kansas understands that this is not a popular piece of legislation. That does not mean it is not good legislation. It was not evaluated until 1982 because it was not popular, and the Senator from Kansas and the Treasury and the President of the United States and others have tried to address some of the real concerns that the financial institutions have. We are continuing to do that. We have made it clear that, if there is some problem with the float and you do not get your expenses covered, we will address the float issue again.

This Senator believes that most of the steam has gone out of this issue. It does not mean the people who have to institute it like it, any more than the people who had to institute withholding on wages and salaries 40 years ago liked that.

It was best brought home to this Senator by a grocer in my hometown of Russell, Kans., who got up after I had had some discussion and somebody was quarreling about withholding and he said, I think to paraphrase, that he was tired of everybody shedding crocodile tears for the bankers, that he had been collecting sales taxes on groceries for 30 years to send to the State and nobody gave him any float and he wondered why that was necessary if in fact withholding is public policy.

Well, it is necessary, in my view. It is going to cost some money, and we are trying to indemnify where we can the banks and other institutions that have to put up that money.

Mr. President, we also have all kinds of forms that you fill out now if you buy an IRA or money market fund. I know the Senator from Wisconsin in holding up that "complicated" W-6 form, is implying that an average person could not figure it out. But all you have to fill in is your name and most people know their name, you have to know your address and I will bet 99 percent could give you their address, and you have got to know what State you are from. Then you have to put one check in a box.

You do not have to identify any particular ground for exemption but if you fall in any of five categories, you just mark a check. Then the hardest part is you have to sign your name. I find most people are able to do that. You do not have to do it but once. It is a permanent exemption once you do that.

When I compare the amount of information you need to provide to get a VISA card with the information required on a W-6, the W-6 requirements really are not that onerous at all.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, this Senator from Alaska believes Congress made a mistake when it passed withholding on interest and dividends last August. Withholding is a bad law. It creates more Government regulation, it has led the citizens of this country to become disenchanted with their Government, it will be costly to consumers, and it could result in less saving. I will address each of these points in detail.

This administration, and many of the Members of this body, were elected on a platform of reducing Government regulation. By passing withholding, we have done just the opposite. We have unnecessarily involved the Government in the personal relationship between customers and their banks, credit unions and their members, and corporations and their stockholders. The question they ask is what can they expect next from Government. We have made these institutions into tax collectors. It is the responsibility of the Government, not businesses, to collect taxes from individuals in this country. By the use of the exemption certificates, banks will be able to tell who their low-income customers are. I submit that it is an unprecedented invasion of the privacy of the citizens of this country for banks to have this information. I am appalled that this legislation was ever proposed to Congress. What other intrusions into the lives of our citizens can we expect next?

My constituents and the citizens of this country are outraged by this legislation. The letters I have received are not the result of any bankers' campaign, but rather are the result of widespread concern with and opposition to withholding from the little people of this Nation, America's small savers who are objecting to Government intervention on withholding from that which had always been sacred—the individual savings account. Such unpopular legislation as this can only lead to widespread discontent with the Government.

I am particularly concerned about the effect that this discontent will have on voluntarily tax compliance, the foundation of our tax system. Although Americans do not particularly like to pay taxes, they will pay taxes without protest when those taxes are fair, and are collected in a fair manner. Withholding on interest and dividends is not perceived as being fair. People cannot understand why there should be withholding. They know the IRS gets information from the banks and the corporations on who has been paid interest and dividends. Most people pay taxes on their interest and dividends. People wonder why the IRS does not go after tax cheaters instead of honest taxpayers. Voluntary tax compliance has been declining. I submit that the imposition of a method of tax collection that is perceived as being unfair and unnecessary will only lead to further declines in tax compliance.

Withholding will be costly to the consumers of this country. There are widespread disparities between the estimates of the costs of withholding made by the financial trade associations and the Treasury Department. I submit, however, businesses have a better idea of what it will cost them to undertake a particular operation than does the Government. Make no mistake about it, these increased costs of doing business will be passed on to the consumer. I have not found anyone in the financial industry who thinks the 30-day float allowed by law will even come close to paying for the costs of withholding. And I wish to ask, Mr. President, who basically pays for the float? Obviously, it is the consumer because the Government provides that float with his money.

Withholding could also result in less saving. As the letters I receive from my constituents illustrate, there is widespread fear that the withholding will reduce the benefits of compounding. In reality most financial institutions will probably choose to withhold annually instead of quarterly, and where there is quarterly withholding, the decrease in return will be relatively small. I am concerned, however, with the perceptions of small, unsophisticated savers. If they believe that

they will receive a lower rate of return, and choose to save less or not at all, I think such a response to withholding will create innumerable problems for this country.

The level of personal savings is already too low to meet the capital needs of businesses and the credit needs of consumers and the Government—and that is a Government which is forced to borrow over 50 percent of the funds available in the credit pool of this Nation. In 1980, household savings in the United States represented 3.3 percent of our gross national product. This compares to 7.4 percent in France, 8.5 percent in Germany, 8.3 percent in England, and 13.9 percent in Japan. The low rate of saving and investment in the United States led us to pass the Economic Recovery Tax Act in 1982. I believe that withholding is counterproductive to those efforts. The anger generated by withholding, and the perception that there will be substantial losses in returns as a result of withholding, will only exacerbate the savings problem in this country. Some of my constituents have threatened to empty their savings accounts rather than be subject to new Government intrusions in their lives. I do not know if these threats would actually be carried out. I do know that we cannot afford to have a lower rate of saving than we currently have in this country. We take this risk by implementing withholding.

Throughout the withholding controversy, I have noticed an interesting phenomenon: Financial institutions have been active in opposition to withholding, but corporations, who will also have to administer withholding, have been uncharacteristically silent. Could it be that they hope to see a reduction in the period for long-term capital gains treatment, or could it be that they are afraid of something, such as a surcharge on the corporate income tax? I expect that this question will remain unanswered at this time.

Mr. President, the debate on withholding raises two fundamental questions: who should collect the taxes in this country, and who should bear the cost of collecting those taxes? For me, the answer is clear—it is the Government. The taxpayers of this country should not suffer because the Internal Revenue Service cannot do its job correctly. Congress has never stinted the Internal Revenue Service in terms of either funds or authority to carry out its operations. Yet it still cannot effectively carry out the tax laws of this country. This is, indeed, a sad state of affairs.

I think the Senator from Kansas is correct when he says that there is a substantial tax compliance problem with interest and dividend payments. The Senator from Kansas suggests that 11 percent of the 1099 forms cannot be matched with individual tax returns because of missing taxpayer identification numbers and other problems with the 1099's. The Senator has also stated that 20 million taxpayers file returns that understate dividend and interest income, and another 5 to 6 million people do not file returns at all. It is obvious that there is a substantial problem in this area. I disagree, however, that withholding is the proper methods to solve it.

Mr. President, I cannot believe that the IRS does not have the authority and the ability to work with the banks and corporations to insure that the 1099's that come to it contain accurate information and are in a useful form. In the past the IRS has been critized for not effectively using the informational returns available to it. An October 20, 1980, General Accounting Office report stated:

> While still making considerable progress toward the goal of a full document matching program, IRS has fallen somewhat short of that goal.

The report went on to state that the IRS was using 79 percent of the returns filed in 1978 in the information returns program, compared to only 54 percent in 1977. The point to be made here is that although the IRS has steadily been improving its use of its informational reporting and matching system, it can take further steps to improve its performance.

In the Tax Equity and Fiscal Responsibility Act of 1982, Congress gave the IRS the tools necessary to insure an effective 1099 and 1040 matching program.

First, it extended information reporting to include U.S. Treasury bills and savings bonds, coupons on other bonds, and jumbo certificates of deposits. Second, it increased from $5 to $50 the penalties for an individual's failure to provide a taxpayer identification number to a financial institution or corporation filing a 1099, and for a financial institution or corporation's failure without reasonable cause to include a taxpayer identification number in the 1099. Finally, it requires financial institutions and corporations to withhold 15 percent from interest and dividend payments when an individual fails to supply a taxpayer identification number, or when the Service advises that the number supplied is inaccurate. Aggressive enforcement of these provisions will greatly improve the accuracy of the 1099's supplied to the IRS for their matching program.

It has been alleged that even if the informational reporting system and matching program were greatly improved, it would still cost hundreds of millions of dollars and require an additional 20 million audits a year to achieve the same results as withholding. Mr. President, I do not believe these allegations. Commissioner Egger of the Internal Revenue Service has stated that interest and dividend payments are widely dispersed to a large number of people. He has also stated that most of those who underreport that income do so out of carelessness and inadvertance. The amendment of the Senator from Wisconsin specifically addresses this problem. His amendment will require taxpayers to include copies of the 1099 form that they receive from their financial institutions and corporations with their income returns. This requirement will encourage taxpayers to keep copies of the 1099's and will remind them as to what their interest and dividend income actually is.

Mr. President, let us give this a chance and see how it works.

Even if this additional 1099 form filing requirement does not completely solve the problem of taxpayers underreporting their interest and dividend income, I fail to see why an additional 20 million audits, as alleged, would be required. Once the 1099's are matched with the income tax returns, a computer list of names of those who underreport is generated. That list is used in turn to generate dunning letters to those who have underpaid their taxes. According to Commissioner Egger, this is a fairly inexpensive process which usually results in the taxpayer paying what he owes. It is in only a relatively small number of cases that expensive, full-fledged audits and collection procedures would be required. I also fail to see how the process described above will generate more antagonism to the tax system than we are seeing generated by withholding.

For those who fail to file tax returns in the first place, I would suggest that the IRS spend the $85 per person that the Senator from Montana has indicated it costs to find those people. This is one area where the IRS should be making greater efforts than it is now. The example of people who do not file tax returns, who do not pay their taxes, and who get away with it, can only encourage increased noncompliance with the tax system.

Mr. President, withholding is an onerous burden on the taxpayers and consumers of this country. Before we implement withholding we should at least try out the new filing provision of the amendment offered by the Senator from Wisconsin, and the other changes made in TEFRA that I have just discussed. I suspect that we will find that we really do not need withholding after all.

I think that it is time that the U.S. Senate and the IRS demonstrated a little confidence in American taxpayers by taking the path of least intrusion into the private financial matters of all citizens.

There must be a balance between tax collection efforts and the need to respect the privacy and sensibilities of the taxpayers of this country, whom, after all, we represent. Too little tax collection effort results in all of us paying more taxes to make up for those who do not pay what they owe. Too much tax collection effort results in taxpayer resistance and contempt for the Government. Mr. President, judging from the reaction that we are getting from our constituents, the balance has tipped too far toward tax collection. It is time to remedy our ill-advised enactment of withholding. I urge my colleagues to adopt the amendment of the Senator from Wisconsin.

Mr. KASTEN. Will the Senator yield?

Mr. MURKOWSKI. I yield to the Senator from Wisconsin.

Mr. KASTEN. I thank the Senator and congratulate him on his strong statement in favor of the repeal of the 10-percent withholding on interest and dividends.

UP AMENDMENT NO. 142

(Subsequently numbered amendment No. 1069.)

(Purpose: To change the effective date on which withholding of tax from interest and dividends will be repealed)

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) proposes unprinted amendment No. 142 to amendment No. 522.

Mr. KASTEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 6, strike all after "is hereby repealed" and insert in lieu thereof: "is repealed effective May 1, 1983."

(2) The Internal Revenue Code of 1954 shall be applied as if such subtitle A (and the amendments made by such subtitle) had not been enacted.

(b) Section 6049 of the Internal Revenue Code of 1954 (relating to returns regarding payments of interest) is amended—

(1) in subsection (a)—

(A) by inserting "or" at the end of paragraph (1),

(B) by striking out "or" at the end of paragraph (2),

(C) by striking out paragraph (3), and

(D) by striking out "tax deducted and withheld,",

(2) in subsection (b)(2)—

(A) by striking out subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (C), and striking out "not described in subparagraph (C) of this paragraph", and

(C) by redesignating subparagraph (E) as subparagraph (D),

(3) in subsection (b)(3) by striking out "paragraph 2(D)" each place it appears and inserting in lieu thereof "paragraph 2(C)",

(4) in subsection (c)(1)—

(A) by inserting "and" at the end of subparagraph (A),

(B) by striking out ", and" at the end of subparagraph (B) and inserting in lieu thereof a period, and

(C) by striking out subparagraph (C), and

(5) in subsection (c) by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(c) Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(d) Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

Mr. KASTEN. Mr. President, I would like to inform the Senate that the substance of this amendment is similar to the substance of the original Kasten amendment.

I have a parliamentary inquiry, Mr. President. It is my understanding that no vote can occur on the Dole substitute until the amendment which I have just offered is disposed of. Is my understanding correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KASTEN. I thank the President and I thank the Senator from Alaska for yielding.

Mr. MURKOWSKI. Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, is it also correct that a motion to lay on the table the Kasten amendment would be in order at any time before the cloture motion is voted upon?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Mr. President, I wanted to advise my friend from Wisconsin that I may very well make such a motion yet this afternoon and, as the Senator knows, it is not debatable but immediately comes up for a vote.

Mr. President, I think it is important that we discuss this issue in its appropriate context.

I have not been around the Halls of the Senate as long as a lot of other people, but if there is one thing that I have learned in the years that I have been here, it is that everybody is for resolving certain problems provided they did not affect them and somebody else's ox is gored.

I do not think there is any group in the country that has cried out longer and louder for a balanced budget than have the bankers of this Nation. They told us that if we could balance the budget, all the problems of the economy would be resolved.

The issue of withholding on interest and dividends will not result in balancing the budget, but I have learned in my years on the Budget Committee that no one single issue ever does result in balancing the budget. You balance the budget by a lot of different actions.

You do it in small pieces and large pieces. You do it with respect to cutting back on defense spending, cutting back on domestic spending, bringing more revenue in. In other words, to bring more revenue in, you have to close tax loopholes and you have to see to it that everybody who owes taxes pays their taxes.

Of all the issues in which I think the American people have been confused, I do not think there is any one single issue where the American people have subsidized a greater lobbying effort than has been done in this instance. The banks have used their own personnel to provide all the work effort, to do the work product, to see to it that their customers were misled. They have included their statements in their other mailings to their customers; they have had signs up in their banks; they have provided the use of the taxpayer's dollars to absorb their expenses in a massive lobbying effort.

For what purpose? Because the banks say:

Well, sure, balance the budget, but do not do anything that might disturb our equanimity. Do not do anything that might interfere with our normal banking operation. Do not make us push another button on the computer to send out some slip to tell people how much their withholding was or is.

What a massive effort to confuse the American people has been undertaken by the American banking industry, that great industry that prides itself on its integrity and its credibility and "You can trust your bank." Build a bigger edifice so you will know the bank is solid and stable. But you can lie to your customers about withholding.

What an absurd situation we find ourselves in: The Members of Congress being importuned with boxes

and barrels and crates of mail. What an incredible fact of life, that all of it is the same, repetitions.

I do not understand them. They are the ones who sit in their offices and are able to enjoy one of the biggest tax loopholes of all, the fact that they have an artificial figure hung up in the air for their bad debt reserve that no other business in America enjoys. Do not touch that; oh, no; the integrity of the banking structure might be affected.

Do not touch us about anything like causing us to give out another piece of paper. That would disturb us. You cannot afford to disturb us.

What a sad commentary it is that they have pounded and pounded away at Members of Congress on this issue. What a travesty. What a shameful waste of their time.

Some people say that this is an issue that has the people of their States all worked up. I tried it in a few public speeches. I tried it to unemployed workers; I tried it to employed workers. I tried it to union meetings. I said to them, "Why is it right for taxes to be withheld on workers' wages but no withholding with respect to dividends and interest? What makes working people eligible to have their taxes withheld and makes it inappropriate for those who have their money in the bank or who receive dividends to have a portion of their taxes withheld?"

It cannot be emphasized enough: This is not a new tax. This is the same old tax. It is simply a better method of collecting the taxes that are already due and being paid by most law-abiding Americans. Fully 13 percent of the interest and dividend income is not reported on individual tax returns. I sit in that Budget Committee with my good friend from Wisconsin and we shave a little bit of money here from some needy program, and we work to find a little bit of money on the revenue side, and we worry about whether it is double-digit in 1984, whether it is single-digit as far as the revenue is concerned.

We are talking about a major part of that in this whole issue having to do with withholding. Thirteen percent of the interest and dividend income is not reported on individual tax returns. I heard the discussion before, how much this will bring in. I do not know how much it will bring in. I do not know whether the figure of $18 billion over the next 5 years is right or wrong. But I do not think there is any argument that it will bring in a number of billions of dollars.

What is so terribly wrong with people who owe taxes paying their taxes? It is a fact that some people are getting by now without bearing their fair share of the tax burden. The banking community is simply not telling the truth to its depositors and is conducting an unconscionable campaign of fear and distortion.

My campaign committee got one of these notices the other day. I read it. It is worse than the Republican propaganda they put out when I was a candidate. They just lie about the facts. Republicans at least just distorted the facts.

The fact is that the banks are not telling the truth. They have frightened people into thinking that they are going to lose vast sums of money due to the loss of compound interest on the money that is withheld. The fact is that if the banks withheld the taxes on a monthly basis, the loss per $1,000 of principal would be less than 50 cents a year—an absolutely insignificant amount.

This is not even accurate, since the bill allows the banks to deduct from accounts on a once-a-year basis on December 31. The maximum interest loss would be for the period from January 1 to the April 15 deadline. If a taxpayer files earlier, the loss is even less.

Probably there is no more frightened group of people in this country than our senior citizens. Our senior citizens have been frightened into believing that 10 cents out of every one of their dollars will now be sent to the Government, according to the bankers' epistles that have been sent out to their customers.

They go on to say that the only way to avoid it is to fill out the form that shows you are on a poverty level and that is an invasion of your privacy. What kind of an invasion of privacy? First, nobody talks about being at a poverty level. They talk about dollar limits, dollar ranges, which is what income tax returns are all about.

The fact is that the exemptions for senior citizens are extremely liberal; in fact, probably 90 percent of the senior citizens of this country will qualify for the exemptions. A single person over 65 is exempt from withholding if his or her tax liability for the previous year was under $1,500. For a married couple filing a joint return, the tax liability is $2,500.

Now, let us look at what this really means. If a person is living on social security and has income from investments and savings, it would mean that he or she would have to have interest income of more than $13,300 a year before the withholding tax would kick in. At a 9-percent interest rate, this means that he or she would have nearly $148,000 in the bank in order to fall under the withholding rules.

For a married couple, it would require an interest income of $22,200 per year, equal to a principal balance of approximately $247,000.

As far as the exemption forms are concerned, they are certainly not a statement of poverty. They simply require the taxpayer to state that the previous year's tax liability was under the ceiling. The banks have failed to tell the senior citizens they only have to fill out the form once, not each year.

Banks maintain there will be tremendous costs involved in setting up the system, that it will cost far more to the banks than the Government will take in. It is hard to believe that a simple moving of a decimal point on a once-a-year basis and then remitting those funds to the IRS is beyond the capabilities or the capacity of every bank computer in this country.

We read every day of the great world of banking, where supermarkets are tying into bank computers for instant withdrawals from checking accounts, where 24-hour automatic tellers are sprouting up in drugstores, department stores, and gas stations, and yet the banks are resisting with all their political might and all of their economic strength a relatively simple transaction such as withholding.

Banks fail to mention float rules that the Treasury Department has come up with to help the banks pay some of these costs. These float rules allow the banks to hold the withheld funds for 30 days, invest the funds and use the return to defray the costs.

Now, let us see what this means. A medium-sized bank or savings and loan that pays its customers $75 million in interest per year would deduct $7.5 million it invested in Treasury notes for 30 days at a return of 8.5 percent. The bank would realize a return of more than $53,000.

The bottom line of that is that, First, this is not a new tax; second, it only affects those who have not been paying their taxes on interest and dividends; and third, it is exactly the same principle that has been in effect for millions of Americans for more than 40 years, withholding of taxes from their paychecks.

This whole issue really resolves itself down to an issue of equity and fairness. If it is right to have withholding for working people, then it is equally right for those who are not exempt under the rules to have withholding for dividends and interest.

I do not understand why all the hullabaloo. I do not understand why the tremendous emphasis on trying to keep this matter from coming into effect. If we truly want to do something about balancing the budget, then we have to resolve the issue in a number of different ways. This is not going to resolve it on its own, of course, but it would help. It would be a step in the right direction. It would make us put our actions where our mouths are, and that so often is not the case in the U.S. Congress.

We make the magnificent speeches, we make the campaign pledges, we make the campaign promises, we indicate that we want to balance the

budget, but when all is said and done and it comes time to bite the bullet and doing something about it, how shameful it is that the banks of this Nation are the leaders in this effort to keep the IRS from getting that which is due it.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Ohio for his support today and in the past, not only on this issue but other issues in the tax area.

As the Senator pointed out in his opening remarks, it is always easy to advocate tax reform and spending reform as long as it does not touch anyone we know, and as long as no one complains. That does not happen too often around here. If it is painless, then we are for it. It seems to me, knowing the few valid arguments, and just concerns raised by the financial institutions since the law was enacted, that in nearly every case we have been able to address those concerns, but we are still faced with their opposition and the resulting question, How do we collect this $13 billion? We have taken out all of the "speedup" now with year-end withholding so we do not face that argument, though that change has reduced our revenue estimates. How can we find the money that the Kasten amendment would give away? I must say, as we are looking at the $269 billion in tax expenditures, maybe there is some other way. Maybe there is $10, $15, $20 billion, or more on the tax expenditure side. But we were advised, as recently as 2 weeks ago by the Internal Revenue Service, and by Roscoe Egger, the IRS Commissioner, that there is still somewhere in the neighborhood of $87 to $100 billion a year in taxes that are due but not paid.

Now, this Senator finds it difficult to stand up before any audience in my State or any other and say, "Well, we cannot pursue this anymore because there is just so much political heat generated that it would be the end of our political career if we do not repeal withholding."

Now, that may not be the motive in every case, but having been in politics for some time, I can recognize a political issue. This is not a people's issue, it is a political issue. It has been made a political issue. That was the intent of the ABA and the others when they started the multimillion dollar campaign against this amendment.

It is to stir up enough people, whether the mail comes in boxes or bundles or individual post cards, to have the impact they want on the U.S. Congress. But there are still some Members, and this Senator is hopeful there will be more who will determine it is good tax policy. I believe as we debate this issue, Members will more fully understand it and will support withholding. I commend the distinguished Senator from Ohio for his continuing interest in closing up some of these loopholes.

The Senator from Ohio called to my attention this morning an editorial that appeared in the Washington Post Saturday called "Leasing Mania," how that has gotten out of hand after we thought we tightened it up in the 1982 Tax Reform Act. And so we are now in the process of addressing that concern raised by the distinguished Senator from Ohio. This is just one of the many areas that he has called to our attention.

It is not easy. I am certain the President of the United States would rather be doing something, today other than making phone calls opposing cloture on withholding. But I understand he feels so strongly about keeping withholding that he is in the process of doing just that.

I thank my colleagues from Ohio, and I would say to my friends on the other side of this issue that it is not easy being on the Finance Committee, nor is it easy being on the Budget Committee or any committee in the Congress, when we have to make tough decisions. I would guess if we want to stop tax reform dead in its tracks, as I said the other day, this is one good way to do it. I do not think the Finance Committee is going to be volunteering to make any hard decisions, because all we have to do is find some other powerful group that can spend a few million dollars to flood us with mail and then I am afraid the result would be the same.

Again, we have looked at all kinds of alternatives. I do not know how many alternatives we have had called to our attention. The one from the Senator from Wisconsin is a great alternative except it does not raise any revenue. You get a zero. Now, others have been submitted to by Senators from Alaska (Mr. STEVENS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Maine (Mr. COHEN). The Senator from Kansas, I might say, has been evaluating alternatives of his own in an effort to address some of the real concerns—and there are real concerns expressed to some—in an effort to make this work. But notwithstanding that, we still have not found an area that we can find agreement on, and the President of the United States feels very strongly there should not be a compromise on this issue. At least that is his feeling at this moment.

The Senator from Kansas is going to do the best he can to support the President's position, because in my view the President is correct.

Again I say that this is not something that just came up overnight. Mortimer Caplin, who was the IRS Commissioner for President Kennedy, in talking about withholding as the backbone of our self-assessment system, pointed out that in 1862 we had withholding on dividends and interest, and it was authorized by the Revenue Act of July 1, 1962.

It applied at an initial 3-percent rate to interest and dividends paid by all railroads, banks, trust companies, fire, marine, life, inland, stock and mutual companies. In 1864, the withholding rate was increased from 3 percent to 5 percent and was extended to include interest and dividends of canal, turnpike and canal navigation companies. Only the salaries of Government employees were also subject to withholding during the period, as it evidently was regarded as too difficult to extend withholding to the salaries of outside employees.

Here we are in 1983 saying, "Well, it's OK to have withholding on wages and salaries the past 40 years. We just cannot have withholding on interest and dividends."

So I submit that withholding was effective over 120 years ago, and it is not something that has just sprung up overnight.

It seems to me that if the banks back in 1862 could figure out this complicated procedure, and the percentage was 5 percent then—withholding 10 percent today ought to be easy. The percentage, I suppose, does not make any difference, with all the technology we have now. We will be going into that later, but banks should have the technology and know-how to compute 10 percent of interest and dividend payments.

I suggest that it was not very complicated when we first had withholding. All you had to do was fill out a little form. That 1865. It says, "The account of interest paid on bonds," and it was filled out by the bank and was about as complicated as the W-6 form today. That return was filed, and then a receipt was issued by the Internal Revenue Service for the amount that was paid, and that was the end of it.

I know that may be inconvenient, but it is not complicated. You could multiply that hundreds of thousands of times, and it creates some paperwork. But when we talk about Government intrusion, I would much prefer withholding at the source than turning loose another 35,000 or 40,000 IRS agents to audit or otherwise contact the American taxpayer, or those who fail to pay their taxes.

It is suggested that it is $85 which the Treasury Department ought to spend in each case. I am not certain what that would add up to, but it would be a substantial amount of money.

I am not suggesting that the IRS is perfect. There is no doubt in my mind that the IRS could be a little more aggressive; but if they become a little more aggressive, then they begin hear-

ing from Members of Congress, because we begin hearing from taxpayers that they are being harassed by the IRS. Maybe they have been negligent. Maybe they would rather not perform these procedures. Maybe the net return, based upon the total budget and total manpower, would be much less than what is spent and would not be effective. But it seems to me that the issue is rather clear.

Mr. President, I am advised that the Senator from Minnesota (Mr. DURENBERGER) wishes to speak on this issue, so unless someone else wishes to speak at this time, I yield the floor.

Mr. MURKOWSKI. Mr. President, I should like to ask the Senator from Kansas a question with regard to the numerous inconsistencies he has outlined in the processing of the 1099 form.

Why can we not make the assumption that there will be a substantial improvement in reporting under Senator KASTEN's amendment with regard to the mandatory filing of the 1099 form.

Both of us are aware that experts can give different answers, depending on their particular expertise, and stance on the issue, but I fail to understand—and perhaps the Senator from Kansas can answer in some detail—why we would not see a very substantial improvement in the collection of these outstanding funds. The implementation of the process really has been with us, but we have lacked the continuity of matching up with the 1099 form, inasmuch as IRS really has not followed up in any procedural process, yet it is an automatic data processing procedure that is involved in matching these up. I have had letters from IRS, on an outstanding collection of $12 or $13, that probably cost the Government $25 to process.

With respect to the suggestion that IRS can not be bothered with this, it seems to me that using the data processing system that the IRS already has in conjunction with the requirements of the Kasten amendment, is an area they have been overlooking and which would lead to tremendous voluntary compliance, because now you have a check and balance. You have to provide that 1099 with your tax return.

I have not heard much of an explanation directed to just how effective that particular program would be. I would appreciate any comment the Senator from Kansas would care to make.

Mr. DOLE. If the Senator will yield, I intended to do that in a separate statement. I will take a few minutes.

Let me suggest to the Senator from Alaska the same question I have asked. The bankers in my State are good people. The S&L's in my State are good people. The credit unions are good people. As I have indicated, I had about 16 meetings in my State, and I believe that question was asked more than any other question.

As the Senator from Kansas understands it, and as the Treasury and IRS understand it, when you have about 19 million returns where you do not have the accurate information and another 5 million to 6 million nonfilers, then you have a problem, even though you might be able to match information to some degree. I should like to spell it out as it had been explained to me.

Many of the advocates of repealing interest and dividend withholding indicate that they have a good-faith concern about tax compliance problems in regard to interest and dividends.

I think everyone does, and I wish we could find a better way without withholding but with almost the same compliance rate. I am convinced that if we had that, we could pass it in Congress by a vote of 2 or 3 to 1.

They say that beefing up the existing system of information reporting ought to be adequate to cope with noncompliance on interest and dividend income. I believe that many of those who make this argument are sincere: The problems is that the facts, if carefully examined, demonstrate that information reporting can never be as efficient, as effective, or as fair as withholding in raising compliance levels in this area.

To understand the drawbacks with information reporting, you have to have an idea of how the system works now. Payors of interest and dividends are indeed required to file with the IRS a form 1099 with respect to each taxpayer to whom it makes payments of interest or dividends. In theory these documents could form the basis for matching against income tax returns filed for the purpose of tracking down discrepancies and enforcing the law. But that is only the beginning of the story.

For information reporting to be effective in improving compliance, the first thing you need to be sure of is that the information is highly accurate, and that it is comprehensive. On both these grounds information submitted on interest and dividend payments leaves a lot to be desired. First of all, of the documents actually received by the IRS—and we should not forget that there are some 660 million of those documents, according to IRS Commissioner Roscoe Egger—about 11 percent are essentially unusable. That is because the taxpayer identification number on the document is wrong, or because the number is omitted, or because of some other inaccuracy or omission. So the first fly in the ointment so far as information reporting is concerned is the fact that only about 89 percent of the documents that could be used for matching are any good to the Service.

The second problem is that not all payors of interest and dividends comply with the information reporting requirement. There are many, many cases where the proper reports are never sent to the IRS in the first place. While there are no firm numbers on how widespread this problem is—it is hard to count what you do not have—the experience of the IRS in audits indicates that payor noncompliance is substantial. So there is another big information gap that prevents accurate matching of reports of interest and dividend income paid against individual taxpayers' returns. And on the other side of the equation there are an estimated 5 to 6 million taxpayers each year who simply do not file a return. If there is no tax return to match with, there is little good that any kind of information reporting will do.

Mr. President, these are not the only technical drawbacks to information reporting as a solution to the interest and dividend income compliance gap. Illegible or damaged documents can throw the system off. Inadvertent double-reporting by some payors—filing information reports once on magnetic tape, once on paper—can result in an incorrect match. Some taxpayers confuse interest with dividends on their return and report interest in the dividends line on their return, and vice versa. On top of all this, due to resource restrictions the IRS can only process about 20 percent of the paper documents it receives.

So they get 650 million documents. That is more postcards than I have received from all the banks, credit unions, and others, multiplied 600 and some times.

And on top of all this, since they can only process about 20 percent of paper it receives, it is true that we provided some new tools in what we call the TEFRA last year. We expect that will be of some assistance, but it seems to me that we are not going to be able to really bring in that much additional revenue without a lot more IRS agents.

BURDEN ON THE TAXPAYER

So there are lots of problems with information reporting that make it a less-than-satisfactory answer to the interest and dividend problem. But let us assume for the sake of argument that these problems could be solved—that Congress was willing to give the IRS the resources to institute and enforce the best possible information reporting scheme, and that the Service felt that this was an efficient way to utilize those resources—rather than increasing overall audits, for example. Would information reporting then be a sensible, cost-effective, and fair way to improve compliance in this area? Unfortunately, this Senator is advised that the answer is still no.

Consider what would have to happen if we had perfect information reporting on interest and dividend income, and a comprehensive match against individual returns. Based on taxpayer identification numbers, the individual return would be matched against the aggregate amount of interest and dividend income paid. To the extent there was any discrepancy between the interest and dividend income reported by the taxpayer and the aggregate amount reported by payors, the IRS would have a potential case of noncompliance to pursue.

Keep in mind that the Service estimates there are 18 to 20 million taxpayers each year who have discrepancies in the reporting of interest and dividend income. In addition, a large number of these discrepancies are in amounts less than $100. That means we are talking about a very large number of potential cases, but relatively few instances where there would be a significant payoff for the Government.

If a discrepancy in reporting interest and dividend income does appear, the first thing the IRS would be obliged to do is scan the documents for a possible explanation of the discrepancy. After all, no one wants the Service to pursue a case where it can readily be determined that the taxpayer made an honest mistake: Our goal is to collect the maximum revenue with the minimum intrusion on the taxpayer's affairs.

Assuming there is no obvious explanation for the discrepancy, the next step for the IRS is to send out an initial taxpayer letter. In many cases this initial letter will not yet evoke a response from the taxpayer. In addition, in many cases it is not an effective device because the taxpayer's address has changed or because no address was given. Sending out and following up on these letters requires substantial personnel. An unresponsive taxpayer may require between two and four notices. And at this stage of the process no assessment of tax can yet be made. If there is still no response from the taxpayer, a visit or phone call from an IRS agent is required. Again, additional personnel would be required to locate receivables and collect tax. Whatever one's view of withholding as a device to increase compliance, no one can dispute that repeated letters, phone calls, visits, and collection efforts by IRS personnel involve much more of a burden on the taxpayer and an intrusion into his or her affairs than withholding ever would. For those who really care about Government interference in the lives of our citizens, this ought to be a compelling reason to prefer withholding as a fair solution to a real problem.

But even apart from that consideration, the practical reality is that the multitude of steps required to make any information matching scheme work mean that it is just not a cost-effective way to proceed. The Internal Revenue Service advises us that to follow through on 100 percent of the discrepancy cases in the interest and dividend area, it would need some 30,000 to 40,000 additional personnel. The cost of this effort would be in the neighborhood of $1 billion per year on a continuing basis, year after year. In addition, the timelag is making collections of tax due would be 24 to 36 months. The fact is that if Congress in its wisdom provided the IRS with these additional personnel, and I am not certain that would be an act of wisdom, the Service would not devote them to following up on information discrepancies in interest and dividend income. It simply would not be efficient or sensible, because those resources could be assigned to increasing audit coverage or other general compliance problems with a much higher return to the Government for each additional dollar spent.

So I would say in a long answer to a good question by the Senator from Alaska, it seems to me anyway you look at it, withholding is the least onerous, least intrusive, and I think the best and most effective way to collect the tax.

Mr. MURKOWSKI. Mr. President, will the Senator from Kansas yield for a question?

Mr. DOLE. I yield.

Mr. MURKOWSKI. I am looking for a rather short answer. It would seem to me that the procedure involved in the enactment of withholding it ultimately going to require the financial institutions and the credit unions to not only deduct an amount from an individual savings account, dividend and interest information but also to report on a 1099 form to the Federal Government and to the individual holder of the account. This IRS will still have to determine the accuracy of this reported information. We are talking about a tax identification number, or a social security number in the case of most people who have an individual account of some kind.

It would appear to me that the question of accuracy of proper identification numbers becomes moot at that point because if the bank is going to do it under withholding, you can also make the same assumption that the banks could do it now. This is the answer to the charge that the banks have not been responsive in providing IRS with accurate information. It seems to the Senator from Alaska that the point that the Senator from Kansas made initially becomes moot because in order for the withholding to work, the whole information cycle is going to have to be corrected anyway.

I am suggesting that we have everything established initially. We just do not have it fine tuned. Let us fine tune it and get on with it.

Mr. DOLE. As I understand, and I will be glad to expand on it at a later time, I do not think the Kasten amendment adds anything significant to present law.

It does not do anything.

Mr. MURKOWSKI. It does require the individual, as I understand it, to have to put a copy of the 1099 in with his income tax return when he files it.

Mr. KASTEN. The Senator is correct. That is the second section or our bill, which is to match up the 1099 forms to get compliance.

Mr. MURKOWSKI. And that is the most important change because it provides the IRS with an automatic check and balance, and that is my major reason for supporting it.

I feel it does provide what is now, if you will, a missing link in the check and balance.

Mr. DOLE. My understanding is the IRS would not pay any attention to it. They do not have the manpower to process it.

Mr. MURKOWSKI. With all due respect, much of it would be processed by computers, as we now process our income tax returns. They are processed by computer and a certain amount are kicked out. But what you are doing here is you have a data processing system which is totally capable of matching this information. The volume does not really affect the efficiency of the process.

If the process is set up, it will match up the information. People will also know what their tax liability is and they will pay it up front. That is why I ask why it is not reasonable to look at the Kasten amendment as raising substantial revenues because it does make a significant difference when that 1099 is submitted. I think it is fair to suggest that there will be many people who will pay their taxes, be it due to corporate dividend or interest income as long as they have to attach the 1099 form to their tax return.

Mr. DOLE. Well, the Senator from Kansas tried to explain that rather lengthy answer. Even if we had perfect matching and numbers, you are still going to have problems in about between 19 and 20 million cases and therein lies the problem. I do not think we are going to resolve it with information reporting, I do not care how accurate it may be; we are still not going to be able to follow up mismatches unless we hire this army of people up here, first sending letters, then making phone calls, then following up with house calls.

Mr. MURKOWSKI. If the Senator will yield for an observation, you are talking about 20 million based on the way the system is set up now and I concede that possibility. I do not think you are giving a fair evaluation of

what the effect is likely to be on the system, when you attach the 1099 and submit it before we initiate another program on the American people in a very sacred area, and that is the sacredness of an individual savings account, I think we at least owe it to ourselves to examine to see if the system we have is adequate and whether we have just not given it a check and balance by requiring the 1099 to be attached to the return. I suggest to the Senator from Kansas that this is extremely significant, and that he is totally underestimating just how effective the amendment offered by the Senator from Wisconsin would be. I would invite the Senator from Wisconsin at the appropriate time to address that specific issue because I know he has done a great deal of research on it. I do not think you can just say 20,000——

Mr. DOLE. 20 million. You know you are required to report you interest income now. I do not know what the magic is by putting your 1099 on the return.

Again I am not part of the Internal Revenue Service but they tell me the amendment is worthless. It does not do anything—the Joint Committee on Taxation says it does not raise any money at all. We can all talk here in great platitudes about just putting your 1099's on there, and you just ship it in and the problem is over. But as I understand the experts, and the Senator from Kansas does not claim to be an expert, the experts tell us it does not have any impact at all.

We have been negotiating, I might say, or discussing with some bankers in my own State some meaningful things that would have an impact and would increase the compliance and would provide some penalties for misinformation on 1099's. Therein lies the problem. But just saying you are going to attach it, and then thinking that suddenly there will be this magic and everybody will comply and everybody will give accurate information, and everybody will report, in my view, to think that way is living in a dream world. I am advised by our joint committee staff, a nonpartisan, bipartisan staff composed of experts and Internal Revenue Service, that the Kasten amendment loses all the revenue we will pick up from withholding and I do not think the Senator from Wisconsin can make a case to the contrary.

Mr. KASTEN. Will the Senator yield?

Mr. DOLE. I yield for an explanation.

Mr. KASTEN. I would just like to point out to the Senator that the present system requires that we attach our W-2 forms to our tax returns. This seems to work just fine. People report their income and we know how much has been earned. All we are saying is attach the 1099's and we believe, and I think——

Mr. DOLE. There is a rather large difference. You have already withheld the wages and you attach the W-2 to qualify for a refund or a credit against taxes due.

Mr. KASTEN. Attaching that form has made a difference in terms of proper reporting for wages. Attaching the 1099's will make the same difference. At least give it a chance.

Mr. DOLE. If you want to pattern after the system used for wages, let them withhold dividends and interest income and then attach the 1099. You want to have it both ways.

Mr. KASTEN. I do not want it both ways, I just want to have the form, no withholding.

Will the Senator yield for some additional cosponsors? I would like to add as cosponsors to the Kasten amendment No. 522 Senator BIDEN, Senator DIXON, Senator LONG, and Senator PELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. I thank the Senator for yielding.

Mr. DOLE. As I indicated in my first statement when the Senator from Alaska was not on the floor, and I know he wants compliance and I appreciate that, the Senator from Iowa, Senator GRASSLEY and myself early in 1981 asked the IRS to take a long look at all the areas. In fact very early in 1981, I think in late 1980, we came up with a lot of the same information that we thought more information reporting was the answer. In fact we put it in our legislation. We did not put in withholding on interest and dividends because we knew we were going to create a firestorm. Maybe that was cowardice but that is what we did not do. But we were advised at that time, that mere improvements in information reporting would have only a small impact on compliance.

Mr. DURENBERGER. Will the Senator from Kansas yield?

Mr. DOLE. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I thank the Senator from Kansas.

Let me start my comments on perhaps a political note. So many things we do around this place are presumed to be political in nature, and this one, this whole issue we are currently involved in, sort of does away with the notion there is a Republican version of doing tax reform or spending because I see four Republican Senators on the floor right now, two on either side of this issue, and in a sense that is a comfortable feeling to know.

Mr. KASTEN. You are about to lose one.

Mr. DURENBERGER. We will make it two to one and it will not change the equation one way or the other. [Laughter.] It is nice that an issue might be discussed on its merits rather than on its partisan political consequences. The Senator from Wisconsin was on the floor last year making many of the same arguments he has been making here in 1983, and he made those right through to the final vote on the tax bill, as I recall, early one morning. That obviously is something that he and at least some of the cosponsors of his legislation feel is an important matter of tax policy and an important matter of principle.

Let me say, whether it is as a Republican or as a person who came to political life in midlife, so to speak, that I do not really like the notion that the Government takes my money away from me before I have had a chance to decide what they are going to spend it on.

I really would like the notion that income taxes get paid the way property taxes do, once a year, twice a year, depending upon the way in which a particular State might set up their taxes.

But, in part, the issue of withholding got decided for us as a society quite some time ago, probably the first time, as the chairman of the Finance Committee has indicated, back in Abraham Lincoln's day and then it got repeated at various times during the course of the history of this country.

The last time, and probably the major effort, was during the Second World War when withholding was adopted as a principle of appropriate revenue raising with regard to wages. At that time, and again at this particular point in time, it is not being used because it is necessarily something that everybody in the country believes in, but it is a matter of fairness and equity in raising taxes in a society. You try to spread the burden of raising revenues to match the governmental response to the needs of the people of this country across as broad a range of people as you possibly can. That probably was the primary argument that you could make for withholding, and that is that it is the one way to come close to getting 100 percent of the people who have income of certain kinds to pay the appropriate rate of taxation on that income.

(Mr. ANDREWS assumed the chair.)

Mr. DURENBERGER. I will acknowledge that between 1943 and the early 1980's a lot of changes have taken place in our tax system in this country in the way that we attempt to evenhandedly raise needed tax revenues at the local level, at the State government level, and at the Federal level to respond to the needs of people in this country.

In this country, we made a decision somewhere in that last 40 years that the way to set up our tax system was

to tax the rich, to use the tax system to spread the earnings and savings of people across the various income categories. And so we decided that the best way to do that was to provide incentives for consumption and penalties for savings, because the savings were something that supposedly the rich did to excess and the poor people only did it as a little nest egg, and the best way to get money out of the so-called upper classes was to hit hard on savings and investments of one kind or another, the progressive rate structure in the income tax was to sort of even out, and as some people say, redistribute the wealth in this country. We adopted at some point in time a top rate I think of like 93 percent on individual income tax in this country. And with a 93-percent rate we discovered, to our regret too late, that people were not bothering to save and they were not bothering to invest and they were coming down here to the Congress demanding a variety of investment incentives in order to protect themselves form the 93-percent rate.

During the 1960's, to the credit of the other party, which had been responsible for creating an awful lot of these loopholes in the tax system for the people in the 93-percent bracket, a Democratic administration recommended that we drop that top rate to 70 percent. That helped a little bit, but all it probably did was change the nature of some of those loopholes that got created for incentives. It really did not do anything to encourage the broad spectrum of the American public to put aside a little money out of every paycheck and to treasure the income from those investments or those savings for their particular rainy day. We still hit hard at that so-called unearned income.

At the same time, we had an income tax system in which, if you got the economy to grow through inflation rather than through real growth, we discovered a very interesting phenomenon. A little bit of inflation would raise taxes about 1½ times as fast as you could here on the floor of the U.S. Senate by changing the tax rates. So over the period of time, this combination of putting all the rewards in the tax system on consumption, all the penalties on savings, and all of the incentives on inflation, we found the best way to raise money in this country was to raise the rate of inflation. We found then, of course, that nobody even had the money to save if they wanted to save and take the tax penalties for savings, because as fast as they brought in the increased earnings every week or every month or every year, the Government was taking it out 1½ times as fast as it came in.

So I came into the U.S. Senate at the end of a period of time in which the whole country came to a couple of conclusions. First, the taxes that they were paying were not producing as much as the dollar value of the taxes that were going into the system, and, second, that there was not any way anybody was going to get any social security protection, any unemployment protection, any retirement protection, or any other kind of protection out of a system that had no incentives for them to save. So they started putting some demands on this system to make it good to save and invest again. And that is the point at which I entered this process of trying to help make some of these decisions.

One of my first opportunities to face up to the issue of withholding, of course, was the same opportunity the chairman of the Finance Committee had back in 1979 or 1980 when the, then Democratic, President of the United States proposed that we have withholding on interest and dividend income. And like the chairman of the Finance Committee and like a whole lot of my colleagues, I drafted a nice CMS response to all my constituents which said that with inflation as high as it is, with Government spending out of control with Government tax policy out of control, and with no incentives in the system for saving or investment, all of this kind of thing I have just described in my opening remarks, why in the world should we have withholding on interest and dividends just to reward a bunch of politicians who did not know how to curb their appetite for spending. The impact that has on honest people's earning was only going to make the situation worse.

So I had one of those letters out, I say to the Senator from Wisconsin and anyone else, that is probably very similar to the letters that BOB DOLE has seen appear all over this country about how awful withholding is.

But those letters were written in my second year in the U.S. Senate and the action that we are dealing with now comes about because of a decision that I took along with others in this body in my fourth year. And it will probably be surprising to a lot of people who 20 years from now will go back and look at the record of what we are doing here today that in a relatively brief 2-year period of time the American people could have had that kind of impact on both taxing and spending policy in this country that they have had.

That period of time brought the Senator from Wisconsin back to Washington, D.C., not in the House where he would be just one voice out of 435 but to the U.S. Senate where his voice can be heard all over the country and all over the world on behalf of the people of this country. And the year in which he came with 15 other new Republican colleagues also brought us a 70-year-old movie actor to be President of the United States who was supposed to be too conservative to get elected.

In effect, it brought us a revolution in the way Government makes the spending and taxing decisions. And while a lot of us are going to disagree on the merits of that revolution, I am just here to say I do not think we yet know what sort of proof is going to be borne by that revolution.

I would like to share in the little bit of time I will take this afternoon in what I think those fruits are and what I think those fruits can be.

I think I was elected not just to cut spending and taxes, but I was elected to change the role that Government plays in the lives of people in this country. Not to eliminate Government, not to get rid of the Federal Government and turn everything back to State and local governments, not to turn everything over to the junior league or the chamber of commerce or something like that, but just to make sense out of the role that we all want Government to play in our lives. And, to varying degrees, we have started that process on the spending side. We did it to a fare-thee-well in the first year of the term of the Senator from Wisconsin. We did amazing things with spending.

I recall that we balanced the Federal budget. No one really knows that, but we balanced the Federal budget, effectively for fiscal 1983 and 1984, at least, back around the middle of July of 1981. We cut $40-plus billion out of the growth in Federal spending. If we had just kept on that line for another year and if there had been appropriate responses from the economy and from the people of this country, I would venture to say that we would have balanced the Federal budget in fiscal 1983 or maybe fiscal 1984 at the latest.

But that did not happen. What actually happened is that first, the Finance Committee, and then the rest of the Members of the Congress stayed around a couple of extra weeks here in Washington and did the other thing that we heard people say we were supposed to do, we cut taxes. We also did that to a fare-thee-well. We cut the individual tax rate in this country by 25 percent over 3 years and did a variety of other things. We adopted a reform that I hope will go down in the history of this country, as it has in several other countries, as a major reform in congressional responsibility. We adopted the notion of indexing the tax brackets to inflation.

Hopefully we have gone a long way in that regard in taking all of the incentives out of the political system for raising inflation as a way to raise taxes.

But we left ourselves with two things: We left ourselves with a doubting public and a doubting economy,

and we left ourselves with a huge gap between spending and revenue.

We did a couple of other things that year. We started sending some signals to the American people that we were going to abandon a policy that says all of the incentives are with consumption and none of the incentives in our tax policy are with savings and investment. We did not do that in all of the ways we could have. We did not equate earned and unearned income in terms of the way we tax them. We could have eliminated the word unearned from our tax vocabulary and treated all income the same for tax purposes.

But we did not do that. Our President wanted to cut rates. We lost a lot of money in rate cutting and did not have enough left over for these other things we wanted to do on savings and investment.

We did some things that people of this country really wanted like the bass and walleyes in my State and in Wisconsin go for a bass grub in the spring. One was all-savers. The people went for all-savers. We did something called expanded investment retirement accounts. All the people went for the savings incentives there. What we found out through the process was that the people of this country wanted to provide for their own rainy days, for their own investment opportunities. We had forgotten that for some period of time over the last 30 or 40 years but we rediscovered it very quickly.

Not everything we did was perfect. Everything we did probably needs to be expanded on. But we did provide the start of a major change in reforming the tax system in this country to make it at least neutral on the issue of consumption versus savings and investment.

We did some things in the course of that whole process. We started the process of deregulating the financial service industry. We did that despite the squeaks and the screams and the hollers from some of the institutional providers of financing in this country. As everyone around here knows, it is pretty hard to do something that might help the banks because the S&L's will scream at you, and if you try to do something for the S&L's the banks will scream at you. Somehow in spite of that negative pressure we at least started the process of making it a consumers' market rather than a bankers' market in the field of savings, investment, and lending.

The net result of all of that is that, despite the fact that some of those institutions still are able to run ads claiming that they can only pay 5½ percent interest because politicians will not let them pay more, a lot of people have a lot of opportunities to earn interest on invested money at rates that are substantially higher than they were 2 years ago.

It is almost a consumers' market out there today. The chairman may joke a little bit about how his banker came to pick up his dishes and silverware, whatever it is, but the fact of the matter is, though, that we are not necessarily attracting people with giveaways of dishes, pots and pans, Tupperware, and all that sort of thing today. We are attracting people to these marketplaces with more attractive interest rates. There are just a lot more opportunites today for the American public to do smart things with their investments and to be rewarded for it.

We did something else that I think all of us are proud of, and certainly those of us who get back home and want to brag about it have to keep bragging about it, and that is we brought inflation down. As I reread my 1979-80 CMS on the Jimmy Carter withholding, one of the things I dwelt longest on was the whole issue of inflation and how you could not trust a government that lived off of inflation with withheld income on interest and dividends. So we attacked that problem.

We attacked the problem of inflation. I believe we did it by basic sound spending and taxing policies rather than just through a recession, although I would probably be the first to admit that the recession had a little something to do with the current rate.

The fact of the matter is that it cost you less than 4 percent per year in the inflation cost of living in this country today which is a far cry from the 14.6 percent that it cost in 1979 which meant we had to give a COLA adjustment in social security, and it went to 11.6 the following year. I will not use the real numbers the President uses, which are 20 and 25 percent rates of inflation.

We have done a lot of things that I think all of us can be proud of if we go to the American people and say that this system is changing, that the KASTENS, the DURENBERGERS, and the DOLES of this world, with their varying degree of experience in this body, have somehow been endowed with a sense that they can be trusted to turn this Government around, to do something sensible in the area of spending, to do something sensible in the area of tax policy.

That brings me to the summer of 1982, the time in which the public debate was over whether or not Reaganomics was a failure and whether or not those of us who were up for reelection in 1982 had to go down the tube along with Reaganomics.

Obviously, for those who have not really explored the issue of what is really behind the changes that have taken place in the last 2 years, the debate on Reaganomics is whether or not supply-side economics works or does not work, and supply-side economics are always equated with the tax rate reduction.

The debate, as I recall it, in the late winter, spring, and early summer of 1982 was whether or not the President was going to abandon, in the light of recession and in the light of our deficits, his commitment to tax rate reductions.

The President responded to that by saying:

I will not abandon the first year of the tax cut. I will not abandon the second year of the tax cut or the third year of the tax cut. I will not abandon indexing. Taxes are already too high. People are being taxed at the State and local levels. There are tax increases in the rates of social security. At least we owe them that rate reduction.

At the same time, he said to the chairman of the Finance Committee, to both Republicans and Democrats, "Go raise me $99 billion in revenues over the next 3 years."

We took on that challenge, and I suppose some perceived it as a challenge of preserving the second and third year of the tax cut, others saw it as preserving supply side economics, and others saw it as preserving Reaganomics.

And still others—myself included, I suppose—saw it as self-preservation. We did not want to go to the elections with high inflation, high unemployment, recession, and a variety of other things.

Something happened in the course of the debate in the Committee on Finance that I think, in the long run, has gotten lost on the American public. That is, we took a notion that the chairman and the Senator from Iowa just referred to (Mr. GRASSLEY) put forward first as tax compliance. We combined that with another notion that first appeared, I guess, at least in our current political history, in a little write-in editorial in Newsweek magazine in the fall of 1981, when somebody whose name I should remember—we all should remember—advocated a flat rate tax.

I am sure the Senator from Wisconsin and others will remember that shortly after that appeared in November 1981, every time we went home, somebody had one of those things to show us: "Flat rate tax; isn't that a great deal? What do you think of that, Senator?"

They started showing up in the mail and all over the place. But abroad in the land, for some good reason or other, was the notion that somehow or other, what we ought to do with this tax system is make sure that everybody pays a relatively similar amount of tax on a relatively similar amount of income. The notion seemed to be abroad in the land that folks, when they sit down to do their taxes every year, keep thinking about the guy next door who brags about his shelters, his loopholes, his deductions, and

his credits. Or you read Sylvia Porter and she tells you how to get your shelters, your loopholes, your deductions, and your credits. Or you read the business section of the paper and you find all those loopholes, find all those ripoffs; you read about companies that do not pay any taxes although they make all those profits. You become convinced that, somehow or other, nobody is paying into this system except you because everybody has found a way to weasel out of it.

I happen to think that that, Mr. President, is what caught the fancy of the American public. The name "flat rate tax" seemed to reflect for a lot of people fairness, equity; I will pay my taxes if the guy next door pays his taxes.

I notice when I go back home—whenever I go back home—and talk about this issue, I am always asked about flat rate taxes. I say, "What you mean is, No. 1, you would be more than willing to pay your taxes if you knew you were getting something for it in terms of public services and, No. 2, if you thought the guy next door was paying his taxes." I can see everybody's head start going up and down. Yes, that is why everybody likes the flat rate tax: Everybody pays the same percentage on income.

Mr. President, those two notions got combined in the Finance Committee discussion into something that developed as the Tax Equity and Financial Responsibility Act. It included an effort on the part of the administration, on the part of the members of the Finance Committee, and eventually on the part of the Members of the Senate to bring fairness and equity through a tax policy change and through compliance to the tax system in this country. Included in that effort was something that we are debating today, which is the withholding of tax from interest and dividends—not that it was a notion whose time had come, but because it represented to the American public the notion that if I pay my taxes, I expect the guy next door to pay his taxes as well.

I am not an expert on how well this system works and whether if you use this kind of type or that kind of form or whatever, it is going to work, But I have learned from the experience of the last 6 months that when it is explained to a lot of people out there what withholding is all about and you get beyond how much it is going to cost your banker to do it and you get beyond the notion of what information you are going to use and whether you have to apply in triplicate and whether or not you are going to have to pay a fee or get a new tax or something like that. The notion that everybody ought to pay an equivalent amount of tax on an equivalent amount of income is something that everybody in this country is able to understand. The bill as passed was a noble effort on the part of the members of this committee to design it in a way that would be as fair and as equitable to everyone involved as possible. The provision for annual withholding as opposed to quarterly was in there to be fair to the banks. The proposed exemptions, which obviously have complicated this whole system, were in there to be fair to investors, particularly those who are elderly or those who were in income brackets where just the cost of compliance as perceived by them might discourage their savings and their investment. That was the bill that we had a hard time moving out of committee and that is the bill that we had a hard time approving on the floor of the Senate. It is a bill that has proved to be of substantial difficulty for a lot of people here to date.

Mr. President, I want to make one other observation in terms of something that I have learned over the last 8 months. That is that the bankers did not create the problem that we are all facing; BOB KASTEN did not create the problem that we are facing. They anticipated the problem and, in one way or another, have taken advantage of it. I am not here today to excoriate either of my colleagues or the financial institutions in this country in that regard. It is just fair to say that, within a few days of going home after passing this bill with withholding in it, a number of my consituents asked me whether I had lost my marbles and was I not a Republican who is supposed to be for less taxing, less spending, and all that sort of thing. So the questions were there before they were raised in this multimedia advertising campaign. I have tried over a period of that time to address those questions in a wide variety of ways.

One of those ways is a rather elaborate letter that I have been sending out to my constituents when, like all of you, I can find the time, space, and manpower in my mailroom to do that. I debated a long time after the first campaign hit earlier this year and my mailroom got close to 100,000 letters. I had to make a decision whether or not I was going to fire a couple of LA's and hire a dozen mailroom folks or approach it in some other fashion.

I thought the fair thing to do was to put down something called "The Facts on Interest and Dividend Withholding," which I proceeded to do. I did a rather long piece, which is a problem right off the bat, because it is hard to assume that people are going to take the time to read what was about 3½ pages of explanation. But I set about doing it and set about responding to what became eventually somewhere between 150,000 and 200,000 brand-new correspondents to my office. I entitled it "The Facts on Interest and Dividend Withholding," and addressed a variety of subjects such as what is this tax and went on to explain that it is not a new tax. I guess everyone, despite the material they are putting out, acknowledges that it is not a new tax, but just a fair way to collect taxes. I have talked about some of that.

Then I went on to talk about why is this law necessary? I have explained in that regard that the only justification in the law can be fairness. There is no reason why some people pay taxes on their income while others in the same circumstances with the same income pay no taxes.

I go on to explain that this is especially important in these days in light of the huge budget deficits facing the Federal Government, deficits in the range of $200 billion a year for the next several years.

I am convinced, I said in my letter, that Congress will act responsibly to bring down these deficits. In particular, defense spending will take its fair share of budget cuts. However, I said, Congress must also look at the tax system with an eye to making it fairer and more efficient. We need to broaden the base of taxpayers by closing loopholes and making sure everyone pays his or her share. The interest and dividend withholding will raise an additional $11 billion over the next 3 years, a lot of it coming from people who in the past have not been paying this tax.

And I go on to raise the question to the reader: Will I be affected by the law?

I go on to explain, if you are a senior citizen, how will you be affected; if you are a low-income person, how will you be affected; if you are a small saver, how will you be affected.

I have noticed, by the way, that IRS has done a beautiful job in explaining that. I received a letter from my bank. My banker is one of those small banks that apparently has not got involved in passing out coupons, and so forth. He wrote a nice letter of explanation to all of his customers, but then he included this new IRS explanation form which just complicated the whole thing. I read through it and had to ask myself the question: Whose side is the IRS on?

In about 4 inches here in my CMS, I think I did a better job than the IRS has done in explaining to seniors, low income, small savers, and wage earners how they will be affected by this law.

Mr. President, I then want to explain to my constituents what the law is not. For example, is the Government confiscating part of my savings? And, of course, you know how I answered that.

What if the Government withholds too much? Another one is: My 12-year-old daughter saves some of the money she makes from her paper route. Will

she have to file a tax return because of this withholding?

Another is: What about the compounding effect? Will I not lose some of my income because the part that is withheld will not earn compounded interest?

Another is: Banks and other institutions already report my interest and dividend income to the Government. Is not this new law just a lot of extra paperwork?

Another is: Will it not cost my bank a lot of money to set up this system—costs that will be passed on to me?

I go on to explain a variety of those things.

The next item that I covered in the CMS was under the heading "If It's That Simple, Why Was Congress So Sneaky About the Law?"

At the time a lot of people said we were very sneaky about it, and I have already tried to indicate that I did not think we were very sneaky because folks caught me fairly quickly after we passed the bill.

I go on to explain that I am a member of the Finance Committee and how we went all about it.

Then the next one is, "All This Makes Sense, But I Thought Congress Was Supposed To Encourage Savings."

I think I have already here today tried to indicate some of the things that I feel strongly about in terms of the savings.

Now, Mr. President, what is the response to that? Some people have done similar things and then sent out little cards saying, "If you still do not believe me, check off the box and I will vote for repeal." I then decided that the majority who checked off the box after those neat explanations are going to vote for repeal. I decided I was not going to provide one of those boxes because I have to stay here doing tax policy year after year after year. And I guess while I am sensitive to everyone's reaction when given the facts, so to speak, I am also sensitive to the fact that at some point in time people in this body have a responsibility to the republican form of government in this country, to be responsive to the needs of all the people of this country, not just those who have filled out the coupons and have read the materials we sent.

But an interesting thing has occurred. I will just give you a couple of examples for the RECORD, Mr. President, of the kinds of responses that are now coming back.

I had to evaluate, when I sent this out and asked for a response, who is likely to respond. My theory, of course, from only being in the Senate for 4 years, was that folks, if they agree with you, they are not going to bother responding. But if they continue to disagree and feel strongly, of course, they are going to write back and say, "Put it in your ear," or whatever the vernacular form of expression people use.

So I was pleased without soliciting a response that a fairly substantial number of people took the time to sit down and write letters like this one which I will read part of from Thief River Falls, Minn., one of those small towns with a couple small banks:

Dear Senator DURENBERGER: I am withdrawing my plea for cancellation of the interest withholding bill that I had previously written about. The original request was sent in at the request of my banking institution. I did not know at that time that there were provisions to exempt any interest we might earn from that withholding until I received a form letter from my tax preparer, IRS Form W-6.

Apparently this guy did not even read my elaborate explanation:

My wife and I have since filled out that form and so our problem is being taken care of in the normal fashion. This provision is also available to any others who fall into a tax bracket that does not require withholding. Thank you for your time and effort on this matter in my behalf.

That is a real clutcher. Most of us do not get letters quite like that, but that is a person who took the time to write.

There is another one here obviously written by hand:

Dear Senator: Thank you for your facts on interest and dividend withholding.

He did read it, I guess:

I am sorry that I ever wrote to you about this withholding matter. It was hasty of me. I was led to do so from urgings from our savings and loan association. I see now that this withholding law is good and necessary and in our own personal case won't affect us at all. Even if it did, it would still be OK.

Last week, Mr. President, a friend of mine in Bemidji, which is another relatively small town up in very economically depressed northwestern Minnesota, came by. He was coming from one end of the hall in the Russell Building as I was coming from the other. I kept looking for some place to hide, but the only place to hide was marked "Women," and so I had to keep walking down the hall and I ran into him. He had sort of a smile on his face as he gave me the usual line about what we were doing on withholding. But then he said:

You know, to be honest with you, Dave, I have got to tell you about this fellow who came into the bank last week.

And he described the fellow as being a retired person who had a $10,000 CD and some other things. He heard about the exemptions, and so forth, and he wanted to know about the exemptions that we had provided in the law. So he explained how he could go about his exemptions. He looked at the paperwork, and he looked at what it would cost him and all this sort of thing and finally he said, "You know, Bob, why don't I just skip all this exemption stuff." He said, "I think the Government probably needs that more than I do."

But, Mr. President, the theory that I am following here, I suppose, is that while we all claim that bankers are misleading people, that may not necessarily be something you can apply to every banker.

However, the fact is that a lot of people in this country have been misled about the implications of withholding on interest and dividends.

I should like at this point to make part of the RECORD a letter from the Minnesota Department of Revenue. It reads as follows:

DEAR SENATOR DURENBERGER: This pertains to your letter dated February 4, 1983, regarding the recently enacted TEFRA legislation as it relates to the provisions on the withholding of tax at the source on interest and dividend payments. I have had the opportunity to review your Fact Sheet regarding the background and need for this legislation. We support this legislation and concur with your comments in your Fact Sheet.

It goes on at greater length, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF MINNESOTA,
DEPARTMENT OF REVENUE,
St. Paul, Minn., February 28, 1983.

Hon. DAVE DURENBERGER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DURENBERGER: This pertains to your letter dated February 4, 1983, regarding the recently enacted TEFRA legislation as it relates to the provisions on the withholding of tax at the source on interest and dividend payments. I have had the opportunity to review your Fact Sheet regarding the background and need for this legislation. We support this legislation and concur with your comments in your Fact Sheet.

As you know, the Commissioner of Internal Revenue Service, Roscoe Egger, Jr., in testifying before the House Ways and Means Committee during September, 1982, estimated that there is nearly a 100 billion dollar tax gap in lost taxes due to taxpayer noncompliance. In addition, he also testified that approximately 70 per cent of this noncompliance gap is attributable to underreporting of legal income by taxpayers who are not reporting all of their income even though they filed returns. We believe that this impact on nonreporting is also a significant noncompliance problem in the State of Minnesota. It has been our experience that, if a taxpayer does not report income for Federal tax purposes, he certainly is not reporting this same income on his State income tax return. In fact, through just informational reporting of interest and dividend income, we have detected, through IRS referrals, many wealthy individuals who have not even been filing tax returns. With the new law, the Internal Revenue Service now will not only identify these people but will have money in the bank, as with regular withholding on the salaries. The State Legislature should consider a similar law to help with its budget problems.

Estimates of the State's tax gap from nonfilers and underreporters range from $300-

$700 million per year. Because of this, the increasing tax burden shifts further to the middle class who are already paying more than their fair share.

We congratulate your efforts and those of your staff to fairly present the provisions of TEFRA to indicate that this is not a new tax but a fairer way to collect existing taxes that are not being reported or paid.

Sincerely,

GREGG C. MILLER,
Assistant Commissioner.

Mr. DURENBERGER. Mr. President, I am going to conclude my remarks. I have other things I should like to say on this subject. In the hope that I will have more opportunities during the course of this week and this debate to do so, rather than take another hour or two of the time of this body or of the principals on each side, I will just express my appreciation to the chairman of the Finance Committee for the effort he has put forth in behalf of an issue that is hard to understand and very difficult to make any substantial political gain out of.

I will conclude with my observations about tax equity and fairness. Also, I suppose it relates to the concerns we all have about the representative system of government.

As I watch my colleagues get ready for the 1984 campaign and reflect on the way in which I got ready for the 1982 campaign, I notice that the old labels of liberal and conservative are kind of out the window; and the new label, the one that seems to be working best for lots of folks on both sides of the aisle is called populist-conservatism. I would not label it a fad; it is probably a very good thing at this point in the history of this country. But it says in effect that the folks are always right, and you ought to be on the side of the folks.

It overlooks one little fact, and that is that the folks usually are right. I guess there is no question about that. But the folks also do not have to come down here and make those 200, 300, 400, 500, or 600 decisions about which they are right and balance them when they conflict as they often do. They are relatively selective today about the decisions they would like us to make and the way in which they would like us to make them.

This is not directed at the Senator from Wisconsin, for the reasons I stated earlier, but with the luxury that some have of deciding that a popular issue today may not be popular tomorrow so we had better be with it today, probably is not going to do a great deal to restore the confidence of the people of this country in the system of representative government. That confidence is clearly and totally at a low ebb, or this would not be a populist-conservative issue. This would not be the kind of thing to really turn on the people of this country.

We started last year on a very important course in tax policy in this country. Instead of raising the rates on the taxpayers of this country, we started on the course of broadening the base under the tax system.

As the chairman of the Finance Committee knows, we are approaching the point at which more money goes out through tax loopholes created by our predecessor than goes into the Treasury, and that is true for about only 15 or 25 percent of the people of this country. It is not true with the other 75 to 80 percent of the people of this country.

The process of tax equity and fairness has just barely gotten off the ground. A lot of things remain to be done. They do not all fall in the area of tax compliance. Many fall in the area of changes in the deductions and credits and so forth. That is a subject which, with the indulgence of the chairman of the Finance Committee—if this is the appropriate issue on which to do that—I should like to come back to the floor to discuss at greater length, because probably it is the most important issue facing the people of this country who want to be wage earners, who want to be interest income earners, who want to be dividend earners.

I thank the chairman of the Finance Committee for yielding to me for this opportunity.

Mr. DOLE. I thank the distinguished Senator from Minnesota for his steadfast support.

I must say that when this package was put together last year in the Senate Finance Committee, 6 of the 11 Republicans were running for reelection, including the distinguished Senator from Minnesota who has just spoken.

So it was not an easy thing to do to put together a package that would bring in $100 billion in revenue. It is not easy in any event. But in this particular case, we did a series of things which we thought brought about tax fairness. Many people who had very generous provisions in the Tax Code now have a little less generous provisions, and others who had not paid much tax at all are getting the same privilege that other Americans enjoy.

Then we did some things on the compliance side, not just withholding on dividend and interest income but some other areas, and they are all controversial. Nobody should be under any illusion. When you start making changes, when you change the status quo, it becomes very controversial. That is particularly true where you have well-organized and well-financed interest groups.

Some of our testimony indicates that many people do not file returns because they do not believe the system is fair. They believe the system benefits only upper-income Americans who can shelter their income, and the wage earners just keep paying and paying, and they do pay most of the taxes. Middle-income taxpayers bear the largest share of the tax burden. Many in the higher incomes can shelter those incomes and end up with a lower share of taxation.

There is a feeling out there that somehow the system is not fair. That leads to a lot of discussion about flat rate taxes and other ways to make the system fair—elimination of certain deductions and limited exemptions.

I must say that if there is this much difficulty in trying to get tax compliance, taxes collected that are already due, I think that about all anybody can do on the flat rate tax is to make speeches, because it is not going to happen.

We are not going to stand up here and suggest, at least this Senator is not, that we take away the mortgage interest deduction or the medical deduction or the charitable deduction or other deductions now authorized if we first cannot make certain that the taxes that are due are indeed paid.

Again, I fail to understand, from the standpoint of tax policy how there can be any doubt that the right course is the one that we pursued, the one the President supports.

Again I indicate that the President in his radio message on Saturday made a clear and convincing case and indicated also that he will veto any effort to repeal this measure. That in itself I think is encouraging. As a Republican I believe many people felt that the President would not take on the bankers or S&L executives or credit union executives because they were people who are sometimes known as rich or powerful. Some may say that this administration caters to that group—it is not an accurate perception—but it is stated from time. So they may have thought the President would back off from any confrontation with these groups.

I would say, to the President's credit, he met with three groups last week. He met with bankers and others who oppose this repeal, some who support the repeal, and some in the business community who feel it is good tax policy and we should pursue it.

If we want to start unraveling what I consider to be tax reform, tax fairness, tax equity, tax compliance, tax collection, we can make that judgment starting tomorrow. I must say however, that will not be the end of the debate, notwithstanding what happens tomorrow.

I still believe that once this matter is fully explained opinions change. I traveled in my State, attended numerous meetings where bankers and others were present. I was asked the question about matching up the returns and all these other questions

that I think deserve to be answered. But I would state for the record that in my view once the issue is understood, as it will be understood, then I foresee most of the opposition fading away.

But I believe everyone would agree that if you give people enough misinformation and only one side of the issue then ask them to make a judgment it is obvious the judgment will be in accordance with the misinformation they have been given and the one side of the issue that they have been told about.

And this Senator is experiencing a change in the mail coming to my office from people who have studied the issue. It is my hope that before we conclude, before we finally dispose of this matter, whether it is this week, next week, or a month from now, in the House of Representatives or in the Senate, whether it goes through the veto route or whatever, we will have a better understanding.

This Senator knows, and I have indicated before, the great pressures being brought to bear on all Members and I know that if we had a secret vote in this Chamber it would be one where you would have one result; whereas, obviously in a public vote it could be a different result.

But I would just quote from one letter from someone in Topeka, Kans.

I received your letter in regard to withholding on interest and dividends. Since I wrote you a form letter I have read more information on the subject and I have changed my mind. I am now in support of this legislation. I have never failed to report my interest and dividends but I feel some do. I am on a fixed income but I feel this will make everyone pay their fair share.

Thank you for the letter and the information.

I might just say that we have received dozens and dozens of letters of the same kind and we have a lot of other information we are making available for the record, but I wish to take a look at some of the forms. We are told the bankers are going to be overburdened with filling out these complicated W-6 forms and I wish to make a part of the record a number of other forms that bankers fill out on a daily basis, and I think that are much more complicated frankly than anything else.

I mentioned earlier today the so-called Visa application. Now remember on the W-6 form you only need to fill in your name, address, the State you are from, your account number, check a box and sign your name and that exemption is permanent unless it is revoked. So that is not a very complicated matter. It might take 30 seconds to fill that form out if you read it carefully.

Mr. President, I ask unanimous consent to have printed in the RECORD the W-6 form.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

[Form not reproducible in RECORD.]

Mr. DOLE. Mr. President, on the Visa application—and I do not quarrel with the banks for the questions they ask, but I think we should be certain since they talk about all the redtape, that we should understand that they have many other forms that are much more complicated and probably for good reason. First I will start with the Visa application. The name, address, telephone number, present address, if you lived their less than 2 years give former address, present employment, business address, previously employed by, coapplicant's name, coapplicant's address, if there is one, coapplicant's employment; you have to list your income, whether you have a mortgage, what kind of car you have, whether you have a Bank Americard, Master Charge, other number of cards desired, and so on and so on and on it goes.

Mr. President, I ask unanimous consent to have printed in the RECORD this one side of this Visa application.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Form not reproducible in RECORD.]

Mr. DOLE. Mr. President, then the credit unions have been great about sending in a lot of mail. Of course, they are tax exempt. They can afford to do those things. We have probably gotten as much mail from the credit unions or at least that source than any other group.

But if you are a U.S. Senate employee and you want to borrow a little money from the credit union it is a 2-page very complicated form. Now all you have to do again on withholding to be exempt is to fill out as I have indicated this very complicated W-6 form which says name, address, city and State, account number. You make one check. You sign your name and fill in the date. That is the complicated exemption form.

But on the U.S. Senate Employees Federal Credit Union loan application you are asked a number of questions and again I do not quarrel with the reason for asking all these questions but when I keep reading about all this complicated redtape that you would have to comply with to be exempt then I think we have to put it in proper perspective and the proper perspective is that these other forms are much more onerous.

Mr. President, I ask unanimous consent to have printed in the RECORD this loan application form.

There being no objection, the loan application form was ordered to be printed in the RECORD, as follows:

[Form not reproducible in RECORD.]

Mr. DOLE. Mr. President, I am certain there are not too many present who want to fill one out this evening.

If you just want to set up a new account—this is for the First Virginia Bank—it is rather complicated. You have to have your checking number, your savings number, your name, address, whether it is a joint account, social security number, date of birth, mother's maiden name, employment, position, a lot of references and things of that kind. Then they have different kinds of accounts.

That is why I cannot understand why it is complicated to take on withholding. You would think this was something that was just a big, big change in banking practices.

They have a personal checking account, a personalized checkbook; you check things you like to have, passbook savings, automatic savings, certificates of deposit, travelers check, all the different service they provide, and that is all contained in this application which I think is interesting reading.

Mr. President, I ask unanimous consent to have printed in the RECORD that material.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Form not reproducible in RECORD.]

Mr. DOLE. Mr. President, then you have the so-called American Express Gold Card that you can get from your bank, and again I ask unanimous consent to have printed in the RECORD the application portion of that form.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Form not reproducible in RECORD.]

Mr. DOLE. Mr. President, again the Senator from Kansas is not quarreling with the need for this information but again the RECORD should indicate when we talk about this little simple W-6 form we should not indicate to the American people, as has been done, that this is that complicated redtape Federal intrusion and all those things.

We will also have available tomorrow, unless we have it today, all those who collect taxes now at State, local, and Federal levels. That information will be available.

So it is not that we are asking the bank to do something that others have not done, whether it is excise tax, or user fees, or whether withholding on wages and salaries, the Federal income tax.

So I would not think the banks and S&L's and others should feel somehow there is any hostility between Congress and their particular institutions.

So, I would make those part of the RECORD.

Mr. President, again I would urge my colleagues that when the cloture vote comes tomorrow they ought to

keep in mind the amendment that will be pending, that I hope we might dispose of if cloture is not invoked, and that is the creation of a trust fund to set aside a certain portion of the money we are going to be receiving because of withholding to provide health care for the unemployed.

I want to focus on that for just a second because we tend to skip around here and sort of lose track of the problems of people in this country. The bankers may have a problem because they do not want to do this, but that is not a problem. The S&L's may have a problem because they do not want to do this, but that is not a problem. The credit unions may have a problem because they do not want to do this but that is not a problem, and do not forget that we are going to make certain they are properly paid for it. No one quarrels with their right to not want to do it. But it seems to me when we are talking about the repeal proposal we ought to be talking about how we are going to take care of those who have been out of work, have no health coverage for themselves and their families, and are looking to us for help. We have hearings scheduled for this Thursday in the Senate Finance Committee where we are going to debate whether or not there is a Federal responsibility to provide certain emergency health care coverage for families or children or wage earners, whatever and, if so, the extent of that responsibility and what we should do about it.

What I am proposing we do, on the theory we will probably adopt some legislation this year, is that we create a trust fund and that we set aside in 1984 $500 million in fiscal year 1984 and in 1985 $600 million and in 1986 $700 million to be set aside and dedicated in a trust fund for the purpose of providing benefits for unemployed workers and their families.

They have a real problem and a lot of us had problems last week when we paid our income taxes. A lot of Americans probably had to borrow money to pay their income taxes. Many other Americans maybe had to have an extension. Many others just did not file their income tax returns, in fact we are told about 5 to 6 million failed to do that.

But it would seem to me that notwithstanding all the problems that may have been associated with last Friday, April 15, that we have a problem we should address and we hope to start addressing this week in our committee, and we provide in this amendment, even though the trust fund itself is not created until fiscal year 1984, that payments may be retroactive, and if we should enact some program before October 1 this year, that amounts may be borrowed to carry out such programs and that any amounts so borrowed shall be added to the amount described in subsection (a) for fiscal year 1984.

So let us say we pass some legislation effective June 1. We borrow $100 to $150 million, that would not reduce the $500 million available in fiscal 1984. It would be added to that amount. So it is our hope we could move in that area rather quickly, and it is also my hope we might attract the attention of some of my colleagues who are not on the floor to this particular amendment.

Mr. President, so we may properly focus on this particular amendment, I would now call for the regular order and I would send to the desk——

The PRESIDING OFFICER. The regular order is the first committee amendment.

Mr. DOLE. I ask we report the first committee amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 2, line 1, strike the word "Reciprocal" and insert in lieu thereof "International."

UP AMENDMENT NO. 143

(Subsequently numbered amendment No. 1070.)

(Purpose: To finance a program of health benefits for the unemployed from additional amounts collected by withholding of tax on interest and dividends)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 143:

At the end of the word "Reciprocal", insert the following:

TITLE II—TRUST FUND FOR HEALTH BENEFITS FOR UNEMPLOYED WORKERS

SEC. 201. ESTABLISHMENT OF TRUST FUND TO FINANCE A PROGRAM OF HEALTH BENEFITS FOR UNEMPLOYED WORKERS.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as——

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the word "Reciprocal", insert the following:

"TITLE II—TRUST FUND FOR HEALTH BENEFITS FOR UNEMPLOYED WORKERS"

SEC. 201. ESTABLISHMENT OF TRUST FUND TO FINANCE A PROGRAM OF HEALTH BENEFITS FOR UNEMPLOYED WORKERS.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Unemployed Workers' Health Benefits Trust Fund', consisting of such amounts as may be appropriated or credited to the Unemployed Workers' Health Benefits Trust Fund.

"(b) TRANSFER OF CERTAIN TAXES.—

"(1) IN GENERAL.—There are hereby appropriated to the Unemployed Workers' Health Benefits Trust Fund for each fiscal year an amount equal to the lesser of—

"(A) the applicable amount, or

"(B) the increase in Federal revenues for such fiscal year allocable to the provisions of subchapter B of chapter 24.

"(2) APPLICABLE AMOUNT DEFINED.—For purposes of this subsection, the applicable amount shall be determined in accordance with the following table:

"For fiscal year:	The applicable amount is:
1984	$500,000,000
1985	600,000,000
1986	700,000,000

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, for making expenditures to meet obligations of the United States which are incurred under a Federal program providing health benefits to the unemployed.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts may be transferred to or from the Unemployed Workers' Health Benefits Trust Fund established by the amendments made by subsection (a) for fiscal years beginning after September 30, 1983 and before October 1, 1986.

(2) PAYMENTS MAY BE RETROACTIVE.—If a Federal program providing health benefits for the unemployed takes effect before October 1, 1983, amounts may be borrowed to carry out such program and funds in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, to repay any amount so borrowed, provided, however, that any amount so borrowed shall be added to the applicable amount described in subsection (a) for fiscal year 1984.

Mr. DOLE. Mr. President, I want to get the yeas and nays on this amendment. I had hoped we would have enough Members come to the floor so that we can get the yeas and nays on the amendment.

Let me again state that this does essentially what I have described earlier. It would dedicate certain amounts to a

trust fund for health care for unemployed workers and their families and defendents, an issue that I think deserves consideration.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I yield to the Senator from Rhode Island.

Mr. METZENBAUM. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. The Senator from Ohio requested the Senate to rescind a quorum call, which was granted.

UP AMENDMENT NO. 144

(Subsequently numbered amendment No. 1071.)

(Purpose: To finance a program of health benefits for the unemployed from additional amounts collected by withholding of tax on interest and dividends)

Mr. CHAFEE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island (Mr. CHAFEE) proposes an unprinted amendment numbered 144 to Mr. DOLE's unprinted amendment numbered 143.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment follows:

Strike out all after "Viz:" and insert in lieu thereof the following:

In lieu of the language proposed to be inserted, insert the following:

TITLE II—TRUST FUND FOR HEALTH BENEFITS FOR UNEMPLOYED WORKERS

SEC. 201. ESTABLISHMENT OF TRUST FUND TO FINANCE A PROGRAM OF HEALTH BENEFITS FOR UNEMPLOYED WORKERS.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1954 (relating to establishment of trust funds) is amended by adding at the end thereof the following new section:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Unemployed Workers' Health Benefits Trust Fund', consisting of such amounts as may be appropriate or credited to the Unemployed Workers' Health Benefits Trust Fund.

"(b) TRANSFER OF CERTAIN TAXES.—

"(1) IN GENERAL.—There are hereby appropriated to the Unemployed Workers' Health Benefits Trust Fund for each fiscal year an amount equal to the lesser of—

"(A) the applicable amount, or

"(B) the increase in Federal revenues for such fiscal year allocable to the provisions of subchapter B of chapter 24.

"(2) APPLICABLE AMOUNT DEFINED.—For purposes of this subsection, the applicable amount shall be determined in accordance with the following table:

"For fiscal year:	The applicable amount is:
1984	$500,000,000
1985	600,000,000
1986	700,000,000

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, for making expenditures to meet obligations of the United States which are incurred under a Federal program providing health benefits to the unemployed.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"SEC. 9504. UNEMPLOYED WORKERS' HEALTH BENEFITS TRUST FUND.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts may be transferred to or from the Unemployed Workers' Health Benefits Trust Fund established by the amendments made by subsection (a) for fiscal years beginning after September 30, 1983 and before October 1, 1986.

(2) PAYMENTS MAY BE RETROACTIVE.—If a Federal program providing health benefits for the unemployed takes effect before October 1, 1983, amounts may be borrowed to carry out such program and funds in the Unemployed Workers' Health Benefits Trust Fund shall be available, as provided by appropriation Acts, to repay any amount so borrowed, provided, however, that any amount so borrowed shall be added to the applicable amount described in subsection (a) for fiscal year 1984.

Mr. CHAFEE. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. CHAFEE. Mr. President, the Senator from Ohio (Mr. METZENBAUM) would like to be added as a cosponsor. I ask unanimous consent that the junior Senator from Ohio be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let the Senator from Kansas state how I view the amendment and how I view the issue tomorrow when we vote on cloture.

The Senator from Kansas is aware that a number of Senators have amendments they would like to propose and, of course, if cloture is invoked then only germane amendments will be in order and only if they are properly filed and timely filed.

It is the opinion of this Senator that we should address, as I have indicated before, this real problem, and perhaps address some other concerns that I know the Presiding Officer has and other Senators have with reference to withholding generally.

It is the hope of the Senator from Kansas that we will not invoke cloture tomorrow; that we will have an opportunity to debate the pending amendment and other amendments that may be offered. By invoking the regular order, we simply call forth the first committee amendment, and the Senator from Kansas has now amended the first committee amendment. An amendment in the second degree has been offered by the distinguished Senator from Rhode Island (Mr. CHAFEE).

If cloture is invoked, nothing changes. We are just back to the amendment of the Senator from Wisconsin so he has not lost anything in the process.

The Senator from Kansas has only gained what I believe to be an important focus on an important matter.

As I understood the distinguished majority leader before his departure, there was an agreement that tomorrow we should come in at 2 o'clock. Then the hour starts to run, then the quorum call, and probably the vote will come sometime between 3:15 and 3:30.

I know of no other request for speakers on this side. I do not know whether the Senator from Wisconsin has any further requests for speakers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The following proceedings occurred earlier and are printed at this point by unanimous consent:)

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. DURENBERGER. I will be glad to yield to the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that no interrup-

tion appear in the presentation of the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M. TOMORROW

Mr. BAKER. Mr. President, I have talked to the minority leader about this, to the distinguished Senator from Wisconsin, and the Senator from Kansas, and I believe there is general consensus that this is the best arrangement for the schedule of the Senate tomorrow.

Tomorrow is Tuesday and both parties will caucus with their respective Members off the floor. As has become our custom, it is best, I believe, for the Senate to stand in recess from 12 noon until 2 p.m.

In view of that, and since we had earlier expected to convene at 11 a.m., it seems that it might be just as well for the Senate to come in at 2 p.m. Therefore, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. tomorrow.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE 35TH ANNIVERSARY OF ISRAEL'S INDEPENDENCE

Mr. SPECTER. Mr. President, I rise today to offer my heartfelt congratulations to the people of Israel on the 35th anniversary of the end of British colonial rule, and the birth of the newly independent State of Israel. It was 35 years ago today that David Ben-Gurion, surely one of the greatest statesmen of the 20th century, solemnly declared the independence of the world's only Jewish state. Hours after the proclamation, the fledgling State of Israel was under attack from the surrounding Arab nations, who responded to the declaration of independence by launching a full-scale invasion, intent on strangling the state in its infancy. The ensuing war of independence continued for many torturous months, until the weary combatants accepted a cease-fire arranged by the United Nations.

Six wars and 35 years later, Israel is established in the Middle East and the world community, but a true and everlasting peace remains a cherished but elusive goal. Yesterday, Israelis observed remembrance day, in which every fallen soldier and civilian from the past string of conflicts is memorialized in thought and deed. While it is both fitting and proper to celebrate the living and the fruitful in the growing nation of Israel, I feel equally compelled to offer my fervent prayer that no more victims, Israeli, Arab or of any national origin, be added to the long list of the fallen on future remembrance days.

JOINT REFERRAL OF A BILL

Mr. DOLE. Mr. President, I ask unanimous consent that the bill introduced today by Senator HATCH, dealing with railroad retirement and railroad unemployment insurance, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of April 15, 1983, the Secretary of the Senate, on April 15, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

S. 89. An act to amend the Saccharin Study and Labeling Act;

S. 126. An act to remedy alcohol and drug abuse; and

H.J. Res. 80. Joint resolution to authorize and request the President to issue a proclamation designating April 17 through April 24, 1983, as "Jewish Heritage Week."

Under the authority of the order of the Senate of April 15, 1983, the enrolled bills and joint resolution were signed on April 15, 1983, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS PRESENTED

The Secretary reported that on April 15, 1983, he had presented to the President of the United States the following enrolled bills:

S. 89. An act to amend the Saccharin Study and Labelling Act; and

S. 126. An act to remedy alcohol and drug abuse.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Rear Adm. James R. Hogg, U.S. Navy, to be vice admiral, Vice Adm. "M" Staser Holcomb, U.S. Navy, to be reassigned in the grade of vice admiral, Adm. John G. Williams, U.S. Navy (age 58) to be placed on the retired list, Vice Adm. Edward P. Travers U.S. Navy (age 57) to be placed on the retired list, Vice Adm. Kent J. Carroll, U.S. Navy (age 56) to be placed on the retired list, Rear Adm. Neil M. Stevenson, U.S. Navy, to be Chief of Chaplains, U.S. Navy, Gen. Donn A. Starry, U.S. Army (age 57) to be placed on the retired list, Maj. Gen. John D. Bruen, U.S. Army, to be lieutenant general, Vice Adm. J. William Cox, U.S. Navy (age 54) to be placed on the retired list, in the Naval Reserve there are 11 permanent promotions to the grade of commodore (list begins with John J. Sweeney), Lt. Gen. William R. Nelson, U.S. Air Force (age 56) to be placed on the retired list, Maj. Gen. Jack I. Gregory, U.S. Air Force, to be lieutenant general, Lt. Gen. Maxwell R. Thurman, U.S. Army, to be general, Lt. Gen. Jack N. Merritt, U.S. Army, to be reassigned in the grade of lieutenant general, Lt. Gen. Richard G. Trefry, U.S. Army (age 58) to be placed on the retired list, Lt. Gen. Nathaniel R. Thompson, Jr., U.S. Army, to be reassigned in the grade of lieutenant general, Vice Adm. Ronald J. Hays, U.S. Navy, to be Vice Chief of Naval Operations and to be admiral, Rear Adm. Edward H. Martin, U.S. Navy, to be vice admiral, Rear Adm. Bernard M. Kauderer, U.S. Navy, to be vice admiral, Rear Adm. Powell F. Carter, U.S. Navy, to be vice admiral, Rear Adm. James B. Busey IV, U.S. Navy, to be vice admiral, Lt. Gen. Paul F. Gorman, U.S. Army, to be general, Lt. Gen. Wallace H. Nutting, U.S. Army, to be general, Lt. Gen Raphael D. Tice, U.S. Army (age 55) to be placed on the retired list, Lt. Gen. William J. Hilsman, U.S. Army (age 50) to be placed on the retired list, Adm. William J. Crowe, Jr., U.S. Navy, to be reassigned in the grade of admiral, Adm. William N. Small, U.S. Navy, to be reassigned in the grade of admi-

ral and Vice Adm. William H. Rowden, U.S. Navy, to be reassigned in the grade of vice admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force Reserve there are 10 promotions to the grade of lieutenant colonel (list begins with Fred E. Ellis), in the Air Force Reserve there are 30 promotions to the grade of lieutenant colonel (list begins with Lynn R. Anderson), in the Navy there are 349 promotions to the grade of captain (list begins with Donald L. Abbey) and in the Marine Corps there are 109 permanent appointments to the grade of colonel (list begins with William S. Ainsley III). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed into the RECORD of March 21 and 22, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (by request):

S. 1070. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATTINGLY:

S. 1071. A bill to amend the Congressional Budget Act of 1974 to impose limits on the amount of total budget outlays contained in concurrent resolutions on the budget; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

By Mr. PERCY (by request):

S. 1072. A bill to facilitate the adjudication of certain claims of U.S. nationals against Iran, to authorize the recovery of costs incurred by the United States nationals against Iran, and for other purpose; to the Committee on Foreign Relations.

By Mr. CHILES (for himself and Mr. THURMOND):

S. 1073. A bill to amend section 104 of the River and Harbor Act of 1958, Public Law 85-500 as amended, to increase the annual funding authority for the aquatic plant control program; to the Committee on Environment and Public Works.

By Mr. STAFFORD:

S. 1074. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1075. A bill to authorize the U.S. Army Corps of Engineers to undertake certain modifications at Abiquiu Dam in New Mexico; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 1076. A bill to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Internal Revenue Code of 1954 to provide adequate levels of railroad retirement and unemployment insurance benefits on an actuarially sound and fiscally responsible basis, and for other purposes; to the Committee on Finance and the Committee on Labor and Human Resources, jointly, by unanimous consent.

By Mr. BAUCUS:

S. 1077. A bill to amend the Congressional Budget Act to limit the growth of Federal taxation and spending and to achieve balanced budgets, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. MATHIAS:

S. 1078. A bill to establish conditions for the relocation of professional sports teams, to clarify the application of the antitrust laws, and to require notification to affected communities and employees of relocation of professional sports teams; to the Committee on the Judiciary.

By Mr. KENNEDY:

S. 1079. A bill to amend the National Labor Relations Act to authorize the Secretary of Labor to prohibit awarding of Federal contracts to persons who have violated certain judicial orders or orders issued by the National Labor Relations Board; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (by request):

S. 1070. A bill to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions; to the Committee on Agriculture, Nutrition, and Forestry.

QUARANTINES UNDER EXTRAORDINARY EMERGENCY CONDITIONS

● Mr. HELMS. Mr. President, at the request of the Secretary of Agriculture, I introduce a bill that would expand the powers of the Secretary of Agriculture following his declaration of an extraordinary emergency due to the existence of any dangerous, communicable disease of livestock or poultry that would constitute a threat to the livestock or poultry of the United States.

While the Secretary is authorized to declare such an extraordinary emergency and to take specified actions when he finds that a State or other jurisdiction is not taking adequate measures to control any such disease, the Department of Agriculture presently does not have authority to prevent the intrastate movement of animals, animal carcasses, animal products, or articles in such an emergency situation, unless the Secretary finds that the animals are or have been affected with or exposed to such a disease and that the carcasses, products, and articles were so related to such animals as to be likely to be a means of disseminating such disease. In such case, he may seize, quarantine, and dispose of the particular animals, carcasses, products, or articles involved.

The legislation would give the Secretary of Agriculture authority to quarantine specific localities and control the intrastate movement of animals, their carcasses, and related products, and articles which are not necessarily found to be affected with or exposed to any dangerous communicable disease of livestock and poultry. The Secretary believes that such authority would make it possible for the Department of Agriculture to implement effective quarantine controls in preventing inadvertent intrastate spread of such a disease from affected localities.

Mr. President, I ask unanimous consent that the transmittal letter from the Secretary of Agriculture as well as the text of the bill be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 2, 1962 (21 U.S.C. 134a(b)), is amended by striking out the colon in the first sentence of section 2(b) and everything thereafter to the end of the subsection and inserting in lieu thereof the following: ", and the Secretary may prohibit or regulate the movement within the State or other jurisdiction involved, of animals, animal carcasses, products and articles as the Secretary deems necessary in order to prevent the dissemination of any such disease or to eradicate any such disease or to otherwise protect the livestock or poultry of the United States: *Provided,* That such action may be taken under this subsection only if the Secretary finds, after review of measures taken by the State or other jurisdiction and after consultation with the Governor, that the measures being taken are inadequate. Before any action is taken in any State or other jurisdiction under this subsection, the Secretary shall notify the Governor of the State or other jurisdiction, shall issue a public announcement and shall file a statement for publication in the Federal Register of the action the Secretary intends to take, together with the findings and reasons therefor: *Provided,* That if it is not possible to make such a filing with the Federal Register prior to taking action, the filing shall be made within a reasonable time not to exceed five business days, after commencement of the action. If the Secretary wishes to change any action previously taken under this subsection, the Secretary shall follow the procedures set forth in the preceding sentence.".

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 7, 1983.

Hon. GEORGE BUSH,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the Congress is a draft bill "To amend the Act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions."

The Department of Agriculture recommends enactment of the draft legislation.

The bill would expand the powers of the Secretary after he had declared an extraordinary emergency due to the existence of any dangerous, communicable disease of livestock or poultry that constitutes a threat to the livestock or poultry of the United States. Subsection (b) of section 2 of the Act of July 2, 1962 (76 Stat. 129; 21 U.S.C. 134a(b)) authorizes the Secretary to declare such an extraordinary emergency and take specified actions when he finds that a State or other jurisdiction is not taking adequate measures to control any such disease. The Department presently does not have authority to prevent the intrastate movement of animals, animal carcasses, animal products, or articles in such an emergency situation, unless the Secretary finds that the animals are or have been affected with or exposed to such a disease and that the carcasses, products, and articles were so related to such animals as to be likely to be a means of disseminating such disease. Then he may seize, quarantine and dipose of the particular animals, carcasses, products, or articles involved.

Authority is needed to quarantine specific localities and control the intrastate movement of animals, their carcasses, and related products and articles which are not necessarily found to be affected with or exposed to any dangerous communicable disease of livestock and poultry. This authority would make it possible for the Department to implement the most effective quarantine controls to prevent the inadvertent intrastate spread of such a disease from affected localities. Uncontrolled movements of livestock and poultry into affected areas can hamper control and eradication efforts by increasing the population of exposed animals needing treatment. The outbreak of exotic velogenic viscerotropic Newcastle disease (VVND) in Southern California in 1971-73, and the outbreaks as recent as March and April of 1980 in California, Virginia, and Pennsylvania, clearly demonstrated the need for such authority.

The proposed legislation does not significantly affect the quality of the human environment.

An identical letter has been sent to the Speaker of the House.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.●

By Mr. MATTINGLY:

S. 1071. A bill to amend the Congressional Budget Act of 1974 to impose limits on the amount of total budget outlays contained in concurrent resolutions on the budget; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

LIMITS ON TOTAL BUDGET OUTLAYS

Mr. MATTINGLY. Mr. President, I rise today to introduce two proposals. The first one will amend the 1974 Budget Act to require spending as a percentage of the gross national product be reduced 1 percent per year until outlays are 19 percent of the gross national product.

Second, I am offering an amendment (No. 1067) to Senate Joint Resolution 5, the constitutional amendment to balance the Federal budget, to require a like reduction in spending as a percentage of the gross national product.

Mr. President, Federal spending is out of control. While some boast of the fact that the growth in Federal spending has been slowed, the problem of excessive Federal spending has not been addressed. To demonstrate the severity of the problem one only has to look at the administration's fiscal year 1984 budget request, a so-called budget freeze. The administration's proposal calls for outlays from 1983 to 1988 as follows: $805 billion; $848 billion; $919 billion; $990 billion; $1,058 billion; $1,127 billion. I find it hard to believe that this can be labeled controlling Federal expenditures.

It is for this reason that I have introduced these two measures. Congress does not have the will nor the desire to control its out-of-control spending habits. Therefore, it is imperative that we tie the hands of Congress by mandating that Federal spending be brought under control.

I might point out that the problem of increasing Federal deficits is not the result of a lack of revenues. To the contrary, revenues are projected to increase year after year. Nevertheless, spending is increasing at a greater pace. If we do not address this problem in the near future, runaway Federal spending will create continued intolerable deficits which will eventually choke off the economic recovery which has begun.

Mr. President, I personally am not locked in concrete as to whether Federal spending control should be done by statute or a constitutional amendment. I will leave this decision to the Congress. However, out of control Federal spending must be addressed, and the two proposals I am introducing are intended to do so.

Some will question why I have chosen reducing Federal spending over the long run to 19 percent of gross national product. Historically, economic data indicates that the greatest economic growth since World War II has occurred when spending as a percentage of gross national product was at 19 percent. Moreover, during that period, interest rates and the rate of inflation were at low levels.

These proposals will not require Federal spending to be drastically reduced overnight. As I stated earlier, Federal spending as a percentage of gross national product would be reduced 1 percentage point each year until outlays are at 19 percent of gross national product.

Mr. President, only by controlling Federal spending can we return to a healthy economy composed of reduced Federal deficits, low inflation, and low interest rates. I ask my colleagues to support me in my effort to bring Federal spending under control.

By Mr. PERCY (by request):

S. 1072. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States nationals against Iran, and for other purposes; to the Committee on Foreign Relations.

IRAN CLAIMS ACT

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill concerning certain claims of U.S. nationals against Iran.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Acting Assistant Secretary of State for Congressional Relations to the President of the Senate dated April 1, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Iran Claims Act".

RECEIPT AND DETERMINATION OF CERTAIN CLAIMS

SEC. 2. (a) The Foreign Claims Settlement Commission of the United States is hereby authorized to receive and determine, in accordance with the provisions of title I of the International Claims Settlement Act of 1949, the validity and amounts of claims by nationals of the United States against Iran which are settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order, the terms of any settlement agreement, the relevant provisions of the Declarations of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretations thereof by the Iran-United States Claims Tribunal, and applicable principles of international law, justice and equity.

(b) The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) of this section in accordance with section 5 of title I of the International Claims Settlement Act of 1949. Such awards shall be paid in accordance with sections 7 and 8 of that title, except that—

(1) the Secretary of the Treasury is authorized to make payments pursuant to section 8(c)(1) in the amount of $10,000 or the principal amount of the award, whichever is less; and

(2) the Secretary of the Treasury is authorized to deduct pursuant to section 7(b) an amount equal to 2 per centum, instead of 5 per centum, of payments made pursuant to section 8(c).

DEDUCTIONS FROM ARBITRAL AWARDS

SEC. 3. (a) Except as provided in section 4, whenever the Federal Reserve Bank of New York shall receive an amount from the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981, in satisfaction of an award rendered by the Iran-United States Claim Tribunal in favor of a United States national, the Federal Reserve Bank of New York shall deduct from the amount so received an amount equal to two per centum thereof as reimbursement to the United States Government for expenses incurred by the Departments of State and the Treasury, the Federal Reserve Bank of New York, and other agencies in connection with the arbitration of claims of United States nationals against Iran before the Iran-United States Claims Tribunal.

(b) Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be deposited in the Treasury to the credit of miscellaneous receipts.

(c) Nothing in this section shall be construed to affect the payment to United States nationals of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts specified in subsection (a).

(d) This section shall be effective as of June 7, 1982.

EN BLOC SETTLEMENT

SEC. 4. The deduction by the Federal Reserve Bank of New York provided for in section 3(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 2(b) of this Act.

REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK

SEC. 5. The Secretary of the Treasury is hereby authorized to reimburse the Federal Reserve Bank of New York for expenses incurred by the Bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

CONFIDENTIALITY OF RECORDS

SEC. 6. Notwithstanding the provisions of the Freedom of Information Act, section 552 of title 5, United States Code, records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal shall be prohibited from disclosure to the general public except that:

(1) rules, awards, and other decisions of the Tribunal and claims and responsive pleadings filed at the Tribunal by the United States on its own behalf shall be made available to the public unless the Secretary of State or his designee determines that disclosure would be contrary to the national interest; and

(2) The Secretary of State or his designee may determine on a case-by-case basis to make such information available when in his judgment the interests of justice requires.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED IRAN CLAIMS ACT

I. INTRODUCTION

The proposed legislation (hereinafter referred to as "the Bill") contains authority for certain actions by the Foreign Claims Settlement Commission, the Department of the Treasury, the Federal Reserve Bank of New York and the Department of State in implementation of the Algiers Accords of January 19, 1981, which achieved the release of the American hostages from Iran.

Specifically, the Bill authorizes the Foreign Claims Settlement Commission to adjudicate claims by United States nationals against Iran in the event that they are settled by agreement between the United States and Iran. It also authorizes the Secretary of the Treasury to make payments in satisfaction of the Commission's determinations. It provides authority and procedures for reimbursement to the United States Government of expenses incurred by the Departments of State and the Treasury, the Federal Reserve Bank of New York and other agencies for the benefit of U.S. nationals who obtain arbitral awards against Iran from the Iran-United States Claims Tribunal. Finally, the Bill would allow the Secretary of State to maintain the confidentiality of certain records of the Department of State pertaining to the arbitration of claims before the Iran-United States Claims Tribunal.

The Algiers Accords consisted primarily of two "declarations" by the Government of Algeria which were adhered to by the United States and Iran. The first of these (the "General Declaration") provided *inter alia* for the revocation of sanctions, the transfer of certain Iranian financial assets and property, and the nullification of certain claims and attachments through reference to binding arbitration in accordance with the second declaration (the "Claims Settlement Agreement"). The General Declaration also provided for the establishment of a Security Account, funded from transferred Iranian assets at an initial level of $1 billion, to secure the payment of arbitral awards against Iran. Iran is obliged to replenish the Security Account whenever the payment of claims causes it to fall below $500 million. The Claims Settlement Agreement provided for the establishment of an Iran-United States Claims Tribunal at The Hague to decide, *inter alia*, claims by nationals of the United States against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The expenses of the Tribunal are borne equally by the Governments of Iran and the United States.

In accordance with the Claims Settlement Agreement, claims of U.S. nationals against Iran for less than $250,000 each are to be presented to the Tribunal by the United States Government rather than by the claimants themselves. The Bill would authorize the Foreign Claims Settlement Commission and the Department of the Treasury respectively to adjudicate and pay these "small" claims in the event that Iran and the United States agree to settle them rather than to arbitrate them before the Tribunal.

Under implementing agreements signed on August 17, 1981, by the Federal Reserve Bank of New York as Fiscal Agent of the United States, Bank Markazi Iran, Banque Centrale d'Algerie as escrow agent and the Dutch Central Bank and its subsidiary depositary bank, arbitral awards rendered by the Tribunal against Iran in favor of U.S. nationals will be certified for payment by the Tribunal and paid from the Security Account to the Federal Reserve Bank of New York. The Bill would authorize the reimbursement to the United States Government of expenses incurred in connection with the Tribunal and the Security Account by deducting two per cent from each amount received from the Security Account for payment to a U.S. national in satisfaction of a Tribunal award.

The question of further distribution of the amounts received by the New York Federal Reserve Bank is not addressed in the relevant agreements. Under the proposed legislation, these amounts will be transmitted directly to the U.S. national in whose favor an award has been made immediately and without any additional deduction.

The Department of State is charged with implementing the Claims Settlement Agreement of the Algiers Accords. The Department monitors Tribunal activities, analyzes Iranian factual and legal arguments, and prepares factual and legal materials to support U.S. Government and U.S. claimants' positions. As the legal representative of 2,795 small claimants, the Department collects all the information necessary to prepare and present their claims before the Tribunal. The Department also represents the United States Government at the Tribunal, filing claims on its behalf and responding to claims filed against it by the Government of Iran. Finally, the Department identifies common legal issues and coordinates the presentation by large and small private claimants and by the Government of such issues before the Tribunal. Under the proposed legislation, the Department will be able to protect records which may be used by our adversaries against the Government or against U.S. claimants at the Tribunal. At the same time, the Department will be able to work with claimants and legal scholars in order to achieve a favorable resolution of U.S. claims pending before the Tribunal.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This section states that the Bill may be cited as the "Iran Claims Act".

Section 2. Receipt and Determination

This section authorizes the Foreign Claims Settlement Commission of the United States, a component of the Department of Justice, to adjudicate claims of U.S. nationals against Iran in the event that they are settled as between Iran and the United States.

Under the Claims Settlement Agreement, claims of U.S. nationals which are, in the aggregate, for less than $250,000 each (the "small" claims) are to be presented to the Iran-United States Claims Tribunal by the United States Government rather than the claimants themselves. Prior to the January 19, 1982 deadline, some 2,795 small claims

were filed by the Department of State with the Tribunal. Arbitration of such a large number of small claims would place a severe burden on the Tribunal. The United States has proposed to Iran that such claims be settled on a lump-sum (or *en bloc*) basis. If such a settlement were negotiated, the amount received in discharge of the claims thereby settled would be distributed among individual claimants on the basis of adjudication by the Foreign Claims Settlement Commission.

Subsection (a) makes clear the authority of the Commission to adjudicate the claims on the basis of title I of the International Claims Settlement Act of 1949, as amended, in the event of a settlement. The precise nature of a settlement cannot be predicted. To ensure consistency of result regardless of the form it takes, the Commission is directed to apply the terms of any settlement agreement, relevant provisions of the Algiers Accords, giving consideration to interpretations thereof by the Tribunal, and the applicable principles of international law, justice and equity.

Subsection (b) also directs the Commission to certify its awards under section 5 of the International Claims Settlement Act to the Secretary of the Treasury for payment in accordance with the provisions of sections 7 and 8 of that Act. Section 8(c)(1) currently limits the initial payment which the Secretary of the Treasury may make on account of an award to the amount of $1,000 or the principal amount of the award, whichever is less. Subsection (b)(1) of the Bill authorizes the Secretary of the Treasury to make such payments to successful claimants up to the amount of $10,000 or the principal amount of the award, whichever is less. Payments on the unpaid balance of awards in excess of $10,000 would thereafter be made in accordance with the existing provisions of Section 8(c) of title I of the International Claims Settlement Act, i.e., from time to time on a pro rata basis in the same proportion as the total amount available for distribution bears to the aggregate unpaid balance of principal or interest of all such awards. Section 7(b) of the International Claims Settlement Act currently reimburses the Government in the amount of 5 per centum of payments made under section 8(c)(1). Subsection (b)(2) reduces this recovery to 2 per centum to eliminate the disparity in the amount deducted from awards rendered by the Tribunal and those rendered by the Commission.

Section 3. Deductions from Arbitral Awards

This section, consisting of four subsections, establishes the basic structure for effecting reimbursement of the expenses incurred by the U.S. Government on behalf of U.S. claimants in connection with the Iran-United States Claims Tribunal and the Security Account. Those expenses include both the U.S. contribution to the Tribunal for its capital and operating expenses (which are borne equally by Iran and the United States) and the U.S. share of the management fees associated with the Security Account, as well as the costs incurred by U.S. Government agencies and the Federal Reserve Bank in connection with U.S. participation in the Tribunal.

Subsection (a) generally directs the Federal Reserve Bank of New York to deduct the reimbursement from each payment received from the Security Account in satisfaction of an arbitral award, including any interest thereon, by the Tribunal in favor of a U.S. claimant. Thus, reimbursement is collected only from those claimants who avail themselves of the Tribunal, receive a favorable award and are paid from the Security Account. Those claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government.

This subsection establishes the amount of the deduction at two percent of the amount received by the Federal Reserve Bank. It is expected that the total amount of Tribunal awards in favor of U.S. nationals will exceed $4 billion and that Iran will fulfill its obligation to replenish the Security Account whenever the balance therein falls below $500 million. The deduction would therefore obtain reimbursement for the United States of at least $80 million. That amount is estimated to be sufficient to meet the anticipated costs, both direct and indirect, of U.S. participation in the Tribunal.

Subsection (b) provides that the amounts deducted for reimbursement to the Government of its expenses shall be covered into the miscellaneous receipts of the Treasury. The agencies incurring expenses for the operations of the Tribunal will not be able to use any of these funds. Rather, the agencies will be responsible for justifying to the Congress appropriations in amounts necessary to pay their expenses.

Subsection (c) makes clear that the authority to make the deductions provided by this section does not otherwise affect the distribution of amounts received by the Federal Reserve Bank in satisfaction of awards by the Tribunal. After the two percent deduction is made, the balance of the award will be transmitted in full and at once to the successful claimant.

Subsection (d) establishes June 7, 1982 as the effective date of this section. On that date, the Treasury Department issued a directive license authorizing the Federal Reserve Bank of New York to deduct two percent of each amount received in satisfaction of an award of the Tribunal and to pay the balance immediately thereafter to the awardee without further deduction or alteration. Monies so deducted have been deposited in the general funds miscellaneous receipts. This subsection is intended to ratify the Treasury Department's action in issuing the directive license.

Section 4. En Bloc Settlement

Section 4 provides an exception to the requirement for a two percent deduction in the case of any amount received by the Federal Reserve Bank in satisfaction of a settlement of claims of U.S. nationals which are to be adjudicated by the Foreign Claims Settlement Commission. Section 2(b)(2) of the Bill separately provides for a two percent deduction from each payment by the Department of the Treasury as reimbursement for U.S. Government expenses in the case of claims decided by the Foreign Claims Settlement Commission. In the absence of the exception provided in this section of the Bill, therefore, U.S. nationals with claims against Iran which were adjudicated by the Foreign Claims Settlement Commission rather than the Tribunal could be subjected to duplicative deductions from their awards—first by the Federal Reserve Bank under section 3(a), and second by the Treasury Department under section 2(b)(2) of the Bill.

Section 5. Reimbursement to the Federal Reserve Bank

This section authorizes the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses in acting as Fiscal Agent of the United States pursuant to its Fiscal Agency Agreement with the Treasury dated August 14, 1981, in connection with banking arrangements which implement the Algiers Accords. These expenses of the Federal Reserve Bank of New York have been taken into account in the establishment of the level of reimbursement to be deducted from awards under section 3(a) of the Bill. The section is intended to clarify the authority of the Secretary of the Treasury to make such reimbursements in the context of this arbitration, rather than rely on the more general authority of section 1023 of title 31 of the United States Code.

Section 6. Confidentiality of Records

This section would allow the Secretary of State to maintain the confidentiality of Department of State records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal by exempting these records from the Freedom of Information Act. The majority of claims pending before the Tribunal have been brought by United States nationals against the Government of Iran, seeking billions of dollars in compensation for losses suffered as a result of the revolution in Iran. Pursuant to the Tribunal's own rules of Procedure, pleadings and other materials filed by claimants are not publicly available. Most claimants also treat materials concerning their claims as confidential.

The Department of State plays a unique role in the arbitration of claims before the Iran-United States Claims Tribunal. Through the Office of the Legal Adviser and the U.S. Agent at the Tribunal, the Department acts as the legal representative of the United States Government and of the 2,795 United States nationals whose claims are for less than $250,000 each. In order to provide proper representation, the Department monitors Tribunal activities, analyzes Iranian factual and legal arguments, and prepares memorials and other legal submissions in support of U.S. positions. It is thus in a unique position to assist the 600 or so United States nationals with claims of $250,000 or more in presenting their claims directly to the Tribunal by serving as a clearinghouse for information on Tribunal development and by coordinating the presentation of U.S. positions before the Tribunal.

The disclosure provisions of the Freedom of Information Act impair the Department's ability to carry out these vital functions, inhibiting the flow of information to and from the Department. Private claimants cannot be assured that the Department will be able to protect confidential information which they provide either in support of their claim or their legal positions; release of certain information may jeopardize the safety of certain claimants or their relatives or the ability of the claimant to settle his claim; and documents received on a basis of confidentiality fromn the Tribunal, unless classified, may be required to be disclosed to the public. In addition, the Department risks being found to have made a public disclosure of its proposed positions and arguments whenever it seeks to coordinate with a group of claimants.

Paragraph (1) of the Bill requires the Department to make available to the public claims and responsive pleadings filed at the Tribunal on behalf of the U.S. Government as well as awards, rules, and other decisions of the Tribunal. The Department, however, would be able to respect the Tribunal's policy of confidentiality for certain types of

information. For example, under the Tribunal's Rules of Procedure, a claimant may request that an award not be made public or that only portions of the award from which the identity of the parties, other indentifying facts and trade secrets have been deleted be made public. The Secretary of State would be authoized under this paragraph to withhold from publication those portions excised by the Tribunal.

Paragraph (2) of the Bill allows the Secretary of State to make records pertaining to the arbitration of claims at the Iran-United States Claims Tribunal available on a case-by-case basis after he determines that in special circumstances justice requires such disclosure.

Insofar as an individual's files are concerned, the Privacy Act remains applicable.

DEPARTMENT OF STATE,
Washington, D.C., April 1, 1983.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: I transmit herewith a bill to authorize various agencies of the Executive Branch to take certain actions in furtherance of the settlement of claims between United States nationals and the Government of Iran pursuant to the Algiers Accords of January 19, 1981. The proposed legislation would authorize the Foreign Claims Settlement Commission to adjudicate a number of such claims and would permit the Federal Reserve Bank of New York to recover certain costs incurred by the United States Government in connection with the arbitration of other claims before the Iran-United States Claims Tribunal at The Hague. The bill would also authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses as fiscal agent of the United States in the implementation of the hostage release agreements. It would also allow the Secretary of State to maintain the confidentiality of Department of State records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal. The steps authorized by the proposed legislation will facilitate the claims settlement process contemplated by those agreements. This bill was introduced by request in the 97th Congress as S. 2967 but no action was taken on it.

Under the Algiers Accords which led to the release of the 52 American hostages in Tehran, the United States and Iran agreed among other things to refer certain claims of U.S. nationals against Iran to binding arbitration before a newly created arbitral body, the Iran-United States Claims Tribunal. Some of those claims had been pending in U.S. courts and had been the subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages had been released, the United States revoked the regulatory authority for those attachments and injunctions, thus rendering them null and void. Following an intensive review of the Accords by the Administration, litigation involving claims which might be presented to the Tribunal was suspended by Executive Order No. 12294, issued on February 24, 1981. That action, and steps taken by the previous Administration in implementation of the hostage release agreements, were upheld by the United States Supreme Court in its decision in *Dames & Moore v. Regan* on July 2, 1981.

Under the Accords, the Iran-United States Claims Tribunal is charged with deciding the claims of U.S. nationals against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The Tribunal, whose members include three appointed by the United States, three by Iran, and three third-country arbitrators, has been established at The Hague in the Netherlands and is beginning to adjudicate the several thousand claims filed before it by the January 19, 1982 deadline. The Accords provide that the Tribunal shall decide all cases on the basis of respect for law, and that its decisions shall be final and binding. The Accords also provide that the Tribunal's awards shall be enforceable in the courts of any national in accordance with its laws.

To help assure payment of awards of the Tribunal in favor of U.S. nationals, some of whom had been successful in obtaining attachments against Iranian assets and property in the United States, a Security Account was also established at a depositary bank of the Netherlands. The Account was funded at an initial level of $1 billion from certain Iranian assets and properties in the United States. Under the Accords, Iran has an obligation to replenish the Security Account whenever payments to successful U.S. claimants cause it to fall below $500 million.

The Accords provide that the claims of U.S. nationals against Iran for less than $250,000 each (the "small" claims) are to be presented to the Tribunal by the Government of the United States, while U.S. nationals with claims of $250,000 or more represent themselves directly. Following an extensive registration program, the Department of State filed some 2,795 "small" claims with the Tribunal on January 18, 1982. The adjudication of such a large number of "small" claims represents an enormous undertaking for the Tribunal which could delay the disposition of hundreds of "large" claims of U.S. nationals. The United States has proposed to Iran that the small claims be settled through negotiation of an en bloc settlement. If a satisfactory settlement can be negotiated, the "small" claims would then have to be individually adjudicated. The enclosed draft bill would authorize the Foreign Claims Settlement Commission to decide claims thus settled in accordance with the provisions and procedures of the International Claims Settlement Act of 1949, as amended, subject to the provisions of the relevant claims settlement agreements. This explicit authorization is necessary to clarify the Commission's ability to adjudicate the claims under Title I of the International Claims Settlement Act. Payment of the Commission's awards would be made in accordance with the provisions of that Act, except that the Secretary of the Treasury would be authorized to make initial payments in the amount of up to $10,000, as opposed to the lesser amounts currently provided by law and to deduct two percent, rather than the five percent currently provided by law.

Any claims of U.S. nationals, whether "large" or "small", which are not settled will be adjudicated by the Tribunal. Under the Claims Settlement Agreement, the expenses of the Tribunal are borne equally by the Governments of the United States and Iran. To date, the Tribunal has been operating on a relatively modest budget, the majority of expenses having been incurred in connection with organizational matters, the establishment of a Registry, and the hiring of essential staff, including the translators and interpreters necessary to conduct the proceedings in both English and Farsi. As it proceeds to adjudicate claims and render awards, its operating expenditures and therefore the required U.S. contributions will increase. In addition, the Departments of State and Treasury, the Federal Reserve Bank of New York, and other agencies of the United States Government have incurred direct and indirect expenses in connection with the establishment and organization of the Tribunal. These expenses will also increase as the adjudication of claims goes forward.

In addition to United States contributions to the Tribunal, providing a forum for hearing and deciding the claims of United States nationals, the United States Government provides many valuable services to United States claimants, such as the service of documents and the presentation of positions and supporting legal arguments on major issues of common interest. The proposed legislation would require successful claimants to help bear the costs of these Government services to or on behalf of the claimants.

The bill would permit the Government to recover a portion of its expenses by authorizing the Federal Reserve Bank of New York to deduct an amount equal to two percent of any payment from the Security Account in satisfaction of an award of the Tribunal in favor of a U.S. national. The amounts thus deducted will be covered into the miscellaneous receipts of the Treasury as reimbursement to the Government of the expenses it has incurred in connection with the operations of the Tribunal. The agencies incurring those expenses will not directly benefit from the deduction, but will continue to be responsible for justifying to the Congress appropriations necessary to pay their expenses. The reimbursement will be collected only from those U.S. claimants who avail themselves of the Tribunal, receive a favorable award, and are paid from the Security Account. Claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government. The bill also provides that once the deduction has been made, payments to U.S. claimants will be made directly without further delay or any additional deductions. Pursuant to a directive license issued by the Treasury Department on June 7, the Federal Reserve Bank of New York has been making deductions, and depositing the proceeds into miscellaneous receipts, from accounts received to date in satisfaction of awards of the Tribunal. The bill would ratify this action retroactively.

The bill includes two technical sections intended (a) to preclude duplicate deductions from payments to claimants with "small" claims which are adjudicated by the Foreign Claims Settlement Commission and (b) to authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for expenses it has incurred as fiscal agent of the United States in implementation of the Algiers Accords.

Finally, the bill resolves a dilemma created by the requirements of the Freedom of Information Act. In order to obtain the most favorable resolution of both private and public U.S. claims before the Iran-United States Claims Tribunal, the Department of State needs to be able to collect information from U.S. claimants and share information with them. Such cooperation and coordination is impaired by the absence of specific legislation on public disclosure. The proposed legislation would provide appropriate rules for the records of the Department of State pertaining to arbitration of claims before the Tribunal.

The claims settlement process put in motion by the Algiers Accords represents one of the largest and most significant efforts of its type in recent U.S. or international practice. It includes the claims of thousands of U.S. nationals, involving billions of dollars in debts, contracts, investments, and other commercial relationships interrupted by the Islamic Revolution in Iran. The successful and expeditious resolution of those claims remains an important objective of the Administration's foreign policy. This bill would contribute significantly to these ends and I urge its early passage.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ALVIN P. DRISCHLER,
Acting Assistant Secretary for Congressional Relations.●

By Mr. CHILES (for himself and Mr. THURMOND):

S. 1073. A bill to amend section 104 of the River and Harbor Act of 1958, Public Law 85-500 as amended, to increase the annual funding authority for the aquatic plant control program; to the Committee on Environment and Public Works.

AQUATIC PLANT CONTROL PROGRAM

● Mr. CHILES. Mr. President, today I am introducing legislation which would increase the limitation on appropriations for the Army Corps of Engineers aquatic plant control program (APCP). Congress established this continuous Federal-State cost-sharing program in 1965—under provisions of the Rivers and Harbors Act, Public Law 89-298—to help States deal with their aquatic weed problems. At the present time 14 States participate in the program and receive Federal research and operational assistance to supplement their efforts in meeting problems caused by aquatic weed infestations. Under this program, the U.S. Army Corps of Engineers provides a reimbursement of approximately 70 percent, the remaining 30 percent provided through either State or local funds.

In 1965 it was estimated that the annual cost of carrying out such a weed control program would not exceed $5 million, and so under the APCP authorization the corps' budget is limited to $5 million a year. In 1965, four States—Florida, Louisiana, Texas, and Alabama—participated in the program, receiving assistance in their fight against the aquatic weed waterhyacinth. Since 1965, however, not only has the cost associated with weed infestations increased, but more States are now experiencing the problems associated with weed infestations as a result of new weed species being introduced and the rapid spread of aquatic weed problems.

The $5 million funding ceiling set by Public Law 89-298 was set when waterhyacinth was the only aquatic plant under the aquatic plant control program and the problem was limited to the Southeastern United States. The introduction of other exotic weeds into the program has changed this situation. Hydrilla and Erasian watermilfoil have both been added to the program in Florida and appear to be expanding into other States. Unlike waterhyacinth, these plants are able to survive northern winters which has increased their rate of spread to other parts of the country. The following table shows States affected by aquatic plants, the plants and the program development stage:

State and plants	*Stage* [1]
Florida:	
Waterhyacinth	O
Hydrilla	O
Water lettuce	O
Eurasian watermilfoil	O
Limnophila	O
Cabomba	O
Louisiana:	
Waterhyacinth	O
Hydrilla	O
Water lettuce	O
Texas:	
Waterhyacinth	O
Hydrilla	I
Alabama:	
Waterhyacinths	O
Hydrilla	O
Eurasian watermilfoil	O
Giant cutgrass	O
Georgia:	
Waterhyacinth	P
Egeria	P
Lyngbya (algae)	P
Mississippi:	
Hyrilla	O
Eurasian watermilfoil	O
Puerto Rico: Waterhyacinth	O
Oklahoma: Eurasian watermilfoil	I
California:	
Waterhyacinths	P
Hydrilla	I
Eurasian watermilfoil	I
Oregon: Eurasian watermilfoil	P
North Carolina: Hydrilla	I
South Carolina: Hydrilla, egeria	P
Delaware:	
Hydrilla	I
Lyngbya (algae)	I
Maryland: Hydrilla	I
Minnesota: Eurasian watermilfoil	P
Arizona: Eurasian watermilfoil	I
New York: Water chestnut	O
Washington: Eurasian watermilfoil	O
Vermont: Eurasian watermilfoil	P
New Jersey: Eurasian watermilfoil	I
Michigan: Eurasian watermilfoil	I

[1] Stage: I—Plants have been introduced, but no planning effort initiated with corps or plants not yet in waters eligible under APCP; P—Planning underway for an operational program; and O—Operational program underway.

Source: U.S. Army Corps of Engineers, March 1983.

Mr. CHILES. Mr President, in the past incidences of aquatic week infestations have been considered State, or at best, regional programs, but there are weeds in our country now that have the potential of becoming serious problems nationwide. Each year more lakes, rivers, and streams become clogged with weed pests which seriously affect water sports, recreation, industry, and irrigation in light of the scope and size of the national weed infestation problem, it is necessary to review the statutory limit on appropriations for the corps' aquatic weed program.

The bill I am introducing today increases the limit on appropriations from $5 million to $10 million. I hope the Senate will adopt this increase in an effort to assist States in meeting the problem posed by aquatic weed infestations.●

Mr. THURMOND. Mr. President, I rise today to join my colleague, Senator CHILES, in introducing a bill to amend section 104(b) of the River and Harbor Act of 1958. That section presently authorizes annual appropriations of $5 million to the Corps of Engineers for control of aquatic weeds. The bill which we are introducing today would double that figure, so that $10 million could be made available to the corps for this purpose.

Growth of aquatic weeds is fast becoming a major problem and a serious obstacle to the use and enjoyment of many of our valuable water resources. In my home State of South Carolina, a noxious plant called hydrilla adversely affects the use of surface waters by interfering with navigation, clogging municipal and industrial water intakes, impeding water flow, contributing to flooding, and affecting water quality. This aquatic plant, with its rapid growth, also threatens the environmental balance of the lakes through which it is spreading.

Almost all of the current $5 million authorization is spent on weed control programs in the three States which have, in the past, had the most serious aquatic weed problems. It is important that we take steps now to control these aquatic weeds wherever they are growing, and prevent them from spreading further. That will necessarily require an increase in funding and is the reason why we are sponsoring this legislation today.

One of the strongest, and most ardent supporters in my State of an expanded program of aquatic weed control has been the distinguished Speaker of our State House of Representatives, Ramon Schwartz, Jr. Through several discussions, including a trip to Washington, Speaker Schwartz has been instrumental in apprising me of the scope of our aquatic weed problem and has been most dedicated to protecting our lakes against the spread of hydrilla and other aquatic weeds. I commend Speaker Schwartz for his efforts toward this goal.

Mr. President, I strongly urge my colleagues to join in support of this measure, which is vitally important to all whose waters may be impacted by aquatic weed problems.

By Mr. STAFFORD:

S. 1074. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes; to the Committee on Environment and Public Works.

RAILROAD RETIREMENT LEGISLATION

● Mr. STAFFORD. Mr. President, the Railroad Retirement System of this Nation is in serious jeopardy.

Between July 1981 and January 1983, employment in the railroad industry plummeted from 514,000 to 388,000—a 25-percent reduction. That drop in employment has, in effect, wiped out the benefits realized by the changes in the retirement system enacted in 1981.

One of the 1981 amendments requires the Railroad Retirement Board to cut benefits to retirees when the Board projects that its income will not meet its expenses. As a result of this mandate, the Board has notified the Congress and the President of the United States, that as of October 1983, benefits will be cut to retirees by 40 percent. By October 1984, benefits will be cut by 80 percent, unless Congress acts.

At the beginning of this year, the leadership of both Houses requested representatives of management and labor in the railroad industry to see if they could develop a plan to save the system. After intensive and difficult negotiations, they presented a plan embodied in a bill introduced in the House as H.R. 1646, and which I introduce here today with the purpose of beginning our search for a solution. According to the technical experts at the Railroad Retirement Board and at the Congressional Budget Office, the provisions of this bill should see the system through the next decade and beyond even if railroad employment drops as low as 340,000 employees.

The provisions of this bill make changes in four major categories.

First, it adjusts certain benefits to produce the greatest savings to the system while having the least effect upon retirees and other beneficiaries to the fund.

Second, it increases taxes upon both the employees and the carriers.

Third, it appropriates to the trust fund sufficient funds to finance the dual benefit provisions Congress enacted and unemployment insurance payments borrowed from the fund.

Fourth, it permits the trust fund to obtain moneys owed it by social security on a current basis.

According to the Congressional Budget Office, if the cuts proposed by the Railroad Retirement Board pursuant to the requirements of section 22 of the Railroad Retirement Act take place, railroad retirees will lose some $5.14 billion in benefits over the next 5 years.

If section 22 were repealed as proposed by the bill, that amount would, of course, show up as a deficit figure in the unified budget. The benefit adjustment and tax provisions of the bill would have a cumulative effect on the unified budget of only $334 million.

Even this amount will not be a cash drain on the U.S. Treasury since it will be paid through the financial interchange arrangement now in effect by law between the railroad retirement trust fund and social security.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Retirement Solvency Act of 1983".

TITLE I—BENEFIT ADJUSTMENTS

SEC. 101. (a) Section 3(a) of the Railroad Retirement Act of 1974 is amended—

(1) by amending subdivision (2) to read as follows:

"(2) For purposes of this subsection, individuals entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) of this Act shall be deemed to be entitled to a disability insurance benefit under section 223 of the Social Security Act."; and

(2) by adding at the end thereof the following new subdivision:

"(3) In lieu of an annuity amount provided under subdivision (1), the annuity of an individual entitled to an annuity under paragraph (ii) of section 2(a)(1) of this Act which begins to accrue before the individual attains age 62 shall be in an amount equal to—

"(i) for each month prior to the first month throughout which the individual is age 62, a monthly rate of $550 in the case of an individual whose annuity begins to accrue before January 1, 1984, or, in the case of an individual whose annuity begins to accrue on or after January 1, 1985, the monthly rate applicable in the calendar year before the calendar year in which the individual's annuity begins to accrue multiplied by the ratio of (A) the average of the total wages (as defined in regulations of the Secretary of the Treasury and computed without regard to the limitations specified in section 209(a) of the Social Security Act or section 3(j) of this Act) reported to the Secretary of the Treasury or such Secretary's delegate for the calendar year two years before the calendar year in which the individual's annuity begins to accrue to (B) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or such Secretary's delegate for the calendar year three years before the calendar year in which the individual's annuity begins to accrue, with such product, if not a multiple of $1, being reduced to the next lower multiple of $1; and

"(ii) for months beginning with the first month throughout which the individual is age 62, the amount (after any reduction on account of age but before any deductions on account of work) of the old-age insurance benefit or disability insurance benefit to which such individual would have been entitled under the Social Security Act if all of such individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act.".

(b) Section 4(a) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "spouses" in subdivision (2) and inserting in lieu thereof "if an individual is entitled to an annuity under paragraph (ii) of section 2(a)(1) of this Act which did not begin to accrue before such individual attained age 62, the spouse of such individual"; and

(2) by adding at the end thereof the following new subdivisions:

"(3) In the case of an individual entitled to an annuity under section 2(a)(1)(ii) of this Act which began to accrue before such individual attained age 62, the annuity of the spouse of such individual under section 2(c) of this Act shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to—

"(i) for each month prior to the first month throughout which both the individual and the spouse are age 62, 50 per centum of that portion of the individual's annuity as is, or was prior to such individual's attaining age 62, computed under section 3(a)(3)(i) of this Act; and

"(ii) for months beginning with the first month throughout which both the individual and the spouse are age 62, the amount (after any reduction on account of age based on the spouse's age at the time the amount under this paragraph first becomes payable but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act if the individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act.

"(4) In the case of an individual entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) of this Act, the annuity of the spouse of such individual entitled to an annuity under section 2(c)(1)(ii)(B) of this Act shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to the amount (after any reduction on account of age but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act if the individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act. For purposes of this subdivision, spouses who have not attained age 62 shall be deemed to have attained age 62.".

(c) The amendments made by this section shall become effective on July 1, 1983, and shall apply only with respect to awards in cases where the individual's application was filed on or after that date or where the individual's annuity under section 2(a)(1) of the Railroad Retirement Act of 1974 began to accrue on or after that date.

SEC. 102. (a) Section 3(g) of the Railroad Retirement Act of 1974 is amended to read as follows:

"(g)(1) Effective with the date of any increase after calendar year 1982 in monthly insurance benefits under the Social Security Act which occurs, or which would have occurred had there not been a general benefit increase under that Act, pursuant to the automatic cost-of-living provisions of section

215(i) of that Act, that portion of the annuity of an individual which is computed under subsection (b) of this section shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue on or before the effective date of a particular increase under this subdivision, be increased by 32.5 per centum of the percentage increase in the unadjusted Consumer Price Index which is used, or which would have been used had there not been a general benefit increase under the Social Security Act, in increasing benefits under the Social Security Act pursuant to the automatic cost-of-living provisions of section 215(i) of that Act.

"(2) The first and, if necessary, the second time after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of an individual which is computed under subsection (b) of this section as increased under subdivision (1) of this subsection shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue in or before the year in which such first increase under the Social Security Act became effective, be reduced by the dollar amount by which that portion of the annuity provided such individual under subsection (a) of this section was increased, after any reduction under subsection (m) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such individual under subsection (a), as reduced under subsection (m), prior to such first increase.".

(b) Section 4(d) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following new subdivisions:

"(2) That portion of the annuity of the spouse of an individual as is determined under subsection (b) of this section prior to any determination under subsection (c) of this subsection shall, if the annuity of such spouse is not subject to reduction under subdivision (3) of this subsection, be reduced by an amount equal to 45 per centum of the dollar amount by which the annuity of the individual was reduced under section 3(g)(2) of this Act.

"(3) The first and, if necessary, the second time after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of the spouse of an individual as is determined under subsections (b), (c), and (d)(1) of this section shall, if such spouse's annuity under section 2(c) of this Act began to accrue in or before the year in which such first increase under the Social Security Act became effective, be reduced by the dollar amount by which that portion of the annuity provided such spouse under subsection (a) of this section was increased, after any reduction under subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such spouse under subsection (a), as reduced under subsection (i), prior to such first increase.".

(c) Section 4(g) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new subdivisions:

"(7) The first and, if necessary, the second time after January 1, 1983, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of a survivor of a deceased individual as is determined under subdivisions (1) and (2) of this subsection, or under section 4(g) of this Act as in effect before amendment by section 1118(g) of Public Law 97-35, shall, if such survivor's annuity under section 2(d) of this Act began to accrue before the effective date of such first increase under the Social Security Act, be reduced by the dollar amount by which that portion of the annuity provided such survivor under subsection (f) of this section was increased, after any reduction under subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such survivor under subsection (f), as reduced under subsection (i), prior to such first increase.

"(8) That portion of the annuity of a survivor of a deceased individual as is determined under section 4(g) of this Act as in effect before amendment by section 1118(g) of Public Law 97-35 shall, if the annuity of such survivor is not subject to reduction under subdivision (7) of this subsection, be reduced by an amount equal to 50 per centum of the dollar amount by which the annuity of the deceased individual was reduced under section 3(g)(2) of this Act.".

(d) The amendments made by this section shall be effective on the date of the enactment of this Act. For purposes of the amendments made by subsection (a) of this section, annuity portions computed under subsections (b) and (d) of section 3 of the Railroad Retirement Act of 1974 as in effect before October 1, 1981, shall be treated as having been computed under subsection (b) of such section as in effect after that date.

SEC. 103. (a) Section 5(a) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "An annuity" at the beginning and inserting in lieu thereof "Subject to the limitations set forth below, an annuity";

(2) by amending paragraphs (ii) and (iii) to read as follows:

"(ii) in the case of an applicant otherwise entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) or under section 2(d)(1)(i) on the basis of disability, not earlier than the later of (A) the first day of the sixth month following the onset date of the disability for which such annuity is awarded or (B) the first day of the twelfth month before the month in which the application therefor was filed;

"(iii) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1), 2(c), or 2(d) where paragraph (ii) does not apply, not earlier than the latest of (A) the first day of the sixth month before the month in which the application therefor was filed, (B) the first day of the month in which the application therefor was filed if the effect of beginning such annuity in an earlier month would result in a greater age reduction in the annuity, unless beginning the annuity in the earlier month would enable an annuity under section 2(c) which is not subject to an age reduction to be payable in such earlier month, (C) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1) or 2(c), the date following the last day of compensated service of the applicant, or (D) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1) or 2(c), the first day of the first month throughout which the applicant meets the age requirement for the annuity applied for;" and

(3) by adding at the end thereof the following new sentence: "For the purpose of determining annuity amounts provided under sections 3(a), 4(a), and 4(f) of this Act, the provisions with respect to the beginning dates of annuities set forth in this subsection shall be deemed to govern the beginning dates of monthly benefits provided under the Social Security Act.".

(b) The amendments made by this section shall become effective on July 1, 1983, and shall apply only with respect to annuities awarded on the basis of applications filed on or after that date.

SEC. 104. (a) Clause (B) of section 2(d)(1)(iii) of the Railroad Retirement Act of 1974 is amended to read as follows: "(B) will be less than nineteen years of age and a full-time elementary or secondary school student,".

(b) Section 2(d)(4) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "full-time student" each place it appears and inserting in lieu thereof "full-time elementary or secondary school student";

(2) by striking out "educational institution" each place it appears and inserting in lieu thereof "elementary or secondary school";

(3) by striking out "twenty-two" in the fourth sentence and inserting in lieu thereof "nineteen"; and

(4) by striking out "degree from a four-year college or university" and inserting in lieu thereof "diploma or equivalent certificate from a secondary school (as defined in section 202(d)(7)(c)(i) of the Social Security Act)".

(c) Section 5(c)(7) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "full-time student" and inserting in lieu thereof "full-time elementary or secondary school student"; and

(2) by striking out "22" and inserting in lieu thereof "19".

(d) The amendments made by this section shall be effective with respect to annuities accruing for months after the month in which this Act is enacted except in the case of a child who has attained the age of eighteen in or before the month in which this Act is enacted and is entitled to an annuity under section 2(d) of the Railroad Retirement Act of 1974 for the month in which this Act is enacted or, if earlier, for the month of April 1983.

SEC. 105. (a) Section 22 of the Railroad Retirement Act of 1974 is repealed.

(b) The repeal made by this section shall take effect on the date of the enactment of this Act.

TITLE II—REVENUE INCREASES

SEC. 201. EMPLOYEE TAX.

Subsection (a) of section 3201 of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended to read as follows:

"(a) TIER II TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of so much of the compensation paid in any calendar month to such employee for services rendered by him as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable percentage'

means the percentage determined in accordance with the following table:

"For the period—		The applicable percentage is—
Beginning on	Ending on	
October 1, 1981	June 30, 1984	2.00
July 1, 1984	June 30, 1985	2.75
July 1, 1985	June 30, 1986	3.50
July 1, 1986		4.25

"(B) APPLICATION TO PERIOD.—For purposes of subparagraph (A), the percentage applicable to any period shall apply to compensation paid for services rendered during such period.

"(C) CROSS REFERENCE.—For potential adjustment to rates after June 30, 1986, see section 3233."

SEC. 202. TAX ON EMPLOYERS.

Subsection (a) of section 3221 of the Internal Revenue Code of 1954 (relating to rate of tax on employers) is amended to read as follows:

"(a) TIER II TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of so much of the compensation paid in any calendar month by such employer for services rendered to him as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined in accordance with the following table:

"For the period—		The applicable percentage is—
Beginning on	Ending on	
October 1, 1981	June 30, 1984	11.75
July 1, 1984	June 30, 1985	12.75
July 1, 1985	June 30, 1986	13.75
July 1, 1986		15.25

"(B) APPLICATION TO PERIOD.—For purposes of subparagraph (A), the percentage applicable to any period shall apply to compensation paid for services rendered during such period.

"(C) CROSS REFERENCE.—For potential adjustment to rates after June 30, 1986, see section 3233.

"(3) APPLICATION OF TAX WHERE EMPLOYEE IS PAID BY MORE THAN ONE EMPLOYER.—

"(A) LIMITATION.—If an employee is paid compensation by more than one employer for services rendered during any calendar month, the tax imposed by this section shall apply to not more than an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month of the aggregate compensation paid to such employee by all such employers for services rendered during such month.

"(B) LIABILITY FOR TAX.—Each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him to the employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer to such employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month.

"(C) AGREEMENTS.—Where compensation for services rendered in a month is paid an employee by two or more employers, one of the employers who has knowledge of such joint employment may, by proper notice to the Secretary, and by agreement with such other employer or employers as to settlement of their respective liabilities under this section and section 3202, elect for the tax imposed by section 3201 and this section to apply to all of the compensation paid by such employer for such month as does not exceed the maximum amount of compensation in respect to which taxes are imposed by such section 3201 and this section; and in such case the liability of such other employer or employers under this section and section 3202 shall be limited to the difference, if any, between the compensation paid by the electing employer and the maximum amount of compensation to which section 3201 of this section apply.

"(4) SPECIAL RULE.—In the case of an employer described in the fourth sentence of section 3231(a), paragraph (2)(A) shall be applied by substituting a rate which is 5.25 percentage points less than the otherwise applicable rate."

SEC. 203. TAX ON EMPLOYEE REPRESENTATIVES.

(a) IN GENERAL.—Subsection (a) of section 3211 of the Internal Revenue Code of 1954 (relating to tax on employee representatives) is amended by striking out "11.75 percent" and inserting in lieu thereof "the applicable percentage determined under section 3221(a)(2)".

(b) TECHNICAL AMENDMENT.—The last sentence of section 230(c) of the Social Security Act is amended by striking out "the 11.75 percent rate specified therein" and inserting in lieu thereof "the applicable percentage referred to therein".

SEC. 204. ADJUSTMENTS TO TIER II TAX RATES AFTER JUNE 30, 1986.

(a) IN GENERAL.—Subchapter D of chapter 22 of the Internal Revenue Code of 1954 (relating to general provisions) is amended by redesignating section 3233 as section 3234 and by inserting after section 3232 the following new section:

"SEC. 3233. ADJUSTMENTS TO TIER II TAX RATES AFTER JUNE 30, 1986.

"(a) IN GENERAL.—The 1985 tier II rate shall apply to the 12-month period beginning on July 1 of any calendar year after 1985 if with respect to such calendar year the Secretary of the Treasury determines that—

"(1) there has been no increase in the tier II benefit deficit in accordance with subsection (b), and

"(2) the average Account balance meets the requirements of subsection (c).

"(b) NO INCREASE IN TIER II BENEFIT DEFICIT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to a calendar year only if—

"(i) there is no tier II benefit deficit for the first preceding calendar year, or

"(ii) if there is a tier II benefit deficit for the first preceding calendar year, such deficit is less than the tier II benefit deficit for the second preceding calendar year.

"(B) BENEFIT DEFICIT.—For purposes of subparagraph (A), the term 'tier II benefit deficit' means the excess of tier II benefits paid during the calendar year over the tier II taxes deposited into the Railroad Retirement Account during such year.

"(c) AVERAGE ACCOUNT BALANCE REQUIREMENTS.—The requirements of this paragraph are met with respect to a calendar year only if the average Account balance for the first preceding calendar year exceeds—

"(1) the average Account balance for the second preceding calendar year, and

"(2) an amount equal to 25 percent of the benefits paid from such Account during such first preceding calendar year.

"(d) DEFINITIONS.—For purposes of this section—

"(1) TIER II BENEFIT.—

"(A) IN GENERAL.—The term 'tier II benefit' means any benefit paid from the Railroad Retirement Account other than social security equivalent benefit.

"(B) SOCIAL SECURITY EQUIVALENT BENEFIT.—For purposes of subparagraph (A), the term 'social security equivalent benefit' means any amount paid under section 3(a), 4(a), or 4(f) of the Railroad Retirement Act of 1974 but only to the extent such amount does not exceed the amount which would be paid under the Social Security Act if—

"(i) service as an employee after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act, and

"(ii) the Railroad Retirement Act of 1974 had not been enacted.

"(2) TIER II TAXES.—The term 'tier II taxes' means the taxes imposed by sections 3201(a), 3221(a), and so much of the tax imposed by sections 3211(a) as is determined by reference to the applicable percentage under section 3221(a).

"(3) AVERAGE ACCOUNT BALANCE.—The term 'average Account balance' means for any calendar year the average of the balances in the Railroad Retirement Account as of the close of each month during such year.

"(4) 1985 TIER II RATES.—The term '1985 tier II rates' means the rates of the tier II taxes applicable to the period beginning on July 1, 1985, and ending on June 30, 1986.

"(5) 1986 TIER II RATES.—The term '1986 tier II rates' means the rates of the tier II taxes applicable (without regard to this section) to the period beginning on July 1, 1986.

"(6) RAILROAD RETIREMENT ACCOUNT.—The term 'Railroad Retirement Account' means the Railroad Retirement Account under section 15 of the Railroad Retirement Act of 1974.

"(e) SPECIAL RULES.—

"(1) CONSULTATION WITH RAILROAD RETIREMENT BOARD, ETC.—The determination under subsection (a) for any calendar year shall be made not later than April 1 of such year and after consultation with the Railroad Retirement Board. Any such determination shall be published in the Federal Register.

"(2) APPLICATION OF RATE TO PERIOD.—For purposes of subsection (a), the rate applicable to any period shall apply to compensation paid for services rendered during such period.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 22 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 3233. Adjustments to tier II tax rates after June 30, 1986.
"Sec. 3234. Short title."

SEC. 205. TAXATION OF RAILROAD RETIREMENT BENEFITS.

(a) ONLY SOCIAL SECURITY EQUIVALENT BENEFITS TAXED LIKE SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any inclusion in income under chapter 1 of the Internal Revenue Code of 1954 of social security benefits shall apply only to railroad retirement benefits which are social security equivalent benefits.

(2) SOCIAL SECURITY EQUIVALENT BENEFITS.—For purposes of this section, the term "social security equivalent benefits" means any amount paid under—

(A) section 3(a), 3(h), 4(a), 4(e), 4(f), or 4(h) of the Railroad Retirement Act of 1974, or

(B) section 204(a)(3), 204(a)(4), 206(3), or 207(3) of Public Law 93-445.

(b) TIER II BENEFITS TAXED AS BENEFITS RECEIVED UNDER EMPLOYER PLANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any benefit paid under the Railroad Retirement Act of 1974 (other than a social security equivalent benefit) shall be treated under the Internal Revenue Code of 1954 as a benefit paid from an employer plan.

(2) SPECIAL RULES.—For purposes of paragraph (1)—

(A) the tax imposed by section 3201(a) of such Code (relating to tax on employees) shall be treated as an employee contribution,

(B) the tax imposed by section 3221(a) of such Code (relating to tax on employers) shall be treated as an employer contribution, and

(C) so much of the tax imposed by section 3211(a) of such Code (relating to tax on employee representatives) as is determined by reference to the applicable percentage under section 3221(a) of such Code shall be treated as an employee contribution.

(c) RAILROAD RETIREMENT BOARD TO INFORM BENEFIT RECIPIENTS, ETC., OF TAX TREATMENT OF BENEFITS.—The Railroad Retirement Board shall (at the times and in the manner prescribed by the Secretary of the Treasury or his delegate)—

(1) file such returns with the Secretary of the Treasury or his delegate, and

(2) furnish such statements to the recipients of benefits paid under the Railroad Retirement Act of 1974,

as may be necessary to carry out the purposes of this section.

(d) REVENUE INCREASES TRANSFERRED TO RAILROAD RETIREMENT ACCOUNT.—

(1) IN GENERAL.—There are hereby appropriated to the Railroad Retirement Account amounts equivalent to the aggregate increase in tax liabilities under chapter 1 of the Internal Revenue Code of 1954 which is attributable to the application of subsections (a) and (b).

(2) TRANSFERS.—The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1). Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) REVENUE INCREASES FROM SUPPLEMENTAL ANNUITIES NOT INCLUDED.—Paragraph (1) shall not apply to tax liabilities attributable to supplemental annuities paid under section 2(b) of the Railroad Retirement Act of 1974.

SEC. 206. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to compensation paid for services rendered after June 30, 1983.

(b) SECTION 204.—The amendments made by section 204 shall take effect on the date of the enactment of this Act.

(c) SECTION 205.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, section 205 shall apply to benefits received after December 31, 1983, in taxable years ending after such date.

(2) TREATMENT OF CERTAIN LUMP-SUM PAYMENTS RECEIVED AFTER DECEMBER 31, 1983.—Section 205(a) shall not apply to any portion of a lump-sum payment received after December 31, 1983, if the generally applicable payment date for such payment was before January 1, 1984.

(3) TRANSITIONAL RULE.—For purposes of applying section 72 of the Internal Revenue Code of 1954 (relating to annuities; certain proceeds of endowment and life insurance contracts) to any amount included in income by reason of section 205(b) of this Act—

(A) the annuity starting date shall be not earlier than January 1, 1984, and

(B) no amount paid before such date shall be taken into account.

TITLE III—BORROWING AUTHORITY ADJUSTMENTS

SEC. 301. (a) Section 7(c) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new subdivision:

"(4) After the end of each month beginning with the month of October 1983, the Board shall determine the net amount, if any, which if added to or subtracted from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund would, with respect to such month, place those Trust Funds, taken as a whole, in the same position in which they would have been if (A) service as an employee after December 31, 1936, had been included in the term 'employment' as defined in the Social Security Act and in the Federal Insurance Contributions Act, and (B) this Act had not been enacted. If for any month the net amount so determined would be subtracted from those Trust Funds, the Board shall, within ten days after the end of such month, report such amount to the Secretary of the Treasury for transfer from the general fund to the Railroad Retirement Account. Any amount so reported shall further include interest (at an annual rate equal to the rate of interest borne by a special obligation issued to the Railroad Retirement Account in the month in which the transfer is made to the Account) payable from the close of the month for which the transfer is made until the date of transfer. The Secretary of the Treasury is authorized and directed to transfer to the Railroad Retirement Account from the general fund such amounts as, from time to time, may be determined by the Board pursuant to the provisions of this subdivision and reported by the Board for transfer. For such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued after the date of the enactment of this Act under section 3102 of title 31 of the United States Code, and the purpose for which securities may be issued under section 3102 of title 31 of the United States Code are extended to include such purpose. Each such transfer shall be made by the Secretary of the Treasury within five days after a report of the amount to be transferred is received. Not later than December 31 following the close of each fiscal year beginning with the fiscal year ending September 30, 1984, the Board shall certify to the Secretary of the Treasury the total of all amounts transferred pursuant to the provisions of this subdivision for months in such fiscal year. Within ten days after a transfer, or transfers, pursuant to subdivision (2) for a particular fiscal year, the Board shall request the Secretary of the Treasury to retransfer from the Railroad Retirement Account to the general fund an amount equal to (A) the total of all amounts, exclusive of interest, transferred to such Account pursuant to the provisions of this subdivision for months in such fiscal year, plus (B) interest (at the rate determined in subdivision (3) for such fiscal year) payable with respect to each amount transferred for a month during such fiscal year from the close of the month for which the transfer of the amount was made until the date of retransfer of such amount. The Secretary of the Treasury is authorized and directed to retransfer from the Railroad Retirement Account to the general fund such amounts as, from time to time, may be determined by the Board pursuant to the provisions of the preceding sentence of this subdivision and reported by the Board for retransfer.".

(b) Subsection (b) of section 15 of the Railroad Retirement Act of 1974 is amended to read as follows:

"(b) In addition to the amount appropriated in subsection (a) of this section, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1975, such amount as the Board determines to be necessary to meet (A) the additional costs, resulting from the crediting of military service under this Act, of benefits payable under section 2 of this Act, but only to the extent that such Account is not reimbursed for such costs under section 7(c)(2), (B) the additional administrative expenses resulting from the crediting of military service under this Act, and (C) any loss in interest to such Account resulting from the payment of additional benefits based on military service credited under this Act: *Provided, however,* That, in determining the amount to be appropriated to the Railroad Retirement Account for any fiscal year pursuant to the provisions of this subsection, there shall not be considered any costs resulting from the crediting of military service under this Act for which appropriations to such Account have already been made pursuant to section 4(l) of the Railroad Retirement Act of 1937. Any determination as to loss in interest to the Railroad Retirement Account pursuant to clause (C) of the first sentence of this subsection shall take into account interest from the date each annuity based, in part, on military service began to accrue or was increased to the date or dates on which the amount appropriated is credited to the Account. The

cost resulting from the payment of additional benefits under this Act based on military service determined pursuant to the preceding provisions of this subsection shall be adjusted by applying thereto the ratio of the total net level cost of all benefits under this Act to the portion of such net level cost remaining after the exclusion of administrative expenses and interest charges on the unfunded accrued liability as determined under the last completed actuarial valuation pursuant to the provisions of subsection (g) of this section. At the close of the fiscal year ending June 30, 1975, and each fiscal year thereafter, the Board shall, as promptly as practicable, determine the amount to be appropriated to the Account pursuant to the provisions of this subsection, and shall certify such amount to the Secretary of the Treasury for transfer from the general fund in the Treasury to the Railroad Retirement Account. When authorized by an appropriation Act, the Secretary of the Treasury shall transfer to the Railroad Retirement Account from the general fund in the Treasury such amounts as, from time to time, may be determined by the Board pursuant to the provisions of this subsection and certified by the Board for transfer to such Account. In any determination made pursuant to section 7(c)(2) of this Act, no further charges shall be made against the Trust Funds established by title II of the Social Security Act for military service rendered before January 1, 1957, and with respect to which appropriations authorized by clause (2) of the first sentence of section 4(l) of the Railroad Retirement Act of 1937 shall have been credited to the Railroad Retirement Account, but the additional benefit payments incurred by such Trust Funds by reason of such military service shall be taken in account in making any such determination.".

(c)(1) The amendment made by subsection (a) of this section shall be effective on October 1, 1983.

(2) The amendments made by subsection (b) of this section shall be effective on the date immediately following the day in June 1984 when the total amount of money outstanding to the Railroad Retirement Account under section 15(b)(2) of the Railroad Retirement Act of 1974 is retransferred to the general fund under that section.

SEC. 302. (a) Subsection (d) of section 10 of the railroad Unemployment Insurance Act is amended to read as follows:

"(d) Whenever the Board finds at any time that the balance in the railroad unemployment insurance account will be insufficient to pay the benefits and refunds which it estimates are due, or will become due, under this Act, it shall apply for an advance to the account from the Federal unemployment account in the Unemployment Trust Fund in the manner specified in section 1201 of the Social Security Act with respect to the Governor of a State. An advance on the basis of such an application shall be made to the railroad unemployment insurance account from the Federal unemployment account in the same manner, and subject to the same conditions (other than the conditions regarding repayment), as if the application had been made by the Governor of a State under section 1201 of the Social Security Act and the railroad unemployment insurance account were an account of a State within the meaning of such section 1201. In addition, an advance shall be made to the railroad unemployment insurance account from the Federal unemployment account on October 1, 1983, in an amount sufficient to pay the total amount due the Railroad Retirement Account from the railroad unemployment insurance account as computed under this section as in effect prior to its amendment in 1983. Immediately upon the receipt of the amount of such advance in the railroad unemployment insurance account, the Board shall request the Secretary of the Treasury to transfer such amount from the account to the Railroad Retirement Account, and the Secretary shall make such transfer. The purposes for which appropriations to the Federal unemployment account are authorized by section 1203 of the Social Security Act are hereby extended to include the purposes of this section. Advances made to the railroad unemployment insurance account from the Federal unemployment account pursuant to this section shall be repayable (including interest at the rate payable for advances to accounts of States under section 1201 of the Social Security Act) in the manner provided herein. The Board may at any time request the Secretary of the Treasury to transfer from the railroad unemployment insurance account to the Federal unemployment account such sums as are specified in such request in repayment of part or all of the balance of the advances previously made to the railroad unemployment insurance account from the Federal unemployment account under this section, and the Secretary shall promptly transfer the amounts requested in reduction of such balance.".

(b) The amendments made by this section shall become effective on October 1, 1983, except that a request for an advance to the railroad unemployment insurance account from the Federal unemployment account, the transfer of the amount of which would be made, in whole or in part, on or after October 1, 1983, may be made by the Board, and if so made shall be processed, in accordance with section 10(d) of the Railroad Unemployment Insurance Act as amended by this section at any time after the enactment of this Act.

TITLE IV—OTHER AMENDMENTS

SEC. 401. (a) Section 15(d) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking out "one-twelfth of the amount which the Board has determined will be the amount of the appropriation to be made to the Dual Benefits Payments Account under the applicable Public Law making such appropriation for such fiscal year, and the Secretary shall make such transfer." from the third sentence and inserting in lieu thereof the following: "the amount that the Board estimates will be necessary to pay on the first day of the next succeeding month the annuity amounts under sections 3(h), 4(e) and 4(h) of this Act and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445, taking into account any reduction in such annuity amounts as determined under section 7(c)(1) of this Act, and the Secretary of the Treasury shall make such transfer, but at no time shall the total amount of money outstanding to the Dual Benefits Payments Account from the Railroad Retirement Account exceed the amount necessary to pay the annuity amounts under sections 3(h), 4(e) and 4(h) of this Act and sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445 for one month."; and

(3) by adding at the end the following new subdivisions:

"(2) The Secretary of the Treasury—

"(i) shall transfer from the general fund as a loan to the Board on July 1, 1984, one-third of the special amount described in subdivision (3) of this subsection;

"(ii) shall transfer from the general fund as a loan to the Board on July 1, 1985, one-third of the special amount described in subdivision (3) of this subsection, plus an amount equal to the interest that one-third would have earned had it been in the Railroad Retirement Account since July 1, 1984; and

"(iii) shall on July 1 of the first year after 1985 with respect to which a determination is made under section 3233 of the Internal Revenue Code of 1954 transfer from the general fund as a loan the final one-third of the special amount described in subdivision (3) of this subsection, plus an amount equal to the interest that one-third would have earned had it been in the Railroad Retirement Account since July 1, 1984.

"(3) The special amount referred to in subdivision (2) of this subsection is the amount which, as of July 1, 1984, would place the Railroad Retirement Account in the same position it would have been on that date if the appropriations made to such Account for the period beginning January 1, 1975, and ending on September 30, 1980, under the authorization for appropriations in section 15(d) of this Act, as in effect before October 1, 1981, had been equal to the amounts of annuities paid during such period under sections 3(h), 4(e), and 4(h) of this Act and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445.

"(4) For the purposes of subdivision (2) of this subsection, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities issued after the date of the enactment of this Act under section 3102 of title 31 of the United States Code and the purposes for which securities may be so issued are extended to include such purposes.

"(5) The amounts transferred as loans under subdivision (2) of this subsection shall be repaid to the general fund to the extent sums are appropriated for that purpose, and there are hereby authorized to be appropriated, in addition to any other sums authorized to be appropriated for the purposes of this Act and from any sums in the Treasury not otherwise appropriated, such sums as may be necessary to make such repayments.".

(b) The amendments made by this section shall be effective upon enactment.

SEC. 402. (a) Section 1(h)(6) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out paragraph (ii); and

(2) by renumbering paragraphs (iii), (iv), (v), (vi), and (vii) thereof as (ii), (iii), (iv), (v), and (vi), respectively.

(b) Section 1(j) of the Railroad Unemployment Insurance Act is amended by striking out "(i)" and all that follows through "(ii)".

(c) The amendments made by this section shall apply to compensation paid for services rendered after June 31, 1983.

SEC. 403. (a) Section 1(h) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new subdivision:

"(7) The term 'compensation' includes any separation allowance or subsistence allowance paid under any benefit schedule provided under section 701 of title VII of the Regional Rail Reorganization Act of 1973 and any termination allowance paid under section 702 of that Act. The total amount of any subsistence allowance paid under a benefit schedule provided pursuant to section 701 of the Regional Rail Reorganization Act

of 1973 shall be considered as having been earned in the month in which the employee first timely filed a claim for such an allowance.".

(b) Section 1(i) of the Railroad Unemployment Insurance Act is amended by inserting after the first sentence thereof the following new sentence: "Solely for the purpose of determining the compensation received by an employee in a base year, the term 'compensation' shall include any separation allowance or subsistence allowance paid under any benefit schedule provided under section 701 of title VII of the Regional Rail Reorganization Act of 1973 and any termination allowance paid under section 702 of that Act. The total amount of any subsistence allowance payable under a benefit schedule provided pursuant to section 701 of the Regional Rail Reorganization Act of 1973 shall be considered as being compensation in the month in which the employee first timely filed a claim for such an allowance.".

(c) The amendments made by this section shall be effective August 13, 1981.

SEC. 404. SECTION 3(F)(1) OF THE RAILROAD RETIREMENT ACT OF 1974 IS AMENDED—

(1) by inserting after "of an individual shall" in the second sentence the following "except as provided in the following sentence"; and

(2) by inserting after the second sentence the following: "If the individual's 'average monthly compensation' is determined under subdivision (2) of subsection (b) of this section, the 'final average monthly compensation' for such individual shall be the average of the compensation for the 24 months in which the compensation determined for the purpose of subdivision (2) of subsection (b) of this section is the highest.".

(c) The amendments made by this section shall be effective October 1, 1983, and shall apply with respect to annuities awarded on or after that date.

SEC. 405. (a) Section 3(f)(3) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting "and divorced wife" after "spouse" the first place it appears in the first sentence thereof; and

(2) by striking out "such annuity or annuities" in the first sentence and inserting in lieu thereof "the annuities of the individual and spouse".

(b) The amendments made by this section shall be effective October 1, 1981.

SEC. 406. (a) Section 4(g)(4) of the Railroad Retirement Act of 1974 is amended by striking out "(e)(3)" in the second sentence and inserting in lieu thereof "(e)".

(b) The amendments made by this section shall be effective October 1, 1981.

SEC. 407. (a) Section 4(i) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new subdivision:

"(3) The annuity of any survivor under subsection (f) of this section shall be reduced, but not below zero, by the amount of any insurance benefit (before any deduction on account of work) payable to such survivor under title II of the Social Security Act, unless in computing the amount under subsection (f) a reduction was made for such insurance benefit pursuant to section 202(k) of the Social Security Act.".

(b) The amendment made by this section shall be effective with respect to annuities awarded on and after the date of enactment.

SEC. 408. (a) Section 6(b)(1) of the Railroad Retirement Act of 1974 is amended by adding at the end thereof the following new sentence: "No lump sum shall be payable under this subdivision if the employee died leaving a surviving divorced wife who would on proper application therefore be entitled to receive an annuity under section 2(d) of this Act for the month in which the employee's death occurred.".

(b) The amendment made by this section shall be effective October 1, 1981.

SEC. 409. (a) Section 2(c)(2) of the Railroad Retirement Act of 1974 is amended by striking the period and inserting in lieu thereof the following: ", except that the annuity of a divorced wife who was previously entitled to a spouse annuity which was reduced under this subdivision shall be reduced by the same percentage as was applicable to the spouse annuity.".

(b) The amendment made by this section shall be effective with respect to divorced wife annuities awarded on and after the date of enactment.

SEC. 410. (a) Section 1(a) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "and" at the end of paragraph (iv) of subdivision (1);

(2) by striking out the period at the end of paragraph (v) of subdivision (1) and inserting in lieu thereof "; and";

(3) by adding at the end of subdivision (1) the following new paragraph:

"(vi) any commuter authority operating commuter service under title V of the Rail Passenger Service Act, if any portion of such service was transferred on January 1, 1983, to such authority from the Consolidated Rail Corporation."; and

(4) by adding at the end of paragraph (ii) of subdivision (2) the following new sentence: "This paragraph shall not apply to any employer as defined in paragraph (vi) of subdivision (1).".

(b) Section 3231(a) of the Internal Revenue Code of 1954 is amended—

(1) by inserting "is an employer as defined in the fourth sentence of this subsection or" after "unless such railway" in the first sentence; and

(2) by inserting after the third sentence the following new sentence: "The term 'employer' shall also include any commuter authority operating commuter service under title V of the Rail Passenger Service Act, if any portion of such service was transferred on January 1, 1983, to such authority from the Consolidated Rail Corporation.".

(c) Section 1(a) of the Railroad Unemployment Insurance Act is amended—

(1) by inserting "is an employer as defined in the fourth sentence of this subsection or" after "unless such railway" in the first sentence; and

(2) by inserting after the third sentence the following new sentence: "The term 'employer' shall also include any commuter authority operating commuter service under title V of the Rail Passenger Service Act, if any portion of such service was transferred on January 1, 1983, to such authority from the Consolidated Rail Corporation.".

(d) The amendments made by this section shall be effective on the enactment date of this Act.●

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 1075. A bill to authorize the U.S. Army Corps of Engineers to undertake certain modifications at Abiquiu Dam in New Mexico; to the Committee on Environment and Public Works.

MODIFICATIONS AT ABIQUIU DAM, NEW MEXICO

● Mr. DOMENICI. Mr. President, I am pleased to introduce legislation to authorize the U.S. Army Corps of Engineers to make certain modifications at Abiquiu Dam in New Mexico. This legislation will assure that the project will be completed as it was designed originally.

The problem is this: Abiquiu Dam, which stores water for recreation and urban water supply, has a single set of control gates in the two branches of its single outlet pipe. No system of backup control gates exist in the outlet pipe. Because of this fact, no easy way exists to perform routine maintenance on the outlet gates. Thus, to dewater the outlet pipe to undertake any work, it is necessary to place a barge, with divers, on the lake to drop a bulkhead over the outlet pipe's entrance.

My bill simply authorizes the Corps of Engineers to construct backup gates in the outlet pipe. The new gates would be a few feet down the pipe, providing the necessary redundancy protection. Mr. President, in a 1981 evaluation of the need for completing the original design, a Corps of Engineers memorandum stated:

With the sediment pool in the reservoir, closure of the bulkheads, necessary to permit maintenance or inspection of the service gates is an unusually costly exercise, requiring mobilization of a barge mounted crane. Barge cranes and the skills required for their use are not readily available in the arid southwest which accounts for the high cost ($140,000) and substantial time (10 days), required to make closure under controlled circumstances when the existing gates are operational. The same values, but for the condition that the gates cannot be closed are $240,000 and 20 days.

Since the bulkheads cannot be installed until all flow through the conduit has been stopped, the possibility exists for the reservoir to drain completely uncontrolled should one of the operating gates stick in an open position. This circumstance has the potential of causing downstream flooding and the flushing of thousands of acre-feed of sediment out of the reservoir and its subsequent deposition in the Rio Chama and Rio Grande. The consequence of such an event was demonstrated in a minor way in 1976 when the 4,000 acre-foot sediment trap pool was drained to permit work on the outlet works over a four-day period, even though the water was released slowly, 285 acre-feet of sediment was deposited in the Rio Chama. The sediment plugged the many porous, rock and brush irrigation diversion structures resulting in greater flows passing over the diversions which in some instances caused partial failure of the structures and erosion of the adjacent banks. The resulting claims of damages had an adverse impact on the Corps' image in the Rio Chama Valley which still persists today. Following this incident, the non damaging capacity of the Rio Chama below Abiquiu Dam diminished from 1,850 cfs to between 1,000 and 1,200 cfs. Four years of careful control of outflows and considerable work and expense by local residents have been required to increase the channel capacity to the present 2,000 cfs.

The Abiquiu project was originally designed as a two-gate system. The

second set of gates was eliminated as a cost-cutting measure at the time of construction.

It should be noted that a second set of gates is standard in nearly every corps project. The Abiquiu project needs this margin of safety. This bill provides that margin.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, acting through the Chief of Engineers, is authorized to construct, at Federal expense, a set of emergency gates in the conduit of the Abiquiu Dam, New Mexico, to increase safety and enhance flood and sediment control, provided that such feature, which was eliminated during original construction due to cost constraints, shall be considered as completing the original design concept for the project.

SEC. 2. For purposes of this Act, the sum of $2,500,000 is authorized to be appropriated to the Secretary.●

By Mr. HATCH:

S. 1076. A bill to amend the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and the Internal Revenue Code of 1954 to provide adequate levels of railroad retirement and unemployment insurance benefits on an actuarially sound and fiscally responsible basis, and for other purposes; by unanimous consent, referred jointly to the Committee on Finance and the Committee on Labor and Human Resources.

RAILROAD RETIREMENT AND UNEMPLOYMENT INSURANCE SOLVENCY ACT OF 1983

Mr. HATCH. Mr. President, I am today introducing legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act. Its purpose is twofold—to avert the impending bankruptcy of the railroad retirement system and to bring, hopefully once and for all, financial stability and solvency to both the retirement system and the railroad unemployment insurance system.

I am sponsoring this measure in my capacity as chairman of the Labor and Human Resources Committee, which has jurisdiction over both acts. It is manifest that the Congress must address in the coming weeks the crisis confronting both income replacement systems. The Labor Committee accordingly must begin giving this matter its attention. In fact, a hearing is scheduled for April 19, at which representatives from the rail industry and rail labor as well as OMB Director David Stockman will be giving testimony. The bill thus will serve as a focal point for defining the nature of the problems with both systems and for exploring the competing interests which must be accommodated to resolve these problems. Speaking personally, I intend to study thoroughly the matter before reaching any final conclusions on what measure must ultimately be enacted.

Before discussing how the current problems arose and how the bill addresses them, I think it is important at the outset to describe how this particular bill evolved and how it fits within the unique pattern of railroad retirement legislation. Unlike any other private industry pension, rail pensions are a creature of statute. Congress since the mid-1930's has ultimately determined the types of benefits and set the level of benefits which retirees and beneficiaries are to receive. And it fixed the contribution rates which the rail industry as a whole must make in the form of payroll taxes. However, since the beginning and with each successive amendment, Congress has not written on a clean slate. Rather it has with mixed success attempted to adhere to a cornerstone principle of our Federal labor laws, namely, that management and labor representatives should establish the wages, terms, and conditions of employment through the collective-bargaining process. Thus, while there are exceptions, historically amendments to the Retirement Act have been preceded by negotiations by rail labor and industry over types and levels of benefits and over tax rates.

The current situation is no exception. Once it became apparent several months ago that the retirement system was headed for trouble, rail labor, represented by the Railway Labor Executives' Association, and the rail industry, represented by the National Railway Labor Conference, began negotiations. They culminated in successive agreements, initialed on February 17 and 22, 1983. At this point I ask unanimous consent that a copy of those agreements be inserted in the RECORD.

There being no objection, the agreements were ordered to be printed in the RECORD, as follows:

MEMORANDUM OF AGREEMENT—FEBRUARY 17, 1983

The carriers and the railway labor unions will jointly support legislation which will accomplish the following:

I. CHANGES IN BENEFITS—EFFECTIVE JULY 1, 1983

A. 60/30 retirees Tier I component: for employees retiring prior to age 62, flat rate, unindexed (based on Social Security age reduction factor) until attainment of age 62; thereafter such employees will receive a benefit based upon the Social Security reduction factor and indexed the same as Social Security. For employees retiring at age 62 or later there would be no change in current law.

B. Five month waiting period for disability.

C. Conform railroad retirement annuity beginning dates to Social Security.

D. Postpone Tier I and Tier II COLA to 1/1/84 to conform to Social Security (conditioned upon similar change in Social Security and length of deferral to be identical to that of Social Security).

E. Future Tier I COLA adjustment(s) to the extent they equal 5% will be used to offset Tier II benefits.

F. Tax Social Security Equivalent Benefit, including Dual Benefit, under Social Security Rules, with revenue returned to railroad retirement trust fund.

G. Tax Private Pension Equivalent Benefit under normal IRC rules, with revenue returned to railroad retirement trust fund.

H. Other changes needed to conform to Social Security.

II. CHANGES IN TAXES

A. Effective July 1, 1984

1. Employer tax increase of 1%.
2. Employee tax increase of .75%.

B. Effective not earlier than July 1, 1985

1. Employer tax increase of 1.25%, if needed.
2. Employee tax increase of 1.00%, if needed.

Note.—Determination of whether such additional tax increase is necessary shall be made on an annual basis by the Actuarial Advisory Committee of the Railroad Retirement Board after consultation with appropriate Board, railway labor and management representatives. Such determination shall be based on five year analyses of the financial condition of the railroad retirement account. Such determination shall be reviewed on an annual basis through 1992 to determine whether it is necessary to impose the additional tax described above or, if in effect, whether it is necessary to continue such additional tax; if not necessary, such tax shall be rescinded.

C. Effective not earlier than July 1, 1986

1. Employer tax increase of 1.25%, if needed.
2. Employer tax increase of .5%, if needed.

Note.—Determination of whether such additional tax is necessary shall be made in the same manner as described in II.B. However, no such determination shall be made unless: (1) the tax provided under II.B. is in effect and (2) employment levels drop under indicated levels for preceding measurement periods:

Annual review	Employment		Tax increase effective
	Year	Level	
Apr. 1, 1986	1985	348,000	July 1, 1986.
Apr. 1, 1987	1986	340,000	July 1, 1988.
Apr. 1, 1988	1987	335,000	July 1, 1989.
Apr. 1, 1989	1988	330,000	July 1, 1990.
Apr. 1, 1990	1989	325,000	July 1, 1991.
Apr. 1, 1991	1990	325,000	July 1, 1992.

An annual review shall be made through 1991 to determine whether it is necessary to impose this tax or, if in effect, whether it is necessary to continue this additional tax; if not necessary, such tax shall be rescinded.

III. FEDERAL SECTOR OBLIGATION

A. Allow account to borrow against the financial interchange on a fully current basis.

B. Credit Trust Fund, as of 10/1/83, with principal and interest attributable to underfunding of dual benefits between 1974 and 1981.

C. Shift RUIA borrowing to General Treasury and have Treasury assume existing RUIA debt to Railroad Retirement Account.

IV. OTHER PROVISIONS

A. Agreed upon technical amendments.

Initialed this 17th day of February, 1983.

MEMORANDUM OF AGREEMENT—FEBRUARY 22, 1983

The carriers and the railway labor unions will jointly support legislation which will accomplish the following:

I. CHANGES IN BENEFITS—EFFECTIVE JULY 1, 1983

A. 60/30 retirees Tier I component: for employees retiring prior to age 62, flat rate, unindexed (based on Social Security age reduction factor) until attainment of age 62; thereafter such employees will receive a benefit based upon the Social Security reduction factor and indexed the same as Social Security. For employees retiring at age 62 or later there would be no change in current law.

B. Five month waiting period for disability.

C. Conform railroad retirement annuity beginning dates to Social Security.

D. Postpone Tier I and Tier II COLA to 1/1/84 to conform to Social Security (conditioned upon similar change in Social Security and length of deferral to be identical to that of Social Security).

E. Future Tier I COLA adjustment(s) to the extent they equal 5% will be used to offset Tier II benefits.

F. Tax Social Security Equivalent Benefit, including Dual Benefit, under Social Security Rules, with revenue returned to railroad retirement trust fund.

G. Tax Private Pension Equivalent Benefit under normal IRC rules, with revenue returned to railroad retirement trust fund.

H. Other changes needed to conform to Social Security.

II. CHANGES IN TAXES

A. Effective July 1, 1984

1. Employer tax increase of 1%.
2. Employer tax increase of .75%.

B. Effective July 1, 1985

1. Employer tax increase of 1.00%.
2. Employer tax increase of .75%.

C. Effective July 1, 1986, with triggering-out mechanism

1. Employer tax increase of 1.50%.
2. Employer tax increase of .75%.

III. OTHER CASH FLOW PROVISIONS

A. Allow account to borrow against the financial interchange on a fully current basis.

B. Allow Trust Fund to borrow one-third of principal and interest attributable to underfunding of dual benefits between 1974 and 1981 on the following dates: July 1, 1984, July 1, 1985, July 1, 1986—triggered out if July 1, 1986 tax increase is triggered out.

Any amounts borrowed repayable only to extent of appropriations.

C. Shift RUIA borrowing to General Treasury and have Treasury assume existing RUIA debt to Railroad Retirement Account.

IV. OTHER PROVISIONS

A. Agreed upon technical amendment.

Mr. HATCH. Mr. President, the terms of the final agreement, providing for benefit adjustments, tax increases, and the Federal contributions, were incorporated into legislation introduced by Representative FLORIO, who is chairman of the House Subcommittee on Commerce, Transportation, and Tourism. That bill, H.R. 1646, was reported out of the full Committee on Energy and Commerce, following a day of hearings at which labor and management representatives testified in support of the bill. OMB Director David Stockman also appeared at those hearings on behalf of the administration.

Mr. Stockman acknowledged the important and legitimate role which the parties' agreement played in developing the legislation. But he identified what he perceived to be fundamental structural flaws with retirement system and the unemployment insurance system and the manner in which they are interconnected. H.R. 1646 did not properly address these flaws, in his view. He was equally troubled over the enormous extent to which rail management and rail labor wanted to commit the financial resources of the Federal Government to meet the cashflow needs of both the retirement and the unemployment insurance systems. No doubt Mr. Stockman's concerns were quite valid. Unfortunately, they seemed to fall upon deaf ears, as the Commerce Committee reported H.R. 1646 without incorporating any of his recommendations.

The bill being introduced today directly responds to those concerns. It draws heavily upon the parties' agreement of February 22, 1983. For example, rail labor and rail management themselves agreed to modify the provisions of current law that afford actuarially unreduced benefits for employees who retire in the future at age 60 with 30 years of service. It also follows the parties' recommendation to successive tax increases over the next several years. It endorses relieving the retirement system of the exorbitant drains caused by loans to the unemployment insurance system. But the bill incorporates the administration's recommendation to restructure the unemployment insurance scheme. And it reallocates the relative financial burdens, which H.R. 1646 would impose upon retirees, employees, employers, and the Federal Government.

Two questions might reasonably be asked. First, by what warrant should the Congress heed the recommendations of the administration to alter the parties' agreement? After all, I noted earlier that Congress over the decades has sought to vindicate the principles of collective bargaining in this area. Second, if the administration, together with the Congress, has an appropriate role in shaping railroad retirement legislation, how should S. 1076 be regarded—a final nonnegotiable proposal, or instead, one that offers an appropriate starting point for striking the most equitable balance among competing interests?

To answer the first question we need only look to the history of railroad retirement legislation. We find that Congress has often given only lip service to the sanctity of collective bargaining. Rather than simply ratifying these compromises, without change, into law, the Congress has exercised its own judgment in establishing benefit levels and funding rates. A table from a 1978 published legislative history of the Railroad Retirement Act and the Railroad Unemployment Insurance Act identifies generally the instances where Congress acted either with or without a consensus between the Railroad Labor Executives Association and the American Association of Railroads:

1934 (RRA) Public No. 485, 73d Cong. (1934), 48 Stat. 1283 (RLEA for; AAR against).

1935 (RRA) Public No. 399, 74th Cong. (1935), 49 Stat. 967 (RLEA for; AAR against).

1937 (RRA) Public No. 162, 75th Cong. (1937) (Agreement between RLEA and AAR).

1938 (RUIA) Public No. 722, 75th Cong. (1938) (RLEA for; AAR against).

1946 (RRA) (RUIA) Public Law 572, 79th Cong. (1946), 60 Stat. 722 (RLEA for; AAR against).

1948 (RRA and RUIA) Public Law 744, 80th Cong. (1948), 62 Stat. 576 (RLEA for; AAR against) (Compromise).

1951 (RRA and RUIA) Public Law 234, 82d Cong. (1951), 65 Stat. 683 (RLEA for; AAR against) (Compromise).

1954 (RRA and RUIA) Public Law 746, 83d Cong. (1954), 68 Stat. 1037 (RLEA for; AAR against).

1955 (RRA and RUIA) Public Law 383, 84th Cong. (1955), 69 Stat. 715 (RLEA for; AAR against).

1956 (RRA) Public Law 1013, 84th Cong. (1956), 70 Stat. 1076 (RLEA for; AAR against).

1961 (RRA) Public Law 87-285, 87th Cong. (1961) (Sponsored by RLEA; AAR no objection).

1963 (RRA and RUIA) Public Law 88-133 (1963), 77 Stat. 219 (Jointly sponsored by RLEA and AAR).

1965 (RRA) Public Law 89-212 (1965), 79 Stat. 858 (RLEA for; AAR against).

1966 (RRA and RUIA) Public Law 89-700 (1966) (RLEA for; AAR against).

1966 (RRA) Public Law 89-699 (1966), 80 Stat. 1073 (RLEA for; no opposition to bill).

1968 (RRA and RUIA) Public Law 90-257 (1968), 82 Stat. 16 (Compromise).

1970 (RRA) Public Law 91-215 (1970), 84 Stat. 70 (Compromise).

1970 (RRA) Public Law 91-377 (1970), 84 Stat. 791 (RLEA for; AAR against).

1971 (RRA) Public Law 92-46 (1971), 85 Stat. 101 (RLEA for; AAR against).

1972 (RRA) Public Law 92-460 (1972) (RLEA for; AAR against).

1973 (RRA) Public Law 93-69 (1973) (Agreement between railway labor and management).

1974 (RRA) Public Law 93-445 (1974) (Joint recommendation—railway labor and management).

1975 (RUIA) Public Law 94-92 (1975) (RLEA for; AAR against) (Compromise).

But if the exercise of independent or one-sided judgment has not been troubling, the actual judgments themselves have proved ill considered. Not surprisingly, prudence and proper con-

cern for the future yielded to popular impulses to satisfy the more immediate demands of political constituencies. Principles that assure the realization of pension expectations of employees were often short shrift. Indeed, it was not until 1974 that Congress articulated a comprehensive policy for private industry pensions generally in the Employees Retirement Income Security Act, from which the railroad pension system is exempt. Thus, the history of the railroad retirement system is one of steady, sometimes dramatic, enrichment of benefits without the requisite contributions from employers to pay for them. Although taxes were high, they plainly were insufficient in an industry whose employment levels have steadily declined since World War II.

In 1974, Congress finally had to rectify, at least partially, the mistakes of the past. Based on joint recommendations of rail labor and management, Congress completely restructured the retirement system. All concerned—rail labor, both retirees and employees, the rail industry, and the Congress—shared in relieving the system of some of the crushing financial burdens. Labor surrendered the right to accrue certain benefits in the future. The rail industry substantially increased its funding obligations. It also emphatically pledged to fund fully the future costs of the service pension component. And, Congress reluctantly agreed to have American taxpayers expend $6.25 billion over the next 25 years to pay the costs of so-called dual benefits. In the words of one congressional leader, the 1974 law was to fix the system "once and for all."

But experience soon disappointingly showed that the 1974 Retirement Act perpetuated the congential flaws of what has become a pay-as-you-go pension system. By 1980, it became apparent that the new system again was headed for bankruptcy. The reasons were manifold. Cost-of-living adjustment provisions, fueled by an inflationary economy, skyrocketed benefit costs. An eroding employment base generated lower than expected tax revenues to fund the system. Key actuarial assumptions, used in 1974 to project costs, for example, with respect to mortality and early retirement patterns, proved to be costly errors. And, the true costs of funding the vested dual benefits materialized overwhelmingly beyond prior representations to Congress. In 1979, the General Accounting Office advised Congress that it would have to pay not $6.25 billion, but $9.75 billion, by 2000.

Thus, history seemed to repeat itself as representatives of rail labor and rail management came together to work out adjustments to the system. Ultimately, Congress did enact in 1981 a package of benefit changes and tax increases to restore solvency in the retirement system. These changes, in large measure, reflected the recommendations of the parties. Significantly, these changes were predicated on critical assumptions—found acceptable to the parties—about the future, particularly with respect to levels of railroad employment which at that time were slightly above 500,000 and which were expected to continue at that level. Had those assumptions about the future proved correct, it is fair to say that we would not now be confronted with the crisis of 1983.

Instead, over the last 2 years, employment levels have plummeted 20 percent, to a level of 385,000 today. This has had a double debilitating effect on the retirement system. As payroll taxes were falling dramatically, causing funding shortfalls, the unemployment rolls swelled, driving up unemployment costs. Because the railroad unemployment insurance system has maintained tax levels that did not keep pace with wage increases and its own costs, it had to exercise its borrowing authority to draw huge sums, now in excess of $500 million, out of the retirement system. The upshot is that by next year at this time, the retirement system will be broke.

This then brings us full circle to the bill introduced today and to the second question posed earlier. I think I have shown that the Congress in the past has exercised its prerogative, for better or for worse, in establishing and modifying the railroad pension system. Especially since 1974, when it committed substantial public funds to fulfilling benefit promises of a supposedly private industry pension Congress, as well as the administration, has a responsibility to see that the financial commitment stays within reasonable bounds. Moreover, both branches of government, especially in light of the policies embodied in ERISA, have a responsibility to promote a rail pension system in which there is an appropriate balance between assets and pension obligations and in which employers fulfill their commitment to fund benefit promises. The same holds true for a rail unemployment insurance system. It is clear from the administration's analysis of the agreement negotiated by rail labor and management and embodied in H.R. 1646 that it overly commits the resources of the Federal Treasury, while ignoring root problems in the systems. The administration has suggested alternatives, worthy of consideration by the parties and the Congress.

If history teaches anything, it is that Congress, with the advice of the administration, must set the limit of Federal participation. Within those parameters, Congress should respect what the representatives of rail labor and rail management mutually agree upon as a responsible balance of benefits and funding. Should funding imbalances arise, rail labor and rail management should bear the primary responsibility for making adjustments.

I am hopeful that S. 1076 will afford a meaningful opportunity for further negotiations, wherein the interests of all impacted parties can be weighed and accommodated.

At this point I would like to include a section-by-section analysis of the bill, and I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Retirement and Unemployment Insurance Solvency Act of 1983".

TITLE I—PROVISIONS FROM RAIL LABOR-MANAGEMENT AGREEMENT

EARLY RETIREMENT BENEFIT ADJUSTMENT

SEC. 101. (a) Section 3(a) of the Railroad Retirement Act of 1974 is amended—

(1) so that subdivision (2) reads as follows:

"(2) For purposes of this subsection, individuals entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) of this Act shall be deemed to be entitled to a disability insurance benefit under section 223 of the Social Security Act."; and

(2) by adding at the end thereof the following new subdivision:

"(3) In lieu of an annuity amount provided under subdivision (1), the annuity of an individual entitled to an annuity under paragraph (ii) of section 2(a)(1) of this Act which begins to accrue before the individual attains age 62 shall be in an amount equal to—

"(i) for each month prior to the first month throughout which the individual is age 62, a monthly rate of $550 in the case of an individual whose annuity begins to accrue before January 1, 1984, or, in the case of an individual whose annuity begins to accrue on or after January 1, 1984, the monthly rate applicable in the calendar year before the calendar year in which the individual's annuity begins to accrue multiplied by the ratio of (A) the average of the total wages (as defined in regulations of the Secretary of the Treasury and computed without regard to the limitations specified in section 209(a) of the Social Security Act or section 3(j) of this Act) reported to the Secretary of the Treasury or such Secretary's delegate for the calendar year 2 years before the calendar year in which the individual's annuity begins to accrue to (B) the average of the total wages (as so defined and computed) reported to the Secretary of the Treasury or such Secretary's delegate for the calendar year 3 years before the calendar year in which the individual's annuity begins to accrue, with such product, if not a multiple of $1, being reduced to the next lower multiple of $1; and

"(ii) for months beginning with the first month throughout which the individual is age 62, the amount (after any reduction on account of age but before any deductions on account of work) of the old-age insurance benefit to which such individual would have been entitled under the Social Security Act

if all of such individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act.".

(b) Section 4(a) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "spouses" in subdivision (2) and inserting in lieu thereof "if an individual is entitled to an annuity under paragraph (ii) of section 2(a)(1) of this Act which did not begin to accrue before such individual attained age 62, the spouse of such individual"; and

(2) by adding at the end thereof the following new subdivisions:

"(3) In the case of an individual entitled to an annuity under section 2(a)(1)(ii) of this Act which began to accrue before such individual attained age 62, the annuity of the spouse of such individual under section 2(c) of this Act shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to—

"(i) for each month prior to the first month throughout which both the individual and the spouse are age 62, 50 per centum of that portion of the individual's annuity as is, or was prior to such individual's attaining age 62, computed under section 3(a)(3)(i) of this Act, reduced to the same extent such amount would be reduced under section 202(b)(4) of the Social Security Act (in the case of a wife) or under section 202(c)(2) of the Social Security Act (in the case of a husband) as if such amount were a wife's insurance benefit or a husband's insurance benefit, respectively, under such Act; and

"(ii) for months beginning with the first month throughout which both the individual and the spouse are age 62, the amount (after any reduction on account of age based on the spouse's age at the time the amount under this paragraph first becomes payable but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act if the individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act.

"(4) In the case of an individual entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) of this Act, the annuity of the spouse of such individual entitled to an annuity under section 2(c)(1)(ii)(B) of this Act shall, in lieu of an annuity amount provided under subdivision (1), be in an amount equal to the amount (after any reduction on account of age but before any deductions on account of work) of the wife's insurance benefit or the husband's insurance benefit to which such spouse would have been entitled under the Social Security Act if the individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act. For purposes of this subdivision, spouses who have not attained age 62 shall be deemed to have attained age 62.".

(c) The amendments made by this section shall take effect on July 1, 1983, and shall apply only with respect to awards in cases where the individual's application was filed on or after that date or where the individual's annuity under section 2(a)(1) of the Railroad Retirement Act of 1974 began to accrue on or after that date.

CONFORMING RAIL INDUSTRY PENSION INCREASES TO A CALENDAR YEAR BASIS; RAIL INDUSTRY PENSION COLA PASSTHROUGH

SEC. 102. (a) Section 3(g) of the Railroad Retirement Act of 1974 is amended to read as follows:

"(g)(1) Effective with the date of any increase after calendar year 1982 in monthly insurance benefits under the Social Security Act which occurs, or which would have occurred had there not been a general benefit increase under that Act, pursuant to the automatic cost-of-living provisions of section 215(i) of that Act, that portion of the annuity of an individual which is computed under subsection (b) of this section shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue on or before such date, be increased by 32.5 per centum of the percentage increase in the index which is used, or which would have been used had there not been a general benefit increase under the Social Security Act, in increasing benefits under the Social Security Act pursuant to the automatic cost-of-living provisions of section 215(i) of that Act.

"(2) The first and, if necessary, the following time or times after calendar year 1982, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of an individual which is computed under subsection (b) of this section as increased under subdivision (1) of this subsection shall, if such individual's annuity under section 2(a)(1) of this Act began to accrue in or before the year in which such first increase under the Social Security Act became effective, be reduced by the dollar amount by which that portion of the annuity provided such individual under subsection (a) of this section was increased, after any reduction under subsection (m) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such individual under subsection (a), as reduced under subsection (m), prior to such first increase.".

(b) Section 4(d) of the Railroad Retirement Act of 1974 is amended—

(1) by inserting "(1)" after "(d)";

(2) by striking out "3(g)" and inserting "3(g)(1)" in lieu thereof; and

(3) by adding at the end thereof the following new subdivisions:

"(2) The first and, if necessary, the following time or times after calendar year 1982, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of the spouse of an individual as is determined under subsections (b), (c), and (d)(1) of this section shall, if such spouse's annuity under section 2(c) of this Act began to accrue in or before the year in which such first increase under the Social Security Act became effective, be reduced by the dollar amount by which that portion of the annuity provided such spouse under subsection (a) of this section is increased, after any reduction under subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such spouse under subsection (a), as reduced under subsection (i), prior to such first increase.

"(3) That portion of the annuity of the spouse of an individual as is determined under subsection (b) of this section prior to any determination under subsection (c) of this section shall, if the annuity of such spouse is not subject to reduction under subdivision (2) of this subsection, be reduced by an amount equal to 50 per centum of the dollar amount by which the annuity of the individual was reduced under section 3(g)(2) of this Act.".

(c) Section 4(g) of the Railroad Retirement Act of 1974 is amended—

(1) in subdivision (1), by inserting "and without regard to any reduction under section 3(g)(2) of this Act" after "before any reduction on account of age";

(2) in subdivision (6), by striking out "3(g)" and inserting "3(g)(1)" in lieu thereof; and

(3) by adding at the end the following new subdivisions:

"(7) The first and, if necessary, the following time or times after calendar year 1982, that monthly insurance benefits under section 202 of the Social Security Act are increased, that portion of the annuity of a survivor of a deceased individual as is determined under subdivisions (1) and (2) of this subsection, or under section 4(g) of this Act as in effect before amendment by section 1119(g) of Public Law 97-35, shall, if such survivor's annuity under section 2(d) of this Act began to accrue before the effective date of such first increase under the Social Security Act, be reduced by the dollar amount by which that portion of the annuity provided such survivor under subsection (f) of this section was increased, after any reduction under subsection (i) of this section, as a result of such increase or increases under the Social Security Act until the total dollar amount of such reduction or reductions equals 5 per centum of the annuity amount provided such survivor under subsection (f), as reduced under subsection (i), prior to such first increase.

"(8) That portion of the annuity of a survivor of a deceased individual as is determined under subdivisions (1) and (2) of this subsection shall, if the annuity of such survivor is not subject to reduction under subdivision (7) of this subsection, be reduced by an amount equal to the dollar amount by which the annuity of the deceased individual was reduced under section 3(g)(2) of this Act or would have been reduced under such section 3(g)(2) if such deceased individual had been living at the time such survivor's annuity under section 2(d) of this Act began to accrue (deeming for this purpose, if such individual died before becoming entitled to an annuity under section 2(a)(1) of this Act, that such individual became entitled to an annuity under paragraph (i) of such section 2(a)(1) in the month in which such individual died). In a case where the survivor of a deceased individual is not entitled to a monthly insurance benefit under the Social Security Act, the reduction provided by the preceding sentence of this subdivision shall be equal to the dollar amount by which the annuity of the deceased individual would have been reduced under section 3(g)(2) of this Act if the annuity of such deceased individual had not been subject to reduction under section 3(m) of this Act.

"(9) That portion of the annuity of a survivor of a deceased individual as is determined under section 4(g) of this Act as in effect before amendment by section 1119(g) of Public Law 97-35 shall, if the annuity of such survivor is not subject to reduction under subdivision (7) of this subsection, be reduced by an amount equal to the dollar amount by which the annuity of the deceased individual was reduced under section

3(g)(2) of this Act or, if such survivor is not entitled to a monthly insurance benefit under the Social Security Act, would have been reduced under such section 3(g)(2) if the annuity of such deceased individual had not been subject to reduction under section 3(m) of this Act.".

(d) The amendments made by this section shall take effect on the date of the enactment of this Act. For purposes of the amendments made by subsection (a) of this section, annuity portions computed under subsections (b) and (d) of section 3 of the Railroad Retirement Act of 1974 as in effect before October 1, 1981, shall be treated as having been computed under subsection (b) of such section as in effect after that date.

CONFORMING ANNUITY STARTING DATES TO SOCIAL SECURITY

SEC. 103. (a) Section 5(a) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "An annuity" at the beginning and inserting in lieu thereof "Subject to the limitations set forth below, an annuity";

(2) by amending paragraphs (ii) and (iii) to read as follows:

"(ii) in the case of an applicant otherwise entitled to an annuity under paragraph (iv) or (v) of section 2(a)(1) or under section 2(d)(1)(i) on the basis of disability, not earlier than the later of (A) the first day of the sixth month following the onset date of the disability for which such annuity is awarded or (B) the first day of the twelfth month before the month in which the application therefor was filed;

"(iii) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1), 2(c), or 2(d) where paragraph (ii) does not apply, not earlier than the latest of (A) the first day of the sixth month before the month in which the application therefor was filed, (B) the first day of the month in which the application therefor was filed if the effect of beginning such annuity in an earlier month would result in a greater age reduction in the annuity, unless beginning the annuity in the earlier month would enable an annuity under section 2(c) which is not subject to an age reduction to be payable in such earlier month, (C) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1) or 2(c), the date following the last day of compensated service of the applicant, or (D) in the case of an applicant otherwise entitled to an annuity under section 2(a)(1) or 2(c), the first day of the first month throughout which the applicant meets the age requirement for the annuity applied for;"; and

(3) by adding at the end thereof the following new sentence:

"For the purpose of determining annuity amounts provided under sections 3(a), 4(a), and 4(f) of this Act, the provisions with respect to the beginning dates of annuities set forth in this subsection shall be deemed to govern the beginning dates of monthly benefits provided under the Social Security Act.".

(b) The amendments made by this section shall take effect on July 1, 1983, and shall apply only with respect to annuities awarded on the basis of applications filed on or after that date.

ELIMINATING RAIL INDUSTRY PENSION POSTSECONDARY STUDENT BENEFITS

SEC. 104. (a) Clause (B) of section 2(d)(1)(iii) of the Railroad Retirement Act of 1974 is amended to read as follows: "(B) will be less than nineteen years of age and a full-time elementary or secondary school student,".

(b) Section 2(d)(4) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "full-time student" each place it appears and inserting in lieu thereof "full-time elementary or secondary school student";

(2) by striking out "educational institution" each place it appears and inserting in lieu thereof "elementary or secondary school";

(3) by striking out "twenty-two" in the fourth sentence and inserting in lieu thereof "nineteen"; and

(4) by striking out "degree from a four-year college or university" and inserting in lieu thereof "diploma or equivalent certificate from a secondary school (as defined in section 202(d)(7)(c)(i) of the Social Security Act)".

(c) Section 5(c)(7) of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "full-time student" and inserting in lieu thereof "full-time elementary or secondary school student"; and

(2) by striking out "22" and inserting in lieu thereof "19".

(d) The amendments made by this section shall apply with respect to annuities accruing for months after the month in which this Act is enacted, except such amendments shall not apply in the case of a child who has attained the age of eighteen in or before the month in which this Act is enacted and is entitled to an annuity under section 2(d) of the Railroad Retirement Act of 1974 for the month in which this Act is enacted or, if earlier, for the month of April 1983.

INCREASES IN EMPLOYER PENSION CONTRIBUTIONS BEGINNING JULY 1, 1984

SEC. 105. IN GENERAL.—Subsection (a) of section 3221 of the Internal Revenue Code of 1954 (relating to rate of tax on employers) is amended to read as follows:

"(a) TIER 2 TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of so much of the compensation paid in any calendar month by such employer for services rendered to him as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined in accordance with the following table:

"For the period—		The applicable percentage is—
Beginning on	Ending on	
October 1, 1981	June 30, 1984	11.75
July 1, 1984	June 30, 1985	12.75
July 1, 1985	June 30, 1986	13.75
July 1, 1986		15.25.

"(B) APPLICATION TO PERIOD.—For purposes of subparagraph (A), the percentage applicable to any period shall apply to compensation paid for services rendered during such period.

"(3) APPLICATION OF TAX WHERE EMPLOYEE IS PAID BY MORE THAN ONE EMPLOYER.—

"(A) LIMITATION.—If an employee is paid compensation by more than one employer for services rendered during any calendar month, the tax imposed by this section shall apply to not more than an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month of the aggregate compensation paid to such employee by all such employers for services rendered during such month.

"(B) LIABILITY FOR TAX.—Each employer other than a subordinate unit of a national railway-labor-organization employer shall be liable for that proportion of the tax with respect to such compensation paid by all such employers which the compensation paid by him to the employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month; and in the event that the compensation so paid by such employers to the employee for services rendered during such month is less than an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month each subordinate unit of a national railway-labor-organization employer shall be liable for such proportion of any additional tax as the compensation paid by such employer to such employee for services rendered during such month bears to the total compensation paid by all such employers to such employee for services rendered during such month.

"(C) AGREEMENTS.—Where compensation for services rendered in a month is paid an employee by two or more employers, one of the employers who has knowledge of such joint employment may, by proper notice to the Secretary, and by agreement with such other employer or employers as to settlement of their respective liabilities under this section and section 3202, elect for the tax imposed by section 3201 and this section to apply to all of the compensation paid by such employer for such month as does not exceed the maximum amount of compensation in respect to which taxes are imposed by such section 3201 and this section; and in such case the liability of such other employer or employers under this section and section 3202 shall be limited to the difference, if any, between the compensation paid by the electing employer and the maximum amount of compensation to which section 3201 and this section apply.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to compensation paid for services rendered after June 30, 1983.

INCREASES IN EMPLOYEE PENSION CONTRIBUTIONS BEGINNING JULY 1, 1984

SEC. 106. (a) IN GENERAL.—Section 3201(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended to read as follows:

"(a) TIER 2 TAX.—

"(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of so much of the compensation paid in any calendar month to such employee for services rendered by him as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 for any month.

"(2) APPLICABLE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'applicable percentage' means the percentage determined in accordance with the following table:

"For the period— Beginning on	Ending on	The applicable percentage is—
October 1, 1981	June 30, 1984	2.00
July 1, 1984	June 30, 1985	2.75
July 1, 1985	June 30, 1986	3.50
July 1, 1986		4.25.

"(B) APPLICATION TO PERIOD.— For purposes of subparagraph (A), the percentage applicable to any period shall apply to compensation paid for service rendered during such period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to compensation paid for services rendered after June 30, 1983.

INCREASES IN EMPLOYEE REPRESENTATIVE PENSION CONTRIBUTIONS BEGINNING JULY 1, 1984

SEC. 107. (a) IN GENERAL.—Subsection (a) of section 3211 of the Internal Revenue Code of 1954 (relating to tax on employee representatives) is amended by striking out "11.75 percent" and inserting in lieu thereof "the applicable percentage determined under section 3221(a)(2)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to compensation paid for services rendered after June 30, 1983.

TAXATION OF RAIL INDUSTRY PENSION BENEFITS

SEC. 108. (a) RAIL INDUSTRY PENSION BENEFITS (OTHER THAN TIER 1 BENEFITS) TAXED AS BENEFITS RECEIVED UNDER EMPLOYER PLANS.—Section 72 of the Internal Revenue Code of 1954 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended by redesignating subsection (r) as subsection (s) and by inserting after subsection (q) the following new subsection:

"(r) CERTAIN RAILROAD RETIREMENT BENEFITS TREATED AS RECEIVED UNDER EMPLOYER PLANS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, any benefit paid under the Railroad Retirement Act of 1974 (other than a tier 1 railroad retirement benefit) shall be treated for purposes of this title as a benefit paid under an employer plan.

"(2) PAYMENTS OF TIER 2 TAXES TREATED AS CONTRIBUTIONS.—

"(A) IN GENERAL.—For purposes of paragraph (1)—

"(i) the non-FICA portion of the tax imposed by section 3201 (relating to tax on employees) shall be treated as an employee contribution,

"(ii) the non-FICA portion of the tax imposed by section 3211(a) (relating to tax on employee representatives) shall be treated as an employee contribution, and

"(iii) the non-FICA portion of the tax imposed by section 3221 (relating to tax on employers) shall be treated as an employer contribution.

"(B) NON-FICA PORTION.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The non-FICA portion of any tax is that portion which is determined without regard to the rate of any tax imposed by chapter 21.

"(ii) WHERE TIER 2 TAX NOT SEPARATELY STATED.—In the case of any period for which the tax imposed by section 3201, 3211, or 3221 was not determined in part by reference to the rates of the comparable taxes imposed by chapter 21, the non-FICA portion of such tax shall be the excess (if any) of—

"(I) the tax imposed by such section for such period, over

"(II) the tax which would have been imposed by such section for such period had the rates of the comparable taxes imposed by chapter 21 for such period applied under such section.

"(C) CONTRIBUTIONS NOT ALLOCABLE TO SUPPLEMENTAL ANNUITY OR WINDFALL BENEFITS.— For purposes of paragraph (1), no amount treated as a contribution under this paragraph shall be allocated to—

"(i) any supplemental annuity paid under section 2(b) of the Railroad Retirement Act of 1974, or

"(ii) any benefit paid under section 3(h), 4(e), or 4(h) of such Act.

"(3) TIER 1 RAILROAD RETIREMENT BENEFIT.—For purposes of paragraph (1), the term 'tier 1 railroad retirement benefit' has the meaning given such term by section 86(d)(4).

"(4) CERTAIN WINDFALL BENEFITS TREATED AS PAID UNDER RAILROAD RETIREMENT ACT.— For purposes of this section and section 6050G, amounts paid under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445 shall be treated as benefits paid under those provisions of the Railroad Retirement Act of 1974 to which they relate."

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of such Code (relating to information concerning transactions with other persons) is amended by adding at the end thereof the following new section:

"SEC. 6050G. RETURNS RELATING TO CERTAIN RAILROAD RETIREMENT BENEFITS.

"(a) IN GENERAL.—The Railroad Retirement Board shall make a return, according to the forms and regulations prescribed by the Secretary, setting forth—

"(1) the aggregate amount of benefits paid under the Railroad Retirement Act of 1974 (other than tier 1 railroad retirement benefits, as defined in section 86(d)(4)) with respect to any individual during any calendar year,

"(2) the aggregate contributions (with respect to each type of benefit required to be set forth under paragraph (1)) which the individual is treated as having paid for purposes of section 72(r),

"(3) the name and address of such individual, and

"(4) such other information as the Secretary may by regulations require.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—The Railroad Retirement Board shall furnish to each individual whose name is set forth in the return under subsection (a) a written statement showing—

"(1) the aggregate amount of payments, and of contributions, with respect to such individual as shown on such return, and

"(2) such other information as the Secretary may by regulations require.

The written statement required under the preceding sentence shall be furnished to the individual on or before January 31 of the year following the calendar year for which the return under subsection (a) was made."

(2) CLERICAL AMENDMENT.—The table of sections for such subpart B is amended by adding at the end thereof the following new item:

"Sec. 6050G. Returns relating to certain railroad retirement benefits."

(c) REVENUE INCREASES TRANSFERRED TO RAILROAD RETIREMENT ACCOUNT.—

(1) IN GENERAL.—There are hereby appropriated to the Railroad Retirement Account amounts equivalent to the aggregate increase in tax under chapter 1 of the Internal Revenue Code of 1954 which is received in the Treasury and which is attributable to the application of section 72(r) of the Internal Revenue Code of 1954 (as added by this Act) with respect to benefits received before January 1, 1989.

(2) TRANSFERS.—The amounts appropriated by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in paragraph (1) received in the Treasury during such month. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) REVENUE INCREASES FROM SUPPLEMENTAL ANNUITIES AND WINDFALL BENEFITS NOT INCLUDED.—Paragraph (1) shall not apply to—

(A) tax attributable to supplemental annuities paid under section 2(b) of the Railroad Retirement Act of 1974,

(B) tax attributable to benefits paid under section 3(h), 4(e), or 4(h) of the Railroad Retirement Act of 1974, and

(C) tax attributable to benefits paid under section 204(a)(3), 204(a)(4), 206(3), or 207(3) of Public Law 93-445.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to benefits received after December 31, 1982, in taxable years ending after such date.

(2) TREATMENT OF CERTAIN LUMP-SUM PAYMENTS RECEIVED AFTER DECEMBER 31, 1982.— The amendments made by this section shall not apply to any portion of a lump-sum payment received after December 31, 1982, if the generally applicable payment date for such payment was before January 1, 1983.

TITLE II—ADDITIONAL SOLVENCY ADJUSTMENTS FOR RAILROAD RETIREMENT AND RAILROAD UNEMPLOYMENT

RELATING RAIL INDUSTRY PENSION COLA TO TRUST FUNDS' SOLVENCY

SEC. 201. (a) Section 3 of the Railroad Retirement Act of 1974 is amended by adding at the end the following:

"(n)(1) Notwithstanding any other provision of this Act, an increase in the non-social-security-equivalent portion of an annuity (as defined in subdivision (2) of this subsection) which would otherwise take effect by reason of section 215(i) of the Social Security Act or subsection (g) of this section or subsection (d) or (g)(6) of section 4, shall not take effect if the amount in the Railroad Retirement Account available on the preceding September 30, excluding unrepaid advances or loans from the general fund of the Treasury, to pay such non-social-security-equivalent portion is less than 125 percent of the amount actually expended during the fiscal year ending on such September 30 to pay the non-social-security-equivalent portion of all such annuities.

"(2) As used in this subsection, the term 'non-social-security-equivalent portion', with respect to an annuity, means that portion which is the difference between the annuity received under this Act and the monthly benefit the recipient would have received

under the Social Security Act if all of the service with respect to which the annuity under this Act is granted were employment as defined in the Social Security Act.".

(b) The amendment made by this section shall take effect July 1, 1983.

INCREASES IN RAIL PENSION CONTRIBUTIONS BEGINNING JULY 1, 1983

SEC. 202. (a) RATE OF TAX ON EMPLOYERS, ETC., INCREASED BY 1 PERCENTAGE POINT.—The table contained in subparagraph (A) of section 3221(a)(2) of the Internal Revenue Code of 1954, as amended by section 105, is amended to read as follows:

"For the period—		The applicable percentage is—
Beginning on	Ending on	
October 1, 1981	June 30, 1983	11.75
July 1, 1983	June 30, 1984	12.75
July 1, 1984	June 30, 1985	13.75
July 1, 1985	June 30, 1986	14.75
July 1, 1986		16.25."

(b) RATE OF TAX ON EMPLOYEES INCREASED BY 1 PERCENTAGE POINT.—The table contained in subparagraph (A) of section 3201(a)(2) of such Code, as amended by section 106, is amended to read as follows:

"For the period—		The applicable percentage is—
Beginning on	Ending on	
October 1, 1981	June 30, 1983	2.00
July 1, 1983	June 30, 1984	3.00
July 1, 1984	June 30, 1985	3.75
July 1, 1985	June 30, 1986	4.50
July 1, 1986		5.25."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to compensation paid for services rendered after June 30, 1983.

SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE APPLIED TO TIER 2 TAXES

SEC. 203. (a) SOCIAL SECURITY CONTRIBUTION AND BENEFIT BASE USED FOR TIER 2 TAXES.—

(1) Section 230(c) of the Social Security Act is amended by striking out the last sentence thereof.

(2) The amendment made by paragraph (1) shall apply to compensation paid with respect to services rendered after June 30, 1983.

(b) CONTRIBUTION AND BENEFIT BASE APPLIED ON ANNUAL BASIS.—

(1) Section 3201 of the Internal Revenue Code of 1954 (relating to rate of tax on employees), as amended by section 106, is amended—

(A) by striking out "calendar month" each place it appears and inserting in lieu thereof "calendar year",

(B) by striking out "one-twelfth of" each place it appears, and

(C) by striking out "any month" each place it appears and inserting in lieu thereof "such calendar year".

(2) Subsection (a) of section 3202 of such Code (relating to deduction of tax from compensation) is amended by striking out the second sentence.

(3) Subsection (a) of section 3211 of such Code (relating to tax on employee representatives) is amended—

(A) by striking out "calendar month" and inserting in lieu thereof "calendar year",

(B) by striking out "one-twelfth of", and

(C) by striking out "any month" and inserting in lieu thereof "such calendar year".

(4) Subsection (a) of section 3221 of such Code (relating to tax on employers), as amended by section 105, is amended—

(A) by striking out so much of paragraph (1) as follows "compensation paid in" and inserting in lieu thereof "any calendar year by such employer for services rendered to him as is not in excess of an amount equal to the current maximum annual taxable 'wages' as defined in section 3121 for such calendar year.", and

(B) by striking out paragraph (3).

(5) The amendments made by this subsection shall apply to compensation paid for services rendered after December 31, 1983.

(c) Section 3(i) of the Railroad Retirement Act of 1974 is amended by adding at the end the following:

"(4) In computing the 'years of service' of an individual for any calendar year after 1983 in which an individual performs service for compensation, there shall be included 3 months for each quarter of coverage (as such term is defined for the purposes of the Social Security Act) such individual would have earned if such service of that individual were 'employment' as defined for the purposes of the Social Security Act.".

(d) Section 3(j) of the Railroad Retirement Act of 1974 is amended by adding after the second sentence the following: "If for any calendar year after 1983 an employee has received compensation of less than one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 in one or more months of the calendar year, the total compensation paid such employee in the calendar year (without regard to the limitation on the amount of compensation provided in the preceding sentence) shall be deemed to have been paid in equal proportions with respect to each month of each quarter of coverage (as such term is defined for the purposes of the Social Security Act) in the year in which the employee will have been in the service of one or more employers for compensation or will have performed service for compensation as an employee representative except that this sentence shall not operate to increase the employee's compensation for any month above an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954.".

RESTRUCTURING OF RAIL UNEMPLOYMENT INSURANCE

SEC. 204. (a) The Secretary of the Treasury shall not certify a State (as defined in section 3306(j) of the Internal Revenue Code of 1954) under section 3304(c) of such Code if State law does not provide for—

(1) entitlement to payment beginning July 1, 1985 of unemployment compensation based on services included in the definition of employment by reason of the repeal of paragraph (g) of section 3306(c) of the Internal Revenue Code of 1954; and

(2) unemployment contributions beginning January 1, 1984 by employers (as defined in section 3306(a) of the Internal Revenue Code of 1954) of employees who perform services included in the definition of employment by reason of the repeal of paragraph (9) of section 3306(c) of such Code.

(b)(1) Paragraph (9) of section 3306(c) of the Internal Revenue Code of 1954 is repealed.

(2) The amendment made by this subsection shall take effect January 1, 1984.

(c) Section 2(a) of the Railroad Unemployment Insurance Act is amended by adding after the first sentence the following: "No day shall be considered a day of unemployment for purposes of this Act with respect to an employee after such employee becomes covered for entitlement of payment of unemployment compensation under a State law.".

(d) Effective January 1, 1984, subsection (d) of section 10 of the Railroad Unemployment Insurance Act is amended to read as follows:

"(d)(1) If the Board finds that the balance in the railroad unemployment insurance account will be insufficient to pay the benefits and refunds which the Board estimates are due, or will become due, under this Act, during the period beginning January 1, 1984 and ending June 30, 1985, the Board shall apply before July 1, 1985 for an advance to the account from the Federal unemployment account in the Unemployment Trust Fund in the manner specified in section 1201 of the Social Security Act with respect to the Governor of a State.

"(2)(A) An advance on the basis of such an application shall be made to the railroad unemployment insurance account from the Federal unemployment account in the same manner, and subject to the same conditions (other than the conditions regarding repayment), as if the application had been made by the Governor of a State under section 1201 of the Social Security Act and the railroad unemployment insurance account were an account of a State within the meaning of such section 1201.

"(B) In addition to any advance on the basis of such an application, an advance shall be made to the railroad unemployment insurance account from the Federal unemployment account on January 1, 1984, in an amount sufficient to pay the total amount due the Railroad Retirement Account from the railroad unemployment insurance account as computed under this section as in effect prior to its amendment in 1983.

"(3) Immediately upon the receipt of the amount of such advance in the railroad unemployment insurance account, the Board shall request the Secretary of the Treasury to transfer such amount from the account to the Railroad Retirement Account, and the Secretary shall make such transfer. The purposes for which appropriations to the Federal unemployment account are authorized by section 1203 of the Social Security Act are hereby extended to include the purposes of this section. Advances made to the railroad unemployment insurance account from the Federal unemployment account pursuant to this section shall be repayable (including interest at the rate payable for advances to accounts of States under section 1201 of the Social Security Act) in the manner provided herein.

"(4) The Board may at any time request the Secretary of the Treasury to transfer from the railroad unemployment insurance account to the Federal unemployment account such sums as are specified in such request in repayment of part or all of the balance of the advances previously made to the railroad unemployment insurance account from the Federal unemployment account under this section, and the Secretary shall promptly transfer the amounts requested in reduction of such balance.".

(e) Section 8(a) of the Railroad Unemployment Insurance Act is amended by adding at the end the following new paragraph:

"If, on June 30, 1987, the outstanding balance of the amount borrowed under section 10(d) of this Act is not less than the outstanding balance on June 30, 1985, the con-

tribution required to be paid under this section, expressed as a percentage, shall be increased by four percentage points until the entire remaining outstanding balance has been repaid.".

RESTRUCTURING SOCIAL SECURITY FINANCIAL INTERCHANGE

SEC. 205. (a)(1) Effective June 1, 1983, section 7(c)(2) of the Railroad Retirement Act of 1974 is amended by striking out the second sentence thereof and inserting in lieu thereof the following: "Such determination with respect to each such Trust Fund shall be made no later than May 15 following the fiscal year ending September 30, 1983, no later than April 15 following the fiscal year ending September 30, 1984, no later than March 15 following the close of the fiscal year ending September 30, 1985, no later than February 15 following the close of the fiscal year ending September 30, 1986, no later than January 15 following the close of the fiscal year ending September 30, 1987, no later than December 15 following the close of the fiscal year ending September 30, 1988, no later than November 15 following the close of the fiscal year ending September 30, 1989, and no later than October 15 following the close of the fiscal year ending September 30, 1990.".

(2) Effective October 1, 1990, section 7(c)(2) of the Railroad Retirement Act of 1974 (as amended by paragraph (1) of this subsection) is further amended—

(A) by striking out "At the close" and all that follows through "fiscal year thereafter" and inserting "At the end of each month";

(B) by striking out the second sentence and inserting in lieu thereof "Amounts shall be added and subtracted to and from such Trust Funds pursuant to such determinations in the manner specified in this subdivision."; and

(C) by striking out "close of such fiscal year" and inserting in lieu thereof "close of the month for which such transfer is made".

(3) Effective October 1, 1990, section 7(c)(3) of the Railroad Retirement Act of 1974 is amended—

(A) by inserting "the monthly based transfers required by" after "purposes of";

(B) by striking out "fiscal year" the first place it appears and inserting in lieu thereof "month"; and

(C) by striking out "May 31 preceding the close of such fiscal year" and inserting in lieu thereof "the end of the second calendar month preceding the close of such month".

(4) Effective on the date of the enactment of this Act, section 7(c) of the Railroad Act of 1974 is amended by adding at the end the following new subdivision:

"(4)(A) The Railroad Retirement Board is authorized to borrow on the last day of each month from the general fund of the Treasury any amount—

"(i) required to place the Railroad Retirement Account on a current basis; and

"(ii) required to pay benefits.

Any amount borrowed under this subdivision shall be repaid with interest at the rate described in subdivision (3) of this subsection.

"(B) As used in this subdivision, the term 'current basis' means in the same position the account would have been if the transfer under subdivision (2) of this subsection occurred on a monthly basis rather than an annual one.

"(C) If there is any outstanding balance of loans under this subdivision, any amount that would have been transferred to the Railroad Retirement Account under subdivision (2) of this subsection shall instead be transferred to the general fund to reduce such balance.

"(D) For the purposes of this subdivision, the Secretary is authorized to use as a public debt transaction the proceeds of the sale of any securities issued after the date of the enactment of the Railroad Retirement Amendments Act of 1983 under section 3102 of title 31 of the United States Code, and the purposes for which such securities may be so issued are extended to this purpose.".

(b) Subsection (b) of section 15 of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "(b)" and all that follows through "In addition" the first place it appears and inserting "(b) In addition" in lieu thereof; and

(2) by striking out "(2) In any month" the first place it appears and all that follows through the end of the subsection.

CONVERTING FUTURE WINDFALL BENEFITS TO APPROPRIATED ENTITLEMENTS

SEC. 206. Subsection (d) of section 15 of the Railroad Retirement Act of 1974 is amended to read as follows:

"(d) The United States, acting through the Railroad Retirement Board, shall pay to each person the amount of that person's annuity which is computed under sections 3(h), 4(e), and 4(h) of this Act, and sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445. There are hereby authorized to be appropriated, in addition to any other sums authorized to be appropriated for the purposes of this Act, such sums as may be necessary to make payments required under this subsection.".

RAIL PENSION COLLECTIVE BARGAINING

SEC. 207. The Railroad Retirement Board is authorized to administer any retirement benefits agreed upon by the parties under the Railway Labor Act for which the parties provide the necessary financial resources (including administrative costs).

RAILROAD RETIREMENT AND UNEMPLOYMENT INSURANCE SOLVENCY AMENDMENTS OF 1983: SECTION-BY-SECTION ANALYSIS

TITLE I: PROVISIONS FROM THE RAIL LABOR/MANAGEMENT AGREEMENT

Faced with a serious underfunding of the rail industry pension system, rail labor and management agreed in February, 1983 to a series of adjustments to their industry pension benefits and payroll contributions. The principles adopted by the parties constitute the core of this bill. The agreed upon benefit adjustments comprise the first half of Title I, and the financing changes constitute the second half. Those elements of the agreement whose effects extend beyond the rail sector are addressed, with appropriate modifications, in Title II of this bill.

A. Rail industry pension benefit adjustments

Section 101: Early Retirement Benefit Adjustment—Under current law, an employee age 60 or older with 30 years of rail service is eligible for full retirement benefits—without any reduction for early retirement. The spouse of such a retiree also is eligible for an unreduced annuity upon attaining age 60. This is in contrast to the treatment of rail employees with less than 30 years of service who become eligible for actuarially reduced pensions at age 62 and for full retirement benefits at age 65.

Career rail employees typically are eligible for three distinct components of benefits: a "tier I", a "tier II", and a "supplemental annuity" (in addition, many rail employees have gained eligibility for "windfall" benefits paid by the General Treasury). Conventionally, the "tier I" component is equivalent to what social security would pay based on the same earnings. "Tier II" is the main "staff" or industry pension component of railroad retirement, while the "supplemental annuity" is a bonus for long-service employees.

Neither tier II nor the supplemental annuity components would be affected by Section 101. In addition, the tier I benefit component of any employee—as well as that of his spouse—with 30 years of rail service who retires after attaining age 62 also would not be affected by Section 101. Section 101 would alter the tier I benefits of those employees (and their spouses) who retire at age 60 or 61.

For those employees retiring after June 30, 1983 who have 30 years of rail service and are 60 or 61, their tier I annuity would be a flat monthly amount, initially $550, for each month before the employee attains 62. The flat monthly amount paid to new early retirees in subsequent years would be indexed for increases in average wages. At age 62, the employee would begin receiving an actuarially reduced tier I benefit equal to what would have been payable by social security.

The spouse of a 60 or 61 year old retiree would receive 50% of the flat rate monthly amount until both the employee and the spouse attained 62, when the spouse would receive a tier I benefit equal to what would have been payable by social security. The 62-64 year old spouse of a disabled annuitant with 30 years of rail service who began receiving benefits before 65 would receive the same spouse's (tier I) benefit that would have been payable under social security; any spouse under age 62 at the time they begin receiving an annuity would be deemed to be age 62.

Section 102: Rail Industry Pension Cost-of-Living Adjustments.

A. Conforming Rail Industry Pension COLA's to a Calendar Year Basis

Under current law, whenever social security benefits receive a cost-of-living adjustment (COLA), social security equivalent (tier I) amount payable under the Railroad Retirement Act also automatically receive a COLA. Under the current railroad retirement statute, if the social security COLA increase were conformed to a calendar year basis, the social security equivalent (tier I) component would automatically be altered to conform with regular social security. But, there would be no automatic conforming of the effective dates of the rail industry pension (tier II) COLA. Section 102 would change current law so that a rail industry pension (tier II) COLA would remain co-ordinated and occur whenever a social security/tier I COLA was paid. As with current law, the tier II COLA would be 32.5% of the tier I COLA; to preserve future co-ordination, the tier II COLA would reference the tier I COLA.

B. Rail Industry Pension COLA Pass-Through

Under current law, both tier I and tier II benefits are annually increased by their respective COLAs. Under Section 102, the dollar amount of the first 5% increase in the social security equivalent (tier I) component due to COLAs would be subtracted from the rail industry pension (tier II) component, after that industry pension component had been adjusted for its tier II COLA. Until the

social security equivalent COLA exceeded 5%, monthly railroad retirement checks would effectively increase by only the dollar amount of the industry pension COLA. Thereafter, both social security equivalent and industry pension components would increase by their respective annual COLAs.

This provision would *not* reduce monthly annuities below their current levels; future retirees would be unaffected.

Section 103: Conforming Annuity Starting Dates to Social Security—Section 103 more closely conforms railroad retirement practices to social security in 4 regards. First, a beneficiary applying for a disability annuity would be subject to the same waiting period as social security (5 months) before becoming eligible for payments, rather than the current railroad retirement practice of no waiting period. Second, retroactivity for all annuities other than disability annuities would be limited to 6 months prior to the month in which an application were filed, rather than the current law 1 year limit on retroactivity. Third, actuarially reduced annuities could not begin prior to the month in which the application were filed if beginning in an earlier month would result in a greater age reduction. Finally, a beneficiary applying for an annuity would have to be eligible from the first day of the month, as is the case with social security.

Section 104: Eliminating Rail Industry Pension Post-Secondary Student Benefits—Section 104 would prospectively eliminate rail industry pensions for post-secondary students. Those currently receiving adult student benefits would not be affected. This conforms the rail industry pension to social security.

B. Rail industry pension income increases

Section 105: Increase in Employer Pension Contributions—As agreed by rail labor and management, employer pension contributions would increase by 1 percentage point on July 1, 1984, a further 1 percentage point on July 1, 1985, and a final 1.5 percentage points on July 1, 1986. All three increases would be definite as scheduled in law.

Section 106: Increase in Employee Pension Contributions—As agreed by rail labor and management, employee pension contributions would increase by 0.75 percentage point on July 1, 1984, a further 0.75 percentage point on July 1, 1985, and a final 0.75 percentage point on July 1, 1986. All three increases would be definite as scheduled in law.

Section 107: Increase in Employee Representatives Pension Contributions—This technical section conforms the pension contributions of rail employee representatives to that of rail employers.

Section 108: Taxation of Rail Industry Pension Benefits—Section 108 provides for the taxation of rail industry pension (tier II) benefits, which would be taxed on the same basis as other private pensions. Rail industry pensions, after recovery of the employee's contributions, would be counted as part of adjusted gross income starting in 1983.

Due to the straited financial condition of the railroad retirement account, the Secretary of the Treasury is authorized to transfer, pursuant to an indefinite appropriation made by this section, amounts equal to the (estimated) industry pension income tax collections to the railroad retirement account through 1988. (The Secretary is also authorized to adjust subsequently the transferred amounts as more refined data becomes available.) After 1988, the income taxes collections associated with rail industry pensions would be treated like income tax collections from all other private pensions.

The tax treatment of windfall or dual benefits would be conformed to the treatment of supplemental annuities (which would remain unchanged from current law.)

TITLE II: ADDED SOLVENCY ADJUSTMENTS FOR RAILROAD RETIREMENT AND UNEMPLOYMENT

While the benefit adjustments and pension contributions agreed to by rail labor and management constitute a constructive point of departure for solving the rail industry pension system's financing crisis, they fall short of a solution even under optimistic assumptions. As the failure of the 1981 railroad retirement amendments (and the 1977 Social Security Amendments) demonstrates, any genuine solution must assure the solvency of the trust fund under intermediate—and hopefully even under pessimistic—assumptions. Using prudent rather than "best case" assumptions allows for a margin of safety appropriate for any insurance-type system. If the assumptions prove overly pessimistic, the trust fund simply develops an acceptable reserve level buffering it from future financial shocks.

Equally important, the parties' agreement ignored the drastic underfunding of the railroad unemployment insurance system, proposing instead to simply allow it unlimited borrowings from the general Treasury. Unfortunately, *debt service*—the interest cost associated with the borrowing—will *exceed* rail UI *income* by 1987 even under the most optimistic assumptions. The only alternative to structural reform is a sixfold increase in the rail UI tax burden.

The four parts of this title provide for (A) temporary cessation of industry pension COLAs until the rail industry pension is restored to solvency, (B) higher pension income from a 1 percent contribution increase and conforming the contribution bases to social security, (C) Federal contributions associated with restructuring rail UI and the social security financial interchange, and (D) converting future windfall subsidies to annually appropriated entitlements and authority for the parties to bargain—and for the Railroad Retirement Board to administer—supplements to current rail industry pension benefits and revenues under the Railway Labor Act.

A. Added rail industry pension benefit adjustment

Section 201: Tie Rail Industry Pension COLA to Trust Fund Solvency—Section 201 would interrupt rail industry pension COLAs whenever the rail industry pension fund's balances fall below 125% of the previous year's industry pension payments. When a prudent trust fund balance is restored, annual industry pension COLAs—which could then be financed—would also be restored. It should be noted that during the temporary cessation of industry pension COLAs, rail pensions would be accorded the same treatment accorded approximately 96% of the multi-employer pension plans in the United States.

Section 201 would *not* alter the social security COLA applicable to social security equivalent benefits. However, those tier I benefits which are neither payable under nor reimbursed through the financial interchange by social security would receive a COLA only when a tier II COLA is payable.

B. Added rail industry pension contributions

Section 202: Added Rail Pension Contribution—Section 202 would increase the pension contributions paid by rail employers by 1 percentage point and by rail employees by 1 percentage point, effective July 1, 1983. The increased payroll contribution from labor and management would take effect when rail retirees would have their current law indusry pension COLA delayed. This provision provides for a more balanced, equitable sharing of the burden by rail labor and management, as well as rail retirees.

Section 203: Conform Contribution Bases to Social Security Wage Base—Section 203 would conform the tier I and tier II wage bases to social security, which is on an annual rather than monthly basis. This would also restore the tier II wage base to the tier I level, as it was prior to 1979. Employees could be credited with higher covered compensation under Section 203, which would cause higher social security equivalent (tier I) and industry pension (tier II) benefits when they retire.

C. Federal contributions to restructure rail UI and the financial interchange

Section 204: Restructuring of Rail Unemployment Insurance—Section 204 removes the current law prohibition on the regular Federal/State UI systems covering rail employment. Starting on January 1, 1984, rail employment should be covered and taxed like all other employment in a State, including the Federal unemployment insurance tax. Starting July 1, 1985, rail workers would be eligible for regular Federal-State unemployment insurance benefits on the same basis as any other employee in the State in which they are covered.

As a transition provision, once rail employment is covered by regular Federal/State unemployment taxes, the rail UI system may borrow from the Federal Treasury on the same terms as a State. This transition provision would include having the Federal Treasury assume any outstanding loans from the Railroad Retirement Account, which would be paid off in full. No additional funds may be borrowed after June 30, 1985, which is when rail unemployment insurance would cease (with the possible exception of a few transitional benefits paid to unemployed rail workers not insured for regular Federal/State UI but with remaining weeks of rail UI eligibility).

Rail sickness insurance would be unchanged by Section 204. The existing rail unemployment insurance flexible contribution schedule would also be unchanged; it would finance rail sickness benefits on an ongoing basis and pay-off the outstanding loan (and associated interest) made by the Treasury, until the obligation were liquidated.

Section 205: Restructuring the Social Security Financial Interchange—Section 205 accelerates the payment of the financial interchange, which is designed to place the social security trust funds in the same financial condition they would have been in had all rail employment after 1936 been covered under social security (and all attendant benefits paid by social security). Currently, the financial interchange payment is transferred by June 15 for the preceding fiscal year. The first part of Section 205 stipulates that the financial interchange be accelerated by one month each year through 1991, on the following schedule, until it is on a current monthly basis:

Current law	Proposed schedule
June 15, 1984	May 15, 1984
June 15, 1985	Apr. 15, 1985
June 15, 1986	Mar. 15, 1986
June 15, 1987	Feb. 15, 1987
June 15, 1988	Jan. 15, 1988

Current law	Proposed schedule
June 15, 1989	Dec. 15, 1988
June 15, 1990	Nov. 15, 1989
June 15, 1991	Oct. 15, 1990
Thereafter	Concurrently, as monthly obligations are incurred

The second part of Section 205 authorizes the Railroad Retirement Board to borrow an amount equal to the estimated amount that would be transferred to the Railroad Retirement Account if the financial interchange were made on a current monthly basis. As under current law, whenever a financial interchange payment is received, the Board must apply the transferred amount first to repaying the Federal Treasury any outstanding advances, including interest.

D. Other modifications to Federal statutes

Section 206: Converting Future Windfall Subsidies to Appropriated Entitlements—Section 206 would make the payment of future windfall benefits an entitlement. The current law language authorizing pro rata windfall reductions to constrain obligations to amounts appropriated would be eliminated. Prospectively, the annual windfall subsidy appropriation would be an entitlement on the same basis as, for example, Supplemental Security Income.

Section 207: Authorize Rail Pension Bargaining under Railway Labor Act—Section 207 would authorize rail labor and management to bargain on future additions to rail industry pension benefits or income under the Railway Labor Act. The National Mediation Board would be authorized to provide assistance in rail pension issues on the same basis as it provides assistance in other bargainable subjects under the Railway Labor Act. The Railroad Retirement Board would be authorized to administer contractual agreements reached by the parties.

By Mr. BAUCUS:

S. 1077. A bill to amend the Congressional Budget Act to limit the growth of Federal taxation and spending and to achieve balanced budgets, and for other purposes; pursuant to the order of August 4, 1977, referred jointly to the Committee on Governmental Affairs and the Committee on the Budget.

FISCAL RESPONSIBILITY ACT OF 1983

● Mr. BAUCUS. Mr. President, I am strongly committed to balanced budgets. I am willing to make the tough choices involved in cutting back Federal spending.

Furthermore, I strongly support executive branch and legislative branch reforms that can mean balanced budgets for years into the future.

It is clear that the current system actually encourages increased Government spending and increased taxes. This is the time to eliminate those biases and help Congress keep a lid on spending and taxes.

I rise today, Mr. President, to introduce a bill that will do this. This legislation proposes what I believe is the correct way to impose constructive restraint on the burgeoning Federal budget.

This bill uses two basic procedures to accomplish the objective of imposing constructive restraint on the Federal budget: First, no deficit spending could be enacted unless both Houses of Congress have agreed to it by three-fifths votes. Second, each Member of Congress would be required to vote for or against any tax increase greater than the percentage increase in the gross national product—including the tax increases brought on by inflation.

In essence, the measure will insure that Congress decisively confronts proposed increases in Federal taxation and Federal spending.

My bill would require the submission of an alternate budget if the administration's proposed budget contains a deficit. The submission of an alternate budget is critical, since it would permit Congress quickly and directly to consider and evaluate the option of adopting a balanced budget.

Later, during consideration of any concurrent budget resolution or conference report on such a resolution, a second requirement is applied. If the percentage of proposed Federal revenues compared to the estimated gross national product exceeds the percentage for the previous year, a separate vote must be taken on the question of whether the increase should be accepted.

In this manner, Congress will be forced to address an issue of concern to the taxpayers and the voters of this country—the growth of Federal spending beyond growth in the economy.

Finally, if Congress decides to approve a deficit budget, it can do so under my proposal. But, a three-fifths majority vote of both Houses would be required. I believe this extraordinary majority requirement properly places the presumption in favor of a balanced budget. It would still be possible to use deficit spending if economic exigencies required it. However, the burden of establishing the need for a budget out of balance would be placed on its advocates—not its opponents.

I am under no illusion that this legislation will solve all our economic problems. It will not. But, it represents an important first step.

Congress must address the public's demand for restraint on Government spending and appropriately balanced budgets. The huge deficit projected for the coming fiscal year will keep interest rates high, choking off economic recovery and economic growth. The prospect of continued record-high deficits is a frightening one.

Adoption of this bill and the subsequent reduction of deficits would send a clear signal to business that Congress is serious about regaining control over Federal spending.

Interest rates are the key to whether or not the economy will recover. Balancing the budget will help insure that interest rates stay down.

Last year, for instance, farmers paid $22 billion in interest costs, while earning only $20 billion. There will be no economic recovery until this trend changes. Interest rates have also hurt farm exports, and crippled the housing and timber industries.

The first step toward getting interest rates to a reasonable level is to reduce the Federal deficit. This bill is a good step toward making the long-term reductions that are needed.●

By Mr. MATHIAS:

S. 1078. A bill to establish conditions for the relocation of professional sports teams, to clarify the application of the antitrust laws, and to require notification to affected communities and employees of relocation of professional sports teams; to the Committee on the Judiciary.

MAJOR LEAGUE TEAM FRANCHISE STABILITY ACT OF 1983

● Mr. MATHIAS. Mr. President, today I introduce a bill that would prevent the owner of a major league sports team from moving the team to another city unless one of several conditions is met, such as losing money for 3 consecutive years. This bill would protect not only the citizens of Baltimore from a possible move by the Colts, but all cities with professional sports teams. People who live in these cities have a deep emotional attachment and a bona fide interest in the local teams, and that must be recognized and protected by the law. My bill would cover all major league professional team sports: football, basketball, baseball, hockey and soccer.

For many years, these teams have enjoyed a preferred status under Federal antitrust laws, a status not shared by other American businesses. In return for this special consideration, the owners have generally respected the interests of the local community and their dedicated fans.

Lately, however, this self-restraint has started to weaken. We all saw what happened to Oakland. After years of sellout crowds, and after millions of dollars in municipal investment in stadium complexes and freeways, the owner moved the Raiders to Los Angeles. Even the National Football League could not stop him. No one in Oakland would have been surprised if the owner, on pulling out, had barked the famous words of William Henry Vanderbilt—"The public be damned."

With this bill, I hope we can remind the owners that they owe an obligation to their hometowns that transcends their bottom line. When a team abandons its "home city," serious economic and social dislocation occurs, and we need more effective means to protect the local interest than we now have.

Under my bill, a major league team that has been located in one city for 6 or more years cannot be moved to an-

other city unless one of these conditions is met:

A party other than the professional team breaks the stadium lease agreement;

The stadium or arena is inadequate and the stadium authorities are unwilling to make the needed adjustments;

The team incurs annual net losses for at least 3 years preceding the relocation; or

The local government does not object to the relocation.

The time has come to protect the interests of both the cities and the fans who have stuck with their teams through good times and bad, and I urge my colleagues to support me in this effort. By giving clear ground rules for team relocation, my bill will help us assure team stability. The bill does not affect sports league broadcasting or revenue sharing policies; it does not deal with labor-management issues nor with the various policies and practices of sports league operations; and it does not apply these standards retroactively.

I ask unanimous consent that the text of the bill and the section-by-section analysis appear immediately following my remarks.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Major League Team Franchise Stability Act of 1983".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) professional sports teams achieve a strong local identity with the people of the cities and regions in which they are located, providing a source of pride to their supporters;

(2) the public, through a municipal stadium or arena authority (which may be a city or county agency, or a construction corporation), often authorizes capital construction bonds to build a stadium or arena, while the team's lease or use agreement generally sets rent to cover only operating costs of the stadium or arena, without reimbursing the public for construction costs;

(3) the relocation of professional sports teams causes serious social and economic harm to local communities, and should be prevented whenever possible by strengthening local initiative and responsibility; and

(4) professional sports teams wishing to relocate their operations to another area should take into account the social and community needs in which they operate.

(b) The Congress, therefore, finds and declares that professional sports teams are invested with a significant local interest and that it is the national policy to discourage the relocation of professional sports teams receiving local support and to establish objective standards to limit such relocation.

(c) It is the purpose of this Act to provide communities with adequate notice of decisions by professional sports teams to relocate their operations in order to permit individuals and communities affected sufficient time to develop a strategy to counter or to minimize the impact of that decision.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "relocate" means to move the location at which a professional sports team plays its regular season home games from one metropolitan area to another area, and to move such location within a metropolitan area if the team is transferred to a new community or by moving falls under the jurisdiction of a different government authority.

(2) The term "government authority" means any unit of general local government or other government agency or authority that owns or operates or has a financial interest in a stadium or arena used by a professional sports team, or exercises regulatory authority with respect to a professional sports team.

(3) The term "person" means any individual, partnership, corporation, or unincorporated association, trust, or combination or association thereof.

(4) The term "metropolitan area" means a standard metropolitan statistical area.

(5) The term "professional sports team" means a major league team in the organized professional sport of football, baseball, basketball, hockey, or soccer.

LIMITATION ON RELOCATION

SEC. 4. No professional sports team organized to play football, baseball, basketball, hockey, or soccer that has played its regular season home games in a metropolitan area for six continuous years or more shall relocate unless—

(1) one or more of the parties, other than the team, to such team's stadium or arena lease agreement fails to comply with a provision of material significance to the agreement, and such noncompliance cannot be remedied within a reasonable period of time; or

(2) the stadium or arena in which the team seeking relocation now plays is manifestly inadequate for the purposes of properly and competitively operating the team, and the stadium or arena authority demonstrates no intent to remedy such inadequacies within a reasonable period of time; or

(3) the team has incurred an annual net loss for at least three years preceding a proposed relocation or has incurred losses in a shorter period that endanger the continued financial viability of the team, and

(4) within one year following the filing of a notice to relocate under section 5 of this Act, no affected government authority has made a formal objection to such

NOTICE REQUIREMENT

SEC. 5. (a) Whenever a professional sports team intends to relocate its operations it shall, not less than one year prior to the date of such relocation, furnish each affected government authority with a notice of intent to relocate operations.

(b) Notice under this section shall be in writing and shall be posted by certified mail or personally delivered to each affected government authority and shall contain—

(1) a statement of intention to relocate, the new location, and the reasons therefor;

(2) full documentation supporting one or more of the grounds for relocation specified in section 4; and

(3) the date on which the relocation is intended to occur.

(c) A formal objection made by a government authority under section 4(4) shall be in writing and shall be posted by certified mail or personally delivered to the appropriate legal representative of such sports team who is authorized to receive service on behalf of such team. Such writing shall state the objection or objections such government authority has to the relocation which could include the fact that the authority has invested substantial funds for the benefit of the team or that strong ties have developed between the community and such team.

EXEMPTION

SEC. 6. Nothing contained in the antitrust laws as defined in the first section of the Clayton Act, or the Federal Trade Commission Act, shall render unlawful any agreement by or among persons engaging in or conducting an organized professional team sport that restricts the relocation of a professional sports team in accordance with the criteria provided in section 4.

ENFORCEMENT

SEC. 7. Any government authority in a metropolitan area from which a professional sports team relocates may bring a civil action in any United States district court for damages and equitable relief on the grounds that such relocation does not comply with the criteria provided in section 4.

EFFECTIVE DATE

SEC. 8. (a) This Act shall apply to all professional sports team relocations that occur after the date of enactment of this Act.

(b) This Act shall not apply to any actions pending in any Federal or State court prior to the date of enactment of this Act.

SECTION ANALYSIS

Section 1 sets forth the title of the bill as the "Major League Team Franchise Stability Act of 1983".

Section 2 sets forth Congressional findings and purposes.

Section 3 contains definitions of the terms "relocate," "government authority," "person," "metropolitan area," and "professional sports team".

The definition of "relocate" includes movement within, as well as beyond, a metropolitan area. Relocation within such an area is covered by the bill if a team moves the location at which it plays its regular season home games to a new community or falls under the jurisdiction of a different government authority.

The definition of "professional sports team" includes the major league organized team sports of football, baseball, basketball, hockey and soccer.

Section 4 sets forth limitations on the relocation of professional sports teams which have played their home games for six continuous years or more in a metropolitan area. The bill prohibits team relocation unless—

(a) there is a material breach in the stadium or arena lease by a party other than the professional team which cannot be remedied within a reasonable time; or

(b) the stadium or arena is manifestly inadequate for the proper or competitive operation of the team and the stadium or arena authority will not remedy such inadequacy; or

(c) the professional sports team incurs annual net losses for at least three years preceding a proposed relocation or incurs substantial losses in a shorter period which threaten the team's financial viability; and

(d) there is no objection by the affected government authority to the proposed relocation within one year of receipt of notice of the intention to relocate.

Section 5 requires a professional sports team which intends to relocate to furnish notice to each affected government authority not less than one year prior to such relocation. Such notice is to include:

A statement of intent to relocate, the new site and the reasons thereof;

Full documentation supporting the criteria set forth in section 4; and

The date of proposed relocation.

Requires a government authority objecting to the relocation of a sports team to furnish a written notice of the reasons for the objection to the affected sports team.

Section 6 provides an exemption from the antitrust laws for any agreement by or among owners of professional sports teams that restricts the relocation of a professional sports team in accordance with the criteria contained in section 4.

Section 7 authorizes any government authority in a metropolitan area from which a professional sports team relocates to institute a civil action for damages and equitable relief in any U.S. district court on the grounds that such relocation violates the criteria contained in section 4.

Section 8 provides that the Act shall apply to team relocations that occur after the date of enactment. Also provides that the Act does not apply to any actions pending in federal or state court prior to the date of enactment.●

By Mr. KENNEDY:

S. 1079. A bill to amend the National Labor Relations Act to authorize the Secretary of Labor to prohibit the awarding of Federal contracts to persons who have violated certain judicial orders or orders issued by the National Labor Relations Board; to the Committee on Labor and Human Resources.

DEPARTMENT OF LABOR LAW VIOLATORS

● Mr. KENNEDY. Mr. President, I am today introducing legislation designed to discourage violations of the National Labor Relations Act by creating a procedure for preventing willful violators of that act from receiving Federal contracts for a period of 3 years.

For several years it has been clear that the penalties imposed on employers who violate the NLRA are inadequate to deter unlawful conduct. In many instances, the sole penalty imposed on companies guilty of illegally firing, harassing, intimidating, and spying on employees is the posting of a notice promising not to do it again.

As a result, a number of major corporations have adopted a policy of flagrantly ignoring the dictates of National Labor policy as a means of preventing employees from freely exercising their right to form a union.

Congress and the executive departments have repeatedly recognized the desirability of contract debarment in order that the Federal Government not do business with companies that violate our wage and hour laws or laws prohibiting employment discrimination. The theory of these debarment provisions is that an employers' illegal actions provide an unfair advantage over his competitors who obey the law, and that granting Federal contracts to such employers in effect rewards illegal activity.

This legislation provides that whenever the Secretary of Labor finds that any person has engaged in a pattern of willful violations of NLRB orders, he may prohibit that person from receiving any Federal contracts for up to 3 years.

Mr. President, this legislation will provide a powerful incentive to obey the law and will end the current practice of rewarding billions of dollars of Federal contracts to those who have been found guilty of repeatedly violating the rights of American workers.

I ask that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraph:

"(2)(A) If, based upon the preponderance of evidence, the Board determines that a person has willfully violated or is willfully violating any final order of the Board, or any final order of any court of the United States issued under subsection (e) or subsection (f), then the Board shall state its findings of fact and shall issue and cause to be served on such person an order certifying the identification of such person to the Secretary of Labor.

"(B) Notwithstanding any other provision of law, the Secretary of Labor shall certify the identification of the person involved to the Comptroller General of the United States if the Secretary determines—

"(i) that such person has engaged in, or is engaging in, a pattern of willful violations of final orders of the Board or of any court of the United States issued under subsection (e) or subsection (f); and

"(ii) there are no unusual circumstances which require that the Secretary, in order to serve the national interest, should not make such certification.

"(C)(i) The Comptroller General of the United States, upon receiving any certification from the Secretary of Labor under subparagraph (B), shall distribute the name of the person involved to each agency and department of the Federal Government. Notwithstanding any other provision of law and subject to the provisions of clause (ii), no agency or department of the Federal Government may award any contract to such person during a period which shall be specified by the Secretary and which may not exceed three years following the date of the certification made by the Secretary under subparagraph (B). The prohibition established in the preceding sentence shall not affect any contract awarded by any such agency or department before such date of certification.

"(ii) An agency or department of the Federal Government may award contracts to such person during the period specified by the Secretary if such agency or department, after notice and opportunity for hearing to all interested parties, certifies to the Secretary that there is no other source for the material or services furnished by such person.

"(D) The Secretary shall have authority to remove the contract restrictions imposed against any person under this paragraph, and the Secretary shall have authority to reduce the period during which such restrictions are in effect against any person.".

SEC. 2. The amendments made by the first section of this Act shall not affect any contract awarded by any agency or department of the Federal Government before the date of the enactment of this Act.●

ADDITIONAL COSPONSORS

S.19

At the request of Mr. DOLE, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 19, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to assure equality of economic opportunities for women and men under retirement plans.

S. 120

At the request of Mr. DOLE, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 144

At the request of Mr. DANFORTH, the names of the Senator from Washington (Mr. GORTON), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 212, a bill to authorize funds for the U.S. Travel and Tourism Administration.

S. 267

At the request of Mr. JOHNSTON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 267, a bill entitled "The Coal Distribution and Utilization Act of 1983."

S. 305

At the request of Mr. MATHIAS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 305, a bill to amend the National Housing Act to provide for a mortgage and loan interest reduction program, and for other purposes.

S. 337

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. RIEGLE), and the Senator from Mississippi (Mr. COCHRAN) were

added as cosponsors of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 462

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. MCCLURE), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 462, a bill to amend section 1951 of title 18 of the United States Code, and for other purposes.

S. 553

At the request of Mr. HART, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 594

At the request of Mr. DURENBERGER, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 594, a bill to amend the Internal Revenue Code of 1954 to treat as a reasonable need of a business for purposes of the accumulated earnings tax any accumulation of earnings by such business in anticipation of section 303(a) distributions before the death of a stockholder.

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 684

At the request of Mr. ABDNOR, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 684, a bill to authorize an ongoing program of water resources research.

S. 691

At the request of Mr. ARMSTRONG, the names of the Senator from Virginia (Mr. TRIBLE), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 691, a bill to amend title 38, United States Code, to establish a new veterans' educational assistance program and a veterans' supplemental educational assistance program, and for other purposes.

At the request of Mr. ARMSTRONG, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Carolina (Mr. HELMS) were withdrawn as cosponsors of S. 691, supra.

S. 742

At the request of Mr. NUNN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 742, a bill to increase the program level for the Small Business Administration's certified development company program, and for other purposes.

S. 743

At the request of Mr. NUNN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 743, a bill to amend the Small Business Act to increase the program level for funding small business investment companies, and for other purposes.

S. 744

At the request of Mr. NUNN, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 744, a bill to amend the Small Business Act to increase the program level for funding 301(d) small business investment companies, and for other purposes.

S. 747

At the request of Mr. ARMSTRONG, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Indiana (Mr. LUGAR), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 747, a bill to prohibit any person from exporting from the United States any currency directly or indirectly to any person in Vietnam.

S. 752

At the request of Mr. ARMSTRONG, the names of the Senator from Colorado (Mr. HART), and the Senator from Utah (Mr. GARN) were added as cosponsors of S. 752, a bill to authorize certain additional measures to assure accomplishment of the objectives of title II of the Colorado River Basin Salinity Control Act, and for other purposes.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service-connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 858

At the request of Mr. THURMOND, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 870

At the request of Mr. ARMSTRONG, the name of the Senator from Utah (Mr. GARN), was added as a cosponsor of S. 870, a bill entitled "The Federal Contractor Employees Flexible Bill."

S. 880

At the request of Mr. PRESSLER, the name of the Senator from Arizona (Mr. DECONCINI), was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 890

At the request of Mr. PRESSLER, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Maine (Mr. COHEN), were added as a cosponsors of S. 890, a bill to establish objective criteria and procedures for closing and consolidating weather stations.

S. 972

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mr. CRANSTON), was added as a cosponsor of S. 972, a bill to appropriate funds for epidemiological and medical research on acquired immune disorders and related opportunistic infections.

S. 986

At the request of Mr. PRESSLER, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 986, a bill to repeal employer reporting requirements with respect to tips.

SENATE RESOLUTION 95

At the request of Mr. DOLE, the names of the Senator from Michigan (Mr. RIEGLE), the Senator from Oregon (Mr. HATFIELD), the Senator from Mississippi (Mr. STENNIS), the Senator from California (Mr. WILSON), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

AMENDMENT NO. 522

At the request of Mr. KASTEN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Illinois (Mr. DIXON), the Senator from Louisiana (Mr. LONG), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of amendment No. 522 proposed to S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

AMENDMENTS SUBMITTED FOR PRINTING

RECIPROCAL TRADE AGREEMENTS

AMENDMENTS NOS. 1061 AND 1062

(Ordered to be printed and to lie on the table.)

Mr. COHEN submitted two amendments intended to be proposed by him to the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

AMENDMENTS NOS. 1063 AND 1064

(Ordered to be printed and to lie on the table.)

Mr. BOSCHWITZ submitted two amendments intended to be proposed by him to the bill S. 144, supra.

AMENDMENTS NOS. 1065 AND 1066

(Ordered to be printed and to lie on the table)

Mr. BOSCHWITZ submitted two amendments intended to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

CONSTITUTIONAL AMENDMENT ON FEDERAL BUDGET PROCEDURES

AMENDMENT NO. 1067

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. MATTINGLY submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 5) proposing an amendment to the Constitution relating to Federal budget procedures.

RECIPROCAL TRADE AGREEMENTS

AMENDMENT NO. 1068

(Ordered to be printed.)

Mr. DOLE proposed an amendment to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

AMENDMENT NO. 1069

(Ordered to be printed.)

Mr. KASTEN submitted an amendment to the amendment (No. 522) proposed by him to the bill S. 144, supra.

AMENDMENT NO. 1070

(Ordered to be printed.)

Mr. DOLE proposed an amendment to the first reported amendment to the bill S. 144, supra.

AMENDMENT NO. 1071

(Ordered to be printed.)

Mr. CHAFEE (for himself and Mr. METZENBAUM) proposed an amendment to the amendment (No. 1070) proposed by Mr. DOLE to the first reported amendment to the bill S. 144, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON THE TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

Mr. ABDNOR. Mr. President, the Treasury, Postal Service, and General Government Subcommittee of the Appropriations Committee is most concerned about the possible impact the administration's fiscal year 1984 budget will have on the U.S. Customs Service. On April 8 we heard testimony from the Commissioner of Customs. Because of time limitations we were unable to take the discussion as far as we wanted. Therefore, we have scheduled a hearing for Monday, April 25, at 9:30 a.m. in SD-192 to hear further testimony from Customs as to how their effort will have to be adjusted to accommodate the proposed reduction. Because this situation is far reaching we will also make time available to any Members of the Senate or the other body who wish to submit testimony. That privilege will also be tendered to public witnesses. Any Senators, Members or public witnesses wishing time to testify should contact the subcommittee.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Monday, April 18, at 9:30 a.m., to hold a hearing on the President's Commission's report on the MX missile.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OUTSTANDING PEACE CORPS VOLUNTEERS HONORED

(By request of Mr. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CRANSTON. Mr. President, as a strong supporter of the Peace Corps, I am pleased to report that six Peace Corps volunteers were honored today as Outstanding Peace Corps Volunteers of 1983. The 6 volunteers, selected from the over 5,000 Peace Corps volunteers serving in more than 62 host nations around the world, truly represent the spirit which underlies the Peace Corps.

Mr. President, I was particularly delighted that one of the volunteers selected is from California. Californians have always been well represented within the Peace Corps ranks, and over 600 of the current volunteers are from California. James O. Morris, 28, from Carmel, Calif., was chosen for the award for his outstanding service in helping Guatamalan farmers develop fish ponds. A graduate in biochemistry from the University of California, he has been teaching the farmers how to improve family incomes, and to obtain a better source of protein, by raising warm-water fish in newly constructed farm ponds. Part of his work included training the villagers in the remote mountain region he serves to maintain a fisheries station so that they will be able to carry on the work after he completes his Peace Corps service.

Other recipients of the 1983 awards included:

Michael McKenna Bolster, 25, Princeton, N.J. A Tulane University architectural graduate, he helped restore water facilities for remote Yemen villagers after the recent, devastating earthquake in Yemen.

Sister Madeline Chorman, 72, from Stella Niagara near Buffalo, N.Y. She has served Ghanaians in the Peace Corps for more than 10 years. She most recently created a "Food on Wheels" program to care for the thousands of Ghanaians recently evacuated from Nigeria.

Joan Le Clair, 41, of Minneapolis, Minn. A University of Minnesota graduate speech therapist, she has established a program for the entire country of Malaysia for the training of therapists and counselors for children with severe speech disorders caused by cleft palates, brain injuries, and hearing impairments.

Kenneth Robinson, Jr., 29, Tucson, Ariz. On his own initiative, Robinson has developed a parasite education program, invented an inexpensive handpump from local materials, conducted courses on sanitation for 4,000 local villagers, and trained Paraguyans to continue his work once his Peace Corps service concludes.

Monica Wernette, 31, Clay Center, Kans. A communicable disease epidemiologist, she has traveled extensively throughout the remote areas of Zaire to investigate and treat cases of the deadly human monkeypox virus, a mysterious disease related to the more virulent smallpox. Her work has been praised by the World Health Organization.

Mr. President, our Nation should be justly proud of the contributions which these six volunteers and the thousands of other Peace Corps volunteers serving in remote regions of the world have made not just to those people directly touched by the work of a volunteer, but to the cause of international goodwill and mutual understanding. The Peace Corps continues through its unique people-to-people approach to represent the finest qualities of Americans and our country.●

THE LEAKAGE OF WESTERN TECHNOLOGY

● Mr. ARMSTRONG. Mr. President, in speeches a few months apart, Gen. Charles Gabriel, the Chief of Staff of the Air Force, and Adm. James D. Watkins, the Chief of Naval Operations, issued grim warnings about what very well may be the most serious defense problem we face—the hemhorrage of Western technology to the Soviet Union and her satellites. The words of General Gabriel, delivered at the 1982 convention of the Air Force Association, and of Admiral Watkins, delivered at a Navy League luncheon in Pasadena on January 3 of this year, are especially relevant this year, when we will take up renewal of the Export Administration Act. I urge

all of my colleagues to read these messages carefully. I ask that the speeches by General Gabriel and Admiral Watkins be printed at this point in the RECORD.

The speeches follow:

THE LEAKAGE OF WESTERN TECHNOLOGY—WORKING TOGETHER WITH THE OTHER SERVICES

(By Charles A. Gabriel)

Members of the Air Force Association, ladies and gentlemen: In just a few days, we will celebrate an important milestone in the rich history of the Air Force, our thirty-fifth anniversary as a separate service. This year also marks the seventy-fifth anniversary of military aviation. In August of 1907, the Army Signal Corps assigned one officer, two enlisted men, and a civilian clerk to its new aeronautical division. In the summers of 1908 and 1909, the Wright Flyer thrilled thousands of spectators who watched at Ft. Myer as Wilbur and Orville flight-tested improved versions of their 1905 model. It was not until August 1909, that the Army finally accepted "Aeroplane No. 1." Three months later, the nation temporarily lost its total air strength when the plane crashed.

By comparison to the initial four-man air force, today we have over 800,000—about 100,000 officers; some 475,000 enlisted personnel; and about 250,000 civilian employees in the active force. The Air Reserve Forces add more than 240,000 highly capable men and women to the total force, with the Air National Guard topping 100,000 for the first time. The Air Force was born and remains a product of foresight, drive, and technology. In a few amazing decades, we have come from the silk scarf and biplane to operational space flight.

We appreciate the contributions your Association has made in helping the public understand the role and importance of air power. Because of your interest and knowledge, you speak with a strong and informed voice about the important defense issues of our day. You have helped us tremendously in persuading the American people to do what is necessary to keep our nation strong. I thank you and encourage your continuing support in the dangerous and turbulent years ahead.

I do not need to belabor the threat we face. I have spent a lot of time over the past couple of years in Europe wrestling with the numbers the Soviets have lined up against us. We all know the Soviets outspend, outman, and outproduce us. I will not take up your time to recount these statistics. What I will do is tell you what we are doing to counter this threat.

We have come out of the long, dark decade of the 1970s when we, as a nation, failed to maintain our military strength. We are now moving in the right direction to rebuild our war-fighting capability. Our priorities remain—to take care of our people—to modernize our strategic nuclear forces—to increase the readiness and staying power of our general purpose forces—to expand our airlift capability—and to modernize and expand our tactical forces.

We don't expect to match the Soviet Union in numbers, nor do we need to. We depend on the high quality of our people and on superior training, tactics, and technology to give us the critical edge in combat. We will hold onto this edge—just as the early air pioneers did—through the dedication of our people, and through our determination to exploit technological change to its fullest.

The attitude of our people in the field has never been better. Their driving motivation is their dedication to serve in the nation's defense. We can all learn much from the courageous life of the legendary airman. Sir Douglas Bader, who died earlier this month. Although he lost his legs in a flying accident in 1931, he mastered his artificial legs, rejoined the R.A.F. in 1939, and became an ace with 22 "confirmed kills" during the battle in Britain. In August 1941, he was captured after his plane collided with an enemy aircraft; one of his artificial legs was crushed in the crash. The Germans so respected Sir Douglas that they asked the R.A.F. to airdrop a new pair of legs for him—the R.A.F. did so, but mixed in, of course, with a bomb drop. Sir Douglas got his new legs. However, after his fourth escape attempt, the Germans decided to lock up his legs each night.

Our highly-qualified, well-trained and motivated crews, and the people who support them, will be the key to success or failure in combat. The bad situation our people faced in the late 1970s has been turned around to a large extent through improved pay and benefits, better working and living conditions, and a marked increase in public pride in the military. As President Reagan has said, "It is once again an honor to wear the uniform." Our experienced people are staying in, and as a result our combat capability is improving. Retention rates for pilots in the six-to-eleven year group have increased from 26% in 1979 to 66 percent today. And first-term reenlistment rates have increased from 38 percent to 58 percent. When we retain our people, we are keeping trained combat capability. When our experienced people leave, we have to recruit and train all over again. This not only costs more, it continually puts us in a training mode—never quite ready.

The combination of our experienced people staying with us and increased funding for operations and support over the past couple of years has had a good effect on the readiness and morale of our combat forces. In the late 1970s, we didn't have enough money in these accounts. Many of our bases were in a sad state of repair—roofs were leaking, buildings needed painting, runways needed patching, and flying time was not what it should have been. These "nuts and bolts" items had a negative effect on morale and caused us to lose training opportunities. Now our crews are flying more—training more effectively—and our stocks of munitions and spare parts are beginning to fill.

Today, our combat crews are well-supported and ready; they are expertly trained in superior tactics; and they have modern, high-technology equipment. This is a far cry from the days of Lt. Benny Foulois. As the only officer on flying duty in early 1910, he taught himself how to fly in the only plane the Army had. Foulois received instruction from the Wrights by mail, becoming the first correspondence school pilot in history. The Wrights later sent him an instructor to help with the hardest part—landing. Over the next months and years, the young air pioneers trained hard and developed the tactics to turn the airplane into an effective military weapon. They did the best they could with what they had and worked hard to show the Army and Navy how airpower could contribute to joint operations.

To insure our nation has the most effective warfighting forces, we will plan, equip, train, and operate in close harmony with the other services and our allies. It will not be easy for some to shed parochial concerns. But we cannot afford separte approaches that waste scarce resources and do not give us the best warfighting capability.

We are working with the Navy on several initiatives to increase cooperation and training. We and the Navy will be expanding our use of each other's schools, increasing the scope and frequency of joint maritime training and exercises, and developing better ways to fight together. As the Falklands' conflict demonstrates, air power is a critically important part of successful maritime operations. We will be putting more emphasis on collateral roles such as sea-lane protection, aerial minelaying, and ship attack. We can learn from one another what we need to know—both on the offense and the defense.

For training to give us the best results, we have to train the way we would fight—in aggressive, realistic conditions. Programs like Red Flag, Maple Flag, NATO's Tactical Leadership Program, Cope Thunder and Dissimilar Air Combat Training insure that all of our operational crews around the world learn to fly as a unit in conditions like we would expect in combat. Large scale mock combat exercises against threat systems which closely match Soviet equipment have become an integral part of our training in recent years. We will continue them, improve them.

In the past two years, Air Force units took part in 124 joint exercises and we are currently participating in the Reforger 82 exercise in Europe—the largest strategic airlift deployment of troops ever. During the exercise, over 18,000 Army troops and more than 950 tons of cargo will be airlifted from the U.S. to Europe on C-141s and C-5s, augmented by civilian aircraft.

The best-equipped combat forces are of little value if they can't be brought to the battle on time. The C-5B and KC-10 programs, along with the expansion of the Civil Reserve Air Fleet (CRAF), will greatly improve our ability to get troops and supplies to the battle. On Easter Sunday 1949 during the Berlin Airlift, allied planes hauled 13,000 tons of supplies on 1400 flights. Today, the C-5 could carry that many tons in just 117 flights. Despite improvement in our airlift capability, we're still short of what we need. A new aircraft, like the C-17, could add the needed long-range and intra-theater lift.

While we continue to rely heavily on our people, tactics, and training to offset Soviet advantages, I am increasingly concerned about the other driving element—technology. Since the early days of air power, technological advances have been our ace in the hole. We have to stay on the frontiers of technology and protect our advantages in equipment. We can't afford to let our critical technological advantages slip away or be stolen away into the armaments industries of the Soviet Union and its allies. The leakage of Western technology, through legal and illegal means, has helped the Soviets close the gap. For example, our leads in radar and computers have been cut drastically through the transfer of militarily relevant technologies from the West to the East. While some steps have been taken to strengthen national and international controls on such transfers, all of us—including industry—need to do more. We have to do a better job of protecting the technologies and know-how we need to deter Soviet aggression. We cannot allow our combat capability to be threatened by Western technology in Soviet hands.

As demonstrated in Lebanon, the quality of our equipment is excellent. However, our production is not where it should be. We would be foolish to repeat the near catastrophe the nation faced in the late 1930s, with war on the horizon. In September 1939, the Air Corps had only 800 first-line aircraft, while Germany had more than 4,000 aircraft of better quality. The one exception was our B-17, which was better than the German bombers of that time, but we had only 23 on hand. We may never again have the luxury of two years or more to change the equation, as we did then. Fortunately, we have the best tactical fighters in the world today. We are committed to a stable production program for F-15s and F-16s, and through evolutionary improvements we will increase their air-to-surface, night, and in-weather capabilities. For the longer term, we will continue to build toward our goal of 44 tactical fighter wings.

The E-3A (AWACS) is another example of how technology has been applied to extend our combat capability. In times of crisis, we used to say, "Send in the Marines!"—now, AWACS is helping to fill this role. As shown in recent crises in Europe, Korea, and Southwest Asia, the AWACS increased our surveillance and warning, and demonstrated our nation's commitment and resolve. The AWACS get to the scene quickly; it is nonlethal—it shoots electrons and not bullets; and it greatly improves the effectiveness of our fighters in battle.

Our most critical technological challenge is in the rebuilding of our strategic nuclear forces—forces that have kept us from war with the Soviet Union for the past 37 years. The bomber and missile legs of our strategic triad have been sadly neglected. Our youngest B-52 is twenty years old, and our ICBM forces date from the 1960s. In the past decade alone, the Soviets have deployed three new ICBMs with ten improved versions; during the same period, we deployed no new ICBMs and only one Minuteman upgrade.

The B-1B program is going well and enjoys continued Congressional support. The B-1B is not the same as the original B-1 of the 1970's; it is a big jump ahead. Using "stealth" technology, the B-1B will have only 1/100th of the radar cross-section of the B-52, making it tough to detect and track. The B-1B will be able to penetrate the projected Soviet air defense network through the 1990s and will stress Soviet defenses. We need it to attack the imprecisely located and mobile targets that only a manned bomber can hit. As our B-52s become less able to penetrate, and our new B-1Bs come on line, we will be converting most of our B-52s into stand-off cruise missile carriers. The remaining B-52s will be used in force projection, conventional bombing, and maritime roles. We are also moving at the fastest reasonable pace to develop an advanced technology bomber that will insure our ability to penetrate advanced Soviet defenses in the next century.

Technology also holds the key to restoring the credibility of the ICBM leg of the triad. Our ICBM force is in danger. The Soviets have improved the accuracy of their missiles faster than we had expected and these missiles greatly increase the vulnerability of our Minutemen and Titans. In the coming years, the Soviets could destroy about 90% of our ICBMs in a first strike, while using only a relatively small portion of their force. We have worked long and hard on this problem. And, after looking at a number of basing approaches for the M-X, we believe we have found a solution to this destabilizing situation.

We are making our recommendation today to Secretary Weinberger on the best way to base the M-X to ensure the survivability and retaliatory power of our ICBMs for many years to come. It would be inappropriate for me to discuss our recommendation until after the Secretary has had time to review it. As you know, the Administration plans to make its final decision on M-X basing by December.

The brightest scientists and analysts we could find have looked at the basing concept we are recommending and have tried to find reasons why it might not work. None of these experts, not even those skeptical at first, has been able to come up with a showstopper. We believe we have a feasible basing concept that will be effective against current and projected Soviet threats. It takes advantage of America's technological capabilities—it is technology over numbers.

Unlike our current Minuteman force, M-X with survivable basing would not be vulnerable to Soviet numbers. It will turn the tables on the Soviets. They will have to expend scarce resources on protecting their ICBMs rather than expanding them. And they will be forced to look for technological rather than number solutions—our game rather than theirs.

To sum up, carrying out President Reagan's strategic modernization program, including the deployment of M-X, the B-1B, and the Navy's Trident D-5, will close the window of vulnerability. We will restore the strength and credibility of our strategic forces by taking advantage of this country's technological and industrial genius.

Our President has taken a bold step to begin strategic arms reductions talks with the Soviet Union. Arms control is not a substitute for modernization. At the reduced levels proposed in START, modernization of our strategic forces is all the more necessary. With these programs underway, the United States will be able to negotiate at Geneva from a position of strength, making equitable and verifiable reductions in strategic arms possible. The President's commitment to strategic modernization last fall provided the Soviets the incentive to come to the negotiating table.

I am proud of our Air Force today. It's the world's best. With your help, we're going to keep it that way. Our dedicated people and our advantages in tactics, training, and technology will continue to give us the warfighting capability we need. We will be able to deter the Soviets from war as long as they remain convinced that we have the strength and the resolve to use it.

As America has shown so many times in the past, we have the will, the ingenuity, and the resources to do what is necessary to maintain our power and thus preserve the peace. Strength does not invite war, weakness does.

Thank you.

Technology Transfer—A Costly Race With Ourselves

(By James D. Watkins)

I had the pleasure of being one of ten thousand plus witnesses for a great Navy event last week, recommissioning for the fourth time of the modernized battleship New Jersey. During President Reagan's remarks, he told an assembled multitude that the New Jersey is a shining example of a navy which has capitalized on "cost effective application of high technology to existing assets" in order to help fill the defense void left in the wake of the tragically confused 70's. Nine 16-inch guns, twelve 5-inch guns, 32 of the newest long-range Tomahawk cruise missiles, 16 of the newest medium range cruise missiles, and an invulnerability to any conventional missile in the world. . . . Not a bad deal at the price of our cheapest low-mix frigate today.

But, the U.S. Navy has consistently been a leader in applying the best of America's modern technology.

Since the Civil War where armored warships—equipped with heavy cannon and propelled by steam—were first combat tested, the Navy has always integrated modern technology into our national force structure. For example, in 1955, with the words "Underway on nuclear power," USS Nautilus proved to a watchful world that we were a leader in nuclear propulsion and could effectively use technology in our modern submarine force, constantly applying new concepts so as to stay qualitatively well ahead of Soviet counterparts.

This recurrent theme continues—Today's Navy is heavily involved in using the lastest American technology across the naval warfighting spectrum.

No sea is a safe harbor or protected lake. A survivable navy in the modern world must possess the latest surveillance techniques, information processing capabilities and platforms that can effectively deliver weapons in the incredible environments realistically projected in this decade.

We are into modern technology in its most practical forms. From micro-minature electronic components to the awesome 90,000 ton nuclear powered Nimitz class carriers and their sophisticated air wings. Tomorrow's navy will continue to strive to be the best possible expression of American technology and its practical utilization. Selected, critical technology is among our few remaining superiors in the existing, fragile military balance. This narrow edge makes up the extremely important difference which separates us from the Soviets . . . a difference we rely upon to attempt to hold a margin of American fighting superiority . . . a difference unfortunately evaporating even while I speak.

Would any sensible nation accede to a policy which would allow the clear technological lead of its military to erode intentionally? Of course not! But unwittingly, accidentally? Possibly. For monetary gain? Unfortunately, yes . . .

America has always prided itself in its ability to research, develop and effectively employ new concepts, being in the forefront of applied scientific advancement. This has been a national strength and has helped maintain us as leader of the western world and defender of freedom. The Soviets are not blind to this. They have seen that much of our strength, militarily and as a nation, lies in our steady flow of technological developments, a stream they have tapped in the past with alarming success.

We are certainly not endangered by the transfer of technological concepts. In fact, free exchange of scientific ideas is also one of our hallmarks of world leadership. Technological concepts can be transferred in the nations best interests, forging new diplomatic ties, helping needy nations and peoples. We would not wish to impede or prohibit the ebb and flow of knowledge. On the other hand, our goal should be to protect those few selected blue chips of U.S. military superiority which remain, what I like to call applied militarily-critical technology. Our concern is that no sooner do we devel-

op, test and field new high technology systems aboard our ships and aircraft, than the Soviets easily and cheaply acquire this applied technology for their own use. In fact, it appears on the scene shortly after initial employment on our fleet . . . demanding we develop, test and field a technological leapfrog once again.

The Soviet Union and its surrogates are embarked upon the most impressive, systematic, calculated effort the world has ever known—using both legal and illegal means—to raid the free world's technological base. This effort has provided them with big dividends, in some critical instances shrinking our once eight-to-ten-year technology lead to a mere two to three years. As a result, I'm talking about the virtual elimination of the "comfort zone" once enjoyed between the time we develop it and they start to use it.

Technology transfer is too often thought of in terms of clandestine sale or transfer of specific goods or equipments, like a computer or a new missile system; or again in terms of stolen secret defense documents like the famous U.S. photo-satellite handbook sold by an American traitor only a few years ago. But no; the large body of transfer is subtle, harder to detect and deter. In fact, technology transfer largely occurs in our open marketing literature pushed by well-meaning breast-beaters of competitive industries who are too quick to publicize their highest technology achievements often derived from nuggets of military critical technology. An unrelenting, well-orchestrated and financed Soviet process is quick to collect scraps of information from these unwitting salesmen until all essential elements of the latest U.S. military capability are in Soviet hands.

How do the Soviets get away with this? Most of their efforts take place right before our very eyes; only a small effort continues to employ more traditional "hand-in-the-safe" techniques. Let us look at a few examples:

Published material. It is amazing what is openly published in magazines, journals and reports in this country. The Soviets are the world's largest producer of scientific and technical abstracts, employing over 100,000 full-time people to translate, review and catalogue information generated from "free societies."

In this country you can easily find full-color photographs with detailed layouts of our weapons, display consoles and interiors of aircraft and ships published in various defense, scientific and company journals. Conversely, you would have to be James Bond to see the inside of an equivalent military system in the Soviet Union.

Student exchanges is another seemingly innocent method of technology transfer.

Unfortunately, this exchange is hardly reciprocal. Where Americans in the Soviet Union typically study subjects such as history of czarist Russia and sociology, Soviets and Eastern bloc scholars in this country usually conduct research in scientific and engineering areas where their nations have critical technology shortfalls.

Scientific exchanges are another area of technology transfer abused by the Soviets. Since 1972 this nation has signed 10 bilateral agreements with the Soviet Union on scientific and technical subjects. At one time there were as many as 250 different ongoing projects in these 10 areas of agreement with over eleven hundred people engaged in this exchange.

One example of unwanted technology transfer is the case of a Hungarian who attended scientific conferences and studied magnetic bubble memory technology in the U.S., which incidentially represents a major leap forward in computer development. Later, in a Hungarian publication, some of his study's military and commercial implications became apparent when the Hungarians proudly claimed that they had provided the Soviets with new magnetic bubble memory capabilities. Fortunately almost all of these bilateral agreements have been terminated by the present administration.

But the most important and self-defeating of all areas of technology transfer is Soviet importation of sophisticated manufacturing technology, unwittingly delivered to them by our nation's finest manufacturers within the military-industrial complex. Much of this has, in the past, been carried out openly and legally in trade agreements between this country, other western nations, and the USSR.

Even in peaceful ventures the Soviets have proved themselves to be untrustworthy trading partners, taking the most innocent technological exchange and turning it into a military advantage. In a country where a toaster is a luxury item because not enough of them are manufactured it should be no surprise that out best technology, when transferred to the Soviets, goes not for improving the lot of the average Muscovite, but directly into a military apparatus which continues to grow at unprecedented rates.

A significant example is the Kama River Truck Factory in the Soviet Union, largest single truck factory in the world, and built exclusively with western technology.

Over 50 U.S. contractors and subcontractors were involved, providing automated foundry equipment, production lines and a computer system to run the entire plant . . . techniques in applied technology quite natural to us, but revolutionary to the Russian process. Now, while these trucks can be found on the streets of Moscow, they are predominantly in military colors in Afghanistan, and, the day before the 1981 communist party congress met in Moscow, the first fully militarized, all-wheel-drive and all-terrain Kama truck rolled off the American-built assembly line. Unfortunately, potential release of classified defense information precludes my exposure here today of facts related to the similar transfer of sophisticated technology far more significant to our nation's defense than trucks. Appropriate administration offices and congressional committees have been made aware of the details of this situation and are equally appalled.

And I have not even mentioned any of the illegal means of technology acquisition engaged in by Soviets and Eastern bloc nations.

Bribery, extortion, blackmail, agents who pose as businessmen and diplomats are all weapons in the Soviet clandestine effort to get our technology for themselves.

It is estimated that 5,000 Soviet and Eastern bloc agents are in this country ferreting out information to feed the sophisticated Soviet data base.

Until recently there was a rapid growth in the number of Soviets permanently stationed in this country as "purchasing agents." The FBI estimated that about 40 percent of these people are full-time members of Soviet intelligence communities. They are infiltrating *your* business, *your* company, *your* defense industry.

Melodramatic? Not in the slightest. The problem is serious and is finally starting to get the attention it deserves in the White House, Congress and national agencies.

But this is not just your Government's problem. It's a problem for all who are concerned for the security of this nation. We must learn to discipline ourselves, to hold high technology cards close to our chest, carefully watching those with whom we deal to determine intentions.

Before this initiative to control transfer of critical technology runs its course, it will entail new legislation and policy direction at the national level. But laws and regulations are inadequate in themselves. What is required is a grass-roots effort with combined support of American industry, academia *and* Government. And while there is no need for national paranoia, a clarion call is urgently needed for our free society to protect what should be, at least for a time, held as *our own*. There must be an educational program within industry itself to understand and accept that a significant problem exists, and then find a solution which is largely theirs to find. Once this is done, then perhaps industry can work successfully with defense and other national agencies toward establishing reasonable and practical guidelines for stemming the flow of selected, militarily-critical technology to the Soviet Union.

What are the benefits to the Soviet Union of this massive technology theft? Acquisition and application of our technology by the Soviet allows them to remain state-of-the-art without expenditure of massive amounts of time and money for research, development and testing. It means that each of their rubles spent on military hardware goes further and is multiplied by dollars we spend on research and development of systems and technologies which they can pick up from us and our allies nearly free of charge. Isn't it ironic that our nation is currently being targeted by Soviet weapons at least partially developed by Americans, partially financed by our tax dollars? We must do whatever is necessary to avoid being drawn into any arms race against ourselves, where we must counter our own advancement because it has been bought, given away or stolen off the shelf, and then integrated into the Soviet military machine.

America is a great nation with a great navy. Let no one question that. If we were not the best the Soviets would not try so hard to get what we already have. Our goal of a 600 ship navy before decade's end, built around 15 carrier battle groups, 4 modernized battleship-centered surface action groups, 100 attack nuclear submarines, increased lift for the marines, and the D5 missile aboard Trident submarines is many steps closer to reality with full funding of two nuclear carriers just authorized by Congress and the modernized New Jersey in commission.

But to reach this mark and keep our deterrent of warfighting capability we must ensure our nation's militarily-critical technology remains our technology. We cannot allow the Soviets to take ours for theirs and at such a bargain basement price. Too often in the past we have casually written off these costly losses as the price of a free and open society. I contend we can have the latter without the burden of the former if we put our minds to it. And if we can do so, we would make as important a contribution to the defense of our country as in effecting any other of our major defense programs. In fact, if we can get our national act together on this issue we would not only enhance our warfighting capabilities vis-a-vis the Soviet forces by limiting technology loss, but do so at reduced defense spending

levels as well. The time is right for all of us, as American partners, to join hands in an effort to keep what remains of our sparse technological leads from slipping further through our collective fingers. I can assure you of the Navy's intense dedication to this end. Only by beginning now can we hope to stem this flow by decade's end. So, let us sound the national call to protect the best of our arms from those who would use them against us.●

THE THIRD WORLD BAILOUT WILL NOT WORK

● Mr. HUMPHREY. Mr. President, in a recent column in the Washington Times, columnist Steven K. Beckner reminds us that the upcoming Williamsburg economic summit will herald another round of traditional and bogus policy recommendations for bringing the Third World back to prosperity. We in Congress have been asked to play our part in this charade by agreeing to hand over another $8.5 billion to the International Monetary Fund, who in turn will use it to reward and encourage frightfully mismanaged economies the Third World over.

As Mr. Beckner notes, our experiences with simply transferring wealth to developing nations have been largely unsuccessful, based on the faulty assumption that it is our responsibility to act as the locomotive of a long train of socialistic and nationalistic economies. In the view of this Senator, the $8.5 billion we have been asked to surrender would be much better spent here at home, where domestic businesses can borrow and invest it in projects to promote economic expansion and increased employment opportunities. As for the Third World debtmongers, their problems will be addressed through face-to-face negotiations with the bankers who got them into trouble in the first place, and through the adoption of rational economic policies designed to expand their real productive capacity.

Mr. President, at a time when our own economy has just begun to emerge from a protracted and painful recession, we can ill afford to spend limited and valuable resources on behalf of an institution and a cause that do not work.

I ask that the Beckner column appear in the RECORD at this point.

The column follows:

[From the Washington Times, Apr. 13, 1983]

HIGH IDEALS, BAD IDEAS BEHIND PRE-SUMMIT HYPE

(By Steven K. Beckner)

The ninth annual "economic summit" is still six weeks off, but for some time now we've been subjected to the hype and international issue-mongering that have become customary whenever these annual dog-and-pony shows come around.

What with the Third World all in a dither of debt and the International Monetary Fund clambering for more money to dole out, we've been inundated with a flood of facile recommendations and moral incantations about what the industrial nations must do to save the world economy.

Political types imbued with sudden geo-economic wisdom—folks like former West German Chancellor Willy Brandt—have urged upon the "rich" nations the need to:

Relax monetary policy and stimulate worldwide recovery.

Lower real interest rates.

Slash budget deficits.

Increase multilateral aid to the developing (alias the "poor" or "have-not") nations.

Bolster the international financial system (and preserve the solvency of overexposed international banks) by putting up more money for official lending outfits like the IMF, the World Bank and its collection of soft-loan agencies.

Stabilize and rationalize currency values and relationships.

(Most sacred and insincere of all.) Avoid protectionism so that "free trade" is preserved and that all may prosper.

Underlying all these noble but conflicting aspirations are some very questionable assumptions. One is that the United States and the other industrial democracies, but chiefly the United States, have a moral duty to act as a "locomotive" and pull the rest of the world economy out of recession, while providing a neverending flow of wealth to the Third World.

Another assumption is that a gaggle of Western leaders, meeting for a few days down the road from Busch Gardens' "Loch Ness Monster," somehow can manage to coordinate their policies in such a way as to steer the world along a predetermined path.

As for the first assumption, regardless of the morality of the issue, which ethicists may argue to their hearts' content, the evidence is abundant that large-scale transfusions of aid to the developing nations do not work. What did they ever do for India, Pakistan or Bangledesh, beneficiaries of lavish and disproportionate aid over the last two decades? The biggest Third World success stories—Hong Kong, Singapore, Korea, Nationalist China—have received very little aid.

There is little doubt that much of the present load of Third World debt will have to be radically restructured over a longer term at reduced rates. Some of this debt ultimately will have to be written off. While lenders and recipient countries reduce their expectations, some level of lending and aid will need to be sustained. But the trend should be toward a stricter, more business-like approach to international lending—hard and soft, private and official loans. A move toward liberalized lending will solve nothing. We will have learned nothing.

Rather than be guilt-threatened into taking false responsibility for the problems of the Third World, the summiteers would do better to recognize the responsibility of the "poor" countries to solve their own problems. Long before the OPEC "oil shocks" disrupted trade flows and generated large sovereign debts, the countries of Latin America, Africa and parts of Asia were doing everything they could to wreck their economies. Their socialistic, nationalistic policies continue to guarantee inflationary stagnation.

If those countries would actively encourage private investment they would be well on their way to a higher standard of living. Even Peruvian economist Mauricio Herman, a division chief at the Inter-American Development Bank, recognized recently the need for the Third World to decrease its reliance on foreign loans in preference of equity financing.

It is conceivable that the leaders of seven nations can meet and arrive at some mutual understandings and possibly even coordinate their policies somewhat. But it seems doubtful, in the carnival atmosphere in which these summits take place, that any meaningful agreements will be reached. Instead, we will see a lot of posturing, playing to the 6,000 reporters who will be on hand to regurgitate the sanctimonious injunctions of Messrs. Trudeau and Mitterrand and to castigate the Reagan administration's niggardliness.

Given their conflicting trade interests, which have been aggravated by the policies of the respective governments, it is unlikely that the seven will contrive to cure the exchange rate disequilibrium or to cool protectionist passions. They may have better success, alas, in coordinating fiscal and monetary policies designed to promote recovery, but that can only generate the world's next cycle of inflation.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point a notification which has been received.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 13, 1983.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 83-28, concerning the Department of the Navy's proposed Letter of Offer to Japan for defense articles and services estimated to cost $103 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmitted No. 83-28]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Japan
(ii) Total Estimated Value:

	Million
Major defense equipment [1]	54
Other	49
Total	103

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of Articles or Services Offered: A combat suite for a guided missile destroyer consisting of a MK 74 Mod 13 Missile Fire Control System, a MK 13 Mod 4 Guided Missile Launching System, an AN/SPS-52C Air Search Radar System, a Beacon Video Processor, a Combat Direction System, a MK 15 Mod 2 PHALANX Close-In Weapon System, ancillary equipment, spare parts, support, and systems engineering services.

(iv) Military Department: Navy (LIP)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vi) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii) Section 28 Report: Case not included in Section 28 report.

(viii) Date Report Delivered to Congress: 13 April 1983.

POLICY JUSTIFICATION

JAPAN—COMBAT SUITE FOR A GUIDED MISSILE DESTROYER

The Government of Japan has requested the purchase of a combat suite for a guided missile destroyer consisting of a MK 74 Mod 13 Missile Fire Control System, a MK 13 Mod 4 Guided Missile Launching System, an AN/SPS-52C Air Search Radar System, a Beacon Video Processor, a Combat Direction System, a MK 15 Mod 2 PHALANX Close-In Weapon System, ancillary equipment, spare parts, support, and systems engineering service at an estimated cost of $103 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interests to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 Treaty of Mutual Cooperation and Security.

These systems are being purchased as defensive weapons to be used on a new construction guided missile destroyer being build in Japan. Acquisition of these weapon systems is crucial to the improvement of the Japanese Maritime Self Defense Force's (JMSDF) tactical capability. JMSDF personnel already employ these or similar systems and will have no difficulty in absorbing these items.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractors for the major systems will be Raytheon Company of Wayland, Massachusetts, for the missile fire control system; the FMC of Minneapolis, Minnesota, for the guided missile launching system; and the General Dynamics Corporation of Pomona, California, for the PHALANX system.

Implementation of this sale will require the assignment of seven additional contractor representatives to Japan for up to eight months.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

NUCLEAR FREEZE

● Mr. ARMSTRONG. Mr. President, Prof. Anthony Bouscaren, of Le Moyne College, recently delivered an address in which he summarized, succinctly, what is on the public record concerning the efforts of the KGB to influence the nuclear freeze movement and other peace organizations in the West. I ask that it be printed at this point in the RECORD.

The material follows:

NUCLEAR FREEZE—THE MOSCOW CONNECTION

(By Anthony T. Bouscaren, Professor of Political Science, Le Moyne College)

The current Soviet "peace" organization was established in 1950 and has served as a conduit for Soviet influence in the World Peace Council in Helsinki, a faithful supporter of Soviet positions. With the advent of the Reagan Administration and the determination of the West to catch up to the Soviets in nuclear arms, the Soviet "peace" apparatus has assumed a new importance.

The World Peace Council has chapters in many western countries (including the U.S. Peace Council in New York). Expelled from France for subversion in 1951, the World Peace Council took refuge in Prague until 1954, when it moved to Vienna. The Austrians also evicted the group because of subversive activities in 1957, but the World Peace Council retained a European outpost in Vienna through a branch titled the International Institute for Peace. In 1968 the World Peace Council established headquarters in Helsinki to orchestrate the global propaganda campaign to compel withdrawal of American forces from Vietnam. The president of the council is Indian Communist Romesh Chandra, who long has been a controlled and witting Soviet agent.

In its 32 years of existence, the World Peace Council has not deviated from the Kremlin's line of the moment. It did not raise its voice against Soviet suppression of Polish and East German workers in 1953, Soviet slaughter of Hungarians in 1956, Soviet abrogation of the nuclear-test moratorium in 1961, the clandestine emplacement of nuclear missiles in Cuba in 1962, the invasion of Czechoslovakia in 1968, the projection of Soviet military power in Angola, Ethiopia and Yeman. The World Peace Council has failed to criticize a single Soviet armament program; only those of the West. And it endorsed the Soviet invasion of Afghanistan.

World Peace Council finances further reflect Soviet control. Huge sums are necessary to maintain the offices and staff in Helsinki, Vienna and, since 1977, Geneva; to pay for continual global travel by World Peace Council officials; to publish and distribute around the world monthly periodicals in English, French, German and Spanish; to finance international assemblies for which hundreds of delegates are provided transportation, food and lodging. Yet the World Peace Council has no visible means of support. Virtually all its money comes clandestinely from the Soviet Union. (John Barron, The KGB's Magical War for "Peace", Reader's Digest, October, 1982, pp. 213, 214).

On February 23, 1981, Leonid Brezhnev, addressing the 26th Communist Party Congress, issued an official call for a nuclear freeze—an immediate cessation of development of nay new weapons system.

Such a moratorium would achieve the fundamental Soviet objective of aborting American production and deployment of the enhanced-radiation warhead (re-initiated by Reagan), the mobile MX, Pershing II and cruise missiles, and a new manned bomber, the B-1. It would leave Western Europe vulnerable to the relentlessly expanding communist forces—now including an astonishing 42,500 tanks and 315 deadly SS-20 missiles. It would leave the United States with a fleet of old, obsolete strategic bombers unlikely to penetrate Soviet air defenses and with an aging force of fixed land-based missiles vulnerable to a first strike by gigantic new Soviet missiles.

Instantly the KGB, the International Department and the immense Active Measures apparatus heeded Brezhnev's call. With the World Peace Council, its foreign affiliates and local communist parties again the principal organizers, a new series of mass demonstrations occurred in Europe. An estimated 250,000 people marched in Bonn, protesting against any new missiles or nuclear weapons. Soviet fronts help assemble a throng estimated at 350,000 in Amsterdam, a reported 400,000 in Madrid and 200,000 in Athens.

Soviet involvement in the "peace" movement of Western Europe is well documented (see John F. Burns, "Soviet Peace Charade is Less Than Convincing," New York Times, May 16, 1982; David G. Gress, "Getting the Drift of Europe's 'Peaceism' ", Wall Street Journal, March 22, 1982; Rael Jean Isaac and Erich Isaac, "The Counterfeit Peacemakers," The American Spectator, June, 1982, and Vladimir Burkovsky, "The Peace Movement and the Soviet Union," Commentary, May 1982).

In Britain Monsignor Bruce Kent heads the Campaign for Nuclear Disarmament (CND), which calls for unilateral British disarmament. His staff of 21 includes two leading British Communists (Bukovsky, p. 32). The CND booklet Why We Need Action, Not Words, written by Betty England, defends the Soviet invasion of Afghanistan (Soviet fear of encirclement), and publicly praised CND for not "overreacting" to the events in Poland (B. Kent, letter to the London Times, December 9, 1981). In November, 1981, when President Reagan offered his "zero-option" plan leading to the elimination of medium range nuclear missiles in Europe, CND denounced it as a propaganda ploy, Kent cabled congratulations to the World Peace Council meeting in Sofia in September, 1980; he broadcast an attack on the United States from East Berlin, December 17, 1980, and on May 15, 1981, he declared on BBC that NATO was "preparing for annihilation."

In April, 1982, Kent, Joan Ruddeck, chairperson of CND, and other European "freezers" came to the United States, under the auspices of the American Friends Committee (AFSC) to support the American freeze campaign.

Former CND member John Braine says "The CND is about as independent of the Soviet line as a ventriloquist's dummy. Indeed, it provides a textbook example of the way in which Communists involved in any movement will take it over." Many English churchmen recognize the CND for what it is. Rev. William Inge, former Dean of St. Paul's Cathedral said:

"There is not much use in the sheep passing resolutions in favor of vegetarianism while there are still some wolves who like mutton." Oxford University Chaplain William Oddie noted:

"The easy moral indignation and calls by some church leaders to abandon nuclear

weapons unilaterally are not only dangerously naive but even constitute a form of spiritual escapism. By closing their eyes to the suffering of millions in the Soviet bloc, they demonstrate a lack of contact with reality which will make any Christian contribution toward the practical problem of genuine disarmament impossible."

Shortly after Leonid Brezhnev called for a "freeze" on nuclear weapons production February 13, 1981, the first national strategy conference for an American nuclear freeze campaign convened at Georgetown University.

According to a "peace" movement newspaper, the organizers at Georgetown comprised "between 275 and 300 predominantly white middle-class people from 33 states, Great Britain and the Soviet Union." Records available today identify only two of the invited Soviets guests. One was Oleg Bogdanov, an International Department specialist in Active Measures, who flew in from Moscow. The other was Yuri S. Kapralov, who represents himself as a counselor at the Soviet embassy in Washington. Kapralov was not merely an observer. He mingled with disarmament proponents, urging them on in their efforts to abort new American weapons. He was an official member of the discussion panel, and, as one listener put it, his statements were very impressive."

But Yuri Kapralov did not speak just for himself. Kapralov is a KGB officer who, ever since arriving in the United States in 1978, has dedicated himself to penetrating the peace movement. Thus, little more than two miles from the White House the KGB helped organized and inaugurate the American "nuclear freeze" campaign. While many civic and church groups of unassailable repute were to join in advocating the "freeze," in terms of the strategy and organization of the drive, this little-noted conference at Georgetown was a seminal meeting. (Barron. p. 238).

The American Friends Service Committee and the U.S. Peace Council located in New York, which is an agent of the World Peace Council, helped bring European freezers to the United States last spring. Among those who came (and later demonstrated in New York City) was Romesh Chandra, head of the World Peace Council and member of the Central Committee of the Indian Communist Party, and veteran British Marxist E.P. Thompson, head of European Nuclear Disarmament (END). In April, 1982, eight persons from the U.S. Peace Council went to the U.S.S.R., courtesy of the Soviet Peace Council. Also in April, ten members of the far left Institute on Policy Studies (IPS) based in Washington, D.C. went to Moscow, including Robert Borosage and Marcus Raskin. There they met with Vadim Zagladin, deputy chief of the Communist Party's International Department, and other leading Communists. The International Department, according to a CIA report, "maintains liaison with many foreign organizations which are frequently used to disseminate Soviet propaganda and views on world affairs."

Randall Forsberg, formerly of the Stockholm Peace Research Institute, now operates the Institute for Defense and Disarmament in this country. A leader in the U.S. freeze movement, she spent two weeks in the U.S.S.R. in December, 1981 meeting with experts at "five research institutes."

The architects of the freeze campaign are the American Friends Service Committee, the Fellowship of Reconciliation, and the Women's International League for Peace and Freedom. All are old-line peace organizations that in the past ten years have drifted far from the pacifist idealism of their beginnings. One of the major freeze events was the rally in New York city last June 14th. Sponsors included the War Resister's League, a nominally pacifist group whose chief energies today "are spent advancing the cause of world revolution" (Dorothy Rabinowitz, "The Building Blocks of the Freeze Movement," Wall Street Journal, June 10, 1982). Clergy and Laity Concerned, formed to oppose U.S. defense of South Vietnam and today the "principal leftwing network among U.S. churches"; Mobilization for Survival, an umbrella organization consisting chiefly of "radical activists," Communists and assorted "peace groups" (loc. cit.).

These organizations share a common world outlook, which is that the United States is the main obstacle to world peace. The Women's International League for Peace and Freedom believes that "All life on earth is threatened by U.S. imperialism." The organization is an enthusiastic supporter of the Palestine Liberation Organization. For Clergy and Laity Concerned, the movement to oppose U.S. defense of South Vietnam represented a "struggle against American imperialism and exploitation in just about every corner of the globe." Today the group wants us to join those who "hate the corporate power which the United States presently represents . . ."

The major groups of the nuclear freeze movement also share a common benign view of the Soviet Union and the Communist parties which support Moscow. The same organization newsletters that inveigh endlessly against U.S. imperialism contain no word of condemnation for the invasion of Afghanistan or the repression in Poland. The leader of the Women's International League for Peace and Freedom said that the Soviet invasion of Afghanistan was "understandable." This view was reiterated by a spokesman for Clergy and Laity Concerned, Russell Johnson, of the American Friends Service Committee, writing in a 1982 article in the Fellowship of Reconciliation magazine, declares that "Our nation (the U.S.) today is the very front of violence in many places in the Third World. Among the publications of the Women's International League for Peace and Freedom is "The Myth of the Soviet Threat."

There is scarcely any difference between the foreign policy pronouncements of Michael Meyerson, head of the U.S. Peace Council and member of the Communist Party, U.S.A. that "the main threat to world peace is the U.S. military industrial machine" and that of any number of similar statements by officials of Clergy and Laity Concerned, the American Friends Service Committee, the Fellowship of Reconciliation, Women's International League for Peace and Freedom, the War Resister's League, Mobilization for Survival or the coalition for a New Foreign and Military Policy.

It is bad enough that these organizations have failed to denounce the U.S. Peace Council and its transparent effort to channel the desire for peace to serve Soviet purposes. But even worse than their silence has been that virtually all of them have become involved with the U.S. Peace Council in various ways. Shouting "McCarthyism" at their critics is but a smokescreen to hide their collaboration.

The U.S. Peace Council issued a "Call" at its founding conference which was sponsored by the president of the Women's International League for Peace and Freedom, the executive director of SANE, the disarmament coordinator of the American Friends Service Committee, the director of the Washington office of Women Strike for Peace (who had coordinated a 1975 visit to the U.S. by the World Peace Council), and a leader of Clergy and Laity Concerned.

When the U.S. Peace Council took out a full page ad in the New York Times in June 1979 to attack Joan Baez and others who had criticized the human rights violations in Communist Vietnam (the U.S. Peace Council had countered that "Vietnam now enjoys human rights as it has never before in history"), it was signed not only by assorted Communists and far leftists, but by the president and vice-president of Women's International League for Peace and Freedom and by several leaders of Clergy and Laity Concerned.

The War Resister's League, to its credit, sent an observer to the 1979 U.S. Peace Council conference, who noted that Communist Party literature was "everywhere." But when she tried to present a critical statement, she was told there was "no time."

The Mobilization for Survival (MFS) can serve as a model of how Communist and peace organizations have become intertwined. According to published accounts by MFS leaders, the organization was established in 1977 after Peggy Duff, a British peacenik long active in the World Peace Council, told U.S. "peace" representatives that a special effort was needed to influence the 1978 UN Special Session on Disarmament. Labor organizer Sidney Lens, long active in the Chicago Peace Council, and sociology professor Sidney Peck, identified in a 1970 staff study as a member of the Wisconsin State Committee of the Communist Party, took the initiative in establishing the Mobilization for Survival.

The Fellowship Reconciliation, War Resister's League and other "peace" groups then became part of the MFS. Also joining were SANE, Clergy and Laity Concerned, the U.S. Communist Party with three of its front organizations, and in 1979 the U.S. Peace Council. A 1979 MFS demonstration in Washington, D.C. brought a World Peace Council delegation to address the rally, including Werner Rumpel, head of the East German Peace Council, and Nicholas Schouten, a leader of the Communist Party of the Netherlands.

The head of the MFS Labor Taskforce is Gil Green, a member of the U.S. Communist Party's central committee, and the head of the MFS international Taskforce is Terry Provance, who also heads the AFSC's disarmament Taskforce and was one of the sponsors of the U.S. Peace Council (see Rael Jean Isaac and Erich Isaac analysis in the American Spectator, June, 1981).

The nuclear freeze proposal (in the U.S.) had its origin in a meeting called by the American Friends Service Committee in the summer of 1979. According to Sidney Lens, writing in the April Progressive, the freeze was organized on the initiative of Terry Provance and Randall Forsberg (formerly of the Stockholm Peace Research Institute). Provance, in addition to the credits noted above is one of 40 official U.S. members of the World Peace Council. He was elected to this post at the WPC meeting in Warsaw in 1977. "It is clear," write the Isaacs, "that the Soviets want to see the freeze grow." In August, 1981, AFSC staged a three day march in New England; the marchers were

addressed by Yuri Kapralov of the Soviet Embassy, and according to John Barron in the October Reader's Digest, a KGB officer.

"We are left, finally," write the Isaacs, "with an approach to peacemaking whose essence is the double standard." The major organizations of the freeze movement played down and even excused the Soviet invasion of Afghanistan and the Soviet repression in Poland, while meantime sharply opposing U.S. countermoves. The "peace" groups are concerned almost wholly with U.S. disarmament. David McReynolds of the War Resister's League says frankly that the only "politically realistic" approach is U.S. unilateral disarmament. The Riverside Church Disarmament Program minimizes the Soviet "threat" which its publications put in quotation marks, and relies heavily on the publications and speakers of the "America the enemy think tank" the Institute of Policy Studies. The Church program is headed by Cora Weiss, daughter of Samuel Rubin, whose foundation, directed by Cora and husband Peter Weiss has long served as the major funder of IPS.

Given the international realities, it is all too obvious where the "peace" movement would lead us. Contentions, the newsletter of the Committee for the Free World, whose executive director is writer Midge Decter, has put it succinctly:

"The people who claim to seek universal disarmament, to the extent that their efforts will succeed, will bring about only the disarmament of the democracies. A world in which the democracies have renounced the means to defend themselves against a mightily armed totalitarianism is a world in which there will be no freedom and no peace."●

THE BANK BAILOUT IS BAD BUSINESS

● Mr. HUMPHREY. Mr. President, last week, the syndicated columnist Warren Brookes editorially posed a blunt and necessary question in connection with the proposed $8.5 billion increase in the U.S. quota to the International Monetary Fund: Why should we bail out the big banks?

The supporters of this misguided policy proposal have their stock answer readily at hand, Mr. President. They claim that an increased IMF subscription will in fact "bail in" the banks, in that the IMF will require the banks to honor their existing commitments and forge ahead with new ones. The issue then becomes one of deciding whether this is an appropriate remedy for bankers who have already loaned well in excess of their total capital to one or a few troubled Third World debtors.

Mr. Brookes' column serves a great purpose in taking a different approach to the bank bailout question. In essence, he raises the sensible argument that first, the banks are not teetering on the brink of disaster as many would have us believe, and second, the reason they are not is that the taxpaying American investor is already bailing them out by paying ever-increasing interest rate spreads. Do we want to add to this back-door bailout a front-door bailout laundered through the IMF?

Political allocation of capital, the line of business in which the IMF engages, corrupts free market mechanisms and squanders valuable lendable resources. Profitable havens for capital are ignored when political criteria eclipse economic ones. The long-term interests of our banks and their depositors will best be served by recognizing the bad loans for what they are, dealing with them accordingly, and moving on to more lucrative opportunities absent IMF political intervention.

I ask that the column appear in the RECORD.

The column follows:

WHY SHOULD WE BAIL OUT THE BIG BANKS?

(By Warren Brookes)

A few years ago this writer enjoyed, via public television, a vicarious private jet romp through the financial capitals of Europe with David Rockefeller and "the men from Chase Manhattan." The money Rockefeller was spreading around to Third-World countries that begged at his Vienna hotel-suite audiences was the same $12-to-32 a barrel I was paying OPEC for the privilege of staying warm, recycled into unredeemable credit to nations whose economic policies would even embarrass Karl Marx.

Now Rockefeller's bank is hat in hand on Capitol Hill looking for tax dollars to help the International Monetary Fund (IMF) deal with that bad debt. (Chase share is 2.2 times its equity.) And, if the big bankers succeed, about two cents of every income tax dollar will go through IMF's money laundry to the likes of Citicorp, Morgan Guaranty and Chase Manhattan. Ironically, this IMF contribution would not be made until the end of this year, when experts like Robert Weintraub, chief economist of the Joint Economic Committee of Congress, argue "the crisis, such as it is, will be on its way out."

"In fact," Weintraub told us, "the problem was never as serious as it was 'sold.' Out of $520 billion in LDC borrowing, U.S. banks hold about $108 billion, and of that only Mexico ($25 billion) and Venezuela ($14 billion) ever presented really serious problems.

"Since Mexico devalued so sharply last summer, many of its trade balance problems are beginning to ease," Weintraub notes. "This means that most of these really scary scenarios of a world-wide banking collapse are just imaginary nonsense. Besides, the IMF has $47 billion in gold, more than it needs to cope."

What worries Weintraub, and should worry the big begging banks, is that the "price of this IMF expansion will be much tougher regulation on the banking industry—and I wouldn't be surprised if a lot of banks are having second thoughts."

Not enough apparently to stop the "fix" that is more or less on in Congress to give the Reagan administration what it is asking for—$8.4 billion in additional U.S. "subscription" capital for the IMF. In turn the IMF will use this money to create "special drawing rights" (SDRs) and "General Agreements To Borrow," (GABs, or is it GRABs?) to keep LDCs from going into default on their nearly $500 billion in loans from the West.

For some banks, the stakes are very large. Citicorp alone has $9.8 billion out to LDCs, $7.6 billion of it to Brazil and Mexico alone. This amounts to 203 percent of its total equity value.

The SEC says the top ten banks are now "exposed" to the tune of nearly $44 billion which is 1.5 times their total net worth. If none of these loans were repaid the top banks would fold.

While there is little likelihood of that happening, its potential looms large and hangs heavy over Washington. Particularly under the barrage of arguments skillfully marshalled by Treasury Secretary Donald Regan on the role of this credit and the IMF in supporting the huge volume of U.S. sales to Third-World countries (30 percent of our exports).

"Four out of every five new jobs in U.S. manufacturing in the 1970s was coming from foreign trade," Regan told Congress in February. "Every $1-billion increase in exports results in 24,000 new jobs." And vice versa.

Regan warned we could see a $25-billion reduction in total exports to the LDC countries, "if banks were to pull out entirely from new (LDC) lending this year." This translates into 600,000 manufacturing jobs—enough to frighten any congressman.

Fortunately, there's at least one on the Hill who is not impressed. Sen. Gordon Humphrey (R.-N.H.) argues sensibly, "If we bail out all these banks and their bad debtors, we're simply resorting to political allocation of credit by IMF. The credit-worthy, both here and abroad, will lose out to credit-unworthy. The market and the economy lose."

Sen. Humphrey argues that subsidies of any kind have a way of being a "zero-sum" game, since they reward more costly behavior. "Why can't we look for market-based solutions, and force both the banks and the nations to come to terms with their own problems, instead of subsidizing their continuance?

"Why, for example, should sound American businesses and consumers have to pay sky-high interest rates, just because a lot of big banks have to compensate for a lot of very bad loans?"

In fact, Weintraub argues that this "bailout" might ensure even higher interest rates, as banks go on loaning to keep their LDC creditors afloat, charging higher rates here to support them.

As the Table shows, since 1981, while the rates banks pay to borrow money (on certificates of deposit) have dropped 6 points, the rates they charge on consumer installment credit and autos have fallen less than 2 points and mortgages less than 3.5. This means the banks, not the consumer market place, have pocketed most of the interest rate drop in the form of a higher "spread" between what banks pay for money, and what they get for it. First National of Boston just reported that their 1982 domestic "spread" more than doubled, even as their overseas "spread" dropped by 15 percent! (They have over $1 billion in LDC loans.)

Congress should pause and find out how much the taxpayers are already paying in good money to subsidize bad banking.

THOSE "STICKY" CONSUMER INTEREST RATES

[Amounts in percent]

	November 1981	March 1983	Change
CPI (year-to-year)	8.9	3.6	−5.3
Prime rate	17.0	10.5	−6.5
Fed funds rate	13.3	8.3	−5.0
CD's	15.0	9.0	−6.0

THOSE "STICKY" CONSUMER INTEREST RATES—Continued

[Amounts in percent]

	November 1981	March 1983	Change
Consumer rates:			
Mortgages	16.4	13.2	−3.2
Autos	17.4	15.5	−1.9
Credit card	18.0	18.0	
Installment	19.3	17.7	−1.6

Source: Federal Reserve Board, Federal Home Loan Bank.●

FORTIETH ANNIVERSARY OF WARSAW GHETTO UPRISING

● Mr. HEINZ. Mr. President, April 19, 1983, will mark the 40th anniversary of the Warsaw Ghetto uprising, an extremely important date that commemorates the extraordinary display of courage and heroism of a small group of Jewish freedom fighters against their Nazi oppressors in 1943.

The story of this great exhibition of human will should be familiar to many here in the Senate, for we have made it an imperative never to forget it. The Warsaw Ghetto symbolized a world turned upside down, a world wrought with legalized terror. Hunger, disease, forced labor, and daily public shootings were a part of life. By the time the Nazis had consolidated the Jews into a small area totaling approximately 1 square mile, the plans for their future had already been drawn up and decided upon. Yet with all of the chaos, with constant fear, anger, and frustration consuming each ghetto inhabitant, the Jews tried to make a life.

By 1942, the Nazis were successfully deporting about 6,000 Jews per day from the walled ghetto. The Jewish resistance began to surface. Thoughts of armed struggle began to take hold within people who never before had a need or interest in fighting.

On the eve of Passover, April 18 and early in the morning on April 19, the Jews of the Warsaw Ghetto began to fight back. With the most meager and primitive of weapons, consisting of molotov cocktails and pistols, untrained, tired and hungry civilians started to resist against a mighty Germany occupation force. Against all odds, against heavy artillery and tanks, this small band of Jewish resistors lashed out against tyranny and slaughter and said no more.

The Nazis had planned to liquidate the ghetto in 3 days but the resistance went on and the battle lasted for 42. The Jews of the Warsaw Ghetto, challenged the overpowering numbers and decided that they would no longer die at their murderer's knees, but would stand and fight, and die if they must in their resistance to tyranny.

It is particularly important that we remember the events of April 19, that we remember the thousands who perished in the name of human dignity and freedom. We must never forget that by war's end, over 90 percent of Poland's Jews had been killed or starved to death by the Nazis.

I believe it is our responsibility to always keep in mind the hatred that man then demonstrated against his fellow man. As the more than 10,000 Holocaust survivors disperse after their historic gathering here in Washington this week, we should recognize, although we may not fully understand, the emotional experiences such a reunion kindles. We should examine their experiences because they represent feelings unlike any we have ever known.

Remembering the Warsaw Ghetto and the Holocaust is a moral responsibility that none of us should ever forget. The message that the survivors wish to pass on to all of us is one that we should not take lightly, one whose purpose is to assure a future for mankind without the pain and death that they have known. Their gathering and their words serve as a warning that we must not allow the genocide of any people to happen again.●

CLINCH RIVER—A KEY PROPONENT FALLS OUT

● Mr. HUMPHREY. Mr. President, recently, in the American Nuclear Society publication Nuclear Report, the Clinch River breeder reactor project and the prospects of establishing alternative financing for it received special attention. In the latest issue dated April 7, an in depth interview was featured with Congressman ROBERT WALKER, ranking minority member of the House Science and Technology Committee's Subcommittee on Energy Research and Production.

Congressman WALKER is no opponent of nuclear power. Indeed, before 1982, he voted three times to fund the Clinch River project. Over the last 6 years on the Energy and Research and Production Subcommittee, though, he has become increasingly skeptical of the Clinch River project. In his interview Congressman WALKER rejected the argument that Clinch River was essential to the Department of Energy's larger long-term base breeder research and development program. He also was concerned that what others are now calling cost-sharing proposals for Clinch River appear to be nothing more than elaborate money shuffles.

Finally, he made it clear that the bottom line with the Clinch River project was whether or not it would clearly save the taxpayer money over the long haul. Will it save such money? Congressman WALKER's answer, as his own vote last December against further funding of the project clearly suggests, is no. Mr. President, Congressman WALKER's interview comments on the Clinch River project are quite balanced and particularly relevant as Congress is now considering whether or not to fund the project for fiscal year 1984. I ask that the interview be printed in the RECORD.

The interview follows:

NUCLEAR REPORT

(Exclusive interview with Representative Robert Walker (R., PA), ranking minority member of the Subcommittee on Energy Research and Production, Committee on Science and Technology.)

Q. Where do you stand on nuclear power?

A. I've generally been a supporter of nuclear power. My attitude is shaped as someone who is a nuclear proponent. Where I see the problems arising for the nuclear industry is in the fact that there has not been a positive response to things like Three Mile Island. I think the industry waited far too long in helping to resolve that situation and gained for itself an awful lot of adverse reaction and adverse publicity that need not have been. I'm also concerned about the economics of nuclear power. I think that over the long haul, the pattern of nuclear activity in the country will be governed by whether or not utilities are going to be able to buy plants at a cost that they can justify to the ratepayers. That gets us into a whole myriad of questions of what we should do to assure that costs are either stabilized or even lowered on a per-plant basis, whether by standardized plants or other issues that are going to take a priority if cost considerations are to be the primary considerations for the rest of this century. This brings me to the R&D area and to some of the things the Subcommittee is engaged in.

Q. How about Clinch River? You voted three times in a row for the project, but last December you switched. Why did you do that?

A. My problem with Clinch River primarily relates to cost, because I think that the technology is probably the most advanced that the world has to offer in this particular application. My objection in December was over the cost factor and how it relates to the amount of money we are putting into nuclear energy research as a portion of how much we are spending on all energy research. What percentage of the overall energy budget is being eaten up today by one project alone and what percentage of our monies in the future will be eaten up by the same project. Can that one project be justified in terms of its value as something which is no longer taking 10% of the money but is taking 20-25, ultimately 30% of the monies that we have available in the research area.

Q. Have you actually made these calculations?

A. The administration's FY-84 budget for CRBR is only 12% of the total energy R&D budget. Understandably, but my point is that we can continue breeder research and we can continue to push the frontiers of our knowledge on breeder research without building the project and thereby bring down the cost in this particular area. Maybe breeder technology is something in terms of research dollars that's important for us to keep a base of knowledge about, but when you are talking about one project eating up a substantial portion of all your energy R&D dollars, I think we must take a serious look at it. That's when I finally came to the conclusion that, with declining amounts of money in that area, we can no longer afford that one project.

Q. Will Congress support even the base breeder program and international cooperative efforts if there is no promise for a commercial breeder in this country?

A. If I am speaking for myself, the answer is yes, and I am of the opinion that many of the Republicans who peeled off on Clinch River in December would also support a base breeder program being maintained, and they would also support a cooperative effort toward international development of specific breeder technologies. I think a far stronger case can be made for that in the R&D area than you can make for the Clinch River project.

Q. Have you studied the new alternative financing proposal for Clinch River?

A. I haven't had a chance to study it very carefully. The briefings I have had on it so far indicate that it doesn't yet include anything very substantive. It involves more in the way of creative financing than it does in restructuring of actual commitments by the industry. If, in fact, that's the case, I'm not certain that it will be any more popular with the Congress than the old proposal. What I'm saying is this: From the initial briefings I've had, it sounds as if they have come up with some ways of appearing to put more money in without actually putting more money in. Nonetheless, we will conduct a series of hearings on the matter. That's one of the reasons why we separated CRBR out of our considerations at the Subcommittee level so we can look at the new proposal as a singular kind of subject. if I can be convinced that there is more substance to it than there now appears, I'm perfectly willing to look at it. However, if all we are doing is shuffling figures around, then I will have to come back to the cost question that caused my concern before the December vote and continues to cause me concern.

Q. If Ronald Reagan telephoned you personally saying we need to demonstrate breeder technology at Clinch River would you be strongly influenced to vote for it?

A. Probably not. I try to listen to the President, and I think he would regard me as one of his more solid supporters on Capitol Hill. But he also realizes that I pursue independent economic and energy philosophies and that my first obligation is to my constituents. My constituents sent me down here to evalute things in terms of the overall economic policies of the country. One of the things they are asking me to do is to find ways of cutting government spending. I think we have done some of that in the energy R&D area. We have actually trimmed some real dollars in some areas, and we have drastically stemmed the rate of growth in certain programs. I have to look at each proposal before me in the terms of that overall perspective. Ronald Reagan does the same thing. He and I may arrive at the same policy direction, but we have different specifics in doing so. If Ronald Reagan could convince me in a phone call that what we were doing was actually saving the government money over the long haul—that we were getting the technology at less cost—that might make a difference. If he's simply telling me that we have to have this project, then I think I know as much about it as he does, having dealt with this particular subject for six years on the Committee. Thus, I would have to make my own assessment based upon the base knowledge that I start with.●

A MESSAGE FOR YOUTH

● Mr. ZORINSKY. Mr. President, as a member of the advisory board of the American University here in Washington, I consider it a privilege to be associated with its young and dynamic president, Dr. Richard Berendzen.

Recently, while speaking before a group of senior honor students, Dr. Berendzen reflected on four significant lessons he learned while obtaining his B.S. from Massachusetts Institute of Technology, and his M.A. and Ph. D. from Harvard University. His message to these young leaders of tomorrow is timeless, impressive, and thought provoking. It is a message not only for our youth, but for us all—one which can serve to remind us that through education we should obtain the knowledge and wisdom to become productive members of this society.

I am sure my colleagues will be interested in Dr. Berendzen's remarks and I ask that they be printed in the RECORD.

MAN OF THE YEAR FOR 1983: EDUCATED, CARING PERSONS

(By Richard Berendzen)

Congratulations, members of Mortar Board! By virture of being in this society, you have demonstrated achievement at the college level. Soon, your undergraduate classes, papers, and exams will end. But in these few words, I should like to return to that education.

Before doing so, however, I wonder as you read this if you know what time it is. Do you know for certain what "1983" means? You might say it is 1,983 years since the birth of Christ. No, He was born about six years before that. And He wasn't born on December 25th or even on January 1st; rather, he probably was born in the spring.

What precisely is a year? I am writing this in January. Why does January have 31 days? Isn't a month related to the moon? Yet it takes the moon only 28 days to orbit the earth, not 31. Why, by the way, are there 12 months in a year? Wouldn't it be more orderly to have a 10-month year, in a decimal system? How can one month have 28 days and another 31? And what, exactly, is a day? For that matter, what is time itself? We make time, measure time, take time, spend time, waste time; we all talk comfortably about time, as if we know what it is. But what, in fact, is time?

In short, are you—a senior honor student—certain you actually know how to tell time? And if you don't even know that, how do you expect to succeed in life beyond college?

Almost everyone—whether student or experienced professional—take commonplace things for granted.

LESSON NUMBER 1: You always have more to learn. Wisdom comes not in what you learn but in the realization of what you have yet to learn.

As you may have guessed, my own professional field is astronomy. I'd now like to give you a short riddle. Read it carefully.

"What is the beginning of eternity,
The end of time and space;
The beginning of every end,
The end of every place?"

It is the letter e.

Lesson Number 2: Sometimes the answer lies right before us, if only we could notice and not be misled. The mark of the truly educated person is not so much the ability to penetrate the unknowable as it is to recognize and understand the knowable.

Now, let me give you an old proverb.

"He who knows not and knows not that he knows not, he is a fool. Shun him.

He who knows not and knows he knows not, he is simple. Teach him.

He who knows and knows not he knows, he is asleep. Wake him.

He who knows and knows he knows, he is wise. Follow him."

Lesson Number 3: Do not confuse words for wisdom, pomposity for profundity. In pretentiousness, this proverb awesomely resembles modern rhetoric—from government manuals to political speeches, from business reports to scholarly tomes—except it is more elegant and less pedantic than they often are. At least it has no "points-in-time," "interfaces," "bottom lines," "prioritizes," or "inputs."

If you have things to say and genuinely wish to say them, you can do so unequivocally.

In this essay, I'd like to say some things directly.

Sad to say, during much of your lifetime, our nation—the nation I hold dear—has, by many demonstrable measures declined.

By many measures, we have lost our resolve. We demand little of ourselves and accept the result. Our productivity slips. Our work ethic plummets.

What is needed—not only in higher education but in all of education, not only in education but in all of American life—is a rededication to a personal, institutional, and even national sense of pride. When professions become only jobs, when mediocrity replaces meritocracy, when today towers over tomorrow, then gradually, inexorably, the foundation for self-respect deteriorates.

To assign blame and find solutions, the search need not go far. We collectively, have lost confidence to demand excellence of our nation and even of ourselves.

Schools alone can not teach rudiments of civil living, respect for knowledge, appreciation of creatively, self-discipline—in short, attributes that should be learned first in the home.

In today's rapidly evolving, increasingly complex world, many of our guiding social institutions have diminished in significance. Without doubt, one of the most poignant of these declines has been in the role of the family. I lament not a changing family structure, but a weakening family responsibility.

And, at the epicenter—more fundamental than standards or work ethic, than pride or even family—lies the singular concept that home and family teach best: love. In our modern, chic world, let us not fear to acknowledge this basic human need.

You soon will not just graduate; you will assume a responsibility—literally, to help the nation be what it can be and should be.

To do so, however, you must be concerned with more than just yourself. In recent years, the national economy has changed many students' motivations. The humble learner and fledgling scholar have given way to the questioning consumer and future job-seeker. And many students have come, not for education but for certification. The Wizard of Oz did not give the scarecrow a brain; he gave what was perhaps more useful—a diploma. Past satire has foreshadowed current reality.

In it most deliciously cynical form, the mandate of "relevance in education" has

been put thusly: "The only value of a classical brain is that it will enable you to despise the wealth it will prevent you from obtaining."

Admittedly, there is more to life than altruism and dedication. And we understand why so many youth today ask: How much does it cost? How long does it take? How much will I make?

For numerous students, the desire to learn has given way to the desire to earn. Although this trend is understandable, it also is lamentable. Job markets change continuously, yet the truths revealed through education should remain and enrich for life.

Sometimes, education comes in unexpected ways. Let me give two personal examples from when I was an undergraduate at M.I.T.

At one class meeting, an unusually rigorous professor gave us a lengthy, complex take-home assignment. To do it correctly would require not only extensive study but also three specific books.

It was a morning class, so I decided to go to the library immediately after lunch, before the other students, to be certain to get the necessary books. But when I arrived at 1:00 pm, I found that all copies of them already had been checked out. So then I called the Boston Public Library, but the circulation desk told me I would have to come in person to find out if a book was in the library. Despite the cold winter weather, I took the bus and subway, only to find, after an hour's wait, that the books already had been checked-out there, too.

Desperate by then, I decided to try the Harvard library. After I found my way through the maze of its card catalogues, I was told: "Yes, Harvard does have the books; yes, they are available; but, no, you can't check them out, because you aren't a Harvard student." I hastily decided to find a Harvard friend, who could check them out for me. During the next few hours, I scurried around Cambridge looking for such a person. Finally I found one, and we went back to the Harvard library. But, alas, by then it was shut.

The next day my paper was due. I reasoned that, afterall, I had made a truly valiant effort, one well beyond the norm. And I was sure the professor would commend me on my diligence, even though I'd been unsuccessful. So, instead of the report, I turned in the saga of my effort.

At the next class, he gave it back, marked F. Trembling with rage, I spoke to him after class. I explained passionately about the efforts I had made and how unrealistic the assignment had been. He showed no emotion, until I finished. Then, he quietly said: "Young man, the reason the books had not been available in our library at 1:00 was that your more enterprising classmates went to the library first, then ate lunch. The reason the books were not in the Boston Public Library was that still other classmates got there before you. In short, Mr. Berendzen, you have told me your problems. Now I would like to hear your solutions. What counts is not unending explanations of how you tried but failed, or why it was not your fault anyway, or how no one could possibly have done better. What ultimately counts is that you get the job done."

For days afterwards, I fumed. Now years afterwards, I cannot recall the name of the professor or course. But I shall remember that small incident always.

I also remember well my first day as an undergrad at M.I.T. Coming from a fairly humble background in East Dallas, I found myself surrounded by students from the best prep schools and by professors of international stature. While the more cosmopolitan students carried green book bags and wore jeans. I had a vinyl briefcase and a polyester suit; I resembled an awning salesman! Nonetheless, I was determined not to be intimidated or let my nervousness show.

As I wandered M.I.T.'s labyrinthian corridors, I became totally disoriented. Ultimately, I came to the end of a long hallway, filled with professors and other awesome-looking persons. If seemed they all were staring at me. Determined to display self-confidence, I randomly chose an important-looking door with no name on it, knocked, and entered—and found I was in a janitor's closet!

As I shut the door, I was sure I heard at least a thousand people roaring with laughter. There I stood in the closet—humiliated—in semi-darkness, surrounded by buckets, mops, and brooms. I tried to think what a young Jefferson or Einstein would have done under the circumstances, but I concluded that a young Jefferson or Einstein or anyone else sensible wouldn't have gotten himself into such a ridiculous situation. I just quietly stood there for what seemed like weeks, hoping I could escape in private, when a terrifying thought struck me: "What if I wait in the closet too long and they come to see if I'm okay or if I've committed suicide?" Afterall, a fully well-balanced person wouldn't spend his day standing in a janitor's closet!

Finally, I decided to rejoin the world outside the closet. But I resolved to do so with dignity. I opened the door confidently; carefully surveyed the pails, the soap, the rags; and I gave the entire scene a wise, knowing nod. As I turned around, a dozen people were staring at me, uncertain if I was a well-groomed custodian, a lost student, or a weird prodigy. I figured I'd leave them guessing, so I said to no one in particular and to all of them in general: "All's well here. You may continue now!"

In that brief afternoon, I taught myself humility, resourcefulness and never to enter an unmarked door.

For 55 years, TIME magazine has picked a Man of the Year (why not Person of the Year?). On four occasions, a symbolic representation of a group of people was depicted (such as Middle America); all others, however, were of real individuals—until January 3, 1983. In that issue, TIME selected the computer as Machine of the Year.

Without denigrating the importance of the computer today, this demonstrates a sad fact: In 1982, not a single human leader stood out; none excelled. Yet, the world needs leadership—human leadership. May the Man of the Year for 1983 be Educated, Caring Persons. May it be you!

So, then, Lesson Number 4 and final: Honor seniors, remember always that the greatest gift you now have or will ever have is time. Use it well, for we truly do need you.●

A TIMELY AND IMPORTANT NATIONAL STORY IN USA TODAY

● Mr. RANDOLPH. Mr. President, I am discouraged by this morning's headline in USA Today: "Almost Half of Us Voted in 1982."

According to the Census Bureau, 48.5 percent of America's eligible voters said they cast ballots in the last election. It is a sad reality, however, that only 41 percent actually voted.

As author of the 26th amendment to the U.S. Constitution, I am especially disappointed that 18- to 24-year-old youth have the lowest voting percentage.

Unless we, as individuals, are prepared to guard our freedoms and to protect our constitutional rights as daringly as those before us, then America will become the last democracy on Earth. We must pull together in this country and reinstill the values of American citizenship in our people.

Mr. President, I ask that the timely and important national story in USA Today be placed in the RECORD. The graph and charts, which accompany this article, clearly demonstrate the need for us to "turn up" the turnout.

The article follows:

[From USA TODAY, Apr. 18, 1983.]

ALMOST HALF OF US VOTED IN 1982

WASHINGTON.—Almost half of the USA's voters cast ballots in 1982—the best turnout since 1966 for a non-presidential election—the Census Bureau said Sunday.

The biggest reasons:

Voting by blacks increased from 37.2 percent in 1978 to 43 percent.

Voting by those age 45 and up increased from 57.2 percent in 1978 to just over 61 percent.

Out of 165.5 million eligible, 80.3 million voted—48.5 percent. In 1966, 55.4 percent voted—in 1978, 45.8 percent.

Voting was high in 1966 because of new voting rights laws, and interest in the controversial "Great Society" programs.

Highest groups in 1982.

People with four or more years of college: 65.5 percent.

People earning $35,000 a year and up: 62 percent.

White collar workers: 57.8 percent.

Estimated percentage of registered voters who went to polls

Year:	*Percent*
1982	41.1
1980	53.9
1978	37.5

1982 ELECTION

Age group-	*Percent*
18 to 24	24.8
25 to 44	45.4
45 to 64	62.2
65 and over	59.9

Source: Census Bureau.

	Voters		Voted	
	Potential	Registered	How many	Percent of potential
Alabama	2,812,000	2,135,722	1,128,626	40.1
Alaska	287,000	[1]	186,034	64.8
Arizona	2,061,000	1,142,159	742,923	36.0
Arkansas	1,650,000	1,116,082	794,869	48.2
California	18,277,000	11,559,099	7,498,177	41.0
Colorado	2,225,000	[1]	927,886	41.7
Connecticut	2,378,000	1,645,454	1,061,058	44.6
Delaware	443,000	285,736	190,960	43.1
Florida	8,169,000	4,865,636	2,648,345	32.4
Georgia	4,040,000	2,300,000	1,168,586	28.9
Hawaii	716,000	405,005	325,459	45.5
Idaho	661,000	541,164	332,237	50.3
Illinois	8,346,000	5,965,514	3,488,279	41.7
Indiana	3,904,000	2,936,978	1,817,287	46.0
Iowa	2,094,000	1,586,345	1,029,182	49.1
Kansas	1,759,000	1,186,513	763,263	43.4
Kentucky	2,620,000	1,826,590	700,315	26.7
Louisiana	3,055,000	1,965,422		
Maine	831,000	733,464	458,454	55.2
Maryland	3,190,000	1,968,498	1,139,149	35.7
Massachusetts	4,394,000	3,025,975	2,103,780	47.9

	Voters		Voted	
	Potential	Registered	How many	Percent of potential
Michigan	6,554,000	5,624,573	2,999,521	45.8
Minnesota	2,988,000	2,667,522	1,829,079	61.2
Mississippi	1,745,000		628,233	36.0
Missouri	3,640,000	2,748,726	1,543,521	42.4
Montana	569,000	445,888	307,219	54.0
Nebraska	1,144,000	832,121	541,543	47.3
Nevada	661,000	322,290	242,578	36.7
New Hampshire	697,000	462,457	282,954	40.6
New Jersey	5,544,000	3,667,302	2,165,711	39.1
New Mexico	936,000	582,646	417,945	44.7
New York	13,153,000	7,459,553	5,124,745	39.0
North Carolina	4,417,000	2,674,787	1,321,080	29.9
North Dakota	473,000		248,517	52.5
Ohio	7,793,000	5,674,128	3,348,585	43.0
Oklahoma	2,299,000	1,485,780	901,488	39.2
Oregon	1,954,000	1,488,480	991,110	50.7
Pennsylvania	8,883,000	5,702,557	3,622,786	40.8
Rhode Island	726,000	516,410	329,998	45.5
South Carolina	2,291,000	1,229,319	671,625	29.3
South Dakota	482,000	426,511	279,140	57.9
Tennessee	3,375,000	2,320,075	1,259,793	37.3
Texas	10,793,000	6,414,988	3,138,628	29.1
Utah	986,000	748,730	537,207	54.5
Vermont	379,000	318,832	166,635	44.0
Virgina	4,078,000	2,232,985	1,413,377	34.7
Washington	3,154,000	2,105,563	1,404,831	44.5
West Virginia	1,408,000	948,329	553,460	39.3
Wisconsin	3,464,000	1,787,799	1,580,130	45.6
Wyoming	354,000	230,074	168,555	47.6

[1] Unavailable.

Sources: Committee for the Study of the American Electorate Center on Political Education, AFO–CIO. ●

CONGRESSIONAL DIRECTORY—98TH CONGRESS

● Mr. MATHIAS. Mr. President, the Joint Committee on Printing has authorized the printing and distribution of the Congressional Directory for the 98th Congress. This compendium of information on the Congress as well as the names, addresses, and telephone numbers of employees in the legislative, executive, and judicial branches of Federal Government in the Washington metropolitan area is published by the Joint Committee on Printing during the first session of each Congress.

Since 1857, the Congressional Directory has offered information on the membership and committee assignments of the Congress. The current edition provides statistical data on congressional districts, elections, former Congresses, terms of service, subcommittee memberships, executive agency and departmental listings, as well as the judiciary. Biographies are printed of Members of Congress, the President and his Cabinet, and judges in the Federal courts.

I especially call my colleague's attention to the paperbound edition of this year's Congressional Directory because the front cover reproduces a detail of the painting by John Trumbull which currently hangs in the Rotunda of the Capitol. It depicts the historic moment when George Washington resigned his military commission to the Congress assembled at the State House in Annapolis, Md., on December 23, 1783. This year in Annapolis, historians and archivists will be commemorating the bicentennial events which occurred in Maryland: The convening of Congress in November and the resignation of George Washington of his commission in December. In January 1984, the 200th anniversary of the ratification of the Treaty of Paris which took place in the State House in Annapolis will be observed. With this final act, the fledgling American Government put the War of Independence against Britain behind it and the business of forming a government was begun.

The Government Printing Office today began to distribute the Congressional Directory to Congress. The book may be purchased through the Superintendent of Documents at the Government Printing Office.

Mr. President, I ask that an account of the events in Annapolis leading up to the resignation of General Washington's commission, prepared by the Senate Historian's Office, be printed at this point in the RECORD.

The material referred to follows:

By the spring of 1783, there were unmistakable signs that Great Britain and her victorious former colonies were moving toward peace. Cornwallis had surrendered at Yorktown in October, 1781. On April 11, 1783, the Congress proclaimed the cessation of all hostilities. Five months later, on September 3, the Treaty of Paris, ending the American Revolution, was signed in Paris by Great Britain and the new United States. As the chilly month of November dawned, the Continental Congress, meeting in Princeton, N.J., discharged the remaining American soldiers. On November 2, General Washington, quartered in Rocky Hill, N.J., saw them off with a moving speech, "Farewell Orders to the Armies of the United States." A week later, Washington himself packed up to go home, and wagons containing his baggage were directed to proceed to Mount Vernon, where Mrs. Washington awaited his return. "As you know," the General reminded his officer in charge of the escort detail in his letter of instruction, "they contain all my papers, which are of immense value to me."

Anxious as he was to follow his papers to Mount Vernon, General Washington could not relinquish his command until the British evacuated New York, which they did not begin to do until November 25. The General went to New York to witness personally the British flotilla making preparations for a wintry crossing of the North Atlantic. Finally, on December 4, he said goodbye to a group of fellow officers at Fraunces Tavern, and he was rowed across the Hudson as the British fleet made sail. He was bound for Annapolis, via Philadelphia, to resign his commission to the Continental Congress.

Washington would have preferred the role of an American Cincinnatus, quietly returning to his agricultural pursuits in Virginia, but his journey south was marked by constant repetitions of the testimonials that had been accorded him in New York. The Pennsylvania Packet reported that, as he approached Philadelphia, church bells pealed and cannons boomed as "the people testified their satisfaction at once more seeing their illustrious chief." While in Philadelphia, between fetes and formalities, the General found time to do some Christmas shopping. For Mrs. Washington, he bought a locket and a dress cap; for his three little stepgranddaughters, small pocketbooks, thimbles, sashes, and children's books; for his stepgrandson, his namesake and aged two and a half, a whirligig, a small fiddle, and a toy gun. He also purchased a handsome silver coffeepot upon which was engraved his coat of arms.

On Friday, December 19, General Washington reached Annapolis, where he would finally resign his commission. Congress, which was attempting to rally a quorum for the occasion, elected to receive him the following Tuesday. The delay was not really unwelcome; for George Washington, Annapolis was a place of many happy memories. It was the center of the political and social life of Maryland, and he had many friends there with whom he had attended races, dined at the Jockey Club and enjoyed the theater on visits before the war. Many faces were missing from those earlier days, but many well-remembered Marylanders still remained to greet the General, and several callers were received. On Monday, the Congress gave him a public dinner, complete with several toasts. Washington's own message was prophetic—"Competent powers to Congress for general purposes." That evening the governor of Maryland gave a ball in General Washington's honor. The General, it was reported, "danced every set that all the ladies might have the pleasure of dancing with him."

Promptly at twelve o'clock the next day, December 23, the General presented himself at the statehouse and entered the chamber where Congress awaited to hear what he might have to say to them. This scene was depicted by John Trumbull in a painting commissioned by the Congress in 1817. Holding both his commission and his address, General Washington, with his sword at his side, solemnly faced the assembled gentlemen, many of whom were old friends, and some of whom were distinct enemies. The President of the Congress and his old opponent, General Thomas Mifflin of Pennsylvania, formally informed him that, "the United States in Congress assembled were prepared to receive his communications." The General arose and said, "The great events, on which my resignation depended, having at length taken place, I have now the honor of offering my sincere congratulations to the Congress, and of presenting myself before them, to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the service of my country."

In writing the draft of his speech, Washington had bade "final farewell" to Congress and took "ultimate leave" of public life. In the end, he struck out the words, "final," and "ultimate," and prudently left the door open to further connection with the government, although he was eager to return to Mount Vernon. His three-minute address concluded, "I retire from the great theatre of action."

The brief ceremony concluded, the General handed his commission and the copy of his address to President Mifflin. The throng of spectators was dismissed; Congress formally adjourned; Washington, now a private citizen, shook each member's hand and said goodbye. Turning immediately southward to Virginia, Washington rode off at a brisk clip to arrive at Mount Vernon in time to dine with his wife on Christmas day. ●

CUTTING ENERGY COSTS FOR COLLEGES

● Mr. KENNEDY. Mr. President, I would like to bring to the attention of all my colleagues an innovative program to help colleges cut their enor-

mous energy costs. Our country's 3,250 campuses spent $3.2 billion for energy last year, compared to $700,000 in 1974.

The comprehensive energy management and financing program being demonstrated by the Higher Education Energy Task Force at 12 campuses is expected to save them up to 25 percent of their energy costs. Late next year, program results will be distributed to other campuses nationwide to help them implement their own energy master plan.

I ask that there be printed in the RECORD the following article by Christopher E. Crittenden, director of the Energy Task Force, which gives more details on how campuses can slow the drain of dollars for energy. It was printed in the Christian Science Monitor of March 18.

The article follows:

HOW TO SAVE CAMPUS BILLIONS

(By Christopher E. Crittenden)

For the first time last year, America's 3,250 colleges and universities spent more than $3 billion for energy. This bloated bill was especially hard for them to take then, when their slice of the federal pie had just been drastically cut and inflation was gnawing away at what was left. It was enough to pay the salaries of 129,000 full-time faculty. It was equal to one and one-half times what US campuses spend for libraries each year, and more than is spent on scholarships and student services.

Much of that energy bill was unavoidable. But the Higher Education Energy Task Force estimates that at least 20 to 25 percent needlessly went up in smoke. Most campuses up to now have just taken a piecemeal approach to energy conservation. Many administrators lack the expertise to implement a systematic, comprehensive energy management plan.

Realizing this, the task force last year began to implement a demonstration College and University Energy Management and Financing Program at a dozen campuses from New Hampshire to California. Funded by the John A. Hartford Foundation of New York City, the program is expected to save the 12 campuses as much as $10 million a year, or one-fourth of their total energy costs of $40 million.

With the ultimate aim of having the system implemented nationally, program officials chose a representative cross section of campuses, large and small, both public and private, in varied climatic zones. At the end of the demonstration period, the comprehensive program will be transferred to other colleges nation-wide through various publications and workshops for campus administrators.

The program effects savings first through an organizational structure and planning model for both the physical plant department and the institution as a whole, to coordinate campus energy management decisions. Then, a computerized energy information management system is put into place to provide campus administrators with data on consumption, patterns of energy use, and conservation opportunities and their cost.

At the same time, program officials are developing cost-effective options for financing energy conservation measures. There are many financing mechanisms common in business that higher education has rarely used, such as leasing energy-saving equipment or obtaining a loan from a financing house. Properly structured, monthly payments would be less than the monthly energy savings, providing an immediate positive cash flow to the campus.

Private individual and institutional investors can also invest in energy efficiency on the campus, using tax credits not available to the institution. Colleges can even create for-profit corporations under their control that can act as an outside agent to obtain debt and equity financing, act as a lessor or guarantor of a campus debt, or provide secondary security for a loan.

Campuses can afford the expensive equipment they need to achieve maximum energy savings. In fact, they can't afford not to make these investments in their future economic well-being. They can't afford to continue spending dollars for wasted BTUs rather than on libraries, lab equipment, and faculty salaries.●

GOVERNOR BRENNAN ADDRESSES CONFERENCE OF THE AMERICAN RIVERS CONSERVATION COUNCIL

● Mr. MITCHELL. Mr. President, on April 8, 1983, the Governor of Maine, the Honorable Joseph E. Brennan, gave the keynote address to the Eighth Annual National Conference of the American Rivers Conservation Council. In this significant address, Governor Brennan outlined the steps that have been taken and the plans that have been made by Maine to preserve and develop its great rivers.

Maine's rivers, which run almost 32,000 miles, are of immense value to the State. Their economic potential is great; their importance to the State's recreational opportunities and wildlife habitat cannot be overestimated. Governor Brennan, in his address, described the energetic and expensive efforts taken by Maine to transform its rivers from some of the dirtiest in the Nation to some of the cleanest. He described the Maine rivers study undertaken by the Maine Department of Conservation and the National Park Service. He also outlined the legislation he had recently submitted to the Maine Legislature to provide a sound legal framework for river management.

Governor Brennan was awarded the "Distinguished Conservation Award" at the Council meeting for the outstanding work Maine had done in protecting its rivers.

However, Governor Brennan also pointed out in his address that Maine's power to develop its river resources wisely is shackled by Federal law which allows Federal agencies to negate the choices a State makes concerning its rivers. He outlined the steps that the Federal Government should take to address the issues of sound river conservation and development.

Governor Brennan's recommendations for Federal action deserve our consideration. It is the responsibility of Congress to develop a comprehensive national policy for river management and to work together with State and local governments and the private sector to address these important issues. Governor Brennan's address is most timely, and I commend it to my colleagues in the Senate. I ask that the text of his speech be printed in the RECORD.

The speech follows:

KEYNOTE ADDRESS BY GOV. JOSEPH E. BRENNAN

Thank you for your kindness in making this award. On behalf of my administration and the people of Maine, I am pleased to accept.

Many of you who know Maine from afar may wonder why it has fallen to a small State in the Northeast to begin tackling the major issues of river conservation and development.

To many, we are much better known for our rock bound coast and lobsters than for our rivers, some of which were once among the most polluted in the Nation.

There are several answers I can provide to the question of why Maine.

We have an abundance of rivers, nearly 32,000 miles. Our rivers have shaped our history so much that the history of Maine is, in large part, the history of our rivers.

Our earliest settlements were along our rivers. Their water supplied the power for the grist mills and saw mills that were the basis of the colonial economy in what was then a remote wilderness district of Massachusetts.

Later, the rivers were the avenues along which logs were transported, and from which the power was provided for many of the mills where America's industrial revolution began.

Rivers formed the culture of Maine. All of our major cities and many of our towns were founded and grew along the banks of the rivers.

So, rivers have always been among the major public policy concerns of the State. The first saw mill had to receive a grant of water rights from the Massachusetts General Court in 1631, and Maine's Legislature has been involved with the issues of river development ever since.

Conflicts between mill dam owners and their river bank neighbors over flooding in the 17th century later became conflicts over rivers for industrialization and water supply in the 19th century.

In the early 20th century, the development of hydroelectricity made Maine appear as the energy savior of New England. Long and sometimes bitter disputes arose over the role Maine would play in meeting regional and national energy needs.

Twenty to thirty years ago, the conflicts over river use had faded because a half century of treating rivers as open sewers had made many of them simply too dirty for other uses.

But in the past decade, Maine people have rediscovered the great rivers of the State, rivers with names that ring of history and romance: the Kennebec of Benedict Arnold, the Penobscot of Paul Bunyan and Henry David Thoreau, the Allagash, the Androscoggin, the Machias, the Narraguagus, the Saco, and the St. John. Energetic and expensive efforts have transformed Maine from the home of some of the dirtiest rivers to the home of some of the cleanest.

This is a source of great pride to Maine people, who look again to our rivers as a mainstay of our way of life.

As a result, demands for river uses have soared spectacularly.

In 1966, 4,000 people canoed the Allagash River. Last year more than 13,000 did.

Between 1957 and 1967 no Atlantic salmon were caught in the Penobscot River. Last year, 1,200 were.

In fact, I had the privilege of reviving a tradition that had been dormant for 30 years—the presentation by Maine's Governor to the White House of the first salmon of the year taken from the Penobscot.

In 1978, there was no whitewater rafting in Maine.

Last year, I was among more than 20,000 people who went down the Kennebec or the Penobscot on rafts.

In Augusta, an entire week of activities is built around the renewal of the Kennebec each Fourth of July.

And while people were rekindling appreciation for the rivers, a national energy crisis arose. The oil shortages hit Maine harder than most States, since we are among the most oil-dependent States in the Nation.

Proposals such as Dickey-Lincoln and the 1980's equivalent of the Oklahoma land rush—the filing of FERC license applications—focused urgent attention once again on the questions of how best to use Maine rivers.

It became clear to me that, without a strong assertion of the public role in decisionmaking about our rivers, we would soon squander the opportunities offered by the rivers of Maine.

Without thoughtful consideration of all our needs, it would be easy to lose their recreational opportunities, their economic potential, and wildlife habitat through inappropriate development.

At the same time, we could just as easily lose valuable energy resources through interminable and needless conflicts over individual proposals.

Public policy decision should not be made on the basis of who can wear who down through endless rounds of trials and appears.

The first result of this effort was the Maine rivers study, undertaken by our Department of Conservation and the National Park Service. The study assessed in detail some 4,200 miles of outstanding Maine rivers. It identified the things which made each special. It classified almost all of Maine's rivers by level of significance, from national to local, and highlighted the truly unique features of our rivers.

As a result of the Maine rivers study, and the careful consideration and recommendations of my cabinet, I issued an executive order in July 1982, setting aside the rivers of national significance from further hydroelectric development.

I also ordered that redevelopment could only take place on these rivers if it did not diminish their special characteristics.

Finally, I directed that we undertake further examination of river issues, to seek ways in which Maine's outstanding river features could be utilized for the greatest benefit of Maine people.

I have now submitted legislation to the Maine Legislature to complete the job of providing a sound legal framework for river management. The legislation would:

Translate into statute my executive order protecting significant stretches.

Establish new land use guidelines to protect significant river shorelines from inappropriate development.

Encourage formation of local river corridor commissions, to develop comprehensive management plans for our rivers and to prevent piecemeal approaches to shoreline zoning.

Streamline and clarify review procedures for hydroelectric development projects.

Make clear the State's authority to require fishways in dams.

Revise the water quality classification system for Maine, to reflect the water quality improvements and research of the past decade; and

Revise the State' laws concerning neglected and abandoned dams.

With this legislation, Maine declares that we are prepared to choose the rivers where hydro development should not take place; and to streamline our laws to make speedy and sound decisions on rivers where hydro development ought to take place should market conditions warrant.

We are prepared to control development on our rivers to maintain unique and irreplacable wilderness and wildlife.

We are prepared to revise our laws to bring our standards and procedures for river management up to date.

In short, we are prepared to finish the job we began more than a decade ago when the first steps were taken to clean up the rivers, and to make them what they are today: a resource of great and lasting benefit to Maine and to the Nation.

But this job is not yet finished. For even if the legislature enacts my proposals, our right to make our own choices is shackled by Federal law which allows Federal agencies to negate the choices we have made.

A major lesson we have learned is that, while much can and must be done at the State level, much remains to be done at the national level.

We are fortunate in Maine that most of our rivers are entirely or mostly within our borders. Much of what we have attempted would have been much more difficult if substantial portions of our rivers flowed through other States, since there is precious little national policy for river management to aid us.

We fear that the absence of adequate national rivers policies and programs could lead to a degradation of rivers elsewhere, putting even greater pressure on the values we are striving to protect in Maine.

Steps must be taken at the national level to address the issues of sound river conservation and development. I suggest in all modesty that our experience in Maine can serve as a model for this national effort.

I would like to propose five steps which will form the nucleus of a national effort for sound river management:

First, and most importantly, Congress must amend the Federal Power Act to allow States to set aside significant rivers from hydro development, consistent with well-established goals for preservation of nationally significant recreation and wildlife values.

The National Governors Association recently adopted a resolution urging passage of such a law, and I am committed to working with the Congress to have such legislation considered in this session.

Next, the Federal Government should begin development of a comprehensive national policy for river management to assure the best use in the Nation's interest of our river resources.

I recognize that this will be an enormous task. The issues are numerous and complex, including:

Energy and recreation;

Water supply and transportation;

Water quality and wildlife;

The proper allocation of the costs of river development between the public and private sectors, and between the State and Federal governments.

It will require the best efforts of Federal, State, and local governments, the private sector, environmental groups, and the public to address these issues. I believe this can best be accomplished by the President appointing a national commission to consider these issues and make recommendations.

Next, Congress should reauthorize the Clean Water Act, and continue the commitment to providing a substantial share of the funds for cleaning up the Nation's waters. Congress should also continue such programs as the land and water conservation fund, which provide money for basic conservation and recreation programs.

Congress must maintain the vitality of the wild and scenic rivers program. In Maine, the Allagash serves as an example of the importance of this program. An effective national rivers policy is simply impossible without a strong wild and scenic rivers program.

Finally, there is much which each of us here tonight must do. Groups such as the American Rivers Conservation Council serve a critical function in bringing the issues of river conservation to the people.

We have learned in Maine that river education must be directed at those who are not regular users of rivers, as well as those who are. Without widespread public awareness of the importance of rivers, all our efforts will be in vain. I am pleased to note that a part of your program this weekend will address this problem.

The course that I have suggested is an ambitious one. It will involve a great deal of effort here in Washington and in all the State capitals. But I am convinced these are attainable goals. I am convinced by our experience in Maine and by the fact that the kind of Federal-State resource management program I have suggested already exists.

Fifteen years ago, the Nation's coasts were threatened by overdevelopment, increasing demands for energy uses, and severe environmental degradation. Today we have in place national legislation which establishes a Federal-State partnership in coastal management.

Some of this legislation grew from the recommendations of a national commission formed to consider the issues facing the Nation's ocean frontiers. States are given principal responsibility for establishing management priorities for the coast, and Federal agencies are required to act consistently with those priorities.

It has taken several years to construct this coastal management system, and many of its features are still evolving. Even in Maine, we will still have much to do should the legislature enact our proposals. We will still face difficult choices about specific projects, and we will have to work to make the new system succeed.

In the case of our Maine rivers policy, I feel we are now just "putting in" at the beginning of a long trip with more than a few difficult portages ahead. At the national level, we have not even begun planning the trip.

But who can doubt the values, the rewards of making the trip?

One of the great appreciators of rivers in literature was the mole in Kenneth Grahame's "The Wind in the Willows." Mole was asked: "Do you really live by the river?"

The Mole's response was one that many, many Mainers share. "By it, and with it, and on it, and in it," he replied. "It's brother and sister to me, and aunts and company and food and drink. It's my world and I don't want any other. What it hasn't got is not worth having, and what it doesn't know, is not worth knowing.

"Lord! The times we've had together! Whether in winter or summer, spring, or autumn its always got its fun and excitements."

As Governor of Maine, let me again express my deep appreciation for the honor you have given me, my administration, and the people of Maine. I hope that a year from now your conference will be filled with reports of substantial progress in our efforts to assure the best use of the rivers of America.

Thank you very much.●

ANACONDA'S LEPRECHAUN VILLAGE

● Mr. BAUCUS. Mr. President, I should like to take this opportunity to honor two outstanding Montanans, and good friends of mine, Eddie and Bea McCarthy. Each year for St. Patricks Day the McCarthys open their home to Anacondans of Irish descent, as well as those who wish that they were Irish. As a member of that latter group, I have had the pleasure of attending this gathering for the last several years. In addition, they invite various prominent Irish Americans to join in their celebration.

The simple fact that they are celebrating shows Eddie and Bea's great spirit. As most Montanans know, Anaconda has seen better economic days. But with people like the McCarthys, we can all be sure that Anaconda will prosper and continue its tradition of excellence. I, and many others, thank Eddie and Bea McCarthy for this great service.

I ask to have printed in the RECORD a copy of a recent USA Today article recognizing the McCarthys.

The article follows:

ST. PAT'S DAY BRINGS OUT BROGUE IN US

(By Patrick O'Driscoll)

ANACONDA, MONT.—Carrying Ireland's tricolor flag and a venerable 70-year-old banner of the Ancient Order of Hibernians, the Irish are marching down Main Street today in this century-old Rocky Mountain copper town—just as they are in New York, Seattle, Chicago and some 150 other communities.

But the atmosphere of "Smelter City" is not the political tension of New York, where grand marshal Michael Flannery's outspoken zeal for the Irish Republican Army has made the USA's largest St. Patrick's Day Parade a referendum on Ireland's continuing violence and bloodshed.

Here the grand marshal is postman Eddie McCarthy, 54, who in Kelly green tam and suspenders stands foursquare behind his 18th annual Sunday-before-the-parade bash.

"It's always been a great town for the Irish. Whenever there's something, we're right in the middle of it," he crows.

Anaconda reflects a different Irish passion—a year-round lust for good times among the descendants of the immigrants who mined and refined the "red metal" in these brown mountains. The Wednesday night meetings of the Ancient Order of Hibernians (AOH) here are devoted to Irish stories, reminiscences, songs and cold cans of Rainier beer, not heated debate over "the troubles" in Northern Ireland.

It is a subtle Irishness, found among many of the 43.8 million Americans who claim Irish ancestry. Although the USA's melting pot is swallowing the country's second-largest ethnic group (after the Germans), Irish Americans maintain ties as perhaps none others have.

"Irish Americans worked hard to be accepted and assimilated into mainstream America," says Maureen Murphy of the American Committee for Irish Studies.

"But the Irish are a very family-centered people. That keeps traditions alive."

Family has supported millions of immigrants whom the Great Potato Famine of the 1840s drove to the USA. Faith, too, has kept family ties tight.

Says Johnny Concannon, unofficial historian of St. Patrick's Day parades: "Even though Irish Americans may be successful and have real lace curtains, there's tremendous awareness of Ireland."

It's an awareness that drove Tish Mulvaney, 68, of St. Paul, Minn., to spend eight years compiling a family tree of 577 descendants of Irish immigrant Matthew Mulvaney. "It's just the reward of knowing the history," she says.

It's an awareness that leads some Irish Americans to best the Irish themselves in cultural pursuits: Chicago schoolteacher Liz Carroll is a past winner of Ireland's fiddle-playing championships.

It's an awareness that leads others to pursue Gaelic, Ireland's difficult native tongue. A small circle gathers weekly in the suburban Washington, D.C., living room of Irish-born teacher Coilin Owens.

Still others channel energy into elaborately decorated costumes and intricate bobs, skips and kicks at a pressure-packed Irish step dance competition called the *feis* (pronounced FESH).

There's new interest among college students in Irish literature, history and language. Loyola University historian Lawrence McCaffrey of Chicago calls it "a kind of search for identity, a feeling that America hasn't worked out. Everything is so homogenized that they're looking for something unique and special."

Even those with no Irish roots are drawn to it. One of them, Gaelic language enthusiast Jo Radner of Washington, D.C., calls it "the O'Ziggenbaum phenomenon." She and friends such as Irish music expert Myron Bretholz find the Irish ethnic identity "very public and appealing. The whole Irish myth fits in with what people want in America. The Irish came here very poor, and they made good."

Anaconda's founder, immigrant miner Marcus Daly, did so well he became one of Montana's fabled "copper kings." But his descendants have to scrape for a living now; the 585-foot-high copper smelter shut down 2½ years ago, and the open pit mine in nearby Butte, "the richest hill on earth," is about to shut down because of depressed mineral prices.

Still, Anaconda and the Irish survive—with reverence for the town's oldtimers, with strong family ties, with civic pride. Many of the town's 9,721 residents will drive 103 miles north to Missoula after this afternoon's parade to cheer the Anaconda High School Copperheads in the state boys' basketball tournament—and turn right around for home to catch the tail end of tonight's St. Patrick's Day dance at the National Guard armory.

Years ago it was held in the 95-year-old AOH hall, but it "died" five years ago. Now, three generations of Anaconda Hibernians meet at the Knights of Columbus hall, where Irish brogues drift past an AOH recruiting poster that reads:

Don't just be a St. Patrick's Day Irishman. Be proud of your heritage.●

ISRAELI INDEPENDENCE DAY

● Mr. D'AMATO. Mr. President, I rise today to reiterate my support for the people of Israel as they commemorate the 35th anniversary of their nation's founding.

The citizens of our two nations share a unique bond of friendship and respect which has endured many trials. Despite occasional differences, our common belief in the principles of democracy have served to bind our two nations together. Today Israel remains our most stable, trusted and valued ally in the Middle East.

On May 14, 1948, David Ben-Gurion proclaimed the establishment of the State of Israel. The Declaration of Israeli Independence represented not the end of a struggle for freedom but the beginning of the rightful struggle for recognition of a nation.

The Hebrews first entered the land of Israel during the 18th century B.C. Since that time, the Jewish people have been subjected to repeated attacks from hostile neighbors. Nevertheless, the Israelis have displayed their willingness to make the sacrifices necessary in order to obtain peace. Today, the search for peace continues.

As a Member of the U.S. Senate, I have worked to insure that Israel remains strong. I will not relent in these efforts and I hope that the administration and the Nation will never lessen our commitment to Israel.●

ORDER FOR THE RECOGNITION OF SENATOR MOYNIHAN ON TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow, there be a special order in favor of the Senator from New York (Mr. MOYNIHAN) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, APRIL 19, 1983, AT 2 P.M.

Mr. DOLE. Mr. President, I move, in accordance with the order previously

entered, that the Senate now stand in recess.

The motion was agreed to, and at 5:57 p.m., the Senate recessed until Tuesday, April 19, 1983, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 18, 1983:

THE JUDICIARY

Stephen F. Eilperin, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years, vice John R. Hess, retired.

AFRICAN DEVELOPMENT FOUNDATION

Patsy Baker Blackshear, of Maryland, to be a member of the Board of Directors of the African Development Foundation for a term of 4 years (new position).

Chester A. Crocker, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation for a term of 2 years (new position).

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert J. Lunn, [redacted] (age 55), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert L. Moore, [redacted], U.S. Army.

The following officers for appointment as Reserve Commissioned officers in the Adjutant Generals Corps, Army National Guard of the United States, Reserve of the Army, under the provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Donald E. Edwards, 008-26-2639, Army National Guard of the United States.

To be brigadier general

Col. Raymond R. Galloway, [redacted], Army National Guard of the United States.

Col. William A. Hornsby, [redacted], Army National Guard of the United States.

IN THE NAVY

The following-named limited duty officers to be reappointed permanent lieutenant as regular officers in the Line of the U.S. Navy, subject to qualifications therefor as provided by law:

Arvin, James W.
Augsburger, John A.
Beavers, Harvie Donald, Jr.
Cornelius, Eddie J.
Evans, Robert William
Green, Rheuben Whitfield, Jr.
Heard, Clayton Johns
Hinkle, Wilbur Gordon
Hubbard, David Lee
Johnson, William Isaac
Koca, Richard Lee
Krause, Walter H., Jr.
Loporto, Gerald Edward
McQuay, Edgar, Jr.
Moddesette, Anthony S.
Moran, L. Bernard
Oshaughnessy, Larry Ray
Pemberton, John A.
Reher, Laurence William, III
Ruiz, David P.
Smith, Benjamin Harvey
Smith, John Edward
Stamm, William Patrick
Teague, James Edward
Teemley, Dennis Duane
Thomas, Clarence Augustus, Jr.
Tierney, Paul James
Walkley, Gary Foster
White, Charles Munson
Winston, Herbert C.
Wright, Wayne A
Yankovich, Edward P., Jr.
Zembuch, John Andrew

The following-named temporary limited duty officers, to be appointed permanent lieutenant in the Line of the U.S. Navy, subject to qualifications therefor as provided by law:

Abbott, Michael J.
Albano, Orencio Dugay
Anderson, Ronald Dale
Andreasen, Jon Joseph
Andrus, Leslie Edwin
Ankrom, David Clark
Arguilla, Rodolfo Galano
Ashton, Alfred Joseph, Jr.
Aumont, Donald Ridgeway
Axline, Michael Dennis
Bailey, William George
Barbour, Robert G., Jr.
Barnes, Robert Eugene
Barnes, Robert William
Barnett, Tedd Lewis
Barredo, Ramon Marcelo, III
Barrett, Jeffrey G.
Barton, Albert Russell
Bascianelli, Anthony Charles
Bata, Joseph A.
Bautista, Antonio M.
Belton, David A.
Berardi, Richard Harold
Berry, David Randolph
Bilskis, Richard Allan
Bing, Moses Lee
Bishop, Lloyd D., Jr.
Bitler, Charles W., Jr.
Bixby, Roy Kenneth
Blake, Al I.
Bolin, Richard Allen
Boling, Michael Joe
Booth, Silas C., Jr.
Bosma, William Jacob
Brantley, Larry Gene
Brown, Danny Reginald
Brown, Dewayne Charles
Brown, Michael R.
Brown, William Glenn
Browning, Michael James
Bryant, Harry Douglas
Buchan, James Donald
Buis, Roland Roscoe, Jr.
Bumgarner, Gary Wayne
Burgart, Gary Lee
Burke, William Charles, Jr.
Burket, Lester C., Jr.
Burkholder, Stanley
Byrd, Jimmy A.
Cagle, Ronald Dean
Cahill, Bryce Leslie
Cantin, Roland L.
Capati, Norman M.
Cardenas, Jose Antonio
Carella, Victor Leonard
Carmona, Alfredo Pandez
Casto, Wallace R.
Cavin, James Franklin, Jr.
Cecil, David B.
Channell, James Allen
Chaput, Donald Louis
Clay, Ronald D.
Cloutier, Joseph Roger
Conine, Benny Doyle
Cook, Arthur Richard
Cook, Sherwood E.
Cowles, Robert Howard
Craig, Harold Edward
Crimmins, Lloyd Eugene, Jr.
Cripps, Roy Louis
Crisler, Robert Bruce
Cronin, Donald Roger
Crutchfield, Harry Arnold
Cruzata, Nicanor Fines
Dale, Charles Lee
Dameron, Edgar Leroy, II
Daniel, Stephen James
Davidson, Michael Lee
Davis, Michael Andrew
Deam, Thomas Michael
Decastro, Ernesto Macaspac
Deitz, Roy Jefferson, Jr.
Delre, Joseph Anthony
Derrick, Jay
Deyoung, John, Jr.
Diamond, Robert
Diaz, Clarence Lee
Dicer, Harold Franklin, II
Dick, Michael D.
Dillon, Veon Richard
Domingo, Reynaldo Deleon
Donohue, John Joseph
Donzella, John Richard
Doyle, Joseph Austin, Jr.
Drinan, John Vincent, Jr.
Driscoll, Ernest
Dugan, James H., Jr.
Dunbar, Donald George
Dunn, Edward Patrick
Dykes, James Glover
Dzup, I. Inka, Frank J., Jr.
Eberhardt, Charles Edward
Elder, James Cleveland
Elkins, Gerald W.
Ellis, Kenneth Duane
Emmons, Randall Gerald
Ennis, Harry Esley, Jr.
Ewing, William Albert Jr.
Ezzell, Richard L.
Fernald, Brent Alan
Ferrell, Douglas McCoy, Jr.
Fleury, Jesse James, III
Fontilla, Rodolfo Espiritu
Ford, Stephen Gary
Foster, Don Henry
Fraczak, Larry Francis
Fry, Harvey L.
Gallaher, James Daniel, Jr.
Gardiner, Eddie Joseph, Jr.
Garrity, Ellsworth Marti, III
Georgi, Charles Marti
Goldstein, Alan Philip
Goodbred, Timothy Evan
Gradwell, Edward James, Jr.
Graves, Richard Tim
Grisell, Stephen John
Grochow, Ronald Lorenz
Groel, Thomas Robert
Grunstra, Ronald Hugh
Hall, Kendall Richard
Hall, Richard Thomas
Hall, Walter Isaac
Hallock, David Deforest
Hamilton, Charles R.
Hampton, Robert Lavis
Hand, James Vincent
Hannah, Harold W., Jr.
Harer, Frank Leroy
Hartley, Verle Lee
Hass, Terrell Lee
Hassel, Daniel A.
Havens, William Edward
Helms, Richard C.
Herman, Richard William
Higgins, James Ronnie

Higgins, Richard Louis, Jr.
Hindjosa, Jesse, NMN
Hlinka, Gregory
Hohl, Thomas Kent
Holtz, Gray Lee
Hopkins, Steven W.
Houghton, Robert Conrad
Howard, Jack Dewey
Howard, Joseph Cecil, III
Howe, John F.
Hufford, Ross Merritt, Jr.
Hunt, Earl Ray
Hyman, Stephen George
Hyytinen, Michael Reino
Jarabak, Ronald Francis
Jenkins, David Lloyd
Jenkins, Ronnie Bruce
Johnson, Frank L.
Johnson, James C.
Johnston, William Repko, Jr.
Jones, Larry R.
Jones, Rick Martin
Joves, Rodante Rosario
Karr, Kenneth Edward
Kerr, William Dolph
Kervin, Pat Ray
Kiehne, Gerald John
Kimbro, Phillip Gwinn
King, William Daine
Kinneman, Gregory Duane
Knecht, Albert L.
Lacey, Richard Glen
Lamont, Dwight Edward
Landry, Henry George, Jr.
Lane, Aubrey Eugene
Larmon, Danny Alvaro
Legare, Arthur Edwin, Jr.
Lehman, Lawrence Lester
Lejman, Daniel John
Leware, Bentley Charles
Lill, Harborough Irwin, III
Lister, Charles M.
Lueck, Dale Keith
Lyon, Michael Allen
MacDougall, David Russell
MacDowell, Kenneth NMN
Maguire, Brian Francis
Malone, Dennis E.
Manning, Steve Alan
Markert, George Washington
Marshall, James Odis
Martin, John Lawrence
Martin, Timothy Vaughn
Massey, Donald Wray
Matthews, Samuel Alex
McCabe, William Drew
McCarthy, Patrick Michael
McCready, Daniel Hugh
McCullough, William Fay, Jr.
McElhatten, Gordon Joseph
McElveen, George Gamel, Jr.
McFadden, Michael Wayne
McPheeters, Neil K.
Meador, Richard James
Meadows, Coy O.
Meierotto, Vernon Clifford
Miller, Jerry J.
Miller, Ronald Alvin
Mills, Neal John
Moddy, Donald Jay
Moran, David Ralph
Morrison, Robert Edward
Moses, Clyde Douglas
Murphy, Richard Herbert
Nelson, Robert Loren
Nevin, Robert Wilson
Nigro, Michael Louis
O'Connor, Thomas Charles
Olsson, Lars Osborne
O'Neal, Daniel T.
Paco, Renato Mesa
Panado, Ernesto Felix
Parker, Barry Lynn
Parrish, John Robert
Pauls, Rodney Keith, Jr.
Payne, Edward
Pennington, Charles Daniel
Perez, Rolando Santos
Pertle, William Edgar
Peterson, Merle Norman
Plumlee, Thurman Ray
Poehler, Lester Carl
Pomeranz, Henry D.
Pope, Dale W.
Powell, William Ernest
Powers, Peter Wister
Quale, Theodore John, Jr.
Quinn, James J.
Radona, Pepito Josafat
Ralston, Kelvin Dee
Rawlins, Robert Stanaland
Reily, Philip Key, III
Reuer, Kenneth Leroy
Reynolds, Theodore Arthur
Richardson, George D.
Rickard, John R.
Rill, Louis Friedrick
Roberts, James Francis
Rohren, Lathan E.
Rosado, Gilberto
Ross, Thomas E.
Rousseau, Lester Gene
Sanderson, George Howard, Jr.
Schoelen, James Charles
Schukraft, Keith Barry
Schuler, Fred S.
Schultz, Frederick L.
Scott, John B.
Scott, Raymond
Scranton, Michael Stephen
Sepulveda, John
Sheets, Glen Edward
Sherbanee, Kelly Fredric
Silva, Donald Anthony
Simmons, William allen
Simons, Thomas Paul
Simpson, Richard Lee
Skillman, William F.
Slain, Gerry Lee
Slippy, Thomas George
Sluter, Robert Seton, Jr.
Smietana, Stephen Thomas
Smith, Clifford Anthony
Smith, Danny Glen
Smith, James C.
Smith, John Henry
Smith, John Martin
Sokolik, James Otto
Soper, Robert Taylor
Spigler, Richard David
Squires, Clifford Erwin
Stewart, Richard Arden
Stewart, Roger Franklin
Stiles, Philip A., Jr.
Stone, Richard Cyril, Jr.
Stout, Michael Francis
Sturm, Robert Allen
Sweeney, William Charles
Tate, Gary Johnson
Thomas, Timmie L.
Thompson, Mike
Thompson, Thomas Carl
Thorn, Ronald D.
Throop, David P.
Tichy, Thomas Nicholas
Tomlinson, Gerald Edward
Towery, John Woodrow
Turner, Shelby Joe
Tyre, Odeen Ladale
Underwood, Jon Harland
Vawter, Paul David, Jr.
Vermette, Paul Michael
Vose, Michael H.
Watkins, Richard Harold
Weir, Robert C.
Wessel, James J.
Whitaker, Jerry E.
Williams, Lawrence Joseph
Williams, Robert Anthony
Wilson, William L.
Wippel, Harrell George
Wong, Abraham H. K.
Wood, Gary Willard
Worthington, Michael Allen
Wright, Bill Vern
Wrynn, Barry Joseph
Zaleski, Peter Paul
Zbaeren, William Dale
Zimmerman, Robert Lewis, II
Zuchero, William John, Jr.

IN THE MARINE CORPS

The following-named officers of the Marine Corps and Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel, under provisions of title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

Ahlers, Richard M., xxx-...
Alexander, Burt E., xxx-...
Allison, Charles R., III, xxx-...
Anderson, Joseph T., xxx-...
Andresen, Gary D., xxx-...
Armes, Willard P., xxx-...
Armstrong, Charles R., xxx-...
Axtell, Grey C., xxx-...
Bagby, Richard A., xxx-...
Baker, Wheeler L., xxx-...
Balha, John T., xxx-...
Barnes, Michael J., xxx-...
Barone, Charles J., xxx-...
Bartolomea, Richard J., xxx-...
Bathurst, Sheldon J., xxx-...
Bausch, Arthur S., xxx-...
Beaufait, Donald A., xxx-...
Bedard, Emil R., xxx-...
Belongie, Raymond M., xxx-...
Benson, James R., xxx-...
Berry, Gerald L., xxx-...
Betta, Guiseppe A., xxx-...
Bevis, Dennis M., xxx-...
Bioty, John R., Jr., xxx-...
Bishop, Wayman R., III, xxx-...
Blackshear, William B., Jr., xxx-...
Blakemore, Frank R., xxx-...
Bland, John P., xxx-...
Blanich, James R., xxx-...
Boak, Michael P., xxx-...
Bobbitt, Frederick M., xxx-...
Bolick, Reed T., xxx-...
Bourre, Norman P., xxx-...
Brennan, Ian, xxx-...
Bresnan, Vanda K., xxx-...
Britton, Larry W., xxx-...
Brock, Michael V., xxx-...
Broderick, Matthew E., xxx-...
Buckley, Robert R., xxx-...
Buckner, David N., xxx-...
Burgess, Victor L., xxx-...
Burke, James D., xxx-...
Butler, Michael D., xxx-...
Byrum, Bruce B., xxx-...
Cahill, Robert E., xxx-...
Campbell, Edgar M., xxx-...
Capito, John W., xxx-...
Carlock, Reid O., xxx-...
Carradice, Daniel M., xxx-...
Carstens, Thomas R., xxx-...
Carter, Roy L., xxx-...
Champeau, John B., xxx-...
Charles, Roger G., xxx-...
Christy, Charles W., xxx-...
Christy, Kenneth L., Jr., xxx-...
Clancy, John E., xxx-...
Clark, James L., Jr., xxx-...
Clarke, James M., xxx-...
Coggins, Bruce T., Jr., xxx-...
Cole, John R., xxx-...
Colpas, Gary E., xxx-...
Combs, Richard A., xxx-...
Converse, George S., xxx-...

Cooke, Edwin J., xxx-...
Cox, John W., xxx-...
Cranford, Jimmy R., xxx-...
Cress, John P., xxx-...
Crews, Edward E., xxx-...
Crittenden, Steven M., xxx-...
Crowe, Clarence S., xxx-...
Culver, William L., xxx-...
Cummings, David J., xxx-...
Cummings, Edward B., xxx-...
Cummings, Michael J., xxx-...
Cummings, Waldo B., Jr., xxx-...
Curtis, William C., xxx-...
Dalton, John F., xxx-...
Darling, Paul P., xxx-...
Davis, George B., xxx-...
Davis, James H., xxx-...
Davis, Michael P., xxx-...
Dean, Thomas C., xxx-...
Debussey, Robert C., xxx-...
Decoteau, Samuel C., xxx-...
Dellacorte, Joseph, xxx-...
Depreker, Charles F., xxx-...
Desantis, Albert A., xxx-...
Dineen, Timothy G., xxx-...
Domina, Walter L., xxx-...
Doyle, Orvis R., xxx-...
Doyle, Wayne C., xxx-...
Doyne, Edward J., Jr., xxx-...
Dunstan, Clarence T., xxx-...
Eggleston, Russell M., xxx-...
Eisel, Roland H., xxx-...
Ellison, Ketron H., xxx-...
Endres, Gerard J., Jr., xxx-...
Ertwine, Carl H., xxx-...
Ewers, Richard G., xxx-...
Fenton, John R., xxx-...
Finnerty, Thomas P., xxx-...
Fitzpatrick, Thomas E., Jr., xxx-...
Floom, Marvin H., Jr., xxx-...
Ford, Brian D., xxx-...
Foster, John T., Jr., xxx-...
Fout, Robert W., xxx-...
Gallina, Charles H., xxx-...
Garcia, David A., xxx-...
Germann, George E., xxx-...
Glantz, Richard E., xxx-...
Glenzer, Richard S., xxx-...
Gobeli, Eugene L., xxx-...
Gooding, William G., xxx-...
Graham, William J., xxx-...
Grandy, Laurens B., Jr., xxx-...
Gregson, Wallace C., Jr., xxx-...
Griffin, Frank W., xxx-...
Guins, Allen D., Jr., xxx-...
Hagee, Michael W., xxx-...
Hague, David C., xxx-...
Hanchett, Barry L., xxx-...
Hanlon, Edward, Jr., xxx-...
Hanner, Norman F., xxx-...
Hanover, Paul E., III, xxx-...
Hansen, Robert P., xxx-...
Hansen, Robert W., xxx-...
Hansen, Willis H., xxx-...
Harkins, Thomas G., xxx-...
Harris, Randall R., xxx-...
Haughey, David W., xxx-...
Henderson, Hal W., xxx-...
Henning, William C., xxx-...
Hering, John C., xxx-...
Herman, Theodore N., xxx-...
Herrington, Richard L., xxx-...
Hickinbotham, Robert T., xxx-...
Higginbotham, Geoffrey B., xxx-...
Hilton, Marlin D., xxx-...
Hilton, Robert E., xxx-...
Hinds, William H., Jr., xxx-...
Hire, Michael G., xxx-...
Hobbs, Thomas A., xxx-...
Hoffman, Richard C., xxx-...
Holly, John J., xxx-...
Holzbauer, Joseph R., xxx-...
Hooper, Harry L., III, xxx-...
Hord, Raymond A., xxx-...
Horton, Danny G., xxx-...
Hudak, Jerome J., xxx-...
Hulsey, James G., Jr., xxx-...
Hutchinson, Homer G., III, xxx-...
Ingram, David H., xxx-...
Isbell, Rofert P., xxx-...
Itnyre, Robert F., xxx-...
Jacobs, Peter G., xxx-...
Jaehne, Richard L., xxx-...
Jankiewicz, Barry E., xxx-...
Johnson, Maxwell O., xxx-...
Jonson, Robert C., xxx-...
Kastner, William W., III, xxx-...
Kelley, Edwin C., Jr., xxx-...
Kelley, Lawrence G., xxx-...
Kellogg, Philip C., xxx-...
Kelly, John R., xxx-...
Kershaw, Charles W., II, xxx-...
Kiley, John P., xxx-...
Kindsfater, Richard C., xxx-...
Klimp, Jack W., xxx-...
Kline, John P., Jr., xxx-...
Kranker, Peter L., xxx-...
Kroeger, Lester A., xxx-...
Kruger, Earl A., xxx-...
Krusemark, Leo E., Jr., xxx-...
Lamade, Dietrick, III, xxx-...
Lamb, Juanita A., xxx-...
Laney, Russell E., xxx-...
Law, Arthur K., xxx-...
Lawson, Luther L., III, xxx-...
Leach, Duane L., xxx-...
Leaming, George D., xxx-...
Leek, Frederick E., xxx-...
List, Robert W., xxx-...
Livingston, Lawrence H., xxx-...
Lloyd, Andrew M., III, xxx-...
Logan, Horace L., III, xxx-...
Lohman, Charles M., xxx-...
Lorenz, Frederick M., xxx-...
Loughlin, Thomas E., xxx-...
Lucy, Forest L., xxx-...
MacPherson, Robert I., xxx-...
Magnuson, Robert W., xxx-...
Marapoti, James A., xxx-...
Marsteller, Ronald W., xxx-...
Mauskapf, Robert P., xxx-...
Mayer, Craig L., xxx-...
Mayer, George B., Jr., xxx-...
Mayer, Shelley B., xxx-...
McCall, Noris L., xxx-...
McCarty, David J., xxx-...
McClure, Merrill C., xxx-...
McGill, Charles R., xxx-...
McGrath, Frederic J., Jr., xxx-...
McKay, George R., xxx-...
McKay, John C., xxx-...
McNeece, James R., xxx-...
Megonigal, Walter F., xxx-...
Meier, Paul N., xxx-...
Michel, Patrick A., xxx-...
Mill, Charles S., Jr., xxx-...
Milo, Barry C., xxx-...
Mitchell, Joseph A., Jr., xxx-...
Mohr, Christophe R., xxx-...
Moore, William W., Jr., xxx-...
Morosoff, Peter S., xxx-...
Morrow Jon, W., xxx-...
Morschauser, Michael C., xxx-...
Motto, Anthony W., xxx-...
Munn, John J., xxx-...
Murray, Norbert M., III, xxx-...
Murray, Robert S., xxx-...
Murray, Terrence P., xxx-...
Myers, Clifford O., III, xxx-...
Nelson, Robert R., xxx-...
Nereim, Monty K., xxx-...
Noel, Thomas E., xxx-...
North, Oliver L., xxx-...
Nulty, Thomas G., xxx-...
Nyalko, Michael A., xxx-...
Nyland, William L., xxx-...
Oates, Patrick P., xxx-...
O'Connor, Bryan D., xxx-...
Ogilvie, Malcolm L., Jr., xxx-...
O'Leary, John J., xxx-...
Olin, George P., xxx-...
Oliphant, John R., xxx-...
Olson, Jan B., xxx-...
O'Neil, John F., Jr., xxx-...
O'Neill, Brian A., xxx-...
Oren, Stephen J., xxx-...
Orgeron, Glenn P., xxx-...
Ouellette, Richard E., xxx-...
Owen, Patrick G., xxx-...
Pack, Anthony J., xxx-...
Palmquist, Edward R., Jr., xxx-...
Pantke, Thomas A., xxx-...
Parker, John E., II, xxx-...
Parker, Joseph F., xxx-...
Parrish, Thomas L., Jr., xxx-...
Parsons, Larry D., xxx-...
Patrow, Michael L., xxx-...
Pender, Daniel P., xxx-...
Peoples, William C., xxx-...
Percy, David L., xxx-...
Pergerson, Lawrence E., xxx-...
Persky, Donald N., xxx-...
Pesavento, Anthony J., xxx-...
Plunkett, Robert C., xxx-...
Pratt, Paul B., Jr., xxx-...
Prentice, Gary A., xxx-...
Pricer, Kenneth D., xxx-...
Prosser, Lloyd H., xxx-...
Pryor, Robert A., xxx-...
Rachow, Ronald C., xxx-...
Rainey, Gary D., xxx-...
Randall, David S., Jr., xxx-...
Raniszewski, Anthony Jr., xxx-...
Rattigan, James W., xxx-...
Reeves, Charles E., xxx-...
Reich Joseph D., xxx-...
Remmel, Carl L., xxx-...
Reston, Victor F., xxx-...
Richard, Ronald G., xxx-...
Rigby, Jesse W., xxx-...
Rinehart, Charles S., xxx-...
Roll, Raymond A., xxx-...
Roman, Robert N., xxx-...
Roth, Theodore E., xxx-...
Royds, James E., xxx-...
Saddler, David L., xxx-...
Saddler, Tibor R., xxx-...
Samuel, Martin J., xxx-...
Saracino, Lynn E., xxx-...
Savio, Robin L., xxx-...
Schaffer, Charles E., xxx-...
Schillinger, Charles W., Jr., xxx-...
Schmidt, Larry S., xxx-...
Schopfel, William H., III, xxx-...
Schwab, John W., Jr., xxx-...
Shaffer, Eric D., xxx-...
Shannon, Michael D., xxx-...
Shockley, Dennis D., xxx-...
Skeldon, Patrick H., xxx-...
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EXTENSIONS OF REMARKS

THE MEDICAL PROFESSIONS' RESPONSIBILITY

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. LaFALCE. Mr. Speaker, in February 1983, Dr. David Axelrod, New York State Commissioner of Health, delivered remarks before the Conference on Professional Misconduct and Physician Discipline. Dr. Axelrod expressed his concern that doctors and hospitals bring few cases of medical misconduct to the State's attention. Of 670 complaints received last year, only 51 came from hospitals and physicians.

The suspected reluctance of hospitals and physicians to become involved in incidents of misconduct by staff and colleagues; if true, would be especially disturbing since New York State public health law 230, requires every licensed health professional—including physicians, physician's assistants, specialists' assistants, physical therapists, dentists, dental hygienists, nurses, and pharmacists, report misconduct. Failure to do so is, in itself, misconduct.

Dr. Axelrod calls upon health administrators to increase their efforts to monitor the quality of patient care in their institutions and to be certain all employees are aware of the mandatory reporting requirements of public health law 230.

I share Dr. Axelrod's concern and goals. So, too, should every hospital and licensed health professional.

The public has become increasingly aware of medical malpractice, not by health professional reporting, but by the increased number of malpractice suits and settlements. Today, more than ever, it is in health professionals best interest to build public confidence in their actions, including their willingness to monitor, investigate, and discipline themselves.

Serving and treating the public is the medical professions' special prerogative. Insuring proper conduct in this service is the medical professions' special responsibility.

I recommend Dr. Axelrod's remarks, "Physician Discipline in New York State," to my colleagues:

"PHYSICIAN DISCIPLINE IN NEW YORK STATE"

(By David Axelrod)

To begin, I want to express my gratitude to the organizations which have joined with us in the sponsorship of this conference, namely the United Hospital Fund and its Center for Continuing Education, the New York State Medical Society, Statewide Professional Standards Review Council, the Hospital Trustees' Association, the Hospital Association if New York State, and the Greater New York Hospital Association. By lending your names and presence to this gathering, you have shown that you, too, share our desire to increase public and professional awareness of the extent and nature of the misconduct problem. I hope that these frank discussions will lead to a greater willingness on your part, and on the part of your members and employees, to respond to and help solve the challenge of professional medical misconduct.

Medicine is one of mankind's noblest callings, with traditions dating back more than 2,400 years, to the time of Hippocrates.

What has not generally been recognized is that philosophic definitions of ethics have very little to do with the code of ethics of one of the most ethical professions unless one defines the greatest good to be that of the professions themselves. The medical profession has boasted of its code of ethics so long and so convincingly that it rarely occurs to anyone in or out of the profession to look critically at the code's content or its relationship to the fundamental ethical obligation of all practicing physicians. The fundamental ethical obligation is patient-centered within the professional relationship.

"Medicine," says MacIntyre quoting Plato's Republic, "Is for the benefit of patients, not for that of doctors, and so ruling must be for the benefit of the people, not of the rulers * * * he who is to exercise the art (including medicine) rightly never does what is best for himself * * * but what is best for the patient."

This and only this can serve as the guide for structuring a code by which the physician's actions are to be governed. The basic patient-centered obligation of the medical profession is either altogether unexpressed or grossly neglected in existing codes. It is time that we breathed life and reality into the physicians' professional ethical code.

For example, we have found that:

Here in New York City, physician trafficking in quaaludes and controlled substances is much more widespread than we originally believed.

"Ping-ponging" of patients back and forth among specialists is a common practice.

Fraudulent billing practices are rife, not only on the part of physicians but institutional providers as well.

Within the past year, I have recommended revocation or suspension of the licenses of health professionals guilty of sexual abuse of their patients, a physician who recommended cataract surgery for patients who had no cataracts, a doctor whose widespread and totally uncalled for use of chloromycetin may have cost the life of at least one of his patients, and practitioners who subjected their patients to the perils of unsafe x-ray equipment.

And, in our nursing homes, we find the disgrace of countless patients who lead a virtually vegetative existence due to overdosing with tranquilizing agents prescribed by their doctors.

A chastening litany, I am sure you will agree.

Medical licensure is a privilege granted by the State. It is a privilege which is commonly abused, because some physicians are guilty of the same frailities and shortcomings that we matter of factly expect in the rest of the population.

In the view of society, laws and government, the physician is a social instrument licensed to perform certain skilled actions which are presumed to be in the interest of human health and safety. It is when this social contract is breached that government intervention becomes necessary.

In nineteenth century America, free trade sparked thousands of charlatans and imposters competing in the medical care market. The resultant suffering, disabilities, deaths and financial waste can only be imagined. In response, the states adopted legislation to license physicians, on the basis of educational requirements and the passage of examinations. Medical licensure inevitably restricts the freedom of individuals to sell their healing powers in the market.

Unfortunately, this restriction of freedom did not set standards for ethical, moral, or socially responsible acts. The oath taken by medical students, whether it be the Oath of Hippocrates, Hammurabi or Maimonides, was designed to fill this critical gap in control of physician behavior. Whether this voluntary commitment to ethical principles has been successful is a matter of considerable conjecture. If indeed this process had been completely successful, none of us would be here today.

Despite the impression one might receive from the large number of misconduct cases backlogged within the Department, most physicians take their ethical and social responsibilities seriously. The public esteem for physicians has not come about by accident.

Over the years, certain safeguards have been established to protect society from physicians who are either incompetent or who abuse their professional privileges. In New York State, as a result of legislation passed in 1975, and the responsibility for investigating all complaints against physicians and conducting disciplinary proceedings rests primarily with the State Health Department.

The 1975 legislation, which amended the State's Public Health Law, created within the Health Department the State Board for Professional Medical Conduct and an Office of Professional Medical Conduct. The latter office is empowered to assign investigators around the State to investigate complaints of professional misconduct.

Complaints of substance are forwarded to the full Board, which is composed of a panel of physicians and lay members, and which has the authority to conduct quasi-judicial hearings and recommend disciplinary action. As Commissioner of Health, I review Board findings and recommendations, which I may accept, revise or return for further consideration. Ultimately, I forward my disciplinary recommendations to the

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

State Board of Regents, which governs the medical licensing body, the State Education Department. The Board makes a final disposition in each case.

For those of you who may be unaware of the penalties for misconduct, the Regents may impose any of the following sanctions:

Revocation;

Probation;

Censure and reprimand;

Suspension of license, either wholly, for a fixed period of time or until the individual completes therapy or treatment ordered by the Regents; or partially, until the individual completes retraining in the area specified under the suspension;

Annulment of license (when the license was obtained fraudulently);

Limitation of the individual's right to obtain licenses; or

A fine of up to $10,000 per violation.

As far as I am aware, New York is unique in dividing between two agencies of government, Health and Education, the authority for investigating and disciplining physician misconduct. To say that this is a less than an ideal process is an understatement. But, with recent refinements in the process, it is getting better.

During 1982, the Health Department and Board of Regents took final disciplinary action in 53 cases, an almost five-fold increase over 1980. Last year, 17 doctors had their licenses revoked, 5 more surrendered their licenses voluntarily after disciplinary action was initiated, and 21 were placed on probation. Under extraordinary powers granted to me as Commissioner, I took summary action against five physicians, immediately suspending their licenses on the grounds that they constituted an imminent danger to the public.

We anticipate a continued strengthening of the Professional Medical Conduct Program this year, thanks in part to added funding granted by the Legislature, which will permit us to increase our staff of lawyers for misconduct proceedings from 8 to 13, and enlarge our investigative staff from 19 to 26 positions. The Professional Misconduct Hearing Committee, which numbered 38 members in 1976, has grown to 93 members, and I am grateful to the State and County Medical Societies, and to the various specialty organizations which helped us to enlist physicians to serve on the Board and take part in the hearing process.

But, I ask you to consider these staffing levels in the light of the fact that there are currently about 63,000 physicians licensed to practice in New York State, between 45,000 and 50,000 of whom are believed to be in active practice here. The State's overall doctor to population ratio is about one and one-half times the national incidence, and, except for Washington, D.C. and perhaps San Francisco, New York City has the highest incidence of physicians to population of any American city. With only 8 percent of the nation's population, New York State has over 12 percent of the nation's supply of physicians and 16 percent of the nation's interns and residents.

Obviously, the mantle of responsibility for monitoring and controlling the conduct of such a huge reservoir of physicians cannot fall on government's shoulders alone. It is a responsibility shared by the medical profession and by health care institutions, together with the consumers of health care.

Which is why we are gathered here today—to discuss and share thoughts on how we can increase public, professional and provider awareness of the professional misconduct problem, and to seek your help in monitoring the quality and probity of medical practice, and in the reporting and prevention of medical misconduct.

Under New York State Law, any private citizen may report suspected medical misconduct. However, by law, every licensed health professional, including physicians, physicians' assistants, specialists' assistants, nurses, physical therapists, dentists, dental hygienists, and pharmacists—must report misconduct. Failure to do so is, in itself, misconduct. Reporting of medical misconduct is also required of hospital and nursing home administrators.

Our experience to date has shown that hospitals and physicians are relectant to become involved with incidents of misconduct by staff and colleagues. This is a matter of great concern to me, and it should be a matter of great concern to you, your organizations and institutions, because the problem of professional medical misconduct is one that reflects on the integrity and vlaue of our entire health care delivery system.

Professional misconduct is, in my judgment, a significant public peril. Patients are being harmed and/or abused by impaired, dishonest and incompetent physicians and other health professionals. While no one really knows the extent of the problem, it has been estimated that as many as ten percent of all physicians become professionally impaired at some point in their careers. Which signals to me that a great deal of medical misconduct is going unreported.

We know, for example, that relatively few of the complaints we do receive come from the medical and provider communities. We are much more likely to learn of professional misconduct from patients or, for that matter, by reading the newspapers.

Those of you who are hospital and nursing home trustees and administrators must step up your efforts to monitor and control the quality of patient care in your institutions. You must make sure that your chiefs of service and your employees are aware of the mandatory reporting requirements of Public Health Law 230. I remind you that your prime obligation is the safety and wellbeing of your patients. And when you do limit or eliminate the privileges of a physician because of misconduct, you must report this action to the State Health Department, to make sure that the physician does not simply move his practice elsewhere with impunity.

Professional Standards Review Organizations are in a particularly advantageous position to detect and respond not only to physician misconduct but also to substandard medical care. I also believe PSROs can do more to monitor and supervise impaired physicians who are undergoing therapy.

Some components of organized medicine have declared that they are disenchanted with the slow and laborious progress of the State's disciplinary process. I can promise you that we are trying our best to make the process better and swifter.

But, at the same time, I urge you not to turn your backs on the problem of professional misconduct, because it is your problem as much as it is ours.

The people of New York State, working through their elected leaders, have directed us to take firm action to combat professional misconduct. We expect no less a commitment from the medical and provider communities.

Thank you for providing me with this forum.●

DO TENANTS FACE A PETLESS FUTURE?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. BIAGGI. Mr. Speaker, a recent issue of the Human Society News featured an article entitled, "Do Tenants Face a Petless Future?" The article which was written by Julie Rovner focuses on an issue of special concern to me, that is, what rights do pet owners have in federally subsidized housing in this country?

Earlier this year, I reintroduced a bill which would prohibit Federal housing assistance to any housing project for the elderly and the handicapped if that project did not allow tenants to own and keep pets. My bill, H.R. 1373, has as its main purpose to establish the basic right of millions of disabled and elderly citizens to have pets in their homes without fear of eviction.

As the ranking New York member of the House Select Committee on Aging, I have a deep and ever-growing concern for the number of citizens of this country who are forced to give up their pets and thus suffer much physical and mental anguish as a result of "no pet" clauses within their building or complex.

I believe that this article clearly illustrates the urgent need for the passage of my legislation. It focuses on the actual real-life experiences of people whose lives have been affected by the denial or separation from their pet, often their major form of companionship and exercise, and it emphasized the urgent need for bringing together the responsible pet owner and the reasonable landlord.

I congratulate Ms. Rovner and the Humane Society for their excellent and timely article, and at this time, I wish to share it with you.

[From the Humane Society News, Spring 1983]

DO TENANTS FACE A PETLESS FUTURE?

(By Julie Rovner)

When 75-year-old Leroy Barthlow and his 92-year-old wife Ida moved into a federally subsidized Maryland apartment with their seven-year-old "Baby Cat" in 1981, no one told them pets weren't allowed. Several months later, the apartment managers discovered the animal and sued to have the couple evicted. The Barthlows argued in court that they had gotten Baby Cat for Mrs. Barthlow on the advice of her doctor and that they could not afford housing that allowed pets. The sympathetic judge ruled that they be allowed to stay. The apartment management appealed the decision and, last November, a higher court overturned the original decision. Either the Barthlows or Baby Cat will have had to leave the apartment by March 1, 1983.

In New York, a woman who had kept her dog in the same apartment for 18 years sud-

denly faced eviction for violating the "no pets" clause in her lease. Her attorney introduced letters from the animal's veterinarian—who said the dog was in poor health and couldn't live long—and the woman's psychiatrist—who said separating her from her pet could jeopardize her mental health—but the hearing officer recommended she be evicted nonetheless. Her lawyer awaits a final ruling in the case.

These are but two examples of a dilemma facing poor, middle-class, and single pet owners: while evidence mounts that pets are important—even vital—to human health, it's becoming increasingly difficult to find affordable rental housing that allows pets.

No one knows exactly how many of the U.S.'s approximately 26 million rental units prohibit pets, but animal shelters are finding themselves more and more frequently the depositories for animals loved and wanted but not allowed.

"We hear it so often," said Jean Goldenberg, executive director of the Washington (D.C.) Human Society: people are forced to turn cherished companions in to her shelter because they cannot find affordable housing that will accept animals. There are no national statistics on the magnitude of the problem, but the Montgomery County (Md.) Humane Society may be typical. In one week in mid-January, four dogs were turned in because owners were either "found out" by landlords to be in violation of their "no pets" clauses or because they could not find "pets allowed" housing.

Elinor Molbegott, general counsel for New York's American Society for the Prevention of Cruelty to Animals (ASPCA), provides another statistic: "I'm getting at least five calls a day from people who are being threatened with eviction because they have pets," she reports. "That's more than 1,000 calls a year—and that's just in New York City alone."

"The Humane Society of the United States recognizes that thousands of pet owners across the nation are facing eviction or exclusion from owning a pet and many 'no pets allowed' clauses in leases are arbitrary and unnecessary," states our official policy. In 1981, the HSUS membership passed a resolution urging the society to "work toward the promulgation of appropriate clauses in leases, model ordinances, and laws that would render invalid and unenforceable any unconditional prohibitions against the right to have and keep a companion animal," and "that The HSUS support federal, state, and local legislation that would help achieve these objectives." Such legislation has been introduced, and we are working in the U.S. Congress and several states for swift enactment.

While in most large cities there are now more vacancies in rental housing than in recent years, according to the National Apartment Association, a lack of new buildings, the epidemic of condominium and co-op conversions, and increased demand for rental housing shrank vacancy rates to near-all-time lows during the 1970's and may do so once again in the 1980's.

When vacancy rates are high, "the tenants may have some bargaining power on things like pets," says Ms. Molbegott. "But, at least in New York, there's an incentive today to have an empty apartment, because you can raise the rent for the next tenant." That incentive, she argues, encourages landlords to use pets—even pets that are not bothering anyone—as an excuse to evict tenants whose rent increases are by law controlled so they can raise the rent for new tenants.

That tactic is not limited to New York. Jack Scheuermann, a prominent attorney in Washington, D.C., reports that when he was running a local law-students-in-court program, "we had a fair number of cases where landlords were using 'no pets' clauses to do through the back door what they couldn't do through the front"—to legally evict a tenant for not-so-legal reasons. Unfortunately, says Mr. Scheuermann, it was often difficult to prove in court that the landlord had motives other than getting rid of the pet.

Yet, while the arguments between landlords and tenants are becoming acrimonious, scientists are uncovering concrete evidence proving that pets are more important to our health and well-being then they ever suspected.

"'Something as simple as a pet having an effect on health sounds crazy at first," says Dr. James Lynch, professor of psychiatry at the University of Maryland School of Medicine, who is rapidly becoming one of the nation's foremost experts on the medical implications of the human/companion animal bond, "but pets are not irrelevant to peoples' lives."

Some of Dr. Lynch's studies have shown, for instance, that the presence of an animal can lower people's blood pressure and that pet owners who suffer non-fatal heart attacks live longer than those who are not pet owners. Dr. Lynch stresses, however, that pets have other important roles in their owners' lives. "Loneliness is one of the main causes of premature death. Pets serve so many emotional functions. Freud once said that the only unambivalent relationship he ever had was with his dog."

By far, those hit hardest by the absence of affordable "pets allowed" housing are the elderly. Many of them are forced to live on fixed incomes and must turn to public housing where pets are, in most cases, prohibited.

When Lucille Hoyne, a widow from Glendale, California, was offered the chance to move into a federally subsidized housing project in Hollywood, she was thrilled. Her electricity would be paid for and her rent significantly reduced. Then she was told that if she wanted the apartment, she'd have to give up her cat.

"I'm one of those who thinks of my pet as part of my family," Mrs. Hoyne says. "I decided that she was more important than the lower rent, and I turned down the apartment. I've had to do without some things, like new eyeglasses, but I'm not sorry." Angry at her predicament, Mrs. Hoyne founded Citizens Against Discrimination for Pet Owners, Inc. (CADPO), an organization devoted "to changing 'no pets' clauses in leases to 'responsible pet owners welcome.'"

It is ironic that the elderly are often both the most discriminated against and the most able to benefit from pet ownership. "Many elderly individuals lose pets, not because of the death of the animal, but because they are forced out of housing or are not able to enter public housing because of the pet," writes the University of Pennsylvania's Dr. Aaron Katcher. "Having to give up a pet can be a severe source of stress leading to depression, physical illness, or even suicide. The older person who must give up a pet suffers a double loss; he loses the comfort of the pet and is exposed to the severe stress of the depression that follows that loss. . . . Laws and administrative decisions that deny access to low-cost housing to the elderly with pets pose a direct threat to their health and well-being."

The situation can only worsen. Today, 11 persent of the U.S. population is over the age of 65; by the year 2000, that number will increase to 13 percent, according to the American Association of Retired Persons (AARP). Of today's elderly, nearly one third live alone, and nearly one quarter live in rental housing.

When out of financial necessity the elderly move into "no pets" housing, "they're being asked to give up a member of the family," says Leo Baldwin, the AARP's housing coordinator, "but the landlord doesn't think in those terms. He thinks about the spot on the rug or the bark that annoys other tenants. Yet pets add so much to the quality of living, and it's hard for people who aren't sympathetic to understand that." "We're learning that pets are necessary aids in the lives of older people. They provide protection, love, and give them something to communicate with," says Robert Blancato, legislative director to U.S. Representative Mario Biaggi (N.Y.), who has introduced legislation in the U.S. Congress making it illegal for housing projects for the elderly and handicapped to receive federal funds if they ban pets. "In these days when more and more older people are living alone, it's not something we ought to be discouraging."

While most subsidized housing projects do ban pets, it's not, as many believe, because the federal Department of Housing and Urban Development (HUD) requires that they do so. Rather, according to Mr. Blancato, "the HUD manual reflects a strong degree of landlord discretion."

So why, then, does nearly every local housing authority prohibit pets? "We've always had a 'no pets' policy in effect," says Roy Metcalf, deputy director of public relations for the New York City Housing Authority. "With our budget, it's simply impossible for us to clean up after pets. We also feel they constitute a danger to children, are unsanitary, and so forth and so on.

Unfortunately, too many landlords hold just such a view. A vice president of the Community Associations Institute, which monitors problems faced by condominiums and planned communities, says, "The three most chronic problems in condominiums are pets, kids, and purple doors."

"It's a tough subject, because there are equities on both sides," says lawyer Jack Scheuermann. "I think most landlords prefer to keep things in the most absolute of terms because, if you open the door to having pets in a project, it's going to be very difficult to close it down the road if the pets become a problem." He said he thinks landlords would be far more amenable to taking pets if there were a quick way for them to resolve serious problems arising from irresponsible pet ownership. Currently, he says, eviction or nuisance proceedings against even the worst problems may take months in court and a lot of money in legal fees.

Mr. Scheuermann suggests creating a "pets due-process clause," whereby pets would be allowed in a building but, if one proved a nuisance, it could be removed quickly, easily, and without a court battle.

The key, of course, is that pet owners, especially those in rental housing, must set a good example for those who are now excluded. "Up to now, we pet owners have been our own worst enemies," said HSUS Vice President for Companion Animals Phyllis Wright. "We're going to have to change the minds of a lot of landlords [who have a negative view of all pet owners]."

CADPO is working to allow pets increased access to rental housing through making each side understand the other better. "What we're trying to do is to improve relations between owners and tenants. We don't want them to think of each other in hostile terms," explains Mrs. Hoyne. CADPO publishes a "Responsible Pet Owner Checklist" for landlords, to help them assess whether a pet owner will be a responsible tenant—criteria include whether the pet is neutered, kept on a leash, vaccinated and licensed, and obedience trained. Its "Tips for Pet Owners Who Rent" sheet explains how to be a responsible pet owner and how to deal effectively with reluctant apartment managers or landlords.

But while CADPO advocates better relations without legislative requirements, most animal-welfare groups involved in the issue agree that pet owner won't obtain any relef from "no pet" restrictions until landlords are required by law to grant them occupancy. Banning pets outright is a form of discrimination. Although it may be unfair, it is not illegal. Only changes in the law can rectify that situation.

The HSUS has been working, mostly through our regional offices, for such legislation. In California, The HSUS supported a bill enacted in 1980 requiring that elderly public-housing tenants be allowed to keep up to two pets. Regional Director Charlene Drennon was invited to speak at a conference in Arizona on the elderly and their pets; she reports that legislation similar to the successful California law is in the works there.

HSUS staff has also been involved in legislative efforts in Pennsylvania, Maryland, Connecticut, and New York. In New Jersey, a proposed bill that HSUS Mid-Atlantic Regional Director Nina Austenberg helped draft eight years ago may finally see enactment this year. Sponsored by Assemblyman Christopher Jackman, it goes far beyond what has been tried in most states, protecting not only the elderly and/or the handicapped with pets, but also making it illegal for a landlord to ". . .arbitrarily refuse to rent or lease or to renew a lease for a dwelling unit to any person because the tenant or prospective tenant has or intends to own, harbor, or care for a domesticated animal on the premises."

One reason Mrs. Austenberg is optimistic about this legislation becoming law is that the formulators "tried to address some of the landlords' objections about having animals." For instance, she says, the bill requires that animals be kept on leashes, owners clean up after their pets, the pets be properly licensed, and animals be neutered. The legislation also allows landlords to refuse to rent to a pet owner if half of the units in the building already have pets living in them, "to protect those tenants who don't want to have to live with animals," according to Mrs. Austenberg.

While the wording of each of the proposed state laws differs, all have one thing in common—a way to remove animals proved to be a nuisance. "Obviously, we have to have some legal way to deal with a dog that bites or someone who's keeping 40 cats in an apartment," says Alan Beck, director of the University of Pennsylvania Veterinary School's Center for the Interaction of Animals and Society. Dr. Beck says he likes the New York City health code because, instead of limiting the number of pets one can have without obtaining a breeder's license, "it simply says that you may not create a nuisance. That's good, because one person might be able to keep six dogs so well you'd never know it, while another could cause a terrible nuisance with just one."

The ASPCA's Ms. Molbegott says her legislative strategy involves making it illegal to enforce "no pets" provisions in leases. "Right now, it takes about the same amount of time in the legal system to evict a tenant for disregarding the 'no pets' clause as it does if the animal is being a nuisance," she says. "But since it's much harder to prove the nuisance, and since it's often difficult to get tenants to testify against another tenant," landlords usually choose to invoke the "no pets" provision instead. Making that illegal would force the landlord to prove the nuisance. Another reason landlords tend to opt for enforcing the "no pets" clause across the board is that even if a nuisance is proved, the judge usually requires only that the tenant "cure" the nuisance and not necessarily get rid of the pet. If the landlord has other motives for evicting his tenant, a nuisance ruling is not necessarily going to achieve his aims.

Perhaps the surest solution to the pet-owner/landlord controversy is to make pet owners and non-pet owners alike aware of the issue. The increased legislative activity on the state and federal levels is one indication of such recognition. Another is a resolution approved last year by the White House Conference on Aging. "The comfort of a companion animal is a civil right not to be denied responsible pet owners," stated the resolution, which called for the establishment of humane policies and regulations ". . . ensuring that the human/companion-animal bond can remain intact for responsible pet owners, in federally funded housing for senior citizens and the handicapped."

"We're getting there," says the University of Maryland's Dr. Lynch. "I think that acceptance of the importance of our pets is going to come. It's in the wind."●

WHO ARE THE LOSERS?

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. McKINNEY. Mr. Speaker, you have listened to me speak three times over the past 5 years on the proposed export of Alaskan oil to Japan. Therefore, I will come right to the point. The bottom line is, Mr. Speaker, this issue, unlike many other issues, has clearly defined winners and losers.

WHO ARE THE LOSERS?

Exporting Alaskan oil would cost the consumer nearly $1.5 billion annually. This is because domestic oil would be replaced with more expensive foreign oil. The U.S. Treasury will forfeit between $800 million and $1.5 billion in defaults on federally insured tanker loans. Exports will compromise the progress we have made toward achieving energy independence, a goal largely forgotten, but crucial to our national security.

WHO ARE THE WINNERS?

From a domestic prospective there are no real winners. No doubt, Alaskan oil would prove beneficial to the Japanese. But at what cost, Mr. Speaker? The administration wants to export Alaskan oil in order to reduce the $20 billion trade deficit with Japan. This action will only adversely affect our worldwide balance of payments. This export would drydock nearly half the U.S. tanker fleet and idle 20,000 workers in shipping and related industries. If the current restrictions are lifted, North Slope producer profits will rise due to higher wellhead prices. However, they will jeopardize their $4 billion investment in the transportation infrastructure to move oil between domestic ports. It is clear, Mr. Speaker, if there are any winners, they will achieve only a short-term victory.

I will forego the historical background of this issue, except to say, that since 1973, in three separate votes, Congress has mandated that Alaskan oil be used for domestic purposes. In 1981, the Reagan administration considered introducing legislation that would remove the ban on exports of Alaskan crude. However, a letter sent to the administration from Howard Wope, myself, and 79 of our colleagues calling on the President to reconsider, put that effort to rest. Now, the Japanese are attempting to change existing law and lift these crucial restrictions. Why should we alter a long standing policy and export several hundred thousands barrels of oil each day when we are desperately trying to fuel economic recovery in our smokestack industries; when worldwide oil markets, entering yet another phase, face an unstable future. The Japanese think we should export our oil. I do not. That is why HOWARD and I have introduced H.R. 1197, a bill to maintain the existing restrictions on Alaskan oil. H.R. 1197, cosponsored by 198 Members, is supported by a broad coalition of consumer groups, business interests, unions, and farm organizations.

Mr. Speaker, I want to return to the winners and losers. It is certain that none of the potential savings from lifting the export ban will be enjoyed by consumers. The administration has argued the export of 1 million barrels per day would exert enough downward pressure on the price of oil to reduce it by 5 percent. In a world market that moves 56 million barrels per day, that 1 percent of additional oil could hardly bring a significant downward force on the price of oil. In fact, consumers will pay more, not less, if exports were implemented. Because of reduced supplies, the price of west coast oil would rise by $2 per barrel, costing consumers $600 million annually. In addition, prices on the gulf coast would go up, increasing oil bills by $1.1 billion. These figures stem from the $3.80 more per barrel that consumers will pay for foreign replacement oil. For these reasons, the big-

gest loser of all will be the millions of Americans who will pay more to heat their homes, drive their cars, and fuel their factories.

The export of Alaskan oil would have the negative effect of sharply reducing the U.S. merchant marine fleet, because any oil sent to Japan would be transported in foreign vessels. This reduction is doubly troublesome because shipowners forced out of business will be unable to pay the Government $700 million they owe in title XI shipbuilding loan guarantees. Furthermore, they would default on $460 million in privately financed debt which would be deducted from the income bases of the debt holders. In addition, the Federal Government, which needs a viable merchant marine for national defense purposes, would have to spend $138 million to acquire these vessels. Moreover, 20,000 workers would be laid off in shipping and related industries. The net result, then, of Alaskan oil exports would be an immediate loss of 20,000 jobs and a cost of over $1.3 billion to the American taxpayer. These costs, both human and monetary, more than offset any increases in tax revenues that might be gained from a higher windfall profits tax.

Furthermore, Mr. Speaker, the export of Alaskan oil would have a disastrous effect on private investments. Major North Slope producers, together with U.S. shipowners, will lose $4 billion they have invested in U.S.-flag ships to move oil between domestic ports. In addition, the oil producers have huge contract commitments to supply the trans-Panama pipeline.

For these reasons, no North Slope producer has come forth with a proexport position. In fact, Charles J. DiBona, president of the American Petroleum Institute recently said, "It is not at all clear that the economics favor exports."

Mr. Speaker, I have identified the losers in this international transaction, now the so-called winners. The proponents see oil exports as a quick, painless method of cutting our $20 billion trade deficit with Japan. This argument, the principal justification for exports, is unsound. The improved balance of trade with Japan would naturally be offset by corresponding oil purchases from foreign sources. Moreover, the export would benefit the Japanese far more than the United States because the oil trade would provide Japan with more balance in its payments account with our country. This in turn, would free them from making any further progress toward reducing trade barriers on American manufactured and agricultural products.

Once we begin exporting, Mr. Speaker, we place ourselves in a dangerous position. In the event of a new energy crisis, we would be forced to cut off exports precisely when the Japanese need our oil most. The result would be a diplomatic disaster. Furthermore, it would be difficult to design a contract that would insure the termination of the trade in a supply shortage. According to John H. Lichtblau, president of the Petroleum Industry Research Foundation, Japan wants Alaskan oil only, "if there are no strings attached." It would be foolhardly to attempt to meet this demand.

Perhaps the greatest loss to our national interest would be the abdication of our long-standing goal of energy independence. Indeed, 10 years ago the Trans-Alaskan Pipeline Act was authorized with the goal of energy self sufficiency in mind. Independent sources say exporting Alaskan oil would increase American imports by 15 percent, the majority of that increase from the volatile Middle East. We have reduced our consumption of imported oil from a peak of 8.2 million barrels per day in 1977 to 4.3 million barrels per day today, yet we still pay over $79 billion per year for imported energy products. In addition, a Government Accounting Office study, released last August, reports that the United States is importing relatively more oil from the Middle East than we did in 1973. A Harvard University report of 2 years ago warned that America was "woefully unprepared" for any new interruptions in oil imports, adding that the gasoline shortages of the 1970's may have been but a preview of "coming attractions of the 1980's." Mr. Speaker, how do we explain to the American people that our energy future is best served by exporting domestic oil?

Currently the United States is attempting to put 750 million barrels of oil into the strategic petroleum reserve stockpile by the late 1980's to insure against future supply disruptions. Why should Congress ask the American taxpayer to foot the bill or filling the strategic petroleum reserve with higher priced foreign oil when we can continue to fill it with less costly Alaskan crude? Here again, Mr. Speaker, the American people lose. If we export Alaskan oil, we will be pumping oil out of the ground for export at a rate three times faster than we are storing it in the SPR. In my view, this rapid drawdown of our oil supply represents callous mismanagement of our national energy resources and a permanent sacrifice on the part of the American people. Even Interior Secretary James Watt worries that promoting a concept of surplus could undermine both the SPR and the development of new domestic resources.

Mr. Speaker, unrestricted exports of Alaskan oil would have a profound impact on our national security. Currently, the operation of our Nation's defense establishment requires nearly 500,000 barrels per day. Clearly, our Armed Forces must be assured of an uninterrupted supply of oil. Our only valid guarantee of emergency supply is our domestic resources.

In addition, exports could seriously compromise the surge capacity of our industrial base, threatening our response capability in the event of international crisis. A study conducted by the National Petroleum Council showed that Alaskan surge capacity constitutes more than half the increase in production that could be achieved to offset a shortfall in world oil prices. Clearly, in time of emergency a swift increase in industrial production will be impossible to achieve without Alaskan oil.

Mr. Speaker, I began by pointing out this issue has clear winners and losers. I hope my remarks have shown that this deal would place an undue burden on the American taxpayer, that it represents shortsighted trade policy, and sacrifices our national energy security for short-term gains of dubious value.

Just as this country truly begins to reap the benefits of Alaskan oil, the Japanese are asking Congress to abandon the commitment we made to the American people in 1973—that is our oil would be used domestically. To let these advantages slip through our fingers, would be an error of monumental proportions. With this in mind, I strongly urge those who have not cosponsored this legislation to join with 198 of our colleagues and support the current restrictions on the export of Alaskan oil.●

A TRIBUTE TO ERNEST PYLE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. SCHEUER. Mr. Speaker, I would like to bring to the attention of my colleagues a long overdue and highly welcome tribute to one of our Nation's most illustrious noncombatant war heroes—Ernest Taylor Pyle. On April 23, the largest U.S. Army Reserve Center in the country—located at Fort Totten in Flushing, N.Y.—will be dedicated in memory of Ernie Pyle. Perhaps better known by his nickname, "The Little Guy," Ernie was a Pulitzer Prize-winning war correspondent who covered much of the Second World War, often at great personal risk from the front lines, until he was tragically struck down by a sniper's bullet less than 4 months before the war was brought to a close.

Born August 3, 1900, in Dana, Ind., Ernie was the only child of Will and Maria Taylor. He was raised on a farm, and spent his boyhood helping his father feed the hogs and horses and plow their fields as well as attending school.

A year before his graduation from high school, the United States declared war on Germany. Although Ernie wanted to enlist in the service immediately, his parents insisted that he complete high school first. A few weeks after receiving his diploma, he enrolled in the Naval Reserve. However, just before he was to report to the Great Lakes Naval Training Station, the Armistice was signed.

In 1919, Ernie entered Indiana University where he studied journalism and served as city editor of the Student. He left the university shortly before his class graduated to become a reporter with the La Porte (Ind.) Herald. A short while later, Ernie left to work for the Washington Daily News.

Ernie was married to Geraldine Elizabeth Siebolds in 1925 and, a short while later, began working for the New York Evening World.

In 1927, the Pyles returned to Washington where Ernie found work as a telegraph editor with the Washington News. He also began to write about aviation and, by 1928, he had won wide recognition as the Nation's leading aviation columnist. Amelia Earhart once remarked that "not to know Ernie Pyle is to admit that you yourself are unknown in aviation."

Although Ernie was promoted to managing editor of the News in 1932, he cared little for the job because it left him with so little time to write.

In 1934 Ernie, recuperating from a severe case of flu, went to Arizona to convalesce. Since a syndicated columnist for the News was on vacation, Ernie suggested some articles about his trip to fill the space. He turned out 11 pieces which were an instant hit. He was soon relieved as managing editor and launched a career as a roving columnist.

Over the next 5 years, Ernie logged some 200,000 miles while visiting virtually every country in the Western Hemisphere. Throughout this time, his writing focused on human interest stories featuring the lives of everyday people: farmers, miners, clerks, and factory workers. With the outbreak of World War II, however, Ernie's writing—and his life—took a new and fateful direction.

In November 1940, he went to England and sent back vivid accounts of the London Blitz. Upon the United States entrance into the war, Ernie became a full-time war correspondent and wound up accompanying United States troops in most of the major European campaigns including North Africa, Sicily, Italy, and Normandy. He was even wounded by shell fragments at Anunzio.

Living and sharing the hard life of the infantry soldier, Ernie gave Americans back home firsthand knowledge of what the war meant to the lonely and frightened GI. The 110-pound reporter endeared himself to the troops he covered, and they affectionately called him "The Little Guy." Leaving the big stories of the war to other correspondents, Ernie wrote that he was "a rapid one-man movement bent on tracking down and stamping out everybody in the world who doesn't fully appreciate the common frontline soldier."

Ernie soon became the most noted and beloved American correspondent of the war. He won a Pulitzer Prize for "distinguished correspondence" in 1943. By 1944, his column was carried by over 270 newspapers and two of his books "Here is Your War" (1943) and "Brave Men" (1944)—were wartime best sellers. To the families of GI's everywhere, his columns from the front were like letters from sons and husbands.

His columns also helped get combat pay and special badges for the infantry and combat medical badges for their medics. One column criticized the jeep's handbrake and resulted in redesign of that rugged wartime vehicle.

With the war in Europe gradually winding down, Ernie started out for the Pacific front in January 1945. He wrote:

> Anybody who has been in war and wants to go back is a damn fool * * * I'm going back simply because there's a war on and I'm part of it and I've known all the time I was going back. I'm going simply because I've got to, and I hate it * * *

On the night of April 7, Ernie was on the command ship *Panamint.* A cold sent him to the sick bay, where he wrote:

> I've got a spooky feeling that I've been spared once more and that it would be asking for it to tempt fate again. So I'm going to keep my promise * * * that that was the last one. I'll be on operations in the future, of course, but not on any more landings * * *

Ironically, that was a promise he did not long keep.

On April 17, Ernie went ashore with the 77th Infantry Division's assault of Ie Shima. The next day, while riding in a jeep with the commanding officers of the 305th Regiment, a Japanese sniper opened fire with a machine gun. Ernie and the others dived into a roadside ditch. When the firing stopped, Ernie raised his head and inquired if everyone was all right. The machine gun fired again and Ernie died instantly with a single shot to the head.

Ernie was buried nearby in a long row of graves among his comrades-in-arms—an infantry soldier on one side, and engineer on the other. A crude marker was raised over his grave and said simply:

> At This Spot
> The 77th Infantry Division
> Lost a Buddy
> Ernie Pyle
> 18 April 1945

Upon its formation on April 1, 1983, the 77th Army Reserve Command inherited the Statute of Liberty insignia, the colors and the heritage of the 77th Infantry Division. Because the Little Guy was so very much a part of that proud heritage, it is a fitting tribute that the 77th Army Reserve Command has chosen to honor Ernie Pyle by naming its new Fort Totten Center in his memory.●

HEALTH INCENTIVES REFORM LEGISLATION

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday 18, 1983

● Mr. CONABLE. Mr. Speaker, I am introducing today, at the request of the administration, four bills comprising separate but related elements of the President's health incentives reform program recently transmitted to the Congress. The President's program is a comprehensive effort to reorder the basic economic incentives that operate in the health care sector.

A fifth component—and the centerpiece of the original program—is the medicare prospective payment proposal. This was passed by the Congress on March 24 as title VI of the Social Security Amendments of 1983. Hospital payment reform is a critical first step in initiating major structural improvements in health care financing.

The four-part package I am introducing today is intended by the administration to complement that earlier initiative. It includes:

First, the Health Cost Containment Tax Act, which would encourage employers to provide an adequate level of health benefits to their employees, while eliminating the open-ended tax subsidy of relatively high-cost private health plans.

Second, the Medicare Catastrophic Hospital Costs Protection Act, aimed at improving coverage for long and expensive hospitalization, while increasing beneficiary cost sharing during the earlier days of hospitalization.

Third, the Medicare Voucher Act which would expand opportunities for medicare beneficiaries to use their benefits to enroll in private health plans as an alternative to traditional medicare coverage.

Fourth, the Health Care Financing Amendments of 1983 which contain a number of reforms designed to moderate increases in spending and to make medicare and medicaid more effective and efficient programs. These changes

include a 1-year freeze on physician reimbursement under medicare as well as increases in the medicare part B premium and deductible amount.

The President stated, in a letter of transmittal accompanying this legislation, "that we need urgently to constrain the growth of national spending for health care in the interests of a healthy and stable economy." In addition, as I am sure most of my colleagues have heard by now, the hospital insurance trust fund is rapidly headed toward fiscal insolvency. The proposals being introduced today, coupled with the recently passed hospital payment reforms, represent the administration's approach to dealing with this pressing underfinancing problem.

There has been a great deal of criticism directed at the administration's proposals. I want to make it clear that I, too, am unhappy with parts of the bills. Accordingly, I am not endorsing, in its entirety, this specific set of proposals.

My colleagues should be aware also that the administration's package falls far short of the mark in correcting the serious underfinancing of the Hospital Insurance Trust Fund.

If you thought that making social security solvent was difficult, wait until you take a close look at medicare. According to the Congressional Budget Office, the red ink on the books of the medicare part A trust fund will range from $300 to $400 billion by 1995, depending on one's economic assumptions. The higher amount is about 10 times the current outlays for hospital care under the program. At best, the recent changes made in hospital payments, along with the increased revenues, have extended the solvency of the hospital insurance trust fund until late 1989. The administration's health incentives reform legislation, if enacted would buy us only another year or two.

Clearly, the Ways and Means Committee will have to be back here with further legislation on medicare in the relatively near future. In anticipation of that, the committee will sponsor this fall, in conjunction with the Congressional Budget Office, a conference on the future direction and financing of medicare. We are attempting to pull together some of the best thinking we can find to help us deal effectively with the crisis ahead.

We are also looking forward hopefully to the findings of the current Social Security Advisory Council, which we understand is to provide a report on medicare in July of this year. We probably will need all the help we can get.

In summary, Mr. Speaker, the four bills being introduced today are not perfect, but they deserve consideration along with a variety of other proposals to help keep the medicare program from collapsing. I hope they represent a startoff point in necessary consideration of reform in this vital area.●

ANOTHER SENSELESS ACT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. BROOMFIELD. Mr. Speaker, it was with great sorrow and shock that I learned of the tragic incident at the American Embassy in Beirut this morning. I am confident that all of my colleagues in this Chamber join me in expressing our sympathy to all of the families whose loved ones were killed or wounded in the attack.

Although detailed information on this senseless tragedy is still unavailable, it is reported that American Marines, Foreign Service personnel, Lebanese Foreign Service national employees, and Lebanese nationals visiting our facility were victims of this insane act.

Our American military and civilian Department of State employees were working side by side with their Lebanese colleagues in a difficult environment, to resolve the age-old problem of Lebanon. In spite of the many challenges of the Middle East, the administration has chosen to pursue a policy which aims at bringing peace to that troubled land.

Those who aim to frustrate our efforts often turn to blind acts of hatred. Rather than sitting down to negotiate a solution to a problem, terrorist groups attempt to win their political goals by cowardly acts such as these. I despise all terrorist acts regardless of who might be victimized. Senseless bloodshed accomplishes nothing. It only serves to deepen and aggravate the existing problems and misunderstandings.

Let this insane act of hatred strengthen America's resolve to promote the cause of peace. With that goal in mind, I support the early withdrawal of all foreign forces from Lebanon and encourage the spirit of compromise on the part of all parties involved in the negotiations.

I am certain that all of my friends in the House will join me in hoping that this mindless tragedy in Beirut will not undo the historic and valuable achievements of our negotiators in Lebanon. Let us all commit ourselves to continue the march toward peace in the Middle East. Those who gave their lives this morning would have wanted it so.●

ISRAEL'S 35TH ANNIVERSARY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. RODINO. Mr. Speaker, today Israel will celebrate the 35th anniversary of her Day of Independence, that day in 1948 that marked the first step toward realization of a dream of nearly 2 millenniums of Jews throughout the world, her rebirth as a nation.

In those 35 years, Israel has progressed from an underdeveloped state to an advanced democratic society totally committed to the ideals of liberty, a symbol of hope and freedom for Jews everywhere.

Israel's accomplishments have been awesome. It has created a high-technology industrial base and high-yield agriculture techniques. It has absorbed more than a million immigrants, while shouldering a national defense burden that costs regularly between a quarter and a third of its budget.

Israel's courageous achievements have come in the face of dreadful obstacles: The terrible legacy of the Nazi Holocaust; recurring wars against invading neighbors that began at the very moment of independence—nations that remain committed to her destruction; economic hardship that might break the will of a lesser people.

The United States recognized Israel as a nation within minutes after she declared her independence on May 14, 1948. Since that time, Israel has remained our closest friend and most steadfast ally in the Middle East.

I congratulate Israel—its leaders, its people, its supporters everywhere—on this historic occasion. Differences have developed between the United States and Israeli Governments as this Nation attempts to sort out strategic interests and other concerns in the troubled Middle East. But we must assure the people of Israel that we remain committed to keeping Israel militarily and economically strong, that we are committed to peace and the Camp David process * * * but we will place no other issues or interests above Israel's survival.●

MR. PRESIDENT: IT'S DANGEROUS TO WITHHOLD F-16's FROM ISRAEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. LENT. Mr. Speaker, I want to bring to the urgent attention of my colleagues a matter of the most serious import. I refer to the President's

announced decision to withhold the sale of 75 F-16 fighter aircraft promised to Israel 1 year ago. The President stated that he would not proceed with the sale until Israeli forces have been withdrawn from Lebanon.

Mr. Speaker, I find such cavalier treatment of Israel to be absolutely appalling. Such a move against Israel represents the crudest sort of attempted blackmail, and gives the greatest encouragement to Israel's sworn enemies, especially Syria, which fought so bitterly against Israeli forces in Lebanon last year. It is a very dangerous move by the President—dangerous both for Israel, and for U.S. hopes for eventual peace in the Middle East.

Mr. Speaker, U.S. intelligence has knowledge that the Soviet Union has moved very swifty to rebuild the military strength Syria lost in the conflict in Lebanon. In fact, the Soviets have increased Syria's military power and effectiveness by making available to Syrian forces the deadly surface-to-air missile known as the SAM-5. This new weapon introduces a dangerous new element into the volatile military situation in the Middle East; an element which threatens not only Israel, but also poses a threat to U.S. forces in the area. The SAM-5 has a far greater range than the older Soviet surface-to-air missile it replaces. The SAM-5's directly menace Israeli forces within Israel's boundaries, and threaten U.S. naval units in the Mediterranean and even some U.S. bases in Turkey. It is the height of folly to further deny Israel the 75 F-16 fighter aircraft promised to Israel 1 year ago.

Mr. Speaker, I have written a personal appeal to the President, urging him—in our own best interests—to permit the sale to go through. I urge my colleagues to join me in persuading the President to change his unfortunate and dangerous decision.

It clearly is in the best interests of the United States to proceed with the sale of these needed new aircraft as rapidly as possible. The President must end this dangerous delay at once.

Mr. Speaker, I ask that a copy of my letter to the President be inserted in the CONGRESSIONAL RECORD at this point.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 8, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Your announcement this week of your decision to withhold the sale of 75 F-16 fighter planes to Israel until Israeli forces are withdrawn from Lebanon has stunned and dismayed me.

Just one month ago, I urged you to end the year-long delay in going ahead with the notification to Congress required to implement the sale. I pointed out the need for these additional aircraft because of increased danger to Israel resulting from the Soviet actions in supplying Syria with newer and more dangerous surface-to-air missiles, the SAM-5s. These longer range SAM missiles now threaten not only our dependable ally Israel, but our own fleet in the Mediterranean and our bases in Turkey.

Every day's delay in completing the sale agreement with Israel increases the threat to Israel's security and to the security of our own forces within the range of the SAM-5s.

Most observers have interpreted your action as intended to put pressure on Israel to complete withdrawal of its forces from Lebanon. Mr. President, if this is, indeed, your intent, I must tell you in utter frankness that it is a terribly dangerous game. Weakening Israel's security and our own in the Middle East simply invites trouble in this most volatile area of the world.

In the strongest terms, Mr. President, I urge you to abandon this dangerous course, and proceed with the sale of the F-16s to Israel. It is clearly in the best interest of our country to do so.

Sincerely,

NORMAN F. LENT,
Member of Congress.●

THE ARMY DEVELOPS EFFECTIVE NEW STRATEGY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. GINGRICH. Mr. Speaker, the Army has developed a new operational strategy for defense of Europe and other areas that stresses maneuverability and advanced weapons. I want to congratulate the Army on developing this new strategy which makes the best use of the number of troops we have compared to our likely opponents, the Soviet Union.

As a way of introducing my colleagues to this new strategy, I would like to offer the following report which appeared in the New York Times on March 13, 1983.

That story follows:

[From the New York Times, Mar. 13, 1983]

UNITED STATES DEVELOPING FLEXIBLE BATTLEFIELD STRATEGY

(By Drew Middleton)

FORT LEAVENWORTH, KANS.—The Army and the Air Force are developing a new operational strategy aimed at countering the Soviet Union's numerical superiority in men, guns, tanks and aircraft. The strategy stresses maneuverability, flexible leadership and advanced weapon systems.

If adopted by the Pentagon—and officers here are confident that it will be—the strategy, called Airland battle, would break dramatically with current doctrine. Since the end of World War II it has centered on attrition, or the destruction of enemy resources through superior firepower.

The Command and General Staff College and the Combined Arms Center here are the seed beds for the new concept, which has the strong support of Gen. Edward C. Meyer, the Army Chief of Staff.

It stresses a bold, flexible offense that would force a battle in depth in which the Army and the Air Force would seek to confuse and disrupt rigid Soviet command patterns and use the initiative of junior commanders. The strategy envisages a penetration into rear areas of the opposing forces for attacks on the Soviet second echelon.

Adoption of the new strategy, however, would appear likely to raise serious issues in the North Atlantic Treaty Organization. The alliance has adopted, primarily on the insistence of the West German Government, a strategy of forward defense under which NATO forces in a crisis would deploy in a belt of defensive positions 12 to 25 miles deep running along the border between the two Germanys.

Officers here say the Airland strategy could be used not only in Europe but also in the Persian Gulf or elsewhere in the Middle East.

They concede that the strategy poses some risks. One is that the ground and air forces might not be able to take control of the battle and exploit enemy weaknesses before being overwhelmed by numerically superior forces.

The Posture of the Army statement for the 1984 fiscal year, which begins Oct. 1, says, "We need to strike supply and transportation facilities and to neutralize or destroy second echelon, reinforcing enemy formations before they reach the forward battle area."

Simultaneously, the statement says, forces not involved in such strikes would be expected to combat forward enemy forces.

Army leaders say the Airland concept takes advantage of evolving technology such as high-speed, jamming-proof digital communications systems, electronic jammers, laser-guided missiles and greater mobility for all ground forces on the battlefield

Such new technology is now under development. But it is expected to be highly expensive and, in its first deployments, susceptible to the mechanical failures that usually appear in new military systems.

Emphasis in the development of the Airland battle has been on the use of conventional, nonnuclear forces. But the Army says that the strategy "does not preclude the use of nuclear or chemical weapons" and that such weapons remain "an essential feature of our tactical arsenal," which by their availability "may deter enemy use and thereby influence the enemy's conduct of operations."

Since cooperation between the Army and the Air Force would be essential, they have signed what is described here as a "memorandum of understanding," and the staffs of both are to work out details.

There are signs that the Soviet high command, without changing the command system, is also thinking in terms of attacks into NATO rear areas.

United States and British intelligence sources say the Soviet Union is developing an Operational Maneuver Group, an all-arms force, as the best means of thrusting deep into NATO's support areas. But the sources said there was no evidence that the Soviet high command was considering using such strategy in other potential theaters of war.●

OFFSHORE OIL AND GAS LEASING

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. LOWERY of California. Mr. Speaker, one of the more controversial issues facing the 98th Congress is the administration's new streamlined plan to accelerate offshore oil and gas leasing. This particular controversy holds special significance for San Diegans. Approximately 11.6 million acres between Point Conception and the Mexican border, extending seaward from the State's 3-mile limit to as far as 130 miles offshore, have been designated for study for inclusion in lease sale 80, scheduled for January 1984. The study includes virtually all of the Federal waters off the Orange County/San Diego coast, from Newport Beach south to the Mexican border.

I do not question the need to develop new domestic sources of oil and gas to reduce our dependence on foreign energy sources and am pleased that the administration has placed a high priority on achieving this goal. However, the economic necessity of developing our domestic energy resources must be balanced by our responsibility to protect the economies and environments of our coastal communities. Therefore, today I am joining with my colleagues RON PACKARD and BOB BADHAM in introducing legislation proposing a 10-year moratorium on oil and gas leasing in nearshore areas off the San Diego coast. The ban would affect approximately 627,840 acres—5.4 percent of the total acreage designated for study for inclusion in lease sale 80—forming a corridor running parallel to the California coast from Newport Beach south to the Mexican border, and roughly 12 miles from the seaward boundary of the 3-mile State tideland boundary.

While I generally support the OCS lease program as a means of increasing the productivity of our domestic energy resources I believe that priority should be given to the leasing of areas which have the highest yield potential and known reserves of hydrocarbon fluids. U.S. Geological Survey results indicate that these nearshore San Diego tracts do not fit into either category. Resource estimates from the 26 San Diego nearshore tracts offered as part of lease sale No. 48 in 1979 were 30 million barrels of oil and 45 million cubic feet of gas. When computed against the 1980 national consumption figures, these resources estimates represented only 42 hours of oil and 17 hours of gas. These tracts were subsequently deleted from lease sale No. 48 by then-Secretary of the Interior Cecil Andrus.

Furthermore, drilling in these nearshore areas would pose a severe threat to San Diego's greatest natural resource—our coastline and beaches. The tourist industry attracted by the natural beauty and recreational potential of our beach areas makes a tremendous contribution to our local economy: tourism is San Diego's second largest industry. San Diego County beaches attract well over 30 million visits a year by people from throughout Califorina, the Nation, and the world. The San Diego Convention and Visitors Bureau estimates that each tourist visiting San Diego area beaches spends an average of $20 per day. Therefore, from an economic as well as environmental standpoint, it is important that we protect our nearshore areas from the risks that offshore drilling would impose.

The introduction of offshore drilling in nearshore areas would also interfere with military activities off the San Diego coast. San Diego is the Navy's principal west coast home port. It supports more than 120 ships of the Pacific Fleet. Petroleum development in nearshore areas would encroach upon the military training areas, and would joepardize the safe transit of military ships as they arrive and depart San Diego Bay. San Diego has always been a Navy port and its presence in the area adds to the economic viability of the region. The introduction of offshore structures that would compromise the Navy's ability to carry out its mission would not be in the best interest of the Nation.

It is my belief that sensitive offshore areas, such as the nearshore areas off the San Diego coast, should be among the last, not the first offshore areas to be developed. These areas are unique in their economic and environmental sensitivity to offshore development and should be protected. The legislation which we will be introducing will do just that, helping us to preserve the delicate balance between our economic and environmental concerns.●

THE FACTS ABOUT CENTRAL AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. MICHEL. Mr. Speaker, Ambassador Jeane J. Kirkpatrick, U.S. representative to the United Nations, has performed a public service by setting the record straight on the facts concerning Central America. I think all of our colleagues and all Americans can benefit by reading her words.

At this time, I wish to insert in the RECORD, "This Time We Know What's Happening" by Jeane J. Kirkpatrick, in the Washington Post, April 17, 1983.

THIS TIME WE KNOW WHAT'S HAPPENING

The whole scenario sounds like a grade B movie from the 1950s, but that, alas, does not mean it is not true. It's almost unbearably unfashionable to say so, but there is a plan to create a communist Central America which, if successful, will have momentous consequences for our security and that of our European allies, for Israel's international position, and for the unfortunate people of Central America. So far, Congress seems unwilling to make a serious effort to prevent—by means short of war—these human and strategic catastrophes.

Even though a very well organized lobby works indefatigably to confuse the moral, political and intellectual questions involved in U.S. policy toward Central America, there is growing clarity about the issues and the stakes. Indeed, what distinguishes the current debate about military and economic aid for Central America from similar disputes about China, Cuba, Vietnam and Nicaragua is that we have fewer illusions and more information.

We know by now that the government of Nicaragua is and what it intends—in El Salvador, Honduras, Costa Rica, New York, Jerusalem. We know who the guerrillas in El Salvador are, where and how they get their arms, what their plans are, who their friends are.

As recently as July 1979 it was possible for American policymakers of optimistic disposition to suppose that, if they acted wisely and generously, Nicaragua would emerge from its bloody civil war with an independent, pluralist, socialist, neutralist government. To this end, the United States rushed some $24.6 million in emergency food, medical and reconstruction assistance to the FSLN on their triumph, provided $118 million direct economic assistance in the subsequent 18 months, and assisted the new government in securing, in addition, some $262 million from multilateral lending institutions (an amount almost double the amount the Somoza government had received in the preceding 20 years). But before the Carter administration left office in January 1981, the decision was made that Nicaragua no longer met U.S. requirements for assistance, its pattern of internal repression and external aggression being already clear. And during the subsequent two years, Nicaragua's facade of democratic intentions and national independence have been not ripped off, but cast aside.

Everyone who cares to know now understands that the government of Nicaragua has imposed a new dictatorship; that it has refused to hold the elections it promised; that it has seized control of all media except a lone newspaper that it subjects to heavy prior censorship; that it denied the bishops and priests of the Roman Catholic Church the right to say Mass on television during Holy Week; that it insulted the pope; that it has stifled the private sector and independent trade unions; attacked the opposition; driven the Miskito Indians out of their homelands—burning their villages, destroying their crops, forcing them into exile or into involuntary internment in camps far from home.

Persons interested in such question understand, too, that Nicaragua's rulers have introduced into the country many thousands of Cuban teachers, trainers and supervisors, including at least 2,000 military advisers. The Sandinista rulers have denied their

international supporters the comforts of ambiguity. They have explained who their friends are and what convictions guide them.

From Moscow and Managua they have announced their principles: "We guide ourselves by the scientific doctrines of the Revolution, by Marxism-Leninism," Minister of Defense Humberto Ortega explained to his army; ". . . our political force is Sandinismo and our doctrine is Marxist-Leninism." "Marxism-Leninism is a fundamental part of the Sandinista ideology," said another member of the junta, Victor Tirado Lopez. They have issued a new stamp with a picture of Karl Marx and excerpts from the Communist Manifesto.

Nicaragua's leaders are done with dissembling. They are proud of their ideology, proud of their monopoly of power, proud of their huge new military force (which has no peer in the region), proud of their role in Central America's guerrilla war, proud of their string of successes in international diplomacy. Those successes are impressive: a seat on the U.N. Security Council, a stymied regional displomatic initiative, continued support from the Socialist International and a resounding victory at the Delhi Summit of the Non-Aligned Movement. Proud too of their friends, including: Libya, the PLO and, of course, Cuba, their constant companions. The PLO connection, acclaimed by Yasser Arafat at the revolution's first anniversary (". . . the Nicaraguan people's victory is the victory of the Palestinians. Anyone who threatens Nicaragua will have to face Palestinian combatants."), has spawned international progeny. This past week a Latin American preparatory meeting on Palestine has been held in Managua for the purpose of "obtaining governmental and nongovernmental support for the Palestinian cause" and "opposing" Israel's aggressive policy. According to Radio Sandino, delegates from some 20 nations and 10 U.N. organizations were expected.

Such conferences are but one manifestation of the junta's vocation for public diplomacy. Other examples may be observed on U.S. television and, especially, at the United Nations where, with dazzling chutzpah, Nicaragua's leaders last week pressed their demand for immunity from attack by anti-Sandinista Nicaraguans, at the same time they stepped up support for Salvador's guerrillas.

The character of El Salvador's guerrilla struggle is no more ambiguous than that of Nicaragua's government. Since the elections of March 1982, nobody even pretends that the FMLN enjoys popular support, is "really" a bunch of agrarian reformers, or a coalition that would, if victorious, usher in a more perfect democracy.

The fictions with which communist insurgents have conventionally clothed their conquest of power are not available to the partisans of the FMLN. The pretense that the FMLN is an indigenous guerrilla movement without significant foreign support has also been largely abandoned. Too many truckloads, planeloads, boatloads of arms from Cuba, Nicaragua and the Eastern bloc have been found; too many documents have been captured, too many pictures taken, too many bold announcements made from Managua. The facts about the FMLN are understood by people interested in these questions. It is a professional guerrilla operation directed from command and control centers in Nicaragua, armed with Soviet bloc arms delivered through Cuba and Nicaragua, bent on establishing in El Salvador the kind of one-party dictatorship linked to the Soviet Union that already exists in Nicaragua.

There has, moreover, been so much discussion among them of "revolution without frontiers," of "liberating" and "unifying" Central America, so many threats to Hounduras, so much bullying of Costa Rica and guerrilla activity in Guatemala, that it is hardly possible seriously to doubt the regional character of Soviet/Cuban/Nicaraguan goals.

Yet to be fully faced is the relevance of these small, poor nations of the Central American isthmus to the United States, or the importance of Caribbean sea lanes to the Western Alliance. Neither is the extent of the Soviet investment—military, economic, cultural—in this hemisphere yet fully appreciated. But very reluctantly, most serious observers have come to acknowledge that, yes, the area's location gives it a certain irreducible relevance to our national interest. These serious observers grouse about the way the Reagan administration talks about the issues; they grouse about the government of El Salvador; but they understand.

The Economist noted last week that "The 'loss' of El Salvador could be a lethal foreign policy blow for America. . . ." and The New Republic made a similar observation.

There is also a growing, if grudging, acknowledgment that money—in the form of economic and military assistance—is quite probably the key to the viability of the region's non-communist governments. And two top aides of previous Democratic administrations, one a former assistant secretary of state, wrote in last week's New York Times Magazine that, "The area is of clear strategic and political importance to the United States . . ." so that "to stop American aid would be to deliver—yes, deliver—El Salvador into the hands of a guerrilla movement that is . . . allied externally with America's adversaries, and capable itself of the greatest brutality," and advised that ". . . abandonment is an option Democrats should reject."

Yet if few in or out of Congress advocated outright abandonment, a good many argued for such little assistance on such niggardly terms that the effect is almost sure to be the same.

From the perspective of hemispheric policy, it was an extraordinary week.

An official of the Soviet foreign office, Vadim Zagladin, reiterated Brezhnev's threat to install nuclear missiles in the Western Hemisphere five minutes from the United States. And a member of the Nicaraguan junta announced that, if asked, his government would consider installing Soviet nuclear missiles in Nicaragua.

In Managua, Nicaraguan officials made clear their determination to continue support for revolution in Central America while, at exactly the same time, their representatives at the United Nations demanded protection from an internal insurgency.

Meanwhile, the Democratic majority on the Latin American subcommittee on the House Committee on Foreign Affairs acted to deny the democratically elected government of El Salvador the military assistance it needs to stave off a very well armed and advised marxist insurgency and, simultaneously, to deny a democratic Nicaraguan insurgency any support against a repressive, aggressive Marxist government—though the clear effect of such a policy would be to make the United States the enforcer of Brezhnev's doctrine of irreversible communist revolution.

If, as often suggested, the "Vietnam Syndrome" explains the extraordinary reluctance of America's political class to provide urgently needed assistance to endangered friendly governments in an area of clear national interest, in what does that syndrome consist? Obviously, the Vietnam experience did not make us isolationist. The U.S. government pursues, with the full consent of Congress, a foreign policy that involves us in the affairs of four contients. We support a large standing army and a huge defense establishment. We station troops in remote places, provide billions of dollars in economic and military assistance to governments of all sorts in Asia, Africa and the Middle East. Neither the moral nor military misgivings expressed with regard to Central America are evident with regard to these other regions.

Nobody talks about slippery slopes when we rush weapons to Thailand, trainers to Lebanon or economic aid to Africa or Asia. Nobody talks about human rights when there is murder and mayhem in Zimbabwe, though one can readily imagine the outcry if the bishops of El Salvador had issued a statement resembling that of the bishops of Zimbabwe.

Why?

Why is Congress so much more reluctant to assist an imperfect democratic government clearly important to our national interest than much less perfect governments in more remote regions?

What is it that Central America has in common with Vietnam that so repels liberals? Is it just the nature of the contest—the fact that, in both, well-financed communist guerrilla movements have simultaneously targeted the existing government and what is generally called "world public opinion"?

Is it because lobbies of the left have managed, in both cases, to make the anti-communist side seem unbearably unfashionable?

God knows there are parallels enough in the public discussion of Vietnam and Central America. In both cases, well-orchestrated international campaigns have focused mercilessly on the political and moral failings of the government. And in El Salvador, as in Vietnam, the introduction of elections and reforms, the reduction of human rights abuses and corruption have proved not to have much effect on the drumbeat of criticism. In El Salvador, as in Vietnam, Congress calls the U.S. commitment into doubt from quarter to quarter, "certification" to "certification," undermining the confidence of vulnerable allies in our reliability and their viability.

As with Vietnam, doubt is continuously voiced about whether the government of El Salvador, which struggles mightily to satisfy American demands, is morally worthy of American approval or even of survival.

But there are a few crucial differences too, and those differences involve what we know and when we know it. Not only do we know who Salvador's FMLN is, when we didn't know who the Vietcong were, we know now who the Vietcong were, how they came down from the North (20,000 in the early years alone), how they were supplied, how Western public opinion was manipulated into believing that the National Liberation Front, created by decision of the North Vietnamese Communist Party, was a spontaneous product of "deeper" social causes. We know all these things now because Gen. Vo Nguyen Giap and his colleague, Gen. Vo Bam, have told us about them.

We know too about human rights under those two Vietnamese regimes, about the labor camps and mass deportations. We

know this at least in part because Stephen J. Morris' careful study has documented with endless, painful details that "The violation of human rights by the Communist Party of Vietnam, in both the North and the South, was incomparably worse than the violation of human rights by the former Thieu government in South Vietnam. The difference was not one of degree but one of quality."

We know the Vietcong did not establish a broad-based government or a socialist democracy. We know what happened—and is still happening—in Cambodia. We do not enjoy thinking much about these matters, but we know about them, just as surely as we know the character and the stakes of the contest in Central America.

The crucial difference between Vietnam and Central America is not the Pacific Ocean, though that is important. The crucial difference is that the Congress that cut off aid to Vietnam could say it did not guess what would follow.●

HOW CENTRAL IS THE PALESTINIAN PROBLEM?

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to share with my colleagues an article by Benjamin Netanyahu, the Deputy Chief of Mission at the Isreali Embassy in Washington which is one of the most lucid pieces written about the Middle East recently.

I commend Mr. Netanyahu's article to my colleagues and urge them to read it without delay.

[From the Wall Street Journal, Apr. 5, 1983]

HOW CENTRAL IS THE PALESTINIAN PROBLEM?

(By Benjamin Netanyahu)

We are frequently told that the "Palestinian problem" lies at the heart of the present unrest in the Mideast. Solve this problem and you will have peace in the area. And the U.S., which is often the target of Arab hostility and criticism, will enjoy a stable and enduring alliance with the Arab world.

However plausible this idea may appear, it does not correspond to Middle Eastern realities.

In the last 30 years, virtually every Arab state has been at war or on the verge of war with at least one of its Arab neighbors. Not one part of the Arab world has escaped this grim regularity.

In North Africa, Libya has clashed with Egypt and Tunisia, threatened Sudan and financed efforts to topple other Arab regimes. Egypt under Nasser invaded Yemen and now trades threats with Qadhafi. Algeria has waged surrogate warfare against Morocco using the Polisario forces in the Sahara.

In the Arabian peninsula, the two Yemens have been warring intermittently for years. Saudi Arabia, while trying to buy off all potential enemies in the Arab world, in turn seeks to dominate the smaller states of the Gulf and has pressed territorial claims against all of them. Kuwait frets over Saudi encroachment on its territory, but worries even more about Iraq, which claims Kuwait in its entirety.

And in the heart of the Middle East, Syria has attacked Jordan, jostles with Iraq and has made a shambles of Lebanon in seven years of ruthless occupation.

The fact that nearly all of these states are frequently bound by treaties of unity and endless protestations of brotherhood and friendship counts for nothing.

LAWRENCE'S CHARACTERIZATION

The Arab world is littered with broken agreements. At the first sign of a neighbor's vulnerability, aggression erupts against the potential victim, to be checked only by the perception or presence of countervailing power. Thus when Saadam Hussein of Iraq perceived post-revolutionary Iran as weak and ripe for plunder, he swiftly revoked the border agreement he had signed five years earlier with the shah and invaded Iran's oil-rich provinces. As early as 1928, T. E. Lawrence characterized the Arab regimes as "tyrannies cemented with blood" and said that "It will be generations before any two Arab states join voluntarily." Fifty-five years later nothing has changed.

No lasting peace is possible among the Arab states as long as the tendency for violence remains central in Arab political life, and every Arab regime will continue to depend on force even for its internal survival. Since King Farouk, every Egyptian ruler has been a military man, relying on the army to crush opposition. Libya is ruled by a colonel and a small clique of officers. The army runs Algeria, and Hassan of Morocco depends on the loyalty of his army to sustain his regime. In Saudi Arabia not one but two armies (they watch each other) protect the princes. In Syria, and Alawite officer corps run by Assad's brother suppresses dissent, sometimes with mass murder as at Hama recently, Hussein of Jordan relies on his Bedouin forces to subdue any threat to his rule. Hussein of Iraq depends on his secret police and army. Virtually every Arab leader has been the target of attempted or successful assassination.

None of these conflicts has anything to do with Israel. None of this violence has Israel as it target. Yet most of the discussions about achieving "peace" in the Middle East focus exclusively on the Arab-Israeli conflict and ignore the pervasive violence that characterizes the Arab world.

To assure that this turbulence and endemic instability will disappear, or even subside, with the theoretical resolution of the Arab-Israeli conflict is to expect the impossible. Even the disappearance of Israel would not make the slightest difference.

Making peace among themselves is hard enough for the Arab states. Making peace with non-Arabs is even harder. For the Arabs regard the area from Morocco to the Persian Gulf as theirs, as Arab, despite the presence of numerous peoples that make up a sizable portion of the population—Berbers, Kurds, Copts, Druse, Jews, Circassians, Armenians, blacks and others. These non-Arab or non-Moslem peoples can be accepted only in a state of subjugation, within a dominant Arab domain, never as independent equals. That is why the Arabs would be as hostile to any non-Arab sovereign state—say a Beber one in North Africa, or a Coptic state in lower Egypt—as they are to the Jewish state of Israel.

While the specific enmity to Israel is deeply rooted in this general intolerance, Israel's sin is particularly odious in Arab eyes. For the Jews of Israel are the only non-Arab people to have successfully defied Arab domination and achieved independence.

Thus, the very existence of Israel challenges the concept of a unified and uninterrupted Arab domain. Even the presumed champion of Palestinian statehood. Yasser Arafat, has said: "The question of borders does not interest us. Palestine is only a small drop in the great Arab ocean. Our nation is a great Arab nation extending from the Atlantic to the Red Sea and beyond."

It is not surprising that hardly a syllable was uttered about a "Palestinian people" or about the "Palestinian homeland" in Judea and Samaria until Israel gained control of that strategic area in 1967. The theme of "homelessness" has been especially promoted since then and inflated far beyond its real proportion. For most Palestinian Arabs have homes. Many of them, in fact, live as full citizens in eastern Palestine, or Jordan, which constitutes nearly 80% of mandatory Palestine. Similarly, most of the Arabs of Judea-Samaria are not homeless refugees; they hold Jordanian citizenship and live in the same homes they occupied before the establishment of Israel. Several hundred thousand work in the Gulf oil states, but are no more "homeless" than are, for example, the many thousands of Americans who work in Saudi Arabia. That a few hundred thousand remain unintegrated is because the Arab states have kept them incarcerated in refugee camps for political reasons. As long ago as 1967, Ellan Rees, the adviser on refugees to the World Council of Churches, noted: "I hold that, political reasons aside, the Arab refugee problem is the easiest of the postwar refugee problems to solve. By faith, by language, by race and by social organization, they are indistinguishable from their fellows of the host country."

Whatever remains of the refugee problem can and should be received by the Arab world that has created and sustained it. Should they dedicate to it a tiny fraction of their enormous resources of land and money, they could make the problem disappear overnight.

It has long been recognized that to be a minority is not necessarily a tragedy. All nation have their minorities. The tragedy is to be everywhere a minority. This was precisely the Jewish situation before the creation of the state of Israel. As for the Arabs, they employ a reverse logic. For them it is a tragedy to be a minority anywhere in the vast swatch of land of the Middle East and North Africa. It is not enough for them that the Palestinian Arabs constitute the entire population of Jordan, and the western Palestinians the majority of that population. They now demand a second Palestinian state in the western part of Palestine, which would add one more state to the 21 they already have. They find it intolerable that some Arabs may live as a minority in Israel just as other peoples have lived as minorities in their midst. The only difference is that the Arab citizens of Israel enjoy the civil liberties and the rule of law (despite calumnious claims to the contrary) that are denied to many non-Arab peoples living under Arab rule.

The Palestine refugee problem is not the cause but the result of the two major assaults on Israel's life by the Arabs in 1948 and 1967. Before those attempts Israel didn't possess Judea-Samaria, which some now urge her to surrender, supposedly because retention of them is the barrier to "peace." Relinquishing Judea-Samaria, which strategically dominates the approaches to Israel from the east, would merely strip Israel of her minimum security zone

and the basis of deterrence against the bellicose Arab armies surrounding her. It would bring back the situation of May 1967, in which Israel lived as if with a noose around its neck.

A HOLLOW THREAT

Telling Israel that the best security is peace—a peace that would depend on treaties and guarantees alone and would require Israel to surrender a crucial element of its deterrence—is to flout reality. It would be as if the U.S., in exchange for Soviet promises for "peace," were required to dismangle its forward defenses that provide it with the crucial warning time necessary to protect North America from a Soviet attack.

And what about the threat that if another Palestinian state isn't created "moderate" Arab regimes will turn to the Soviet Union" This is a hollow threat. There is no question here of Arab "disenchantment" with the West because there was never an enchantment to begin with. The democratic way of life is repugnant to all Arab regimes. That is why there has never been a shred of democracy in any Arab country, save for tiny Lebanon, where it struggles to survive against the forces of intolerance and terrorism that plague the Arab world. If there are Arab states that look to the West, it isn't because of organic links but because of self-interest that cannot be satisfied anywhere else. For this reason only Jordan, Egypt, Saudi Arabia and the Gulf sheikdoms will continue to rely on the West for either aid, or weaponry, or markets, clearly recognizing that they are too weak, and the Soviet Union too close, for them to do without American protection.

The ongoing unrest in the Middle East isn't generated by the Palestinian problem, but by the propensity for violence in the Arab world and the general intolerance toward non-Arab peoples. Neither these tendencies, nor the need of some Arab states for the West, will be affected in any way by whether or not Israel yields up the silver of territory (roughly the size of Greater Los Angeles) that is, however, indispensible for its defense.●

VFW VOICE OF DEMOCRACY RHODE ISLAND WINNING ESSAY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mrs. SCHNEIDER. Mr. Speaker, it gives me great pleasure to be able to share with you the Rhode Island winning essay in the VFW Voice of Democracy Scholarship Program. This entry was entered by Marywanda Fandino, who is a resident of Warwick, R.I. She is a student at St. Mary Academy-Bayview in Riverside, R.I. She is planning on attending either Harvard University or Swarthmore College in Pennsylvania, and eventually hopes to enter into the Diplomatic Corps. Marywanda's essay is reflective and moving, and I hope you enjoy it as much as I did.

The essay follows:

MARYWANDA FANDINO, RHODE ISLAND WINNER, 1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

SCENE I

It is black—deep and dark. Its shape is irregular. On it are engraved the names of 57,939 young Americans. It is made of granite—strong, resilient, reflective. Standing before it one can see a reflection peering among the crowded names, as though someone were looking out from within the monument. One can easily imagine them as they were—a confident stance, minds alert and aware, graceful gestures, darting eyes—the embodiment of youth. They laughed, lived, cried, they thought, dreamed, stood, and died.

SCENE II

Atop a hill, four young men strive against the wind and against the odds to raise a piece of cloth bearing several stripes and a multitude of stars. This monument symbolizes the relationship between the United States and its youth.

The flag itself represents our country. The fifty states are embodied in each of the stars. The red stripes remind us of those young people who have consistently shed their blood and sacrificed to preserve our nation. Each white strip helps us to recall that the ideal of freedom for which the United States stands is a noble and good ideal.

Beneath it the young soldiers try to plant the flag. As the hands of youth must steady the flag, so too do these same hands support the United States. Shoulder to shoulder they work together preventing the emblem of America from falling. Regardless of the odds, the youth persevere in the face of adversity, assuring that the United States will continue its journey forward. They carry the colors, lending it support, and plant it firmly for all to see:

It has been this way since the beginning. The youth have always provided the muscle behind America's strength. In World War I my Uncle Louis was 17 years old. My Uncle Stanley was 24 in World War II and in the Korean War my Uncle Edward was 18. Young people like my uncles were the ones who fought for our safety, beliefs, philosophies, and yes even for our lives. Other generations form the policy, but the youth of the day act as the impetus behind it.

However, the youth don't have only physical strength, they also possess keen minds abounding with ideas and creativity. Without them the United States would become stagnant, much like a pond in which the water simply stands. Eventually, the water turns a murky brown. Life dies because sunlight cannot penetrate the congested pond. By the same token, the United States and all that it stands for might die also if it were not for the young people who stir the waters and occassionally cause a few waves. Because the youth do not fear speaking out, the light of truth and justice can indeed penetrate into the whole American system, Illumination the progressive path that the United States must always follow.

Thus, the youth of America are its strength both in muscle and in mind. Whereas they support our country upon their shoulders, so too do they nourish this nation with their ideas. Their spirit, foresight, and dedication to this country are mirrored in everything—especially in a long, black, granite, monument!●

TO LEASE RATHER THAN PURCHASE—THAT'S THE QUESTION!

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. PICKLE. Mr. Speaker, I wish to bring to the Members' attention again a pressing question of tax policy that demands immediate attention.

As the gap between the interest rates on taxable and nontaxable bonds has narrowed and as Federal funding for infrastructure needs has been cut back, nontaxable agencies at the Federal, State and local level have turned increasingly to new kinds of innovative financing techniques.

Passage of the Economic Recovery Tax Act in 1981 put into place new accelerated depreciation schedules which will make tax leasing, or leveraged leasing, the financing option of choice for governmental entities across the Nation.

Already the trend has begun. The cities of Atlanta, Ga., Austin, Tex., and Corpus Christi, Tex., to name only a few, are considering leasing rather than purchasing their city halls. Philadelphia is studying a proposal to sell its inner-city schools and lease them back over a long period of time. The University of Nevada has asked its State legislature for permission to sell and lease back two new basketball pavilions and Bennington College reports plans to sell its entire college campus to alumni then lease it back over 99 years.

Waste water treatment systems, solid waste disposal programs, museums, and rapid transit systems are but a few things, municipal governments will begin—indeed have already begun—to lease rather than buy.

As reported by our Ways and Means' Oversight Subcommittee the U.S. Navy and the Air Force have led the way with decisions to lease 13 new ships and 322 new planes respectively.

The motor driving this new leasing juggernaut is purely and simply tax breaks. Cities, counties, States, and Federal agencies are given the opportunity under present law to sell tax writeoffs—accelerated depreciation, investment tax credits and interest deductions—that they would never qualify for on their own account.

By encouraging this development we are creating literally billions of dollars in new tax shelters and pushing off on the public shaky financing schemes replete with public policy problems.

I want to take this time, Mr. Speaker, to share with my colleagues the Washington Post's most recent editorial on this subject. I reprint this article in the CONGRESSIONAL RECORD so that

my colleagues may see the name and nature of this new threat.

[From the Washington Post, Apr. 16, 1983]

LEASE-BACK MANIA

Hardly a day goes by without new tales of extraordinary financing schemes undertaken by governments and nontaxable institutions to attract private investment. The key ingredient? Heaps of tax breaks costly only to the federal treasury and contributions thereto.

All of these schemes operate in basically the same way. The non-taxable agency or organization arranges to have a private group buy or construct some big-ticket item. The nominal owners, being taxpayers, can claim one or more tax benefits such as accelerated depreciation, interest deductions and investment tax credits. The non-taxable organization then signs a long-term lease at a discount reflecting some share of the leaser's tax benefits. The leasers are happy because their tax bill has been reduced at no risk, and the agency is happy because its budget looks lower. But the federal Treasury pays a substantial part of the bill in lost revenue.

The idea is flourishing. That troublesome new NASA satellite just deployed by the space shuttle turns out not to be owned by NASA—at least not for tax purposes. The shuttle budget looks smaller than the true cost to taxpayers. Rural electric cooperatives assisted by the Rural Electrification Administration are getting into the game. The Clinch River Breeder Reactor may be sold and leased back. The Navy wants to "charter" customized cargo ships and the Air Force wants to lease 39 executive jets and assorted transports. Anyone want to buy a missile silo and rent space to the MX program?

State and local governments? Sale-lease-back deals are becoming the preferred method of financing many development projects. Atlanta, for example, is considering selling its historic city hall; private developers will renovate, enlarge, and lease it back to the city. The developers get the tax breaks, the city gets a deal on the rent, and Uncle Sam picks up a large part of the tab. Similar deals around the country involve museums, convention centers, schools and sewer systems.

The renovation of the Torpedo Factory in Old Town Alexandria is a state-of-the-art example. There, the private developers will take advantage of industrial development bonds, the investment tax credit, a special tax credit for rehabilitating old buildings, and accelerated depreciation. Bennington College is considering selling its campus to a group of friendly alumni, and leasing it back. The purchase price paid by the alumni becomes, in effect, a loan made inexpensive for the college because of tax breaks available to the alumni, at the federal Treasury's expense.

This is all absurd. Neither touristy torpedo factories nor college campuses should receive these extra helpings of invisible, unfocused taxpayer largess. And the issues of control and accountability become critical when the property involved is city hall or a Navy ship. This burgeoning tax avoidance industry is attributable in part to higher bond interest rates that make borrowing more expensive to local governments (there's too much state and local government debt floating around), and in part to the extremely attractive depreciation provisions in the 1981 tax act. Plugging this drain on the Treasury should be high on the agenda.●

ISRAELI INDEPENDENCE DAY

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Ms. FIEDLER. Mr. Speaker, today is the 35th anniversary of Israeli independence. In a single generation, we have witnessed tremendous achievements by the Israeli people, and this is an opportune time to congratulate them on what they have created and to look to the future of Israel.

In 35 years, Israel has become a nation with institutions that are among the finest in the world. Israeli democracy has been thriving since its inception. Its courts are free, independent, and respected. Israeli industry is a leader in many fields, and the triumphs of Israeli agriculture are well known. All these changes in such a short time have created their own strains and tensions, but Israeli society has come to grips with them in an admirable fashion.

Israel has repeatedly had to fight for its security, but internally it has always been an island of calm in the turbulent Middle East. The concerns of the Israeli people are those of the American people—a better life for themselves and their children. The goals of its policies—a just and lasting peace settlement in the Middle East—are the same as those of the United States. Whatever differences over specific policies, approaches, or emphasis come up from time to time, it remains that the links of friendship between the United States and Israel have, over the 35 years of Israel's life, become so broad and so deep that no one can question the mutual support and understanding that exists between the two countries.

The achievements of the last 35 years have been obtained in the face of hardship. Let us hope that those of the next 35 years will be gained in a climate of peace and prosperity. It may at times seem that such a peace is impossible, but then the Israel of today must have seemed equally impossible to all but the most visionary at its creation 35 years ago. The Israeli people, through their tremendous efforts and achievements, have earned our respect and best wishes for the future on their Independence Day.●

MAJ. GEN. WILLIAM LYON (USAF RET.) HONORED

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. BADHAM. Mr. Speaker, I have the distinct privilege today of announcing to the House that one of my constituents, Maj. Gen. William Lyon (USAF ret.), of Newport Beach, Calif., will be honored with the Spirit of Life Award from the City of Hope on May 10, 1983.

General Lyon has been recognized many times by numerous organizations for his superb accomplishments on behalf of the city of Newport Beach, the State of California, and our Nation. But I believe this particular honor especially illustrates the spirit of General Lyon's contributions toward making a better life for other people.

For example, his keen sense of citizenship is amply demonstrated through the community projects completed so successfully by each of the civic groups the general has been affiliated with.

His excellent leadership in such corporations as the William Lyon Co., Air Cal, and Holders Capital Corp. have won the highest respect of those who have been associated with him. Further, General Lyon's skills as Chief of Air Force Reserve guided that organization to the highest level of effectiveness in its history to that time.

Indeed, I take pleasure in congratulating Gen. William Lyon upon his dedication and professionalism and commend the City of Hope for selecting him to receive the Spirit of Life Award.●

A TRIBUTE TO THE KIWANIS CLUB OF LA CANADA

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. MOORHEAD. Mr. Speaker, in recognition of their many years of dedicated service to their community, the Kiwanis Club of La Canada has selected Mr. and Mrs. Warren Hillgren as La Canadans of the Year for 1982.

The Hillgrens are special people. They are the finest example of the involved community couple; they are epitome of the caring neighbor; the concerned citizen, the intelligent participant in the democratic process.

In most cases, their activities are separate, yet their final goal—the creating and fostering of a caring, vibrant city—is the same. La Canada Flintridge is a vital, energized city and much of the credit for this success rightfully belongs with the Hillgrens.

Seven years ago, Warren led the successful fight for incorporation and has been a member of the La Canada Flintridge City Council since the city's formation in 1976. During this tenure, he has been mayor for 2 years and mayor pro tem for 2 years.

He has served in position of leadership in the chamber of commerce, the Los Angeles County Sanitation Dis-

trict and the League of California Cities.

Mrs. Hillgren is a board member and past president of the Flintridge Assistance League and a board member of the National Assistance League. She is a past president of the United Way Community Drive.

Both are continually involved in aiding the local schools, local sports programs, the YMCA, local health centers, and their church.

Repeatedly, they have given of their energies, their time, and their resources with a graceful generosity that encourages success and emulation and admiration. They are pillars in the community and fitting recipients of the Kiwanis La Canadans of the Year Award.●

ELITE WOMEN VETERANS HONORED

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. WYLIE. Mr. Speaker, on April 8 and 9 a very special reunion took place in Washington, D.C. An elite group of the Nation's women veterans who had been prisoners of war of the Japanese during World War II were honored by the President, by the Veterans' Administration, by the Department of Defense, and by the national veterans organizations.

I am referring to the 81 Army and Navy nurses and aides captured by the Japanese forces May 6, 1942, on the embattled island of Corregidor. Miraculously, all of these ladies survived an ordeal that often proved the better of many strong men. And now a group of them have been brought to Washington to receive long overdue honors.

During the past several years, this Nation has moved to recognize and improve the lives of all those who served this country in time of war and who were captured and imprisoned during the World Wars, the Korean War, and the Vietnam conflict. In 1981, this Congress passed Public Law 97-37 to enhance benefits and services for former prisoners of war. And this year the President designated April 9 as National POW-MIA Recognition Day.

In preparation for the national ceremonies, Dorothy Starbuck, the Veterans' Administration Chief Benefits Director, initiated a search for survivors of the military nurses who served so courageously, so many years ago. Through an intensive effort by VA benefits counselors, more than 60 of the women were found and subsequently invited to ceremonies in and around Washington. Thirty-one were able to accept and did attend what became one of the most emotional and rewarding reunions this Nation's Capitol has ever hosted. One of the women, expressing a typical reaction to the search and invitation, said: "I thought no one would remember."

Well, remember we did, and on the eve of POW-MIA Recognition Day, my colleague and ranking member of the House Veterans' Affairs Committee, JOHN PAUL HAMMERSCHMIDT, of Arkansas, addressed these shining examples of American valor and duty at a reception given in their honor by the Disabled American Veterans at the organization's national headquarters in Washington.

Mr. Speaker, I would like to offer Mr. HAMMERSCHMIDT,'s comments that evening for the RECORD, as a warm and sincere testimony certainly shared by all who heard it then, and all who will see it here. Certainly no group sacrificed more, endured more, gave more for their country than these ladies, and I believe my colleague's words stand for all of us in our appreciation of their endurance and courage.

REMARKS OF THE HONORABLE JOHN PAUL HAMMERSCHMIDT TO THE POW NURSES, APRIL 8, 1983

Thank you, Commander Galian.

Good evening, ladies and gentlemen, and especially our honored guests.

It is a rare privilege for me to be asked to take part in paying tribute to a very select group of individuals who have served this Nation far beyond the call of duty. They and the more than 90,000 other former prisoners of war who are alive today cannot really be given enough recognition for the hardship and suffering they once endured. But we hope that these special days, set aside in their honor, can at least serve as reminders that a grateful Nation has a debt to them that can never actually be repaid.

More than 142,000 Americans have been prisoners of war in this century, 132,201 from World War II alone. Within that very distinctive population were 81 service women—32 of which are here today—who were taken prisoners following the Japanese invasion of the Philippine Islands. I want to address myself specifically to those 32 ladies who honor us so much by their presence here tonight.

With little concern for your own safety and comfort during that most difficult hour you never lost sight of your mission to care for the sick and injured. Under fire on Bataan, and later during the siege of Corregidor you stayed with the troops and performed your duty.

That all 81 of you later survived the rigors and deprivation of the Santo Tomas prison camp for two-and-a-half years and at the same time continued to attend to the health and welfare of others is a tribute to the human will to persist when all seems lost. Truly you were the very essence of sisters of mercy.

William Faulkner, in accepting the Nobel Prize for literature in 1950, spoke of humanity's unflagging struggle to exist in the face of adversity. He said man "* * * is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance."

Today we are honoring that spirit you so elegantly upheld.

For each one of you I have had an American flag flown over the United States Capitol as a token of appreciation and admiration from the Congress of the United States. A mighty emblem of strength under fire, it is a fitting symbol for all that you endured and for that precious faith that never once wavered in a terrible and perilous time and that even today defies description. That these flags may kindle again and again your love of the American Nation is my earnest hope.

All of us are most pleased to have been a part of this reunion. It has stirred our hearts and our memories and reminded each of us of the debt we owe to each of you. Again, thank you for all you have done for this great country.●

VOLUNTARISM IN SAN LEANDRO

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. STARK. Mr. Speaker, during this week of national recognition for volunteers, I would like to single out the outstanding community of San Leandro in my district. San Leandro has a long history, beginning in 1959, of volunteers working in city government. Volunteers are active in all 10 of the city's departments.

Volunteers are helping in many areas that one would expect. They provide clerical assistance throughout city hall. Volunteers run the city information desk and provide tours of historic buildings. San Leandro's hot meal program, both for those at the Bancroft Senior Center and for shut-ins, is completely staffed with volunteers.

But the San Leandro volunteer program has also been very innovative. They have a "lock-and-smoke" program which involves carpenters and firemen. The city will buy locks and smoke detectors for low-income and senior citizens and have volunteers install the devices. San Leandro is, rightly, very proud of this lifesaving program. Other projects include a graffiti removal program for businesses, and volunteers in professional service (VIPS), who help the city with special projects. There is a dial-a-volunteer program to help out with large emergency projects such as mass mailings.

In fiscal year 1981-82 volunteers in San Leandro contributed 37,348 person hours to the city. Over 575 volunteers were involved in projects benefiting the city. The benefits to the city are obvious. Tax money can be freed to accomplish other goals. Projects that would not otherwise be accomplished can be done with the volunteers.

But less obvious, are the other benefits that accrue. Since the volunteers are roughly split between teenagers and retired people, there is a bridge between generations that only comes

from close association and working together toward a common goal. The volunteers become liaisons between city hall and the community, helping to make San Leandro a stronger city. The volunteers also become ambassadors for San Leandro wherever they go. Being a volunteer has helped many women either enter or reenter the work force by giving them a place where they can renew their skills and become familiar with a work environment.

Mr. Speaker, I want to commend volunteers wherever they are for the great contribution that they are making in vital areas throughout the country. I am, however, especially proud of the volunteers in San Leandro and the fine work that they are doing.●

SAM KINSORA HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. RODINO. Mr. Speaker, I would like to call my colleagues' attention to an event which will take place this Saturday night, April 23, in New Jersey. The American Trade Union Council for Histadrut, the Israeli Labor Foundation, will honor Sam Kinsora, who is the president of local 1262 of the United Food & Commercial Workers International Union, AFL-CIO. The dinner dance in his honor will be held in the Aspen Hotel-Manor in Parsippany.

Mr. Kinsora has been involved for many years in the labor movement in Israel. Proceeds from this event will go to a scholarship fund for Israeli students which is being set up in the name of Mr. Kinsora's late wife, Helen.

Sam Kinsora has been the president of local 1262 since 1967 and has been a major force in the labor movement both in the United States and in Israel, through his involvement with Histadrut. It is an honor to recognize him on this important occasion, and I hope that the event is a tremendous success.●

BANKS RESPONSIBILITY FOR MEXICO'S WOES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. SCHUMER. Mr. Speaker, when the international financial crisis exploded last autumn, many bankers argued that no one could have predicted its seriousness and severity.

I would like to bring to the attention of my colleagues this article which appeared in the October 22, 1982, issue of the Wall Street Journal. The author makes three important points.

First, he suggests that many bankers were not caught by surprise, as they are now claiming. In this regard he states:

There were plenty of warnings that they were lending too much, but lending officials railed against these warnings, calling the doomsayers alarmists.

Second, he explains that bankers threw caution to the wind. They were certain that the U.S. Government would bail them out if the crisis became serious enough to threaten the solvency of many large banks.

Finally, he points out that bankers have a financial stake in letting the situation deteriorate. They knew they could charge higher interest rates, claiming that higher rates were justified by the additional risk of lending to already-insolvent borrowers.

BANK RESPONSIBILITY FOR MEXICO'S WOES

(By Lawrence Rout)

MEXICO CITY.—A Mexican government official spoke in a recent interview about the need to cooperate with the country's foreign bankers. "They are trying to help us out of our economic troubles," he said, staring at the reporter's tape recorder. "They are being very careful not to ask for more than we can give."

The official then reached over, turned off the recorder, and sneered: "Those bastards got us into this hole. Now they're trying to bleed us for everything we have."

The official, no doubt, exaggerates. But his point is valid. The foreign bankers' role in Mexico's financial crisis is a classic example of international banking gone awry. It illustrates the herd instincts of bankers, and how all-consuming competition among them can, at best, permit, and at worst, push a government to mismanage its economy. Bankers can't take all the blame for the country's woes, but they probably deserve more than most bankers admit.

Yet there is a question whether any lessons will be learned. Many foreign bankers, though a bit more humble these days, say that they would do the same thing, if they had it to do over again. Some say they couldn't have known what was going on; others say that the cost of being shut out of the Mexican market was too great. And even those who accept criticism say the ultimate lesson may be that no matter how big their mistakes, they may not cost the bankers a penny. Bank debts of many countries, including Mexico, are so large, they say, that banks can count on the U.S. government or international financial organizations to bail them out.

And, at least for a country such as Mexico, they may be right.

International financial experts say that Mexico is a case study of the "merry-go-round" philosophy that often infects commercial banks' dealings with foreign countries. Creditworthiness isn't judged by a country's ability to repay loans, but by its ability to get more loans to service existing debt. The merry-go-round keeps going faster until somebody wants his money back, or even tries to slow it down.

That's what happened in Mexico. About five years ago, with oil discoveries being announced here with increasing regularity, bankers decided, en masse, that Mexico was hot. They converged on Mexico, falling all over each other to be the country's banker. Last year, the Mexican government borrowed an extraordinary $20 billion abroad, mostly from commercial banks. Mexico's biggest U.S. lenders in recent years have included Bank of America, Citibank, Chase Manhattan, Manufacturers Hanover, Chemical Bank and Morgan Guaranty.

THEY STARTED TO WORRY

But this spring, bankers—again, en masse—started to worry about Mexico's rising inflation, overspending and overborrowing. Some wouldn't renew their maturing loans, and almost everybody refused to increase exposure.

"Of course, we had problems when that happened," a Mexican government official says. "You can argue that we should never have borrowed $20 billion. But banks simply can't lend that much to a country one year and try to cut it to zero the next. But that's what happens when everybody does what the other guy is doing."

Most bankers argue that they don't create economic problems, but just react to them when they become apparent. One banker says that blaming the banks is like blaming the candy store for your cavities; the banks, he says, can't be responsible for a country's mishandling of the money the banks lend. Banks showed caution late, but only because they had poor government figures; there was no sign that the government's short-term debt was so great until it was too late to do anything about it.

And besides, bankers like to say, we are just lenders, not policy makers. If we start telling governments how to run their companies, we would be driven from the country as imperialists, bent on destroying Mexico's independence.

The arguments are valid—up to a point. One banker, for instance, says that the candy store analogy is correct, but it is more appropriate to say the bankers were like pushers supplying a drug addict.

"We can say we didn't know how they would use the money," he says. "But that is just nonsense. We know exactly how they will spend it because governments always do the same thing."

He continues: "We gave Mexican officials the opportunity not to tell their people to tighten their belts. We gave them a choice between building roads and factories or cutting back job creation. What kind of choice is that?"

Furthermore, there is a great deal of evidence that bankers were careless in their lending decisions. This was Mexico, with its oil reserves, and a future brighter than almost any other developing country. Consumed by competitiveness, the big banks particularly offered incredible deals that bore little resemblance to normal estimation of risk. There were plenty of warnings that they were lending too much, but lending officers railed against those warnings, calling the doomsayers alarmists.

"We don't get promoted for not making loans," one banker admitted last fall. "I wouldn't be getting raises if I'm warning my home office to slow down while everybody else is charging ahead."

The bankers knew, though, that much of their money was going to the government to finance capital flight and support an overvalued peso. Those aren't projects that can earn much of a rate of return.

A year ago, several bankers were asked by a reporter if they were bothered that money they lent to the state oil company was prob-

ably being channeled into general funds and used to shore up the peso. We don't like it, they said at the time, but there isn't anything we can do about it. These same bankers now claim they never suspected such a thing was happening.

And earlier this year, the Mexican government wanted desperately to restructure its mounting short-term debt into longer-term loans. Government officials warned the banks that Mexico had too many loans maturing later in the year. But bankers didn't think the government was paying enough for the longer-term debt. They said that the economy would deteriorate during the year, and they would be able to get huge interest margins down the road. Clearly, they didn't guess the extent of the economic deterioration, but they knew that if they waited long enough, their delay would make things worse.

"In retrospect, maybe we were too greedy," one banker says. "We didn't push them over the cliff, but we led them to the edge."

Still, this banker and others believe that the underlying assumption governing many of their decisions was that, at least with the government debt, the banks wouldn't lose. In "The Money Lenders," Anthony Sampson's book on international banking, the author writes that the "herds of bankers appeared to be behaving ... as if there were some kind of safety-net; as though they were working more closely with their governments than appeared to their shareholders or to the public."

Mr. Sampson says that the old rules, under which rash bank decisions would put the bankers out of business, aren't necessarily valid anymore; banks are so interdependent that the collapse of one bank can threaten the whole system.

WILL THE UNITED STATES BAIL THEM OUT?

And it's clear that the bankers in Mexico believed that was the case, or at least they believe it now. They agree that they will lose money on private-sector debt. But bankers feel assured that the U.S. government, the International Monetary Fund, the Bank for International Settlements—somebody—will make sure they don't lose money on their government loans.

That implicit expectation of help is strongly suggested by the rate at which money has been lent to the Mexicans recently. A government agency here got a $500 million, eight-year credit last November at ⅝ percentage point above Libor (the London Interbank Offered Rate, which is the benchmark interest rate on international loans). At the start of this year, a six-month loan was made to Mexico at only ⅛ percentage point above Libor. A variety of fees goes into the total pricing of a loan, of course, but a spread of an eighth of a percentage point suggests bankers weren't pricing their loans to take into account the true risk of lending to Mexico.

The ultimate lesson may be that banks don't have to be very careful when lending to Mexico, or to any government as important as Mexico is to the world financial system. In the end, a few bankers candidly admit, spreads will increase and the banks will make more money than they would have if the country hadn't run into financial troubles.

It's an unhealthy situation with few solutions. How do you make sure banks work together to avert a financial crisis? One suggestion is that an international organization of central banks require a minimum amount of information from borrowing governments. If the government doesn't give the information, or the figures show dangerous signs, the organization can deem the country uncreditworthy. That should hasten housecleaning in countries because they won't be able to rely on the commercial banks, which would be reluctant to lend too much to an uncreditworthy government.

But perhaps the only way to make sure that banks don't lend wildly is to have them pay for their mistakes. It's a risky proposal; despite the harm banks can do, they often are the only source of money for many countries. Development economists worry that if banks lose money abroad, they will overreact by drastically reducing their loans to Third-World countries. Such an overreaction, these economists say, could do more harm than the recent lending mania.

Still, many people think that the risks can be kept at a minimum. "You don't want (the banks) to lose so much that the financial system is endangered," says Karin Lissakers, senior associate at the Carnegie Endowment for International Peace in New York. "But bankers always say they learn their lessons and they never do. For disciplinary reasons and for reasons of equity, the banks should feel a little pain."

October 22, 1982.●

GRANDPARENT VISITATION ACT—ANALYZED BY LIBRARY OF CONGRESS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. BIAGGI. Mr. Speaker, in advance of tomorrow's full House vote on House Concurrent Resolution 45, I wish to insert into the RECORD a report prepared for me by Rita Reimer, legislative attorney, American Law Division of the Library of Congress. This report provides a section-by-section analysis of the Uniform Grandparent Visitation Act.

As the author of the concurrent resolution, I consider this to be essential reading for my colleagues so they may fully understand and appreciate the limited intent of the resolution.

House Concurrent Resolution 45 is a sense of the Congress resolution that all 50 States should adopt a uniform Grandparent Visitation Act which would be developed by the National Conference of Commissioners on Uniform State Laws.

The text of the report follows:

H. CON. RES. 45, 98TH CONGRESS

(UNIFORM GRANDPARENT VISITATION ACT)

(By Rita Ann Reimer, Legislative Attorney)

H. Con. Res. 45, 98th Congress, is a "sense of the Congress" resolution which expresses congressional belief that grandparents and grandchildren should be encouraged to develop and/or continue a meaningful relationship with each other following the dissolution (because of death, divorce, or separation) of the marriage of the grandchildren's parents. Its introduction notes that approximately 75 percent of all older Americans are grandparents, that grandparents play a vital role in millions of American families, and that an estimated one million children each year experience the divorce of their parents. Such children may have little or no further contact with their grandparents, even though such contact could in many instances prove mutually beneficial.

The introduction further notes that, although forty-two states now statutorily authorize some form of grandparent visitation, the scope of these statutes varies widely, as do the factors considered by state courts in determining whether such visitation is in the grandchildren's "best interest" (the applicable standard in all of the states). Since courts focus almost exclusively in the interests of the grandchildren, interests of the grandparents who are seeking continued contact may not be fully considered. Also, the lack of uniformity among state laws in this area can make it difficult for a grandparent who has been granted visitation rights to have those rights enforced, should the grandchildren move from the state which issued the original order.

Accordingly, the body of the resolution expresses the sense of the Congress that (1) the National Conference of Commissioners on Uniform State Laws should develop a model state act which (a) grants grandparents adequate rights to petition state courts for visitation privileges with their grandchildren following the marriage dissolution of such grandchildren's parents (the language encompasses stepparent adoptions); and (b) establishes procedures for the interstate recognition and enforcement of state court orders granting such visitation privileges; and (2) states should adopt the model act which is so developed. The Secretary of Health and Human Services [HHS], through the National Center for Child Abuse and Neglect [NCCAN], is requested to provide technical assistance in developing, publishing and disseminating guidelines which may be used in determining the "best interest of the child" in each case, which guidelines are to take into account the ability of the grandparents to help satisfy a child's need for continuity of care following the marriage dissolution of the child's parents. This latter proviso explicitly recognizes grandparental interests and contributions to a greater extent than is presently the case in any applicable state statute.

Like present state laws, this model act would not give grandparents an absolute right of visitation. Rather, it would permit to grandparent a petition the court, asking that such privileges be granted. No visitation "right" as such would accrue until a court order has been issued granting the petition, which order would be issued only after the court had examined all the facts surrounding that particular case and determined that the order was justified.

Only a few states have extended grandparent visitation to stepparent adoptions, as proposed in the model act. Adoption generally terminates the legal relationship between the adoptee and his or her birth relatives, including, except in these few states, grandparent visitation rights. Again, under the model act such visits would not be mandated, but would be authorized by a court only where it found them appropriate, on a case by case basis.

The National Conference of Commissioners on Uniform State Laws is a non-governmental entity formed in 1892 to promote uniformity in state laws on all subjects where this is thought desirable and practical. Over the years it has issued numerous model acts, which have met with varying degrees of success in terms of enactment by state legislatures. Procedures in the model

act for the interstate recognition and enforcement of state court orders granting grandparent visitation could perhaps be modeled after those found in the Uniform Child Custody Jurisdiction Act (UCCJA), the Uniform Reciprocal Enforcement of Support Act (URESA), or the Revised Uniform Reciprocal Enforcement of Support Act (RURESA), all of which have been widely adopted by the states.

As a "sense of the Congress" resolution, H. Con. Res. 45 makes no changes in present federal law; it adds, deletes or amends no United States Code provisions. It is hortatory only, expressing the sense of the Congress that the Uniform Commission "should" develop a model state act, and states "should" adopt the act which is so developed. Thus under this resolution it is completely optional, first with the National Commission and then with the individual states, whether any action will be taken at all. No money is authorized to accomplish the expressed purposes of the resolution, and no penalties are imposed for failure to take a suggested action. Its sole purpose as presently written is to place Congress on record as supporting grandparent visitation rights in general, and these suggested actions in particular, in the hope that this expression of support will encourage the National Commission and the individual states to comply with these wishes.●

URGE PROMPT PASSAGE OF LEGISLATION TO END METRO-NORTH COMMUTER RAIL STRIKE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. McKINNEY. Mr. Speaker, last Tuesday, April 12, I introducd legislation to bring an end to the Metro-North commuter rail strike that has affected thousands of residents of Connecticut and New York for the past 6 weeks. My bill called for an immediate return to work by the striking conductors, and a resolution of issues not agreed upon during collective bargaining, through binding arbitration. Senators WEICKER and D'AMATO introduced the bill in the Senate 2 days later, and a hearing was held before the Senate Labor and Human Resources Committee last Friday. At that hearing, the parties involved in the strike, faced with the possibility of Federal intervention, voluntarily agreed to abide by the terms of our legislation, and the strike was ended over the weekend. For the further information of my colleagues in the House, I would like to insert into the RECORD a copy of my testimony before the committee.

TESTIMONY BY THE HON. STEWART B. MCKINNEY, SENATE LABOR AND HUMAN RESOURCES COMMITTEE, APRIL 15, 1983

Mr. Chairman: First, I would like to thank the committee for scheduling hearings so promptly on this issue of great urgency. The Metro-North commuter rail strike has disrupted the lives of nearly 90,000 residents of Connecticut and New York for 6 weeks, and has affected hundreds of businesses in Manhattan, Stamford, and other corporate centers in our region. While Federal intervention may seem an extreme step, there is precedent for such action. It is painfully apparent that the parties involved have reached an impasse in bargaining, and are unable or unwilling to resolve the problem at the table.

To review the situation, pursuant to the transfer of commuter lines from Conrail to local authorities, 16 out of 17 unions have agreed to contracts with Metro-North to operate commuter service. The United Transportation Union (UTU), representing conductors and trainmen, has been on strike since February 7 and sporadic negotiation sessions to resolve remaining issues in contention have taken place since that date. At one time or another, each side has agreed to binding arbitration, but the terms recommended by a Presidential Emergency Board in December have not been acceptable to either. Negotiations have once again broken down.

Let me emphasize that the legislation before your committee, and that which I introduced in the House last Tuesday, would not dictate the terms of any settlement. I do not view that as Congress' role. Rather, we should establish a mechanism by which the parties and their chosen arbitrators may arrive at an agreement. To that end, our bill would allow an immediate return to work by striking union members under the terms to which they have already agreed during collective bargaining.

The alternative of imposing the recommendations that the Presidential Emergency Board handed down last December has been suggested. That option would dictate the terms of the one remaining unresolved issue, that of crew size. Since this has been the pivotal point of contention for the past month and a half, Congress should not impose any new temporary solution. Until this aspect is decided permanently, we propose a return to work under normal conditions in effect under Conrail prior to the transfer on January 1, 1983. An arbitration board could then determine the terms of unresolved issues according to a timetable specified in the bill. I wish to reiterate that we do not take it upon ourselves to appoint the members of that board, but leave their selection to the parties involved. One member would be selected by the UTU, one by the MTA, and one jointly by the parties. If they fail to agree on a third member, the Governors of the States of Connecticut and New York will jointly select a member to complete the board.

Mr. Chairman, the Federal Government has intervened several times in strike situations in the past. In 1973, Public Law 93-5 was approved by Congress to resolve a situation very similar to the one we face today. In that case, the Penn Central Corp. and the UTU were at odds over who should determine crew size, and Congress stepped in to halt a strike affecting thousands of riders. I believe we are justified in doing so once again. The parties involved have followed all established procedures with respect to settling contract disputes—a cooling-off period was exhausted, a Presidential Emergency Board issued recommendations, and a mediator has been present at negotiations. However, no resolution is in sight.

The impact of the work stoppage on tens of thousands of commuters and their families has continued long enough. Although alternate plans for transportation into New York City were put into place immediately, they have been able to handle only a portion of the daily riders. Bus systems transport only about 4,000 riders into the city, and major highways have become clogged and dangerous as people resort to their cars for the long ride into work. The added commuting time has lengthened the typical work day by 2 hours or more, working parents barely have time to see their children and spouses, and the toll taken on personal well-being, health, and productivity cannot be measured.

According to the New York City Chamber of Commerce, 60 percent of businesses in Manhattan are reporting consistent tardiness or early departures from work, and 20 percent are reimbursing employees for the extra expense of commuting by alternative means, at great cost to themselves. In the long run, overall business clientele could be affected, as well as decisions concerning the eventual location of major corporations. And I know from personal conversations with my constituents that many are beginning to seriously question the wisdom in living in the suburbs.

Mr. Chairman, I urge prompt consideration and passage of the legislation introduced by myself and Senator WEICKER, so that residents and workers in the Nation's largest corporate center may return to a normal life. It is clear that the strike will not be settled locally. It is time for Congress and the administration to step in on behalf of hundreds of thousands of citizens.

Thank you.●

L. B. J. REMEMBERED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. PICKLE. Mr. Speaker, recently the Honorable Doug Cater submitted an incisive analysis of Robert Caro's book about President Lyndon Johnson. Those of us who knew and loved L. B. J. and respect his memory were pleased Mr. Cater chose to speak out. Despite the negative analysis by Mr. Caro, the overriding fact is that L. B. J. was the dominant political figure of our time since F. D. R. Whether you agreed with him or liked him, he knew how to get things done. I commend Mr. Cater's article to my colleagues, many of whom served during L. B. J.'s period in office and know firsthand of the powerful and effective contribution L. B. J. made to this country.

WAITING FOR CARO

(By Douglass Cater)

SOME TROUBLING QUESTIONS ABOUT A BIOGRAPHY OF LBJ

(Books about figures well known and well remembered in Washington are a familiar source of capital controversy, but even by the standards of the genre the publication of the first volume of Robert Caro's projected three-volume biography, "The Years of Lyndon Johnson: The Path to Power," has occasioned a major storm. Here the book and the author are addressed by a former special assistant to President Johnson, Douglass Cater, longtime Washington correspondent and now president of Washington College in Chestertown, Md.)

Lyndon Baines Johnson altered the life of almost everyone who had close dealings with him. He certainly altered mine. One way was to change me from a self-confident journalistic interpreter of politicians by convincing me there was at least one I could not capture on paper. I devoutly hoped that a biographer would come along adequate to the challenge of LBJ.

Now comes Robert Caro. When I heard long ago that he had undertaken this task, preparing to devote many years of research to three massive volumes on Johnson, I was glad. A veritable modern Boswell, albeit recording post-mortem a Johnson he had never met. No one told me that Caro had begun this mission, as he recently confided to the Washington Post, "thinking I was going to love Lyndon Johnson." It would have shaken my confidence in his detachment. Even so, I would have waited my turn to relate my complicated memories of serving four years as LBJ's presidential assistant.

Calculating this would come in time for Volume Three, I was not impatient that Caro did not call me nor, so far as I can determine, any of Johnson's close associates during the Senate or White House years. The elaborate footnotes of Volume One attest that he was confining his researches to the period prior to 1941. LBJ has just turned 32 when Volume One ends.

Imagine then my consternation when Atlantic carried in its very first installment the summation: "No one knew him. Enlisting all his energies and all his cunning in a lifelong attempt . . . to obscure the facts of his personal life, his rise to power, and his use of power, he succeeded so well that no one saw him whole; not his wife . . . not his mother . . . not his enemies . . . not the citizenry of the Nation. No one."

But Caro, only 200 pages into Volume One, does see him whole: "Some men—perhaps most men—who attain great power are altered by that power. Not Lyndon Johnson. . . . In analyses of other famous figures, college, being only part of the formulating [sic] process that creates character, deserves only cursory study, but the years Lyndon Johnson spent at college are revealing of his character as a whole—all the more revealing, in fact, because at college there are no complications of national or international politics or policy to obscure character. . . . He came out of the Hill Country *formed*, shaped—into a shape so hard it would never change."

The biographer who had thought he was going to "love" Lyndon Johnson experienced a rather violent change of feeling: "Johnson's entire career . . . would be characterized by an aversion to ideology or to issue, by an utter refusal to be backed into firm defense of any position or any principle . . . Other qualities of Lyndon Johnson less immediately evident to others were present not only in Washington but at San Marcos [College]: the viciousness and cruelty, the joy in breaking backs and keeping them broken, the urge not just to defeat but to destroy; the iron will that enabled him, once his mind was set on a goal, to achieve it no matter what the obstacles; above all, the ambition, the all-encompassing personal ambition that made issues, impediments and scruples superfluous. . . ."

Why had Caro shot his judgmental wad so prematurely? By his own admission, he anticipated several more years of personal digging into LBJ's rise to power as Senate leader, vice president and finally president of the United States. This was the period, encompassing half his lifetime, when I watched closely, and gradually came not to love but to respect and, yes, even to admire this Texan whose final years were marked by tragedy. According to Caro, LBJ never grew an inch. By my own estimate, Johnson, like Roosevelt and Truman and Kennedy before him, grew and continued to grow under the stress of exercising leadership. Caro claims that LBJ's true person was "cunningly concealed" from even his mother. I, on the other hand, had found myself impressed by the inner purposes of the growing leader even when his traits of personality tended to conceal those purposes.

Caro works in a frozen time dimension, and his admiring reviewers seem content with this biography of a politician whose character was hardened at an age barely beyond puberty. Newsweek's Peter Prescott, praising Caro's "astonishing concern for the humanity of his characters," claims that "detractors may be hard pressed to mount a rebuttal in face of the documentation he provides." How, indeed, will the later historian deal with the highly abbreviated footnotes, taking up 62 pages in Volume One alone? There is no research organization established for the purpose of double-checking the researcher. Caro did not keep transcripts of interviews, nor would he, in the case of Mrs. Lyndon Johnson, agree for her to record the interview.

Waiting for Caro, I can only sample his evidence for traces of bias or distortion. This is why I requested the oral histories in the LBJ Library of two young men, L. E. Jones and Gene Latimer, who figured large in Caro's first installment. They had been high school debaters coached by teacher Johnson who were later brought to Washington to share his hotel basement lodgings and serve as clerks on Capitol Hill, where he worked as secretary for a congressman. Charles Dickens could not compare to Caro in describing their desperate plight; nor Ebenezer Scrooge have driven proteges more mercilessly. ("In fact, as would be demonstrated as soon as Johnson began hiring men on a large scale, the crucial qualification was subservience. Dignity was not permitted in a Johnson employee.")

Caro quotes several snippets from Latimer's oral history recorded in August 1971. But he fails to mention—not even to dismiss as irrelevant—Latimer's concluding remarks to the interviewer. "One more thing and I shall be done. Biographers and news media alike have libelously stated that Lyndon Johnson treated his staff with demands amounting to inhumanity or brutality . . . Someone should say—and I do say—that no one under him ever worked harder than he himself . . . and that far from being ruthless to his employees, their welfare was very important to him . . . Small wonder that those of us who were with him when the going was tough resent very deeply statements by those who don't know who say he was ruthless to us out of their pique and ignorance."

Was Latimer's statement uttered because of lingering fear? L. E. Jones, dictating his oral history on Oct. 14, 1977, nearly five years after Johnson's death, made much the same point: "I am sure he had his detractors. I know he did. But the people that worked with him liked him. He had some faults, but most people were willing to overlook them because the guy was obviously a genius in politics."

Why, in this meticulously researched and exhaustively reported book, did neither of these conclusions find their way even into a footnote? I reviewed Caro's copious accounts of other interviews and noted a common usage: snippets of direct quotation are granted the interviewer, but the thundering judgments are reserved for Caro alone. Throughout the long volume, I could not locate one instance when close associates of Johnson had a chance to offer their overall assessments. Even Sam Houston Johnson, whose death has conveniently closed the book on Caro's revisionist treatment, is not quoted in a final judgment on his brother.

My suspicion of bias run rampant goes particularly to Caro's handling of those who cannot speak from the grave. Take for example, his prolix recital of LBJ's relations with longtime friend, patron and fellow Texan, Sam Rayburn. ("Obviously, I fell in love with Rayburn," Caro tells the Washington Post interviewer. "They don't make politicians like that anymore.") He argues that in 1940 Johnson betrayed Rayburn by serving as "New Deal spy in Rayburn's meetings." The speaker was attempting to swing the Texas delegation behind Vice President Jack Garner against FDR's bid for a third term. Johnson worked behind the scenes to keep the Lone Star State behind Roosevelt. A face-saving compromise, allowing a first-ballot ceremonial vote for Garner, was negotiated and blessed at the White House. But, Caro concludes sourly, Rayburn "had been tarred beyond cleansing by a brush wielded by Lyndon Johnson." He fails to offer hard evidence from Speaker Rayburn or anyone else to support the conclusion. "Around the speaker's personal feelings had been erected a wall as impenetrable as the wall with which Lyndon Johnson surrounded himself," Caro hints darkly. Less hysterical historians record that Rayburn remained one of Johnson's most loyal friends until death.

So it goes. When we were very young, we played a childish game where every word or deed of one's playmate was ascribed to the basest motivation. I sense such game-playing in Caro's account. What was intended to be a love affair has gone so sour that no pejorative is too strong, no insinuation too farfetched. It is as if Robert Caro has becomes a chameleon for the monster he imagines; exaggerating beyond the point of hyperbole; manipulating facts when the facts don't fit his conclusions. Ten thousand footnotes cannot close this credibility gap.

How can we account for such a prodigious labor of denigration? Caro himself shows no particular attachment to ideology or issue or scruple of his own. He accuses LBJ of stealing elections while admiring the way Speaker Rayburn rammed through a critical House vote in disregard of the rules. A clue to motivation is provided by his interview with People in which he says he grew "disgusted" with politics after a brief stint as political speechwriter in New Jersey. He began his earlier book, on Robert Moses, because he had suddenly decided that highways "get built because Robert Moses wants them built." Then he ended up with a rather loathsome portrait of Moses. Evidently Caro's impulse to love powerful men cannot stomach familiarity with them.

What do I say when Caro finally calls? There appears to be scant chance that my assessment of LBJ will be of any interest to him. To turn him away runs the risk of perpetuating a dour suspicion he has repeatedly voiced of a conspiracy to conceal the "real" Johnson from public view. To speak with candor risks providing the snippets to

reinforce the judgment Caro has already rendered and published. I find myself waiting with mounting curiosity for the phone to ring.●

A TRIBUTE TO JEAN FORBATH AND HENRY T. SEGERSTROM

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. BADHAM. Mr. Speaker, it is again my annual privilege to stand before this body to pay tribute to two fine people who will be honored on April 27, 1983, as the man and woman of the year by the Costa Mesa, Calif., Chamber of Commerce in the 40th Congressional District, which I represent.

This year the honors will go to Jean Forbath, a dedicated community leader who has devoted more than 20 years of service to the underprivileged, her church, and to education and to Henry T. Segerstrom, a scion of a pioneer Costa Mesa family, who has channeled his considerable talents, energy, and resources into business, cultural, and philanthropic improvements for the city.

Mrs. Forbath, wife and mother of seven children, has been president of the board of directors of Feedback Foundation, which directs the nutrition program for older Americans in Orange County and founded Save Our Selves, a nonprofit corporation established to address the needs of 32,000 poverty-stricken people in Orange County each year.

In addition, she has been a member of numerous organizations working to aid in housing, medical, education, and nutrition matters. She has been active in women's church affairs, as vice chairman of the Lay Advisory Board to the Bishop of Orange, member of the Lay Advisory Board of the Religious Education Department of the Archdiosese of Los Angeles and has been active in various programs of St. John the Baptist Catholic Church in Costa Mesa.

Jean Forbath is a graduate of Immaculate Heart College of Los Angeles, has done post-graduate work at the University of Connecticut and UCLA and has been a college instructor and high school teacher.

Henry Segerstrom is a native Californian, born in Santa Ana, who received his undergraduate and masters degrees from Stanford University. He served more than 4 years in World War II, receiving numerous medals, including the Purple Heart for service in the European theater.

Henry has taken a leadership role in his family's business interests, which date back to the turn of the century. Most visible development has been South Coast Plaza, which has provided the city with its financial tax base and residents of southern Orange County one of the finest shopping centers in the world.

Henry Segerstrom has been active in the 552 Club of Hoag Hospital, Newport Harbor Art Museum board, Huntington Library, Orange County Transportation Coalition, California Roundtable, Fraternity of Friends of the Los Angeles Music Center, and Orange County Performing Arts Center.

Numerous awards have come his way, including Coast Community College outstanding citizen, first Mardan Center, first Meritorious Achievement in the Arts, first Patron of the Arts for Orange County Master Chorale, first Golden Baton Award, and Orange County Philharmonic Society.

Henry and the Segerstrom family have been instrumental in bringing true culture to Orange County, through the gift of land for the South Coast Repertory Theatre and Orange County Performing Arts Complex, which he served as chairman of the board of trustees.

These two individuals, with their widely different interests and backgrounds, symbolize all that is good about the people of Costa Mesa and I am proud to have the opportunity to enhance the record of these United States with a word of congratulations to Jean Forbath and Henry Segerstrom.●

JUSTICE GARABALDI NAMED "WOMAN OF THE YEAR"

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. RODINO. Mr. Speaker, on April 21 Justice Marie L. Garabaldi will be honored as "Woman of the Year" by the Ironbound Manufacturers' Association.

Justice Garabaldi is the first woman ever to be named to the New Jersey Supreme Court, and has sat on that bench since last November. Prior to her appointment to the State supreme court, she was a partner in the law firm of Riker, Danzig, Sherer & Hyland in Neward. She has been an active member of the legal community in New Jersey, serving as president of the New Jersey State Bar Association, and has also been involved in legal activities on a national level.

The Ironbound Manufacturers' Association was founded in 1917 and is dedicated to promoting better working and living conditions in the Ironbound community. The association is citing Justice Garabaldi for her contributions to business and industry as well as her various civic activities.

I offer my sincere congratulations to Justice Garabaldi and to the Ironbound Manufacturers' Association on this occasion.●

SOUTH COAST DISTRICT COUNCIL OF JEWISH WAR VETERANS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. PATTERSON. Mr. Speaker, the Jewish War Veterans is an organization which, in addition to providing services to its members, seeks to uphold democracy and freedom in America by fighting bigotry and anti-Semitism. These veterans, who have fought valiantly in our Armed Forces, hope that through their efforts the horrors encountered by the Jewish people in the last World War will neither be forgotten nor repeated.

On April 16, the South Coast District Council of the Jewish War Veterans will be holding their annual dinner to install new officers for 1983-84. The guest of honor at this dinner will be a distinguished leader of the Jewish War Veterans, National Commander Stanley Zwaik.

Mr. Speaker, I ask the House to join me in commending the outgoing officers: Murray Louison, commander, Bill Hoff, senior vice commander; Gerard Witt, junior vice commander; Nate Dubovsky, judge advocate; and Steve Edelman, 1 year trustee.

I request that you also join me in congratulating and wishing good luck to the incoming officers: Bill Hoff, commander; Gerard Witt, senior vice commander; Paul Baine, junior vice commander; Murray Louison, judge advocate; and Joe Lichtenfeld, 3 year trustee.

I am proud to be acquainted with the members of the South Coast District Council of the Jewish War Veterans and applaud their humanitarian work.●

INTERNATIONAL FINANCIAL STABILITY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. SCHUMER. Mr. Speaker, we have been told repeatedly that the international debt crisis is merely a temporary liquidity problem caused by high interest rates and falling commodity prices. Proponents of this view argue that the crisis will abate once Congress approves the $8.4 billion quota increase.

I would like to believe this optimistic scenerio. Unfortunately, nearly every week I read that another nation has

unilaterally announced that it can no longer repay its loans. Many of these nations have already received IMF assistance, but that does not seem to make any difference.

Unless we take additional steps to relieve their crushing debt burden, giving the IMF additional funds with which to pursue its business as usual policies will only make matters worse. Developing countries will be deeper in debt. Their political leaders will face increased domestic opposition as they squeeze their economies still further in order to reserve scarce foreign exchange for repaying the banks.

Faced with mounting debt and rising domestic opposition to harsh IMF austerity policies, many countries may soon decide that debt repudiation is the least painful alternative. That would be disastrous for U.S. banks in particular and for the world economy in general. Fortunately, we can avert this calamity. I have introduced H.R. 2378, the International Financial Stability Act. It would provide long-term debt relief, reduce the domestic pressures pushing many Third World countries to consider debt repudiation as a desirable option, and increase the probability that U.S. banks will be repaid.

Before Congress acts on the various international debt bills now under consideration, I urge my colleagues to read this article which appeared in the March 31, 1983, Washington Post. It reports that Brazil has been an exemplary debtor. It has complied with every stipulation of its IMF loan agreement. But the article goes on to report that Brazil is still facing bankruptcy. Even worse, the author describes current IMF procedures as "a suicidal kind of policy" and reports that Brazil may be resolving its "economic crisis with a social crisis."

BRAZIL FINDS NICE-GUY ROLE IN DEBT DRAMA DIFFICULT

(By Caroline Atkinson)

SAO PAULO, BRAZIL.—The international banking tremors brought on when successive financial crises in Mexico, Argentina and Brazil threatened to set off a Third World "debt bomb" have abated as a series of financial rescue packages have fallen into place.

Each country now has a stringent economic austerity program, designed by the International Monetary Fund to cut dependence on foreign cash. At the same time, the IMF also has taken on a newly public role of helping to arrange agreements between the debtor nations and their commercial bank creditors to gain extra time to pay off their loans and extra cash to keep afloat while the austerity medicine takes effect.

But the amounts of money owed and needed, and the number of countries involved, have made managing the world's debt crisis a new game for all the players. As the case of Brazil is beginning to show, good behavior in acceptance of the traditional IMF program is no longer a guarantee of financial reward from nervous bankers.

The commercial loans are still being made, but only reluctantly, and on nothing like the scale that enabled Brazil to notch up one of the fastest growth rates in the world. In addition, it is clear that at present the bankers are no happier about lending to Brazil than they are to other debtors who are less helpful about taking their medicine.

Despite the pain, Brazil, in the words of one of its economists, has gone out of its way to play the "good boy." It has made interest payments on time, negotiated swiftly with the IMF and agreed to very tough economic conditions. The Brazilians, with debts of more than $80 billion, have "done this the way it ought to be done," U.S. Ambassador Langhorne A. Motley says.

But, he adds, "the irony is that there is no justice" or reward for playing by the rules. Brazil is being treated little better than other debtors who have missed interest payments, failed to disclose just how bad their finances are, or held out longer against accepting tough IMF conditions. For Brazil, the IMF conditions, which include a halving of the public sector deficit and stringent cutbacks in imports, will squeeze industry, hold interest rates high and force up unemployment just as they do in other countries that bankers complain have been less compliant.

Now, though Brazilian officials insist the package they worked out with the IMF and their private bank creditors will work, others are more doubtful.

Already, there are reports that Brazil will be forced to ask bankers for more money later this year than the originally agreed-to program forecasted. Finance Minister Ernane Galveas rejects the idea, calling such reports either "a mistake or a provocation." Planning Minister Antonio Delfim Netto, the nation's economic czar, was not so emphatic. The government's trade targets for fewer imports and more exports "are very hard but feasible," he said. He added, however, that if Brazil does need extra cash to meet its payments gap "it would be very small," and bankers "will help us."

But "it's going to be tough," commented one foreign expert in Brazil who has followed the crisis closely.

During the late 1960s and early 1970s, the so-called "miracle years," Brazil managed a spectacular 11 percent yearly growth rate by building up its economy with borrowed money. When times became hard following the first oil crisis, more money was borrowed to keep Brazil growing and to service the old debts.

Confidence finally collapsed in the wake of Mexico's near bankruptcy last August. The foreigners wanted their money back, and Brazil could not pay.

The IMF itself noted in a report this month that "the present state of international financial markets and prospects for the period ahead clearly indicate that the path of economic development followed by Brazil in the past is no longer feasible, and . . . a fundamental change in the country's economic strategy is required." Rather than depend on overseas borrowing to support investment and growth in Brazil, the country "will depend much more on the generation of larger domestic savings."

Despite Brazil's agreement to the traditional IMF remedy and the added input of direct IMF participation in the negotiations with the commercial banks, private economists and opposition politicians see two critical short-term problems in Brazil's financing package. One is that Brazil may be unable to achieve the $6 billion trade surplus that it has forecast for 1983 and that it needs to help service its debts and repay emergency short term money due this year. The other problem is that banks may be unwilling to come up with all the money that Brazil has counted on them to provide this year.

The agreement between the IMF, Brazil and its bankers assumed that private banks from around the world would increase their loan exposure in Brazil by close to 7 percent this year, despite the drastic scramble to get out last year. U.S. bankers who now wish that they had never lent any money south of the Rio Grande would rather be reducing their exposure than increasing it. But from Brazil's point of view, the 7 percent increase is considered a bare minimum. It is "significantly below the rate of the past several years [20 percent a year since 1978]," the central bank pointed out. Without it, the recession that is widely forecast for this year would be even more severe.

Central Bank Governor Carlos Langoni claimed earlier this month that "we don't need any more money" provided Brazil can meet its trade surplus target. The nation asked for all the money that it needed and will get it, he said.

But the experience of the last few weeks suggests Langoni may be wrong.

Despite the agreement reached with bankers at the end of February, Langoni and other officials are still sometimes engaged in a frantic search for enough cash to cover import bills and keep up interest payments, sources say.

"The government is acting like a financial treasurer," complained Joao Sayad, new finance secretary of the state of Sao Paulo, where Brazilian industry is concentrated and about 40 percent of the nation's total output is produced. It is a "continual challenge" to keep up the level of foreign bank deposits in Brazilian banks, on which the nation depends for dollars, Motley said.

The problem, according to one observer, is that Brazil made the mistake of assuming that financial markets would return to near-normal this year after last year's hiccup. The government asked bankers for a complicated four-part financing package, two parts of which have proved difficult to control. In addition to a new long-term loan of $4.4 billion and the rollover of another $4 billion of other loans due this year, Brazil asked banks to keep on lending for trade financing and to restore the levels of money-market lines that they had with overseas branches of Brazilian banks.

Bankers have not restored their credit lines to Brazilian banks to the $9 billion level originally requested, a development the government and its creditors did not allow to hold up agreement on the IMF loan and on the first two parts of the financial package. They "just declared victory and walked away," Motley said, leaving Brazil without sufficient cash to manage its payments easily. Furthermore, foreigners are apparently not lending as generously for trade as officials had hoped, although bankers have officially promised to provide more this year than Brazil requested.

New York bankers say that Brazil's cash-flow problems are manageable at present and have not gotten any worse in recent weeks. It is too soon to tell now whether the nation will need more cash, one said, suggesting that bankers will "sit down again" in May to see how Brazil's cash position is shaping up.

Economist Adroaldo Moura Silva believes that the $6 billion trade surplus cannot be achieved. "At best (it) will be $3 billion to $5

billion . . ." he said. Even the IMF initially questioned the trade figure, Brazilian sources reported. The fund doubted whether Brazil could boost its exports by the 14 percent needed to reach the $23 billion government goal. As a result, the IMF plan outlined a stiffer drop in imports—from $19 billion to $16 billion instead of to $17 billion—to achieve the planned surplus. Brazilian officials now use a range for the trade targets.

Cheaper oil, a stronger than expected U.S. recovery, and the boost to exports that should come from a 23 percent devaluation against the dollar last month mean there is a "greater probability of reaching the goal" than three months ago, Langoni said. Many economists in Brazil agree that these factors will help, but they still expect the trade balance to come up short.

This is partly because of a more fundamental problem with the government's IMF approved plan: it hurts too much for Brazil to be able to keep to it, some say.

The program is "a suicidal kind of policy" that will doom Brazil to a third year of recession that it can ill afford, one economist said. It faces considerable poverty with a rapidly growing population. "A country like Brazil can't stop growing like a developed country can," according to industrialist Luis Eulalio Bueno Vidigal. More bluntly, the IMF's plan is to "resolve an economic crisis with a social crisis," said Cesar Maia, finance minister for the new leftist opposition party that has won power in the state of Rio de Janeiro.

Despite the strong language, Vidigal added that he did not think industrial opposition to the government would change its policy. "I don't see how we can change. . . . We have no option now" but to do what the IMF and bankers want, he said.

Brazil needs growth of 5 percent or 6 percent a year just to stop unemployment from rising, Delfim Netto agrees. But with the richer foreigners who supported Brazil's growth and development in the past now unwilling to go on lending, the nation has to try, not simply to live without this lending but also to "repay part of the savings we have already taken" in loans from overseas, he said.

There is no way to do that without slowing the economy and cutting back sharply on buying from overseas, government officials say.

Cutting imports hurts because although they are only small in relation to the approximately $300 billion Brazilian economy—less than 8 percent of the total economy last year—they are "a very critical . . . slice," Delfim Netto said.

Imports will only come down significantly if the government slows its spending and screws down the private economy on line with its economic program. So far it appears that spending, particularly in the many state-owned enterprises that account for a huge proportion of the Brazilian economy, has not yet dropped in line with the plan, an expert said. The government has now set up a committee to monitor state spending on a weekly basis, and make sure that the plan is met, one foreign expert said.

Whether because the $6 billion trade surplus does not materialize or because of continued shortfall in the capital flows into Brazil, the consensus outside the government seems to be that Brazil will be back for more money this year. "I'm afraid the Brazilian government has to negotiate again in a very short time," an opposition senator said.

New York bankers are prepared for this, several said. Provided Brazilian officials can show that the nation is on the road to adjustment, requests for more money will be greeted sympathetically, several other bankers predicted.

If not, Brazil will have to squeeze its economy still more, one informed source said.

Confronting complaints that the government already has promised its creditors too much in return for their money, Brazilian officials—and creditors—are keeping their fingers crossed that a strong U.S. recovery will come in time to boost Brazilian exports and cheer up the world financial system.●

H.R. 2565, THE NATURAL GAS CONSUMER ACCESS AMENDMENTS OF 1983

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 18, 1983

● Mr. CORCORAN. Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the text of H.R. 2565, the Natural Gas Consumer Access Amendments of 1983. With 11 of my colleagues from Illiniois, I introduced this legislation on April 14. It has been referred to the Energy and Commerce Committee, of which I am a member and senior Republican on its Fossil and Synthetic Fuels Subcommittee. Joining me in introducing this legislation were: Mr. SIMON, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DURBIN, Mr. EVANS of Illinois, Mr. LIPINSKI, Mr. MADIGAN, Mr. MICHEL, Mr. O'BRIEN, Mr. PRICE, and Mr. RUSSO. The text of H.R. 2565 follows:

H.R. 2565

A bill to amend the Natural Gas Policy Act of 1978 to establish natural gas pipelines as common carriers, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Consumer Access Amendments of 1983".

COMMON CARRIAGE

SEC. 2. (a) Section 311(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371(a)) is amended to read as follows:

"(a) COMMON CARRIAGE.—

"(1) GENERAL RULE.—A pipeline shall, without discrimination, transport natural gas on reasonable request of the owner of such natural gas, if—

"(A) no later than 30 days before the date of the requested transportation, such owner submits to such pipeline a formal application for transportation which shall include documentation for the sale of a minimum of a total of 250 Mcf per day of natural gas from and to any number of points on the transporter's system for a period of at least 6 months, except that the Commission may, on a case by case basis, modify such notice and minimum tender requirements after application and hearing;

"(B) such owner agrees to compensate the pipeline in accordance with the tariff rates established by the Commission; and

"(C) the pipeline has sufficient available throughput capacity, including the capacity with full use of compression and looping facilities.

"(2) RATES AND CHARGES.—

"(A) MAXIMUM RATES AND CHARGES.—Within 180 days after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983, the Commission shall, by regulations, establish maximum rates and charges for the transportation of natural gas by pipelines under this subsection, and such rates and charges shall be just and reasonable within the meaning of the Natural Gas Act.

"(B) RATES TO PERMIT COMPENSATION AND PROFIT.—Such rates and charges shall be designed to reasonably compensate any pipeline for expenses incurred by such pipeline in transporting natural gas or in the gathering, treatment, processing, delivery, or similar service in connection with any such transportation. The Commission shall also provide an opportunity for such pipeline to earn a reasonable profit on such services.

"(C) ITEMIZED INVOICE FOR SEPARATE SERVICES.—Under the regulations prescribed under subparagraph (A), the Commission shall identify separate services to be itemized under this subsection and shall require each pipeline which provides such services to provide to each purchaser of such services an itemized invoice which shall specify the amount charged for each of such services.

"(D) COSTS AND EXPENSES OF UNUSED FACILITIES.—The costs or expenses of facilities not used in cases in which pipeline services are provided to an individual purchaser of services pursuant to this subsection shall not be included in the rates and charges for such services, unless the Commission specifically finds that public necessity requires otherwise.

"(E) OFF-PEAK AND INTERRUPTIBLE SERVICE RATES AND CHARGES.—In establishing rates and charges pursuant to this subsection, the Commission shall—

"(i) take into account the lower costs (including lower opportunity costs) associated with usage of the facilities of pipelines during off-peak periods; and

"(ii) provide for separate rates and charges for interruptible service.

"(3) ADMINISTRATIVE RESPONSIBILITIES REGARDING INTRASTATE PIPELINES.—

"(A) IN GENERAL.—The responsibilities of the Commission over any intrastate pipeline (as described in paragraph (4)(B)) under the other paragraphs of this subsection shall be delegated by the Commission to the State commission (as defined in section 2(8) of the Natural Gas Act) having ratemaking jurisdiction over such pipeline, unless such State commission waives its rights to exercise such jurisdiction.

"(B) PROCEDURES; ADMINISTRATION.—The Commission shall delegate such responsibilities and shall establish waiver, review, and appeal procedures in accordance with the principles of section 503 (relating to State commission responsibilities over well determinations).

"(4) PIPELINE DEFINED.—For purposes of this subsection and section 315, the term 'pipeline' means—

"(A) any interstate pipeline, and

"(B) any intrastate pipeline engaged in or affecting interstate commerce.

"(5) REGULATION OF COMMON CARRIERS.—The Commission shall prescribe regulations governing contractual relationships and obligations relating to the transportation of natural gas under this subsection. Regula-

tions shall be prescribed under this paragraph not later than 180 days after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983.

"(6) PIPELINE DEVELOPMENT.—

"(A) IN GENERAL.—For purposes of increasing available throughput capacity under paragraph (7), the Commission may require the interconnection of the facilities of 2 or more pipelines, or may require the extension or modification of the facilities of any pipeline or pipelines.

"(B) COMPRESSOR FACILITIES AND LOOPING.—Such extension or modification may include the installation of additional compressor facilities to increase transmission capacity and the looping of transmission lines.

"(C) COMPLIANCE WITH NATURAL GAS ACT.—No interconnection, extension, or modification under this paragraph shall be required unless the Commission, pursuant to section 7 of the Natural Gas Act, determines that public convenience and necessity require such interconnection, extension, or modification.

"(D) PAYMENT OF COSTS.—The development and capital costs of any interconnection, extension, or modification under this paragraph shall be paid by the pipeline which owns the facilities which have been so interconnected, extended, or modified. Such costs shall be subject to recovery under paragraph (2).

"(E) OTHER INTERCONNECTION PERMITTED.—Nothing in this subsection shall be construed to limit the ability of any person to construct or alter such facilities as are necessary to connect with the facilities of any pipeline, including any pipeline which has been required to make such interconnection.

"(7) AVAILABLE THROUGHPUT CAPACITY.—

"(A) IN GENERAL.—For purposes of this subsection, 'available throughput capacity' means that portion of pipeline capacity which during the term of the transport contract would otherwise be unused except during periods of peak usage.

"(B) SHARING OF AVAILABLE THROUGHPUT CAPACITY.—The regulations prescribed by the Commission under paragraph (2)(A) shall provide for the sharing of any pipeline's available throughput capacity with other pipelines in order to allow such other pipelines to provide transportation under this subsection.

"(C) PROTECTION OF HIGH-PRIORITY USERS.—Such regulations shall include provisions designed to assure availability of natural gas to high-priority users as defined in section 401(f)(2).

"(D) NATURAL GAS FOR RESALE OR DIRECT PURCHASE.—In the calculation of available throughput capacity in any case in which any pipeline provides, on its own behalf, natural gas for resale or direct purchase, the portion of the available throughput capacity which the pipeline may use to transport such natural gas may not exceed the lower of—

"(i) the then current capacity used to serve resale or direct purchase customers of that pipeline, or

"(ii) the then future capacity needed to serve resale or direct purchase customers of that pipeline, as documented by projections considered by the Commission to be reliable.

"(E) DETERMINATION OF NONAVAILABILITY.—For the purpose of determining whether there is available throughput capacity in any pipeline sufficient to accommodate a request for transportation, the burden of demonstrating lack of capacity is on the pipeline asserting nonavailability. The Commission shall determine whether available throughput capacity exists and shall promulgate relevant criteria for such determination.

"(8) TRANSPORTATION OF PIPELINE'S OWN GAS.—Nothing in this subsection shall be construed to prohibit any pipeline from owning natural gas or from transporting natural gas owned by that or any other pipeline or pipeline affiliate if such transportation is in accordance with this subsection.

"(9) STORAGE.—Any pipeline may provide storage pursuant to a request if—

"(A) such pipeline has filed a tariff therefor with the Commission, and

"(B) such tariff is determined by the Commission to be just and reasonable.".

(b)(1) Subparagraph (B) of section 314(b)(3) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3347(b)(2)(B)) is amended by striking out "authorized by the Commission".

(2) Clause (ii) of section 601(a)(2)(A) of such Act (15 U.S.C. 3431(a)(2)(A)(ii)) is amended by striking out "authorized by the Commission".

(3) Subparagraph (B) of section 601(b)(2) of such Act (15 U.S.C. 3431(b)(2)(B)) is amended by striking out "authorized by the Commission".

(4) Paragraph (2) of section 602(b) of such Act (15 U.S.C. 3432(b)(2)) is amended to read as follows:

"(2) under section 311(a), except to the extent provided under such section.".

(c)(1) The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

(2) Until the establishment of maximum rates and charges under section 311(a)(2) of the Natural Gas Policy Act of 1978 (as amended by this Act), the maximum rates and charges for a pipeline shall be interim rates and charges which shall be based on the pipeline's system average costs.

FREE ACCESS GAS

SEC. 3. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361-3375) is amended by adding at the end thereof the following new section:

"SEC. 316. FREE ACCESS GAS.

"(a) FREE ACCESS GAS.—The term 'free access gas' means natural gas produced from any well in the United States—

"(1) the drilling of which began on or after May 1, 1983, regardless of its contract dedication;

"(2) which is not subject to a sales contract as of the effective date of this section;

"(3) which is released by the purchaser or otherwise made available by the exercise of a market-out clause, or other similar contract provision, or by the amendment or renegotiation of a sales contract;

"(4) which is subjected to a material unilateral modification of the sales contract by the purchaser, whether authorized by law or regulation;

"(5) which is subjected to any material breach of the sales contract by the purchaser in either the price paid or the amount of gas required to be taken; or

"(6) which is subjected to any termination of contractual obligations as provided in section 315.

"(b) SALE AND TRANSPORT.—Free access gas may be sold to any purchaser capable of taking delivery and the seller shall be considered released from all duties and obligations in contract or in law with respect to who may purchase natural gas which meets the definition of free access gas under subsection (a).".

(b) The table of contents for such Act is amended by adding at the end thereof the following new item:

"Sec. 316. Free access gas.".

(c) The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

VOIDABILITY OF CONTRACTS; MARKETOUT PROVISIONS

SEC. 4. (a) Section 315 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3375) is amended to read as follows:

"SEC. 315. VOIDABILITY OF CONTRACTS; MARKETOUT PROVISIONS.

"(a) CONTRACT VOIDABILITY BEFORE JANUARY 1, 1985.—

"(1) GENERAL RULE.—In the case of a contract subject to this section, if a pipeline or local distribution company which is a party to such contract transmits to the other parties a written notice requesting that such contract be voided, such contract shall be unenforceable with respect to any natural gas sale, transportation, or storage required under such contract after the expiration of the later of—

"(A) the 60-day period beginning on the date notice under this paragraph is received by all parties to such contract, and

"(B) the date specified, in such notice, for contract termination.

"(2) LOAD LOSSES.—

"(A) GENERAL RULE.—In the case of a contract for the purchase of natural gas which has a minimum purchase requirement with a pipeline or producer, if natural gas under such contract is not taken, as a direct result of the voiding of a contract under this subsection by any other person, such minimum purchase requirement shall be reduced by the volume of such natural gas not taken.

"(B) MINIMUM PURCHASE REQUIREMENTS DEFINED.—For purposes of this paragraph, the term 'minimum purchase requirement' means any contract or tariff requirement of payment for the minimum quantity of natural gas contracted for if the purchaser fails to take delivery.

"(3) APPLICABILITY.—This subsection shall not operate to make any contract provision unenforceable after December 31, 1984.

"(b) AUTHORITY TO MARKET-OUT ON AND AFTER JANUARY 1, 1985.—

"(1) GENERAL RULE.—In the case of a contract subject to this section, if a producer, pipeline, or local distribution company which is a party to such contract transmits to the other parties a written notice requesting that it be marketed out, such contract shall be unenforceable with respect to any natural gas sale, transporation, or storage required under such contract after the expiration of the later of—

"(A) the 60-day period beginning on the date notice is received by all parties to such contract, and

"(B) the date specified, in such notice, for contract termination.

"(2) APPLICABILITY.—This subsection shall not operate to make any contract unenforceable before January 1, 1985.

"(c) CONTRACTS SUBJECT TO THIS SECTION.—A contract is subject to this section if—

"(1) it is in effect on the date of enactment of the Natural Gas Consumer Access Amendments of 1983, and

"(2) it has not been materially amended or renegotiated after such date and before the date specified in the notice under subsection (a)(1)(B) or subsection (b)(1)(B), as the case may be.".

(b) The table of contents for such Act is amended by striking out the item relating to section 315 and inserting in lieu thereof:

"Sec. 315. Voidability of Contracts; marketout provisions.".

MARKET STUDY AND REPORT

SEC. 5. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361-3375), as amended by sections 2, 3, and 4 of this Act, is amended by adding at the end thereof the following new section:

"SEC. 317. MARKET STUDY AND REPORT.

"(a) IN GENERAL.—The Commission and the Department of Justice shall undertake a cooperative study of the competitive effects of vertical integration in the production, purchase, transport, storage, and sale of natural gas, and the effects of vertical integration on the price, availability, and deliverability of natural gas to local distribution companies and ultimate consumers.

"(b) SUBMISSION OF REPORT.—The cooperative study shall commence within one year after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983, and its findings shall be reported to Congress within two years after such date.".

(b) The table of contents for such Act is amended by adding at the end of the items relating to title III the following new item:

"Sec. 317. Market study and report.".●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 19, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 20

9:00 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Harry O'Connor, of California, to be a member of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

9:30 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for agriculture and rural development programs.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 530, to provide Federal assistance to upgrade instruction in mathematics, science, computer technology, and foreign languages in the Nation's institutions, and to provide assistance for employment-based vocational training programs, and related proposals.
SD-430

Veterans' Affairs
Business meeting, to mark up S. 11, S. 567, S. 578, S. 629, S. 664, bills to improve and extend certain veterans' health-care programs; S. 636, to provide for judicial review of certain administrative decisions of the Veterans' Administration, to codify certain VA adjudication procedures, to improve VA's appeals process, to require the VA to comply with certain rulemaking procedures, and to provide for reasonable fees to attorneys serving as legal counsel for veterans; and to consider the VA's medical facility construction process and specific facility prospectuses.
SR-418

10:00 a.m.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Judiciary, U.S. International Trade Commission, and the Federal Maritime Administration.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Executive Office of the President, National Security Council, Property Review Board, Office of Management and Budget, and the Office of Federal Procurement Policy.
SD-124

Armed Services
To resume hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on a report by the President's Commission on Strategic Forces on the basing of the MX missile.
SD-106

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider S. 660, to authorize funds for fiscal years 1984 and 1985 for the Department of State, S. 734, to authorize funds for fiscal years 1984 and 1985 for the U.S. Information Agency, S. 694, to authorize supplemental funds for fiscal year ending September 30, 1983, and to authorize funds for fiscal years 1984 and 1985 for the Board for International Broadcasting, and S. 608, to authorize funds for fiscal years 1984 and 1985 for the U.S. Arms Control and Disarmament Agency.
SD-419

Rules and Administration
To hold hearings on S. 840, S. 929, and S. 930, bills authorizing funds for the Smithsonian Institution, and to consider pending administrative business.
SR-301

Veterans' Affairs
To hold hearings on S. 992 and S. 1033, bills to provide emergency job training and employment programs for veterans.
SR-418

11:00 a.m.

Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings to review programs of the Tennessee Valley Authority and the Clinch River breeder reactor project.
SD-406

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for fossil energy research and development programs of the Department of Energy.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

APRIL 21

9:00 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of James H. Burnley IV, of North Carolina, to be General Counsel, Department of Transportation.
SR-251

9:20 a.m.

*Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for agriculture and rural development progams.
SD-138

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Finance
To hold hearings on S. 307, and S. 951, bills to provide continued health protection for certain individuals who lost their health insurance coverage as a

result of being involuntarily unemployed.
SD-215

*Labor and Human Resources
Employment and Productivity Subcommittee Business meeting, to mark up S. 242, authorizing funds for fiscal year 1983 to provide additional employment opportunities in existing Federal or federally assisted labor intensive programs, to provide incentives for employers to hire the long-term unemployed, and to expand retraining opportunities for dislocated workers.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of State, and certain international organizations.
S-146, Capitol

Armed Services
To continue hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on a report by the President's Commission on Strategic Forces on the basing of the MX missile.
SD-106

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
Business meeting, to consider S. 637, to authorize funds for fiscal years 1984 and 1985 for international security and development assistance programs, S. 638, to authorize supplemental funds for fiscal year ending September 30, 1983, for international security assistance, S. 701, to authorize funds for fiscal years 1984 and 1985 for the Peace Corps, and S. 714, to authorize funds for fiscal years 1984 and 1985 for the Inter-American Foundation.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Indian Health Service, and the Office of Indian Education, Department of Health and Human Services.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Treasury.
SD-124

Armed Services
Preparedness Subcommittee
To resume open and closed hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on readiness, operation and maintenance budget for the U.S. Navy, and naval reserve status.
SR-222

Governmental Affairs
To hold hearings on the nomination of Joseph H. Sherick, of Virginia, to be Inspector General, Department of Defense.
SD-342

Judiciary
Constitution Subcommittee
To resume hearings on S. 774, to revise certain provisions of the Freedom of Information Act by providing protectable interest in national security information, law enforcement investigations, business confidentiality, and personal property.
SD-226

APRIL 22

9:30 a.m.
Finance
To hold hearings on S. 98, S. 634, and S. 863, bills to provide tax incentives for businesses in economically depressed areas to stimulate job programs.
SD-215

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to mark up S. 1003, authorizing funds through fiscal year 1986 for child abuse prevention and treatment and adoption reform programs.
SD-430

Joint Economic
To hold hearings on the Consumer Price Index figures for March.
SD-138

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 947, authorizing funds through fiscal year 1988 for water resource development projects of the Army Corps of Engineers.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act.
SD-430

10:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 916 and S. 848, bills to provide for the termination, extension, or modification of certain contracts for the sale of Federal timber.
SD-366

Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up S. 462, to clarify certain provisions of the Hobbs Act relating to Federal jurisdiction over labor extortion matters.
SD-226

APRIL 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the U.S. Customs Service, Department of the Treasury.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Theodore J. Garrish, of Virginia, to be General Counsel of the Department of Energy.
SD-366

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation-related programs.
SD-192

Foreign Relations
To hold hearings on the nominations of Alvin P. Adams, Jr., of Virginia, to be Ambassador to the Republic of Djibouti, Jay P. Moffat, of New Hampshire, to be Ambassador to the Republic of Chad, and James D. Rosenthal, of California, to be Ambassador to the People's Revolutionary Republic of Guinea.
S-116, Capitol

APRIL 26

8:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

9:30 a.m.
Foreign Relations
To hold hearings on United States-Soviet relations.
SD-419

Labor and Human Resources
To continue hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

3:30 p.m.
Foreign Relations
To hold hearings on the nomination of Helene A. Von Damm, of New Jersey, to be Ambassador to Austria.
SD-419

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SD-628

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on proposed legislation authorizing funds for the Office of Federal Procurement Policy within the Office of Management and Budget.
SD-538

Labor and Human Resources
Business meeting, to mark up S. 38, proposed Longshoremen's and Harbor Workers Compensation Act amendments, S. 1008, to revise provisions for financial assistance to meet the special educational needs of disadvantaged children, and consolidation of Federal programs for elementary and secondary education, S. 564, to establish the U.S. Academy of Peace, S. 655, authorizing funds for fiscal years 1984-86 for the national sea grant college program, and other pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
Criminal Law Subcommittee
To hold hearings on the proposed Justice Assistance Act of 1983.
SD-226

Labor and Human Resources
To continue hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:30 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

2:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To hold hearings on S. 528, to provide a Federal income tax credit for tuition.
SD-215

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

*Judiciary
To hold hearings on S. 815, S. 1059, and the substance of S. 425, bills to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve, and the naval petroleum reserves, Department of Energy.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-116

2:30 p.m.
Governmental Affairs
To hold hearings on the nominations of John L. Ryan, of Indiana, to be a Governor of the U.S. Postal Service, and Maria L. Johnson, of Alaska, to be a member of the Merit Systems Protection Board.
SD-342

Select on Indian Affairs
To hold hearings on S. 727, to authorize the Secretary of the Interior to set-aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, S. 884, to provide for the use and distribution of certain funds awarded the Red Lake Band of Chippewa Indians, and S. 973, to make technical amendments to the Indian Self-Determination Act.
SD-538

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 249, to make permanent and extend the exclusion from income for amounts paid under educational assistance programs, and S. 825, to exclude income from the sale of membership lists from the unrelated business income tax on nonprofit organizations.
SD-215

*Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audiovisual rental.
SD-226

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-628

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, focusing on nuclear waste activities.
SD-366

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 883 and S. 558, bills to expedite exploration and development of geothermal resources.
SD-562

10:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-226

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To continue oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 6

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the strategic petroleum reserve to review financing mechanisms, interim storage, fill capacity, and other related issues.
SD-366

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980.
SD-342

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of E. Pendleton James, of California, to be a member of the Board of Directors of the Communications Satellite Corporation.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, proposed International Telecommunications Act.
SR-253

Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 999, proposed International Telecommunications Act.
SR-232A

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on oil pipeline deregulation.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on the District of Columbia school system's career oriented curriculum.
SD-124

Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226

Labor and Human Resources
Business meeting, to mark up S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 13

9:30 a.m.
Labor and Human Resources
To hold hearings to examine fire safety issues.
SD-430

10:00 a.m.
*Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

MAY 16

9:30 a.m.
Judiciary
To resume hearings on S. 610, to encourage college student-athletes to complete their undergraduate education before becoming professional athletes.
SD-226

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on the status of emergency preparedness in the Washington, D.C. metropolitan area.
SD-562

Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

MAY 19

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226

Labor and Human Resources
To hold hearings on health care cost.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 696, to provide for the ratification of the Memorandum of Agreement between the U.S. Department of the Interior and the State of Texas for the Management of the Matagorda Island State Park and Wildlife Management Area A Unit of the National Wildlife Refuge System in Calhoun County, Texas.
SD-406

Judiciary
Courts Subcommittee
To hold hearings to discuss bankruptcy matters relating to the Manville Corporation in Denver, Colorado.
SD-562

10:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

MAY 20

10:00 a.m.
Judiciary
To resume oversight hearings on organized crime in the United States.
SD-226

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-628

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the Employee Retirement Income Security Act (ERISA).
SD-430

10:00 a.m.
Appropriations
HUD-Independence Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain

programs under the subcommittee's jurisdiction.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226

Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To coninue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226

Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Small Business
Urban and Rural Economic Development Subcommittee
To hold hearings on proposals to promote jobs through small business enterprise.
SR-428A

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine matters relative to the attempted assassination of the Pope.
SD-226

Labor and Human Resources
To hold oversight hearings on the investigation by the Department of Labor and the Department of Justice on the alleged involvement of certain union workers in organized crime.
SD-430

11:00 a.m.
Joint Economic
To hold hearings on the first quarter gross national product estimates and the economic outlook for 1983.
SD-342

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 21

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings to review U.S. immigration quotas.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

APRIL 22

10:00 a.m.
Judiciary
To resume hearings on organized crime in the United States.
SD-226

APRIL 26

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

APRIL 27

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

APRIL 29

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, April 19, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *April 18, 1983.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, April 19, 1983.

THOMAS P. O'NEILL, Jr.
Speaker of the House of Representatives.

PRAYER

Rev. John C. Condit, St. Francis Xavier Church, Taos, Mo., offered the following prayer:

Almighty and eternal Father, our help in ages past, our hope today, and our promise for tomorrow, we ask a blessing on this day.

We thank You, God of mysterious ways, that You have a holy design for each of us, that our place in history, our purpose for existing, is known within Your heart, since endless ages.

We are grateful for that long line of proud and determined people, who since this country was born, have inspired others by their faithfulness to their own special destinies. They, by their very lives, shout out to us not to compromise our destinies, but to live fully within Your eternal plan. Take our hands, our hearts, our talents, and use them to reach out in compassion to our world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. FIEDLER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that ayes appeared to have it.

Ms. FIEDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 18, answered "present" 1, not voting 64, as follows:

[Roll No. 55]

YEAS—350

Ackerman	Dannemeyer	Horton
Akaka	Daschle	Howard
Albosta	Daub	Hoyer
Anderson	Davis	Hubbard
Andrews (NC)	de la Garza	Huckaby
Andrews (TX)	Derrick	Hughes
Annunzio	DeWine	Hunter
Anthony	Dicks	Hutto
Archer	Dingell	Hyde
AuCoin	Donnelly	Ireland
Badham	Dowdy	Jeffords
Barnard	Downey	Jenkins
Barnes	Dreier	Johnson
Bartlett	Duncan	Jones (TN)
Bateman	Durbin	Kaptur
Bates	Dwyer	Kasich
Bedell	Dyson	Kastenmeier
Beilenson	Early	Kazen
Bennett	Edgar	Kennelly
Bereuter	Edwards (CA)	Kildee
Berman	Edwards (OK)	Kindness
Bethune	English	Kogovsek
Bevill	Erdreich	Kolter
Biaggi	Erlenborn	Kostmayer
Bliley	Evans (IL)	Kramer
Boehlert	Fazio	LaFalce
Boggs	Feighan	Lagomarsino
Boland	Ferraro	Lantos
Boner	Fiedler	Latta
Bonior	Fields	Leach
Bonker	Flippo	Leath
Borski	Florio	Lehman (CA)
Bosco	Foley	Lehman (FL)
Boucher	Ford (TN)	Lent
Boxer	Fowler	Levin
Breaux	Frank	Levine
Britt	Franklin	Lewis (CA)
Brooks	Frenzel	Lewis (FL)
Broomfield	Fuqua	Livingston
Brown (CA)	Garcia	Lloyd
Brown (CO)	Gaydos	Loeffler
Broyhill	Gekas	Long (MD)
Burton	Gephardt	Lott
Byron	Gibbons	Lowery (CA)
Campbell	Gingrich	Lowry (WA)
Carper	Glickman	Lujan
Carr	Gonzalez	Luken
Chandler	Gore	Lungren
Chappell	Gradison	MacKay
Chappie	Gramm	Madigan
Cheney	Gray	Markey
Clarke	Green	Marriott
Clinger	Gregg	Martin (IL)
Coats	Guarini	Martin (NC)
Coelho	Gunderson	Martin (NY)
Coleman (MO)	Hall (IN)	Martinez
Coleman (TX)	Hall (OH)	Mavroules
Collins	Hamilton	Mazzoli
Conable	Hammerschmidt	McCain
Conte	Hance	McCloskey
Conyers	Hansen (ID)	McCollum
Cooper	Hansen (UT)	McCurdy
Corcoran	Harrison	McDade
Courter	Hatcher	McDonald
Coyne	Hawkins	McEwen
Craig	Hefner	McGrath
Crane, Daniel	Hertel	McHugh
Crane, Philip	Hightower	McKernan
Crockett	Hillis	McNulty
D'Amours	Holt	Mica
Daniel	Hopkins	Michel
Mikulski	Rinaldo	Stratton
Miller (CA)	Ritter	Studds
Mineta	Roberts	Stump
Minish	Robinson	Sundquist
Moakley	Roe	Swift
Molinari	Rogers	Synar
Mollohan	Rostenkowski	Tauke
Montgomery	Roth	Tauzin
Moody	Roukema	Taylor
Moore	Rowland	Thomas (CA)
Moorhead	Roybal	Torres
Morrison (WA)	Russo	Torricelli
Mrazek	Sawyer	Towns
Murphy	Schaefer	Traxler
Murtha	Scheuer	Udall
Myers	Schneider	Vander Jagt
Natcher	Schulze	Vento
Nelson	Schumer	Volkmer
Nielson	Seiberling	Vucanovich
Nowak	Sensenbrenner	Walgren
O'Brien	Sharp	Watkins
Oakar	Shelby	Waxman
Obey	Shumway	Weber
Olin	Sikorski	Weiss
Owens	Siljander	Wheat
Panetta	Simon	Whitehurst
Parris	Sisisky	Whitley
Pashayan	Skeen	Whittaker
Patman	Skelton	Whitten
Paul	Smith (FL)	Williams (MT)
Pease	Smith (IA)	Williams (OH)
Penny	Smith (NE)	Wilson
Petri	Smith (NJ)	Winn
Pickle	Smith, Denny	Wirth
Porter	Smith, Robert	Wise
Price	Snowe	Wolf
Pritchard	Snyder	Wolpe
Pursell	Solarz	Wortley
Quillen	Solomon	Wright
Rahall	Spence	Wyden
Rangel	Spratt	Wylie
Ratchford	Staggers	Yatron
Ray	Stangeland	Young (FL)
Regula	Stark	Zablocki
Reid	Stenholm	Zschau
Richardson	Stokes	

NAYS—18

Clay	Goodling	Roemer
Coughlin	Harkin	Sabo
Emerson	Hiler	Schroeder
Evans (IA)	Jacobs	Walker
Forsythe	McCandless	Yates
Gejdenson	Miller (OH)	Young (AK)

ANSWERED "PRESENT"—1

Patterson

NOT VOTING—64

Addabbo	Hartnett	Packard
Alexander	Heftel	Pepper
Applegate	Jones (NC)	Perkins
Aspin	Jones (OK)	Ridge
Bilirakis	Kemp	Rodino
Bryant	Leland	Rose
Carney	Levitas	Rudd
Dellums	Lipinski	Savage
Dickinson	Long (LA)	Shannon
Dixon	Lundine	Shaw
Dorgan	Mack	Shuster
Dymally	Marlenee	Slattery
Eckart	Matsui	St Germain
Edwards (AL)	McKinney	Tallon
Fascell	Mitchell	Thomas (GA)
Fish	Morrison (CT)	Valentine
Foglietta	Neal	Vandergriff
Ford (MI)	Nichols	Washington
Frost	Oberstar	Weaver
Gilman	Ortiz	Young (MO)
Hall, Ralph	Ottinger	
Hall, Sam	Oxley	

□ 1215

Mrs. JOHNSON changed her vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 1011. An act to amend the Federal Deposit Insurance Act to provide for the issuance of income capital certificates;

S. Con. Res. 11. Concurrent resolution expressing the sense of the Congress concerning the obligations of the Government of the Soviet Union under international law with respect to human rights; and

S. Con. Res. 19. Concurrent resolution expressing the sense of the Congress on the occasion of the 150th anniversary of the opening of diplomatic relations between the United States and Thailand.

FATHER JOHN C. CONDIT

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today, I am honored that Father John C. Condit has agreed to be our guest chaplain. This is a special pleasure for me because he has the St. Francis Xavier Church in Taos, Mo., located in our Fourth Congressional District.

Father Condit attended St. Louis University, Kenrick Seminary in St. Louis, and was ordained a priest in 1945.

Father Condit served with distinction as a Navy Chaplain, completing 20 years of service for our country with the Marines, on Navy carriers, submarines, and cruisers. His distinguished career took him to Europe, Asia, and other far-flung places around the world. He served aboard the submarine *Skate* when it made its historic voyage to the North Pole in 1960. Another notable tour was his duty in the Antarctic during "Operation Deepfreeze". He was the first clergyman to reach the South Pole. In 1958, Father Condit was honored by being selected as "Chaplain of the Year" of all the U.S. military chaplains.

We are fortunate to have this outstanding man with us today, and I am particularly pleased that he is continuing to serve the people of Missouri's Fourth Congressional District as pastor of St. Francis Xavier Church in Taos, Mo.

DISPENSING WITH CALL OF THE PRIVATE CALENDAR TODAY

The SPEAKER pro tempore. This is Private Calendar day.

The Chair recognizes the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONSENT CALENDAR COMMITTEE AGREEMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. DYSON).

Mr. DYSON. Mr. Speaker, the members of the Consent Calendar Committee have agreed, for the 98th Congress, upon the following policies and procedures: First, generally, no legislation should pass by unanimous consent which involves an aggregate expenditure of more than $1 million; second, no bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; third, any bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than $1 million, should not be approved without the membership being fully informed of its contents. If it is a measure that would apply to a majority of the Members of the House, in which case the minimum amount of consideration that should be given such a bill would be clearance by the leadership of both parties before being brought before the House on the Consent Calendar. Such a bill would be put over without prejudice one or more times to give an opportunity to the Members to become fully informed as to the contents of the bill.

It must be pointed out to the membership that it is not the objective of the objectors to obstruct legislation or to object to bills or pass them over without prejudice because of any personal objection to said bill or bills by any one member or all of the members of the Consent Calendar Objectors Committee, but rather that their real purpose, in addition to expediting legislation, is to protect the membership from having bills passed by unanimous consent which, in the opinion of the objectors, Members of the House might have objection to.

The members of the Consent Calendar Committee request that the chairmen of the standing committees of the House having responsibility for bringing legislation before the House take into account the contents of this statement before placing the bill on the Consent Calendar. While it is not absolutely necessary for the sponsors of the bill appearing on the Consent Calendar contact the objectors, to avoid the bills being put over unnecessarily, it is a good practice to do so. The committee members welcome the practice of getting in touch with them at least 24 hours in advance of the time the legislation is called up on the regular call of the Consent Calendar. In many instances, such courtesy on the part of the sponsors will clear away questions which the objectors may have and consequently make for expeditious handling of the legislation.

This agreement was entered into by the gentleman from Alabama (Mr. FLIPPO), the gentleman from Texas (Mr. HANCE), the gentleman from Maryland (Mr. DYSON), the gentleman from California (Mr. LUNGREN), the gentleman from Pennsylvania (Mr. WALKER) and the gentleman from New York (Mr. WORTLEY).

CONSENT CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

MAKING TECHNICAL CORRECTIONS IN THE ACT OF JANUARY 25, 1983 (PUBLIC LAW 97-459) PROVIDING FOR PURCHASE AND SALE OF LAND BY DEVILS LAKE SIOUX INDIAN TRIBE

The Clerk called the bill (H.J. Res. 158) to make technical corrections in the Act of January 25, 1983 (Public Law 97-459).

There being no objection, the Clerk read the bill, as follows:

H.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 25, 1983 (96 Stat. 2515; Public Law 97-459), is hereby amended as follows:

(i) At the end of section 204 change the period to a colon and insert the following: *"Provided,* That—

"(1) the sale price or exchange value received by the tribe for land or interests in land covered by this section shall be no less than within 10 per centum of the fair market value as determined by the Secretary;

"(2) if the tribal land involved in an exchange is of greater or lesser value than the land for which it is being exchanged, the tribe may accept or give cash in such exchange in order to equalize the values of the property exchanged;

"(3) any proceeds from the sale of land or interests in land or proceeds received by the tribe to equalize an exchange made pursuant to this section shall be used exclusively for the purchase of other land or interests in land;

"(4) the Secretary shall maintain a separate trust account for each tribe selling or exchanging land pursuant to this section consisting of the proceeds of the land sales and exchanges and shall release such funds only for the purpose of buying lands under this section; and

"(5) any tribe may retain the mineral rights to such sold or exchanged lands and the Secretary shall assist such tribe in determining the value of such mineral rights and shall take such value into consideration in determining the fair market value of such lands.

"(b) The Secretary must execute such instrument of conveyance needed to effectuate a sale or exchange of tribal lands made pursuant to an approved tribal land consolidation plan unles he makes a specific finding that such sale or exchange is not in the best interest of the tribe or is not in compliance with the tribal land consolidation plan.".

(ii) In section 206, strike all after "*Provided,* That in the event a tribe takes such action—" through the words "tribal land consolidation plan—".

With the following committee amendments:

Page 1, line 3, change "January 25, 1983" to "January 12, 1983". On page 3, lines 4 and 5, strike the words "tribal land consolidation plan—" and insert in lieu thereof:

"(1) if an Indian dies intestate, the surviving non-Indian or nonmember spouse and/or children shall be entitled to a life estate in as much of the trust or restricted lands as he, she or they would have been entitled to take under existing law; "

and insert in lieu thereof:

"(1) if an Indian dies intestate, the surviving non-Indian or nonmember spouse and/or children shall receive a life estate in as much of the trust or restricted lands as he, she or they would have been entitled to take under existing law and the remainder shall vest in the Indians or tribal members who would have been heirs in the absense of a qualified person taking a life estate;".

Page 3, after paragraph (ii) add the following new paragraph:

(iii) In section 207, strike the word "decedent" and insert the word "descend".

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DESIGNATING AS BENEFICIARY OF A PUBLIC DOMAIN ALLOTMENT, BURNS PAIUTE INDIAN COLONY OF OREGON

The Clerk called the bill (H.R. 1102) to provide for the designation of the Burns Paiute Indian Colony of Oregon as the beneficiary of a public domain allotment and to provide that all interests in public domain allotments in Harney County, Oreg., which are held by Indian allottees who die intestate and without heirs shall escheat to the United States to be held in trust for the benefit of the Burns Paiute Indian Colony of Oregon and added to the Burns Paiute Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

H.R. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to section 2 of the Act of November 24, 1942 (56 Stat. 1021, 1022; 25 U.S.C. 373b), the estate of Jesse Joseph James, Burns 144-N1116, consisting of a public domain allotment, Burns Paiute public domain allotment numbered 144-111, northwest quarter, section 32, township 23 south, range 32½ east, Willamette meridian, Harney County, Oregon, is hereby declared to be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and part of the Burns Paiute Indian Reservation.

SEC. 2. Section 2 of the Act of November 24, 1942 (56 Stat. 1022; 25 U.S.C. 373b), is amended by inserting the following immediately before the period at the end thereof: ": *Provided further,* That interests in all Burns public domain allotments located in Harney County, Oregon, belonging to Indians who die intestate without heirs shall be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and shall be part of the Burns Paiute Indian Reservation". However, no non-Indian lands in Harney County, Oregon, shall be considered Indian country as defined in section 1151 of title 18, United States Code.

SEC. 3. Section 2 of the Act of November 24, 1942 (56 Stat. 1022; 25 U.S.C. 373b), is amended by deleting "$2,000" and inserting in lieu thereof "$50,000".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DYSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 304) to hold a parcel of land in trust for the Burns Paiute Tribe, which is a measure identical to H.R. 1102 except for the title, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 2 of the Act of November 24, 1942 (56 Stat. 1021, 1022; 25 U.S.C. 373b), the estate of Jesse Joseph James, Burns 144-N1116, consisting of a public domain allotment numbered 144-111, northwest quarter, section 32, township 23 south, range 32½ east, Willamette meridian, Harney County, Oregon, is hereby declared to be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and part of the Burns Paiute Indian Reservation.

SEC. 2. Section 2 of the Act of November 24, 1942 (56 Stat. 1022; 25 U.S.C. 373b), is amended by inserting the following immediately before the period at the end thereof: "*Provided further,* That interests in all Burns public domain allotments located in Harney County, Oregon, belonging to Indians who die intestate without heirs shall be held in trust by the United States for the Burns Paiute Indian Colony of Oregon and shall be part of the Burns Paiute Indian Reservation." However, no non-Indian lands in Harney County, Oregon, shall be considered Indian country as defined in section 1151 of title 18, United States Code.

SEC. 3. Section 2 of the Act of November 24, 1942 (56 Stat. 1022; 25 U.S.C. 373b), is amended by deleting "$2,000" and inserting in lieu thereof "$50,000".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1102) was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Consent Calendar.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT WEDNESDAY, APRIL 20, 1983, AND THURSDAY APRIL 21, 1983, DURING 5-MINUTE RULE

Mr. PRICE. Mr. Speaker, on Wednesday, April 20, commencing at 10 a.m., the Armes Services Committee is scheduled to hear Hon. Brent Scowcroft and other members of the President's Commission on Strategic Forces.

Thus, Mr. Speaker, I ask unanimous consent that the Armed Services Committee be permitted to sit on Wednesday, April 20, during any proceedings under the 5-minute rule.

Mr. Speaker, on Thursday, April 21, commencing at 10 a.m., the Armed Services Committee is scheduled to hear Secretary Weinberger and the Joints Chiefs of Staff on the MX proposal.

Thus, Mr. Speaker, I ask unanimous consent that the Armed Services Committee be permitted to sit on Thursday, April 21, during any proceedings under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. WALKER. Mr. Speaker, reserving the right to object, I reserve the right to object mainly to make a point with regard to the request.

As I understand it, the request is going to allow the committee to sit during the 5-minute rule tomorrow, which is when we will be discussing the freeze resolution once again on the floor. The reason why this request, then, has to be made is because we have changed the schedule of the House to permit the House to go in early tomorrow, during which time the committees are normally scheduled to meet, because the House is not supposed to be in until 3 o'clock under the rules of the House.

What we have here, then, is the work of your committee coming in conflict with the procedures of the House, so we changed the procedures of the House, which causes you problems.

I simply want to make the point that we have an issue before us that is going to be regarded as one of the key issues that this Congress debates on. Members of the Committee on Armed

Services have a direct stake in the outcome of that particular vote, and probably have amendments of their own that they wish to offer, and we will have this kind of conflict occurring.

I do not wish to really object to the gentleman's request, but I do think that it points out that we are creating some real problems for ourselves in the way that we are modifying and changing the rules around here, particularly when it involves very, very important legislation.

The SPEAKER pro tempore. The Chair would like to state for the information of the gentleman from Pennsylvania and others that the reason for the request made by the gentleman from Illinois is to give expedited consideration to a request of the President of the United States to consider a report of his Commission on the Basing of MX Missiles and authorizing additional military preparedness.

Mr. PRICE. This all developed in the last 24 hours, I might say.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I certainly understand that, but it once again points out the problem that we have when we are scheduling important legislation and then changing the Calendar of the House in order to accommodate that legislation. What you are doing is putting committees into a bind. Under the rules of the House, tomorrow would be a perfect day for such consideration to take place because the House is not supposed to go into session until 3 o'clock.

□ 1230

We got unanimous consent to change that last week, and now we have put the gentleman's committee in somewhat of a bind. That is the point the gentleman from Pennsylvania is making. I understand the reason for the gentleman's request, and I will not object, but I think it points out once again that our management of legislative business around here often leaves something to be desired.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PRESIDENT INSENSITIVE TO CONSENSUS ON REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS

(Mr. BOUCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, in his weekly radio address last Saturday, the President threatened to veto legislation which repeals the law scheduled to take effect July 1 requiring that 10 percent of interest and dividend payments be withheld for tax purposes. In so doing, the President has demonstrated his insensitivity to the hardworking people of this country who fairly report and pay taxes on this income.

The reaction of the American people to the withholding law has been overwhelming. As a cosponsor of repeal legislation in this Chamber, I hope that the House will promptly consider this urgent matter.

The 10-percent withholding requirement will cost taxpayers an estimated $1.5 billion annually in lost compound interest. Moreover, the withholding provision will penalize the overwhelming majority of honest taxpayers in an effort to catch the few who cheat.

Congressional efforts to repeal the withholding law are in response to the cries of the people, cries the President is ignoring. Congress should not be intimidated by the President's veto threat. Instead, we must forge ahead with our efforts to repeal the withholding law.

HOUSING ASSISTANCE FOR MIDDLE AMERICANS AND THE NEW HOMELESS

(Mr. SIKORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKORSKI. Mr. Speaker, because of Reaganomics, hundreds of thousands of Americans who have lost their jobs face the double jeopardy of losing their homes, their family shelters, and their hope.

Today in H.R. 1983, this body addresses the urgent need of housing assistance for middle Americans facing the agony and devastation of foreclosure. We will also be augmenting the gallant efforts of charitable organizations desperately trying to help the men, women, and children in dire need of emergency shelter.

In 1949, Harry Truman and this Congress, with great vision, announced our national housing policy of a decent home and a suitable living environment for every American family. That vision, as viewed from the tearful eyes of the new American homeless, must be restored in purpose and focus.

THE REPEAL OF INTEREST AND DIVIDEND WITHHOLDING—A GRASSROOTS MOVEMENT

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, as the gentleman from Virginia (Mr. BOUCHER) just noted, last Saturday President Reagan continued the feverish attack on the grassroots attempt to repeal interest and dividend withholding.

This very well-planned process of disparaging our motives, our tactics, and our honesty is being pursued in an attempt to deflect the careful debate that this issue deserves on its merits. We are being falsely accused of misrepresentation by those engaged in the major deception of pretending there is no grassroots effort in this country today on the issue. They are pretending that the millions of Americans who are contacting their congressional representatives are either too stupid to understand the withholding issue or too stupid to know what is good for them if they do understand it.

Mr. Speaker, I would ask the 330 Members of this body already on record as favoring the repeal to sign Discharge Petition No. 1 at the desk in order to demonstrate that they are not among those in this body who are so insulated or so isolated from public opinion and so infested by Potomac fever as to truly believe that a grassroots movement represents a consensus among themselves and their staffs.

BEYOND OUR WILDEST DREAMS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, for 2 years now many of us have criticized the Reagan administration for not being serious about jobs. Now we find out that they do have a jobs program.

While Congress just completed action on one major employment stimulus bill a few weeks ago, we now learn that 150 political appointees have been placed in plum positions with the U.S. Information Agency— a record for USIA.

Among those rewarded with jobs are the daughter of the President's National Security Adviser, the son of the Secretary of Defense, and the nephew of the White House Communication's Chief, among others in the administration's circle of political leaders.

A record has been set in West Virginia too. A jobless rate of 21 percent.

Mr. Speaker, in keeping with the true Reagan jobs program, I am embarking on a statewide genealogical search in West Virginia to locate any relatives of administration officials. We are searching our hallowed hills and hollows for Haigs, Weinbergers, Gergens, and Clarks. I urge all jobless to research their roots and perhaps they too will land a job with the USIA thanks to the Reagan genetic trickle down program.

VOTE ON NUCLEAR FREEZE BLOCKED BY FILIBUSTER

(Mrs. BOXER asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I held a series of town meetings in my California district over the past two weekends, exchanging ideas with some 700 constituents from San Francisco, Marin County, and Sonoma.

Without question the most overriding issue raised by my constituents is their concern about the nuclear arms buildup.

They want the nuclear freeze to pass. They want this most democratic institution to take back the leadership on this issue which is the key to future life on this planet.

For many long hours the Congress has debated the freeze. We have inspected it, dissected it, and we have not rejected it. We have won every test vote.

The question is, Will the organized filibuster by freeze opponents continue any longer, blocking the legitimate democratic right to vote?

Whatever the outcome, the people deserve to know where this Congress stands.

Let us not fear voting. There is nothing to fear except if this country and the Soviets do nothing to stop this fruitless and dangerous arms race. Let us vote this week.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, due to an emergency dental appointment late on April 12, I was not present for the recorded vote on the Shumway amendment, rollcall No. 50 and the vote on final passage of H.R. 1437, rollcall No. 51. Had I been able to be present, I would have voted "no" on rollcall No. 50 and "yes" on rollcall No. 51.

REAGAN'S LATEST MX PLAN

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, this morning, President Reagan endorsed his carefully selected commission's proposal to base MX missiles in existing Minuteman silos. This came as no surprise, just further evidence that the Reagan administration's attempt to force feed the MX to the American people is a case of the wrong missile in the wrong place at the wrong time.

The entire rationale for the MX missile has been that our landbased forces were vulnerable, and that we needed a land-based missile not vulnerable to a first strike.

The President's new proposal destroys this rationale completely. Placing 100 MX missiles in Minuteman silos makes them just as vulnerable as the Minuteman. And since each MX launcher holds 10 warheads, not 2 as does the Minuteman, the MX will be five times as vulnerable, per missile, as the Minuteman.

I suggest a new plan to the President: Rather than placing MX missiles in underground silos, the MX should be buried permanently as a component of our Nation's defense policy.

ANNOUNCEMENT OF A BRIEFING ON NICARAGUA AND HONDURAS

(Mr. BEDELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, I rise to call the attention of the Members of the House to a briefing that the gentleman from New Jersey (Mr. TORRICELLI) and I will be giving tomorrow from 10 until 11 in the morning. This is a result of the trip that we took to Nicaragua and Honduras.

I, for one, after that trip am convinced that we are breaking the law with the actions that our present administration is taking in those two countries. I hope that the Members of this body are sufficiently concerned as to whether or not we should demand that the President obey the laws of the land, and that they will take the time to attend that briefing and hear what we saw and heard in that visit to those troubled countries.

TRIBUTE TO LEROY POOLE

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, I speak today in tribute to and recognition of Webster County, Ky., Sheriff Leroy Poole, of Slaughters, Ky., who died on April 5 at the age of 59.

Poole, a native of Webster County, retired at the mandatory age from the Kentucky State Police in March 1979, having served for 28 years at four post areas. Beginning as a uniformed trooper, he worked his way up the ranks, continuing his education along the way by taking special schools in arson, updated investigative techniques, bomb disposal, and narcotics investigations.

While still a Kentucky State policeman, Poole was recognized by area police and his peers at a special luncheon in his honor. After his retirement, the career policeman continued to serve his community in the best way he knew possible. Poole ran for Webster County Sheriff in 1981. He won. Poole began his term as sheriff in January 1982, and he continued to work to enforce the laws and insure that his fellow Kentuckians were protected.

He was one who contributed much to his community and his State. I am proud to have known him.

Survivors include his lovely wife, Blanche Poole, and one son, Mike Poole, both of Slaughters, one daughter, Mrs. Legail Chandler, of Brentwood, Mo., and two grandchildren.

I extend my personal sympathy to the survivors and friends of this fine Kentuckian who was truly an inspiration to those of us who knew and respected him.

TRAGEDY IN LEBANON POINTS UP NEED FOR CHANGE IN ISRAEL'S ROLE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today we are all mourning the tragedy that occurred in Lebanon yesterday as 39 innocent people were killed, including 9 Americans.

I think that tragedy points out something of which we should all be aware; that the Lebanese situation is one fraught with peril, and that literally thousands of American, Italian, and French troops cannot prevent violence in that country. It shows that for the United States to ask Israel to leave its security simply to the Lebanese Army, which is not able to protect the Lebanese people or Israel from insurgents attacking from Lebanese soil, is grossly unfair. Israel is demanding minimal protections so that it can guard its own security. The tragedy in Lebanon yesterday showed that to leave Israel's security to the Lebanese alone is foolhardy and is really selling Israel down the river.

□ 1245

THANKS TO EDRIC SPIVEY

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, I received a letter this week from Edric Spivey, a constituent in Bloomington, Minn. Edric is a young man who cares about his country, and in particular about one of its great symbols of freedom, the Statue of Liberty.

He wrote as follows:

DEAR GOVERNMENT: I read the magazine that told about the Statue of Liberty and how it was crumbling under air pollution. I decided to help. I got a bank and started saving the money my classmates donated. I waited about a month and since I couldn't get my classmates to donate any more money I decided to send the money in now. I would like you to send this money to the National Park Service so that they can send it to whoever's in charge of the Statue of Liberty so that they can mend the Statue of Liberty.

Love,

EDRIC (SPIVEY).

Edric, a third grader at Riverside Elementary School in Bloomington, sent along a check for $11.06 made out to the Statue of Liberty Restoration Fund.

To Edric Spivey, and his classmates, I extend thanks on behalf of the U.S. Government, and the Statue of Liberty Foundation. His concern for the statue and his love of our country have set a fine example for all Americans.

CONGRESSMAN GEKAS INTRODUCES LEGISLATION TO REINSTITUTE DEATH PENALTY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, today I am introducing legislation to reinstate into the Federal Code the death penalty as a possible consequence of certain homicides that would be categorized within the legislation. A substantial majority of the American public believes, as I do, that the imposition of the death penalty can act and does act as a deterrent to violent and heinous types of homicides.

In that regard, although my specific intent is to couple this penalty with the whole gamut of issues that have arisen from the Hinckley attempted assassination of the Chief of State, nevertheless, it would cover all kinds of proposed murderous acts that still lurk out in our country. With the power of the American public's insistence that these types of terroristic acts and murderous acts be brought to a halt, I ask for the support of my colleagues to coendorse this piece of legislation.

Although the omnibus crime bill does contain the reinstatement of the death penalty, we want to isolate it for quick action.

A NEW TAX BURDEN ON THE AVERAGE FAMILY OF FOUR

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, one of the previous speakers mentioned the question of eliminating the third year of the tax cut and indexing. Oftentimes when we talk about issues like this, we take on economic terms and it sounds more like something a professor of economics would be talking about to his class in the college classroom, rather than what the people in the street would like to hear or can immediately appreciate.

Well, Mr. Speaker, we have done some research on the proposal contained in the Democratic budget that passed this House. It appears that it would place a tax burden of about $3,500 on the average family of four.

Now, what does that mean? That translates into about 37 week's worth of groceries for the average family of four if we go through with the intent of the Democratic budget.

Now, the concern we should have about indexing is that it does not help the rich. The rich are in the highest brackets and those brackets have been brought down. Indexing the rates does not do a darned thing for them. It helps those people who are in the middle and lower income groups and that ought to be clearly understood.

The zero bracket will be indexed. The personal exemption will be indexed and the brackets at the lower levels of the scale are much narrower than they are at the higher levels of the scale; so those people who will be hurt if we go forward with what was contained in the Democratic budget are the poor, the near poor, and the average men and women working here in America.

We should not allow that to happen, Mr. Speaker.

OPENING THE DOOR FOR ANOTHER CONGRESSIONAL PAY HIKE

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. President, I see by this morning's Washington Post that some Democrats are complaining because they got called on the potential congressional pay increase that was buried in the Jones budget resolution. They have nothing to complain about. It was there, they were told it was there, and they went ahead and voted for it anyway.

Now they say there was no intention that the process leading toward another pay raise should be started with their budget; but they are not willing to say so officially. Last week I introduced a resolution designed to state that the budget cannot be used to begin a pay increase effort. Not one Democrat, not one, has stepped forward to cosponsor that bill, even though an open invitation to cosponsorship was issued at the time of introduction.

Let me be clear again about this subject. The door was opened for another congressional pay hike when the Democrats passed their budget. It is up to them to stop the process, and thus far they have refused to do so; so the record must belie the Democrats purpose. It is their budget and it is their pay raise.

JOAN BENOIT'S NEW WORLD RECORD

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, during the running of the Boston Marathon yesterday, Joan Benoit, a native of the great State of Maine and my congressional district, ran the 26-mile, 385-yard course in 2 hours, 22 minutes, and 42 seconds, breaking the previous world's record for women by almost 3 minutes.

Ms. Benoit's performance took strength, courage, and fierce determination.

But in a larger sense, Joan Benoit's performance is more than that of an athlete excelling at her sport.

Just 16 months ago, Joan Benoit underwent double achilles heel surgery—an operation that could have ended her career.

Yet, Ms. Benoit overcame this adversity with startling performances in 1982. She broke several records that year, setting new American marks for the 10,000 meters, the half-marathon, and the 10-mile race.

And just yesterday, she turned in the performance of a lifetime, running the marathon faster than any other woman in history.

Joan Benoit's willingness to meet her challenges can be an example to all of us—meeting our individual challenges each and every day, all across this Nation.

CONGRESS SHOULD BE CLEAN AND STRAIGHTFORWARD ABOUT PAY RAISE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, the gentleman from Pennsylvania just indicated that there was somehow hidden in the budget resolution enough money to provide a 4-percent pay raise for Members of Congress.

Mr. Speaker, that is nonsense. As the gentleman knows, there is no intention in this House to provide that pay raise; but very frankly, in my honest judgment, there ought to be.

I wonder when the public is going to tire of Members cheap shotting on this issue. I wonder when the public is going to tire of the fact that each year Congress does not face up to the necessity to handle pay raises in a clean, straightforward, and honest fashion. They do not face up to the necessity to treat Members of Congress exactly as they treat other Federal employees in terms of pay raises, so that we can avoid what otherwise happens every 5 or 6 years when, after a long period of time of freezes on congressional sala-

ries, Congress finds ways to provide back door pay raises which do much more damage to this institution and to the public than a small annual pay raise which would be handled in an open and fair manner.

I suggest that while the gentleman is in error in suggesting that that budget does provide for a congressional pay raise, I wish he were not, so that we could provide one of 4 percent annually, open, aboveboard, without all the folderol that otherwise is associated with every attempt to raise congressional pay through the back door.

TERRORISM STRIKES AGAIN

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, once again this Nation and the world are shocked over an act of terrorism directed against our citizens. This time the location was the American Embassy compound in Beirut—a city I visited last summer.

While reliable estimates point to 32 deaths, including 6 Americans, fears continue that more people may still be buried in the rubble. As in the case of other terrorist acts—the casualties are always innocent victims.

I remain an ardent foe of all forms of terrorism whether the location is Beirut or Belfast. It must be fought with every ounce of energy which the civilized world can muster together.

While we are angered over the terrorism of yesterday we must not let it dissuade us from our goal of peace tomorrow in the Middle East. Let us hope that those responsible for this heinous act are brought to a swift and sure prosecution and let us be prepared to take whatever steps are necessary to insure that our embassies around the world do not become havens for future terrorist acts.

CONGRESSMAN FEIGHAN CO-SPONSORS H.R. 1983, EMERGENCY MORTGAGE RELIEF ACT

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, very shortly today the House will consider House Resolution 1983, the Emergency Mortgage Relief Act. I am very proud to be a cosponsor of that legislation, which will aid thousands of homeowners who are faced with imminent mortgage foreclosures.

A devastating crisis exists in this country. The far-reaching effects of the Reagan recession have left more homeowners behind in their payments, or in serious danger of losing their homes, than in any period in the last 30 years. I am not talking about people who are delinquent or who never pay their bills. I am talking about people who can no longer afford their homes under present economic conditions through no fault of their own.

Today the Congress has the opportunity to provide relief to these very unfortunate Americans by supporting House Resolution 1983. This legislation orders Federal bank regulators to be lenient with those financial institutions that assist homeowners who fall behind on their mortgage payments. Unfortunately, current bankruptcy laws are woefully inadequate to deal with the types of foreclosures that we are experiencing today, offering little or no help to the unemployed who cannot meet their mortgages.

I urge my colleagues to support the Emergency Mortgage Relief Act.

SENATOR HOLLINGS' VIEW OF HIS PARTY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, we have another entry in the Democratic Party's Presidential sweepstakes. Senator ERNEST HOLLINGS of South Carolina has now announced.

As part of his announcement, he said this about his own party's failures:

> Every time a special interest appeared, we responded. Every time a problem arose, we offered a single solution—money.

He condemned his Democratic competitors for appealing to what he called a confederation of little minorities.

Now, this view of the Democratic Party as a big-spending group eager to do anything for special interests is an interesting one. It is particularly interesting since it comes from such a distinguished member of the Democratic Party.

I want to take this opportunity to thank Senator HOLLINGS for performing a great public service. I hope other Members of his party soon join him in rejecting that philosophy this year. The problem is that that would then require the rejection of the budget this House adopted just prior to the Easter recess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KAZEN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

GRANDPARENTS' RIGHTS

Mr. BIAGGI. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 45) expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

The Clerk read as follows:

H. CON. RES. 45

Whereas approximately 75 per centum of all older Americans are grandparents;

Whereas grandparents play a vital role in millions of American families;

Whereas an estimated one million children a year experience the divorce of their parents;

Whereas the laws of forty-two States (1) provide grandparents with certain rights to petition State courts for privileges to visit their grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and (2) allows such courts to grant such visitation privileges if such courts consider it in the best interests of such grandchildren;

Whereas such procedural rights to petition State courts often do not provide grandparents with adequate opportunities to be fully heard with respect to the granting of such visitation privileges;

Whereas the factors considered by State courts in determining whether the granting of such visitation privileges is in the best interests of the children involved varies widely among such States;

Whereas the ability of grandparents who have meaningful relationships with their grandchildren before the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents to help satisfy such grandchildren's needs for continuity of care and familial ties after such dissolution is often not fully taken into account in determining the best interests of such grandchildren;

Whereas the lack of uniformity among the laws of States with respect to such visitation privileges adversely affects the ability of grandparents to enforce and exercise such visitation privileges once granted by a court because of the interstate movement of the parties involved;

Whereas four national grandparents' rights organizations have been established for the purpose of focusing national, State, and local attention on the issue of grandparents' visitation rights; and

Whereas the Subcommittee on Human Services of the House Select Committee on Aging held a hearing on such issue on December 16, 1982: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) it is the sense of the Congress that—

(1) the National Conference of Commissioners on Uniform State Laws should develop a model State act which—

(A) provides grandparents with adequate rights to petition State courts for, and to be fully heard in such courts with respect to the granting of, privileges to visit such grandparents' grandchildren after the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents;

(B) ensures that such rights extend to cases in which after such dissolution, such parents remarry and stepparents adopt such grandchildren; and

(C) establishes procedures for the interstate recognition and enforcement of State court orders granting such visitation privileges; and

(2) States should adopt the model State act so developed.

(b) It is the sense of the Congress that the Secretary of Health and Human Services, through the National Center for Child Abuse and Neglect, should provide technical assistance to States in developing, publishing, and disseminating guidelines which—

(1) may be used in determining the "best interest of the child" in cases in which the grandparents of such child seek privileges to visit such child after the dissolution (because of divorce, separation, or death) of the marriage of such child's parents, including cases in which such privileges are sought in situations described in subsection (a)(1)(B); and

(2) take into account the ability of grandparents to help satisfy such child's need for continuity of care after such dissolution.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New York (Mr. BIAGGI) will be recognized for 20 minutes, and the gentleman from Texas (Mr. BARTLETT) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I yield myself such time as I may consume.

□ 1300

Mr. Speaker, as its author, I am proud to bring before this body House Concurrent Resolution 45, the Uniform Grandparent Visitation Act. Its passage today will represent the apex of a 4-month movement on behalf of those grandparents who have been denied the privilege of maintaining contact with their grandchildren following a divorce or other form of marital dissolution.

It is inaccurate to portray House Concurrent Resolution 45 solely as a grandparents issue. It is as much a children's rights issue. I contend that the unwarranted deprivation of visitation between grandparents and grandchildren constitutes a form of intergenerational abuse which Government and the legal community must form a partnership to combat. Our enactment of this resolution today is the critical first step in the Federal Government joining this partnership.

When a child is born, a grandparent is created. Their relationship has been called the vital connection in a landmark book by Dr. Arthur Kornhaber. Today approximately 70 percent of all older people are grandparents. Further, based on the fact that the average age of achieving grandparent status is 50 for women and 52 for men, the duration of the relationship can span several decades—and it is a relationship like no other in family life.

House Concurrent Resolution 45 is structured with proper recognition and respect for the limitation which Congress has over legislating in domestic relations. It is a sense of Congress resolution, a strong opinion if you will, calling upon all 50 States to adopt a "Uniform Grandparent Visitation Act" which will be developed and disseminated by the highly respected National Conference of Commissioners on Uniform State Laws.

The fact that 42 States have already recognized this problem and enacted statutes gives us more incentive to proceed with this initiative. We see the development of a uniform State law as a means of complementing, not replacing, many of the State laws which now exist.

There are three basic deficiencies in the 42 laws which has caused problems for many grandparents. First, while all State laws provide grandparents with the right to petition a court for visitation, the circumstances that trigger the right to petition vary widely from State to State.

Second, while all 42 States use the "child's best interests" standard in awarding grandparent visitation, the standard is vague and too often fails to either recognize or appreciate the vital connection between grandparents and grandchildren.

Third, the lack of a uniform approach among States for protecting the visitation rights, once granted, frustrates the interests of grandparents and grandchildren alike.

I do not view the passage of this resolution as the ultimate solution to the complex and emotional issue. However, I do see it helping to avert some of the horror stories which have been presented to us in hearings that were conducted in advance of the development of this legislation.

We hope it will avert the situation where grandparents spend $60,000 in legal costs to gain visitation privileges with their grandchildren in New York only to have the children moved to Colorado where the New York order was not enforceable.

We hope it will avert the ludicrous situation where another set of grandparents accumulated 15 pounds of legal documents just to gain limited visitation with their grandchildren.

This movement began with a single letter from an affected couple in New Jersey. It was followed by a hearing, which I conducted in my capacity as chairman of the Subcommittee on Human Services, House Select Committee on Aging, on December 16, 1932. At that time, I described the hearing as one of the most emotionally draining experiences I had ever encountered in my 14 years in Congress. After the hearing, the American media began to focus on the issue, and they are to be commended for their generous and sensitive coverage of this issue.

Throughout these 4 months—right up to and including today—I received letters from grandparents, grandchildren, State legislators, and lawyers lending support and in some cases providing graphic examples of the problems caused by deprivation of visitation. Out of these hearings and letters came House Concurrent Resolution 45, which has more than 60 cosponsors. It was passed unanimously by both the Select Education Subcommittee and the full Committee on Education and Labor. In short, it has been a remarkable and gratifying process which has led us to this point today.

This problem we are discussing today is, in a very real sense, all in the family. It cannot be resolved by law alone. Put another way, we in Congress cannot legislate love but we can protect it where it exists. That is all we are trying to do here today. We as a society cannot and should not force an unwanted relationship between grandparents and grandchildren, but I believe we can foster a wanted relationship between them to the benefit of all generations.

One of the easiest ways to approach this issue is personally. I am a proud grandparent six times over, and I value my relationship with my grandchildren like nothing else in my life. Perhaps some of you, my colleagues, have the same joy in your lives. Your vote for this legislation today may open up the opportunity for others in our Nation—and what nobler cause could there be?

At this point let me commend my colleague from Pennsylvania, Mr. AUSTIN MURPHY, who in addition to being the first cosponsor of the legislation was chairman of the Select Education Subcommittee, which gave this legislation such prompt consideration. In addition, I wish to thank Senator CLAUDE PEPPER and the new Chairman of the House Select Committee on Aging, Mr. ROYBAL, for their assistance. Let me also salute my colleague, BILL HUGHES from New Jersey, who brought this matter to our subcommittee's attention and who has been a staunch supporter. This has been a bipartisan and non-partisan effort, which I hope will be reflected in the final vote later today.

While it is true that the history of House Concurrent Resolution 45 may be brief in the chronological sense, it is the product of studied research based in large part on the testimony that I received at both my December 16 and April 8 hearings of the House

Select Committee on Aging's Subcommittee on Human Services. The select committee is charged with the responsibility to conduct a continuing comprehensive study of the problems of the older American including * * * participation in family and community life.

The subcommittee hearing was structured to examine the issue from three perspectives: social, legal, and psychological. The founders of three national grandparents-grandchildren rights groups presented testimony on the problems associated with the 42 State laws, including lack of interstate enforcement, judicial indecisiveness, and the cost of pursuing visitation rights.

For the record, I wish to thank Mr. and Mrs. Lee Sumpter of Haslett, Mich., founders of Grandparents and Grandchildren, Inc., for presenting testimony on the national problem and for supporting hundreds of grandparents in need of counsel and encouragement. Other advocates for grandparents include, from New York, Mr. and Mrs. H. Engels and Mr. and Mrs. H. Kudler; from New Jersey, Mr. and Mrs. Max Chasens, who first wrote to BILL HUGHES, their own representative—and from the State of Maryland, a tireless advocate who worked for the Maryland statute: Mrs. Gerrie Highto. All of their testimony addressed the many problems that grandparents are facing in maintaining the vital connection with grandchildren following marital dissolution.

The legal perspective was presented most admirably by Dr. Doris Freed, chair of the child custody committee of the family law section of the American Bar Association. It was Dr. Freed who noted that a resolution such as the one now before us, House Concurrent Resolution 45, would be beneficial in protecting familial interests. From the legal panel, we learned that grandparents have no legal rights to maintain contact with their grandchildren following divorce, separation, death of a parent or step-parent adoption. However, in 42 States, grandparents, depending on their circumstances, have a permissive right to petition the court for visitation privileges.

Unfortunately, these 42 so-called "Grandparents Rights to Visitation" statutes place limitations on grandparent petitions that are so restrictive as to prohibit substantial numbers of grandparents from invoking the right to petition. These limitations present obstacles for interstate enforcement and substantailly raise the cost of litigation involved. Hence, the need for the resolution before us today.

The diversity of State laws is at the heart of this resolution. Some States view the death of a parent as the only circumstance that will allow grandparents the privilege of petitioning the court for access to their grandchildren. One State specifies that the child must be placed in a foster home before grandparents can petition for continued access to their grandchildren. Only four States will hear petitions from grandparents whose grandchildren have been adopted by a stepparent.

On the other hand, seven States place no limitation but simply state that "any person interested in the welfare of the child" may petition for visitation privileges. Clearly, this patchwork system of legal rights has exacerbated the problem many families find themselves faced with today.

The psychological perspective on this problem was addressed by Dr. Arthur Kornhaber, a psychiatrist and author of the book "Grandparents and Grandchildren: The Vital Connection." From his testimony we learned that grandparenthood is a new phenomena. Statistics reveal that approximately 70 percent of older citizens are grandparents. And that grandparents are getting younger—women become grandmothers at approximately 50 years of age and men become grandfathers at age 52. Thus, based on current life expectancy, for the first time in our Nation's history, grandparents and grandchildren can expect a 20- to 30-year relationship. Moreover, we learned that grandparents can help children in times of stress like divorce or death of a parent. Grandparents can provide the continuity of care that marital dissolution inevitably threatens.

Visitation awards are based on the legal presumption of "best interests of the child." However, we learned that all too often the meaningful relationship that has been established between grandparents and grandchildren is not weighed as a factor in making this determination. Dr. Andre Derdeyne, psychiatrist from the University of Virginia Medical Center, warned the committee that the "child's best interest standard" must remain paramount in making the visitation determination. I was impressed by the testimony and believe that this issue is as much a question of children's rights as it is grandparents' rights. Statistics show the plight of children in these cases.

Over 1 million children a year experience the divorce of their parents. In 1978, 10 million children lived in a household with one biological parent and one stepparent. A startling 48 percent of those who married in 1970 will eventually divorce. Most people who get divorced will remarry in many instances within 3 years. These contemporary shifts in divorce and remarriage have profound effects on children. And given this trend, I emphasize the point that children's rights to maintain an important relationship with their grandparents is fully supported by this resolution.

As part of my opening remarks at the December 16 hearing, I stated, "Our purpose today is to focus national attention, if you will, launch a national debate on this issue." I believe that we have been successful.

In public life, you become involved in many issues. However, over my 14-year career in the Congress, I have rarely seen such a response to an issue as this one. I have received over 1,000 letters from grandparents across this Nation, many struggling with an unsympathetic court system in quest of visitation with their grandchildren. State legislators as well as aging groups have written letters of support for this resolution. Law review articles as well as research papers have been stimulated by the national attention brought to this problem.

Mr. MATTHEW RINALDO and I, along with seven of my colleagues, contacted the National Conference of Commissioners on Uniform State Laws urging their attention to this problem. This non-Federal Government entity was established in 1892 and is vested with responsibility "to promote uniformity in State laws on all subjects where uniformity is deemed desirable and practical." Procedures in the proposed Uniform Grandparent Visitation Act for the interstate recognition and enforcement of State court orders could perhaps be modeled after those found in the Uniform Child Custody Jurisdiction Act (UCCJA), which has been widely adopted by the States.

The main thrust of House Concurrent Resolution 45, introduced February 7 with AUSTIN J. MURPHY, chair of Select Education Subcommittee and 41 cosponsors, is to try and bring about uniformity among the 42 State laws which now exist allowing some grandparents the right to petition a court when seeking visitation privileges. I believe that this resolution, calling upon the National Conference of Commissioners on Uniform State Laws to develop a model State act providing grandparents with the uniform right to petition and to be heard with respect to maintaining access to their grandchildren following marital dissolution, is a sensible and effective approach to assist States in protecting the familial interests that State laws seek to serve. By encouraging all States to adopt a model act, interstate recognition of awarded visitation privileges would be insured.

Like present State laws, this model act would not give grandparents an absolute right of visitation. Rather, it would permit grandparents to uniformly petition the court, asking that such privileges be granted. No visitation right as such would accrue until a court order had been issued granting the petition. However, with uniform laws reciprocity among the States

would greatly enhance enforcement of such court orders.

The resolution also encourages the National Center on Child Abuse and Neglect to develop and disseminate guidelines that would recognize that "children's best interests" can often be served by allowing grandparents to maintain continued contact. Thus, the presumption of visitation based on the "child's best interest" would be preserved. However, the vital relationship that exists between grandparents and grandchildren would be recognized. It is this relationship that ought to be one of the factors used by State courts in determining whether visitation is in the child's "best interest."

For the benefit of my colleagues I am inserting excerpts from two letters that I received just this week from State legislators. From a State representative of the Colorado House of Representatives:

I have received numerous requests for assistance from my constituents who face grandparent visitation problems. In one particularly distressing case, the grandparents, in spite of their own problems, cared for their orphaned grandchild after the parent's death. In time the child was adopted by a more youthful couple, but only after the couple repeatedly assured the grandparents that they could always have unlimited visitation with the child. Unfortunately, the adopting couple soon left Colorado and have completely refused to allow grandparents any communication with the child—to the extent of returning holiday greeting cards.

I thank you, not only for myself, but also for the many grandparents who would benefit from the provisions this resolution would foster.

From the Arizona State Senate:

Enclosed you will find a copy of Senate Bill 1029 recently adopted by the Arizona Legislature concerning the matter of Grandparents Visitation Rights. As the author and prime sponsor, I am pleased to report that Arizona has now joined your nationwide campaign.

Your recent letter to Mrs. Geraldine Gould of Scottsdale was forwarded to me for action. I requested all grandparents supportive of our efforts to contact Mrs. Gould and offer assistance in forming an Arizona "Chapter" of concerned citizens.

Enaction of this legislation in my state does not terminate my interest. Please be advised that I stand prepared to support your attempts to pass federal legislation, in every conceivable manner. Let me know if I can help.

Mr. BARTLETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to concur and to commend the gentleman from New York (Mr. BIAGGI) for the development of this resolution and for bringing it to the House floor today.

This resolution, as the gentleman knows, would not impose any new regulations or any new laws on State governments. In fact, what this resolution would do would be to urge the development of a model act so that States may, if they choose, adopt some uniformity from State to State to provide for grandparents and for grandchildren the right to visit.

I would note for the record that, in fact, this act takes as its primary focus the needs of children and the needs of those children in their relationships with their grandparents. I would also note that this act focuses on the rights of children to have access and visiting privileges with their grandparents. The Secretary, for example, would disseminate guidelines which may be used in determining "the best interests of the child" in cases in which the grandparents would seek privileges.

So I do rise to concur with the gentleman.

Mr. CONABLE. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I am glad to yield to the gentleman from New York.

Mr. CONABLE. I would like to ask if grandparents receive visitation rights, would that make four more parties to divorce actions in some cases?

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. BARTLETT. I would yield to the gentleman from New York.

Mr. BIAGGI. There are some States, California is one of them, and I think Michigan is the other, that provide the opportunity for all parties of interest to sit and participate in the resolution of the custody of children.

This is not the focus of this legislation because in the end what we are seeking is for the National Conference of Commissioners on Uniform State Laws to develop a model law to be applied to all 50 States. Whether the gentleman's concern is addressed in that model law remains to be seen. But that is not the focus of this bill.

Mr. CONABLE. If the gentleman will yield further, I am a little concerned about that aspect also. Are we not going to create an expectancy that is not going to be met unless there are some other steps taken in the process? It does seem to me that we are inexorably moving toward creating more and more litigation in this country as we create more and more rights. I am quite concerned about the proliferation of litigation that already is damaging our society to a substantial extent.

Mr. BARTLETT. Reclaiming my time, I think the opposite would occur. That is, if a model act were then developed after passage of this act, and if States began to adopt that model act, I think this act would result in fewer cases of litigation and less litigation as regards visitation rights, and it would become more uniform from State to State. This does not mandate any State adopt any visitation act.

Mr. CONABLE. But any right has to be asserted in court or there is no other way of enforcing it.

Mr. BARTLETT. Further reclaiming my time, in fact 42 States, as the gentleman from New York has suggested, have already adopted some sort of law. The law in each State tends to be widely different from laws of other States and is creating a situation which does add to litigation costs and does subtract from the rights of children and grandparents and adds to the costs.

Mr. CONABLE. I thank the gentleman for his explanation. I must say I have some reservations about this step as a further complication in divorce actions.

Mr. BIAGGI. Will the gentleman yield again?

Mr. BARTLETT. I yield to the gentleman from New York.

Mr. BIAGGI. I would like to continue to respond to the concern of the gentleman from New York. The fact of the matter is we are hoping that what will be built into model legislation is a conciliation period, a conciliation process, a mediation process because we have found as a result of testimony that we have obtained, that where we do have mediation or conciliation steps that 70 percent of the matters are resolved without litigation.

Many States do not have this at the moment. Where it does exist, it reduces the litigation rather than increase it.

Mr. BARTLETT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BIAGGI. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, first let me congratulate my chairman, the distinguished Member from New York (Mr. BIAGGI) for bringing House Concurrent Resolution 45 to the floor of the House. As he indicated, this first came to my attention as a result of the sad tale told me by the Max Chasens family of Atlantic County.

I have been here about 9 years. I have sat through a lot of hearings, but I want to tell you that I probably have never sat through a more emotional hearing than that one. I do not think there was a person in the room who did not have tears in their eyes when the various witnesses told their stories.

We are not talking about telling the States how to develop legislation. This resolution recognizes the fact that domestic relations of all kinds, including visitation rights, are inherently for the States to decide.

What it does provide for, however, is some Federal leadership in trying to develop the uniformity that will provide the kind of humanitarian approach I think we all seek for this most important issue.

We are talking about not just grandparents rights, but children's rights, the rights of children and/or grandparents to share love, companionship,

experience, family experiences in particular, in years that are important to both the child and the grandparents.

So I want to commend my colleague from New York. I think the approach the committee has taken is the proper one. It encourages the National Conference of Commissioners on Uniform State Laws to develop uniform State laws, and it requests of Health and Human Services that kind of technical assistance to those Commissioners that will enable us to provide that kind of uniformity.

So again, congratulations, and I urge my colleagues to support this most important initiative.

Mr. BIAGGI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, first I want to commend my colleague, the distingusihed chairman of the committee, for bringing this to our attention. I think it is important we realize that we are dealing with a national tragedy.

There are millions of grandparents in this Nation who represent the only heritage between the grandchildren and their heritage, and they are deprived in many instances of having any contact whatsoever with the grandchildren.

We have had instances in California where one couple had two children, a little girl 1-year-old and a little boy 2-years-old. The mother died and the grandparents brought up these two children. The father moved back to the east coast, remarried, and then decided that they wanted nothing ever again to do with the grandparents who for 3 long years represented the parents and the grandparents to these two small children.

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I was anguished at the tragedy of the grandparents. The anguish of the grandparents was beyond words, but the anguish of the grandchildren was worse, because they were not only deprived of the love and attention of their grandparents, they did not understand why their grandparents suddenly abandoned them. This piece of legislation will begin the long process of undoing a terrible wrong. We are creating new rights, we are giving rights to the last disenfranchised segment of the American public, grandparents, and grandchildren. So, finally, they too will have a standing necessary in a court of law so they can continue their loving relationship.

Mr. BIAGGI. Mr. Speaker, I yield 1½ minutes to the gentleman from Nevada (Mr. REID).

Mr. REID. Mr. Speaker, I want to commend Congressman BIAGGI for his successful efforts in bringing national attention to the need for uniform laws concerning visitation rights of grandparents with their grandchildren.

We live in a mobile complex society with children, parents, and grandparents in different States with varied laws that impede rather than promote family contact. My home State has a grandparent visitation rights law—yet several States touching our borders do not. It is time we present uniform legislation that is a model for all States to follow in promoting rather than inhibiting family relationships.

In the domestic relations cases I handled as an attorney before I was elected to Congress, I found the estranged relationship of the parents often transferred to the children, causing confusion, pain, loneliness, and an undeserved sense of guilt.

The grandparent relationship often provided the only continuing stable family contact in an otherwise confusing, and all too often hostile environment for children. Grandparents soothed the wounds that the separation of parents had inadvertently inflicted on their children. Grandparents were often the only family members who devoted their energies to meeting the special needs of children during this experience. Grandparents frequently provide the only continuous relationship a child has with his family.

To rob a child of grandparents; indeed, to rob a grandparent of the joy of a continuous relationship with a child is to deny a child his heritage and to take from grandparents the object of their love and their link to the future.

From my personal and professional experience, from all that social science and history has taught us, it is eminently clear how important a continuous family relationship is to the healthy development of children. That is why I am an original cosponsor and that is why I urge you to support this legislation.

Mr. BIAGGI. Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, divorce is never easy on those who are affected most by a divorce—the children who are deprived of growing up in a normal family environment. These children are often caught in the middle of a messy divorce, having to take sides against a parent they may truly love and come to depend on. Many children turn to their grandparents in times of divorce as they truly represent a stable family situation which children can relate. However, sometimes children are not permitted to see their grandparents in the aftermath of a divorce.

I rise today in support of House Concurrent Resolution 45, the Uniform Grandparent Visitation Act. This sense of the Congress resolution expresses the belief that relationships between children and their grandparents should be allowed to develop and continue in spite of a divorce or separation on the part of the children's parents. Relationships between children and their grandparents can fill a very important void in a child's life in the aftermath of a divorce and I feel that it is essential that there be a uniform standard in all States that would set the guidelines for the cultivation of this relationship. Some 42 States have some sort of guideline established but it is time to establish a national guideline that will spell out clearly the right of children and their grandparents to visit and spend time together when it is clearly in the best interest of the child and the grandparents. This body as a whole should take it upon itself to express our belief in the adoption of such guidelines.

Mr. BIAGGI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Ms. MIKULSKI).

Ms. MIKULSKI. I thank the chairman. I also thank the chairman for his leadership in this legislation.

I am here today to voice my strong support as a cosponsor of House Concurrent Resolution 45, the grandparent's visitation rights resolution. This is an issue that has the potential to affect every home and every family in this country. And I am proud to say that it came to national attention through the good work of a Maryland woman, Mrs. Gerrie Highto.

In my home State, Senator Rosalie Abrams first introduced legislation in 1975 to deal with the issue of grandparents who had been denied the right to see their own grandchildren because of a divorce or a separation in the family. That crucial issue was buried in legislation in Annapolis. However, the voice of the family was lost until one Maryland grandmother, Mrs. Gerrie Highto, took her personal anguish and, with her husband, turned it into a grassroots movement. Through the good work of Senator Abrams and Mrs. Highto who are here, the Maryland grandparents' visitation rights bill passed in 1982 in Maryland.

Now is the time for Congress to speak. I know that every one of you in this room has memories of that relationship with your grandparents. To this day I still cherish the memory of standing beside by grandmother at a neighborhood ethnic bakery shop. I remember the shop that she ran, the good smells, comfortable sense of love that I had being with her. She showed me how a woman can be a shrewd businesswomen, a wife, a mother, and serve her community.

Many years later when I was running for Baltimore City Council and went door-to-door as I knocked on those doors they would say to me, "Barbara, if you are half as good as your grandmother's doughnuts, you will be OK."

I treasure that legacy as a sense of pride and belonging. I treasure those memories and I believe that every child should have memories like that as well and every grandparent should have a right to make those memories with those we love and I am honored to support this profamily piece of legislation.

Mr. BIAGGI. Mr. Speaker, I yield 1 minute to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of House Concurrent Resolution 45, expressing the sense of Congress that a uniform State act should be developed and adopted which provides grandparents with visitation rights. I commend the gentleman from New York (Mr. BIAGGI) for the leadership he has taken in bringing this issue to the forefront, and urge my colleagues to support his efforts.

It is an unfortunate fact that under civil law, grandparents have no more legal right of access to their grandchildren than do perfect strangers, unless they are named the child's legal guardian. In many instances of divorce, separation, or death of a parent, the child is deprived of the comfort and security a grandparent can provide simply because the parent, in an emotional decision, chooses to withhold visitation rights. This benefits neither the child nor the grandparent, and in many cases further strains an already touchy situation.

House Concurrent Resolution 45 addresses this situation by suggesting that a uniform State act be developed and implemented which would objectively and fairly set out standards for determining grandparental access in such instances. Congress, through this resolution, cannot mandate enactment of the uniform act by State legislatures, nor can it precondition receipt of Federal funds on its adoption. We can, however, make it known that Congress believes it to be in the best interest of the child to maintain a relationship with the grandparent in times of family instability, and that in all possible cases this fact should be considered by the courts in determining access to the child.

I urge my colleagues to join me in supporting House Concurrent Resolution 45.

Mr. BIAGGI. Mr. Speaker, I have no further requests for time. I yield myself such time as I may consume.

In closing, I would like to urge my colleagues to support and vote for this bill if it is in fact, brought to a vote on the morrow. Clearly, it is an emotional issue. It is one that has arisen primarily because we are talking in terms of a different type of society than we knew in past generations where the relationship between grandparents and grandchildren was a given right and to even comtemplate the thought of a breach of that relationship would be heresy.

Today we are looking at a society where the dissolution of marriages is equivalent to 50 percent, 1 out of 2 are being divorced. Couple that with those parents who die and you have a very exacerbated situation. The number of children involved in that type of dissolution is estimated to be about 1 million.

So, clearly the magnitude of this problem is slowly emerging. It all started with a single letter, a single hearing, which shows you the advantage of those hearings and the processes that we have here in the Congress. What we have done, in fact, is we have given hope to thousands of grandparents, thousands, who are suffering a cruel fate, who are suffering because they have been told that they can no longer visit their grandchildren. I am not saying this legislation will be the alpha and omega, panacea to all the evils, but clearly it is a very significant initial step.

Hopefully that will be followed by the State legislatures throughout the country, and it will implement the kind of legislation that will make available and provide for the visitation rights of the children.

Where we had despair, we have given hope. If this resolution accomplishes nothing else it certainly merits the attention and support of the Congress of the United States. I urge all of my colleagues to vote for this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Texas (Mr. BARTLETT) wish to yield any more time?

Mr. BARTLETT. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BARTLETT. Mr. Speaker, I yield myself an additional minute.

I would again commend the gentleman from New York for this bill. I point out to my colleagues that all this bill does is to facilitate the development of uniform State law, it does not impose any of those laws. In fact, it is well known in the legal community that uniformity is needed. I quote from a letter from the National Conference of Commissioners on Uniform State Laws, when the conference states in their letter to Mr. BIAGGI:

> You are exactly right in pointing out there is a wide variety of State statutes and this is an area where uniformity of law among the States would help to achieve substantial justice.

I commend my colleague from New York and would yield to him such time as he may consume.

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, I would like to take this opportunity to thank the gentleman for his cooperation and his interest. I know he was not given much leeway, very little flexibility and discretion because he has received a mandate from his father in connection with grandparents' rights. I am sure this resolution nor any other law would ever be necessary, but clearly the bitter illustrations that many grandparents have witnessed over the years has cast a doubt in the minds of some. And when you move along in years you become a little more susceptible to doubt and you would like to make certain that those joys that are so precious to you remain available.

I know the gentleman will happily return and tell his father, "Dad, I complied with your request," not only as the gentleman's father but as a grandparent, and, even more importantly perhaps from a political perspective, as a constituent who must be heard.

I thank the gentleman.

Mr. BARTLETT. The gentleman is correct. This is an instructed vote from my father, the grandfather of 12, who instructed me to support the gentleman from New York in his efforts. I yield back the balance of his time.

● Mr. RATCHFORD. Mr. Speaker, I rise in support of House Concurrent Resolution 45, visitation rights for grandparents. This legislation, which urges the National Conference of Commissioners on Uniform State Laws to develop a Grandparents Visitation Act for adoption by the 50 States, is sorely needed. At present, although 42 States have laws allowing grandparents to petition a court for visitation rights, State legislation fails to grant equal protection to all grandparents in similar circumstances. The relationship between a child and his grandparents can be very important and beneficial for all of the people involved. From his grandparents a child receives the gift of self-worth, of shared experiences, of heritage and love and continuity. And from a grandchild, older people receive the same. The preservation of this special relationship despite divorce, separation, death of parent or stepparent adoption is one important way in which we can help foster stability in American families. I strongly urge adoption of this resolution.●

● Mrs. LLOYD. Mr. Speaker, today we are addressing a family need, the right of grandparents to petition a court for visitation rights. While the resolution we will consider itself does not, and cannot, establish Federal statutory protections, it does make clear the desire of this Congress that each of our States adopts a Uniform Grandparent Visitation Right Act. Although only 8 of our States have no provision, the other 42 differ widely in what circumstances justify the right to petition and how the right, once granted, will be protected. The families of this Nation need uniformity and this resolution, by calling for the development of a model State act providing grandparents with the right to petition, will

establish the means by which uniformity can be achieved.

This resolution is the result of expert testimony which demonstrated the hardship experienced by both grandparents and grandchildren after the dissolution of a marriage. In passing it we express our recognition of the need for continued contact between the two. I am pleased to be a cosponsor and urge its passage.●

● Mr. BONKER. Mr. Speaker, I rise in strong support of House Concurrent Resolution 45, the Grandparent's Visitation Act introduced by Representative BIAGGI. This legislation expresses the sense of the Congress that all 50 States should adopt a uniform policy for visitation between grandparents and grandchildren and authorizes the National Conference Commissioners on Uniform State Laws to develop such a policy.

While this measure does not carry full legal authority, it strongly urges States to adopt a uniform standard which will provide grandparents with the right to petition for visitation privileges following marital dissolution, death, or separation while also providing for interstate recognition and enforcement of any court orders issued.

Fortunately, the Washington State laws are already in compliance with this resolution's intent. But, it is essential that our neighboring States have similar laws, for many children move with a parent or guardian from one State to another after the visitation orders have been made.

This resolution would also encourage the Department of Health and Human Services, through the National Center for Child Abuse and Neglect, to assist States in developing model guidelines for determining the "best interests of the child," taking into consideration the ability of the grandparents to contribute to the child's need for continuity of care.

Since over 1 million children annually see their parents divorce, and 75 percent of all older Americans are grandparents, I feel it is important that Members of Congress do all that they can to protect the interests of these individuals who in many cases bear a heavy impact as "innocent bystanders" in a divorce situation.●

● Ms. FERRARO. I rise in strong support of the visitation rights for grandparents resolution which is before us today. I would also like to congratulate our colleague from New York for a job well done.

As a member of the Select Committee on Aging I participated in the hearing the Subcommittee on Human Services held on this important issue. At that time the subcommittee heard testimony from many distinguished witnesses on the importance of the grandparent/grandchild relationship.

Twenty-two years ago when I had my first child I thought I had achieved the ultimate as far as my family life was concerned. My mother then said, wait until you are a grandmother. Well, I have not experienced that yet, however, I am looking forward to that day.

Unfortunately, for too many older Americans, the right to see their grandchildren has been callously taken from them. These actions not only affect the grandparent—but the children also. Let me read from a letter I received from a grandmother on what happens to the children.

In so many cases with divorced children unforeseen hostility with one of the parents destroys family relationships and prevents needed contact and supportive warmth. Particularly at that time of disruptions children require as much reassurance and cohesiveness as possible, and grandparents who nuture and give of their experience and wisdom are a vital factor.

Families are an intergral part of society's salvation.

The letter was signed, Mr. Chairman, by grandparents of four—two we are devoted to and loved by; two we are fighting for visitation rights.

Grandparents have love, affection and warmth to offer their grandchildren. However, a lack of uniformity of State laws regarding visitation rights is denying many the opportunity to share these things with their grandchildren.

For this reason I strongly urge my colleagues to support the resolution before us today.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of House Concurrent Resolutioin 45 which epxresses the sense of Congress that the National Conference of Commissioners on Uniform State Laws should develop a model State act for providing grandparents adequate visitation rights to their grandchildren when a marriage is dissolved. As a sponsor of this measure, I am pleased to see the swift consideration by both the committees of referral as well as the House of Representatives.

Although recent statistics show that more married couples are remaining together, prior information indicated a high degree of divorce among Americans. The couples who have chosen not to stay together have often resolved, or attempted to resolve, the questions of custody and visitation rights for parents. What has received less prominence is the effect of divorce on the wonderful relationship between grandparent and grandchild.

It cannot be denied that the relationship between parent and child, while a rewarding one, has its difficult moments. But, the bond between grandparents and grandchildren is indeed a magical one, and must not be allowed to be so easily dissolved as a legal marriage. This sense of the Congress resolution urges the National Center for Child Abuse and Neglect to work with the States in developing guidelines for determining what would constitute the best interest of the child when determining visitation rights. It is important to not that a majority of States have some statutes relating to the visitation rights of grandparents. However, the circumstances vary widely, and I am concerned that without some national attempt to institute uniform visitation rights, those who derive the most benefit will lose the most. These children learn about the many wonders of life from a perspective they would otherwise be deprived of, and their wonderment only enriches the lives of their grandparents. Accordingly, I urge passage of this resolution, Mr. Speaker, and ask my colleagues to join in this effort.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New York (Mr. BIAGGI) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 45).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in the RECORD on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL WILDLIFE REFUGES REAUTHORIZATIONS

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1723) to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, Sailors' Snug Harbor, and San Francisco Bay National Wildlife Refuges, as amended.

The Clerk read as follows:

H.R. 1723

Be it enacted by Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE.

Section 4(4) of the Act entitled "An Act to establish the Great Dismal Swamp National Wildlife Refuge", approved August 30, 1974 (Public Law 93-402, 88 Stat. 802), is amended to read as follows:

"(4) $34,100,000 for the period beginning October 1, 1977, and ending September 30, 1986, of which not to exceed $22,000,000 shall be available for land acquisition and

not to exceed $12,100,000 shall be available for purposes other than land acquisition.".

SEC. 2. MINNESOTA VALLEY NATIONAL WILDLIFE REFUGE.

Section 10 of the Minnesota Valley National Wildlife Refuge Act (Public Law 94-466, 90 Stat. 1996) is amended—

(1) by amending subsection (a) by striking out "$14,500,000" and inserting in lieu thereof "$24,900,000", and by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1986"; and

(2) by amending subsection (b) by striking out "$6,000,000" and inserting in lieu thereof "$9,800,000", and by striking out "and ending September 30, 1986" and inserting in lieu thereof "which shall be available until expended".

SEC. 3. SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE.

Section 5(1) of the Act entitled "An Act to provide for the establishment of the San Francisco Bay National Wildlife Refuge", approved June 30, 1972 (Public Law 92-330, 86 Stat. 400), is amended by striking out "September 30, 1983;" and inserting in lieu thereof "September 30, 1986;".

□ 1330

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.R. 1723, would extend for 3 years the current authorizations for the acquisition of three national wildlife refuges. These refuges include: Great Dismal Swamp, Minnesota Valley, and San Francisco Bay. In addition, amendments to the bill offered during subcommittee markup would increase the authorization for appropriations for land acquisition and development at the Great Dismal Swamp and the Minnesota Valley National Wildlife Refuges.

The three refuges being considered for reauthorization today are worthy components of the National Wildlife Refuge System. In addition to conserving important wildlife species and their habitats, these refuges provide a much needed wildlife-oriented public use area as well as interpretation and educational programs to inform the public of the importance of maintaining fish and wildlife resources. Great Dismal Swamp, for example, is an extensive forested wetland and lake system in Virginia and North Carolina which provides habitat for abundant fish and wildlife populations. It is particularly noted for its unusual bird populations with over 75 species nesting in the swamp. The Fish and Wildlife Service estimates that a total of 113,000 acres will be necessary to insure conservation of the area. The cost of the remaining lands would require an increase in the amount of the authorization to $22 million in order to complete acquisition of the refuge. In addition, the projected habitat improvement and public use development needs necessary to maintain the quality of wildlife habitat and to provide wildlife education and recreation to the public will also require an increase in authorization to $12.1 million. H.R. 1723, as amended in subcommittee, would increase the development and acquisition authorizations for Great Dismal Swamp to these levels.

The Minnesota Valley National Wildlife Refuge contains extensive marshlands that are known for the vast populations of waterfowl which rely upon them for production, migration, and wintering grounds. Approximately 2,850 acres of private lands remain to be acquired within the refuge. The estimated cost of these lands is approximately $12 million, exceeding the current authorization level by $10.4 million. H.R. 1723 would raise the authorization for land acquisition to this level.

Development of the interpretive center and other facilities recommended by the master plan for the Minnesota Valley NWR has been delayed because no funds have been appropriated. Due to inflation, the cost of building the center will be higher than originally anticipated. The proposed legislation as amended increases the authorization for development from $6 million to $9.8 million.

H.R. 1723, as amended, does not reauthorize the establishment of Sailors' Snug Harbor as a National Wildlife Refuge. A study completed by the Heritage Conservation and Recreation Service concluded that Sailors' Snug Harbor is an area of local and State significance and recommended that it be congressionally deauthorized. The area has not been donated to the Department of the Interior as the original legislation authorized. Instead, Sailors' Snug Harbor has continued to function successfully as a community environmental education and cultural center under the management of Snug Harbor Cultural Center, Inc., a public nonprofit corporation.

In summary, Mr. Speaker, these refuges being considered for reauthorization today not only provide habitat for wildlife, but also, because of their proximity to large population centers, provide millions of citizens the opportunity to develop a greater appreciation of the importance of wildlife. If we are to continue our support for the preservation of these important refuge areas, an increase of authorization levels and extension through fiscal year 1986 is necessary. I urge my colleagues to join me in supporting this bill.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1723 will extend the authorization period for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges for 3 years. In addition, the authorization for appropriations for land acquisition and development at Great Dismal Swamp and Minnesota Valley would be increased to reflect increased costs resulting from inflation and the delays brought on by the use of a "willing-seller" policy, unavoidable delays in settlement, and lower than planned appropriation requests. The additional acquisition and development funds will provide not only valuable direct benefits, but in most cases are necessary to protect or effectively utilize the habitat already acquired. No additional acreage has been authorized.

All three of these refuges provide extremely valuable waterfowl habitat as well as habitat for a diverse population of fish, wildlife, and plant species. All are also within easy driving distance of major metropolitan areas and, therefore, provide a much enhanced accessability to our national resources for millions of people.

I concur with the assessment of the gentleman from Louisiana, that these refuges should be authorized with sufficient additional funding to carry out the remaining acquisition and development needs and therefore urge my colleagues to join me in supporting this legislation.

Mr. BREAUX. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the full committee, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 1723, a bill to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.

In addition to extending the authorization for these three refuges until September 30, 1986, H.R. 1723 increases the authorization levels for appropriations for the Great Dismal Swamp and Minnesota Valley National Wildlife Refuges. In testimony before the Subcommittee on Fisheries and Wildlife Conservation and the Environment, the Department of the Interior indicated that these increases in authorization levels are necessary to complete land acquisition and development of these refuges to the extent originally intended by Congress. However, the administration currently is not requesting an increase in such authorization levels. If an increase in au-

thorization levels is not achieved, any future progress that we hope to make in refuge land acquisition would be precluded.

The Great Dismal Swamp, located partially within my district, is an excellent example of the devastating impact that the administration's decision not to request an increase for authorization levels will have on our refuge system. Of the 113,000-acre refuge, 10,850 acres remain to be acquired. In addition, and in need of urgent consideration, is a one-third interest in 4,700 acres which is outstanding and undergoing probate. Unless this one-third interest is acquired expeditiously, the courts have indicated that a partition of property will be necessary. In all likelihood, this will result in the drainage of the partitioned wetlands for agricultural use and, because of the topography of the refuge and the central strategic location of the lands in question, the consequent drainage of a large portion of the existing refuge.

I do hope that my colleagues will recognize the urgency of the situation and support H.R. 1723 which provides the necessary authorization levels for the acquisition and protection of these two valuable refuges. As the representative of the first District of North Carolina, where the Great Dismal Swamp is partially located, as well as the chairman of the Merchant Marine and Fisheries Committee, I wholeheartedly support H.R. 1723 and urge all of the Members of the House to vote in favor of its passage.

● Mr. FRENZEL. Mr. Speaker, included in H.R. 1723, the Great Dismal Swamp authorization, is a provision to extend the authorization for the Minnesota Valley National Wildlife Refuge. This extension would provide $24.9 million to complete acquisition of the 9,500 Minnesota Valley refuge acres, as well as $9.8 million for land development at the refuge. I rise in support of this authorization.

Since the original authorization 7 years ago, commendable progress on the refuge has been made. The U.S. Fish and Wildlife Service has purchased or leased 5,000 acres, and protected about half of the 8,000 recreational acres. All progress has been representative of the cooperative efforts between the Federal and State governments and local citizens. But further progress on land acquisition is needed.

It should be noted that the friends of the Minnesota Valley Refuge would like to increase the refuge size to 12,000 acres and that I support much of the addition. It should also be noted that I also support reducing some of the acreage in the original plan which is highly productive farmland.

The Minnesota Valley National Wildlife Refuge is one of few national refuges located so near a metropolitan area. It provides a stage for the intersection of an urban community with a wilderness community. The refuge is replete with environmental variety, diversity, and excitement. More than 250 species of birds and about 50 species of mammals make their home in the dense vegetation there, all within the not-too-distant sight and sound of the Twin Cities.

With acquisition already more than half complete, completion of the original Minnesota Valley plan should be legislatively assured. The increased and extended authorization in H.R. 1723 would provide only part of the assurance because securing appropriations for this authorization will be exceedingly difficult.

Again, I urge my colleagues to vote on behalf of the people of Minnesota, and vote in support of H.R. 1723, allowing for the extended authorization for the Minnesota Valley National Wildlife Refuge.●

Mr. BREAUX. Mr. Speaker, I have no further requests for time.

Mr. FORSYTHE. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 1723, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.".

A motion to reconsider was laid on the table.

MATAGORDA ISLAND EXCHANGE AGREEMENT

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1935) to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

The Clerk read as follows:

H.R. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provisions of law providing for the administration by the Secretary of the Interior of the National Wildlife Refuge System through the United States Fish and Wildlife Service, the action of the Secretary of the Interior in entering into the unique exchange agreement (entitled "Memorandum of Agreement between the United States Department of the Interior and the State of Texas for the management of the Matagorda Island State Park and Wildlife Management Area A Unit of the National Wildlife Refuge System in Calhoun County, Texas" and Easements running to the United States and Texas hereinafter referred to jointly as the "Agreement", all of which are dated December 8, 1982) providing for integrated management (during the term of the Agreement) of National Wildlife Refuge System lands and State lands on Matagorda Island in Texas is ratified and approved, except that any amendments hereinafter made pursuant the Agreement shall be consistent with the requirements of the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee) and other applicable provisons of Federal law adminstered by such Secretary. Nothing in the Agreement or in this Act shall be construed (A) as affecting the continued applicability of the National Wildlife Refuge System Administration Act to the Federal lands covered by such Agreement or the inclusion of such lands within the National Wildlife Refuge System, or (B) as ratifying or authorizing any other such agreements applicable to any other area of the National Wildlife Refuge System.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Louisiana (Mr. BREAUX) will be recognized for 20 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BREAUX).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.R. 1935, would ratify and approve an agreement between the Department of the Interior and the State of Texas relating to the management of Matagorda Island, part of which lies within the Aransas national wildlife refuge.

Matagorda Island is a 50,500-acre barrier island off the Texas gulf coast. Approximately 20,000 acres are owned by the State of Texas, 11,500 acres are privately owned, and 19,000 acres are the site of a former Air Force base and owned by the Federal Government, purchased at the beginning of World War II.

Since 1971, the Federal portion of Matagorda has been managed as part of the national wildlife refuge system and is administered as part of the Aransas National Wildlife Refuge. The island is considered prime habitat for migratory birds. Whooping cranes and brown pelicans, both endangered species, use the island at various times of the year.

Management of the Federal lands in Matagorda Island was governed by a memorandum of understanding—MOU—between the Department of the Interior and the Air Force signed in 1971 when the Air Force decided to phase out its operations on the island. The land had been used as a bombing and gunnery range. The MOU provided that the Air Force was agreeable to the inclusion of the island in the Aransas National Wildlife Refuge so long as its primary use by the Air Force was not jeopardized or impeded. It

also provided that the MOU could be terminated by mutual agreement.

Although the National Wildlife Refuge Administration Act Amendments of 1976 generally prohibit the Secretary of the Interior from removing lands from the national wildlife refuge system, a proposal was made early in the Reagan administration that, since Matagorda was brought into the refuge system pursuant to the terms of a cooperative agreement, termination of that agreement would allow it to be removed from the refuge system and turned over to the State of Texas, which had long expressed an interest in the area. This proposal, however, was vigorously opposed by conservation organizations and concerns were expressed by a number of Members of Congress.

Faced with this strong opposition, the Department of the Interior and the State of Texas have developed a memorandum of agreement—MOA—based on the exchange of interests in the State and Federal lands on the island, which retains Federal ownership of the refuge lands and includes them within the national wildlife refuge system. The agreement also provides the Federal Government with a conservation easement on the State-owned lands. The Texas Parks and Wildlife Department is to manage the entire area to protect its wildlife and natural resource values. Management activities must be in accordance with the provisions of the National Wildlife Refuge Administration Act, the national wildlife refuge system manual, and a Matagorda conceptual plan developed by the State of Texas. The Department of the Interior is to monitor the management of the area and the agreement provides for a right of petition by public and private organizations if they believe the agreement is being violated.

Mr. Speaker, there are a number of reasons why I believe this MOA is appropriate and beneficial to both the wildlife refuge system and the wildlife resources involved. First, and foremost, this agreement brings all of the Federal and State land under national wildlife refuge status. The Federal Government will possess a conservation easement on the State lands and the State will manage those lands for the conservation of wildlife. The State lands are the most valuable from the standpoint of both the endangered whooping crane and other migratory waterfowl.

Second, this agreement brings to a successful conclusion a longstanding dispute between the State of Texas and the Department of the Interior regarding Matagorda. It is a dispute that has spanned several administration, both State and Federal, and which has prevented any active management of the area by either the Federal or the State government.

Finally, this agreement, if ratified by H.R. 1935, would do no harm to the concepts that govern our refuge system. Our legislation treats this agreement for what it is—a unique exchange agreement. As such, it will not serve as a precedent for any other such agreement.

Mr. Speaker, I want to assure the Members that we have examined this issue thoroughly. The Committee on Merchant Marine and Fisheries has a long tradition of carefully examining all administrative actions that would affect the integrity of the national wildlife refuge system. We have maintained that tradition. It was only after two extensive hearings on this matter, one in the 97th Congress and one this session, that we decided to proceed with this legislation. We are convinced that, in this instance, because of the unique opportunities for the unified management of this area by the State of Texas, the MOA will be beneficial to the wildlife resources involved. We will examine all future proposals that may affect the refuge system with equal care.

□ 1340

With that, Mr. Speaker, I would also find it certainly appropriate to commend the Members of the delegation from the State of Texas who have been involved in this process by trying to do what they could do bring it to a successful conclusion as contained in this legislation. Particularly, I want to point out the very effective work by our distinguished majority leader, the gentleman from Texas (Mr. WRIGHT), who was working very closely with our committee to try to bring the various competing interests into a position of agreement; also our distinguished colleague, the gentleman from Texas (Mr. PATMAN), who was always involved in trying to urge our committee to take a close look at this particular problem. Our subcommittee visited the area and talked with local people about their concerns, and Mr. PATMAN was instrumental in making sure that the local concerns of the people of south Texas were taken into consideration with regard to this legislation.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support of H.R. 1935 which will ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas which was negotiated by the U.S. Fish and Wildlife Service and the State of Texas with the able assistance of the Audubon Society. As ranking minority member of the Subcommittee on Fisheries and Wildlife Conservation and the Environment and the Committee on Merchant Marine and Fisheries, I am specifically interested in this bill which addresses the problems associated with the management of this resource. The parties to the agreement and our colleagues, Mr. WRIGHT, Mr. PATMAN, Mr. BREAUX, and Mr. DINGELL, are to be commended for resolving the natural resource management questions which have been the source of longstanding dispute.

Matagorda Island is a 50,500-acre barrier island off the Texas gulf coast. About 20,000 acres of bayside wetlands are owned by the State; an additional 19,000 acres are administered by the Fish and Wildlife Service as part of the Aransas National Wildlife Refuge, and the rest are privately owned. Everyone is in agreement that the majority of the most valuable wildlife habitat lies within the State-owned property and that integrated management of the island would greatly benefit the wildlife species found in the area.

Ratifying the memorandum of agreement between the Department of the Interior and the State of Texas provides a workable solution to the past controversy over management of Matagorda Island. H.R. 1935 in no way sets a precedent for similar agreements allowing for States to manage national wildlife refuges, but recognizes the unique situation on Matagorda which justifies integrated management.

Under the memorandum of agreement, the State of Texas will include the State-owned lands in the Aransas National Wildlife Refuge, adopt the National Wildlife Refuge System Manual, and administer all portions of the island in accordance with that manual.

If the memorandum of agreement were made void, the island would remain under split jurisdiction with the Fish and Wildlife Service managing their 19,000-acre portion as part of the Aransas National Wildlife Refuge and the State of Texas managing the 20,000 acres of whooping crane habitat—outside of the wildlife refuge and the requirements of the National Wildlife Refuge System Manual.

In view of the State's willingness to adopt this agreement and in view of the benefits which will accrue to Matagorda Island's migratory and endangered species, including the whoopng crane, brown pelican, peregrine falcon, American alligator, bald eagle, and leather-back and Ridley sea turtles, I urge my colleagues to join me in supporting the legislation.

Mr. BREAUX. Mr. Speaker, I yield 2 minutes to the distinguished chairman of our committee, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, today we are considering some very important legislation, H.R. 1935, which will ratify the memorandum of agreement between the State of Texas and the Department of the Interior regarding the future of Mata-

gorda Island. It is commendable that an agreement has been reached on a very complex issue, that the majority of people involved can support, including my distinguished colleagues, Mr. WRIGHT, Mr. PATMAN, Mr. DINGELL, Mr. BREAUX, and Mr. FORSYTHE, as well as the State of Texas officials, the Department of the Interior officials, the National Audubon Society, and the National Wildlife Federation.

I understand that this agreement, which we seek to ratify, is the result of long and arduous negotiations. I am very glad to see that a workable solution has been reached which will address the unique circumstances surrounding Matagorda Island.

This legislation was reported out of the Subcommittee on Fisheries and Wildlife Conservation and the Environment unanimously by voice vote on April 12, 1983, and it was ordered reported out of the Merchant Marine and Fisheries Committee unanimously by voice vote on April 13, 1983.

I urge my colleagues to vote in favor of passage of H.R. 1935.

Mr. BREAUX. Mr. Speaker, I yield 2 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT). who was most helpful in working to bring this legislation to the floor.

Mr. WRIGHT. Mr. Speaker, I rise in support of this legislation. It does not cost anything. It simply ratifies an agreement entered into between the State of Texas and the Department of the Interior for integrated management of all of the publicly owned lands on Matagorda Island. It is the prime habitat for some of our migratory waterfowl—endangered species—such as the whooping crane and the brown pelican.

This legislation is supported, as has been pointed out, by such organizations as the National Audubon Society and the National Wildlife Federation, and I think it is the kind of agreement that is exemplary, demonstrating how the Federal Government and a State government can work together for the preservation and protection of an area such as this.

Mr. BREAUX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, it is always a source of pride for me to rise on the floor to observe the very capable work done by my dear friend, the gentleman from Louisiana (Mr. BREAUX) the chairman of the subcommittee, and my good friend, the gentleman from New Jersey (Mr. FORSYTHE) the senior minority member of the committee. I have had the privilege over the years of working with these two fine Members when I was on that subcommittee, and I want to say that the good work that they do is a source of continuing pleasure and pride to me, and I commend them.

I also wish to commend our distinguished majority leader, the gentleman from Texas (Mr. WRIGHT) for the leadership he has shown in this matter, and my boyhood hunting companion, the gentleman from Texas (Mr. PATMAN) and, of course, the good works of our friend, the gentleman from North Carolina (Mr. JONES), are always very obvious to us all.

Mr. Speaker, this is a unique and a desirable undertaking here. It is an action which recognizes the continuing force and impact of the Wildlife Refuge Administration Act. It preserves and protects the public lands of the United States and sees to it that they are administered well.

It also recognizes that the refuges belonging to the people of the United States and cannot be dissipated or given away. The agreement is a good one. The legislation is excellent and it has been brought before the House in a most expeditious fashion by my distinguished friends on the committee. I hope the other body passes it just as expeditiously.

H.R. 1935 is an important bill for several reasons.

First, it ratifies an agreement between the Secretary of the Interior and the State of Texas (that without such ratification could well be of questionable legality) in a way that protects the integrity of the National Wildlife Refuge System. I do not believe that present law authorizes an exchange and agreement by the Secretary of the Interior of this nature. Several environmental groups have, in fact, challenged that exchange in a lawsuit. While I agree with the principle of that challenge, I do not think it will serve any useful purpose in this case. Indeed, I think this bill is a far better solution. It is supported by the National Audubon Society and other environmental organizations.

Thus, even though I question the exchange, I support this unique agreement because it is designed to resolve a longstanding problem that clearly needed resolution. I commend the Interior Department, the National Audubon Society, and the State of Texas for working out this agreement.

The bill ratifies and approves that unique exchange. That ratification does not, however, endorse the Interior Department's claim of April 12, 1983, that this exchange was authorized by the National Wildlife Refuge System Administration Act (which I sponsored and helped enact years ago as chairman of the former Fisheries and Wildlife Subcommittee). Because that authority is not granted by that law, this bill is needed to ratify the actions of the Interior Department and to approve those actions. It does not, as suggested by the Interior Department, merely endorse the exchange and agreement.

I note that the report of the Committee on Merchant Marine and Fisheries concludes that H.R. 1935 will moot the lawsuit. I do not quarrel with that view. I think it should have that result. In any event, I believe that result would be the best one.

Second, the bill makes it clear that the lands covered by this agreement, including the State lands, shall continue to be a part of the National Wildlife Refuge System and be subject to the provisions of the National Wildlife Refuge System Administration Act. Thus, the bill sets a clear congressional policy that the Federal refuge lands now in the system shall stay in the system and be subject to the laws applicable thereto regardless of any action by the Interior Department.

Third, the bill makes it clear that this ratification and approval is not a precedent for any other such agreement by the Interior Department. This is a very important provision because of suggestions that this agreement might be the basis for other exchanges and agreements involving other refuges such as the Flint Hills refuge in Kansas. It is not to be the forerunner of such future actions.

Last, the bill provides that if any amendment is made to the agreement, it must be consistent with applicable Federal law. The bill deliberately does not mention State or local law in this context. Only Federal law administered by the Secretary of the Interior applies.

Mr. Speaker, in 1971, the then Secretary of the Interior—who was a former and able Member of this body—entered into an historic memorandum of understanding (MOU) with the Air Force to set aside 35,240 acres of the Matagorda Air Force Range in Texas to be used "as a part of the Aransas National Wildlife Refuge" under the conditions of the MOU. Since then, there have been repeated efforts to dispose of this valuable area to the State of Texas. The Subcommittee on Oversight and Investigations initiated, with the help of the General Accounting Office (GAO), an investigation into proposals in this administration to achieve that objective. Fortunately, it was aborted.

In order to provide a more detailed history of this investigation, including the GAO opinions, I am appending to these remarks the MOU and some significant correspondence. I want to stress that I, together with Chairman BREAUX, will continue to be vigilant in our efforts to halt attempts by this administration to dispose of refuge areas by exchange or otherwise.

The correspondence follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF THE AIR FORCE AND THE DEPARTMENT OF THE INTERIOR FOR USE OF PROPERTY AT MATAGORDA AIR FORCE RANGE, TEX.

This Memorandum of Understanding is between the Department of the Air Force (hereinafter referred to as Air Force), and the Department of the Interior (hereinafter referred to as Interior).

Whereas, Air Force administers the Matagorda Air Force Range on approximately 35,240 acres on Matagorda Island, Calhoun County, Texas, and

Whereas, Interior administers the Aransas National Wildlife Refuge in Aransas County, Texas, to provide habitat for the whooping crane, a species which is threatened with extinction, and other wildlife. The whooping crane also utilizes lands on Matagorda Island administered by the Air Force as part of its wintering habitat, and

Whereas, the Endangered Species Preservation Act (16 U.S.C. 668 aa) states "that it is the policy of the Congress that the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Defense, together with the heads of bureaus, agencies, and services within their departments, shall seek to protect species of native fish and wildlife, including migratory birds, that are threatened with extinction, and insofar as is practicable and consistent with the primary purposes of such bureaus, agencies, and services, shall preserve the habitats of such threatened species on lands under their jurisdiction," and

Whereas, Interior is the agency of the U.S. Government responsible for conservation and management of the national migratory bird resource, including whooping cranes, and has a primary responsibility for protecting species that are threatened with extinction, and

Whereas, Interior has expressed a desire to administer an area on Matagorda Island as a national wildlife refuge to meet its responsibilities for the whooping crane, and

Whereas, Air Force is agreeable to such use, under such conditions as will not interfere with the primary mission and use by Air Force of the property,

Now therefore, Air Force hereby grants to Interior, a permit upon, and makes available to the said Interior, for the purpose and subject to the terms and conditions hereinafter set forth, all those lands and water described in Exhibit "A" attached hereto and made a part hereof.

Interior shall use said lands as a part of the Aransas National Wildlife Refuge, under the following conditions:

1. Interior shall have the right to enter upon and use the lands for refuge purposes, including the production of wildlife food crops, for the protection and management of wildlife and fish populations, including the harvest and control of such wildlife or fishes. Such entry must be approved in advance by the Officer in Charge of the Matagorda Air Force Range, or his designated representative, so that it may be properly coordinated with Air Force activities for the safety of personnel.

2. Interior is authorized, under limitations hereafter described, to construct, operate, and maintain subimpoundments, water control structures, field office, storage and maintenance buildings and related facilities. It is understood that no residences are to be permitted on the area.

3. Interior shall not have the right to prohibit employees or permittees of Air Force from entering upon, or over, the said lands, for program purposes to do any and all things necessary in the operation and use of, or for controlling the Range.

4. The use and occupation of said premises shall be without cost or expense to Air Force, under the general supervision and subject to the approval of the officer having immediate jurisdiction over the premises, and subject also to such rules and regulations as he may prescribe from time to time.

5. Interior will construct no facilities on the said premises until the plans therefore have been reviewed by the officer of Air Force having immediate jurisdiction over the premises, and he determines that such facilities will not interfere with Range operations. Also, that no alterations in facilities which may affect such operations will be made without prior approval of said officer.

6. Air Force will take into consideration Interior's utilization of said refuge area, in order to insure compatibility of Air Force activities with wildlife management, wherever practicable.

7. Interior shall, at its own expense and without cost or expense to Air Force maintain and keep in good repair and condition any structures or premises used under this authorization.

8. This permit may be terminated in whole or in part hereof under the following circumstances:

a. By mutual agreement between the Secretary of the Interior and the Secretary of the Air Force.

b. At the option of the Air Force in the event Interior fails to use the said premises in accordance with the terms and conditions of this permit. In such event, Air Force shall give notice of the items of non-compliance addressed to the Refuge Manager, Aransas National Wildlife Refuge and Interior shall have 90 days to take corrective action.

9. Fixtures, equipment, facilities, or other property of the Interior constructed or maintained on the said premises shall be and remain property of Interior and may be removed at any time prior to the termination of this agreement. And property of the Interior not removed from the premises within three months after any termination of this agreement shall become the property of the Air Force.

10. Nothing in this Memorandum of Understanding shall limit, restrict or interfere with the rights of Air Force to continue to be responsible for the management of wildlife activities on the Air Force property, subject only to the peculiar requirements for whooping crane preservation, as worked out with representatives of Interior.

11. All notices by Air Force to Interior concerning this permit will be addressed to the Refuge Manager, Aransas National Wildlife Refuge, Bureau of Sport Fisheries and Wildlife, P.O. Box 68, Austwell, Texas 77950, and conversely, all notices by Interior to Air Force will be addressed to Commanding Officer, Matagorda Air Force Range, Port O'Connor, Texas 77982.

This permit shall become effective on the last date of execution as indicated below.

In witness whereof, the parties hereto have hereunto subscribed their names as of the dates indicated.

Date: November 20, 1971.

Department of the Air Force,

_____,

_____.

Date: November 1, 1971.

Department of the Interior,

ROGERS C. B. MORTON,

Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,

Washington, D.C. January 2, 1981

Hon. WILLIAM P. CLEMENTS, Jr.,

Governor of Texas,

Austin, Tex.

DEAR GOVERNOR CLEMENTS: As you are aware, we have been working for several years to resolve the future administration of the former Matagorda Air Force Base. Both the Fish and Wildlife Service and the State of Texas have applied for the excess property. I have discussed the matter with both you and former Governor Briscoe, and staff people from both of our organizations have worked together to develop reasonable approaches.

Our mutual objectives to maintain the natural character of Matagorda Island seem to be entirely compatible. The State wishes to manage the northeastern 11,000 acres for recreation, and the Fish and Wildlife Service desires to manage the southwestern 8,000 acres, together with the adjoining marshes owned by the State, as a wildlife refuge. The issue has always hung up on the legalities of transfer.

The legal basis seems clear and since it is Federal land, it must be transferred for Federal programs as first priority. In addition, it is being administered as a part of the National Wildlife Refuge System and, therefore, without an Act of Congress, a conveyance to the State could invite an injunctive action. Therefore, we are asking the General Services Administration to immediately transfer the entire property to the Fish and Wildlife Service. This will set the stage for subsequent actions to attain our mutually desirable objectives in accord with earlier undertakings.

The preferred method would be to develop a land exchange whereby the Fish And Wildlife Service would convey title to the State of the northeastern area on equal value basis subject to the necessary conditions, restrictions and reverters in exchange for the conveyance of the State tidelands for the refuge. We are ready to effect this exchange as soon as questions of valuation and details of the transfer documents can be worked out.

We remain anxious to cooperate with the State in attaining our mutual objectives. I have asked the acting Fish and Wildlife Service Regional Director, Jerry Stegman, to be available to the State of Texas to work out details of the transfer documents, and would appreciate your appointing someone to work with Mr. Stegman so that we may both move forward with this very desirable project.

Sincerely,

CECIL D. ANDRUS,

Secretary.

GENERAL SERVICES ADMINISTRATION,

Washington, D.C.

Hon. JAMES G. WATT,

Secretary of the Interior,

Washington, D.C.

DEAR MR. SECRETARY: We have deferred disposal of Government-owned land on Matagorda Island since 1975 pending agreement between the Department of the Interior (DOI) and the State of Texas over the future ownership and management of this unique and valuable property.

In 1979, after protracted negotiations, the General Services Administration (GSA), DOI, and the State appeared to reach an agreement providing for the transfer by GSA of approximately 8,000 acres to DOI; conveyance of 11,000 acres to the State; and conveyance of 16,000 acres of tidelands by

the State to DOI. However, the formal tripartite agreement covering this proposal, which DOI sent to the State in the summer of 1979, was not signed.

We recently received a copy of a letter dated January 2, 1981, from former Secretary Andrus to Governor Clements indicating that DOI now plans to request transfer of the entire 19,000 acres and exchange the 11,000 areas for the State-owned tidelands. Such a proposal was advanced several years ago by DOI. We explained then that transfers of excess real property by GSA to other Federal agencies are made for direct program uses only, not for exchange purposes. We must continue to adhere to this policy since such a proposal would contravene the intent of our transfer authority.

I hope you will understand that we cannot continue to withhold disposal of this property. If the proposal set forth in the proposed tripartite agreement is not a workable solution to the problem, we can proceed to transfer the 8,000 acres to DOI for use as part of the National Wildlife Refuge System. The remaining 11,000 acres not needed by DOI for this purpose could then be determined surplus to Federal requirements and made available to the State for acquisition through your Department as a public park and recreational area. If the State is unwilling to accept the perpetual use restrictions and other necessary conditions required by DOI in connection with such a conveyance, the State could be given an opportunity to purchase the property directly from GSA at its estimated fair market value. This arrangement would isolate the issue of the tidelands, which we understand the State does not plan to develop, for mutual resolution by DOI and the State.

We would appreciate your reviewing this matter with Governor Clements and advising us of your position within the next 30 days, if possible. We look forward to working closely with you and your Department on this and other important matters of mutual concern.

Sincerely,

RAY KLINE.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 26, 1981.

Mr. RAY KLINE,
Acting Administrator of General Services, General Services Administration, Washington, D.C.

DEAR MR. KLINE: I agree with the position stated in your March 5 letter that the disposition of Matagorda Air Force Range on Matagorda Island, Texas, has been pending far too long. I urge you to transfer as soon as possible the 19,000 acres of excess Federal property to the Department of Interior as specified in our application. The land should be transferred for Federal use as a first priority.

The need for the entire 19,000 acres has been justified in our application based on this barrier island's national and international contribution to migratory birds and endangered species. We have made no reference in our transfer application to a need for any portion of this excess land for use as a future land exchange. After the property is actually transferred to the Department of the Interior, I will work directly with Governor Clements to consummate some type of agreement assuring the future preservation of the nationally significant natural resources present on the island and also to accommodate the State's desire for providing the local people in Texas a source of compatible park and recreational uses. The prompt resolution of this longstanding issue would be in the best interest of all parties concerned.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 25, 1981.

Mr. RAY KLINE,
Deputy Administrator of General Services, General Services Administration, Washington, D.C.

DEAR MR. KLINE: As you have been advised, my letter to you dated May 26, 1981, regarding the disposition of Matagorda Air Force Range on Matagorda Island, Texas, is under further review within the Department of the Interior.

I understand this has been a long-standing issue between GSA and the Department of the Interior, and we do wish to expedite a resolution. However, I feel it necessary to reevaluate the issues surrounding the disposition of these 19,000 acres, in light of a recent proposal by Governor Clements.

I apologize for any inconvenience this confusion may have caused you or your Agency. We will be in touch with your office immediately upon reaching a decision in this matter.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 29, 1981.

Hon. WILLIAM E. CLEMENTS, Jr.,
Governor of Texas, Austin, Tex.

DEAR GOVERNOR CLEMENTS: Thank you for your letter of April 23 concerning the transfer of the Matagorda Air Force Base. I first want to assure you of my full intent to carry out the offer of cooperation in my January 23 letter.

You detailed the very lengthy and complicated negotiations that have preceded this Administration. I also appreciate very much your offer to have Perry Bass, Chairman, Texas Parks and Wildlife Department, and your General Counsel, David Dean, meet with us and the General Services Administration, and we will be following up in that regard.

While I am pleased that my January 23 letter evoked your request for the transfer of Federal lands on Matagorda Island for wildlife management and recreation purposes, and am inclined to transfer management responsibilities to States where possible, there are, as you know, matters of policy and law which must be reviewed before I can make this commitment. To expedite the matter, I am asking Assistant Secretary for Fish and Wildlife and Parks, Mr. G. Ray Arnett, to review this matter on the ground and discuss it with you or with your staff and other interested parties. I am also asking our Solicitor to review the various matters of law associated with such a transfer. Finally, I am very pleased with your expression of intent to emphasize comprehessive conservation and management of this property and would eagerly solicit any State proposals in that regard.

I am hopeful that these reviews and any further information you may share will enable me to be responsive to your request.

Sincerely,

JIM WATT,
Secretary.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., July 13, 1981.

Mr. MILTON J. SOCOLAR,
Acting Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. SOCOLAR. Enclosed is a copy of my letters to the Interior Department and the General Services Administration concerning the proposed disposal of certain Federal areas which are of significant value for tourists, as well as fish and wildlife protection.

I request that your agency initiate an examination of the handling of these matters by the DOI and the GSA, including a review of the legal status of the Matagorda area and the authority of the GSA to dispose of this area. Please arrange for GAO staff to discuss these various issues with our Subcommittee staff. For this purpose, please contact our Counsel, Mr. Finnegan, at 225-3147.

As is the case in all investigations by GAO requested by me, please do not provide draft or final copies of your report or opinion to these agencies. I will do so at an appropriate time. You should, of course, ensure that factual information is accurate and timely.

With best wishes,

Sincerely,

JOHN D. DINGELL.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., July 13, 1981.

Hon. JAMES G. WATT,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: As you know, tourism is of vital importance to the Nation. It is a matter of significant importance to this Committee, particularly its interstate character and its energy implications, and we are initiating an examination of the impact of tourism on Federal areas.

Many Federal areas under your jurisdiction attract vast numbers of tourists annually. These include the National Park and National Wildlife Refuge Systems. Such tourist attractions are beneficial to the States and communities where they are located. I am concerned, however, about recent news media reports of possible transfers of significant Federal areas or portions thereof to the States. Most recently, I note an increased interest on the part of the Department and the General Services Administration to resolve a dispute concerning an application by the State of Texas for significant portions of national wildlife refuge lands on Matagorda Island. Also, I understand a list of other refuge lands was recently developed by the DOI for possible disposal.

As you know, the Air Force and former Secretary Rogers Morton entered into a cooperative agreement and permit on November 20, 1971, under which the DOI would administer the Matagorda area. Such an agreement is in accord with the provisions of 16 U.S.C. 670b.

The National Wildlife Refuge System Administration Act of 1966 provides that all lands administered by the Secretary of the Interior as a wildlife refuge are automatically designated as part of the National Wildlife Refuge System. In addition, the Act provides that each area "included within the System on January 1, 1975, or thereafter," by various means, including a cooperative agreement with any Federal department or

agency, "shall continue to be a part of the System until otherwise specified by Act of Congress. . .".

The 1971 DOI-Air Force cooperative agreement and permit specifies that "Interior shall use said lands as part of the Aransas National Wildlife Refuge." Former Assistant Secretary Reed, in a January 9, 1973 letter to the General Services Administration, confirmed that the area was "incorporated" into the Aransas Refuge. That agreement was in force on January 1, 1975 and, to my knowledge, has never been terminated.

I understand that in September 1975, the Air Force apparently sought to declare the area excess to its needs. However, that Air Force action did not terminate the joint Air Force-DOI agreement, and it was never finalized.

On November 17, 1975, the DOI requested that this area be transferred to the DOI pursuant to 16 U.S.C. 667b-667d. In my judgment such an application was not required, since the National Wildlife Refuge System Administration Act provided at that time that the area cannot be disposed of by any agency, including the GSA, without a specific Act of Congress.

Reportedly, the State of Texas, in January 1976, also applied for all of the area pursuant to 40 U.S.C. 484. Such an application appears to be in conflict with the above cited provisions of law.

I am aware that this matter has been a subject of continued discussions between the DOI, GSA, and the State for a number of years. Your predecessor, Secretary Andrus, noted this in a January 2, 1981, letter to Governor William P. Clements, Jr., but the Secretary said:

"The legal basis seems clear and since it is Federal land, it must be transferred for Federal programs as first priority. In addition, it is being administered as a part of the National Wildlife Refuge System and, therefore, without an Act of Congress, a conveyance to the State could invite an injunctive action. Therefore, we are asking the General Services Administration to immediately transfer the entire property to the Fish and Wildlife Service. This will set the stage for subsequent actions to attain our mutually desirable objectives in accord with earlier undertakings.

"The preferred method would be to develop a land exchange whereby the Fish and Wildlife Service would convey title to the State of the northeastern area on equal value basis subject to the necessary conditions, restrictions and reverters in exchange for the conveyance of the State tidelands for the refuge. We are ready to effect this exchange as soon as questions of valuation and details of the transfer documents can be worked out."

I agree with the Secretary's contention that this area is part of the System and cannot be disposed of, but I do not agree that such a land exchange would be legal.

I understand that on January 23, 1981, you wrote to the Governor of Texas and other Governors inviting them to discuss problems with you. Subsequently you asked the Governors to identify "small" parcels of federal lands that local governments might acquire for community needs. In an April 23, 1981, reply, Governor Clements, noting the long history of the negotiations concerning Matagorda, said:

"It is the position of the State of Texas that the property is 'surplus' property under the Federal Property and Administrative Service Act, 40 USCA 471 et seq. GSA also takes the position that the property is 'surplus' and not 'excess.' Had it been determined 'excess' property, it would have been transferred to another federal agency long ago. As 'surplus' property, the land can be sold under this act at its estimated fair market value to any party, including the State of Texas, or it can be transferred to Texas under 16 USCA 667b through the DOI."

In a May 29, 1981, letter to the Governor, you quite properly declined to make a commitment concerning this matter. You noted that there are important questions of policy and law that must be resolved.

I agree. Indeed, I believe that the GSA particularly and past DOI officials have spent too much time negotiating without first sorting out the legal issues. This is obvious, since it apparently took until July 1977 for the DOI to first discover the 1971 cooperative agreement and the provisions of the National Wildlife Refuge System Administration Act cited above. In a July 6, 1977 letter, the then Secretary told GSA that a "point of law has come to our attention" and advised the GSA of the law. Apparently, the GSA has ignored the law and is proceeding as if their statutes are the only applicable law. There are, in fact, several other statutes that are pertinent. Thus, your caution is warranted.

I welcome and encourage the examination of the law and policy by your Solicitor. At the same time, however, I am asking the General Accounting Office to examine these matters, including the legal issues, and to provide a report thereon to our Subcommittee. In addition, our Subcommittee staff will also be conducting an investigation of the handling of the matter by the GSA and the DOI.

I, therefore, request that no action on the request by the State of Texas be taken by the DOI or the GSA until this investigation is complete. More than six years have lapsed, a few more months will not be consequential.

In addition, I request that the DOI respond by July 31, 1981 to the following:

1. Please provide a copy of the 1971 agreement between the DOI and the Air Force.

2. I understand that on May 26 and 29, 1981 the Under Secretary of the Interior wrote to Mr. Ray Kline, Deputy Administrator of the General Services Administration, regarding the disposition of this area. Please provide a copy of those letters.

3. Please provide a copy of all letters, memoranda, notes, reports, and other documents in the DOI files, including the files of the Fish and Wildlife Service in Washington and in the field and of the Solicitor, concerning the disposition of this area and covering the period when the FWS first requested the area in 1975 to the present.

4. I understand that Assistant Secretary Ray Arnett will evaluate the area later this week and report to you. Please provide a copy of that report, together with a copy of the Solicitor's opinion concerning the legal issues.

5. Please provide a table showing visitor use by month at Matagorda and other areas of the National Wildlife Refuge System for FY 1979 and 1980.

6. Please provide information showing the budget for management of the System for FY 1979 thru FY 1982 and for Matagorda.

7. Please indicate what, if any, actions pursuant to the National Environmental Policy Act of 1969 have been taken by the DOI and the GSA concerning the proposed Matagorda disposition. If none, please explain why.

8. Please provide a separate table in chronological order of all actions taken by the DOI concerning the 1975 FWS application and the 1976 Texas application.

9. I understand that at the request of a Senate Committee a list of refuge areas for disposal was hastily prepared. Please provide that list, explain how it was prepared, explain why each area is a candidate for disposal, provide the legal basis for such disposal, taking into consideration the laws cited herein, and state whether or not you support the disposal of each area on the list.

Please provide a copy of your response to the above matters to the GAO.

Sincerely,

JOHN D. DINGELL,
Chairman.

GENERAL SERVICES ADMINISTRATION, FEDERAL PROPERTY RESOURCES SERVICE,
Washington, D.C., July 24, 1981.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of July 13, 1981, concerning the disposition of Matagorda Island, Texas.

As requested in your letter, the General Services Administration will postpone action on Matagorda Island for a reasonable time to allow your subcommittee to review the circumstances involved in this case. Meanwhile, we are reviewing the questions raised in your letter. We are also searching our files to identify and reproduce the documents you have requested.

Because our regional office in Fort Worth, Texas, will have to search its files and identify and reproduce documents, as well, we will not be able to provide a complete response by July 30, 1981, as you requested. You will receive a final reply within 4 weeks.

Sincerely,

ROY MARKON,
Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 4, 1981.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigation of the Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. DINGELL: Thank you for your letter of July 13, 1981, to Secretary Watt concerning the disposition of lands on Matagora Island, Texas.

As you stated, some 19,000 acres of the approximately 33,000 acres on Matagorda Island which were utilized by the Air Force as a bombing range are managed as a part of the National Wildlife Refuge System by virtue of a 1971 cooperative agreement between the Department of the Interior and the Air Force. In 1975, the lands were declared excess to the Air Force's needs, and since that time the General Services Administration (GSA) has been attempting to make some final disposition of the property.

Although the 19,000 acres on Matagorda Island became part of the Refuge System as a result of the cooperative agreement with the Air Force, title to the lands was never transferred to the Department of the Interior and they still are under the control of GSA. The National Wildlife Refuge System Administration Act provides that lands made or managed as a part of the Refuge

System via a cooperative agreement may be removed from the System by either an Act of Congress or pursuant to the terms of the cooperative agreement. 16 U.S.C. § 668dd(a)(3)(B)(iii).

The cooperative agreement with the Air Force[1] provides for termination upon mutual agreement of the parties. If the agreement is terminated, the lands would automatically be removed from the Refuge System and would be available for disposition by GSA either to the State of Texas or this Department. Regardless of what disposition is to be made, the cooperative agreement would have to be terminated.

In conjunction with GSA, we are now beginning to prepare an environmental assessment which will discuss the various alternatives for disposal of the Island, including transferring it to the State of Texas, and transferring title to the Fish and Wildlife Service (FWS). In addition, the necessary Endangered Species Act section 7 consultations will be carried out to insure that any selected action e.g., termination of the cooperative agreement and disposal of the property, does not jeopardize the continued existence of any endangered species or result in the destruction or adverse modification of critical habitat.

Inasmuch as these procedures need to be followed regardless of what disposition is made of the Island, we are proceeding with the assessment and section 7 consultations. When those actions have been completed, and a decision has been made as to what course of action to pursue, I will inform you of that decision prior to its implementation. As we discussed, whatever decision is ultimately reached will be in accord with all applicable laws. If you wish, I would be pleased to have members of my staff and the Solicitor's Office meet with your staff and/or the GAO on this matter.

The following documents and information are provided in response to your nine specific requests.

1. A copy of the 1971 agreement between DOI and the Air Force.

2. A copy of the May 26 and May 29, 1981, letters from Under Secretary Hodel to Ray Kline, Acting Administrator of GSA.

3. All letters, memoranda, notes, reports, and other documents in the DOI files, including the FWS field office and the Solicitor's Office concerning the disposition of Matagorda Island from 1975 to the present. Some of the documents we are submitting to you we have declined to provide in response to Freedom of Information Act (FOIA) requests. These materials, which are marked "FOIA", constitute staff recommendations and drafts which are part of the deliberative, decisionmaking process and as such are exempt from disclosure under section (b)(5) of the FOIA. Therefore, we would appreciate your maintaining the confidentiality of these documents.

4. The only report of my trip to Matagorda Island is that contained in my memo to the files. There is no Solicitor's opinion per se. There are numerous documents, reflecting the Solicitor's view, which are provided in response to your third request. The Solicitor's Office is currently reviewing the matter.

5. A table showing visitor use at Matagorda and other areas of the Refuge System for FY 1979 and 1980 is provided.

6. Information showing the budget for management of the Refuge System for FY 1979–FY 1982 and for Matagorda is provided.

7. An environmental assessment which was prepared by the FWS in January 1976 for the then FWS proposal for acquisition of the entire 19,000 acres on Matagorda is provided. The Service and GSA will be preparing a new assessment analyzing alternatives which were not considered in the 1976 assessment.

8. DOI has not taken any final action on the 1975 FWS application or the 1976 Texas application. The documents enclosed in response to your request number 3 detail all of the events which have occurred. In addition, there is enclosed a Matagorda Chronology: Jan. 20, 1981–present.

9. A list of the refuge areas considered for disposal and explanation thereof is provided.

I trust the foregoing is responsive to your request.

Sincerely,

G. RAY ARNETT,
Assistant Secretary for Fish and Wildlife and Parks.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.C., August 18, 1981.

MEMORANDUM

To: Assistant Secretary for Fish and Wildlife and Parks.
From: Associate Solicitor, Convervation and Wildlife.
Subject: Possible transfer of Matagorda Island to the State of Texas.

By copy of his May 29, 1981, letter to Governor Clements of Texas, the Secretary asked this office to discuss the legal considerations involved in a possible transfer of Matagorda Island to the State of Texas. This memorandum responds to that request.

Before any transfer of Matagorda can be made, the cooperative agreement with the Air Force,[1] pursuant to which the Island has been managed as part of the Refuge System, must be terminated. Because the cooperative agreement brought the Island into the National Wildlife Refuge System, termination of the agreement would result in the lands' removal from the System. This would comport with the provisions of the National Wildlife Refuge System Administration Act, 16 U.S.C. § 668dd(a)(3), which require that land brought into the Refuge System pursuant to a cooperative agreement can only be disposed of by an Act of Congress, or pursuant to the terms of the cooperative agreement. The terms of the agreement with the Air Force do not provide for the disposal of Matagorda Island; there is provision, however, for termination of the agreement by mutual agreement of the parties. It is not reasonable to argue that because the agreement does not provide for disposal of the lands, they must forever be a part of the Refuge System. If, for example, when the Air Force was in possession of the Island it had become necessary to terminate the agreement due to some exigency requiring exclusive Air Force control of the lands, the argument that the lands remained in the System notwithstanding the agreement's termination would have defeated entirely the mutual termination clause of the agreement.

In making a decision to terminate the cooperative agreement and dispose of the lands (whether to Texas or FWS), it will be necessary to prepare an environmental assessment (and if the assessment so indicates, an EIS), and conduct a Section 7 Endangered Species Act consultation.

We recommend that FWS and GSA prepare a joint assessment for the action of terminating the agreement and disposing of the Island.

If the disposition is to be a transfer to the State of Texas, in our view there are two viable methods for accomplishing a transfer in which the State would not have to pay for the property:

1. 16 U.S.C. 667b. This statute, commonly known as P.L. 80–537, provides that real property under the jurisdiction of, and no longer required by, a federal agency and which "can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the state wherein the real property lies" may be transferred without cost to the state agency "if the management thereof for the conservation of wildlife relates to other than migratory birds."

It is our understanding that the migratory birds which utilize Matagorda Island, principally the whooping crane and brown pelican, are found largely on State owned marshlands northwest of the Island (on the bay side) or on State owned tidelands southeast of the Island (on the Gulf side)

One question which has been raised with regard to this statute is whether the State of Texas would be permitted to use the area for recreational purposes if it is transferred for wildlife conservation purposes. We see no reason why recreational uses that are compatible with wildlife conservation cannot be allowed. The analogy to the Refuge Recreation Act, 16 U.S.C. 460K–460K–4, and the National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd, is apparent; under those two statutes the Secretary is authorized to allow recreational and other uses of a refuge when those uses are found to be compatible with the purposes for which the refuge was established.

Public Law 80–537 itself provides that a transfer to a State shall be subject to the condition that the property be used for wildlife conservation purposes and if not so used (or if needed for national defense purposes) shall revert to the United States.

Any deed for the property from GSA to the State would contain ample provisions to ensure that the property continue to be used for wildlife conservation purposes, and that any recreational uses that are permitted be compatible with wildlife conservation.

The transfer would be accomplished by the Administrator of General Services who would place in the deed various restrictions on the property's use.

A review of the legislative history of P.L. 80–537 indicates that its principal purpose was to turn lands over to states for wildlife conservation.

And what we are asking is that lands suitable for wildlife purposes be turned over first to the States if they can use it.

I[f] they want it, turn them over to the States.

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[1] The Air Force has vacated Matagorda Island and GSA is currently the caretaker of the property. GSA has succeeded to the Air Force's interest in the cooperative agreement and the Island has continued to be administered as part of the Refuge System pursuant to the terms of the cooperative agreement.

[1] In 1975, the Air Force declared Matagorda Island excess to its needs. Since that time, the General Services Administration (GSA) has had physical custody of the property, and has succeeded to the Air Force's interest in the cooperative agreement.

If there is anything that the State wants for the development of upland birds in wildlife, they get the choice of this land, and they develop it under their own State authority.[2]

In addition, the then Director of the Fish and Wildlife Service, Albert M. Day, stated that the legislation was largely "for the benefit of the States".[3]

Prior to 1972, P.L. 80-537 provided that real property which "is chiefly valuable for use for such [wildlife conservation] purpose" [emphasis added] may be transferred to a state or the Interior Department.

In 1972, P.L. 80-537 was amended to delete the word "chiefly" from the phrase. The phrase now reads "and (2) is valuable for use for any such [wildlife conservation] purpose. . . ." The reasons for the 1972 amendment lie in the fact that the word "chiefly" resulted in applying the section so that if there were any other purpose for which the land could be used, it was allotted for such other purposes. Hence, wildlife conservation purposes took a back seat to all other possible uses of the land. By elimination of the word "chiefly" it was hoped that wildlife purposes would stand on an equal footing with all other possible uses of the land when put before the Administrator of General Services for his decision on the matter. See Senate Report No. 1108, 92d Cong., 2d Sess. reprinted in [1972] U.S. Code Cong. & Ad. News 3366.

The text of the report on the 1972 amendment speaks primarily to the acquisition of land by the states, and not the Department of the Interior. In the Summary of the Legislation section, the report states: "The purpose of this legislation is to make more accessible to the States surplus Federal lands that are valuable for wildlife conservation purposes." [1972] U.S. Code Cong. & Ad. News at 3366. Again, this evidences the intent expressed in 1948 by Senator Wherry that the legislation was primarily for the benefit of the states.

While the legislative history of P.L. 80-537 and its 1972 amendment is clear on the primacy of transfer to states if excess property can be utilized for wildlife conservation purposes, there is no indication of what degree of recreational use can be permitted. As discussed earlier, we see no reason why compatible recreational uses of such lands cannot be permitted. Any recreational use would need to be strictly regulated, and provisions should be placed in the deed of transfer to require reverter to the United States should any abuses occur which would interfere with the use of the property for wildlife conservation purposes.

2. 40 U.S.C. § 484(k)(2). This provision of the Federal Property and Administrative Services Act (GSA's disposal authority for excess and surplus property) allows for transfer of surplus real property to the Secretary of the Interior when the Secretary recommends that such property is needed for use as a public park or recreation area. The Secretary of the Interior is in turn authorized to sell or lease the transferred property to a state for public park or recreational purposes. In fixing the sale or lease price, the Secretary takes "into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State . . . ."[4]

Thus, the Secretary of the Interior could determine that use of the property as a park or recreation area would be of such benefit to the United States that it could be transferred to the State of Texas at a 100 percent discount.

Further, section 484(k)(2) requires that the deed of conveyance for the property provide that the property be "used and maintained for the purpose for which it was conveyed in perpetuity", and in the event that the property ceases to be so used it shall, at the option of the United States, revert to the United States.

If it is determined that Matagorda Island should be transferred to Texas via section 484(k)(2), we would recommend that, in addition to the requirement in the deed that the property continue to be used as a park or recreation area in perpetuity, a requirement be inserted that the area be managed for wildlife conservation purposes as well.

In conclusion, it is our opinion that Matagorda Island can be transferred to the State of Texas pursuant to either 16 U.S.C. § 667b or 40 U.S.C. § 484(k)(2).

Further, before any decision is reached as to the disposition of the property, the necessary environmental assessment and Endangered Species Act section 7 consultations must be completed.

Any further questions on this matter may be directed to Mr. David Fisher of this office at x2172.

J. ROY SPRADLEY, Jr.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C. September 28, 1981.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington D.C.

DEAR MR. DINGELL: This is in further reply to your letter of July 13, 1981, concerning the disposition of Matagorda Island, Texas. As we noted in our letter of July 24, 1981, the General Services Administration (GSA) has continued to postpone action on Matagorda Island in accordance with your request to allow your subcommittee time to review this case.

In responding to your request we will answer the inquiries raised in your letter in the order presented.

1. We were unable to separate the chronology of actions taken by GSA into two distinct areas, one dealing exclusively with the Department of the Interior (DOI) application and the other dealing with the application of the State of Texas. However, we are providing a chronology of GSA actions with regard to both applications. (See Attachment 1.)

2. We have enclosed copies of all documents noted in the chronology which are pertinent to the GSA actions with regard to the above noted applications. (See Attachment 2.)

3. When GSA was advised by DOI on June 7, 1977, and July 6, 1977, concerning the National Wildlife Refuge System issue, we responded to DOI on November 3, 1977. (See Attachment 3.)

4. You have requested the legal basis for GSA continuing to entertain the application of the State of Texas in light of the requirements of law applicable to this area which you outlined in your attached July 13, 1981, letter to Secretary Watt.

It is our position that Matagorda Island is available for transfer or disposal by GSA due to the unconditional Report of Excess filed by the Department of the Air Force with GSA in September 1975. The Memorandum of Understanding signed by DOI and Air Force in November 1971 did not place the property in question in the National Wildlife Refuge System, nor was it intended by either party, or contemplated by either party at the same time to have such an effect. More specifically:

(a) The Memorandum of Understanding does not constitute a "cooperative agreement" as that term is used in Section 3 of P.L. 94-223. The authority recited in the Memorandum of Understanding for the Secretary of the Interior to administer the subject property is the Endangered Species Act of 1966 (P.L. 89-669). This act was amended by P.L. 90-406 and further amended by P.L. 91-135 in 1969. The Memorandum of Understanding was signed by DOI and Air Force in November 1971. P.L. 89-669, P.L. 90-406, and P.L. 91-135 do not provide for any express authority for cooperative agreements between Federal agencies, but only refer to agreements between States and DOI for administration and management of endangered species.

The cooperative agreements contemplated in Section 3 (b) of P.L. 89-669 were to provide a mechanism whereby the States could administer or manage areas established for endangered species purposes not the administration of the areas by DOI instead of the States. The Air Force did not contemplate management of the wildlife and endangered species on Matagorda Island nor did it request such duties, but rather intended that DOI be granted limited access to the Island on a permit basis to perform such services.

(b) The Memorandum of Understanding of November 1971 was for a temporary license or permit for a secondary use which would not interfere with the primary Air Force mission. The Memorandum of Understanding did not provide for a transfer of custody, accountability, or control over the property or establish DOI as the holding agency instead of Air Force. In point of fact, Section 10 of the Memorandum of Understanding noted expressly that nothing in the Memorandum would limit, restrict, or interfere with the ". . . rights of the Air Force to continue to be responsible for the management of wildlife activities on the Air Force property, subject only to the peculiar requirements for whooping crane preservation . . ." Thus, it is evident that the permit arrangement was restricted and not intended by both parties as a document which would transfer the Federal lands into the National Wildlife Refuge System.

(c) Air Force was not precluded by the permitting procedure from terminating use of the Federal property for its primary mission. The permit was for a secondary use. When the primary reasons for the utilization of the property were no longer considered viable, the property was reported as excess by the Air Force for transfer or disposal pursuant to the terms and conditions of the Federal Property Act. Therefore, the permit conditions were automatically terminated when the unconditional report of excess was received, accepted, and processed by GSA pursuant to 41 CFR 101-47.202-10.

A copy of our response to your letter along with the enclosures have been forwarded to the General Accounting Office

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[2] Acquisition of Land for Wildlife Conservation Purposes: Hearings on S. 1155, H.R. 4018 and H.R. 107. Before a Subcommittee of the Committee on Interstate and Foreign Commerce, 80th Cong. 1st Sess. 16 (1947). [Hereinafter cited as hearings]. Remarks of Senator Wherry.

[3] Id. at 41.

[4] We are informed that HCRS has traditionally handled such transfers to states, and in all recent cases the transfers have been made at no cost to the states involved.

per your request. If we may be of further assistance to you, please let us know.

Sincerely,

PAY KLINE,
Deputy Administrator.

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., January 27, 1982.

Hon. G. RAY ARNETT,
Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C.

DEAR MR. ARNETT: On August 26, 1981 I requested your response by September 14 to a number of questions concerning Matagorda Island, the national home of the whooping crane and other wildlife. Subsequently, your staff requested a delay and indicated that you wanted to meet with me to discuss the issues concerning the Matagorda controversy. Several attempts to meet proved unsuccessful. However, I have not received the requested reply which I still require.

While I welcome the opportunity to meet with you to discuss these issues (and I understand from discussions with our staffs yesterday that you still desire such a meeting), I must insist, as my staff indicated I would, on your providing a full reply to my letter prior to that meeting. The reply should include a copy of all documents, including draft copies, of any environmental assessment developed thus far and the basis for determining that an EIS is required. Again, until the legal issues are resolved, I believe it would be wasteful to prepare an EIS.

The reply should also include all letters, memoranda, notes, reports, etc., concerning Matagorda Island in your Albuquerque, New Mexico office which were not included in your earlier reply.

Also, I am familiar with the August 18, 1981 memorandum of the Associate Solicitor for Conservation and Wildlife which states that before the Department can transfer this National Wildlife Refuge System area to Texas, the cooperative agreement "must be terminated" and that such a termination "would result in the lands' removal from the System". The memorandum notes that the Air Force declared the Island "excess to its needs" in 1975 and that the GSA "has had physical custody of the property and has succeeded to the Air Force's interest in the cooperative agreement." It failed to mention that the Corps of Engineers, not GSA, issued permits for the area to the FWS.

There is, of course, nothing in the 1971 agreement that provides for such succession by the GSA or the Corps. If it legally occurred at all, it occurred as a result of the surplus property laws that were invoked when the Air Force declared the island excess. However, subsequent to that declaration, Congress enacted the Game Range Act which clearly placed the area in the National Wildlife Refuge System. At that point the Surplus Property laws would no longer apply. I, at least, fail to see any legal basis for asserting that they should apply. The later and specific Act of Congress applies. Such an interpretation or understanding does no harm to the Air Force, because that agency declared it excess to its needs and now merely wants to get rid of it. This could be done by an amendment to the original cooperative agreement providing for the transfer of the Air Force's administrative interest in the island to the Fish and Wildlife Service and deleting the termination clause which is no longer necessary. I presume that title to this area is in the United States and that the Air Force is merely the custodian for the United States. The Associate Solicitor's memorandum fails to discuss the availability of this possibility. The Associate Solicitor's memorandum also fails to show the legal basis for concluding that the Surplus Property laws apply in the same manner as in 1975 when the Air Force made its declaration. I have asked GAO to address these issues, as well as the issue of amending the agreement as I suggest.

In a September 28, 1981 letter to me, the GSA, in replying to my request for the legal basis for GSA continuing to entertain the application of Texas for this Island failed to provide that basis, but did say:

The Island is available for transfer or disposal by GSA due to the "unconditional" Report of Excess (which the GSA has not provided to me) by the Air Force in September, 1975;

The cooperative agreement "did not place the property in question in the National Wildlife Refuge System", nor was it intended by either party, or contemplated by either party at the same time, to have such an effect;

The cooperative agreement is not a cooperative agreement;

The cooperative agreement was for a secondary use which would not interfere with the primary Air Force mission;

The agreement provides that it does not limit, restrict, or interfere with the rights of the Air Force to continue to be "responsible for the management of wildlife activities on the Air Force property, subject only to the peculiar requirements for whooping crane preservation, as worked out with representatives of Interior" (which, despite the GSA contention, appears to be a limitation on the Air Force) and thus "it is evident that" the agreement "was restricted and not intended by both parties as a document which would transfer the Federal lands into the National Wildlife Refuge System"; and

The Air Force was not precluded from terminating use of the island for its primary mission and that the agreement was "automatically terminated when the unconditional report of excess was received, accepted, and processed by GSA".

All of the GSA contentions which totally ignore the Game Range Act are absurd and presumably were written with no consultation with the GSA lawyers who I hope are more capable than the GSA letter shows.

To my knowledge, no one contends that the 1971 agreement placed the area in the Refuge System, although it specifically states that: "Interior shall use said lands as a part of the Aransas National Wildlife Refuge" which is part of the System and which indicates some "intent" by the parties to include the area in the System. Nevertheless, the later Game Range Act put to rest this issue. It placed the area in the System, the intent of the parites in 1971 notwithstanding.

The fact that the Interior's use was possibly secondary to the Air Force (although that is not entirely clear from the agreement) is irrelevant. To my knowledge, no one contends that the agreement should be terminated because of a superior Air Force need. Indeed, the Air Force has declared it does not need the area. Further, unlike other Defense Department agreements for such wildlife areas with Interior, no provision was made in the 1971 agreement for termination on defense or national security grounds. By its very terms, termination requires "mutual agreement". If one party balks, no termination could result.

Finally, the mere declaration of excess did not, and could not, terminate the agreement which by its very terms required "mutual agreement" between the parties. Such laws do not provide for such unilateral action. Furthermore, to my knowledge, the declaration has never been fully processed by GSA as witnessed by the lengthy record of discussions between GSA and Interior since 1975. Most importantly, the 1976 law intervened, halted, and mooted that process.

The Interior Associate Solicitor also states:

"The terms of the agreement with the Air Force do not provide for the disposal of Matagorda Island; there is provision, however, for termination of the agreement by mutual agreement of the parties. It is not reasonable to argue that because the agreement does not provide for disposal of the lands, they must forever be a part of the Refuge System. If, for example, when the Air Force was in possession of the Island it had become necessary to terminate the agreement due to some exigency requiring exclusive Air Force control of the lands, the argument that the lands remained in the System notwithstanding the agreement's termination would have defeated entirely the mutual termination clause of the agreement.

"In making a decision to terminate the cooperative agreement and dispose of the lands (whether to Texas or FWS), it will be necessary to prepare an environmental assessment (and if the assessment so indicated an EIS), and conduct a Section 7 Endangered Species Act consultation.

"We recommend that FWS and GSA prepare a joint assessment for the action of terminating the agreement and disposing of the Island."

I agree that the 1971 agreement does not provide for disposal of the Refuge area. I also do not contend that because the agreement is silent on disposal, that the agreement requires this area "must forever be a part of the Refuge System". The 1976 Game Range Act requires the area be "forever" a part of the "Refuge System" except where the agreement provides for termination and such termination occurs as provided by the agreement. However, the Air Force is not seeking termination, rather the GSA and Texas are. They are not parties to the agreement. I know of no legal basis for GSA to seek such termination, particularly where the Surplus Property laws are inapplicable by reason of the Game Range Act.

As I have already pointed out, the "mutual agreement" provision in the termination clause does, in fact, enable either party to prevent termination. That was the obvious purpose of the clause and probably was requested by the Interior Department in 1971. Interior need not terminate.

The Solicitor fails to address the crucial issue of whether, absent a request by the Air Force for termination to meet its defense needs, Interior is authorized under the laws applicable to Interior, such as the Game Range Act, the National Wildlife Refuge System Administration Act, the Endangered Species Act, the Migratory Bird Treaty Act, and NEPA, to exercise the termination clause. Clearly, none authorize Interior to give away a valuable part of the Refuge System needed for national wildlife purposes to satisfy GSA's apparent desire to satisfy Texas. Certainly, 16 U.S.C. 667b and 40 U.S.C. 484(k)(2) do not provide such au-

thority. I have also asked the GAO to examine this important issue.

Sincerely,

JOHN D. DINGELL,
Chairman.

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 13, 1982.

Hon. JAMES G. WATT,
Secretary, Department of the Interior, Interior Building, Washington, D.C.

DEAR MR. SECRETARY: On August 26, 1981, I wrote to Assistant Secretary G. Ray Arnett requesting his reply by September 14, 1981 to a number of questions concerning Matagorda Island, a national tourist attraction because it is the national home of the whooping crane and other migratory wildlife. It is an area of concern to this Subcommittee because of its important tourist value. When I did not receive a reply five months later, I again wrote to the Assistant Secretary on January 27, 1982.

I still have *not* received even an acknowledgement of either letter. I find that intolerable and unacceptable conduct on behalf of the Interior Department. I request that the Department respond fully to both letters within 15 days after receipt of this letter and provide an explanation as to why Interior officials apparently are unwilling to respond to my inquiry, particularly after being quite responsive initially.

Enclosed is an April 16, 1982 opinion of the Comptroller General of the United States (B-204291) concerning the National Wildlife Refuge System area. I request your review and comment on that opinion.

The GAO opinion holds that:

Despite the General Services Administration's (GSA) contrary contentions, the 1971 Interior—Air Force memorandum of understanding (MOU) "is a 'cooperative agreement' as that term is used" in the National Wildlife Refuge System Administration Act, as amended by the Game Range Act, Public Law 94-223;

Although "not a 'transfer' of Air Force's primary jurisdiction to Interior, the 1971 MOU clearly granted a secondary use for wildlife refuge purposes,";

"Public Law 94-223 legislatively ratified all prior designations of refuge areas by cooperative agreements such as the 1971 MOU," and the GAO sees "no merit in questioning at this late date Interior's and Air Force's authority under the Endangered Species Act of 1966 to execute the 1971 MOU";

One of the "express purposes" of the 1971 MOU was "to administer an area on Matagorda Island as a national wildlife refuge to meet its responsibilities for the whooping crane";

The area subject to the 1971 MOU is part of the National Wildlife Refuge System;

GAO rejects "GSA's argument of an implied termination" of the 1971 MOU effective when GSA received in September 1975 the Air Force's report of excess property;

"Interior and the Air Force may . . . agree to terminate the 1971 MOU, subject of course, to compliance with the applicable requirements of NEPA and ESA";

The Endangered Species Act, the National Environmental Policy Act of 1969, the Migratory Bird Treaty Act, Public Law 94-223, and the National Wildlife Refuge System Administration Act of 1966, do not, according to GAO, limit the Interior "Secretary's authority to initiate the termination of cooperative agreements under the provisions of Public Law 94-223", but obviously could limit final termination;

GSA's disposal authority "relates solely to the Air Force's retained interest in Matagorda Island that was reported to GSA as excess in September 1975", but that interest is subject to Interior's interest;

Until the MOU is terminated or an Act of Congress removes it from the System, "GSA has no authority to dispose of Interior's interest in Matagorda Island";

The GSA "cannot declare excess real property 'surplus' and dispose of it outside the Federal Government unless the Administrator, GSA, specifically determines that the excess property" is not required by other Federal agencies; and

If Interior were to proceed to renew or merely update its earlier request for the Air Force's excess interest in Matagorda under Public Law 80-537, the GAO does not think the GSA "could determine" the area "is not required" for Interior's responsibilities.

The GAO said: "By enacting Public Law 94-223, Congress legislatively sanctioned Interior's prior designation of properties included in the National Wildlife Refuge System pursuant to cooperative agreements. In other words, Congress has in our view limited the Administrator's discretion to determine that the excess Air Force interest is 'surplus' to Interior's needs so long as Interior continues to retain its interest in the subject property."

This GAO view that the GAO is powerless to act so long as Interior retains its interest in the Island, pursuant to the 1971 MOU and that the GSA could not dispose of the Air Force interest if the Fish and Wildlife Service claims that interest, is important. It goes to the heart of the matter. It supports fully my contention that the GSA role in this matter is non-existent or unimportant. The determining agencies are Interior and FWS. Until they decide to "give away" this national area, nothing bad happens. The whooping crane continues to receive the protection intended by Congress. The Migratory Bird Treaty is complied with. Unfortunately, both seem to be bent on a "give away" program apparently to appease the GSA and Texas. I find that totally incomprehensible and contrary to the national interest.

The GAO opinion makes it quite clear that the 1971 cooperative agreement is valid and was not affected by the Air Force's 1975 declaration of excess. It also makes it clear that the area is by statute a part of the National Wildlife Refuge System and that, at present, the GSA cannot dispose of the area of Matagorda covered by the 1971 cooperative agreement while the MOU is in effect.

This portion of the GAO opinion raises the question why Interior is seemingly moving rapidly to rid itself of its statutorily protected interest in this National Wildlife Refuge System area. The fact that GSA wants to give away this endangered species sanctuary to Texas and that Texas wants it should have no bearing on the issue. Interior can retain its interest, tell GSA to so inform Texas, and obtain the Air Force interest as well. The February 3, 1982, Fish and Wildlife Service-General Services Administration notice (prepared—not by either agency—but by a lawyer in the Solicitor's Office who has no responsibility for Matagorda or for endangered species, like the whooping crane, or for the disposal of the excess Air Force interest in Matagorda) fails to explain why Interior believes it important to rid itself of Matagorda. The notice weakly states: "The purpose of this proposed action is to preserve the existing natural character of the 19,000 acres of federal land of Matagorda Island through appropriate management by the Texas Parks and Wildlife Department as described in its 'Matagorda Island Conceptual Plan' dated October 22, 1980."

However, that purpose, together with the purpose for which the MOU was executed in 1971, can be served adequately without conveying title to the Area to Texas. The FWS has been doing this for years. The GAO opinion strengthens its ability to do this because it recognizes that the area is protected by Federal law.

Similarly, Assistant Secretary Arnett's August 4, 1981, letter to me fails to explain why Interior should "initiate" termination of the 1971 MOU or why it wants to transfer this area to Texas. Yet, he is quite clear that "disposal" of Matagorda to Texas is upper-most in his mind. A cynical person might believe some private understanding between the Governor of Texas and this Administration. I hope that is not the case. But, so long as the Administration fails to explain adequately to the public why it feels compelled to give away this nationally important whooping crane area, one cannot ignore that possibility.

The GAO opinion concludes that Congress, in enacting Public Law 94-223, did not preclude termination of cooperative agreements covered by the law in accordance with the "terms of the agreement". The GAO cites legislative history to show that Interior recommended language in Public Law 94-223 aimed at recognizing the termination provisions of cooperative agreements, like the 1971 MOU.

I do not quarrel with that. The history is generally clear. However, the reason why Interior made that recommendation is not revealed in the legislative history or in the GAO opinion.

I was a Member of the House Subcommittee that considered H.R. 5512 in the 94th Congress. Interior recommended that language to appease other Federal agencies and State agencies with which Interior had agreements. Those agencies did not want Congress to "lock up" these areas as part of the System and thus override their original or primary defense or other purpose in the area. However, it was never intended by me or others on the Committee in agreeing to that provision, at that time, that Interior or the Fish and Wildlife Service (which were the agencies negotiating the agreements to obtain the lands for fish and wildlife purposes) would utilize the provision to dispose of an area considered critical for endangered species or needed to protect migratory birds pursuant to this Nation's treaty obligations with Canada and Mexico.

The area is considered critical habitat for the whooping crane and other migratory birds. That is why Interior acquired it in 1971. That prupose has not changed. It is still critical. I note that on March 8, 1982, the Canadian Government, which is a party to the Migratory Bird treaty, expressed concern about the proposed termination. I hope that Canada will enlist the aid of the State Department in halting this travesty. I believe that such action to terminate the MOU violates at least the spirit of our understandings in the 94th Congress and is improper. I strongly oppose such termination, and I have asked GAO to reconsider this aspect of the matter.

Moreover, I believe that Interior is not complying with NEPA, but is improperly

using the EIS process to justify its preconceived notion and decision of what is the "preferred" alternative. I also believe that the FWS-GSA notice failed to inform the public that a portion of the Island has been designated as critical habitat for the endangered whooping crane, that mere continuation of the 1971 MOU will adequately afford preservation of this critical habitat, and that termination is subject to the requirements of the Endangered Species Act. Finally, it is clear to me that the Air Force, not GSA, has a lead role in the termination and in the development of the EIS.

The GAO opinion states that the GAO offers "no opinion concerning the adequacy of Interior's efforts to comply with the requirements of NEPA or ESA." I am asking the GAO to examine those efforts and to provide an opinion concerning the adequacy of such compliance.

Please provide to me a copy of Texas Conceptual Plan of October 2, 1981 and all related documents.

I also request that this letter, the GAO opinion, and my prior letters to Interior and GSA, as well as all replies from such agencies be included in the record of the proceedings under NEPA and the ESA.

Sincerely.

JOHN D. DINGELL,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 13, 1982.

Hon. GERALD P. CARMEN,
Administrator, General Services Administration, Washington, D.C.

DEAR MR. CARMEN: As you know, I asked the General Accounting Office to examine the contention raised in the GSA's September 28, 1981 letter to me concerning the GSA's desire to transfer the national home of the endangered whooping crane to the State of Texas. Enclosed is a copy of the GAO's opinion (B-204291) concerning this matter. I request your review and comment on the opinion.

The GAO opinion makes it quite clear that the 1971 cooperative agreement is valid and was not affected by the Air Force's 1975 declaration of excess. It also makes it clear that the area is by statute a part of the National Wildlife Refuge System and that, at present, the GSA cannot dispose of the area of Matagorda covered by the 1971 cooperative agreement while the MOU is in effect.

Also enclosed is a copy of my letter to Secretary Watt concerning this matter.

I strongly urge that the GSA halt its efforts to encourage disposal of this valuable area to Texas and that you act promptly on the FWS request to transfer the Air Force interest to the FWS.

Sincerely,

JOHN D. DINGELL,
Chairman.

Enclosures.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 16, 1982.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Commerce, Committee on Energy and Commerce, House of Representatives.

DEAR MR. DINGELL: This responds to your request for our views of certain legal issues involved in the proposed disposal of the Government-owned tract of land on Matagorda Island. In the preparation of this response, we have had the benefit of the views of both the Department of the Interior (Interior) and the General Services Administration (GSA).

Your request presents three major issues. First, is the 1971 Memorandum of Understanding (1971 MOU) between the Department of the Interior and the Air Force a "cooperative agreement" within the contemplation of the National Wildlife Refuge System Administration Act, as amended by the Game Range Act, Public Law 94-223, 90 Stat. 199 (1976) (hereafter collectively referred to as Public Law 94-223)? Second, if it is a "cooperative agreement" within the contemplation of Public Law 94-223, can Interior remove the Matagorda Island property from the National Wildlife Refuge System (NWRS or System) by terminating the 1971 MOU? Based on our review of Public Law 94-223 and its legislative history, we conclude that the 1971 MOU is a "cooperative agreement" under Public Law 94-223 and that Interior may remove the property subject to the 1971 MOU from the System by terminating its use pursuant to the terms of the 1971 MOU.

The third major issue involves the scope of GSA's authority to dispose of Interior's interest in Matagorda Island. By enacting Public Law 94-223, Congress clearly directed that areas of the NWRS are to continue to be a part of the System unless removed pursuant to the terms of Public Law 94-223. Hence, until Interior terminates its use of the Island pursuant to the terms of the 1971 MOU or an act of Congress removes such lands from the System, GSA has no authority to dispose of Interior's interest in Matagorda Island. Conversely, until and unless either of the two actions noted above occurs, any disposal action by GSA with regard to the excess Air Force interest in Matagorda Island will be subject to Interior's interest.

Matagorda Island is a barrier island located in the Gulf of Mexico approximately 35 miles north of Corpus Christi, Texas. The Government's fee interest in Matagorda Island was originally acquired in a condemnation action in the early 1940's for use by the Army Air Corps.[1] From 1943 to 1945 and again from 1949 to 1975 when the Air Force announced the closure of the Island base, the Island was operated as a weapons range.

On November 20, 1971, the Department of the Interior and the Department of the Air force executed a memorandum of understanding permitting Interior to administer Air Force lands on Matagorda Island as a part of the Aransas National Wildlife Refuge, subject to certain specified conditions. Subsequently in January 1973, the Assistant Secretary of the Interior notified the Acting Administrator, GSA, that "the Matagorda Island Air Force Base in Texas * * * has been incorporated into the Aransas National Wildlife Refuge by an agreement with the Air Force." Interior has advised that they continue to manage the Island property as part of the Refuge System.[2]

On or about September 25, 1975, the Air Force reported the Matagorda Island Air Force Base to GSA as excess to its needs. Shortly thereafter, Interior formally requested that the excess property be transferred to it under the authority of Public Law 80-537, 16 U.S.C. §§ 667b-667d (1976).[3] The State of Texas followed suit in January 1976, filing a "Notice of Desire to Acquire Surplus Property" pursuant to section 203(e)(3)(H) of the Federal Property and Administrative Services Act of 1949 (hereafter Property Act of 1949), 40 U.S.C. § 484(e)(3)(H) (1976).

In April 1976, GSA informed the Regional Director, Fish and Wildlife Service (FWS), of its decision to transfer the southwest portion of the Island to FSW. Three days later GSA reassured the FWS Regional Director that since the disposal action could not be consummated until receipt of the Air Force decontamination statement,[4] GSA would consider any further FWS justification to support the transfer of the remaining northern two-thirds of the Government property to FWS pursuant to Public Law 80-537's criteria. FWS supplied additional justification on May 26, 1976.

On April 6, 1977, GSA notified the Regional Director, FWS, that 6,716 acres on the southwest portion of the Island would be transferred to FWS and the remaining 12,276 acres would be conveyed to the State of Texas following preparation of an environmental impact statement. Shortly thereafter, Interior challenged the legality of GSA's proposed disposal action. By letter of June 7, 1977, Secretary Andrus reaffirmed the FWS application for transfer of the entire Matagorda Island tract to FWS. Not to transfer the entire tract, according to Secretary Andrus' letter, would run counter to the overriding policy of the Federal Property and Administrative Service Act of 1949 and GSA implementing regulations to achieve maximum utilization of Federal properties by executive agencies. Absent GAS's specific finding that the entire Matagorda Island tract is "not required for the needs and the discharge of the responsibilities of [the Department of the Interior]," the Secretary questioned the legality of GSA's decision under the Property Act of 1949. The Secretary also pointed out GSA's failure to consult with Interior to assure that disposal of the property would not jeopardize the whooping cranes or their critical habitat, as required by Section 7 of the Endangered Species Act.

It was not until July 6, 1977, that Interior brought Public Law 94-223 to GSA's attention. Since, in Interior's opinion, the 1971 MOU constituted a "cooperative agreement," as that phrase is used in Public Law 94-223, "any land covered by the Memorandum of Understanding must continue to be included within the Refuge System and may not be disposed of except by Act of Congress." Secretary Andrus concluded his letter to Administrator Sampson by "again urg[ing] that the property be conveyed to the Fish and Wildlife Service."

By letter dated November 3, 1977, Administrator Sampson responded to Secretary Andrus' June and July 1977 letters, rejecting Interior's interpretation of the 1971 MOU. As pertinent here, the Administrator commented that:

"Public Law 94-223 has been in existence since February 27, 1976. We are concerned that after the many discussions and efforts by DOI to have this property transferred under Public Law 537, 80th Congress, at such a late date other authority is quoted as a basis for transfer. Further, we are concerned that DOI's interpretation of Public Law 94-223 would appear to negate the intent and purpose of authority given to GSA to dispose of property under Public Law 537, 80th Congress, and section 202(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483(a)), for wildlife purposes. Additionally, we question whether it was the intent of

[1] Footnotes at end of article.

Congress in enacting Public Law 94-223 that it serve as a basis for the permanent transfer of property for wildlife use, such as in the case of Matagorda Island."

A comparison of Administrator Sampson's November 1977 letter to Secretary Andrus, quoted in part above, with the Deputy Administrator's September 28, 1981 response to you indicates that GSA continues to maintain that the 1971 MOU did not place the Matagorda Island property in question in the System, and hence, that all of such property is available for disposal.

As you know, subsequent to the 1977 exchange between Interior and GSA, protracted but ultimately fruitless negotiations ensued among Interior, GSA, and the State of Texas looking toward some final disposition of the property. It was not until the spring of 1981 that the Matagorda Island impasse surfaced again in full public view. Since your letters of July 13, 1981, and August 26, 1981, to the Secretary of the Interior and the Assistant Secretary for Fish and Wildlife and Parks fully explain these events, we proceed now to consider the legal issues presented.[5]

II.

The Game Range Act, Public Law 94-223, 90 Stat. 190 (1976), amended the National Wildlife System Administration Act of 1966, to provide in part that:

"(3) Each area which is included within the System on January 1, 1975, or thereafter, and which was or is—

* * * * *

"(B) so included * * * pursuant to a cooperative agreement with any State or local government, any Federal department or agency, or any other governmental entity, shall continue to be a part of the System until otherwise specified by Act of Congress, except that nothing in this paragraph shall be construed as precluding—

* * * * *

"(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement referred to in subparagraph (B) of this paragraph." 16 U.S.C. 668dd (a)(3).

We agree with the Department of Interior that the 1971 MOU is a "cooperative agreement" as that term is used in Public Law 94-223.

Public Law 94-223's legislative history clearly indicates that one of the Act's main purposes was to sanction legislatively the prior designation of all refuge areas by the various means employed.[6] One of the means employed to establish a refuge was, and still is, by cooperative agreement between the Department of the Interior and any landholding Federal department or agency. According to the Department of the Interior representative testifying at the House Subcommittee Hearings, under these "cooperative agreements," while the lands subject thereto are administered as part of the System, this is only a "secondary use" with "primary jurisdiction" remaining in the land-holding agency.

Turning to the 1971 MOU between the Departments of the Air Force and the Interior, we believe it contains all the attributes of a "cooperative agreement," as suggested by Public Law 94-223's express language and its legislative history. The MOU's "cooperative" purpose is evidenced by a sequential reading of the agreement's "whereas" clauses. To provide for their mutual desire to protect the habitat of the endangered whooping crane, the Air Force granted Interior a permit to "use said lands as a part of the Aransas National Wildlife Refuge" "under such conditions as will not interfere with the primary mission and use by Air Force of the property." In other words, Interior obtained a secondary use of Matagorda Island as a wildlife refuge for an endangered species, subject to the primary jurisdiction of the land-holding agency. Clearly this is the type of agreement Congress had in mind when it enacted Public Law 94-223.

We have examined GSA's arguments to the contrary, but do not find them persuasive. In its September 28, 1981, letter to you, GSA questions whether the Endangered Species Act of 1966, Public Law 89-669, 80 Stat. 926 (1966), recited in the 1971 MOU's third "whereas" clause, as amended prior to the execution of the 1971 MOU, "provide[s] for any express authority for cooperative agreements between Federal agencies * * *." Since, in our view, Public Law 94-223 legislatively ratified all prior designations of refuge areas by cooperative agreements such as the 1971 MOU, we see no merit in questioning at this late date Interior's and Air Force's authority under the Endangered Species Act of 1966 to execute the the 1971 MOU.[7]

GSA next contends that the 1971 MOU was for a permit for a restricted secondary use and was "not intended by both parties as a document which would transfer the Federal Lands into the National Wildlife Refuge System." Our prior discussion of Public Law 94-223 and its legislative history addresses the first part of this point. To reiterate, clearly Congress was aware that Interior might hold only a secondary interest in properties subject to cooperative agreements, yet Congress included these areas within the System. And the express terms of the 1971 MOU indicate the clear understanding of both the Air Force and Interior that the secondary use granted to Interior was to "use said lands as a part of the Aransas National Wildlife Refuge." Although not a "transfer" of Air Force's primary jurisdiction to Interior, the 1971, MOU clearly granted a secondary use for wildlife refuge purposes.

GSA also argues that the permit conditions were "automatically terminated when the unconditional report of excess property was received, accepted, and processed by GSA pursuant to 41 C.F.R. 101-47.202-10." As we noted earlier, GSA received Air Force's report of excess property at the end of September 1975. However, GSA apparently did not consider Air Force's report final until the required decontamination report was received in September 1976. Although Public Law 94-223 was signed into law on February 27, 1976, it was by its terms applicable to "[e]ach area * * * included within the System on January 1, 1975." Thus even if we were to agree with GSA on this point, the area would still be a part of the System and still subject to the terms of Public Law 94-223, since any "automatic termination" of the 1971 MOU would have occurred after January 1, 1975. Finally, if the permit was automatically terminated when GSA received the report of excess property in September 1975, we fail to understand why on July 22, 1977, GSA requested the Air Force to transfer its "rights" under the 1971 MOU to GSA.[8] Accordingly, we reject GSA's argument of an implied termination.

III.

The second major issue is whether Interior can remove the subject Matagorda Island property from the System by terminating the 1971 MOU. In this regard, Public Law 94-223 provides that areas included within the System on January 1, 1975, shall continue to be a part of the System until otherwise specified by act of Congress, except that this provision of the Act shall not be construed as precluding:

"(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement * * *." 16 U.S.C. 668dd(a)(3) (iii).

The 1971 MOU does not mention or provide for the "disposal" of the Matagorda Island property. However, it does provide that it may be terminated in whole or in part by mutual agreement of the Secretary of the Interior and the Secretary of the Air Force. The Air Force also could terminate the permit unilaterally if, after notification of noncompliance, Interior "fails to use the said premises in accordance with the terms and conditions of this permit."

Interior maintains that any areas included within the System by cooperative agreement "may be removed from the System either by an Act of Congress or pursuant to the terms of the cooperative agreement." Letter to The Honorable John D. Dingell from Assistant Secretary for Fish and Wildlife and Parks, G. Ray Arnett, dated August 4, 1981. You subsequently advised the Assistant Secretary of your disagreement with this construction of Public Law 94-223, emphasizing that Public Law 94-223 used the term "disposal," not "termination," and that the 1971 MOU speaks only of the latter.

Nonetheless, in your recent letter of January 27, 1982, to Assistant Secretary of the Interior Arnett, you appear to concede that Interior may, but need not, terminate the 1971 MOU:

"I agree that the 1971 agreement does not provide for disposal of the Refuge area. I also do not contend that because the agreement is silent on disposal, that the agreement requires this area 'must forever be a part of the Refuge System.' The 1976 Game Range Act requires the area be 'forever' a part of the 'Refuge System' except where the agreement provides for termination and such termination occurs as provided by the agreement. However, the Air Force is not seeking termination, rather the GSA and Texas are. They are not parties to the agreement. I know of no legal basis for GSA to seek such termination, particularly where the Surplus Property laws are inapplicable by reason of the Game Range Act.

"As I have already pointed out, the 'mutual agreement' provision in the termination clause does, in fact, enable either party to prevent termination. That was the obvious purpose of the clause and probably was requested by the Interior Department in 1971. Interior need not terminate."

In this same letter of January 27, 1982, you also suggest that "absent a request by the Air Force for termination to meet its defense needs, Interior is [not] authorized under the laws applicable to Interior, such as the Game Range Act, the National Wildlife Refuge System Administration Act [collectively referred to herein as Public Law 94-223], the Endangered Species Act, the Migratory Bird Treaty Act and NEPA, to exercise the termination clause." Here however, the Air Force as the landholding agency disavowed any interest in the property for defense purposes when it declared Matagorda Island as excess to its needs. Hence, the only object of the termination is to allow GSA to dispose of the area to Texas, which object is, in your opinion, inconsistent with the overall purpose of the

statutes cited in your recent letter as well as the purpose of Public Law 94-223's "disposal" provision.

Although Public Law 94-223 speaks only of "disposal," we believe Congress' use of this term embraced the act of termination as well. As reported out of the House Committee on Merchant Marine and Fisheries, H.R. 5512 provided, in language identical to Public Law 94-223, for the "disposal of any lands within any such area pursuant to the terms of any cooperative agreement * * *." H.R. Rep. No. 94-334 at 2 (1975). The House Report's discussion of H.R. 5512's legislative background suggests that the above language was added by voice vote of the full Committee at the urging of the Department of the Interior. *Id.* at 3, 4, 10, 13. The Committee's section-by-section analysis explained that under this language,

"* * * lands included within the System pursuant to a cooperative agreement could likewise *be disposed of or the use of such lands terminated* pursuant to the terms of a cooperative agreement." *Id.* at 10 (emphasis added); see also S. Rep. No. 94-593 at 7 (1976) (identical statement).

This exception from congressional approval was suggested by the Department of the Interior:

"* * * If the intent of H.R. 5512 is to cover all of the National Wildlife Refuge System, we suggest the amendment proposed in section 2 of the bill be clarified and an exception be made for lands administered as part of the System but under the primary jurisdiction of another landowning agency. As previously stated, many refuges in the System are operated under cooperative agreement with another landowning agency. Termination of such refuges should continue to be based upon the terms of the agreement. * * *." Letter to Leonor K. Sullivan, Chairman of the House Committee on Merchant Marine and Fisheries, from the Assistant Secretary of the Interior, Royston G. Hughes, dated May 14, 1975, reprinted in H.R. Rep. No. 94-334 at 13 (1975). See also House Subcommittee Hearings at 42 (to the same effect).

Interior recommended that H.R. 5512 be amended to provide that "those lands within the System pursuant to an agreement with any Federal * * * governmental entity may be removed from the System in accordance with the terms of such agreement." *Id.*

Although H.R. 5512 as reported to the House used the word "disposed" rather than "removed," the House Report's explanation quoted above clearly indicates that "disposal" encompasses termination of the use of lands pursuant to the terms of a cooperative agreement. We have found nothing in Public Law 94-223 or in its legislative history that refutes both the House and the Senate's clear explanation of the intended meaning of this provision.

Your second contention raises the issue whether Interior may seek to terminate the 1971 MOU pursuant to its "mutual termination" provision absent an Air Force request to terminate in order to meet its defense needs. We believe Interior and the Air Force may so agree to terminate the 1971 MOU, subject, of course, to compliance with the applicable requirements of NEPA and ESA.

As you know, prior to the Game Range Act amendments to the NWRSAA of 1966, Interior used cooperative agreements to establish units of the System, and Congress was so aware. See House Subcommittee Hearings at 41-42 quoted in footnote 6 above. There were apparently no restrictions under the NWRSAA of 1966 limiting the authority of the parties to such agreements to agree to terminate the cooperative agreements.

Although you argue that it was the general purpose of the Game Range Act amendments, Public Law 94-223, and the specific purpose of the Act's "disposal" provision to so restrict the Secretary's authority, we do not agree. Clearly, one of the general purposes of Public Law 94-223 was to limit the Secretary's previously unfettered authority to remove areas from the System without congressional approval. However, the purpose of the explicit exception in favor of cooperative agreements was not to limit the Secretary's authority to remove areas from the System, but rather to preserve the rights of the parties to cooperative agreements to remove areas from the System without congressional approval. Or, in the words of the Department of Interior, "Termination of such refuges *should continue* to be based upon the terms of the agreement." H.R. Rep. No. 94-334 at 13; and see House Subcommittee Hearings at 41-42 quoted in part above.

Both the House and the Senate Reports' explanation of the change to be made by the proposed amendments support this view. The House Report's section-by-section analysis explains that areas included within the System on January 1, 1975, pursuant to law, executive or secretarial order, public land withdrawal, donation, purchase, exchange, or pursuant to a cooperative agreement with any Federal or State agency, "would continue to be a part of the System until otherwise specified by an Act of Congress." H.R. Rep. 94-334 at 10. The Report continued:

"However, Congressional approval would not be required in three situations. First, transfers or disposals of acquired lands could still be made provided the Secretary—with the approval of the Commission—determined that such lands were no longer needed and the appropriate price for such lands is collected pursuant to the requirements of paragraph (2) of this subsection. Second, lands could still be exchanged for lands of equal value pursuant to the requirements of subsection (b)(3) of this section of the Act. *And third, lands included within the System pursuant to a cooperative agreement could likewise be disposed of or the use of such lands terminated pursuant to the terms of a cooperative agreement.*

"Also, it should be pointed out that in rewriting section 4(a) of the Act, the second sentence of the subsection was eliminated. Under present law, the Secretary could modify or revoke public land withdrawals affecting lands in the System whenever he determined it was in the public interest to do so. By eliminating this sentence from the subsection as rewritten by this legislation, it makes it clear that public land withdrawals which are or become a part of the System shall continue to be a part of the System and such public land withdrawals could not be modified or revoked except by an Act of Congress. The Committee considers this change to be technical in nature only and necessary to conform to the legislation. This change will in no way change the Secretary's authority to issue a public land withdrawal to put lands in the System but it will make sure any disposals of such land will be by an Act of Congress.

"However, Congressional approval would not be required for such lands to be exchanged for other lands pursuant to the requirements of subsection (b)(3) of this section of the Act, *nor would Congressional approval be required for such lands to be disposed of pursuant to a cooperative agreement if such lands were included in the System pursuant to a cooperative agreement.*" *Id.* at 10-11 (emphasis added); see also S. Rep. No. 94-593 at 7-8 (identical statement).

Turning to the 1971 MOU, it simply provides that the Secretary of the Interior and the Secretary of the Air Force may mutually agree to terminate.[10] Nor does Public Law 94-223[11] or its legislative history indicate that Congress intended to limit Interior's discretion to terminate beyond the terms contained in the cooperative agreement.

Similarly, we do not agree that, absent an Air Force request to terminate the 1971 MOU, Interior is precluded from seeking termination of the 1971 MOU because of Public Law 94-223, the Endangered Species Act (ESA), 16 U.S.C. § 1531 *et seq.*, the National Environmental Protection Act (NEPA), 42 U.S.C. § 4321 *et seq.*, and the Migratory Bird Treaty Act, 16 U.S.C. § 703 *et seq.*[12] Our examination of these statutes discloses no limitation on the Secretary's authority *to initiate* the termination of cooperative agreements under the provisions of Public Law 94-223. Nor do we think it is appropriate for us to imply such a limitation simply from the goals and purposes of these statutes, particularly in light of the unequivocal grant of authority to terminate "pursuant to the terms of any cooperative agreement."

This is not to say, however, that the Secretary of the Interior does not have legally enforceable duties under NEPA and ESA. With respect to NEPA, Interior has begun preparation of an environmental impact statement on the proposed removal of the Matagorda Island property from the System. 47 Fed. Reg. 5048 (February 3, 1982). Moveover, under section 7(a)(2) of the ESA, the involved Federal agencies must insure that any agency action is "not likely to jeopardize the continued existence of any endangered species * * * or result in the destruction or adverse modification of [critical] habitat of such species," unless the agency obtains a statutory exemption to undertake the proposed action.[13] 16 U.S.C. § 1536(a)(2), (h) (Supp. III, 1979). And, under section 7(a)(1) of the ESA, the Secretary has an affirmative duty to utilize other programs administered by him in furtherance of goals of the ESA—the conservation of endangered species and their habitats. 16 U.S.C. § 1536(a)(1), 1531(b).[14] The record supporting any action to terminate the 1971 MOU should be sufficient to demonstrate compliance with these requirements. *Connors* v. *Andrus*, 453 F. Supp. 1037 (W.D. Tex. 1978); *Defenders of Wildlife* v. *Andrus*, 428 F. Supp. 167 (D.D.C. 1977). The ESA "citizen suit" provision, 16 U.S.C. § 1540(g), provides a vehicle to obtain judicial review of the Secretary's compliance with the ESA.

Accordingly, we conclude that Matagorda Island can be removed from the System pursuant to the termination provisions of the 1971 MOU subject, of course, to compliance with the applicable requirements of NEPA and ESA. We offer no opinion concerning the adequancy of Interior's efforts to comply with the requirements of NEPA or ESA.

IV.

The third major issue you raise involves the scope of GSA's authority to make some final disposal of Matagorda Island. GSA maintains that the 1971 MOU is not a "co-

operative agreement" within the contemplation of Public Law 94-223, so Matagorda Island is available for transfer or disposal pursuant to the terms of the Federal Property and Administrative Services Act of 1949. Interior's position is that GSA succeeded to the Air Force's interest in the cooperative agreement although Interior continues to administer the Island as part of the NWRS. According to Interior, "[r]egardless of what disposition [by GSA] is to be made, the cooperative agreement would have to be terminated."

Your August 26, 1981, letter to the Assistant Secretary for Fish and Wildlife and Parks disputes Interior's explanation of GSA's interest in the Matagorda property. Instead, you contend that since enactment of Public Law 94-223, GSA has had no interest in or authority over the Matagorda Island property:

"If the object of the termination is to allow GSA after termination to dispose of the area to the FWS, such an action would appear to be a costly and useless exercise. The FWS now has the area as a result of the 1971 agreement and the 1976 statute. It does not need a new action to confirm the obvious.

"If the object is to allow GSA after termination to dispose of the area to Texas, I stress that the NWRS Administration Act precludes GSA's role * * *."

Accordingly, you asked for our opinion on GSA's authority over the property.

Until Interior terminates its use of the Island pursuant to the terms of the 1971 MOU or an act of Congress removes the Island property from the System, GSA has no authority to dispose of Interior's interest in Matagorda Island. This proposition flows directly from Public Law 94-223's requirement that each area of the System continue to be a part of the System until disposed of pursuant to the terms of that Act. GSA's disposal authority relates solely to the Air Force's retained interest in Matagorda Island that was reported to GSA as excess in September 1975 of course, any GSA disposal of the excess Air Force interest is subject to Interior's interest unless Interior terminates its interest under the 1971 MOU or Congress removes these lands from the System.

In our view, the basic complicating factor is that by operation of the 1971 MOU and Public Law 94-223, the jurisdiction over Matagorda Island was divided between two Government agencies—the Air Force and Interior. The division occurred in 1971 when the Air Force granted Interior a secondary use of the Island as a refuge for the whooping crane while retaining its primary jurisdiction over the Island. As our earlier discussion of the legislative history of Public Law 94-223 shows, Congress was fully aware that for certain areas of the System, Interior had only a limited interest, a secondary use, in certain lands administered as part of the System but otherwise under the primary jurisdiction of another agency or governmental entity. Congress' solution was not to transfer total jurisdiction from the land-holding agencies to Interior, but to confirm the prior designations and impose restrictions on the removal from the System of the lands subject to Interior's secondary use. Public Law 94-223 was not designed to restrict the transfer or disposal of the land-holding agencies' primary interests and, therefore, we see no reason why the disposal of the excess primary interest cannot be effected under otherwise applicable statutes (such as Public Law 80-537 and the Federal Property and Administrative Services Act of 1949) subject, of course, to Interior's interest and the constraints of Public Law 94-223.

Interior formally requested transfer of the Air Force's excess interest in the Matagorda Island property pursuant to Public Law 80-537, 16 U.S.C. §667b. Public Law 80-537 provides as follows:

"Upon request, real property which is under the jurisdiction or control of a Federal agency and no longer required by such agency, (1) can be utilized for wildlife conservation purposes by the agency of the State exercising administration over the wildlife resources of the State wherein the real property lies or by the Secretary of the Interior; and (2) is valuable for use for any such purpose, and which, in the determination of the Administrator of General Services, is available for such use may, notwithstanding any other provisions of law, be transferred without reimbursement or transfer of funds (with or without improvements as determined by said Administrator) by the Federal agency having jurisdiction or control of the property to (a) such State agency if the management thereof for the conservation of wildlife relates to other than migratory birds, or (b) to the Secretary of the Interior if the real property has particular value in carrying out the national migratory bird management program. * * *

GSA apparently considers an Interior request under Public Law 80-537 to be essentially the same as a State agency request for "surplus property" under the Property Act of 1949. See 15 Fed. Reg. 1350 (March 14, 1950); GSA Property Management and disposal Service Handbook 4000.1, Excess and Surplus Real Property, ch. 3, para. 41 (April 19, 1977); *cf.* 41 C.F.R. 101-47.4905 (1980). Accordingly, an Interior request for real property under Public Law 80-537 is given equal consideration with State and local government requests for the same property. As we noted earlier, GSA has taken the position in the past that only approximately 6,716 acres of the Island qualify for transfer to Interior under Public Law 80-537.

However, under the Property Act, GSA cannot declare excess real property "surplus" and dispose of it outside the Federal Government unless the Administrator, GSA, specifically determines that the excess property is "not required for the needs and the discharge of the responsibilities of all Federal agencies." 40 U.S.C. § 472(g) (1976). Were Interior to proceed under the Property Act of 1949, we do not think the Administrator could determine that the excess Matagorda Island property is "not required for the needs and the discharge of [Interior's] responsibilities," in view of Public Law 94-223. By enacting Public Law 94-223, Congress legislatively sanctioned Interior's prior designation of properties included in the National Wildlife Refuge System pursuant to cooperative agreements. In other words, Congress has in our view limited the Administrator's discretion to determine that the excess Air Force interest is "surplus" to Interior's needs so long as Interior continues to retain its interest in the subject property. Accordingly, should Interior wish to avail itself of the Federal Property and Administrative Services Act's clear priority of Federal agencies to "excess" property, Interior should amend its request to conform to GSA's policies and procedures under the Property Act of 1949.[15]

Sincerely yours,

MILTON J. SOCLAR
(For Comptroller General
of the United States).

FOOTNOTES

[1] The Government acquired 18,992 acres of land on Matagorda Island in fee and leased an additional 16,500 acres, more or less, of marshlands on the bay side of the Island from the State of Texas. The Government's leasehold estate reverted to the State of Texas in March of 1976.

[2] Interior's authority to administer and manage the Matagorda Island property is derived from two sources. First and foremost, of course, is the 1971 MOU. The second source is the annual permit granted by the Corps of Engineers on behalf of the Air Force to Interior's Fish and Wildlife Service to use, manage and maintain the Matagorda Island tract on a nonreimbursable basis for the Air Force.

[3] Public Law 80-537, 16 U.S.C. §§ 667b-667d, is set out in pertinent parts hereafter.

[4] In accordance with 41 C.F.R. 101-47.401-4, holding agencies are responsible for the expense and supervision of decontamination includes the complete removal or destruction by flashing of explosives of property that has been subjected to contamination with any sort of hazardous materials. Any report of excess property covering contaminated property shall state the extent of such contamination, the plans for decontamination, and the extent to which the property may be used without further decontamination. 41 C.F.R. 101-47.202-7.

[5] Interior and GSA recently published notice of their intent to prepare an environmental impact statement on the disposition of the Matagorda Island property. 47 Fed. Reg. 5048 (February 3, 1982). The notice describes the proposed three-step Federal action driving the impact statement as (1) the express termination of the 1971 MOU, (2) withdrawal by Fish and Wildlife Service of its November 1975 request for transfer of the Island to it, and (3) GSA's conveyance of title to the State of Texas. *Id.*

[6] As introduced, Section 2 of H.R. 5512 would have amended section 4(a) of Public Law 89-669, the National Wildlife Refuge System Administration Act of 1966 (NWRSAA of 1966), 16 U.S.C. § 668dd(a) (1976), to provide as follows:

"Each area designated by law, Executive order, or secretarial order as an area of the National Wildlife Refuge System and included in the System on January 1, 1975, or thereafter shall continue to be a part of the System until otherwise specified by Act of Congress * * *." See H.R. 5512, 94th Cong., 1st Sess. (1975) contained in wildlife Refuge and Organic Act: Hearings Before the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries, House of Representatives on H.R. 5512 and others, 94th Cong., 1st Sess. at 18-19, Ser. No. 94-12 (May 15, 1975) (hereafter House Subcommittee Hearings).

During hearings before the House Subcommittee on Fisheries and Wildlife Conservation and the Environment as well as in the formal Department of the Interior letter report to the full House Committee, see H.R. Rep. No. 94-334 at 12, Interior advised that certain changes would be necessary to section 2 of H.R. 5512 as introduced in order "to legislatively sanction the previous designation of refuge areas by the various methods employed." House Subcommittee Hearings at 41. Interior's representative at the Hearings explained the reason as follows:

"Establishment of units of the National Wildlife Refuge System can be accomplished in a variety of ways, including public land withdrawals, *cooperative agreement with another land owning agency such as NASA, AEC, and the Department of Defense,* specific act of Congress, donation, exchange, and purchase in fee or easement.

* * * * *

"If the intent of H.R. 5512 is to cover all of the National Wildlife Refuge System, we suggest section 2 of the bill be rewritten by deleting reference to areas established by 'law, Executive order, or secretarial order.'

"We also suggest that an exception be made for lands administered as part of the system but under the primary jurisdiction of another land-owning agency.

"A number of refuges in the system, such as Seal Beach Refuge in California and Merritt Island Refuge in Florida, *are operated under cooperative agreements with another land-owning agency as a secondary use. Termination of such refuges should continue to be based upon the terms of the cooperative agreement."* House Subcommittee Hearings at 41-42 (italics added).

When ordering H.R. 5512 reported to the House, the Committee on Merchant Marine and Fisheries adopted an amendment incorporating Interior's suggestion. H.R. Rep. No. 94-334 at 3, 4.

[7]Although GSA questions whether the Endangered Species Act of 1966, as amended prior to execution of the 1971 MOU, provides for any express authority, section 1(b) of the Endangered Species Act, as recited in the 1971 MOU, may reasonably be said to impliedly authorize such agreements. See also section 2(b) of the Endangered Species Act of 1966, 80 Stat. 927, October 15, 1966.

[8] GSA's recognition of the 1971 MOU's continued legal vitality is also suggested by its consent to the Corps' grant of annual permits to FWS to use, manage and maintain the Matagorda Island tract on a nonreimbursable basis for the Air Force. Moreover, GSA has apparently acquiesced to Interior's management of the Island since the Air Force originally reported the Matagorda Island base as excess to its needs in September 1975.

[9]At the end of the House Report's discussion concerning the requirements to remove areas from the System, the report notes as follows:

"The Committee would like to point out that it strongly supports plans and programs in wildlife refuges designed to mutually benefit both Federal and State fish and wildlife management programs, such as cooperative hunting and fishing, law enforcement, habitat improvement, etc., in which public benefits are shared; however, the Committee feels that to transfer total management responsibilities over an area to another Federal or State agency is tantamount to a transfer of jurisdiction and control over the land and is the type of transfer that would be covered by this legislation, which requires an Act of Congress before such transfer could take place. The Committee, in carrying out its oversight responsibilities in this regard, expects the United States Fish and Wildlife Service to keep the Committee fully informed of any plans it has that may border on transfers of this nature."

This observation is ambiguous at best since the report had already recognized that transfers under the Act did not in all cases require an Act of Congress. Indeed, it would appear anomalous to assume that Congress did not realize that the termination of a use pursuant to the terms of a cooperative agreement, explicitly discussed and recognized three and four paragraphs earlier, would permit the transfer of jurisdiction and control of the land without an Act of Congress.

[10] Interior takes the position that GSA has succeeded to the Air Force's interest in the 1971 MOU. Hence, only the agreement of GSA and Interior is needed to terminate the 1971 MOU. In our view, Air Force's agreement is required. Although Air Force declared the property excess to its needs in September 1975, Air Force continues to be the landholding agency. See 41 C.F.R. 101-47.103-7, 101-47.202-9, 101-47-402. GSA apparently acts only as disposal agent for the Air Force, 41 C.F.R. 101-47.103-6. As we observed earlier, GSA requested that the Air Force transfer its "rights" under the 1971 MOU to it. The record before us discloses no such transfer.

[11] Public Law 94-223 authorizes the Secretary of the Interior to transfer, dispose or exchange System lands without congressional approval in two other limited situations. However, in these two situations, Congress limited the Secretary's authority to exchange System lands or to transfer or dispose of acquired lands subject to his finding that the lands are "suitable for disposition" or "are no longer needed for the purposes for which the System was established," respectively. 16 U.S.C. § 668dd(a)(3) (i and ii). Public Law 94-223 does not limit the Secretary's authority to remove lands from the System by terminating cooperative agreements even to this extent.

[12] A similar argument was made and rejected in *Sierra Club* v. *Hickel*, 467 F.2d 1048, 1051 (6th Cir. 1972), *cert. den.* 411 U.S. 920 (1973). There, the Sierra Club challenged the Secretary of the Interior's authority to exchange System lands with two utilities pursuant to the NWRSAA of 1966. The court held in part that since the Secretary may exchange lands "under his jurisdiction which he finds suitable for disposition," the NWRSAA of 1966 bestowed unreviewable administrative discretion on the Secretary to exchange lands. The dissent argued that the Secretary's action was reviewable to determine whether the exchange was compatible with the general duties imposed on the Secretary by the Migratory Bird Acts, the Endangered Species Act of 1966, and NEPA. See 467 F.2d at 1057-1059.

[13] One of the express purposes of the 1971 MOU was "to administer an area on Matagorda Island as a national wildlife refuge to meet its responsibilities for the whooping crane." The whooping crane was first listed as an endangered species in February 1967. 32 Fed. Reg. 4001 (1967). See also 50 C.F.R. § 17.95(b) (1980), designating a portion of Matagorda Island as critical habitat for the whooping crane.

[14] Interior apparently acknowledges its responsibilities to comply with the ESA. Letter of the Assistant Secretary of the Interior for Fish and Wildlife and Parks to The Honorable John D. Dingell dated August 4, 1981.

[15] Transfers under Public Law 80-537 are without reimbursement or transfer of funds. 16 U.S.C. § 667b. On the other hand, under the Property Act, GSA may require reimbursement from Interior for transfers of excess real property in an amount equal to 50 percent of the appraised fair market value of the property requested unless Interior avails itself of one or more of the five exceptions to GSA's reimbursement requirement. 41 C.F.R. § 101-47.203-7(f)(2)(i, ii).

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 13, 1982.

Hon. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. BOWSHER: Thank you for your April 16, 1982 opinion (B-204291) concerning the proposal to transfer Matagorda Island refuge lands valuable as a tourist attraction to Texas. It is quite helpful.

Enclosed is a copy of my letters to Secretary Watt and to the Administrator of the GSA concerning this matter.

1. Your opinion is helpful. However, I am concerned about your conclusion that Interior can "initiate" termination of the reconsideration of this matter.

Your opinion does not address the issue I tried to raise earlier with Interior. That issue is: Whether Interior can initiate termination at its whim when, as in this case, the area is still needed for the national purposes for which Interior executed the agreement in 1971 and the other party to the MOU is not seeking termination to reclaim the area for defense or other purposes recognized in the MOU.

As I state in my letter to Secretary Watt, I was a Member of the Merchant Marine and Fisheries Committee in the 94th Congress when the Interior Department amendment was suggested. That suggestion was made, however, to avoid a possible fight on the Floor over inclusion of the MOU areas in the System, particularly when we realized that they covered State areas, as well as Defense Department areas. If they could be terminated only by an Act of Congress, we would have, in effect, taken control over these areas away for States or other Federal agencies. That was not desirable. Thus, we agreed to Interior's suggestion.

At no time did we intend that Interior dispose or terminate its interest where the purposes for which the agreement was executed have not been fulfilled, as in the case of Matagorda. This point is made in your footnote 9 in which you dismiss the Committee's comments as "ambiguous." Admittedly, a strict reading of the statutory provision would allow Interior to terminate. However, the GAO interpretation is too narrow. The GAO opinion admits that "one of the general purposes of Public Law 94-223 was to limit the Secretary's previously unfettered authority to remove areas from the System without Congressional approval." That was the objective of the law which amended the Refuge System Administration Act.

The opinion then states that the "purposes of the explicit exception in favor of cooperative agreements" was to preserve the "rights of the parties" to remove areas without Congressional blessing. However, that was not an "exception" from the general policy. The Game Range Act policy was to prevent disposals by Interior of Refuge System areas. This language was not an exception to that policy. Rather, it was a recognition of the fact that the cooperative agreements specifically provided that Interior's use was secondary and that Congress did not intend to abrogate that understanding. Thus, Congress specified that if the agreement provided for disposal, Congress intended that such a provision not be overridden. That does not mean that Congress intended that Interior be able to terminate at a whim. The general Game Range Act policy should prevail in regard to Interior. So long as the area is still needed for the purpose for which the agreement was executed, Interior should not be viewed as authorized to initiate termination. Your opinion fails to consider this.

To our knowledge, no official at Interior claims that the purpose for which the area was obtained under the MOU has been fulfilled. Until that determination is made, I believe that Interior is not authorized to initiate termination.

2. The GAO opinion states that the GAO has not examined "the adequacy of Interior's efforts to comply with the requirements" of NEPA or ESA. I request that you do so, taking into consideration particularly my comments above about Interior's obligations under treaties with Canada and Mexico concerning migratory birds.

In this regard, my review of the Interior Federal Register notice of February 3, 1982 raises questions about Interior's predisposition concerning this matter and about the adequacy of the alternatives being considered.

I also request your examining the Air Force's role as joint lead agency under NEPA as opposed to the GSA.

Your early reply to the above matters will be appreciated.

Sincerely,

JOHN D. DINGELL,
Chairman.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., May 25, 1982.

Hon. JOHN B. BREAUX,
Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, Committee on Merchant Marine and Fisheries, Washington, D.C.

DEAR JOHN: Thank you for inviting me to testify before the Subcommittee on Fisheries and Wildlife Conservation and the Environment during its May 26 oversight hearing on Matagorda Island. Unfortunately, I will be unable to testify before the Subcommittee because of conflicts in my schedule.

As you are aware, on July 13, 1981, as Chairman of the House Oversight and Investigations Subcommittee, I requested a General Accounting Office (GAO) evaluation of the legal issues involved in the proposed transfer of Matagorda Island by the Department of the Interior to the State of Texas. Pursuant to my request, I have received the Legal Opinion from the GAO, and have transmitted the Opinion to Secretary of the Interior James Watt. I would appreciate, therefore, my letter to Secretary Watt being included in the hearing record to facilitate a more comprehensive under-

standing of the issues involved in this conflict.

Thank you very much for your cooperation.

With every good wish,

Sincerely,

JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

MAY 10, 1982.

Hon. JAMES G. WATT,
Secretary, Department of Interior, Washington, D.C.

DEAR MR. SECRETARY: On August 26, 1981, I wrote to Assistant Secretary G. Ray Arnett requesting his reply by September 14, 1981 to a number of questions concerning Matagorda Island, a national tourist attraction because it is the national home of the whooping crane and other wildlife. When I did not receive a reply five months later, I again wrote to the Assistant Secretary on January 27, 1982.

I still have not received even an acknowledgement of that letter. I find that intolerable and unacceptable conduct on behalf of the Interior Department. I request that the Department respond fully to both letters within 15 days after receipt of this letter and provide an explanation as to why Interior officials apparently are unwilling to respond to my inquiry, particularly after being quite responsive initially.

On February 3, 1982, the Fish and Wildlife Service and the General Services Administration "as joint lead agencies" issued a notice that these agencies jointly "intend to gather information necessary for the preparation of an Environmental Impact Statement (EIS) for the disposition of 19,000 acres of federal property located on Matagorda Island, Texas" (47 F.R. 5048).

I believe that the notice is improper and misleading, particularly in light of the enclosed April 16, 1982 opinion of the Comptroller General of the United States (B-204291). I request your review and comment on that opinion.

That opinion holds:

Despite the General Services Administration's contrary contentions, the 1971 Interior-Air Force memorandum of understanding (MOU) "is a 'cooperative agreement' as that term is used" in the National Wildlife Refuge System Administration Act, as amended by the Game Range Act, Public Law 94-223;

That it is GAO's view that "Public Law 94-223 legislatively satisfied all prior designations of refuge areas by cooperative agreements such as the 1971 MOU," and sees "no merit in questioning at this late date Interior's and Air Force's authority under the Endangered Species Act of 1966 to execute the 1971 MOU";

That although "not a 'transfer' of Air Force's primary jurisdiction to Interior, the 1971 MOU clearly granted a secondary use for wildlife refuge purposes,";

That the area subject to the 1971 MOU is part of the National Wildlife Refuge System;

That GAO rejects "GSA's argument of an implied termination" of the 1971 MOU when GSA received in September 1975 the Air Force's report of excess property;

That "Interior and the Air Force may . . . agree to terminate the 1971 MOU, subject of course, to compliance with the applicable requirements of NEPA and ESA";

That the Endangered Species Act, the National Environmental Policy Act of 1969, the Migatory Bird Treaty Act, Public Law 94-223, and the National Wildlife Refuge System Administration Act of 1966, do not, according to GAO, limit the Interior "Secretary's authority to initiate the termination of cooperative agreements under the provisions of Public Law 94-223";

That one of the "express purposes" of the 1971 MOU was "to administer an area on Matagorda Island as a national wildlife refuge to meet its responsibilities for the whooping crane";

That any termination of the MOU by Interior must be subject to "compliance" with the ESA and NEPA;

That GSA's disposal authority "relates solely to the Air Force's retained interest in Matagorda Island that was reported to GSA as excess in September 1975", but that interest is subject to Interior's interest;

That until the MOU is terminated or an Act of Congress removes it from the System, "GSA has no authority to dispose of Interior's interest in Matagorda Island";

That the GSA "cannot declare excess real property 'surplus' and dispose of it outside the Federal Government unless the Administrator, GSA, specifically determines that the excess property" is not required by other Federal agencies; and

That if Interior were to proceed to renew its earlier request for the Air Force's excess interest in Matagorda under Public Law 80-537, the GAO does not think the GSA "could determine" the area "is not required" for Interior's responsibilities.

The GAO said:

"By enacting Public Law 94-223, Congress legislatively sanctioned Interior's prior designation of properties included in the National Wildlife Refuge System pursuant to cooperative agreements. In other words, Congress has in our view limited the Administrator's discretion to determine that the excess Air Force interest is 'surplus' to Interior's needs so long as Interior continues to retain its interest in the subject property."

The GAO opinion makes it quite clear that the 1971 cooperative agreement is valid and was not affected by the Air Force's 1975 declaration of excess. It also make it clear that the area is by statute a part of the National Wildlife Refuge System and that, at present, the GSA cannot dispose of the area of Matagorda covered by the 1971 cooperative agreement while the MOU is in effect.

This portion of the GAO opinion raises the question why Interior is seemingly moving rapidly to rid itself of its statutorily protected interest in this National Wildlife Refuge System area? The fact that GSA wants to give away this endangered species sanctuary to Texas and that Texas wants it should have no bearing on the issue. The February 3, 1982 FES-GSA notice (prepared—not by either agency—but by a lawyer in the Solicitor's Office who has no responsibility for Matagorda or for endangered species, like the whooping crane, or for the disposal of the excess Air Force interest in Matagorda) fails to explain why Interior believes it important to rid itself of Matagorda. The notice merely states:

"The purpose of this proposed action is to preserve the existing natural character of the 19,000 acres of federal land on Matagorda Island through appropriate management by the Texas Parks and Wildlife Department as described in its 'Matagorda Island Conceptual Plan' dated October 22, 1980."

However, that purpose, together with the purpose for which the MOU was executed in 1971, can be adequately served without conveying title to the area to Texas. The FWS has been doing this. The opinion strengthens its ability to do this because it recognizes that the area is protected by Federal law.

The GAO opinion concludes that Congress, in enacting Public Law 94-223, did not preclude termination of cooperative agreements covered by the law in accordance with the "terms of the agreement". The GAO cites legislative history to show that Interior recommended language in Public Law 94-223 aimed at recognizing the termination provisions of cooperative agreements, like the 1971 MOU. I do not quarrel with that. The history is generally clear. However, the reason why Interior made that recommendation is not revealed in the legislative history or in the GAO opinion.

I was Chairman of the Subcommittee that considered H.R. 5512 in the 94th Congress. Interior recommended that language to appease other Federal agencies and State agencies with which Interior had agreements. Those agencies did not want Congress to "lock up" these areas as part of the System and thus override their original or primary defense or other purpose in the area. However, it was never intended by me or others on the Committee at that time, in agreeing to that provision, that Interior or the Fish and Wildlife Service (which were the agencies negotiating the agreements to obtain the lands for fish and wildlife purposes) would utilize the provision to dispose of an area considered critical for endangered species or needed to protect migratory birds pursuant to this Nation's treaty obligations. In my judgment, the GAO has not considered this aspect of the matter in stating that Interior may "initiate" termination of the 1971 MOU, subject to NEPA and the ESA. I am asking the GAO to reconsider its opinion in this regard.

I want to make it very clear that I strongly oppose termination of the 1971 MOU, so long as the area is considered critical habitat for the whooping crane and other migratory birds. I note that on March 8, 1982, the Canadian Government, which is a party to the Migratory Bird Treaty, expressed concern about the proposed termination. I hope that Canada will enlist the aid of the State Department in halting this travesty. I believe that such action to terminate the MOU violates at least the spirit of our understandings in the 94th Congress and is improper.

Moreover, I believe that Interior is not complying with NEPA, but is improperly using the EIS process to justify its preconceived notion and decision of what is the "preferred" alternative. I also believe that the FWS-GSA notice failed to inform the public that a portion of the island has been designated as critical habitat for the endangered whooping crane, that mere continuation of the 1971 MOU will adequately afford preservation of this critical habitat, and that termination is subject to the requirements of the Endangered Species Act. Finally, it is clear to me that the Air Force, not GSA, has a lead role in the termination and in the development of the EIS.

The GAO opinion states that the GAO offers "no opinion concerning the adequacy of Interior's efforts to comply with the requirements of NEPA or ESA." I am asking the GAO to examine those efforts and to provide an opinion concerning the adequacy of such compliance.

Please provide to me a copy of Texas Conceptual Plan of October 22, 1981 and all related documents.

Sincerely,

JOHN D. DINGELL,
Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 30, 1982.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C.

DEAR MR. DINGELL: Thank you for providing me the opportunity to respond to your concerns about Matagorda Island expressed in your previous letters to Assistant Secretary Arnett and your May 13, 1982, letter to me.

With respect to the April 16, 1982, General Accounting Office (GAO) opinion B-204291, I was pleased to see that the GAO agreed with the opinion of my Associate Solicitor, Conservation and Wildlife, contained in his memorandum of August 18, 1981, to Assistant Secretary Arnett, a copy of which I understand you already have.

As you are aware, at oversight hearings held by the House Subcommittee on Fisheries and Wildlife Conservation and the Environment on May 26, 1982, Assistant Secretary Arnett announced a modified proposed action for consideration in the Environmental Impact Statement (EIS) on the disposition of Matagorda Island. The proposed action calls for withdrawal of the State of Texas application to the General Services Administration (GSA) for the property and transfer by GSA of the 19,000 acres of federal property on the island to the Fish and Wildlife Service (FWS).

In an exchange of conservation easements, the State of Texas would grant FWS an easement on its 20,000 acres of tidelands, and FWS would grant the State an easement on the 19,000 acres of federally owned uplands. A cooperative agreement between FWS and Texas would provide for State management of the entire 39,000 acres of publicly owned land on the island in accordance with the terms of the exchanged easements and the State's conceptual plan (a copy of which is enclosed), with strict oversight by FWS. Under the proposal, the 20,000 acres of State tidelands would be added to the National Wildlife Refuge System, making the entire 39,000 acres of public land on the island a part of the Refuge System.

The FWS and GSA are currently writing an EIS which analyzes the various alternatives for disposal of the island, including the proposed action outlined above. A scoping meeting was held in Corpus Christi, Texas, on March 8, 1982, to receive public input on alternatives and impacts to be considered in the EIS. The draft EIS is expected to be available in late June, and a public hearing on the draft will be held. The FWS will also conduct its Endangered Species Act section 7 consultation. Our current schedule calls for publication of the final EIS and a decision on disposal before the end of 1982.

In accordance with your request, we will include your correspondence and the GAO opinion in the record of proceedings.

Sincerely,

JAMES G. WATT,
Secretary.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., July 21, 1982.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. DINGELL: This is in further response to your recent letter, which included a copy of the General Accounting Office's (GAO) opinion (B-204291), concerning the disposition of Matagorda Island, Texas.

The General Services Administration (GSA) was not contacted by GAO for input concerning the GSA position on transfer of Matagorda Island nor has GSA been requested to provide any comment on the GAO opinion since its completion. However, we do wish to note our disagreement with the GAO assertion that the Administrator of General Services cannot determine property surplus if another Federal agency states it has a further need for that real property. It is GSA's position that, while the Department of the Interior (DOI) has the responsibility for determining what property is "suitable" for wildlife conservation, the responsibility for determining what property is "available" for wildlife conservation is committed to the discretion of the Administrator of General Services by statute.

Since the time of your initial inquiry into these matters, DOI has indicated it has changed its position on the disposal of Matagorda Island and now is considering requesting a conveyance to DOI instead of supporting a conveyance to the State of Texas. GSA does not oppoose the transfer of those portions of Matagorda Island for which DOI can demonstrate a legitimate program need. The basis of the GSA objections to the GAO opinion relative to the "cooperative agreement" and its present status are academic, as the transfer is not opposed.

We trust this information is helpful.

Sincerely,

CARROLL JONES,
Commissioner,
Federal Property Resources Service.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 23, 1982.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Commerce, Committee on Energy and Commerce, House of Representatives.

DEAR MR. CHAIRMAN: This responds to your letter of May 13, 1982, requesting our further consideration of the proposed transfer of Matagorda Island. In particular, you ask that we reconsider our earlier conclusion (B-204291, April 16, 1982) that, subject to compliance with the applicable requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 *et. seq.*, and the Endangered Species Act of 1973 (ESA), 16 U.S.C. § 1531 *et seq.*, Matagorda Island can be removed from the National Wildlife Refuge System (NWRS or System) pursuant to the termination provision of the 1971 Memorandum of Understanding (MOU). You also asked that we examine the adequacy of Interior's efforts to comply with NEPA and ESA.

It is your position that absent a determination by the Secretary of the Interior that Matagorda Island is no longer needed for the purpose for which the 1971 MOU was executed, Interior is not authorized to terminate the cooperative agreement. Your letter explains your position as follows:

"Your opinion does not address the issue I tried to raise earlier with Interior. That issue is: Whether Interior can initiate termination at its whim when, as in this case, the area is still needed for the national purposes for which Interior executed the agreement in 1971 and the other party to the MOU is *not* seeking termination to reclaim the area for defense or other purposes recognized in the MOU.

"As I state in my letter to Secretary Watt, I was a Member of the Merchant Marine and Fisheries Committee in the 94th Congress when the Interior Department amendment was suggested. That suggestion was made, however, to avoid a possible fight on the Floor over inclusion of the MOU areas in the System, particularly when we realized that they covered State areas, as well as Defense Department areas. If they could be terminated only by an Act of Congress, we would have, in effect, taken control over these areas away from the States or other Federal agencies. That was not desirable. Thus, we agreed to Interior's suggestion.

"At no time did we intend that Interior dispose or terminate its interest where the purposes for which the agreement was executed have not been fulfilled, as in the case of Matagorda. This point is made in your footnote 9 in which you dismiss the Committee's comments as 'ambiguous.' Admittedly, a strict reading of the statutory provision would allow Interior to terminate. However, the GAO interpretation is too narrow. The GAO opinion admits that 'one of the general purposes of Public Law 94-223 was to limit the Secretary's previously unfettered authority to remove areas from the System without Congressional approval.' That was the objective of the law which amended the Refuge System Administration Act.

"The opinion then states that the 'purpose of the explicit exception in favor of cooperative agreements' was to preserve the 'rights of the parties' to remove areas without Congressional blessing. However, that was not an 'exception' from the general policy. The Game Range Act policy was to prevent disposals by Interior of Refuge System areas. This language was not an exception to that policy. Rather, it was a recognition of that fact that the cooperative agreements specifically provided that Interior's use was secondary and that Congress did not intend to abrogate that understanding. Thus, Congress specified that if the agreement provided for disposal, Congress intended that such a provision not be overridden. That does not mean that Congress intended that Interior be able to terminate at a whim. The general Game Range Act policy should prevail in regard to Interior. So long as the area is still needed for the purpose for which the agreement was executed, Interior should not be viewed as authorized to initiate termination. Your opinion fails to consider this."

We appreciate your explanation of the rationale behind the statute. Nevertheless, we remain of the view that both the plain statutory language and its legislative history indicate that Congress carved out an exception in favor of cooperative agreements from Public Law 94-223's general mandate that no areas be removed from the System except by act of Congress.

You urge that the Secretary of the Interior, as opposed to the other Federal parties to cooperative agreements, should be prevented from initiating termination of such agreements unless the Secretary first determines that such areas are no longer needed

for the purpose for which the agreement was executed. However, as we pointed out in our earlier opinion, Congress did not explicitly limit the Secretary's authority to terminate cooperative agreements without congressional consent along the lines you suggest although it did do so with respect to the Secretary's authority to dispose of acquired lands without congressional consent. Compare 16 U.S.C. 668dd(a)(3)(iii) with 16 U.S.C. 666dd(a)(3)(i). Thus Congress specifically preconditioned the Secretary's authority to dispose of acquired lands without an act of Congress upon his determination that such lands *"are no longer needed for the purposes for which the System was established."* 16 U.S.C. 668dd(a)(3)(i), (a)(2)(A). Had Congress desired to limit the Scretary's authority to terminate cooperative agreements along the lines you suggest, Congress could have specifically so provided as it did with respect to the disposal of acquired lands.

In our construction of this statute, we have presumed that Congress chooses its words with care. Indeed, that presumption underlies the cardinal rule of statutory construction that absent a clearly expressed legislative intention to the contrary, the plan language of a statute must ordinarily be regarded as conclusive. *Bread Political Action Committee* v. *FEC*, 455 U.S. , 71 L.Ed.2d 432 (1982). Here, the legislative history of Public Law 94-223 does not clearly indicate a legislative intention contrary to our construction, which, we think, accurately reflects the plain language and structure of Public Law 94-223. Nonetheless, should you continue to believe that our construction of Public Law 94-223 has drawn the line too finely on this matter, subsection (a)(3)(iii) of section 668dd, title 16, United States Code, could be amended as follows:

"(A)(3) * * * except that nothing in this part shall be construed as precluding—

"(iii) the disposal of any lands within any such area pursuant to the terms of any cooperative agreement referred to in subparagraph (B) of this paragraph; *provided however, that the Secretary may not agree to dispose of any lands subject thereto unless he determines that such lands are no longer needed for the purpose for which the area was included in the System.*" (New language in italics.)

An amendment along these lines would limit the Secretary's authority to agree to dispose of lands from the System, while at the same time leaving unimpaired a primary land-holding entity's ability to terminate a cooperative agreement unilaterally, i.e., where the Secretary's agreement is not a prerequisite to termination. This would be true not only in cases where the cooperative agreement specifically provides for termination pursuant to the parties' mutual agreement but also where the cooperative agreement does not.

You requested our views on the adequacy of Interior's efforts to comply with the requirements of NEPA, including the General Services Administration's (GSA) role as joint lead agency with the Fish and Wildlife Service (FWS) as opposed to the Air Force, and with ESA. Concerning NEPA, its mandate is "essentially procedural," that is, it is designed to insure a fully informed and well considered decision. *Stryckers Bay Neighborhood, Etc.* v. *Karlen*, 444 U.S. 223, 231 (1980) (per curiam); *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 558 (1978). Or, in the words of the Council of Environmental Quality's (CEQ) NEPA regulations, an EIS is to serve as an "action forcing device," providing the means to assess "the environmental impacts of proposed agency actions, rather than justifying decisions already made." 40 C.F.R. 1502.1, 1502.2(g).

At the outset, we wish to make clear that the adequacy of Interior's compliance with NEPA is a matter for judicial resolution. The test is a rule of reason, requiring only a reasonably thorough discussion of the significant aspects of the probable environmental consequences of the proposed action. See *Warm Springs Dam Task Force* v. *Gribble*, 565 F. 2d 549, 552 (9th Cir. 1977) (per curiam). Nonetheless, we offer the following comments in response to specific matters raised in your May 13, 1982, letter, as well as other general observations on the joint FWS-GSA Draft Environmental Impact Statement (DEIS) on the Proposal for Disposition of 19,000 acres of Federal Land in Matagorda Island, Calhoun County, Texas, dated July 6, 1982.

We do not believe that under the present division of jurisdiction over Matagorda Island, GSA's role as joint lead agency with FWS is inappropriate. Present CEQ regulations permit two or more Federal agencies to act as joint lead agencies to prepare an EIS. 40 C.F.R. 1501.5(b). Since GSA must ultimately make a decision with respect to the disposal of the excess Air Force interest in Matagorda Island under the Federal Property and Administrative Services Act, GSA would appear to qualify as a potential lead agency under the applicable CEQ regulations, 40 C.F.R. 1501.5(a). In addition, the Air Force disavowed any practical interest when it excessed the subject property in 1975. And, depending upon the ultimate course of action decided upon, Air Force action may not be required at all. In any event, the EIS on the proposed action is available to the Air Force decisionmakers.

You further suggest that the February 1982 Notice of Intent to prepare an EIS on the proposed disposal of the Matagorda Island property raises questions about Interior's predisposition on this matter. The source of your concern is apparently the notice's proposal to dispose of the subject property to Texas as the preferred alternative. In this regard, CEQ regulations specify that the notice shall briefly describe the proposed action and possible alternative. 40 C.F.R. 1508.22. The identification of one alternative as the preferred alternative may well serve to focus debate and encourage public involvement. Standing alone, it does not necessarily indicate that the environmental information marshalled during the NEPA process will not insure a fully informed and well considered decision consistent with NEPA's mandate. It is also relevant to note that apparently as a result of the EIS scoping process, the DEIS' preferred alternative is now to transfer the excess Federal interest to FWS which would then exchange conservation easements with the State of Texas, although, as with the earlier preferred alternative, day-to-day management of the combined State marshland and Federal land on Matagorda Island would be performed by the Texas Parks and Wildlife Department (TPWD). DEIS at 17-24. Ostensibily at least, the NEPA process has been "action-forcing," as contemplated by the CEQ regulations.

Aside from the above concerns raised in your letter, we question whether the DEIS may reasonably be said to contain adequate detail on several significant factors. First, additional detail concerning Texas' ability to manage this resource would improve the DEIS. In this regard, the DEIS recognizes Texas' ability "to manage properly and maintain this valuable Federal property for the conservation and management of wildlife resources * * * ." DEIS at 8. However, the DEIS does not explain the basis for this conclusion. The achievements or failures of the Texas Parks and Wildlife Department would appear to have a significant impact on an informed choice between the alternatives identified in the DEIS.

The lack of detail concerning Texas' ability to manage this valuable wildlife resource leads to a second concern with the DEIS. Under the present preferred alternative the combined State marshland and beaches plus the Federal island property itself would be managed under the general framework identified in the Matagorda Island Conceptual Plan dated October 22, 1981. As recognized by the DEIS on page 45, the Conceptual Plan does not define limits of public use, population levels of wildlife, game or nongame management programs, parks and wildlife funding, staff levels, means of access, etc. Rather, the proposed Interior-TPWD cooperative agreement contemplates that detailed management will be in accordance with a series of 5-year master plans and annual operations plans. Although the conceptual management framework appears to be adequate, the specific aspects of TPWD's day-to-day management as well as its short-term (5-year) management goals remain open to conjecture. Again greater detail would permit a more informed evaluation whether TPWD's management goals and management processes will be adequate to insure only low-intensity recreational uses compatible with the Island's wildlife and natural resources.

Finally, the DEIS contemplates a reciprocal exchange of conservation easements between the State of Texas and FWS. The exact terms or restrictions of the conservation easements are neither contained nor discussed in the DEIS. This omission is in our opinion quite significant. Again, the EIS would be substantially improved by adding the proposed conservation easements to the EIS and discussing them therein.

In our earlier opinion we concluded that the termination of the 1971 MOU would be subject to the applicable requirements of the Endangered Species Act of 1973. As we pointed out, section 7 of the ESA requires all Federal agencies to insure that their activities or programs do not result in the destruction or adverse modification of critical habitat. 16 U.S.C. § 1536(a)(2) (Supp. III, 1979). Where an agency action may affect an endangered species or its habitat, the agency must initiate a written request for a biological opinion on the identified activity. 50 C.F.R. § 402.04(a)(3). If the Director or Regional Director determines that the proposed activity will promote the conservation of the endangered species in question or that the proposed activity is not likely to jeopardize the continued existence of the endangered species or modify its critical habitat adversely, the requesting agency shall be so notified and additional section 7 consultation shall be unnecessary. 50 C.F.R. § 402.04(e)(2, 3).

A biological opinion dated July 9, 1982, considered "the segment of the preferred alternative relating to the acquisition by the [FWS] of the 19,000 acres of excess Federal property." Memorandum to Regional Director, Region 2, from Chief, Office of Endangered Species, dated July 9, 1982. The Chief, Office of Endangered Species, concluded that the proposed FWS acquisition of the

excess Matagorda Island property "will promote the conservation of [the five] listed species [considered in the opinion] and will not result in the destruction or adverse modification of the whooping cranes critical habitat." Id. at 2.

As the above memorandum recognizes, additional consultation must be undertaken to consider the effect of the reciprocal exchange of conservation easements and the Texas-FWS cooperative agreement on listed species and on the whooping crane's critical habitat. 50 C.F.R. § 402.04(a, e). However, until the terms and conditions of the easements have been finalized, a section 7 consultation on this segment of the preferred alternative would be premature.

Finally, section 7 consultations may be consolidated with and subsumed in the NEPA process. See 50 C.F.R. § 402.04(b); 40 C.F.R. § 1502.25. To this end, the DEIS discussion of the environmental consequence of the various alternatives should be updated to incorporate the required section 7 biological opinions.

Sincerely yours,

HENRY R. VAN CLEVE,
(for Comptroller General
of the United States).

NATIONAL AUDUBON SOCIETY,
New York, N.Y., April 13, 1982.

Hon. JAMES G. WATT,
Secretary, Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: During the past two months, both the state of Texas and the Interior Department have held public hearings on your proposed action to transfer the federal portion of Matagorda Island out of the National Wildlife Refuge System and convey the property to the state of Texas for park and recreation purposes. Public testimony provided at both hearings overwhelmingly opposed the proposed transfer.

On February 24, 1982, the Texas Senate Natural Resources Interim Subcommittee on Matagorda Island held hearings to investigate the proposed transfer. Out of 16 witnesses, only Mr. Potter from your office and Messrs. Travis and Clark from the Texas Parks and Wildlife Department spoke in favor of transfer to the state's Parks and Wildlife Department. Local citizens were unanimous in opposing the action.

On March 8, 1982, at the Department of the Interior's and the General Services Administration's Scoping Hearings on Matagorda Island, only one witness out of 38 supported the proposed transfer (Mr. James Bell, Director of the Texas Parks and Wildlife Department). With the single exception of Mr. Bell, all other witnesses were unanimous in their opposition to the transfer. This overwhelming demonstration of public sentiment is further substantiated by the editorial in the Corpus Christi the Caller Times on March 13 opposing the transfer.

The statement of State Senator Gonzales Truan, who participated in the earlier State Senate hearings, and who sits on both the Senate Natural Resource and the Appropriations Committees, accurately reflects the majority sentiment of the witnesses present at the scoping hearing.

Senator Truan's statement is so representative that it is worth quoting at length. He stated:

"I am personally concerned as to why there is a proposal to transfer Matagorda to begin with. What is the overriding issue that would prompt the Department of Interior to consider it? Personally, at the Senate Committee hearing, we did not hear any testimony that would give us reasons to transfer the Matagorda property back to the state, because there has been no real criticism of the managing of the island by the Fish and Wildlife Service.

"And I feel personally that the state of Texas has not shown its commitment in the past by its performance, financial commitment, or by its actions to protect the environment.

"I feel the state of Texas is as strapped financially for financial assistance to such projects as you seem to be at the federal level. Here at the state level we have our own financial problems. We have a Governor who is implementing an austerity program to reduce state employment by 25,000 people.

"If we took over responsibility for Matagorda, I don't see any great movement at the state level to increase its budget or the number of employees for Texas Parks and Wildlife Department. That is why I'm concerned for who is pushing for the state to take over Matagorda."

State Representative Arnold Gonzales supported his senate colleague's position and stated, "The state of Texas does not live up to its responsibility for protecting the environment in this state . . . it is not in the best interest of the people of the state for Texas to have management and I strongly object to the transfer."

The hearing records clearly indicate that the people of Texas oppose the transfer of Matagorda from the FMS to the state of Texas. Furthermore, Matagorda is a natural resource of international significance by the strength of the endangered species and migratory birds present. The Government of Canada, in a telegram of March 8 to the U.S. Fish and Wildlife Service, has recorded its concerns over the proposed dispositions of federal property on Matagorda Island and requests that "no actions are taken might reduce the value to cranes and other migratory birds of the state-owned tidelands adjoining the island or that part of the island now be administered as part of the Aransas National Wildlife Areas."

In the face of documented opposition by leaders in the state legislature and private citizens in Texas, numerous national public interest organizations and the government of Canada, the National Audubon Society again questions the purpose and need for the proposed transfer of title of the federal land. The Federal Register notice of 3 February 1982 states: "The purpose of this proposed action is to preserve the existing natural character of the 19,000 acres of federal lands on Matagorda and to implement action which will assure that the integrity of this resource is maintained, forever." Clearly, the proper course of action, is the consideration of a "Preferred Alternative" whereby GSA would transfer primary jurisdiction for the entire 19,000 acres to the FWS for management of the area as a unit of the National Wildlife Refuge System. . . in accordance with Title 50 U.S.C. of the Federal Regulations (50 CFR) which governs the adiminstration of natioanl wildlife refuges." This course of action is consistent with the conclusions reached in the Fish and Wildlife Services's earlier draft Environmental Assessment. The Preferred Alternative, currently under consideration in the Environmental Impact Statement, is at odds with the department's administrative record, public testimony, and as Congressman Dingell has pointed out, with both the U.S. Congress' legislative record and the intent of Congress.

Consequently, Audubon formally requests that a Preferred Alternative detailing "Transfer of title from GSA to FWS in accord with P.L. 80-537 and the November 17, 1975 FWS application to GSA" receive extensive and detailed examination in the EIS process.

Audubon does not object to the management of part of the federal portion by the state of Texas after the transfer of title of GSA to FWS has been effected. However, any consideration of Texas management of the federal portion of Matagorda in the EIS process must address in detail the 11 points enumerated in our testimony of 8 March (Pages 8, 9, Items 8a-k).

The EIS must specifically consider the following:

2(a) The inclusion of details addressing proposed budget allocations, personnel assignments and the divisions of responsibility between park and wildlife staffs in the Texas Parks and Wildlife Department Conceptual Plan;

2(b) TPWD's managment of the physical deterioration of the Air Force Base and the repair of existing dock facilities.

2(c) The termination of a Texas coastal management program under the Coastal Zone Management Act of 1972 (P.L. 92-583);

2(d) TPWD's management of oil and gas exploration on Matagorda;

2(e) TPWD's management of migratory birds and cooperation with the FWS's Category 8 Texas Gulf Coast Wetland Preservation Program;

2(f) TPWD's protection, maintenance and recovery plans for the eight federally listed endangered species which inhabit Matagorda;

2(g) TPWD's administration of Matagorda as a single, ecological unit including bayside wetlands and American Liberty Oil Company Property;

2(h) TPWD's proposed wildlife research for migratory birds and endangered species;

2(i) TPWD's regulation of air traffic over Matagorda and airboats in adjacent bayside wetlands;

2(j) The impact of TPWD's proposed grazing program;

2(k) The impact of TPWD's proposed supplemental feeding program.

Additionally, the EIS should specify that any "State management would be subject to certain conservation restrictions and a mandatory reverter clause. The reverter clause should be structered so that it can be actuated by either FWS or public petition. Any alternative providing for state management should also provide for state donation or lease of the Public School wetlands to the FWS for incorporation as part of Aransas NWR." (NAS Testimony, 8 March, Page 10)

Finally, any alternative considering the joint Federal-State Ownership must provide that the federal portions of Matagorda are adequate to meet the FWS's national and international migratory bird and endangered species responsibilities. As we stated in our testimony, this delineation should anticipate the potential effects of drought on the wildlife habitat and the range expansion of endangered species currently untilizing Matagorda Island. The federally managed portion of Matagorda should also include an ample buffer area to mitigate the potential adverse effects of recreation on the state-managed north portion of the island.

Because the present Draft Environmental Impact Statement is proceeding with the consideration of a Preferred Alternative that is at variance with the administrative

record and all related public proceedings, Audubon formally requests that public hearings be scheduled on the DEIS in a major city in Texas and in Washington, D.C. It is imperative that hearings be held both in Texas and in Washington because of the public controversy engendered by the proposed action and because of the congressional interest in the transfer.

Sincerely,

RUSSELL W. PETERSON,
President.

MEMORANDUM OF AGREEMENT BETWEEN U.S. DEPARTMENT OF THE INTERIOR AND STATE OF TEXAS FOR THE MANAGEMENT OF THE MATAGORDA ISLAND STATE PARK AND WILDLIFE MANAGEMENT AREA

This Memorandum of Agreement (Agreement) is between the United States Department of the Interior (Interior), acting through the U.S. Fish and Wildlife Service (FWS), and the State of Texas (Texas), acting through the Governor, and the Texas Parks and Wildlife Department (TPWD) and the Texas General Land Office (GLO).

Whereas, it is the policy of Interior to recognize the vital role of the States in proper management and conservation of our national resources; and

Whereas, Interior and Texas recognize that Matagorda Island is:

A valuable and delicate State and national resource deserving of careful management and conservation; and

One of the few remaining barrier islands in the Nation which remain essentially in a natural state, and shall be preserved in an undeveloped state, except for any improvements necessary to administer the land as a refuge and wildlife management area and for park purposes; and

Of particular importance for wildlife, especially for the protection of endangered species such as the whooping crane; and

One of the most important waterfowl areas along the Texas gulf coast, and the North American Continent, especially during annual migration and wintering periods; and

A nationally, if not internationally, significant ecosystem that must be preserved; and

A significant recreational and historical area, both to the citizens of Texas and to the Nation; and

Whereas, Interior, by and through FWS, is the Federal agency responsible for carrying out this Nation's migratory bird and endangered species program responsibilities, including providing proper protection and sound integrated management with the State for said wildlife species utilizing Matagorda Island; and

Whereas, Interior, by and through the FWS, has since 1971 managed the 19,000± acres of Federal land on Matagorda Island as part of the Aransas National Wildlife Refuge; and

Whereas, Texas has demonstrated its ability to manage its fish and wildlife resources and maintain the delicate ecosystem of its gulf coast including State wetlands and Gulf lands on Matagorda Island; and

Whereas, GLO, the Texas agency which manages the Texas Coastal Public Lands, including the 24,893± acres of State wetlands and Gulf lands on Matagorda Island, has agreed to lease its land to TPWD to enable TPWD to manage the lands as provided for in this Agreement; and

Whereas, TPWD is the Texas agency responsible for the management of wildlife in the State reservation, as well as for the administration of Texas laws relating to wildlife, fish, oysters and marine life; and

Whereas, Interior wishes to obtain a conservation easement on the 24,893± acres of State wetlands and Gulf lands on Matagorda Island to be managed as a unit of the National Wildlife Refuge System (NWRS) in exchange for a grant of easement to Texas on the 19,000± acres of Federal land; and

Whereas, Texas, by and through TPWD, desires to provide integrated management of all Federal and State lands on Matagorda Island, shown on the map, Exhibit "A" (attached hereto and incorporated by reference in this Agreement) as a park and wildlife management area, under an Agreement with Interior and lease from GLO; and

Whereas, Interior and Texas believe that the wildlife resources on Matagorda Island will benefit from integrated management of the Federal and State lands on Matagorda Island; and

Whereas, Interior and Texas agree there is need to define the respective rights and obligations of each in the integrated operation and management of Matagorda Island; and

Whereas, this Agreement is authorized under the National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee), section 6(b) of the Endangered Species Act (16 U.S.C. 1535(b)), the Fish and Wildlife Coordination Act (16 U.S.C. 661-667c), the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j); and as authorized in the Texas Parks and Wildlife Code, and Texas Natural Resources Code Chapter 33, et seq.

Now therefore Interior and Texas hereby agree that:

1. Texas shall, through TPWD, provide integrated management of all publicly-owned land on Matagorda Island, pursuant to this Agreement, the "Matagorda Island Conceptual Plan" (State conceptual plan, attached hereto as Exhibit "B" and incorporated by reference in this Agreement), as approved by Interior, and in accordance with annual operations plans approved by FWS and GLO, as a wildlife refuge, park and wildlife management area in the manner, and subject to the further terms and conditions, as hereinafter prescribed in this Agreement.

2. For the purposes of carrying out their respective obligations and responsibilities under this Agreement, Texas will be represented by the Executive Director, TPWD, and the Texas Land Commissioner, GLO; and Interior will be represented by the Regional Director, FWS, Albuquerque, New Mexico.

3. TPWD shall adopt the management principles, goals and objectives set forth in the NWRS Manual in managing all publicly-owned land on Matagorda Island. Where this Agreement is inconsistent with the NWRS Manual, this Agreement shall govern.

4. The 19,000± acres of Federal land on Matagorda Island managed by TPWD will remain under the primary jurisdiction of FWS as a unit of the NWRS. Primary jurisdiction of the 21,568± acres of State wetlands and 3,325± acres of State Gulf lands will remain with Texas. The Federal conservation easement on the State lands shall be included in the NWRS.

5. TPWD, under the terms and conditions of this Agreement, will provide integrated management of Federal and State lands on Matagorda Island in accordance with the State conceptual plan and annual operations plans (as approved by FWS) by zone (Exhibit "A") as follows:

Zone A.—To be administered as a wildlife management area, excluding camping but including hunting, fishing, and other compatible wildlife-oriented research and recreational uses, subject to restrictions in applicable Federal and State laws, rules, and regulations.

Zone B.—To be administered as a wildlife conservation and park area, providing compatible public use opportunities, subject to restrictions in applicable Federal and State laws, rules, and regulations.

6. Except as otherwise provided in the easement from the State to the United States, Texas shall not use or permit the use, and shall take such measures as may be necessary to prevent the use or occupancy, of the publicly-owned portion of the island, for any purpose which is inconsistent or incompatible with the purposes herein specified and in its State conceptual or annual operations plans for the island. In addition, TPWD shall not authorize any use affecting the Federal lands or Federal conservation easement unless it is determined by FWS, during the annual review of the annual operations plan, to be compatible with the purposes for which the refuge lands were added to the NWRS—to provide habitat for migratory birds, endangered species and other wildlife. TPWD, in managing the State lands specified in the Agreement, shall comply with this compatibility test, except for oil, gas, and mineral exploration and development which are valid existing rights held by third parties or part of the subsurface estate retained by GLO and exempt from refuge compatibility requirements. FWS Refuge System regulations regarding the administering of reserved and excepted mineral rights shall be applicable to the exercise of valid existing mineral rights.

7. Subject to valid existing rights, oil, gas, and other authorized mineral exploration and development will be permitted on the publicly-owned portion of Matagorda Island under applicable Federal and State laws, rules, and regulations necessary to assure protection of wildlife and other natural resources. The State environmental codes in the FWS approved Aransas National Wildlife Refuge Oil and Gas Plan (Exhibit C, attached hereto and incorporated by reference in this Agreement) shall be used as guidelines. Deviation from these guidelines must be recommended by TPWD and GLO and approved by the FWS Regional Director. Response from FWS shall be in writing within 30 days after receipt of such recommendations.

8. Texas shall refer to the FWS Regional Director all applications relative to permits, easements, rights-of-way for pipelines and all other proposed non-wildlife or non-park uses on or affecting the publicly-owned lands, except as provided in Paragraph 7 herein relating to oil and gas exploration and development. With such referral, Texas shall indicate its recommendations as to the application, with a statement that such proposed uses will or will not interfere with the use of the lands for the purposes for which they are made available to the State. FWS retains the authority to grant or deny applications on Federal lands. Applications affecting the Federal easement shall not be granted by Texas unless approved by the FWS Regional Director. Upon receipt of such referral, FWS shall respond in writing within 30 days except for actions requiring preparation of an environmental impact statement. Texas is, however, authorized to issue special use permits, for such daily

operational matters as grazing, seismic, etc., which are consistent with annual operations plans approved by FWS.

9. No causeway, highway, bridge, ferry, public airport, or similar mode of transportation providing land vehicle or aircraft access to the island will be permitted, except that TPWD, GLO, and FWS and their respective agents and assigns, may utilize all modes of transportation necessary for the proper administration of the island. No land vehicle or aircraft will be allowed on the publicly-owned portion of the island except as authorized for administration, management, enforcement, and maintenance of the land as Matagorda Island State Park and Wildlife Management Area, and as a unit of the NWRS.

10. TPWD will obtain use of all buildings, structures, and facilities located on the Federal land including the Port O'Connor dock annex (6.9 acres) and maintain those not disposed of as provided herein. FWS reserves the right to store refuge equipment, at a mutually-agreed site, and use all docks, roads, aircraft runways, and all other access facilities for administrative use in carrying out its Federal responsibilities. All buildings, utilities, and facilities not selected for use by TPWD or FWS will be removed from the site or disposed of as mutually agreeable in accordance with the General Services Administration's rules and regulations covering disposal of excess Federal property. TPWD and FWS, subject to each other's consent, will be permitted to construct, modify, or move any building, structure, or utility system to enable it to meet its intended use as authorized by this Agreement.

11. Grazing may be permitted by TPWD on Federal lands in accordance with the State conceptual plan, annual operations plans and the NWRS Manual. Grazing on State lands will be compatible with the purpose for which the Federal easement was added to the NWRS. TPWD will prescribe in its annual operations plan the conditions under which grazing may be permitted, including livestock type and number, distribution and duration of grazing, and conditions by which livestock numbers will be manipulated in response to changes in range conditions resulting from climatological or other phenomena. FWS and GLO will be responsible for the administration of grazing leases. TPWD will monitor the grazing program and identify adjustments in its annual operations plan required to protect the range and wildlife resources.

12. Nothing in this Agreement shall impair the ability of TPWD to permit hunting and fishing on State lands in accordance with good wildlife management practices and consistent with the Texas Parks and Wildlife Code. All hunting and fishing shall be managed to assure that these activities are not likely to jeopardize the continued existence of any federally listed endangered or threatened species.

13. All monies received from products of the land or other privileges granted on the 19,000± acres of Federal lands (subject to valid existing rights) in this Agreement, shall accrue to FWS for deposit into the National Wildlife Refuge Revenue Sharing Fund. All monies received from products of the land on the State lands (subject to valid existing rights) in this Agreement, shall accrue to GLO for deposit into the appropriate School Fund.

14. No admission fees of any kind shall be charged for entrance into the publicly-owned portion of the island. Fees may be charged to defray actual expenses for special programs and services including transportation to and from recreational areas, and rental of blinds and equipment; all fees so obtained may be retained by Texas.

15. For the 19,000± acres of Federal land on Matagora Island, FWS will make payments to Calhoun County, Texas, in accordance with the Refuge Revenue Sharing Act (16 U.S.C. 715-s).

16. With respect to all of the publicly-owned lands on Matagorda Island, TPWD and FWS shall enter into a Law Enforcement Memorandum of Understanding as provided by section 3(b) of the Fish and Wildlife Improvement Act of 1978, Public Law 95-616 (16 U.S.C. 742 1(b)). TPWD shall assign full-time law enforcement personnel to administer the land subject to this Agreement, and FWS shall, subject to applicable laws and regulations, authorize TPWD law enforcement personnel to enforce Federal fish and wildlife laws.

17. TPWD shall submit to the Regional Director of FWS and the Commissioner of GLO for approval a 5-year master plan by October 1 of the beginning of each 5-year period and an annual operations plan no later than October 1 of each calendar year for the following year to describe its management activities on Matagorda Island. Each 5-year plan shall include a statement of management goals and priorities. Each annual plan shall include staffing levels to achieve these goals. No irreversible commitment of resources by TPWD shall occur before the initial 5-year plan is approved. These documents shall follow the format as required by the Federal Aid in Fish and Wildlife Restoration Program. Annual reports of activities for the preceding year will be submitted in compliance with the above cited Program. FWS and GLO shall make inspections of the area at such times as they elect to ensure that the State's operations are in keeping with master and annual plans.

18. If FWS believes or has reason to believe that TPWD has conducted or permitted an incompatible activity on the Federal lands or affecting the Federal easement, FWS will notify TPWD. TPWD shall immediately cease the activity pending appeal to the Secretary. If TPWD does not cease, FWS, pending the appeal, shall assume management to the extent necessary to prevent the incompatible activity.

If FWS believes or has reason to believe that TPWD has violated any of the conditions set forth in the Agreement that do not constitute an incompatible activity, FWS shall notify TPWD. Such notice shall be in writing and shall set forth the alleged violation of the conditions of the said paragraph. A copy of the notice shall simultaneously be delivered to GLO. Upon receipt of said notice, TPWD shall immediately acknowledge receipt of said notice and respond in writing to the allegations of said notice within thirty (30) days. If TPWD agrees that corrective action is necessary, FWS, GLO, and TPWD shall mutually agree on the number of days and conditions necessary for the correction of said violation or violations. If TPWD does not agree that a violation has occurred and a settlement cannot be reached, TPWD may appeal to the Secretary who will make a final decision after notice and opportunity for a hearing pursuant to the Administrative Procedure Act.

If, after appeal, any violation is found and if said violation is not corrected within sixty (60) days after the final decision on appeal is rendered, or if other appropriate legal proceedings are not initiated within such time period, TPWD shall forfeit any interests and this Agreement shall terminate.

19. Upon receipt of a valid petition from any public or private organization or individual alleging that Texas is using or permitting use of the Federal lands or affecting the Federal easement covered by this Agreement in a manner that violates the terms of this Agreement, FWS shall, within 30 days, investigate the allegation and make a determination whether, pursuant to paragraph 18 of this Agreement, it shall notify Texas of the alleged violation. If FWS determines the petition to be invalid or does not otherwise pursue the petition, petitioner may appeal to the Secretary of the Interior who shall make a final decision after providing opportunity to the petitioner and TPWD to submit comments.

20. In the event this Agreement is terminated, Texas shall have ninety (90) days from the effective date of termination to remove any structure placed on the area by the State and to restore the land affected by such removal as nearly as possible to its original condition considering normal wear and tear. If this Agreement is terminated, Interior will immediately assume direct management of the Federal lands on the island, including any permits or similar agreements which extend beyond said termination date. It is the intention of the parties that this Agreement shall transfer no permanent rights to title, ownership, or control of any Federal or State land, water, facilities, or equipment included in this document.

21. This Agreement and all documents referred to herein, may be amended in the future by mutual consent or agreement of the Executive Director of TPWD, Regional Director of FWS, and GLO Commissioner. In effecting any such amendment, FWS shall comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.). FWS shall provide 30 days public notice prior to the effective date of any amendment to this Agreement.

22. This Agreement is entered into for a period of one hundred (100) years, commencing on the date it is fully executed.

In witness whereof, the parties have executed this Agreement on the day, month, and year opposite their signatures thereto:

The United States of America, Department of the Interior:

December 8, 1982.

JAMES G. WATT,
Secretary of the Interior.
ROBERT A. JANTZEN,
Director, Fish and Wildlife Service.

and

The State of Texas:

WILLIAM P. CLEMENTS, Jr.,
Governor, State of Texas.

BOB ARMSTRONG,
Commissioner, General Land Office, and Chairman, School Land Board.
PERRY R. BASS,
Chairman, Texas Parks and Wildlife Commission.

STATE OF TEXAS, GENERAL LAND OFFICE, GRANT OF EASEMENT TO UNITED STATES OF AMERICA, MATAGORDA ISLAND, CALHOUN COUNTY, TEX.

This indenture, made this 8th day of December, 1982, by and between the State of Texas, acting by and through the Governor of the State of Texas, the Commissioner of the Texas General Land Office (GLO), on

behalf of the Public Free School Fund, pursuant to V.T.C.A. Article 5421c-13, and the Chairman of the Texas Parks and Wildlife Commission, acting pursuant to his authority to direct the policy of the Texas Parks and Wildlife Department (TPWD), hereinafter styled "Texas," and the United States of America, acting by and through the Secretary of the Interior and the Director of the U.S. Fish and Wildlife Service (FWS), or their authorized representatives, hereinafter styled "United States."

Witnesseth:

Whereas, some 24, 893± acres of land and water managed by Texas on behalf of the Public Free School Fund in the vicinity of Matagorda Island in Calhoun County, Texas (as described in part 1 of "Exhibit A" attached hereto and made a part of this indenture), is suitable for wildlife conservation and National Wildlife Refuge System (NWRS) purposes;

Whereas, the Secretary of the Interior, acting through the Director of FWS, in the administration of the NWRS, is authorized, pursuant to section 4(b)(3) of Public Law 89-669, as amended (16 U.S.C. 668dd(b)(3)), to acquire lands or interests therein suitable for wildlife conservation and inclusion in the NWRS by exchange for lands or interests therein which are suitable for disposition, when the values of the lands or interests therein exchanged are approximately equal;

Whereas, Texas is authorized pursuant, to V.T.C.A. Article 5421c-13, to trade fee and lesser interests in Public School Land for fee and lesser interests in lands of unique biological, geological, cultural, or recreational value;

Whereas, Texas and the United States desire to exchange easements on the 19,000± acres of Federal land, including the 6.9 acre Port O'Connor dock annex, and 24,893± acres of State land on Matagorda Island in order to promote and enhance the conservation of wildlife, and continue to provide recreational opportunities for the public which are compatible, and do not interfere, with the primary purposes for which the lands are included in the NWRS;

Whereas, GLO desires to lease the Federal easement and the State lands to TPWD to provide integrated management of Matagorda Island; and

Whereas, Matagorda Island is of particular value in carrying out the Nation's migratory bird management program, and for other wildlife conservation purposes, and that such programs and purposes would be aided by the integrated management of Matagorda Island.

1. Now Therefore, for and in consideration of the concurrent conveyance by the United States of an Easement for 100 years to enter and manage the land and water described in part 2 of "Exhibit A," Texas hereby grants and conveys to the United States, its successors, and assigns, subject to the terms and conditions of the memorandum of agreement between the United States and Texas executed on the 8th day of December, 1982 (attached hereto and made a part of this Indenture, hereinafter styled "Agreement"), and the conditions and provisions hereinafter set forth, an Easement for 100 years for the conservation of the land and water described in part 1 of "Exhibit A," for inclusion in the NWRS, including the right of access thereto by authorized representatives of FWS over and across any and all adjoining lands of Texas.

2. Subject, however, to: Texas' express reservation and retention of all interests in the land and water described in part 1 of "Exhibit A," not expressly granted herein, including, but not limited to, all existing rights-of-way, all outstanding mineral rights, other valid existing rights of Texas and the United States, and third parties under patents of record, and rights of third parties under oil and gas leases or other valid existing rights of record.

3. The conveyance hereunder shall be effective on the date of execution of: a) this Grant of Easement by the Governor, the Commissioner of the General Land Office, and the Chairman of the Texas Parks and Wildlife Commission, or their authorized representatives; and b) the concurrent Grant of Easement from the United States to Texas.

4. Texas, for itself and for its successors, assigns, lessees, and any other person claiming under them, covenants and agrees that it will cooperate in the management of the land and water described in parts 1 and 2 of "Exhibit A" as wildlife habitat pursuant to the terms of this Easement, including the Agreement.

5. It is understood and agreed by both parties that this Easement grants no rights and imposes no limitations or restrictions upon Texas or the United States other than those set out herein, including "Exhibit B" attached hereto and made a part of this Indenture.

6. In the event that the Agreement shall be terminated pursuant to paragraph 18 thereof, then all rights, titles, estates, and interests of the United States, its successors, and assigns, conveyed by this Indenture shall automatically and without entry, demand, or action, terminate and be of no further effect.

7. Should the United States' rights, titles, estates, and interests terminate pursuant to the foregoing provision, then Texas' rights, titles, estates, and interests in the Easement conveyed to it by the United States shall automatically and without entry demand, or action, terminate and be of no further effect.

The State of Texas:

WILLIAM P. CLEMENTS, Jr.,
Governor, State of Texas.

BOB ARMSTRONG,
Commissioner, General Land Office, and Chairman, School Land Board.

PERRY R. BASS,
Chairman, Texas Parks and Wildlife Commission.

THE STATE OF TEXAS, COUNTY OF TRAVIS

Know all men by these presents:

This instrument was acknowledged before me on the 8th day of December, 1982, by William P. Clements, Jr., as Governor of the State of Texas.

SPENCER L. REID,
Notary Public.

THE STATE OF TEXAS, COUNTY OF TRAVIS

Know all men by these presents:

This instrument was acknowledged before me on the 8th day of December, 1982, by Bob Armstrong, as Commissioner of the General Land Office, and as Chairman of the School Land Board.

SPENCER L. REID,
Notary Public.

THE STATE OF TEXAS, COUNTY OF TRAVIS

Know all men by these presents:

This instrument was acknowledged before me on the 8th day of December, 1982, by Perry R. Bass, as Chairman of the Texas Parks and Wildlife Commission.

SPENCER L. REID,
Notary Public.

Mr. BREAUX. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PATMAN), the lead author of the legislation.

Mr. PATMAN. Mr. Speaker, I rise in favor of H.R. 1935, which will ratify an exchange agreement between the State of Texas and the U.S. Department of the Interior. This bill, which I have sponsored along with Mr. WRIGHT, Mr. BREAUX, and Mr. DINGELL, deals in a creative manner with the protection of wildlife on Matagorda Island, bordering on the Gulf of Mexico north of Corpus Christi, Tex.

Under this agreement, the State of Texas, by an easement, has placed the 24,000 acres of State-owned wetlands into the National Wildlife Refuge System, and the Federal Government has, by easement, agreed to the unified management of the State and federally owned lands on Matagorda Island by the State of Texas. This management will be governed by principles which the National Wildlife Refuge System has established, and it will be subject to yearly review by the Fish and Wildlife Service of the Department of the Interior. These lands will complement the Aransas National Wildlife Refuge nearby, an area of some 54,893 acres.

As many of my colleagues know, the State-owned wetlands of Matagorda Island provide nesting and feeding grounds for the magnificent whooping crane and other wildlife species, which also use the federally owned lands for feeding. The Audubon Society and other environmental groups have worked for many years with the State and Federal authorities to protect these rare and endangered species. They have helped to bring about a system which will provide unified management of the whole of the wildlife areas on Matagorda Island.

I am proud to join with the Audubon Society, the National Wildlife Federation, the Texas Conservation Foundation, and a number of other national and State conservation groups in support of this agreement between the State of Texas and the Department of the Interior. Texas has offered a considerable asset to the National Wildlife Refuge System in the form of the easement it granted over its wetlands, and another great asset in its agreement to manage both the uplands and the wetlands, under guidelines set by the refuge system.

As a Texan, I wish to note that I am proud of the professionalism which the Texas Parks and Wildlife Department has consistently demonstrated over the years. The department is well known and well respected throughout the Nation. The commitment of the

personnel and resources which it has available makes it well qualified to protect the wildlife on the island.

Because Matagorda Island is in my district, I have been following the negotiations with great interest, ever since they began in 1976, at which time I was serving in the Texas Senate. I know that there is widespread support for the State's management in my district and in the State.

By ratifying the agreement which has finally been reached, we can eliminate any questions as to the legality of the Interior Department's action, and thus prevent any legal controversy over it. This will allow the skilled professionals in wildlife conservation and management to get on about the business of a unified management of both the State and federally owned portions of Matagorda Island, in a manner consistent with the principles of the National Wildlife Refuge System. I urge my colleagues to support H.R. 1935.

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 1935, the Matagorda Wildlife Refuge bill as reported by the Committee on Merchant Marine and Fisheries.

As many of you are aware, Matagorda Island, located off the coast of Texas, is one of the Nation's largest barrier islands. It is, perhaps, one of the single-most important areas of wildlife habitat in the country. In fact, it is the winter home of the endangered whooping crane and six other endangered species, the bald eagle, the peregrine falcon, the brown pelican, Kemps ridley, loggerhead, and Atlantic green sea turtles. In addition, the island provides critical habitat for thousands of migratory waterfowl and numerous upland game species. It includes upland game species. It includes some of the best productive habitat for the mottled duck on the Texas coast and is a key wintering habitat for the central flyway.

In the 97th Congress, I introduced a bill designating portions of Matagorda Island as wilderness. The designation would have insured that this magnificent island remained in a natural state for the protection of endangered species, migratory waterfowl, and upland game. H.R. 1935 is a different approach but accomplishes the same basic goal. This bill ratifies an exchange agreement between the Department of the Interior and the State of Texas concerning the joint management of Matagorda Island. The lands under consideration are to be managed by the Texas Parks and Wildlife Department in accordance with the provisions of the National Wildlife Refuge Administration Act, the National Wildlife System manual and a Matagorda conceptual plan developed by Texas. The Interior Department would monitor management of the area. The bill would also allow a check on this agreement. Any public or private organization could petition the Department of Interior if it believes the agreement is being violated.

Mr. Speaker, I urge Members to consider favorably this bill to save Matagorda Island. The issue has been around for a while and now is the time for the House to act—positively.●

□ 1350

Mr. BREAUX. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FORSYTHE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 1935.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EMERGENCY HOUSING ASSISTANCE ACT OF 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 142

Resolved, That at anytime after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1983) to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be considered for amendment under the five-minute rule, and each section of the bill shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR) and pending that I yield myself such time as I may use.

Mr. Speaker, the resolution provides for the consideration of the bill (H.R. 1983), the Emergency Housing Assistance Act of 1983.

It is a simple 2-hour open rule which provides two waivers of points of order. The 2 hours are controlled by the Committee on Banking, Finance and Urban Affairs and the time is divided in the customary manner.

The rule waives points of order under section 402(a) of the Congressional Budget Act of 1974. The act, in the case of fiscal year 1983 spending, makes May 17, 1982, the cutoff date for committee action. As is customary in such cases, the committee sought the advice of the Committee on the Budget, which recommended that the waiver be granted, on the grounds that the bill is emergency legislation. The letter transmitting the recommendations of the Committee on the Budget follows:

COMMITTEE ON THE BUDGET,
Washington, D.C., March 16, 1983.

Hon. CLAUDE PEPPER,
Committee on Rules, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that the Committee on Rules will consider H.R. 1983 to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless.

The bill, as reported, would violate section 402(a) of the Congressional Budget Act.

Section 402(a) of the Budget Act provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of such fiscal year.

Section 110(a) of the bill authorizes the enactment of $760 million in new budget authority for fiscal year 1983 to make assistance payments pursuant to the provisions in the bill. Since the bill was not reported by May 17, 1982, it would be subject to a point of order under section 402(a) of the Budget Act.

However, an informal poll of the members of the Budget Committee indicates that a majority would support a waiver of section 402(a) of the Budget Act in order to permit consideration of H.R. 1983. The Committee's action is based upon the emergency nature of the bill and the need to facilitate House consideration of the legislation, but

such action implies no judgment on the merits or substance of the bill.

With best wishes,
Sincerely,

JAMES R. JONES,
Chairman.

The rule also waives points of order under clause 5 of rule XXI which prohibits appropriations in legislative bills. No appropriation language is contained in the bill. But, numerous provisions of the bill could be considered reappropriations since they would make funds previously appropriated available for other purposes. However, such waivers are routine and noncontroversial in the case of bills of this type. Indeed, it would be impossible to make any changes in any multiyear funding programs without a violation of the rule. The waiver is always required on housing bills and the committee considers it technical.

Mr. Speaker, there is substantial controversy over the bill but I am aware of no concern over the rule. It is open and provides adequate time for a fair debate.

This bill authorizes $760 million to establish a revolving loan fund to assist homeowners in making their home payments and to prevent foreclosures. The bill also provides a $100 million authorization for the community development block grant program's discretionary fund to provide assistance based on identified need to local communities that propose to rehabilitate shelters and provide necessary supportive services on behalf of their homeless population.

The bill's emergency relief program is designed to provide temporary relief through deferred interest loans to homeowners who have suffered a loss of income due to unemployment or underemployment. This bill amends the mortgage relief title of the Emergency Housing Act of 1975, which was supposed to provide this type of assistance to homeowners based on a "triggering mechanism" which would activate the program.

Unfortunately, the mechanism was set too high so that the program was never activated. This bill changes the method by which the amount of assistance is calculated and also establishes a mandatory trigger mechanism in the legislation. The program is activated when the average default rate reaches a certain level as calculated by the Federal Home Loan Bank Board.

Sixteen members of the committee filed minority views saying that they feel that the program contained in the bill is not necessary. They believe that immediate assistance can be provided to people facing foreclosure by directing the supervisory agencies to take appropriate action to facilitate the forebearance by lending institutions holding delinquent mortgages. Their concerns are expected to be addressed in floor amendments.

Mr. Speaker, this is vital legislation and the rule provides a fair method for the House to address this vital concern. I urge the adoption of the rule and reserve the balance of my time.

□ 1400

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 142 is a 2-hour, open rule under which the House will consider H.R. 1983, a bill that has the noble purpose of creating a new $760 million Federal program to provide relief to families in risk of losing their homes through mortgage foreclosure.

This bill ought to be called the Mortgage Foreclosure Incentive Act of 1983 because it does not promote forbearance by this Nation's banks and thrift institutions, but rather it creates an incentive to default and will probably lead to additional foreclosures.

As the gentleman from Massachusetts (Mr. MOAKLEY) has noted, this rule contains two waivers of points of order that would otherwise lie against consideration of the bill, provides that each section of the bill will be considered as read, and it provides one motion to recommit.

Mr. Speaker, the first waiver is of section 402(a) of the Budget Act, which requires that bills containing new budget authority be reported by May 15 of the preceding year.

In this situation, the advocates of H.R. 1983 want to create a homeowners emergency relief fund and authorize $760 million in appropriations this year for mortgage assistance. They did not report their bill by May 15 of last year, so this waiver would be necessary if the House is to take up the matter.

The second waiver is of clause 5 or rule XXI, which prohibits appropriations in a legislative bill.

Mr. Speaker, there was no controversy about this rule in the Committee on Rules. The minority members of the Banking Committee appeared in support of an open rule, despite their strong opposition to the bill. Under the general theory that an open rule will permit extensive amendments, I support this rule.

According to testimony we received in the Rules Committee from the gentleman from Connecticut (Mr. MCKINNEY), this bill contains no safeguards on Federal mortgage aid going to a person who has more than one house, or who owns luxury cars. All that is required, according to our testimony, is for a person to be in default for 90 days on his home mortgage, have his mortgage holder fill out an application for assistance and postpone foreclosure by having the Federal Government pay his mortgage.

Mr. Speaker, the bankers of this Nation and the savings and loan officials of this Nation do not want to foreclose on home mortgages that are in temporary, short-term default. Government regulations are the cause of high foreclosure activity in the various regions of the country.

In those areas of the Nation were severe economic conditions are causing widespread unemployment, which in turn generates higher than normal foreclosure rates, there are much better ways to assist people who are in danger of losing their homes.

Mr. Speaker, one of the most effective ways to promote forebearance, that is to postpone any legal action of foreclosure, is to encourage lenders and homeowners to cooperate in arranging terms for a loan extension that the homeowner can afford.

Under this bill, assistance is available only when the homeowner stops making mortgage payments and when the lender moves to foreclose. This will not result in forebearance, and it may very well lead increasing foreclosure rates.

The minority members of the Committee on Banking and Urban Affairs are prepared to offer amendments to this bill, and under this rule they will be permitted to do so.

Mr. Speaker, I urge my colleagues to adopt this rule so we can proceed to clean up this unworkable and unworthy bill.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I think the gentleman from Missouri (Mr. TAYLOR) for yielding me this time, and may I say it is with mixed emotions that I support this rule.

I support the rule because it is an open rule, and I do not want to be misunderstood on the issue of wanting to help those who, through no fault of their own, are temporarily out of work and need help with their mortgage payments. My reluctance to support the rule stems from the fact that this is really a bad piece of legislation and should not be brought up on the floor in its present form. I was one of those who was eager to try to produce a workable bill.

Why is it a bad bill? Well, the bill, in the first place, provides for $760 million in new money when we do not have any new money.

Now, that would not be so bad perhaps if it were not for the fact that the agency which is to administer the bill, HUD, says that it is completely unworkable and will surely discourage trying to work out something between the lender and the borrower where mortgage payments are a problem.

This bill got some publicity in my local newspapers back home. The next day my phone rang off the hook in my district office and at home from calls coming in from people calling and wanting to know where they could

sign up for this new Government program that would pay their mortgage payments. Now, I submit that is going to be a part of the problem under this bill.

Who is it going to benefit? Who will get the mortgage payments? Is it on a first-come, first-serve basis?

It was estimated during the course of the hearings that there are some 230,000 to 250,000 people now eligible under the criteria in this bill for mortgage assistance. HUD says it could benefit perhaps 50,000 people. The Congressional Budget Office says it could perhaps benefit up to 70,000.

In any event, is it going to be on a first-come first-serve basis? If it is, I am going to tell my constituents to get in line quick.

Where would the incentive be to work out forebearance or a deferred payment plan?

We found during the course of our hearings on this bill that there is a lot of forebearance going on right now out there in the real world. That should not be discouraged, and I submit that if this bill is enacted into law—and I do not think it will be—it would discourage the forebearance that is going on out there.

The most constructive action we can take is to encourage or facilitate forebearance, and I have a substitute which I will offer at the appropriate time that would do just that.

But really, this bill is bad enough that if any Member feels in good conscience that he cannot support the rule, I would not be overwhelmed with grief.

Why do I say that? Before HUD can implement the program, the administrative quagmire it would get into would have even the best bureaucrat quivering with anxiety.

HUD would have to: First, propose regulations for conventional loans, a field they have not been in up to now; second, develop a handbook to guide central and field offices of HUD; third, train staff; fourth, consult the Federal Home Loan Bank Board to establish a data base; and fifth, monitor national data to determine that the 60-day delinquency rate has been at least 1.3 percent for 3 months or more.

Under that test, people living in the Pittsburgh Federal Home Loan Bank Board district, for example, would have qualified for the bailout for the last 10 years. Once the program triggers, which it would do in all districts today, HUD must, before approving any application for an individual, make a whole list of determinations, some subjective, which I will go into during the general debate.

The most constructive action we can take is to facilitate forbearance by encouraging the Federal regulators to accommodate forbearance to the extent this can be done without endangering the safety and soundness of the lender. I have a substitute which will do just that, and as I said at the outset, because I do not want to be misunderstood on this issue of wanting to help those who, through no fault of their own, need the help, I will reluctantly support the rule.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the ranking minority of the subcommittee, the gentleman from Connecticut (Mr. MCKINNEY).

□ 1410

Mr. MCKINNEY. Mr. Speaker, normally I have not in my 13-year history in this body wasted the time of the membership by speaking on a rule; but I find that there is so much wrong with this bill that it would be impossible for me either under the general debate time or the amendment time to possibly tell you how bad it is. How, in fact, my good friends, and they are my friends in the Rules Committee, could ever give this turkey that passes for a piece of legislation a rule, I will never understand.

Let me tell you about this bill and what you are going to say to the people of America. You are going to say that Uncle Sam is going to pay above 38 percent of your income for your mortgage if, in fact, you are out of work for conditions beyond your control.

Let us use alcoholism as an example, since it is a disease recognized by the psychiatric community. That is a condition beyond your control; but Uncle Sam is not going to ask you:

What do you own? Continue your payments on your condominium at Ocean City, Md. Keep your Mercedes and your Cadillac and we will pay your mortgage.

Wonderful idea.

On top of that, Uncle Sam is going to turn around and say, "Well, sorry, fellows, this is first one in, last out of luck."

So whether you take the Democratic estimate of 70 odd thousand or HUD's estimate of 50 odd thousand who will get helped, what, in truth, happens to the needy?

Now, I am being a little facetious, which is an uncommon role for this Member of Congress and I think most of you know it.

I am totally and completely concerned about those people threatened with foreclosure. I was born in January of 1931. My father lost his house in December of 1930 and until I was married and out of the U.S. Air Force, I never lived in a home that was owned by my family, so I am well aware that a lifetime of my father's work, which in fact killed him at 51 in 1941, went down the tubes. I do not want to see that happen.

It is interesting that my family never moved out of their house. They just paid the Mellon National Bank rent because, in fact, the bank could never find a buyer; but every single month and most days of the week, my mother had to leave the front door open so that someone could come and look to buy the house.

Now, what is the problem? This bill has a sad counterpart in the U.S. Senate housing bill which we have not even finished marking up in the subcommittee in this House. It has no real counterpart. If, in fact, it gets passed, it is going to be vetoed. If, in fact it is vetoed, it is not going to be overridden.

The question you have got to ask yourself, if you care, is do you want to help people who are facing foreclosure?

There is a very simple way to help then. It will be the Wylie amendment. I have some disagreements with it, but I am strongly supporting the ranking member of the full committee.

The fact of the matter is that we, the U.S. Government, are in many ways responsible for the foreclosure level in this country. We are responsible because we send our regulatory agencies into the banks, be it the FDIC, the FSLIC, or the Comptroller of the Currency, and we turn around and say, "Classify banks for bad loans."

So when the small commercial banks, the S&L's, the mutuals, the regulator goes in and says, "Your portfolio is in default."

What is default and delinquency? If you do not pay by the 15th, if you do not pay by the 25th, you are delinquent. The number is 25 percent.

We are going to reclassify you, Mr. Banker. We are going to reclassify you for the amount of money it is going to cost you to operate.

The banker turns around and says, "How do I face my Board? I am terrified." He forecloses.

All we literally have to do is pass the Wylie amendment, which says, "Don't reclassify a bank if they forebear."

Now, think about that. We are forbearing for Chase and Citibank and several others by talking about nonpaying assets.

We sat here for the S&L's and talked about certificates of net worth, which are basically worthless, to save them.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. TAYLOR. Mr. Speaker, I yield 2 additional minutes to the gentleman.

Mr. MCKINNEY. But the banker, the banker who is trying to help the homeowner, is told, "No. You will be reclassified, in fact, if you try to do anything to help."

Now, Mr. Speaker, the rhetoric of H.R. 1330, which at first it was, and H.R. 1, which it was part of before then, and H.R. 1983, which it is now for a political statement, is nonsense.

If in fact you want to help people that are being foreclosed on, help them.

The Wylie amendment could pass this House today. It could pass the Senate Wednesday or Thursday. It could be signed by the President by Friday and people would be helped immediately.

This bill will not give anyone one ounce of help this year and probably not into next year.

On top of that, what am I going to turn around and say to that next person who goes to the window after the 60,000th, the 75,000th, or the 90,000th family out of the 200,000 needing help. When he says, "I need help:" there will be no help for him. He was not first in.

Then let us take another look at this bill. What does this bill do? It says you must be delinquent. You must have been notified of pending foreclosure and, in fact, it is an invitation to the banks and to the financial community to foreclose on the people of this country.

Mr. TAYLOR. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT), a member of the committee.

Mr. BARTLETT. Mr. Speaker, I rise to join my distinguished and eloquent and compassionate colleagues, the gentleman from Ohio and the gentleman from Connecticut, in talking about this rule and using this rule time to talk about what could become the worst bill of this session.

I rise, as did the gentleman from Ohio, to reluctantly support the rule, but to point out to the House the need for an open rule and the reason that we are going to have to have extended debate, as we should have had in the past on this bill. The amendments, and I found 14 of them filed today under this open rule, with amendment after amendment, will point out conclusively to the Members of this House and the American public the inherent flaws of this bill.

Frankly, I am optimistic that at the conclusion of debate, and whether the debate ends today or sometime later, I am optimistic that this House upon reading the bill and realizing what this legislation does to hurt people in this country, that this House in a bipartisan display of good sense will, in fact, defeat this legislation. Even better, this House should support and adopt the Wylie amendment, which would put into law the forbearance that the regulatory agencies desperately need. As the gentleman from Connecticut stated, that forbearance law could be implemented and enacted today and put into the law by next week and begin helping people immediately.

The open rule is needed. I count 14 amendments, 14 amendments that will seek to try to clean up this bill if, in fact, it can be cleaned up, 14 amendments that will probably make some improvements, including to provide that we use existing remedies under existing law in chapter 13, including that we would use forbearance, that we would just simply target this to those most in need and in unemployment; but the essential flaw of this legislation cannot be cleaned up by amendment. That flaw in this bill would tell every financial institution in America that if you forbear, and provide partial payments and give homeowners a chance to get back on their feet, then the financial institution would not get paid, but if this bill passes and the financial institution does not forbear, but forecloses, instead, the U.S. Government would make those mortgage payments for 3 years and the institution would get paid. In short, with the passage of this bill, a financial institution would not be paid if the institution forbears, but would be paid if the institution forecloses. Thus would be created a cruel irony, a powerful incentive to foreclose.

□ 1420

If this bill passes the financial institution is told all you have to do to foreclose, all you have to do to get your money is to get paid and the Federal Government will pay the financial institution that mortgage payment for 3 years, 36 months, no questions are asked. But only for the first 76,000 that would foreclose, and I would submit to my colleagues on both sides of the aisle that you would see the fastest, the largest, the most depressing, and the cruelest stampede to foreclosures that this Nation has ever seen.

I yield back the balance of my time.

Mr. TAYLOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 142 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1983.

The Chair appoints the gentleman from Oregon (Mr. AUCOIN) to preside over the Committee of the Whole.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1983) to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless, with Mr. AUCOIN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

The gentleman from Texas (Mr. GONZALEZ) will be recognized for 1 hour, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 1983, the Emergency Housing Assistance Act. This legislation represents a plea on the part of the American people; it is a plea for Congress to act decisively to protect the most fundamental possession this society affords its members, their home. This is an issue upon which this body cannot afford to equivocate or be hesitant. We must answer the cries of Americans about to lose their homes through foreclosure and vote to pass this bill.

H.R. 1983 responds directly to conditions which are the result of the severe economic recession that has gripped this country for the past 2 years. To qualify for assistance, a homeowner would have to demonstrate that the inability to make mortgage payments resulted from a substantial loss of income due to circumstances beyond their control. This bill does not make assistance available to households where irresponsibility leads to default on mortgage payments. Instead, it is reactive to an unemployment rate which currently stands above 10 percent and a mortgage default rate which has risen to 2.36 percent.

Some Members are inclined to point to statistics recently released by various Government agencies which indicate that our economic downturn may be abating, and suggest that there is no longer a need for an emergency mortgage relief program. While it is certainly the hope of all of us in this Chamber that this country will soon experience a time of economic prosperity, we should not lose sight of the fact that recovery will be a slow process and that the people who are losing their mortgages need help now.

If this Congress is truly committed to assisting homeowners to keep their homes, we should show no reluctance in authorizing the appropriation of the relatively modest sum of $760 million necessary to establish the emergency loan fund. By passing this bill, this Congress would be giving a sign of good faith to the American people. We would be showing them that, by making 18-month emergency mortgage

loans available to those in need, we have faith in their ability to get back on their feet and resume their mortgage payments in that time. More significantly, we would be indicting that we have faith in our ability to make the decisions which will promote economic recovery and get these people back to work within that 18-month period so they can, once again make the wages necessary to carry their mortgages. To not establish the loan fund, we would fail in our responsibility to those who are in danger of losing their homes, and we would be indicting that we do not have confidence in the Government's ability to get our economic situation under control.

Let us not let the American people down. Congress must pass this bill now to assist homeowners in need, and then get on to the business of legislating long-term solutions so that this situation does not repeat itself.

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we Americans like to think of ourselves as people of compassion and good sense. The emergency mortgage assistance bill offers a simple program that is compassionate and grounded in good sense and experience with prior legislation.

Today there are more than 11½ million people out of work in this country. No one, absolutely no one expects any sudden or dramatic drop in that figure.

What that means very simply is that each week there are more Americans who cannot meet their monthly mortgage payments no matter how hard they try. In February, more people fell behind in their mortgage payments than at any time in the past 20 years. Overall, the rate of mortgage delinquencies today stands at 2.36 percent. or double the historic average as rated by the Home Loan Bank Board.

During 1982 there were a little better than 187,000 homes lost to foreclosure or distress proceedings. There is no sign that that number will be any less this year. In fact, they have been greater.

There is every indication that this number is increasing daily. For one thing, more and more people are running out of unemployment benefits and savings. For another thing, lenders are less able, even when willing, to afford forbearance.

Hearing the preceding gentleman speak during the rule, one would think that this is a bit of legislation that was snatched out of the air. Let me say that it is the result of 2 years of hearings, not 1 year, not a half year, but 2 years of hearings and the most intense type of hearings just within the last 6 months.

In this kind of situation with no sign that unemployment is going to lessen to any significant amount, with the distress growing, good sense as well as compassion should tell us that something needs to be done.

This bill offers a sensible, simple program for people who are about to lose their homes. Under this bill, a person with average means, and we have a means test that we intend to include in this bill, will be able to get help. If an individual is facing foreclosure because of inability to meet mortgage payments, and the cause of that inability is an involuntary loss of income due to the recession, that individual can apply for help.

I should like to emphasize that we are talking here about persons whose mortgages are modest, within the FHA loan limit. We are also talking about people whose loss of income is beyond their control.

In short, this bill is addressed to ordinary, responsible citizens who have been victims of the recession.

A person who is eligible for assistance goes to the mortgage lender who helps fill out an application for an emergency loan. Under the terms of that loan, let us remember that this is a loan program, not a grant, not a gift, it is a loan program, under the terms of that loan, the applicant must agree to pay all that he reasonably can on his mortgage, 38 percent of his total income.

The assistance that homeowner gets is this: A loan from the Federal Government to bring the mortgage up to date, plus further assistance to keep that mortgage current for as long as 18 months or, if necessary, at the option of the Government, an additional 18 months.

The loan carries an interest rate equal to the current Treasury rate or 10 percent, whichever is less.

Furthermore, that loan is secured by a lien on the property.

Finally, as soon as the borrower is able, the loan must be repaid. This bill does not call for gifts or gratuities, it calls for loans to help troubled homeowners get across tough times that are beyond their power to control. It is no more or no less than an act of reason and compassion.

There are those will who say that this program is not necessary. The Bankers Association says that this program is not necessary, but that same Bankers Association is calling for a program 20 times the size of this one to bail out their fellow bankers. My friends across the aisle will say that the lenders do not want to foreclose loans and so this bill is really not necessary. But they cannot deny the testimony and the evidence presented to us in open hearings from every geographical section of this country from urban and rural, the densest and the most sparsely settled of our country. They cannot deny that last year alone officially and statistically there were more homes foreclosed than at any time in 50 years. They cannot deny that the story remains the same and grows worse this year.

The undeniable fact is that hundreds of thousands of our fellow citizens need help if they are going to keep their homes.

□ 1430

I cannot think of anything more indefensible for the identification of an American with his soil, his duty, and maintaining the unity of the family. The question facing us today then is simple and stark: Are we going to help them? Good sense tells us that we should. Compassion says we must.

I urge your suppport for this bill.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Mr. Chairman, I am delighted to yield to the distinguished chairman.

Mr. ST GERMAIN. I would like to commend the chairman of the subcommittee for his very diligent efforts in this legislation. Once again he displays, for all to see, his compassion and feeling for people who are being beset with economic disaster, through no fault of their own, and unable to meet an obligation that is probably the most important obligation they have other than feeding, educating, and clothing their children, as the shelter for their families.

The gentleman has worked long and hard on this legislation. It is easy to come up with a variety of reasons as to why it should not be supported. But I think the bottom line should be this: Do we believe that it is fair and reasonable to assist, as the gentleman from Texas mentioned, the concerns and troubles of our major financial institutions not only in this country but in the world? And yet, to say to innocent people who did not have the sophistication of those financial institutions, that "Though you, John Q and Jane Q homeowner are not responsible for the recession we have been in, though you are unemployed through no fault of your own, though you are unemployed because of fiscal and financial policies that have wreaked havoc upon untold millions of our American citizens, we are not going to help you, but we are going to help the major financial institutions of the world."

I have to agree with the gentleman; these innocents who came before our committee dying to work, wanting to work, they came with their families; we listened to them and I, as the gentleman from Texas, was touched by them.

I do hope that this House will exercise the necessary compassion and feeling toward these innocents who have been ravaged by this severe recession.

Let us not take away from them the dream of every American to own their own home. The time has come for us to assist them.

And when I hear of threats of a veto by the President, the Senate not acting, I am totally amazed. I think the President on this one would have to reconsider very carefully, very, very carefully and realize that the assistance we are trying to provide through the efforts of the gentleman from Texas and the full Committee on Banking, Finance and Urban Affairs is assistance that needs to be given. Once again I commend the gentleman.

I urge my colleagues to join me in throwing a lifeline to those families who are either in danger of losing their homes through foreclosure or who have already lost their homes and are wandering through the streets of our cities and towns seeking shelter.

To most American families, their home is more than shelter and more than a hedge against inflation. Homeownership represents achievement, as well as stability and a sense of control over one's life. For over 50 years, Congress has passed law after law designed to encourage hardworking American men and women to become homeowners. As economic circumstances have changed, we have also acted to forestall tragedy in the face of crisis. I am persuaded that just such a crisis exists today and that we cannot stand idly by while hardworking families who have lost their jobs due to the present economic recession also lose their homes.

Although we have seen interest rates drop enough this year to permit some families to become homebuyers, the economic situation remains grim for millions of unemployed Americans. The national unemployment rate has topped the 10-percent rate for several months and many areas of the country are struggling with 14, 16, even 22 percent unemployment rates. It is not unexpected that as the unemployment rate increases, the delinquency and foreclosure rates increase. At the end of 1982 over 230,000 mortgages were 90 days or more delinquent and almost 200,000 homes were lost through foreclosures, the highest number of foreclosures in any year since the Depression.

These statistics do not begin to describe the pain and humiliation of the families who are in danger of or actually lose their homes. In a nation that has a very strong tradition of homeownership, homeowners will go to great lengths to hold on to their homes because to them, losing a home represents not just a financial setback, but a social failure and humiliation. I am convinced that the unemployed families that this bill would assist, take their financial responsibilities very seriously and, if given short-term assistance, will make every effort to repay the Federal Government for that help.

The Congressional Budget Office estimated that the $760 million authorized in this bill would assist approximately 100,000 homeowners by providing a subsidized loan to cover the difference between the total mortgage amount, property taxes, and operating expenses and 38 percent of the homeowners income. The payments would be made to lenders on behalf of homeowners experiencing difficulty in making their mortgage payments due to a loss of employment. Assistance commitments could be made to eligible applicants whenever the 60-day delinquency series maintained by the Federal Home Loan Bank Board exceeds 1.3 percent for 3 consecutive months nationally or in any Federal Home Loan Bank Board district. The loan must be repaid over time or when the property is eventually sold.

In addition to this vital program of financial assistance, the bill also requires the Federal financial supervisory agencies to take specific actions to support continued forbearance. Under this provision, the Federal financial supervisory agencies would communicate with mortgage lenders encouraging them to exercise forbearance on residential mortgage foreclosures. The supervisory agencies are also directed to waive or relax limitations relating to mortgage delinquencies, so that these mortgage lenders are not unfairly penalized for exercising forbearance. Safety and soundness considerations would, or course, still apply. Finally, the Federal agencies that provide assistance in the form of advances, discounts, and extensions of credit are directed to give special consideration to applying institutions that have exercised forbearance. As important as each of these actions is, however, none is a substitute for the program of financial assistance provided in H.R. 1983. Rather, all of these provisions work as complementary efforts to relieve the dreadful burden of foreclosure that faces so many Americans.

I strongly believe it is the obligation of this body to extend a helping hand to the homeowners who are struggling to keep their heads above water. I have confidence that once the economy is recovering strongly, these families will repay the Federal Government in full. Our actions will have maintained stability in hundreds of communities around the country and will reaffirm the role of our Government which is to act compassionately during times of great need.

Mr. GONZALEZ. I thank the distinguished chairman of the full committee. I am very grateful for his kind remarks. I may have been given more credit than I am entitled to. I say to the distinguished chairman without his leadership it would not have been expeditious for us to have acted on the subcommittee level.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas (Mr. GONZALEZ) has consumed 11 minutes of his time. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I yield myself 5 minutes.

I would like if I may to examine the provisions of this bill a little further.

I did raise objections to some of them during the debate on the rule.

But H.R. 1983 would create a permanent Federal mortgage foreclosure program, not a temporary countercyclical relief bill as has been suggested.

I would like to read from the provision on page 10 which calls for the application for assistance.

It says:

> During any period in which the program established in this title is in effect in any district, each financial institution or other mortgagee shall, not less than 30 days prior to instituting any foreclosure proceeding with respect to any property described in paragraphs (1), (3), and (6) of section 105(a), assist a mortgagor involved in the preparation and submission to the Secretary of an application for assistance under this title.

That is inviting the lending institution to say to a mortgagee who may be in some difficulty that there is a new Government program and we ought to take advantage of it.

Now, the word "foreclosure" is used on that page, on page 10. The foreclosure proceeding or the application for the foreclosure is triggered by a notice of delinquency. Now what is delinquency? A delinquency is a failure to make time payment under a loan agreement. That could be any time; that could be a month, 2 months, 3 months; however much time the lending institution would determine that that payment is delinquent. What is a foreclosure? It is a legal proceeding in which property mortgaged as security for a loan is sold to pay the defaulting borrower's debt.

Now, when data related to the subject of delinquency, defaults and foreclosure is analyzed, it is important to note that virtually any delay in monthly mortgage payments results in a delinquency and that these figures are usually quite high in times of economic stress.

We admit to that. The category of delinquencies is not generally considered a precursor of foreclosure until after the delinquency has run for a period of at least 90 days.

As a general rule, lenders will agree to forebear for some period rather than foreclose. They might also agree

to work out arrangement and rescheduling of the mortgage, and they have been doing that, as we found during the course of the hearings.

It is not in the lender's best interest, I submit, to take ownership to a piece of property and seek to resell it. And yet, I submit that that is what this bill would encourage.

It is quite clear that H.R. 1983 embodies a complex program which creates tremendous administrative and underwriting problems for HUD, if it is even to attempt a reasonable administration of the program. I mentioned some of those, but from the standpoint of the application HUD would have to determine the following: First, individual's income has been reduced substantially. This is a subjective judgment, particularly if other income demands are considered.

Second, the individual's loss of income was beyond his or her control.

Third, the home is a one- to four-family property.

Fourth, the original mortgage on the home was within section 203B limits.

Fifth, the home is the borrower's principal place of residence.

Sixth, the borrower will be able to resume full mortgage payments within 36 months. HUD is to presume this will occur. Now, what happens at the end of 36 months when there is a huge mortgage payment due? What is the accommodation which is going to be made to the borrower in that case?

Seventh, either the borrower will be able to pay off the mortgage within its original term or the lender will agree to extend the term. HUD again is to presume one or the other will occur.

Eighth, assistance payments are no higher than necessary to supplement the contribution of the borrower which cannot be greater than 38 percent of his or her net monthly income. All of these determinations must be made when the application is submitted to HUD.

Now, once assistance has been approved for each borrower, HUD will then have to do the following: Record a lien, annually review income to determine changes which could affect repayment.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has expired.

(By unanimous consent, Mr. WYLIE was allowed to proceed for 1 additional minute.)

Mr. WYLIE. Having said all of that and I will put some of that in the RECORD, we heard testimony from Assistant Secretary of HUD, Sam Pierce, about his objections to the bill. I will get into that a little later on on my amendment.

The American Bankers Association said:

> We do not believe that the solution to this delinquency problem is the creation of a $760 million program to be administered by HUD because it would be counterproductive.

The U.S. League of Savings Institutions:

> The cost-benefit ratio of H.R. 1983 is exceedingly negative.

The American Farm Bureau Federation:

> Farm Bureau cannot support H.R. 1983 in its present form. We encourage you to support instead the Wylie substitute.

The Mortgage Bankers Association is opposed to the bill.

The Department of Agriculture has just sent a letter up suggesting that they are opposed to the bill because of the provision requiring a mandatory moratorium on loan payments and encourages a veto if it is passed and recommends support of my amendment.

At the proper time I will have some other arguments on my amendment.

At this point, Mr Chairman, I yield back the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield 5 minutes to the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Chairman, I rise in support of the Emergency Housing Assistance Act, which would authorize $760 million in emergency mortgage assistance payments and $100 million for emergency shelter assistance. This is legislation which is desperately needed to assist those families who are losing their homes through involuntary unemployment resulting from the severe recession. Through no fault of their own, too many Americans have lost their jobs. Without help from us through the passage of this bill, they will now lose one of the most significant components of the American dream: their homes.

It is terrible enough to lose a job, to drain one's savings, to go without medical care, to not know whether there will be food in the cupboard. To allow this recession to compound the misery by foreclosure has to be unacceptable in this Nation. While the amounts of money in this bill may appear to be substantial, it is barely enough to compenstate those who must suffer and who must pay the costs of mistaken economic decisions. I would hope that we are compassionate enough to share the resources from the many so that these Americans do not suffer so much more disproportionately than they already have.

Yet, as far as this bill goes, it does not provide aid to assist those who are unable to meet their shelter payments because they are renters. I am hopeful, therefore, that we will support the amendment which I understand Mr. SCHUMER will offer to provide assistance to renters who are faced with eviction. Those who face the loss of their apartments or rental houses because they are unemployed and unable to pay their rent are in the same boat as unemployed homeowners faced with the loss of their dwellings because they cannot meet the mortgage payments. While some may argue that there is a decided difference between the loss of one's home through foreclosure and eviction from a rental unit, there is little difference to the individual who is forced out of their home whether it is a rental or a purchase. In both cases, people lose their place to live. The current recession has not discriminated between renters and homeowners, and I would hope that we would not do so either.

The bill also contains funds for the homeless. These are people who have no shelter at all. They are the street-people we so often hear about and see on steamvents and in doorways even in our Nation's Capital; they are the new homeless who cannot find shelter because they have no jobs, no incomes, and little prospects in our recession-ridden economy of finding either. They are also the people who have been forced out of shared housing because their benefactors could no longer help them as they, too, have become victims of this recession. Our homeless are no longer just those who have chosen this lifestyle or who are victims through the use of chemical or alcohol abuse. They are the young, the educated, and those seeking employment, often in new and strange environs. In a society as wealthy as ours, homelessness as portrayed to our Banking Committee cannot be permitted. It is an acute problem and it must be met now. Unfortunately, we are meeting it much later and with much less money than we should. However, this bill is a start and I would hope that we would support it for this provision, too. $100 million would be authorized for fiscal year 1984 from the Secretary's discretionary fund of the CDBG program to assist in meeting emergency housing needs, CDBG is an ongoing program; it is one which is already in use, already staffed, and well understood by local governments. Use of funds to accomplish the objectives of aiding the homeless should, therefore, be speedy and I hope not too late.

Whether we are late or timely, however, depends on this House. I hope that we will be prompt in passing this bill.

Mr. GONZALEZ. Mr. Chairman, I yield 5 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, today we have an obligation to act on behalf of hard-working American families who, through no fault of their own are losing their homes because of unemployment. We in the House of Representatives must be on record that we

are aware of their plight and are ready to take action on their behalf. The Emergency Housing Assistance Act of 1983 addresses one of the most severe consequences of unemployment—the loss of ones home.

Home ownership has always been the fulfillment of the American dream. As the ranks of the long-term unemployed continue to grow in many parts of this Nation, the number of home foreclosures is rising as well. In the ninth district of Ohio alone, where the unemployment rate is well over 14 percent, local banks reported over 800 delinquent accounts, with over 200 in foreclosure last year. This years and next years prospects are frightening since foreclosures lag well behind any economic recovery.

As a member of the Banking Committee, I listened with my colleagues to the sad and desperate stories of working men and women who are losing their homes because they are out of work. The most distressing aspect of the testimony is the realization that home foreclosures are happening to people across the economic spectrum—to people who have always prided themselves on meeting their bills and successfully managing their family budgets. We heard from unemployed professionals as well as unemployed factory workers. I had the privilege of introducing a constituent of mine from Toledo, Ohio, who is facing foreclosure proceedings. He was a senior industrial relations represntative for a major corporation before losing his job. Unemployment is no longer confined to any particular group.

The opposition to this bill claims that it is unnecessary and is an incentive for the banks to foreclose instead of to continue to pursue a policy of forebearance. They claim that all that is needed is a directive to Federal supervisory agencies to make appropriate modifications to their regulations in order to facilitate the forebearance process. The committee addressed the foreclosure incentive issue by requiring that any application for Government assistance contain the mortgagee's certificate that it had extended to the mortgagor the same or greater opportunities for voluntary forebearance as it had extended to similarly situated mortgagors. It also sets minimum standards for forebearance. The committee also tightened up the eligibility requirements to insure that this legislation would constitute an emergency measure to address the unemployment crisis created by the recession. It is targeted to the unemployed. In order to qualify for the assistance in the bill, the homeowner must have suffered an involuntary loss or reduction in income resulting from his/her employment, self-employment or other occupation related income. This program is not a giveaway—it requires homeowners to contribute up to 38 percent of income less taxes plus insurance, plus repayment terms as established by HUD.

In my district, the financial institutions, to their credit, have been pursuing a policy of forebearance. There is an average forebearance period of 6 months. Despite this policy, there are still large numbers of individuals facing foreclosure proceedings. Given the fact that the average duration of unemployment is steadily increasing in the industrial heartland, we can justifiably ask ourselves how much longer can financial institutions afford a generous forebearance policy. What can we do, short of this legislation, to protect those people the lenders cannot help now or will not be able to help in the future; that is, those who are in foreclosure or who will be thrust into foreclosure. Moreover, can we realistically expect this present generous policy of forebearance to continue when the housing market eases and financial institutions find it easier to sell the foreclosed properties?

The hearty statements being put forth by this administration proclaiming the arrival of the long-awaited recovery must not blind us to the gravity of the situation—unemployment in some parts of the country like my own, is not getting better and the fallout from this unemployment will continue to spread. Anything short of a historic, unprecedented recovery will not change these adverse conditions. Our fellow Americans, in the throes of losing the American dream, deserve nothing less from us than the passage of this legislation. Their plight, after all is largely the result of our Government's misguided economic policy. This is not a handout; it is a commitment with the Federal Government that the amount borrowed will be repaid once employment is again secured. It is a commitment by our National Government to help people who have built this Nation.

□ 1450

Mr. GONZALEZ. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Texas (Mr. DE LA GARZA), chairman of the Committee on Agriculture.

Mr. DE LA GARZA. I thank the distinguished gentleman for yielding.

Mr. Chairman, I have watched diligently as this legislation has progressed through the subcommittee and the committee, and I want to pay a very sincere commendation to the distinguished gentleman from Texas who has been foremost in espousing this legislation.

Mr. Chairman, and my colleagues listening to me, I come to you in very sincere and frank support of this legislation. I am well aware of those who oppose the legislation, and perhaps they have legitimate reasons, I do not know. I come to you from the people. It is often said and tradition is that this is the people's House, and we as Members of the House are but one weekend away from touching the flesh or visiting with your constituency. All of us do that.

My area of Texas is suffering tremendous unemployment, in some counties 50 to 60 percent. We are endowed by nature. It is a very bountiful area, it is a very beautiful area of Texas. But the availability of income, of inflow of money, is very difficult, especially for those who are in the lower echelons of income.

The distinguished gentlewoman who spoke before me mentioned the American dream. And if I might continue on that theme and borrow from her, we find ourselves in a situation—and I am not blaming anyone or saying this administration—but somehow in America we have deteriorated into a situation where receiving assistance has been made into a dirty word. The fraud and abuse in food stamps, my colleagues, has sort of taken the forefront of those who would demean anyone who, because of no reason but the unfortunate situation of not having adequate employment, is subjected to having to receive assistance. And so we, the Government, the people, I say unworthy of a nation of the stature of this one, have made it appear or have allowed people to have the perception that to be poor or to have no money is somehow un-American, is somehow unworthy, that someone has failed to assist each other.

Well, let me tell the Members something. There is one thing I disagree with. I think that this country is powerful enough. And we worry about billions and billions of dollars, of whether you are going to run the MX down the track or put in in a hole or put it in the Rayburn Garage—probably that would be the place where it would be the most difficult to find—but when we are doing that, somehow we are chastising the poor person, the family that is subjected to receive a few dollars in food stamps.

Well, what I would like to tell the Members is that in my area of Texas, no one is going to go hungry. The culture and the custom and the tradition is that you move in with your next relative, with your next relative. Somehow you can pick up—no one is going to shoot you for getting a head of cabbage or some carrots, you go to the packing shed, you go to the farmer. We will eat. Where it strikes the American dream is, the inflow of money.

I will give you one concrete example, and if I speak for anyone, I guess I speak for this couple. The lady works diligently 8, 10, 12 hours a day in a beauty parlor, in a beauty shop. The man worked for a railroad, and they

were getting along with a couple of children, and they bought a house, they bought a house because this is the American dream, they bought a modest house, one that they could afford the payment on. He was laid off by the railroad. The man now does a little yard work here, he works by the day. But there is no way they can pick up the balance to pay on that house. It is no fault of his own. He had a good job with the railroad. Those are high-paying jobs, union protected. Nonetheless, he was laid off. When his unemployment goes, that is it. They had to turn the house back, they had to give it back to the savings and loan. And so will people have to do outside of this legislation. Of course, you have to do that with a car, with a television set. With the amenities of the poor, with the dream that is America to everyone who wants to come, therefore, if we, under what I perceive to be a legitimate function of government, if we say we will give you a helping hand, we will be investing, we will be investing in the American dream for all of those who came through the years and through the years, so that this one thing that is America to them, that which differentiates us from most of the civilized world, and I think that regardless of the associations, or whoever says that things could be well handled under this matter or that matter, the fact is that it has not been done. And this couple had no other solution except to give this house back. When they give that house back—and I do not want to sound poetic or get overly sentimental—they are burying a little bit of America that is in their hearts and that is in their souls. And if we can do one thing to save one couple from bearing the brunt of that hurt that they will no longer have a house they can call their own for themselves and for their children, we are not losing a part of the American dream, as was so eloquently stated by the gentlewoman before us.

I think it is worthy of this House to give the necessary assistance to save that dream, to save America and to save that which is the last bastion of freedom in the world where one can aspire to own his own house.

□ 1500

Mr. GONZALEZ. Mr. Chairman, I yield 5 minutes to the very distinguished member of the subcommittee who has been in the forefront of all the housing fights since he has been a Member here, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Emergency Housing Assistance Act of 1983 is critically needed legislation. The legislation addresses two of the most pressing housing problems facing this Nation. It provides Federal assistance for those families who are about to lose their home through foreclosure and an emergency shelter program for the homeless.

Homeownership has long been one of the most important components of the American dream for all our citizens. Over the last 50 years, we have seen a transformation of this country from a Nation of renters to a Nation of homeowners. This has been accomplished by a Federal housing policy designed to provide Federal housing assistance where the private sector has not been able to insure homeownership opportunities.

This homeownership dream for thousands of Americans has been threatened by current economic conditions. High unemployment has led to the greatest number of mortgage foreclosures since the thirties. In more normal economic conditions, foreclosure is financially and emotionally a costly experience for a homeowner. However, the homeowner can hope to regain the equity and appreciation in his home.

In a severely depressed economy and a severely depressed housing market, the homeowner may not only lose his equity and appreciation but may actually end up owing even more money to the bank after sale of his home.

Mr. Chairman, opponents of this legislation question the need for a foreclosure prevention program. In a healthy economy, they may be correct, but this program is designed to be implemented only when there is a substantial increase in mortgage defaults. In fact, it would only have been triggered twice in the past 10 years. This legislation is targeted to people who are going to lose their home through no fault of their own and who possess the likelihood of repaying the Federal assistance and resuming full mortgage payments.

This is precisely the type of assistance program the Federal Government should undertake. It will be triggered only when conditions are most dire; it is targeted to those in need through no fault of their own, and it requires full repayment of the Federal assistance.

This legislation also contains $100 million for an emergency shelter program.

I applaud the committee for reporting out this legislation and I am proud to be associated with it.

The problem of homelessness has reached alarming proportions. The resources of State and local governments as well as private and religious charitable agencies has been stretched to the breaking point as they attempt to meet the needs of an increasing number of homeless and unemployed persons who come to them in search of a safe place to sleep.

While it is impossible to obtain an accurate count of the number of homeless individuals and families, the most reliable estimates range upward to 2,000,000 people nationwide. Equally as disturbing has been the broadening across cultural, income, gender, and geographic lines of the homeless experience. Today, it is likely that the homeless person is actively seeking work but cannot find it. Persons who could not previously conceive of a situation where they would be without a roof over their head, have now lost their jobs and subsequently their homes or have been evicted from their rental housing. Until recently, it was commonly perceived that the homeless individual was a middle-aged chemically dependent male who has by default or voluntarily chosen a life on the street. This stereotype may or may not have been true in the past, but it is certainly, demonstrably false today.

For both the charitable organization or the homeless person, the most critical need is for suitable shelter. In cities across this Nation, the generosity of charitable organizations has been artificially limited by the financial requirements inherent in obtaining and operating a suitable building to serve as a shelter.

For the homeless individual or family, Louisa Stark of Phoenix, Ariz., in testimony before the Subcommittee on Housing and Community Development spoke of the need for shelter:

> But the most critical aspect of homelessness is shelter. Holding a job while living in the street is an impossibility. Keeping clean while living on the street is a contradiction. Being healthy, both physically and mentally, while living on the street is unimaginable. Any hope or reintergrating the homeless into the socioeconomic mainstream must begin with shelter.

This is most evident in cold weather areas where people without adequate shelter literally face death from hypothermia. Life on the streets, under bridges, on heating grates or in a makeshift "tent city" such as that which existed outside Houston is a dangerous existence. Life-threatening situations caused by exposure to the elements, physical assault, rape, and lack of food are an almost daily occurrence. It is impossible to begin to put the pieces of a life together when all your energy must be spent protecting yourself and finding food and shelter. Providing temporary shelter on an emergency basis is only the first, but most important, step in a more comprehensive attempt to meet the needs of these Americans.

This legislation would add $100 million to the Secretary's discretionary fund of the community development block grant program. The Secretary would award grants to cities and, in some instances, State governments on a competitive grant basis. These funds could be used by the grantees themselves or could be allocated to private

nonprofit agencies to provide emergency shelter. The Secretary shall award these funds based on: The extent of need for assistance in the area; the regional variations in costs of providing shelters and essential services; and the extent to which emergency shelter is being provided in the community. In this way, it is our intention that these funds will be used to augment the efforts by private and public agencies to provide shelter and essential services to the homeless.

This winter, there has been tremendous effort by the private and religious charitable organizations to meet the growing need for emergency shelter. In order to build upon these efforts, this legislation limits use of Federal funds. These funds could be used to rehabilitate existing buildings for emergency shelter, defray utility costs, maintain and furnish emergency shelters, and to provide health and safety measures necessary to protect the individuals using this shelter.

This important initiative will complement the emergency shelter provision contained in the jobs bill. The program in the jobs bill is for fiscal year 1983 and was an emergency response to this critical problem.

Differing views may persist as to why we have seen such a significant increase of homeless men, women, and children, but fortunately, significant and bipartisan support has evolved to respond to such needs, both in this authorization measure, H.R. 1983, and the recently passed jobs legislation enacted into law. It is important to note that this effort is directly attributed to the House Subcommittee on Housing and Community Development through exhaustive hearings and action. The work that we have achieved in our subcommittee has resulted in an effective response for today's needs of the homeless. This measure, H.R. 1983, further addresses this concern by building a superior administrative framework under section 107 of the Housing and Community Development Act of 1974. Clearly, adequate preparation time by HUD will permit a more efficient and effective use of national resources to meet the needs of the homeless through the provisions of section 3 of this measure.

Passage of this legislation by the House and rapid consideration by the Senate will provide communities with sufficient time to prepare and use these funds during fiscal year 1984 in the most efficient manner.

Mr. Chairman, this legislation will encourage a unique partnership between the public and private sector. The emergency shelter program will give communities a resource to meet the needs of the homeless. A shelter can provide the one element of stability in an individual's life which is so essential. It can also function as a referral center to put a family or individual in contact with existing social services or employment opportunities. Equally as important, it can provide a focus for a community's efforts to address the problems of homelessness on a local level. Food, shelter, family counseling, and emergency medical services as well as donations of time and materials can then be coordinated through a community's emergency shelter.

It is critical that this Nation respond to this problem with speed and compassion. The cruel winds of the current economic conditions have blown far too many people away from their moorings or family, job, and home. Homelessness is the most acute and striking example of the economic hardship faced by millions of Americans. Considering the magnitude of the problem, the proposal contained in H.R. 1983 for emergency shelters is a modest Federal response. It boils down to a question of basic human needs and human dignity.

I urge passage of this most important legislation.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. VENTO) has expired.

Mr. WYLIE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota.

Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I really do appreciate the compliment which the gentleman paid me with reference to my part in the so-called emergency shelter program, and we did cosponsor a bill which would provide for $50 million for emergency relief to shelter many of the Nation's homeless. In the jobs bill, that was increased to $100 million.

Now, I do not want to hide my light under a bushel with reference to the floor debate here today, if I may say so, and I would be remiss if I did not make this point: that whereas I was for the $50 million for shelter for the homeless and for the $100 million which came through the jobs bill, and I was on the Republican Jobs Task Force and approved that, I think that we may be coming to the point where there is a diminishing return. So at the time I am afforded the opportunity, I will be offering an amendment which will strike out the $100 million, because I think we may be going overboard. We may be throwing too much money at the problem.

Mr. VENTO. Well, I would just point out to the gentleman from Ohio (Mr. WYLIE), that the jobs bill provides funding through the remainder of this fiscal year, 1983, and I think his amendment overreaches in the sense that it does not address what the concern might be in fiscal year 1984 starting October 1.

So I would hope the gentleman would rethink and reconsider his position and amendment as it affects the provision of the bill, H.R. 1983, that I believe he would support.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. MCKINNEY), the ranking minority member of the Subcommittee on Housing.

Mr. MCKINNEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, normally in my 13 years here, I have never really brought a piece of paper, to the well of the House. I found it exceptionally easy during the rule not to bring down a piece of paper to the well because the bill is just so bad that nonemotionally, its problems must be detailed.

We have heard about compassion. We have heard about problems. Nobody understands them more than I do. We have heard about families losing what is really the base root of the American dream—their own home—because of economic conditions beyond their repair.

I would suggest to you that if, in fact, you want to help these families, you will adopt the Wylie amendment. The Wylie amendment could become the law of the land within a week, it would be signed by the President, it would be accepted by the Senate, and it would, in fact, keep people from having their homes foreclosed.

If we follow this route, and who are we kidding, sure, we will hear the old rhetoric that Republicans are against those people in trouble and the Democrats are for them. The very number of the bill, H.R. 1983, shows its political stance. But let us really look at it.

Do you want to help these people by simply doing what we have done for S&L's and for large banks with bad foreign loans, or do you, in fact, want to start this bill through a tortuous process which would probably not even get it to the President's desk for 3 to 4 months. How many people, under the speeches that I have heard given, would have lost their house by that period of time?

□ 1510

I will not even go so far as to suggest that the President would veto the bill because, quite frankly, I cannot figure out from Monday to Tuesday what the President is going to do. But the fact of the matter is that if that bill is passed, if the President does sign it, HUD has got to then propose regulations and let them lay over for a period of 90 days, HUD has got to develop a handbook for the central and field offices, and it has got to train a staff of 250 to 300 people. There is no money for the staff. There was $500,000, and it was deleted from the supplemental appropriations bill. With the $500,000, if you simply divide 200

in it, not to mention 250 or 300, I do not think that many Americans, even those out of work, would work for $2,000 a year.

They would have to consult with the Federal Home Loan Bank Board to establish the data base from which to begin, and they would have to verify that the mortgagor has suffered a reduction of income and determine that the loss is significant. Yet they do not have to determine under the present bill that he does not have a boat, a second home, or a Rolls—you name it. They have to calculate the amount of money assistance necessary to bring a delinquent mortgagor current and to pay the difference between 38 percent of the mortgagor's net monthly prospective income. I want the Members to define that for me, please. That also has to have a regulation written to clarify it.

They would have to assess the homeowner's prospect for reemployment or rebut the presumption that the mortgagor meets the requirements before the loan can be made, and if we just simply pick up the bill and look at page 10 it tells us:

For purposes of this section, there shall be a rebuttable presumption that a mortgagor will be able to fulfill the requirements set forth in subparagraphs (A) and (B) of subsection (a)(5).

Then we turn back to page 9 and look at them, and these assumptions are:

(A) resume full mortgage payments within 36 months after the beginning of the period for which payments under this title are provided for upon termination of assistance under this title; and

(B) the payments under such mortgage in full by its maturity date or by a later agreed to by such mortgagor and mortgagee . . .

If in fact the Wylie amendment is passed, that date could be agreed upon, there would never be any need for this, and the person would have assistance and would know that he is going to have his house in 2 weeks.

Mr. Chairman, I have a couple of other points I would like to make. I represent the city of Bridgeport, Conn. In 13 years we have lost Bridgeport Brass, Singer, Dictaphone, GE Hair Dryer, Bridgeport Rolling Mills, and other companies.

I walk into McDonald's to see what is going on. We hear the President—and I totally disagree with him on this—talking about subminimum wage for kids. I do not have kids working at McDonald's.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. McKINNEY) has expired.

Mr. WYLIE. Mr. Chairman, I yield 1 additional minute to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Chairman, as I say, I do not have kids working in my McDonald's. I do not have kids doing what I did when I was a child, bagging groceries in a grocery store. I have wives, ex-factory workers, and people who are fighting day in and day out to survive and to keep their homes in a tired industrial city.

Do we really want to help them, or do we in fact want to turn around and say, "Sorry, sucker. If you are not first in out of the 70,000 on these programs we are going to have sometime in 1984, we are going to tell you, 'sorry, you are out of luck. You are not going to get the help' "?

How do we go home and turn around to the person who believes in owning his home and believes in working for it and say, "Don't worry, we are just going to give your neighbor the right to keep his new Oldsmobile, his house, and everything else, and we are going to lend him money for 3 years. But watch out if you don't get in there first"?

How do I turn around to my constituents who are doing this and say, "Don't worry. Uncle Sam will pay for a mortgage up to $90,000"?

Now, who is kidding whom?

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, we are, as everyone knows in an economic transition in this country where not just a few Americans are struggling with high inflation and the costs that are required just to keep even these days. Not just a few people but most people out there are struggling to make ends meet.

What we have before us today is a bill which if enacted would permit the Federal Government to make house payments for a chosen few of those people. And by the way, under the existing bill, as it is before us right now, there is no assets test so we could have a circumstance where people who indeed are quite well-to-do would have their house payment made for them.

I think this is exactly the kind of thing that frustrates the American taxpayer, because our taxpayer is the one who is going to pick up the cost of this operation, and we do not know how this is all going to play out, what regulations will be devised, and who will be among the chosen few to get their house payments paid. So we have got the usual situation that we face here in Congress. Throw money—not ours but that of the taxpayer—at the problem.

One of the points I want to address is the history of this kind of program. I remember in the last Congress there was a rather extensive discussion in the Committee on Banking, Housing and Urban Affairs on a proposition known as the temporary mortgage assistance program, and that was enacted in 1980. It was done as an alternative to the assignment program which existed at that time.

The committee report on TMAP in 1980 acknowledged that—

The acquisition of the mortgage involves a large outlay on the part of the Federal Government.

It went on to say:

The Committee believes that, in many instances, the acquisition of the mortgage could be avoided if the Department had the authority to make payments to the mortgagee in an amount sufficient to cure the default and once the default is cured, to have the homeowner repay the amounts advanced by the Department.

It went on to say:

This in essence is the theory of the new temporary mortgage assistance program . . .

So it was clear during those discussions, although some of us were resisting that piece of legislation, that it was an effort to save Federal dollars and not to provide added benefits to mortgagors. In fact, the committee report went so far as to say this:

In essence the two approaches differ only in who actually holds the mortgage—under assignment it is the Secretary and under TMAP it is the private lender.

The cost savings were critical in the discussions when TMAP came through the Congress, and since HUD has already insured the mortgage and would have to pay off in full if foreclosure took place, there was some logic, I suppose, to try to cure the default before the foreclosure or the assignment.

Now, under this new proposal, this one where a chosen few might get their house payments paid for up to 3 years, there is no securing of an existing Federal interest. HUD would be taking on a new liability for which it will at best have a second lien which may not even have any equity in the property to support it.

What it means, of course, is that if that comes to pass, the taxpayers as usual are going to swallow that cost. I am talking about the taxpayers who are not among the chosen few. I am talking about the taxpayers who are going to have to pick up the tab for the chosen few who will get their house payments paid. That is what I am talking about.

The parallels that are attempted to be made by comparing TMAP with this program are not valid because TMAP, which even yet may prove to be a real mistake, was drawn more restrictively than the new program. Under TMAP no payments could be made unless the Secretary determined that the mortgagor would be able to: First, resume the full mortgage payments upon termination of the assistance; second, commence repayment of the payments at a time designated by the Secretary; and third, pay the mortgage in full by the maturity date or a later date set by the Secretary.

These requirements are not found in the bill for the chosen few that is before us here today.

By the way, this bill makes TMAP look good, and I opposed TMAP because I felt it would create some bu-

reaucratic entanglements and disrupt the existing law and the way that was working.

Well, it comes to pass that I was not too far wrong. There was a decision out of a Federal court in Chicago on April 16 this year where a Federal judge basically concluded that the TMAP regulations and the assignment interlock were so screwed up that he enjoined the further issuance of the TMAP regulations, the point being that when we inject judges into a complex and difficult area confusion results just as it does when we begin to substitute the political wisdom of this body for that of the marketplace.

The CHAIRMAN. The time of the gentleman from Arkansas (Mr. BETHUNE) has expired.

Mr. WYLIE. Mr. Chairman, I yield 1 additional minute to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. So, Mr. Chairman, in any case, the technical point I want to leave is that to try to equate the TMAP program and use it for some authority that this program will work is fallacious. The TMAP program is still suspect. The jury is still out on whether or not TMAP will in the long-run prove to be a money saver or whether it is just another cost for the hard-pressed taxpayer.

□ 1520

In sum, what we have here again is more of the same that we have had in the past at a time when deficits are out of sight anyway and we are all talking about ways to reduce the deficit. This bill is a classic case where Congress is trying to respond to a problem by throwing money at it, exacerbating the deficit problem, which of course, drives up interest rates, another cost, by the way, for all the unfortunate taxpayers who are not among the chosen few who will have their house payments paid under this bill.

Mr. McKINNEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, the legislation we are considering has a number of flaws. One of the worst of these, in my view, is the so-called rebuttable assumption contained in section 105B. Let me take the short period of time allotted to me to talk about that provision, which has been previously alluded to by the gentleman from Connecticut and by the gentleman from Arkansas.

The assumption that individuals that become unemployed will, within 36 months, be reemployed and will consequently be able to resume full mortgage payments is one of the underlying premises of this bill. Now, at first blush, that may seem perfectly reasonable; but when you examine the facts in the cold light of day, I think you will realize that is not necessarily so.

Last week the Oversight and Renegotiations Subcommittee of the Banking Committee, on which I have the privilege of serving as the ranking member, held hearings on the desirability of a National Development Bank. One of the themes that came through very loud and clear in that testimony before that subcommittee was that some of our basic industries may never again regain their full strength. They will come back, yes, but perhaps not to the production level that they had previously experienced, and unfortunately, not to the employment levels that previously existed. Our economy is changing and with that change comes a new term, "the structurally unemployed," a term that all of us regret and a condition that all of us despise, but a fact of current life in America nonetheless. These people are not unemployable, but the chances are good that they will not be employed in the same industry and in the same location where they had previously worked.

Let me give you an example. One of the witnesses before the subcommittee was the mayor of Duluth, Minn. Duluth is heavily dependent upon the iron mining industry and at the present time has an unemployment rate of 22.3 percent. The mayor said that there are approximately 16,000 people who were employed in the iron mining industry that are now looking for work. More importantly, he said that even under the best estimates, the industry will only come back to 60 percent of what it once was. This means, and I quote the mayor:

> Out of that 16,000 that were once employed, approximately 5,000 will have to look elsewhere for employment.

Now, under H.R. 1983, these 16,000 persons would all be eligible for assistance should they need it, which number represents almost 20-percent of the total people estimated to be eligible for assistance by this legislation, in one city in this Nation alone.

There is in this bill, as I indicated, a rebuttable presumption that mortgagors will be able to resume payments, and yet the evidence indicates that 5,000 of them in just this one example will not be able to do so. The Government will end up holding the bag once again.

This is just one example of why this legislation should not pass and I hope it will not.

The gentleman from Kansas (Mr. GLICKMAN) has indicated his intention to offer an amendment that will delete this provision of the bill. I commend the gentleman for that and would hope that my colleagues will support his amendment when it is offered.

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, earlier this year, the Federal Home Loan Bank Board testified on home mortgage delinquencies and foreclosures before the House Banking Committee and the Judiciary Committee in the other body. The points made by the Chairman of the Federal Home Loan Bank Board are particularly pertinent to this debate.

According to data furnished in the hearings by the Bank Board, when one examines the historical curve for the number of foreclosures, the annualized rate of foreclosures during this recent recession is not that great. Although the number in the first part of 1982 is higher than in the period from 1975 to 1976, it is definitely much lower than the rates of foreclosure which occurred from late 1962 to early 1968. As the Bank Board pointed out:

> There were six semi-annual periods when annualized foreclosures, as a percent of mortgage balances, approached or exceeded 0.9 percent. This figure is almost double the 0.524 percent for the first half of 1982.

Which represents the peak of foreclosures in the recent recession.

Further, the Bank Board points out that the economy is turning around and that higher employment will moderate the number of foreclosures. All signs point to a strong recovery which we are now in.

The 1982 delinquency and foreclosure data may be exaggerated and reflect factors other than unemployment and the recession, such as:

First, the negative equity position of the borrower;

Second, the fact that even partially nonperforming loans are classified the same as wholly nonperforming;

Third, the increased use of personal bankruptcy and use of chapter 13, where a stay of foreclosure is automatic;

Fourth, the figures include investment properties, as well as owner-occupied units; and

Fifth, there are substantial regional differences, which in many areas portend structural long-term industrial changes that are not due to this recession.

The Bank Board also pointed out that lenders are forebearing for longer periods and trying to avert foreclosures, thereby keeping the inventory of such loans at a high level. Lenders do not desire to foreclose when the value of the property now at the time of such foreclosure would be substantially less than the value at the time that the loans were made.

The Federal Home Loan Bank Board and the other regulatory agencies in this field have made a strong case against our getting swept up into a fever over mortgage foreclosures. It is their opinion that we should be careful in adopting Federal legislation to impose restrictions on lenders who

have taken the lead in voluntary forebearance, which is a far preferable way for handling this matter.

With the economy turning up strongly, the rates of foreclosure very modest historically for a period of recession, the foreclosure data exaggerated for a number of reasons, and the lenders voluntarily forebearing, it occurs to me that this is no time to be passing major legislation to "solve the problem of mortgage foeclosures." This is a good place to apply the old maxim—"If it ain't broke, don't fix it."

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Chairman, in the hearings the Banking Committee held on mortgage foreclosure relief we heard from witnesses who were concerned about the plight of homeowners that might be forced out of their house, but who also pointed out that in many instances the delinquencies were not the direct result of the recession. The delinquencies were more the result of poor money management and over extension of credit.

H.R. 1983 makes no distinction between homeowners who have been disadvantaged through no fault of their own and those who habitually have had credit problems. The mortgagor who was 3 months delinquent last year when he had a job, is treated the same way as the homeowner who had conscientiously attempted to live up to his mortgage agreement until the unemployment situation caught up with him. Is this fair and equitable treatment?

Or, Mr. Chairman, let us take a look at two identical mortgage holders that become unemployed at the same time. Let us assume they have identical equity in their house and identical resources and responsibilities. Homeowner A refinances his mortgage and manages to keep himself current by sacrificing in other areas. Homeowner B makes no sacrifice, does not attempt to refinance and simply refuses to make his mortgage payments. Now, which one of these homeowners is eligible under this program? Homeowner B is, and by the time homeowner A figures out it does not pay to be responsible, there is not any more money left in the fund.

Mr. Chairman, this legislation is not fair, and I hope the House will defeat the bill.

□ 1530

Mr. GONZALEZ. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding. First I would like to complement the gentleman for his leadership on this as so many other housing issues.

We have been asked the question: Why is this program being proposed. I think it is being proposed, either some people on the other side of the aisle do not seem to see it, and maybe in their districts it is not there, but nationally we have the highest delinquency rate since the Great Depression; 2.27 percent of all homes are more than 2 months behind in their mortgage payments. Unemployment, we do not have to be reminded, is over 10 percent and the country is truly suffering. Millions and millions of Americans are fearful that their homes will be taken from them, and hundreds of thousands of Americans have had their homes taken from them.

Years of sweat, years of equity that have gone into buying a home, the American dream, has been taken from these people due to circumstances totally beyond their control.

My colleague from Florida said: "If it ain't broke, don't fix it." Something is broke. Something is wrong when that is happening.

We may disagree on the remedy, but to deny that a problem exists, it seems to me, is sticking one's head in the sand.

I would like to address two specific issues that the people on the other side have raised. First, both the gentleman from Connecticut (Mr. MCKINNEY), the gentleman from Arkansas (Mr. BETHUNE), gentlemen who I greatly respect and have worked with, and I know they are approaching this from their perspective in their own sincere and honest way, have basically said so few people will be helped. Not so few. CBO estimates that 100,000 homeowners, that is more than 200,000 people, will be helped by this. That is approximately 1 in 2.6 families that are affected.

Are we granting this to everybody? No. We wish we could. But because of the budget constraints that all of us are aware of, we are proceeding cautiously.

But to act as if those 100,000 families, those 200,000 people are merely a drop in the bucket, too few they say, I think is callous. The question of course arises as to if you think it is too few, then make it for others.

The second point raised by my colleague from Connecticut is that we should rely on the banks to forbear. The good gentleman from Ohio will be introducing an amendment to that effect.

Let me ask two questions. First, will the banks forbear in a rational pattern? Will the forbearance be greatest in the areas where there are the most needs? Doubtful.

The reason is that in Pittsburgh where there are so many homes, the banks cannot forbear on most of those homes because there are so many problems that they have. In a wealthy district where there are very few foreclosures the banks can forbear. To leave this issue up to the bank would do just the opposite of what ought to be done. It would help the greatest percentage of people in areas that least need the help, and help the fewest, the smallest percentage of people that most need the help.

I would ask a second question. If you were a homeowner whose home is about to be foreclosed, would you want to chance a one in two or a one in three chance of getting help from the Government, or would you want yourself thrown at the mercy of your banker? Ask yourselves that question, and then I think you can determine which program is preferable.

The final point in this debate, which I think was the most incredulous point of all, was made by my good friend from Virginia. He said that a good number of the people this program might affect, might not even regain jobs after 36 months, after 3 years. I shudder to think that is the case. But if it is, does that mean we should not help, try to help them, because they might get a job and help all of the others who will get jobs again?

By the reasoning of the gentleman from Virginia, there should be an amendment introduced into this bill to end unemployment insurance. Perhaps we should end all employment benefits because many of those same people will not get work again. Let us end food stamps. Let us sell a whole bunch of people down the river because they may not get jobs again.

My colleague from Connecticut said we will bring up the issue that the Democrats favor people in trouble and the Republicans do not. We did not bring up that issue, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I could not really focus on what all of the dispute was about, so I asked my staff to do a little research. I read some documents I have here which is testimony from the chamber of commerce, from the National Association of Manufacturers, from the president of General Electric, from the associate counsel of the National Association of Manufacturers. Here is one from the Connecticut Manufacturers Association, from Bridgeport, Conn., showing that our friend from Connecticut is, in fact, being representative of his constitutency. They all make the same point, that we will make things worse by trying to make them better, that we should not reward the idle, that we should not launch this new program even though unemployment may be a problem.

The thing to do is to let the economy work it out itself and not deal with this problem by a new Government

program which will interject the Federal Government inappropriately into a relationship that ought to be left to the private sector to work out and that will cost too much money.

I stress these because they were all made in about 1931, and they all talk about unemployment compensation. What I think our friends on the other side are doing is that they have, I guess, historically finally managed to swallow the camel of unemployment compensation, but they are still straining mightily at the gnat of helping a small number of people to keep their homes. All of the arguments being made now were made then and are very similar. They said do not help these people by giving them money. It may seem like a good thing, but it will burden the economy and it will burgeon out beyond control. Let the private sector deal with it. Yes, the president of General Electric, Mr. Swope, said we will work it out. He was as beneficient in 1931 as the banks are today.

The fact is that economic circumstances far beyond the control of any group of individuals have plunged a lot of hard-working people into temporary severe difficulties. The question is should we say to them you may have to lose your home after years of hard work, and after years of saving, and after years of prudence because, through no fault of your own, the economy has turned downward. You may have to lose your home, may. Maybe the banks will work it out. Maybe they will find a pot of gold. Maybe a rich aunt will die. There are a lot of things that might happen.

But there will be for many of them the substantial possibility that losing their home will be one of those things that they, and their families, and their children are rendered homeless. To the continuing trauma of unemployment would be added the very sharp shock of being ousted from their home.

We have a relatively modest program here, it is true. It is $700 million in loans to ask that people get and repay while we are told that is terribly unreasonable. Now our argument is that we have so many people who are by and large good credit risks, who have a good credit history, who are hard working and decent people, who through no fault of their own, because of a worldwide recession, have been put into what we might call a temporary liquidity crisis. We are proposing that the U.S. Government, at a fairly good rate of interest, lend them money to take them across that problem and we are told that oh, no, you cannot do that. I guess the reason we cannot do that is that they are Americans, from the administration standpoint, because the same administration that tells us we cannot do this says that we should vote $9 billion for the International Monetary Fund for exactly the same problem. The people come before us from the administration and the large banks and they say to us, look, we have lent this money to Argentina, Brazil, Chile, et cetera, et cetera. They are good credit risks. We made good loans. There is a worldwide recession and through no fault of their own they have a temporary liquidity problem. I agree there is a lot to be said for that. I think we have to work out some specifics of the IMF money.

But will someone tell me how we justify saying we will put up $9 billion for the International Monetary Fund because Argentina, and Mexico, and Brazil have gotten into a temporary liquidity crisis, but we cannot do that for people here?

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Ohio.

□ 1540

Mr. WYLIE. I think you are comparing apples and nuts, if I may be respectful when I say that. In the first place, when we talk about the International Monetary Fund that does not require a budget outlay, it requires no appropriation, per se. There is a draw here.

But over and beyond that, the gentleman a little while ago from New York suggested this would provide for 100,000 families to be assisted. CBO admits that estimate is very soft and far less are likely to be assisted.

Mr. FRANK. Let me say I am on limited time. The gentleman can talk to me on my time, he can talk to the gentleman from New York on his time. I do not mean to be rude. I will defend what I said on my time. I agree with the gentleman of New York but he is capable of handling his arguments on his own time. If the gentleman was to tell me why he is for voting $9 billion not as a budget outlay but as a whatchmacallit, if he will tell me he is for $9 billion for whatchmacallit. It is my time and I will rephrase the question.

Mr. WYLIE. That is a line of credit.

Mr. FRANK. Would the gentleman tell us he is for the $9 billion for the temporary liquidity crisis of Argentina, Brazil, and Mexico? Then why not the same thing for people here?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GONZALEZ. I yield 1 additional minute to the gentleman from Massachusetts.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. FRANK. I apologize to my friend from Ohio. I yield him the remainder of my time.

Mr. WYLIE. We are getting afield here. May I say, this does provide for a direct authorization and appropriation of $760 million. We do not know who is going to benefit from it.

Mr. FRANK. I am going to reclaim my time. I thought that the gentleman was going to object to my analogy between the $9 billion we are being asked to vote not as a budget outlay but as a piece of financial sleight of hand for the IMF. I would close by emphasizing that point: This administration, many of the financial institutions want the Congress to respond to a recession-induced liquidity crisis all over the world by making some temporarily available. I am not opposed in principle to that though I think a lot of work has to be done on it. I do not for the life of me understand why, necessary changes having been made, but an equivalent type of aid is not also proper for hard-working Americans who have been thrown out of work through no fault of their own and face the trauma of loss of their homes.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. WORTLEY).

Mr. WORTLEY. Mr. Chairman uncontrolled Federal spending still remains a major obstacle to economic progress. Despite repeated warnings from economists, leaders of financial institutions and an informed citizenery, we continue in the same direction.

We all talk about reducing Federal spending but there is little stomach for making the hard choices evident in this body.

What is lacking is self-discipline in the Congress. It is much easier for us to vote to spend money than it is to restrain spending. It is much easier for us to pick up on a laudable goal, couch it in flowery language and then vote for massive sums to achieve that goal.

An example of what is wrong with our political system is the mortgage foreclosure relief bill, H.R. 1983. Even the offical title of the bill, the Emergency Housing Assistance Act, sounds noble. Relief for people who are suffering from unemployment and other effects of the recession smacks of motherhood and apple pie. The bill would permit people an opportunity to obtain Federal funds to prevent the loss of their homes. The bill is based on the premise that the plight of people facing foreclosure is real and immediate and something should be done.

It is very difficult to argue against such a premise. No one wants to see familes uprooted from their homes and watch as their property is auctioned off by Simon LeGree bankers right in front of their eyes. But what is the solution to the problem? Is it merely spending Federal money? Apparently, some Congressmen think so.

The bill before us recommends more than $760 million for homeowners'

relief. The real cost will probably be much higher.

In effect, what is being created under this proposal is a new entitlement. Perhaps, not in the technical sense, but it certainly is in the political sense. People facing foreclosure will believe that they have the right to dip into the Federal Treasury to solve their personal problems, and once this right is established, it will be very difficult to turn the spigot off. If conventional patterns prevail, and I believe they will, this program will not be temporary recession relief, but will expand much in the same manner as other entitlements have expanded.

Remedies to prevent foreclosure are already available in the private sector. Even the worst hardship cases receive equitable treatment from the majority of our lending institutions. The policy of forebearance, that is working out a financial arrangement between lenders and borrowers, is widely accepted and practiced. However, this policy would be severely threatened if all one had to do was turn to the Federal Government for a bailout.

Unfortunately, some bad loans have been made. Yes, there are some people in our society who made poor financial decisions. Yet, the Federal Government, at the expense of the taxpayers, should not be expected to protect people who exercise poor judgment.

We cannot prevent all foreclosures for all times, but our private sector can and does protect those who are making a genuine effort to help themselves.

Mr. Chairman, the saddest part about the bill designed to lessen the incidence of home foreclosures is that it would do just the opposite. This is a fundamental example of why the Federal Government gets itself into a position where it cannot manage its own resources.

Paul Volcker, Chairman of the Federal Reserve, testified before the House Banking Committee just last week. He cautioned the Congress about profligate Federal spending. He predicted that there is significant likelihood of a return to a recessionary economy by 1985 or 1986 unless Federal spending is reduced now. Interest rates will rise, jobs will be lost, and we will undo all the work of the past 2 years.

I hope that we will be able to prevent the enactment of this bill as reported from committee. We must stop indiscriminately using our scarce resources, and in this instance, resources that can only come from borrowed money, to create politically popular programs, that in the long-run are detrimental to the people they were designed to help.

I ask my colleagues to listen carefully to the debate and ask themselves the key question. Will this bill help anyone who is in danger of losing his home? Or is it just another earnest, but misguided attempt to solve a problem by throwing money at it?

Mr. Chairman, I yield back the balance of my time.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. Mr. Chairman, I thank the chairman and I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 1983 requires the U.S. Department of Agriculture to grant moratoria on payments of principal and interest on Farmers Home Administration loans prior to the initiation of foreclosure.

Mr. Chairman, I hope to make the point, in fact the four points, that this authority is both unnecessary and is ill-conceived. Under current law, Mr. Chairman, the Secretary of Agriculture has the authority to provide a moratorium to a borrower in need. The Farmers Home Administration is currently making use of its authority to offer interest credit agreements as well as additional partial payment agreements in addition to moratoria of up to 3 years duration to accommodate borrowers who find themselves in a period of financial stress which makes them unable to meet their obligations to the agency.

Not only do they have this authority but they have been utilizing it. The delinquency rate for their section 520 single family loan program is 19.1 percent. And last year they foreclosed on only 1.46 percent of their single family properties. So, they have this authority and they are using it.

I believe this is proof that the Farmers Home Administration is acting in a responsible fashion and does not need mandatory language.

Second point, the bill provides a mandatory mortorium for all borrowers who show they are not able to make payments due to circumstances beyond their control, regardless of repayment ability or willingness of the borrower to comply with his obligations with the Farmers Home Administration.

Third point: The bill would impair the Farmers Home Administration's ability to effectively service section 515 rural rental housing loans by allowing these borrowers to be placed on the same basis as the single family housing borrower.

A moratorium for these borrowers would seriously weaken program integrity in this section 515 program. The same difficulties will arise when the moratorium provision is applied to labor housing projects, so they cover a broad brush approach which is unnecessary.

The final point, Mr. Chairman, the bill would provide a moratorium to single family housing borrowers in some cases when the property has been abandoned. Abandoned properties often deteriorate in value, to the detriment of both the borrower and the Farmers Home Administration. Mr. Chairman, this provision of H.R. 1983 related to Farmers Home Administration housing loans is both unnecessary, undesirable and is ill-conceived.

□ 1550

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I rise in opposition to H.R. 1983, a bill better noted for its political appeal and the temptation to political rhetoric than for its ability to really help people facing a mortgage foreclosure. And I will repeat and amplify on some of the points already addressed by my colleague, Mr. MCKINNEY, the ranking Republican. I do so because the intricacies of the bill bear repetition.

Let the Members beware: If Members think they are voting for a bill that provides fast emergency assistance to our most hard-pressed homeowners, think again. For the sake of appearances, it is a great bill. As an effective emergency measure, this bill is grossly deficient. The real losers will be the American homeowners—those who genuinely require emergency assistance; those homeowners who, though eligible, will not be granted relief; and those Americans who will ultimately shoulder the tax burden for another uncontrollable Federal program.

There is nothing about this bill that will meet a present emergency. Reasonable projections show it could take up to 1 year for payments to be made to qualified individuals. HUD would have to hire or reassign individuals to administer the program. Regulations would have to be drafted for the program and go through the usual review and comment periods. Then, once in place, HUD would have 45 days to approve applications. Conservative estimates of time for implementation range from 3 to 6 months.

The bill does not contain an assets test. To qualify, a principal residence mortgagor has to have incurred a substantial loss of income. It does nothing to protect against abuse of the system by families who might have indeed lost income but have other valuable assets. Proponents on the committee have consistently refused to accommodate this issue. Virtually every other program targeted to help the needy contains an assets or needs test. This bill does not. The legislation deals with income, not assets.

Since it does not target the crisis individual or family. The bill creates the worst kind of competition among our Nation's neediest families. Out of one-quarter million families facing foreclosure, perhaps 75,000 would be helped

on a first-come, first-serve basis: The favored few—identified by Mr. BETHUNE. There will undoubtedly be some individuals receiving assistance who do not deserve it and some who should receive help but find none left. What do we do then? Do we increase the funding to accommodate these deserving individuals who lose the race for the funds available? If so, then what we are creating is, quite literally, a Mortgage Underwriters Act. Any homeowner who cannot pay his mortgage and suffers from unemployment or underemployment is automatically eligible for Federal assistance. If this is what we are doing, we should know it—the full implications. Indeed, a good case can be made that this bill will be an incentive to foreclose. Why should banks forebear?

The point here, Mr. Chairman, is that no one disputes that a real problem does exist. The Republicans and Democrats on the committee agreed on that much. However, this bill is the wrong approach. A better approach is to encourage forbearance by lending institutions—the holders of mortgages.

The vast majority of institutions which lend for residential mortgages make every effort to work with homeowners victimized by layoffs and unemployment during recessionary periods of our national economy. It is in the mutual interests of lenders and borrowers to keep families in their homes. Lending institutions do not want to be in the property management/real estate business.

The bankers involved in mortgage lending in my home State of New Jersey have told me that they view foreclosing on delinquent mortgages as a no-win situation. They routinely wait 5 to 6 months before taking action to foreclose. During this time they repeatedly contact the borrowers in an effort to work out a solution to the problem. In 99 percent of the cases, other arrangements are made. These range from taking no payment at all for a short time to accepting only the interest due on the debt plus whatever principal the borrower can pay. Only 1 percent of delinquent mortgages are foreclosed and the vast majority of these are ones where the borrower refuses to cooperate with the lender.

Immediate relief for this problem can be made available. Federal supervisory agencies can and should make appropriate modifications to their regulations so that the forebearance process is facilitated. These changes would encourage banks to extend forebearance as a reasonable and prudent practice on delinquent mortgages.

I am not advocating unsound and unsafe banking practices. I simply urge a recognition on the part of supervisory agencies of the lengths to which mortgage lenders will go to help their borrowers preserve the American dream—the dream of homeownership. In the short term, this will give more genuine relief to those individuals suffering from temporary income loss resulting from our Nation's economic problems.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER of California. Mr. Chairman, I would like to begin by commending our distinguished ranking members on both the subcommittee and the full committee for offering what truly is the most compassionate proposal imaginable because it is one which truly will provide a broad base of aid across the board for those who are truly in need.

Unfortunately, once again the Housing Subcommittee of the Banking Committee brings their traditional approach to solving the perceived problems in this country of throwing more and more money at them.

It is getting to be an annual occurrence. Most of my colleagues probably remember last year's version. Last May we had another piece of emergency legislation that was so important we had to take it up under suspension of the rules.

It provided $1 billion to subsidize the purchase of new single-family homes. It was, according to its supporters, essential if we were to revitalize the homebuilding industry.

Some of us argued against the bill then, claiming the best cure for the housing industry would be lower interest rates and that this could be facilitated with less budget busting legislation.

Because the President's veto was sustained, we prevailed and the country did not end up with this costly boondoggle.

So what happened? The Federal Home Loan Mortgage Corporation recently announced the average retail conventional commitment rate has fallen to 12.74 percent, down from 17 percent a year ago, and housing starts are now projected at an annual rate of 1.45 million.

I think it should be pointed out that this has occurred about the same time HUD would have started to pump out the $1 billion if last year's bill had passed.

Now we are faced with a similar situation and similar timing. By the time these funds are available, this problem, like the housing crisis of last year, will have started to disappear. But only if we do not overreact.

The economy has started to stabilize. Unemployment has stopped climbing and should start to drop in the months ahead.

What we need is continued restraint in resisting the costly Government programs that give the wrong signals to the financial markets and could only stall recovery.

Mr. Chairman, we definitely do not need another costly long-term solution.

I urge support of the only truly compassionate proposal before us and that is the Wylie substitute.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Chairman, I rise today in opposition to this bill because I am very concerned about the direction that this Congress is taking.

We have heard from three different Members of the Democratic side that the problems created here result through no fault of the people who are suffering from foreclosures. And there is no question about that, but I think we have to ask ourselves: Who is at fault?

I believe that we as a Congress have to take a significant amount of the responsibility for the faults that have created the problems that these people find themselves confronting. We as a Congress over the last 10 years have spent more money than we have taken in, have overtaxed the American people to a point where we created an unnecessary and extensive recession. And as the people in America suffered from this recession, we tried to respond to it by doing the same things that created the recession in the first place, putting on the books programs which spend money which we do not have.

□ 1600

And this program is an especially good example of that. This is nothing more than a fiscal facade. It is really not an emergency housing relief bill nor an emergency financing relief bill. It is an emergency bill to clear the conscience of the Congress which created the problem. It is only going to benefit 76,000 people. And, sure, those 76,000 people need benefit; but we have put 11 million people out of work by our policies in this Congress. If we really want to assist the American people, if we really want to assist the people to get back to work, then what we should do is commit ourselves to reducing the spending we are doing at this level of Government and continue to reduce taxation.

Mr. GONZALEZ. Mr. Chairman, I yield 5½ minutes to the distinguished member of the committee from the great State of Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Chairman, I rise in strong support of H.R. 1983, the Emergency Housing Assistance Act of 1983.

To those who doubt the seriousness of the home mortgage foreclosure crisis, consider this:

Nearly 2,000 homes in the Pittsburgh standard metropolitan statistical area are now in foreclosure.

What does this statistic represent in human terms?

Imagine, if you will, that every Member of this body was present on the floor of the House. If you increased that number fourfold, it would still not equal the number of people in the Pittsburgh area who face loss of their homes due to mortgage foreclosure. If those individuals and their families were present on the House floor today, their number would be so great as to spill over from this floor into the Halls of Congress.

This astounding number of people facing the greatest economic calamity of their lives—enough people to fill the House of Representatives many times over—represents only one small part of our Nation. It represents the people in the four county Pittsburgh area now facing the loss of their homes due to mortgage foreclosure.

This Congress has acted on occasion to aid businesses in financial trouble. It can now act to preserve the financial integrity of individuals. While the need for emergency mortgage assistance should be clear, the administration continues to assert that aiding homeowners faced with removal from their homes is not a proper use of taxpayers dollars.

I believe the administration would be well advised to recall that some of the people who contribute those tax dollars to the Federal Treasury are those very same homeowners. We hear requests that we spend millions of dollars to house an MX missile—an apparently proper way to spend tax dollars. But we cannot spend money to preserve the housing of those facing foreclosure, we are told.

Mortgages, not missiles, are the prime topic of debate for western Pennsylvanians who look with fear to the coming months as they measure their ability to meet a mortgage payment. The 2,000 now in foreclosure are not the only people who live in fear. Fifteen thousand people in the Pittsburgh SMSA are estimated to be delinquent in their mortgage payments. For every unemployed worker currently delinquent, three more are close to delinquency. As many as one-half of these families may lose their homes unless they receive some financial assistance.

To those who contend that economic recovery will rescue these beleaguered homeowners, I suggest a closer look at the facts. In the four-county Pittsburgh area, unemployment actually rose again in the most recent statistics, to 16.2 percent. The delinquency rate on mortgages is climbing. According to the mortgage bankers association of America, the Pennsylvania rate of delinquencies in the fourth quarter of 1982, stood at 6.88 percent. This shows a steady but alarming rise in delinquencies, from 5.14 percent in the first quarter of 1982 and 5.85 percent in the second quarter.

The mortgage bankers association survey does not show Pennsylvania's case to be isolated. Delinquencies in other States are still more disturbing: Illinois, 9.58 percent; Indiana, 7.62 percent; Ohio, 7.41 percent; South Carolina, 7.09 pecent; Nevada, 7.47 percent; and New Mexico, 8.89 percent.

Unless unemployment drops sharply, we can expect the problem of mortgage delinquency and foreclosure to mushroom. Joblessness all too often translates into homelessness, as the bills pile up and unemployed homeowners, usually through no fault of their own, become delinquent in their payments.

Some are more likely to lose their homes than others. For those fortunate enough to have an FHA loan, the recently enacted temporary mortgage assistance program (TMAP) gives the borrower a fighting chance to hold onto a property. This program, which became law in 1980, allows HUD to make mortgage payments on behalf of single-family borrowers experiencing financial problems. The TMAP payments are available for 18 months, with an 18-month extension at the discretion of the Secretary.

I would emphasize to my colleagues that this assistance is not available to Veterans' Administration or conventional borrowers.

What does this mean to a veteran trying to keep a home? Consider the experience in the Pittsburgh area. Through late 1981, the Pittsburgh VA office carried about 50 to 75 foreclosed properties. By late 1982, that number had mushroomed to 350 properties. One thousand one hundred and eighty-three GI loans were in default in the Pittsburgh VA office for the month ending in September 1982. Since VA regulations do not require loanholders to provide notice until the 105th day of default, clearly most of these borrowers are well behind on their payments.

Yet jobless veterans and conventional borrowers do not qualify for TMAP-style assistance. What we have done with H.R. 1983 is develop an emergency assistance program along the lines of TMAP to aid these homeowners in a time of severe economic slump.

Mr. Speaker, the $760 million authorization for the Emergency Housing Assistance Act of 1983 would assist approximately 76,000 homeowners. It should be noted that this is not a grant program, but an emergency loan program to individuals. By acting on this measure with dispatch, we can begin to address the problem of mortgage foreclosures, a problem which is the unwelcome and nearly inevitable byproduct of high unemployment.

I urge a "yes" voted on H.R. 1983, the Emergency Housing Assistance Act of 1983.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. COYNE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I think I should remind the gentleman that the TMAP program has been held up by court order so, therefore, we really do not know whether or not it will work; and, also, under the conditions of this bill, Pittsburgh would have been eligible for 10 years.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I rise to oppose this bill vociferously and strongly for all of the reasons that have been discussed so far and, further, to try to bring into focus many of the arguments in almost the endless list of what is wrong with this legislation. And, first, let me say—and I think we all know it—both sides on this on both sides of the aisle and both sides on the committee want truly to help people who need help and who are being foreclosed on and who are unemployed. The problem with this legislation is that this is purported to be legislation that is in fact a bundle of campaign speeches and slogans made into law that would in fact hurt the very people that we are trying to help.

Let me go down point by point: This bill has been characterized, and I think aptly so, and will be characterized by the American public when they begin to see it, as "The Foreclosure Incentive Act of 1983," because this bill, in and of itself, would cause vastly increased numbers of foreclosures in this country, foreclosures that otherwise would not happen.

Just look at the facts. In 1982, there were 1.2 million home mortgages that were delinquent, and yet fewer than 60,000 foreclosures that resulted in the loss of a home. So we have a potential, we are building in a huge profit incentive for financial institutions to foreclose and to go into process up to 1.2 million delinquencies. The potential of foreclosure is almost 10 times more, more than 10 times, as a result of this legislation.

This bill could aptly be called the Foreclosure Incentive Act of 1983.

And, second, this bill is in fact a new kind of giant entitlement program, but not a means-tested entitlement program. This is an entitlement program with no assets test, with no test as to liquid assets, a Mercedes or automobiles or lakefront lots or condominiums or other assets that the borrower might have, but in fact is an entitlement program for the rich.

I would just urge my colleagues on the other side of the aisle to read the bill, to read the bill when it states that you do not even have to be unemployed, you can be underemployed, be-

cause you are eligible for this assistance under this bill if you have suffered a reduction in your employment or if someone who contributes to the mortgage has suffered a reduction in income or reduction of employment.

And, third, this bill—and we all know it—ignores and in fact steps in the way of using the existing remedies that are available under the law.

Later in the day I will be offering an amendment to the bill which would provide that we at least have the homeowner first use the remedies that are available to him or her under chapter 13 which are available today, the wage earners' plan. I think this bill should at least use existing remedies that are available under Federal law before trying to set up a new program.

□ 1610

Last, Mr. Chairman, I would comment that this legislation sets up a new bureaucracy; not only a new set of entitlements, but a new bureaucracy. The last time we did it, and I recall the gentleman from Massachusetts recited some other statistics from the 1930's, I would remind this House that the last time that we enacted this type of bureaucracy was in the 1930's. It was supposed to be a temporary program just like this program. It was entitled the Home Owners Loan Corporation. It was not temporary. It lasted for 18 years. It was not repealed until 1951, employed 20,000 people by the time it was through, and that corporation, gentlemen, resulted in the direct foreclosure of 200,000 homes.

So we have done this before, and it not only did not work, it worked badly.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I would be happy to yield to my colleague from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman is making a very significant statement there. The committee report, and this was alluded to a little earlier by one of the speakers, raises the specter of the depression with reference to the Home Owners Loan Corporation's actual number of foreclosures.

The gentleman suggests that there were 200,000 who were forced to leave their homes during this period?

Mr. BARTLETT. This corporation, during that period, foreclosed on 200,000 homes.

Mr. WYLIE. The Government agency which was created.

Mr. BARTLETT. The agency itself.

Mr. WYLIE. It also received 1,886,409 applications during that 2-year period, and had a staff which reached 20,000 during that period, and it lasted for some 18 years, which is a point the gentleman was making.

Now, I do not think alluding to that as an analogy to what we should be doing today helps support this legislation, and I appreciate the gentleman making that point.

Mr. COYNE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I will be happy to yield to the gentleman from Pennsylvania.

Mr. COYNE. I thank the gentleman for yielding.

Mr. Chairman, I would just like to point out that at the end of that program, that program showed a profit.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LOWERY).

Mr. DASCHLE. Mr. Chairman, will the gentleman yield to me?

Mr. LOWERY of California. I yield to the gentleman from South Dakota.

Mr. DASCHLE. I thank the gentleman for yielding.

Mr. Chairman, I have prepared an amendment to offer today to H.R. 1983, the Emergency Housing Assistance Act of 1983, which I will not offer. The purpose of the amendment is to provide equal treatment and protection to all Farmers Home Administration borrowers who are threatened by foreclosure due to adverse economic and financial circumstances beyond their control. As reported by the committee, H.R. 1983 provides needed additional protection for Farmers Home Administration rural housing loan program borrowers by requiring the Secretary of Agriculture to grant a moratorium on the principal and interest payments on a delinquent loan if the delinquency is due to borrower financial problems which are involuntary.

This additional protection against foreclosure correctly and humanely responds to the financial trauma widespread today in rural America as starkly indicated by the 130-percent increase in the number of properties acquired by the Farmers Home Administration in the last 3 years resulting from foreclosure or voluntary conveyance because of impeding foreclosure.

Although I will not offer an amendment today to extend indentical foreclosure protection to all Farmers Home Administration borrowers because of the likelihood the amendment would be subject to a point of order, it is incumbent upon the Congress to provide equal protection to all Farmers Home Administration borrowers who are threatened by foreclosure because of adverse economic and financial conditions beyond their control.

I commend the subcommittee and full committee for the additional protection which has been provided in the legislation for Farmers Home Administration homeowership loan program borrowers and I solicit for extending identical protection to Farmers Home Administration farm loan borrowers. Between 1980 and 1983, the percentage of delinquent Farmers Home Administration farm loans has doubled from 26.8 to 52.4 percent. The amount of delinquent Farmers Home Administration loans has increased nearly fivefold during this same period from $1.1 to $5.2 billion. The number of farms acquired annually by the Farmers Home Administration has increased steadily from 1979 with 1,470 farms acquired last year compared to fewer than 400 in 1981.

The inescapable conclusion, avoidable only by a willingness to ignore the facts, is Farmers Home Administration farm loan borrowers like Farmers Home Administration homeownership loan program borrowers need foreclosure protection because of adverse economic and financial conditions beyond their control. Without such protection, the Nation's dwindling number of farmers will become even smaller.

Mr. LOWERY of California. Mr. Chairman, I rise in opposition to this legislation, H.R. 1983, the Emergency Mortgage Foreclosure Assistance Act. Let me state at the outset that I agree with my Republican colleagues that those facing mortgage foreclosure through no fault of their own should receive assistance. However, not only is this legislation not the way to provide that assistance, I am concerned that it will cause more harm than good in the long run, and worse, may lead some to believe that they can receive help when in fact they may not be able to.

The first and perhaps most serious problem with H.R. 1983 is that it requires a very bureaucratic process that could take months to implement. HUD would have to hire or reassign between 250 and 500 employees, draft regulations, which are subject to review by Congress, print the regulations for a 30-day review period, and then HUD has up to 45 days to approve the application for assistance from the individual homeowner.

In the meantime, the better part of a calendar year has elasped. And indeed, when the initial authorization of $760 million has been committed, who will tell the next homeowner in line that the funds have been exhausted? Or will the taxpayer continue to make mortgage payments over and above the equity in the property?

There are other defects in this bill. There is no assets test, and no requirement that the borrower and the lender explore other solutions. The Secretary of HUD is called upon to make numerous subjective determinations, including verify that the mortgagor has suffered a reduction in income and determine that that loss is "Significant"; assess the homeowner's prospects for reemployment or rebut the presumption that the mortgagor meets the requirements to qualify for assistance.

Mr. Chairman, I strongly urge a "no" vote on this legislation. There are far better ways to help those who truly need some kind of assistance.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I hate to throw cold water from my side of the aisle on this bill because the problems are legitimate, but the bill needs to be significantly tightened up in order to be a fair and responsible piece of legislation, because we have the opportunity in this bill, unless it is changed, to basically turn this into an entitlement program which will go on in perpetuity, and I do not want to see that happen. I do not think the chairman of the committee wants to see that happen.

There are basically four areas of problems within the bill. As written, the bill's eligibility criteria would allow unemployed or underemployed workers to seek assistance without regard to the cause of their unemployment. What if they were fired for malfeasance, or what if they were just fired because the employer did not think they were capable? That issue is not dealt with.

In addition, the bill does not talk about individuals who are involuntarily in that predicament due to adverse economic conditions. I know that is the intention of the committee, but it is not in the bill.

As reported, the bill does not include an assets test, although I understand the gentleman from Connecticut and the gentleman from Massachusetts are going to deal with that problem.

But the most serious problem with this bill is that as it is written, there is a specific rebuttable presumption that a mortgagor will be able to fulfill the requirements necessary to qualify. That means that if you can show a reasonable prospect that you are going to get a job or a reasonable prospect that you can pay your loan back in 36 months, you are going to get the loan.

That is a tremendous change from every other nonentitlement program we have on the books now. Under all programs that we have on the books, when we deal with taxpayers' money and it is not an entitlement program, you, the applicant, have to show that you need the money, and prove it. That is just a responsible use of taxpayers' money.

Under this bill, there is a specific rebuttable presumption that if you go to HUD, you are going to get the money, and the Government has to prove that you do not need the money. Unless we are dealing with a program like social security or a veteran's pension, where you automatically become entitled to that money, this is not a responsible provision, not when you are talking about $750 million of taxpayers' money.

So I will offer an amendment which will conform this program to every other nonentitlement program of the Government; that you, the applicant, have to go in and show that you need the money in order to get it, not that the Government has to show that you do not need the money.

I would also tell my colleagues, on Thursday we have an agriculture moratorium bill just like this bill. It says that the Farmers Home Administration may defer loans if you have great difficulty. But in that bill, I would tell my colleagues, the applicant must prove by substantial evidence that he will be able to repay the loan.

Now, why should our farmers have to prove by substantial evidence and have them have the burden of proof that they are going to qualify, and under this bill the Government has to prove that you do not qualify. That is not fair. That is not an appropriate use of Government funds.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman brings up an interesting word, and I would like his opinion.

The gentleman brings up the word "entitlement," what all of us who have been here for a while feel so frustrated about, that we cannot control our entitlement budget. How would the gentleman feel, or would the gentleman think I was right when I said what happens to the 70,001 person who goes in for this aid? Under the Chicago fairness doctrine, as we sometimes call it, would this not in fact then become an automatic entitlement program, adding one more program out of control, because is it not a fact that if it is fair for one American under that doctrine, it is fair for all Americans in the same circumstances?

Mr. GLICKMAN. I think there are serious legal questions that this does become an entitlement program. And I guess what really worries me is that if the Government has the obligation to prove that you are not qualified for the money, it just adds fuel to the fire and makes the courts say they really intended this to be an entitlement program.

Mr. McKINNEY. So we are not really talking, then, about a $760 million-odd program; we could be talking about a $1 billion-odd program.

Mr. GLICKMAN. We could be.

Mr. McKINNEY. I thank the gentleman.

Mr. GONZALEZ. Mr. Chairman, may I inquire how much time we have remaining on this side?

The CHAIRMAN. The gentleman from Texas (Mr. GONZALEZ) has 9½ minutes remaining.

Mr. GONZALEZ. Mr. Chairman, I yield 1 minute to another distinguished member of the committee, the gentleman from Alabama (Mr. ERDREICH).

Mr. ERDREICH. Mr. Chairman, one of the greatest financial catastrophes conceivable to a family in the United States today is losing one's home. According to an industy estimate, more than 140,000 homes around the country are currently in foreclosure. This staggering figure is a 65½-percent increase over the number of foreclosures at the same time last year. I feel that H.R. 1983, the Emergency Housing Assistance Act, provides a viable solution to this severe problem facing our citizenry.

The homeowners who are defaulting are people who have fallen upon hard times because, as we all know, unemployment reached unprecedented levels. Because a house is generally the largest investment that most people ever make, mortgage payments are traditionally the last debt on which homeowners default. The high foreclosure rate is a painful indication of just how serious the problems of recession and the resulting unemployment figures really are.

The threat of mortgage foreclosure is particularly acute in my hometown of Birmingham, Ala., and the surrounding Jefferson County, where unemployment is approximately 50 percent above the national average.

In order to help develop legislation that would most directly address the needs of my district, I met with Birmingham area residents in February, including mortgage bankers and homeowners, to discuss the mortgage foreclosure problem. I relayed what I had learned to my fellow members on the House Banking Subcommittee on which I serve.

In addition, two Birmingham area residents, a mortgage banker, and an unemployed steelworker, testified before the subcommittee on the rising foreclosure rate and its adverse effect on the well-being of hundreds of families in the Sixth District of Alabama.

The Emergency Housing Assistance Act would authorize $760 million to set up a loan fund to assist approximately 76,000 homeowners facing foreclosure. It also authorizes $100 million to provide assistance for shelter and essential services for the homeless, and requires the agriculture Department to grant a moratorium on home loan payments insured by the Farmers Home Administration for people facing mortgage foreclosure. This supplemental assistance program would not place an undue burden on homeowners in repaying their loan, since their monthly payments would be lim-

ited to 38 percent of their income. The program would only be activated when foreclosure rates in local areas become unacceptable; when foreclosure levels drop, the program will be discontinued. Homeowners would be required to resume full mortgage payment within 3 years and repay the Government loan with interest.

Homeowners who are now threatened with losing their homes are not responsible for the economic mismanagement which created the recession from which we are only now beginning to recover. This is a loan program, repaying to the Federal Government the mortgage assistance payments, with interest. The Emergency Housing Assistance Act, which I urge my colleagues in the House to support, provides a cushion of stability, not only for homeowners, but also for stability in the mortgage industry and among the financial institutions that are a most important foundation of economic recovery.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the chairman for yielding this time to me.

Mr. Chairman, I am here to appeal to my colleagues in this body for compassion, for a sense of understanding of the problem of people who are on the brink of disaster and about to lose everything they have, to restore through this legislation some sense of stability and hope to the lives of thousands and thousands of Americans.

□ 1620

The issues are clear. In the Members' districts and in my district thousands of people are out of work. Their careers, their homes, their families, and everything they have worked a lifetime for is on the line. They are about to lose it.

We do not have to debate the Emergency Housing Assistance Act to death. We know what the issues are. The committee has done a superb job in bringing forward a piece of legislation that is going right to the heart of the problem, to help people keep that one biggest investment in their lives, their home.

In 1982 some 170,000 families lost their homes because they could not make mortgage payments. It was that simple. Thousands of others sold their homes at substantial losses under tremendous financial pressure. They did not have a choice.

Now our President comes forth with rosy economic predictions for the future, and we hear those predictions from the other side of the aisle. We hear that things are turning around, and they say, "let's forget this bill." Meanwhile thousands of people are unemployed and things are going down the drain.

I have been swamped with heartrending stories of real cases, real people, not imagined, not statistics.

DEAR SIR: We heard on the news this morning, to write to you, if we were in danger of losing our home.

My husband has been off of work since February of 1982 due to a job injury at Erie Mining Company. He was collecting S&A benefits. A few weeks ago without any notice, we were cut off of these benefits without a notice that we had to pay $175.00 to keep up our medical insurance. With three children we had no other alternative but to apply for AFDC and to contact a realtor to sell our home. Thinking we would rather try to sell it, than to lose it. With what we were receiving from S&A and what we will receive from welfare there is no possible way that a $521.00 house payment can be made. We tried paying $100.00 towards our payment but the Miners Bank apparently is not happy. After the lights, fuel, water, groceries and clinic bills are paid on that leaves us with nothing. It took us five years to build a house that will probably be taken from us in the near future. What will we do and where will we go with three children? I can not work due to a knee surgery on January 10th and other medical problems. So we have exhausted our thoughts and efforts to make it.

FEBRUARY 27, 1983.

CONGRESSMAN OBERSTAR: I understand you have co-sponsored legislation to establish a low-interest mortgage loan program for unemployed homeowners. Because I am on indefinate layoff from the taconite industry. I have been unable to secure a H.U.D.-F.H.A. home mortgage to refinance a home construction loan. This loan has been extended once and is now scheduled to expire Sept. 1, 1983. I have met all the other F.H.A. loan stipulations, except the one on being employed. To say the least, this has been a trying experience, because I know I can manage the monthly payments.

I am hopefull that this bill, or some other change in H.U.D.-F.H.A. regulations would permit me to get a much-needed permanent mortgage.

Thank you for your concern.

MARCH 16, 1983.

DEAR CONGRESSMAN OBERSTAR: The situation on the Range is quite critical regarding our housing situation. The time is near when we will have no unemployment funds left and many of our neighbors already have run out and their houses will be put up for auction this spring. These people are young families with small children. Where will they go? Babbett housing is very reasonable and we can't even make it—not to mention the other towns where housing is higher.

There are men here who want to work but there's nothing available. Men are going all over looking for jobs only to return home again. There's no way a family can live on the minimum wage, even cheaply. We are disappointed in the lack of compassion that's shown in Washington. We resent being called lazy.

Please show them that the need is getting—if not already desparate. We are people too.

Thank you Congressman for your concern for the "ordinary" people.

MARCH 2, 1983.

Representative JAMES OBERSTAR,
Federal Building,
Duluth, Minn.

DEAR SIR: I am writing to let you know I am a concerned home owner. The fact is I should have lost my place already, but thanks to a banker who really cares, I am just hanging in there.

I am an ex-miner. I was forced into taking my severence from U.S. Steel, Sherman district to save my home. Now my unemployment extension is almost up and I am afraid my banker will be forced to forclose on me.

I have only worked in the mines eleven weeks since Oct. 1979. Since that time we lived on CETA for awhile, and IRRRB program for a few months.

Sir, I am desperate both to save my home, and to find a job so I will be able to make my payments, and feed my family.

I have a wife and two fine daughters to raise.

I am thirty six years old, and a Veteran of Viet-Nam. Sure is a fine time to start on a new career.

I need help desperately.

Thank you for your concern.

MARCH 3, 1983.

DEAR MR. OBERSTAR: This letter comes to you as a plea for help. My husband and I have been laid-off from U.S.S. for 17 months. We have exhausted all unemployment benefits. My husband has three trades behind him with a total of 7 years of education. We can't find a job anywhere, we can't even get on IRRRB right now. Six years ago my husband got a mining job and false hopes, dreams, and feelings of security. We got married both worked hard, bought an old farm house and saved to fix it up. It's far from new looking, but we are proud people and have grown to love it. And now we are about to lose everything we've worked for. We have no income and feel horrified we are expected to live on $3.50 an hour. Our house payment is $324.00, electricity is $90.00 and going up 23 percent in a month, not to mention gas, food, and other necessities. We haven't any children, and during this depression feel blessed there's none to watch suffer. It's bad enough watching other peoples kids go without necessities. I watched a young girl walk on her tiptoes because her boots were two sizes too small.

We paid big taxes when we were both working. Now our own government is turning its back on us in our time of need. We are angry our government and these mining companies don't care about us. Maybe this is what Reagan wants, to break our spirits and have the unions destroyed, so we can all work like migrant workers, leaving all the profits to a choosen few. He wants us to move to where there's work. We'd love to know where that work is. There's twelve people in my family, and ten of us is looking for work. I have checked six states for employment. We would like to invite anyone to come and see how we live, anyone from the white house. But they better come soon, otherwise bring their own sleeping bag for our tent home.

DEAR MR. OBERSTAR: I am writing in regards to your mortgage foreclosure bill.

My husband has been laid off (unemployed) since October 1981 from U.S. Steel in Mt. Iron, Minnesota. With no signs of being recalled back.

Our house payment is $250.00 a month & $150.00 of it is interest We have been paying $100.00 a month. Which is not very easy.

Our unemployment ran out in January. We are presently on AFDC which gives us $544.00 a month & with 2 kids & bills that is not enough.

I don't know how much longer our bank will allow us to only pay $100.00.

We were lucky enough to sell our truck for what we owed on it. We would have gotten that foreclosed on.

Our house is not a mansion but, we have worked hard to make it a home. The thought of losing it haunts us every day.

If your bill passes & I hope it will. I hope with all my heart that it will help us.

We have not given up hope. My husband is constantly looking for work. But, the job hunting costs money also. Most companies seem like they don't want to hire unemployed steelworkers. They think the steel companies will be going back to full production, which is highly unlikely.

Thank you for giving me your time. I hope this letter will help. If there's anything you can do to help we would be more than happy.

Representative JAMES OBERSTAR,
Federal Building,
Duluth, Minn.

DEAR REPRESENTATIVE OBERSTAR: An announcment on TV one day caught my attention—concerning letters to you about the unemployed maybe losing their homes.

I have a son-in-law who was laid off one year ago from National Steel in Keewatin. I guess you can say he was fortunate in that he had his five or six weeks vacation due, plus unemployment and then the extension.

There's no more now unless your bill to extend benefits eight more weeks passes. I pray it does. Thank you for introducing it.

In July, '82, a baby boy was born (Cesarian) to my daughter (and son-in-law.) He wasn't even a day old when he was taken by ambulance to Children's Hospital in Minneapolis and had surgery at 9 p.m. that night—a T. E. Fistula. He was there for a month—came home for a few weeks—then back to Children's for double hernia surgery. Hospital stay then was three weeks.

Last fall my daughter went on to check on him, found him blue; was rushed to Hibbing Hospital for two days and then taken by air ambulance to Children's again.

After four days he was sent home with a monitor that has to be used now to check his breathing. (They'd bought an inter-com before, but that is of no use when he stops breathing.)

Last week he came home from another week's hospitalization for a viral infection.

I don't want to bore you, but what I'm trying to say is they are in the same boat as everyone else.

My son-in-law pays $150.00 a month Blue Cross and Shield plus extra hospital charges that B.C. doesn't cover. (Air ambulance to the cities was $1,500.00. B.C. paid $1,200.00), and the list goes on and on.

How on earth can anyone keep up mortgage payments in these times with no work? I'm sure they are probably just paying the interest or trying the best they can.

President Reagan's program may be working, but he is surely hurting many, many people in putting it across. I wish he'd come and talk with some of the families; very wishful thinking.

Thank you for your interest in the unemployed's plight. They want work; not welfare.

I would like to tell you why the moratorium legislation is important to me and the entire state of Minnesota.

To start with, here are some figures on what is happening in my part of the state. There were about 25 foreclosures in St. Louis County in 1980. In 1981 there were 50 and in 1982 there were around 100. By the end of 1983 there will probably be over 200.

My husband, a trained welder, had been working as a welder for 16 years. In 1980 he lost his job. He was out of work for 15 and one-half months. Two and a half months of that he used to learn a new trade in school. He took courses to become a heating specialist, and when he went back to Duluth, he found there were no jobs as a heating specialist either.

His unemployment ran out. He took the only job available, at a gas station. When he was getting unemployment, we were still able to make our housing payments. His current job, even though he puts in 50 hours a week, does not give us enough to meet all of our house payments along with our other bills.

I started to sell Avon to try to help out, but we can't make it.

Our house was originally built by my husband's father and grandfather. The home has an assumed value of $37,500 and we owe $11,300 now. Because we have not been able to make full payments, we have been threatened with foreclosure.

The emotional strain on our family is unbearable. My 13-year-old daughter, the oldest of three children, has started to get migraine headaches, and I know she senses what is going on. My own nerves are shot. I have become short-tempered. I can't sleep well at night, and I have diarrhea and vomiting.

This is a concerned mother. I think she would vomit if she heard some of the arguments that were made on the floor this afternoon. I would like my colleagues over here, with all their well-intentioned arguments, to go out and tell this mother to stand in line and wait until something turns around.

The CHAIRMAN. The time of the gentleman from Minnesota, Mr. OBERSTAR, has expired.

Mr. GONZALEZ. Mr. Chairman, I yield 30 additional seconds to the gentleman from Minnesota, Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Chairman, these people cannot wait. These are people who have worked a lifetime. They have made payments for 10, 15, 20 years on their homes. They only want a job, and they only want to keep their homes, the biggest investment they have.

I say to the Members, do not tell us that there is some magic solution out there that the banks are going to provide for them because we know that solution is not coming, and these people, if this bill is not passed, are going to lose their homes.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, in this legislation it seems to me we have another example of the Congress acting under the promptness of too much too late. One would think that this proposal was made in a time when the signals on the economy were calling for even a deeper recession or a depression that never came.

Actually, the contrary is working right now to the benefit of all our citizens. All the signals of the economy are good—increased productivity, increased weekly income, increased work hours, increased inventories, and increased orders. All the signs of the economy are working upward and to the benefit of the very same people this bill is attempting to aid.

By the time the full bureaucracy and the full implementation of this legislation would go into effect, we would be helping people who really in most cases would not any longer require it and give disincentive to those people.

It seems to me that we ought to be looking at giving incentive to the lenders to forbear, to work with the people who are distressed, as they are doing now, and to gage each one, one on one, mortgagee to mortgagor and lender to consumer. Let them work out their problems privately and within the capacity of the lender to extend the loan and within the capacity of the mortgagor to pay off or to refinance or do really what he thinks is right to save his home by the best means possible.

Mr. Chairman, what we ought to be doing is to encourage the private relationship between the lender and the borrower and do all we can to encourage this relationship. We should not make the lender become the enemy of the borrower by forcing him to foreclose by means of this legislation.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Chairman, I rise in support of H.R. 1983, which will help prevent a potentially disastrous situation, especially in areas of high unemployment.

In my own State of West Virginia, which now boasts an unemployment rate of 21 percent, the seriousness of the problem of emergency foreclosure is only beginning to be felt.

The West Virginia housing development fund, which provides tax-exempt mortgage revenue bonds for low- and middle-income housing, provides a dramatic illustration. In all of 1982, the fund saw 49 foreclosures on its mortgages, with only 4 or 5 of those directly attributable to unemployment. In February 1983 alone, 45 of the fund's borrowers became eligible for foreclosure status, with 19 of these directly related to unemployment. In addition, several other cases, in which the families could not be located and thus the cause was undetermined, were likely related to unemployment.

On a recent walk through Jackson County in my district, I was disturbed to see a notice of foreclosure and announcement of sale posted on one of the homes. This was a sight reminiscence of the Great Depression, and is something that has rarely been seen since. Something must be done to assure that such a sight does not become commonplace.

One lender in Jackson County, which is currently experiencing a 23.6-percent rate, saw its delinquency rate on mortgage payments more than double between March 1982 and March 1983. In addition, the number of foreclosures in that time period rose from one to six, an unacceptable increase.

Mr. Chairman, the mortgage foreclosure rate in West Virginia does not accurately illustrate the magnitude of the problem. This is due to the fact that lenders have worked hard to forestall foreclosure proceedings for as long as possible. They have worked out alternative arrangements with borrowers like refinancing their loans and lowering the monthly payments by extending the terms.

As long as our unemployment rate remains high, the mortgage delinquency rate will continue to rise, and increasing numbers of people will qualify for foreclosure status. How long will our Nation's lenders be able to rob Peter to pay Paul? Eventually, they will need some type of assistance in order to help homeowners through this crisis situation.

The Emergency Housing Assistance Act will provide the necessary assistance to homeowners once all alternative means have been exhausted. It will be a great help to financial institutions, homeowners, and to the economy, until we have seen ourselves through these troubled times.

Mr. WYLIE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILER).

Mr. HILER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman. there are several things that disturb me about this bill, but one of the main ones is that there are no specifics as to what constitutes a significant loss of income. We could have someone who had had an income of $75,000 and had a reduction to $30,000, and that might conceivably meet the consideration of what is a "significant loss of income."

All we would have to have had is a loss of income due to a reduction in his or her income or his or her own self-employment, or returns from the pursuit of his or her occupation. What disturbs me about that is that someone could have had an income of $75,000, had a $90,000 mortgage, and, because of utilities, property taxes, maintenance, and condo fees, had an additional expense of something in the neighborhood of $4,600, and along with the $90,000 mortgage at 12 percent interest, they would have obligations of $15,400 a year. But if that person had a loss of income from $75,000 to $30,000, which is still a significant income but a significant loss of income, paying 38 percent of that income for payments, that person would only have to cough up $11,400 or nearly $4,000 less than what his previous payments had been.

□ 1630

So that person making a $30,000 income could be a stockbroker, could be an artist, could be a writer, suddenly is qualifying for a $4,000 subsidy.

So what concerns me, Mr. Chairman, is that there is no asset test, there is no income test, there is nothing to keep this program from becoming a very large entitlement and I think in spite of the fact that it has been mentioned that it is not an entitlement, that by the time this provision would get to the courts, it would be considered an entitlement and $760 million would be a mere drop in the bucket to what this program could eventually cost; all at a time when home building, home starts, are up, when auto sales are up, when industrial production is up, when we are on the verge of a significant economic recovery.

Mr. Chairman, I am opposed to the bill.

Mr. GONZALEZ. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Small Business Committee, the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I always find it so ironic that whenever there is something good for people being contemplated in this Congress, all sorts of questions can be raised about why we should not do the right thing. The question of a means test, the question of forbearance, all these issues are raised.

It just puzzles me that when the Congress desires to act on behalf of people who need help, we get all these very curious arguments.

In my city alone, the delinquency rate on home mortgages is 10.1 percent. Sure, we are going to have a recovery, but every economist that I know of says that even if you have a recovery, there is going to be a lag time on unemployment. Every economist that I know of, of either liberal or conservative persuasion, says unemployment is going to be around 9 percent for the next 3 years.

I fully support this bill. My only quarrel with it is that it is not big enough. We are only going to help some 76,000 homeowners and you are going to have double that number in trouble.

I do support the legislation.

I rise in support of Congressman HENRY GONZALEZ' bill, H.R. 1983, the Emergency Housing Assistance Act.

On March 29, 1983, I held a hearing in Baltimore concerning homelessness. During this hearing, I heard testimony from Ms. Jane Harrison, a housing developer for the Women's Housing Coalition, Inc. In her statement, Ms. Harrison stated, "The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them. That's the essence of inhumanity." By failing to pass my colleague's bill, the House will be renouncing its sacred responsibility to meet the basic survival needs of the American people.

A March 2, 1983, Wall Street Journal article reported that nationwide foreclosures during the fourth quarter of 1982 hit a 30-year high. Moreover, it stated that 0.76 percent of all outstanding mortgages were in foreclosure and 5.7 percent were delinquent during this quarter.

In Baltimore city alone the current average delinquency rate on home mortgage loans is 10.1 percent. As a result, many Baltimoreans are facing the bleak prospect of foreclosures and possible homelessness.

I believe my colleague's bill will reverse the current nationwide insensitivity toward these two growing problems. Briefly, this bill authorizes $760 million to establish a new revolving loan fund to assist approximately 76,000 homeowners who are facing foreclosure on home mortgage loans not insured by the Federal Housing Administration (FHA) or the Farmers Home Administration (FHA). The measure also authorized $100 million to provide assistance for shelter and essential services for the homeless.

The $760 million revolving loan fund, to be administered by the Secretary of HUD, would become active when the average default rate over a 3-month period, as measured by the Federal Home Loan Bank Board, rises to 1.3 percent of mortgage funds. The program would be suspended when the default rate drops to a 3-month average of 1.2 percent or below.

Only mortgages on one-to-four-family homes, cooperatives, or condominiums that are the primary residence of the homeowner would be eligible for assistance. Furthermore, mortgage payments would have to be 90 days delinquent, or the owner must have been notified that the lender intends to foreclose. In addition, the original mortgage amount cannot exceed the maximum mortgage amount that could be insured by the FHA ($67,500 to $90,000).

Congressman GONZALEZ' bill is based upon the premise that a large number of potential foreclosures will occur as a result of the Reaganomics-induced 10.5 percent unemployment rate. Consequently, individuals would only be

eligible for assistance if they have suffered a substantial loss of income as a result of unemployment or reduced employment.

The assistance payments cover the difference between what the homeowner is capable of paying and the amount needed to cover total monthly housing expenses. The homeowner, however, is responsible for contributing at least 38 percent of his monthly net effective income. The payments last for 18 months, plus any period of default, and may be extended, at the Secretary's discretion, for an additional 18 months. The interest repayment portion of the loan would be based on Treasury bonds or 10 percent, whichever is lower.

Finally, H.R. 1983 addresses the immediate problem of homelessness. It authorizes $100 million to be placed in the Secretary's discretionary fund under the community development block grant (CDBG) program to make grants to metropolitan cities, urban counties, small cities, and to nonprofit organizations to provide shelter and essential services for individuals subject to life threatening situations because they lack housing.

I strongly urge my colleagues to support the passage of H.R. 1983. By passing this bill, we can begin to seriously address this country's neglect and irresponsibility toward its homeless citizens.

Mr. WYLIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, I rise on behalf of the Republican Policy Committee in opposition to the bill.

Mr. WYLIE. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, I do not think anyone is more concerned about foreclosure in this body than I am. If you really want to help people that have this threat, vote for the Wylie amendment, which will allow the banks to forbear. If, in fact, you only want to help a few and if you want them to have to go not only through default, but into foreclosure, vote for this bill, because that is exactly what you are doing.

This bill is probably going to help only somewhere between 50,000 to 70,000 people in this country.

I would suggest to my good friend, the gentleman from Baltimore, I have the same concerns in Bridgeport. This bill is not going to help my people. This bill is not going to be fair to the people who are brown-bagging groceries, who are working in gas stations, washing cars, the wives who are working in McDonald's. This bill is going to help the select first few in and, in fact, if it is going to go across the board and help everyone, it is going to become one more very expensive entitlement program.

I suggest, Mr. Chairman, that the method to really help people, as my friend, the gentleman from Minnesota said, who are in dire, grievous troubles, out of their foreclosure, is to vote for the Wylie amendment and allow the banks to forebear.

Today we debate the merits of the Emergency Housing Assistance Act of 1983. I think it is important to point out at the beginning that the intrinsic rights or wrongs of this legislation are the focus of this debate.

During the Banking Committee's consideration of H.R. 1983 the Republican members demonstrated their deep concern for those people faced with the horrible prospect of losing their homes. That concern is shared, I am certain, by all Members of this body on both sides of the aisle. It is clear that in some parts of the country economic conditions produced a significant increase in mortgage foreclosures. To meet the crisis in those areas, special measures should be devised to assist unemployed homeowners who are facing foreclosure.

I approach this issue with a very personal perspective. If you walked into my office, you would see a pen and ink drawing of a home in Pittsburgh, Pa., which was taken from my mother and father in 1931, the year I was born. In my family for many years after the Depression we did not know what it was to own a home.

But not only had we lost our home: We had lost my father's business. To feed his family, in fact to survive, my father sold cereal door to door.

An interesting fact of the situation, however, was that we thought we were lucky. We never left that house even though most of the houses on Shady Avenue had been foreclosed on by the Mellon Bank or some other bank. After foreclosure all the banks could hope to do was rent the houses since there was no real estate market, a situation very similar to today's condition.

I tell you my personal story because I am aware of the emotional trauma that is a part of the foreclosure process. I feel that if Congress does anything to deal with mortgage problems related to economic conditions, the end result of our action should be to avoid foreclosure.

It is because I have this deep conviction that I speak against H.R. 1983. The stated purpose of the bill is something on which we all agree. But the mechanics of the program will lead to the opposite result—a rush to mortgage delinquency and foreclosure. Rather than mortgage assistance H.R. 1983 provides foreclosure incentives.

That is my major problem with this legislation, but it is flawed in so many other respects that I will highlight only a few. I am sure that the more you examine the bill, the more you will see for yourself that however well-intentioned it will not meet the needs of the threatened homeowner.

For example, the bureaucratic red-tape involved in setting up such a program will result in a delay of almost a year before any assistance would be available. Meanwhile, who knows how many thousands of people will be encouraged to stop making mortgage payments because the message, "Congress just passed a program to pay your mortgage," will be passed by the media.

Our committee was told that possibly as many as 200,000 families would be eligible for this assistance, but the number who actually would get loans would be 76,000, and most likely fewer than that. What about the more than 120,000 families who were lead to believe assistance would be coming. What if they jeopardize their financial relationship with the lender to qualify for the program but do not receive assistance?

How much help are we giving the unemployed Americans when we raise their hopes for mortgage assistance and are not able to deliver?

Is it fair for us to promote homeownership and then pass legislation that tells them not to make their mortgage payments so that they can face foreclosure?

Is it fair to the person who has been scraping to keep up his payments to give assistance to someone who has not tried at all?

Is it fair to give assistance to the middle class and financial institutions while we have millions of low-income families living in substandard conditions?

I wonder how my people in Bridgeport are going to react to this bill. What do I say to someone who is laid off from his usual job, but is making a few dollars bagging groceries or collecting pop bottles from trash cans.

That person struggled to buy a house because it was his parents' dream. When he was laid off, he used his savings and other assets to pay his bills. He has made every effort to cooperate with his lenders and pay something on his debts.

Now he sees his neighbor who has a new Mercedes parked in the driveway next to his 280 Z. Since he just got laid off, he was afraid he might have to give up his condo at the beach or the boat, maybe one of his cars or some stocks. But thanks to this legislation he can skip his house payment and keep his expensive toys. Uncle Sugar is coming to his rescue.

I ask you, ladies and gentlemen, is that the kind of emergency mortgage assistance you want to vote for.

There are thousands of Americans struggling to make it through this recession by paying what they can on their debts. That is the effort that

should be encouraged and rewarded with Federal relief.

H.R. 1983 is not the only approach that has surfaced to meet the mortgage foreclosure problem.

There have been a number of suggested approaches. I believe the best solution is to combine Federal, State, and local efforts in a way that best meets the needs of the area.

On the Federal level we could direct appropriate action by the supervisory agencies to facilitate forebearance by the lending institutions holding delinquent mortgages. This program could be implemented immediately and would have an impact that could be felt when it is needed. This approach is the substitute that will be offered by CHALMERS WYLIE when amendments are in order.

To complement this action there are approximately 60 pieces of legislation under consideration by at least 11 States. The common thread that runs through these is more forebearance without jeopardizing financial ability. Since we know that foreclosure is not good for the homeowners, since the lenders realize that foreclosure is not in their best interest, and since Federal and State regulators, legislatures, and courts are promoting forebearance, adoption of the Wylie substitute is the best thing that Congress can do for the American people.

We do not want to provide incentives for default or foreclosure. We do not want to destroy the secondary mortgage market. We do not want to turn our savings and loans and banks into real estate warehouses. And I think we all agree that the last thing we want to do is create another Federal program to get HUD any further involved in the real estate business.

H.R. 1983 can only dig a deeper hole for families looking for mortgage assistance. It would be a cruel joke for Congress to pass this bill and call it mortgage relief. Under H.R. 1983, relief is spelled f-o-r-e-c-l-o-s-u-r-e.

Mr. WYLIE. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, I think we have had a very interesting and complete debate on this bill, H.R. 1983 today. There is a difference of philosophy as to just what the bill will do.

We submit that there are some 250,000 people exposed under the triggering mechanism found in this bill, and that only some 50,000 or 60,000 would be benefited. Even the figures of the Congressional Budget Office suggests that there might be up to 100,000 people benefited, but they admit that their figures are soft and that given our hypotheses that there might be a range of 60,000 to 70,000 who would be benefited by this bill; that witnesses who came before our committee said, make no mistake about this, H.R. 1983 would create a permanent Federal mortgage foreclosure program, not a temporary countercyclical relief bill, as it has been presented.

Mortgage lenders and private mortgage insurers would be given perverse incentives, I submit, to foreclosure on delinquent loans. In fact, this bill is really a bailout for mortgage lenders and insurers currently forebearing on their delinquent loans. By encouraging rapid foreclosure, this bill could more than triple the number of homeowners currently facing foreclosures and have exactly the opposite effect of that intended by the authors of this bill.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KOLTER).

Mr. KOLTER. Mr. Chairman, I, too, rise in strong support of H.R. 1983.

One of the key elements of the American dream is owning a home. The threat of mortgage foreclosure shatters that dream, sometimes forever.

The effects of this recession and the failure of this administration to properly enforce our trade laws have had a devastating impact on the working people of our Nation. We often hear of towns and cities that have the dubious distinction of having the Nation's highest unemployment rate.

Let me give you the unemployment percentages in five counties that help make up my congressional district in western Pennsylvania. They are: 20 percent, 23.2 percent, 23.1 percent, 16.4 percent, and 21.6 percent.

Mortgage foreclosures have been occurring at record levels all across America. In my district, they have closely paralleled the increase in steel imports.

Let me cite just one example. Last year when imports reached record levels, so did mortgage foreclosures. In Beaver County, Pa., my home county, 99 homes were foreclosed on. Many of those families lost their piece of the American dream because their primary breadwinner was laid off. There is no way a family can make $500 monthly mortgage payments when the workingman is laid off. Worse yet, how do I explain to a laid off railroad worker that he and his family have to live on $25 a day in unemployment benefits?

Once a family is foreclosed on, the family unit itself begins to weaken. There is tremendous stress and a loss of dignity and pride. In addition, there are instances of child and spouse abuse. What is even more unreasonable is the fact that once a family leaves its home, there is generally not another family waiting to purchase it or assume the mortgage.

As an example, a constituent of mine who is a laid-off steelworker, testified before the Banking Committee when public hearings were held on this legislation last February. The gentleman told the committee that even though his house was lost through foreclosure, it was setting vacant, because no one else could afford or was interested in moving in. This to me is a tremendous waste.

Even more appalling was the story carried by a Pittsburgh television station as well as the local newspaper. The story told of a family that had lost their home and was forced to live in an automobile. I relate this, not to be sensationalistic, but because I have seen it.

This bill will not help those who have already lost their homes, but it will offer hope to those who are on the brink of foreclosure.

I acknowledge and even appreciate some of the arguments being offered against this bill. Many contend that it will create further bureaucracy. Others assert that it will not really help people until next year.

Mr. Chairman, it would be unfitting of this Congress to callously turn its back on those in this Nation who genuinely need mortgage assistance. It would be wrong to permit the American dream to be snatched away from them.

I urge all my colleagues to vote yes on H.R. 1983.

● Mr. CORRADA. Mr. Chairman, I rise in strong support of H.R. 1983, the Emergency Housing Assistance Act.

I want to commend the leadership that Congressman HENRY GONZALEZ has taken in recent months in making certain that the right of every American to a decent and affordable house is assured, and that the dream of homeownership, precarious for many in the present recession, does not vanish.

Mr. Chairman, this legislation is truly an emergency bill, providing speedy and appropriate Federal mortgage assistance as a response to the tragic situation in which many American homeowners find themselves, that situation being the threat of foreclosures on their homes in the dire economic circumstances which confront unemployed individuals throughout the Nation and in Puerto Rico.

The members of the Housing Subcommittee of the House Banking Committee who had the foresight to act speedily and responsibly by shaping this legislation merit the respect of all of us and I want to commend them for their leadership.

This is also a compassionate bill, providing an authorization of $100 million from the HUD Secretary's discretionary fund of the community development block grant program to assist cities, nonprofit organizations and some State governments in meeting the emergency needs of the homeless.

In recent weeks, the Congress of the United States has initiated other ac-

tions to meet the emergencies of the current recession. In passing the jobs stimulus legislation, the Congress has said to the American people that they are aware of the difficult economic circumstances confronting many unemployed, and have responded to the national need to create jobs and productive employment.

Now, H.R. 1983 fills the gap for Americans throughout this country who, through no fault of their own, have been laid off and, confronted with inadequate income, are faced with foreclosures.

The committee bill authorizes a program designed to provide temporary relief through deferred interest loans in any Federal home loan bank district. This program would be activated under a formula set forth in the committee report which stipulates that over a period of 3 consecutive months the average amount of the funds that are 60 days delinquent exceeds 1.3 percent of all mortgage loans and contracts covered under the FMLB mortgage delinquency series.

Thus, individual applicants for assistance who are the principal owners of a home covered under conventional or VA loans confronted with foreclosure can find some way out of their economic dilemma.

Another section of H.R. 1983 strengthens the authority of the U.S. Secretary of Agriculture to give some measure of relief to rural borrowers delinquent in repaying Farmers Home Administration housing loans.

Recent policies of the Department of Agriculture in hastening the collection process has caused real hardships in rural areas where economic downturns are many times felt more dramatically.

The committee's action will be helpful to low and moderate income persons who require interest credit subsidies along with their section 502 FmHA loans.

It makes no sense whatsoever to have the Federal Government continue to exacerbate the economic woes that many individuals in this country are now experiencing.

The provisions of H.R. 1983 which will provide technical assistance to help borrowers apply for the moratorium procedure through which a hold would be put on the repayment schedule is a compassionate and helpful one.

Mr. Chairman, on a variety of fronts and in a variety of committees, this legislative body has begun to respond to help citizens of this country who—through no fault of their own—face the plight of the current recession.

I believe H.R. 1983 is a solid and positive bill, one that will help restore and maintain the dream of American homeownership across this Nation. It merits our strong support.●

● Mr. WALGREN. Mr. Chairman, I want to commend the Committee on Banking, Finance and Urban Affairs for their swift action in bringing to the floor this bill to answer the needs of the many Americans facing the possibility of mortgage foreclosures. The Emergency Housing Assistance Act of 1983, is an indispensable step to safeguard the investments of many workers who suffer from the economic stagnation and decline in key sectors of our economy such as the steel industry.

The bill we are now considering is similar to one that I introduced on this subject and differs mainly in the method we would trigger the relief program. Although in my view this kind of relief should be tied to State unemployment rates, the trigger in this bill is broad enough to assure that the immediate needs of those persons are met who are most in need of help.

In the process of working on this issue, we developed a profile of those from western Pennsylvania who have been unable to meet their mortgage payments as a result of unprecedented unemployment.

The average homeowner is between 25 and 45 years old with three to four dependents.

The average principal amount represented by these mortgages is between $40,000 to $50,000 and has been held for between 5 and 10 years.

The homeowners have not had any prior default of their mortgage payments until losing their jobs during the present recession.

Clearly, this profile reveals deep difficulty in the very core of America's middle class. While it may be that there are some indications of economic recovery, it is also true that mortgage foreclosures traditionally lag recovery going into and coming out of a recession. The bill before us, H.R. 1983, is necessary to meet the needs of those most in need in the difficult days that still lie ahead.

I urge my colleagues to support this important piece of legislation. We have an obligation to keep families together in their homes.●

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 1983, a bill that would provide relief from foreclosure for thousands of unemployed homeowners.

Last year, the Subcommittee on Manpower and Housing, which I chaired, examined the Department of Housing and Urban Development's efforts on behalf of financially hard-pressed FHA homeowners.

I think that what we found is significant. HUD currently operates the mortgage assignment program. HUD purchases mortgages of FHA-insured homeowners who are unabled to make payments for reasons beyond their control, such as unemployment, sickness, or uninsured loss. The mortgages are purchased from the original banks. HUD thus becomes the bank to the homeowner, and mortgage payments are adjusted downward to the homeowner's reduced income level.

HUD is currently attempting to change from the assignment program to the temporary mortgage assistance program, to handle FHA-insured mortgages. This program is known as TMAP and is similar to the program which we are now considering. TMAP has been held up by a Legal Services suit which alleges that TMAP is unequal to mortgage assignment.

My subcommittee's oversight of TMAP and assignment indicates that Congress cannot simply enact a program and expect HUD to implement it. HUD had a record of narrowly construing regulations.

In 1987, of the 150,000 FHA homeowners who were 90 days delinquent, only 3,000 were accepted into assignment.

To begin with, HUD assistance to homeowners has been imposed on HUD by the courts. HUD never wanted the program. HUD has given it inadequate manpower and HUD has withheld mortgage counseling money and tried to limit the advocacy role played by mortgage counselors.

I bring this to your attention because I think that EMAP may not get a positive reception from HUD. If HUD processes applications too slowly, bank and mortgage companies will not want to participate. If HUD makes repayment schedules too short, then homeowners may not be able to qualify for assistance. If HUD does not advertise the availability of emergency mortgage assistance, then few applications will be made. Finally, if HUD does not give the personal attention needed to help families adjust their budgets, then EMAP will have a high secondary default rate.

The assignment program and TMAP are cost effective. HUD sales of repossessed houses are often a few cents on the dollar. To keep the family in the house, at least making normal mortgage payments is much preferable than foreclosure. Add to that the blight that boarded up and abandoned houses cause in neighborhoods and anyone can see the value of homeowner assistance.

It was evident, however, that the Department of Housing and Urban Development has not seen the same value. I do not expect HUD to react any more positively to this program. I congratulate the chairman of the Housing Subcommittee for championing this legislation, and I recommend he monitor it once enacted.

Mr. Chairman, I support H.R. 1983. I urge its adoption, especially in this time of economic dislocation. Mortgage assistance is a self-evident need.●

● Mr. CHENEY. Mr. Chairman, we have before us today a proposal to create a $760 million program aimed at "protecting" home mortgages from the threat of foreclosure. While we are told this new program would assist both homeowners and the home construction industry, the only big winner of this last vestige of Government giveaway programs would be the home loan industry.

This legislation would have the effect of encouraging lenders to foreclosure because such steps would accelerate mortgage payment assistance by the Federal Government. Lenders currently are forbearing and are working with homeowners to avoid foreclosure. The current foreclosure rate does not warrant such a program placing the Federal Government between the lender and the homeowner. The greatest benefits under this program would flow to lenders, not to homeowners, because accumulated past back mortgage payments would be paid by the Federal Government. And the upswing in housing construction in this country is solid evidence that the home building industry is back on its feet and building toward an even stronger future.

H.R. 1983 is $760 million in Federal aid this country—and its hard working taxpayers—do not need.

Mr. Chairman, the House Republican Policy Committee, of which I am chairman, opposes adoption of H.R. 1983. The committee's full statement follows:

The House Republican Policy Committee recognizes the need for actions to help ease the problems of Americans facing home mortgage foreclosures.

H.R. 1983, the Emergency Housing Assistance Act, however is an unworkable and potentially counter productive approach to this problem. It calls on the Federal Department of Housing and Urban Development to begin the slow and time-consuming process of creating new federal programs wrapped in red tape. Homeowners must be in default on mortgages before they qualify for assistance. It would force families taking part in the program even deeper into debt to qualify for assistance. As reported, H.R. 1983 does not meet the needs of homeowners facing economic difficulties. The House Republican Policy Committee opposes H.R. 1983 as reported and calls for adoption of the Wylie amendment which would provide immediate assistance to homeowners by focusing governmental efforts on forbearance of mortgage foreclosures by lending institutions.●

● Mr. ANNUNZIO. Mr. Chairman, this brings to mind a placard that I have been seeing on many local buses. It says "Tough times don't last, but tough people do." A message of hope from a prominent national clergyman. Well, tough times have been around a long time for a great number of Americans and there are no signs that these tough times will ease any time soon. What these times have brought for many is total despair. No work, no money coming in, unemployment benefits running out, and making do for so long, that one cannot remember when it was any other way.

This is one of the few bills that this Congress has considered to help average Americans through an economic recession which rivals only the Great Depression. We have passed other legislation to bail out major corporations, and give favorable tax structures to big business, and a variety of other help mechanisms which do not touch the vast majority of the people we represent. We have also pumped billions of dollars overseas and into the Pentagon. Yet our constitutents are losing their homes in record numbers.

Not only can people not afford to buy a home, but they are also losing the ones that they have. The American dream, homeownership, which I believe in strongly, is becoming history. Something that people remember along with days of no income tax and 20-cent hot dogs at ball games.

This bill is designed to stop that tide. It provides temporary assistance to those individuals hit the hardest by this recession. It is designed to assist some 76,000 homeowners in jeopardy of losing their homes.

There are safeguards in this bill. It is not a giveaway. It triggers when the foreclosure rates are unacceptably high, and it provides funds only to those who truly have no alternative.

We are all employed here, at least temporarily. We all have homes to go to. How many of us can truly understand the trauma of being out of work, or being underemployed to the point of losing your home.

There is much more than money invested in a person's home. To lose it because long-term economic policies beyond your control have trickled down and caused your income to change temporarily does not seem just to me. I want to see this bill passed and I urge my colleagues to support it. This Government will not be any poorer for the action.●

● Mr. SHELBY. Mr. Chairman, I rise in support of H.R. 1983, the Emergency Housing Assistance Act. I especially want to commend Chairman ST GERMAIN for including VA guaranteed home loans in this bill. Although this bill will provide mortgage relief to all segments of our population, I think it is important to point out that veterans with GI home loans are eligible to participate in the homeowner protection afforded by this legislation.

The measure would provide that if a conventional or VA homeowner is 90 days in arrears, the lender would be required to notify the homeowner of available relief. If the homeowner elects to participate in the program, HUD would examine the circumstances surrounding the delinquency; and if there is a reasonable prospect that the homeowner will be able to restore his account within 3 years, payments under this act would bring the account to a current status to avoid foreclosure proceedings. Such assistance would continue for the next 18 months and could even be extended for another 18 month period if necessary.

I note that under the provisions of the bill reported by the Committee on Banking, Finance and Urban Affairs, this relief is especially geared toward individuals who have suffered a substantial loss of income as a result of unemployment.

Mr. Chairman, I want to emphasize that veterans are experiencing tremendous difficulties during these troubled economic times. At the beginning of the year, over 883,000 veterans were out looking for work. The younger Vietnam veterans in the 25- to 29-age group are suffering unemployment at a rate of 21.8 percent compared to nonveterans in the same age group whose rate is 13.7 percent. Over 215,000 Vietnam veterans between the ages of 25 and 34 have been unemployed for 15 weeks or longer. Many veterans, therefore, are struggling to keep their homes—homes which they thought would be theirs for a lifetime.

Foreclosure and default rates have risen alarmingly. In 1980, the foreclosure rate for GI loans was only 0.25 percent. In 1982, the foreclosure rate had increased to 0.40 percent, which is up 60 percent in the frequency of having to take a home away from a veteran.

This bill, therefore, is vital to our society as it permits families suffering from a temporary setback due to unemployment to retain ownership of their homes until the economy recovers.

Mr. Chairman, I wish to advise you that my Subcommittee on Housing and Memorial Affairs is also working on a bill that would target similar assistance to veterans.

I urge my colleagues to join me today in approving this bill as it will come to the aid of many unfortunate citizens and will restore faith in the great American dream—that of owning a home.●

● Mr. MOLLOHAN. Mr. Chairman, I rise today in strong support for H.R. 1983, the Emergency Housing Assistance Act. Much has already been said and written about unemployment and our current economic recession. One of the very real, but less publicized, disasters that affect our workers today is the loss of their homes through mortgage foreclosure.

The First District of West Virginia, which I have the honor to represent, suffers with over 20 percent unemployment and a mortgage delinquency rate well over 5 percent. While these figures are easy to recite, they cannot

convey the pain of losing one's home and the trauma of dislocation.

H.R. 1983 is one attempt to alleviate some of this distress. This bill would limit monthly mortgage payment to 38 percent of an individual's income. This provision is particularly useful because many workers have returned to the job force in a lower paying job. In addition, interest rates have remained relatively high, which means continued high payments. There are other provisions, including modified notification requirements, that are designed to help hard-working Americans who have been stunned by sudden economic misfortune.

Much remains to be done, but passage of H.R. 1983 is an important step toward the healing of America. In closing, let me remind my colleagues of the pressing need to support a swift resolution to this crisis.●

● Mr. LUNDINE. Mr. Chairman, I wish to express support for H.R. 1983, the Emergency Housing Assistance Act of 1983. The legislation provides needed short-term relief for homeowners with non-FHA insured mortgages who face foreclosure on their homes due to temporary economic conditions beyond their control.

In all parts of the Nation, thousands of families face the prospect of losing their homes because extended unemployment has undermined their ability to continue payments on their mortgages. According to the Mortgage Bankers Association, more homowners were either seriously behind in their mortgage payments or faced foreclosure on their homes during the last quarter of 1982 than at any time in the last 30 years.

Although new claims for unemployment compensation appear to be declining, unemployment continues to exceed 10 percent, and is expected to remain at this level throughout most of 1983. Without some form of assistance to encourage forbearance among mortgage lenders, tens of thousands of families could lose their homes.

Much of the focus of recent congressional actions has been to provide temporary assistance to help maintain unemployed workers and their families until new job opportunities are created. This proposal is entirely consistent with this effort and is intended to be a major part of the second phase of the House's recovery program.

I should point out that I do not see this proposal carrying any direct or implicit accusation that lending institutions are unfairly using our current economic difficulties to deprive families of their homes. On the contrary, I have found that it is during times of distress that lending institutions display the greatest patience and compassion with delinquent homeowners. During the current recession most home lenders have initiated forbearance actions as a matter of routine policy. This legislation would neither inhibit nor replace these voluntary actions.

However, even the most compassionate local lender cannot afford to carry a growing number of nonproductive mortgage loans. As an increasing number of homeowners fall further behind in their payments, these institutions often have little choice but to initiate foreclosure proceedings. This legislation, therefore, seeks to assist both homeowners and local lenders whether our current economic difficulties with a minimum of loss.

Regarding the specifics of H.R. 1983, let me briefly point out that the bill extends mortgage assistance to non-FHA insured mortgage holders on much the same basis as that now provided to FHA-eligible borrowers under the temporary mortgage assistance program (TMAP). This proposal goes beyond TMAP, however, in providing assurances that people most in need will be assisted and that the Federal investment will be protected and repaid.

In addition, the legislation authorizes $100 million to be used under the community development block grant (CDBG) program to assist States, local governments, and nonprofit groups provide and operate special shelters for the homeless. Assistance would be based on need for emergency shelter and could be used to rehabilitate facilities as well as provide needed services to the homeless. This proposal is also entirely consistent with the House leadership's efforts to provide broad emergency assistance for the unemployed and the homeless.

Finally, the legislation includes expanded authority for the Secretary of Agriculture to implement a broad moritorium on foreclosures of FmHA-assisted home mortgage loans, as well as provide additional aid to delinquent homeowners to assist them retain their homes. This added authority should be implemented as quickly as possible in order to help stabilize the weakening economic fabric in our rural communities.

Mr. Chairman, I support the emergency assistance measures contained in H.R. 1983 and urge that this legislation be adopted.●

● Mr. BOUCHER. Mr. Chairman, I rise today in support of H.R. 1983, the Emergency Housing Assistance Act which protects the best interests of homeowners and lenders by permitting families facing temporary financial difficulties to keep their homes.

Current high rates of unemployment and the unusually large number of mortgage foreclosures more than justify the need for Federal assistance. Unemployment in the coal-producing counties of my district has skyrocketed. In Buchanan County, for example, over 30 percent of those willing and able to work cannot find jobs. The sustained loss of income has crippled the financial bases of many families; many can no longer afford to make mortgage payments on their homes. As a result, mortgage foreclosures have drastically increased. Last month, one prominent bank in Buchanan County processed the same number of home mortgage foreclosures in a single month as they usually handle in an entire year. This critical situation demands immediate action.

H.R. 1983 is not a bailout for families who have squandered their earnings; on the contrary, this measure offers assistance to thousands of hard-working families who are the victims of economic hardships beyond their control. Individuals will be eligible for assistance only if they have suffered a substantial loss of income as a result of unemployment or reduced employment.

This bill is carefully crafted so as not to place an unreasonable burden on homeowners in repaying the assistance. Monthly payments are limited to 38 percent of the individual's income; the loans are nothing more than a second mortgage. Moveover, the program will only be activated when mortgage foreclosures reach an unacceptable level, and it automatically shuts off when mortgage foreclosures drop. The bill is carefully targeted so that it can be activated in individual Federal home loan bank board districts where foreclosures are high without being triggered nationally.

I would like to call particular attention to the rural housing loan provision of H.R. 1983 which requires the Department of Agriculture to grant a moratorium on the payment of principal and interest on Farmers Home Administration loans prior to the initiation of foreclosure proceedings and to notify borrowers of all available assistance. This provision is important to the people of southwest Virginia; families in the Ninth Congressional District represent almost one-third of the total loans in Virginia from the Farmers Home Administration. These homeowners are not asking for handouts; they they are simply asking for our patience as they try to weather the current economic storm.

Homeownership plays a central role in the American way of life and the American dream. The increasing number of foreclosures on home mortgages threatens that dream and will have far-reaching effects on the individual, on the community, and ultimately, on the Nation. We must take this opportunity to reaffirm to the American people our commitment to extend full consideration to homeowners who are victims of these tough economic times. I urge your support of the Emergency Housing Assistance Act (H.R. 1983).●

● Mr. GOODLING. Mr. Chairman, H.R. 1983, the Emergency Housing Assistance Act of 1983, Chairman authorizes $760 million in fiscal year 1983 for emergency mortgage assistance to homeowners and $100 million in fiscal year 1983 for emergency shelter assistance for the homeless. On the face, this certainly seems like a piece of legislation which no legislator could vote against and justify such a vote to the voters back home. Well I intend to vote against this measure and would like to take this opportunity to explain my position.

First of all, it is precisely my deep concern for those who find themselves unemployed at this time which forces me to cast a negative vote because I believe it creates false hopes for those facing foreclosure. A new Federal assistance program costing taxpayers almost $1 billion, creating more redtape, and requiring homeowners to default on their mortgages, through a 60-day delinquency qualification rule, is not a workable solution. Furthermore, this is not a giveaway program for the delinquent mortgagor because it does require a payback with interest. Therefore, in order to get out of the financial hole in which the jobless homeowner finds himself, he must secure an even better paying job than the one he had, since his monthly payments will be much greater.

A far better solution would be for the financial institutions to realize that foreclosure is not in the best interest of anyone involved, and that what we need is forebearance during this period. This allows each mortgagor to be assessed on a personal need basis, and each institution to arrange a suitable payment schedule. Whenever the Federal Government decides to get involved in private sector affairs, it should not be through a quick-fix method. Responsibility to both the taxpayers and those in need, calls for thoughtful and careful deliberation of legislative measures rather than this type of popular image bill.●

● Mr. RANGEL. Mr. Speaker, I rise today in strong support of H.R. 1983, and would like to speak to the provisions of the bill which address the problem of the homeless.

It is tragic that a bill of this nature is necessary. The state of our economy is forcing Americans into financial straights unknown to this generation. Not since the policies of Herbert Hoover plunged us into the Great Depression have things been at this low an ebb.

Thanks to the disastrous policies of Reaganomics, a "new poor" have appeared and are rapidly becoming the "new homeless." These are men and women better educated and better trained than any homeless population we have seen in recent years who are out of jobs and simply have nowhere to go but the streets. In the late twenties we had "Hoovervilles," sprawling tent cities filled with homeless. In the 1980's we have Reaganvilles, full of men, women, and children who are finding that the American dream does not always include even a roof over your head.

Let me talk about the people turning to shelters. A study of recent arrivals to New York City mens' shelters yielded some absolutely astonishing figures: over one third of the new homeless are veterans; more than half have graduated from high school; at least 20 percent have attended college; 63 percent are under 40 years old.

The most telling statistic, however, is that 40 percent of those interviewed said that they were in the shelters because they had recently lost a job. The new homeless are the Nation's most graphic testament to both the economic and moral failure of Reaganomics.

Next fiscal year, New York City alone may spend as much as $60 million to shelter the homeless. Every night, with the help of our churches, synagogues and community groups, the government of the city of New York shelters between for and 5,000 homeless New Yorkers. For one city in one State of this great Nation to be spending that much money, demonstrates the magnitude of the problem. For while times are indeed tough in New York, we certainly have no monopoly on economic pain. And if we have a problem this big and this expensive-both in terms of dollars and cents and in terms of human suffering—you can be sure that the great cities all over this Nation have the same problem.

The money for the homeless in this bill, $100 million, will make a dent in the problem, but only a dent. It will not come close to solving it. There are going to be plenty of men, women and children who have no place to go even after we pass this bill. I would gladly support a bill for two or three or four times as much. But this is what we have before us, and it is a good beginning.

I am particularly pleased to see this legislation before us today, because many of the provisions relating to shelter for the homeless have been adopted from my own bill, the Emergency Shelter for the Homeless Act of 1983, H.R. 1950. It was my pleasure to work with Mr. VENTO of the Banking Committee on this, and I want to congratulate him on his hard and effective work on the problem.

I wholeheartedly urge a vote in favor of H.R. 1983.●

● Mr. ACKERMAN. Mr. Chairman, I rise in support of H.R. 1983, the Emergency Housing Assistance Act. This landmark bill would recognize and address the severe hardship faced by Americans across this Nation who, through no fault of their own, due to the deep recession plaguing the United States, are unable to meet their mortgage payments.

Under the amendment offered by my colleague and neighbor from New York, Mr. SCHUMER, this legislation would also provide assistance to tenants who find themselves, for the same reasons, unable to meet their rental payments.

Whether we are talking about people who live in houses they own, or in apartments they rent, we are dealing with families who are facing the human tragedy of being tossed out of their homes—homes they may have lived in for decades. These Americans face this terror not because they wish to shirk their legal responsibility to meet their financial obligations, but because they are overcome by an economic policy that has torn this Nation apart, forced record bankruptcies, and crushed the hopes and dreams of untold millions of Americans. This Congress has begun the hard work necessary to correct our economy, through measures such as the emergency jobs bill and first budget resolution. The Emergency Housing Assistance Act continues this important work.

Passage of this legislation will state clearly to the people of this Nation that the Congress will not turn its back on the victims of years of misguided economics. It will reassure American families that they will not be thrown into the streets if the recession steals their jobs.

There is another aspect of this bill that on which I would like to comment. This legislation provides $100 million for shelter and related services for homeless Americans.

This is a particularly significant time of the year to be providing for the needs of the homeless, because this is precisely the time of the year when public attention begins to drift away from their plight. As the temperature rises, and the flowers bloom, the emergency shelters in our cities, suburbs, and rural areas become less crowded—not because the homeless have, at last, found homes, but because they find shelter instead in our streets and parks, which once again are warm enough to be habitable.

The tragedy of the homeless is a problem that has concerned me for some time. Not too long ago, I spent a night undercover, disguised as a homeless man, in the New York City shelter system. The conditions there appalled me. But even more discouraging was the lack of faith and hope that the homeless persons in the shelter seemed to have for the future. Most of them did not believe that things would ever get better.

Mr. Chairman, this legislation before us would help make things better—for the homeless as well as for

those who have their homes now, and want to keep them.●

The CHAIRMAN. All time has expired under general debate.

Pursuant to the rule, each section of the bill shall be considered as having been read.

The Clerk will designate section 1.

Section 1 reads as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Housing Assistance Act of 1983".

□ 1640

Mr. GONZALEZ. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with my distinguished ranking minority member, the gentleman from Ohio (Mr. WYLIE), inasmuch as my understanding is that it is the desire to have the Committee rise at this point and then suspend for the day, not go into the 5-minute rule. The understanding is that it is agreed that there is no intention to engage in dilatory tactics, to impede the consideration during the amendatory processes of this legislation. It is labeled emergency legislation and it is done so in good faith.

My understanding is that this agreement on the part of the minority is that when we resume consideration now proposed for next Tuesday, a week from today, that we will be joined in terminating by 8 p.m. on the day that the debate is scheduled for the amendatory process, the proceedings thereon. I wanted to make sure that the RECORD reflected that understanding and no misunderstanding about it.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. WYLIE. It was suggested that we rise now and go over until Tuesday, at at that time begin the amendatory process.

It was my original understanding we were probably going to rise about 6 o'clock tonight anyhow and go over to another day.

It is not our purpose to engage in dilatory tactics, may I suggest to the gentleman from Texas.

Mr. GONZALEZ. Let me qualify. I did not say that. I said that I was assuming because I had been assured by the other leaders on the gentleman's side, and that is far from the intent.

Mr. WYLIE. I said I probably could be persuaded to do that if we could begin at a reasonable time too, which would mean our bill would come up first, and that we could begin the amendatory process by say 1 o'clock. If we did that, that would give us 7 hours to go through amendments, and it would be my feeling that probably would be ample.

But the gentleman from Arkansas (Mr. BETHUNE) has asked that we yield on that point, and I would ask that the gentleman yield to him.

Mr. BETHUNE. Will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Arkansas.

Mr. BETHUNE. It has been my experience since my election to the Congress that under the 5-minute rule oftentimes is the first opportunity to really develop the dynamics of the debate. I know that there are many Members on this side who have amendments that are serious amendments, well-intentioned amendments to try to make this legislation better.

Some of us oppose this altogether, which is my case. But we have not even started the 5-minute rule yet, and I think it is absolutely inconceivable that before we start the 5-minute rule that we would agree to a time limitation. We need to get into the debate and see how it develops.

That is the way we usually do things around here, even on matters that are likewise important. For instance, in the case of the nuclear freeze we are now in our third day of debate. Frankly, that legislation is not as complex as this legislation.

So I just want the gentleman to know that there is no such consensus on this side, and in the event any unanimous-consent request in that nature is propounded, I will object to it because it is not the way we do business here.

At some point later in that day, as the debate begins to unfold, if it appears that all Members have had adequate opportunity to get their amendments up, then I have been party to such agreements in the past. But I think it is premature at this point, and would state to the gentleman that that would be my intention clearly, irrevocably it would be my intention to object.

Mr. WYLIE. If the gentleman will continue to yield, I checked around on the floor and I would say to the gentleman from Texas, in good faith, and thought perhaps we could agree to the suggestion made by the chairman. But at the same time, I want to recognize the right of the gentleman from Arkansas to his position.

So may I respectfully suggest then that we just go ahead with the amendment process this evening, unless the gentleman wants the Committee to rise, which is fine with me. We can go over until Tuesday. We could then try to make the request at that time.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

(Mr. GONZALEZ, by unanimous consent, was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. I think the fact the gentleman from Arkansas referred to exactly what is happening with the freeze resolution was really a cause of concern. I have reviewed some of the amendments the gentleman himself has placed in the RECORD. The gentleman from Ohio will remember that we had some amendments presented by your side during the consideration of the bill that no reasonable mind could say were intended other than as objections to the prompt, expeditious consideration of the legislation in hand. So I see here that whatever understanding was relayed to me, in effect, is not substantial. So I move that we read the bill.

Mr. WYLIE. Would the gentleman yield on that point?

Mr. GONZALEZ. I yield to the gentleman.

Mr. WYLIE. I think it is our duty to protect the right of each individual to make his own case.

Mr. GONZALEZ. Absolutely.

Mr. WYLIE. The gentleman from Arkansas feels very strongly about this bill, and I would not suggest that the amendment that he is offering is offered as a dilatory tactic. It may be an improvement. But given that scenario of events, it probably would be the best thing for us to do now to go ahead with the bill this evening, and then maybe on Tuesday try to renew the motion to limit the time.

Mr. MITCHELL. Would my distinguished chairman yield to me?

Mr. GONZALEZ. I will be happy to yield.

Mr. MITCHELL. I am sympathetic with the gentleman from Arkansas. Lord knows there have been times when I have not had an opportunity to speak and I get furious. But it just seems to me as a practical arrangement, if we start with this bill first on Tuesday, maybe we could start around 1 o'clock, getting all the little 1-minute speeches out of the way, and have a target to end at 7 o'clock and not make it inflexible, just make that a target. If somebody wants to go beyond that, fine.

Is there any problem with that? Does the gentleman have a problem with that?

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has again expired.

(At the request of Mr. WYLIE and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. As I stated a little earlier, I do not personally have too much problem with that. I am not of a mind to delay or to offer amendments just for the purpose of delaying. I am not sure anyone else is going to do that.

At the same time, as I say, we do have an agreement on this side, and it seems to me that an agreement ought to encompass all of the Members on the minority side from the Committee

on Banking, Finance and Urban Affairs, which the gentleman from Arkansas is one. If he raises an objection to it, then I think we ought to follow his suggestion.

Mr. MITCHELL. Will the gentleman yield to me again?

Mr. GONZALEZ. I yield to the gentleman from Maryland.

Mr. MITCHELL. I thank my chairman for yielding. I guess I am trying to offer a compromise, which is most un-Mitchell-like.

But it just seems to me that if we say our objective is to complete within 7 hours, there would be an understanding that if we do not complete within 7 hours we keep on going until we do, and that just seems a reasonable approach. Would you have any objection to that?

Mr. BETHUNE. Absolutely not. I think it is good.

Mr. MITCHELL. The target would be for 7 hours then.

Mr. BETHUNE. Would the gentleman from Texas yield to me?

Mr. GONZALEZ. Yes; I yield to the gentlemen from Arkansas.

Mr. BETHUNE. I just want to make one final point and then I think we can put this aside, because I think the gentleman from Maryland has presented a sensible alternative to resolving the issue forever and ever right now We need to have targets like that. That is good.

The point I was making, and I think it is a good one, which I think is being recognized here, is that if you want to limit debate to 7 hours, you could get a rule to that effect, and in that fashion the mechanism of the House would have a chance to work, and everybody's rights would be protected. You could go through that sort of process which is available to you and, in fact, you could make it a closed bill if you wanted to.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has again expired.

(At the request of Mr. BETHUNE and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. GONZALEZ. I yield to the gentleman.

□ 1650

Mr. BETHUNE. So, I think we have struck on a fairly decent course of action. But I do not want to convey any false impressions. I really have found around here that some of the best work we have done, from this Member's perspective, is after we get into the dynamics of the debate and begin to alter the opinion of Members and sometimes it does go on maybe too long, but we always—in the spirit of free and open debate—always seem to come to the right conclusion somehow. I am not afraid of free and open debate. So, I think we have come to a fairly decent conclusion.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Ohio.

Mr. WYLIE. As I understand the suggestion that we move now that the Committee do now rise, that we come back on Tuesday, that this will be the first order of business and I assume this has been cleared with the majority leader so we would be put on the calendar as the first order of business and start at 1 and have as a target the 8 o'clock hour?

Mr. GONZALEZ. Let me say I cannot speak for the Speaker. Why do we not put it this way; it is our expectation it will be next Tuesday. Why not put it this way: Whatever day we do come back, we assume we will start at a reasonable hour. Certainly my intention is not to cut off anybody. If anybody believes in full, free, and untrammeled debate, it is I.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. PARRIS and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. PARRIS. Will the gentleman yield?

Mr. GONZALEZ. Glad to yield.

Mr. PARRIS. Mr. Chairman, I would like to add one other thought to the debate. What concerns me in part about this suggestion is that we are now considering the bill, open for amendment, section by section, and there are those of us who feel very strongly that some of the amendments pending are not in fact dilatory but are meritorious. It is possible if we have some understanding as to a period of limitation of debate, that if the debate consumes that period, then those of us who might have amendments in later sessions would be precluded. I submit to the gentleman that that is a serious concern about a preliminary agreement on debate limitation.

Mr. GONZALEZ. Mr. Chairman, I think from what the gentleman from Ohio has explained, after the gentleman from Arkansas explained himself, that that is reasonable, understanding enough.

I do not think it would be reasonable to go beyond that. So, I accept that. As I see it and expect it, I do not think that if we start promptly, say at the usual time—1, 1:30 p.m.—that by 8 p.m. anybody would be in a position where he had been shut off from the opportunity of offering amendments, assuming we do not have willful attempts to obstruct.

Mr. PEPPER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the able Member from Texas (Mr. GONZALEZ) for sponsoring this legislation.

If you look out over this country, and see how many homes have been lost under foreclosure, people have been taken away from the altars of their family because of economic conditions for which they are not responsible, you can appreciate the importance and the meaning of legislation like this.

I think the record shows that under the present economic conditions that we have there are more mortgage foreclosures than there have been at any time since the Great Depression.

We have had more bankruptcies and I believe more farm foreclosures. I think this administration, and if we do not do something about it, this Congress is delinquent in not having given greater assistance to the people of this country against those conditions than we have done so far.

And I base that upon the experience that this country had in the New Deal days. President Roosevelt was responsible for the establishment of the Home Owners Loan Corporation. And I know, because I was in the Senate at that time, that that organization saved thousands of homes for the people of this country.

Maybe you have never had a home sold under foreclosure, which you owned, where you had the family sentiments so embedded, but you can imagine what it meant to all of those people who have had their homes foreclosed away from them.

During the New Deal days, the Home Owners Loan Corporation not only saved thousands of homes for the people of this country but it made a great profit upon what it did.

Only a few evenings ago I met Mr. Brownstein, who was head of the FHA in those days. I asked him how much he thought the Home Owners Loan Corporation netted in profit from its operations during those days. He said, "I do not remember exactly but I believe it was somewhere in the neighborhood of $200 million."

I had lunch one day in the Senate restaurant about the time the organization terminated its activity. My recollection is that the then head told me it made a profit of $100 million. So, we are not talking about waste, extravagance, throwing the peoples' tax money to the winds. We are talking about saving the peoples' homes and making a profit in the operation. Why? Because everybody knows that America is going to come back, no matter how deep the depression may be.

I am one of the few in this Chamber who lived through the depths of those Depression days. I remember the time when my law firm, which was a fairly

successful little law firm, had a gross income of $30 one month—not net, that is gross. And there are a lot of other people in this country that were not making very much either in those desperate days.

So I knew then, as I know now, that America is always going to come back, no matter how deep the slough in which it may fall economically. We know that; the Congress knows it; the Executive knows it. Yet are we going to let people lose their businesses and their farms and their homes when we have a precedent in our past showing that they can be saved and the salvaging operation will make a profit?

So, today I want to commend the distinguished gentleman from Texas for taking the initiative. We are already tardy in this endeavor. We should have started a long time ago.

I hope, my dear friend, that your initiative here will bear great fruit and that before long the House will take the initiative with you in enacting this legislation, and will give a new ray of hope to those people who are distressed today, that they may keep their homes, because we know the country is going to prosper again.

Mr. GONZALEZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. AUCOIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1983) to amend certain housing and community development laws to provide emergency mortgage assistance to homeowners and emergency shelter for the homeless, had come to no resolution thereon.

□ 1700

REQUEST FOR PERMISSION FOR SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs be permitted to sit to mark up H.R. 1, the housing authorization bill, during the consideration tomorrow of amendments to House Resolution 13, the nuclear freeze resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. FIELDS. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Chair will state that there must be 10 Members objecting. Those Members objecting will stand.

(Messrs. WYLIE, PARRIS, BARTLETT, CHENEY, BETHUNE, HILER, ROBERT F. SMITH, ROBERTS, TAYLOR, Ms. FIEDLER, and Mrs. ROUKEMA also objected.)

The SPEAKER. A sufficient number has objected.

Objection is heard.

INTRODUCTION OF HIGH TECHNOLOGY EDUCATION PARTNERSHIP ACT

(Mr. AUCOIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. AUCOIN. Mr. Speaker, today I am pleased to be joined by the gentleman from Massachusetts (Mr. SHANNON) in introducing legislation which I have titled the High Technology/Education Partnership Act.

If you look up the definition of partnership, Webster will tell you that it means "a relationship involving close cooperation between parties having specified and joint rights and responsibilities, as in a common enterprise." Mr. Speaker, I can think of nothing which better fits that description than the role which the high-tech electronics industry and our institutions of higher education must play in the future for economic development.

To nurture that cooperative relationship, the legislation which I have introduced today will allow a 100-percent tax credit for any amount paid or incurred by a corporation to any qualified institution of higher education for the purposes of teaching courses in math, science, computer science, or engineering. It expands the R&D tax credit section of ERTA to allow contributions made by corporations to institutions of higher education for the teaching of such courses to be eligible for the tax credit.

Mr. Speaker, this is not only a logical extension of the research and development credit concept, it addresses one of the most critical needs of the high-tech electronics industry—the shortage of qualified personnel to sustain our state-of-the-art lead in this highly competitive field.

Many of our basic industries are capital intensive, and we find provisions in the Tax Code to encourage the formation of capital to sustain and promote those industries. The high-tech electronics industry is education intensive. It requires a pool of highly educated individuals to provide the intellectual cutting edge of this industry where state of the art knowledge is doubled every 18 months.

While the needs of our high-tech electronics industry are moving ahead at light speed, our ability to provide the trained personnel have fallen behind because of budget cuts and economic hard times. This is not the fault of our educational institutions, but merely a reflection of the fiscal hand cuffs binding schools and universities across the Nation.

So what are we to do? Stand idly by and wring our hands while this problem goes unresolved? Wait until "happy days are here again"?

I reject this notion and say to my colleagues that the time to act is now.

The U.S. Department of Labor predicts a 2,000-percent increase in employment among computer systems analysts and a 50-percent increase among electrical engineers from 1978 to 1990. The Futurist magazine predicts 1 million new jobs for computer programers by the turn of the century. Despite this need, our Nation is startlingly unprepared to face the future. Last year in my home State of Oregon, a State where high technology is the wave of today and tomorrow, higher education produced only one new physics/chemistry teacher. And this problem is not confined to Oregon. There are shortages of math and science teachers in virtually every school district in the United States. In 1981, 43 States reported a shortage of math teachers.

The legislation I am introducing today addresses this problem by providing an incentive for the private sector to infuse the funds needed by our higher education institutions for the instruction of math, science, engineering, and computer science. It will also target funds for the instruction of teachers in these fields. And these contributions should properly be treated as R&D expenses since they are investments in the future of a trained and highly skilled labor force.

I am pleased to be joined in this effort by my colleague Congressman SHANNON who has been a leader in developing the concept of R&D tax credits. I urge those Members who have an interest in the future of our high-tech electronics industry, and more importantly in the future education of those upon whom we will depend to carry this industry forward, to actively support this legislation.

I am inserting the text of this bill at this point in the RECORD; as follows:

H.R. 2591

A bill to amend the Internal Revenue Code of 1954 to provide, for purposes of the credit for increasing research activities and for the credit available with respect to certain basic research by colleges, universities, and certain research organizations, that qualified research expenses and basic research shall include expenses incurred in promoting the education and training of qualified individuals for future employment in the trade or business of the taxpayer

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (e)(1) of section 44F of the Internal Revenue Code of 1954 is amended

by striking "65 percent" and inserting in lieu thereof "100 percent".

(b) Subparagraph (e)(3) of section 44F of such Code (relating to credit available with respect to certain basic research by colleges, universities, and certain research organizations) is amended by striking out "not having a specific commercial objective, except that such terms shall not include—" and inserting in lieu thereof "not having a specific commercial objective, or the salaries and costs incurred for the instruction of courses in math, science, computer science, and engineering regardless of specific commercial objective."

(c) The amendments made by this act shall apply to taxable years ending after date of enactment.

DEPARTMENT OF ENERGY'S REPORT TO THE CONGRESS ON ALTERNATIVE FINANCING OF THE CLINCH RIVER BREEDER REACTOR PLANT PROJECT

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, 3 weeks ago I addressed this body on the administration's disturbing proposal to sell the National Oceanic and Atmospheric Administration's land and weather satellite system.

That proposal seemed to me to follow a pattern exposed in February by the Oversight Subcommittee of the Committee on Ways and Means in its hearing on the Department of Navy's decision to lease rather than purchase 13 TAKX cargo ships. Both of these schemes—the leasing of the ships and the sell and buy back of the weather satellites—shift much of the cost from the agency's budget to the tax expenditure budget and end up costing taxpayers much more in the long run.

I regret today, Mr. Speaker, the need to bring to my colleagues' attention yet another such plan to privatize a Government project.

The Department of Energy sponsored Breeder Reactor Corporation's Task Force Report on Alternative Financing Possibilities for the Clinch River Breeder Reactor Project provides nothing more than a bold blueprint for shifting the cost of the Clinch River breeder reactor from the Department of Energy's budget to the tax expenditure budget; that is, to the Federal Budget, and once again, the taxpayer gets it in the end.

To generate $1.1 billion in private investment, the task force proposes adding another $1.4 billion in DOE funds to the $1.5 billion already spent for the Clinch River breeder reactor, giving investors a 25 to 30 percent equity interest in the project, assuring a firm delivery date for the completed plant, providing a 20-year "hell-or-high-water" minimum purchase contract, and guaranteeing investors a minimum of $600 million in investment tax credits and rapid depreciation writeoffs.

As with the Navy's 13 TAKX cargo ships, and NOAA's land and weather satellite, this kind of privatization reduces the Federal agencies short-term budget, commits us to long-term, escalating expenditures, shifts the cost to the tax expenditure budget, and piles all the risks on the Federal Government, all in the name of free enterprise.

The tax consequences of the BRC Task Force proposal are blithely dismissed with the comment that "there should be no net loss to the Government * * * because any such (tax) benefits * * * will displace those that would otherwise have applied to new capacity displaced by the Clinch River breeder reactor."

This rationale conveniently ignores the fact that: First, the project—as conceded earlier in the report—could not be implemented without extensive Federal involvement; and second if the Government completes the project without private sector involvements as originally planned, no tax benefits would be claimed. Thus, there would be no tax loss.

As with other recent proposals for privatization, the tax benefits associated with private sector involvement in the Clinch River breeder reactor project represent real costs which must be fully considered in a cost analysis of financing alternatives for the project.

To ignore these costs is simply to be dishonest with the American people.

Agencies such as the Department of Navy, the National Oceanic and Atmospheric Administration; and, now, the Department of Energy cannot be allowed to show short-term budget savings while simply shifting expenditures over to the Federal Treasury and increasing the bite on Federal taxpayer in the process.

THE PEOPLE WANT THE TAX CUT!

(Mr. BETHUNE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, I respectfully disagree with the junior Senator of Arkansas and with liberals in the tax and spend crowd who say that Americans are willing to give up the third year of the tax cut due July 1, and I do this for three good reasons:

First reason: The people are smart enough to know that if the third year of the tax cut is repealed, that Congress would not use the revenue to reduce the deficit; Congress would simply spend their money as it has in the past. If anyone doubts that, they should look at the budget which was drafted by the liberals who control the House of Representatives, which was titled, "A Democratic Plan for Economic Recovery." In that document, the tax, spend and elect crowd called for $35 billion in new revenues for next year by repealing the third year, as well as raising other taxes, and they did not use it to reduce the deficit. They predictably increased runaway social spending that we have worked so hard to hold down over the past 2 years.

Second reason: The people also know that this is not a question of giving up a tax cut. Taxes have not been cut, and the average worker knows that. Taxes are going up. The tax changes that have been made in the last 2 years merely neutralized increases that were going to occur under our progressive tax system. When you consider the bracket creep that made people pay a higher percentage of tax as they were pushed into higher brackets by inflation, and when you consider the social security payroll tax increases and other taxes that have been laid on the people in the last few years, it is ludicrous to suggest that repeal of the third year is nothing more than cancellation of a tax cut. It is a tax increase, and it is a big one. In fact, if the big spenders and liberals are successful in the repeal of this third year of the tax cut, the average Arkansas family will pay $1,729 more in new taxes over the next 5 years. Most people just got through digging deep into their pockets to pay their Federal income tax, and I am quite sure they know that they cannot afford to pay $1,729 more to Uncle Sam so that Congress can poop it away by continuing the spending binge that is the real driving force behind the Federal deficit.

Third reason: No respected economist or close observer of budget and economic conditions has suggested that we should raise income taxes on the people just as we are coming out of a recession. To the contrary, almost everyone agrees that we should wait and see how the economy develops before we make any decisions on the revenue side. Who ever heard of raising taxes on people when they are just beginning to have a chance to work, save, produce, and invest—thus creating the growth that will do more to reduce budget deficits than anything else.

So, I respectfully disagree with the junior Senator from Arkansas and with others who believe that we would go back to the tax and spend policies of Jimmy Carter. The old liberal policies of the past got us into the mess we are in, and if we listen to those tho say we should raise the income tax so they can keep on spending, we will be right back where we were.

Some here in Washington may want to raise taxes so they can keep on spending, but the people do not, and

that is why they do not want to repeal the third year of the tax cut.

THE BOMBING OF THE AMERICAN EMBASSY IN LEBANON

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr PAUL. Mr. Speaker, yesterday's abhorrent attack on the U.S. Embassy in Lebanon was a well-planned and willful attack on the U.S Government. The bomb was expertly planted to inflict maximum property damage and high loss of human life. The death toll currently stands at 39, but is expected to rise as high as 80.

We must not minimize the seriousness of this bombing. Under international law, an Embassy and its grounds are considered to be the territory, not of the host country, but of the Embassy's country. Therefore, this bombing must be viewed as an attack on U.S. territory. I am appalled that there are some who are attempting to minimize the impact that this attack will have on the U.S. presence in Lebanon.

We in this body have essentially endorsed our entire policy in the Mideast on two occasions on June 16, 1981, the House approved House Resolution 159, a resolution commending Philip Habib for his efforts to negotiate a Mideast peace settlement. The resolution went further than simply patting Habib on the back, it encouraged the President to pursue a comprehensive and coordinated policy in Lebanon. Then on September 28, 1983, the House passed House Concurrent Resolution 409, a resolution regarding the massacre of Palestinians in Lebanon. I voted against this resolution for very specific reasons. While I abhored the massacre of Palestinian refugees, I felt compelled to vote against the resolution because it granted carte blanche to President Reagan in the Mideast, stating that he should "pursue every possible effort to bring peace to the Middle East." This is a dangerous policy to pursue.

The murderous blast that ripped through the Embassy was not an act of random violence. It was a carefully planned response to the U.S foreign policy of interventionism—a policy supported and encouraged by this body in resolutions such as the two I have just cited.

Since World War II, the United States has pursued an interventionist foreign policy. This policy has led to our involvement in distant regional conflicts that have no bearing on the genuine security interests of the United States. Often we have found ourselves in the awkward position of being allied to both sides of a conflict, as in the Falkland Islands crisis, and the Israeli-Lebanese conflict last summer. This policy has cost the United States $2 trillion since the end of World War II, and we have nothing to show for these huge expenditures.

In the Middle East, for example, we first gave economic and military aid to Israel, then we gave aid to Lebanon to help them rebuild from the Israeli attack on the PLO in Lebanon.

But the terrorist attack on our Embassy, while horrible and tragic, should come as no great surprise to anyone. There have been several attacks on U.S. marines stationed in Lebanon that should have forewarned us that such an event was imminent.

I agree with the gentleman from Arizona in the other body who is calling for the withdrawal of U.S. marines from Lebanon. As this gentleman wisely points out, the day that one U.S. marine is killed, we will have to answer the question, What do we do? I believe that with this attack on U.S. territory, and the death of American citizens, the time to answer that question has arrived. In order to avoid U.S. involvement in a Mideast war, we must remove our troops from the region immediately, and return to the historical and traditional American policy of nonintervention in the affairs of other nations.

NATIONAL COIN WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, this week, April 17 to 23, 1983, has been designated as National Coin Week. This distinct and well-deserved tribute to America's 8 million coin collectors is official recognition of the historical, cultural and educational significance of numismatics in the United States.

Though many of us think of coins as merely the loose change in our pockets we take out to make a purchase, they are also an integral part of our history. For example, like many national parks, buildings and statues, our Nation's coinage serves as a monument to America's distinguished leaders. Our circulating coins bear the likenesses of five former Presidents—Lincoln, Jefferson, Roosevelt, Washington, and Kennedy. And one of our most recent commemorative coins, the George Washington half-dollar, was struck to mark the 250th anniversary of the birth of the Nation's first Chief Executive.

Our official coinage also commemorates importants events in history. America's first commemorative coin was issued in 1892 for the Columbian Exposition held in Chicago. This year the Bureau of the Mint will strike the first commemorative silver dollar since the minting of the Lafayette dollar in 1900 to mark the occasion of the 1984 Los Angeles summer Olympics. And in 1984 we will see the issuance of both another Olympic silver dollar and the first official U.S. gold coin in 50 years—an Olympic commemorative $10 piece.

I can think of no more befiting an honor to those Americans who collect—and indeed treasure—this coinage than to officially set aside a week as National Coin Week. Over the next several days, America's coin collectors will share this passion with their neighbors all over the country through displays and educational forums. Thus, all Americans will have the opportunity to learn about this significant part of our national history. I salute our numismatists for their efforts to broaden the Nation's awareness of this important segment of our heritage.●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Montana (Mr. WILLIAMS) is recognized for 5 minutes.

● Mr. WILLIAMS of Montana. Mr. Speaker, I missed several votes April 12, 1983, due to illness. I want to make my position known on those measures considered by the House.

On the amendment to House Resolution 154 offered by Mr. WALKER, rollcall No. 49, I would have voted "no."

On the amendment to House Resolution 154 offered by Mr. SHUMWAY, rollcall No. 50, I would have voted "no."

On the passage of House Resolution 154, rollcall No. 51, I would have voted "yea."●

PATENT LAW AMENDMENTS OF 1983

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing the "Patent Law Amendments of 1983." The bill is contained in an executive communication dated March 11, 1983, from the Secretary of Commerce (Malcolm Baldrige) to you, Mr. Speaker. Due to the fact that my subcommittee—the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice—has not yet held hearings on the substantive changes to patent law proposed in the executive communication. I would like the record to reflect that I am introducing the bill by request. I refrain from taking a position on the proposal at this time.

Let me say at the outset that I agree with several of the premises upon which the bill is based. Congressional power to enact changes in the patent system is firmly established. Article I, section 8, clause 8 of the Constitution provides the foundation upon which

our national patent and copyright laws rest.

I might also add that I am a firm believer in the patent system. To quote from a former professor of mine and a world renowned expert in intellectual property law—John Stedman, professor of law, now retired, at the University of Wisconsin—during testimony before my subcommittee:

> There are many situations in which novel ideas are not likely to be implemented unless the initiator can be assured of an exclusive, or semi-exclusive, right for a limited time to enable him to reap sufficient reward to recoup his sunk investment and compensate him for the risks he takes. The need for this is greatest in those areas of invention and innovation where others, in the absence of such protection, can sit back and then move into the field without incurring the risk and costs of failure once the new idea has proved itself.

Hearings on industrial innovation and patent and copyright law amendments, the 96th Congress, 2d session (1980) at 188.

In short, a strong patent system insures the development and commercialization of new products and processes. Resultant industrial innovation is an essential component in the American economy. It also improves productivity, creates jobs, and promotes investments and international competitiveness. The net result is a higher standard of living for all Americans.

Of course, nobody is arguing that the Patent Law Amendments of 1983 will not accomplish all of these lofty objectives. On the contrary, if enacted, this reform is only part of a larger agenda of needed reforms in the patent, copyright and trademark area.

I now will present a brief sectional analysis of the proposed legislation. For those of you who need a more detailed explanation, in addition to talking to the committee staff you may wish to contact the Legislative Affairs Office of the Department of Commerce.

Section 1 of the bill provides a short title.

Section 2—the most significant provision in the bill—establishes a new, optional procedure by which an inventor may secure patent protection which is strictly defensive in nature. Under current law, there is no simple, practical method by which an inventor can protect his rights without obtaining a patent. The new procedure created by section 2 would confer an inventor with the same rights that a regular patent provides to prevent others from patenting the same invention. However, it would not permit the holder from excluding others from making, using or selling the invention. An application for a defensive patent under the section would not be subjected to the normal examination process. In the final analysis, section 2 would not only give inventors a form of protection cheaper and faster than they could get by applying for a traditional patent, but it also will save the Government substantial time and money as well.

Section 3 would allow an appeal from a second rejection of claims by an examiner who is not a primary examiner. This section would provide a remedy for an applicant who receives a second rejection from an examiner with partial signatory authority.

Section 4 provides authority for the Commissioner to set a shortened period for payment of an issue fee. It also deletes reference to partial payment, balance of the issue fee, and lapse for failure to pay the balance. Since October 1, 1982, the effective date of the fee provisions of Public Law 97-247, the issue fee has been a fixed amount.

Section 5 establishes a 1-month grace period from the date of filing of an international application for payment of the international, transmittal, and search fees.

Section 6 clarifies the effect of withdrawal of an international application on claims for the benefit of its filing date. The withdrawal of an international application designating the United States will not deprive an applicant of the right to claim the benefit of the filing date of such an international application, provided the claim is made before the international application is withdrawn. Stated otherwise, this clarifies that withdrawing the designation of the United States in an international application is comparable to abandoning a national application as far as a claim for an earlier filing date is concerned.

Section 7 sets forth several housekeeping amendments to establish greater flexibility in the Patent and Trademark Office for the handling of international applications. In addition, this section, by relaxing the requirements which international applicants must satisfy by the commencement of the national stage, gives international applicants benefits similar to those given national applicants by Public Law 97-247 with respect to the time for filing the national fee and oath or declaration.

Section 8 authorizes the Commissioner to require a verification of the translation of an international application or any other document pertaining thereto if the application or other document was filed in a language other than English. An authorization for the Commissioner to require verification in appropriate cases is necessary since subsection (c)(2) of section 371 was amended to remove the requirement that the translation be verified in all cases.

Section 9 of the bill is a conforming amendment deleting mention of the special fee in order to conform with a previous amendment in the bill.

Section 10 is a technical amendment which replaces the term "Patent Office" with "Patent and Trademark Office" to conform with the provisions of Public Law 93-596.

Section 11 is also a technical amendment to insure that no maintenance fees are charged for plant patents, regardless of when filed. Without this provision, plant patent owners whose applications were filed between the dates of enactment of Public Law 96-517 and Public Law 97-247 would be subject to payment of maintenance fees, while plant patent owners whose applications were filed outside those dates would not be subject to such fees. This provision eliminates that inconsistency.

Last, section 12 provides an effective date for the legislation. It makes sections 1-9 effective 6 months after enactment. The delay is intended to permit an orderly transition between the old and new procedures. Section 10 is made effective on enactment since this section makes no substantive changes in patent practice and merely reflects provisions which have previously been approved for the Patent and Trademark Office. Section 11 is also made effective on enactment in order to provide the immediate relief intended by that section.

To conclude, Mr. Speaker, my introduction of this bill assists the Secretary of Commerce and the Commissioner of Patents and Trademarks in placing the Department of Commerce's proposals on the platter of the 98th Congress. I urge my colleagues to take a hard and close look at the issues presented by the Patent Law Amendments of 1983. Considered collectively, these amendments arguably provide needed improvements to the country's patent system, thereby stimulating innovation, increasing productivity, and improving the lifestyle of all American citizens.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. SLATTERY (at the request of Mr. WRIGHT), for this week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Oklahoma, for 30 minutes, April 28.

(The following Members (at the request of Mr. COLEMAN of Texas) to

revise and extend their remarks and include extraneous material:)

Mr. HAMILTON, for 20 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. WILLIAMS of Montana, for 5 minutes, today.
Mr. KASTENMEIER, for 10 minutes, today.
Mrs. COLLINS, for 5 minutes, today.
Mrs. BOXER, for 5 minutes, April 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FIELDS) and to include extraneous matter:)

Mr. DREIER of California.
Mr. MORRISON of Washington.
Mr. MICHEL.
Mr. KEMP.
Mr. GILMAN.
Mr. ERLENBORN.
Mr. WOLF.
Mr. YOUNG of Florida.
Mr. COATS.
Mr. MCGRATH.
Mr. FIELDS.

(The following Members (at the request of Mr. COLEMAN of Texas) and to include extraneous matter:)

Mr. COLEMAN of Texas.
Mr. LEVITAS in two instances.
Mr. MAVROULES.
Mr. BARNES.
Mr. FAZIO in two instances.
Mr. MARKEY in three instances.
Mr. MOODY.
Mr. PEPPER.
Mr. MOAKLEY.
Mr. OTTINGER in five instances.
Mr. RAHALL.
Mr. SHELBY.
Mr. FROST.
Mr. KOGOVSEK.
Mr. GARCIA.
Mr. CLAY.
Mr. PATTERSON.
Mr. LELAND.
Mr. WEISS of New York.
Mr. HOWARD.
Mr. GEJDENSON.
Ms. FERRARO.
Mr. RANGEL.
Mr. FEIGHAN.
Mr. BOUCHER.
Mr. RICHARDSON.
Mr. BERMAN.
Mrs. BOGGS.
Mr. WIRTH in two instances.

ADJOURNMENT

Mr. COLEMAN of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.) under its previous order, the House adjourned until Wednesday, April 20, 1983 at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

943. A communication from the President of the United States, transmitting a detailed technical assessment review of U.S. strategic forces, pursuant to subsection 7 of title V, Public Law 97-377 (H. Doc. No. 98-49); to the Committee on Appropriations and ordered to be printed.

944. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the international energy program to April 21 and 22, 1983, in Paris, France; to the Committee on Energy and Commerce.

945. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting copy of a memorandum prepared by the ICRC and LICROSS transmitted to the U.S. mission at Geneva with regard to recognition of the Red Shield of David of the Magen David Adom Society of Israel by the League of Red Cross Societies, pursuant to House Resolution 580, 97th Congress; to the Committee on Foreign Affairs.

946. A letter from the Director of Legislative Affairs, Agency for International Development, transmitting notice of a delay until May 15, 1983, in the submission of the Agency's seventh annual report on title XII of the Foreign Assistance Act, pursuant to section 300 of the Foreign Assistance Act, as amended; to the Committee on Foreign Affairs.

947. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

948. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

949. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to reauthorize for 3 years the revenue sharing program of general-purpose fiscal assistance to local governments, and for other purposes; to the Committee on Government Operations.

950. A letter from the Director of Administration, Department of Energy, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

951. A letter from the Acting Director, U.S. Information Agency, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

952. A letter from the Secretary of Energy, transmitting the 1982 annual report of the Bonneville Power Administration, pursuant to section 4(h)(12)(B) of Public Law 96-501; to the Committee on Interior and Insular Affairs.

953. A letter from the Administrator of Small Business, transmitting a draft of proposed legislation to amend the Small Business Act to totally remove agricultural enterprises from eligibility for assistance under the Small Business Administration's disaster and business loan programs; to the Committee on Small Business.

954. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to clarify the authority of the Administrator to permit a Federal fiduciary, administratively appointed by the Veterans' Administration, to deduct from the beneficiary's estate a modest commission for fiduciary services; to the Committee on Veterans' Affairs.

955. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to increase rates of compensation for service-disabled veterans and rates of dependency and indemnity compensation payable to certain veterans' survivors; to the Committee on Veterans' Affairs.

956. A letter from the Assistant Secretary of State (Congressional Relations), transmitting a draft of proposed legislation to amend the Arms Export Control Act; to the Committee on Foreign Affairs.

957. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1980 and other statutes affecting the Department; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATTERSON (for himself, Mr. BEREUTER, Mr. LOWRY of Washington, Mr. GARCIA, and Mr. TORRES):

H.R. 2586. A bill to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FUQUA:

H.R. 2587: A bill to authorize appropriations to the Department of Energy for civilian research and development programs for the fiscal year 1984; to the Committee on Science and Technology.

By Mr. PEASE (for himself, Mr. DOWNEY of New York, Mr. ENGLISH, Mr. GUARINI, and Mr. HEFTEL of Hawaii):

H.R. 2588. A bill to amend the Tariff Act of 1930 regarding the public disclosure of certain manifest information; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. PICKLE, Mr. ANDREWS of Texas, Mr. BARTLETT, Mr. BEVILL, Mr. BROOKS, Mr. BRYANT, Mr. CAMPBELL, Mr. DE LA GARZA, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. ERDREICH, Mr. FIELDS, Mr. FLIPPO, Mr. FROST, Mr. GONZALEZ, Mr. GRAMM, Mr. RALPH M. HALL, Mr. SAM B. HALL, JR., Mr. HANCE, Mr. HARTNETT, Mr. HIGHTOWER, Mr. LEATH of Texas, Mr. LELAND, Mr. LOEFFLER, Mr. NICHOLS, Mr. PATMAN, Mr. PAUL, Mr. SHELBY, Mr. SPENCE, Mr. SPRATT, Mr. STENHOLM, Mr. VANDERGRIFF, and Mr. WILSON):

H.R. 2589. A bill to amend the Internal Revenue Code of 1954 to exempt holdings in independent local newspapers from taxes on excess business holdings of private foundations; to the Committee on Ways and Means.

By Mr. AUCOIN:

H.R. 2590. A bill to amend the Agricultural Adjustment Act to authorize marketing research and promotion projects, including paid advertising, for filberts; to the Committee on Agriculture.

By Mr. AUCOIN (for himself and Mr. SHANNON):

H.R. 2591. A bill to amend the Internal Revenue Code of 1954 to provide, for purposes of the credit for increasing research activities and for the credit available with respect to certain basic research by colleges, universities, and certain research organizations, that qualified research expenses and basis research shall include expenses incurred in promoting the education and training of qualified individuals for future employment in the trade or business of the taxpayer; to the Committee on Ways and Means.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 2592. A bill to transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes; to the Committee on Government Operations.

By Mr. DAVIS:

H.R. 2593. A bill to restrict the importation of iron ore and steel mill products; to the Committee on Ways and Means.

H.R. 2594. A bill to restrict the importation of copper, copper bearing ores and materials, copper alloys and their so-called basic shapes and forms; to the Committee on Ways and Means.

By Mr. DREIER of California:

H.R. 2595. A bill to amend the Internal Revenue Code of 1954 to allow an individual's spouse to receive the usual fee for service as a juror without losing eligibility for certain retirement savings provisions relating to nonworking spouses; to the Committee on Ways and Means.

By Mr. EDGAR:

H.R. 2596. A bill to name the Veterans' Administration Medical Center in Altoona, Pa., as the "James E. Van Zandt Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN (for himself and Mr. BARTLETT):

H.R. 2597. A bill to amend the Rehabilitation Act of 1973, to increase flexibility and simplify grant programs to States for vocational rehabilitation, to improve rehabilitation services for the severely handicapped, to modify certain discretionary grant programs providing essential services and resources specifically designed for handicapped individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 2598. A bill to amend the Omnibus Education Reconciliation Act of 1981 to prevent the ratable reduction of payments with respect to entitlements established under section 2 of Public Law 874 (81st Congress); to the Committee on Education and Labor.

By Mr. FLORIO (for himself, Mr. RICHARDSON, Mrs. BOXER, Mr. CROCKETT, Mr. ECKART, Mrs. HALL of Indiana, Mr. EDGAR, Mr. MORRISON of Connecticut, Mr. DASCHLE, Mr. EDWARDS of Oklahoma, Mr. MITCHELL, Mr. MRAZEK, Mr. BERMAN, Mr. GILMAN, Mr. BEDELL, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FRANK, Mr. BEILENSON, Mr. SMITH of Florida, Mr. VENTO, Mr. SAM B. HALL, JR., Mr. HATCHER, Mr. ROE, Mr. WEISS, Mr. JEFFORDS, Mr. RATCHFORD, Mr. JACOBS, Mr. WOLPE, Mr. WEAVER, Mr. BARNES, and Mr. VANDERGRIFF):

H.R. 2599. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to repeal the section allowing deductions for payments which are illegal under Federal law to foreign government officials or employees; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. EDWARDS of California, Mrs. BOXER, Mr. BOSCO, Mr. DELLUMS, Mr. STARK, Mr. LANTOS, Mr. COELHO, Mr. PANETTA, Mr. LEHMAN of California, Mr. ROYBAL, Mr. BERMAN, Mr. LEVINE of California, Mr. DYMALLY, Mr. HAWKINS, Mr. THOMAS of California, Mr. LEWIS of California, Mr. LOWRY of Washington, Mr. PATTERSON, Mr. TORRES, Mr. MARTINEZ, Mr. DIXON, Mr. WRIGHT, Mr. AUCOIN, Mr. D'AMOURS, Mr. GARCIA, Mr. EVANS of Illinois, Mr. REID, Mr. WEISS, Mr. RATCHFORD, Mrs. KENNELLY, Mr. WIRTH, Mr. AKAKA, Mr. ANNUNZIO, Mr. ROSTENKOWKSI, Mr. GLICKMAN, Mr. RICHARDSON, Mr. EARLY, Mr. BIAGGI, Mr. ROSE, Mr. LEATH of Texas, Mr. OBEY, Mr. BREAUX, Mr. GEJDENSON, Mr. HUGHES, Mr. PASHAYAN, Mr. ERLENBORN, Mr. MINETA, Mr. BATES, Mrs. SCHROEDER, Mr. FAZIO, Mr. DANIEL B. CRANE, Mr. PHILIP M. CRANE, Mr. DAVIS, Mr. OXLEY, Mr. GREGG, Mr. ARCHER, Mr. CONABLE, Mr. GOODLING, Mr. SHANNON, Mr. MAVROULES, Mr. BONIOR of Michigan, Mr. OBERSTAR, Mr. SABO, Mr. FOWLER, Mr. JENKINS, Mr. BENNETT, Mr. UDALL, Mr. SEIBERLING, Mr. HAMILTON, Mrs. BOGGS, Mr. ROEMER, Mr. MITCHELL, Mr. GARCIA, Mr. DOWNEY of New York, Mr. RUSSO, Mr. MCHUGH, Mr. SCHUMER, Mr. JONES of North Carolina, Mr. WISE, Mr. WEAVER, Mr. MURTHA, Mr. WALGREN, Mr. COLEMAN of Texas, Mr. YOUNG of Alaska, Mr. KRAMER, and Mr. LUJAN):

H.R. 2600. A bill to dedicate the Golden Gate National Recreation Area to Phillip Burton; to the Committee on Interior and Insular Affairs.

By Mr. GEKAS:

H.R. 2601. A bill to establish rational criteria for the imposition of the sentence of death, and for other purposes; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 2602. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1984, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. JONES of Oklahoma, Mr. PEASE, Mr. CONABLE, and Mr. FRENZEL):

H.R. 2603. A bill to extend nondiscriminatory treatment and other trade benefits to the Hungarian People's Republic during the 5-year period beginning on July 1, 1983; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 2604. A bill to amend the Federal Reserve Act to provide that the President shall appoint additional members to the Board of Governors of the Federal Reserve System to represent the interests of small business, organized labor, agriculture, and small financial institutions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOWARD (for himself, Mr. SNYDER, Mr. YOUNG of Missouri, and Mr. SHAW) (by request):

H.R. 2605. A bill authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself and Mr. YOUNG of Missouri) (by request):

H.R. 2606. A bill to amend Public Law 96-432 relating to the U.S. Capitol Grounds to authorize additional funds for the acquisition of property for addition to the U.S. Capitol Grounds and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUGHES:

H.R. 2607. A bill to amend title 5, United States Code, to liberalize certain provisions authorizing reimbursement for expenses of sale and purchase of a residence upon the transfer of a Federal employee; to the Committee on Government Operations.

By Mr. IRELAND:

H.R. 2608. A bill to amend the Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KASTENMEIER:

H.R. 2609. A bill to allow the Court of Appeals for the District of Columbia to retain the marshal in office on the date of enactment of the Federal Courts Improvement Act of 1982; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself and Mr. MOORHEAD):

H.R. 2610. A bill to amend the patent laws of the United States; to the Committee on the Judiciary.

By Mr. KOGOVSEK:

H.R. 2611. A bill to provide that certain amounts received by the Southern Ute Tribe of the Southern Ute Reservation or members of such tribe shall not be taxable or taken into account for certain other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MURTHA:

H.R. 2612. A bill to reestablish the Reconstruction Finance Corporation, to authorize such Corporation to perform its traditional lending functions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2613. A bill to establish the Veterans' Administration as an executive department; to the Committee on Government Operations.

By Mr. MONTGOMERY:

H.R. 2614. A bill to amend title 10, United States Code, to establish a Foundation for the Advancement of Military Medicine, and for other purposes; to the Committee on Armed Services.

By Mr. OTTINGER (for himself, Mr. BRYANT, Mr. SWIFT, Mr. EDGAR, Mr. MARKEY, and Mr. SCHEUER):

H.R. 2615. A bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other pur-

poses; to the Committee on Energy and Commerce.

By Mr. PORTER:

H.R. 2616. A bill to amend the Sherman Act to make unlawful the attempt to enter into a contract, a combination, or a conspiracy in restraint of trade; to the Committee on the Judiciary.

By Mr. RODINO (by request):

H.R. 2617. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SHELBY (for himself, Mr. MONTGOMERY, Mr. SMITH of New Jersey, Mr. EDGAR, Mr. EVANS of Illinois, and Mr. RICHARDSON):

H.R. 2618. A bill to amend chapter 37 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide mortgage assistance to veterans with loans guaranteed by the Veterans' Administration in order to avoid foreclosure of such loans; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H.R. 2619. A bill to amend title 18 of the United States Code to provide a more stringent penalty for certain willful destruction, alteration, or abuse of equipment and other resources vital to the operation of the Federal social security system; to the Committee on the Judiciary.

H.R. 2620. A bill to establish a National Commission on Science, Engineering, and Technology Education; jointly, to the Committees on Armed Services and Education and Labor.

By Mr. SWIFT:

H.R. 2621. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1984; to the Committee on House Administration.

By Mr. VOLKMER:

H.R. 2622. A bill to authorize action by the Army Corps of Engineers in Franklin County, Mo., to prevent flood damage along the Meramec River; to the Committee on Public Works and Transportation.

By Mrs. VUCANOVICH:

H.R. 2623. A bill to deauthorize the Humboldt River flood control project, Nevada; to the Committee on Public Works and Transportation.

By Mr. WEISS (for himself, Mr. WAXMAN, Mr. LOWRY of Washington, Mr. AUCOIN, Mr. STUDDS, Mr. YATES, Mr. TORRICELLI, Mr. FRANK, Mr. TOWNS, Mr. SOLARZ, Mr. FAUNTROY, Mr. DELLUMS, Mr. CLAY, Mr. MILLER of California, Mrs. BOXER, Mr. SUNIA, Mrs. SCHROEDER, Mr. DIXON, Mr. WEAVER, Mr. GARCIA, Mr. FAZIO, Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Mr. BERMAN, Mr. BATES, Mr. MCKINNEY, Mr. CROCKETT, Mr. MITCHELL, Mr. EDGAR, Mr. GREEN, Mr. LEVINE of California, Mr. ROYBAL, Mr. RANGEL, Mr. KOSTMAYER, Mr. SABO, Mr. STARK, Mr. DYMALLY, Mrs. COLLINS, Mr. BONIOR of Michigan, Mr. FOGLIETTA, Mr. SIKORSKI, Mr. WHEAT, Mr. LEHMAN of Florida, Mr. STOKES, Mr. SHANNON, Mr. BARNES, Mr. HOWARD, Mr. LELAND, Ms. MIKULSKI, Mr. CONYERS, Mr. BORSKI, Mr. RICHARDSON, Mr. MATSUI, Mr. PANETTA, Mr. DICKS, Mr. COYNE, Mr. HOYER, Mr. SCHUMER, and Mr. GRAY):

H.R. 2624. A bill to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. COELHO:

H.J. Res. 239. Joint resolution designating October 2, 1983, as a national day of recognition for Mohandas K. Gandhi; to the Committee on Post Office and Civil Service.

By Mr. CROCKETT:

H.J. Res. 240. Joint resolution proclaiming Nomzamo Winnie Mandela to be an honorary citizen and condemning her banishment to Brandfort, South Africa; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. CROCKETT (for himself, Mr. CONYERS, Mr. DELLUMS, Mr. DOWNEY of New York, Mr. DYMALLY, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. GRAY, Mr. LELAND, Mr. MITCHELL, Mr. STOKES, Mr. WASHINGTON, and Mr. YATRON):

H.J. Res. 241. Joint resolution proclaiming Nelson Mandela to be an honorary citizen of the United States, and requesting his unconditional release from prison in South Africa; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. WISE:

H. Res. 163. Resolution to recognize the city of Nitro, W. Va., as a living memorial to World War I; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of the rule XXII, memorials were presented and referred as follows:

85. By the SPEAKER: Memorial of the Legislature of the State of New Mexico, relative to the Southwestern Indian Polytechnic Institute, Albuquerque, N. Mex.; to the Committee on Education and Labor.

86. Also, memorial of the Legislature of the Commonwealth of Massachusetts, relative to Federal children's programs; to the Committee on Government Operations.

87. Also, memorial of the Senate of the State of New Mexico, relative to a tourist facility at the Four Corners Area, N. Mex.; to the Committee on Interior and Insular Affairs.

88. Also, memorial of the Senate of the State of New Mexico, relative to withholding of interest on dividends; to the Committee on Ways and Means.

89. Also, memorial of the Senate of the State of New Mexico, relative to a bilateral and verifiable freeze of nuclear weapons; jointly, to the Committees on Armed Services and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HATCHER:

H.R. 2625. A bill for the relief of Maj. Ralph Edwards, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 2626. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Tri Star* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. AKAKA, Mr. AUCOIN, Mr. BARNES, Mr. BATES, Mr. BERMAN, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BONKER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN of California, Mr. CLAY, Mr. CLINGER, Mr. COELHO, Mrs. COLLINS, Mr. CONYERS, Mr. CORRADA, Mr. COYNE, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DIXON, Mr. DOWNEY of New York, Mr. DURBIN, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Ms. FERRARO, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK, Mr. FROST, Mr. GARCIA, Mr. GINGRICH, Mr. GONZALEZ, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mrs. HALL of Indiana, Mr. HAWKINS, Mr. HEFTEL of Hawaii, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. MCGRATH, Mr. MARKEY, Mr. MATSUI, Mr. MAVROULES, Ms. MIKULSKI, Mr. MINETA, Mr. MINISH, Mr. MITCHELL, Mr. MOAKLEY, Mr. MURPHY, Ms. OAKAR, Mr. OBERSTAR, Mr. OTTINGER, Mr. OWENS, Mr. PATTERSON, Mr. PEASE, Mr. PEPPER, Mr. PRICE, Mr. PRITCHARD, Mr. RATCHFORD, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SAVAGE, Mrs. SCHNEIDER, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SIMON, Mr. SMITH of Florida, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. TOWNS, Mr. UDALL, Mr. VANDERGRIFF, Mr. VENTO, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WILSON, Mr. WOLPE, Mr. WON PAT, Mr. WYDEN, Mr. YATES, and Mr. WHEAT.

H.R. 393: Mr. LEHMAN of California.

H.R. 408: Mr. BERMAN, Mr. SWIFT, Mrs. SCHNEIDER, Mr. MCCANDLESS, and Mr. WILSON.

H.R. 500: Mr. CHANDLER and Mr. SCHAEFER.

H.R. 750: Ms. MIKULSKI, Mr. EMERSON, Mr. GARCIA, Mr. SABO, Mr. DYSON, Mr. MORRISON of Washington, Mr. EDGAR, Mr. HORTON, Mr. CROCKETT, Mr. LAGOMARSINO, Mr. WHITLEY, Mr. OXLEY, Mr. PATMAN, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. BARNES, Mr. DAUB, Mr. HUGHES, Mr. OTTINGER, Mr. GRADISON, Mr. EVANS of Iowa, Mr. SUNIA, Mr. FAZIO, Mr. STANGELAND, Mr. BEDELL, Mr. O'BRIEN, Mr. GLICKMAN, Mr. RINALDO, and Mr. WIRTH.

H.R. 904: Mr. CARPER, Mr. CLINGER, Mr. DE LUGO, Mr. DYMALLY, Mr. ECKART, Mr. FEIGHAN, Mr. GUARINI, Mr. HARKIN, Mr. LEVIN of Michigan, Mr. MATSUI, Mr. MINETA, Ms. OAKAR, Mr. RICHARDSON, Mr. SABO, Mr. SHANNON, Mr. SUNIA, Mr. WEAVER, Mr. WEISS, and Mr. WOLPE.

H.R. 905: Mr. SIMON and Mr. FORSYTHE.

H.R. 1015: Mr. LANTOS.

H.R. 1016: Mr. RAHALL, Mrs. KENNELLY, Mr. MOLINARI, and Mr. LANTOS.

H.R. 1031: Mr. KOGOVSEK.

H.R. 1046: Mr. RIDGE.

H.R. 1054: Mr. CHANDLER.

H.R. 1172: Mr. CONYERS.

H.R. 1234: Mr. RICHARDSON, Mr. SAM B. HALL, JR., Mr. LUKEN, Mr. EDGAR, Mr. MARKEY, Ms. OAKAR, Mr. GARCIA, Mr. VOLKMER, Mr. FOWLER, Mrs. SCHROEDER, Mr. LELAND, Mr. ROYBAL, Mr. MINISH, Mr. MCCLOSKEY, and Mr. MARTINEZ.

H.R. 1242: Mr. ANDREWS of Texas, Mr. ASPIN, Mr. BRYANT, Mr. DWYER of New

Jersey, Mr. GEPHARDT, Mr. GUARINI, Mr. SAM B. HALL, JR., Mr. HALL of Ohio, Mr. HOWARD, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. LELAND, Mr. MATSUI, Mr. MITCHELL, Mr. OBERSTAR, Mr. ROTH, Mr. STOKES, Mr. WILLIAMS of Montana, Mr. WORTLEY, Mr. WYDEN, and Mr. FOGLIETTA.

H.R. 1249: Mr. KOSTMAYER and Mr. MILLER of California.

H.R. 1264: Mr. LEVIN of Michigan and Mr. BARNES.

H.R. 1341: Mr. CHAPPIE, Mr. STARK, Mr. LOWRY of Washington, Mr. FISH, Mr. MILLER of California, Mr. THOMAS of California, Mr. PANETTA, Mr. MINETA, Mr. ZSCHAU, and Mr. FORSYTHE.

H.R. 1398: Mr. CARPER.

H.R. 1405: Mr. MICHEL, Mr. DURBIN, and Mr. IRELAND.

H.R. 1436: Mr. WILLIAMS of Montana and Mr. GORE.

H.R. 1494: Mr. PARRIS and Mr. GINGRICH.

H.R. 1544: Mr. CHAPPELL.

H.R. 1554: Mr. D'AMOURS, Mr. NOWAK, Mr. QUILLEN, and Mr. MCEWEN.

H.R. 1587: Mr. ECKART, Mr. HORTON, Mr. NIELSON of Utah, and Mr. VANDERGRIFF.

H.R. 1592: Mr. DASCHLE.

H.R. 1595: Mr. BATES, Mr. DIXON, Mr. DWYER of New Jersey, Mr. UDALL, Mr. SEIBERLING, Mr. ALBOSTA, Ms. SNOWE, Mr. MAVROULES, Mr. HOWARD, Mr. WEAVER, Mr. TORRICELLI, Mr. MACKAY, Mr. SHARP, Mr. CONYERS, Mr. PATTERSON, Mr. CARR, Mr. EVANS of Illinois, and Mr. SIKORSKI.

H.R. 1693: Mr. WEISS.

H.R. 1706: Mr. FAZIO, Mr. STENHOLM, Mr. MAZZOLI, Mr. LIPINSKI, Mr. SHUMWAY, Mr. ZSCHAU, Mrs. SCHNEIDER, and Mr. LEHMAN of Florida.

H.R. 1730: Mr. KASICH, Mr. TAUZIN, Mr. DANIEL, and Mrs. BOGGS.

H.R. 1752: Mr. TOWNS, Mr. MITCHELL, Mr. FAUNTROY, Mr. CROCKETT, Mr. DONNELLY, Mr. KOLTER, Mr. BIAGGI, Mr. MOLINARI, Mrs. SCHNEIDER, Mr. MINISH, Mr. HERTEL of Michigan, Mr. GRAY, and Mr. ASPIN.

H.R. 1755: Mr. BARNARD, Mr. LANTOS, Mr. STOKES, Mr. CONYERS, Mr. STANGELAND, Mr. HARKIN, Mr. DUNCAN, Mr. RAHALL, Mr. STRATTON, Ms. KAPTUR, Mr. LELAND, Mr. WYDEN, Mr. FORSYTHE, Mr. ASPIN, and Mr. FORD of Tennessee.

H.R. 1795: Mr. NICHOLS.

H.R. 1797: Mr. OBERSTAR, Mr. STARK, Mr. SCHUMER, Mr. WHEAT, Mr. DELLUMS, Mr. DONNELLY, Mr. PATTERSON, Mr. ZSCHAU, and Mr. FEIGHAN.

H.R. 1817: Ms. KAPTUR, Mr. GARCIA, Mr. CONYERS, Mr. PATTERSON, Mr. RANGEL, and Mr. BEDELL.

H.R. 1881: Mr. BONIOR of Michigan, Mr. CLINGER, Mr. FRENZEL, Mrs. HALL of Indiana, Mr. KASICH, Mr. LELAND, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. NIELSON of Utah, Mr. PATMAN, Mr. SHELBY, Mr. SUNIA, and Mr. TAUKE.

H.R. 1905: Mr. SAM B. HALL, JR., Mr. WILSON, Mr. KASICH, Mr. MCCURDY, Mr. STOKES, Mr. MOLLOHAN, Mr. LOEFFLER, and Mr. CONTE.

H.R. 1918: Mr. RUSSO and Mr. NEAL.

H.R. 2012: Mr. ROE, Mr. YATES, Mr. CONYERS, Mr. SIKORSKI, Mr. ST GERMAIN, Mr. MITCHELL, Mr. DELLUMS, Mr. FAUNTROY, and Ms. KAPTUR.

H.R. 2034: Mr. CROCKETT, Mr. YATES, Mr. WEAVER, Mr. FAUNTROY, Mr. KASTENMEIER, Mr. FRANK, Mr. BERMAN, Mr. ECKART, Ms. KAPTUR, Mr. GRAY, Mr. FORSYTHE, and Mr. EDGAR.

H.R. 2053: Mr. BEDELL, Mr. DUNCAN, Mr. HEFNER, and Mr. HUGHES.

H.R. 2059: Mr. MAVROULES, Mr. VENTO, Mr. KILDEE, Mr. MORRISON of Connecticut, Mr. LANTOS, Mr. LELAND, Mr. DYMALLY, Mrs. HALL of Indiana, Mr. MRAZEK, Mr. EDGAR, Mr. HOYER, Mr. BERMAN, Mr. FORD of Tennessee, Mr. RATCHFORD, Mr. SEIBERLING, Mr. FAZIO, Mr. EDWARDS of California, Mr. MINETA, Mr. HERTEL of Michigan, Mr. STARK, Mr. LONG of Maryland, Mr. MCKERNAN, Mr. WAXMAN, Mr. MOAKLEY, Mr. SHANNON, Mr. LEHMAN of California, and Mr. PATTERSON.

H.R. 2099: Mr. PORTER, Mr. MARRIOTT, Mr. SAM B. HALL, Jr., Mr. YATES, Mr. MARKEY, Mr. KINDNESS, Mr. LELAND, Mr. AKAKA, Mr. ROE, Mrs. SCHROEDER, Mr. LAGOMARSINO, Mr. STOKES, Mr. WORTLEY, Mr. ROTH, Mr. BARNES, Mr. KILDEE, Mr. BROWN of Colorado, Mr. STANGELAND, Mr. WALGREN, and Ms. KAPTUR.

H.R. 2100: Mr. PEASE, Mr. YATES, Mr. FRANK, Mr. MARKEY, Mr. SMITH of Florida, Mr. HOWARD, Mr. ROE, Mrs. SCHROEDER, Mr. WORTLEY, Mr. BARNES, Mr. RATCHFORD, Mr. KILDEE, Mr. WALGREN, and Ms. KAPTUR.

H.R. 2124: Mr. FLIPPO, Mr. CHAPPIE, Mr. MCDADE, Mr. STUMP, Mr. MCCAIN, Mr. CHENEY, Mr. OBERSTAR, Mr. MONTGOMERY, Mr. GREGG, Mr. NIELSON of Utah, Mr. SHUMWAY, Mr. RUDD, Mr. WYDEN, Mr. SMITH of New Jersey, Mr. BLILEY, Mr. MCNULTY, Mr. MURTHA, Mr. WHITTAKER, Mr. VOLKMER, Mr. MCEWEN, Mr. ANTHONY, Mr. WOLPE, and Mr. RAY.

H.R. 2151: Mr. PORTER, Mr. NIELSON of Utah, Mr. CHAPPIE, Mr. BLILEY, Mr. RITTER, and Mr. FORSYTHE.

H.R. 2193: Mr. NIELSON of Utah, Mr. FORSYTHE, Mrs. KENNELLY, Mr. REID, Mr. OLIN, Mr. BREAUX, and Mr. BARNES.

H.R. 2204: Mr. WALGREN, Mr. BONIOR of Michigan, Mr. MITCHELL, Mr. DUNCAN, Mrs. KENNELLY, Mr. LONG of Maryland, Mr. FAUNTROY, Mr. KASICH, Mr. FRANK, Mr. KINDNESS, Mr. NEAL, Mr. YOUNG of Alaska, Mr. GINGRICH, Mr. DE LA GARZA, Mr. SCHUMER, Mr. STOKES, Mr. KASTENMEIER, Mr. BARNES, Mr. SMITH of Florida, Mr. RATCHFORD, and Mr. LEHMAN of Florida.

H.R. 2220: Mr. MOLLOHAN, Mr. BILIRAKIS, and Mr. RICHARDSON.

H.R. 2232: Mr. CROCKETT, Mr. FAUNTROY, Mr. STOKES, Mr. MURPHY, Mr. MARKEY, Mr. RAHALL, Mr. SCHUMER, Mr. MINETA, Mr. WOLPE, and Ms. KAPTUR.

H.R. 2233: Mr. PEASE, Mr. CROCKETT, Mr. RATCHFORD, Mr. FAUNTROY, Mr. STOKES, Mr. MURPHY, Mr. MARKEY, Mr. RAHALL, Mr. SCHUMER, Mr. MINETA, Mr. WOLPE, and Ms. KAPTUR.

H.R. 2262: Mr. COELHO, Mr. COYNE, Mr. FAZIO, Mr. HALL of Ohio, Mr. MARTIN of New York, Mr. MINETA, Mr. PATTERSON, Mr. WHITTAKER, and Mr. WIRTH.

H.R. 2306. Mrs. HALL of Indiana, Mr. HILLIS, Mr. MARKEY, Mr. FORD of Tennessee, Mr. MURPHY, Mr. MCHUGH, Mr. D'AMOURS, Mr. LUNDINE, Mr. SCHEUER, Mr. HOWARD, Mr. MCDADE, Mr. DOWDY of Mississippi, Mr. LAFALCE, Mr. RAHALL, Mr. STOKES, Mr. WILLIAMS of Montana, Mr. GARCIA, Mr. WHEAT, Mr. CLINGER, Mr. FAZIO, Ms. KAPTUR, Mr. NOWAK, Ms. MIKULSKI, Mr. SOLARZ, Mr. RICHARDSON, Mr. LUKEN, Mr. JEFFORDS, Mr. WILSON, Mrs. COLLINS, Mr. FRANK, and Mr. REID.

H.R. 2323: Mr. ROE, Mr. KINDNESS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. KOGOVSEK, Mr. FROST, Mr. STOKES, Mr. SMITH of Florida, Mr. FRANK, Mr. HOWARD, Mr. GRADISON, Mr. KASTENMEIER, Mr. BARNES, Mr. RATCHFORD, Mr. WON PAT, and Mr. FRENZEL.

H.R. 2351: Mr. EDWARDS of California and Mr. PATTERSON.

H.R. 2373: Mr. BARTLETT.

H.R. 2441: Mr. FORSYTHE and Mr. DANNEMEYER.

H.R. 2447: Mr. RUDD.

H.R. 2506: Mr. BILIRAKIS.

H.R. 2560: Mr. GLICKMAN, Mrs. SCHROEDER, and Mr. WHEAT.

H.J. Res. 97: Mrs. BYRON.

H.J. Res. 137: Mr. BARNES, Mr. BEVILL, Mrs. BOGGS, Mrs. BYRON, Mr. D'AMOURS, Mr. DWYER of New Jersey, Mr. EDWARDS of Alabama, Mr. EMERSON, Mr. FISH, Mr. FLIPPO, Mr. FRENZEL, Ms. KAPTUR, Mr. LIVINGSTON, Mr. LONG of Louisiana, Mr. MCNULTY, Mr. MOLLOHAN, Mr. MOORE, Mr. MORRISON of Connecticut, Mr. NATCHER, Mr. NICHOLS, Mr. OBERSTAR, Mr. O'BRIEN, Mr. PASHAYAN, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROEMER, Mr. SABO, Mr. SILJANDER, Mr. SKEEN, Mr. STAGGERS, Mr. STANGELAND, Mr. STUMP, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. WHITEHURST, Mr. WISE, Mr. WON PAT, Mr. WYDEN, Mr. KOLTER, and Mr. STENHOLM.

H.J. Res. 160: Mr. LANTOS.

H.J. Res. 184: Mr. HATCHER, Mr. FORSYTHE, Mr. SAM B. HALL, Jr., Mr. KRAMER, Mr. DOWDY of Mississippi, Mr. LEHMAN of California, Mr. RUDD, Mr. WILSON, Mr. KOSTMAYER, Mr. PANETTA, Mrs. HOLT, Mr. DICKINSON, Mr. FAZIO, Mr. EVANS of Iowa, Mr. FISH, and Mr. OWENS.

H.J. Res. 214: Mr. LIVINGSTON.

H.J. Res. 219: Mr. BENNETT, Mr. SMITH of Florida, and Mr. CHAPPELL.

H. Con. Res. 9: Mr. EDGAR.

H. Con. Res. 23: Mr. COATS, Mr. HAMMERSCHMIDT, Mr. HUGHES, Mr. LENT, Mr. MOLINARI, Mr. SAWYER, and Mr. STENHOLM.

H. Con. Res. 39: Mr. CARR, Mr. EDWARDS of Alabama, Mr. HAMMERSCHMIDT, Mr. OBERSTAR, Mr. RUDD, Mr. LANTOS, Mr. SNYDER, Mr. STARK, Mr. YOUNG of Alaska, and Mr. DONNELLY.

H. Con. Res. 63: Mr. CARPER, Mr. CARR, Mr. MACK, Mr. RINALDO, and Mr. DENNY SMITH.

H. Con. Res. 98: Mr. SOLOMON.

H. Con. Res. 107: Mr. WAXMAN, Mr. OTTINGER, Mr. DIXON, and Mr. PORTER.

H. Res. 17: Mr. EDWARDS of California, Mr. KEMP, Mr. SLATTERY, and Mr. TORRICELLI.

H. Res. 45: Mr. HEFTEL of Hawaii, Mr. GUNDERSON, Mr. STENHOLM, Mr. LEVINE of California, Mr. BEDELL, Mr. LONG of Maryland, and Mr. WISE.

H. Res. 119: Mr. LELAND.

H. Res. 155: Mr. ADDABBO, Mr. BROWN of California, Mr. BARNES, Mr. DE LUGO, Mr. DONNELLY, Mr. DWYER of New Jersey, Mr. FASCELL, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. FOWLER, Mr. FRANK, Mr. GRADISON, Mr. HOWARD, Mr. JACOBS, Mrs. KENNELLY, Mr. MAZZOLI, Mr. MOAKLEY, Mr. NEAL, Mr. O'BRIEN, Mr. PRITCHARD, Mr. RATCHFORD, Mr. ROE, Mr. ROEMER, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. TORRICELLI, Mr. VALENTINE, Mr. VOLKMER, and Mr. YOUNG of Missouri.

PETITIONS, ETC.

Under clause 1 of rule XXII,

75. The SPEAKER presented a petition of Rockingham County Board of Supervisors, Harrisonburg, Va., relative to the general revenue sharing program; which was referred to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 13

By Mr. LEVITAS:

—Add the following new section at the end of the bill:

SEC. 3. The Congress proposes that the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations study measures relating to reductions pursuant to the first section, and relating to concurrent and complementary arms control proposals pursuant to section 2, especially those aimed at progressive reductions in the number of destabilizing weapons through a mutual "build-down" or other verifiable processes.

—Page 5, line 8, immediately before the period, insert ", with such reductions to be achieved within a reasonable, specified period of time".

—Page 5, line 23, immediately before the period, insert the following:

, especially those aimed at progressive reductions in the number of destabilizing weapons through a mutual "build-down" or other verifiable processes.

By Mr. LOTT:

—Page 5, after line 23, insert the following:

SEC. 3. Any item both sides do not agree to freeze would not be frozen.

By Mr. MARTIN of North Carolina:

—Page 5, after line 23, insert the following:

SEC. 3. The extent to which any nuclear warhead, missile or delivery system may be modernized shall be subject to negotiation between the parties.

By Mr. WALKER:

—On page 2, immediately after "nuclear weapons." in the first sentence, insert the following:

"Whereas the greatest challenge facing the United States is the preservation of freedom, and Americans are by and large supportive of United States deterrence policies which have made the preservation of freedom possible;".

—On page 5, after line 13, add the following new section:

"(7) Nothing in this resolution shall be construed by United States negotiators to mandate any agreement that would jeopardize our ability to preserve freedom.".

H.R. 1190

By Mr. BEDELL:

—On page 2, line 6, strike section 2.

—On page 9, line 5, strike section 5.

H.R. 1983

By Mr. COLEMAN of Texas:

—Page 16, after line 11, insert the following new subsection:

"(h) In providing assistance under this title, the Secretary shall seek to assure a reasonable distribution of funds among eligible areas taking into account the residential mortgage foreclosures and the numbers of unemployed persons in units of general local government, giving particular consideration to units of general local government having unemployment rates exceeding the national average.".

By Mr. McKINNEY:

—Page 9, after line 3, insert the following new paragraph:

"(5) the Secretary has determined that the value of the liquid assets of such mortgagor does not exceed $7,500 in the case of an individual, or such other amount as the Secretary shall determine taking into consideration variations for family size and geographical location, except that the Secretary shall not include as liquid assets of such mortgagor—

"(A) the principal residential property of such mortgagor;

"(B) the household goods, the personal effects, and an automobile of such mortgagor, to the extent the value of such items does not exceed an amount determined by the Secretary to be reasonable; and

"(C) any other property of such mortgagor that the Secretary determines is so essential to the means of self-support of such mortgagor as to require its exclusion as an asset under this paragraph;".

Redesignate the subsequent paragraphs, and any references to such paragraphs, accordingly.

By Mr. PARRIS:

—Page 13, after line 21, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(d) Not later than the beginning of the 6-month period preceding the scheduled termination of assistance payments on behalf of any mortgagor under this title, such mortgagor shall seek to enter into an agreement with the mortgagee involved to provide for the resumption of full mortgage payments by such mortgagor following such termination of assistance payments.

By Mr. WORTLEY:

—Page 7, after line 14, insert the following new subsection:

(d) Notwithstanding any other provision of this section, the Secretary may not institute or reinstitute the program of assistance established in this title in any district unless, following the occurrence or reoccurrence of the delinquency rate condition described in subsection (a)(2), the Secretary determines that such program will not result in any increase in the number or rate of foreclosures by financial institutions and other mortgagees with respect to mortgages on residential property in such district.

—Page 7, after line 14, insert the following new subsection:

(d) Notwithstanding any other provision of this section, the Secretary may not institute or reinstitute the program of assistance established in this title in any district unless, following the occurrence or reoccurrence of the delinquency rate condition described in subsection (a)(2), the Secretary determines that such program will not adversely affect the financial stability of financial institutions that are subject to Federal supervision and are holding mortgages on residential property in such district.

SENATE—*Tuesday, April 19, 1983*

(Legislative day of Monday, April 18, 1983)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Hear the word of the Lord, O house of Jacob, and all the families of the house of Israel. Thus says the Lord: What wrong did your fathers find in me that they went far from me, and went after worthlessness, and became worthless?—Jeremiah 2 :4,5, RSV. *My people have changed their glory for that which does not profit, says the Lord.*—Jeremiah 2 :11 RSV.

We are not primitive in our idolatry, Eternal God. We do not make idols of wood and iron and stone and bow down to them. We are very sophisticated in our religion. We worship power and wealth and pleasure and prestige and popularity. And we become like the gods we worship. Power makes us arrogant and manipulative. Wealth makes us selfish and materialistic. Pleasure makes us shallow and superficial. Prestige and popularity make us proud and superior. When we follow "hollow gods" we become hollow souls.

Forgive us, Lord, for our idolatry and help us to worship Thee as we were created to do, so that we become like Thee in righteousness, justice and truth. We pray this in the matchless name of Jesus, the Humble Servant of all. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

Mr. BYRD. Mr. President, I object.

The PRESIDENT pro tempore. The objection is heard.

THE KASTEN AMENDMENT

Mr. STEVENS. Mr. President, I state for the information of the Senate that there has been considerable consideration given to the possibility of attempting to work out a modification of the Kasten amendment to avoid the problems of the cloture vote today. It is my understanding that that may not be agreeable, but I do want the Senate to know that we are attempting to do that. In my judgment, it would be in the best interest of all concerned if we could have a bipartisan solution to the problem that has been presented to the Senate. I hope that, within the hour, we shall be able to make some kind of recommendation to the Senate that the Senate will agree to with regard to handling this matter.

I reserve the remainder of the leadership time.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

SENATOR GLENN ON NATIONAL DEFENSE

Mr. BYRD. Mr. President, the distinguished Senator from Ohio Mr. GLENN, has been one of the most thoughtful Members of this body on the subject of our national security posture. As a career Marine Corps officer, and as an astronaut, he has contributed in unique ways to further American military strength and technological leadership. He has continued to contribute as a Member of this body in his balanced and independent assessments of our military strength.

Senator GLENN has recently authored a wide-ranging article, published by the Center for National Policy, on the broad problem of our national defense in the context of our national economic vitality, our national unity, and our assets in fields of education and technological prowess. He has a number of specific suggestions which should be of interest to my colleagues.

I ask unanimous consent that the article be printed in the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RETHINKING DEFENSE

(By John Glenn)

The Center for National Policy generously has invited me to put down on paper some of my thoughts on how our country should assure its future security. I welcome the opportunity to participate in the Center's valuable work, which has contributed much to illuminate public policy issues.

Though the subject of defense is vast, the principles that I believe our defense must follow do not take long to state. They reflect certain world realities that the current Administration has too often failed to face. I would like in these pages to review my fundamentals, and from them to sketch the new directions in which I believe defense planning should be heading.

WHAT WE NEED BESIDES MILITARY FORCES

A city does not protect itself from fire simply by buying fire trucks. It looks to the overall goal—avoiding loss of life and damage to property—and seeks to achieve that by a combination of efforts. It enforces building codes to lessen hazards; it teaches its citizens fire prevention; it arranges for one group of firefighters to help another in emergencies; it installs hydrants in populous areas; it punishes arson; and it makes sure the equipment on hand is versatile and designed both to deal with small blazes and to avert large conflagrations. The city also maintains a level of taxes and funding sufficient to pay for what is necessary to keep the risk tolerably low.

Similarly, I believe the security of our country depends on a great deal more than just buying military weapons, forces, and equipment—though these are, however much we might wish otherwise, an essential part of it. For the United States to exist as a free, prosperous and safe country—for national security in the broadest sense—we need a great deal more than just military forces.

First of all, we need a strong and productive economy—something that has been noticeably lacking for the past few years. We need it partly because a sound economy is an element of strength and influence in the world. We need it also because a strong economic base is necessary to build and buy military forces, which cost more than they used to, and will not become cheaper.

A united people, under a just government, provides the internal cohesion needed for external strength. Integrity is the sure foundation for our public life—a government that keeps faith with our own people at home, and our friends abroad. This is something we tend to overlook when talking about defense, but we should not. It is time to reemphasize that we are a single nation of Americans, in a country committed to social justice for all, and that we face certain external threats together. The whole is greater than the sum of the parts. We are much more than simply a collection of groups.

Education must be encouraged, in order to make the best use of the talents of our people, which are the ultimate source of economic and military strength. We should be supporting and encouraging our best students, and providing more incentives for the study of mathematics, science, and foreign languages, the skills that we shall need in the next twenty years. Yet studies published in the past month show the achievement level of top students going down, particularly in math and science. Education is our most crucial capital investment, yet the

Reagan Administration has shown too little interest in it.

Technology must continue to be developed. It is the source of much of our current wealth. It has been the means for us to counter Soviet military forces without trying to match them one-for-one. Technology also is the basis for our future economic potential.

Access to critical minerals, many of which now are obtainable only from abroad, is essential both for prosperity and defense.

Allies are crucial, because we cannot go it alone in the world. We proably shall never again in our lifetimes have the dominance that existed at the end of World War II, when Europe was prostrate and we were the world's only nuclear power. We have good and strong allies, particularly in Western Europe and Japan. While firmly insisting that they do their fair share, we should avoid clumsiness that can create unnecessary frictions.

Diplomacy in that connection is crucial. Too many wars in human history have been fought because of diplomatic ineptitude and failure. The skills of our diplomats are crucial, just as are the military forces to back them up and give weight to what they say.

Arms control is perhaps the single most important diplomatic mission, one calling for the most able negotiators we have. Our goal is to maintain a balance of military power in the world, and arms control is by far the preferred route to that end.

It is only in the context of these related factors, each of which supports our national security, that one can look at our military forces. Just as the city's goals is prevention of loss from fire, so our overall goal is not military strength for its own sake, but total national security. To reach that goal requires attention to all the factors listed above, and to military forces as well.

WHY WE NEED MILITARY FORCES

We face, and cannot prudently ignore, a massive buildup of armaments by the Soviet Union that began after the Cuban Missile Crisis of 1962 and has continued without respite as much effort to defense as we do each year, and within their defense budget they spend more of their budget to accumulate weapons and less to pay their soldiers. As a result, their expenditures for weapons procurement and military research are nearly double ours. There is nothing in history that compares to the Soviets' sustained military effort except Hitler's arming of Germany in the 1930s.

The Soviet military effort has seriously challenged the nuclear superiority we once enjoyed. Soviet ground forces out-number ours and have greater firepower. However, our military situation is not as hopeless as some say. When one counts allies on both sides, the numbers are more even. We still have a technological edge, in aircraft and electronics, for instance, though the Soviets have narrowed that gap. In strategic nuclear forces we are still in a range of rough equivalence—such that the Soviets could not attack us with nuclear weapons and escape devastation themselves.

The disturbing aspect is not so much the current balance as the adverse trends. I believe that we must keep our military forces in a range sufficient at least to balance those of the Soviet Union and thus reduce the risk of war. And in the long run, it is cheaper to maintain a steady improvement than to fall behind and resort to expensive crash programs later.

The forces we buy should be designed, first, to maintain such a balance and, second, to serve the less crucial but still important missions that our country's world interests require. Military forces exist for no other reason than to deter and neutralize external threats and to serve our foreign policy.

Planning those forces therefore requires a strategy, not just a set of military programs. Force structure and hardware should follow strategy, not lead it—as they seem to do at present. Strategy, in its turn, is possible only in the context of a coherent, well-thought-out foreign policy that takes account of our national interests and plans how to attain our national objectives in realistic ways. Only in light of reasonable and thought-out goals can we appreciate what the real threats to the United States are; how they can best be countered; how to invest in the troops and weapons best able to prevail if necessary, and best able, by their perceived strength, to prevent war in the first place.

At the very simplest level, our strategy surely must include:

Maintaining the security of the West from nuclear attack;

Freedom of the seas, to reach our allies and trading partners;

Peace and stability in East Asia;

Security of Western Europe from Soviet attack of any kind;

Security for Israel;

The inhibition of proliferation of nuclear weapons;

Open access for Europe, Japan and ourselves to the oil of the Middle East; and

Maintenance of a level of order in the Third World at least sufficient to limit conflicts from becoming major-power confrontations, and insure access to vital natural resources.

WHAT MILITARY FORCES DO WE NEED?

Given these strategic imperatives, what forces do we need? To decide that requires setting priorities among programs, something the current Administration too often has failed to do.

The level of our defense effort of course must reflect our economic condition. But, security can be considered our most important social program, in that a primary function of government is to keep our people alive, independent, and free. It necessarily is related most to the external threat we face. In that, there is nothing new. During the Constitutional Convention in the summer of 1787, one delegate proposed to limit the U.S. army forever to 5,000 men. George Washington, who was presiding, turned to another delegate and whispered, "Amend the motion to provide that no foreign enemy shall invade the United States with more than 3,000 soldiers at any one time."

Nuclear military forces

Over the past two years, millions of sincere and concerned Americans have taken a second look at the nuclear weapons that have mounted into the thousands on both sides and asked, "Where is it all leading? How can it end, except in nuclear war?" The peril they see is real. Their concerns deserve an answer. In my judgment, as desirable as a truly verifiable nuclear freeze may be, and as much as I support the freeze, it does not go far enough. There must be a step-by-step plan to achieve that desired end. It is not enough to advocate a freeze, if the freeze perpetuates unnecessarily high levels of strategic arms, or is one-sided and the Soviets continue to add to their arsenal to a point where they might eventually feel tempted to launch a nuclear attack or attempt nuclear blackmail or non-nuclear aggression against our allies. We must not alter the balance unilaterally in a way that would increase such risks. We must instead by our actions and our determination convince the Soviets that the nuclear arms race is pointless, and that they must come to the table, and limit, and cut.

It is not enough to pretend that one can call the Soviet leaders on the telephone, as some have proposed, and persuade them in an afternoon to alter the course they have followed for 20 years. We cannot return to the days when John Foster Dulles could rattle our missiles to get our way. Nor can we expect to deal with the Soviets by charm. It is not enough, either, to talk casually, as the Reagan Adminstration too often has done, about "nuclear warning shots," or "winnable nuclear wars." Such notions belong in nightmares and science fiction, not in our government's policy formulation process. Military strength is one thing; delusions about the nature of nuclear war are quite something else.

What are needed are careful planning, strategy, and positions that reflect the needs and the power of both countries. The only safe and sensible route to nuclear security is to pursue arms control with mutual, balanced and verifiable limitations and reductions of the nuclear weapons in our and the Soviets' arsenals. And while the process is pressed, we must maintain a nuclear deterrent so secure that no Soviet leader, even in his most irrational moment, could expect to enhance his country's position by attacking the United States.

In short, the problem is exactly what our citizens perceive: the danger of nuclear war. The solution is firmness and patience. There is no quick and simple way to alter reality to our advantage. The short-run necessity is to maintain a balance sufficient to deter; the continuing long-term effort must be arms control.

Deterring a Soviet nuclear attack against the United States and our allies does not necessarily require that our nuclear forces mirror theirs. Rather, the essential factor is the assurance that, even after a Soviet attack against our nuclear forces, enough would survive to launch a devastating counterattack. With that countervailing ability, the need in fact to use nuclear weapons is least likely to arise.

The safest arrangement of our strategic nuclear forces for nearly three decades has been the so-called "triad" of land-based ballistic missiles, submarine-based ballistic missiles, and strategic bombers. One important observation to be made about the triad is that during the time we have had it—how much because of it we cannot be sure—there has been no nuclear war. We diminish risk by basing our nuclear deterrent in three totally different ways. We multiply the technical and military problems of an adversary who would want to knock out all three with a sudden strike. The redundancy of the systems therefore enhances nuclear stability and lessens the danger of nuclear war.

I support the continued splitting of our deterrent force among these different modes. It appears prudent to stay with a plan that maximizes deterrence until such time as the Soviets are willing by arms control to make appropriate reductions along with us. Without a triad, we would need to build more nuclear weapons to achieve the same deterrent effect.

Our land-based force is the subject of much current debate. The value of the land-based deterrent rests not primarily in its

hard-target capability but in the additional balance it gives our nuclear triad. So long as land-based ICBMs have any survivability at all, they complicate the planning of a potential attacker. If we allow our land-based missiles to become vulnerable to a first strike, the Soviets could concentrate all their attention on rendering our submarines and bombers vulnerable. We should not hazard our national independence, or even existence, on the dubious wishful thinking that Soviet breakthroughs in anti-submarine warfare are impossible and that our Poseidon/Trident submarine forces will remain permanently invulnerable. That is simply too great a risk to ask the American people to bear.

It would be a mistake, however, to equate the survivability of the land-based force with the proposed heavy MX missile. I believe that the large ten-warhead MX does not meet our long-term needs and have supported a much smaller, single-warhead missile for our nuclear deterrent. A defense centered around a small, mobile missile is inherently more survivable than the large, virtually immobile MX. As we move toward a world of very high accuracy in warheads, deception and concealment become crucial. A small missile has fundamental advantages in this respect and can be based in many ways for which the MX simply is too large and clumsy. At sea we base our missiles on submarines, not islands. In the same way, on land it is mobility and concealment that are the essentials of a credible deterrent force. I have long advocated development of a small, mobile missile as an alternative to the MX, and made just such a proposal on the Senate floor three years ago, but lost the vote. If we get busy now we could build and deploy such a system in about the same time it would require to deploy the MX in a "dense pack" array.

I realize that by not offering a quick and easy solution to nuclear armaments, I shall disappoint some readers. Indeed, I am disappointed, too, but I am not discouraged. Many people find the indefinite extension of the nuclear "balance of terror" emotionally, if not logically, unacceptable. They point out that past balances of power, while they may have preserved the peace for some period, eventually have broken down. Deterrence is by its nature a theory that can be proved in retrospect only, as year after year war is avoided. We never can prove for certain that deterrence is the source of peace, or that deterrence will remain permanently effective.

These objections carry weight. Nuclear war must be made impossible, or probability suggests that it might sooner or later occur. Yet to abolish nuclear weapons effectively without running unacceptable risks will require a period of growing together among the nations of the world, a period of gradual abatement of Soviet desires for extending their hegemony, a period hard to imagine being scarcely less than several generations.

Arms control has a key role to play in helping us survive for the foreseeable future. I believe that, if brought forward by an administration that genuinely plans for success, meaningful arms control can be achieved.

I have long advocated a sequence of proposals that would start with nuclear arms limitations between the superpowers, move on to reductions, promote the cause of nonproliferation, seek to involve other nuclear weapons states, and address conventional arms reductions as well.

Nothing could do more good for the future of deterrence and the prevention of nuclear war than an effective, verifiable arms control agreement with the Soviets that deliberately bolsters the survivability factor (the ability to withstand sudden attack) in existing or future nuclear weapons. We should strive to reinforce the impossibility of a successful first strike and encourage both sides to invest in survivable systems. We should not be obsessed with numbers, even if they are reductions. Most particularly, we should offer proposals aimed at heading off technological breakthroughs in nuclear weaponry that might prove dangerous and destabilizing to both sides.

One area in which such arms-control initiatives are possible is space. Both we and the Soviets depend increasingly on satellites for communications and intelligence—both passive and defensive. But space remains the one area where man has learned to travel in which he has not yet fought a war. Surely, we should give priority to negotiations with the Soviets, to agree to verifiable restrictions on space-based weapons systems.

I realize how unpleasant the subject of nuclear weapons is for most Americans to contemplate. It is nothing that any of us enjoys thinking about. But I firmly believe that the only way to preserve peace, and ultimately to diminish the threat of nuclear war, is to look at the problem squarely and to devise a rational strategy to deal with it, rather than to imagine that there are quick and easy solutions. Peace is the goal, and the necessity. The task of leadership is to find the rational ways to preserve it. Arms control, and a stable deterrent force, pursued with patience and resolve, are in my judgment the dependable means to that end.

Conventional military forces

Preservation of peace and protection of our interests abroad rest most immediately upon our ability to deter aggression by means short of resort to nuclear weapons. In the 1950's, when the United States had a practical monopoly of nuclear weapons, it was possible to threaten "massive retaliation" against aggression at any level, rather than to plan to resist conventional attacks by retaliating with conventional forces. We still, particularly in Europe, rely in part on our nuclear guarantee to deter conventional attack by the Soviets. That limited nuclear reliance has become a part of our political guarantee to preserve the peace in Western Europe. In order to keep the Soviets from nullifying it by the modern and dangerous SS-20 mobile missiles they already have deployed in Europe, I support modernization of our own nuclear weapons there. Again, the goal is stability and balance.

Nuclear arms would not have to play such a significant role in Europe if NATO's conventional forces were adequate in their own terms. NATO's conventional forces do not now match those of the Soviets and the Warsaw Pact, though they are sufficient to make a Soviet attack very costly.

The challenge, therefore, is for the Western Europeans to do more in the conventional area. They are well capable economically of doing this and, over the longer term, they must. Their gross economic product, taken together, well exceeds that of the United States. Their per capita income is comparable to, and in some cases higher than ours.

The power of the United States is not infinite. Our other defense burdens, in the Persian Gulf, the Third World, and the high seas, are taxing our resources. Americans ultimately will find it unacceptable to pay a disproportionate share to do for Europe what the Europeans can be doing for themselves, particularly when they depend more then we do on Midldle Eastern oil. For example, we are committed to provide 10 of our 16 army divisions to Europe within 10 days of NATO mobilization. More than four of those U.S. divisions are permanently stationed in Germany and duplicate troop equipment for others is in place in Europe. Our allies could contribute more, for instance, to the cost of storing and manufacturing that equipment and housing our troops. The Japanese also could do more, as Prime Minister Nakasone acknowledged in his recent visit.

Such adjustments need not, however, be precipitous. In our efforts to counter Soviet aggression and expansionism, a key U.S advantage lies in the fact that we have numerous rich and productive allies, while the Soviets have only poor dependents and subjects. It is not in America's interest to sour allied relations by hasty action or ill-tempered confrontations.

Europe, however, is a special case that reflects the basic military balance problem between the U.S. and the USSR: nuclear parity no longer permits us to add a nuclear weapons "edge" to the scales, to offset imbalances created by vastly larger Soviet conventional forces.

Beyond that, however, conventional forces deserve more emphasis in our defense effort because to the extent that conventional forces are able to head off threats to the peace, the danger of nuclear war is diminished. Conventional forces that were adequate in an era of nuclear monopoly are not adequate now. I am well aware that conventional forces are costly—currently they take up almost five times as much of the defense budget as do strategic nuclear weapons. But if we are serious about protecting this country's interests while avoiding nuclear war, we must buy the kind of conventional forces our foreign policy demands.

I wish that I could promise that improving our conventional forces will be inexpensive. I cannot. But I do think that savings are possible, partly from changes in the way the Pentagon is run, and partly from making sure that the weapons we add to the inventory are being bought because they are needed, and not just because they have been developed.

The striking truth about conventional warfare since World War II is that it has gone on virtually as though nuclear weapons did not exist. Numerous wars have been fought. Smaller, non-nuclear powers have fought against nuclear powers and against each other. Our assumption has to be that this pattern will continue except insofar as we can deter it.

While war between superpowers will continue to be inhibited by the danger of escalation, there should be no blinking at the fact that nuclear parity, by making nuclear weapons even more unlikely to be used, favors the side with more conventional forces. Nuclear weapons never have been of more than limited value in redressing the conventional balance; and except under circumstances such as prevail in NATO, parity has now decoupled nuclear and conventional war.

The proper reaction to the enhanced danger of conventional war is not to deny it, but to change it by correcting the relevant conventional force weaknesses.

The Soviet Union is a formidable adversary. Its low personnel costs and total lack

of accountability to its own public are a permanent advantage in raising conventional forces. But the situation is by no means hopeless. To seek once again to redress this weakness of the West by searching for an illusory nuclear superiority would be useless and self-deceptive. Instead, we should take advantage of strategic factors that favor the West.

The Soviet Union is a land power, virtually self-sufficient, sharing land borders with nearly all of its allies (which are few and poor). The Soviets, moreover, share borders with nearly all their potential targets for aggression. The Soviets can drive a tank to most of the places they might want to go, including Europe, the Persian Gulf and Asia. When Russian leaders created a large army, therefore, and its supporting air power, they created an instrument of attack that can project Soviet power abroad. Their ports, however, are few, their fleet traditionally weak, but changing rapidly into a major power projection force.

The United States, by contrast, is virtually an island power. Our neighbors are friendly, and we need devote almost nothing to defense of our borders. But we are a trading nation dependent on international ties, with many and valuable allies separated from us by broad oceans. To project our power and protect our interests abroad, therefore, we must invest heavily in long-range air and sea weapons and transport, which are in some respects more vulnerable to interdiction than their land equivalents.

Over the past 20 years, the Soviets have tried to remedy the defects in their strategic situation. They have greatly increased their fleet and have increased their air transport capability, both to go overseas and to respond to situations where land transport may be possible but too slow. But their capacities remain significantly less than ours. We currently retain overall superiority at sea, though they are challenging it. We retain superior capacity for air transport. The comparative technological superiority of our conventional weapons, while greatly reduced below that of the past, is not yet negligible. Best of all, we continue to enjoy the benefit of major allies who field significant forces and who do so of their own free choice rather than by compulsion.

A Soviet division in Murmansk is of very little significance to America's defense, unless it can be moved to threaten something we value. A very large percentage of Soviet forces will continue to be tied down in defensive missions: against China, against potential Eastern European unrest, and in Soviet Central Asia. Another segment is fighting in Afghanistan. The remainder is best configured to fight in Europe, in a war that is least likely to occur. The portion of Soviet forces that is both available and deployable, using current Soviet assets, is significant. But it is within the capacity of U.S. and allied forces to handle those conventionally, provided we invest in appropriate forces in a timely manner.

In relying on conventional forces to deter aggression by the Soviets or a Soviet-backed proxy, we cannot avoid considering the ways we might have to use our forces. We thus must ask where the potential gains are, from a Soviet perspective, that also are potentially significant losses from our perspective.

Europe and the Far East would be enormously significant targets if a conflict did occur, but given the risks and the certainty of fierce resistance, the actual probability of conflict in such areas must be assessed as small, except on the Korean peninsula. Kim Il-Sung of North Korea retains a measure of independence from both his Soviet and Chinese backers and might launch an attack if tempted by U.S./South Korean weakness. Numerous targets of opportunity could be catalogued in the Third World, and in fact the Soviets (and their Cuban or other surrogates) have shown great willingness to meddle in such regions in recent years, especially in Africa.

In our defense planning, we naturally prepare for the danger that can threaten our very national existence; such danger comes only from the Soviet Union. In preparing for this greatest danger, we can lose sight of lesser but more likely threats. We have fought several times since World War II, but never directly against the Soviets.

We assume, perhaps too easily, that forces able to deal with the Soviets can deal with any lesser foe. But we no longer can guarantee that a Third World nation is automatically an easy opponent (even leaving aside the chance of Soviet assistance) or that the mere rumor of our power will suffice to intimidate an aggressive dictator. Third World armed forces are growing rapidly in size and sophistication; they often have modern, highly lethal arms; they cannot necessarily be dealt with by token forces and second-rate equipment.

In short, Third World threats to American interests are secondary when compared to the Soviet menace, but they are neither negligible nor ignorable. If we concentrate too much on the Soviets, in our weapons and in our deployment of forces, we may run limited but still substantial risks in conflicts that have little to do with the U.S./Soviet rivalry. Yet we must avoid overpreparation for peripheral dangers. Third World conflicts are not, merely by virtue of being more likely, more important than the Soviet threat. A proper balance is required.

In the Persian Gulf oil fields, Third World dangers and the Soviet threat come together. That area is the one target whose conquest by the Soviets would make a real difference in the world balance, that is weakly held, far from American centers of power, reasonably close to Soviet centers of power, and might thus be both a practicable and worthwhile objective for Soviet aggression. I share the concern expressed by so many at the dangerous consequences for the West of such Soviet action. Some steps have already been taken to make possible an American counter to such aggression. I have some doubts about the effectiveness of those steps. The Rapid Deployment Force, now renamed "Central Command," is a case of sending our supply train half-way around the world, ahead of the troops, and expecting it to be there when needed.

Technology

How should our defense budget reflect the pace of weapons technology? The short answer is, wisely. Too much dispute has centered on whether technology is a worthwhile thing in weaponry. To me, that is a ridiculous argument. Of course we want to use the highest technology. That is our "ace-in-the-hole" against Soviet superior numbers and manpower. To attempt to match them with "simple weapon" versus "simple weapon," and man for man, just throws away our greatest advantage—technically superior and more capable weapons systems. But it also depends on whether the innovations work, and whether they are worth what they cost. That must be decided case by case. What is certain is that technology is here to stay, and cannot be avoided.

A POSITIVE NATIONAL SECURITY PROGRAM

We need an administration that will take charge of the Defense Department. We need planning for national security that will shape our military programs to the needs of our foreign policy, instead of allowing costly weapons programs to develop bureaucratic lives of their own. Our weapons should be shaped by our policy, and not vice versa.

What can be done? A great deal. We can enhance the military security of the United States by efforts both inside and outside the defense budget. For example:

For broader national security

1. Fix the economy. The productivity of our people is what fuels our defense effort. The disastrous waste of the past years, the loss in output, the failure to use our resources, must be ended.

2. Stop painting our defense posture as worse than it is. A great disservice of the Reagan Administation has been its constant refrain of our military weakness. The fact is that, counting their and our allies, we still are in a range of rough military equivalence with the Soviets. What is disturbing is the trend toward their pulling ahead. But we have it in our power to arrest that trend, and maintain a balance, without bankrupting the United States. We should not delude ourselves or our allies, or our adversaries, into thinking that safety is beyond our grasp. We are quite capable of doing what is needed.

3. Plan to be able to support a steady but realistic growth in real military expenditures—so long as the Soviets continue their arms buildup. The key here is steady, planned growth—not the unsustainable spurts that the Reagan Administration has set the stage for, and not the Reagan-Weinberger approach of simply letting the military service bureaucracies in the Pentagon have a blank check to buy whatever they want, without real priorities.

4. Pursue arms control as an integral part of our security effort, letting the Soviets know that they have nothing to gain by trying to outdistance us, because we shall not allow that to happen.

5. Press our allies for more conventional forces effort. The way to do this is not the Reagan method of threats and bluster and failure to consult. Instead, we should let our allies know in specific terms what can be done for the common defense—for example, new programs for cooperative production of equipment, and greater efforts for interoperability. As we do more to guard their oil supply in the Middle East, they can do more to deter war on the central front in Europe.

6. Support the educational base on which adequate defense depends. Out educational expenditures should be targeted on mathematics, science and engineering, and foreign languages—crucial areas in which this country is falling behind. Along with other educational efforts we need to emphasize and fund programs, training and opportunities including some for the most gifted of our children, whose contributions to the future will far outweigh their numbers. We need to support the technological discoveries which will support both our economy and our military effort. And we need to expand our skills to deal with the non-English-speaking world, because assuredly we shall have to do so in the next generation.

7. Support basic research. The Reagan Administration has been carelessly cutting the relatively small federal expenditures that fund research and development. That is short-sighted and foolish. Basic research is

our ticket of admission to the future, the source of prosperity of the next generation. It also historically has been the engine of our defense effort, and a way to avoid dependency on the rest of the world. The payoffs far exceed the minimal expense.

8. More generally, use government to make those capital investments that are too large for the private sector to undertake—also vital components of our national defense mobilization base. Public-sector capital investment of this kind built our country, transformed it to what it is today. The need for such public efforts is almost as old as the republic—the establishment of post offices and post roads, the building of canals in the 1830s, the land-grant college system set up by the Morrill Act in 1862, grants to build the transcontinental railroads, the Tennessee Valley Authority since the 1930s, support of air transportation in the 1930s, the G.I. Bill that moved a generation of veterans into the middle class, federally-insured home mortgages, the space program. These are the great successes of government capital-building; these are where the free market cannot do the job by itself; and today such expenditures will also help provide a foundation for strong defense.

For better defense

Turning to the Pentagon in particular, there are some reforms that can make our defense work better and actually save money:

1. Replace the Joint Chiefs of Staff system. Our central military staff organization was designed during World War II, and it is no more suited to current needs than would be the weapons of that era. One of the first to complain of its deficiencies was President Dwight Eisenhower, who did not hesitate to state that if he had organized his own military staff like the JCS, he could not have done his job. Yet no administration so far has addressed this overdue task. It is time to follow the lead of the British and most other modern powers, and establish a central military staff that is not controlled by the bureaucracies of the four military services—one that can recommend hard program choices, and that can give useful military advice to the civilian leadership. We need officers on that staff who are properly trained for their jobs, and who can look to the joint system as well as to their individual services for assignments and promotions. The present system is overdue for modernization.

2. Establish an independent office of test and evaluation in the Defense Department, reporting directly to the Secretary of Defense. One source of the problem of weapons that do not work has been inadequate and unrealistic testing before production begins. Right now testing is for the most part in the hands of the same people responsible for development. That sort of conflict of interest cannot avoid unwise decisions. Like JCS reform, this organizational change does not cost a single dollar, but will pay large dividends over the long run.

3. Develop a small, accurate and mobile land-based missile that will be able to fill that part of our strategic deterrent without the basing limitations that plague MX.

4. Allocate more defense funding to "readiness"—flying hours for pilots, steaming time for ships, ammunition and supplies for realistic training exercises.

5. Cancel or replace some of the current military procurement programs that simply cost too much in proportion to what they deliver. Examples of programs to be considered for elimination are the infantry fighting vehicle ($1.5 million each), the DIVAD antiaircraft gun, and the expensive ($800 million each) but too specialized DDG-51 class destroyers designed solely for fleet air defense. Canceling or cutting back some of these programs now, before they reach their peak expenditure years, will ease the pressure on the defense budget two and three years from now, where giant deficits loom.

6. Continue modernization of our weapons and equipment. Although in some instances new weapons have not delivered what they were supposed to, in many cases they have. Cruise missiles, for example, with their high technology computerized guidance systems, have revolutionized the equations of warfare, and to our advantage. The effective use of modern aircraft and advanced electronics by the Israelis in the 1982 war with Syria is another example of technology's success when coupled with wise tactics and good training. We cannot afford to fall behind the pace of modern weaponry, or to throw away the advantage that the technological genius of this country has given us.

7. Buy and maintain the capability for deterring aggression on a conventional scale in parts of the world outside NATO, such as the Persian Gulf. While bases near key trouble spots can be enormously valuable, we cannot expect, nor could we afford, to have airbases and ports near every potential source of trouble. For that reason, we need to do more to obtain adequate airlift to move troops and equipment, and we need to maintain sufficient amphibious forces to deal with the need for landing on unfriendly shores. The Reagan Administration's attention to these needs has gone little beyond lip service, and its Rapid Deployment Force, or Central Command, is by any name little more than a collection of organizational charts and wishes, notably lacking troops or equipment. The basic requirement is not the Rapid Deployment Force itself, but rather the ability for the United States to be able to establish quickly a credible military presence where and when needed.

8. Reform the military retirement system at the same time Congress addresses Social Security and other federal retirement plans. Military retirement pay now consumes 7 percent of defense outlays, nearly $17 billion in FY 1984, and the obligations are spiraling upward each year but are totally unfunded. We must not break any commitments to military people who have retired or who have chosen a career under current retirement plans; but we must devise a sensible and financially sound plan for the future.

9. In general, pay more attention to the unglamorous points of the defense budget—logistics, mines and minesweepers for the navy, better communications at all levels, better airlift and sealift, fringe benefits that are not just empty promises to people in uniform.

THE TASK AHEAD

The management of defense in the nuclear age does not mean a call to battle, still less to a crusade. Such terms are ill-adapted to the realities of nuclear stalemate. Rather it is the management of long-term rivalry in a way that preserves our freedom and prosperity and permits survival. The threat of mutual annihilation has made obsolete the concept of total military victory over another superpower. But it nonetheless leaves our military with important and essential missions: to deter the nuclear war that would leave no victor and to help deter, or if need be win, the threats of conventional war that remain all too common. For that purpose, we need two things: a balanced, and above all survivable, nuclear deterrent force; and conventional forces that can defeat a variety of enemies wherever our national interest may require.

Our nuclear forces have already received some attention here. We need survivable land-based missiles, which are most likely to be small and mobile. We need the B-1 bomber, because the aging B-52s will not last forever and the "Stealth" is too far in the future and technically too uncertain to depend upon today. We need submarines, in at least current numbers and including a new class of smaller submarines, some of them perhaps less-expensive diesels, firing long-range cruise missiles or a few ballistic missiles each. Such a mixture maximizes protection against a breakthrough that might undercut deterrence. We can afford these things without undue sacrifice.

For conventional forces we need to continue to modernize and to make the best use of our technology, which is our single greatest military advantage. At the same time, we need to balance capability against cost and reliability to be sure that defense dollars are spent in the most effective total way. And we need a Defense Department organized and staffed to be able to make such judgments.

Cost-effective management of the defense effort is essential, as we struggle to make our available resources fit—nowhere more so than in conventional forces, where 85 percent of defense expenditures are made. Yet another of the Administration's disappointments, to those of us who support a strong defense, has been its record on management. The uniformed services are notoriously unable to resolve spending priorities when interservice rivalries are involved, as they nearly always are. Almost as well-known is their preference for hardware over readiness, if one or the other must be squeezed. Such rivalries and preferences, and the need to defend turf, even interfere with the Joint Chiefs' ability to advise our President about defense threats and strategy. The result is waste. The problem lies not in the officers but in the system. Such steps are not glamorous. They create no "photo opportunities." But they mean billions of dollars in savings, and greater military effectiveness and deterrence, in the future.

Meanwhile, making do with the current imperfect system, certain realities of the conventional warfare arena remain truisms. In order to deter effectively, we need the capacity to reach the enemy wherever aggression occurs. That means long-range aircraft, transports and tankers, a high seas navy second to none, money for sealift, modern fighter aircraft, and naval amphibious capacity. We do not always need the most expensive type of each weapon, but we do need weapons able to defeat the enemy, bearing in mind the increasing sophistication of the Third World and that, in some conventional war scenarios, the Soviets can deploy more numbers than we. We need to rely more on burden-sharing with our allies, accepting the fact that those who do more will expect to have their ideas accorded more respect.

CONCLUSION

In 1963 John F. Kennedy outlined what he called "A Strategy of Peace." That is not the same thing as a world without any conflicts or rivalries, but it is a worthy and more attainable goal. Our national security policy—of which defense planning is an essential part—should look forward to an en-

vironment in which human conflicts are resolved without resort to mass violence. The best way to do that, in my judgment, is by tough, realistic and sensible diplomacy, backed up by an economically healthy country and by military forces sufficiently strong and modern that no adversary would want to risk fighting them, at any level of violence.

The current debates over the defense budget and particular military programs can be healthy if they contribute to greater public understanding of these serious issues—and if they are not confined to defense alone. For defense issues cannot be adequately addressed, in my view, in a vacuum—any more than a physician could expect to treat the arms or legs without understanding how they relate to the cardiovasular system and the nervous system. Military programs exist in the context of the threats we face in the world, the economy we have and the society in which we live, and they reflect our physical resources, our institutions, and the talent and resources of our people.

The key to getting control of defense planning and spending is to get control of our own foreign policy—to examine what threats we face and what we must accomplish in the world to maintain our country's security, and to build forces designed to that goal. From foreign policy decision, we can determine what military capabilities we need; from capabilities needed, we can make decisions as to specifically which defense programs to pursue. We cannot, and need not, buy everything. But we must buy what we truly need.

The Democratic Party has a long tradition of supporting a strong defense, while maintaining the kind of free and prosperous society in which the human spirit can realize its full potential. As one who spent 23 years in the United States Marine Corps, I respect the role of our military forces, and the sacrifices and patriotism of our citizens and their families who dedicate their careers to that calling. At the same time, like a musician who loves the symphony but can hear false notes, I am sensitive to what can be done to make our armed forces work better in the service of our country, within the constraints of other demands on our resources.

With the right armed forces—serving under a government that cares for its people and responds to their needs, supported by an economy invigorated by hard work, talent and initiative, and in an America that still is the country of choice for millions of men and women who want to live their lives in freedom—we can maintain the safety of this country and help to create a more stable world in which peace can flourish.

Mr. BYRD. Mr. President, for the moment, I ask unanimous consent that I may reserve the remainder of my time, also.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, it is my understanding that there is a special order following the leader's time.

The PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. I ask unanimous consent that the remainder of the leader's time recur for use after Senator MOYNIHAN's special order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[Quorum No. 4 Leg.]

Armstrong	Heflin	Murkowski
Biden	Jackson	Pell
Burdick	Jepsen	Pryor
Byrd	Kasten	Stafford
Chafee	Kennedy	Stennis
Cohen	Levin	Stevens
Cranston	Long	Thurmond
Dole	Lugar	Trible
Eagleton	Mattingly	Warner
Ford	McClure	
Grassley	Metzenbaum	

The PRESIDING OFFICER (Mr. LUGAR). A quorum is not present. The clerk will call the names of the absent Senators.

MOTION TO ADJOURN

Mr. STEVENS. Mr. President, I move that the Senate adjourn until 12 noon tomorrow.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Delaware (Mr. ROTH), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. BAKER) is absent to attend the funeral of a relative.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—31

Andrews	Hatch	Rudman
Chafee	Hecht	Simpson
Cohen	Heinz	Stafford
Danforth	Kennedy	Stevens
Dole	Laxalt	Thurmond
Domenici	Levin	Tower
Durenberger	Lugar	Wallop
Garn	McClure	Warner
Goldwater	Metzenbaum	Wilson
Gorton	Packwood	
Grassley	Quayle	

NAYS—63

Abdnor	Biden	Bradley
Armstrong	Bingaman	Bumpers
Baucus	Boren	Burdick
Bentsen	Boschwitz	Byrd
Chiles	Huddleston	Nickles
Cochran	Humphrey	Nunn
Cranston	Inouye	Pell
D'Amato	Jackson	Percy
DeConcini	Jepsen	Pressler
Dixon	Johnston	Proxmire
Dodd	Kassebaum	Pryor
Eagleton	Kasten	Randolph
East	Lautenberg	Riegle
Exon	Leahy	Sarbanes
Ford	Long	Sasser
Glenn	Matsunaga	Specter
Hart	Mattingly	Stennis
Hawkins	Melcher	Symms
Heflin	Mitchell	Trible
Helms	Moynihan	Tsongas
Hollings	Murkowski	Zorinsky

NOT VOTING—6

Baker	Hatfield	Roth
Denton	Mathias	Weicker

So the motion was rejected.

CLOTURE MOTION

Mr. STEVENS. Mr. President, a parliamentary inquiry. What is the matter now before the Senate?

The PRESIDING OFFICER. The matter before the Senate is that under rule XXII, 1 hour having passed since the Senate convened, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Kasten amendment No. 522 to S. 144.

Bob Kasten, William Proxmire, Paula Hawkins, David L. Boren, John P. East, Jesse Helms, Wendell H. Ford, Walter D. Huddleston, Steven D. Symms, J. Bennett Johnston, Ernest F. Hollings, John Melcher, Nancy Landon Kassebaum, David H. Pryor, Orrin G. Hatch, Don Nickles, J. James Exon, Jeremiah Denton, Jennings Randolph, Thad Cochran, and Robert C. Byrd.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senate will be in order. Those conversing will retire to the cloakrooms.

Mr. GOLDWATER. Mr. President, my observation is that a quorum is present.

The PRESIDING OFFICER. A quorum call is in progress.

Mr. GOLDWATER. I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. The Senate will be in order. Those conversing will please retire to the cloakrooms.

The quorum call will proceed.

The bill clerk continued the call of the roll, and the following Senators answered to their names:

[Quorum No. 5 Leg.]

Abdnor	Ford	Melcher
Andrews	Garn	Metzenbaum
Armstrong	Glenn	Mitchell
Baker	Goldwater	Moynihan
Baucus	Gorton	Murkowski
Bentsen	Grassley	Nickles
Biden	Hart	Nunn
Bingaman	Hatch	Pell
Boren	Hawkins	Percy
Boschwitz	Hecht	Pressler
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Helms	Quayle
Byrd	Huddleston	Randolph
Chafee	Humphrey	Riegle
Chiles	Inouye	Rudman
Cochran	Jackson	Sarbanes
Cohen	Jepsen	Simpson
Cranston	Johnston	Specter
D'Amato	Kassebaum	Stafford
Danforth	Kasten	Stennis
DeConcini	Kennedy	Stevens
Denton	Lautenberg	Symms
Dixon	Laxalt	Thurmond
Dodd	Leahy	Tower
Dole	Levin	Trible
Domenici	Long	Tsongas
Durenberger	Lugar	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Wilson
Exon	McClure	Zorinsky

The PRESIDING OFFICER (Mr. ABDNOR). A quorum is present.

INTERNATIONAL TRADE AND INVESTMENT ACT—S. 144

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a minute on each side just to explain what is going on here; not for any debate, but just a comment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, I shall not object, because I think the distinguished Senator is entitled to have an opportunity to make an explanation. Would he make it 2 minutes on each side, with the understanding that it be for the purpose only of explaining the delay; no motion and nothing to interrupt the vote on cloture, which is automatic under the rule?

Mr. STEVENS. I have no objection to giving the Senator that.

Mr. BAKER. Mr. President, I would like to put the request, if I may.

Mr. BYRD. The Senator may put it.

Mr. BAKER. If the Senator will yield to me.

Mr. STEVENS. Yes.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask unanimous consent that there now be 4 minutes equally divided for discussion of this issue and that no motion, no amendment, and no other procedural motion may be in order other than debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I hope that the Senate will vitiate the cloture motion and that we will not vote cloture tonight. In the case that we cannot vitiate the motion, I urge those people who are in favor of repeal of the withholding on interest and dividends, in favor of the 10-percent withholding regulation, to vote with me against cloture.

In the last 3 or 4 hours we have been able, working with representatives of the administration, Senator DOLE, Senator STEVENS, and others, to reach an agreement which I think solves the problems that all of us have been trying to solve. We will not have withholding until July of 1987, and only in July of 1987 will we have withholding if we have been able to demonstrate that we have not gotten the compliance that we all hope and believe that we can get by increased penalties, by matching up the 1099 forms, and by other changes that have been made in the IRS and Treasury.

So I hope that we could avoid the cloture motion completely or, if not, cloture would fail because, if we invoke cloture tonight, it would mean that we would not be able to modify the Kasten amendment along the basic guidelines that you have just described.

I remind the Senate that if we do not vote cloture tonight, there still is a Kasten cloture motion which is scheduled for tomorrow. And if something were to happen and this agreement were to fall through or upon further examination this agreement would be found to be not workable, at that point we would change and once more vote. That vote is scheduled, and it is not now my intention to ask unanimous consent that tomorrow's cloture motion be vitiated, only tonight's motion, so that we have an opportunity to amend the Kasten motion along the guidelines of the modifications that have been tentatively reached tonight.

I yield to the Senator from Kansas.

The PRESIDING OFFICER. The 2 minutes allotted the Senator have expired.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I presented to my caucus today the proposal that Mr. STEVENS had made concerning a possible compromise package and his desire to vitiate the cloture vote. There were those Senators in caucus who felt they wanted to vote on the cloture motion. The motion had been introduced, timely filed, and they wanted to vote on the cloture motion. The caucus took no position pro or con, contrary to what may have been reported to some people in the press galleries, I understand.

The Democratic Caucus took no position pro or con, and the President's name was not mentioned, but certain Senators wanted a vote on the motion. They did not know how they would explain to their constituents if the cloture vote were to be vitiated and they were to acquiesce in it. They wanted to vote. Some were for cloture, some were against cloture. They asked that there be a vote, and so for the record I explain my reason for seeing that the wishes of those Senators were carried out to the best of my ability.

(Mr. EXON addressed the Chair.)

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Is a question in order of the Senator from Wisconsin so that I might know how to vote?

Mr. KASTEN. I would be pleased to yield.

Mr. EXON. The statement that the Senator just made was very similar to the understanding that the Senator explained to me 3 or 4 hours ago on the floor, and I congratulate the Senator for his work. Do I understand that the President has agreed to sign off on this and agreed to this? Do I further understand that if this bill, which carries the Kasten amendment, does not proceed through the Congress, there has been an agreement that the White House and the leadership on that side of the aisle have agreed to allow it to come forth on some bill that will go to the President?

Mr. KASTEN. It is my understanding that the representatives of the administration we have been working with today are not speaking officially for either the President or the Secretary of the Treasury, who is now in Mexico.

The PRESIDING OFFICER. All time has expired.

Mr. KASTEN. I ask unanimous consent to proceed for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator may have 1 minute to respond.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. KASTEN. We were working with Mr. Chapoton and others in the Treasury along with, on the telephone, people from the administration, also from OMB. The Secretary of the Treasury has not returned from Mexico. He has not reviewed the details of this. Therefore, they have not taken a firm position. It is my hope, and frankly my understanding, that those administration officials who have worked with us over the afternoon will be doing everything they can to encourage both the President and the Secretary of the Treasury to agree to these modifications, but at this par-

ticular point I cannot tell the Senate whether they will or not. Senator DOLE has spoken with Congressman ROSTENKOWSKI. I have been unable to reach him on the phone, but the Congressman has through his conversations said that if a measure similar to this, which is a modification rather than a flat repeal, were to come to the Ways and Means Committee, he would have hearings on it. That is about as far as we can go. I suggest to the Senator from Nebraska that we did not have any assurances anywhere along the line on this trade reciprocity bill. We are trying to do everything we can to act in good faith. If it turns out that this procedure falls apart at any step of the way, we are not precluded from offering a repeal amendment at some other time.

VOTE

The PRESIDING OFFICER. All time has expired. The question is, Is it the sense of the Senate that debate on the Kasten amendment numbered 522 to S. 144 shall be brought to a close? The yeas and nays are automatic under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Delaware (Mr. ROTH), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. SIMPSON) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 34, nays 53, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—34

Baucus	Glenn	Mitchell
Bentsen	Heflin	Moynihan
Boren	Helms	Nunn
Burdick	Huddleston	Pell
Byrd	Humphrey	Pryor
Chiles	Inouye	Randolph
DeConcini	Jackson	Riegle
Dixon	Johnston	Sarbanes
Eagleton	Leahy	Stennis
East	Long	Zorinsky
Exon	Matsunaga	
Ford	Melcher	

NAYS—53

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Percy
Baker	Hart	Pressler
Bingaman	Hatch	Proxmire
Boschwitz	Hawkins	Quayle
Bradley	Hecht	Rudman
Bumpers	Heinz	Specter
Chafee	Jepsen	Stafford
Cochran	Kassebaum	Stevens
Cohen	Kasten	Symms
Cranston	Kennedy	Thurmond
D'Amato	Lautenberg	Tower
Danforth	Levin	Trible
Dodd	Lugar	Wallop
Dole	Mattingly	Warner
Domenici	McClure	Wilson
Garn	Metzenbaum	

NOT VOTING—13

Biden	Laxalt	Simpson
Denton	Mathias	Tsongas
Durenberger	Packwood	Weicker
Hatfield	Roth	
Hollings	Sasser	

The PRESIDING OFFICER. On this vote, there are 34 yeas and 53 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

REQUEST FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there will be no more votes tonight.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 7:50 p.m. in which Senators may speak for not more than 3 minutes each.

PROPOSED COMPROMISE ON KASTEN AMENDMENT

Mr. BYRD. Mr. President, reserving the right to object, and I will not, but I hope someone will put in the RECORD an explanation for the compromise that has been worked out on the other side of the aisle. To my knowledge——

The PRESIDING OFFICER. Will the Senator suspend? Let there be order in the Senate please. Senators will be in order. The Senator will continue.

Mr. BYRD. I thank the Chair. To my knowledge, and I may be wrong in this, I know of no Democrat who is familiar with the details, the infinite details, of this package, this compromise. So far as I am concerned, it is a pig in a poke. I have heard it explained in generalities about 2 or 3 hours ago but I do not know what went on in the last 2 hours, and so far as I am concerned I voted for cloture on this side of the aisle not knowing what is in the compromise package that was worked out on the other side. I do not know of any Democrat who had any input into the compromise at all.

So before we reach the time to vote for or against cloture on the Kasten amendment tomorrow—which calls for outright repeal of the withholding tax—I hope there will be some explanation in the RECORD or on the floor tomorrow of just what this compromise is. What does it entail? What are the details? We, on this side of the aisle, have the right to know that. So I am not going to vote blindly against cloture on the Kasten amendment until I understand what the compromise is. I think we on this side of the aisle are entitled to that.

Mr. KASTEN. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KASTEN. I agree with the Senator we ought to know what we are voting on tomorrow. We are still working, we have a couple of pages here of some of the legislative language, but what I would like to do at this point is to read into the RECORD, and then ask they expand on it somewhat, the basic provisions.

Mr. BYRD. May I interrupt the Senator at that point? The majority leader has the floor. I merely reserved the right to object. I do not object. I simply wanted to state what I said for the benefit of any Senators interested and I do not object to the majority leader's request.

The PRESIDING OFFICER. Is there objection——

Mr. MELCHER. Reserving the right to object——

Mr. BAKER. If the Chair will recognize me, I think the Senator from Wisconsin wishes to speak and I withdraw my request for the moment.

Mr. MELCHER. Mr. President, very briefly, I would like to just trace through the budget estimates that Treasury has made since the first of the year on withholding tax on savings. As I have previously stated in the debate on withholding tax on savings, the Treasury has been overestimating the revenue this provision would gain. Earlier in the debate when we were on this amendment I felt that the Treasury had overstated the amount that could possibly be collected and I just want to run through quickly the four points which they established the baseline on January 31, 1983, in the Office of Management and Budget and the President's budget said there would be $25.887 billion through fiscal year 1988 from interest and dividend withholding.

On March 2, 1983, in a letter from Secretary Regan to the Senate Finance chairman he stated that the Treasury attached a reestimate of revenue effect of withholding of interest and dividends and that included expanded information reporting and that estimate was down from $26 to $22.7 billion.

While we were debating this matter a few weeks ago in material prepared for the Senate Budget Committee and the impact on revenues of Senator KASTEN's proposal, the estimate was trimmed back to $18.2 billion over the

coming fiscal years through 1988 that the withholding tax would generate.

Now, in April of this year the current budget estimate of April 1983, a periodic reestimate updating previous numbers required by the Congressional Budget Act of 1974 and prepared by the Office of Management and Budget revealed new totals on April 12. In a table entitled "Change in Budget Receipts," it subtracted $8.1 billion due to end-of-year withholding. That is the explanation.

So from January 31 until April 12 the estimate has been changed from $23.887 billion through fiscal 1988 down to $10.1 billion. Yes, indeed, there was overestimating and we may get some more new estimates lowering the estimate again as we debate this matter in the coming days.

Mr. DOLE. Mr. President, I appreciate the Senator from Montana's comments. In fact, I commented on pretty much the same thing yesterday, but I think there are reasons for the changes in estimates and we will be discussing those. Much of the change is due to efforts by the Treasury to encourage those who are opposing withholding on interest and dividend income to support the legislation, the law that was passed last year. Of course, the numbers did change, and they dropped when Treasury authorized yearend withholding which the banks did not like, but which helps the savers, and when Treasury made some of the changes that the banks asked for. There will be a full explanation of that provided. But, nonetheless, It is confusing, as the Senator from Montana pointed out, to have almost a monthly change in the revenue figure. I am certain that if, in fact, the compromise that has yet to be fully explained is adopted there will be another change.

But I would just suggest, as I said as candidly as I could in a discussion today in the Republican policy luncheon, that as I counted the votes last night, the hard votes on cloture, I had only 28. So I went down to the White House last night to see how many they had. They did not have any, so I still had 28, and it seemed to me at that point we had two ways to go: To go ahead and make the fight, and lose, and have the repealer passed with only the requirement that you attach the 1099's, which we were told produced no revenue at all, or to try to work out some compromise where we could preserve most of the revenue. I would say, under the compromise we have tentatively agreed on, we will lose about $5.2 billion compared to current law which raises about $17.7 billion more than pre-TEFRA law. That is a loss, but it also retains about two-thirds of the initial estimate, and it does delay withholding until 1987 on interest and dividends. At that time if we do not have a 95-percent compliance rate as certified by a GAO study subject to the two Houses' approval, then withholding would take place.

But much of the revenue is picked up in what we call backup withholding. There have been a lot of arguments on this floor that we do not want to go after the honest taxpayers; we want to go after the other taxpayers. I frankly believe that withholding is good tax policy. The Senator from Kansas has not changed his mind on withholding, but he has changed his views on what is possible to achieve.

We provide for backup withholding for taxpayers who fail to comply with the law. We require those who send out 1099's to do it by first-class mail, in official form. We do require that magnetic tape filing be required, with a 1-year waiver authority for hardship cases, perhaps for that place in Montana. Deer Lodge, I believe, was the one the Senator mentioned to me about 1 month ago. We also require that copies of the 1099 forms be attached to the return. That is at the insistence of the Senator from Alaska, Senator MURKOWSKI, and others, who believe that is part of the way you solve this problem. That is not the view of the IRS.

We also have a broad civil penalty of $1,000 for individuals who attempt to avoid or attempt to evade income tax on interest or dividends.

There is still some drafting being done. I am not certain what support this amendment will have. As the Senator from Wisconsin properly noted, the President has not indicated that he would support this bill. He has only indicated that he would veto repeal.

This is not repeal; it is delay. And it does provide backup withholding in some cases and has some other provisions that I think the President might agree with. I cannot speak for the President. I have no authority to speak for the President. I did receive at least some indication from those we met with at the White House that it was all right to explore certain areas. That is precisely what we did.

I would just suggest that we hope to discuss this matter in detail tomorrow, unless cloture is invoked. The reason we prefer that cloture not be invoked is that under cloture, much of this amendment would not be germane, and much of the revenue we hope to retain would not be picked up. In my view that would be contrary to what I believe is the general policy of the Senate.

I do not know of any Senator who is going to stand up and say we ought to let anybody who does not pay their taxes just escape. The President thinks the best way is to just have withholding. Very honestly, we did not have the votes for that. I cannot predict what will happen to this bill when it leaves the Senate. I did meet with the chairman of the Ways and Means Committee this morning. He still feels as I do, that withholding is the best way. Again, I cannot speak for the chairman of the Ways and Means Committee and would not make any effort to do that.

Mr. DANFORTH. I wonder if the Senator from Kansas will yield for a question.

Mr. DOLE. I yield.

Mr. DANFORTH. I would like to inquire as to where we stand now. Is a cloture vote now scheduled for tomorrow on the original Kasten amendment? Is that scheduled?

Mr. DOLE. Yes; we come in at noon and I understand it will be 1 hour after the Senate convenes.

Mr. DANFORTH. And then it is my understanding that the Senator from Wisconsin would again urge Senators to vote against cloture?

Mr. KASTEN. Or to vitiate the cloture motion.

Mr. DANFORTH. Then, at that time, the bill would be open for amendment, is that it, and the Senator from Wisconsin would intend to offer a substitute amendment?

Mr. KASTEN. If the Senator from Missouri will yield, it is the hope of the Senator from Wisconsin that there may be an opportunity tomorrow, possibly by stretching out the time by unanimous consent, agreeing to vote on the cloture motion 2 hours after we meet, that there would be something like that tomorrow so we would have an opportunity to work out the details of this modified amendment before the second cloture vote is vitiated.

Mr. DANFORTH. Could I inquire further of the majority leader? If the compromise amendment is offered, then is it the intention of the majority leader to ask for a time agreement on that compromise amendment?

Mr. BAKER. Mr. President, as the Senator knows, I have been away from the city until just a short time ago. I have not yet had an opportunity to talk to the Senator from Wisconsin, the Senator from Kansas, or the Senator from West Virginia. I am willing to do that. It sounds like a good idea to me. The honest answer is I have not yet discussed that with the principals.

Mr. DANFORTH. I wonder if I can be considered one of the principals for the purpose of negotiating a time agreement. I would very much like to be consulted.

Mr. BAKER. The Senator is always one of the principals in every respect. I will add him to the list of those I will consult.

Mr. DANFORTH. I very much thank the majority leader for that.

As I understand it, the Senator from Wisconsin intends to offer his substitute amendment tomorrow.

Mr. KASTEN. It is likely to be a Dole-Kasten or Kasten-Dole substitute

amendment. We intend to work together on it.

Mr. DANFORTH. And that would be open for debate or any motions that may or may not be in order.

Mr. BAKER. If the Senator will yield for a moment, I do not know exactly what the parliamentary situation is because I was not here. I unfortunately was attending my uncle's funeral.

In any event, if I recall the procedure correctly, all of the slots in the amendment tree have been filled and it would require unanimous consent or the withdrawal of an amendment in order to do this. But I am sure that could be done. Indeed, if consent not be given to do it, we can attempt to do it in another way. I pledge to the Senator I will get this matter procedurally before the Senate.

Mr. DANFORTH. Again, can the majority leader assure me that I can be consulted before any agreement is reached as to a time certain to vote on the Kasten or the Kasten-Dole amendment?

Mr. BAKER. I give the Senator that assurance.

Mr. DANFORTH. The amendment, when offered, is an amendment to the so-called reciprocity bill. How does the majority leader view the reciprocity bill? It has always been my view that it was introduced in the Senate really to get a hearing and to be marked up and reported by the Finance Committee and then to wait for a House bill. Then it became the vehicle for the Kasten amendment.

If the Kasten amendment or a Kasten amendment is adopted, do we then go on to consider the details of the reciprocity bill?

Mr. BAKER. Yes; Mr. President. I represented on the floor some weeks ago in colloquy with the Senator from Wisconsin and the Senator from Kansas that when we chose the reciprocity bill as the vehicle, it was because it would go through the complete process in the Senate. What the House intends to do with it remains to be seen. I must say that I think the House would find the vehicle as so amended not proper. But I think the matter will find its way through the Senate process.

Mr. DOLE. Mr. President, I believe the indication I received this morning is that the House Ways and Means would have hearings on this matter.

I would want the record to show that we did try to contact the distinguished Senator from Missouri at noon today in an attempt to bring him into the negotiations. He was unavoidably absent. I know he has an interest in this as well as the reciprocity portion of the legislation.

I would only say finally that any of these figures for revenue gain from backup withholding that I referred to will be based in large part on whether or not the Congress is willing to provide the Treasury with the necessary supplemental appropriations to carry out what the Congress says they should do to follow up mismatches. I want the record to indicate that. I think that is an area we will have to cover at a later time.

Mr. KASTEN. Will the majority leader yield?

Mr. BAKER. Mr. President, I do not have the floor. I would be pleased for the Senator to seek recognition.

Mr. KASTEN. Mr. President, the following is the summary of the tentative compromise:

Backup withholding proposal for interest and dividends.

Point No. 1. Delay until July 1, 1987. Mandatory withholding on interest and dividends will commence on July 1, 1987, only if the 1985 compliance rate for individuals is not at least 95 percent as reported by GAO and only if both Houses of Congress approve the funding of the GAO report within 90 days.

Point No. 2. Backup withholding. Present law backup withholding will be expanded to apply to interest and dividend income at a 20-percent rate and to include the following cases: No prior year return, after notice by IRS, and prior year underreporting of interest income by $50, after notice by IRS. Certification procedures to insure correct taxpayer identification numbers may be prescribed.

Point No. 3. Return format. Copies of 1099 information reports will be required to be matched with filed returns. Magnetic tape filing will be required with 1-year waiver authority for hardship.

Point No. 4. IRS matching. The IRS will be required to implement a better program for matching interest and dividend information returns with tax returns. Treasury will submit a report on necessary supplemental appropriations.

Point No. 5. Stricter payor penalties. A negligence penalty will apply to payors who do not have a certified statement from account holder providing his TIN, with increased penalties for gross negligence.

A no-fault penalty will apply to payors who do not file an information return, with increased penalties if the payor fails to file a large percentage of information returns.

A negligence penalty will apply to payors who do not impose backup withholding when required.

Point No. 6. Fraud penalty. A $1,000 civil penalty will apply to individuals who attempt to evade or avoid income tax on interest and dividends.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. KASTEN. I shall be pleased to yield.

Mr. BYRD. What assurance will the Senate have that the next Congress will not undo this?

Mr. KASTEN. I have no assurance as to what the next Congress may or may not do, but we did not have that assurance on the bill in general.

Mr. BYRD. Will the Senator read once more the paragraph that dealt with the congressional veto?

Mr. KASTEN. The details of the congressional veto will be worked out in the legislation. What I am giving here is the elements. What I read is that the compliance must be at least 95 percent as reported by GAO and only if both Houses of Congress approve the findings of the GAO report within 90 days.

I say to the Senator that the legislation says that the GAO will report to us not later than January of 1987 as to their analysis of the 1985 compliance. Then, within the same kind of process we have for legislative veto now, which has to follow a fast track veto process in order to force a vote, we cannot delay a vote from occurring. There needs to be an affirmative vote in the House that we agree with the GAO that there is 95 percent noncompliance and an affirmative vote in the Senate that we agree with the GAO. It is envisioned that that vote will take place sometime between January when the vote is before us and July when withholding will trigger in.

If either House decided that the GAO report was not accurate and did not properly reflect the rate of compliance, the GAO would then be required to go back, reanalyze 1985, and during the period that they are reanalyzing 1985 to get the additional information Congress would want, withholding will not take effect.

Mr. BYRD. Mr. President, the Senator's explanation is helpful. Is there a fast track approach built into this as part of the mechanism?

Mr. KASTEN. It is built into the legislation.

Mr. BYRD. It will be built into the legislation?

Mr. KASTEN. It is my understanding that it will be built into the legislation.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, if there are no further remarks in this respect, I wish to amend my request for a period for the transaction of routine morning business. There has not been such a period today.

I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 8:10 p.m. in which Senators may speak.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WITHHOLDING OF DIVIDENDS AND INTEREST

Mr. D'AMATO. Mr. President, on July 1, 1983, a 10-percent withholding on dividends and interest will go into effect. It has been argued by the proponents of withholding that the revenue gained by the Treasury will approximate $18 billion over the next 5 years. Given the current Federal budget deficit problem, I can certainly sympathize with attempts to improve the situation.

However, these revenues will be extracted at a tremendous cost from the Nation's middle class and financial institutions. Therefore, I strongly support repeal of this onerous and burdensome provision.

I do believe, however, that the small minority of people not reporting earned interest and dividend income, at a time when there is 90 percent reporting, should be encouraged to do so. For this reason, I have cosponsored the amendment offered by my distinguished colleague from Wisconsin which will repeal the current withholding provision and add a new requirement that taxpayers attach copies of their 1099 tax forms to their tax returns. This added reporting will greatly encourage compliance without penalizing either the middle class or the financial institutions that they rely upon.

The potential financial penalty arising from implementation of the new withholding requirement to which I am referring is of immense proportions. Peat Marwick Mitchell & Co., a leading accounting firm, has estimated that the more than 14,000 commercial banks will pay a total of $3 to $6 billion in the first year alone to implement a withholding system. It is further estimated that the average middle-size bank will have to pay approximately $400,000 annually to manage the withholding requirements. Some people may say that commercial banks can afford this burden, but the reality is that these added operating expenses will be passed on to consumers and small businesses in the form of both higher fees and borrowing rates. Obviously, these costs will negate any benefit that withholding may have for the Treasury.

Where some would erroneously argue that commercial banks can absorb these costs, no one would claim that the savings and loan industry can afford any added outlays. The United States League of Savings has estimated that, in 1983, the savings and loan industry will lose $750 million. Withholding will add another $200 million to these losses. During 1982, in my home State of New York, the savings and loan industry lost $404 million. Losses undubiously will continue in 1983 if abetted by $16 million in added witholding costs. This may be enough to push many of New York's savings and loans over the brink, ultimately to the detriment of their depositors.

One such possible savings and loan, Bowery Savings Bank, will pay an estimated $550,000 in the first year that the withholding provisions are in effect. This institution is already receiving FSLIC assistance. It should not be forced to pay an additional $550,000 to meet new Federal regulations.

In the case of a smaller entity, Central Federal Savings in Long Beach, N.Y., will bear an added $73,000 in higher costs to manage the withholding program in the first year alone. The bank serves primarily the small businesses and savers of Long Island. These customers will foot the bill at a time when the recession is just ending.

Mr. President, my point is that withholding is a people issue. Directly or indirectly, the little people will absorb the higher costs incurred by the banks. These are the same people that have been most hurt by the high cost of banking during the recession. We cannot in good conscience further injure these individuals and their businesses.

There are other problems in the withholding provisions. With unemployment at double-digit levels, this is no time to discourage the reinvestment of savings. The accumulation of capital is needed badly if we are to finance new projects and put people back to work. Withholding of dividends and interest stifles reinvestment. The main thrust of the Reagan administration economic program has been the accumulation of capital. It will be that much harder for corporations and consumers to save for the future if dividends and interest are withheld. Indisputably, this will have the effect of exacerbating the current unemployment problem.

Finally, although the new withholding law contains exceptions for many of the poor and elderly, the required procedures which these individuals will have to go through in order to obtain their needed exemptions are complicated. Many will not understand the exemption procedures or will not learn of them in time. Thus, many of those who well deserve to be exempted from withholding—those who need all of their income now, not at some future tax refund date—will, in effect, be denied and exemption.

The amendment we are now considering would greatly reduce the reporting requirements. By simply requiring that 1099 forms be attached to tax returns, the Treasury Department has estimated that compliance will increase from 90 percent to 97 percent. If we are able to obtain such a large improvement through this alternate procedure, I see no reason to impose the nightmare of withholding.

Mr. President, as I have already stated, dividend and interest withholding is a people issue. Current law would increase banking costs, exacerbate unemployment, and create a quagmire of reporting. This amendment does quite the opposite, while still increasing taxpayer compliance. Consequently, I would urge its passage.

NEW YORK TIMES OPPOSITION TO THE FREEZE IS DEAD WRONG

Mr. PROXMIRE. Mr. President, this morning's New York Times leads off its editorial page with a free-swinging attack on the nuclear freeze movement. How discouraging—that the paper that has given this country the wisest and most prudent advice for so long on so many subjects now carps and whines about a movement that has mobilized remarkably strong public support to stop the arms race.

With a nifty professional touch, the Times establishes its objectivity by starting off with a few meaningless compliments for the freeze that must be obvious to anyone. Sure, says the Times, the freeze movement has rallied widespread public support, tempering the belligerency of the Reagan administration. It has provoked public interest in arms control. It has influenced the Scowcroft commission to recommend that we move to single warhead from multiwarhead missiles—thus providing for a more survivable, less first-strike oriented deterrent.

But having softened up the freeze sympathizers, it thunders that the formula comes down to a simplistic: "stop now!" And then what? asks the Times. The freeze, they say, offers nothing else, nothing except—stop!

Of course, the Times is dead wrong. The freeze would stop production, deployment and testing, and it would then turn to negotiating reductions of nuclear weapons and eventually negotiating elimination of the weapons. Obviously, reductions of nuclear weapons must follow, perhaps by several years, the initial negotiations, and the elimination of such weapons may be generations away. And sure, all of this may be as impossible as landing a man on the moon seemed 25 years ago or the idealistic notion 200 years ago that the American democracy would survive and outlast every other constitutional government on Earth.

The freeze does face a painfully difficult and rocky road ahead. The odds are very likely against success. But it represents our best chance for survival.

Then the editorial charges that the resolution calls for an immediate

freeze, while, the editorial points out, the negotiations would take several years. And the resolution calls for a verifiable halt in producing nuclear arms. "Nice but infeasible," says the Times.

Mr. President, if we take this editorial attack word by word, we find that the freeze stands up very well. From the beginning, the freeze advocates have insisted that any freeze be mutual and verifiable. Obviously, it does not go into effect until the negotiations have been completed and the finished product accepted by both sides. Then and only then do we have an "immediate" freeze. "Immediate" refers to the moment when both sides accepts the negotiations. Then and only then do we have in place the means to verify the mutuality of the freeze. That should not be too hard for the Times to understand.

Until we conclude these resolutions, there is no way on Earth we can make them either mutual or verifiable. After that and only after that agreement has been accepted would it go into effect. The Times argues that the freeze would paralyze "America in a potentially vulnerable Minuteman land missile deployment while doing nothing about the Soviet Union's potential first-strike force." Nonsense. By the time the freeze can be negotiated, we can make adjustments, and we have the Scowcroft commission itself finding that the window of vulnerability was shut after all, that the submarine and bomber deterrent of America could and would survive any Soviet first strike with an overwhelming capability.

Finally, the Times calls on freeze advocates in the Congress to support the "build down" proposal that would provide that we could modernize our nuclear arsenal as long as we reduced by two missiles or two warheads for every one missile or one warhead we brought into our arsenal. What an argument for never agreeing to an end to the arms race. Certainly this has a simple, easy plausibility, until we think about it. But how would we administer a "build down"? The single constant in military conflicts over the last hundred years is the assurance that as long as the marvels of our scientific laboratories are devoted to the development of weapons of death and destruction, new means of human extermination will develop that will eventually assure the end of mankind on Earth. Ah, the marvels of "modernization." Our ancestors would trade two swords for one bullet-firing musket any day, and two bullet-firing muskets for one machine gun, and two machine guns for a conventional airplane-dropped bomb, and two conventional bombs for one fat A-bomb of the kind we dropped at Hiroshima, and two fat bombs for a hydrogen bomb. Get the idea? "Build down" sounds great. We would destroy two of our stationary land-based missiles for one submarine missile—just as accurate but with far greater mobility and far less vulnerability. What a nightmare to administer a "Build-down" Treaty! In every "build down," a judgment would have to be made on the tradeoff. Does anyone really believe that either the Soviet Union or the United States would trade two for one unless they believed they were enhancing their military security and power? Of course not. Does anyone believe that the "build-down" would not simply turn to our scientific labs with an incentive to come on like gangbusters, with ever newer and more devastating super weapons?

So, yes indeed, the freeze has its problems. It carries serious risks. But the very simplicity which the Times deplores constitutes its strength. Stop. Stop as soon as we negotiate the freeze and agree on both sides. We should condition that stop on verification by the most meticulous inspection we can negotiate. To those who say the Soviets would never agree, I say let us try. Both countries gain from vigorous and thorough verification. All of us know that it is essential, the key to peace—indeed in the long run, very likely the key to mankind's survival on Earth.

Mr. President, I ask unanimous consent that the editorial from today's New York Times entitled "Stop Nukes; Then What?" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1983]

'STOP NUKES'; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It woud freeze America in a potentially vulnerable Minuteman land-missle deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple-warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?

THE GENOCIDE CONVENTION: IT IS TIME FOR PRESIDENT REAGAN TO ACT

Mr. PROXMIRE. Mr. President, Sunday's Washington Post carried an excellent article by Haynes Johnson on the need for ratification of the Genocide Convention.

The article lauds the President and Vice President for their eloquent speeches during activities last week commemorating the Holocaust and honoring its survivors.

But Mr. Johnson goes on to point out that these words need to be backed up by action and that action is ratification of the Genocide Convention—a treaty that would "put the United States unequivocally on record as backing what it says it supports"—the right of national, ethnic, racial, and religious groups to live free from fear of another Holocaust.

He also goes on to make an argument which I have not stressed in my own speeches and which deserves emphasis. He notes that "the treaty would deny sanctuary and compel extradition of war criminals, such as the Nazis who committed Holocaust atrocities."

Mr. President, the treaty is just that simple. It is an affirmation of the right to live and an affirmation that criminals—those committing the most

heinous crime known to man—will face certain punishment.

Mr. President, I ask unanimous consent that Haynes Johnson's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 17, 1983]

REAGAN'S ELOQUENCE CANNOT MASK FAILURE TO PUSH GENOCIDE PACT

(By Haynes Johnson)

In a city of stale conventions and constantly staged protests, all aimed at gaining national exposure through the media, the gathering of Holocaust survivors here last week set an extraordinary example of genuine emotion and meaning. It also provided a stark contrast in the differing ways the Reagan administration shows its support, or lack of it, for the universal question of human rights abuses as grotesquely typified by the Holocaust.

To sit among the audience in the cavernous assembly hall at the new D.C. Convention Center was to witness many poignant scenes. What was being seen was too personal and intimate. It made an observer feel like an intruder. It made you want to avert your eyes.

Men and women slowly marched down the aisles, gazing into the audience as they silently held up hand-lettered signs bearing names of their concentration camp or home town. Ocassionally another man or woman would stand and look intently at a sign, then, in a burst of emotion and shedding of tears, would embrace the person carrying it. They had found a personal link to their tragic past. These encounters, repeated throughout the convention center, were painful and stirring and moving beyond the capacity of mere words to convey.

The point here is not to attempt to recapture those scenes or retell the conversations that kept springing up, many of them so eloquent and, again, so personal. That has been done, and well, by the press. The point, now that it's over, is to address other questions, and criticisms, about the event.

Why, it is being asked, was the United States government officially commemorating the victims of the Holocaust and honoring the survivors not only in ceremonies here, but also around the country? Why is the government underwriting creation of the new Holocaust Memorial Museum that will be housed here? If a memorial to European victims of Nazi mass murder is in order, why not one to other oppressed groups who experienced mass extermination? Why not one to the Cambodians? Why not a memorial to groups closer to home? Why not one to black slaves imported into this country? Why not one to call public attention to atrocities suffered by American Indians?

These are all legitimate questions to which the Reagan administration provided compelling answers. President Reagan and Vice President Bush, in appearances before the gathering last week, matched the emotional moment their with own statements.

In his formal, written greeting to the survivors, the president said: "This gathering will heighten our awareness of the events that led to the Holocaust and serve to renew our commitment to a moral vision that will never permit such atrocities again." In his appearance before them, he reiterated that theme by saying: "Our most sacred task now is ensuring that this greatest of human tragedies, the Holocaust, never fades—that its lessons are not forgotten."

Bush, in his remarks formally setting aside two federal buildings to house the Holocaust Memorial Museum, was, if anything, more eloquent. "Never again in the history of man will we allow human rights to be so viciously abused," he said. And he struck exactly the right note when he said the museum "will show what can happen" just as "the Holocaust serves as a universal warning."

Together, they drew the essential lessons about the universality of the tragedy: the quintessential example of man's inhumanity to man. Would that their words were equally clear and forthright on a directly related question of human rights abuses, one springing out of the Holocaust experience itself. Sadly, they are not.

For 34 years, a treaty committing the United States to opposition to genocide has been pending before the Senate. Despite the backing of president after president and ratification by about 85 nations, it continues to languish in the Senate. Failure to ratify this treaty remains a stain on this country, one even more embarrassing in the context of the Holocaust observances in Washington last week and the official endorsement of them.

The treaty had its inception in the horrified international reaction to Nazi atrocities of World War II. Immediately after the war and liberation of the survivors from their concentration camps, the U.N. General Assembly passed a resolution declaring genocide a crime under international law. In June, 1949, President Truman submitted the treaty to the Senate, with a strong appeal that it be ratified. It immediately fell afoul of domestic politics of the rankest sort.

Specifically, the genocide treaty became trapped in the civil rights—U.S. vs. states—struggles that dominated the politics of the 1950s and early 1960s. It became a controversial example of internationalism and of the possibilities that its sanctions against human-rights abuses could be applied internally to incidents in this country, especially during the bloody civil rights confrontations that occurred in the Deep South.

Although those arguments no longer have any relevance in the America of the 1980s, the genocide treaty remains a fervent rallying cry among the far right-wing groups, such as the Liberty Lobby and John Birch Society. They continue to organize a militant campaign against the treaty, flooding Capitol Hill with literature and enlisting support of such politicians as Republican Sens. Jesse Helms and John P. East of North Carolina and Strom Thurmond of South Carolina.

The argument these senators and the far right make against the treaty is that it would be a sellout of the United States and a negation of the Bill of Rights.

Little more than a year ago, Senate Foreign Relations Committee Chairman Charles H. Percy (R.-Ill.) was saying publicly that he believed there were enough votes in the Senate then to ratify the treaty. Helms immediately vowed a filibuster. Even though the Foreign Relations Committee has reported the treaty favorably four times over the long decades, the treaty has reached the Senate floor only once. That time it was stymied by a filibuster.

Arguments against the treaty are patently phony. Basically, all the treaty would do is deny sanctuary and compel extradition of war criminals, such as the Nazis who committed Holocaust atrocities. And it would put the United States unequivocally on record as backing what it says it supports. Yet, with high irony, the greatest present stumbling block to ratification comes from the Reagan administration. Despite all of the fine words last week, the administration has been unwilling to confront the right wing squarely on this issue.

Which side is it really on? If it truly believes in one set of principles, as expressed so well by the president and vice president, how can it not put the weight of law and moral authority of the government strongly behind this treaty seeking to prevent future Holocausts?

OUTDOOR RECREATION

Mr. SPECTER. Mr. President, I rise today to join my colleague, the chairman of the Subcommittee on Public Lands and Reserved Water, Senator WALLOP, in sponsoring the National Outdoor Recreation Resources Review Act of 1983.

This bill would authorize the creation of a bipartisan National Outdoor Recreation Resources Review Commission. This Commission would be responsible for studying and recommending appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector to insure the availability of quality recreation resources and facilities now and in the future. The Commission would be required to transmit a report on its review and recommendations to the Congress within 18 months after its appointment and would cease to exist within 6 months after submitting this report.

The findings and recommendations of the Outdoor Recreation Resources Review commission (ORRRC), which existed from 1958 to 1962, contributed significantly to the protection of our land and water resources and the expansion of recreation activities. However, changes in national and regional demographics, economic conditions, lifestyles, and technology have resulted in dramatic growth and change in recreation demand beyond the 1962 projections of the ORRRC. Nationally, leisure expenditures have grown from $58 billion a year in 1965 to $244 billion in 1981, a 47-percent increase in inflation-adjusted dollars. In my own State of Pennsylvania, expenditures for outdoor recreation are projected to continue to grow 17 percent at public areas and 20 percent at private facilities over the next 10 years.

As society has changed over the years, the definition of recreation has broadened to include activities other than the traditional forms of outdoor recreation. The bill we introduce today represents a starting point. It is important that as this bill is considered, we not overlook these additional aspects.

Formation of this Commission was recommended in a study conducted by

the Outdoor Recreation Policy Review Group, a group of six prominent business and conservation leaders under the direction of Laurance S. Rockefeller, chairman of the ORRRC. This study indicated that in spite of the increased demand for recreation, governments at all levels are doing less in providing outdoor recreation opportunities. For instance, the Bureau of Outdoor Recreation, the Federal agency recommended by the ORRRC to provide national leadership in outdoor recreation, has been dismantled. Federal expenditures for outdoor recreation have decreased by almost 50 percent between the years of 1978 and 1982. Recent State and Federal reports indicate that the quality of the public recreation estate—both resources and facilities—is deteriorating. In addition, a significant portion of the public recreation estate is underused and could accommodate increased use with better planning and increased investment.

Public and private recreation resources and programs contribute not only to environmental quality, but to physical and mental health and to our Nation's economic vitality. Spending for recreation and leisure is a major component of the economy and continues to grow. Leisure is one of the fastest growing sectors of the national economy, and 1 out of every 15 jobs in the country is directly related to the support of leisure. In my own State of Pennsylvania, 400,000 jobs and $11.8 billion per year in consumer spending have been traced to the leisure industry.

The American public seeks an increasing array of recreation experiences, yet public and private efforts to satisfy this demand are limited by inadequate coordination, increasing fiscal constraints, growing demands on land, water and recreation resources and lack of basic information. Thus, there is a need to review and anticipate public recreation interests and demand and recommend appropriate policies to insure the availability of quality recreation resources and facilities for this and future generations. It is for this reason that I support the National Outdoor Recreation Resources Review Act of 1983.

UNITED NATIONS REGULATIONS

Mr. PRESSLER. Mr. President, the April 25, 1983 issue of U.S. News & World Report contains a significant article entitled, "As U.N. Tries To Regulate Just About Everything—." I ask unanimous consent that the text of this article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so orderd.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, as this Senator from South Dakota indicated on two previous occasions in recent weeks, the prospect of increasing regulation of U.S. agricultural and other exports by international organizations represents a serious long-term danger to the health of our economy.

There is too much interference with U.S. trade efforts resulting from the policies of individual nations. We cannot tolerate imposition of additional restrictions and barriers created by the misguided bureaucracies of international organizations. American agriculture, small business firms, and companies active in the export of U.S. goods and services will face insurmountable competitive odds if we simply ignore what is happening.

I oppose the creation of a "new international economic order" by decisions of international organizations. We are overwhelmingly outnumbered in these organizations, yet we provide the largest single share of the assessed and voluntary contributions which these new bureaucracies depend on to carry out their questionable objectives.

May I remind Senators that my subcommittee of the Senate Foreign Relations Committee will hold hearings on this problem, including the proposed U.S. ECOSOC "Consumer Protections Guidelines" on May 19, 1983. I will convene this hearing at 10 a.m. that day in Dirksen 419. All Senators should attend or insure that they have staff in attendance. Interested Senators are welcome to provide written testimony.

My Senate Resolution 115 expresses the heart of this problem and I encourage those who are interested to check the RECORD for April 15, 1983 at page S4737 and March 22, 1983 at page S3573. My colleagues' cosponsorship of this resolution will be welcomed, not only by this Senator but by the millions of Americans whose livelihood depends upon healthy export growth.

Mr. President, there is also a constitutional dimension to this issue. We must realize that property and economic rights are integral parts of American freedom. It would be a devastating blow to our freedom if these rights were to be severely restricted or eliminated by unnecessary and adverse regulations imposed by international organizations.

EXHIBIT 1

[From the U.S. News & World Report, April 1983]

AS U.N. TRIES TO REGULATE JUST ABOUT EVERYTHING—

(By Clemens P. Work)

(It's one thing to control aviation, drugs, shipping. But U.S. opposes rules that would redistribute wealth.)

Even as the Reagan administration struggles to roll back excessive bureaucratic rules at home, Americans are getting tangled in a little-noticed web of international regulation imposed by the United Nations.

Many of the U.N. rules are endorsed by the U.S. as vital to avoid anarchy in an increasingly complex world—much as traffic lights are needed in population centers to avert traffic chaos.

These include global safety standards for ships and aircraft, health certificates for travelers to some regions, uniform postal rates and assignment of space on broadcast bands.

But another form of international regulation is causing growing concern in Washington. This involves an attempt by poorer nations to wrest a greater share of the world's wealth—and political power—from the industrial West.

Politically inspired regulations approved or proposed by the U.N. in the last few years are designed primarily to foster such a redistribution of economic and political power over a wide range of issues. Among them are moves aimed at—

Giving lesser-developed nations guaranteed shares of the profits from cargo shipping and undersea mining of ocean-bed mineral nodules by industrial countries.

Granting the Third World a say in the behavior of multinational corporations and in the marketing of drugs, chemicals and infant formulas.

Authorized nations, including dictatorships and Communist regimes, to impose controls on the movement of public information and commercial data over their borders.

Even though the world economic recession has tempered some of the Third World's stridency, U.S. officials are concerned about the growing scope of the restrictions sought by developing nations. In a recent speech, Ambassador to the U.N. Jeane Kirkpatrick charged the world body with practicing "global socialism."

"The dominant ideology in the U.N. concerning economic regulation is a version of class war," she said. She charged that international bureaucrats who know little about what they are regulating make matters worse.

In a classic encounter between the haves and have-nots, the United States often finds itself in a small minority of developed countries or standing alone against the world.

For example, in December, the U.S. was outvoted, 146 to 1, on a resolution to compile for the developing countries' benefit a U.N. register of all "harmful products." The U.S. opposed the extra $140,000 cost, of which it pays a fourth.

At the root of the U.S.'s more controversial regulations is muscle flexing by developing countries in their postcolonial phase. With their power enhanced by the one-country, one-vote structure of the U.N. General Assembly, they have sought since 1974 to use the U.N. as a tool to shift the global political and economic balance. They started with a resolution calling for a "New International Economic Order" (NIEO).

REPARATIONS

Over U.S. objections, poorer nations demanded reparations from the developed world, claiming a right to aid from richer states.

"The problem with the NIEO is that it tends to view the world's riches as a fixed pie which must be cut up another way," observes Raymond J. Waldmann, a former assistant secretary in both the U.S. State and Commerce departments.

An American diplomat at the U.N. argues further: "Not only do they want a bigger share, they want to get control of the knife that slices it."

One example of recent wealth-transfer regulations: The Law of the Sea Treaty, signed in Jamaica last December by 120 nations but not by the U.S.

This gives a new United Nations agency, the International Seabed Authority, the sole power to license the harvesting of ore-rich nodules from the ocean floor. Mining companies and consortia must sell the extraction technology they have developed to an international mining company, called the Enterprise, which will share it with less developed countries.

At the same time, the treaty would require the U.S. to pick up most of the cost, even though it might have no say in the authority's operation. Forty-six other countries, including Britain and West Germany, have joined the U.S. in rejecting these regulations.

In addition to the U.S. boycott of the new treaty, President Reagan on March 10 asserted an exclusive right to exploit minerals within 200 miles of America's coastline.

Next target of worldwide regulation: Shipping. U.N. standards are designed to build up developed countries' fleets, but they endorse price fixing, cargo sharing and restrictive cartel arrangements prohibited by U.S. law.

CODE OF CONDUCT

A code of conduct written by the U.N. Conference on Trade and Development (UNCTAD) contains detailed regulations on how shipping agreements between countries must be organized and operated.

Most controversial is a provision that aims to guarantee that developing nations get a bigger share of cargoes in and out of their ports. Trading partners adopting the code could split most of the cargo shipped between their countries. Freighters of the U.S. and other mercantile nations that shun the code would not be bound by such arrangements, but they could still be hurt by greater competition in the lucrative business of carrying cargo between foreign ports.

The Reagan administration is opposing the plan, even though a Department of Transportation report estimates that a greater "forced market share" of cargo in and out of U.S. ports would actually boost U.S.-carrier revenues by 500 million dollars. Washington complains that the proposal is anticompetitive and contrary to American antitrust laws.

Nonetheless, France, Germany, Belgium and other European Common Market countries are expected to ratify the code this year with some amendments favorable to the U.S., thus bringing it into effect. They are intent on blocking the rapid expansion of Communist-flag fleets that are cutting into the traditional business of Western European maritime nations.

A more volatile issue is U.N. regulations being directed specifically toward the export and marketing of pharmaceuticals, health products such as infant formulas and contraceptives, pesticides and "harmful products."

Developing nations also are attacking what they claim is exploitive behavior by the multinational corporations that make these products.

Through codes of conduct—a regulatory device that has flowered at the U.N.—these countries are attempting to "redress existing worldwide economic imbalances" and to transfer technology to themselves on more favorable terms.

Rubina Khan, a staff official for the U.N. Director-General for Development and International Economic Cooperation, alleges that "pharmaceutical companies represent [multinationals] at their worst." Main complaints are that drug companies overcharged and dump dangerous drugs in the Third World.

The drug industry counters that its return on equity in developing countries is half of what it is in Western Europe and the United States. Jay Kingham, international vice president of the Pharmaceutical Manufacturers Association, says costs may be higher on some new drugs, "but that's only to make up for transportation and government intervention in those countries."

"DOMINATION STRATEGY"

To offset what they call a "strategy of domination used by industrialized countries," two U.N. agencies, the Industrial Development Organization (UNIDO) and the World Intellectual Property Organization (WIPO), have urged greatly weakening patent and trademark protection.

Kingham, speaking for American drug manufacturers, complains that this initiative—currently stalled—would undermine some of the most basic concepts of private industry.

Washington lawyer James R. Phelps says: "It appears that the pharmaceutical industry is destined to be a testing ground on which the future of the [New International Economic Order] will be decided."

On the horizon is a proposal by Health Action International—a coalition of health and consumer-activist groups from 55 nations assisted by the U.N.—to ban advertising and promotion of prescription drugs.

The regulation emulates the World Health Organization's Breast-Milk Substitutes Marketing Code, adopted in the wake of charges that misleading promotion of infant formulas had led to infant deaths in undeveloped countries.

International regulators now are zeroing in on pesticides. Environmentalists insist that an industry-backed marketing code now before the U.N. Food and Agriculture Organization in Rome is too weak.

"There's a lot of concern that the code will legitimize labeling and marketing practices that are harmful to consumers," says David Chatfield of Friends of the Earth. "Pesticide makers should not be able to claim that their products can do everything but the dishes."

ASBESTOS

Consumer groups and international trade unions are backing yet another marketing code aimed at restricting asbestos marketing. They hope to have it approved by the U.N.'s International Labor Organization in June.

Critics claim that other U.N. specialized agencies, created to smooth technical and scientific cooperation, are bowing to pressure from the U.N.'s political majority of developing nations. The most noteworthy example: The U.N. Educational, Scientific and Cultural Organization (UNESCO), which is embroiled in a major controversy over attempts to regulate the news media.

A "New World Information Order" proposed by the U.N. would allow international licensing of journalists and a code of ethics—measures that most in the Western media believe would pose a significant threat to their ability to gather and distribute news freely, and—not coincidentally—give Third World media a bigger share of the market.

UNESCO has now modified its position to acknowledge the role of the press in "monitoring abuses of power," but the controversy over controls has not yet been resolved.

The communications industry faces restrictions from another direction with approval by the U.N. Commission on Peaceful Uses of Outer Space of a treaty prohibiting the satellite transmission of television signals into foreign countries without their permission.

"The battle isn't over," says Leonard Marks, a World Press Freedom Committee official. "The critics have been rebuffed, but they haven't been silenced."

The practical effect of U.N. wealth-transfer regulations remains to be seen. Is it a political salve for the poorer countries of the Southern Hemisphere? Might it serve as a safety valve for those of the Northern?

The U.N. code on transnational corporations has been on the negotiating table for six years and is probably years more from completion. The code on transfer of technology is even further from adoption.

Paxton Dunn of the U.S. Council for International Business says, "I can't conceive of a code being voted over the objection of the U.S. and having it mean anything. But our position is positive. A good code would clear the air and make a better investment climate."

At the U.N., where each word in a document is charged with worlds of meaning, U.S. insistence on "balanced and universal treatment" for multinationals has given some developing countries cold feet about the proposed rules to control transfer of technology.

The modified language would impose obligations on them to treat multinationals fairly and would cover state-run enterprises as well as private firms.

Notes Samuel K. B. Asante, chief legal adviser to the U.N. Centre on Transnational Corporations, "They never thought it would get to that point."

FEARS ARE DIMINISHING

The changing climate of foreign investment and the worldwide business recession have also acted to make many Third World nations less fearful of the multinationals and more concerned about losing economic benefits that these corporations bring.

Still, most observers agree, U.N. activity has stimulated greater national regulation. But it also has made industrialized countries aware—sometimes painfully so—of Third World problems.

American diplomats can only bristle at the bruising, lopsided votes against U.S. interests. For now, says one member of the U.S. mission, "we'll just keep on talking."

FINANCIAL DISCLOSURE FILING OBLIGATIONS

Mr. STEVENS. Mr. President, title I of the Ethics in Government Act of 1978 requires Members to file a public financial disclosure report covering calendar year 1982 on or before May 15, 1983. Forms and instructions applicable to this filing requirement are now being sent to Members and certain staff.

In addition to this requirement for a report from Members, the act and Senate rules provide for three categories of Senate staff who are required to submit a report. These categories are:

(A) Senate employees who meet all of these criteria: First, they are em-

ployed by the Senate on May 15, 1983; second, they were employed by the Senate for at least 61 days in 1982, and, third, they were paid for at least 60 days in 1982 at or above the rate of pay in effect for GS-16 of the General Schedule. Staff are considered "employed" by the Senate as of May 15, 1983, if they are actually receiving a Senate salary as of that day; those who are carried on the disbursing office's records as "When Actually Employed" individuals are not Senate employees on that day unless they actually receive payment for services performed on that day. The rates of pay in effect for grade GS-16 during 1982 were $54,755 in the period January 1 to September 30, and $56,945 in the period October 1 to December 31.

(B) If a Member does not have an employee on his or her personal staff who meets all three of the criteria enumerated in the preceding paragraph, then he or she is required by the act to designate an employee as a "Principal Assistant," who must file a disclosure report on or before May 15, 1983.

(C) Senate employees who were designated, pursuant to Senate rule 41, to handle political funds at any time during 1982 must file a financial disclosure report on or before May 15, 1983, covering calendar year 1982. If an employee designated to handle political funds is also required to submit a disclosure report due to the requirements set forth in either paragraph (A) or (B) above—That is, salary level and period of employment, or designation as a "Principal Assistant"—then a duplicate report is not required.

The Ethics Committee staff will attempt, with the assistance of the Disbursing Office, to identify those staff who are required to file a report, and to provide them with the necessary forms and instructions. However, it is each individual's responsibility to ascertain whether he or she is obligated to file a report.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-869. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of April 1, 1983; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations and the Committee on the Budget.

EC-870. A communication from the Assistant Secretary of Energy for Management and Administration transmitting, pursuant to law, a report on the obligation of funds in excess of authority; to the Committee on Appropriations.

EC-871. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to the Federal Republic of Germany and other NATO consortium nations; to the Committee on Armed Services.

EC-872. A communication from the Acting Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics (Military Personnel and Force Management) transmitting, pursuant to law, the Annual Testing Report for overseas dependents' schools; to the Committee on Armed Services.

EC-873. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert the training and audiovisual support center activity at Fort Bliss, Tex., to performance under contract; to the Committee on Armed Services.

EC-874. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the Neighborhood Reinvestment Corporation's Financial Statements for the Year Ended September 30, 1982"; to the Committee on Banking, Housing, and Urban Affairs.

EC-875. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the 69th Annual Report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-876. A communication from the Chairman of the National Credit Union Administration transmitting, pursuant to law, the Board's report on the feasibility and desirability of permitting credit unions to compensate members of their boards of directors; to the Committee on Banking, Housing, and Urban Affairs.

EC-877. A communication from the Chairman of the Advisory Council on Historic Preservation transmitting a draft of proposed legislation to continue the authorization for appropriations for the Council through fiscal year 1986; to the Committee on Energy and Natural Resources.

EC-878. A communication from the Assistant Secretary of Energy for Conservation and Renewable Energy transmitting, pursuant to law, a report on a delay in the required annual revisions to the OTEC Program Management Plan; to the Committee on Energy and Natural Resources.

EC-879. A communication from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to withdraw and reserve certain public lands in Nevada for use by the Navy as a bombing range; to the Committee on Energy and Natural Resources.

EC-880. A communication from the Director of the Minerals and Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payments to Texas Gas Exploration Corp.; to the Committee on Energy and Natural Resources.

EC-881. A communication from the Acting General Counsel of the Department of Energy transmitting a draft of proposed legislation to reduce costs and the public reporting burden of the Energy Information Administration; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week";

S.J. Res. 78. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week";

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day"; and

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month."

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 112. A resolution expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the armed conflict on the border between Thailand and Kampuchea.

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 267. A bill entitled the "Coal Distribution and Utilization Act of 1983" (with additional and minority views) (Rept. No. 98-61).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

William H. Barbour, Jr., of Mississippi, to U.S. district judge for the Southern District of Mississippi.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. HEFLIN):

S. 1080. A bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; read the first time.

By Mr. FORD:

S. 1081. A bill to authorize the Interstate Commerce Commission to adjust rail rates to reflect cost decreases due to deflation; to the Committee on Commerce, Science, and Transportation.

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 1082. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, with respect to railroad accounting principles, and for other purposes; to the Committee on Commerce, Science, and Transportation.,

By Mr. TSONGAS:

S. 1083. A bill to amend the Immigration and Nationality Act to provide that aliens who die while serving with the United States armed forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' death; to the Committee on the Judiciary.

By Mr. McCLURE (by request):

S. 1084. A bill to designate additional rivers as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1085. A bill to provide an additional ten weeks of unemployment compensation for individuals participating in a job training program for dislocated workers under title III of the Job Training Partnership Act; to the Committee on Finance.

By Mr. CRANSTON:

S. 1086. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1087. A bill to authorize appropriations for the National Science Foundation for fiscal year 1984; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 1088. A bill for the relief of Ms. Loida Queja Caberto; to the Committee on the Judiciary.

S. 1089. A bill for the relief of Mr. Vergil Rey Ravarra Flores; to the Committee on the Judiciary.

By Mr. WALLOP (for himself, Mr. BAKER, Mr. BIDEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CRANSTON, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GORTON, Mr. HATFIELD, Mr. HEINZ, Mr. JACKSON, Mr. JOHNSTON, Mr. LAXALT, Mr. LUGAR, Mr. McCLURE, Mr. MELCHER, Mr. QUAYLE, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND and Mr. WARNER):

S. 1090. A bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATCH:

S. 1091. A bill entitled the "Mathematics and Science Education Act of 1983."; to the Committee on Labor and Human Resources.

By Mr. STEVENS:

S. 1092. A bill for the relief of Doctor Waldemar Nedo Giancaspero and Rosa A. Giancaspero, husand and wife; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. PELL):

S. 1093. A bill to provide for research on the evaluation and assessment of education in mathematics and sciences; to the Committee on Labor and Human Resources.

By Mr. DODD:

S. 1094. A bill to amend the Vocational Education Act of 1963 to make grants to the States for high-technology vocational education programs; to the Committee on Labor and Human Resources.

By Mr. McCLURE (for himself, Mr. SYMMS, Mr. MELCHER, Mr. BRADLEY and Mr. LAXALT):

S. 1095. A bill to amend the Strategic and Critical Materials Stock Piling Revision Act of 1979 in order to prescribe the method for determining the quantity of any material to be stockpiled under such Act, and for other purposes; to the Committee on Armed Services.

By Mr. GORTON (for himself, Mr. PACKWOOD and Mr. DANFORTH):

S. 1096. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PACKWOOD:

S. 1097. A bill to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1098. A bill to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1099. A bill to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1100. A bill to consolidate and authorize program support and certain oceanic and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1101. A bill to authorize appropriations for certain fishery programs; to the Committee on Commerce, Science, and Transportation.

S. 1102. A bill to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. HEFLIN):

S. 1080. A bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; read the first time.

(The remarks of Mr. GRASSLEY and Mr. HEFLIN on this legislation appear earlier in today's RECORD.)

By Mr. FORD:

S. 1081. A bill to authorize the Interstate Commerce Commission to adjust rail rates to reflect cost decreases due to deflation; to the Committee on Commerce, Science, and Transpartion.

ADJUSTMENTS OF RAIL RATES

● Mr. FORD. Mr. President, during the consideration of the Staggers Rail Act of 1980, Congress sought to help the railroads recover their inflationary cost with minimal regulatory intervention. Automatic increases in the Staggers Act replaced the time-consuming general rate increase proceedings which were characteristic prior to 1980. As stated in the Senate Report on the Staggers Act:

The railroads' financial difficulties may be attributed, in part, to the time lag involved in recovering cost increases. This section will help assure that rail rates reflect a carrier's current costs by adding a new subsection . . . to provide a zone of rate freedom for adjustments not in excess of the carrier's increased costs . . . (Senate Report No. 96-470, pp. 19-20).

Section 203 of the act, 49 U.S.C. 10707a, states that the Interstate Commerce Commission shall publish a "rail cost adjustment factor" at least quarterly as a basis for a zone of rail rate flexibility for individual carrier rate changes. The section specifically states:

10707a(a)(2)(B)—Commencing with the fourth quarter of 1980, the Commission shall, as often as practicable but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Commission, with appropriate adjustments to reflect the changing composition of railroad costs, including the quality and mix of material and labor) and the denominator of which is the same index for the fourth quarter of 1980 . . .

At no time during the drafting of the Staggers Act did the sponsors ever envision a situation where the cost-of-living rate would decrease instead of increase, since the act was drafted during an economic period when inflation was rising steadily. Therefore, section 203 is silent on the issue of rate decreases when there is a reduction in inflationary costs from the previously published rail cost adjustment factor. Today, due to various causes, some railroad costs are actually decreasing. The legislation that I am introducing today will remedy this situation.

Pursuant to the mandate of section 203 of the Staggers Act, the Commission adopted a cost recovery index which measures the changes in the average price of goods and services purchased by the railroads in providing transportation services, Ex Parte No. 290 (Sub-No. 2), Railroad Cost Recovery Procedures, 364 I.C.C. 841 (1981). Thereafter, the Commission published an index of costs by which railroads may multiply their rates on a quarterly basis. Rates increased by the cost index are immune from challenge on reasonableness grounds.

The Commission's decision in Ex Parte No. 290 (Sub-No. 2), supra, was affirmed by the U.S. Court of Appeals for the District of Columbia on May 4, 1982. On April 19, 1982, the Commission ordered the proceeding reopened.

In that April 19, 1982, decision, the Commission denied a petition for a declaratory order on decreases in the index. This request was filed by the National Industrial Traffic League. The Commission stated the section 203 of the Staggers Act did not appear to contemplate reductions, nor did the Commission's Ex Parte No. 290 (Sub-No. 2) rules.

Mr. President, it is time that the Congress corrected this oversight in the Staggers Act. Shippers and eventually consumers should benefit from the reduction of costs to the railroads due to deflation.●

By Mr. FORD (for himself and Mr. HUDDLESTON):

S. 1082. A bill amending title 49 of the United States Code with respect to standards for rail rates and determinations of rail carrier market dominance, with respect to railroad accounting principles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RAILROAD ACCOUNTING PRINCIPLES

● Mr. FORD. Mr. President, the present Commissioners on the Interstate Commerce Commission have chosen to ignore the duties imposed by the Congress in the Staggers Rail Act of 1980 (Public Law 96-448). Recent ICC decisions have cleared the way for railroads to charge shippers as much as they want. The majority on the ICC have exempted coal bound for export from rail rate regulation and have proposed coal rate guidelines which would allow railroads to raise rates by 15 percent above inflation each year for domestic coal shipment without ICC overview. The ICC virtually has granted unlimited pricing freedom for coal movements and have left captive coal shippers with little recourse before the Commission.

Over 65 percent of all coal produced in this country is transported by rail with 85 percent of this amount captive to the railroads. Captive shippers are those shippers who lack viable transportation alternatives and are captive to the railroads. Coal is the railroads' most important commodity and in the record coal-hauling year of 1981 coal amounted to one-fifth of the railroad industry's entire revenues. Railroad profits should soar with the recent actions of the ICC. The major coal-hauling railroads are now highly profitable with just the pricing freedoms allowed under the Staggers Act. The railroads can no longer be considered financially hard-hit as they were when Congress passed the Staggers Act.

The history of the Staggers Act makes clear that what was intended by both the House and the Senate was that coal movements were to receive continued protection from monopolistic pricing practices. The Staggers Act provides that the ICC has a statutory duty to protect captive shippers from unreasonably high rates in those situations where the railroads face no effective transportation competition. The present Commission has done just the opposite. The recent changes in rate regulation and market dominance is not required by the Staggers Act but rather is reflective of the general attitude of the present Commissioners on the ICC that regulation of the rail industry should be greatly reduced in all areas. I am sure that I join with many of my colleagues in stating that I may well have voted for my last "deregulation" legislation and may well have supported my last deregulatory confirmation.

The railroads state that they operate in a keenly competitive environment and the Staggers Act allowed new pricing freedoms in the commodities where there is competition. There is no competition in eastern Kentucky. Coal shippers in eastern Kentucky are lucky to get the one and only railroad to move their coal. There has been a great improvement in the movement of eastern Kentucky coal but it has come with great cost and not without the involvement of the Governor of Kentucky, several former Governors, and the entire congressional delegation. Since the ICC has so implemented the Staggers Act in such a creative matter, I see no benefit for the eastern Kentucky coal shipper except for the provision which provides the ability to enter into long-term contracts for specific movements. Coal shipments will never be competitive and due to the nature of the commodity must continue to be regulated.

The financial health of the railroads was the major factor in the drafting of the Staggers Act. I supported the Staggers Act since it represented a well balanced approach to the captive shipper problem. The passage of the Long-Cannon amendment in the Senate and the Staggers-Rahall-Lee-Loeffler compromise in the House provided the needed balance in ratemaking for captive shippers. The Staggers Act as passed by the Congress included needed protections for captive shippers through continued regulation of rates in captive markets. Rates in competitive transportation markets were to be immune from ICC jurisdiction but the ICC was directed to continue to regulate those markets where railroads face no competition.

In enacting the Staggers Act, Congress rejected proposals that would have accomplished what the Commission has done with market dominance through agency rulemaking. The railroad industry made major efforts during the consideration of the Staggers Act to do away with the definition of market dominance established by the 4-R Act (Railroad Revitalization and Regulatory Reform Act of 1976, Public Law 94-210). The final version of the Staggers Act left the fundamental concept of market dominance unchanged from that set forth in the 4-R Act.

The bill would establish three basic tests in the determination of market dominance for the ICC to investigate a rate:

First, establishment of a revenue-to-variable cost ratio as the threshold for ICC jurisdiction over rail rates contained in the Staggers Act;

Second, consideration of whether a shipper has a substantial investment in railroad related plant and equipment; and

Third, whether 70 percent or more of a specific movement was handled by the rail carrier.

The last two tests were used by the ICC prior to the recent market dominance proceeding.

The bill provides guidance to the Commission in determining revenue adequacy by requiring the use of standard depreciation accounting and ratios indicative of financial health such as return on investment and bond ratings.

The bill also contains standards for determining whether rail rates are reasonable. The ICC would have to consider the relationship of the rate to the cost to the railroad of providing the service and whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs.

It is time for the Senate to again send a message to the ICC. In 1980, the Senate instructed the ICC to consider the national energy goals in determining the impact of rail rates. The present ICC is only concerned with the revenues of the railroads. The Congress needs to change the direction of the ICC and return to rate regulation for captive shippers.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 10101a(1) of title 49, United States Code, is amended by striking out "and the demand for services" and inserting in lieu thereof "among carriers to provide transportation services."

(b) Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a);"

SEC. 2. (a) Section 10701a(b)(2)(B) of title 49, United States Code, is amended to read as follows:

"(B) The rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable if—

"(i) such rate is greater than that authorized under section 10707a of this title and the Commission begins an investigation proceeding under section 10707 of this title to determine whether such rate is reasonable; or

"(ii) such rate results in a revenue-variable cost percentage for the transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of section 10707a(e)(2)(A) of this title."

(b) Section 10701a(b)(2) of such title is amended by adding the following new subparagraph at the end thereof;

"(C) The rail carrier shall have the burden of going forward with evidence responsive to the factors set forth in subparagraphs (B) and (D) of paragraph 3 of this subsection."

(c) Section 10701a(b)(3) of such title is amended to read as follows:

"(3) In determining whether a rate described in paragraph (1) of this subsection is reasonable, the Commission shall consider, among other factors, evidence of the following—

"(A) the relationship of the rate to the cost to the rail carrier of providing the service;

"(B) whether the traffic involved is being required to pay an unreasonable share of the carrier's fixed costs;

"(C) the impact of the rate on the attainment of national energy goals; and

"(D) the extent of additional revenues, if any, required by the carrier in order to achieve adequate revenues as established by the Commission under section 10704(a)(2) of this title, while taking into account the factors described in section 10707a(e)(2)(C) of this title.".

SEC. 3. Section 10704(a)(2) of title 49, United States Code, is amended by inserting "(A)" after "(2)", and by striking all that follows the first sentence and inserting the following new subparagraphs:

"(B) Such standards and procedures shall provide for consideration of—

"(i) indicators of financial health including but not limited to bond ratings, return on investment, return on shareholders' equity, return on total capitalization, fixed charge coverage, debt-to-equity ratio, and operating ratio;

"(ii) the current cost of equity capital; and

"(iii) the actual cost of debt capital at the time such debt was incurred.

"(C)(i) In computing return on investment, the Commission shall include in the investment base the depreciated original cost, as determined by standard depreciation accounting practices, of only those assets which are used and useful in providing railroad transportation service, less the amount of the railroads' deferred tax reserves.

"(ii) The Commission shall commence within 60 days of the date of enactment of this Act a rulemaking proceeding in which the burden of proof shall rest upon the rail carriers to determine for each of the Class I railroads the extent to which its railroad assets are used and useful in providing railroad transportation service. The Commission shall update its evaluation of each rail carrier's investment base each year in connection with its annual revenue adequacy determination.

"(iii) Until a railroad's investment base has been properly determined in accordance with this subparagraph, the Commission shall consider as a major factor in its revenue adequacy determination funds flow analyses projecting the extent to which available funds will fulfill its fund requirements.

"(D) Revenue levels established under this paragraph should—

"(i) provide a flow of net income plus depreciation adquate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation; and

"(ii) attract and retain capital in amounts adequate to provide a sound transportation system in the United States.

"(E) The Commission shall make an adequate and continuing effort to assist those carriers in attaining revenue levels prescribed in this paragraph, recognizing, however, the need to maintain rates at reasonable levels where there is market dominance as defined in section 10709(a).".

SEC. 4. Section 10707a(a)(2)(B) of title 49, United States Code, is amended by inserting ", and changes in railroad productivity, volume and output mix" after "labor" in the parenthetical clause.

SEC. 5. (a) Section 10709(d)(2) of title 49, United States Code, is amended to read as follows:

"(2) In making a determination under this section, the Commission shall find that the rail carrier establishing the challenged rate has market dominance over the transportation to which the rate applies if—

"(A) the rate charged results in a revenue-variable cost percentage for such transportation that is more than—

"(i) 1970 percent during the period beginning on the effective date of this paragraph and ending September 30, 1983;

"(ii) 175 percent during the period beginning October 1, 1983, and ending September 30, 1984; and

"(iii) the cost recovery percentage during each 12-month period beginning on or after October 1, 1984; and either

"(B) within the 12-month period immediately preceding the beginning of such determination process, more than 70 percent of the transportation to which the challenged rate applies was by railroad; or

"(C) a shipper, with respect to the transportation of whose property the challenged rate applies, has made a substantial investment in railroad equipment or rail-related plant which prevents or makes impracticable the use of a mode of another rail carrier or transportation other than railroads; or

"(D) on the basis of other factors and circumstances there is an absence of effective competition for the transportation to which the rate applies.

For purposes of clause (iii) of subparagraph (A) of this paragraph, the cost recovery percentage shall in no event be less than a revenue-variable cost percentage of 170 percent or more than a revenue-variable cost percentage of 180 percent.".

(b) Section 10709(d) of such title is amended by adding the following new paragraph at the end thereof:

"(6) No person, class of persons, transaction, or service may be exempted by the Commission under section 10505 of this title from the application of a provision of this subtitle with respect to any transportation unless a rail carrier is determined under this section not to have market dominance over such transportation, unless such transportation is pursuant to a contract entered into under section 10713 of this title.".

(c) Section 10709 of such title is amended by adding the following new subsection at the end thereof:

"(e) In determining the existence or absence of effective competition for purposes of this section, the Commission shall consider only transportation competition for movement of the same commodity from the same point of origin to the same destination.".

SEC. 6. Section 11161(f) of title 49, United States Code, is amended to read as follows:

"(f) The members of the Board shall be appointed by the Comptroller General within 120 days after the enactment of this subsection. The Board shall cease to exist three years after its members have been appointed.".

SEC. 7. Except as otherwise provided, the Commission shall conclude a proceeding to establish procedures for the implementation of the amendments made by this Act within 180 days after the date of enactment of this Act.●

By Mr. TSONGAS:

S. 1083. A bill to amend the Immigration and Nationality Act to provide that aliens who die while serving with the U.S. Armed Forces during certain periods of hostilities may be considered to have been citizens of the United States at the time of such aliens' death; to the Committee on the Judiciary.

POSTHUMOUS NATURALIZATION OF CERTAIN ALIENS

● Mr. TSONGAS. Mr. President, I am today introducing legislation to provide that aliens killed while serving in the U.S. Armed Forces during periods of hostilities be deemed U.S. citizens.

This legislation does not single out any individuals by name, but would confer the honor of posthumous citizenship on all those who are eligible under the law.

I want to take a moment to tell my colleagues about the origin for this idea, the story of a valiant young marine corporal.

Wladyslaw (Scotty) Staniszewski came to this country in 1964 from Scotland. His parents, Rosina and Frank, had moved here first in 1963. The father was a World War II refugee from Poland who was at one time imprisoned by the Russians in a Siberian concentration camp. Rosina and Frank became U.S. citizens in 1970, but Scotty did not because he had died 3 years earlier in Vietnam while serving our country in the Marine Corps.

Scotty's life came to a tragic end before he could fulfill his dream of becoming a U.S. citizen. It takes 7 years to earn the right to become a citizen. But, as Gabriel P. Brinsky, national legislative director of the AMVETS, pointed out in an article in Stars and Stripes, it should take "only a moment in battle to earn it." The veterans agent in Brockton, Mass., James Malone, put the point this way: "This is an injustice to tell the parents of a deceased American veteran that their son cannot have U.S. citizenship because he was killed in combat before he satisfied a 7-year residency requirement."

This brave and patriotic young man had been in this country only 18 months when he was drafted. He could have returned to Scotland on his British passport. He chose to enlist in the Marines, and he told his mother, "If this country is worth living in, it is worth fighting for." Scotty went to Vietnam in 1967, and he was killed in

July, 2 weeks after his 20th birthday, when he was struck with shrapnel from a fragmentation grenade during combat.

Scotty made the ultimate sacrifice that we, as Americans, can make. He gave his life for our country. I think we should be able to say, he gave his life for his country as well.

Mr. President, the legislation I am introducing today is strongly supported by the AMVETS and the Veterans of Foreign Wars.

I urge my colleagues to support this bill to honor Scotty Staniszewski and others like him who have earned U.S. citizenship by their valiant service to this Nation.●

By Mr. McCLURE (by request):

S. 1084. A bill to designate additional rivers as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

DESIGNATION OF COMPONENTS OF THE WILD AND SCENIC RIVERS SYSTEM

● Mr. McCLURE. Mr. President, at the request of the administration, I send to the desk for appropriate reference a bill to designate additional rivers as components of the National Wild and Scenic Rivers System, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the bill, a section-by-section analysis, and the letter of transmittal which accompanied the proposal from the Secretary of Agriculture be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271-1287) is amended as follows:

TITLE I.—AMENDMENTS TO SECTION 3 RELATING TO COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

SEC. 101. Subsection 3(a)(16) is amended by adding the following sentence at the end thereof:

"Notwithstanding any other provision of this Act, the installation and operation of facilities or other activities within or outside the boundaries of the Pere Marquette Wild and Scenic River for the control of lamprey eel shall be permitted subject to such restrictions and conditions as the Secretary of Agriculture may prescribe for the protection of water quality and other values of the river."

SEC. 102. Subsection 3(a)(21) North Fork American is amended by striking out "agencies of the Departments of Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President." and substituting "the Secretary of Agriculture. Public lands administered by the Secretary of the Interior through the Bureau of Land Management within the Wild and Scenic River corridor west of Range 11 East, Mount Diablo Meridian, shall hereafter be National Forest System lands to be administered by the Secretary of Agriculture as part of the Tahoe National Forest, the boundary of which is modified as generally depicted on a map entitled 'Tahoe National Forest Inclusion of North Fork American Wild and Scenic River, September 1980'."

SEC. 103. Section 3(a) is amended by inserting the following new paragraphs at the end thereof:

"(51) CLARKS FORK, WYOMING.—The segment from the property line between private and National Forest System lands approximately one-half mile below the Crandall Bridge downstream to the boundary of the Shoshone National Forest as generally depicted on a map entitled 'Proposed Clarks Fork Wild River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled 'Clarks Fork of the Yellowstone, Wild and Scenic River Study'; to be administered by the Secretary of Agriculture.

"(52) ELK, COLORADO.—The main stem upsteam from the confluence with the South Fork, the North and South Forks to their headwaters, and the Middle Fork to the confluence of Gilpin Creek and Gold Creek as generally depicted on a map entitled 'Proposed Elk Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled 'Elk Wild and Scenic River Environmental Impact Statement and Study Report'; to be administered by the Secretary of Agriculture.

"(53) Conejos, Colorado.—The North, Middle, and El Rito Azul Forks from their sources to their confluence with the Conejos River, thence the Conejos River to its confluence with the South Fork (but excluding the Platoro Reservoir as authorized by Public Law 485 and Public Law 76-260 and the segment of river downstream from the Platoro Reservoir to the boundary between Section 23 and 24, Township 26 North, Range 4 East, New Mexico and Sixth Principal Meridians) and the South Fork from Glacier Lake to its confluence with the Conejos River as generally depicted on a map entitled 'Preferred Alternative, Proposed Wild and Scenic River Area Boundary' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled 'Conejos Wild and Scenic River Study—Final Environmental Impact Statement'; to be administered by the Secretary of Agriculture.

"(54) Los Pinos, Colorado.—The segment from the confluence of the North Fork and Rincon La Vaca downstream to the Northern boundary of the Granite Peak Ranch; and, the tributaries, Lake Creek, Flint Creek, Rincon La Vaca, Rincon La Osa, Snowslide Canyon Creek, and Sierra Vandera from their headwaters to their point of confluence with the Los Pinos River as generally depicted on a map entitled 'Los Pinos—Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture.

"(55) Verde, Arizona.—The segment beginning at the boundary between National Forest and private land in Sections 26 and 27, Township 13 North, Range 5 East, Gila-Salt River Meridian, downstream to the vicinity of Table Mountain approximately 14 miles upstream from Horseshoe Reservoir, as generally depicted on a map entitled 'Verde River—Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture: *Provided,* That this designation shall not prevent water users receiving Central Arizona Project water allocations from diverting that water through an exchange agreement with downstream water users in accordance with Arizona water law.

"(56) Au Sable, Michigan.—The segment of the main stem from the project boundary of the Mio Pond project downstream to the project boundary at Alcona Pond project as generally depicted on a map entitled 'Au Sable River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture.

"(57) Snake River, Wyoming.—The segment beginning about one mile below Astoria Hot Springs downstream to the entrance to Palisades Reservoir as generally depicted on a map entitled, 'Potential Classification Boundary' in a document entitled 'Snake River—Wyoming, A Potential Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture; to be administered by the Secretary of Agriculture.

"(58) Piedra, Colorado.—The segment from its confluence with Indian Creek upstream to the boundary between Sections 8 and 9, Township 36 North, Range 3 West, New Mexico Principal Meridian, and the Middle Fork from the boundary between Sections 10 and 15, Township 37 North, Range 3 West, New Mexico Principal Meridian to its headwaters as generally depicted on a map entitled 'Proposed Piedra Wild and Scenic River' which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture, and is also part of a document entitled 'Piedra River Final Environmental Impact Statement and Wild and Scenic River Study'; to be administered by the Secretary of Agriculture.

TITLE II.—STUDY RIVERS

SEC. 201 Section 5(a) is amended by deleting subsection 5(a)(71).

SEC. 202. Section 5(b) is amended as follows:

(a) Add the following proviso at the end of Subsection 5(b)(1): *"Provided further,* That effective on the dates of designation for potential addition, studies of the rivers named in Subparagraphs (31), (34), (38), (44), (49), and (55) shall be completed and the reports thereon transmitted to the Congress not later than January 1, 1986."

(b) Delete the wording of the first Subsection 5(b)(4) beginning with "There are authorized . . ." and insert in lieu thereof the sentence "For the purposes of conducting the studies of rivers named in Section 5(a), there are authorized to be appropriated such funds as are necessary."

(c) Renumber the second Subsection 5(b)(4) beginning with "The studies of the river . . ." as 5(b)(5) and to renumber Subsection 5(b)(5) as Subsection 5(b)(6).

TITLE III.—AMENDMENTS TO PUBLIC LAW 90-542, AS AMENDED

SEC. 301. The first sentence of Section 3(b) is amended as follows:

(a) Delete the words "date of this Act" and insert in lieu thereof the words "date of such designation";

(b) Delete the second parenthetical statement and insert in lieu thereof the parenthetical statement, "(which boundaries shall include an average of not more than three hundred and twenty acres of land per mile measured from the ordinary high water mark on both sides of the river)".

(c) Delete the semicolon and the remainder of the sentence after the words "its various segments" and insert in lieu thereof a period.

SEC. 302. The second sentence of Section 3(b) is amended as follows:

(a) Delete the words "Said boundaries," and insert in lieu thereof the words "Notice of the availability of said boundaries and".

(b) Delete the words "and development plans".

SEC. 303. Add a new Subsection 3(c)(i) as follows:

"3(c)(i) The Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river which shall provide for the protection of the river values. The plan shall address the costs and effects of resource protection alternatives, necessary development of lands and facilities, appropriate user capacities, and other management practices or techniques necessary to achieve the purposes of the Act. The plan shall also identify alternatives to protect the wild and scenic river values by means other than land acquisition. Where the river flows through Federal lands, the plan shall be coordinated with resource management planning for these adjacent Federal areas. Such plans shall be prepared after consultation with State and local governments and the interested public, and may be prepared in conjunction with plans prescribed by law for adjacent Federal lands. For rivers designated after January 1, 1982, the plans required by this subsection shall be prepared within three full fiscal years after the date of designation, and notice of the completion and availability of such plans shall be published in the Federal Register. For rivers designated in Subparagraphs (1) through (50) inclusive, all boundaries, classifications, and plans completed as of the date of enactment of this Subsection shall be valid and shall be reviewed for conformity with the requirements of this Subsection within eight years through regular agency planning processes. Notice of modifications to the boundaries and classifications for designated rivers shall be published in the Federal Register as provided in Subsection (b) of this Section."

SEC. 304. Add a new Subsection 3(c)(ii) as follows:

"3(c)(ii) For rivers designated in Subparagraphs (51) through (58) of Section 3(a), no money shall be appropriated for the acquisition of lands or interests in lands until the comprehensive management plan required by this subsection is prepared: *Provided,* That there is authorized to be appropriated such sums from the Land and Water Conservation Fund as may be necessary for the acquisition of lands and interests in lands identified for acquisition by the comprehensive management plans for said rivers, and for interim emergency acquisitions of lands or interests in lands as determined by the appropriate Secretary to be necessary to protect the values of said rivers, but such sums for emergency acquisitions shall not exceed a total of $500,000 for each of said rivers."

SEC. 305. Section 4(c) is amended as follows:

(a) Insert after the first sentence the following new sentence: "When five percent or more of the lands within one-quarter mile of a river proposed for designation are under the jurisdiction of another Federal Department or agency, the Secretary of the Interior, in exercising his authority pursuant to the provisions of Subsection 2(a)(ii) of this Act, shall not approve the designation without the concurrence of the head of such Department or Federal agency."

SEC. 306. Section 4 is amended by adding a new Subsection (d):

"(d) For study purposes, the study area of any river proposed in Section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System, unless otherwise provided, shall comprise that area measured within one-quarter mile from the ordinary high water mark on both sides of the river: *Provided,* This section shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the river."

SEC. 307. Section 5 is amended by adding a new Subsection (e):

"(e) If a river or portions thereof designated for study under this section are not designated as components of the National Wild and Scenic Rivers System before the end of the time period provided in Section 7(b), then study status shall terminate."

SEC. 308. (a) Section 6(a) is amended as follows:

Add the following sentence at the end thereof:

"When a tract of land lies partly within and partly outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowner for the portion outside the boundaries, acquire the entire tract and the land or any interest therein so acquired outside the boundaries shall not be counted against the 100 acres fee title limitation. If not needed for outdoor recreation, administrative, or other purposes in furtherance of this Act, such lands or interests, may be disposed of by sale, lease, or exchange as provided in Section 14A."

(b) Section 6(b) is amended by inserting in the first sentence the words "outside the ordinary high water mark on both sides of the river" after the word "acreage", and inserting the words "in fee title" after the word "owned."

SEC. 309. (a) The second sentence of Section 7(a) is amended by deleting the words "approval of this Act" and inserting in lieu thereof the words, "designation of a river as a component of the National Wild and Scenic Rivers System".

(b) Section 7(b) is amended as follows:

(1) In the first sentence after Subparagraph (i) insert a new Subparagraph (ii) as follows:

"(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress."

(2) Redesignate existing Subparagraph (ii) as Subparagraph (iii).

(3) In the second sentence, insert the word "unreasonably" before the word "diminish".

(4) At the end of the second sentence, delete the words "approval of this Act" and insert in lieu thereof the words, "designation of a river for study as provided for in Section 5 of this Act".

SEC. 310. Section 8(a) is amended by deleting the period at the end of the sentence and inserting in lieu thereof a colon, followed by the words: *"Provided,* That this provision shall not be construed to limit the authorities granted in Section 6(d) or Section 14A of this Act."

SEC. 311. Section 12(c) is amended by deleting the words "Secretary of the Interior" and inserting in lieu thereof the words "Administrator, Environmental Protection Agency".

SEC. 312. Section 14 is amended by designating the existing section as Subsection (a) and adding a new Subsection (b) as follows:

"(b) For the conservation purposes of preserving or enhancing the values of components of the National Wild and Scenic Rivers System, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with Subsection 170(h)(3) of the Internal Revenue Code of 1954, as amended, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located."

SEC. 313. Delete the existing Section 14A and substitute in lieu thereof the following revision:

"Where necessary or desirable to achieve the purposes of this Act, the appropriate Secretary may sell, lease, or exchange Federally owned lands or interests therein which are within or adjacent to the boundaries of any component of the National Wild and Scenic Rivers System: *Provided,* that such sale, lease, or exchange shall be subject to such reservations, restrictive covenants, or other terms and conditions as may be necessary or desirable to achieve the purposes of the Act. In the exercise of this sale or lease authority, the Secretary shall utilize the standards and procedures provided at Section 5(a) of Public Law 90-401 including the provisions for a right of first refusal by the last owner of record. The exercise of the exchange authority shall be consistent with the value provisions of Section 6(d) of this Act. The proceeds received from any conveyance under this section shall be credited to the appropriation account bearing the costs of such land acquisition for the affected Wild and Scenic River, and shall be available for expenditure only to the extent, and in such amounts, as may be provided in advance in appropriation Acts. Any proceeds remaining in such accounts shall be covered into miscellaneous receipts of the Treasury upon completion of such land acquisition for the affected wild and scenic river.

SEC. 314. Section 16(c) is amended by adding a new sentence at the end thereof, "For any designated Wild and Scenic River the appropriate Secretary may deem the acquisition of fee title with the reservation of regular existing uses to the owner, as a scenic easement for purposes of this Act, and such an acquisition will not constitute fee title ownership for purposes of section 6(b)."

TITLE IV.—AMENDMENT PERTAINING TO STATE COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

SEC. 401. Section 2(a) of the Act is amended as follows:

(a) In the first sentence, clause (ii), add the phrase "authorized for inclusion in the national system and" before the word "designated".

(b) After the first sentence, insert the following new sentence: "Any river included within the National Wild and Scenic Rivers System under the provisions of clause (ii) shall be removed from the National System by the Secretary of the Interior if requested to do so by a resolution of the affected legislature or legislatures of the State or States through which the river flows, and if the Secretary of Agriculture concurs in such removal for those portions of rivers flowing through National Forest System lands."

SECTION-BY-SECTION ANALYSIS OF PROPOSED AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT (82 STAT. 906; 16 U.S.C. 1271-1287)

TITLE I—COMPONENTS OF THE WILD AND SCENIC RIVERS SYSTEM

1. Section 101 amends Subsection 3(a)(16) of the Act pertaining to management of the free-flowing characteristics of the Pere Marquette River in Michigan. The amendment would allow the Secretary of Agriculture to permit the construction of facilities to control the spawning migration of the lamprey eel. The lamprey eel is a major parasitic threat to commercial and sport fisheries in the great Lakes. The prohibition under the Act of any form of impoundment precludes the utilization of structures which prevent passage to spawning lamprey. The amendment would conditionally allow for such control mechanisms.

2. Section 102 amends Subsection 3(a)(21) of the Act to place management responsibility for the entire segment of the American Wild and Scenic River with the Secretary of Agriculture and provide for the transfer of public lands within the area to the Tahoe National Forest.

3. Section 103 amends Section 3(a) by designating segments of the following rivers as units of the National Wild and Scenic Rivers System:

River and State: Clarks Fork (Wyoming); Elk (Colorado); Conejos (Colorado); Los Pinos (Colorado); Verde (Arizona); Au Sable (Michigan); Snake (Wyoming); and Piedra (Colorado). Administering Department: USDA.

TITLE II.—STUDY RIVERS

4. Section 201 amends Section 5(a) by eliminating the study of the Soldiers Creek River in Alabama. This very short segment has an inadequate resource base and clearly is an unsuitable candidate for inclusion in the system.

5. Section 202(a) extends the time for completion of six studies. Several studies for rivers previously designated as potential additions to the system have been delayed beyond the date originally provided. Delays for some of these studies are due to their interrelationship with other studies being conducted for land and water resources, and full evaluation would require completion of all studies underway for given river areas. The section would extend the study period until January 1, 1986.

6. Section 202(b) deletes specific funding authorization for certain studies which are largely completed and provides for general authorization of funding of studies.

7. Section 202(c) is a necessary stylistic change.

TITLE III.—GENERIC AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

8. Section 301 amends Section 3(b) by modifying the requirements for preparing a management plan within 1 year, and clarifies the area encompassed by the boundaries of a designated river to include the water area with islands in addition to a land area averaging 320 acres per mile measured from the ordinary high water mark on both sides of the river.

9. Section 302 eliminates the requirement that boundary descriptions be published in the Federal Register; rather, the administering agency must publish notice of the availability of the description. This change will not affect the public information objective, yet will result in the saving of considerable publication expenses for lengthy boundary descriptions.

10. Section 303 provides for a comprehensive management plan to be prepared within 3 fiscal years. This comprehensive plan replaces the 1 year requirement for development plans now in Section 3(b) of the Act. To promote efficient planning and avoid possible duplication, the comprehensive plan will be coordinated with ongoing resource management planning for adjacent Federal lands. Such plans will address alternative means of river protection, development of lands and facilities, appropriate user capacities and other management practices and techniques to achieve the purposes of the Act. Most significantly, the modified planning requirement will emphasize alternative techniques other than land acquisition for preserving the river values. For already designated rivers, existing boundaries, classifications and plans will remain valid, but will be reviewed within 8 years through regular agency planning processes.

11. Section 304 represents a major shift in approaches to river protection. No land acquisition funds would be appropriated until after completion of the comprehensive management plan. This will insure that alternatives to land purchases are fully examined and implemented. The provision does recognize that adverse development may occur on rivers while the comprehensive plan is being prepared; and, therefore, authorizes up to $500,000 per river for emergency land acquisitions to prevent such problems.

12. Section 305 provides a limitation on the authority of the Secretary of the Interior to designate State rivers. No State-designated river shall be administratively designated under the authority of Subsection 2(a)(ii) if the designation affects Federally owned lands and the administering Department or agency objects to such designation. This will prevent designations which could severely impact the fulfilling of management responsibilities by other agencies for lands under their jurisdiction.

13. Section 306 establishes the study area of study rivers as being one-quarter mile on both sides of the river. This clarifies the extent of the applicability of various protections contained in Section 7(b) of the Act and Subsection 522(e)(1) of the Surface Mining Control and Reclamation Act of 1977.

14. Section 307 provides for the eventual termination of study status for rivers after studies have been completed and sent to the Congress, and for which the Congress has not acted upon the recommendations within the 3-year period now provided by Section 7(b)(ii). The Act protects study rivers from water resource development (Sec. 7); entry and disposition under the public land laws (Sec. 8); and mineral entry (Sec. 9). However, these protections are only for a specific term and expire 3 years after submission of a study to Congress. The proposed amendment merely ends study status for a river at the same time the statutory protections of sections 7, 8, and 9 are ended.

15. Section 308(a) amends Section 6(a) to provide for whole tract acquisition when a land acquisition is deemed necessary to preserve river values. Whole tract acquisition involves the purchase of an entire property rather than just that portion lying within a river boundary line. This provision will eliminate the need to pay severance charges, will avoid uneconomic remnants which by existing law must be acquired anyway (P.L. 91-646), and gives the landowner the option of conveying all holdings. If a whole tract is acquired, the Secretary may dispose of surplus portions by sale, lease or exchange, and thereby minimize any Federal investment in unneeded interests in land.

16. Section 308(b) amends Section 6(b) of the Act to clarify the scope of potential Government ownership within the designated boundaries of wild and scenic rivers. Partial interests, such as easements, and submerged lands are not included in the 50 percent public ownership proportion. This amendment reaffirms longstanding administrative interpretations of the 50 percent proportion of land ownership.

17. Section 309(a) would amend Section 7(a) of the Act dealing with water resource projects on designated rivers. The amendment would change the baseline date for determining impacts on resource values by water projects above or below a designated portion of a river. A 1968 date has been applicable to all rivers designated to date. We believe, however, the 1968 date is not appropriate for rivers designated after that date. The appropriate date should be the date of designation.

18. Section 309(b) provides that the protections for study rivers including the deferment of water resources projects extend to the date that a study report is actually submitted to the Congress. The Act is currently ambiguous on the question of whether projects can be authorized on rivers when the submission of a study report is delayed beyond the time mandated for completion. This provision clarifies the time periods of the protections as being from the date of designation for study until 3 years after submission of the report to Congress. This provision insures that the options of Congress are not preempted by incompatible activities until there is adequate time for congressional consideration. This provision does not condone administrative delays in preparing studies by the appointed date, but does recognize that delays do sometimes occur. Note that a companion provision in Section 308 of the bill would terminate study status after 3 years from the date a report is submitted to the Congress if no legislative action is taken.

Section 309(b) also amends Section 7(b) and makes changes similar to those made to Section 7(a) dealing with the date of designation being the date from which diminishment of values is judged. In addition, the existing standard for evaluating effects on scenic, recreational, and fish and wildlife values for water projects on study rivers ("diminish"), is revised to be the same as the standard for evaluating effects on those values for water projects on designated rivers ("unreasonably diminish"). By this change, a study river would not be subject to more stringent protections than are pro-

vided for rivers already designated as components of the System.

19. Section 310 amends Section 8(a) to allow for exchange, lease or other disposition of lands as provided in Section 6(d) and Section 14A of the Act. The withdrawal of lands within the boundaries of a wild and scenic river from disposition under the public land laws is otherwise unchanged.

20. Section 311 amends Section 12(c) to reflect the responsibility of the Environmental Protection Agency for water pollution control.

21. Section 312 amends Section 14 to encourage the donation of lands and interests in lands within wild and scenic rivers. The amendment incorporates the provisions of the Tax Extension Act of 1980 (P.L. 96-541), which allows for donors to receive tax deductions for interests in lands, including conservation easements, given to charitable organizations such as the Nature Conservancy.

22. Section 313 amends Section 14A to expand the Secretaries' authority to sell, lease, or exchange lands within or adjacent to the boundaries of a river. However, such a sale, lease, or exchange shall be subject to such reservations or restrictive covenants as the Secretary determines to be necessary to achieve the purposes of the Act. This authority would permit a more efficient use of limited Federal funding and maximize the utilization of unneeded property rights toward the goal of preserving the river values. This section would also permit leasing for continued cultivation or pasturing operations on Federal land suited for such activities if they can be performed without harming the values of the river. The provision states that in the event of a sale, exchange or lease, the previous private owner has the right of first refusal. Any revenue derived from a sale, exchange, or lease-back shall be available for future land acquisition for that river. This will encourage Federal land managers to adopt innovative sale or lease-back programs so as to maximize the quantity and quality of compatible land use within the wild and scenic river boundary.

23. Section 314 clarifies the scope of scenic easements to encompass the reservation by a landowner of all regular existing uses of the land while allowing the conveyance of the remaining interests to the Secretary. This mechanism utilizes reserved interest deeds which are a more definitive and more easily administered form of conveyance of partial interests in lands. The amendment allows the administering Secretary an option as to whether to use reserved interest deeds on a given river; it may be desirable to continue to utilize the more established easement forms on existing rivers for reasons of continuity.

TITLE IV.—STATE RECOMMENDED RIVERS

24. Section 401(a) amends Section 2(a) of the Act to provide for the concurrent approval of the State legislature whenever a governor recommends to the Secretary of the Interior that a State wild and scenic river be included in the National Wild and Scenic Rivers System.

25. Section 401(b) amends Section 2(a) of the act to allow for the removal from the National System of State components designated under clause (ii). The question of including a State river in the National System is principally a matter of State law and policy which should be subject to the changing needs and conditions of the States. The controversy that has arisen from the Secretary of the Interior's 1981 designation of five rivers in northern Califorina has indicated, among other things, that the State legislature should exercise oversight over components of State river systems, and the legislatures should be consulted as to whether a State river should be added to the National System by administrative action. Since wild and scenic river designation affects long range planning for the National Forests, the amendments provide that the Secretary of Agriculture is required to approve any removals of State rivers which might affect National Forest lands. Although this amendment would make Section 2(a)(ii) designations more responsive to State legislatures, it would not affect the ability of the Congress to permanently designate such State rivers as components of the National System pursuant to an Act of Congress.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 25, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On September 13, 1982, the President transmitted to Congress recommendations for wild and scenic rivers and wilderness areas. We feel these recommendations represent a balanced approach to these sensitive resource issues.

The Administration is supporting a draft bill to amend the Wild and Scenic Rivers Act; a copy is enclosed for your information. The bill adds certain outstanding rivers to the Wild and Scenic Rivers System. Of equal importance, Title III of the bill proposes generic amendments to the Wild and Scenic Rivers Act.

The generic amendments were drafted over a 2-year period by a joint working group between the Departments of Agriculture and the Interior. This group was comprised of agency personnel with considerable experience in dealing with the administration of the Wild and Scenic Rivers Act and the management of rivers. Thus, the bill addresses legal and management issues based on experience in managing the Wild and Scenic Rivers System. If enacted, the bill would enhance management efficiency and effectivensss.

We believe that the bill should receive bipartisan support, and on behalf of the Administration, we urge introduction of the bill.

We would be pleased to provide staff assistance in explaining the various provisions of the bill and/or assisting the committee staff in its work.

Sincerely,

JOHN R. BLOCK,
Secretary.●

● Mr. WALLOP. Mr. President, I would like to speak briefly about one of the two Wyoming rivers which the administration's wild and scenic river proposal recommends for designation, the Clarks Fork of the Yellowstone River. The Clarks Fork River originates in the Beartooth Mountains north of Cooke City, Mont., and is a major tributary of the Yellowstone River. It flows into Wyoming, carving the deep, narrow canyon which is the portion recommended for designation, and then flows back into Montana to join the Yellowstone River.

Public Law 93-621, enacted in 1975, directed that 23 miles of the Clarks Fork, from Crandall Creek Bridge downstream through Clarks Fork Canyon, be studied for possible inclusion in the national wild and scenic rivers system. Shoshone National Forest prepared an environmental impact statement which recommended classifying 21.5 miles of the study segment as a wild river, excluding one-half mile of private land on the upstream end of the study area and 1 mile on the downstream end. The administration has transmitted the same recommendation in the package that Senator MCCLURE is introducing by request today.

In the last few weeks, the Wyoming Water Development Commission has informed me that it wants to further study the water-development potential of various sites on the Clarks Fork, and has asked that no action be taken on wild and scenic river designation until the study is complete. For the information of those not familiar with it, the WWRC is a nine-member citizen commission appointed by the Governor of Wyoming with the approval of the State senate which is responsible for the coordination, development, and planning of Wyoming's water and related land resources. It was created in mid-1979, after the Forest Service produced its Clarks Fork final EIS in February 1979 and, therefore, never had an opportunity as a body to work with the Forest Service on its report. Mike Reese, administrator of the State of Wyoming's Water Development Commission, tells me that there are a number of filings for possible water projects on the river, and that the WWDC plans to conduct a study on possible water development on the river this summer, with a preliminary report probably by fall. In addition, the Montana Department of Natural Resources and Conservation has expressed concern over early action on a Clarks Fork designation since that State is interested in the possibility of a joint storage project with Wyoming. A bill—House bill 914—authorizing a joint Montana-Wyoming water project study in order to determine each State's allocable share of the Clarks Fork under the terms of the Yellowstone River compact has passed the Montana House of Representatives and is pending in the Senate.

At this point it is my understanding that the WWDC has not decided one way or the other if water development and/or hydroelectric development is feasible or desirable on the Clarks Fork. However, the WWDC does want to give the water resource development potential of the river one more honest look, and does not necessarily agree with the administration's conclusion that no feasible sites for water resource development exist on the Clarks Fork.

Mr. President, since Wyoming and possibly Montana want to review the

water-development potential of the Clarks Fork before Congress considers adding it to the wild and scenic river system, then I strongly believe we should honor that request. Since the Clarks Fork proposal is part of this administration package, it is pending before Congress. However, I intend to ask my colleagues on the Senate Energy and Natural Resources Committee to defer consideration of the Clarks Fork until the WWRC has conducted its review, even if the committee takes up the rest of the administration's rivers package. For my part, as chairman of the Public Lands and Reserved Water Subcommittee, I will not act on the Clarks Fork proposal until the WWRC has reported back.●

By Mr. SPECTER:

S. 1085. A bill to provide an additional 10 weeks of unemployment compensation for individuals participating in a job-training program for dislocated workers under title III of the Job Training Partnership Act; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION FOR DISLOCATED WORKERS ACT

Mr. SPECTER. Mr. President, I rise today to introduce the Dislocated Workers Act.

We are all becoming too familiar with the term "structurally unemployed," a phrase that refers to the thousands of jobless workers whose skills are obsolete because their industries are being phased out or are changing to more technical production processes. This term also represents the many who are unemployed because of this Nation's ongoing transition from traditional and smokestack manufacturing industries to sophisticated, service-oriented businesses. Martin Feldstein, the President's chief economic adviser, recently estimated that these workers may account for up to 7 percent of our available work force or close to two-thirds of this Nation's unemployed labor.

Dislocated workers comprise the most challenging aspect of our current economic problems because their numbers continue to grow at alarming rates. Since the recession began more than a year and a half ago, the jobless rate for adult men rose from 5.8 to 9.6 percent. Many members of this group are skilled and dedicated workers, victims of an economy experiencing profound structural changes.

I have recently heard many heralding the evolving technological revolution as the answer to our economic prayers. They claim that we must reap the fruits of high technology to maintain our leading position in world economics. While I also believe in harnessing high tech, I am concerned that not enough is being done to prepare our work force to meet the challenges of advanced technology. The Department of Labor's Bureau of Labor Statistics estimates a shortage of 2.5 million skilled workers in all technical fields during the 1980's. This mismatch between jobs and available labor is alarming; a shortage of skilled personnel may well inhibit the future technological growth this Nation is counting on to remain the world's industrial leader.

Mr. President, it is my view that the tools to address the dual problems of dislocated workers and the acute shortage of technically skilled labor are available in the unemployment insurance benefits program and the Jobs Training Partnership Act. The unemployment benefits program provides essential relief to those who are unemployed. During this recessionary period, unemployment benefits pay the rent and put food on the table. But what happens when benefits run out and jobs are still unavailable? It is imperative that this situation, the scenario for too many families, be addressed with training for jobs that exist or are emerging.

The Jobs Training Partnership Act has the potential to be a valuable mechanism for providing training. Title III of the JTPA specifically authorizes assistance for persons forced out of work by the permanent closing or phasing out of a plant or facility. The recent emergency jobs appropriation of $125 million for the startup of title III will enable States to lay the groundwork for implementing this program's development activities, retraining, and relocation assistance that are sorely needed.

The promise of the JTPA underscores the role which the Dislocated Workers Act can play in retaining our work force. If implemented, this measure will provide a useful incentive for dislocated workers to participate in State-authorized training programs. For example, an unemployed electrician from Pennsylvania, recently laid off from an electrical contracting concern, will have an additional 10 weeks of unemployment benefits to obtain training for available computer technician jobs while receiving benefits. It is my view that most dislocated workers possess skills which can be applied to emerging technologies. The Dislocated Workers Act can help enhance these skills with training necessary for meeting the demand for skilled labor.

It is for all these reasons that I introduce the Unemployment Compensation for Dislocated Workers Act. It is my belief that the added 10-weeks assistance will provide encouragement and reward for those who are skilled but need enhanced abilities to obtain jobs in fields where employment is available. The recent funding of $85 million specifically for title III of JTPA for fiscal year 1983 sets the stage for the States to enact this program.

Mr. President, I understand that this legislation should be implemented carefully, allowing States and local governments sufficient time to prepare for its operation. Because this program will take time to develop, we should begin to set the wheels in motion as quickly as possible to promptly address the current critical unemployment problems.

By Mr. CRANSTON:

S. 1086. A bill to repeal section 212(a)(4) of the Immigration and Nationality Act, as amended, and for other purposes; to the Committee on the Judiciary.

AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT

Mr. CRANSTON. Mr. President, the legislation I am introducing today will strike from the Immigration and Nationality Act provisions that require the Immigration and Naturalization Service (INS) to deny admission into the United States to aliens suspected of being homosexuals.

Specifically, section 212(a)(4) of the Immigration and Nationality Act, presently provides for exclusion of "aliens afflicted with psychopathic personality, sexual deviation, or a mental defect."

Section 212(a)(4) is part of the 1952 McCarran-Walter Immigration Act. As originally enacted, the exclusion applied to "aliens afflicted with psychopathic personality, epilepsy, or a mental defect." A 1967 judicial decision interpreted that phrase, "psychopathic personality" as including homosexuality. Meanwhile, in 1965 the words, "sexual deviation" were substituted for "epilepsy."

The 1965 amendment was intended to treat homosexuality as a specific example of a "disease or mental defect" requiring an examination of the person by the Public Health Service and certification that the "disease or mental defect" was not present before an applicant could be admitted to the United States.

In 1973, however, the American Psychiatric Association formally declared that, in its view, homosexuality per se is not a mental disorder. And in 1979, the Surgeon General of the United States announced that the PHS would no longer consider homosexuality a "disease or mental defect" under the statute. The Surgeon General also advised INS officers that PHS would no longer make such a medical examination of aliens referred by INS because of suspected homosexuality. While this denied INS medical confirmation of its suspicions, it did not change the underlying law on which INS was to be acting.

The practical result is that inexpert immigration officers, acting alone, can now determine arbitrarily that an arriving alien is to be denied entry exclu-

sively on the grounds of suspicions of homosexaulity by the officer. Meanwhile, other immigration officers will admit "closet" homosexuals because they fail to suspect homosexuality. Such inconsistent enforcement discriminates against the openly homosexual person and those who "appear homosexual" even though they may not be. It punishes self-respect, honesty, and openness.

The root of the problem, however, goes beyond the arbitrary enforcement which results. It lies in the unwise and discriminatory underlying law, which attempts to use private sexual preference as a criterion for judging who does or does not qualify for admission to the United States, either as a visitor or as a resident alien.

In 1979, I sponsored private legislation to permit a visa to be issued to a Filipino woman who had been denied an opportunity to join her family here solely because she is a lesbian. The following year I sponsored a bill, similar to the legislation I am introducing today, to repeal section 212(a)(4).

My current bill will delete the objectionable language from section 212(a)(4) of the Immigration and Nationality Act and substitute new language excluding aliens afflicted with true mental disease or defect. This bill is intended to make clear that sexual preference alone cannot be the ground for denying entry to aliens wishing to visit or seeking to imigrate to the United States.

Adoption of this legislation will end a form of discrimination which has no rational basis and which violates traditional American respect for the privacy and dignity of an individual.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks:

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That paragraph (4) of section 212(a) of the Immigration and Nationality Act, as amended, is hereby repealed.

SEC. 2. Section 212(a) of the Immigration and Nationality Act is further amended by adding the following new paragragh (4):

"(4) aliens afflicted with mental disease or defect,"

Mr. HATCH:

S. 1087. A bill to authorize appropriations for the National Science Foundation for fiscal year 1984; to the Committee on Labor and Human Resources.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION

● Mr. HATCH. Mr. President, I am today introducing the proposal of the Reagan administration for funding the National Science Foundation for fiscal year 1984. NSF is the principal agency of our Government to advance America's knowledge of basic science and increase the capacity of our educational institutions to conduct such important research work. I share the administration's commitment excellence in U.S. science and am pleased that the budget they have submitted for the Foundation indicates a willingness to devote scarce national resources to this governmental responsibility.

Basic science is a necessary prerequisite for applied research and technological development. Without it, we will not be able to regain unequivocal leadership in the world market, nor will we be able to protect peace. Our future quality of life depends in large part on our devotion to science today.

The bill recommended by the administration calls for a 17.8-percent increase for NSF in fiscal year 1984, bringing its budget to a total of $1.3 billion. The increase in funding will be used to expand certain central research facilities, upgrade instrumentation, speed up ongoing work in mathematics, plant biology, and some Earth sciences, and initiate two new programs in science and engineering education. Nearly every program within NSF has received some degree of increase.

I would like to inform the Senate, Mr. President, that the Labor and Human Resources Committee anticipates reporting a comprehensive science and math education initiative by the May 15 budget deadline. The full committee will be working closely with Senator ROBERT STAFFORD, clearly a leader in the field of education, to fashion a program with the appropriate and effective mix of NSF and Department of Education activity. The interest of many of our Senate colleagues in this national issue has not gone unnoticed and the many separate bills which have been offered will be taken into account during our discussions and hearings, as will the findings of the National Science Board's commission on precollege science and math education.

Hearings were held on the research portion of the NSF fiscal year 1984 authorization legislation on March 18; hearings on the science education program on April 18.

At this time, Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Foundation Authorization Act for Fiscal Year 1984".

SEC. 2. There is authorized to be appropriated to the National Science Foundation for the fiscal year 1984 the following amounts for the following categories:

(1) Mathematical and Physical Sciences, $364,300,000.

(2) Engineering, $123,000,000.

(3) Biological, Behavioral, and Social Sciences, $223,600,000.

(4) Astronomical, Atmospheric, Earth and Ocean Sciences, $334,900,000.

(5) Antarctic Research Program, $102,100,000.

(6) Scientific, Technological, and International Affairs, $36,800,000.

(7) Science and Engineering Education, $39,000,000.

(8) Program Development and Management, $66,000,000.

SEC. 3. Appropriations made pursuant to sections 2 and 5 shall remain available for obligation for expenditure, or for obligation and expenditure for periods specified in the Acts making the appropriations.

SEC. 4. From appropriations made under this Act, not more than $2,500 for fiscal year 1984 may be used for official consultation, representation, or other extraordinary expenses upon the determination of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to the sums authorized by section 2, not more than $2,600,000 for fiscal year 1984 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States, to be paid for in foreign currencies that the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. Funds may be transferred among the categories listed in section 2, but neither the total funds transferred from any category nor the total funds transferred to any category may exceed 10 per centum of the amounts authorized for that category in section 2, unless—

(1) thirty legislative days have passed after the Director of the National Science Foundation or his designee has transmitted to the President of the Senate and to the Speaker of the House of Representatives and to the Committee on Labor and Human Resources of the Senate and to the Committee on Science and Technology of the House of Representatives a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 7. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Labor and Human Resources of the Senate and the Committee on Science and Technology of the House of Representatives fully and currently informed with respect to all of the activities of the National Science Foundation.

By Mr. WALLOP (for himself, Mr. BAKER, Mr. BIDEN, Mr. BUMPERS, Mr. CHAFEE, Mr. COHEN, Mr. CRANSTON, Mr. DANFORTH, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GORTON, Mr. HATFIELD, Mr. HEINZ, Mr. JACKSON, Mr. JOHNSTON, Mr. LAXALT, Mr. LUGAR,

Mr. McCLURE, Mr. MELCHER, Mr. QUAYLE, Mr. ROTH, Mr. SPECTER, Mr. STAFFORD, Mr. STEVENS, Mr. SYMMS, Mr. THURMOND, and Mr. WARNER):

S. 1090. A bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL OUTDOOR RECREATION RESOURCES REVIEW ACT OF 1983

● Mr. WALLOP. Mr. President, today, along with a number of my colleagues, I am introducing a bill to authorize the establishment of a commission to examine the status and future of outdoor recreation in America. The introduction of this legislation pays tribute to the outstanding success of the first such review, completed in 1962, but it also recognizes the tremendous changes that have taken place in our Nation since that time.

The Outdoor Recreation Resources Review Commission (ORRRC) was established in 1958 under President Eisenhower, conducted an extensive review and evaluation of outdoor recreation resources and demands, and submitted its visionary findings and recommendations to President Kennedy. The recommendations of the Commission were largely adopted by the Congress over the following several years, and have come to form much of the Federal framework for outdoor recreation policies and programs. Among the enacted recommendations are the Land and Water Conservation Fund, the Wild and Scenic Rivers System, the National Trails System, the Wilderness Preservation System and the former Bureau of Outdoor Recreation. Technical assistance programs and recreation research also flourished as a result of the initiatives of the Outdoor Recreation Resources Review Commission.

The Commission was chaired by Mr. Laurance S. Rockefeller, a distinguished citizen who, time and again, has devoted himself to efforts to insure the protection and enhancement of our land and water resources.

Senator HENRY JACKSON is the only member of the bipartisan, eight member congressional component of the Commission who is still serving in the Congress. Senator JACKSON, whose efforts in behalf of recreation and the environment are well known, is joining me in introducing this bill today, along with many other distinguished colleagues.

Since at least 1980, there have been suggestions that the manifold changes in American society and government were great enough to warrant a fresh, broad scale examination or recreation policy. Indeed, the range of recreation opportunities has grown enough to require a new consideration of the role and responsibilities of all levels of government and the private sector in insuring the appropriate quality and quantity of recreation experiences. Technology, and a search for adventure, have combined to make traditional outdoor recreation activities more accessible to the public, and to create new forms of recreation such as scuba diving, sailboarding, snowmobiling, and hang gliding.

The extensive travel and tourism complex in America is, at heart, associated with recreational pursuits, some of which are served by public park or recreation areas, others by privately developed facilities. We are only now coming to appreciate the linkages between recreation and tourism and the negative effects that uncoordinated Federal programs and policies have on both.

We are facing the problem of how to reassure the American people that our country will continue to have quality recreational opportunities at the same time that we need to exercise fiscal and budgetary constraints. If we add to this dilemma the fact that recreation itself, as noted above, is in a state of flux, the need for a broad review by keen minds becomes clear.

Recreation is an issue deserving national attention, but it must be paid by more than the Congress, or even by the Federal Government. There is need to incorporate the thinking of the for-profit and not-for-profit elements of the private sector, of other units of government and of individual citizens.

In short, a bipartisan national commission on recreation, consisting of Members of Congress and knowledgeable private citizens offers an excellent means of identifying emerging trends and problems. From such an effort could also come the same kind of farsighted suggestions that consitute the legacy of ORRRC.

I personally believe that outdoor recreation has a national character that distinguishes it from the essentially local character of indoor recreation. Hence our system of national parks, forests, recreation areas, and so forth, developed with a strong Federal commitment.

Those of us who are introducing this proposal are putting in legislative form a concept that has been developed by a number of individuals and organizations including the Congressional Research Service; the 1980 National Conference on Renewable Natural Resources, sponsored by the American Forestry Association and 23 other conservation and resource users groups; the National Recreation and Park Association; and the American Recreation Coalition. A number of these organizations joined forces a year ago to develop a prospectus for a national reassessment of the broad field of recreation as it has come to be redefined by changes in technology, society, and personal preferences.

Most recently, Laurance S. Rockefeller established an Outdoor Recreation Policy Review Group that performed a most helpful reconnaissance of recreation issues and problems. After several months of work, their principal recommendation was to urge that "a new Outdoor Recreation Resources Review Commission be created by act of Congress as was the original ORRRC."

The Policy Review Group was chaired by Mr. Henry Diamond, a Washington attorney and editor of the original ORRRC reports. Serving on the panel with Diamond were Dr. Emery Castle, president of Resources for the Future, Mr. Sheldon Coleman, chairman of the Coleman Co., Mr. William Penn Mott, president of the California State Parks Foundation, Mr. Patrick Noonan, president of Conservation Resources, Inc., and Mr. William Reilly, president of the Conservation Foundation.

Three of the panel members, Dr. Castle, Mr. Noonan, and Mr. Reilly, served as moderators for the two public land workshops on alternatives to fee acquisition of lands held by my Subcommittee on Public Lands and Reserved Water in 1981 and 1982. In that capacity they displayed the vision now called for in examining the realm of outdoor recreation policy. Those two workshops served as a catalyst in the exciting chemistry of people, ideas and action that sometimes characterizes this town, and they contributed significantly to the formation and work of the Outdoor Recreation Policy Review Group. Now once again we must creatively look at the problems to be solved and alternatives to mere barrels full of Federal money as our symbols of commitment.

"Outdoor Recreation for America—1983" notes some of the problems that now exist. These include a decline in support of recreation programs by all levels of government since the late 1970's, and incomplete, inconsistent information upon which to base decisions. The report states, "The date base for outdoor recreation remains, at best, primitive."

There are positive reasons for a national recreation reassessment as well. The trends research firm of Yankelovich, Skelly & White reported to the Policy Review Group on the growing importance of the "leisure ethic" to Americans. While some of the antisocial and destructive elements of the "Me" generation of the 1970's are fading, the leisure ethic remains, in large part because of personal dissatisfaction in the workplace.

The report also points out why, apart from insuring personal satisfaction and physical well-being, there is compelling reason for national interest in recreation in this, a period of economic constraints. Recreation and leisure pursuits constitute an important segment of the American economy, representing an estimated $244 billion in annual expenditures and generating 1 out of every 15 jobs in America.

The economic considerations associated with a new recreation study are not purely defensive. We are presented not only with the need to safeguard existing jobs, but with the opportunity to create new private sector employment in the recreation and leisure fields.

The report of the Outdoor Recreation Policy Review Group identified a number of policy issues that are deserving of intensive study by a new outdoor recreation commission. Five of these issues briefly addressed by the Policy Review Group are as follows:

Government responsibilities for outdoor recreation; the role of the private sector in recreation; Federal funding for outdoor recreation; nonfunding Federal assistance; and Federal lands and national management systems.

Two other important issues that the group did not have time to consider in depth but which they felt deserved "further, intensive examination" by a national commission were cited. They are the matter of increased cooperation between public recreation agencies and the tourism industry, and improved training of public recreation personnel in visitor service and information skills.

A new national commission on recreation will certainly develop its own work plan, but the suggestions of the Rockefeller group provide useful guidance in setting the agenda for study.

Mr. President, so as to further share with my colleagues the work of the Outdoor Recreation Policy Review Group, I ask unanimous consent that a copy of the findings section of their report, as well as a copy of the bill, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Outdoor Recreation Resources Review Act of 1983".

SEC. 2. The Congress finds that—

(a) the findings and recommendations of the Outdoor Recreation Resources Review Commission (1958-1962) did contribute significantly to the protection of our land and water resources and the expansion of recreation opportunities;

(b) public and private recreation resources and programs contribute to our nation's economic vitality, environmental quality and physical and mental health;

(c) changes in national and regional demographics, economic conditions, lifestyles and technology have resulted in both dramatic growth and change in recreation demand beyond the 1962 projections of the Outdoor Recreation Resources Review Commission;

(d) the American public seeks an increasing array of recreation experiences, yet public and private efforts to satisfy this demand are limited by inadequate coordination, increasing fiscal constraints, growing demands on land, water and recreation resources and lack of basic information; and

(e) consequently there is a need to review and anticipate public recreation interests and demand and to recommend appropriate policies and actions to ensure the availability of quality recreation resources and facilities for this and future generations.

SEC. 3. For the purposes of this Act—

(1) "Commission" shall mean the National Outdoor Recreation Resources Review Commission;

(2) "Outdoor Recreation Resources" shall mean the land and water areas and associated facilities in the United States and its territories and possessions which provide, or which may have the capacity to provide, opportunities for outdoor recreation, irrespective of ownership or location;

(3) "Recreation opportunities" shall mean opportunities for present and future generations to engage in outdoor recreation pursuits, active or passive, which are supportive of individual enjoyment, health and welfare and mindful of the need for the continued use of the areas and facilities where such pursuits are conducted.

SEC. 4. (a) In order to protect, preserve, develop and assure accessibility by all American people of present and future generations such continued quality and quantity of recreation resources and opportunities as will be necessary and desirable for individual enjoyment, health, and welfare, and to make specific recommendations and proposals to the President of the United States, the Congress, the individual States and Territories and the officials thereof and to the private sector, there is authorized and created a bipartisan National Outdoor Recreation Resources Review Commission.

(b) The Commission shall consist of fifteen members appointed as follows:

(1) Two majority and two minority members of the United States Senate, to be appointed by the President of the Senate;

(2) Two majority and two minority members of the United States House of Representatives to be appointed by the Speaker of the House;

(3) Seven citizens known to be informed about, concerned with, or involved in the management of public or private outdoor recreation resources and related opportunities, policies and programs, to be appointed by the President upon his consideration of recommendations made to him by the public or persons or organizations concerned with and knowledgeable of outdoor recreation resources and opportunities. The President shall designate a Chairman from among its citizen members. For purposes of carrying out this Act, and subject to its terms, the Chairman shall be considered a Federal employee. A Vice-Chairman shall be elected by and from those Members of Congress serving on the Commission.

(c) Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any vacancy shall be promptly filled in the same manner as the original appointment.

(d) Members of the Commission shall serve without any additional compensation for their work on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707), to the extent funds are available therefor.

(e) The Commission shall be appointed within 30 days of the effective date of this Act and shall convene as soon as practicable following appointment of its members to implement the provisions of this Act.

SEC. 5. (a) The Commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of an executive director and such additional professional personnel as may be necessary to enable it to carry out its functions, or that may be detailed or assigned to it, provided that any Federal employees subject to the civil service laws and regulations who may be assigned or detailed to the Commission shall retain civil service status, without interruption or loss of status or privilege.

(b) The Commission shall establish headquarters in the national capital region and shall make such other arrangements as may be necessary to carry out the provisions of this Act.

(c) The Commission shall request the Secretary of each Federal department or head of any independent agency (which includes an agency or agencies with a direct interest and responsibility in any phase of outdoor recreation) to appoint, and there shall be appointed for each such department or agency, a liaison officer who shall work closely with the commission and its staff.

(d) The Commission may solicit and accept contributions of money and service from non-Federal public and private entities to assist its work.

SEC. 6. (a) There is hereby established an advisory council to the Commission which shall consist of members appointed by the Chairman upon the recommendation and concurrence of the Commission. Such members shall have a direct concern for and knowledge of outdoor recreation issues, policies and programs and shall be broadly representative of various major geographical areas and citizen interest groups, including, but not limited to, the following—

(1) state and local agencies dealing with outdoor recreation, natural resources and the environment;

(2) municipal and county governments;

(3) organizations concerned with public health and welfare;

(4) private organizations with conservation and outdoor recreation expertise, commercial recreation and tourism interests; and

(5) natural resource based industries and commercial interests with expertise in leisure and related goods and services.

(b) The Chairman with the concurrence of the Commission shall organize the advisory council into such committees or subgroups as shall be deemed necessary to develop information, review materials and otherwise advise the Commission in carrying out the provisions of the Act.

(c) Members of the advisory council shall serve without compensation except that, to the extent funds are available therefor, each shall be entitled to reimbursement for actual travel and subsistence expenses incurred in attending meetings of the advisory council called by the Chairman of the Commission or incurred in carrying out duties

assigned by the Chairman of the Commission.

SEC. 7. (a) The Commission shall promptly proceed to undertake an examination and evaluation of existing and potential public outdoor recreation land and resource area policies, programs and opportunities, including those that are or could be under the direct responsibility of the Federal government as well as those that are or could be under the direct responsibilities of the States, local governments, and private organizations and entities. The Commission shall utilize to the fullest extent possible such studies, data, and reports previously prepared or in process by Federal agencies, States, private organizations or entities, and others to determine the amount, kind, quality, and location of outdoor recreation resources, programs, and opportunities as will be required and desirable by the year 2000 and beyond. The Commission shall recommend those policies, programs and actions which, in the opinion of the Commission, should be instituted at each level of government and by the private sector to protect existing areas and meet future requirements.

(b) In pursuit of its objectives the Commission shall—

(1) examine existing outdoor recreation lands and resources and identify and evaluate the land and resource base necessary for future outdoor recreation, regardless of present use, ownership or location;

(2) examine Federal, State, County, and Municipal government roles and responsibilities for providing outdoor recreation opportunities, protecting outdoor recreation resources, and for meeting anticipated outdoor recreation conditions;

(3) examine the increased capacity of the private sector, both profit-making enterprises and not-for-profit organizations, to meet present and future outdoor recreation needs, and assess the potential for new partnerships between the private sector and all levels of government, giving full consideration to the appropriate role for each partner, to provide outdoor recreation opportunities and to protect and enhance outdoor recreation resources;

(4) examine the present and future relationships between outdoor recreation and personal and public health, a productive economy, and the environment;

(5) examine the future needs of outdoor recreation management systems, including qualified personnel, technical information and anticipated financial needs, and the various sources and means necessary to obtain such resources, both public and private;

(6) consider the relationship of outdoor recreation to the broader range of recreation pursuits and determine the implications therein for the supply of and demand for outdoor recreation resources and opportunities; and

(7) identify, examine and assess the implications of current, emerging and anticipated future forces, trends and technologies which could influence outdoor recreation.

(c) The Commission is authorized and directed to conduct public hearings and to otherwise secure data and expressions of public opinion on recreation issues, policies and programs, and anticipated national, regional, state and local needs and concerns.

(d) The Commission shall transmit to the President and to the Congress not later than eighteen months after the appointment of the Commission members a detailed and comprehensive report on its findings, including a compilation of relevant data, and its recommendations. Such report shall be presented in such form as to make it of maximum value to the President, the Congress, and the States. The Commission shall cease to exist not later than six months after submission of said report.

SEC. 8. (a) The Commission shall be governed by the responsibilities and duties provided herein. The Commission shall have the power to enter into contracts, to execute instruments, and generally to do any and all lawful acts necessary or appropriate to carry out the provisions of this Act.

(b) The Commission may utilize the personnel, equipment and facilities of the Federal Executive and to the extent practicable such personnel, equipment and facilities shall be made available on request and without reimbursement.

(c) The Commission shall provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for all funds provided to it. The Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Commission which are pertinent to such funds.

SEC. 9. (a) There are hereby authorized to be appropriated not to exceed $1,500,000 to carry out the purposes of this Act. Such moneys as may be appropriated shall be available to the Commission until expended.

(b) Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation acts.

OUTDOOR RECREATION FOR AMERICA—1983

(An assessment of twenty years after the report of the Outdoor Recreation Resources Review Commission)

V. FINDINGS OF THE OUTDOOR RECREATION POLICY REVIEW GROUP

After a review of material prepared by consultants and other experts, and extensive discussion among the members, the Policy Review Group arrived at some basic findings about the current status of outdoor recreation. In arriving at these findings, the members relied in large measure upon their knowledge and opinions, rather than formal research.

1. The two decades since ORRRC have been a period of great social and economic change. There are 42 million more Americans today than there were in 1960. The population is rapidly growing older on the average. Family size has declined, divorce has increased. We have large and growing numbers of citizens of Latin American and Southeast Asia origin. The roles of women and minorities have changed dramatically. Population migration from the Northeast and Midwest to the Sunbelt states and from urban centers to the suburbs and rural cities has altered political powerbases as well as life-styles.

Major gains in gross national product, family and per capita income, have leveled off, but we are far richer in material goods than we were in 1960. Still, we are in a period of economic uncertainty. Obviously, governments cannot respond to every need; priorities must be established, tradeoffs understood.

Although the future direction of social and economic change is unclear, we can be certain that there will be even more dramatic change in the future and that it will change our needs for outdoor recreation.

2. Changes in how and where we live, work, and play have had a profound effect on outdoor recreation. The population shifts away from the Northeast and Midwest to the South and West and from metropolitan areas to small cities and towns have changed outdoor recreation patterns. Recreation also has been affected by a burgeoning interest in physical fitness, flexible work hours, and energy and travel costs. The changing role of women in society, an increase in single-parent households, likewise have altered recreation needs.

Within urban areas, demographic changes, plus an increasing interest in personal physical fitness through outdoor leisure time activity, have created a host of new recreation demands and outdoor recreation resource management problems.

Changes in recreation interest, technology, and equipment since ORRRC have created new kinds of recreational activites. Adventure and risk sports, off-road vehicle use, and snow camping have vastly complicated recreational planning and provision of recreation opportunity.

3. Despite the changes over the past 20 years, or perhaps because of them, outdoor recreation is more important in American life than it was in 1962. Demographic and economic changes, such as population growth and greater individual discretionary income, have tended to increase demand for outdoor recreation as ORRRC predicted that they would. However, the dramatic social changes which ORRRC did not foresee, such as the emphasis on physical fitness, the changing role of women, the trend toward fewer children, and the acceptance of leisure as a goal in itself, have significantly increased the importance of outdoor recreation in American life.

With the society in the midst of dramatic change, recreation has assumed a more central role in our physical, mental, and spiritual health, contributing to individual identity and well-being and family and community cohesion.

Although more important than ever in American life, it is ironic that outdoor recreation as an identifiable, discrete issue is less prominent than it was at the time of the commission. In substantial measure, this stems from the fact that outdoor recreation has been subsumed in the very popular environmental and leisure fitness-wellness movements. Many of the concerns of the environmental movement, in fact, involve the protection of resources essential for high-quality outdoor recreation. For example, one of the largest public works programs in the country, the water pollution control program, is designed to provide fishable, swimmable waters for the nation. Much of the increased participation in fitness activities involves outdoor recreation resources.

4. Governments in general are doing less for outdoor recreation than is required to meet the need. Despite the documented increased demand for outdoor recreation, governments at all levels now are doing less than they were just a few years ago in providing outdoor recreation opportunities. Although major changes in organization and reductions in funding were made in 1981, this trend does not stem from the arrival of the present Administration; in fact a downward trend began in the late 1970s.

This lower level of effort is reflected in budgets at all levels of governments and also in the number of opportunities available.

There continues to be a shortage of "effective acres," that is, land close to concentrations of users.

In the fact of increased demand investment by the federal, state, and local governments is declining. Development of recreation sites has slowed and some federal campgrounds are being closed; some state parks are being opened later in the season, or are not opened at all.

There is evidence, from recent federal and state reports that the quality of the public recreation estate—both resources and facilities—is deteriorating.

There is a growing gap—now estimated at more than $3 billion—between the cost of lands Congress has authorized for purchase and funds available for their acquisition.

A significant portion of the public recreation estate is underused and could accommodate increased use with better planning and some increased investments.

New kinds of recreation activities and increased use have resulted in conflicts between recreation users; these conflicts could be mitigated or eliminated with improved planning and management.

Basic information on the nation's outdoor recreation resources is inadequate.

Thus, while participation in outdoor recreation has increased and will continue to increase, and while the benefits of such activity to society are now recognized as being much broader than they were in 1960, government is less willing or less able to respond. A careful and detailed review of this situation is needed to determine how supply can be increased in a cost-effective manner.

5. The role of the federal government needs to be reassessed, redefined, and revived. Adequate provision for the nation's recreation needs urgently requires a rethinking of the responsibilities of all levels of government, particularly that of the federal government, in providing leadership in policy and programs. Federal leadership will be necessary to:

Create a framework for national recreation policies

Foster innovation and experimentation in more effective ways to broaden recreation opportunities for all Americans.

Complete critical land purchases without which important National Parks and other elements of the national recreation estate will be threatened or lost

Ensure adequate protection of the natural resources and environment necessary to a quality recreation experience.

Federal funding mechanisms for buying and protecting national recreation lands and fulfilling federal responsibilities in areas inadequately served by recreation lands such as the eastern United States will need to be revived or replaced. There is substantial sentiment for continuing the Land and Water Conservation Fund or some similar mechanism through which revenues from our diminishing nonrenewable resources can be reinvested in permanent, renewable resources. Specifically, some means for providing federal recreation assistance to state governments will be required to respond adequately to soaring public visitation of state parks. Further, policies and procedures for transferring federal surplus real property to states and local governments need to be reexamined.

Technical assistance to states and localities and research on their management problems, as well as funding aid for land acquisition, will be needed in the future as they have been in the past, although past programs and mechanisms for providing such help may need to be rethought.

6. The private sector is providing more outdoor recreation than it did 20 years ago; it could do even more with government cooperation. The contribution of the private sector as a provider of recreation opportunities has grown significantly over the past two decades.

Designation recreation areas, downhill ski facilities, campgrounds, and marinas have been developed.

The private sector has developed new equipment that facilitates public outdoor recreation activity.

A number of public agencies have direct service contracts with private companies.

The private sector is adept at coping with change—it must or it will not survive. The private sector could help governments anticipate change.

Outdoor recreation is big business. Through direct expenditures for outdoor recreation activity and equipment (an estimated $244 billion is spent each year by the consuming public for leisure time activity) and through tourism, outdoor recreation contributes in a major way to the nation's economy. Further, in these times of high unemployment, the private recreation sector could play a strong role in providing additional jobs, if government actions were evaluated to determine their full impact on the recreation industry.

Not-for-profit organizations are playing an increasingly important role in outdoor recreation. Such organizations encourage and facilitate donations of land and capital to public agencies; manage lands and facilities for public use; maintain trails and camping facilities which they own and make available for public use; maintain trails and hostels on public lands; provide volunteer support for public recreation programs at the local, state, and federal levels. Nonprofit foundations provide funds for research and education.

7. There are ways in which outdoor recreation could be provided to meet increased demands which would not require huge public expense. Some improvements in outdoor recreation delivery do not necessarily require large amounts of money. A continuing, long-term effort to ensure that public funds invested in outdoor recreation are spent efficiently could stimulate innovative approaches to providing opportunities. These could be more satisfying to users while minimizing gaps and overlaps in opportunities provided by the federal, state, and local governments and the private sector.

For example, with good land management, planning, and coordination among governments and at modest cost, the public's recreation land could be used more intensively without lowering the quality of the resources or the experience. Land acquisition could be combined with approaches to land protection that do not require full-fee acquisition so as to minimize the cost of providing outdoor recreation opportunities and protecting scenic and cultural resources. This will require better training for land managers.

The effective supply of recreation opportunities could be increased by providing potential consumers with better information. For example, greater use of computers to respond to inquiries about recreational opportunities at state and national parks within an area and to make advance reservations at campgrounds would, in practical terms, increase supply by redistributing use to take advantage of opportunities already available but underutilized.

Improved incentives for the private sector could also result in greater outputs of goods and services. The private sector could supply needed capital to develop facilities and provide visitor services on public lands, if the potential for profit exists. The long-term public interest should be ensured, though, through comprehensive management plans developed with public input, and other administrative actions.

8. There is a need for improved information as the basis for outdoor recreation planning and management. The ORRRC called for a significant increase in research on outdoor recreation in three research categories: data collection, inventory, and fact-finding; the application of management information; and basic research. Two decades later, the data base for outdoor recreation remains, at best, primitive. There are few consistent data on participation trends over time. We are not sure what people would really like to do during their free time. We do not have accurate estimates of the amounts of money spent for various outdoor recreation activities, or how spending for outdoor recreation compares with other uses of an individual's income. Further, we have little solid, coherent information on recreation supply—the types of recreational oportunities available, their distribution by region, or their accessibility to population concentrations. This is particularly true at the state and local levels.

The absence of detailed, reliable data severely handicaps those in both the public and private sectors who plan investments to meet present and potential demand. Policy Review Group members suggested that the federal government play a key facilitating role in the compilation and annual updating of basic statistics on outdoor recreation.●

● Mr. JOHNSTON. Mr. President, I am pleased to join with a number of my distinguished colleagues today in cosponsoring legislation to examine recreation opportunities in America on the occasion of the 20th anniversary of the final report of the Outdoor Recreation Resources Review Commission (ORRRC). The landmark work done by ORRRC in the early 1960's has shaped outdoor recreation policy in this country for two decades. It has served and continues to serve us well.

The legislation we are introducing today creates a new Commission, patterned after the original ORRRC, to reassess and reevaluate recreation policy and programs in America. Like its predecessor, the Commission will be bipartisan and comprised of citizens as well as Members of the Congress. The Commission is charged with preparing and submitting to the President and the Congress within 18 months a comprehensive review of outdoor recreation in America.

Mr. President, the 20 years that have intervened since the original ORRRC report was issued have been of tremendous social and economic change in this country. It makes sense to me to revisit the findings and conclusions of the ORRRC in light of these changes. I hasten to add, Mr. President, that I make this suggestion not because I view the original ORRRC recommendations and the

programs that emanated from them as no longer relevant or useful. Instead, I see this as a useful tool to increase and update our information base and to provide the Congress with the input it needs to make rational recreation-related decisions for the 1980's and beyond.●

● Mr. JACKSON. Mr. President, I am pleased to join with a number of my colleagues today in introducing the Outdoor Recreation Resources Review Commission Act of 1983.

In 1958, the Congress enacted legislation establishing an Outdoor Recreation Resources Review Commission (ORRRC). The ORRRC was charged with reviewing the Nation's outdoor recreation resources, both existing and potential, and directed to make recommendations to the President and the Congress about the nature of these resources and about what outdoor recreation-related policies should be adopted.

To say that the ORRRC report presented to the Congress in 1962 had a significant impact on the Nation's outdoor recreation policy would be a considerable understatement. Such landmark pieces of legislation as the Land and Water Conservation Fund, the Historic Preservation Fund, the Wilderness Act, the National Trails System Act, and the Wild and Scenic Rivers Act were strongly influenced by or were a direct result of the ORRRC report.

In August 1982, under the leadership of Laurance Rockefeller, the Outdoor Recreation Policy Review Group was formed to assess the present and future status of outdoor recreation in America 20 years after ORRRC. Among other things, the review group found that there has been a period of great social and economic change in the two decades since ORRRC. Yet, in spite of these changes, or perhaps because of them, outdoor recreation is more important in American life now than it was in 1962. In response to these and other findings, the review group has recommended that a new ORRRC be created by an act of Congress to reconsider outdoor recreation policy and programs in America. The legislation we are introducing today implements this recommendation.

The Commission is to consist of eight Members of Congress—two members from each party from both the House and the Senate—and seven citizens appointed by the President of the United States. The Commission is to prepare a comprehensive review of outdoor recreation resources in the United States and submit it along with policy recommendations to the President and the Congress within 18 months. The legislation would also create an advisory council to assist the Commission and to encourage as much public involvement in this process as possible. Hopefully these new findings and recommendations will be as informative and useful to present policymakers as they were to the Congress and the American public 20 years ago.

Mr. President, I want to emphasize that my support for this legislation to reassess the Nation's outdoor recreation resources in no way should be viewed a sign of dissatisfaction with the programs and policies emanating from the original ORRRC. We can reassess and reevaluate existing programs and policies in light of new circumstances without starting over. This new effort should update and build on these earlier findings, not seek to repudiate them.

As the only member of the original ORRRC still in the Congress, I am proud to be associated with this proposal. My friend Laurance Rockefeller, Chairman of the original Commission, is to be commended for initiating this effort through the formation of the policy review group. Likewise, Senator WALLOP, chairman of the Public Lands and Reserved Water Subcommittee to be congratulated for taking the lead in bringing this legislation before the Congress in an expeditious manner.

Mr. President, I ask unanimous consent that the summary of the Outdoor Recreation and Policy Review Group's report appear in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY [1]

In 1962 the Outdoor Recreation Resources Review Commission (ORRRC) submitted a report to the President and Congress which has been instrumental in guiding national outdoor recreation policy for the past two decades. Since that time, the nation has undergone major social and economic changes. While there have been significant increases in the supply of outdoor recreation opportunities, there have also been tremendous increases in outdoor recreation participation and major changes in the kinds of outdoor recreation desired.

The nation is confronting serious economic problems which must be solved. Even in these difficult times, outdoor recreation is important, in our view more than ever, for three reasons:

1. As an integral part of American life, it is a continuing source of national vitality, an important factor at a time when individuals and society must adjust to rapid change.

2. As a major component of the national economy, outdoor recreation can provide jobs and contribute to the nation's economic recovery.

3. Providing outdoor recreation resources contributes to solving environmental quality problems—such as protecting wilderness and controlling air and water pollution.

However, for the past three or four years, government programs at all levels have been reduced. In 1981, the federal agency recommended by ORRRC to provide national leadership in outdoor recreation was dismantled and funding for recreation land acquisition deferred. Programs deemed no longer appropriate have not been yet replaced with initiatives to meet continuing needs. Changes in society and the continuing importance of outdoor recreation make it important to consider ways of developing responses to present problems and to new and unexpected developments.

While the report that follows is not an in-depth study of the status of outdoor recreation today, it is an assessment of the present situation and potential need based on the collective judgment of seven individual volunteers who have experience in outdoor recreation policy, resources management, and business.

In the course of its deliberations, this Outdoor Recreation Policy Review Group arrived at the following eight findings.

1. The two decades since ORRRC submitted its report have been a period of great social and economic change.

2. Changes in how and where we live, work, and play have had a profound effect on outdoor recreation.

3. Despite the changes over the past 20 years, or perhaps because of them, outdoor recreation is more important in American life than it was in 1962.

4. Governments in general are doing less for outdoor recreation than is required to meet the need.

5. The role of the federal government needs to be reassessed, redefined, and revived.

6. The private sector is providing more outdoor recreation than it did 20 years ago; it could do even more with government cooperation.

7. There are ways in which outdoor recreation could be provided to meet increased demands that would not require huge public expense.

8. There is a need for improved information as the basis for outdoor recreation planning and management.

The Policy Review Group urges that a new Outdoor Recreation Resources Review Commission be established by act of Congress as the original ORRRC was. The commission should embody the characteristics of ORRRC: bipartisan membership, strong congressional participation, a full range of interests represented, and an independent staff.

The mandate of the new commission should be broader than the original ORRRC. It cannot ignore the interrelationships and overlaps of outdoor recreation with many indoor activities associated with physical fitness. A new study also must recognize that outdoor recreation is related to other leisure time activities. Further, outdoor recreation is linked, in ways that have not been adequately researched, to such factors as job satisfaction and productivity, and family and social cohesion. Urban recreation also requires further attention. The link between outdoor recreation, environmental quality, and resources management also should be considered. However, the focus of the new ORRRC's work should be on the interaction of people and outdoor resources.

In recommending the establishment of a new commission to consider outdoor recreation policy and programs, we are not necessarily seeking to resuscitate old programs, but rather to develop initiatives to meet outdoor recreation needs now and in the future.

While not developing the agenda for the new commission, the Policy Review Group

[1] Outdoor Recreation for America—1983: An assessment twenty years after the report of the Outdoor Recreation Resources Review Comission.

did identify five policy issues which it believes require further study. They are: government responsibilities for outdoor recreation; the role of the private sector; federal funding for outdoor recreation; non-funding federal assistance; federal lands and national mangement systems.●

● Mr. McCLURE. Mr. President, we Americans love the outdoors. We are spending more time outdoors having fun than ever before. As a result, participation in outdoor recreation has outpaced all previous governmental projection. By 1977, actual participation in white water canoeing and rafting was already 200 percent above projections made in 1965 for the 1980. Hiking was approximately 100 percent over a comparable projection, fishing, camping, hunting, and skiing all experienced large gaps between projections and acutal participation rates. Snowmobiling, motorcycling, and boating continue to grow in popularity.

We are told that we can continue to expect dramatic growth in outdoor recreation. The U.S. Forest Service has projected outdoor recreation participation rates through the year 2030 and in virtually every case, the growth and participation will exceed the growth of the U.S. population. We need to prepare for this growth and to assure that not only the rich or the lucky have opportunities to participate in their choice of recreational activities. I am therefore pleased to join in sponsoring legislation to create the National Outdoor Recreation Resources Review Commission. I fully expect that this Commission will assist those of us in the Congress to take the actions necessary to see that recreational opportunities are available now and in the future for all our citizens. I am especially interested in having this Commission focus on further needs. I look to it for help in assessing the social, technological, economic, and demographic changes which will shape both the quantity and the type of participation in recreation. We need to insure prompt action on this legislation, so that the Commission can begin in its work and submit its report for consideration and action by the 99th Congress.●

● Mr. HATFIELD. Mr. President, I enthusiastically support the creation of a National Outdoor Recreation Resources Review Commission and am pleased that so many of my colleagues have offered cosponsorship of this important legislation. Recreation is a most important ingredient in the lives of Oregonians. The outstanding natural beauty of my State is a powerful magnet, drawing people out-of-doors in all seasons of the year to enjoy a myriad of different recreational activities.

Recreation in America does not face a crisis exactly parallel to the crisis that recently visited the social security trust fund. Yet without attention to changed needs and changed financial capabilities of the Federal Government, we will be hard-pressed to avoid a downturn in the quantity and quality of recreation available in our cities and backcountry. Partisan debate within the Congress, focusing often as it does on symbolism more than realism, is not likely to offer the same kind of far-ranging analysis of alternatives for resource protection and recreation management as will be available to the focused and bipartisan recreation commission proposed by the bill we introduced today.

Last week, the Washington Post offered an editorial which accorded merit to some of the goals of Interior Secretary James Watt, even as it criticized his penchant for confrontation and controversy. I certainly do not believe that the Secretary of the Interior is alone in bearing the responsibility for rhetoric which has hampered efforts to resolve pending natural resource issues, but the Post is correct in its assessment that there are important substantive decisions to be reached regarding our parks and recreation resources which are not being addressed.

Mr. President, many times I have stated my belief that a strong economy and recreation benefits are mutually respective; in fact, in Oregon's case, having recreation opportunities available provides a great deal in the way of economic returns. The Commission we are proposing to establish today will assist greatly in further development of those important opportunities.

I urge my colleagues to give this measure active support and to follow the progress of the Commission which will result.●

● Mr. DOMENICI. Mr. President, I am proud to cosponsor the National Outdoor Recreation Resources Review Commission legislation today. I feel that America must meet the challenge of assessing our future recreational needs.

Recreation is important to the body, mind, and spirit of our citizens. Recreation takes many forms from individual to group, from unorganized to organized, from involving very little physical activity to strenuous activity. But the key remains that in order for us to improve the quality of life for our citizens we must offer recreational opportunities. I have talked over the course of many years to companies and corporations regarding movement of their facilities into New Mexico. One of the first questions they always ask is what are the recreational opportunities for our employees if we locate in your State? And why do they ask that question? Because they know that a happy and satisified employee away from work is a more productive employee at work.

I would argue over the years America's commitment to recreation at the local, State, and Federal level has been second to none and it continues to be very high. However, if we are honest, we know that there is no single comprehensive coordination effort by the Federal Government. In fact the last one effort was some 20 years ago and there is no need to go into the litany of socioeconomic and demographic changes that have taken place during the past 20 years.

I think recreation without a doubt is a universally equal agreed upon issue as should be this legislation to establish a Recreation Commission.

I would hope that the Congress will give this legislation speedy approval. The work this Commission can perform over the course of the next few years could save us all money and time in the future and insure continued quality recreational resources and opportunities for generations to come.●

Mr. BAKER. Mr. President, I am pleased to join Senator WALLOP, Senator MCCLURE and a number of other distinguished colleagues in sponsoring a bill to establish a national Commission to examine this Nation's long-term recreation and park needs.

Now is the time to assess policies and practices which will determine the quality and availability of recreation experiences in the future. These issues are not solely determined by the Federal or State governments. A number of different Federal, State and local government policies as well as private sector activities affect the Nation's recreational resources. The creation of the National Outdoor Recreation Resources Review Commission, as outlined in this bill, provides an appropriate forum for all of these sectors to focus on the overall issue and to recommend solutions.

Among the issues which I believe this Commission should examine are:

The appropriate role of these various sectors in meeting anticipated recreational demands;

The anticipated fiscal needs and the identification of new funding sources;

The interrelation of recreation and park issues with other public policy and planning decisions, and methods for maximizing public recreation benefits from other investments; and

The current land and resource base for recreation, its adequacy and how it might be enhanced.

Recreation facilities are vitally important to the quality of life for our people. Recreation promotes health, enhances social interaction, contributes to community cohesion and stimulates jobs.

I am proud of the record which Tennessee has in providing for the recreational needs of her citizens and visitors. Tourism, which is only one aspect of recreation, is Tennessee's third larg-

est industry. The Tennessee State Park System alone generates $8 million per year in revenues for the State. Its annual budget is some $17 million annually for operations and maintenance and recreation services. The system was visited by 17 million people during the last fiscal year.

The Tennessee Valley Authority also provides numerous recreational facilities across the State. Notable among these is the Land Between the Lakes facility which encompasses 170,000 acres on the Tennessee-Kentucky border. It provides outdoor recreation facilities as well as conservation learning laboratories to numerous visitors each year.

Local governments in Tennessee employ 800 people in 65 full-time park and recreation departments serving 2.5 million residents and spending $40 million annually in payroll, operation, and maintenance. It is estimated that across the State, 1,500 people are employed in the delivery of park and recreation services including such aspects of recreation as senior citizens centers, church recreation and recreation in therapeutic settings.

Mr. President, these examples of the recreation activities in the State of Tennessee point out the necessity for all levels of government, as well as interested private organizations, to be aware of each others roles and responsibilities. In terms of future planning for recreational needs, such dialog is essential. I am hopeful that the proposed Commission will greatly facilitiate cooperation between all parties and lead to sound recommendations.

I commend Senator WALLOP for his interest in this Commission and I hope the Senate will give it early consideration.

● Mr. HEINZ. Mr. President, today, I am cosponsoring and joining in support of Senator WALLOP's bill to fund a national public recreation land study. My distinguished colleague from Wyoming has taken an important legislative initiative. In an effort to insure the availability of quality recreation experiences for all Americans in the future, he has suggested that we create a bipartisan Commission to investigate the current situation and recommend future recreational policy.

Mr. President, recreation is an important aspect of the quality of life, not only for the citizens in my home State of Pennsylvania, but all across our country as well. According to the 1977 Nationwide Outdoor Recreation Survey, "86 percent of Americans surveyed indicated that recreation remains one of their most important interests." Other surveys show that some 90 million adult American's regularly engage in recreation. The latest statistics also indicate that recreation is of tremendous importance to the national economy. In 1981, recreation expenditures accounted for nearly $200 billion, with nearly $1 out of $8 spent by consumers going for recreation. In addition to its burgeoning economic effects at both the regional and national levels, recreation contributes significantly to maintaining the physical and mental health of Americans.

Of particular interest is the role that recreation can play in attracting new industry. Studies show that one of several key factors in attracting and keeping industry is the general attractiveness of communities as places for company employees and their families to live. Good recreation facilities and programs are an important part of community life and the desirability of an area as a place to live.

Given the importance of recreation to American life, it is imperative that this country develop a recreation policy to guide and direct those governmental agencies having either a direct or support function for meeting the recreation needs of the citizens of this Nation. The creation of a bipartisan National Recreation Policy Review Commission would establish both a process and a structure to develop an array of public policy options that are forward looking and geared toward developing recreational programs and facilities that will best serve our country and of which all Americans will be proud. The findings of the last such Commission, established by President Dwight Eisenhower in 1958, played a major role in the evolution of National, State, and local recreation policy during the past 25 years. I firmly believe that this new panel will serve the same important function in helping to develop U.S. recreational policy for the next quarter century.

Mr. President, I applaud Senator WALLOP for his efforts in the area of recreation and I urge all of my colleagues to join him in helping to insure the passage of this important piece of legislation. The outdoors lies deep in the American tradition. It is now the job of the Congress to insure that all Americans have access to this great heritage for many years to come.●

Mr. STEVENS. Mr. President, I am pleased today to join the senior Senator from Wyoming in supporting creation of a National Outdoor Recreation Resources Review Commission. Historically there has been a broad bipartisan foundation of support for recreation and conservation of our Nation's outdoor resources. This base provided in part the impetus for the Alaska National Interest Land Conservation Act which set aside literally millions of acres in the form of national parks and preserves, national wildlife refuges, national wild and scenic rivers, and national forests. It is now incumbent upon us to insure that these lands we set aside can be used by the American people. We should establish land management policies which encourage recreational opportunities for the American public including hiking, camping, canoeing, fishing, and hunting. I hope that the new Commission would assist us in developing those policies.

The newly created Commission should strive to emulate the successes of the Outdoor Recreation Resources Review Commission created by Congress 25 years ago. That Commission charted a blueprint for recreation in America.

In light of the New Federalism I hope the new Commission would look closely at defining the appropriate roles for Federal, State, and local government as well as the private sector in providing and financing recreational opportunities. Finally, I hope that it would consider ways by which modern information systems could be employed to provide a more efficient match between recreation demand and recreation supply. In my home State of Alaska, for example, we harbor 50 percent of the country's national parks, yet we represent less than 1 percent of the total population. On the other end of the spectrum, in industrialized areas of the country, too many people seek to use the same portion of our recreation supply at the same time producing overcrowding, lower quality experiences, and even environmental threats. Such distortions must be avoided in the future.

I urge my colleagues to give this proposal their active consideration. I hope that Members on both sides of the aisle would support the creation of the National Outdoor Recreation Resources Review Commission.

● Mr. GORTON. Mr. President, I am pleased to join as a cosponsor of legislation being introduced today entitled, the National Outdoor Recreation Resources Review Act of 1983.

Twenty-five years ago, the Congress of the United States made an important commitment to the recreational needs of Americans when it created the first Outdoor Recreation Resources Review Commission. We are fortunate that the Congress took that action, for it has enriched the lives of a substantial number of Americans and it has helped to fuel growth for the recreation industry, an industry that provides over 9 million jobs in this country.

The legislation we are introducing today offers the promise of similar long-term benefits for our Nation through the creation of a second Outdoor Recreation Resources Review Commission. The creation of such a commission has been recommended by a wide range of recreation and conservation leaders who have noted quite accurately that major economic, social, technological, and demographic changes have occurred since the first Recreation Commission. I share their

hope that the new Recreation Commission can develop creative new approaches for protecting and better utilizing our recreation resources.

Americans will benefit from the creative thinking of a select group of national leaders who will focus on our country's recreation needs through the year 2000 and who can help us improve the management of public and private lands for maximum recreational benefits.

I urge my colleagues to join me in supporting the prompt enactment of this legislation.●

By Mr. HATCH:

S. 1091. A bill entitled the "Mathematics and Science Education Act of 1983"; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE EDUCATION ACT OF 1983

● Mr. HATCH. Mr. President, today I am introducing the Mathematics and Science Education Act of 1983, a bill designed to increase the quality of instruction of math and science courses in both elementary and secondary schools all over our Nation. Increasing the competence of American students in these academic areas and providing the stimulus for young adults to consider math or science teaching as a career is a goal most of us believe to be essential to our national interests.

The need for this legislation is growing more and more acute. Neglecting such a need would be tantamount to ignoring a progressive cancer. The crisis in precollege math and science eduction is real, and the evidence documenting it is accumulating. For example, the scholastic aptitude test score have been plunging downward for the past 18 years. Such scores are a reflection of many problems, including shortages of necessary and state-of-the-art equipment, and shortages of qualified math and science teachers. Also, requirements for students to take math and science courses in secondary schools have been weakened and interest in these disciplines has waned. The result is that secondary school students are taking fewer courses in math and science than in years past and fewer courses are being offered. In fact, according to research done by the National Science Teachers Association, there has been a 77-percent decline in the number of math teachers and a 65-percent decline in the number of science teachers who are prepared to teach these subjects. Furthermore, among newly employed science and math teachers 50.2 percent were unqualified to teach science and math, and were employed on an emergency basis since no other qualified teachers could be found. The NSF has reported equally disturbing news; one-half of all high school students take no math after the 10th grade, whereas in the Soviet Union all students are required to complete 2 years of calculus, 5 years of physics, 4 years of biology, and 5 years of algebra. This dichotomy is even more striking when you consider that in U.S. 4-year colleges there has been a 72-percent increase in remedial mathematics enrollment between 1975–80; this number is plausible when one considers that, in fact, 25 percent of the mathematics courses offered in public 4-year colleges are remedial.

Moreover, according to an analysis of the American and Soviet educational system completed by the strategic studies center of SRI International, the Soviet Union has graduated six times as many specialists at the undergraduate level in the engineering fields than we have. In addition, approximately 70 percent of the Soviet graduate enrollment is in the science and engineering areas while the U.S. percentage has been declining steadily and was down to 20 percent as of 1976; in 1974, the U.S.S.R. had over twice as many scientists and engineers as the United States. In order to maintain national security and future economic growth and vitality, the United States must sustain a national commitment insuring a high level of skill in science, mathematics, and engineering.

Secondary school science education is not able to meet adequately the growing needs for scientific and technical skills in the Nation's work force. The Mathematics and Science Education Act that I am introducing today will reverse this dangerous trend and assist our educational community to neet these new international and economic challenges. My proposal gives both the National Science Foundation and the Department of Education specific responsibilities for programs to help turn our current situation around.

Title I of the bill authorizes funds to the National Science Foundation for programs in addition to the Reagan administration's request contained in the NSF budget. The latter programs include graduate fellowships, Presidential excellence in teaching awards, and a program for young investigators in higher education institutions. My proposal would also establish within the NSF a program to fund the development and operation of summer teachers institutes. These institutes would represent cooperative efforts among local school districts and both education and academic departments of colleges and universities. The summer teachers institutes would be designed to enhance the subject competence and teaching skills of elementary and secondary teachers of mathematics and science. A program similar to this was operated by the Foundation in the past. NSF-sponsored teachers institutes proved to be one of the most successful Federal initiatives to follow in the wake of Sputnik.

Additionally, because materials both for the training of teachers and student are critically outdated, my bill provides for NSF grants for program and materials development. Today, if we were to take a trip to our children's public schools, we might find their teacher using 20-year-old science textbooks, supplementary materials, and equipment. All Members of the Senate know that too much has happened in these last few decades to argue that new books and materials are not needed and that teachers do not require updated resources to do an effective job. My bill would have the NSF award grants for the development of such new materials for students and for elementary teachers in general science and mathematics, and for secondary teachers in the physical and life sciences. Each project to update program and instructional materials must be done by a consortium consisting of the local education agency, an academic science department of a college or university, and a college or university education department. This arrangement will insure that professionals in all aspects of the science education enterprise work together to synthesize their various perspectives and that the needs of local classrooms will be met.

Title II of this bill appropriates funds for the Department of Education to carry out three basic parts; part A authorized block grants to the States, to be automatically allocated to local education agencies for programs to enhance teachers' understanding of new scientific developments and their use of new materials. This program would permit LEA's to send teachers to colleges and universities for courses, or to hold workshops or inservice classes. The funds appropriated under part B and allocated to each State shall be expended for the tuition and expenses of precollege mathematics and science teachers currently employed in that State to enroll in courses given at accredited institutions of higher education for academic credit in science or math.

Part C of title II authorizes funds for a cooperative program in technology and science designed to link education to the private sector. Proposals would be submitted jointly to the Secretary of Education by business and an educational institution to enhance the understanding of mathematics, science, or technology in any number of ways. Projects may include, for example, post secondary technician and paraprofessional training, equipment purchases, personnel for teaching, in-school scientific experiments, field trips, and other extracurricular projects.

I urge my colleagues to support this legislation. America's productivity, economic welfare, and national defense are all threatened by the grow-

ing crisis in our educational system. Achievement in science and technology is a prerequisite for attainment or sufficient economic and military strengths, and for too long we have ignored this fact. If we fail to improve math and science education, we will find ourselves technologically inferior to our economic and political rivals. The United States cannot afford to deny its aspiring young students the opportunity to pursue science and mathematics and it also cannot afford to deny assistance to our teachers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mathematics and Science Education Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to improve the quality of mathematics and science instruction in the United States by—

(1) establishing a program of summer teacher institutes to enhance the subject skills of teachers who teach mathematics and physical and life sciences at the elementary and secondary school levels;

(2) providing short courses of study for elementary and secondary school teachers of mathematics and science;

(3) providing block grants for in-service training and retraining of elementary and secondary school teachers of mathematics and science and for furnishing assistance to elementary and secondary school teachers of mathematics and science to enroll in courses of study at institutions of higher education to improve their skills in the fields of mathematics and science;

(4) providing a cooperative program between business concerns and educational institutions for the improvement of mathematics and science education; and

(5) providing for Presidential awards for teaching excellence in mathematics and science.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "Director" means the Director of the National Science Foundation;

(2) the term "elementary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(3) the term "Foundation" means the National Science Foundation;

(4) the term "institution of higher education" has the same meaning given such term by section 1201(a) of the Higher Education Act of 1965;

(5) the term "local educational agency" has the same meaning given that term under section 595(a)(4) of the Education Consolidation and Improvement Act of 1981;

(6) the term "secondary school" has the same meaning given that term under section 595(a)(7) of the Education Consolidation and Improvement Act of 1981;

(7) the term "Secretary" means the Secretary of Education;

(8) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(9) the term "State education agency" has the meaning given that term under section 1001(k) of the Elementary and Secondary Education Act of 1965.

TITLE I—NATIONAL SCIENCE FOUNDATION MATHEMATICS AND SCIENCE PROGRAMS

PART A—SUMMER TEACHER INSTITUTES

GRANTS FOR SUMMER TEACHER INSTITUTES AUTHORIZED

SEC. 101. The Foundation is authorized, in accordance with the provisions of this part, to make grants to local educational agencies and institutions of higher education applying jointly, for the establishment and operation of summer teacher institutes for the enhancement of the subject matter skills of elementary and secondary school teachers of mathematics and physical and life sciences.

APPLICATIONS

SEC. 102. (a) Each local educational agency and institution of higher education desiring to receive a grant under this part shall submit a joint application at such time, in such manner, and containing or accompanied by such information as the Director may require. One or more local educational agencies may apply jointly with one or more institutions of higher education under the provisions of this section.

(b) Each such application shall—

(1) describe the establishment and operation of a summer teacher institute for elementary and secondary school teachers of mathematics and physical and life sciences, including—

(A) a description of the courses of study to be offered at the summer institute;

(B) the number of teachers to attend the summer institute;

(C) the nature and location of existing facilities to be used in the operation of the summer institute;

(D) the teaching and administrative staff for the summer institute;

(E) the academic credits, if any, to be awarded for the completion of the courses of study to be offered at the summer institute; and

(F) a schedule of stipends to be paid teacher participants in the summer institute, including (i) allowances for subsistence and other expenses for teachers attending the institute and their dependents and (ii) provisions assuring that there will be no duplication of Federal benefits paid to participants;

(2) provide assurances that the design and operation of the institute will involve the participation of both the subject matter departments or divisions of each institution of higher education making application as well as the teacher education department or division, if any, of each such institution; and

(3) provide such additional assurances as the Director deems essential to assure compliance with the requirements of this part.

(c) In approving applications under this section, the Director shall assure that there is an equitable distribution of institutes established and operated under approved applications among the States.

PART B—MATHEMATICS AND SCIENCE EDUCATION DEVELOPMENT PROGRAMS

SEC. 121. The Foundation is authorized in accordance with the provisions of this part, to enter into cooperative agreements with institutions of higher education and local educational agencies for—

(1) refresher courses for elementary and secondary school teachers in the fields of mathematics and science, including physical and life sciences; and

(2) the development of curriculum for courses of study in elementary and secondary schools in the fields of mathematics and science, including physical and life sciences.

APPLICATIONS

SEC. 122. No grant may be made under this part unless an application is made by an institution of higher education or by a local educational agency, or both, at such time, in such manner, and containing or accompanied by such information as the Director may reasonably require. Each application shall contain assurances—

(1) that the applicant will enter into a cooperative agreement for the purpose of furnishing the activities authorized by this part; and

(2) that the planning and implementation of the cooperative agreement will involve the participation of both the subject matter departments or divisions of each institution of higher education making application as well as the teacher education department or division, if any, of each such institution.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 123. The provisions of section 432 of the General Education Provisions Act, relating to prohibition against Federal control of education, shall apply to the program authorized by this part as if such program were an applicable program under such section 432.

PART C—SCIENCE AND MATHEMATICS EXCELLENCE IN TEACHING AWARDS

EXCELLENCE IN TEACHING MATHEMATICS AND SCIENCE AWARDS

SEC. 131. (a) The Foundation is authorized, in accordance with the provisions of this part, to make excellence in teaching mathematics and science awards.

(b)(1) Excellence in teaching awards shall be made under this part to teachers in elementary or secondary schools who have taught mathematics or science and who have demonstrated outstanding qualifications as teachers of mathematics or science.

(2) Each excellence in teaching award made under this part shall be $5,000.

(c) The Foundation shall adopt selection procedures for making awards under this part. The selection procedures shall be designed to assure that the awards will be equitably distributed among the States.

APPLICATIONS

SEC. 132. No excellence in teaching award may be made under this part unless an application is submitted to the Foundation at such time, in such manner or containing or accompanied by such information as the Director may reasonably require.

PART D—GENERAL PROVISIONS

ADMINISTRATIVE PROVISIONS

SEC. 141. (a) In order to carry out the provisions of this title, the Foundation is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title, except that in no case shall employees be compensated at a rate to exceed the rate provided for employees in grade GS-18 of the General Schedule set forth in section 5332 of title 5, United States Code;

(2) procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by sec-

tion 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 of section 5332 of such title;

(3) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(4) receive money and other property donated, bequeathed, or devised, without conditions or restriction other than it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the Foundation under this Act;

(5) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(6) enter into contracts, grants, or other arrangements, or modifications thereof, to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the National Science Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5);

(7) make advances, progress, and other payments which the board deems necessary under this title without regard to the provisions of section 3324 of title 31, United States Code; and

(8) make other necessary expenditures.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 142. There is authorized to be appropriated $60,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of this title, of which $30,000,000 shall be available in each fiscal year to carry out part A of this title.

TITLE II—STATE PROGRAMS

PART A—CLOCK GRANT FOR THE IMPROVEMENT OF EDUCATION IN MATHEMATICS AND SCIENCE

AMENDMENTS TO EDUCATION CONSOLIDATION IMPROVEMENT ACT OF 1981

SEC. 201. (a) The Education Consolidation and Improvement Act of 1981 is amended by redesignating chapter 3, relating to general provisions, and all references thereto, as chapter 4; and by inserting immediately after chapter 2 the following new chapter:

"CHAPTER 3—BLOCK GRANT FOR THE IMPROVEMENT OF EDUCATION IN MATHEMATICS AND SCIENCE

"STATEMENT OF PURPOSE

"SEC. 590. It is the purpose of this chapter to provide assistance to States to permit State and local educational agencies to supplement State and local resources for—

"(1) the in-service training and retraining of elementary and secondary school teachers of mathematics and science;

"(2) the acquisition of instructional materials for use in secondary schools in the fields of mathematics and science if there is no demonstrated need for the purpose described in clause (1); and

"(3) the payment of stipends for elementary and secondary school teachers of mathematics and science to take courses of study in mathematics and science for the improvement of their skills.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 590A. There are authorized to be appropriated $200,000,000 for the fiscal year 1984 and for each of the fiscal years ending prior to October 1, 1988.

"ALLOTMENT TO STATES

"SEC. 590B. (a)(1) From the sums appropriated to carry out this chapter in any fiscal year the Secretary shall reserve not to exceed 1 per centum for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands to be allotted in accordance with their respective needs.

"(2) From the remainder of such sums in each fiscal year the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to 0.5 per centum of such remainder.

"(b) For the purpose of this section:

"(1) The term 'school-age population' means the population aged five through seventeen.

"(2) The term 'States' includes the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

"IN-STATE ALLOCATIONS

"SEC. 590C. (a) Not to exceed 40 per centum of each State's allotment shall be available to the State educational agency for mathematics and science teacher improvement programs described in section 590D(b).

"(b) The State educational agency shall distribute the remainder of each State's allotment to local educational agencies within the State according to the relative enrollments in public and nonpublic schools within the school districts of such agencies.

"(c)(1) From the allotment of the State under section 590B during each fiscal year, the State educational agency shall distribute to each local educational agency which has submitted an application as required in section 590E the amount of its allocation as determined under subsection (b).

"(2)(A) From the amount reserved under subsection (a) from the allotment of the State for each fiscal year, the State educational agency shall make payments to local educational agencies and to institutions of higher education as necessary to carry out the provisions of section 590D(b).

"(B) Each State educational agency shall assure that payments under subparagraph (A) are distributed among local educational agencies within the State in an equitable manner. In making such payments the State educational agency shall consider—

"(i) the need for additional training of the teachers of mathematics and science in the schools of each local educational agency within the State, and

"(ii) the availability of local resources for the purposes described in section 590D(b).

"AUTHORIZED ACTIVITIES

"SEC. 590D. (a)(1) Each State and local educational agency shall use funds under this chapter—

"(A) for the expansion and improvement of in-service training and retraining of elementary and secondary school teachers who teach mathematics and science, including workshops and summer institutes conducted pursuant to part A of title I of the Mathematics and Science Education Act of 1983; or

"(B) if the local educational agency determines that the agency has met its need for such training and retraining and subject to the provisions of paragraph (2), for instructional materials to be used for mathematics and science instruction.

"(2) If a local educational agency determines, pursuant to paragraph (1), that the agency has met its teacher inservice training and retraining needs in mathematics and science and desires to expend its funds on other activities prescribed in paragraph (1)(B), the local educational agency may request the State educational agency to waive such teacher training requirements. If the State educational agency determines that the local educational agency has met such teacher training needs, the State educational agency shall grant the waiver.

"(b) Each State and local educational agency, in cooperation with institutions of higher education in the State, may use funds under this chapter to provide elementary and secondary school teachers in the schools of such agencies courses of study for academic credit in the fields of mathematics and science and in the fields of mathematics and science education at institutions of higher education designed to improve the skills of such teachers.

"STATE AND LOCAL APPLICATIONS

"SEC. 590E. (a) Any State which desires to receive grants under this chapter shall file a supplement to the application filed under section 564 of this Act. Each such supplement shall—

"(1) designate the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this chapter;

"(2) describe the activities for which assistance under this chapter is sought;

"(3) provide assurances that not more than 5 per centum of the allotment of the State in any fiscal year may be expended on administrative costs at the State level and at the local level; and

"(4) provide such additional assurances as the Secretary deems essential to assure compliance with the requirements of this chapter.

"(b) A local educational agency may receive its allocation of funds under this chapter for any year in which it has on file with the State educational agency and a supplement to the application submitted under section 566 which—

"(1) describes the activities for which the local educational agency seeks assistance under this chapter; and

"(2) contains such other assurances and agreements as the State educational agency deems essential to assure compliance with the provisions of this chapter.

"(c) The provisions of subsection (b) of section 564 and of subsections (b) and (c) of section 566 of this Act shall apply to the supplements required by this section.".

(b) Section 595(a) of the Education and Consolidation Act of 1981 is amended by striking out "and" at the end of clause (9), by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following:

"(11) the term 'institution of higher education' has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965; and

"(12) the term 'State agency for higher education' means the State board of higher education or other agency or officer primarily responsible for the State supervison of higher education, of if there is no such officer or agency, an officer or agency designated by the Governor or by State law.".

PART B—SCIENCE AND TECHNOLOGY COOPERATIVE EDUCATION PROGRAM

AUTHORIZATION OF APPROPRIATIONS

SEC. 211. There is authorized to be appropriated $10,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1988, to carry out the provisions of this part.

COOPERATIVE EDUCATION PROGRAM AUTHORIZED

SEC. 212. (a) The Secretary is authorized, in accordance with the provisions of this part, to make grants to business concerns and educational institutions applying jointly to pay the Federal share of the costs of cooperative programs in the fields of technology and science.

(b) For the purpose of this part, the term "educational institution" includes a local educational agency, a State educational agency, institutions of higher education, including community colleges, and vocational schools whether or not they are under the supervision of a State or local educational agency.

USES OF FUNDS

SEC. 213. Grants under this part may be used for—

(1) paraprofessional and technical training at the postsecondary education level;

(2) the acquisition of equipment in the field of technology and science;

(3) the assignment of scientific and technical personnel from business concerns to serve as elementary and secondary school teachers in the fields of technology and science, with emphasis on the use either part time or full time for a period not to exceed one academic year of personnel;

(4) the conduct of secondary school scientific experiments; and

(5) field trips and exemplary projects in the field of technology and science.

APPLICATION

SEC. 214. No grant may be made under this part unless the educational institution and business concern apply jointly to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall—

(1) describe the cooperative education program for which assistance is sought under this part;

(2) provide assurances that the applicant will pay from non-Federal sources the non-Federal share of the cost of the application and that—

(A) 25 percent of the funds needed for each project will be furnished by the business concern making application; and

(B) 25 percent of the funds needed for the project will be furnished by the educational institution making application or from other non-Federal sources; and

(3) provide such additional assurances as the Secretary determines essential to carry out the provisions of this part.

PAYMENTS

SEC. 215. (a) From the amount appropriated pursuant to section 211, the Secretary shall, in accordance with the provisions of this part, pay the Federal share of the costs of the application approved under section 214.

(b) The Federal share for each fiscal year shall be 50 percent.

ADMINISTRATIVE PROVISIONS

SEC. 216. To the extent not inconsistent with the provisions of this part the provisions of subchapter E of chapter 2 and chapter 3 of the Education Consolidation and Improvement Act of 1981 shall apply to the provisions of this part.

TITLE III—PRESIDENTIAL AWARDS FOR TEACHING EXCELLENCE IN MATHEMATICS AND SCIENCE

PRESIDENTIAL AWARDS

SEC. 301. (a) The President is authorized to make Presidential Awards for Teaching Excellence in Mathematics and Science to secondary school teachers of mathematics or science who have demonstrated outstanding teaching qualifications in the field of teaching mathematics or science.

(b) Each year the President is authorized to make 100 awards under subsection (a) of this section. In selecting secondary school teachers for the award authorized by this section, the President shall select at least one secondary school teacher from each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

ADMINISTRATIVE PROVISIONS

SEC. 302. The President shall carry out the provisions of this title, including the establishment of the selection procedures, after consultation with the Director of the Office of Science and Technology Policy, the Secretary of Education, and the Director of the National Science Foundation.●

By Mr. STEVENS:

S. 1092. A bill for the relief of Doctor Waldemar Nedo Giancaspero and Rosa A. Giancaspero, husband and wife; to the Committee on the Judiciary.

RELIEF OF WALDEMAR AND ROSA GIANCASPERO

Mr. STEVENS. Mr. President, I am today introducing a private bill for the relief of Dr. Waldemar Nedo Giancaspero and Rosa A. Giancaspero. These two individuals are presently in the United States but are not eligible for citizenship under law. The Giancasperos have been living in Alaska almost 5 years and are parents of two children who are natural U.S. citizens. They are very repected individuals in the community and have proven to be people of good moral character. If they are required to sell their home and return to Ecuador, it would create a financial hardship for them.

I think their situation is sufficiently unique that they should be granted permanent residence.

I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding paragraphs (14) and (32) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Doctor Waldemar Nedo Giancaspero and Rosa A. Giancaspero, husband and wife, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees. Upon the granting of permanent residence to these aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the aliens' birth under section 202(e) of such Act.

By Mr. DODD (for himself and Mr. PELL):

S. 1093. A bill to provide for research on and evaluation and assessment of education in mathematics and science; to the Committee on Labor and Human Resources.

MATHEMATICS AND SCIENCE RESEARCH EVALUATION AND ASSESSMENT ACT

● Mr. DODD. Mr. President, this is the third time in approximately four decades that the United States has been jolted by the realization that its educational systems have not kept pace with national scientific and technological needs.

It took Pearl Harbor to create an awareness that America's defense weaponry was technologically obsolete. In no small measure the ability of our educational, research, and scientific communities to develop new technologies forced an abrupt end to world conflict and reopened the doors for peaceful ventures among countries.

Less than 20 years later, the United States was faced with another technological challenge. Sputnik brought the Government again to the doors of the educational and scientific communities for assistance in the race for leadership in space.

Today, just a quarter century after Sputnik, the United States has been confronted with a new technological challenge. Industrialized competitors are successfully engaged in a high technology revolution. While they are seemingly well prepared for international high technology competition, the United States may well lack the trained workers to produce, utilize, and service these new technologies.

What precipitates this sporadic decline in education to keep abreast of current scientific and technological needs? Why, in lieu of the Nation's past failures and successes, does this syndrome continue? What is the proper role of the Federal Government in providing educational guidelines and support? Do National, State, and local educational leaders know the right answers to ask before alternatives are proposed? Those are critical questions, Mr. President, but questions I fear we are ill equipped to answer.

Mr. President, the legislation I am introducing today, along with my colleagues, Senators PELL and CHILES, is an attempt to identify the source of these educational deficiencies and to develop strategies to prevent future escalations of these problems. This cannot be accomplished overnight.

However, this legislation will provide vehicles upon which adequate future legislative proposals can be based. Mr. President, the vehicles of which I speak are educational research and evaluation.

This legislation appropriates $5 million annually for 5 years for the National Institute of Education to conduct research on such issues as how classroom environment and school facilities affect teacher and student performance; proper use and incorporation of new technologies in the education system; and student motivation and participation in science and mathematics.

In addition, this legislation also appropriates $5 million annually for 5 years to the National Science Foundation for research on such issues as the most effective design of summer institutes for elementary and secondary school science and mathematics teachers; developing the skills of these teachers to utilize new instructional technologies; the usefulness of teacher access to scientists, researchers, and research institutions; comprehension and learning skills of students; and the special needs of female and minority students to insure access to scientific and technical careers. It may be interesting to note that the National Academy of Sciences, the Congressional Research Service and Office of Technology Assessment all advocate a strong program of instructional research to accompany new legislation in the areas of science, mathematics, and technology education.

The second portion of this legislation directs the National Institute of Education, General Accounting Office, and the National Science Foundation, in consultation with the Secretary of Education, to conduct an independent long-range national policy study on the status and problems relating to science, mathematics, and technological education and an evaluation study of past and current programs and their effectiveness.

The national policy study shall include a national profile of present science and mathematics programs, an assessment of the need to upgrade science and mathematics education, alternative methods for meeting these special education needs, and an evaluation of Federal legislation implemented and proposed to address these problems.

Evaluation of program performance would be enhanced by each State's indentifying and evaluating exemplary science and mathematics programs which could be used as models. This information could enable State and local educational administrators to design similarly effective programs tailored to meet specific needs and goals.

These reports will provide Congress with substantive information and necessary feedback from established and proposed education programs upon which to base future legislation and support for quality science and mathematics education.

Mr. President, the Nation will rely upon the education and scientific communities to provide the knowledge, skills, and technologies essential for future economic stability, social well being and national defense. Unless the Congress is provided with adequate information upon which to base effective legislative proposals and support there can be no assurance that Federal dollars and guidelines will meet these critical needs.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mathematics and Science Research Evaluation and Assessment Act".

RESEARCH ACTIVITIES

SEC. 2. (a) In order to test the need for improving mathematics and science education programs including—

(1) the quality of instruction in the fields of mathematics and science, and

(2) the skills of students in the fields of mathematics and science needed in the economy and for the national security,

the Secretary, through the National Institute of Education, shall conduct research activities on—

(A) retraining programs for teachers to enable the teachers to qualify to instruct elementary and secondary school students in the fields of mathematics and science;

(B) programs for the recruitment and training of teachers in the fields of mathematics and science;

(C) projects designed to improve reading comprehension and interpretation, problem solving, creative and analytic thinking, and written composition, as applied to the learning process of students in the fields of mathematics and science; and

(D) the development of skills of teachers in the field of mathematics and sicence to use new instructional technology.

The research activities required by this section shall examine the academic skills, including teaching and learning, in the fields of mathematics and science.

(b) The Secretary, through the National Institute of Education, shall as part of the research activities authorized by this section examine—

(1) the extent to which problems in the fields of mathematics and science education are acute or chronic and the implications of the findings for the duration and type of Federal assistance required for the solution to such problems, together with the consistency and effectiveness of the Federal approach to science and mathematics education;

(2) the declining interest and skills of secondary school students in science and mathematics and the implications that the findings have for promoting graduated motivation, participation, and development in the fields of mathematics and science;

(3) the incentives for elementary and secondary school teachers of mathematics and science to remain in the teaching profession and the motivations for professional development; and

(4) the means for attracting secondary school students, with special emphasis on women and minorities, to teaching in the fields of mathematics or science or both.

(c) The National Science Foundation shall conduct research activities designed to improve the quality of the teachers of mathematics and science, and the comprehension and learning skills of students in the fields of mathematics and science, including—

(1) summer institutes for current mathematics and science teachers;

(2) projects for encouraging women and minorities to enter careers of teaching mathematics and science and increasing their access to such career;

(3) projects designed to encourage improved access by teachers to science and research institutions;

(4) projects for innovative curriculum development in the field of mathematics and science; and

(5) projects for the development of innovative instructional materials.

(d)(1) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of subsections (a) and (b) of this section.

(2) There are authorized to be appropriated $5,000,000 for the fiscal year 1984 and for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisons of subsection (c) of this section.

EVALUATION AND ASSESSMENT

SEC. 3. (a)(1) Each State educational agency and each State agency for higher education shall, with respect to programs assisted under sections 7 and 8 of the Education for Economic Security Act, respectively, identify and evaluate the effectiveness of exemplary and promising programs assisted under that Act. Each State shall submit to the Secretary a report on the identification and evaluation required by this subsection at the end of each fiscal year beginning after September 30, 1984.

(2) The Secretary is authorized to furnish technical assistance to any State educational agency and any State agency for higher education requesting such assistance.

(3) The Secretary shall, through the National Diffusion Network, disseminate information obtained from the identification and evaluation required by this subsection.

(b)(1) Each State shall prepare and submit to the Secretary a report on the progress made in that State toward the achievement of quality education in the fields of mathematics and science and computer education, together with an assessment of the needs of the State to achieve quality education in the fields of mathematics, science, and computer education based upon—

(A) an examination of the qualification of the teachers in fields;

(B) the courses of study in the fields of mathematics, science, and computer education generally available in the secondary schools and institutions of higher education in the State;

(C) student enrollment in such courses and the number of such students completing each such course;

(D) instructional time of secondary school students allotted to mathematics, science, and computer education;

(E) the quality and availability of instructional material in mathematics and science courses; and

(F) the achievement of secondary school students in mathematics, science, and computer education.

Each report required by paragraph (1) of this subsection shall describe State and local resources committed to improving mathematics, science, and computer education within the State in the previous fiscal year together with a discussion of the role of the use of Federal funds in supplementing State and local funds for such purposes. The report shall incorporate assessments conducted by local educational agencies within the State.

(2) The Secretary shall furnish such technical assistance as may be necessary to each State requesting such assistance including criteria for the comparability of—

(A) the cost of programs and services, and

(B) information relating to measuring results,

for the assessment required by this subsection.

(3) Each State shall submit a report of the assessment required by this subsection at such time as the Secretary shall prescribe. The Secretary shall prepare a summary of the State reports submitted under this subsection and submit a summary of the reports of the States in the annual report of the Department of Education for each applicable fiscal year.

(c)(1) The Secretary shall provide an annual analysis report of the quality of instruction and learning in the fields of mathematics, science, and computer education in the United States, including—

(A) a description of the progress and failures to achieve stated goals in such fields;

(B) an analysis of the reasons for the failures; and

(C) an evaluation of the implementation of the Education for Economic Security Act.

The report shall include annual findings with respect to the assessment required by this section.

(2) An initial plan for the analysis required by this subsection shall be designed after consultation with the Comptroller General and shall be submitted to Congress not later than three months after the date of enactment of this Act.

(d)(1) The Director of the National Institute of Education, the Director of the National Science Foundation, and the Comptroller General of the United States are each authorized to prepare and submit to the Congress not later than 20 months after the date of enactment of this Act a policy analysis report examining the need to improve education in the fields of mathematics, science, and computer education, including—

(A) the nature of the problem of quality instruction and acquired skills in such fields,

(B) alternate objectives in meeting the need, together with an analysis of the magnitude of expenditure for each of the alternative objectives,

(C) the extent to which the problem is and is not being met through current Federal, State, and local resources, and

(D) the feasibility, costs, effectiveness, and limitations of alternate legislative proposals addressing the problems described in clause (A).

(2) An initial plan for the conduct of the policy analysis report required by this subsection shall be designed by the Director of the National Institute of Education, the Director of the National Science Foundation, and the Comptroller General and shall be submitted to Congress not later than 3 months after the date of enactment of this Act.

(e)(1)(A) There are authorized to be appropriated $2,500,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of subsections (a) and (b) of this section.

(B) From 80 per centum of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such amount as the number of children aged 5 through 17, inclusive in each State bears to the number of children in all States. Each State shall use its allotment to carry out subsections (a) and (b) of this section.

(2) There are authorized to be appropriated $1,500,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1989, to carry out the provisions of subsection (c) of this section.

(3) There are authorized to be appropriated $900,000 for the fiscal year 1985 and for each of the succeeding fiscal years ending prior to October 1, 1989, to be divided equally between the National Institute of Education, the National Science Foundation, and the General Accounting Office to carry out the provisions of subsection (d) of this section.

DEFINITIONS

SEC. 4. As used in this Act—

(1) The term "elementary school" has the same meaning given that term as section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "secondary school" has the same meaning given that term as section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(3) The term "Secretary" means the Secretary of Education.

(4) The term "State agency for higher education" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated for the purpose of this Act by the Governor or by State law.

(5) The term "State educational agency" has the same meaning given that term by section 198(a)(17) of the Elementary and Secondary Education Act of 1965.●

By Mr. DODD:

S. 1094. A bill to amend the Vocational Education Act of 1963 to make grants to the States for high-technology vocational education programs; to the Committee on Labor and Human Resources.

HIGH-TECHNOLOGY TRAINING ACT

● Mr. DODD. Mr. President, I am introducing today legislation to establish a high-technology component in the Federal commitment to vocational education. "The High-Technology Training Act of 1983" would create a $50 million program of Federal grants to be matched by State and private sources for the purpose of developing high-technology vocational education programs.

The need for such an approach, in my judgment, seems more evident with each morning's headlines. It is fast becoming the conventional wisdom that the high-technology revolution characterizing today's marketplace will rival in scope and significance the industrial revolution of earlier centuries.

But where that earlier transformation occurred over the course of many decades, the high-technology revolution is likely to be compressed sharply in time. And where the industrial revolution tended to spread gradually from one nation to another, today's changes are taking place simultaneously in countries on many continents. If the United States is to hold the preeminence in high technology that it won earlier this century in industry, it will have to compete successfully with capable, energetic modern nations aggressively pursuing the same goal.

American industrial supremacy was achieved on the basis of many factors. But none was more critical than the skills, motivation, and education of our national work force. It is a sad irony that many critics are predicting that the chances of the United States to win today's technological race will be hampered by a shortage of qualified workers.

Emerging technologies, ranging from telecommunications to robotics, from lasers to biotechnology cannot be staffed adequately with workers trained in the subjects and skills of yesterday.

It is essential, therefore, that the Federal Government take an active role in revitalizing the Nation's education systems to keep pace with industrial demands. Revitalization of the Nation's education systems will insure U.S. high technology competitiveness, future economic growth, and a stable national economy.

The planning and development of new educational programs and curriculum must also take into consideration the many problems facing jobseekers.

For example, the youth unemployment rate is generally double that of the national unemployment rate; the occupational knowledge and skills of these young adults are often below that required for industrial employment; in addition, young jobseekers find themselves competing for industrial positions with experienced displaced workers.

Special populations—women, minorities, the handicapped and the economically disadvantaged—have even more complex problems. According to the Bureau of Labor Statistics, in 1981 there were 169,000 trained male technicians in high growth occupations compared to 48,000 female technicians—less than 5 percent were minori-

ty women. Unskilled urban blacks are usually forced to accept menial job positions. In addition, the rate of unemployment for black youths generally exceeds the overall youth unemployment rate. Native Americans living on reservations often lack basic marketable employment skills. Unemployment levels range as high as 65 percent to 95 percent there. This high rate of unemployment greatly increases their levels of poverty.

Mr. President, vocational education, whether in elementary, secondary, or post-secondary, is often the best practical mechanism available to these young adults—as well as other adults in need of industrial training—for the development of those entry level skills required by high-technology industries.

I say this, Mr. President, for many reasons. The first is that vocational education departments have already been established in a majority of the Nation's school systems. Second, by initiating high-technology training as a new component in this system, a continuum of specifically designed services can be offered to students which will give them access to a comprehensive high-tech training system. And third, vocational education is very cost effective. Many students have been denied the opportunity to pursue certain academic careers due to severe budget cuts in educational funding. Vocational education can, however, provide students with the technical knowledge and skills necessary for meaningful employment.

Mr. President, on February 2, 1983, I introduced a bill, S. 401, to address the problem of the critical shortage of qualified science and mathematics teachers in secondary schools. In my opinion, qualified teachers are the essential component in providing students with the science and mathematical background mandated by high-tech industries.

The legislation I am introducing today—Congressman GEORGE MILLER in the House of Representatives has introduced similar legislation—will provide an additional mechanism for the development of the Nation's human resources crucial to U.S. high-technology success.

Vocational educational high-technology training can help create an adequate supply of technicians needed by industry to produce, operate and service state-of-the-art high-tech equipment, services, and processes.

This legislation promotes linkages between the educational community and private industry. Joint cooperation between these two constituencies is necessary to insure adequate support and proper development of curriculum for high-tech vocational education.

In addition, provisions are included in this legislation to insure all segments of the population equal access to training for careers as high-technology technicians.

Mr. President, in my judgment, this legislation provides an appropriate mechanism to modernize the Nation's industrial complex and to promote the national economy. The Congress cannot allow the Nation's most valuable capital, its human resources, to remain without those skills needed in this technological society. I urge the support of my colleagues for this important legislation.

I ask unanimous consent that the full text of the bill be included in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High Technology Training Act".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress finds that—

(1) there is a severe shortage of technicians to produce, operate, and service high-technology equipment, systems, and processes;

(2) the Nation's vocational education system can make a major contribution to meeting the Nation's needs for well-trained high-technology technicians;

(3) national policies should promote a strong partnership between vocational education programs and private industry to produce the trained technicians needed for expanding job opportunities in high-technology development and applications.

(b) It is the purpose of this Act to—

(1) develop a highly skilled work force capable of producing, operating, and servicing the advanced technology needed to modernize the Nation's industrial complex and to revitalize the Nation's economy;

(2) provide incentives to States to encourage the development of vocational education programs to train individuals for jobs developing and using high technology;

(3) assure the job relatedness of high-technology technician training programs by involving industry in curriculum development and program financing; and

(4) ensure that all segments of the population, including women, minorities, the handicapped, and the economically disadvantaged have access to training for careers as high-technology technicians.

SEC. 3. Part A of title I of the Vocational Education Act of 1963 (20 U.S.C. 2301 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 6—High Technology

"TRAINING GRANTS

SEC. 155. (a) From the sums made available for grants under this subpart pursuant to sections 102 and 103 the Secretary of Education is authorized to make grants to States to stimulate vocational education programs to train individuals as high-technology technicians in accordance with this subpart.

"(b) Grants to States under this subpart shall be used, in accordance with five-year State plans and annual program plans approved pursuant to section 109, solely for vocational education programs for the training of individuals as high-technology technicians. No part of any such grant may be used for job placement, training or employment stipends, or purchase or lease of equipment.

"(c) In each year of participation in the grant program under this subpart, a State shall commit the following percentage of its basic grant (under subpart 2 of this part) to programs under this subpart:

"(1) at least 5 percent in the first year;

"(2) at least 10 percent in the second year; and

"(3) at least 15 percent in the third year and each subsequent year.

"(d) In evaluating training program proposals of eligible recipients each State shall consider—

"(1) demand for personnel with the skill level and type of training proposed;

"(2) level and degree of industry participation;

"(3) probability of trainees' successful completion of proposed program based on program design and eligible recipient's previous experience in providing technician training in high-technology occupations requiring scientific or applied scientific knowledge; and

"(4) commitment to serving all segments of the population, including women, minorities, the handicapped, and economically disadvantaged individuals.

"(e) Funds under this subpart may be made available to an eligible recipient only if such recipient provides adequate assurances—

"(1) that such funds will be used solely for job-related training which involves a comprehensive course of instruction designed to prepare individuals for employment as skilled technicians in high-technology occupations requiring scientific or applied scientific knowledge;

"(2) that such funds will be so used as to supplement and, to the extent practicable, to increase the amount of State and local funds that would in the absence of such funds be made available for the uses specified in this subpart, and in no case to supplant such State or local funds; and

"(3) that such funds will be matched by an equivalent value of non-Federal funds or contributions of equipment, facilities, personnel, and services and that no less than 50 percent of such non-Federal funds or contributions will be received from industries or organizations related to the development or use of high technology.

If a local educational agency demonstrates to the satisfaction of the State that the agency is incapable of providing all, or a portion, of the non-Federal funds or contributions as required under clause (3), or that insufficient funds are available from institutions or organizations to meet the requirement of clause (3), the State may provide funds designated under subsection (c) of this subsection in lieu of funds required under clause (3).

"(f) For the purposes of this subpart the term 'high technology' means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, commercial, and similar economic activity, and to improve the provision of health care.".

SEC. 4. (a) Section 102 of the Vocational Education Act of 1963 is amended by adding

at the end thereof the following new subsection:

"(e) There are also authorized to be appropriated $50,000,000 for fiscal year 1984 and such sums as may be necessary for each succeeding fiscal year for the purpose of carrying out subpart 6 of this part.".

(b) (1) Section 103(a)(2) of the Vocational Education Act of 1963 is amended in the first sentence by striking out "and (d)" and inserting in lieu thereof "(d), and (e)".

(2) Section 103(b)(2) of such Act is amended in the first sentence by inserting "and section 102 (e)" after "section 102 (b)" and by inserting "and section 155, respectively" after "section 140".●

By Mr. McCLURE (for himself, Mr. SYMMS, Mr. MELCHER, Mr. BRADLEY, and Mr. LAXALT):

S. 1095. A bill to amend the Strategic and Critical Materials Stock Piling Revision Act of 1979 in order to prescribe the method for determining the quantity of any material to be stockpiled under such act, and for other purposes; to the Committee on Armed Services.

STRATEGIC AND CRITICAL MATERIALS STOCK PILING REVISION ACT OF 1983

● Mr. McCLURE. Mr. President, today I am reintroducing legislation to prescribe a new method for determining the quantity of any material to be stockpiled under the Strategic and Critical Materials Stock Piling Act. It is vital to our national security that a stockpile realistically and adequately provide us with the proper amount of resources needed in times of national emergency.

Since the inception of the Strategic and Critical Materials Stock Piling Act, the quantity of resources, known as stockpile goals, needed in times of emergencies has fluctuated. Previous administrations have established zero stockpile goals for numerous commodities, only later to reappraise defense requirements and set new goals for these same commodities. These frequent and violent shifts in stockpile goals are costly to the American taxpayer and extremely disruptive to industry where planning for expansion has frequently been deferred due to stockpile sales.

Over the years, the fluctuations have been inexcusable. Neither our country's need nor our foreign dependence for these commodities has been truly considered. Notable critical commodities which have been put on this roller coaster are aluminum, copper, lead, nickel, and zinc. All holdings of aluminum, copper, and nickel, most of the zinc, and about half of the lead held by the Government were sold during the period 1963–75.

Documenting the up-and-down goals of these commodities exhibits the dramatic trends of the roller coaster the Strategic and Critical Materials Stock Piling Act is on. To dramatize this trend I am providing two tables presenting the stockpile goals from 1944 to 1976 for nickel and copper. Both of these tables represent frequent and violent shifts in stockpile goals, and I would like to point out that these are representations of only two commodities out of 93 covered by the Critical and Strategic Materials Stock Piling Act.

TABLE 1.—*Stockpile goals for nickel from 1944 to 1976*

[In thousands of short tons]

1944	118.0
1950	290.0
1954	450.0
1955	337.5
1958	161.5
1963	50.0
1967	20.0
1969	55.0
1971	0
1976	204.0

TABLE 2.—*Stockpile goals for copper from 1944 to 1976*

[In thousands of short tons]

1944	1,250
1950	2,100
1952	1,100
1954	3,500
1958	1,900
1959	1,000
1963	775
1973	0
1976	1,299

Many of my colleagues will recall these trends and also congressional efforts in the late 1970's to put an end to them. After years of debate and the introduction of numerous bills, Congress amended the Strategic and Critical Materials Stock Piling Act in 1979. I participated in this endeavor and the legislation I am introducing today is a modified version of legislation I introduced in 1977. Portions of the 1977 legislation were incorporated in the final 1979 amendments, but it is still necessary for additional congressional action on this issue. We have not solved the problem of violent fluctuations and this is evident in the 1976 stockpile goals and 1981 disposal legislation introduced. I refer specifically to the zero stockpile goal for silver identified in the 1980 stockpile report to the Congress by the Federal Emergency Management Agency. This report also shows huge deficiencies in the inventories of aluminum, copper, nickel, zinc, and lead, the commodities which I noted have been a part of the violent fluctuation trends in the past. Before Congress accepts a zero stockpile goal for silver, it must carefully consider whether the experience in other commodities may not be repeated with silver.

The national stockpile was originally established by the Strategic and Critical Materials Stock Piling Act of June 7, 1939, as subsequently amended by the act of July 23, 1946 (50 U.S.C. 98–98h). Following World War II, the stockpile policy was to provide sufficient strategic and critical materials to sustain the Nation through a 5-year emergency. This requirement was reduced to a 3-year emergency during the 1960's. In 1973 the administration reduced the stockpile requirement to a 1-year emergency basis and sought legislation to dispose of large quantities of excess materials to balance the budget. However, much of this legislation was not passed by Congress. In 1976 the stockpile planning basis was returned to the first 3 years of an emergency of indefinite duration. A minimum base of a 3-year emergency has now been established legislatively in the Strategic and Critical Materials Stock Piling Revision Act of 1979.

Other important provisions of the Strategic and Critical Materials Stock Piling Revision Act of 1979 include:

First. Clarification that the purpose of the stockpile is to provide for national defense and not for economic or budgetary purposes;

Second. Authorizing the President to determine stockpile requirements and providing for the first time congressional guidance as to how these determinations are to be made;

Third. Creation of a national defense stockpile transaction fund as a separate entity within the Treasury to handle all funds generated by the disposal of stockpiled materials, and from which funding of purchases for the stockpile can be obtained.

These amendments are not enough. The congressional guidance has not affected the continuing and somewhat questionable nature of developing stockpile goals. Presently, the Federal Emergency Management Agency periodically reviews the goals and takes into consideration the recommendations of the Departments of Defense, Commerce, Interior, State, Treasury, and the Central Intelligence Agency. There is no simple formula used to set criteria and no consistency. It is still possible to use the national stockpile for economic or budgetary purposes with this type of subjective development. The proposed silver stockpile goal of zero leads me to conclude that the national defense stockpile is still being used for the purpose of generating revenue. It should not be used to provide each administration with a slush fund of valuable minerals and materials. It must be used for its true purpose: To provide this country with the strategic materials needed in a national emergency.

Mr. President, my bill today will take us one step closer in achieving this purpose. It will bring a more direct involvement of Congress in the setting of stockpile goals and to more closely tie these goals to our import dependence. The bill provides that the executive branch should continue to designate the materials that are needed for the stockpile. But, the bill recognizes that an order of priority exists with respect to the quantity of each material stockpiled and that fundamental to that priority is the dependency and potential vulnerability

this Nation has on imports to meet raw material needs.

The United States is obviously most vulnerable to supply difficulties with respect to commodities which it does not produce in any significant quantities. In the bill these materials are designated as class A. Those commodities which represent materials of which the United States has some production but is unlikely to achieve self-sufficiency even with severe rationing or substitution are classified as class B. Finally, those commodities which the United States produces in substantial quantities but for which it has some import dependence are designated as class C. The importance of these designations is that the goals would rely on our foreign dependency. For commodities in class A, the goal would be equal to a 3-year supply of a 5-year average of net imports. For class B, the goal would be a 2-year supply and for class C, the goal would be a 1-year supply.

The executive branch is authorized to designate the classification of the individual commodities under the terms of the bill and in so doing will be expected to calculate average annual U.S. net imports of each. These calculations will be based on the 5 calendar years immediately preceding and the calculations will be made at least once in each presidential term.

When stockpile acquisitions are taking place, imports will tend to rise and subsequently, when stockpile liquidations are taking place, imports will tend to fall. Therefore, in calculating net imports, the bill requires that stockpile acquisitions be deducted and that stockpile liquidations be added to arrive at figures not influenced by stockpile activities.

The bill further recognizes that in some special cases the formula outlined may not yield a result in line with the 1979 amendment requiring the stockpiling of sufficient quantities to sustain the United States for a period of not less than 3 years in the event of a national emergency. It is not the intention of this bill to change the not-less-than-3-year requirement in event of a national emergency. There is a provision in the bill which allows the executive branch to propose a different goal. However, the administration must come to the Congress and explain the proposed departure. Congress would have 90 days to consider the administration's reasons and would, therefore, become more directly involved in the the setting of the stockpile goals. Due to the subjective nature of determining the material needs in a national emergency, congressional oversight will help to eliminate the use of the national stockpile for budgetary purposes.

The following tabulation compares the quantities for certain key materials which are involved in the stockpile program under two alternatives. The first alternative is the program announced in 1980 by the Federal Emergency Management Agency (FEMA) and the second alternative is embodied in the legislative proposal I am introducing today. To explain the executive branch alternative previously mentioned, I would like to concentrate for a moment on the commodity cobalt. Under the 1980 FEMA alternative, the stockpile goal for cobalt is 85,400,000 pounds. Under my alternative, the goal is 54,000,000 pounds. If the executive branch determines that the 54,000,000 pounds is not a sufficient quantity for the United States in a national emergency, it must justify its reasons to Congress. It would be the responsibility of the administration to present its reasons for why the goal derived from the import formula does not yield a proper result. It will then be the responsibility of the Congress to review the goal and the administration's reasons for proposing a change.

In 1977, when I first introduced the concept of relating stockpile goals to import dependence, I believed this simple procedure would provide stability to the stockpile goals and provide the Nation with the means to realistically and adequately meet the demands required in the times of emergencies. This is essential.

In time of war we must be able to meet our economic, civilian, and defense needs. We are a nation dangerously and costly dependent on foreign nations for raw materials. Presently, of the 32 minerals and materials identified as strategic and critical to the United States in terms of national security, we are dependent on foreign sources in excess of 50 percent for 25 of these minerals. We simply cannot afford to overlook this and expect the current stockpile to realistically meet our needs. What will we do? Will we turn to our allies who have no stockpiles to speak of? Will we depend on continued imports across the sealanes which would be subject to unsafe passage? Will we depend on imports from countries close by whose own demands may infringe upon the quantity of exports it will allow? Excessive dependence is dangerous.

In 1973, during the Arab oil embargo, the Canadian National Energy Board declared that Canadian oil supplies would not be adequate to serve traditional Canadian markets. The Canadian Government therefore imposed export restrictions with the goal of reducing exports to zero by 1983. In addition, an export tax was levied on oil shipments to the United States. The U.S. Senate passed Senate Resolution 249 on January 24, 1974, condemning Canada, along with Venezuela and the Arab oil producing countries, for actions which raised the price of oil.

In subsequent months, however, most American observers came to accept the fact that Canada's energy supplies were not limitless, and that Canada was within its rights to exercise reasonable prudence in their exploitation. Mineral supplies are also not limitless and we must look at the possibility of such an activity occurring again in the area of mineral import-exports with Canada as well as with other friendly countries. These are issues and questions we must address now, not in a time of national emergency.

In a time of war, our own national economy and foreign relations are a very different proposition than in a peacetime. In war, all countries turn their efforts to military needs and what once might have been exported will remain within existing borders. A country cuts back sharply on the production of automobiles, household goods, residential construction, and may even prohibit entirely the output of certain items. All of this for the sake of meeting one's demands.

Mr. President, I believe this bill will assist the Nation in being able to meet its own demands in time of a national emergency. I ask each of my colleagues to join me making sure that this will occur.

I ask unanimous consent that a table relating to my bill and the text of my bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STRATEGIC STOCKPILE—PRESENT STOCKPILE GOALS, HOLDINGS, AND McCLURE ACT OBJECTIVES

[Figures in thousands]

Commodity	Class	FEMA 1982 goal	March 1983 holdings	McClure Act 1982 goal	McClure Act deficiency or surplus
Aluminum, short tons	C	700	3	25	−22
Antimony, short tons	B	36	41	35	+6
Cobalt, pounds	A	85,400	46,000	45,000	+1,000
Copper, metric tons	C	1,000	29	222	−193
Lead, metric tons	C	1,100	601	21	+580
Nickel, short tons	B	200	32	332	−300
Silver, troy ounces	B	0	137,500	109,000	+28,000
Tin, metric tons	A	42	190	119	+71
Zinc, short tons	B	1,425	378	1,184	−806

S. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Strategic and Critical Materials Stock Piling Revision Act of 1983".

SEC. 2. (a) Section 2(a) of the Strategic and Critical Materials Stock Piling Revision Act of 1979 (50 U.S.C. 98a(a)) is amended by adding at the end thereof the following: "To effectuate this policy determinations shall be made from time to time, as provided in this section, regarding which materials are strategic and critical to the United States and the quantities of such materials that should be stockpiled under this Act.".

(b) Section 2 of such Act is further amended by redesignating subsection (b) as subsection (c) and adding after subsection (a), as amended by subsection (a) of this section, a new subsection (b) to read as follows:

"(b)(1) The President shall appoint an interagency advisory committee composed of representatives from appropriate departments and agencies of the Government to determine which materials are to be acquired under this Act and what classification such materials shall be assigned under paragraph (2).

"(2) Materials selected to be stockpiled under this Act shall be classified by the interagency advisory committee provided for in paragraph (1) as being one of the three classes prescribed below, as appropriate:

"(A) Class A materials are those materials not produced in the United States or produced in the United States in limited quantities, that are necessary for the security of the United States, are essential to the economy of the United States, and are primarily obtained from foreign sources.

"(B) Class B materials are those materials produced in the United States but are not available in sufficient quantities in the United States to offer the potential for meeting total domestic needs, are necessary to the security of the United States, are essential to the economy of the United States, and are obtained to a substantial extent from foreign sources.

"(C) Class C materials are those materials produced in substantial quantities in the United States, are available in sufficient quantities to meet total domestic requirements, are necessary to the security of the United States, are essential to the economy of the United States, and are obtained to a lesser extent from foreign sources.

"(3) The quantity of any material to be acquired under this Act (stockpile goal) shall be determined as follows:

"(A) the stockpile goal for any material designated as a class A material shall be a quantity equal to three years' domestic net imports of such material.

"(B) the stockpile goal for any material designated as a class B material shall be a quantity equal to two years' domestic net imports of such material.

"(C) the stockpile goal for any material designated as a class C material shall be a quantity equal to one year's net imports of such material.

"(4) Subject to appropriate adjustments under paragraph (5), a year's domestic net imports of any material for purposes of clause (A), (B), or (C) of paragraph (3) shall be a quantity of the material equal to the average annual imports of such material during the five calendar years immediately preceding the calendar year in which the determination for the stockpile goal is being made (base period), plus the average annual sales or minus the average annual purchases of such material made from the stockpile during such five-year base period, reduced by the average annual exports of such material during such five-year base period.

"(5) In determining the quantity under paragraph (4) of any material to be acquired for the stockpile appropriate adjustment shall be made in the computations made under such paragraph in the case of any material which is acquired in both its crude form and in its refined or processed form so as to avoid duplicate calculations with respect to the same material.

"(6) The stockpile goal for any material acquired for the stockpile under this Act shall be reviewed once every four years by the interagency advisory committee referred to in paragraph (1). A revised objective for such material shall be established only if the average annual quantity of imports of such material during the five calendar years immediately preceding the current calendar year increased or decreased by more than 10 per centum of the average annual quantity of such material at the time of the preceding mandatory review under this paragraph.

"(7) Nothing in pararaph (6) shall be construed to prohibit the head of the agency and the interagency advisory committee referred to in paragraph (2) from conducting a review of the stockpile goal for any material at any time other than that prescribed by paragraph (6); but in any case in which such committee determines that the stockpile goal for any material should be computed in a manner other than that prescribed in paragraph (3), the head of the agency shall notify the Congress in writing of that determination and set forth the proposed new formula for computing the stockpile goal for such material. The new formula shall become effective with respect to such material unless within a period of ninety days after the day on which the Congress was notified by the head of the agency, either House of the Congress agrees to a resolution disapproving such formula.".●

By Mr. GORTON (for himself, Mr. PACKWOOD, and Mr. DANFORTH):

S. 1096. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1984

● Mr. GORTON. Mr. President, I am introducing today, along with my colleagues Senator PACKWOOD and Senator DANFORTH, a bill to authorize appropriations for fiscal year 1984 to the National Aeronautics and Space Administration (NASA) for research and development, construction of facilities, and research and program management, and for other purposes.

We have just witnessed the sixth successful manned orbital launch and landing of NASA's Space Shuttle. This event confirms that the shuttle is indeed a unique, workable spacecraft with capabilities that we have only begun to exploit. A new era in space has begun.

The space shuttle is only the latest in a long list of contributions which NASA has made to this Nation's scientific and technological leadership. Perhaps as important has been the stimulus which NASA's achievements have given our national pride and aspirations.

This legislation proposes funding for space science and applications, including planetary exploration. Our first new planetary start in 5 years, the Venus radar mapping mission will give an important boost to the planetary science community, especially in the universities.

For the longer term, the increases proposed for the Explorer program will provide affordable opportunities for smaller experiments on free-flying spacecraft, which comprise the majority of those conducted by our universities and national laboratories.

The budget for aeronautics research and technology includes an exciting new initiative, the Numerical Aerodynamic Simulator, which will provide this Nation with an unequaled aid for advanced aircraft design.

This legislation also provides funding for structural and component spares for the space shuttle fleet and preserves the option for procurement of a fifth orbiter.

At a time when our Nation's leadership in space and aeronautics is being seriously challenged, our commitment to the NASA mission is more important than ever. This legislation asserts that commitment in maintaining the preeminence which NASA has held in the past and in achieving the goals and objectives of our Nation's space and aeronautics program.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FISCAL YEAR 1984 AUTHORIZATION

The Committee held hearings on March 8, 9, and 15 in which testimony was received from the NASA Administrator and Deputy Administrator and from representatives from the Department of Defense, the aerospace industry, the space science community, and other outside witnesses.

BACKGROUND

This bill authorizes funds for FY 1984 as follows:

Total NASA Authorization: $7,278.1 million.

Research and development

Space transportation systems	$3,558.0
Space science	833.0
Space applications	321.0
Technology utilization	10.0
Aeronautical research and technology	328.3
Space research and technology	138.0
Tracking and data acquisition	700.2
Total research and development	5,888.5

Construction of Facilities: $142.1.

Research and Program Management: $1,247.5.

A section-by-section analysis of the bill is attached.

This bill generally follows the Administration request, with the exception of the following changes:

1. Space Shuttle Engines and 5th Orbiter

The latest Space Shuttle launch delays pointed up the potential requirement for critical modification of the main engines. In addition, the Committee has previously supported the procurement of a 5th Space Shuttle orbiter.

This legislation provides $2,022.4 million for the engine modifications and procurement of long lead items necessary to assure the option of procurement of a 5th orbiter.

The Administration requested $100 million for structural and component spare parts only for a 4-orbiter fleet.

2. Space Telescope

NASA has recently become aware of major technical and managerial problems in the Space Telescope project that point to currently estimated budget overruns of $200 million.

This bill provides an addition of $50 million to meet that portion of the overrun anticipated for FY 1984. Part of this addition is offset by the deletion of $16 million for the Solar Optical Telescope (SOT).

3. Remote Sensing Satellites

On March 7, the President announced his decision to transfer the weather and land satellite systems to the private sector. This decision was reached without consultation with this Committee or the Congress. Senators Packwood, Gorton, Hollings and Heflin have requested of Secretary Baldrige that no steps toward such transfer be initiated without consultation with this Committee.

4. Research and Analysis

The Physics and Astronomy, Planetary Exploration, Environmental Observation and Solid Earth Observation programs each contain funding for analysis of data collected. Much of this analysis is performed in universities and makes use of data collected at great cost in NASA missions.

An additional $26 million is provided for Research and Analysis in line with recommendations by the Space Science Working Group, a consortium of the nation's space-oriented university programs.

5. Aeronautical Research and Technology

The NASA aeronautics research and technology is a unique effort between the Government and industry going back over 50 years. Last November, the Office of Science and Technology Policy (OSTP) issued a position paper reaffirming this relationship.

The Administration's proposed budget did not, however, reflect the program priorities which the Committee and the Congress have supported previously on the OSTP position. Consequently, Systems Technology programs are increased by $43 million by adding $28 million and by reprogramming $15 million from Research and Technology Base programs.

SECTION-BY-SECTION ANALYSIS

"To authorize appropriations for FY 1984 to the National Aeronautics and Space Administration (NASA) for research and development, construction of facilities, and research and program management".

Title I

Section 101. An authorization of $7,278.1 million is provided as follows:

(a) $5,888.5 million for "Research and Development";

(b) $142.1 million for "Construction of Facilities"; and

(c) $1,247.5 million for "Research and Program Management".

Section 102. Authorization is provided for an increase in the "Construction of Facilities" funds of up to 10 percent, at the discretion of the NASA Administrator, and 25 percent, following a report to the Senate and House authorization Committees justifying the increase.

Section 103. Up to one-half of one percent of the funds appropriated for "Research and Development" may be transferred to "Construction of Facilities". This amount then may be added to $10 million of the "Construction of Facilities" appropriations for additional construction of facilities and land acquisition, if the NASA Administrator justifies the expenditure.

Section 104. No appropriations may be used for any program deleted by Congress and no appropriations may exceed the amount authorized for that particular program in "Research and Development" and "Research and Program Management". For NASA to obtain funding for programs not presented to the Senate and House in the routine manner, NASA must first prepare a report justifying the proposal. Then, 30 days must elapse after receipt by the Senate and the House of this report or, the Senate and House Authorization committees must approve in writing the proposal within 30 days of receipt of the report.

Section 105. Consideration shall be given to geographical distribution of Federal research funds whenever feasible.

Section 106. Funding is provided for the structural and component spares and the critical engine spares for the current 4-orbiter Space Shuttle fleet and for the initiation of procurement of a fifth orbiter.

Section 107. The Senate and House authorization committees must approve any decision and proposed policy of the Administration to commercialize the expendable launch vehicles.

Section 108. Title III of the National Aeronautics and Space Act of 1958 is amended to protect NASA's name and initials against false advertising and related misuse.

Title II

Section 201. $29.336 million is provided in FY 1984 to operate the land remote sensing satellite system and to store a backup satellite.

Section 202. The Senate and House authorization committees must review and approve any attempt to transfer the ownership or management of the civil remote sensing satellite system.●

By Mr. PACKWOOD:

S. 1097. A bill to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1098. A bill to consolidate and authorize certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1099. A bill to consolidate and authorize certain marine fishery programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1100. A bill to consolidate and authorize program support and certain ocean and coastal programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; to the Committee on Commerce, Science, and Transportation.

S. 1101. A bill to authorize appropriations for certain fishery programs; to the Committee on Commerce, Science, and Transportation.

S. 1102. A bill to provide authorization of appropriations for title III of the Marine Protection, Research, and Sanctuaries Act of 1972; to the Committee on Commerce, Science, and Transportation.

COMPREHENSIVE AUTHORIZATION FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

● Mr. PACKWOOD. Mr. President, I am pleased to introduce a series of bills to provide for comprehensive authorization of the National Oceanic and Atmospheric Administration (NOAA) by the Commerce Committee.

NOAA was created by Executive order in 1970 with the primary responsibility for most of the Federal Government's civilian research, service and regulatory programs affecting the Nation's oceans and atmosphere. The functions of NOAA are critical for efficient weather forecasting and the sound and productive management of the Nation's ocean and coastal resources.

Last year the committee introduced a single NOAA omnibus authorization bill. While that bill also achieved our goal of a comprehensive authorization program for NOAA, it failed due to a number of jurisdictional problems. Those problems have now been resolved and it is my hope that the new approach we are using this year will enable the package to pass both the Senate and the House. As with last year, this approach also achieves the major goal of the committee regarding NOAA: to bring all of NOAA under active authorization for the first time.

Four new NOAA authorization bills are included in the package. They cover the 85 percent of the agency which currently falls under standing budget authority. The other 15 percent of the agency will remain under separate expiring authorizations.

The four new authorization bills cover programs within all four of the NOAA budget areas:

First, atmosphere and satellite programs;

Second, ocean and coastal programs;

Third, marine fishery programs; and

Fourth, NOAA program support.

In addition to these four new bills there are two others which complete the package for fiscal year 1984. These two reauthorize the following:

First, the marine sanctuaries program; and

Second, three miscellaneous fishery acts.

These bills, combined with the other NOAA authorizations already on the books, brings 100 percent of the NOAA budget within the annual reauthorization and oversight process.

Also included in this package of NOAA authorization bills is a reauthorizaiton for three expiring fishery acts. These acts are the National Aquaculture Act, the Atlantic Tunas

Convention Act, and section 4 of the Fish and Wildlife Act of 1956.

The Aquaculture Act is being reauthorized for an additional 3 years at the following funding levels: for the Department of Commerce, $2,000,000 per year; for the Department of Agriculture, $2,000,000 for each year, and for the Department of the Interior, $1,000,000 per year.

It is the hope of the Commerce Committee that the long-awaited National Aquaculture Plan will soon be submitted for our review.

The Atlantic Tunas Convention Act does not have a specific authorization figure. It provides "such sums as may be necessary" to fund U.S. participation in the International Commission for the Conservation of Atlantic Tunas (ICCAT). This is the organization which is responsible for managing and conserving stocks of tuna in the Atlantic Ocean.

The last of the three acts being reauthorized is section 4 of the Fish and Wildlife Act of 1956. This program is known as the Fisheries Loan Fund (FLF). The FLF is a revolving fund which is financed through fees paid by foreign nations which conduct fishing operation in U.S. waters. While very few loans have been made under the Fund's authority over the past few years, the committee is concerned that the FLF remain intact so that it might be used for other fishery purposes at a later date.

The last bill comprising the NOAA authorization package involves title II of the Marine Protection, Research and Sanctuaries Act. This is the marine sanctuaries program.

Title III established a marine sanctuary program for the protection and management of unique marine areas. The program, analogous to the national park system, is housed within the National Oceanic and Atmospheric Administration and is due for reauthorization this year.

There have been concerns expressed recently regarding implementation of this program from certain commercial fishing interests in Maine and Alaska. The committee intends to work with all concerned parties to formulate amendments to this reauthorization, to be offered at a later date.●

ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MOYNIHAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 27, a bill to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public or Indian lands, and for other purposes.

S. 117

At the request of Mr. CHILES, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 117, a bill to improve the effectiveness and efficiency of Federal law enforcement efforts.

S. 163

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 163, a bill to amend title XII of the Public Health Service Act to provide for demonstration programs relating to emergency health care for children.

S. 174

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 174, a bill to amend titles XVIII and XIX of the Social Security Act to provide that pediatric nurse practitioner services shall be covered under part B of medicare and shall be a required service under medicaid.

S. 177

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 177, a bill to amend title XVIII of the Social Security Act to provide for coverage under medicare of services performed by a nurse-midwife.

S. 178

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 178, a bill to amend title 5 of the United States Code to provide payments under Government health plans for services of nurse-midwives not performed in connection with a physician.

S. 193

At the request of Mr. INOUYE, the name of the Senator from Montana (Mr. MELCHER) was added as a consponsor of S. 193, a bill to recognize the organization known as the National Academies of Practice.

S. 286

At the request of Mr. EXON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 286, a bill to promote interstate commerce by regulating the contractual arrangements between suppliers and retailers in the office machine and equipment industry, and for other purposes.

S. 289

At the request of Mr. GLENN, the names of the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 289, a bill to authorize an educational assistance program which will provide low-cost loans to college students who pursue mathematics and science baccalaureate degrees and enter the precollege mathematics and science teaching profession, and for other purposes.

S. 290

At the request of Mr. GLENN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 290, a bill to amend the Internal Revenue Code of 1954 to allow a credit to certain employers for compensation paid to employees with precollege mathematics or science teaching certificates who are employed for the summer months by such employers or who are employees who teach a limited number of hours.

S. 372

At the request of Mr. HATFIELD, the names of the Senator from Minnesota (Mr. DURENBURGER), the Senator from Alaska (Mr. STEVENS), the Senator from Maine (Mr. COHEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from North Dakota (Mr. BURDICK), the Senator from Ohio (Mr. METZENBAUM), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. GORTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 372, a bill to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts, and for other purposes.

S. 450

At the request of Mr. PRYOR, the names of the Senator from Florida (Mrs. HAWKINS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 450, a bill to amend title 39, United States Code, to strengthen the investigatory and enforcement powers of the Postal Service be authorizing certain inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representation or lotteries), and for other purposes.

S. 453

At the request of Mr. RIEGLE, his name was added as a cosponosr of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 percent duty on apple and pear juice.

S. 474

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 474, a bill to amend title 18, United States Code, to provide for the protection of Government witness in criminal proceedings.

S. 508

At the request of Mr. LAXALT, the names of the Senator from Wyoming (Mr. SIMPSON), and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 508, a bill to exempt entities receiving financial assistance from the Rural Electrification Administration from fees under the Federal

Land Policy and Management Act of 1976.

S. 534

At the request of Mr. PRYOR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 534, a bill to establish in the Department of State the position of Under Secretary of State for Agricultural Affairs.

S. 553

At the request of Mr. HART, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 591

At the request of Mr. INOUYE, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Vermont (Mr. STAFFORD), the Senator from Wyoming (Mr. WALLOP), the Senator from Ohio (Mr. GLENN), and the Senator from North Dakota (Mr. ANDREWS) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 596

At the request of Mr. PRYOR, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 596, a bill to provide surplus commodities to farmers who lost grain stored in certain insolvent warehouses.

S. 605

At the request of Mr. DANFORTH, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 605, a bill to amend title 11, United States Code.

S. 657

At the request of Mr. DOLE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to insure the proper treatment of laboratory animals.

S. 735

At the request of Mr. LONG, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 735, a bill to provide a special anti-recession increase in fiscal year 1983 allotments under the State and Local Fiscal Assistance Act to aid local units of government in providing for increased employment opportunities.

S. 771

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. BURDICK), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 771, a bill to revise and extend provisions of the Public Health Service Act relating to health promotion and disease prevention, to provide for the establishment of centers for research and demonstrations concerning health promotion and disease prevention, and for other purposes.

S. 843

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 843, a bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to make payments to reimburse producers for the cost of applying approved conservation practices to acreage diverted under an acreage limitation program for the 1982 through 1985 crops of wheat, feed grains, upland cotton, rice, and soybeans.

S. 873

At the request of Mr. LUGAR, the names of the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 873, a bill to help insure the Nation's independent factural knowledge of the Soviet Union and Eastern European countries, to help maintain the national capability for advanced research and training on which that knowledge depends, and to provide partial financial support for national programs to serve both purposes.

S. 880

At the request of Mr. PRESSLER, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 880, a bill to amend the Communications Act of 1934 to provide equity to daytime radio broadcasters.

S. 964

At the request of Mr. HATCH, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 964, a bill to require the Secretary of Health and Human Services to arrange for the conduct of a study with respect to the use of live animals in biomedical and behavioral research.

S. 995

At the request of Mr. EXON, the names of the Senator from Maryland (Mr. SARBANES), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 995, a bill to amend title 38, United States Code, to modify the rule for the commencement of the period of payment of certain adjustments in compensation in the case of hospitalized veterans.

S. 1074

At the request of Mr. STAFFORD, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1074, a bill to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes.

SENATE JOINT RESOLUTION 34

At the request of Mr. RIEGLE, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Iowa (Mr. JEPSEN), the Senator from Illinois (Mr. DIXON), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 34, a joint resolution designating "National Reye's Syndrome Week."

SENATE JOINT RESOLUTION 45

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 45, a joint resolution designating November 20 through 26, 1983, as "National Family Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. INOUYE, the names of the Senator from Arizona (Mr. DECONCINI) the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Georgia (Mr. NUNN), the Senator from Vermont (Mr. STAFFORD), the Senator from Nebraska (Mr. ZORINSKY), and the Senator from Florida (Mr. CHILES) were added as cosponsors of Senate Joint Resolution 66 a joint resolution to authorize and request the President to designate May 6, 1983, as "National Nurse Recognition Day."

SENATE JOINT RESOLUTION 74

At the request of Mr. GARN, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable, and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers.

SENATE JOINT RESOLUTION 78

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 78, a joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week."

At the request of Mr. GORTON, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Vermont (Mr. STAFFORD)

were added as cosponsors of Senate Joint Resolution 78, supra.

SENATE JOINT RESOLUTION 81

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 81, a joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day."

SENATE JOINT RESOLUTION 82

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 81, a joint resolution designating November 1983 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 85

At the request of Mr. THURMOND, the names of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of Senate Joint Resolution 85, a joint resolution to designate September 21 1983, as "National Historically Black Colleges Day."

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. LUGAR, the names of the Senator from Louisiana (Mr. JOHNSTON), the Senator from Nebraska (Mr. ZORINSKY), the Senator from New Jersey (Mr. BRADLEY), the Senator from Florida (Mrs. HAWKINS), the Senator from Ohio (Mr. GLENN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Arizona (Mr. DECONCINI), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New Mexico (Mr. DOMENICI), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. STENNIS), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution in commemoration of the bicentennial of the birth of Simon Bolivar, hero of the the independence of the Americas.

SENATE RESOLUTION 104

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Georgia (Mr. MATTINGLY), the Senator from South Dakota (Mr. ABDNOR), the Senator from North Carolina (Mr. EAST), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Resolution 104, a resolution to disapprove of the regulations proposed by the Federal Election Commission relating to contributions and activities by corporations and labor organizations.

SENATE RESOLUTION 106

At the request of Mr. THURMOND, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. WILSON), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of Senate Resolution 106, a resolution to commemorate the 10th anniversary of the U.S. Product Safety Commission by designating the week of May 8, 1983, through May 14, 1983, as "National Product Safety Week."

SENATE RESOLUTION 107

At the request of Mr. SPECTER, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Resolution 107, a resolution relating to nuclear arms reduction negotiations.

SENATE RESOLUTION 112

At the request of Mr. LUGAR, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. GLENN), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. QUAYLE), the Senator from North Carolina (Mr. HELMS), the Senator from Tennessee (Mr. SASSER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Georgia (Mr. MATTINGLY), the Senator from Kansas (Mr. DOLE), the Senator from Illinois (Mr. DIXON), the Senator from Illinois (Mr. PERCY), the Senator from Oklahoma (Mr. NICKLES), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Maine (Mr. COHEN), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Resolution 112, a resolution expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the armed conflict on the border between Thailand and Kampuchea.

AMENDMENTS SUBMITTED FOR PRINTING

RECIPROCAL TRADE AGREEMENTS

AMENDMENTS NOS. 1072 THROUGH 1074

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted three amendments intended to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

AMENDMENTS NOS. 1075 THROUGH 1082

(Ordered to be printed and to lie on the table.)

Mr. KASTEN submitted eight amendments intended to be proposed by him to the amendment (No. 522) proposed by him to the bill S. 144, supra.

AMENDMENT NO. 1083

(Ordered to be printed and to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

AMENDMENT NO. 1084

(Ordered to be printed and to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

AMENDMENTS NOS. 1085 THROUGH 1178

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted 94 amendments intended to be proposed by him to amendment (No. 522) proposed by Mr. KASTEN to the bill S. 144, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER RESOURCES

Mr. ABDNOR. Mr. President, at this time I would like to announce that the dates on which the Subcommittee on Water Resources will hold hearings on cost sharing and user-fee policy will be May 17 and 18. I have previously announced that these hearings would tentatively be on May 18 and 19.

I want to remind my colleagues, Mr. President, of the importance of these hearings. As chairman of the Subcommittee on Water Resources I am committed to moving expeditiously to resolve these water-resource issues. As we move toward resolution of these questions, and the development of an omnibus authorization measure, I want to assure my colleagues that any comments they would like to make for the committee's record would be gratefully appreciated.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will resume its deliberations on the markup of the first concurrent budget resolution for fiscal year 1984 on Wednesday, April 20, at 10:30 a.m., in room 608 of the Dirksen Senate Office Building.

For further information, contact Nancy Moore of the Budget Committee staff at 224-4129.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 19, at 2:30 p.m., to hold a hearing on S. 856, Indian Housing Act 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 19, 1983, in order to consider and act on pending nominations, commemorative resolutions, and the following legislation:

S. 445, Omnibus Bankruptcy Improvements Act of 1983;

S. 333, Consumer Bankruptcy Improvements Act of 1983;

S. 549, Shopping Center Tenant Bankruptcy Protections Improvements Act of 1983;

S. 492, to amend the Bankruptcy Act regarding executory contracts, and for other purposes;

S. 529, the Immigration Reform and Control Act of 1983;

S. 215, the Bail Reform Act of 1983; and

Senate Joint Resolution 3, to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WILLIAM E. COLBY ON THE NUCLEAR WEAPONS FREEZE

● Mr. KENNEDY. Mr. President, tomorrow the House of Representatives resumes its debate on the joint resolution for a nuclear weapons freeze and reductions which Senator HATFIELD and I have introduced in this body. I wish to draw the attention of all my colleagues in Congress to an extraordinarily eloquent and compelling article in today's Washington Post by William E. Colby, former Director of the Central Intelligence Agency, in support of the comprehensive nuclear weapons freeze.

In his article, Mr. Colby makes a convincing call for the freeze as a "bold move to halt the arms race, as a clear indication of resolution to reduce the risk of nuclear terror to which all our populations are subjected."

William Colby points out that a freeze would prevent Soviet nuclear developments which could threaten our security, including new generations of ballistic missiles, an armada of cruise missiles and the blackjack bomber. He demonstrates both that "the Soviets are certainly not 'superior' to the United States in any meaningful way today" and that a freeze treaty would make it more, not less easy to verify nuclear arms control.

Mr. President, I completely agree with Mr. Colby that:

> We can protect the United States better by convincing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

I ask that the full text of Mr. Colby's important article appear at this point in the RECORD.

The article follows:

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

(By William E. Colby)

To use language meaningful to those of President Reagan's generation (and my own), appeasement doesn't work. I am sure the president would agree with that statement, but in fact, he is engaged in a program of appeasement. NATO's first resolute decision to deploy 108 Pershing II missiles and 464 cruise missiles to meet the Soviet SS20 buildup has been followed by the president's proposal of a zero option on both sides, rejected by the Soviets, and then a suggestion for an interim solution, also rejected by the Soviets.

The president's proposal to supplant the SALT II treaty by the START proposal to reduce strategic launchers to 850 on each side and warheads to 5,000, no more than half of which would be land-based, has been rejected by the Soviets. The U.S.S.R. made a minimal move in our direction by suggesting an 1,800-launcher limit. The administration now considers means by which it could move off its original proposal toward the Soviet position.

Another appeasement being attempted is of the anti-nuclear and nuclear freeze movements in the West. The political force of these movements led the administration to soften its previous positions, in hopes of diluting the impatience of millions of Europeans and Americans over their governments' inability to reduce the nuclear terror to which they are exposed. Minor variations of the degree of terror certainly are not going to appease these movements, particularly when these gestures are matched by plans to bring in new weapons systems like the MX, the D5, the B1, and a whole new dimension of space warfare.

The real requirement is for a bold move to halt the arms race, as a clear indication of resolution to reduce the nuclear terror to which all our populations are subjected. This is the basis for the call for a mutual and verifiable freeze on the testing, production and deployment of nuclear wepons and their delivery systems. A recitation of what this freeze will produce in benefits to the safety of the United States is a compelling argument for Reagan to leapfrog the obstructionists who urge him to oppose it and instead take leadership of it.

A simple projection of current weapons plans that would be obviated by a freeze demonstrates its value to the safety of our country:

(1) A freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. The prime characteristic of these new weapons is an increase in accuracy and consequent targeting of the land-based missile systems of the other side. While the so-called "first-strike" scenario is discussed as a theoretical possibility today, the advent of these new weapons systems will bring it remarkably closer. Both sides will be convinced that the other will soon have the potential for a single devastating blow, requiring that it keep itself on hair-trigger alert for an equally devastating response. The decision time in such circumstances will be reduced so that automatic, not human, decisions will have to be programmed, offering the sickening prospect of mutual destruction through machine error.

(2) A freeze would bar the development of cruise missile armadas on both sides. While the United States is technologically ahead with this new device to date, it is predictable that the Soviets will develop their own capability within the next decade. They did just that with respect to the MIRV, after it was left out of SALT I in 1972 because the United States had no incentive to bar itself from something the Soviets did not then have. At the end of this decade, we can confidently expect a national debate over the need for a comprehensive air defense system to protect the United States from a Soviet cruise missile armada. This whole development would be eliminated by a freeze today.

(3) A freeze would bar the further development and deployment of the Blackjack bomber on the Soviet side and of the B1 on the American side. This would have to be clarified in the discussions leading to the freeze agreement, but it seems clear that the strategic arms negotiating history considers intercontinental aircraft to be launchers rather than platforms. Again, this would prevent the buildup of a large Soviet intercontinental nuclear air force requiring the kind of air defense system the Soviets are now hoping can hold off at least some of our B52s.

(4) The freeze would bar the development of the D5 missile by the United States, with its improvements in accuracy leading to the danger of first strike from the sea. Similarly, it would bar a more accurate Soviet submarine-launched missile. It would not bar the replacement of Polaris submarines by Tridents because the negotiating history has considered submarines as platforms rather than as launchers. The Soviets are currently considerably behind the United States in submarine technology, but again it can be confidently expected that they will improve over the next decades through a combination of espionage, allocation of resources and talent, and plain competitive determination. A freeze on launchers would limit the application of those improvements in the nuclear dimension.

Each of the arguments against the freeze collapses under careful examination:

(1) The Soviets are certainly not "superior" to the United States in any meaningful way today. If they were, we would see them using that superiority, rather than indicating concern over the technological superiority of the United States and its ability to leap ahead in technology in the coming years at a pace beyond that possible for the Soviet Union. The present American retaliation potential is absolute, and with a modicum of maintenance, its components will not vanish from old age.

The Soviets restrict their adventurism these days to the safer techniques of proxy war, subversion and attempts to encourage weakness of American will and separation from European opinion. This is not the bluster of someone convinced that he has the power to dominate. It is the wiliness of someone operating from a position of weakness, tying to slow the opponent down without direct confrontation.

(2) Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power. The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not; a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process. Even in areas of ambiguity, of which there will certainly be some, such as the current indications of Soviet violation of the chemical and biological treaty, it is plain that our intelligence systems have picked up these activities. They have not occurred without being exposed to outside scrutiny.

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us.

The real question is what we propose to do about a violation rather than whether we would know of it. In this respect, there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenge. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

(3) A freeze would certainly be of advantage to the Soviet Union, halting the major American nuclear buildup now planned. As with any successful treaty, however, the question is whether it would be in the equal interest of the United States, halting a certain further Soviet buildup of nuclear weaponry, which, of course, it would. We can protect the United States better by convincing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

Thus appeasement is not the answer. It does not satisfy the nuclear priesthood, which thinks only of building new and more complex weapons systems. It does not satisfy the Soviets, as every indication of yielding is taken as a weakening of will to achieve a mutual solution to the arms race. It does not satisfy the opponents of nuclear warfare among the broad populations of Europe and the United States, who believe their leadership has failed to protect them against potential annihilation as a result of the inexorable march of technology.

Only a bold, firm call for a mutual stop in the arms race could cut through the present tangled political and diplomatic negotiations and produce a result worthy of an American president.●

NEBRASKA'S GYMNASTICS DYNASTY

● Mr. ZORINSKY. Mr. President, mention University of Nebraska sports to most sports fans and one thing comes to mind—Cornhusker football. And there is no question that the University of Nebraska has one of the most outstanding college football programs in the country. In fact, some prognosticators are already picking Coach Tom Osborne's team as one of the leading contenders for next year's mythical national football championship.

But I wonder how many of my colleagues are aware of another Nebraska athletic dynasty? I am referring to the Husker men's gymnastics team, which just a few days ago captured an unprecedented fifth consecutive NCAA title at the championships held at Penn State University. Mr. President, it is difficult to find words to describe the awesome character of the Huskers' performance. Coach Francis Allen's team scored a phenomenal 287.80 points out of a possible 300, breaking their own NCAA team scoring record of 285.45, set in last year's finals in Lincoln. This feat is even more impressive considering that they did this without all-Americans Jim Hartung and Steve Elliot, Husker stars who completed their eligibility last year.

Mr. President, I cannot overstate Nebraska's dominance in men's gymnastics in recent years. Winning a fifth national championship is only the beginning of the story. Three of the six positions on the 1980 U.S. Olympic gym team were filled by Cornhuskers, and Nebraska's Francis Allen was the coach. Four past or present Nebraska stars—Jim Hartung, Phil Cahoy, Scott Johnson, and Chris Riegel—have very good chances of making the 1984 Olympic team. In this respect, Nebraska is a team of national importance.

But the story continues. Last December, the Huskers hosted two of the best groups of gymnasts in the world, a team of all-stars from the Soviet Union and a similar team from Japan. These two countries, perennial powers in international gymnastics, came to a medium-sized college campus on the American Plains to take on one State college team, Nebraska, in a triangular meet. How did the Huskers respond? Coach Allen's charges promptly demolished both the Soviet and Japanese teams. Mr. President, a 2-point victory in championship gymnastics is considered a blowout. Nebraska outscored the Soviets by nearly 3 points and the Japanese team by 6½ points. Hartung, Johnson, Cahoy, and Riegle captured the top four all-round positions, with Hartung scoring 59.05 out of a possible 60 points, matching the highest score ever achieved by an American, Obviously, this performance established Nebraska as a team of international importance. They may be the best collegiate team on the planet.

Mr. President, I do not mean to overlook other fine performances at the recent NCAA championships. I want to congratulate the UCLA and Penn State teams, finishing second and third, respectively, and especially UCLA's Peter Vidmar for winning the individual all-round championship. In my mind, everyone who is talented enough to compete in a championship event is a winner. But in light of the outcome of this meet and the great Cornhusker tradition, I do not think the other competitors would disagree that the Nebraska team merits a little special attention on the occasion of winning their fifth straight NCAA title. This victory was just another example of the Huskers setting a new standard of excellence every time they step into the gym.

Mr. President, this Senator is pleased to momentarily dispense with discussion of budget deficits, missiles, taxes, and other unpleasant topics just long enough to congratulate Coach Francis Allen and his 1983 team—Johnson, Cahoy, Riegel, Jim Mikus, Wes Suter, Brandon Hull, Ricardo Appel, and Mike Bowers—for their great athletic achievements. Even as we speak here today, I would guess that most of these fine young men are training in a gym in Lincoln, preparing to represent America in the 1984 Olympics. The Cornhusker success story will continue, for when it comes to gymnastics, as the Husker fight song says, "there is no place like Nebraska."●

EQUAL ACCESS TO JUSTICE ACT NEEDS REVISION

● Mr. SASSER. Mr. President, on April 14 the Subcommittee on Administrative Practice and Procedures of the Judiciary Committee held hearings on an important topic to the small business community, the Equal Access to Justice Act, EAJA. My distinguished colleague from Iowa, Mr. GRASSLEY chaired these hearings and heard from a wide range of witnesses on various ways to enhance the provisions of the EAJA.

One recurring theme heard throughout the afternoon was the hope that the EAJA would be amended this year to allow coverage under the act for proceedings before agency boards of contract appeals. This has been an issue of much uncertainty since enactment of the EAJA, and recent law suits have resulted in unsettling interpretations of the act.

Current policy, as set forth in the case of Fidelity Construction Co. against the United States, maintains that proceedings before agency boards of contract appeals are not covered by the provisions of the EAJA. Yet, witness after witness at the April 14 hearings stated there was simply no sound basis for this policy.

Loren Smith, Chairman of the Administrative Conference of the United States, stated that he knew of no good policy reason to exclude boards of contract appeals from coverage under the act. For my colleagues who may be unfamiliar with the Administrative Conference, this agency's mission is to perform studies and to recommend improvements in the administrative procedures used by all Federal departments and agencies.

William Allen, the chairman of the American Bar Association's section of administrative law, reiterated this theme in his testimony. Mr. Allen also could not see any reason or any solid policy grounds for excluding contract appeals boards from coverage under the act. The ABA continues to support efforts to extend coverage under the

EAJA to proceedings before agency boards of contract appeals.

Witnesses from the business community also raised this issue. Several of these witnesses cited the lack of coverage for contract appeals boards as one of the major flaws in the act. Providing such coverage would make the EAJA much more equitable and usable in the eyes of these business men and women.

On April 12, I introduced legislation which would do precisely what these witnesses argue needs to be done. S. 1029 provides the explicit language necessary to allow coverage of agency boards of contract appeals under the EAJA.

I offered testimony before Senator GRASSLEY's subcommittee on this important topic during his hearings on the 14th. I pointed out that, to the best of my knowledge, there is no one who supports the present policy of preventing coverage under the EAJA for appeals to contract appeals boards. I stated my hope that his subcommittee would favorably consider the language of S. 1029 as a means of rectifying this situation.

Mr. President, the EAJA represents a sound congressional response to the realization that individuals and small businesses with disputes with the Federal Government may be intimidated by the Government's greater resources. The EAJA reduces the likelihood that these persons will forego litigation and accept inequitable out-of-court settlements. However, the present interpretation of the act in regard to contract appeals boards serves to perpetuate this disincentive to litigate and in so doing flies in the face of EAJA's basic objective.

S. 1029 seeks to insure that the original purpose of the EAJA is carried out. The ability of the small business owner to have his or her day in court to fight unfair Government action should not be denied simply because the proceeding is before a contract appeals board.

In closing, Mr. President, let me touch one last time on testimony heard before Senator GRASSLEY's subcommitteee. J. Paul McGrath, Assistant Attorney General with the Justice Department, commented on S. 1029 during these hearings. He stated that in his view if there was a demonstrated need to extend coverage under the EAJA to agency boards of contract appeals, the Justice Department would support legislation containing such a provision.

It is my hope that Mr. McGrath found such demonstrated need in the testimony of his fellow witnesses. The overwhelmingly majority of the witnesses touched on the need for the type of coverage provided in S. 1029. S. 1029 amends EAJA to give small business a fighting chance to effectively deal with the Federal Government.

Mr. President, I want to again thank my colleague from Iowa for allowing me to offer testimony before his subcommittee on this important issue. I applaud his efforts to promote further discussion on the Equal Access to Justice Act so that it may be amended constructively. It is my belief that S. 1029 is one means of achieving this, and I urge my colleagues to support passage of this measure.●

PULITZER PRIZE AWARDED TO FORT WAYNE NEWS-SENTINEL

● Mr. QUAYLE. Mr. President, as Senator from the State of Indiana I would like to enter into the RECORD my congratulation to the Fort Wayne News-Sentinel, recent winners of this Nation's most prestigious journalism award, the Pulitzer Prize.

The Pulitzer Prize for best general, local reporting was awarded Monday to the News-Sentinel for its 6-days coverage of the 1982 Fort Wayne floods. Pulitzer officials commended the paper on its courageous and resourceful coverage of the local disaster.

This was Fort Wayne's first Pulitzer Prize and only the fourth for an Indiana newspaper.

During the week of March 15-20 the Sentinel published 102 stories and 111 photographs—the equivalent of 37 news pages—on Fort Wayne's efforts to battle the flood.

This is quite an accomplishment for a 68,000 circulation newspaper with only four photographers and nine city desk reporters. What is even more special is that 10 of these staff members were displaced from their own homes by the flood they were covering as a news item.

Newspaper officials cited the complete coverage and said:

> The staff worked around the clock and ignored danger not only to their homes but to their health.

All of Allen County and indeed all of Indiana shares in the pride of the Fort Wayne News-Sentinel's Pulitzer Prize. To mark the event, the Sentinel distributed copies of the prize-winning series to each of Allen County's 107,800 households.

I think the News-Sentinel's extensive coverage of the disastrous 1982 floods, and the prize that recognizes it, illustrates the newspaper's commitment to Fort Wayne and what happens there. This commitment to community is found throughout my State.

The Pulitzer Prize also celebrates the heroic citizens who pitched in during the disaster. School systems bused their children to help at sandbagging sites joining student volunteers on their spring break; churches held clothing and food drives for flood victims; and companies throughout the area donated manpower, equipment, and supplies. This is one more affirmation that Fort Wayne is a very special community.

Printed below are the names of the prize-winning staff:

Suleiman Abdul-Azeez, John V. Ankenbruck, Rick L. Antoine, Phyllis D. Banks, Kenneth L. Bledsoe, Emily M. Born, Dennis Chamberlin, James L. Costin, Kim A. Curtis, Donald D. Dorman, Jeannine M. Duvall, David R. Favrot, Peter E. Fullam, Paul W. Gallmeier, Marilyn J. Goggans, Paul F. Golden, Jerry G. Graff, Gary L. Graham, Charles A. Green, Stephen J. Grimmer.

Michael L. Hanley, David D. Haynes, Carl R. Hartup, Louis M. Heldman, Jack T. Hinkle, Kerry L. Hubartt, Richard A. Isenhour, Thurman E. Johnson, Robert J. Jonason, Kevin J. Leininger, Sharon D. Little, Daniel M. Luzadder, Robert W. Luzadder, Rose M. Mangos, Roger J. Metzger, Charlene Mires, Marilyn M. Nedelkoff, Gary E. Penner, James A. Quinn, Rebecca J. Richards.

William S. Sandeson, Samuel D. Satterthwaite, William J. Scott, Joseph F. Sheibley, Argil H. Shock, Brian D. Smith, Michael P. Smith, Stewart T. Spencer, John D. Stearns, Gerald W. Stewart, Susan A. Stone, Edwin L. Treon, Nancy J. Vendrely, Barbara A. Wachtman, Steven L. Warden, Ernest E. Williams, Thomas D.N. Zaenger, William F. Zlatos, Jr., and Connie Haas Zuber.●

THE UNITED STATES OLYMPIC CHECKOFF ACT OF 1983

● Mr. GLENN. Mr. President, I am pleased to cosponsor S. 591, the United States Olympic Checkoff Act of 1983. This bill would allow taxpayers to allocate $1 of their individual tax refunds to the establishment of an Olympic trust fund. Unlike the Presidential Election Campaign Fund checkoff, where contributions are paid from the individual's income taxes, the Olympic checkoff would be based on voluntary contributions. The bill would establish the U.S. Olympic Development Fund in the Treasury for use by the U.S. Olympic Committee to expand and improve amateur athletics in the United States.

This bill enhances national support for our amateur athletes without appropriating tax dollars or establishing a Government-run Olympics program. The checkoff system enables citizens to more easily contribute to the support of amateur athletics. The donations pay for the administrative costs of the trust fund and the bill requires annual reports to the President's Council on Physical Fitness and Sports, and Congress to insure the effectiveness of the expenditure of these funds.

This fund will expand and improve opportunities for all Americans—including women, minorities, the aged, and the handicapped—to participate in amateur athletics. I support creating this fund by way of a checkoff system because, unlike other charities, the Olympics capture national attention and support only once every 4

years. This makes it difficult to provide stable and adequate funding for all Olympic sports programs.

High school and college sports programs have suffered budget cuts in recent years and of the 26 Olympic sports, only 12 are represented in high school and college programs. The lack of adequate funding and the narrow range of training opportunities for America's athletes highlight the clear need to improve and expand facilities and training programs in amateur athletics. This fund will address that need.

Our athletes deserve nothing less. Our Olympic athletes represent us around the world as good will ambassadors and, in 1980, sacrificed their own personal goals to our Nation's foreign policy concerns. The Olympics are the most visible peaceful involvement of the United States with other nations, yet our failure to support our Olympic team has deprived our athletes of the opportunity to realize their full potential and compete with international athletes on even terms.

Mr. President, the competitiveness of America's amateur athletes, like the competitiveness of American industry, is hamstrung by outmoded and outdated views of how the world operates. Of the 140 countries participating in the Olympics, the United States is the only country that does not provide Government assistance to its athletes. This bill does not nationalize our Olympics program, it simply facilitates private contributions to the program. It will enhance opportunities for America's athletes to develop their skills fully and achieve excellence in the Olympic games.●

THE CASE OF DR. IOSIF BEGUN

● Mr. JOHNSTON. Mr. President, on Friday, April 15, 1983, Senator LAXALT and I, along with 96 of our Senate colleagues, sent letters of appeal to President Reagan and Secretary of State Shultz to protest the infringement of basic human rights in the Union of Soviet Socialist Republics, specifically deplorable actions directed against the Soviet Jewish minority including the prohibition of the Hebrew language and the political harassment of Hebrew teachers in the Soviet Union. We are particularly concerned about Dr. Iosif Begun, an engineer and Hebrew teacher in Moscow. Dr. Begun has been refused permission to emigrate to Israel since 1971 on grounds of alleged possession of State secrets and was indicted again on April 12, 1983. We subsequently appealed to Ambassador Dobrynin to look into Dr. Begun's case and seek favorable action by his government on Dr. Begun's pending application to emigrate to Israel. A decision to allow Dr. Begun to emigrate would be a positive step in furthering essential human rights in the Soviet Union at a very critical time in United States-Soviet relations. Mr. President, I ask that these letters be printed in the RECORD.

The letters follow:

U.S. SENATE,
Washington, D.C., April 13, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: There is a real danger threatening Soviet Jewry today. As you know, Jewish emigration from the USSR is at its lowest level since 1970 and Soviet anti-semitism has increased dramatically. We want to express our concern regarding the cultural genocide directed against the Soviet Jewish minority, specifically the prohibition of the Hebrew language and harassment of Hebrew teachers.

Dr. Iosif Begun, an engineer and Hebrew teacher in Moscow, has been refused permission to emigrate to Israel since 1971 on grounds of alleged possession of "state secrets". During the many years following his application for an exit permit, Begun fought valiantly for the right to emigrate, initiating and composing dozens of declarations and protests. In 1977, Dr. Begun was arrested, charged with "parasitism", and served two years in internal exile. In 1978, he was sentenced to three more years of internal exile for "violating internal passport laws" for living in Moscow without a residency permit.

On November 6, 1982, Dr. Begun was arrested again and charged under Article 70 of the Soviet Criminal Code of "anti-Soviet agitation and propaganda". He faces a sentence of 12 years in prison and internal exile as a result of this charge. While awaiting trial, Dr. Begun has been told by his Soviet interrogators that a charge of treason, which carries the death penalty, might well be lodged against him.

The release of Iosif Begun and other Soviet prisoners of conscience would be a constructive step in the development of future U.S.-Soviet relations.

We ask that the prohibition of Hebrew and the persecution of Hebrew teachers like Dr. Begun be raised with the new Soviet leadership at every appropriate opportunity, both by the United States and our European allies.

Sincerely,

PAUL LAXALT,
J. BENNETT JOHNSTON,
U.S. Senators.

U.S. SENATE,
Washington, D.C., April 13, 1983.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: There is a real danger threatening Soviet Jewry today. As you know, Jewish emigration from the USSR is at its lowest level since 1970 and Soviet anti-semitism has increased dramatically. We want to express our concern regarding the cultural genocide directed against the Soviet Jewish minority, specifically the prohibition of the Hebrew language and the harassment of Hebrew teachers.

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Sincerely,

PAUL LAXALT,
J. BENNETT JOHNSTON,
U.S. Senators.

U.S. SENATE,
Washington, D.C., April 13, 1983.

His Excellency ANATOLY DOBRYNIN,
Ambassador of the Union of Soviet Socialist Republics, Washington, D.C.

DEAR MR. AMBASSADOR: We wish to express our deep concern over the arrest of Dr. Iosif Begun, a Hebrew teacher from Moscow. In April, 1971, Dr. Begun's request for an exit permit to Israel was refused, and he was subsequently dismissed from his job as a senior research assistant at the Moscow Central Research Institute. He was later also dismissed from jobs as a telephone operator and a night watchman. In 1977, Dr. Begun was arrested, was charged with "parasitism", and served two years in internal exile. In 1978, he was sentenced to three more years in internal exile for "violating internal passport laws" for living in Moscow without a residency permit. On November 6, 1982, Dr. Begun was arrested again and charged under Article 70 of the Soviet Criminal Code with "anti-Soviet agitiation and propaganda". He was sent to Vladimir Prison to await a judicial decision.

Dr. Begun's arrest is the latest in a series of disturbing harassments of Soviet Jewish activists. We ask that you inform your government of our concern, and take all necessary steps to secure the release of Dr. Begun from Vladimir Prison. We also request your government's favorable consideration of his application for an exit visa to Israel.

The release of Dr. Begun and a reduction in the persecution of Jewish cultural activists like him would be positive steps in the development of closer relations between our countries.

Sincerely,

Paul Laxalt, Pete V. Domenici, Jake Garn, Robert Dole, Strom Thurmond, Richard G. Lugar, Lawton Chiles, Lloyd Bentsen, J. Bennett Johnston, William Proxmire, Claiborne Pell, Charles H. Percy, Mark Hatfield, Alan Cranston, Donald W. Riegle, Jr., Paul Sarbanes, Daniel Patrick Moynihan, Larry Pressler, John C. Danforth, David L. Boren, George J. Mitchell, Howard M. Metzenbaum, Paul E. Tsongas, Carl Levin, Roger W. Jepsen,

Chic Hecht, Bob Kasten, David Durenberger, Christopher J. Dodd, Steven D. Symms, Orrin G. Hatch, John P. East, Don Nickles, Warren B. Rudman, John Melcher, Howell Heflin, James Abdnor, Charles E. Grassley, Dale Bumpers, Walter D. Huddleston, Alan J. Dixon, Paula Hawkins, Arlen Specter, William S. Cohen, Jim Sasser, John Tower, Alfonse D'Amato, Quentin N. Burdick, Dan Quayle, James A. McClure, Mack Mattingly, David Pryor, Edward Zorinsky, Jeremiah Denton, Rudy Boschwitz, Thomas F. Eagleton, John Glenn, John Heinz, John W. Warner, Mark Andrews, Barry Goldwater, William L. Armstrong, Henry M. Jackson, Pete Wilson, Patrick J. Leahy, J. James Exon, Dennis DeConcini, Bill Roth, Jeff Bingaman, Daniel K. Inouye, Max Baucus, John H. Chafee, Bill Bradley, Spark M. Matsunaga, Edward M. Kennedy, Wendell H. Ford, Sam Nunn, Lowell P. Weicker, Jr., Slade Gorton, Joseph R. Biden, Jr., Gary Hart, Nancy Landon Kassebaum, Ernest F. Hollings, Robert C. Byrd, Frank H. Murkowski, Robert T. Stafford, Frank R. Lautenberg, Bob Packwood, Paul S. Trible, Jr., Alan K. Simpson, Thad Cochran, Gordon Humphrey, Malcolm Wallop, John C. Stennis, Jesse Helms, Ted Stevens, Russell B. Long, and Jennings Randolph,

U.S. Senators.●

RECOGNITION OF AN OUTSTANDING CALIFORNIA STUDENT

● Mr. WILSON. Mr. President, a high school student from California has received recognition in a contest sponsored nationally by Friends of Free China. Her speech related to Taiwan and brought out the relationship between freedom and progress. Because Elina So's speech clearly speaks for the value of freedom, I ask that it be printed in the RECORD.

The speech follows:

HOW FREEDOM AFFECTS PROGRESS (ON TAIWAN)

Freedom. There are many types of freedom. Freedom of expression, freedom of thought, and just as importantly, is the freedom to progress. The primary facet of a country's progress is its economic growth. Economic freedom, as America and the Western World know it, means free enterprise and capitalism. Taiwan, influenced by the policy of American business, has also developed a system of free enterprise, and as a result, its economy has bloomed into a highly productive one.

Economically, Taiwan started on par with Mainland China. However, Taiwan has progressed further and faster than their Communist counterpart. According to Barron's magazine, "China's national income runs a paltry $280 per head . . . on Taiwan, per capita is 4, 5, 6 times what it is on the Mainland." Taiwan's progress is due mainly to its free enterpirse. In a country where one could further one's wealth, and climb the corporate ladder, there is no lack of motivation. This motivation creates a desire for higher efficiency with in each individual. With cooperation among motivated individuals, a country is strengthened and progress is made.

By contrast, the lack of incentives, inherent in a Communist country, is an obstacle in a country's economic growth. Communist countries have central planning groups which set prices of products, annual production goals, wages of workers, and raw materials that are allocated to communes throughout the countries. Since prices and the amount of productivity, set by these groups, are not based on the law of supply and demand, excesses and shortages often appear. Since employment is virtually guaranteed, and since wages remain stationary, often for years, workers are not motivated to strive for higher efficiency.

Realizing the lack of incentives as a major problem, many Communist countries are trying to reform their economic policies. These countries are starting to let individuals keep their surplus profits and are going as far as to let them own their businesses. In one case, a farmer with a lake hires workers to keep up the lake while he charges others for fishing in it. He is making a small fortune from this business. This type of business, typical of free enterprise, is in direct opposition to Communist beliefs. This case shows that those countries that are reforming their economic policies the most are also progressing the most. However, even with these reforms, the Communist world is not doing well. According to U.S. News & World Report, "For the 1.5 billion inhabitants of the Communist world, the Marxist promise of a workers' paradise has turned into a nightmare of permanent scarcity, economic stagnation, and discontent." From this evidence, it may be seen that Communist economic policies stunt a country's growth.

Taiwan has progressed in its standard of living, technological growth, and overall economic stability. According to Business America, Taiwan has "an average annual growth rate of nine percent from 1952-1980." Further, "Despite the recession in the United States, Taiwan's exports to the United States have increased by an amazing 15.8% in the first six months of 1982 . . . this underlies the ability of the Taiwan economy to resist recession." Taiwan, then, has advanced its standard of living, technology, and economic stability.

Taiwan is the perfect example of the fact that economic freedom is essential to every country's progress. With free enterprise, Taiwan's economy has surpassed that of countries of the Communist world. For Taiwan, and for all of us, economic freedom is the path to progress.●

VOCATIONAL REHABILITATION

● Ms. HAWKINS. Mr. President, as a member of the Senate Labor and Human Resources Subcommittee on Handicapped, I have been very impressed by the testimony of handicapped and severely disabled individuals whose lives have been enhanced by the services they receive under the Vocational Rehabilitation Act and other employment programs. More than any other group, these individuals want to contribute, rather than be a burden on society.

I want to bring to the attention of the Senate, an excellent program operating in Florida in which local handicapped adults take advantage of the technical revolution in sight reading computers, voice synthesisers, and word processors to unleash the human potential existing within handicapped individuals. These handicapped individuals founded and now operate a business called the Institute of Computer Management (ICM). Their goal is to release talented minds from impaired bodies via the computer and enable them to compete in the marketplace.

I ask that the following explanation of this program, which was written and computer-typed by handicapped individuals, be inserted in the RECORD.

The material follows:

THE INSTITUTE OF COMPUTER MANAGEMENT—A FUTURE FOR THE HANDICAPPED

I. THE INSTITUTE OF COMPUTER MANAGEMENT

A. A personal introduction

The key to unlocking human potential is the availability of options. The physically handicapped person automatically has many options denied to him/her. I should know—my name is Crail Merriner, a person with a disability. Except for a three year position under the CETA program, my God—given talents plus years of education were going unused due to Cerebral Palsy. Despite a broad-based college education with very high grades, (4.0 in a economic major), the opportunities for gainful employment were extremely limited. After endless days of non-productive output, I was finally intruduced to the microcomputer by the Institute of Computer Management (ICM)—and my life turned 180 degrees. As ICM's first student, I was now able to write letters, create programs, and perform accounting skills via the computer. My life has changed to a point where waking each morning means a new day to be productive in my own environment. From this experience, it was made clear to me that the computer can change, for the good, the lives of the deaf, blind and multi-handicapped individual through the sight reading computer, the voice synthesiser, and the word processor—which helped me write much of this material.

B. Description of the agency

The Institute of Computer Management is a not-for-profit organization, founded in late 1981, for the expressed purpose of bringing the inexpensive personal computer to the physically handicapped. Federally tax exempt since November 1981, ICM hopes to supply these services free of charge through funding from private donations, local foundations, and contract services. All the functions of the organization are provided through the voluntary efforts of its Board and instructors.

ICM believes that microcomputers can give pride and independence to the handicapped person; that good minds can be released for use in both the private and public sectors; that the individual, the computer, and society can all be interrelated to enhance the mental skills of the physically handicapped. The design of the Institute involves an interlocking of three essential components—(1) training in computer skills, (2) contract services integrated with (3) on-the-job training, which in turn might lead to occupational opportunities.

The Institute is unique in that each Officer of the Board of Directors is a handicapped person (Arthritis, Blindness, Cerebral Palsy, and Polymiositis). It began when Lee Frank, an experienced computer pro-

grammer with disabling arthritis, was approached by Teresa Blessing to see if he could assist a young man with CP. Crail Merriner, an honour graduate of Tampa University's School of Business Administration, progressed rapidly. So rapidly, in fact, that Dwight Gill, an experienced industrial engineer and mathematical analyst, was called upon to provide additional programming instruction.

The Institute's first pupil, Crail, is now its Executive Director—using the computer for correspondence, recordkeeping, accounting, and grant-writing. With Dwight Gill as Chairman, Lee Frank as Programming Director, Teresa Blessing as Publicity Director, and its Board of Directors, the Institute feels it has the organizational know-how to reach the qualified handicapped, volunteer instructors, and the patrons so necessary for the success of any charitable venture.

C. Success to date

To inform the general public and to educate the business community as to the potential skills and employability of the handicapped, ICM has held open houses, a business seminar, numerous public speaking engagements, and performed contract services. During it first year of operation these contract services earned over $3500.00, helping to meet the needs of the marketplace, provide training for our handicapped clients, and create income for operating expenses. In addition, they helped to educate the business community as to the potential skills and employability of the handicapped.

Despite the limitations imposed by the wait for our Federal tax exempt status, ICM has raised over $2500 in donations. This money, plus the income from contract services, has enabled us to generate needed publicity, recruit volunteer instructors, screen clients, provide a computer to a quadriplegic, purchase necessary software and books for instruction, and many other activities.

ICM's contract services have included programming a statistics application, configuring a job cost accounting system for a drywall company, business systems for Landscaping firms, and systems evaluation for service agencies, ICM is presently teaching Visicalc to a qualified handicapped bookkeeper, teaching programming to a quadriplegic ham radio orperator, and developing computer communication skills for a severely disabled CP victim.

ICM has also written special software for various disabling conditions: a modification that permits those unable to control two hands simultaneously (or the one-handed) to use a full featured word processor; a full scale big letter information retrieval program for those with significant (but not excessive) visual impairment; in addition, ICM is developing other specialized software for the extremely visually impaired.

D. Statement of needs

Throughout the two county area of Sarasota-Manatee there are literally hundreds of people with a wide variety of serious physical handicaps. Probably more so than any other group, these people wish to contribute rather than be a burden. However, the focus in the past has been on their physicial limitations. Considerable progress has been made in improving their mobility and making their everyday lives more comfortable. There remains, however, the needs of their minds.

Local computer retail outlets have doubled in the past year, reflecting the ever increasing recognition of the benefits of the computer, whether in business, the public area, or the private home. Specific knowledge is needed in order to purchase the appropriate equipment, to select or design the relevant software, and to train the personnel to operate the machine at its optimal potential.

Two levels of needs, therefore, exist. First, there is a need to train the minds of the physically handicapped persons in order that they might not only achieve personal fulfillment, but also make considerable contributions to the community. Second, there is the need of the marketplace for persons with knowledge of computers who can provide technical assistance to the ever increasing number of computer consumers. ICM intends to meet the needs of the physically handicapped as well as the needs of the marketplace with a training program in computer usage.

E. Proposed goals

The obvious goal is to give disabled people professional computer skills. But not all computer jobs are programming jobs. Knowledge of word processor, spread sheet, and data base programs is also needed and valuable. And, in the not too distant future, most jobs will require some knowledge of computers.

Equally important is removing the barriers to communication. Any entry into the job market requires minimal communication skills. But using the microcomputer to enhance communication will yield even greater benefits. For some disabled people it will be the first time they will be fully able to express their own needs, desires, and goals. What achievement could be greater than to find out what someone really wants? Someone whose thoughts and talents have been obscure until now.

ICM hopes its computer training program (CHIP) will overcome physical handicaps as well as provide potential computer professionals. More than just adding new skills, controlling a personal microcomputer can be the key to personal independence for the physically disabled.

II. PROJECT CHIP (COMPUTERIZING HANDICAPPED INTO PRODUCTIVITY)

A. A proposal to train the physically handicapped in computer skills

Each year, millions of dollars are being spent to heal or prevent the many diseases or injuries that plague mankind, ICM was established to release talented minds from impaired bodies via the computer. With computers for individual use, the world of the handicapped can be changed for personal growth and productive output. Better communication with family, friends, and the business sector lifts self-confidence and removes private frustrations to an immeasurable degree. The disabled people living in this generation are fortunate to have the benefit of the advanced technology of the microcomputer. ICM desires to supply local residents with the computers and related software they need to upgrade themselves from an extremely dependent position in the community, to that of a contributing taxpayer. With teaching, training, and guidance, ICM can take people with untapped resources and turn them into valuable commodities.

B. Objectives

The objectives of the Institute of Computer Management vis a vis this proposal are the following: 1) train ten (10) handicapped people in improved individual communications skills which they need to access the job market; 2) provide each person with his/her maximum potential of computer literacy (necessary for future job opportunities); 3) train at least half (5 or more) of these people in professional level computer skills; 4) obtain contracts to provide on-the-job training; 5) use the income from these contracts to provide training for more people.

C. The program

In order for the Institute to fulfill these objectives, it is proposing a computerized administration and two levels of in-home instruction.

The first step will be to purchase and establish an administrative computer. The availability of this equipment will enable the Officers of the Institute to keep track of mailing lists, budgetary management and projections, word processing, scheduling instructors and trainees, record keeping, correspondence, bookkeeping, personnel records, scheduling public-speaking engagement, consulting reports for contracted services, and software library.

The first method of instruction will be to purchase entry level computers which the Institute will place in the client's homes for evaluation, and beginning instruction. The availability of this equipment will facilitate the instruction of trainees in communication skills, and computer literacy.

The second phase of instruction will be to use intermediate and portable computers to evaluate the potential for advanced training. Then, full business system computers will facilitate the instruction of trainees in knowledge of the use of specific application programs, and beginning BASIC programming.

The third phase of instruction will be on-the-job training. This training may take place at the job site or in the client's home as conditions and capabilities demand. Using ICM contract services as the vehicle, students will advance in their knowledge of programming and applications and help provide income for operating expenses and additional hardware and software purchases.

D. Capability and qualifications

The combined experience of the Officer of the Board of ICM includes over twenty years of computing, managerial positions in computing and industrial engineering, elected positions in local and regional organizations, board membership in various civic and handicapped organizations, teaching both preschool and computing, and education in mathematics, computing, special education, and economics.

To date ICM recruited a wide variety of computer personnel as volunteer instructors. Through our publicity and a campaign of posters and brochures in computer stores and educational facilities, we now have over ten (10) ICM instructors ranging from students majoring in Computer Science, and Rehabilitation, to faculty, to experienced counselors and computer professionals.

E. Evaluation

Detailed reports will be prepared on each client for screenings, progress and professional potential. The amount, type, and success of the on-the-job training will be enumerated for each contract performed. Income generated by these contracts should exceed $5000.

The successful completion of this project can be measured in many ways, but the hardest to measure will be its value in human terms. After all, how can one put a yardstick to what it would mean to give a voice to someone who has never spoken to his/her family? Or an intelligent person who has never written a word?

III. THE FUTURE

We have no doubt that ICM contract services and related on-the-job training will yield the funds for additional hardware and software purchases and necessary operating expenses for the CHIP project. ICM feels that with a two year cycle of recruitment, aptitude assessment, training, and skills/knowledge evaluation, we can involve eight new clients every six months to generate the necessary income to make this program economically self-sufficient.

ICM's next project will be to acquire a computer for telecommunications to enable a communications network which the Institute will use for instruction, monitoring, and on-the-job supervision, as well as administrative functions. This equipment will enable the directors and instructors of the Institute to give quicker feedback to inquiries and to examine work of the trainees on a daily basis as opposed to limiting instruction to home visits.

In the near future additional ICM activities will include the establishment of programming groups on the local campuses for software development, publications on shopping for computers and modifying programs for the handicapped, computer fairs and swap meets, and lotteries to help purchase computers. In the more distant future are a talk show exclusively for the handicapped, television instruction in computer literacy, and the Workstead Computer Center—a living and working environment for the handicapped using computers.

VI. APPENDIX

A. Board officers

Teresa Blessing, Publicity Director of ICM, is a certified teacher in the State of Florida. Prior to moving to Florida, she studied criminology and sociology before receiving an R. N. from Albany Medical Center. As a teacher in the Manatee County Headstart, she was also the public relations coordinator for the entire county. Retired five years ago due to legal blindness, she became the part-time Public Relations person for a local community action agency. Mrs. Blessing has been a leader of the Christ United Methodist Church in Bradenton for thirty years. She is presently serving on the boards of five local organizations dealing with the welfare of children, handicapped, and refugees.

Lee Frank, Programming Director of ICM, is a computer programmer with over seventeen years experience. Mr. Frank was educated at Rensselaer Polytechnic Institute and New York University. His past experiences include the teaching of programming, supervision of programmers, sales, and interviewing and hiring of other programmers. On mainframe computers, he has written programs for large scale databases, digital logic circuit design, and time-sharing system utilities. Although disabled with psoriatic arthritis since 1972, he operated a nationally advertised mail-order software business. A Sarasota resident the past eight years, his local activities include past membership in the Citizens Advisory Council of SMATS.

Dwight Gill, Chairman of ICM, is a management information specialist with over eighteen years administrative experience. Majoring in Mathematics at Western Reserve University, he has a comprehensive background in statistical, numerical, and financial analysis. He has written computer models for both manufacturing and marketing controls. Mr. Gill was a representative for the Manufacturers Industrial Relations Association in 1970, 1972, and 1974. He has published several computer programs ranging from number theory to baseball and football rating systems. A member of the Executive Committee for the Southwest Florida Region of Mensa, he is the permanent proctor for Sarasota and Manatee counties, Mr. Gill's disability is dermatopolymiositis.

Crail Merriner, Executive Director of ICM, received a cum laude degree in economics from the University of Tampa. For three years he was Assistant Program Planner for a local community action agency, writing budgetary portions of Federal Grants and maintaining personnel records for over 100 employees. Despite his Cerebral Palsy, he has acquired skills in word processing, Visicalc, and Basic programming. A Manatee County resident for the past sixteen years, he owned and operated the Card Party in the Bayshore Shopping Center. Mr. Merriner is a member of two Honor Societies (Omicron Delta Epsilon and Alpha Chi), ABLE, and is a Qualified Duplicate Bridge Director.

B. Board of directors

W. D. Bell: Palmetto City Councilman. Owns employment agency.

Teresa Blessing: Board Officer, see IV. A. above.

Phyllis Boyer: Real Estate salesperson. Volunteer public relations for area organizations.

Chris Brown: Supervisor, Motor Vehicle Registration, Manatee County.

Warren Brown: Project Manager, CAISH (Computer Assisted Instruction for the Support of the Handicapped), Sarasota County School System.

Ed and Joanne Dick: Dick-Johnson & Jefferson, Inc., Insurance.

Gregg Fierro: Project Coordinator, Careers for the Handicapped, MJC.

Lee Frank: Board Officer, see IV. A. above.

Dwight Gill: Board Officer, see IV. A. above.

David Giordano M.D. P.A.: Fellow of the American College of Physicians.

Pat Glass: Manatee County Commissioner.

Dr. Alton Kindred: Head of Computer Science Education, MJC.

Fulton Lewis III: Advertising and Public Relations, Concept One. Former radio commentator.

Crail Merriner: Board Officer, see IV. A. above.

Frank W. Moreau M.D. P.A.: Rehabilitative Medicine.

Don & Betty Murdock: Retired accountant. Bradenton pre-school.

Reverend Thomas Otto: Associate Pastor Christ United Methodist Church of Bradenton.

Charles Rhein: Secretary for Florida State Council of the Blind, USF Reading Service Board of Directors.

Winfield Rushnell: Counselor, Manatee Vocational Rehabilitation.

Louise Samson: Head, Occupational Therapy, Sarasota Memorial Hospital.

Joyce Shivers: Business Manager: Bradenton & Palmetto Artificial Kidney Centers.

Martin Silver: Public Relations Director, Support Inc., Peninsula Motor Club.

Audrey Thompson: Sarasota Counseling Center.

Gene Tischer: Executive director, Florida Home Health Services, member Florida Bar.

Mae Yeomans: Accountant, Manatee County Council on Aging.

C. Advisors

T. Raymond Suplee: C.P.A., Suplee & Co. (Accounting)

Russell T. Kitching: Manatee County Council on Aging. (Grants)

J. V. Cloud: Alpha Industries, Inc. (Special Equipment)

D. Volunteers and Instructors

Porter Anderson, Jr.: Experience hardware and software TRS-80 computers.

Michael Allen Coburn: MJC Data Processing student, also client.

Charles C. Entwistle: IBM PC, majoring in rehabilitation counseling.

Sherman Feingold: Experienced hardware engineer with Rexham Corp.

Paul Fodor: MJC Data Processing student, also client.

Debra Freedman: Special education teacher.

Dr. Clayton Hansen: Director, Alternate School Program, Happiness House.

Joseph Hayden: MJC Data Processing Instructor.

Eugene Kelley: Experience hardware and software, Apple computers.

Don LaVoy: Bradenton Lions, home computer bookkeeping.

Don and Betty Murdock: Daughter, Sara, is client.

Bettie Noel: IBM PC, MJC Data Processing student, daughter is client.

Richard Reynolds: IBM PC, professional programmer.

Peter Schulte: IBM PC, counseling and rehabilitation experience.

Holly Smith: MJC Data Processing student, straight A's.

Paul Stewart: Counseling degree.

Harold Walker: Computer applications for truss co., has TI computer.

E. Client intake

Joe Bische: Quadriplegic, self-taught in electronics and ham radio. Supplied with entry level computer by ICM, June 1983.

Michael Coburn: Cerebral Palsy, vision problem, MJC student (Venice Campus) in Data Processing.

Paul Fodor: Epilepsy, MJC student in Data Processing.

Chris Icenhower: MJC student, Muscular Dystrophy.

Mike Kingman: Paralyzed on dominant side, MJC student, needs one handed word processor.

Charlene Miller: Epilepsy.

Sara Murdock: Severe Cerebral Palsy, limited speech and communication.

Carol Noel: Severe arthritis.

Joyce Shivers: Polio, wheelchair, B.A. in Accounting and Management.

Jane Spencer: Quadriplegic due to car accident, MJC student in Data Processing.

Peggy Williams: Blind.

Dave Worber: Quadriplegic, has entry level computer.

Mae Yeomans: Birth malformation, accounting education, twenty years work experience.●

FREEDOM AND PROGRESS ON TAIWAN

● Mr. WILSON. Mr. President, Gillian Benet, a young scholar from my State, who has already shown herself to be an outstanding leader, has given a speech on freedom which is sure to obtain for her a sizable scholarship. Since she has so clearly defined the relationship between freedom and

progress, I ask that her speech be printed in the RECORD.

The speech follows:

HOW FREEDOM AFFECTS PROGRESS

It's hard to believe that Communist Red China has 55 times the population of the Republic of China on Taiwan, but only five times as much economic output. But it's true!

How could there be such a great difference between two countries of the same people? The difference lies in Freedom! The freedoms of thought and economic progress that the Taiwanese citizens are allowed breathe incentive. And with incentive, comes progress.

Senator Barry Goldwater of Arizona once said, "If you want to see the end result of our system—what we call free enterprises—the free market—go to Taipei, go to Taiwan—it's the only real bright economic spot in the world."

Senator Goldwater is right. At a time when Americans are grappling with double-digit unemployment figures, Taiwanese are enjoying an unemployment rate that is well under 2 percent of the population. Inflation on the island is just 6 percent each year. Per capita annual income has risen from $180 U.S. dollars in 1960 to over two thousand five-hundred dollars. At the same time, income on mainland China averages less than $200 each year per person.

These two Chinese states are the greatest example of how freedom affects progress.

The people of Red China have been denied basic freedoms that Americans and Taiwanese take for granted. One important freedom that the Taiwanese have is the right to an education. On Taiwan, nine years of compulsory education are free. Ninety percent of all Taiwanese are literate! However, on Red China where all schools are privately run institutions, only 60 percent of the population can read and write!

Religious freedom, guaranteed by the Taiwanese constitution, hardly exists in Communist China. Thousands of clergymen were annihilated during the Cultural Revolution simply because of their religious beliefs.

Another obvious effect of freedom, so well pointed out by Senator Goldwater, is economic progress. The American and Taiwanese free-enterprise systems allow the consumer to decide which products he wants to buy. The law of supply and demand forces companies to offer quality goods at reasonable prices. Yet in Red China, it's the government that decides who will sell what to whom at which price.

The oppressive lifestyle that many Red Chinese now experience has revitalized an ancient Buddhist adage—"Alive in the Bitter Sea."

"Alive in the Bitter Sea" is the title of a recently published book about Communist China by Fox Butterfield. Mr. Butterfield was the first American journalist allowed to report on Mainland China from inside the country. He discovered how the Chinese communist elite, while preaching equality, have actually taken advantage of the peasants and have risen as a new class with their own large homes, servants, special book shops and food stores.

A communist periodical "Cheng Ming" reported that 200 million peasants, almost as many people as live in the United States, are living in a condition of semi-starvation.

While the People's Communist Republic has been trying to find ways to feed the population, Taiwan has rapidly progressed into a great industrialized nation. Sometimes it seems that everything we own is "Made in Taiwan." What greater example do we have of how freedom affects progress than in comparing these two Chinese states? On one side of the Formosa Strait sits Free China, which is only 34 years old, yet the people have increased their standard of living almost to the same extent that we Americans have over 200 years. Just 100 miles away live their relatives on mainland China a country whose progress is far behind that of Free China. What is this difference? What causes this great disparity?

To us it is obvious. The answer is Freedom. Freedom Translates Into Progress.●

PRESIDENT'S REMARKS TO 41ST ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF EVANGELICALS

● Mr. DANFORTH. Mr. President, I ask that a copy of the President's speech of March 8, 1983, to the 41st Annual Convention of the National Association of Evangelicals be printed in the RECORD.

The remarks follow:

REMARKS OF THE PRESIDENT TO THE 41st ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF EVANGELICALS

THE PRESIDENT. Thank you. Thank you very much. And reverend clery all, Senator Hawkins, distinguished members of the Florida Congressional delegation and all of you, I can't tell you how you have warmed my heart with your welcome. I'm delighted to be here today.

Those of you in the National Association of Evangelicals are known for your spiritual and humanitarian work. And I would be especially remiss if I didn't discharge right now one personal debt of gratitude. Thank you for your prayers. Nancy and I have felt their presence many times in many ways. And believe me, for us they've made all the difference. The other day in the East Room of the White House at a meeting there, someone asked me whether I was aware of all the people out there who were praying for the President and I had to say, "Yes, I am. I've felt it. I believe in intercessionary prayer." But I couldn't help but say to that questioner after he'd asked the question that—or at least say to them that if sometimes when he was praying he got a busy signal it was just me in there ahead of him. (Laughter).

I think I understand how Abraham Lincoln felt when he said, "I have been driven many times to my knees by the overwhelming conviction that I had nowhere else to go."

From the joy and the good feeling of this conference, I go to a political reception. (Laughter). Now, I don't know why but that bit of scheduling reminds me of a story—(laughter)—which I'll share with you. An evangelical minister and a politician arrived at Heaven's gate one day together. And St. Peter, after doing all the necessary formalities, took them in hand to show them where their quarters would be. And he took them to a small single room with a bed, a chair and a table and said this was for the clergyman. And the politican was a little worried about what might be in store for him. And he couldn't believe it then when St. Peter stopped in front of a beautiful mansion with lovely grounds, many servants and told him that these would be his quarters. And he couldn't help but ask, he said, "But wait, how—there's something wrong—how do I get this mansion while that good and holy man only gets a single room?"

And St. Peter said, "You have to understand how things are up here. We've got thousands and thousands of clergy. You're the first politician who ever made it." (Laughter). (Applause).

But I don't want to contribute to a sterotype. (Laughter).

So I tell you there are a great many God-fearing, dedicated, noble men and women in public life, present company included. And, yes, we need your help to keep us ever mindful of the ideas and the principles that brought us into the public arena in the first place. The basis of those ideas and principles is a commitment to freedom and personal liberty that, itself, is grounded in the much deeper realization that freedom prospers only where the blessings of God are avidly sought and humbly accepted.

The American experiment in democracy rests on this insight. Its discovery was the great triumph of our Founding Fathers, voiced by William Penn when he said: "If we will not be governed by God, we must be governed by tyrants." Explaining the inalienable rights of men, Jefferson said, "The God who gave us life, gave us liberty at the same time." And it was George Washington who said that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports."

And finally, that shrewdest of all observers of American democracy, Alexis de Tocqueville, put it eloquently after he had gone on a search for the secret of America's greatness and genius—and he said:

"Not until I went into the Churches of America and heard her pulpits aflame with righteousness did I understand the greatness and the genius of America. America is good. And if America ever ceases to be good, America will cease to be great." (Applause.)

Well, I am pleased to be here today with you who are keeping America great by keeping her good. Only through your work and prayers and those of millions of others can we hope to survive this perilous century and keep alive this experiment in liberty, this last, best hope of man.

I want you to know that this administration is motivated by a political philosophy that sees the greatness of America in you, her people, and in your families, churches, neighborhoods, communities—the institutions that foster and nourish values like concern for others and respect for the rule of law under God.

Now, I don't have to tell you that this puts us in opposition to, or at least out of step with, a prevailing attitude of many who have turned to a modern-day secularism, discarding the tried and time-tested values upon which our value civilization is based. No matter how well intentioned, their value system is radically different from that of most Americans. And while they proclaim that they are freeing us from superstitions of the past, they have taken upon themselves the job of superintending us by government rule and regulation. Sometimes their voices are louder than ours, but they are not yet a majority. (Applause.)

An example of that vocal superiority is evident in a controversy now going on in Washington. And since I'm involved, I've been waiting to hear from the parents of young America. How far are they willing to go in giving to Government their prerogatives as parents?

Let me state the case as briefly and simply as I can. An organization of citizens sincerely motivated and deeply concerned about the increase in illegitmate births and abortions involving girls well below the age of consent sometime ago established a nationwide network of clinics to offer help to these girls and hopefully alleviate this situation.

Now, again, let me say, I do not fault their intent. However, in their well-intentioned effort, these clinics have decided to provide advice and birth control drugs and devices to underage girls without the knowledge of their parents.

For some years now, the federal government has helped with funds to subsidize these clinics. In providing for this, the Congress decreed that every effort would be made to maximize parental participation. Nevertheless, the drugs and devices are prescribed without getting parental consent or giving notification after they've done so. Girls termed "sexually active"—and that has replaced the word "promiscuous"—are given this help in order to prevent illegitimate birth or abortion.

We have ordered clinics receiving federal funds to notify the parents such help has been given. (Applause.) One of the nation's leading newspapers has created the term "squeal rule" in editorializing against us for doing this and we're being criticized for violating the privacy of young people. A judge has recently granted an injunction against an enforcement of our rule.

I've watched TV panel shows discuss this issue, seen columnists pontificating on our error, but no one seems to mention morality as playing a part in the subject of sex. (Applause.)

Is all of Judeo-Christian tradition wrong? Are we to believe that something so sacred can be looked upon as a purely physical thing with no potential for emotional and psychological harm? And isn't it the parents' right to give counsel and advice to keep their children from making mistakes that may affect their entire lives? (Applause.)

Many of us in government would like to know what parents think about this intrusion in their family by government. We're going to fight in the courts. The right of parents and the rights of family take precedence over those of Washington-based bureaucrats and social engineers. (Applause).

But the fight against parental notification is really only one example of many attempts to water down traditional values and even abrogate the original terms of American democracy. Freedom prospers when religion is vibrant and the rule of law under God is acknowledged. (Applause). When our Founding Fathers passed the first amendment they sought to protect churches from government interference. They never intended to construct a wall of hostility between government and the concept of religious belief itself. (Applause).

The evidence of this permeates our history and our government. The Declaration of Independence mentions the Supreme Being no less than four times. "In God We Trust" is engraved on our coinage. The Supreme Court opens its proceedings with a religious invocation. And the Members of Congress open their sessions with a prayer. I just happen to believe the school children of the United States are entitled to the same privileges as Supreme Court Judges and Congressmen. (Applause). Last year, I sent the Congress a constitutional amendment to restore prayer to public schools. Already this session, there's growing bipartisan support for the amendment and I am calling on the Congress to act speedily to pass it and to let our children pray. (Applause).

Perhaps some of you read recently about the Lubbock school case where a judge actually ruled that it was unconstitutional for a school district to give equal treatment to religious and nonreligious students groups, even when the group meetings were being held during the students' own time. The first amendment never intended to require government to discriminate against religious speech. (Applause).

Senators Denton and Hatfield have proposed legislation in the Congress on the whole question of prohibiting discrimination against religious forms of student speech. Such legislation could go far to restore freedom of religious speech for public school students. And I hope the Congress considers these bills quickly. And with your help, I think it's possible we could also get the constitutional amendment through the Congress this year. (Applause).

More than a decade ago, a Supreme Court decision literally wiped off the books of 50 states statutes protecting the rights of unborn children. Abortion on demand now takes the lives of up to 1½ million unborn children a year. Human life legislation ending this tragedy will some day pass the Congress and you and I must never rest until it does. (Applause). Unless and until it can be proven that the unborn child in not a living entity, then its right to life, liberty and the pursuit of happiness must be protected. (Applause).

You may remember that when abortion on demand began many, and, indeed, I'm sure many of you warned that the practice would lead to a decline in respect for human life, that the philosophical premises used to justify abortion on demand would ultimately be used to justify other attacks on the sacredness of human life, infanticide or mercy killing. Tragically enough, those warnings proved all too true: only last year a court permitted the death by starvation of a handicapped infant.

I have directed the Health and Human Services Department to make clear to every health care facility in the United States that the Rehabilitation Act of 1973 protects all handicapped persons against discrimination based on handicaps, including infants. (Applause.) And we have taken the further step of requiring that each and every recipient of federal funds who provides health care services to infants must post and keep posted in a conspicuous place a notice stating that "discriminatory failure to feed and care for handicapped infants in this facility is prohibited by federal law." It also lists a 24-hour, toll-free number so that nurses and others may report violations in time to save the infant's life. (Applause.)

In addition, recent legislation introduced in the Congress by Representative Henry Hyde of Illinois not only increases restrictions on publicly-financed abortions, it also addresses this whole problem of infanticide. I urge the Congress to begin hearings and to adopt legislation that will protect the right of life to all children, including the disabled or handicapped.

Now, I'm sure that you must get discouraged at times, but you've done better than you know, perhaps. There is a great spiritual awakening in America—(applause)—a renewal of the traditional values that have been the bedrock of America's goodness and greatness. One recent survey by a Washington-based research council concluded that Americans were far more religious than the people of other nations; 95 percent of those surveyed expressed a belief in God and a huge majority believed the Ten Commandments had real meaning in their lives.

And another study has found that an overwhelming majority of Americans disapprove of adultery, teenage sex, pornography, abortion and hard drugs. And this same study showed a deep reverence for the importance of family ties and religious belief. (Applause.)

I think the items that we've discussed here today must be a key part of the nation's political agenda. For the first time the Congress is openly and seriously debating and dealing with the prayer and abortion issues—and that's enormous progress right there. I repeat: America is in the midst of a spiritual awakening and a moral renewal and with your biblical keynote. And with your biblical keynote, I say today, "Yes, let justice roll on like a river, righteousness like a never failing stream." (Applause.)

Now, obviously, much of this new political and social consensus that I have talked about is based on a positive view of American history, one that takes pride in our country's accomplishments and record. But we must never forget that no government schemes are going to perfect man. We know that living in this world means dealing with what philosophers would call the phenomenology of evil or, as theologians would put it, the doctrine of sin.

There is sin and evil in the world. And we are enjoined by scripture and the Lord Jesus to oppose it with all our might. Our nation, too, has a legacy of evil with which it must deal. The glory of this land has been its capacity for transcending the moral evils of our past. For example, the long struggle of minority citizens for equal rights once a source of disunity and civil war is now a point of pride for all Americans. We must never go back. There is no room for racism, anti-semitism or other forms of ethnic and racial hatred in this country. (Applause.) I know that you have been horrified, as have I, by the resurgence of some hate groups preaching bigotry and prejudice. Use the mighty voice of your pulpits and the powerful standing of your churches to denounce and isolate these hate groups in our midst. The commandment given us is clear and simple: "Thou shalt love thy neighbor as thyself." (Applause.)

But whatever sad episodes exist in our past, any objective observer must hold a positive view of American history, a history that has been the story of hopes fulfilled and dreams made into reality. Especially in this century, America has kept alight the torch of freedom, but not just for ourselves, but for millions of others around the world.

And this brings me to my final point today. During my first press conference as President, in answer to a direct question, I pointed out that, as good Marxists-Leninists, the Soviet leaders have openly and publicly declared that the only morality they recognize is that which will further their cause, which is world revolution. I think I should point out, I was only quoting Lenin, their guiding spirit who said in 1920 that they repudiate all morality that proceeds from supernatural ideas—that is their name for religion—or ideas that are outside class conceptions. Morality is entirely subordinate to the interests of class war. And everything is moral that is necessary for the annihilation of the old, exploiting social order and for uniting the proletariat.

Well, I think the refusal of many influential people to accept this elementary fact of Soviet doctrine illustrates an historical reluctance to see totalitarian powers for what they are. We saw this phenomenon in the 1930s. We see it too often today. This does not mean we should isolate ourselves and refuse to seek an understanding with them. I intend to do everything I can to persuade them of our peaceful intent, to remind them that it was the West that refused to use its nuclear monopoly in the '40's and '50's for territorial gain and which now proposes 50-percent cuts in strategic ballistic missiles and the elimination of an entire class of land-based intermediate-range nuclear missiles. (Applause.)

At the same time, however, they must be made to understand we will never compromise our principles and standards. We will never give away our freedom. We will never abandon our belief in God. (Applause.) And we will never stop searching for a genuine peace, but we can assure none of these things America stands for through the so-called nuclear freeze solutions proposed by some.

The truth is that a freeze now would be a very dangerous fraud, for that is merely the illusion of peace. The reality is that we must find peace through strength. (Applause.)

I would agree to a freeze if only we could freeze the Soviet's global desires. (Applause.) A freeze at current levels of weapons would remove any incentive for the Soviets to negotiate seriously in Geneva, and virtually end our chances to achieve the major arms reductions which we have proposed. Instead, they would achieve their objectives through the freeze. A freeze would reward the Soviet Union for its enormous and unparalleled military buildup. It would prevent the essential and long overdue modernization of United States and allied defenses and would leave our aging forces increasingly vulnerable. And an honest freeze would require extensive prior negotiations on the systems and numbers to be limited and on the measures to ensure effective verification and compliance. And the kind of a freeze that has been suggested would be virtually impossible to verify. Such a major effort would divert us completely from our current negotiations on achieving substantial reductions. (Applause.)

A number of years ago, I heard a young father, a very prominent young man in the entertainment world, addressing a tremendous gathering in California. It was during the time of the cold war and communism and our own way of life were very much on people's minds. And he was speaking to that subject. And suddenly, though, I heard him saying, "I love my little girls more than anything—" And I said to myself, "Oh, no, don't. You can't—don't say that." But I had underestimated him. He went on: "I would rather see my little girls die now, still believing in God, than have them grow up under communism and one day die no longer believing in God." (Applause.)

There were thousands of young people in that audience. They came to their feet with shouts of joy. They had instantly recognized the profound truth in what he had said, with regard to the physical and the soul and what was truly important.

Yes, let us pray for the salvation of all of those who live in that totalitarian darkness—pray they will discover the joy of knowing God. But until they do, let us be aware that while they preach the supremacy of the state, declare its omnipotence over individual man, and predict its eventual domination of all peoples on the Earth—they are the focus of evil in the modern world. It was C. S. Lewis who, in his unforgettable Screwtape letters, wrote: "The greatest evil is not done now in those sordid 'dens of crime' that Dickens loved to paint. It is not even done in concentration camps and labor camps. In those we see its final result. But it is conceived and ordered (moved, seconded, carried, and minuted) in clear, carpeted, warmed, and well-lighted offices, by quiet men with white collars and cut fingernails and smooth-shaven cheeks who do not need to raise their voice."

Because these "quiet men" do not "raise their voices," because they sometimes speak in soothing tones of brotherhood and peace, because, like other dictators before them, they're always making "their final territorial demand," some would have us accept them at their word and accommodate ourselves to their aggressive impulses. But, if history teaches anything, it teaches that simple-minded appeasement or wishful thinking about our adversaries is folly. It means the betrayal of our past, the squandering of our freedom.

So, I urge you to speak out against those who would place the United States in a position of military and moral inferiority. You know, I've always believed that old Screwtape reserved his best efforts for those of you in the church. So, in your discussions of the nuclear freeze proposals, I urge you to beware the temptation of pride—the temptation of blithely declaring yourselves above it all and label both sides equally at fault, to ignore the facts of history and the aggressive impulses of an evil empire, to simply call the arms race a giant misunderstanding and thereby remove yourself from the struggle between right and wrong and good and evil.

I ask you to resist the attempts of those who would have you withhold your support for our efforts, this administration's efforts, to keep America strong and free, while we negotiate real and verifiable reductions in the world's nuclear arsenals and one day, with God's help, their total elimination. (Applause.)

While America's military strength is important, let me add here that I have always maintained that the struggle now going on for the world will never be decided by bombs or rockets, by armies or military might. The real crisis we face today is a spiritual one; at root, it is a test of moral will and faith.

Whittaker Chambers, the man whose own religious conversion made him a witness to one of the terrible traumas of our time, the Hiss-Chambers case, wrote that the crisis of the Western World exists to the degree in which the West is indifferent to God, the degree to which it collaborates in communism's attempt to make man stand alone without God. And then he said, "For Marxism-Leninism is actually the second oldest faith first proclaimed in the Garden of Eden with the words of temptation, 'Ye shall be as gods.' "

"The Western world can answer this challenge," he wrote, "but only provided that its faith in God and the freedom he enjoins is as great as communism's faith in man."

I believe we shall rise to the challenge. I believe that communism is another sad, bizarre chapter in human history whose last pages even now are being written. I believe this because the source of our strength in the quest for human freedom is not material but spiritual. And because it knows no limitation, it must terrify and ultimately triumph over those who would enslave their fellow man. For in the words of Isaiah: "He giveth power to the faint; and to them that have no might He increased strength . . . But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary . . ." (Applause).

Yes, change your world. One of our Founding Fathers, Thomas Paine, said, "We have it within our power to begin the world over again." We can do it doing together what no one church could do by itself. God bless you and thank you very much. (Applause).●

POLICY ALTERNATIVES TO THE IMF BAILOUT

● Mr. HUMPHREY. Mr. President, Dr. Robert E. Weintraub, a senior economist for the Joint Economic Committee, has just published the first of a three-part study of U.S. bank lending to LDC's and Eastern bloc nations entitled "International Debt: Crisis and Challenge." In my estimation, this paper deserves the full attention of my colleagues and their staffs as Congress prepares to debate the request for an $8.5 billion bailout of the International Monetary Fund.

Dr. Weintraub systematically reviews the origins of the current debt crunch, the ability of the LDC's and the banks to honor their commitments, the nature of the doomsday scenarios involving the collapse of the international monetary system should widespread debt repudiation occur, and the likely impact of current administration proposals for dealing with the debt problem. In essence, Dr. Weintraub concludes that, first, a reviving world economy will improve the export position of troubled debtors and thus significantly reduce their balance-of-payments difficulties, and second, that the realities of international banking and our regulatory system do not support the theory of widespread bank failures should defaults occur.

The particular portion of this study to which I would like to direct the attention of my colleagues today, Mr. President, is the final chapter of Dr. Weintraub's study. In it, he critiques the current administration policy for defusing the debt bomb and finds it lacking in many respects. In particular, Dr. Weintraub finds that an increase in IMF and GAB resources is both unnecessary and possibly counterproductive to significant long-term economic reforms by troubled debtors. He then proceeds to elucidate an alternative set of policy recommendations involving the promotion of real, noninflationary economic growth in the industrialized nations and the LDC's, necessary adjustments on the part of bankers who made the bad loans in the first place, and the willingness of central banks and governments to

extend short term, bilateral bridge loans when necessary.

In the view of this Senator, Mr. President, Congress has been asked to squander over $8 billion in precious domestic resources on behalf of a hasty and ill-advised policy proposal. Dr. Weintraub has made an invaluable contribution to the debate by demonstrating that an IMF bailout is not only a questionable policy pursuit, but is in fact completely at odds with the economic objectives we should be pursuing in the interest of real worldwide recovery and growth.

I ask that the relevant portion of Dr. Weintraub's study be printed in the RECORD.

The material follows:

INTERNATIONAL DEBT: CRISIS AND CHALLENGE

(By Robert E. Weintraub)

IV. SOLUTIONS

In the second half of 1982, it became clear that some Eastern bloc nations and LDCs could not service their external debts and that the solvency of some of their creditors was threatened. For U.S. banks, the external debts and economic problems of Brazil and Mexico and, to a lesser extent, Argentina, Chile, and Venezuela are especially troublesome.

The U.S. solution

On December 21, 1982, Treasury Secretary Donald Regan told the House Banking Committee that "the U.S. strategy to deal with current strains on the international financial system contains five key elements." The first calls for "orderly, but effective domestic adjustment efforts by each country concerned." On February 14, 1983, Secretary Regan told the Senate Banking Committee that this "will entail multi-year efforts, usually involving measures to address some conbination of the following problems: rigid exchange rates; subsidies and protectionism; distorted prices; inefficient state enterprises; uncontrolled government expenditures and large fiscal deficits; excessive and inflationary monetary growth; and interest rate controls which discourage private savings and distort investment patterns."

In supportive testimony before the House Banking Committee on February 2, 1983, Federal Reserve Board Chairman Paul A. Volcker stressed the need for "determined action by major borrowing countries to change their economic policies . . . to cut down on very high rates of inflation and budget deficits, to establish realistic foreign exchange rates and domestic interest rates, to encourage greater economic efficiency, and, as a result, to aim for substantial reductions in external (trade and current account) deficits."

The second element of the U.S. strategy calls for "readiness to provide official financing." Secretary Regan identified the International Monetary Fund (IMF) as "the key institution for this purpose" stating that the Reagan administration favored "strengthening IMF resources. . . . by an increase from $67 billion to $99 billion (plus) an expansion of the IMF's General Agreements to Borrow, (GAB)" in an amount equal to $12 billion. All IMF members would be given access to GAB funds under certain circumstances. Chairman Volcker testified that the IMF plays "the key coordinating and substantive role." Only the IMF, he said, "can effectively combine the several ingredients necessary to encourage both sound adjustments and necessary financing. . . ."

The IMF has requested that the quota increases and the new GAB money be paid into the IMF by the end of 1983. The U.S. share would be $5.8 billion of the proposed quota increases and $2.6 billion of the proposed GAB expansion. The total U.S. cost would be $8.4 billion. The United States would provide $8.4 billion of assets that can be converted by the IMF quickly into purchasing power. When converted, the U.S. would receive an equivalent book-entry claim on the IMF which, however, could be used only for purchasing foreign currencies to support the dollar.

Third, the U.S. strategy calls for "continued commercial bank lending." Chairman Volcker called for "arrangements among the bank creditors to provide enought continuing credit to maintain continuity of payments and a financial environment in which orderly adjustment programs can be implemented."

The fourth element, as stated by Secretary Regan, calls for "governments and central banks in lending countries to act quickly to respond to debt emergencies when they occur." In support, Chairman Volcker stated that we must assure, "in specific instances, short-term 'bridging' credit by national monetary authorities, acting bilaterally or through the Bank for International Settlements . . . to meet minimum and immediate liquidity requirements while adjustment and borrowing programs are being arranged."

Finally, the U.S. strategy calls for "economic policies in the major industrialized countries that will produce economic growth," Chairman Volcker testified that this part of the program would establish "an environment of sustained recovery and expansion in the industrialized world," a "critically important" priority.

Evaluation

The First Element

No approach to the international debt crisis can succeed if it does not achieve substantial reductions in the trade and current account deficits of debtor nations. The question is how to achieve these reductions. Secretary Regan and Chairman Volcker have suggested a number of constructive possibilities. The keystone is that financially strained debtor nations "establish realistic foreign exchange rates" either by devaluation or floating. In time, this would increase the exports of debtor nations and decrease their imports, improving both trade and current account balances. It would also attract new foreign direct investment, making it easier to balance current account deficits. To validate the new exchange rates, it is important that debtor nations reduce governmental expenditures and moderate money growth permanently in order to prevent renewed downward pressure on exchange rates. Finally, Secretary Regan and Chairman Volcker correctly urge debtor nations to abandon subsidies, protectionism, interest rate controls, and the like. This element of the administration's strategy is easy to support, but the debtor nations, not the United States, must implement it.

The Second Element

The most controversial element of the U.S. strategy is the proposal to "provide (more) official financing" by increasing IMF quotas by $32 billion and increasing GAB by $12 billion by the end of 1983. There are a number of reasons for questioning the proposal. The IMF does not need additional resources. The money will not be raised quickly enough to help and, in fact, events have already occurred that will solve the present crisis without further official financing. Also, more IMF aid could be counterproductive. Finally, viewed as insurance, the cost appears greater than the benefits.

The IMF already has substantial unused financial resources and the power to create and raise additional billions of dollars. It has $8 billion immediately available in the form of on-hand lending resources. It also has a large free or unpledged gold stock, the power to create new Special Drawing Rights (SDRs), and certain borrowing powers. Some would argue, however, that apart from the $8 billion on hand, the IMF's existing financial resources are more apparent than real.

First, the IMF's Board of Governors must approve any sale of its gold or its pledge to member nations for use as collateral, allowing them to borrow on the open market with favorable terms. The board would also have to approve any new SDR issue and allocation. These are major policy decisions, and there is no ordinary authority or historical precedent for such actions. In both cases, therefore, approval could be difficult to obtain. If the United States opposed such solutions, as it has in the past, no approval would be given, since an 85 percent affirmative vote is required and the United States holds more than 15 percent of the votes.

Second, it must be recognized that newly created SDRs would not be assigned to the fund itself, but would be allocated directly to member nations by the existing formula. Thus, it would take a huge increase in SDRs to provide troubled Eastern bloc nations and LDCs even moderate amounts of new, hard currency. In addition, since a country can use its SDR allocation as it sees fit, the IMF could not impose conditions that would constrain a nation from pursuing inflationary policies.

Third, although the fund can now borrow from member or nonmember nations on a case-by-case basis—from Saudi Arabia, for example, or other nations with large liquid assets—and can do so by a routine vote of the Board of Governors, the sources of such borrowing are dwindling.

Although it would be difficult for the IMF to use its gold stock, create new SDRs, or obtain additional resources by borrowing, and although there are retrictions on how it can allocate newly created SDRs and limits on the leverage it would get from such allocations, the IMF does have substantial unused financial resources and the potential for creating more. It holds approximately 100 million ounces of gold worth $40 to $50 billion (at current prices), plus $8 billion in cash. It also has virtually unlimited power to create new SDRs and it has certain borrowing powers. The combination of these assets and powers provides a formidable package of "last resort" financial resources and powers.

Even if IMF had no unused resources, increasing IMF quotas and expanding GAB would not help and is not necessary. Events already have occurred that will defuse the current crisis before the new funds are scheduled to be paid into the IMF and GAB, which is not until the end of 1983. Debtor nations that could not service their debts in 1982 have taken steps to reduce their external deficits. Most important, exchange rates have been adjusted in many countries, including Mexico and Brazil. Creditors have eased the liquidity crunch, maturing loans

have been rescheduled and the IMF and commercial banks have granted additional loans. Finally, interest rates have fallen, and a strong economic recovery seems to be underway in the United States and other developed nations. New policies and economic trends will make it far easier for debtor nations to service their debts in 1983 than in 1982.

There is not need to increase IMF quotas or expand GAB now. In fact, it could be counterproductive to do so. Knowing that the IMF and GAB have acquired $44 billion in additional financial resources, debtor nations could avoid or renege on the "determined action" that must be pursured if they are to ever manage their external debts. Private lenders could be drawn into extending new credits with the little chance of repayment. The problem would be put off, not solved, and would grow over time.

Analysis of near-term capabilities, problems, and trends does not support the administration's call for "strengthening IMF resources." There remains the question of whether the insurance that the U.S. contribution would buy is worth the $8.4 billion cost. The benefits depend on the loss that is insured against, an unknown figure. My best estimate of the maximum loss (in current value) is $30 billion.

Although anything is possible, the worst-case scenarios that have been presented in response to the current debt crisis, involving the collapse of the U.S. banking system and the virtual cessation of international trade, are too unlikely to be worth insuring against. If they were real dangers, the case for "strengthening IMF resources" would be strong, but they are not. Nor is there a case for protecting against a redistribution of market shares in banking, even though that would involve some painful local adjustments. The $8.4 billion proposed U.S. contributions must be viewed as insurance against a partial reduction of exports and a resulting decrease in real GNP in the event of LDC defaults. Considering all the factors that would affect international finance and trade and U.S. exports as a result of major widespread defaults, it is estimated that U.S. real GNP would be decreased by no more than 1.5 percent, or $45 billion (in current value). The Council of Economic Advisers estimates that U.S. real GNP is likely to be decreased by 0.5 percent, or $15 billion, as LDCs reduce their imports under the administration's strategy. (Part of this reduction has already occurred.) Thus, the proposed $8.4 billion in U.S. contributions would insure against a maximum loss of real GNP of $30 billion. Ordinarily, the potential loss in purchasing insurance against an event with a significant change of occurring is a much greater multiple of the premium than is the case here.

The Third Element

Viewed alone, continued bank lending to debtor nations is not controversial. Banks will "provide enough continuing credit" if it is in their best interest to do so. The question is whether governmental policy should promote this action. There are indications that the U.S. government has encouraged bank lending to LDCs in the past, and the proposal to increase IMF quotas and expand GAB is designed in part to make it easier for banks to continue lending to developing nations, especially those that are financially strained. Doubtless banks would feel more secure lending to LDCs if their governments see the IMF as an elastic conduit for helping debtor nations. Under certain circumstances, however, continued lending could lead to a magnification of the same imprudent lending practices that helped create the present debt crisis. Governmental policy to promote bank lending to debtor nations is not desirable.

The Fourth Element

The fourth element of the U.S. strategy calls for "governments and central banks in lending countries to act quickly to respond to debt emergencies when they occur." Governments and central banks already have ample powers to do so, and the administration is not asking for anything new. This part of the strategy is not controversial.

The Fifth Element

The final element of the U.S. strategy calls for free world industrialized nations to expand their economies. No one can effectively argue against this, provided that policies adopted do not lead to another inflationary surge in the industrialized free world. If inflation is reaccelerated, recession will eventually follow. As stated by the IMF's Interim Committee of the Board of Governors in its February 10, 1983, Paris Communique, "successful handling of the inflation problem is a necessary—albeit not sufficient—condition for sustained growth." The communique "urged national authorities, in their efforts to promote sustained recovery, to avoid measures that might generate harmful expectations with regard to inflation." Unfortunately, it is not clear that inflationary measures will be avoided.

Summary

The U.S. strategy for solving the debt problem is debatable and risky. First, the proposed increases in IMF quotas and GAB are not necessary at this time. The legislative debate on the proposal to increase IMF quotas and expand GAB should be delayed until next year. Events are defusing the debt bomb, and it is wiser to discuss the proposal in a non-crisis atmosphere.

Second, although continued bank lending per se is not controversial, promoting such lending involves risks. Banks should be allowed to determine what is in their own best interests, with the understanding that they alone bear the risks. If it can be shown that the national interest is involved, national resources should be put at risk. No such interest has yet been demonstrated.

Third, although economic recovery and sustained growth is critically important, it is essential to avoid inflationary policies in pursuing recovery and growth. Specific policies for achieving recovery and sustaining growth without reaccelerating inflation have not yet been delineated. That deficiency should be corrected promptly.

Asset-exchange proposals

There is considerable sentiment for making banks "pay" for congressional approval of increased IMF quotas and expanded GAB and then giving the payment to debtor nations so they can live with their debts more easily. One plan would require banks to discount foreign loans in exchange for securities issued by a U.S. government or international agency. The buying agency would reschedule the loans on terms more favorable to debtor nations. For example, banks might be required to discount their foreign loans to the Federal Reserve at prices well below par, and the Federal Reserve would reschedule them at interest rates well below market rates and with stretched-out repayments.

There are at least four problems with this approach. First, the external debt problems of Eastern bloc nations and LDCs are country specific, so it makes no sense to treat the loans as equally risky. Some foreign loans, even to non-OPEC developing countries, are in little danger of default or being repudiated. Thus, under the asset-exchange proposal, the purchasing agency (e.g., the Federal Reserve) would have to decide which loans banks were required to discount. Given such power, the agency would be in a position to discriminate among countries and banks. It would be unwise to give such discretion to any agency, national or international.

Second, it should be remembered that medium- and long-term loans made by U.S. banks constitute only about 20 percent of the total medium- and long-term indebtedness of non-OPEC developing countries. It would be neither fair nor sensible to force U.S. banks to discount their loans to these countries if other creditors remained unaffected. Further, there is not way that the United States could require creditors (other than U.S. government agencies) to discount their loans to these countries.

Third, if banks are forced to discount loans which they have made to specific countries to the Federal Reserve or some other national or international agency, they would be unlikely to issue new loans to these countries. Thus, asset-exchange plans would make it more difficult to give financially strained countries "enough continuing credit to maintain continuity of payments and a financial environment in which orderly adjustment programs can be implemented." In short, rather then helping debtor nations, compulsory asset-exchange plans could force them into default.

Fourth, asset-exchanges at discounts would necessitate reducing the capital of participating banks simultaneously by amounts equal to the discounts from par at which the loans are sold to the Federal Reserve or other agency. At the same time, the gain realized by debtor nations in reduced debt-service payments from loan reschedulings would extend only over a period of years. For these schemes to significantly help financially strained debtor countries, they would have to create serious capital problems for some banks.

Some proposals urge that voluntary asset-exchanges be negotiated between debtor nations and their U.S. banks, perhaps with assistance of the Federal Reserve or some other U.S. agency. Debtors would offer their banks new loan agreements in exchange for existing ones. For example, new agreements might give the banks claims on debtors' exports in return for lower interest rates and stretched-out repayment schedules. There is no reason why banks and debtors should not negotiate such exchanges, but there also is no reason why public policy should encourage such negotiations.

The challenge: Avoiding doing more harm than good

The current debt crisis can be resolved, but the policies adopted to solve it could cause more long-term harm than near-term good. Such policies must be avoided in designing a package of remedies.

Elements of the Solution

1. Resumption of economic growth by the United States and other developed countries. The present debt crisis is unlikely to be ameliorated until the economies of the United States and other developed countries recover substantially the production and consumption lost in the 1981 to 1982 recession and provide evidence of sustaining growth. Developing nations must have growing markets for their exports.

Developed countries must be careful, however, to prevent new inflationary surges from accompanying or closely following their recoveries and the corollary growth of developing nations' exports. The inflationary surges in the United States and other industrialized countries from the late 1970s to 1981 generated an economic environment in which developing nations flourished but in which the seeds of the debt crisis were sown. Developing nations' output and exports increased, but so did their indebtedness. Ultimately, inflation in the United States and other industrialized countries produced high interest rates and set the stage for the 1981 to 1982 recession. These events were important causes of the present international debt crisis.

New inflationary surges in developed countries must be avoided if we are to assure both sustained growth and a permanent resolution of the international debt crisis. Specifically, achieving real economic growth without inflation requires constraining but not contracting monetary growth, especially in the United States. One does not have to be a monetarist to understand Chairman Volcker's statement before the Joint Economic Committee, (Federal Reserve Bulletin, February 1980) that "the inflationary process is ultimately related to excessive growth in money and credit. This relationship is a complex one, and there are many facets of it that are sensitive to nonmonetary economic variables. But, in spite of all the nuances, it is clear that inflation cannot persist over the long run in the absence of excessive monetary growth."

Based on the history of the post-World War II period, 0–2 percent per year M1 growth is large enough over the long term to sustain normal real growth, but not so large as to produce inflation. Currently, M1 growth is well above 2 percent a year. Quickly reducing growth to the 0–2 percent range would abort the present recovery of the U.S. economy. However, there is no need to increase money growth at this time; it is fast enough and recovery is underway. The policy should be to steadily reduce M1 growth to the 0–2 percent range over four or five years and keep it there.

2. Improvements in the trade and current account balances of debtor nations. Debtor nations must take "determined action" to increase their exports and the investment of foreigners in their plant and equipment, decrease their imports, and constrain their consumption. Most important, debtor nations must allow their exchange rates to float downward or devalue them realistically, as Mexico and Brazil have recently done, and enforce the new rates by reducing their fiscal deficits and moderating money growth.

Downward exchange rate adjustments will increase the exports of debtor nations and decrease their imports, thereby improving both their trade and current account balances. In addition, debtor nations that allow their exchange rates to adjust downward will become, relatively speaking, low-cost producers. In time, this will attract investment capital, making it easier for debtor nations to finance current account deficits and, over a period of years, spurring their GNP growth rates. Low domestic tax rates on saving and investment income, removal of all capital controls, and noninflationary money supply growth would also encourage investment and growth and improve their external accounts. It is a mistake to view so-called austerity programs as recessionary or anti-growth. They are, rather, pro-saving, pro-investment and pro-growth.

Finally, the United States and other developed countries should do nothing to impede debtor nations in their pursuit of increased exports and investment. This means that the United States and other free world developed countries must avoid protectionist measures, equalization taxes, and capital controls.

3. Willingness of bank creditors to reschedule maturing loans and extend additional credits. Debtor nations need time to implement realistic adjustment programs. Their bankers must be willing to give it to them, and where prudent, to provide new credits. However, banks cannot and should not be pushed or tempted to reschedule and extend new credits. They must do it on their own initiative, in meeting their own needs, and at their own risks. It will be in their best interests, if debtor nations in danger of defaulting take "determined action" to improve their trade and current account balances.

4. Willingness of governments, central banks, and the BIS to provide short-term credits in debt emergencies while loan reschedulings are being negotiated. Providing short-term credits is a proper crisis role for governments, central banks, and international agencies, since loan reschedulings necessarily take time to negotiate.

These four elements comprise a solution package that will defuse the present international debt crisis without doing more harm than good. The challenge is to limit our initiatives to this package. As is often the case in economics, activist policies to solve crises are unnecessary and could be counterproductive.

Postscript

Although the case is not persuasive, there is considerable sentiment in favor of increasing IMF quotas and expanding GAB now. In the event that those who favor this policy are able to work their will in Congress, it would be wise, to the expansion of IMF and GAB resources to decreasing members' borrowing powers. Currently, members can borrow 4.5 to 8 times their IMF quotas. These multipliers should be cut drastically.

Epilogue

This study has dealt only with the present international debt crisis and challenge. Future studies will explore longer term problems and questions, such as the interest rate and production effects of international lending, the optimal regulatory restraints on international lending, the optimal regulatory restraints on international lending, the appropriate long-term roles and structure of the IMF, and the progress that has been made in defusing the present international debt crisis.●

JOAN BENOIT WINS 87TH BOSTON MARATHON

● Mr. MITCHELL. Mr. President, this week Joan Benoit, a Maine native, won the 87th Boston Marathon, setting a world record for the distance of 2 hours, 22 minutes and 42 seconds. We are immensely proud of her victory. Her achievement is much more than one of statistics. It represents a measure of commitment that exemplifies the quest for excellence, no matter what the endeavor. Only Joan Benoit knows the effort, dedication and sacrifice necessary to attain her unique accomplishment in the field of athletic competition. The thousands of miles and training, the search for mental toughness, the frustration and pain of injury were all manifest in a grueling footrace against thousands of competitors, 26 miles, 385 yards, some 50,000 strides, each more difficult than the last, to test the limits of human endurance.

It is a feat which earns our respect as much for what it represents in terms of the human spirit, as for the victory itself.

While visiting her family in Cape Elizabeth, Joan could often be seen running the countless miles in training, a reminder that the rewards of victory demand so much more than just talent.

A graduate of Bowdoin College, Joan Benoit has given prestige and honor to the State of Maine. We take pride in her victory and wish her godspeed in the years ahead.●

THE WARSAW GHETTO UPRISING

● Mr. D'AMATO. Mr. President, today we recall the heroic resistance of Mordecai Anielewicz and members of the Jewish Fighter Organization who were responsible for the Warsaw Ghetto Uprising.

The movement of the Nazi war machine across the border of Poland on September 1, 1939, signaled the beginning of the Second World War. A force of more than 1 million German soldiers marched through the country toward Warsaw. This huge army, supported by more than 6,000 aircraft, reached Warsaw from the west within a matter of weeks. Meanwhile, the Red Army of the Soviet Union penetrated Poland from the east. Despite considerable resistance, the combined Russo-German forces dominated the entire nation by early October.

Shortly thereafter, the Nazis adopted a law which made all Jews subject to forced labor. In addition, the SS and Gestapo forced the nearly 330,000 Jews living in Warsaw into "educational" camps.

Members of the Jewish community were subjected to increasingly repressive laws. Their property and possessions were expropriated. In order to identify them more readily, the Gestapo required that every Jew 12 years or older wear a Star of David on his clothing. The Jews became the subject of official harassment.

During October 1940, the Nazi Governor of Warsaw announced the establishment of the ghetto. By November, the Nazis had forced more than 450,000 Jews into the ghetto, which was separated from the rest of the city by a 10-foot-high wall and barbed wire. In the process, the Jews were required to leave all possessions behind in homes which they would never return.

Within the ghetto, food became increasingly scarce. Starvation was widespread. It is estimated that more than half of the Jewish population died of starvation, while those who remained went hungry. Disease began to spread throughout the ghetto. The streets were cluttered with the bodies of those who had succumbed.

Not satisfied with the systematic segregation and starvation of the Jews, the Nazis decided to employ a different policy, one which would bring about a "Final Solution."

Beginning during the summer of 1942, the German Deportation Board was placed in charge of the deportation of thousands of Jews from the Warsaw Ghetto to the concentration camps. Those who resisted this effort were eliminated on the spot. The Jews of the Warsaw Ghetto were herded, like cattle, into rail cars—as many as 100 to a car.

Led by Mordecai Anielewicz, thousands of Jews organized to resist the frenzied Nazis. At 2:15 a.m. on April 19, 1943, SS troopers attacked the residents of the Warsaw Ghetto. The Jewish fighters were successful in maintaining their position for a week. Their desire for freedom spurred the Jews to continue to fight despite the crushing strength of the German forces. These brave men, women and children persevered for nearly a month.

Finally, on May 16, the Nazis began their last assault. In the aftermath, 56,000 Jews were captured or killed. Only eight buildings remained standing in an area which covered a hundred city blocks.

Mr. President, as Americans, we enjoy the freedom which our forefathers struggled so hard to obtain. It is our duty to speak out on behalf of those who continue to be deprived of even the most basic of human rights. The bravery displayed by the participants in the Warsaw ghetto Uprising should serve as an inspiration to us all.●

ENVIRONMENTAL PROTECTION AGENCY LACKS FUNDS TO ENFORCE LAWS

● Mr. LEAHY. Mr. President, the Environmental Protection Agency (EPA) cannot enforce the Nation's environmental laws under the present administration budget.

The study, which I am placing in the CONGRESSIONAL RECORD, shows that EPA is 1,000 employees short of the Agency complement necessary to enforce the environmental laws, and that other vital activities are left unfunded.

The study uses EPA's own documents to show that the Agency cannot begin to enforce the environmental protection laws in the 10 Federal regional offices throughout the country. It is clear that irremedial damage to the environment will result from this lack of adequate EPA monitoring personnel.

Previous studies, which I have issued, pointed out: First, agency mismanagement; second, attempts by the administration to repeal the Nation's environmental laws by underfunding the EPA budget; and third, complaints by the States that cutbacks in EPA funds would severely handicap local efforts to protect the health and safety of Americans.

A supplemental appropriation of $48 million for the regional offices alone is essential to bring EPA up to the strength it requires to adequately enforce the law. I urge newly designated EPA Administrator William Ruckelshaus to request a supplemental appropriation to meet this need.

I ask that this study on the EPA's workload analysis, and a statement on a report by the Congressional Budget Office, be placed in the CONGRESSIONAL RECORD.

The material follows:

SUMMARY

The Administration budget strips the Environmental Protection Agency of the manpower it requires to enforce the nation's environmental laws and fails to fund critical environmental activities necessary to protect the health and safety of Americans.

The 46% cut in the EPA operating budget (compared to the last Carter budget) leaves the agency 1,000 employees short of performing its duties in the 10 federal regions throughout the United States.

The EPA's own data shows that the agency cannot enforce our environmental laws, and provides examples of critical environmental activities that are left unfunded.

It will take an additional $48 million just to provide for the manpower necessary for EPA to do its job.

EPA's own documents analyzing the sufficieny of resources to establish water pollution controls state:

"Actual resources available to the regions . . . are far less than necessary even to meet the major needs of the program . . . For example: the workload for issuance of permits (the highest priority of this program element) not only excludes all minor permits, but includes only a portion of the majors that should be issued during FY '84."

The same documents show that, because of lack of staff, EPA does not "routinely conduct compliance visits to all (drinking water) systems with (public health standard) violations."

In the air pollution program, the regions do not have enough resources to monitor air pollution violations by major sources in areas which violate clean air standards, even though this enforcement is required by federal law.

In the ocean pollution program, the documents warn that, because the Administration's new policy permits dumping of hazardous wastes at sea, if a "substantial increase in resources" is not granted, there will be "unreasonable degradation of the marine environment."

The Administration is proposing major changes in environmental policy which require increased resources, but it is providing less. It must be aware of strong public support for environmental protection, so it is attempting backdoor repeal of our environmental protection, so it is attempting backdoor repeal of our environmental laws through budget cuts. The results are the same, more pollution.

The new EPA Administrator must clearly state in his confirmation proceeding that the course at EPA will be changed. There must be a special supplemental EPA budget this year.

(End of Summary)

Can the Reagan Administration cut the operating budget of the Environmental Protection Agency by 46% in three years and still continue to effectively enforce our environmental laws? As a member of the subcommittee of the Senate Appropriations Committee responsible for the budget of the Environmental Protection, Agency, I have sought the answer to this question since 1981, when the Reagan Administration began its program of large cuts in the EPA budget. In contrast to the Department of Defense budget, where the President has argued massive spending increases are necessary, the Environmental Protection Agency has been asked to do more, or at least as much, with much less.

The Reagan Administration has contended that this is possible through increased efficiency, by delegating responsibilities to the states and because unnecessary tasks are no longer being done. In three reports issued last year, I addressed each of these issues. The first report showed that, while Administrator Burford was telling Congress she could do more with less, she was telling the Office of Management and Budget a different story. That story was that cuts in pollution control budgets meant cuts in pollution control.

The second study showed that, far from making the Agency more efficient, the Agency had been severely mismanaged. The enforcement division, for example, had been reorganized once every 11 weeks during the first year of the new Administration.

The third study reported the reaction of state officials to the claim that more could be done with less. Its results were summarized succinctly by a Utah environmental protection official.

"If resources are cut then programs will have to be cut. We are all making a mistake if we deceive ourselves into believing otherwise."

But attempting to develop a positive alternative for the Administration's anti-environmental budget has been very difficult. This has been the case because it was very difficult to develop detailed information about where the resources were needed but not provided.

This study contains the first of such information. It shows that the regional Environmental Protection Agency offices are about a thousand employees short of what they believe they need to enforce the environmental laws. The failure to adequately staff the regional offices is critical because it is in the regions that environmental law enforcement fails or succeeds. The critical policy decisions made in Washington mean little if they are not implemented in the regions.

In order to develop the critical information necessary to understand what the large cuts in the Environmental Protection Agency's budget mean, I asked my staff to compare the workload analyses prepared to determine the level of resources each of the ten regional offices will receive each year. Each of the regional offices administers about twenty programs. Examples of the programs are "air quality management,"

"water quality enforcement," "hazardous waste enforcement," and "ocean disposal."

For each of these twenty programs, extensive studies are done to decide what portion of the funds that the Administration requests or the Congress appropriates each region will receive. In the course of this analysis, a calculation of the "absolute needs" to enforce that program is made. The "absolute need" assessment is the resources that the region would need to do its job fully if budget ceilings were not a constraint. The work load analysis of the air quality management and monitoring programs describes how the level of needs is established.

The comprehensive listing of the activities was developed through (1) review of the principal requirements of the Clean Air Act, Agency regulations and policies, regulation development plans and schedules, FY 82 workload model, and other pertinent documentation; (2) consultation with OANR management and program staff; and (3) discussions with selected Regional air management and monitoring staff. The pricing factors were similarly developed considering both the factors used in previous models and changes in procedures or operations which have or are expected to occur and influence pricing. Examples include current efforts to streamline the State Implementation Plan (SIP) review and approval process in the A230 model producing smaller pricing factors for a number of SIP actions compared to the FY 82 model. The use of historical pricing information which has evolved over time representing major consensus among both OANR and Regional Office programs and staff was a key consideration in developing the pricing factors for the current models.

It is the gap between the absolute needs and the actual number of employees allocated that provides a solid indication of the failure of the Reagan Administration to adequately fund environmental protection.

The following two charts for fiscal years 1983 and 1984 show, program by program, the gap between what is needed and what has been budgeted.

These charts show that the regions in 1983 believed they needed about 1060 more employees or work years than they were funded. In 1984, they needed about 1040 more employees than they received. This translates into an annual funding need of about $48 million above the Reagan Administration budget. This included a shortfall of about 200 employees in the hazardous waste management program in 1984 and a 365 shortfall in 1983. This large gap in need versus resources existed in spite of the fact that relatively new programs, such as hazardous emergency response and prevention, did not prepare absolute needs surveys at all.

1983 NEEDS ASSESSMENT

	1982	Need	Actual 1983	Difference need 1983
A230 Air quality management	298.8	462.0	266.8	195.2
A235 Ambient air quality monitoring	89	123.6	87.8	35.8
A306 Stationery source enforcement	418.2	252.7	252.7	.....
B207 Dredge and fill	.....	64.3	49.3	15
B209 Standards and regulations	.....	66.7	34.6	32.1
B212 Environment emergency response	.....	72	72	.....
B224 Water quality monitoring and analysis	151.4	292.5	132.20	160.3
B230/B231 Construction grants	.....	536.1	487.8	48.3
B235 Ocean disposal	13.1	19.5	13.1	6.4
B304 Water quality enforcement	491	.....	334	.....

1983 NEEDS ASSESSMENT—Continued

	1982	Need	Actual 1983	Difference need 1983
B307 Permit issuance	210.2	.....	168.2	.....
C215 Public water supply management	178.5	282.5	142.5	140
C220 Underground injection control	.....	181.7	130.8	50.9
C306 Drinking water enforcement	22	.....	19	.....
D210/D311 Hazardous waste management	.....	735.2	369.3	365.9
D307 Hazardous waste enforcement	91.5	51.4	51.4	.....
E306 Pesticide enforcement	106.2	.....	87.9	.....
H210 EIS review	.....	57.9	48	9.9
H230 Accelerated development and permitting	54.8	.....	49.3	.....
H373 Enforcement policy and operations	.....	112.9	.....	.....
L306 Toxic substances enforcement	68.3	.....	54.3	.....
B348 General-regional counsel	85	.....	68	.....
Y905 Hazardous emergency response and prevention	170	198.5	198.5	.....
Total	.....	3,509.5	.....	1,059.8

	1983	Need	Actual 1984	Difference need 1984
Y307 Hazardous waste enforcement	75.4	.....	75.4	.....
Y905 Hazardous spill and site response	216.5	.....	219.1	.....
Y309 Hazardous waste response enforcement	49.2	.....	51.4	.....
AJAH3A Enforcement policy and operations	88.9	.....	101.9	.....
Hazardous substances—legal services	14	.....	10	.....
A2XTRA Regional counsel	70	.....	78	.....
Total	.....	3,089.5	.....	1,040.2

OVER ESTIMATE

The point can be made the regional administrators will always over-estimate the amount of staff they will need. It is also true that they have never received all the staff they have wanted. However, even accepting the validity of these points, it is clear that the 1,000-person shortfall estimate is conservative for two reasons.

First, only 60 percent of the regional programs prepared absolute need surveys. The other 40 percent only used models to determine which region received what level of staffing. Thus, if all the regional programs prepared absolute need surveys, and the ratio of need to actual resources for these programs is the same as groups which did prepare absolute need surveys, the shortfall would be about 1,600 employees.

Second, regional employees are only 17 percent of the Environmental Protection Agency's total employees. Thus, if the need gap in the Agency as a whole is the same as in the regions, the Environmental Protection Agency would need over 5,000 additional employees. This would mean increasing EPA's budget by one-fourth. There is strong evidence that this is the case. For example, Edward Kurent, formerly associate enforcement counsel, recently warned that "the resource shortfall had reached crisis proportions." He noted that, while the workload of the Agency was increasing, the number of lawyers had been cut by one-third. Robert Perry, formerly General Counsel at EPA, also warned in a memo to Rita Lavelle that "given our existing load of resources, (we) simply cannot provide all of the legal services which are necessary to support your stated goals" (for the Superfund program).

But even more important evidence of the critical nature of the resource shortfall at the Environmental Protection Agency is the text which accompanies the figures in these resource allocations.

In this text, the regions explain what is not being done as a result of these cuts. This text establishes that it is routine environmental law enforcement efforts that are not being funded, not gold-plating that is being stripped.

DRINKING WATER

The text describing the regional drinking water programs is particularly descriptive of the impact of lack of resources. This text includes a ranking of priorities within the drinking water-public water supply program from priority one through six. In 1983, one hundred percent of priority one items was funded, and only 38% of priority two items. In 1984, only 95% of priority one items was funded and priorities two through six were not funded at all.

For example, in 1983, among the activities not funded were the following:

"1. Routinely conduct compliance visits to all systems with MCL violations; assure that all other systems with MCL violations or which frequently fail to monitor give public notice."

"2. Assure that all violators give public notice; provide laboratory support to systems, particularly for THMs, synthetic organics and/or corrosivity characteristics; implement a training program for water systems owners and operators."

The failure to conduct these activities is very disturbing because "MCLs" refer to the "maximum contaminant levels" of pollutants permitted in drinking water supplies. MCLs are established because, above these levels, there are unacceptable public health risks. The list of contaminants includes heavy metals, pesticides, and bacteria which have been determined to be a public health risk since 1962.

The failure to routinely assure compliance of violators of such drinking water health standards is obviously unacceptable.

The descriptive text also indicates that, because of lack of manpower, the Environmental Protection Agency cannot "assure that all violators give public notice" of their violations. This public notice is required by Section 300(b)(3) of 42 USC 300(g)-3(c). The public notice requirement is an integral part of the Safe Drinking Water Act's enforcement system.

Another indication of the extent of gap between resources and needs can be found in the text accompanying the 1984 Ground Water Protection Workload analysis.

In 1984, "serious" violations are followed up with a phone call, letter, or an on-site visit, but the region will not have the resources to "follow up on all other violations with a phone call, letter or on-site visit." The Agency also does not have the resources to "assure that operators correct conditions which could result in a violation—i.e., find and correct potential violations before they occur."

Any minimally acceptable public health program would fund these activities.

Finally, the Reagan Administration has clearly stated that the hazardous waste and Superfund programs are its highest priority. Since this is the case, it is difficult to understand why the regions have only 74 percent of the funds they need to "Work with the Superfund, NEPA, Hazardous Site and RCRA Programs on incorporating groundwater protection criteria into permit and program reviews."

Without such an integration, a basic purpose of both the hazardous waste and Su-

perfund laws, protection of drinking water supplies, may not be achieved.

The level of available resources declined from 1983 to 1984 and even more priority activities were not funded. As mentioned earlier, in 1984 only 95 percent of priority one activities was funded. Obviously, significant activities in categories two through six were not. For example, the following is the description of a level two priority activity not funded in 1984:

"Track compliance with the microbiological monitoring requirements at the systems serving the largest numbers of people and other priority criteria, i.e., hospitals, schools and food serving establishments; follow-up on violations detected."

Thus, in 1984, even priority activities protecting priority populations are not being funded.

WATER PROGRAM

The background materials for the water quality program contain similar disturbing information about the impact of these cuts.

The text accompanying the workload analysis in the water pollution permitting program bluntly describes what the lack of resources means.

"The FY84 workload model for the Permit Issuance Program Element recognizes that actual resources available to the Regions for implementing activities within this Program Element are far less than necessary even to meet the major needs of the program . . . For example; the workload for issuance of permits (the highest priority of this Program Element) not only excludes all minor permits but includes only a portion of the majors that should be issued during FY84."

These permits are critical because permits are the basis for the entire enforcement effort and the Agency has stated privately that a huge backlog exists that will only get worse if resources are not increased.

"The backlog at the end of FY 1983 will be about 9,200 permits including 1,200 major permits. This does not include a backlog of new source permits which will also have to be issued."

That document concluded: "An increase in the FY 1984 budget needs to be proposed to Congress before Appropriations Committee action (May–June) to be considered with the rest of the Agency budget."

Beyond the broad assessment that the present funding levels do not give the regional water programs the funds they need to even meet the "major needs" in water pollution control, the text material also contains important and disturbing information about the type of activities that are not now being conducted under the present budget.

This information was developed by the regions in response to a question posed as part of the workload analysis exercise. The question was: "Accomplishment If Ideal Level of (Employees) Were Available?"

For example, Region IV revealed that if it had more staffing it would undertake "Minimal evaluation of contractor lab QA (Quality Assurance)."

In other words, Environmental Protection Agency's regional offices do not even do minimal evaluations of the reliability of the laboratory work done by contractors upon which they rely.

Region VI said that, if it had additional resources, it would undertake "Surveillance of organics in the Lower Mississippi River between Baton Rouge and New Orleans." It is very disturbing that this is not already being done. Louisiana has one of the nation's largest concentrations of petrochemical plants. There are over 100 toxic organic chemicals which are required to be controlled by federal law.

Another issue that appears repeatedly is that the lack of adequate resources will preclude the development of scientifically valid information.

For example, Administrator Burford launched a new planning process requiring the development of Environmental Management Reports (EMRs) in each region. The purpose of these EMRs was to develop a series of priority environmental threats in each region. Although these reports have absorbed a large amount of time, they probably do not have a scientifically sound basis. As Region III warned: "If the Administration wants EMR's based on sound data they must support that activity with resources."

Region VII issued a similar warning:

"Biological data are not computer automated and are, therefore, not available to the Regions in a practical sense. Additional resources would permit use of biological data in a scientifically valid manner."

The failure of the region to perform even priority tasks because of lack of resources is especially clear in the Region IX back-up materials.

For example, under existing law, advanced wastewater treatment facilities are required to be installed if, even after building more traditional sewage treatment facilities, the water is still excessively polluted. Region IX indicates that under existing levels of funding it cannot "conduct reviews of priority cases." And with regard to water quality standards it does not have the funds to "review standards to fully meet program demands and make revisions where necessary in priority water bodies."

In both of these cases, only "highest priority" activities are being undertaken.

AIR PROGRAM

Just as in the water and drinking water programs, the text describing the effects of the failure to provide adequate resources in the air program shows that critical programs are not being funded.

For example, priority II of the Air Quality Management program only receives 45 percent of the funding needed in 1983. The activites no adequately funded are described as follows: "Priority II was principally assigned to the provision of technical support to selected litigation and to States on special topics such as regulatory reform, major sulfur dioxide point sources, and inhalable particulate data bases."

The cuts in inhalable particle funds are critical because the Administration is proposing a major shift in the regulation of particles. In the past, a "Total Suspended Particulates" (TSP) standard was used. This TSP standard measured "large particles." The new standard being proposed would regulate "inhalable particles" (IHP). Unfortunately, almost all existing ambient particle data is for the larger particles. Thus, if this inhalable particle data base is not developed and the new standard is adopted, the system will go blind for several years. No enforcement will be possible because an adequate data base for the small particles does not exist.

As part of this analysis, the air program was also asked what it would do if its resources were increased by 10 percent. The study shows that, if these increases were granted, "Our inventory of sources would be expanded to include all sources in non-attainment areas with an emission potential of 100 tons per year of any pollutant without controls."

Two points must be made about this statement. First, the sources now not being covered are in non-attainment areas. These are areas with dirty air. Second, even if this 10 percent had been granted and these large polluters in non-attainment areas were subject to enforcement, the Agency would still not be obeying the law. Section 113 of the Clean Air Act requires that the Agency take action against polluters of 100 tons per year in both non-attainment and attainment areas.

Under current policy, only facilities emitting more than 250 million tons are effectively subject to regular enforcement activities.

In sum, as in other programs, the failure to provide needed staff will mean that essential activities will not take place.

COMMON PROBLEMS

One of the most disturbing common threads appearing in the texts relates to the failure of the Administration to provide increases in funds where its own policy choices require them.

For instance, current water pollution law is based on a point source rather than a pollution absorption theory. Under a point source approach, a polluter is required to clean up his effluent even though, were it dispersed in the receiving water body, the level of pollution would not be dangerous. The alternate approach is called a pollution absorption or water quality approach. Under this approach, polluters are only required to clean up their pollution to the extent necessary to reach some level of water quality.

This pollution absorption approach was rejected by the 1972 Water Pollution Control Act because it had not worked. It is immensely difficult to even measure water quality in a river or an estuary. It is just as hard to determine which polluter is responsible for what pollution. Enforcement is also difficult because it requires the wisdom of Solomon to decide which polluter should be required to reduce his pollutants by a certain amount to reach certain levels of water quality.

In contrast, a point source approach applies a single set of requirements on each major type of pollution. The levels of the effluents are relatively easy to measure and enforce.

But is it just the pollution absorption approach that the Reagan Administration has adopted. The cost of such a method is enormous. As EPA explained, a very large amount of work must be done. In 1981 EPA described the work as follows:

There are no low-cost practical screening techniques to scan large numbers of samples for the presence or absence of toxic pollutants in toxic amounts.

Existing reference methods for toxic metals are not sufficiently sensitive.

(There is an) inability to measure effluent discharge flow at the necessary level of precision to calculate receiving water impacts (and, therefore, waste treatment requirements to protect water quality).

Existing models are inadequate for making wasteload allocations of the priority toxic pollutants.

There are essentially no data available for assigning values to proposed incremental improvements in water quality, as would be essential in determining the highest level of water quality worthy of pursuit in a given stream reach.

Yet, in spite of these facts, the regions again and again warn that they are not col-

lecting needed water quality data. As the regions warned:

"If the Administration wants (water quality assessments) based on sound data, they must support that activity with resources.

"Biological data are not computer automated and are, therefore, not available to the Regions in a practical sense. Additional resources would permit use of biological data in a scientifically valid manner."

Another major example involves the ocean dumping of hazardous wastes. Here again, the test speaks for itself.

"A 10 percent increase in employees would aid in the implementation of an increased workload which is anticipated as a result of new Agency policy, that the oceans can be part of an integrated waste management plan, increased activities for Incineration-At-Sea Permits, new site designations and RICRA (sic) regulation. These activities represent a major and significant change from the historical Agency position relative to ocean disposal. Previous policy was to phase out ocean dumping activities. With the increased emphasis on oceans as an alternative site for waste disposal the Agency must be able to match wastes with ocean disposal sites so that unreasonable degradation of the marine environment will not take place. This will require substantial increases in resources for processing permits, public hearings/meeting monitoring and analysis of waste disposal sites and waste characterization studies."

A similar problem exists with the air pollution control program. The text describing the air quality management program notes that only 45 percent of the needed funds were provided for such "special topics as regulatory reform, (and) major sulfur dioxide point source . . ."

The reference to "special topics" involving "regulatory reform, major sulfur dioxide point sources" illustrates this contradiction in the Reagan Administration's environmental policies. The Reagan Administration has promoted the use of such regulatory flexibility measures as "bubbles" for major point sources. At the same time it has cut the air enforcement budget drastically. Unfortunately, measures such as "bubbles" require more staff, not less. The failure of this policy is clear from recent bubble proposals in which EPA made major errors in calculation of releases. Under bubble proposals, polluters are given credit for reducing pollution. These pollution credits can be used to allow other parts of the plant to exceed pollution limits. In one proposed bubble, EPA gave preliminary approval of a bubble under which a polluter was given credit for reducing formalin emissions by 70 tons, when in fact the plant was releasing only 22.6 tons per year.

Without adequate funding, regulatory reform proposals will only lower public health protection.

In sum, the Reagan Administration is proposing major changes in environmental policy which require increased resources, while it is providing less. Environmental protection is reduced as effectively by cutting budgets as it is by repealing laws.

It is clear that the Administration is attempting major changes in environmental policies through the budget. As James Watt, Chairman of the Cabinet Council on Natural Resources and the Environment, stated:

"We will use the budget system to be the excuse to make major policy decisions."

STATEMENT BY SENATOR PATRICK LEAHY ON CBO STUDY OF EPA BUDGET—APRIL 19, 1983

The study by the Congressional Budget Office (CBO) of the 1984 cuts in the budget to the Environmental Protection Agency (EPA) shows that there must be a fundamental change in the Reagan Administration's environmental policy if the American people are to receive the protection of the environment they want and deserve.

While the Reagan Administration has claimed the EPA budget cuts are insignificant, this thorough non-partisan analysis by the CBO shows that the EPA's budget has been cut by 44 percent since 1981 (page 2). I am especially disturbed that the CBO found that the Reagan Administration has cut environmental law inforcement funding by 3 percent and staff by 35 percent (page 5).

These stark statistics show that, if EPA Administrator Ruckelshaus is to rebuild this agency, there must be major additions to the EPA budget in 1983 and 1984. The decision of the Reagan Administration on a supplemental request for EPA funds will be the major test of whether recent changes in personnel at EPA are more than rhetoric and window dressing.

As a member of the Subcommittee of the Senate Appropriations Committee responsible for the budget of the EPA and as Senate Co-Chairman of the Environment and Energy Study Conference (EESC), I requested this CBO study. The study was also requested by Senator Slade Gorton (D-WA) and Representatives Howard Wolpe (D-MI) and Claudine Schneider (R-RI).

This study is available through the CBO office.

KEY POINTS OF CBO STUDY

Water Pollution

Funding for water pollution control has declined from $387 to $151 million since 1979 (60 percent) (page 9).

Funding has been cut 33 percent alone between 1983 and 1984 (page 13).

The Agency failed to meet "one of the major program goals according to EPA (which) was the promulgation of effluent limitations for the majority of the industries cited in the Clean Water Act . . . by the close of 1982" (page 12).

In spite of the fact that "the EPA's new emphasis on a water quality-based control strategy may place new research burdens on the agency, . . . The water quality research and development program has undergone almost a 70 percent cutback." (page 19).

Air Quality

The air quality programs cut 14 percent compared to 1983 (page 25).

Air quality enforcement is "39 percent lower in real terms than actual 1981 obligation levels." (page 27).

"The 1984 request for health effects research is always 50 percent less in real terms than in 1981." (page 28).

State grants for air pollution control cut 33 percent compared to 1981. "The likely outcome expressed by many at the state level will be delays in processing and approving air quality permits for new industrial plants, failure to accept delegation of air programs now run by the Federal Government . . . and inadequate state resources to establish and run new innovative programs designed to more efficiently improve air quality." (page 28).

Hazardous Wastes

"Compared to 1981 actual obligations, the 1984 request represents a 34 percent real reduction in funds." (page 32).

"The 1984 request for enforcement funding represents a real increase of 41 percent (from $2.4 to $3.5 million), primarily to allow for more travel to support state oversight activities and to automate the reporting of state enforcement data. Hazardous waste permit issuance, formerly funded under this subprogram, is now performed under the abatement and control subprogram." (page 34).

Toxic Substances

"Compared to 1981, the 1984 funding for the entire toxics program is 39 percent lower in real terms." (page 39).

"EPA has split the review process for new chemicals into two groups—low risk and high risk. By eliminating full scientific assessment for a large portion (roughly 50 percent) of incoming new chemicals judged low risk, EPA has reduced the required resources in this area." (page 38).

"EPA is encouraging voluntary testing of toxic substances by industry . . . While this program appears to be hastening chemical reviews, it is unclear whether it is an effective substitute for EPA testing." (page 41).

Superfund

"The 1984 appropriation request of $310 million is $100 million higher than 1983, representing a 41 percent increase in real terms."

"The proposed 1984 budget for the enforcement subprogram is 44 percent higher in real terms than the 1983 level. This increase is to finance an intensified effort by EPA to arrange private financing for hazardous substance release response." (page 44).

"The Administration does not intend to continue this program beyond its currently legislated lifetime . . . Thousands of sites require remedial action, and by the end of fiscal year 1982, the agency had initiated cleanup action at only 15 sites. It is not clear that the amount in the fund or the time frame being considered by the Administration is adequate to complete the program." (page 45).●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in programs the principal objective of which is educational, sponsored by a foreign government, or a foreign educational, charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would allow Mr. John L. Mica, of the staff of Senator PAULA HAWKINS, to participate in programs sponsored by Seoul National University, Republic of Korea, and Sino-American Cultural and Economical Association in the Republic of China, from March 26 to April 2, 1983.

The committee has determined that participation by Mr. Mica in the programs in the Republic of Korea and the Republic of China, at the expense

of Seoul National University and the Sino-American Cultural and Economical Association, respectively, to discuss with government officials and business groups concerning foreign policy, defense, and agricultural issues, is in the interest of the Senate and the United States.

The Select Committee has received a request for a determination under rule 35 which would permit Mr. Ed Allison, of the staff of Senator PAUL LAXALT, to participate in a program sponsored by Soochow University, in Taipei, Taiwan, from March 25 to April 2, 1983.

The committee has determined that participation by Mr. Allison in the program in Taipei, at the expense of Soochow University, to discuss United States-Taiwan relations is in the interest of the Senate and the United States.●

ENTERPRISE ZONES

● Mr. TSONGAS. Mr. President, I call to my colleagues attention an excellent article by William Barnes of the National League of Cities, which appeared in the April 18 issue of Nation's Cities Weekly.

Mr. Barnes, who has spent considerable time reviewing various proposals for enterprise zones, and who is an expert on urban economic development needs, points out that while the concept of zones may be a worthy notion, the proposals to date are an "empty box with an excellent label."

When I first reviewed the enterprise zone concept 3 years ago, I felt that the proposals failed to address the real incentives need for business activity in our urban areas. That original problem still exists today, and the incentives seem to get us further and further from the goal with each new iteration of the enterprise zone.

I recommend that my colleagues take a moment to read Mr. Barnes' comments and ask that the article be included in the CONGRESSIONAL RECORD.

The article follows:

[From Nation's Cities Weekly, Apr. 18, 1983]

ECONOMIC DEVELOPMENT: BEYOND THE EZ METHOD

(By William Barnes)

Not so many months ago, no treatment of urban economic policy was quite respectable without at least a genuflection towards the EZ grail. But times change, especially in the Washington wonderland.

The EZ idea was, for example, included in President Reagan's February proposals for an emergency jobs program but its presence there seems to have escaped the notice of Congress and just about everyone else. Perhaps it's just as well: the debate over enterprise zones was invigorating, but the condition of the nation's economy and of some of our cities' economies would seem to require that we get past the search for the EZ method and turn serious attention to the larger themes of economic development.

Rep. BARBER CONABLE (R-N.Y.) and Sen. RUDY BOSCHWITZ (R-Minn.) have introduced the president's zones plan in the House and Senate, respectively. The bills are reported to be almost identical to the administration's 1982 version. The conventional wisdom appears to be that, while it may flow through the Senate, the House Ways and Means Committee will dam it up into a legislative backwater, thus repeating their performance—or lack thereof—of 1982. Meanwhile, the Department of Housing and Urban Development is trying to stir up interest by demonstrating their imagination and will with a set of draft regulations and application procedures, premised on enactment of a progam.

I am neither an EZ enthusiast nor a rabid opponent. In my view, the basic idea of an enterprise zone hardly warrants such excitement at either extreme. You draw a line around an area and you then do things to encourage businesses to locate there; it sounds like targeted economic development to me. Of course, it gets more interesting when the businesses you try to promote are new, smaller enterprises. But then, I've yet to see a proposal, including the administration's, that makes a plausible case that its specific "incentives" are really geared to entrepreneurship. On the other hand, the proposal incites some people when the "incentives" include removing various regulatory controls. No doubt because of this opposition to what researcher and policy bon mot expert George Sternlieb called "legislating a lowered standard of living," I've also yet to see a proposal, including the administration's, that deregulates enough to make a significant difference, for good or ill.

On both counts—entrepreneurship and de-regulation—the British enterprise zones are likewise unexceptional. They are industrial parks with good advertising: nothing per se to get ecstatic about, but not to be derided either.

The American proposals for an enterprise zone program vary widely, which brings me to the central problem with the EZ idea. It is an empty box with an excellent label. Interested parties endorse this well-named cube because they project their own goals and methods into it. So everyone can support the concept but as soon as a specific set of goals and methods are packed into it, the arguments start. Some folks want new firms and de-regulation; others want big plants and tax reductions; others want direct public expenditures and hiring requirements; and on and on.

I am told that Rep. JACK KEMP (R-N.Y.)—the original American proponent of enterprise zones and, for a time, the most ardent purveyor of the idea—has said that the most significant achievement of his proposal is that it stimulated a broad range of new ideas and much vigorous debate on important topics. I think this is a true statement and I think we should act accordingly. If KEMP didn't say it, then I will say it. And I think it's true either way.

The world will little note nor long remember whether the United States has a federal enterprise zone program. I'd not suggest that no such program be enacted (though the most visible version—the administration's—does not seem to me to be desirable in its present form.) I do suggest, however, that the idea of an experiment with EZs be put in perspective, and, I think in that context, other economic development topics will seem more important.

This unsolicited commentary comes, I think, rather after the fact for most people. As I noted at the outset, the enterprise zones idea seems to have receded from the spotlight as other, more important topics have moved to center stage.

Such topics include renovating infrastructure that supports economic growth, the concept of an economic development block grant, the relationship between economic development and job training, a standby countercyclical program with a "shelf" of local projects for which funds are triggered by high unemployment, the locational impact of the Federal tax code, tax and capital formation incentives for new business, coordinated treatment of the problems-piled-on-problems in distressed cities with declining industries and displaced workers, and—as Yul Brynner said in "The King and I"—et cetera, et cetera. It should be noted, moreover, that a host of ideas and state and local experiments elicited by the enterprise zones debate may prove useful as these other topics are addressed.

Enterprise zones were an inadequate and misplaced "centerpiece" for too long. Cold economic realities, national and local, demand renewed attention to the larger, more important themes of economic development.●

CLINCH RIVER—ALTERNATIVE FINANCING, NOW A NEW COST

● Mr. HUMPHREY. Mr. President, late last December after funding for the Clinch River breeder reactor project was defeated in the House and sustained by only one vote in the Senate, the conference instructed the Department of Energy (DOE) to examine ways Federal funding of the project could be reduced by increasing private sector support. On March 15 of this year, DOE issued its findings.

Ironically, the press has referred to DOE's proposals as cost sharing ideas. They are nothing of the sort. Indeed, there is every reason to believe that DOE's alternative financing proposals will end up costing the U.S. taxpayer more than if Congress simply appropriated money for the project outright.

How could something so perverse occur? Simple: The proposals DOE has offered to reduce Federal appropriations in the near term do so only by giving away long-term tax breaks and guaranteed revenues of far greater worth to the investors than the money they put in. Such schemes may succeed in making it seem as though the project's cost to the Federal Government has been reduced, but it is a ruse and is no way to save the taxpayer money.

On March 28 and April 16 the Washington Post ran two lead editorials criticising this sort of creative financing and specifically mentioned DOE's Clinch River proposals as prime examples of what Congress should avoid. Mr. President, I ask that these editorials be placed in the RECORD along with the March 15 report on alternative financing for the Clinch River project that DOE sponsored.

The material follows:

[From the Washington Post, Apr. 16, 1983]

LEASE-BACK MANIA

Hardly a day goes by without new tales of extraordinary financing schemes undertaken by governments and nontaxable institutions to attract private investment. The key ingredient? Heaps of tax breaks costly only to the federal treasury and contributors thereto.

All of these schemes operate in basically the same way. The non-taxable agency or organization arranges to have a private group buy or construct some big-ticket item. The nominal owners, being taxpayers, can claim one or more tax benefits such as accelerated depreciation, interest deductions and investment tax credits. The non-taxable organization then signs a long-term lease at a discount reflecting some share of the leaser's tax benefits. The leasers are happy because their tax bill has been reduced at no risk, and the agency is happy because its budget looks lower. But the federal Treasury pays a substantial part of the bill in lost revenue.

The idea is flourishing. That troublesome new NASA satellite just deployed by the space shuttle turns out not to be owned by NASA—at least not for tax purposes. The shuttle budget looks smaller than the true cost to taxpayers. Rural electric cooperatives assisted by the Rural Electrification Administration are getting into the game. The Clinch River Breeder Reactor may be sold and leased back. The Navy wants to "charter" customized cargo ships and the Air Force wants to lease 39 executive jets and assorted transports. Anyone want to buy a missile silo and rent space to the MX program?

State and local governments? Sale-lease-back deals are becoming the preferred method of financing many development projects. Atlanta, for example, is considering selling its historic city hall; private developers will renovate, enlarge, and lease it back to the city. The developers get the tax breaks, the city gets a deal on the rent, and Uncle Sam picks up a large part of the tab. Similar deals around the country involve museums, convention centers, schools and sewer systems.

The renovation of the Torpedo Factory in Old Town Alexandria is a state-of-the-art example. There, the private developers will take advantage of industrial development bonds, the investment tax credit, a special tax credit for rehabilitating old buildings, and accelerated depreciation. Bennington College is considering selling its campus to a group of friendly alumni, and leasing it back. The purchase price paid by the alumni becomes, in effect, a loan made inexpensive for the college because of tax breaks available to the alumni, at the federal Treasury's expense.

This is all absurd. Neither touristy torpedo factories nor college campuses should receive these extra helpings of invisible, unfocused taxpayer largess. And the issues of control and accountability become critical when the property involved is city hall or a Navy ship. This burgeoning tax avoidance industry is attributable in part to higher bond interest rates that make borrowing more expensive to local governments (there's too much state and local government debt floating around), and in part to the extremely attractive depreciation provisions in the 1981 tax act. Plugging this drain on the Treasury should be high on the agenda.

[From the Washington Post, Mar. 28, 1983]

LEASE-A-GOVERNMENT

When the Navy Department decided recently to lease rather than buy 13 custom-tailored cargo ships, it was cashing in on a growing trend in government financing. Not only federal agencies, but local governments as well are finding that lease-back deals with private investors can make their budgets look considerably smaller. The catch is that the hidden costs show up as lost revenues to the federal Treasury, an addition to the deficit that Congress cannot now control.

Leasing routine services and equipment is a perfectly legitimate and efficient practice for government agencies in cases where the item in question is needed only sporadically or for short periods of time. The practice becomes suspect, however, when it is extended to such quintessentially governmental properties as naval ships, fire stations or city halls, and the transaction ends up costing the taxpayer more money than it saves.

Leasing is attractive to governments because they can pay for the things they need in installments rather than having to justify their full costs when they are initially bought. A municipality can thus avoid having to persuade voters to authorize a new bond issue, and a federal agency can avoid a fight with an authorization or appropriation committee.

The government can also lease the item in question at an apparently low price because the private investors, unlike the government, can claim substantial depreciation deductions against the taxes they would otherwise pay. Part of the true cost of the purchase is thus passed on to the federal Treasury in the form of lower revenues. The whole thing ends up costing the taxpayers more than a straight-out purchase because the investors and other intermediaries involved in the deal want some profit in return for their participation.

Rep. J. J. Pickle, chairman of the Ways and Means oversight subcommittee, has been looking into tax-leasing deals at all levels of government. He notes Joint Committee on Taxation estimates that the cargo ship-leasing deal will cost taxpayers 12 percent more than a direct purchase and disguise 30 percent of the true cost.

Similar hidden losses can be expected from other administration "privatization" schemes, such as the sale of weather satellites and the Clinch River Breeder reactor. Even larger taps on the Treasury can be expected as local governments extend their use of tax-leasing and other innovative forms of tax-exempt financing to shift both municipal and private development costs to the federal government. If Congress wants to narrow the federal deficit, it will have to stop what could become a massive and uncontrollable drain on federal revenue.

[Report of Mar. 15, 1983]

EXPLORATION OF ALTERNATIVE FINANCING POSSIBILITIES FOR THE CLINCH RIVER BREEDER REACTOR PROJECT

(A task force report to the Breeder Reactor Corp. on alternative financing possibilities for the CRBR project.)

I. COST TO COMPLETE

Under the May 4, 1976 Project Agreement, the DOE is obligated to use its best efforts to obtain from Congress whatever additional funds are needed to complete the Project and demonstrate the technology.

The Task Force was asked by BRC to explore alternative sources of Project financing and to advise BRC whether such alternative sources, when coupled with continuing Federal appropriations at roughly present levels, will be adequate to complete the Project. The Task Force did not make an in-depth examination of the Project schedule and costs, but was provided with DOE's latest construction schedule and cost estimates which indicate that the CRBR Project can be completed by October 1989 at an estimated remaining expenditure of $2.4 billion after FY 1983. These estimates assume that the construction schedule is not constrained by further funding limitations. Thus, the completion date and remaining expenditures are highly dependent upon resolution of existing funding uncertainties. If the construction schedule were to slip, the estimated remaining cost to complete the Project could increase significantly.

For purposes of this report, the Task Force accepted DOE's estimate of $2.4 billion to complete the Project, assuming that further delays will be avoided; and recognizing that this assumption (and, hence, the cost estimate itself) depends upon prompt actions relating to the resolution of Project funding.

The deleterious effect of delays.—It is enormously costly to delay or stretch out any large construction project, particularly a large R & D project, such as the CRBR Project, due to additional carrying charges during the delay period, escalation of construction costs, and added expenditures associated with using less than optimal construction forces. Members of the Task Force have had direct experience with such delays and, accordingly, all of the projections in this report assume prompt Federal action, including timely future funding by the Congress, so as to permit optimal work scheduling from this point on. Absent these, the conclusions of this report cannot be supported.

II. NEW-SOURCE FUNDING NEEDS

Future contributions from the electric utility industry, already committed, will provide $172 million, and other contributors will provide $5 million, for total future contributions of $177 million. While part of these contributions are scheduled to be made after FY 1991, it is assumed that all such amounts can be made available for funding Project construction plus interim financing costs, to the extent they must be paid currently.

Assuming minimum future Federal funding at roughly current levels for a total of $1.4 billion subsequent to FY 1983, the additional amount required to be provided from new sources, in order to fund total Project costs, would be about $800 million, as shown in the following table:

TABLE I.—*Remaining capital requirements*

	Billions
Federal funding	$1.4
Utility contributions and others	0.2
New-source funding required	0.8
Total funds needed	2.4

Adding a modest allowance of $300 million for those out-of-pocket financing costs which must be paid during the construction period, an estimate of $1.1 billion seems reasonable for the Project's future new-source funding needs, but this amount can vary widely, depending upon the financing plan selected.

III. NEW-SOURCE FUNDING REQUIREMENTS EXCEED THE PROBABLE PROCEEDS OF A SALE OF THE PROJECT ITSELF

The maximum future market value of the CRBR Project, measured in terms of the likely avoided cost of constructing alternative coal-fired units equipped with scrubbers, is not expected to exceed $2,300 per KWe.[1]

If the 330 MWe conservative net rating of CRBR were priced at $2,300 per KWe, the result would be $750 million. If the 380 MWe design net rating were priced at $2,300/KWe the result would be nearly $900 million. However, the facility is worth less than that today because achievement of a commercial level of reliable operation is at least nine years away. Moreover, steps must be taken to reduce completion risks and the like before Bankable[2] securities can be sold and full market value realized.

IV. POWER SALES CONSTRAINTS

Studies show a probable need for additional electric generating capacity in the SERC region in the early to mid-1990s. However, utilities in that region may be reluctant to assume certain risks associated with long lead-time commitments for CRBR power, namely: projected load growth in the SERC region may not materialize; the level of power revenues needed to pay project debt service and other financing costs may exceed the purchasers' "Avoided Costs;"[3] and the project may not be able to produce the power contracted for.

Regulated electric utilities tend to be inhibited from making risky long-term capacity commitments because the regulatory penalties for over-commitment are severe. In view of the possibility that such penalties might be imposed, regulated utilities in the SERC region may be reluctant to enter into long-term obligations today (i) to purchase minimum annual quantities of CRBR power, or to purchase the Clinch River Project itself (or the Balance of Plant, *i.e.*, the Project excluding the Nuclear Steam Supply System) because anticipated load growth might not materialize; or (ii) to pay a specific minimum price of CRBR power because that price might prove to be in excess of their systems' Avoided Costs.

Nevertheless, the Task Force is confident that, if appropriate arrangements are developed, such reluctance can be overcome. However, the very existence of such reluctance is evidence of the need for the kinds of assurances deemed essential, as discussed below.

V. RANGE OF POSSIBLE MARKET VALUES

The CRBR Project will have significant potential maket value when completed and the plant is operating as a base-load electrical power plant. Realization of that value prior to the end of the shakedown period (now scheduled for mid-1992) will depend upon unconditional Federal assurances, as discussed below. Such realization may be accomplished in a variety of ways, as follows: sale of the project, sale of the balance of plant (BOP), accompanied by a viable steam supply contract, and pledge of the future revenue stream.

Sale of the project.—As a practical matter, it would be difficult to sell the entire Project today (or to sell securities approaching its full value) because the accident at Three Mile Island and the controversy surrounding the Washington Public Power Supply System (WPPSS) nuclear program have left investors leery of large nuclear power plant projects, whether or not they are backed by apparently firm govenmental assurances. This suggests that the inherent value of the plant itself would have to be supplemented by a long-term power sales agreement backed by an unconditional Federal warranty of minimum revenues.

Setting aside, for the moment, the value of the revenue warranty, it is reasonable to assume that the Project itself may ultimately be worth as much as the coal-fired capacity which would otherwise have to be built. Applying the $2,300 per KWe figure already mentioned to the full 380 MWe net rating of the Project indicates that the maximum capacity value of the Project may, in 1992, approach $900 million. The tax benefits normally associated with plant construction and ownership would provide additional value which, however, cannot be quantified at this time.[4]

Sale of the BOP.—The BOP would have little market value without an assured supply of steam. A contract to supply such steam at an assured price per Kwh would be essential if the BOP were to be sold for a significant amount. A long-term power sales agreement backed by Federal assurances would also be required. The amount for which the BOP could then be sold would depend, of course, upon the terms of those two contracts. Assuming that the steam contract were designed to maximize the value of the BOP, then the BOP might be sold for a significant figure, not because of its replacement value in terms of turbine generator condenser, switchgear and the like, but because of the value of the future net revenue stream (after deducting steam supply costs), coupled with construction-related tax benefits already referred to.

A simple pledge of the warranted future revenue stream.—The value of the future power output of the Project will vary depending upon the amount of assured output and the net revenue per Kwh available to cover debt service and equity return. For example, minimum net revenues of 6 cents per Kwh (after deducting fuel, other operation and maintenance expenses) on an assured annual output of two billion Kwh for 20 years beginning in 1992 would provide $120 million a year, an amount adequate to pay the debt service (and equity return), at an assumed 10 percent annual cost of money,[5] on approximately $1 billion invested in 1992—$1,020 million. A minimum net price of 6 cents per Kwh does not seem unreasonable for the 1990s and thereafter, in terms of Avoided Cost projections for SERC region utilities which have committed their 1990s capacity needs. However, bus-bar electricity cost projections from new coal-fired units in the SERC region for the 1990s and thereafter are in the 15 cents per Kwh of higher range. If net revenues pegged at this level or modestly lower could be assured through firm DOE contracts, significantly larger amounts could be provided.

It should be emphasized that to be Bankable, the power contracts must be the hell-or-high-water type. In short, they must guarantee the payment of annual dollar amounts adequate to cover financing costs no matter what happens.[6]

In setting forth the foregoing range of 1992 values, the Task Force avoided pinpointing a precise value because it will depend upon the character of the arrangements provided. However, several relevant observations can be made:

(1) It appears that the market value in 1992 (for investment purposes) may be in the range of $1 billion.

(2) If the Project or the BOP is purchased by investors, the investment value can possibly be enhanced through conventional construction-related tax benefits, viz, those associated with amounts invested in newly-constructed depreciable property.

(3) The amount of funds which can be made available to cover actual construction expenditures will vary widely depending upon when the money is actually invested. For example—

The proceeds of a $1 billion investment in 1993, if invested in 1983 with no interest or other return payable for ten years, would provide useable funds (in 1983) of only $385 million, assuming 10 percent annual cost of money.

If the funds are invested in 1988, the net amount thus available (again assuming no interest or other return payments until 1993) would be $620 million.

Alternatively, if the funds are invested in four equal annual amounts, from 1986 to 1989 inclusive, such investments would amount to $150 million a year for a total of $600 million.

Given the range of possible investment values arising from varying revenue streams, tax considerations and present value discounting, a carefully worked-out plan will be required to thread one's way through the array of opportunities and obstacles confronting the Project financing. The Task Force stands ready to assist in de-

[1] Generation in the Southeastern Electric Reliability Council (SERC) Region, outside of Florida, is predominantly coal-fired. The $2,300 figure is derived from a range of estimates available from several sources for base-load coal-fired capacity installed in the SERC region for commercial service in 1992 (the earliest date at which commercially reliable output is expected to be available)—in short, ten years hence—and using annual cost escalation rates in the 8 to 9 percent range.

[2] The terms, "Bankable" and "Bankable Commitments", as used herein, mean that the contract or obligation in question is sufficiently firm to provide adequate security for non-recourse loan, advance, leasehold investment, or equity participation.

[3] "Avoided Costs" is a technical term derived from Section 210 of the Public Utility Regulatory Policies Act (PURPA). Section 292.101(b)(6) of the regulations implementing that Act defines "Avoided Costs" as follows:

"(6) Avoided Costs" means the incremental costs to an electric utility of electric energy or capacity or both which, but for the purchase from the. . . qualifying facilities, such utility would generate itself or purchase from another source."

The PURPA regulations generally provide that electric utilities must pay full avoided costs for electricity generated by small power producers and cogenerators.

[4] There should be no net loss to the Government through the use of CRBR of existing construction-related tax benefits. This is because any such benefits used in connection with the CRBR will displace those that would otherwise have applied to new capacity displaced by CRBR.

[5] The precise interest rate applicable to the financings referred to above and hereinafter would depend upon market conditions when such financings were arranged. In today's market, a 10 percent annual rate is on the optimistic side. However, other assumptions set forth herein tend to be on the conservation side.

[6] With moderate economic growth over the long-term, new capacity is expected to be required in the SERC region. Thus, while firm utility contracts to purchase power at displaced capacity rates will be difficult to achieve in the near term, as future capacity needs become clear such contracts may be forthcoming. Thus, while Federal revenue assurances will be needed in the near term, the Government might not have to pay on such assurances unless, of course, the expected economic growth and capacity requirements do not materialize when needed.

veloping acceptable arrangements for capitalizing on the future market value of the CRBR Project in order to obtain significant financial support for the Project.

VI. SUGGESTED PLANS TO CAPITALIZE ON THE VALUE OF THE PROJECT

The future market value of the CRBR Project can be capitalized on, if, and only if, the licensing, completion and operating risks are eliminated through prompt Federal action. Also, appropriate fuel supply assurances must be provided and private investors assured that future revenues will be adequate to earn an appropriate return on, and return of, their investment.

As indicated in the foregoing Sections, several approaches seem feasible:

(1) Straight-forward borrowing based upon future power supply contracts.

The DOE might contract to purchase the entire CRBR output for use in its uranium enrichment plants, with annual payments sufficient (net of operating costs) in any event to pay the debt service. That contract could then be pledged as security for a long-term loan.

Alternatively, the DOE might warrant that the CRBR will produce a minimum amount of power and provide price supports such as those proposed for synthetic oil in the mid-1970s when the Government offered to provide such oil at a support price for resale to user utilities. There is ample precedent for price support in Public Law 96-294, the Energy Security Act. Such price supports should be adequate to cover all debt service requirements.

(2) Sale of Partnership equity interests and debt securities of an entity which would purchase and own the entire CRBR Project.

To be marketable, such Partnership equity interests would require broad Federal assurances as to the deliverability of a reliable and acceptable facility.

Long-term power sales contracts (like those described under (1)) would also be required.

In order to realize the full extent of available tax benefits, favorable IRS rulings would be essential.

(3) Sale of Partnership equity interests and debt securities of an entity which would purchase and own only the BOP.

This approach would require all those items discussed under item (2) except that BOP operating risks might be assumed by the owners.

In addition, an acceptable steam supply contract would be required because, without such a contract, commercial viability cannot be assured.

With appropriate contractual provisions, this approach may be the best way to maximize the tax benefits associated with the Project.

Conclusion—Under any of the foregoing plans, it would be feasible to work out arrangements so that payments received for the future value of the Project or the BOP would be adequate to provide significant investment support.

VII. OTHER APPROACHES TO FUNDING CAPITAL REQUIREMENTS

The only other way to obtain significant additional capital funds from private investors would be to provide other assets or potential benefits adequate to assure that the investor will get something of value in return and be compensated for risk.

Potential "assets" not already discussed fall into six categories:

(1) Assurances that private investors will recover their investment and the cost thereof if timely Federal appropriations are not provided, and that annual appropriations will be continued if the Project is delayed.

Such a commitment would assure investors that the Federal Government intends to see the Project through to completion despite past uncertainties.

It would also facilitate interim financing during periods of peak construction expenditures.

(2) Additional tax incentives, similar to those associated with any large capital-intensive R&D project.

Such tax incentives would not be a windfall for investors; instead, they would be designed to provide additional "value" which the Project can offer in exhange for funds invested. For full discussion, see the appendix prepared for the Task Force by tax counsel.

(3) Other source of funds.

Possibilities include additional warranties by maufacturer/vendors and architect/engineers and additional R&D commitments from manufacturer/vendors and architect/engineers, or the domestic electric utility industry. Local regulation and the controversial nature of the CRBR Project would make it very difficult to raise such funds from either the regulated electric utility industry or the Electric Power Research Institute. Any attempt to do so might well jeopardize existing CRBR funding arrangements.

(4) Additional foregin R&D commitments

(5) Licensing revenues, based upon potential patent rights.

Action would be needed to protect breeder R&D from reaching the public domain and make potential worldwide licensing revenues available to support CRBR Project financing.[7]

(6) Direct Federal assurances.

If other financial mechanisms are inadequate, the alternative may be for the Federal Government to act as a "deep pocket" guarantor of Project debt, lease obligations and equity returns.

The foregoing Sections outline an array of financing alternatives which are available to the CRBR Project. While the Task Force prefers no single financing approach, the following Sections describe in broad terms one possible financing program which seems promising.

VIII. POSSIBLE FINANCING ENTITY

The CRBR Project is faced with the need for significant funds; and without specific legislation, it would be unable to obtain such funds.

Such legislation may be needed to provide necessary warranties and tax incentives. It is also needed to create a financing entity which can use those warranties and incentives.

That entity can take several forms but, in any event, it should be designed to bring the Federal Government and a group of private investors together in a single enterprise so as to enable completion (through combined Federal/private financing) of an important R & D facility on which more than $1.5 billion has already been spent and which it would be foolhardy to junk.

Accordingly, the following format is suggested as a basis for further study and review:

(a) Its name: whatever it is finally named, it is hereinafter referred to as the "Partnership."

(b) The form: A public/private joint venture, created by Federal statute, encompassing both Government and private investment capital.

(c) Partners would include a newly created Federal corporation (or the DOE) as general partner and a group of private investors as limited partners.

(d) The limited partners might be individuals, corporations, or partnerships, depending on tax and regulatory considerations.

(e) The Partnership would be entitled to receive and allocate tax benefits among its partners.

(f) Ownership of the Project should be vested in the Partnership. Care should be taken not to disturb present licensing arrangements, but the Partnership should be provided with enough of the characteristics of ownership so that tax deductions and credits can be allocated among the limited partners.

(g) TVA would operate the Project and wheel power produced pursuant to a keep-whole reimbursement contract.

(h) At the conclusion of operations and recovery by private investors of their investment, title would revert to the Federal Government. Provision should also be made for decommissioning and waste disposal responsibility to remain in the Federal Government.

IX. POWERS OF THE PARTNERSHIP

The Partnership should have the following powers, among others:

To issue its own debt obligations with Federal warranties, which could include borrowings from the Federal Financing Bank (FFB),[8] and/or without Federal warranties.

To issue limited Partnership equity interests and to allocate tax benefits among the limited partners;

To pledge the proceeds from its contracts and agreements as security for its debt, lease, joint venture or Partnership obligations;

To ratify and assume obligations under existing contracts and to enter into new purchase, construction and operating agreements, to buy and sell power, to sell and lease back facilities and fuel, etc.;

To obtain and hold title to patents and to license the use of such patents worldwide;

To enter into appropriate joint ventures related to the CRBR Project;

To be exempt from the Public Utility Holding Company Act and the Federal Power Act and not to be considered a regulated public utility for any purpose, state or Federal.

X. PRIORITY ASSESSMENT OF ACTIONS NEEDED

In addition to the legislative action needed to create the Partnership with the powers set forth in Section IX, it must be given enough financial substance to allow it to function. Actions required to provide that financial substance have already been described. They are listed below, with only moderate additional amplification, because the listing is intended primarily to indicate their relative priority.

(1) Assurances must be provided as to completion, licensability and operability.

Such assurances must be unconditional if the required funds are to be obtained, espe-

[7] Care would have to be taken to assure that such action did not diminish the patent rights of the BRC members under their Utility Contribution Agreements, which could jeopardize collections from such members.

[8] Alternatively, the Partnership could have the right to sell notes to the U.S. Treasury and Treasury would be obligated to purchase such notes.

cially in view of the uncertainties surrounding the outstanding WPPSS obligations.

In the event the Project is not completed, licensed and placed in operation, private investors would be entitled to recover the capital they had provided plus a return thereon.

(2) Assurances must be provided as to the amount of power the Project will produce.

(3) Power purchase contracts must be provided for the Project's full output at an assured price.

Such contracts may represent either direct Federal power purchases or third-party purchases backed by Federal assurances.

As mentioned earlier, such assurances with regard to power purchases and the price thereof have statutory precedent in the Energy Security Act where, as here, the need for future secure energy justifies such support.

(4) Provide a Bankable Commitment that adequate Federal funds (at least $1.4 billion) will be appropriated after fiscal year 1983, or, if not, that private investors would be entitled to recover the capital they had provided plus a return thereon.

The commitment should apply to the period from fiscal year 1984 through fiscal year 1990.

It should provide for additional appropriations thereafter until the Project is licensed and achieves a commercial level of reliable operation.

It should be sufficiently firm to be Bankable.

Although the Congress does not normally appropriate funds for more than a year at a time, it should empower the DOE (i) to enter into the sort of commitment described above and (ii) to borrow from the FFB or from the U.S. Treasury the funds necessary to meet such commitments.

(5) Assure that project-related tax incentives can be allocated among the limited partners, as is customary for all large construction partnerships.

These tax incentives, which are generally available to the owners of any large construction project, include investment tax credits, accelerated depreciation and the immediate deductibility of certain overhead and operating expenses.

It is customary to allocate such project-related incentives among the partners.

Consequently, the allocation of these incentives among the Project partners would in no way provide a wind-fall for investors.

All expenditures in excess of the Project's market value might be treated as R & D expenditures deductible by the limited partners. This was the formula used in 1955 to aid in financing Dresden Unit Number One (the first privately financed U.S. nuclear power reactor), whereby all expenditures by the Nuclear Power Group (a financing consortium) in excess of the commercial value of the plant were allowed as immediate tax deductions.

In case the foregoing conventional tax incentives prove inadequate to provide the capital required, a number of new approaches might be considered. For example:

A special energy tax credit might be provided, applicable solely to the Project.

The Partnership might be empowered to enter into arrangements with the City of Oak Ridge to issue tax-exempt industrial development bonds backed by the Partnership and without regard to the so-called two-county rule.

For further discussion of the matter of tax incentives, see the appendix.

CONCLUSION

The Task Force concludes that the Clinch River Project can support significant private investment, and that the present Government/private business relationship can be enhanced, to the benefit of the entire nation.

From the viewpoint of the Federal Government, the benefit of obtaining private CRBR financing would be a near-term reduction in Federal budget requirements and increased private participation in the Project. Clearly, Federal assurances, warranties, and tax incentives will be needed in order to attract private financing. However, many of the proposed assurances are contingent and would not be called upon unless the Project failed to perform as expected, or the government failed to complete the Project on schedule or the power revenues were substantially less than projected. Moreover, the Task Force assumes that the financing arrangements will reserve to the Federal Government the residual value of Project assets.

The Task Force stands ready to assist in determining how best to proceed.

Respectfully submitted,

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Chairman.
William H. Grigg,
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Lewis E. Wallace,
Deputy General Counsel, Tennessee Valley Authority.
Robert C. Murray,
Principal, Morgan Stanley & Co., Inc.●

COMMUNISM IN CENTRAL AMERICA

● Mr. WALLOP. Mr. President, from time to time the press carries articles that deserve the adjective "definitive" because they obviously describe the truth of a public issue, and thereby define the boundaries of serious discussion. Serious people can and do disagree with such statements. But they cannot question either their truth or their relevance. In 1975, Daniel P. Moynihan's article, "The U.S. in Opposition", made clear that the United States is part of a shrinking band of countries which practice democracy and decency. In the aftermath of that article, no serious person has attempted publicly to romanticize the Third World to the American people. In 1977 Professor Richard Pipes' article on why the Soviet Union thinks it can fight, survive, and win a nuclear war evoked much criticism. Yet since its appearance no serious person has suggested that Americans can successfully teach the doctrine of mutual assured destruction to Soviet leaders. It is heartening that, even in our day there are people who can speak with authority.

Jeane Kirkpatrick, our Ambassador to the United Nations, published an article on central America in yesterday's Washington Post that can only be called definitive. After the publication of this article Americans will still take sides on the events now occurring in central America. But no serious person will doubt who our opponents in central America are, what they are after, and the consequences of any victory that they might achieve. In sum, the Soviet Union and its corps of international auxiliaries: The PLO, the Vietnamese, the Cubans, and others have literally taken over Nicaragua. They are oppressing its people more than ever, and they are using Nicaragua as a base for the outright conquest of El Salvador and the rest of the region. Their ultimate target, of course, is the United States. This is so. All concerned avow it proudly. It is tragic that the debate over Central America has turned on procedural issues: Should there be covert activities; what is the meaning of this or that amendment. We know that human nature inclines people to avoid hard choices, and to take refuge in procedural issues. Jeane Kirkpatrick's article forces people to make their choices on this issue on the basis of fact. Thanks to Jeane Kirkpatrick no serious person will be able to say—I did not know . . .

Mr. President, I ask that Ambassador Kirkpatrick's article be printed in full in the RECORD.

The article follows:

[From the Washington Post, Apr. 17, 1983]

COMMUNISM IN CENTRAL AMERICA

THIS TIME WE KNOW WHAT'S HAPPENING

(Jeane J. Kirkpatrick)

The whole scenario sounds like a grade B movie from the 1950s, but that, alas, does not mean it is not true. It's almost unbearably unfashionable to say so, but there is a plan to create a communist Central America which, if successful, will have momentous consequences for our security and that of our European allies, for Israel's international position, and for the unfortunate people of Central America. So far, Congress seems unwilling to make a serious effort to prevent—by means short of war—these human and strategic catastrophes.

Enmev though a very well organized lobby works indefatigably to confuse the moral, political and intellectual questions involved in U.S. policy toward Central America, there is growing clarity about the issues and the stakes. Indeed, what distinguishes the current debate about military and economic aid for Central America from similar disputes about China, Cuba, Vietnam and Nicaragua is that we have fewer illusions and more information.

We know by now what the government of Nicaragua is and what it intends—in El Salvador, Honduras, Costa Rica, New York, Jerusalem. We know who the guerrillas in El Salvador are, where and how they get their arms, what their plans are, who their friends are.

As recently as July 1979 it was possible for American policymakers of optimistic disposition to suppose that, if they acted wisely and generously, Nicargua would emerge from its bloody civil war with an independent, pluralist, socialist, neutralist government. To this end, the United States rushed some $24.6 million in emergency food, medi-

cal and reconstruction assistance to the FSLN on their triumph, provided $118 million direct economic assistance in the subsequent 18 months, and assisted the new government in securing, in addition, some $262 million from multilateral lending institutions (an amount almost double the amount the Somoza government had received in the preceding 20 years). But before the Carter administration left office in January 1981, the decision was made that Nicaragua no longer met U.S. requirements for assistance, its pattern of internal repression and external aggression being already clear. And during the subsequent two years, Nicaragua's facade of democratic intentions and national independance have been not ripped off, but cast aside.

Everyone who cares to know now understands that the government of Nicaragua has imposed a new dicatorship; that it has refused to hold the elections it promised; that it has seized control of all media except a lone newpaper that it subjects to heavy prior censorship; that it denied the bishops and priests of the Roman Catholic Church the right to say Mass on television during Holy Week; that it insulted the pope; that it has stifled the private sector and independent trade unions; attacked the opposition; driven the Miskito Indians out of their homelands—burning their villages, destroying their crops, forcing them into exile or into involuntary internment in camps far from home.

Persons interested in such questions understand, too, that Nicaragua's rulers have introduced into the country many thousands of Cuban teachers, trainers and supervisors, including at least 2,000 military advisers. The Sandinista rulers have denied their international supporters the comforts of ambiguity. They have explained who their friends are and what convictions guide them.

From Moscow and Managua they have announced their principles: "We guide ourselves by the scientific doctrines of the Revolution, by Marxism-Leninism," Minister of Defense Humberto Ortega explained to his army; ". . . our political force is Sandinismo and our doctrine is Marxist-Leninism." "Marxism-Leninism is a fundamental part of the Sandinista ideology," said another member of the junta, Victor Tirado Lopez. They have issued a new stamp with a picture of Karl Marx and excerpts from the Communist Manifesto.

Nicaragua's leaders are done with dissembling. They are proud of their ideology, proud of their monopoly of power, proud of their huge new military force (which has no peer in the region), proud of their role in Central America's guerrilla war, proud of their string of successes in international diplomacy. Those successes are impressive; a seat on the U.N. Security Council, a stymied regional diplomatic initiative, continued support from the Socialist International and a resounding victory at the Delhi Summit of the Non-Aligned Movement. Proud too of their friends, including: Libya, the PLO and, of course, Cuba, their constant companions. The PLO connection, acclaimed by Yasser Arafat at the revolution's first anniversary (". . . the Nicaraguan people's victory is the victory of the Palestinians. Anyone who threatens Nicaragua will have to face Palestinian combatants."), has spawned international progeny. This past week a Latin American preparatory meeting on Palestine has been held in Managua for the purpose of "obtaining governmental and nongovernmental support for the Palestinian cause" and "opposing" Israel's aggressive policy. According to Radio Sandino, delegates from some 20 nations and 10 U.N. organization were expected.

Such conferences are but one manifestation of the junta's vocation for public diplomacy. Other examples may be observed on U.S. television and, especially, at the United Nations where, with dazzling chutzpah, Nicaragua's leaders last week pressed their demand for immunity from attack by anti-Sandinista Nicaraguans, at the same time they stepped up support for Salvador's guerrillas.

The character of El Salvador's guerrilla struggle is no more ambiguous than that of Nicaragua's government. Since the elections of March 1982, nobody even pretends that the FMLN enjoys popular support, is "really" a bunch of agrarian reformers, or a coalition that would, if victorious, usher in a more perfect democracy.

The fictions with which communist insurgents have conventionally clothed their conquest of power are not available to the partisans of the FMLN. The pretense that the FMLN is an indigenous guerrilla movement without significant foreign support has also been largely abandoned. Too many truckloads, planeloads boatloads of arms from Cuba, Nicaragua and the Eastern bloc have been found; too many documents have been captured, too many pictures taken, too many bold announcements made from Managua. The facts about the FMLN are understood by people interested in these questions. It is a professional guerrilla operation directed from command and control centers in Nicaragua, armed with Soviet bloc arms delivered through Cuba and Nicaragua, bent on establishing in El Salvador the kind of one-party dictatorship linked to the Soviet Union that already exists in Nicaragua.

There has, moreover, been so much discussion among them of "revolution without frontiers," of "liberating" and "unifying" Central America, so many threats to Honduras, so much bullying of Costa Rica and guerrilla activity in Guatemala, that it is hardly possible seriously to doubt the regional character of Soviet/Cuban/Nicaraguan goals.

Yet to be fully faced is the relevance of these small, poor nations of the Central American isthmus to the United States, or the importance of Caribbean sea lanes to the Western Alliance. Neither is the extent of the Soviet investment—military, economic, cultural—in this hemisphere yet fully appreciated. But very reluctantly, most serious observers have come to acknowledge that, yes, the area's location gives it a certain irreducible relevance to our national interest. These serious observers grouse about the way the Reagan administration talks about the issues; they grouse about the government of El Salvador; but they understand.

The Economist noted last week "The 'loss' of El Salvador could be a lethal foreign policy blow for America . . ." and The New Republic made a similar observation.

There is also a growing, if grudging, acknowledgment that money—in the form of economic and military assistance—is quite probably the key to the viability of the region's non-communist governments. And two top aides of previous Democratic administrations, one a former assistant secretary of state, wrote in last week's New York Times Magazine that, "The area is of clear strategic and political importance to the United States . . ." so that "to stop American aid would be to deliver—yes, deliver—El Salvador into the hands of a guerrilla movement that is . . . allied externally with America's adversaries, and capable itself of the greatest brutality," and advised that ". . . abandonment is an option Democrats should reject."

Yet if few in or out of Congress advocated outright abandonment, a good many argued for such little assistance on such niggardly terms that the effect is almost sure to be the same.

From the perspective of hemispheric policy, it was an extraordinary week.

An official of the Soviet foreign office, Vadim Zagladin, reiterated Brezhnev's threat to install nuclear missiles in the Western Hemisphere five minutes from the United States. And a member of the Nicaraguan junta announced that, if asked, his government would consider installing Soviet nuclear missles in Nicaragua.

In Managua, Nicaraguan officials made clear their determination to continue support for revolution in Central America while, at exactly the same time, their representatives at the United Nations demanded protection from an internal insurgency.

Meanwhile, the Democratic majority on the Latin American subcommittee of the House Committee on Foreign Affairs acted to deny the democratically elected government of El Salvador the military assistance it needs to stave off a very well armed and advised Marxist insurgency and, simultaneously, to deny a democratic Nicaraguan insurgency any support against a repressive, aggressive Marxist government—though the clear effect of such a policy would be to make the United States the enforcer of Brezhnev's doctrine of irreversible communist revolution.

If, as often suggested, the "Vietnam Syndrome" explains the extraordinary reluctance of America's political class to provide urgently needed assistance to endangered friendly governments in an area of clear national interest, in what does that syndrome consist? Obviously, the Vietnam experience did not make us isolationist. The U.S. government pursues, with the full consent of Congress, a foreign policy that involves us in the affairs of four continents. We support a large standing army and a huge defense establishment. We station troops in remote places, provide billions of dollars in economic and military assistance to governments of all sorts in Asia, Africa and the Middle East. Neither the moral nor military misgivings expressed with regard to Central America are evident with regard to these other regions.

Nobody talks about slippery slopes when we rush weapons to Thailand, trainers to Lebanon or economic aid to Africa or Asia. Nobody talks about human rights when there is murder and mayhem in Zimbabwe, though one can readily imagine the outcry if the bishops of El Salavador had issued a statement resembling that of the bishops of Zimbabwe,

Why?

Why is Congress so much more reluctant to assist an imperfect democratic government clearly important to our national interest than much less perfect governments in more remote regions?

What is it that Central America has in common with Vietnam that so repels liberals? Is it just the nature of the contest—the fact that, in both, well-financed communist guerrilla movements have simultaneously targeted the existing government and what is generally called "world public opinion"?

Is it because lobbies of the left have managed, in both cases, to make the anti-com-

munist side seem unbearably unfashionable?

God knows there are parallels enough in the public discussion of Vietnam and Central America. In both cases, well-orchestrated international campaigns have focused mercilessly on the political and moral failings of the government. And in El Salvador, as in Vietnam, the introduction of elections and reforms, the reductions of human rights abuses and corruption have proved not to have much effect on the drumbeat of criticism. In El Salvador, as in Vietnam, Congress calls the U.S. commitment into doubt from quarter to quarter, "certification" to "certification," undermining the confidence of vulnerable allies in our reliability and their viability.

As with Vietnam, doubt is continuously voiced about whether the government of El Salvador, which struggles mightily to satisfy American demands, is morally worthy of American approval or even of survival.

But there are a few crucial differences too, and those differences involve what we know and when we know it. Not only do we know who Salvador's FMLN is, when we didn't know who the Vietcong were, we know now who the Vietcong were, how they came down from the North (20,000 in the early years alone), how they were supplied, how Western public opinion was manipulated into believing that the National Liberation Front, created by decision of the North Vietnamese Communist Party, was a spontaneous product of "deeper" social causes. We know all these things now because Gen. Vo Nguyen Giap and his colleague, Gen. Vo Bam, have told us about them.

We know too about human rights under those two Vietnamese regimes, about the labor camps and mass deportations. We know this at least in part because Stephen J. Morris' careful study has documented with endless, painful details that "The violation of human rights by the Communist Party of Vietnam, in both the North and the South, was incomparably worse than the violation of human rights by the former Thieu government in South Vietnam. The difference was not one of degree but one of quality."

We know the Vietcong did not establish a broad-based government or a socialist democracy. We know what happened—and is still happening—in Cambodia. We do not enjoy thinking much about these matters, but we know about them, just as surely as we know the character and the stakes of the contest in Central America.

The crucial difference between Vietnam and Central America is not the Pacific Ocean, though that is important. The crucial difference is that the Congress that cut off aid to Vietnam could say it did not guess what would follow.●

INTEGRATED MONOPOLY AND MARKET POWER

● Mr. RIEGLE. Mr. President, I recently encountered an article in the Quarterly Review of Economics and Business, entitled, "Integrated Monopoly and Market Power" written by Walter Adams and James W. Brock. The article examines competition and market control in industries that are vertically integrated. The article draws some interesting conclusions with respect to the functions of monopolies in the economy, and the elements of competition in a monopolistic market.

One of the authors is an old friend of mine, and, in fact, a former professor. I am speaking of Dr. Walter Adams, distinguished university professor and past president of Michigan State University. I commend Professor Adams for his contribution to this analysis, and ask that the article be printed in the RECORD.

INTEGRATED MONOPOLY AND MARKET POWER: SYSTEM SELLING, COMPATIBILITY STANDARDS, AND MARKET CONTROL

(By Walter Adams and James W. Brock)

Almost from the beginning, the antimonopoly strictures of the Sherman Act[1] have been bedeviled by a persistent philosophical paradox. The policy objective of the law was clear: to promote competition by prohibiting conduct which eventuated in monopoly. But how was the law to encourage competition if at the same time it punished the competitor whose success was crowned with monopoly? What distinction, if any, was to be drawn between monopoly resulting from superior performance ("good trusts") and monopoly based on predatory conduct ("bad trusts")?

In a landmark decision, *U.S.* v. *Alcoa*, Judge Learned Hand articulated the dilemma as follows:

"A single producer may be the survivor out of a group of active competitors, merely by virtue of his superior skills, foresight and industry. In such cases a strong argument can be made that, although the result may expose the public to the evils of monopoly, the Act does not mean to condemn the resultant of those very forces which it is its prime object to foster: *finis opus coronat.* The successful competitor, having been urged to compete, must not be turned upon when he wins."[2]

While he conceded that the Sherman Act did not condone "good trusts" and condemn "bad trusts" but forbade "all" trusts, Judge Hand nevertheless concluded that it would be both unfair and unwise to prohibit monopoly per se. Such a policy would, he believed, penalize superior performance, blunt incentives to excel, and thereby compel (in Judge Irving Kaufman's words) "the very sloth [which antitrust was] intended to prevent."[3]

The apostles of the New Economic Darwinism have seized upon this dilemma as a basis for their attack on the antimonopoly statutes. In their view, monopoly is simply the result of successful competition—proof of the monopolist's superior performance. Sound public policy, they argue, should not penalize, but encourage such conduct. Says Robert H. Bork:

"It must forever remain a mystery why so many students of antitrust policy or the economics of industrial organization fail to see the obvious point that size attained in market rivalry is the result of efficiency and that larger size shows greater efficiency. * * *"

If consumers choose to purchase more from one company than from its rivals, that firm is, precisely to that degree, the most efficient in the market. [6, p. 86]

According to Bork,

"It makes no sense to talk about market failure in the sense of default by competitors any more than it makes sense to denigrate the performance of a winning runner on the ground that his rivals did not run fast enough to beat him. On that day, in that race, he was the fastest, and anything that worsens his performance hurts those who value it. It is the same with the superior firm."[4]

Therefore, Bork concludes, antitrust "should never attack [monopolistic market] structures, since they embody the proper balance of forces for consumer welfare" [5, p. 164].

The Structuralist School in industrial organization rejects this definition of the antitrust "dilemma." It would dispute the *post hoc ergo propter hoc* reasoning which leads to the conclusion that a monopolist—by virtue of being a monopolist—has demonstrated superior performance in the competitive struggle. It would reject the simplistic admonition "not to penalize the winner of the race" as quite irrelevant for policy purposes. According to the structuralists,

"The relevant policy problem is how to reward the winner without including in his trophy the right to impose disabling handicaps on putative competitors, or the power to determine the rules by which future races will be run, or the discretion to terminate the institution of racing altogether." [1, p. 486]

Structuralists would contend, as did John Bates Clark almost 75 years ago, that

"In our worship of the survival of the fit under free natural selection we are sometimes in danger of forgetting that the conditions of the struggle fix the kind of fitness that shall come out of it; that survival in the prize ring means fitness for pugilism, not for bricklaying nor philanthropy; that survival in predatory competition is likely to mean something else than fitness for good and efficient production; and that only from strife with the right kind of rules can the right kind of fitness emerge. Competition is a game played under rules fixed by the state to the end that, so far as possible, the prize of victory shall be earned, not by trickery or mere self-seeking adroitness, but by value rendered. It is not the mere play of unrestrained self-interest; it is a method of harnessing the wild beast of self-interest to serve a common good—a thing of ideals and not of sordidness. It is not a natural state, but like any other form of liberty, it is a social achievement, and eternal vigilance is the price of it." [11, pp. 200-01]

In other words, a clinical analysis of monopoly requires an understanding of the rules under which an incumbent monopolist has attained market power and market dominance. We must ask: What are the rules of game? Who made those rules? How have the rules been implemented? What would the outcome have been under a different set of rules?

These questions are particularly crucial in industries which comprise several interrelated and mutually interdependent markets—markets which constitute parts of a vertically integrated chain of "system-compatible" components. In such industries, it may be decisive whether the rules of the game permit a firm to compete in a single-component market or whether a firm must compete on a system-wide basis to survive and prosper; whether the rules are drawn by a system-wide monopolist, intent on excluding specialized-component competitors, or whether they are drawn so as to promote maximum access to single markets in the vertically integrated, system-compatible chain; whether the rules tend to encourage entry to the maximum extend feasible within the technical compatibility constraints of the industry, or whether "compatibility" can be made into an anti-com-

[1] Footnotes at end of article.

petitive weapon in the arsenal of a dominant systems seller.

Three major American industries—computers, communications, and amateur photography—illustrate the policy problems which arise when a dominant firm occupies the dual role of rival and rulemaker in a vertical chain of markets linked by a systems-compatibility constraint. In such industries, survival and success are not necessarily the result of "superior skill, foresight, and industry." Indeed, they may be determined by the possession (and exercise) of naked power to set the rules by which any and all comers shall be allowed to play the game.

In the computer industry, for example, the final output is a service produced through systems which combine three necessarily compatible elements: a central processing unit (CPU) or "mainframe"; various pieces of peripheral equipment attached to the CPU which store, feed, retrieve, and print data; and, finally, "software" in the form of computer programming instructions. As elements of a system, each component "must be completely and precisely compatible" [7, p. 76] with the others—particularly with the CPU which, given its strategic location in the system chain, "determines what peripheral equipment, programs and data can be used" [7, p.76].[5] Market dominance in CPU's, therefore, has spillover effects on adjacent, functionally related markets: a firm which dominates CPU's has the concomitant power to set the rules under which potential competitors—regardless of their "skill, foresight and industry"—can enter and survive in the peripheral equipment and "software" markets.

IBM is, of course, the dominant integrated system seller in the industry. It dominates roughly 70 percent of the market for general purpose, electronic digital computer systems [9, pp. 21-22; 22, pp. 1124-30], and at the same time accounts for about 63 percent and 79 percent, respectively, of the net shipments of tapes and disks.[6] Entry barriers at the systems level (the simultaneous production of compatible, components and services) are prohibitively high [9, p. 65; 19, pp. 255-63; 22, pp. 1130-34] while specialized entry into component markets, most notably peripheral equipment, is relatively easy [7]—on condition that the newcomers offer products designed to be "plug-compatible" with (and substitutes for) IBM peripheral equipment.[8] In other words, survival in any of the component markets is possible in practice, but requires playing by the rules set by a dominant IBM and other sellers of major systems. Survival does not depend on who makes the "best" peripheral equipment or who furnishes the "best" software services or whether they are sold at the "lowest" price. Survival does not depend on successful mastery of the rules of the game set by some autonomous market mechanism. Survival may be aborted prematurely and unilaterally by the dominant firm's predatory product design policies, implemented through undisclosed interface manipulation—an issue raised in a spate of recent anti-trust complaints.[9]

In the communications industry, technological constraints require similar interface compatibility between the several components of an integrated end-to-end service: local telephone networks, long distance transmission, network switching and transmission gear, and customer terminal equipment. Contending that efficient end-to-end service required "one system, one policy, one company" and insisting that "the system is the solution," A.T.&T. was able to parley its legal monopoly over local telephone service into virtually unchallenged control over the entire industry. [See 18; 8, chapters 8, 9, 11.] [10] In 1979, it controlled 92 percent of the industry's domestic plant, while accounting for 84 percent of local telephone revenues, 80 percent of long distance revenues, 85 percent of central office transmission equipment, 55 percent of aggregate customer terminal equipment, and 63 percent of telephone handsets.[11] For more than half a century, Judge Harold Green found, "no piece of equipment (could) be interconnected with the country-wide public switched network unless it conform(ed) to the compatibility standards set by Bell" [12] and the "inability to obtain Bell technical information/compatibility standards constitute(d) an insuperable barrier to entry." [13] Thus, even if one were to concede Bell's prowess as the purveyor of local telephone service, its ability to determine who shall be allowed to compete in long distance transmission or who shall be allowed to compete in the sale of terminal equipment was not conducive to rules of the game which would award victory to the competitor endowed with "superior skill, foresight and industry." Bell's ability until very recently to refuse interconnection with its local network over which it held legal (and hence unchallenged) monopoly control obviously enabled it to attain and retain system dominance over the entire vertical chain of the communication industry quite irrespective of efficiency, progressiveness, or other competitive virtues.[14] It was able to win the race consistently by imposing insuperable (and unnatural) handicaps on putative competitors—a fact adumbrated in countless FCC and antitrust proceedings.[15]

In the amateur conventional photography industry, the "system" consists of cameras, film, and photofinishing services which, when combined in technically compatible fashion, yield a finished photograph. Entry barriers vary by component markets: in photofinishing, the minimal requirements consist of dishes, chemicals, and a darkroom [23, p.145]; the production of film, by contrast, is "a fantastically intricate art." [16] Here again we find a single firm exercising integrated system dominance. Almost 2½ times larger than its nearest world wide rival [see 10, Table 4, p. 66], Eastman Kodak, in 1976, accounted for an 85-percent market share in amateur conventional film, a 60-percent share in color photographic paper, a 53-percent share of snapshot cameras, a 21-percent share of amateur movie cameras, and a 10-percent share of photofinishing revenues.[16] Kodak's monopoly control over film, persisting since the turn of the century, enables it to set compatibility standards for the entire industry and thus to control the terms under which specialized (as distinct from system-wide) entry is possible into camera production or photofinishing.[17] Again, recurrent antitrust litigation attests to Kodak's market power and underscores the policy problem when a dominant firm occupies the dual position of rival and rule maker.[18]

RULEMAKING UNDER ALTERNATIVE INDUSTRY STRUCTURES

As indicated, the functioning of systems such as computers, communications, and amateur photography depends fundamentally upon the industry's ability to coordinate its constituent markets in order to achieve technical compatibility between components. As a predicate to rivalry, a firm must be able to "plug into" a system somewhere—either its own or one produced by another. Thus, the critical rules are those that govern product design. The nature of these rules—what they comprise, who determines them, how they are implemented, how they are altered, and how they affect the outcome of the game—is determined by industry structure and, in particular, firm specialization or integration on one hand, and market concentration on the other. That is, structure determines the rules by which the game is played and how the game is won. Put differently, outcomes cannot be meaningfully interpreted without a knowledge of the rules by which the game has been played—rules inextricably bound up with the structure of the industry.

To illustrate these points in a systems context, it is helpful to consider four hypothetical industry structures: (1) specialized production with all component markets competitive; (2) specialized production with one component market monopolized; (3) fully integrated firms producing systems under competition; and (4) an integrated system seller holding a monopoly in one component market. The nature of the rules and the outcome of the game differ fundamentally under these alternative scenarios.

CASE 1: SPECIALIZED PRODUCTION, COMPETITIVE MARKETS

In this scenario, the industry producing a system of compatible components is populated exclusively by specialized firms whose operations are limited to the production of a single component. All component markets are competitively organized with no firm individually exerting any appreciable influence on the market or the industry.

The functioning of the industry clearly requires technical compatibility standards to coordinate product design between firms and markets if a viable system is to be produced. Given the structural assumptions of specialization and competition, compatibility standards governing product design can be arrived at either through agreement among all firms in the industry or, alternatively, from the banding together of specialized firms to form coalitions capable of producing several integrated, compatible systems. In either event, however, the necessary industry standards are collectively and voluntarily determined, with firms free to choose the technical compatibility requirements necessary to coordinate products across markets.

Once in place, these compatibility standards establish the boundaries within which product design must proceed; they are, in other words, the rules by which the competitive game must be played in each of the industry's markets. Moreover, they apply to new entrants and existing producers alike, with products in each market necessarily homogeneous in the technical sense of system compatibility.

As a corollary, the unilateral production of an incompatible component by any individual firm, of course, would be fruitless as would undisclosed alterations in products that violated existing standards. Alterations and modifications of extant technical compatibility requirements would require prior involvement and advance notification of all participants.

With these structural preconditions, then, competitive success within markets is accorded to those with "superior skills, foresight and industry" within compatibility boundaries voluntarily determined, collectively implemented, and commonly faced by existing producers and new entrants alike.

In other words, all competitors would begin at the same starting line—a line established by system compatibility requirements known in advance.

CASE 2: SPECIALIZED PRODUCTION, NONINTEGRATED MONOPOLY

In this scenario, all firms are specialized but one component market is monopolized. Given the assumption of firm specialization, then, the viability of the industry requires rules in the form of technical compatibility standards. Once monopoly is introduced, however, the means by which these standards are determined and implemented are fundamentally altered.

Two elements of monopoly power in a systems context must immediately be distinguished. The first, control over price, is familiar enough and requires no elaboration. A second aspect of monopoly, however, is unique to a systems context and crucial to an appreciation of the nature of control: the power unilaterally to dictate product design and compatibility standards. Because each component is necessary, the characteristics and features that the specialized monopolist elects to incorporate into his component necessarily establish the technical compatibility requirements that must be met by producers located in adjacent, vertically related markets. That is, the monopolist controls product design by—but does not compete with—specialized producers in related markets. By controlling compatibility standards within the system, the monopolist also establishes the conditions for entry into, and constrains rivalry between producers within, these related markets.

It is crucial to note four further corollaries. First, monopoly power in related markets is *not* reflected by market share nor is it confined solely within the particular market in which it arises; indeed, the specialized monopolist controls key aspects of product design in markets where he does not compete and in which his share is precisely zero. Second, the monopolist's standards apply equally and nondiscriminatorily to current and prospective producers in related markets. Third, compatibility with the monopolized component is compelled, not necessarily owing to its innate superiority, but because it is monopolized. And fourth, the power of the monopolist to *determine* industry standards includes the power to *alter* them via modifications in salient product predictably being followed by a corresponding adjustment, conversion, and reorientation by producers in related markets in order to maintain system viability.

Thus, technical compatibility standards—the rules of the game in a systems context—are neither collectively nor voluntarily arrived at once monopoly intrudes into the industry. Instead, they are unilaterally decreed by the specialized monopolist through the particular characteristics he chooses to design into his component. As such, a specialized monopolist controls the ground rules for entry and rivalry in markets where he does not compete. Success in these markets, then, turns upon efficiency in serving consumers within the constraints imposed upon existing producers and new entrants alike by the specialized monopolist.

CASE 3: FULL INTEGRATION, SYSTEMS COMPETITION

In the third scenario, the industry structure comprises firms which are all integrated "systems-sellers." As opposed to specializing within single component markets, each firm is assumed to produce all of the components required to market complete systems.

The industry is further assumed to be competitive in the production of systems. In this case, then, the plane of rivalry rises above individual products and markets to the system level.

Clearly, individuality and independence are maximized under this particular combination of structural attributes, for the rules governing product design and compatibility between system components are individually determined and controlled by each firm. Individual firms freely decide whether to produce systems and components compatible with those of rivals or, alternatively, to deliberately design systems that are incompatible across firms. Entry into the industry likewise takes place at the systems level without any requirement of entering particular markets with components compatible with those produced by others. Given the structural assumptions of full integration and competition, no anticompetitive significance attaches either to product alterations—whether disclosed in advance or not—or to product incompatibilities. Needless to say, entry barriers into such an industry are substantially higher than under scenarios 1 and 2; indeed, in some industries, these barriers may be prohibitively high, and in some regulated industries—rightly or wrongly considered "natural" monopolies—these barriers may be insuperable.

Thus, product differentiation, experimentation, innovation, and, in general, rivalry are given full vent when all firms are fully integrated system sellers. No firm is dependent upon any of the others nor must any firm accede to rules regarding product design and compatibility standards collectively or unilaterally determined by rivals. Hence, no firm can handicap any of its systems rivals. In a world of equally matched system sellers, success rests solely upon "superior skill, foresight and industry."

CASE 4: INTEGRATED MONOPOLY

In this scenario, the industry is composed of an integrated system seller holding a monopoly in one component market plus a number of specialized firms producing one or more system components.

Given this structural assumption, the integrated monopolist's system is the controlling system in the industry, with standards governing product design imposed throughout the industry through the compatibility required between the components of the monopolist's system. With rivals unable to enter the monopolized market and thus foreclosed from competing at the systems level, entry into and attempted rivalry within component markets are dependent upon attaining and maintaining compatibility with the integrated monopolist's system. Moreover, this result obtains irrespective of the particular advantages or disadvantages inherent in the monopolist's system. Thus, integrated monopoly power is the power to determine, alter, and control the *de facto* standards which are to prevail in the industry.

Compatibility, then, involves significantly more than the mere "copying" of the dominant system seller's products; it is a predicate for entry, expansion and competition. Regardless of how vigorous rivalry might appear in related markets when viewed from a horizontal perspective, such rivalry is illusory for it is "competition" within boundaries controlled by one of the participants. This key element of market power is not capable of detection by such horizontal measures as the integrated monopolist's share of markets adjacent to that which is monopolized.

The essence of integrated monopoly power resides in the dominant system seller's dual capacity as rival and rule maker. By introducing incompatibilities, or undisclosed alterations in his components, the integrated monopolist can render the system—and the industry—"allergic" to rivals' components. In this respect, product alteration in a systems context is superior to price cutting as an instrument of predation; while predatory pricing may require the dominant firm to absorb losses directly commensurate with market share, the introduction of incompatibilities enables the monopolist to impede rivals without having to suffer such losses [13, p. 780; 12, p. 295].[19]

Additionally and significantly, integrated monopoly control of the rules of the game across the industry's constituent markets includes the power to regulate the rate, direction, timing, and source of commercially viable innovation in the markets in which the monopolist operates. A necessary, if not sufficient, condition for successful innovation is participation by the dominant system seller. Commercialization of innovation must of necessity await the initiative of the integrated monopolist to enable the innovation to be fitted into a system—irrespective of the "superior skill, foresight or industry" of innovative, but specialized, rivals. Control of product design standards thus enables the integrated monopolist to block the pioneering efforts of rivals, to commandeer their innovations, and subsequently to market them as his own. The problem, as Professor F. H. Easterbrook indicates [14, pp. 304-12], is not one of "predatory innovation"; it is, by Professor F. M. Fisher's criterion [15, p. 27], monopoly control of innovation by others.[20] The essence of power in this respect is that rivals—maneuvered into a position of subservience and dependence—inevitably appear to be forever struggling to "catch up" when, in fact, their ability to move ahead is directly blocked by the integrated monopolist.[21] For this reason, "market acceptance" is an inherently defective standard by which to evaluate relative progressivity and innovativeness.[22]

Thus, integrated monopoly power in a systems context is the authority to dictate the ground rules for entry into any of a series of technically interconnected markets, to establish the boundaries within which others must attempt to compete, to introduce obstacles to rivalry, when desired, through alterations in the controlling system, and to regiment, channel, and delay innovation by rivals. In his combined role of rival in, and rule maker for, the industry, the integrated monopolist sets the rules prior to the race, decides the time and place at which the race will commence, arbitrarily alters the rules as the race progresses, and determines when and where the current race will terminate and a new race begin. The integrated monopolist can maintain supremacy—not because he is more adroit in serving consumer wants, not because he is an indefatigable engine of innovation, not because his rivals are innately incompetent—but because he controls the rules by which others must play the game and, thus, the means by which others can be prevented from winning.

CONCLUSION

Three conclusions may be drawn from an analysis of firm integration and market concentration as elements of industry structure in a systems context. First, monopoly power is the power, not merely to set price, but to control product design, rivalry, and innova-

tion through the product characteristics that a monopolist chooses—or refuses—to incorporate into his monopolized product. An integrated monopolist thus controls the ground rules under which rivals must attempt to enter and compete.

Second, the significance of product strategy is crucially dependent upon the structural context in which it is carried out. Compatibility and incompatibility, disclosure and nondisclosure, and product differentiation are of minor anticompetitive import under conditions of workable competition between fully integrated system sellers. However, these same elements of product strategy may become instruments of predation, exclusion, and control when the structural scene shifts to one wherein an integrated system seller dominates one or more of the markets for system components.

Third, market share is a defective measure of market control under conditions of integrated monopoly. Similarly, commercial success and consumer acceptance are unreliable indicators of relative innovativeness under conditions where specialized component manufacturers must compete with an integrated systems monopolist.

In short, where an integrated systems monopolist operates in the dual capacity of competitor and rule maker, it is by no means certain that the winner of the race is the most meritorious contender. To maintain otherwise is little more than phantasmagoric persiflage.

FOOTNOTES

[1] Section 2 of the Sherman Act declares it unlawful to "monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations." 15 U.S.C. 2 (1976).

[2] *United States* v. *Aluminum Co. of America*, 148 F.2d 416 (1945), at 430.

[3] *Berkey Photo, Inc.* v. *Eastman Kodak Co.*, 603 F.2d 263, 273 (1979).

[4] Robert H. Bork Statement before the National Commission for the Review of Antitrust Laws and Procedures, reprinted in *ABA Antitrust Law Journal*, Vol. 48 (1979), pp. 891, 894.

[5] See also, US Congress, Senate Committee on the Judiciary, *The Industrial Reorganization Act, Hearings before the Subcommittee on Antitrust and Monopoly*, 93d Cong., 2d sess., 1974, Part 7 (The Computer Industry).

[6] *Transamerica Computer Co.* v. *International Business Machines Corp.*, 481 F. Supp. 965, 983 (1979).

[7] The number of peripheral firms rose from 2 to 100 over the six-year period 1966–1972. *Telex Corp.* v. *International Business Machines Corp.*, 367 F. Supp. 258, 287 (1973).

[8] See, for example, *Transamerica Computer Co.* v. *International Business Machines Corp.*, 481 F. Supp. 965, 978, and *California Computer Products* v. *International Business Machines Corp.*, 613 F.2d 727, 731 (1979).

[9] *California Computer Products* v. *International Business Machines Corp.*, 613 F.2d 727 (1979); *Telex Corp.* v. *International Business Machines Corp.*, 367 F. Supp. 258 (1973), *rev'd*, 410 F.2d 894 (1975), *cert. denied*, 423 US 802 (1975); *Transamerica Computer Co.* v. *International Business Machines Corp.*, 481 F. Supp. 965 (1979); *Memorex* v. *International Business Machines Corp.*, 458 F. Supp. 423 (1978), *affm'd per curiam*, 636 F.2d 1188 (1980).

[10] See also US Congress, Senate Committee on the Judiciary, *The Industrial Reorganization Act, Hearings before the Subcommittee on Antitrust and Monopoly*, 93d Cong., 2d sess, 1974, Parts 5 and 6 (The Communications Industry).

[11] US Congress, House Committee on Energy and Commerce, *Telecommunications in Transition: The State of Competition in the Telecommunications Industry*, Report by the majority staff of the Subcommittee on Telecommunication, Consumer Protection, and Finance, 97th Cong., 1st sess, 1981, pp. 56, 105, 181, 186–87, 207; *United States* v. *American Telephone & Telegraph Co.*, 524 F. Supp. 1336, 1377 (1981).

[12] *United States* v. *American Telephone & Telegraph Co., 524 F. Supp. 1336, 1375.*

[13] Ibid, AT&T explicitly dictated quality and interconnect standards, first, by requiring terminal equipment producers to obtain connecting devices leased from Bell, and subsequently setting standards for producers to obtain connecting devices leased from Bell, and subsequently setting standards for producers of terminal and network equipment. Ibid., 1348–52, 1370–75.

[14] In 1968, in its landmark *Carterfone* decision, the FCC declared that the Bell system would no longer be allowed to prevent customers from installing their own terminal equipment as long as such equipment was deemed "privately beneficial without being publicly harmful." Bell fought this decision which would have opened up the telephone equipment market to new entry and subjected the erstwhile monopoly of Western Electric (Bell's manufacturing subsidiary) to competitive challenge. Bell insisted—ostensibly to protect the network from harm—that no "alien" PBX or key telephone system could be interconnected with Bell lines, unless a coupling device (an interface device) were interpositioned between the "alien" equipment and the Bell lines. This interface device could be obtained only from Bell; it could only be leased and not bought; it had to be attached to each trunkline leading in to the customer-owned equipment; the user had to pay a monthly rental to Bell of approximately six dollars a month for use of the device; the device was often is short supply; it was sometimes improperly installed; the "alien" equipment often had to be redesigned in order to be made compatible with the interface device even though it was compatible with the system in the absence of the device; and so on. Most interesting is the fact that a given piece of equipment—say, a Japanese PBX—if sold to a Bell operating company could be used without the interface device, but if sold to a customer-user had to have the interface device before it could be interconnected with the Bell system.

[15] The following list of proceedings attests to the persistence of the interconnection problem (and its competitive consequences) with respect both to the equipment and specialized services markets:

Equipment: (1) *IN re Hush-A-Phone*, 20 FCC 391 (1955) (AT&T prohibition of non-Bell equipment not unreasonable); *Hush-A-Phone* v. *United States*, 238 F.2d 266 (D.C. Cir. 1956) (remanded for reconsideration by FCC); *In re Hush-A-Phone*, 22 FCC 112 (1957) (FCC rescinds prior order and allows attachment of this device); (2) *Carter* v. *American Telephone & Telegraph Co.*, 250 F. Supp. 188 (N.D.Tex. 1966) (suit by equipment manufacturer stayed pending conclusion of FCC administrative proceedings *re* equipment interconnection), *affm'd*, 365 F.2d 486 (5th Cir. 1966), *cert. denied*, 385 US 1008 (1967). *In re Carterfone*, 13 FCC 2d 420 (1968) (inter-connection of equipment permitted so long as telephone system not adversely affected), *reconsideration denied*, 14 FCC 2d 571 (1968); (3) *In Re AT&T*, 15 FCC 2d 605 (1968) (protective connecting device required to be leased from ATT to interconnect non-Bell equipment); (4) *Macom Products Corp;*. v. *American Telephone & Telegraph Co.*, 359 F. Supp. 973 (C.D.Cal. 1973) (ATT interconnect conduct not immune from antitrust statutes, case referred to FCC); (5) *In re Telerent*, 45 FCC 2d 204 (1974) (FCC authority over equipment interconnection supercedes that of state regulatory commissions); *In re Interstate and Foreign Message Toll Service*, 56 FCC 2d 593 (1975) (FCC adopts registration program and standards for direct interconnection of non-Bell equipment after holding that protective device is unnecessarily restrictive and unreasonably discriminatory), *affm'd sub nom. North Carolina Utilities Commission* v. *FCC* 537 F.2d 787 (4th Cir. 1976), *cert. denied*, 429 US 1027 (1976), *reh. denied*, 552 F.2d 1036 (1977), *cert. denied*, 434 US 874 (1977); (6) *Litton Systems, Inc.* v. *Southwestern Bell Telephone Co.*, 539 F.2d 418 (5th Cir. 1976) (ATT conduct *re* terminal equipment not immune from antitrust statutes), *reh. denied*, 542 F.2d 1173 (1976); *Litton Systems, Inc.* v. *American Telephone & Telegraph Co.*, 487 F. Supp. 942 (S.D.N.Y 1980) (ATT conduct *re* terminal equipment not immune from antitrust statutes); (7) *Phonetele, Inc.* v. *American Telephone & Telegraph Co.*, 435 F. Supp. 207 (C.D.Cal. 1977) *rev'd*, 664 F.2d 716 (9th Cir. 1981) (ATT equipment practices held exempt from antitrust statutes); (8) *Essential Communications* v. *American Telephone & Telegraph Co.*, 446 F. Supp. 1090 (D.N.J. 1978) (ATT equipment practices held exempt from antitrust statutes), *rev'd*, 610 F.2d 1114 (3d Cir. 1979); (9) *Interconnect Planning* v. *American Telephone & Telegraph Co.*, 465 F. Supp. 811 (S.D.N.Y. 1978) (ATT conduct *re* equipment interconnection not immune from antitrust statute); (10) *Jarvis, Inc.* v. *American Telephone & Telegraph Co.*, 481 F. Supp. 120 (D.D.C. 1978) (ATT conduct *re* equipment interconnection not immune from antitrust statute); (11) *Sound, Inc.* v. *American Telephone & Telegraph Co.*, 631 F.2d 1324 (8th Cir. 1980) (ATT conduct *re* equipment not immune from antitrust statutes); and (12) *Northeastern Telephone Co.* v. *American Telephone & Telegraph Co.*, 477 F. Supp. 251, 497 F. Supp. 230 (D. Conn. 1980) (ATT illegally monopolized equipment), *rev'd*, 651 F.2d 76 (2d Cir. 1981).

Communication service and specialized carriers: (1) *In re MCI*, 18 FCC 2d 953 (1969) (p;ublic interest promoted by permitting carrier to offer specialized service), *reh. denied*, 21 FCC 2d 190 (1970); (2) *In re Specialized Carrier Services*, 29 FCC 2d 870 and 31 FCC 2d 1106 (1971) (competition in long distance service feasible, desirable, and in public interest), *affm'd sub nom. Wash. Utilities & Transport Commission* v. *FCC*, 513 F.2d 1142(9th Cir. 1975), *cert. denied*, 423 US 836 (1975); (3) *In re Bell System Tariff Offerings*, 46 FCC 2d 413 (1974) (ATT ordered to interconnect specialized carriers), *affm'd sub nom. Bell Telephone Co.* v. *FCC*, 503 F.2d 1250 (3d Cir. 1974), *cert. denied*, 422 US 1026 (1975); (4) *MCI Communications Corp.* v. *American Telephone & Telegraph Co.*, 369 F. Supp. 1004 (E.D.PA. 1974) (ATT ordered to interconnect specialized carrier), *rem'd*, 496 F.2d 214 (3d Cir. 1974); (5) *Chastain* v. *American Telephone & Telegraph Co.*, 351 F. Supp. 1320 (D.D.C. 1972) (telephone interconnection issue referred to FCC), 401 F. Supp. 151 (D.D.C. 1975) (ATT interconnection conduct to be judged by rule of reason taking fact of regulation into account). *In re Chastain*, 43 FCC 2d 1079 (1973) (ATT unreasonably and unlawfully excluded mobile telephone service by refusing to interconnect); (6) *In re Att*, 60 FCC 2d 939 (1976) (ATT service interconnection practices discriminatory and contrary to FCC policy); (7) *MCI* v. *American Telephone & Telegraph Co.*, 561 F.2d 365 (D.D.C. 1977) (reversing FCC decision barring MCI from offering Execunet long distance service), 580 F.2d 590 (D.D.C. 1978) (refusal of FCC to require Bell system interconnection with MCI service contrary to prior court order), *cert. denied*, 439 US 980 (1978), 462 F. Supp. 1072 (N.D. Ill. 1978) (ATT service interconnection practices not immune from antitrust statutes); and (8) *Woodlands Telecommunication Corp.* v. *American Telephone & Telegraph Co.*, 477 F. Supp. 1372 (5th Cir. 1980) (ATT refusal to interconnect service not immune from antitrust statutes), *rem'd sub nom. Mid-Texas Communications Inc.* v. *American Telephone & Telegraph Co.*, 615 F.2d 1372 (5th Cir. 1980) (ATT service interconnection practices must be evaluated by rule of reason), *reh. denied*, 618 F2d. 1389. *cert. denied*, 101 S.CT. 286 (1980).

Justice Department cases *RE* equipment and service interconnection: (1) *United States.* v. *American Telephone & Telegraph Co.*, 524 F. Supp. 1336 (D.D.C. 1981) (proof on anticompetitive conduct by ATT *re* interconnection of equipment and services sufficient to withstand motion to dismiss); and (2) *United States* v. *American Telephone & Telegraph Co.*, Memorandum of FCC as Amicus Curiae, reprinted in 62 FCC 2d 1102 (1977) (listing ATT practices and acts cited by Justice Department in support of its monopolization case and related FCC actions and proceedings).

[16] *Berkey Photo, Inc.* v. *Eastman Kodak Co.*, Kodak Appeal Brief, Addendum A, Tables 1, 4, 10, 11 (1979); *Berkey Photo, Inc.* v. *Eastman Kodak Co.*, Jury Instructions, p. 69 (1978).

[17] Of the more than 300 models of amateur conventional cameras available in 1977, in excess of 80 percent were designed to accept one of only four Kodak film formats. *Wolfman Report on the Photographic Industry in the United States*, 1979–80. The US International Trade Commission found "(c)ompatibility with existing (i.e., Kodak) processing systems" to be a critical element in marketing color photographic paper to independent photofinishers. US, International Trade Commission, *Color Paper From Japan and West Germany*, 1978, p. A-7. With regard to film, *Fortune* pointed to "standardization by independent photo processors on the chemicals and techniques needed to process Kodak films" as a problem continually confronting film producers (*Fortune*, November 1970, p. 118). In attempting to overcome this barrier, other film producers have turned to the design of color films compatible in processing with those of Kodak manufac-

ture. See *New York Times*, 11 January 1959, sec. 2, p. 19; *Modern Photography*, July 1970, p. 88; *Forbes*, 15 January 1971, p. 35.

[18] *Berkey Photo, Inc.* v. *Eastman Kodak Co.*, 457 F. Supp. 404 (1978), *rev'd* in part, *affm'd* in part, 603 F.2d 263 (1979), *cert. denied*, 444 US 1093 (1980). For a discussion of Bell & Howell's monopolization charge, see *Wall Street Journal*, 5 January 1973, p. 4 GAF's charges are reviewed in *GAF Corp.* v. *Eastman Kodak Co.*, 519 F. Supp. 1203 (S.D.N.Y. 1981).

[19] See [13, p. 780]. One commentator characterizes the response of an integrated monopolist introducing incompatibilities as fighting off "its competitors with the same lawful weapons with which these competitors are assaulting its dominant position." [12, p. 295]. The defect in this argument, of course, is that it fails to place conduct in the appropriate structural context. The point would be valid in a world of fully integrated system sellers. In the case of integrated monopoly, however, the monopolist's manipulation of compatibility requirements that are prerequisites for rivalry is scarcely a battle among equals; it is a blatant exercise of monopoly power.

[20] The strategy is one of transforming prior restraint of innovation by others into exclusionary incompatibilities; as such, it is neither "innovation" nor predatory "innovation." Judge Kaufman failed to recognize this crucial link between prior restraint and co-optation of others' innovations. See *Berkey Photo* v. *Eastman Kodak Co.*, 603 F.2d 263. Reviews of *Berkey* commit the same error. See [3 and 21].

The search for "bright-line" rules capable of isolating "predatory innovation" is, as Professor Easterbrook concludes, misdirected but for two reasons not considered by Easterbrook. First, the search presupposed that "innovation" is involved at the outset. Second, and related to the first, the ability of an integrated monopolist to block innovation by rivals is ignored. For proposed rules to detect "predatory innovation" see [17 and 20].

[21] Given the context in which it occurs, an integrated monopolist's record as the sole source of commercially successful "innovations" is as much grounds for suspicion as it is for commendation. One commentator, however, repeatedly refers to the integrated monopolist's prior record of successful innovation and grounds for concluding that its dominance promotes consumer welfare while failing to consider the possibility that the dominant system seller may have undermined the viability and opportunity for innovation in the industry. [See 13, pp. 782–84, 793–94.] Mere assertions of "aggressive innovation" as a proposed defense are similarly defective. This defense has been suggested in [2].

[22] A number of commentators fail to grasp this aspect of market power in a systems context. "Even a monopolist." Judge Kaufman wrote in *Berkey*, "must generally be responsive to the demands of customers, for if it persistently markets unappealing goods it will invite a loss of sales and an increase in competition." *Berkey Photo* v. *Eastman Kodak*, 603 F.2d 263, 287. The crucial omission is that the integrated monopolist's products may be rendered "appealing" by virtue of its having rendered its rivals' goods unappealing. An integrated film monopolist, for example, can render his cameras appealing simply by refusing to supply film in formats required by others' cameras. Similarly, proposals that judicial examination of an integrated monopolist's product conduct end in the monopolist's favor if the products are commercially successful are defective, because they fail to consider the integrated monopolist's power to restrain and foreclose innovation and the prior pioneering efforts of his rivals. For these proposed standards, see [12, p. 313; 14, p. 311; 4, pp. 730–32].

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NATIONAL POW/MIA RECOGNITION DAY

● Mr. DODD. Mr. President, Saturday, April 9, was National Recognition Day for American prisoners of war and those missing in action. Every American knows that we owe these people, as we owe all veterans, a debt of gratitude. Over 90,000 Americans survive from the POW camps of Nazi Germany, Imperial Japan, North Korea, and Vietnam. Yet, there is something special about this National Recognition Day. Some 2,494 cases of missing in action in Southeast Asia have not yet been resolved. Forty are from my own State of Connecticut.

There continue to be persistent reports that Americans remain held against their will in Southest Asia. More than 465 firsthand live sightings have been reported. Over 213 of these have not been traced to individuals since accounted for. These reports cannot, as yet, be disproved. Despite unremitting efforts by the National League of Families of American Prisoners and Missing in Southeast Asia, by veterans, by Members of Congress, by the Departments of State and Defense, and by the intelligence community, in the final analysis we simply do not know if there are any living Americans being held against their will in Southeast Asia. Perhaps we shall never know. But there is something which we do know: The governments of Vietnam and Laos are not telling us all that is known about the fate of these people.

There can be little doubt that most, if not all, of the nearly 2,500 people still unaccounted for may be dead. The jungles and the South China Sea will not tell us what happened to them. But there are cases of individuals known to have been captured who are still not accounted for. For their families, that fact of their sacrifice is not so cruel as the pain of not knowing whether that sacrifice is finished.

Accordingly, we must press forward with technical discussions with the Joint Casualty Resolution Center, and the Vietnamese Office for Seeking Missing Personnel, and with the Lao Foreign Ministry. Those remains that can be recovered must be returned. The burden of proof in this matter, in the eyes of the American people and of their Government, is on the Vietnamese and the Laotians.

We owe our former prisoners of war, and those missing in action, as well as their families, our special gratitude. But we owe the families of those missing in action our continued efforts to determine their fate. We can do no less.●

BOMBING OF AMERICAN EMBASSY IN BEIRUT

● Mr. KENNEDY. Mr. President, I join President Reagan in expressing heartfelt concern and sympathy to the American and Lebanese families of those injured and killed in the terrorist bombing of the United States Embassy in Beirut. It is a recurrent tragedy in the Middle East that those dedicated to the search for peace have so often become the victims of senseless violence.

We must never allow craven acts of terrorism to dictate American foreign policy. Now, more than ever, the United States must give its leadership to the continuing effort to find a satis-

factory formula for the withdrawal of all foreign forces from Lebanon—PLO, Syrian, and Israeli, for adequate security provisions along Israel's northern border, and for restored national unity and reconstruction in Lebanon under that country's sovereign government.●

THE COURAGE OF TROOP 10, BSA, SOUTH ORANGE, N.J.

● Mr. BRADLEY. Mr. President, I was proud to receive a recent letter which brought my attention to an outstanding act of heroism by members of Troop 10 of the Boy Scouts of America at Our Lady of Sorrows School in South Orange, N.J. Such acts of courage and quick thinking—particularly by such young boys—are rare and deserve our recognition.

On the afternoon of February 6, five boys from South Orange, Andrew Pierson, Mario Piccinini, David Wilms, and John Germann, all 13, and John's first cousin, Timothy Germann, 11, were hiking in South Mountain Reservation at about 2 p.m. It had begun snowing. They had paused above Hemlock Falls for a rest, and were seated, talking, about 15 feet from the edge of the cliff. Timothy got up and started to walk around. He was about 10 feet from the edge, examining some ice formations, where he slipped and fell. The spot where he fell was icy and sloped toward the cliff. He began sliding, desperately trying to grasp anything solid. He slid the 10 feet to the precipice, and his momentum carried him over. He fell approximately 35 feet, apparently striking a protrusion in the cliff face on the way down.

The other boys scrambled down to Tim's side. They found him unconscious, lying face down on the ice that covered the pool at the base of the falls. The impact of the fall had forced his head through the ice and his face was down in the water. Although their hike was not an official Scout function, all five boys are members of Troop 10, BSA, sponsored by Our Lady of Sorrows Church. The four older boys put their first aid knowledge to work at once. Andrew was not even all the way to the bottom of the falls when it became obvious that Tim was seriously injured and would require medical assistance.

Andrew went immediately for help, taking the shorter cross-country route through the reservation in what were now near-blizzard conditions. He went to Gruning's restaurant, a distance of about a mile and a quarter, knowing there was a phone there. Marion helped the other two boys pull Tim out of the water and off the ice, then went back up to the cliff and to the road to try to flag down a car, hoping he could get a phone faster than Andrew. The two boys arrived at Gruning's at about the same time. They called the South Orange Police, who told them Maplewood took care of the reservation. They then called Maplewood and the first aid squad was soon on its way.

When David and John got Tim off the ice, they realized he was not breathing. Knowing this could lead to brain damage or even death, they instituted the correct procedures to get Tim's breathing started again, laying him down and hyperextending his neck by tilting his head back to open the airway. They found his jaws locked, so it would have been impossible to resuscitate him. After a few seconds, however, his jaws unlocked and he began to breath. The two rescuers took off their jackets and placed them over and under Tim to keep him warm and ward off shock. David put his golves on the injured boy. Tim regained consciousness after a little while, and the boys kept talking to him to keep him from slipping into unconsciousness again. During this entire time, snow continued to fall heavily.

By the time police, the Maplewood First Aid Squad, and the St. Barnabas Hospital paramedics arrived, almost an hour had elapsed since Tim fell. He was taken to St. Barnabas, where he was given emergency treatment, had surgery the next day, and proceeded to make a remarkable recovery. This past Monday, only a month and a day after his accident, he returned to school—though with a cast on his arm. Tim, by the way, is a sixth grader at South Orange Middle School. The other boys are in the eighth grade at OLS.

While Tim was in the emergency room, the paramedics from St. Barnabas told his mother, Mrs. Mary Jones, several times that the boys' timely application of their first aid skills was responsible for saving her son's life.

The medics also took the other boys to St. Barnabas to check them over. They found that David had incipient frostbite on his face from being out in the cold so long, but it was treated and found not to be serious. John Germann missed several days of school with a severe cold he caught during the episode.

I know Tim and his parents will always be grateful for the quick thinking of his friends. I was pleased to meet with Troop 10 recently and offer them my personal congratulations. Speaking for all New Jerseyites, I am also very proud of Troop 10 and want to bring their heroism to the attention of all my colleagues.●

ORDER FOR RECESS UNTIL TOMORROW

Mr. BAKER, Mr. President, I have one housekeeping matter. I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special order for not to exceed 15 minutes each in the following sequence: Senators GOLDWATER, BAKER, and MELCHER.

The PRESIDING OFFICER. Without objection, it is do ordered.

THE REGULATORY REFORM ACT OF 1983

Mr. BAKER. Mr. President, I believe the Senator from Iowa has a matter he wishes to address.

Mr. GRASSLEY. Mr. President, I send a bill to the desk and ask that it be read.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. What is the request, Mr. President?

Mr. GRASSLEY. I am going to have the bill read. Then I am going to ask unanimous consent that the bill be read a second time. I understood the Senator was going to object at that point.

Mr. BYRD. Yes, I shall. I hope that my objection will not be interpreted as meaning that I am against the bill.

Mr. GRASSLEY. No, I would consider it a friendly objection.

Mr. BYRD. I appreciate that, Mr. President.

The PRESIDING OFFICER. The clerk will read the bill the first time.

The assistant legislative clerk read as follows:

A bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a period review of regulations, and for other purposes.

Mr. GRASSLEY. I move that the reading thus far constitute the reading of the bill the first time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that the bill be read now a second time.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I am quite pleased to join Senator HEFLIN today in introducing S. 1080, the Regulatory Reform Act. This act is identical to the one which passed the Senate March 24, 1982, by a vote of 94 to 0. It is evidenced by this over-

whelming show of support that this bill is a bipartisan product, noncontroversial in nature and a totally necessary part in the effort to get our economy moving again.

The bill is designed to alleviate our society of overburdensome regulation and result in a more responsible rulemaking procedure. The major provisions of S. 1080 are as follows:

Requires agencies to evaluate on a nonmathematical basis the trade-offs of "major rules" and to determine that such rules are worth their costs and are cost-effective. Allows the President to oversee this procedure;

Allows oral presentations in major rulemaking, including cross-examination where needed to resolve factual issues;

Requires agencies to review major rules every 10 years to determine if they should be revised or withdrawn;

Prohibits the courts from presuming that agency interpretations of law are valid and require agency factual determinations in rulemaking to have substantial support;

Addresses the "race-to-the-courthouse" problem in review of agency action by assigning a case randomly where review proceedings have been instituted in different courts within 10 days of each other;

Requires agencies to publish a semiannual agency agenda of regulatory actions;

Allows Congress to veto all agency rules via a two-House resolution of disapproval;

Prohibits the use of appropriated funds to pay the expenses of persons participating or intervening in agency proceedings except where expressly authorized by statute.

The essence of this bill has been generated over many years going back to the 88th Congress when the Subcommittee on Administrative Practice and Procedure of the Senate Judiciary Committee held 3 days of hearings and heard from 36 witnesses on a bill intended to "update and improve the procedural rules that govern proceedings before the departments and agencies." Hearings continued in the 89th, 94th, and 95th Congresses culminating in an exhaustive review of regulatory reform in the 96th Congress. The issue received 10 days of treatment and over 100 witnesses testified.

The Committee on Governmental Affairs has also been involved in regulatory reform for a number of years. In 1975, the committee was directed by Senate Resolution 71 to conduct a comprehensive study of Federal regulation. This study was issued in six volumes over a 2-year period. In addition, in the 97th Congress, the subject's treatment in Governmental Affairs rivaled the Judiciary Committee's activities with 11 days of hearings eliciting testimony from 80 witnesses.

Though these hearings generated similar bills reported from both committees in the 96th Congress, some differences required reconciliation prior to floor consideration. Unfortunately, Congress adjourned before this work was completed.

In order to demonstrate the priority regulatory reform was to take with the Judiciary Committee in the 97th Congress, two subcommittees were established to examine the issue. The Subcommittee on Regulatory Reform, chaired by Senator PAUL LAXALT, and the Subcommittee on Agency Administration, chaired by myself, conducted a total of 3 days of hearings dealing with the key provisions of S. 1080. The Judiciary Committee worked closely with the Committee on Governmental Affairs in developing a consensus proposal and though some differences remained in the bills, these were worked out on the floor resulting in passage of the final vehicle by a vote previously mentioned of 94 to 0. The bill's introduction today follows on the heels of painstaking work by Senators LAXALT, LEAHY, ROTH, and EAGLETON, and it was due in large part to their efforts that the bill enjoyed such wide-based support.

Mr. President, the aforementioned history of Senate examination of regulatory reform in general and S. 1080 in specific, indicates that further hearings are unnecessary and would not only generate duplicative information on the need for revision of the Administrative Procedures Act, but would result in a waste of constrained committee resources which could be better spent in addressing particular problems in the regulatory area.

Senator HEFLIN and myself, as the ranking minority member and the chairman of the subcommittee of jurisdiction, feel that the Regulatory Reform Act has reached a state of legislative scrutiny that the bill can be treated as noncontroversially as last year's 94 to 0 vote indicates. Our preliminary discussions with other interested Senators reveals that our opinion is widely held. We realize, however, that this opinion might not be universal.

Therefore, Mr. President, today we will ask that the bill as introduced be placed on the calendar. We will take no further action on this matter for at least 30 days, and will use that time for further consultation with our colleagues. We also wish to use this occasion to invite the other Members of this body to share with us their opinions as to how we should procede.

Mr. President, I came to the Senate with a mind to help reform our domestic economy and I have felt a good return on the investment of time I have spent as a member of the Budget and Finance Committees.

However this bill, which has a history in the Government Affairs and Judiciary Committees, could have at least as much impact on our economy as ballooning budgets and tax cuts. Of course, I do not think that this bill is the complete answer to regulatory abuses heaped upon American business. But I do feel that it is a starting point in regaining control of the runaway bureaucracy and will go far in propelling American productivity upward again.

I now send the bill to the desk and ask unanimous consent that it be printed in the RECORD in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Reform Act".

DEFINITION OF RULE

SEC. 2. Section 551(4) of title 5, United States Code, is amended by inserting before the semicolon at the end thereof a comma and the following: "except that the term 'rule' does not include agency statements involving a matter relating to public property or contracts or general statements of policy of the Tennessee Valley Authority except where an applicable statute requires notice and hearing pursuant to this chapter or the statement to be made on the record after opportunity for an agency hearing".

RULEMAKING

SEC. 3. Section 553 of title 5, United States Code, is amended to read as follows:

"§ 53. Rule making

"(a) This section applies to every rule making, according to the provisions thereof, except to the extent that there is involved—

"(1) a matter pertaining to a military or foreign affairs function of the United States;

"(2) a matter relating to the management and personnel practices of an agency;

"(3) an interpretive rule, general statement of policy, or rule of agency organization, procedure, or practice, unless such rule or statement has general applicability and substantially alters or creates rights or obligations of persons outside the agency; or

"(4) a rule relating to the acquisition, management, or disposal by an agency of real or personal property or of services that is promulgated in compliance with criteria and procedures established by the Administrator for Federal Procurement Policy or the Administrator of General Services.

"(b)(1) General notice of proposed rule making shall be published in the Federal Register, unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. Each notice of proposed rule making shall include—

"(A) a statement of the time, place, and nature of public rule making proceedings;

"(B) a succinct explanation of the need for and specific objectives of the proposed rule;

"(C) an explanation of the specific statutory authority under which the rule is proposed;

"(D) the proposed provisions of the rule;

"(E) a statement that the agency seeks proposals from the public and from State

and local governments for alternative methods to accomplish the objectives of the rule making that are more effective or less burdensome than the approach used in the proposed rule;

"(F) a description of any data, methodologies, reports, studies, scientific evaluations, or other similar information on which the agency plans to substantially rely in the rule making, including an identification of each author or source of such information and the purposes for which the agency plans to rely on such information; and

"(G) a statement specifying where the file of the rule making proceeding maintained pursuant to subsection (f) of this section may be inspected and how copies of the items in the file may be obtained.

"(2) Except when notice or hearing is required by statute, a final rule may be adopted and may become effective without prior compliance with the provisions of this subsection and subsections (c) and (f) of this section if—

"(A) the agency for good cause finds that providing notice and public procedure thereon before the rule becomes effective is impracticable or contrary to an important public interest;

"(B) the agency publishes the rule in the Federal Register with such finding and a succinct explanation of the reasons therefor; and

"(C) the agency complies with the provisions of this subsection and subsections (c) and (f) of this section to the maximum extent feasible prior to the promulgation of the final rule and fully complies with such provisions as soon as reasonably practicable after the promulgation of the rule.

"(3) Except when notice or hearing is required by statute, this subsection and subsections (c) and (f) of this section do not apply to a rule when the agency for good cause finds that notice and public procedure thereon are unnecessary due to the insignificant impact of the rule and publishes, at the time of publication of the final rule, such finding and a succinct explanation of the reason therefor.

"(4) Whenever the provisions of a final rule that an agency plans to adopt are so different from the provisions of the proposed rule that the original notice of proposed rule making did not fairly apprise the public of the issues ultimately to be resolved in the rule making or of the substance of the rule, the agency shall publish in the Federal Register a notice of the final rule the agency plans to adopt, together with the information relevant to such rule which is required by the applicable provisions of this section and which has not previously been published in the Federal Register. The agency shall allow a reasonable period for comment on such final rule.

"(c)(1) After providing the notice required by this section, the agency shall give interested persons at least sixty days to participate in the rule making through the submission of written data, views, or arguments.

"(2) In order to collect relevant information, and to identify and elicit full and representative public comment on the significant issues of a particular rule making, the agency may use such other procedures as the agency determines are appropriate, including—

"(A) the publication of an advance notice of proposed rule making;

"(B) the provision of notice, in forms which are more direct than notice published in the Federal Register, to persons who would be substantially affected by the proposed rule, but who are unlikely to receive notice of the proposed rule making through the Federal Register;

"(C) the provision of opportunities for oral presentation of data, views, information, or rebuttal arguments at informal public hearings, which may be held in the District of Columbia and other locations;

"(D) the provision of summaries, explanatory materials, or other technical information in response to public inquiries concerning the issues involved in the rule making; and

"(E) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in a rule making.

The decision of the agency to use or not to use such other procedures in a rule making pursuant to this paragraph shall not be subject to judicial review.

"(3)(A) The opportunity for participation in a rule making for a major rule (as defined in section 621(4) of this title) shall include the opportunity for oral presentation of data, views, and information at informal public hearings. Such public hearings—

"(i) may include an opportunity for oral rebuttal or argument where appropriate; and

"(ii) shall include an opportunity for direct and cross-examination of the principal agency employees or other persons who prepared for the agency data on which the agency substantially relied in formulating the rule, and of any other persons who present testimony, documents, or other information at such hearings, where other procedures, such as the convening of public meetings, conferences or panel discussions, or the presentation of staff arguments for comment and rebuttal, are determined to be inadequate for the resolution of significant issues of fact upon which the rule is based.

"(B) No court shall hold unlawful or set aside an agency rule because of a failure by the agency to use a particular procedure pursuant to subparagraph (A) of this paragraph unless—

"(i) an objection to the failure to use such procedure was presented to the agency in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(ii) the court finds that such failure substantially precluded a fair consideration and informed resolution of a central issue of the rule making taken as a whole.

"(4) To ensure an orderly and expeditious proceeding, the agency may establish reasonable procedures to regulate the course of informal public hearings under paragraphs (2) and (3) of this subsection, including the designation of representatives to make oral presentations or engage in direct or cross-examination on behalf of several parties with a common interest in a rule making. Transcripts shall be made of all such public hearings.

"(5) An agency shall publish any final rule it adopts in the Federal Register, together with a concise statement of the basis and purpose of the rule and a statement of when the rule may become effective. The statement of basis and purpose shall include—

"(A) an explanation of the need for, objectives of, and statutory authority for the rule;

"(B) a discussion of any significant issues raised by the comments on the proposed rule, including a description of the reasonable alternatives to the rule proposed by the agency and by interested persons, and the reasons why each such alternative was rejected; and

"(C) an explanation of how the factual conclusions upon which the rule is based are substantially supported in the rule making file maintained pursuant to subsection (f) of this section.

"(6) When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

"(d)(1) An agency shall publish the final rule adopted in the Federal Register at least thirty days before the effective date of the rule. An agency may make a rule effective in less than thirty days after publishing the final rule in the Federal Register in the case of a rule that grants or recognizes an exemption or relieves a restriction, or in the case of a rule for which the agency for good cause finds that such a delay in the effective date would be contrary to an important public interest and publishes such finding and an explanation of the reasons therefor, with the final rule.

"(2) In promulgating a final rule, the agency may not substantially rely on any factual or methodological material that was not placed in the rule making file maintained pursuant to subsection (f) of this section in time to afford an adequate opportunity for public comment thereon during the period for public participation in the rulemaking. Notwithstanding the preceding sentence, an agency may rely on such material—

"(A) if, in the case of material developed by or for the agency, such material was placed in the rule making file promptly upon its completion and, if such material is of central relevance to the rule making, was made available in time for interested persons to have an adequate opportunity to comment thereon;

"(B) if, in the case of material submitted by a person outside the agency, such material was placed in the rule making file promptly upon its receipt by the agency and, if such material is of central relevance to the rule making, the agency provided not less than fifteen days for interested persons to comment thereon in addition to the period for comment provided under paragraph (1) of subsection (c);

"(C) if such material is material of which the agency properly can take official notice; or

"(D) if such material is material referred to in subsection (f)(3) of this section and the agency has complied with the requirements of that subsection.

"(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule, for an interpretation regarding the meaning of a rule, and for a variance or exemption from the terms of a rule if the agency may grant such variance or exemption. The agency shall act on such petitions with reasonable promptness. The response of the agency to each such petition shall be in writing accompanied by a statement of reasons.

"(f)(1) The agency shall maintain a file for each rule making proceeding conducted pursuant to this section and shall maintain a current index to such file. The file and the material excluded from the file pursuant to paragraph (2) of this subsection shall constitute the rule making record for purposes of judicial review. Except as provided in paragraph (2) of this subsection, the file shall be made available to the public beginning on the date on which the agency

makes an initial publication concerning the rule. The file shall include—

"(A)(i) the notice of proposed rule making and any supplement to or modification or revision of such notice; and

"(ii) any advance notice of proposed rule making;

"(B) copies of all written comments received on the proposed rule;

"(C) a transcript of any public hearing conducted in the rule making;

"(D) copies, or an identification of the place at which copies may be obtained, of all material described by the agency pursuant to subsection (b)(1)(F) of this section and of other factual and methodological material not described by the agency pursuant to such subsection that pertains directly to the rule making and that the agency considered in connection with the rule making, or that was prepared by or for the agency in connection with the rule making;

"(E) any statement, description, analysis, or any other material that the agency is required to make public in connection with the rule making, including any preliminary or final regulatory analysis issued by the agency pursuant to chapter 6 of this title;

"(F) copies of all written material pertaining to the rule, including any drafts of the proposed and the final rule, submitted by the agency to the President or his designee directed by the President to review proposed or final rules for their regulatory impact; and

"(G) a written explanation of the specific reasons for any significant changes made by the agency in the drafts of the proposed or final rule which respond to any comment received by the agency on the draft proposed rule, the proposed rule, the draft final rule, or the final rule, made by the President or his designee directed by the President to review proposed or final rules for their regulatory impact.

"(2) The agency shall place the materials described in clauses (A) through (H) of the last sentence of paragraph (1) in the file required by such paragraph as soon as practicable after such materials become available to the agency.

"(3) The file required by paragraph (1) of this subsection need not include any material that need not be made available to the public under section 552 of this title if the agency includes in such file a statement that notes the existence of such material and the basis upon which the material is exempt from public disclosure under such section. The agency may not substantially rely on any such material in formulating a rule unless it makes the substance of such material available for adequate comment by interested persons. The agency may use summaries, aggregations of data, or other appropriate mechanisms so as to protect the confidentiality of such material to the maximum extent possible.

"(4) No court shall hold unlawful or set aside an agency rule because of a violation of paragraph (1) of this subsection unless the court finds that such violation has precluded fair public consideration of a material issue of the rule making taken as a whole. Judicial review of compliance or noncompliance with paragraph (1) of this subsection shall be limited to review of action or inaction on the part of an agency.

"(g) For a period of one year after the effective date of a final rule issued pursuant to this section, such rule shall not substantially change the requirements of any contract, cooperative agreement, or grant existing on such effective date between a Federal agency and a State or local government. The preceding sentence does not apply to any case in which the agency for good cause finds that a delay in the effect of the rule would be contrary to an important public interest and publishes such finding and an explanation of the reasons therefor, with the final rule.

"(h) Nothing in this section authorizes the use of appropriated funds available to any agency to pay the attorney's fees or other expenses of persons participating or intervening in agency proceedings.".

REGULATORY ACTIVITIES: ANALYSIS; PRIORITIES AND REVIEW; REPORT

SEC. 4. (a) Chapter 6 of title 5, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER II—ANALYSIS OF AGENCY PROPOSALS

"§ 621. Definitions

"For purposes of this subchapter and subchapters III and IV of this chapter:

"(1) The term 'agency' has the same meaning as in section 551(1) of this title.

"(2) The term 'person' has the same meaning as in section 551(2) of this title.

"(3) The term 'rule' has the same meaning as in section 551(4) of this title, except that such term does not include—

"(A) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers or acquisitions, or accounting practices or disclosures bearing on any of the foregoing;

"(B) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System; or

"(C) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission pursuant to sections 312(a)(7) and 315 of the Communications Act of 1934.

"(4) The term 'major rule' means—

"(A) a rule or a group of closely related rules that the agency, the President, or the officer selected under section 624 of this title reasonably determines is likely to have an annual effect on the economy of $100,000,000 or more in reasonably quantifiable direct and indirect costs; and

"(B) a rule or a group of closely related rules that is otherwise designated a major rule by the agency proposing the rule, or is so designated by the President, or by the officer selected under section 624 of this title, on the ground that the rule is likely to result in—

"(i) a substantial increase in costs or prices for wage earners, consumers, individual industries, nonprofit organizations, Federal, State, or local government agencies, or geographic regions; or

"(ii) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises whose principal places of business are in the United States to compete in domestic or export markets.

For purposes of subparagraph (A) of this paragraph, the term 'rule' does not mean—

"(I) a rule that involves the internal revenue laws of the United States;

"(II) a rule that authorizes the introduction into commerce or recognizes the marketable status of a product, pursuant to sections 408, 409(c), and 706 of the Federal Food, Drug, and Cosmetic Act;

"(III) a rule exempt from notice and public procedure pursuant to section 553(a) of this title; or

"(IV) a rule relating to the viability, stability, asset powers, or categories of accounts of, or permissible interest rate ceilings applicable to, depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the Share Insurance Fund of the National Credit Union Administration Board.

"(5) The term 'benefit' means the reasonably identifiable significant benefits and beneficial effects, including social and economic benefits and effects, that are expected to result directly or indirectly from implementation of a rule or an alternative to a rule.

"(6) The term 'cost' means the reasonably identifiable significant costs and adverse effects, including social and economic costs and effects, that are expected to result directly or indirectly from implementation of a rule or an alternative to a rule.

"§ 622. Regulatory analysis

"(a) Prior to publishing notice of proposed rule making for any rule, each agency shall determine whether the rule is or is not a major rule within the meaning of section 621(4)(A) of this title and, if it is not, whether it should be designated a major rule under section 621(4)(B) of this title. For the purpose of any such determination or designation, a group of closely related rules shall be considered as one rule. Every notice of proposed rule making shall include a succinct statement and explanation of the agency's determination of whether or not the rule is a major rule within the meaning of section 621(4)(A) of this title and, if applicable, of its designation as a major rule under section 621(4)(B) of this title.

"(b) The President or the officer selected by the President under section 624 of this title may determine that a rule is a major rule within the meaning of section 621(4)(A) of this title or may designate a rule as a major rule under section 621(4)(B) of this title not later than thirty days after the publication of the notice of proposed rule making for that rule. Such determination or designation shall be published in the Federal Register, together with a succinct statement of the basis for the determination or designation. The President or the officer selected by the President under section 624 of this title may designate not more than seventy-five rules as major rules under section 621(4)(B) of this title in any fiscal year.

"(c)(1) When the agency publishes a notice of proposed rule making for a major rule, the agency shall issue and place in the rule making file maintained under section 553(f) of this title a preliminary regulatory analysis and shall include in such notice of proposed rule making a summary of the analysis. When the President or the officer selected by the President under section 624 of this title has published a determination or designation that a rule is a major rule after the publication of the notice of proposed rule making for that rule, the agency shall promptly issue and place in the rule making file maintained under section 553(f) of this title a preliminary regulatory analysis for the rule and shall publish in the Federal Register a summary of such analysis. Following the issuance of a preliminary regulatory analysis under the preceding sentence, the agency shall give interested persons an opportunity to comment thereon

pursuant to section 553 of this title in the same manner as if the preliminary regulatory analysis had been issued with the notice of proposed rule making.

"(2) Each preliminary regulatory analysis shall contain—

"(A) a succinct description of the benefits of the proposed rule, including any beneficial effects that cannot be quantified, and an explanation of how the agency anticipates each benefit will be achieved by the proposed rule, including a description of the persons, classes of persons, or particular levels of Government likely to receive such benefits;

"(B) a succinct description of the costs of the proposed rule, including any costs that cannot be quantified, and an explanation of how the agency anticipates each such cost will result from the proposed rule, including a description of the persons, classes of persons, or particular levels of Government likely to incur such costs;

"(C) a succinct description of reasonable alternatives for achieving the identified benefits of the proposed rule, including alternatives that—

"(i) require no Government action;

"(ii) will accommodate differences between geographic regions; and

"(iii) employ performance or other standards which permit the greatest flexibility in achieving the identified benefits of the proposed rule;

"(D) a statement—

"(i) identifying any source of funds available from the Federal Government to pay State and local governments the costs incurred by such governments as a result of the proposed rule; or

"(ii) specifying that the agency does not know of any such source;

"(E) in any case in which the proposed rule is based on scientific evaluations or information, a description of action undertaken by the agency to verify the quality, reliability, and relevance of such scientific evaluations or scientific information; and

"(F) where it is not expressly or by necessary implication inconsistent with the provisions of the enabling statute pursuant to which the agency is proposing the rule, an explanation of how the identified benefits of the proposed rule are likely to justify the identified costs of the proposed rule, and an explanation of how the proposed rule is likely to substantially achieve the rule making objectives in a more cost-effective manner than the alternatives to the proposed rule.

"(d)(1) When the agency publishes a final major rule, the agency shall also issue and place in the rule making file maintained under section 553(f) of this title a final regulatory analysis, and shall include a summary of the analysis in the statement of basis and purpose required by section 553 (c)(6) of this title. Notwithstanding the preceding sentence, in any case in which an agency, under section 553(b)(2) of this title, is not required to comply with subsections (b) through (f) of section 553 of this title prior to the adoption of a final rule, an agency is not required to comply with the preceding sentence prior to the adoption of the final rule but shall comply with such sentence when complying with section 553(b)(2)(C) of this title.

"(2) Each final regulatory analysis shall contain—

"(A) a description and comparison of the benefits and costs of the rule and of the reasonable alternatives to the rule described in the rule making; and

"(B) where it is not expressly or by necessary implication inconsistent with the provisions of the enabling statute pursuant to which the agency is acting, a reasonable determination, based upon the rule making file considered as a whole, that the benefits of the rule justify the costs of the rule, and that the rule will substantially achieve the rule making objectives in a more cost-effective manner than the alternatives described in the rule making.

"(e)(1) An agency shall describe the nature and extent of the nonquantifiable benefits and costs of a proposed and a final rule pursuant to this section in as precise and succinct a manner as possible. The description of the benefits and costs of a proposed and a final rule required under this section shall include a quantification or numerical estimate of the quantifiable benefits and costs. Such quantification or numerical estimate shall be made in the most appropriate unit of measurement and shall specify the ranges of predictions and explain the margins of error involved in the quantification methods and in the estimates used.

"(2) In evaluating and comparing costs and benefits, the agency shall not rely on cost or benefit information submitted by any person that is not accompanied by data, analysis, or other supporting materials that would enable the agency and other persons interested in the rule making to assess the accuracy and reliability of such information. The agency evaluations of the relationships of the benefits of a proposed and final rule to its costs required by this section shall be clearly articulated in accordance with the provisions of this section. An agency is not required to make such evaluation primarily on a mathematical or numerical basis.

"(f) The preparation of the preliminary or final regulatory analysis required by this section shall only be performed by an officer or employee of the agency. The provisions of the preceding sentence do not preclude a person outside the agency from gathering data or information to be used by the agency in preparing any such regulatory analysis or from providing an explanation sufficient to permit the agency to analyze such data or information. If any such data or information is gathered or explained by a person outside the agency, the agency shall specifically identify in the preliminary or final regulatory analysis the data or information gathered or explained and the person who gathered or explained it, and shall describe the arrangement by which the information was procured by the agency, including the total amount of funds expended for such procurement.

"(g) The requirements of this section do not alter the criteria for rulemaking otherwise applicable under other statutes.

"§ 623. Judicial review

"(a) Compliance or noncompliance by an agency with the provisions of this subchapter shall not be subject to judicial review except according to the provisions of this section.

"(b) Any determination by the President or by the officer selected under section 624 of this title that a rule is a major rule within the meaning of section 621(4)(A) of this title, and any designation by the President or the officer selected under section 624 of this title that a rule is a major rule under section 621(4)(B) of this title, or any failure to make such a designation, shall not be subject to judicial review in any manner.

"(c) The determination of an agency of whether a rule is or is not a major rule within the meaning of section 621(4)(A) of this title shall be set aside by a reviewing court only upon a clear and convincing showing that the determination is erroneous in light of the information available to the agency at the time it made the determination. Any designation by an agency that a rule is a major rule under section 621(4)(B) of this title, or any failure to make such a designation, shall not be subject to judicial review in any manner.

"(d) Any regulatory analysis prepared under section 622 of this title shall not be subject to judicial consideration separate or apart from review of the rule to which it relates. When an action for judicial review of a rule is instituted, any regulatory analysis for such rule shall constitute part of the whole rulemaking record of agency action for the purpose of judicial review of the rule and shall, to the extent relevant, be considered by a court in determining the legality of the rule.

"§ 624. Executive oversight

"(a) The President shall have the authority to establish procedures for agency compliance with this subchapter and subchapter III of this chapter. The President shall have the authority to monitor, review, and ensure agency implementation of such procedures. The President shall report annually to the Congress on agency compliance or noncompliance with the requirements of this chapter.

"(b) Any procedures established pursuant to the authority granted under subsection (a) of this section shall be adopted after the public has been afforded an opportunity to comment thereon, and shall be consistent with the prompt completion of rulemaking proceedings. If such procedures include review of preliminary or final regulatory analyses to ensure that they comply with the procedures established pursuant to subsection (a), the time for any such review of a preliminary regulatory analysis shall not exceed thirty days following the receipt of that analysis by the President or by an officer to whom the authority granted under subsection (a) of this section has been delegated pursuant to subsection (c) of this section, and the time for such review of a final regulatory analysis shall not exceed thirty days following the receipt of that analysis by the President or such officer. The times for each such review may be extended for good cause by the President or such officer for an additional thirty days. Notice of any such extension, together with a succinct statement of the reasons therefor, shall be inserted in the rulemaking file.

"(c) The President may delegate the authority granted by subsection (a) of this section, in whole or in part, to the Vice President or to an officer within the Executive Office of the President whose appointment has been subject to the advice and consent of the Senate. Any such notice with respect to a delegation to the Vice President shall contain a statement by the Vice President that the Vice President will make every reasonable effort to respond to congressional inquiries concerning the exercise of the authority delegated under this subsection. Notice of any such delegation, or any revocation or modification thereof, shall be published in the Federal Register.

"(d) The authority granted under subsection (a) of this section shall not apply to rules issued by the Nuclear Regulatory Commission.

"(e) Any exercise of the authority granted under this section, or any failure to exercise such authority, by the President or by an

officer to whom such authority has been delegated under subsection (c) of this section, shall not be subject to judicial review in any manner under this Act.

"SUBCHAPTER III—REGULATORY PRIORITIES AND REVIEW

"§ 631. Review of agency rules

"(a)(1)(A) Not later than nine months after the effective date of this section, each agency shall prepare and publish in the Federal Register a proposed schedule for the review, in accordance with this section, of—

"(i) each rule of the agency which is in effect on such effective date and which, if adopted on such effective date, would be a major rule under section 621(4)(A) of this title, and

"(ii) each rule of the agency in effect on such effective date (in addition to the rules described in clause (i)) which the agency has selected for review.

"(B) Each proposed schedule required by subparagraph (A) shall include—

"(i) a brief explanation of the reasons the agency considers each rule on the schedule to be such a major rule under section 621(a)(4)(A) of this title or of the reasons why the agency selected the rule for review;

"(ii) a date set by the agency, in accordance with the provisions of subsection (b)(1) of this section, for the completion of the review of each such rule; and

"(iii) a statement that the agency requests comments from the public on the proposed schedule.

"(C) The agency shall set a date to initiate review of each rule on the schedule in a manner which will ensure the simultaneous review of related items and which will achieve a reasonable distribution of reviews over the period of time covered by the schedule.

"(2) At least ninety days before publishing in the Federal Register the proposed schedule required under paragraph (1), each agency shall make the proposed schedule available to the President, or to the Vice President or other officer to whom oversight authority has been delegated under section 624(b) of this title. The President or that officer may select for review in accordance with this section any additional rule that the President or such officer determines to be a major rule under section 621(4)(A) of this title.

"(3) Not later than one year after the effective date of this section, each agency shall publish in the Federal Register a final schedule for the review of the rules referred to in paragraphs (1) and (2) of this subsection. Each agency shall publish with the final schedule the response of the agency to comments received concerning the proposed schedule.

"(b)(1) Except where explicitly provided otherwise by statute, the agency shall, pursuant to subsections (c) through (e) of this section, review—

"(A) each rule on the schedule promulgated pursuant to subsection (a) of this section;

"(B) each major rule under section 621(4) of this title promulgated, amended, or otherwise renewed by an agency after the date of the enactment of this section; and

"(C) each rule promulgated after the date of enactment of this section which the President or the officer designated by the President pursuant to subsection (a)(2) of this section determines to be a major rule under section 621(4)(A) of this title.

Except where an extension has been granted pursuant to subsection (f) of this section, the review of a rule required by this section shall be completed within ten years after the effective date of this section or within ten years after the date on which the rule is promulgated, amended, or renewed, whichever is later.

"(2) A rule required to be reviewed under the preceding subsection on grounds that it is a major rule need not be reviewed if the agency determines that such rule, if adopted at the time of the planned review, would not be a major rule under the definition previously applied to it. When the agency makes such a determination, it shall publish a notice and explanation of the determination in the Federal Register.

"(c) An agency shall publish in the Federal Register a notice of its proposed action under this section with respect to a rule being reviewed. The notice shall include—

"(1) an identification of the specific statutory authority under which the rule was promulgated and a statement specifying the agency's determination of whether the rule continues to fulfill the intent of Congress in enacting that authority;

"(2) an assessment of the benefits and costs of the rule during the period in which it has been in effect;

"(3) an explanation of the proposed agency action with respect to the rule; and

"(4) a statement that the agency seeks proposals from the public for modifications or alternatives to the rule which may accomplish the objectives of the rule in a more effective or less burdensome manner.

"(d) If an agency proposes to repeal or amend a rule under review pursuant to this section, the agency shall, after issuing the notice required by subsection (c) of this section, comply with the provisions of this chapter and chapter 5 of this title or other applicable law. The requirements of such provisions and related requirements of law shall apply to the same extent and in the same manner as in the case of a proposed agency action to repeal or amend a rule which is not taken pursuant to the review required by this section.

"(e) If an agency proposes to renew without amendment a rule under review pursuant to this section, the agency shall—

"(1) give interested persons not less than sixty days after the publication of the notice required by subsection (c) of this section to comment on the proposed renewal; and

"(2) publish in the Federal Register notice of the renewal of such rule and an explanation of the continued need for the rule, and, if the renewed rule is a major rule under section 621(4) of this title, include with such notice an explanation of the reasonable determination of the agency that the rule complies with the provisions of section 622(d)(2)(B) of this title.

"(f)(1) Any agency, which for good cause finds compliance with this section with respect to a particular rule to be impracticable during the period provided in subsection (b) of this section, may request the President, or the officer designated by the President pursuant to subsection (a)(2) of this section, to establish a period longer than ten years for the completion of the review of such rule. The President or that officer may extend the period for review of a rule to a total period of not more than fifteen years. Such extension shall be published in the Federal Register with an explanation of the reasons therefor.

"(2) An agency may, with the concurrence of the President or the officer designated by the President pursuant to subsection (a)(2) of this section, or shall, at the direction of the President or that officer, alter the timing of review of rules under any schedule required by this section for the review of rules if an explanation of such alteration is published in the Federal Register at the time such alteration is made.

"(g) In any case in which an agency has not completed the review of a rule within the period prescribed by subsection (b) or (f) of this section, the agency shall immediately publish in the Federal Register a notice proposing to amend, repeal, or renew the rule under subsection (c) of this section, and shall complete proceedings pursuant to subsection (d) or (e) of this section within one hundred and eighty days after the date on which the review was required to be completed under subsection (b) or (f) of this section.

"(h)(1) Agency compliance or noncompliance with the provisions of subsection (a) of this section shall not be subject to judicial review in any manner.

"(2) Agency compliance or noncompliance with the provisions of subsections (b), (c), (e), (f), and (g) of this section shall be subject to judicial review only pursuant to section 706(a)(1) of this title.

"(i) Nothing in this section shall relieve any agency from its obligation to respond to a petition to issue, amend, or repeal a rule, for an interpretation regarding the meaning of a rule, or for a variance or exemption from the terms of a rule, submitted pursuant to section 553(e) of this title.

"§ 632. Regulatory agenda and calendar

"(a) Each agency shall publish in the Federal Register in April and October of each year an agenda of the rules that the agency expects to propose, promulgate, renew, or repeal in the succeeding twelve months. For each such rule, the agenda shall contain, at a minimum, and in addition to any other information required by law—

"(1) a general description of the rule, including a citation to the authority under which the action with respect to the rule is to be taken, or a specific explanation of the congressional intent to which the objectives of the rule respond;

"(2) a statement of whether or not the rule is or is expected to be a major rule;

"(3) an approximate schedule of the significant dates on which the agency will take action relating to the rule, including the dates for any notice of proposed rule making, hearing, and final action on the rule;

"(4) the name, address, and telephone number of an agency official responsible for answering questions from the public concerning the rule;

"(5) a statement specifying whether each rule listed on the previous agenda has been published as a proposed rule, has been published as a final rule, has become effective, has been repealed, or is pending in some other status; and

"(6) a cumulative summary of the status of the rules listed on the previous agenda in accordance with clause (5) of this subsection.

"(b) The President or an officer in the Executive Office of the President whose appointment has been subject to the advice and consent of the Senate shall publish in the Federal Register in May and November of each year a Calendar of Federal Regulations listing each of the major rules identified in the regulatory agendas published by agencies in the preceding month. Each rule listed in the calendar shall be accompanied

by a summary of the information relating to the rule that appeared in the most recent regulatory agenda in which the rule was identified.

"(c) An agency may propose or promulgate a major rule that was not listed in the regulatory agenda required by subsection (a) of this section only if the agency publishes with the rule an explanation of the omission of the rule from such agenda and otherwise complies with this section with respect to that rule.

"(d) Any compliance or noncompliance by the agency with the provisions of this section shall not be subject to judicial review.

"§ 633. Establishment of deadlines

"(a)(1) Whenever any agency publishes a notice of proposed rule making pursuant to section 553 of this title, the agency shall include in such notice an announcement of the date by which it intends to complete final agency action on the rule.

"(2) If any agency announcement under this section indicates that the proceeding relating to such rule will require more than one year to complete, the agency shall also indicate in the announcement the date by which the agency intends to complete each major portion of that proceeding. In carrying out the requirements of this subsection, the agency shall select dates for completing agency action which will assure the most expeditious consideration of the rule which is possible, consistent with the interests of fairness and other agency priorities.

"(3) The requirements of this subsection shall not apply to any rule on which the agency intends to complete action within one hundred and twenty days after providing notice of the proposed action.

"(b) If an agency fails to complete action in a proceeding, or a major portion of the proceeding, by the date announced pursuant to subsection (a) of this section, or, in the case of a proceeding described in paragraph (3) of such subsection, if an agency fails to complete action within one hundred and twenty days after providing notice of such proposed action, and the expected delay in completing action will exceed thirty days, the agency shall promptly announce the new date by which the agency intends to complete action in such proceeding and new dates by which the agency intends to complete action on each major portion of the proceeding.

"(c) Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review except in accordance with subsection (d).

"(d) In determining whether to compel agency action unreasonably delayed pursuant to section 706(a)(1) of this title, the reviewing court shall consider, in addition to any other relevant factors, the extent to which the agency has failed to comply with this section.

"SUBCHAPTER IV—REPORT TO THE CONGRESS

"§ 641. Annual report

"Not later than January 31 of each year, the President shall report to the Congress on the regulatory activities of the Government. The report shall include—

"(1) a description of the regulatory functions and activities of the Government, and the relationship of such functions and activities to national needs; and

"(2) an estimate, for the national economy and for each of the major sectors of the national economy, of the costs and benefits resulting from—

"(A) all major rules promulgated during the preceding fiscal year;

"(B) all major rules included on the regulatory agenda published under section 632 of this title during April and October of the year preceding the year in which the report is made; and

"(C) all major rules scheduled for review under section 631 of this title to the extent possible.".

(b) Such chapter is further amended—

(1) by inserting after the chapter analysis the following new subchapter heading:

"SUBCHAPTER I—REGULATORY FLEXIBILITY";

and

(2) by striking out "this chapter" each place it appears in subchapter I and inserting in lieu thereof in each such place "this subchapter".

(c) The chapter analysis of such chapter is amended—

(1) by inserting after the chapter heading the following new subchapter heading:

"SUBCHAPTER I—REGULATORY FLEXIBILITY";

and

(2) by adding at the end thereof the following:

"SUBCHAPTER II—ANALYSIS OF AGENCY PROPOSALS

"Sec.
"621. Definitions.
"622. Regulatory analysis.
"623. Judicial review.
"624. Executive oversight.

"SUBCHAPTER III—REGULATORY PRIORITIES AND REVIEW

"631. Review of agency rules.
"632. Regulatory agenda and calendar.
"633. Establishment of deadlines.

"SUBCHAPTER IV—REPORT TO THE CONGRESS

"641. Annual report.".

JUDICIAL REVIEW

SEC. 5. Section 706 of title 5, United States Code, is amended to read as follows:

"§ 706. Scope of review

"(a) To the extent necessary to decision and when presented, the reviewing court shall independently decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of agency action. The reviewing court shall—

"(1) compel agency action unlawfully withheld or unreasonably delayed; and

"(2) hold unlawful and set aside agency action, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(D) without observance of procedure required by law;

"(E) unsupported by substantial evidence in a proceeding subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

"(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

"(b) In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

"(c) In making determinations concerning statutory jurisdiction or authority under subsection (a)(2)(C) of this section, the court shall require that action by the agency is within the scope of the agency jurisdiction or authority on the basis of the language of the statute or, in the event of ambiguity, other evidence of ascertainable legislative intent. In making determinations on other questions of law, the court shall not accord any presumption in favor of or against agency action, but in reaching its independent judgment concerning an agency's interpretation of a statutory provision, the court shall give the agency interpretation such weight as it warrants, taking into account the discretionary authority provided to the agency by law.

"(d) In making a finding under subsection (a)(2)(A) of this section, the court shall determine whether the factual basis of a rule adopted in a proceeding subject to section 553 of this title is without substantial support in the rule making file.".

VENUE

SEC. 6. (a) Section 2112 of title 28, United States Code, is amended—

(1) by striking out the last three sentences of subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) If proceedings have been instituted in two or more courts of appeals with respect to the same agency action and the first such proceeding was instituted more than five days before the second, the record shall be filed in that court in which the proceeding was first instituted. If the first such proceeding was not instituted more than five days before the institution of a later proceeding with respect to the same agency action, and the agency, board, commission, or officer concerned has received written notice from the parties instituting each of these proceedings, the agency, board, commission, or officer concerned shall promptly advise in writing the Administrative Office of the United States Courts, with respect to the first proceeding and all proceedings initiated within five days of the first proceeding, that such multiple proceedings have been instituted and shall identify each court for which it has notice that such proceedings are pending. Pursuant to a system of random selection devised for this purpose, the Administrative Office thereupon shall select the court in which the record shall be filed from among those identified by the agency. Upon notification of such selection, the agency, board, commission, or officer concerned shall promptly file the record in such court. For the purpose of review of agency action which has previously been remanded to the agency, board, commission, or officer concerned, the record shall be filed in the court of appeals which remanded such order.

"(2) Where proceedings have been instituted in two or more courts of appeals with respect to the same agency action and the record has been filed in one of such courts pursuant to paragraph (1), the other courts in which such proceedings are pending shall promptly transfer such proceedings to the court of appeals in which the record has been filed. Pending selection of a court pursuant to subsection (1), any court in which a proceeding has been instituted may postpone the effective date of the agency action until fifteen days after the Administrative Office has selected the court in which the record shall be filed. Such postponement by the court may thereafter be modified, re-

voked, or extended by the court in which the record is to be filed.

"(3) Any court in which a proceeding with respect to any agency action is pending, including any court selected pursuant to paragraph (1), may transfer such proceeding to any other court of appeals for the convenience of the parties or otherwise in the interest of justice.".

(b) Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating paragraphs (17) and (18) as paragraphs (18) and (19), respectively, and

(2) by inserting after paragraph (16) the following new paragraph:

"(17) Pursuant to section 2112 of this title, where proceedings with respect to action of any agency, board, commission, or officer have been instituted in two or more courts of appeals, administer a system of random selection to determine the appropriate court in which the record is to be filed.".

ADVISORY COMMITTEE

SEC. 7. Clause (iii) of section 3(2)(C) of the Federal Advisory Committee Act is amended to read as follows: "(iii) any committee which is composed wholly of full-time officers or employees of the Federal Government, or elected officials of State or local governments acting in their official capacities or their representatives or representatives of their national organizations.".

RESOLUTION OF AGENCY JURISDICTIONAL CONFLICT

SEC. 8. (a) Section 2201 of title 28, United States Code, is amended by inserting "(a)" before "In" and by adding at the end thereof the following new subsections:

"(b)(1) Except as provided in paragraph (3), upon the filing of an appropriate pleading by a regulatory agency or a public utility, the district courts shall have original jurisdiction of any civil action or proceeding to resolve a controversy between two or more regulatory agencies, with respect to jurisdiction to regulate any of the rates, services, or records relating thereto, of a public utility unless all of such agencies are agencies of the same State.

"(2) If any party shall apply to the court before whom the pleading is filed for leave to adduce additional evidence relevant to a finding of jurisdiction, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such additional evidence in proceedings before one or more of the regulatory agency parties to the action brought hereunder, the court may order such additional evidence to be taken before any of such regulatory agencies and to be adduced upon the hearing in such manner and upon such terms and conditions as the court deems proper.

"(3) If the courts of appeals have exclusive original jurisdiction to review agency action of a regulatory agency, then an action or proceeding under this subsection with respect to a controversy to which such regulatory agency is a party shall be brought in such court of appeals rather than in the district court.

"(c) The court may declare the rights and other legal relations of the parties to an action or proceeding brought under subsection (b) to the extent necessary to resolve the controversy with respect to jurisdiction and may take any action necessary to maintain the status quo pending such declaration, or pending appeal of such declaration, including staying any civil action or proceeding that might be affected by such declaration. Such action or declaration shall not be withheld—

"(1) on the ground that a controversy with respect to matters other than jurisdiction to regulate may exist between or among the parties,

"(2) due to failure to pursue or exhaust any administrative remedies, or

"(3) due to inconsistent provisions of other statutes providing for judicial review of such agency action, including the regulatory statutes under which the controversy has arisen.

Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

"(d) For purposes of this subsection—

"(1) the term 'State' includes the District of Columbia and any territory or possession of the United States;

"(2) the term 'public utility' is any entity which offers its services to the public or any segment thereof, and whose rates are subject to regulation on a cost of service or rate of return basis by one or more regulatory agencies;

"(3) the term 'regulatory agency' includes any agency having or exercising any regulatory function with respect to any public utility; and

"(4) the term 'agency' means the United States, a State or political subdivision of a State, or any agency or instrumentality of the United States or any such State subdivision or agency.".

(b)(1) Chapter 151 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 2203. Process and procedure

"In any civil action or proceeding under section 2201(b) of this title, (1) the United States or any agency of the United States may join or be joined as a party, (2) any State or State subdivision or agency thereof may join or, with its consent where necessary, be joined as a party, and a district court may issue its process for such purposes without regard to territorial limitations.".

(2) The table of sections for chapter 151 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"2203. Process and procedure.".

(c)(1) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1409. Public utility jurisdictional controversies

"Any civil action or proceeding for a declaratory judgment under section 2201(b) of this title may be brought in any judicial district in which the public utility resides or has its principal office, or in the United States District Court for the District of Columbia, except that whenever one or more States or subdivisions thereof or the agencies of a State or a subdivision thereof are parties, the civil action or proceeding must be brought in a judicial district within one of such States.".

(2) The table of sections for chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1409. Public utility jurisdictional controversies.".

PROHIBITION AGAINST INTERVENOR FUNDING

SEC. 9. (a) Subchapter II of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 560. Prohibition against intervenor funding

"Except as provided in section 504 of this title, section 2412 of title 28, section 319 of the Federal Power Act, section 18(h) of the Federal Trade Commission Act, section 7(c) of the Consumer Product Safety Act, section 22 of the Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1956, and paragraphs (4) and (5) of section 6(c) of the Toxic Substances Control Act, and except as otherwise expressly authorized by statute, no appropriated funds available to any agency may be used to pay the expenses of persons participating or intervening in agency proceedings.".

(b) The table of sections for such chapter is amended by adding at the end thereof the following:

"560. Prohibition against intervenor funding.".

USE OF STATE AND LOCAL REQUIREMENTS

SEC. 10. (a) Subchapter II of chapter 5 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 561. Use of duplicative State or local requirements

"(a) Except as otherwise provided by law, the head of each Federal agency is authorized, in the administration of a Federal statute with respect to any State or locality, to adopt as a Federal rule a regulation of that State or local government or use as a Federal recordkeeping or reporting requirement or implementation procedure a recordkeeping or reporting requirement or implementation procedure of that State or locality if the head of the agency determines—

"(1) that such State or local government regulation, implementation procedure, recordkeeping requirement, or reporting requirement duplicates a Federal regulation, procedure, recordkeeping requirement, or reporting requirement; and

"(2) that such State or local government regulation, implementation procedure, recordkeeping requirement, or reporting requirement is substantively equivalent to or more stringent than the Federal regulation, procedure, recordkeeping requirement, or reporting requirement.

"(b) When the head of an agency determines to use a State or local recordkeeping or reporting requirement, or implementation procedure, as a Federal recordkeeping or reporting requirement or implementation procedure in that State or locality, the head of the agency shall prepare, at a minimum, a written statement of the reasons for any determination made under subsection (a), and shall make such statement available to the public.

"(c) This section does not limit the authority or responsibility of the head of any agency to enforce Federal law.".

(b) Section 551(5) of title 5, United States Code, is amended by inserting a comma and "or the adoption of a rule pursuant to section 561 of this title" before the semicolon.

(c) The table of sections for chapter 5 of such title is amended by inserting after the item relating to section 560 the following new item:

"561. Use of duplicative State or local requirements.".

PRESIDENTIAL AUTHORITY

SEC. 11. Nothing in this Act (1) limits the exercise by the President of the authority and responsibility that the President other-

wise possesses under the Constitution and other laws of the United States with respect to regulatory policies, procedures, and programs of departments, agencies, and offices, or (2) alters in any manner rulemaking authority vested by law in an agency to initiate or complete a rule making proceeding, or to issue, modify, or rescind a rule.

CONFORMING AMENDMENTS

SEC. 12. (a) Section 33(c) of the Federal Energy Administration Act of 1974 (15 U.S.C. 789(c)) is amended by striking out "(without regard to subsection (a)(2) thereof)" and inserting in lieu thereof "(without regard to clauses (2) and (4) of subsection (a) of such section)".

(b)(1) Section 3(e)(1) of the Federal Hazardous Substances Labeling Act (15 U.S.C. 1262(e)(1)) is amended by striking out "(other than clause (B) of the last sentence of subsection (b) of such section)" and inserting in lieu thereof "(other than paragraphs (2)(A) and (3) of subsection (b) of such section)".

(2) Section 3(e)(3)(C) of such Act (15 U.S.C. 1262(e)(3)(C)) is amended by inserting "(a)" after "section 706".

(c)(1) Section 5(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1474(a)) is amended by striking out "(other than paragraph (3)(B) of the last sentence of subsection (b) of such section)" and inserting in lieu thereof "(other than paragraphs (2)(A) and (3) of subsection (b) of such section)".

(2) Section 5(b)(3) of such Act (15 U.S.C. 1474(b)(3)) is amended by inserting "(a)" after "section 706".

(d) Section 19(c)(1)(B)(iii)(II) of the Toxic Substances Control Act (15 U.S.C. 2618(c)(1)(B)(iii)(II)) is amended by striking out "section 553(c)" and inserting in lieu thereof "section 553(c)(6)".

(e) Section 4218(b) of title 18, United States Code, is amended—

(1) by striking out "section 553(b)(3)(A)" and inserting in lieu thereof "section 553(a)(3)"; and

(2) by striking out "statements" and inserting in lieu thereof "statement".

(f) Section 409 of the General Education Provisions Act (20 U.S.C. 1221e-4) is amended by striking out "exception provided under section 553(b)" and inserting in lieu thereof "exceptions provided under subsection (a)(3) and paragraphs (2)(A) and (3) of subsection (b) of section 553".

(g)(1) Section 508 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 358) is amended—

(A) by striking out "section 4 of the Administrative Procedure Act (5 U.S.C. 1003)" in subsection (c) and inserting in lieu thereof "section 553"; and

(B) by striking out "section 4 of the Administrative Procedure Act (5 U.S.C. 1003)" in subsection (e) and inserting in lieu thereof "section 553".

(2) Section 514(e)(4) of such Act (21 U.S.C. 360d(e)(4)) is amended by striking out "subsection (b)(A)" and inserting in lieu thereof "subsection (a)(3)".

(h) Section 426(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 936(a)) is amended by striking out "subsection (a) thereof" and inserting in lieu thereof "subsection (a) (1), (2), and (4) of such section".

(i) Section 5(a) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(a)) is amended by striking out "without regard to subsection (a) thereof" and inserting in lieu thereof "without regard to clauses (1), (2), and (4) of subsection (a) of such section".

(j) Section 10(a) of the Act of June 30, 1936 (49 Stat. 2036, as amended; 41 U.S.C. 43a(a)) is amended by striking out "section 4 of the Administrative Procedure Act, such Act" and inserting in lieu thereof "section 553 of title 5, United States Code, the provisions of chapters 5, 6, and 7 of such title".

(k) Section 2(a)(2) of the Act of June 25, 1936 (52 Stat. 1196; 41 U.S.C. 47(a)(2)) is amended by striking out "subsections (b), (c), (d), and (e) of section 553 of title 5, United States Code," and inserting in lieu thereof "section 553 of title 5, United States Code (without regard to clauses (1), (2), and (4) of subsection (a) of such section)".

(l) Section 170A(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2210a(c)) is amended by striking out "(without regard to subsection (a)(2) thereof)" and inserting in lieu thereof "(without regard to clauses (2) and (4) of subsection (a) of such section)".

(m) Section 6(c)(2) of the Noise Control Act of 1972 (42 U.S.C. 4905(c)(2)) is amended by striking out "the first sentence of".

(n) Section 501(b)(3) of the Department of Energy Organization Act (42 U.S.C. 7191(b)(3)) is amended by striking out "subsection (a)(2) of such section with respect to public property, loans, grants, or contracts" and inserting in lieu thereof "subsection (a)(4) of such section".

(o) Section 307(d) of the Clean Air Act (42 U.S.C. 7607(d)) is amended by striking out "subparagraphs (A) or (B) of subsection 553(b)" in paragraph (1)(N) and inserting in lieu thereof "subsection (a)(3) and paragraphs (2)(A) and (3) of subsection (b) of section 553".

(p) Section 102(a) of the Ocean Thermal Energy Conversion Act of 1980 (42 U.S.C. 9112(a)) is amended by striking out "without regard to subsection (a) thereof" and inserting in lieu thereof "without regard to clauses (1), (2), and (4) of subsection (a) of such section".

(q) Section 310 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740) is amended by striking out "section 553(a)(2)" and inserting in lieu thereof "clauses (2) and (4) of section 553(a)".

CONGRESSIONAL REVIEW

SEC. 13. (a) Title 5, United States Code, is amended by inserting immediately after chapter 7 the following new chapter:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"801. Definitions.
"802. Congressional review of agency rules.
"803. Procedures for consideration of resolutions of disapproval.

"§ 801. Definitions

"For purposes of this chapter—

"(1) the term 'agency' has the same meaning as in section 551(1) of this title;

"(2) the term 'rule' means any rule which is subject to section 553 of this title;

"(3) the term 'resolution of disapproval' means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress disapproves the recommended final rule issued by dealing with the matter of , which rule was transmitted to the Congress on .', the first blank being filled with the name of the agency issuing the rule, the second blank being filled with the title of the rule and such further description as may be necessary to identify it, and the third blank being filled with the date of transmittal of the rule to the Congress; and

"(4) the term 'appropriate committee' means the committee of the House of Representatives and the committee of the Senate which has primary legislative jurisdiction over the statute pursuant to which an agency issues a rule.

"§ 802. Congressional review of agency rules

"(a)(1) The provisions of this section do not apply to—

"(A) any rule for which an agency makes a finding under section 553(b)(3) of this title;

"(B) any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing; and

"(C) any rule if—

"(i) the agency made a finding with respect to such rule under section 553(b)(2) of this title; or

"(ii) the head of the agency determines that the rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest; and

"(iii) on the date on which the agency issues the rule, the head of the agency submits to the chairman and ranking minority member of the appropriate committees a written notice specifying the reasons for the determination of the agency under clause (i) or (ii) of this subparagraph.

"(2) Notwithstanding any other provision of law, unless earlier withdrawn by the agency or earlier set aside by judicial action, a rule to which paragraph (1)(C) of this subsection applies shall terminate one hundred and twenty days after the date on which it is issued.

"(b)(1) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the agency to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(2)(A) Notwithstanding any other provision of law, no recommended final rule of an agency may become effective until the expiration of a period of forty-five days of continuous session of Congress after the date on which the rule is received by the Congress under paragraph (4) of this subsection. If before the expiration of such forty-five-day period, either appropriate committee orders reported or is discharged from consideration of a resolution of disapproval with respect to such rule, such rule may not become effective if within thirty days of continuous session of Congress after the date on which such committee orders reported or is discharged from further consideration of such resolution, one House of Congress agrees to such resolution of disapproval of the rule and within thirty additional days of continuous session of Congress after the date of transmittal of the resolution of disapproval to the other House, such other House agrees to such resolution of disapproval.

"(B) Whenever an appropriate committee reports a resolution of disapproval pursuant to this paragraph, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"(C) Notwithstanding subparagraph (A) of this paragraph, a recommended final rule may become effective at any time after the day on which either House of Congress defeats a resolution of disapproval, and, in the

case of the Senate, a motion to reconsider such resolution is disposed of.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, if Congress adjourns sine die at the end of a Congress prior to the expiration of the periods specified in paragraph (2)(A) of this subsection with respect to a recommended final rule, the rule shall not become effective during that Congress. The agency which issued such recommended final rule may transmit such rule at any time after the first day of the following Congress in accordance with paragraph (4) of this subsection, and the periods specified in paragraph (2)(A) of this subsection with respect to any such rule shall begin on the date such rule is transmitted to the Congress.

"(B) If—

"(i) Congress adjourns sine die at the end of a Congress prior to the expiration of the periods specified in paragraph (2)(A) of this subsection with respect to a recommended final rule;

"(ii) an agency transmits such recommended final rule to the Congress at least forty-five days of continuous session of Congress prior to the day on which Congress adjourns sine die at the end of a Congress; and

"(iii) either House of Congress does not adopt a resolution of disapproval with respect to such recommended final rule prior to the day on which Congress adjourns sine die at the end of a Congress,

such rule may become effective at any time after the day on which Congress adjourns sine die at the end of a Congress.

"(4)(A) On the day on which a recommended final rule is transmitted for publication to the Federal Register, an agency shall transmit to the Secretary of the Senate and the Clerk of the House of Representatives a copy of the complete text of such recommended final rule and a copy of any other materials transmitted to the Federal Register with such rule.

"(B)(i) If either House of Congress is not in session on the day on which a recommended final rule is transmitted for publication to the Federal Register, the periods specified in paragraph (2)(A) of this subsection with respect to such rule shall begin on the first day thereafter when both Houses of Congress are in session.

"(ii) The Secretary of the Senate and the Clerk of the House of Representatives are authorized to receive recommended final rules and materials transmitted under this paragraph on days when the Senate or the House of Representatives, as the case may be, is not in session.

"(C) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule and the materials transmitted with such rule, the Secretary and the Clerk shall transmit a copy of such rule and such materials to the appropriate committees.

"(c)(1) If a recommended final rule of an agency is disapproved under this section, the agency may issue a recommended final rule which relates to the same acts or practices as the disapproved rule. Such recommended final rule—

"(A) shall be based upon—

"(i) the rule making record of the recommended final rule disapproved by the Congress; or

"(ii) such rule making record and the record established in supplemental rule making proceedings conducted by the agency in accordance with section 553 of this title, in any case in which the agency determines that it is necessary to supplement the existing rule making record; and

"(B) may reflect such changes as the agency considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the resolution of disapproval with respect to the rule.

"(2) An agency, after issuing a recommended final rule under this subsection, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives in accordance with subsection (b) of this section, and such rule shall only become effective in accordance with such subsection.

"(d) Congressional inaction on or rejection of a resolution of disapproval with respect to a recommended final rule shall not be deemed an expression of approval of such rule.

"§ 803. Procedures for consideration of resolutions of disapproval

"(a) The provisions of this section, paragraphs (3) and (4) of section 801, and paragraphs (2)(B) and (4)(C) of section 802(b) are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions of disapproval; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) Except as provided in subsection (e) of this section, resolutions of disapproval shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a resolution of disapproval has been referred does not report such resolution within thirty days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a resolution of disapproval transmitted from the other House has been referred does not report such resolution within twenty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a resolution of disapproval has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a resolution of disapproval, or when the companion resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a resolution of disapproval shall be limited to not more than two hours (except that when one House has debated its resolution of disapproval, the companion resolution shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit the resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the resolution of disapproval, and shall not be debatable. Any other motions shall be decided without debate.

"(e) If a resolution of disapproval has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a resolution of disapproval with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a resolution of disapproval of one House, that House receives the companion resolution of disapproval from the other House, the vote in the first House shall occur on the resolution of disapproval of the other House.

"(f) The provisions of this chapter supersede any other provision of law requiring action by both Houses of Congress for congressional review or disapproval of agency rules to the extent such other provisions are inconsistent with this chapter. The provisions of this chapter do not supersede any other provisions of law requiring action by only one House of Congress for congressional review or disapproval of agency rules.

"(g) For the purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(2) the days on which either House is not in session because of an adjournment or recess of more than fifteen days are excluded in the computation of days of continuous session.".

(b) The table of chapters for part I of title 5, United States Code, is amended by inserting immediately after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rule Making.....801".

SEVERABILITY

SEC. 14. If the provisions of any part of this Act or the amendments made by this Act, or the application thereof, to any person or circumstances is held invalid, the provisions of the other parts of this Act or the amendments made by this Act and their application to other persons or circumstances shall not be affected.

OPEN MEETINGS

SEC. 15. Section 552b(a)(1) of title 5, United States Code, is amended by inserting before the semicolon a comma and "and also means the Chrysler Corporation Loan Guarantee Board".

EFFECTIVE DATES

SEC. 16. (a)(1) The provisions of sections 2, 3, 5, and 12 of this Act and the amendments made by such sections, and the provisions of subchapter II of chapter 6 of title 5, United States Code (as added by section 4 of this Act), shall take effect on January 1, 1985, and shall not apply to any proceeding for which a notice of proposed rule making was issued before such effective date or to any other agency action initiated before such effective date.

(2) The provisions of section 621(4)(IV) of title 5, United States Code (as added by section 4 of this Act) shall not be in effect after June 30, 1985, unless the President certifies that the extension or reinstitution of such provisions is necessary to allow the Federal agencies authorized to issue rules identified in that section to take expeditious and appropriate action to preserve the viability, safety, or soundness of federally insured depository institutions. Any certification by the President under this subsection may only be made for a single one-year period beginning after June 30, 1985.

(b) The provisions of subchapter III of chapter 6 of title 5, United States Code (as added by section 4 of this Act) shall take effect six months after the date of enactment of this Act.

(c) The provisions of section 6 of this Act shall take effect three months after the date of enactment of this Act and shall apply, according to the provisions thereof, to review proceedings instituted after such date.

(d) The provisions of subchapter IV of chapter 6 of title 5, United States Code (as added by section 4 of this Act), and the provisions of sections 7, 9, 10, 11, and 15 of this Act and the amendments made by such sections shall take effect on the date of enactment of this Act.

(e) The amendments made by section 8 of this Act shall take effect on the date of enactment of this Act, and shall not apply to any civil action commenced prior to such date.

(f) The provisions of section 13 of this Act and the amendments made by such section shall take effect on the first day of the Ninety-ninth Congress.

● Mr. HEFLIN. Mr. President, today, I join with my distinguished colleague, Senator CHARLES GRASSLEY, in support of Senate bill 1080, the Grassley/Heflin Regulatory Reform Act of 1983.

I would like to commend Senator GRASSLEY, the chairman of the Subcommittee on Administrative Practice and Procedure, for his dynamic leadership and guidance in this legislative effort.

This bill is designed to make a long overdue comprehensive reform of the process by which Federal agencies carry out their functions. This measure is identical to Senate bill 1080 which was passed by the Senate in the 97th Congress by a vote of 94 to 0.

In the past quarter century, we have witnessed a rapid increase in the growth of Federal regulations. We, as legislators, again have the opportunity to limit the role of unelected officials in dispensing economic and social regulation. I believe we have a mandate to perform this task. Where regulation is unnecessary and stifles competition, we should eliminate it. And even where regulation is necessary in protecting the public trust, we must make it work more efficiently.

Federal regulations have mushroomed into a massive web only to ensnarl both business and consumers in its mighty grip. It feeds off of taxpayers moneys while spawning more and more expensive and time-consuming litigation, even amongst its own various agencies.

Federal expenditures for regulatory activities in fiscal year 1982 were nearly $7½ billion, but the ultimate costs to the American taxpayer is at least 10 times this amount. We have allowed free enterprise to become subservient to a complex bureaucratic monolith consisting of 58 regulatory agencies issuing 7,000 new rules every year. Mr. President, we simply must free the American economy and the citizens of this country of this burden.

Mr. President, today we consider how we may minimize Government regulation which in so many areas has proved ineffective and costly. If we are successful we will enhance the economic health of our country and reduce the inflationary impact caused from nonessential Government intervention. But if we fail, America's chances for economic recovery will be jeopardized. I am hopeful that commonsense will guide us in this arduous task. Therefore, I urge my colleagues to support and act favorably on Senate bill 1080 with the hope that these new reforms will unshackle business, industry, and consumers from the burdens imposed by unnecessary regulations.

I thank the Chair.●

ORDER OF PROCEDURE TOMORROW

Mr. BAKER. Mr. President, on tomorrow, a vote on cloture pursuant to the provisions of rule XXII will occur 1 hour after the Senate convenes, which will be at 1 p.m., or as soon as a quorum is established thereafter. I point out to Senators that there are three special orders for tomorrow and that those three special orders, together with leadership time, will consume the entire hour before the vote will occur. That hardly seems to be the appropriate way to address a controversial issue. It is too late this evening, in my opinion, to try to negotiate clearances for a unanimous consent request to change that time for a cloture vote.

I say to my friend, the minority leader, that tomorrow, when we convene, I shall confer with him and perhaps my cloakroom will check with Senators to see if we cannot establish a time that will give at least a minimum amount of time for debate on any compromise proposal that may result from the negotiations over that period of time.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I would be willing on my part to vitiate the standing order for the two leaders tomorrow insofar as I am concerned. This would be one way of picking up a little time in which Senators could give an explanation of this bill.

Mr. BAKER. I thank the Senator.

Mr. BYRD. I am glad that the majority leader does intend to make the effort to get additional time because many Senators who voted tonight went home without knowledge of the details of the compromise. They may or may not know that there has been an explanation of this compromise in the RECORD, and I should think that they ought to know the details of the compromise before they agree to vitiate cloture tomorrow or vote for or against cloture. I myself might be agreeable to vitiating it tomorrow; I may not be. I may vote for the compromise; I may not. But at least Senators should have an opportunity to learn what the details of this compromise are, especially those on this side of the aisle who were not involved in the compromise. I appreciate what the majority leader has just said.

Mr. BAKER. I thank the Senator.

ORDER REDUCING LEADERSHIP TIME TOMORROW

Mr. BAKER. Mr. President, I think the suggestion of the Senator is a good one. I ask unanimous consent, if he thinks well of the idea, that the time for the two leaders under the standing order tomorrow be reduced to 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE TOMORROW

Mr. BAKER. Mr. President, tomorrow at noon the Senate will reconvene. After the recognition of the two leaders under the abbreviated order, three Senators will be recognized on special order. Unless the time for the cloture vote is changed, it will occur as soon

after 1 p.m., as a quorum can be established.

It would be my hope, however, that tomorrow we could clear on both sides a unanimous-consent that would let us adjust that time to provide for a cloture vote at 2 or 2:15 p.m. instead. I do not now make that request, Mr. President.

Mr. BYRD. Mr. President, will the majority leader put a request that the time be equally divided between the closure of the last special order tomorrow and the beginning of the quorum call, which is automatic under the rule, between himself and myself or our designees?

Mr. BAKER. Yes. Mr. President, I think that also is a good suggestion.

ORDER FOR TIME BETWEEN LAST SPECIAL ORDER AND THE QUORUM CALL BE EQUALLY DIVIDED

Mr. BAKER. Mr. President, I ask unanimous consent that, in any event, the time measured from the expiration of the time of the last special order until the time for the quorum call prior to the cloture vote, if indeed there is a quorum call, be divided equally between the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the Senator.

RECESS UNTIL 12 NOON TOMORROW

Mr. BAKER. Mr. President, I see no Senator seeking recognition. I move in accordance with the order previously entered that the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and, at 8:13 p.m., the Senate recessed until Wednesday, April 20, 1983, at 12 noon.

EXTENSIONS OF REMARKS

EXPORT-IMPORT BANK SMALL BUSINESS AMENDMENTS OF 1983

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. IRELAND. Mr. Speaker, today I am introducing the Export-Import Bank Small Business Amendments of 1983. This legislation is a result of over 4 years of comprehensive analysis of the American export market by me while serving as the chairman of the House Subcommittee on Export Opportunities and Special Small Business Problems. It will, I believe, contribute greatly to the economic revitalization so dearly needed in this country, and to the future development of America's export potential.

In the course of the last 4 years I have had the privilege to meet personally and speak with scores of small business exporters in meetings and hearings in Washington and across this country. These businessmen and women represent thousands of small businesses and their employees. Organizations I have heard from represent still hundreds of thousands more. The Chamber of Commerce of the United States, for example, a body that has worked with my subcommittee, has over 250,000 members and, of these, 90 percent have fewer than 100 employees. This nationwide grassroots effort has led me to some startling conclusions about the nature and direction of the U.S. economy.

The economies of the industrialized and nonindustrialized world increasingly are becoming economically interdependent;

Exports are becoming more important to all nations, and particularly to the United States;

Foreign governments play a critical role in the promotion and development of the trade of our foreign competitors;

Of the businesses of this Nation that export, or have the potential to export, small business offers the most promise for America to realize its economic potential;

And yet, it is in this very sector in which the export promotion efforts of the Federal Government have been least successful.

Mr. Speaker, what I am talking about today is jobs. Jobs across this Nation both in our small towns and in our large urban areas. I am talking about expanding our industrial base, about better husbanding our economic potential, and about developing new markets. I am talking about the future, and about what this Nation can and should do to plan for tomorrow.

More specifically, I would like to share with you some of the more important conclusions from my 4 years of work:

One out of every seven jobs in the United States is now derived from export sales;

Only 1 percent of American manufacturers export over 80 percent of our exports;

Ninety-two percent of all American firms sell only in the United States while 93 percent of the world's populations is outside the United States;

Effective export promotion could result in $4.2 billion in annual exports from some 11,000 manufacturing firms with less than 250 employees;

Such exports could account for over 200,000 high-quality private-sector jobs;

An aggressively promoted small business short-term export loan guarantee program secured by receivables and new orders could be self-financing in perhaps 18 months;

Such a program would result in $900 million to $2.5 billion in new exports, $1.5 to $4.5 billion added to GNP, 45,000 to 130,000 more employment years, and $370 million to $1.1 billion in new Federal revenues for every $1 billion invested;

Yet, between 1980 and 1982 the manufactured exports of small business fell off twice as much as did all U.S. manufactured exports;

In this past year, overall U.S. exports have fallen dramatically. Conservative estimates put the 1983 U.S. merchandise trade deficit at $60 billion, the largest ever. As of March 1983, less than halfway through the fiscal year, the Export-Import Bank of the United States had used but 6 percent of its direct loans and 30 percent of its guarantees and insurance;

Worse, in the program so far most beneficial to small business, the discount loan program, Eximbank officials have testified that only 15 percent of its total authorization has been utilized.

This leads me to believe that immediate action is necessary. While America's export potential has gone unrealized, business and Government leaders also have been highlighting the contrasting but improved export performance of America's trade competitors. Citing just one example, the merchandise export growth rate of West Germany, averaging 6.5 percent annually between 1976 and 1979, rose to 8.8 percent average for the following 2 years. This means that 35 percent or over two-thirds of all jobs in the West German manufacturing industry were dependent on export business in 1981 as compared with 31 percent 5 years before.

At this point, allow me to make my position clear. I do not wish to see our Government become still more involved in the economic affairs of this country. On the contrary, I prefer less Government and free trade. Also, we need strong international agreements that put limits on Government interference, especially of our trade competitors. This way we will not have to ask the U.S. taxpayer to continue to pay the price of allowing our exporters to compete fairly. To strengthen our negotiating position, therefore, we need to utilize our existing resources more efficiently and in a context that will maximize impact.

For this reason I am today introducing these small business amendments to the charter of the Export-Import Bank of the United States. I believe a more competitive bank will help small business, and I believe small business is the best way to help our export marketplace.

Business people across this Nation have told me that a lack of competitive export financing is a very real problem resulting in lost sales and unemployment. Eximbank financing appears to be inadequate, untimely or unavailable. Executives believe that Federal officials are either unaware of or are unconcerned with their problems and that there exists a communication gap between business and Government on this issue.

At the same time, I am aware of the genuine and effective efforts of Eximbank officials to be more responsive to small business. I applaud Chairman William Draper's recent improvements in the discount loan program and in extensions of small business insurance and guarantees. Given that the charter of the Bank is likely to be extended for 5 years, however, I believe that it is necessary to make amendments to the law to insure that the efforts on behalf of the present chairman and of the board continue. Our Nation cannot go on the way we have for another 5 years.

What is more, I believe that budgeting 20 percent of the Bank's loans guarantees and insurance for small business would be the best way in the

long run to promote export expansion in the United States. Small business will respond to this. I have thought long and hard about how to promote American exports, and with our export potential and the consequent job creating benefits greatest among small business, I believe this is the best way to help America realize its export potential.

Certain special interests and their spokesmen in Government will claim that I am asking for a giveaway to small business. To this I can only respond that small business is the last through the Eximbank door, not the first. Small business only asks for equality. To qualify for this 20 percent budgeted authority, small business applicants to Eximbank will not have had to be turned down by other Federal programs. Quite the contrary, those small businesses that will apply will do so because they are innovative, farsighted and sound businesses.

Equally important, I believe it is necessary for Eximbank to extend its outreach capacity. Of the 15,000 banks in this country, Eximbank does business primarily with only 300. Likewise, Eximbank does not have representatives in the field, in our small towns, or even in our large cities.

Let me be very candid, I am concerned that Eximbank's activities are not in keeping with its mandate. For a bank that has been created and enjoined to reach the entire American Business Community, I cannot see that it is doing so.

For these reasons I am also asking for the Eximbank to be more responsive in its reporting to Congress in its transactions with all business in this country, small, medium, and large. I have asked for changes in Eximbank's annual and competitive reports, to make them more timely and more comprehensive. With the new information provided to the Congress and with the cooperation of other members of our small business committees, I plan to be more active in the oversight of Eximbank's activities.

Mr. Speaker, I recognize that these proposals could result in dramatic changes in the direction of U.S. exports. If I were a small business person I would see it as an opportunity. If I were a large corporation I would welcome it as an opportunity to broaden the constituency for export promotion. If I were an Eximbank official I would interpret it as an acknowledgment of recent and sincere efforts. As an American, I see it for the good of the Nation.

Mr. Speaker, what I ask is that we expend no more than we otherwise would have. What I ask is that we expend it wisely and reach out and include the thousands of small businesses that are capable of entering the export arena and increasing both American production and employment.

Finally, allow me to quote from a President's state of the Union message:

One of the gravest of the problems which appeal to the wisdom of Congress for solution is the ascertainment of the most effective means for increasing our foreign trade and thus relieving the depression under which our industries are now languishing. The Secretary of the Treasury advises that the duty of investigating this subject be entrusted in the first instance to a competent commission. While fully recognizing the considerations that may be urged against this course, I am nevertheless of the opinion that upon the whole no other would be likely to effect speedier or better results.

Mr. Speaker, those were the words or President Chester A. Arthur uttered on December 1, 1884. It is time to act. I welcome any of you who care to join the battle.●

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MARKEY. Mr. Speaker, it is clear that the United States and the Soviet Union must halt and reverse the arms race before it is too late. It is also clear that the freeze proposal now before the House is a commonsense measure that can be implemented. It is also clear that the opportunities for reaching a freeze agreement with the Soviet Union far outweigh any technical problems.

And as William Colby, former Director of the CIA, makes perfectly clear in the article that follows, a freeze would be in the best security interests of the United States. I commend Mr. Colby's article in the April 19 issue of the Washington Post to my colleagues. It shows that the only missing ingredient for achieving a mutual and verifiable freeze with the Soviets is political will.

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

(By William E. Colby)

To use language meaningful to those of President Reagan's generation (and my own), appeasement doesn't work. I am sure the president would agree with that statement, but in fact, he is engaged in a program of appeasement. NATO's first resolute decision to deploy 108 Pershing II missiles and 464 cruise missiles to meet the Soviet SS20 buildup has been followed by the president's proposal of a zero option on both sides, rejected by the Soviets, and then a suggestion for an interim solution, also rejected by the Soviets.

The president's proposal to supplant the SALT II treaty by the START proposal to reduce strategic launchers to 850 on each side and warheads to 5,000, no more than half of which would be land-based, has been rejected by the Soviets. The U.S.S.R. made a minimal move in our direction by suggesting an 1,800-launcher limit. The administration now considers means by which it could move off its original proposal toward the Soviet position.

Another appeasement being attempted is of the anti-nuclear and nuclear freeze movements in the West. The political force of these movements led the administration to soften its previous positions, in hopes of diluting the impatience of millions of Europeans and Americans over their governments' inability to reduce the nuclear terror to which they are exposed. Minor variations of the degree of terror certainly are not going to appease these movements, particularly when these gestures are matched by plans to bring in new weapons systems like the MX, the D5, the B1, and a whole new dimension of space warfare.

The real requirement is for a bold move to halt the arms race, as a clear indication of resolution to reduce the nuclear terror to which all our populations are subjected. This is the basis for the call for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems. A recitation of what this freeze will produce in benefits to the safety of the United States is a compelling argument for Reagan to leapfrog the obstructionists who urge him to oppose it and instead take leadership of it.

A simple projection of current weapons plans that would be obviated by a freeze demonstrates its value to the safety of our country.

(1) A freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. The prime characteristic of these new weapons is an increase in accuracy and consequent targeting of the land-based missile systems of the other side. While the so-called "first-strike" scenario is discussed as a theoretical possibility today, the advent of these new weapons systems will bring it remarkably closer. Both sides will be convinced that the other will soon have the potential for a single devastating blow, requiring that it keep itself on hair-trigger alert for an equally devastating response. The decision time in such circumstances will be reduced so that automatic, not human, decisions will have to be programmed, offering the sickening prospect of mutual destruction through machine error.

(2) A freeze would bar the development of cruise missile armadas on both sides. While the United States is technologically ahead with this new device to date, it is predictable that the Soviets will develop their own capability within the next decade. They did just that with respect to the MIRV, after it was left out of SALT I in 1972 because the United States had no incentive to bar itself from something the Soviets did not then have. At the end of this decade, we can confidently expect a national debate over the need for a comprehensive air defense system to protect the United States from a Soviet cruise missile armada. This whole development would be eliminated by a freeze today.

(3) A freeze would bar the further development and deployment of the Blackjack bomber on the Soviet side and of the B1 on the American side. This would have to be clarified in the discussions leading to the freeze agreement, but it seems clear that the strategic arms negotiating history considers intercontinental aircraft to be launchers rather than platforms. Again, this would prevent the buildup of a large Soviet intercontinental nuclear air force requiring the

kind of air defense system the Soviets are now hoping can hold off at least some of our B52s.

(4) The freeze would bar the development of the D5 missile by the United States, with its improvements in accuracy leading to the danger of first strike from the sea. Similarly, it would bar a more accurate Soviet submarine-launched missile. It would not bar the replacement of Polaris submarines by Tridents because the negotiating history has considered submarines as platforms rather than as launchers. The Soviets are currently considerably behind the United States in submarine technology, but again it can be confidently expected that they will improve over the next decades through a combination of espionage, allocation of resources and talent, and plain competitive determination. A freeze on launchers would limit the application of those improvements in the nuclear dimension.

Each of the arguments against the freeze collapses under careful examination:

(1) The Soviets are certainly not "superior" to the United States in any meaningful way today. If they were, we would see them using that superiority, rather than indicating concern over the technological superiority of the United States and its ability to leap ahead in technology in the coming years at a pace beyond that possible for the Soviet Union. The present American retaliation potential is absolute, and with a modicum of maintenance, its components will not vanish from old age.

The Soviets restrict their adventurism these days to the safer techniques of proxy war, subversion and attempts to encourage weakness of American will and separation from European opinion. This is not the bluster of someone convinced that he has the power to dominate. It is the wiliness of someone operating from a position of weakness, trying to slow the opponent down without direct confrontation.

(2) Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power. The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not, a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process. Even in areas of ambiguity, of which there will certainly be some, such as the current indications of Soviet violation of the chemical and biological treaty, it is plain that our intelligence systems have picked up these activities. They have not occurred without being exposed to outside scrutiny.

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us.

The real question is what we propose to do about a violation rather than whether we would know of it. In this respect, there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenge. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

(3) A freeze would certainly be of advantage to the Soviet Union, halting the major American nuclear buildup now planned. As with any successful treaty, however, the question is whether it would be in the equal interest of the United States, halting a certain further Soviet buildup of nuclear weaponry, which, of course, it would. We can protect the United States better by convincing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

Thus appeasement is not the answer. It does not satisfy the nuclear priesthood, which thinks only of building new and more complex weapons systems. It does not satisfy the Soviets, as every indication of yielding is taken as a weakening of will to achieve a mutual solution to the arms race. It does not satisfy the opponents of nuclear warfare among the broad populations of Europe and the United States, who believe their leadership has failed to protect them against potential annihilation as a result of the inexorable march of technology.

Only a bold, firm call for a mutual stop in the arms race could cut through the present tangled political and diplomatic negotiations and produce a result worthy of an American president.●

A CALL TO CONSCIENCE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MAVROULES. Mr. Speaker, I am compelled to issue a call of conscience on behalf of Dr. Michael Fuchs-Rabinovich, and through him, on behalf of all Soviet Jewry.

The unhappy history of Dr. Fuchs-Rabinovich and his family is tragically all too familiar.

Dr. Michael Fuchs-Rabinovich lives in Moscow with his wife, Marina, and their young son, Michael. The family applied for exit visas to Israel in June 1979, and then waited for more than a year for an answer: a refusal.

With a Ph. D. in mathematics, Dr. Fuchs-Rabinovich was employed as a meterologist at the Moscow Hydro-Meterological Center. He served as the director of the Laboratory for Numerical Methods of Weather Forecasting. As his job carried no security clearance, and as he was not involved in classified work, he feels the Government's claim in February of 1981 that his post at the Hydro-Meteorological Center gave him access to secret information was unjustified.

In fact, the U.S.S.R. has shared this so-called secret information with the meteorological bureaus of the 35 nations that signed the Helsinki accord. The Soviet Union agreed at Helsinki that the work of the Hydro-Meteorological Center was an area of international cooperation. Furthermore there is an international agreement to the effect that all weather forecasting positions are completely unclassified.

Nevertheless, this scientist, whose work is well known and highly respected in the West, was refused a visa on the grounds that his work involved, again, "secret information."

After submitting this visa application, Dr. Fuchs-Rabinovich was stripped of his credentials and harassed at work. He was deprived of his Ph. D. in mathematics, and shifted from his position of manager to that of a simple engineer. His salary was reduced three times. Now his family is in a very difficult financial situation, with an average income per capita of only 50 rubles per month. To compound the family's hardship, I learned recently that Dr. Fuchs-Rabinovich was removed from his position.

He now faces the very real prospect of being prosecuted under the Soviet Union's revised and toughened "parasitism" law.

So the Rabinovich family sits in Moscow, wondering how much more harassment they will suffer, and how much longer they will have to wait for their precious exit visas.

Dr. Fuchs-Rabinovich, his wife, Marina, and their son are the human faces on a human rights issue of grave international consequence. The plight of the Rabinovich's is representative of the problems facing all Soviet Jewry.

A World Conference on Soviet Jewry was held in Jerusalem last month, as a manifestation for concern for the numbers trapped behind the Iron Curtain attempting to exercise their basic human rights. But that conference also bespoke of a far greater peril facing the third largest Jewish community in the world, and that is that the Soviet Jew is threatened with cultural and religious genocide. The prospects of physical harm to this community have increased, as well.

After plentiful testimony about violence, harassment, and discrimination—involving passive Jews as well as those like Dr. Fuchs-Rabinovich, who have applied for exit visas, and others, who want to study or teach Jewish culture—the conference concluded that "there is no future for the Jews" in the U.S.S.R.

British historian Martin Gilbert, who visited the Soviet Union only a few days before the start of the Jerusalem convention, stated that a refusenik told him that, should the West fall silent, "we will end up hanging on the trees."

I fervently hope that the constant monitoring and publicizing of every case, such as this exposition today of Dr. Fuchs-Rabinovich's sorry treatment at the hands of Soviet officialdom, will alleviate the anguish of these individuals. These prisoners of conscience want and need the noise all

of us can make on their behalf, no matter what the personal consequences. They have no other protection but efforts such as this one, aimed at creating controversy for the Soviet Union in the world community by keeping the names of these victims of Soviet repression before us all.

So I will continue to call out on behalf of all those who live in a cruel no man's land of refusal—Dr. Fuchs-Rabinovich, the refuseniks, the prisoners of conscience and to all of Soviet Jewry. For each time there is a plea from us for compassion, their cause is well served.

In order to further advance that cause, Mr. Speaker, I would also like to submit at this time a letter I wrote to the Jerusalem conference:

THIRD INTERNATIONAL
CONFERENCE ON SOVIET JEWRY,
Jersualem, Israel, March 15, 1983.

DEAR CONFERENCE MEMBERS: Sounding a clear and insistent note that calls out for the Soviet government to respect the civil and human rights of its citizens, I readily lend my voice to the resounding chorus of support on behalf of Soviet Jewry.

Today, "prisoners of conscience" suffer from the imposition of a cruel and repressive Soviet policy that severely restricts Soviet Jewish emigration.

As a direct result of that restrictive policy, only 2,688 Jews were permitted to emigrate from the U.S.S.R. in 1982. This figure not only represents a 95 percent drop from 1979 but also the lowest level of Soviet Jewish emigration in twelve years.

Today, too many innocent people stand indicted by a Soviet state that treats a demand for freedom as a crime to be punished rather than as a fundamental right to be protected.

As a result of their brave struggle against a cold and heartless regime, Soviet Jewry has become a symbol of the grave crisis in International human rights.

We are all of us subject to a moral imperative that demands we speak out and express our solidarity with the hundreds of thousands of Soviet Jews who have been denied religious freedom and their rights to emigrate.

And today, here in the city of peace, in this land of redemption, we fulfill our obligation and tell the world of the painful plight of Soviet Jewry.

Sincerely,

NICHOLAS MAVROULES,
Member of Congress.

I say that their cause is a just cause. These men and women who struggle so valiantly for their freedom uplift us by their courage and faith. Most assuredly, they should make us all tremble at the thought of failing them.

No matter the obstacles, we dare not remain silent and we must dare to continue the fight to liberate Soviet Jewry until it is won.●

"THE LAWMAKERS" FEATURES JIM WRIGHT

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. FROST. Mr. Speaker, some of our colleagues may not be aware that JIM WRIGHT was recently featured on a segment of "The Lawmakers," so I am inserting a transcript of the program into the RECORD for their benefit.

Cokie Roberts and Jim Lehrer, two of "The Lawmakers" reporters, did a good job of profiling the personal side of JIM WRIGHT, including his outlook on his work, on being a House Democrat, and on the general nature of life in the House of Representatives. This is a unique look at one of the standard bearers of the Democratic Party and I would recommend it to Members from both sides of the aisle.

"THE LAWMAKERS" FEATURES JIM WRIGHT

COKIE ROBERTS. Jim Wright is a familiar face on the House floor these days. To show you why, we have spent some time looking at what the majority leader does and how he does it.

The Texas barbecue, complete with country music and cowboy boots, comes annually to Washington, thanks to Jim Wright and Fort Worth contractors. The majority leader takes the opportunity every year to extend some Texas friendship and exude some Texas folklore.

REPRESENTATIVE JIM WRIGHT (D-Tex.). Well, the barbecue is a typically Texas invention, I guess. It has its origins, I think, on the trail rides where they would dig a long trench and build a fire and cook beef over the coals, the smoldering coals, until finally the smoke permeated the beef and gave it its flavor, and they tried various other things such as a little bit of sauce made of tomatoes, if they had tomatoes that they could pick along the way, and peppers, Mexican peppers that give it a little authority and a little spice to the zestful flavor of it. Every now and then they might pour in a little tequila, if they found some tequila.

COKIE ROBERTS. Jim Wright's recipe comes with that mix of history and hyperbole that's typical of the majority leader's style. So is his role as host and handshaker, something even Republican colleagues are forced to admire.

JAMES COLLINS, FORMER REPRESENTATIVE. Well, Jim Wright's the host. Have you ever seen anybody work a crowd the way Jim works a crowd? He has worked everybody here. I've been watching him. And Betty's just as good. They shake every hand in the crowd. And with about two thousand people here, how he's managed to have a friendly word for everyone, I don't know.

COKIE ROBERTS. A good word and a good story, like the one about learning to play the harmonica from depression era hobos.

REPRESENTATIVE JIM WRIGHT (D-Tex.). I followed one of them to a place that he called Hooverville, and it was a place of lean-to shanties and rudimentary shelters that were thrown together there near the railroad track, and they had their little fires going, and the plaintive wail as I stood up on a little hill that can overlook this scene of a lonesome fellow playing the "Red River Valley," and it kind of went like this, you know (Representative Wright playing the harmonica).

A MAN. If we could call on the honorable Jim Wright to come forward.

COKIE ROBERTS. The honorable Jim Wright is delighted to come forward; here or in the House, he's ready to perform.

(Visual: Representative Wright playing the harmonica.)

COKIE ROBERTS. These occasions in Washington are never simply social. A colleague remembers the congeniality the next time the majority leader comes to cajole, and even the youngest guest understands the task of his host.

YOUNG BOY. Mostly he runs the Democratic House for the Congressmen.

REPRESENTATIVE THOMAS P. O'NEILL, JR. (D-Mass.). The majority leader is going to announce the program for the remainder of the week.

REPRESENTATIVE JIM WRIGHT (D-Tex.). Mr. Speaker, I ask unanimous consent that I may proceed out of order for the purpose of discussing the program for the—today and the . . .

COKIE ROBERTS. Running the Democratic House means setting the legislative schedule, filling in for the Speaker when he's away, serving as a sort of Speaker-in-waiting all the while campaigning for the top job itself, something Jim Wright does often and well.

REPRESENTATIVE JIM WRIGHT (D-Tex.). I came where the notion that a majority leader ought to be part parish priest, part evangelist, and every now and then part prophet. You have to heal the wounds that afflict the body politic, you have to salve the sore spots, you have to make peace, you have to keep the flock reasonably well together, you have to—and that's a parish priest.

REPRESENTATIVE JIM WRIGHT (D-Tex.). (December 4, 1980) The two biggest decisions confronting you right now are your staff and the committee on which you'll serve.

COKIE ROBERTS. The parish priest makes a habit of indoctrinating the new souls in his flock. The freshmen members get a good look at their majority leader as soon as they arrive on the scene.

REPRESENTATIVE MICKEY LELAND (D-Tex.). When you come to Congress fresh, as you will, the members—I felt this way—you know, they look at the leadership in awe and of a somewhat untouchable character, and so when the leader of the House of Representatives goes to speak to freshmen, works with them as he does, you know, has a dinner for them, then, you know, treats them as equals, then they tend to lose those barriers and begin to feel as if they are seasoned members of Congress and, thus, they act with greater ease and communicate with greater ease with the leadership.

COKIE ROBERTS. The leadership of the House Democratic party is always a balanced ticket, drawing from all regions of the country and generally it works as a ladder with the whip moving up to majority leader and majority leader to Speaker, if he can keep all factions of the party happy.

REPRESENTATIVE JIM WRIGHT (D-Tex.). It means to be a kind of a split personality, not just two ways but many ways. It means to be run by your colleagues as much as you run them. It means to be tolerant of dissent and disagreement. It means to be patient, and that's the toughest part for me, I guess,

and it means that you've got to have a sense of humor, because the Democratic party is a heterogeneous mass of opinionated individualists.

COKIE ROBERTS. Trying to make everyone happy, says one conservative Texas critic, can have just the opposite effect.

REPRESENTATIVE CHARLES STENHOLM (D-Tex.). Well, it manages to keep everybody mad at him most of the time, and I think that's one of the real challenges which I guess a lot of people wonder why he would want the job.

REPRESENTATIVE JIM WRIGHT (D-Tex.). I'm not aware that I've ever made everybody mad, but there have been occasions when I have had the feeling that in trying to be the dove of peace, you are getting shot at from both sides of the hedge-row. But that's part of the job.

Once when I was very young, I started to raise pheasants, I bought some pheasants and put them in a cage but they won't set in captivity, that's part of their instincts not to do so. Therefore, you have to gather the eggs and set them under a bantam hen. The little pheasant comes out in 21 days just like a chicken, about as big as your thumbnail and looking like a drop of sorghum molasses and in three days he can fly. And they drove that little bantam hen crazy. She did her best to try to corral them and cluck and spread her wings and bring them all under the tent, and she had a terrible time. And sometimes I know now just how that little bantam hen felt.

COKIE ROBERTS. The pheasants who flew out from under Jim Wright's tent in the last Congress were members of his own region, southern conservatives who joined with Republicans to pass the Reagan economic program over the protest of the majority leader.

REPRESENTATIVE JIM WRIGHT. (D-Tex.). (June 25, 1981) No President, no President in the history of the United States, not Franklin Roosevelt, not Lyndon Johnson, not George Washington or Thomas Jefferson, ever demanded of Congress that we lie down submissively and give him every last scintilla . . .

COKIE ROBERTS. Vote after vote in the first year of the Reagan Presidency registered loses for the Democratic leadership.

REPRESENTATIVE JIM WRIGHT. (D-Tex.). I guess 1981 was the most frustrating year I've had in Congress. If they were all going to be like that one, I think I would just excuse myself and allow some other unfortunate fellow to try to take over this job.

COKIE ROBERTS. It was the Republican leader Bob Michel who chalked up victories. He says the Democratic failure wasn't Wright's fault.

REPRESENTATIVE ROBERT MICHEL (R-Ill.). It was a scrap all the way. So one really never knows when you come out in a vote that just goes three or four one way, then you've got to assume you've really stretched her all she'll go and nobody else will give, and there comes that point, as I indicated, had he not done anything, shucks, it would have been a wider margin, probably.

COKIE ROBERTS. After a year of frustration, Wright came back in 1982 to try to reconvert his wayward flock.

REPRESENTATIVE JIM WRIGHT. (D-Tex.). We're going to open the door and invite them back in. We're just going to love them to death.

COKIE ROBERTS. But Jim Wright's worst headache continued to cause him pain. Texas Democrat Phil Gramm used his privileged seat on the budget committee, a seat he won with Wright's assistance, to work with Republicans to shape a budget. This year, the Democratic caucus refused to reappoint Gramm to the committee and the conservative Texan responded by switching his allegiance to the Republican party, raising the question did Gramm's defection hurt Jim Wright's chances to move up to Speaker.

RICHARD BOLLING, FORMER REPRESENTATIVE. Oh, sure it hurts. I don't think there's any question about that. I think a great many people were unfair in the way they assessed his role, but there is a fair and legitimate—he has to carry the burden of the people that he deals with and can or can't influence.

REPRESENTATIVE ROBERT MICHEL (R-Ill.). Putting myself in Jim's shoes, how would that be if I had that same kind of situation in my home state delegation. It would be very kind of an uncomfortable thing to have to deal with, but Jim accommodated that all right, and of course now he won't have that problem.

COKIE ROBERTS. Has the fact that you sponsored Phil Gramm hurt you politically here in the House?

REPRESENTATIVE JIM WRIGHT (D-Tex.). Maybe it was a case of bad judgment on my part for having sponsored and supported him in the first place. Maybe it reflected on my capacity for leadership in having made the judgment to do so. I'm willing to suffer that if that's the case.

I tend to believe, though, that I make fewer mistakes by believing in people than I do by mistrusting people.

REPRESENTATIVE JIM WRIGHT (D-Tex.). (Greeting citizens) It's a beautiful day, isn't it?

A MAN. How are you?

REPRESENTATIVE JIM WRIGHT (D-Tex.). How are you?

A MAN. Fine.

REPRESENTATIVE JIM WRIGHT (D-Tex.). I think this is a good omen.

COKIE ROBERTS. Jim Wright's not made many mistakes in his political career and the people of the 12th district of Texas have sent him back to Washington with healthy margins for 28 years.

(Visual: Courtesy KXAS-TV, Fort Worth, November 4, 1980.)

COKIE ROBERTS. His toughest race came in 1980 when Republicans poured money into the war chest of a conservative challenger, arguing that Jim Wright's leadership position had made him too liberal for his district.

REPRESENTATIVE JIM WRIGHT (D-Tex.). Well, a leader has to be from somewhere. I don't know why Fort Worth isn't as good as anywhere else.

COKIE ROBERTS. Fort Worth, Texas is where the west is supposed to begin, but in representing this area, which has become increasingly urban in Wright's years in Congress, it's more important to worry about airplanes than horses. The home of the General Dynamics Corporation, Jim Wright's district, gets as much defense money as any other in the nation. And no Texas Congressman is far removed from the interest of oil. But his colleagues think the majority leader has done a pretty good job of walking that fine line, staying in touch with the district while staying in tune with the national party, especially on civil rights and labor issues.

RICHARD BOLLING, FORMER REPRESENTATIVE. Well, I think Jim has done a good job. He has very great difficulty in the job. He has all the difficulties that a great Speaker, Sam Rayburn, had because he represents Texas and Texas has its own peculiarities and one of its peculiarities is the amount of oil it produces and the vital role that that oil plays, and the taxes that come from it play in Texas' economy, Texas' politics.

COKIE ROBERTS. Texas' politics couldn't be more curious. Considered a moderate in Washington, Jim Wright's a liberal in the lone star state.

REPRESENTATIVE CHARLES STENHOLM (D-Tex.). Jim's not a popular man in the 17th district of Texas that I represent, and it is a perception that is very negative, extremely negative.

COKIE ROBERTS. How is he viewed in the 18th district?

REPRESENTATIVE MICKEY LELAND (D-Tex.). He's well loved there. As a matter of fact, I've talked a lot about Jim, he's been in my district and the people like him very much because they recognize that while he can't vote with them on every issue, or vote like me on every issue, they recognize that he is a strong leader and they appreciate his leadership.

REPRESENTATIVE JIM WRIGHT (D-Tex.). Texas has all the elements that abide and abound in the democratic party. We have the entire political rainbow of ideological coloration, people as liberal as Mickey Leland and as conservative as Charley Stenholm call the Democratic party home.

COKIE ROBERTS. Coming from an area with a diverse Democratic party served the Texan in good stead when he made the run for majority leader in 1976.

JIM LEHRER. (The Robert MacNeil Report, June 16, 1976.) Three of the four major contenders for that House majority leader's job are with us tonight. John J. McFall of California, Richard Bolling of Missouri and Jim Wright of Texas. The fourth, Phillip Burton of California, Chairman of the House Democratic caucus, could not be with us.

COKIE ROBERTS. John McFall, the party whip, didn't move up the natural line of succession; he was under investigation by the Justice department. Richard Bolling and Phil Burton split the liberal vote in a heated contest, leaving Jim Wright with victory and few battle scars.

JIM LEHRER. I mean, how do you actually, how do you actually lead those 434 other members of the House, get them to do something?

REPRESENTATIVE JIM WRIGHT (D-Tex.). You lead them by example, by inspiration, by exhortation, and by painful, tireless, one-on-one confrontation.

COKIE ROBERTS. Exhortation turned out to be an understated description of Jim Wright's oratory.

REPRESENTATIVE JIM WRIGHT (D-Tex.). In other words, we're not going to stand for a gag rule of any sort. We're going to let the members——

(Applause.)

REPRESENTATIVE JIM WRIGHT (D-Tex.). Members of this House are not cattle to be herded around. Members of this House are individuals who have the privilege and the right to make up their own minds.

REPRESENTATIVE ROBERT MICHEL (R-Ill.). You knew you were in for the syrup and the eyebrows and all the rest out there, and I think, you know, it's a little bit of theater but that's, you know, we got to have a little of that once in a while.

REPRESENTATIVE JIM WRIGHT (D-Tex.). The question here is whether we get to vote on the merits out in the sunlight, out in the open, where the public can see exactly what

we're for and exactly what we're against, or whether we get to package all of it under some nebulous euphonious title such as "President Reagan's Program."

REPRESENTATIVE MICKEY LELAND (D-Tex.). If you know him, you know that though he in his elocution is rather dramatic, that's not a sales pitch. It's coming from his heart and his artistic ability to illustrate what it is that his issues represent, or his position represents.

REPRESENATIVE JIM WRIGHT (D-Tex.). In the nature, as we said a few days ago, of Kipling's "Old Men" who, the poet said, peck out, dissect and extrude to the mind the flaccid tissues of long dead issues, offensive to God and mankind, like vultures over an ox which the army has left behind.

I used to like to read poetry. I love Kipling, and other poets, some other poets. My father had a great influence on me in that regard. He was a man who had the benefit of very little formal education. His mother had polio and was an invalid. His father had died when he was just an infant. Therefore, he had to quit school in the fourth grade and was almost totally self-educated but he glorified education, and the passion of his life was to see that his kids got the benefits of opportunities that had been denied him.

COKIE ROBERTS. Jim Wright spent his childhood in Weatherford, Texas, where he was born 60 years ago. After a career at the University of Texas, and a decorated fighter pilot in World War II, the young Wright returned to Weatherford, served as mayor, went to the legislature, and came to Washington in 1955 as a young member of a distinguished Texas delegation, which included the newly elected majority leader of the Senate, Lyndon Johnson, and the long-time Speaker of the House, Sam Rayburn.

REPRESENATIVE JIM WRIGHT (D-Tex.). I remember one occasion in particular, the first civil rights bill had passed the House, you can imagine the bitterness that still lingered and existed in much of the south, including parts of Texas. Mr. Rayburn said, "Jim"—this was the way he would approach you.

He said, "Jim, I think you want to vote for this bill." He said, "I expect you've been getting a lot of letters imploring you to vote against it, but I just kind of think you want to vote for it, and I believe that you're strong enough to endure it and to take whatever criticism comes with it, and I believe that you'll be proud in future years that you did."

That was the kind of appeal that he would make to you.

COKIE ROBERTS. Jim Wright wants the chance to emulate Sam Rayburn not just as a man but as Speaker, to move up when 70 year old Tip O'Neill decides to retire. That means a constant compaign, and Jim Wright keeps a busy travel schedule helping House members in their home districts. His biggest opposition is likely to come from the liberal wing of the party where the Phil Gramm incident could especially hurt. But Wright will have some help in those quarters.

REPRESENTATIVE MICKEY LELAND (D-Tex.). I will do everything in my power to see to it that Jim Wright becomes Speaker of the House.

COKIE ROBERTS. He'll get some help from conservatives as well.

REPRESENTATIVE CHARLES STENHOLM (D-Tex.). I believe that Jim Wright will be the next Speaker, and I think he has worked his way up, he's earned a shot at it and will get it.

COKIE ROBERTS. The last four Speakers worked their way up from majority leader, but not everyone thinks Jim Wright should necessarily get the job.

RICHARD BOLLING, FORMER REPRESENTATIVE. I'm not sure. I'm not going to be dishonest enough to say yes, he should, or no, he shouldn't. I'm not the least bit sure. I think it depends on the kind of people who can put their efforts together and decide, because I happen to believe that we need something new in the leadership. I'm not criticizing anything in the past or any individual, and I mean that, I'm not ducking the question, but I think we desperately need, the Democratic party in the House of Representatives, a leadership team. I don't think it's a good idea for us to have a Speaker, a Speaker-in-waiting, and a Speaker-Speaker-in-waiting.

REPRESENTATIVE ROBERT MICHEL (R-Ill.). He's been around a long enough time to know what you got to do to be a Speaker. As a matter of fact, I suspect that if Jim were to succeed, talking in current terms, with the Speaker, who can be pretty dog gone partisan, you know, yes, Jim Wright can be partisan, I think he might be even a little bit more inclined to try and emulate Sam Rayburn who, in my judgment, you know, was one who really submerged his partisanship and became Speaker of the House in a very nonpartisan sort of way.

COKIE ROBERTS. And for Jim Wright five years down the road, six years down the road, do you want to be Speaker of the House?

REPRESENTATIVE JIM WRIGHT (D-Tex.). Oh, well, if my colleagues want me to be and if I am able to do a good job in the job I have, and if Tip should decide to retire, sure, I'd like to do that, I guess. Well, I know I would. After all, that's the apex of a lawmaker's profession, it is the pinnacle of our particular line of work, and I guess anybody would like to get to the top in whatever line of work he or she is in.

So if that lies over the horizon, fine. If it doesn't, I'm not going to feel that my life has been unfulfilled.

PAUL DUKE. Jim Wright's best laid dreams may be a ways over the horizon because Speaker O'Neill indicates he's not ready to quit any time soon.

COKIE ROBERTS. He had good news and bad news for Jim Wright this week. The bad news was the Speaker did announce, he put some rumors to rest by saying that he was definitely running again, which means as Speaker as well as Congress.

But he had good news as well, because he essentially annointed Jim Wright for the job when the time comes, so that he got the Speaker's endorsement in a way.

Waiting could be a little bit tough for the majority leader. The biggest knock against him is that his temper is bad and he'll have to be on his good behavior for the next few years.

LINDA WERTHEIMER. But still if he does get to be Speaker, Cokie, he will have had a fairly peaceful time of it, which is not always the case in leadership battles. Those can be some of the nastiest fights in the House, fights members never forget.

PAUL DUKE. Well, politics figures in the choice of Congressional leaders just as it does almost everything else in Congress.

Someone said a politician always thinks of the next election; a statesman, of the next generation. But our Commentator Charles McDowell believes the country has been generally well served by the politicians, all the jokes notwithstanding.

CHARLES MCDOWELL. Jim Wright would pardon me, I suspect, for saying he is the quintessential politician. For some of us, politician is an honorable word. Some of us even think the best hope of the country is politicians practicing politics.

But others look to people who profess to rise above politics. These are the anti-politicians, often the idealogues of right and left, the truthgivers who disparage mere politicians as slickers, trickers and compromisers.

There are good politicians and bad ones, of course. Congress has many more good ones than most people realize, really good ones like Jim Wright, the Democratic leader of the House, are crucial to the system.

Howard Baker, the Republican leader of the Senate, is another one. They rally their colleagues to broad principles, reminding them of traditions and goals larger than provincial concerns.

But they also negotiate, conciliate and compromise to put together majorities that make things work. To do that effectively you have to understand that different pressures and aspirations arise in different constituencies. And you have to be able to concede that on a given issue your opponents might have a point or two on their side.

It helps in all this if you're as good an orator as Jim Wright is. If you're able to catch an issue in a phrase, to persuade, to dare to inspire, sometimes to touch the true glory of being a politician.

Otis Pike, our colleague on this program, doesn't get as carried away as I do but he's written that there is a quality in Wright's voice that cuts through the normal background fuzz and demands attention. There is an inflection, a skillful use of the dynamics of high and low, loud and soft, that guarantees people will hear his words. And I'd say that's what matters, that over the clutter of ideology and anti-politics, the voice of the real politicians be heard.

PAUL DUKE. So much for this week, we'll be back next week to cover the Lawmakers, real politicians and otherwise. For Cokie Roberts and Linda Wertheimer, I'm Paul Duke, we'll see you then.●

MEETING THE CHALLENGE: A BUDGET COMPARISON

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BROWN of California. Mr. Speaker, over the last few months, the House has worked diligently to formulate a budget acceptable to a majority of its membership. The diversity of views within this body did not make that an easy task. But I believe that the budget which passed this House at the end of March is superior to that which the President submitted 2 months earlier. I encourage the other body, which is presently working on its version, to closely review the differences.

The primary theme of the House budget is to reaffirm the responsibility of Government to provide short-, intermediate-, and long-term stimuli to the economy. Conversely, the President continues to emphasize the need to reduce inflation when depressed economic conditions and lower oil

prices have already brought the inflation rate down to around 5 percent. He places great faith in an early economic recovery and relies heavily upon the private sector and on State and local governments to provide economic development and prosperity. But these segments of society cannot do it on their own; the stress of the last 2 years has been more than some States and communities can bear.

My own State of California best epitomizes this economic dilemma. In 1980, California boasted a budget surplus of $2.5 billion. Today, its budget deficit, despite a State constitutional balanced budget amendment, it is anticipated to be $1.5 billion, due to State-tax cuts, shrinking Federal aid, and the deepening recession. Under the President's proposal, the State could face a reduction of $982.7 million in Federal funds from fiscal year 1983, but if the House budget recommendations are enacted, California and its citizens would be eligible to receive at least $1.6 billion over the President's budget proposals.

The recent passage of $4.65 billion for the emergency jobs bill also reflects the inadequacies of past budgets to properly respond to the economic needs of our Nation. The thrust of the legislation was directed at our most crucial problems. The bill provided $1.333 billion for local development and services, primarily composed of $1 billion in community development block grants (CDBG) and $100 million for the Economic Development Administration (EDA). Urban parks, older American employment, and handicapped education are also in this category. Some of the other programs include: $1.125 billion for improvements in our transportation and water systems; $766 million for public building and facilities repair; $361 million for training of the unemployed and displaced workers; and $182 million in youth aid and employment, including Job Corps, summer jobs, and student aid.

Still, the administration continues to propose the same basic, unworkable solutions. It requests outlays of $7 billion for community and regional development, down $0.4 billion from fiscal year 1983. The community development block grants (CDBG) program would continue its slow, but steady decline, with added responsibility for new housing construction; and the Economic Development Agency (EDA) would continue to be phased out under the administration's proposals. The President has proposed establishing enterprise zones to help in the most blighted areas. However, under his proposal only 75 areas would be designated over 3 years, too few to deal with our current difficulties. Even if successful, this program would have little impact upon the economy as a whole.

The House budget restores to local governments a role in the economic decisionmaking process. It sets aside $1.2 billion for CDBG and a variety of urban and rural development and assistance grant and loan programs. EDA programs, successful in the past, would be funded at $0.4 billion. I have observed firsthand how EDA has helped to restore an historic landmark, the Mission Inn, in Riverside, Calif. I have had my office and an apartment there and have watched with pleasure as the inn has become the central focus for a revitalized downtown area.

Other proposals in the House budget include an infrastructure initiative directed to meet both immediate and long-term needs, and a National Industrial Development Bank initiative to provide leverage for private sector investment in critical areas. The bank would work in tandem with an Economic Cooperation Council comprised of representatives of government, business, labor, and others to implement an industrial strategy to revitalize the American economy. Becuase they must help to lay the foundation for our future, I recommend including educational leaders on that council.

Both short-term and long-term efforts are needed to promote economic development. Recent decreases in unemployment are encouraging, but despite these figures, the number of jobs available has not risen significantly. The drop in unemployment reflects large numbers of Americans who are too discouraged to continue to look for work and are thus no longer counted.

Economists are now cautiously optimistic about the future, with the general consensus being that the GNP will grow by 4 percent this year, after having declined by 1.7 percent in 1982. This modest growth would be able to absorb only new entrants to the work force, keeping the unemployment figure stable, but high. We must begin to work with the private sector, labor, and our educational institutions to provide for the new and increased opportunities in our economy.

Perhaps more than any other segment, the private sector is aware that a serviceable and intricate transportation network is essential to economic development. The passage of the Surface Transportation Assistance Act of 1982 (gas and truck tax increases) reflected this importance. But the administration continues to try to force the direct beneficiaries of the best transportation network in the world to bear more of the costs, not recognizing that many others reap the benefits of a growing and prosperous economy. The administration proposes outlays which are $3.3 billion over fiscal year 1983, but only $1.8 billion over fiscal year 1981, a mere 7.5-percent increase. In addition, the administration proposes to abolish Federal mass transit operating subsidies, again expecting State and local government to pick up the burden of improved mobility and a cleaner environment.

Conversely, the House budget assumes full funding for the capital and operating assistance block grant for mass transit at $867 million, compared with the $275 requested by the President. The House also assumes funding of $1 billion for fiscal year 1984 for Federal Aviation Administration facilities and equipment.

The Job Training Partnership Act (JTPA), passed last fall, will help some to cope with the immediate and short-term economic problems. But the JTPA, and the emergency jobs bill passed in March, will not correct all of the deficiencies in our system. Despite the post-Great Depression unemployment records, employment and training services have actually declined a full 49 percent since fiscal year 1981, the last year of the Carter administration. The House budget called for $2.4 billion in additional funding for job training and employment; $500 million would be provided for retraining displaced workers, twice what was recommended in the President's budget.

Our educational institutions must also be included in any sustained economic recovery. They provide our entrepreneurs, our labor force, our educators, and our political leaders. Only a long-term commitment to improving our educational system can insure a prosperous economic future. Student financial assistance, guaranteed student loans (GSL), and other postsecondary education programs would be strengthened under the House budget. The education block grants would be allocated $606 million, $127 million more than the President's request, and $78 million more than the fiscal year 1983 level. In contrast, the President has proposed abolishing the Education Department, requiring students to take on more financial responsibility, tightening Federal grants, and folding such programs as the supplemental educational opportunity grants and State student incentive grants into the already over-burdened education block grant. Students are our future; we have a responsibility to provide opportunities for everyone to reach his or her potential—not just the rich or the very poor, but also the middle class and the working poor.

The administration has also proposed tuition tax credits, allowing credits of up to $300 per year for students attending private or parochial schools, and a voucher system for low-income parents which could be used at any private or public school they choose. These proposals do not deal with the need to upgrade our entire education structure, but instead threaten to hasten the decay of our public school system. We should be

making every effort to strengthen and broaden our educational system, enabling everyone, without regard to race or income, to receive a quality education. Of course our system is imperfect, but we have made great strides in education and we cannot revert to the past. It is simple: quality education cannot be limited to a select few.

The science education problem is one that I have been especially concerned with while serving on the Science and Technology Committee. The critical shortage of mathematics and science teachers is one of the most severe problems facing educational institutions today. California and 42 other States report serious teacher shortages in math and science. The House budget requests $425 million for a new science education initiative involving the National Science Foundation (NSF) and the Department of Education (DOE). The President's request, on the other hand, calls for $50 million to be administered by DOE. Both budget requests include $39 million for ongoing science education programs at NSF.

If we are to sustain our economic recovery, we must as in the past stimulate innovative and productive skills. From our beginning, the United States has been in the forefront of productivity gains. The cotton gin, the steam engine, the railroad, the telegraph, the electric generator, the electric light, the automobile, refrigerators, jet engines, computers, transistors—the list goes on—all were innovations which improved our productivity and our economy. I am convinced we have yet to reach our full potential, but without an adequate research and development (R&D) program, many of the newest innovations will simply not emerge.

I am distressed at the new direction our research and development programs have taken. Since 1981, military R&D has increased a staggering 80 percent, and in the Reagan fiscal year 1984 budget would comprise 70 percent of the entire Federal R&D budget. Civilian R&D, the very programs which may provide keys to improved productivity and new technologies, has been reduced. Research and development is presently being conducted in such areas as biotechnology to produce better plant and animal varieties, improving agriculture throughout the world; bioengineering to produce commercial synthetic insulin for diabetics; and new crops such as guayule to provide a new source of rubber and other materials. Information technology got its biggest boost from the NASA program, but we have yet to realize the potentials of this still developing field. R&D, rather than being superfluous, is essential to our long-term economic stability and growth. The House budget provides an additional $1.2 billion for civilian research and development.

Research and development are also essential to our health and well-being. The budget for the National Institutes of Health (NIH) would remain essentially the same under the President's budget, but would actually lose buying power due to inflation. The House budget increases the NIH budget by $200 million.

The House also proposes a 25-percent increase, to $1.24 billion, for the Environmental Protection Agency (EPA), compared to the President's $929 million. This includes $250 million for R&D, a $50 million increase above fiscal year 1983. The Superfund program would be funded above the President's request by about $100 million to allow for cleanup of hazardous waste sites such as the Stringfellow Acid Pits in Glen Avon, Calif. Even with the 25-percent increase, funding for EPA would be below the fiscal year 1981 level.

Before I end, I would like to say a few words regarding defense appropriations. By now we have all heard the arguments for and against the President's proposal to increase defense by 10 percent this year. The President maintains that the House budget's real growth rate for defense of 4 percent is not enough. But if one removes the 4 percent pay raise for military personnel, which would merely keep up with inflation, all other defense related programs rise by 6.8 percent. This increase is far more in line with what the military can absorb efficiently, avoiding waste and abuse. Even this smaller increase will not eliminate the costs in future years when the bills for programs such as the MX, B-1, and the aircraft carriers come due. And with the 4-percent increase, the rate of growth since fiscal year 1980 will amount to over 80 percent, far above the 3 percent per year we promised our NATO allies.

Our national defense must remain strong and secure, but it should not defend an impoverished Nation. This is not an either/or situation; we do not have to choose between security and economic well-being. Instead, we must balance our priorities, and look for new approaches to our dilemmas. In this critical time, we must beware of quick solutions, which merely lead to more problems. Without a long-term, comprehensive approach to these issues, we cannot be internationally competitive, and instead of growing, we will become stagnant and insular, and more and more submerged in economic difficulties.

One budget resolution will not resolve our dilemmas, but I believe that the House budget will provide the flexibility and impetus to overcome our economic problems. It will not be easy, but our Nation is rich and vibrant. When we have provided the resources and created the opportunities, we have met the most difficult challenges. With this House budget, let us begin to meet our latest, and perhaps most important, economic challenge.●

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

HON. LES AuCOIN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. AuCOIN. Mr. Speaker, a timely article appeared in today's Washington Post written by William E. Colby, former director of the CIA. I want to call it to the attention of my colleagues as we approach final debate on the nuclear freeze resolution. He makes an excellent case for why this House should pass the nuclear freeze resolution and why the President should support it.

To my knowledge, Mr. Colby is not a "dupe" of the Kremlin—nor does he advocate "unilateral disarmament."

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

To use language meaningful to those of President Reagan's generation (and my own), appeasement doesn't work. I am sure the president would agree with that statement, but in fact, he is engaged in a program of appeasement, NATO's first resolute decision to deploy 108 Pershing II missiles and 464 cruise missiles to meet the Soviet SS-20 buildup has been followed by the president's proposal of a zero option on both sides, rejected by the Soviets, and then a suggestion for an interim solution, also rejected by the Soviets.

The president's proposal to supplant the SALT II treaty by the START proposal to reduce strategic launchers to 850 on each side and warheads to 5,000, no more than half of which would be land-based, has been rejected by the Soviets. The U.S.S.R. made a minimal move in our direction by suggesting an 1,800-launchers limit. The administration now considers means by which it could move off its original proposal toward the Soviet position.

Another appeasement being attempted is of the anti-nuclear and nuclear freeze movements in the West. The political force of these movements led the administration to soften its previous positions, in hopes of diluting the impatience of millions of Europeans and Americans over their governments' inability to reduce the nuclear terror to which they are exposed. Minor variations of the degree of terror certainly are not going to appease these movements, particularly when these gestures are matched by plans to bring in new weapons systems like the MX, the D5, the B1, and a whole new dimension of space warfare.

The real requirements is for a bold move to halt the arms race, as a clear indication of resolution to reduce the nuclear terror to which all our populations are subjected. This is the basis for the call for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems. A recitation of what this freeze will produce in benefits to the safety of the United States is a compel-

ling argument for Reagan to leapfrog the obstructionists who urge him to oppose it and instead take leadership of it.

A simple projection of current weapons plans that would be obviated by a freeze demonstrates its value to the safety of our country:

(1) A freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. The prime characteristic of these new weapons is an increase in accuracy and consequent targeting of the land-based missile systems of the other side. While the so-called "first-strike" scenario is discussed as a theoretical possibility today, the advent of these new weapons systems will bring it remarkably closer. Both sides will be convinced that the other will soon have the potential for a single devastating blow, requiring that it keep itself on hair-trigger alert for an equally devastating response. The decision time in such circumstances will be reduced so that automatic, not human, decisions will have to be programmed, offering the sickening prospect of mutual destruction through machine error.

(2) A freeze would bar the development of cruise missile armadas on both sides. While the United States is technologically ahead with this new device to date, it is predictable that the Soviets will develop their own capability within the next decade. They did just that with respect to the MIRV, after it was left out of SALT I in 1972 because the United States had no incentive to bar itself from something the Soviets did not then have. At the end of this decade, we can confidently expect a national debate over the need for a comprehensive air defense system to protect the United States from a Soviet cruise missile armada. This whole development would be eliminated by a freeze today.

(3) A freeze would bar the further development and deployment of the Blackjack bomber on the Soviet side and of the B1 on the American side. This would have to be clarified in the discussions leading to the freeze agreement, but it seems clear that the strategic arms negotiating history considers intercontinental aircraft to be launchers rather than platforms. Again, this would prevent the buildup of a large Soviet intercontinental nuclear air force requiring the kind of air defense system the Soviets are now hoping can hold off at least some of our B52s.

(4) The freeze would bar the development of the D5 missile by the United States, with its improvements in accuracy leading to the danger of first strike from the sea. Similarly, it would bar a more accurate Soviet submarine-launched missile. It would not bar the replacement of Polaris submarines by Tridents because the negotiating history has considered submarines as platforms rather than as launchers. The Soviets are currently considerably behind the United States in submarine technology, but again it can be confidently expected that they will improve over the next decades through a combination of espionage, allocation of resources and talent, and plain competitive determination. A freeze on launchers would limit the application of those improvements in the nuclear dimension.

Each of the arguments against the freeze collapses under careful examination:

(1) The Soviets are certainly not "superior" to the United States in any meaningful way today. If they were, we would see them using that superiority, rather than indicating concern over the technological superiority of the United States and its ability to leap ahead in technology in the coming years at a pace beyond that possible for the Soviet Union. The present American retaliation potential is absolute, and with a modicum of maintenance, its components will not vanish from old age.

The Soviets restrict their adventurism these days to the safer techniques of proxy war, subversion and attempts to encourage weakness of American will and separation from European opinion. This is not the bluster of someone convinced that he has the power to dominate. It is the wiliness of someone operating from a position of weakness, trying to slow the opponent down without direct confrontation.

(2) Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power. The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not; a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process. Even in areas of ambiguity, of which there will certainly be some, such as the current indications of Soviet violation of the chemical and biological treaty, it is plain that our intelligence systems have picked up these activities. They have not occurred without being exposed to outside scrutiny.

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us.

The real question is what we propose to do about a violation rather than whether we would know of it. In this respect, there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenge. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

(3) A freeze would certainly be of advantage to the Soviet Union, halting the major American nuclear buildup now planned. As with any successful treaty, however, the question is whether it would be in the equal interest of the United States, halting a certain further Soviet buildup of nuclear weaponry, which, of course, it would. We can protect the United States better by convincing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

Thus appeasement is not the answer. It does not satisfy the nuclear priesthood, which thinks only of building new and more complex weapons systems. It does not satisfy the Soviets, as every indication of yielding is taken as a weakening of will to achieve a mutual solution to the arms race. It does not satisfy the opponents of nuclear warfare among the broad populations of Europe and the United States, who believe their leadership has failed to protect them against potential annihilation as a result of the inexorable march of technology.

Only a bold, firm call for a mutual stop in the arms race could cut through the present tangled political and diplomatic negotiations and produce a result worthy of an American president.●

THE HIGH FRONTIER PROPOSAL: A CDI CRITIQUE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MOAKLEY. Mr. Speaker, there has been a great deal of discussion generated concerning the feasibility and desirability of a space-based antimissile system as a result of President Reagan's March 23 speech. One such plan, which has gained wide attention, is called High Frontier. It is my opinion that this concept is extremely shortsighted and has many flaws. The costs together with the many strategic and technical drawbacks make High Frontier impractical—and an idea which should be soundly rejected.

For the benefit of my colleagues, I submit in the RECORD a brief—but concise—critique of the High Frontier proposal which has been prepared by the Center for Defense Information. It is an excellent summary which deserves careful attention.

THE HIGH FRONTIER PROPOSAL: A CDI CRITIQUE

The Center for Defense Information has completed an analysis of the High Frontier concept of space-based defense against ballistic missiles. The results of the study are set forth in the following critique:

The High Frontier proposal for a Global Ballistic Missile Defense (GBMD) system claims that it would (1) negate the Soviet nuclear threat; (2) assure the survival of the U.S. population; and (3) secure space for commercial development.

The High Frontier project initially calls for space-based missile defense and ground-based point defense (a short-range defense of missile silos), to be augmented by a second tier or space-based defense (possibly employing laser weaponry), an extensive civil defense program, advanced manned military space vehicles, and more.

The architect of High Frontier, Lt. General Daniel Graham (USA-Ret.), former Director of the Defense Intelligence Agency, claims that the initial system can be deployed using "off the shelf technology", within 5-6 years, and at a "reasonable cost" of $40 billion.

These High Frontier claims are evaluated as follows:

TECHNOLOGY

Technology for a space-based ballistic missile defense deployment does not exist. Despite decades of U.S. efforts, there are serious doubts that the simpler task of ground-based point defense of ICBMs can be achieved, especially against relatively cheap and easy Soviet countermeasures. The High Frontier's claims of existing "off the shelf technology" have been debunked by Reagan administration officials. Dr. Robert Cooper, Assistant Secretary of Defense for Research and Engineering, said of the High Frontier

proposals: "We have conducted several in-house analyses and have experienced some difficulties in ratifying the existence of 'off the shelf components or technologies' to provide the required surveillance, command and control and actually perform the intercepts. . . .we are somewhat skeptical of the particular (High Frontier) GBMD concept design." He has concluded that the "enormous complexity of such a system is unmanageable today in our judgment and we need basic, I would call them, breakthroughs in the ability to manage complex systems before any such system might be feasible in the future."

TIME AND COST

The High Frontier project claims that the initial system will be ready within 5 or 6 years at the total cost of $40 billion. However, Dr. Richard D. DeLauer, Undersecretary of Defense for Research and Engineering, has testified that the time frame and cost of the High Frontier proposal "are both grossly underestimated". Dr. Cooper concurs. He told Congress that the "DOD has worked with the High Frontier analysts . . . we do not share their optimism in being able to develop and field such a capability within their time frame and cost projections. Our understandings of systems implications and costs would lead us to project expenditures on the order of $200 to $300 billion in acquisition costs alone for the proposed systems." These DOD projections are $160 to $260 billion higher than the High Frontier estimates.

VULNERABILITY

Space-based defense systems are flawed due to their inherent vulnerability, especially in the initial stages of deployment. Space mines could shadow each GBMD satellite (called a "truck") and be exploded upon command. Anti-satellite weapons could overwhelm the truck's defenses using decoys or tiny pellets too small to target. Any satellite can be destroyed by a nearby nuclear detonation. GBMD is vulnerable to any determined attacker.

ABROGATION OF ABM TREATY

GBMD is presently illegal. Testing or deployment of a GBMD would break the 1972 Anti-Ballistic Missile Treaty, perhaps our most valuable arms control agreement to date. Choosing an illusory technological advantage, while sacrificing such an important and stabilizing treaty, would be extremely short-sighted.

RESTRICTING PEACEFUL USES OF SPACE

A GBMD would inhibit the civilian and commerical uses of space. By inviting attack, a GBMD would, in Graham's own words, "move the arena of initial engagement in a nuclaar war from the earth's surface to space." Peaceful development of space will then be more costly and risky. Satellites which serve positive functions such as arms control verification will be jeopardized. Weapons in space will not make space secure—space without weaponry is both possible and far more secure.

DANGEROUS CONSEQUENCES

Assume that the U.S. decided to deploy a GBMD to threaten the Soviet nuclear capability. The U.S. would therefore—in Soviet eyes—be in a position to launch a first strike. The Soviets might then feel impelled to launch a pre-emptive strike to prevent the deployment of our GBMD. Were the situation reversed, would we stand idly by while the Soviets deployed a system reputedly able to negate our nuclear deterrent?

NO PANACEA

Ultimately, GBMD would serve only to defend our missile silos. A GBMD cannot alter the reality of mutual assured destruction; it cannot provide mutual—or unilateral—assured survival. Even if one accepts that GBMD could work as claimed, it could not defend our population against attacks by such weapons as cruise missiles, bombers, or "depressed trajectory" missiles launched from submarines. GBMD could not assure the survival of our citizens. General Graham clearly recognizes the limitations of High Frontier. While proclaiming that it would shift the U.S. from attack to defense (from destruction to survival) Graham simultaneously urges the modernization of U.S. nuclear forces with new offensive weapons with greater destructive capability. The two positions are completely inconsistent. He is not presenting an alternative to the Administration's effort to create nuclear war fighting capability; instead, Graham is promoting a dangerous expansion of the arms race into a new dimension: space. Assuming the U.S. were to deploy a GBMD, so would the Soviets. Consequently, both sides would feel compelled to pursue the development of those weapons which can evade GBMD. Instead of providing a final defense or a "technological end-run on the Soviets", GBMD would only redirect and complicate the arms race.

CONCLUSION

Weapons in space will not enhance our national security or secure space for peaceful purposes. Space is not an arena into which man can transfer his vices and ignore the consequences on earth.

Already 4,800 objects (most of which are non-functional space "trash") are circling the earth. Weapons competition would soon multiply that figure many times. Ultimately, we on earth could trap ourselves inside a belt of orbiting garbage.

By placing weapons in space, we create a situation in which any internal satellite malfunction, or malfunction caused by impact of space trash, could be misinterpreted as an enemy attack. Weapons in space increase the chances of accidental war. Furthermore, the intertwined nature of space and earth-based military forces assures that any hostilities in space would be merely a prelude to war on earth.

We must not delude ourselves—weapons in space cannot make us more secure. The alternative is clear: the international community must outlaw weapons in space. One relatively simple route would be to expand the 1967 Outer Space Treaty, which prohibits the stationing of nuclear weapons or other weapons of mass destruction in orbit. An amendment to ban all weapons in space would be a great achievement.

Last year at the U.N., the Soviet Union presented a "draft treaty on the prohibition of the stationing of weapons of any kind in outer space". There is much support within the U.N. for such an agreement. The U.S. has yet to respond to the Soviet proposal, however, or to take significant steps toward eliminating weapons in space. Future generations will suffer unless we act now, before the opportunity evaporates.●

MEXICO'S ECONOMIC CRISIS AND ITS IMPACT ON THE UNITED STATES

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. COLEMAN of Texas. Mr. Speaker, today I am submitting for the CONGRESSIONAL RECORD a copy of a newspaper article which appeared recently in the Washington Post concerning the implications of Mexico's economic crisis on the United States. As a Member representing a district along our southern international border, I have long recognized the interdependence between these two Nations, and I urge my colleagues to take special note of the issues raised in this article so that we might work together in addressing these matters.

The article follows:

[From the Washington Post, Apr. 16, 1983]

MEXICO'S FINANCIAL CRISIS RAISES POLITICAL CONCERNS IN THE UNITED STATES

(By John M. Goshko)

Mexico's 73 million people make it the world's largest Spanish-speaking nation. It shares a 2,000-mile border with the United States. And, as it is struggling to stave off bankruptcy, there is increasing debate here about whether Mexico might bring revolutionary violence besetting Central America to the U.S. doorstep.

Fanning the debate has been the administration's tendency to argue its case for U.S. involvement in El Salvador in terms that recall the southeast Asia "domino theory" of the Vietnam war era.

President Reagan, in his speech March 10 asking for increased military aid to El Salvador, called that tiny nation "the first target" of a Soviet and Cuban campaign to spread communist "revolution without frontiers" through Central America to the U.S. border.

In a television interview last month, Sen. Henry M. Jackson (D-Wash.) said that "the ultimate primary target [of communist activity in Central America] is the destabilization of Mexico.... If a Castro-type government should come to power in Mexico, the demand on the part of the American people to bring our troops home [from Europe] would be overwhelming, and they would insist that we defend America first."

Despite occasionally overheated rhetoric, there is no evidence to suggest that U.S. officials foresee a situation that would permit Castroite guerrillas to return the U.S. border with Mexico to the days when marauders such as Pancho Villa struck from across the Rio Grande.

In fact, although administration policymakers are very careful not to say so publicly, many are known to feel that the most immediate effects of Mexico's need to grapple with financial problems are likely to mean far greater cooperation with the United States.

Specifically, Mexico, because of its desperate need to generate more earnings, is expected to increase its role as the biggest source of U.S. oil imports under terms more favorable to the United States.

In Central America, where Mexico's support for leftist movements has caused frequent friction with Washington, its new president, Miguel de la Madrid Hurtado, could limit his government to rhetoric rather than actual attempts to influence events substantially.

U.S. officials dealing with Latin America are keenly aware that the financial crisis into which Mexico was thrown by collapse of the world oil market could have far-reaching implications for U.S. interests in areas as diverse as trade, immigration and narcotics control.

They are aware, too, that the crisis could take on political overtones if de la Madrid cannot navigate successfully between fiscal austerity demanded by foreign creditors and his countrymen's economic and social aspirations. Such a failure could undermine the de facto one-party rule that has kept Mexico politically stable for almost 50 years and push it toward extremes that worry domino-theory advocates.

Secretary of State George P. Shultz, who last August teamed with Treasury Secretary Donald T. Regan to work out an emergency loan of nearly $3 billion to stave off default of Mexico's debts, noted recently that Mexico's problems are financial rather than political, and said, "I believe they can be handled with good work."

Shultz and Regan are to travel to Mexico City Sunday for two days of meetings. The main emphasis will be on mapping a campaign to deal with the debt problem, but U.S. officials have said privately that the entire range of relations will be covered. They expect that the meetings will set the tone of the relationship while Reagan is in office.

Even those U.S. officials who place little credence in the worst-case domino-theory scenarios agree that the United States has a strong vested interest in helping Mexico out of its financial predicament. U.S. banks hold the largest part of Mexico's $80 billion foreign debt, and a default would have seismic effects on the U.S. banking structure.

Mexico also is the third-largest customer for U.S. exports. Its purchases of U.S. goods fell from $18 billion in 1981 to $11.8 billion during 1982, throwing U.S. border merchants dependent on Mexican customers into vitual depression.

A large increase in Mexico's chronic unemployment raises the threat of even greater illegal immigation as the Reagan administration presses for legislation to restrict entry of illegal aliens, which increased 20 percent between October and February.

While U.S. interests point toward greater cooperation and help for de la Madrid, there is implicit a strong suggestion that Washington is not unhappy that Mexico will be increasingly dependent on U.S. financial backing and good will.

Administration officials, diplomatically aware of Mexican sensitivities, strongly deny that they plan to use such dependence as leverage to reassert U.S. dominance. However, there seems to be a sense within the administration that Mexico's troubles will make it more difficult for de la Madrid to emulate predecessors Luis Echeverria and Jose Lopez Portillo in pursuing policies that Washington frequently regarded as nose-thumbing defiance.

Friction began in the 1970s, when discovery of enormous oil reserves triggered a feeling among Mexicans that, after a long history of relative poverty, they would be able to carry out rapid internal development and make Mexico a major force in world affairs.

That led to a boom in public spending and expansion of private industry, built mostly on foreign loans from banks eager to advance large sums on the expectation of steadily climbing oil revenues. Mexico's external debt soared from about $3 billion in 1970 to its present $80 billion.

This overextended position, aggravated by high inflation and an imbalance that saw imports rise at a far faster rate than exports, sent Mexico to the edge of bankruptcy when last year's oil glut and falling prices reduced Mexico's basic earning power.

The oil boom also had a major impact on the foreign policy of a nation controlled for decades by the Institutional Revolutionary Party. Until the 1970s, its most powerful leaders were noted for using radical-sounding, ultranationalistic language to mask basic conservatism that included generally close cooperation with the United States on most issues.

But Echeverria, then Lopez Portillo, apparently believing that oil wealth would make Mexico a major influence with Latin America and the nonaligned movement, turned increasingly to Third World-oriented policies that, in some cases, were viewed here as gratuitous exercises in Yankee-baiting.

Under Lopez Portillo, the United States became the biggest customer for Mexican oil, currently obtaining 685,000 barrels a day or about 14 percent of its crude imports. That is 49 percent of all oil exported by Mexico.

Even establishment of this highly important energy supply relationship was accompanied by bitter haggling over prices and the tendency of the Lopez Portillo government to flirt with the idea that oil could be used to force the United States into major concessions on immigration and greater access to the U.S. market for Mexican agricultural products.

Greatest tension arose in Central American affairs as the result of several factors: Lopez Portillo's desire to become the most influential leader of the region, the need to placate leftist elements of his party by striking militant postures in foreign policy and most important, the Mexican conviction that the way to handle Central American leftists is to co-opt them through friendship and aid rather than by following the Reagan administration's militant approach.

Shultz' predecessor, Alexander M. Haig Jr., used to sum up Washington's exasperation with Lopez Portillo by remarking in private conversation: "The Mexicans are feeding the alligators."

That was a reference to Mexico's efforts to act as advocate and protector of the radical Sandinista regime in Nicaragua, its provision of a base for activities of exiled Salvadoran politicians allied to guerrillas in their country, its advocacy of negotiations between the Salvadoran government and insurgents along lines that the United States says it believes would give a share of power to communist elements and its ostentatious displays of friendship for Cuban President Fidel Castro.

A year ago, the United States bailed out of a Mexican-proposed initiative to seek a U.S. dialogue with Cuba and Nicaragua because the administration had become convinced that the Mexicans were so tilted in their sympathies that they could not be trusted to act impartially.

U.S. officals generally agree that the practical exigencies of Mexican politics will not allow de la Madrid to depart very publicly from his predecessor's policies. But, as one senior U.S. official said, "There can be a difference between what you say and what you actually do.

"Even under Lopez Portillo, the Mexicans demonstrated that they could be very helpful to us on issues like Reagan's Caribbean Basin Initiative, and we now are hopeful that, in a quiet way, they will be willing to play a more balanced and constructive role in looking for approaches to Central America on which we both can agree."●

INDOCTRINATION OF AMERICAN CHILDREN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MICHEL. Mr. Speaker, Albert Shanker, president of the American Federation of Teachers has recently written about the attempted ideological indoctrination of American students by the National Education Association and Union of Concerned Scientists. What he says should be known by our colleagues and by all Americans interested in the education of American children.

At this point I wish to insert in the RECORD, "NEA Trying To Teach—Or Indoctrinate?" from the New York Times, April 17, 1983.

NEA TRYING TO TEACH—OR INDOCTRINATE?

(By Albert Shanker)

What would happen if the Moral Majority circulated lesson plans prepared by Jerry Falwell on political, moral and economic issues and asked public school teachers to use these plans? Or lesson plans by the Heritage Foundation which supported its views on economics and defense? There would be an uproar. The public schools, we would say, should not be used to propagandize for particular points of view. As a society, we place public school teachers, agents of the public, in charge of the schooling of the vast majority of our children . . . and the children are expected to accept teachers not as equals but as authority figures, having superior knowledge and wisdom. Teachers, therefore, have a special responsibility to be balanced and fair—and not to press their private opinions, politics, values or religious views on children. Of course, teachers have the same free speech rights as other people, and I am not suggesting they can't ever express their own views. But expressing a viewpoint is very different from indoctrinating the kids in it.

Is indoctrination actually happening in the schools? Unfortunately, it is. But it's not the Moral Majority or the Heritage Foundation trying to impose views on kids in public schools across the country. It's the National Education Association. The NEA, in cooperation with the Massachusetts Education Association and the Union of Concerned Scientists, has published a 144-page lesson plan, Choices: A Unit on Conflict and Nuclear War. Now, there's nothing wrong with the idea of helping teachers by making lesson plans available. Nor is it wrong to devote classroom time to conflict and nuclear war. What is wrong is a teacher union which has its own political views on these issues asking its members to fill their kids'

heads with lopsided propaganda for its view, rather than helping the students come to understand a number of different points of view in this complex area.

It is not a question of being for or against nuclear war. Everybody in his right mind wants to avert the horror and devastation of nuclear conflict, the potential destruction of the plant. The issue . . . perhaps the most important issue of our age . . . is *how* we manage to do that. And on this critical and controversial question, the NEA wants teachers to press one viewpoint. Almost every one of the 144 pages cries out for analysis and criticism. For want of space, here's just a sample of what's wrong:

The lesson plan is loaded with moving accounts by survivors of Hiroshima and Nagasaki, themselves students when the bombs were dropped. A few lines describing why President Truman decided to drop them are inadequate. The stage is set. Then many more pages are given over to the destruction of nuclear war, the effects of a direct hit, the greater power of current weapons, etc. The United States is shown throughout as way ahead of the Soviet Union in nuclear arms—and this is presented as fact, not as an issue now under sharp debate. Moreover, in an effective section designed to surprise students (by first having them guess and then giving them supposedly accurate information), the students are presented with inflated "facts" on the proportion of the U.S. budget to be spent on national defense.

Various games are proposed for students to play, intended to show that compromise and conciliation help, while conflict hurts everyone. There is no mention in the main text of the huge Soviet arms buildup, and no historic background. Nothing is said about the 1930s, when the democracies compromised and neglected their own defense while Hitler armed. In that era the failure to arm led to war, not to peace. Likewise, there is almost no discussion of the near-universally accepted concept of deterrence . . . of Winston Churchill's idea that the best way to prevent war is to "gather such an aggregation of force on the side of peace that the aggressor, whoever he may be, will not dare to challenge."

Students are presented with optical illusions and other such devices to show that what we perceive is sometimes a product of our own minds. Soviet-U.S. (NATO) conflict, the kids are led to believe, comes from irrational fear and suspicion. If we get rid of these, everything will be okay. The NEA believes both sides have these fears—but the U.S.S.R. is more justified because it actually lost 31 million lives in war and has a million hostile Chinese troops on its borders. The United States, by contrast, says the curriculum has friendly neighbors and suffered only a million deaths since the Civil War. There is no discussion of the Soviet takeover of other countries, no treatment of Soviet aid to Communists around the world to help overthrow other governments, no facts on the Soviet political system . . . the Gulags, the psychiatric tortures, etc. What the NEA lesson plans see as irrational fears many of us feel justified in viewing as not only rational but prudent.

The NEA protects itself from the charge of bias by including 20 lines of copy from the President's office and three and a half pages (out of 144) from the Committee on the Present Danger. But there's no question that instead of helping students understand the complexity of the issue, the NEA tries to impose its own views on students who are not yet able to distinguish fact from opinion.

I have to agree with what The Washington Post said on the matter in a recent editorial: "At the conclusion of the course, children are urged to write their elected representatives about nuclear war, to ascertain and publish the location of defense plants, research and development facilities and military bases in their area (why?) and to collect signatures to place a referendum question on the ballot concerning nuclear policy. This is not teaching in any normally accepted—or for that matter, acceptable—sense. It is political indoctrination."

The NEA action will further undermine public confidence in public education—and it has seriously damaged the NEA's ability to prevent the schools from being used for indoctrination by other groups.●

EDEL-BROWN CO. RECEIVES AWARD

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues one of the finest small businesses in my district. Today, the Edel-Brown Co. of Everett, Mass., will be receiving an award from the Defense Logistics Agency, the most recent of many honors bestowed on this firm. Thirty-two years ago, Mr. Hans Edel and Mr. Ken Brown formed a small two-person company in Boston. They later moved this component manufacturing firm to Chelsea, another city in my district. In 1973 the General Electric Corp., citing Edel-Brown's outstanding level of quality control, offered the company an opportunity to continue production after an unfortunate fire. Edel-Brown, which is now located in Everett, today employs 85 persons. Mr. Edel and Mr. Brown have been cited numerous times for the extraordinary quality of their company's work. In 1980, the Small Business Administration awarded Edel-Brown its Small Business Private Contractor of the Year Award. In 1982, the Massachusetts Department of Labor recognized the company's excellence in apprenticeship training. In addition, the city of Everett awarded Edel-Brown a commendation for excellence in community development programs. And today, the Department of Defense Logistics Agency will award Edel-Brown its contractors assessment program award for quality excellence. I ask my colleagues to join with me in congratulating Mr. Hans Edel and Mr. Ken Brown, as well as the entire work force at Edel-Brown Co., for their long and exemplary record of performance. I am proud to say that I represent this firm here in the House of Representatives.●

DEREGULATION OF NATURAL GAS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MOODY. Mr. Speaker, soaring natural gas prices have seriously hurt my constituents and prolonged the recession for residential consumers in Wisconsin, where nearly all energy must be imported.

When deregulation of natural gas prices was approved by Congress, the deregulation was intended to be phased in, with the market price determined through competitive supply and demand rather than through artificially set prices. Deregulation of natural gas in practice, however, has not worked as intended. The law of supply and demand has not had an opportunity to prevail. We have the spectacle of cheaply produced gas selling for more than expensively produced gas. We have the spectacle of monopoly profits by gas and pipeline companies which exceed the wildest hopes of those monopolists. Clearly, changes are needed. But a pell-mell acceleration of decontrol phase in—as proposed by the President—is not one of those needed changes.

The administration has proposed to decontrol all natural gas by 1986, although most of the cheaper old gas would be decontrolled in 1985 since the proposal allows producers to break contracts after January 1, 1985. This proposal is disguised as a consumer-oriented measure. Accelerated decontrol is, in fact, a windfall for the owners of old gas—primarily the large major energy companies.

Mr. Reagan's supporters may have sufficient incomes not to worry too much about the effects of rapid gas deregulation on their household budgets. Fixed, modest-income people in Milwaukee and across the Nation are not so lucky. They have to worry. They know that ever-increasing energy costs mean sacrificing other essentials in their household budgets. In fact, Mr. Speaker, in the difficult times which now confront so many Americans, sharply rising energy costs force the simple but sad decision of "heating or eating."

This is a problem that is not going to experience relief without assistance. Without our urgent consideration of an alternative to the President's proposal, this winter will represent just the beginning of longer term suffering for consumers, particularly for the unemployed, the elderly, and those receiving minimal incomes. The recently concluded study by the Citizen/Labor Energy Coalition on the effect of the administration's proposal shows that between 1982 and 1986, accelerated de-

control would double the wellhead gas costs, increase residential gas bills by 67 percent, and cost consumers $50 billion.

I, therefore, encourage my fellow Members of Congress to reject the administration's proposal. Instead, we should support legislation carefully designed to protect the consumer, while at the same time harnessing market forces to insure only a reasonable and just profit for natural gas producers and shippers. In my judgment, the Natural Gas Consumer Relief Act, H.R. 2154, meets this dual requirement, and therefore benefits not only my constituents, but all people of this Nation.●

A MEMORIAL TO WORLD WAR I

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. WISE. Mr. Speaker, it is with great pride that I have today introduced a resolution to commemorate the city of Nitro, W. Va., as a living memorial to World War I. It is a distinct privilege to represent the more than 8,000 citizens of Nitro in Congress. Their city commemorates the national commitment early in this century to defending the cause of freedom around the world.

America's call to arms during the First World War meant our Nation had to provide for the production of munitions. Eighteen hundred acres of farmland on the Kanawha River, where Kanawha and Putnam counties converge, were chosen as the site where this production capacity would be concentrated. Almost overnight, what was soon to be the municipality of Nitro, became one of the half-dozen largest cities in the State of West Virginia.

Nitro took pride in its role during that war. While elated that peace had been realized and victory claimed, the transition to a peacetime economy was difficult. The boom that built Nitro had eased and the city converted its leftover stocks of raw materials to manufacture of chemicals and synthetic fibers. Today, with several major companies doing business in Nitro, the town is thriving, though an upturn in the economy would be certainly welcome in helping to revive the work force.

Under the leadership of Mayor Arden Ashley, Nitro has taken great strides providing a comfortable environment for all of its citizens. There are excellent recreation facilities, services for the elderly, a city government committed to efficient management, and a preservation of the historical significance of the community.

So that this heritage will be recognized for its contribution to America's participation in World War I, I am pleased to offer this resolution for approval by the Congress.●

FORMER GOV. JERRY BROWN'S TRIBUTE TO WILSON AYRES CLARK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues a tribute to our mutual friend Wilson Ayres Clark by former California Gov. Jerry Brown. In Governor Brown's administration, Wilson served as his chief energy advisor, instituting great reforms in the field of energy conservation and alternative energy use. Wilson's tragic death represents the loss of one of the true leaders and innovators in the field of alternative energy use. Governor Brown's tribute follows:

Wilson died in a tragic automobile accident on January 31, 1983, when he lost control of his car. I speak for many of his friends and associates in California in expressing my deepest sympathies to his parents and his sister.

Wilson served as my energy advisor from 1976 to 1981. Prior to joining my staff he had already established himself as one of the most articulate thinkers in the energy field in the country. Wilson was born in North Carolina on October 14, 1946. After leaving the University of North Carolina in 1968, he want to Washington where he was one of the founders of Earth Day. He was an editor of Energy Digest and published numerous articles on nuclear power before he became the Energy Policy Coordinator for the Environmental Policy Center. While at EPC, Wilson gained nationwide recognition for his series of energy articles that appeared in Smithsonian Magazine where he popularized the concept of net energy and brought to a sophisticated and wide audience the ideas and technologies of renewable energy development. With the publication of Energy for Survival in 1974, Wilson established himself not only as one of the few at that time who fully comprehended the political and social gravity of the energy crisis, but also as one who foresaw the range of alternative energy solutions available.

In addition, many of the people who shared Wilson's vision and later came to California to help make that vision a reality have told me of their appreciation for his ability to articulate for them and for the emerging community of alternative energy advocates the vital importance of decentralized, renewable energy sources.

I am proud that during my administration, California became the acknowledged leader in energy policies and programs that emphasized alternative energy sources and increased efficiency of energy use. I owe a great debt to Wilson Clark for being one of the people who helped me understand the importance of these new energy ideas both for California and the rest of the nation's well being.

Wilson sought a wide range of thinkers to develop and shape his own ideas and drew what he felt to be the best from many different traditions. He had an engineer's fascination for technology, a humanist's cynicism about the limits of engineering, and an idealist's commitment to social justice. But perhaps most important, these were combined with a populist's passion for empowering people with the skills to control their own lives and destinies. Wilson recognized that we live in an era of change—that we must not only adapt to that change but be a part of it, and consciously direct it. Without this active involvement in creating our future, we fall victim to the errors of the past. Wilson was tireless in his efforts to create a better, more ecologically sound democratic world.

Wilson was known for his eclectic gathering of ideas, the range of sources from which he drew, and for his animated sharing of his discoveries. He had an extraordinary way of reaching across boundaries, combining seemingly unlike ideas in a way that gave a new perspective to problems and solutions. One of the joys in his life and to those of us around him was how openly and freely he shared his ideas and his enthusiasm for them. Many of us have fond memories of Wilson roaring through our offices like a whirlwind with some new passion. He was not manipulative with nor did he hoard his ideas—the more people knew the better—which made him a genuine and refreshing participant in the political world which is so often characterized by meanness of spirit.

Wilson's parents and friends can take pride that he did something in his life that many wish they could do: he left an important legacy for us to remember him by. Wilson helped spark and create a landmark shift in the way California and the nation uses and thinks about energy. In that sense, every wind generating turbine, small hydroelectric plant, solar water heating system or solar home is part of Wilson's monument.

I take pride that during my term of governor, California made great strides in developing and commercializing alternative energy technologies and cutting unnecessary energy waste. Wilson deserves credit for the important role he played in those successes which have much to do with inspiring me as well as others around him.

I considered Wilson a friend. I will miss him and his personal energy and enthusiasm. but we will press on toward his vision of a safe and democratic world powered by renewable energy sources because that is what he would have wished. He deserves no less of us, and it is the greatest tribute that we can pay him.●

RECOGNITION OF "DIFF'RENT STROKES"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BROWN of California. Mr. Speaker, the Congress declared April 1983 National Child Abuse Prevention Month. Unfortunately, child abuse has reached near-epidemic proportions. Estimates by child-protection organizations of how many American children are sexually abused each year range from 100,000 to 1 million, but most of the incidents are unreported.

According to the National Center for the Prevention and Treatment of Child Abuse and Neglect, reports of sexual mistreatment of children have been rising. This increase may be due to more instances of abuse, or more reporting of abuses, or both. Children and parents must be aware that any act of molestation should be reported. The first step is for children to learn to recognize abuse; the next is to report any unusual adult behavior to a parent or other responsible adult. Too many children do not know which adult behaviors are inappropriate; too few children are assured of the legitimacy of reporting abuse.

A recent presentation on the series "Diff'rent Strokes" made huge strides toward educating children about molestation. "Diff'rent Strokes," one of the most watched prime-time network programs among 6- to 12-year-olds, aired a two-part episode entitled, "The Bicycle Man" on February 5 and 12, 1983.

The bicycle man is the proprietor of a bicycle shop where Arnold, Gary Coleman, takes his father to look at a bicycle. The store owner, played by Gordon Jump, makes friends with Arnold and his friend Dudley. As part of being "friendly," the store owner gives the boys wine, shows them adult films, and encourages them to pose partially clad for photos. Arnold begins to feel uneasy and runs home, and his father calls the police.

After intervening at the bicycle shop, a police detective discusses child molestation with the family. His discussion includes the facts that child molesters are never interested in adults and are not homosexuals; children are never to blame in these cases; parents should teach their children what kind of behavior is harmful; children should always report to their parents, who should alert the police. Before the show, actor Conrad Bain advised families to watch the program together and discuss it afterward.

Writer Blake Hunter, director Gerren Keith, producer Norman Lear, the actors, the production staff, and the sponsors of "Diff'rent Strokes" should all be highly commended for a valuable contribution to the prevention of child abuse. As a result of watching this episode, children in Long Beach and Milwaukee reported instances of abuse, and two child molesters were apprehended. I applaud the work of the staff of "Diff'rent Strokes." Our First Lady, who actively concerns herself with children's welfare issues, appeared as herself in a March 19 episode on teenage drug abuse. But a national profile is not required to be a children's advocate. As parents, relatives, teachers, and friends, we can all help prevent child abuse by educating children about dangerous situations, and listening to their reports of encounters with dangerous adults. Together, we can work toward our goal of the prevention of child abuse, not only during this special time, but year round.●

DIANE M. MACK, COLORADO WINNER, 1982-83 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. KOGOVSEK. Mr. Speaker, Diane Mack of Canon City, Colo., was recently named Colorado's winner in the voice of democracy program.

In honor of this outstanding program, and in recognition of the poignant message of Miss Mack's speech, I would like to have it inserted in the CONGRESSIONAL RECORD so that others may have the privilege of reading her thoughtful presentation.

Hello, Grandpa. I just wanted to call and congratulate you on your retirement. You must be really proud, having been with the company for 45 years. What do you and Grandma plan to do now that you have retired? Oh, you're going to travel around the United States? That sounds so exciting. It will be so special to you since you came to America as a young man. I know that you love our country and our democracy more than most people because of that.

You say that you are worried about the democracy of our country now that your generation is retiring. Well, Grandpa, I know that your feelings would change if you could meet some of my classmates. Take Jan, for example. She's our student council president. She has gone through a campaign and an election and she really tries to represent the entire student body. She cares about what we think and feel. Isn't that what democracy is all about, Grandpa? Did I tell you we held a presidential election in our school before President Reagan was elected? We had amost 100% turnout in voting, and the students really got involved in the election and the issues. Because of this, some students even became active young Democrats and Republicans. A couple of my classmates have the goal of becoming pages in the United States Congress to see what the legislative process is all about.

You wonder if today's youth would go to war like you did to fight for our country's democracy? They would, Grandpa, if they felt our way of life or our country's freedom was threatened. But we also realize that World War III could be a nuclear war that might destroy all types of government. So, Grandpa, I feel today's youth will work harder to promote peace. I think we realize we need to be world citizens. We have to get involved in what is going on in the world and promote peace among nations. Grandpa, did you know our national debate topic this year is about the sale of weapons to foreign countries. This shows our concern with being world citizens. We realize that this is a small world, and we have to do all we can to promote peace. One way I feel we promote peace among countries is our student exchange program. I know I have gained a greater understanding about people of other cultures from the exchange students I have met and from our students who have visited other countries.

Yes, Grandpa, I know that there are some kids who don't seem to care about others, but most aren't like that. Just as you have helped so many people and even served as chairman of United Way, I see my classmates showing the same kind of concern. There are many groups of students at my school that care very much about others. One group raises money for the animal shelter each year, and others give Christmas parties for the elderly and the under-privileged. Many of my classmates participated in the March of Dimes Walk-a-thon and the Jerry Lewis Telethon for Muscular Dystrophy. The concern is also on a more personal level, Grandpa. Peer counselors show their classmates they really care, volunteers serve in hospitals and nursing homes, and many come to the aid of families when they are faced with a tragedy.

Really, Grandpa, you and Grandma are going to come visit my school to meet some of my classmates? Well, I'm sure you will find the youth all around the country the same—they care about America. You don't have to worry about retiring Grandpa, because I know America's strength lies in its youth, thanks to the example and leadership of Americans like you.

Goodbye, Grandpa, see you soon!●

ORANGE COUNTY'S VERY SPECIAL ARTS FESTIVAL

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. PATTERSON. Mr. Speaker, I invite my colleagues to join me in recognizing Orange County's seventh annual "Very Special Arts Festival," to be held April 30, 1983. The festival, sponsored by the Orange County Department of Education, is designed to display the capabilities and creativity of the disabled community and to offer a showcase for their artistic talents in a noncompetitive event.

This remarkable festival, dedicated to eliminating the segregation to the handicapped from the mainstream of society, is held on behalf of more than 16,000 handicapped children and adults in the community. It is made possible by the hard work of many dedicated volunteers from all walks of life.

In addition to the Orange County Department of Education and the many involved volunteers, this year's festival is sponsored by the Arts for the Handicapped, National Committee; Arts for the Handicapped, Orange County Committee; California Alliance for Arts Education; and the Council for Exceptional Children, Chapter 188.

The "Very Special Arts Festival" serves as a valuable experience for the handicapped and nonhandicapped alike. It works to develop self-awareness and a sense of pride in the handi-

capped, and underscores the importance of beauty in the lives of disabled persons.

As the Representative for the 38th Congressional District, I strongly support the stated goals of the "Very Special Arts Festival." Mr. Speaker, I again ask my colleagues to join me in commending the Orange County Department of Education, the festival cosponsors and the many participants for their commitment to the needs of handicapped persons in Orange County.●

SOVIET JEWISH ACTIVIST, LEV ELBERT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. GARCIA. Mr. Speaker, I would like to call the attention of my colleagues to a Jewish activist from Kiev, Lev Elbert, who has been denied permission to emigrate to Israel, and who may face imprisonment.

Mr. Elbert first sought to emigrate in 1974. His application was rejected and his long-suffering efforts to leave the country since then have been futile. Recently, Elbert was summoned for 60 days of reserve army duty although he is not even a member of the service. Aware that if he were given access to "state secrets" he would never be permitted to emigrate, Elbert requested assurance that he not be involved in classified work. Soviet officials rejected this request, and the military commission has informed him he will be prosecuted for "draft evasion." The punishment for Mr. Elbert's "crime" is up to 1 year in prison.

I have written letters to Soviet Ambassador Dobrynin and Procurator General Alexander Rekunov asking them to intercede on Mr. Elbert's behalf. I urge you and my colleagues to contact these officials, thereby alerting the Soviet Union that the plight of this man is of concern to the U.S. Congress. The influence that our Government can have on internal policy decision in the U.S.S.R. is unclear. I feel, however, that we must make our feelings known when and where we can to reverse the present downward trend in Soviet Jewish emigration. The hopes of many thousands of refuseniks facing harassment, exile, and imprisonment rest in no small measure on our efforts.●

THE LIFE OF PHILLIP BURTON

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. UDALL. Mr. Speaker, last Thursday at Phil Burton's memorial service in San Francisco I was particularly struck by the wide representation of people present. Not only were there over 100 Members and former Members of Congress present—a remarkable tribute to Phil—but there were many people from his congressional district, and from all around the Nation—even from the distant islands of the Western Pacific. Phil had been special to all of them.

Phil Burton devoted his life and great and unique talents to the welfare of all Americans, and he especially worked to better the lot of the poor, the sick and disabled, the senior citizens, and the victims of intolerance and discrimination.

As a member of the Committee on Interior and Insular Affairs, Phil championed legislation that nearly doubled the size of the Wild and Scenic Rivers Service, more than doubled the wilderness acreage in the National Park Service, and tripled the size of the National Trails System.

Phil was particularly proud to be the author of legislation that created the Golden Gate National Recreation Area. It was, indeed, fitting that his memorial service was held there in the Great Meadow.

But perhaps no greater memorial befits this giant of a man then do the majestic redwood trees which will stand forever, because Phil was their champion too.

His commitment over the years to those with little political power inspired him to champion causes for the people of American Samoa, Guam, the Northern Marianas, the Virgin Islands, the Trust Territory of the Pacific Islands, and Puerto Rico. He began the process by which they could ultimately determine their own political destinies, by seeing that they began to be represented in the Congress, and by encouraging them to begin to write their own constitutions.

For all of us who served with Phil, he will always hold a very special place in our hearts, and in our memories of the days we shared together in this great institution.

To fully capture with words Phil's legacy to us is most difficult. But the following biography of Phil Burton provides an overview of the enormous achievements this good man attained for the benefit of all of us. I would like, therefore, to submit it for the RECORD in order that all may know of his great contributions to our Nation.

BIOGRAPHY OF PHILLIP BURTON, FIFTH DISTRICT, CALIF.

Born: June 1, 1926 in Cincinnati, Ohio.

Education: 1944—George Washington High School, San Francisco, California; 1947—University of Southern California (B.A.—political science); 1952—Golden Gate Law School, San Francisco, California (L.L.B.).

Military: World War II (Navy—V-12) and Korean War (U.S. Air Force—1st Lieutenant, Assistant Staff Judge Advocate).

Family: Wife, Sala; daughter, Joy.

Career: 1952—Attorney at Law (admitted to practice before U.S. Supreme Court, 1956); 1956—Elected Member, California State Assembly; 1964—to present, Member, United States House of Representatives.

Committees: Education and Labor: Subcommittee on Labor-Management Relations (Chair); Subcommittee on Labor Standards.

Interior and Insular Affairs; Subcommittee on Public Lands and National Parks; Subcommittee on Insular Affairs.

Democratic Steering and Policy Committee.

Other positions

1974 to present—Democratic Study Group, Executive Committee.

1977 to present—Chair, United States House of Representatives Delegation to the North Atlantic Assembly (NAA).

1978 to present—President, Political Committee (NAA).

1971 to 1977—Chair, Insular Areas Subcommittee.

1971 to 1973—Chair, Democratic Study Group.

1974 to 1976—Chair, House Democratic Caucus.

1977 thru 1980—Chair, Interior Subcommittee on National Parks and Insular Affairs.

1979 and 1980—Chair, Committee on Organization, Study and Review (Democratic Caucus Reform Committee).

1979 and 1980—Democratic Congressional Campaign Committee and Chair, United States House of Representatives Delegation to the U.N. Trusteeship Coucil.

PROFILE

An articulate spokesperson for the liberal position, Congressman Phillip Burton was first elected to the House of Representatives in a special election on February 18, 1964. A master legislative tactician, he is a forceful advocate and champion of the nation's underprivileged and has long been in the forefront of the struggle to protect civil rights and civil liberties. He is nationally recognized as a leader in the areas of environmental protection and labor law.

In 1976, he received all but one of the votes necessary to become one of the youngest House Majority Leaders in the history of the U.S. House of Representatives. He is acknowledged to be one of the nation's foremost Members of Congress.

Congressman Burton has a reputation for legislative skill that is recognized by both sides of the aisle. He is known for his hard work and unique ability to work with and reconcile diverse views to accomplish a desirable legislative goal.

LEGISLATIVE CAREER ACHIEVEMENT HIGHLIGHTS

Key leader in enactment of the Coal Mine Health & Safety Act providing the strongest health and welfare protection to workers in this most dangerous job occupation.

Authored the Black Lung compensation provisions of the 1970 Coal Mine Health and Safety Act (the first national industrial dis-

ease-related workers' compensation program that has benefited more than half a million workers to date).

Authored the Supplemental Security Income Act (SSI), a nationally guaranteed income maintenance program providing help to 4.1 million aged, disabled and blind persons.

Opposed the war in Vietnam from the onset and opposed all appropriations for the conduct of that war, including the first supplemental appropriations in May, 1965.

Key figure in reform of U.S. House of Representatives. Probably more responsible than any other single person for the reforms that have made the House an open, responsive institution.

Authored legislation in 1966 extending the minimum wage to 6.5 million previously uncovered workers, including farmworkers, service employees (such as hospital, restaurant and laundry workers) and Federal blue collar workers not under civil service protection.

Managed legislation in 1978 extending the minimum wage and increasing the minimum rate from $2.30 to $3.35/hr. (largest single increase in history—$1.05/hr.

Personally responsible for legislative provisions including more workers under minimum wage and overtime protection (since first enactment of the minimum wage law) than any other Member in the history of the U.S. Congress.

ENVIRONMENT

As Chair of the Subcommittee on National Parks in the 95th and 96th Congresses, set an unprecedented record for establishing and protecting parks, wilderness areas, trails and wild and scenic rivers, including the Omnibus Parks Act of 1978—the most sweeping piece of environmental legislation ever to pass the Congress:

Tripled the size of the National Trails system; Almost doubled the size of the Wild and Scenic Rivers system; More than doubled the Wilderness acreage in the National Park system.

Key figure in passage of Alaska Lands bill, protecting over 100 million acres of land, including the largest designated wilderness area in the nation.

Introduced and ensured enactment of a bill adding 45,000 acres to the limits of the Boundary Waters Canoe Area in Minnesota. This law restricted both mining activities in the wilderness and motorized use of lakes in the area.

Sponsored legislation enacted to authorize $725 million to renovate existing park and recreation facilities in urban areas.

Authored major amendment to the Historic Preservation Act that extended authorization of appropriations under the Historic Preservation Fund and expanded the responsibilities of Federal programs affecting preservation efforts.

Increased authorizations (for over 50 units of the National Park system) to provide for long overdue acquisitions of state/national park and related outdoor areas across the nation.

Authored and enacted into law proposals ensuring more adequate representation in the national park system of our diverse ethnic and minority elements, including these new additions:

American Memorial Park Saipan.

Kalaupapa National Historical Park (leper colony), Hawaii.

Kaloko-Honokohau National Historical Park, Hawaii.

War in the Pacific National Historical Park, Guam.

Boston African American National Historical Site, Massachusetts.

Maggie L. Walker National Historical Site, (first Black female bank president), Virginia.

Martin Luther King, Jr., National Historical Park and Preservation Site, Georgia.

Chaco Culture National Historical Park (to protect ancient Indian dwellings and artifacts), New Mexico.

Salinas National Monument (archeological protection), New Mexico.

David Berger Memorial (Jewish Olympic athlete assassinated in Munich), Ohio.

Thaddeus Kosciuzsko Home National Historical Site (recognition of Polish General in U.S. service), Pennsylvania.

Women's Rights National Historical Park (in recognition of the contributions of Elizabeth Cady Stanton), Seneca Falls, New York.

Improvements in these existing areas of the park system: Frederick Douglass Home (commemoration of Black abolitionist), D.C.; Hawaii Volcanoes National Park, Hawaii; and Piscataway Park (to permit burial of Chief Tayac), Maryland.

Sponsored and enacted legislation to establish the Holocaust Memorial Council, the Native Hawaiian Study Commission and a National Center for the Study of Afro-American History and Culture in Ohio.

Instrumental in prohibiting entrance fees in almost 270 of the 327 units of the national park system and providing free admission to the blind and disabled.

Authored legislation adding three Members to the U.S. House of Representatives by extending representation to Guam, the Virgin Islands and American Samoa. A concurrent resolution of commendation was passed by the Samoan legislature for "a political and historical milestone and achievement."

Authored legislation extending Land Grant College Status (and aid) to colleges in Guam, the Virgin Islands and American Samoa.

Authored and enacted into law the purchase or construction of modern hospital and health care facilities in Guam, the Virgin Islands and the Northern Mariana Islands.

Enacted legislation to include $15 million for the Bikini people to cover relocation costs incurred by having to move some of them from their homes on the nuclear contaminated island of Bikini. This measure also provided for the lifetime health evaluation and care for these victims of U.S. nuclear testing, and established a $6,000,000 trust fund to be used exclusively for the benefit of the Bikini people and their descendants.

ENVIRONMENTAL LEGISLATION CONCERNING CALIFORNIA

Authored legislation which expanded the Redwood National Park and provided the first environmentally-related workers' compensation program.

Authored legislation (Burton-Santini bill) protecting Lake Tahoe from future deterioration by development on its shore.

Authored legislation and was the architect of the enactment of the bill to create the magnificent Golden Gate National Recreation Area in San Francisco, Marin and San Mateo Counties.

Sponsored the California Wilderness bill (passed House in 1981). Protects more wilderness acreage, 3.5 million acres, than in any state in the continental U.S.

Authored legislation enacted to establish the Channel Islands National Park. This law expanded the previously designated national monument by more than 100,000 acres.

Authored legislation enacted to establish the Santa Monica Mountains National Recreation Area.

Authored legislation enacted to establish the Mineral King Area (addition to Sequoia National Park).

Other legislation enacted

Pt. Reyes National Seashore—significant expansion of the national seashore.

Ft. Point National Historic Site—established the site.

Old San Francisco Mint—preserved as historic building.

Farallon Islands—extended wilderness protection to the islands.

American River—designated as wild and scenic.

Kern River—proposed for study as wild and scenic river.

Pacific Crest Trail—protection of national scenic trail.

Pinnacles National Monument—increased acreage.

Whiskeytown Shasta-Trinity National Recreation Area—increased development ceiling by $2,000,000.

John Muir National Historic Site—increased funds for protection of resource.

Leader in the effort to protect the Big Sur Area.●

LEGISLATION TO AID THE PROMOTION OF FILBERTS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. AuCOIN. Mr. Speaker, today, I am introducing legislation to aid the promotion of filberts. This is identical to legislation I introduced in the last two Congresses.

This bill amends the Agricultural Adjustment Act to authorize marketing research and promotion projects including paid advertising for filberts. It gives the Filbert Marketing Order Committee the authority it needs to amend the marketing order so it is then permitted to levy an assessment on handlers to generate funds for research, promotion, and advertising.

This legislation provides an excellent opportunity for the promotion of filberts. U.S. filberts are produced on 25,000 acres in Oregon and Washington, and the industry will soon be capable of producing all the filberts needed for domestic consumption.

The industry has doubled their production ability in the last decade and will probably double it again in the next 10 years. It needs this legislation to further the promotion of filberts.●

RECOGNITION OF DR. FRANCES BERDAN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BROWN of California. Mr. Speaker, I would like to take this opportunity to recognize Dr. Frances Berdan, professor of anthropology at California State, San Bernardino. Dr. Berdan has been chosen as one of two outstanding professors of the year by California State University trustees for her work at the university, both in research and as a teacher.

Dr. Berdan certainly deserves this much sought after honor. Having taught at the university for approximately 10 years, she is chairman of the Anthropology Department. Student evaluations consistently rate her as an effective teacher. In addition, as one of few existing experts, she has written three books about the Aztecs and their language.

I congratulate Dr. Berdan for her achievements, and for being honored by California State University. With teachers like her in our educational system, today's young people will become tomorrow's well-educated, concerned citizens and leaders.●

TRIBUTE TO THE GERMANIA MAENNERCHOR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to take this opportunity to commend the Germania Maennerchor of Port Chester, N.Y. These enthusiastic singers have been responsible for preserving the traditions of their German ancestry, including the folk lore, but most importantly, German choir singing.

Throughout the choir's 115-year history it has added a rich and unique flavor to many sports and cultural events in Port Chester. The German Maennerchor's outstanding performances has earned it many awards as well.

I ask my colleagues to join me in wishing the Germania Maennerchor continued success in sharing with us its German traditions. We especially wish the singers the best of luck at their April 23 concert when the group will commemorate the 300th anniversary of Germans in America and the 115th anniversary of the founding of the Port Chester Germania Maennerchor.●

CURRENT SERVICES DEFENSE BUDGET IS MISLEADING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. HAMILTON. Mr. Speaker, the current services defense budget prepared this year by the Office of Management and Budget is seriously misleading. It attempts to disguise the magnitude of the increase in defense outlays for 1984-88 implied in the President's budget proposals, understating that increase by approximately $244 billion.

The Congressional Budget Act of 1974, section 605, requires that the President submit a current services budget to Congress. This budget sets out the level of outlays and budget authority "for the ensuing fiscal year if all programs and activities were carried on during such ensuing fiscal year at the same level as the fiscal year in progress and without policy changes in such programs and activities."

These current services estimates have been submitted as "Special Analysis A" of the fiscal year 1984 budget. The Joint Economic Committee is required to review the current services budget and report on it to the Congress. The committee has done this as part of its 1983 Joint Economic Report.

The members of the Joint Economic Committee have agreed, unanimously, that OMB "has inexplicably departed from the basic definitions of current services in the Budget Act," and that the resulting estimates are "confusing and misleading." As "Special Analysis A" acknowledges, OMB has made a "major exception," and used last year's budget request by the administration as the baseline Defense budget. This does not reflect policies fully adopted by the Congress and therefore it does not provide proper current services estimates. The effect of the inflated baseline is to portray the proposed sizable increases in the defense budget this year as cuts.

The Congressional Budget Office's "programmatic content of baseline" estimates provide a much better guidepost for measuring increases in defense spending. This is shown as baseline (3) in tables IV and V on page 104 of the Joint Economic Committee's report. These CBO estimates, not the official CBO baseline for defense, most nearly comply with the statutory definition of the current services budget. They measure funding necessary to fulfill the commitments for the defense force structure and procurement program that were approved during the second session of the 97th Congress.

The differences between the CBO programmatic component of baseline estimates and OMB's current services estimates are striking. Over the fiscal year 1983-88 period, the administration's proposed defense outlays represent a reduction of $46.9 billion from their current services estimates, but increases of $197.2 billion in comparison with CBO's program baseline. Thus, the choice of a baseline makes a difference of $244.1 billion over 5 years. The differences are even greater in terms of defense budget authority.

The administration's current services defense budget does not follow the requirements of the law, and it confuses the terms of the debate. The debate over defense spending is complex enough without these unexplained departures from law and customary practice. It simply is not accurate to claim that the administration's proposals call for reductions in defense spending.

On March 22, I wrote to OMB Director David Stockman, pointing out the inadequacies in their current services budget for defense. I asked that revised estimates be submitted which conform as nearly as possible to the requirements of the Congressional Budget Act of 1974. In his response of April 4, Director Stockman indicated that he would not submit the requested estimates as part of the fiscal year 1984 budget.

I have now suggested a compromise. In the future, the Office of Management and Budget should provide traditional current services analyses of all budget areas. If OMB feels that a different baseline is appropriate for defense—or any other area—this could also be provided, with an explanation as to why it is deemed preferable. The Congress will then be better able to decide the most appropriate baseline for our budget deliberations.

My correspondence with Director Stockman and the unanimous views of the Joint Economic Committee's members, as expressed in our report, are appended.

[From the March 1983 Report of the Joint Economic Committee on the February 1983 Economic Report of the President]

The major shortcoming of the 1984 current services budget is its treatment of budget authority and outlays for defense. In an acknowledged "major exception" to normal practice, the Administration indicates that the estimated military budget authority for 1984 and outlays for 1984-1987 are not intended to represent costs "if all programs and activities were carried on . . . at the same level as the fiscal year in progress and without policy changes in such programs and activities," the definition of current services in the Budget Act. Rather, the 1984-1987 estimates are "those presented by the Administration and used by Congress in last year's budget deliberations," and the 1988 estimates "were developed consistent with this baseline." This baseline is "believed to be the most useful one for measuring the effects of policy changes in

the defense area." [2] It is not specified in the Special Analysis whether the Administration or the Congress finds this baseline "the most useful one," nor, if the latter, how such a determination was made. And there is no indication why similar baselines might not be "the most useful" as in other areas as well.

The basis for current services defense estimates has major implications. As shown in Table IV, over the 1983–1988 period, the Administration's proposed outlays for defense ($1,808.3 billion) represent a $46.9 billion reduction from the Administration's current services estimates, but increases ranging from $74.0 billion to $353.3 billion in comparison with the other four baselines listed.[3] These differences between proposed outlays and various current services measures vary by more than $400 billion over this period. Similarly, as shown in Table V, over the 1983–1988 period, the Administration's proposed budget authority for defense ($2,050.5 billion) represents a $54.4 billion reduction from the Administration's current services estimates, but increases ranging from $84.9 billion to $389.4 billion in comparison with the other four baselines listed.

TABLE IV.—OUTLAYS FOR NATIONAL DEFENSE: ADMINISTRATION PROPOSALS AND VARIOUS BASELINES, FISCAL YEARS 1983–88

[In billions of dollars]

Fiscal year	Baseline					Administration proposal	Difference between administration proposal and baseline				
	(1)	(2)	(3)	(4)	(5)		(1)	(2)	(3)	(4)	(5)
1983	214.8	213.5	213.5	213.5	214.6	214.8	0.0	1.3	1.3	1.3	0.2
1984	222.4	234.0	236.8	242.1	253.7	245.3	22.9	11.3	8.5	3.2	−8.4
1985	236.0	251.0	259.6	277.7	293.4	285.3	49.3	34.3	25.7	7.6	−8.1
1986	248.1	267.0	280.5	310.0	332.2	323.0	74.9	56.0	42.5	13.0	−9.2
1987	260.4	285.0	300.0	333.0	364.7	354.3	93.9	69.3	54.3	21.3	−10.4
1988	273.3	303.0	320.7	358.0	396.6	385.6	112.3	82.6	64.9	27.6	−11.0
Total	1,455.0	1,553.5	1,611.1	1,734.3	1,855.2	1,808.3	353.3	254.8	197.2	74.0	−46.9

Sources:
(1) No real growth, as derived from OMB data contained in Congressional Budget Office "An Analysis of the President's Budgetary Proposals for Fiscal Year 1984." Feb. 1983, p. 54.
(2) CBO's "no real growth" path, from CBO's "Baseline Budget Projections for Fiscal Year 1984–88," Feb. 3, 1983, p. 45.
(3) CBO's programmatic component of baseline," same source as (2), p. 100.
(4) CBO's baseline, same source as (2), p. 100.
(5) Administration's current servcies budget, from Office of Management and Budget, "Special Analyses, Budget of the United States Government, Fiscl Year 1984," pp. A–7, A–16.

Administration Proposal: Office of Management and Budget, "Budget of the United States Government, Fiscal Year 1984," p. 9–5

Note: Adjustments have not been made in (2)–(4) for any differences between the CBO and Administration economic forecasts, which do not have major impacts on estimated defense outlays.

TABLE V.—BUDGET AUTHORITY FOR NATIONAL DEFENSE: ADMINISTRATION PROPOSALS AND VARIOUS BASELINES, FISCAL YEARS 1983–88

[In billions of dollars]

Fiscal year	Baseline					Administration proposal	Difference between administration proposal and baseline				
	(1)	(2)	(3)	(4)	(5)		(1)	(2)	(3)	(4)	(5)
1983	245.5	243.9	243.9	243.9	244.5	245.5	0.0	1.6	1.6	1.6	1.0
1984	254.5	258.0	267.5	278.3	291.8	280.5	26.0	22.5	13.0	2.2	−11.3
1985	269.3	273.0	286.7	322.4	339.4	330.0	60.7	57.0	43.3	7.6	−9.4
1986	283.0	288.0	304.1	350.0	375.4	364.8	81.8	76.8	60.7	14.8	−10.6
1987	297.0	304.0	322.0	373.0	408.7	397.0	100.0	93.0	75.0	24.0	−11.7
1988	311.8	322.0	352.7	398.0	445.1	432.7	120.9	110.7	80.0	34.7	−12.4
Total	1,661.1	1,688.9	1,776.9	1,965.6	2,104.9	2,050.5	389.4	361.6	273.6	84.9	−54.4

Sources: (1)–(4) As in Table IV. (5) As for (1), p. 80.

Administration Proposal: As for (1).

Note: Adjustments have not been made in (2)–(4) for any differences betwen the CBO and Administration economic forecasts, which do not have major impacts in estimated defense budget authority.

The difference between proposed budget authority and various current services measures of budget authority vary by more than $400 billion over this period. Percentage increases in defense outlays and budget authority using the various measures are compared in Table VI for 1983–1988.

TABLE VI.—AVERAGE ANNUAL INCREASES IN VARIOUS MEASURES OF DEFENSE SPENDING, FISCAL YEARS 1983–88

[In percent]

Measure	Average annual percentage increase, fiscal years 1983–88	
	Outlays	Budget authority
Estimates in current dollars:		
Baseline (1)	4.9	4.9
Baseline (2)	7.3	5.7
Baseline (3)	8.5	7.7
Baseline (4)	10.9	10.3
Baseline (5)	13.1	12.7
Administration proposal	12.4	12.0
Estimates in constant dollars:[1]		
Baseline (1)	0.0	0.0
Baseline (2)	2.2	0.8
Baseline (3)	3.4	2.6
Baseline (4)	5.7	5.1

[2] Office of Management and Budget, "special analyses, Budget of the United States Government, Fiscal Year 1984," p. A–3.

TABLE VI.—AVERAGE ANNUAL INCREASES IN VARIOUS MEASURES OF DEFENSE SPENDING, FISCAL YEARS 1983–88—Continued

[In percent]

Measure	Average annual percentage increase, fiscal years 1983–88	
	Outlays	Budget authority
Baseline (5)	7.8	7.5
Administration proposal	7.1	6.8

[1] In comparison with baseline (1).

Sources: Calculated from data in Tables III and IV.

The Congressional Budget Office rejected its "no real growth" estimates as its baseline. The CBO "no real growth" path over the 1984–1988 period implies increases in defense outlays averaging the 7.3 percent per year and increases in defense budget authority averaging 5.7 percent per year, well above OMB's implicit estimates, but CBO felt that funding at such levels "could require cancellation of some investment programs, rescheduling of others, and some force structure deactivation." [4] CBO's "no real growth" path probably does understate a realistic level of current services defense spending. But it is also clear that the Administration's current services defense budget significantly overstates the level of expenditures consistent with the definition of current services contained in the Budget Act. The most realistic benchmark appears to be baseline (3), CBO's "programmatic component of baseline."

In discussing the differences between the estimated current services and proposed budgets, the Administration cites savings in the defense area "due to lower inflation, the 1984 pay freeze, and various program economies." [5] The proposed pay freeze and program economies represent legitimate savings from current services spending. Lower inflation will help restrain defense outlays by an estimated $35 billion over the 1984–1988 period according to Administration estimates, but by definition these savings do not represent savings from current services,

[3] These comparisons do not take into account any differences between the economic forecasts of the Administration and the Congressinal Budget Office. Such differences appear to be relatively small in comparsion with the magnitudes involved.

[4] Congressional Budget Office, "Baseline Budget Projections for Fiscal Years 1984–88," p. 46.

[5] Office of Management and Budget, "Special Analyses, Budget of the United States Government, Fiscal Year 1984," p. A–12.

properly defined. The current services budget, as well as the proposed budget, should be reduced to take account of lower inflation, leaving the difference between the two unchanged.

In summary, in many areas, the current services budget has been improved by providing more detailed estimates of outlays by function and receipts by source over a five-year period. A five-year analysis of current services budget authority by function would also be helpful. In the defense area, the Administration has inexplicably departed from the basic definitions of current services in the Budget Act. Current services defense estimates based on last year's budget proposals by the Administration are confusing and misleading. In the future, the analysis of the defense program should be based on a legitimate current services concept, not on the previous year's budget proposals.

JOINT ECONOMIC COMMITTEE,
CONGRESS OF THE UNITED STATES,
Washington, D.C., March 22, 1983.

Hon. DAVID STOCKMAN,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. STOCKMAN: The current services defense budget as prepared this year by the Office of Management and Budget is seriously misleading. Specifically, it attempts to disguise the magnitude of the increase in defense outlays for 1984-88 implied in the President's budget proposals, understating that increase by approximately $244 billion.

As you are aware, Section 605 of the Congressional Budget Act of 1974 requires that the President submit a current services budget to Congress. This budget sets out the level of outlays and budget authority "for the ensuing fiscal year if all programs and activities were carried on during such ensuing fiscal year at the same level as the fiscal year in progress and without policy changes in such programs and activities." These current services estimates have been submitted as Special Analysis A of the Fiscal Year 1984 budget. The Joint Economic Committee is required to review the current services budget and report on it to the Congress. The Committee has now done this as part of its 1983 Joint Economic Report.

The members of the Joint Economic Committee have agreed, unanimously, that OMB "has inexplicably departed from the basic definitions of current services in the Budget Act," and that the resulting estimates are "confusing and misleading." As Special Analysis A acknowledges, you have made a "major exception," and used last year's budget request by the Administration as the baseline defense budget. These do not reflect policies fully adopted by the Congress and are therefore not proper "current services" estimates. The effect of the inflated baseline is to portray the proposed sizable increases in the defense budget this year as cuts.

The Congressional Budget Office has presented a baseline estimate which provides a much better guidepost for measuring increases in defense spending. This is shown as baseline (3) in Tables IV and V of the enclosed. CBO's baseline (3) most nearly complies with the statutory definition of the current services budget. It measures funding necessary to fulfill the commitments for the defense force structure and procurement program that were approved during the second session of the 97th Congress. Baseline (3) allows for significant real growth in defense spending, with real outlays rising by 7.1 percent in 1984 and an average of 3.4 percent for 1984-88, and real budget authority rising by 5.8 percent in 1984 and an average of 2.6 percent for 1984-88.

The differences between the CBO baseline (3) estimates and OMB's current services estimates are striking. Over the FY 1983-88 period your proposed defense outlays represent a reduction of $46.9 billion from your current services estimates, but increases of $197.2 billion in comparison with CBO baseline (3). Thus the choice of a baseline makes a difference of $244.1 billion. The differences are even greater in terms of defense budget authority.

Your current services defense budget does not follow the requirements of the law and confuses the terms of the debate. The debate over defense spending is complex enough without these unexplained departures from law and customary practice. It simply is not accurate to claim that the Administration's proposals call for reductions in defense spending. Your figures are highly misleading on the magnitude of the proposed defense buildup.

In light of the serious inadequacies in your current services defense budget due to the acknowledged "major exception" from accepted procedures, please submit, by April 1, 1983, a letter setting forth current services defense budget estimates which in OMB's judgment conform as nearly as possible to the requirements of the Congressional Budget Act of 1974.

Sincerely,

LEE H. HAMILTON,
Vice Chairman.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., April 4, 1983.

Hon. LEE H. HAMILTON,
Vice Chairman, Joint Economic Committee, U.S. Congress, Washington, D.C.

DEAR LEE: This is in response to your recent letter which expresses concern about the Defense current services baseline included in the President's 1984 Budget.

Pursuant to the Congressional Budget Act of 1974, current services estimates for Defense and non-Defense programs have been provided to Congress since 1977. These estimates, required only for the current and budget years, were based on the assumption that programs in progress would continue on a "level of effort" basis with adjustments for inflation only.

For Defense, however, the use of current services figures in this manner has not been very meaningful especially in view of the current consensus on the need for some level of Defense real growth. Furthermore, even if there were no policy changes in an ensuing budget year, Defense spending would still continue to grow in real terms because of our use of multi-year contracts.

During last year's budget negotiations, both the Administration and the Congress agreed that the use of a traditional current services baseline for Defense was unrealistic as a means for measuring policy changes to the Defense budget. Rather, due to the lack of any single pure concept, the Defense policy figures included in the 1983 President's budget were used, and were reviewed by Congress on a multi-year basis.

The concept for Defense current services this year reflects a continuation of last year's agreement with Congress. The Defense estimates for 1983 are based on the enacted levels resulting from last year's actions by the Congress. The estimates for 1984-1987 are those presented by the Administration and used by the Congress in last year's budget deliberations and the 1988 estimate is consistent with those for 1984-1987. This is not unlike the concept presently used by CBO. The major difference is that the CBO methodology extrapolates last year's Congressional Budget Resolution policy as a Defense current services baseline rather than the Administration's policy.

I should also point out that the House and Senate Budget Committees are using their own baselines from which to measure Defense policy changes. During its deliberations, the House Budget Committee used CBO's reestimate of Presidential policy, while the Senate is using CBO's Budget Resolution estimates.

I believe the Administration's current services' baseline is the most meaningful one for measuring the effects of Defense policy changes and is in total compliance with the Congressional Budget Act of 1974. This is especially true in the absence of any single agreed upon Congressional current services baseline for Defense.

We will, of course, continue to work with the Congress to assure that the Defense program ultimately appropriated is one that will enable us to rebuild our combat forces and maintain a strong national security posture.

Sincerely,

DAVID A. STOCKMAN,
Director.●

THE NEW YORK TIMES: ANTI-FREEZE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MICHEL. Mr. Speaker, the Washington Post is against it. Time magazine is against it. And now the New York Times is against it? I am referring to the nuclear freeze, an idea whose time has come and gone.

At this point, I wish to insert in the RECORD, "Stop Nukes: Then What?" an editorial in the New York Times, April 9, 1983.

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiplewarhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?●

WORLDWIDE CARGO PROMOTION POLICIES

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mrs. BOGGS. Mr. Speaker, cargo promotion policies are recognized worldwide as a means of strengthening a nation's maritime industry. Our major trading partners support their merchant fleets through subsidies, generous tax advantages, and investment financing assistance. Many of our trading partners have special requirements for the use of their own national-flag vessels.

The Competitive Shipping and Shipbuilding Act of 1983 (H.R. 1242) would result in the establishment of a cargo reservation policy by the United States in our bulk cargo imports and exports. H.R. 1242 would require that 5 percent of all U.S. bulk commerce be carried by U.S.-built, U.S.-flag vessels the first year after enactment. That percentage would be raised by 1 percent each year until 20 percent of all U.S. bulk commerce is carried by American ships.

I think it is important that this proposal be examined in light of worldwide cargo promotion policies.

Over 68 countries have enacted or are considering legislation to insure some portion of their domestic and/or international waterborne trade will be carried on their national-flag vessels. Twenty-eight countries have signed bilateral agreements with other nations in order to split their cargo shares. In addition, approximately 63 nations are preparing for the implementation of the U.N. Code of Conduct for Liner Conferences which is expected to come into force later this year. Currently, several countries are borrowing the Code's 40:40:20 cargo-sharing percentage scheme and applying it to every segment of their shipping industry.

Among the industrialized countries, Japan, France, Germany, and Spain practice some form of cargo promotion, and many developing nations are following suit.

The oil-producing nations, including Algeria, Nigeria, Kuwait, Mexico, Saudi Arabia, and Venezuela all require a certain percentage of their oil exports be carried on their national fleets.

Countries with centrally planned economies practice cargo preference to further their political interests. Calling at over 400 ports in 100 countries, the fleet of the People's Republic of China is estimated to carry 70 percent of China's foreign trade.

Further augmenting the effects of the proliferation of worldwide cargo promotion policies are various discriminatory practices by many nations—ranging from government pressure to rebates and other favorable treatment—which serve to enhance the carriage of those nations' flag vessels.

Here are several specific examples of the cargo policies pursued by our trading partners.

INDUSTRIALIZED COUNTRIES

France

A 1928 law requires two-thirds of French crude oil requirements be carried in French-flag ships for security reasons. A 1934 law requires 40 percent of coal imports be carried on French-flag vessels.

Germany

Shipowners and operators may receive a 50-percent reduction in the normal corporate tax on income earned from shipping services in the foreign trades.

Spain

The country restricts to national vessels, through government monopolies, many imports such as petroleum, tobacco, and cotton.

OIL-PRODUCING COUNTRIES

Algeria

The government requires a 50-percent cargo clause in export contracts for both oil and LNG giving preference to Algerian-flag vessels.

The government also requires that 50 percent of all trade be carried on national-flag ships.

Kuwait

Crude oil and LPG sales contracts includes terms which require that cargo prference be given to Kuwaiti-flag tankers.

Mexico

The Mexican Government is giving top priority to the goal of carrying 40 percent of its cargo on its own ships.

PEMEX (the government-owned petroleum industry) traffic is reserved to national-flag vessels.

Nigeria

Nigeria plans to transport 50 percent of its oil production in its own vessels. Currently, it has one tanker of 270,000 deadweight tons capable of carrying 2,000,000 barrels of crude oil.

Saudi Arabia

Saudi Arabia reserves 25 percent of its trade to national-flag vessels when financing and other terms are competitive.

In January 1975, Saudi Arabia passed legislation that required 5 percent of Saudi exports (primarily oil) to be carried on Saudi vessels. This is to increase to 50 percent by 1980.

Venezuela

A law reserves 50 percent of Venezuela's general cargo foreign trade to the national-flag fleet and requires the companies receiving this benefit to be 80 percent Venezuelan owned and 100 percent Venezuelan administered.

The Law for the Protection and Development of the National Merchant Marine enables the National Executive to reserve for national vessels no less than 10 percent of petroleum and petroleum products, and of other bulk cargo, such as iron, wheat, and so forth, until attaining at least 50 percent of total commerce. The Government has not yet made use of this facility.

OTHER SELECTED COUNTRIES

Brazil

The Government has a monopoly on the transportation of petroleum and petroleum products.

Since 1967, Brazil's legislation has called for the establishment of cargo quotas through pooling agreements aimed at achieving a 40-percent share for Brazilian-flag ships and 20 percent for third flags.

Interministerial Regulation No. 58, January 18, 1983, reserves 100 percent of imported cargoes of wheat and coal among domestic carriers.

Chile

Fifty percent of Chile's foreign trade is reserved for Chilean-flag vessels except where reciprocity by foreign countries will determine the participation of their national carriers above or below this limit.

Egypt

Egypt has a goal of carrying 30 percent of its trade on Egyptian-owned ships.

The Egyptian Co. for Maritime Transport handles all maritime transportation matters relating to booking ship space and chartering vessels for the transportation of all imported and exported goods to and from Egypt on behalf of all the importing and exporting Egyptian entities. It is also charged with achieving full and economical employment for Egyptian-flag vessels.

India

It is the Government's policy that in the future, 100 percent of oil imports should be carried in Indian-flag vessels as compared to the present 70 percent.

Indonesia

Indonesia allocates 45 percent of its European cargoes for its own flag vessels.

(Sources: U.S. Department of Transportation, Maritime Administration, *Maritime Subsidies,* February 1983. U.S. Department of State, Office of Maritime Affairs, 1983.)●

SALUTE TO HON. VENN W. FURGESON—OUTGOING MAYOR OF THE CITY OF HAWAIIAN GARDENS, CALIF.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. ANDERSON. Mr. Speaker, 1 week from tonight a ceremony will be held in the council chambers of the city of Hawaiian Gardens, Calif., to honor its outgoing mayor, Hon. Venn W. Furgeson.

Born in Iowa, and educated in Wisconsin, Venn has been quite active in and about the community of Hawaiian Gardens for many years.

He first became active in civic affairs in 1950 when he began an 18-year stint on a local school board. While serving on the board, Venn became a charter member of the Hawaiian Gardens City Council (1964) and shortly thereafter (1967), he served his first term as mayor. After being reelected to the council, Venn began his second term as mayor in 1971.

Although Venn has been instrumental in the development of Hawaiian Gardens, he has also been affiliated with, and an officer in, numerous professional and civic organizations. These include: Past president of the California Contract Cities Association; voting delegate to the League of California Cities; member of the Urban Problems Committee of the League of California Cities; past president of the Amateur Baseball Congress of California; member of the Local United Way Board of Directors; member of the board of directors of Lakewood Y.M.C.A.; and a member of the Hawaiian Gardens Lion's Club. In addition to this, Venn also has found the time to be an honorary life member of the Parent Teachers Association; charter member of the Hawaiian Gardens Chamber of Commerce; and a member of the Artesia High School Boosters Club.

As you can see, Mr. Speaker, Venn Furgeson has been a busy man. Over the years, he has been called upon time and again to serve his community and this has made Hawaiian Gardens a better place to live. The residents of Hawaiian Gardens are lucky Venn came into their lives. Although he is completing his third term as mayor, I am confident that he will continue to play a major role in Hawaiian Gardens and the surrounding area.

My wife, Lee, joins me in congratulating Mayor Venn Furgeson on this special occasion. We wish him and his wife, Gladys, and their three children, Charles, Carol, and Peggy the best in all their future endeavors.●

VOLUNTARISM AT ITS BEST

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. RICHARDSON. Mr. Speaker, there are certain people who do special things for others and many times their work goes unnoticed. Ruth Holmes of Santa Fe, N. Mex., is one of those people. She steps in during times of crisis and sets an example by offering her help to others. She is truly one of America's unsung heroines.

Recently, a little 8-month-old Tesuque Pueblo girl in my district lost a battle for her life because a liver transplant donor could not be located in time. Ruth Holmes worked valiantly on behalf of young Leah Addison and offered to help the young girl's parents. She set up an account at the Bank of Santa Fe where she works to raise voluntary contributions designed to ease the financial burden on the Addisons. Others caught on to the compassionate spirit of Ruth Holmes and offered to help in any way they could. Their contributions and outpourings of concern helped the Addisons when they needed it the most.

Mr. Speaker, there are hundreds of Ruth Holmeses across our Nation. Each is quietly working to better the lives of someone in their community. Too often their work goes unnoticed and unpraised.

On behalf of the people of the Third District of the State of New Mexico, I offer my gratitude to Ruth. She is truly a shining example of voluntarism at its best.●

RETIREMENT OF JUDGE THOMAS N. HEALY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. FAZIO. Mr. Speaker, it is an honor for me to rise today to commend the outstanding achievements of Hon. Thomas N. Healy upon his retirement from the California Superior Court. Judge Healy, born in San Francisco, Calif., is one of the most senior members on the California bench, a valued and concerned public servant, and a trusted and active member of the community in Solano County.

Appointed by Gov. Edmund G. (Pat) Brown, Sr., in February 1962, Judge Healy was elected the same year and reelected without opposition in 1968, 1974, and 1980. He served 7 years as presiding and criminal calendar judge, 7 more years as juvenile court judge, and the balance in domestic relations, probate, and civil law and motion. In addition, from February 2 through April 30, 1981, he served as an associate justice pro tempore of the California Court of Appeal, first appellate district, in San Francisco.

Judge Healy has dedicated himself to improving the public's understanding of the judicial system. For the last several years he has authored a weekly column in the Vallejo Independent Press, "The Law Lightly." He has served as president of the Solano County Bar Association and as a member of a number of National, State, and local professional and civic organizations, including the American Legion, the Veterans of Foreign Wars, the Elks, the Knights of Columbus, and the Kiwanis. Judge Healy has encouraged other members of the bench to reserve time for these and other civic activities in order to help dispel the "myths that the courts are not service-oriented and are indifferent to the rights of law-abiding constituents." Through his own career he has set such an example.

Judge Healy once said:

> The legal system, as can be said of every human institution, is imperfect. But that truism should never provoke us into taking ourselves too seriously or deter us from giving each day and each case our best endeavor.

Mr. Speaker, Judge Healy's wisdom and judicial insight will be sorely missed on the California bench. But I say with a great deal of confidence and satisfaction that Judge Healy will continue to be an active and vital force in the affairs of Solano County, making it a better place for all to live and work.●

LEAGUE OF FEDERAL RECREATION ASSOCIATIONS PROVIDES VALUABLE SERVICE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BARNES. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues and their staffs the work of the League of Federal Recreation Associations, Inc. The league provides a host of services and information used by Federal employees and retirees, and its members organize activities that include tournament play in a great variety of sports, summer picnics, holiday parties, and health fairs.

Twenty-three years ago, Government recreation and welfare groups decided to pool their ideas and exchange information on a Government-wide basis, and the league was founded. Today, it serves 85 member organizations in the Washington metropolitan area and offers a host of services to over 250,000 employees.

I have been particularly impressed by league initiatives that encourage individual self-help. League organizations arrange seminars and training programs on topics such as financial management, health care, and stress control. Organizations also help point employees toward appropriate educational opportunities that employees need and want. The league underwrites its efforts as an information network/assistance network by utilizing volunteers who give generously of their time, through membership dues, and by retaining minimal profits from sales.

Mr. Speaker, the League of Federal Recreation Associations clearly adds an important dimension to the Federal workplace that is more needed than ever. At a time when job satisfaction and morale have declined throughout Government, the league provides constructive outlets and opportunities that employees need and want.

I would urge my colleagues and their staffs to get in touch with league representatives and acquaint themselves with its programs, which, by the way, are also available to Government employees who work on Capitol Hill. If Members are as impressed with the league's work as I have been, they may want to provide support by encouraging Federal facilities to provide assistance and space to the league's many organizations and programs. This valuable family of organizations works without any Government funding, and yet, as I have said, makes a direct contribution to the quality of Federal service.

If you wish to contact the league, please address correspondence to the League of Federal Recreation Associations, Inc., P.O. Box 24144, Washington, D.C. 20024; telephone 554-6910. I would also like to take this opportunity to thank the league's president, Mr. Paul Leo, of the Defense Communications Agency, and its president-elect, Mr. Jack Shockey of the Federal Deposit Insurance Corporation, as well as its executive coordinator, Mr. Austin Gattis, for bringing this very worthwhile effort to my attention.●

FRANKLIN GENERAL HOSPITAL'S 20TH ANNIVERSARY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of an outstanding hospital in my hometown and congressional district in Nassau County, N.Y.

Twenty years ago, Franklin General Hospital was established by a group of physicians as a 146-bed private hospital. Within a year, 60 beds were added because of the shortage of hospital services in Nassau County.

By the end of its first decade of service to our community, Franklin General became a nonprofit voluntary hospital governed by a community board of trustees. This unique transfer of ownership was prompted by the changing concepts of health care delivery in the medical field.

Franklin General's second decade under community sponsorship was a dynamic period. During that time, the hospital had completed a new 16-bed emergency department, an urgently needed 99-bed addition, and a 300-car parking field. Included in the additions to the facility were an eight-bed coronary care unit and an eight-bed intensive care unit, which is considered one of the finest in the area. Also included was a 21-bed short-term psychiatric unit.

The hospital is looking forward to a third decade of service to its surrounding communities. Franklin General now has a total of 305 beds, including a new set of initiatives geared toward teaching programs, home care and long-term care services and other outreach programs geared for the elderly.

As a member of the hospital's advisory committee, I believe the future holds many promises for Franklin General. Despite changes and innovations in the hospital field, one thing remains constant: Franklin General is continuing its commitment to providing quality health care to all.●

ALL-AMERICAN CITY AWARDED TO SANTA ANA

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. PATTERSON. Mr. Speaker, the city of Santa Ana was recently chosen as a recipient of the All-American City Award, a national honor bestowed by the National Municipal League. Because the award recognizes citizen involvement by community residents, it is also a direct reflection on the mayor of Santa Ana, Gordon Bricken.

Having served as mayor of Santa Ana since April 14, 1981, Mr. Bricken is now stepping down from that post.

Gordon Bricken has been an outstanding leader in contributing to the general welfare and prosperity of the city of Santa Ana, and has been a central force in the growth of the community. Mr. Bricken has been instrumental in creating a new image for the city of Santa Ana through community activities such as the Golden City Days, the Community Christmas Tree and Christmas Parade, and the Ambassador's Ball. He has also encouraged open communications between citizens and local government through community programs such as the Mayor's Roundtables and the Santa Ana Tomorrow Conferences.

During Mr. Bricken's term as mayor, many projects came to fruition in the city of Santa Ana, including the awarding of a cable television franchise, the opening of the Downtown Parking Structure, the initial development of Sasser Park, and the opening of the Orange County World Trade Center.

Gordon Bricken has taken part in various programs that have had a beneficial impact on the city of Santa Ana. Mayor Bricken led the Orange County delegation to the "Invest in America's Cities" Conference in Hong Kong and served on the board of directors of the Santa Ana Economic Development Corp.

In addition, as chairman of the urban rail subcommittee of the U.S. Conference of Mayors, Mr. Bricken has supported local rail transportation through active participation in local and national conferences.

In recognition of his distinguished and unselfish contribution toward civic betterment, it is with pleasure that I invite my colleagues to join me in recognizing Gordon Bricken for his dedicated work as mayor of Santa Ana, Calif. The citizens of Santa Ana and I appreciate the mayor's hard work and accomplishments and will miss his outstanding leadership.●

SHEILA PETERSEN: VOLUNTEER OF THE YEAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to extend my congratulations to Sheila Petersen, of North Salem, N.Y., who is being named Westchester County Volunteer of the Year, 1983, by the Volunteer Service Bureau of Westchester County.

Her dedication to improving the quality of life for terminally ill children has made her truly deserving of this award and I would like to share some of her achievements with my colleagues. In 1978 Ms. Petersen pioneered the fund "Friends of Karen" to raise money for Karen MacInnes, a terminally ill patient who wished to die at home. Ms. Petersen's fund raising drive made this possible. The money was used so that Karen could receive proper medical care yet remain at home surrounded by those that loved her.

This was just the beginning of Ms. Petersen's work with terminally ill children. Because of her complete dedication the "Friends of Karen" fund continues to thrive, increasing public awareness of terminally ill children's desire to be able to die at home, while raising the funds to make this possible.

Ms. Petersen's work does not stop with this fund. She provides much more than financial assistance to families with terminally ill children. Instead she gives all of her resources and makes herself available at all times to bring emotional support to these families during a most difficult time. I must truly commend Sheila Petersen, once again, and wish her continued success as she makes it possible both financially and emotionally for terminally ill children to live their last days at home.

I would also like to commend three other volunteer groups that will be honored by the Westchester County Volunteer Bureau. The Westchester Nature Helpers are a group of volunteers who provide, at any time of day or night, emotional support for their neighbors. Although informally organized, this group has provided crucial preventive mental health intervention.

Roger C. Paulmeno will be receiving the student volunteer award. His work, though, has extended far beyond his student project. Mr. Paulmeno volunteers at the Geriatric Continuing Treatment Program of Central Westchester Mental Health Service. He is extensively involved in all aspects of patient care and has become an integral part of the staff.

Finally, I would like to congratulate the workers at Reader's Digest for their involvement in Project LIVE. This program, provides a one-to-one tutoring experience for middle school children who have fallen behind the required reading level. The employees at Reader's Digest who have volunteered their time, tutor the children at work, thus providing them both with help in basic skills, yet also added vocational exposure. This program has been most instrumental in increasing the children's academic and emotional growth.●

DOW CHEMICAL CO., AND DIOXIN

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. DASCHLE. Mr. Speaker, in today's New York Times, April 19, 1983, a front page article appeared revealing what many of us have been saying for some time; that the Dow Chemical Co. was aware of the health hazards and toxicity of dioxin, the contaminant found in agent orange and other herbicides, before extensive use of agent orange and these other herbicides occurred both in Southeast Asia and in the United States. Dow of course, made no effort to notify the USDA, DOD, or any other major governmental purchaser of dioxin contaminated herbicides of their concerns.

Dow's track record on dioxin has been far from exemplary and the information revealed in the Times article today further damages the claims of Dow, the Veterans' Administration and others that dioxin is relatively safe and that veterans in Vietnam are unlikely to be suffering unusual health effects as a result of their exposure to dioxin contaminated chemicals. I submit this article for the RECORD and hope that all Members and staff will take the time to read it.

The article follows:

[From the New York Times, Apr. 19, 1983]

1965 MEMOS SHOW DOW'S ANXIETY ON DIOXIN

(By David Burnham)

WASHINGTON, April 18.—Almost 20 years ago, scientists from four rival chemical companies attended a closed meeting at the Dow Chemical Company's headquarters. The subject was the health hazards of dioxon, a toxic contaminant found in a widely used herbicide that the companies manufactured.

Shortly after the meeting in Midland, Mich., on March 24, 1965, one of those attending wrote in a memorandum that Dow did not want its findings about dioxin made public because the situation might "explode" and generate a new wave of government regulation for the chemical industry. Another scientist noted that Dow officials had disclosed at the meeting a study which showed that dioxin caused "severe" liver damage in rabbits.

Dioxin, which has also been linked to birth defects and skin disorders in laboratory animals, is believed to be the deadliest chemical made by man, but its effects on humans have been difficult to prove conclusively. Since the Midland session, various studies have yielded conflicting evidence on whether dioxin increases the risk of cancer in humans.

Although it has been known for many years that Dow held the 1965 meeting with its competitors, excerpts from corporate memorandums about the session are only now beginning to emerge as a result of a lawsuit filed in 1979 against Dow and several other chemical companies. The memorandums raise the possibility that Dow scientists have been saying one thing in private about dioxin while the company's management has said something else in public.

"There is absolutely no evidence of dioxin doing any damage to humans except for something called chloracne," Paul F. Oreffice, the president of Dow, said last month on NBC's "Today" show. "It's a rash." Dow has performed medical tests on individuals suffering from chloracne for "over 20 years," he added, "and there is no evidence of any damage other than this rash which went away soon after."

Dow's critics challenge the accuracy of Mr. Oreffice's flat assertion that there is no evidence that dioxin causes human damage other than chloracne and also charge that Dow has failed to publish all the information it has collected in its own dioxin research. Furthermore, they say, Dow has systematically resisted Federal and state efforts to learn about and regulate dioxin.

According to a pretrial motion filed by Yannacone & Associates, the legal organization created to represent the Vietnam veterans in the Agent Orange case, the 1965 meeting on dioxin was attended by eight of Dow's senior scientists and six officials of Hooker Chemical; the Diamond Alkali Company, which later became part of Diamond Shamrock, and the Hercules Powder Company. A representative of the Monsanto Chemical Company was invited but did not attend.

Donald R. Frayer, a spokesman for Dow, confirmed in an interview April 5 that the giant chemical company had called the meeting to discuss the health hazards of dioxin. "We feel the meeting was pretty darn straightforward and proper," he said. "I think on the balance that the record shows we discovered a problem, sought out our competitors and tried to give them information and a means to control the problem."

INVITATION TO MEETING

The pretrial motion filed by Yannacone & Associates quoted a number of documents. V. K. Rowe, then director of Dow's Biochemical Research Laboratory, said in his invitation to the meeting that Dow had been researching "toxicological problems caused by the presence of certain highly toxic impurities in certain samples" of the herbicide 2,4,5-T and wished to share its findings. The Dow laboratory was and is recognized as one of the world's finest privately owned toxicology labs.

Two days after the meeting, C. L. Dunn, a chemist who was manager for regulatory affairs for Hercules, summarized in writing what he had been told.

"Dow says that their examination of their own and competitors' 2,4,5-T products contain what they call 'surprisingly high' amounts of the toxic impurities," he wrote.

"In addition to the skin effect," he wrote, describing the results of tests on rabbits, "liver damage is severe, and a no-effect level based on liver response has not yet been established. Even vigorous washing of the skin 15 minutes after application will not prevent damage and may possibly enhance the absorption of the material. There is some evidence it is systemic."

FEAR ON SITUATION

Dr. John Frawley, the chief toxicologist for Hercules, who had also attended the March meeting, got a follow-up telephone call four months later from Earl Farnum, a Dow executive. Dr. Frawley immediately wrote a confidential memorandum to the file.

Mr. Farnum, he wrote, said he was calling on behalf of a Dow vice president, Donald Baldwin, and "stated that Dow was extremely frightened that this situation might explode."

"They are aware that their competitors are marketing 2,4,5-T which contains 'alarming amounts' of acnegen," Dr. Frawley continued, referring to dioxin, "and if the Government learns about this the whole industry will suffer. They are particularly fearful of a Congressional investigation and excessive restrictive legislation on the manufacture of pesticides which might result."

A second memorandum written by Dr. Frawley, and quoted in part by lawyers for the veterans, said he had just received new information about health effects of dioxin from Monsanto, which did not send a representative to the meeting. "From the data provided, a sample which contained 5 parts per million would be acutely toxic," he wrote. "Whether this refers to death or liver damage is not clear."

Daniel Bishop, a Monsanto spokesman, said in an interview that his company "didn't do any testing, period, not then and not now." He said that a fair reading of Dr. Frawley's full statement would make it clear that he had not received the toxicity information from Monsanto, but was not able to identify the information's source because the material in the Agent Orange case had been sealed by the judge. The documents were sealed at the chemical companies' request.

GROUP OF 75 COMPOUNDS

Dioxin is the name given to any of a family of 75 compounds, called dibenzo-para-dioxins, composed of benzene molecules and oxygen atoms. The compounds are an unwanted byproduct of several chemical processes, including the manufacture of 2,4,5-T under certain circumstances; 2,4,5-T is one of the two major components of Agent Orange.

Proving the specific effects of toxic chemicals on humans is extremely difficult; human experiments are generally prohibited by medical ethics. Animal tests, which are universally accepted by scientists as providing essential guidance on appropriate exposure levels for humans, are not a perfect guide because various species react differently.

In laboratory rats, concentrations as small as five parts per 1,000 million have caused statistically significant increases of cancer in rats.

Two studies, conducted on a group of forestry workers in northern Sweden and on a group of agriculture workers in southern Sweden, point to a possible association between exposure to herbicides contaminated with dioxin and an increased risk of soft-tissue cancers. Other studies, however, including one in New Zealand, show no higher risk of cancers for a group of farmers, foresters and fishermen exposed to dioxin than in men in other occupations.

WARNING ON DIOXIN STUDIES

Dr. Samuel S. Epstein, a physician who is professor of occupational and environmental medicine at the University of Illinois Medical Center in Chicago, cites the Swedish studies and other research on such questions as reproductive abnormalities to challenge the statement of Dow's president that there is no evidence that dioxin causes any more damage than a skin rash. "For Mr. Oreffice to make that statement is absurd," he said in a recent interview.

On March 23, Dr. Perry J. Gehrig, Dow's vice president for agricultural research and development and director of health and environmental science, cautioned the House Subcommittee on Natural Resources, Agriculture Research and Environment against "overinterpreting" the Swedish studies. The reports, he argued, "are too incomplete, both individually and in aggregate, to currently formulate a clear picture of the possible associations between TCDD and soft-tissue sarcomas." TCDD is a form of dioxin.

In 1982, Dow scientists published a report of a company survey on the occurrence of spontaneous abortions, stillbirths, infant deaths and several categories of birth defects among the wives of Dow workers who had been directly exposed to dioxin. The study concluded there were few differences in the number and kind of birth abnormalities found in these women compared with the wives of Dow workers not exposed to dioxin, and the report has been used frequently to support the theory that dioxin is not as dangerous as generally believed.

But Dr. Marvin S. Legator, professor and director of environmental toxicology at the University of Texas in Galveston, questions the study.

"Initially," Dr. Legator went on, "Dow planned on comparing the birth defects among the wives of Dow dioxin workers with two controls. First, a group of wives of Dow workers in Midland who had not been directly exposed to dioxin, and second, some wives of workmen who lived outside the Midland area. This second control group was important because the Midland area is quite polluted and the general population has a relatively high level of congenital abnormalities. But when they published the study the second control group was not included."

A "SAMPLING PROBLEM"

Mr. Frayer, the Dow spokesman, said the second group had been deleted because of "sampling problems."

"The women could not be compared with those in the first two groups, and they were questioned in a different way," Mr. Frayer said.

Information compiled by Dr. Alvin Young, an expert at the Veterans Administration, indicates that from 1961 to 69 American companies made a total of 154.5 million pounds of 2,4,5-T.

Of that total, 44 million pounds were applied to the jungles of Vietnam, 23.4 million pounds were exported to other countries and 78.1 million pounds were used domestically. The balance, 10 million pounds, was destroyed by the Government after it was decided to halt the Vietnam defoliation program.

Dr. Young estimates that 1,700 pounds of dioxin a year were produced in the United States from the mid-1950's to about 1975, when steps were taken to limit it through changing the manufacturing process.

There is broad agreement that a substantial portion of dioxin-contaminated wastes are buried in thousands of dumps around the country. The Environmental Protection Agency recently said there were 12,000 of these dumps. Other experts have estimated the number may be closer to 50,000.

SUITS AGAINST COMPANIES

Billions of dollars are at stake in the answer to the question of what the chemical companies knew and when they knew it. In addition to the tens of thousands of veterans who have sued the chemical companies because of their exposure to Agent Orange in Vietnam, thousands of other Americans living near toxic dumps, such as the one in the Love Canal area of Niagara Falls, N.Y., are seeking damages on the grounds that dioxin and chemical poisons left there have shortened their lives and caused cancer, birth defects and genetic damage.

In January 1979, a group of veterans brought a Federal suit in New York, charging that the dioxin contained in the 2,4,5-T sprayed in Vietnam was a cause of cancer and other diseases among their members and had resulted in genetic damage and the birth of severely deformed children.

Victor John Yannacone, Jr., a principal organizer of the association of lawyers handling the class-action suit, said in a recent interview that the group now represents 20,000 Vietnam veterans, widows and children of veterans who are seeking damages against the chemical companies that provided the Government with Agent Orange.

The suit against Dow and the other major manufacturers of 2,4,5-T is scheduled to go to trial in the Uniondale, L.I., court of Federal District Judge George C. Pratt Jr. in June.

In an annual report filed with the Securities and Exchange Commission in Washington called a 10-K, Dow said it was one of six chemical companies who were defendants in the suit. "Dow believes it has not been scientifically demonstrated that the injuries claimed by the plaintiffs were caused or could have been caused by exposure to Agent Orange," the report said.

The Dow report also noted that the chemical company was opposing a move by the Environmental Protection Agency initiated during the Carter Administration that would totally ban the use of 2,4,5-T in the United States. The herbicide therefore is still being used on rice fields, on range lands and in industrial areas such as refineries, to control weeds.

The company's repeated public statements about the comparative safety of dioxin, including testimony to Congressional committees, press releases and scientific papers, have been accompanied by efforts on its part, particularly in the Reagan Administration, to block the Government from collecting information about the contaminant.

Evidence of the repeated contacts between Dow and E.P.A. officials in Washington, if not of the subject of the meetings, is contained in the calendars and travel records of these officials that have been obtained by the House subcommittees investigating the agency.

LINKS TO GOVERNMENT

Anne McGill Burford, for example, made at least two trips to Midland, Mich., in her 22 months as the head of the Environmental Protection Agency. Rita M. Lavelle, the former head of the Government program to

clean up toxic waste dumps, met at least 14 times with Dow officials in the 11 months she held office.

Mrs. Burford, Miss Lavelle and 11 other political appointees recently resigned or were dismissed amid Congressional inquiries on allegations that the agency's toxic waste program had been mishandled.

According to the public testimony of some officials of the agency, Dow used its connections with the top echelon of the agency's Washington officials to get its way on several important matters relating to the regulation of dioxin.

Three weeks ago, for example, agency officials in Chicago told the Investigations Subcommittee of the House Committee on Energy and Commerce that their superiors in Washington ordered them to change an inportant report on dioxin to comply with the wishes of Dow.

The key deletion from the report was the following central conclusion about Dow's Midland plant: "Dow's discharge represented the major source, if not the only source, of TCDD contamination found in the Tittabawasse and Saginaw Rivers and Saginaw Bay in Michighan."●

PULITZER PRIZE TO THE BOSTON GLOBE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MARKEY. Mr. Speaker, yesterday, the Pulitzer Prize Board made known its selections for the recipients of the 67th annual Pulitzer Prize Awards for outstanding journalism. Selected as one of the winners from among more than 1,200 entries was a unique and brilliantly crafted feature produced by the Boston Globe. Entitled, "War and Peace in the Nuclear Age," this special supplement to the Sunday, October 17, 1982, issue of the Boston Globe was chosen for this prestigious honor in the category of national affairs reporting.

I can think of no piece of journalism yet produced on the urgent topic of the nuclear age more deserving of the recognition it has now received. Special credit should be given to the superb editing work of Michael C. Janeway and Harry K. King who directed the impressive assemblage of an excellent series of articles and illustrations on this topic.

The people of Massachusetts are truly among the most politically sophisticated citizens of the Nation. They have been at the forefront of important political issues repeatedly throughout the history of our Nation. Indeed, the recent reawakening of the people of America to the peril of the nuclear arms race had its roots in the minds and actions of the people of the Commonwealth of Massachusetts.

The preeminent newspaper of the Northeast and one of the truly outstanding newspapers in the country, the Boston Globe, deserves a great deal of credit for providing to its readers consistently excellent journalism which enables them to become responsible and effective citizens. The Pulitzer Prize truly redeems credit well deserved.

In introducing its special supplement, the editors left this message with the reader:

We offer in the pages that follow some introductions to the nuclear arms debate. Each piece of the nuclear-arms jigsaw puzzle requires its own short guide, or handle. We have tried to make key parts of the discussion plain, and also to point where the discussion is heading. The effort is not to be encyclopedic, or to preach or prescribe. It is to encourage the fresh, cleansing process of public education and debate about a matter of life and death for mankind.

"War and Peace in the Nuclear Age" is surely one of the most significant contributions any journalistic entity has made in recent years toward educating Americans about the urgent threat of nuclear war. I sincerely hope that by receiving this well-deserved award bestowed by the most prestigious organization in professional journalism that many more Americans will now have the opportunity to read and learn from the Boston Globe's excellent work. I congratulate the Boston Globe for earning this honor and for its attention to so important a topic.●

GOVERNMENT MUST BE A PARTNER IN OUR NATION'S RESEARCH EFFORT

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. WIRTH. Mr. Speaker, I have long been concerned about declines in our national investments in research and development, and have worked for years to reverse this dangerous trend. At a time when more than ever before in our history, the future economic health of the United States relies on our ability to maintain our traditional distinction as the ideal capital of the world, we need a new concerted national effort to continue to lead the way in high technology and information industries. In this increasingly international economy these fields offer us hope for developing a healthier balance of trade. They also have enormous job potential for our own economy.

Maintaining our lead in high technology industries like electronics, photovoltaics, telecommunications, and many others will require a greatly improved national research base. Government, in partnership with our great research laboratories, and with private business, has a very significant role to play. At present, our Nation's universities are living off investments in equipment made a generation ago. They are having a difficult time training the scientists of the future on outmoded equipment, and having a difficult time attracting and retaining the brightest young Americans.

Few people understand the challenge we face as well as Robert M. Rosenzweig, the president of the Association of American Universities. Few people have been as effective at communicating its importance to Members of Congress and the American public. Certainly, almost no one has been as helpful to me as I have sought to develop appropriate public policy responses to this challenge. Last year, I worked closely with Bob in developing a "productivity package" of amendments to upgrade university research and development. These amendments, offered both in the Budget Committee and on the House floor, served as the basis for subsequent initiatives. Many of the proposals, for example, were incorporated in the report of the Long-Term Economic Task Force I chaired for the Democratic Caucus, "Rebuilding the Road to Opportunity."

The emergency math and science education bill which passed the House earlier this year also addressed the problem along with the lines Bob has advocated. This year, Bob offered very valuable testimony before the Energy and Technology Task Force of the Budget Committee on the reasons why it is so critical that our Nation address its urgent research and development needs. I am sure Bob will continue to be an important expert to whom many of us can turn in the future.

I would like to, therefore, insert in the RECORD an article Bob wrote which recently appeared in the Christian Science Monitor, "The Truth About High Technology," which places the challenge of improving our science and technology base into a historical context.

The article follows:

THE TRUTH ABOUT HIGH TECHNOLOGY

(By Robert M. Rosenzweig)

High technology is definitely "in." President Reagan's State of the Union Message and his new budget, together with the Democratic response to both, suggest a consensus on at least one important point: Whatever got the US into its present predicament, high technology is a way out.

Some useful things are likely to happen as a result of this agreement. More money probably will be appropriated for improvements in science and math teaching in the schools, and federal expenditures for at least some kinds of research and development will rise. Both of those investments are overdue and, under any guise, will be welcome. But if high-tech policy is to be more than just another half-truth, a politically inspired slogan to be dropped when a more attractive one is coined, then we ought to give some serious thought to what is required in order to achieve the desired results.

Fortunately, we can learn from our own history. At two critical times, the federal government has acted to bring science and

technology to the aid of economic and social purposes. The two examples, nearly a century apart, have a striking element in common, an element that is almost certainly a requirement for sustaining a steady flow of research into development and of development into usable technology. That element is a willingness to look beyond immediate results in order to develop the total system that makes those results possible.

The first example of this approach is the contribution the Land-Grant College system has made to the growth and improvement of American agriculture. A more contemporary way of dealing with the need to improve agricultural production would be to appropriate money for research projects bearing on agriculture.

Fortunately, no one thought of that in 1860, for it surely would have failed. The country was totally lacking the institutional structure out of which modern science and technology grow. Only the creation and support of institutions that integrated the education of farmers, the training of agricultural researchers, the conduct of research, and the distribution of research results could have produced the solid and continuous flow of basic science and useful technology that have so enriched American agriculture.

In the middle of the 19th century it was necessary to create new institutions to do what needed to be done. In the middle of the 20th century the institutions already existed, but they were not in a condition to do what was asked of them. America came out of World War II with a keen appreciation of the power of modern science and a growing knowledge of the many, often unexpected, ways in which its fruits could be applied to important problems. Recognizing the importance of universities in this process, the federal government put programs in place that would strengthen the capacity of those institutions to conduct front-line research and training.

The result was an unprecedented growth in the nation's capacity to "do" science. We are only now reaping some of the economic benefits of the government-fueled growth. The robust health of the American electronics and computer industries, as well as the prospects for biotechnology, bear witness to its success.

The point to bear in mind—the point that bears directly on our present condition—is that the government's effort from 1950 to the mid-'60s was not limited simply to buying research. That approach would have failed without the accompanying efforts aimed at the training of young scientists, the building of modern research facilities, and the provision of state-of-the-art equipment.

In science and technology we are now living off the products of those generation-old decisions, and the cupboard is growing bare. In the nation's major universities, the source of most basic research, facilities, built in the 1960s are now inadequate and much of the instrumentation for research is scandalously out of date. Programs designed to train the next generation of scientists have now dwindled to a mere trickle, and government policy—Republican and Democratic—has rested on the premise that any choice of careers to which the market leads the most able of our young people is as good as any other.

It is against that background that the new popularity of research, development, and high-tech must be viewed. Once again, a strategy that consists simply of raising appropriations in order to "buy" more research will fail. Political leaders in the middle of the 19th and 20th centuries somehow discovered that truth. With the benefit of that experience there is no excuse for ours to ignore it.●

ANOTHER LEADING VOICE AGAINST THE INFLATION TAX

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. DREIER. Mr. Speaker, I would like to take a moment to bring a recent editorial by KFWB Radio, one of the leading radio stations in California, to the attention of my colleagues.

KFWB rightly argues that tax indexing is necessary to keep Congress honest about taxation and about placing limits on the growth of Federal spending. More important, by passing the Economic Recovery Tax Act, Congress committed itself to ending bracket creep and the hardship it causes for the average American taxpayer. KFWB believes we, in Congress, have an obligation to keep this promise.

I ask that this editorial be printed in the RECORD so that all of our colleagues may benefit from its frank and forceful message.

TAX INDEXING—KEEPING A PROMISE

(By Frank Oxarart, Vice President and General Manager, KFWB News 98)

Two years ago, Congress did something to protect Americans from the ravages of inflation. Included in its Economic Recovery Act of 1981 was a provision calling for tax indexing beginning in 1985.

The idea behind indexing is to protect average wage-earners from so-called "bracket creep," a process whereby workers, who get raises to keep pace with inflation, never realize any monetary gain because they're pushed into higher tax brackets.

Learning that Congress had finally done something to stop this bubble-bursting cycle came as welcome news. Unfortunately now, there's word that some Members of Congress have had a change of heart. They want to repeal the indexing portion of the act before it begins. That would be a real blow to middle and low income people who stand to benefit the most from an indexed system—close to a $100 billion in relief as a matter of fact during the first 3 years.

Those pushing for repeal of the indexing provision claim we can't afford it, that it will contribute to the Nation's growing budget deficit.

But indexing doesn't mandate a level of government spending. Nor does it keep Congress from raising taxes. It just forces lawmakers to go public in their attempts to gain control of more of your earnings and not depend on inflation to do it for them.

If you agree the indexing repeal effort should be stopped, KFWB urges you to contact your representatives in Washington. Tell them to keep the indexing provision of the tax reform act on the books.●

THE PLIGHT OF THE CAMBODIAN REFUGEES

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. GEJDENSON. Mr. Speaker, today I would like to take this opportunity to express my feelings about the urgency of the Cambodian refugee situation on the Thai-Cambodian border.

As you know, since the violent takeover of Cambodia by the Vietnamese in 1979, waves of Kampucheans have fled to Thailand seeking refuge. After living in misery for years under the horrendous Pol Pot regime, many Cambodians abandoned any hope they might have had for the liberation of their country after the Vietnamese forces viciously invaded. Since the Vietnamese represent an equally horrifying form of government, thousands of refugees, fearing for their lives, fled to Thailand. Thousands of refugees have been living on the border of Thailand and Cambodia since that intrusion.

Thailand has been extremely generous to the refugees, allowing them a sanctuary in these camps. This nation is not wealthy and can little afford this harmful drain on its scarce resources. In fact, Thailand has threatened to close down any remaining camps at the end of this year if nations like the United States do not come to the aid of these people. If the camps are closed by Thailand, the refugees will face an even more devastating fate. Their options will clearly become even more limited and many will be forced to return to Cambodia to face harsh treatment and/or death.

Perhaps more critical at this moment, Thailand faces harsh retribution from the Vietnamese for providing sanctuary to the Cambodians. We read daily reports of Vietnam's brutal attacks on the Thai-Cambodian border. These attacks, of course, only create a more desperate situation for the refugees.

The Thai Government has become increasingly impatient with the U.S. Government, which has for years promised to accommodate a substantial number of refugees in this country and thereby relieve Thailand of this weight. Although the United States has accepted a sizable number of Cambodian refugees, we have not kept the promise that a nation as wealthy as the United States could certainly afford to keep.

Congress has already allocated the necessary funds to relocate 64,000 Cambodian refugees in the United States this year. But, in fact, it is estimated that only half of that number will actually be granted refugee status this year. The reason for this discrep-

ancy is that there have been lengthy and unnecessary delays in the review process, thus creating undue hardship and heartbreaking disappointment for the thousands who languish in the camps. U.S. policy toward the Cambodians has clearly been arbitrary in nature. The reasons for this attitude have been sufficiently explained by the administration, but surely must be changed.

All of us must remember that it has been the waves of immigrants from all over the world that have built our great Nation into what it is today. The melting pot created by this influx of people from different parts of the world builds a new energetic spirit and brings inspiration to our ever-changing and growing country. The desire of the Irish, Germans, Jews, Cambodians, or any other nationality that wishes to immigrate are essentially the same; the desire for a better and more secure life in America.

As a young boy, I came to America with my parents in search of freedom from the persecution of the Jews. Most of us here today can proudly claim kinship to past generations of immigrants who have contributed to the growth of this Nation.

Our history also shows that the great number of immigrants that came to this country in the past were regarded with the same misunderstanding and distrust when they first arrived in America as the Cambodians are facing today. It is true that the integration of other nationalities into this country is often a painful process at the beginning. Over a period of time, as our own history clearly indicates, this assimilation is beneficial to both the Nation and its new citizens.

The solution to this problem is not to turn our backs on the suffering people in the Thai camps but to be generous and do all we possibly can to help the Cambodian refugees to achieve their dream of a better life.

For those Cambodians who have been fortunate enough to come to the United States, resettlement has been very successful. Through the help of the religious communities and the concerned citizens of this country many Cambodians have been able to start new lives here. My own State of Connecticut has had one of the most successful programs of resettlement in the country. If I may, Mr. Speaker, I would like to submit into the RECORD a letter I received from a constituent describing her experiences with the Cambodians. Her name is Rev. Talitha Arnold and in her spare time she has contributed selflessly to improving the plight of the Cambodians. In her letter, Reverend Arnold describes her recent fact-finding mission to the refugee camps where she witnessed firsthand the harsh living conditions of the Cambodian refugees. For those of my colleagues who may be unfamiliar with the disturbing nature of the situation facing the estimated 84,000 Cambodians in the Thai camps, I think Reverend Arnold accurately expresses the problems and discrimination these people are facing. Reverend Arnold also discusses with great warmth the Middletown, Conn., resettlement programs and how successful these programs have been.

Mr. Speaker, I submit this letter as proof of the truly sincere desire of the many concerned citizens in my district to help the people of Cambodia. This letter may only describe a small town in a very large nation, but it is an example of the many small communities around the country who, through their energetic spirit, have contributed to the success of resettlement programs.

At this time, when the Vietnamese are viciously attacking the border camps inside Thailand and indiscriminately murdering hundreds of innocent civilians, the United States must step up its efforts to assist both the Government of Thailand and the long-suffering refugees. One important contribution the United States can make during this time of crisis is to increase our efforts to relocate the already established number of 64,000 Cambodian refugees to the United States this year. A second step the United States can take is to continue to support our long-standing ally, Thailand. We should also increase our humanitarian aid contributions in order to alleviate this burden on Thailand, and most importantly, to assist the refugees who have suffered tremendously in the face of this crisis.

I urge my colleagues to recognize the urgency of this situation:

THE FIRST CHURCH OF
CHRIST, CONGREGATIONAL,
Middletown, Conn., March 31, 1983.

Hon. SAMUEL GEJDENSON,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE GEJDENSON: I recently returned from a two-week tour of Cambodian refugee camps and U.S. processing centers in Thailand. As the Associate Minister of First Church of Christ, Congregational in Middletown, I have been one of the co-ordinators for an ecumenical refugee resettlement project that has helped over fifty Cambodians resettle here in Middletown over this past year. I went to Thailand as part of a church and media delegation whose purpose was to gather information about the alarming rate of rejections of refugee applications by the U.S. Immigration and Naturalization Service. I am writing to you to share that information with you and to express my deep concern for current practices and policies of both the INS and the U.S. State Department that seem to run counter to the will of the Congress as expressed in the 1982 Refugee Act.

As you know, that act set the ceiling for Indochinese Refugees at 64,000 for Fiscal Year 1983. Given the demographics of refugee population in the Thai holding centers, approximately 30,000 to 35,000 of that number could be the Cambodians who have been in the camps since 1980. But the current situation with the INS and the State Department makes it doubtful that the U.S. will process even half that number this year.

The problem is compounded further by the fact that the holding centers are along the border of Cambodia and Thailand and are therefore caught in the crossfire between the North Vietnamese and the Khmer resistance forces along the border. (The day after we left the main holding center, where 60,000 people are interred, the North Vietnamese invaded and leveled an unofficial encampment less than 4 kilometers away, driving another 20,000 people across the border into Thailand.) In addition, the Thai government is becoming increasing impatient with the slowness of the U.S. processing. The Thais have already closed several camps and are threatening to close all of them by the end of the year and drive the remaining 85,000 refugees back into North Vietnam.

The terrible irony of the Cambodians' plight is that it need not exist. Under the 1982 Refugee Act, Congress has already appropriated the funds and established the mechanism for enabling a substantial portion of the Cambodians (with ties to the U.S.) to enter this country. But two main problems thwart that process.

The first is the decision by the Attorney General that all refugee processing must be done on a case-by-case basis by the Immigration and Naturalization Service. That decision has resulted in incredible power being put in the hands of local INS supervisors and field interviewers in Thailand, most of whom come from the Border Patrol and who have neither the training, the background, or the orientation to handle a process of the magnitude and complexity of the Cambodian refugee situation. What we witnessed was U.S. Refugee policy being made on a case-by-case basis in the field by persons with neither the training nor the mandate to do so. Along with other members of the delegations, I sat in on interviews between the INS personnel and the refugee applicants and I also talked directly with INS supervisors and field interviewers. Both State Department and In-Country Reports and INS directives from Washington document the persecution faced by Cambodians with close ties to the U.S. or who have been out of the country for several years should they return to Cambodia under the Heng Samrein government. But time and again, the INS interviewers made decisions of refugee status in defiance of those directives. When questioned about the Cambodian's fears of persecution should they return, the standard answer from the INS officials was "they will be prosecuted, not persecuted." Therefore, they are not refugees in the eyes of the INS officers. The case-by-case processing by the INS has also led to absurd situations, such as the two children (ages 2 and 4 years) who were rejected as not being refugees, because they could not articulate a well-founded fear of persecution.

While we were in Thailand, we first thought that the INS practices and attitudes were local and limited to the particular personnel in the field. But conversations with James Purcell, the Refugee Director for the State Department and with aides to Representative Solarz have indicated that the negative attitudes toward the Cambodian refugees permeates the INS. The agency's basic orientation is to keep out illegal aliens, not to process refugees.

Secondly, the difficulties facing the Cambodian refugees are not limited to the INS

or the Justice Department. In establishing priorities for refugee applicants, the State Department excluded Priority-5 Cambodians (those with siblings in the United States) from consideration. Both Vietnamese and Laotian "P-5's" are eligible for entry under State Department guidelines. I asked James Purcell the reason for the discrimination against the Cambodians. His reply was that it was a joint decision between State and Congress. State Department personnel in Bangkok told us it was a decision by Ambassador for Refugees Eugene Douglas.

Throughout all the conversations with State Department, INS and Congressional people, we were told that sentiment in the U.S. is basically anti-refugee and that Americans don't care about the Cambodians. Our experience in Middletown and in communities throughout New England points to the opposite. I have been amazed at the willingness of people in our churches and thoughout the community of Middletown to reach out to the Cambodians and to help them start a new life here. I have been equally amazed at the drive, the ambition and the self-sufficency the refugee families have shown from the very beginning. The adults have jobs, the children are in school, and the families are well on their way to becoming useful, productive citizens. Based on our very positive experience here, churches in new Haven, Stamford and Fairfield have joined together to form their own resettlement clusters in their communities.

In a letter to Bill Roberts, my colleague at First Church, which you wrote last spring, you shared your concern for the refugee situation as well. I appreciate that concern and would welcome any advice or information that you could offer with regard to three issues. One, opening up the bottleneck with the INS and developing a more reasonable rejection rate of refugee applications. Two, changing the State Department policy which excludes "P-5" Cambodians from consideration for resettlement in this country. Three, encouraging the State Department and Congress to authorize another "call-up" of Cambodians from the holding centers to begin the process again.

I think the record will confirm what we have stated in our original report, i.e., that resettlement does indeed work. Since March, 1982 over 40 Cambodians have come to Middletown, representing 7 families and 9 unaccompanied minors. By the summer, all the families were well on their way to self-sufficiency. Initially some of the families did receive financial assistance from the Federal Refugee Assistance Act as a means of helping them get started in their new home. The cluster of the seven sponsoring churches also provided "seed money" to pay for the first month's rent, food and other necessities. But within two months, all of the heads of households, save one, had jobs and were off federal assistance. (The one who continued to receive public assistance was a forty-five year old woman with one child. She was enrolled in an intensive English training program as a means of job preparation. She now lives with a nephew and his family and does child care for some of the other families.)

A more detailed list of the refugee status follows:

(1) Thong Than (age 25) and his wife Sokhom (age 20) arrived in mid-March, under the sponsorship of First Church of Christ, Congregational. By April, Thong was employed at Zygo as a janitor, with full benefits. Sokhom works 20 hours a week at Wheeler Farms, a nursery in Portland. They started out in their own apartment but moved in with Sokhom's uncle, Sophat Men, in the summer.

(2) Sophat Men (age 32) his wife, Samon and their five children, niece and nephew were co-sponsored by First Church, Congregational and First Baptist Church. Both Sophat and his wife work at Wesleyan. The nephew works at Zygo. Along with the Thans, they are currently negotiating to buy the house they have rented for this past year. Both Sophat and Than saved enough to buy used cars for their transportation to and from work.

(3) Samean and Sarath Chan and their daughter, sponsored by South Congregational Church, also arrived in April. Samean first worked for a glass-cutting company, but now works at Wesleyan. Sarath works for Day Maids.

(4) Roeuth and Ro Chan were sponsored by Portland Congregational Church. They have three children and Roeuth rides his bicycle to his job at Wheeler Farms Nurseries every day.

(5) Hang and Nay Yin, sponsored by St. Paul's Lutheran Church, arrived in April. Hang works for Raymond Engineering; Nay for Lerner's Furs. They too have saved to buy a car. They have two children.

(6) Din Kim and Sary Ly are the two sisters of Samon Men. Both women are in their forties, and they and their three children were sponsored by the ecumenical council of churches (which includes the five named above plus Holy Trinity Episcopal and Notre Dame Roman Catholic parish). The two women had the most difficulty in finding jobs, but since last summer, things have stabilized. Din Kim and her son moved in with the Men family and she now cares for the children while the other adults work. Sary Ly's nephew and family moved to Middletown from Minnesota and he is employed at Pratt and Whitney. She also provides child care for this family and others.

In addition to these families, nine unaccompanied minors are living with American families in the Middletown area. They receive special counseling and English training from Lutheran Immigration and Refugee Service workers.

All of us involved in the resettlement effort have been both pleased and amazed with the progress the Cambodian refugees have made this past year. It is indeed a tribute to their hard work and initiative. We have also been grateful to the initiative and generosity of the Middletown community. From human service workers to potential employers to school administrators, teachers; the people of this town have been both compassionate and gracious. With their help and the hard work of the refugees themselves, I believe our experience in Middletown does show that resettlement does work. In helping the Cambodians find new life in our community, our life as a city and our lives as individuals have also been enriched.

Again, thank you for your concern and interest. If I can be of further assistance, please let me know.

Sincerely,

TALITHA J. ARNOLD.●

MEDICARE: THE COMING CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 20, 1983, into the CONGRESSIONAL RECORD:

MEDICARE: THE COMING CRISIS

As Congress was nearing completion of its work on social security reform last month, I heard one of my colleagues say: "If you think social security has problems, wait until you see medicare!" Unfortunately, he was right. Medicare is expected to be in the red by 1987, at which time it will be unable to pay all benefits on time. Then it will begin to pile up big deficits for the next 20 years and beyond. The deficits could be among the worst ever seen in a federal program.

Medicare's principal financing mechanism is just like social security's. The system is "pay-as-you-go", with payroll taxes paid in by workers and employers going out almost immediately to beneficiaries. At present, some 30 million aged and disabled people receive medicare benefits, which cover hospital expenses for the most part. Medicare's fundamental problem is that despite recent benefit cuts and tax increases, benefits going out far exceed taxes coming in. Long-term projections for medicare made in 13 of the last 14 years have shown deficits, and the deficits are getting bigger. A new study by the Congressional Budget Office says that from 1982 to 1995, medicare costs will increase at an average annual rate of 13.2 percent, while taxable earnings are expected to grow at an average annual rate of only 6.8 percent. During the twelve-year period, medicare could have deficits totalling more than $300 billion.

In several ways, medicare's future seems worse than social security's. First, medicare is harmed by the same external forces harming social security, and then some. High unemployment and inflation, low birth rates, increased longevity, and other such factors heavily influence both programs by decreasing incoming revenues and boosting outgoing benefits, but the main external force acting on medicare is one which does not affect social security: the rising cost of hospital care, which accounts for 80 percent of medicare's problem with outlays. Medicare generally pays for "reasonable expenses" incurred at hospitals, but these expenses have quadrupled over the last decade. The increase is due not only to general inflation in the cost of hospital labor and supplies, but also to widespread use of advanced procedures and techniques to treat elderly patients. Once-experimental operations like the coronary artery bypass are entering the medical mainstream, and they may cost medicare up to $20,000 per case. Attempts to control hospital costs directly have been defeated in Congress, and despite voluntary efforts by hospitals, medicare costs went up more than 16 percent last year. They probably will go up at least 16 percent again this year.

Second, predictions are that medicare's deficits will be larger than those once forecast for social security. Congress passed the social security reform bill when it saw that the system would have a sizeable short-term deficit through 1995 and severe long-term

deficits some 40 years later, even though it knew that the short-term deficit would be offset by a later surplus. Medicare's situation is far more precarious, even with the savings from the recent change to prospective reimbursement and from the 1982 cuts in benefits. Over the next 25 years, medicare's projected deficit is more than twice social security's projected surplus. In the long run, medicare's deficits could be roughly twice those once projected for social security.

Third, the size of the medicare problem means that few adequate solutions are available. The social security problem was difficult, but it was manageable; choosing among solutions was largely a matter of political preference. With medicare, however, it is not the case that reasonable but politically sensitive solutions are there to be selected. Rather, the changes required to solve the medicare problem are much more extensive than any being seriously contemplated today. While it sounds quite significant at first, the Reagan Administration's proposal—to save $8.5 billion in medicare outlays over the next three years by reducing benefits and raising co-payments—would have no meaningful impact on the system's long-term deficits. One report estimates that keeping medicare solvent for the next dozen years would require either a 70 percent hike in revenues or a 40 percent cut in benefits—drastic remedies by any standard.

So what will Congress do? In the first place, it is clear that Congress will not let medicare collapse. It is too valuable a program for the elderly and the disabled. In the past, Congress has taken steps to shore up the program, including increasing tax revenues, broadening the revenue base, reducing expenditures by increasing deductibles and co-payments, changing to a method of prospective reimbursement, and so forth. In my view, Congress can be expected to come to medicare's rescue again. It is also clear that as solution will not be easy—either structurally or politically. The anticipated deficits are simply too big to be handled neatly. Consequently, attempts will be made to find a solution analogous to the social security reform bill—a variety of measures affecting several aspects of the program, spreading the sacrifices around, and addressing both short- and long-term issues. Because the medicare problem stems primarily from one source—the skyrocketing cost of hospital care—the search probably will be longer and more arduous.

Some congressional action is already underway. I am co-sponsoring a bill to set up a national bipartisan commission on medicare—something like the President's very successful National Commission on Social Security. There are groups in the Department of Health and Human Service studying various options. However, many experts say that we will not see a major medicare reform bill moving through Congress before 1985. My view is that we must begin laying the groundwork now for far-reaching change later—educating the public as to the nature of the problem, analyzing the problem in terms of its short- and long-term features, holding extensive hearings in an effort to build a national consensus on reform, and so forth. A medicare crisis is coming, and we must be fully prepared to deal with it.●

HOUSING FOR THE 1980's

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BOUCHER. Mr. Speaker, I would like to take this opportunity to offer my sincere congratulations to Mr. Donald Farmer, Jr., a graduate student at Virginia Tech in Blacksburg, Va., who was awarded second place in the 1982 National College Student Essay Contest. Sponsored by the National Association of Home Builders, this contest afforded students across America the opportunity to explore the idea of affordable housing for the future.

Our Nation is in the midst of a housing crisis. High interest rates and record unemployment rates have threatened the American dream of owning a home. The mortgage capital squeeze and high mortgage interest rates have priced all but a tiny percentage of the American home buying public out of the housing market.

The 15 million students who will enter the Nation's universities during the 1980's have some creative solutions for the Nation's housing problems. I join them in their youthful optimism and diligence, and I hope that by their contribution to housing, we will, as a nation, be able to restore housing as a priority to preserve the American dream.

The following is the text of the essay "Housing for the 1980's" which enabled Don to capture one of the top three national awards:

HOUSING FOR THE 1980S

Not in any other period since World War II has the housing industry gone through such a major identity crisis. Where will the future markets be in the 1980s? What will financing be like? Will anyone be able to buy their own home again? Although such questions cannot be answered absolutely, the expectations of the next generation of homebuyers could provide some insights.

As with their parents, the desire to own a home is of paramount importance to the upcoming group of future homeowners. However, they differ from their parents in at least two important areas. First, this group is more aware that the world is not boundless and that resources are scarce and living space is harder to obtain. The infinite has given way to the finite. Expectations are still high, but are more likely to be tempered with reality. Second, the quality of life has become more important than quantity. Quality, not just in the terms purchased, but in a lifestyle that has a variety of experiences with family and friends.

This is not to imply that the demand for housing is soft. But, this new group will be less likely to sacrifice everything just to own a home. Many are even willing to forgo some privacy and live with parents to maintain their present lifestyle. There is pent-up demand for housing, but this demand is not inelastic, nor is owning a home the end unto itself as it once was.

It is for these reasons that "house" as a form, will have to be rethought. This new house will evolve during the 1980s, becoming more flexible to readily accept a variety of inhabitants and lifestyles. Houses will also become smaller, for all income groups. Smaller, not just for economic reasons, but working adults will be less willing to sacrifice their free time to perform housework or yardwork on a large house.

This smaller house should not be misinterpreted as a dollhouse replica of larger conventional homes. Rather, new houses should be transformable. They should be capable of beginning as a "starter home," or even a shell; throughout its life, additions and modifications could be made to meet the changing needs of a growing family or more than one set of occupants.

Although the square footage may be reduced, the demand for quality will be higher. Less can be more if designed well. There should be more natural light and more natural materials. Construction should use more permanent materials and methods. However, this does not rule out well designed pre-fabricated homes or parts of homes; manufactured components could be instrumental in lowering overall costs. It does put greater pressure on the mobile home and pre-fab industry to upgrade the design of their products if they wish to overcome a poor public image.

The permanence of construction is due in part to demand for quality but is also strongly influenced by a less transient population. Unlike their parents, tomorrow's homeowners will be less willing to move somewhere else, even for a promotion. This setting down of roots will be greatest as the group gets older and begins raising a family and developing other relationships. Older homes may not appear on the market as often. People will live in their first homes for longer periods of time, transforming them as needed, rather than moving up.

Where will the next generation of homebuyers want to live? Obviously, they will have to go where the jobs are. For now, that means the sunbelt. But this migration does not mean other regions will be completely excluded. Homebuying should continue throughout the country, including the Northeast. It's even possible that high-tech industries would begin to relocate near the universities on the east coast.

Wherever they settle, future homebuyers will prefer smaller cities and towns. Today's suburban-bred homebuyers find their origins too sterile, and the pace and density of the major urban centers undesirable. Instead, the majority of people prefer the activity and lower density of smaller cities and towns where there is a perceived intimacy among people. In fact, the growth of high-tech, communications and a service related economy may make daily commuting to major cities unnecessary for many people.

Towns will maintain their character by absorbing this influx with increased densities. This density will be at a town scale and take the form of clustering 3-story townhouses, infilling and cohabitation of larger homes. Under such conditions, privacy will be maintained within the context of neighborhood and community.

Financing a home will continue to be open to experimentation. Although "creative financing" may have given way to flexible rate mortgages, it is only a temporary solution. People are still reluctant to make a long-term commitment that could end in foreclosure due to escalating mortgage rates. Even corporate financing for employ-

ees and mortgage assumptions will be a reality to just a few people. No, the answer to better financing is a more stable economy. No one—not banks, builders, or buyers—wants to make any long-term commitments with such an uncertain future.

For some, these thoughts may seem pessimistic. Things are going to get smaller, harder to build, and even harder to finance. And for those who view the post World War housing boom as the good old days, it probably is pessimistic. However, this transitional period is also a chance to experiment, to explore, and to feel the market out as we head toward the 21st century. The greatest challenge for the housing industry may be to replace its mindset of housing as it exists and rethink housing as what it could be. There will be change in the 80s, and there is too much at stake for the American housing industry not to take advantage of it.●

PUBLIC CEREMONY AT PENTAGON TO CELEBRATE END OF AMERICAN REVOLUTION 200 YEARS AGO

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. WOLF. Mr. Speaker, today marks the bicentennial anniversary of the announcement of cessation of hostilities between the forces of King George III of England and the Continental Army led by George Washington. It was on this date 200 years ago that General Washington had read to his troops a proclamation which brought the American Revolution to an end.

At 3 o'clock this afternoon, there will be a public ceremony at the Pentagon, hosted by the Secretary of the Army, the Honorable John O. Marsh, which commemorates this great moment in American history. Included within the ceremony will be a reenactment of that historic moment when General Washington's troops first heard the congressional proclamation calling for an end to the fighting. Secretary of Defense Casper Weinberger will be the guest speaker and the Army Vice Chief of Staff, Gen. John A. Wickham, Jr., will read the Continental Congress' original proclamation.

I would like to commend Secretary Marsh, and all the participants in this ceremony, for their effort which reminds us all of our proud history.●

TRIBUTE TO ROBERT COLLINS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BERMAN. Mr. Speaker, I would like to take this opportunity to pay tribute to Robert Collins. Mr. Collins has established himself as a respected and accomplished community leader in the Los Angeles area. He gives willingly of his time, talents, and energies to countless community and civic groups, and encourages his employees to do so as well. He is a Mason, Shriner, Rotarian, Kiwanian, a member of the board of directors of Marymount College, an associate member of the Torrance Medical Center, and a founder of Ben Gurion University.

The best word to describe Robert Collins, according to those who have the privilege of knowing him, is "Patriotic." He lives his daily life and treats the people with whom he comes in contact in a manner we should all strive to achieve ourselves.

Mr. Speaker, I am pleased to say that the Los Angeles Council of the Boy Scouts of America will be honoring Robert Collins in a special celebration to be held April 28, 1983. He is indeed an outstanding example to the youth of our community, and indeed, our Nation.

I would like to extend my congratulations to Robert Collins on this occasion, and commend him for his distinguished service to our community. Robert Collins has earned the admiration and respect of us all.●

FREEZING SOVIET MILITARY POWER

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. FEIGHAN. Mr. Speaker, during last month's freeze debate, we heard antifreezers bewail the loss of American military might for hour upon hour. The freeze, they said, would prevent the development and deployment of strategic weapons systems needed to keep the United States equal to the Soviet Union.

Not much was said, however, of what the freeze would do to prevent the development of the next generation of Soviet nuclear weapons and their delivery systems.

Tom Longstreth, a research analyst with the Arms Control Association, has compiled an excellent analysis that demonstrates how the freeze would actually benefit the United States by erasing new Soviet systems now on the drawing board. I recommend this article to all of my colleagues, as we enter the latest—and I hope last—round of the freeze debate.

[From the Christian Science Monitor, Apr. 6, 1983]

HOW A NUCLEAR FREEZE WOULD SQUEEZE THE RUSSIANS

(By Thomas K. Longstreth)

Now that it has returned from Easter recess, the House of Representatives will again resume debate on the nuclear freeze issue in preparation for the expected vote on House adoption of a freeze resolution. The battle lines have been drawn between the Reagan administration and pro-freeze groups with each side vigorously lobbying to sway the hearts and minds of Members of Congress. Last week President Reagan, during a speech in Los Angeles on arms control, again took the opportunity to condemn a bilateral nuclear freeze.

In addition to the President's renewed verbal attacks on the freeze, the administration's latest assault in the propaganda was included in the release last month of the 1983 edition of "Soviet Military Power," The Pentagon's slick publication that portrays the size and growth of Soviet military forces. The Reagan administration has used "Soviet Military Power" to support its claim that the United States is falling into a position of nuclear inferiority and must build up its nuclear forces, at a cost of hundreds of billions of dollars.

Reagan officials, in their briefings to Congress and the news media, have gone to great lengths to explain that a freeze on US and Soviet nuclear forces would preclude the US from this buildup and harm national security. But a careful examination of "Soviet Military Power" leads to a conclusion different from that of President Reagan. For "Soviet Military Power" not only documents Soviet weapons systems already constructed and operational, but also those that are now being tested or are on the drawing board.

This dramatic evidence of Soviet development of new weapons systems graphically demonstrates how a bilateral freeze would actually benefit the US. A freeze would prevent the next generation of Soviet nuclear weapons and their delivery systems from being deployed. A few of the new Soviet weapons systems a bilateral freeze would halt include:

The Blackjack long-range nuclear bomber (the Soviet counterpart to the U.S. B-1);

The Typhoon missile submarine (scheduled to begin operations on the heels of the U.S. Trident submarine);

The SS-N-20 submarine-launched missile (SLBM) and one other new type of SLBM that will begin testing this year;

At least two and possibly four new types of land-based intercontinental ballistic missiles (ICBM's);

Two new types of long-range cruise missiles, one air-launched and one sea-launched;

A whole range of medium- and short-range missiles to be deployed against China and Western Europe.

"Soviet Military Power" also demonstrates the utility of other types of arms agreements which could complement a nuclear freeze. The Pentagon document reveals that the USSR has tested and deployed a weapon to attack and destroy low-orbiting satellites. While the present Soviet antisatellite (ASAT) weapon is relatively crude, the Soviets are working on a more sophisticated system, though it is probably not as advanced as the one the U.S. is developing.

The best way to prevent the Soviets from building these weapons is through arms agreements prohibiting their deployment. Talks on such a treaty were conducted with the Soviets by the Carter administration but President Reagan has declined to resume those negotiations. Further, Secretary of Defense Weinberger has emphasized that no treaty on ASAT weapons will be permitted to interfere with U.S. development plans for these weapons.

"Soviet Military Power" mentions a Soviet effort to modernize its antiballistic missile

(ABM) site around Moscow with new radars and interceptors. The U.S. is also spending over a billion dollars each year to develop new antimissile technologies to protect its ICBM's. Though the ABM treaty allows each nation to maintain one site and to modernize its ABM system within certain strict limits, it prohibits large-scale ABM systems and mobile, space-based, sea-based or air-based ones.

If the administration is so concerned about Soviet modernization of their one permitted site, it should seek to amend the treaty and prohibit all ABM deployments. Such a decision would be far wiser than beginning an expensive race with the U.S.S.R. to build new ABM systems.

Partisans for and against the nuclear freeze would probably agree that the Americans would like to stop Soviet weapons programs without giving up anything in return. We would all like to get something for nothing. Unfortunately, successful arms negotiations do not work that way. Each side must make concessions in order to extract concessions in return. While a bilateral freeze would force the U.S. to abandon plans for more nuclear weapons, this recent release of U.S. military intelligence provides further evidence of the comprehensive Soviet modernization that would also be brought to a halt.

Knowledgeable individuals may disagree over particular aspects of a bilateral freeze on the testing, production, and deployment of new nuclear weapons and their delivery systems. But with its rhetoric the Reagan administration has distorted the effects of a freeze by emphasizing only what the U.S. would have to give up. The government's own information makes a strong case for favoring a nuclear freeze, if only to stop the next phase of Soviet nuclear weapons building.

WEAPONS AND WASTE

Most Americans will readily agree that it would be foolhardy for the United States to scrimp on its military defenses. At the same time they should be aware that the Pentagon budget appears to be slipping out of control in some major areas and that such unrestrained spending threatens bigger and bigger deficits and could thereby thwart economic recovery. As lawmakers in Washington resume work, they need to take a hard look at President Reagan's military budget with a view to scaling back—not the defense buildup itself, but the rate of buildup over the next five years. Such an adjustment could strengthen the economy and thus national security as well.

To understand the situation, the public needs to know these basic facts:

The proportion of the budget going for weapons procurement is going up while the share for operations and maintenance—in other words, readiness of the armed forces—is going down. In fiscal 1981, 27 percent of the budget went toward procurement of weapons; in fiscal 1984 the figure is 36 percent—and it is slated to rise to 40 percent in 1988. Many critics warn that, given the complexity of new weapons and the need for maintenance, the U.S. in future could face a terrible crunch for funds. Military readiness could be impaired.

The defense budget has two aspects: authorizations and outlays. In the Reagan budget the proportion of outlays linked to prior-year "total obligatory authority" is growing. With each year, in other words, it will be harder to control defense spending because many new weapons will already have been authorized. In the Reagan budget for fiscal 1984 authorizations comprise 35 percent of the total outlays; by fiscal 1988 it will be 43 percent.

The Pentagon is underestimating the cost of future weapons. Despite the administration's early efforts to provide realistic cost figures, it seems not to be doing so. An internal report by Pentagon analyst Franklin Spinney (suppressed for a time) states that Mr. Reagan's five-year military plan is based on questionable predictions of declining unit weapon costs. In the "real world," the analyst told a House committee last month, the unit costs of equipment always tended to be higher than estimated. The five-year plan, in other words, will either cost even more than the already astronomical $1.8 trillion estimated by the administration, or the Pentagon will be forced to buy fewer weapons.

Recently, too, Pentagon officials looked for some examples of cost-saving weapons programs which they could cite to congress to defend their budget projections, They could not come up with a single one.

What is to be done?

Two things. One is to take the congressional shears to some major weapons programs. The political difficulty is that the legislators are more inclined to reduce operations and maintenance outlays rather than new weapons programs because the latter can represent jobs in their districts, and because cuts in maintenance costs mean immediate budget savings. Yet is is the weapons programs that are driving the budget upward and shortchanging readiness. Will th lawmakers have the political courage to cut job-creating programs in the interests of the larger economy? And of better military preparedness?

The second thing is related to the first: The U.S. must match military spending to missions—that is, it must shape a realistic strategy for what needs to be done and then procure only those weapons required to fulfill the essential tasks. This is not a namby-pamby call for reducing America's capabilities. Such knowledgeable and experienced public figures as Maxwell Taylor, Elmo Zumwalt Jr., Robert McNamara, Cyrus Vance, and John Connally believe that the Reagan five-year defense plan can be trimmed substantially without impairing U.S. security. Duplication of weaponry is rife. Does the Air Force, for instance, need B-52 bombers, B-1 bombers, Stealth bombers, and air-launched cruise missiles?

To reiterate, the issue is one of reducing the rate of growth in defense expenditures, not stopping the military modernization. President Reagan calls for an 8 percent annual real increase over the five years. Even trimmed by the $8 billion to $10 billion or so which Mr. Reagan says he is willing to cut in fiscal 1984, the program is too ambitious, and, most important, elements of it are unnecessary. Economists point out that cutting even one percentage point of that increase would produce tens of billions of dollars in savings.

It is up to Congress to bite the bullet.●

THE MX: WHY WE NEED IT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MICHEL. Mr. Speaker, Gen. Brent Scowcroft, head of the bipartisan President's Commission on Strategic Forces, was recently interviewed by U.S. News & World Report magazine. He gives a clear and informative view of the decision of the commission, seeing it in the context of our overall strategic and arms controls programs. I think his words should be read by all our colleagues.

At this time I wish to insert in the RECORD, "MX 'Important to Demonstrate National Will'," an inteview with Gen. Brent Scowcroft in U.S. News & World Report, April 25, 1983:

MX "IMPORTANT TO DEMONSTRATE NATIONAL WILL"

Q. General Scowcroft, in view of President Reagan's past warnings about the urgent need to close the window of vulnerability, does it make sense to spend billions to deploy an MX missile that will be as vulnerable as the Minuteman force is today?

A. We think it does, for several reasons. First of all, you can look at the window of vulnerability two ways. One is in the broad sense of the vulnerability of the strategic forces as a whole. The Reagan administration, like its predecessor, is moving to close that window of vulnerability with modernization programs embracing all elements of the strategic triad—bombers, submarine-launched missiles as well as ICBM's.

The other way you can look at the window of vulnerability is in the narrow sense of the vulnerability of Minuteman silos to a surprise Soviet attack. We don't deny that this exists and that it's going to get worse, but it is not so urgent that we must allow it to dominate our thinking about the strategic forces.

Q. But we've been told for several years that solving the vulnerability problem quickly was vital to national security—

A. Well, circumstances have changed since we started talking about the MX 10 years ago. We felt then that over the next decade there was a danger of a Soviet breakthrough in antisubmarine warfare that would put our submarine-based missile force in jeopardy. Therefore, it was assumed that we needed a survivable MX missile as a hedge against that danger. But, in fact, the danger hasn't materialized, and we don't see it on the horizon. So that particular requirement for a survivable ICBM force doesn't exist at the present time.

Also, the Soviets have to be very cautious, if not skeptical, when it comes to applying the test-accuracy data of their missiles against their ability to mount a first-strike attack against our ICBM's: The attack has to be successful or it's worse than a failure. Finally, there still is and will be for perhaps a decade what I would call the synergistic survivability of the bombers and the ICBM's. The Soviets can't attack both of these weapons systems simultaneously.

Q. Are you saying that there is no way of present to insure the survivability of America's land-based missile force against a first strike—that this particular window of vulnerability can't be closed?

A. Yes, that's right—no feasible way in the short run if you're speaking of survivability against a surprise first strike.

Now we are proposing that the survivability problem be dealt with in the longer run by developing a small missile which can be based in a variety of modes and which would have the flexibility needed for survival.

Q. If it's feasible to build a small missile that is survivable, why bother at all with an MX that will be vulnerable?

A. We are looking at a new departure both in our strategic forces and in arms control. We are advocating integrating our strategic forces with arms control and moving both of them in the direction of stability. In order to get there, it is important to have the kind of negotiations with the Soviet Union that would at least permit us to go in that direction and would encourage the Soviets to go that way, too.

In addition, we think that it is very important to demonstrate U.S. national will and cohesiveness. Four American Presidents have said that the MX missile is important, if not essential, to our national security. If we back away from it now, it will underscore our paralysis for both our opponents and for our friends and allies. That would have a damaging effect on deterrence, which depends on national will in a critical sense.

In addition, whatever you think about the overall strategic balance between the U.S. and the Soviet Union, there is clearly a disparity in ICBM forces. In other words, the Soviets can put our forces at risk in a way that we cannot begin to match. We think that this is a perilous situation to allow to continue and that is has to be redressed at least in part.

Q. So the MX is intended to confront the Soviets with the kind of threat that they pose to the U.S.?

A. At least in part. We are not proposing a deployment large enough to constitute a first strike against all Soviet forces but enough to demonstrate to them that their big land-based missiles and their silos are a wasting asset and that they ought to negotiate over them.

Q. Turning to the small, single-warhead missile that you advocate developing: Why not concentrate resources on developing that as quickly as possible rather than divert money to the MX?

A. First of all, we don't have a small missile right now. And there are problems in developing the kind of small missile that we envision. Right now, for example, most of the appropriate guidance systems either are too heavy or have excess power requirements for the missile we contemplate.

There's also a basing problem. Right now, if we were to go directly to the small missile, I think we would run into the same kind of basing problems that we've had with the big one. Again, there are some promising developments over the horizon—for example, a hardened mobile vehicle that could enable us to move a small missile around military reservations with a good chance of surviving a Soviet attempt to barrage the whole area.

Q. But won't you need many thousands of these small missiles to defeat a Soviet first-strike attack?

A. That's another reason why this is not the time to go exclusively for the small missile. We must first create an arms-control environment that will lead to a change in the counting rules. Future agreements should be based on a count of warheads rather than missiles. Otherwise we would count one of our small single-warhead missiles and the Soviets would count one of their huge SS-18 follow-on missiles with many warheads. So we need to change the counting rules.

Also, after changing the counting rules, hopefully we can agree with the Soviets on a reduction in numbers of warheads each side would be permitted so that it wouldn't be necessary to deploy these small missiles by the thousands. Now, there isn't any reason why we couldn't match the Soviets even if they refuse to get rid of the big MIRVed missiles. But that would take very large numbers, which could pose a problem.

Q. Why should the Soviets give up the substantial advantage they possess and accept the kind of arms-control agreement that you're talking about?

A. That is another good argument for building the MX. It should give them an incentive to negotiate.

Q. Do you mean that as the Soviet SS-18s and 19s become as vulnerable as our Minuteman missiles they will have an incentive to negotiate to deal with the problem?

A. Absolutely. Also, the MX gives you the flexibility you need to respond to whatever the Soviets do. If they, for example, just say, "No arms control, no nothing," then we might have to reappraise the whole program we are proposing.

Q. And build more than the 100 MX missiles you are advocating?

A. Yes, conceivably.

Q. So this small missile doesn't make a great deal of sense without a new arms-control agreement with the Soviets?

A. That's when it makes the most sense. There has to be a transition from where we are—with highly MIRVed forces on each side—to a more stable situation where both sides rely on small, single-warhead missiles. The MX is essential to make that transition.

Q. Wouldn't the development of a small missile while the U.S. is deploying the MX violate the strategic-arms agreement that allows only one new missile?

A. We think not. For one thing, the small missile will not be ready for testing before the SALT II treatly expires on Dec. 31, 1985.

More important, in any new arms-control negotiations with the Soviets the single-warhead missile will be important as a way to achieve greater stability. To say now that it is not possible to develop a single-warhead missile because of arms control stands the whole process on its head.

Q. General Scowcroft, what happens if the commission's proposals are rejected by Congress and the MX is killed?

A. I think deployment of Pershing 2s and ground-launched cruise missiles in Europe would be in deep trouble. That's the first thing. Arms-control talks could be in jeopardy, and the Soviets could begin behaving with greater and greater impunity.

Deterrence is completed of two elements: Military forces and will. And we would be falling down in both those elements. I think it would have serious effects.●

SAVE FEDERAL DOLLARS, REFORM LAB EXPERIMENTS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. HOWARD. Mr. Speaker, as we continue to look for ways to lower the Federal deficit, I would like to bring to the attention of my colleagues an article which appeared in the Washington Post on March 19, 1983, written by Benjamin Stein.

Mr. Stein points out that taxpayers are shelling out some $4 billion yearly on experimentation on live animals. Certainly it is not feasible that all experiments on live animals be immediately halted, but it seems to me there is room for some reform. As the article indicates, many of these experiments are unnecessary and cause needless suffering to the animals involved.

I am pleased to learn that the House Subcommittee on Health and the Environment has taken beginning steps in addressing this problem. Prior to Easter recess, the subcommittee approved two amendments by Representative DOUG WALGREN to the NIH authorization bill which will require research facilities to have an Animal Study Committee and encourage alternatives research by providing funding. I certainly hope the full Energy and Commerce Committee will uphold the Walgren amendments.

Mr. Speaker, at this time I would like to insert Mr. Stein's article in the RECORD.

[From the Washington Post, March 19, 1983]

IT'S NOT A CAUSE FOR CRANKS

With President Reagan, budget director David Stockman and Congress looking for ways to cut government spending, I am glad to offer some thoughts on an area where a few billion might be saved.

Included within the budgets of the National Institutes of Health, the National Science Foundation, the Department of Defense, the Department of Health and Human Services, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission and other federal agencies is an aggregate sum of about $4 billion (according to congressional sources) for experimentation on live animals. The president could be $4 billion closer to his goal of a balanced budget if he would simply cut out those funds immediately and stop all experimentation on live animals.

Of course, the president cannot cut out all experiments on live animals. Some of those experiments offer crucially valuable data to mankind for prolonging and safeguarding human—and animal—life. But no medical practioner, no matter how devoted to live experimentation on animals, would insist that all of the billions of federal dollars going for experiments on live animals are crucial. From what I have read and seen at government hearings, no medical researcher would argue that there was not immense duplication, supererogation and just plain grantsmanship involved in the great mass of animal experimentation. In a word, in the federal government's enormous ventures into experiments on live animals, there is a jackpot of waste and fraud just begging for the sharpshooters at OMB to stop.

For most persons who object to the federal government's experimenting on live animals, the objections are far more moral and emotional than budgetary. Why, such people ask, are helpless puppies subjected to having their brains resected without anaesthetic so that a graduate student can write a thesis about something that has already been discussed ad infinitum in scholarly journals? Why should trusting dogs have their bones broken without anaesthesia and then become subjects of observation on healing issues long since proved or disproved? Why should dogs or cats that might be at home offering love and comfort to

children be subjected to anthrax germs over and over again when we already know that anthrax is poisonous? Why should animals with sensitive, feeling natures become the living toys of "researchers" who just needed a grant so that they could take their girlfriends to Europe?

* * * * *

Why should the tax dollars of persons who love animals and appreciate their fine qualities be used to torture animals by having ground glass put into their urethras without anaesthesia? We already know that ground glass in urethras is harmful. Yet all of these experiments are now going on, funded by federal dollars.

But even if we leave aside the issue of cruelty to innocent creatures, why should the federal govenment allow itself to spend continuing billions on wasteful and duplicative animal experimentation when the ax is falling on food stamps and heating fuel assistance for the elderly and community development in the inner cities? I do not understand what special claim "researchers" have on tax money that allows them to continue their cruel, unnecessary work when U.S. soldiers are on the 38th parallel freezing in the Korean winter and learning that their pay has been frozen.

Again, anyone would grant that there is some need for animal experimentation. But the same red pencils that have been going through budget requests in other areas have apparently been dulled in reviewing programs for animal experimentation. According to congressional sources, the budgets keep rising—or at least not falling—and the selfless dogs in cramped cages keep getting tortured and killed for no reason.

The President and the OMB chief are constantly saying that they are looking for new and better ways to run the government. Well, many researchers say that computer modeling can replace live experimentation at a fraction of the cost. Others say that experiments on cellular material at a preconscious phase can replace cutting into dogs or cats at a far lower cost. Most of all there can be an end to "research" whose only benefit is the income of the researcher.

At one time, resistance to unnecessary experimentation on live animals was considered a crank cause. But then, at one time women's suffrage, abolition of Negro slavery and Social Security were considered crank causes. Until quite recently, citizen concern about nuclear war was considered a crank cause.

I suggest that the day for the government to stop paying for experimentation on live animals except when absolutely necessary is at hand. This is not an issue for astrologers and little old ladies in sneakers. It is an issue first of all for people who hate suffering, and, now, for those who hate to see the waste of federal money.●

THE HAZARDOUS SUBSTANCE VICTIMS' COMPENSATION ACT OF 1983

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MARKEY. Mr. Speaker, yesterday I introduced H.R. 2582, the Hazardous Substance Victims' Compensation Act of 1983, with Mr. FLORIO of New Jersey. This bill will provide compensation to victims of hazardous substance exposure and ease the burden of proof which now prevents many victims from successfully suing the liable party.

Congress acknowledged the widespread problem of hazardous waste contamination when it enacted Superfund in 1980. But as my colleagues well know, Superfund stops short of addressing one of the greatest tragedies of the hazardous waste dilemma—the lack of assistance for the thousands of Americans who will suffer the consequences of the poisoning of our environment. Consequently, Mr. FLORIO and I introduced this bill in order to cover the gaping hole that now exists in victim protection.

The bill Mr. FLORIO and I introduced would amend the Solid Waste Disposal Act—commonly known as Resource Conservation and Recovery Act, or RCRA—by creating a new fund which would cover claims made by persons injured by these hazardous substances. This bill would allow victims to recover medical costs and some lost wages, thereby expanding the protection Superfund offers for cleanup and some property loss. Fees currently charged on chemical feedstocks would be matched through 1990, or until $1.0 billion is placed in the victims' compensation fund.

Our bill would allow victims of hazardous substance exposure to file claims with the Federal Government for reimbursement of medical bills and some lost wages. The claimants would have to prove there was a high probability their injury was caused by exposure to hazardous substances. But they would not be held to the strict evidentiary rules that have kept victims from recovering in court. In addition, the victims' claims would be heard by administrative law judges of the Social Security Administration, acting under contract to the Environmental Protection Agency. Victims or their dependents (in the case of a victims's death) can be compensated for full medical costs and loss of earnings up to $2,000 monthy. The EPA could then sue companies or other entities throught to be responsible for a specific injury in an attempt to recover money paid out of the fund for that injury.

But H.R. 2582 would not stop at providing timely relief to victims of exposure to hazardous substance. It also would create a Federal cause of action, allowing victims to sue in Federal court any owner, operator, or transporter, including owners or operators subsequent to treatment, storage or disposal of the hazardous substance to which the victim was exposed. Generators of hazardous substances who arranged for transportation or disposal are also liable. This feature would enable victims to sue in Federal court all parties that potentially could be liable.

Furthermore, the bill also includes important evidentiary changes. Liability is without regard to fault and is joint and several, meaning that one liable party can be held liable for the entire amount of damages if responsibility for the injury cannot be divided between parties. This provision is significant for it places the burden of proof on the defendants to show they were not responsible, rather than forcing the plaintiff to prove a specific company caused his exposure and injury.

In addition H.R. 2582 enables victims to sue for medical costs, loss of income and earning capacity, as well as pain and suffering. The bill requires suits to be filed within 3 years of the discovery of the injury or when some connection between exposure and the injury was discovered. This provision relaxes that strict statute of limitations which has prevented many victims from filing claims due to the lengthy nature of some illnesses. The bill also provides for the preparation of "health effects documents" which would provide the scientific basis for a claim without forcing the injured party to bear the expense of compiling such evidence.

Our bill is based, with some changes, on recommendations by the "Superfund Section 301(e) Study Group." We believe that this bill is responsible legislation designed to meet the pressing problem of hazardous substance victims. H.R. 2582 would not hold parties liable for injuries from exposure that took place before enactment of this law. But it would enable many future victims to receive quick payments from the fund for their physical damages. Unfortunately, no one is receiving speedy relief under the present system. I urge you to join us as sponsors of this necessary responsible legislation so our country will not turn its back on those ravaged by the dangers of hazardous substances which mar our environment.●

TECHNICAL AMENDMENTS TO THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. WEISS. Mr. Speaker, recently, H.R. 1035, a package of amendments to the Education Consolidation and Improvement Act, passed the House under suspension of the rules. Some of these amendments concern me a great deal, both for what they include and what they fail to include.

Title I, now chapter 1 of ECIA, is a proven success. That has not hap-

pened by chance but rather because of fine tuning of the law and regulations over the years and experience over time of program administrators in implementing the law. Whenever we make changes in the law, I feel we must do so with great care, giving careful consideration to the potential effects of these changes on the program's beneficiaries. Children living in low-income areas who are behind in school continue to be the intended beneficiaries of chapter 1. If the program is going to succeed in continuing to provide extra assistance that raises the level of achievement of these children, it seems to me that we must be very careful in maintaining targeting of funds to those areas where poverty is most severe and on the children in those areas with the greatest need.

Therefore, I am concerned about the amendment that would permit the distribution of funds to any school attendance area in which at least 25 percent of the children are from low-income families. This provision loosens the targeting and means that dollars can be spread across more schools. Currently, under chapter 1, funds must go to schools with the highest concentration of poverty. Under this new amendment, in a school district with a very high average level of poverty, for example 60 or 70 percent of its children coming from low-income families, even the school with only 25 percent poverty could receive funds. If this program were fully funded, of course, we would want to see more schools included. But now, less than half of the students potentially eligible for the program are being served. In such a situation, I believe it is vitally important to maintain the targeting of dollars on the poorest areas within the district.

In 1978, through Public Law 95-561, we did broaden the range of schools that could receive funds but we did so in a way that guarded against the problem of dilution of funds and services. The 25-percent amendment we adopted at that time did allow a school with 25 percent of its students coming from low-income families to receive funds but only if all schools receiving title I funds the previous year received at least that same level of funds when State and Federal compensatory education funds were aggregated. Without this minimal safeguard against the dilution of funds, I am afraid the essential focus on low-income areas will be lost and the program's proven success, predicated on substantial per child expenditures, will be in jeopardy. This is especially problematic when you look at this amendment in conjunction with the one directly following it, section 3(d)(2), that permits the use of an alternative to targeting on the basis of economic deprivation. It would allow the funding of schools based on their concentration of low-achieving students instead of poverty. Not only would this provision encourage the use of tests for purposes for which they were not intended, a practice already suspect and of grave concern, it ignores the poverty focus of the program. I realize a similar provision was added to title I in 1978. But now, when this troubling provision is added to the permissible funding of any school with 25 percent poverty, with no regard to the poverty level in the district and no safeguard against the dilution of funds in the poor schools, I fear we may be seriously damaging the chapter I program.

Apart from the technical amendments to ECIA, I am troubled by the absence of adequate evaluation requirements in chapter 1 which threatens to undermine the program, both in terms of accountability and in terms of Congress capacity to make future decisions about the program.

Title I required that certain evaluation models be used and that SEA's provide technical assistance to LEA's in this area. SEA's were also required to report to the Secretary regarding the outcome of LEA evaluations. The Secretary was required to be actively involved in developing and disseminating evaluation standards and schedules. In addition, the Secretary was to provide for independent evaluations and a report to Congress concerning results of evaluations.

Chapter 1 still requires LEA's to evaluate projects to see if goals are being met—including objective measurement of gains in student achievement over time, but the results do not have to be reported to anyone or used in program design. There is no provision for technical assistance concerning evaluation to LEA's by the States. While chapter 1 authorizes the Secretary to require data for program evaluation from the States, in fact, no such requirements have been imposed. Further, the Secretary is not required to disseminate models, provide technical assistance, conduct independent studies, or report to Congress.

These changes in evaluation requirements weaken program accountability at all levels. States have played an important role in title I evaluation and the capacity they have developed over time should not now go unused. At the Federal level, for reauthorization purposes and for good ongoing program supervision and monitoring, a substantial body of accurate and up-to-date descriptive information is necessary. Further, the Federal Government must continue to play a leadership role in insuring that adequate research about approaches to effective compensatory education is carried out and disseminated.

I would urge my colleagues to reexamine these issues as the legislative process proceeds.●

POLL SHOWS PUBLIC SUPPORT FOR ENVIRONMENTAL PROTECTION

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. LEVITAS. Mr. Speaker, I would like to call to the attention of my colleagues the results of a New York Times/CBS News poll which show that Americans realize the importance of protecting the environment in which they live. Fifty-eight percent of those responding to the poll agreed that, regardless of cost, standards for protecting the environment could not be too high because environmental protection is so important.

I would like to think that the work of the Congress, and the work of the House Public Works and Transportation Committee, has helped to bring environmental protection to the forefront of public concern. We have recently focused a great deal of attention on the implementation and improvement of laws designed to protect the water we drink and the air we breathe from contamination and pollution. And I believe the results of this poll indicate a greater public awareness, and great public support, as a result of this effort.

At this point I insert the results of the New York Times/CBS poll, which appeared in the New York Times on April 17, 1983, in the RECORD.

THE NEW YORK TIMES/CBS NEWS POLL

ATTITUDES ON THE ENVIRONMENT

"Do you agree or disagree with the following statement: Protecting the environment is so important that requirements and standards cannot be too high and continuing environmental improvements must be made regardless of cost."

	Percent agreeing	
	September 1981	April 1983
Total sample	45	58
Sex:		
Men	41	58
Women	48	58
Age:		
18–29 years old	61	69
30–44	46	58
45–64	35	47
65 and older	33	59
Race:		
Whites	44	57
Blacks	54	65
Political ideology:		
Liberals	55	71
Moderates	47	56
Conservatives	25	54
Political party:		
Democrats	49	62
Independents	46	60
Republicans	39	49
Region:		
East	48	62
Midwest	46	54
South	40	61
West	48	53
Education:		
Less than high school	45	54
High school graduate	46	63
Some college	49	61
College graduate	39	46

1,479 adults conducted Sept. 22–27, 1981. Poll of 1,489 adults ...ted April 7–11, 1983.●

JACOB RABINOW TO RECEIVE HONORARY DEGREE

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. MITCHELL. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to the fact that an outstanding entrepreneur and distinguished small business champion will be honored by Towson State University, Towson, Md., at their 118th annual commencement. Jacob Rabinow, long-time advocate of the importance of small business in technological innovation, presently chief research engineer at the National Engineering Laboratory, U.S. Department of Commerce, will receive a doctor of humane letter at Towson State University on Sunday, May 22, 1983. Sponsored by the school of business and economics, this honorary degree is in recognition of his contributions to the development of American technology.

Jacob Rabinow, an evaluator for the Office of Energy-Related Inventions, U.S. Department of Commerce, has aided more than 200 small businesses to get support from the Department of Energy for small business inventions. He has represented the Department of Commerce at "Survival and Growth of Small R&D Firms," a conference sponsored by the Small Business Administration, and the National Science Foundation conference on small business. In addition, Mr. Rabinow frequently testifies before Congress on the role of the inventor in the development of American technology.

Mr. Rabinow holds 218 patents on a wide variety of mechanical and electrical devices. They include the automatic letter-sorting machine used by the U.S. Post Office, phonograph record-playing equipment, the automatic regulation of clocks used in all American cars, the magnetic particle clutch, the best-match principle in reading machines and many safety mechanisms for ordnance devices.

For his scientific achievements, he has been honored with the Exceptional Service Award of the Department of Commerce (1949), the President's Certificate of Merit (1948), the War Department's Certificate of Appreciation (1949), the CCNY Engineering School's 50th Anniversary Medal (1969), the Henry Diamond Award (1977), and the Industrial Research and Development Scientist of the Year Award (1980).

"Jake," as he is known to his friends, was chairman of an interagency committee that produced the now-famous "Rabinow report" which indicated that small firms are not getting their reasonable share of Government-sponsored research and development grants and awards. The Rabinow report concluded that small businesses have compiled a striking record of innovation and supported the need for increased participation of small firms in federally funded research. Many of the recommendations of that report have been implemented. Material from the report was also persuasive in passage of Public Law 97-219, the Small Business Innovation Development Act of 1982.

I am happy to acknowledge the accomplishment of this friend of small business and to commend Towson State University and the School of Business and Economics for their recognition of the contribution Jacob Rabinow has made to small business innovation and technological development.●

U.S. AGRICULTURAL POLICY

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. BEDELL. Mr. Speaker, of all the many pressing issues this Congress will be addressing during the coming months, some of the more crucial will have to do with agriculture. With increasing regularity, we are faced with insurmountable evidence that the problems confronting U.S. agriculture are structural. The amazing productivity of the American farmer has led to mounting surpluses that threaten to overwhelm the conventional sources of demand for food, feed, and fiber, and the search for balance is driven not just by the desire to end the billions of dollars of taxpayer outlays required to pay for land idling and surplus commodity storage, but also to reduce the growing pressures on the international trading system.

Perhaps never before has the need for farsighted changes in agricultural policy been so urgent. There has always been a great deal of discussion about how new domestic outlets for domestic agricultural production can be encouraged with a minimum of Government interference, and in a cost effective way, but today, those new outlets are needed as part of a structural reorientation of American agriculture. The objective must be to stimulate new value added processing industries that will utilize U.S. agricultural production in a way that benefits consumers, producers, and taxpayers alike by providing demand for fuel and chemical outlets, in addition to the conventional food, feed, and fiber.

A recent analysis of some of the perceived changes in Soviet agricultural policy since Yuri Andropov's rise to power is worthy of consideration in this regard. In a recent Pro Farmer article, a highly regarded Soviet analyst noted that changes in Moscow's approach to agriculture point to a livestock policy emerging which counts on domestically grown feeds, possibly *supplemented by high protein concentrates as the best for the maintenance of these animals* (emphasis added). To some, this may appear to be yet a further exacerbation of our current export problems, in which past customers are moving further away from consumption of excess U.S. production. However, this change in policy could actually afford the United States an opportunity that could enable us to contribute toward a number of important national objectives simultaneously. This opportunity should not be lost.

As the following article printed in last summer's Foreign Affairs magazine points out, a U.S. fuel ethanol industry would provide our agricultural policymakers with a new degree of much-needed flexibility. By converting the starch portion of U.S.-produced corn and other grains into a high grade liquid fuel (ethanol), while still preserving all of the original protein, vitamins, and minerals, U.S. grain undergoes a value-added process that meets both United States, and Soviet (or any other trading partners') needs. The concentrated (one-third the weight) high protein coproduct is an excellent animal feeding material, and its transportation and storage is far more efficient than that of the bulk grain. The United States benefits by the production of a high grade liquid fuel extender and octane enhancer, increased economic activity and jobs, and improved trade flexibility, and the Soviets and other U.S. customers benefit from a concentrated feeding product that more efficiently suits their needs.

Mr. Speaker, I commend this article to my colleagues' attention as we begin to focus on the crucial agricultural policy questions in the weeks to come.

The article follows:

MORE BANG FOR THE BUSHEL

To the EDITOR:

Karl-Eugen Wädekin's Spring 1982 look at "Soviet Agriculture's Dependence on the West" was a thought-provoking analysis that should be required reading for U.S. agricultural policymakers of all stripes. While it is certainly lamentable, there can be little doubt that American agriculture's profitability under the current method of "doing business" is heavily dependent upon sales to Moscow.

In analyzing what to expect in the way of Soviet grain purchases for the next five or more years, Mr. Wädekin acknowledges that Moscow will try very hard to cut down on food imports and speculates that the American farmer will find his market reduced thereby within a few years.

Such a scenario is not hard to envision. As a result of the grain embargo imposed by President Carter in response to the invasion of Afghanistan, existing grain trade agreements with the Soviet Union have been upset.

In this process, the United States will have achieved multiple objectives. The most important include:

(1) *Adding a new dimension of flexibility to U.S. agricultural income and trade.* By first extracting the valuable liquid fuel from a portion of its grain exports, the American farmer can receive significant returns for the ethanol from each bushel, even if Moscow's demand for the feed portions were to decline or be cut off entirely. In the event of an unexpected disruption in trade, the concentrated nature of the high-protein co-product would facilitate storage and lower costs when compared to that required for bulk grains.

(2) *Significantly improving the U.S. balance of trade.* The use of the fuel alcohol domestically would reduce crude oil imports on at least a one-to-one basis. In addition, the sales of the high-protein co-product would generate revenue.

(3) *Stimulating an orderly redirection toward the processing of bulk commodities in the United States rather than recipient countries.* Thus, more American jobs are created, state and federal tax bases are expanded, and a solid infrastructure for future industrial development is established. (It has been estimated that, if only ten percent of the $8.7-billion worth of corn exported by the United States last year were "processed" into wet corn milling products for export, business activity would increase by $7.734 billion, creating 165,300 more jobs and raising personal income in the United States by $1.713 billion.)

DAVID E. HALLBERG,
President, Renewable Fuels Association.
Washington, D.C.

MR. WADEKIN REPLIES—

Regarding Mr. Hallberg's comments, it is true that a higher protein content would greatly improve the average Soviet feeding ration, but it is also true that Soviet animal farms' demand for feed grain would thereby be reduced still more than envisaged in my article. As to transport and storage costs and facilities in the Soviet Union for imported proteinic co-products of fuel alcohol production, these should not be compared to bulk grains but to soybeans and their meals and other comparable commodities. These also figure high in Soviet feedstuff imports, and are likely to expand further, although they are similarly limited by transport and storage facilities and also by the capacities of the vegetable oil and mixed feed industries of the Soviet Union.

Insofar as these limits apply to fuel alcohol co-products as well, the two kinds of protein additives would be competitors in a market which, although big, is limited. According to Mr. Hallberg, the protein content of fuel alcohol co-products is yet higher; in addition, Mr. Hallberg claims that these require less processing capacities for turning them into livestock feed. To the degree that such advantages exist, potential for an expansion of U.S. exports of feedstuffs of this kind, combined with the preceding use for fuel production, indeed seems to exist, and American suppliers may have a technological edge over others. However, for the reasons outlined before, one should not overestimate the net effect on the American farm sector and its exports. And after all, I did not say that overall Soviet grain purchases will sizably ebb earlier than the mid-1980s.●

REAGAN IS FUELING THE FIRE IN EL SALVADOR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. OTTINGER. Mr. Speaker, I rise to commend the House Foreign Affairs Subcommittee on Western Hemispheric Affairs for its recent rejection of President Reagan's request for additional military funds for El Salvador. The subcommittee's action is consonant with legislation I recently introduced to insure that the judgment of Congress is applied to any administration decision to expand the role or number of U.S. military personnel in El Salvador.

For the past 2 years the administration's policy in El Salvador has been reckless, short-sighted and based on a faulty set of premises. This policy has ignored the root causes of El Salvador's instability—the long history of poverty and oppression—and completely evaded any prospect of negotiations to address these issues. Instead, the Reagan administration has provided arms to the very forces of repression engaged in a continual and unabated pattern of human rights abuses against Salvadoran civilians.

This misguided policy has only exacerbated the conflict. It has polarized El Salvador's political climate, undermined Salvadoran moderates, alienated important Latin American nations such as Venezuela and Mexico, strengthened the opposition forces and bolstered the Communists by making them appear to be the champions of the aspirations of the people for freedom and a better way of life.

The administration recently sought to add $110 million worth of fuel to the fire, and has threatened to send additional military personnel to El Salvador. The administration proposed reprograming $60 million in foreign military sales credits to El Salvador and submitted a supplemental request of $50 million in military assistance grant aid.

On April 12, the Foreign Affairs Subcommittee on Western Hemispheric Affairs rejected the supplemental request for $50 million, reduced from $86.3 million to $50 million the military aid request for fiscal year 1984 and 1985, and voted to make U.S. aid conditional on further assurances that U.S. advisers be limited to 55 and that Salvadoran democratic procedures be strengthened. I applaud these actions.

Until the administration begins addressing the real causes of El Salvador's instability, we will sink deeper and deeper into a military morass. That is why I have introduced two bills to help prevent an escalation of U.S. military involvement in El Salvador without the judgment of Congress. H.R. 1619 and House Concurrent Resolution 67 both apply to the War Powers Act.

The War Powers Act requires the President to report to Congress whenever he introduces U.S. military personnel into "hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." He must justify his actions to Congress, and if Congress does not act to approve the military intervention within 60 days, the military personnel must be withdrawn. The War Powers Act was passed over President Nixon's veto after the United States had become involved in Vietnam.

House Concurrent Resolution 67 declares that the President's decision in March 1981 to commit U.S. forces to El Salvador requires compliance with the War Powers Act. Upon passage of this resolution, the President would be required to report to Congress in compliance with section 4(a) of the War Powers Act. We would then have 60 days in which to authorize a continued military presence in El Salvador.

H.R. 1619 would amend the War Powers Act to require congressional authorization before the introduction of any additional Armed Forces into El Salvador. As it currently stands, the War Powers Act would enable the President to introduce additional military personnel for the 60-day period before Congress could act to withdraw them. My bill would require, with respect to El Salvador only, prior congressional approval of the dispatch of these troops. It would, however, permit the President to send military personnel to El Salvador if they are needed to protect and assist in the evacuation of American citizens or to protect the United States from hostile attack.

Whether or not my colleagues approve of the administration's commitment of military personnel in El Salvador, the requirement of congressional participation must be preserved. I consider it imperative that Congress be able to debate an expanded military role as well as to apply its judgment to U.S. policy in El Salvador.

I will continue to strongly oppose the President's senseless policies toward Central America, and I urge my colleagues to join in this effort.●

NOT MARXISM BUT LENINISM HAUNTS THE WORLD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. FIELDS. Mr. Speaker, the 100th anniversary of the death of Karl Marx recently was widely noted in the American press. Of all the many articles commenting on this event, the one by Marx Lewis deserves attention. For this reason, I submit it to the RECORD.

The article follows:

NOT MARXISM BUT LENINISM HAUNTS THE WORLD

(By Marx Lewis)

Two weeks ago, a handful of people came to the Highgate Cemetery, London, to mark the 100th anniversary of the death of Karl Marx, and to place wreaths on his grave. The world took little note of this tribute to the memory of a man who, according to many, influenced the course of human events more than any other man in modern times.

The number who came to Marx's gravesite this time was probably no larger than those who stood at his gravesite 100 years ago. But the movement for which Marx laid the theoretical foundations was then in its infancy, deeply fragmented, its European leaders in jail, or in exile. Yet the leaders of that movement traveled to London to attend the funeral services and praise the deceased for the contributions they said he had made to the eventual overthrow of capitalism and the establishment of a Socialist system.

At the open grave 100 years ago William Liebknecht led the assembled mourners in paying tribute to their departed leader. "He has raised," the German Socialist said, "social democracy from a sect, from a school to a party which now already fights unconquered, and in the end will win the victory."

Frederick Engels, Marx's closest collaborator, whose father, a textile manufacturer, provided the destitute Marx and his family with the funds which sustained them while Marx, himself an exile from his native Germany, poured over his books in the British Museum, decribed Marx's achievements in philosophy, economics, and in laying the foundations for the movement which Liebknecht predicted would end in victory.

In the 100 years which have elapsed since this prediction was made, the movement which Marx and his disciples launched has become a powerful force in many parts of the world. Many of the reforms which Marx and Engels enumerated when they wrote, in 1848, the Communist Manifesto, are now law where Socialists govern. Even in countries where they do not govern, such as the U.S., the most radical of these reforms, a heavy, progressive, or graduated income tax, the purpose of which is to redistribute a nation's wealth, is the law of the land. When the first such tax came to the U.S. Supreme Court for a determination of its constitutionality, one of the justices exclaimed: "This is socialism." It was.

Another radical demand which Marx presented in the Manifesto was the abolition of the right to inheritance. It has not been abolished, but the amount that can be inherited has been sharply reduced by taxation. The Socialists, and others who support such reforms, may have facilitated their adoption by their agitation and pioneering efforts, but the economic and social conditions which dictated their need would have led to their adoption without Marx and without the Communist Manifesto. Social insurance, for example, was adopted in Germany and Britain by conservatives long before the Socialists came to power.

As to his theories, Marx and his followers claimed that he had discovered the laws of historical development, according to which socialism was the next stage in social development. It was called the materialist interpretation of history, and it was "scientific," to distinguish it from the utopian Socialists, who believed that socialism could be achieved by experiments in communistic settlements. They were really utopian. But Marx's "scientific socialism" proved in the end to be as utopian as those of the utopian socialists.

In his pursuit of a scientific basis for his belief that Socialism, a society in which all socially useful means of production and distribution would be owned in common, must succeed capitalism, Marx traced the history of previous societies, such as slavery and feudalism. They were all class societies, the rulers and the ruled, the oppressors and the oppressed. But he held that before socialism could arrive the capitalist system must be permitted to reach its highest potential of productivity. When that happened there would be two classes, a handful of capitalists with all power concentrated in the hands of a few, and an evergrowing and powerful prolateriat, more impoverished than ever, but organized, united, educated, ready to take over. The middle class would have been completely abolished. A classless society would emerge. The capitalists, he held, would be their own gravediggers.

None of this happened. The middle class did not disappear, but grew and became more powerful. Instead of increasing poverty of the masses, the standard of living of working people, who turned to unions and legislatures to correct the inequities of which they were the victims, rose. There was, in fact, a contradiction in Marx's own theories: if the reforms he enumerated in his Manifesto were to be achieved, as he expected under capitalism, there would be less poverty and more prosperous conditions for the workers, which turned out to be the case.

Marx's theory suffered from other flaws. It left many unanswered questions. One of them was how power was to be obtained, whether peacefully or by violence, as some Marxists advocated. In his early days, when he wrote the Manifesto, he indicated in passing that during the transition from capitalism to socialism, there would have to be a short period of a "dictatorship of the proletariate." In later years he believed that in democratic countries, such as the U.S. and Britain, the transition could be peaceful, without a dictatorship.

Another unanswered question was what happens after the Socialists take power. Marx held that the state was an instrument of ruling classes, including the bourgeoisie, for class rule; it would have to be abolished. But who would run the industries he would socialize and the programs he had advocated? When V.I. Lenin was asked before he achieved power what he would do if he obtained it, he replied, "First we will take power; then we shall see."

Years later, in 1895, 12 years after Marx passed on, Engels admitted that he and Marx were mistaken. "History," he declared, "proved us in the wrong and revealed our opinion of that day (1848–1850) as an illusion. History went even further; not only did it destroy our former error but also transformed the conditions under which we would have to battle." He spoke of an earlier period in Marx's life. Had Engels lived in more recent years he would have conceded that many other predictions he and Marx made in their scientific discoveries were illusions.

The followers of Marx may have been in error. Their theories may have been unsound. Their goals may have been unrealistic. They may have labored under illusions and dreamt impossible dreams. But, unlike the Marxists-Leninists of today, they sailed under their own colors, revealed publicly and proudly their objectives. They did not create front organizations, or seek to obtain power without the consent of the people. Wherever the Marxists came to power it was in free elections.

Lenin destroyed a Marxist illusion: that capitalism must reach the peak of its powers before the Socialists can come to power. Marx thought that the highly industrialized countries of the U.S. and Britain would be the first to fall for a collectivist society, and Russia, essentially a peasant country with hardly any unions, would be the last. Russia, instead, went first. It did not, of course, create the kind of socialist society Marx envisioned.

While in domestic affairs the Marxists who have succeeded to power in free elections have done little more than expand the welfare states the conservatives had originally launched in the countries like Britain and Germany, and perhaps nationalized some banks and public utilities, which have worsened rather than improved their economies, they have in recent years joined with the Leninists in the conspiracy to take over countries in the free world. The Socialist International, controlled by the Marxian leaders of Germany, France, Greece, and the Scandinavian countries, have refused to condemn Castro and his evil regime. They have called for settlement of the guerrillas in El Salvador and other Latin American countries, adding to the daggers pointed at the U.S.

Lenin professed to be a Marxist, but his successors are using them, as they are using the pacifists, the so-called liberals, and others they call "useful idiots," to impose communist tyranny by force, torture and terror to achieve world domination. It can't be that the Socialist leaders are unaware of it. In the early days of the Russian Revolution Socialist leaders denounced and fought the communists, predicting the tyranny that Leninist conspiratorial tactics would impose on the world. They paid the price for it. They died before execution squads of Leninist murderers. Today the Marxist leaders, for the sake of power, not only perpetuate that tyranny but are doing all they can to perpetuate it.●

SELECT COMMITTEE ON HUNGER

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. LELAND. Mr. Speaker, on January 3, 1983, my distinguished colleague, the gentleman from New York,

Mr. GILMAN, and I reintroduced House Resolution 15, to establish a Select Committee on Hunger. The select committee will systematically assess hunger and malnutrition issues that currently fall within the jurisdiction of several standing committees. It will focus on both domestic and international hunger. With sufficient political will in this country and abroad, it will be possible to eliminate the worst aspects of hunger within one generation. With the information provided by the select committee, we can formulate a program of related legislative proposals to offer a better U.S. hunger policy.

Since the reintroduction of House Resolution 15, we have gained the support of 113 of our colleagues and 31 religious and antihunger organizations. The following members are cosponsors of this legislation: Mr. ADDABBO, Mr. AUCOIN, Mr. BARNES, Mr. BATES, Mr. BEDELL, Mr. BENNETT, Mr. BEREUTER, Mr. BERMAN, Mr. BIAGGI, Mr. BONIOR, Mr. BOUCHER, Mr. BOXER, Mr. BREAUX, Mr. BRITT, Mr. BROWN of California, Mr. BRYANT, Mr. CHANDLER, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DIXON, Mr. DORGAN, Mr. DOWNEY, Mr. DURBIN, Mr. DWYER, Mr. DYMALLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS OF ILLINOIS, Mr. FAUNTROY, Mr. FEIGHAN, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FRANK, Mr. GARCIA, Mr. GEJDENSON, Mr. GILMAN, Mr. GORE, Mr. GRAY, Mr. GUARINI, Mr. HERTEL, Mr. HOWARD, Mr. HOYER, Mr. HUCKABY, Mr. JACOBS, Mr. KASTENMEIER, Mr. KILDEE, Mr. LANTOS, Mr. LEACH, Mr. LELAND, Mr. LEVINE, Mrs. LLOYD, Mr. MADIGAN, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MCHUGH, Mr. MCNULTY, Mr. MINISH, Mr. MITCHELL, Mr. MOODY, Mr. MRAZEK, Mr. NEAL, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. ORTIZ, Mr. OTTINGER, Mr. OWENS, Mr. PARRIS, Mr. PEASE, Mr. PENNY, Mr. PRITCHARD, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROTH, Mr. SAVAGE, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SHANNON, Mr. SIKORSKI, Mr. SIMON, Mr. SLATTERY, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. ST GERMAIN, Mr. STOKES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. VANDER JAGT, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WILLIAMS, Mr. WINN, Mr. WOLPE, Mr. WORTLEY, Mr. WYDEN, and Mr. YATES.

The coalition of organizations that has formed to support the select committee includes: American Catholic Conference, Bread for the World, CARE, Center for Science in the Public Interest, Center of Concern, Christian Children's Fund, Church World Service, Clergy and Laity Concerned, Community Nutrition Institute, Cooperative League of the USA, Friends Committee on National Legislation, Food Research and Action Center, the Hunger Project, Infant Formula Action Coalition (Infact), Institute of Religion and Democracy, International Association of Machinists & Aerospace Workers, Meals for Millions/Freedom from Hunger Foundation, National Council on Aging, National Farmers Union, NETWORK, a Catholic Social Justice Lobby, OXFAM America, private agencies in International Development, PAID, RESULTS, Save the Children, Sojourners, United Food & Commercial Workers International Union, U.S. Catholic Conference, U.S. Committee for UNICEF, World Hunger Education Service, World Hunger Year, World Vision International.

We urge our colleagues to cosponsor a Select Committee on Hunger to help our Nation to adopt an effective strategy to mitigate the worst aspects of hunger and malnutrition.●

BESSARABIA AND BUKOVINA: THE SOVIET-ROMANIAN TERRITORIAL DISPUTE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. KEMP. Mr. Speaker, I know my colleagues are well aware of the injustices inflicted upon the peoples of Eastern Europe at the hands of the Soviet Government. As citizens of a nation dedicated to democratic principles of government, including the principle of self-determination, we have a special responsibility to people oppressed by totalitarian regimes.

Dr. Nicholas Dima, author of "Bessarabia and Bukovina: The Soviet-Romanian Territorial Dispute," has summarized Romania's conflict with the Soviet's since World War II, and described the ruthless attempts by the Soviets to extinguish the Romanian people's language, culture, and nationality. Dr. Dima compares the postwar situation in Romania with that of Afghanistan today: The Soviet Union continues its pursuit of world domination through its selfless commitment to "the laws of history."

I take this opportunity to once again expose the senseless terror of totalitarianism, and commend Dr. Dima's essay to my colleagues.

BESSARABIA AND BUKOVINA: THE SOVIET-ROMANIAN TERRITORIAL DISPUTE

(By Dr. Nicholas Dima)

In 1812, Russia annexed the eastern half of the Romanian Principality of Moldavia. Since then, until the First World War, the territory known as Bessarabia changed hands between Romania and Russia several times. After the First World War, Bessarabia voted to unite with Romania, but Moscow did not accept the union.

During the interwar period, in spite of its hostile attitude toward its western neighbors, the Soviet Union signed "non-aggression" pacts with all its European neighbors from Finland to Romania. In August 1939, however, the U.S.S.R. and Germany concluded a special pact which changed the fate of Europe and which is still haunting the people of East Europe. Under the secret protocols of the agreement, the Soviet sphere of influence was to include Finland, Estonia, Latvia, eastern Poland, and Romanian Bessarabia. Only a week after concluding the pact, Germany attacked Poland, marking the start of the Second World War. In spite of the earlier territorial guarantees and "non-aggression" agreements, the Soviet troops attacked Poland and later the Baltic free states. At that time, Romania was still rejecting Berlin's courtship and was conducting a prowestern and particularly pro-French foreign policy. As a matter of fact, France and England had given Romania a boundary guarantee in April 1938. In June 1940, however, France was defeated by Germany, and England was powerless and isolated. Under those conditions, Romania was left alone to confront the eastern danger.

In June 1940, Moscow delivered Bucharest an ultimatum to evacuate Bessarabia and Northern Bukovina within 4 days. Romania had no choice and yielded. The two ceded provinces had 3.9 million inhabitants, mostly Romanians, and an area of 20,000 square miles, being about twice the surface area of either Maryland or Belgium. After the annexation, the Soviet authorities incorporated the northern and southern parts of the territory into the Ukraine, while the central two-thirds was made the current Moldavian Socialist Soviet Republic. It was then Romania's turn to reject the previous year's ultimatums and join Germany in attacking the Soviet Union to liberate the territory lost. At that time, America was neutral in the European conflict. When Romania informed the State Department that its troops had regained control of the lost provinces, Secretary of State Cordell Hull reacted with sympathy and understanding. Later, however, the United States entered the war against the Axis and the two countries found themselves at war. Nevertheless, the Romanian leader, Gen. Ion Antonescu, stated publicly that "not a single shot will be fired at American or British troops should they appear in Romania."

When the Romanian Army regained Bessarabia and Bukovina in June-July 1941, what it found was shocking beyond belief, reminding one of present-day Afghanistan. The land was full of mass graves of summarily executed people, thousands of unidentifiable bodies, corpses of people executed and buried with their hands cuffed or their mouths bound. The entire economy was disrupted and hundreds of thousands of families had been deported or split. The Romanian control was short. In 1944, the U.S.S.R. reannexed the area, occupied all of Romania, and shortly thereafter imposed a Communist government in Bucharest, friendly and obedient toward Moscow.

During the last 35 years of Soviet domination, the territory under dispute has undergone profound political, social, and economic transformations as well as ethno-demographic changes. In the beginning of that period, during the Stalin's era, the land was ruled by terror and starvation. Numerous Romanians were deported while hundreds of thousands of Russians were brought in as managers and political activists of all sorts.

Countless measures were also taken to wipe out the Romanian past. Russian was imposed as the official language and gradually most of the Romanian churches were closed down. The Romanian Orthodox Cathedral of Kishinev, for example, was transformed into the Central Exhibition Hall of the republic. Yet the Romanian character of the region underwent little change. It remains to this day a bone of contention between Romania and the Soviet Union in spite of their common Communist ideology.

The attitude of the Bucharest govenment with regard to this dispute has also changed during the last approximately 20 years. As a matter of fact, this territory and its population would put any government in Bucharest to a hard test without regard to its ideology. Indeed, in the 1960's, the Bucharest regime asserted the right of Romania to the two usurped provinces, and during the 1970's, the dispute assumed unprecedented proportions. The problem has somehow settled during the last several years, but the region remains unstable.

During that time, Soviet Moldavia underwent profound changes, but in spite of the Russian efforts to relocate Romanian peasants in Kazakhstan and elsewhere, the ethnic composition of the republic did not change much. Relations between different nationalities are not determined by power exclusively. Many times, more important than that are long-range factors, imperceptible at a given moment, such as natural increase. Striving to control everything, the Soviet Russians have acquired more education than other nationalities and have urbanized very rapidly. The result is that on the one hand, the Russians are now in charge indeed of the best political and managerial positions all over the U.S.S.R. On the other hand, they are no longer growing demographically.

The current Soviet demographic trends put the Russians at a disadvantage from a demographic point of view. Between 1959 and 1979, for example, the Russians increased by less than 1 percent annually, whereas the Moslem population of Soviet Central Asia increased four times as fast. Consequently, the Russian proportion of the Soviet population is quietly but unstoppably decreasing. Correspondingly, in Soviet Moldavia, in spite of the Russian flow of immigrants, the native Romanian population still retain an overwhelming majority of 65 percent. With this high proportion and with neighboring Romania exercising a continuous influence upon them, Soviet Romanians are struggling hard to preserve their culture and language and to oppose Communist values and Russian assimilation, but they need help.

During the last decades, Soviet authorities have made tremendous efforts to convince Moldavians that they are a nationality separate and distinct from the Romanian nationality. To this end, they forced the Cyrillic alphabet upon the Romanian language written in Moldavia, pretending that it is a different language. The new generation of Soviet Moldavians, however, have rediscovered their Romanian roots and have begun to advocate their rights. Their battle for survival is on, full steam, and as in the case of most Soviet non-Russian nationalities, only time will choose the winner. The outcome of this life-or-death battle will depend on the future of the Soviet Union, and for the time being, nobody can tell for sure what will happen in the Soviet Union or to the Soviet Union during the next two decades or so. Internal Soviet developments will be influenced by international events and international developments will definitely have an impact on the Soviet scene.

There are many ways to influence what happens in the U.S.S.R. and its component republics. An important way is by informing the population of the country about what happens in the world as well as inside the Soviet Union itself via international radio broadcasts. In this respect, the Soviet Union and Eastern Europe are rather well covered by Radio Liberty and Radio Free Europe. There are important radio programs in Romanian, Russian, and Ukrainian, listened to by the inhabitants of Bessarabia and Bukovina. Nevertheless, there is a shortcoming with regard to the overwhelming Romanian majority in the area which could be corrected.

The Soviet Romanians listen consistently to Radio Free Europe which broadcasts in their Romanian language. The Romanian Service of Radio Free Europe, however, does not address the internal problems of Soviet Moldavia but only general themes or problems pertaining to Romania. Many faithful Moldavian listeners of RFE are insistently asking that their internal problems be referred to and addressed either by a new section of the Radio, or more naturally by a new section of the current Romanian Service of RFE. Such a section could study and examine Soviet Moldavia, address the specific problems of this much disputed territory and answer Soviet Romanian letters. With a minimum effort, the Western World could so easily make new and loyal friends in what a scholar concluded to be the most critical territorial problem of Eastern Europe.●

NO GOOD REASON NOT TO RATIFY THE GENOCIDE CONVENTION

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Ms. FERRARO. Mr. Speaker, last week's gathering here in Washington of the American survivors of the Nazi Holocaust focused intense attention on the need to keep the memory of that atrocity alive, lest we allow it to happen again. Yet in all the speeches, in all the media coverage, there was little discussion of specific means to prevent future genocides.

In fact, there is a specific instrument which addresses the question. It is the Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention was drafted at the United Nations, under the leadership of the United States in 1948, as a direct response to the horrors of the Nazi death camps. After 34 years, though, and despite the action of more than 85 nations in ratifying the treaty, the United States has not yet joined as a full partner in the international effort to prevent future Holocausts.

In a column in this Sunday's Washington Post, Haynes Johnson wrote of the Genocide Convention and the history of opposition to it in this country. As Mr. Johnson clearly and correctly states, "Arguments against the treaty are patently phony." It is long past time for the United States, as a world leader in the struggle for human rights, to affirm that position by ratifying the Genocide Convention.

I have introduced House Resolution 50, which expresses the sense of the House that the United States should ratify the Genocide Treaty. I urge my colleagues to cosponsor the resolution.

Haynes Johnson's article follows. I recommend it to my colleagues.

REAGAN'S ELOQUENCE CAN'T MASK FAILURE TO PUSH GENOCIDE PACT

(By Haynes Johnson)

In a city of stale conventions and constantly staged protests, all aimed at gaining national exposure through the media, the gathering of Holocaust survivors here last week set an extraordinary example of genuine emotion and meaning. It also provided a stark contrast in the differing ways the Reagan administration shows its support, or lack of it, for the universal question of human rights abuses as grotesquely typified by the Holocaust.

To sit among the audience in the cavernous assembly hall at the new D.C. Convention Center was to witness many poignant scenes. What was being seen was too personal and intimate. It made an observer feel like an intruder. It made you want to avert your eyes.

Men and women slowly marched down the aisles, gazing into the audience as they silently held up hand-lettered signs bearing names of their concentration camp or home town. Occasionally another man or woman would stand and look intently at a sign, then, in a burst of emotion and shedding of tears, would embrace the person carrying it. They had found a personal link to their tragic past. These encounters, repeated throughout the convention center, were painful and stirring and moving beyond the capacity of mere words to convey.

The point here is not to attempt to recapture those scenes or retell the conversations that kept springing up, many of them so eloquent and, again, so personal. That has been done, and well, by the press. The point, now that it's over, is to address other questions, and criticisms, about the event.

Why, it is being asked, was the United States government officially commemorating the victims of the Holocaust and honoring the survivors not only in ceremonies here, but also around the country? Why is the government underwriting creation of the new Holocaust Memorial Museum that will be housed here? If a memorial to European victims of Nazi mass murder is in order, why not one to other oppressed groups who experienced mass extermination? Why not one to the Cambodians? Why not a memorial to groups closer to home, Why not not one to black slaves imported into this country? Why not one to call public attention to atrocities suffered by American Indians?

These are all legitimate questions to which the Reagan administration provided compelling answers. President Reagan and Vice President Bush, in appearances before the gathering last week, matched the emotion moment with their own statements.

In his formal, written greeting to the survivors, the president said: "This gathering will heighten our awareness of the events that led to the Holocaust and serve to renew

our commitment to a moral vision that will never permit such atrocities again." In his appearance before them, he reiterated that theme by saying: "Our most sacred task now is ensuring that this greatest of human tragedies, the Holocaust, never fades—that its lessons are not forgotten."

Bush, in his remarks formally setting aside two federal buildings to house the Holocaust Memorial Museum, was, if anything, more eloquent. "Never again in the history of man will we allow human rights to be so viciously abused," he said. And he struck exactly the right note when he said the museum "will show that can happen" just as "the Holocaust serves as a universal warning."

Together, they drew the essential lessons about the universality of the tragedy: the quintessential example of man's inhumanity to man. Would that their words were equally clear and forthright on a directly related question of human rights abuses, one springing out of the Holocaust experience itself. Sadly, they are not.

For 34 years, a treaty committing the United States to opposition to genocide has been pending before the Senate. Despite the backing of president after president and ratification by about 85 nations, it continues to languish in the Senate. Failure to ratify this treaty remains a stain on this country, one even more embarrassing in the context of the Holocaust observances in Washington last week and the official endorsement of them.

The treaty had its inception in the horrified international reaction to Nazi atrocities of World War II. Immediately after the war and liberation of the survivors from their concentration camps, the U.N. General Assembly passed a resolution declaring genocide a crime under international law. In June, 1949, President Truman submitted the treaty to the Senate, with a strong appeal that it be ratified. It immediately fell afoul of domestic politics of the rankest sort.

Specifically, the genocide treaty became trapped in the civil rights—U.S. vs. states—struggles that dominated the politics of the 1950s and early 1960s. It became a controversial example of internationalism and of the possibilities that its sanctions against human-rights abuses could be applied internally to incidents in this country, especially during the bloody civil rights confrontations that occurred in the Deep South.

Although those arguments no longer have any relevance in the America of the 1980s, the genocide treaty remains a fervent rallying cry among the far right-wing groups, such as the Liberty Lobby and John Birch Society. They continue to organize a militant campaign against the treaty, flooding Capitol Hill with literature and enlisting support of such politicians as Republican Sens. Jesse Helms and John P. East of North Carolina and Strom Thurmond of South Carolina.

The argument these senators and the far right make against the treaty is that it would be a sellout of the United States and a negation of the Bill of Rights.

Little more than a year ago, Senate Foreign Relations Committee Chairman Charles H. Percy (R.-Ill.) was saying publicly that he believed there were enough votes in the Senate then to ratify the treaty. Helms immediately vowed a filibuster. Even though the Foreign Relations Committee has reported the treaty favorably four times over the long decades, the treaty has reached the Senate floor only once. That time it was stymied by a filibuster.

Arguments against the treaty are patently phony. Basically, all the treaty would do is deny sanctuary and compel extradition of war criminals, such as the Nazis who committed Holocaust atrocities. And it would put the United States unequivocally on record as backing what it says it supports. Yet, with high irony, the greatest present stumbling block to ratification comes from the Reagan administration. Despite all of the fine words last week, the administration has been unwilling to confront the right wing squarely on this issue.

Which side are they really on? If they truly believe in one set of principles, as expressed so well by the president and vice president, how can they not put the weight of law and moral authority of the government strongly behind this treaty seeking to prevent future Holocausts?●

TERRORISTS—THE GREATEST THREAT TO WORLD PEACE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. YOUNG of Florida. Mr. Speaker, The brutal attack yesterday on the United States Embassy in Lebanon is further evidence that small bands of terrorist groups pose the greatest threat today to the tenuous balance of world peace.

By attacking our Embassy in Beirut, this ruthless group of terrorists has in effect attacked our Nation and its people. This is the eighth time in the last 10 years that Americans serving our country in foreign Embassies have been the target of such violence.

While we debate the military strength of the United States, the Soviet Union, and our allies in NATO, many people fail to recognize the tremendous threat that is posed by the growing number of unknown and unpredictable terrorist organizations. The Wall Street Journal reported this morning, in its first in a series on terrorism, that international terrorist incidents increased 30 percent last year to an all-time high of 450. Following my remarks, I will insert this story for the benefit of my colleagues, so they may have a better understanding of terrorist techniques and goals.

Terroristic attacks on innocent people throughout the world are difficult to anticipate and to prevent, but we must continue our efforts through an expanded worldwide intelligence gathering operation to monitor these groups and to prevent, when possible, attacks such as that in Beirut yesterday. The terrorists of the world should be warned that the United States will never back away from these cold-blooded killers who threaten world peace. Instead, we will direct our Nation's great resources of knowledge and power to combating these organizations in an effort that will bring together even closer our friends and allies throughout the world.

The article follows:

[From the Wall Street Journal, Apr. 19, 1983]

TERRORIST ATTACKS GROW BUT GROUPS ARE SMALLER AND OF NARROWER FOCUS

(By Frederick Kempe)

Antaeus, son of Poseidon, had a rare advantage as a wrestler. Each time he was cast to the ground, his mother, the earth, gave him greater strength to rise and fight, until ultimately he killed his opponent. Hercules finally overcame him by lifting him into the air.

Today's terrorists have much in common with Antaeus, says Brian Jenkins, a Rand Corp. authority on world terrorism. "Like Antaeus, they seem to renew their strength each time they are thrown down," he says.

But, as was demonstrated once again yesterday at the U.S. Embassy in Beirut. Western governments haven't yet found their herculean solution. A car loaded with dynamite blew up in the circular embassy driveway, with heavy loss of life. A pro-Iranian group calling itself the Moslem Holy War claimed responsibility.

It was the bloodiest terrorist attack ever on an American target, and it underlined the multiple difficulties facing the U.S. in its efforts to find its way through the tricky Mideast minefield. More generally, though, its violent dimensions have reminded the world that terrorism is far from a silenced threat.

CHANGING SHAPE

On the contrary, world-wide terrorist activity is increasing at a violent clip. By Rand's count, international terrorist incidents climbed by 30% last year to a record 450.

Yet 1982 was a year when terrorism might have been expected to decline. Not only did Israel's invasion of Lebanon destroy terrorist bases, but the police in Italy dealt a major blow to the Red Brigades there. What has happened is that the millions of dollars spent on security systems and the countless hours devoted to police and intelligence work haven't slowed terrorism but have merely altered its shape.

The trends are troubling:

As so graphically shown in Beirut, terrorist groups have grown more lethal. They are, by and large, more willing to attack people instead of property and more willing to kill indiscriminately. Terrorist attacks with multiple fatalities have more than doubled since the early 1970s. Moreover, only 20% of terrorist acts involved attacks on human targets 10 years ago; now, nearly 50% do. The terrorists' growing lack of regard for human life heightens fears that they could soon escalate their activities to threats of mass slaughter—biological, chemical or nuclear.

Emerging terrorist groups are less prompted by broad, historical ideology and more by specific current issues. Groups concerned with utopian goals of replacing the established order with something vaguely Marxist-Leninist—groups like Italy's Red Brigades or West Germany's Red Army Faction—have faded. The most active current groups are more likely to link their attacks to specific issues—ranging from laboratory testing on animals to the presence of Israeli troops in southern Lebanon.

Terrorist groups now are smaller and more numerous, and their targets more varied, ranging from a maker of cruise-missile components near Toronto to Chez Jo Godenburg, a Jewish delicatessen in Paris.

Incidents aimed at business targets—usually U.S. companies—doubled last year to 95.

MOVING TARGETS

Smaller groups are harder for intelligence agencies to monitor. The broader spectrum of targets has made it increasing difficult for governments to guard against terrorist attacks. Together, the changes have shifted the security burden to the private sector.

The irony is that the more violent and diffuse nature of terrorism today is in large part the result of Western governments' successes in combating the old types. Increased airport security has reduced hijackings; embassies have tightened security to prevent Iranian-type takeovers; likely kidnap victims are better guarded; specially trained commandos have proved proficient at freeing hostages and killing the hostage-takers.

So terrorists have adjusted. They pick up softer targets and strike with blunter instruments. They now are more likely to bomb churches and corporate offices than hijack airplanes or seize embassies. Security at the U.S. Embassy could probably prevent the kidnapping of an American ambassador, but it couldn't stop a mobile car bomb. "Terrorists have become more likely to hit and run than stand and fight," an Italian intelligence official says.

The hit-and-run strategy has been demonstrated by the increasingly active Armenian terrorist groups, which prefer shooting Turkish diplomats to seizing Turkish missions. It has been shown by radical Palestinian factions, which have abandoned the hijackings that brought them world attention and now more often bomb synagogues and Jewish businesses and clubs.

The smaller groups resulting from police victories over established terrorist organizations tend to be more violent, because they need to gain consensus from fewer people. At the same time, the frustration of older groups—like Italy's Red Brigades or West Germany's Red Army Faction—could yet result in last-ditch violent efforts to regain attention or free colleagues from prison.

"Like a boxer against the ropes, those terrorists may swing wildly all around themselves, and if necessary, even below the belt," says Hans Josef Horchem, who was until 1981 West Germany's director of counterintelligence and counterterrorism. Imminent defeat and years of useless sacrifice, he fears, might render the terrorists more willing to escalate attacks broadly against a society they found impossible to change.

But does that necessarily mean threats or acts of mass destruction? There is some, though admittedly not much, evidence that some terrorist groups have at least considered biological or nuclear action. In 1980, French police discovered in an apartment used by Inge Viett, a Red Army Faction member still at large, an attempt at growing a botulin culture that could have caused thousands of deaths if distributed efficiently.

After several setbacks, West German terrorists also discussed among themselves and in their literature the possibility of nuclear terrorism. When asked in a press interview several years ago how Red Army Faction terrorists might proceed in the course of a nuclear action, former terrorist Michael Baumann said, "That is, initially, completely without importance. Anyone who has something like (nuclear weapons) in hand has enough power to make the prime minister dance on a table in front of a TV camera, and a few other statesmen alongside with him."

In the U.S. there have been more than 50 nuclear threats, but none by any terrorist group. Only one threat had any substance: An aggrieved former employee of the Wilmington, N.C., nuclear power plant obtained spent fuel and demanded $100,000 for its return. He was caught with the fuel.

One of the dangers some observers see is that terrorists might be forced to step up their attacks in order to regain world attention. "If terrorism stops terrorizing—if it ceases to have an explosive impact on public opinion—then terrorists have an innate tendency to escalate in order to recapture headlines," says Ariel Merari, a psychologist and expert on terrorism at the Tel Aviv University Center for Strategic Studies.

Nevertheless, most experts on the subject believe the terrorists are more likely to continue depending on their usual tactics and on weapons that are easier to obtain and use. Moreover, says Mr. Jenkins of Rand, generally, terrorists want a lot of people watching, not a lot of people dead."

Paul Wilkinson of Aberdeen University in Scotland believes the most likely future terrorist trend is toward more "issue-oriented terrorism." Mr. Wilkinson, the author of several books on terrorism, thinks that existing groups may be increasingly launching attacks linked to popular causes, while frustrated nonviolent protest groups are sprouting terrorist fringes. "This turn to issue-oriented terrorism marks a significant shift," he says.

Several recent events buttress his thesis:

In France, the Committee for the Liquidation of Computers bombed the local government computer center at Toulouse on Jan. 28. It was only one of many recent bombings of European data-processing centers, as terrorists strike at what they apparently consider the heart of modern business and modern society. The Duesseldorf offices of IBM and Control Data were bombed last May, Sperry Rand's West Berlin offices were bombed in September, and a bomb caused extensive damage at an IBM office in Harrison, N.Y., in December.

(Risk International, an Alexandria, Va., security consultant, said in a recent report for businessmen that the attacks in Germany were "perhaps the beginning of a terrorist offensive against the U.S. data-processing industry in West Germany as an extension of . . . ongoing operations against NATO.)

A Swiss group calling itself Radical Ecologists claimed responsibility for the Jan. 24 firebombing of two power lines leading from a nuclear plant near Basel. The damage: $1 million. The group also sent letter bombs one week later to Swiss members of parliament who favored nuclear energy.

The Animal Rights Militia in the United Kingdom is believed to have set off 13 bombs and incendiary devices already this year choosing such targets as laboratories conducing animal experiments.

Canadian terrorists calling themselves the Wimmins Fire Brigade have made arson attacks in Vancouver on video shops selling blue movies.

Another group in Canada calling itself Direct Act made a far more worrisome "issue-oriented" attack last October, one that officials fear might be a model of things to come. Their target: The Litton Industries plant near Toronto, which makes guidance systems for American cruise missiles.

Direct Action drove a van carrying 550 pounds of dynamite into the plant and parked it in front of a building. The bomb exploded about 13 minutes after the terrorists phoned a warning to the guards. The building was severely damaged, and several workers were injured, two seriously.

A six-page Direct Action communique explained: "We believe that people must actively fight the nuclear war systems in whatever forms they exist and wherever they exist. . . . It is not enough to only theoretically oppose the idea of nuclear war. We must take responsibility for what is going on around us." The document then listed four other Canadian companies making components for nuclear weapons and gave their locations—essentially inviting others to repeat their action.

Experts fear that West Germany's new terrorists, gathered under the title Revolutionary Cells, are the most likely to take similar steps against missile manufacture and deployment.

Newspapers have taken to calling the Revolutionary Cells "weekend terrorists," as most are thought to be students and workers during the week, and they generally only strike as terrorists after 11 p.m. Friday and on Saturday nights. They have bombed officers' clubs and U.S. Army vehicles, and last year they burned the machinery and bombed the offices of construction companies associated with the building of a new Frankfurt landing strip, opposed by many German environmentalists.

Coexisting with these quickly changing groups are others committed to long-term, unchanging causes—such as Palestine statehood, Basque sovereignty, Puerto Rican independence and Irish unification.

"These terrorists tend to be more persistent," Mr. Jenkins of Rand says. "You can outgrow an ideology or change it, but you can't abandon your race." He also notes that these groups are more capable of recruiting future generations of terrorists.

Terrorist attacks on Israeli and Jewish targets outside the Middle East numbered 28 in the six months after the June 6 Israeli invasion of Lebanon, compared with only one in the previous six months. That one attack was the shooting of the Israeli ambassador to Great Britain, an event that was the immediate provocation for the Israeli invasion. Terrorist attacks on Israelis in Lebanon and on the West Bank have increased as well.

Israeli intelligence officials believe this trend will continue. They cite three reasons: Palestinian factions are seeking revenge for the invasion; Palestinian factions dispersed in six Arab countries can't be restrained as easily by Yasser Arafat's more-moderate Fatah group; and radical Palestinian and other Middle Eastern groups will use terrorism to try to get Israeli troops out of southern Lebanon or to sound their objections to unacceptable peace proposals.

For a while, a law providing for the devolution of central-government powers to Spanish regions robbed the Basque terrorist separatists of much sympathy among moderate Basques and the Basque Nationalist Party. The party holds power in the autonomous govenment of the Basque region.

Now, though, growing friction between Spain's ruling Socialist Party and the Basque Nationalist Party appears to be leading to a resurgence of Basque violence. The Basque Nationalist Party wants power transferred to the region faster than the devolution law provides, and it is threatening to withdraw its support for the government's fight against Basque terrorism. The last two months have indicated a resurgence of terrorism, with seven deaths and two kid-

nappings attributed to the ETA separatist grown since the beginning of February.

The Provisional Irish Republican Army is concentrating more on politics but isn't abandoning terrorism. Last October its Sinn Fein party won 10.1% of the vote in assembly elections more than double the previous performance. Terrorism experts see the political approach as a fourth prong to a strategy that includes bombings and extortion rackets to discourage investment and make the island a greater economic burden on Britain; ambush killings of British soldiers and the Royal Ulster Constabulary, and an occasional spectacular attack in England designed to remind the British public of the price it pays for its Irish policy.

The FALN, the Puerto Rican terrorists responsible for more than 125 incidents in the U.S. since 1974, has altered its tactics and become even more active. It appears to be targeting government and police buildings instead of airports and train stations, perhaps trying to gain legitimacy as a quasi-military underground.

Will terrorism continue to change shape and increase over the next 10 or 20 years? Government and academic experts shrug their shoulders "All I can say," says Mr. Jenkins, "is that it is hard to predict the decline of an activity that has been increasing now for 15 years."●

REHABILITATION ACT AMENDMENTS

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing with my colleague, Mr. BARTLETT, the Rehabilitation Amendments of 1983. This legislation was transmitted to Congress by the administration on March 21, 1983. Its purposes are: to extend the authorization of the Rehabilitation Act through 1988, to provide increased flexibility to States in the administration of the State grants program, to offer incentives to States for training and placing severely handicapped persons in minimum wage or higher paying jobs, and to consolidate the multiple discretionary program authorities with one authorization of appropriations.

In proposing this legislation, the administration has recognized the value of this 63-year-old Federal program which assists States in preparing disabled Americans for the job market. However, the administration has reported that the public and private costs associated with disability doubled in the decade between 1970 and 1980, and thus greater efforts must be made to control these expenditures. The administration has indicated that the changes it has proposed should help States to make a greater contribution to controlling these escalating costs. By placing handicapped persons, particularly the severely handicapped, in stable jobs at an adequate wage, States will reduce or eliminate the need for health, income, and other forms of public assistance by such persons. The administration has suggested that the current law does not provide sufficient administrative flexibility and fiscal incentives to promote effective methods for reducing and controlling costs.

In proposing to consolidate discretionary programs, the administration would direct grant and contract efforts toward funding of projects of regional or national significance and toward increasing emphasis on projects which address the unique needs of special handicapped populations. In addition, the administration's proposal would eliminate duplicative or unfunded discretionary authorities.

Other programs authorized by the current statute would be retained with minor modifications or without modification. The National Council on the Handicapped would continue in an advisory, rather than a policy-setting capacity, and the National Institute of Handicapped Research would continue as the principal unit for administering rehabilitation research grants and contracts. The Director of the National Institute of Handicapped Research would become a secretarial, rather than a Presidential appointee. The important civil rights provisions contained in title V of the Rehabilitation Act would be retained.

In the administration's proposal fiscal year 1984 authorization of appropriations would be set at the fiscal year 1983 appropriations level; that is, $943,000,000 for the State grants program, $30,000,000 for the National Institute of Handicapped Research, $193,000 for the National Council on the Handicapped, and approximately $63,000,000 for the consolidated discretionary program account. The total authorization ceiling for fiscal year 1984 would be about $1,039,000,000 for the Rehabilitation Act. For fiscal year 1985 through 1988, authorization ceilings would be set at "such sums."

There are several concerns pertaining to these proposed amendments:

First, the impact of converting to a performance-based formula to encourage States to give greater priority to the severely handicapped;

Second, the effects of modifying administrative requirements, particularly those associated with the retention of a single State administrative unit;

Third, the relationship of the New Federalism proposal to the current Federal-State partnership in vocational rehabilitation; and

Fourth, the consequences of seeking one authorization of appropriations for multiple, diverse discretionary programs.

The administration has proposed that beginning in fiscal year 1985, States would receive two-thirds of their allotments based on the pre-1978 funding formula and one-third of their allotments based on the number of severely handicapped persons who were rehabilitated in the previous year. States would receive a weight of 1.5 for each severely handicapped person rehabilitated and employed for 120 days in a job at or above the Federal minimum wage. They would receive a weight of 1.0 for those severely handicapped persons employed in jobs below the minimum wage, and 0.5 for severely handicapped persons placed in unpaid family work or homemaking.

This allotment formula change has raised several questions. First, would requiring State agencies to followup on clients until 120 days—rather than the current 60 days —divert a greater proportion of staff time from direct services? Second, can the current statutory definition of severely handicapped be appropriately applied as a criterion for assessing State performance and determining one-third of State allotments?

In the administration's proposal, numerous and varied administrative requirements would be relaxed or deleted. For example, the statutory language pertaining to a single State designated unit with sole responsibility for the administration and provision of vocational rehabilitation services would be replaced with language which would allow one or several agencies to have such responsibility.

The proposed amendments would drop the requirement that minimum services are: Evaluation of rehabilitation potential, counseling, guidance, referral, and placement, leaving to States the option of defining what constitutes minimal services. Furthermore, the amendments would delete recordkeeping requirements pertaining to denial of services. These three examples illustrate the administration's strong commitment to increase administrative flexibility to the maximum extent possible. Concerns have been voiced that States already have sufficient flexibility, and if amendments such as these were adopted, services would begin to vary from established national standards and rights of handicapped Americans would be undermined.

The current vocational rehabilitation program is one of several programs authorized to be turned back to the States in President Reagan's New Federalism initiative as proposed in S. 763. There is concern that since the Federal Government has assumed major responsibility for the vocational rehabilitation program—matching ratios are 80 percent Federal, 20 percent State—in event of a turnback, State budgets would not have the capacity to absorb in toto the costs related to vocational rehabilitation.

The final major issue raised concerning the administration's proposed amendments pertains to the merits of

consolidating most discretionary programs into one title and authorizing one appropriation. It has been suggested that, in the absence of specific authorizations, programs like personnel training, project with industry and centers for independent living would be placed in an unnecessary competitive situation. It is felt that in order to assure a balanced, sustained commitment to these effective, complementary initiatives congressional intent must be clearly stated.

The administration's amendments offer many important points for discussion as we proceed with the reauthorization of the Rehabilitation Act. There is consensus concerning the cost-effectiveness of the vocational rehabilitation program. It has a singular purpose to convert handicapped Americans from tax users into taxpayers. According to information supplied by the Department of Education, for every Federal dollar invested in a handicapped person through the vocational rehabilitation program, that person's earning power increases by $10. Following the debate on legislation alternatives, I would hope that we will develop a bipartisan proposal that retains the cost effectiveness and integrity of the current program.●

BRANDON'S LESSON

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. GORE. Mr. Speaker, last week, I chaired a hearing of the Investigations and Oversight Subcommittee of the House Science and Technology Committee, and heard testimony from a mother whose young child needed a liver transplant.

With her sick baby clutched in her arms, Mrs. Billie Hall issued a tearful plea to Congress to assist families like hers who must overcome incredible obstacles to obtain liver transplants for their children. Some of the barriers include no nationwide system to match donors with patients and the expense of the operation.

In the Hall's case, the financial support of friends and an entire community helped raise enough for the transplant and the generous offer of a liver from a family hundreds of miles away saved the child's life.

Other families are not so lucky.

This editorial, which appeared in the Memphis Commercial-Appeal, the same town where the Hall child received his operation and now recovers, best outlines the plight that families like the Halls undergo to get a transplant. It also offers some common-sense solutions that I wanted to share with my colleagues:

BRANDON'S LESSON

"We've got ours, and with God's help we're going to make it, but there are so many others."

With those tearful words Billie Hall, the mother of baby Brandon, expressed to a congressional subcommittee her concerns about the plight of those children who need transplant surgery, yet will not get it because of a lack of donor organs or because of a lack of money to pay for the expensive surgery.

Thirteen-month-old Brandon received a new liver only days, or hours, before his own liver would have stopped functioning.

Brandon was fortunate.

No one knows how many people in need of liver transplants die each year because they can't afford the surgery or can't be matched with an available donor organ. What is known is that most of those who receive the organs do so because they have the money to pay for the surgery or because they are able to put their case before the public via the news media.

The testimony of Mrs. Hall, who is unemployed and separated from her husband, raises some interesting questions about the role of government in the rapidly growing field of organ transplants.

Is a system that depends on the news media to act as a patient-donor go-between the best this country can devise? And is it fair to allow transplant surgery to become the exclusive domain of the wealthy and those fortunate enough to receive the attention of the news media?

Most newspapers and radio and television stations welcome the opportunity to perform a public service by telling the stories of Brandons of this world. But for every baby Brandon whose name becomes a household word, there are probably hundreds, or even thousands, of other critically ill patients who spend their last days in anonymity beyond the glare of national publicity.

While it makes us uneasy to think about government, with its heartless bureaucracy, assuming the role of chief organ collector and dispenser, there are steps it could take to make the process more equitable.

First, by setting up a national clearing house to collect the names of patients and donors. Then by educating the public about the need for donor organs. How many healthy organs today are lost simply because those who could make the organs available don't understand the need?

Second, by altering federal medical programs to pay for transplant operations. Neither Medicaid nor the CHAMPUS medical insurance program that covers the families of those in the military pay for liver transplants. The argument that the surgery is too experimental is no longer valid, not with surgeons scoring a 70 per cent success rate with the operation. Neither is the argument that, at $60,000 an operation, it is too costly. One study indicates that it costs $260,000 a year to care for those patients who don't receive liver transplants.

Surely, the time has come for private insurance companies to take a second look at their restrictive policies on transplant operations. How much longer can the insurance industry justify allowing that area of medical advancement to be the exclusive property of the wealthy?

What we have seen happen in recent years is the explosive growth of a technology that has out-paced society's ability to accommodate it. Soon we must come to terms with the social and economic dilemma that growth has created.

Baby Brandon's ordeal offers a valuable lesson about our society's inability to stay in step with its own progress. It is a lesson that should not be lost.●

HAPPY BIRTHDAY SOPHIE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 19, 1983

● Mr. PEPPER. Mr. Speaker, through my years of service on the Select Committee on Aging I have met many remarkable senior citizens who continue to live active and independent lives. Most notable is the contribution that these people make to enhance the lives of those surrounding them. One senior citizen who is extremely remarkable is Mrs. Sophie (Bozanich) Rapaich of Niagara, Wis., who will celebrate her 95th birthday on April 20 of this year.

Sophie Bozanich was born in 1888 in Serbia, which is presently a Republic of Yugoslavia. On November 25, 1906, Sophie married Rudolph Rapaich, who shortly thereafter emigrated to the United States. Like so many immigrants of that time, Sophie Rapaich had to stay behind while Rudolph earned and saved enough money for her passage to America. It was not until 1912 that Sophie and Rudolph were reunited in the small village of Niagara, Wis.

There they made their home for 63 years, until the death of Rudolph Rapaich in January 1969. During the course of their marriage, Sophie gave birth to five outstanding sons and three lovely daughters, all of whom have grown to be a reflection and tribute to their wonderful parents. Each child has matured and become a patriotic, productive citizen of our country.

Mrs. Rapaich still resides in the house that she has called home for 71 years. She is an inspiration, not only because she is completely self-sufficient and maintains an active interest in the world and her family, but also to immigrants who come to America to find a better and happier life and witness her patriotism and ideals as being symbols of the freedom and liberty offered them by the United States.

It is with great honor then that I pay tribute in this way to Mrs. Sophie (Bozanich) Rapaich on her 95th birthday, and thank her for her contribution to our great Nation.

Happy birthday Sophie.●

SENATE—*Wednesday, April 20, 1983*

(Legislative day of Monday, April 18, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father, we want to thank Thee for the recovery of Angie Ayers, and we commend to Thee Diane Lee and pray for a special healing for her and for her family.

Lord God of the Nation, in gratitude we celebrate this large, wonderful family, the Senate of the United States. We thank Thee for the privilege of being in this place—for the pleasure of being involved together in the significant events that happen here. We thank Thee for our leadership, Senator BAKER and Senator BYRD—for their wisdom, strength, and expertise in managing the complex business of the Senate. We thank Thee for the Senators, for their faithfulness to the mandate from and their accountability to the people.

We thank Thee for the dedicated, efficient, tireless efforts of the support staffs—for the Sergeant at Arms, the Secretary of the Senate, the secretaries of majority and minority and their associates. We thank Thee for the CONGRESSIONAL RECORD staff, the clerks, and parliamentarians, the staffs of Senators and Senate committees. We thank Thee for those who provide security in the buildings and on the grounds. We thank Thee for the pages, the maintenance people, the food service people, the elevator and subway operators. May Thy abundant blessing rest upon them and with their families. We pray in the name of Jesus, Savior and Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings to date be approved.

Mr. BYRD. I object, on the part of other Senators.

The PRESIDENT pro tempore. Objection is heard.

CONTROL OF TIME ALLOCATED TO SENATOR BAKER

Mr. STEVENS. Mr. President, it is my understanding that there are three special orders for 15 minutes each. I ask unanimous consent that the time for Senator BAKER be under the control of Senator GOLDWATER.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, has there been an order for morning business following the special orders?

The PRESIDENT pro tempore. There is no order.

Mr. STEVENS. I ask unanimous consent that following the special orders, there be a period for the transaction of routine morning business between the expiration of the special orders and the time set for the beginning of the quorum call on the cloture motion.

Mr. BYRD. Mr. President, reserving the right to object, the reason I do this is that the majority leader and I discussed this last night, and it was the decision at that time that such time as the acting Republican leader is now talking about would be evenly divided between Mr. BAKER and me or our designees, and we thought that time would be needed to explain the compromise to Senators.

Mr. STEVENS. Very well. I did not realize that that applied to this time. I withdraw the request.

Mr. BYRD. I thank the Senator.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. BYRD. Mr. President, continuing with the subject matter of my last few words, both Mr. BAKER and I felt that there are Senators who need to know more about what the compromise entails, before the vote on cloture occurs. That is why we reached that conclusion last night.

Mr. STEVENS. I was in error. I thought it was the time under the routine morning business that was equally divided. I did not understand that it was the time following the special orders, prior to 1 p.m.

RECOGNITION OF SENATOR GOLDWATER

The PRESIDING OFFICER (Mr. PRESSLER). Under the previous order, the Senator from Arizona (Mr. GOLDWATER) is recognized for not to exceed 15 minutes.

THERE IS NO VIOLATION OF THE BOLAND AMENDMENT

Mr. GOLDWATER. Mr. President, my remarks today reflect no personal feelings relative to Mr. BOLAND, of the House, nor former Senator Javits as I discuss the Boland amendment and, briefly, the War Powers Act. I speak only for myself. I do not profess to speak for the Intelligence Committee, of which I am chairman.

Mr. President, it is a very serious allegation to accuse anyone of violating the law. It is absolutely irresponsible to make that accusation without the facts to support that claim. If you do not feel our Government is entitled to basic fairness, then at least the American people should be respected and not be subject to hearing wild political statements about our Government breaking the law. They are not in a position to get the facts—as we are—and it is a disservice to our constituents to make these irresponsible accusations. Unfortunately, not all of us here take advantage of this opportunity to study the facts. Only one Senator outside the Intelligence Committee has asked to see the documents about Central America, even though Senator MOYNIHAN announced on this floor 2 weeks ago that these papers and our staff were available for briefings. Only one. Yet, Senators who do not have all the facts because they have not even bothered to read the documents or get briefed are calling for executive sessions.

Let us get straight what we are talking about. We are discussing whether our Government is breaking the law—the Boland amendment adopted last December. Keep that separate from whether you agree with these actions as policy. That is only fair to the dedicated people in our intelligence community who are carrying out this policy. You may want to change the policy—but do not play political games by saying our intelligence agencies violated the law.

Mr. President, let us look at the facts: Our committee has met for 3 years on this matter, starting back when President Carter was in office.

Since I have been chairman, we have spent 25 percent of our time on the Intelligence Committee on this—and we never said, "Close down; you are violating the law." Now, all of a sudden, statements are made to the press by a few—thank God, just a few—of my colleagues—mostly in the other body, but some of them here—and they are suggesting there is a violation of the law.

To find out whether the law was broken, we should decide what it prohibits. It probably is not the clearest law in the way it was written. It was a compromise. That was the only reason it passed, and we all know that. People accused of violating the law are entitled to clear laws so they can know what it is they violated. Maybe some of my colleagues are now taking political advantage that all the words of this law are not written as clearly as they could be.

However, Mr. President, the legislative history of this law is very clear. The other body voted down two proposals which were much more restrictive. So we get our meaning from looking at what the other body decided not to pass.

It voted down the first Harkin proposal which would have denied funds for the purpose of carrying out military activities in or against Nicaragua.

Then the other body voted down a second Harkin proposal which would have denied funds to groups or individuals known by the United States to have the intent of overthrowing the Nicaraguan Government. So a prohibition of funds based on the intent of the groups or persons receiving the funds was clearly rejected. The Senate acted along the same lines. We rejected Senator DODD's amendment which would have prohibited funds "in support of irregular military forces or paramilitary groups operating in Central America." In fact, we tabled the whole thing. After conference, we adopted the Boland compromise.

In December 1982, we gave our President a law which said our Government could not have the intent to overthrow—and now we are criticizing the President for not interpreting it in a way which both Houses had overwhelmingly rejected.

Mr. President, anyone who has bothered to learn the facts about Central America knows that the number of people there, the amount of money being spent, the geographical positioning of the people—all show clearly that there is no intent to overthrow the Government of Nicaragua.

Anyone who has bothered to learn the facts knows the Agency wrote guidelines to insure they were in compliance with the Boland amendment.

It is an insult to the dedicated members of our intelligence community to accuse them of breaking the law. It is an insult to the American people—when we have told them that we are watching the intelligence agencies through oversight—to mislead them to think the agencies are not complying with the law. And it is an insult to our Intelligence Committee members who have worked many hours keeping tabs on this operation—to imply that we are not doing our job.

Complain about the President's policy if you will. But save that complaint for Presidential political speeches.

Mr. President, I have in my hand an article from Time, April 18, which I will ask that most of it be printed in the RECORD, but I am addressing myself now to the continuing efforts of Members of Congress and the continuing encouragement by members of the press to destroy the constitutional powers of our President relative to his warmaking powers.

The war powers amendment, for example, attempts after 90 days to turn the conduct of the war over to Congress.

I have often said that I would rather trust 1 man in the opinion of war than 535 people with opinions varying all over this country and influenced by varying groups of people.

Mr. President, I ask unanimous consent to have printed in the RECORD this column entitled "A Sorry Record."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SORRY RECORD

The Boland Amendment forbidding U.S. attempts to overthrow the government of Nicaragua is the latest in a long series of congressional efforts to legislate highly specific restraints on presidential conduct of foreign policy. The movement picked up most of its steam in the 1970s out of congressional revulsion from the Viet Nam War and the "imperial presidency." But the results have been mostly ineffective or worse. Notable items:

The War Powers Resolution of 1973 required the President to notify Congress within 48 hours if he sent U.S. forces into any situation in which they faced "imminent" danger of being involved in combat and to withdraw them within 60 days unless Congress approved their mission. Presidents have complied with its letter without really involving Congress in military decisions. For example, Jimmy Carter formally notified Congress of the mission to rescue the hostages in Iran after it had been launched, had failed and been scrubbed.

The Jackson Amendment of 1974 made a Soviet-American trade agreement conditional on Kremlin pledges to ease restrictions on Jews leaving the U.S.S.R. It caused Moscow to repudiate a trade agreement already in effect, thus helping to kill détente, and did nothing whatever to ameliorate the plight of Soviet Jews.

The Nelson-Bingham amendments, attached to a series of foreign assistance acts beginning in 1974, allowed Congress to veto major arms sales negotiated by the Administration. They have led to knock-down political brawls over several major deals, notably the sale of F-15 fighters and later AWACS planes to Saudi Arabia. But in the end, Congress has approved every sale that has been put to a vote.

The Turkish Arms Embargo of 1975 was aimed at punishing Turkey for its invasion of the island of Cyprus. While the embargo was being debated, Turkey expanded the area of Cyprus that it controlled from 25% to 40%.

The Clark amendment of 1976 forbade U.S. aid to "military or paramilitary operations in Angola." Proponents claim it kept the U.S. from getting bogged down in an African Viet Nam. Foes assert that it facilitated a Marxist takeover of Angola.

Despite this generally sorry record, Congress intends to keep trying. Says Republican Senator William Cohen of Maine: "We do have a heavy hand when a surgeon's hand is required. But we simply are not prepared to let the President commit the country to a policy that is not sound."

Mr. GOLDWATER. Mr. President, continuing on my subject, the current charges in the press and Congress are to me a little foolish and a little redundant. We are accomplishing nothing.

In the first place, the President has not violated either the spirit or letter of the Boland amendment.

Second, I believe, and of course I am not a lawyer nor am I a constitutional expert, but I believe the amendment itself is unconstitutional. But that is beside the point.

Now, Mr. President, I am reminded of the last moments of the Vietnam tragedy. I am reminded of the final days of that war in 1975 when President Ford requested supplemental appropriations for military aid for Saigon, and when he urged Congress to lift a 1973 law which claimed to prohibit all Presidential use of military forces in Indochina, so that he could facilitate evacuation of Americans and friendly Cambodians and Vietnamese from Danang, Saigon, and Phnom Penh.

Caught between the painful, but inescapable choice of strict adherence to the law or his duty to uphold the lives and interests of his country, when Vietnamese defense lines fell apart, President Ford took unto his own hands the protection of Americans and American freedoms regardless of the legislation. Congress, feeling that higher duties called it away, had adjourned for the Easter recess and occupied itself with such "priority" matters as farm support legislation.

Finally, after 3 weeks of debate on the matter, Congress had still not completed action on the requested funds and authority. In fact, Congress was still working on the matter when President Ford informed House Speaker Albert that the Indochina evacuation was completed. The President did say that funds were still urgently needed to pay for humanitarian assistance and transportation of refugees, but the House rejected even this request the very next day. Refugee aid was not authorized until late May. Thus did Congress demonstrate its ir-

responsible behavior, or rather I should say, inaction in time of need.

Mr. President, the Indochina prohibitions, which constituted some half a dozen laws, demonstrate the catastrophic results when Congress attempts to control foreign policy and limit military activities with narrow specificity. By using the legislative process to prohibit the President from using force, Congress signaled Hanoi that South Vietnam could be plucked with impunity. Congress also contributed to the current disaster in Cambodia. The restrictions Congress enacted saved the Khmer Rouge from defeat, prevented the success of our Nation's effort to achieve a defense against aggression by building up local forces, and doomed all possibility of attaining a neutral free Cambodia. Like the Boland amendment, the Cambodian restrictions barred the United States from giving advice and training so that local peoples could become an effective fighting force.

Mr. President, the danger in any attempt by Congress to prohibit the President from reacting to future contingencies is that in foreign relations, a degree of flexibility is often a valuable asset. No one among us can predict the future with any confidence. And, the dismal performance of Congress in failing to act on legislation supporting the evacuation of Americans during the collapse of Saigon gives convincing proof that we cannot be counted on to deal quickly with unforeseen future contingencies as the need arises. Unlike the Chief Executive, an assembly of 535 equals does not rush to decision.

What we must ask ourselves, Mr. President, is whether the United States, as the strongest free nation in the world, has a stake in preventing Soviet expansion, particularly in our own hemisphere? Does our Nation have a duty to resist challenges in the early stages, or shall we wait until the challenge is so clear that the cost of resisting is prohibitive?

A national leader must choose between total certainty, coupled with the risk of losing all control over events, and the willingness to act on possibly unprovable judgments in order to deal with challenges while they are still manageable.

Mr. President, this brings me back to the point that I mentioned before that in my opinion the Boland amendment is unconstitutional. I also believe the War Powers Act is unconstitutional and vigorously argued that point on the floor unsuccessfully when it was passed. I am not saying or implying that our Government is violating the Boland amendment. It is not.

But President Reagan himself asserted at a press conference on April 15 that the Boland amendment, or any legislation which confines itself to our relationship with a single country, is restrictive on the obligations that the Constitution imposes on the President.

Anyone who reviews history will know that the Founding Fathers left the President with primary control over the conduct of foreign relations and over the conduct of military activities.

I might say, Mr. President, that the President is the only person in this country who can send men or women to war. This Congress can declare war, which in the some 200-odd times that troops have been called out for various reasons we have only done 5 times, and 2 of those were in the Second World War. So the President is the only man who can go to war. The Constitution specifically makes the President Commander in Chief. The Constitution vests the President with all the Executive powers.

Naturally he likes the compliance and the agreement of Congress, and that is why the Constitution gave us the power to agree by declaring war. Congress can declare war. But the Constitution does not say that Congress "makes" war or that Congress "commences" military action.

Congress is given the power of the purse. That is understandable. Congress can reduce the size of the Army, Navy, Air Force, or the Marines. Congress can say there shall be no more nuclear aircraft carriers or no more M-1 tanks. But Congress was not given power by the framers to dictate how, where, or when existing U.S. military forces can be deployed or used in defense of vital American interests and freedoms.

George Washington settled this issue when, as first President, he ordered his Secretary of State, Thomas Jefferson, to threaten Spain with military action if she did not open the Mississippi River to navigation by American citizens and commerce. When he was President, Thomas Jefferson went so far as to send a squadron of armed frigates into the Mediterranean, without any declaration of war, with orders to sink, burn and destroy vessels which might threaten American commerce.

Jefferson commented in a letter he wrote on September 20, 1810, that "a strict observance of the written laws is doubtless one of the high duties of a good citizen: but it is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation."

Jefferson's concise statement aptly summarizes why the framers vested the President with independent powers to act for the safety of society. The majority of framers had observed at firsthand the restrictions which the Continental Congress had imposed on then General Washington under the Articles of Confederation, restrictions which they knew had very nearly lost the War of Independence.

That was one of the big points that was used in arguing against the Articles of Confederation and arguing for a Constitution, that the Congress nearly lost the Revolution by its constant meddling, meddling by people who really did not understand what they were doing. It was in order to correct this known defect of the Articles of Confederation, that the framers of the Constitution vested the President with sole power of action as Commander in Chief and vested him with all the Executive power.

Mr. President, the Boland amendment may be in part addressed only to intelligence operations, but the text of the amendment covers the Department of Defense as well, and it includes military equipment, military training or advice, or other support for military activities.

While I will repeat once again that the President is not violating any restriction of the Boland amendment, the fact remains that the language of the amendment is broad enough to cover military defense activities which are constitutionally vested in the discretion of the President.

Under the Boland amendment, no matter what the Soviet Union, and Cuba, and Nicaragua might do, the President is technically restricted from taking any defensive action, which might arguably be construed as serving the purpose of overthrowing the Government of Nicaragua. But, Congress cannot, and should not, tie the President's hands from actions which may, in unforeseen circumstances, be needed in the national safety.

To the extent that the Boland amendment invades the President's independent powers as Commander in Chief and Chief Executive of the United States, it is unconstitutional.

So, I suggest we stop trying to take over the management of strategic or tactical operations of the military forces.

Mr. President, I hope and I pray the press and the media of our country will quit trying to run the foreign policy of our country, other than keeping their recognized right to criticize or even suggest. I hope we will see an end to the continuing efforts to restrict and limit the powers of our President. This is not a way to conduct our Government; it is not a way to conduct ourselves as one of the world's leading powers.

Mr. President, so that my colleagues might understand the reference to the Commander in Chief as being the President, I ask unanimous consent that section 2, clause 1 of the Constitution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT

SEC. 2. Clause 1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Office, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

(Source: Constitution annotated (1972) Senate Document No. 92-82.)

COMMANDER IN CHIEF

Development of the concept

Surprisingly little discussion of the Commander-in-Chief clause is found in the convention or in the ratifying debates. From the evidence available, it appears that the Framers vested the duty in the President because experience in the Continental Congress had disclosed the inexpediency of vesting command in a group and because the lesson in English history was that danger lurked in vesting command in a person separate from the responsible political leaders.[1] But the principal concern here is the nature of the power granted by the clause.

The Limited View.—The purely military aspects of the Commander-in-Chiefship were those which were originally stressed. Hamilton said the office "would amount to nothing more than the supreme command and direction of the Military and Naval forces, as first general and admiral of the confederacy."[2] Story wrote in his Commentaries: "The propriety of admitting the president to be commander in chief, so far as to give orders, and have a general superintendency, was admitted. But it was urged, that it would be dangerous to let him command in person, without any restraint, as he might make a bad use of it. The consent of both houses of Congress ought, therefore, to be required, before he should take the actual command. The answer then given was, that though the president might, there was no necessity that he should, take the command in person; and there was no probability that he would do so, except in extraordinary emergencies, and when he was possessed of superior military talents."[3] In 1850, Chief Justice Taney, for the Court, said: "His duty and his power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. But his conquests do not enlarge the boundaries of this Union, nor extend the operation of our institutions and laws beyond the limits before assigned to them by the legislative power.

". . . But in the distribution of political power between the great departments of government, there is such a wide difference between the power conferred on the President of the United States, and the authority and sovereignty which belong to the English crown, that it would be altogether unsafe to reason from any supposed resemblance between them, either as regards conquest in war, or any other subject where the rights and powers of the executive arm of the government are brought into question."[4] Even after the Civil War a powerful minority of the Court described the role of President as Commander-in-Chief simply as "the command of the forces and the conduct of campaigns."[5]

The Prize Cases.—The basis for a broader conception was laid in certain early acts of Congress authorizing the President to employ military force in the execution of the laws.[6] In his famous message to Congress of July 4, 1861,[7] Lincoln advanced the claim that the "war power" was his for the purpose of suppressing rebellion, and in the Prize Cases[8] of 1863 a divided Court sustained this theory. The immediate issue was the validity of the blockade which the President, following the attack on Fort Sumter, had proclaimed of the Southern ports.[9] The argument was advanced that a blockade to be valid must be an incident of a "public war" validly declared, and than only Congress could, by virtue of its power "to declare war," constitutionally impart to a military situation this character and scope. Speaking for the majority of the Court, Justice Grier answered: "If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be 'unilateral.' Lord Stowell (1 Dodson, 247) observes, 'It is not the less a war on that account, for war may exist without a declaration on either side. It is so laid down by the best writers of the law of nations. A declaration of war by one country only is not a mere challenge to be accepted or refused at pleasure by the other.'

"The battles of Palo Alto and Resaca de la Palma had been fought before the passage of the act of Congress of May 13, 1846, which recognized 'a state of war as existing by the act of the Republic of Mexico.' This act not only provided for the future prosecution of the war, but was itself a vindication and ratification of the Act of the President in accepting the challenge without a previous formal declaration of war by Congress.

"This greatest of civil wars was not gradually developed by popular commotion, tumultuous assemblies, or local unorganized insurrections. However long may have been it previous conception, it nevertheless sprung forth suddenly from the parent brain, a Minerva in the full panoply of war. The President was bound to meet it in the shape it presented itself, without waiting for Congress to baptize it with a name; and no name given to it by him or them could change the fact.

". . . Whether the President in fulfilling his duties, as Commander-in-Chief, in suppressing an insurrection, has met with such armed hostile resistance, and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided by him, and this Court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted. 'He must determine what degree of force the crisis demands.' The proclamation of blockade is itself official and conclusive evidence to the Court that a state of war existed which demanded and authorized a recourse to such a measure, under the circumstances peculiar to the case."[10]

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THE COLD WAR AND AFTER: PRESIDENTIAL POWER TO USE TROOPS OVERSEAS WITHOUT CONGRESSIONAL AUTHORIZATION

* * * The necessities, real and only perceived as such, of the United States role as world power and chief guarantor of the peace operated to expand the powers of the President and to diminish congressional powers in the foreign relations arena. President Truman did not seek congressional authorization before sending troops to Korea and subsequent Presidents similarly acted on their own in putting troops into Lebanon and the Dominican Republic as well as most notably into Indochina.[1] Eventually, public opposition precipitated another constitutional debate whether the President had the authority to commit troops to foreign combat without the approval of Congress, a debate which went on inconclusively between Congress and Executive[2] and one which the courts were content generally to consign to the inclusive consideration of those two bodies.[3] The substance of the debate concerns many facets of the President's powers and responsibilities—from his obligation to protect the lives and property of United States citizens abroad, to execute the treaty obligations of the Nation, to further the national security interests of the Nation, and to deal with aggression and threats of aggression as they confront him. Defying neat summarization, the considerations nevertheless merit at least an historical survey and an attempted categorization of the arguments.

The Historic Use of Force Abroad.—In 1912, the Department of State published a memorandum prepared by its Solicitor which set out to justify the "Right to Pro-

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[1] May, "The President Shall Be Commander in Chief," in E. May (ed.), *The Ultimate Decision—The President as Commander in Chief* (New York: 1960), 1. In the Virginia ratifying convention, Madison, replying to Patrick Henry's objection that danger lurked in giving the President control of the military, said: "Would the honorable member say that the sword ought to be put in the hands of the representative of the people, or in other hands independent of the government altogether?" 3 J. Elliot, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution* (Washington: 1836), 393. In the North Carolina convention, Iredell said: "From the nature of the thing, the command of armies ought to be delegated to one person only. The secrecy, dispatch, and decision, which are necessary in military operations can only be expected from one person." 4 id., 107.

[2] *The Federalist* No. 69 (Modern Library ed. 1937), 448.

[3] 3 J. Story, *Commentaries on the Constitution of the United States (Boston: 1833), § 1486.*

[4] *Fleming* v. *Page*, 9 How. (50 U.S.) 603, 615, 618 (1850).

[5] *Ex parte Milligan*, 4 Wall. (71 U.S.) 2, 139 (1866).

[6] 1 Stat. 424 (1795); 2 Stat. 443 (1807), now 10 U.S.C. §§ 331-334. *See also Martin* v. *Mott*, 12 Wheat. (25 U.S.) 19, 32-33 (1827), asserting the finality of the President's judgment of the existence of a state of facts requiring his exercise of the powers conferred by the act of 1795.

[7] J. Richardson (comp.), *Messages and Papers of the Presidents* (Washington: 1900), 3221, 3232.

[8] 2 Bl. (67 U.S.) 635 (1863).

[9] 7 J. Richardson (comp.) *Messages and Papers of the Presidents* (Washington: 1900), 3215, 3216, 3481.

[10] 2 Bl. (67 U.S.), 668-670.

[1] *See* the discussion in the Senate Foreign Relations Committee, *Report on the National Commitments Resolution*, S. Rept. No. 91-129, 91st Congress, 1st sess. (1969); *U.S. Commitments to Foreign Powers*, Hearings before the Senate Committee on Foreign Relations 90th Congress, 1st sess. (1967), 16-19 (Professor Bartlett).

[2] *Supra*, pp. 328-329.

[3] Ibid.

tect Citizens in Foreign Countries by Landing Forces." [4] In addition to the justification, the memorandum summarized 47 instances in which force had been used, in most of them without any congressional authorization. Twice revised and reissued, the memorandum was joined by a 1928 independent study and a 1945 work by a former government official in supporting conclusions which drifted away from the original justification of the use of United States forces abroad to the use of such forces at the discretion of the President and free from control by Congress.[5]

New lists and revised arguments were published to support the actions of President Truman in sending troops to Korea and Presidents Kennedy and Johnson in sending troops first to Vietnam and then to Indochina generally [6] and new lists have been propounded.[7] The great majority of the instances cited involved fights with pirates, landings of small naval contingents on barbarous or semibarbarous coasts to protect commerce, the dispatch of small bodies of troops to chase bandits across the Mexican border, and the like, and some incidents supposedly without authorization from Congress did in fact have underlying statutory or other legislation authorization. Some instances, President Polk's use of troops to precipitate war with Mexico in 1846, President Grant's attempt to annex the Dominican Republic, President McKinley's dispatch of troops into China during the Boxer Rebellion, involved considerable exercises of presidential power, but in general purposes were limited and congressional authority was sought for the use of troops against a sovereign state or in such a way as to constitute war. The early years of this century saw the expansion in the Caribbean and Latin America both of the use of troops for the furthering of what was perceived to be our national interests and of the power of the President to deploy the military force of the United States without congressional authorization.[8]

The pre-war actions of Presidents Wilson and Franklin Roosevelt advanced in substantial degrees the fact of presidential initiative, although the theory did not begin to catch up with the fact until the "Great Debate" over the commitment of troops by the United States to Europe under the Atlantic Pact. While congressional authorization was obtained, that debate, the debate over the United Nations charter, and the debate over Article 5 of the North Atlantic Treaty of 1949, providing that "armed attack" against one signatory was to be considered as "an attack" against all signatories, provided for the occasion of the formulation of a theory of independent presidential power to use the armed forces in the national interest at his discretion.[9] Thus, Secretary of State Acheson told Congress: "Not only has the President the authority to use the armed forces in carrying out the broad foreign policy of the United States implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution." [10]

The Theory of Presidential Power.—The fullest expression of the presidential power proponents has been in defense of the course followed in Indochina. Thus, the Legal Adviser of the State Department, in a widely circulated document, contended: "Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States. . . .

"In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States. In the 20th century, the world has grown much smaller. An attack on a country far from our shores can impinge directly on the nation's security. In the SEATO treaty, for example, it is formally declared that an armed attack against Viet Nam would endanger the peace and security of the United States.

"Under our Constitution it is the President who must decide when an armed attack has occurred. He has also the constitutional responsibility for determining what measures of defense are required when the peace and safety of the United States are endangered. If he considers that deployment of U.S. forces to South Viet Nam is required, and that military measures against the source of Communist aggression in North Viet Nam are necessary, he is constitutionally empowered to take those measures." [11]

Opponents of such expanded presidential powers have contended, however, that the authority to initiate war was not divided between the Executive and Congress but was vested exclusively in Congress. The President had the duty and the power to repel sudden attacks and act in other emergencies, and in his role as Commander-in-Chief he was empowered to direct the armed forces for any purpose specified by Congress.[12] Though Congress asserted itself in some respects, it never really managed to confront the President's power with any sort of effective limitation.[13]

The Power of Congress to Control the President's Discretion.—The most far-reaching proposal considered in Congress was a bill which purported to reestablish congressional control over the war power by providing that the President could not use the armed forces of the United States in hostilities abroad in the absence of a declaration of war, except to repel an attack or an imminent threat of attack on the United States or on the armed forces of the United States outside the United States, to protect the evacuation of United States citizens from areas in which hostilities have commenced, or pursuant to some specific statutory authority, and even the exceptions could not be sustained beyond thirty days in the absence of appropriate congressional action.[14]

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[4] J. Clark, Memorandum by the Solicitor for the Department of State, *Right to Protect Citizens in Foreign Countries by Landing Forces* (Washington: 1912).

[5] Ibid., (Washington: 1929; 1934); M. Offutt, *The Protection of Citizens Abroad by the Armed Forces of the United States* (Baltimore: 1928); J. Rogers, *World Policing and the Constitution* (Boston: 1945). The burden of the last cited volume was to establish that the President was empowered to participate in United Nations peacekeeping actions without having to seek congressional authorization on each occasion; it may be said to be one of the earliest, if not the earliest, propoundings of the doctrine of inherent presidential powers to use troops abroad outside the narrow compass traditionally accorded those powers.

[6] E.g., H. Rept. No. 127, 82d Congress, 1st sess. (1951), 55–62; Corwin, "Who Has the Power to Make War?" *New York Times Magazine* (July 31, 1949), 11; "Authority of the President to Repel the Attack in Korea," 23 *Dept. State Bull.* 173 (1950); Department of State, Historical Studies Division, *Armed Actions Taken by the United States Without a Declaration of War, 1789-1967* (Res. Proj. No. 806A (Washington: 1967)). That the compilation of such lists was more than a defense against public criticism can be gleaned from a revealing discussion in Secretary of State Acheson's memoirs detailing why the President did not seek congressional sanction for sending troops to Korea. "There has never, I believe, been any serious doubt—in the sense of non-politically inspired doubt-of the President's constitutional authority to do what he did. The basis for this conclusion in legal theory and historical precedent was fully set out in the State Department's memorandum of July 3, 1950, extensively published. But the wisdom of the decision not to ask for congressional approval has been doubted. . . ."

After discussing several reasons establishing the wisdom of the decision, the Secretary continued: "The President agreed, moved also, I think, by another passionately held conviction. His great office was to him a sacred and temporary trust, which he was determined to pass on unimpaired by the slightest loss of power or prestige. This attitude would incline him strongly against any attempt to divert criticism from himself by action that might establish a precedent in derogation of presidential power to send our forces into battle. The memorandum that we prepared listed eighty-seven instances in the past century in which his predecessors had done this. And thus yet another decision was made." D. Acheson, *Present at the Creation* (New York: 1969), 414,415.

[7] *War Powers Legislation*, Hearings before the Senate Foreign Relations Committee, 92d Congress, 1st sess. (1971), 347, 354-355, 359-379 (Senator Goldwater); Emerson, "War Powers Legislation," 74 W. Va. L. Rev. 53 (1972).

[8] *U.S. Commitments to Foreign Powers*, Hearings before the Senate Foreign Relations Committee, 90th Congress, 1st sess. (1967), 9, 10-11 (Professor Bartlett).

[9] Id., 11-19. For some popular defenses of presidential power during the "Great Debate," see Corwin, "Who Has the Power to Make War?" *New York Times Magazine* (July 31, 1949), 11; Commager, "Presidential Power: The Issue Analyzed," *New York Times Magazine* (January 14, 1951), 11. *Cf.* Douglas, "The Constitutional and Legal Basis for the President's Act in Using Armed Forces to Repel the Invasion of South Korea," 96 *Cong. Rec.* 9647 (1950).

[10] *Assignment of Ground Forces of the United States to Duty in the European Area*, Hearings before the Senate Foreign Relations and Armed Services Committees, 82d Congress, 1st sess. (1951), 92.

[11] Meeker, "The Legality of United States Participation in the Defense of Viet Nam," 54 *Dept. State Bull.* 474, 484-485 (1966). *See also* Moore, "The National Executive and the Use of the Armed Forces Abroad," 21 Naval War College Rev. 28 (1969); Wright, "The Power of the Executive to Use Military Forces Abroad," 10 Va. J. Int. L. 43 (1969); *Documents Relating to the War Powers of Congress, The President's Authority as Commander-in-Chief and the War in Indochina*, Senate Foreign Relations Committee, 91st Congress, 2d sess. (Comm. Print) (1970), 1 (Under Secretary of State Katzenbach), 90 (J. Stevenson, Legal Adviser, Department of State), 120 (Professor Moore), 175 (Assistant Attorney General Rehnquist).

[12] E.g., F. Wormuth, *The Vietnam War: The President Versus the Constitution* (Santa Barbara: 1968); *U.S. Commitments to Foreign Powers*, Hearings before the Senate Foreign Relations Committee, 90th Congress, 1st sess. (1967), 9 (Professor Barlett); *War Powers Legislation*, Hearings before the Senate Foreign Relations Committee, 92d Cong., 1st sess. (1971), 7 (Professor Commager), 75 (Professor Morris), 251 (Professor Mason).

[13] *Supra*, pp. 328-329.

[14] S. 731, 92d Congress, 1st sess. (1971), reintroduced as S. 2956, 92d Congress, 1st sess. (1971). This bill was reported, S. Rept. No. 92-606, 92d Congress, 2d sess. (1972), and passed by the Senate March 13, 1972. A weaker version was approved by the House and no further action was taken. *See War Powers Legislation*, Hearings before the Senate Foreign Relations Committee, 92d Congress, 1st sess. (1971); *Congress, the President, and the War Powers*, Hearings before the House Subcommittee on National

Proponents argued that Congress had the power to limit the President's discretion as a "necessary and proper" adjunct of its powers to declare war and to provide for and regulate the armed forces and because under Article I, § 8, cl. 18, Congress also has power to make all "necessary and proper" laws to carry into effect the "powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." [15] Opponents have asserted that as Commander-in-Chief the President has independent powers to utilize military forces not only to protect the Nation from attack but to further the Nation's interests and that this power is not subject to significant congressional limitation. Moreover, Congress' power to declare war, in this view, says little about the other myriad resorts to force short of all-out war, so that Congress does not actually have the degree of "necessary and proper" power which others have deemed to find in the power to effectuate the authority to declare war.[16] This dispute may well die with the issue which brought it to the fore, Indochina, or it may linger on in affecting the ways Congress and Executive deal with each other. But whether one or the other, the dispute has established precedents of practice and policy rather than constitutional rules.

Mr. GOLDWATER. That concludes the remarks I had to make on that subject.

CONDOLENCES TO THE VICTIMS OF THE U.S. EMBASSY BOMBING IN BEIRUT

Mr. GOLDWATER. Mr. President, I send to the desk a Senate resolution. The purpose of this resolution is to deplore the recent bombing of the U.S. Embassy in Beirut, and to express the sorrow and condolences of the Senate on the death and wounding of Americans caught in this bombing.

Mr. President, I am sure that most of my colleagues are aware that on April 18, 1983, the U.S. Embassy in Beirut, Lebanon, was the target of a car-bomb attack. While we do not yet have all the facts on the matter, it is clear that a great many people were killed and wounded in this brutal and cowardly act. Among the dead were many Americans, most of them assigned to the U.S. Embassy on official business. Many local Lebanese employees of the Embassy were also killed and wounded.

Mr. President, every year the United States of America dispatches loyal and patriotic citizens abroad to serve on what are often difficult and dangerous missions for our Government. These people would include diplomatic, military, intelligence, and other personnel. The President of the United States provides these people their missions, and the Congress funds their activities.

How often we forget that simply being an American official abroad is a dangerous undertaking. How often we forget the routine stresses and strains to which these people are subjected. The attack on the U.S. Embassy in Beirut is but the most recent graphic reminder to all of us of the sacrifice these patriotic Americans are daily prepared to make to their country in the cause of peace and freedom.

Mr. President, my resolution is a simple testament by the U.S. Senate to the memory of these Americans who have sacrificed their lives for the cause of peace in the Middle East. It expresses profound sorrow at the death and wounding of these people, and extends condolences to the families of the deceased.

I urge all my colleagues to support this resolution and to work for its speedy passage by the U.S. Senate.

Mr. President, I ask unanimous consent that the text of the resolution may be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 116

Whereas on April 18, 1983, the United States Embassy in Beirut, Lebanon, was the target of a brutal and cowardly terrorist attack, which resulted in scores of dead and wounded, including the death of many Americans, most of whom were employed by the United States Government;

Whereas the members of the American Foreign Service, including people assigned from the diplomatic, military, intelligence, and other communities, are often exposed to extremely hazardous conditions in the performance of their duties;

Whereas the members of such communities assigned to Lebanon were dedicated to and worked for the pursuit of peace in the Middle East;

Whereas the American people have been extraordinarily patient in supporting their Government's peace initiatives in Lebanon; and

Whereas this is one of those critical moments in the history of the United States when the American people are united in their grief and must be united in their resolve: Now, therefore, be it

Resolved, That the Senate—

(1) deplores the brutal and cowardly bombing of the United States Embassy in Beirut, Lebanon, on April 18, 1983, which resulted in scores of dead and wounded, including the death of many Americans, most of whom were employed by the United States Government;

(2) expresses its profound sorrow at the death and wounding of these people and extends its deepest sympathy to the families of the deceased;

(3) urges the Secretary of State, the Secretary of Defense, the Director of Central Intelligence, and all other Cabinet Members whose people were among the dead and wounded to schedule and hold memorial or other commemorative ceremonies as appropriate to honor the victims; and

(4) accords its respect and gratitude, on behalf of the American people, to the memory of the Americans who sacrificed their lives for the noble cause of peace in the Middle East.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the families of the deceased Americans and to the wounded Americans.

Mr. GOLDWATER. Mr. President, I thank both leaders very much for having allowed me this time, and I yield the floor.

RECOGNITION OF SENATOR MELCHER

The PRESIDING OFFICER. Under the previous order, the Senator from Montana (Mr. MELCHER) is recognized for not to exceed 15 minutes.

ADDITIONAL FUNDS TO EL SALVADOR

Mr. MELCHER. Pope John Paul II recently carried a message of peace to Central America. The papal call for a genuine discussion among all political groups in El Salvador offers a much needed statement of hope to the Salvadorans that the protracted civil strife and struggle is capable of a rational, peaceful solution for the common good of the people of El Salvador.

Yet even while the Pope was embarked on his mission of good will, the Reagan administration announced its plans to seek additional funds this year and next to buy more weapons, ammunition, and training for the Salvadoran Army. In addition to the $26.3 million in military aid already approved for the current year, administration officials requested $110 million in supplemental military aid.

These figures added together would translate into $29.18 in military aid for every man, woman, and child in El Salvador.

It appears that there is no end in sight to the foreseeable escalation of violence that the new weapons will buy. The commitment to a military solution in El Salvador fuels more and more spending for guns and ammunition, although there is no indication that these materials will, in fact, purchase peace for the Salvadoran Government.

Short of an even larger, completely unacceptable commitment of U.S. resources to the war, military victory in El Salvador can only be secured at the cost of the lives of many more innocent civilians, destruction of the country's economy and infrastructure, and perhaps irreparable harm to the national unity of that nation. Nothing will have been gained for the people of El Salvador if peace is obtained at such costs.

President Reagan stated several days ago that: "We will not Americanize this conflict." We welcome the assurances that U.S. military personnel will not be used in a combat capacity. I

Security Policy and Scientific Developments of the Committee on Foreign Affairs, 91st Congress, 2d sess. (1970).

[15] *War Powers Legislation*, Hearings before the Senate Foreign Relations Committee, 92d Congress, 1st sess. (1971), 126 (Senator Javits), 549 (Professor Bickel), 642 (Mr. Rogers), 657 (Senator Spong).

[16] Id., 347 (Senator Goldwater), 460 (Professor Moore), 485 (Secretary of State Rogers).

would welcome even more the assurance of prompt decreases in military aid for this tiny country quagmired in a civil strife. Yet the United States is already deeply involved in providing financial backing for the continuation of the war and in training Salvadoran soldiers for battle. El Salvador has become the unwitting battlefield for the success of the administration's foreign policies, rather than a skirmish in the East-West struggle as the administration would characterize it.

Aside from being concerned over the ramifications of entanglement in the war, many Americans are outraged over the large increase in military aid to El Salvador at a time when spending in a number of critical domestic programs is being cut dramatically. Since 1980, foreign aid, defense, and interest payments on the national debt have been the only areas of the budget which have experienced a real increase in the rate of their growth. As the deficit steadily grows, this trend cannot be permitted to continue, let alone to accelerate. Built into the course the United States is now running are increasing Federal deficits—this year is by far the largest in our history.

In spite of the substantial influence that the United States could exert on the Salvadoran Government to bring about an end to the war and national reconciliation, the administration has attached few conditions to the receipt of U.S. aid by the Salvadoran Government. Unfortunately, not only those conditions but also the congressionally imposed requirements for social reforms and protection of human rights have realized little improvement in the lives of the average citizens of El Salvador. Granted that during a time of sputtering civil war, the difficult task of rational adjustments to help the economic plight of the average Salvadoran family is delayed and thwarted. The same difficulty can be granted for the legal judicial system of El Salvador, but the fact of delay in prosecuting those apprehended and held for trial on the charge of murder is attested to this week by Attorney General Smith. As it becomes increasingly apparent that there is only minimal review of the Salvadoran Government's compliance with United States conditions, we are troubled that the Salvadoran Government is not meeting the letter, much less the spirit of the law.

Negotiation is the course which the administration is pursuing in the Middle East. Surely a sincere attempt at negotiation is an acceptable goal in El Salvador as the stalemate persists. The President says that his administration supports negotiations aimed at expanding political participation in the Salvadoran elections to be held at the end of the year, but then adds stipulations which would severely limit the usefulness of the negotiating process. In fact, negotiation must be agreed to by both the Government and the Salvadoran rebels and the President's stipulations are not acceptable to the latter. It points out that an illogical set mind of a Yankee President is not likely to reflect the beliefs of a large part of the impoverished underdog workers and peasants of El Salvador. Peace will, at this time, not be bought with U.S. military dollars but will assure the continued warfare of the Government against those rebelling against the Government's oppression.

The time has come to put the considerable authority and enlightened diplomatic skills of the U.S. Government behind an international effort to encourage efforts to resolve the conflict in El Salvador. The pontiff's Central American message of hope makes a fitting starting point for this endeavor.

The religious community in the United States has become very concerned over the growing involvement of the United States in Central America, and has issued impassioned calls for the termination of military aid coupled with the commencement of comprehensive political negotiations.

Recently the views of the U.S. Catholic Conference were eloquently represented by the Most Reverend James A. Hickey appearing on March 7 before the Subcommittee of the Western Hemisphere and the Subcommittee on Human Rights and International Organizations, of the House Foreign Affairs Committee.

I ask unanimous consent that portions of the statement be included in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. MELCHER. Mr. President, I further ask unanimous consent that portions of statements and declarations by other religious organizations also be printed at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. MELCHER. Mr. President, the situation in El Salvador is not going to be resolved to the benefit of the Salvadoran people or the U.S. taxpayers by the provision of military aid. The only real solution for the Salvadorans is negotiation between the various political factions, while the best path for the American people is to withhold military aid to the Salvadoran Government, supply only humanitarian aid as necessary, and promote peace rather than furthering embittered warfare.

Meanwhile, we should use these funds to reduce the huge Federal deficit. These findings lead us to the same conclusion: That Congress ought to reject the request for military aid for El Salvador and promote the assumption that our Government's role, along with other American countries, is to induce fair and meaningful negotiations.

Mr. President, I yield back the remainder of my time.

EXHIBIT 1

Portion of the statement of Most Reverend James A. Hickey of the U.S. Catholic Conference, before the Subcommittee of the Western Hemisphere and the Subcommittee on Human Rights and international organizations of the House Foreign Affairs Committee (April 7, 1983).

II. U.S. POLICY ON EL SALVADOR

When I appeared before the Subcommittee on Inter-American Affairs in 1981, I began my analysis of the situation in El Salvador by emphasizing the value of an historical perspective on the conflict. Since I believe this today just as strongly as I did then, and since I think the point I tried to make still is not sufficiently evident in U.S. policy toward El Salvador, I repeat it again:

"My point is that long before there were charges of outside intervention there was a struggle on behalf of large numbers in El Salvador for social, political and economic change. The conflict has been over land, wages, the right to organize and the issue of political participation.

"To ignore this long struggle of a people for justice, dignity and freedom is to misunderstand the nature of the conflict today in El Salvador."

I repeat this point not only for continuity and emphasis, but because it is the basic message the Church has to carry into the public discussion on El Salvador. The message is to highlight the need for greater social justice and equity in the internal life of the country. This requires change that is directed to justice, to participation by the people in the life of their nation and to protection of fundamental freedoms. These elements are a moral requirement and a precondition for stable peace in El Salvador. This was the message of John Paul II in his letter to the Salvadoran bishops in August of last year:

"I am perfectly aware that the discords and divisions that still disturb your country and cause new conflicts and violence have their true and deep root in situations of social injustice: a problem that has erupted with force at the political level, but is above all ethical in nature."

Because we have been convinced that the war in El Salvador is fundamentally rooted in questions of social injustice and the persistent denial of fundamental human rights for large sectors of the population, the USCC have always opposed interpretations of the Salvadoran and Central American conflict which places primary emphasis on the superpower or East-West rivalry. Unfortunately this geopolitical conception of the conflict has reappeared with new emphasis in recent days. We believed such an interpretation was mistaken two years ago and we believe it is mistaken today. We do not deny the existence of an international dimension to the conflict, but we do reject the idea that it is the fundamental issue at stake.

In the two years since I testified there have been many changes in El Salvador politically, economically, even legally. One purpose of our recent visit there was to speak with a broad spectrum of people,

inside the Church and in the society as a whole, to assess the present situation. The dominant note of the country is the desire of the great majority of the people for peace; one way of understanding the truly significant outpouring of people voting in the election last Spring is to see it as a cry for peace and a vote for an end to the war. Yet the war continues: it even has increased in intensity in certain regions. The human rights of the population, especially the poor who are caught and cannot move, are still brutally violated by security forces not under secure governmental control. In addition, the extreme left continues its campaign to damage fundamental services in the country with enormous cost. Long before any outside intervention made the situation worse, the vast majority of Salvadorans found their human dignity, human rights and life itself assaulted by an unjust system of exploitation and deliberate violence. This tragic failure to control human rights abuses continues. On our trip we heard repeatedly from Church leaders of more killings, disappearances and other brutal violations of human rights.

Every human rights violation, of right or left, is significant because every person has unique dignity and worth. But the never ending argument and public debate in the United States about comparisons of human rights abuses seems an insufficient response in light of the brutal and tragic violence which still pervades El Salvador. The principal need of the moment is for fundamental moves in the political order to stop the war and secure social justice.

The three archbishops in our delegation returned from El Salvador convinced that the dominant message we heard can be summarized in three words: dialogue, ceasefire, and negotiations to end the war. Each step is necessary to reverse the pattern of violence in El Salvador. The need for dialogue and reconciliation has been the principal call of the Church in El Salvador. On July 15, 1982, all the bishops of El Salvador directed a pastoral message to the country in which they said:

"For this very reason we exhort all the parties involved in the conflict to abandon every obstinate attitude and be open to a dialogue that is sincere, open and true, animated by good will and a spirt of authentic patriotism, placing the unity of the Salvadoran family above individual or group interests. For its part, the Church maintains its readiness to work tirelessly, within its own proper sphere, for peace and for reconciliation among Salvadorans who have been constrained to become enemies to one another."

Only a month later Pope John Paul II's letter to the Salvadoran bishops reiterated the same theme of reconciliation and the cessation of violence:

"Such reconciliation must therefore be able to be realized at all levels, above all among brothers bearing arms, motivated by contrary interests and guided by ideologies that sacrifice the fundamental aspirations of the human person. For the one and for the other, an indispensable condition for reconciliation is the cessation of all hostilities and the renunciation of the use of arms, with the sure guarantee that no one will be the object of reprisals or vengeance after having given his or her own adherence to the noble aim of joining efforts and initiatives that may assure the nation renewed vitality and an ordered progress."

Both political dialogue and ceasefire are indispensable steps to the third requirement: serious negotiations among the parties to the conflict, building on the elections of last year, but going beyond them to ending the state of war and beginning the political and economic reconstruction of the country.

None of these three objectives will be easily achieved. All of them depend primarily on the willingness of Salvadorans to "place the unity of the Salvadoran family above individual or group interest." (Salvadoran Bishops Conference, July 15, 1982). After acknowledging both of these points it is still crucial to recognize that movement toward any of these goals will require commitment to them on behalf of U.S. policy. Both the Salvadoran government and the opposition forces recognize the significance of U.S. policy. Without encouragement from the United States, no dialogue or lasting ceasefire will occur.

Precisely because the influence of U.S. policy is so important, I am profoundly disappointed in the direction I see us taking. Just as the Holy Father was about to embark on a pilgrimage of peace to Central America, raising hopes that he could initiate a break in the cycle of violence, the United States call was for an increase in military means and perhaps deeper direct involvement by us in the conflict.

Our delegation returned from El Salvador convinced of the need for a new, substantial and vigorous commitment by the United States to begin the process of political dialogue rather than rely on the relentless military struggle which consumes thousands of Salvadoran lives each year with no end in sight.

The American bishops have consistently called for a nonmilitary approach to the conflict. For two years we have opposed all military assistance from all sources to any party in El Salvador. We have not been successful: the aid continues from the United States to the Salvadoran government and from other sources to the opposition forces. We believe that U.S. policy faces a crucial choice in El Salvador over the next few weeks, a choice which the Congress can and should influence. On the basis of both previous USCC policy and our recent visit, I submit that the primary imperative of the moment is to stress the political course in El Salvador, not the military option. The United States should exercise the considerable diplomatic influence it has to help terminate the war. The American bishops have entered the public debate on El Salvador numerous times to stress what the U.S. should not do—send military aid. Today we come before the Congress to recommend a course of action: promote dialogue, insist on a ceasefire and support a negotiated end to the conflict.

We have never believed that a military solution in El Salvador—victory by either side, which could only mean abject surrender and bitter defeat for a large number of Salvadorans on one side or the other—was in the interest of either El Salvador or the United States. A society divided into victors and vanquished is unlikely to result in either stable peace or justice. We have from the very beginning of the policy debate argued for a creative diplomatic role for the United States. The present direction of our policy, however, is neither creative nor diplomatic.

The United States has two years of extensive investment in a policy of military support for the government of El Salvador; it is not our position that the United States forsake that government. However, we are convinced that other choices exist for the United States than the ones being promoted by the Administration at present. These other choices mean that the United States should talk more about ending the violence and less about prosecuting the war with large increases in military assistance and more American advisors.

These other choices are in the political order; they are based on the conviction that the primary issue in El Salvador is the domestic political and economic structure of the country, not the role of the Soviet Union or Cuba in Central America. The other choices must be understood and implemented in concert with key nations like Venezuela, Mexico or our European allies. The diplomatic option means that the United States should not go it alone in Central America. If the diplomatic option were truly pursued, we recognize some military component may be required. We acknowledge this with regret but we do not deny it. However, we strongly recommend that any military assistance provided be conditioned on stringent requirements linking it to a pursuit of dialogue and ceasefire.

We hope the Congress will very carefully examine the purposes and evidence supporting any proposal to increase arms to El Salvador. We are deeply concerned that recent U.S. proposals to escalate American military involvement by major increases in military aid and additional advisors will lead us further in the direction of a military rather than diplomatic solution. In fact, such proposals may block creative diplomatic and political measures. Talk of impending "crisis" should not push the Congress into ignoring the longer term consequences of increased reliance on military rather than diplomatic options. We believe any proposal should be measured by whether it moves the parties toward ceasefire and responsible dialogue called for by the Salvadoran bishops or whether it strengthens the extremists on both the right and left who wish to continue the conflict on the battlefield with enormous human and economic costs. U.S. policy ought to support the forces of moderation in El Salvador in their search for justice, reconciliation and peace. The United States must use its leadership to enhance the prospects for dialogue, rather than adding more and more weapons to the spiral of violence.

In summary, the USCC believes a major policy review and a significant policy shift is called for on the part of the United States. We should more clearly see the problem in political, not military terms. We should use our acknowledged influence with the Salvadoran government to define their efforts in primarily political terms. We should signal friendly allies with access to the opposition forces in El Salvador to exert the leverage necessary to bring about a ceasefire and the opening of political dialogue. We should stop the fantasy of believing that one more year of military struggle in an already devastated nation will be in our interest or that of the Salvadorans.

EXHIBIT 2

We call upon the U.S. government to use its influence with the Salvadoran Government to bring an end to the killing, to move toward a negotiated political solution rather than a military solution to the present conflict, to urge the Salvadoran junta to control the death squads now operating freely and to take steps to relieve the tremendous suffering among the peasants.—American Baptist Churches in the U.S.A., Biennial Meeting, June 24-28, 1981.

In our view, the vital interest of the United States is in a Central America and Caribbean region of peaceful, stable, nonaligned countries whose governments are responsive to the needs of their people and open to equitable trade and normal diplomatic relations with our country. Military aid and threats of military intervention in the region run counter to that vital interest by not addressing the fundamental problems of social injustice and economic development. Emphasis on military power undermines real security and distorts the economics of the region, as well as our own.—American Friends Service Committee, Letter to President Reagan in the name of the Board of Directors, November 10, 1981.

Therefore be it resolved: That the General Minister and President of the Christian Church (Disciples of Christ) be instructed to communicate with the President of the United States and the Secretary of State to protest the sending of arms and supplies which increase and perpetuate the power of the military in El Salvador.—Christian Church (Disciples of Christ), Resolution adopted at General Assembly, July 31-August 5, 1981.

Whereas many nations, including our neighbors in the Western Hemisphere and our NATO allies, are calling for a ban on all foreign military aid to El Salvador, and for implementation of constructive steps towards a nonviolent, political resolution of the conflict—Church of the Brethen, Resolution adopted by the Annual Conference, June 23-28, 1981.

* * * Historically the Salvadorean conflict is best described as that of oppressed against oppressor. We therefore call upon all outside parties, including the United States, to end immediately all forms of military aid, assistance or credits to El Salvador.—Episcopal Church, Statement on El Salvador issued April 17, 1981, by 76 Episcopal Bishops.

Ignoring the long history of oppression of the El Salvadoran people and their basic right to self-determination, the United States has internationalized the struggle and made it a battle ground for its own political interests, in contrast to the future and welfare of the Salvadoran people. In so doing the United States has embarked on a course which diverts attention from problems which have their roots in centuries old economic exploitation and political repression. We emphasize that our opposition to the delivery of lethal war materiel and the emplacement of military advisors does not imply that we support those who oppose the Junta, but rather that these actions deter the pursuit of a political solution and increase the risk of even wider military intervention. These activities can also be interpreted to signal support for repressive measures carried out by the security forces in complicity with the so-called "death squads."—Lutheran Council in the U.S.A., Adopted by the Church Council of the American Lutheran Church, June 25, 1981.

We do not believe that the United States will add to the settlement of the unrest and fighting that is going on in El Salvador by giving military aid and sending military advisors to work with the government of President Duarte. We feel that this kind of assistance will only encourage the right wing militants to continue with repressive tactics, tactics that will not help the common people who desire to improve their living conditions and gain some of the rights and freedoms that we enjoy in the United States. Moreover, the military involvement of the United States in the problems in El Salvador may involve us in a way that will increase the tensions, encourage more unrest in Central America, and place us on the side of the oppressors.—Moravian Church in America, Resolution adopted by the Joint (Northern and Southern) Provincial Elders' Conference, April 6-7, 1981.

We urge the government of the United States to seek a negotiated solution, rather than a military solution, to the conflict between the contending parties in El Salvador which might in time provide the just conditions necessary for fair and representative elections in that country . . . We urge the government of the United States to take diplomatic initiatives to effect the termination of military assistance to all groups in El Salvador. In particular, we urge our government to terminate its present policy of providing military and economic assistance to the governing Junta of El Salvador.—National Council of the Churches of Christ in the U.S.A., Actions of the Governing Board on El Salvador adopted on November 5, 1981.

We remain convinced . . . that the provision of military assistance by the United States to the Junta has three negative consequences: it identifies the U.S., at least symbolically, with the repressive role of the security forces whose actions have been consistently criticized by the Church in El Salvador; it increases the risk of wider military intervention; and it jeopardizes a constructive role the U.S. might play in the conflict.—Maryknoll Fathers, Brothers, and Sisters, December 1980; followed by U.S. Catholic Conference, Conference of Major Superiors of Men, Leadership Conference of Women Religious, Joint statement, March 2, 1981.

Therefore be it resolved, that the General Program Council of the Reformed Church in America hereby: . . . Urges the President of the United States, the Secretary of State, and the Congress: to suspend additional military assistance to El Salvador; to employ every peaceful means to halt the flow of arms and military aid from all sources, including the countries of the Soviet bloc, to all factions within El Salvador; to actively seek a negotiated political settlement in El Salvador which would result in representative civilian government, civilian control of military forces, and just reform of human rights violations and economic inequities.—Reformed Church in America, Resolution approved during the regular session of the General Program Council, April 3, 1981.

Be it resolved that the UAHG urge the United States government and all others to: 1) Call on all parties in the El Salvadoran conflict to cease all acts of violence. 2) Terminate all United States military training and material to El Salvador and withdraw all American military personnel. 3) Encourage as political solution through international mediation of the conflict.—Union of American Hebrew Congregations, Resolution adopted by the Biennial Meetings, December 3-8, 1981.

Whereas the General Assembly in 1980 passed "Human Rights and War" which called on Unitarian Universalists to work to end United States and Canadian military aid to governments that violate human rights, such as the government in El Salvador; and whereas the situation in El Salvador in 1980 and early in 1981 has deteriorated into brutal civil disorders, killings, and general instability; and whereas the Unitarian Universalist Service Committee has long been working for human rights in El Salvador; be it resolved: That the 1981 General Assembly of the Unitarian Universalist Association publicly express its grave concern over arms sales, arms transfers, grants or military credits to El Salvador from any country * * *—Unitarian Universalist Association, Resolution adopted by the 20th General Assembly, June 13-18, 1981.

Whereas the West German, Swedish, French, Dutch, Spanish Canadian, Mexico and Venezuelan governments have all called for dialogue and negotiations between the government of El Salvador and all of the groups united in opposition to it . . . Therefore, the Thirteen General Synod of the United Church of Christ endorses the call of the U.S. Catholic Conference and the Catholic Church of El Salvador for an end to all U.S. military aid to the Government of El Salvador, and urges members of the United Church of Christ to support legislation in the United States Congress to prohibit further military aid to the Government of El Salvador.—United Church of Christ, Resolution adopted by the 13th General Synod, June 10, 1981.

Therefore, the 193rd General Assembly of the United Presbyterian Church in the United States of America * * * (1) Affirms support for a peaceful political, rather than military, solution to the problem in El Salvador. (2) Urges the United States government to cease further military aid and withdraw all military advisers from El Salvador, and urges that all governments around the world cease supplying any military or police equipment to that country until stability is restored by the Salvadoran people themselves. (3) Urges the United States government to seek and support peaceful solutions in El Salvador through international channels.—United Presbyterian Church in the U.S.A., Resolution adopted by the 193rd General Assembly, May 20-28, 1981.

CLOTURE QUORUM TO BEGIN AT 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the time for the commencement of the rollcall and live quorum on the cloture motion that is pending commence at 2 p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I think that time is needed for Senators to understand just what this compromise is. I have not seen it. I read about it in the papers and I have listened to the explanation last night. Based on that explanation, I thought it might be a pretty fair compromise, but I have not seen it and there are other Senators on this side who have not even had the benefit of listening to the explanation last night. So I think it is well that we have that hour and, therefore, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, we are happy to have the concurrence of my good friend from West Virginia, the distinguished Democratic leader.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the time between now and 1 p.m. be devoted to routine morning business, during which time Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the time between 1 and 2 p.m. be equally controlled, as previously provided by the order last evening, between the majority and minority leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE KASTEN-DOLE COMPROMISE ON THE WITHHOLDING TAX ON INTEREST AND DIVIDENDS

Mr. MELCHER. Mr. President, we will be discussing between 1 and 2 o'clock this afternoon the question of the Kasten-Dole compromise regarding delaying the implementation of the withholding tax on savings and dividends. It is not a new subject to the Senate. The discussion and arguments pro and con have been made on this floor several times during the past several weeks.

One point which must be clearly understood by those of us who would seek either delay or repeal of the implementation of the withholding requirement is we must understand that if we are truly going to implement such a provision changing the law prior to July 1, it has always been apparent, and it should be obvious to the public also, that we would have to pass an amendment or a bill to that effect and have it be signed into law prior to July 1.

What the Senate is now engaged in is a debate on the proposal that is on a bill that is not likely to be considered and acted upon by the House of Representatives prior to July 1.

I believe it is apparent that some 55 to 65 or 70 Senators believe the law ought to be modified and prevent the withholding provision from going into effect on July 1. Most of us feel quite strongly on that point, representing the interest of constituents in our State who are violently opposed to it.

It is our intention that we have a definitive vote not only in the Senate on the matter but also, under such terms or conditions as the House sets, that the House of Representatives be given the opportunity to vote on it prior to July 1.

When we attach this provision to a bill that the House of Representatives feels constitutionally—and I think they are probably correct—should have arisen in the House of Representatives, we set the stage for the House, protecting their prerogatives under the Constitution, to reject any argument that they must act on what the Senate has added to it.

We may be playing a charade here, and I rather suspect we are, by having a full-blown debate on the proposal in the Senate with the understanding in the minds of many Senators that this will lead to the opportunity for the House to act by agreement and for a vote to be undertaken there.

It is my feeling that in order to accomplish our purpose, it is necessary to understand under what conditions the House of Representatives would accept the leadership of the Senate on the issue and agree to action on the proposal prior to July 1.

I do not think we have that agreement in this bill. In fact, I think in all likelihood we created some animosity by acting on this bill which the House feels should have originated in the House prior to the Senate acting upon it.

Nevertheless, the Senate should be aware that what is being done today and tomorrow in connection with this provision on delay or repeal of the withholding tax on interest and dividends may again be repeated in the Senate on another bill that would be more likely to be acted upon by the House properly. That should be obvious to the Senate. I draw that to the attention of those who are listening at this time so that we can gear ourselves for further action as necessary upon the issue.

PRINTING OF AMENDMENTS DISCONTINUED

Mr. BAKER. Mr. President, several months ago, it was brought to my attention that the Senate was spending vast sums of money to print amendments, many of which never receive Senate action. As a result, I requested the Secretary of the Senate to investigate this matter and recommend ways of reducing associated costs.

The following are highlights of the Secretary's findings as submitted to the joint leadership:

1. GPO estimates that the minimum cost to print the smallest two-page amendment (i.e., one page front and back) is $145. Since there were over 5,600 amendments printed in the last Congress, the minimum cost of printing was approximately $813,000. It should be noted that since many amendments were much larger, the total cost is estimated to be over $1,000,000. To further illustrate the point, we have had, already this year, 464 amendments submitted to one bill, S. 47. The cost estimate for printing these is approximately $67,000.

2. Printed amendments are rarely considered by the Senate. For example, of the 5,611 printed amendments in the 97th Congress, only 230 or four percent were ever called up for consideration.

3. Of the total number printed, approximately 86 percent were submitted to only six measures, and of these, only five-tenths of one percent were ever offered for consideration by the Senate.

4. When a large volume of amendments is submitted to a single measure, printed copies are seldom available in the Document Room during the pendency of that measure and, in fact, it is usually several days or weeks after the measure is disposed of before the last printed amendment reaches the Capitol.

The Secretary's study recommends an alternative which will result in substantial cost savings without depriving Members of necessary information about amendments, and I believe it is a sound and constructive recommendation.

Therefore, beginning today, all amendments offered for printing will be numbered and printed in the CONGRESSIONAL RECORD only. Amendments offered to be referred to committee will be copied in limited numbers.

When an amendment is called up on the floor for consideration, copies for Members will be made available.

Member offices who desire to have a copy of an amendment that has been printed in the RECORD can get the RECORD date and page number from the LEGIS system or by calling the Legislative Information staff of the Senate library.

It is estimated that this new procedure will save the Senate several million dollars in printing costs each Congress and yet provide the necessary information needed by Senators to consider and vote on amendments when they are offered.

BREEDERS, PLUTONIUM, AND NUCLEAR WEAPONS

Mr. BUMPERS. Mr. President, the Nuclear Control Institute has recently printed a report written by Bill Adler documenting the dangers which inherantly arise in the use of plutonium as a fuel in powerplants such as the breeder reactor. The report points out the difficulty of securely guarding the reactors and the reprocessing plants. It is even more difficult to protect transportation routes. The report also notes that a single reprocessing plant could discharge enough plutonium to make 10,000 nuclear weapons per year.

This danger cannot be underestimated because the technology for building such weapons is relatively well known, if the plutonium is available. It could be only too easy for an unfriendly gov-

ernment or a terrorist group to obtain plutonium, especially because it is currently impossible to account for plutonium within a 5-percent margin of error, and because we have apparently lost track of some enriched uranium and plutonium already.

It is not pleasant to consider this subject. and it is tempting to comfort ourselves with assurances that generating and reprocessing facilities are safe. We have seen however, that such assurances cannot always be taken at face value. We must accept the broader implications of our actions. I urge my colleagues to consider Mr. Adler's words carefully.

I ask unanimous consent that the statement by the Nuclear Control Institute be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BREEDERS, PLUTONIUM AND NUCLEAR WEAPONS

There is no way that we will be able to provide assurances that thousands of tons of plutonium are being devoted to peaceful purposes.—Senior International Atomic Energy Agency Official [1]

BACKGROUND

The plutonium breeder reactor is being actively promoted by the governments of several advanced industrialized states and Third World countries as the next generation of nuclear power plant. Breeder reactors are favored by their proponents in government and industry on the basis of being able to produce more nuclear fuel than they consume. Tremendously high costs, however, are jeopardizing breeder programs in this country and abroad. For example, the most recent cost estimates for the Clinch River Breeder reactor, a prototype commercial breeder, range from $3.2 to more than $8.8 billion.[2] But even if breeders were economical, the threat to international security posed by the vast amounts of plutonium they would produce and use as a fuel makes them too dangerous even to operate. Plutonium is a key ingredient of atomic bombs.[3]

HOW BREEDERS WORK

Plutonium-breeder reactors, like conventional nuclear power reactors, generate electricity by heating water to operate steam turbines. Heat and plutonium are byproducts of nearly all nuclear-fission reactors.

A major difference between breeder and other power reactors is that breeders must use plutonium (or weapons-grade uranium) as fuel. Most conventional power reactors are fueled with natural or low-grade uranium unusable in nuclear weapons. The plutonium they produce can remain "locked" in highly radioactive spent fuel, where it is inaccessible and is in a dilute form unsuitable for nuclear weapons. This spent fuel can be disposed of in unaltered form. Breeders, however, require large quantities of pure plutonium to be reprocessed from spent fuel. This separated plutonium is then conbined with uranium and "recycled" as breeder fuel. The separated plutonium also can be fashioned into nuclear weapons.

Nuclear fission occurs in the breeder reactor's core and in a surrounding "blanket". A typical 1,000 megawatt breeder is designed with a core of over 30,000 pounds of uranium and more than 5,800 pounds of plutonium.[4] The blanket is comprised of some 22,000 pounds of uranium, primarily consisting of the fertile isotope (non-weapons usable) U-238. Neutrons are produced by fissioning of plutonium in the core and are absorbed by uranium in the core and in the blanket, generating both heat and more plutonium. More than 5,800 pounds of plutonium can be retrieved from the core and more than 760 pounds from the blanket each year of reactor operation. Over 6,500 pounds of plutonium are discharged from a breeder reactor every year.[5] Since less than 15 pounds of plutonium are needed to make an atomic weapon, each breeder reactor discharges enough plutonium to fashion at least 400 bombs a year.

PLUTONIUM AND THE BOMB

The principal obstacle to building an atomic bomb is obtaining plutonium or highly enriched uranium. The requisite technical information, including critical mass summaries and how to fabricate neutron reflectors and other components, is found in the public literature and is, therefore, readily available to individuals, groups and nations.

According to Dr. Theodore Taylor, a former nuclear weapons designer and former Deputy Director of the Defense Atomic Support Agency, a single, well-educated and determined individual could make a crude, but effective fission bomb.[6] A well-designed bomb could possibly fit into a small van or the trunk of a car. The Congressional Office of Technology Assessment reports:

"A small group of people, none of whom have ever had access to the classified literature, could possibly design and build a crude nuclear explosive device. They would not necessarily require a great deal of technical equipment or have to undertake any experiments. Only modest machine-shop facilities that could be contracted for without arousing suspicion would be required." [7]

Similarly, any country with a nuclear power or research program, or with access to plutonium or highly enriched uranium, can manufacture nuclear devices with an explosive yield likely to equal or to surpass the power of the bombs which destroyed Hiroshima and Nagasaki. According to the Office of Technology Assessment:

"The level of technological effort put forth in the minimal national program can be called low technology. Low technology encompasses the sort of nuclear device designs that would likely be produced for a first use or first test. This requires techniques which allow high confidence without prior nuclear test experience. This could be characterized as 1945 U.S. technology." [8]

SAFEGUARDING PLUTONIUM

Safeguarding large quanitites of separated plutonium from misuse for destructive purposes is virtually impossible. Two processes are involved in "safeguarding" this material: (1) measurement and accounting procedures to verify the amounts of plutonium in a reprocessing plant at various points of the fuel cycle, and (2) guards, barriers, cameras, alarms and other physical-security and containment measures to ensure that plutonium is not stolen.

Safeguards must be effectively applied [9] to all elements of the breeder fuel cycle that are subject to diversion or theft of plutonium: the reactor, reprocessing plant, fuel fabrication facility, fuel storage facility and along the transportation routes between and among these facilities.

Since commercial breeders are not yet operated routinely, there is no demonstrated experience for assuring effective safeguards against diversion or theft of fresh fuels containing plutonium for refueling the reactors.

There is a limited amount of safeguards experience for commercial reprocessing plants, the key component of the breeder fuel cycle, and two major problems have become manifest:

First, existing methods of measuring the large amounts of plutonium contained in spent reactor fuel are imprecise: it is possible to estimate the quantity of plutonium contained in the spent fuel of light water reactors only to within plus or minus 10 percent.

Second, current systems can account for the amount of weapons-useable material undergoing reprocessing only to within 5 percent.[10]

According to the General Accounting Office, "Uncertainties resulting from these measurements are so large that diversions of signficant quanities of plutonium might not be detectable in large operating plants." [11]

Similar problems are encountered in fuel fabrication plants and in other facilities that handle plutonium in bulk.

Little commercial reprocessing has taken place in the United States, but a substantial amount of non-commercial plutonium is unaccounted for in U.S. defense and other government nuclear facilities. This material, known as Material Unaccounted For, or "MUF," can result from numerous circumstances including accounting errors, measurement uncertainties, accumulated small losses in pipes, and deliberate diversion. Between 1947 and 1981, over 4,000 pounds of plutonium were unaccounted for in this country. One facility, the Savannah River Reprocessing Plant, a weapons facility operated by the government, had a net shortage of 320 pounds of plutonium during its operating lifetime from 1955 to 1972.[12]

Although the precision of material accountability for each part of the breeder fuel cycle remains difficult to ascertain, the total amount of unaccounted-for plutonium in the fuel-cycle would be large—certainly large enough to permit undetected diversion of weapons-useable plutonium.

STEALING PLUTONIUM

Two major dangers will persist: diversion of plutonium by states and theft by terrorists and gangsters.

The potential for clandestine diversion by governments raises grave dangers. Plutonium, once separated from highly radioactive spent fuel, is readily handled at all stages of the fuel cycle. The ability of the International Atomic Energy Agency to safeguard this material against diversions by states is subject to severe political and technical constraints. Its role is limited to verifying material balances reported by states. It has no authority to seek out clandestine activities. Its role is akin to an auditor, not a policeman.

Uncertainty of materials accounting is so large that the IAEA is unlikely to know for sure whether missing plutonium was, in fact, diverted or stolen. A nation's good faith and cooperation are required for international safeguards procedures and equipment to function properly. As pointed out in a published but still officially classified report by a former IAEA inspector to the Nuclear Regulatory Commission: ". . . the representatives of state systems and the op-

[1] Footnotes at end of article.

erators of the installations know exactly how effective international safeguards are and how the international safeguards system can be defeated." [13]

In a recent letter, Nuclear Regulatory Commission Chairman Nunzio Palladino pointed out that because plutonium and highly enriched uranium (HEU) ". . . can be transformed readily into weapons, we cannot count reliably on inspection alone to provide timely warning of diversion of HEU and separated plutonium in time to prevent weapons asssembly if the necessary preparatory work has been done." [14]

NRC Commissioner Victor Gillinsky recently wrote, ". . . the IAEA system does not (and cannot!) protect plutonium in national hands. . . . In the process of separation, the plutonium loses its national identity and effective control by any one fuel supplier becomes impossible." [15]

Monitoring tons of plutonium being transported around the world in hundreds of different vehicles, and maintaining accurate accounting for the hundreds of facilities in which plutonium is handled would be an arduous enough task. Operating an intelligence system that could provide quick warning of a diversion of plutonium might be impossible to accomplish.

Sober advice to the President has been offered by the Department of Defense regarding the ability of the International Atomic Energy Agency to safeguard plutonium and other dangerous materials:

"The Department of Defense wishes to express its reservations about the effectiveness of IAEA safeguards, the weakness of the IAEA as an international institution, its susceptibility to Third World and East Bloc politics, its lack of an intelligence capability, and the limits of its scope and jurisdiction, in order to guard against undue reliance on the IAEA by those responsible for national security within the United States Government." [16]

Given the known uncertainties and errors in materials accounting, and the technical and human limitations for dealing with them, there is no basis for believing that it is safe to proceed with commercial development of breeder reactors and related fuel facilities. There is no evidence for assuming that science will eventually achieve near perfect plutonium accounting. With tons—and eventually thousands of tons—of plutonium circulating annually in various facilities and being transported around the globe, nations desiring nuclear-weapons material would be able to obtain it.

NUCLEAR THEFTS AND THREATS

At the same time, overt seizure of plutonium, or sneak thefts within the margins of accounting error, also would be difficult to prevent. With dozens or more breeder reactors operating worldwide, hundreds of tons of plutonium would be transported within and among countries by rail, sea, truck and possibly air, presenting numerous opportunities for theft.

The principle presently used to prevent the theft of plutonium used in military facilities—containment—could not effectively be employed to keep plutonium secure once it becomes an item of international commerce. Keeping track of and guarding the hundreds of vehicles carrying plutonium will be an arduous task; preventing thefts of small quantities, enough for a few atomic bombs, could be impossible over the long run.

The Office of Technology Assessment reports, "If plutonium becomes a commonly traded commodity, minimal intermittent black market transactions seem plausible, simply because the large amounts of material that could be circulating would be difficult to safeguard perfectly." [17]

Many unauthorized intrusions of nuclear facilities already have occurred. For example, in March 1971, five uranium rods were stolen from the Springfield fuel fabrication plant in the United Kingdom "perhaps in transit or at the Wylfa reactor in Anglessy." [18] In 1975, in a demonstration of security inadequacy, a West German Member of Parliament carried a bazooka into the Biblis reactor plant and presented it to the Director. In 1976, an intruder successfully scaled a security fence and entered a protected area at the Three Mile Island Reactor. He was not apprehended.[19]

There are a number of recent reports of a disturbing phenomenon—nuclear threats:

". . . in the seven years ending in November 1977, forty-nine threats were received in the United States 'in which adversaries claimed to possess nuclear material or a nuclear device and threatened to wreak severe damage with it.' By mid-1981, the count was sixty-five and rising. . . At least four threats were deemed sufficiently credible to evoke intensive research by a specially instrumented team. . ." [20]

Nuclear terrorist threats would become far more credible once plutonium becomes widely available. In the absence of foolproof methods for keeping even small amounts of this weapons material out of irresponsible hands, the likelihood of genuine nuclear blackmail and of nuclear violence will increase over time if breeders are developed and deployed.

MOVING TOWARD A WORLDWIDE BREEDER ECONOMY

Elaborate plans are being made to protect a single commercial breeder reactor at Clinch River, Tennessee, and its accompanying facilities from sneak thefts and attack. For example, an extensive network of alarms, guards, fences, vaults and other devices, as well as specially equipped plutonium-carrying trucks with armed couriers in constant communication with law enforcement agencies, are being developed. Some of the ancillary fuel-cycle facilities will be located in high-security nuclear-weapons compounds operated by the Department of Energy. The Nuclear Regulatory Commission staff assessment of Clinch River safeguards maintains that "the probability of a successful act of sabotage or theft is low," [21] for this one reactor, but it also points out that "the proposed DOE facility design is conceptual in nature; hence the safeguards system is also conceptual." [22]

Despite the stringent safeguards required for Clinch River and its fuel cycle, and the present conceptual state of those safeguards, the impact of proceeding with Clinch River on the global spread of nuclear weapons is not formally being considered. According to the NRC assessment, "The staff has not evaluated the relative proliferation resistance of the various fuel cycles or the likelihood that development of the Clinch River Breeder Reactor Project will lead eventually to the further proliferation of nuclear weapons." [23]

Breeder proponents look ahead to a world in which there are hundreds, and eventually thousands, of breeder reactors despite the impracticality, if not the impossibility, that the military-like security and safeguards procedures planned for the Clinch River project can be uniformly applied throughout the world.

The International Nuclear Fuel Cycle Evaluation report estimates that there could be some 50 breeder reactors operating by the year 2000; [24] a recent Scientific American article projects that in 50 years about 1,500 breeders could be producing 1,000 megawatts of electricity each, supported by 60 large plutonium reprocessing plants and similar number of fuel fabrication facilities. [25]

Dr. Theodore B. Taylor, the former nuclear weapons designer, describes this breeder-supported world:

"The total annual quantity of plutonium shipped between the projected nuclear power plants and fuel reprocessing and fabrication plants would be in the vicinity of 2 million kilograms. It takes less than 10 kilograms of plutonium to make a fission bomb that is *now* old fashioned. Diversion of less than 1% of this annual flow of plutonium would be enough for more than 1,000 nuclear weapons per year." [26]

He points out that a "single fast breeder fuel reprocessing plant would discharge enough plutonium for more than 10,000 nuclear weapons per year." [27] Depending on how many breeders are producing electricity, there could be hundreds or thousands of bombs worth of material unaccounted for each year.

Plutonium, once separated from spent fuel, remains weapons usable for over 100,000 years; in fact, it then decays into another weapons material, uranium-235. Because of its exceedingly long active life, plutonium must be guarded with absolute assurance for a period of time equal to the millennia between the last ice age and the present.

THE GLOBAL IMPLICATIONS OF CLINCH RIVER

Given the inherent danger of separated plutonium, a material produced by the ton that can be used by the pound to make nuclear weapons, the implications of proceeding with the Clinch River plutonium breeder go far beyond the energy interests of the United States. Clinch River would further legitimize plutonium as a civilian fuel and would encourage breeder development and plutonium commerce around the world at the very time these programs are encountering serious difficulties in every country pursuing them.[28]

There is no human experience in commerce in a material as dangerous a plutonium. However, the inability of governments to control trafficking in heroin, portable anti-aircraft missiles and high explosives suggests that we cannot be sanguine about their ability to control trafficking in plutonium. The widespread use of plutonium as a civilian fuel would pose an unprecedented threat to human civilization, even to survival. Neither the political nor the technical skills have been developed to assure the safe and secure handling of plutonium in commerce. Unless they are, Clinch River and other commercial breeder reactors are too dangerous to bring into the world.

FOOTNOTES

[1] Judith Miller, "Trying Harder to Block the Bomb," *New York Times Magazine*, September 12, 1982.

[2] The Department of Energy's most recent cost estimate for Clinch River, made in 1980, is $3.2 billion, an eight-fold increase since the original 1971 projection of $400 million. An interim report by the General Accounting Office states that the cost of the project could exceed $8.8 billion (September 23, 1982). Neither the DOE nor GAO include in their calculations the cost of all the ancillary facilities such as reprocessing, fuel storage and fabrication plants. Breeder programs in France, Great Britain,

Japan and West Germany are experiencing major cost escalations as well.

[5] The vast amounts of weapons plutonium in the United States and other nuclear-weapons states are also of deep concern but beyond the scope of this report on the impact of commercial plutonium on the spread of nuclear weapons.

[6] All figures, unless otherwise stated, are for a 1000 ME(e) breeder reactor. Breeder input and output information is derived from the International Nuclear Fuel Cycle Evaluation, Report of Working Group 5, Chapter 3, "The Fast Breeder Fuel Cycle," pp. 83-91, International Atomic Energy Agency, Austria, January 1980.

[7] The isotopic content of the plutonium produced in the blanket is about 97% plutonium 239, which is considered ideal weapons material. Plutonium in the core has a higher concentration of plutonium 240, but still can be readily used in nuclear bombs.

[8] Statement made at a forum on nuclear terrorism at a meeting of the Nuclear Nonproliferation Task Force, U.S. Congress, August 12, 1982.

[7] *Nuclear Proliferation and Safeguards*, U.S. Congress, Office of Technology Assessment, 1977, p. 140.

[8] Ibid., p. 140.

[9] By "effectively applied" we mean safeguards that can provide prompt warning of a diversion of, or can prevent theft of, a weapons-quantity of plutonium—that is, less than 15 pounds.

[10] An accounting error of 5 percent of the plutonium going through a large commercial reprocessing plant amounts to 1,650 pounds, or the equivalent of more than 100 atomic bombs a year. Even if the margin could be reduced to one percent, which is regarded as highly unlikely, the amount of plutonium unaccounted for still would be equivalent to more than 20 bombs a year.

[11] "Nuclear Fuel Reprocessing and Problems of Safeguarding Against the Spread of Nuclear Weapons," General Accounting Office, EMD-80-38, March 18, 1980, p. ii.

[12] Ibid., p. ii.

[13] Emanuel R. Morgan, *Report on the Implementation of IAEA Safeguards*, as reported in *Nuclear Fuel*, November 23, 1981, p. 9.

[14] Nunzio A. Palladino, Chairman, Nuclear Regulatory Commission, Letter to Senator Gary Hart, March 2, 1982.

[15] Victor Gilinsky, "The Administration's Risky Plutonium Policy," *The Wall Street Journal*, July 15, 1982.

[16] See Gerald F. Seib and John R. Emshwiller, "President Unveils Nuclear Arms Policy as Pentagon Criticizes Watchdog Agency," *The Wall Street Journal*, July 17, 1981.

[17] OTA, op. cit., p. 15.

[18] "Obstacles to U.S. Ability to Control and Track Weapons-Grade Uranium Supplied Abroad," General Accounting Office, GAO/ID-82-21, August 2, 1982, p. 64.

[19] Ibid., p. 65.

[20] Amory B. Lovins and L. Hunter Lovins, *Brittle Power: Energy Strategies for National Security*, Brick House Publishing Co., Inc., 1982, p. 160. Quoted G. Bass, "Motivations and Possible Actions of Potential Criminal Adversaries of U.S. Nuclear Programs," report to Sandia Laboratories, RAND Corporation, R-2554-SL, February, 1980.

[21] Nuclear Regulatory Commission, "Supplemental to Final Environmental Statement related to construction and operation of Clinch River Breeder Reactor Plant," NUREF-0139, Supplement No. 1, Vol. 1, October 1982, p. 12-66.

[22] NRC Supplemental, vol. 2, op. cit., p. E-13.

[23] NRC Supplemental, vol. 1, op. cit., p. 12-33.

[24] INFCE, op. cit., p. 85.

[25] Wolfgang Sassin, "Energy," *Scientific American*, September 1980.

[26] Statement by Theodore B. Taylor, Subcommittee on Oversight and Investigations of the Committee on Interior and Insular Affairs, U.S. House of Representatives, October 23, 1981.

[27] Ibid.

[28] See "The Floundering Race to Build the Nuclear Concorde" by Walter C. Patterson, prepared for Congressional briefing by Taxpayers Coalition Against Clinch River, September 15, 1982.

COLBY—EX-HEAD OF CIA—CALLS FOR NUCLEAR FREEZE NOW

Mr. PROXMIRE. Mr. President, yesterday's Washington Post carried an article by William Colby calling on President Reagan to leapfrog the obstructionists who urge him to oppose the freeze and instead take the leadership of the freeze movement. Who is William Colby and what are his credentials to speak out in this nuclear freeze debate? Mr. President, William Colby is the former Director of the Central Intelligence Agency, that is right—the CIA. As the former chief of our intelligence he speaks with a profound and detailed knowledge of our nuclear weapons and the Soviet nuclear weapons. After all, for years his job was to know just what progress the Soviet Union was making and where we stood vis-a-vis the Soviet Union in the arms race.

And so Mr. Colby speaks with special force on the very tough problem of verification. No other element of the freeze has been so vigorously criticized by its opponents as our ability to determine whether or not the Soviet Union would abide by a freeze treaty and whether we could protect ourselves, if they would not. Consider what Colby says on this point:

Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power.

And now listen to this from the man who can speak with as much authority as anyone about our intelligence system. Colby goes on to say:

The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not; a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process.

And this former head of the CIA goes on to say:

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us." And Colby concludes: "The real question is what we propose to do about a violation rather than whether we would know of it. In this respect there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenges. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

And consider, Mr. President, the advantages listed by Mr. Colby in evaluating the advantage of the freeze to the safety of our country:

First, a freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. At worst, a standoff for this country—no net loss in security, and a gain for peace in avoiding hair-trigger, first-strike deployments.

Second, a freeze would bar the development of cruise missile armadas on both sides. True, we are ahead to date, but the U.S.S.R. will catch up as they did with MIRV. So the cruise missile armada race would stop—and what's wrong with that?

Third, a freeze would stop the Blackjack bomber on the Soviet side and the B-1 on our side, another gain for peace and national security.

Fourth, the freeze would stop both the D-5 missile by us and more accurate Soviet submarine-launched missiles, another gain for both national security and peace.

Finally, Mr. Colby argues that the Soviets are not superior to us in technology and that we have a retaliation potential that is "absolute." So why not freeze it right here?

Mr. President, I ask unanimous consent that the article by William Colby in the Tuesday, April 19, 1983, Washington Post be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 19, 1983]

REAGAN SHOULD TURN FROM APPEASEMENT TO A FREEZE

(By William E. Colby)

To use language meaningful to those of President Reagan's generation (and my own), appeasement doesn't work. I am sure the president would agree with that statement, but in fact, he is engaged in a program of appeasement. NATO's first resolute decision to deploy 108 Pershing II missiles and 464 cruise missiles to meet the Soviet SS20 buildup has been followed by the president's proposal of a zero option on both sides, rejected by the Soviets, and then a suggestion for an interim solution, also rejected by the Soviets.

The president's proposal to supplant the SALT II treaty by the START proposal to reduce strategic launchers to 850 on each side and warheads to 5,000, no more than half of which would be land-based, has been rejected by the Soviets. The U.S.S.R. made a minimal move in our direction by suggesting an 1,800-launcher limit. The administration now considers means by which it could move off its original proposal toward the Soviet position.

Another appeasement being attempted is of the anti-nuclear and nuclear freeze movements in the West. The political force of these movements led the administration to soften its previous positions, in hopes of diluting the impatience of millions of Europeans and Americans over their governments' inability to reduce the nuclear terror to which they are exposed. Minor variations of the degree of terror certainly are not going to appease these movements, particularly when these gestures are matched by plans to bring in new weapons systems like the MX, the D5, the B1, and a whole new dimension of space warfare.

The real requirement is for a bold move to halt the arms race, as a clear indication of resolution to reduce the nuclear terror to which all our populations are subjected.

This is the basis for the call for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems. A recitation of what this freeze will produce in benefits to the safety of the United States is a compelling argument for Reagan to leapfrog the obstructionists who urge him to oppose it and instead take leadership of it.

A simple projection of current weapons plans that would be obviated by a freeze demonstrates its value to the safety of our country:

(1) A freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. The prime characteristic of these new weapons is an increase in accuracy and consequent targeting of the land-based missile systems of the other side. While the so-called "first-strike" scenario is discussed as a theoretical possibility today, the advent of these new weapons systems will bring it remarkably closer. Both sides will be convinced that the other will soon have the potential for a single devastating blow, requiring that it keep itself on hair-trigger alert for an equally devastating response. The decision time in such circumstances will be reduced so that automatic, not human, decisions will have to be programmed, offering the sickening prospect of mutual destruction through machine error.

(2) A freeze would bar the development of cruise missile armadas on both sides. While the United States is technologically ahead with this new device to date, it is predictable that the Soviets will develop their own capability within the next decade. They did just that with respect to the MIRV, after it was left out of SALT I in 1972 because the United States had no incentive to bar itself from something the Soviets did not then have. At the end of this decade, we can confidently expect a national debate over the need for a comprehensive air defense system to protect the United States from a Soviet cruise missile armada. This whole development would be eliminated by a freeze today.

(3) A freeze would bar the further development and deployment of the Blackjack bomber on the Soviet side and of the B1 on the American side. This would have to be clarified in the discussions leading to the freeze agreement, but it seems clear that the strategic arms negotiating history considers intercontinental aircraft to be launchers rather than platforms. Again, this would prevent the buildup of a large Soviet intercontinental nuclear air force requiring the kind of air defense system the Soviets are now hoping can hold off at least some of our B52s.

(4) The freeze would bar the development of the D5 missile by the United States, with its improvements in accuracy leading to the danger of first strike from the sea. Similarly, it would bar a more accurate Soviet submarine-launched missile. It would not bar the replacement of Polaris submarines by Tridents because the negotiating history has considered submarines as platforms rather than as launchers. The Soviets are currently considerably behind the United States in submarine technology, but again it can be confidently expected that they will improve over the next decades through a combination of espionage, allocation of resources and talent, and plain competitive determination. A freeze on launchers would limit the application of those improvements in the nuclear dimension.

Each of the arguments against the freeze collapses under careful examination:

(1) The Soviets are certainly not "superior" to the United States in any meaningful way today. If they were, we would see them using that superiority, rather than indicating concern over the technological superiority of the United States and its ability to leap ahead in technology in the coming years at a pace beyond that possible for the Soviet Union. The present American retaliation potential is absolute, and with a modicum of maintenance, its components will not vanish from old age.

The Soviets restrict their adventurism these days to the safer techniques of proxy war, subversion and attempts to encourage weakness of American will and separation from European opinion. This is not the bluster of someone convinced that he has the power to dominate. It is the wiliness of someone operating from a position of weakness, trying to slow the opponent down without direct confrontation.

(2) Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power. The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not; a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process. Even in areas of ambiguity, of which there will certainly be some, such as the current indications of Soviet violation of the chemical and biological treaty, it is plain that our intelligence systems have picked up these activities. They have not occurred without being exposed to outside scrutiny.

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us.

The real question is what we propose to do about a violation rather than whether we would know of it. In this respect, there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenge. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

(3) A freeze would certainly be of advantage to the Soviet Union, halting the major American nuclear buildup now planned. As with any successful treaty, however, the question is whether it would be in the equal interest of the United States, halting a certain further Soviet buildup of nuclear weaponry, which, of course, it would. We can protect the United States better by convincing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

Thus appeasement is not the answer. It does not satisfy the nuclear priesthood, which thinks only of building new and more complex weapons systems. It does not satisfy the Soviets, as every indication of yielding is taken as a weakening of will to achieve a mutual solution to the arms race. It does not satisfy the opponents of nuclear warfare among the broad populations of Europe and the United States, who believe their leadership has failed to protect them against potential annihilation as a result of the inexorable march of technology.

Only a bold, firm call for a mutual stop in the arms race could cut through the present tangled political and diplomatic negotiations and produce a result worthy of an American president.

GENOCIDE CONVENTION: POLAND'S COMMEMORATION TO THE WARSAW GHETTO REBELLION

Mr. PROXMIRE. Mr. President, this week, Poland will salute the courage and determination of those Jews who waged an epic struggle against the Nazi occupation forces 40 years ago in the Warsaw Ghetto. This elaborate 40th anniversary celebration marks the first big international event to take place in Poland since the declaration of martial law more than 13 months ago.

Participants in this grand commemoration include representatives from many of the major United States and West European Jewish organizations and individual citizens from around the world. However, for many Jews the decision whether or not to attend the ceremonies was a painful one, forcing them to weigh their duty to honor the memory of those who paid with their lives in the Warsaw Ghetto against current Polish and East-West politics.

Undoubtedly, the revolt of the beleaguered and outnumbered Jews of the Warsaw Ghetto against the might of the Nazi Army deserves a special commemoration. Few question the world significance of this rebellion as a symbol of man's struggle for freedom over forces of oppression. Yet, many Jews hesitate supporting the commemoration in a country as blatantly anti-Semitic as Poland. The Jews strongly suspect that the memorial is a weak, but politically convenient, gesture for the government of General Jaruzelski to divert attention away from their declaration of martial law and to seek a new opening toward Jews without actually making amends for Poland's post-war anti-Semitic acts. Although few practicing Jews remain in Poland, government officials, who are going to considerable lengths to associate themselves with the memorial activities, hope that the political fallout from the celebration will uplift Poland's international image.

Marek Edelman, the last surviving leader of the Warsaw Ghetto uprising, is among those refusing to participate in the commemoration. When questioned about his refusal, the 62-year-old former resistance fighter and activist in the now-outlawed Solidarity Union issued this statement:

Forty years ago we did not fight merely to survive—we fought for life in dignity and freedom. To celebrate our anniversary here, where enslavement and humiliation are now the lot of the whole society, where words and gestures have become nothing but lies, would betray the spirit of our struggle.

Mr. Edelman's refusal to join the Polish commemoration proves that he has an awareness that the struggle against bigotry and hatred that characterized the Holocaust is far from being over. Gestures of sympathy and concern for past atrocities do little to assure their future prevention.

Mr. President, while the tragic events of the Holocaust are behind us, intolerance, anti-Semitism, and hatred are still prevalent today and could at any time ignite another genocidal act. We in the Senate have a moral responsibility to do everything in our power to prevent senseless tragedies of the past from being repeated.

We now have at our fingertips an instrument for our advocacy of human rights. I am referring to the Genocide Convention, which is specifically aimed at protecting ethnic, national, racial, or religious groups from extermination by making the act of genocide a crime under international law.

Although the Genocide Convention has been pending before the Senate since 1949, the United States stands alone among the developed nations in its failure to ratify this important treaty.

Let us prove to the world that we are willing to take a firm and positive step toward the prevention of another Holocaust by ratifying the Genocide Convention.

INVESTOR-OWNED HOSPITALS: PRESCRIPTION FOR SUCCESS

Mr. HUDDLESTON. Mr. President, my home State of Kentucky is fortunate to have an excellent network of profit and nonprofit hospitals, staffed by some of the most able and dedicated people I know.

We are also fortunate to be the home of Humana, Inc. Organized in Louisville in 1961, Humana now has 93 hospitals with more than 16,000 licensed beds in 23 States, and is helping to bring some innovative ideas and changes to the hopital industry.

This month's Reader's Digest includes an article about Humana and some of the other investor-owned hospital chains. I ask that "Investor-Owned Hospitals: Prescription for Success" be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INVESTOR-OWNED RX FOR SUCCESS

BY MIXING BUSINESS ACUMEN WITH CREATIVE MEDICAL CARE, THESE CHAINS ARE REAPING HEALTHY DIVIDENDS FOR PATIENTS AND SHAREHOLDERS ALIKE

(By Donald Robinson)

You are wheeled into a hospital, conscious of the hiss and click of automatic doors and the cool glare of fluorescent lights above you. Like many of the 35 million Americans admitted to hospitals each year, you experience an apprehension that compounds your illness or injury. You've heard about indifferent care, overcrowding and the crunching costs.

You may, however, be pleasantly surprised. A revolution in hospital care is under way all over the country. Consider:

At Sunrise Hospital, an ultramodern 670-bed facility in Las Vegas, accident or trauma victims do not suffer painful—sometimes fatal—delays before being seen by a nurse or a doctor. Every patient is seen within 60 seconds of arriving in the emergency wing.

If a nurse or attendant fails to respond to a call signal within one minute at Eastwood Hospital in Memphis, Tenn., the patient receives a $10 refund on the daily bill. If his room is not cleaned properly, he receives an additional $10 reduction. As a result, the hospital is virtually spotless; care is prompt.

At Grand Strand Hospital, a glistening 133-bed community facility in Myrtle Beach, S.C., most patients occupy private rooms. There are no wards with patients shoehorned into corners. Yet private patients pay just a few dollars a day more for a room.

These three institutions belong to nationwide chains that are bringing long-overdue relief to hospital patients. At the same time they are producing healthy profits for hundreds of thousands of shareholders. The secret of their success? Simple. They make money by giving people what they need: dignified, comfortable and competent care. "We treat patients as customers, not statistics," says David A. Jones, chairman and chief executive officer of Humana, Inc., a hospital chain with $1.9 billion in operating revenues in 1982.

PERSONAL TOUCH

The vast majority of America's 7000 hospitals are nonprofit institutions. Inefficiency and waste are commonplace in those facilities that have not banded together. Costs rise unchecked and, with increased demand for services and inadequate payment, losses—especially in large inner-city hospitals—have been catastrophic.

By contrast, hospital chains have become one of the fastest-growing, most profitable industries in the United States. At last count, 41 chains owned 668 hospitals throughout the country (an increase of 37 percent in less than six years) and were being paid to manage 283 nonprofit hospitals. In 1981 such investor-owned chains handled more than six million patients—nearly 15 percent of all hospital admissions. Meanwhile, the chains have injected billions of dollars into the ailing hospital industry. And modern management by free-enterprise-oriented executives is paying high dividends—not only for investors but for patients as well.

Lewis-Gale Hospital in Roanoke, Va., is one of more than 350 facilities operated by Hospital Corp. of America (1982 operating revenues: $3.5 billion). Patients scheduled for surgery here are given routine X rays, lab work and other tests on an outpatient basis before admittance—thus saving costly days in the hospital.

HCA nurses are instructed to sit for a time at the bedside of every patient and calm his or her fears. The day before Robert Kennedy, a 59-year-old bank security guard, was scheduled for open-heart surgery at Park View Hospital in Nashville, he talked about his care. "The nurses have shown me kindness and love," he said. "It's not just that they take care of my needs. It's the way they come in and whisper, 'Don't worry, Bob. You're going to be all right.'"

Like most responsible hospitals, many chain hospitals send questionnaires to their patients as soon as they return home, requesting comments on food, nursing and orderly care, and on the business office. Hospital administrators try to follow through on every complaint.

NEWER AND BETTER

The average chain hospital has 175 beds, roughly the same as the average nonprofit institution, but here the similarities usually end. The investor-owned hospital is likely to be newer, with more sophisticated equipment than the average community hospital, because it has large amounts of capital at its disposal. Sixty-three percent of Humana's 90 hospitals are less than ten years old. In contrast, almost half our existing hospitals are at least 25 years old and will require major renovation or replacement within the next decade.

Many chain hospitals have been upgraded to treat a greater variety of diseases. HCA just opened a $9-million cancer wing at Park View. HCA's Los Robles Regional Medical Center near Los Angeles has one of the finest burn units in America. A 267-bed Humana hospital in Orlando, Fla., has earned an international reputation for rehabilitating patients with damaged spinal cords. Humana's Sunrise was the first hospital in Nevada to install a neonatal intensive-care unit. Result: the unit helped slash the State's death rate for premature babies by 50 percent.

DIAGNOSIS BY WIRE

Another characteristic of investor-owned hospitals is innovation. For example, American Medical International (AMI) has hooked up its 73 hospitals (and other subscriber hospitals) throughout the country to a central respiratory lab near Boston. When a respiratory therapist tests a patient's breathing, the impulses are sent over a special data wire to the Massachusetts lab. The information is printed out by a computer there and reviewed by a pulmonary specialist. In a few hours the local hospital gets a "big city hospital" diagnosis.

AMI has also put together a fleet of 55 mobile CAT scanners, which cost an average $1 million apiece, to circulate among hospitals that elect to purchase the service. Now even the smallest facility can make a CAT scanner available to patients.

In smaller cities and towns, a chain hospital sometimes can mean the difference between life and death. In the mid-1970s, for instance, hospitals in Hobbs, N.M. (pop. 29,800), were so substandard that the seriously ill often traveled 110 miles to hospitals in Lubbock, Texas. Answering the pleas of alarmed community leaders, a chain company built the ultramodern 180-bed Lea Regional Hospital. In 1979, it was sold to HCA. Since then the corporation has recruited 58 new specialists, including an eminent neurosurgeon, Dr. Byron Bloor, former chairman of neurology at Loyola University. Their

presence has saved the lives of many Hobbs residents. A typical emergency case:

Jesse Cano, a 22-year-old student at New Mexico Junior College, was cramming for an exam when he suffered a headache so excruciating that he fainted. An ambulance sped him to Lea Regional where a CAT scan revealed an aneurysm of an artery supplying blood to his brain. It had hemorrhaged.

After Cano's condition had been stabilized, Dr. Bloor performed delicate brain surgery, and 13 days after the operation Cano was discharged from the hospital. Had he suffered the hemorrhage a year earlier, he might not have survived the trip to Lubbock.

PROFITABLE LESSON

The idea for one of the first investor-owned hospitals came in the mid-1950s when a Nashville doctor, Thomas F. Frist, Sr., became unhappy with the quality of care his patients were receiving in local hospitals. His goal was to provide a standard of medical care unavailable from nonprofit public hospitals. How? By using private capital to establish a network of hospitals that would deliver quality care at competitive costs.

Frist and some colleagues pledged their personal assets to acquire Park View, which in 1968 became the flagship of the HCA chain. By 1978 Frist and his partners had 100 more. HCA was the first company on the New York Stock Exchange to pass the billion-dollar mark in sales in its first ten years of operation.

Since then the chain concept has continued to spread and to reap profits despite the fact that these hospitals pay federal, state and local taxes. As a group, they paid $484 million in taxes in 1981.

Investor-owned hospitals save money in myriad ways. They purchase supplies in bulk and minimize duplication of services. In addition, the chains make a big effort to collect unpaid bills. By speeding up accounts receivable at a California hospital from 48 to 33 days, National Medical Enterprises, a for-profit hospital-management company, saved the facility $410,411 in just 18 months.

Cutting bloated staffs while attracting good personnel is another important goal. Although a critical shortage of nurses has prevailed throughout the country, major chains have all they need because they have devised novel benefits and working conditions. For-profit chains, for example, helped pioneer day care and flextime for nurses.

The average daily nonprofit hospital bill of $284 is virtually identical to that at an investor-owned institution. But patients at the investor-owned hospitals actually pay less overall because they are discharged faster. The average stay in investor-owned community hospitals is 6.5 days compared with 7.8 days in nonprofit community hospitals. "A better-managed hospital gets people in and out quickly," says Michael D. Bromberg, executive director of the Federation of American Hospitals, a national association of investor-owned hospitals.

SALVAGE OPERATION

In addition to running their own hospitals, some chains supply management services and know-how to ailing nonprofit institutions. Not long ago Chicago's Cook County Hospital, the sole public hospital in the city, was in deep financial difficulty. The 1378-bed institution was racked by fiscal problems and inefficiency. In April 1980 the newly reappointed Cook County Board of Commissioners hired the Hyatt medical chain as management consultants in a last-ditch effort to rescue the dilapidated hospital.

The Hyatt team's survey found the vital medical-records department in chaos. The operating rooms worked at one-third capacity because of a shortage of anesthesiologists. The hospital had lost $51.3 million in unpaid bills over a three-year period.

The medical records were quickly brought up to par. Meanwhile, the company persuaded the Board of Commissioners to raise salaries for anesthesiologists to the going level—around $90,000 a year. As a result, the hospital was able to recruit a full complement of anesthesiologists, and last spring all 18 operating rooms were functioning at capacity. To date, $36 million in unpaid bills has been recovered—primarily by making patients aware of their eligibility for Medicaid.

Hyatt also reorganized the rest of the hospital. Twenty kitchens were consolidated into seven, eliminating $700,000 a year in wages, and there are plans to combine several large laboratories. Hyatt earned the hospital $6.2 million a year in interest by slashing in half the time it took to bill Medicaid. The consultants also earned the hospital $600,000 a year more in interest simply by changing the time the hospital's daily receipts are picked up and taken to the bank. "We still have a long way to go," says Elliott C. Roberts, Cook County Hospital director, "but we're on the way."

At the same time many other nonprofit hospitals have taken a leaf from the investor-owned hospital chains and banded together into regional systems to promote improved hospital management, shared services, joint purchasing, novel financing. "The chains have taught us a great deal," says J. Alexander McMahon, president of the American Hospital Association, which represents all the nation's hospitals, nonprofit and for-profit. "The ones who'll profit the most are the patients."

S. 764—THE AIR TRAVELERS SECURITY ACT OF 1983

Mr. WARNER. Mr. President, I ask unanimous consent that Senators COCHRAN and ABDNOR be listed as cosponsors of S. 764—the Air Travelers Security Act of 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on March 10, Senator SASSER and I, along with Senator PRESSLER, Senator INOUYE, and others introduced the Air Travelers Security Act of 1983, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

This is an important consumer-oriented bill which deserves the support of all Senators.

The purpose of this bill is to permit the airline industry to retain intercarrier agreements designed to provide the industry with an efficient, shared distribution system of retail agents. This system is of enormous benefit to the industry and the traveling public. The agreements which make this system possible provide a centralized process for accreditation and appointment of travel agents that is extraordinarily efficient.

Because all travel agents must meet a specific set of professional qualifications, related to experience and financial integrity and which are acceptable to the airlines, the airline parties to the agreements are enabled to accept each others' agents with a minimum of expense. The airlines also are able to recognize and honor the tickets issued by such agents, facilitating the provision of interline transportation throughout the United States and the world.

The integrated nationwide network of travel agents that is produced by the agreements has evolved, with the continuous oversight and approval of the Civil Aeronautics Board (CAB), over a period of 40 years.

This system has served the airlines and the public very well.

It has promoted competition in many important ways and, in particular, has contributed to the ability of the airline industry to make the transition to a less regulated environment as contemplated by the Airline Deregulation Act of 1978.

In an increasingly confusing, often chaotic market, the fully representative industry travel agent is a source of complete and objective information for consumers without parallel in other industries. The industry agent has likewise made it possible for airlines to enter new markets with maximum efficiency by providing new entrants with a preexisting network of agents that already represent the new carrier.

The CAB recently completed a lengthy investigation of the airlines' marketing agreements for both domestic and international sales. An administrative law judge, who presided over the trial of the case, recommended that the key feature of the agreements be retained. The judge heard the testimony through 90 hearing days and personally studied all of the evidence and briefs objectively.

The judge held that the provisions requiring all agents to be accredited under the agreed-to standards was essential to the efficient maintenance of an integrated air transport network, especially one which would continue to provide interline transportation, a very important public benefit.

The judge also found that the accreditation system should apply only to persons acting as agents on behalf of the airlines, to permit possible entry into the retail ticketing business by firms interested in a nonagent or traditional retailer relationship with the airlines.

Finally, the judge concluded that the agreements must continue to receive antitrust immunity, as they have for the past four decades, in order to continue operating. This immunity

protects the airlines from civil and criminal attack with respect to the agreements that the Government has administratively approved as in the public interest.

The airline parties to the agreements, the travel agency industry, and one firm that appeared to seek entry as a ticketing retailer, accepted the judge's approach as reasonable and balanced. It sustained the vital elements of the agency network while allowing new opportunities for innovation.

The CAB itself, by a divided vote, overturned the recommendations of the administrative law judge. The Board concluded that the provisions requiring all agents to be accredited should terminate immediately in cases where two or more airlines agreed to allow interline sales by unaccredited agents across the lines.

The Board also disapproved, as of January 1, 1985, the standards designed to limit accreditation to persons interested primarily in engaging in public business as agents for promotion and sale of airlines' services, as distinct from customers interested primarily in dealing for their own account and using agency accreditation as a device to obtain discounts from prices that airlines would otherwise charge.

The Board stripped all of the carrier marketing agreements of all antitrust immunity as of January 1, 1985.

The basis for the Board's objection to the judge's recommendations are entirely theoretical. The Board saw the central issue as one of deregulation versus regulation. It had earlier concluded that the conferral of antitrust immunity was essentially inconsistent with deregulation, even though the Airline Deregulation Act continued the authority of the Board to grant such immunity. The Board's desire to strip the immunity from the agreements led it to eliminate provisions that it believed, for the same theoretical reasons, were not sustainable without it, regardless of the public transportation benefits that those provisions secured.

The Board also interpreted the agreements review section of the Federal Aviation Act (section 412) in a way that placed an impossible burden on proponents of the agreements. This is clearly revealed in the following passage from the Board's opinion:

> The dominance of travel agents in ticketing airline services is not in itself objectionable. If this market position were achieved or persists solely because of the efficiencies of the existing distribution system vis-a-vis other options for purchasing tickets, there would be little basis for challenge under antitrust standards. However, with the exclusivity provisions in place we cannot find that this is the result of the normal operation of market forces but must instead presume that present industry-wide agreements are dictating marketing structure.

Under this rationale, as long as the mandatory accreditation rules were a reality, as they have been for decades, agreement supported, could never prove that agreements were beneficial.

This is neither the approach nor the result that the Congress intended when the agreement-review and antitrust immunity sections of the act were amended in 1978 and 1979. The Board's recognized enthusiasm for completing the deregulation process must be measured and overseen by the Congress when matters affecting the basic structure of the industry are involved.

This is especially important where the Board itself is facing near-term extinction and will thus not be available to deal with long-term consequences of its decision.

Conversely, the deadlines established by the Board's decision effectively foreclose any successor agency from reviewing the Board's action in a timely manner.

The Congress will soon address the complex, long-term decisions related to sunset of the Board, while the airline industry continues to be battered by recession and other economic problems. This is not the time to risk disruption of the marketing system and the tremendous public benefits that it has produced.

The Air Travelers Security Act restores the well-reasoned and fact-based result proposed by the administrative law judge. It adds two new sections to the Federal Aviation Act. The first establishes congressional policy with respect to the airline marketing agreements. It recognizes the important contribution they make to the traveling public and to efficiency and competition in the airline industry.

The second section directs the CAB to vacate its order and substitute the order recommended by the administrative law judge.

Among the groups which have endorsed this legislation are a wide range of industry and consumer groups, including the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the Air Travel Association, the American Automobile Association, Sheraton Hotels, Norwegian Caribbean Lines, the National Tour Association, and the Senate Commerce Committee Travel and Tourism Industry Advisory Council.

This bill was introduced by Congressman GLENN ANDERSON and has 40 cosponsors in the House of Representatives, including the cochairman of the U.S. Congressional Travel and Tourism Caucus, Congressmen BONER and BADHAM.

I am grateful for the support this legislation has received from my colleagues. I urge all other Senators who are concerned in the least about the rights and security of the American traveling public to support this bill.

THE SENATE TOURISM CAUCUS

Mr. WARNER. Mr. President, recently, Senator SASSER and I, as cochairmen of the Senate Tourism Caucus, wrote our colleagues to encourage the continued support of the caucus by those Senators who are already members, and to invite the participation of those who are not.

The response to our letter was heartening. From a membership of less than 50, the caucus grew to include 67 Senators—almost two-thirds of the Senate.

Nationally, the travel industry is America's second largest retail industry. It represents over 6.5 percent of the U.S. gross national product (GNP) and, as we ponder the size of the national debt over the next few weeks, we in the Senate should recall that the travel industry contributes better than $9 billion in tax revenue to the Federal Government.

Twenty-seven percent of all new jobs created in the last 3 years have been created in the travel industry and, for every two jobs created in the travel industry, one job is generated in other sectors of the private sector economy.

Clearly, travel and tourism is important to our Nation and our Nation's economy. More importantly, it is vitally important to the millions of Americans—many of them who are otherwise unemployable—who work in this industry.

The Senate Tourism Caucus was established to provide Senators information about travel and tourism issues. Over the years, the caucus supported passage of the National Tourism Policy Act, supported adequate funding for the U.S. Travel and Tourism Administration, held symposiums and produced a white paper on travel and tourism in the 1980's and now, in the 98th Congress, will hold a series of programs for caucus members and their staffs on issues of importance to the industry.

Recently, the Travel & Tourism Government Affairs Council published a resource kit of tourism facts. All Senators have, or will receive a copy of this resource kit. I believe they will find the kit to be a valuable tool. It is my hope that, in the near future, the council will be able to provide to Senators a briefing on that information, as well as other data resources they have available to help Senators better appreciate the importance of travel and tourism.

I will keep all Senators informed of that upcoming caucus program schedule.

Mr. President, I ask that a complete roster of the Tourism Caucus be included as a part of my statement.

The roster follows:

SENATE TOURISM CAUCUS MEMBERSHIP AND CONTACT LIST

Name, contact, and extension:
Senator Andrews, Larry Lesser, 42043.
Senator Armstrong, Greg Walcher, 45941.
Senator Baker, Melissa Galvin, 44944.
Senator Baucus, Brent Budowski, 42651.
Senator Bentsen, Steve Aguilar, 42157.
Senator Boschwitz, Tim Bergan, 45641.
Senator Bumpers, Mary Davis, 44843.
Senator Burdick, Connie Koehmstet, 42551.
Senator Byrd, Debbie Wood, 43954.
Senator Chafee, Dave Griswold, 42921.
Senator Chiles, Kim Christianson, 45274.
Senator Cochran, Sara Smith, 43063.
Senator Cohen, Peggy McGaffigan, 42523.
Senator Cranston, Gina Genton, 43553.
Senator D'Amato, Michael Forbes, 48375.
Senator Danforth, Ted Blanton, 41406.
Senator DeConcini, Laurie Sedlmayr, 44521.
Senator Domenici, Pat Lawson, 46621.
Senator Durenberger, Steve Lowe, 43244.
Senator East, Palmer Stacy, 43154.
Senator Ford, Martha Maloney, 41152.
Senator Garn, Bob Weidner, 45444.
Senator Goldwater, Dale Brown, 42235.
Senator Hatch, Louis Larsen, 45251.
Senator Hatfield, Jeff Arnold, 43753.
Senator Hawkins, Mike Sauls, 43041.
Senator Hecht, Royle Melton, 46244.
Senator Heflin, Mike House, 44124.
Senator Heinz, Peggy Basketts, 46324.
Senator Helms, David Craft, 46342.
Senator Hollings, Ralph Everett, 40411.
Senator Huddleston, Tim Dudgeon, 42541.
Senator Humphrey, Dave Gray, 42841.
Senator Inouye, John Hardy, 46742.
Senator Jepsen, John Conrad, 43254.
Senator Johnston, Felicia Rabito, 45824.
Senator Kasten, Willie Lukach, 48643.
Senator Kennedy, Jonathan Orloff, 44543.
Senator Laxalt, Kelton Abbott, 46797.
Senator Levin, Marda Robillard, 49122.
Senator Long, Pat Ingram, 40320.
Senator Mathias, Monica Healy, 44654.
Senator Matsunaga, Elma Henderson, 46361.
Senator Mattingly, Woodie Woodward, 43643.
Senator McClure, Jeff Cilek, 42752.
Senator Melcher, Dave Voight, 42644.
Senator Mitchell, Tom Gallagher, 45344.
Senator Moynihan, Jeff Viohl, 44451.
Senator Murkowski, Tim Burgess, 49306.
Senator Nunn, Ralph Petta, 43521.
Senator Packwood, Dennis Phelan, 48170.
Senator Pell, Brad Penny, 44642.
Senator Pressler, Kevin Schieffer, 45842.
Senator Proxmire, Larry Patton, 45653.
Senator Pryor, Ann Pride, 42353.
Senator Randolph, Rosemarie Sanders, 46472.
Senator Riegle, John Graykowski, 43161.
Senator Roth, Ann Butterfield, 42441.
Senator Sasser,[1] John Callahan, 43344.
Senator Simpson, Sam Routson, 42077.
Senator Specter, Gina Harris, 49037.
Senator Stafford, Neal Houston, 45141.
Senator Stevens, Bill Phillips, 41043.
Senator Thurmond, Mark McKnight, 45972.
Senator Tsongas, Missy Greeley, 42742.
Senator Wallop, Lynn Monroe, 46441.
Senator Warner,[1] Eric Peterson, 46674.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

[1] Cochairman.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. GARN). Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent that the 1 hour prior to the quorum and the vote under the provisions of rule XXII begin running at 1:30 p.m. today instead of 1 o'clock.

I further ask unanimous consent, Mr. President, that the Senate stand in recess from this moment until 1:30 p.m.

Now, before the Chair puts the request, let me say that there are a number of Senators who are engaged in committee hearings and other activities off the floor. It appears that we will have better attendance and a better opportunity to address this matter in a responsible way under these circumstances.

Mr. BYRD. Mr. President, reserving the right to object, I think the majority leader is doing the right thing; Senators ought to know what is in the compromise. If they are involved in committee meetings and luncheons with constituents, that is going to preclude their participating in any floor debate, so I have no objection.

The PRESIDING OFFICER. Does the majority leader intend that the live quorum begin at 2:30 p.m.?

Mr. BAKER. Yes, Mr. President, the live quorum would begin at 2:30 p.m. and the vote would occur immediately after the presence of a quorum was ascertained.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon the Senate, at 1:03 p.m., recessed.

The Senate reassembled at 1:30 p.m. when called to order by the Presiding Officer (Mr. HATCH).

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll. The time will be equally divided.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADE AND INVESTMENT ACT—S. 144

WITHHOLDING OF TAXES ON INTEREST AND DIVIDENDS

Mr. BAKER. Mr. President, under the order entered on last evening, the time remaining before the cloture vote today would be equally divided between the majority leader and the minority leader or their designees.

Mr. President, pursuant to that order, I designate the distinguished chairman of the Finance Committee, the Senator from Kansas (Mr. DOLE), to manage the time on this side.

Mr. BYRD. Mr. President, I designate Mr. BAUCUS, in the absence of Mr. LONG, who is working with his colleague here on a matter that is very important to Louisiana in relation to the floods and will be here later. In the meantime, I designate Mr. BAUCUS to control the time.

Mr. President, will Mr. BAUCUS yield me a little time?

Mr. BAUCUS. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Arkansas wishes to put something in the RECORD. I yield to him.

Mr. PRYOR. Mr. President, much of the debate on the withholding amendment now before us has centered on the lobbying tactics of the American Bankers Association and their member banks.

I am not sure whether the lobbying question deserves as much attention as it has received. To my mind the real issue is whether the Treasury can collect the revenues it is due without the onerous and clumsy withholding solution.

For the record, however, I think we ought to take a look at just what the American bankers have distributed to their member associations so that we can all decide for ourselves if there has been any misrepresentation of the issues on the part of the ABA. At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a reproduction of the sample advertisements, press releases, customer letters, and other materials included in the "withholding kits" distributed by the ABA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SPECIAL MESSAGE TO THE 80 MILLION SAVERS AND INVESTORS IN THE UNITED STATES

Last summer, Congress passed a law that will lower the amount of money you earn on your savings interest and investment dividends. You will be forced to give the government an interest-free loan starting next July 1.

Unless you act now, 10 percent of your interest and dividends will be withheld automatically from your accounts starting next July 1.

Help repeal this bad law now!

Some facts about "savings withholding":

Starting next July 1, the government will require that every institution that pays you interest—banks, savings and loans, money market mutual funds, brokerage firms, insurance companies and corporations in which you own stock and earn dividends—

automatically withhold 10 percent of your interest and dividend earnings.

What does this mean to you?

It means that the amount of money building up in your savings account will be reduced.

For example, if you're due a $200 interest payment next July and you plan to leave it in your bank to compound and make more money for you . . . you'll only be allowed to leave $180 in that account. The other 10 percent—or $20—will be sent to the government.

So, instead of having $200 for interest compounding, you'll have only $180. That means there will be less to build on in your savings account.

Why is this happening?

It's happening because the government doesn't trust you to pay your taxes.

The Treasury Department says they want to withhold 10 percent from every saver's and investor's dividends and interest payments "to encourage taxpayer compliance."

But the Treasury Department's own figures show that at least 95 percent of us already pay the taxes we owe on interest and dividend income that is subject to reporting. And next year, virtually all interest income will be reported to the IRS.

So we are being asked to give up some of our earnings on interest and dividends because the government is unable or unwilling to find the small minority of people who do cheat.

What will this "savings withholding" cost you?

A lot. The most conservative estimates say that American savers and investors will lose $1.5 billion in foregone earnings on interest and dividend earnings.

These are earnings that could be used for purchases to help American industry, to fund home mortgages or to finance business borrowing for capital improvements. Instead, they'll be sent straight to the federal government and that money will be lost.

By the time you take away the interest from the people, and add the cost to the government and to financial institutions to put this "savings withholding" into place, the net effect will be negative.

What are the implications to our economy from "savings withholding?"

Not good. Americans now save less of their earnings than any other developed country—6.6 percent versus 14.9 percent in West Germany, and 16 percent in France.

In a Behavioral Science Research survey taken nationwide before the bill was passed, more than half of the people questioned said that the 10 percent withholding tax would discourage them from saving money.

Does this law affect every one, or are there exceptions?

There are exceptions, but this law affects everyone.

Congress says that senior citizens with a tax liability of $1,500 or less ($2,500 for couples) and low-income citizens with a tax liability of $600 or less ($1,000 for couples) will be exempt from the 10 percent withholding.

But this exemption is not automatic.

You must fill out and file a form with each financial institution from which you receive interest or dividends and for each account.

Someone with five accounts, for example, at one bank and one savings and loan and a money market fund and stock in two companies would have to file five exemption certificates—one at each institution.

That means you must physically travel to each institution, or else write them if you are unable to travel.

If you don't—and are a senior or a low-income citizen—you'll be subject ot unnecessary tax withholding. That means that even if you don't owe any taxes—and haven't for years—you'll have to file a tax return to get your 10 percent interest withholding back from the government.

That also means that you will lose 10 percent of your interest and dividend income each month—money that would otherwise go to pay for food, housing and medical bills.

Your privacy will also be invaded. There are 26 million people in this country over 65. For the first time in our country's history, they will have to swear to a third person that their tax liability was less than the ceiling amounts in order to be exempt from "savings withholding." Is it fair that their bank teller, for example, should know their tax liability? All because of yet another government regulation?

How did "savings withholding" happen?

Last summer, when Congress was working on the tax bill, it decided that it needed more "revenues" to put on the plus side of the federal budget ledger.

So—despite the protests of banks and other financial institutions—it hurriedly added "savings withholdings." But the fact is, withholding 10 percent of citizens' interest and dividend earnings is not going to balance the budget.

This law is just another variation of the shell game our government does so well. Almost all of the money the government withholds in 1983 will be refunded in 1984. And the saver and investor pays for this shell game—to the tune of $1.5 billion in lost income on their savings and investments.

What can be done?

Fortunately, our political system allows its citizens to remedy mistakes Congress makes in hurriedly-passed legislation.

There is no reason why the new Congress we elected this fall can't repeal this withholding tax on savings and investments before it becomes effective next July 1.

Write to your Congressman and your Senators.

Help repeal this bad law now!

[Instructions: Substitute for page 4 of the main speech]

SENIOR CITIZEN SPEECH INSERT

This law calls for some exemptions from withholding. People who are under 65 who have a tax liability of $600 or $1,000 on a joint return, or who are over 65 with a tax liability of $1,500 or $2,500 on a joint return, may apply for an exemption from withholding.

Many people in this area are senior citizens, so let me take a few moments to discuss how this tax exemption will affect them. First, like many other government initiatives, the way the exemptions themselves will be handled is just another example of unnecessary government intrusion into our lives.

The Treasury Department estimates that the exemption applies to almost 87 percent of our country's senior citizens. A couple, for example, that had an annual gross income of $22,200—not including Social Security payments—would be considered "exempt" under the law.

But this exemption is not automatic. To receive it, someone over 65 has to fill out and file a government form with each financial institution where he or she has an account.

Let's look at how this would affect a hypothetical retired couple. Say that they had five sources of interest or dividend income—a bank savings account, a six-month certificate of deposit with a savings and loan company, a money market mutual fund and stock in two companies from which they receive dividend income. That hypothetical couple would have to file FIVE exemption certificates—one at EACH institution.

If the couple failed to do so—either because they didn't know they had to or because they were physically unable to reach these institutions—then 10 percent of their interest and dividend earnings would be withheld. Not only would they lose 10 percent of their interest and dividend income each month—money that might otherwise go to pay for food, housing and medical bills—but they would have to file a tax return to get their 10 percent interest withholding back from the government.

Besides the fact that people who haven't had to file a tax return in years might suddenly be thrown into the tax system again, there's another issue here as well. That is the issue of invasion of their privacy.

There are 26 million people in this country over the age of 65. For the first time in our country's history, they will have to swear to a third party that they have a low tax liability in order to be exempt from the withholding tax. How would you like your bank teller, who may be your neighbor or a member of your church, to know your tax liability? Isn't this a personal matter?

BRIEFING MATERIALS ON WITHHOLDING OF TAXES ON INTEREST AND DIVIDENDS

Last year, Congress, as part of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), enacted provisions which impose withholding at source of taxes in interest and dividend payments. Efforts are now underway to repeal the withholding provisions prior to their July 1, 1983 effective date. This paper provides background on the withholding issue and details some of the arguments in favor of repealing withholding.

BACKGROUND

Although the Congress had many times in the past rejected withholding by decisive margins, withholding at source was included in TEFRA on the basis that it would generate substantial amounts of additional revenue (and thereby reduce the deficit), and that it would increase taxpayer compliance. During its consideration of TEFRA, the Senate, by a vote of 48-47, narrowly defeated an amendment which would have deleted withholding from the bill. Because of the unique circumstances surrounding enactment of TEFRA, the House was not given an opportunity to vote on the issue of withholding.

Under the new law, virtually all payors of interest and dividends will be required to deduct and withhold 10 percent when interest or dividends are paid or credited to an individual. However, withholding is not required if the taxpayer has filed an "exemption" certificate and has incurred a tax liability of $600 or less in the preceding year ($1,000 on a joint return), or who is 65 years or older and incurred a tax liability of $1,500 or less ($2,500 on a joint return) in the preceding year. In addition, withholding is not required if an interest payment on an annualized basis is $150 or less.

DISCUSSION

Enactment of withholding of taxes on interest and dividends was a mistake. The objectives of increased taxpayer compliance and additional revenue can be substantially achieved without the imposition of this costly, complicated and confusing scheme.

WITHHOLDING IS NOT NECESSARY TO INCREASE TAXPAYER COMPLIANCE

According to the Treasury, nearly 89 percent of taxpayers pay the rates they owe on savings and investment income. Moreover, a 1981 IRS study showed that taxpayers voluntarily reported 97 percent of interest and dividend income where information returns (Form 1099) were filed with the IRS and the Service matched the information with tax returns. Simply stated, where information returns are filed, compliance approaches 100 percent.

The IRS has reported that it is currently matching 99% of the information returns which are filed with the service on magnetic tape. In fact, IRS Commissioner Egger testified before the House Ways and Means Committee in May, 1982: "If the information is sent (to the IRS) on magnetic media, we are generally able to match 100 percent of this information . . ." In addition, it is currently matching about 85% of the "paper" 1099s filed with the IRS. Moreover, the already "good" record of taxpayer compliance may be substantially improved without imposing the costs and burdens of withholding. For example, federal government securities have, up to now, been exempt from the reporting requirements that have long been applicable to deposits and other investments. Individuals hold $256 billion of such securities and a good portion of tax revenue lost in past years may well be traced to the fact that the government itself did not issue 1099 forms on its own securities. This is now changed. TEFRA contains provisions which broaden the categories of payments subject to reporting (including government securities), as well as stiffen the penalties for noncompliance with the information returns reporting system. These changes can be expected to substantially increase the level of taxpayer compliance. Moreover, if this expanded reporting system was coupled with an aggressive matching by the IRS of Form 1099s and tax returns, overall compliance may well reach almost 100 percent.

WITHHOLDING WILL BE COSTLY TO SAVERS, INVESTORS, INSTITUTIONS, AND THE NATION'S ECONOMY

Approximately 75 percent of all individual filers receive refunds. These people, through overwithholding, already pay the taxes due on their savings and investment income. For them, withholding will be a new tax and will be tantamount to giving an additional interest-free loan to the government. Withholding will also discourage savings and investments. By removing savings that would otherwise be on deposit, the yield on investments will be reduced. While the cost to the taxpayer in lost compounding may be small on an individual basis, the cost to the economy as a whole is massive. Dividend and interest payments last year were approximately $525 billion and withholding is estimated to remove $30 billion from the private capital markets—at the very time the economy is trying to pull out of the recession.

Withholding will be very costly to financial institutions and other payors of dividends and interest. Based on a survey of 250 commercial banks, savings and loan associations, and mutual savings banks, the accounting firm Peat, Marwick, Mitchell & Co. estimates that start-up costs will be in the range of $200,000 to $400,000 for each institution. The "float" provided by the regulations is expected to compensate institutions for less than 10 percent of these costs, according to the same survey. The balance of these costs will necessarily be reflected in reduced federal income taxes resulting from their impact on earnings and profits, higher interest rates, and increased service charges.

This cost should be tested against the benefit to be gained from withholding. In his testimony before the House Ways and Means Committee in May, 1982, IRS Commissioner Egger stated that the "tax gap" for interest and dividend payments for 1981 was $8.2 billion, of which $4.1 billion was interest. Extrapolating from the Peat, Marwick, Mitchell & Co. study, this would mean that the costs to the commercial banking industry alone could exceed the total tax gap for interest.

WITHHOLDING IS COMPLICATED AND CONFUSING

The law provides for an exemption system whereby certain elderly taxpayers and persons with low tax liability can file an exemption form. However, it will be up to each individual to keep track of the exemption status of each source of dividend and interest income and notify payors of changes in status. Moreover, in order to claim an exemption, a taxpayer will have to declare that he or she meets the age and tax liability requirements. The disclosure of sensitive information about income and age will undoubtedly be an embarrassing invasion of privacy for many. Finally, and because the exemption is keyed to tax liability in the past year, tax will be withheld from people whose incomes decline in the current year such as retirees or people who lose their jobs or become ill and can no longer work.

From the point of view of payors of interest and dividends, the exemption system will create a blizzard of paperwork. It has been estimated that more than 400 million different interest and dividend bearing investments will require either withholding or the precessing of exemption certificates. All dividend and interest paying institutions will have to develop expertise in the new law and its regulations. They will have to change data processing systems, reallocate personnel and train them to handle exemption certificates.

WITHHOLDING MAY NOT DELIVER THE ANTICIPATED REVENUES

As noted, there is great uncertainty about the extent to which the public will claim the exemptions specified. In addition, it should be remembered that taxpayers with sizable unearned income—those who pay quarterly estimated taxes—may adjust their estimates to compensate for amounts being withheld on interest and dividends. Furthermore, start-up and maintenance administration costs by businesses paying interest and dividends are eligible corporate tax expenses—thus diminishing revenues through business credits and deductions. And, not to be overlooked, the welcome decline in market interest rates means, necessarily, less revenue withheld from payors of interest.

CONCLUSION

In sum, withholding of taxes on interest and dividend income is not cost-effective, is unfair and is counterproductive to the goal of encouraging savings and investments. Certainly, no one favors tax evasion. Compliance can and should be improved. Federal deficits should be reduced. However, withholding is not the proper means to reach these goals.

Legislation has been introduced in both the House and Senate to repeal withholding. In the House, over 59 separate bills have been introduced, including H.R. 500, principally sponsored by Representative Norman E. D'Amours (D-N.H.), which has 182 cosponsors. In the Senate, 8 bills have been introduced, including S. 222, sponsored by Senator Robert W. Kasten (R-Wis.), which has 26 cosponsors, and S. 39, sponsored by Senator David Boren (D-Okla.), which is cosponsored by 12 other Senators.

In the private sectors, the withholding repeal effort has the active support of almost every financial trade group, shareholder representatives and associations representing retired groups.

[Instructions: Retype on your Bank letterhead; fill in spaces; distribute to local media]

INTEREST WITHHOLDING TO COST SAVERS BILLIONS OF DOLLARS

WASHINGTON.—Savers and investors will lose $1.5 billion a year beginning July 1 under a new law requiring banks and other financial institutions to withhold 10 percent of interest and dividend payments, a banking expert said today.

(Name), (title) of (name of bank), told the (name of organization) that the new withholding provision is a "consumer volcano that's about to erupt."

"People are just beginning to realize that the widely publicized 10 percent tax cut next July will be accompanied by the government's withholding 10 percent of their interest earnings on their savings and investments," he/she said.

(Name) added that Congress, after repeatedly defeating similar proposals over the past 40 years, passed the legislation this summer ostensibly to increase the level of taxpayer compliance in the area of dividends.

However, he/she said, the Treasury Department reports that at least 95 percent of taxpayers already pay taxes on interest and dividend income that is subject to reporting. And 75 percent of individual tax returns submitted end up with refunds.

"Therefore," said (name), "it is pretty obvious that instead of real income to the Treasury, there will be a surge of unreal new money to the government in 1983, most of which will have to be returned to taxpayers the following year."

Because the loss of income in interest and dividend compounding will exceed $1.5 billion, "most people who save and invest will be punished for saving," (name) charged. "What we have here is a disincentive for saving and investment."

The new law allows some exemptions from the withholding provision. People who are under 65 and have a tax liability of $600 ($1,000 on a joint return), and people over 65 with a tax liability of $1,500 ($2,500 on a joint return), may apply for an exemption from withholding.

However, (name) said, "The way those exemptions will be handled is just another example of unnecessary government intrusion into our lives." Filing for exemption will be the sole responsibility of the consumer and not that of the financial institution.

To qualify for an exemption, people have to go to the banks and give a bank employee a form on which they have sworn that their tax liability for the previous year was less

than the ceiling amounts. This raises a serious privacy issue, (name) charged.

"How would you like your bank teller, who may be your neighbor or a member of your church, to see how much tax you pay? In addition, you will have to file an exemption form for each account."

Besides the enormous expense to taxpayers in the loss of interest compounded and the privacy issue for those who qualify for exemptions, (name) added that another flaw in the withholding provision is that it shows no promise for improving compliance—the reason that Congress gave for passing the law in the first place.

(Name) explained that the tax law also includes new provisions to broaden "information reporting"—the process by which banks and other financial institutions report interest payments to the IRS.

(Name) said that the (name of bank) supported the provisions to broaden information reporting. It would be far more useful in improving compliance than withholding 10 percent of interest payments, "which penalizes millions of honest taxpayers," he/she said.

"The whole principle behind withholding on interest and dividends is an insult," (name) said. "The implication is that you and I cannot be trusted to pay the taxes we owe."

(Name) urged that people write their Congressional representatives about the 10 percent withholding on interest and dividends. "If there is a strong national protest from the people back home, our Congressmen and Senators will have no choice but to repeal this bad law," he/she said.

"Tell them in clear, unequivocal language that we would rather have Uncle Sam trust us and not be raiding our savings accounts.

"The government wants a piece of our savings. Instead, let's give Congress a piece of our mind."

THE GOVERNMENT WANTS A PIECE OF OUR SAVINGS

There's something I'd like to talk with you about that's part of the tax legislation passed this year. This part of the new tax law did not receive a lot of attention, but I believe it's a consumer volcano that is about to erupt.

A part of the new law due to go into effect in July of next year requires you to make a mandatory interest-loan to the government. This will happen—and you will have no choice in the matter—because the government will be requiring all institutions that make interest and dividend payments to their individual customers to withhold for federal taxes ten percent of the interest and dividends you have earned.

This means that the government will have free use of your money. It means you and I and the other Americans who earn interest or dividends will lose a lot of money. Savers and investors will lose an estimated $1.5 billion in reinvestment and compounding on their earnings.

On July 1, 1983, the government will cut taxes by 10 percent. On the same day, the government will reach into your savings account to withhold 10 percent of your interest earnings.

What is the government's purpose behind this law, which by the way has repeatedly been defeated in Congress over the years? The stated purpose is to increase the level of reporting on this income.

But let's look at the facts. According to the Treasury Department, Taxpayers are already paying taxes on 95 percent of their interest and dividend income that is subject to reporting. When you consider that approximately 75 percent of individual tax returns submitted end up with refunds, it is pretty obvious that instead of real income to the Treasury, there will be a surge of unreal new money in 1983, most of which will have to be returned to the taxpayers the following year. This means most people who do save and invest, people who put their dollars away for their own future, will be punished for saving.

What we have here is a disincentive for savings and investment.

This law calls for some exemptions from withholding. But the way exemptions will be handled is just another example of unnecessary government intrusion into our lives. People who are under 65 who have a tax liability of $600 or $1,000 on a joint return, or who are over 65 with a tax liability of $1,500 or $2,500 on a joint return may apply for exemption from withholding.

But the procedure for getting an exemption brings up a major privacy concern. To qualify for an exemption, you have to go to your bank and hand the teller a form on which you have sworn you have low tax liability. How would you like your bank teller, who may be your neighbor or a member of your church, to see how much tax you pay? Isn't this a personal matter? In addition, you will have to file an exemption form for each account.

Banks and other institutions that pay interest and dividends to individuals will be responsible for withholding this money for the IRS. There will be enormous expense involved for these institutions to develop and put into place a system that would take into account the vast array of investments and financial services offered to the public. Of course the institutions would have no choice but to pass these expenses along to their customers in the form of higher service fees and lower yields.

Literally, the government will be picking the taxpayers' pockets. I'll bet not many of you were aware that the tax law Congress passed on August 19 gave the government permission to loot your savings account. I don't know about all of you, but I know I didn't give my consent.

The ABA believes that besides taking money away from people who save and invest it, and besides the problem with the privacy issue for those who would qualify for exemptions, the other flaw in the plan is that it shows little or no promise for improving compliance. The ABA believes that improved compliance will be accomplished through the parts of this bill that broaden information reporting. This means banks and other institutions will be required to file more reporting forms and the IRS will be required to improve its recordkeeping. These approaches are much more effective than withholding, which penalizes millions of taxpayers.

And besides costing savers and investors $1.5 billion in lost reinvestment and compounding, advance withholding will cost the treasury millions of tax dollars it could be earning on taxes payable on those earnings.

The whole principle behind withholding on interest and dividends is an insult, when you really think about it. The implication is that you and I cannot be trusted to pay the taxes we owe. I think the Congress and the Administration got it backwards. It's not trust in the American people that should be questioned—it's whether we can trust our government.

What can we do about this law? What can we do if we choose not to give the government a gift from our own bank accounts?

What we can do, all of us, is make sure that our representatives in Washington know how we feel about making an interest-free loan to the Treasury. The lost income to savers and investors, the expense that banks and other institutions would be forced to pass along, and the obvious inability of this provision to achieve even its stated goal—all of these points must be made to our representatives in Washington. Our representative will yield to reason and repeal this law if we make sure our voices are heard in Washington.

The advantage of living in a democracy is that the Congress ultimately must represent the will of the people. That means, if there is a strong national protest from the people back home, our Congressmen and Senators will have no choice but to repeal this bad law. The way to force our representatives to repeal this law is to write to them. Tell them how you feel about the government raiding your savings account. Urge them to repeal this law before it goes into effect. I'm talking about your Congressmen. I'm talking about the Senators from this state.

The Speaker of the House and the Senate Majority Leader should also be made aware of how taxpayers feel about the Government's lack of trust in us. I'm going to give you their addresses right now, and I hope you'll write them down and get a letter out this week. You can write to Senate Majority Leader Howard Baker at Room 4123, Dirksen Senate Office Building. The ZIP is 20510.

You can write to the Speaker of the House Thomas P. O'Neill at Room 2231, Rayburn House Office Building. The ZIP is 20510.

I'd like to issue a challenge to you. Ask your Congressmen—and your Senators—to commit themselves on this issue. Let them know that this issue is important enough to sway your vote. All the men and women sitting in Congress are there because we elect them. That's why their continued opportunity to respresent us rests on their being responsive to us—to their constituents. That's why we must tell them in clear, unequivocal language that we would rather have Uncle Sam trust us and not be raiding our savings accounts. We have the time for a grassroots movement to get this repealed. But it can only happen if we speak up now.

The Government wants a piece of our savings. Instead, let's give Congress a piece of our mind.

[Instructions: Retype on your Bank letterhead; fill in spaces; distribute to local media]

10 PERCENT INTEREST WITHHOLDING "EXEMPTION" STILL AFFECTS ELDERLY, BANKER SAYS

(City).—Savers and investors will lose some $1.5 billion a year beginning next July 1 under a new law requiring banks and other financial institutions to withhold 10 percent of interest and dividend payments, a banking expert said today.

(Name of banker), (title) of the (name of bank) told the (name of organization) that the new withholding provision is "a consumer volcano that's about to erupt."

"People are just beginning to realize that the widely publicized 10 percent tax cut next July will be accompanied by the government's withholding 10 percent of their

interest earnings on their savings and investments," he/she said.

Even though almost 90 percent of the 26 million senior citizens in this country are officially "exempt" from the law, they will be directly affected by the exemption provisions, he/she said.

"As a matter of fact, this exemption process is just another example of unnecessary government intrusion into our lives," (name) said.

If a retired couple had five sources of interest or dividend income—a bank savings account, a six-month certificate of deposit from a savings and loan, a money market mutual fund and stocks in two companies from which they receive dividends, that couple would have to file five exemption certificates—one at each income source.

Should this couple fail to file these forms, (name) said, either because they didn't know they had to or because they were physically unable to, the 10 percent of their interest and dividend earnings would be withheld.

"Not only would they lose 10 percent of their interest and dividend income each month—money that might otherwise go to pay for food, housing, and medical bills—but they would have to file a tax return to get their 10 percent withholding back from the government," (name) charged.

(Name) also said that the exemption process raised a serious privacy issue. To qualify for an exemption, people have to go to their banks or other financial institutions and give a bank employee a form on which they have sworn that their tax liability for the previous year was less than the ceiling amounts.

"How would you like your bank teller, who may be your neighbor or a member of your church, to see how much tax you pay?", (name) said. (He/she) noted that this was the first time in our country's history that such a third person disclosure of tax liability had ever been required.

People who do not qualify for an exemption will lose the use of 10 percent of their interest and dividend earnings that would otherwise have been compounded, (name) said. "Savers and investors will lose some $1.5 billion a year," (name) charged. "What we have here is a disincentive for savings and investment."

(Name) urged that people write their Congressional representatives about the 10 percent withholding on interest and dividends. "If there is a strong national protest from the people back home, our Congressmen and Senators will have no choice but to repeal this bad law," he/she said.

"The government wants a piece of our savings. Instead, let's give Congress a piece of our mind."

[Instructions: Substitute for page 4 of the main speech]

SPEECH INSERT TO BE USED IN AREAS OF HIGH UNEMPLOYMENT

This law calls for some exemptions from withholding. People who are over 65 with a tax liability of $1,500 or $2,500 on a joint return—the elderly—and people who are under 65 who have a tax liability of $600 or $1,000 on a joint return—the low-income group—may apply for an exemption from withholding.

As you know only too well, this country is suffering from its worst unemployment since the Depression. This area has been especially hard-hit. I'd like to take a few minutes to discuss how the "low income" exemption might affect people out of work because, like so many other government initiatives, the way this exemption itself will be handled is just another example of unnecessary government intrusion into our lives.

For example, the Treasury Department estimates that a family of four with an income of $10,000 or less would be exempt from 10 percent tax withholding. That certainly seems fair.

But the "low-income" exemption won't even apply to a number of people who are out of work. That's because many unemployed people will have a much higher tax liability than $600 on a single return or $1,000 on a joint return. To declare tax liability limits, people have to use the previous year's return—a tax return when they may have been working. So they will not be eligible for the low-income exemption.

This is especially unfortunate when you consider that unemployed people are often forced to fall back on their savings—money that they have been carefully putting away for their children's education or their own retirement.

Many unemployed people are now living from month to month on the interest these funds produce. Starting next July 1, if they do not meet the exemption standards, their interest income will be reduced by 10 percent. This is money that would otherwise go to help pay for food, medical bills and housing—money that is essential for a family to help them survive these rough times.

Second, assume that the unemployed person does meet the criteria for exemption. We've all been made aware of the inherent emotional effects of unemployment—the increased stress, the embarrassment, the sense of loss of dignity and self-worth. Now, under the 10 percent withholding exemption procedure, we can add to this litany of bad feelings the loss of privacy.

In order to qualify for an exemption, people have to fill out and file a form at each institution where they have an account. On this form, which they hand to the bank employee, they have to swear that their tax liability is below the ceiling limits.

That means for the first time in our country's history, people will have to reveal to a third person their tax liability limits. This isn't even required with wage withholding!

How would you like your bank teller, who may be your neighbor or a member of your church, to know your tax liability? Isn't this a personal matter? Is it fair to add this burden to the many burdens our country's unemployed people already face?

[Instructions: Press release to be used in high unemployment areas. Fill in blanks. To be retyped on your bank letterhead and released to the press]

UNEMPLOYED MAY BE HIT HARD BY 10-PERCENT SAVINGS WITHHOLDINGS

(City).—Savers and investors will lose some $1.5 bilion a year beginning next July 1 under a new law requiring banks and other financial institutions to withhold 10 percent of interest and dividend payments, a banking expert said today.

(Name of banker), (title) of the (name of bank), told the (name of organization) that the new withholding provision is "a consumer volcano that's about to erupt.

"People are just beginning to realize that the widely-publicized 10 percent tax cut next July will be accompanied by the government's withholding 10 percent of their earnings on their savings and investments," he/she said.

The law calls for some exemptions from withholding, (name) said. People who are over 65 with a tax liability of $1,500 or $2,500 on a joint return—the elderly—and people who are under 65 who have a tax liability of $600 or $1,000 on a joint return—the low-income group—may apply for an exemption from withholding.

"This country is suffering from its worst unemployment since the Depression. Your area has been especially hard hit," said (name). "Like so many other government initiatives, the way this exemption itself will be handled is just another example of unnecessary government intrusion into our lives."

(Name) cited Treasury Department figures showing that a family of four with an income of $10,000 or less would be exempt from the savings withholdings.

"But the low-income exemption won't even apply to a number of people who are out of work. That's because many unemployed people will have a much higher tax liability than the ceiling limits. To declare tax liability limits, people have to use the previous year's return—a tax return when they may have been working. So they will not be eligible for the low-income exemption," (name) said.

"This is especially unfortunate when you consider that unemployed people are often forced to fall back on their savings—money that they have been carefully putting away for their children's education or their own retirement.

"Many unemployed people are now living from month-to-month on the interest these funds produce. Starting next July 1, if they do not meet the exemption standards, their interest income will be reduced by 10 percent. This is money that would otherwise go to help pay for food, medical bills and housing—money that is essential for a family to help them survive these rough times."

(Name) also pointed out that there was a serious privacy issue for those people who do qualify for exemptions. In order to be exempt from savings withholdings, people have to fill out and file a government form swearing that their tax liability is below the ceiling limits.

"That means for the first time in our country's history, people will have to reveal to a third person their tax liability. This isn't even required with wage withholding," (name) said.

Congress passed the 10 percent withholding provision ostensibly to improve taxpayer compliance, (name) said. However, he/she noted that the Treasury Department's own figures show that at least 95 percent of all taxpayers already pay taxes on interest and dividend income that is subject to reporting. "What we have here is a disincentive for savings and investment," (name) charged.

He/she urged that people write to their Congressional representatives about the 10 percent withholding on interest and dividends. "If there is a strong national protest from the people back home, Congress will have no choice but to repeal this bad law," he/she said.

"Tell them in clear, unequivocal language that we would rather have Uncle Sam trust us and not be raiding our savings accounts.

"The government wants a piece of our savings. Instead, let's give Congress a piece of our minds."

[Instructions: Retype on your letterhead and send with personal note to your newspaper editor]

WITHHOLDING: A BAD LAW

About 40 years ago, Congress passed a law requiring that federal income taxes be directly withheld from paychecks, instead of being paid at the end of the year. It was then called an "emergency" measure to help finance World War II.

Last summer, as part of a bill to raise federal revenues, Congress decreed that taxes will also have to be withheld at a rate of 10 percent—against interest on savings and dividend payments.

A part of the new law due to go into effect in July of next year will require all institutions that make interest or dividend payments to their customers to withhold 10 percent for federal taxes.

This part of the law goes into effect on July 1, 1983, and as a result, savers and investors will lose at least $1.5 billion a year.

How will it affect you as an individual? Let's say that you are due a $200 interest payment in July and you plan to leave it in your bank to compound and make money for you. Under the plan, you will have the use of only $180 of your interest payment. The other 10 percent, $20, will be withheld for the Internal Revenue Service. You will have lower earnings to build on. In fact, it is estimated that the public will lose at least $1.5 billion because of lost compounding and dividend reinvestment opportunities.

The government says that its purpose in raiding your savings is to crack down on tax cheaters.

Let's look at the facts.

Since 1962, federal law has required banks, other financial institutions and corporations to report to the IRS records of interest and dividends paid to the public. At the end of the year, the public receives from the paying institution a copy of these reports, called 1099 forms. The public is required by law to report and pay taxes on this "1099" income when they file their taxes at the end of the year. To ensure compliance, the IRS generally matches the 1099 forms provided by institutions against individual tax returns.

The IRS reports a 96.7 percent compliance rate.

However, because 1099 reports have not been required for all payments of dividends and interest, total taxpayer compliance on all forms of interest and dividend income has been less than 96.7 percent; specifically, according to the IRS, it has been around 85 percent. That is because 1099 reporting has not been required for Treasury bills and bonds, jumbo CDs ($100,000 denominations and up) and other types of bonds and certificates which have not been subject to registration requirements.

Under separate provisions of TEFRA, however, virtually all forms of interest and dividends must be reported by paying institutions to the IRS, thus eliminating these potential avenues of tax evasion.

If one is only concerned about cracking down on tax cheats, then withholding represents major overkill. If the IRS is failing to adequately match 1099s with individual tax returns, the burden is on them to remedy the system, rather than on the public to forfeit "up front" 10 percent of this income.

Furthermore, the IRS also says that about 75 percent of individual tax returns end up with refunds.

If most people pay their taxes and if most returns end up with refunds, why is the IRS after part of your savings?

It is going to all this trouble—and imposing trouble and cost on you—so that the government can use the money in 1983. Most of it will be returned to the taxpayers the following year and, in the long run, the plan will do nothing to solve the government's financial problems. The plan, however, will give the government an interest-free loan from you.

There are more than financial considerations at stake here, however.

When you think about it, the principle the Treasury is using to justify withholding on interest and dividends is an insult to most Americans. The implication is that we the people cannot be trusted by the government that we put in power.

What we are seeing here is the federal government giving with one hand and taking away with the other. On the same day that the government reaches into your savings account, it plans to cut taxes by 10 percent. If you are a saver, you are financing your own tax cut.

Furthermore, the plan represents yet another attempt by the federal government to push itself into the everyday life of the American people.

Consider, for example, how it would change your relationship with your banker.

When you make a deposit, you give your bank more than your money. You give it your trust.

Most people, when they think about it, consider their relationship with their banker a private affair. They can air the details of their financial lives with the confidence that it will go no further.

Your banker, like your doctor, believes that maintaining this relationship of privacy, trust and confidence is an ethical duty.

The withholding plan would compromise this relationship.

In effect, it would make your banker, against his wishes, an agent of the IRS.

To bankers, this result alone makes the plan an outrage. The banking industry is built on this relationship and bankers believe it is their most valuable asset. Because it cannot be measured in dollars, the IRS refuses to take it into account.

Should honest taxpayers be required to give up some of their earnings on interest and dividends because the government is unwilling or unable to find the few who cheat?

Should the federal government be allowed to stand beside your bank teller so that every month it can put its stamp on your savings statement, too?

You have the answers to these questions.

Our political system allows citizens to remedy the mistakes made by Congress.

There is no reason why the new Congress we just elected cannot repeal this plan before it goes into effect July 1.

Write to your Congressmen and Senators. Urge them to repeal this misguided attempt to impose a hidden tax on your savings.

The government wants a piece of your savings. Instead, give Congress a piece of your mind.

[Instructions: This newspaper or magazine article can be retyped on your bank letterhead and released to the press]

"EXEMPT SENIOR CITIZENS STILL AFFECTED BY SAVINGS WITHHOLDING TAX, BANKS POINT OUT

Last summer, when Congress enacted new tax legislation, most of the attention was focused on the fact that this was the first election-year tax increase in history. In the ensuing months, however, the public has begun to take a look at some of the provisions Congress put into that law—provisions that affect them directly.

Perhaps the real "sleeping giant" of the tax bill is its provision that requires banks and other financial institutions to begin withholding 10 percent of interest and dividend payments next July 1.

Congress did place exemptions into the law—low-income citizens with a tax liability of $600 or $1,000 on a joint return, and senior citizens with a tax liability of $1,500 or $2,500 on a joint return. The Treasury Department estimates that almost 90 percent of the 26 million senior citizens are officially "exempt" from the law.

But a closer look at the bill's provisions shows that, even if senior citizens are "exempt," they are nonetheless directly affected by the 10 percent withholding law. (Name), (title), (bank), says "This exemption process is just another example of unnecessary government intrusion into our lives."

First and foremost, the exemption process is not automatic. If, for example, a retired couple had five sources of interest or dividend income—a bank savings account, a six-month certificate of deposit from a savings and loan company, a money market mutual fund and stock in two companies from which they receive dividends, that couple would have to file five exemption certificates—one at each income source.

Should this couple fail to file the exemption forms, either because they didn't know they had to or because they were physically unable to do so, then 10 percent of their interest and dividend earnings would be withheld.

This raises serious implications. Not only would the couple lose 10 percent of their interest and dividend income each month—money that might otherwise go to pay for food, housing and medical bills—but they would have to file a tax return to get their 10 percent withholding back from the government. In other words, millions of people who have been outside the tax system for years might suddenly find themselves back in the thick of it—all to receive money that they were entitled to all along.

There's another issue involved in the exemption process, too. That is the issue of privacy invasion. For the first time in our country's history, senior citizens will have to swear to a third person—a financial institution employee—that they have low tax liability in order to be exempt from the withholding tax.

When you couple the extra paperwork involved for senior citizens and their loss of privacy when having to file exemption forms, it is clear that the 10 percent withholding provision affects them to a great degree. The most constructive course to take is to write our Congressional representatives now, urging them to repeal this law before it becomes effective July 1, 1983. No one is really exempt from this massive attempt by the government to control our own savings and investments.

[Instructions: Your bank may wish to reproduce this sheet and distribute it to your customers]

SAMPLE QUESTIONS AND ANSWERS ASKED BY CONSUMERS ON INTEREST AND DIVIDEND WITHHOLDING

1. Q. What does withholding on interest and dividends mean?

A. It is part of last summer's tax reform legislation, and it requires banks and other

financial institutions and corporations that pay interest dividends to begin withholding 10 percent of most interest and dividend earnings next July 1. The money that is withheld will be sent to the IRS for tax payments.

2. Q. Does withholding on interest and dividends affect the amount of money people earn from them?

A. Yes it does, to the extent that 10 percent of accrued interest and dividend earnings that would otherwise be compounded is instead withheld.

For example, if a person was due a $200 interest payment next July and planned to leave this payment in his bank to compound, he would have the use of only $180 in that account. The other 10 percent—$20—would be withheld for the IRS.

3. Q. What will withholding of interest and dividends cost savers and investors?

A. It will cost them collectively at least $1.5 billion in foregone earnings on interest and dividends. This is how that figure breaks down:

There are 80 million savers in the United States. The government estimates that $300 billion in interest and dividends will be subject to withholding in 1983.

A 10 percent withholding rate would bring the government about $30 billion (10 percent of $300 billion) by the end of the year.

If people reinvested this at 10 percent, they would collect additional income from their investment earnings of $1.5 billion.

4. Q. Does the 10 percent withholding apply to IRAs (individual retirement accounts)?

A. No, the 10 percent withholding does not apply to interest that is credited to your IRA account. Income distribution from an IRA will, however, be subject to the new pension withholding rules.

5. Q. Are there exemptions to withholding?

A. Yes. Senior citizens with a tax liability of $1,500 or $2,500 on a joint return, and citizens under age 65 with a tax liability of $600 or $1,000 on a joint return may apply for an exemption from withholding. However, each person will have to file an exemption form for each account.

6. Q. Is an exemption automatic?

A. No. In order to be exempt from the 10 percent withholding, a person must file an exemption form swearing that he or she falls under the tax liability limitation.

7. Q. Where must this exemption form be filed?

A. The exemption form must be filed with each institution where the person has an account.

For example, if someone has a bank savings account, a six-month certificate of deposit from a savings and loan, a money market mutual fund, and receives dividends from two corporations whose stock that person owns, then he or she must file five exemption certificates—one at each institution.

8. Q. If you earn less than $150 a year in interest, will 10 percent of your earnings be withheld?

A. Under the IRS regulations, a bank or other financial institution can choose not to withhold interest on accounts earning less than $150 per year. But because there is such active turnover in so many accounts, it may be impossible to judge just what the final interest earnings might be for some accounts. Therefore, financial institutions may decide to deduct on all non-exempt accounts.

9. Q. The banks and other financial institutions can, the law says, keep the money they collect from withholding for 30 days. Won't they make money from this "float"?

A. Yes, they will make some money, but not nearly enough to cover the expenses of the additional paperwork.

For example, one bank says that it will cost them $2.6 million in first-year start-up and operating costs to implement interest withholding. The money the bank will earn from the "30-day float" is $150,000—far less than the $2.6 million.

10. Q. What if I'm eligible for an exemption but fail to apply for it? Can I get back the money my bank has withheld?

A. Not from the bank and not until the end of the year, when you file your tax return. If you fail to apply for an exemption, the bank is required by law to withhold 10 percent of your interest earnings.

11. Q. Will I have to file a new exemption certificate every time I open a new savings account or buy new stock from a different company?

A. Yes. Otherwise, the 10 percent interest and dividend withholding provision will apply.

12. Q. Will the 10 percent withholding apply to savings bonds?

A. Yes. When a person cashes in savings bonds, the financial institution will be required to withhold 10 percent of the interest earned.

13. Q. Why did Congress pass the law to require interest and dividend withholding?

A. The Treasury Department said it was necessary to withhold 10 percent of savers' and investors' dividends and interest earnings to "encourage compliance"—in other words, to make sure that people paid taxes on these earnings.

14. Q. Are there any figures on how many people now comply with the law to pay taxes on their interest and dividend earnings?

A. Yes. According to the Treasury Department, over 95 percent of the people now pay taxes on interest and dividend income that is subject to reporting.

And over 85 percent of the people pay taxes on all interest and dividend income.

So, in effect, the honest taxpayer is being asked to send the government 10 percent of his interest and dividend income early—to give the government an interest-free loan on money that could be compounding—because the government is unable or unwilling to go after the few people who do cheat.

15. Q. Is there any way to stop the 10 percent interest and dividend withholding from going into effect?

A. Congress has the power to repeal this law before it goes into effect July 1, 1983. Bills have been introduced already that would repeal the 10 percent withholding of interest and dividends.

If you believe that the 10 percent withholding provision is unfair and unnecessary, then you should write to your Congressmen and Senators and urge them to vote for repeal of the law.

POSTCARD—10 PERCENT WITHHOLDING ON SAVINGS

INSTRUCTIONS

Each bank branch manager should have this card printed up with the name of the Congressman or Congresswoman in whose district the bank is. Please give your customers this card when they come to the bank and ask them to fill it out and put it in your bank's "ballot box." The cards should then be delivered personally to the Congressman or Congresswoman by the appropriate banker.

Suggested postcard to Members of Congress.

Hon. (NAME OF REPRESENTATIVE),
U.S. House of Representatives,
Washington, D.C. 20515

BACK OF POSTCARD

DEAR REPRESENTATIVE (Name): Please vote to Repeal the scheduled 10 percent withholding tax on interest and dividends. This tax is both unfair and unnecessary, and will harm millions of savers and investors like myself by decreasing the money we earn on our interest and dividends.

Please let me know how you feel about this important issue.

Sincerely,

NAME: ——— ———,
Address: ——— ———.

[Instructions: Retype on bank CEO's letterhead and send to stockholders]

STOCKHOLDER LETTER

DEAR STOCKHOLDER: In spite of strong opposition by (your bank) and other financial institutions, the Congress last summer enacted a system for federal tax withholding on dividends and interest. We want you to know about the new tax plan and our continuing efforts to have it repealed.

Beginning July 1, 1983, federal tax withholding will be required at the rate of 10% on all dividends and interest which you receive by check or have credited to your savings. A 15% withholding rate must be used if a valid social security number has not been furnished by a shareholder or savings depositor. Please be certain to supply us with a social security number if you have not already done so.

Exemptions to the withholding requirement are authorized only for individuals with a prior year income tax liability of $600 or less ($1,000 on a joint return) and for elderly individuals with a prior year income tax liability of $1,500 or less ($2,500 on a joint return). These exemptions are limited by law to qualifying taxpayers who file exemption certificates with each payor from which they receive dividends or interest. Further information on exemption certificates will be provided later.

What does this new withholding plan mean to you as a(n) (your bank) shareholder and depositor? As a shareholder, it means a smaller dividend check on your stock. If you participate in (your bank) dividend reinvestment plan, fewer shares of stock can be purchased with your dividends. As a depositor, it means reduced interest posted to your account and, therefore, less interest earned from compounding during the year. If you receive your interest by check, the amount of the check will be smaller.

Reliable estimates project that a minimum of $1.5 billion will be forfeited by shareholders and savers through loss of compounding and dividend reinvestment opportunities. Further, the cost of compliance to (your bank) and other financial institutions will be major. Any alleged progress toward narrowing staggering budget deficits or stimulating economic recovery will be illusory.

Just as Congress passed this section of the "Tax Equity and Fiscal Responsibility Act of 1982," it can repeal it. For this to happen, our elected officials in Washington must hear from you. (Your bank) and other financial institutions will be actively supporting legislation to repeal the withholding provisions, and if you agree that this is a bad law, your help is crucial.

You can write to your U.S. Senators and Congressmen to urge their commitment and active support for repeal legislation. Listed below are the addresses and telephone numbers of the Senators and Congressmen from (your state).

Hon. NAME OF SENATOR,
U.S. Senate, Senate Office Building, Washington, D.C. 20510.

Hon. NAME OF REPRESENTATIVE,
U.S. House of Representatives, House Office Building, Washington, D.C. 20515.

Thank you for your consideration.
Sincerly yours,

——— ———.

CONSUMER LETTER TO CONGRESS

DEAR CONGRESSMAN, SENATOR (Name): I'm writing to urge your support for H.R. (S.) , which will repeal the 10 percent withholding tax on interest and dividend earnings scheduled to go into effect next July 1.

I understand that Congress passed this legislation last summer because the Treasury Department said it would increase taxpayer compliance. I find this reasoning astonishing and appalling!

I don't understand why the honest saver and investor should be penalized because of a few people who cheat, especially when this penalty is going to cost all of us money. Conservative estimates say that U.S. savers and investors will lose some $1.5 billion a year in foregone earnings on interest and dividends.

In short, this 10 percent tax withholding on interest and dividends is both unnecessary and unfair. I would very much appreciate your support of H.R. (S.) , and would be interested in hearing how you feel about this matter.

Thank you.
Sincerely,

JOHN. Q. PUBLIC.

BANKER LETTER TO CONGRESS

DEAR CONGRESSMAN, SENATOR (Name): As you know, the tax law passed last summer contained a provision calling for banks and other financial institutions to withhold 10 percent of our customers' interest and dividend earnings beginning July 1, 1983.

I'm writing to urge your support of H.R. (S.) , which would repeal this provision. This 10 percent withholding measure is unfair: 95 percent of the taxpayers already pay the taxes they owe on interest and dividends subject to reporting. It's unnecessary: banks and other financial institutions already provide the IRS with the information they need to catch those few people who do cheat on their tax returns, but the IRS seems unable or unwilling to do anything with it.

Most important, this bill is a costly, administrative nightmare. Our country's 80 million savers and investors will lose a conservative $1.5 billion on foregone interest and dividend earnings. It's going to cost the financial industry at least another $1.5 billion just to implement the withholding, and that doesn't include the personnel training that's going to be required so that our employees can try to explain to the taxpayer just why 10 percent of their interest and dividend earnings are being withheld.

By the time you take the interest earnings away from the people, add the cost to the government and to the private sector to implement this program, the net effect of interest withholding will be negative.

Please let me know your position on H.R. (S.) . Thank you very much.
Sincerely,

J. P. BANKER.

BANKER LETTER TO THE EDITOR

DEAR EDITOR: Many of my customers are just beginning to realize that Congress passed a law last summer to withhold 10 percent of their interest and dividend earnings beginning next July 1.

Banks and other financial institutions have opposed interest and dividend withholding since the idea first surfaced 40 years ago. We still do.

Withholding on interest and dividends will cost America's 80 million savers and investors some $1.5 billion in foregone earnings on their interest and dividends. It will cost the country's financial institutions at least another $1.5 billion to put withholding into place.

Although there is an exemption allowed for most senior citizens and low income people, this exemption process is an administrative nightmare in itself. To be exempt, people will have to file a government form with each institution where they have an account. On this form they will have to swear their tax liability is below the ceiling. Besides the obvious invasion of privacy involved here, banks will be buried under mountains of new and unnecessary paperwork.

The (Name of Bank) strongly opposes the withholding of taxes from interest and dividends. It is unnecessary and unfair. It's unnecessary because 95 percent of taxpayers already pay the taxes they owe on interest and dividend earnings that are subject to reporting when they file their federal income tax return. It is unfair because it will lower their interest earnings by reducing the benefits of compounded savings growth.

In short, the law clearly penalizes savers and investors. It should be repealed by Congress, and we will need the help of every saver and investor to achieve this goal.

If you agree that this 10 percent withholding law is unfair and unnecessary, please write to your Congressman and Senators to tell them so. We can get this law repealed, but we must begin now.

Sincerely,

J. P. BANKER.

SENIOR CITIZEN LETTER TO CONGRESS

DEAR CONGRESSMAN, SENATOR (Name): I'm writing to urge you to support H.R. (S.) ——, which repeals the 10 percent withholding tax on interest and dividend earnings scheduled to go into effect next July 1.

As a senior citizen, I'm aware that Congress has said I'm exempt from the provisions of the 10 percent withholding tax. But even though I'm exempt, this law affects me very much.

To apply for an exemption, I have to fill out and file a government form with each financial institution where I have an account. Fortunately, I'm physically able to do so, but many of my friends are not. Does this mean that they'll lose the use of 10 percent of their earnings on interest and dividends? Many retired people depend on this money for their day-to-day expenses for food, medical bills and housing.

And in applying for an exemption, I'm told that I have to swear to my bank teller that my tax liability is below the ceiling. I think this is an invasion of my privacy! I've paid my taxes for all of my working life, and never once have I had to tell anyone what my tax bill was. Why should I have to start now, especially when this entire idea of tax withholding is wrong?

Please let me know how you feel about this important issue. Thank you very much.
Sincerely,

JOHN Q. PUBLIC, Sr.

CONSUMER LETTER TO THE EDITOR

DEAR EDITOR: It has recently come to my attention that next July 1, when the government puts our 10 percent tax cut into place to encourage us to save, it's going to begin withholding 10 percent of our interest and dividend earnings.

As one of America's 80 million savers and investors who will lose over $1.5 billion a year from this legislative sleight-of-hand, I am appalled. This country has the lowest incidence of savings in all developed nations and withholding 10 percent of interest and dividend earnings will only serve to discourage savers.

I think each of us should write to our Congressman and Senators asking them to repeal this misguided law that short-circuits our ability to earn interest and dividens on our savings and investments. By letting our legislators know how we feel, we can help repeal this bad law.

Sincerely,

JOHN Q. PUBLIC.

WARNING: 10% OF THE MONEY YOU EARN IN INTEREST IS GOING TO DISAPPEAR

Recently, Congress quietly passed a withholding law that will cost American savers and investors the use of 10% of their interest and dividends.

In simple terms, effective July 1st, 1983, this new law requires banks and other financial institutions to deduct 10% of the interest or dividends you earn on your savings and investments. That money then goes to the Internal Revenue Service in much the same way as payroll deductions are now handled.

The sponsors of this law have told us it was designed to catch a small minority of Americans who evade taxes on their interest and dividends. But the truth is the law penalizes the great majority of America's savers and investors who pay their taxes faithfully. What's more, the federal government is now receiving all the necessary information to curtail tax cheating.

Though the law does include exemptions for some low income and elderly Americans, if they go through the red tape of filing an application, most savers and investors will forfeit some of the money they could earn in compounded interest.

We urge you to join our efforts by writing letters to your representative in Congress and to the two senators from this state. Tell them you want the 10% withholding tax repealed, because it would impose an unfair penalty on savers like yourself.

For assistance in contacting your representative and senators please ask any of our bankers. If we all act now, Congress will get a clear message from the voters back home, and they will work to repeal this needless law.

(Space for bank imprint here.)

CONGRESS WANTS A PIECE OF YOUR SAVINGS: WHAT THEY NEED IS A PIECE OF YOUR MIND

Recently, Congress quietly passed a withholding law that will cost American savers and investors the use of 10% of thier interest and dividends.

In simple terms, effective July 1st, 1983, this new law requires banks and other fi-

nancial institutions to deduct 10% of the interest or dividends you earn on your savings and investments. That money goes to the Internal Revenue Service in much the same way as payroll deductions are now handled.

The sponsors of this law have told us it was designed to catch a small minority of Americans who evade taxes on their interest and dividends. But the truth is the law penalizes the great majority of America's savers and investors who pay their taxes faithfully. What's more, the federal government is now receiving all the necessary information to curtail tax cheating.

Though the law does include exemptions for some low income and elderly Americans, if they go through the red tape of filing an application, most savers and investors will forfeit some of the money they could earn in compounded interest.

We urge you to join our efforts by writing letters to your representative in Congress and to the two senators from this state. Tell them you want the 10% withholding repealed, because it would impose an unfair penalty on savers like yourself.

For assistance in contacting your representative and senators please ask any of our bankers. If we all act now, Congress will get a clear message from the voters back home, and they will work to repeal this needless law.

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SAVERS WARNING: NEXT, THE FEDERAL GOVERNMENT IS GOING TO WITHHOLD TAXES FROM YOUR SAVINGS INTEREST AND DIVIDENDS

The recently passed tax bill will require us to withhold and forward to the Internal Revenue Service 10% of the interest you earn on depository accounts, certificates, and dividends. It will require unnecessary paperwork, and your personal loss of these funds during a critical time in our economy.

A vigorous campaign to convince Congress to repeal this 10% withholding tax is urgently needed. To be successful, this campaign will require the help of each and every one of our valued customers.

Our bank, along with financial institutions across the United States, is working to change the law. We feel that it is unnecessary, unfair, and unjust. The federal government is already receiving all the information it needs to curtail tax cheating.

We urge you to join our efforts by writing letters to your representative in Congress and to the two senators from this state. Tell them you want the 10% withholding tax repealed, because it would impose an unfair penalty on savers like yourself.

For assistance in contacting your representative and senators please ask any of our bankers. If we all act now, Congress will get a clear message from the voters back home, and they will work to repeal this needless law.

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Mr. PRYOR. Mr. President, another peripheral issue which has been raised by the proponents of withholding is the cost of the ABA campaign. The ABA tells me that it has spent approximately $300,000 on the withholding repeal effort and approximately $298,050 on compliance. The compliance figure includes the ABA Task Force on Withholding, the December colloquium and the withholding teleconference, along with printed compliance information.

I hope this information is helpful to my colleagues and that it may give some perspective to the ABA's role in this controversy.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAUCUS. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I expressed the hope that we could have Senators here so that they could hear the explanation of the compromise. All I heard was what I heard last night, and I compliment Mr. DOLE and Mr. KASTEN on their explanation on the compromise last night—and they also inserted material in the RECORD. I thought that Senators, before the vote on cloture occurs today, would want to hear it again or hear it for the first time. Mr. DOLE and Mr. BAKER have been very accommodating in adding an hour for such explanation and in delaying the beginning of the hour until 1:30 p.m. today.

I have a couple of questions I would like to ask, if I may, of the distinguished author of the amendment, the leading author of the amendment, Mr. KASTEN—or is it Mr. DOLE?

Mr. DOLE. Yes.

Mr. BYRD. Mr. DOLE, then I will ask him.

First, I congratulate Mr. DOLE on the magnificent performance that he has displayed in this matter and in all past matters involving his committee on the floor. But I would like to ask him these questions.

One, has the President bought on to this compromise?

Mr. DOLE. Mr. President, if the minority leader will yield, I would say the answer is probably "no." I saw the President from a distance this morning, but I did not ask him about this particular issue. He was busy signing the social security legislation, and I wanted to get my pen so I did not want him to get it mixed up with withholding.

It is my understanding that the President has indicated, through his Press Secretary, that this is a compromise between the Senator from Kansas and the Senator from Wisconsin, not between any one of us or any group of us and the President. I think that is the stance the President will probably maintain.

Mr. BYRD. I first think that the distinguished Senator has made a very forthright statement. I have no trouble understanding what he has said. He has been honest about it and I thank him for that.

Mr. DOLE. I thank the Senator.

Mr. BYRD. I would like to ask a second question. Is there any indication that the House has bought on to it, if I might use that term a second time?

Mr. DOLE. Again, Mr. President, if the minority leader will yield, I have had a discussion with my distinguished counterpart in the House, a man whom I respect a great deal, the chairman of the Ways and Means Committee, DAN ROSTENKOWSKI. He has indicated, as I said last night for the RECORD, that he would have a hearing on this matter, on the matter of withholding.

Frankly, he is a bit concerned because we have an "S" numbered bill, which is a revenue bill, which should originate in the House, that we are sending to the House. I am not certain just how the chairman will treat that matter when it arrives, if it should arrive. I also understand that they are meeting today at 1:30, members of the Ways and Means Committee, to discuss the action taken by the Senate. So I just do not know the answer.

I know there are a lot of Members on the House side who have been pressuring everyone they can to take up the matter. But to say he would take this bill and pass it is probably unlikely.

As I understand it, this will go to the desk; the Speaker will then send it to the Ways and Means Committee; then it would be up to the chairman as to whether or not they have a hearing on the matter.

Mr. BYRD. I thank the Senator again. I think he has been forthright and honest in his response.

From my listening to what was said last night concerning the compromise, it sounded very much like a victory for those who want to repeal the withholding tax, because it delays and gives the executive branch an opportunity to enforce compliance and it requires the report by the General Accounting Office at a certain point in time down the road and it requires affirmative action on the part of both Houses then to implement the withholding tax.

So I think, if I correctly understand the compromise, it sounds like a pretty good thing.

But also from what I have heard, and from the Senator's responses to my questions, I have heard this is a compromise, as Mr. DOLE put it, between himself and Mr. KASTEN. We have no absolute assurance that the House is going to take this bill. The President has not said anything, and we have no assurance that he will sign this bill or he will accept the compromise.

I think this exchange has been helpful for the RECORD. I thank the Senator from Kansas for responding to my questions.

Mr. DOLE. I thank the distinguished minority leader.

Perhaps if I could give a portion of my statement, it might respond to some of the questions that Members have. I would certainly be willing to yield time to the Senator from Wis-

consin and other Senators. I could summarize my statement.

Mr. METZENBAUM. Will the Senator from Montana yield 1 minute?

Mr. BAUCUS. I yield.

Mr. METZENBAUM. Mr. President, I rise to ask for the yeas and mays on the Chafee-Metzenbaum amendment to the Dole amendment, which is pending business.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. METZENBAUM. I yield back the remainder of my time.

Mr. DOLE. Mr. President, I would like to take just a few moments to discuss the amendment that we hope to vote on later today.

As I understand, we will first have a cloture vote, then there will be a series of procedural motions, and then we will have an opportunity to vote on the amendment.

The Senator from Kansas does not want to be misunderstood on this issue. I have said that if I were a banker I would not break out the champagne yet. I do not want to suggest that this is suddenly going to sail through the House. The Senator from Kansas has no control over the House whatsoever.

I still believe that withholding, as I said last evening, is the best tax policy. But I have also been around here long enough to learn how to count. The last time I counted there were about 28 solid or semisolid votes—I think maybe 25 solid and 3 semisolid—and maybe 2 or 3 that if you really got around a lot you might get up into the low 30's.

To avoid cloture we would need 41. to sustain a veto we would need 34.

It was on this basis, as I said last evening, that this Senator went to the White House a couple of nights ago. There was a weekend of calls by distinguished members of the President's staff and by the President himself to a number of Senators, to see if we could support the leadership on withholding. I indicated—I think to Jim Baker, Ed Meese, and others—that I thought we had about 28 votes. "How many do you have?" They said, "None." They did not say it quite that quickly but that was the result of all their reports and all the phone calls. They had zero.

The choices were considerably narrowed after that meeting. The Senator from Kansas then had the choice of either going ahead with the cloture vote, losing, and then going through a rather tedious process of offering several hundred amendments—I do not know how many I would have offered—asking for the yeas and nays, irritating probably 99 Senators, and probably frustrating this one.

It seemed to me that was not the right course to pursue. It also seemed obvious to me that, not because of the merits but because of the mail, the die had been cast in this Chamber and sooner or later, notwithstanding how many hundreds of amendments might be offered in a post-cloture effort, an outright repeal would have passed.

The distinguished Senator from Wisconsin had an amendment pending. That amendment sooner or later would have been dealt with. It then seemed to this Senator that we had one other option. That was to offer some amendment that would still pick up substantial revenue and still go after those who, for one reason or another, do not pay their taxes, and in the process delay withholding on interest and dividend income.

So that was the effort made yesterday. I might say that amendment arose out of a conversation I had with about 10 bankers and S&L representatives from Topeka, Kans., about 3 weeks ago. I said to these gentlemen who are friends of mine—they were friends of mine before last July and I hope they are still friends of mine—"If you do not like withholding, what would you do to pick up some revenue in its place?"

I must say that they were very forthcoming in their comments and followed the next day with a meeting of several hours with a member of my finance committee staff and members of the S&L and banking staffs in Kansas.

They put together about 10 ideas that they thought would tighten up on the penalties and furnish what we call backup withholding for those who fail to comply with the law and pay their taxes on interest income.

So it was on that basis that I suggested to the Senator from Wisconsin and others that we might have some grounds for compromise. That is, in effect, where we are today.

With that background, I would like to suggest that when I did visit the White House the night before last I left there with no authority from the President to make any compromise. I said this clearly to the Senator from Wisconsin and others at the Republican policy luncheon yesterday. But I left there with the feeling, at least, that they were aware we did not have the votes and that I had some obligation to try to preserve as much of the revenue as we could, not just for the sake of the revenue but for the sake of tax compliance. I think it was generally understood that I would discuss this matter with the Senator from Wisconsin so that he knew, and I knew, and the White House knew what was going on.

Yesterday afternoon during the drafting session there were Treasury representatives present, but they were there only to offer technical assistance. There was no indication that they were part of the compromise. That has been reconfirmed this morning by the Treasury Secretary, Mr. Regan, who had been in Mexico and just returned last evening.

That did not suggest that we have not made some progress, nor does it suggest that this Senator now believes that this is a better idea than withholding. I do not. In my view, withholding is still the best tax policy, still the fairest policy, and I would hope that whatever may happen in the future it may remain in the law. But somehow or other we have to move this bill out of the Senate and get on to other business. There are a number of matters pending.

Therefore, I think we have reached some middle ground between those who seek outright repeal—and there are still some who may want to vote on outright repeal of interest and dividend withholding—and those of us who continue to believe that withholding is the right solution to a serious problem.

The IRS thinks we lose almost $100 billion annually from tax cheating. Tax cheating is a serious problem. We are victims, I think, very honestly, of a massive mail campaign, of misinformation, but that is history.

I do not question any Senator's motive. Everybody makes his judgment based on the facts and on the politics, in some cases, as they see it. It is pretty clear that the majority in this body, by a good margin, would either vote to repeal interest and dividend withholding or would accept some compromise. I think that is where we are today, or will be there before long.

Mr. President, we have a lot of people who underreport interest and dividend income. We are told it is 20 million taxpayers. We are told we lose a lot of money from tax cheating; therefore, we have to raise taxes on honest taxpayers. If we could collect 99 percent of the tax owed, we could pay for another 23 percent rate reduction like that enacted in 1981.

For reasons that I do not quarrel with, many of my colleagues will tell you that withholding is not the right way to go; that it is too complicated; it is too burdensome; that it is intrusive; and a lot of other things. I am not going to go back and quarrel with that, but I do want to suggest one thing:

This amendment to be offered later on today goes far beyond any prior proposal in making a real effort to improve compliance. It picks up a total of $12.5 billion, including the improvements in information reporting enacted last year. The original Kasten amendment, according to the Joint Tax Committee and the IRS, would pick up zero. The information reporting improvements we enacted last year would pick up some, about $5.5 billion; but that was about it. So, with the

compromise, we pick up not only the $5.5 billion from improved information reporting, but an additional $7 billion because of the other provisions in this compromise.

I do not want to make it clear that, yes, we had a defeat. You can say we had a defeat; I would agree with that; we did not prevail. But we did not give up the entire ship. Maybe just about one-third of it. The other two-thirds are still above water and I hope in the final outcome, it will all be above water. In any event, there is still about $12.5 billion in revenue that will be collected.

Let me first say that the numbers may well change. They have changed about four or five times, as the Senator from Montana (Mr. MELCHER) pointed out last night. These numbers could go up or could go down. Whether or not it is $12.5 billion or some lesser figure will depend on vigorous enforcement by the IRS, plus some additional funding, I assume, for IRS so they can carry out some of the enforcement that will be necessary.

I think I have indicated that I am not enthusiastic about this, Mr. President, but I am also realistic. I am also concerned about the impact this retreat—I guess you could call it a strategic retreat—may have on tax reform and efforts to improve compliance. We hear a lot of talk about tax reform, the flat tax, the Fair Tax Act, and a whole host of tax reform proposals. But so far, except for last summer's Tax Equity and Fiscal Responsibility Act, most of what we have had is talk. Maybe this has ended the talk for some; they are going to be hard-pressed to talk about it. But I hope it has not ended tax reform and tax compliance reform.

The senior Senator from Louisiana knows the problems we have in enacting meaningful tax reform. In accepting today's amendment, we take a large step backward. I hope that as we get down to some later time, those of us who believe in withholding are still going to believe in withholding. We are not suggesting that the battle is lost; I cannot predict what the House will do. But let me suggest that the compromise that we will have before us later today borrows from amendments proposed by the Senator from Minnesota (Mr. BOSCHWITZ) and the Senator from Maine (Mr. COHEN), and I am certain a number of other Senators on both sides of the aisle.

Let me say I want to make it clear that I know of no Senator who wants anyone to avoid their taxes or to cheat on their taxes. The record should be clear in that regard. I think many Senators feel withholding is cumbersome, as I said, burdensome, costly, ineffective, and that the IRS could do better. I do not quarrel with their right to make those arguments, but I do not want to leave the impression that those of us who stand up and say we ought to have withholding are the only ones who want the taxes collected. That is why I believe that even though the amendment is less than this Senator desires, it is not a cop-out, it is not a surrender. It is a retreat, in a sense, because we pick up less revenue, but it does require withholding on those who fail to pay their taxes, and imposes penalties on banks, S&L's, and on credit unions who have a pattern of not providing the right information so the taxes can be collected.

I think I speak for all the Senators in this body when I suggest that this is, I hope, the policy they would want us to follow. We are going to have, I hope, by 1985, 95-percent compliance on interest and dividends. If, by 1985, compliance has not reached 95 percent, then the GAO will so certify and report to Congress. If Congress approves that study of noncompliance, then withholding goes into effect.

I have read that this means we have effectively repealed withholding. I am not so certain that is the case. I have listened to a good many arguments in this body about withholding and I think many Senators have some real doubts about compliance and real doubts about whether or not we should not try something else before we try withholding. This is going to be the test. Maybe in 1987, some of us will not have to be concerned about it. But if, in fact, there is a compliance rate of 95 percent on interest and dividend income, then we should not worry about withholding. We are told by the banks that they will have 97 percent or more by that time. But if the compliance rate is 95 percent for interest and dividends, that is good enough for this Senator. If it is not at 95 percent, I believe Congress will take the appropriate action and approve the GAO report which would, in effect, require that withholding go into effect on July 1, 1987.

In the meantime, we will have backup withholding at a 20-percent rate that will be imposed on nonfilers and those who underreport interest and dividend income. That rate of withholding is higher that the 10-percent rate for comprehensive withholding, but unlike comprehensive withholding, this provision is directed only at those who do not comply. Even the backup withholding rate is less than the average marginal tax rate. And at least 60 days' notice must be provided before backup withholding begins. And it can be terminated by the payee, by correcting his previous noncompliance.

In other words, Mr. President, we do not want to go out and trap anyone who can clean up or correct the apparent discrepancy disclosed by the information reporting system. We are not trying to punish anyone who makes an honest mistake, though I must say with 94 million Americans filing returns, some of that might happen. But it is not the intent of the amendment.

This amendment is similar to that proposed earlier by the Senator from Alaska (Mr. STEVENS).

I may say that backup withholding is less attractive in many ways than comprehensive withholding. The IRS will be required to use far more resources to implement this system and only about half the revenue gain from withholding will be retained.

Information returns will be filed with the IRS on magnetic tape. This will speed processing. This was recommended by Senators on both sides of the aisle. It was called to my attention by the Senator from Minnesota (Mr. BOSCHWITZ). We have also had suggestions from the Senator from Alaska (Mr. MURKOWSKI), who happens to be not only a well respected Senator, but a well-respected banker, as well. He suggested that we ought to require the attachment of 1099's on the return. We have included that in the amendment. I think Senator MURKOWSKI is fair. He wants people to pay their taxes. He believes if we attach the 1099's, we can address a great portion of the problem.

I must say the IRS does not share that view. They say they just have to tear them off since they do the matching with the magnetic tape forms filed by the payors. But rather than try to persuade the Senator from Alaska or anyone else, it is in the amendment that you must attach the 1099.

Maybe the IRS is covered up with paper. They get 660 million 1099 forms. So we are pleased to include that provision in the amendment.

In addition to that, my colleagues should know, as I said, that the IRS does not want this amendment. There are a lot of things they probably do not want.

I do not think the IRS is blameless, either. We do not want harassment. We do not want to hire 20,000, or 30,000, or 40,000 more employees and send them out to audit a lot of returns. But we do believe that the IRS can be a little more aggressive in their matching program. That is the purpose of the suggestions of Senator KASTEN and Senator MURKOWSKI.

We have also increased payor penalties, and that is going to reinforce the information reporting system. By that, I mean stricter penalties on payors who do not meet their responsibilities. I hope, frankly, that the IRS will start using these penalties. And if the payee is involved in civil fraud, he is going to be subject to a $1,000 civil fraud penalty.

This is certainly not a panacea. It is going to lose between 40 percent and one-half of the revenue picked up by mandatory withholding. It is going to

require some additional resources by the IRS—not 40,000 agents but perhaps several thousand. We are going to get a report from the IRS within 60 days on how many will be necessary to implement these changes, but the amendment will improve the ability of the IRS to catch tax cheaters in comparison to pre-1982 law.

If we cannot retain withholding, this may not be the perfect answer. I am certain, when they have this debate, discussion, and hearings in the House, they may find a better way to get better compliance for less money with less burden on the taxpayer. So I want to emphasize that this may not be the perfect alternative. Somebody may have a better idea. But it does seem to me to be at least a step in that direction.

Now, I also suggest that this is not going to be a very simple thing to enforce. It is not going to be as easy as withholding but again I suggest that this has been enthusiastically endorsed by the bankers in my State, and by the S&L's, and, I understand, by the ABA, and, I understand, by Congressman D'AMOURS, who has been leading the efforts in the other House for repeal of interest and dividend withholding. So there seems to be a lot of interest in this proposal. In fact, I must say that I think many of the bankers honestly feel they went too far in the first place and they are very happy to find some middle ground.

We are told by the experts—and this Senator is not an expert—but we are told by the nonpartisan experts on the Joint Tax Committee that it is going to be particularly difficult to implement on dividend income. For that reason, this Senator advocated retention of mandatory withholding on dividends even if we temporarily instituted a backup withholding rule for interest income.

When I presented that to my colleagues at the Republican luncheon, I think the general response was: "How am I going to explain the difference in my State?" Will we say: "We had a lot of mail on interest income so we left that out, but since we did not hear from you, we are going to have withholding on dividend income." So it became a political problem. But I must suggest, I think Senators will find or hear from many corporations who might rather have withholding than the so-called backup withholding.

The matching of information reports and tax returns followed by backup withholding on noncompliers is going to be substantially more complicated in some cases than mandatory withholding.

In many cases the debate over withholding has not been a debate between those who like withholding and those who dislike it. The debate has been over the relative cost effectiveness of withholding on the one hand, and following up on 25 million discrepancies disclosed by the current information reporting program on the other hand.

I said from the outset that I have not changed my mind. It seems to me that withholding is more effective and less costly. However, we are dealing in the real world. The real world is that the majority of the Senators in this body do not want withholding, at least at this time. They do want tax compliance, at least I assume every Senator wants tax compliance. I believe we have found some halfway mark that might satisfy a majority of my colleagues, and I thank those who have supported me.

Again, if this comes back and we have a big fight over a veto, I am going to stand with the President. But at the same time I understand the problem of getting this moved out of the Senate. I hope that we can have some bipartisan support and move on this yet today.

Mr. MURKOWSKI addressed the Chair.

Mr. EXON addressed the Chair.

Mr. DOLE. I promised to yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair and I thank my colleague from Montana.

Mr. President, I lend my voice of congratulations and thanks to the distinguished Senator from Kansas, the chairman of the Finance Committee, and the distinguished Senator from Wisconsin, who worked toward repeal, hopefully totally, of the withholding on interest and dividends. If the Senator from Wisconsin is on or near the floor, I would very much appreciate his coming to the floor because there are one or two questions that I should like to pose to the Senator from Wisconsin and the Senator from Kansas.

Once again, I wish to emphasize the fact that I think the compromise that we seemingly are working toward is a good one, indeed. It shows, once again, that the Senate can have its differences but in the end majority will prevails.

As much as I endorse the compromise and as enthused as I am about the suggestion made by the Senator from Kansas with regard to requiring the proper information to be attached to the income tax return so that we can make sure that people do pay their taxes, I would like to probe a little more the glue, or the concrete, if you will, that holds this compromise together.

The reason for the question I am about to ask is that we only have a little over 2 months until the withholding on interest and dividends would begin on July 1 of this year. Therefore, the success that we are hailing on this measure at the present time might not turn out to be the success that we hope unless everything falls into place.

I asked some questions last night, and I appreciate the forthright answers of the Senator from Kansas now. The President has not signed on. We do not know what his action will be. Certainly the Treasury Department, as I understand it, has not signed on. We do not know what the position will be with regard to the House of Representatives. I recognize that those are legitimate concerns that all of us still have who want to get this repealed.

My specific question is, What do the Senators from Kansas and Wisconsin think are the chances of the vehicle that carries this repeal, which has to be passed before July 1—and certainly with regard to the expense that it could cause to the institutions which have to do the withholding, if they gear up for this, even if we repeal it, it is going to be an unnecessary expense on their part—what chance do the Senators think that S. 144, which is the carrying vehicle, has of being passed by the House and Senate and, therefore, going to the President? If during the next 6 weeks it is evident that that bill is not going to go to the desk of the President, has the compromise that has been reached been cemented or glued with an understanding that the chairman of the Finance Committee, the majority leader, and others on that side of the aisle would agree that the compromise amendment properly could and will be attached to some other bill that will go to the President before July 1 at the earliest possible date?

Mr. DOLE. I think that is a fair question. I am not certain I can answer it precisely. We have a revenue bill which should originate in the House, originating in the Senate, and that is going to cause problems in the House when it arrives.

As I understand it, the Speaker will send it to the Ways and Means Committee. I am not certain what the disposition will be. I doubt that they would act on the reciprocity portion of it. They may immediately have hearings on withholding. If the amendment does not move forward, I note that we have to extend the debt ceiling, as I understand it, within about 1 month. That is a vehicle that is always ripe for amendment. So I say to my colleague from Nebraska that it seems to me that unless there is a big change in position, that would be the next available vehicle for a repealer.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BAUCUS. Mr. President, how much time remains for each side?

The PRESIDING OFFICER. The Senator from Montana has 9 minutes; the Senator from Kansas has 1 minute.

Mr. BAUCUS. I yield 2 minutes to the Senator from Nebraska.

Mr. EXON. I thank my friend from Kansas.

I pose this question to the Senator from Kansas and the Senator from Wisconsin: The suggestion the Senator from Kansas just made with regard to the possibility of attaching this compromise amendment to the debt ceiling bill was exactly what I had in mind. Are we, therefore, making a commitment or an understanding now that the bipartisan compromise would carry forth and that, if necessary, we could attach this to the debt ceiling bill or some other appropriate vehicle?

Mr. KASTEN. I say to the Senator from Nebraska that from the very beginning we have said that we would like to try to work within the system and not bottle up social security, the jobs bill, or other bills if we could work it out. Unfortunately, to get to where we are today, we had to spend a few days on the jobs bill.

I believe that the House of Representatives and the White House will act in good faith. I believe that the will of the majority of the House of Representatives will not be thwarted by procedural delay. And I believe that the White House will act favorably on this modified language.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Who yields time?

Mr. EXON. May I have another 30 seconds?

Mr. BAUCUS. I yield.

Mr. EXON. The question is to the Senator from Kansas and the Senator from Wisconsin: Does the glue of the compromise carry forth to a commitment that this amendment, if it is not successful on S. 144, will be allowed to come up again?

Mr. KASTEN. It is my intention to offer the amendment again, if it is not successful here.

The PRESIDING OFFICER. The 30 seconds have expired.

Mr. BAUCUS. I will ask the same question. If this compromise passes this body and if at a later date the House does not act in a manner which is in accordance with this compromise, will the Senator from Kansas be in a position to support the compromise as an amendment to a debt ceiling, or two, or three, or four other bills that may be in this body which could appropriately go back to the House?

Mr. DOLE. The Senator from Kansas does not want to hedge on that question, but as I indicated earlier, this may not be the perfect amendment. There may be better amendments devised that would raise more revenue and be less instrusive and less burdensome.

I still think withholding is the best way to go. I also know the realities of the numbers in this body, and I assume that they will not be changed very much.

I am trying to deal in a spirit of compromise. This Senator does not want to repeal or delay withholding, but we do not have the votes to do anything else. If there is a change in that, it would also change my position.

Mr. BAUCUS. So is the answer to the question, "Yes"? Would the Senator from Kansas support this compromise on a subsequent bill in the Senate at a future date this year?

Mr. DOLE. I think that is possible.

Mr. BAUCUS. I am sure it is possible. What are the probabilities?

Mr. DOLE. It is even probable.

Mr. BAUCUS. How probable?

Mr. DOLE. It is even likely. [Laughter.]

It depends on the vehicle. Many of the horses that go through the Chamber are not going anywhere.

Mr. BAUCUS. I heard the Senator, in answer to an earlier statement—maybe he was just explaining his position—if the President were to veto this compromise, is it true that the Senator from Kansas would work to sustain the President's veto?

Mr. DOLE. That is correct.

Mr. BAUCUS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I ask unanimous consent that we may have an additional 5 minutes on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator from Kansas for yielding me 2½ minutes.

Mr. President, I am pleased that the principals on the withholding issue have worked out a compromise that reflects the concerns of those on both sides of the issue. To their credit, both the Senator from Wisconsin and the Senator from Kansas have come a long way to resolve the withholding impasse. It has been demonstrated once again that the Senate is a body of negotiation and compromise. I was delighted to assist in the negotiations that led to this compromise. The problems that this body has experienced on withholding remind me of the mythical nine-headed Hydra. For each head of the Hydra that Hercules cut off, two heads grew back. So, too, have the problems of the Senate on withholding multiplied. With the assistance of the House of Representatives, I hope that we, like Hercules, have finally managed to dispose of this beast.

The substitute amendment contains a provision that I was particularly concerned with. This is the provision that requires taxpayers to include with their tax returns their copies of the form 1099 that they get from banks and corporations. This requirement would deal with the majority of the 20 million taxpayers who fail to report interest and dividend income on their tax returns. IRS claims it does not want it. If the 1099 is attached to the 1040, IRS certainly has an obligation to compare the two.

Since most of these taxpayers fail to include interest and dividend income out of inadvertance and mistake, this new requirement will encourage the taxpayers to keep copies of their 1099's, and they will be reminded as to their actual interest and dividend income when they attach the 1099's to their tax returns. I predict that come 1987, we will find that this requirement has greatly improved tax compliance in this particular area of nonreporting.

After all, the obligation is on the corporations and the financial institutions to get the accurate information and achieve the voluntary compliance in the 95-percent area. So the responsibility is theirs. I believe they will rise to it.

The compromise amendment that we are considering strikes a fair balance between the need to have tax compliance, and the need to respect the privacy and sensibilities of the taxpayers of this country. In particular, we will send a clear message to Americans that the Senate indeed respects the confidentiality and integrity of the individual savings account holders of this Nation. This amendment will restore the respect of the citizens of the United States for their Government in general, and the Senate in particular.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HEFLIN addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I should like to direct a question or two to the Senator from Wisconsin.

From what I have heard thus far, there has already been raised the issue that this is a Senate bill; that the Constitution requires that tax measures originate in the House; that if the compromise is approved and this bill goes to the House, you will have to overcome the procedural difficulty of the fact that it originated in the Senate and is a Senate bill; that, therefore, the chances are that, other than a hearing, nothing will be done about it in the House.

Does the Senator share that concern and that danger?

Mr. KASTEN. The Senator is correct in terms of the procedure. I do not share the Senator's perception of what might happen. I believe that there is a good chance, because of the Senate action in arriving at this modification and the tremendous public outcry on this issue, that the Ways and Means Committee will act to substitute this measure on a House revenue bill or go through some other kind of a mechanism which will allow a House vote on this matter. It is my hope that this modified language can pass the House and go on to the President.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield.

Mr. BYRD. Perhaps I can help in answering the question that is in the minds of some here. I have just been informed that the Secretary of the Treasury, Mr. Regan, has said in an interview with the press that his mind has not been changed and neither has the administration's mind been changed. In other words, they oppose the repeal and I assume they oppose the compromise.

Mr. HEFLIN. Has the distinguished Senator from Wisconsin received any assurance whatsoever that the President would not veto this compromise if it got to him?

Mr. KASTEN. I have not received that assurance. It is my understanding that at the present time the White House has neither approved nor disapproved this compromise, but I think it is important that this morning in the daily press conference Mr. Speakes did not say the President would veto this bill and neither did the Secretary of Treasury say that he would veto this bill.

Their position is not unlike that of the Senator from Kansas who is in favor of withholding. But they are going to have to deal with the problem and this modified language is closer to their position and is more likely to be accepted than a flatout repeal, which would have been vetoed for certain.

Mr. HEFLIN. Is it fair to say that the President or anyone speaking for him has not indicated that the pencil has come out from behind the ear and back into his pocket? He has said nothing to give the Senator any assurance whatsoever?

Mr. KASTEN. He has not, but I think it is significant that this morning he did not take the pencil out from behind his ear and say "Now we are going to veto." He did the opposite and said "We neither approve nor disapprove." So I think there is a chance.

Mr. HEFLIN. Let me ask the next question which is this: Does the Senator plan to offer this amendment to some other vehicle?

Mr. KASTEN. I do plan to offer this amendment or an outright appeal. Frankly, it would be my intention to offer an amendment not only on a debt ceiling bill, which was discussed, but on any other revenue measure or a supplemental appropriations bill or any kind of emergency bill that has the power to make it all the way through the system.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Who yields time?

Mr. METZENBAUM. Mr. President, will the Senator from Montana yield 2 minutes to me?

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, let us not kid ourselves about this so-called compromise. It is a bad compromise. I respect the Senator from Kansas and the battle that he has made with respect to the withholding issue. But I do not intend to go along with the compromise because the compromise effectively puts off withholding until 1987. That is wrong. It was wrong yesterday, it was wrong the day before, and we should defeat the Kasten amendment.

Now I can count, and I understand the position of the Senator from Kansas, and I respect him for his efforts in this respect. But no matter how one slices this issue this is a tremendous victory for the bankers of this country. And I hope that before we get done in the Halls of Congress somehow the House of Representatives will not go along, and I hope that if the House of Representatives does go along with the so-called compromise the President sees fit to veto it.

I very seldom have found in recent weeks and months the occasion to find myself in agreement with the President. In this one instance I am in total agreement. If we are going to balance the budget——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. METZENBAUM. Mr. President, I ask my friend from Montana will he yield me 1 additional minute?

Mr. BAUCUS. Will the Senator hold himself to 30 seconds?

Mr. METZENBAUM. I will.

Mr. BAUCUS. I yield 30 additional seconds to the Senator from Ohio.

Mr. METZENBAUM. Mr. President, if we are going to balance the budget, then we should have withholding on interest and dividends and absent that, those who are the so-called budget balancers are only kidding the American people and they are only giving in to the bankers of this Nation. I think the compromise should be defeated and the Kasten amendment should be defeated.

I thank my friend from Montana.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MELCHER. Mr. President, the Senate is going to vote on a delay of withholding tax on interest and dividends, and it is well and good, but the vehicle is not any good and the House of Representatives is not seriously thinking of doing anything on this reciprocity bill before July 1. Maybe they never will. The House of Representatives is going to want to originate whatever action is taken on this, and we may wait a long time over here and the people of this country may wait a long time and find out that July 1 has come and gone and this provision of law is put into effect.

What the people of this country would like our system of government to do is for the Senate to pass an amendment to either stall off the withholding provision or repeal it and the House of Representatives to do the same and vote on it and then the President sign it.

All this talk about the President vetoing it is one thing. That is his prerogative to veto it if he wants to. But my concern is that the Senate act, have the chance to vote on it, the House of Representatives have the chance to vote on it and get to the veto. We will also have a chance to vote on the veto.

This vehicle today does not give us that opportunity because this reciprocity bill was not orginated in the House of Representatives itself and the bill is in jeopardy. Because of the nature of the reciprocity bill, this issue may never be voted on in the House of Representatives quickly enough using this method.

I feel very strongly that we are going to have to have another vehicle later on if we ever hope to have a House vote on it and then the President have his chance to veto it if he wants, and we will also have a chance to override that veto.

The American people expect representative government to work.

The PRESIDING OFFICER. All time yielded to the Senator from Montana has expired.

Mr. MELCHER. The American people expect to have their voice heard and action taken on this. They wish to see withholding stalled off or flat out repealed.

The PRESIDING OFFICER. The Senator from Kansas has the remaining time.

Mr. DOLE. Mr. President, I shall be brief. I want to make it clear to the Senator from Alabama and others that this Senator is for withholding. I think it is good tax policy, but I hope that this Senator is also realistic. If the choice is between zero revenue and $7 billion or $12.5 billion, if you count information reporting, and that is the best we can do, I do not want to leave any misimpression that if we cannot have what we want, we will not have

anything. I am certain that will not give anyone any comfort. But I have to be honest about it. I do not want to give up on this position at all, but that does not mean you always get your way in this body. We are not getting our way in this body. We are going to have a vote. I think all of those who want to make some expression on this issue are going to have an opportunity after the cloture vote. Then we will be offering the amendment itself.

I am happy to yield the remainder of my time to the Senator from Wisconsin.

Mr. KASTEN. I thank the Senator, and I wish to thank him for his work in working out this modification. I understand his position. He is in favor of withholding. But I also appreciate the thoughtfulness and thoroughness with which he has worked out a modification that I hope will be acceptable not only to the House of Representatives but also ultimately to the President.

I also wish to, in particular, thank the junior Senator from Alaska, Senator MURKOWSKI, and the senior Senator from Alaska, Senator STEVENS, who have been working with us on an hourly basis as we have tried to work out this important modification.

I also wish to point out that the Senator from Minnesota, Senator BOSCHWITZ, has played an important role, and that a number of the elements that are included in this compromise were from suggestions that the Senator from Minnesota had brought forward over the last several weeks.

I want to assure the Senator from Nebraska, the Senator from Alabama, the minority leader, and others that if this effort fails, I believe withholding will still be repealed.

If, in fact, this is a legislative vehicle without wheels or whatever you want to call it, then we will put it on something else. But we have in the past several days acted in good faith, believing and hoping we can find a way to work ourselves through this controversy.

I hope and I expect that somehow the majority will of the House of Representatives will be reflected when this issue is considered there, because about three-quarters of its Members are now cosponsors of repeal legislation.

THE KASTEN-DOLE COMPROMISE

Mr. WARNER. Mr. President, as a cosponsor of Senator KASTEN's legislation to repeal withholding of interest on savings or dividends, I am pleased that our leadership was able to reach the compromise embodied in the Kasten-Dole amendment.

This is a very reasonable answer to a very difficult problem. I believe it demonstrates congressional confidence in, and gratitude toward, the millions of taxpayers who consistently and conscientiously pay all their lawfully owed taxes. I believe it demonstrates congressional determination to put in place a system to identify and prosecute those who willfully evade paying their lawfully owed taxes. And I believe it demonstrates congressional reaffirmation of the Internal Revenue Service's responsibility to collect lawfully owed taxes.

Last week, the Richmond News Leader published an editorial drawing a comparison between the difficulties Treasury may face in collecting interest and dividend withholding with the problems recently experienced by the Office of Personnel Management (OPM) in implementing its withholding procedure for Federal retirees. The problems for OPM were horrors for the Federal retirees.

Quoting from the News Leader editorial, allow me to cite a few examples.

> A Rhode Island retiree asked that $330 be withheld from his retirement checks; instead, the Government withheld more than $600. A retiree's widow expected to get a check for $400; the Government withheld $390 of it. A Massachusetts retiree received but $200 of his $700 check. Others are finding their withholding pegged inappropriately at the level of a married couple with three exemptions. The Government is withholding from some monthly checks the amount asked to be withheld on an annual basis.

The editorial continues,

> It will take months for retirees to clear up the mess at the Office of Personnel Management. Meanwhile, the retiree's widow—for example—may have to get along on $10 a month while the Federal Government enjoys the use of the extra $390 a month she is due.
>
> Perhaps this is just a preview of another colossal blunder that could occur if Congress does not repeal the punitive withholding scam on interest and dividends scheduled to take effect July 1. Perhaps the Nation's banks and industries can handle a job better than the OPM, but with equally onerous burdens on hapless savers and investors.

Mr. President, I will vote for the amendment, and I will work with other Members of the Senate to insure that the Kasten-Dole compromise is passed by both Houses of Congress and signed into law by the President.

Mr. KENNEDY. Mr. President, what is going on here is no secret. The Senate is being stampeded into the delay of withholding by hundreds of thousands of pieces of mail instigated by the bankers' lobby.

I believe that the Senate has a responsibility not just to weigh the mail, but to weigh the merits. And if we had done so, we would have found that the merits are as overwhelming in favor of withholding as the mail is against it.

Repeal of withholding is not a people's issue or a public interest issue. It is a bankers' issue and a special interest issue. Every consumer group and every public interest group support withholding. Only the American Bankers Association supports repeal.

But as a result of the massive distortions spread by the bankers in their lobbying campaign, hundreds of thousands of Americans have been misled into thinking that withholding is a new 10 percent tax on their savings; it is nothing of the kind. Its only real impact will be felt precisely where it should be felt—on the handful of dishonest taxpayers who fail to pay their proper share of taxes on income from interest and dividends. For millions of honest taxpayers, the burden will range from negligible to nonexistent.

In a sense, history is repeating itself. The same outcry erupted in 1942, when withholding was first proposed on wages. But Congress stood firm in favor of withholding in the 1940's, and we should do the same today. We needed withholding then to help pay for World War II. And we need it now to help pull ourselves out of the massive budget deficits confronting us.

No one seriously suggests today that Congress should repeal withholding on wages, and there is no legitimate justification now for refusing to apply the same elementary principle of tax collection to interest and dividends.

Withholding, like democracy, is not perfect, but it is better than any of the alternatives—and it is far better than raising taxes on honest taxpayers, which is the only realistic alternative to make up the revenues we are losing by this compromise.

Our action here is only a skirmish in a larger battle. I commend Senator DOLE for his skill in waging this thankless but essential fight on the Senate floor. We did not succeed in stopping the bankers juggernaut in the Senate, but I believe we did slow its momentum. There will be other stages in this battle—and the final stage may well be the fight to make the President's veto stick.

Finally, I ask unanimous consent that an excerpt from Randolph Paul's "Taxation in the United States" may be printed in the RECORD. Although it is a lengthy excerpt, it describes in detail the fight over wage withholding in the early 1940's and helps to put the present issue in perspective. If Senators detect a sense of déjà vu today, they are correct; we have seen all this before, and things turned out just fine.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From "Taxation in the United States" by Randolph E. Paul (Little, Brown & Co., 1954) pp. 326ff]

4. THE PLAN THAT SLOGANS BUILT

For the Western Allies 1943 promised to be a year of increased hope and growing sacrifices. The Axis tide might have a long ebbing, but it had turned. In January Marshal von Paulus' German Sixth Army still held a precarious position in front of Stalin-

grad. In February the Russian trap closed and Germany suffered its greatest blow of the year. In Tunisia the British and American armies which had invaded North Africa in November 1942, in a huge armada of assault boats would soon crush the veteran desert armies of Field Marshal Rommel. Nazi dreams of African empire would lie buried in German graves that stretched from El Alamein to Cape Bon. Before the year's end Sicily would be conquered in thirty days of lightning warfare, southern Italy would fall, and the Allies would be fighting a bitter battle up the boot of Italy.

In 1943 came the real test of American productive genius. The term "arsenal of democracy" assumed a new and grimmer meaning for enemies. The United States had increased its output of military items 250 percent during 1942, but even that amazing record was only a curtain raiser for 1943. In some cases the experience of the battlefield had forced changes; airplane and tank production had fallen numerically short of the goals set in 1942. But there was still plenty of reason to be proud of the record.

In January President Roosevelt found the state of the nation good, the heart of the nation sound, the spirit of the nation strong, and the faith of the nation eternal. In his message on the State of the Union he reported with "genuine pride" on what had been accomplished in 1942:

"We produced about 48,000 military planes—more than the airplane production of Germany, Italy, and Japan put together. . . .

". . . we produced 56,000 combat vehicles, such as tanks and self-propelled artillery.

". . . we produced 670,000 machine guns, 6 times greater than our production in 1941. . . .

"We produced 21,000 antitank guns, 6 times greater than our 1941 production."

In January the President also presented his second war budget to Congress. This budget was not held to earth by any doubts about what the nation could financially afford. It was designed to reach the limit of what the country could manage, by straining night and day, to spend on the war. For the fiscal year 1944 Roosevelt estimated that the United States could spend over $104 billion; this was more than the budget of any other nation in any year in all history. It reflected, he said, the determination of American civilians "to pass the ammunition."

In January the government was spending at an average of $6 billion a month for military requirements; that average would reach nearly $8 billion during the fiscal year 1944. In 1943 the people, working harder than ever before, would pocket $142 billion. But a large part of their labor would go off to war. For every $15 they had to spend there would be only $10 of civilian goods available. American citizens now had about $45 billion of income in excess of available goods; this excess was more than the entire national income in 1932. The world had never known such figures. They were too huge to carry any concrete meaning. They were abstractions that could be compared only with other abstractions.

The simple routine of daily living became more complex and difficult. Stocks on store shelves had in many instances all but vanished. Bidding for scarce goods forced prices to higher levels. Price increases brought demands for higher wages. Some business groups continued their implacable struggle against the OPA. Black markets were in operation in many commodities, selling goods above ceiling prices and ignoring rationing restrictions. Disorder had insinuated itself into the national scene.

In April the President invoked his war powers to halt the Nation's progress up the spiral road to inflation. He issued the "hold-the-line" order by which all items affecting the cost of living were to be brought under control. The order said, in effect, that future price increases should be restricted to the minimum extent required by law and that some cost-of-living commodities which were above the level of September 15, 1942, should be reduced in price. There were to be no further increases in wage rates or salaries beyond the Little Steel formula, except where clearly necessary to correct substandard living. One of the most important provisions directed the War Manpower Commission to forbid workers to change their employment unless authorized by the Commission to do so. In an accompanying statement the President said that we must also be prepared to "tax ourselves more, to spend less and save more."

In March of 1942 Beardsley Ruml, Treasurer of R. H. Macy & Company and Chairman of the Board of the Federal Reserve Bank of New York, had published a pamphlet in which he advocated changing the measure or basis of tax to be paid in 1942 from 1941 income to 1942 income. In July, at the suggestion of representatives of the Treasury with whom he had discussed the matter, Ruml had appeared before the Senate Finance Committee, then holding public hearings on the 1942 revenue act, to present what he called the "Pay-as-you-go Income Tax Plan." The plan aroused little immediate interest. But the press was articulate. The reaction of many taxpayers was expressed by E. A. Goldenweiser, Federal Reserve Board economist, who said: "It's too good to be true! If there is something wrong with it I can't find it, so I'm for it." The Chairman of the Senate Finance Committee appointed a subcommittee consisting of Democratic Senators Clark of Missouri and Gerry of Rhode Island and Republican Senator Danaher of Connecticut to report to the full Committee on the plan. This subcommittee listened further to Mr. Ruml and approved his plan unanimously. But thirteen members of the full Committee could not agree, and Ruml's scheme went into temporary eclipse.

Ruml was discouraged but not defeated. His plan had political appeal. Though he conceived the plan as a method of getting people out of debt to the government, the public thought that Ruml had found a very white rabbit which would somehow lighten their tax load. In the hearings before the Senate subcommittee in August, 1942, Ruml was easily persuaded to be more expansive than he had previously been before the full Committee. Senator Clark asked everybody to "move in a little closer" and the tactful Ruml appreciated the opportunity of "unburdening" himself "a little further." The awkwardness of providing for the retirement of people who had grown old in service and who would be "perfectly prepared" to retire on a "modest income of $5, $7, or $8,000" had occurred to Ruml and his friends about a year previously. The problem arose out of the necessity of paying a tax on high income of the last working year out of the low income of the first retirement year. It was necessary to provide these retiring executives "first with the income tax, and that became income, and income tax on that income, and it got into a situation that made it impossible for a corporation to get into that sort of thing generally."

Ruml's plan had originally come to his fertile mind well before Pearl Harbor. He had then broached the idea at a luncheon of the New York Federal Reserve Board of Directors at which I also was present. The war had stimulated Ruml's vision. After it broke out he "saw another thing." Macy's department store had a "young man in the comptroller's office who was making $75 to $100 called into the Navy at a salary of $2,600 and we had to get together and take care of his income tax for him." That was "another impossible situation." Moreover, some of Ruml's many friends had come to Washington to work in the government; their alternative was either to "come on a dollar-a-year sort of thing, which is very objectionable, maintaining their corporate salary, or come against the old income tax debt problem." Ruml was moved to generalize. We are all "in hock to the government for the same income tax debt, and it was a pernicious fungus permeating the structure of things." What would happen "in case we just started continuing paying our income tax, but on this year instead of on last year, and as we began to talk about what would happen we discovered that nothing would happen. It would happen some time during the generation, to be sure, but as far as the Treasury and income were concerned, things would move along just the same as time moves on under daylight saving, so as we analyzed it, it seemed clear that great benefits would come, that there would be no substantial economic consequences except spread out over such a long period that it could be taken care of in some other form, and it would serve a real public purpose."

This reasoning came as no surprise to the Treasury representatives present at the hearing. Ruml had discussed his idea with them in the spring and early summer at occasional luncheons at the Treasury, which he facetiously described in intimate circles as "fish dinners." Macy's treasurer was a steak man himself. There was great sympathy in the Treasury with his basic purpose, but to some of us it seemed that Ruml had oversimplified a difficult problem.

The original printing of the Ruml plan contained a statement that it could be combined with collection of the tax at the source. But Ruml had at the moment little interest in this necessary improvement of the statute; his emphasis was entirely upon taking the taxpayer out of debt to his government. Later, after the third printing of his plan Ruml said that collection-at-the-source improved the pay-as-you-go plan, but insisted that his plan stood on its own feet without this device. Without collection-at-the-source Ruml's plan would accomplish his objective of taking the taxpayer out of debt, but for persons with fluctuating incomes the plan would make the payment problem worse rather than better. It would also seriously complicate the computation of tax where rates, exemptions, and the definition of taxable income changed, as they frequently did, from year to year. Perhaps most important of all, the plan shifted the tax burden from present taxpayers to new taxpayers and would result in a windfall gain to persons whose incomes were abnormally high in 1941—a particularly undesirable result because abnormally high 1941 income derived in many cases from the war effort. The November printing of the plan did acknowledge the probability of windfalls and suggested three remedies: (1) the elimination of cancellation with respect to cap-

ital gains, (2) a special death tax to recover what might be considered windfalls, and (3) in cases where the canceled tax exceeded $10,000 an averaging of 1941, 1942, and 1943 to get a fair normal income for purposes of cancellation. Ruml, who "disliked" windfalls, was still for his plan even if they could not be eliminated.

This whole problem of current payment has been under consideration in the Treasury for a long time. In response to the increasingly inflationary threat of price rises, Secretary Morgenthau, in November, 1941, had informally presented to the Ways and Means Committee a plan for collecting at the source the major portion of new taxes to be imposed. But the Committee had turned a deaf ear. Again in his statement of March 3, 1942, before the Ways and Means Committee, the Secretary had suggested that the "best available expedient" to achieve a more convenient method for the payment of income taxes was a "provision for collecting at the source for those incomes that are paid periodically, including wages, salaries, bond interest and dividends." On May 20 and again on June 19, against the embarrassing protest of the Commissioner of Internal Revenue, Treasury representatives presented extensive arguments to the Ways and Means Committee urging a system of collection-at-the-source as necessary to "the very existence of the income tax."

Commissioner Helvering's testimony on the administrative problems of current collection had been a dash of very cold water. To collect the tax he estimated that the Bureau of Internal Revenue would need somewhere between nine and twelve thousand additional employees and this at a time, he said, when they were unable to maintain satisfactorily their present authorized force. He anticipated "much difficulty" in securing the required office space, equipment, and supplies. It would require at least three months after final enactment before operations could commence, and the appropriations for the first full year would approximate $24 million. Some understanding, the Commissioner emphasized, must be had from a priority standpoint as to personnel, equipment, supplies, and funds, if the proposed collection-at-the-source provisions were to be administered satisfactorily.

Later, in August, Helvering told the subcommittee of the Senate Finance Committee, appointed to make a report on Ruml's plan, that the equipment situation and the prospect of securing adequate space had grown worse from the Bureau's standpoint than it had been when he appeared before the Ways and Means Committee. Despite the fact that the Bureau had been given a priority status on personnel, the personnel situation "could not be said to have improved." The Bureau looked with great concern upon its inability to recruit 5,400 employees needed to carry the regular work load, and 11,000 more would be required to administer the withholding plan. Furthermore, these employees must be "qualified in certain essential functions"; you could not take a "spit in the gutter" fellow and put him in the Internal Revenue service. It had taken until 1938 to "clear up" the records from World War I and it would be "unfortunate" if by reason of the enactment of a withholding tax a similar condition recurred now. Helvering suddenly developed sympathy for harassed businessmen. It was possible that a number of financial and industrial organizations would be even more seriously embarrassed by the withholding plan than the Bureau would be. The Commissioner "couldn't help but think that, while you gentleman are scratching your heads to find additional items of taxation, the effect will be to force upon industry the payment of large sums for the administrative cost of the withholding tax." Since these items would become deductions for business expense, the Commissioner hastened to point out that the result would be considerably reduced taxes from these companies.

It would be a masterpiece of understatement to say that these pronouncements, never submitted in advance by the Commissioner to the Treasury, were extremely embarrassing. I had to reply off the cuff. I tried to take some of the curse from the Commissioner's testimony by emphasing the advantages of collection-at-the-source in making tax payments easier, in strengthening the government in its critical fight against inflation by withdrawing purchasing power from the spending stream before it could exert an upward pressure on prices, and in guaranteeing a more prompt and certain flow of revenue to the Treasury than the existing method of collection did. I went on to explain the systems of Canada, Great Britain, and Australia; I might have added that this country had included the deduction-at-the-source principle in both its Civil War and 1913 tax laws. Despite Helvering's wet blanket, the Committee was well disposed toward the withholding idea. But the problem of transition was hard to hurdle. In the first year, 1943, some taxpayers would be required to pay, at the same time, the tax on 1942 income and part of the tax on 1943 income. The Ways and Means Committee proposed to get over the hump by a gradual transition.

Ruml, like the good general he was, shifted his strategy. Previously he had put little emphasis on collection-at-the-source. Before the Senate subcommittee, however, he testified that his plan offered advantages in instituting collection-at-the-source and he repeated his earlier statement that current collection could be incorporated into his plan. The Treasury agreed that collection-at-the-source would greatly improve the Ruml plan because tax payments could be synchronized with income payments. It acknowledged that the plan deserved serious consideration, if linked with collection-at-the-source at a rate equal to the combined normal tax and first bracket surtax rate. The Treasury went on to suggest other modification to mitigate remaining defects; at one point in the Senate Committee executive session the Treasury suggested a plan, very similar to the Robertson-Forand plan later adopted by the House, which would have made about 90 percent of taxpayers current except for minor yearend adjustments. From this point on, violent controversy developed within Congress over these remaining aspects of the plan.

The controversy within Congress was preceded by a deluge of publicity. Democratic Representative Disney of Oklahoma later commented that Ruml had a "bigger following than Dr. Townsend had in 1934 and 1935." In September, 1942, the Ruml plan was the U.S. News "Question of the Week," and only a few answers were registered in opposition. By January of 1943 the pressure for the adoption of the Ruml plan had become insistent, and most of the Republican members of the Ways and Means Committee demanded that the pay-as-you-go issue be made the first order of Congressional business. The problem had become critical because many taxpayers had come to believe that they would have no taxes to pay in March. On January 15 Senator George and Representative Doughton issued a statement warning all taxpayers that plans for Congressional action on a pay-as-you-go plan would in no way affect their obligations to file an income tax return by March 15 and pay at least the first quarterly installment of tax against 1942 income.

Speculative and contradictory stories about the Treasury's attitude toward pay-as-you-go legislation filled the press. Silence had become less than golden. On January 23 I made a public statement that the Treasury favored early legislation to put income tax payments on a current basis. It was ready to respond at any time to an invitation by the Ways and Means Committee to present its views or give its advice. Many advantages would accrue from disposal of the pay-as-you-go matter as soon as possible. One advantage would be to refute most effectively the baseless rumors that some form of tax forgiveness would be adopted which would make it unnecessary for taxpayers to meet their March 15 installments on 1942 tax liabilities.

In his budget message of January 6, 1943, President Roosevelt had emphasized the necessity of putting income taxes on a pay-as-you-go basis. Several newspapers misinterpreted the President's statement as an endorsement of the Ruml plan. A period of day and night conferences followed between Representatives Doughton, Cooper, Disney, and Robertson of the Ways and Means Committee, and members of the Treasury staff and the staff of the Joint Committee on Internal Revenue Taxation. The situation was out of hand. It was finally decided first to hold public hearings on a bill directed solely to the objective of putting the tax system on a current basis and to postpone the regular tax bill, which would be necessary to raise the $16 billion requested by the President.

Hearings before the Ways and Means Committee commenced on February 2, 1943. Two days before, three people stopped Representative Cooper in the lobby of the Washington Hotel and stated to him their understanding that they would not have to file any tax return on March 15, if Congress adopted the Ruml plan. John Sullivan, Assistant Secretary of the Treasury, who was in charge of the Bureau of Internal Revenue, told the Committee of the Treasury's concern at the "misapprehension in the minds of many taxpayers who have a feeling that perhaps something will be done by the Congress which will relieve them of the necessity of filing their returns and paying their quarterly tax." Reports from collectors indicated a sharp decrease in return filing. Sullivan asked the Committee to take action to notify taxpayers that in spite of any plan being considered they must file their returns and pay their quarterly installments.

I stated the Treasury's position on the basic issue. I reminded the Committee that in his budget message the President had asked Congress for "not less than $16 billion of additional funds by taxation, savings or both." The disposition made of the pay-as-you-go issue would have a direct bearing on the over-all revenue program. The existing income tax payment system was poorly adapted to the budgets and flow of income of 44 million taxpayers. The lag in payments had become a serious problem with the war expansion of the income tax, the backbone of the Federal tax system. Again

the Treasury recommendation was a system of collection-at-the-source for 30 million wage and salary earners whose incomes after exemptions and credits did not go above the first surtax bracket of $2,000; a system of quarterly statements, or declarations of estimated income, and tentative payments, for 10 million taxpayers whose incomes did not go above this bracket, but who received more than a nominal amount from sources other than wages and salaries; and a combination of these methods for the 4 million taxpayers whose incomes exceeded the first surtax bracket.

On the problem of transition, I admitted frankly that in a period of rising national income the forgiveness of a year's liability would not reduce the cash flow into the Treasury. But complete forgiveness of 1942 liability was a horse of a different color. It would benefit persons with large incomes relatively more than persons with low incomes. For the individual with an income of $1 million the forgiveness represented almost 600 percent of a year's income after taxes. The forgiveness of a year's taxes would enable this individual to add to his wealth at one stroke as much as he could add in nearly six years by saving every dollar he had left after paying taxes and spending nothing, and as much as he could add in twelve years by saving half of what he had left after paying taxes. Eventual increased taxes upon the estate of the forgiven person would not offset this economic windfall. There would be need for very great increases in governmental revenue. It seemed more equitable to collect at last to a substantial degree the tax liabilities which had been imposed by past legislation than to forgive a year's liability and to raise the additional revenue by increase in rates, the burden of which would have to be imposed more heavily upon the low and middle groups, since it was only at this level that the income tax was capable of substantial further expansion. A canceled liability could not be recouped from the high-bracket taxpayers were rates were as high as they could go, but only in the lower brackets where a rise in rates was still possible. I admitted that a simultaneous collection of 1942 and 1943 taxes would be too great a hardship and suggested methods for easing this burden by postponing or deferring the payment of part of the 1942 liabilities. One method of collecting the postponed tax would be to require the taxpayer to pay the postponed tax at his discretion within a certain number of years say before March 15, 1945. A second method would be to divide the postponed tax into fixed installments. A third method would be to increase the rate of current collection, whether at source or by quarterly payments, and to treat the additional amount collected as an offset to the postponed liabilities, with appropriate provision for persons not having any 1942 liabilities.

With his plan endorsed by the New York State Bar Association, Ruml testified before the Ways and Means Committee on February 4, 1943. Since 1941 taxes had been paid, he now proposed to omit 1942, rather than 1941, taxes. He had only "glanced through" the Treasury statement of February 2, and his testimony was substantially the same as the testimony he had given the year before to the Senate Finance Committee. But he had developed some new and powerful phrases. His "reform" had developed "personal and humane" grounds. Income tax debt had become a "modern form of peonage" that locked men and women into their present work and level of income. He returned more forcibly to an analogy first employed in his March, 1942, statement; a complex problem had become "as simple as daylight saving." Confusion had developed from use of the term "forgiveness"; there was so much feeling about the word; it would be better—Ruml did not mention semantics—if his plan were thought of as "a change in the method of assessment, as the turning of the tax clock ahead, not as the stopping of the clock."

Ruml cited three points of difference with the Treasury. The first, "a point of fact"—a difference as great as that between night and day—was whether the financial well-being of the government would suffer from a loss of assets of $10 billion when revenues would be larger. If we accepted a rising national income as axiomatic, the Treasury, Ruml declared, would collect more dollars under his system than under the existing system in the twenty-year period January 1, 1943, to December 31, 1962, a fact the Treasury never denied, since it was not making this comparison. The answer to the paradox was to be found by examining the position of the Treasury on Judgment Day when the books would finally be closed. "Under our present system," Ruml asserted, "the Treasury would have billions owing from the taxpayers. These would be bad debts in any case. Since the government is not concerned about any final loss on judgment day, the government is able to turn the tax clock ahead, make all taxpayers current, eliminate income tax debt, and do it with increased revenue and with no additional burden on any taxpayer."

Ruml nailed down his argument by saying that he had submitted it to a group of members of the American Institute of Accountants who agreed that he was right.

So far Ruml and the Treasury had talked past each other. The second point of difference was one of "principle," involving the question whether there should be "equal treatment for all alike in every bracket." Mr. Ruml thought that equal treatment meant cancellation for all taxpayers of complete liability even through cancellation of a larger amount of tax meant a greater benefit than would be involved in the cancellation of a smaller amount.

Ruml regarded the third point of difference with the Treasury as one of "policy." Was it wise policy to "carry forward to the future the 1942 tax liabilities for a part of the taxpayers," or, to put the question another way, was it wise policy to "use the assessments on 1942 personal income as a basis for collecting revenue in the fewer years ahead, revenue over and above the assessments on current personal income for current income tax, and limited in application to some four million taxpayers whose incomes fall above the normal and first surtax bracket?" The witness thought such a policy proposed, as he asserted, "by the Treasury," unwise. Ruml continued to address himself to a policy which had never been proposed by the Treasury. He had four reasons for his own contrary view. First, the so-called Treasury policy was opposed to the "right principle" of equal treatment; "wise policy cannot be founded on wrong principles; the result is sure to be uncertainty, disunity, conflict and lack of faith in the good faith of government." Second, as Ruml erroneously understood it, the Treasury policy also violated "the principle of taxation according to ability to pay." It measured future year payments in terms of 1942 income. "The carry-over of the so-called liabilities for 1942 is only a polite way of increasing indirectly the assessments in future years on income taxpayers. What the method gains in politeness, it loses in crude inexactness and unequal burden in relation to ability to pay." Third, the policy Ruml attributed to the Treasury would "impose an intolerable burden of double taxation." Finally, it would leave a large number of taxpayers with a large income tax debt outstanding, a debt they "would feel had been levied on a discriminatory basis." They would "persistently seek to redress" a "just grievance"; and an unwholesome factor would be introduced into American life. Ruml closed with a plea for collection-at-the-source, an unemphasized item in his early advocacy of his plan.

Talk of this kind was too much for Chairman Doughton. He thought in simpler terms. In the questioning which followed Ruml's statement to the Committee, the Chairman expressed his old-fashioned philosophy that one ought to pay his taxes "just as a man ought to pay his debts to his merchant"; he personally would not feel happy if he asked his creditor to forgive a debt he could pay. To this elderly Representative from North Carolina there was something shocking about a request from a good businessman for cancellation of the taxes of people who were able to pay "at a time when the government is having to impose the highest tax in its history." Ruml had to admit to him that the government would have more revenue if it collected 1943 taxes currently and then collected all of the 1942 tax that the taxpayers were able to pay than it would under his plan.

The Chairman yielded to other members of the Committee. It was "revolting" to Representative Disney's sense of honor "to walk out and leave the 1942 tax bill unpaid," and he was under the correct impression that "there is lots of money in this country." Representative Cooper forced an unwilling admission from Ruml that the taxpayer would gain from forgiveness, at least "at the time his income ceases or declines"—the higher the income tax bracket, the more his relief would be. The witness confessed to Representative Gearhart, the only Republican committeeman who opposed the plan, that there would be "a year of income" under his plan "upon which the people would pay no taxes." The member from California was troubled; "to walk off and leave a tax on $115 billion" was to him "a very considerable amount to forgive" when people had "more money, more savings, with more weekly wages than they have ever had before in the history of the nation." Ruml also agreed with Representative McGranery's "simple matter of mathematics" that his plan would increase "the principal account" of a taxpayer with a 1942 income of $1 million to the tune of $854,000.

Republican members of the Committee were more kindly. They complimented the witness on his statement and his contribution. The soft-spoken Carlson from Kansas brought out Ruml's record of friendliness to the Democratic Administration. The other witnesses testified that the plan was supported by such organizations as the American Institute of Accountants, the National Retail Dry Goods Association, the American Retail Federation, the American Legion, the National City Bank of New York, the New York City Bar Association, and the New York State Bar Association.

Two weeks of public hearings and a month-long executive session followed. Then Chairman Doughton introduced his

Committee's bill in the House on March 17 with a majority report which stressed the inequity and unworkability of Ruml's plan, by then embodied in the Ruml-Carlson bill. The Committee bill provided for withholding of taxes from wages and salaries and crediting the amounts withheld in the current calendar year against prior-year liabilities. It also permitted taxpayers to put themselves voluntarily on a current basis by paying an estimated tax at a discount. The majority believed that most of the American people would not want any of their taxes forgiven. "This is a debt which has already accrued and in equity and good conscience must be paid ahead of any other liability that may occur for future years." "Compelling reasons" had led the majority to discard the Ruml plan. The provision to forgive a whole year's tax was "particularly objectionable," since the taxpayer received two years of income and paid taxes only on one year's income. Cancellation of taxes on 1942 incomes would constitute "gross violation of ability to pay." The distribution of the benefit would be in inverse ratio to need. Cancellation would "bestow the greatest benefit on those least able to make economic sacrifices and the smallest benefit on those least able to make such sacrifices." About 60 taxpayers with $1 million incomes would each receive a benefit of at least $854,000.

The majority report articulated the basic objection to the Ruml plan. If taxes on 1942 incomes were canceled, the needed revenue could be obtained only by raising existing rates on the incomes of 1943 and subsequent years, which must necessarily fall on the lower or middle income groups, or by securing revenue from other sources. Since 1942 was a year of high national income and many persons, such as war contractors, had realized high profits directly attributable to the war, the cancellation of 1942 taxes would have the effect of exempting war profits. In addition, forgiveness would also impede the war effort. First, it meant gain rather than sacrifice for those on the home front; this would be detrimental to the morale of the armed forces. Second, forgiveness would stimulate the forces making for inflation by releasing funds set aside for taxes then due; this would reduce the pressure on those with 1942 tax liability to make "all possible economies."

Nine of the ten Republican members of the Ways and Means Committee joined in a minority report. It called upon Congress to substitute the Ruml-Carlson bill for what they termed "indigestible hasty pudding." It began with tears for the poor taxpayers whom the Committee bill would throw into confusion and uncertainty as to "just what they owe the government, and for what year," and for the Bureau of Internal Revenue which "would have an impossible task in trying to rescue the income tax system from the hopeless morass into which the Committee bill would plunge it."

Next came a neat disposition of the question of who would have to bear the burden of any additional taxation. The report claimed that the answer was the same under the Ruml plan, the existing system, or the Committee bill. In any case the taxpayers in the lower and middle brackets would bear the brunt of any increased taxes, "as in the upper income tax brackets the rates cannot be increased without actual confiscation." The majority report, the minority maintained, was in serious error, in echoing the false contention of the Treasury that the Ruml plan would shift the tax burden from those in the upper brackets to those in the lower brackets, and from old taxpayers to new taxpayers.

Current tax payment had become a partisan issue.

In a press conference on March 18 Secretary Morgenthau stated perhaps in a less than enthusiastic mood that the Administration fully supported the Committee bill. However, the bill was not the product of Treasury recommendation. As Doughton pointed out to the House on March 25, in direct response to unwarranted charges that the Treasury Department had written this tax bill, "at no time during the consideration of this bill has the Treasury Department presented any bill or attempted to usurp the prerogatives of our Committee or shown any special favoritism toward any bill."

While the Committee was still considering its bill, the Ruml plan had been placed before the House. On January 6, Representative Carlson had introduced a Joint House Resolution embodying the forgiveness feature of the Ruml plan; on March 2, Carlson followed with a bill embodying the plan. Neither measure had contained withholding provisions. On March 22, however, the member from Kansas introduced a bill combining the Ruml forgiveness principles with the withholding provisions of the Committee bill; this bill canceled one entire year's tax for every individual taxpayer.

For four days, beginning on March 25, the House acrimoniously debated the Ways and Means Committee bill. To forgive or not to forgive was the question. Or, as one wag put it, "to forgive, to forget—and thus perchance to make a wartime millionaire." Chairman Doughton's own soliloquy ran; "We are dealing with the most hateful, difficult problem that ever came along in the annals of mankind." He cited the handicaps under which the Committee had worked. The difficulties of the current payment issue had been "prejudged and misrepresented by many, but not all, newspapers, columnists, and news commentators, regardless of the true facts." The effect of the Ruml plan, Doughton explained, was to pay one year's tax out of two years' income. The question in the mind of the Chairman was whether, when the country was in the most desperate need of money in its history, war profiteers should escape one year's tax. Answering his own rhetorical question, he found the proposition absurd, ridiculous, preposterous, and immoral. Doughton had a sufficient capacity for emphasis. "If ever there was a counterfeit proposition brought before the American people," he said, "this is it." Half or more of our taxpayers were enjoying substantially increased incomes during the war. Their ability to pay would never be greater. The Chairman was trying to drive home "the simple fact that the Ruml-Carlson plan not only favored the wealthier taxpayers as compared with their less fortunate brethren, but that it discriminated sharply against the fixed income individual while tossing into the lap of the person enjoying a swollen wartime income a golden harvest which unjustly enriches him at the expense of his government, his fellow taxpayers or both."

The sardonic Representative Knutson, ranking minority member of the Ways and Means Committee, led the Republican fight for the Ruml-Carlson plan. He insisted that the Committee bill "has no genuine friends." It was a wondrous concoction of "guile, bile and rile." Its discount provisions offered a "lifetime bonus" to well-to-do taxpayers. "In short, he contended, "the New Deal majority were giving a stone to the great masses of the people, when they asked for bread."

Another Republican, Reed, became a tribune of a people. He considered that the real issue was whether "44,000,000 taxpayers . . . shall have a voice as against the bureaucrats" in the method of collecting revenue. In his opinion the Committee tax bill would put the taxpayer "in hock for life."

To the plain-spoken Dingell, a Democrat from Michigan, the Ruml plan was "about as legitimate as horse stealing." "It would make countless additional wartime millionaires . . . not as a result of war profiteering . . . but as a result of the action of Congress in remitting an amount of tax money which has been legally and properly levied for the year 1942, money that has been obligated and spent for tanks, for ships, for planes and for other war purposes." The objectionable feature of the Ruml-Carlson plan was "like working a three-shell game on the rube, Uncle Sam; he is the loser either way because there is no pea under either the 1942 or 1943 shell."

Representative Crawford, one of the few Republicans who sided with the Democrats, asked God to "forgive my party for getting caught in such a trap." Now was the time to stop inflation. According to his figures, accumulated savings for individuals had totaled $225 billion at the end of 1942. Congress should take the lead in arresting the inflationary force of the "dance of the deficit billions." In his opinion, the country's political leaders lacked "just plain guts." This Congress had a duty to perform "and that duty does not consist of canceling taxes on incomes built out of war deficits."

Representative Gearhart, the only Republican member of the Ways and Means Committee to desert his Party, was caustic. "The pay-as-you-go, skip-a-year, turn-the-tax-clock-forward, wipe-the-slate-clean scheme" proposed by Ruml was "the plan that slogans built." To cut ourselves "a tax cake" on the home front "when our fighting men are eating cold rations in the fox holes . . . would be the last straw."

With biting sarcasm Abernethy, Democrat from Mississippi, noted that "after 2,000 years we had discovered in our midst a real tax genius. Two thousand years of painful taxation had, at last, brought forth a painless panacea."

In his testimony before the Ways and Means Committee Ruml had stated that there was only one way, admittedly "impractical," to achieve absolutely current income tax payments, and that was "to collect every night." Upon being pushed Ruml said that an absolutely current income tax return was "something like a fresh egg; there is no such thing as an absolutely fresh egg on the market, but there are all sorts of degrees of it." In the House debate a similar question of degree arose to plague the Chairman of the Ways and Means Committee. It was a question of the degree of sin involved in different amounts of forgiveness. As dissected by Republican member of the Committee, Dan Reed, it was the position of the proponents of the various bills that "the abatement of the Carlson bill was sin; but that it was all right to sin 50 percent, or to sin the difference between 1941 and 1942, or to sin as to one class but not as to another which is the Robertson plan of sinning, or finally, as under the Doughton bill, to sin at the rate of 6, 4, 2 and 4, 3, 1, which are the rates of discount which the Doughton bill provides."

By the end of the fourth day of debate frayed nerves drove blood pressure to a dangerously high level. On March 30, resolving itself into the Committee of the Whole House on the State of the Union, the House adopted an amendment embodying the provisions of the Ruml-Carlson bill by a vote of 199 to 188. Then the Committee rose and a vote by the House rejected the amendment 215 to 198. Immediately the House sent the Committee bill back to the Committee by a vote of 248 to 168. The U.S. News observed that the idea of complete pay-as-you-go for individual income taxes appeared to have died from "overattention," and from too-enthusiastic support on the part of its sponsors.

But the U.S. News obituary was premature. Several new bills were now introduced, similar in providing for collection-at-the-source, but differing in the methods prescribed for payment of liabilities not collected at the source and for making the shift to a current payment basis. Another bill which received consideration was H.R. 2277, known as the Robertson-Forand bill, embodying withholding and current payment provisions which had been developed by a subcommittee of the Ways and Means Committee and submitted to the full Committee on March 8. The Committee, after extensive consideration of alternative plans, adopted a new plan embodied in H.R. 2570, introduced April 22, and reported to the House April 30.

The Committee report accompanying this bill, known as the second Committee bill, explained that it was providing for a cancellation of approximately one-half of the total individual liability for 1942, since the House had apparently considered that the first Committee bill did not go far enough either in the direction of current payment or forgiveness. In order to facilitate a shift from the old to the new system of payment, the bill provided for the reduction of the 1942 tax to 1941 levels by applying 1941 rates and exemptions to 1942 income, and the payment of the reduced tax over a three-year period. It allowed a discount of 6 percent if the entire amount of the reduced 1942 tax was paid by March 15, 1944, and a discount of 2 percent if one-third was paid by March 15, 1944, and the remainder by March 15, 1945. The current payment provisions covered withholding of income tax from wages and salaries at a 20 percent rate beginning July 1, 1943, and set up a system of current payment for liabilities not collected at the source. This system called for declarations of estimated tax on March 15 of each year. It permitted revisions each quarter and quarterly payments of the tax during the year when income was received, with final adjustments to be made in March of the following year. A special rule took care of farmers; they were permitted to delay their declarations and payments until December 15. The Secretary of the Treasury gave his support in a press release to this second Ways and Means Committee bill.

The Republican minority of the Committee was not in a mood to be easily satisfied. It filed another minority report again endorsing the Ruml-Carlson plan. The revised Ruml-Carlson bill (H.R. 2245) embodied the same current payment provisions as the second committee bill, but it differed in providing full cancellation of 1942 taxes, subject to some new and complicated anti-windfall provisions extolled by the minority as "tighter safeguards."

The first of these provisions was designed to prevent the abatement of the 1942 tax from resulting in a windfall to well-to-do taxpayers whose 1942 tax was greater than their 1943 tax. It provided for forgiveness of the 1942 tax if it were $1,050 or more, and also more than the 1943 tax, but increased the 1943 tax by the amount by which the 1942 tax exceeded the 1943 tax, or by the amount which the 1942 tax exceeded $1,050 in cases where the 1943 tax was less than that amount. The second anti-windfall provison contained a special rule for cases in which both the 1942 and 1943 incomes were more than $5,000 in excess of 1941 income. In these cases, in addition to the increased tax for 1943 which the taxpayer might have under the first anti-windfall provision, the excessive portion—that is, the amount by which the 1942 or 1943 surtax net income, whichever was lesser, exceeded $5,000 plus the 1941 surtax net income—was taxed at the regular normal tax and surtax for 1942, as if that portion itself constituted all of the surtax net income, and also all of the net income after exemptions and credits.

The fact that something new had been added in the way of complexity did not deter the minority pot from calling the majority kettle black. "The Committee bill," stated the minority, was "a tax lawyer's dream." Three days later Doughton yielded himself an additional five minutes on the House floor to have the clerk read the complete text of the second anti-windfall provision of the Ruml-Carlson plan. The Chairman punctuated this recital with the wry comment: "You cannot explain it in three years so the average man can understand it."

On May 3 Democratic Representative Forand of Rhode Island introduced another version of his plan in H.R. 2577. There was no difference between his plan and the current payment provisions of the second Committee bill and the Ruml-Carlson except that taxpayers were made current only with respect to the 6 percent normal tax plus the first bracket 13 percent surtax. Forand's bill canceled these brackets of 1942 liability for the year 1942. Only the basic liability for any year was payable currently, and there was no doubling-up of payment, since this liability corresponded to the amount of 1942 tax forgiven.

The House had thus before it three major current payment bills when it resumed consideration of the question—the second Committee bill, the revised Ruml-Carlson bill, and the revised Robertson-Forand bill. The three bills had virtually identical current payment provisions, but differed sharply in their provisions for transition to current payment and the distribution of forgiveness.

For two days the fires of vocal violence flared and flamed. Democratic Representative Cooper pointed out that the Treasury would lose more than $3.5 billion under the Ruml-Carlson bill as compared with the Committee bill. Republican Representative Knutson argued that the second Committee bill was "not the product of reason" but a "hybrid measure representing a compromise between stubborn adherence to an unsound position on the one hand and political expediency on the other." Jennings, a Rumlite, was "for the preservation of the American taxpayer," a species which he considered so nearly threatened with extinction that "the time will come when we can put [him] on exhibition and make money charging admission for people to see him." Representative Patman listed 13 reasons why he opposed the Ruml plan, winding up with: A vote for the Ruml plan is a vote for the sales tax; a vote for runaway inflation; a vote for printing-press money; and a vote to favor the rich at the expense of the poor."

Knutson thought that this was demogoguery and said so. Representative Disney lifted the discussion from what promised to be an all-time low with a final speech against the Ruml plan. Inherent in the plan was a "redistribution of the tax burden from the few to the many, in direct violation of the just and fundamental principle of ability of pay." The plan was "full of mistakes," and, in his opinion, it was fundamentally unfair to come to the House and make the claims that the anti-windfall provisions would cure its defects. He cited the undisputed figures in the Record that Charles Marcus of the Bendix Company would pay only $177 in taxes on his 1942 income of $77,000 under the Ruml-Carlson bill. Under these same anti-windfall provisions, J. D. Morrow of the Joy Manufacturing Company would pay only $282 on an income of $55,000. J. W. Frazier of the Willys-Overland Company would pay $477.22 on a $123,000 income. To curb inflation, Disney declared that "we should be taxing more instead of less."

Once again the Ruml-Carlson Bill was agreed to in the Committee of the Whole House on the State of the Union by a vote of 197 to 166, but was rejected by the House itself, 206 to 202. The second Committee bill was recommitted by a vote of 230 to 180, with instructions to the Ways and Means Committee to report back forthwith the revised Robertson-Forand bill. The House then adopted this latter bill by a vote of 313 to 95.

The Senate Finance Committee limited its hearings on May 6 and 7 to only two witnesses, a representative of the Treasury and a representative of the staff of the Joint Committee on Internal Revenue Taxation. For the Treasury, I presented an extensive statement describing the three bills which had been under consideration in the House, stating a preference for the second Committee bill, but also opposing the Ruml-Carlson bill as compared with the Robertson-Forand bill. I contended that forgiveness added wealth to the taxpayer, or reduced his liabilities, which in effect was the same thing. I presented tables showing that a person with a $2,000 income received forgiveness of only $140 under the Ruml-Carlson bill, whereas a person with a $100,000 income received forgiveness of $64,000. The tables showed also that the Ruml-Carlson bill would wipe out all increases of taxes imposed for the war effort up to January 1, 1943, for taxpayers with incomes of over $100,000, and at the $1 million level would confer additional benefits of nearly $600,000. I pointed out that increases of taxes requested by the President would fall most heavily proportionately on the middle and lower incomes, since it was not feasible to raise the rates on the higher incomes proportionately. It was, therefore, impossible to impose additional taxes across the board on all the same persons who had been forgiven 1942 taxes. This meant that the tax burden would be shifted from the high to the low incomes and from the low to new taxpayers. I also pointed out that the President's request for $16 billion of additional collections meant more than the doubling of individual taxes.

In the questioning which followed, the majority of the Senate Committee proved receptive to Ruml's plan. Senator Taft suggested that the additional revenue secured by the Ways and Means Committee bill might be a "capital levy"; but he was satis-

fied with my description of the tax as possibly "payable out of capital funds." Senator Lodge said that he did not like the word "forgive." Senator Vandenberg did not see how remission of taxes added to "real expendable wealth," as distinguished from what he called "bookkeeping wealth." Senator Tom Connally, however, was better able to understand that the forgiveness of a tax which had already accrued transferred the asset over to the taxpayer. On May 7 the Committee rejected the House bill in toto and adopted the Ruml plan by a vote of 13 to 7. Only Senator LaFollette filed minority views, saying that the middle and lower income groups would have to pay later in one form or another not only the full amount being forgiven but also a substantial part of the 1942 taxes of taxpayers in the upper brackets.

The pay-as-you-go issue was debated in the Senate for three days. The wrangling over the formula and the degree of forgiveness faithfully followed the pattern set by the House. Senator Connally lashed out against the "dividend" on dodging a year's taxes in the Finance Committee bill. Santa Claus was here and, according to this bill, he had come every day in 1942. He was going to give $854,000 to the man with a $1 million income. The doughty Texan drove home his point: the millionaire's chauffeur "is dodging taxes, and we have to place him on a current basis, so we will give the old man $854,000 back, and get $1.87 out of the chauffeur, through deductions." In contrast, Senator Clark, in favor of making taxpayers current by the 100 percent forgiveness of the Ruml plan, recalled that "Mr. Alfred I. duPont, had an income of more than $4 million in one year during the last war. He did not have to pay his income tax for that year until the year following. In the meantime, he had lost enough in stock transactions so that he did not have to pay anything at all. He died about that time, and his estate did not have to pay anything." Senator Connally replied that the case cited by the Senator from Missouri did not apply to the discussion of the bill. DuPont did not have withholding on his salary or wages. "That is all the bill would do," said the Senator from Texas. "It would not hold out the income of the millionaire. Mr. duPont would never have been touched by the bill, except for getting back a year's income taxes. . . . It would not have resulted in the collection of a cent currently from Mr. duPont because the bill applies only to salaries and wages."

In the judgment of the economy-minded Democratic Senator Byrd, of Virginia, it was absurd to believe "that this cancellation of taxes will not ultimately result in a loss of revenue to the Federal Treasury." It was "inconceivable" that if the American people knew all the facts they would be willing to adopt legislation providing for 100 percent cancellation of tax liability. To do so would mean that "immediately a demand would be made by the President and the Treasury Department to raise additional revenue by increasing the present tax rates so as to compensate for the loss to the Treasury as a result of cancellation of the taxes of those able to pay."

Republican Senator Davis of Pennsylvania, on the Ruml side, took that position that "to call for full taxation" was "to insist upon our pound of flesh." Senator LaFollette expressed the thought that "temporary insanity" had "seized the Congress and the country." In all the years he had been in Congress he had not known such a "sharp division of opinion among honest men."

Senator Bone of Washington, now a Federal Judge, propounded "the ethical and emotional side of the picture," saying:

"If I could abate any of the blood and tears and agony of the boys dying on the battlefields, if I could abate one little bit of the horror facing young men marching under the American flag into this world conflict, I would abate the horror coming to them, rather than abate a year's taxes for us who stay at home. I wish I could vote to abate blindness and insanity and vote away the blasting of boys' lives by shells on the battle fronts. But we cannot do that. All we can do is to abate the tax on some fellow's income. The whole thing presents a grotesque twist of logic. It is a sort of madness."

The debate produced five alternatives to the Ruml plan, including a 75 percent forgiveness plan of Chairman George, all of which the Senate rejected. The Robertson-Forand bill was defeated by a vote of 52 to 27, and the Finance Committee bill with complete forgiveness of 1942 taxes, was finally adopted on May 14, 1943, by a vote of 49 to 30.

President Roosevelt was concerned, and I helped him draft identical letters dated May 17th to Senator George and Chairman Doughton which stated:

"I am eager, as I am sure the whole country is eager, to see our taxes put on a pay-as-you-go basis at the earliest possible moment. Ever since 1941 the Treasury has consistently recommended provisions designed to this end. Such provisions would help hold the line against inflation.

"The Senate bill, however . . . would result in a highly inequitable distribution of the cost of the war and in an unjust and discriminatory enrichment of thousands of taxpayers in the upper income groups."

The President concluded:

"I am writing you now so that you may know my views and in the hope that a bill may be worked out in conference that I can sign. I have recommended pay-as-you-go taxation. I have not insisted upon any particular formula for transition to a pay-as-you-go basis. I believe that there should be substantial adjustments to ease this transition. But there are limits beyond which I cannot go. I cannot acquiesce in the elimination of a whole year's tax burden on the upper income groups during a war period when I must call for an increase in taxes and savings from the mass of our people."

The following day Knutson asked the House to instruct its conferees to accept the Senate bill. He warned his colleagues not to be stampeded by the President's letter. He found "not a word in it" to indicate that the President would veto the Ruml-Carlson Bill. If Knutson "understood the meaning of the English language," the President would allow the bill to become law without his approval. Chairman Doughton interpreted the President's letter differently. He was "just as certain as the sun shines and time rolls on, if this bill is sent to the President as passed by the Senate it will be vetoed." Furthermore, the House was presented with the humiliating spectacle of being asked to be "rubber stamps for the Senate." The Senate had not tied or bound its conferees.

The House stiffened and rejected the Senate bill by a vote of 202 to 194. This was the third time the Ruml plan had been voted down. "Muley" Doughton declared triumphantly: "We have killed it. As long as Franklin Roosevelt is President of the United States it will stay dead." But the Chairman of the Ways and Means Committee underestimated the vitality of the Ruml plan. The bill went to conference where it remained in deadlock for several days. A compromise in favor of Senator George's 75 percent cancellation plan could not secure the four necessary votes of the House conferees until May 26, when Chairman Doughton, formerly confident that the Ruml plan was forever dead, revived the plan by switching his vote and breaking the deadlock. The other three Democratic conferees neither changed their votes nor signed the conference report. The House and Senate agreed to the conference report by a large vote and at long last the noisy battle that had raged for many irritating weeks was done. The bill was signed by President Roosevelt at 7:00 p.m. June 9.

The Current Tax Payment Act of 1943 put wage and salary earners on a withholding basis of tax collection beginning July 1, 1943. Wage payments in certain types of occupations were excepted from the withholding requirement. The three main peacetime groups to which this exception applied were agricultural laborers, domestic servants, and casual laborers. In addition, the service pay of members of the armed forces was excluded from the withholding provisions.

From letters that came to the Treasury while this act was under consideration, it was apparent that many people, particularly in the lower wage levels, were greatly alarmed at the prospect of having 20 percent of their salaries withheld from them. Much of this alarm arose from an inaccurate conception of the withholding provisions. For the most part, these people failed to realize that withholding was not a new tax and not an extra tax, but merely a convenient method of collecting the Federal individual income and Victory taxes. These same people also failed to realize that withholding at the rate of 20 percent was applied only to income over and above the family status withholding exemption. For a single person with no dependents, the annual family status withholding exemption was $624. For a married person or head of a family, the exemption was $1,248, with an additional $312 for each dependent.

Collection of income taxes at the source through withholding only approximated the actual income tax liability of a particular taxpayer. Every taxpayer liable for income tax was subject to a 6 percent normal tax, a 13 percent surtax, and a net 3 percent Victory tax over the Victory tax exemption. These percentages totaled 22 percent on income above the family status exemption. Withholding, however, was required only at the rate of 20 percent, thus leaving a 2 percent leeway for average deductions.

Through withholding some 70 percent of the taxpayers became substantially current in their income tax liabilities. They would have only minor year-end adjustments by way of tax payment or refund to be made at the time of filing their annual returns.

The new act also required those individual income taxpayers not made fully current in their tax payments through withholding to make quarterly payments of estimated taxes. In this group were persons whose wages exceeded the first surtax bracket or who received more than $100 of income from sources other than wages. Declarations of estimated tax were to be filed by March 15 of each year; payments were to be made quarterly and estimates could be revised each quarter. A special rule permitted farmers to file their declarations of estimated tax at any time up to December 15. This date was later moved forward to the following January 15.

As a means of transition to a current payment system the act provided for the cancellation of 75 percent of one year's taxes (the lower of the 1942 or 1943 tax liabilities) or $50, whichever was higher. For tax liabilities under $50 the entire amount was canceled. The unforgiven tax was payable in two installments—one on March 15, 1944, and the other on March 15, 1945. The act also contained special relief provisions for members of the armed forces, including an exclusion from gross income of $1,500 of service pay for each member on active duty. Taxpayers guilty of fraud were denied the benefits of cancellation.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under rule XXII, 1 hour having passed since the Senate convened, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Kasten amendment No. 522 to S. 144.

Bob Kasten, William Proxmire, Paula Hawkins, David L. Boren, John P. East, Jesse Helms, Wendell Ford, Walter D. Huddleston, Steve Symms, J. Bennett Johnston, Ernest F. Hollings, John Melcher, Nancy Landon Kassebaum, David Pryor, Orrin G. Hatch, Don Nickles, J. James Exon, Jeremiah Denton, Jennings Randolph, and Thad Cochran.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[Quorum No. 6, Leg.]

Armstrong	Dole	Kasten
Baker	Exon	Long
Baucus	Hecht	Melcher
Boschwitz	Heflin	Metzenbaum
Byrd	Helms	Murkowski
Danforth	Jackson	Zorinsky
DeConcini	Johnston	

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

Abdnor	East	Nickles
Andrews	Garn	Pressler
Bingaman	Grassley	Riegle
Bradley	Hatch	Specter
Burdick	Huddleston	Stafford
Cochran	Inouye	Stennis
Cohen	Leahy	Thurmond
D'Amato	Mathias	Trible
Denton	Mattingly	Tsongas
Dixon	McClure	Warner
Dodd	Moynihan	

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kasten amendment numbered 522 to S. 144 shall be brought to a close? The yeas and nays are automatic under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Connecticut (Mr. WEICKER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 58, Leg.]

YEAS—39

Baucus	East	Matsunaga
Bentsen	Exon	Melcher
Biden	Ford	Mitchell
Bingaman	Glenn	Nunn
Boren	Heflin	Pell
Bradley	Helms	Pryor
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Inouye	Sarbanes
Chiles	Jackson	Sasser
DeConcini	Johnston	Stennis
Dixon	Leahy	Tsongas
Eagleton	Long	Zorinsky

NAYS—59

Abdnor	Hatch	Nickles
Andrews	Hatfield	Packwood
Armstrong	Hawkins	Percy
Baker	Hecht	Pressler
Boschwitz	Heinz	Proxmire
Chafee	Humphrey	Quayle
Cochran	Jepsen	Roth
Cohen	Kassebaum	Rudman
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Lautenberg	Stafford
Denton	Laxalt	Stevens
Dodd	Levin	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Tower
Durenberger	Mattingly	Trible
Garn	McClure	Wallop
Goldwater	Metzenbaum	Warner
Gorton	Moynihan	Wilson
Grassley	Murkowski	

NOT VOTING—2

Hart	Weicker

The PRESIDING OFFICER. On this vote, the yeas are 39, and the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, the cloture motion did not prevail. I believe the question recurs now on the Chafee amendment to the Dole amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I hope at this point we can proceed with an exploration of the possibility of resolving this issue. I am told that there is some possibility of that. I also observe a smile on the face of the minority leader, which I find disquieting. But having made those observations now, Mr. President, I believe the Senator from Kansas (Mr. DOLE) may wish to be recognized, as may the Senator from Wisconsin (Mr. KASTEN).

The PRESIDING OFFICER. The Senator from Kansas is recognized.

There will be order in the Senate. The galleries will please be quiet.

INTERNATIONAL TRADE AND INVESTMENT ACT—S. 144

MOTION TO RECOMMIT

Mr. DOLE. Mr. President, I send a motion to recommit to the desk on behalf of myself, Mr. KASTEN, Mr. STEVENS, Mr. BOSCHWITZ, and Mr. THURMOND, which would in effect direct the committee to report such bill immediately with the following amendments, including the Senate Finance Committee amendment, and then add to the end thereof the following new title, which is the compromise on withholding on interest and dividend and patronage dividends.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) moves to recommit S. 144 to the Committee on Finance with instructions that the committee report such bill immediately with the following amendments: (1) include the Senate Finance Committee amendments reported on March 14, 1983, and (2) add at the end thereof the following new title:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

MOTION TO RECOMMIT

Mr. DOLE. Mr. President, I move on behalf of myself, Senators KASTEN, STEVENS, BOSCHWITZ, and THURMOND to recommit S. 144 to the Committee on Finance with instructions that the committee report such bill immediately with the following amendments:

(1) include the Senate Finance Committee amendments reported on March 14, 1983, and

(2) add at the end thereof the following new title:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving with-

holding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, individuals, and patronage individuals which the Comproller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1987, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, only if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trades Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B) (ii) in the same manner as such rules apply to an implementing revenue bill, except that subsection (e) (3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively and they supercede other rules only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), 6042(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

"(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

"(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where indentifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES OF BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURNS.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) of paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included.

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(B) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 40-DAY PERIOD TO RESPOND.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 40 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION OF WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A),

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected, or

"(iii) the payee establishes to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDEND, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402 (s) (5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of paragraph (3) (A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 (relating to penalty for failure to collect and pay over tax, etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1) (B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayer return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Secretary notifies the payor under paragraph (6)(A),",

(2) by redesignating subparagraph (C) of paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6)(C) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "Or to Certain Interest, Dividend, or Patronage Dividend Payments Not Reported" after "Inaccurate" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) Certain returns must be filed on magnetic media.—In the case of any person who is required to file more than 50 returns under section 6042 (a), 6044 (a), or 6049 (a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECTION ON CERTAIN RETURNS.—

"(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number,

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (III) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652 (a) (3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1) (A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file 1 or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount equal to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(a)(2)(B)(ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042 (c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041 (d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044 (e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041 (d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable

cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYEE FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such Code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar year within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULE FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1179

Mr. KASTEN. Mr. President, I move to amend the motion of the Senator from Kansas, and I send my amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN) moves to amend the Dole motion and to recommit with amendments as follows: striking out the matter proposed to be added by clause (2) of the motion and inserting in lieu thereof the following:

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

SEVERAL SENATORS. I object.

Mr. LONG. I should like to know what it is.

The legislative clerk continued to read, as follows:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

Mr. KASTEN. Mr. President, I ask unanimous consent that additional reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Debate is not in order.

Mr. MELCHER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued to read, as follows:

(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

Mr. BYRD. Mr. President, I was one of the objectors, and I realize debate is not in order. I was one of those who objected because I wanted to know what was in the amendment. So far as this Senator is concerned, I am willing to consent to dispense with further reading of the amendment if the Senator from Wisconsin is prepared to explain what his amendment does.

So I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, I do not want the reading of this amendment, but I want to make the point that——

The PRESIDING OFFICER. Is there objection?

Mr. BAKER Mr. President, I ask unanimous consent that at this point there may be 3 minutes on each side for the explanation of this amendment and any questions in respect thereto, to be under the control of the Senator from Wisconsin and the minority leader or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I should like to explain briefly to the minority leader and to the Senator from Montana that this amendment is the compromise amendment. All three of these amendments are in fact the compromise amendment, in making an effort to close the loop so that we have a compromise amendment we can vote on without being amended.

The elements include the delay until July 1, 1987, the backup withholding provision, the return format of the 1099, the IRS matching, the stricter failure to report penalties, and the fraud penalty.

In other words, this amendment is the same, except for a date change, as the amendment of the Senator from Kansas and is the final amendment.

We will have one more amendment, at which point we will have an opportunity to vote on the compromise. This is the compromise we have been discussing and about which we have been replying to questions back and forth over the past hour or so.

This is the compromise amendment, and the elements are the delay until 1987, the backup withholding, the return format of the 1099, the IRS matching, the stricter failure to report penalties, and the fraud penalties.

I hope there will be no objection to dispense with the reading of the amendment. It is 14 or 15 pages long.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, is there objection?

Mr. BYRD. Mr. President, I believe I have 3 minutes. I yield it to the Senator from Louisiana (Mr. LONG).

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. Mr. President, just permit the Senator from Louisiana to make this statement by way of explanation.

There are some of us—and I am one—who received a great deal of mail urging us to vote to repeal withholding on interest and dividends. I, for one, have answered all that mail, telling people that is how I am going to vote. So far as I am concerned, that is the opportunity for which I have been looking for some some time—an opportunity to vote to repeal withholding.

In the judgment of the Senator from Louisiana, if we had been privileged to vote on the cloture motion before people started to negotiate about deals to do less than repeal withholding, we would have had a direct up and down vote on the merits, and we would have had a very strong showing—I think a huge majority—in favor of cloture and in favor of doing what some of us, such as this Senator, have said we were going to do.

This Senator, in addition to answering that mail, spoke to civic clubs, I asked for a show of hands before discussing the issue, before explaining it. I said, "Before I discuss it, tell me what you think." Civic clubs and chamber of commerce groups were 95 percent in favor of repealing withholding. Then the Senator from Louisiana answered all that mail.

Incidentally, one of the clubs he spoke to was a chapter of Sigma Delta Chi, which is a journalism fraternity representing the media people, the people who write for the newspapers, the people who address the radio audience, the people who address the TV audience. Oddly enough, that audience was unanimous, when I was addressing a cross-segment of the media, in what they thought about it.

So I am firm in my position. The Senator from Louisiana was not a party to the negotiations which resulted in the pending proposal. He was flattered and honored that he was consulted by the Senator from Wisconsin, who sought his thoughts about the matter; and he told the Senator from Wisconsin what he thought, insofar as he was capable of discussing the matter.

If those negotiations had not been conducted, we would have been privileged to have had a vote on the merits, to some degree, when we voted on cloture. But we did not have that opportunity. We were denied our rights by a quorum call that took 3 hours. In my judgment, that is a wrong procedure.

Any time the leadership uses its power to deny a majority of Senators their opportunity to vote on something where there is a rule or where there is a unanimous-consent agreement, and makes us wait for 3 hours while deals are made, that is wrong.

Having been denied our right to vote on the merits up and down or to have a meaningful vote on the matter, we are now confronted with another parliamentary situation contrived by the same people.

We are offered an opportunity to vote for a so-called compromise but not to vote to do what we said we were going to do, namely to repeal withholding.

So the Senator from Louisiana cannot buy this type of arrangement. I will have to continue to hope to have an opportunity to vote to repeal—what I said I was going to do. If I had made an agreement with somebody, I would feel compelled to keep it. But I did not make an agreement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I ask for one further minute, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LONG. Mr. President, I say this: If the majority of the Senators in the U.S. Senate will continue to vote in such a way as to press for an opportunity on this measure and other measures to keep voting to repeal withholding, eventually the Senate will prevail for the majority view. If the majority of the House Members keep doing the same—they may not do it on this bill or on the first, second, or third try—but if they keep it up, eventually, in my opinion, they will prevail.

My judgment is that this is probably what we should do. And not knowing what all the ramifications are on this compromise, not knowing what is going to happen down at the White House, not knowing what is going to happen in the Senate, this Senator wishes to do what he said he was going to do, and that is vote to repeal withholding.

That being the case, Mr. President, at some point I hope to be able to offer an amendment to give the Senate an opportunity to vote to repeal this provision of law, and this parliamentary situation we have right now seeks to deny us that opportunity. So I cannot vote for the amendment or the substitute. I will have to await my chance to offer an amendment at some point, so that we get a chance to vote just to repeal withholding on interest and dividends as we said we were going to do.

Mr. DOLE. Mr. President, is there further objection to extensive reading of the motion?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Without objection, it is so ordered.

The amendment is as follows:

Strike out the matter proposed to be added by clause (2) of the motion and inserting in lieu thereof the following:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or

other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle a of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later January 1, 1987, the Comptroller general shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, and if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B)(ii) in the same manner as such rules apply to an implementing revenue bill, except that subsection (e)(3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively and they supercede other rules only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), 6042(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) of paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included,

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(B) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 42-DAY PERIOD TO RESPOND.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 42 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION OF WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A),

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected, or

"(iii) the payee established to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDEND, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402(s)(5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer indentification number involved relates to a return described in clause (iii), (iv), or (vi) of paragraph (3)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 (relating to penalty for failure to collect and pay over tax, etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1) (B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayer return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Secretary notifies the payor under paragraph (6)(A),",

(2) by redesignating subparagraph (C) of paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6)(C) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "OR TO CERTAIN INTEREST, DIVIDEND, OR PATRONAGE DIVIDEND PAYMENTS NOT REPORTED" after "INACCURATE" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECTION ON CERTAIN RETURNS.—

"(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number,

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (II) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652(a)(3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1)(A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file one or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount equal to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(a)(2)(B)(ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6024(d).".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to return regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before Janauary 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the Case of",

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYEE FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such Code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULE FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

AMENDMENT NO. 1180

Mr. DOLE. Mr. President, I send an amendment to the motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment to the motion.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Motion of Mr. DOLE to amend the motion of Mr. KASTEN to amend the motion of Mr. DOLE to recommit S. 144 to the Committee on Finance:

"I move to amend the motion of the Senator from Wisconsin to amend the motion of the Senator from Kansas to recommit S. 144 to the Committee on Finance by striking out the matter proposed to be inserted by the amendment of the Senator from Wisconsin to the motion of the Senator from Kansas and inserting in lieu thereof the following:"

AMENDMENT NO. 1180

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1987, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, only if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the re-

solving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B)(ii) in the same manner as such rules apply to an implementing revenue bill, except that subsection (e)(3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), 6042(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) or paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included,

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(B) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 45-DAY PERIOD TO RESPOND.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 45 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION OF WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A),

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected, or

"(iii) the payee establishes to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDEND, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402(s)(5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of paragraph (3)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 (relating to penalty for failure to collect and pay over tax, etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1) (B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayer return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagaph:

"(C) the Secretary notifies the payor under paragraph (6)(A),",

(2) by redesignating subparagraph (c) of paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6) (c) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "or to Certain Interest, Dividend, or Patronage Dividend Payments Not Reported" after "Inaccurate" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECTION ON CERTAIN RETURNS.—

"(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the

taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number,

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (II) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652(a)(3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

"(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1)(A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file one or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount equal to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(a)(2)(B)(ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of".

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 2042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYER FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

Then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such Code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented

under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar year within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULE FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

Mr. DOLE. Mr. President, I am happy to explain the amendment.

Mr. President, let me suggest to all Senators what we have done obviously is to shut off other amendments. The Senator from Louisiana is correct. The first motion to recommit, the first one sent up, provided notice of 40 days before backup withholding would start. That was changed to 42 days by Senator KASTEN, and I just changed it to 45 days.

Mr. President, a parliamentary inquiry.

As I understand it now, that motion is not subject to further amendment.

The PRESIDING OFFICER. It is not subject to further amendment.

Mr. DOLE. There are probably a lot of people who wish to repeal interest and dividend withholding. That was a clear indication this Senator had when he started counting up those who did not support repeal. I found after a number of counts, little notes I wrote to some of my colleagues and calling the White House and others for help that there were not too many rushing over to line up and volunteer for duty. We did have 28, 25, plus 3 who were probable supporters, 2 others who were leaning our way, plus several others who were just flat out not saying.

A number of Members did want to compromise. That is the one message the Senator from Kansas picked up in the Chamber and elsewhere. I think many felt that withholding was entirely proper but the Senator from Louisiana is correct. Members had received a great deal of mail, if you go in and talk to the Rotary Club and ask, "How many of you are for withholding?" I guess most people would say no, particularly if they already heard it was a new tax, particularly if they had not paid the taxes on interest and dividend income. Why start now?

Withholding was an imposition on people who had not been paying their taxes. Every Rotary Club or similar club has a banker or two in it, and they generally will be there first and they spread a lot of information, some of it accurate, some of it inaccurate.

But is seemed to this Senator, and I know the Senator from Louisiana has been in the same spot, that when you do not have the votes, you have to do something else. We had several choices. None of them were good. One was just to admit defeat and go ahead and vote on the amendment itself. The repealer probably would have been adopted, indeed probably by a good margin. Another was to offer 400 or 500 amendments and incur the wrath of nearly every Senator, delay the Senate a couple of weeks and hope you might make a deal in that period of time. The other was to go to the principal sponsors of the amendment and seek to work a compromise out. In this case the principal was the Senator from Wisconsin (Mr. KASTEN) although the Senator from Montana (Mr. MELCHER) and others played a very prominent role in an effort to delay or repeal withholding.

That was the course the Senator from Kansas chose. We could at least indicate that we did not give up all the revenues. And we satisfied the bankers, the credit unions, the S&L's who kept saying, "We do not want anyone to not pay his taxes; we just do not want withholding."

We believe we came up with a program that will satisfy a lot of people with backup withholding, with stiffer penalties. We have asked the IRS to indicate what additional personnel they will need to do a better job of matching and the other jobs we impose on the IRS. This Senator said earlier I know that not one single Senator wants people to avoid their taxes. There is no one who has indicated by his vote or his statement that he supports those who do not pay their taxes.

So we offered this compromise. It is done, I hope, in the proper spirit. It is not perfect. It is not what this Senator wants. I want withholding. If in fact we get a chance to vote on withholding, the Senator from Kansas is going to vote aye. If the President should veto any bill that goes to his desk later, I will vote to sustain the veto and help work to sustain the veto.

So I do not want to be misunderstood.

Faced with the fact that we did not have the votes to preserve withholding, it seemed to this Senator we should try to preserve as much compliance as we could and as much revenue as we could. We believe we have accomplished that.

I would hope that we would have a strong vote for the compromise.

Mr. DECONCINI. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Arizona.

Mr. DECONCINI. Mr. President, I say that the questions from the Senator from Louisiana are very much in mind. I have supported the repeal and opposed it when we put in the economic enhancement package the last Congress, and I regret that the compromise did not involve more of us, but I understand the rules of the game here. When you offer the amendment, you get to cave in or compromise or do whatever you want to do.

I am very disappointed that we are not going to first have an opportunity to vote to repeal up or down. That is what this body should be willing to face, including the Senator from Kansas, because I have heard many, many times Senator articulate the importance of let us just have a vote.

We are not going to get a vote up or down.

But differing from the Senator from Louisiana, I am going to vote for the compromise. It is better than nothing because it puts off withholding for a few years, but I think it is somewhat of a disgrace that we have gone through this exercise to win men and women of good will who would like to just have a vote. That is all we profess we want to do, that is, have a vote up or down, unless it is our particular problem, and then we find rationalizations and we come to a conclusion that we should compromise or put it off or do something else.

I believe the compromise is better than nothing. It is not much. I do not think it is going to go any place, and I think we have been playing games here for some time.

I thank the Senator.

Mr. DOLE. Mr. President, I wish to respond to the Senator from Arizona.

What we had in the repealer amendment was a complete revenue loss. It did not raise any revenue, and it did not bring about any compliance.

We had a lot of debate in this Chamber and a lot of support for the Melcher amendment on the social security bill which would have delayed withholding for 6 months.

This amendment delays withholding for 4 years. But it also goes after tax cheaters, and I think from the standpoint of being a compromise it does a couple of things that many Senators want, not this Senator, but others who want to delay withholding. It does that.

I guess everyone wants everyone to pay his taxes. We do not want people to cheat on their taxes and raise taxes on honest taxpayers.

So I do not think this amendment is a disgrace. I think the disgrace was all the mail that was flooded into our offices, but we could not help that, when the opponents orchestrate a multimillion dollar campaign. We did our best to withstand all that impact, but it was not possible. At least I did not believe that it was possible.

We have a compromise that would, in effect, bring about compliance from a lot of tax cheaters and also give that delay a lot of good, honest bankers, S&L managers, and credit union managers wanted.

We would rather have pure withholding—this Senator would—but I think we have made some progress. We have satisfied a lot of people in my State. I can say that the bankers are enthusiastic about this. The S&L's are enthusiastic about this. I am not certain they are enthusiastic about me, but they are enthusiastic about this. So it seems to me that I hope this is half a loaf. I cannot predict what the House will do. I do not try to tell the chairman of the House Ways and Means Committee how to run his committee and he has never told me how to run my committee. I have never tried to tell the Speaker how to run the House. They do have different rules in the House.

I frankly hope we end up with withholding. I am not going to hide behind my view but, at the same time, I think we presented a compromise that would satisfy the real concerns of a lot of people out there who are distressed about withholding because of misinformation that has been supplied in great quantities over the past several months.

If anyone has any questions I would be happy to respond.

I do want to put in the RECORD, in response to a question from the Senator from Wisconsin, how much mail was sent out by the different Government agencies and how many stuffers were printed to go into social security checks and tax refund checks; 25 million notices were sent out in April social security checks; 52 million notices had been sent out in refund checks since March 1; an additional 11 million notices will be sent out in refund checks by June; 3.5 million notices have been sent out by service centers on specific requests; 11 million notices will be sent out by computer-generated notice.

When asked what the Treasury thinks the total number of exemption certificates will be, the answer is "We do not have a reliable estimate at this time," which is a good Government response. They may have a more reliable estimate later on. But they probably sent out almost as much mail as we got from the credit unions and S&L's and banks. The only saving grace is that the Government did not ask everybody to send it in to their Senator or Member of Congress.

I ask unanimous consent to include in the RECORD a number of editorials which I think would underscore what I really believe is happening. There is a change of opinion going on in the country about withholding. Once the people had an opportunity to look at withholding, once they get away from the propaganda which has been circulating, many support withholding; 5 or 10 years from now someone may be looking through the RECORD, with nothing else to do, and might want to read these fine comments by Sylvia Porter and others who have indicated that much of the information about withholding has been false.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Parsons (Kans.) Sun, Apr. 14, 1983]

COMMENTS BY SYLVIA PORTER

Friday the entire Senate will vote on repeal of a new law that mandates withholding 10 percent of the interest and/or dividends you receive from banks, corporations, other financial institutions. The repeal is tucked into an amendment attached to an export reciprocity trade bill sponsored by Sen. Bob Kasten, R.-Wis.

This repeal vote is a disgrace from start to finish.

And as of now, all that can be predicted is a nasty fight, an even more messy finish, with neither side giving up gracefully. The opposing sides are the most powerful in our nation. President Reagan, leaders of both houses of Congress and the 1982 Congress itself for withholding; the banks, savings and loans and other institutions with all their money to spend on lobbying and campaigning against withholding.

Not in memory have I seen a drive by the bankers and savings institutions of the United States based on such deliberate spreading of lies.

The financial institutions have tried—and with great success—to convince you that withholding is a new tax. False!

They have spent a fortune telling you that the Treasury is burdening you with extra paperwork and robbing you of money that is rightfully yours (particularly the poor among us). False!

The financial institutions are the ones who don't want the burden of withholding; they don't want to help uncover the tax cheaters so the honest taxpayer can pay less; they are so shamefully wrong in this instance that it makes me cringe.

But they may well win. Here are the facts:

Interest on savings and dividends is taxable income, and has long been subject to tax. (My accountant pays my tax automatically.)

Withholding in no way represents a new tax! Rather, it is a cost-effective way to get revenues lost from the estimated 19 million among us who fail to report interest or dividends on their tax returns and the 5 million who illegally don't file taxes at all.

That, in sum, was and is the purpose of this law, scheduled to be effective July 1, unless this misinformed Congress repeals it.

On the poor among us, the fact is, too, that accounts of small savers can be exempt (at the financial institution's option). If you have an interest-bearing account that earns less than $150, your account might not be touched, if your bank exercises this choice. Low-income people, plus moderate-income elderly are exempt. You need sign only a simple form available at your local institution. Once you sign, nothing will be withheld.

The financial institutions suggest that the IRS fails to match up the 1099 forms, sent by banks and others, with returns. But the problem is less failure to match the forms than to ensure that taxpayers actually pay. To follow up on that scale, the Treasury estimates it would cost $1 billion to $2 billion a year to recover $3 billion to $4 billion annually.

Some in the finance industry have estimated that start-up costs will approach $3 billion, but Treasury estimates put the one-time start-up costs at $600 million to $700 million—another yawning gap. What's more, the costs won't be borne fully by the institutions.

They get a deduction on their taxes and a 30-day float on the money withheld, the duration of which is determined according to the institution's size. The smaller institutions can keep the 30-day float for a longer term to compensate for start-up costs. And Treasury Secretary Donald Regan has pledged to adjust if any of the terms turn out to be a hardship for the institution.

Incidentally, estimates of what will be withheld on a $1,000 account range from 25 cents to 50 cents, depending on interest rates.

The law will improve tax compliance—good for all of us who are honest taxpayers. There are other provisions in the law to minimize loss of any of our interest earnings and to exert real pressure on the financial institutions to become more competitive.

I'm not known, I fear, for my devotion to President Reagan. But this one he deserves to win and win big. If he loses, I, an honest taxpayer, lose, too. The tax cheaters gain.

How could the bankers and savings institutions get into so disgraceful a campaign against us?

DON'T LET BANKERS LASSO THE TAX LAW

A herd of cattle is stampeding through the halls of Congress. With a mindless moo and a clatter of hooves, the men and women you elected are being driven by a gang of cowboys in pinstripes—America's bankers.

The banking lobby has ridden roughshod over members of Congress to persuade them

to repeal a new law requiring banks to withhold taxes on interest and dividend income.

It's a good law. It would force the 20 million tax cheaters who neglected to report this income to cough up nearly $23 billion over the next six years.

It's a fair law. Ordinary wage-earners have taxes withheld from their paychecks; so should people who make money from stocks, bonds and savings accounts.

When cheaters don't pay, honest taxpayers must foot the bill instead. So you'd think popular support for the withholding law would be strong—right?

Wrong. The banking gang made sure to corral public opinion before it rounded up public servants. First it scared people with phony slogans: "Warning: 10 percent of the money you earn in interest is going to disappear"; "the government will be picking the taxpayers' pockets"; it will "loot your savings account."

Then it obligingly supplied customers with 80 million printed post cards to express their new-found outrage. Every member of Congress was deluged with paper. By the time President Reagan and congressional leaders could mobilize a counterattack, repeal efforts had spread through Congress like a prairie fire.

How could the co-sponsors of the repeal legislation—52 senators and 320 representatives—have been so easily lassoed, hogtied and branded by the banking lobby?

Perhaps because so many feed at the bankers' trough. In the past two years, the 414 political action committees of the banking lobby gave $4.3 million. Nine out of every 10 congressmen shared the wealth; some got more than $40,000 apiece.

That money talks. If you want to run for office and need a loan to do it, who do you ask? Why, your friendly neighborhood banker, who naturally wants friendship in return.

Yesterday's maneuvering in the Senate showed that many in Congress lack enthusiasm for the bankers' cause, and would rather stand on two legs than four. The same is true in the House. Nevertheless, a compromise to delay it seems likely.

President Reagan should stick to his guns and veto any attempt to change the law. Even if it's high noon in Congress and the cattle are stampeding, it's the taxpayers who, thanks to the bankers, are about to get milked.

[From USA Today, Apr. 20, 1983]

BANKS OUGHT TO ASK HOW THEY CAN HELP

(By Donald C. Lubick)

BUFFALO, N.Y.—If you are evading tax by deliberately or forgetfully omitting interest or dividends from your income tax return, don't read further. We can't convince you that withholding won't worsen your situation. You're already doing in your taxpaying neighbors by not paying taxes you owe. Withholding will, as it has done for workers' wages, make sure that tax is paid on your income.

If you do report your interest or dividend income, read on. You'll be better off if withholding is instituted. Over the next five years withholding will add $23 billion to U.S. receipts that otherwise would have to come from new taxes. That may be half the true unreported income gap.

Why not raise the money we need from those who aren't paying their share now, before going after new taxes from complying taxpayers?

It's a shame that the point needs to be made—withholding is not a tax on anyone's savings account. But the bankers this year, as they did in 1962, 1976 and 1980, have cultivated the false impression among the uninformed and the elderly that withholding means a new tax on savings.

If you do believe people should pay taxes they owe on interest and dividends, but your income is so low that you don't owe tax, you're exempt from withholding altogether. You file an exemption certificate with your bank and remain exempt. You don't need to be a CPA to complete it.

If you are over 65, or your spouse is, you are exempt if your joint tax liability is $2,500 or less—that means income up to $24,000 for a joint return. Eighty percent of those over 65 are not subject to withholding.

No honest recipient of dividends or interest is hurt by withholding. If that's so, why have the banks placed post cards on their counters, provided stamps for protests and generated fear among their depositors, especially the elderly?

There will be a start-up cost, but the banks have exaggerated it; the Treasury has allowed the banks a "float" use of the withheld money for some time to offset costs.

We must conclude that the banks simply would rather let people get away with avoiding billions in taxes than take a chance that savers will not replace in their accounts the tax money withheld on the interest credited to their accounts.

The banks say, let the IRS collect all the taxes based on information returns. Do we want to add 20,000 to 40,000 employes to the IRS, going after $100 and $200 tax liabilities? That's absurd; it would cost as much as the money collected.

Let the freeloaders—the evaders and avoiders—do their share now. To the banks that are withholding a rather easy and small answer to John Kennedy's old question, we say—ask what you can do for your country.

[From the Washington Post, Apr. 15, 1983]

DAY OF RECKONING . . .

There is a nice—though not coincidental—symbolism in the fact that on this, our national day of tax reckoning, the Senate will return to the question of withholding taxes owed on interest and dividend payments. Last month, when opponents of the new law were holding jobs and Social Security legislation hostage to their repeal efforts, Senate leaders agreed to take up the repeal amendment with a trade measure scheduled for floor action today.

Opponents of withholding, led by Sen. Robert Kasten, like the timing because they claim that the general taxpayer—now presumably at peak irritation with the IRS—regards interest and dividend withholding as yet another unwarranted intrusion by the Treasury. In fact, for the vast majority of honest taxpayers, withholding of taxes owed on interest and dividends promises a great benefit—relief from part of the enormous burden of paying the taxes rightfully owed by tax evaders. That point was made with great force yesterday by an extraordinary array of consumer-minded groups brought together by Sens. Dole, Kennedy, Danforth, Metzenbaum and Durenberger. Included were labor unions, civil rights, retail trade, consumer advocacy, women's and senior citizens' organizations—the last being none too flattered by the bankers' allegations that withholding was too complicated for even the well-off elderly to cope with.

The point that these groups made was simple. Dispite all the hysteria stirred up by the bankers and savings institutions, withholding is at most a minor inconvenience. Most taxpayers will gladly endure it since it means that their own tax bills can be lighter by the $20 billion or more in unpaid taxes that the Treasury will be able to collect over the next five years. Withholding will allow the IRS to collect that money far more cheaply and unintrusively than would be the case if it were required to track down and litigate with each of the many taxpayers who now fail to pay taxes they owe on interest and divident receipts.

True the bankers will find themselves dealing with some angry customers. That's because many people have been led by the banks' own propaganda to believe that a new tax is being imposed. Sen. Kasten himself has contributed to this misunderstanding by mailing out a flier to his constitutents boldly labeled "How to Stop the New Tax on Your Savings." Withholding is not a new tax. It is simply a fair and efficient way to begin collecting some of the $90 billion or so in taxes that goes uncollected each year—the bill for which is ultimately footed by honest taxpayers. Much more needs to be done to get every citizen to pay his fair share of the tax burden. But if Congress balks at this important step, it is likely, as Sen. Dole remarked yesterday, that tax reform will be stopped "dead in its tracks for 20 years."

WARNING: 10 PERCENT OF LAST YEAR'S TAX ACT IS GOING TO DISAPPEAR

(By Jeremy Rosner and Karen Pollitz)

The financial industry's campaign to repeal withholding on interest and dividends, a provision in last year's tax act, makes it sound as if its customers are about to lose big. "Warning," shouts one of their newspaper ads, "10% of the money you earn in interest is going to disappear."

In a heated battle that pits them against the chairmen of the two congressional tax committees, Treasury Secretary Donald Regan, and President Reagan, the industry has launched an attack of unprecedented proportions on the new provision. It has mailed millions of "statement stuffers," commissioned studies, and splashed its ads around the nation's newspapers, all to convince banking customers that withholding is bad news and should be repealed.

But withholding is actually good tax policy, and will cost most taxpayers next to nothing. What savers should really be worrying about is that they stand to lose one of the best features of last year's tax act if the banks' million-dollar effort succeeds.

WHAT'S AT STAKE

The battle is over the provision in last year's tax act that requires financial institutions—banks, savings and loans, credit unions, and some stockbrokers—to withhold 10 percent of customers' interest and dividend income for taxes already owed, and pass it on directly to Uncle Sam. Already, these institutions are required to tell the IRS how much each customer earned in interest and dividends during the year. But until the new law passed, it was up to customers to make sure they paid what they owed in taxes.

But too many savers and investors don't pay. The IRS estimates that taxpayers fail to pay 11 to 15 percent of the taxes owed on interest and dividends. By comparison, noncompliance on wage income—already subject to withholding—is less than 1 percent.

That's why Senator Robert Dole (R-KS) and the Senate Finance Committee he chairs included the new provision in the 1982 tax act, which raised revenue primarily by cracking-down on the few who benefit from loopholes, tax cheating and underpayment, rather than by increasing tax rates for everybody.

BENEFITS OF WITHHOLDING

Congress approved withholding for some very good reasons:

Revenue.—With deficits pushing $200 billion, withholding will net a badly-needed $22.7 billion over the next six years, according to Treasury estimates. Withholding was the largest single revenue raiser in the 1982 act, and accounts for about 10 percent of the revenue the act is expected to yield in its first three years.

Fairness.—Not only does withholding help catch those who pay too little or no taxes on their interest and dividends, but it also improves fairness along the income scale, since it is wealthier taxpayers who receive a disproportionately high share of dividend and interest income.

Low-cost.—Contrary to the implications in the banks' ads, the cost to most of their customers will be trivial. Savers who were faithfully paying their taxes all along will lose only a few months of compounded interest. A saver with $2,000 in an account earning 9 percent interest, for example, will lose only about one dollar. Moreover, the new withholding law exempts all elderly with low or moderate incomes, and all taxpayers who earn less than $150 in interest or who pay little in taxes.

ONLY HALF THE STORY

In their highly-visible campaign to repeal the measure, however, the financial industry portrays itself as being chiefly concerned about the law's impact on the average saver. But in its dealings with Members of Congress, the banks have demonstrated that they're at least as concerned about how the provision will affect the industry itself. Let's take a close look at their key arguments:

Too costly to administer.—The banks claim that it will cost them upwards of $1.5 billion to set up the necessary computer systems and paperwork for withholding, and another $1.1 billion annually for operating expenses. Industry spokesmen claim that the financial burden will be especially heavy for smaller institutions.

While that's mostly true, it's only half the story. Congress anticipated these costs and decided to help defray the banks' extra expenses by allowing them a 30-day grace period, during which they may reinvest the money withheld from their customers—and keep the investment earnings—before turning the withheld tax money over to the Treasury. And while larger institutions may use this 30-day "Float" only during the first year of withholding, Congress is allowing medium and small institutions to use it for two and three years respectively.

One government analyst has privately estimated that the banks' start-up costs will actually be far less than industry estimates—closer to $500 million, with even smaller on-going costs. Finally, it is important to remember that all of the banks' administrative costs are fully deductible on their tax returns as a business expense.

Too difficult to administer.—Many banks are complaining that they can't possibly set up the necessary systems by the July 1 starting date, and others complain that the necessary paperwork will be an administrative nightmare. "It's just one huge, huge job," the Wall Street Journal quoted one bank executive as saying.

While it may be a big job, that's a strange complaint coming from an industry whose livelihood and reputation depends on handling billions of transactions, receipts and dollars accurately and reliably. Moreover, some of the administrative problems seem to stem from heel-dragging by banks who still hope for repeal.

The Journal reports that the Security Pacific National Bank of Los Angeles, which gave up hoping for repeal back in September, now has withholding for its savings accounts 95 percent in place. And while nobody enjoys playing the role of tax collector, most retailers and employers have successfully shouldered that responsibility for decades though sales taxes and withholding on wages.

Not necessary.—Banks also charge that the IRS already has all the tools it needs to improve compliance on interest and dividends.

True, financial institutions do file "1099" forms, which report almost all interest and dividend payments to both customers and the IRS. But it is far more difficult to improve compliance through information reporting than through withholding, says IRS Commissioner Roscoe Egger and other veteran tax collectors. Not only must the IRS match 1099s against taxpayers' 1040s, but then they must locate, contact, seek judgement against, and collect from all who paid too little. These costly, timeconsuming steps are especially impractical when the amount of underpayment is small, as is often the case.

Harmful to the economy.—Financial institutions also argue that withholding will drain capital and reduce savings at a time when the economy most needs new investment.

But withholding is not a new tax—it's just a new method for collecting existing taxes. Eighty percent of the revenue that the new provisions will raise is from taxes already owed the government. In addition, any new money transferred from the private sector to the government—mostly for speeded-up tax collection—will help to reduce deficits. It is deficits, argue many economists, that really hurt investment.

A MASSIVE CAMPAIGN

While there are plenty of compelling arguments favoring the withholding provision, they may rapidly become academic—thanks to the strength of the banks' well-orchestrated and rather shrill appeal to customers to oppose the measure. In their effort to turn depositors against the provision, five of the largest industry groups—the American Bankers Association, the U.S. League of Savings Institutions, the National Association of Mutual Savings Banks, the Savings and Loan Foundation, and the Credit Union National Association—have sold or given away more than 50 million statement stuffers and distributed some 5,000 media kits—complete with speeches targeted for elderly and unemployed audiences—to their member banks. All together, these associations and their members have spent more than $1.25 million to "educate" depositors, conversations with executives from the five groups reveal.

The banks' anti-withholding campaign has helped generate over 1,000,000 letters and postcards to Capitol Hill. Repeal legislation has been introduced in both chambers—by Robert Kasten in the Senate with more than 50 cosponsors, and by Norman D'Amours in the House with more than 320 co-sponsors.

Withholding supporters have mounted a political offensive of their own. Senator Dole has responded by re-examining the tax provisions that enable banks to pay among the lowest effective tax rates of all U.S. industries.

A recent Joint Committee on Taxation study revealed that the largest 20 commercial banks paid an effective tax rate of only 2.7 percent in 1980. At a Senate Finance Committee hearing on March 11, Dole implied that he might seek higher taxes for the industry if its repeal campaign continues.

TAX REFORM LESSON

Win or lose, the repeal effort offers an important lesson for tax reform. It shows that if good tax policy is hard to get, it is just as hard to keep. The financial industry successfully opposed withholding in 1962 and 1980.

The passage of withholding in 1982 did not end the industry's opposition. Like other powerful and entrenched special interests, the financial institutions have spent a good deal of effort—and in this case millions of dollars—to shape the nation's tax laws at the expense of the broader public good.

Tax reformers who want to close loopholes, restrict tax preferences, or boost compliance in other ways should take note and learn that passing the reform is only half the battle. The other half is convincing the public that the reform is justified, and keeping special interests from weakening or repealing it. In the case of withholding, that second half of the battle remains to be won.

[From the Washington Post, Sept. 20, 1982]

WITHHOLDING ON INTEREST AND DIVIDENDS AIMED AT TAX CHEATERS

(By Jane Bryant Quinn)

NEW YORK.—It will look like a tax, and feel like a tax and quack like a tax, but it's not a tax. That is, unless you've been cheating the government by not paying it.

I'm talking about the new 10 percent withholding on interest and dividend payments. Starting July 1, 1983, taxes must be withheld from these payments, just as they're now withheld from your paychecks. Only low-income people and most of the elderly will be exempt.

Behind this change in tax procedure lies a growing incidence of tax cheating. In a 1981 study, the Internal Revenue Service estimated that only 89 percent of interest income was being reported to the government and only 85 percent of dividends. The Treasury lost at least $7.7 billion on those two items alone.

By contrast, 99 percent of wages were reported, chiefly due to the compelling presence of tax withholding.

The tax publisher, Prentice-Hall, foresees three misunderstandings arising from the new system:

1. You might think that you're paying a new tax. You're not. You are simply prepaying a tax that you probably owe. If it turns out that you owe no tax, you can file for a refund.

2. You might think that your bank or corporation is suddenly paying you less. When you've been getting a $200 dividend check, and suddenly the amount drops to $180, the company seems to have cut the dividend. In fact, it's paying what it always did. The

company simply deducted $20 for taxes and sent it on to the federal government.

3. You might think that you're obliged to withhold taxes, if you borrowed money from another person and are paying interest on the loan. You're not. In most cases, only companies and financial institutions are charged with tax withholding.

As a general rule, the tax will be withheld at the time when the interest or dividend is paid to you or credited to your account. So there's no change in the timing of you payment, only in the net amount that you receive.

To simplify their lives, banking institutions will be allowed to defer tax withholding until that last day of the year on checking and savings accounts. But they have to keep enough money on the account to meet your 10 percent tax obligation. If you try to close the account, the institution must retain 10 percent of the interest paid, to send to Uncle Sam. If you write a check for the total sum in the account the check might bounce, because part of the balance might be pledged to the government.

No tax need be withheld, however, on interest or dividend payments that will equal no more than $150 for the year as a whole.

Tax withholding will reduce the amount of money building up in your savings account, although in most cases the loss will probably be small. Say, for example, that you're due a $200 interest payment, that you plan to leave it in the bank to compound. When the bank starts withholding 10 percent for taxes, only $180 will remain for interest compounding. So there's less to build on.

Not everyone has to undergo tax withholding.

You can be excluded if you owed less than $600 in federal taxes in the previous year (or $1,000, if you filed a joint return).

You can be excluded if you're 65 or over and owed no more than $1,500 in tax the previous year ($2,500 on a joint return). Only one member of a married couple has to meet the age requirement in order to avoid withholding. The Treasury estimates that this loophole exempts 86.7 percent of the people over 65.

But—and this is extremely important—these exemptions are not automatic. You have to file for the right to be excused from tax withholding. The procedure for getting an exemption has not yet been determined. You might have to request an exemption form yourself. Or every bank and S&L, insurance company, brokerage house, mutual fund and other payer might have to send you an exemption certificate before the 1983 deadline for you to fill out if you think you qualify.

It's important that you not throw out any mail from these payers, or from the IRS, or neglect any notices they send you. If you qualify for the exemption and don't fill out the form, you'll subject yourself to unnecessary tax withholding. If you don't owe any taxes, you'll have to file a tax return to get your 10 percent interest and dividend withholding back.

[From the Washington Times, Feb. 16, 1983]

NEW INTEREST BITE IS NOT A NEW TAX

(By William Doyle)

Q. I read that some members of Congress want to repeal the new 10 percent withholding tax on interest and dividends, scheduled to go into effect July 1. Do you think they will be successful? I hope so. I have a bank savings certificate, paying exactly 10 percent interest. If my bank has to withhold 10 percent, I won't get anything.

A. Yes, you will. The bank will be required to withhold 10 percent of your interest—not the whole thing. Let's say you have a $10,000 certificate. At 10 percent interest, that gives you $1,000 a year. The bank will withhold $100—10 percent of your $1,000 interest—each year and send it to the Internal Revenue Service.

The mailbag shows the planned withholding of federal income tax on interest and dividends to be greatly misunderstood. Many people evidently think this is a "new tax." It's not. The government's bite out of taxable interest and dividends won't change.

Withholding will simply deliver the taxes to the IRS faster. It will also help the revenooers catch people who haven't been reporting taxable interest and dividends, as they should have been doing all along.

Will Congress stop this withholding before it starts? That's anybody's guess. Some of our lawgivers are hot to trot on this subject, claiming withholding will destroy the advantages of compounding reinvested interest and dividends.

That argument gets knocked into a cocked hat by IRS regulations allowing the withholding tax to be paid from a source other than the account on which the interest or dividend is paid.

In our example above, you could instruct your bank to pay the $100 tax on your savings certificate interest out of your checking or savings account. Then, your $1,000 certificate interest would stay in the certificate, to earn more interest.

Q. When the 10 percent withholding tax on interest and dividends begins, will it apply to earnings on my individual retirement account? If so, it will greatly reduce the value of my IRA, from which I don't plan to start making withdrawals for a number of years.

A. Don't fret. There will be no tax withheld on interest or dividends building up in IRAs Keogh plans for the self-employed and other tax-deferred investments.

Withholding will come into play, when you start making withdrawals from your IRA. At that point, 10 percent of the money you take out of your IRA will be withheld as tax—unless your income is so low you are entitled to file an exemption certificate.

Q. My wife and I will need about 20 exemption certificates, so that no tax will be withheld from the interest on our bank accounts, savings certificates and bonds and the dividends on our stocks. Where can we get those certificates and where must we file them? We asked at our bank and they knew nothing about this.

A. Somebody at your bank must know. The Internal Revenue Service issued regulations covering this subject on Dec. 13. The IRS designed a standard exemption certificate Form W-6. Banks and other payers of interest and dividends are allowed to design their own W-6s.

If your banks and other places from which you receive interest and dividends don't provide you with W-6s, go to the nearest IRS office and get a handful.

If you're entitled to use them, you must file an exemption certificate with each bank, corporation, etc., paying you interest or dividends.

But, because you say you need "about 20," I somehow doubt you're entitled to file W-6s.

Those exemption certificates are supposed to be used only by people whose federal income tax for the previous year was no more than $600—$1,000 for a married couple filing a joint return. For people 65 or older, those numbers are $1,500—$2,500 on a joint return.

So, unless you received relatively small amounts of interest and dividends from each of those "about 20" sources, your 1982 income tax most likely was too high for you to file W-6s.

Q. I can't convince my brother that the high interest account he opened at his bank recently is not truly a money market mutual fund. He showed me bank literature, which calls his account a "money market fund" and is "FDIC insured." I still say it's not a money market mutual fund. Am I right?

A. Yes. It's clear your brother has a money market deposit account. Banks can give those accounts almost any names they please. But, those accounts are not money market mutual funds, which are investment companies.

Money market mutual funds are not insured. Money market deposit accounts are.

[From the Los Angeles Times, Mar. 7, 1983]

WITHHOLDING: THE BANKERS ARE WRONG

IT'S ONLY FAIR TO HOLD OUT TAXES ON INTEREST AND DIVIDENDS

(By Ernest Conine)

Last summer, Congress, in an admirable burst of responsible lawmaking, enacted legislation providing for automatic tax withholding on income from interest and dividend payments.

Now many members of the House and Senate have repented of their good work, and are supporting legislation to repeal it. To be specific, well over half of the House membership and 47 of the Senate's 100 members are listed as co-sponsors of repeal measures.

It's interesting to note that, according to data compiled by Congress Watch, a public-interest group, the political arms of major financial institutions have made sizable contributions to the vast majority of the congressmen who are supporting the repeal drive.

Backers of repeal say that this is just a coincidence, that their change of heart is really due to the logic of objections from the bank lobby and to the mountains of mail that they have received from worried constituents.

There is no doubt that the grass-roots public-relations campaign by the financial institutions has been impressively successful—which just goes to show that, to rephrase the old quote from Abraham Lincoln, you can't fool all of the people all of the time, but you can sure as shootin' fool enough of them to make the effort worthwhile.

The iron determination of the bank lobby to win repeal is a bit perplexing. Here is an industry that itself pays subnormal federal taxes, and that is currently in need of government help to get out from under loans to countries in the Third World that it shouldn't have made in the first place?

Maybe Chairman Robert Dole (R-Kan.) of the Senate Finance Committee went a bit far in threatening to review the banks' tax advantages if they persisted in their propaganda blitz. But his impatience is understandable.

The new law, it should be understood, is not a tax on savings but on income from savings. It doesn't require anybody to pay one cent more in federal income taxes than

they would owe anyway. All that it does is provide for extension of the system under which, for many years now, employers have withheld income taxes from their employees' paychecks.

Once the law takes effect later this year, banks, savings and loan associations, credit unions and dividend-paying corporations will be required to deduct 10% from interest and dividend payments to savers and investors and forward the money to the Internal Revenue Service.

What's wrong with that? Why should your paycheck be subject to withholding, but not the check to the fellow who gets significant quantities of income from interest and dividends?

It's true enough that, without the withholding system, the taxpayer could collect additional interest on his interest income while waiting to settle up with the IRS on April 15. Under the new system, the federal government gets the free use of our money. But of course the same is true of the money that is withheld from your weekly paycheck.

It's a matter of simple justice to treat both kinds of income the same.

But wait, you say, it isn't just the affluent investing class that will be affected. Many ordinary citizens, including widows and pensioners, also have savings. In many cases, they owe little or no federal income tax because their overall incomes are low. Why should they have to file for refunds to get back money that they never really owed in the first place?

Contrary to what a lot of people have been frightened into believing, the answer is that they don't.

No taxes will be deducted on accounts earning $150 a year or less. Exemptions also are available to persons certifying that their income was below $8,000 for an individual or $15,300 for a couple. In the case of people who are 65 or older, they qualify for exemption from withholding if their 1982 income was under $14,450 for individuals and $22,214 for couples.

The Treasury figures that, as a result, six of every 10 Americans who receive interest or dividend payments will be able to avoid the withholding provision entirely. For Americans over 65, about 85% will qualify for exemption.

So why the screams of pain from the banking lobby? Spokesmen for financial institutions protest that the law creates a lot of expensive new paperwork, perhaps as much as $1.5 billion worth a year. They also object that the new law will somehow act to discourage savings—this at a time when national policy is to encourage the creation of a larger savings pool from which job-creating business loans can be made.

Maybe experience will prove the bank lobby right. If so, the law can be changed. So far, though, the objections are not persuasive enough to justify the repeal of the withholding provision before it even goes into effect.

The Treasury is convinced that the administrative costs will be much lower than the financial institutions say, but in any event has softened the effect by easing the rules to allow once-a-year instead of quarterly withholding on new money-market accounts or regular savings and checking accounts.

And why should withholding discourage savings among honest people who pay their taxes? A skeptic is entitled to wonder if the real source of the financial institutions' unhappiness over withholding is precisely because they know that a lot of tax cheating has been going on, and they fear that the chiselers will now look for other places to put their money in order to continue evading payment of their fair share of the tax burden.

Such a concern, narrowly viewed, may be justified. But the solution is to uncover and root out the other forms of tax evasion, not to perpetuate the cheating that has been going on with income from interest and dividends.

The Internal Revenue Service estimates that the evasion of taxes due on dividend and interest payments cost the Treasury $8.2 billion last year. The withholding law won't solve the problem entirely, but it is expected to bring in about $4 billion a year in extra revenues despite the exemptions that are provided for elderly and low-income Americans.

Nobody enjoys paying taxes. But, to the degree that we know that other people are paying their share, too, the pain is tolerable. Any honest taxpayer who supports the bank lobby's campaigning for repeal of the withholding provision is working against his own interests.

[From the Washington Post, Apr. 5, 1983]

THE NEW WITHHOLDING LAW MAKES SENSE

(By Mortimer M. Caplin)

Recently my bank sent me an "Important Notice." It said that, because of the 1982 tax act, it would be withholding a 10 percent federal income tax from my interest and dividends—beginning July 1, 1983. On my next year's income tax return, I can claim this amount as an offsetting credit or refund.

The bank also was good enough to enclose a certificate—Form W-6—telling me how I could be exempt from this withholding for any of the listed reasons. All I have to do is check a box, give my name, address and account number, and return the certificate in the enclosed envelope. Of course, there are penalties if the certificate is false.

I see this as a helpful letter, and I want to thank my banker. Actually, all of my adult life I have been declaring and paying taxes on my dividends and interest. So does the overwhelming bulk of my fellow Americans.

But there is a minority who cheats on dividends and interest. This minority costs the government billions in lost revenue each year. And when they don't pay their taxes, someone else does—you and me. (IRS Commissioner Egger puts this tax loss at $8.2 billion for 1981 alone.)

Regrettably misinformation is being circulated as part of a campaign to repeal the 1982 withholding law. It should first be absolutely clear that withholding is not another tax. Withholding merely changes the way the tax is collected—to ensure that all pay what they owe.

To avoid hardships for those not subject to tax, generous exemptions are given to senior citizens, lower income individuals and small savings accounts earning interest of $150 or less. The Treasury, in turn, is accommodating to almost every concern of banks and others.

The Treasury estimates that, with withholding, the yield on an individual account earning 9 percent is reduced by only 5/100ths of 1 percent—from 9 percent to 8.95 percent. For example, on a $1,000 deposit earning 9 percent interest, the loss of yield due to withholding is about 50 cents a year. Not a bad price to pay for recapturing billions of dollars of lost revenue. The government projects that, over five years, it will regain at least $20 billion of these losses.

Underreporting of dividends and interest is a highly visible part of the tax gap. President Kennedy deplored this in his 1961 tax message, stating: "This is patently unfair to those who must as a result bear a larger share of the tax burden. . . ." (His proposed withholding legislation was passed by the House in 1962, but defeated in the Senate later that year.) President Reagan struck the same note when writing recently to Sen. Dole.

In a mass, nationwide income tax operation such as ours, withholding is crucial. It is the backbone of our self-assessment system, amounting to over 75 percent of all that the IRS collected from individuals in 1982—$267.5 billion out of $353 billion gross individual income tax collections.

Tax withholding on dividends and interest was first introduced over 100 years ago—in 1862 during the Civil War. It applied first at a 3 percent rate and then at 5 percent to interest and dividends paid by banks, trust companies, railroads and various insurance companies.

Also subject to withholding then were salaries of government employees only. In a non-computer age it evidently was too difficult to extend withholding to the salaries of nongovernment employees. Withholding on dividends and interest was practical and workable, but withholding on salaries of nongovernmental employees was not!

In 1943, when "pay-as-you-go" taxation—the Ruml plan—became a permanent part of our tax law, withholding on wages and quarterly payments of estimated taxes helped to finance World War II and to provide a basic framework for our present system.

Information reporting is no substitute. It merely identifies potential discrepancies; withholding actually collects the taxes due. While the IRS continues to improve its matching program, the task is monumental and extremely costly. In 1981, the IRS received some 660 million information documents.

As a whole, the corporate community seems to accept the new rules with good grace. Instead of distributing 100 percent of dividends to shareholders, corporations will distribute only 90 percent after July 1, with the balance going to the government. They will incur additional computer and bookkeeping costs, but from a cash-flow and asset standpoint corporations distributing dividends will remain substantially unaffected.

Banks, however, do face a change. They will now have to remit periodically 10 percent of the interest added to customers accounts. In the past, most of this interest was credited to accounts but retained by the banks for use in making additional loans and investments. It is this practice that the 1982 legislation brings to an end.

Beginning July 1, as withholding payments are deposited with the Treasury, the funds available to banks will be reduced on a regular basis—which is one of the underlying reasons for the current outcry. Not the burden on the depositors, but rather the loss in deposit base, is the real issue for many.

To help banks offset their costs in starting up withholding, the Treasury's recent regulations make a number of important concessions. For one thing, banks have the absolute right to elect to withhold annually, rather than monthly or quarterly, on a variety of savings and NOW checking accounts.

Also, they may ask for a complete wavier up to six months if compliance with the new rules will cause them undue hardship. The Treasury recently issued guidelines on what is "undue hardship", and it is anticipated that relief will be granted on a very liberal basis.

Finally, the banks are being allowed to retain the withholding dollars for a much longer period than is allowed for wage withholding—roughly a 30-day "float", in contrast to about eight days for wage withholding. This will give them more time to use your withheld tax before having to turn it over to the government. Large banks will be given this 30-day grace period for one year, middle-sized, two years; and small, three.

Everyone surely wants economic recovery. To this end, collecting taxes owed but not paid is certainly better than piling new taxes on those who do pay. In adopting withholding in 1982, Congress made a major improvement in our tax collection system.

Americans must not be misled by a barrage of misinformation and misunderstanding inspired by some with a special axe to grind. The Senate will be showing its mettle if it stands fast this week and next against the intense lobbying for repeal of these much-needed withholding rules.

[From the New York Times, Apr. 7, 1983]

WITHHOLD INTEREST

(By Joseph A. Pechman)

WASHINGTON.—If Congress, under heavy lobbying pressure by banks and savings and loan institutions, repeals the law it enacted last year to withhold taxes from dividends and interest, honest taxpayers will foot the bill for unreported dividends and interest by paying higher taxes.

Needing revenues to reduce the soaring Federal deficits, Congress preferred to raise some of the revenues from people who under-report their income rather than to take back part of the 1981 tax rate cuts from those who already report honestly. Accordingly, Congress extended the withholding system beyond wages and salaries. The new law mandates the deduction, beginning July 1, of 10-percent from interest and dividend payments made by banks, corporations and other financial institutions.

Millions of depositors and shareholders fail to report about $25 billion—or about 10 percent of their interest and dividends—each year. The tax on the unreported interest and dividends would amount to $8 billion a year, about half of which would be recovered through withholding. By contrast, essentially 100 percent of the taxes on wages subject to withholding are collected because withholding compels honest reporting.

Every effort has been made to avoid placing undue burdens on savers and on financial institutions. Interest and dividends paid to the elderly in 1984 will be exempt for the 80 percent whose income is less than $14,000 ($24,000 for married couples) and who fill out a simple form requesting exemption. People who paid no tax in the preceding year or whose income is less than $8,000 ($13,000 if married) are also exempt. Financial institutions are not required to withhold taxes on payments of less than $150 a year and are allowed to defer withholding on savings accounts until the end of the year. In addition, withholding agents will be permitted to delay paying the withheld amounts to the Treasury to compensate for start-up costs.

Interest and dividends have by law always been subject to tax, so the withholding provision is not a new tax—except for the dishonest or negligent. To suggest that withholding on saving deposits is a new tax, as some of the financial industry's propaganda does, is deliberate distortion.

Like wage and salary workers, recipients of interest and dividends will have tax withheld and will receive credit for the withheld amounts when they settle up with the Internal Revenue Service. If overwithholding occurs, the taxpayer will receive a full refund a few weeks after filing a tax return. About 70 million taxpayers now receive refunds for overwithheld taxes on wages and salaries or overpayments on their estimated tax, and there are few complaints. Recipients of interest and dividends are already familiar with this system and can easily adjust quarterly payments to compensate for any newly withheld amounts or wait for a refund.

The amount to be withheld is merely 10 percent of interest and dividends, not a percentage of bank deposits or the value of securities. For example, suppose you have a bank deposit of $10,000 earning 10 percent a year. The interest is $1,000 and the tax withheld would be $100. The interest forgone on this $100 would amount to 10 cents a week at most. If taxpayers reduced their estimated tax, as they would be entitled to do, they would lose no interest at all.

Opponents of withholding keep repeating that it should be possible to enforce the tax on interest and dividends by matching the information return—form 1099—with the tax return. But there are billions of pieces of paper to be matched and even the most modern computers cannot do the job at reasonable cost. The simple fact is that the choice is between withholding and continued evasion.

It is alleged that interest and dividend withholding would discourage saving. Since honest taxpayers would find that they pay no more tax than they do now, only saving by those who fail to report interest and dividends would be reduced. Those who inadvertently fail to report are hardly likely to reduce their saving when they realize that withholding is not a new tax. For the rest, it is surely odd to argue for repeal of withholding on the ground that the best way to increase saving is by encouraging continued tax cheating.

President Reagan, leaders of both houses of Congress, the chairmen of the tax-writing committees and last year's Congress all concluded that withholding taxes on interest and dividends was needed to reduce the large deficits in the Federal budget in the fairest way possible for honest taxpayers. The banks and savings and loan associations are trying to intimidate the public and the new Congress by their campaign of misrepresentation. Let's hope that our Senators and Congressmen can see through the false arguments and vote right on withholding.

[From the Washington Post, Aug. 1, 1982]

WITHHOLDING WON'T HURT

One of the most controversial provisions of the Senate Finance Committee's tax bill would require withholding of taxes owed on interest and dividends. Why is there such resistance to this proposal? After all, every dime of hard-earned wages is subject to both income tax and payroll tax withholding. Unearned income is accorded other sorts of favored treatment by the tax system, so why shouldn't taxes owing on it at least be paid as promptly and fully as taxes on wages?

The polite case against withholding on interest and dividends is that—as Sen. Robert Kasten said on the opposite page Friday—it would "discourage savings and investment, penalize the elderly and create an administrative nightmare." Let's inspect each of those arguments.

The first misconception is that 10 percent withholding drains money from the country's pool of savings. This is false on two counts. One is that the Treasury is not collecting anything it isn't already owed. It's simply collecting it a little sooner. In any case, when the Treasury collects more money, this reduces the public debt—which is financed by private investors who buy government bonds—and this frees up more money for private investment. In the short run, it's a wash. In the long run, reducing the debt increases private savings, since the cost of paying interest on the public debt is lower.

As for the impact on individual savers, it is completely negligible—unless you weren't planning to pay the taxes you owe at all. The honest investor would lose only the tiny bit of interest that would have accrued on the amount withheld during the course of the year. To give you an idea of what that means: an investment of $1,000 at a 10 percent annual interest rate yields $100. Over the course of the year—not at the beginning of the year—the Treasury would collect $10 in withholding. The interest lost on that withholding would be about 50 cents. At the end of the year, if the taxpayer doesn't owe that much, he gets the $10 back. Otherwise it offsets the taxes he would have to pay anyway. Anyone who thinks that an effective reduction in yield of five one-hundreths of 1 percent is going to cause people to withdraw their savings and go on a spending spree is living in some strange world.

As for the elderly, the proposed rule would allow all old people except those with substantial taxable incomes (in which Social Security isn't counted) to apply for an exemption. Many probably wouldn't claim the exemption since they would prefer having the tax withheld gradually to paying a lump sum at the end of the year. But filing an exemption form would certainly not be an intolerable burden for either the elderly or their banks, brokers or savings institutions.

These institutions must already file information reports with the Treasury listing all interest and dividends paid to each investor. All that will have to be added is an indication of whether or not an exemption from withholding is claimed. Nor, in this age of electronic banking, is it credible to claim that financial institutions can't handle the task. Sure, there will be start-up costs and a certain amount of grumbling, but the nation managed to survive the much bigger job of implementing withholding on wages in the early 1940s, and in those days there weren't computers on hand to help out.

Since the polite case for opposing withholding doesn't hold much water, what can be the source of Congressional resistance? Can it be that those taxpayers who now conceal almost $50 billion a year in investment income from the Treasury have gotten organized as a lobby? Doesn't seem likely, but the idea is so eminently reasonable that the opposition is baffling.

BALONEY FROM THE BANKS

It has been 40 years since Uncle Sam started taking his piece of every pay check. Had fairness been the guide, that's how long income taxes would have been withheld from bank interest and stock dividends also.

However money is earned, it ought to be treated alike.

It takes more than fairness, unfortunately, to make Washington tick; in this case, it took the lengthening shadows of $200-billion budget deficits. The reforms that Congress passed last year, when fully effective, will mean some $4-billion a year in new revenue—nearly all of it representing taxes that are presently being evaded by people who "forget" their dividend and interest income when filing their 1040s.

But the treasury won't get that money if the banking industry has its way. The banks, the savings and loans and the credit unions are waging an all-out lobbying campaign, complete with full-page advertisements, to persuade the Congress to repeal interest and dividend withholding before it takes effect July 1. Their claims are largely so much baloney, starting with the assertion that the law in question was passed "quietly"—as if to say on the sly. In fact, it was one of the noisiest debates of the year, and the provision got through the Senate with only three votes to spare.

The bankers, it seems, are not good losers. Sympathy would come more readily for their valid points, such as the extra paperwork they face, if they were candid about their real stake in the issue. Corporations and pension plans are also newly subject to withholding, but few are protesting. Why the banks? The conspicuous difference is that corporations are accustomed to paying out dividends quarterly while the banks are accustomed to retaining and using the interest they credit to their depositors.

Savings deposits, money market funds, time deposits and other interest-bearing accounts pay household depositors some $220-billion a year, using the industry's own figures. Most of it is credited directly to those accounts, where it remains on deposit, enlarging the banks' own portfolios, raising their lending reserves and increasing their potential profits. At the uniform 10 percent quarterly withholding rate, that's an average of $11-billion a year less on the banks' books, with a corresponding increase in the government's accounts. Much of that, of course, eventually would be paid by depositors who are honest with the IRS regarding their interest income. But if wage-earners have no choice in the matter of withholding, why should anyone else?

The assumptions above don't take into account three facts that will reduce substantially the amounts withheld. The banks can choose to deduct annually, rather than quarterly, from such standard accounts as regular savings and interest-bearing checking deposits. They do not need to withhold in any case from accounts that pay less than $150 in interest. And there are liberal exemption provisions for depositors who are poor or elderly. Individuals can claim exemption from withholding if their prior year's tax liability was $600 or less or $1,500 for someone 65 or older. For couples who filed joint returns, the comparable tax thresholds are $1,000 and $2,500. According to the House Ways and Means Committee, 86 percent of America's elderly will be entitled to the exemption, which can be claimed annually by submitting a simple, easy-to-read form, known as the W-6, to the bank or savings institution that pays interest. And once filed, the form remains in effect until revoked by the taxpayer. Congress bent over backwards on that score.

The banking industry has enjoyed exceptional congressional generosity. According to the authoritative journal Tax Notes, banks are dead last among all industries in the average tax rate paid on domestic income. For all industries, it's 20.5 percent. But for banks, it's a negative 12.6 percent, thanks largely to liberal provisions for offshore accounts and bad debt reserves.

Some 86 members of the House—including Florida's William Chappell, Don Fuqua and Earl Hutto—have already fallen for the industry's disingenuous, self-serving arguments against interest withholding. Let the rest have better sense and a keener appreciation of fairness.

[From the Washington Post, Feb. 8, 1983]

A Message From the Banks

Chances are that the statement you received last month from your bank or savings institution brought with it a special message of concern. The flier suggests that you, the customer, may wish to write your elected representative expressing your opposition to the new requirement that, starting next July, financial institutions withhold part of the taxes owed on interest and dividends.

Perhaps you overlooked this message because it arrived in an envelope stuffed with other communications trumpeting the many new services that your bank can now provide. Thanks to modern electronics, banks will not be pleased to shift your money back and forth among different types of accounts, calculate your accrued interest or account balance at a moment's notice and meet your banking needs day and night through automated tellers.

You might think that all this automation would make it easy for financial institutions to give Uncle Sam a helping hand in collecting the taxes he is owed. After all, employers have long been performing the far more complicated job of withholding taxes on wages paid, and you don't hear either companies or workers complaining. But to hear the banks tell it, this new requirement will impose a crushing burden on their operations and will discourage needed investment.

Your suspicions about these claims will be increased when you realize that, to help cover the cost of introducing withholding, banks will be allowed to retain withheld taxes for 30 days. This amounts to an interest-free loan of billions of taxpayer dollars. As for the impact on savings, most honest investors won't be affected at all.

No withholding is required on accounts earning less than $150 in interest or on those held by elderly people without substantial taxable income. People with substantial investment income are already supposed to be filing quarterly tax returns so that the new system will simply pay part of their taxes for them. And if you hadn't been paying the taxes you owed on interest and dividends until the end of the year, gradual tax withholding will still reduce your effective annual interest yield by less than five one-hundredths of one percent.

This is not a new tax. It is simply a way for the Treasury to collect taxes more promptly and more completely. It will impose no intolerable inconvenience on either you or your bank, and it will help the economy by reducing the annual budget deficit by several billion dollars.

All of this being so, you may wonder what the bank or savings institution is really saying in its message. Could it be suggesting that the only reason you entrust it with your savings is that you think you can hide that interest you earn from the tax collector? We trust that isn't so. And we hope that if you write your elected representative it will be to say that you support this way of making sure that everyone pays his fair share of taxes.

[From the Baltimore Sun, Feb. 11, 1983]

Alarm Over Withholding

A great alarm has been sounded over the law enacted last year requiring banks and other financial institutions to withhold taxes on interest and dividends owed to the government by their customers. The banks say it will be a nightmare to administer (mostly because of exemptions that protect old and poor people). They say their computers will have to be reprogrammed and that their employees will be forced to use expensive time explaining this whole business to savers. Some individual taxpayers complain that the law is unfair and it will cost them money to have their taxes withheld. Much of the alarm, we suspect, is exaggerated.

Those people who think it is wrong for banks to act as tax collectors need look no further than the millions of employers who withhold taxes for the government. Or, the gas stations that collect taxes on gasoline, or the retail stores that collect sales taxes. That's been going on for decades, and it has proved an efficient method of making sure the taxes are paid.

Some people are afraid they will be deprived of interest earnings by paying the government quarterly rather than at the end of the tax year. The Treasury Department has prepared a chart showing exactly how much a citizen might lose. If he has $10,000 in a savings account earning 12 percent interest on December 31, 1983, he would lose a little over $5 in compounded interest by the end of 1984. That's a loss of 50 cents on every thousand. Treasury Secretary Donald Regan says that 85 percent of the elderly will be exempt, and won't even lose the 50 cents. They just have to fill out a simple form.

The banking industry has a different complaint. It is true the banks must program their computers to withhold the 10 percent; they will also have to modify their computers to exempt certain people. But a computer firm in Pikesville says the software is available that will allow banks to perform this function with no great difficulty. That firm, DISC, Inc., is already selling the stuff, and it says banks could pay for it in a couple of months with the earnings they will make on a special provision included in last year's law. The provision allows them to hold on to the withheld taxes for 19 business days, and invest it to pay for their trouble. Employers can't do that.

The issue underlying this law is that of noncompliance with the tax laws. Having studied the question for a decade or more, the IRS says the problem is sufficient to require a change. It estimates that the government, over the next five years, will retrieve up to $20 billion that would be lost without this measure. And, the more the government retrieves in taxes (not new taxes but taxes already owed), the less it will turn to massive borrowing that crowds out important private investments in the national economy.

[From the Boston Globe, Feb. 14, 1983]

The Bankers' Crusade

America's "full service" banking institutions don't want to be tax collectors for Uncle Sam. They have mobilized their considerable lobbying clout in Washington to repeal a measure that would withhold 10

percent of interest and dividends paid to customers.

The banks have one persuasive point: nobody likes to pay taxes. Their propaganda juggernaut on Congress, fueled by hysteria and false claims, provides "full service" to demagoguery. More than 200 congressmen have been stampeded into calling for the repeal of the provision, passed last year as part of a $98 billion tax measure.

The banks have been astonishingly successful at depicting themselves as hapless, helpless and technologically ill-equipped to withhold 10 percent of investment income. They have told customers they will be "penalized" by the withholding provision and have asked depositors to lobby legislators with bank-provided postcards.

The tactics have been particularly effective among older bank customers, even though the current law specifically exempts most taxpayers over 65. According to the Treasury Department, 86.7 percent of the elderly population will be exempt. It is true that over-65 taxpayers must file for exemptions, but to suggest that they are unable or unwilling to do so demeans older Americans.

Another significant statistic is that the 2.7 million elderly taxpayers subject to withholding earn $48 billion in interest and dividends each year. Large depositors share with banks an antipathy toward giving Uncle Sam "a float" each quarter. Salaried workers provide the government such a "float" each week through withholding.

The tactics have worked. In the Massachusetts delegation, for instance, Reps. Barney Frank, Edward Markey, Nicholas Mavroules, Joe Moakley and Gerry Studds have all enlisted in the bankers' crusade against the Treasury. The five have cosponsored the repeal legislation filed by Rep. Norman D'Amours of New Hampshire.

Congress passed the measure last year, convinced that the $16.5 billion in revenues withholding will generate in the next five years was important for closing future deficits. The legislation addressed the fact that many people don't report such income and the Internal Revenue Service doesn't pursue each case.

Since 1942, most companies have been ordered by law to withhold Uncle Sam's portion of workers' salaries. The companies don't like it. The workers don't like it. Nobody likes taxes.

The banks, starting a blizzard of postcards, want special treatment. Members of Congress should not be intimidated. They should tell banks and other investment institutions that they, too, have a duty to Uncle Sam.

THE BANKS DISCREDIT THEMSELVES

The nation's banks have generated a nasty political confrontation by attacking the plan to withhold some taxes from dividend and interest payments. Even if they win the battle they have damaged themselves and confidence in government.

The American Bankers Association has whipped up fear and anger among small depositors and investors, in a campaign all too reminiscent of the campaign against measures to re-balance the Social Security system last year. Local bankers, commonly the most trusted figures in any community, have implied that Government is going to steal money to which it has no right. The facts are otherwise: the withholding would collect taxes that are being illegally evaded.

The A.B.A.'s distortions have inspired an angry, anguished protest from depositors. This in turn has provoked a counterattack, some phases of which may be equally unfair and damaging.

President Reagan, well within his rights, has abandoned his customary reticence and vowed to veto any bill that blocks the withholding. He fortified the threat by again hitting the banks for charging excessive interest rates.

The Senate Finance Committee's chairman, Bob Dole, reacted with his own bucket of mud. He arranged for a quick study and public hearing to publicize the low rate of income taxes paid by banks. He tarnished the effort to expand the International Monetary Fund by implying that it was merely a favor to overextended banks justifying a further increase in their taxes. Other legislator proposed stiffer bank regulation. Whatever the merits of these critiques, they hardly gain credibility when raised in such bitter fashion.

Reporters looking for the source of the banks' apparent strength in Congress have focused, naturally enough, on the $3 million in political contributions by banks and other financial institutions to most members of Congress over the last two years. And a staff report is being readied by the Senate's Permanent Subcommittee on Investigations to highlight the financial risks that banks are running with their offshore activities in regulation havens like Panama and the Cayman Islands.

Win or lose the battle over withholding, the banks are unlikely to escape unscathed. The proper regulation and taxing of them ought to be discussed in a calmer atmosphere, but they will have only themselves to blame that they are not. And if the banks should win, all taxpayers will lose. If those who owe taxes on investments cannot be made to pay the more than $3 billion they're evading each year, all others will have to pay more in their stead.

[From the Sun, Thursday, Mar. 17, 1983]

HOLDING THE JOBLESS HOSTAGE

Senator Robert Kasten could hardly have chosen a worse vehicle for his amendment to free bankers from the chore of collecting taxes. He could hardly have given the public a less attractive picture of the bankers, and he could hardly have created an atmosphere more likely to produce close scrutiny of the relatively low taxes now paid by banks.

Mr. Kasten (R, Wis.) has become the banking industry's Senate point man in the effort to repeal a new law requiring banks and other institutions to withhold 10 percent of the taxes due on interest and dividend payments. But he is winning few points with the White House or with Senate Republican leaders. Mr. Kasten attached his repeal amendment to an administration-backed bill to help the unemployed. President Reagan has threatened to veto it, and the fight on the Senate floor has delayed passage of the jobs bill and jeopardized the continued payment of benefits in 27 states. What a fine picture that makes! Unemployment benefits held hostage by a measure to benefit bankers.

Even before the issue hit the Senate floor, Finance Committee Chairman Robert Dole, author of the withholding provision, began to talk about the low taxes banks now pay. It is clear he will look more closely if the repeal effort succeeds. The bankers, and their numerous congressional allies, may be buying more trouble than this effort is worth. They have pitted themselves against a pro-business president, whose coattails probably helped Mr. Kasten get elected in 1980, and against a powerful committee chairman with a revenue-raising job to do—and important turf to protect.

Of course, Mr. Kasten does not present this as a bankers' issue, although banks have launched an expensive lobbying campaign against withholding. Mr. Kasten says he is concerned for savers. But the Treasury Department has calculated that there would be virtually no loss of compound interest or, at worst, it would be negligible. Federal Reserve Chairman Paul Volcker also says he doesn't think the measure will affect the savings rate. So, the issue really does seem to be the banks and their unhappiness over the tax collection job they must perform if they don't get the law repealed before July 1.

Mr. Kasten has a chance of winning in the Senate eventually, but his repeal measure may never get out of the House. If it does, Mr. Reagan won't sign it. So supporters of repeal are going to a lot of trouble for what may be a hollow victory. They also are creating the impression of wealthy bankers willing to throw their weight and money around regardless of who gets hurt.

THE BANKERS' CURIOUS STRATEGY

The banking industry has been going out of its way to give substance to every left-wing caricature of bankers put in print since the days of William Jennings Bryan. Here is old moneybags jingling his way through the halls of Congress, not giving a hoot for the jobless or homeless, but simply intent upon preserving his God-given right to do business in the way he sees fit.

The banks' latest gambit—holding urgently needed money for unemployment benefits and emergency relief hostage to the repeal of withholding on interest and dividends—earned them a well-deserved rebuke from President Reagan. Noting that the banks' campaign has greatly distorted the withholding issue, the president suggested that "the banking industry would do a lot better to think about lowering interest rates."

We can think of other more substantial matters for the banks to pursue as well. The banks do not have a large stake in the withholding measure, but they have a very large stake in the expansion of International Monetary Fund quotas. This measure has been in trouble because it has been widely—but incorrectly—perceived as a bail-out for the banks. If the banks really want to do some useful lobbying, this should be their target.

What can be motivating this misdirected campaign? If you press the bankers on the subject, you'll get a lot of grossly inflated estimates of overhead costs. How can it be that the banks—which can provide 24-hour automated teller service, give you an instant reading on, or switch money between, any of your several accounts, and provide a daily statement of transactions arrayed in several dimensions—can't deduct 10 percent from your accumulated interest when they send the IRS the already-required notice of that interest? If it's so hard, why aren't the brokers complaining?

It is true that the banks have sown terror and confusion in the minds of many of their depositors. But that's their own fault, and they had best set about trying to reeducate their customers to the fact that withholding will impose no new tax or serious inconvenience on anyone.

About the only useful thing that has come out of this debate is the drawing of attention to the fact that the banks hardly pay any taxes at all. That piece of information

will surely be useful to the people who make tax policy, but you may wonder whether the banks' stockholders feel that their interests have been well served by its prominent disclosure.

Nor can those stockholders be pleased that the banks have now managed to unite against themselves a coalition of right and left prominently led by President Reagan and Finance Committee Chairman Bob Dole. Is there no one one in the industry with enough wit to see what the banks are doing to themselves?

[From the Christian Science Monitor, Mar. 16, 1983]

A TAX REFORM WORTH KEEPING

If there was ever any doubt about the political clout of the American banking community, it should be quickly put to rest by the remarkable political drama now taking place in Washington. In mounting a massive public campaign against the measure enacted by Congress last year requiring 10 percent withholding on interest and dividends beginning July 1, the industry has delayed enactment of a much-needed jobs bill, risked higher federal deficits, and directly challenged the authority of a conservative President who under most circumstances would be a logical ally of financial institutions.

The withholding provision was passed into law last year as part of the $100 billion tax reform measure designed to reduce future budget deficits.

Withholding was but a small part of that package. But it was seen as fair and useful because it addressed the issue of tax cheating: by targeting individuals who underreport interest and dividend income. The US Treasury contends that in 1981 alone the government lost $8.2 billion in taxes that should have been collected on dividends and interest but was not collected because the income was never reported. By requiring financial institutions to withhold automatically 10 percent on such income, it was felt, much greater compliance would be enforced.

Proponents of repeal argue that the withholding measure would injure millions of individuals, discourage savings and investment, and create added costs for banks. But are such claims valid? Withholding is hardly a novel concept. The government has been withholding tax dollars on wages and salaries since World War II.

Further, thanks to a wide-ranging number of exemptions, most people who have special need for the interest or dividend income would be exempt from withholding. To mention just a few exemptions: persons over 65 years of age; persons whose interest is less than $150; persons whose prior year's tax bill was less than $600. Claiming an exemption is also easy. A person would merely file a W-6 form once for each institution—filling in name, address, social security number, and account number.

In regard to operating costs for the financial institutions, the Treasury has said that it would allow such institutions the option of withholding taxes on money market accounts and "super" NOW accounts only once a year, rather than monthly or quarterly. That option already applies to passbook savings accounts and interest-bearing checking accounts. Banks, it might be recalled, already file 1099 forms on persons earning interest payments.

Only time will tell whether the withholding measure creates more problems than it is intended to solve. But since its objective is to help bring about greater compliance with the tax code, and to reduce deficits, lawmakers would do well to go ahead with the plan as scheduled. If withholding proves too unwieldy or wasteful, it can be revoked at a later time.

[From the Washington Post, Thursday, Mar. 17, 1983]

THE BANKS WIN THE WRONG ONE

The bankers' lobby scored a significant victory—judged by whatever peculiar standards guide its own calculation of self-interest—by delaying further progress on the emergency relief and jobs bill. It hopes to get the Senate to tack on an amendment repealing tax withholding on interest and dividends. The president has said he will veto the bill if the amendment is included, and this might cause unemployment benefits to be cut off temporarily in 27 states.

The plight of the unemployed may not be of major concern to the bankers. But you might have expected that many of the Democrats who helped to derail the jobs measure would have given swift passage of job relief clear priority over the dubious claims of the bankers. The Democrats will assure you that their action had nothing to do with trying to embarrass the president by making him veto a jobs bill. No, they, like the Republicans who joined them, are simply responding to the outpouring of "grass-roots" concern over the withholding rule.

The senators, it seems, are pretty naive. They are apparently unable to distinguish between a thoughtful letter of concern written by a constituent with full understanding of the facts and the barrage of form letters preprinted (and frequently mailed) by the banks. Perhaps they have neglected to study the type of misinformation that the banks used to get their customers to sign the forms. "Congress wants a piece of your savings," reads one representative sample.

They should ask themselves what sort of reaction they would have gotten if the banks had sent out a more accurate notice. One, perhaps, that assured the customer—truthfully—that no new tax was involved, only an effort to help the government collect its taxes efficiently. The notice might also have observed that, in most cases, the banks already had all the necessary information from the forms they now file with the IRS, and that withholding would save billions of dollars for the government and, hence, for the honest taxpayer.

Other fair points should have been that depositors with relatively large accounts would suffer no loss of interest because they must already file taxes quarterly, and that for small depositors the compound interest loss from withholding—if any—would be much smaller than the banks' typical service charge. Finally, the banks might have assured the elderly and people with low incomes that they would be glad to help them fill out the simple exemption forms.

Unfortunately, the banks sent out quite a different kind of letter. Rather than helping the government and the public by preparing for withholding, they invested their time and money in trying to prevent it from happening. If the president is forced to veto the jobs bill—or any other important measure—over the withholding issue, it is not he but the banks and their Senate supporters who will, deservedly, bear the blame.

Mr. DOLE. But I would also suggest that we have a pretty good compromise and I do not want to get off the positive here, but we do delay until 1987 withholding on interest and dividends, we do have backup withholding; we do require that the institution send out the form 1099 in first-class mail; we do ask the IRS to do a better job of matching. We recognize we are going to require supplemental appropriations for the IRS, and they are to submit a report by June 15 on a necessary supplemental. There will be stricter pay or penalties and those are outlined, and there is a fraud penalty of $1,000, civil fraud penalty applying to individuals who willfully attempt to evade or avoid income tax on interest or dividends or patronage dividends. I ask unanimous consent that a brief description of the compromise prepared by the staff of the Finance Committee be made a part of the RECORD. Mr. President, I am prepared to yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSAL TO DELAY WITHHOLDING DURING TEST PERIOD FOR ALTERNATIVE COMPLIANCE MEASURES

1. Delay Until 1987. Mandatory withholding on interest, dividends, and patronage dividends will commence on July 1, 1987 if 1985 compliance rate for individuals is certified by GAO as being less than 95 percent, and Congress approves resolution agreeing with GAO findings. If GAO report is not approved by April 1, 1987, GAO will continue to study 1985 compliance data and submit second report one year later. If Congress approves the second report by April 1, 1988, mandatory withholding will commence on July 1, 1988.

2. Back-up Withholding. Present law back-up withholding will be expanded to apply to interest, dividends, and patronage dividends at a 20 percent rate and to include the following cases: unlawful failure to file prior year return or unlawful prior year underreporting of interest, dividend, or patronage dividend income by a at least $50.

IRS will provide notice and opportunity to correct or clear up, prior to commencement of back-up withholding. Back-up withholding will stop when taxpayer corrects, or in hardship cases where IRS determines taxpayer misconduct is not likely to be repeated. Treasury may require payors to validate taxpayer identification numbers against an IRS list to insure that the numbers are correct, and to notify payors of cases where back-up withholding is required.

3. Return Format. Copies of 1099 information reports will be required to be delivered to the taxpayer by first class mail in official form and attached by the taxpayer to his tax return. Magnetic tape filing will be required, with one-year waiver authority for hardship.

4. IRS Matching. The IRS will be required to implement a faster program for matching interest information returns with tax returns in order to have current information for the back-up withholding system.

5. IRS Supplemental Appropriations. Treasury will submit a report by June 15, 1983, on necessary supplemental appropriations to accelerate the matching program, set up a taxpayer identification number validation procedure, implement back-up withholding, and enforce payor penalties.

6. Stricter Payor Penalties:

a. A negligence penalty (the greater of $50 or 5 percent of the amount required to be reported) will apply to payors who do not provide a correct taxpayer identification number. The penalty will not be imposed if the reported taxpayer identification number is the same as that provided to payor by account holder in sworn statement. Increased penalties (the greater of $100 or 10 percent of the amount required to be reported) will apply in cases of gross negligence.

b. A no-fault penalty (the greater of $100 or 7.5 percent of the amount required to be reported) will apply to payors who do not file an information return, with penalties doubled in cases where the payor fails to file a large number or percentage of information returns.

c. A minimum penalty ($100) will apply to payors who do not impose back-up withholding when required.

7. Fraud Penalty. A $1,000 civil fraud penalty will apply to individuals who willingfully attempt to evade or avoid income tax on interest, dividends, or patronage dividends.

SEVERAL SENATORS addressed the Chair.

Mr. DANFORTH. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANFORTH. Mr. President, does the motion to recommit violate section 311 of Public Law 93-344 of the Congressional Budget Act because it breaches the established revenue floor.

Mr. BAKER. Mr. President, before the Chair rules——

Mr. DANFORTH. I have not asked for a ruling, I have made an inquiry.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, has the Senator asked for a ruling of the Chair?

The PRESIDING OFFICER. It is just a parliamentary inquiry.

Mr. BAKER. I do not now seek recognition.

The PRESIDING OFFICER. It does.

Mr. DANFORTH. Mr. President, if I were to raise the point of order, subsequent to raising the point of order and before the Chair rules, would it be in order for another Senator to move to waive the application of the Budget Act?

The PRESIDING OFFICER. It would.

Mr. DANFORTH. Would that motion be debatable?

The PRESIDING OFFICER. It would.

Mr. DANFORTH. Mr. President, it is my understanding that such a motion would be made and I would intend to debate that motion and then ask for the yeas and nays on that motion.

At this point I raise the point of order that the motion to recommit violates section 311 of Public Law 93-344 of the Congressional Budget Act because it breaches the established revenue floor.

Mr. BAKER. Mr. President, the Senator from Missouri indicated to me that he intended to make this point. Indeed I have indicated to him that I will make the motion I am about to make. I have also advised the minority leader of this situation so I hope no Senator is taken by surprise.

Indeed I believe the Chair is correct in response to the parliamentary inquiry that absent a waiver this would violate the provisions of the Budget Act but the Budget Act makes a provision for the Senate's dealing with these matters notwithstanding. Mr. President, I believe this is such an occasion and in order to effectuate what is the clear will and desire of this Senate I now move to waive any provision of titles III and IV of Public Law 93-344 with regard to all the pending motions and amendments.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, before the Chair puts that motion to the Senate I would like to speak relative to the motion—not for long, but simply to present to the Senate my views of the seriousness of what has been going on for the last 2 days in the Senate. Indeed, I believe, Mr. President, that these have been 2 black days for the Senate.

First of all, let me say that, unlike the Senator from Louisiana, I would view the so-called compromise as being pretty close to a total victory for the Senator from Wisconsin, and I compliment the Senator from Wisconsin on his victory. He has fought this battle very long and very hard, and he has prevailed against tremendous opposition. He has prevailed against opposition of the White House and the opposition of the leadership of the Senate. He has prevailed to the point of even winning by a substantial margin on defeating a motion to adjourn yesterday which traditionally, I think, would be viewed as simply a leadership prerogative. He prevailed. He won. This is a major victory for the Senator from Wisconsin and it is a major victory for the American Bankers Association and it is a major victory for other organizations which were mobilized very effectively for the repeal of withholding on interest and dividends.

During the past number of weeks while this issue has raged on the floor of the Senate, it has been clear that there has been a great amount of animosity and bitterness that has been directed back and forth from one group to another. I have felt very strongly on this issue, as I am about to explain, but I do want to assure the Senate and anyone else who cares to know that I bear no animosity whatever toward the American Bankers Association or individual banks or individual bankers. My hope is that once we dispose of this issue we can put it behind us and let any talk of retaliation, any talk of vindictiveness, be forgotten. We are going to have to work together for the health of this country, and if we decide that this has to be the time to take it out on the banks, either in tax legislation or anything else, I would hope we would recognize that many of our banks are in trouble right now. For the good of the country, we must make it possible for them to survive.

Furthermore, Senator KASTEN and the banks and everyone else who has participated in this great effort have simply exercised their right and ability to speak out. It is no crime in this country to lobby the Congress or to run ads in newspapers—even if those ads are not as accurate or as fair as some of us would hope they would have been. So I would hope we could put the animosity and the bitterness behind us and move on to other things once we resolve this issue.

Mr. President, I would like to talk about what I really think is a big issue and the big issue is related to whether or not we waive the budget. The big issue is whether or not we and the Congress of the United States have the will to fight the battle of the budget.

I had an interesting experience in the city of St. Louis maybe a month ago. I was driving along in the car listening to the radio and some representatives of the savings and loan industry were on the radio in a call-in program. They spent maybe 20 minutes talking about withholding and presenting their views of why withholding was a terrible thing and why they were for repeal of withholding.

Then a question came in that had to do with the future of the economy and the future of interest rates and the future of inflation. The same people who were talking about repealing withholding then went on to say, "Well, the answer to that question, the answer to the question about the future of the economy is whether or not the Congress of the United States has the will to fight the battle of the budget."

I thought to myself: what a ridiculous irony this is, to spend 20 minutes attacking withholding on interest and individuals and dividends and then to talk about the will of the Congress and whether or not we have the will to fight the battle of the budget.

Mr. President, the answer to the question of whether we have the will to fight the battle of the budget is being answered. It is about to be answered. And the answer that we are giving in a resounding fashion from the floor of the Senate is, "No, we do not have the will. No, we do not have the will to fight the battle of the budget. When push comes to shove, we will not do it. We cannot do it."

And that is what this issue is all about. Why do we have withholding? Why was it passed into law? Why was it included in the Tax Act which we passed last year? Because any of us like it? Because any of us are enthusiastic about it? No. Nobody really likes withholding or wants withholding, but we had a job to do last year. We had a job to do in response to a budget resolution which was passed by the Congress in order to reduce the size of the deficit. Part of reducing the deficit was a requirement that the Finance Committee and the Ways and Means Committee had to come up with $98 billion of revenue savings.

We reasoned in the Finance Committee that instead of raising taxes we preferred to go the route of better compliance. And the heart of that was withholding. The biggest single item in last year's tax bill was withholding on interest and dividends. Withholding was part of the budget process. It was part of the major reduction in the size of the deficit which we agreed to just last summer. And now we are shooting a hole in it. Yes, the hole is smaller with the proposed modification to the Kasten amendment than it would have been with the original Kasten amendment, but the principle is still there.

We are losing, over a 5-year period of time, $5.2 billion of revenue. And who are we losing it to, Mr. President? We are losing it to people who cheat on their taxes—$5.2 billion over a 5-year period of time to tax cheats.

Mr. President, the reason we are losing it is that an enormously effective campaign has been waged by the banks, an enormously effective campaign of writing letters and ginning up public opposition to withholding with newspaper ads. And it was very, very successful.

What we are seeing in the Senate of the United States and what we will see in the House is when a letter writing campaign is ginned up, when a newspaper ad campaign is ginned up, Members of the Congress of the United States crumble like cookies. And that is what we are doing. We are crumbling like cookies. We are saying, "We just cannot face that pressure. We just cannot deal with that pressure. We have received too much mail on the subject."

Now, what we do when we put together budget resolutions is to package a lot of unpopular specific measures. We put together in a package each of the items that we know are probably going to be unpopular and lose in and of themselves, but we put them together because a larger job has to be done.

What we are seeing now is that if interest groups target each component part of an unpopular package, they can destroy the package. And that is exactly what is happening right now.

This is a model, Mr. President, this is a model of how other interest groups can handle the Congress of the United States effectively. If we do it in this case—and we are going to do it in this case, give in to the banks—then who is next? Waiters and waitresses? That is unpopular. Waitresses in Springfield, Mo., have already presented my office with petitions to do away with reporting of tips. That is a very unpopular thing. All right, should we take that on now? Send in the mail. Get your customers to present coupons. When you present them with their bill, present them with a little coupon to send in. That would be a tremendous campaign with thousands of pieces of correspondence coming in.

Mr. DECONCINI. Will the Senator from Missouri yield?

Mr. DANFORTH. Not yet.

(Mr. CHAFEE assumed the chair.)

Mr. DANFORTH. Mr. President, another way of characterizing the issue before us is, what is our threshold of pain? What is the threshold of pain of the people of the United States in dealing with the problem of the budget? I submit that the best measure of that threshold of pain is the repeal of withholding on interest and dividends. And when we repeal it, or virtually repeal it in the modified Kasten amendment, the effect of that is to demonstrate that our threshold of pain as a people for dealing with the problem of the budget is very, very low indeed.

We say that the American people are up in arms because they would suffer pain from withholding. The average person, we say, would be hurt by withholding on interest and dividends. How so? How much? the compounding effect on interest. It was said they would lose the compounding effect on interest. That was in the original form of the bill. That has been changed. Now there is virtually no effect on compounding of interest.

But even in the hey day of withholding on interest and dividends, here was the argument as I understand it. If you have a hypothetical case of $10,000 deposited at 10-percent interest, that produces a thousand dollars of income. Ten percent withholding of the thousand dollars is $100, if it would occur over the whole period of the year. But it does not. It occurs spread over the year. So that might equal $50 of withholding, paying 10-percent interest, 5 bucks before taxes; after taxes, maybe $3 of lost income.

And people, said, "Isn't that terrible? What a sacrifice—$3. How could we expect people to do that? It is not fair."

Then we said, "Why, it is a terrible paperwork burden to thrust that on the American people." Paperwork burden—the W-6 form. A half a page long: name, address, social security number, bank account number, and date. Paperwork burden. And on the compounding issue, we even fixed that—year-end withholding.

Mr. President, if the people of the United States are not willing to file a half a page form because their country is in trouble, what are they willing to do? If they are not willing to part with a few pennies because their country is in trouble, what are they willing to do? I remember that great famous statement of President Kennedy at his inauguration about asking what you can do for your country. By golly, if anybody asks you to do anything at all, the response is, "Oh, that is an inconvenience; oh, that is too much pain. I want mine and I want it now." And that is the kind of pressure we have been feeling.

The level of pain is zero. The will to fight the battle of the budget is zero. Let us face up to reality right now.

Mr. President, what we have in this country is a Congress of the United States listening too attentively to the voice of the public.

Somebody once told me that in the first Nixon administration, there were two priorities. The first priority was to win reelection and the second priority was not to let anything stand in the way of the first priority. [Laughter.]

Can that not be said about the Congress of the United States?

This is government by applause meter—every issue and every subissue being applauded or booed. How do we save our skins?

Mr. President, I just ask the question, Is that what we want of America? Is that what we want of our politicians? Is that what we want of the Congress of the United States? That kind of timidity, that kind of hypersensitivity? The horror of doing anything unpopular, the horror of inflicting any pain at all? Is that what we want? Because if it is, let us just resign ourselves to the fact that we are facing a $200 billion deficit this year and next year and on and on and on. If we cannot solve this problem, how are we going to take on medicare, for example?

We think we are great statesmen. Social security? Oh, how hard that was! It sure was. This is one Senator who almost lost an election because he said, "We have a problem in social security." People did not want to hear that. For 6 months we put off the COLA adjustment. Great statesmen?

Mr. President, in a few weeks, that talk show in St. Louis will be heard again and it will be heard throughout the country. You will hear it from those in our financial institutions. I want to say again I bear them no ill-will. There is not a trace of vindictiveness in me, there truly is not. But what do you think those in the financial community who have fought withholding on interest and dividends will

say when asked, "Why are interest rates high?" They will say, "Interest rates depend on the will of Congress." All I can say to those people is, "Please spare us the sermons."

Mr. President, we will have high interest rates because we will have the deficits. We will have big deficits because we lack the will to do otherwise.

Mr. President, I ask for the yeas and nays on the motion to waive the Budget Act.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I want to compliment the Senator from Missouri for bringing out something that I think is appropriate in this debate and, as we have seen, in many issues that are brought before this body.

I probably will not vote to waive the Budget Act, but I am afraid it may not be for the same reason. I think that a little history is important here. Why are we under the pressure we are under to repeal this? Why are we going to be under the pressure we may be under, as the Senator from Missouri points out, to change the withholding on the tips of waitresses and waiters and other things that were passed in the last Congress?

I look at it a little differently. I think that what has happened is that the Economic Recovery Act that this Senator happened to vote for in the first year of this administration has not proven to be very successful.

If we look at President Carter's last year, I think the deficit was somewhere in the neighborhood of $60 billion, which was intolerable, we were told, and this Senator agreed.

Then we came along with this new approach, the Kemp-Roth approach, and that is going to save us all and we are going to have lower deficits. We are going to have a balanced budget by 1983. Remember? Then it slipped to 1984.

This Senator said, "Sure, give the new President and the administration the opportunity to see if this program works."

We adopted it but it has not worked. Some of us have tried hard to meet that threshold the Senator from Missouri talked about and we voted for not going through with that total tax program, particularly in the third year.

It seems to me that some have come forward and said, "Maybe it is time," as the Senator from Missouri has said, "to pay the pain and the suffering." It is always difficult to vote to take away a tax cut that is already part of the law.

But that is where the mistake is, not this effort, because this body and this type of government is always going to be subject to those pressures. We all know that, and I do not think it is quite so bad. It always depends on which side of the pressure you are on. But you have to have a stomach for this job, there is no question about that. What really is too bad is that we do not have the stomach to admit when an economic program is not working and make modifications to attempt to make it work.

That is what I wish we could still do before we really endorse and put our arms around the next 10 years of deficits over $100 billion a year, and that is what this Senator believes is in the future for this country if we do not do something about this economic program we are faced with today.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, the questions raised by the Senator from Missouri was a very thoughtful presentation to the Senate.

Concerning high interest rates and the booming deficits is very pertinent and there is no reason why it should not be addressed in terms of this proposal of repealing the withholding tax on dividends and interest. But it ought to be done in a logical way.

If we are going to talk about the deficit of $200 billion for the current fiscal year and perhaps $200 billion if we do not take some decisive action in Congress, perhaps $200 billion for the next fiscal year, it is certainly a staggering sum, but what we are talking about. Apparently, from the last suggestions or estimates of the Treasury Department is about $1 billion in this fiscal year of lost revenue and about $1.8 billion in lost revenue for each of the succeeding 5 fiscal years.

That is a big enough amount. I am not saying those are small amounts. They are pretty large amounts.

But I think what we ought to recognize is, first of all, that the estimate of the Treasury Department when they gave their estimate for OMB and the President's budget had that figure at about $27 billion over the next 5 fiscal years. Then they revised it again and have revised it again. The last revision of their estimate that I have seen was as of April 12, and they said, instead of about $27 billion, because of changes in the procedures of collection and because of the proposal in the Senate for the repeal being different than they had anticipated, it would be $10 billion. It is down from $27 billion to $10 billion for the 5 fiscal years.

Really, more than that, it is for the remainder of this fiscal year and then for the next 5 fiscal years.

That is a rather dramatic shift. What we should know first of all is that probably their figure of $10 billion is not accurate anyway.

Their first estimate was not accurate, the second one was not accurate and, probably, this one is not accurate.

Why? Because in the law that passed as part of the 1982 tax act, in the glow of thinking, we are going to raise that $90 billion of additional revenue that we set as our goal, we got some inflated figures from the Treasury Department of what revenue would actually be raised.

In this particular instance, raising additional revenue for the Treasury by this provision of withholding the taxes due on interest and dividends has never really taken into consideration what individual taxpayers will do; 75 percent of the taxpayers that are on withholding from their wages and salaries, as all of us are, overpay. That information comes from the Department of the Treasury; 75 percent pay more than is due. So they file to get it back.

What is an individual taxpayer, who is already on withholding from salary or wages, going to do with this provision in effect, if it were in effect on July 1? They should readjust the tax that is being withheld. Why would that not happen? I guess the Treasury would contemplate that people are happy to have more withheld than is due and so they would just have another chunk withheld. The Treasury would get that collected early and then, presumably, people will file to get it back.

I think also Treasury knows that would happen: That some of the money that is withheld, even though it should not really be withheld and the taxpayer does not owe it, would not be filed for. Maybe our children would not fill out the form to exempt them, or their savings accounts, from being taxed, or taxes withheld on it. Since it was a small amount, probably they would not file to get it back. Well, we pick up some revenue we would not have gotten otherwise.

We have had presented as the argument for this in the Senate during the past several weeks, for the withholding of taxes on savings and interest, that we are going to catch the cheaters. There are a lot of them, Treasury tells us. So, if we withhold 10 percent from somebody who is cheating, the chances are—they have a psychological term for it that does not ring a bell with me, but they use it. The chances are, they say, that that will cause a cheater then to fill out his tax return honestly.

I am all for the Treasury Department conceiving ways, psychologically, of catching cheaters. I would not hold my breath until I see that that really happens, because I think somebody who is deliberately cheating will have the 10 percent withheld on the savings and dividends and then will cheat on the rest of it, if that is their intention. So it does not really ring true with me that this is likely to bring in additional revenue that would not otherwise have been received.

It causes me and, I suspect, every one of us to think, well, why not use the 1099 forms, which are, after all, the forms required by IRS for the filing by the savings institutions—the banks or the savings and loans or the credit unions. This form shows how much interest was paid to an individual taxpayer. Why not use those, check those and then, checking those against the tax returns, see who did not pay any taxes?

Look at them, those who did not file a return—look at them in particular, because they have a social security number and we can look them up.

Then, second, if they did file a tax return but are not paying their full obligation in taxes, see whether they paid those on interest and dividends. That thought has occurred to every one of us, I am sure. I think it has occurred to all the taxpayers, too.

I think that thought has occurred to all the taxpayers who are paying their legitimate taxes and now they are informed, through these notices they get from their savings institutions or from the IRS itself, that there are going to be taxes withheld on their savings account. They think, oh, my gosh, another procedure that we shall have to follow and another method of collecting taxes.

What they are saying to us in their letters is that they object to it because they do not believe that it is going to catch anybody. They believe that mechanism is already there in the 1099 form and that the Internal Revenue Service has that available to them and why not use them to collect those who are not paying their just taxes?

What is going to happen with this bill that we are working on today? It is going to go to the House of Representatives after it is passed here. Then it is going to be referred to the House Ways and Means Committee. The bill has already been declared by members of the House Ways and Means Committee as being a bill that they have grave doubts about the content of and need of. I am speaking of the reciprocity bill. After all, that is what we are passing. So they are wondering whether they should be taking up this bill.

The chairman of the House Ways and Means Committee has stated to the chairman of the Senate Finance Committee and to others that, indeed, he will hold hearings on the bill. That is on the reciprocity bill. He has also stated that he does not particularly like the bill. Others on the House Ways and Means Committee are wondering what the Senate is doing in this trade reciprocity bill and why the Senate is even originating it and sending it over to the House.

On the withholding tax provision of this amendment, what is going to happen to that in the House? There have been no hearings on it in the House. The chairman of the House Ways and Means Committee will hold hearings if he cares to. He has not cared to so far. He may not want to hold hearings. What does that mean to us, then? Of the various hearings held on this question of withholding, I think it is fair to say that the chairman of the House Ways and Means Committee and the entire membership will say, let us hold a hearing on a bill that originates in the House. That is the usual procedure, the one the Constitution calls for. So what action we take here on this bill and on this amendment may have little consequence in the long run as far as the House is concerned.

Certainly, it will be an expression of what the Senate thinks. It will be an expression of what the Senate thinks not only on trade reciprocity but on withholding. So it is worth something. It does not allow us to have the firm belief that definitive action by the House will be taken by July 1.

There is another procedure that the House can follow. The House, of course, can discharge the proposal from the committee. Such a discharge petition has been started and has a number of signatures on it. If a majority of the House of Representatives will sign that discharge petition, then a time would be set for House consideration of possible repeal or delay the withholding tax on dividends and interest prior to July 1.

But a discharge petition in the House is not often successful. It takes a lot of action, a lot of interest, and a lot of determination by those who sign the discharge petition because the House attempts to maintain the committee system and let the committee that has jurisdiction over the matter make the determination as to when a bill concerning that matter will be coming to the House floor.

I think that it behooves us to consider this very seriously. It is a serious matter in my judgment and one that warrants us acting in such a way in the Senate that we gain acceptance in the House for consideration of the matter. Perhaps this vehicle will do it. I hope that it will, but there is no assurance that it will. If it does not gain that consideration in the House, I think that I for one, and I would hope a majority of the Senate, would want to do what we could to make sure that the House did consider it. Of course, the procedure to do that would be attaching such a provision as this amendment to a bill that the House had already passed and it would go to conference.

That will probably happen before July 1. If it is on no other bill, it is likely that we will have a bill before us passed by the House to raise the national debt, and, if so, such an amendment as this perhaps will be offered in the Senate. I would want to do so. I would want to see that action taken and a decision made by the Senate if there had been no action and no passage of this provision in the House, so that the withholding provision involved in this amendment could be delayed prior to July 1.

Now, do I think there is grave reason for doing this? I think what the taxpayers are saying in asking us to repeal this method of collecting taxes is that the method is bad—not that they do not want the additional taxes collected. Of course, they want those collected, but they think this method is bad. And so they write to us. They have spotted this particular provision in that 1982 tax act as being one that is not worth it.

How do they make that conclusion? I repeat. They, first of all, think of the 1099 forms that they receive listing the amounts of dividends or interest they get, they think of how they fill out their tax form, and they realize that just cross-checking the 1099's with the tax returns will identify the cheaters. And so I believe it is fair to interpret what their letters are saying to us is, "Be reasonable, use some common sense, collect the additional revenue but do not go at it through a method that creates more havoc and, yes, more paperwork, than is justified."

I think it does a disservice to the rights of taxpayers of this country, to the citizens of this country to just in a very casual way say:

> Well, they are writing to us because the banks or the savings and loans or the credit unions have stirred them up with mislabeling or misrepresenting what this provision is about.

I think that does a disservice to the good judgment and right of citizens to petition their Government, particularly Congress, on a matter they feel strongly about. I ask all Senators who believe sincerely that this provision should not be repealed or delayed to spare us a continuation of dragging out this myth that this is all motivated by banks or other savings institutions.

I think it is a putdown to the citizens who write us. I think it ignores the fact that by and large the American people have the commonsense to recognize a bad piece of tax legislation. They have the commonsense to recognize that the method is not straightforward; that the method does not really get at the point of catching cheaters; that the method is sort of ignoring what is already available in information through the 1099's, and that logically there is a better way of collecting tax revenue on savings and interest than is provided for here.

The citizens who write to us as taxpayers recognize that there is paperwork cost to themselves. I know the Senator from Missouri, whom I greatly admire, gave a very eloquent presen-

tation, part of which touched upon this matter:

Well, after all, if this is a method of stopping cheaters and getting people to pay their just taxes, it is not asking the individual taxpayer to fill out another form or be exempt if they could be exempt.

Not too many can be exempt but there are a number of taxpayers, a percentage of taxpayers who fill out a form that will be exempt from this provision. And the Senator from Missouri also pointed out:

Well, if this is a method of catching cheaters, it is not too much to ask the taxpayers to also take into account that they may have to readjust their own taxes that are withheld or to file after the year is over to get the portion of their money that was withheld in a refund.

I do not doubt at all the sincerity of the Senator from Missouri in presenting that argument, but let me point out that individual taxpayers and individual citizens relate it to themselves directly and then think, Well, yes, I can do that but what does it accomplish?

That is where this thing falls apart. What does this method accomplish in catching the cheaters? They go back to the 1099 form again and say, Well, all that information is available. They should zero in on that. They, meaning the Internal Revenue Service, should zero in on that. And then, after cross-checking, go after those who have not paid enough and, as a matter of fact, go after those who have not paid anything except the little bit that is withheld if this law went into effect. This law does not need to go into effect to go after them in the first place because they can take that 1099 form and then compare it based on the social security number of that person and see whether they actually filed any income tax form, any 1099 form and reported their income for the preceding year.

So what they are saying to themselves, first of all, these taxpayers and citizens, is:

Well, is this going to do any good? If so, how much paperwork and how much bother is it going to cost us as individual taxpayers, ordinary taxpayers, who pay all our taxes? And just what good is it?

The second point they think of is that there is a paperwork cost to the Treasury. It comes in two ways. First of all, the taxpayers, 36 million or 40 million, I am told, received a slip with a social security check or a payment from the Government within the past 30 days that is a sort of list of what this tax would do when it goes into effect on July 1, or they read one of the brochures handed out by the thousands by the Treasury Department, describing the merits—or the demerits, I should say, the shortcomings—of this provision. They know that is a cost.

Then they think about all the taxpayers who may have to file for a refund. They add that into the costs to the Treasury, and the taxpayers know they pay that cost, too. We do not have that figure from the Treasury Department. We have not been able to get it from the Treasury Department, but it will be available sometime during the next several weeks, and we will find that it is a substantial cost. The taxpayers already have spotted that. They do not know how much, but they know it is there, and it is an item the taxpayers will have to pay.

Then we get to another cost: The taxpayers, the savers who have their savings accounts in banks or savings and loan institutions or credit unions, are well aware that any additional cost in paper that is paid by those savings institutions is going to be paid by the savers. So they get back to a third cost that this particular provision will cost them.

Meanwhile, they get back to the original point: Why not just go after the cheaters? Save all this paperwork and spend what all this paperwork is costing on zeroing in on the cheaters, using the 1099 form.

Finally, these savers, these taxpayers, these citizens who write to us, also understand that there will be some savings because the amount that is withheld for taxes and paid out by the savings institutions will not be drawing interest.

I know a lot of people say that is a small amount. When it is somebody else's money, it really does not do for any of us to say to them, "It is a small amount." They rather resent that. That has been said over and over in the discussion of this issue, emanating from the Treasury Department and from those who believe we should retain the provision in the law.

What we have before us, Mr. President, is the motion to waive the relevant sections of the Budget Act. That motion is absolutely essential for this amendment to be considered by the Senate.

Senators will recall that during the debate on the amendment I offered to the social security amendments dealing with this subject, the motion for a budget waiver was a key vote on the amendment itself. My amendment would simply have delayed until January 1 the implementation of this withholding provision.

We had sought from the Treasury how much that would cost, and we were told at that time it would be somewhere around $1.1 billion for this fiscal year.

So I made the motion to waive the Budget Act provisions so that my amendment would be in order. The vote on it, the decision of the Senate, was not to waive the Budget Act provisions, and the amendment fell on that technicality. But I am not decrying that method used by the leadership in getting to a method of disposing of my amendment. It was in order. The vote that occurred on that motion was, in effect, the decision of the Senate at that time not to consider the proposal further.

I accepted that, and I urge now that we face foursquare this budget waiver and vote for it on this amendment. I think it is proper that the Senate questions the cost involved here, and by debating this motion, we draw attention at that cost.

As the Senator from Missouri eloquently said just a few moments ago, it is a question that should be considered along with the rest of the revenue we raise for the Treasury and the money we expend from that Treasury.

I repeat: While the Treasury tells us that there would be a revenue loss of $1.1 billion for this fiscal year, their estimate probably is overexaggerated. Maybe that is a double positive—overexaggerated. I have no faith in their estimate of this particular provision, because they do not believe they can take into consideration adequately what individual taxpayers are going to do in adjusting the amount of withholding tax on their individual salaries and wages; because if they feel this is coming on, they will make that adjustment. Seventy-five percent of the taxpayers are overwithheld on their wages and salaries and have to file at the end of the year for a refund. In making their adjustments, if this provision goes into effect, they may decide that they have been overwithheld quite a bit and may make their adjustments downward quite a bit.

So I do not think this is any real revenue gain, and I doubt that if it were to go into effect, much would be gained for the Treasury.

In the long weeks we have attempted to resolve the issue of withholding, we have had a lot of consideration and a lot of debate. It is my intention, if it is in order, to amend this motion so that in the event of the lack of a budget waiver on the next bill to which we might have to attach such an amendment, we will not be denied the opportunity for debate, on the technical question of whether there is a budget waiver for the amendment.

That seems to me not only fair, not only good commonsense but also very meritorious in conserving the time and the efforts in the floor debate here in this Senate.

If it is proper to waive the budget provisions on this amendment for this bill, it seems to me that it is proper and meritorious to waive it on any subsequent bill we may have to attach this type of amendment to and not have to go through this type of debate and possible parliamentary maneuver.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MELCHER. Is an amendment to the motion in order?

The PRESIDING OFFICER. It is. The Senator's motion to amend is in order.

AMENDMENT NO. 1181

Mr. MELCHER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 1181.

At the end of the motion add: Further under section 904(b) I move to waive the relevant sections contained in titles 3 or 4 of the Budget Act for this amendment on this bill or any other bill considered by the Senate in this session of Congress.

Mr. MELCHER. Mr. President, there are all sorts of ways to take up time in the Senate, and there are all sorts of ways to go through an exercise in futility.

On my amendment which would only have delayed implementation of withholding provisions until January 1, the device was used to get at the amendment in such a way that it would seem like we were not voting on the issue. We were voting on the issue because when you use a technique such as this to defeat an amendment you are truly voting on the issue, but sometimes it does not seem so bad to those who would like to vote one way and then have a technicality be raised against the amendment by the leadership and they feel free to vote to uphold the leadership or to uphold the Chair or some technicality that seems to say you really were not voting on the true issue.

Nevertheless, these motions are debatable and rather than go through this procedure again, if it is necessary to add to some other bill this type of amendment, I would hope we could resolve it right now and clear the path and let the Senate work its will, let individual Senators vote on the issue that confronts them at the time.

I offer the amendment to this motion for a budget waiver in good faith and an honest effort to make the judgment of the Senate on the issue come through loud and clear and without further debate on whether another amendment of this nature which may become necessary on a subsequent bill will indeed have a budget waiver and not be subject to an adverse ruling by the Chair or by a motion that is made to waive it be voted down.

It is the same amount of money, whether it is on this bill or some other bill. It is the same issue whether it is on this bill or some other bill. It is the same July 1 and only one July 1 of this year that we are talking about, and if we are going to work our will in the majority votes here on the Senate floor and on the House floor, it is necessary that action be taken on this matter prior to July 1.

I hope that the leadership on the other side of the aisle will find merit in my amendment to the motion.

Mr. DOLE. Mr. President, as I understand the amendment it says in effect that "* * * section contained in titles 3 and 4 of this Budget Act for this amendment on this bill or any other bill considered by the Senate in this Congress." A parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Mr. President, as I understand, it would be this identical amendment. Is that correct?

The PRESIDING OFFICER. That is the way the motion is written.

Mr. DOLE. So we could change something in the amendment and then this would have no application.

So, I do not have any quarrel with this. It might be something we want to debate 2 or 3 days if it is a matter of great moment. We could certainly understand. We have not notified the chairman of the Budget Committee and I know they have some concerns. We are ready to proceed. We know a number of Senators have pressing engagements this evening. We do not want to delay this too long this evening.

I first indicate that as is customary, the Senator from Missouri (Mr. DANFORTH) hit the nail on the head. He addressed this problem in the broad sense as so many of us have failed to do over the past few weeks. If we cannot stand the pressure of this special interest group, whatever the group may be, what will be the next issue on which the Senate will stand firm. I must say it was a most effective speech.

It indicates the determination and commitment the Senator from Montana has and will continue to have as we try to approach some of the serious budget problems.

Mr. President, I know of no further requests on this side for time. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered on the amendment of the Senator from Montana.

Mr. MELCHER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Montana.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER (Mr. COHEN). Are there any other Senators in the Chamber who have not voted who wish to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—60

Abdnor	Grassley	Metzenbaum
Andrews	Hatch	Murkowski
Armstrong	Hatfield	Nickles
Baker	Hawkins	Packwood
Boschwitz	Hecht	Percy
Chafee	Heinz	Pressler
Cochran	Helms	Quayle
Cohen	Huddleston	Roth
Cranston	Humphrey	Rudman
D'Amato	Jepsen	Simpson
Danforth	Kassebaum	Specter
Dodd	Kasten	Stafford
Dole	Kennedy	Stevens
Domenici	Lautenberg	Symms
Durenberger	Laxalt	Thurmond
Eagleton	Levin	Tower
East	Lugar	Trible
Garn	Mathias	Wallop
Goldwater	Mattingly	Warner
Gorton	McClure	Wilson

NAYS—37

Baucus	Ford	Nunn
Bentsen	Glenn	Pell
Biden	Heflin	Proxmire
Bingaman	Hollings	Pryor
Boren	Inouye	Randolph
Bradley	Jackson	Riegle
Bumpers	Johnston	Sarbanes
Burdick	Leahy	Sasser
Byrd	Long	Stennis
Chiles	Matsunaga	Tsongas
DeConcini	Melcher	Zorinsky
Dixon	Mitchell	
Exon	Moynihan	

NOT VOTING—3

Denton	Hart	Weicker

So the motion to lay on the table Mr. MELCHER's amendment was agreed to.

Mr. BAKER. Mr. President, could we have order in the Senate?

The PRESIDING OFFICER. Let us have order in the Senate.

Mr. RANDOLPH. Mr. President, we could not even hear the report of the vote.

The PRESIDING OFFICER. The majority leader has called for order. Those standing in the aisles please take your seats. Will former Senators please take their seats? [Laughter.]

The majority leader is recognized.

Mr. BAKER. Mr. President, the state of affairs now is—I believe the pending question before the Senate is the motion to waive titles III and IV

of the Budget Act, made by me. The yeas and nays have been ordered on that motion. I wonder if Senators would be agreeable to vitiating the order for the yeas and nays and voting on the motion by voice vote. Then, because of other commitments that Senators have, it would be my intention to ask the Senate to go over until tomorrow.

Mr. LONG. Mr. President, reserving the right to object, this Senator wants to get out as much as anybody does, but I wonder why we cannot just have a rollcall vote.

Mr. BAKER. It would be quicker to do that than to argue about it.

Mr. President, I have nothing further. I ask the Chair to put the question.

VOTE ON MOTION TO WAIVE TITLES III AND IV OF THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The year and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—94

Abdnor	Gorton	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Nunn
Baker	Hatfield	Packwood
Baucus	Hawkins	Pell
Bentsen	Hecht	Percy
Biden	Heflin	Pressler
Bingaman	Heinz	Proxmire
Boren	Helms	Pryor
Boschwitz	Hollings	Quayle
Bradley	Huddleston	Randolph
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
D'Amato	Kennedy	Stafford
DeConcini	Laxalt	Stennis
Dixon	Leahy	Stevens
Dodd	Levin	Symms
Dole	Long	Thurmond
Domenici	Lugar	Tower
Durenberger	Mathias	Trible
Eagleton	Matsunaga	Tsongas
East	Mattingly	Wallop
Exon	McClure	Warner
Ford	Melcher	Wilson
Garn	Metzenbaum	Zorinsky
Glenn	Mitchell	
Goldwater	Moynihan	

NAYS—3

Cranston	Danforth	Lautenberg

NOT VOTING—3

Denton	Hart	Weicker

So the motion to waive titles III and IV of the Budget Act was agreed to.

Mr. BAKER addressed the Chair.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LONG. May I just get recognition and yield to the Senator?

Mr. BAKER. Mr. President, I yield.

Mr. LONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. LONG. I ask that I might yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I prefer to forgo recognition until the Senator from Louisiana has finished. I would like to seek recognition in my own right for the purpose of taking the Senate into executive session, confirm one nominee which has been cleared by the minority, to establish a time for the Senate to convene tomorrow, and then, assuming there is no further business, to ask the Senate to recess over until tomorrow. Those are routine housekeeping matters. I will not ask the Senator now to yield to me but, rather, will wait my turn.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, the Senator from Louisiana feels that those of us who favor the outright repeal of withholding on interest and dividends should be privileged, at some point in the consideration of this measure, to have a direct up-or-down vote on our position.

I am not here to challenge the integrity, the hard work, or the sincerity of the junior Senator from Wisconsin. There is no doubt, in my judgment, that he is doing the best he can to further the same cause the Senator from Louisiana is interested in on this particular item. I am satisfied that he has put forth as a courageous and noble soldier for the position I hold about the matter, in seeking to prevail for that position and in negotiating to do the best he can for those who agree with him.

However, even so, there are some of us who are not going to have the opportunity to prevail in our position, I fear. If that is the case, we think we should at least have the opportunity to have a direct vote for our position. If we do not get that, we will be compelled to settle for something less than that, perhaps on a motion to table some measure. But on some basis, we should be able to vote for our position.

We are not talking about something that involves the fate of the Nation. We are talking about a tax measure. It would be unprecedented in the history of the Senate if we were not permitted to have a record vote at some point to indicate who in the Senate really did want to repeal completely withholding on interest and dividends.

I understand that the Senator from Wisconsin is not going to be able to vote for such an amendment. In good faith, he made an agreement with those of his party who counseled and some of whom put a great deal of pressure on him, I suspect, to reach an agreement with them; and he has worked for what he believes is the best that can be achieved at this time.

However, I point out that the Senator from Wisconsin, in complete sincerity, just as now, made this statement on March 17, at page S. 3231 of the RECORD:

> I believe that this agreement will give us that opportunity to vote up or down on this issue in a place where Senators frankly will be able to vote on this issue and this issue alone . . .

I do not think it violates the context to stop the quotation at that point. I ask the Senator if that is what he had in mind, that we should be privileged to vote directly on this issue. I support him in that position, and I think he is right about it.

I understand that the Senator from Wisconsin cannot vote for that position now, but I still believe that he and others should accord those of us who want to vote that way the opportunity to vote that way if we can. It may be that by the time it is all over, we cannot have anything but a motion to table—it may be the most we can get—or it may be a vote on some other basis.

Mr. President, I do not believe there is any way the Senate can act on this measure without, at some point, according those of us who want to vote to repeal withholding to go on record in a way to show clearly that if we had prevailed, that would have been the judgment of the Senate.

That being the case, Mr. President, I would seek to inquire of the Parliamentarian whether this pending proposal can be amended in such a fashion that those who agree with the Senator from Louisiana, and those who have responded to all the mail they received by saying that they were going to vote to repeal the withholding on interest and dividends, will have the opportunity to vote that way and to be on record in that fashion.

AMENDMENT NO. 1193

Mr. President, I have been handed an amendment prepared for me by the staff, a perfecting amendment proposed by me, to the language proposed to be substituted by Mr. KASTEN, in amendment 1179, in lieu of the matter proposed to be added by clause (2) of the recommittal motion of Mr. DOLE.

This is the amendment:

On page 16, lines 7 through 32, in lieu of section 210, insert the following:

"SEC. 210. Effective Dates and Repeal of Withholding on Interest and Dividends.

"(a) Notwithstanding any other provision of this title, sections 201 through 209 of this title are hereby null and void.

"(b) Subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding on interest and dividends) is hereby repealed, and the Internal Revenue Code of 1954 shall be applied as if Subtitle A of title III of such Act (and the amendments made thereby) had not been enacted."

I submit that amendment, Mr. President, and I send it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

Mr. LONG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LONG. Mr. President, I am not going to insist on a vote on that amendment tonight. I simply would like to have the opportunity at some point to vote on my proposal.

Mr. BAKER. I can assure the Senator that we are not going to vote on it tonight. I have already represented to the minority leader, on the Senator's side, and to other Senators that there will be no more votes tonight. I am sure he understands why I wish to see that we abide by that.

Mr. LONG. I agree.

Mr. BAKER. I think the Senator is perhaps within his rights to offer this amendment. At the same time, we are not in a position to deal with it tonight.

Mr. LONG. I agree.

Mr. BAKER. I will oppose it.

I did not think so much of this compromise until I heard that the Senator was opposed to it. I am thinking more of it all the time. It may be that the Senator from Wisconsin has turned up a pretty good deal here and that I was late in recognizing it.

In any event, the Senator is within his rights to offer the amendment, but he will understand why I do what I am about to do.

Mr. LAUTENBERG. Mr. President, there has been a lengthy debate, and lengthy discussion, on the question of whether or not to repeal the provision—now a part of our tax law—which calls on corporations and financial institutions to withhold, at source, 10 percent of interest and dividend income.

There are legitimate and competing factors to be considered on both sides of this question. I have done my best to weigh the arguments pro and con; to consider carefully costs and equities. I did not lightly reach a conclusion. I did not give short shrift to the views of those who urged me to vote to repeal the withholding provision.

But, most respectfully, I must disagree. I do not think it is unfair, when $270 billion in earned income is withheld every year from the paychecks of working Americans, to withhold a small percentage of unearned income on interest and dividends. I do not think it is unfair, and I do think that it makes eminent good sense, for the Government to devise an efficient system for collecting taxes which are due under existing law. Withholding is a method of tax collection, it is a method of reducing tax avoidance—it is not a newly enacted tax burden on anyone.

Nor do I think it is unfair to ask financial institutions to bear some responsibility for tax compliance with respect to dividend and interest income—not when you consider that American businesses, down to and including the smallest of businesses, have been bearing the cost of wage and salary withholding since 1943.

I do find it unfair that small savers and many of the elderly have been put in fear, and have been misled, as to the effects of the withholding law on their savings. The law contains a number of safeguards designed to exempt totally low-income and elderly persons. A new form must be filed in order for the exemption to be obtained. But the form is simple, it is short. And it need not be filed every year; it need only be filed once. The Treasury Department estimates that 87 percent of all elderly taxpayers will qualify for this exemption.

Nor is it true that withholding will substantially reduce yield on investment because the advantages of compounding will be reduced. In fact, banks may defer withholding until year's end on regular savings accounts, interest-bearing checking accounts, money market accounts and super-NOW checking accounts. Even where the bank elects to withhold quarterly, the effects will be small. According to both the Treasury Department and the Joint Tax Committee of the Congress, withholding will cost about 50 cents a year on each 1,000 dollars' worth of savings assuming an interest rate of 9 percent—or $5 a year on 10,000 dollars' worth of savings.

Finally, a good deal of misunderstanding exists as to alternatives for collecting these taxes. It has been argued that the Internal Revenue Service has the means to match income tax returns with information documents—the 1099 forms—and thus to collect all revenue due. Many people are asking, "If this is the case, why not do it?" That is a good question. There must be a good answer. And there is. An efficient computer matching system within IRS is only the first step in a collection process: it can only identify discrepancies between tax returns and 1099's. Hundreds of thousands, and probably millions, of letters, telephone calls and visits would be required to attempt to collect the taxes due. The costs of collection would far exceed the moneys collected. Indeed, by one estimate, some 30,000 to 40,000 new IRS agents would have to be hired to track down and collect unreported dividend and interest income.

The cost to the Government would be prohibitive. It would far exceed the costs to the banks and other financial institutions of withholding—which is a tax-deductible cost to these institutions.

It is important to remember that the withholding law does not alter or increase the tax base in any way. It is intended only to collect taxes owed but not paid—an amount which may total as much as $20 billion over the next 5 years. This revenue is sorely needed to reduce the out-of-control growth of oversized Federal deficits.

The solution which the Congress and the administration devised in enacting the withholding provision is not perfect. But I am convinced that it makes sense, that it is the most efficient system which present technology permits, and that it is equitable.

PERSONAL EXPLANATION OF VOTE

● Mr. SASSER. Mr. President, I rise today to state that if I had been present and voting, I would have voted "yea" on rollcall vote No. 57, the cloture vote that debate on the Kasten amendment numbered 522 to S. 144 should be brought to a close.●

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nomination No. 92 on today's Executive Calendar. I have cleared this with the minority leader. He is aware of the action to be taken.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The amendment will be stated.

NAVY

The assistant legislative clerk read the nomination of Vice Adm. Ronald J. Hays, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085 and admiral while so serving.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADE AND INVESTMENT ACT—S. 144

The Senate resumed consideration of the bill.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

ORDER TO PRINT AMENDMENT NO. 1193

Mr. LONG. Mr. President, I ask unanimous consent that the Secretary of the Senate and those who have responsibility in connection with this make every effort to see to it that the amendment that I have offered will be printed and will be at Senators' desks, because tomorrow this will be an amendment that we will vote on, even if there should be a motion to table.

Mr. BAKER. Mr. President, if the Senator will withhold for one moment, I say to the Senator from Louisiana there is a new rule in effect that Senators have been made aware of that amendments are not routinely printed except on order of the Senate and except as they are referred to the committee and they will be made available, however, at the desk.

However, I agree with the Senator that it is an important amendment and should be printed.

I ask unanimous consent that the amendment be printed.

Mr. LONG. Mr. President, I only hope that we can understand that every effort will be made to see that it is on the Senators' desks tomorrow.

As the Senator so well knows, the way the rule change was explained to me, and I am sure he explained it to others this way when the Senator proposed this modification of the rule, it was done on the basis that most amendments are never voted on, and so if an amendment is not going to be voted on, I agree with the Senator that it is fine just to print it in the RECORD.

This is one amendment that might be a subject of considerable controversy and debate, and if it is going to be voted on, it will be well that Senators may have an opportunity to have it in front of them.

Mr. BAKER. Mr. President, I have no objection to that. The Senator is right.

Last year there were 5,000 amendments offered for printing and less than 4 percent of those amendments were ever called up, and the cost to the Senate of printing those amendments that were never used was over $1 million. So that was the reason for this change.

However, in these circumstances, I agree with the Senator that it would be entirely appropriate to print them in sufficient numbers for their distribution to Senators, and I make that request at this time.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

WILLIAM H. McINTYRE

Mr. HATFIELD. Mr. President, the terrorist attack on the American Embassy in Beirut on Monday was an unconscionable, abhorrent, and tragic act.

Today I would like to make a few comments about one of the dedicated American officials who was killed in that bombing. Bill McIntyre, the Deputy Mission Director of the Agency for International Development in Lebanon, was for a period of about 2 years in the Congressional Liaison Office of AID here in Washington, and as such worked closely with the Appropriations Committee. Those of us who serve on the Foreign Operations Subcommittee got to know Bill McIntyre as a reliable and hard-working AID official who had a long and distinguished career in the service of his country. He joined the Agency for International Development in 1963 as a TV-radio films officer, worked on the food for peace program, the social development program, the population planning program, in the Compliance Operations Appraisal Office, and in the Congressional Liaison Office before accepting an assignment as AID representative in Lebanon. During his career he received the Meritorious Honor Award, the Superior Honor Award, and the Performance Pay Award.

It is not surprising to those who knew Bill McIntyre that even though his successor in Lebanon had been named, he wanted to stay on longer than necessary to finish his work. To compound this personal tragedy, his wife, Mary Lee McIntyre, was also in the Embassy at the time of the attack, and was injured. I am informed that she is now in stable condition, and my prayers are with her and with her three children, who are here in the United States.

The United States owes a debt to Bill and Mary Lee McIntyre, a debt that obviously cannot be repaid. My heartfelt sympathy goes out to Mrs. McIntyre and her children.

He was a fine, dedicated man, and a credit to his country.

WILLIAM R. McINTYRE

Mr. KASTEN. Mr. President, as the names of those killed in the Beirut Embassy bombing become known, that tragedy takes on a much more personal and sorrowful tone. Mothers, fathers, sons, daughters, and spouses are grieving over their loss and making those final and painful plans required of them. These many personal tragedies now going on will be lost in the larger tragedy of the bombing and of continued lack of peaceful solutions to the problems of Lebanon and the entire region.

I would like to spend a few moments talking about one of those personal tragedies—the death of William R. McIntyre, Deputy Mission Director, Agency for International Development/Lebanon.

For almost 2 years, beginning in 1979, until he accepted an assignment to Lebanon in March 1981, Bill McIntyre worked very closely with the Foreign Operations Appropriations Subcommittee, which I chair. During that time he was Chief, Program Presentation and Legislative Project Division, Congressional Liaison Staff for AID here in Washington. He had almost daily contact with the subcommittee, and developed, from our point of view, a very solid reputation as a hard-working, credible, and reliable professional. And he was well liked.

In so many ways Bill was typically American—hard-working, sympathetic to the problems of others, possessed of a good sense of humor, and always optimistic. Those are the qualities that we got to know well, the qualities he took with him to Lebanon, and the qualities we, his family, his Government, and the people he sought to help will so sorely miss.

Mr. President, I express my personal heartfelt and sincere sympathy to Bill McIntyre's wife, Mary Lee, and to his children, Julie, Andrew, and Margaret. I know that some day the knowledge that Bill McIntyre was the type of man he was will be a comfort to his family. America has lost a good and decent son, and she is in his debt.

ACID RAIN

Mr. FORD. Mr. President, it is no secret that Canada, our neighbor to the north, has been highly critical of the United States failure to control its sulfur dioxide emissions and thus its alleged contribution to the acid rain phenomenon. The question notwithstanding of whether or not controls on sulfur dioxide would actually reduce acid deposition, Canada is calling for United States. action when it has done

very little to deal with its own emissions.

Last fall, I placed a statement in the RECORD pointing out this anomaly, and I am not pleased to report that over half of a year later the situation remains unchanged. Canada has nothing comparable to the stringent restrictions on sulfur emissions that we have under the Clean Air Act. Furthermore, Canada does not have a single operating scrubber on a utility plant, while the United States has almost 100 operating scrubbers with dozens more under construction.

A second facet of Canada's tactics is its apparent attempt to keep dissenting views about acid rain within Canada from being well publicized. One very important divergent opinion has just come to my attention and I would like to share it with my colleagues. In remarks made to the Canadian section of the World Energy Conference in February, Deputy Minister E. L. L. Rowe of the Nova Scotia Department of the Environment questioned whether acid rain is a problem, at least in Nova Scotia. Mr. Rowe's statement echoes thoughts previously expressed by both Nova Scotia's Premier and its Minister of Environment, and indicates agreement with the U.S. position that there is no clear scientific evidence that sulfur emissions are the cause of damage from acid rain.

I should like to read the most significant part of Mr. Rowe's statement:

> There are no well-defined cause/effect relationships which can be used as examples of damage from acid rain, notwithstanding that some point to the dearth of salmon in some rivers. The high acidity of our waters can be attributed just as easily to the acidity of the soils and minerals, thin soil lenses, and the type of forest cover. The scarcity of salmon, as an example, can be just as readily due to old hydro developments, stream driving which was practiced up until the mid-60's, fertilizer run off, other types of pollution and so on.

In other words, Mr. President, a man who is intimately connected with and responsible for the condition of the environment of his province is blaming the acidity of water there on both natural causes and industrial practices that are over 20 years old.

Finally, I wish that all those in the Senate who want to impose a politically motivated, scientifically unfounded sulfur dioxide control strategy on ostensibly 31—but really only six States would pay heed to this startling discovery of Mr. Rowe's:

> Indeed, in my department's investigation, evidence has been uncovered from a consideration of lake bottom sediment analyses that during the period of roughly 1680 to 1850, conditions were more acid than today.

I ask unanimous consent that Mr. Rowe's address be printed in full in the RECORD, and hope that my colleagues will soon realize that scientific evidence and public opinion by no means conclusively point to sulfur dioxide as the root cause of damage from acid deposition.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DEPUTY MINISTER E. L. L. ROWE

Mr. Chairman, ladies and gentlemen, I am honoured to be asked to come here today to make a few comments about energy and the environment in the context of the Atlantic region perspective. I am perhaps a little apprehensive about presenting a truly Atlantic perspective because of my relatively recent return to environment and a "line" position after a hiatus of several years in staff positions and, mainly, relating to matters other than environment.

Indeed, it seems likely that my comments may remind you of the old-time Texas longhorn steer—a point here, a point there, and a lot of "bull" in between.

I propose to review briefly the outstanding environmental issues in respect to the various sources of energy as these relate generally to the Atlantic provinces.

These separate sources may be grouped in a way which have common environmental effects such as:

1. Oil, gas and coal
2. Hydro and tidal power
3. Nuclear

To this list, I want to add one more feature which in a sense, common to all and, very specifically, I want to direct attention to the problem of activism or activists as distinct from public information or public relations.

The role of oil, gas and coal in supplying energy is the combustion of these fossil fuels, or their derivatives, in mainly thermal generating plants. The main environmental issue accruing from this operation is the production of acid gases in the oxidation of carbon, or sulphur, or nitrogen. Through a further series of chemical reactions and adsorption by the ever-present water vapour in the atmosphere, the acids carbonic, sulphuric and nitric are produced which are delivered back to ground level in natural precipitation as dilute solutions of the acids. The deposition may be manifested close at hand to the source or at varying distances up to thousands of miles.

Sensibly, it can be reasoned that these acids can or will have effects on plants, animals and, indeed, even structures and there is some evidence of damage in various places in the world in the form of barren lakes and streams. As an aside, it might be noted that overall natural forces produce substantially more of these materials than man and his activities. Indeed, with all the horror stories one hears about the effects of acid rain, it might be conjectured how this poor Earth survived when it is recalled that at one time, all the sulphur and carbon imparted to the environment from fossil fuels were in the environment and incorporated in the sources of the fossil fuels in the first instance.

In the Atlantic Provinces, while there are significant emissions of acid gases from the production of energy, most of our acid rain is imported. Moreover, there are no well-defined cause/effect relationships which can be used as example of damage from acid rain; notwithstanding that some point to the dearth of salmon in some rivers. The high acidity of our waters can be attributed just as easily to the acidity of the soils and minerals, thin soil lense, and the type of forest cover. The scarcity of salmon, as an example, can be just as readily due to old hydro developments, stream driving which was practiced up until the mid-60's, fertilizer runoff, other types of pollution and so on. Indeed, in my Department's investigations, evidence has been uncovered from a consideration of lake bottom sediment analyses that during the period roughly 1680 to 1850 conditions were more acid than today.

The usual, or most frequently mentioned, solution to acid gas emissions is flue gas scrubbing. This is a very costly technique. Both in capital and operating expense, to say nothing of energy consumption and, in some respects, it poses an alternative problem of disposal of the residues from such an operation. Although circumstances within the Atlantic Provinces vary to some degree, the situation in Nova Scotia affords a reasonable example of the dilemma. If we installed flue gas scrubbing at, say, our Lingan power station, the cost would be in excess of $200 million. The benefits to Nova Scotia as a whole, or for that matter Canada, would be questionable if not negligible.

Coals in the Atlantic Provinces tend to have relatively high sulphur content on the average and in exploiting these, we are interested in reducing these values. To this end, all coal in the thermal production of energy is washed. While this reduces the sulphur content by about 40%, other measures of this type costing a relatively modest amount and with lesser penalties in operating costs can disposal of residues would be of interest.

In particular reference to offshore oil and gas, we do not foresee an insurmountable environmental problem in bringing these materials to the mainland. It can be anticipated and, perhaps on a personal note, hoped for, that development of petro-chemical complexes to make more efficient use of these valuable substances may be realized. In that respect, again, we do not anticipate environmental problems which cannot be entertained.

In regard to hydro and tidal power development, the negative environmental effects are mainly those pertaining to the encroachment of water on land and on wild life. This kind of power generation is clean, it is essentially an indefinitely renewable resource, and it is a non-consumptive use of water. (Indeed, one of my former colleagues remarked that in charging for permits, we are really selling gravity.)

There are, and were, the detailed assessment procedures to determine the effects on the environment, to describe the new environment, and to provide some insight into the mitigating measures which must be undertaken.

Generally, hydro developments and the like tend to be more or less unique, one compared to the other so that the problems which arise are different although certain features are common. For example, fish passage will be maintained in the most practical way possible. Where lands are flooded and where forest cover exists, whether for hydro developments, or otherwise, the forest cover will be removed first before flooding.

Probably the greatest issue in hydro and tidal power development is creating an understanding with, and acceptance by, the public.

Recent developments in low-head turbines and the continually increasing costs of thermal generation of energy have renewed interest in hydro developments and re-examination of old opportunities. We anticipate, therefore, the possibility that these will re-

quire a more formal approach in dealing with environmental matters.

Perhaps in digression, it should be mentioned that old abandoned hydro sites and other similar installations now cause some concern which, no doubt, will increase with time. These sites at the former head ponds in some instances have promoted a cottage and generally recreation development. With the abandonment of the dams and consequent deterioration of these structures, these areas become less attractive and, so, there is concern and pressure to restore the works. While these are problems from the past practices, they can constitute a warning for the future.

In respect to nuclear power or the entire nuclear industry which encompasses uranium exploration, mining and milling, there are a number of sensitive environmental issues.

In the Atlantic Provinces there is one nuclear reactor at the present time. There is concern in the public for two issues principally—one for nuclear accidents and mitigating measures, and the second for the permanent disposal of high-level radioactive waste from the reactor itself. In regard to the former, the apprehension is significant in New Brunswick and the adjacent Province of Nova Scotia. Thus far, efforts in supplying detailed information and coaching on a selective basis have tended to create an understanding and, indeed, acceptance by the public.

In respect to the second concern, while it has not yet excited the public, there are certain apprehensions that will really only be satisfied when a permanent solution is found for the disposal of these wastes.

Exploration, mining and milling of uranium has received considerable attention from the public in Nova Scotia to the extent that Government has recently assembled a Commission of inquiry, and this is in operation at present. The technical solutions are known to a large degree for the disposal of low-level radioactive waste from, principally, the milling operation. There is, however, what might be termed an institutional problem in providing for the long-range maintenance of the waste disposal sites.

Overall, whether it be the reactor itself or the auxiliary activities of mining and milling of uranium, there is the question of public perceptions and concern which are being agitated by activists. This brings me to the problem which, I believe, is the most serious especially as it may relate to the newest and latest development, that is, offshore exploration and development.

Few will argue that it is not the responsibility of the proponent of a large project and Government as the regulator to satisfy public requests for information and, indeed, allow appropriate contributions to the decision-making process.

Jurisdictions in Canada and the United States, and specifically in the Atlantic Provinces, have a variety of techniques. While these have a common goal to accommodate public participation, the mechanisms and, in some instances, the policy pursued vary. Quite probably, all techniques enjoy success in varying degrees and, presumably, since these techniques were developed in different circumstances to entertain different conditions, they are not interchangeable, nor is one necessarily better than the other. So, in the Atlantic Provinces, there are a variety of methods, and not to dwell on the details of each Province's methods, it can be noted that Nova Scotia pursues probably the most formal approach which is manifested ultimately in a rather rigid public hearing process.

Continuing with specific reference to offshore oil and gas exploration and development, an agreement exists between the Government of Canada and the Government of Nova Scotia which, among other things, provides for the general mechanism for environmental assessment and protection. This mechanism encompasses a hearing process for public participation. Taken separately, both jurisdictions, Canada and Nova Scotia, employ different techniques in relation to the goal of informing the public and encouraging its participation. The provisions of the agreement, however, tend to blend the viewpoints of both jurisdictions so that an effective procedure has been realized for protection of the environment. The agreement recognizes, as well, a relatively new perception that social-economic matters relate to environmental matters. The studies associated with both subjects come together during the public participation stage at the point where public hearings are conducted.

Whether accommodating public participation in decision making or simply advising the public poses difficulties. These can, and are being resolved. The greatest problem and, indeed, danger contributing to the expense and frustration of any project is the intervention and participation of activists. Activists are manifested, usually, as a relatively small group of well-organized and drilled people. Their identity is associated with a wide variety of issues ranging from construction of buildings or highways, uranium mining, the use of chemicals in forestry and agriculture, and so on.

The motives of these people purporting to be concerned for the environment have been, from time to time, attributed to particular political persuasions. In some instances, there have been suspicions that their motives are more mundane and perhaps little more than to create an opportunity to market the services of an individual or group. In any event, in a significant number of instances, there is great difficulty in ascribing the motives to a genuine concern for protection of the environment. This practice of activism had its roots in the rise and development of the so-called counterculture in the late 1960's and 70's. Until the last few years or so, these activists as a distinct well-organized group were not particularly obvious in the Atlantic Provinces and it may well be that belatedly, we are now realizing the development of this movement here.

The tactics of activists range from the simple production of literature, to protest demonstrations, to manipulation of the media, to use of court action and, in the extreme, to violence and civil disobedience. While it is often difficult to prove conclusively the direct participation of activists in this latter tactic, there is often a remarkable correlation between incidents of violence and property destruction and the association of activists with the issue. Although the Atlantic Provinces cannot compete in magnitude and frequency, we do have the modest beginnings.

Before leaving the subject of tactics, I might commend examination of handbooks produced by these people on how to protest and stop a project. I am sure that you will find these books sobering and, indeed, chilling food for thought.

There is no denying that the machinations of activists have recruited and inflamed many otherwise sincere individual citizens and groups with the ultimate result being frustration and escalation of costs of many worthwhile enterprises. Indeed, examination of the very formidable list of studies to be undertaken in connection with offshore oil and gas exploration and development suggests, at least, an anticipation of pressure and criticism from the activist segment. Certainly, I have great difficulty in being convinced of the need and worth of some of these studies.

The ability of a small group of activists to recruit, temporarily, a larger segment of the public is one of the greatest perils to rational and orderly environmental protection. It has been, thus far, difficult to counteract. However, certain recent trends in the thinking about providing for environmental protection offer encouragement that this "stop it" syndrome of the activists may be contained and the support of an informed, rational public secured.

I refer specifically to the concept of recognizing openly and frankly the probability of risk of environmental damage and that some level is acceptable and together with the linking of related socio-economic circumstances, will provide a complete package. If these ideas are promoted vigorously by a frank disclosure of information to the public, it seems reasonable that the greater part of the public will be able to make a sound, reasoned and, indeed, useful judgement and contribution.

In the matter of offshore oil and gas exploration and development, this is the intention. Although the technique, no doubt, will require polishing and perhaps some time in the future may be looked upon as somewhat crude, hoepfully we can learn and improve.

BICENTENNIAL ANNIVERSARY OF APPROVAL IN CONVENTION AND RATIFICATION OF U.S. CONSTITUTION

Mr. HATCH. Mr. President, we are fast approaching the bicentennial anniversary of the approval in convention and ratification of the Constitution of the United States. This bicentennial commemoration draws nigh at a time when it is desperately needed to reinvigorate our national understanding and commitment to the basic principles that animate our republic. Because ours is a "government of the people, by the people, for the people," its function and survival depend very directly on the capacity of those people to convert an understanding of our constitutional system into self-government and citizen participation. I feel it important that we take advantage of every available opportunity to make the citizens of the United States aware of the coming commemoration celebration as well as the events that took place directly before the actual approval and ratification of the Constitution.

The bicentennial celebration contemplated by S. 118, introduced on January 26 of this year, consists of more enduring activities than a series of pyrotechnic displays and parades. While celebrative activities are important to rekindle our national pride in the Constitution, a national reexam-

ination of our Nation's common principles and their embodiment in the language of the Constitution is perhaps more important.

With this in mind, I ask unanimous consent to include in the RECORD today remarks by Dr. Robert Higgins, president of the Center for the Study of Federalism. These remarks focus on some of the important historical events that took place directly before the final approval of the Constitution.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY ROB HIGGINS BEFORE THE CAPITOL HILL CHAPTER OF THE FEDERAL BAR ASSOCIATION, JANUARY 31, 1983

You are all familiar with Montesquieu, Hume, Locke, Adam Smith, Herrington, and Blackstone and their influence upon the Founding Fathers. I'm not going to talk about them.

What I want to talk about is continuity—in America, the Constitution didn't occur in a vacuum. I will speak about the period from 1987 to 1991, with a little background. Being trained in history, my concept of background is a little further back than most. I want to start with 1632.

Charles Calvert was Charles I's Principal Secretary of State. He held that position from 1619 until 1625 when he publicly proclaimed that he was a Roman Catholic. Calvert had been a member both of the Virginia Company and the Council for New England. He personally had settled a colony on Newfoundland in 1620 which did not prosper. In 1628 he visited Virginia and upon his return to England petitioned Charles I for a grant. The king agreed, and in 1632 Calvert's heir, Cecelius received the land from the western bank of the Potomac to 40° north. The tradition of setting the boundary in the middle of the channel for water barriers was violated. This caused few problems throughout the remainder of the seventeenth and eighteenth centuries under royal rule. After independence, but during the Revolution, there were still few problems. Difficulties came after 1783 with the Peace of Paris and under the Articles of Confederation. The Articles did not allow the national government to control foreign trade or collect taxes.

Virginia and Maryland had a problem. Virginia trade had to pass through Maryland waters, subject to Maryland laws and taxes. During this time most governmental taxes were upon imports and exports. There was no federal court system; there was no higher federal law; there was no provision for the national government to settle disputes between States. If this problem was to be settled, it had to be settled through the actions of the two States alone.

Late in March 1785, two years after the end of the Revolution, four Virginia delegates met with four Maryland delegates in Alexandria to consider problems related to navigation on the Chesapeake and Potomac. James Madison and George Mason were two of the Virginia delegates. Samuel Chase was one of the Maryland ones. On March 28, at Washington's invitation the eight men moved their discussions to Mount Vernon where they were able to work out their differences. They recommended to their two State legislatures three substantive matters—please note that the national government was not involved or notified—a series of mutual actions:

(1) Uniform commerce and imposts.

(2) Uniform currency.

(3) Annual commercial conferences between the two States.

The eight delegates also recommended that Pennsylvania be included in the next meeting so that trade between the Chesapeake and the Ohio River could be discussed.

The Maryland legislature endorsed the plan in December and voted to include Delaware in the upcoming meeting—Delaware being the only other state with which Maryland shared a border, thus solving al matters at once. In 1783, Maryland and South Carolina had imposed discriminatory taxes on foreign goods. Pennsylvania, New York and North Carolina followed the next year, 1784. To circumvent this the Congress in 1784 asked the States for a fifteen year grant of power to regulate foreign commerce. It was unsuccessful. The State impost movement went on in 1785—Massachusetts, New Hampshire, and Rhode Island adding discriminatory duties, making it eight of thirteen states which had such duties.

Madison urged Virginia to approve the work of the Mt. Vernon Conference and in late January 1786, the aseembly did and invited all of the American States to come to the next meeting in Annapolis in September of that year. Georgia, South Carolina, Connecticut, and Maryland took no action on the 1786 meeting. Nine States accepted Virginia's invitation to Annapolis, however. There were problems of distance—only 15 miles could be covered by carriage a day, and ships were dependent upon the wind. Delegates from New Hampshire, Massachusetts, Rhode, Island, and North Carolina arrived too late. Only New York, New Jersey, Delaware, Pennsylvania, and Virginia were represented for the four days of the meeting. John Dickinson was the chairman and Alexander Hamilton offered the primary resolution.

This resolution was to invite all of the States to send delegates to Philadelphia on the second Monday in May, 1787. The delegates who would come to Philadelphia, said the Hamilton resolution, were to be prepared to discuss all matters necessary to "render the Constitution of the Federal Government adequate to the exigencies of the Union." Virginia, New Jersey, Pennsylvania, Delaware and North Carolina all selected delegates quickly. Then the Congress issued a call (February 21, 1787) for the convention "for the sole purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein." The Congress was behind in its actions. A movement had begun two years before oustside the national government and it could not be stopped by the Congress.

Between February and May, 1787, six other states named delegates to Philadelphia. Only Rhode Island and New Hampshire had not selected representatives by the opening of the meeting. New Hampshire sent its delegates in June but Rhode Island boycotted the meeting entirely.

The men who came to Philadelphia would not find it necessary to operate in a vacuum. The English North American colonists had been accustomed to a high degree of provincial self-rule. All local offices were elective as was membership in the Lower House of Assembly, while the governor and council were local leaders. This long experience with self-rule helped to prepare the Founding Fathers for their role during the summer of 1787.

The Delegates sent to Philadelphia were the most outstanding men available in North America. they were the great leaders of the Revolution and some bright young men. In an age when the average educational attainment was a year or two of Dame's school, 53 percent were college educated; 60 percent were trained in the law; there were merchants, planters, college professors, physicians, members of the state supreme courts . . . . Seventy four individuals were named to attend; fifty five actually sat in Philadelphia, twelve men did most of the work remaining through the summer, and thirty nine men attached their names to the Constitution. Of those thirty nine, thirty one had served in the Continental Congress, five had been or would be governor; two would become President; three hold cabinet rank; four would be college presidents; eight would be Congressmen, fourteen Senators; ten federal judges, of which four sat on the Supreme Court and two were Chief Justices.

Four men were noticeably absent from Philadelphia in the summer of 1787. John Adams was minister to England; Jefferson to France; Patrick Henry was selected by the Virginia Assembly, but did not serve; Samuel Adams excluded himself completely. Otherwise they ran from twenty six year old Jonathan Day of New Jersey to Benjamin Franklin, eighty-one, semi-cogent, but internationally the leading figure at the Convention. For the Americans, of course, the most important person in Philadelphia was George Washington, committed to the Convention because of his involvement since the Mount Vernon meeting of 1785.

James Madison, a delegate since the Alexandria Convention, was the chief force of the Convention. Madison was a lawyer and had been a member of the Virginia Convention's legislature council and of the Continental Congress. Eventually, he would coauthor The Federalist Papers, become a Representative, Secretary of State, President, and President of the University of Virginia. He put forward the Virginia Plan introduced by Edmund Randolph, and he was one of the twelve who remained throughout the Convention. When the delegates agreed to debate the Virginia Plan, they were agreeing to a new government.

The delegates in Philadelphia, like you, knew Montesquieu, Hume, Locke, Harrington, Blackstone, Smith. The older ones had experience in colonial government; all had participated in the revolution; many knew the Ancient Greek writers and several could read them in the original. Many had helped to write State Constitutions since 1776. They created a flexible document establishing a federal republic based upon the people rather than the States. As Oliver Ellsworth was later to say, "We were partly federal, partly national." They were also very speedy. In 102 days—just over three months, they created the longest lived constitution in world history. On September 8 it was turned over to the Committee on Style, whose work was accomplished by Alexander Hamilton of New York, William Samuel Johnson of Connecticut, Gouverneur Morris of Pennsylvania, and Rufus King of Massachusetts, but mainly Morris—a lawyer, member of the New York Provincial Congress, the New York Constitutional Convention, the Continental Congress, an Assistant Superintendent of Finance under Robert Morris, a minister to England, and a United States Senator. On September 17 the Constitution received final approval by the delegates and was sent to the Continental Congress in New York. The document

was received on the twentieth and after acrimonious debate, on the twenty-eighth was sent to the States for ratification. Three ratified before the end of the year, three more by the first week of February 1788, and all of the participating States but North Carolina within ten months of the final session of the Convention. The Americans had a new government and the world had a new united nation.

Thanks to the flexibility of the Constitution, it has survived. As the great old Latin American scholar, J. Fred Rippy, once said to me, "its success is its vagueness. In the South American Republics the constitutions are so rigid and specific that the only way to change them is to overthrow the government." The Founding Fathers far exceeded their expectations. They hardly envisioned that their document would last one hundred years, much less the two hundred that we will see soon. They also envisioned and created a document for a rural, agrarian, sparsely settled, semi-self sufficient nation. The Constitution has seen us through expansion, Civil War, urbanization, industrialization, and the absorption of millions of non-traditional immigrants with different languages, cultures, customs, educations, and governmental experiences and now, post-industrialization. And yet the Constitution is just as strong today at it was when those 39 men attached their names and went home to ensure its ratification.

It would seem that people who live and lived under such a beneficient document would want to commemorate its creation. Such has not been the case. On the 50th Anniversary of the Constitution, nothing was done to mark that anniversary—despite the fact that it had survived longer than any other republic.

At the time of the 100th Anniversary of the Constitution, the country was gripped by depression and the most severe weather experienced in the U.S. Chicago was preparing for the Colombian Exposition—lighted by alternating electric current. The nation was also at one of its peaks of worship for George Washington. New York planned for the anniversary of his inaugural and Congress let legislation for the Consitutional Commemoration die while it went with Benjamin Harrison to New York.

The 150th Anniversary occurred in 1937-41. The nation was rising out of another depression, the worst in the country's history, and entering World War II. This time there was a commission; a commemoration, but this was the major product—not a major piece of research, and it did not have a great impact on the country.

Now we are approaching the 200th Anniversary of the Constitution. On September 17, 1787, the Founding Fathers, meeting in Philadelphia since May, adopted the Constitution and sent it to the Constitutional Congress in New York. We have much to celebrate—we are the most free people in the world and we have the greatest individual and collective security on earth. We must recognize the opening of the third century of the document which has provided all our benefits to us. All Americans need to examine the role in its operation. The Bicentennial of the Constitution is a time for national awareness and recommitment to the seminal document of democracy.

DEFENSE INDUSTRY AWARD

Mr. THURMOND. Mr. President, on April 14, 1983, Senator JOHN TOWER, chairman of the Committee on Armed Services, was honored by the American Defense Preparedness Association by being named the 1983 recipient of that group's Defense Industry Award. This award recognizes Senator TOWER's service to the country and his conscientious and continual efforts to insure our national security.

When Senator TOWER accepted this award, he spoke most thoughtfully about certain similarities which he has observed between England in the 1930's and the United States today. I think that all Senators will find his comments interesting, and I ask unanimous consent that Senator TOWER's address be placed in the RECORD.

There being no objection, the address was oredered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR TOWER

In 1935, Winston Churchill spoke these words:

"Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong, these are the features which constitute the endless repetition of history."

With these words, Churchill attempted to warn his countrymen of the impending danger posed by a rearming Germany and of the urgent need for Great Britain to take action. Churchill was in a minority in a nation that desperately wanted peace and blinded itself to the dangers of war. The prevailing British attitude permitted a deteriorated military posture and an unfavorable shift in the balance of power that allowed for the rise of Hitler's Germany and led to the very war that all in Britain wanted to avoid.

Churchill's observations on the inability to learn from history are as relevant today as they were in 1935. Just like the British in this earlier era, prevailing attitudes in America have permitted a deteriorated military posture. As America today debates defense spending and other security policies, I hear from defense critics the same smooth-sounding platitudes that dominated Britain in the 1930's. I see the same inability to come to grip with unpleasant facts and a similar failure to accept reality when it departs from the hopes of our idealism. Too many American leaders, both in the Congress and in other walks of life, are opting for popular positions, no matter how distant they may be from the real needs of the Nation.

The defense debate of the next several weeks will, unfortunately, parallel the British debates in the years prior to World War II. I fear that the outcome will be the beginning of another ignoble chapter of the endless repetition of history.

For a time, President Reagan awakened the American people, after a long and dangerous slumber, to the need for a revitalized American defense effort and for a foreign policy that makes clear our determination to defend our interests and principles. The unfavorable international security situation that led the American people in the fall of 1980 to give their mandate for such an effort has not changed. In fact, in some aspects, the situation is more serious, witness the continued Soviet deployment of SS-20's that threaten Western Europe and Asia. What has changed, however, has been the reemergence of a dangerous and unwarranted preoccupation with internal affairs and economic problems. Too many of my colleagues fail to appreciate the critical need for a national security effort which must remain independent of the fluctuations of domestic politics. We do have severe economic problems that must be addressed, but we must not jeopardize our security. The United States has the resources to provide for both the security of her people and the welfare of those who are truly unable to provide for themselves.

There is much talk about the U.S. economy. But consider the economic havoc that would result were the United States and her allies to be suddenly denied access to the energy sources and the raw materials of the Near East and Africa.

History is filled with examples of nations which faced a crossroad on national security policies similar to that now confronting the United States. Of those historical analogies to which one could look for insights to guide current policy decisions, none is more powerful and relevant than the experience of Great Britain in the period between the two world wars. The comparison of Britain in the interwar period and the United States now is particularly appropriate because each nation in these respective periods was the world leader with far-reaching international commitments and presence.

The similarities between Britain following World War I and the United States in the years since the end of the Vitenam War are remarkable and painful. The end of these wars left deep, yet similar, physical and emotional scars on both nations:

Weakened economies with high rates of unemployment and serious balance of trade problems;

Inward looking societies with a disdain for foreign entanglements;

Strong anti-military sentiments; and

A strong reliance on diplomacy and arms control agreements, as a substitute for military strength, to ensure peace.

Given these circumstances, the British leadership during these two critical decades—despite Winston Churchill's accurate and vigorous warnings—took the easy path, the same easy path that the United States followed during our retrenchment in the 1970's and the same easy path that is reflected by the Fiscal Year 1984 budget resolution passed by the House of Representatives. The British mistakenly allowed economic conditions to dictate foreign and defense policies. They allowed the British nation to continue to look inward and to imagine events on the European Continent and in East Asia to be no concern of theirs.

The British leadership denied Germany's increasing military strength and wanted to believe Hitler's professions of a desire for peace. They thought that all shared their veiw that the horrors of war had been proven to be so catastrophic that war could never happen again—no one would allow it to happen. They ignored treaty violations by Hitler's Germany, believing that to cite them would be an alarming step. They were unprepared to challenge aggression whether in Manchuria, China, the Rhineland, Ethiopia, Austria, or Czechoslovakia. They believed that an approach on conciliation and appeasement would save the world from another war. And even after they recognized the need to rearm, economic arguments were used to stretch out the rearmament programs over a long period. Does this sound familiar?

What was the result ot these unwise and careless British policies and the lack of intellectual vigor and the pathetic belief in pacifism and appeasement that fostered them? The result was the horrors, miseries, and human tragedy that Churchill called "the Unnecessary War." He used this description because, in his view, there never was a war easier to stop.

After World War II, Winston Churchill, looking back on the interwar period, summarized the confluence of mistakes that led directly to "the Unnecessary War."

"It is my purpose, as one who lived and acted in these days, first to show how easily the tragedy of the Second World War could have been prevented; how the malice of the wicked was reinforced by the weakness of the virtuous; how the structure and habits of democratic states, unless they are welded into larger organisms, lack those elements of persistence and conviction which can alone give security to humble masses; how, even in matters of self-preservation, no policy is pursued for even ten or fifteen years at a time. We shall see how the counsels of prudence and restraint may become the prime agents of mortal danger; how the middle course adopted from desires for safety and a quiet life may be found to lead direct to the bull's-eye of disaster. We shall see how absolute is the need of a broad path of international action pursued by many states in common across the years, irrespective of the ebb and flow of national politics."

During the decade of the 1970's, the United States, bearing the same physical and emotional scars as the Britain of the interwar period, pursued hauntingly similar policies:

We allowed economic conditions to dictate foreign and defense polices. To illustrate this point, between 1970 and 1982, government spending for social programs increased by 8 percent in real terms. And this at a time when the Soviet Union was arming at a rate unprecedented in peacetime.

We turned inward and saw unfavorable events in Africa, Southeast Asia, the Persian Gulf, and Latin America to be of little concern to Fortress America. Our vision of our vital interests was clouded.

We dismissed claims of growing Soviet military strength or, when it was undeniable, developed comfortable rationalizations for its existence or half-heartedly tried to counter it with rearmament programs stretched out over many years.

We wanted to believe in detente and clung to that concept long after it was clear that the Soviets were taking advantage of our idealism.

We ignored Soviet actions which appeared to have violated the spirit and in some cases the letter of the Helsinki Accords, the SALT I Treaty, agreements prohibiting the use of chemical and biological weapons, and the Threshold Test Ban Treaty. To raise them, many believed, would be an unnecesary confrontation and return to the rhetoric of the Cold War.

We were unprepared to challenge aggression or other destabilizing activities whether Cubans in Angola, Vietnamese in Kampuchea, Libyans in Chad, or Soviets in Afghanistan.

We put too much faith in arms control negotiations. Like the British in the 1920's and 1930's, we allowed the hope for effective arms control agreements to lull us into a false sense of security.

We clung to the belief that in the nuclear age, with all aware of the horrors of nuclear weapons, a war would never occur—this even after evidence became available that the Soviets were developing a serious offensive capability?

What were the results of these shortsighted policies? During the 10-year period ending in 1980, American military strength postured against that of the Soviet Union both in reality and perception eroded significantly. In this period, the United States:

Lost the superiorty of her strategic forces and faced the certain loss of essential equivalence with the Soviet Union;

Lost theater nuclear superiority in Europe;

Permitted an unfavorable shift in the overall U.S.-U.S.S.R. conventional balance as the Soviets surpassed U.S. defense spending early in the 1970's and built a sizable advantage during the remainder of the decade;

Suffered a devastating loss in Vietnam through our failure to enforce the Paris Accords causing both friend and foe to perceive flaws in America's strength and a deterioration of her commitment and resolve;

Became vulnerable to disruptions in the supply of foreign oil and experienced the use of "hostile oil" as a weapon against America's foreign policies and interests;

Suffered with the revolution in Iran the collapse of the U.S. security policy in the Persian Gulf region;

Lost the initiative in Third World affairs to a bolder, more adventuresome Soviet Union assisted by aggressive proxies; and

Lost a united front in NATO for dealing with critical East-West issues.

For a brief period in the early 1980's, America shook the shortsighted notions of the 1970's. But now, as the price—which is easily affordable by our society—of defending our interests and holding to our cherished principles has become the focus of popular attention, too many Americans in positions of leadership want to return to the old shortsighted policies of weakness, conciliation, and isolationism.

Have we learned nothing from history? The threat that we face is real and ominous. Our vacillating policies of the recent past have confused our allies and emboldened our adversaries. If we fail to provide a credible deterrent and demonstrate our resolve, vast amounts of our blood and treasure may be laid to waste in another unnecessary conflict, the horrors of which have not yet been seen by man.

The British did not realize until it was too late that diplomacy and arms control are not substitutes for armed strength. Neville Chamberlain, Britain's Prime Minister and principal architect of her ill-fated policies, came to this realization in October 1938, only after the defense policies of the previous two decades had left Britain in a dangerously weak military position. At that time, he said, "Our past experience has shown us only too clearly that weakness in armed strength means weakness in diplomacy."

I hope that the Neville Chamberlains in America today—and there are many of them—will learn this lesson in a more timely way than the Prime Minister did. I fear that they will not, but instead, will continue to mouth the words of the Parliamentary opposition in Britain in 1934, which in response to the government's planned increases in the Royal Air Force regretted that "His Majesty's Government should enter upon a policy of rearmament . . . . certain to jeopardize the prospects of international disarmament and to encourage a revival of a dangerous and wasteful competition."

The United States has followed the British interwar pattern to a frightening degree. America made a similar series of mistakes in the 1930's, and Pearl Harbor showed us how utterly unprepared we were. We must learn from the earlier British and American mistakes and take action to break the cycle. These prior cases show the dangers inherent in a government losing sight of its primary duty, that is, guaranteeing the safety of the country. Winston Churchill put it best in 1936 when he said, "The primary responsibility of any government for the public safety is absolute and requires no mandate." Ensuring national security must be the overriding concern, for if it is not guaranteed, everything else is subject to loss.

No analogy would be complete without an examination of the differences in the situations facing Britain then and the United States now. Three differences dominate this comparison: changes in the nature of warfare, absence of a Hitler confronting the United States, and the absence of a strong American military tradition.

The advent of nuclear weapons and high technology, conventional arms ushered in an era of potentially lightning fast warfare—one that would be over before an unprepared nation would have time to rearm. Great Britain did not face this situation in the 1930's.

In the 1930's, Britain was facing Adolf Hitler, an irrational, disturbed, and unpredictable leader. I do not believe that the United States is facing a Hitler in the Kremlin. We are facing, however, skillful and subtle Soviet leaders who know how to use their advantage, a willing media, and to play on the fears of peace-loving people.

Britain and the United States also differ because of the anti-militaristic tradition and the pacifist current inherent in public attitudes in the United States. Americans shun militarism and tend to wait for a crisis before adequately preparing for action.

All of these differences taken together show that the U.S. position is even more dangerous than that of Britain in the 1930's. The U.S. leadership today is faced with rising anti-confrontational sentiment at a time when the United States is facing a politically skillful adversary and a military threat more serious than we have ever known—a fatal threat if we are caught unprepared. This places a greater burden on the U.S. leadership for increased vigilance. The French proverb, "To govern is to foresee," takes on critical importance in the nuclear age.

The way to avoid the fate that befell Britain is for the United States to move vigorously to strengthen her military power and thereby signal to the Soviet Union the U.S. resolve to meet the threat. President Reagan's defense modernization program is attempting to do this.

I am proud of President Reagan for his courage on many difficult national issues, but I particularly admire the steadfastness of his position on defense spending. Compromise is easy, but this is not a business-as-usual President. He has not yielded to the pressures of popular whim. He has recognized his primary constitutional responsibility. He will not be part of those who would rather risk the security of the American people than make the difficult budgetary decisions that will, no doubt, upset favored special interest groups.

Our British-American historical analogy would be incomplete without comparing Churchill and Reagan. Churchill's warnings

to the British people fell on deaf ears. It was not until the battle was joined that the people of Britain turned to Churchill for leadership.

Like Churchill, President Reagan has bucked the tide of popular opinion to bring to the forefront the Nation's security needs. Like Churchill, President Reagan has been ridiculed for his warnings. Just last week in the Washington Post, I read reports that President Reagan's image as a "warmonger" and "cold warrior" has resurfaced. Nothing could be further from the truth.

I hope that we have the widsom and resolve to follow the necessary course that President Reagan has charted. If we do not, we will have failed to learn an invaluable lesson of history which was paid for at an enormous price. We will, furthermore, confirm the age old expression that the only lesson of history is that we learn no lessons.

STOP NUKES; THEN WHAT?

Mr. COHEN. Mr. President, I would like to call the attention of my colleagues to an editorial which appeared in yesterday's New York Times. The piece, entitled "Stop Nukes; Then What?," acknowledges the positive impact of the freeze movement, but asks if there is a way to go beyond passionate rhetoric and sloganism to harness the political energies at play in this country to promote significant arms control.

The editorial argues for a new approach along the lines of the Scowcroft Commission report and notes that two "imaginative precursors" of the proposal are now before Congress: the build-down resolution which Senator NUNN and I introduced in the Senate, and Representative GORE's detailed arms control proposal. The article goes on to note that while a number of profreeze Senators have endorsed the build-down resolution, many freeze proponents have attacked such proposals.

Mr. President, I have indicated on a number of occasions my conviction that we owe the freeze movement a debt for raising the Nation's sensitivity to the need for meaningful measures to reduce the risk of nuclear war. I believe the build-down is one such measure—a means of beginning what I hope will be an inexorable march toward the substantial reduction of nuclear weapons. I am hopeful that we can forge a consensus of freeze advocates and those who favor stabilizing military force modernization, and together work toward our shared objective.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1983]

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immeditate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative procursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple-warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?

TRIBUTE TO FORMER CONGRESSMAN JOHN C. TAYLOR, SR.

Mr. THURMOND. Mr. President, I rise today to pay tribute to former Congressman John C. Taylor, Sr., of Honea Path, S.C., who passed away recently at the age of 93. To his wife, Evelene; his sons, Dr. John C. Taylor, Jr., and Mr. Lee Brown Taylor, I extend my deepest sympathies.

Mr. President, John Taylor was a good friend and an outstanding legislator, who served not only as a Member of the U.S. House of Representatives from 1933 to 1939, but as a State senator in South Carolina and a clerk of court for his home county of Anderson.

He was a man who dedicated a large portion of his life to the loftiest of goals—serving others. There are many South Carolinians who remember John, not only for his service as Third District Congressman, but for his honesty and openness in dealing with all people—and mourn his passing.

A farmer by trade, John Taylor was known throughout Anderson County as "Honest John," and his reputation for fairness and integrity soon spread throughout the State. After serving as clerk of court in Anderson, John was elected to Congress as Third District Representative. He served in that capacity in the 73d, 74th, and 75th Congresses.

From 1950 to 1954, he served as State senator for Anderson County, returning to that post again in 1958 after a brief respite from public service.

John Taylor, during his business and public service career, earned the respect and admiration of many people. The chairman of the Democratic Party in South Carolina, Mr. William Jennings Bryan Dorn, himself a former occupant of the Third District congressional seat, spoke for many South Carolinians when he referred to John Taylor as a "forthright, dynamic, and excellent legislator," "a man who was one of the finest Representatives in Washington."

Mr. President, John Taylor was a well-educated man, who received his law degree from the University of South Carolina in 1919. He later served as a member of the university's board of trustees from 1946 to 1959.

His public service does not stop there, however, John Taylor served his country in the U.S. Army's Quartermaster Corps and was a veteran of World War I.

In addition, he is still regarded as one of the premier developers of South Carolina's cattle industry and an outstanding agricultural leader.

At the age of 92, John Taylor set one more milestone: He became the oldest patient in the history of Emory University to undergo coronary artery bypass graft and heart-valve replacement surgery. Doctors said later that John Taylor's outstanding physical condition allowed him to undergo the risky surgical procedure.

A great deal more could be said about this man, Mr. President, but I believe that perhaps the best tribute to John Taylor was delivered shortly after his death by his friends in the South Carolina General Assembly.

"In the passing of this prominent agricultural and political leader, the people of Anderson County have lost an outstanding citizen," the com-

memorative resolution read. I want today to join with State Senators T. Ed Garrison and M. E. McDonald and State Representatives Pat Harris and Tom Ervin—who introduced that resolution in the general assembly—in paying tribute to a man who served the State of South Carolina with honor, distinction, and integrity.

A LIFETIME COMMITMENT TO ENGINEERING EXCELLENCE

Mr. MOYNIHAN. Mr. President, last Sunday it was my privilege to participate in the annual dean's day ceremonies of Columbia University's School of Engineering. An event made all the more auspicious this year by the presentation of the prestigious Pupin Medal to Dr. Kenneth A. Roe, a distinguished engineer and chairman and president of Burns & Roe, Inc.

The Pupin Medal is awarded by the Columbia Engineering School Alumni Association to outstanding engineers or scientists for service to the Nation in engineering, science, or technology. The association has, in fact, awarded only 11 medals since it began doing so in 1958, and past recipients include Adm. Hyman Rickover and Nobel Laureate Physicist Isidor Rabi.

To such a distinguished group, we now add Dr. Kenneth Roe. And well we should, for his has been a lifetime devoted to the development of new technologies in the field of electric power generation—an area of great concern to us all. Under his supervision, Burns & Roe, an architectural-engineering firm, has designed and engineered power facilities that have been on the forefront of technological development. The firm has also contributed to the growth and success of important aerospace projects such as Project Mercury, our Nation's initial man-in-space program.

In addition to these numerous professional achievements, Dr. Roe has throughout his career maintained a strong commitment to advancing the science of engineering. A founder of the American Association of Engineering Societies, he is a member or fellow of more than 20 professional organizations. Dr. Roe has also contributed his time and energies to many of our finer schools of education, allowing students to benefit from his considerable experience and technical knowledge. He is currently a member of the board of trustees of Stevens Institute of Technology and of Manhattan College as well as chairman of the Columbia Engineering Fund.

I should very much like to join the Columbia Engineering School Alumni Association in honoring Dr. Roe for his efforts to promote engineering excellence, and I congratulate him on this richly deserved award. Mr. President, I ask unanimous consent that the certificate accompanying the Pupin Medal awarded Dr. Roe, which eloquently describes his many achievements, be printed in the RECORD at this point.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

THE COLUMBIA ENGINEERING SCHOOL ALUMNI ASSOCIATION AWARDS WITH PRIDE THE PUPIN MEDAL TO KENNETH A. ROE

A gifted engineer and leader, you have dedicated your life to the advancement of the engineering profession. Throughout your career, you have applied your engineering expertise and leadership talents to furthering our Nation's technological development and meeting our growing energy needs. At the same time you have given generously of yourself to help assure the availability of an excellent engineering education to the best men and women seeking to enter the profession. As chairman and president of Burns & Roe, Inc., you have devoted your professional life to developing the newest technologies in the field of electric power generation, as well as designing and engineering conventional power plants. Under your aegis, Burns and Roe has participated in many defense and aerospace projects of national importance.

But it is not only for your unquestionable gifts as an engineer that we honor you today. Columbia University, the engineering profession, and the Nation as a whole have long benefited from your efforts on behalf of numerous professional societies and institutions of higher learning, to which you have applied the same unstinting energy and leadership qualities so evident in your technological achievements. Through your counseling and support of many educational institutions, you have striven to assure that the quality of engineering education will keep pace with the complicated needs of a nation on the brink of a new century. Largely because of your untiring efforts, the American Association of Engineering Societies has emerged from the world of dreams into reality, bringing a sense of unity to the many disciplines within the field of engineering. You have served the Engineers Joint Council in numerous capacities, culminating in your tenure as president. In addition to your participation in numerous professional societies, you have served our nation as a director of the U.S. National Committee of the World Energy Conference and as chairman of its Investment Advisory Committee.

You are a fine example of a committed professional and a dedicated citizen. It is with great pride that the Columbia Engineering School Alumni Association bestows this honor on you in recognition of the contributions you have made, and continue to make, through service to the Nation and to the engineering profession. The tradition of excellence that the Pupin Medal represents for Columbia is vitally apparent in you, at a time in our Nation's history when we all need to be reassured how much can be achieved by one man who has the courage and the vision to make the attempt.

MICHAEL I. SOVERN,
President, Columbia University.
ROBERT A. GROSS,
Dean, School of Engineering and Applied Science.
DANIEL DICKER,
President, Columbia Engineering School Alumni Association.

Given on the occasion of Dean's Day, April 16, 1983.

THE PRESIDENT'S DECISION ON MX

Mr. CRANSTON. Mr. President, the statement by President Reagan calling for adoption of the Scowcroft Commission's recommendations is a watershed event in postwar American nuclear policy.

With this statement, the President has abandoned his reckless, partisan and misleading insistence that our Nation is imminently endangered by a window of vulnerability.

But with this statement, the President has proposed spending more than $20 billion to put MX missiles in existing ICBM silos and to begin work on still another new ICBM.

I do not believe the Congress and the American people are going to tolerate the latest manifestation of Ronald Reagan's view of arms control. We simply are not going to buy his Orwellian logic that we must build literally thousands more nuclear warheads so that someday we might have less.

This is not the only fundamental flaw in President Reagan's thinking on the MX. He has argued that we need the MX missile despite the fact that it has no legitimate mission in furtherance of nuclear deterrence and has no strategic justification. We are told that we must buy this new system simply to demonstrate our political will. But what type of political will is it that spends tens of billions of taxpayer dollars on a defense program for which there is not strategic justification? I reject the notion that it is a sign of political weakness to show commonsense on critical defense funding issues.

The American people can heave a collective sigh of relief that finally the Reagan White House and some of the leading opponents of the SALT II treaty have acknowledged that our land-based missiles have not left the United States open to a disarming first strike. Feasting on platefuls of crow, key members of the Scowcroft Commission and the Reagan White House have now acknowledged that the United States would retain devastating nuclear forces—more than two-thirds of our entire strategic nuclear arsenal in submarines and bomber aircraft, even after such an insane bolt-from-the-blue attack against our ICBM's. It should be further apparent that no rational Soviet leader would ever undertake such a suicidal attack, which the Soviets could never expect to work. And since deterrence only works against rational leaders, there is no reason to waste defense dollars to deter against an irrational attack.

Regrettably, having closed its self-created window of vulnerability with a rhetorical flourish, the Reagan administration has found itself trapped by its hyperbole. The administration has convinced itself that we must do some-

thing to show that we are tough; we must buy some new land-based missiles. What the President and his commission have recommended is that we violate SALT II terms and build two new missiles with more than a thousand warheads. They would put 100 MX missiles in existing Minuteman silos—silos which they claimed just last year were perilously vulnerable. And they would deploy a new small mobile missile on land because our land-based missiles—which they have just realized to not leave the United States vulnerable to a bolt-from-the-blue attack—might become vulnerable again. There is some merit in considering a move toward this smaller, single-warhead missile because it would further reduce the value of ICBM's as targets. It could possibly provide greater stability if it produced a gradual de-MIRV'ing of United States and Soviet land-based missiles and placed a greater emphasis in arms control counting on total nuclear warheads instead of launchers. But I see no reason why the United States should now proceed in the opposite direction with the 10-warhead MX—and push the single warhead ICBM, which does not represent any great technological breakthrough, far into the future.

Like so many of the Reagan administration's policies, today's decision on the MX looks for its justification in symbolism. Having preached the gospel that America is doing nothing to maintain its nuclear deterrent, the President is unable to accept the notion that we might not need new land-based ICBM's. He believes we must do something new and impressive with our land-based forces or we will look weak. But what about all the production moneys we are expending on other parts of our nuclear arsenal? On the B-1? Stealth? The new Trident II and the D-5 supermissile? The Pershing II missiles for Europe? The three new nuclear aircraft carriers with their new fighter aircraft? The new superaccurate Mark 12A warheads for our Minuteman III ICBM's, and on and on?

We need impress no one with our commitment to modernizing our nuclear forces.

What we need now is a more clear and genuine commitment to arms control, not arms production.

It concerns me deeply that the President's much-needed call for bipartisanship in strategic policy does not merit support. We do need bipartisanship in this field. But I do not believe we in Congress show leadership by nodding our heads in agreement when it is so painfully clear that the emperor has no clothes.

The proposal of the President to put 100 MX missiles in existing Minuteman silos was rejected last year in the Senate by a 90-4 vote. Many feared that these missiles would be an inviting target and would be put on a launch-on-warning trigger. Others felt that this system simply did not improve nuclear deterrence and thus was not cost effective. I hope that this same coalition of Senators will show the determination not to continue to waste any more taxpayer dollars on the MX—a missile without a mission.

PAUL CALLAHAN AT THE MASTERS

Mr. KENNEDY. Mr. President, there were many highlights of the Masters Golf Tournament 2 weeks ago in Augusta, Ga. But for one citizen of Massachusetts, this prestigious tournament had a very special meaning.

In 1979, Paul Callahan, from Falmouth, was paralyzed from the neck down as a result of a tragic fall. Last September he defied his doctor's best hopes for recovery and took his first step. And this year, despite so many obstacles, he traveled 350 miles to fulfill his dream of seeing the Masters in person. After his accident nearly 4 years ago, his doctors predicted that even sitting in a wheelchair might not be possible, but he has long since overcome that challenge.

As he watched the golf tournament, Paul sounded a new challenge. "Next time I come here, I'll be walking," he said. Those of us who know Paul personally and what he has already accomplished, take him at his word. We know that someday soon, he will.

Milton Richman of United Press International, wrote of Paul's trip to the Masters last week, and I ask unanimous consent that the article be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PERSEVERANCE, PURE AND SIMPLE

(By Milton Richman)

AUGUSTA, GA.—Have you ever had one of those crazy impulses? Then you shouldn't have much trouble understanding why a young man without any inhibitions figured he was the biggest winner of them all at the Masters yesterday.

The only thing he didn't get was one of those green jackets, and it didn't matter.

"I feel just like I've got one on," Paul Callahan declared, happily shaking his head over everything that had happened to him in the last 48 hours.

Purely on impulse, the outgoing blond 25-year-old Falmouth, Mass., man who resembles baseball's George Brett decided late Saturday night he would like to attend the Masters. Fine, except there were a number of problems, none of which could be called inconsequential.

To start with, there were no tickets available. All of them had been sold, and nobody gives them up. Second, there was no place for him to stay. Every room in and around the city had been taken long in advance is always the case during Masters week.

There was yet another drawback. Paul Callahan can't walk. He's a quadriplegic.

He has one of those mechanized wheelchairs that enables him to get around quite well, but even with it he faced what looked like another insurmountable roadblock. Because of all the recent rain, the Augusta National course was still muddy and slippery in many places. More than that, it had not been laid out to accommodate wheelchairs.

None of these details discouraged Paul Callahan. He had never been to the Masters and he had made up his mind to see it in person this time. Watching it on TV is all right, but nothing beats being there. He reached that decision at a physical therapy center in southern Alabama where he has been working 15 hours a day in a determined effort to walk again some day.

Doctors had told him he might never be able to sit up in a wheelchair and also said he most certainly would never be able to walk again after he was paralyzed from the neck down in a slip on a wet floor in September 1979. He has fooled them completely. Not only is he able to sit up and move all his limbs now after months of rehabilitation, but he accomplished what was considered a medical miracle by taking his first step last September.

The center where he's doing all this work is about 350 miles from Augusta. Getting here didn't faze him in the least. He'd drive his specially adapted wheelchair van and take his therapist, Chuck Mahoney of Falmouth, Mass., and a friend, Patrick Devine of Columbus, Ohio, along with him. Getting into the Masters was quite another matter.

That's where Hord Hurdin, chairman of the Masters, came in.

Word was relayed to him that Callahan was already in Macon, Ga., without any tickets or reservations. Hurdin had plenty of problems of his own, what with the weather threatening the completion of the tournament. The last thing in the world he needed was another concern.

He was aware Callahan had no tickets and no place to stay. He also knew a muddy course certainly was no place for a wheelchair, but the Masters' boss is a compassionate man. With all his other problems, he addressed himself to this particular one.

Some tickets were turned in, and Callahan gladly paid the daily fee for them. Hurdin and others figured out the paths over which Callahan could use his wheelchair. Callahan also got a place to stay with his two companions. And to top the whole thing off, Arnold Palmer personally came over to talk with Callahan near the clubhouse before he went out to the practice tee.

"Hi, how are you?" Palmer said as he greeted Callahan, who was sitting in his wheelchair at the time.

"Fine, Mr. Palmer," replied Callahan, smiling, "I wish you an eagle on every hole."

"Thanks, I hope so, too."

"How do you stay so young looking?" Callahan wanted to know.

That made the 53-year-old Palmer really beam.

Callahan is a senior at Harvard where he is majoring in economics. He has two older brothers, Kevin, a personal and political aide to Sen. Edward Kennedy (D-Mass.), and William, a federal law enforcement officer.

Callahan was so elated over having a chance to see the golfers here that at one point he stood up.

"Next time I come here," he promised, "I'll be walking."

THE NUCLEAR "APOCALYPSE"

Mr. DENTON. Mr. President, many of our citizens are understandably fearful of the prospect, or possibility, of a nuclear war. That fear is manifest in large segments of the nuclear freeze movement which has been so much in the news. It is also manifest in fears about nuclear power, the proliferation of nuclear technology, and debates about arms control and our defense budget.

Although there are legitimate reasons to be concerned to avoid a nuclear war, many of us think that the fears have been excessively heightened by a combination of coverage in the media and a widespread lack of knowledge about the realities of nuclear science and technology. And many of us recall that there was a similar fear of the nuclear apocalypse during the 1950's.

Dr. John R. Silber, the president of Boston University, examined and analyzed the apocalypse phenomenon in a very perceptive article in the August-September 1982 issue of Public Opinion. He argues that human beings are, perhaps by nature, fascinated by the prospect of an apocalypse, and that predictions of false apocalypses have been frequent. He analyzes many of the current fears, and shows that too often subscription to theories of the apocalypse is a substitute for the effort of reasoned thought and problem solving.

Mr. President, I commend Dr. Silber's article to my colleagues, and ask that its text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

APOCALYPSES THEN AND NOW: THE PEACE MOVEMENT AND THE ANTINUCLEAR CRUSADE

(By John R. Silber, president of Boston University)

An apocalypse can be a pessimistic document, as exemplified in much of recent environmentalist catastrophe-writing, and it can be fuzzily optimistic, as exemplified by Charles A. Reich's The Greening of America. The original Apocalypse, although full of great terrors, was essentially a highly optimistic document, written to comfort the persecuted Church, assuring them that Christ would return and that Caesar would finally have rendered unto him all that was his—that is, his just deserts. But most apocalypses are pessimistic, because modern apocalyptic writers claim to be beyond partisanship—they purport to tell us how bad things are, or are about to be, for everyone so as to persuade us to adopt their particular remedy. The remedy would usually be only marginally more attractive than that which they warn against, and literally intolerable if we were assumed to be well off or at least moderately safe.

From 1960 to 1975, the air was blue with apocalypses. In 1962 Bertrand Russell—having recanted his earlier advocacy of a preemptive nuclear strike against the Soviet Union—stood in Trafalgar Square and told us that nuclear war was inevitable within a few months. A few years later the Brothers Paddock taught that a large proportion of the earth would be dead by famine by 1975. At the start of the new decade, there was a burst of activity: Paul Ehrlich and his fellow population controllers claimed that the United States had an urgent need not merely to stabilize, but to reduce its population. Judson Jerome made and communicated the discovery that colleges and universities were dead, never to rise again. Alvin Toffler told us that the future was upon us and that if we tarried with the present, the future would destroy us. Charles A. Reich preached that humanity had become a new species. Not to be outdone, William Irwin Thompson, in 1971, claimed that we had come to the end of history.

In 1970, Life magazine reported to its mass audience that there was a probability that by 1980 urban dwellers would have to wear gas masks in order to survive pollution, that by the early 1980s, a smog inversion would kill thousands of people in some major city, that by 1985 the amount of sunlight reaching the earth would be reduced by half, and that new diseases humans couldn't resist would reach plague proportions. And Edwin Newman, in a 1970 NBC broadcast, predicted that by 1980 the nation's rivers would have reached the boiling point, largely because of nuclear power.

If one were to believe many political orators and writers, the United States trembled on the brink of violent revolution. This idea left its traditional home, the weekly papers of various Marxist sects, and animated the bosoms of people who ought to have known better. In this case, "ought to have known better" is more than a cliché: the plea of ignorance by the learned is never an acceptable reply. And as Granville Hicks has justly observed, ". . . It is no defense whatever for an intellectual to say that he was duped. That is what, as an intellectual, he should never allow to happen to him."

There is some evidence the humanity is simply more attracted—naturally attracted—to doom than to its alternatives. John Milton seems to have known this, and all newspaper editors do. Every so often some naive entrepreneur proposes to publish a newspaper that will print only the good news. And every so often such a naive entrepreneur gets nowhere, human nature being what it is.

THE INTELLECTUAL ATTRACTION FOR APOCALYPSE

Although the taste for apocalypse is not exclusively an intellectual one, it is largely so. As the English are said to love a lord, we intellectuals love an apocalypse. The reasons are not obscure: we intellectuals are trained to have large, interesting, and complicated thoughts. We are trained to be imaginative. There is little interest in the notion that the future will resemble the past and that life as we know it, far from being doomed, is likely to go on more or less indefinitely, evolving slowly and recognizably. And if one has been trained to study the past and to take the notion of historical period quite seriously, it is not pleasant to suggest that one is living in an age that will not attract the interest of the more sensationalizing historians. How terrible to think that our age might not have attracted the prurient attention of a Suetonius or Tacitus!

And the egotism of the intellectual—that segment of mankind for whom the sin of pride would have to have been invented if it did not already exist—naturally demands that each period be either the best or the worst. Since few ages can credibly be called golden, we intellectuals tend to regard our own as at best of iron if not of merely plastic.

APOCALYPTICISM: A SUNSET INDUSTRY

If we look around us today, we will see that the level of apocalypticism is markedly down and the number of practing apocalypticians reduced. The principal home of apocalypticism is the newly resurgent "peace" movement. The movement against nuclear power is another, although it appears to be on the wane. Many of its members may be following the example of Dr. Helen Caldicott who, after several years of opposition to nuclear power punctuated with asides about nuclear war, seems now to have dropped nuclear power entirely in her speeches and concentrates exclusively on nuclear war.

But apocalypticism is a sunset industry. This should not be surprising. The examples cited above do not merely pass the test of nonsense so bad that the man in the street would reject them out of hand; they pass George Orwell's more demanding standard of nonsense, nonsense so bad that only an intellectual would believe it. (You will note that Orwell, pessimist that he was, did not talk about "nonsense so bad that even an intellectual would reject it.")

Eventually nearly all apocalypticians are laughed out of existence. Few survive for long. Most are discredited by their survival beyond the date of their predicted demise, and their numbers and diversity prevent any one school from developing a critical mass. Because their apocalypses are usually in flagrant conflict, they obviously cannot all be true, and if they are not all true perhaps none is. St. John himself has preserved his credibility by sedulously leaving unspecified the date by which the Beast and the Four Horsemen will make their appearance. Generations of his commentators have tried to nail down the time, and have themselves become discredited, but his record is unblemished. Indeed, in the eighteenth and nineteenth centuries, those who tried to unravel the mystery of the time at which the Beast and the Four Horsemen would appear, became something of an international fad. The Beast may make his appearance at any mement, but as yet, the time is not known. Is the decline of apocalypticism a good thing?

The answer to that question depends on what one believes about our present situation. One presumes that the original apocalyptician, St. John of Patmos, would applaud the demise of incompentent secular imitators such as Charles Reich; but presumably he would be as convinced as ever of the world's need to harken to his own apocalypse. He would probably regard his emulators as proclaimers of false apocalypses, and himself as the proclaimer of a true one.

This is a useful distinction: the boy who cried "Wolf!" dispensed a series of false apocalypses followed by a true one. His repeated exposure as a false apocalyptician prevented his being believed when he became a true one, with results that can hardly have been pleasant for him and perhaps for others.

The most striking false apocalyptician of our day was of course Adolf Hilter: his grandiose vision of a Thousand Year Reich was literally chiliastic, and it was founded on a series of revelatory pronouncements that were unfailingly false. Thus, it was the generals, not the politicians, who crumpled in 1918; compared to the Treaty of Brest-Li-

tovsk that the Germans had imposed on Russia, the Treaty of Versailles was a lenient document; the Weimar Republic was an advanced welfare state whose troubles grew heavily out of the Nazis' own irresponsible opposition; and finally Hitler's vision of the Jews was built of falsehood from start to finish. Yet he was believed, first by the fanatics of the party and eventually by many Germans.

And yet imagine that in late January 1933, someone had told the power brokers who were about to put Hitler in power, "This man will destory the Republic, launch a war in which Germany will be crushed and its cities bombed into rubble, undo the work of Bismarck by causing Germany to be divided once again and accomplish the near extermination of European Jewry." Such a true prophet would have been dismissed as an insane dispenser of apocalyptic nonsense. Moreover, when, in 1942 and 1943, people began to report on what was going on in the death camps, they were dismissed as alarmists and liars.

The case of Hitler is one in which a false apocalypse was believed, inexorably causing a true apocalypse. This is often the relation between false and true apocalypses: they exist in a kind of dialectic, and happy endings depend on a timely belief in the true apocalypse, which serves as a prophylaxis against the false one. If the true apocalypse is not believed, the false apocalypse becomes the harbinger of a dreadful truth that is different from what it preached, but one no less harrowing.

TODAY'S APOCALYPSES: NUCLEAR ENERGY AND THE NUCLEAR FREEZE

Two pairs of apocalypses are increasingly common today. The first relates to energy. The false apocalypse has at its heart the claim that nuclear energy, besides being unnecessary, is an intolerable threat to our health and safety. The related true apocalypse has at its heart the statement that we may so mismanage our energy resources that we will seriously degrade our environment and leave our descendants without the feedstocks for their essential chemical industries.

The false apocalypse is widely listened to, and its success makes the fulfillment of the true apocalypse increasingly likely. I need hardly set forth the false apocalypse for your attention. Regrettably, it is what almost every proper intellectual believes about nuclear power. Nuclear power is, among intellectuals, an automatic object of hate which everyone "knows," without evidence or argument, to be bad.

If we strip away the cloak of ignorance, we reveal the true apocalypse: the alternatives to nuclear power are themselves dangerous, and nuclear power is much safer than its opponents make it out to be.

Energy from the atom is energy produced from fuels that are otherwise almost useless. Uranium and thorium are essentially trash, and nuclear electricity, if not something from nothing, is a close approximation. If we are to consider our descendants, we will not needlessly burn up coal, oil, and natural gas from which they must make essential petrochemicals ranging from cloth to fertilizer. Utilized in breeder reactors, the waste U-238 already produced from our present reactor program would give us literally centuries of electricity without requiring us to mine another ounce of uranium. And the earth's yet unmined supplies of uranium and thorium have an energy supply that is all but infinite.

The energy locked in the atom is so concentrated, moreover, that the occupational hazards of nuclear energy are very much less than those of its competitors. To generate a given amount of electricity from coal requires the death of approximately 100 times as many miners as would the same amount from uranium. And the evil effects of coal are not limited to the deaths of coal miners or to the thousands of cases of black lung disease. We now kill approximately 50,000 people each year from air pollution caused by the industrial use of coal—one million deaths by the end of this century, a disaster of a magnitude that is exceeded historically only by the Black Death and the automobile. We would expect, by contrast, at most, a handful of deaths from nuclear electricity generated in the same amount over the same span.

Coal-fired generators also pose serious environmental threats. One of these, the so-called acid rain, damages trees and pollutes lakes and has the unfortunate habit of dissolving buildings. There is, in Scandinavia, a pungent irony in this connection. Visit Copenhagen and you will hear the Danish antinuclear activists complain that the Swedes have irresponsibly sited a nuclear reactor at Barseback just across the Sound from Copenhagen, thereby threatening the Danish capital but leaving Stockholm safe. Cross the Sound to Malmo, and the Swedes will point out that since the Arab oil embargo, the Danes have been converting their oil-fired plants to coal, and that the coast of Denmark is lined with large coal-fired plants. The prevailing westerly winds drive the pollution from these plants away from Denmark and straight into Sweden, which, without any coal-fired plants of its own, now has a very serious acid rain problem. The false apocalypse of Danish antinuclearism brought the genuine apocalypse of acid rain upon Sweden.

Acid rain is an actual problem. The other environmental threat of coal—and of all other fossil fuels—the so-called greenhouse effect, is a prospective one. Although the matter is still controversial, there is a substantial body of expert opinion that the large amounts of carbon dioxide that are undoubtedly emitted by fossil fuel plants will eventually form an insulating layer in the atmosphere that will raise the earth's temperature by several degrees. Such an increase would at minimum disrupt world patterns of food production, and might begin melting the polar icecaps with a disastrous raising of the ocean level. Although this scenario is disputed, it has substantially more respectable and persuasive scientific support than the disaster scenarios written for nuclear power.

Nuclear reactors have an operating industrial safety record that cannot be matched by any other means of energy conversion, and by very few industrial activities of any sort. The true lesson of Three Mile Island, almost entirely missed by the media, is that it is easier than anyone had thought to limit the damage in a nuclear accident to the reactor itself.

Where nuclear power really shines over the competition is in waste disposal. A large part of the millions of tons of waste products produced annually by coal-fired power plants is buried in unmonitored landfills, where ground water can leach out a hellish inventory of carcinogens and mutagens. The rest is dispersed into the air, ultimately to rest in our lungs. The one-year wastes of a nuclear power plant, by contrast, can be reduced to a size that would fit under a dining room table, converted into glass and buried in a geologically stable formation. There, within a few centuries, they will decay to the point that they are less radioactive than the uranium ore from which they sprang. Although we often hear it said that "we do not know how to dispose of nuclear wastes," the vitrification process I have been describing is already in commercial operation in France. To adopt it in the United States requires merely the political decision to do so. Although we are often assured that we could not handle the nuclear waste problem, I am inclined to agree with Immanuel Kant that what is actual is possible.

The advantages of nuclear energy are very great, and only the false apocalypse of the antinuclear movement can prevent us from developing it. We hear it alleged, for example, that the fuel from nuclear power plants can be made into bombs. Although it is technically possible to make an explosive device from reactor fuel, it is very badly adapted for the purpose. One is better advised to use a reactor designed for the purpose of making nuclear fuel. That is what India did. The Iraqi reactor destroyed by Israel was widely misreported to have been a power plant, but it was in fact a research reactor whose fuel could have been directly usable in bombs. The difficulty of making bombs from power plant reactors is suggested by the fact that the Soviet Union supplies such reactors and fuel to its satellites.

Nuclear proliferation is a serious issue on its own merits, but it cannot be solved by shutting down nuclear power, any more than bingo can be prevented by shutting down cruise ships.

Under the baleful influence of the antinuclear apocalypse, we continue to threaten our economy and our political independence by buying OPEC oil, to threaten the health of our people by mining and burning coal, and to threaten the industrial and environmental welfare of our descendants by risking catastrophic effects on the weather and by exhausting our chemical feedstocks. It would take substantial time to fully exploit the potential of electricity generated from uranium. The time to begin is now—in fact, it was a decade ago. France and Japan are already embarked on a vigorous program of nuclear development. The French program started under Giscard d'Estaing was so ambitious that even after the cutbacks being considered under Mitterrand, an imposing program remains. Although the Soviet Union has a highly advanced nuclear program, the European Communist parties, including those most subservient to Moscow, oppose nuclear power outside the Soviet Union, testifying to the strategic value of nuclear power and the importance of denying it to the free world. The rest of the industrialized world is developing the breeder reactor which the United States dawdles. There is no reason for us to be backward in this matter. It is largely in the United States—and, derivatively, in West Germany—that the development of nuclear energy is stymied by its apocalyptic opponents. They may not know it, but the false apocalyptic opponents of nuclear power are working to bring on a genuine apocalypse of famine, sickness, and death. That is, they are riding with three of the horsemen of the apocalypse.

THE PEACE MOVEMENT

The other apocalyptic movement I want to talk about rides with the fourth rider. This is ironically named the "peace" movement, sometimes also confusingly called the

antinuclear movement. The personnel of the two movements may be largely the same, but the apocalypses are distinctive. In opposing nuclear energy, the activists seriously distort facts about the way in which we gain peaceful energy from the atom. But the members of the "peace" movement, on the whole, describe nuclear warfare accurately. For there can be little doubt as to the hellish nature of strategic nuclear warfare, and it is bizarre for the members of the movement to imagine that they are opposed to it whereas others are in favor of it.

The fact is that everyone is opposed to nuclear warfare, and the disagreement which has recently arisen after a period of dormancy is a disagreement about the best way to prevent such a war.

In Western Europe and the United States, apocalyptic opponents of nuclear warfare propose to prevent it by unilateral disarmament, on the assumption that the Soviet Union, once the democracies had disarmed themselves, would follow suit. In the recent context of proxy intervention by the Soviet Union in Afghanistan and its threatened intervention in Poland, fewer people urge the total and immediate unilateral disarming of the West. The suggestion is common, nevertheless, that we should make some major unilateral gesture to set the Soviets a good example. There is no evidence whatever that the Soviets would emulate such an action, and much evidence that they would not. Their rejection of President Reagan's offer to effect a removal of nuclear missiles from Europe was almost instantaneous.

The preferred mode of the "peace" movement is to spell out in detail what everyone already knows: that a nuclear attack on a city is a terrible, diabolical thing. The United States nuclear policy is founded on a clear appreciation of this fact and a determination to deter the use of nuclear weapons. Since there is abundant evidence that the Soviets' strategic thinking holds that there are situations in which nuclear war is winnable and preferable to the alternative, it is necessary to keep the level of deterrence extremely high.

The present-day apocalyptic opponents of nuclear war had spiritual colleagues in the 1930s. When the Oxford Union voted that "This House will not fight for King and Country," it raised the apocalyptic vision of an intolerable war. In doing so, these Oxford apocalypticians helped not only to rob Europe of its will and its means to resist Hitler, but also to encourage Hitler himself in the belief that he would conquer Europe without substantial opposition. Had Britain and France responded to the plain fact of German rearmament by rearming themselves and opposing Hitler's early moves, there would have been no Second World War. Had the French met the German reoccupation of the Rhineland with military force, the German army would have been forced into a precipitate withdrawal, and the resulting humiliation would probably have led to Hitler's downfall. As it was, the allies allowed him one bloodless conquest after another until no German general could gainsay him.

If we apply to the prewar period the theory expressed by today's so-called "peace" movement we would be forced to conclude that the greatest threat to peace between 1935 and 1939 was not Adolf Hitler but Winston Churchill. The falsity of this idea should now be apparent to all, as should be the falsity of its modern descendant, that the United States is the principal threat to peace today. If the United States were a threat to peace, the hegemony of the Soviet Union would not have survived that period between 1945 and 1960 when the United States possessed a virtual monopoly on nuclear weapons and sufficient power to bring the Kremlin to heel at any time it so desired.

The prehistory of the Second World War is extremely instructive about the objective consequences of peace movements: the horrors of the First World War were followed by a vigorous and superficially successful peace movement. The Washington Naval Treaty of 1922—that President Harding thought would assure his place in history—put an end to what everyone agreed was a dangerous naval arms race. The advocates of "peace" so prevailed in the democracies that at every turn, Hitler's demands were satisfied without firing a shot. And just twenty-one years after the guns fell silent, Europe was at war again.

Since the end of the Second World War, we have been in a more or less unrelieved arms race. But the world as a whole, thirty-seven years after the guns fell silent, is still at peace. For the first time since the middle of the nineteenth century, the prospect of a general European war seems extremely remote. The reason, as Quincy Wright has persuasively demonstrated in The Study of War, is that the balance of power works.

But war in Europe is not unthinkable. Part of the reason for doubting that the Soviet Union is a peace-loving state is its massive tank buildup. It is also building up all its forces, but the tank buildup is especially telling. This is because there are few views more widely concurred in by military experts of all countries than the judgment that the tank has no defensive value: it is the weapon of attack, pure and simple. This Soviet force must be developed as part of a plan to invade Western Europe. We cannot know whether the Soviets will carry such a plan into effect, but we can hardly doubt that they contemplate the possibility.

The Western allies could hardly counter this force with conventional weapons short of going through a permanent war alert—and through an industrial mobilization appropriate to it, that is, by converting themselves into garrison states. Anyone who opposes the maintenance of a nuclear deterrent against a Soviet invasion of that part of Europe not now under their control must have decided that a Soviet future for Europe, and ultimately for the United States, is tolerable.

Such a person has perhaps succumbed to the slogan "Better Red than Dead." Better Red than Dead? Of course—who could doubt it? But in the world of slogans we are beginning to hear, "Better Neither than Either." The logical conclusion of the "Better Red than Dead" school of thought would be to try to negotiate generous terms of surrender to the Soviets while they are still unable to dictate their own, and hope that they would honorably carry out their commitments once we disarmed. I would disagree with people who had come to a clear understanding of such a position, but at least people who advocate this would know what they are doing. But the "peace" movement contains many people who have not come to understand the final logic of their positions at all. Nor do I believe that the majority of Americans hold such views.

Maintaining peace is a substantially harder task than going out into the streets and waving placards. It is a difficult and demanding job to calculate the balance of forces and maintain them. The danger of the apocalyptic "peace" movement is that its success would lead either to war or to surrender. This would be a choice between to intolerables. The people of the United States, I believe, will accept neither. The great problem facing us is how to find a constructive alternative that avoids both war and surrender.

The apocalypse then—to use a metaphor that would have probably delighted St. John—is a two-edged sword. When false and given credience, it almost invariably leads to the sort of events that are customarily called "apocalyptic." When true, it gives us a chance to avoid them. Our urgent need is to develop a better ability to know the difference between the two. And on this subject, so far, we intellectuals have not made a major contribution.

ARMENIAN TERRORISTS MUST BE STOPPED

Mr. SYMMS. Mr. President, international terrorism recently claimed another victim: Turkey's Ambassador to Yugoslavia, Galip Balkar. He was fatally wounded by Armenian terrorists on March 9, 1983, and died of his wounds a few days later.

Ambassador Balkar became the 26th victim of Armenian assassination teams specializing in the murder of Turkish diplomatic personnel and their relatives. Having lost American Ambassadors to Afghanistan and Lebanon in dastardly assassinations, we feel a special sympathy and compassion for the martyred Turkish diplomats. Turkey is a close ally of the United States and a member of NATO. The terrorists who commit these unspeakable crimes want to dismember Turkey and attach the "liberated" territories to the Soviet Union's Armenian Soviet Socialist Republic.

In a spring 1979 interview at Beirut, the ASALA (Secret Army for the Liberation of Armenia) openly professed its Marxist philosophy, its hatred of the United States, and its praise of the Soviet Union, which "has provided a homeland for the Armenians." ASALA members receive training from the most Pro-Soviet extremist faction within the PLO under Dr. George Habash, establishing at least an indirect link between ASALA and the Soviet Union. The other terrorist group, Justice Commandos of the Armenian Genocide, is not traditionally Marxist, but more like the "New Left" of the late 1960's in the United States and emphasizes Armenian fanatical nationalism at the expense of socialist ideology. They are, however, virulently anti-American.

Whether they have or do not have direct contacts with the KGB is of secondary importance. Both groups promote the aims of the Soviet Union in this northern tier region of the Middle East. The parallel Armenian and Soviet objectives are:

First. Destabilization of Turkey and helping to create a bad international

image for Turkey, recalling the tragic events of 1915–16 in an exaggerated fashion.

Second. Infiltration of the large, peaceful and traditionalist American Armenian community, especially the youth, by calling for revenge against the killings and deportation of Armenians from eastern Anatolia in 1915–16 after their rising against the Ottoman Empire in World War I.

Third. To "liberate" the six eastern provinces of Turkey (Stalin asked for three of them in 1945 and was dissuaded only by President Truman's resolute opposition) and their attachment to Soviet Armenia, despite the fact that only a few thousand Armenians still live in them.

Fourth. To establish "closer ties" between the two largest Armenian communities in the world, the 4.2 million Armenians in the Soviet Union (about 1 million of whom live outside of Soviet Armenia) and the 600,000 American Armenians, most of whom are second- and third-generation Americans who would like to preserve their Armenian heritage.

The Armenian terrorists, like any other international terrorists, hope for maximum media coverage of their "message" against Turkey and its friend, the United States.

Their activities are not merely a Turkish concern. Four of the murders and eight of the bombings have occurred in the United States. (Los Angeles, Boston, New York), and increased tourism, cultural exchanges, and the takeover of some of the Armenian churches by pro-Soviet elements show the potential for Soviet infiltration of the American Armenian community.

While expressing our condolences to Ambassador Galip Balkar's family and the Turkish Government, we must take positive steps to prevent the recurrence of Armenian terrorism on our shores in the future.

REPEAL OF TAX INDEXING

Mr. THURMOND. Mr. President, last week, I joined with 14 of my colleagues in expressing firm opposition to any attempt to delay, modify, or eliminate the third and most important installment of President Reagan's tax cut and the administration's plan to begin indexing individual and corporate income taxes.

These two programs, despite what the critics allege, are the first real tax relief the working men and women of this country have had in the last decade; and believe me, we owe it to them.

I have heard all the rhetoric about postponing the third segment of the tax cut and the tax-indexing program because of concerns about worsening the Federal deficit.

Mr. President, there is no one more concerned about increasing our deficit than I. However, the solution to that problem is to cut Government spending, not eliminate tax relief which will benefit every American.

For years, the working people of this country have been robbed of their just earnings through the hidden tax of inflation. "Bracket creep," the automatic increase in individual income taxes due to inflation, has been steadily diminishing the hard-earned paychecks of people who shoulder the biggest share of the tax burden in this country—the middle-income American.

In fact, recent studies have shown that 80 percent of the relief generated by tax indexing will go to persons earning less than $50,000 a year. Coupled with the tax cut, which will put more money back in the pockets of all Americans, tax indexing will provide the first real protection against automatic and covert tax increases through bracket creep.

The wisdom of these two programs should be apparent to everyone, but there are apparently those who believe that the American people will stand silently by while the tax cut and tax indexing are repealed. Let me assure you that they will not.

An economist recently summed up the feelings of all working people when he succinctly said, "I never met a tax cut I didn't like."

The American people have had enough of Government that robs their earnings and initiative to work hard for salary increases. For the last several years, there has been a growing movement among taxpayers to actively organize and lobby against uncontrolled taxation and Government spending. That movement consists of the mainstream of America, those men and women who support families and businesses, and they will not tolerate elimination of programs which reduce their taxes.

An editorial in the April 18, 1983, edition of the Charleston News & Courier makes a good case for supporting the tax cut and tax-indexing programs. I ask unanimous consent that the article, entitled "An Urge To Kill Tax-Indexing," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the News & Courier, Apr. 18, 1983]

AN URGE TO KILL TAX INDEXING

Those who are ganging up in Congress to repeal income tax reductions due in June are fighting a misguided battle in a broad campaign to dismantle most of the rest of President Reagan's tax-saving program.

Widespread grass roots support was needed a year ago to persuade Democrats deeply infected with ideological hatred of everything Mr. Reagan represents to adopt that program.

Similar support is needed now to make sure that it is not canceled with the help of disloyal Republicans influenced by baseless reports that the program works in the favor of the rich against the poor. The outburst of anger against Congress for voting withholding taxes on interest and dividends need to be duplicated in a new cause.

Goodness knows there is plenty to be angry about. The allies in attacking the June income tax cuts make it seem as if they are striving for a limited objective in order to redress a single inequity between high and low income people. Actually, however, they have the much more important aim of eliminating tax indexing. It is the feature of the Reagan program which spendthrift members of Congress dislike the most. It places automatic restrictions on a favorite game of voting for government spending without having to worry about where to find the money to pay for it.

Among less responsible members of Congress, the hypocritical attack on tax indexing descends to even lower grounds. At that level one meets those who pander for votes by telling low-income taxpayers that repeal of indexing is in their interest when it is a fact that it is those taxpayers who will suffer the most if indexing is removed. The distortion is inexcusable.

Would that things were much better in the precincts where economic heavyweights like Sen. Hollings reside. Mr. Hollings has plenty of company, though, from colleagues who argue as he does that the repeal of indexing offers budget salvation because it will help to reduce deficits. Neither Mr. Hollings nor his associates mention that repealing indexing will be useful in that respect only if inflation is started up again. That is because it is in inflationary times that the "bracket creep" which indexing is designed to prevent manifests itself.

Overlooking the plain demagoguery of those in Senate and House who lie to poor people on the tax indexing issue and use it as a club to beat the better off, what about the more respectable members of Congress who put down indexing as the cause of deficits? Are they sending us a message that is not being read as it should be?

We suspect they are. The repeal of indexing will be of no earthly use in closing deficit gaps except in inflationary times. The attack on indexing must be read therefore as a red flag warning that somebody is thinking of returning to those times.

Inflation is very unpopular in this country despite its apparent popularity in Congress. Maybe because they reckon that Congress must think their way, few people seem to have really taken a look at the possible connection between the repeal of tax indexing and a calculated move in Congress to restore an inflationary climate. We recommend they look now. Tax indexing is an insurance policy against inflation. It removes temptations to vote today, pay tomorrow or maybe not at all. Unless they want that insurance policy voided before it becomes effective, Americans had better get to work to prevent it.

MESSAGES FROM THE HOUSE

At 12:26 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 304. An act to hold a parcel of land in trust for the Burns Paiute Tribe.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-882. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled "Projects Recommended for Deauthorization—8th Annual Report"; to the Committee on Environment and Public Works.

EC-883. A communication from the Acting Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, a memorandum dealing with the recognition of the Red Shield of David of the Magen David Adom Society of Israel by the League of Red Cross Societies; to the Committee on Foreign Relations.

EC-884. A communication from the General Counsel and Congressional Liaison of the International Communication Agency, transmitting, a resolution of the German Bundestag relating to the Tricentennial Anniversary of German Settlement in America; to the Committee on Foreign Relations.

EC-885. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, a request by the Republic of Korea on use of foreign military sales financing; to the Committee on Foreign Relations.

EC-886. A communication from the Acting Assistant Legal Advisor For Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to April 7, 1983; to the Committee on Foreign Relations.

EC-887. A communication from the Chairman of the D.C. Retirement Board, transmitting, pursuant to law, a report on the amount of the Federal contribution and actuarial tables on the D.C. retirement system; to the Committee on Governmental Affairs.

EC-888. A communication from the Comptroller General of the United States, transmitting, pursuant to law, his comments on a report on the D.C. retirement system; to the Committee on Governmental Affairs.

EC-889. A communication from the Director of the Office of Government Relations, Washington Metropolitan Area Transit Authority, transmitting, pursuant to law, the audit report of the Authority for fiscal year 1982; to the Committee on Governmental Affairs.

EC-890. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on Governmental Affairs.

EC-891. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "University of the District of Columbia President's Discretionary Fund"; to the Committee on Governmental Affairs.

EC-892. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Revenue For February 1983"; to the Committee on Governmental Affairs.

EC-893. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Smoke Detector Compliance by the District of Columbia Government"; to the Committee on Governmental Affairs.

EC-894. A communication from the Executive Secretary of the Board of Regents of the Uniformed Services University of the Health Sciences, transmitting, pursuant to law, the annual report of the Board on activities under the Government in the Sunshine Act for calendar year 1982; to the Committee on Governmental Affairs.

EC-895. A communication from the Executive Director of the National Institute of Education, Department of Education, transmitting, notice that the annual report of the National Council on Educational Research will be submitted on or about June 1, 1983; to the Committee on Labor and Human Resources.

EC-896. A communication from the Secretary of Education, transmitting, pursuant to law, the 1983-84 guaranteed student loan family contribution schedule, and a notice of proposed rulemaking for the 1984-85 family contribution schedule; to the Committee on Labor and Human Resources.

EC-897. A communication from the Chief Executive Officer of the National Commission on Student Financial Assistance, transmitting, pursuant to law, a copy of the Study of Procedures to Eliminate the Guaranteed Student Loan In-school Interest Subsidy; to the Committee on Labor and Human Resources.

EC-898. A communication from the President of the United States, transmitting, pursuant to law, the report of the commission he appointed to respond to the issues raised by Congress regarding the Peacekeeper missile, possible alternatives to the Peacekeeper, and possible alternative ICBM basing modes; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON:

S. 1103. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California; to the Committee on Energy and natural Resources.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1104. A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Ky., to the United States, and their heirs; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself, Mr. INOUYE, Mr. MELCHER, Mr. MITCHELL, Mr. HEINZ, Mr. SYMMS, Mr. EAST, Mr. BAUCUS, and Mr. EAGLETON):

S. 1105. A bill to amend the Internal Revenue Code to change certain accounting rules related to inventory, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself and Mr. JACKSON):

S. 1106. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. JACKSON) (by request):

S. 1107. A bill to authorize appropriations for the Department of Energy for national Security programs for fiscal year 1984 and fiscal year 1985, and for other purposes; to the Committee on Armed Services.

By Mr. DANFORTH (for himself, Mr. PELL, and Mr. PACKWOOD):

S. 1108. A bill to amend various provisions of law to provide for more effective highway and motor vehicle safety regulations and enforcement, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER:

S. 1109. A bill to provide for the establishment of a bipartisan commission to study and make recommendations concerning changes in the medicare program to assure its short-term and long-term financial solvency and the appropriateness of its benefit structure; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. CRANSTON):

S. 1110. A bill to establish a National Commission on monetary Policy and its relation to fiscal policy; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN (for himself, Mr. JACKSON, Mr. RANDOLPH, Mr. BAUCUS, Mr. TSONGAS, Mr. GORTON, and Mr. D'AMATO):

S. 1111. A bill to amend the Safe Drinking Water Act to provide for the protection of certain recharge areas overlying sole source underground water supplies; to the Committee on Environment and Public Works.

By Mr. GORTON (for himself and Mr. JACKSON):

S.1112. A bill to modify the city waterway navigation channel project, Tacoma harbor, Wash., to redefine the project boundaries; to the Committee on Environment and Public Works.

By Mr. D'AMATO:

S. 1113. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed; to the Committee on Finance.

By Mr. MATSUNAGA:

S. 1114. A bill for the relief of Charlie Tan Supnet; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 1115. A bill to amend titles XVIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes; to the Committee on Finance.

By Mr. PACKWOOD:

S. 1116. A bill to amend the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (for himself, Mr. PACKWOOD, Mr. GOLDWATER, Mr. FORD, Mr. EXON, and Mr. RIEGLE):

S. 1117. A bill to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH (by request):

S. 1118. A bill to amend the Rail Passenger Service Act to authorize additional appropriations for the National Railroad Passenger Corporation and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DIXON (for himself and Mr. PERCY):

S. 1119. A bill to amend the Natural Gas Policy Act of 1978 to establish natural gas pipelines as common carriers, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GOLDWATER:

S. Res. 116. A resolution deploring the bombing of the U.S. Embassy in Beirut, Lebanon, and expressing the sorrow and condolences of the Senate on the death and wounding of Americans caught in the bombing, and for other purposes; to the Committee on Foreign Relations.

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. Res. 117. A resolution to refer the bill (S. 1104) entitled "A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Ky., to the United States, and their heirs" to the Chief Commissioner of the U.S. Court of Claims for a report thereon; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. WEICKER, Mr. PACKWOOD, Mr. PELL, Mr. BENTSEN, Mr. JACKSON, Mr. TSONGAS, Mr. RIEGLE, Mr. HUDDLESTON, Mr. INOUYE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. FORD, Mr. CHILES, Mr. MATSUNAGA, Mr. STENNIS, and Mr. LONG):

S. Res. 118. A resolution to express the sense of the Senate in support of continued integrity of the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DECONCINI, Mr. BOSCHWITZ, Mr. MURKOWSKI, Mr. HECHT, Mr. MOYNIHAN, Mr. RIEGLE, Mr. LAUTENBERG, Mr. INOUYE, Mr. SPECTER, Mr. DODD, and Mr. PRESSLER):

S. Res. 119. A resolution expressing the sense of the Senate that the United States should proceed with the sale and delivery of F-16 aircraft to Israel; to the Committee on Foreign Relations.

By Mr. HATFIELD:

S. Con. Res. 26. A concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode; to the Committee on Appropriations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILSON:

S. 1103. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California; to the Committee on Energy and Natural Resources.

OFFSHORE OIL AND GAS LEASING

Mr. WILSON. Mr. President, today I am introducing legislation designed to prohibit oil and gas leasing on most of the California Outer Continental Shelf until 1994.

My purpose in seeking this temporary protection for the California coastline and the economic activity that depend upon it, is not to declare California Camelot and off limits to efforts to achieve national energy self-sufficiency. But because of the greater risk and the magnitude of harm on shore possible from a near-shore Outer Continental Shelf drilling mishap, California and other coastal States are entitled to the assurance that other domestic energy sources have been exhausted before they are asked to expose their sensitive coastlines and their dependent coastal economies to such risk.

Some States have chosen to assume that risk, to share in the profits from exploration and drilling on their Outer Continental Shelf. But in California the tourism industry, the U.S. Navy, the fishing industry and virtually every coastal community in the State have raised the most strenuous objections to drilling activity in the near-shore tracts included by Secretary Watt in various proposed lease sales.

And, what is the need for present production in these highly sensitive California Outer Continental Shelf areas? Has America reached the bottom of its oil barrel? Not according to figures provided by the U.S. Geological Survey which estimates that California's Outer Continental Shelf would yield but 7 billion of the 300 billion barrels of remaining recoverable oil in America. That's just 2⅓ percent of the total.

I do not know whether a 10-year moratorium is too long or not long enough to determine whether alternative energy sources can be found to otherwise satisfy America's energy requirements and to permanently obviate the need for development of California's Outer Continental Shelf resources. But if we look at oil alone, the total recoverable from the Outer Continental Shelf off California's shore represents only slightly more than 1 year's annual national consumption. The other 97⅔ percent of domestic recoverable oil represents a supply to accommodate annual consumption for more than 42 years.

At the very least this legislation is required to prevent what may be an altogether unnecessary hazard and certainly a risk that is premature and unjustifiable in February 1984, which is Secretary Watt's target date for subjecting California's Outer Continental Shelf to the exploration and production which carries such risks to California's coastline.

My bill would prohibit Outer Continental Shelf oil and gas leasing from Pismo Beach north to the Oregon border, Newport Beach south to the Mexican border, the Santa Monica Bay area, the Channel Islands National Marine Sanctuary, and the Santa Barbara Federal Ecological Preserve for the designated 10 years.

In recognition of this Nation's need to become energy self-sufficient, I have taken care to exclude key oil and gas fields from this moratorium. For example, the estimated-billion-acre oilfield at Point Arguello is left out as are established oil and gas fields in the Santa Barbara Channel and the Long Beach near-shore area.

In effect, this bill provides the same protection for undeveloped Outer Continental Shelf areas in southern California that is recommended for northern and central California by the Department of the Interior.

Finally, this bill departs from other similar legislation by allowing the President to lift the moratorium in the event of a national emergency. Without this provision, this bill would be unnecessarily restrictive and inflexible.

Mr. President, this bill needs to be acted upon promptly. OCS lease sale No. 80 in southern California is scheduled for February 1984, and lease sale No. 73 in central California is slated for next October. Absent action by Congress, these lease sales will open up vast sections of the coastline to the potential dangers of offshore drilling. I, therefore, urge my colleagues to move expeditiously on this bill and commend it to them for their favorable consideration.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337), the Secretary of the Interior may not issue any oil and gas lease on any submerged lands located within the geographical areas described in section 4(a).

(b) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not grant any license or permit for any activity which—

(1) affects the geographical areas described in section 4(a), and

(2) involves drilling for oil or gas.

(c) Notwithstanding sections 11 and 25 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340 and 1351), the Secretary of the Interior may not approve any exploration plan, or any development and production plan, which—

(1) provides for any activity affecting the geographical area described in section 4(a), and

(2) involves drilling for oil or gas.

SEC. 2. This Act shall not affect the authority of the Secretary of the Interior to approve any plan, or to grant any license or

permit, which allows scientific exploration or other scientific activities.

SEC. 3. This Act shall take effect on the date of its enactment and shall remain effective until January 1, 1994, except that this Act shall not apply during any period in which there is in effect a national emergency, proclaimed by the President, which involves a shortage of oil or gas.

SEC. 4. (a) The geographical areas specified in the preceding sections of this Act are—

(1) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California with the boundaries of—

(A) on the north, the line between the row of blocks numbered N968 and the row of blocks numbered N969 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866; and

(B) on the south, the line between the row of blocks numbered N808 and the row of blocks numbered N809 of the Universal Transverse Mercator Grid System based on the Clarke Spheroid of 1866;

(2) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Santa Monica Bay, State of California, which begins at the point of intersection of a seaward extension of the boundary line between Los Angeles County and Ventura County with the seaward limit of the California State Tidelands: thence due south to the midpoint of block 39 north 52 west; thence diagonally southeast to the southeast corner of block 35 north, 45 west; thence due east to the first point of intersection with a line extended south from Point Fermin along the eastern boundary of the State of California Oil and Gas Sanctuary in effect on June 1, 1982; thence north along that line to the first point of intersection with seaward boundary of the California State Tidelands; thence northwesterly to the point of beginning along the seaward boundary of the California State Tidelands;

(3) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of Orange and San Diego Counties, State of California, which begins at the intersection of the southern border of row 34 north with the seaward boundary of the California State Tidelands; thence due west to the northwest corner of block 33 north, 35 west; thence due south to the southwest corner of block 31 north, 35 west; thence diagonally southeast to the southwest corner of block 21 north, 25 west; thence due south to the point of intersection with the international boundary line between the United States and Mexico; thence easterly along said international boundary line to its first point of intersection with the seaward boundary of the California State Tidelands; thence northwesterly along the seaward boundary of the California State Tidelands to the point of beginning; and

(4) an area of the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)), located in the Pacific Ocean off the coastline of the State of California and consisting of the following tracts identified on the official Outer Continental Shelf leasing map for the Channel Islands Area (map numbered 6B):

(A) All of block 50 north, 67 west.

(B) The northwestern quarter of the northwestern quarter of block 51 north, 65 west.

(C) All of block 51 north, 66 west.

(D) All of block 51 north, 67 west.

(E) All of block 51 north, 68 west.

(F) All of block 51 north, 69 west.

(G) The eastern half and the eastern half of the western half of block 51 north, 70 west.

(H) All of block 52 north, 64 west.

(I) All of block 52 north, 65 west.

(J) All of block 52 north, 66 west.

(K) All of block 52 north, 67 west.

(L) All of block 52 north, 68 west.

(M) All of block 52 north, 69 west.

(N) The eastern half and the eastern half of the western half of block 52 north, 70 west,

and any submerged lands within that part of the Channel Islands National Marine Sanctuary which lies 3 to 6 miles out from the baseline from which the State waters are measured around San Miguel and Prince Islands, Santa Rosa, Santa Cruz, Anacapa, and Santa Barbara Islands.

(b) The northern and southern boundaries of the geographical area described in subsection (a)(1) are marked on the map entitled "United States Department of the Interior, Bureau of Land Management Index of Outer Continental Shelf Official Protraction Diagrams Pacific Coast", dated March 1982. the areas described in subsections (a)(2) and (3) are those areas contained on a map entitled "U.S. Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf Office, Southern California Offshore Area".

By Mr. HUDDLESTON (for himself and Mr. FORD):

S. 1104. A bill for the relief of the grantors of certain land in Henderson, Union, and Webster Counties, Ky., to the United States and their heirs; to the Committee on the Judiciary.

RELIEF OF CERTAIN GRANTORS OF LAND IN KENTUCKY

Mr. HUDDLESTON. Mr. President, today I am introducing a private relief bill which seeks compensation for the oil, gas, and mineral rights for which the owners of land condemned in 1942 for Camp Breckinridge were never paid. Along with this bill, I am submitting a Senate resolution, Senate Resolution 117, to refer the entire matter to the Commissioners of the Court of Claims for factfinding and their report. My distinguished colleague from Kentucky, Senator FORD, is joining me in introducing this legislation.

Camp Breckinridge consisted of some 36,000 acres in a rural farming section of Henderson, Union, and Webster Counties, Ky. The land was condemned in 1942 and used for a military training camp during World War II and the Korean conflict. With the declaration of war on the Axis powers, the United States was involved in a war of new, and at the time, unknown dimensions. The need for immediate action by the United States in Europe and the Pacific was desperate and properly trained troops were needed without delay. Hence, getting the camp in working order in the shortest possible time became the Government's primary objective.

To some extent, this necessity for quick action explains the callous attitude displayed by the Government and the cavalier manner in which the 1,500 families who stood between the Government and an operating training camp were treated. It is an explanation but not an excuse. Some residents were ordered to evacuate in 2 or 3 weeks' time. Some notices of eviction were tacked on porch columns to avoid the problem of facing the owners. The appraisers were equally pressed for time. Farms were appraised, not by walking the metes and bounds, but by viewing the property from a car parked in a driveway. There are other accounts which have grown more bitter with the passage of time.

Similar stories are not uncommon in condemnation situations. In most cases, condemnation is simply a very unpleasant experience. No one, regardless of their patriotism, likes to have his property taken. An understanding of the necessity of private sacrifice for the public good rarely makes the situation more palatable. The constitutional guarantee that no property will be taken without just compensation is the only factor in the whole equation designed to relieve the anguish of those forced to leave their homes and farms for the public good.

However, in this situation, there was not just compensation as required by the fifth amendment of the U.S. Constitution. This may seem unlikely when the various court battles fought by the former owners of the camp are considered, but through a combination of factors, the Government managed to acquire this property at an unreasonably low price. The Government's negotiators who handled the purchase of the camp property were instructed to obtain the property at the best price for the Government. This was an admirable instruction. However, in their zeal to carry it out, the negotiators seem to have forgotten the constitutional stricture placed upon their actions, namely, that the compensation must be just.

The land involved was fertile farmland with the necessary accouterments for housing 1,500 families and producing a living for them by farming. Also, there had been coal mining activity in the area for years. Oil wells were in existence at the time on some of the property in question. There were oil leases outstanding on approximately 70 percent of the property. Despite this, the Corps of Engineers publicly stated that the oil and gas leases were "of nuisance value only" and subtracted the meager amounts paid for the leases from the valuation of the properties. This completely ignored the very real possibility of substantial con-

tinued income to owners of property on which wells might in the future be located. In the end, many of the property owners received less for their land than they had invested to make it productive and nothing for the future value of their oil leases.

The obvious question in response to this information is, "Why didn't the owners fight the condemnation appraisals in court?" There are several answers to that question, some of which reflect very badly on the good faith of the U.S. Government. The major reason involved the Surplus Property Acts of 1939 and 1944. These laws provided a third priority repurchase right for the owners of property condemned by the United States which later became surplus. This priority followed a first priority for other Federal agencies and a second priority for State and local governments since it is obviously better to fill governmental property needs with Government property than to visit the trauma of condemnation on a new set of property owners. When this repurchase privilege was provided by Congress, it was expressly created on a temporary basis, each of the laws expiring by its own terms at the end of 5 years unless it were extended by an act of Congress. Hence, the repurchase priority which did exist was anything but a guarantee that the property would be returned to the former owners.

This was not the story told the owners by the Government negotiators. The property owners were told they would be able to repurchase their property at the end of the war. There was not mention of only a third priority or that it was effective only if the property were declared surplus and refused by other Government agencies. Furthermore, the owners were strongly encouraged not to contest the Government appraisals of their property because that appraised value would be the price they would pay when they would be allowed to repurchase the property after the war. This can be characterized as intentional misrepresentation or, as some have implied, fraud.

It is generally assumed that our legal system provides remedies for such wrongs. In this situation, the law was all on the Government's side. In all of the documents prepared by the Government, the owners conveyed a fee simple absolute to the United States. Having conveyed everything to the Government, the former owners had no rights left. These written documents could not be disputed by oral evidence and the Government had never made any of its promises in writing. The case of *Harrison* v. *Phillips*, 282 F.2d 927 (5th Cir. 1960) highlights the legal cul de sac faced by the former owners. The plaintiff, Harrison, based his case on statements by Coast Guard officials who condemned his property in Texas, which were identical to those made by the negotiators in Kentucky. Even though such representations were made, the Government ". . . would not be bound by any representations made by . . . its negotiators since they did not have authority to bind the United States to reconvey the property on a priority basis. . . . Any statements made by the negotiators were clearly beyond the scope of their authority and not binding upon the Government." (*Harrison*, at p. 208).

There were other more basic reasons why many of the owners did not contest their appraisals. They were told that they would receive their compensation immediately if they did not contest. For those who followed this advice, the payment was often 1 year away. For those who chose to contest, the last suits were not completed until after the war had been over for 2 years. In retrospect, all of this may seem inconsequential or simply water under the bridge, but think for a moment of the difficulties of moving a farming operation to new land when one-quarter of the land in the county in question has just been removed from the market and prices have risen accordingly for remaining land, when no compensation has yet been received, and when the completely disrupted farming operation is the only source of income. The thought is not pleasant. In this situation, many simply could not afford to contest the appraisals.

The hardships and indignities of the move were endured with a mixture of bitterness, patriotism, and faith that the separation from land and home would not be a long one. During the Korean conflict, the camp was used again by the military but it was not until 1962 that it was finally declared surplus Government property. It seemed that the hopes of the owners would at last be fulfilled. However, injustice was to win in the end. In 1949, the third repurchase priority of the Surplus Property Act of 1944 expired. No notice of this event had been given to any of the former owners although they had been in continuous contact with the Government concerning the property. Further offense had been given the owners in 1957 when the Government leased two tracts of the property for productive oil wells.

In 1962, when it was learned that the camp was to be sold, the former owners sought to exercise their promised repurchase priority only to learn that the land was to be sold at public auction and that the supposedly worthless oil, gas, and mineral rights were to be auctioned separately in seven tracts. These proposed actions were fought through the Federal court system concluding with the denial of certiorari by the Supreme Court. Thus, the former landowners lost their legal efforts to repurchase their property in 1968. The last of the Camp Breckinridge property was sold in 1969. The dollar figures for this whole transaction are astounding. The owners of the property received $3,100,000 for the 36,000 acres of land, housing for 1,500 families, and the fencing and buildings necessary to farm this amount of land. When the Government sold the land, oil, and coal rights in the 1960's, it received approximately $40 million in return. Thus the U.S. Government held property for 10 years after its last public use and made a $37,000,000 profit with the help of broken promises. While I admire the ability to make a profit fairly, the Government of this country should not be in the business of making a profit by breaking its promises, legally authorized or not, and doing so at the expense of the individual citizens of this Nation.

As we have noted, the owners of Camp Breckinridge land fought their case to the highest court in the land. The Sixth Circuit Court of Appeals held against the owners, asserting that their interest in the land began only after its oil resources were discovered. These resources have never been the sole interest of those who owned the land on which the camp was built, but even if they were, these resources were well known long before the condemnation by the Government, contrary to the assertion of the court of appeals. Furthermore, the Government considered these leases of sufficient value to bring separate condemnation proceedings to obtain them, after the war was over.

At the time of the initial condemnation proceedings, the Corps of Engineers estimated that there were oil exploration leases outstanding on 65 to 70 percent of the land. Under these leases, small amounts ranging from $1 to $5 per acre were paid for exploration rights and the owners retained a one-eighth overriding royalty on all oil production.

To date, oil worth millions of dollars has been extracted from the Camp Breckinridge land. The wells are still pumping on this land where the Corps of Engineers said that the oil leases were of simply nuisance value. This is the same land to which the Government sold oil and coal rights in 1965 for $32,000,000.

I do not find the continued interest of the former owners at all out of place. Nor do I find it greedy or unpatriotic. In fact, I find it quite admirable that this group has refused to be completely defeated by the numerous setbacks and injustices through which they have suffered and have once again sought relief, this time from the Congress, the arbiter of last resort. To aid their cause, Senator FORD and I are introducing a private relief bill seeking

compensation in the amount of $32 million, the amount for which the Government sold the oil, gas, and mineral rights it acquired for free. Along with this bill, we are also introducing a Senate resolution seeking to refer this matter to the Commissioners of the Court of Claims for a thorough and objective review of the situation and a recommendation as to the amount to which the former owners are "equitably due" from the United States.

I firmly believe that the circumstances surrounding the creation of Camp Breckinridge and subsequent Government action should be given a full hearing. This hearing should go to the heart of the injustice done the former owners and consider all evidence presented rather than revolving around the principles of agency and being inhibited by such legalities as the parole evidence rule. These are obviously very important parts of our legal system but they should never be used to insulate from exposure Government conduct that some might describe as fraudulent. It is for situations such as this that private relief and congressional reference procedures have been developed over the years. They are only applicable when there is no other remedy.

Cases such as this one, when sent to the Commissioners of the Court of Claims by congressional reference, are judged by the standard of the Government's "broad moral responsibility," *Sherman Webb, et al.* v. *United States,* 192 Ct. Cl. 925 (1970), and the pleas are addressed to the conscience of the sovereign. We should never be hesitant to subject the actions of the Government to review before such a standard. The amount of money potentially involved should not frighten us away from action but should make us more determined to give the former owners an opportunity to obtain justice. Furthermore, we should neither rely on the absence of precedent for cases of this size nor refrain from acting for fear that we will establish a precedent for the future. Rather, we should be eager to establish a precedent for redress anytime the Government of the United States has perpetrated injustice upon its citizens.

The action of this Chamber on the resolution I am introducing today will be but the first step toward such redress. Upon referral to the Commissioners of the Court of Claims, they will report to us on their findings. Upon receipt of their report, the Senate and House will be called on to make a final decision. I feel very strongly about this issue. I urge my colleagues to support this effort. While I realize that I have set a goal which will be difficult to achieve, I also realize that the former owners have been fighting this battle for over 30 years. My determination and that of my constituents to see justice done in situations of this type has been demonstrated on prior occasions. I am determined to pursue this effort to fruition and ask my colleagues to join me in this first step.

Mr. FORD. Mr. President, for the third consecutive Congress Mr. HUDDLESTON and I are introducing a bill to redress the grievances of a group of Kentuckians against the Government of the United States. Our legislation, through one of several means, would force the Government to reimburse families for land it purchased from them in World War II in Henderson, Union, and Webster Counties, Ky. In this case the Government must be forced to live up to its moral and legal obligations.

In 1942, the Government forced farmers to sell 36,000 acres of prime land as part of the war effort and named the area Camp Breckinridge. Rural families numbering 1,500 were forced to evacuate their land, sometimes with only 2 or 3 weeks' notice. Appraisers hurriedly viewed the property and hastily made their evaluations. The war in Europe and the Pacific demanded quick action, and whole families were uprooted in the relocation process.

The Government purchased the land at an unreasonably low price. There was not fair compensation as required by the fifth amendment. Negotiators were instructed to purchase the land at the best possible price and they did so, at the expense of the owners.

The most blatant abuse of power by the Government occurred when its agents maneuvered themselves into purchasing the mineral rights to this fertile land, which yielded coal, oil and gas. While the owners of the property received $3.1 million for the 36,000 acres, the Government sold the land, oil and coal rights in the 1960's for $40 million. Thus, the U.S. Government made a profit of some $37 million. To date in excess of 60 million dollars' worth of oil has been extracted from the Camp Breckinridge land. Keep in mind, now, that this is the same land the Government sold oil and coal rights in 1965 for $32 million.

Despite staying in constant contact with the Government about the property, the landowners were never warned that the repurchase priority to the land could expire, which is what happened in 1949. The land was sold at public auction. From that date, the owners went to the courts with their legitimate grievances. They fought their case to the highest court in the land, only to lose the decision and any hope of receiving back their property of a just compensation. An act of Congress is their last resort.

These landowners and their progenity only want a fair settlement. They have been trying for four decades. I am determined to continue the battle.

Mr. President, I ask unanimous consent to have printed a letter addressed to Senator GRASSLEY, chairman of the Senate's Subcommittee on Agency Administration, to provide a more detailed background on Camp Breckinridge. I urge my colleagues to seriously consider the unfairness of this situation and support our efforts to correct it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., October 23, 1981.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is to provide you with supporting information on S. 1227, a bill for the relief of the former landowners of Camp Breckinridge, and to urge you to give this measure prompt consideration.

Camp Breckinridge consisted of some 36,000 acres in a rural farming section of Henderson, Union and Webster Counties, Kentucky. The land was condemned in 1942 and used for a military training camp during World War II and the Korean conflict. With the declaration of war on the Axis powers, the United States was involved in a war of new, and at the time, unknown dimensions. The need for immediate action by the United States in Europe and the Pacific was desperate and properly trained troops were needed without delay. Hence, getting the camp in working order in the shortest possible time became the government's primary objective.

To some extent, this necessity for quick action explains the callous attitude displayed by the Government and the cavalier manner in which the 1500 families who stood between the government and an operating training camp were treated. It is an explanation but not an excuse. Some residents were ordered to evacuate in two or three weeks time. Some notices of eviction were tacked on porch columns to avoid the problem of facing the owners. The appraisers were equally pressed for time. Farms were appraised, not by walking the metes and bounds, but by viewing the property from a car parked in a driveway.

Similar stories are not uncommon in condemnation situations. In most cases condemnation is simply a very unpleasant experience. No one, regardless of their patriotism, likes to have his property taken. An understanding of the necessity of private sacrifice for the public good rarely makes the situation more palatable. The Constitutional guarantee that no property will be taken without just compensation is the only factor in the whole will be taken without just compensation is the only factor in the whole equation designed to relieve the anguish of those forced to leave their homes and farms for the public good.

However, in this situation, there was not just compensation as required by the Fifth Amendment of the United States Constitution. This may seem unlikely when the various court battles fought by the former owners of the camp are considered, but through a combination of factors, the government managed to acquire this property at an unreasonably low price. The government's negotiators who handled the purchase of the camp property were instructed to obtain the property at the best price for

the government. This was an admirable instruction. However, in their zeal to carry it out, the negotiators seem to have forgotten the Constitutional structure placed upon their actions, namely, that the compensation must be just.

The land involved was fertile farm land with the necessary accoutrements for housing 1500 families and producing a living for them by farming. Also, there had been coal mining activity in the area for years. Oil wells were in existence at the time on some of the property in question. There were oil leases outstanding on approximately 70 percent of the property. Despite this, the Corps of Engineers publicly stated that the oil and gas leases were "of nuisance value only" and subtracted the meager amounts paid for the leases from the valuation of the properties. This completely ignored the very real possibility of substantial continued income to owners of property on which wells might in the future be located. In the end, many of the property owners received less for their land than they had invested to make it productive and nothing for the future value of their oil leases.

The obvious question in response to this information is, "Why didn't the owners fight the condemnation appraisals in court?" There are several answers to that question, some of which reflect very badly on the good faith of the United States government. The major reason involved the Surplus Property Acts of 1939 and 1944. These laws provided a third priority for other federal agencies and a second priority for state and local governments since it is obviously better to fill governmental property needs with governmental property than to visit the trauma of condemnation on a new set of property owners. When this repurchase privilege was provided by Congress, it was expressly created on a temporary basis, each of the laws expiring by its own terms at the end of five years unless it were extended by an act of congress. Hence, the repurchase priority which did exist was anything but a guarantee that the property would be returned to the former owners.

This was not the story told the owners by the government negotiators. The property owners were told they would be able to repurchase their property at the end of the war. There was no mention of only a third priority or that it was effective only if the property were declared surplus and refused by other government agencies. Furthermore, the owners were strongly encouraged not to contest the government appraisals of their property because that appraised value would be the price they would pay when they would be allowed to repurchase the property after the war. This can be characterized as intentional misrepresentation or, as some have implied, fraud.

It is generally assumed that our legal system provides remedies for such wrongs. In this situation, the law was all on the government's side. In all of the documents prepared by the government, the owners conveyed a fee simple absolute to the United States. Having conveyed everything to the government, the former owners had no rights left. These written documents could not be disputed by oral evidence and the government has never made any of its promises in writing. The case of *Harrison* v. *Phillips*, 282 F.2d 927 (5th Cir. 1960) highlights the legal cul-de-sac faced by the former owners. The plaintiff, Harrison, based his case on statements by Coast Guard officials who condemned his property in Texas, which were identical to those made by the negotiators in Kentucky. Even though such representations were made, the government ". . . would not be bound by any representations made by . . . its negotiators since they did not have authority to bind the United States to reconvey the property on a priority basis . . . Any statements made by the negotiators were clearly beyond the scope of their authority and not binding upon the government." (Harrison, at p. 208)

There were other more basic reasons why many of the owners did not contest their appraisals. They were told that they would receive their compensation immediately if they did not contest. For those who followed this advice, the payment was often a year away. For those who chose to contest, the last suits were not completed until after the war had been over for two years. In retrospect, all of this may seem inconsequential unless you consider the difficulties of moving a farming operation to new land when one quarter of the land in the county in question has just been removed from the market and prices have risen accordingly for remaining land, when no compensation has yet been received, and when the completely disrupted farming operation is the only source of income. In this situation, many simply could not afford to contest the appraisals.

During the Korean Conflict, the camp was used again by the military but it was not until 1962 that it was finally declared surplus government property. It seemed that the hopes of the owners to recover their property would at last be fulfilled. However, injustice was to win in the end. In 1949, the third repurchase priority of the Surplus Property Act of 1944 expired. No notice of this event had been given to any of the former owners although they had been in continuous contact with the government concerning the property. Further offense had been given the owners in 1957 when the government leased two tracts of the property for productive oil wells.

In 1962, when it was learned that the camp was to be sold, the former owners sought to exercise their promised repurchase priority only to learn that the land was to be sold at public auction and that the supposedly worthless oil, gas and mineral rights were to be auctioned separately in seven tracts. These proposed actions were fought through the federal court system concluding with the denial of certiorari by the Supreme Court. Thus, the former land owners lost their legal efforts to repurchase their property in 1968. The last of the Camp Breckinridge property was sold in 1969. The dollar figures for this whole transaction are astounding. The owners of the property received $3,100,000.00 for the 36,000 acres of land, housing for 1500 families, and the fencing and buildings necessary to farm this amount of land. When the government sold the land, oil and coal rights in the 1960s, it received approximately forty million dollars in return. Thus, the United States government held property for ten years after its last public use and made a $37,000,000.00 profit fairly. The government of this country should not be in the business of making a profit by breaking its promises, legally authorized or not, and doing so at the expense of the individual citizens of this Nation.

As we have noted, the owners of Camp Breckinridge land fought their case to the highest court in the land. The Sixth Circuit Court of Appeals held against the owners asserting that their interest in the land began only after its oil resources were discovered. These resources have never been the sole interest of those who owned the land on which the camp was built, but even if they were, these resources were well known long before the condemnation by the government, contrary to the assertions of the Court of Appeals. Furthermore, the government considered these leases of sufficient value to bring separate condemnation proceedings to obtain them, after the war was over.

At the time of the initial condemnation proceedings, the Corps of Engineers estimated that there were oil exploration leases outstanding on 65 to 70 percent of the land. Under these leases, small amounts ranging from one to five dollars per acre were paid for exploration rights and the owners retained a one-eighth over-riding royalty on all oil production. To date, in excess of $60,000,000.00 worth of oil has been extracted from the Camp Breckinridge land. The wells are still pumping on this land where the Corps of Engineers said that the oil leases were of simply nuisance value. This is the same land which the government sold oil and coal rights in 1965 for $32,000,000.00.

We firmly believe that the circumstances surrounding the creation of Camp Breckinridge and subsequent government action should be given a full hearing. This hearing should go to the heart of the injustice done the former owners and consider all evidence presented rather than revolving round the principles of agency and being inhibited by such legalities as the parole evidence rule. These are obviously very important parts of our legal system but they should never be used to insulate from exposure government conduct that some might describe as fraudulent. It is for situations such as this that private relief and Congressional reference procedures have been developed over the years. They are only applicable when there is no other remedy.

Cases such as this one, when sent to the Commissioners of the Court of Claims by Congressional reference, are judged by the standard of the government's "broad moral responsibility", *Sherman Webb, et al.* v. *United States*, 192 Ct. Cl. 925 (1970), and the pleas are addressed to the conscience of the sovereign. We should never be hesitant to subject the actions of the government to review before such a standard.

Again, we urge the Senate Judiciary Committee to give this matter speedy consideration and report out the resolution which will return the matter to the Court of Claims.

Any additional information or supporting documents will be supplied upon request.

Sincerely,

WENDELL H. FORD.
WALTER D. HUDDLESTON.

By Mr. MOYNIHAN (for himself, Mr. INOUYE, Mr. MELCHER, Mr. MITCHELL, Mr. HEINZ, Mr. SYMMS, Mr. EAST, Mr. BAUCUS, and Mr. EAGLETON):

S. 1105. A bill to amend the Internal Revenue Code to change certain accounting rules related to inventory, and for other purposes; to the Committee on Finance.

CHANGES IN ACCOUNTING RULES RELATED TO INVENTORY

● Mr. MOYNIHAN. Mr. President, I am introducing legislation today that would modify the Thor Power Tool

tax ruling with respect to excessive inventory.

The bill has two provisions. The first would let any company that can demonstrate that a portion of its inventory will eventually be sold below cost write down that portion to its net realizable value.

And the second would give companies that switch from FIFO to LIFO accounting 10 years over which to spread out any sudden profits that result from the change.

The heart of the bill is section 1. It, more than the other part, is aimed at the real Thor controversy. The controversy arises because of a decision by the Supreme Court in the case *Thor Power Tool Co.* v. *Commissioner*, 439 U.S. 522 (1979).

The Thor Power Tool Co. was—and still is—a FIFO taxpayer. FIFO is an accounting method; the acronym stands for first-in, first-out. And under that accounting method, a company must figure out at the end of each tax year how much its inventory is worth. The law says that the inventory must be listed at its cost—or at its market value, but only if the market value is lower. The law also says that each item of inventory must be valued separately.

In 1963, the Thor Co. had in its inventory 44,000 spare parts for handheld power tools and rubber products. The company had recently come under new management. The new managers decided that many of these spare parts would never be sold; hence, in the managers' view, the parts had little, if any, market value. They were excess inventory. Consequently, the company used the market value, rather than the cost of the parts, when it reported how much of its inventory was worth at the end of 1964 to the IRS.

This process of suddenly choosing a low-market value, when up to now a company had listed its inventory at cost, is known as writing down one's inventory. In 1964, it yielded the Thor Power Tool Co. a tax deduction of $744,030.

However, there was one problem with what the company did. And that is there was no evidence that the spare parts were worth what the company said they were.

Company officials merely projected demand for the parts using their experience with sales in 1964. Parts that the company expected to sell in 1965 were said to be worth something, and were listed on the company's books at cost. But parts that the company expected to sell in 1966 were said to have a market value of from 50 to 75 percent below cost. And the company claimed that the parts it might sell in 1967 or in later years were worthless. These were listed at zero, or thereabouts—their assumed market value.

The company's claim was absurd. The market values it selected had no demonstrable basis in fact. Therefore, the Internal Revenue Service disallowed the company's deduction. And when the case went to the Supreme Court the Justice agreed with the IRS. Their decision was unanimous.

What the Court said is that a taxpayer must be able to prove that his inventory has a low market value, before he may write down the inventory. And the IRS may insist on "a high evidentiary standard."

Tax regulations, in effect at the time, said that a company may prove that its inventory has a low market value in one of two ways. The company may sell the inventory at less than cost within 30 days after the close of the tax year. Or it may cut its prices below cost, in which case the IRS will accept the company's word that the inventory is not worth more than the company is charging for it.

The Court did not say that there are no other ways that a company may prove that its inventory has a low market value. What it said was there must be proof. And it is reasonable for the IRS to demand the kind of evidence that it wanted of taxpayers.

My bill suggests a third method of proof.

Consider the following case: A publisher has 1,000 copies of a 1960 best seller in his warehouse. The books are still being held out for sale at the list price, although there are few purchasers. Intuitively, one knows that each book is not worth the list price; some of the books will never be sold and are not worth even the cost of printing them. But how does one prove it?

That is the Thor problem. The answer is that a taxpayer should be able to look to his experience. If the publisher's records show that, on average, 10 percent of any books that have not been sold within a year after they were printed will eventually be remaindered, then each year the publisher should be able to write down 10 percent of his 1-year-old books to their remainder value.

By the same token, if the records show that, on average, 40 percent of 2-year-old books are eventually remaindered, then 40 percent of 2-year-old books would be written down each year to their remainder value.

I hasten to add that the books need not actually be remaindered in the strictest sense of the word. It is enough that they will be sold eventually at less than cost. And when that is the case, they may be written down to what the publisher's experience tells him he will receive for them.

I want also to stress that while I used a book publisher in my example, this new approach would be available to all companies in all industries. The only restrictions are that a company would have to segregate its inventory items by age. And it would have to point to its most recent 5 years of experience with inventories.

The bill would take effect retroactively and apply to the 1979 tax years. A company would be able to redo its taxes using this new method, if it wishes; 1979 was the year in which the IRS began aggressively to enforce the holding in the Supreme Court decision. Companies would not have to seek the IRS' permission in order to file amended returns.

That is section 1 of the bill.

The other section deals with LIFO, or last-in, first-out, accounting. There are two ways to resolve the Thor problem; one is to address the issue directly, as I have already done. The other is to persuade more companies to switch to LIFO; companies on LIFO do not have a Thor problem since under LIFO, all inventories must be valued at cost. There is no need to supply evidence of market value.

LIFO is more favorable to taxpayers since it makes them appear less profitable. Nevertheless, many companies do not use it because of the so-called conformity requirement—a rule that says a company that uses LIFO for its taxes must also use LIFO for its financial statements to shareholders.

My bill would not affect the conformity requirement.

Another reason companies do not use LIFO is that when a company switches to it from FIFO, adjustments must be made to the company's inventory and this often causes the company's income to increase suddenly in the year of the change. My bill would give a company making the switch 10 years over which to spread out the adjustments.

I intend to let a taxpayer make a 10-year spread without having to seek the advance consent of the IRS. Under present law, a taxpayer must get the IRS's permission for a spread within the first 180 days of the tax year. That rule would not apply here.

The LIFO provision of the bill would take effect prospectively in tax years beginning after the date of enactment.

That is the plan.

In concluding, let me note that the bill has been carefully written over a period of several years. Almost everyone who has told me he has an interest in the subject has been consulted and given a chance to participate in the drafting.

In addition, Treasury and Joint Tax Committee experts have been kept advised of the bill's progress at every step of the way.

I am proposing that we resolve the excess inventory problem in a manner that is consistent with the Supreme Court's decision. A company should be able to prove that its inventory has a low market volue before it claims a loss on its taxes. The only question is

what kind of evidence should the company be required to provide.

I ask unanimous consent, Mr. President, that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCESS INVENTORY ITEMS MAY BE WRITTEN DOWN TO SCRAP VALUE.—Section 471 of the Internal Revenue Code of 1954 (relating to the general rule for inventories) is amended by adding at the end thereof the following new sentences: "A taxpayer may value his excess inventory at its net realizable value. For purposes of this section, the term 'excess inventory' means that portion of the taxpayer's inventory which the taxpayer reasonably expects will be disposed of at less than full realization of its cost. Such portion shall be determined with respect to each group of articles by age by referring to the taxpayer's most recent 5-year experience with inventories".

SEC. 2. TEN-YEAR SPREAD PERMITTED FOR INCREASES IN INVENTORY VALUE REQUIRED FOR ADOPTION OF LIFO METHOD.—Subsection (b) of section 472 of such Code (relating to last-in, first-out inventories) is amended by adding at the end thereof the following new sentence: "For purposes of section 481, any increase in the valuation of inventory required by paragraph (2) shall be treated as an adjustment attributable to a change in a method of accounting initiated by the taxpayer".

SEC. 3. EFFECTIVE DATES.—

(a) GENERAL RULE.—

(1) AMENDMENT MADE BY SECTION 1.—The amendment made by section 1 of this Act shall apply to taxable years ending on or after December 31, 1979.

(2) AMENDMENTS MADE BY SECTION 2.—The amendments made by section 2 of this Act shall apply to taxable years beginning after the date of enactment.

(b) SPECIAL RULE.—Solely for the purpose of determining the applicability of the amendment made by section 1 of this Act the special rule of section 441(f)(2)(A)(ii) shall not be applied.●

By Mr. WARNER (for himself and Mr. JACKSON):

S. 1106. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes; to the Committee on Armed Services.

DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1983

● Mr. WARNER. Mr. President, for myself and the senior Senator from Washington (Mr. JACKSON), I introduce for appropriate reference a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983, and for other purposes.

The Senate did not act on the fiscal year 1983 authorization bill, as reported by the Senate Committee on Armed Services, and it is the committee's intention to pursue enactment of this authorization bill in conjunction with the fiscal year 1984 Department of Energy authorization bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Militry Applications of Nuclear Energy Authorization Act of 1983".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Depatement of Energy for fiscal year 1983 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development program, $331,760,000 including $9,660,000 for program management.

(2) For weapons activities, $2,765,491,000 to be allocted as follows:

(A) For research and development, $644,600,000.

(B) For weapons testing, $420,400,000.

(C) For the defense inertial confinement fusion program, $140,000,000, of which—

(i) $75,100,000 shall be used for glass laser experiments;

(ii) $41,800,000 shall be used for gas laser experiments;

(iii) $20,000,000 shall be used for pulled power experiments; and

(iv) $3,100,000 shall be used for supporting research and experiments, except that none of such funds may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for defense inertial confinement fusion experiments and defense inertial confinement fusion systems.

(D) For production and surveillance, $1,507,200,000.

(E) For weapons program management, $53,291,000.

(3) For verification and control technology, $52,400,000 including $1,800,000 for program management.

(4) For defense nuclear materials production, $969,100,000, to be allocated as follows:

(A) For uranium enriching, $109,000,000.

(B) For production reactor operations, $345,460,000.

(C) For processing of defense nuclear materials, $210,600,000.

(D) For special isotope separation research, $63,000,000.

(E) For supporting services, $227,040,000.

(F) For program management, $14,000,000.

(5) For defense nuclear waste, $288,929,000, to be allocated as follows:

(A) For interim waste management $190,313,000.

(B) For long term waste management technology, $53,861,000.

(C) For terminal waste storage, $14,000,000.

(D) For byproducts beneficial uses, $10,000,000.

(E) For decontamination and decommissioning, $12,655,000.

(F) For transportation research and development, $6,100,000.

(G) For program management, $2,000,000.

(6) For nuclear materials security and safeguards technology development program (defense programs), $43,160,000, including $5,850,000 for program management.

(7) For security investigations, $28,500,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows—

(1) For naval reactors development:

Project 83-N-101, general plant projects, various locations, $1,500,000.

Project 83-N-102, additions to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $1,500,000.

Project 82-N-111, Materials Facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $55,000,000.

(2) For weapons activities:

Project 83-D-101, general plant projects, various locations, $15,800,000.

Project 83-D-122, Los Alamos Airport improvement, Los Alamos National Laboratory, New Mexico, $3,100,000.

Project 83-D-123, general plant projects, various locations, $16,300,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, $2,000,000.

Project 82-D-106, weapons assembly facilities, Pantex Plant, Amarillo, Texas, $16,500,000 for a total project authorization of $40,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $151,800,000, for a total project authorization of $239,300,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, $33,300,000, for a total project authorization of $48,300,000.

Project 82-D-109, 155-millimeter artillery-fired atomic projectile (AFAP) production facilities, various locations, $30,000,000, for a total project authorization of $65,000,000.

Project 82-D-110, exhaust plenum modifications, Rocky Flats Plant, Colorado, $500,000, for a total project authorization of $12,500,000.

Project 82-D-111, interactive graphics system, various locations, $6,000,000, for a total project authorization of $15,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, New Mexico, $10,000,000.

Project 82-D-146, weapons production and production support facilities, various locations, $40,000,000, for a total authorization of $48,000,000.

Project 82-D-150, weapons material research and development facility, Lawrence Livermore National Laboratory, California, $5,000,000.

Project 82-D-152, new detonator facility, Los Alamos National Laboratory, New Mexico, $9,100,000.

Project 82-D-153, tritium facility, Los Alamos National Laboratory, New Mexico, $2,600,000.

Project 81-D-115, MX warhead production facilities, various locations, $55,000,000, for a total project authorization of $95,000,000.

Project 81-D-133, earthquake damage restoration, Lawrence Livermore National Laboratory, Livermore, California, $1,500,000, for a total project authorization of $5,500,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $1,700,000, for a total project authorization of $3,700,000.

Project 79-7-c, proton storage ring, Los Alamos National Laboratory, Los Alamos, New Mexico, $2,800,000, for a total project authorization of $21,800,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000, for a total project authorization of $27,000,000.

(3) For materials production:

Project 83-D-135, general plant projects, various locations, $26,000,000.

Project 83-D-136, plant engineering and design, various locations, $2,000,000.

Project 83-D-138, PUREX canyon and dissolver filter systems improvements, Richland, Washington, $4,250,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $7,600,000.

Project 83-D-146, water pollution control, Feed Materials Production Facility, Fernald, Ohio, $2,500,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $1,000,000.

Project 83-D-148, nonradioactive hazardous waste management Savannah River, South Carolina, $1,000,000.

Project 83-D-180, facility storage modifications, various locations, $16,300,000.

Project 82-D-124, restoration of production capabilities, Phases II and III, various locations, $48,500,000, for a total project authorization of $174,500,000.

Project 82-D-126, reactor safety and reliability, various locations, $2,000,000, for a total project authorization of $44,900,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $6,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, F-chemical separations area, Savannah River, South Carolina, $37,000,000, for a total project authorization of $39,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $10,400,000, for a total project authorization of $18,400,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $19,000,000, for a total project authorization of $134,000,000.

(4) For defense nuclear waste:

Project 83-D-156, general plant projects, interim waste operations, various locations, $19,145,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $19,000,000.

Project 83-D-159, general plant projects, long-term waste management technology, Savannah River, South Carolina, $500,000.

Project 82-BU-1, byproducts beneficial uses demonstration plants, various locations, $10,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $1,000,000, for a total project authorization of $21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $70,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $110,800,000, for a total project authorization of $268,400,000.

(5) For nuclear materials security and safeguards development:

Project 83-D-175, general plant project, New Brunswick Laboratory, $500,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $11,000,000;

(B) for weapon activities, $196,000,000;

(C) for verification and control technology, $1,500,000;

(D) for materials production, $107,700,000;

(E) for defense nuclear waste, $31,646,000; and

(F) for nuclear materials security and safeguards development, $3,700,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMMING

SEC. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 per centum of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated costs of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 per centum the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriations Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a)(1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the demands of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.●

By Mr. WARNER (for himself and Mr. JACKSON) (by request):

S. 1107. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984 and fiscal year 1985, and for other purposes; to the Committee on Armed Services.

NATIONAL SECURITY PROGRAMS AUTHORIZATION ACT FOR FISCAL YEARS 1984 AND 1985

● Mr. WARNER. Mr. President, by request, for myself and the senior Senator from Washington (Mr. JACKSON), I introduce for appropriate reference a bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1984 and fiscal year 1985, and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the printing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Programs Authorization Act for Fiscal Years 1984 and 1985."

TITLE I—NATIONAL SECURITY PROGRAMS OPERATING EXPENSES

SEC. 101. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $490,000,000.

(2) For weapons activities, $3,153,125,000.

(3) For verification and control technology, $59,900,000.

(4) For materials production, $1,125,700,000.

(5) For defense waste and byproducts management, $318,900,000.

(6) For nuclear safeguards and security, $48,000,000.

(7) For security investigations, $29,500,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 84-N-101, general plant projects, various locations, $2,500,000.

Project 83-N-102, addition to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $6,500,000, for a total project authorization of $8,000,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $70,000,000, for a total project authorization of $125,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $1,000,000, for a total authorization of $104,000,000.

(2) For weapons activities:

Project 84-D-101, general plant projects, various locations, $27,100,000.

Project 84-D-111, general plant projects, various locations, $29,500,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $600,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $700,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $38,500,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $19,300,000.

Project 84-D-113, antisubmarine warhead/standoff weapon warhead production facilities, various locations, $17,600,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, $24,100,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, $800,000.

Project 84-D-120, explosive component text facility, Mound Facility, Miamisburg, Ohio, $13,100,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, $10,000,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, $3,000,000, for a total authorization of $5,000,000.

Project 83-D-134, SENTRY warhead production facilities, various locations, $16,300,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $229,200,000, for a total project authorization of $449,600,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, $4,000,000, for a total project authorization of $46,800,000.

Project 82-D-111, interactive graphics systems, various locations, $15,600,000, for a total project authorization of $24,600,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000, for a total project authorization of $12,200,000.

Project 82-D-146, weapons production and production support facilities, various locations, $14,200,000, for a total project authorization of $62,200,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, $2,900,000, for a total project authorization of $10,400,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, $5,400,000, for a total project authorization of $42,150,000.

Project 81-D-115, Missile X warhead production facilities, various locations, $30,000,000, for a total project authorization of $104,100,000.

(3) For materials production:

Project 84-D-125, general plant projects, various locations, $31,000,000.

Project 84-D-126, plant engineering and design, various locations, $2,000,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, $5,600,000.

Project 83-D-138, PUREX filter systems improvements, Richland, Washington, $8,500,000, for a total project authorization of $12,750,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $4,100,000, for a total project authorization of $7,600,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, $4,000,000, for a total project authorization of $5,400,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $2,000,000, for a total project authorization of $3,000,000.

Project 83-D-148, non-radioactive hazardous waste management, Savannah River, South Carolina, $3,000,000, for a total project authorization of $4,000,000.

Project 83-D-180, facility storage modifications, various locations, $6,500,000, for a total project authorization of $15,800,000.

Project 82-D-118, N plant security and surveillance, Richland, Washington, $400,000, for a total project authorization of $4,400,000.

Project 82-D-124, restoration of production capabilities, Phases II, III and IV, various locations, $118,600,000, for a total project authorization of $253,300,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $6,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $26,000,000, for a total project authorization of $37,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,400,000, for a total project authorization of $18,400,000.

(4) For defense waste and byproducts management:

Project 84-D-150, general plant projects, interim waste operations and long-term

waste management technology, various locations, $25,830,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $31,000,000, for a total project authorization of $50,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $1,000,000 for a total project authorization of $21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $142,000,000, for a total project authorization of $212,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $109,700,000 for a total project authorization of $343,500,000.

(5) For capital equipment not related to construction—

(A) for naval reactors development, $20,000,000;

(B) for weapons activities, $234,600,000;

(C) for verification and control technology, $1,750,000;

(D) for materials production, $102,500,000;

(E) for defense waste and byproducts management, $33,900,000; and,

(F) for nuclear safeguards and security, $4,000,000.

TITLE III—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or $10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of the Department of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of the period has transmitted to the Secretary written notice to the effect that the committee has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed $1,200,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of the period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project.

(b) In any case in which the total estimated cost for such planning and design exceeds $1,000,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy national security program construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act of management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1985

SEC. 301. There are authorized to be appropriated to the Department of Energy to be available not earlier than October 1, 1984, such sums as may be necessary for fiscal year 1985 for programs set forth in this Act.

DEPARTMENT OF ENERGY,
Washington, D.C., March 9, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington D.C.

DEAR MR. PRESIDENT: Enclosed is proposed legislation "[t]o authorize appropriations for the Department of Energy for national security programs for fiscal year 1984 and fiscal years 1985, and for other purposes." The bill would authorize specific appropriations for FY 84 and those appropriations which might be necessary for FY 85. The total amount proposed for FY 84 is $6,756,405,000, of which $5,225,125,000 is for operating expenses, $396,750,000 is for capital equipment, and $1,134,530,000 is for construction projects.

The Office of Management and Budget advises that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

ERIC J. FYGI,
Acting General Counsel.●

By Mr. DANFORTH (for himself, Mr. PELL, and Mr. PACKWOOD):

S. 1108. A bill to amend various provisions of the law to provide for more effective highway and motor vehicle safety regulations and enforcement, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGHWAY SAFETY ACT OF 1983

Mr. DANFORTH. Mr. President, traffic safety is an issue of life, limb, and dollars. Government figures show that the number of fatalities moderately declined in 1982 to about 45,000, but traffic safety remains one of the most serious public health problem facing our Nation. Too many Americans are being killed or injured in traffic accidents and too much money must be spent by consumers, insurance companies, and others as a result of these accidents.

Earlier this year, my Subcommittee on Surface Transportation held 3 days of hearings surveying the state of the art in automobile safety technology and explored ways of expediting the availability of this technology to American consumers. The bill I am introducing today on behalf of myself and Senators PELL and PACKWOOD is a comprehensive approach to the traffic safety problem which incorporates the knowledge gained from those hearings, as well as provisions aimed at upgrading all facets of highway safety.

Mr. President, the Highway Safety Act of 1983 recognizes the importance of incorporating the most up-to-date technological advances in automobiles and trucks to save lives and reduce injuries and property damage. The bill also addresses the behavioral side of driving by encouraging States to take action to combat drunk and drugged driving and to enact laws requiring the use of child passenger safety seats.

Motor carrier safety is also addressed in this bill. This issue is especially important because of the larger trucks now allowed on the highways. Missouri and some other States opposed these larger trucks and I fought against the larger trucks. One of the main concerns about the larger trucks was safety. While the Surface Transportation Assistance Act of 1982 contained some beneficial provisions in this area—such as a grant program to States for enforcement of Federal and compatible State safety regulations and whistleblower protection for trucking company employees—more needs to be done. The bill we are introducing today provides for a comprehensive motor carrier safety program. The bill gives the Department of Transportation broad safety enforcement authority and updates and improves the current penalty system applicable to violators of commercial motor vehicle safety regulations.

Hazardous materials transportation is also an issue of great concern. The bill we are introducing today provides for an evaluation of current training programs dealing with enforcement of hazardous materials transportation incidents. The bill establishes a grant program for State enforcement of hazardous materials transportation regulations, along with a grant program to enable States to improve emergency response capabilities. This bill also authorizes the Secretary to establish routing requirements and a prenotification system as necessary to protect the American public.

Mr. President, we believe this bill is an important part of our efforts to improve highway safety. Congress must do all it can to promote safety at the Federal level and to encourage effective action at the State level to improve highway safety.

Mr. President, I would like to briefly describe the major provisions of the bill we are introducing today.

TITLE I—AUTOMOTIVE SAFETY IMPROVEMENT

Title I of this bill provides for specific technology-related safety improvements. The provisions of this title are in response to testimony received at a series of hearings on Motor Vehicle Safety and the Marketplace conducted earlier this year by the Senate Commerce Committee's Surface Transportation Subcommittee. The testimony presented at these hearings clearly showed that technologies exist which would reduce the death and injury toll as well as the monetary costs resulting from highway accidents. These technologies, however, for the most part are unavailable to the American consumer.

This bill takes steps to address this problem in the following areas:

BUMPERS

Under the initial Federal bumper regulation, automobile manufacturers have been required since 1974 to equip their cars with bumpers capable of withstanding collisions at speeds up to 5 miles per hour without permitting damage to specified safety-related equipment. That safety regulation was incorporated into broader no damage standards, starting with 1970–80 model cars.

In May, 1982, the National Highway Traffic Safety Administration (NHTSA) announced its decision to reduce the standard from 5-mile per hour to 2.5-mile-per-hour for both front and rear bumpers and to eliminate entirely the requirement that the bumper itself be capable of withstanding damage at a specified speed. NHTSA asserted that the 2.5- mile-per-hour bumpers would cost and weigh less than the 5-mile-per-hour bumpers, leading to lower sticker prices and improved fuel economy. NHTSA's decision to roll back the bumper standard, however, is now being challenged in the courts.

Insurance industry and auto safety groups disagreed with NHTSA's rationale in weakening the standard, noting that the 2.5-mile-per-hour bumpers would lead to significantly greater crash damage compared to the 5-mile-per-hour bumpers, thus causing increased repair costs and insurance premium costs. Contrary to NHTSA's claims, these additional costs are not likely to be offset by any substantial benefits.

For example, the Insurance Institute for Highway Safety conducted crash tests comparing some of the 2.5-mile-per-hour bumpers to the 5-mile-per-hour bumpers used on the same cars. In virtually all cases, the cars with 2.5-mile-per-hour bumpers sustained substantially more damage than the corresponding models with 5-mile-per-hour bumpers.

TABLE 1.—1982–1983 MODELS—FRONT-END CRASH TESTS DAMAGE REPAIR COSTS [1]

Make and model	Model year	Bumper system (mph)	5 mph barrier	5 mph angle barrier	10 mph barrier
Honda Accord LX	1982	5	$0	$459	$578
	1983	2.5	299	880	1,402
Honda Civic 1500 DX	1982	5	0	377	532
	1983	2.5	188	455	592
Plymouth Horizon	1983	5	0	29	418
	1983	2.5	66	223	846
Plymouth Reliant	1983	5	0	267	809
	1983	2.5	172	181	689
Volvo GL	1982	5	0	143	613
	1983	2.5	138	745	838

[1] Repair costs are based on January 1983 parts prices and a labor rate of $17 per hour. Criteria for bumper facebar damage were adapted from the DOT Part 581 Bumper Standard requirements in effect between September 1, 1979 and July 6, 1982.

TABLE 2.—1982–1983 MODELS—REAR-END CRASH TESTS DAMAGE REPAIR COSTS [1]

Make and model	Model year	Bumper system (mph)	5 mph barrier	5 mph pole
Honda Accord LX	1982	5	$0	$158
	1983	2.5	198	736
Honda Civic 1500 DX	1982	5	0	174
	1983	2.5	157	423
Plymouth Horizon	1983	5	0	0
	1983	2.5	181	193
Volvo GL	1982	5	0	0
	1983	2.5	128	335

[1] Repair costs are based on January 1983 parts prices and a labor rate of $17 per hour. Criteria for bumper facebar damage were adapted from the DOT Part 581 Bumper Standard requirements in effect between September 1, 1979 and July 6, 1982.

Note.—1983 Plymouth Reliants have "2.5 mph" bumpers only on the front end; 5 mph bumpers were retained in the rear. Consequently, rear-end crash tests were not performed.

TABLE 3.—1982–1983 MODELS—FRONT- AND REAR-END CRASH TESTS DAMAGE REPAIR COST TOTALS [1]

Make and model	Model year	Bumper system (mph)	All front-end tests	All rear-end tests	All tests
Honda Accord LX	1982	5	$1037	$158	$1195
	1983	2.5	2581	934	3515
Honda Civic 1500 DX	1982	5	909	174	1083
	1983	2.5	1235	580	1815
Plymouth Horizon	1983	5	447	0	447
	1983	2.5	1135	374	1509
Plymouth Reliant	1983	5	1076		
	1983	2.5	1042		
Volvo GL	1982	5	756	0	756
	1983	2.5	1721	463	2184

[1] Repair costs are based on January 1983 parts prices and a labor rate of $17 per hour. Criteria for bumper facebar damage were adapted from the DOT Part 581 Bumper Standard requirements in effect between September 1, 1979 and July 6, 1982.

Note.—1983 Plymouth Reliants have "2.5 mph" bumpers only on the frond end; 5 mph bumpers were retained in the rear. Consequently, rear-end crash tests were not performed.

Source: Insurance Institute for Highway Safety.

It also does not appear that the 2.5-mile-per-hour bumpers result in any meaningful fuel savings. NHTSA analysis shows that the reduced weight of the new cars with 2.5-mile-per-hour bumpers translates into only 2 to 35 gallons saved per car over a 10-year lifetime.

It is important to note that public opinion polls show that the public is strongly in favor of a Federal minimum bumper performance standard of at least 5 miles per hour. For example, a 1982 survey conducted by Opinion Research Corp. for the Insurance Institute for Highway Safety found that when the people interviewed knew that 2.5-mile-per-hour bumpers would save gas, cost at least $20 to $40 less in the purchase price of their new car, and increase insurance collision coverage costs by 10 to 20 percent, more than three-quarters of them preferred 5-mile-per-hour bumpers.

It is also interesting to note that the Administrator of the General Services Administration recently said that it would be an agency objective to have 5-mile-per-hour bumpers on the Federal Government's fleet of new cars.

This bill would reinstate the 5-mile-per-hour no-damage bumper standard for cars manufactured on or after September 1, 1984.

SIDE IMPACT PROTECTION

More than 9,000 Americans die a year in side impact crashes, and approximately 20,000 suffer serious, nonfatal injuries.

Federal Motor Vehicle Safety Standard 214 governing side impact protection became effective January 1, 1973, although a number of domestic vehicle manufacturers complied with the standard earlier. Standard 214 was found by NHTSA to be effective in preventing death and serious injury in single vehicle crashes where about 30 percent of the life-threatening injuries occur, but is considerably less effective for the 70 percent involving vehicle-to-vehicle crashes.

The side impact protection provided by the present standard is seriously lessened as cars get smaller and lighter to improve fuel economy. Under this standard, door strength depends on vehicle weight in such a way that as cars get lighter, the protection gets poorer.

Research by the mid-seventies, especially that related to the Department of Transportation's research safety vehicle (RSV) program demonstrated that side impact crashworthiness of cars could be significantly improved with known technology. In December 1979, NHTSA issues an advance notice of proposed rulemaking to upgrade the side impact protection standard. The new side impact rule would have required a dynamic side crash with instrumented dummies meeting specified injury criteria; these test conditions would have closely resembled real world crashes. In addition, the applicability of the new standard would have been extended to include light trucks, vans, and multipurpose passenger vehicles.

On July 12, 1982, however, NHTSA terminated this rulemaking, noting that many complex issues had arisen which would require considerable time to resolve. NHTSA said, however, that the rulemaking would be reopened "after research and analysis has progressed to the point that appropriate test methods and performance parameters can be developed." This process was expected to take 1 year.

This bill directs NHTSA to reinstate its rulemaking proceeding to upgrade the side impact protection standard and to issue final regulations implementing standard 214 by July 1, 1984. It is clear that action must be taken quickly to improve side impact protection.

CHILD PASSENGER SAFETY SEATS

According to the National Transportation Safety Board (NTSB), more than 650 children under age 5 are killed and 50,000 are injured in auto crashes each year.

Many States have acted to remedy this great problem; as of March 1983, 21 States and the District of Columbia have laws requiring the use of child passenger safety seats in automobiles.

The use of these safety seats can save lives. The NTSB found in Tennessee—which adopted such a law in 1978—that child fatalities have been reduced from more than 20 per year before the law to 6 in 1982. The NTSB stated in testimony before the subcommittee that it believes that proper use of safety seats could prevent 90 percent of child fatalities and a vast majority of serious injuries to children.

This bill encourages States to enact laws requiring the use of child passenger safety seats and rewards those which already have done so. The bill provides a 1-year grant to States with such laws; these grants will equal 10 percent of a State's apportionment under the section 402 safety program and are to be used for the enforcement of child passenger safety seat laws.

AUTOMOBILE CRASH PROTECTION

Passive restraints have been a subject of considerable debate over the last several years. The Department of Transportation (DOT) issued its first notice of proposed rulemaking on passive restraints in 1969. Since that time, a variety of measures have been attempted, including manual belts with ignition interlocks, passive restraint demonstration programs, and mandated passive restraints in automobiles. This most recently occurred in 1977, when DOT Secretary Adams issued an implementation schedule requiring installation of passive restraints in large cars by September 1, 1981, in mid-size cars by September 1, 1982, and in small cars by September 1, 1983. The devices were to automatically protect front-seat passengers from injury in head-on crashes of up to 30 miles per hour. Another judicial challenge was filed and the court again upheld the standard.

NHTSA initiated efforts to dismantle the passive restraint program with a February 1981 proposal to postpone the implementation date by 1 year. Two months later, NHTSA adopted a partial delay proposal and in October 1981, NHTSA rescinded the standard. The rescission was premised almost entirely on the fact that some manufacturers had threatened to meet the standard by using a detachable automatic belt. NHTSA also expressed uncertainty about public acceptability and use of automatic safety belts and noted the relatively substantial cost of automatic restraints, estimated by NHTSA to be roughly $1 billion a year in vehicle price increases.

NHTSA was taken to court on this rescission and in June 1982, the U.S. Court of Appeals for the D.C. Circuit reversed NHTSA's rescission of the standard calling NHTSA's action arbitrary and capricious. In August 1982, the court reinstated the passive restraint standard, effective September 1, 1983. NHTSA appealed this case to the Supreme Court, where it is now pending.

Passive restraints can play a vital role in improving highway safety. The Center for Auto Safety has estimated that passive restraint regulations would save 9,000 to 12,000 lives annually, prevent over 100,000 serious injuries, and save consumers $10 for every $1 cost. In addition, evaluation by DOT has shown that fatalities in airbag-equipped cars are half the number in equivalent manual belt cars where belts are rarely used. Studies conducted by NHTSA of automatic belt systems already in service have shown usage rates of at least 70 percent. By comparison, manual belts in all cars are used by only 11.5 percent of the occupants according to a 1982 NHTSA report.

Passive restraint systems especially passive seat belts, of different types have been available in the marketplace, with good results. For example:

Between 1972 and 1976, roughly 10,000 General Motors (GM) vehicles were equipped with airbags. Since 1975, automatic seat belts have been installed in over 350,000 Volkswagen Rabbits. Automatic belts were installed in 8,000 1978 and 1979 GM Chevettes and approximately 13,000 1980 Chevettes. 1980 Toyota Coronas were equipped with authomatic belts as an option and 1981 Toyota Coronas were equipped with automatic belts as an option and 1981 Toyota Cressidas were so equipped as standard equipment.

Most recently, Mercendes-Benz has announced that airbags will be offered as an option on certain model year 1984 cars sold in the United States. In addition, the General Services Administration (GSA) has entered into an agreement with NHTSA to equip some Government fleet cars with airbags, to act as a demonstration program. These are certainly positive steps. However, steps must be taken to insure that this life-saving technology is available to all American consumers.

This bill will require manufacturers to install airbags in all automobiles manufactured on or after September 1, 1985.

NONLACERATING WINDSHIELDS

Since the 1968 model year, all vehicles sold in the United States have contained high penetration resistant (HPR) windshields made with laminated glass that prevents an occupant's head from penetrating the windshield during a collision. This has greatly reduced life-threatening lacerations from windshields in accidents; nevertheless, the inner and outer glass does shatter, leaving edges of broken glass on the inner surface and causing more than 210,000 laceration injuries to passenger car occupants each year.

A solution to this problem exists. A safety windshield, which molds a thin layer of a special clear plastic on the interior surface of the windshield, has

been developed in Europe by Saint-Gobain Vitrage and similar research is underway elsewhere. The plastic film acts as a shield between occupants and shattered glass.

This safety windshield has been installed in more than 60,000 automobiles sold in Europe, with excellent performance. This windshield does not, however, meet U.S. requirements for interior surface scratch resistance, although it does meet all other safety standards.

The Insurance Institute for Highway Safety petitioned NHTSA to amend the existing windshield safety standard to allow the use of this safety windshield in the United States. NHTSA denied the petition charging that the plastic inner liner will not resist haze and may be more rigid than existing windshields, thus causing injuries.

NHTSA has, however, recently approved an experimental program using antilacerative windshields. Under this program, GM will equip 2,500 cars with the safety windshields in order to test the durability and scratch resistance of the windshield as well as any tendency to become hazy, thus reducing visibility.

In addition, last month NHTSA instituted a rulemaking to amend standard 205 governing glazing materials to permit the use of nonlacerating windshields in the United States.

This bill builds on NHTSA's action by requiring the agency to mandate the use of nonlacerating windshields in automobiles sold in the United States by September 1, 1984. This technology has been proven and there is no need to delay its introduction into automobiles sold in the United States.

TRUCK OCCUPANT PROTECTION

Occupational injuries in the United States result in an estimated 13,000 deaths, 245 million lost work days and $25 billion in direct and indirect costs each year. Motor vehicle crashes are the leading cause of fatal injuries in the workplace. This is an especially important concern in the trucking industry.

Transportation vehicles—including boats and airplanes—are involved in over 40 percent of all work injury deaths. Yet little attention has been given to occupant protection. For example:

The few existing standards for heavy trucks were established years after comparable standards were set for passenger cars. Crashworthiness standards for heavy trucks have not been established to give drivers adequate protection.

The design of the truck steering wheel has been completely neglected, even though abdominal injuries repeatedly have been shown to be especially common in injured truck drivers.

Despite the fact that seat belts when used substantially reduce deaths and severe injuries to automobile occupants, OSHA has not promulgated regulations to require their use in company owned cars. Further, most employers—including the Government—either do not require or do not enforce seat belt use.

Changing the design of products—for example, multipiece truck wheels which often explode—could substantially reduce the risk of injury for workers.

These are serious issues that need to be addressed. This bill would require NHTSA to undertake a detailed study on truck occupant protection. The study is to investigate potential and known hazards to truck occupants, means of improving truck occupant safety and is to evaluate potential performance standards to be met by manufacturers. This study is to be submitted to Congress by September 1, 1984, and NHTSA is to initiate a rulemaking on truck occupant protection, based on the results of this research, on or before that date.

HIGH-MOUNTED REAR STOPLAMPS

High-mounted rear stoplamps have been shown to be effective in reducing rear end collisions. These stoplamps provide a more effective brake warning than the current system to drivers following behind a car.

This bill would require the installation of high-mounted rear stoplamps in cars manufactured on or after September 1, 1984.

CRASH TEST DATA

In recent years, we have seen a trend toward smaller, lighter cars due to their high fuel efficiency. These cars, however, are inherently less safe in crashes than larger cars. Largely because of this trend to smaller cars, traffic fatalities are likely to significantly increase unless major safety improvements are made.

Consumers are becoming increasingly aware of the accident risks associated with smaller cars and there is evidence that indicates consumers want to know more about the safety of their cars. For example, a 1981 NHTSA survey of 2,331 recent or prospective new car purchasers found that 78 percent of those surveyed agreed with the statement made by interviewers that they like the idea of Government ratings of such items as safety and maintenance costs.

Title II of the Motor Vehicle Information and Cost Savings Act requires NHTSA to compile information regarding the damage susceptibility of passenger motor vehicles and certain aspects of the crashworthiness of such vehicles. NHTSA is required to furnish this information to the public "in a simple and readily understandable form." Last year, the Commerce Committee authorized a total appropriation of nearly $5.5 million over fiscal year 1983 through 1985 to carry out the purposes of title II. The bill I am introducing today builds on these provisions of the Motor Vehicle Information and Cost Savings Act by requiring DOT to promulgate a safety standard establishing passenger car crashworthiness and labeling requirements for cars manufactured on or after September 1, 1984. Manufacturers would test their cars under the NHTSA-established criteria. DOT would also be required to prepare a booklet regarding the crashworthiness of passenger cars and other pertinent information. This booklet would be furnished to manufacturers for distribution to passenger car dealers.

TITLE II—DRIVING WHILE UNDER THE INFLUENCE

Title II addresses two important behavioral highway safety issues—drunk and drugged driving. This title also addresses the need to encourage States to update their traffic and highway recordkeeping systems.

DRUNK DRIVING

Last year, I introduced legislation with Senator PELL and numerous other cosponsors to address the national tragedy resulting from drunk driving. The bill provided for Federal incentive grants to States to enact comprehensive drunk driving enforcement programs. The bill also provided for the computerization of the National Driver Register to assist State officials in identifying problem drivers. A compromise version of this bill passed both Houses and was enacted in October (Public Law 97-364).

Public Law 97-364 is an important first step. But much more needs to be done to combat drunk driving. Earlier this session I reintroduced legislation I sponsored in the 97th Congress (S. 605) which would close a loophole that now exists in the bankruptcy statute. This loophole makes it possible for drunk drivers to escape civil liabilities for their actions by having their judgment debt discharged in Federal bankruptcy court. S. 605 would close this loophole by defining the operation of a motor vehicle while legally intoxicated as a willful and malicious act for purposes of the bankruptcy statute.

Today I want to address another aspect of the drunk driving problem. Research has showed that increasing the drinking age results in a decrease in alcohol-related crashes among young people. For example, one study showed that raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal crashes involving 18- to 21-year-old drivers.

Mr. President, in recent months, States have been encouraged by many groups to raise the drinking age as a possible supplemental grant criterion. I am pleased to report that the Department of Transportation's recently

issued rules implementing the incentive grant program include the 21-year drinking age for all alcoholic beverages as one of the supplemental grant criterion. Congress again spoke on this issue in section 209 of the Surface Transportation Assistance Act of 1982, where Congress strongly encouraged States to prohibit the sale of alcoholic beverages to persons who are under 21 years of age.

I also want to note the Presidential Commission on Drunk Driving has recommended in its interim report that States immediately adopt 21 years as the minimum legal drinking age for all alcoholic beverages. Further, the National Transportation Safety Board testified before the Surface Transportation Subcommittee last month that raising the drinking age to 21 is one measure that has been proven to be effective in reducing teenage drunk driving deaths.

This bill would encourage States to enact laws setting the legal drinking age for all alcoholic beverages at 21. It is important to note, however, that States which already have such a law would also benefit from this bill. This bill would enable a State with a drinking age 21 and a "dram shop" law—in order to reduce the prospect of minors obtaining alcoholic beverages—to receive a Federal grant to be used for enforcement of alcohol traffic safety programs.

These grants are separate from the basic and supplemental incentive grants provided for in Public Law 97-364. These grants are aimed, however, at complementing the incentive grant program. Not only would these grants encourage States to set the legal drinking age at 21 and enact "dram shop" laws, thus addressing a major safety problem, but States would also be provided additional funding for enforcement of alcohol traffic programs.

DRUGGED DRIVING

Another emerging problem is that of drugged driving. While we do not know as much about this problem as we do about drunk driving, it is clear that persons driving while under the influence of drugs other than alcohol constitute a serious safety threat. My bill would encourage States to take action in this area by including enforcement of drugged driving laws as one of the supplemental criteria States may meet in order to receive additional incentive grant funds under Public Law 97-364.

COMPUTERIZATION OF TRAFFIC RECORD SYSTEMS

One of the largest problems facing States in their highway safety enforcement efforts is a lack of funding to modernize their traffic and highway records systems. Public Law 97-364 contained provisions to modernize the National Driver Register (NDR), but more needs to be done to broaden the scope of the modernization.

This bill would provide Federal grants to States for 3 years to update their records systems. These updated systems at the State level should then be ready to work with the computerized NDR system established under Public Law 97-364. The computerized systems will also enhance State enforcement of drunk and drugged driving laws as well as general highway safety laws.

TITLE III—MOTOR CARRIER SAFETY

Motor carrier safety has been an issue of great concern to the Commerce Committee for several years. Truck accidents fatalities and injuries have been generally been increasing in recent years. In 1975, there were 24,274 truck accidents, 2,232 fatalities, and 26,374 injuries compared to 31,759 accidents, 2,479 fatalities, and 25,779 injuries in 1982. These 1982 accidents resulted in $321 million in property damage. Bus accidents occur much less frequently, bus safety remains an issue of concern in this industry.

Trucks and buses traveling in interstate commerce and ICC-regulated motor carriers transporting hazardous materials are subject to Federal motor carrier safety regulations administered by DOT's Bureau of Motor Carrier Safety. Enforcement of these regulations, however, is constrained due to the small number of Federal inspectors and the limited sanctions available for prosecution of violators of safety regulations.

The provisions of this bill would enhance the motor carrier safety provisions contained in the Surface Transportation Assistance (STA) Act of 1982. The STA Act authorized a total of $150 million over fiscal years 1984 through 1988 to enable DOT to provide grants to States for enforcement of Federal and compatible State motor carrier safety regulations. This grant program is crucial to the enforcement of motor carrier safety regulations; States will be able to supplement the current Federal safety enforcement efforts. Nevertheless, more needs to be done to enhance motor carrier safety and to supplement the STA Act provisions.

DOT ENFORCEMENT AUTHORITY

This bill would improve DOT's safety enforcement capabilities in several ways:

First. Grants the Secretary of Transportation authority to promulgate comprehensive safety rules and regulations;

Second. Expands DOT's authority to prosecute safety violations and sets forth an updated system of civil and criminal penalties; and

Third. Requires all motor carriers to pass an annual Federal equipment inspection, using State inspectors.

These provisions, coupled with the provisions contained in the STA Act, would lead to improved enforcement of Federal motor carrier safety regulations.

CERTIFICATION OF SAFETY FITNESS

The Motor Carrier Act of 1980 and the Bus Regulatory Reform Act of 1982 significantly eased entry into the interstate trucking and bus industries, respectively. As the economic entry controls are lessened, the safety fitness of applicants assumes increasing importance. At present, the Interstate Commerce Commission (ICC) and DOT determine the safety fitness of applicants seeking ICC truck and bus operating authority. Questions have been raised, however, as to the effectiveness of current procedures in determining whether or not an applicant is fit; this is especially true in the case of first-time applicants into the trucking and bus industries.

This bill would require the ICC and DOT to establish specific safety fitness standards applicable to new entrants into the motor carrier industry or existing carriers seeking additional operating authority. The ICC and DOT would also be required to develop adequate procedures for determining whether applicants meet the safety fitness requirements. These requirements are neither meant to be burdensome nor to thwart entry into the trucking or intercity bus industries. Rather, the requirements are aimed at insuring that motor carriers operating on our highways truly are safe.

HEAVY TRUCK RESEARCH

While a considerable body of knowledge exists related to the safety of automobiles, railroads, and airplanes, relatively little research has been done concerning heavy trucks.

This bill would require NHTSA to undertake research into the unique safety problems associated with heavy trucks.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION

The transportation of hazardous materials is a function essential to the operation of numerous industries in this country, but is a function with which many potentially serious risks are associated. Last year, 6,277 hazardous materials transportation incidents were reported to the Department of Transportation. Of these, roughly 90 percent related to highway incidents and well over 90 percent of hazardous materials deaths and injuries are attributable to incidents which occur during the transportation of these materials over the highways.

In recent years, several problems associated with hazardous materials transportation have been identified:

First. Inadequate emergency response capabilities;

Second. Inadequate funding for hazardous materials programs;

Third. Lack of coordination between the Federal Government and State and local governments in formulating

hazardous materials transportation regulations; and

Fourth. Less than comprehensive enforcement of hazardous materials regulations.

This bill would address these and other problems related to the transportation of hazardous materials. This bill would:

First. Require the Secretary and the Director of the Federal Emergency Management Agency (FEMA) to evaluate Federal, State, local, and private programs which provide training with respect to compliance with and enforcement of hazardous materials transportation regulations as well as emergency response. If needed, the Secretary and the Director would be authorized to develop appropriate training programs.

Second. Allow the Secretary to provide grants to States for the development and implementation of programs for the enforcement of Federal and consistent State hazardous materials transportation regulations;

Third. Authorize the Secretary to establish hazardous materials transportation routing regulations and a system of prenotification, where necessary to protect the American public;

Fourth. Authorize the Director of FEMA to make grants to States to evaluate and improve emergency response capabilities; and

Fifth. Authorize the Director of FEMA, in coordination with the Secretary, to conduct research and development activities designed to improve Government and private agencies' response capabilities.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highway Safety Act of 1983".

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Automotive Safety Improvement Act of 1983".

PURPOSE

SEC. 102. This title is part of the continuing effort by Congress to address the critical highway safety problem facing this Nation.

FINDINGS

SEC. 103. The Congress finds that—

(1) the Department of Transportation should be given explicit direction as to actions to be taken to save lives, reduce injuries, and decrease consumer costs of accidents;

(2) the current trend toward purchases of smaller and lighter passenger cars increases the importance of and the need for effective occupant crash protection;

(3) comfortable and convenient crash protection should be provided for occupants of new passenger automobiles;

(4) child passenger safety seats have proven life-saving and injury-prevention capabilities, and States should be encouraged to require their use in passenger automobiles; and

(5) crashworthiness information should be available upon the introduction of each new passenger car model, and a systematic effort must be made to disseminate this information.

DEFINITIONS

SEC. 104. (a) For purposes of this title, the term "passenger automobile" means a motor vehicle with motive power, except that the term does not include a multipurpose passenger vehicle, a motorcycle, or a trailer designed for carrying 10 persons or less.

(b) As used in subsection (a) of this section, the term "multipurpose passenger vehicle" means a motor vehicle with motive power, other than a trailer, which is designed to carry 10 persons or less and which is constructed either on a truck chassis or with special features for occasional off-road operation.

BUMPER STANDARDS

SEC. 105. Section 102 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1912) is amended to read as follows:

"SETTING OF STANDARDS

"SEC. 102. (a) Each passenger motor vehicle shall meet the bumper standard damage criteria of 49 CFR sections 581.5(c)(1) through 581.5(c)(7) and section 581.5(c)(9) when impacted by a pendulum-type test device in accordance with the procedures of 49 CFR section 581.7(b) under the conditions of 49 CFR section 581.6, at an impact speed of 3 miles per hour, and when impacted by a pendulum-type test device in accordance with the procedures of 49 CFR section 581.7(a) at 5 miles per hour, followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward, then longitudinally rearward, under the conditions of 49 CFR section 581.6, at 5 miles per hour.

"(b) Each vehicle shall meet the following damage criteria when tested in accordance with the requirements of subsection (a) of this section:

"(1) the exterior surfaces of the vehicle, except for the bumper face bar, shall have no separations of surface materials, paint, polymeric coatings, or other materials from the surface to which they are bonded, and no permanent deviations from their original contours 30 minutes after completion of each pendulum and barrier impact; and

"(2) 30 minutes after the completion of each pendulum and barrier impact test, the bumper face bar shall have—

"(A) no permanent deviation greater than ¾ inch from its original contour and position relative to the vehicle frame; and

"(B) no permanent deviation greater than ⅜ inch from its original contour on areas of contact with the barrier face or the impact ridge of the pendulum test device measured from a straight line connecting the bumper contours adjoining any such contact area.

"(c) The damage criteria specified under subsections (a) and (b) of this section shall be applicable to—

"(1) all passenger motor vehicles manufactured in or imported into the United States; and

"(2) any item of passenger motor vehicle equipment so manufactured or imported;

except that such criteria shall not apply to any vehicle which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

"(d)(1) In promulgating any bumper standard under this section, the Secretary may for good cause shown—

"(A) exempt partially or completely any multipurpose passenger motor vehicle; or

"(B) exempt partially or completely any make, model, or class of passenger motor vehicle manufactured for a special use, if such standard would unreasonably interfere with the special use of such vehicle.

"(2) To the maximum extent practicable, a bumper standard promulgated by the Secretary shall not preclude the attachment of detachable hitches.

"(e) This bumper standard shall be applicable to passenger motor vehicles manufactured on or after September 1, 1984.

"(f) Nothing in this section shall be construed to prohibit the Secretary from increasing the impact speeds specified in subsection (a) of this section.

"(g) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5, United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.".

SIDE IMPACT PROTECTION

SEC. 106. (a) Not later than 60 days after the date of enactment of this Act, the Secretary shall reopen the rulemaking proceeding terminated on July 12, 1982 to implement Federal Motor Vehicle Safety Standard 214 (49 CFR 571.214). The Secretary shall—

(1) establish performance criteria for occupant protection in side impacts under dynamic crash tests; and

(2) extend the applicability of such Standard to light trucks, vans, and multipurpose passenger vehicles.

(b) The final regulations implementing such Standard shall be issued not later than July 1, 1984.

CHILD PASSENGER SAFETY SEATS

SEC. 107. Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"§ 409. Child passenger safety seats

"(a) Subject to the provisions of this section, the Secretary shall make grants to those States which have in effect a law requiring the proper use of child safety seats meeting the requirements of Federal Motor Vehicle Safety Standard 213 (49 CFR 571.212) by any child in a highway motor vehicle who—

"(A) has not attained an age of 5 years or such lesser age as may be established by such law; or

"(B) has a weight of less than 40 pounds.

"(b) No State may receive a grant under this section in more than 1 fiscal year.

"(c) The amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) of this section shall equal 10 per centum of the amount apportioned to such State for each of the fiscal years 1984 and 1985 under section 402 of this title.

"(d) A State is eligible for a grant under this section if—

"(1) on the date of enactment of this section, the State has adopted or has in effect a law or regulation which complies with the requirements or subsection (a) of this section; or

"(2 after the date of enactment of this section, the State adopts or puts in effect a law or regulation which complies with the requirements or subsection (a) of this section.

"(e) There are hereby authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $10,000,000 for the fiscal year ending September 30, 1984, and $20,000,000 for the fiscal year ending September 30, 1985. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"409. Child passenger safety seats.".

(c) The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 409 of title 23, United States Code, as added by subsection (a) of this section, not later than July 1, 1983. The Secretary shall allow public comment on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued and published in the Federal Register not later than January 1, 1984. Such regulations shall become effective on the date on which they are published in the Federal Register.

AUTOMATIC CRASH PROTECTION

SEC. 108. Part A of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391-1410b) is amended by adding at the end thereof the following:

"SEC. 126. (a) Each manufacturer of passenger automobiles shall install airbags in each passenger automobile manufactured on or after September 1, 1985.

"(b) The Secretary, in carrying out his responsibilities under section 201(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(c)), shall develop and disseminate data to inform the public about the performance and benefits of airbags.".

ANTILACERATIVE WINDSHIELD

SEC. 109. (a) The Secretary shall, within 60 days after the date of enactment of this Act, amend Federal Motor Vehicle Safety Standard No. 205 to require manufacturers of automobiles to install anti-lacerative windshields in all passenger automobiles manufactured on or after September 1, 1984.

(b) For purposes of this section, the term "anti-lacerative windshield" means a high penetration-resistant windshield whose interior and exterior surfaces are made of Item 1 laminated glass, to which a layer of polyurethane is bonded on the side of the windshield facing inside the occupant compartment.

TRUCK OCCUPANT PROTECTION

SEC. 110. (a) The Secretary shall make a full investigation and study of crash protection for truck occupants. Such study shall examine potential and known hazards to truck occupants and means of improving truck occupant safety. This study shall also include potential performance standards to be met by truck manufacturers. The Secretary shall submit to Congress a report on the findings of this investigation and study not later than September 30, 1984.

(b) There are authorized to be appropriated for fiscal year 1984 such sums as are necessary to undertake the study required by subsection (a) of this section.

HIGH-MOUNTED REAR STOPLAMPS

SEC. 111. Part A of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391-1410b), as amended by section 108 of this title, is further amended by adding at the end thereof the following:

"SEC. 127. (a)(1) Not later than 60 days after the date of enactment of this section, the Secretary shall amend Federal Motor Vehicle Safety Standard 108 (49 CFR 571.108) to provide that each manufacturer of passenger automobiles equip each passenger automobile manufactured on or after September 1, 1984 with a high-mounted rear stoplamp. Each such stoplamp shall be activated upon application of the service brakes of the passenger automobile.

"(2) Such amendment also shall include such requirements as the Secretary considers necessary or appropriate relating to the positioning of such high-mounted rear stoplamps, the effective projected luminous area of such stoplamps, and any other matters regarding the installation and operation of such stoplamps.

"(b) Such amendment shall take effect not later than 120 days after the date of enactment of this section.".

AUTOMOBILE CRASHWORTHINESS DATA

SEC. 112. Part A of title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391-1410b), as amended by section 108 and 111 of this title, is further amended by adding at the end thereof the following:

"SEC. 128. (a) Not later than 60 days after the date of enactment of this section, the Secretary shall promulgate a Federal motor vehicle safety standard establishing passenger automobile crashworthiness rating and labeling requirements in accordance with this section. Such amendment shall take effect not later than 120 days after such date of enactment, and shall apply to passenger automobiles manufactured on or after September 1, 1984.

"(b) The standard required in subsection (a) of this section shall provide a method for calculating a uniform numerical rating which will enable consumers to compare the crashworthiness of different automobile models.

"(c)(1) The standard required in subsection (a) of this section shall also require that—

"(A) each automobile manufacturer certify to the Secretary, not later than 90 days before any passenger automobile model produced by such manufacturer is offered for sale to consumers, the crashworthiness rating achieved by that model;

"(B) each passenger automobile manufacturer affix a label to each passenger car indicating that model's crashworthiness rating; and

"(C) the Secretary prepare a booklet for purposes of disseminating comparative information regarding the crashworthiness of passenger cars.

"(2) The Secretary may include in the booklet to be prepared pursuant to paragraph (1)(C) of this subsection such other information relating to the purchase and ownership of passenger automobiles as the Secretary determines may be useful to consumers. Copies of such booklet shall be furnished by the Secretary to passenger automobile manufacturers for distribution to passenger automobile dealers.

"(d) The labeling and certification required under this section shall be based upon performance criteria established by the Secretary relating to—

"(1) crash protection for occupants with and without manual seat belts;

"(2) windshield mounting;

"(3) windshield zone intrusion;

"(4) fuel system integrity; and

"(5) such other aspects affecting crashworthiness as the Secretary may consider appropriate.".

(b) Section 201 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941) is amended by adding at the end thereof the following:

"(f) Not later than July 1, 1984, the Secretary shall by rule establish procedures requiring automobile dealers to make available to prospective automobile purchasers information developed by the Secretary and provided to the dealer which contains data comparing the crashworthiness of passenger automobiles.".

STUDY OF SAFETY-RELATED DEVICES

SEC. 113. (a) The Department of Transportation shall conduct a study of the effectiveness of existing regulations regarding emergency warning devices required to be carried on buses, trucks, truck-tractors and motor-driven vehicles which are involved in emergency situations. Such study shall also investigate the potential costs and benefits of requiring passenger automobile operators to carry emergency warning devices, and shall examine the relative benefits of various types of warning devices in enhancing highway safety. A report containing the findings of this study shall be submitted to the Congress not later than April 1, 1984.

(b) There are authorized to be appropriated for fiscal year 1984 such sums as are necessary to undertake the study required by this section.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Drunk and Drugged Driving Prevention Act of 1983".

PURPOSE

SEC. 202. This title is part of the continuing effort by Congress to encourage States to take effective action to reduce traffic safety problems resulting from persons driving under the influence of alcohol or other drugs.

FINDINGS

SEC. 203. The Congress finds that—

(1) it is in the public interest to reduce deaths and injuries resulting from drunk and drugged driving;

(2) public awareness of the drunk and drugged driving problem must continue to be increased;

(3) there is a direct correlation between the minimum drinking age and alcohol-related crashes;

(4) States should be encouraged to raise the minimum legal drinking age for persons consuming all alcoholic beverages to 21 in order to reduce the death rate of young Americans; and

(5) States should be encouraged to modernize traffic record systems in order to facilitate enforcement of highway safety rules and regulations.

DRUGGED DRIVING

SEC. 204. (a) Section 408(a) of title 23, United States Code, is amended by striking "alcohol" and inserting in lieu thereof "alcohol or other drugs.".

(b) Subsection (c)(1) of section 408 is amended by inserting "and drug" immediately after "alcohol".

(c) Section 408(f) of title 23, United States Code, is amended—

(1) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(8) for the creation and operation of rehabilitation and treatment programs for those arrested and convicted of driving while under the influence of drugs.".

MINIMUM LEGAL DRINKING AGE

SEC. 205. (a) Chapter 4 of title 23, United States Code, as amended by section 107 of this Act, is further amended by adding at the end thereof the following:

"§ 410. Minimum legal drinking age

"(a)(1) Subject to the provisions of this section, the Secretary shall make grants to those States which have in effect a law—

"(A) which sets the minimum legal drinking age for persons consuming all alcoholic beverages in such State at 21 years of age;

"(B) which provides that any person who is licensed by a State, or any employee of any such person, who sells, vends, gives away or otherwise supplies any alcoholic beverage in any quantity to (i) any individual under 21 years of age, or (ii) to any person who is or appears to be intoxicated, shall be guilty of a misdemeanor; and

"(C) which provides that any person who procures, sells, gives away or otherwise supplies any alcoholic beverage in any quantity to (i) any individual under 21 years of age, or (ii) to any person who is or appears to be intoxicated, shall be guilty of a misdemeanor, except that this subparagraph shall not apply to the parent or guardian of any such individual.

"(2) Such a law shall be deemed to comply with paragraph (1) (B) and (C) of this subsection although it provides that the law does not apply to any person supplying alcoholic beverages for medical purposes or to any physician who administers alcoholic beverages to a patient for purposes of medical treatment.

"(3) Such a grant may be used only by a recipient State to enforce alcohol traffic safety programs.

"(b) No State may receive a grant under this section in more than 2 fiscal years.

"(c) The amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) of this section shall equal 10 per centum of the amount apportioned to such State for each of the fiscal years 1984 and 1985 under section 402 of this title. Such a grant shall be in addition to any basic or supplemental grant received by such State under section 408 of this title.

"(d) A State is eligible for a grant under this section if—

"(1) on the date of enactment of this section, it has adopted or has in effect a law or regulation which meets the requirements of subsection (a) of this section; or

"(2) after the date of enactment of this section, the State adopts or puts in effect a law or regulation which meets the requirements of subsection (a) of this section.

"(e) There are hereby authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $10,000,000 for the fiscal year ending September 30, 1984, and $20,000,000 for the fiscal year ending September 30, 1985. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.".

(b) The analysis for chapter 4 of title 23, United States Code, as amended by section 107 of this Act, is further amended by adding at the end thereof the following:

"410. Minimum Legal Drinking Age.".

(c) The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 410 of title 23, United States Code, as added by subsection (a) of this section, not later than July 1, 1983. The Secretary shall allow public comment on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued and published in the Federal Register not later than October 1, 1983. Such regulations shall become effective on the date on which they are published in the Federal Register.

COMPUTERIZATION OF TRAFFIC RECORD SYSTEMS

SEC. 206. (a) Chapter 4 of title 23, United States Code, as amended by sections 107 and 205 of this Act, is further amended by adding at the end thereof the following:

"§ 411. Computerization of traffic record systems

"(a) Subject to the provisions of this section, the Secretary shall make grants to those States which implement accident reduction projects through use of computerized safety recordkeeping systems designed to produce data regarding accident incidents or potential sites for accident incidents. Any such grant may only be used by a recipient State to establish and maintain computerized safety recordkeeping systems.

"(b) No State may receive a grant under this section in more than three fiscal years.

"(c) The amount of a grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) of this section shall equal 20 per centum of the amount apportioned to such State for each of the fiscal years 1984, 1985, and 1986 under section 402 of this title.

"(d) A State is eligible for a grant under this section if—

"(1) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system; or

"(2) it provides to the Secretary a plan for establishing and maintaining a traffic safety recordkeeping system.

"(e) There are authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $20,000,000 for the fiscal year ending September 30, 1984, $25,000,000 for the fiscal year ending September 30, 1985, and $30,000,000 for the fiscal year ending September 30, 1986.".

(b) The analysis for chapter 4 of title 23, United States Code, as amended by sections 107 and 205 of this Act, is further amended by adding at the end thereof the following:

"411. Computerization of traffic record systems."

(c) The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 411 of title 23, United States Code, as added by subsection (a) of this section, not later than September 1, 1983. The Secretary shall allow public comment on the proposed regulations to encourage maximum citizen participation. The final regulations shall be issued and published in the Federal Register not later than March 1, 1984. Such regulations shall become effective on the date on which they are published in the Federal Register.

OVERSIGHT

SEC. 207. The appropriate authorizing committees of Congress shall conduct periodic oversight hearings on the implementation and effects of this legislation, not less often than annually for the first 3 years following the date of enactment of this Act.

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Motor Carrier Safety Act of 1983".

PURPOSES

SEC. 302. The purposes of this title are to promote the safe operation of commercial motor vehicles in or affecting interstate commerce, to minimize dangers to the health of operators of commercial motor vehicles while they are operating such vehicles, and to assure increased compliance with the commercial motor vehicle safety and health rules, regulations, standards, and orders issued pursuant to this title.

FINDINGS

SEC. 303. The Congress finds that—

(1) it is in the public interest to enhance commercial motor vehicle safety and thereby to reduce highway fatalities, injuries, and property damage;

(2) improved commercial motor vehicle safety measures and strengthened enforcement would reduce the number of fatalities and injuries, and the level of property damage related to commercial motor vehicle operations;

(3) enhanced protection of the health of commercial motor vehicle operators is in the public interest; and

(4) interested State governments can provide valuable assistance to the Federal Government in assuring that commercial motor vehicle operations are conducted safely and healthfully.

DEFINITIONS

SEC. 304. For purposes of this title, the term—

(1) "commerce" means trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, or which affects trade, traffic, or transportation between a place in a State and a place outside of such State;

(2) "commercial motor vehicle" means any selfpropelled or towed vehicle used on the highways in commerce principally to transport passengers or cargo—

(A) if such vehicle has a gross vehicle weight rating of 10,000 or more pounds;

(B) if such vehicle is designed to transport more than 10 passengers, including the driver; or

(C) if such vehicle is used in the transportation of materials found by the Secretary to be hazardous for the purposes of the

Hazardous Materials Transportation Act, as amended (49 U.S.C. 1801 et seq.);

(3) "employee" means—

(A) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle);

(B) a mechanic;

(C) a freight handler; or

(D) any individual other than an employer;

who is employed by a commercial motor carrier and who in the course of this employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or a political subdivision of a State who is acting within the course of such employment;

(4) "employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it in commerce, but such term does not include the United States, any State, or a political subdivision of a State;

(5) "person" means one or more individuals, partnershps, associations, corporations, business trusts, or any other organized group of individuals;

(6) "Secretary" means the Secretary of Transportation; and

(7) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Commonwealth of the Northern Marianas.

DUTIES

SEC. 305. Each employer and employee shall comply with the safety and health rules, regulations, standards, and orders issued pursuant to this title which are applicable to his own actions and conduct.

REGULATORY AUTHORITY AND STANDARDS

SEC. 306. (a) The Secretary shall establish and revise such rules, regulations, standards, and orders as may be necessary in order to further the purposes of this title. The Secretary shall where practicable consider costs and benefits before revising existing rules, regulations, standards, or orders. Such rules, regulations, standards, and orders shall be directed toward assuring that—

(1) commercial motor vehicles are safely maintained, equipped, loaded, and operated;

(2) the responsibilities imposed upon drivers of commercial motor vehicles do not impair a driver's ability to operate safely;

(3) the physical condition of drivers of commercial motor vehicles is adequate to enable them to drive safely; and

(4) the operation of commercial motor vehicles does not create deleterious effects on the physical condition of such drivers.

(b)(1) The Secretary shall promulgate any such rule or regulation within a period of 1 year after the date of commencement of any proceeding respecting such rule or regulation. If the Secretary determines that any such promulgation will not be completed within such time period, the Secretary shall immediately notify the Congress and shall furnish the reasons for the delay, information regarding the resources assigned, and the projected completion date, for any such proceeding. If such rule or regulation has not been promulgated within 1 year after the date of commencement of any proceeding with respect to such rule or regulation, the Secretary shall supply the Congress with current data regarding the information specified in the preceding sentence, and shall provide the Congress with such information at the end of every 60-day period thereafter during which the proceeding remains incomplete.

(2) All rules, regulations, standards, and orders issued under this section shall be promulgated in accordance with section 553 of title 5, United States Code (without regard to sections 556 and 557 of such title), except that the time periods specified in paragraph (1) of this subsection shall apply to such promulgation.

(c) The Secretary may waive in whole or in part application of any rule, regulation, standard, or order established under this section with respect to any person or class of persons if the Secretary determines that such waiver is in the public interest and is consistent with the safe operation of commercial motor vehicles. Any waiver permitted under this subsection shall be published in the Federal Register, together with the reasons for such waiver. Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5, United States Code.

(d)(1) The Secretary and the Director of the National Institute for Occupational Safety and Health shall, in consultation with the Secretary of Labor, undertake a study of health hazards to which employees engaged in the operation of commercial motor vehicles are exposed, and shall develop such materials and information as are necessary to enable such employees to carry out their employment in a place and manner free from recognized hazards that are causing or are likely to cause death or serious physical harm. The study shall include recommendations regarding the most appropriate method for regulating and protecting the health of operators of commercial motor vehicles. Such study shall be submitted to the Congress within 1 year after the date of enactment of this Act.

(2) For purposes of carrying out the provisions of this subsection, there are authorized to be appropriated out of the Highway Trust Fund to the Secretary for fiscal year 1984 not to exceed $1,500,000.

(e) The Secretary, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall coordinate their activities under this section to ensure adequate protection of the safety and health of operators of commercial motor vehicles. Such Secretaries and Directors shall attempt to minimize paperwork burdens to assure maximum coordination, and to avoid overlap or the imposition of undue burdens on persons subject to such rules, regulations, standards, and orders.

GENERAL POWERS

SEC. 307. (a) The Secretary may conduct, directly or indirectly, such research, development, demonstrations, and training activities as the Secretary considers appropriate to develop rules, regulations, standards, and orders authorized to be promulgated under section 306 of this title, to design and develop improved enforcement procedures and technologies, and to familiarize affected persons with such rules, regulations, standards, and orders.

(b) In carrying out the Secretary's functions under this title, the Secretary is authorized to perform such acts (including conducting investigations and inspections; compiling statistics; making reports; issuing subpenas; requiring production of documents, records, and property; taking depositions; holding hearings; prescribing recordkeeping and reporting requirements; and carrying out and contracting for such research, development, testing, evaluation, and training) as the Secretary determines necessary to carry out the provisions of this title, or rules, regulations, standards, or orders issued pursuant to section 402 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 2302), the Secretary may delegate to a State such functions respecting the enforcement (including investigations) of the provisions of this title or rules, regulations, standards, or orders issued pursuant thereto as the Secretary determines appropriate to carry out the provisions of this title.

INSPECTIONS AND WARRANTS

SEC. 308. (a)(1) To carry out the Secretary's responsibilities under this title, agents of the Secretary are authorized to enter upon, inspect, and examine facilities, equipment, operations, and pertinent records without advance notice, in accordance with the provisions of paragraph (2) of this subsection. Any such agent of the Secretary shall display proper credentials when requested and may consult with employers and employees and their duly authorized representatives, and shall offer them a right of accompaniment.

(2)(A) A warrant under this paragraph shall be required for any entry or administrative inspection (including impoundment of motor vehicles or motor vehicle equipment) authorized by this section, except if such entry or inspection is—

(i) with the consent of the employer or agent of the employer in charge of the business, establishment, or premises;

(ii) in situations involving inspection of motor vehicles where there is reasonable cause to believe that the mobility of the motor vehicle makes it impractical to obtain a warrant;

(iii) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking;

(iv) for access to and examination of books, records, and any other documentary evidence which can be easily altered, manufactured, or falsified; and

(v) in any other situations where a warrant is not constitutionally required.

(B) Issuance and execution of administrative inspection warrants shall be as follows:

(i) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this section and of impoundment of motor vehicles or motor vehicle equipment appropriate to such inspections. For the purposes of this section, the term "probable cause" means a valid public interest in the effective enforcement of this title, or rules, regulations, standards, or orders issued thereunder, sufficient to justify administrative inspections of the area, establishment, premises, records, or motor vehicles, or contents thereof, in the circumstances specified in the application for the warrant.

(ii) A warrant shall be issued only upon an affidavit of an officer, or representative of the Secretary having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is a reasonable basis for believing they exist, he shall issue a warrant identifying the area, establishment, prem-

ises, or motor vehicle to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall—

(I) identify the items or type of property to be impounded, if any;

(II) be directed to a person authorized under this section to execute it;

(III) state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof;

(IV) command the person to whom it is directed to inspect the area, establishment, premises, records, or motor vehicle identified for the purpose specified, and where appropriate, shall direct the impoundment of the property specified;

(V) direct that it be served during the hours specified in it; and

(VI) designate the judge or magistrate to whom it shall be returned.

(iii) A warrant issued pursuant to this section must be execute and returned within 10 days of its date unless, upon a showing by the Secretary of a need therefor, the judge or magistrate allows additional time in the warrant. If property is impounded pursuant to a warrant, the person executing the warrant shall give the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and the applicant for the warrant.

(iv) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed the connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

DUTY TO INVESTIGATE COMPLAINTS; PROTECTION OF COMPLAINANTS

SEC. 309. (a) The Secretary shall timely investigate any nonfrivolous written complaint alleging that a material violation of any rule, regulation, standard, or order issued under this title is occurring or has occurred within the preceding 60 days. The complainant shall be timely notified of findings resulting from such investigation. The Secretary shall not be required to conduct separate investigations of duplicative complaints.

(b) Notwithstanding the provisions of section 552 of title 5, United States Code, the Secretary shall not disclose the identity of complainants unless it is determined that such disclosure is necessary to prosecute a violation. If disclosure becomes necessary, the Secretary shall take every practical measure within his authority to assure that the complainant is not subject to harassment, intimidation, disciplinary action, discrimination, or financial loss as a result of such disclosure.

PENALTIES

SEC. 310. (a) If the Secretary finds that a violation of sections 305 through 313 of this title has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall fix a reasonable time for abatement of the violation, specify the appropriate civil penalty, if any, and specify the actions which the Secretary proposes to be taken in order to avoid subsequent similar violations. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of his intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, United States Code, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(b) Except as otherwise provided in this subsection, any person who is determined by the Secretary to have committed an act which is a violation of recordkeeping requirements issued by the Secretary pursuant to this title shall be liable to the United States for a civil penalty not to exceed $500 for each offense. Each day of a violation shall constitute a separate offense, except that the total of all civil penalties assessed against any violator for all offenses relating to any single recordkeeping violation shall not exceed $10,000. If the Secretary determines that a substantial health or safety violation exists or has occurred which could reasonably lead to, or has resulted in, serious personal injury or death, he may assess a civil penalty not to exceed $10,000 for each offense: Provided, however, That except for recordkeeping violations, no civil penalty provided under this title shall be assessed against an employee for violations of this title unless the employee is an operator of a commercial motor vehicle and the Secretary determines that such employee's actions constituted gross negligence or reckless disregard for safety, in which case such employee shall be liable for a civil penalty not to exceed $1,000. The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violation, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

(c) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement thereof in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of this title.

(d) If, upon inspection or investigation, the Secretary determines that a violation, or combination of violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of his commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5, United States Code, except that such review shall occur not later than 10 days following issuance of such order.

(e) Any person other than an employee who knowingly and willfully violates any provision of this title or who knowingly and willfully makes any false statement or representation required under this title shall, upon conviction, be subject for each offense for a fine not to exceed $25,000 or imprisonment for a term not to exceed 1 year, or both, except that, if such violator is an employee, he shall only be subject to penalty if, while operating a commercial motor vehicle, his activities have led or could have led to death or serious injury, in which case he shall be liable, upon conviction, for a fine not to exceed $2,500.

(f) The Secretary shall promulgate regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in notices and orders.

(g) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States court of appeals in the circuit wherein the violation is alleged to have occurred or where he has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(h) The Secretary may obtain enforcement, including injunctive relief, of any penalties or orders issued under this section by applying to the United States district court for the district where the violation occurred or where the cited party has his principal place of business or residence. In addition to granting enforcement, the district court may assess an appropriate penalty for noncompliance and award such further relief as justice and public safety may require.

(i) All penalties and fines imposed under this section shall be deposited into the Treasury as miscellaneous receipts.

(j) In any action brought under this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(k) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

REPRESENTATION BEFORE THE COURTS

SEC. 311. Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the General Counsel of the Department of Transportation may appear for and represent the Secretary in all proceedings and in any civil litigation brought under this title. Prior to making any such appearance and representation, the General Counsel of the Department of Transportation shall consult

with and inform the Attorney General of the United States of his activities pursuant to this section.

STATE REGULATIONS

SEC. 312. (a) Except as may otherwise be provided in this Act or any other law, any State agency may adopt additional or more stringent safety rules, regulations, standards, or orders for commercial motor vehicle safety if such rules, regulations, standards, or orders are not inconsistent with the Federal rules, regulations, standards, and orders issued under this title.

(b) Nothing in this title shall affect existing hour-of-service regulations of any State applying to commercial motor vehicle operations occurring wholly within that State, unless the Secretary affirmatively finds upon review of a State's hours-of-service regulations that such regulations—

(1) materially diminish commercial motor vehicle safety or the health and safety of employees;

(2) are not required by compelling local conditions; or

(3) unduly burden interstate commerce.

If the Secretary makes such an affirmative determination, the Secretary may require such State to adopt Federal hours-of-service regulations.

ANNUAL INSPECTION

SEC. 313. (a) Each commercial motor vehicle shall be required to submit to and pass an annual inspection of all safety equipment required under part 393 of subchapter B of chapter 3 of title 49, United States Code.

(b) The Secretary shall, by rule, establish Federal standards to be met by required equipment on commercial motor vehicles. The Secretary shall also establish—

(1) a procedure for State implementation of the inspection requirement;

(2) an appropriate fee to be charged for the inspection of each vehicle;

(3) a mechanism by which the fees collected would be utilized by State authorities to fund the required inspections; and

(4) a reporting requirement specifying inspection information to be furnished to the Secretary on an annual basis.

(c) The Secretary shall initiate the rulemaking required under subsection (b) of this section not later than September 30, 1983. The final regulations shall be issued and published in the Federal Register before September 30, 1984. These regulations shall become effective on the date on which they are published in the Federal Register.

CERTIFICATION OF SAFETY FITNESS

SEC. 314. (a) The Secretary and the Interstate Commerce Commission shall jointly establish a procedure to determine the safety fitness of persons seeking new or additional operating authority as motor carriers of property or passengers under sections 10922 and 10923 of title 49, United States Code. Such a procedure shall include—

(1) specific requirements to be met by such persons to prove safety fitness;

(2) a means of determining whether such persons meet the safety fitness requirements specified under paragraph (1); and

(3) specific time deadlines for action by the Department of Transportation and the Interstate Commerce Commission in making safety fitness determinations.

(b) Not later than July 1, 1984, the Secretary and the Interstate Commerce Commission shall submit to Congress a copy of the procedure established under subsection (a) of this section.

HEAVY TRUCK RESEARCH

SEC. 315. (a) The Secretary shall undertake a comprehensive study of safety characteristics of heavy trucks and the unique problems related to heavy trucks. Such study shall include an examination of the handling, stability, and crashworthiness of heavy trucks.

(b) There are authorized to be appropriated not to exceed $1,200,000 for the fiscal year ending September 30, 1984, and not to exceed $1,400,000 for the fiscal year ending September 30, 1985, to conduct the research required under subsection (a) of this section.

OVERSIGHT

SEC. 316. The appropriate authorizing Committees of the Congress shall conduct periodic oversight hearings on the effects of this title no less often than annually for the first 3 years following the date of enactment of this Act, to ensure that this title is being implemented according to congressional intent and the purposes of this title.

TITLE IV

SHORT TITLE

SEC. 401. This title may be cited as the "Hazardous Materials Transportation Act Amendments of 1983".

PURPOSES

SEC. 402. The purposes of this title are to—

(1) promote the public safety by providing for increased coordination among the various levels of government and greater consistency among Federal, State and local rules and regulations;

(2) encourage and assist State and local governments to play a major role in the prevention of hazardous materials transportation incidents by delegating the enforcement of certain Federal regulations; and

(3) provide for greater assistance to State and local governments in responding to such incidents through coordinated and well-planned advice and assistance at the time of the incident, training and technical assistance programs, and planning grants to encourage the adoption of coordinated incident response programs.

FINDINGS

SEC. 403. The Congress finds that—

(1) the transportation of hazardous materials can create severe hazards to the public safety;

(2) such transportation is nonetheless essential to commerce;

(3) in the interest of uniformity, the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) provides for the preemption of State and local governmental regulation of hazardous materials transportation to the extent that it is not consistent with Federal requirements and regulations;

(4) despite this preemption, when serious hazardous materials incidents occur, State and local governments necessarily have the primary responsibility for emergency response; and

(5) increased coordination and greater consistency between the Federal Government and State and local governments would assist in the prevention of hazardous materials transportation incidents and in the overall ability of State and local governments to respond to such incidents.

DEFINITION

SEC. 404. Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1802) is amended by redesignating paragraphs (3), (4), (5), (6), and (7), and all references thereto, as paragraphs (4), (5), (6), (7), and (8), respectively, and by inserting the following new paragraph immediately after paragraph (2):

"(3) 'incident' means any event occurring in the transportation of hazardous materials or a transportation-related function such as loading, unloading, packaging or stowage which has led, or poses an imminent threat of leading, to a release of hazardous materials which could result in a serious risk to health, safety, or property;".

PREVENTION OF AND RESPONSE TO HAZARDOUS MATERIALS INCIDENTS

SEC. 405. The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) is amended by inserting "Subtitle A" immediately after "TITLE I—HAZARDOUS MATERIALS", and by adding at the end thereof the following:

"SUBTITLE B

"FEDERAL TRAINING PROGRAMS FOR INCIDENT PREVENTION AND RESPONSE

"SEC. 120. (a) EVALUATION.—(1) The Secretary and the Director of the Federal Emergency Management Agency, in coordination with other agencies with responsibilities relating to hazardous materials transportation, shall evaluate—

"(A) programs conducted by Federal, State, and local agencies and private organizations which provide training to shippers, carriers, inspectors, and enforcement personnel involved in the transportation of hazardous materials with respect to compliance with and enforcement of rules, regulations, standards, and orders promulgated by the Secretary under the authority of this title; and

"(B) programs conducted by Federal, State, and local agencies and private organizations which provide training to agencies or organizations responsible for responding to incidents involving hazardous materials transportation.

"(2) Not later than 5 months after the date of enactment of this section, the Secretary and the Director shall submit an interim report to the Congress on the results of such evaluation. Not later than 10 months after the date of enactment of this section, the Secretary and the Director shall complete such evaluation and submit the results of such evaluation to the Congress.

"(b) TRAINING PROGRAMS.—If, as a result of the evaluation conducted pursuant to subsection (a) of this section, the Secretary and the Director determine that existing training programs for the transportation of hazardous materials are inadequate or that there is needless duplication among such programs, the Secretary and the Director may develop appropriate training programs and make recommendations as to methods to improve existing programs. The Secretary and the Director shall, upon request, provide to State and local agencies and private organizations a description of training programs and such other assistance as is appropriate to assist such agencies and organizations in fulfilling their hazardous materials and incident response training needs.

"(c) INFORMATION DISSEMINATION.—The Secretary or the Director, as they consider appropriate, shall maintain an information dissemination service, which shall provide instructional materials in the training, skills, and knowledge necessary to assist Federal, State, and local agencies and private organizations in training personnel in safe and proper methods for the transportation of hazardous materials and for respond-

ing to incidents. Such information service shall identify specific elements with respect to training, equipment, and methodologies necessary and useful in preventing incidents, and in responding to incidents when they occur. In addition, training programs shall be identified which are determined, through the evaluation required by subsection (a) of this section, to be useful for training shippers, carriers, inspectors, or enforcement personnel with respect to hazardous materials transportation safety and for training response personnel. The Secretary and the Director may take all necessary measures to improve the coordination and effectiveness of all such Federal, State, local, and private training programs.

"(d) TRAINING CENTERS.—As part of the effort to improve the coordination of incident prevention training programs, the Secretary, to the extent practicable, shall establish or encourage the establishment of regional training centers.

"STATE REGULATION GRANTS TO STATES

"SEC. 121. (a) GRANTS.—Under the terms and conditions of this section, and subject to the availability of funds, the Secretary is authorized to make grants to States for the development and implementation of programs for the enforcement of Federal rules, regulations, standards, and orders applicable to hazardous materials transportation pursuant to the provisions of this title and consistent State rules, regulations, standards, and orders.

"(b) STATE PLAN.—(1) The Secretary shall, after notice and opportunity for comment by interested parties, formulate procedures for any State to submit a plan whereby the State agrees to adopt, and to assume responsibility for enforcing, rules, regulations, standards, and orders issued under this title and consistent State rules, regulations, standards, and orders. Such plan shall be approved by the Secretary if the Secretary determines that the plan promotes the objectives of this title, and the plan—

"(A) designates the State agency or agencies responsible for administering the plan throughout the State;

"(B) contains satisfactory assurances that such agency has or is taking steps pursuant to State law to have the legal authority, resources, and qualified personnel necessary for the enforcement of such rules, regulations, standards, and orders;

"(C) gives satisfactory assurances that such State will devote adequate funds to the administration of such plan and enforcement of such rules, regulations, standards, and orders;

"(D) provides a right of entry and inspection sufficient to enforce the provisions of this title; and

"(E) provides that such State agency will adopt such uniform reporting requirements and use such uniform forms for recordkeeping, inspections, and investigations as may be established and required by the Secretary.

"(2) If a plan submitted under paragraph (1) of this subsection is rejected, the Secretary shall provide the State with a written explanation of the Secretary's action, and shall permit the State to modify and resubmit its proposed plan for approval, in accordance with the procedures formulated pursuant to such paragraph.

"(c) WITHDRAWAL OF APPROVAL.—The Secretary shall, on the basis of reports submitted by the State agency, and on his own inspections, make a continuing evaluation of the manner in which each State with a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording notice and opportunity for comment, that a State plan previously approved is not being followed or that it has become inadequate to assure the enforcement of rules, regulations, standards, or orders issued under this title, the Secretary shall notify the State of withdrawal of approval of such plan. Upon receipt of such notice, such plan shall cease to be in effect. Any State aggrieved by a determination of the Secretary under this subsection may seek judicial review pursuant to chapter 7 of title 5, United States Code. The State may, however, retain jurisdiction in any case commenced before the withdrawal of the plan whenever the issues involved do not directly relate to the reasons for the withdrawal of approval of the plan.

"(d) REIMBURSEMENT.—By grants authorized under this section, the Secretary shall reimburse any State in an amount not to exceed 50 percent of the costs incurred by that State in that fiscal year in the development and implementation of programs to enforce hazardous materials transportation rules, regulations, standards, and orders issued under this title and consistent State rules, regulations, standards, and orders. The Secretary may allocate amounts appropriated for grants to support such programs among the States whose applications for grants have been approved pursuant to such criteria as may be established by the Secretary.

"SEC. 122. (a) AUTHORITY.—(1) The Secretary may, in consultation with State, local, and regional governments and with appropriate Federal agencies, and as required to protect the safety of the American public, establish—

"(A) regulations with respect to the routing of hazardous materials being transported in interstate commerce; and

"(B) a prenotification system which would inform State or local governments in advance of the timing, nature, and routing of hazardous materials shipments through their jurisdictions.

"(2) If the Secretary issues regulations pursuant to paragraph (1) of this subsection, such regulations shall provide for the participation by State, local, and regional governments in selecting preferred routes and modes of transportation of hazardous materials within their respective jurisdictons.

"(3) In determining whether to promulgate regulations under this subsection, the Secretary shall consider—

"(A) whether any mode represents an unacceptable level of risk to safety with respect to the transportation of hazardous materials;

"(B) various factors affecting the safety of any given route, including population density, design characteristics of the route, and adjacent land uses;

"(C) the implementation of additional protective measures whenever hazardous materials are transported through areas of particularly high risk;

"(D) the social, economic, and commercial impacts of routing restrictions;

"(E) the relative hazard potential of specific hazardous materials as a factor determining the need for selective routing; and

"(F) the feasibility, cost, and desirability of establishing, and the problems of implementing, a prenotification system.

"(b) CONSULTATION.—In establishing regulations under subsection (a) of this section, the Secretary shall seek the advice of various groups interested in the safety of the transportation of hazardous materials, including shippers, carriers, and users of hazardous materials and bulk package or container manufacturers; organizations which represent employees engaged in the transportation of hazardous materials; citizens' and environmental groups; and private organizations concerned with transportation safety or the provision of emergency services in response to a major accident involving the transportation of hazardous materials.

"EMERGENCY RESPONSE PLANNING GRANTS

SEC. 123. (a) PLANNING GRANTS.—In order to promote the development of coordinated and effective emergency response programs for incidents at the State and local levels, the Director of the Federal Emergency Management Agency may, taking into account consistency with the national contingency plan (as revised pursuant to the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), make emergency response planning grants to units of State, regional, and local governments. Such grants shall be used, among other things, to—

"(1) assess the present response capabilities of each emergency response agency within the scope of the study area in terms of the adequacy of trained personnel, equipment, and information systems and to determine the most cost-effective means for upgrading such capabilities;

"(2) determine at what point and to what extent each such agency will become involved in the response to a given incident;

"(3) determine which of such agencies will be the lead agency for responding to a given type of incident at any given location;

"(4) define the role of each such agency in responding to any incident; and

"(5) establish a communications network that will permit onsite interagency communications as well as operational and command communications.

"(b) RULES AND REGULATIONS.—The Director shall, within 12 months after the date of enactment of this section, establish such rules and regulations as the Director considers necessary for the administration of emergency response planning grants described in subsection (a) of this section. Any such regulations shall provide that—

"(1) the Federal share of any such planning grant shall not exceed 50 percent of the cost of such project; and

"(2) not less than 25 percent of the funds obligated for such grants shall be used to make planning grants to units of regional or local government.

"(c) COORDINATED RESPONSE PROGRAMS.—To the extent possible, the Director shall encourage the use of such planning grants to promote planning for the establishment of coordinated regional emergency response programs.

"RESEARCH AND DEVELOPMENT

"SEC. 124. The Director of the Federal Emergency Management Agency, in coordination with the Secretary, may conduct research and development activities designed to improve the capabilities of Federal, State, local, and private agencies and organizations responsible for responding to an incident. Such activities may include programs to—

"(1) encourage the development and demonstration of new and innovative techniques in responding to incidents;

"(2) evaluate existing techniques and programs for responding to incidents; and

"(3) promote the development and adoption of minimum standards for training, equipment, coordination, information, and other resources related to responding to incidents.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 125. There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of section 121 of this subtitle. In addition, there are authorized to be appropriated to the Federal Emergency Management Agency such sums as may be necessary for the purposes of section 123 of this subtitle.".

REPORTING SYSTEM AND DATA CENTER

SEC. 406. Section 109(d) of the Hazardous Materials Transportation Act (49 U.S.C. 1808(d)) is amended—

(1) by inserting "(1)" immediately before "The Secretary";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end thereof the following:

"(2) Nothing in this subsection shall be construed to limit the authority of the Secretary to enter into a contract with a private entity for use of a supplemental reporting system and data center operated and maintained by such entity.".

CONFORMING AMENDMENTS

SEC. 407. Sections 110, 111, and 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1809, 1810, and 1812) are amended by striking "title" wherever it appears and inserting in lieu thereof "subtitle" in each such place.

OVERSIGHT

SEC. 408. The appropriate authorizing committees of the Congress shall conduct periodic oversight hearings on the implementation and effects of this title no less often than annually for the first 3 years following the date of enactment of this Act.

Mr. PELL. Mr. President, I am pleased to join with Senator DANFORTH in sponsoring the Highway Safety Act of 1983. Senator DANFORTH has provided great leadership and innovation in highway safety issues, and the elements he has drawn together in this bill, in my judgment, will contribute to a dramatic reduction in deaths and disabling injuries on our highways. I sincerely hope that my colleagues in the Senate will join with Senator DANFORTH in supporting these life-saving highway safety measures.

This bill really is a two-pronged attack on the safety problem. The first line of attack is to make automobiles safer to operate and to make the occupants of an automobile more likely to survive a crash, should one occur. The keys to achieving this objective are automatic crash protection, improved bumper safety standards, and incentives for States to enact child passenger safety seat laws. The combination of airbags, tougher bumper standards, and passive restraints for children will significantly reduce the number of lives that are lost or permanently impaired by serious injury in automobile accidents. My own State of Rhode Island enacted one of the Nation's first child restraint laws several years ago, and our experience has been that laws of this type make a great contribution to highway safety. The time has come, as Senator DANFORTH proposes, to encourage every State to enact these laws, as well as to mandate airbags in all new cars after September 1, 1985.

The second line of attack in this bill is to encourage measures that will insure that the drivers who operate motor vehicles are not a threat to highway safety. The Congress took a major step in this direction last year by enacting comprehensive legislation encouraging the States to adopt model drunk driver laws requiring among other things, a mandatory 48-hour jail sentence for persons convicted two or more times for drunk driving. I was pleased to sponsor this legislation with Senator DANFORTH, and welcome today the improvements he has proposed to the bill we developed last year. Recognizing the seriousness of the drug abuse problem and its impact on highway safety, this bill would expand the requirements and penalties of the Federal drunk driver legislation to apply equally to drugged drivers. This requirement anticipates new technologies that will make it easier to reliably identify and prosecute drugged drivers.

The second expansion of the drunk driver law is the creation of a modest incentive grant program to encourage the States to adopt a minimum legal drinking age of 21. This standard has been recommended by the President's Commission on Drunk Driving. Drunk driving continues to have its cruelest impact on young people. The great majority of drunk driver fatalities occur between the hours of 8 p.m. and 4 a.m., particularly on Friday and Saturday nights. These are the hours when young drivers are most likely to be on the highways, as reflected in the fact that while drivers age 16 to 24 account for only one-fifth of the total driving population, this age group suffers well over one-third of deaths caused by drunk driving each year. Life expectancy in the 16-to-24 age group has actually declined in the past two decades, and highway accidents are far and away the leading cause of death for young people in this age category. Study after study has demonstrated the positive relationship between the legal drinking age and the number of highway deaths attributable to alcohol. I believe we in the Congress should be doing everything we can to encourage the States to adopt a uniform legal drinking age of 21. This bill allocates $10 million in fiscal year 1984 from the highway trust fund for an incentive grant program for States enacting the 21-year-old minimum legal drinking age.

The combination of realistic measures to improve the safety of automobiles themselves, coupled with incentives to encourage safer drivers through tougher enforcement of highway safety laws will be a powerful contribution to the health and safety of every American who gets behind the wheel of an automobile. I am proud to join with Senator DANFORTH in sponsoring this legislative package, and I hope these measures will be quickly enacted into law.

By Mr. PRESSLER:

S. 1109. A bill to provide for the establishment of a bipartisan commission to study and make recommendations concerning changes in the medicare program to assure its short-term and long-term financial solvency and the appropriateness of its benefit structure; to the Committee on Finance.

MEDICARE FINANCING AND BENEFIT REVIEW COMMISSION ACT

Mr. PRESSLER. Mr. President, the recent actions of this body with regard to social security have caused many of us to consider the problems of the medicare system. Various solutions were proposed to solve the problems of the retirement fund, and the remedies the Congress finally settled upon were not easily chosen. In the end, however, it was the package put together by the National Commission on Social Security Reform that prevailed in Congress. The Commission's proposal embodied the most workable compromise that combined most of the major reforms advocated by members of both parties, in one form or another.

The work of the Commission proved to be essential to the bipartisan solution endorsed by Congress. For that reason, Mr. President, I am introducing today a bill which calls for the formation of a National Commission on Medicare Reform, to study and make recommendations concerning changes in the medicare program to insure its solvency in both the short and long term. In the estimation of most experts, the financing problems that will soon be faced with regard to medicare will be even more difficult to resolve than the problems of the social security system. A commission combining the various experts on this program can contribute enormously to the effort to find an answer to the difficult problems that face us.

In a recent report the Congressional Budget Office evaluated the four major options for solving the medicare financing crisis. These options are as follows: increase beneficiary coinsurance, increase medicare payroll taxes, reimburse medicare vendors prospectively, or use general revenues to finance the system.

Obviously, none of these constitutes an easy choice. There may be others to choose from, but I feel certain that none of them would be easily undertaken. Nonetheless, we owe some as-

surance to medicare recipients that the system will remain intact. Nationally, about 90 percent of those over 65 are enrolled in medicare. In my home State of South Dakota alone there are 93,579 medicare enrollees.

This measure is identical to a bill introduced in the House of Representatives on Tuesday, April 12, by Congressman PEPPER. Mr. President, I believe this body has a responsibility to face this problem now. I think a commission such as the one called for in this legislation can aid us in this effort. I hope that my colleagues will realize the wisdom of this call to action and support me in this effort.

By Mr. MOYNIHAN (for himself and Mr. CRANSTON):

S. 1110. A bill to establish a National Commission on Monetary Policy and its relation to fiscal policy; to the Committee on Governmental Affairs.

NATIONAL COMMISSION ON MONETARY POLICY ACT

● Mr. MOYNIHAN. Mr. President, I speak for many in this body when I say that for some time I have warned that the way we go about making economic policy is deeply flawed. Moreover, for more than 1½ years, I have warned that this process has, most recently, produced fiscal and monetary policies in direct and deep conflict with each other. And I have warned that this conflict would doom the President's economic program. I take not pleasure in witnessing recent economic developments prove all my warnings correct.

I rise today to offer a response. I rise to offer legislation to establish a National Commission specifically charged with examining the way our Government coordinates its monetary and fiscal policies.

It is certain, as certain as is anything in the world of political economy, that the relationship between fiscal and monetary policy actions, the mix, has a direct and profound bearing on the Nation's economy. This National Commission on Monetary Policy would investigate the proper degree of policy coordination between fiscal and monetary actions, and the institutional arrangements necessary to achieve this relationship.

This legislation delineates very precisely the areas of concern to the Commission:

How interrelated are the matters of fiscal and monetary policy—what are the economic factors and developments, here and abroad, that monetary and fiscal policy should take into account?

What are the costs and benefits, both economic and political, for our current arrangements, the present coordination of fiscal and monetary policies?

What costs and benefits can we expect from greater or lesser degrees of coordination?

How could we achieve the degree of coordination deemed most appropriate by the Commission?

How much information about economic conditions should be routinely exchanged by the Federal Reserve, the Congress, and the executive branch—and by what channels?

Similarly how much information about policy goals and intentions should be routinely exchanged, and by what means?

How can we best insure that monetary policy shall be compatible with the economic objectives of Congress?

What, if any, reorganization of the Federal Reserve System shall be required to achieve this coordination and compatibility?

These are controversial matters, because they raise economic and political questions of the highest importance. And this is precisely why I propose to establish a National Commission. These questions must be examined and settled in a nonpartisan forum. The organization of the Nation's economic policymaking apparatus can never be hostage to partisan disputes about the success or failure of any particular economic program.

That does not mean that important inferences about the need for greater coordination cannot be drawn from recent economic developments. Everyone is entitled to his own opinions, but not to his own facts. One fact is plain—a central characteristic of our economic policy over the last 2 years has been that its two pillars, fiscal and monetary policy, were moving rapidly and forcefully in opposite directions.

It can hardly be disputed that we are in the midst of the most expansionary fiscal policy in our history. The largest tax cuts in our history, coupled with the largest increases in defense spending, helped produce the largest deficits. The significance of his policy—its equity or its prospects for securing lasting prosperity—is a matter of judgment about which the honorable men and women of this body, and of this Nation, can differ. In a year in which the Federal deficit will breach $200 billion, the unprecedentedly expansionary character of fiscal policy is fact, not opinion.

It can also hardly be disputed that, until quite recently, the Federal Reserve was pursuing the most stringently contractionary monetary policy in at least a generation. The annual growth rate for M_1, the central measure of the money supply, fell from 7.6 percent in 1980 to 2.3 percent in 1981. That was the sharpest 1-year plunge in money growth rates since the great deflations of the 1930's, and the tightest money policy period in more than two decades. Once again, the significance or desirability of this policy may be a matter of judgment. Its contractionary character, however, is fact, not opinion.

I do not now, nor did I then, question the basic thrust of either policy. By 1981, surely it was long time to reduce the tax burden on individual Americans and business, to promote initiative and investment. Similarly, national defense spending had clearly and properly to respond to new international realities, realities which had also moved the previous administration to accelerate the growth rate of defense spending. And in an era of high inflation, large prospective deficits certainly required stringent anti-inflation measures.

We must ask, however, whether this unprecedented degree of monetary stringency, colliding with the unprecedented degree of fiscal expansion, did not produce the great recession of 1981-82. Surely, if fiscal policy planners had known the intentions of our monetary policymakers to stringently tighten, could we not have expected a more moderate fiscal posture? And surely, if monetary policymakers had been operating in some kind of organizational tandem with fiscal policymakers, could we not have expected a more moderate monetary posture? Had there been a free and frank exchange of policy information and intentions, could not our fiscal and monetary policy decisions have been better coordinated, and produced better results?

I am certain they could.

Certainly, the Congress has made many major reforms in economic policymaking procedures in the past. On the fiscal side, for example, the Budget Act of 1921 established a central organizational apparatus in the executive branch to produce an overall budget—and some 50 years later the Budget Act of 1974 established the organizational apparatus in the Congress to evaluate and modify this overall document.

Current arrangements for managing monetary policy have been reformed, and drastically so, at many points in our past. Alexander Hamilton struggled with Thomas Jefferson over the proposal to establish the first Bank of the United States in 1791; 20 years later this bank, actively loaning funds to the Federal Government and issuing a private paper currency that was assuming the status of a national scrip, found itself disestablished by Congress. A second Bank of the United States, created 4 years later in 1816 to bring some order to the task of refinancing the Federal debt from the War of 1812, also found itself disestablished 20 years later, by Andrew Jackson.

Congress and President Lincoln next reorganized the money system, and did so radically, by establishing the na-

tional banking system with uniform reserve requirements, during the Civil War. And some 50 years later, following the disastrous bank panic of 1907, Congress established a National Monetary Commission to investigate how to reform this system. This earlier Commission proposed that Congress create the Federal Reserve System, to provide emergency supplies of currency during bank runs and panics, and Congress did so.

The Federal Reserve would go on to do much else, to perform all the functions of a central bank. Certainly, the Federal Reserve effectively coordinated its operations with those of fiscal policy during World War I, when the Reserve agreed to loan new reserves to private banks at a perferential discount rate, so the banks could purchase war bonds. And again during World War II, when the Reserve agreed to manage money supplies as required to maintain the yields on war securities as set by the Treasury. Since World War II, the Reserve has remained obliged to maintain "orderly markets" for the issue of Treasury securities, the supplies of which are essentially determined by fiscal policy decisions—the size of current deficits to be financed, and of past accumulated deficits to be refinanced.

These roles apply largely to extraordinary circumstances, to emergencies. The crucial roles of fiscal policy and the Federal Reserve in the Nation's economy, however, are no longer limited to times of emergency. They are routine and, in the macroeconomic calculus, pervasive. This is reality, and we ignore it at our own peril.

The proper response to this reality is a profoundly complicated matter, subject to great disagreement. This Commission will provide the nonpartisan forum to bring together all the competing arguments, to evaluate them, and to provide a consensus about the best response.

The 20 members of the Commission, appointed by the President, will be selected precisely for this task. The President shall name five members from the executive branch, including the Chairman of his Council of Economic Advisers who will serve as the Commission Chairman. I would also expect the President to name officials such as the Director of the Office of Management and Budget, the Under Secretary of the Treasury for Monetary Affairs, and the Under Secretary of State for Economic Affairs, who are deeply involved with these matters on a daily basis.

Each House of Congress would also recommend five members each for the President to name to the Commission. And the Chairman of the Board of Governors of the Federal Reserve System shall recommend five members as well, drawn from current and past members of the Board and current and past presidents of the regional Federal Reserve banks.

We are just now emerging from the worst economic downturn in more than 50 years. The human and economic costs were, and still are, enormous and cruel. It left us with new records for the lowest capacity utilization in American manufacturing, the highest unemployment, and the sharpest plunge in corporate profits, since the Great Depression. It helped destablize the world banking system and nearly destroyed the world trading system. These are all consequences, then, of a profoundly misguided combination of expansive fiscal and restrictive monetary policies. An economic program at war with itself.

We can do better. Let us find out precisely how. I ask you to join me in establishing a National Commission on Monetary Policy, as the nonpartisan forum for examining these problems and identifying the best responses.●

By Mr. MOYNIHAN (for himself, Mr. JACKSON, Mr. RANDOLPH, Mr. BAUCUS, Mr. TSONGAS, Mr. GORTON, and Mr. D'AMATO):

S. 1111. A bill to amend the Safe Drinking Water Act to provide for the protection of certain recharge areas overlying sole source underground water supplies; to the Committee on Environment and Public Works.

SOLE SOURCE AQUIFER PROTECTION ACT OF 1983

● Mr. MOYNIHAN. Mr. President, I rise to introduce the Sole Source Aquifer Protection Act, a bill I first introduced in the 97th Congress on February 23, 1982.

This bill is designed to protect our Nation's valuable ground water resources. I am pleased to be joined by colleagues from across the country in reintroducing this legislation—Senators JACKSON and GORTON from Washington State, Senator RANDOLPH from West Virginia, Senator BAUCUS from Montana, Senator TSONGAS from Massachusetts, and my fellow New Yorker, Senator D'AMATO. The essence of the bill is the concept of watershed protection, particularly the protection of critical underground water supplies which provide the sole source of drinking water to a region.

The Sole Source Aquifer Protection Act has two primary purposes. The first is to set in motion a process by which the Federal Government may assist States and local governments in planning for the protection of special areas overlying sole source ground water reservoirs. A sole source aquifer is a ground water reservoir that provides a specific population with its only source of drinking water—section 1424e of the Safe Drinking Water Act established a procedure for formal designation of sole source aquifers. Second, the bill would provide Federal matching grants to States to develop a comprehensive management plan to protect the ground water and implement portions of the management plan such as public land acquisition. Besides financial assistance, EPA will provide technical guidance and consistency in the application of existing Federal environmental laws.

THE FEDERAL INVOLVEMENT

Over the last two decades, our Nation has recognized the overwhelming need to protect surface water. The Clean Water Act of 1972 set in motion a massive effort to monitor and control the discharge of pollutants into surface waters. Nearing $30 billion has already been spent by the Federal Government on the construction of municipal wastewater treatment plants which release their effluents into lakes, streams, rivers, bays, and estuaries. The Resource Conservation and Recovery Act and the Superfund were enacted to prevent future Love Canals and respond to land-based hazardous waste sites we still must live with.

On the other hand, the protection of our Nation's underground supplies has largely escaped direct Federal involvement. Historically, ground water has been the responsibility of States and local governments. Yet half of the Nation depends on ground water for its source of water. On Long Island, nearly 3 million residents utilize a single underground reservoir for their drinking water supply.

As we come to understand the hydrogeology of underground sources, we realize how much our activities on the land above the aquifer affect the quality of the ground water and its viability as a supply for future generations.

THE LONG ISLAND EXAMPLE

Long Island is an excellent case in point. It was in the mid-1970's in the words of the Suffolk County, Long Island health commissioner, Dr. David Harris, that we came to "the shocking discovery that our Long Island ground water was contaminated with chemicals." According to Dr. Harris, improved testing techniques led to this discovery. And after extensive testing, it became apparent that the ground water is vulnerable to almost all soluble organic compounds. According to Dr. John Dowling, Nassau County health commission, over the last 30 years, 54 public supply wells have been abandoned or deepened because of ground water contamination.

An aquifer is analogous to a surface reservoir. The aquifer has a recharge zone through which precipitation and other surface runoff filters down to the water table; a surface reservoir is usually replenished by a river. The quality of the water reaching the aquifer depends on the nature of the overlying land and the degree of contamination of the inflowing water. Once the ground water becomes contaminat-

ed, restoring the water quality in a timely fashion is extremely difficult and under certain circumstances impossible.

Protecting the recharge zone is one of the most effective means of controlling the quality of water entering the ground water supply. On Long Island, the prime recharge zone happens to be an area known as the Central Suffolk Pine Barrens, an area of approximately 110,000 acres.

The Pine Barrens of Long Island, in the opinion of early settlers, was an area barren and useless for farming or grazing. As a result, the Pine Barrens have survived as the largest undeveloped tract of land left on Long Island. Far from being barren, however, the Pine Barrens is rich in a very special resource—ground water.

Long Island is composed of thick layers of sands, sometimes mixed with gravel and clay. The soil acts as a giant sponge, soaking up rainwater and then slowly leaking it back into the surrounding ocean and bays. As long as the amount of water lost by discharge to the ocean or by pumping from wells does not exceed the amount entering from rainfall, the volume of water in the ground remains stable. The top of the ground water zone is called the water table.

Recharge takes place across the entire surface of Long Island but the penetration is more deeply vertical at the center of the island. The water that enters the ground at the highest points of the island will go deepest into the aquifer. The highest points run in a long ridge, east to west along the middle of the island. Moving toward the shores, the movement of ground water become increasingly horizontal.

The concept of how water moves is important for the Pine Barrens in two ways. It means that the growing contamination of waters in western Long Island will not contaminate the cleaner waters to the east. It also means that because the Pine Barrens spans a central recharge area, its pure waters will keep the deepest layers of the aquifer clean and uncontaminated, and will insure the infusion of high quality ground water to areas outside its boundaries.

PURPOSE OF THE LEGISLATION

The legislation we introduce today will provide a framework for Federal-State cooperation in protecting critical recharge areas such as the Pine Barrens. But the legislation, in the form of an amendment to the Safe Drinking Water Act, is not written to apply only to Long Island. Any region in the Nation with the EPA designation of sole source aquifer may qualify for the program to protect critical recharge zones, or special protection areas, as described in this legislation.

There are certain things this bill does not do. The bill does not involve the Federal Government in local land use decisions. The bill does not establish a new regulatory structure nor call for the creation of new regulations. Participation in the special protection area program is entirely optional. In addition to the Long Island aquifer, nine other sole source aquifers already have been designated by EPA. A number of petitions are pending.

The sole source aquifer designation provided by the Safe Drinking Water Act of 1974 was intended to control development activities of the Federal Government in regions entirely dependent on ground water for drinking supplies. However, experience has shown that the designation—lacking a broader planning and management context—is ineffective in controlling many activities which may adversely affect the quality of ground water.

The purposes of this new legislation is to provide a link between planning and implementation of comprehensive ground water protection program. I ask unanimous consent that a summary of the legislation, the bill, and a list of designated and pending sole source aquifer areas be printed in the RECORD.

There being no ojection, the material was ordered to be printed in the RECORD, as follows:

S. 1111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sole Source Aquifer Protection Act of 1983".

SEC. 2. Part C of title XIV of the Public Health Service Act (the "Safe Drinking Water Act") is amended by inserting the following new section at the end thereof:

"PROTECTION OF CRITICAL GROUND WATER RECHARGE AREAS

"SEC. 1426. (a) Recognizing the dependence of the Nation on its ground water resources, it is hereby declared to be the policy of the Congress that the Fedeal Government shall cooperate with States and municipalities in the preparation and implementation of regional plans for protection of critical ground water recharge areas.

"(b) The Congress finds that—

"(1) almost half of the Nation's citizens depend on ground water for potable water supplies;

"(2) scientific evidence is mounting of contamination of ground water by toxic organic compounds, nutrients, salts, and other pollutants in all regions of the country;

"(3) ground water contamination, once it occurs, is extremely difficult to mitigate;

"(4) certain areas overlying as sole source aquifer are particularly critical in maintaining high quality ground water because of their relatively high rates of existing or potential recharge of proximity to major zones of withdrawal;

"(5) prevention of pollution of high quality ground water and protection of its critical recharge watershed area cost substantially less than measures to mitigate harm following contamination; and

"(6) there exists no established process to coordinate Federal, State and local authorities who share responsibility in the protection of ground water resources.

"(c) The purposes of this section are—

"(1) to establish procedures for the designation of special protection areas, defined by hydrogeology, water quality, and land use as of critical importance in maintaining water quality in the designated sole source area;

"(2) to establish procedures for the development and implementation of a site-specific comprehensive management plan for each designated special protection area;

"(3) to establish guidelines for Federal-State cooperation in the planning, funding, and implementation required to carry out the purposes of this section; and

"(4) to provide Federal financial assistance to States and their municipalities in the development and implementation of policies to protect critical ground water recharge areas but not to impose substantive limitations on state and local land use authorities.

"(d)(1) Upon designation of a sole or principal source area, pursuant to section 1424(e), any one or several municipalities within such area may petition the Governor of the State in which the area is located to apply for the designation of 'special protection area' within such area.

"(2) A petition under this subsection shall propose boundaries for the special protection area and further shall evaluate whether—

"(A) the proposed special protection area is a recharge zone for significant volumes of ground water with drinking water supply potential;

"(B) the ground water which is recharged through the proposed special protection area is of high quality;

"(C) portions within the sole or principal source area are already contaminated with toxic organics, nutrients, salts, or other pollutants;

"(D) maintenance of high quality in the ground water recharged through the proposed special protection area would have significant economic, social, and ecological benefits for the sole or principal source area; and

"(E) degradation of ground water recharged through the proposed special protection area would have significant economic, social, and ecological costs for the area.

"(e) Within one hundred and eighty days following receipt of a petition under this section, the Governor, considering the criteria set forth in subparagraphs (A) through (E) of subsection (d)(2), shall approve or disapprove the petition. If the Governor approves such petition, he shall—

"(1) propose the boundaries of the special protection area;

"(2) designate or, if necessary, establish a planning entity to develop a comprehensive management plan (hereinafter in this section referred to as the 'plan') for the special protection area with adequate representation of municipalities to assure their participation throughout the planning process;

"(3) establish technical and citizens advisory committees, hold hearings, and take other appropriate steps to assure and encourage public participation; and

"(4) establish procedures for review, approval, and adoption of the plan pursuant to State law and offer assistance to municipalities and other public agencies with authority, pursuant to State law, to implement the plan.

"(f)(1) Pursuant to approval of the petition as set forth in subsection (e), the Governor shall submit to the Administrator—

"(A) proposed boundaries of the special protection area; and

"(B) a description of the planning entity and the technical and citizens advisory committees.

"(2) Within sixty days after submission of the items referred to in paragraph (1) to the Administrator, the Administrator shall approve or disapprove the Governor's proposed boundaries and the designated planning entity.

"(3) The Administrator may approve the Governor's proposed boundaries and the designated planning entity if he finds that—

"(A) the boundaries are based on the criteria set forth in subparagraphs (A) through (E) of subsection (d)(2) of this section and the purposes of section 1424(e); and

"(B) the planning entity has the authority, pursuant to State law, and the technical expertise to prepare the plan.

"(4) If the Administrator disapproves either the Governor's proposed boundaries or the designated planning entity, he shall submit his reasons for disapproval to the Governor. The Governor may resubmit his request at his discretion.

"(5) If the Administrator approves the Governor's proposed boundaries and the designated planning entity, he may provide to the State, on a matching basis, a grant of 50 per centum of the costs incurred in preparing the petition and developing the plan. The designated planning entity, through the Governor, shall be eligible for such planning funds for a period not to exceed two years.

"(g)(1) A planning entity designated under this section shall be authorized and directed to prepare a comprehensive management plan consistent with the purposes of this Act for the special protection area. In order for a plan to qualify for funding under this Act, such plan shall be designed to maintain the quality of the ground water recharged through the special protection area through maintenance, to the maximum extent possible, of the natural vegetative and hydrogeological conditions. Such plan shall include but not be limited to—

"(A) a determination of the quality of the existing ground water recharged through said special protection area and the natural recharge capabilities of the special protection area watershed;

"(B) an identification of existing and potential point and nonpoint sources of ground water degradation, ground water flow patterns, and the relationship between surface water management and ground water recharge;

"(C) recommendations for ground water quality standards designed to maintain existing ground water quality or improve existing ground water quality if prevailing conditions fail to meet drinking water standards, pursuant to this Act and State law;

"(D) a map showing the detailed boundary of the special protection area;

"(E) a resource assessment which suggests the amount, location, and type of human development and activity which the ecosystem can sustain while still maintaining existing ground and surface water quality and protecting unique ecological features related to maintenance of water quality;

"(F) proposal of limits on Federal, State, and local government, financially assisted activities and projects which, directly or indirectly, may contribute, in any way whatsoever, to any degradation of such ground water or any loss of natural surface and subsurface infiltration or purification capability of the special protection area watershed;

"(G) development of a comprehensive statement of land use management as it pertains to the maintenance and enhancement of ground water quality and quantity;

"(H) proposal of limits on land uses in the special protection area which might have an adverse impact on water quality, recharge capabilities, or both;

"(I) consideration and proposal of specific techniques, including, but not limited to clustering, transfer of development rights, and other innovative measures sufficient to achieve the objectives of this section;

"(J) consideration of the establishment of a State institution to facilitate and assist in funding a development transfer credit system;

"(K) proposal to designate specific areas within the special protection area suitable and appropriate for public acquisition or fee or less than fee interests;

"(L) a program for State and local implementation of the plan described in this subsection in a manner that will insure the continued, uniform, consistent protection of the special protection area in accord with the purposes of this section.

"(2) During the development of the comprehensive management plan, the planning entity shall—

"(A) consult with appropriate officials of any municipality or State or Federal agency which has jurisdiction over lands and waters within the area;

"(B) transmit any draft and final plan to all appropriate municipalities for review and comment;

"(C) consult with the officials of any municipality which has jurisdiction over lands and waters within the boundaries of the special protection area;

"(D) consult with interested professional, scientific, and citizen organizations;

"(E) consult with the technical and citizen advisory committees which shall be established by the Governor; and

"(F) conduct public hearings, pursuant to State law, at places within the special protection area, and at such places as may be appropriate, for the purpose of providing interested persons and municipalities with an opportunity to comment on any aspect of the plan.

"(h) Upon completion of the process set forth in subsection (g) or an equivalent process acceptable to the Governor and the Administrator, the planning entity shall submit the plan to the Governor for review. The Governor shall approve or disapprove the plan. In his review of the plan, the Governor shall consider whether—

"(1) the plan will achieve the stated water quality objectives of the plan and this section and protect the ecological value of the special protection area which may be significant to maintain water quality;

"(2) the plan requires the exercise of land use and zoning measures to the greatest extent practicable to regulate the use of land and water resources in a manner consistent with the purposes of this section;

"(3) the planning entity has afforded adequate opportunity, including public hearings, for public involvement in the preparation and review of the plan, and has considered such review and comment in the plan as submitted to him;

"(4) written assurances have been received from appropriate municipalities that the recommended implementation program identified in the plan will be initiated within a reasonable time after the approval of the plan by the Administrator;

"(5) the necessary authority and resources exist, pursuant to State law, to assure implementation of the plan at the State and local level; and

"(6) a separate management entity should be designated or established, pursuant to State law, to implement the plan.

"(i)(1) The Governor shall submit a plan approved pursuant to subsection (h) to the Administrator for review. Within one hundred and twenty days, the Administrator shall approve the plan or submit in writing to the Governor his reasons for not approving it. If approval is not given, the Governor shall have ninety days to resubmit a modified plan to the Administrator. In his review, the Administrator shall consider the criteria set forth in subsection (g)(1), and after consultation with the Secretary of Defense, shall determine whether the national defense mission of military installations or related production facilities within, contiguous or adjacent to the special protection area have been adequately provided for.

"(2) If the Administrator approves the plan, he may provide to the State or the appropriate subdivision thereof on a matching basis a grant of 50 per centum of the costs of implementing certain features of the plan including but not limited to public land acquisition within the special protection area and a land credit exchange institution, pursuant to State law, but in no case shall the grant exceed $20,000,000.

"(j)(1) There are authorized to be appropriated to carry out subsections (e) and (g) for development of the plan, and for making grants under subsection (f)(5), $10,000,000 for each of the years ending September 30, 1984; September 30, 1985; and September 30, 1986.

"(2) There are authorized to be appropriated for grants to implement the plan pursuant to subsection (i)(2), $5,000,000 in the year ending September 30, 1984; $20,000,000 in the year ending September 30, 1985; and $50,000,000 for each of years ending September 30, 1986 and September 30, 1987.

"(3) Funds authorized under this subsection shall only be used to carry out the activities set forth in this section. No funds authorized in this subsection may be used to carry out activities authorized by the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, or other sections of the Safe Drinking Water Act.

"(k) For the purposes of this section:

"(1) the term 'plan' means the comprehensive management plan developed pursuant to subsection (g) or an equivalent process approved by the Governor of the State and the Administrator.

"(2) The term 'land credit exchange institution' means any institution established under State law to facilitate the exchange, transfer, acquisition, and donation of development rights, conservation easements, or other partial interests in land.

"(3) The term 'recharge' means the downward flow of water to the water table."

SOLE SOURCE AQUIFER PROTECTION ACT—SUMMARY OF THE BILL

The bill sets forth the following procedures for developing and implementing a plan to protect the recharge area of a sole source aquifer:

(1) Petition. A local government would submit a petition to the Governor setting forth the proposed boundaries of a "Special Protection Area" and the rationale for designating such an area in terms of water supply potential.

(2) Governor's approval. The Governor must decide whether or not to pursue the petition. If so, state officials would work with local governments to propose new boundaries, justify the designation, and name a planning authority to be responsible for developing the comprehensive management plan. Then, the Governor would submit the petition to the EPA Administrator.

(3) Preliminary EPA approval. If the EPA Administrator determines that the petition meets certain minimum technical requirements and that the planning authority is technically qualified, then the Administrator could approve the petition. An approved petition would qualify the state for matching funds for planning assistance.

(4) Comprehensive plan. The planning authority designated by the Governor would have two years to develop a comprehensive management plan. It would be required to work closely with all units of government responsible for implementing various parts of the plan.

(5) State approval. The Governor would have to demonstrate how the State and local governments would implement the plan. Thus, agreements would have to be reached at the local level before the Federal government would even consider involvement. Once the Governor approved the comprehensive management plan developed by the planning authority, he would submit the Plan to EPA.

(6) EPA approval. The Administrator would judge the merits of the proposal based on how effectively the Plan would protect the groundwater and how the state would implement the Plan. If the EPA Administrator were to approve the Plan, then the state would be eligible for a matching grant of up to $20 million to implement certain features of the Plan including but not limited to land acquisition.

The Federal Government would not interfere with local land use decisions but rather would provide technical guidance and consistency in the formulation of regional groundwater protection plans.

A total of $155 million would be authorized over a four-year period.

The "Sole Source Aquifer Protection Act" is drafted as an amendment to the Safe Drinking Water Act of 1974.

SOLE SOURCE AQUIFERS

DESIGNATED AREAS

1. Edwards Underground Reservoir, San Antonio, Texas.
2. Spokane Valley-Rathdrum Prairie Aquifer, Idaho and Washington.
3. Northern Guam.
4. Nassau and Suffolk Counties, New York.
5. Fresno County, California.
6. Biscayne Aquifer, Florida.
7. Western Essex and Southeastern Morris Counties, New Jersey.
8. Maryland Piedmont Aquifer—Montgomery, Frederick, Howard, Carroll Counties, Maryland.
9. Whidbey and Camano Island, Washington.
10. Cape Cod, Massachusetts.

PETITIONS UNDER REVIEW

1. Scotts Valley, California.
2. Upper Santa Cruz Basin, Arizona.
3. Ava-Altar Basin, Arizona.
4. Snake Plain Aquifer, Idaho.
5. Carrizo-Wilcox Aquifer, Bastrop County, Texas.
6. Delaware Basin, New Mexico and Texas.
7. Niagaran Aquifer, Wisconsin.
8. Baton Rouge, Louisiana.
9. Volusia-Floridan Aquifer, Florida.
10. New Castle County, Delaware.
11. York County-Piedmont Region, Pennsylvania.
12. Coastal Plain Aquifer, New Jersey.
13. Ridgewood, New Jersey.
14. Upper Rockaway, New Jersey.
15. Schenectady Aquifer, New York.
16. Vestal, New York.
17. Sardinia, New York.
18. Kings and Queens Counties, New York.
19. Block Island, Rhode Island.
20. Nantucket Island, Massachusetts.●

● Mr. D'AMATO. Mr. President, Senator MOYNIHAN and I are introducing a bill which amends the Safe Drinking Water Act. This act addresses the serious and growing problem of ground water contamination. Much of our Nation's water source is in jeopardy due to this increasing trend of contamination. If we are to heed the predictions and warnings of the experts, we must now take steps to insure the United States does not experience a water crisis like the energy crisis of the seventies.

Ground water for potable water supplies is depended on by almost all nations. Throughout this country, there is mounting scientific evidence of ground water contamination. Unfortunately, this contamination is usually irreversible.

In 16 Massachusetts communities, 25 communities in Pennsylvania, and 22 communities in New York, public water supplies have been discovered to be contaminated. Due to organic contamination, about 100 drinking wells surrounding a landfill in Jackson Township, N.J., have been closed. Under the Rocky Mountain Arsenal near Denver, Colo., 30 square miles of the shallow aquifer table are contaminated by chemical byproducts from the manufacture of pesticides and herbicides. A number of domestic stock and irrigation wells have been temporarily abandoned and two have been permanently closed. Unless we act to preserve the quality of its aquifers, Long Island's ground water contamination problem may become a critical one.

Three aquifers are depended on by Long Island residents for their water supplies; 2.8 million people currently depend solely on these three aquifers as a source of drinking water. This dependence creates a potentially critical situation. Plentiful rainfall combined with highly porous soils, maximize the potential for contaminants to leak into the ground water. Furthermore, some parts of Long Island are in overdraft. This, coupled with saltwater intrusion is a problem.

Through the authority of the Safe Drinking Water Act, the Environmental Protection Agency has designated the aquifers underlying Long Island as sole source. This means, that they are the sole or principal source of drinking water for the area. If contaminated, it would create a significant hazard to public health. Nevertheless, contamination has occurred from many sources. Some of these leaking landfill dumpsites, aging gasoline storage tanks, failing septic tank systems, accidental, illegal, or improperly regulated discharges, and lastly, runoff and drainage from agricultural areas.

Most of the pollutants recently detected in ground water are in minute amounts. Because of this, scientists and toxicologists are uncertain about the health effects of consuming water contaminated with trace levels of organic substances.

However, some believe that the cumulative effect has increased the risk of illness and cancer. The health of Long Island residents and the future economic growth of Long Island is contingent on the prevention of further ground water pollution. There must be prudent watershed management involving Federal, State, and local participation in order to accomplish this goal. On Long Island, this policy will involve the cooperative development and management of a comprehensive plan to protect the Long Island Pine Barrens. Beneath the Pine Barrens, there is the most important and least polluted ground water.

This bill provides for a partnership among Federal, State, and local offices. The role of the Federal Government will primarily be one of coordination, technical, and financial assistance. This bill provides for the establishment of designated special protection areas which contain sole source aquifers. The designation of these areas will assure that sole source areas are protected and managed in such a way as to maintain or improve existing wate quality. This amendment also authorized $180 million for planning and implementation of plans for the special protection areas and land acquisition. The States will match Federal funds dollar for dollar.

It is now time for Congress to focus on the critical problems facing the water quality of our Nation. The solution presented by this bill will prevent the degradation of water quality. The price of prevention is well worth the cost of insuring perhaps our country's most precious resource—water.●

By Mr. GORTON and Mr. JACKSON:

S. 1112. A bill to modify the city waterway navigation project, Tacoma Harbor, Wash., to redefine the project boundaries; to the Committee on Environment and Public Works.

PROJECT BOUNDARIES OF TACOMA HARBOR WATERWAY

● Mr. GORTON. Mr. President, today I am pleased to introduce with Senator JACKSON legislation authorizing the modification of the City Waterway Federal navigation channel project located in Tacoma Harbor in the State of Washington.

Senator JACKSON and I introduced similar legislation during the last session of Congress but, unfortunately, the bill was not acted upon before the adjournment. The city of Tacoma is still anxious to redefine the navigation channel boundaries so that it may proceed with the development of the waterway area.

The City Waterway Federal project was established in 1905. It was a major shipping terminal waterway for Commencement Bay and the city of Tacoma for many years. As facilities at Commencement Bay expanded and new waterways were developed, City Waterway was no longer competitive for shipping terminal development because it was too shallow and too narrow. As a result, most of the shipping terminals left City Waterway and for several decades the frontage of this waterway was left to decay. In the mid-1970's, the city of Tacoma adopted a plan to reclaim and redevelop the waterway for marina facilities and restaurants. More than 700 recreational moorage spaces have already been developed and another 700 spaces are planned. The approval of the waterway project modification request will help maintain the momentum of the city's redevelopment efforts.

The city filed a formal request for Federal project modification with the Seattle district engineer of the U.S. Army Corps of Engineers in March 1979. Since that time, the corps has completed a review of the request and has issued a feasibility report and an environmental assessment dated November 1981. The report recommends approval of the requested modification. Gen. J. K. Bratton, Chief of Engineers, has concurred with the recommendations of the district and division engineers.

This legislation would remove the need for Federal project designation in the targeted marina development areas and it would relieve the corps of its obligation for maintenance dredging. There has been no dredging of the City Waterway since 1948 and the city has informed me that there is no foreseeable need for maintenance dredging. Project depths are naturally being maintained.

Mr. President, the legislation we are introducing today will not directly result in any changes to the physical appearance of the waterway; it will not affect existing commercial navigation in any way; and it will not adversely affect any remaining industrial or terminal facilities on the waterway. It will simply change a line on a map.

The requested modification will have the following positive economic and physical impacts on the city's development program for the area: it will encourage more new marina development in conformance with the city program; it will relieve certain bonding requirements which are now a deterrent to marina developers; it will provide immediate relief to two marinas already completed; and it will facilitate development of new street improvements serving the waterway.

The Corps of Engineers, the city of Tacoma, and the Port of Tacoma have all reviewed this proposal and concurred that the modification should be approved. I urge my colleagues to join me in supporting prompt enactment of this legislation so that the city of Tacoma can proceed with the redevelopment of the waterway area.●

● Mr. JACKSON. Mr. President, I am pleased to join Senator GORTON in introducing legislation which would modify the existing Federal project in City Waterway, Tacoma Harbor.

When the downtown channel was created, it was used primarily for commercial navigation. Recently, however, the city has encouraged redevelopment of City Waterway's shoreline for public use. But it is anticipated that redevelopment would reduce the useful width of the Federal project from 500 to 300 feet.

So potential developers are required to post a bond to insure removal of the structures within the Federal channel should this be necessary to restore full navigation use of the waterway. The city feels this bond requirement to be a financial burden that discourages potential developers. Modification of the channel boundaries would place the area planned for development outside of the bond requirement area.

Finally, it should be noted that the requested modification will not directly result in any changes in the physical appearance of the waterway. Existing commercial navigation will not be affected. And any remaining industrial or terminal facilities on the waterway will not be adversely affected. This legislation, as Senator GORTON stated, will simply change a line on a map.

Therefore, Mr. President, I urge the Senate Committee on Public Works to move quickly on this legislation.●

By Mr. D'AMATO:

S. 1113. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed; to the Committee on Finance.

DETERMINATION OF TAXABLE LEVEL OF SOCIAL SECURITY BENEFITS

● Mr. D'AMATO. Mr. President, I am introducing today, a bill to repeal the inclusion of tax-exempt bond interest in the calculation of the income threshold for taxation of security benefits. My bill will remove an unfair and unjust burden that would otherwise be placed on municipal and State governments, all property taxpayers and, most egregiously, on the middle-income elderly. The Congress has endeavored to protect the integrity of social security by passing the recommendations made by the National Commission on Social Security Reform. Despite these good intentions, however, I believe the Congress erred in adding to the Commission's recommendations what amounts to an unconstitutional, improper and unfair tax to be borne primarily by the middle-class taxpayers and senior citizens of our society. If my bill is approved, this intolerable situation would be rectified.

As originally conceived, the rationale for including tax-exempt interest in the threshold for taxation of social security benefits was to increase Federal revenues and require the affluent to carry more of the burden. These are admirable goals and ones which I support. In general, actions to reduce the national debt should be applauded. However, as with most revenue raising measures, costs are incurred. In this case, the costs far exceed the benefit of possible, but far from certain, slightly higher Federal revenues. On the one hand, this provision provides a real handicap for middle-class savers. On the other hand, as a revenue raising mechanism the amendment is completely ineffectual. The Federal tax base will not be enlarged. In fact, Treasury revenues will be marginally reduced.

Congress has saved social security and for this it should be commended. Nevertheless, Mr. President, I cannot sit idlely by while Americans, both the retired and those who are still working, unnecessarily bear the brunt of this legislation. In short, my goal is to ameliorate the onerous penalty imposed by the inclusion of tax-exempt interest in the income threshold without exacerbating the Federal budget deficit.

Mr. President, allow me to outline the positive results my bill will achieve by repealing the ridiculous provision to include interest income on tax-exempt bonds when calculating income levels for the taxation of social security benefits. Most evident of these, is preserving the viability of the municipal bond market, and reducing interest costs which will ultimately be absorbed by payers of State and local taxes, that is, homeowners. Current

legislation would encourage municipal bond holders to purchase high yielding taxable securities. This represents a real cost to cities and States currently strapped by budget shortfalls.

I have had conversations with many municipal finance officers who have quantified the current law's impact on their respective budgets.

Bob Odell, treasurer of the city of Los Angeles, estimated that at a minimum, $1 million of additional taxes per year will have to be levied. This is a cost that has no corresponding benefit.

David Shullman, commissioner of finance for Westchester County, N.Y., estimated that the cost of the county's taxpayers would annually be $300,000. Current law is clearly doing nothing more than attempting to shift the Federal budget deficit to State and local taxpayers.

I spoke to Karl White, director of finance for the city of San Antonio. He stated that San Antonio would incur an additional $5 million in interest costs annually. But the provision is only intended to raise at a maximum $5 million for the Treasury over the next 7 years.

It is disastrous to increase the burden on cities and States when Federal grants are being reduced. Obviously, Congress goal should not be to further constrict financing avenues previously open to State and local governments. The provision encourages people not to buy lower yielding municipal securities and will thus bleed our cities dry.

In order to attract new funds with this new provision in force, municipal bonds would have to be priced at a premium to better compete in the market with taxable securities. This is not an esoteric fact. The Municipal Finance Officers Association (MFOA) has projected a national "impact ranging from $299 million to $598 million annually" if tax-exempt bond interest is included in the adjusted gross income of retirees for calculation of the social security income threshold. This is a disaster of immense proportions.

The MFOA further estimates that the higher interest costs would conservatively run between 25 and 50 basis points, or from one-quarter of 1 percent to one-half of 1 percent. To put this in a proper perspective, Richard Dixon, chief of budget, county of Los Angles, stated that the county's annual external financing needs are $1 billion. He estimated that the added interest rate associated with the provision would be 50 basis points. This amounts to $5 million in increased interest costs in the first year. Of course, this figure is compounded in each succeeding year. If we assume that 75 percent of the county's external financing needs are met with long-term bonds, the $5 million figure grows to $13.75 million in the second year, and $22.5 million in the third year, and so on. The current law will mortgage the future of local government. This is not what New Federalism is all about.

In the case of the county of Los Angeles, the higher interest rates cannot be passed on in taxes because of proposition 13. Richard Dixon told me that by statute the only services that could be cut to absorb the increased interest costs are fire, police, and schools. As the costs are compounded, these serives will be reduced exponentially. This is wrong. We cannot destroy the infrastructure of our State and city services.

Who would pay for the added interest costs? How are municipal expenses recovered? From one source—State and local taxpayers will foot the bill. And, to the extent that electric utilities issue pollution control bonds via municipalities, ratepayers will pay the added costs. The intolerable result is that individuals will pay once through higher utility bills and again through increased taxes. Can we in good conscience during a time of economic hardship raise taxes and utility bills?

Municipalities do have an alternative to raising taxes: reduce capital outlays. This, of course, would lead to a further deterioration of existing city and State services. In this case, local leadership must make the painful choice of deciding the essential city service that must be trimmed. In most major cities, police, fire, and school services cannot be cut further without endangering the public well-being. As it is, these essential services are operating on a shoestring. Is it worth jeopardizing the safety of our citizens in the name of raising a mere pittance for the Treasury? Who in this Chamber desires to reduce the educational opportunities available to our young people?

My bill, Mr. President, will eliminate a burden that also will be borne by the middle-income elderly of our society. The provision states, that in determining gross income for purposes of taxing social security benefits, total taxable income is added to tax-exempt interest plus half of the social security benefits received. If this figure is over $25,000—$32,000 for a married couple—then half the amount of the individual's social security benefits over the threshold is added to taxable income and taxed at the marginal tax rate. For example, if a person has $20,000 of pension income, no tax-exempt income and $10,000 of social security benefits, adjusted gross income would be $25,000. Given this, social security benefits would not be taxed.

However, if this same individual has $20,000 of pension income, $5,000 of tax-exempt income, $10,000 of social security benefits then adjusted gross income would be $30,000. In this case, $650 of tax would be paid on the social security benefits over $25,000, or $2,250. The interest-free income of $5,000 pushed adjusted gross income over the threshold level. This amounts to a tax on tax-exempt income. As it stands now, there exists a tremendous incentive for the middle class to sell their municipal or State bonds and buy higher yielding taxable securities. Existing legislation punishes middle-class retirees for investing their savings in the cities in which they reside. Where will cities obtain funds if their own residents will not invest?

In another example, a married couple with $27,000 of pension income, $1,000 of a tax-free interest, $10,000 of social security benefits would have adjusted gross income of $33,000. This figure is $1,000 over the $32,000 threshold established for a married couple only because of the inclusion of tax-exempt income. The resulting tax on social security benefits is $145. This amounts to a 14.5-percent marginal tax rate on previously tax-free bonds, a married couple may be forced to choose between paying taxes or going without heat or electricity. Only an idiot would consciously pay tax on a supposed tax-free security. Mr. President, our Nation's elderly should not be responsible to a greater degree than other citizens for reducing the Federal budget deficit.

People who put their life savings in municipal bonds already are absorbing a 2½-percentage point reduction in yield. The spread between AA rated municipal bonds and similar quality corporate bonds is running today at 263 basic points. Municipal bond investors thus sacrifice a 28-percent reduction in yield by not buying taxable securities. We are now imposing on these same elderly citizens up to an additional 15-percent reduction in return, for a total penalty of 43 percent. What is going to be the impact of this ugly tax? These same investors, already overburdened by taxes, will exert their collective economic muscle and sell municipal bonds. And who could blame them. Cities and States will be denied the necessary financing for essential services. Police, fire, and water facilities will deteriorate for lack of funding. We will be the ones responsible unless this disgraceful provision is stricken. The Members of Congress must act to protect city and State services, lower property taxes and maintain the financial integrity of local government.

In essence, Mr. President, current legislation will tax previously sacrosanct—since 1913—State and municipal bonds. Furthermore, this will only impact middle-class retirees near the gross income threshold. The wealthy will not be dealt any penalty. A single

person or married couple with $100,000 of taxable income will pay taxes on half their social security benefits regardless of the amount of State or municipal bond interest they earn. There is no equity in the current system. Why punish the old lady barely making ends meet and let the rich off easy?

It has been estimated by the Joint Committee on Taxation that only a scant $5 million over 7 years will be raised by this ridiculous provision. It is my belief that even this tiny amount is overstated. Let us go back to the example of an unmarried individual with pension income of $25,000 and tax-free interest income of $500 for total gross income of $25,500. Rather than pay tax on social security benefits this person will sell his bonds that are currently priced at a discount and take a principal loss. In this way gross income would be reduced to $25,000 and taxes otherwise paid on social security benefits would be eliminated. But by selling a bond at a discount, taxable income is reduced and Federal revenues depleted. Mr. President, the Treasury would actually lose money.

Quite frankly, Mr. President, I question the ability of the IRS to keep track of most individuals' tax-exempt interest income. Most currently outstanding municipal bonds are in bearer form and thus difficult to trace. The IRS would be virtually powerless to deter people that decided not to report their tax-free income. In an effort to recover these few dollars the IRS would have to add further detail to existing tax forms. I see no reason to further complicate what is already an unfathomable situation.

I have serious doubts whether the IRS can simplify this highly complicated provision. The average taxpayer will not be able to comprehend it. More likely than not, the honest individual will unknowingly fill the required form out wrong. Is all this worth doing for no additional revenues? The answer is unequivocally no.

Finally, the inclusion of tax-free interest in calculating the threshold for taxation of social security benefits is nothing more than taxing municipal bonds. This, Mr. President, is unconstitutional. The Supreme Court has consistently held that the Federal Government cannot, under the Constitution, impair State and local borrowing power. Precedent was established back in 1894 in the Pollack against Farmers Loan & Trust Co. case. Actually there were two Pollack decisions: The first invalidated portions of the 1894 income tax law that included the taxation of State and local bond interest income, and the second opinion nullified the entire tax law under review.

The Supreme Court made it clear in the Pollack decisions that any infringement on State and local borrowing power is unconstitutional. Again, when the 16th amendment was taken up in Congress, taxation of previously tax-free bonds was promptly dismissed. Later, in 1923, congressional intent was clear in prohibiting taxation of municipal bonds. At that time, Congress considered a constitutional amendment to permit the taxation of tax-exempt interest income. The 1923 amendment was approved by the House but did not pass the Senate.

As previously stated, the inclusion of tax-exempt interest income in determining the threshold for taxing social security benefits would raise the cost of borrowing by municipalities up to 50 basis points. Clearly this would impair the ability of municipalities to raise money. It is also tantamount to a tax on State and local bond interest income. I see no reason to become embroiled in a serious constitutional question over an issue of marginal value—only $5 million over 7 years for the mere appearance of equity. Allowing this provision to remain on the books would be a dangerous precedent.

In summary, Mr. President, my bill would return some equity to social security reform. The middle-class aged of our society will heave a sigh of relief. So will the State and municipal governments across the Nation that would be forced to either raise money at a higher cost or defer capital improvements. As a result, all taxpayers will be relieved of further burgeoning State and local taxes. Moreover, a constitutional conflict will be avoided. All this will be accomplished without depriving the Treasury of needed revenues.

Mr. President, I ask unanimous consent that the table on this issue be included in its entirety in the RECORD. I also ask unanimous consent that this vital legislation be reprinted in its entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of section 86(b) of the Internal Revenue Code of 1954 (defining modified adjusted gross income) is amended to read as follows:

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term 'modified adjusted gross income' means adjusted gross income determined without regard to this section and sections 221, 911, 931, and 933.".

(b) The amendments made by subsection (a) shall take effect as if included in the amendment made by section 121(a) of the Social Security Amendments of 1983.

INCREASED BORROWING COSTS FOR STATE AND LOCAL GOVERNMENTS RESULTING FROM H.R. 1900

[In thousands of dollars]

	Estimated 1982 long- and short-term tax-exempt debt issued	Estimated annual increase in State and local government borrowing costs	
		Low (0.25 percent)	High (0.50 percent)
Alabama	1,810,141	4,525	9,051
Alaska	2,081,625	5,204	10,408
Arizona	2,816,365	7,041	14,082
Arkansas	905,536	2,264	4,528
California	10,179,461	25,449	50,897
Colorado	3,300,524	8,251	16,503
Connecticut	1,821,701	4,554	9,109
Delaware	647,478	1,619	3,237
Florida	6,383,228	15,958	31,916
Georgia	2,557,148	6,393	12,786
Hawaii	651,372	1,628	3,257
Idaho	111,156	278	556
Illinois	5,193,304	12,983	25,967
Indiana	1,768,725	4,422	8,844
Iowa	665,331	1,663	3,327
Kansas	879,794	2,199	4,399
Kentucky	1,964,197	4,910	9,821
Louisiana	3,802,505	9,506	19,013
Maine	557,354	1,393	2,787
Maryland	2,396,307	5,991	11,982
Massachusetts	3,684,334	9,211	18,422
Michigan	3,073,446	7,684	15,367
Minnesota	2,462,827	6,157	12,314
Mississippi	1,101,827	2,755	5,509
Missouri	1,171,480	2,929	5,857
Montana	406,232	1,016	2,031
Nebraska	968,029	2,420	4,840
Nevada	1,031,827	2,580	5,159
New Hampshire	427,253	1,068	2,136
New Jersey	3,889,733	9,724	19,449
New Mexico	1,385,662	3,464	6,928
New York	8,455,203	21,138	42,276
North Carolina	3,117,377	7,793	15,587
North Dakota	384,301	961	1,922
Ohio	3,839,358	9,598	19,197
Oklahoma	1,458,179	3,645	7,291
Oregon	1,462,411	3,656	7,312
Pennsylvania	3,945,621	9,864	19,728
Rhode Island	310,200	775	1,551
South Carolina	2,647,272	6,618	13,236
South Dakota	248,372	621	1,242
Tennessee	1,843,409	4,609	9,217
Texas	10,526,240	26,316	52,631
Utah	1,144,817	2,862	5,724
Vermont	343,552	859	1,718
Virgina	2,762,000	6,905	13,810
Washington	4,584,938	11,462	22,325
West Virginia	388,446	971	1,942
Wisconsin	1,631,027	4,078	8,155
Wyoming	545,049	1,363	2,725
Total	119,733,674	299,334	598,668

By Mr. MATSUNAGA:

S. 1115. A bill to amend titles XVIII and XIX of the Social Security Act to treat certain sensory and communication aids as medical and other health services, and for other purposes; to the Committee on Finance.

HANDICAPPED INDEPENDENCE ASSISTANCE ACT OF 1983

Mr. MATSUNAGA. Mr. President, I am today introducing legislation for the benefit of severely visually impaired, hearing impaired, and vocally impaired persons, to allow them more easily to enter the job market as productive wage earners. My bill would extend medicare coverage to include advanced sensory and communication aids, with the clear provision that the States may cover this technology under their medicaid programs, but would not be required to do so.

Mr. President, access to sensory and communication aids would allow disabled persons to perform more effectively in the job market and would significantly increase their opportunity

to secure gainful employment. Over the past decade, numerous studies have shown that the use of sensory aids open many new job opportunities for the blind and visually impaired population. This fact should not be surprising when one considers the number of job categories in our labor market dependent upon technology for the storage and display of information. It is estimated that 60 million of the Nation's 110 million job stations in the year 1990 will be electronically based. In most of these job stations, the workers will depend upon electronic equipment for the acquisition and manipulation of printed information. The information either will be in the form of computer printouts or CRT displays. The use of specialized sensory aids makes these job situations as accessible to blind and visually impaired individuals as they are to nondisabled persons.

Mr. President, it is interesting to note, that during this time of high national unemployment, two of the major job categories with an abundance of openings are those of computer science and word processing—two fields open to blind and visually impaired individuals when appropriate sensory aids are available.

The use of high-gain amplification equipment with specially designed FM systems can provide severely hearing impaired individuals with auditory information otherwise unavailable. Such equipment can greatly prolong the competitive employment of many hearing impaired individuals long after the impairment becomes severe. In many situations, these sensory aids can eliminate the need for early retirement of these people.

The use of hand-held speech synthesizers permit vocally impaired individuals to communicate with others in job situations. Without them, the inability to communicate stands between these people and competitive employment.

These are just some examples of devices available to handicapped persons which would allow them to function normally in a work situation. Other equipment, for instance, can produce raised letters from printed words.

The primary problem today, however, is the availability of these necessary devices to the potential users. The expense necessary to demonstrate competitiveness is too high; thus, many individuals remain on welfare rather than competing for employment. By underwriting this expense to achieve such employment, we can reduce welfare costs and increase tax revenues to the Government at the same time. Indeed, the anticipated costs of this legislation would be offset substantially by additional revenues and reduced welfare costs.

Mr. President, in view of the major cutbacks in disability programs and vocational rehabilitation programs, it is time for Congress to act so that the individual purchase of such equipment can be made feasible for disabled persons. During the 1970's, many blind and visually impaired individuals were able to obtain employment through the assistance of State vocational rehabilitation agencies which purchased for them sensory aids needed in the employment situation. The vast majority of these aids were purchased through funds allocated for the social security beneficiary rehabilitation program and the vocational rehabilitation program. These funds have been reduced severely over the past 2 years with extreme hardship being felt by disabled individuals eligible for these programs. Many State agencies have virtually terminated the procurement and assignment of sensory aids during this period because of the lack of funds. Thus, numerous disabled individuals have not been able to apply for or obtain employment.

Mr. President, these persons are talented and capable people who want to work and make their contribution to society. For the sake of our Nation's well-being and economic prosperity, we must take steps so we may benefit from their significant talents and abilities. I believe my bill, which would make sensory and communication devices more readily available, would have long-term benefits for disabled persons, and for society as a whole. I urge my colleagues to support this legislation. I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Handicapped Independence Assistance Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) the increased availability and use of technologically advanced sensory and communication aids, equipment, and devices by individuals who are blind, severely visually impaired, deaf, severely hearing impaired, or vocally impaired would reduce the handicaps of such individuals with respect to employment, education, and self-care.

(2) such sensory and communication aids, equipment, and devices would open many new job opportunities for their users, but are beyond the financial means of many such individuals; and

(3) although payment for such aids, equipment and devices is not expressly prohibited by statutes authorizing Federal health insurance programs. regulations of both Federal and State agencies result in widespread denials of such payments.

AMENDMENTS TO SOCIAL SECURITY ACT

SEC. 3. (a)(1) Section 1861(s) of the Social Security Act is amended—

(A) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15) respectively;

(B) by striking out "and" at the end of paragraph (9);

(C) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (10) the following new paragraph:

"(11) sensory and communication aids designed to substantially reduce or eliminate handicaps caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally, other than eyeglasses, hearing aids, or other services excluded under section 1862(a)(7).".

(2) Section 1864(a) of such Act is amended by striking out "paragraph (11) and (12)" and inserting in lieu thereof "paragraphs (12) and (13)".

(b) Section 1862(a)(1) of such Act is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the semicolon at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) in the case of items and services described in section 1861(s)(11), which are not reasonable and necessary for reducing or eliminating handicaps caused by blindness, deafness, a severe hearing or visual impairment, or the inability to communicate vocally;".

(c) Section 1833 of such Act is amended by adding at the end thereof the following new subsection:

"(k) With respect to expenses incurred for items and services described in section 1861(s)(11), no more than $5,000 in any calendar year, and no more than $15,000 in any five consecutive calendar years, shall be considered as incurred expenses for purposes of subsections (a) and (b).".

(d) Section 1905(a)(12) of such Act is amended by inserting after "devices" the following: ", including sensory and communication aids described in section 1861(s)(11)".

(e) The amendments made by this Act shall be effective with respect to items and services furnished on or after January 1, 1984.

By Mr. DIXON (for himself and Mr. PERCY):

S. 1119. A bill to amend the Natural Gas Pipeline Policy Act of 1978 to establish natural gas pipelines as common carriers, and for other purposes; to the Committee on Energy and Natural Resources.

COMMON CARRIER LEGISLATION

● Mr. DIXON. Mr. President, I am introducing legislation today which would bring about a commonsense solution to the natural gas crisis this country is currently facing. This measure, if enacted, would provide immediate relief to gas consumers in the form of price decreases reaching as high as 25 percent in the first year.

During this past relatively mild winter, we had an abundant oversupply of gas totaling more than 2.2 trillion cubic feet (tcf). In 1982, the total natural gas consumed by Americans

was 18.5 trillion cubic feet. Most of the 2.2 tcf is unused because of the existing contractual relationship between pipelines and producers that cause higher prices to be paid by the end-users of the gas—the households, schools, and industrial plants—while cheaper gas remains shut in.

The plan I am introducing will change the status of pipelines to that of common carriers—the same as for trucks and oil pipelines. By making pipelines common carriers, the vital first step toward restoring commonsense to the natural gas market has been taken. Common carriage would introduce competition to this segment of the natural gas industry and increase the ability of distributors to purchase directly from producers at the lowest available price.

The measure would allow local utilities to purchase gas directly from producers instead of the current practice of utilities purchasing gas from pipelines. Utilities could then shop around for the cheapest gas available and then ship the gas through the pipelines. The pipelines would be allowed a fair rate of return on their investment. Under this scenario, Illinois consumers of natural gas could receive an average saving of 17 percent on their bills, for example.

Common carriage of natural gas, under this measure, does not attempt to address the pricing issue many of the other natural gas measures have addressed. Price savings in this act are based on direct sales of gas, not title I of the Natural Gas Pricing Act. Consequently, common carriage is compatible with either of the two major pricing issues being discussed in the Senate Energy and Natural Resources Committee.

I am proud of the support this bill already has received from many Members of the Illinois congressional delegation. In particular, I would like to thank Senator CHARLES PERCY and Representatives TOM CORCORAN and PAUL SIMON for their support of this concept. Throughout the drafting of this bill, the chairman of the Illinois Commerce Commission, Philip O'Connor, and his staff provided the delegation with constant assistance.

I look forward to its early consideration so that natural gas prices can decline under this commonsense approach to a very complex problem.

Our objective is price relief for natural gas consumers, Mr. President. No draft of a bill is perfect and its contents are certainly subject to reveiw and negotiation. All of us who are interested in this concept stand ready to work with our colleagues and all interested parties in accomplishing our objective.●

● Mr. PERCY. Mr. President, I am pleased today to join my colleague, ALAN DIXON, in introducing the Natural Gas Consumer Access Amendments of 1983. This bill is based upon a proposal developed by the Illinois Commerce Commission and its chairman, Philip O'Connor. A similar bill was introduced last week in the House of Representatives by serveral members of the Illinois delegation.

Simply put, the O'Connor proposal turns pipelines into common carriers, mainly providing natural gas transportation services, rather than buying and selling the gas themselves. It creates an open market for what would be called free access gas, with utilities and other purchasers able to shop around and make contracts directly with producers.

This is an interesting and thoughtful concept, and one which deserves careful study as we in the Congress develop a sound strategy for our natural gas dilemma. With consumer prices rising sharply at the same time low-cost gas is going begging, plainly something is wrong. While this proposal is not necessarily the solution to this problem, it plainly adds to the debate. Like many new ideas, it is bound to be controversial, as it will make us all think about the natural gas market in a different context. We need some fresh thinking, however—and it is in this spirit that I introduce the bill today.

What will the bill's effects be on the State of Illinois, and other gas consuming States in our situation? The jury is still out on that point, as far as I am concerned, and I look forward to an open and far-reaching debate to help us find the answer.

One fact that we have to keep in mind about Illinois is that our consumers have access to some of the lowest-priced gas in the Nation. Natural gas prices for residential consumers in Chicago are well below the national average, for example. At the same time, some of our pipelines—and all of our utilities in the central part of the State—are stuck with some of the highest-priced gas anywhere to be found. Overpriced Algerian LNG is a case in point.

What we need to do is find a way to back away from Algerian LNG and other overpriced gas, but without losing access to the low-priced old gas supplies that have helped keep consumer prices from rising even higher. We are concerned that if all old gas were up for grabs—even at controlled prices—Illinois could stand to lose more than it gains.

With this in mind, we are introducing a bill that treats pipelines as common carriers, but with a narrow definition of free access gas. It does not allow producers to back out of old gas contracts with pipelines or distribution companies. It guarantees that any gas purchaser with an old gas contract would not be subject to unilateral action by anyone upstream.

In effect, it offers an extra measure of protection for Illinois and similar States. If there is any additional low-cost gas to be bought—or any high-cost gas to rid ourselves of—we could do it under this bill. But we would not have to risk what we already have. And when you consider that we already have more low-cost gas than almost anyone else, we think that makes sense for Illinois.

I think it is useful for the course of the public debate for many different approaches to be out on the table. What we need is a wider public discussion of the costs and benefits of all possible solutions to our natural gas dilemma.●

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. HUDDLESTON, the name of the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 24, a bill to provide emergency credit assistance to farmers, and for other purposes.

S. 41

At the request of Mr. DURENBERGER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 41, a bill to extend the revenue sharing program for local governments through fiscal year 1986.

S. 57

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 57, a bill to amend title 18 of the United States Code relating to the sexual exploitation of children.

S. 62

At the request of Mr. SASSER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 62, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 107

At the request of Mr. THURMOND, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 107, a bill to establish the Veterans' Administration as an executive department..

S. 108

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code of 1954 to encourage contributions of equipment to postsecondary vocational education programs and to allow a credit to employers for vocational education courses taught by an employee without compensation and for temporary employment of full-time vocational educational instructors.

S. 137

At the request of Mr. ROTH, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 152

At the request of Mr. JEPSEN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 152, a bill to amend the Internal Revenue Code of 1954 to provide an investment tax credit for certain soil and water conservation expenditures.

S. 175

At the request of Mr. DECONCINI, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 237

At the request of Mr. WALLOP, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 237, a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of reserves for mining land reclamation and for the deduction of amounts added to such reserves.

S. 249

At the request of Mr. PACKWOOD, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 249, a bill entitled the "Employee Educational Assistance Extension Act".

S. 275

At the request of Mr. JEPSEN, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 275, a bill to provide an increase in the compensation of certain pay grades of the uniformed services in order to provide a minimal offset against inflation.

S. 287

At the request of Mr. EAGLETON, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 287, a bill to establish the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes.

S. 332

At the request of Mr. SASSER, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 332, a bill for the relief of John Smitherman.

S. 372

At the request of Mr. RANDOLPH, his name was withdrawn as a cosponsor of S. 372, a bill to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts, and for other purposes.

S. 407

At the request of Mr. NUNN, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 407, a bill to improve the enforcement of except administration laws, and for other purposes.

S. 425

At the request of Mr. DENTON, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 425, a bill to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.

S. 432

At the request of Mr. RANDOLPH, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 432, a bill to amend the Clean Water Act to extend the 1984 compliance date for certain recently established requirements.

S. 444

At the request of Mr. DURENBERGER, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 444, a bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes.

S. 512

At the request of Mr. NICKLES, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of S. 512, a bill to repeal the Powerplant and Industrial Fuel Use Act of 1978.

S. 518

At the request of Mr. CHAFEE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 518, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

S. 567

At the request of Mr. THURMOND, the names of the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 567, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 578

At the request of Mr. SIMPSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 578, a bill to amend title 38, United States Code, to provide for adult day health care services for veterans, to authorize the Veterans' Administration to administer a community residential care program, to establish a presumption of service connection for former prisoners of war suffering from dysthymic disorder and to revise and clarify eligibility for reimbursement of expenses of travel for Veterans' Administration health care.

S. 663

At the request of Mr. ARMSTRONG, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 663, a bill to prohibit the payment of certain agriculture incentives to persons who produce certain agricultural commodities on highly erodible land.

S. 764

At the request of Mr. WARNER, the names of the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 786

At the request of Mr. PRESSLER, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 786, a bill to amend title 38, United States Code, to establish a service connection presumption for certain diseases caused by exposure to herbicides or other environmental hazards or conditions in veterans who served in Southeast Asia during the Vietnam era.

S. 842

At the request of Mr. WEICKER, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 842, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for the issuance of small business participating debentures.

S. 858

At the request of Mr. THURMOND, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Florida (Mrs. HAWKINS), the Senator from Colorado (Mr. ARMSTRONG), the Senator from Virginia (Mr. TRIBLE), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of S. 858, a bill to recognize the organization known as the National Association of State Directors of Veterans Affairs, Inc.

S. 859

At the request of Mr. THURMOND, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 859, a bill to amend title 38, United States Code, to require the continued payment of disability compensation at an unreduced rate pending review and appeal of a determination to reduce or discontinue such compensation by reason of a change in service-connected or employability status or in physical condition in the case of any veteran whose disability has been rated as total for a period of at least 10 years ending on the date such determination was made, who files a statement of disagreement with

such determination, and who requests such continued payment, and for other purposes.

S. 919

At the request of Mr. DOMENICI, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 919, a bill to amend the Equal Access to Justice Act, and for other purposes.

S. 980

At the request of Mr. WALLOP, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 980, a bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to the surface mining of stone, clay, and sand work.

S. 1043

At the request of Mr. WEICKER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1043, a bill to amend the Internal Revenue Code of 1954 to provide tax incentives for small business.

S. 1050

At the request of Mr. BYRD, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1050, a bill to amend the Arms Export Control Act to provide increased control by the Congress over the making of arms sales.

SENATE JOINT RESOLUTION 10

At the request of Mr. TSONGAS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of Senate Joint Resolution 10, joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 74

At the request of Mr. GARN, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of Senate Joint Resolution 74, joint resolution to express the sense of the Congress that the United States should promote the goal of strategic stability and reduce the risk of nuclear war through a balanced program of force modernization together with negotiations to achieve substantial, verifiable, and militarily significant reductions to equal levels in the nuclear arsenals of both superpowers.

SENATE CONCURRENT RESOLUTION 24

At the request of Mrs. HAWKINS, the names of the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Concurrent Resolution 24, concurrent resolution expressing the sense of the Congress that the people of the United States should observe the month of May 1983 as "Older Americans Month."

SENATE RESOLUTION 113

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. THURMOND), was added as a cosponsor of Senate Resolution 113, resolution expressing the sense of the Senate that the Secretary of Agriculture should delay implementation of the legislation authorizing deductions from proceeds from the sale of milk under the dairy price support program.

SENATE CONCURRENT RESOLUTION 26—RELATIVE TO FUNDING OF MX MISSILE DEVELOPMENT AND DEVELOPMENT OF BASING MODE

Mr. HATFIELD submitted the following concurrent resolution; which was referred to the Committee on Appropriations:

S. CON. RES. 26

Resolved by the Senate (the House of Representatives concurring), That the House of Representatives and the Senate of the United States approve the obligation and expenditure of funds appropriated in Public Law 97-377 for MX missile procurement and full-scale engineering development of a basing mode for the MX missile.

Mr. HATFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its appropriate referral.

Mr. President, this concurrent resolution is in accordance with the terms of subsection (7) of title V of the Department of Defense Appropriations Act, 1983, enacted as part of Public Law 97-377, the continuing resolution for fiscal year 1983 passed last December. As Senators will recall, the terms of the continuing resolution "fenced" funds for MX missile procurement and development of a basing mode pending the findings of the President's Commission on Strategic Forces and a report to Congress by the President on the MX missile, possible alternatives to the MX missile, and possible alternative ICBM basing modes. The President's commission reported last week, and the President's report was delivered to Congress yesterday.

Mr. President, the wording of the concurrent resolution I introduce today is specified by Public Law 97-377. The act also specifies that the resolution is to be referred to the Committee on Appropriations, which will be discharged from consideration of the resolution if it has not reported the measure within 45 calendar days of its referral. Public Law 97-377 makes further stipulations as to consideration of the concurrent resolution on the Senate floor, and I direct the attention of my colleagues to those provisions.

My submission of this resolution does not mean that I support the MX missile or the latest recommendation for its basing mode. I do not. I submit this resolution pursuant to the law, and to expedite the decision of the Congress on this issue.

The Committee on Appropriations will hold hearings on the resolution in the first week of May. Exact dates, times, and room numbers will be announced later. It is my intention to have the resolution reported to the Senate in time for floor consideration prior to the Memorial Day recess, if that is the leadership's desire.

Mr. President, I ask unanimous consent that the President's letter of transmittal be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., April 19, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On January 3, 1983, I established a bipartisan Commission to respond to the issues raised by the Congress regarding the Peacekeeper missile, possible alternatives to the Peacekeeper, and possible alternative ICBM basing modes. The report, which the Commission submitted to me, was delivered to you last week. Attached is a classified report prepared by the Department of Defense submitted pursuant to the provisions of subsection (7) of Title V of the Department of Defense Appropriations Act, 1983, enacted as part of P.L. 97-377. The attached document addresses the issues set out in subsection (7).

I am pleased to report to you that the distinguished group of Americans who served on the Commission have unanimously agreed on a package of actions, which I strongly support, and on which Secretary Weinberger, the Joint Chiefs of Staff, Secretary Shultz and the National Security Council have joined with me in supporting. They are as follows:

(1) Improve as a first priority the command, control, and communications for our strategic forces; continue with high priority the Trident submarine and D-5 missile programs; and continue the bomber and air-launched cruise missile efforts as planned.

(2) Proceed with the immediate production of the Peacekeeper missile, and deployment of 100 such missiles in existing Minuteman silos in the Francis E. Warren AFB area, which I propose as the alternative basing plan required by P.L. 97-377. Specifically, the first 50 missiles will replace the Minuteman missiles in the 400th Strategic Missile Squadron (SMS). In turn, the second 50 will replace the Minuteman missiles in the 319th SMS. I have chosen Francis E. Warren AFB because the existing silos at that location offer the best operational considerations.

(3) Commence engineering design of a small, single warhead ICBM. If strategic and technical considerations warrant, such a missile could be ready for full-scale development in 1987 and potential deployment in the early 1990's.

(4) Expand research into, and undertake the most rigorous examination of, all forms of defense against ballistic missiles. This includes work on penetration aids.

(5) Undertake a specific program to resolve uncertainties regarding silo and shelter hardness, a study of fratricide effects, and investigation of different types of land-

based vehicles and launchers, particularly hardened vehicles.

Finally, I reconfirm that I am fully committed to continue to pursue ambitious and objective arms reduction negotiations with a goal of agreements that are balanced, promote stability in time of crisis, constitute meaningful force reductions, and are verifiable. As you know, our proposals to secure reductions of all types of weapons are before the Soviets in many forums.

I urge the Congress to join me now in this bipartisan effort to settle on a modernization plan for our strategic forces. For more than a decade, each of four administrations has made proposals for arms control and modernization that have become embroiled in political controversy.

Balancing a number of factors, the members of the Commission, the Secretary of Defense, Joint Chiefs of Staff, and I have all had to take fresh looks at our previous positions. Despite the range of views these groups have held in the past, we are presenting to you a unanimous view on this vital issue. Your support for the consensus can unite us in taking a major step forward in our common search for ways to ensure national security.

Sincerely,

RONALD REAGAN.

SENATE RESOLUTION 118—RELATING TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. HOLLINGS (for himself, Mr. WEICKER, Mr. PACKWOOD, Mr. PELL, Mr. BENTSEN, Mr. JACKSON Mr. TSONGAS, Mr. RIEGLE, Mr. HUDDLESTON, Mr. INOUYE, Mr. LAUTENBERG, Mr. KENNEDY, Mr. FORD, Mr. CHILES, Mr. MATSUNAGA, Mr. STENNIS, and Mr. LONG submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 118

Whereas the National Oceanic and Atmospheric Administration is one of the foremost scientific agencies in the United States and throughout the world;

Whereas the oceanic and atmospheric research, weather services, environmental expertise, coastal management knowledge, and fishery conservation and management skills of NOAA scientists, engineers, and technical experts benefit all Americans;

Whereas the Administration has recommended the elimination of nearly 1600 NOAA jobs for the next fiscal year and a reduction of well over $100 million in annual funding for NOAA;

Whereas for the third consecutive year, the President has proposed termination of the highly successful Coastal Zone Management and Sea Grant programs (including the very effective marine extension service), the closing of the top-rated Great Lakes Environmental Research Laboratory, and the elimination of the undersea research program;

Whereas the President's budget calls for deactivation of nearly half the oceanic research fleet, serious reductions in geodesy programs, and heavy reductions in ocean pollution and ocean dumping research;

Whereas the President proposes a 40 percent cut in the National Marine Fisheries Service, including the termination of Saltonstall-Kennedy funding for development of our fishing industry, the closure of 19 fish hatcheries on the Columbia River, cuts of almost 60 percent in funding for the Regional Fishery Management Councils, elimination of state grant programs involving commercial and anadromous research, termination of nonhatchery aquaculture research, the undermining of fishery habitat work, and the deep cutback of data collection and analysis;

Whereas the President's budget recommends the elimination of agricultural weather services and the fruit frost program, a 50 percent cut in fire weather services, and the elimination of the second polar-orbiting satellite;

Whereas the effectiveness of NOAA's highly regarded, world-class laboratories is being impaired by funding cuts, reflected by the Administration's proposal to reduce NOAA R&D to $149 million in FY 1984, from a high of $204 million in FY 1980;

Whereas the Administration has curtailed severely the weather modification research and development program in NOAA that could some day save countless lives, avoid injuries, and save billions of dollars;

Whereas improvements in weather forecasting have been hindered and thereby public safety threatened because necessary R&D in advanced satellite sensing of the atmosphere and oceans has been curtailed;

Whereas the President had decided to transfer to the private sector the weather satellites essential to the productivity, health, and safety of our nation, without having performed cost analyses or consulted with the Congress or experts in satellite meteorology;

Whereas the Department of Commerce has announced a review of 3500 jobs in NOAA to determine whether they can be eliminated and their duties shifted to private contractors;

Whereas the Administration is conducting a contract study of the National Weather Service to determine how to pare back its full-time staff; and

Whereas the services and programs of NOAA exemplify the kind of public infrastructure that is essential for the well-being of the nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that the National Oceanic and Atmospheric Administration shall be maintained as a scientifically sound, reliable, world-class Federal institution with adequate funding and personnel to provide the science and services necessary to safeguard the American people's interests and the nation's future in the oceans and the atmosphere, so that

The production of protein desperately needed by this nation and the world can be maintained for years to come through wise fisheries management and utilization;

The use of our coastal resources can be conserved for future generations and the nation's economic development enhanced through balanced coastal zone management and through coastal and ocean research;

The lives and property of the American people can be safeguarded and economic losses reduced through the maintenance of a strong National Weather Service and meteorological satellite systems operated by the government in the public interest;

The health of our ocean and atmospheric systems which provide the fundamentals of life on this planet can be maintained, through knowledge and understanding;

Our research and protection systems for those intelligent life forms dependent on the seas can be furthered as a sign of our being a civilized and caring nation;

And the existing partnership between Federal, state, and private universities and research institutions can be enhanced to pool resources and knowledge of our coastal, ocean, and atmospheric resources for the greater good of the nation;

Resolved further, That it is the sense of the Senate that NOAA's institutional integrity be preserved and enhanced through comprehensive authorization legislation for all NOAA responsibilities and through sufficient appropriations pursuant to such authorization legislation.

Mr. HOLLINGS. Mr. President, I am introducing today a Senate resolution directed at the administration's misguided treatment of the National Oceanic and Atmospheric Administration, and I ask unanimous consent that the full text of the resolution be printed in the RECORD.

NOAA is a victim of the destructive policy of cutting the discretionary civilian programs on the pretext of balancing a budget that is driven mainly by major entitlement and defense expenditures. This agency provides a wide variety of scientific research and services of benefit to our entire society. Yet the administration's proposed budget cuts for NOAA are more than $100 million below the agency's base level of funding.

In addition, this year the administration is proposing to eliminate some 1,600 positions at NOAA and will be reviewing thousands more with an eye to contracting them out to the private sector. When coupled with the negative stereotypes about Government employees which are laced throughout administration rhetoric, these funding and personnel reduction policies have a devastating impact on the morale of NOAA's scientists, engineers, and other technical experts. As our recent experience with the Environmental Protection Agency has taught us, perhaps the most serious repercussion that flows from such policies is the departure from public service of superior employees and the demoralized job performance of the work force that remains.

This is the third year running that deep cuts in NOAA's funding have been pursued by this administration. And this is the third year running that I have opposed such proposals. Since NOAA's creation in 1970, I have nursed its budget carefully as a member of the Commerce Committee and the State, Justice, Commerce Appropriations Subcommittee, and even in our present austere times, I do not believe the Nation can afford to stay the administration's present course with respect to NOAA.

Many of the specifics of the latest budget estimate are laid out before you in this resolution. There is no point in repeating them now. However, a quick glance at the proposed actions listed in the resolution will tell you readily that the people who prepared

the budget have riveted their attention on short-term savings. Yet the bulk of NOAA's activities have a direct bearing on our future well-being. Take the coastal zone management and sea grant programs, for example, two programs slated for termination that administration spokesmen have acknowledged to be successful. At our Commerce Committee hearings in February, we received not a single iota of information that the vitality of these programs could be maintained without Federal funding. I wonder if anyone preparing the budget considered the long-term savings to the Nation that can be generated by the greater uniformity, efficiency, and equity fostered by CZM in the management of the numerous, growing, and often conflicting uses of our coastal areas. I also wonder if there is any realization that Federal money invested in the sea grant program is investment in the Nation's future—badly needed seed money for the education of scientists and engineers and for research supporting the long-term viability and utilization of our natural resources.

The fisheries portion of the budget is another case in point. Since the United States declared 200-mile fisheries jurisdiction in 1976, considerable progress has been made toward the husbanding of these resources for their full use by our citizens for years to come. The administration's proposed 40-percent cut in funding for marine fisheries amounts to a repudiation of these gains. It is ironic that hard on the heels of this proposal was the President's recent proclamation of 200-mile economic zone jurisdiction. The proclamation, which reaffirms the U.S. claim to fish and other marine animals off our coast, will be an empty gesture if the U.S. Government fails to invest adequate funds in the work of the agency with the responsibility for these resources, NOAA's National Marine Fisheries Service.

In the weather arena, we see other illustrations of a lack of a complete understanding by administration officials regarding the significance of NOAA's activities to the public interest. I question whether much thought has been devoted to the lives and property that can be saved with better forecasts of weather and floods. And I wonder if these officials fathom the importance of understanding acid rain, of anticipating the effect of increased carbon dioxide in the atmosphere, and of grasping the full implications of man-produced gases on our stratosphere's ozone shield. I also doubt whether they have stopped to think about the many ways that improvements in climate and weather forecasting can produce more business revenue in the future. As the testimony of several witnesses at Commerce Committee hearings suggested, there may be greater economic opportunity for the private sector if we keep the weather satellites under the operation of Government than if we transfer them to a private operator.

Mr. President, I urge my colleagues to evaluate the administration's budget proposal for NOAA in light of the fundamental requirements of our people and businesses. I also urge them to consider the great expense that will be required in the future to rebuild the Federal Government's capacity to provide the important services that are proposed for elimination or major reduction. This resolution is meant to emphasize the multiplicity of ways that the National Oceanic and Atmospheric Administration touches our lives and to point out the need to maintain its standard of professional excellence.

SENATE RESOLUTION 119—RELATING TO RECENT EVENTS IN THE MIDDLE EAST

Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DECONCINI, Mr. BOSCHWITZ, Mr. MURKOWSKI, Mr. HECHT, Mr. MOYNIHAN, Mr. RIEGLE, Mr. LAUTENBERG, Mr. INOUYE, Mr. SPECTER, Mr. DODD, and Mr. PRESSLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 119

Whereas Israel, the only stable democratic nation in the Middle East, is a proven and trusted ally of the United States;

Whereas the security interests of Israel and the United States are closely linked;

Whereas the Soviet Union has engaged in an unprecedented arms buildup in the Middle East;

Whereas the Soviet Union has supplied nations of the region, hostile to Israel, with advanced fighter aircraft and other sophisticated weaponry which seriously upsets the military balance in the Middle East;

Whereas the policies pursued by the Soviets and their allies in the region pose a clear and immediate threat to the security of Israel;

Whereas the United States has formally committed itself to continue to maintain Israel's defensive strength through the supply of advanced types of equipment such as the F-16 aircraft;

Whereas the Joint Chiefs of Staff of the United States have endorsed the sale of F-16 aircraft to Israel;

Resolved, That is the sense of the Senate of the United States of America that the United States should, without any further delay, proceed with the sale and delivery of F-16 aircraft to Israel.

● Mr. D'AMATO. Mr. President, I rise today to express my deep sense of concern over recent events in the Middle East, a region of vital interest to the United States.

The expansionist policies pursued by the Soviet Union in that area pose a direct and immediate threat to the security of Israel, the only stable democratic nation in that volatile region; and to world stability. Today, the Soviets are engaged in an unprecedented military buildup in the Middle East. Thousands of Soviet military personnel are stationed in the area. The Kremlin has initiated a program of arms transfers which seriously threatens to upset the tenuous military balance which exists in the region.

Recent Soviet arms deliveries have included T-72 tanks, self-propelled 122-millimeter and 155-millimeter howitzers, BM-21 Kaytusha rocket launchers, SAM-6 and SAM-9 antiaircraft missiles as well as advanced fighter aircraft, armored personnel carriers, and heavy tanks. In addition, the Soviets have installed a number of SAM-5 antiaircraft missile sites including those at Dumayer and Homs in Syria. These highly sophisticated weapons systems which are capable of knocking out a fighter plane more than 150 miles away, are clearly intended for offensive purposes. These SAM-5 missile systems, manned by Soviet soldiers, have never before been deployed outside of the Soviet Union.

Despite an expression of concern by Secretary of State Shultz and other high-level officials, the administration continues to block the sale of F-16 aircraft vital to the defense of Israel, our most reliable ally in the region.

This action raises serious questions with regard to U.S. commitment to that nation, strategically located near the southern flank of NATO and within reach of the valuable resources of the Persian Gulf.

The United States formally committed itself to continue maintaining Israel's defensive strength through the supply of advanced equipment such as the F-16 aircraft during the mid-1970's. In 1977, Israel presented a formal request to the United States for 150 F-16 aircraft. After a thorough and comprehensive review by military experts, it was determined that the United States should provide Israel with these advanced aircraft in order to preserve Israel's qualitative margin of superiority. Despite these findings, the United States has refused to proceed with this sale.

Meanwhile, the Middle East has become a virtual outpost of Soviet hegemony. Their activities in the region have gone on unchecked.

It is imperative that the United States realize its commitment to Israel. As President Reagan indicated during his campaign for the Presidency, "We must rebuild our lost reputation for trustworthiness. We must again become a nation that can be relied upon to live up to its commitments."

It is important that the United States, particularly during this period of great uncertainty in the Middle East, remain firm in its support of Israel. Failure to provide this necessary moral and material support for

this important ally would have disastrous consequences not only for the United States but for all those committed to democratic principles. Furthermore, such an action would raise serious questions regarding U.S. commitment to our other allies.

The United States must send a clear signal to the Soviets and their allies that we will not abandon our friends during time of need.

Therefore, I have submitted the resolution which expresses the sense of the Senate that the United States, without any further delay, should proceed with the sale and delivery of F-16 aircraft to Israel.●

AMENDMENTS SUBMITTED

RECIPROCAL TRADE AGREEMENTS

KASTEN AMENDMENT NO. 1179

Mr. KASTEN proposed an amendment to the motion of Mr. DOLE to recommit the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes; as follows:

I move to amend the motion of the Senator from Kansas to recommit S. 144 to the Committee on Finance by striking out the matter proposed to be added by clause (2) of the motion and inserting in lieu thereof the following:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1987, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, only if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B)(ii) in the same manner as such rules apply to an implementing revenue bill, except that subsection (e)(3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively and they supercede other rules only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), 6042(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) of paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included,

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(B) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 42-day period to respond.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 42 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(c) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A).

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected, or

"(iii) the payee establishes to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDENDS, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402(s)(5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), (vi) of paragraph (3)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 (relating to penalty for failure to collect and pay over tax etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1) (B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayor return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Secretary notifies the payor under paragraph (6)(A),",

(2) by redesignating subparagraph (C) or paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6)(C) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "Or to Certain Interest, Dividend, or Patronage Dividend Payments Not Repored" after "inaccurate" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" Before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECTION ON CERTAIN RETURNS.—

(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number.

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (II) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652(a)(3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1)(A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042 (e), 6044 (f), 6049 (e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file 1 or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount equal to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(a)(2)(B)(ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049 (c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

"(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

"(b) DIVIDENDS.—

"(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall

be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure to due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYEE FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table or sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar year within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULE FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

DOLE AMENDMENT NO. 1180

Mr. DOLE proposed an amendment to the amendment of Mr. KASTEN (No. 1179) to the motion of Mr. DOLE to recommit the bill S. 144, supra; as follows:

I move to amend the motion of the Senator from Wisconsin to amend the motion of the Senator from Kansas to recommit S. 144 to the Committee on Finance by striking out the matter proposed to be inserted by the amendment of the Senator from Wisconsin to the motion of the Senator from Kansas and inserting in lieu thereof the following:

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1987, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, only if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B)(ii) in the same manner as such rules apply to an implementating revenue bill, except that subsection (e)(3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively and they supercede other rules only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at anytime, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) of paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included.

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(b) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 45-DAY PERIOD TO RESPOND.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 45 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION OF WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A),

"(ii) any such failure (including the payment of any tax, penalty, or interest with respect to such failure) has been corrected, or

"(iii) the payee establishes to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDENDS, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402(s)(5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of paragraph (3)(A), paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 Irelating to penalty for failure to collect and pay over tax, etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1) (B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayer return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Secretary notifies the payor under paragraph (6) (A),",

(2) by redesignating subparagraph (C) of paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6).

(C) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "Or to Certain Interest, Dividend, or Patronage Dividend Payments Not Reported" after "Inaccurate" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file mor than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECTION ON CERTAIN RETURNS.—

"(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number.

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (II) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652(a)(3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1) (A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042 (e), 6044 (f), 6049 (e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file 1 or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676 (a) (2) (B) (ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049 (c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (a) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041 (d).".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYER FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such Code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar year within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULES FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

MELCHER AMENDMENT NO. 1181

Mr. MELCHER proposed an amendment to the motion of Mr. BAKER to waive the Congressional Budget Act of 1974 with respect to the consideration of S. 144, supra, as follows:

At the end of the motion add: Further, under Section 904(b) I move to waive the relevant section contained in titles 3 or 4 of the Budget Act for this amendment on this bill or any other bill considered by the Senate in this session of Congress.

BANKRUPTCY REFORM ACT

HELMS AMENDMENTS NOS. 1182 THROUGH 1192

(Ordered to lie on the table.)

Mr. HELMS submitted 11 amendments intended to be proposed by him to the bill (S. 1013) to amend title 28 of the United States Code regarding jurisdiction in bankruptcy proceedings, and to establish new Federal judicial positions; as follows:

AMENDMENT No. 1182

On page 14, beginning with line 1, strike out all to line 1 on page 20.

On page 20, line 1, strike out "Title IV" and insert in lieu thereof "Title III".

On page 20 through page 34, redesignate sections 401 through 418 as sections 301 through 318, respectively.

On page 34, lines 13 and 14, strike out "408, 409, 410, and 412" and insert in lieu thereof "308, 309, 310, and 312".

AMENDMENT No. 1183

At the end thereof, add the following:

TITLE —JUDGESHIPS

SECTION . (a) There is hereby created a Joint Committee of Judicial Conduct (hereafter in this Part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of ten members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(d) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from the House of Congress other than the House of Congress of which the chairman is a member.

SEC. . The Joint Committee shall review the official conduct including the decisions of Federal judges and shall report the results of its review to the Senate and the House of Representatives, including recommended articles of impeachment whenever it determines the conduct of a Federal judge fails to meet the standard of good behavior.

(a) For the purposes of this subsection, the term "Federal judges" shall include all judges of all courts of the United States, all Justices of the Supreme Court and the Chief Justice of the United States, during active service.

(b) For the purpose of this subsection, the term "good behavior" has the same meaning as that term has in section 1, article II of the Constitution of the United States. Conduct failing to meet the standard of good behavior includes:

(1) abuse of judicial authority;

(2) improper exercise of the judicial function;

(3) neglect or refusal to perform the duties of office;

(4) usurpation of the authority of the Congress, the President or the States;

(5) exercise of will instead of judgment by substituting the pleasure of the judge for that of the legislature—either Congress or the ratifiers of the Constitution of the United States, as the case may be—rather than declaring the sense of the law; and

(6) any other conduct which constitutes a failure to meet the standard of good behavior at common law at the time of the adoption of the Constitution of the United States.

(c) The Joint Committee shall review the official conduct of each Federal judge every ten years.

(1) For Federal judges appointed after the date of enactment of this Act, the Joint Committee shall review the official conduct of each Federal judge on the tenth anniversary of his appointment and every ten years thereafter.

(2) The Joint Committee shall divide all Federal judges other than those included in subsection (c)(1) by lot into ten equal groups and review the official conduct of the members of one such group during each of the ten years next following the enactment of this Act, one group of Federal judges per year. Beginning with the eleventh year following the enactment of this Act, the Joint Committee shall review the official conduct of each Federal judge who shall have been placed in one of the ten groups described by this subsection on the tenth anniversary of its original review of that judge and every ten years thereafter.

SEC. 103. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer

such oaths and affirmations, to take such testimony, to produce such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

SEC. 104. (a) In carrying out its functions under section 102 of this subtitle, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than ten professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out any of its functions under this title, the Joint Committee is authorized to utilize the services, information facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

SEC. 105. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts and files of the Joint Committee shall be the property to the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

SEC. 106. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

SEC. 107. Notwithstanding any determination or review by the Joint Committee on Judicial Conduct, or any provision of this Act, nothing in this title shall in any way derogate from the obligation of the House of Representatives to impeach Federal officers, including judges, as set forth in the Constitution of the United States. The procedures established by this title are cumulative and are not intended to replace any other procedures concerning impeachment of Federal judges or any other Federal officers.

SEC. . The fourth undesignated paragraph of section 331 of title 28, United States Code, is amended to read as follows:

"The conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary, and shall submit suggestions to various courts, in the interest of uniformity and expedition of business.".

SEC. . (a) Section 332(a) of title 28, United States Code, is amended to read as follows:

"(a) The chief of each circuit shall call, at least twice in each year and at such places as he may designate, a council of the circuit judges for the circuit, in regular active service, at which he shall preside. Each circuit judge, unless excused by the chief judge, shall attend all sessions of the council.".

(b) Section 332(c) of title 28, United States Code, is amended by striking out "semiannually" and inserting in lieu thereof "quarterly".

(c) Section 332(d) of title 28, United States Code, is amended to read as follows:

"(d) Each judicial council shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit. The district judges shall promptly carry into effect all orders of the judicial council.".

(d)(1) The section heading for section 332 of title 28, United States Code, is amended to read as follows:

"§ 332. Judicial Councils".

(2) The item relating to section 332 in the section analysis for chapter 15 of title 28, United States Code, is amended to read as follows;

"332. Judicial councils.".

SEC. . (a) Section 372 of title 28, United States Codes, is amended by striking subsection (c).

(b) The section heading for section 372 of title 28, United States Code, is amended to read as follows:

"§ 372. Retirement for disability; substitute judge on failure to retire".

(c) The item relating to section 372 in the section analysis for chapter 17 of title 28, United States Code, is amended to read as follows:

"372. Retirement for disability; subsitute judge on failure to retire.".

SEC. . Section 604 of title 28, United States Code, is amended by striking subsection (h).

AMENDMENT No. 1184

On page 14, beginning with line 2, strike all to line 1 on page 20 and insert in lieu thereof the following:

SEC. . Section 2254(a) of title 28, United States Code, is amended to read as follows:

"(a) The Supreme Court, a Justice thereof, a circuiit judge, or a district court shall entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to a judgment of a State court only on a ground which presents a substantial Federal constitutional question, and then only if—

"(1) it was not previously raised and determined,

"(2) there has been no fair and adequate opportunity to raise it and have it determined, and

"(3) it cannot thereafter be raised and determined in a proceeding in the State court, by an order or judgment subject to review by the Supreme Court of the United States on a writ of certiorari.".

SEC. 420. Section 636(b)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) a judge may also designate a magistrate to conduct hearings, including evidentiary hearings, except evidentiary hearings in cases brought pursuant to section 2254 of this title, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by such judge, of any motion excepted in subparagraph (A), of applications for post trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.".

AMENDMENT No. 1185

On page 34, after line 14, add the following new sections:

SEC. 419. Section 2254 (a) of title 28, United States Code, is amended to read as follows:

"(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus on behalf of a person in custody pursuant to a judgment of a State court only on a ground which presents a substantial Federal constitutional question, and then only if—

"(1) it was not previously raised and determined,

"(2) there has been no fair and adequate opportunity to raise it and have it determined, and

"(3) it cannot thereafter be raised and determined in a proceeding in the State court, by an order or judgment subject to review by the Supreme Court of the United States on a writ of certiorari.".

SEC. 420. Section 636(b)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) a judge may also designate a magistrate to conduct hearings, including evidentiary hearings, except evidentiary hearings in cases brought pursuant to section 2254 of this title, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by such judge, of any motion excepted in subparagraph (A), of applications for post trial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.".

AMENDMENT No. 1186

On page 14, beginning with line 2, strike all to line 1 on page 20 and insert in lieu thereof the following:

SEC. . (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations.

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any Act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.".

"(b) As used herein, 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

SEC. . (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1364. Limitations on jurisdiction.

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

"1364. Limitations on jurisdiction.".

SEC. . The amendments made by this title shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

AMENDMENT No. 1187

On page 34, after line 14, add the following new sections:

TITLE

SEC. . (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations.

"(a) Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, practice, or any part thereof, or arising out of any Act interpreting, applying, enforcing, or effecting any State statute, ordinance, rule, regulation, or practice which relates to voluntary prayer, Bible reading, or religious meetings in public schools or public buildings.".

"(b) As used herein, 'voluntary' means an activity in which a student is not required to participate by school authorities.".

(b) The section analysis of chapter 81 of title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

SEC. . (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1364. Limitations on jurisdiction.

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of title 28 is amended by adding at the end thereof the following new item:

SEC. . The amendments made by this title shall take effect on the date of enactment, except that such amendments shall not apply to any case which, on such date of enactment, was pending in any court of the United States.

AMENDMENT No. 1188

On page 14, beginning with line 2, strike all to line 1 on page 20 and insert in lieu thereof the following:

SEC. . (a) This section may be cited as the "Public School Equal Protection Act of 1983".

STATEMENT OF FINDINGS AND PURPOSE

(b) The Congress finds that the assignment and transportation of students to public schools on the basis of race, color, or national origin by the inferior Federal courts—

(I) violates constitutional and legal guarantees that individuals shall not be denied equal protection of the law;

(II) disrupts the public educational process;

(III) undermines the American tradition of neighborhood schools;

(IV) contributes to the resegregation of public schools;

(V) imposes unnecessary safety risks to public school children;

(VI) undermines support for public education;

(VII) interferes with the right of parents to make decisions regarding the education of their children;

(VIII) disrupts racial harmony by characterizing and classifying students on the basis of race or color and assigning them to schools on such basis;

(IV) diverts significant amounts of financial resources away from direct improvement of the quality education;

(X) usurps the responsibilities and traditional functions of State and local authorities to provide an educational system meeting the needs of the community;

(XI) undermines the public respect for the Federal judiciary and its system of administering law and justice.

AUTHORITY

(c) The Congress, pursuant to its authority and powers granted under artilce III of the Constitution, and under section 5 of the fourteenth amendment of the Constitution, enacts the provisions of the Act in order to protect public school students against discrimination on the basis of race, color, or national origin.

LIMITATION ON THE JURISDICTION OF INFERIOR FEDERAL COURTS WITH RESPECT TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS AND FORMAL DISSOLUTION OF PREVIOUSLY ENTERED ORDERS

(d)(I) Chapter 155 of title 28 of the United States Code (relating to the congressional power to limit the injunctive power of inferior Federal courts and relating to three judge courts) is amended by adding before section 2283 the following new section:

"SEC. 2282. JURISDICTION; LIMITATIONS.

"(a) Notwithstanding any other provision of law, no inferior court of the United States nor any judge of any inferior court of the United States shall have jurisdiction to issue or to continue in effect any injunction, writ, process, order, rule, judgment, decree, or command or any portion thereof—

"(1) requiring the assignment or transportation of any student to a public elementary or secondary school operated by a State or local educational agency for the purpose of altering the racial or ethnic composition of the student body at any public school, or for any other purpose;

"(2) requiring any State or local educational agency to close any school and to transfer the students from the closed school to any other school for the purpose of altering the racial or ethnic composition of the student body at any public school, or for any other purpose.

"(3) precluding any State or local educational agency from fulfilling any provision of any contract between it and any member of the faculty or administration of any public school it operates specifying the public school where the member of the faculty or administration is to perform his duties under the contract.

"(b)(1) For the purpose of this section the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(2) For the purpose of this section the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law."

(II) The section analysis of chapter 155 of title 28 of the United States code is amended by inserting before the item for section 2283 the following new item:

"2282. Jurisdiction; limitations."

AMENDMENT OF REMOVAL PROVISIONS

(e) Chapter 89 of title 28 of the United States Code (relating to district courts' removal of cases from State courts) is amended by adding after section 1455(c) the following new subsection:

"(d) A civil action in any State court including a demand for judgment for any relief described in section 2282(a) of this title may not be removed to any district court of the United States."

SEPARABILITY

(f) If any provision of this Act or the application of any such provision to any person or circumstance is held invalid, the remainder of the provision of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

(g) The provisions of this Title shall be effective on July 1, 1983.

AMENDMENT No. 1189

On page 34, after line 14, add the following new sections:

TITLE

SEC. . (a) This section may be cited as the "Public School Equal Protection Act of 1983".

STATEMENT OF FINDINGS AND PURPOSE

(b) The Congress finds that the assignment and transportation of students to public schools on the basis of race, color, or national origin by the inferior Federal courts—

(I) violates constitutional and legal guarantees that individuals shall not be denied equal protection of the law;

(II) disrupts the public educational process;

(III) undermines the American tradition of neighborhood schools;

(IV) contributes to the resegregation of public schools;

(V) imposes unnecessary safety risks to public school children;

(VI) undermines support for public education;

(VII) interferes with the right of parents to make decisions regarding the education of their children;

(VIII) disrupts racial harmony by characterizing and classifying students on the basis of race or color and assigning them to schools on such basis;

(IV) diverts significant amounts of financial resources away from direct improvement of the quality education;

(X) usurps the responsibilities and traditional functions of State and local authorities to provide an educational system meeting the needs of the community;

(XI) undermines the public respect for the Federal judiciary and its system of administering law and justice.

(c) The Congress, pursuant to its authority and powers granted under article III of the Constitution, and under section 5 of the fourteenth amendment of the Constitution, enacts the provisions of the Act in order to protect public school students against discrimination on the basis of race, color, or national origin.

LIMITATION ON THE JURISDICTION OF INFERIOR FEDERAL COURTS WITH RESPECT TO THE ASSIGNMENT OR TRANSPORTATION OF STUDENTS AND FORMAL DISSOLUTION OF PREVIOUSLY ENTERED ORDERS

(d)(I) Chapter 155 of title 28 of the United States Code (relating to the congressional power to limit the injunctive power of inferior Federal courts and relating to three judge courts) is amended by adding before section 2283 the following new section:

"Sec. 2282. Jurisdiction; limitations.

"(a) Notwithstanding any other provision of law, no inferior court of the United States nor any judge of any inferior court of the United States shall have jurisdiction to issue or to continue in effect any injunction, writ, process, order, rule, judgment, decree, or command or any portion thereof—

"(1) requiring the assignment or transportation of any student to a public elementary or secondary school operated by a State or local educational agency for the purpose of alerting the racial or ethnic composition of the student body at any public school, or for any other purpose;

"(2) requiring any State or local educational agency to close any school and to transfer the students from the closed school to any other school for the purpose of altering the racial or ethnic composition of the student body at any public school, or for any other purpose;

"(3) precluding any State or local educational agency from fulfilling any provision of any contract between it and any member of the faculty or administration of any public school it operates specifying the public school where the member of the faculty or administration is to perform his duties under the contract.

"(b)(1) For the purpose of this section the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"(2) For the purpose of this section the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law."

(II) The section analysis of chapter 155 of title 28 of the United States Code is amended by inserting before the item for section 2283 the following new item:

"2282. Jurisdiction; limitations.".

AMENDMENT OF REMOVAL PROVISIONS

(e) Chapter 89 of title 28 of the United States Code (relating to district courts' removal of cases from State courts) is amended by adding after section 1455(c) the following new subsection:

"(d) A civil action in any State court including a demand for judgment for any relief described in section 2282(a) of this title may not be removed to any district court of the United States."

SEPARABILITY

(f) If any provision of this Act or the application of any such provision to any person or circumstance is held invalid, the remainder of the provision of this Act and the application of such provisions to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

(g) The provisions of this Title shall be effective on July 1, 1983.

AMENDMENT NO. 1190

At the end thereof, add the following:

SEC. . (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations.

"Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter the United States Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case wherein any party claims the abridgement by a State, or by any political subdivision, agency, or any other authority of a State, of any right secured by the first eight amendments to the Constitution of the United States.".

(b) The table of sections for chapter 81 of such title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

AMENDMENT NO. 1191

At the end thereof, add the following:

SEC. . (a) Chapter 85 of title 28, United States code, is amended by adding at the end thereof the following new section:

"§ 1365. Limitations on jurisdiction.

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The table of sections for chapter 85 of such title 28 is amended by adding at the end thereof the following new item:

"1365. Limitations on jurisdiction.".

AMENDMENT NO. 1192

At the end thereof, add the following:

PART B—EXCLUSIONARY RULE

SEC. . (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Elimination of exclusionary rule as it pertains to the fourth amendment.

"Evidence otherwise admissible in a Federal criminal proceeding shall not be excluded on the grounds that such evidence was obtained in violation of the fourth amendment to the Constitution of the United States.".

(b) The table of sections for chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"§ 3305. Elimination of the exclusionary rule as it pertains to the fourth amendment.".

LONG AMENDMENT NO. 1193

Mr. LONG proposed an amendment to the agreement (No. 1179) proposed by Mr. KASTEN to the motion of Mr. DOLE to recommit the bill S. 144, supra; as follows:

On page 16, lines 7 through 32, in lieu of section 210, insert the following:

SEC. 210. EFFECTIVE DATES AND REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS.—

"(a) Notwithstanding any other provision of this title, sections 201 through 209 of this title are hereby null and void.

"(b) Subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding on interest and dividends) is hereby repealed, and the Internal Revenue Code of 1954 shall be applied as if subtitle A of title III of such Act (and the amendments made thereby) had not been enacted."

NOTICES OF HEARINGS

SUBCOMMITTEE ON WATER AND POWER

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Water and Power for Monday, May 2, beginning at 9 a.m. in room SD-138 of the Dirksen Senate Office Building. The subcommittee will receive testimony on S. 622, to authorize the Secretary of the Interior to undertake feasibility investigations; S. 662, to provide for confirmation of the repayment contract of the Dallas Creek participating project of the Upper Colorado storage project; S. 805, to amend the act of July 28, 1954 (68 Stat. 575), to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, California, and for other purposes; and S. 818, to authorize the replacement of existing pump casings in Robert B. Griffith water project pumping plants 1A and 2A (formerly the southern Nevada water project), and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, room SD-360, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Russ Brown of the subcommittee staff at 224-2366.

ADDITIONAL STATEMENTS

RECOVERY WILL DEFUSE THE DEBT BOMB

● Mr. HUMPHREY. Mr. President, yesterday's edition of the New York Times contained words of encouragement to myself and like-minded individuals who do not believe that the solution to the international debt problem lies in an expansion of the resources of the International Monetary Fund. It was reported that a classified report to the President has concluded that a sustained economic recovery in the industrial world will defuse the debt bomb by providing active markets for the exports of LDC's and other troubled debtors.

There are certain caveats to this assessment, Mr. President, yet none that seriously alter its fundamental premise. For instance, it is reportedly stipulated that the U.S. recovery must be genuine, and that it must not be accompanied by renewed inflation. Both of these factors are the responsibility of this administration and this Congress, and both must be taken seriously in the interests of our own economy and those of our trading partners. The third disclaimer requires that the adjustment programs prescribed by the IMF be tailored to the ability of the nations to comply with them. In other words, Mr. President, if the IMF does its job and we do ours, it is the conclusion of this Presidential panel that economic recovery alone will ease the Third World debt burden sufficiently so as to render unnecessary any comprehensive program to address the problem.

One of the most profound steps that we can take to insure the longevity of this essential recovery, Mr. President, is to reject the IMF quota increase and keep the $8.5 billion involved where they belong: in our own credit markets, where they will be used by domestic borrowers in the interest of economic expansion and increased employment both at home and abroad.

I ask that the article appear in the RECORD.

The article follows:

[From the New York Times, Apr. 19, 1983]

HOPE STIRS FOR WORLD DEBT RELIEF

(By H. Erich Heinemann)

A Government study, ordered by President Reagan, of the foreign debt crisis has apparently concluded that the problem will be solved by economic recovery among the major industrial nations.

This finding is likely to play a critical role in determining the American negotiating position at the seven-nation economic summit conference to be held at Williamsburg, Va., in late May. It would argue, for example, against any major new initiatives to deal with the debt problem.

However, according to officials who have read the 28-page, double-spaced third draft of the classified report, there are strong dissents to this optimistic view from both the Central Intelligence Agency and the staff of the National Security Council. Both agencies are said to be quite concerned about the ability of developing countries to keep up with their debt repayment. According to one account, these agencies argue that the problem could become unmanageable in the next 12 to 18 months, even with fairly strong economic recovery.

OUTSTANDING DEBT: $600 BILLION

Developing nations owe roughly $600 billion to governments and commercial banks. A lot of this debt is being renegotiated because it cannot be paid on time. Widespread defaults could undermine the stability of many of the world's largest banks.

The Administration study—known informally as "NSD-3," for National Security Directive Three—is scheduled for delivery to William P. Clark, President Reagan's national security adviser, by the end of this week, officials said.

According to one official, the key conclusion of the draft report is that "the medium-term prospects for improvement in the debtors' financial position are quite good." He added, "A recovery in the industrial countries should allow rapid growth of developing countries' exports, providing an opportunity to reduce debt service rations and resume economic growth." Debt service ratios are usually calculated by measuring required payments of interest and principal on international debts in relation to income from exports.

But the draft report also warns; "This estimate will change sharply if industrial countries fail to achieve a sustained recovery. And even with a steady recovery, there will be a risk of political instability in the L.D.C.'s," or less-developed countries.

ANALYSES BY FOUR WORKING GROUPS

The report is titled "Approach to the International Debt Situation—A Policy Overview." It was based, Government officials said, on analyses prepared by four working groups drawn from a variety of Federal agencies.

These groups covered (1) political and security considerations, (2) implications of alternative debt scenarios for United States economic recovery, (3) trade and trade policy and (4) "alternative proposals" for American policy. The alternative economic projections in the report were prepared under the direction of Paul R. Krugman, international policy economist on the staff of the President's Council of Economic Advisers.

Mr. Krugman, reached by telephone yesterday, said he could not discuss the report because it was classified. Other sources, however, said the Council of Economic Advisers had used a computer-based econometric model of the world economy patterned after the "interlink" system put together by the Organization for Economic Cooperation and Development. This method of anaylsis emphasizes the interdependence of all sectors of the world economy.

ALTERNATIVE OUTCOMES STUDIED

Four different possible outcomes were said to be analyzed in the draft report. Here are the so-called scenarios:

On the assumption that real economic growth among the industrial nations averages 4.2 percent annually over the next few years, one Government economists said, "the whole thing works out rather beautifully." But he cautioned that this growth rate would be "pretty rapid by recent standards."

If, instead, the industrial economies continue to stagnate—as they did from 1979 through 1982—and if real growth averages only 1.5 percent, then the problem would not be resolved. Rather, the ratio of international debt to gross national product in the developing countries would continue to rise, along with the ultimate risk of default.

A third alternative considers the possibility that there might be social or political limits on the degree of adjustment that the developing nations would be willing to accept to service their international debts. The word "adjustment" is often used to describe the domestic austerity programs prescribed by the International Monetary Fund as a precondition to obtaining temporary financing. Should the I.M.F.'s approach prove unacceptable, a Government economist said, the simulation shows that "the thing becomes explosive." He added: "We'll all go to hell very quickly. In 1984, already, it becomes unsustainable."

In the fourth hypothetical situation, inflation would ease the debt burden. The report projects the possibility of enough inflation to offset by 1988 all the gains of the last two years. In this projection, inflation would be back in the double-digit range by 1987 or 1988.

Under such circumstances, interest rates on the outstanding debt of the developing countries would rise in tandem with the acceleration in inflation. However, the real (inflation-adjusted) value of the debt would decline in relation to the real output of goods and services in the developing countries, including exports.●

SOVIET ATROCITIES IN AFGHANISTAN

● Mr. HELMS. Mr. President, the war of national liberation of the Afghan people against a Soviet occupying army rages on. Village to village, fire fight to strafing, from one Soviet atrocity and mass murder to another, the fight continues. Tragically, the American news media pays little attention to it. Many U.S. journalists, after all, are too busy minimizing Soviet involvement in Central America to chronicle the Russian war of extermination against Afghanistan.

A praiseworthy exception has been the Yale Free Press, a biweekly newspaper published by students and alumni of Yale University. Its April 8, 1983, issue contains eyewitness coverage of the Afghan war by two of the paper's staff, Gregory D'Elia and Charles Bork. Their excellent articles, "The Forgotten War" and "Spring Break in Afghanistan," should be required reading for those reporters from larger newspapers who have not been willing to run the risks of covering the carnage under the Pax Sovietica in Asia.

As a tribute to the two young journalists of the Yale Free Press, and for the information of those members of the Washington press corps who need to know more about the tragedy of Afghanistan, I ask that their articles be printed in the RECORD.

The articles follow:

[From the Yale Free Press, Apr. 8, 1983]

WHY AFGHANISTAN?

A new tendency toward isolationism is making itself felt in America today, a philosophy manifest in the nuclear disarmament movement and in the late anti-war movement. Those who demonstrate against the military are held up for admiration, praised for their "courage" and conviction.

But what courage does it take to oppose war? No one desires large-scale slaughter; most men are afraid to die. The difficult task is to determine when the course of human events demands that just men oppose what is being done to them—by force of arms, if necessary.

One million Afghans have been killed in the past four years. Millions more have fled their homes and their country to live in squalid refugee camps. Nearly all the able-bodied men of Afghanistan fight the Soviet occupation of their homeland. Our correspondents in that country reported that over and over again they were asked: "Why can't America help us?"

It can't be the money. The kinds of weapons the Afghans need cost very little—a few million dollars where so much is at stake.

Perhaps it is simply cowardice. After all, if we helped the Afghans, the Soviets might get mad, and we don't want that.

Or perhaps these people are just too strange. They wear strange clothes. They say strange prayers. They have darker skins. They are not like us. Why should we help them?

The American press has virtually ignored the conflict.

European journalists cross back and forth into Afghanistan frequently. Why are there no U.S. correspondents stationed with the freedom fighters in Afghanistan as there are "with the rebels in El Salvador?"

We have been told that we have learned the lesson of Vietnam: no longer shall America seek to impose its will on Third World nations.

But this is not what Vietnam teaches. Its lesson—which we have yet to learn—is that the agitations of a mob of unwashed, hallucinating adolescents can actually succeed in abetting the subjugation and genocide of a foreign people.

If we are not very careful, one day we will have to swallow the lesson of Afghanistan—that a bi-partisan coalition of well-meaning middle-aged liberal Democrats and Reagan Republicans can do the same thing.

THE FORGOTTEN WAR

(By Gregory D'Elia and Charles Bork)

Afghanistan has faded neatly from the public view. Yet inside that nation a Holy War rages to oust 130,000 Soviet troops which have occupied the country for more than three years.

In response to a broad-based popular resistance, the Soviets have moved to suppress the entire population.

Since they have failed to win an outright military victory, they now attack civil and military targets alike. The strategy is to devastate the subsistence base of the mujahedeen (Holy Warriors) operating within Afghanistan.

Soviet helicopters bombard villages, raze harvests, scatter anti-personnel mines, and attack livestock. Frequent accusations of chemical warfare have prompted U.N. investigations.

However, the freedom fighters continue their struggle defiantly, despite a shoestring budget. Limited to inferior arms—chiefly World War I rifles, captured Soviet Kalashnikovs and a handful of anti-tank weapons—the mujahedeen have still succeeded in improving their position since the Soviets invaded.

In fact, the mujahedeen are confident they will win the war. Their morale is very high, and already they have brought the forces of a modern superpower to an effective standstill. With better weapons they could decide the conflict.

In addition, practically the entire population is actively resisting the occupation.

A joke currently popular among Moscow's higher echelons runs:

Q: Why are we still in Afghanistan?

A: We're still looking for the people who invited us in.

Afghanistan is a valuable territory because of its strategic location and natural resources. Soviet troops now overlook the Persian Gulf and warm water ports. And the 4.5 million refugee population in bordering Iran and Pakistan contributes to the instability of the entire region.

In December 1979 the Soviets opted to intervene inside Afghanistan where a sympathetic communist regime was rapidly losing power. Soviet advisors had long been stationed in the country. Apparently they did not expect the strong resistance that the invasion encountered—even though Afghan fighters had repeatedly trounced an invading British Empire earlier in the century.

The Soviets do control cities, numerous airstrips, and a few central highways. But it is only by virtue of their armored helicopters that they maintain their domination, as the mujahedeen have no anti-aircraft capability.

The Soviets find themselves mired in a costly foreign war on difficult terrain. Morale is poor among the occupying army; often they sell arms secretly for extra food. Within the Afghan Government's conscripted army desertion is rampant.

Moreover, the Soviets face a genuine possibility of defeat—defeat which could have resounding consequences.

OVER SPRING BREAK

(By Gregory D'Elia)

("Over Spring Break," The Yale Free Press sent Charles Bork and Gregory D'Elia on a fact-finding expedition to Afghanistan. They spent five days with freedom fighters in the war-torn province of Paktia. The two entered the country secretly from Pakistan wearing turbans and traditional Afghan costume. The following piece, accompanied by a selection of Bork's photography, chronicles their five days inside Afghanistan.)

It was snowing the Sunday morning we passed into Afghanistan. We treaded a sharp and twisting trail across a white-capped mountain.

A dozen mujahedeen tramped alongside, guns and bullet belts slung about as casually as their cloaks and turbans. Freedom fighters streamed daily towards our destination, Paktia province, where a force of 10,000 Soviet troops had just embarked upon a clean-up mission.

We were leaving an Afghan refugee camp off Parichnar in Pakistan, after a two day visit. The camp was nearly empty. Almost every man of combat age had left for Afghanistan to counter the approaching assault. Paktia is perhaps Afghanistan's most traditional province. And tribal law is present to guide the native belligerent spirit: every family must provide a fighting man to the resistance for six months of the year.

Refugees established the camp more than four years back. Atrocities had begun even before the Soviets entered in response to their "Afghan invitation." After the Republic's overthrow in 1978 Taraki and the communist regime methodically terrorized the population. In Kabul they decimated the intellectual class and religious leadership. At least 20,000 vanished into Pulicharkhi, a prison of horrors likened to Pol Pot's Kampuchea. Thousands were bulldozed alive into the earth.

"Ya, dwa, dre." Hands cupped to his mouth, a young freedom fighter playfully mimicked government loudspeakers calling for surrender of the resistance. "Babrak, Babrak," another shouted a hundred meters up the mountain slope, invoking the name of the villified puppet president, Babrak Karmal.

Hours later in Paktia proper we stopped at an Islamic school. Adobe buildings swarmed with children of the vicinity's remaining families, chattering excitedly at our arrival. Mujahedeen (Holy Warriors) built the school to restore stability in the broken area. The curriculum of Pushto, Dari and Mathematics is one more attempt to discourage an exodus of refugees.

After customary cups of tea steeped with sugar the Headmaster dragged a rocket from some nearby bushes. It was about six feet in length and marked by Cyrillic script. It had landed at the school but had failed to explode. This kind of rocket sends out a shower of smaller bombs and shrapnel upon impact. If you were lucky enough to be lying down very close to it, the spray would sail safely over.

About fifty students, ages five to twenty, attend the center. They rely upon school supplies smuggled in from Pakistan by mujahedeen. Fighting remains sporadic. The Headmaster himself keeps a hefty submachine gun and frequently leads villagers and students into combat.

The snow had now become a heavy rain. A leaking matted roof meant a nighttime hike to dryer sleeping quarters. At a bombed-out village we camped within a mosque, where everyone set about to prayer. They would lay their colored cloaks upon the ground, bow to Mecca, kiss the floor, rise to their knees and stand again; while all the time they chanted invocations to Allah.

The mountain itself was a very steep precipice. We ascended a difficult zig-zag trail, plodding in snow to the knee. At the top we stopped to break bread according to Afghan custom.

On the opposite side a sharp slope assisted our rapid descent. Halfway down we halted at a tea shop, slipped off our boots, and entered upon a crowd of nearly twenty mujahedeen. Plastic stood in the windowframes in place of glass, which shatters during rocket attacks.

A hardened fighter, who requested anonymity, spoke of a failed attempt to assassinate Brezhnev. Twelve refugees had planned to interrupt a Soviet motorcade touring a non-aligned country in Southern Asia. They intended to overturn Brezhnev's armored limousine and douse it with alcohol for a flaming molotov cocktail. By chance, authorities pre-empted the plot; and in questioning suspects they submerged them in vats of water and inflicted electric shocks.

On the road again, Itebari pointed out camouflaged huts concealed in hillsides and caves that serve as air-raid shelters. Most folk had abandoned the central village, practically an Afghan ghost town now. Return is dangerous; Soviets descend from

helicopters to place mines in windows and doorways. We skirted bleak craters and photographed the shapes of houses left in rubble.

The scenes recurred: bombs and ruins, shrubs and camels, guns and peasants.

To the ring of frequent warning shots we approached the garrison of Charynaw at a miles's distance. Twelve to fifteen hundred troops and Soviet advisors occupy the post. However for two years freedom fighters have held the forces at bay. The enemy is surrounded, confined in a state of seige. The garrison relies entirely upon the invulnerability of roving helicopters for supply and relief.

Seven times Soviet convoys have tried to break the circle of mujahedeen. But fighters rallied to repulse each attempt. Now 10,000 Soviets were en route from Kardiz, the Paktia capital.

In the meantime the garrison had begun a calculated diversion. That day tanks and soldiers advanced 400 meters to a neighboring hillside, threatening to break out.

When we arrived we found the mujahedeen center buzzing with activity. A large abode complex, it was located about a cluster of abandoned homes and ruins. A dazed freedom fighter presented a limp and mutilated hand in welcome. Otherwise we made little stir.

They placed us inside a spacious, smokey room that was oppressively dark at five in the afternoon. Two horses stood quietly in the corner, and a few fighters paced intently in the chamber. Crashing mortars and crackling gunfire broke the silence.

They use the room as stable, mess hall, and barracks. With empty buildings everywhere, this attests to a general state of disorganization.

Someone complained that provincial leaders reject advice and fear outside influence. They especially mistrust the educated. People well remember the communists derived their leadership from Kabul universities.

Three days before, a seven hour bus ride had taken us out of Peshawar. Disguised in native dress we travelled to the border in silence with our two guides. To elude detection they had painted Bork's reddish beard black with a toothbrush and transferred our bags to mujahedeen on a later bus. We passed without incident through military checkpoints but authorities slyly exacted a "tax" upon the bags, a fee for which the carrier refused reimbursement. He adamantly insisted we were his guests.

At dawn we awoke within the mosque. Schoolchildren visited after tea; and Itebari, our translator, who had been a teacher before the war, delivered a brief lesson.

Although his family lives in a Peshawar refugee camp, Sher Mohammad Itebari travels widely inside Afghanistan throughout the year. He escorts journalists, carries medicine, teaches children, and fights the Russians.

Gunshots and drum beats carried messages through the village. Usually they signal helicopter bombardments and troop movements. But this morning the purpose was a birthday celebration.

After an hour's march over a snow-covered plain we stopped before a cluster of stone slabs and drooping flags. Against the thick mist and greyish mountains the cemetery made a somber scene. Flags hung above the graves of recent martyrs in the jihad. The colors were green and white. The mujahedeen have abandoned the blood red used during the wars against the British—red being the color of the new enemy.

We continued through a village at the foot of a mountain, careful to conceal our foreign features and equipment. A member of the radical fundamentalist faction resided in the village. We were travelling with the larger Moderate Alliance. Their differences of opinion can be dangerous.

The Soviets strive to promote collaboration among the villagers. They offer food, arms, and, most importantly, protection from their savage air strikes. Yet tribal areas are so close-knit that the Soviets meet with even less success than usual.

We slept on the hard earth floor to the sound of neighing horses. At one in the morning fifty mujahedeen filed into the room to ready themselves for fighting. Snapping rifle bolts and the chattering crowd made sleep impossible.

The mujahedeen are sometimes prone to translate an enthusiastic trust in Allah's assistance into reckless fighting. This is a Holy War, and 'martyrdom' brings eternal life in paradise. Thus they often scorn cautious tactics as betraying both cowardice and lack of faith in God.

Before dawn we arose to discover a different band of mujahedeen within the room. A group prayer obscured the light of the single kerosene lamp. They, too, were setting off for battle.

We climbed a sentry tower to observe the fighting. A ten-year-old boy looked on with us. He was waiting for a weapon, Itebari explained. When a rifle became available he would join the resistance forces. "He has not yet the fear," Itebari said.

The child's parents live at a refugee camp. They do not fear for his safety. Islam provides that, should he be killed in the holy war against the Soviets, he will have a place in Paradise and also the privilege of inviting his parents to join him.

At 8:00 am we took tea in a local shop. The owner produced a radio and we tuned in to BBC. Ronald Reagan was at it again. He had denounced communist expansion and had called upon the U.S. to safeguard Central America.

Meanwhile the mujahedeen anticipated an imminent air strike. They said the Soviets might bombard the headquarters to avenge the previous evening's casualties. Consequently they did not permit us to reenter the buildings.

We walked a quarter mile into surrounding ridges. A scorching sun had followed previous rains; the land was desiccated. The earthen colors of our clothing blended well with the terrain. At the sound of distant helicopter rotors we were to roll ourselves within our cloaks and impersonate rocks.

We waited three hours in the heat. I had little confidence in our plan of concealment. But Itebari insisted pilots would not detect our presence. They might level houses, scatter mines and exterminate flocks of sheep. But we would be invisible wrapped inside our Afghan capes.

The mujahedeen have little choice except to hide. Helicopters are the source of Soviet supremacy. With bulletproofed undersides, they are vulnerable to attack only when their upper halves are exposed, e.g. flying low through mountains. Otherwise they may roam free to suppress the Afghan population.

Anti-aircraft weapons could affect the war decisively. SAM-7's are inexpensive, they are handheld, and they are standard stock for Soviet-supplied insurgents throughout the world. But the West withholds this type of weapon and the Afghanis cannot comprehend the reason why.

In the early afternoon we returned from hiding and travelled to a nearby house. It belonged to Ayala Jan, age 34, a commander of 200 men. He lived there with his sons, brothers, father and wife. The remaining family was safe in refugee camps.

It appalled Ayala Jan to discover we had stayed in such cramped and restless quarters the previous night. He imposed every available hospitality in compensation. In contrast to our diet of boiled rice, potato broth and flat, dry bread (nan), we devoured a rare meal of hard-boiled eggs, salt and fresh milk. For dinner he promised to slaughter a chicken.

The entire household sat in attendance except for Ayala Jan's wife. By custom women stay apart from guests. However, we did see many at chores in the refugee camp: drawing water, cleaning rice, watching livestock, etc.

An elderly man looked upon us severely. He had a dark brown turban, a gnarled grey beard and an ancient British rifle over his lap.

"Why do Americans claim that they are friends of Afghan nation? Of Afghan freedom fighters and refugees?" he demanded through our translator.

The Americans think that "by making mouth" in assemblies they will force the Russians to leave Afghanistan. "But only by fighting can this happen," he explained.

The Karmal government has excellent weapons: tanks, fighter planes and helicopter gunships. But the freedom fighters have few anti-tank weapons, no anti-aircraft and very few bullets, he stated, indicating that the bullets in his belt were all that he owned.

"Many days we have no food, no arms, but still we are fighting," he said. The mujahedeen fight for religion and country, and will fight to the death of the very last Afghan, he added.

Western nations profess sympathy with the Afghan cause. Yet they do not provide badly needed arms while Afghan blood is spilt, he said.

"They are giving lies. They do not help us. They just say the same words every time, every time, every time . . ." he declared.

We replied we do not make U.S. policy. It was a feeble absolution of guilt because they could not help but regard us as ambassadors of the United States. Very few Americans visit Afghanistan. The conflict is both dangerous and inaccessible. At least for Americans—French, British and German journalists travel there frequently.

In the room there was a deserter fresh from the government garrison, he had slipped away during nightfighting three days before. Three straight years he had fought in the resistance. But the Soviets captured him. After imprisonment and torture, they conscripted him for service in the desertion-plagued army of Babrak Karmal.

The strenuous ordeal had drained his morale. He sat in silence, head bowed, in a distance corner of the room. He was indifferent, perhaps even hostile to our presence.

We marched outside to observe the deserter, Abdul Nabil, display his government uniform. He had a martial walk and shouted out, "Tasha Kur! Tasha Kur!" when addressed. Thank you Sir! He wore the brown wool uniform of the Afghan army and brace of grenades strung about his waist.

The garrison had issued him the bare minimum of equipment. Soldiers who prove their loyalty by membership in Parcham (the Communist Party) can rely upon an

extra pistol and a bullet proof vest, he claimed.

These vests protect against fire from the newer automatic weapons. Ironically, the rifles which date from World War I penetrate them due to their heavier bullets with greater stopping power. Soldiers using the vest, which covers to the knee, must maintain an upright position.

"We can tell who are the Russians—they cannot crawl; the Bulgarians—they throw down their weapons; the Cubans—now they are brave. But the Afghans—they fight best of all," Itebari had said one night in the refugee camp.

Afghan Government soldiers must yield to imported Soviet customs. Officers drill them in the ideas of the 'Revolution.' They teach that there is no God, they prohibit prayer, and they promote the consumption of alcohol in blatant violation of the Islamic creed, Nabi said.

Morale is not strong at the garrison. Many underfed soldiers peddle arms and ammunition for more food and cigarettes. Others even abet the resistance with active sabotage of government installations, he said.

However, there are a few soliders who accept the Soviet ways. These few attempt to justify the brutal suppression of the Afghan nation with visions of a golden industrial age, he stated.

They know even that chemical weapons are employed against the populace, he added bitterly.

Towards evening explosions were frequent and loud. Tanks were visible about the garrison positions. Bands of mujahadeen passed us regularly in their approach to the stronghold. They made a motley picture of guerilla war: antiquated rifles and bedraggled clothing. Yet these people have contained the Soviets, and at the turn of the century they drove out Her Majesty's expeditionary forces.

Throughout the day we had been told there would be much fighting in the night. When it was dark, Ayala Jan left us for the battle; and we mounted the roof to view the affair.

Brilliant ruby flashes screamed across the sky. Glaring spots of white light popped out on every side. There were giant blasts, ringing sounds, and the angry patter of machine guns. Then a lull, the faint glimmer of snow-capped mountains and a sky of piercing stars. And then the chaos would begin again.

Next morning we began our trek back to Pakistan. 10,000 Soviets were headed towards us, a day's distance away. Fighting was intense already. But if the approaching force could not be repelled, the battle would spread indiscriminatey.

We forded a river to return to our original route. Hiking was more difficult. Travelling towards the garrison there had always been bands of mujahadeen to provide a wary escort. And, moreover, they had helped us to transport equipment over the rugged mountains. Now there were five of us, each with a full load upon his back. One had suffered injuries from severe frostbite and was headed for the hospitals in Peshawar.

We marched for nearly nine hours that day. It was a fast pace and familiar scene: ruins, bombshells, cemeteries, shepherds and sheep. There were two mountains ahead.

We crossed the first mountain quickly. Our bodies were daily getting accustomed to the task. On the eastward slope we were amazed to discover how much easier it is to go down than up. The landscape itself was breathtaking. A heavy mist is common above Afghan terrain. But here the effect was even more acute and eerie.

A bit further on we deviated southwards from the standard trail. There had been a heavy firefight a few miles away, and Itebari wished to display the remains. He repeated many words of caution; we were to stick closely to the pathway. All about, the hills and fields were buried in a snowfall. "Butterfly bombs" lay insidiously concealed.

"Butterfly bombs" are a remarkable Soviet contribution to warfare. They consist of two plastic petals around an explosive charge, and are dropped from helicopters to a gentle landing on the ground. The seemingly intriguing toys spark a child's curiosity.

"Butterfly bombs" are representative of Soviet strategy: they do not admit to any difference between a civilian or military population, which is reasonable, since over 95 percent of the population opposes the Soviet regime. The Soviet response to guerrilla warfare is to terrorize the population, to attack the base of support for a resistance cause.

While they cannot break the resolve of the Afghan nation, the Soviets can still hope to demolish the base of subsistence for the mujahadeen. Thus they indiscriminately ravage harvests, bombard villages, and machine-gun sheep. Chemical warfare is reported, and it would certainly be consonant with this theme.

4.5 million refugees are reported in Iran and Pakistan. The Soviets claim both bandits and Western bribes are responsible. But this is patently absurd.

The Soviets themselves foster the exodus, which freedom fighters attempt to check. A depopulated Afghanistan can only feebly resist occupation. Fighters require a network of food, shelter and information to continue their struggle.

After a long stretch of careful footsteps we discovered a captured rocket launcher concealed within a glen. Some rockets were still intact, with many strewn about the ground. However, the central mechanism had been smashed.

Freedom fighters preserve the launcher as a war prize. Usually they convert Soviet vehicles to saleable scrap metal. We heard a tale of 62 tanks crushed in an avalanche caused by makeshift bombs. Each found its way to the Pakistan markets in dismantled form.

At dusk we reached the Islamic school. The Headmaster greeted us warmly. Now, he said, we were mujahadeen; and he repeated a very familiar prayer: "Thank the God that we are safe."

We left again at three in the morning for a nighttime mountain crossing. We were determined to make the refugee camp shortly after dawn so as to quickly arrange a return to Peshawar. We had been away a week.

The snow had mostly melted but the path was clogged with mud. Faint specks of light and shooting stars illuminated our passage towards the peak. And at the very top, the rocky plains below, gleamed the crescent moon upon the lights of Pakistan.●

AFL-CIO ISSUES THOUGHTFUL DEFENSE REPORT

● Mr. HART. Mr. President, the AFL-CIO Committee on Defense recently issued its interim report, and I would like to commend it to the attention of my colleagues.

The Committee on Defense has been engaged for some time on a major review of defense policy issues. It has heard 25 defense experts, traveled to several military bases, and given substantial time and effort to its task. Recently, it issued an interim report which addresses 28 separate defense issues and offers some very useful insights into our defense needs and problems.

Several of the points made in the interim report are, in my view, especially important. They include:

The Committee believes that the reliance on nuclear weapons to deter a conventional Soviet attack in Europe instead of matching Soviet conventional forces has produced an imbalance in the Western military posture which should be redressed.

The present structure of the Joint Chiefs of Staff is not conducive to the best strategic planning, and the committee believes the various proposals to remedy this problem should be studied.

While much of the debate over defense has centered on the value and affordability of "big ticket" weapons systems, the Committee believes, based on what we have learned so far, that the most seriously neglected aspect of national defense in the last decade has been the nuts and bolts of our military capability.

We believe improvements are needed in operations and maintenance, mobility, training and procurement procedures.

We are concerned about our merchant marine which has declined in the last 30 years from 1400 to 500 ships while the Soviet merchant marine has increased fivefold to 8000 vessels.

Mr. President, I think these and other points made by the AFL-CIO committee on defense are very much worthy of the attention of the Senate. I ask that the interim report be printed in full in the RECORD at the conclusion of my remarks.

The report referred to follows:

SUMMARY OF INTERIM REPORT, AFL-CIO COMMITTEE ON DEFENSE

(1) Since its creation a year ago, the Committee has held 16 meetings, heard 25 defense experts, observed military exercises at Fort Bragg, and sent a delegation to tour NATO facilities in the United Kingdom.

(2) Still, we have not covered every aspect of defense. Many defense issues are complex and technical, and we certainly do not consider ourselves defense experts. This, therefore, is an interim report. As we acquire more information and understanding, we will make additional report recommendations to the Council.

(3) We have come to some broad conclusions, which I will briefly summarize.

(4) First, the Committee examined the overall U.S.-Soviet military balance, in light of the trends of the 1970s, and concluded that these trends were disadvantageous to the United States and its NATO allies.

"During the decade of the 1970s, . . . the Soviet Union spent 40-50% more for defense than the United States. During this period, Soviet spending increased by 3-4% a year while U.S. defense spending declined about 2% a year."

Moreover, the Soviets spend proportionately more for weapons and less for personnel than the U.S. does.

(5) As the result of their massive buildup, the Soviets have eliminated clear-cut U.S. strategic nuclear superiority—even if they have not themselves achieved superiority. They have gained an advantage in intermediate nuclear missiles in Europe, and they outnumber the U.S. in conventional military strength.

(6) "The Committee believes that the increased ability of the Soviet Union to profit its military power far from its own border poses a potential threat not only in regions where the U.S. has important interests but to sea lanes that are vital to the flow of raw materials, trade, and, in the event of war, military supplies to our allies. Perhaps even more important is the political impact of growing Soviet military power and the pressure it exerts on other nations to accommodate to Soviet interests."

(7) As for the adequacy of U.S. strategy to meet this threat, the Committee believes that the reliance on nuclear weapons to deter a conventional Soviet attack in Europe instead of matching Soviet conventional forces has produced an imbalance in the Western military posture which should be redressed.

(8) We also believe that ways must be found to extend NATO's responsibilities from defending Europe alone to defending real alliance interests—for example, in the Persian Gulf.

(9) The present structure of the Joint Chiefs of Staff is not conducive to the best strategic planning, and the Committee believes the various proposals to remedy this problem should be studied.

(10) As for our strategic weapons systems, the Committee believes that the triad of land-, air- and sea-based systems should be maintained. Abandoning land-based missiles would encourage the Soviets to concentrate all their efforts on knocking out our sea-based systems, which are now invulnerable.

(11) Noting that the Executive Council in August 1979 had "conditioned its support for the MX on its basing mode being survivable to an adequate degree," and that a special commission has been appointed by the President to study the MX, the Committee concluded that "we remain to be convinced—and are open to argument—that an acceptable basing mode for the MX can be devised.

(12) "In keeping with our deep skepticism toward the doctrine of Mutual Assured Destruction as a credible, or moral, deterrent strategy, the Committee believes that, until nuclear weapons can be abolished altogether, accurate counterforce weapons—that is, weapons capable of destroying other weapons—are preferable to weapons systems that can only be used effectively against population centers."

(13) We, therefore, favor moving ahead with the Trident II submarines which, when equipped in 1989 with the D-5 ballistic missile system, will have "hard silo-killing" capability.

(14) The Committee noted the reservations of several experts about proceeding with the B-1 bomber, considering that "Stealth" aircraft will be available in several years. Others have proposed stretching out procurement of the B-1 for budgetary reasons. The Committee feels that:

"Whether either of these proposals is practical is influenced by when 'Stealth' will be available. The Reagan Administration originally estimated that 'Stealth' could be ready before 1990, but it now appears that, owing to changes in design, it may take longer . . . The Committee will seek clearer answers from the Administration as to when 'Stealth' can realistically be expected to be available and whether the timetable could be sped up if funds earmarked for the B-1 could be used for this purpose."

(15) To assess the state of U.S. conventional forces, the Committee invited leaders of the various services to explain their mission and to indicate whether they felt they had sufficient manpower and equipment to carry out their missions. Our interim report summarizes the major issues that arose in those discussions, including:

The best mix of ships in naval convoys.

The adequacy of training exercises in all the services.

The advantages and disadvantages of sophisticated as against simpler weapons.

Problems of maintaining unit cohesion and morale in the Army.

The ability of the All Volunteer Army to meet defense manpower needs, etc.

The Committee is not prepared, in this interim report, to make specific recommendations in this area, but will provide a more detailed report later.

"While much of the debate over defense has centered on the value and affordability of 'big ticket' weapons systems, the Committee believes, based on what we have learned so far, that the most seriously neglected aspect of national defense in the last decade has been the nuts and bolts of our military capability."

(17) We believe improvements are needed in operations and maintenance, mobility, training, and procurement procedures.

(18) We are concerned about our merchant marine which has declined in the last 30 years from 1,400 to 500 ships while the Soviet merchant marine has increased fivefold to 8,000 vessels.

(19) The erosion of our industrial base may result in bottlenecks in some industries as defense procurements mount, generating inflationary pressures that would otherwise not arise in our slack economy.

(20) This problem is aggravated by the erratic character of defense procurement, which also contributes to cost overruns and behind-schedule deliveries.

(21) With respect to the defense budget,

"The Committee believes that a moderate but steady and sustained growth in defense expenditures in the 1980s would be more effective in enhancing the nation's military capability—and in signalling our steadfastness of purpose—than huge spurts in spending followed, inevitably, by steep declines."

(22) Specifically, we propose that real growth in defense spending should be held within the range of 5 to 7% a year. A number of members of the Executive Council have expressed the strong opinion that the increase should be held to the lower end of this range. The Administration's 1984 budget would increase real defense spending to 9 to 10% a year.

(23) We are opposed to the Administration's plan to cut defense costs by freezing military and civilian pay and cost-of-living adjustments.

(24) The amounts that could be saved by holding real growth to 5 to 7% are based on estimates of the Congressional Budget Office and are spelled out in the Council statement on the budget.

(25) "The Committee proposes that, starting in July 1984, a special surtax to cover the real increases in defense spending should be levied on the corporate and individual income tax plus the income of the wealthy currently sheltered from taxation. Such a surtax should amount to approximately 3% in its first year and raise approximately $11 billion to $15 billion."

(26) Finally, with respect to arms control, the Committee believes that the Administration's proposal in the START talks to reduce warheads to 5,000 on each side "goes in the right direction and represents a credible negotiating position."

"One of the unforeseen consequences of the SALT process, with its emphasis on limiting strategic launchers, was that it encouraged both sides to increase the number of warheads on each delivery system—i.e., MIRVing. The Committee believes that arms negotiations with the Soviet Union must be aimed at reversing this process—i.e., at de-MIRVing. If both sides shifted to one-warhead missiles, their strategic forces would be more survivable and the nuclear balance would be more stable."

(27) As for the negotiations now underway on intermediate-range ballistics missiles in Europe, the Committee believes that the Administration's call for the "zero option"—the elimination of all such weapons—is a goal that merits support.

(28) In the months ahead, the Committee will continue to study the defense issues facing the nation, to acquire a growing base of information and understanding, and to make recommendations to the Executive Council as it develops a trade union approach to the all-important problem of achieving security and safeguarding free institutions in the nuclear age.●

ALASKA NATIONAL SPORT HUNTING ACT

● Mr. MURKOWSKI. Mr. President, I take this opportunity to belatedly thank my distinguished colleague from New York, Senator D'AMATO, for his support of S. 49, the Alaska National Sport Hunting Act of 1983. He joined 19 other Members of the Senate who have cosponsored this measure.

S. 49 reclassifies 12 million acres of national park in Alaska as national park preserve. Preserves only differ from parks in that sports hunting and trapping is permitted; the areas would remain closed to mining, mineral exploration, and other activities prohibited in national parks. The areas to be redesignated represent rich hunting grounds that were heavily used by sportsmen before they were withdrawn by President Carter in 1978. They are classified as national park land under the Alaska National Interest Lands Conservation Act, despite passage during consideration of the act of an amendment designating them as park preserve. If the Alaska hunting bill is passed, there would still remain 56 million acres of wilderness, 53 million acres of wildlife refuges and 20 million acres of national parks.

Senator STEVENS and I introduced this measure at the close of the last Congress, with the express aim of notifying the Senate of our intent to resubmit the legislation in this Congress. The Public Lands Subcommittee of the Energy and Natural Resources Committee held a hearing on S. 49 on

April 15, and I am working to have this bill reported from the committee prior to the July recess.

I look forward to working with Senator D'AMATO and with the other cosponsors to secure passage of S. 49.

Thank you, Mr. President.●

TRIBUTE TO THE HOOVER INSTITUTION

● Mr. WILSON. Mr. President, the palm trees of Palo Alto, Calif., shade the world's foremost center of documentation and research on problems of political, economic, and social change in the 20th century: the Hoover Institution on War, Revolution, and Peace.

On the campus of his alma mater, Stanford University, Herbert Hoover founded the institution as an archive for the valuable records of World War I and the 1917 Russian Revolution. Since then, the collection has grown to be the largest private archive of its kind in the United States.

In addition, the Hoover Institution boasts a team of the Nation's foremost scholars of international and domestic affairs. Five Nobel laureates are associated with the institution, including Dr. George J. Stigler, the 1982 winner of the prize in economics. The Hoover Institution's senior staff is known for a record of public service unique in the academic community. More than 35 scholars or former fellows have held distinguished posts in the Federal Government, including Dr. Philip C. Habib, a senior research fellow at the Hoover Institution and currently Special Envoy of the President to the Middle East.

The Hoover Institution is but one of the many assets of the State of California. I ask that a recent article from the Lebanon, Pa., Sunday Pennsylvanian be printed in the RECORD.

The article follows:

[From the Lebanon (Pa.) Sunday Pennsylvanian, Feb. 6, 1983]

HOOVER INSTITUTION—THE NATION'S FINEST

(By George Marotta)

The new 1982 Report of the Hoover Institution—just released—presents the evidence that the Institution is the leading center for advanced study and research on political, social, and economic change in the twentieth century. Dr. W. Glenn Campbell has been the Institution's Director since 1960. In releasing the Report, Dr. Campbell stated that "the Institution's superb scholarly staff, unrivaled record of public service, world-renowned library and archives, outstanding physical facilities, and solid financial base combine to make it unique among research organizations in the United States." Dr. Campbell can be justifiably proud of the Institution's achievements, for President Ronald Reagan (who has been an Honorary Fellow since 1975) has described it as "a valuable national resource" and "the brightest star in the constellation of think tanks."

The 1982 Report on the Institution describes its programs and vast library and archives in detail, and is a stunning illustration of why the Institution has been described as a "national asset" by Zbigniew Brzezinski, the former head of the National Security Council under President Carter.

SCHOLARLY STAFF

Our senior staff represents one of the finest groups of scholars in domestic and international studies in the United States and is the Institution's most important asset. Five Nobel laureates are associated with the Hoover Institution: Alexander Solzhenitsyn and economists Milton Friedman, George J. Stigler, Friedrich Hayek, and Kenneth Arrow. The excellence of academic achievement can also be measured by membership in distinguished societies, such as the National Academy of Sciences (8), the National Academy of Education (4) the American Association for the Advancement of Science (7), and the American Academy of Arts and Science (13).

In addition to academic achievement, the staff boasts a unique record for public service. More than 35 scholars or former Fellows have served in high-level executive and legislative branch positions in the U.S. government or as members of boards and commissions.

After serving during 1981 and the first part of 1982 as the Assistant to the President for Policy Development (Domestic Policy Advisor), Senior Fellow Martin Anderson now serves on both of the top domestic and international presidential advisory boards. Also serving on the President's Economic Policy Advisory Board are Senior Fellow Rita Ricardo-Campbell and Senior Research Fellow Milton Friedman. Director W. Glenn Campbell serves as Chairman of the President's Intelligence Oversight Board and is a member of the President's Foreign Intelligence Advisory Board (as is Martin Anderson). W. Glenn Campbell and Rita Ricardo-Campbell together have held a total of 10 presidentially appointed positions under three different presidents, an honor accorded few, if any, other couples in the United States.

Senior Research Fellow Philip C. Habib is the Special Envoy of the President to the Middle East; Senior Research Fellow Darrell M. Trent serves as Deputy Secretary of Transportation; Deputy Director Dennis L. Bark serves as a member of the President's Commission on White House Fellowships; Associate Director John H. Moore serves as a member of the Board of the National Science Foundation; and Richard V. Allen serves as Chairman of the Presidential Commission for the German-American Tricentennial.

Glenn Campbell has also served on the Board of the National Science Foundation, the largest foundation in the United States. Rita Ricardo-Campbell currently serves on the Council of the National Endowment for the Humanities, the major government foundation in this field. Glenn Campbell is currently Chairman of the Board of Regents of the University of California. He was the first academic from a private university ever to be appointed a member of that board, having been appointed in 1968 by then-Governor Ronald Reagan. The University of California has a budget of $4.5 billion and one of its nine campuses, Berkeley, was just rated first in the nation of Graduate School Faculty, and another campus, UCLA, was rated sixth.

There are so many academic superstars that space permits mention of only a few of the sixty resident fellows—Seymour Martin Lipset (political science, sociology), Sidney Hook (philosophy), Thomas Sowell (economics), Edward Teller (physics), as well as one Congressional Medal of Honor winner and two Presidential Medal of Freedom winners.

LARGEST PRIVATE ARCHIVE OF ITS KIND IN THE NATION

Many research institutes start by painting their name on the door and hiring a few people. The Hoover Institution began in 1919 when Herbert Hoover personally financed the collections of documentation to help scholars study the causes and consequences of World War I. From that beginning, collections have grown to a specialized library of one and one-half million published books and documents and an archive (unpublished papers), numbering over 4,300 collections (26 million documents). It is one of the finest collections in the world on political, economic, and social movements in the twentieth century. In addition to being used by resident fellows and university teachers, scholars come from across the United States and abroad to use the collections. They include Honorary Fellow Alexander Solzhenitsyn who, after using the collection, observed that "no serious scholar of Russian and Soviet history can bypass the Hoover Institution."

THE HOOVER INSTITUTION BUILDING COMPLEX

The facilities are idyllic for use by scholars in their academic pursuits. The three buildings of the Institution include a 285-foot tower housing over one million books; the Lou Henry Hoover Building, named after Mrs. Hoover, housing the East Asian collection; and the Herbert Hoover Memorial Building, our nation's only official memorial to former President Herbert Hoover, housing the archives, the Hoover Institution Press and research offices for the Institution's nationally acclaimed National Fellows Program and for scholars involved primarily in domestic studies. Although most scholars were previously content with a quiet room and a typewriter or pad and pencil, most now possess computer terminals for word processing and mathematical computations.

Located on the West Coast and in the heart of one of the nation's leading universities, the Institution enjoys unique advantages. Members of the faculties of Stanford University's schools and departments consult with Hoover Institution scholars on a regular basis, as do the members of the smaller research institutes in the social sciences and humanities also located on the Stanford University campus, such as the Center for Economic Policy Research. While these institutes lack the significant financial base and scholarly strengths of the Hoover Institution and do not enjoy the Institution's national and international reputation, their scholars are often invited to participate in the "Hoover Seminars," which feature such wellknown visitors as the Counselor to the President, Edwin Meese, the Secretary of Defense, and the Attorney General of the United States.

FUNDING

While many "think tanks" suffer from poor management, planning and funding, the excellent financial condition of the Hoover Institution attests to its foresighted and prudent management direction. Its financial reserves of almost $60 million, together with university support, book sales and annual gifts enable annual expenditures of almost $9 million. The size of the endowment and steady annual financial sup-

port for the Institution's documentation, research and publication programs help to ensure their continuance on a long-term basis.

The Hoover Institution and its unique role in American life, represents a legacy given to the United States by former President Hoover that has endured for more than six decades. The Institution's growth and development in the years and decades to come should continue to stimulate and challenge the thought of the best minds in the world.●

MILITARY COMMISSARIES

● Mr. GOLDWATER. Mr. President, once again that time of the year has come when it seems to be open season on any budget connected with the military. One of the first targets always leveled on are the military commissaries.

The commissaries provide for the man in uniform by taking recognition of the fact that his pay is way below comparable jobs outside of the military and that it is the duty of the Government to try and make up the best way they can this deficiency. I do not advocate a general raise in salaries to try to meet the private sector. I just suggest to my friends that they pay a little respect to the concept that we have heretofore nutured in this country, that we owe the men and women in uniform a debt, and one of the ways we can pay that debt is to make it a little easier for them to maintain a home, raise children, and live like the rest of us live.

I hope that there will not be any effort made to eliminate commissaries again this year. It would be disastrous following the decisions made by our President and the Secretary of Defense not to increase military salaries.

I ask that a column on this by the Association of the U.S. Army appear at this point in my remarks.

The article follows:

MILITARY COMMISSARIES—THEIR LOSS WOULD BE A SEVERE BLOW TO MILITARY POCKETBOOKS

Historically, the military commissary system grew out of the need to provide service families stationed at remote outposts with places to buy the necessities of life. For most service families stationed in the continental United States the original need for the commissaries was overtaken by the growth of civilian facilities. But, while the stores might no longer be the sole source of necessities, they have become the places at which military families can best afford to shop.

For longer than anyone in uniform can remember, recruiters have used the availability of commissary shopping as an arrow in their quiver of selling points for a military career. For just as long, Congress and the Department of Defense (and its various predecessors) have considered the savings derived from commissary shopping when attempting to judge the effectiveness of the military compensation system. It is now generally agreed that the service family shopping in the commissary can save 20 to 25 percent from the prices in civilian supermarkets.

From time to time there have been a number of proposals to close all or some of the commissaries. None of these proposals has succeeded because Congress knows the value of the stores to military families and realizes that, if the stores were closed, there would have to be a substantial pay increase to offset the military families' loss of buying power.

Now another potential threat to the commissaries has surfaced in the form of a staff recommendation prepared for the Private Sector Survey appointed by President Reagan and charged with finding ways for the government to save money—a very worthwhile mission. The recommendation has a long way to go—approval by the appointed members of the survey, by the President and the concurrence of Congress—and may never see the light of day. But the very existence of the recommendation is unsettling at a time when military pay may be frozen, and service members are uneasy about the future. The responsible parties should act immediately to lay this issue to rest, one hopes for the last time.●

LEW LEHRMAN ON MONEY AND ECONOMICS

● Mr. HELMS. Mr. President, the April 18 issue of Barron's magazine includes an interview with Lewis Lehrman, the past head of the Rite-Aid Corp., founder of the Lehrman Institute and, most recently, Republican candidate for Governor of New York.

The Barron's interview with Mr. Lehrman covers a number of subjects including the bond market and the stock market, but the most interesting from the point of view of public policy is the comments he makes on monetary policy.

As Mr. Lehrman points out, without a real change in our monetary policy, this Nation will not get low interest rates, full employment and real economic prosperity. That this is not understood in Washington is a major obstacle to making rational spending and taxation decisions. That we often confuse fiscal policy with monetary policy is one reason Congress' attempts to solve economic problems are so often counterproductive.

Mr. Lehrman's observations will be of help to all members interested in solving the economic problems of this Nation.

Mr. President, I ask that portions of the Barron's interview with Lew Lehrman be printed in the RECORD at this point.

The material follows:

[From the Barron's magazine, Apr. 18, 1983]

GOLDEN OPPORTUNITY

(Lewis Lehrman, a former honcho at Rite Aid Corp. and a speculator of some note, lost the race for New York's governor's mansion last fall. Undaunted, he's shifted his focus: yesterday, Albany; today, the nation's economic policy. He has some very definite and somewhat radical notions on what ought to be done in both the fiscal and monetary realms. A shirt-sleeves intellectual, Lew likes to put his money where his mouth is—and right now that means in stocks.—Kathryn M. Welling.)

BARRON'S. Lew, what have you been doing since last November, other than licking your wounds?

Q. . . . Let the record show that he is very silent!

LEHRMAN. Well, I want to be very precise among so many eminent journalists! I began working on my book within a week of the campaign's end. Worked hard right through Christmas. It's done in manuscript form, although it needs a lot of editing. And I'm adding a few chapters. One on foreign policy and the defense budget.

Q. What's the book about?

A. A national policy for the 'Eighties—economic and foreign policy.

Q. Oh, a modest undertaking! And it was finished around Christmas?

A. I put the book aside when I decided that I had to learn a little bit more about what's going on with our allies, and maybe a little less about the main streets of New York. So I went off on a USIA-sponsored [U.S. Information Agency] trip to London, Paris, Frankfurt, Bonn, Berlin and Rome. I visited the defense ministries, the foreign ministries, the central banks to get caught up with what had gone on in Europe over the last 18 months. The gubernatorial race had lasted the better part of '81 and '82.

Q. So what makes the world go 'round?

A. Money. And its value has been falling relentlessly, but for a single month, since 1965. There is no case of the CPI declining in the last 18 years, except in the month that just ended. It has simply been a question of the relative rate of fall.

Q. You don't think we've kicked the inflation habit?

A. The engine of inflation could come to a permanent stop if the right policies are undertaken. Or it could easily continue.

Q. There's a choice, anyway. So, accordingly, what is your long-term view of bonds?

A. Well, there is no long term if this is merely a way station in the midst of an already generation-long great inflation.

Q. Let's turn to gold for a moment. A long time ago, you wrote that if there were excess cash around the world, the gold price would go up because the money people didn't know what to do with would be channelled into speculative markets—namely gold. You said that would be a sign that the central banks were pumping too much money into circulation. Nowadays, the Fed's creating credit at the rate of more than 10% annually, yet the gold price is meandering around $415 and doing nothing. Is the Fed creating too much credit and if so, why is gold so weak?

A. The theoretical paper to which you refer was an analysis and detailing of a model of a fully employed economy, where there is a secular inflation under way. For reasons of space, I did not consider the case of a non-inflationary economy at full employment, nor did I consider the case of an

underemployed economy with resources yet to be brought into production. In the full-employment case I used, in the absence of a monetary standard, the most sensitive of all prices, by all of our historical and empirical data, is the gold price. It is the principal indicator of excess cash balances being created by the monetary authority.

When the central bank is creating credit, or money, in excess of the desired level of cash balances in the markets for the purposes of production, then those excess cash balances will wash, generally, first into the gold market. That's the reason why, after the summer of 1982's switch in Fed policy, we observed the gold price moving very dramatically—and against all of the consensus opinion. And it is also the reason why, in November, the dollar began to fall in the foreign exchange markets. These were two very sensitive indicators of excess cash balances in the market.

Q. So you do think the Fed's creating too much credit?

A. I prefer to look at the monetary policy of the Federal Reserve System in terms of both the supply and the demand for credit. One of the great flaws of monetarism is that it looks only at the supply side, if you will, of the market for credit. If the supply of credit is equal to the level of credit actually desired for the purpose of production in the market, then the rate of interest will tend to be stable and so will the price level. It is only when the supply of credit being issued by the central bank exceeds the demand for credit by profitable producers in the market, that the price level will tend to rise and the value of money decline.

Q. Well, is gold fairly priced today?

A. At present prices, slightly underpriced relative to other traded commodities.

Q. How do you figure?

A. I think there is a way of specifying the conditions under which gold is overpriced or underpriced relative to other traded goods. If you believe as I do—and unlike neo-classical economists—that the formation of prices is largely a function of the cost of production, in the long run, then you simply have to search for the average of the costs of the marginal producers of the output to determine what, in fact, is the long-run equilibrium price.

Q. Backing up a bit, Lew, is the Fed creating too much money relative to the demand for it?

A. Between July of '82 and recently, I would say that the Federal Reserve was supplying the quantity of credit which was absolutely indispensable for maintaining the productive facilities of our country. The Fed meeting of July 12, I believe, was the most important meeting of 1982. There was an 8-to-4 vote to change Fed policy. In essence, to repudiate monetarism and to move to greater flexibility.

Q. That's when they got scared about Poland and Mexico . . .

A. I don't think it was a coincidence. We already had soundings of the financial crisis that was coming in Mexico, and we already had one in Poland. But up until July of 1982, the Fed was carrying out a monetary policy which was a hardship on the credit markets and caused the industrial system to grind to a halt. It was precisely what happened in England after Thatcher assumed power. After the summer of 1982, the Fed began to supply the quantity of credit that the business system actually needed in order to carry on its activities at some reasonable level of capacity. Now, in the last month or two, there has been an acceleration of the Fed's expansionary credit policy and I believe that has a good deal to do with the sustained rise in the stock market.

Q. Lew, what we're trying to get you to answer is this question: Is the Fed too loose right now?

A. At the moment, it is becoming too expansive.

Q. You sound like you're all for having the Fed target interest rates and forget about monetary growth—and that sounds very Democratic.

A. Well, I wouldn't call it a Democratic idea, because Jack Kemp and Howard Baker have both publicly made speeches and issued careful statements to the effect that targeting interest rates should be a Fed policy. I don't happen to agree with that, which is certainly a Keynesian, or neo-Keynesian, credit policy. It was the policy of the central bank for at least a generation, if not two. I think what we need is, in fact, a convertible dollar. A stable currency. And that the target of Fed policy should be to supply the quantity of credit actually desired in the market.

Q. You said a minute ago that interest rates would be stable if the Fed were supplying the quantity of credit actually desired in the market. If that's not targeting interest rates what is?

A. I'm not advocating it, I'm just stipulating the conditions under which interest rates will be stable. Indeed, for years I have been saying that under our present monetary system, that is to say, present monetary anarchy, there is no way to conduct a long-run stable credit policy. But brief moments of interests rates stability occur because the supply of credit approximately equals the demand for credit from producers who are actually making widgets.

Q. Okay, if you have all your liquid assets in stocks at the moment, you must be counting on some dividends to pay bills. What do you think about the withholding tax on interest and dividends?

A. I oppose it irrevocably.

Q. Is there any chance left to beat it?

A. I pray.

Q. What?

A. I pray that all sons and daughters of the American Revolution will mobilize to defeat this withholding.

Q. What is wrong with making people pay their share of taxes?

A. Nothing. I happen to believe that people do pay their fair share. There are always exceptions, but on the whole I believe the American people are extremely generous in the paying of taxes.

Q. If taxes are withheld from salaries, why not from interest income?

A. That is very unfair, and that's why I oppose withholding from salaries. I think, in fact, that the government should not make a forced confiscation of wages or salaries. The government is a vendor, it supplies public services to a free people. As a result, free people should pay their income taxes, quarterly, semi-annually, or annually, as in fact anybody who owns a home or an apartment does with property taxes.

Q. Have you tried to sell this idea in Washington?

A. I've had sufficient problems selling my monetary ideas.

Q. Uncle, Lew! Let's hear about your ideas for monetary reform.

A. Under my proposals the dollar might very well look much like the one you now have in your pocket. That piece of paper would be a promissory note, as it is today, which would be a claim on a specific value, a permanent value, defined by law.

Q. What kind of value?

A. The paper dollar would be a claim on a specified weight of gold, as it was from 1792 to 1971, with but brief interruptions. Indeed, if you go back just a generation, or slightly more, you will find that the green paper dollar did not just say: "This note is legal tender for all debts public and private." It said that this Federal Reserve promissory note can be redeemed for gold held for the account of the paper dollar user at the Treasury. I like the dollar, the historic American convertible gold dollar, the authentic American money.

Q. There are, of course, many versions of a gold standard, and lots of folks who think it's the last thing we need. Even its proponents can't seem to agree . . .

A. The relative desirability of a gold standard should be determined by its stability. That is why there is debate among people like Robert Mundell or Bob Triffin over the optimum fixed exchange rate. The most efficient gold standard is one in which the currency of each country is convertible into gold. Such a system is generally known as multi-lateral convertibility of individual national currencies, each into a fixed weight of gold. That is a fixed exchange rate regime because all of the currencies have a proportionality, one to the other, based upon the gold weights of the currency. Then fixed exchange rates, you see, are not a discretionary matter for central bankers to decide, but the incidental by-products of the ratios of the gold values of the individual currencies. And that's what characterized the whole period of America's rise from 13 impoverished colonies by the sea to the greatest world power.

Q. Why should dollars be convertible to gold?

A. If the essence of a free economy or a free society is voluntarily to choose how many refrigerators and how much groceries and how many children and how many dollars you will hold, it must also be true that when the government creates dollars that individuals do not desire to hold, that they can get rid of them for a value specified by law.

Q. Is that what people want?

A. The stable sound dollar is going to be imposed from below. By a populist movement which will restore a sound currency to a free country.

Q. You lost the election, Lew. Have you seen any evidence of a grass roots movement to support a gold standard?

A. I believe Jimmy Carter was thrown out of office for two reasons.

Q. Only two?

A. The first of which was the popular repudiation of his inflation policies. Free people elect politicians or statesmen to solve their problems. They repudiate statesmen who, among other things, destroy their currency. Two hundred million Americans are not going to say, restore a sound dollar. But they repudiated Jimmy Carter for that reason, primarily. Indeed, Reagan's campaign was fought on the issue of inflation. Now it's up to a statesman like President Reagan, or any future President, to give the American people the real money that they chose in November of 1980.

Q. The statesman, as you call him, is running a $250-billion seasonally adjusted annual deficit and pumping up Fed credit at the rate of 10 percent. And he hasn't instituted a gold standard.

A. There are two years left to go in his first term. And there are maybe four years

after that in which he'll have time to decide for real money. The wait is no surprise.

Q. Why not?

A. Once before, we suspended the convertibility of the dollar under conditions of war. It was in December of 1861 and the dollar was inconvertible from January 1862 until January of 1879—for 17 years. A stable American dollar then became a political issue in national elections from the very moment the Civil War ended until convertibility was resumed in January 1879. This time, the dollar was unilaterally declared inconvertible by President Nixon in August of 1971. Add 17 years to '71 and you get 1988. All I'm saying is that by historical standards, it takes time, often, for free people to select a statesman who will give them a real money.

Q. Would everyone's dollars have to be convertible to gold? Couldn't we return, instead, to a Bretton Woods-type scheme in which the dollar is convertible at a fixed rate only by foreign central banks—go back to August 1971, in other words?

A. It would be insufficient to do so.

Q. You want the whole thing?

A. The U.S. must establish a convertible dollar and to convene an international monetary conference with the principal purpose of establishing a new international monetary order based on convertibility of the currencies of the major trading nations.

Q. Why?

A. A convertible currency is the only proven way, theoretically and historically, to bring about how long-term interest rates. It is the only way to bring about conditions of rapid expansion. It is the only way to restore the long-term bond markets so that we can create conditions where capital will be invested for long periods in new industries and new technologies. It is, in fact, the only way to create boom conditions, which will once more restore full employment.

Q. Fifty years ago we had some very low long-term interest rates, and we had a gold standard, and we had the Depression.

A. Yes, but the Depression was caused by the catastrophic contraction of world trade which was brought about by the tariff policies and the quota policies and the exchange of capital control policies of the Western trading nations.

Q. The gold standard itself didn't help the Depression along?

A. The gold standard had absolutely nothing to do with the causes of the Great Depression. It was caused by this compression and contraction in the world economy, which not only resulted in 25% unemployment in the U.S. but itself was the cause of the collapse of the gold standard.

Q. Lew, let's get practical. Is there enough gold in the world to go around if money were fully convertible?

A. Under an effective convertible current regime, there is no demand for gold. There is demand for paper, which is more convenient and will always by desired for current transactions. That's how the name currency came to be. So as soon as you establish a convertible dollar, the demand for gold ceases. The demand for paper rises, because people are guaranteed that the money they own is, in fact, a promissory claim to another good which required capital and labor to produce—namely, gold.

Q. This is a sinister world. There are billions of dollars offshore. What happens if the bad guys get together and present tens of billions of dollars for exchange at once?

A. People who hold money are rational. They desire gold only when they don't trust money.

Q. But people don't always act rationally.

A. Let's look at the statistics on gold production. There are possibly 2.5 billion ounces of gold in world stocks. At present valuations, that is about $4 trillion. A demand for gold by the largest cash balance holder in the world, which would probably be somewhere around $10-$20 billion, could be met very easily.

Q. Suppose we wake up tomorrow morning with a gold standard. What's the price of gold?

A. Let's suppose, instead, that we were deputized by the President to determine the convertibility price of the dollar. There would be two indicators to follow.

Q. Which are?

A. First, we would set the convertibility price at a certain date, let's say a year from now, so that all would know the rules of the market which would govern the value of the dollar from that day on. During that period, all market participants would buy and sell gold if they pleased, based upon their own sense of the gold price. As you approach the convertibility date, the market price of gold would represent the preferences of all the buyers and sellers in the market and their sense of what convertibility would be. Therefore you would use the market price. Second, you would establish the convertibility price at a level which would not lead to a fall in the average rate of nominal wages.

Q. So what would the price of gold be?

A. Somewhere around $550-$600.

Q. What if you're wrong?

A. Well, there is a good deal of margin for error in establishing convertibility. Our economy grew into the world's most powerful under the gold standard.

Q. There were a lot of booms and busts . . .

A. For the last 10 years we've had no gold standard. Are you going to tell me they have been smooth? They have been the worst in our economic history but for the Great Depression. The highest real interest rates ever, rising unemployment, the worst inflation since the founding of the republic. When we look at the gold standard periods, we have to recognize that we are fallen men. We live in an imperfect world, the gold standard is not a perfect monetary institution, and anybody who claims otherwise is making a terrible mistake in misleading others.

Q. Doesn't it bother you that Russia is a major producer of gold and South Africa is another?

A. There are 2.5 billion ounces of gold in world stocks. The Republic of South Africa produces about 21 million ounces each year. That's less than 1% of total world stocks. The Soviet Union produces between 8 and 10 million ounces a year. That's one-third of 1% of total output. That is salt in the ocean. It would not vary the value of a monetary standard by a tenth of 1% if, under the gold standard, the entire annual output of the Soviet Union were offered on one day.

Q. Okay, Lew, you're a politician. Suppose you were the President. What political motivation could there be to switch to a gold standard with the economy picking up?

A. First, I believe that President Reagan is a statesman who takes the long view of the soundness of our institutions. The principal institution of free markets is a stable currency. I think President Reagan desires to produce just that, a stable currency. Second, I think that President Reagan, as any individual, would prefer 3,000 on the Dow to 1,500. The road to 3,000 on the Dow is paved with 4% interest rates, which will be the by-product, as they always have been, of a gold standard.

Q. What odds do you put this on happening in an election year?

A. I believe we will have a dollar convertible to gold before the end of the decade.

Q. Okay, Lew. Thanks.●

WARSAW GHETTO UPRISING

● Mr DECONCINI. Mr. President, I am pleased today to offer my tribute to 50,000 people who, through their refusal to accept barbarism and inhumanity, have inspired countless others in their fight against tyranny and ruthless disregard for human life.

Today is the 40th anniversary of the Warsaw Ghetto Uprising, which always shall be a monument to the human capacity to withstand incredible suffering and debasement without losing the will to fight the perpetrators of institutional injustice and cruelty.

On July 22, 1942, the Germans began herding some 500,000 Polish Jews, from the newborn to those near death, to the Warsaw Ghetto. Around it they erected a huge wall—to keep what they perceived to be a barrier to an ideal human race from infiltrating the ranks of so-called Aryan perfection. Although the wall succeeded in preventing the ghetto occupants from obtaining the basics for human survival and dignity, it did not impair the voice of liberty, that resounded from within.

That voice was at first weak from hunger and terror. The Nazis rationed the food below any normal subsistence level. The weakest went first, but soon no one was exempt from starvation. The bodies became piles of carrion. For those who managed to survive, there was always the threat of the train, to which Nazis daily herded thousands of Jews. It rumbled away in a cloud of death and always returned vacant.

Somewhere amidst the Jewish misery emerged the spontaneous consensus that they no longer would die like dogs. But what is a person capable of, after months of starvation, of seeing his mother and brothers become the food of flies? On April 19, 1943, those straggling bodies that scarcely possessed the strength to raise their fists became a horde of fists to surprise and beat back their heinous enemy.

Armed with a homespun stockpile of primitive weapons, the Jews made a declaration of human dignity that is alive today. Their resistance, the strongest of which comprised Molotov cocktails and a sparse supply of outdated guns, inflicted wounds or death on 1,000 Germans. Of course, the Nazis, with their superior and lavish arsenal, leveled the ghetto and its remaining 50,000 survivors—a certainty known to the Jews before they fought.

But that does not mute the twofold declaration of those who died: Although the potential exists in humanity for the most reprehensible cruelty, that savagery can never fully extinquish the human spirit's fight for justice, dignity, and the humanity of tomorrow.●

CHILD ABUSE

● Mr. DOMENICI. Mr. President, Congress often designates special weeks and months commemorating a particular group or event. In addition to providing an opportunity for national recognition of such groups, these weeks have come, in recent years, to be used as a way to focus attention on a particular problem or disease. National Alzheimer's Disease Week, National Physical Fitness Month, National Employ the Older Worker Week, all serve to awaken us to the importance of these issues. This month of April is of special importance because it has been deemed "National Child Abuse Prevention Month."

According to the National Committee for the Prevention of Child Abuse, the last 5 years have witnessed a 100-percent increase in the number of reported incidents of child abuse. Last year alone, an estimated 1.1 million children were in some way abused or neglected. These figures become even more staggering when one notes that they are representative of only those cases that are reported. And I think here is where the whole notion behind prevention becomes critical. Although it has been determined that child abuse cuts across all class lines and religious and cultural backgrounds, there remains a very deep fear of the stigma attached to it. Experts also cite a fear that the child will be permanently taken away from the parents as another reason why incidents go unreported. What this also means, however, is that neither the child nor the parent can receive the assistance needed to solve the problem.

A New York Times article addressing this issue discussed the cases of several parents who, under the strain of enormous pressure, be it emotional, professional or financial, simply were no longer able to deal patiently with the average misbehavior of their children. They recognized how close they were to abusing their child. They also saw the grave necessity of seeking some outside help. These are not parents who are alcoholics, or suffering from some other disorder. These are average people who, like you and I, are faced with the problems of daily life and have buckled under the enormous stress that our lives are often characterized by. Fortunately, the persons discussed in this article had a place to turn.

In response to the growing incidents of child abuse, nurseries and centers equipped to keep children for a day or two are springing up all over the country. If a parent fears that they might abuse, batter, or in some other way harm their child, they can take the child to one of these centers where they will be fed and can sleep until some other course of action can be arrived at. Often, the parent simply needs some time to get over what precipitated the crisis in the first place. If the problem is more deep rooted, social workers are recruited, or child care facilities are provided, or the parent is enrolled in some sort of a rehabilitation program designed to address whatever problem they may be experiencing. What is important, though, is that a possible incident can be averted. Programs such as this truly are preventative in that they offer immediate respite from a crisis situation, and then provide the necessary followup to insure that both the child and the parent will be protected from the future possibility of child abuse and the terrible suffering that both experience as a result.

I extend my strongest support to the development of this idea, and hope that with this month and the attention and concern that will be directed toward this tragic problem, further initiatives will emerge that will address child abuse in a realistic, concrete manner.●

THE REDIRECTION OF JOBS BILL FUNDING

● Mr. EAGLETON. Mr. President, on April 7 the Department of Agriculture announced at a hearing before the Appropriations Committee's Subcommittee on Agriculture, Rural Development and Related Agencies that they had unexpectedly run out of funds in 17 States to loan farmers for operating capital through the Farmers Home Administration.

Secretary Block, time after time, has proudly stated that the Reagan administration has significantly increased the level of operating loan funds extended by FmHA. What he has not said, however, is that these funding levels have been necessitated by the disastrous economic situation our farmers have faced. More and more farmers have had their local bank turn them away, making FmHA their only credit source.

Until April 7, administration witnesses have consistently testified that they had sufficient funds to serve the needs of qualified farmers. In fact, even the first time the question of the adequacy of funds was raised at the hearing on April 7, the administration's witness indicated that operating loan funds remained and that those funds might very well be sufficient to last the fiscal year.

I raise this issue, Mr. President, for two basic reasons. First, it is clear that the Reagan administration has not acted in good faith by keeping the Congress informed that operating loan funds were in short supply. By the end of the first week in March, notices had been sent to 10 States authorizing them to use funds reserved for the third and fourth quarters of this fiscal year to help offset the high demand for loans. At that point, it should have been obvious that a problem existed. Was Congress notified? No. In fact, representatives of FmHA testified before the Appropriations Committee in the House and the Agriculture Committees of both the House and the Senate between early March and April 7, but no mention was made that funds for operating loans were quickly dwindling. Only when they had completely run out of money in 17 States and were faced with a politically embarrassing problem did the Reagan administration admit that a problem even existed. This inept silence by FmHA, combined with the unwillingness of the Office of Management and Budget to allow a supplemental to be sent forward to the Congress created the emergency situation we faced.

Mr. President, this brings me to the second reason I have raised this issue today. Last Friday, Secretary Block announced that due to the extraordinary emergency that existed, he would utilize authority provided him in the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) to transfer funds from other programs to provide an additional $400 million for operating loans. Instead of transferring funds from the FmHA emergency loan program, which has an unlimited appropriation available to it, the Reagan administration chose to redirect an amount equal to one-half of the funds the Congress recently provided in the jobs bill for the rural water and waste disposal loan and grant programs—funds specifically appropriated on an emergency basis to create jobs in rural America.

Currently, there is a backlog of over $1 billion worth of water and waste disposal project on hand, and millions of Americans who are unemployed and eager to return to work. To make the specific decision to utilize these funds when a perfectly legitimate and feasible alternative existed clearly indicates the degree of callousness of this administration towards the needs of the unemployed and rural America.

The use of the interchange authority granted by the Organic Act of 1944 in this manner, redirecting funds the Congress had specifically appropriated to meet an emergency need just 1 month ago, raises serious question whether this interchange authority should be reviewed and further restricted.

Mr. President, I believe it is important that my colleagues and the public know what has happened in this situation and that they understand that the method chosen by the Reagan administration to meet the shortfall of farm operating funds was certainly not the only method available for doing so, nor was it the best method for the unemployed of rural America.

Yes, a few more operating loans will be made, but now they are being made needlessly at the expense of many unemployed Americans.●

THE WINDOW ON THE WEST

● Mr. EAST. Mr. President, Dr. M. E. Bradford, professor of English at the University of Dallas, is one of America's most distinguished and learned scholars and men of letters. An expert on the writings of William Faulkner as well as on early American history and southern literature, Professor Bradford recently had the opportunity to travel in Eastern Europe under the auspices of the Department of State and the U.S. Information Agency.

Upon his return to the United States, Professor Bradford authored some reflections on his visit to Romania, where he observed the quality and style of life under a Communist and collectivist dictatorship. He also visited our Ambassador to Romania, my fellow North Carolinian, the Hon. David B. Funderburk, under whose leaderhip the American diplomatic community in Bucharest is preserving the flame of freedom and Western values.

Professor Bradford's sharp insights into the nature of life under Communism should be of interest to my colleagues and to the American people in general.

I therefore ask that "The Window on the West," by M. E. Bradford, from the Dallas Morning News of April 9, 1983, be reprinted in full in the CONGRESSIONAL RECORD.

The article follows:

[From the Dallas Morning News, Apr. 9, 1983]

THE WINDOW ON THE WEST

(By M. E. Bradford)

The metaphorical image of Romania which sticks firmly in my mind is that of crowds of people on the streets of Bucharest, hurrying in all directions, both during the workday and even more surprisingly after dark.

The purpose of all this activity is not, as we learned, to get to or from a place of employment. In many cases there is no obvious reason for Romanians to be out of doors, only a vague social impulse to mill about, in and with the throng.

In other instances, the end of the journey is a long line where quiet people in fur hats await the opportunity to purchase the necessities of life. Three-generation families are, I was told, fortunate in one respect—the grandparents can stand in queue while the younger adults hold onto their job and maneuver to add a few lei to their official salary.

The conditions are severe in Bucharest, and the "economic justice" of the regime is another name for general penury. The standing jest there is that Romania is a country where the people pretend to work, and the government pretends to pay them.

The prices of ordinary commodities are exorbitant. The government must retire a large debt owed to the international banks. Hence, a little private trading, the exchange of favors, and skill in the manipulation of influence are important to the survival of the ordinary citizen.

The official egalitarianism of this Marxist utopia has nothing to do with the realities of status in Romanian life. Within a ruling hierarchy that is still Byzantine in its essential characteristics, connection means place: the difference between mere existence and a modicum of privilege.

According to one story, some Third-World countries send their young people to study in Bucharest, not to encourage their enthusiasm for socialism but rather to forestall it. I understand their strategy.

But apart from electronic surveillance, from all the guards and guns, the ubiquity of uniforms, and the dreariness of proletarian architecture, there is for members of the small American community in Romania (and for representatives of other Western societies) another side to their temporary exile, a sense of drama and purpose which comes from living out the role of witness to a proud and open way of life too often taken for granted by free peoples.

The American diplomatic mission to what the ancient Romans called Dacia (still there beneath the surface of the "People's Republic") is a very positive, upbeat group, with a genuine sense of their own collective importance as a window on the West.

Under the able direction of Ambassador David B. Funderburk, an eminent North Carolina historian and one of the distinguished conservative scholars brought to government by the Reagan administration, the mission both represents and embodies the value of American citizenship.

Members' energy and morale are amazing and suggest none of that tentative, apologetic spirit which has been the bane of U.S. diplomacy in recent years.

The same can be said of that small number of business and commercial people, librarians, archaeologists, artists and teachers which completes the American contingent in this communist state.

The fact most Romanians unofficially receive our countrymen at their own evaluation of what it means to be an American has, of course, a lot to do with the origins of the situation which I have described—that, and the fading yellow charm of the almost French city of Bucharest, a setting which in several ways reminds me of New Orleans.

We took away from our brief visit to the Romanian capital a variety of vivid impressions: the delight of the Romanians in music and literature; the colorful peasant architecture of the countryside; the courtesy of many members of their cultural establishment, their good humor, their pleasure in receiving American guests and their interest in the genesis and history of our civilization.

The people congregate in bookstores and record shops, and we were surprised to learn of the great number of American writers published in the Romanian language.

On reflection, this cultural activity should not be unexpected in a country where, as one patient editor of a literary magazine explained, two out of three fancy themselves to be poets of promise. Nor is all of this artistic nationalism tendentious or propagandistic, for the Romanians live within themselves, where they cherish their art.

As hopeless as their situation may seem, they have a kind of cheerfulness. I liked them, especially since, as one of them, indicated, they try so hard to forgive us for having turned them over to the Russians at Yalta in 1945.

Observing the results of Franklin D. Roosevelt's dereliction on that occasion should strengthen in any American the resolve that his country not repeat the same blunder.

The barbarians stand ready to advance whenever our determination to resist them seems to be in doubt. What happens then can be seen in Bucharest.●

LONG-TERM GRAIN SALES AGREEMENT

● Mr. HUDDLESTON. Mr. President, it is in the best interests of U.S. agriculture for the Government to renegotiate a long-term grain sales agreement with the Soviet Union. The Soviet Union has grain import needs that appear to be quite large; and action to improve the Soviet market for U.S. grain could do much to reverse the recent decline in agricultural exports.

Also, it is appropriate that we enter into the negotiations now. It has been almost 2 years since the grain embargo against the Soviet Union was lifted, and the current long-term agreement, as extended, will expire in a few months.

However, we have seen a great reluctance by this administration to proceed with negotiations on a new long-term grain sales agreement. In fact, on December 29, 1981, President Reagan suspended negotiations for such an agreement, and has not yet authorized new talks. Nor has the administration taken other action to improve substantially the prospects for expanded trade with the Soviet Union. The 1980 grain embargo was allowed to continue until late April 1981. In December 1981, the administration imposed an embargo on shipments of nonagricultural goods; one effect of that embargo was an immediate cessation of grain purchases from the United States by the Soviets.

I consider the failure of this administration even to discuss a new long-term agreement to be most unfortunate. As long as the United States threatens the Soviet Union with the possibility of allowing the current agreement to expire, our credibility as a supplier will be questioned. In effect, the administration has created a hidden embargo that continues to affect adversely U.S. agricultural exports.

The most significant evidence of the harmful effect of the administration's policy failures can be found in the statistics pertaining to United States-grain exports to the Soviet Union. In

the current agreement year, the United States has sold less grain to the Soviet Union than in any other year under the agreement.

The United States is selling less grain to the Soviets now than was being sold to them during the 1980 grain embargo.

The chief beneficiaries of the reduction in sales of U.S. grain to the Soviets are our foreign competitors. Argentina, Australia, and Canada have increased grain sales to the Soviet Union. Furthermore, those nations have expanded their crop acreage and improved their export facilities to accommodate future trade expansion.

Clearly, continued delay in negotiating for a long-term grain sales agreement with the Soviet Union will result in further losses of export sales.

I note that the administration has failed to respond to congressional encouragement to begin the negotiations on a new long-term agreement.

Public Law 97-218, approved July 20, 1982, expressed the sense of Congress that the President should immediately resume negotiations with the Soviet Union for the purpose of reaching an agreement to extend the duration of the existing agreement.

A new long-term grain sales agreement with the Soviet Union is important to U.S. agriculture. The President should immediately authorize negotiations for a new agreement. The administration will only hurt the U.S. farmer by continuing to prevent such discussions.

Fourteen Senators have joined me in sending a letter to the President today urging him to immediately authorize negotiations for a new long-term grain sales agreement with the Soviet Union. I ask that a copy of our letter to the President be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., April 20, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are concerned that the administration has not taken action to improve substantially the prospects for expanded trade in agricultural commodities with the Soviet Union, and we urge you to immediately authorize negotiations for a new long-term grain sales agreement.

Statistics on U.S. exports to the Soviet Union show that, in this the seventh year under the current long-term agreement, the United States has sold less grain to the Soviet Union than in any other year under the agreement. The United States has sold less grain to the Soviets this year than was sold to them during the 1980 grain embargo.

The chief beneficiaries of the reduction in sales of U.S. grain to the Soviet Union are our foreign competitors. Argentina, Australia, and Canada have increased grain sales to the Soviet Union. Furthermore, those nations have expanded their crop acreage and improved their export facilities to accommodate future trade expansion. Continued delay in negotiating a long-term grain sales agreement with the Soviet Union will result in losses of export sales.

Congress has clearly indicated its support for the negotiation of a new long-term agreement. Public Law 97-218, approved July 20, 1982, expressed the sense of Congress that the President should immediately resume negotiations with the Soviet Union for the purpose of reaching an agreement to extend the duration of the existing agreement.

Too, the Senate will soon consider Senate Resolution 95, which expresses the sense of the Senate that the President should report to Congress his intention to initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union. The resolution states that the President should seek to include in the terms of the new long-term agreement higher supply grarantees and provision for export of value-added products.

A new long-term grain sales agreement with the Soviet Union is important to U.S. agriculture. Continued delay in scheduling negotiations will only hurt the U.S. farmer and the many citizens who derive their income and jobs from agricultural export sales.

Sincerely,

David L. Boren, Patrick J. Leahy, David Pryor, Howell Heflin, Lloyd Bentsen, John Melcher, Thomas F. Eagleton, J. James Exon, Walter D. Huddleston, Edward Zorinsky, Alan J. Dixon, Jim Sasser, Max Baucus, Gary Hart, John Glenn.●

FIGHTING FOR FREE TRADE

● Mr. WILSON. Mr. President, I wish to call to the attention of my colleagues an article by the distinguished chairman of the Senate Agriculture Committee, Senator JESSE HELMS, which has printed in the mid-March issue of Farm Journal magazine. The article, entitled "Fighting for Free Trade," is particularly timely in light of the agricultural trade legislation now before this body.

The sagging farm economy has been battered by a second straight year of declining exports, in terms of both volume and value. A major cause of this decline is the fact that other countries, particularly those of the European Economic Community, use massive export subsidies to sell their agricultural products abroad. As a result, our farmers are forced to compete not only with their counterparts abroad, but also with foreign governments.

U.S. farmers are the most efficient producers of most agricultural commodities. Given the chance to compete freely and fairly on the world market, our farmers would be able to sell their commodities and earn a profit in the marketplace. But free and fair trade, long the guiding principle of U.S. trade policy, is not being practiced around the world.

The United States has diligently tried to resolve these grievances through diplomatic channels. We have filed the appropriate protests with the General Agreements on Tariffs and Trade. Last November, Senator HELMS, along with Senators DOLE, GRASSLEY, and MATTINGLY, traveled to the GATT Ministerial Conference in Geneva to warn the Europeans that their subsidies were intolerable. But a report delivered later by these Senators to the Agriculture Committee indicated the Europeans were absolutely unwilling to even discuss the matter of agricultural export subsidies. And recent developments indicate that they remain intransigent concerning this matter.

As Senator HELMS points out in his fine article, it is high time for the Congress of the United States to act to bring about a resolution on this matter. We must, as the Senator points out, be responsible and not engage in protectionist legislation that is in itself a restraint of trade. But we must take bold action to assure our farmers an equal footing in world trade. To do otherwise, to turn our backs on the farmers, would be to relinquish the strength of the backbone of our economy—the U.S. farmer.

Mr. President, I ask that the article by Senator HELMS be printed in the RECORD at the conclusion of my remarks.

The article referred to follows:

[From the Farm Journal, Mid-March 1983]

FIGHTING FOR FREE TRADE

(By Senator Jesse Helms)

The January Farm Journal editorial, "Trade War No Way to Win" (p. 48), is right in a number of respects, but where it's wrong, it's dead wrong.

I share the sentiment that we must avoid a trade war, but I can't buy the argument that giving in to the predatory practices of competitor nations is going to accomplish that. In fact, only decisive yet responsible steps by the U.S. can prevent a further deterioration of trade relations into a full-blown trade war. And, we don't have much time.

The editorial correctly explained that "protectionist" policies on the part of the United States would have serious negative consequences for American agriculture. If we impose new import quotas or increase trade limitations to protect certain "basic" U.S. industries, many of our international customers will have less foreign exchange with which to buy our farm products. What's more they may retaliate in a way that could catch U.S. farmers in their swipe.

But, here I must make a crucial distinction. A tariff or import quota is a direct restraint of trade. But agricultural export subsidies by the U.S., which are designed to equalize subsidies by other countries, cannot be construed as a restraint of trade. Rather, such subsidies would expand our agricultural exports and allow farmers to compete on a fair basis with their counterparts overseas.

And there is an immediate and compelling need for us to induce other nations to curtail their use of massive export subsidies in agricultural trade. While it is not likely that we will ever have a completely free trading system in the world, it is realistic to expect free trade as a guiding principle for all nations.

However, for a number of years our farmers have had to suffer the increasingly unfair trading practices of competitor nations. The use of export subsidies by the European Economic Community and other nations has gotten out of hand, robbing farmers of badly needed markets.

That is why a number of senators and congressmen—at the suggestion of the Reagan Administration—attended the ministerial meeting of the General Agreement on Tariffs and Trade (GATT) in Geneva last November. Our message was that these practices have become intolerable. But our message went unheeded.

After the GATT meetings, I announced I would prepare legislation mandating certain unilateral actions to demonstrate to the Europeans that their right to swing their export-subsidy fist ends at Uncle Sam's nose. The Senate Agriculture Committee held hearings on Dec. 2, 1982, to assess the GATT Ministerial. Those assessments indicated there would be no movement toward solutions without further action by Congress.

This increased concern on the part of Congress now has gotten the attention of the Europeans. They have begun to come to the bargaining table. Meetings to discuss these issues were held in Brussels in December, and again in January 1983. Of course, nothing concrete has developed yet, but now it seems the Europeans and others are beginning to understand that we are serious when we say their predatory trade practices are intolerable and must be stopped.

However, this minor progress is likely to be short-lived if we do not continue to move decisively. Legislation mandating a number of specific unilateral actions on the part of the United States is needed to convince our trading partners that we mean business. Of course, we must be responsible; we must not engage in protectionist legislation that is in itself a restraint of trade.

In short, history demonstrates that the only way to peace is through strength. Weakness breeds contempt and encourages unfair and hostile treatment by nations that feel little need to conduct themselves in a responsible and disciplined way.

That lesson should not be lost on farmers when it comes to setting things right in world trade. It is certainly not lost on this senator.●

ORDER FOR RECESS UNTIL 12 NOON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, I move now in accordance with the order just entered that the Senate stand in recess until the hour of 12 noon tomorrow.

The motion was agreed to; and, at 6:01 p.m., the Senate recessed until Thursday, April 21, 1983, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate April 20, 1983:

IN THE NAVY

Vice Adm. Ronald J. Hays, U.S. Navy, for appointment as Vice Chief of Naval Operations pursuant to title 10, United States Code, section 5085.

Vice Adm. Hays, having been designated for command and other duties of importance and responsibility within the contemplation of title 10, United States Code, section 601, for appointment to the grade of admiral while so serving.

HOUSE OF REPRESENTATIVES—*Wednesday, April 20, 1983*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
April 19, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Wednesday, April 20, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, as we see the needs of our Nation and the world, may we be conscious of what we can do in our own lives to be messengers of peace and stewards of Your blessings. Encourage all people to use their time, talents, and abilities to bring people of good will together in unity and noble deeds. Our prayers are with all who suffer from the pain or anguish of violence and discord or from lack of the freedoms and liberties that we have known. May Your spirit encourage us that in all things we may do justice, love, mercy, and even walk humbly with You. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

TANDEM TRAILER REVERSAL IS TOO LITTLE, TOO LATE

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, yesterday the Federal Highway Administration backed away from requiring four States to permit tandem trucks on their primary highways. This may be a step in the right direction, but it does not go far enough.

What we need now is a moratorium on these mammoth trucks for all Federal, State, or local roads that barred tandems before the gas tax law was implemented. A moratorium would allow an up-to-date safety study of tandems to be completed before deciding to allow them free rein on the Nation's roads.

A moratorium would also give us time to set up a more responsible system for exempting roads that are not capable of handling tandems. Most importantly, it would head off the growing Federal-State confrontation on the tandem truck issue.

THE NATIONAL WEATHER SERVICE AGRICULTURE WEATHER AND FRUIT FROST PROGRAM

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, the President has failed to include in his budget funds for the National Weather Service agriculture weather and fruit frost program. These programs operate on a $1.4 million budget and provide our Nation's farmers with vital weather information.

The agriculture weather programs are staffed by dedicated meteorologists who collect special weather observations farmers can then use to determine, for example, when to cut hay or when to hang tobacco.

At its inception, this country was agrarian in nature. Agriculture remains at the heart of our economy. Last year, our farmers exported over $39 billion in food products and were responsible for feeding 8 percent of the world's population.

Today many farmers are facing severe economic problems. The forecast for the rest of the year is not heartening. Historically, the Federal Government has played an active role in the Nation's farming policies. I see no justification for reneging on this commitment now.

TITLE AMENDMENT TO HOUSE JOINT RESOLUTION 158

The SPEAKER pro tempore. Without objection, the title of the joint resolution (H.J. Res. 158) to make technical corrections in the act of January 25, 1983 (Public Law 97-459), passed yesterday on the Consent Calendar, is amended so as to read: "To make technical corrections in the Act of January 12, 1982 (Public Law 97-459)."

There was no objection.

INTEREST AND DIVIDEND WITHHOLDING

(Mr. D'AMOURS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. D'AMOURS. Mr. Speaker, I rise today to congratulate the Senate and those Members of the Senate who successfully worked out a compromise, which apparently is going to be voted on and passed today, on the interest and dividend withholding scheme.

It is high time and about time that reason and reality prevail in that body and in this body and that we be allowed to vote to repeal or at least make necessary changes to the law imposing withholding on interest and dividends.

We have seen in the past several months the estimates of revenue from this tax go from $26 billion over 5 years to what was reported yesterday to be $12.5 billion over 5 years, and I would suggest that even these revenues are overstated.

I also hope that this House will take the matter up through hearings and pass legislation. My discharge petition is still pending, in case that course is not opted for, and I would call upon the President to join in this bipartisan effort to repeal this pernicious and unnecessary tax and to abandon the veto threat that he made last Saturday. Surely he must know that the vast majority of the American people want interest and dividend withholding repealed; surely he must know that if he does carry through with his veto threat, the veto will be overturned by both Houses of Congress.

JOINT CHIEFS OF STAFF REFORM

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, on Monday, the Department of Defense forwarded to Congress a draft of proposed legislation which has been billed as the Department's answer to problems with the organization of the Joint Chiefs of Staff system. Many of us here in Congress had been anxiously waiting for the Pentagon to turn their "big guns" loose on these critical problems. Little did we suspect that they would be firing blanks.

Mr. Speaker, I have reviewed this DOD proposal, and to put it bluntly, it is worse than nothing. It totally fails

to come to grips with the major flaw in the present system that makes reform so necessary. Because they perform two full-time jobs—head of an individual service and member of the Joint Chiefs—the various service chiefs have a built-in conflict of interest. They are expected to be advocates for the programs of the service they head, while at the same time, they are required to make decisions on behalf of all services. This system virtually insures that we will have duplication, overlap, and waste in the defense budget. In addition, the Chiefs are left with little time to formulate future military policy, and to give Congress the kind of guidance we need to make sound decisions on the long-term procurement of weapons systems.

What does the Defense Department propose? Their bill would place the Chairman of the Joint Chiefs of Staff in the chain of command, and it attempts to make the Joint Staff of the Joint Chiefs of Staff more efficient by providing for greater continuity among its members. And that is all. Congress should reject this bill out of hand. Indeed, its passage would be harmful to the national interest. It would create the illusion that problems in the military command structure had been taken care of, and a golden opportunity would be missed. Right now we have a "window of opportunity" to make the kind of fundamental changes in the Joint Chiefs of Staff structure that can lead to meaningful reform. Several distinguished military leaders have spoken out on behalf of such measures, and I am confident that the Members of this House are willing to take this issue on now.

Last week, I introduced H.R. 2560, the Military Command Reorganization Act of 1983, a bill which provides for a major reorganization in the top levels of our Armed Forces. H.R. 2560 abolishes the current Joint Chiefs of Staff and replaces them with a single officer who is designated as the principal military adviser to the civilian authorities on matters of current military policy, strategy, and programs. It creates a council of distinguished, senior military and civilian leaders to focus on longer term issues. These steps would eliminate the built-in conflict of interest that now exists, and would insure that civilian decisionmakers get better, and more timely, advice on military strategy and policy. In addition, Mr. Speaker, the enactment of H.R. 2560 will save defense dollars, particularly in the area of procurement of weapons systems, and will ultimately lead to a stronger national defense.

OPPOSITION TO NUCLEAR FREEZE RESOLUTION

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, today I received a letter from the Chairman of the Joint Chiefs of Staff, indicating his strong opposition to the freeze resolution. He was particularly disturbed at some of the misunderstandings and statements that have appeared in the debate so far.

Mr. Speaker, I include his letter at this point in the RECORD:

THE JOINT CHIEFS OF STAFF,
Washington, D.C., April 19, 1983.

Hon. WILLIAM S. BROOMFIELD,
House of Representatives,
Washington, D.C.

DEAR MR. BROOMFIELD: It has come to my attention that views of the Joint Chiefs of Staff on a nuclear freeze may have been misrepresented during the recent House debate on H.J. Resolution 13. Supporters of the Resolution have used statements by former and current members of the Joint Chiefs of Staff to the effect that they would not trade US forces for Soviet forces as proof that a nuclear freeze would not be detrimental to US national security. Such an interpretation is entirely incorrect. Let me share with you the positions of the Joint Chiefs of Staff on the nuclear freeze and on trades of US and Soviet forces.

The Joint Chiefs of Staff believe that a nuclear freeze now, at current levels of nuclear forces, would be highly damaging to US national security and would undercut our capability to maintain credible nuclear deterrent forces. In fact, in the long run, maintaining a credible deterrent would be impossible. A nuclear freeze would leave the Soviet Union with important military advantages, notably a monopoly in long-range theater weapons like the SS-20 and in modern first-strike force of the SS-18 and SS-19 ICBMs. At the same time, it would condemn the US to dependence on aging and increasingly vulnerable strategic forces.

We must recognize that accelerating Soviet modernization and our own lack of modernization in the past two decades have left us well behind the Soviet Union in several important measures of military capability. We have not deployed a new ICBM since the early 1970s. We have deployed only one new ballistic missile submarine since 1967; in fact, under the provisions of SALT I, the Soviets are dismantling ballistic missile submarines that are newer than our newest POSEIDON submarines. We began to deploy cruise missiles only in December of last year. On the other hand, during this same period the Soviet Union tested and deployed several new types of ICBMs and new and improved submarine-launched ballistic missiles. The Soviets have had cruise missiles deployed on submarines since the early 1960s. Our bombers are about 25 years old and growing less capable of carrying out their mission. A nuclear freeze would simply perpetuate a Soviet advantage.

At Congressional hearings, I have several times been asked if I would trade our forces for Soviet forces. I have consistently answered by stating that I would not trade our people for Soviet servicemen, nor would I trade our democratic institutions for those of the Soviets. I have consistently pointed out that the Soviets have modernized their forces and have modern equipment in numbers which would in many cases be desirable for the United States forces. On the 16th of February of this year, I told the House Budget Committee that I would trade our Intercontinental Ballistic Missiles for the Soviets Intercontinental Ballistic Missiles. On 8 February, I gave the same message to the House Appropriations Committee's Subcommittee on Defense. My reasons for making that statement are simple—the Soviets have modernized their ICBM force and the modernized force is operational.

You should not infer that I believe we need a mirror image of the Soviet force. We would not want the huge war machine of the Soviet Union. On the other hand, our forces must be modern and capable. United States and Soviet forces are built for two fundamentally different purposes. United States forces have been structured to implement our strategy of deterrence and war prevention, while Soviet forces seem to have been built to achieve overwhelming numerical and physical superiority to be able to threaten the West with a war-winning strategy. Since our policy is to maintain a capable deterrent force, a survivable TRIAD of balanced capabilities is required. To maintain our deterrent force and to preserve the peace, it is important that we proceed with the planned modernization of our strategic forces.

I hope that these views will be of value in the continuation of the House debate on the nuclear freeze.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

PROTECTION OF U.S. DIPLOMATIC PERSONNEL

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, following the bombing of our Embassy in Lebanon, there have been statements concerning the need to tighten security at all U.S. Embassies in order to protect U.S. diplomatic personnel.

No one has suggested an obvious alternative for protecting our foreign service personnel stationed abroad: We should withdraw our diplomatic personnel from volatile regions of the world. In suggesting such a withdrawal, I am not suggesting the breaking of diplomatic relations with these foreign governments. If the closing of our embassies is impossible, we should at least be taking steps to greatly reduce the scope of their functions.

In this era of rapid transportation and instantaneous communications, the role of our embassies and of ambassadors serving abroad has drastically changed. In previous eras, when communication and travel were slow and cumbersome, the U.S. Ambassador made binding policy decisions without consultation with Washington. Nowadays, the decisionmaking process is centralized in Washington. Ambassadors and embassy personnel merely carry out policy decisions that are made at Foggy Bottom.

Modern technology has reduced the need for large embassies. We must also end the practice of stationing U.S. in-

telligence agents in our embassies. This practice helped to precipitate the hostage crisis in Iran and possibly in Lebanon. These intelligence agents serve no diplomatic functions, in the classical sense of the term, and only incite terrorist attacks against U.S. State Department personnel.

Let us provide the best possible protection for U.S. diplomats, and withdraw them from countries in volatile regions of the world.

REALITIES AS TO WHAT IS HAPPENING IN CENTRAL AMERICA

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, yesterday four Libyan planes bound for Nicaragua via Colombia landed in Brazil to refuel. According to the pilot, the four planes were carrying medical supplies for the victims of the Colombian earthquake. One of the four planes had mechanical problems and was forced to stay behind when the other three took off. When the Libyan plane was being worked on, it was discovered that it was carrying more and something other than just medical supplies. It was loaded with military gear. The Brazilian Government then ordered the other three planes held, as well, in another part of Brazil where they landed.

Mr. Speaker, the point is, I want to emphatically point out to my colleagues, who are so ardently trying to tie the hands of this administration in El Salvador, that this is the so-called smoking gun that they have been asking for. They say it does not exist, but here is irrefutable evidence that an example of outside terrorist intervention is in fact going on in that part of the world. It is time that my colleagues who oppose U.S. assistance to El Salvador wake up to the realities as to what is happening in Central America.

THE NUCLEAR FREEZE RESOLUTION

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HYDE. Mr. Speaker, I would like to call to the attention of my colleagues an editorial in the New York Times of April 19, 1983, on the nuclear freeze which we will spend the day on today.

Now, nobody could call the New York Times a house organ of the Reagan administration. Therefore, their editorials have particular credibility when they disagree with the momentum that the Democratic Party is attempting to develop on the nuclear freeze resolution.

This editorial says that—

> The proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop now."
>
> The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

The editorial goes on:

> A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. . . . It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first strike force. . . .

Clearly the freeze resolution is politics more than arms control policy and should be defeated.

UNFRIENDLY STRATEGIC WEAPONS IN THE AMERICAS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, I have been one of those who have resisted the administration's hard sell to rush military aid to the Government of El Salvador. And I would add that we should be equally cautious in intervening—perhaps illegally—in the Nicaraguan civil war.

Having said that, I must protest a statement made over the weekend by a Soviet spokesman, who hinted broadly that this government reserved the right to locate intermediate-range ballistic missiles in the American Hemisphere. This presumptuous and dangerous gambit was followed by a statement from a Sandinist official in Nicaragua, who coyly held open the possibility that this government would accept such missiles.

At a time when many of us are trying to brake the momentum toward an armed showdown in Central America, these developments amount to a needless provocation. Let everyone know that nothing has occurred since the missile crisis of 1962 to break down the bipartisan consensus against unfriendly strategic weapons in the Americas.

SOVIET UNION INVOLVEMENT IN CENTRAL AMERICA AND THE NUCLEAR FREEZE DEBATE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, the previous gentleman who spoke has, I think, introduced a note which, hopefully, those of us who will be debating and voting on the freeze today will take some concern about.

It does turn out, in fact, that there is a worldwide effort by the Soviet Union, that there is a very great likelihood that the KGB embassy detachment in Nicaragua is involved in Central America, that the Soviet brigade in Cuba does have meaning, and that there is a real linkage between, for example, last week's anti-Israel PLO meeting in Nicaragua and this debate on nuclear freeze.

As John McCloy said to President Reagan, "All things are connected together on the planet."

I would hope that our colleagues would have looked over the weekend at the debate on the freeze and recognized that we are in grave danger of committing this Nation to a policy which would guarantee obsolete weapons by the early 1990's which would weaken the alliance and which would allow the Russians to put a great deal more emphasis on antisubmarine warfare and, therefore, to threaten the Trident system, which even the freeze advocates rely on to protect this country.

This is indeed a dangerous step, and I think the weekend's behavior on the part of Nicaragua and the Soviet Union should only remind us how truly dangerous the world is.

CALLING FOR A MUTUAL AND VERIFIABLE FREEZE ON AND REDUCTIONS IN NUCLEAR WEAPONS

The SPEAKER pro tempore (Mr. FORD of Tennessee). Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 13.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, with Mr. MCHUGH in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on Wednesday, April 13, 1983, pending was the committee amendment in the nature of a substitute, which is considered as an original resolution for the purpose of amendment.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOMFIELD: Page 5, immediately after line 23, insert the

following new section and redesignate any subsequent sections accordingly:

"SEC. 3. With a spirit of national unity, and consistent with the traditions of American policy, and the NATO Alliance, the Congress declares that Western deterrence should continue to be based upon strategic arms control as well as force improvements, which the American Government in consultation with its NATO allies, and the Congress, may deem necessary for the security of the peoples of the Alliance and the maintenance of world peace."

Mr. BROOMFIELD. Mr. Chairman, I am offering this amendment today because I believe we must continue bipartisan support of a successful and popular element of U.S. foreign policy—arms control coupled with arms modernization, especially where the Congress itself deems such force improvements necessary. It is both arms reductions and the modernization of existing weapons systems which ultimately gives America an adequate defense posture and credible deterrence.

NATO's 1979 decision to deploy medium-range cruise and Pershing II missiles was not a spur of the moment choice. It was a decision, under a Democratic administration in close consultation with our allies, which reflects the continuation of Western deterrence strategy—that being a dual track approach of arms reductions and arms modernization, if necessary. For 30 years, the United States has linked its fate with that of its European allies. Twice in this century, war has devastated Europe. Yet since 1945, despite the proximity of a heavily armed Soviet Union, Europe has enjoyed a period of peace through a deterrent strategy based upon the dual track approach of arms reductions and force improvements.

NATO's strategy has been constantly challenged by the Soviet Union with large numbers of intermediate-range missiles as well as formidable conventional forces. The Soviet systems targeted upon Europe were designed to isolate our allies and hold Europe a nuclear hostage. The Soviets could threaten Europe from a Russian sanctuary which Europe could not, in turn, put at risk.

This Soviet buildup has continued. It has continued through a period when the West pursued policies of détente.

The deployment of the medium-range SS-20's gives the U.S.S.R. the capability to hit targets located anywhere in Western Europe. The West's response was a planned deployment of U.S. medium-range missiles. This decision was not thrust upon the Europeans by the United States. Rather it represents a NATO decision to adjust its capabilities in light of the continuing buildup of Soviet theater forces, if indeed arms reductions cannot be obtained.

The recent German elections reaffirmed their support for the 1979 NATO decision. Their vote is testimony to their support of arms reductions and their concern about the strategic imbalance in Europe today. NATO is still willing to cancel the planned deployment of missiles if the Soviets are willing to compromise. This is what the current Geneva talks are all about. The freeze resolution before us today would effectively break our successful and proven foreign policy over the years, under both Democratic and Republican administrations. Moreover, the freeze resolution would break the spirit, if not the letter of intent, of the 1979 NATO decision. It would not only betray the trust which the German people, who have committed themselves to seeking arms reductions and force improvements if necessary, but also the overall Western strategy of deterrence which couples arms reductions with force improvements.

Let us improve our forces where the Congress deems necessary while we seriously pursue arms reduction talks. This dual track approach is a proven winner. Why abandon this approach to the maintenance of Western security? Chairman ZABLOCKI also supported this approach by saying in the March 16 floor freeze debate (CONGRESSIONAL RECORD, 5780) that "Arms control and defense procurement should work hand in hand." Let us continue to follow a successful and proven policy which has deterred war in Europe for the past 30 years. Let us get together in a bipartisan effort to unite the American people. Let us keep the peace by a proven deterrence policy predicated upon both arms reductions and force improvements, which the Congress can ultimately deem necessary.

I urge you to support my amendment to the Zablocki resolution.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I would be very happy to yield to my friend, the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman would explain further just exactly what he means by "force improvements." Is it among our NATO allies, or the military posture in Europe, or just what does he include?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. BROOMFIELD) has expired.

(On request of Mr. ZABLOCKI and by unanimous consent, Mr. BROOMFIELD was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, if I can rephrase the question, can the gentleman confirm that the phrase "force improvements" could be made within the context of the negotiations for a mutual and verifiable freeze?

Mr. BROOMFIELD. I would say to the Chairman that the purpose of this amendment is to back up the policy that we have had in effect for many years, and the understanding that we have had with our NATO allies.

Mr. Chairman, I would say that what I am trying to do is to support our continued arms reduction talks, but also provide the necessary maintenance for whatever is needed for our NATO forces.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield further, I want to repeat the question:

Is the gentleman's amendment within the context of House Joint Resolution 13, which provides for negotiations for a mutual and verifiable freeze and reductions?

Mr. BROOMFIELD. I would inform the chairman that it is all subject to negotiations, and that would be a decision that would have to be made at a later date.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. STRATTON. If I understand the question of the gentleman from Wisconsin, he is asking the gentleman from Michigan whether this support for the nuclear deterrent in NATO is something that he would agree should be made part of the negotiations that we will be conducting with the U.S.S.R. in connection with the freeze.

My own feeling is that, as the editorial from the New York Times, which the distinguished gentleman from Illinois read to the House a moment ago indicates, these negotiations could well go on for 10 years. Certainly we do not want to hold up the modernization of our nuclear deterrent either for NATO or otherwise, until the negotiators have concluded something after a decade.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further to me in order that I may comment on the interpretation of the gentleman from New York?

Mr. BROOMFIELD. I would be very happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I have repeatedly stated that nothing is frozen until it is negotiated and agreed upon in a verifiable and mutual agreement, and I would hope that the New York Times would understand House Joint Resolution 13. The improvements and maintenance of our forces could continue until a freeze is negotiated.

Mr. MARKEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1130

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

At the time the gentleman from Massachusetts (Mr. MARKEY) made his point of order, the gentleman from Michigan (Mr. BROOMFIELD) had 1 minute remaining. The Chair presumes that the gentleman relinquishes his time.

For what purpose does the gentleman from New York (Mr. STRATTON) rise?

□ 1145

AMENDMENT OFFERED BY MR. STRATTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. STRATTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON as a substitute for the amendment offered by Mr. BROOMFIELD: At the end of the joint resolution, add a new section as follows:

SEC. 3. Until such time as the final instrument embodying the objectives set forth in Section 1 has been fully ratified by both the Soviet Union and the United States, nothing in this joint resolution shall be construed to prevent whatever modernization and deployment of United States weapons may be required to maintain the credibility of the United States nuclear deterrent.

Mr. STRATTON. Mr. Chairman, the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD), as I understood it from the reading, was that there would be no blocking of the improvement of our military forces insofar as they relate to the NATO defense during the negotiations with the Soviets on a so-called freeze.

The gentleman from Wisconsin (Mr. ZABLOCKI) asked a question whether the gentleman from Michigan would agree that this could be considered as within the context of the provisions of House Joint Resolution 13, which provides for negotiations between the Soviet Union and the United States on freezing various weapons.

I think the amendment that I have just offered and which, in fact, was discussed very briefly with the distinguished chairman of the Foreign Affairs Committee, the gentleman from Wisconsin, simply provides what the gentleman from Wisconsin said specifically in the House on April 13. On page 8376 of the CONGRESSIONAL RECORD for April 13, the gentleman from Wisconsin and I had a colloquy. I congratulated him at that time on his statement that nothing would be stopped under the freeze resolution, there would be no cessation of improvement or modernization of our forces until an agreement had been signed by the Soviets and by the United States and ratified by the appropriate bodies in both nations.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Let me just make my presentation and then I would be glad to respond.

In another colloquy that appeared on page 8377, I asked the gentleman from Wisconsin one other question.

In other words, the gentleman would not object to a modernization of our nuclear force until that actual instrument is signed. Is that correct?

Mr. ZABLOCKI. I have said, there would be no restriction on the improvements, call it modernization, until the freeze is negotiated.

Mr. STRATTON. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Yes.

Mr. ZABLOCKI. I thank the gentleman for yielding.

We have had an opportunity to study the gentleman's substitute for the amendment offered by the gentleman from Michigan and we find it acceptable.

Mr. STRATTON. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Yes.

Mr. BROOMFIELD. Mr. Chairman, we also accept it on this side.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I would just like to reiterate that it is fully consistent with the objectives of the freeze and the amendment of the gentleman from New York is accepted.

Mr. STRATTON. I am glad that we could work together. I think it was clear, as I commended the chairman on April 13—that this amendment removes the concerns of many people that if the freeze negotiations were to last 10 years, we would then have lost any effective nuclear deterrent, unless we could keep those systems up to date and modernized.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield.

Mr. SEIBERLING. I am not usually on the same side as the gentleman on these types of issues, as he knows.

I want to take this opportunity to state for the record that I strongly approve the amendment he has offered and I am glad to support it.

Mr. STRATTON. Well, I thank the gentleman for his statesmanlike statement.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield.

Mr. DICKS. Mr. Chairman, I, too, want to compliment the gentleman from New York. I think we have cleared up one possible ambiguity here. I think it strengthens this resolution.

I want to compliment the gentleman for offering this amendment.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me?

Mr. STRATTON. I am happy to yield.

Mr. AuCOIN. I appreciate the gentleman yielding, too.

I also want to say that those of us who have said that the freeze is not meant to be unilateral, obviously have an obligation to accept the gentleman's amendment, because if we were to refuse it, it would be saying that we want the freeze to be one sided. We do not want that and we accept the gentleman's amendment.

Mr. STRATTON. I thank the gentleman from Oregon for his remarks. I am somewhat overwhelmed. Considering the large number of people on this side who are supporting my amendment, I wonder if perhaps I have left some flaw in it.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am very happy to yield.

Mr. LEVITAS. Mr. Chairman, that concern occurred to me in the last few moments. I did want to ask the gentleman one question about his amendment.

The distinguished chairman of the committee on April 13 when he gave a rather extensive and explanatory statement of what was intended by the resolution (H.J. Res. 13) of which he is the principal sponsor, got into a discussion of the concept of modernization.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield further, the gentleman said in effect what the substance of the gentleman's amendment is today; but there was also some discussion about the fact that there would be negotiations and in the course of those negotiations, decisions could be made relating to modernization within the context of a freeze treaty or agreement of some sort.

The gentleman's amendment would not preclude taking into account modernization during the course of such negotiations should the negotiators on both sides so agree.

Mr. STRATTON. No, no; not at all. If the United States wants to agree in negotiations to limit our modernization in response to some proposal of the Soviet Union and that proposal is also ratified by the U.S. Senate, then certainly it would not be blocked by my amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman.

Mr. HYDE. Mr. Chairman, I just want to commend the gentleman from New York, who is one of the most valuable members of the Armed Services Committee and has made a great contribution toward clarifying this very murky area and his persistence and energy is being rewarded, and I salute him.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to my friend, the gentleman from Massachusetts. We do not often agree, but occasionally we do.

Mr. MARKEY. I am wondering how far this agreement goes. Does this now mean that the gentleman can support the freeze resolution?

Mr. STRATTON. Well, it does not mean that this Member is going to support the freeze resolution. I also have some other amendments which I think will clear this resolution up a good deal. If the gentleman does not mind letting me explain, we already have in the basic statutory law, the Arms Control and Disarmament Agency legislation, for example, and the Jackson amendment, which was enacted into law at the time of SALT I, a number of provisions that talk about equality and not letting the Soviets get ahead of us in research and development.

I think we ought not to ignore that statutory legislation, and I would hope to be able to put those statements into this resolution, so that it is clear that the freeze resolution does not repeal existing legislation.

Mr. MARKEY. Mr. Chairman, if the gentleman will yield further, I would just like to reiterate that we are trying to be as helpful as we can by including language that makes it clear that it is not unilateral and that there is no freeze on our side until there is a freeze on their side and the gentleman's language has helped to make that abundantly clear.

Mr. STRATTON. Well, I think we are both trying to contribute to the security of the United States and I thank the gentleman for his remarks.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. MONTGOMERY. Mr. Chairman, I am sorry to interrupt, but is the gentleman talking on the Stratton amendment or is it a different amendment?

Mr. DANNEMEYER. I am talking on the Broomfield amendment now pending.

Mr. MONTGOMERY. Well, my point is that we never took a vote on the Stratton substitute.

Mr. DANNEMEYER. Well, I will let the Chair resolve that.

Mr. MONTGOMERY. Well, will the Chair resolve it, then?

The CHAIRMAN. The Chair will advise the gentleman from Mississippi that the Broomfield amendment is pending, as is the substitute to the Broomfield amendment offered by the gentleman from New York. There were Members standing, including the gentleman from California, when the gentleman from New York concluded his remarks and the gentleman from California sought recognition and was recognized.

Mr. DANNEMEYER. I am speaking on behalf of the Stratton amendment, in support of it.

Mr. MONTGOMERY. I thank the gentleman. I appreciate that.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I would be happy to yield.

Mr. ZABLOCKI. I am sure the gentleman understood that we have accepted the Stratton amendment, so why waste more time? I would urge a vote.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield to my friend, the gentleman from Illinois.

Mr. HYDE. I would suggest to my friend that we get a vote on the Stratton amendment and then the gentleman be recognized to strike the last word. Would that be acceptable?

Mr. DANNEMEYER. That is acceptable to the gentleman from California.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the gentleman from California be recognized to strike the last word immediately following a vote on the Stratton amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON) as a substitute for the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD).

The amendment offered as a substitute for the amendment was agreed to.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think there is an element that deserves to be brought into this debate that perhaps has not been considered in the previous two times that this Committee has considered this resolution. It deals with the agenda as advanced for the country by the liberal political element of our society led by Democratic majorities in the House and Senate.

I think you have to ask this question. If you have achieved most of everything you have sought for the country on the liberal agenda, what on the horizon challenges your imagination and actions thereafter, particularly when you reflect upon the incident of the election of November 1980? As a result of the achievement of this liberal agenda for America, we have this chart that shows that spending in this country for social programs over the last 22 years has expanded by a factor of over 400 percent, whereas spending for defense programs has expanded by something over 10 percent in constant 1972 dollars. Defense spending has increased over the last 22 years about 10 percent. Spending for social programs has increased over 400 percent.

Now, if you are a liberal in America and you see the results of the November 1980 election, which calls for a reassertion of the ability of our country to defend its interests, which means more defense spending on the horizon, how do you protect this level of social spending that you have crafted over the last 22 years?

Well, it is not too hard to guess how you do that. You shift the debate. You do not talk about defending the social programs, the spending for which is out of control in this country, witness what has happened over the last 22 years, but you talk about something that has been around this country for some 38 years, that is the existence of a nuclear threat and what it portends for our civilization; so if your strategy is to talk about a nuclear freeze, the interpretation of which would stop the development of needed weapons systems in this country, then you shift the debate from defending social programs, the cost of which is out of control.

I am not suggesting that this is the only motivation for what our liberal friends have utilized in advancing this House Joint Resolution 13, but I think it is a significant element of the entire debate.

This country can afford the best weapons systems that we need to defend our interests. We are not spending an excessive amount of money for defense programs in this country. The irresponsible level of spending that this Nation is pursuing today, entailing a deficit of $175 billion this year, is caused by runaway social programs, not defense spending.

□ 1200

I think this is the central issue involved in this debate. This is the reason I think some of us in this Chamber are opposed to this resolution, because if it is adopted we could not build the neutron bomb, the MX missile, the Pershing II missile, the cruise missile, or the B-1 bomber. These weapons systems are needed to defend the interests of this country.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend from Washington.

Mr. DICKS. I notice on your chart that the greatest increase in spending occurs during the 6 years of the administration of President Nixon.

Second, the gentleman knows I am sure that the resolution has been crafted very carefully to allow for modernization.

The Stratton amendment has just been adopted. Only until there is a negotiated agreement between the United States and the Soviet Union would any of the consequences of what the gentleman has talked about ever come into play. So I think it is really unfair to make those kinds of statements when I think with a careful reading of this resolution one would have to recognize that all of the concerns the gentleman from California has raised have been adequately answered by either the resolution itself or the amendments on the floor.

I am somewhat surprised.

Mr. DANNEMEYER. I will reclaim my time from the gentleman. I notice the gentleman points out that during the Nixon administration that the greatest increases in spending took place, but I would point out that the Congress of the United States during all of that era, as the gentleman well knows, was controlled by the liberal Democrats. In fact, President Nixon was taken to court to require him to spend money he did not want to spend.

Mr. DICKS. It was bipartisan.

Mr. DANNEMEYER. Maybe I missed some of the sessions, but there is not an agreement on this floor that this resolution will permit modernization.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(At the request of Mr. LUNGREN and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Indiana.

Mr. BURTON. My illustrious colleague indicated that he was going to be magnanimous and allow that modernization should take place until a nuclear freeze agreement has been reached between us and the Soviet Union. Does that mean that the gentleman's side would support the deployment of the MX missiles, since we are very far behind in that particular area, until an agreement has been reached?

Mr. DICKS. Will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman.

Mr. DICKS. I would say to the gentleman I am not going to speak for the Chairman. That is an issue that will be probably resolved now that the President has made his proposals, and there is nothing in this resolution that would prohibit going forward with the MX missile at this point in time, prior to the time when a negotiated agreement would be reached. What we are trying to say is that nothing in this resolution, as amended, or in the resolution itself would affect the ability to go forward with the MX.

Mr. LUNGREN. Mr. Chairman, would the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend.

Mr. LUNGREN. Apropos of the last gentleman's statement, I do not think it is correct to suggest that the gentleman in the well is being unfair in his latest comments about what some of the desires are on that side of the aisle. Even though this House did accept the Stratton amendment, I think the statement of the gentleman from Washington is very clear that he cannot speak for his side of the aisle or some others who spoke in support of the Stratton amendment as to whether or not they are going to support the MX, the B-1, or a neutron bomb. I do not think we ought to dress it up by suggesting that the adoption of the Stratton amendment means we are going to do what needs to be done to modernize our forces. All it says is we will not be precluded from having that considered on the floor, which is a far different thing.

The gentleman from California has suggested that the tenor of this debate in some manner has intimated that our whole problem of overspending is on this side of the aisle and on behalf of defense. The gentleman has made a valuable contribution by suggesting that is not the case and by suggesting we will probably hear many of those arguments again when we debate the MX missiles, when we debate the B-1, and when we debate many of these other systems that many of us think are necessary.

I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. BROOMFIELD), as amended.

The amendment, as amended, was agreed to.

Mr. BADHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to take a brief amount of time to perhaps further clarify the action that we have taken. For that purpose, I would ask the gentleman from New York (Mr. STRATTON) to engage with me in a colloquy.

I would ask the gentleman from New York if it is his understanding that by the adoption of the Broomfield amendment, the gentleman's substitute included, that we are in a situation now where life will go on as usual and we will have the attitude and the motivation to modernize and keep up to date our forces, both in cooperation with NATO and our strategic forces as we are pressing negotiations with the Soviet Union toward a mutual, verifiable freeze on nuclear arms?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman from New York.

Mr. STRATTON. That is exactly the understanding that I had in offering the amendment. In a sense it makes it possible for the United States to proceed on a two-track arrangement just as NATO has been proceeding. We can continue to modernize our nuclear deterrent. Hopefully we can negotiate with the Soviet Union on any matters that we want to negotiate on.

But nothing can prevent our modernizing and maintaining our deterrent until the negotiations result in a final instrument ratified by both Governments.

Mr. BADHAM. I would ask the gentleman further, having done that, what the freeze resolution merely says now, despite that word "freeze," is that the people who determine foreign policy of the United States are urged by the Congress of the United States to keep on doing what it is they are doing?

Mr. STRATTON. I think that is very much the case. There will be a proposal that the President enter into negotiations of a freeze nature. That is the reason I do not intend to support the resolution and the basic idea itself, because I think that disrupts the negotiations that are going on now. But what it says is that nothing in these negotiations can damage the protection of our national security.

Mr. BADHAM. I thank the gentleman very much. I would like to commend the gentleman for offering the amendment and commend the gentleman from Michigan (Mr. BROOMFIELD) for offering his amendment.

I would like to say in addition that absent this very, very critical amendment, we would have been put in a situation, whether we would have liked it or not, and I contend unfortunately that some would, where we would be put in the situation that upon the adoption of this resolution called freeze, no matter what we do to it that in the words of some friends of ours

from the German Bundestag that upon the adoption of this resolution there would be then very little or zero chance to deploy the Pershing missile on Federal Republic of Germany soil.

I would have asked, and absent the adoption of this amendment—and to some that is funny—I would have asked prior to the adoption of this amendment if any one of the pro-freeze folks over there would have thought we would have built, upon passage of this resolution, one more B-1 bomber, one more MX missile, one more cruise missile, and I would attest that the answer would certainly be no, we would not, because we would have the attitude on the floor of this House that we will have passed a freeze resolution. That means that the Soviets cannot build the Blackjack any more, the Soviets cannot build the Backfire any more, so there is no reason for us to build the B-1 and the cruise missile.

That is why I think this amendment is good, and I again want to commend the gentleman for offering it. It has been accepted. I think it is absolutely critical to the foreign policy of the United States, and I am glad it was adopted.

I yield back the balance of my time.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have not had a chance to really talk about what sort of strategy we as a society need to have with respect to the Soviet Union. I have always believed that arms control agreements and the maintenance of a strong defense are part and parcel of a strategy, and that a trade strategy of our dealing with them in international forums is also part of that strategy.

One of the most important things about the freeze resolution is that we think it charts a little different course in dealing with the Soviets than we have heretofore had. Consider, for instance, the administration's strong desire and belief that by the expenditure of great sums of money on arms, both conventional and nuclear, that one can effect a change within the Soviet Union, that indeed we can see an internal change in their decision making from pressure without.

I do not think that idea works. I believe that they will pursue the interests of their own State and we will pursue the interests of ours.

But the gentleman from California made some interesting points to my colleague from New York about what the freeze meant. There has been a desire, and I do not mean to impugn the motives of any of my colleagues on the other side, to try and phrase the freeze resolution in the context of unilateral activity. I do not think that the freeze has ever meant that, and I think it is quite clear that there is nothing unilateral about the freeze.

The gentleman from California, Mr. BADHAM, made the claim that this essentially allows the administration to continue to do what it is doing.

I would now like to ask the author of the resolution, the gentleman from Massachusetts, Mr. MARKEY, if that is his interpretation of the adoption of this resolution?

Mr. MARKEY. Will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman from New York for yielding.

The amendment offered by the gentleman from New York, (Mr. STRATTON) is the one which is fully consistent with the goals of the freeze. That is, that we are not going to stop until they stop. So until the treaty is ratified by the U.S. Senate, and until it is agreed to by the Soviet Union, we continue our programs and they continue their programs unabated. We can make our own decisions on what we think is best for each one of our countries, but neither of them in any way are constrained by a freeze until there is ratification of the treaty on our side and it is agreed to on their side.

That is central to the point, and I am glad the gentleman from New York (Mr. STRATTON) from the Armed Services Committee has offered this amendment, because there might have been some lack of clarity on that. I think his amendment fleshes it out, puts it right in the resolution and makes what was, in fact, implicit from the resolution from the day it was introduced on March 10, 1982, very much more clear for all Members that doubted that that was, in fact, the intention of the resolution now can have that made clear to them.

Mr. DOWNEY of New York. Let me ask the gentleman again, the point I want to specifically have addressed is the issue of whether or not this would encourage the administration to continue what it is, in fact, doing? Certainly in the freeze resolution there is nothing to prohibit the administration, once we have the freeze resolution, from the primary goal of the negotiators, from getting some of the reduction that they want and have proffered the Soviet Union with respect to START. But I think it is very important that we understand that the freeze asks for freeze primacy in negotiating posture over that which is currently undertaken by the administration. Is that not the position?

Mr. MARKEY. That is the case. The negotiating process becomes the freeze then.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to my friend from Illinois.

Mr. HYDE. I thank my friend for yielding.

I think this colloquy is very valuable and illuminating because I think it indicates that we have come some distance from the initial filing of this resolution or even from last year.

I would say parenthetically there are some unilateral aspects not in the resolution, nor in the intentions of its sponsor, but in the environment in which we deal with arms control, to wit: public opinion. There is no public opinion that is capable of being developed or influenced in the Soviet Union effectively on this issue. There certainly is in this country and in the West, so there is some asymmetry in pressure on governments.

Second, the gentleman from Massachusetts, who is a leader, if not the leader of this movement, and I salute him for his energy and for his persistence, the gentleman at one point said that his purpose was to deny options to the President. I think by this amendment, and by the colloquy we are having we are indicating there are still options to our arms control negotiators.

The CHAIRMAN. The time of the gentleman from New York (Mr. DOWNEY) has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 3 additional minutes.)

Mr. HYDE. Will the gentleman yield?

Mr. DOWNEY of New York. I continue to yield.

Mr. HYDE. I think that is important.

Last, I would say by permitting modernization, until such time as the freeze is negotiated, we have rehabilitated the notion of reductions, which is what in this Member's judgment it is all about.

□ 1215

And the freeze when it occurs will be part and parcel of reductions as they are negotiated and, in that sense, I am pleased that this discussion is taking place.

Mr. DOWNEY of New York. May I ask the gentleman just two quick questions and I do not mean to put him on the spot. Does not the gentleman recognize that the openness and the very idea that we can have this dialog is an enormous strength to our country in terms of developing policy and that kind of mindless bureaucracy that we find in the Soviet Union, the closed nature of their society, is really much more of a constraint on their ability to function viably? And I yield to the gentleman.

Mr. HYDE. Absolutely, and I am very proud of this. I just would hope that we would reach a point as a body some day, and Republicans are as much at fault as Democrats, of trying to confront our adversaries with a

little more unity and less politics and I mean no pejorative comment on this resolution.

Mr. DOWNEY of New York. Before I yield to my friend from Oregon, let me ask the gentleman one other question. Does the gentleman believe—and I ask this as colleague-to-colleague and friend-to-friend—that in the process of building more weapons—and the administration has essentially said this—that we can force the Soviet Union into a position of internal dissolution because their economy is not as strong as ours, that through the force of American pressure, we can get changes inside the Soviet Union? I yield further to the gentleman.

Mr. HYDE. I believe that if Afghanistan had some nuclear weapons they would be a free country today. I think there is a lesson to be learned from that. I do believe that by proceeding with our program of modernization the Soviets will get very, very serious about reductions. I think that is logical, it is proven by history, by the antiballistic missile debate and by our decision in 1979 with NATO. That is why we are having INF.

Mr. DOWNEY of New York. Does the gentleman believe that we can force the Soviet economy to its knees through the process of additional weapons?

Mr. HYDE. I certainly do not.

Mr. DOWNEY of New York. I thank the gentleman and yield to the gentleman from Oregon, (Mr. AUCOIN).

Mr. AUCOIN. I appreciate the gentleman yielding to me and I want to compliment him on the statement he has made and for the colloquy he entered into with two Members of the House from two different sides of the aisle.

I want to make sure that everyone understands what the gentleman from New York is saying because he is making a very significant contribution to the understanding of all the Members about what we are doing here with the adoption of the substitute and the amendment as substituted by Mr. STRATTON.

First the gentleman has said that this amendment if it is accepted does nothing to change the primacy of the freeze, this is consistent with those of us who have been working for a freeze as a basis for negotiation and arms control. Second, the gentleman from Massachusetts has indicated in response to the gentleman from New York's question that nothing in this amendment or now the resolution if we adopt the amendment, will stop us from modernizing until the Soviets are stopped from modernizing.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. If the gentleman will yield to me.

Mr. DOWNEY of New York. I continue to yield to the gentleman.

Mr. AUCOIN. I thank the gentleman.

I would ask the gentleman if it is not also true that under the terms of the amendments as substituted by Mr. STRATTON, Congress will be then left free under the amendment on a case-by-case basis to make appropriations decisions on the basis of any weapon systems based on the merit of such weapon systems?

Mr. DOWNEY of New York. Yes. That precisely characterizes this gentleman's comments.

Mr. AUCOIN. I appreciate the comments.

Mr. DOWNEY of New York. I yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

I just want to again make the legislative history of this resolution quite clear. From the very beginning language was included in this resolution last year and the resolution that we voted on last August 5, it included this language, that consistent with pursuing the overriding objective of negotiating an immediate mutual and verifiable freeze nothing in this resolution shall be construed to prevent the United States from taking advantage of concurrent and complementary arms control proposals.

Now, again I want to make it very clear, that has always been the objective, to have a freeze placed upon the highest plane as being the primary negotiating positions but to see concurrent and complementary arms control proposals including reductions also acceptable as part of that negotiating process. That has always been the position from the very beginning. We tried to make it clear last year in the resolution, and we tried to make it clear in this debate and we are unambiguous on our goals. I think that is the point we were trying to make before and in the debates a couple of weeks ago. Perhaps the choice of words were not as felicitous as they could have been. But in fact that has been the objective and will continue to be, that is why we are fighting so diligently to keep the words intact because we believe they have very precise meanings and we believe in the freeze and following proceedings from that reductions is the proper arms control approach to accept in this context.

Mr. DOWNEY of New York. I thank the gentleman.

I felicitously yield to my colleague from North Carolina.

Mr. MARTIN of North Carolina. I thank my friend from New York for yielding.

I think we have achieved a very important clarification of the legislation which is before us. During the debate last week and a couple of weeks before, when we went up and down the hill several times on the question of unilateralism, there was an amendment offered by Mr. SOLOMON which said nothing in here provides for unilateral disarmament. But that did not really solve the question because a unilateral freeze as a concept would not be the same as unilateral disarmament. The amendment which the gentleman from New York (Mr. STRATTON) has offered would have the same effect as an amendment which I had discussed with my colleagues earlier, to put to rest that particular problem of unilateralism, and disavow those who would use the bilateral freeze resolution as a Trojan horse to take away our President's bargaining chips and thus gain a unilateral freeze.

(On request of Mr. MARTIN of North Carolina, and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. I continue to yield.

Mr. MARTIN of North Carolina. I thank the gentleman.

While it is true that the resolution has the word "mutual," and indicates its bilateral intent in a number of places; that does not mean that without this amendment it would have been clear and unambiguous. The problem is that during the earlier debate, several of the leading advocates of the freeze resolution in a discussion with me, in colloquy, had indicated that they favored depriving our President of bargaining chips that he could use in negotiation with the Soviet Union. At one point that was a position that had been expressed by the gentleman from Massachusetts.

So, I think it is very important to say that while he may have that particular view, and while others may believe that the President needs to be deprived of his bargaining chips, this resolution disavows that aim, and does not impose such a burden on the President of these same United States as represented by the Congress.

Mr. DOWNEY of New York. Mr. Chairman, I yield to my friend from Massachusetts.

Mr. MARKEY. I thank the gentleman.

I want to make it clear once again, at no point has anyone ever advocated unilateral disarmament. The resolution as proposed 4 weeks ago had mutual verifiable in it eight times. It is in fact the intention of the authors, of all of the cosponsors that we not disarm until the Soviet Union agreed to a treaty which has similar restraints placed upon their nuclear strategic weapons and that has always been the premise of the freeze. There has never been any statement made in this context of the Congress which in

any way would support a unilateral freeze by the United States. It has always been mutual, always verifiable and we do not stop until they stop and that has been the sine qua non prerequisite to the signing of any treaty.

Mr. DOWNEY of New York. Before I yield to my colleague from North Carolina, let me first yield to my colleague from Ohio.

Mr. SEIBERLING. I just think the gentleman has made an excellent statement. I think the gentleman from New York, Mr. STRATTON's amendment has really helped clarify the issue. But I would like to make sure that the gentleman from New York understands it as I do and that is this: Whether the nuclear freeze resolution passes or whether it does not pass, the Congress is going to reserve the right to take each weapons issue on its merits in terms of how it affects our overall defense posture and that is going to continue until we ratify a freeze resolution at which time we can look at the whole picture.

Mr. DOWNEY of New York. That is absolutely correct.

(On request of Mr. DANIEL and by unanimous consent, Mr. DOWNEY of New York was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY of New York. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman.

I wish to commend both sides in this discussion, for this clarification. Mr. MARKEY was careful to point out a moment ago that nothing in the resolution said that there would be unilateral disarmament. What confused a lot of members was the legislative history made on the floor. I certainly commend both sides for this clarification.

Mr. DOWNEY of New York. I thank the gentleman and I yield to my colleague from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

I want to commend the statement just made by the gentleman from Virginia, because the matter of the legislative history did indeed need to be made clear, because there was an ambiguity. Our colleague from Massachusetts had just said that there was nothing in here about unilateral disarmament. Well, he was not listening to my earlier statement. I was saying the same thing that there was nothing for unilateral disarmament. But in the colloquy which he and I engaged in the first day of debate, he made clear his own personal view was to take away the bargaining chips of the President of the United States. I submit that is not a bilateral posture. That is unilateral posture which he made and is entitled to hold as a free citizen in this country. What I hope to do and what we have now done with the Stratton amendment is to make clear that this resolution itself does not support denying President Reagan bargaining chips. This resolution by itself does not move or obligate any unilateral act on the part of the United States regardless of what individual Members of the Congress may want to do later. This resolution itself does not support what very clearly appears to be a unilateral position taken by the Freeze Convention in St. Louis back in February.

I am delighted we have come to this point.

Mr. DOWNEY of New York. I commend the gentleman, I commend all the gentlemen, you and you and you and you and I commend the commend, and I want to thank you all for allowing me to commend you.

AMENDMENT OFFERED BY MR. MARTIN OF NORTH CAROLINA

Mr. MARTIN of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of North Carolina: Page 4, line 14, immediately after "capabilities" insert "at present and in the future".

Page 4, after line 22, insert the following new paragraph (3) and redesignate existing paragraphs (3) through (6) as paragraphs (4) through (7), respectively:

"(3) Giving special attention to destabilizing factors in the nuclear balance, including relative ages of weapons and their rates of obsolescence.".

Mr. MARTIN of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MARTIN of North Carolina. I thank the Chairman.

Now that the Congress and Committee of the Whole has dealt with what amounts to a disclaimer of anyone's presumption that this resolution might be a device for imposing a unilateral restraint on the part of the United States, there are other questions that need to be raised and I hope they can be dealt with in an equally satisfactory way.

One of those was a question that we have discussed back and forth, a question which has had charts shown on both sides of the aisle, and that is the question of obsolescence of the strategic nuclear forces of the United States.

You will recall that over the last couple of years we have had quite a lot of debate about whether the Soviet Union or the United States possesses the stronger nuclear force. And arguments have pointed out that while they have a larger blast power of all of their warheads which are much larger, that the United States had a larger number of warheads and so the debate had gone, as to which was the more important in maintaining a strategic balance.

But the essential point of it all is that regardless of who has the larger number of weapons, regardless of who might have the larger weapons, the essential point is that we be able to maintain a force, a retaliatory force that cannot be taken out by a surprise massive first strike by the Soviet Union.

We need to be able to assure them and assure ourselves and our allies that even if they were to move the most devastating strike against us as a military strategy on their part, that a substantial part of our retaliatory force would be able to survive that strike and pose against them a major retaliatory strike which they could not endure.

That is the essential deterrence posture of the United States today.

In my view, we have such a credible deterrent, principally in the 31 Poseidon submarines, many of which are patrolling the North Atlantic and North Pacific today; others of which are being reoutfitted for the newer Trident I missile.

And yet while we have that retaliatory credible deterrent today, there is no guarantee that we will have it in the future, if a freeze imposes a lock on present weapons and allows no way for us to modernize or no way to obtain offsetting reductions on the part of the Soviet Union.

Now we have already had an amendment that dealt with the question of modernization. That was the Stratton amendment in the first day of debate and that was disposed of by changing the word "modernization" in the Zablocki amendment to allow no modernization but to allow maintenance of our forces, which mooted for the time being that question. It is a question then that we have not yet resolved. We have not resolved it because it has been unclear as to what this bill wanted to say to our negotiators on the subject of modernization.

□ 1230

And so what I have presented here is an alternative way of trying to resolve that problem of not the imbalance today, not the question of credible deterrent today, but the question of credible deterrent 10 years from now, and 20 and more years from now. It is an attempt to preserve the essential equivalence which is a goal and objective of the Zablocki resolution (H.J. Res. 13) which is before us, to provide that that same goal must be preserved in the future, insofar as these negotiations are able to deal with it.

So I have added after the words in the bill, "essential equivalence," the additional words, "at present and in the future."

This would give our negotiators, as well as the Soviet Union for that matter, an opportunity to discuss the

problem of the older weapons which the United States has and in the latter part of the amendment would direct them to take into account those destabilizing factors in the nuclear balance such as the relative ages of weapons and their rates of obsolesence. It directs them to take that into account so that the essential equivalence, Mr. Chairman, can be preserved in the future as well as the day after the treaty would be signed.

Now, this amendment does not direct them as to how they are to resolve that problem. It does not tie their hands behind their backs. It does not limit them from being able to negotiate in good faith with the Soviet Union. It would be my hope that the solution of this negotiation would involve an agreement whereby in timely fashion, before our older submarines and bombers become obsolete, we could face that problem of future essential nonequivalence. The Soviet Union could be required to dismantle an offsetting number of its weapons, so that you would preserve the essential equivalence well into the future.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. MARTIN) has expired.

(By unanimous consent, Mr. MARTIN of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. MARTIN of North Carolina. On the other hand, if that could not be agreed to, if the Soviet Union would not be willing to agree in advance to make timely reductions of its nuclear strike force in advance of our obsolete weapons taking themselves off the chart, then there would be preserved an alternative of modernization or replacement or whatever the negotiations might be able to reach in an agreement with the Soviet Union.

Therefore, I submit this amendment which I believe is a flexibile way, without being rigid as to how the objective would be achieved, a flexible way of allowing our negotiators to address this question of obsolescence and greater age of our weapons.

We have pointed out many times in the past that the United States has 77 percent of its nuclear retaliatory force on weapons which today are 15 to 25 years old, the old Poseidon submarine, the *Lafayette* class, and the B-52 bombers. In 10 years those weapons will be 25 to 35 years old.

Now the Soviet Union has a few weapons of that age. They have the Bear bombers, as has been pointed out, but that represents less than 5 percent of their strike force as compared with 77 percent of ours. They would not lose very much, while we would lose over three-fourths of ours. Three-fourths of the Soviet Union's force, in fact, 77 percent of it is today less than 5 years old. Ten years from now, that force, which is greater than three-fourths of their total, would be 10 to 15 years old. It would still be in its prime. It would still be in its devastating level of efficiency. It could be maintained to that efficiency, while our submarines and bombers would be facing fleet obsolescence.

It would seem to me it is definitely in our interest if we are going to pursue such negotiations, hoping to get reductions in force, but by all means putting a halt to the nuclear arms race, which has been of great concern to many of our people, and for which the advocates of the freeze are entitled to take great satisfaction in having been able to mobilize that. Yet, in dealing with that resolution, we must see that this essential equivalence is preserved not just the day after and the year after a treaty is reached, but well into the future.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. MARTIN) has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. MARTIN of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of the North Carolina. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding

I commend the gentleman for his amendment and it has come to my attention that it has recently been testified to that even if we were to build Trident submarines at the rate of about 6 every 4 years, which we are not capable of presently, and if we were able to extend the Poseidon submarine to an age of 25 years, our number of strategic submarines will be driven to a level of about 21 in the 1990's.

And it has been testified to in several hearings that the age of the projected life of the Poseidon is about 20 years. The newest Poseidon was built in 1967. So we are going to be having a real problem with that leg of the triad. I think that every Member of this body knows that while we were debating modernization last week, we lost contact with one of our B-52's. It was exercising over Nevada and later on we found that another crash had occurred. I do not know if the Members of this body realize it, but we have lost about 2 percent of our B-52 force in the last 4 months with absolutely no aggressive action by any adversary.

I commend the gentleman for his resolution and let me ask the gentleman one question on his amendment. On this amendment what the gentleman is doing basically is directing that obsolescence be considered as a prime factor that should be looked at in negotiating any freeze; is that the objective?

Mr. MARTIN of North Carolina. The gentleman's interpretation is quite correct. And it does that in a way without prescribing exactly how that problem is to be resolved, but that enables our negotiators to have as an negotiating objective to guarantee that it is resolved in a way that is satisfactory to the interests of the United States.

Mr. HUNTER. I thank the gentleman.

Mr. MARTIN of North Carolina. Just this past week I had an occasion to visit aboard the ballistic missile submarine, the *Casimir Pulaski*, a submarine which was built 19 years ago. And I got to discuss with the members of the crew and the officers of that submarine, with Commander Clinton and his crew, the importance of the role that they play, the importance of maintaining the posture of readiness and of reliability that they must provide for the United States. Their force, as old as it is, is the principal, undeniably invulnerable part of the U.S. nuclear deterrent.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. MARTIN) has expired.

(By unanimous consent, Mr. MARTIN of North Carolina was allowed to proceed for 1 additional minute.)

Mr. MARTIN of North Carolina. As long as those 31 submarines are able to escape detection, then the United States will be able to preserve that nuclear deterrent and ward off nuclear attack by the Soviet Union. But if we are to maintain it forever with that same submarine force, which is now 15 to 20 years old—this particular submarine was 19 years old—there will not be a possibility for us to be able to continue to stay ahead of the antisubmarine warfare techniques that the Soviet Union is trying to develop today. We will not be able to make improvements in quietness with all that that term means, not only in acoustic terms, but electronic and hydrophonic terms. We will not be able to preserve the quietness that will keep that submarine from being detected by the Soviet Union.

One of the important points they made to me is that while they feel it is very important for us to be able to modernize our submarine force, they asked that we not neglect the other parts of the strategic triad of U.S. forces, because the point they said is this: If we put all of our effort to maintain the quietness and the survivability of these submarines and abandon the intercontinential ballistic missiles and abandon the bomber force, the strategic penetrating bomber force, that would hand to the Soviet Union an opportunity to direct all of their resources at just that one weapon system which the *Pulaski*'s sail on and maintain in readiness. So they say we have got to have alternative ways of preserving that deterrent

so that the Soviet Union cannot direct all of their attention to this one force.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have debated at length the relative strength of the United States versus the Soviet Union. We began our debate on House Joint Resolution 13 with an agreement on a responsible amendment which clarifies the resolution. However, the gentleman's amendment, which would provide that any freeze agreement must give special attention to relative ages of nuclear weapons and their rates of obsolescence and provide for future essential equivalence, just muddies the waters of this legislation before us. It is unnecessary.

This amendment attempts to prejudge the START negotiations by determining what defense systems will be necessary for U.S. national security before negotiations for mutual and verifiable freeze even begin.

The concept of obsolescence on which the amendment is based is simply too vague and elusive to be meaningful. After all, it may be true that we have old submarines, but they are still more modern than the Soviet submarines. We could debate this over and over again as we have in the past and in fact, obsolescence could mean almost anything.

□ 1240

For example, it could allow the Reagan administration's entire nuclear arms buildup in an effort to correct obsolescence.

The gentleman mentioned submarines; the fact is that U.S. submarines are more reliable and survivable. The Trident I missiles carries more destructive power than any deployed Soviet SLBM at any level of destructive power and has longer range.

Navy Secretary John Lehmann testified on March 8, before the Appropriations Subcommittee hearings in the other body, that U.S. submarines will remain largely invulnerable throughout this century.

The resolution, House Joint Resolution 13, already states that a freeze agreement must be consistent with essential equivalence. The freeze agreement envisioned under the resolution must be mutual and verifiable.

I submit, Mr. Chairman, unless the gentleman mistrusts his own President, President Reagan, the resolution would provide for future equivalence by locking in the present equivalence.

The resolution does not hamstring the President. We have today added an amendment which clarifies the intent, the purposes, and the objectives of House Joint Resolution 13, and the gentleman's amendment should be defeated.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the chairman for yielding.

I think the chairman's statement cuts right to the heart of the amendment of our colleague, the gentleman from North Carolina.

As the chairman has stated, there is no question that the U.S. submarine force at the present time, or at any theoretical future time when the freeze would be negotiated, would be a vastly superior force to that of the Soviets. It has been pointed out that the Poseidons are older submarines, as I am sure my colleague from North Carolina understands that we could continue to build Trident submarines and that only the ballistic missiles would be frozen, but we would still be able to place 240 Trident I missiles on a new Trident submarine force.

So I think it is important to dispense with this notion of the freeze creating submarine vulnerability.

The gentleman from North Carolina makes an additional point that this would allow the Soviets to concentrate on antisubmarine warfare. So, too, would it allow the United States to concentrate on antisubmarine warfare, which, first, we do much better; we do it in a spectacular fashion, we have a vast superiority there, and, second, the Soviet's submarines are noisier.

So I do not think there is any doubt here that this is an advantage that accrues to the United States with respect to the freeze.

As for the bomber force, again and again and again we hear this idea that the bomber force is old. Yes, it is old, but it is capable. And as those of you who are on the Armed Services Committee must frankly admit, the platform for delivering cruise missiles and SRAM missiles to targets and penetrating Soviet airspace will be available to us well into the 1990's when it is juxtaposed against those Bears and Bisons, those antiques which are vastly older than the Soviet pilots who will fly them.

There is no doubt that we have an advantage there, as well.

Now, it is true, and I concede this point, that the Soviet land-based ICBM force has advantages over that of the United States. But what the freeze will get us, as has been pointed out ad nauseam, is a freeze on new systems. The Soviets are testing two new solid-fuel systems which would not be allowed to enter into force under the freeze.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ZABLOCKI) has expired.

(By unanimous consent, Mr. ZABLOCKI was allowed to proceed for 3 additional minutes.)

Mr. DOWNEY of New York. If the gentleman will yield further, while the Soviets have newer missiles, they are liquid-fuel missiles. The whole reason we are retiring the old Titans is because that liquid fuel is tough to maintain. It is, in my opinion, an older system, an older technology. We are not burdened, with the exception of some 50 Titans, with liquid-fuel missiles. But what the freeze buys us here—and I think this needs to be emphasized over and over again—a flight test ban on existing ballistic missiles, which will render the SS-18, a theoretical first strike weapon, obsolete over a period of time.

So if while there is great doubt that the window of vulnerability has been shut by this Scrowcroft Commission, it would be slammed, nailed down, by this freeze.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman from Wisconsin yielding to me.

Mr. Chairman, I think the gentleman from New York (Mr. DOWNEY) again makes an extremely important point.

The gentleman from North Carolina makes the mistake of confusing the question of age with the question of quality of technology. Just because some systems are somewhat old does not mean that from a technological standpoint they are inferior, from a technological point of view.

The gentleman from New York has just indicated that our submarines, which are in fact older, are infinitely better. In fact, our Navy Secretary says that our superiority in submarines will keep us invulnerable from that standpoint for years and years and years to come.

So the freeze would actually lock in that obsolescence on the part of the Soviet Union, in terms of the quality of technology.

What the gentleman from New York is saying to us is that, while the United States is now retiring ancient Titan II ICBM's because of their obsolete and unreliable liquid fuel, the Soviet Union is in a position of relying, to the extent of 95 percent, on their ICBM's with that same kind of fuel that we call unreliable, unusable for mobility, and obsolete.

The freeze then locks in the Soviets to that kind of obsolescence. And I do not know why the gentleman from North Carolina would not find that to be to the infinite advantage of the United States.

For all of those reasons, I think the gentleman's amendment ought to be defeated.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman for his contribution.

As the chairman has so ably pointed out, this is an attempt to prejudge. This operates from the premise that

the Soviet Union—and it is a false premise—is somehow ahead in this question. We do not want to prejudge anyone. We understand where we are stronger and where we are weaker. The freeze deals with both of those elements.

For those reasons, I would hope that the Committee would reject the amendment.

Mr. CARNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, as I see it, it is a very simple amendment. It just asks that we give some guidance, or "special attention" are the words in the amendment of the gentleman from North Carolina, to the destabilizing factors in the nuclear balance, including relative age of weapons and their rate of obsolescence. It just enhances the chairman's concern about nuclear capabilities at the present time, which is already in the resolution. We just extend that to the future. It is in no way binding. It is a sense that would show that this Congress has some concerns about the fact of obsolescence. I think the gentleman from North Carolina very ably demonstrated the problems associated with our missiles that are based at sea in our submarines.

With a freeze that was mutually agreed upon, we have the problem of conventional warfare techniques improving. We have the problem of antisubmarine warfare, not of a nuclear nature, not covered by any type of negotiation. This could very well render those submarines vulnerable. Certainly if we looked at our fixed wing aircraft, we have a problem with our ability to penetrate the Soviet airspace, and if we were to freeze in a short period of time, I think our airborne launch cruise missiles would not be in great number allowing us standoff capability.

What this amendment does is, it leaves some flexibility and tells our negotiators that indeed this Congress is concerned about those things. It in no way states that we can build new systems. It in no way states that we should build new weapons or add numbers to our inventory. it just simply says we have to have concern about obsolescence, obsolescence that could change the balance of the deterrent, obsolescence that could indeed in the future give the Soviet Union an advantage and thus maybe let them believe falsely or truly that they would have such a wide advantage that they might consider first strike.

□ 1250

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I would be glad to yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, I appreciate very much the support and the interpretation which the gentleman has just made. I was somewhat amused listening to the discussion by our colleagues in opposition to this amendment just a few moments ago. There were a couple of things that they were saying which, really do not relate to the amendment which I have offered.

One of the things that they said is that this would lock us into requiring modernization. Apparently they did not listen to the discussion which I offered on my own amendment, which made very clear that it does not mention modernization. It does not mention any particular way in which the objective would be reached. It does not say that we would have to modernize our forces. It does not say that we would have to get the Soviets to make offsetting reductions. It does not say that we would be entitled to replace our aging weapons which are suffering today from flex fatigue in their wings.

But it says that in some such way, by some alternative, we have got to deal with this. We have to raise those questions with the Soviet Union and we have to come up with a mutually agreeable way of solving that obsolescence problem, which can be agreed upon by the Soviet Union and the United States. What is wrong with that?

The chairman of the committee has also given an interpretation of the resolution (H.J. Res. 13) which is before us in which he describes it as though the bill already allows for obsolescence to be taken into account. It already allows for it. Well, if that is true, then why is he objecting to an amendment that would clarify what he believes to be the intent of the legislation?

This is a very serious problem that we have on this side. On the one hand there is the interpretation of the bill that was offered by the chairman in his speech last week, for example, in an interpretation that encouraged us; an interpretation that warms many of us to think that maybe this legislation can be fashioned into something that we can accept. But after making such an interpretation which is favorable, the chairman then opposes an effort to spell that our clearly in the legislation so that we would then not be relying just on legislative history, which is made not only in the House but in the Senate and in the courts and elsewhere, but we would be relying on the actual express words of the bill.

Look again at the language that I have handed to you. It does not say modernization; it does not say any particular course of action. It says that our negotiators, in the interest of the security of the United States, should seek to get an agreement that preserves the essential equivalence both at present and in the future, and in doing so we have got to take into account the relative age and rates of obsolescence.

The CHAIRMAN. The time of the gentleman from New York (Mr. CARNEY) has expired.

(On request of Mr. MARTIN of North Carolina and by unanimous consent, Mr. CARNEY was allowed to proceed for 2 additional minutes.)

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield further to me?

Mr. CARNEY. I would be glad to continue to yield to my colleague, the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, is the B-52 a capable weapon today? Yes, many of the B-52's are capable weapons today; others are having their wings fall off. The majority of them may be capable today, but will they be capable 10 years, 15 years, 20 years from now under a freeze after all the wings have fallen off? Will they still be capable, will they still be a force that we would want to rely on?

Mr. CARNEY. Mr. Chairman, if I could regain my time at that point, I think, what we should understand is that if it is not extremely difficult, it is impossible to control the types of improvements you can make in the types of most modern warfare, the electronic warfare, the black-box warfare. That would render a B-52 or any aircraft obsolete if it could not penetrate air space.

Mr. Chairman, we know the Soviets, as well as the United States, continue to deal in this type of warfare, to seek and render useless the other's military might. It is something that you cannot verify, what is going on in a small electronics laboratory.

I think this is the thrust that the amendment of the gentleman from North Carolina is directed at, so we would not find ourselves early one morning in 1995 vulnerable because both our fixed-wing aircraft and our submarine-based aircraft would have become extremely vulnerable through conventional antisubmarine and conventional electronic warfare; not nuclear warfare, but nonetheless they would become vulnerable and, thus, put us in a situation less favorable to the Soviet Union, and that, in my opinion, would enhance the possibility of a nuclear war.

The CHAIRMAN. The time of the gentleman from New York (Mr. CARNEY) has again expired.

(On request of Mr. MARTIN of North Carolina and by unanimous consent, Mr. CARNEY was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I would be glad to yield to my colleague from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think that it was interesting that the gentleman from Oregon pointed out that in part of this debate we have been confusing performance with age. We have some old systems, and yet they are, in fact, superior to Soviet systems.

I think that is an excellent point, because although we have systems which the Secretary of the Navy, for example, testified that our Poseidon submarines are still superior to what the Soviets have, discounting our Tridents. That is true, as long as they can float and as long as they can operate.

I do not think there is any doubt that the B-52 that just went down in the Nevada desert, had it not gone down and crashed and killed the entire crew, had the capability of penetrating Soviet air space today.

So I think that is a fatal mistake that the proponents of the freeze have made, in fact: That although we do have superior systems, they are very old systems and they can only operate as long as and can only be an effective deterrent as long as they can operate. It is a fact that our naval personnel have testified that the projected life of our Poseidon submarine is only about 20 years. The last one was built in 1967. So I do not think that the Secretary of the Navy testified the Poseidon can continue to operate safely throughout the end of this century, and I do not believe that situation is also true with regard to the B-52 bomber.

Mr. CARNEY. Mr. Chairman, if I can reclaim my time. What we are losing track of is the fact that we are not saying we should build a new system. We are not saying we should add any weapons into the system. We are simply saying that as we go forward in an attempt to find common ground with the Soviet Union in arms negotiations, we should consider, as it says, "give special attention to destabilizing factors in the nuclear balance, including relative ages of weapons and their rates of obsolescence," period.

We are asking our negotiators to give that consideration.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to my colleague, the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague from New York for yielding to me.

Mr. Chairman, there is one point I would just like some clarification on, if the gentleman from North Carolina and the gentleman from Wisconsin could enlighten us.

It was my understanding that the chairman of the committee last week said specifically that the resolution of which he is the author permitted the substitution of newly manufactured replacements for existing systems; that if there was a B-52 whose wings were falling off, the gentleman from Washington assured me that the Boeing Co. would be glad to manufacture hundreds of new B-52's to take their place, and the gentleman from Wisconsin said that was permissible.

The gentleman from Wisconsin also said we could continue to manufacture replacements for either Poseidons or Trident-I to take their place.

So are we talking about aging, or are we talking about technology?

The CHAIRMAN. The time of the gentleman from New York (Mr. CARNEY) has again expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. CARNEY was allowed to proceed for 3 additional minutes.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I will continue to yield to my colleague, the gentleman from Georgia.

Mr. AUCOIN. Does the gentleman want an answer?

Mr. CARNEY. However, the gentleman behind him asked first, and I think in fairness to the gentleman from Oregon (Mr. AUCOIN) I will yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding.

Mr. Chairman, my colleague, the gentleman from the great State of California, has indicated that he agrees with me that our submarines are quiet, but they may become dangerous with age.

The point I was making is that they are quiet, and because they are quiet they are infinitely superior to the Soviet submarines. Our Navy Secretary said that he felt that strong superiority would keep them invulnerable through the next century. The point I was trying to make is that the freeze would lock in that inferiority on the part of the Soviet Union.

Now, if the gentleman feels that our quiet submarines are going to be made vulnerable because of age, he should rest assured that there is no risk of that because, as the chairman has indicated, this resolution allows a one-for-one replacement, a Trident submarine for a Poseidon submarine, a B-52 for a B-52. Submarines can be replaced as long as you do not increase the tubes for the launching of additional weapons which increases that military technology. But from the age standpoint, the resolution has already been made clear.

□ 1300

We have repeated it on the floor everyday we have had the resolution on the floor, and I would just say to the gentleman from California that before he criticizes or thinks that somehow we are weak in our submarine force, he ought to give some thought to how many times the Soviet Union's ballistic submarines have had to be towed to their home ports because of the technological problems of the submarines and not once in the case of the United States has a ballistic submarine ever had to be towed into port. So I ask, whose fleet is obsolete?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I am glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Oregon (Mr. AUCOIN) for his statements.

In light of the fact that the committee chairman has issued this clarification paper saying that essentially the Trident submarine is not going to be included in the freeze, I will be offering an amendment to state such and to exempt the production of the Trident. But I think the gentleman's point is very good, and that point is that we cannot divorce technology from safety.

I in fact read the clarification paper also, which said that the B-52's may be replaced by other B-52's. I have a statement here from the Under Secretary of the Air Force and the indication is that the Soviet Bear will be replaced by the Bear.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. Let me finish my statement first.

The CHAIRMAN. The time of the gentleman from New York (Mr. CARNEY) has expired.

(On request of Mr. MARTIN of North Carolina, and by unanimous consent, Mr. CARNEY was allowed to proceed for 4 additional minutes.)

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, I have a statement from the Under Secretary of the Air Force for Research and Development, Dr. Thomas Cooper, addressing the problem that even if we had brand new B-52's fresh off the Boeing production line in 1990, what type of chance of survival would American aircrews have entering Soviet air space if they were forced to fly those old B-52's instead of something that was technologically advanced?

The answer by Dr. Cooper was this: "American air crews, should they be forced to operate B-52's over Soviet airspace in the 1990's, would have practically no chance of survival."

Mr. Chairman, I think that is the point that is addressed by the gentleman in the well and by his amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I guess the gentleman from California forgets that if we negotiated this agreement

between the United States and the Soviet Union, they would be left with their Bears and Bisons, not with the Blackjack bomber. So we would both be in the same position.

I would also mention to my good colleague, the gentleman from San Diego, Calif. (Mr. HUNTER), that we could also by, say, using existing platforms put our most advanced cruise missiles into place on those platforms, and that gives us the kind of standoff capability which we have today and which the Soviet Union does not have.

So I think it is unfortunate that we all try to look at this thing on a one-sided basis and not on what it would do to the Soviet Union as well. This is the point we are making, and as the gentleman well knows, the Soviets are spending a lot more on defense today than we are. They are in the position of building a lot more new systems than we are.

So if we could negotiate a stop to this arms race at this point, it would have to be in our best interest because of that reality, in my view.

Mr. CARNEY. Mr. Chairman, if I may take back my time for 1 minute, I think again we are losing the substance of the amendment offered by the gentleman from North Carolina (Mr. MARTIN).

Mr. DICKS. That is part of our effort.

Mr. CARNEY. Mr. Chairman, I am asking again if perhaps the author of the amendment would clarify it.

Is it not true that this amendment has absolutely nothing to do with adding one piece of military hardware; it is advising the negotiators to go with caution and to consider the question of obsolescence and to consider the problems associated with electronic warfare and antisubmarine warfare which are extremely difficult, if not impossible, to verify?

I mean, we are talking about techniques that can be enhanced in small laboratories and in universities in the United States and in the Soviet Union, that can be applied to a submarine, and can be applied to antiaircraft equipment, and there is virtually no way we can find out about it. I will ask the gentleman from North Carolina (Mr. MARTIN) if that is not true?

Mr. MARTIN of North Carolina. Mr. Chairman, if the gentleman will yield, let me say that I would like to have the attention of the gentleman from Georgia for just a moment because I want to answer his question also.

Mr. CARNEY. I am glad to yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Chairman, let me say first from the gentleman from New York (Mr. CARNEY) that I appreciate the interpretation which he has just made because it is the correct interpretation.

This amendment does not direct the negotiators on either side to come up with any particular solution. It does not say that you may only modernize; it does not say you replace one for one; it does not say you replace one for two; and it does not say that you replace two for one or give any particular ratio. It does not say specifically that the way to solve this problem of relative age and rates of obsolescence is to have the Soviet Union dismantle some of their new weapons in a timely offsetting fashion as ours become obsolescent. It does not say how you do that, but allows all such alternatives to be considered. It would be nice if we could get the Soviets to swap one of their new weapons to us in exchange for one of our old ones. That would be absurd. They would never accept that.

It does not say how you would attempt to achieve a maintenance of essential equivalence into the future, but it says you try to solve that problem because it is a serious problem.

The Chairman of the committee has stated that it is a serious problem. He has said that he believes that this bill will allow us to deal with it. Yet, if he believes that, why does he oppose an amendment to make it clear?

He also said earlier that the bill would allow substitution of a new B-52 for an old B-52 or a substitution of a new submarine for an old submarine. He said elsewhere that submarines are not weapons. He said that submarines are launching platforms. But yet, if he says one thing and then he opposes an amendment that seeks to enable us to take those factors into account, what are we to make of his interpretation? Is it the official, authoritative interpretation of the bill when he opposes an amendment that is consistent with that interpretation, an amendment which does not precisely require any specific action, as the gentleman from New York (Mr. CARNEY) has reminded us again and again? It says that we have to take into account the factors of relative age and obsolescence.

The CHAIRMAN. The time of the gentleman from New York (Mr. CARNEY) has expired.

(By unanimous consent, Mr. CARNEY was allowed to proceed for 5 additional minutes.)

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield further?

Mr. CARNEY. I yield to my colleague, the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Think what it means, Mr. Chairman, if, after having been given an interpretation which says that the bill means one thing, you then vote against preserving that essential equivalence now and in the future. Think what it means if we vote against taking into account the relative age and rates of obsolescence. What is that going to mean as to the meaning of this House Joint Resolution 13, this unlucky No. 13.

Let me try to state it in terms that help us understand what the problem is with obsolescence. The gentleman from Georgia had earlier asked, is it age or is it technology? Well, it could be either.

When a submarine gets to the point where the flex fatigue on that pressure hull is beginning to make noises it does not make today, it will then have reached obsolescence because it then could be detected.

When the Soviet Union perfects its antisubmarine warfare, they will have achieved the same obsolescence of our subs if we cannot modernize in any way. But do we have to modernize under my amendment? No. As long as we can get some offsetting reductions in a timely fashion on the Soviet side, no.

Let me put this as an illustration in this way, with the baseball season just beginning. Now, let us suppose we had a United States team and a Soviet team, and the United States. team was 28 years old on average age and the Soviet team was 18 years old on average age. I think we can imagine that there would be a pretty good competition. Many of our older, experienced players would be superior. Many of the 28-year-old players would be superior to the youthful players on the Soviet side; ours would have been around the base paths more, they would have seen pick-off plays that the others have not seen yet; and they would have seen more curve balls across the plate and could better judge those that would just miss the plate. Yet, on the other hand, the younger Soviet fellows would have sharper eyesight, they would be a bit faster, and their hand-to-eye coordination would be superior. Their energy and enthusiasm would be higher. So it would be a good competition between relative youth and relative age, and each team would win some games.

But now, suppose, in the interests of maintaining security of the national past time, we decided to freeze the rosters so that neither team could replace its players. Well, for a year or two, our older players would still be able to compete. We would have a good competition between 30-year-old players and 20-year-old players.

But what about 10 years after that? Then we would have 40-year-old players trying to compete with their 30-year-old players. Those of us who have passed both those milestones and others would be able to certify the difficulty of preserving the essential equivalence in the future. The will may be there but the capability would not. We would have reached a period of obsolescence on that baseball team.

The point is that the United States has very capable weapons in the Posei-

don submarines. I have tested their level of readiness with the crew of the *Casimir Pulaski,* and I salute them and commend them for what they are trying to do on our behalf.

The same is true of many of our bombers. But what do we do when all the wings fall off? What do we do when the Soviets are able to track those Poseidon submarines?

□ 1310

What do we do when they are able to annihilate all of our silos containing our intercontinental ballistic missiles. They would gain that ultimate edge because we went into a freeze that as urged by the chairman of the committee. He would say to you, "Don't take those things into account. Move forward and freeze."

He would say to you, "We think you can consider age and obsolescence anyway," but he doesn't want it made clear in the bill that you can take those things into account.

I think he is wrong on this and I hope that he will reconsider and think what my amendment actually says.

It does not rigidly lock in anything. It provides flexibility and direction so that our negotiators will know that they must not rush into an immediate—remember, that objective is in this legislation also—an immediate freeze without taking into account the relative age and the rates of obsolescence of the U.S. retaliatory system.

Mr. CARNEY. The gentleman from North Carolina has expressed himself and explained the meaning of this amendment very, very well.

I might just add that I took the opportunity to go out on the USS *Ulysses Grant.* I, too, would concur with the gentleman on the state of readiness that our submarine fleet is in right now. Yet those officers and members of that crew expressed their concern about the future.

Mr. HILER. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to my colleague, the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

I would like to direct a question to the gentleman from North Carolina. Listening to the debate for some time now on this amendment, I would like to maybe just give the gentleman what my interpretation of it is and the gentleman can tell me if I am interpreting it correctly.

Essentially, what we are saying is that when our negotiators are sitting at the table, that they should not only consider what things are like on April 20, 1983, but also looking forward to April 20, 1985; April 20, 1987; April 20, 1990——

Mr. MARTIN of North Carolina. And beyond.

Mr. HILER. And that when looking into the future like that, we have to take into account how we have developed our nuclear deterrent in the past and that, in fact, because our country and the Soviet Union have developed nuclear capabilities on a different time schedule, they will have different capabilities well into the future; so that we should direct our negotiators to do something which they should be doing anyway, which is to think not only about today, but for decades into the future, just as in the passage of this resolution we are trying to protect, or some would say we are trying to protect future generations.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MARTIN of North Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. CARNEY) may have an additional 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. ZABLOCKI. Reserving the right to object, Mr. Chairman, we have been on this amendment, which has been debated in the past on three other occasions, and I believe there should be a limitation on the time.

The gentleman is asking for how much additional time, Mr. Chairman?

The CHAIRMAN. The gentleman has asked for 3 additional minutes.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield under his reservation?

Mr. ZABLOCKI. Pardon?

Mr. MARTIN of North Carolina. I am sorry. I may need a translator, coming from a different part of the country than my colleague, the gentleman from Wisconsin.

Would the gentleman yield to me to answer the question?

Mr. ZABLOCKI. I yield to the gentleman for the purpose of advising the gentleman from Wisconsin how much additional time the gentleman is going to require after the 30 minutes he has had?

Mr. MARTIN of North Carolina. If the gentleman will yield, I would say that I am asking now unanimous consent to have 3 additional minutes in order to answer the question that has just been posed by the gentleman from Indiana.

Mr. ZABLOCKI. I shall not object, Mr. Chairman, in order to give the gentleman an opportunity to answer the question.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the gentleman from New York be permitted to proceed for an additional 3 minutes?

There was no objection.

Mr. CARNEY. Mr. Chairman, I will be glad to yield to my colleague, the gentleman from North Carolina; but prior to doing that, I would just say to the chairman, I believe that we on this side have just about completed our debate, after the response from the gentleman in the well, and I thank the gentleman from Wisconsin for not objecting.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield to me before he sits down?

Mr. CARNEY. Oh, I am sorry. I did yield.

Mr. MARTIN of North Carolina. Mr. Chairman, let me say first, as I was trying to say to the chairman of the committee, I do not know that there may be other Members who will have other points to raise that will need clarification. Certainly if they do, let us allow there to be clarification of the points that they raise; but this question has been raised and I want to speak to it.

It is only the purpose of this amendment to allow our negotiators to take into account the relative age and rates of obsolescence, which is a great disadvantage for us. Even though we have very superior weapons in many categories, adequate to perform their mission, they will not be able to perform that mission when their wings fall off, when they start making too much noise, when they are unable to evade faster hunter-killer submarines, and so forth. So we are saying, it is not enough in negotiating essential equivalence with the Soviet Union just to take into account the number of warheads and hopefully we can reduce those; it is not enough to take into account just the number of bombers and just the number of submarines. They have 61 versus our 32; but would we trade our 32 for their 61? Not today. Twenty years from now that might be a different situation.

So we are saying, do not just count the number of hulls, the number of fuselages, the number of warheads, but take into account the relative age of those delivery systems with an eye to whether they will be able to perform their missions decades from now. That is the sole purpose of the amendment.

Mr. CARNEY. Mr. Chairman, I thank the gentleman and I yield back the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words. I just want to make a brief statement, Mr. Chairman, and that is simply to say that what the amendment does is to take a document that certainly gives this President enough leeway of interpretation to protect America's interest. Coming from the State that builds the Trident submarines, we feel comfortable that the present language provides for fully adequate measures to defend this country, under the current President and indeed under any American President in negotiations with the Soviets to protect American interests.

My concern about the amendment of the gentleman is that it simply makes a hole so large that we could drive a truck through it.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. No.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I was amazed that the gentleman who just spoke and who is now leaving the well wanted to make a point about the amendment and then deny me an opportunity to respond. I want to say to the gentleman that I appreciate what appears to be an endorsement on his part of the integrity and the capability of the President of the United States in dealing with negotiations of reduction of nuclear weapons with the Soviet Union, achieving a freeze at reduced levels with the Soviet Union; but yet, if the gentleman really has that confidence in the President of the United States, why are we going through all this? This is really a political effort to try to embarrass the President of the United States and it has been done in a careless way, which in the last several days of debate has led to questions being raised which the sponsors of the bill could not answer.

Now, in the last day of debate, the chairman of the committee came in and began to clarify some of those answers and I welcomed that clarification and I said so.

Yet, if we are to welcome that clarification and then try to provide in the legislation that it, too, will say things that would support the clarification given by the chairman and then to come in here and oppose that, what are we to make of it? Are we to believe that the chairman's clarification is being rejected by Members who do not want language that supports the clarification of the chairman? I should hope not.

So I would say to the gentleman that the purpose of this amendment is not to put a glaring loophole here. It is not a loophole at all. It simply says to take into account the relative age and obsolescence of our weapons. What kind of a loophole is that? If you defeat it, it says you do not want them to take into account the relative age and obsolescence of weapons, despite what the chairman has said.

The gentleman from Georgia earlier had asked the question whether we were dealing with the problem of age or the problem of technology, because obsolescence relates to both. My answer is that it relates to both. We are concerned about the relative age of our planes when the wings are falling off. We are concerned about the relative age of our submarines when they are approaching the limit of obsolescence of the entire fleet of nuclear ballistic missile submarines.

We are also concerned about technological advances and we are saying, take that into account and come up with a reasonable answer to it in the interests of the United States, both now and in the future.

To say that they should not take these considerations into account, it seems to me, is a very tragic position for the Congress of the United States to be taking; so I hope that the amendment will be agreed to.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

The difficulty that I have with the gentleman's amendment is not because I do not favor taking into account obsolescence. indeed, as the gentleman well knows, I am very strongly in favor of providing for modernization of forces, not just avoiding obsolescence; but it is my understanding, and maybe the chairman of the full committee could answer me, is there anything in this resolution as it has been interpreted by the gentleman from Wisconsin that would preclude our negotiators from taking into account questions such as age or obsolescence in the course of negotiations?

□ 1320

Mr. ZABLOCKI. Will the gentleman from Florida yield?

Mr. SHAW. I am happy to yield to the gentleman.

Mr. ZABLOCKI. As I said in my statement in opposition, nothing in this resolution would preclude our negotiators taking into consideration the obsolescence of military items. I further stated that I have confidence that our President will take into consideration and instruct the negotiators to take into consideration the purposes of the gentleman's amendment. It is therefore unncessary.

Mr. SHAW. If I might reclaim my time, I would like to ask the chairman a question. Does the amendment that is being offered do any violence, to the resolution?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. SHAW. Certainly.

Mr. ZABLOCKI. My concern is if we are going to try to spell out what is included, what might be included, we will not cover every item. Further, the resolution speaks for itself. Nothing is frozen until it is negotiated mutually and verifiably and an agreement is reached and it is ratified by the Senate.

I do not think we should include what could be interpreted as a loophole. The gentleman's amendment could be so interpreted and I therefore oppose it.

Mr. SHAW. If this clarifies the bill, then I would say that we should certainly go ahead and perhaps even accept it without a vote. I am greatly concerned that as the debate goes on, we are dealing here more and more in perceptions, and I think the Members are becoming more and more concerned as to the perception the public will have of them as to any vote.

I am not totally convinced at this point that there are people in this House that will vote against any amendment because they are concerned that it might be perceived as a weakness with regard to what they want. If an amendment is being offered that is by way of clarification, whether you feel that it is necessary or not, I think it ought to be passed, and that if we are going to argue against it, that we should argue on the merits, that it is going to in some way decrease what we are trying to do with a nuclear freeze.

I think what we should be talking about, and more realistically, try to come up with something that is going to cover as much of the subject matter as we can possibly cover.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time simply to make a very important point, because regardless of the outcome of the vote on this amendment, and I think there would be great merit in having no vote, or even on withdrawing the amendment in light of what the chairman of the full committee has just said, that I cannot in any way interpret a vote for or against this amendment as being for or against avoiding replacement of aging systems or dealing with the question of obsolescence. I think that one of the most important and significant statements the gentleman from Wisconsin made in his opening remarks of April 13 was that these matters are matters for the negotiators to deal with and not just a matter of age and replacement, but matters dealing with, if you will, obsolescence or modernization. That is, however you want to define these words and play the word game, is really not important.

What is important is to make certain that whatever words are used in this formulation that our negotiators will have a free hand to do whatever is necessary, and we would have to have some pretty dumb negotiators who would not take into account the question of age and obsolescence. I refuse, even though I have some criticism of the negotiation on obsolescence, to believe that our negotiators could be that dumb.

Mr. DICKS. Will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Washington.

Mr. DICKS. I think the gentleman has stated it absolutely right. The point, with all due respect to my colleague in the well, trying to characterize this amendment that if we vote against it we are undercutting the negotiations, that is totally inaccurate. The gentleman is absolutely right, the resolution speaks for itself.

Frankly, this amendment and all of the debate we have had I think is basically unnecessary in light of the chairman's statement.

Mr. MARTIN of North Carolina. Will the gentleman yield?

Mr. LEVITAS. I am glad to yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman from Georgia for yielding because I want to try to save him, even if I cannot save any of the others on his side who are listening here today. The gentleman from Georgia has said that he favors modernization, and he said that there has been a statement made that this bill before us would allow modernization. Yet the gentleman remembers that when an amendment was offered providing for modernization that was defeated. It was not passed. It was defeated.

The gentleman was also in favor of a one-for-two build-down, and the gentleman made a very eloquent case for that because it would achieve both the freeze and a reduction at the same time. But that was not passed, I would say to the gentleman from Georgia. That was defeated.

The gentleman from Georgia and I can be in favor of all of these things, and yet this bill does nor provide for those considerations to be dealt with.

The chairman of the committee has made a clarifying statement saying that his bill would provide the same loophole which he now wants to attack. I am beside myself to know what to make of the strategy that would say that the legislation means this, but we do not want it to say it. I cannot comprehend what the strategy of the chairman is if he is trying to reassure us that the bill means something and then will take that away from us by defeating an amendment to put it into the legislation.

Keep in mind that the bill also has in it the word "immediate," and it provides for an immediate freeze. How much are we going to negotiate in an immediate freeze?

Mr. LEVITAS. If the gentleman will permit me to reclaim my time, the word "immediate" is again in the context of the negotiations and with the treaty as signed.

What concerns me is the statement made by the gentleman from Oregon and the gentleman from New York, Mr. DOWNEY, that this freeze will be so good for the United States, as it will freeze into obsolescence the liquid fuel SS-18's, and that we are going to have such a tremendous advantage as a result of all of this. If that is the case, then once again I will have to assume that the Russian negotiators are not totally dumb and they are not going to agree to that.

I think that the whole point is that we have got to look to whatever negotiations there are and yes, indeed, I do believe we need to have modernization, and I do believe we need to have some form of guaranteed build-down which will permit it and which will bring about reductions as well as an end to the arms race increase.

I think before we are finished with this debate either today or the following day that we will have provided the opportunity for all of that to occur.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I will be happy to yield to the gentleman from Illinois.

Mr. HYDE. I think we are making much ado about nothing. This amendment only clarifies, in my judgment, statements that have been made by the sponsors of the resolution.

I detect a suspicion that by including relative ages of weapons and their rates of obsolescence, we have excluded other things.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. HYDE. We are excluding things by that. I would make this suggestion: After the word "including," if we said "but not limited to," therefore, it would read "including, but not limited to relative ages of weapons and their rates of obsolescence."

It seems to me this restates in the resolution itself a statement made by the sponsor, and yet it does not confine attention just to age and obsolescence. It really focuses on them, but does not exclude anything by implication either.

If that were to happen, it would assuage the fears, if not the feelings of the gentleman from North Carolina and many of us on this side that we are making explicit what the chairman has made implicit by this statement. I really do not want to say that it is innocuous, but it is not redirecting the thrust of this resolution at all. Certainly we want to give attention to destabilizing factors. That is the Gore approach, and that is part of the resolution.

"Including but not limited to relative ages of weapons and their rates of obsolescence," I think is harmless, and if it will allay the fears that some have that what is said in a statement is not included in the resolution; I would hope that we could add those words "but not limited to," and accept this amendment.

Mr. MARTIN of North Carolina. Will the gentleman yield to me?

Mr. LEVITAS. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

Let me say the amendment to the amendment would certainly be acceptable to the author of the original amendment.

Mr. HYDE. I would ask unanimous consent, if the gentleman would yield, for that purpose.

Mr. LEVITAS. I do not think I can yield for that purpose.

Mr. MARTIN of North Carolina. If the gentleman would yield to me, because there is a point that has been raised by him and others with regard to the relative adequacy of the liquid fuel and solid fuel, I wish the gentleman would give me his attention on that because there is a presumption that liquid fuel of the Soviet rockets is inferior to the solid fuel of the U.S. rockets and that, therefore, that encompasses some kind of obsolescence on their part. It really does not. The reason the Soviet Union wants to use liquid fuel in their rockets is because they want a reloading capability, and they are willing to engineer theirs that way so that when the rocket fires, it will not leave damage in the tubes so that they can reload. Solid fuel would not enable you to do that.

□ 1330

Mr. LEVITAS. I was not accepting that point. I was simply pointing out that the Soviet Union negotiators are not going to agree to a treaty in which they are going to be put at a built-in technological disadvantage.

Anyone who thinks that is what we are doing is kidding themselves.

AMENDMENT OFFERED BY MR. HYDE TO THE AMENDMENT OFFERED BY MR. MARTIN OF NORTH CAROLINA

Mr. HYDE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Hyde to the amendment offered by Mr. MARTIN of North Carolina: In line 2, after the word "including" insert the words, "but not limited to".

Mr. HYDE. Mr. Chairman, I will not delay a vote on this issue but I hope that those additional words would dispel any notion that this is trying to exclude any and all considerations which the negotiators, both Soviet and American, in their wisdom, would take into consideration.

It simply says let us give special attention to destabilizing factors, nothing wrong with that; but not limited to the relative ages of the weapons and the rates of obsolescence. I think we could move along toward the ultimate goal of voting up or down on this resolution if you would accept this. I see

nothing that derogates from the letter or the spirit of House Joint Resolution 13.

So, I respectfully ask for support for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE) to the amendment offered by the gentleman from North Carolina (Mr. MARTIN).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MARTIN).

The question was taken; and the Chairman announced that the "noes" appeared to have it.

RECORDED VOTE

Mr. MARTIN of North Carolina. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 211, not voting 18, as follows:

[Roll No. 56]

AYES—204

Andrews (TX)	Fish	Martin (NC)
Anthony	Flippo	Martin (NY)
Applegate	Franklin	McCain
Archer	Frenzel	McCandless
Badham	Fuqua	McCollum
Barnard	Gekas	McDade
Bartlett	Gibbons	McDonald
Bateman	Gilman	McEwen
Bennett	Gingrich	McGrath
Bereuter	Gradison	Miller (OH)
Bethune	Gramm	Molinari
Bevill	Gregg	Montgomery
Bilirakis	Hall, Ralph	Moore
Blilley	Hall, Sam	Moorhead
Boggs	Hammerschmidt	Morrison (WA)
Breaux	Hance	Murtha
Brooks	Hansen (UT)	Myers
Broomfield	Hartnett	Nelson
Brown (CO)	Hatcher	Nichols
Broyhill	Hefner	Nielson
Burton	Hightower	O'Brien
Byron	Hiler	Oxley
Campbell	Hillis	Packard
Carney	Holt	Parris
Chandler	Hopkins	Pashayan
Chappell	Hubbard	Patman
Chappie	Huckaby	Paul
Cheney	Hughes	Petri
Clinger	Hunter	Pickle
Coats	Hutto	Porter
Coleman (MO)	Hyde	Price
Conable	Ireland	Quillen
Cooper	Jenkins	Ray
Corcoran	Jones (TN)	Regula
Coughlin	Kasich	Ridge
Courter	Kazen	Ritter
Craig	Kemp	Roberts
Crane, Daniel	Kindness	Robinson
Crane, Philip	Kramer	Roemer
Daniel	Lagomarsino	Rogers
Dannemeyer	Leath	Roth
Daschle	Lent	Rowland
Daub	Lewis (CA)	Rudd
Davis	Lewis (FL)	Sawyer
DeWine	Lipinski	Schaefer
Dickinson	Livingston	Schulze
Dowdy	Lloyd	Sensenbrenner
Dreier	Loeffler	Shaw
Dyson	Lott	Shelby
Edwards (AL)	Lowery (CA)	Shumway
Edwards (OK)	Lujan	Shuster
Emerson	Lungren	Siljander
English	Mack	Skeen
Erdreich	Madigan	Skelton
Erlenborn	Marlenee	Smith (NE)
Fiedler	Marriott	Smith, Denny
Fields	Martin (IL)	Smith, Robert
Snyder	Thomas (CA)	Whittaker
Solomon	Thomas (GA)	Whitten
Spence	Valentine	Williams (OH)
Spratt	Vander Jagt	Wilson
Stangeland	Vandergriff	Winn
Stenholm	Vucanovich	Wolf
Stratton	Walker	Wortley
Stump	Watkins	Wylie
Sundquist	Weber	Young (AK)
Tauzin	Whitehurst	Young (FL)
Taylor	Whitley	Zschau

NOES—211

Ackerman	Gephardt	Olin
Addabbo	Glickman	Ortiz
Akaka	Gonzalez	Ottinger
Albosta	Goodling	Panetta
Anderson	Gore	Patterson
Andrews (NC)	Gray	Pease
Annunzio	Green	Pepper
Aspin	Guarini	Perkins
AuCoin	Gunderson	Pritchard
Barnes	Hall (IN)	Pursell
Bates	Hall (OH)	Rangel
Bedell	Hamilton	Ratchford
Beilenson	Harkin	Reid
Berman	Harrison	Richardson
Biaggi	Hawkins	Rinaldo
Boehlert	Heftel	Rodino
Boland	Hertel	Roe
Boner	Horton	Rose
Bonior	Howard	Rostenkowski
Bonker	Hoyer	Roukema
Borski	Jacobs	Roybal
Bosco	Jeffords	Russo
Boucher	Johnson	Sabo
Boxer	Jones (NC)	Savage
Britt	Jones (OK)	Scheuer
Brown (CA)	Kaptur	Schneider
Bryant	Kastenmeier	Schroeder
Carper	Kennelly	Schumer
Carr	Kildee	Seiberling
Clarke	Kogovsek	Shannon
Clay	Kolter	Sharp
Coelho	Kostmayer	Sikorski
Coleman (TX)	LaFalce	Simon
Collins	Lantos	Smith (FL)
Conte	Leach	Smith (IA)
Conyers	Lehman (CA)	Smith (NJ)
Coyne	Lehman (FL)	Snowe
Crockett	Leland	Solarz
D'Amours	Levin	St Germain
de la Garza	Levine	Staggers
Dellums	Levitas	Stark
Derrick	Long (MD)	Stokes
Dicks	Lowry (WA)	Studds
Dingell	Luken	Swift
Dixon	Lundine	Synar
Donnelly	MacKay	Tallon
Dorgan	Markey	Tauke
Downey	Matsui	Torres
Durbin	Mavroules	Torricelli
Dwyer	Mazzoli	Towns
Early	McCloskey	Traxler
Eckart	McHugh	Udall
Edgar	McKernan	Vento
Edwards (CA)	McKinney	Volkmer
Evans (IA)	McNulty	Walgren
Evans (IL)	Mica	Waxman
Fascell	Mikulski	Weaver
Fazio	Miller (CA)	Weiss
Feighan	Mineta	Wheat
Ferraro	Minish	Williams (MT)
Florio	Mitchell	Wirth
Foglietta	Moakley	Wise
Ford (MI)	Mollohan	Wolpe
Ford (TN)	Moody	Wright
Forsythe	Mrazek	Wyden
Fowler	Murphy	Yates
Frank	Natcher	Yatron
Frost	Nowak	Young (MO)
Garcia	Oakar	Zablocki
Gaydos	Oberstar	
Gejdenson	Obey	

NOT VOTING—18

Alexander	Long (LA)	Owens
Duncan	Martinez	Penny
Dymally	McCurdy	Rahall
Foley	Michel	Sisisky
Hansen (ID)	Morrison (CT)	Slattery
Latta	Neal	Washington

□ 1340

The Clerk announced the following pairs:

On this vote:

Mr. Sisisky for, with Mr. Rahall against.

Mr. Michel for, with Mr. Dymally against.

Mr. Latta for, with Mr. Washington against.

Messrs. SMITH of Florida, GAYDOS, SIKORSKI, and YATRON changed their votes from "aye" to "no."

Mr. BROOKS changed his vote from "no" to "aye."

□ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PENNY. Mr. Chairman, I was unavoidably absent, by 2 minutes, on rollcall No. 56, I am a cosponsor of the nuclear freeze resolution and I oppose the Martin amendment.

AMENDMENT OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS: Add the following new section at the end of the bill:

SEC. 3. The Congress proposes that the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations study measures relating to reductions pursuant to the first section, and relating to concurrent and complementary arms control proposals pursuant to section 2, especially those aimed at progressive reductions in the number of destabilizing weapons through a mutual "build-down" or other verifiable processes.

Mr. LEVITAS. Mr. Chairman, the purpose of this amendment is to assure that, in the ongoing discussions on the subject of arms reductions, the appropriate committees of the House and the Senate will focus upon the measures for reduction and, under section 2 of the resolution, focus especially on those aimed at progressive reductions in the number of destabilizing weapons through a mutual builddown or other verifiable processes. I think it is something we need to do.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, as the gentleman recalls, the gentleman from Wisconsin has assured the gentleman from Georgia that it is his intention to have hearings conducted by the House Committee on Foreign Affairs on the build-down proposal, and I am prepared to accept the gentleman's amendment.

Mr. LEVITAS. I thank the gentleman.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, we will accept the amendment on this side, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: Page 5, after line 23, insert the following new section:

SEC. 3. Any freeze agreement negotiated pursuant to this resolution should not prevent the United States from modernizing our strategic systems when such modernization is necessary to protect the lives of the United States personnel operating those systems.

Mr. HUNTER. Mr. Chairman, this amendment addresses the responsibility that the Members of this body have under the Constitution to people who have been largely ignored in the last several weeks of debate on the nuclear freeze, and those are the people who are operating our strategic systems.

I think every Member of this body is aware of the fact that during the last debate we had a B-52 that became missing, in effect, while it was exercising over the Nevada desert. And later in the week, just a few days ago, we discovered that that B-52 had joined the long line of B-52 crashes that have occurred in the last 4 months or so. I do not know if the Members of this body are aware, Mr. Chairman, that we have lost about 2 percent of our B-52 force in the last 4 months from crashes, and I would like to briefly describe these mishaps.

□ 1400

On March 10, 1983, at Mather Air Force Base in Sacramento, Calif., we had a major wing fraction while refueling.

On January 27 of this year we had a fire during a fuel system maintenance, in which five personnel were killed, Mr. Chairman.

December 1982, at Mather Air Force Base, we had a crash on takeoff, with eight people killed.

November 1982, at Castle Air Force Base, we had a hydraulic line severely damaged, with the plane completely destroyed.

October 1981, at La Junta, Colo., we had a crash on low-level flying, with seven crew members killed.

September 1980, at Grand Forks Air Force Base, we had an engine fire on takeoff, inflicting severe damage.

The point to be made, Mr. Chairman, is that our B-52's are rapidly failing and yet, under this freeze, and under the description that the chairman has given in his opening statement several days ago, we have made it clear that B-52 aircraft cannot be replace with a B-1 bomber; but can only be replaced with another B-52. I think that is unrealistic. It is obviously not going to happen, and it was an attempt to take care of this modernization problem or to sweep it under the rug, if you will, and I think this is the most severe problem that faces this Congress under the freeze resolution.

This additional language would do one simple thing; it would give us the prerogative of modernizing where that modernization is necessary to protect the lives of the people who are operating our strategic systems.

Now, my friend, the gentleman from Oregon, has made it very clear, Mr. Chairman, that the Trident submarine is not included in the freeze and, therefore, we do not have to worry about the fact that our last Poseidon submarine was built in 1967 with a projected lifetime of only 20 years, and that these platforms, the Poseidon platforms, will in fact be far past their projected lifetime by the 1990's.

The gentleman from North Carolina, Mr. MARTIN, presented very eloquently the difference in the ages of our relative strategic systems, vis-a-vis, the Soviet Union. I would like to briefly recount the variance in the ages of our most important systems.

Our Poseidon submarines will be 25 years old by 1990; the Soviet Typhoons will be 5 to 7 years. The Yankee Delta submarines will be 13 to 18 years. But most importantly, in the bomber category, the B-52's will be 30 years old at that time. The youngest B-52 bomber today is 22 years old. In the 1990's, the Backfires, all of which were built during the 1970's, will average about 11 years of age. Our Minuteman missiles will be 25 to 30 years of age, while the SS-17's, SS-18's, and SS-19's will average only about 11 years of age.

It is obvious, Mr. Chairman, that it is incumbent upon us to move forward with a new bomber, with new technology, and even if we replace the B-52 with another B-52, with a brand new B-52 in the late 1980's, we will still have the problem that was very eloquently addressed by Dr. Thomas Cooper, who is the Under Secretary of the Air Force for Research and Development, who said, essentially:

An American aircrew over Soviet air space in the 1990's, if they are forced to fly B-52's, will have virtually no chance for survival.

I would like to ask the distinguished chairman of the committee why he did not make any provisions for this problem in the explanatory opening statement that he gave us several days ago.

If I could have the attention of the chairman of the committee, Mr. Chairman, I would like to ask you, in light of this statement by the Under Secretary of the Air Force for Research and Development, to the effect that if our aircrews, if our women and men of the armed services are forced to fly B-52's, they would have virtually no chance of survival over Soviet airspace in the 1990's, how does your explanatory opening statement address that problem?

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(On request of Mr. DREIER of California and by unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. This is the first time I have heard that statement, when the gentleman stated it. I wish to advise the gentleman that we will carefully review that statement, because I have never heard it before. Certainly this resolution would not preclude, for that kind of an improvement, where the B-52 or whatever bomber, in the safety of the people flying it. That would be taken into consideration.

I think it is rather an extreme statement that by the end of this century the B-52 could not penetrate; that they would be suicidal attacks on the Soviet Union; that they would not come back. I think it is a very serious statement, and I can assure the gentleman that we will take into consideration, and this resolution I again state, does not in any way freeze or prevent the improvement of our bombers or any other military delivery systems unless and until the freeze, a mutual and verifiable freeze, is negotiated and ratified by the Senate. Up until that time, we can continue as we are doing now.

Mr. HUNTER. I thank the chairman for his statement, but I think the chairman has misspoken when he says that it is beyond his belief that the B-52 will not be able to penetrate Soviet airspace in the ensuing 15 to 20 years. Obviously, our military leaders think that we have a real problem right now, and that is one reason why we have just several days ago moved forward with an advanced cruise missile, because we may have a real problem even having our cruise missiles penetrate enemy airspace.

The statement was made by Dr. Thomas Cooper, who is the Under Secretary of the Air Force for Research and Development, and in the chairman's explanatory statement that he gave us the other day, he clearly says that we cannot replace B-52's with anything other than other B-52's. I think the chairman will concede that the B-52's were first built in the late 1950's. They represent 1950's technology, and they are going to be flying cof-

fins for our personnel in the armed services who attempt to operate them in an adverse environment.

Mr. ZABLOCKI. If the gentleman will yield further, the gentleman from Wisconsin had shared with the gentleman from California the statement that he had made the other day, and I shall read from the statement.

Improvements in manned bombers would be permitted if they are primarily related to the safety rather than performance. Establishing criteria for distinguishing between safety improvements and performance improvements would be the task of the negotiators.

I think that is very clear, and I do not think the gentleman need be concerned that this resolution in any way would preclude the improvements necessary for a B-52 bomber.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(On request of Mr. GINGRICH and by unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Chairman, I would like to continue this colloquy with the chairman because I think there is an underlying problem here, and that is that the oldest currently operating B-52's are now, what, 30 years old.

Mr. HUNTER. The youngest one is 22 years old.

Mr. GINGRICH. The youngest one is now 22 years old, which means that a decade from now the youngest American manned bomber, if we get a 10-year-long freeze, would be 32 years old.

I would ask the distinguished chairman if he might comment, under the freeze resolution, would the United States be allowed to build new B-52's, and is the chairman suggesting that we build new airframes, because we have a fundamental physical problem that the airframes of B-52's are growing old. We have a limited number of B-52's. Many of them would be 40 years old by the middle of the next decade, if the Soviets accepted a freeze, which might be a very rational strategy for them.

Would we then be confronted with any possibility at all of the United States developing new airframes or, in fact, under the freeze would we be restricted to planes which clearly would be crashing of fatigue by sometime early in the next decade?

Mr. HUNTER. I yield to the gentleman from Wisconsin for his answer.

Mr. ZABLOCKI. Mr. Chairman, as I have repeatedly stated, there would be no freeze on any improvements until and unless a negotiated agreement on a freeze, a mutual and verifiable freeze, was agreed to and ratified by the Senate.

Specifically to answer the gentleman's question, and I am reading again from my statement:

If new aircraft types emerge during the negotiations, they will be dealt with by the negotiators. Further aircraft types emerging after the freeze has been ratified would be dealt with by the standing consultative commission. Future types of primarily nuclear bombers, that is, beyond the Blackjack, would not be permitted.

So the answer is that the bottom line is that everything is left to the negotiators. And until the negotiation is completed satisfactory to both sides, and ratified, nothing is barred.

Mr. GINGRICH. Mr. Chairman, if the gentleman would yield for a further question, in other words, if I understand correctly, it is theoretically possible under the negotiations that we could replace the obsolescing B-52's even within the framework of the freeze resolution?

Mr. ZABLOCKI. With new B-52's.

Mr. GINGRICH. With new B-52's.

Mr. ZABLOCKI. Improved B-52's.

□ 1410

Mr. GINGRICH. And does the gentleman who proposed the freeze then indicate that they are going to build new B-52's if the old ones become obsolescent, if the old ones wear out physically?

Mr. ZABLOCKI. But if we have B-1's, they can be replaced with other B-1's, one on one.

Mr. GINGRICH. So is the gentleman on the freeze side suggesting that if we build new B-52's, we open the B-52 line and build new airframes and with new avionics sometime in the late 1980's?

Mr. ZABLOCKI. On the other hand, the Soviets could reopen their Bear and their Bison lines as well.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(On request of Mr. GINGRICH, and by unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. GINGRICH. Mr. Chairman, if the gentleman will yield, I am sorry but I did not hear the gentleman's last statement. Would the gentleman repeat the very last part about the prospect for the B-52's in the late 1980's.

Mr. ZABLOCKI. Just through negotiations could we go beyond, and that is exactly what I have said repeatedly. The gentleman must understand that.

I shared with him my statement and if he has any question directed to the statement, I will try to elucidate and be more articulate. Unless I could draw a picture, I do not know what better I could do.

Mr. GINGRICH. Mr. Chairman, if the gentleman will continue to yield for 1 more second, let me propound a question that I am concerned with. This is not just an exercise. I am trying to clarify for the record what some people would call the fate of Europe.

We have an air leg, most of which is now increasingly old, and the airframe itself is dying and is killing American boys as it dies. By the midnineties that frame would be virtually impossible to keep in the air. We would have to replace the body of that plane.

Second, all of our friends over on the other side talk about the importance of our submarine deterrence. If we have a 10-year freeze in which the physical airplane is decaying because it is so old and in which the Soviets can divert all their resources into antisubmarine warfare, we could very easily during that freeze see an absolute collapse of the most secure part of our triad and the oldest part of our triad.

My concern, then, is this: Would the gentleman seriously propose that the Democratic platform in 1984 or 1988 might call for building new B-52's as the old ones grow older?

Mr. ZABLOCKI. If that is what the determination is of our military people, of course. An entirely new B-52 could be built. It was General Jones who stated that new B-52's could be built ad infinitum into the future and be safe and fully operational.

Mr. GINGRICH. Mr. Chairman, if the gentleman will yield further, if we did that, we would then in fact save no money, because replacing the old B-52's by reopening that line would probably be at least as expensive as building the B-1 bomber.

Mr. ZABLOCKI. This is a matter that is not within the purview of even the resolution or the matter under discussion here. As I have previously stated, under the resolution any new military implements of war would be negotiated. Those that we have on hand could be replaced.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes.)

Mr. HUNTER. Mr. Chairman, I will yield to the gentleman from Wisconsin (Mr. ZABLOCKI) to continue his answer if he has not completed it.

Mr. ZABLOCKI. I have completed my answer.

Mr. HUNTER. Mr. Chairman, I would like to ask the chairman of the committee a couple of questions. I have found in the RECORD the chairman's statement regarding the B-52. He said that we could replace an old B-52 with a new B-52, and whatever the number of B-1's that are in the inventory at the time—and that is about

four prototype B-1's built in 1976—we could replace those.

My question to the chairman of the committee is this: In light of the fact that with that 1950 technology our aircrews are going to have very little chance of surviving in trying to penetrate Soviet airspace in the 1990's, how would he provide for upgrading the safety of those B-52's so they might have a chance of returning?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, to the first question the gentleman has asked I have responded. I said that the resolution does provide for improvements in safety. The question as to performance, in addition to safety, would have to be negotiated. The decision as to what would be done would be up to our military personnel, and the resolution does not in any way preclude the improvement in maintenance and safety of our present military equipment.

Mr. HUNTER. Mr. Chairman, I thank the chairman of the committee for his statement, and I think the gentleman has really set this argument in its true light. The point is that we cannot divorce technological advances from those advances that would give safety to the aircrews, the people operating these systems. It is a fact that the B-1 bomber, which is a follow-on to the B-52, has a much smaller radar cross section than the B-52 has, and because of that, it is much more difficult for enemy antiair systems to lock on and destroy that plane and the people who are operating it. The point is that the only way to really insure the safety of the people operating the B-52 in wartime conditions is to allow that technology that allows them to escape detection to be used.

The same thing is true with our submarines, if we can bring our submarines back into the debate. The fact is that we are ahead in quieting right now over the Soviet Union. We have some margin, although that margin is shrinking. But the quieting apparatus on these submarines requires a great deal of space and a great deal of size. It would be very difficult to upgrade, for example, Poseidon submarines and make them as quiet as the Trident submarines.

I understand the gentleman has said that the Trident submarine is in fact not included in the freeze, and because of that, I intend to offer an amendment which will exempt the Trident submarine, so we will have it laid out in black and white. But I think the point has been well made by the chairman of the committee that the only way we can really insure the safety of the personnel who are operating our strategic systems, and particularly the bomber leg of our triad, is to upgrade and go to the B-1. And he has laid out in black and white in his so-called explanatory statement the fact that they cannot go to the B-1; they can only replace B-52's with B-52's. I think, Mr. Chairman, that that is doing a real disservice to the people who operate these aircraft. I would think, as we look back at the fact that we have lost in the last 4 months 2 percent of our strategic bomber force just from crashes, the gentleman would be very concerned about going forward with the development of the B-1 bomber immediately.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, that is not what my statement said. We do have B-1's and they can be replaced by B-1's.

Mr. HUNTER. There are only four B-1's, Mr. Chairman, of the prototype in 1976.

Mr. ZABLOCKI. I just said we have four B-1's, but by the time negotiations come along there will be 10, 15, or 20.

Mr. HUNTER. Mr. Chairman, I think that is another flaw in the resolution. The resolution calls for an immediate freeze, and yet the gentleman continues to tell us that until we get that freeze we can do all kinds of things. If the resolution is taken at face value, it is calling for an immediate freeze, and if the freeze takes place immediately, we would have four B-1's.

Mr. ZABLOCKI. Mr. Chairman, I think the gentleman has made a mistake.

Mrs. BYRON. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I will yield to the gentlewoman from Maryland.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield first to me, he has just made a mistake in stating the resolution provides for an immediate freeze. It would be only after negotiations for a mutually verifiable freeze and after ratification.

Mr. GINGRICH. Mr. Chairman, I understand that, but it calls for negotiating the freeze immediately.

Mr. Chairman, let me yield to the gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Chairman, let me say that I rise in support of many of the statements the gentleman has made on the B-52 issue.

We currently are in a modernization program with the B-52 on applying the ALCM missile to those aircraft. At the same time we have also, as the gentleman has noted, lost five of the B-52 fleet in the last 3½ months. That is a very large number of our fleet. If this freeze resolution passes, as the gentleman has stated, that would preclude the deployment of the B-1.

I feel very strongly that those crews, as the gentleman has mentioned, that have the responsibility to fly these aircraft, that have the responsibility and the mission to follow the orders that they have under the circumstances, are flying in aircraft that have some serious faults, and I think very strongly that we have to modernize our force with the production of the B-1.

Mr. HUNTER. Mr. Chairman, I thank the gentlewoman from Maryland, Mrs. BYRON.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes).

□ 1420

Mr. HUNTER. I thank the gentlewoman from Maryland.

One other point that arises is the fact that we spend a great deal of money developing our strategic systems, not just for penetration and not just for damage that we can do to the enemy, but for the protection of the people that operate those systems and a great deal of the money that is invested in the B-1 will be money that is invested there for one reason, to see that the men on those aircraft return to the United States.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. LUNGREN. The gentleman's comments remind me of a conversation I had with a B-52 pilot a year and a half ago when I asked him the state of his aircraft.

He said it did not bother him so much that if he had to fulfill his mission, that he would go over Soviet territory and he would reach his target and the chances that he got back would not be very good; but what was very bothersome to him and to other members of his crew was that with the age of the B-52 they were flying, even with all the black boxes we put on them and the increased defense mechanisms that the Soviets now have, what really was discouraging was his fear that the chances were going lower and lower that he would be able to do his assignment before he ever tried to get out of the Soviet Union; that is, that he would not be able to penetrate Soviet airspace to fulfill his mission.

He said, "In essence, what you are doing is sending me on a suicide mission and it is very difficult for me to accept that assignment from my country."

Now, I am not an expert on that. I am not a member of the Armed Services Committee, but I will tell you this, it is very difficult to answer that question when you are looking at the fellow and you are talking to him and he is telling you what his evaluation of the B-52 is that he has to fly, that is, that we require him to do as part of his duty to the United States.

The gentleman makes a very important point. If what we are saying is

that we can be allowed to build new B-52's, then maybe the wings will not fall off and we will not lose lives; but we are still going to put them in a position of attempting to fulfill a mission that basically is a suicide mission, because there will be no freeze on the defense capabilities of the Soviet Union. You can still fly the old B-52's, maybe a brand new one, but it is 1950 technology against the advancing defense mechanisms of the Soviet Union, which will get rid of one of the legs of our triad. If people think that makes sense, that is fine, if that is what is going to give us a more stable position in the world, vis-a-vis, the Soviet Union, then that argument ought to be made.

I, frankly, do not think that is the case and we ought to judge every amendment on whether it is going to undercut the credibility of all three legs of our triad.

The gentleman is to be commended for bringing this forcefully to the attention of all of us. I cannot understand why anybody would be against this amendment if, in fact, all it does is reiterate what the chairman has suggested that he already believes to be the case in the bill itself.

Mr. HUNTER. I thank the gentleman from California.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Chairman, I just want to ask a further point here.

The B-52's, as I understand it, are now so expensive and so obsolescent that in fact we are having to have manufactured many of the parts by hand because they no longer have any lines for them and there is no longer any technology for them.

Does the gentleman think that in that sense we might actually see an increase in the total cost of our air leg of the triad in defense if we were to freeze and try to maintain for the next decade the current B-52 force?

Mr. HUNTER. Certainly, I think there is a good chance that if we had to rebuild the B-52 production lines, we would have an extremely substantial investment and it could very well cost as much as the B-1's. It would not be an inexpensive program and it would probably not save money.

Mr. Chairman, I think that the point has been well made that this freeze has one fatal defect and that is that it does not fulfill or discharge our responsibility as Members of Congress to the men and women of the armed services who we are constitutionally charged to arm and to protect.

I would urge every Member of this Congress to vote in favor of this amendment.

Remember, it is our duty as Members of Congress to raise and equip the armed services of this Nation. If we pass this resolution without this amendment, we will be doing them a great disservice.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. ZABLOCKI TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI to the amendment offered by Mr. HUNTER: In the text of the section proposed to be added to the resolution by the Hunter amendment, strike out "modernizing our strategic systems when such modernization is necessary" and insert in lieu thereof "taking such measures with respect to our strategic systems as are necessary".

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I will be happy to accept the amendment.

Mr. ZABLOCKI. The gentleman is prepared to accept the amendment?

Mr. HUNTER. Yes.

Mr. ZABLOCKI. I had hoped the gentleman would accept it, because I basically support the intent of the gentleman's amendment, but the gentleman went too far.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) to the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER), as amended.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN of Missouri: Page 5, after line 23, insert the following sections and redesignate subsequent sections accordingly:

"SEC. 8. For purposes of this resolution, a nuclear delivery vehicle is a device whose primary or exclusive mission requires it to carry a nuclear weapon into territory of or occupied by hostile forces."

"SEC. 9. A freeze agreement in accordance with this resolution will not preclude the one-for-one replacement of nuclear weapons and nuclear delivery vehicles in order to preserve the credibility of the United States nuclear deterrence, provided the new weapon or delivery vehicle is the same type as the old."

Mr. COLEMAN of Missouri. Mr. Chairman, what this does is to put in legislative form the intent that the gentleman from Wisconsin (Mr. ZABLOCKI) made in his statement regarding this resolution, and I have asked the chairman to look at it in advance.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman from Missouri for making a copy of his amendment available to this side of the aisle.

Indeed, it tracks the language that I made in my floor statement of April 13 and we are very pleased to accept the gentleman's amendment.

Mr. COLEMAN of Missouri. I thank the gentleman.

The reason I think it is important, it is an important enough statement not only to show legislative intent, but to put the resolution to make sure that there is no question about it. I appreciate the chairman accepting the amendment.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I just wish to again to reiterate the complete and total consistency of the gentleman's amendment and the purpose of the freeze.

I thank the gentleman for his clarifying amenement. I hope it makes it more possible for the gentleman to vote the final freeze resolution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 5 after line 23, insert the following new section:

SEC. 10. Nothing in this joint resolution shall be construed—

(1) to prevent, during any negotiations pursuant to this resolution, or

(2) to require that, in any negotiations pursuant to this resolution, the United States agree to a provision which would prevent such modernization and deployment of United States new or improved dual capable delivery systems as the United States may determine is required to maintain the capability of the United States defense posture.

(Mr. COURTER asked and was given permission to revise and extend his remarks.)

Mr. COURTER. Mr. Chairman, we have debated this resolution for a period of time. It is obviously the third day of debate. The first day of debate goes back better than 1 month ago now. I believe it was on March 16 of this year. During that particular debate, there was a very interesting dialog that took place between a number of Members revolving around the word and words of "systems with dual capabilities."

Obviously, the freeze resolution does attempt to include delivery systems, and there was some question on March 16 as to what we mean by delivery systems.

The question was whether it did cover systems with dual capability;

that is, conventional as well as nuclear capability.

□ 1430

What I would like to do for the record is to review some of the dialog that took place on March 16. The purpose of my reviewing the dialog really is to establish how cloudy, how obscure, how obfuscated some of the dialog was and, therefore, how really inprecise the language of the resolution is.

Therefore, my amendment, which clearly attempts to exclude dual capable systems, is necessary in view of the cloudiness, in view of the obfuscation.

On March 16 there was a dialog between the gentleman from Ohio (Mr. KASICH) and the gentleman from Wisconsin (Mr. ZABLOCKI). Mr. KASICH said as follows, and this is printed in the RECORD on that particular day, March 16, on page 5782, Mr. KASICH said, "* * * is the B-1 bomber a delivery, a nuclear missile delivery system, or is it not?"

Mr. ZABLOCKI, the gentleman from Wisconsin, responded as follows, and obviously I will give him an opportunity to clarify his position if it has changed or it needs clarification, but the gentleman from Wisconsin (Mr. ZABLOCKI) went on as follows: "* * * the B-1 bomber is a platform the same as a submarine is a platform for a nuclear device that is self-propelled once it leaves both those vehicles."

"* * * the B-1 bomber can carry nuclear as well as conventional bombs. Therefore," says Mr. ZABLOCKI, "It would be in the classification that the B-52 could be modernized by a B-1."

My clear interpretation of that dialog is that the B-1 is not covered, the B-1 is a dual-capable system and, therefore, the freeze resolution does not prohibit the production of the B-1.

Further on, on page 5782, Mr. ZABLOCKI clarifies his statement and says as follows about the B-1 bomber: "* * * the B-1 bomber can carry nuclear as well as conventional bombs. Therefore, it would be in the classification that the B-52 could be modernized by a B-1."

There was a dialog between the gentleman from California (Mr. HUNTER) and Mr. ZABLOCKI. Mr. HUNTER says on page 5782 as follows: "* * * a cruise missile can carry a conventional warhead also. Are cruise missiles not then restricted by the freeze?"

Mr. ZABLOCKI answers: "That is what the gentleman from Wisconsin just stated."

I assume that if you do have, pursuant to that dialog, a cruise missile, whether it is launched from a submarine, whether it is launched from the ground, if it contains a conventional warhead, a nonnuclear warhead, it would indeed not be covered by the freeze resolution.

Interestingly, I go on to page 5786 of the dialog on March 16, a dialog between Mr. ZABLOCKI and the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS states, "My question is: The F-14, the F-15, the F-16 are all dual-capable aircraft. They can and in some circumstances do carry nuclear weapons. Will we have to stop building our front line conventional fighters if this resolution passes?"

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I would yield to the chairman for a short inquiry.

Mr. ZABLOCKI. We are trying to follow the gentleman and he is talking about B-5's, and he is talking about April 13 and April 15.

Mr. COURTER. March 15.

Mr. ZABLOCKI. The gentleman stated April 15.

Mr. COURTER. I am sorry, that is my mistake. It is March 16.

Mr. ZABLOCKI. I want to be sure the gentleman is not taking my quotes out of context.

Mr. COURTER. Goodness gracious, Mr. Chairman, I would hardly ever do that.

If you will pick up the RECORD you can follow me word-for-word. Pick up the RECORD of March 16 and follow the dialog as I said now on page 5786. It is March 16. I am sorry for misleading the chairman.

Mr. HOPKINS, the gentleman from Kentucky states: ". . . the F-14, the F-15, the F-16 are all dual-capable aircraft. They can and in some circumstances do carry nuclear weapons. Will we have to stop building our front line conventional fighters if this resolution passes?"

Mr. ZABLOCKI. Obviously the answer is: "No."

Mr. HOPKINS goes on: "What would be included," in the freeze, "that you speak of in the resolution?"

Mr. ZABLOCKI indicates: "Systems that would be used primarily for delivering nuclear weapons. Dual-capable systems are not precluded from being maintained and modernized."

I repeat my emphasis, he states that: "Dual-capable systems are not precluded."

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent Mr. COURTER was allowed to proceed for 5 additional minutes.)

Mr. COURTER. Again on page 5786 the chairman reemphasizes and says that: "Dual-capable systems are not precluded from being maintained and modernized." That is on page 5786.

Finally on page 5786 in response to the gentleman from Kentucky, Mr. HOPKINS on his question are all dual systems excluded from the resolution, the chairman, Mr. ZABLOCKI says: "As often as I have said it, yes."

I would like to just emphasize the fact that he indicated at that particular time that systems with dual capabilities are in fact not covered by the freeze. Other individuals had similar statements.

In fact, there was also a dialog on page 5782 of that date of March 16 between the gentleman from Illinois (Mr. HYDE) and the gentleman from New York (Mr. SOLARZ). Mr. SOLARZ says, ". . . there is nothing in this resolution which would preclude the modernization of conventional fighter aircraft."

Mr. HYDE goes on and says, "Even though they have a dual capacity and they can carry nuclear as well as conventional," systems?

Mr. SOLARZ indicates, "The gentleman is right." So Mr. SOLARZ says he is glad to see the gentleman from New York is with us at this moment and indicates that the systems with dual capabilities should indeed be excluded under the resolution.

I then bring the attention of the Members to the statement Chairman ZABLOCKI makes on the second day that we debated the freeze resolution coming from what I thought was a position of great clarity, a position that permitted the B-1 bomber to be produced as a modernization and a dual system, a system of dual capabilities, to a position that the chairman had on April 13. The chairman's position on April 13, pursuant to the dialog, the second day that we debated the resolution, seems to have changed significantly, more certainly that somewhat. He indicates now rather than having three basic types of systems, that is those that are nuclear, those that are dual and those that are nonnuclear, the chairman seems to craft four types of systems, those that are exclusively nuclear, those that are primarily nuclear, those that are true dual, and then finally those that have primarily nonnuclear. So we shift from a position of having three types of systems to a position where there seems to be four.

The chairman, it seems to me, also is changing from what he said on the prior date in March and indicates in his dialog of April 13 that now the FB-111 and the follow-on to the B-52, that is the B-1, is either an exclusively nuclear or a primarily nuclear system and, therefore, must be excluded, seeming to me to be quite contrary to his statement in March, just a few days before that.

He goes on indicating that the F-111 A, D, and E fall into the new category of a dual mission capable system and dual mission, and true dual mission capable systems are not excluded but are up to negotiation. It is only primarily nonnuclear systems, such as the chairman goes on, the A-4, the A-6, the A-7, the AV-8, the A-10, the F-8, and the

F-100, which are excluded under the resolution.

Therefore, it seems to me that from that March to April we shifted from a position of No. 1, under the dialog of March permitting dual-capable systems; for example, they were not excluded, to a position where dual-capable systems were not excluded under the dialog in April.

Also in March there were three categories, as I indicated before, nuclear, dual-capable systems and nonnuclear. That shifted in April to four systems, nuclear systems, primarily nuclear systems, true dual systems, and primarily nonnuclear systems, which is a shift.

In March the B-1 was permissible. In April the B-1 was not.

In March, conventional cruise missiles were permissible under the freeze and in April apparently conventional cruise missiles are not permitted under the freeze resolution.

In order then, and then I will be happy to yield in just one moment, in order then to clarify this situation which is indeed clouded, which indeed has thrown many Members in turmoil, which indeed has confused the Secretary of Defense where he indicates that his understanding of the freeze resolution, pursuant to a letter to the gentleman from Michigan (Mr. BROOMFIELD) dated April 8, was that the language certainly did apply to dual-capable systems, in order to make sure that the Secretary of Defense, the administration, the chairman of the committee, Mr. ZABLOCKI, the gentleman from New York (Mr. SOLARZ), people on this side of the aisle all understand that dual systems or systems with dual capabilities are not excluded, my amendment is very simple.

□ 1440

And it simply attempts to restate the dialog of March, stating very simply that the freeze resolution does not cover those systems that have dual capabilities.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.)

Mr. COURTER. First, I think it is appropriate that I yield to the chairman before I yield to the gentleman from New York.

Mr. ZABLOCKI. I thank the gentleman for yielding.

The gentleman stated that the Secretary of Defense said that dual systems were included in the resolution which is not true. The Secretary of Defense was also wrong when he advised some of our colleagues in briefings that House Joint Resolution 13 is a unilateral freeze. He was just as wrong in both instances.

Mr. COURTER. Mr. Chairman, if I can comment on that, there is no doubt about the fact that the Secretary of Defense, being part of the administration, is going to have a good deal of input, I suppose with regard to the decisions of our negotiators. The Secretary of Defense did in fact say on April 8 as follows in the second paragraph in a letter addressed to Mr. BROOMFIELD:

> The resolution calls for a freeze on the testing, production and further deployment of nuclear warhead missiles and other delivery systems.

The Secretary goes on and says,

> Such language will certainly apply to dual-capable systems.

So, the Secretary I think was very clear with regard to that.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

The gentleman has asked us to approve an amendment that some of us may or may not have a problem with, depending on whether we can agree upon a definition of what is meant by dual-capable systems.

The authoritative interpretation of House Joint Resolution 13 was given on April 13, after 13 hours of debate by our very distinguished chairman, the gentleman from Wisconsin. And in that statement we, in effect, attempted to deal with the problem of dual-capable systems, and I would like to ask the gentleman if this interpretation accords with his own, by making the point that conceptually you could look at dual-capable systems in one of the following ways: There are those dual-capable systems whose primary function is the delivery of conventional ordnance, but who secondarily might have the capacity to deliver nuclear ordnance. And with respect to such dual-capable systems, we took the position that they would not be included in the freeze because the primary function was the delivery of conventional ordnance.

With respect to those dual-capable systems whose primary purpose was to deliver nuclear ordnance, but which secondarily might have a capacity to deliver conventional ordnance, we took the position that those systems would be included in a freeze because their primary purpose was to deliver nuclear ordnance. And with respect, finally, to those dual-capable systems that one might say were equally for the purpose of delivering conventional as well as nuclear ordnance, that their status would be resolved in the course of the negotiations. And whether they were included or excluded would be a function of what was agreed upon in the negotiations with the Soviet Union, assuming of course, that there was agreement.

So, my question, first of all, to the gentleman would be: Do you agree, for the purposes of the legislative history of your amendment, with this analysis of the relationship between dual-capable systems and what would be included within a freeze?

Mr. COURTER. My problem, and I thank the gentleman for his question, my problem is the fact that the history of the debate as we all know is very, very clouded, is obscure. Different Members had very strong positions and views relative to what was a dual-capable system or not; not with regard to that so much, which does not bother me; obviously that is something that is going to have to be negotiated with the negotiators. But to the very question as to whether dual-capable systems are covered or not. If the gentleman will permit me to try to clarify my point, it seems like it is quite a revolutionary leap to say in March that the B-1 is permitted and in April to say that it is not, all in the guise that it is a different level of a dual-capable system.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. COURTER. I yield further.

Mr. SOLARZ. What I am trying to do is to find out if we can reach agreement here so we can accept your amendment.

Mr. COURTER. I would be happy to do that.

Mr. SOLARZ. Because if we can reach an agreement, some of us can agree to your amendment.

Before Moses went up to the top of Mt. Sinai, there was debate and disagreement among the people of Israel as to what commandments to follow. But when he came down there it was in the Ten Commandments. And that was the Holy Writ.

Mr. COURTER. Is the gentleman saying that the chairman came down from the mountain on April 13 and the whole 12 or 13 hours of debate before that was something different?

Mr. SOLARZ. What I am saying to my good friend is that when the gentleman from Wisconsin, after 13 hours of debate on April 13, read his statement about what this resolution covered and what it did not cover, that was the Holy Writ. And all of the sponsors of the resolution agreed to it.

There may have been, as the gentleman points out, some disagreements before. But for the purposes of the legislative history of this resolution, the chairman's statement set the meaning of the resolution forth in crystal-clear language.

And if you will refer back to that statement, which I have in front of me right now, the chairman made it clear that, "The Soviet Bear in all its versions, Bison, Blinder, Badger, Backfire in all its versions including the naval version because of its nuclear antiship missiles, and Blackjack," would all be considered exclusively nuclear or primarily nuclear and would be frozen at their present numbers. For our part, the B-52, the B-1, and the FB-111 as dual-capable systems whose primary purpose is delivery of nuclear ordnance would be included as well.

Then the chairman went on to say that there were a number of true dual mission weapons that had both conventional and nuclear functions. They were the Soviet SU-24 Fencer and all its versions, U.S. F-111- A, D, E, and F, and those the chairman pointed out would be subject to negotiations. And finally he said, "All other existing aircraft are considered to be primarily nonnuclear and would not be frozen. This list includes but is not limited to, I repeat" the chairman said, "is not limited to the following: The Soviets' entire Mig series, Yakovlev series and Sukhoi series except the SU-24 Fencer;" and for our part the U.S. A-4, A-6, A-7, AV-A, A-10, F-100, F-101, F-105, F-106, F-4, F-8, F-14, F-15, F-16, F-18, F-20, and EF-111.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. COURTER was allowed to proceed for 1 additional minute.

Mr. COURTER. I yield further to the gentleman.

Mr. SOLARZ. Does the gentleman accept that definition for the purposes of his amendment? Because if he does we have no problem.

Mr. COURTER. My problem is the fact that we are dealing and I think we can perhaps come to agreement here and hope through the dialog accept the amendment because the amendment is not intended as the gentleman from New York knows to debilitate, weaken, or tear down or destroy. It is meant to be a substantive improvement and area of clarification. Obviously I am concerned not only with these weapon systems. It is one thing—and I suppose reasonable minds can attempt to draw up a list as to what is truly dual capable, what is primarily nuclear and what is secondarily nuclear and primarily conventional, but we are also having to deal with future systems that are not on line yet.

That is the reason I want to make sure that the lines are very clearly drawn.

Mr. SOLARZ. With respect, I would say to the gentleman, to new systems that have not been developed yet, the key would be their primary purpose. If it is the delivery of nuclear ordnance, they would be included. If it is the delivery of conventional ordnance, they would be excluded; if it is both, they would be a subject of negotiation.

Mr. COURTER. And if the understanding as to whether is it primary or secondary is not agreed to, well, then that is subject to negotiation, again obviously.

Mr. SOLARZ. Yes. I think clearly it is. Obviously.

I thank the gentleman then. I think this has been a productive colloquy based on his interpretation of legislative history. I for one would have no problem with the amendment.

Mr. COURTER. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was agreed to.

Mr. ZABLOCKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express my appreciation and thanks to the gentleman from New York for comparing me to Moses. And I also thank him for reading my statement of April 13 with such emphasis that it is better understood now than I did on the day that I read it.

I am very happy that we are going to move on. I would like to know how many more amendments we can expect from the other side.

The gentleman from Illinois (Mr. HYDE) said we are going to finish today. May I ask the gentleman from Illinois if he has any more current news.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I say to the gentleman that was a hope and aspiration, but not a completed expectation.

Mr. ZABLOCKI. Has the gentleman's hope waned or strengthened?

Mr. HYDE. It is waxing and then it wanes. It is a cyclical thing. Right now it is waning.

Mr. ZABLOCKI. Well, we will be hoping for drier weather so it will not wane.

Mr. Chairman, I would like to advise my colleagues that after a reasonable debate the chairman intends to limit time on amendments so that we can hopefully finish today or certainly by tomorrow.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: At the end of the resolution, add the following new section:

"SEC. 11. Consistent with Public Law 88-186, as amended, no action shall be taken under this Act that will obligate the United States to disarm or to reduce or to limit the armed forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States."

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding. I want to determine whether this is the amendment the gentleman printed in the RECORD of yesterday or the day before.

Mr. STRATTON. This is an amendment which appeared in the RECORD not of yesterday, but several days ago. It has been in the RECORD, I think, for about a month. It is the second amendment, I believe, that is listed there.

Mr. AuCOIN. I thank the gentleman.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Is this the amendment that the gentleman advised me was noncontroversial?

Mr. STRATTON. This is noncontroversial I would think.

Mr. ZABLOCKI. Then I had better read it.

Mr. STRATTON. What this amendment does is simply to restate as part of this resolution a statement that is contained in Public Law 88-186, which is the legislation creating the Arms Control and Disarmament Agency.

There has been some concern as to whether this freeze resolution, which relates to arms control and to disarmament, might be regarded as repealing previous statutory legislation on arms control.

Earlier in the debate there was some concern that because this is a House joint resolution rather than a concurrent resolution, it might be signed immediately into law. And the statement that is included in my amendment simply restates what was contained in the orginal Arms Control and Disarmament Act, namely, that there should be no "reduction or limitation of the Armed Forces of the United states except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress" of the United States.

I believe this is in line with what the chairman has already said about this freeze legislation.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

In order that there be no misunderstanding, Mr. Chairman, I would like to read the gentleman's amendment and if this is the amendment that I have before me we will have no problem.

Mr. STRATTON. It is No. 2 and I believe I gave it to the gentleman.

Mr. ZABLOCKI. The amendment I have before me reads:

Consistent with Public Law 88-186, as amended, no action shall be taken under this Act that will obligate the United States to disarm or to reduce or to limit the armed forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

Is that the amendment?

Mr. STRATTON. That is it.

Mr. ZABLOCKI. Mr. Chairman, we are prepared to accept it.

Mr. STRATTON. I thank the gentleman.

Mr. BROOMFIELD. We are very happy to accept it on this side also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARTIN OF NORTH CAROLINA

Mr. MARTIN of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of North Carolina: Page 4, line 22, immediately after the period, insert the following: "Submarines are not delivery systems as used herein."

Mr. MARTIN of North Carolina. Mr. Chairman, during the previous days of debate there have been many attempts to explain what this legislation means and what it does not mean.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I am very pleased that the gentleman has shared the amendment with us. Certainly submarines were not intended as delivery systems under House Joint Resolution 13. We accept the gentleman's amendment.

Mr. MARTIN of North Carolina. I thank the Chairman for his statement of acceptance. And I think he recognizes, as do we all, that it is important to put into the legislation clarification, so that it is clear to everyone just what this particular proposal means and what it does not mean.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MARTIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GINGRICH: Page 4, line 22, after "systems" insert ", and which would threaten the viability of sea-based nuclear deterrent forces".

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, we do not have a copy of the amendment before us.

Mr. GINGRICH. I will be happy to give the gentleman my copy.

Mr. ZABLOCKI. I thank the gentleman.

Mr. GINGRICH. Mr. Chairman, I am proposing this amendment frankly in response to the dialog which took place last week. I think it was one of the useful aspects of slowly and methodically trying to think through the nuclear-freeze proposal and is one of the virtues of the legislative process that at times when one talks these things through, one has a better chance of understanding one's colleagues frame of reference.

I was very concerned, as I am certain many of the nuclear-freeze advocates were, by the New York Times editorial of yesterday which was entitled, "Stop Nukes, Then What?"

It closed in a rather uncharitable way and I quote, by saying:

Unfortunately, instead of welcoming innovations many freeze enthusiasts attacked them. And the House Democratic leadership continues to press for the freeze resolution Stop Now. But there is still no next sentence, where is the program to match the piety.

Now I will be glad to wait for a moment if the gentleman would like to read it two or three times and then I will explain why it is there, because I think it is an important and very serious amendment.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

What is the gentleman trying to do with his amendment?

Mr. GINGRICH. If the gentleman will sit down and listen, I will be glad to explain.

Mr. AUCOIN. I am listening.

Mr. GINGRICH. Earlier there was a colloquy engaged in trying to figure it out.

□ 1500

Mr. ZABLOCKI. If the gentleman will yield, we are trying to fit the gentleman's amendment into the resolution that is before us, and it just does not seem to make sense.

Mr. GINGRICH. I do not have the exact wording, but it would simply add on a phrase at the end of your clause there which would say, in effect, that we are freezing all antisubmarine warfare.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ASPIN. The gentleman's amendment would freeze all ASW, nuclear and nonnuclear?

Mr. GINGRICH. Period.

Mr. ASPIN. Yes. But both?

Mr. GINGRICH. Yes.

Mr. ASPIN. What the gentleman is doing is broadening the resolution to an area which it has previously not been involved in.

Mr. GINGRICH. Yes.

Mr. ASPIN. Up to now, we have been talking about freezing nuclear systems.

Mr. GINGRICH. Yes.

Mr. ASPIN. The gentleman is now talking about freezing an area of development which is, in effect, nonnuclear.

Mr. GINGRICH. Yes. Precisely.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. If the gentleman broadens the resolution to the extent that his amendment intends, is the gentleman going to support it?

Mr. GINGRICH. I might well, if the gentleman from New York and a few others have their amendments added.

We have been doing well enough this afternoon. This resolution looks better with each passing hour. I am very encouraged by the developments.

Mr. ZABLOCKI. If the gentleman will yield, even with all of the amendments added to it that we have accepted, it was exactly what the resolution was. So it should have looked better to the gentleman at the very beginning.

Mr. GINGRICH. Well, I appreciate the chairman's feelings, and I appreciate the work that he has put in in developing, in crafting, maybe not a mosaic document, but certainly one that is worthwhile.

Now, let me explain why I am offering this amendment and why I think it is extremely critical.

A number of gentlemen who favor the freeze movement have been telling us that one of the reasons we can afford the risk of a freeze is because of the capacity of American nuclear submarines, because of our ability to be silent, because of the difficulty of finding them, because they are, for all practical purposes, when at sea, invulnerable.

Now, I take what the gentleman is trying to do seriously. I do not think this is just a frivolous, symbolic political thing. I think it is conceivable that

at some point we are going to negotiate a freeze with the Soviet Union. If I were the Soviets, I would, frankly, take such a freeze, if I were sure of two things: First, that we would not reopen the B-52 line and/or airframes would simply collapse over the next decade, eliminating that part of the triad, and, second, that I could then divert all of my strategic weapons systems moneys into ASW. Because if I am the Soviets, and over the next 10 years I can spend all of my discretionary money on antisubmarine warfare, I may have a reasonable chance of being able to find Trident submarines and kill them. If at the same time I have frozen the American submarine-based missiles, while keeping the Typhoon-class missile, which allows certain kinds of nuclear submarines on the Soviet side to stay at home, to fire their missiles from home port or from the North Sea, then I think that there are enormous advantages to the Soviets.

So, in order to take up precisely those of my friends who I listened to last week and who reassured us about the Trident system, in order to give them a chance to be absolutely certain that the Trident system would still be available in the 1990's and would still be useful, I want to block the opportunity of allowing the Soviets to invest massively in antisubmarine warfare in making a fundamental breakthrough.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Illinois.

Mr. HYDE. I thank my friend for yielding.

Mr. Chairman, I think the gentleman has put his finger on a very significant flaw in this whole freeze concept. While we would freeze, theoretically, the nuclear weapons and delivery systems, we do not freeze the countermeasures that are used to discover and ascertain and, ultimately, to destroy these weapons as they deteriorate in the water and in the air.

Therefore, if we are going to freeze the weapons and the delivery systems, we ought to freeze the countermeasures so that as they age and deteriorate, they do not become totally useless and vulnerable to antisubmarine and air defense systems.

Is that what the gentleman is saying?

Mr. GINGRICH. The gentleman from Illinois, as usual, has pinpointed precisely the flaw in the currently drafted freeze resolution.

Mr. HYDE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. GINGRICH was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I think the gentleman has certainly come up with an ingenious idea but, very frankly, I would be concerned if we were to suggest that freezing antisubmarine warfare activities on the part of the United States were actually to be considered in these negotiations.

I think there is no question about it and I am sure the gentleman from Florida (Mr. BENNETT) would agree with me that we are ahead of the Soviet Union today in our antisubmarine warfare capability. We do not talk about it very much, and that is one of the reasons we are ahead.

But if we were to undertake a freeze, how would we, for example, verify it? I think that we would be throwing away a very important capability and, while I understand what the gentleman is saying, I would rather take my chances with the U.S. capabilities than with the Soviet R&D.

Mr. GINGRICH. If I may respond to the gentleman from New York, let me say, first of all, that I was very encouraged last week when the gentleman, the chairman of the committee, commented to the newspapers that he would not send a 19-year-old girl back to China, because he understood that one could not always trust Communist governments. And I would hope that we would approach verification with at least as much concern for nuclear weapons and submarines as we do for 19-year-old girls.

Therefore, I would think that we would have to negotiate a very tight freeze, a very verifiable freeze. You might even have to have something as radical as onsite inspection.

Mr. STRATTON. Does the gentleman mean underwater onsite inspections? That is going a little too far.

Mr. GINGRICH. Well, I think one has to negotiate.

But let me drive this point home, because I do not think this is a game any more than the gentleman does. The gentlemen who are voting for the freeze on the grounds that the submarines are invulnerable are creating an environment in which the Soviets can transfer money directly into antisubmarine warfare.

Now, if those Trident missiles become vulnerable, we are in deep trouble if you end up on a freeze that has collapsing B-52's, vulnerable Minuteman, and a Trident which is the base—and I could cite quote after quote from last week about the importance of the submarine-based deterrent. And what we are doing is, we are giving the Soviets a classic opportunity to shift all of their resources into one zone and to make a fundamental breakthrough in that zone while trapping us in a missile in that submarine which requires our submarines to be far closer to the Soviet Union than their submarines have to be to us.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me ask the gentleman a question. I am kind of inclined to agree with the gentleman's amendment here, but I would like to probe a little further.

The gentleman is broadening the freeze now to other than nuclear systems, and that has got something maybe to be said for it. But what about other nonnuclear systems which affect the nuclear balance? Why did not the gentleman include, for example, air defense?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has again expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 3 additional minutes.)

Mr. GINGRICH. If I may respond, in the first place, I do not care about nuclear systems. I care about nuclear war.

The purpose of the Trident system is to prevent nuclear war. The purpose of theoretically conventional antisubmarine warfare is to kill the Trident system and to make nuclear war more possible.

To talk about conventional and nonconventional systems in the abstract is nonsense.

Mr. ASPIN. Agreed.

Mr. GINGRICH. OK.

Mr. ASPIN. But just to pursue it further, the purpose of an air defense, nonnuclear air defense, is to defend against nuclear bombers.

Mr. GINGRICH. If the gentleman from Wisconsin wants to offer an amendment that would require the Soviets to degrade their air defense at a rate equal to the collapse of the B-52's, I would vote for that amendment. I think that is a brilliant idea. But I am trying to address a different point, which is that the gentlemen who favor the freeze have emphasized over and over the importance of the Trident system. I am giving those gentlemen a chance to vote for an additional amendment which will protect the Trident system. In the absence of that protection, I think that you are just kidding yourselves in the 1980's.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the distinguished chairman.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, may I just ask the gentleman a question? The gentleman's amendment would be subject to the conditions of House Joint Resolu-

tion 13 and would have to be negotiated?

Mr. GINGRICH. Well, of course.

Mr. ZABLOCKI. Very good.

May I also make a suggestion now, just a grammatical suggestion to the gentleman's amendment?

The gentleman's amendment, on page 4, line 22, following the word "systems" inserts "and which would threaten the viability of sea-based nuclear deterrent forces." It is grammatically wrong, I think. Would the gentleman accept an amendment and add "and systems which would threaten"?

Mr. GINGRICH. I would be delighted to accept that amendment.

Mr. ZABLOCKI. We are coming close.

Mr. GINGRICH. Good.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. DICKS. The chairman has already covered the point. The point is, this would be subject to negotiations on both sides.

I think the gentleman would admit that at this point in time we do have superior ASW capability, so if the Soviets were willing to agree, that would, in a sense, lock in our superiority in this area, and I think that would be good. I would be delighted to see the Soviets do that.

□ 1510

Mr. GINGRICH. Let me say that I am much more sympathetic to the freeze advocates' argument that the American land-based comparisons are nonsense because of our enormous advantage in submarine-based systems in terms of ASW and the threat we pose to their systems.

I have always felt that there is an asymmetry there which is nonsensical about purely on land-based systems, but my concern is that we make it very clear in the RECORD that we are committed to freezing the current invulnerability of the Trident.

So as I was saying to the gentleman from Washington, if I could have his attention for one additional second, the whole thrust of this amendment is to say that you are right as of today that probably is an invulnerable leg of the triad, but through nonnuclear means, that leg could be cut off. I want to freeze the protection of that leg into the resolution. I think we may, in fact, be very close.

Mr. DICKS. Mr. Chairman, will the gentleman yield for one further question?

Mr. GINGRICH. I would be delighted to yield to the gentleman from Washington.

Mr. DICKS. The gentleman is, of course, an expert in the national defense area and someone whose judgment on these matters I regard very highly.

Mr. GINGRICH. I am glad you think that.

Mr. DICKS. Could the gentleman describe just how he would envision the process of verifying the activities in this area?

Mr. GINGRICH. I think we are entering what is a complicated but potentially very fruitful area. I think it will require serious negotiation and would require an effort to, for example, as we already do, monitor Soviet naval maneuvers and have them monitor ours. It would require a significant amount of electronic intelligence capability, some of which we already have. I think it would have to be a walk through.

I personally think that the crunch ultimately is going to come with onsite inspection.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

(On request of Mr. DICKS and by unanimous consent, Mr. GINGRICH was allowed to proceed for 1 additional minute.)

Mr. GINGRICH. But I also think we are eventually going to approach the crunch that when you have a society like the Soviet Union that is willing to build enormous ship facilities within which to hide entire ships in order to avoid satellite surveillance, sooner or later we are going to have to get to onsite inspection anyway.

So I am simply opening up an area, and I am trying to say in answer to the gentleman from Wisconsin earlier, as Churchill once said, it is nonsense in talking about war to distinguish between defensive and offensive weapons. The ability to kill a Trident system is an offensive capability if you are trying to stabilize the world and avoid nuclear war.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I would be delighted to yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has a very constructive idea here. Obviously, if we can lock in the current invulnerability of our sea-based deterrent, that would contribute very significantly to strategic stability.

If an agreement can be reached which would make impossible the kind of breakthroughs in ASW which could at some point in the future potentially jeopardize our sea-based deterrent and our submarine-launched ballistic missiles, then that would be a very salutory development.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has again expired.

(On request of Mr. SOLARZ and by unanimous consent, Mr. GINGRICH was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. But I think it is important for the gentleman to recognize that there is profound skepticism, to put it charitably, about the extent to which it is in fact possible to verify agreements with respect to the development and deployment of ASW systems.

I assume the gentleman recognizes that in the context of this resolution and of the clause he seeks to amend, that such an agreement would have to be verifiable before it took place. If it turns out that we cannot devise ways to verify these assurances with respect to ASW, then there would, of course, be no agreement.

Mr. GINGRICH. Let me ask the gentleman from New York, if, in fact, your logic train says we can afford to risk the freeze because the Trident is invulnerable, and if, in fact, it is possible, and I think every expert on this floor would agree it is possible, that a massive Soviet investment in ASW, antisubmarine warfare, would risk the Trident, then are you not saying that, in fact, the hinge of the survival of the United States in a freeze environment is on the gamble that the Soviets either will not or cannot make a breakthrough in Trident?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. GINGRICH) has again expired.

(By unanimous consent, Mr. GINGRICH was allowed to proceed for 2 additional minutes.)

Mr. SOLARZ. Mr. Chairman, I say to my very good friend, the gentleman from Georgia, that it is literally inconceivable that the United States would put its survival at risk in the fashion in which you describe.

Assuming we reached an agreement on a freeze, and the Soviet Union continued to develop its ASW capacities, and at some point in the future achieved or appeared to be on the verge of achieving a breakthrough, this agreement would obviously have to be revised. We are not going to sit by while our entire strategic deterrent becomes vulnerable to a Soviet attack. But I say to my friend that if his amendment is included, which I hope it will be, that we would then make every effort to achieve such an agreement, but we have to recognize that it may be difficult, perhaps impossible, to find ways to verify an agreement on ASW.

Mr. GINGRICH. Let me just say to my friend, in closing, that with all deference, first of all, I know the gentleman is a very esteemed member of the Committee on Foreign Affairs. I suggest you talk to members of the Committee on Armed Services and you would find that it is very conceivable that the Soviets, in fact, would precisely expend massive quantities of additional money if the only leg of the

triad they had to focus on was the submarine. So that is a very grave danger.

Second, let me say to the gentleman that I think there is a valid point in suggesting to the Soviets, as a trade, that if they will back off on submarines and allow their air defense system to stay about where it is now, that there is a symmetry of the asymmetry; that is, we have certain massive advantages in certain areas, and if we could monitor them consciously staying as far behind us in submarines as they are now, and at the same time we would not try to match them in land-based deterrents, I suspect that it would be a very different world. I find it a little hard to believe the Soviets would do that, but it certainly is worth a gamble.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the distinguished chairman, the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Chairman, I ask unanimous consent that the suggested amendment offered by the gentleman from Georgia be modified to add "systems" between "and" and the word "which" in his amendment.

Mr. GINGRICH. I am sorry. Would you read that again?

Mr. ZABLOCKI. It would read "and systems which would threaten."

Mr. GINGRICH. Yes, I accept that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The modification to the amendment is as follows:

In the text proposed to be added on page 4, line 22, after "and" insert "systems".

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, on the basis of the legislative history on the amendment offered by the gentleman from Georgia, we are prepared to accept his amendment.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has an intriguing amendment and I am prepared to support it as well.

I just want to get a clarification of the gentleman's position. A lot of the upgrades, for instance, in ASW could be the improvement of microprocessors on a sonar buoy or an upgrade in a computer on a destroyer.

Would it be the gentleman's position that he would want the Soviets to monitor onsite possible improvements in sonar buoys and computers on American destroyers?

Mr. GINGRICH. Since this is an open society, I think we would gain massively if we could get an agreement for onsite inspection of their facilities.

Mr. DOWNEY of New York. And the gentleman has no problem with the Soviets spending time on American destroyers?

Mr. GINGRICH. Not if we get to spend time in their facilities, we do not.

Mr. DOWNEY of New York. All right. I thank the gentleman.

Mr. GINGRICH. I think that would be a master trade.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGRICH), as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 5, after line 13, add the following new section:

"(7) Nothing in this resolution shall be construed by United States negotiators to mandate any agreement that would jeopardize our ability to preserve freedom."

Mr. WALKER. Mr. Chairman, what I am attempting to do on this amendment is to go to the second stage of the nuclear debate that we have not often discussed on the floor, and that is, indeed, across the country there have been thousands of people who have registered their views with regard to the nuclear freeze in polling data, have registered their views with regard to the freeze in referendums that have been held across the country, but we have not tended to put that together with the fact that the same people in those same polls and those same people often say something else as well, and that is that they in no way want to jeopardize the security of the country, and in particular our basic freedoms.

Recently there was an article written in the Public Opinion magazine called the "Freeze Framework," in which Everett Carll Ladd goes into some detail in explaining what he regards as the two-tier point about the freeze movement.

□ 1520

He says that the most striking finding that he discovered after looking at all the various polling data since the end of World War II was this: Here is what he said:

The most striking finding that emerges from this extensive review is that American opinion on nuclear weapons and war has changed scarcely at all over nearly four decades. The nuclear freeze campaign of 1982 has not been prompted by some recent change in the public's thinking or concerns.

The article goes on to say that indeed people do fear nuclear weapons and always have, and it goes on to say this:

From this fear of the bomb, there has sprung widespread support for efforts to minimize its destructive potential.

The author then goes on to say this:

These enduring views are central parts of American opinion on nuclear weapons, and yet they are only half the story. For, as appalled as the public is about nuclear weaponry, it sees no realistic alternative to a heavy reliance on such weapons in the country's defense. The main reason for this is that the public considers the Soviet Union an untrustworthy adversary that would use its own nuclear superiority—or any other military advantage—against vital U.S. interests.

Beyond this, the public continues to believe that a strong nuclear arsenal is needed to block Soviet aggression. Throughout the post-World War II period, Americans have opposed having the United States promise that it would use nuclear weapons only if the Soviet Union used them first. In the event a nuclear war did result, Americans by large majorities have asserted consistently—as they did last March in a Los Angeles Times poll—that they would be "willing to risk the destruction of the United States rather than be dominated by the Russians."

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I listened intently to the gentleman, and I fail to understand whether he is really addressing himself to the amendment before us. May I read the amendment to the gentleman?

The amendment says:

Nothing in this resolution shall be construed by United States negotiators to mandate any agreement that would jeopardize our ability to preserve freedom.

Is that the gentleman's amendment?

Mr. WALKER. The gentleman is correct.

Mr. ZABLOCKI. Mr. Chairman, I have no problem with the amendment, but some of my colleagues here have asked if the gentleman has additional lyrics or music to the amendment.

Mr. WALKER. Mr. Chairman, I thank the gentleman, and we will try to supply the lyrics and the music for the Members.

Mr. ZABLOCKI. We are prepared to accept the amendment as stated.

Mr. BROOMFIELD. And, Mr. Chairman, we very readily accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment. It is amendment No. 3, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: At the end of the resolution, add the following new section:

"SEC. . Consistent with the provisions of Public Law 92-448, as amended, negotiations

undertaken pursuant to this Act shall provide for the maintenance of a vigorous research, development and modernization program to assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union. Further, such negotiations should recognize the difficulty of maintaining essential equivalence and a stable balance in nuclear deterrent capabilities in a period of rapidly developing technology, and that any future arms control agreements should promote a stable international balance and enhance the survivability of U.S. nuclear deterrent forces."

Mr. STRATTON. Mr. Chairman, in continuation of my policy of trying to assist the Committee on Foreign Affairs in developing the best possible resolution, I am offering this third noncontroversial amendment which actually reiterates the statement or the amendment that was added in 1972 at the time of the SALT I agreement by the distinguished Senator from Washington, Mr. JACKSON, which provided in our negotiations our forces should not be inferior to those of the Soviet Union.

The key here, I think, lies in the fact that the pertinent parts of Public Law 92-448 not only provided for the essential equivalence in terms of weapons but also recognized the need for research and development that would assure that the United States would not be limited in the future to a level of forces inferior to those of the Soviet Union.

I think this is in keeping with the other amendments I have offered, and would make it clear that in passing this resolution we are not in any way trying to repeal the Jackson amendment that was embodied in this legislation following the conclusion of the SALT I ratification by the Senate and by the House.

Mr. Chairman, I would be happy to yield to the distinguished chairman of the committee if he agrees with me that this is not a controversial amendment.

Mr. ZABLOCKI. Mr. Chairman, I am sorry, but I was in consultation, and I did not hear the gentleman's question. Did the gentleman ask a question?

Mr. STRATTON. No. I just wondered whether the gentleman, in good fellowship, would also be willing to accept this clarifying and perfecting addition to his resolution.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, the gentleman from New York is expecting the gentleman from Wisconsin to accept his amendment, and we are not prepared at this time. We prefer to hear a bit of further explanation.

It is not the intention of the gentleman from Wisconsin to shut off the gentleman from New York in his debate, but, as I read his amendment, if the gentleman would delete "modernization" and insert in lieu thereof "safety related improvement," we could accept the amendment. In other words, it would read, "* * * research, development, and safety related improvement * * *."

Mr. STRATTON. Mr. Chairman, the copy that the distinguished gentleman from Wisconsin has includes a photostat of Public Law 92-448. On page 3900, at the bottom of that page, is the text of section 3, and I would point out to the distinguished chairman of the committee that the word "modernization," there is not a word put in by the Member from New York but is the precise word contained in the Jackson amendment. So I think if we were deliberately to exclude that one work, it would look as though we thought there was something wrong with what the Senator from Washington had done back in 1972.

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, of course, the amendment of the Senator from Washington was to the SALT II Treaty, and we are dealing with an entirely different matter. It is not a treaty; it is a resolution which outlines the objectives for the purpose of negotiating a mutual and verifiable freeze.

I do not think the gentleman's argument follows that we must include the language of the Senator from Washington in this resolution. Some of my colleagues and some of the gentleman's colleagues have problems with the term.

Mr. STRATTON. Mr. Chairman, I think, as the gentleman from Wisconsin will recall, there was not a ratification of a treaty by the Senate, according to the basic constitutional procedures. President Nixon referred it to the Senate and to the House, and both bodies, I believe, approved it by a majority vote rather than by a two-thirds vote in the Senate. This wording was included because the Senate felt that President Nixon had not fully provided for an equivalence in weaponry, and that was the reason this particular wording was added, and I thought it would be very helpful in this resolution as well.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(On request of Mr. ZABLOCKI, and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

□ 1530

Mr. ZABLOCKI. Is the gentleman willing to accept the language proposed by the gentleman from Wisconsin, If so, we are prepared to accept the amendment. Otherwise, we would have to oppose it.

Mr. STRATTON. Well, would the gentleman restate what is it that he is prepared to accept?

Do I understand that in line 3 of the amendment, the gentleman wants the word "modernization" stricken?

Mr. ZABLOCKI. On line 3 after "development and" strike "modernization" and insert in lieu thereof "safety related improvements."

The gentleman's amendment would read then at the beginning of that line, "The maintenance of a vigorous research, development, and safety related improvement programs."

Mr. STRATTON. "Safety related improvement programs?"

Mr. ZABLOCKI. Programs.

Mr. STRATTON. And then the gentleman would accept the balance of the amendment?

Mr. ZABLOCKI. The gentleman is prepared——

Mr. SOLARZ. Mr. Chairman, will the gentleman from Wisconsin, the chairman of the committee, yield?

Mr. ZABLOCKI. The gentleman from New York has the time.

Mr. SOLARZ. Will the dean of my delegation, the distinguished gentleman from upstate New York, yield?

Mr. STRATTON. I would be very happy to yield to my brilliant friend from downstate New York.

Mr. SOLARZ. I thank the gentleman not only for yielding, but for his commentary.

The CHAIRMAN. The time of the dean of the New York delegation has again expired.

(At the request of Mr. SOLARZ, and by unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, is it in order to request unanimous consent for a brief recess while the members of the Foreign Affairs Committee consider the complicated amendment that I have offered?

The CHAIRMAN. The Chair will advise the gentleman that that request is not in order in the Committee of the Whole.

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield further, I was going to suggest some wording for the gentleman's amendment.

On lines 4 and 5 of the amendment of the gentleman from New York, he used the phrase "to assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union."

It seems to me that it would be more consistent with the gentleman's amendment, as has been suggested it should be amended, if that phrase

were changed to read, "to assure that the United States would be able to maintain essential equivalance with the Soviet Union," because research, development, and safety developments have nothing to do with actual force levels.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from New York yield?

Mr. STRATTON. I am glad to yield to the chairman.

Mr. ZABLOCKI. I thank the gentleman for yielding.

The gentleman from Wisconsin has no pride of authorship of the amendment to the gentleman's amendment. If the dean of the New York delegation is going to accept the amendment of the junior Member, I have no objection.

Mr. STRATTON. I would say, respecting the seniority that the gentleman from Wisconsin and I share, that I would be hesitant to accept the amendment of the gentleman from New York, because that would make it appear that I would be in favor of U.S. deterrent forces inferior to those of the Soviet Union. That I do not think is the intention of the committee and it is certainly not my intention.

I think it would be very dangerous for us to leave it out.

The gentleman from New York (Mr. SOLARZ) has suggested that we put in the words "essential equivalence" instead. But as we all know, those were weasel words, euphemisms developed in the seventies to cover up the fact that our forces were, indeed, inferior to the Soviet Union.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. ZABLOCKI, and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from New York yield?

Mr. STRATTON. I yield.

Mr. ZABLOCKI. Is it the understanding of the gentleman from Wisconsin that the gentleman from New York is willing to accept my suggested amendment?

Mr. STRATTON. I would accept the gentleman's amendment, which would delete "modernization" and put in "safety related improvement programs."

Mr. ZABLOCKI. Then we accept the amendment. We are ready to vote.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Yes.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. MARTIN of North Carolina and by unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

The CHAIRMAN. The Chair would note that the modification of the amendment as discussed in the colloquy has not been adopted by unanimous consent. The gentleman from New York would have to ask for that unanimous-consent request.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that the gentleman's amendment be amended to delete the word "modernization" and insert in lieu thereof "safety related improvements."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The modification to the amendment is as follows:

In line 3 of the proposed text strike the word "modernization" and insert the words "safety related improvements".

Mr. MARTIN of North Carolina. Now will the gentleman from New York yield to me?

Mr. STRATTON. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Chairman, I want to commend the gentleman from New York for his effort in presenting this amendment that is before us, which appears to be moving toward resolving the problem I had raised earlier.

There is the legislation a provision already for essential equivalence, but the problem as we have tried to point out and as the gentleman from New York recognizes, is that essential equivalence does not take care of itself. You can say that there is or is not essential equivalence today by counting warheads and airplanes and submarines and so forth and say there is essential equivalence, if you want to; but that does not guarantee that there is going to be any preservation of our credible retaliatory deterrent, unless an amendment such as I had offered which takes age and obsolescence into account is passed or unless an amendment such as the gentleman from New York has offered takes these factors into account.

I want to commend the gentleman for offering this and I hope that it will be agreed to.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Yes, I am glad to yield.

Mr. SOLARZ. I would like to ask the gentleman a question about his amendment, because I know the gentleman does have some pride of craftsmanship in legislation which he has brought before the House.

Now that the gentleman's amendment has been modified at the suggestion of the chairman of the committee, it now reads, and the gentleman has a copy in front of him, I gather, so he can follow me: "Consistent with the provisions of Public Law 92-448, as amended, negotiations undertaken pursuant to this Act shall provide for the maintenance of a vigorous research, development and"—is it safety——

Mr. STRATTON. Safety-related.

Mr. SOLARZ. "Safety-related improvements program."

Mr. STRATTON. Safety-related improvements program.

Mr. SOLARZ. Now, here is what I am getting to: "to assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union."

My question to the gentleman is this. How does a vigorous research, development, and safety-related improvements program in any way, shape, manner, or form, assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union?

It seems to me that force levels are separate and distinct from the question of research, development, and safety-related programs.

Obviously, you need research and development if you are going to develop or increase your forces, but research and development does not require you to increase your forces.

It strikes me there is an internal contradiction here in the gentleman's language.

Mr. STRATTON. Well, the gentleman, I think, would probably better make that argument with the distinguished Senator from Washington, whose language I have been quoting from the statutes.

Obviously, the current resolution provides for the freezing of the production, testing, and deployment of nuclear weapons. In the production of nuclear weapons, research and development is essential.

Therefore, we want to make sure that there is no restriction on the research and development needed to guarantee that we will stay up with the level of Soviet weapons, not only in regard to numbers but also as to quality.

The gentleman from Georgia (Mr. GINGRICH) pointed out a moment ago that if the Soviets were to develop an underwater radar, that could wipe out the invulnerability of our entire nuclear submarine force.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I would be glad to continue to yield, except that I thought my good friend, the gentleman from Wisconsin, had already accepted the amendment on behalf of the gentleman's side.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. SOLARZ, and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield further, there is no quarrel here with the need for a continuous program of research and development and safety-related improvements, but I ask the gentleman how continued research, development, and safety-related improvements in any way are related to the levels of nuclear forces?

The gentleman's amendment calls upon us to assure that the United States would not be limited to levels of nuclear deterrent forces inferior to the force levels of the Soviet Union.

□ 1640

Mr. STRATTON. As I have already indicated we are talking about not only levels of numbers. We are also talking about technical and quality levels of research, development that will keep the capability of our forces from becoming inferior to the quality of Soviet forces.

The gentleman from Wisconsin is more of an expert on what safety-related programs are than I am. But in the spirit of compromise, which we have been following all day long, I wanted to yield to the gentleman from Wisconsin in that regard.

Mr. SOLARZ. If you are prepared to define the level of our forces for the purposes of this amendment to be primarily related to the levels of research, development, and safety programs, then I do not think any of us have any problems with it.

Mr. STRATTON. It has to do with all of our U.S. Forces, which must depend for their performance and capability and which we purpose to be not inferior to those of the Soviet Union—on adequate research and development, which in turn lead to the "modernization" referred to in the Jackson amendment of 1972, and which the committee has already incorporated into the pending resolution in an amendment which I offered earlier in debate.

Mr. DANIEL. Mr. Chairman, I am by background and training a businessman. My service in this House began after I retired from a business career. That career taught me something about successful decisionmaking and negotiations. A key element in any negotiation is the question of relative benefit to the negotiating parties. Reduced to its simplest terms, "the definition of a good 'deal' is when it benefits both parties." From that perspective, Mr. Chairman, let us consider this resolution. Let us suspend, for a moment, debate over numbers and types of nuclear systems. Let us stand back from this problem, and ask ourselves a very simple and logical question: "If this resolution passes—who benefits, and why?"

The thrust of the resolution is that we and the Soviets, because of rough strategic parity, are at an ideal point at which to enter into a mutual freeze. Further, the resolution seeks to link our strategic negotiations with our intermediate nuclear force, or INF talks. Approaching the resolution on that basis, let us ask ourselves—"who benefits?"

If it is true, Mr. Chairman, that "rough" parity does, in fact, exist—then it is true for only this specific point in time. It is parity based on an unprecedented Soviet modernization. It is the culmination of numerous new and improved Soviet systems—bombers, submarines, and missiles—coming on line. In order for the United States to maintain that parity, to "freeze" at an equivalent level, it will be necessary for us to immediately address the bloc obsolescence facing us in our strategic delivery systems. To use our colleagues' analogy, if we are to "stop the train first"—to freeze—in order to be able to "reverse it on the track"—reduce nuclear systems—we would have to have parity in our delivery systems. As has been made abundantly clear by the proponents of this resolution, that is not intended. We would not be allowed to field MX, or the B-1. We would not be allowed the same modernization of our forces that the Soviets have already installed. So "rough parity" today will be frozen into very real U.S. inferiority in the near future.

Now—let us examine the other half of this proposed resolution. Let us consider the timing and effect of combining the START and INF negotiations. No one in this Chamber has even attempted to say that we enjoy "rough parity" with the Soviets in Europe. All of us acknowledge that only NATO insistence on closing our theater nuclear "inferiority gap" caused the Soviets to get serious and come to the table on the INF talks. If we had not agreed to proceed with Pershing II and the cruise missiles, there would not be any INF talks in the first place. So, freezing our theater modernization programs would be to institutionalize actual inferiority.

As a businessman, Mr. Chairman, asking "who benefits?" I would have to say that the only beneficiary is the Soviet Union. We would freeze strategic systems at a point where the Soviets have already modernized for the remainder of this century, and not allow ourselves to do the same. And we would freeze our NATO-deployed forces at an acknowledged, and dangerous, level of inferiority. This may be a superb deal for the Soviets. But it does absolutely nothing for us or our allies in deterring Soviet attack, nor in providing any incentive for the Soviets to negotiate reductions. As a matter of fact, it would induce the same kind of Soviet footdragging we have seen, in the strategic talks, in the INF arena as well. From a businessman's point of view, Mr. Chairman, neither of those constitute a desirable benefit for ourselves or our allies.

But viewing this resolution as a lawmaker, Mr. Chairman, makes things even worse. Passing this resolution would present the executive branch with an appalling dilemma in the law. It would force the President to either ratify impending strategic nuclear obsolescence, and current theater nuclear inferiority, or to veto the resolution. Such a veto would hand the Soviets their greatest propaganda and disinformation coup since the Vietnam war, and possibly since they subjugated Eastern Europe.

There is no way, Mr. Chairman, that the President could sign this resolution and keep faith with his oath of office and his duty to the people of the United States. But if he refuses to sign it the Soviet propaganda machine would have a worldwide field day. And we are not presenting Andropov and the Soviets with a similar dilemma, Mr. Chairman. The people of the Soviet Union go to concentration camps for advocating the freeze or Soviet implementation of anything, such as the Helsinki or Geneva accords. No, Mr. Chairman—we are not pressuring the aggressors. We are not pressuring the occupiers of Eastern Europe. We are not pressuring the slavemasters of Afghanistan. We are not pressuring the mischief makers in Central America. We are not pressuring the Government which has already achieved both strategic modernization and theater superiority. Instead, we are creating a no-win situation for ourselves. We are asking ourselves to ratify inferiority and preclude negotiations which could lead to true reductions.

So, Mr. Chairman, as a businessman or a lawmaker, when I ask "who benefits?" I only see one answer—the Soviets. As a businessman and a lawmaker I am appalled that we are inflicting a dilemma of historic proportions on ourselves. Rather than assisting the cause of peace, this body is being asked to ratify conditions which will inevitably destabilize the international situation, and push us closer to war.

Mr. Chairman, neither we nor our allies benefit from this resolution. Only the Soviets do, when we consider its actual effects. I urge that we do not inflict this on ourselves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON), as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MARTIN of North Carolina. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1550

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from North Carolina (Mr. MARTIN) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 3, not voting 23, as follows:

[Roll No. 57]

AYES—407

Ackerman	Clay	Foglietta
Addabbo	Clinger	Ford (MI)
Akaka	Coats	Ford (TN)
Albosta	Coleman (MO)	Fowler
Alexander	Coleman (TX)	Frank
Anderson	Collins	Franklin
Andrews (NC)	Conable	Frenzel
Andrews (TX)	Conte	Frost
Annunzio	Cooper	Fuqua
Anthony	Corcoran	Garcia
Applegate	Coughlin	Gaydos
Archer	Coyne	Gejdenson
Aspin	Craig	Gekas
AuCoin	Crane, Daniel	Gephardt
Badham	Crane, Philip	Gibbons
Barnard	Crockett	Gilman
Barnes	Daniel	Gingrich
Bartlett	Dannemeyer	Glickman
Bateman	Daschle	Gonzalez
Bates	Daub	Goodling
Bedell	Davis	Gore
Beilenson	de la Garza	Gradison
Bennett	Dellums	Gramm
Bereuter	DeWine	Gray
Berman	Dickinson	Green
Bevill	Dicks	Gregg
Biaggi	Dixon	Guarini
Bilirakis	Donnelly	Gunderson
Bliley	Dorgan	Hall (IN)
Boehlert	Dowdy	Hall (OH)
Boggs	Downey	Hall, Ralph
Boland	Dreier	Hall, Sam
Boner	Duncan	Hamilton
Bonker	Durbin	Hammerschmidt
Bosco	Dwyer	Hance
Boucher	Dyson	Hansen (UT)
Boxer	Early	Harkin
Breaux	Eckart	Harrison
Britt	Edgar	Hartnett
Brooks	Edwards (CA)	Hatcher
Broomfield	Edwards (OK)	Hawkins
Brown (CA)	Emerson	Hefner
Brown (CO)	English	Heftel
Broyhill	Erdreich	Hertel
Bryant	Erlenborn	Hightower
Burton	Evans (IA)	Hiler
Byron	Evans (IL)	Hillis
Campbell	Fascell	Hopkins
Carney	Fazio	Horton
Carper	Feighan	Howard
Carr	Ferraro	Hoyer
Chandler	Fiedler	Hubbard
Chappell	Fields	Huckaby
Chappie	Fish	Hughes
Cheney	Flippo	Hunter
Clarke	Florio	Hutto
Hyde	Molinari	Shumway
Ireland	Mollohan	Shuster
Jacobs	Montgomery	Sikorski
Jeffords	Moody	Siljander
Jenkins	Moore	Simon
Johnson	Moorhead	Skeen
Jones (NC)	Morrison (WA)	Skelton
Jones (OK)	Mrazek	Smith (FL)
Jones (TN)	Murphy	Smith (IA)
Kaptur	Myers	Smith (NE)
Kasich	Natcher	Smith (NJ)
Kazen	Nelson	Smith, Denny
Kemp	Nichols	Smith, Robert
Kennelly	Nielson	Snowe
Kildee	Nowak	Snyder
Kindness	O'Brien	Solarz
Kogovsek	Oakar	Solomon
Kolter	Oberstar	Spence
Kostmayer	Olin	Spratt
Kramer	Ortiz	St Germain
LaFalce	Ottinger	Staggers
Lagomarsino	Owens	Stangeland
Lantos	Oxley	Stark
Latta	Packard	Stenholm
Leach	Panetta	Stokes
Leath	Parris	Stratton
Lehman (CA)	Pashayan	Studds
Lehman (FL)	Patman	Stump
Leland	Patterson	Sundquist
Lent	Paul	Swift
Levin	Pease	Synar
Levine	Penny	Tallon
Levitas	Pepper	Tauke
Lewis (CA)	Perkins	Tauzin
Lewis (FL)	Petri	Taylor
Lipinski	Pickle	Thomas (CA)
Livingston	Porter	Thomas (GA)
Lloyd	Price	Torres
Loeffler	Pritchard	Torricelli
Long (LA)	Pursell	Towns
Long (MD)	Quillen	Traxler
Lott	Rahall	Udall
Lowery (CA)	Rangel	Valentine
Lowry (WA)	Ratchford	Vander Jagt
Lujan	Ray	Vandergriff
Luken	Regula	Vento
Lundine	Reid	Volkmer
Lungren	Richardson	Vucanovich
Mack	Ridge	Walgren
MacKay	Rinaldo	Walker
Madigan	Ritter	Watkins
Markey	Roberts	Waxman
Marlenee	Robinson	Weaver
Marriott	Rodino	Weber
Martin (IL)	Roe	Weiss
Martin (NC)	Roemer	Wheat
Martin (NY)	Rogers	Whitehurst
Matsui	Rose	Whitley
Mavroules	Rostenkowski	Whittaker
Mazzoli	Roth	Whitten
McCain	Roukema	Williams (MT)
McCandless	Rowland	Williams (OH)
McCloskey	Roybal	Wilson
McCollum	Rudd	Winn
McCurdy	Russo	Wirth
McDonald	Sabo	Wise
McEwen	Savage	Wolf
McGrath	Sawyer	Wolpe
McHugh	Schaefer	Wortley
McKernan	Scheuer	Wright
McKinney	Schneider	Wyden
Mica	Schroeder	Wylie
Michel	Schulze	Yates
Mikulski	Schumer	Yatron
Miller (CA)	Seiberling	Young (AK)
Miller (OH)	Sensenbrenner	Young (FL)
Mineta	Shannon	Young (MO)
Minish	Sharp	Zablocki
Mitchell	Shaw	Zschau
Moakley	Shelby	

NOES—3

Borski	Conyers	Kastenmeier

NOT VOTING—23

Bethune	Edwards (AL)	Morrison (CT)
Bonior	Foley	Murtha
Coelho	Forsythe	Neal
Courter	Hansen (ID)	Obey
D'Amours	Holt	Sisisky
Derrick	Martinez	Slattery
Dingell	McDade	Washington
Dymally	McNulty	

□ 1610

Messrs. STAGGERS, KILDEE, and MATSUI changed their votes from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUNGREN: On page 4, line 22, strike the period after the word "forces" and insert in lieu thereof: "and to include all air defense systems designed to stop nuclear bombers."

Mr. LUNGREN. Mr. Chairman, earlier today we were engaged in some debate on the implications for this resolution with respect to the modernization of our B-52 leg of our triad. And as explained by the chairman of the committee, there was discussion about the ability for us to modernize our weapons, including that leg of our triad.

Mr. Chairman, the chairman of the committee indicated that, if we were to have a freeze on that leg of our triad, it would still allow us to, pursuant to negotiations, build new B-52's, essentially the same state of the art, so that we would not be escalating from the standpoint of that leg of our triad. It was indicated by a number of us the concern we had about the continued effectiveness of that leg of our triad, because if we froze our B-52's at the current state of technology and yet the Soviets were allowed to increase their research and development and then implementation of their defense systems designed to stop those B-52's, at some point in time that part of our triad would become inconsequential. And as the gentleman from Georgia had suggested, they might be able to put all of their efforts into another leg of the triad.

□ 1620

When he mentioned that, we tried to shore up that problem with the adoption of his amendment which allows a freeze concept to be extended to antisubmarine warfare; that is, if we are going to have a freeze with respect to the technology of our submarines, there ought to be a freeze with respect to the technology and the implementation of that technology with respect to their countermeasures, which are nonnuclear, in fact.

That was accepted on the other side as a reasonable suggestion.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I certainly can understand the general thrust of what the gentleman is trying to do, but I am somewhat troubled because in the area of ASW, clearly the United States has a vast superiority over the Soviet Union both in deployed systems and in technology.

In the area of air defense, on the other hand, the Soviets have a very massive air defense system that they have already deployed.

I would be somewhat concerned because the United States, on the other hand, although we have very sophisticated technology, has not chosen to deploy that kind of a system. It just worries me that if we went along with the gentleman's amendment, which I do not want to rule out of hand until we have had a little more dialog here, we might put ourselves into a position where the Soviets would have the deployed system and we would not have the ability to match that system.

Mr. LUNGREN. I understand the gentleman's concern.

Mr. DICKS. Knowing the gentleman's strong position on national defense, I am somewhat surprised that he would want to lock us into a position of inferiority.

Mr. LUNGREN. If the gentleman would allow me to recapture my time, if the gentleman would read the amendment, I suggest that we would include all air defense systems designed to stop nuclear bombers.

I have heard the discussion on the gentleman's side of the aisle which suggests that we are far in advance of the Soviets with respect to our ability in nuclear bombers, the argument that the B-52, as aged as it may be, still gives us a superiority with respect to that mechanism vis-a-vis what the Soviet Union has. We also know that the Soviets have taken measures in air defense systems designed to stop those nuclear bombers.

Since the Soviet Union does not have a comparable ability to threaten us with their nuclear bombers, taking the arguments that I have heard on the floor for the last several days from that side of the aisle at face value, which I do, it seems to me that naturally we would not have the same sort of air defense system that they have because that is not the basis of their threat. Therefore, if we are going to be looking at that major area of our triad, it seems to me that there ought to be symmetry. If we are saying that our nuclear delivery system is to be frozen at present levels of technology, and thereby implement it, we ought to be worried about the nonnuclear defense systems which may render them impotent at some position or some time down the line.

Now, the gentleman, I know, engaged in a colloquy with the gentleman from Georgia about an hour and a half ago on this same subject, dealing with the submarine capacity that we have.

The CHAIRMAN. The time of the gentleman from California (Mr. LUNGREN) has expired.

(On request of Mr. GINGRICH and by unanimous consent, Mr. LUNGREN was allowed to proceed for 5 additional minutes.)

Mr. LUNGREN. Mr. Chairman, all I am suggesting to the gentleman from Washington is that we ought to also have that same symmetry with respect to effectiveness of a particular part of the triad given to our B-52 capability as we decided just an hour and a half ago we ought to give to our submarine capability.

Mr. DICKS. Let me ask the gentleman from California, would the gentleman, from his perspective, like to see the United States have a more capable air defense system, because the Soviet bombers, with refueling capability, do have the ability, obviously, because we lack any air defense, to penetrate U.S. air space.

I just want to point out that there is a vast difference. I think there is an important distinction here between the situation that we find ourselves in with ASW capability and the situation that we find ourselves in with respect to bomber defense capability.

Mr. LUNGREN. I understand that the situations are not exactly equal. There are differences with respect to their capability vis-a-vis ours in this area in comparison to where they are with antisubmarine warfare capability. Nonetheless, the argument has been presented on the floor that we ought not to worry about a freeze because in terms of nuclear-capable bombers we clearly have a superiority over the Soviet Union, and, in fact, I would not want to use the word "inconsequential," but in relative terms, almost, the Soviet threat is inconsequential in comparison.

Therefore, it seems to me if we want to make sure that we have a parity of position and we freeze that parity in, we have got to be concerned about their air defense system against our B-52. The argument of the chairman of the committee was that we would be free to continue to build new B-52's, in other words, we would reopen the old B-52 line, and that would be the essence of our armed bomber attack.

Now, if that is going to be the case, we ought to be concerned about their ability to negate that.

Mr. DICKS. I appreciate the gentleman yielding. I just wanted to point out what I think is an important distinction between the two amendments.

Mr. LUNGREN. I appreciate that. Also, I would remind the gentleman, as has so often been suggested on his aide of the aisle, this would all, of course, be subject to negotiations.

Mr. Chairman, before I yield, I would just like to say that it is awfully difficult to believe that this is the most important issue to be brought forth to this body this year or any other year, as presented by some of the advocates of this original proposition, and yet we cannot seem to get order when we are discussing one of the most important legs of our triad, which involves men and women in our Air Force and the threat that, unamended, this resolution may have to them.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank my colleague for yielding.

Mr. Chairman, I want to put in the record why it is appropriate to have a strategic air defense inclusion because, let me say to my colleagues on the left who seem a little surprised that some of us are taking this freeze seriously, we think if you are going to have an effort to negotiate a freeze, you should recognize that it is, in fact, a dialectic movement, that it is dynamic, that your opponents are going to try to find ways to exploit their assets and to minimize their liabilities.

Now, in air defense, for the last 15 years the Soviets have concentrated a heavy investment in air defense. They have a monopoly in surface-to-air missile launchers, about 10,000 launchers. We have no surface-to-air missiles for continental air defense.

The Soviets have a near monopoly on surface-to-air missile launchers for continental air defense, about 10,000 launchers. They have a near monopoly on radar, about 7,000 radars throughout the U.S.S.R. dedicated to detecting and supporting the engagement of enemy aircraft. They have 1,200 modern interceptor aircraft; the United States has 300. They have an extensive air defense network that is effective at low as well as high altitudes. They are now beginning to deploy the Foxhound A, their first interceptor with a true look-down/shoot-down capability.

Under a nuclear freeze, the Soviets could continue to increase and improve their air defenses. However, the United States could not deploy a modern bomber that could penetrate Soviet air defense and could not deploy new standoff weapons.

Mr. DICKS. Will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Washington.

Mr. DICKS. Is the gentleman from Georgia arguing for or against the amendment?

Mr. GINGRICH. I am arguing for the amendment on these grounds:

One, this Congress is not about to buy 10,000 surface-to-air missile

launchers. This Congress, on your side, is not about to finance an entire national air defense system. And furthermore, in a freeze the relative threat posed by the Soviets at air levels is dramatically less than ours.

Now, once you go into a freeze, I would suggest to you as the B-52 obsolesces, since you are not going to buy the air defense system on your side, the Soviets are going to buy and improve the air defense system on their side, and the air side of the triad would simply collapse under the weight of their improvements and the decay of the B-52.

I think it is an absolutely essential amendment, and contrary to my friend, the gentleman from Washington, I think it is precisely in the same spirit as the earlier amendment to protect the Trident.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from California (Mr. LUNGREN) has again expired.

(On request of Mr. HUNTER and by unanimous consent, Mr. LUNGREN was allowed to proceed for 3 additional minutes.)

□ 1630

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I think one fact that should bear great weight in this debate is the fact that we have recently had to go to a new advanced cruise missile just so our cruise missiles could penetrate Soviet air space. I recall the gentleman of the committee seemed to be very surprised when I told him that our B-52's would not be able to penetrate Soviet airspace in the 1990's, and he seemed to be surprised that we would not be able to have successful missions up to the year 2000.

Mr. Chairman, I commend the gentleman for his action. I think it points out that the Soviet Union, by upgrading their air defenses, can basically disarm unilaterally or can disarm effectively our air-breathing leg of the triad.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman from California (Mr. HUNTER).

Mr. Chairman, when one looks initially at the idea of a freeze on nuclear weapons, one is attracted to that, thinking that somehow that will end the peril or the thought of nuclear holocaust in this world. We must not lose sight of the need for mutual deterrence, and if in our effort to seek a freeze we do not realize the implications of nonnuclear defense systems that will render the nuclear capability of the United States ineffective, then in fact we are not enforcing a freeze of equal measure; we would be enforcing a freeze of unequal measures to the peril of the U.S. citizens that we are to serve.

This is a simple amendment. All it says is that there should be symmetry with this leg of the triad, as we did recognize when we accepted symmetry to our nuclear-capable submarine fleet and the defenses that are aimed against it.

This is a sincere amendment. It is offered in a spirit of cooperation, that if we in fact are going to try and work our way toward a freeze effort, we ought to make sure it is done with our eyes open, and that nonnuclear defense systems that would impact on the equivalency contained within the freeze would be taken into consideration.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I appreciate the gentleman's yielding.

I just have a question. In the last Stratton amendment, as amended by the chairman of the committee, would it not in fact cover what the gentleman is trying to do here?

Mr. LUNGREN. Perhaps so, perhaps not. The reason is that the air defense systems are not nuclear in and of themselves, and since the subject of the freeze is nuclear, I think there can be some confusion there. It would also direct our negotiators to make sure they were concerned with that side of it; that is, the effectiveness could be rendered less or absolutely nothing by an air defense system on the other side.

Mr. MAVROULES. Mr. Chairman, I think the gentleman is correct, and I appreciate his answer.

The CHAIRMAN pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from California (Mr. LUNGREN).

The amendment was agreed to.

Mr. BEDELL. Mr. Chairman, I rise in favor of House Joint Resolution 13 and urge my colleagues to vote in favor of its final passage without amendment. Clearly, House Joint Resolution 13 presents the Congress with a unique opportunity to initiate the first, and most important, steps that will serve to slow, stop and reverse the perilous course that both the United States and the Soviet Union have pursued with respect to nuclear weaponry over the last 37 years.

As an original cosponsor of this important concept and author of a second resolution that is intended to serve as the first element in the implementation of a freeze agreement, I recognize the overwhelming benefits that a freeze offers to our own national security, survival, and ultimately world peace.

Today, we are presented with a massive array of information, statistics and charts depicting, in some cases, Soviet superiority (missile throw weight) to U.S. strategic nuclear forces and, in others, decisive U.S. advantages (more deliverable warheads) over Soviet nuclear forces. In this regard, I am sure we all would agree that in the present strategic environment, a state of rough parity exists between both the United States and Soviet nuclear arsenals. While I, too, am quite concerned over the growing capabilities of Soviet nuclear forces, I recognize that the best way to prevent their continued improvement is through a mutually verifiable agreement that "freezes" their force in their present configurations. I also find it important to note that to the best of my knowledge, no U.S. strategic planner has ever expressed a willingness to trade U.S. strategic nuclear forces in favor of their Soviet counterparts. A negotiated agreement that would lead to a mutually verifiable freeze on the testing, producting and deployment of nuclear weapons would serve to preserve and maintain the present balance in strategic nuclear forces from which legitimate reductions in these awesome weapons systems could be scored.

Further, House joint resolution does not prevent needed modernizations that could be made and conducted on U.S. strategic systems during freeze negotiations. However, once implemented and ratified, a freeze would prevent the perpetual modernizations, remodernization, improvement, counterimprovement cycles that have characterized the nuclear arms race since its inception in 1945.

Clearly then, the freeze acts as a stabilizing agent or, more importantly, the breaking mechanism from which we can put an end to the madness of nuclear arms competition. The freeze offers a clear alternative to the past and would once again reestablish American preeminence in the field of arms control. The freeze would prevent the implementation of the next, and even more destabilizing, round of the arms race in which "first strike" weapons systems would be developed and deployed. The freeze—because of its elegant simplicity—represents a sane alternative to the madness of MAD (mutually assured destruction) and in my mind what may be our last chance to insure the survival of the human race, civilization, and our planet. As elected Representatives, we cannot or should not allow this opportunity to slip away. I urge you all to vote in favor of this important alternative.

● Mr. FORD of Tennessee. Mr. Chairman, I join with my colleagues today in support of House Joint Resolution 13, the nuclear weapons and reductions resolution.

I support this resolution, because I believe that the strength and dignity of working for peace is a more powerful weapon than nuclear armament could ever become.

I, like most supporters of the nuclear freeze, also support the continued strengthening of our military defense system through an increased, yet realistic, defense budget. However, I believe that the United States should focus its defense policy on the strengthening of a conventional defense force, which has proven effectiveness in theater confrontations. Nuclear armament can only lead to nuclear holocaust.

For over 36 years, much has been said and very little done concerning nuclear disarmament. It is time to end our game of nuclear roulette. It has become unacceptable to the Congress, to our European allies, and to the American public.

Contrary to what some have argued, this resolution will provide renewed impetus to begin arms talks, while avoiding costly buildup of new weapons that will either be negotiated away or will add to the difficulty of achieving a new arms balance. It does not put the United States in an inferior negotiating position. Rather, it encourages negotiations, by declaring that nuclear destruction is inevitable in even a limited arms race.

When we can destroy the world in 30 minutes, it is senseless to presume that a nuclear conflict would stop at a "controllable" confrontation. This concept of "limited" nuclear warfare is nothing but a sophisticated exercise in self-destruction. Regardless of the technology, nuclear war means total annihilation—a war in which even the so-called winners are losers.

We know it and the Russians know it. Yet, we persist. Nuclear war is not a simple extension of conventional warfare. It never has been, it never can be.

Without the passage of this resolution, we will continue to waste billions of dollars on weapons that can only secure our eventual destruction. I would rather have our country in the race for peace than lose in the race for destruction.●

● Mr. ALBOSTA. Mr. Chairman, the nuclear arms race has reached a critical growth stage in our world today. The United States must recognize that action needs to be taken to reduce the threat of nuclear war and preserve our society for the future.

During the past year, millions of Americans have shown their strong support for this important freeze initiative. In the recent November elections, more than 30 percent of the Nation's electorate had the opportunity to vote on State and local freeze resolutions. All told, 11.6 million people, or 60 percent of those voting, supported a nuclear weapons freeze. This strong support represents the true feelings of American people and demonstrates the far-reaching commitment to this cause.

Some believe we must build up our forces in order to be able to win a nuclear war. There can be no winners, only losers in a nuclear exchange. The Reagan administration is going ahead with its planned buildup. This strategy is more likely to stimulate the arms race because the Soviet Union will seek to offset any new weapons on our side with new deployments of their own. This policy will not bring global peace and stability to the world.

House Joint Resolution 13 represents the first step in reducing the threat of nuclear war. We know so much about war and so little about peace. We have so much knowledge about how to kill people and so little knowledge about the living. Why not start now on ways to prevent cancer and other diseases and start a reduction of nuclear weapons in the world. We in the Congress have the responsibility to the people of this Nation to promote a mutual and verifiable freeze on nuclear weapons and reductions in the nuclear arsenals of the world.

I urge my colleagues in the Congress to support House Joint Resolution 13, the nuclear weapons and reductions resolution, so that we can reduce the threat of nuclear war and preserve a future for our children.●

Mr. SCHEUER. Mr. Chairman, I rise in strong support of this resolution that would encourage Russia and the United States to enter into a mutual, verifiable freeze on the production, testing, and deployment of nuclear weapons.

Mr. Chairman, today marks the fourth time in less than a year that this Chamber has considered the adoption of one of the most significant legislative initiatives of our time—a resolution encouraging the United States and the Soviet Union to negotiate a bilateral and mutually verifiable freeze on the testing, production, and deployment of nuclear weapons.

In a little more than the 1 month that has elapsed since we first debated the considerable merits of this vital measure in the 98th Congress, nothing has transpired to lessen the liklihood of a horrifying nuclear exchange. Indeed, relations between the United States and the Soviet Union have only worsened, and tensions between the two superpowers have increased. Thus it is with a heightened sense of urgency and responsibility that we continue our dialog today.

It is obvious that the administration has made no progress with its hardline approach in strategic arms talks with the Soviet Union. Administration officials—with discussions of appalling concepts like "limited", "winnable" or even "survivable" nuclear warfare—have called into question our Nation's very commitment to achieve meaningful arms control limitations. It is clear that the administration's current approach, laced with uncompromising and bellicose rhetoric, is getting us no where. It is time for us to try a fresh approach: it is time for us to try to negotiate a mutual and verifiable freeze.

Opponents of a nuclear freeze have expressed their fear that passage of this resolution will send the wrong kind of message to Soviet leaders and make negotiations more difficult. I believe, on the contrary, that passage of House Joint Resolution 13 will finally send the Soviet Union a clear and unequivocal signal that the United States desires peace and is willing to enter into serious talks.

It has also been argued that adoption of a nuclear freeze would lock the United States into a position of strategic inferiority. this argument overlooks two crucial facts.

First, the Department of Defense stated, in its annual report for fiscal year 1982, that while the era of U.S. superiority is long past, parity—not U.S. inferiority—has replaced it, and the United States and the Soviet Union are roughly equal in strategic power. Even Secretary of Defense Caspar Weinberger, in testimony before the Senate last spring, said that he would not consider trading our nuclear arsenal for that of the Soviets' because we have an immense edge in nuclear technology. It is difficult to imagine that the strategic balance has only recently tipped to favor the Soviet Union.

Second, there is nothing in House Joint Resolution 13 to suggest that it is anything other than a call for the United States and the Soviet Union to negotiate a mutual and verifiable freeze on nuclear weapons systems. There is nothing unilateral about the freeze. In order for a nuclear freeze to be in effect, it would have to be a bilateral agreement, and one that would be mutually verifiable.

A bilateral nuclear weapons freeze would be in the best interests of both sides. The United States and the Soviet Union have long possessed the capability to destroy each other and a sizable portion of humanity as well. A negotiated freeze would prevent the development and deployment of the next generation of increasingly dangerous and destabilizing new weapons systems. Every new escalation in the arms race intensifies the risk that nuclear war will be the result of a launch on warning strategy. By restraining further technological advances in the arms race, a freeze would enhance the stability and security of both nations.

A freeze would not, of course, end the threat of a nuclear war. It would not guarantee successful negotiations with the Soviets in arms reductions. But a freeze would extend the opportunity for both countries to put a halt to the spiralling arms race and to negotiate from the point.

Mr. Chairman, the United States and the Soviet Union, as the two foremost nuclear superpowers, bear a

grave responsibility to address the threat of nuclear extinction that hovers over mankind, and we in the House bear a substantial part of that responsibility today. I therefore urge my colleagues to respond to this challenge by voting for passage of House Joint Resolution 13, and to vote against any crippling or weakening amendments.

AMENDMENT OFFERED BY MR. CARNEY

Mr. CARNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARNEY: On page 5, line 19, insert a new section 2 and renumber following sections:

SEC. 2. Nothing in this resolution is intended to prevent the United States from carrying out its responsibilities under the December 1979 North Atlantic Treaty Organization decision regarding intermediate range nuclear forces.

Mr. CARNEY. Mr. Chairman, I am offering this amendment to House Joint Resolution 13 to clarify the intent of the resolution and as it relates to our commitment to the NATO Alliance.

The North Atlantic Treaty Organization has been the cornerstone for European peace and security since the Second World War. We must be especially careful that in our desire to reduce the threat of nuclear war we do not inadvertently undermine the Atlantic Alliance and the faith that our European allies have placed in us.

My amendment would simply clarify this vital point. My amendment would give our allies assurance that the United States will not go back on its commitments that we have made to them.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I will be glad to yield after I have finished my statement.

Mr. SOLARZ. Mr. Chairman, I have asked the gentleman to yield just for the purpose of asking him if he can make available a copy of his amendment so we can look at it.

Mr. CARNEY. Mr. Chairman, the gentleman makes a good point, and I apologize. I have a copy for him.

Mr. Chairman, as we all must realize, nuclear forces, in combination with conventional forces, exist to maintain peace through deterring aggression. To deter successfully, NATO's nuclear forces must be viewed by the Warsaw Pact as being credible. At this time our intermediate range nuclear forces in Europe are not credible; in fact, they are virtually nonexistent.

The Soviet Union has deployed 351 SS-20 intermediate missiles with three warheads each. The United States has no intermediate-range missiles deployed in Europe to counter this threat.

In December 1979, the United States and its NATO allies agreed to pursue a dual-track approach for Western security in Europe. We agreed to seek a negotiated agreement with the Soviet Union on intermediate-range missiles in Europe, while at the same time demonstrating the commitment to modernize our nuclear deterrent until such time as an agreement could be reached. It is important that we demonstrate our commitment to modernize our nuclear deterrence until such time as an agreement could be reached with the Soviet Union.

My amendment would insure that the United States intends to uphold its previous commitments while it seeks an agreement with the Soviet Union to freeze and reduce nuclear weapons. This amendment was completely compatible and consistent with the Stratton amendment which was approved today by the House.

I believe that this demonstration of the U.S. commitment to NATO will enhance the possibility for an agreement with the Soviet Union. As anyone who is even remotely familiar with Soviet negotiating behavior knows, the Soviet Union must have an extremely strong incentive to negotiate on any topic. They must be convinced that their opponent has the will to carry out its stated objectives and agreements that we have with our allies if we cannot get an agreement with the Soviet Union. The ABM Treaty of 1971 is a perfect example of their behavior.

More importantly, the Soviet Union did not come to the INF negotiating table until NATO began the dual-track approach.

Mr. Chairman, we cannot allow our allies in Western Europe to have any doubt about the U.S. commitment to our mutual security. My amendment would make this commitment clear. The United States must seek to reach an agreement with the Soviet Union on the reduction of nuclear weapons, but we will not abandon our allies in an all-out effort to reach such agreement. We will continue the dual-track approach.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to my colleague, the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman's yielding.

I rise in very strong support of the gentleman's amendment, and particularly I want to thank him for his leadership on this issue.

Last week when this debate was going forth, I tried to make the point, as did others, that one of the most critical aspects of the whole discussion over the freeze issue had to do with the perceptions not only between the Soviet Union and the United States but particularly the perceptions of what this country was willing to do vis-a-vis its relationships with our NATO allies and the overall alliance between the United States and the NATO countries.

With many of the NATO countries having just come through elections, there has been very strong support for that alliance, most recently from Chancellor Kohl in West Germany, Francois Mitterand in France, and Margaret Thatcher and others in Europe. It seems to me incredibly important that we not undercut this relationship.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. CARNEY) has expired.

(On request of Mr. KEMP and by unanimous consent, Mr. CARNEY was allowed to proceed for 3 additional minutes.)

Mr. KEMP. Mr. Chairman, if the gentleman will yield further, I just want to make the point that I thought, with these countries having come through these elections and with the statements that have been made by our own country with regard to the nations that I have mentioned, it seems to me important that the Congress support the talks going on over theater nuclear weapons and our attempt to reach either zero deployment of nuclear weapons on the continent of Europe or a sharply reduced level of theater nuclear weapons. For that reason, I believe that it is vital that this amendment be supported by the House.

□ 1640

So the gentleman has struck a very responsive chord, certainly in this Member's mind. I hope that there is strong support for the gentleman's amendment, because I think it goes to the heart of what we want to see come out of those theater nuclear talks, and I strongly support the gentleman.

Mr. CARNEY. I thank the gentleman.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CARNEY. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I want to thank the gentleman from New York for yielding to me.

First, let me also express my appreciation for the attention which the gentleman has focused on this very important issue of intermediate range nuclear weapons. We know that the Soviet Union has 3,000 such warheads aimed at every city, every military base in western Europe, threatening the stability of the NATO alliance.

We know that the purpose of the NATO agreement, to which the gentleman's amendment refers, is to get the Soviet Union to seriously negotiate removing that threat that they have poised against Western Europe; but we know the only way to do that is for us to be willing to deploy the Per-

shing II and the ground-launched cruise missile.

Therefore, Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York (Mr. CARNEY).

The CHAIRMAN pro tempore (Mr. MURTHA). The gentleman from New York has the floor.

Mr. CARNEY. Mr. Chairman, I appreciate what the gentleman from North Carolina has stated. I think it is important that we recognize one thing. This amendment will not in any way endanger any negotiations that are going on. In fact, I believe it will keep the Soviet's feet to the fire in the INF negotiations.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield to me for an amendment?

Mr. CARNEY. I would be glad to yield to the gentleman from North Carolina for an amendment.

Mr. MARTIN of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The gentleman cannot yield for an amendment. He has to seek recognition on his own.

Mr. CARNEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SOLARZ TO THE AMENDMENT OFFERED BY MR. CARNEY

Mr. SOLARZ. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ to the amendment offered by Mr. CARNEY: After "forces" add: "unless an agreement is reached with the Soviet Union, after consultation with our NATO allies, establishing a mutual and verifiable freeze which includes such forces and corresponding Soviet forces."

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I am happy to yield.

Mr. CARNEY. We are in the same situation the gentleman was before. We have not received a copy of the gentleman's amendment.

Mr. SOLARZ. I am sending it over to the gentleman. He will have it in a second.

The basic difference between the gentleman's amendment and my proposal is that under my amendment we would be obligated to consult with our NATO allies before reaching any decision with the Soviet Union, but we would reserve the ultimate right of decision for ourselves.

Under the terms of the gentleman's amendment, we would be locked for perpetuity into a NATO agreement that was reached 4 years ago, regardless of changing circumstances.

Now, let me say to my very good friend, the gentleman from New York, that I think he has served a very good purpose.

I think the gentleman from New York has helped to clarify this resolution through the amendment he has proposed. I think all of us share his concerns about the need to preserve the cohesiveness of the alliance.

The security of our country and the preservation of freedom throughout the world depend on the continued unity of the North Atlantic Treaty Organization; but in the final analysis, while we have a responsibility to consult with our allies and to try to resolve the differences with them, we still have to make decisions based on our judgment about what is in the best interests of the United States.

The problem with the gentleman's amendment, as it was originally offered, is that even if our NATO allies changed their minds and came to the conclusion that a freeze between the United States and the Soviet Union—even one which precluded the deployment of the Pershing II's and the cruise missiles—would be in their interest, we would be unable to include such weapons in a freeze. By contrast, under the amendment that I am offering to the gentleman's amendment, we would have a necessary measure of flexibility. We would be obligated to consult with our allies. We would be required to take their views into account; but in the final analysis, we would be free to act on whatever basis we thought was in the best interests of the United States.

May I say to my very good friend, the gentleman from New York, it is true that the governments of those European countries that are scheduled to deploy the Pershing II's and the cruise missiles are determined to proceed in the event there is no agreement in Geneva. However, many of them, if we could negotiate an across-the-board freeze with the Soviet Union, would be quite pleased to endorse such a freeze and to accept the inclusion of cruise missiles and Pershings in such a freeze.

So in conclusion, may I say to my colleagues in the Committee of the Whole, that if you believe that we need to preserve the unity of the alliance through consultation with our allies, my amendment to the gentleman's amendment would require such consultations, while at the same time reserving for the United States itself the right to make the final decision.

Mr. Chairman, I yield back the balance of my time.

Mr. KEMP. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wanted to take some time to ask some questions of the gentleman who has proposed the amendment. I rose earlier in strong support of the Carney amendment, because I think it points out how incredibly important it is in this debate to reaffirm that relationship that we have with our NATO friends and allies, an alliance that has stood the test of time. It is not perfect, but certainly recent elections in Europe have reaffirmed its strong fiber, as has every U.S. President, Democrat and Republican.

I thought earlier in the debate, as I pointed out last week, I would say to my friend, the gentleman from New York, that one of the weaknesses of the freeze resolution is that it undercuts the NATO commitment, because in effect you would be unilaterally impeding the obligation of this country to modernize its theater nuclear forces to provide for Europe's—and by extension our—defense. Moreover, without our readiness and ability to deploy those forces, the Soviet Union would have no incentive to reach any INF agreement. That is the strength of the Carney amendment and it was for that reason that I spoke.

Mr. HYDE. Mr. Chairman, will my friend yield?

Mr. KEMP. Yes, I would be glad to yield.

Mr. HYDE. Well, now, we have heard a great deal about this nuclear freeze resolution as not unilateral. We have heard it is not unilateral, but they are talking about the Soviet Union. It is unilateral as regards our NATO allies.

Mr. KEMP. That was the point that I tried to make last week. I am glad the gentleman, as usual, put his finger on one of the giant flaws in the freeze movement. It is unilateral to the extent that it freezes in place the Soviet Union's deployment of 350 or so SS-20's that are west of the Urals, aimed at the heartland of Europe and at the deterrent of NATO.

I think the Carney amendment was necessary to repair that damage.

Now, the gentleman from New York is asking us in his usual thoughtful and positive way to amend or add langauge to the Carney amendment that would simply say, yes, everything that the Carney amendment does is OK as long as we reach an agreement with the Soviet Union.

I want to take this time to say that the Solarz amendment undercuts the thrust, indeed, damages the whole approach of the Carney amendment, which is to reaffirm that our commitment to NATO and the relationship between ourselves and the Atlantic Alliance would not be compromised by the freeze.

□ 1650

Because as I understand it, and I am going to give the gentleman from New York a chance to explain himself, as I understand it, I would say to my friend from New York, that his language puts the Soviet Union's agreement with the United States over the relationship that we have had for almost 38 years with our NATO partners. I wonder why the gentleman would stand for such an amendment that simply says to our NATO allies

we are going to consult with you, but anything that we do with the Soviet Union transcends the relationship that we have had with you all of these years.

Mr. SOLARZ. Will the gentleman yield?

Mr. KEMP. I yield to my friend from New York.

Mr. SOLARZ. There are few Members of the House, as the gentleman knows, for whom I have more affection and regard. While there are issues on which we have disagreed from time to time, I think we each have developed a good deal of respect for the other.

Mr. KEMP. I appreciate those comments, and it is in that spirit that I, too, rose to reluctantly oppose the gentleman's disastrous amendment.

Mr. SOLARZ. I would not quite characterize the amendment in those terms.

But let me say to the gentleman in response to his question that I fully share his views that we ought to work in harness and in tandem with our allies. We both agree that the preservation of the unity of the alliance is one of the keys to the preservation of the peace and freedom of the world.

My problem with the Carney amendment as unamended is that it effectively locks us into adhering to a 1979 NATO agreement which was unanimously reached, but which if we were able to negotiate a mutual and verifiable freeze with the Soviet Union, our NATO allies might be willing to change their minds with respect to the deployment of the cruise and Pershing II missiles.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. KEMP) has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 5 additional minutes.)

Mr. SOLARZ. All my amendment does is to make it clear that while we must consult with our allies before reaching any final decisions, in the final analysis the decision has to be a U.S. decision to make. This is a matter of our national sovereignty.

Mr. KEMP. Let me take my time back long enough to ask the gentleman another question then. Is the gentleman suggesting that even though we consult, which can mean many things to many people, and unfortunately some of our allies are beginning to wonder about some of the consultations that we have, is the gentleman suggesting that even though we consult we would abrogate an arrangement with our NATO allies simply because we have come to some extraneous understanding with the Soviet Union? That is what troubles this Member very much.

Mr. SOLARZ. It is my expectation that given the concerns which exist all over Europe with respect to this continuing and unbridled competition in nuclear weapons that, if we were successful in the effort to negotiate a mutual and verifiable freeze with the Soviet Union, the sense of relief which that would produce in Europe might very well lead our European allies to take the following position: that even though the freeze included the cruise and Pershing missiles, since such a decision would be within the context of a global freeze on all nuclear weapons, that would be an agreement that they could and would support. Even if we were able to negotiate a freeze with the Soviet Union, including the cruise and Pershing missiles, and our allies unanimously came to us and said we think this is an agreement worth supporting, we would be unable to do so because he locks us into the text of that 1979 agreement.

Mr. KEMP. Let me say to my friend from New York, if I can take back my time, that I wanted to give him every chance to explain himself. I mean that with respect and I appreciated his comments. I also want to give some Members on my side of the aisle a chance to respond.

I personally would only say this in answer to the gentleman's comments: What bothers me, I would say to the gentleman from New York (Mr. SOLARZ) is that, while you make token reference to consultation with our NATO allies, under your amendment, we would literally be abrogating a relationship that we have had not since 1979, but since 1949, which has constituted the linchpin of peace in Western Europe, since the end of World War II.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I will yield to the author of the amendment, the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. I appreciate my colleague from New York. I think I might have a solution to the problem we are concerned with here if perhaps the gentleman from New York (Mr. SOLARZ) was willing to withdraw his amendment and in lieu of that we could add at the end of "forces," the simple words, "or any future NATO agreement?" That would allow for precisely what the gentleman from New York (Mr. SOLARZ) is looking for, and it would also preclude the Soviet Union from having an almost foot in the door of the NATO alliance.

Mr. SOLARZ. Would the gentleman yield for the purpose of a response?

Mr. KEMP. I will be happy to yield because I think that question does focus attention on the problem we have on this side of the aisle.

Mr. SOLARZ. I agree that it focuses attention on the problem, but I do not think that it quite resolves it for this reason: NATO operates, not on the basis of a majority vote, but on the basis of consensus. A situation could very well develop where there was a division of opinion within NATO as to whether we should accept the freeze with the Soviet Union. It may be that several of the NATO countries think we should, and some of the NATO countries think we should not.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. KEMP) has again expired.

(At the request of Mr. HYDE and by unanimous consent, Mr. KEMP was allowed to proceed for 5 additional minutes.)

Mr. SOLARZ. Under those circumstances, it seems to me, and I would hope the gentleman would agree with this, that in the final analysis the decision must be ours to make. I do not think there is another Member of this House who is more committed to the preservation of the North Atlantic Treaty Organization than I am. But I do not believe for a moment—and I am sure that others would agree with me—that we should transfer our sovereignty to our allies.

Just as they have to make the final decision for themselves, we have to make the final decision for ourselves.

Mr. KEMP. Is the gentleman rejecting the suggestion made by the gentleman from New York (Mr. CARNEY)?

Mr. SOLARZ. The gentleman is.

Mr. KEMP. I would be terribly disappointed if he did so because then it seems to me we would be constrained to point out that, in effect, undercutting a friendship and an alliance and a solemn treaty commitment that we have had with NATO allies for almost 40 years, and sacrificing that relationship in favor of some arrangement or negotiation between ourselves and the Soviet Union. The gentleman from New York would not stand still for that type of interference with our relationship with any other country. You would not stand still for a relationship with Israel that required us to allow the Soviet Union to deploy Soviet SAM missiles in Syria, and then turn around and say to our allies, whether they be Israel, or Taiwan to any other alley that we are going to allow that relationship with the Soviet Union to take precedence over our commitments to countries that have been our friends for a long time.

I am disappointed. I say this with deep respect for my friend. I am disappointed that he suggests that he is a strong friend and takes second seat to no one in this body for his understanding of the relationship between NATO and the United States, and then is willing to object to a very modest, modest amendment which simply says, "Nothing in this resolution is intended to prevent the United States of America from carrying out its responsibilities to our allies of the North Atlantic Treaty Organization."

How can you possibly object to that amendment?

And I am doubly disappointed in my friend, in light of the well-reasoned and strong support he has expressed in the past for deployment of Pershing II and GLCM in Europe. I especially enjoyed his thoughtful article that appeared in the January 9, 1983, edition of the New York Times, which is a cogent argument in favor of the Carney amendment.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend from Illinois.

□ 1700

Mr. HYDE. I want to say to my friend from New York, serving as I have for a short time on the Foreign Affairs Committee, I have become almost inured to seeing that our ally in El Salvador will be strangled by restrictions; I am almost inured to seeing whatever is going on in Nicaragua to fight the Communists is undercut, but I am surprised and shocked to see today we are going to sell out NATO. We just go around the globe sowing seeds of more than discontent, but we dispossess ourselves of any credible resistance to the main adversary to freedom in this world.

Mr. LEACH of Iowa. Will the gentleman yield?

Mr. HYDE. When I am through I will let him know and he will yield.

Mr. KEMP. Would the gentleman yield to me?

Mr. HYDE. Not yet. I got you 5 minutes.

There is more at stake than the December 1979 decision; there is a North Atlantic Treaty that is part of the law of this land, just as the Rio Treaty that we hear about in Foreign Affairs and other treaties that mandate certain conduct. We have obligations to our NATO allies. And it would seem to me if we sell them out we are accomplishing far more than we ought to or we want to with this resolution.

Mr. KEMP. I appreciate the comments made by the gentleman. Let me say once again, this amendment addresses a fundamental flaw in the freeze resolution. You just had an election in West Germany in which Chancellor Kohl won his election on his support for the U.S. position of deployment of the theater nuclear weapon modernization in Europe. Margaret Thatcher has been a strong and outspoken supporter of TNF modernization. Francois Mitterand, head of a Socialist government in France, has taken his administration further than the Giscard D'Estaing conservative administration in support of Pershing II and GLCM deployment.

So, it seems to me the gentleman is at odds with not only the majority of the NATO countries, he is at odds with most of the American people who support strongly that relationship that we have with NATO.

Mr. CARNEY. Will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. CARNEY. I think we have to recognize here, too, when you deal with the INF forces threat is a European threat. The threat is not one that the United States faces, it is the one that Germany, Britain, Italy, and the NATO nations face. I think it would be absurd to say that we should negotiate with the Soviet Union the safety of those nations without having them——

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. GINGRICH and by unanimous consent, Mr. KEMP was allowed to proceed for 5 additional minutes.)

Mr. KEMP. I yield to the gentleman from New York further.

Mr. CARNEY. I think one has to recognize the threat is that of our NATO allies. I think to allow the Soviet Union and the United States to come to some agreement what very well could happen then would be our NATO allies would strike out on their own.

Mr. KEMP. Absolutely.

Mr. CARNEY. And perpetuate a nuclear buildup that would break this entire effort at INF forces up.

Mr. KEMP. We are concerned about the proliferation of nuclear weapons. If I were a Western European nation, faced with the possibility that the United States might agree to freeze the current stark imbalance in Europe as this amendment would suggest, I would spend whatever is necessary to bring myself up to a competitive position vis-a-vis the Soviet Union.

Mr. CARNEY. I could not agree with the gentleman more.

Mr. KEMP. Without the Carney amendment, I believe House Joint Resolution 13 would lead to the opposite results of what is intended by the freeze because by weakening the NATO alliance, it would endanger the peace.

The Soviet Union has undertaken a concerted effort to drive a wedge between the United States and our allies in Western Europe. This is perhaps the overriding goal of Soviet foreign policy today.

The focus of the Soviet effort is modernization of Western nuclear forces. At the request of our allies, the United States agreed to deploy Pershing II and GLCM forces to offset the unilateral advantage gained by the Soviets by their vast nuclear buildup in Eastern Europe. Do you believe the United States should abrogate that commitment?

Without a reduction of Soviet missiles that threaten Europe—and not the United States—and with no intermediate range missiles in Europe that can target the Soviet Union, our European allies certainly will question American commitment to their security. What would happen, European leaders will ask, "of the U.S.S.R. threatens a nuclear strike that is limited only to Europe? Will America invite a wider war and its own destruction by launching ICBM's from silos on American soil? Why would any American President risk Chicago or San Francisco because the Soviets threaten Oslo or Bonn?"

A freeze could increase the danger of war by weakening the bonds of the NATO alliance, and locking into place the Soviets' unilateral and overwhelming advantage in theater forces.

The administration's interim INF proposals have the support of European leaders from Germany's conservative Helmut Kohl to France's Socialist Miterrand. These proposals deserve a fair chance at the negotiating tables at Geneva, but they will not get this opportunity if the current freeze proposal is passed by the House. To date, Andropov has not been receptive to our proposals. But at least the Soviets have expressed a willingness to talk about some reductions in TNF levels. How does it serve the interests of the free world if the U.S. Congress is more intransigent than the Soviets on preferring a freeze over reductions?

Mr. LEACH of Iowa. Would the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. LEACH of Iowa. My distinguished friend, there are differing interpretations of the merits of the freeze; there are differing interpretations in Western Europe on what we ought to do about the freeze. But let us be very careful, to recognize that this is a constitutional issue before us today, and seldom are constitutional issues brought before this body. What is proposed in this amendment is for the United States to give up sovereignty to a series of other countries on our ability to make treaties.

The NATO alliance, it is true, is based on a valid treaty in force. However, there is nothing in that treaty that refers to a communique of December 1979. The NATO alliance was, as a treaty obligation, entered into force far earlier than 1979. What we are playing with here is the Constitution of the United States. We are not selling out NATO. We are selling out our sovereignty under our Constitution. Every Member should understand this point: Opposition to the Carney amendment has nothing to do with the merits of NATO.

What the gentleman from New York (Mr. SOLARZ) had done is carefully modify the amendment to achieve the objectives the gentleman from New York (Mr. CARNEY) would like. But under no circumstance should we play

games with our Constitution in an amendment of this nature.

Mr. KEMP. Let me say to my friend, then if you accept the Solarz amendment, you are buying the predicate of the alleged mistake that the gentleman from Iowa believes is built into the Carney resolution. So, one way or another you ought to vote down the Solarz amendment and then we can deal with the purported constitutional problem that the gentleman from Iowa has suggested. As far as I am concerned, however, I think it is important to know, I do not know of any NATO alliance country that has asked the U.S. Congress to pass the Markey freeze resolution. Can anybody name one?

Mr. LEACH of Iowa. The country of Greece voted for a freeze in the United Nations while two other NATO allies abstained.

Mr. SOLARZ. Will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

I want to clarify one important aspect of this debate; that is, if we pursue it to the adoption of my amendment and then the Carney amendment; we proceed to consult with our allies and they told us, unanimously and unmistakably, they did not want the cruise and Pershing missiles included in a freeze, I would prefer not to include the cruise and Pershing missiles in a freeze.

However, I think that is a decision which we ought to make on the basis of what we deem to be in our best interests.

Mr. KEMP. May I say something? Here is the problem then with the freeze movement and its resolution that is up today: You and I, standing here on the floor of the House on this Wednesday afternoon in 1983, do not know emphatically, unambiguously what this freeze motion passing on the floor of the House tonight or tomorrow, if in fact it should pass, what impact it would have on the relationship with NATO that has been at the epicenter of the peace and stability of the West since 1947. I cannot imagine why the gentleman would suggest he would feel better if the cruise and the Pershing II missile were not a part of this freeze, but then proposes language to weaken a modest attempt by the gentleman from New York, to reassure our allies that we are not going to do anything by way of this freeze resolution to undercut our commitments under NATO. I think this debate simply points up another logical inconsistency in the freeze resolution. I yield to my friend from New York and then I cannot wait to yield to my friend from Massachusetts, the godfather of this freeze.

Mr. CARNEY. I thank the gentleman.

I again go back and appeal to my colleague from New York (Mr. SOLARZ) on consideration of adding any future NATO agreements. I think quite clearly it will solve the problem you have and it solves our problem of not having the Soviet Union involved in the NATO alliance.

Mr. SOLARZ. The gentleman has asked the question.

Mr. KEMP. Could I yield to the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. GINGRICH and by unanimous consent, Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. KEMP. Mr. Chairman, I want to yield to the gentleman from Massachusetts for the definitive position on this issue.

Mr. MARKEY. I thank the gentleman very much for yielding.

It is my opinion that the Soviet Union in its deployment of the Blackjack bomber, of a new generation of solid fuel missiles, of a new generation of cruise missiles, would much more jeopardize the European allies which we have. I believe at the same time that our European allies would much prefer to see a cessation of a nuclear arms race which has produced 50,000 nuclear weapons stockpiled on both sides. I believe that the nuclear freeze if it could be consummated would in fact, enhance the overall security of our European allies as well as ourselves.

I believe that that, in fact, would be the case.

Mr. KEMP. Is the gentleman not concerned about whether or not we can, in fact, bring them to the negotiating table over theater nuclear weapons and what impact the freeze would have on our ability to force the Soviet Union to the table? Is the gentleman concerned about that issue? I yield further.

Mr. MARKEY. I believe that the interests of the world, and I believe the Soviets will see their interests the same as we see ours, is in ending this arms race, I believe it is our opportunity and obligation to make this challenge to the end of the arms race. I do not see how the security of Western Europe is going to be advanced by allowing for the deployment of the Blackjack bomber, cruise missiles, of new generations of submarine-based ballistic missiles generally.

Mr. KEMP. If the gentleman—I take the time back for this reason: The gentleman is repetitive on the point that he wants to assure everybody that the Soviets might develop a second or third generation bomber. We know that. They already have a Backfire that threatens Europe, that threatens Israel, that threatens other allies. Indeed it has an intercontinental strategic capability that went unaddressed in SALT II which gave us some problem.

My concern, I would say to my friend from Massachusetts, is simply this: the Soviet Union is not about ready to surrender a unilateral advantage they already have.

It is important to understand the seriousness of the threat to our allies' security presented by the deployment of over 350 SS-20's targeted at Europe.

First, although a number of older SS-4's and SS-5's have been retired, the number of warheads on launchers has increased dramatically since the first SS-20's became operational in 1977. While the older missiles carried only one warhead each, the SS-20 IRBM carries three warheads, each independently targetable, and each SS-20 launcher unit is equipped with refire missiles, each of which is fitted with three warheads. Deployment of SS-20 launchers have proceeded at one per week. Brezhnev's announced unilateral freeze of SS-20 deployment was a bald lie: Deployments on both sides of the Urals are continuing, and the threat to Europe is growing greater by the week.

Second, before 1977 Soviet theater nuclear weapons were based at fixed vulnerable sites. The SS-20 is a mobile system. That means first they are harder to target, and second, those now deployed east of the Urals can be relocated westward at short notice.

Third, with a range of 5,000 kilometers, most of the SS-20's deployed east of the Ural Mountains can strike substantial portions of NATO Europe; even those deployed in the easternmost locations can reach NATO Europe. By contrast, the planned deployment of Pershing II would allow strikes only as far as the western-most military districts of the Soviet Union, but not Moscow and beyond. While the GLCM has a longer range, it is not capable of reaching targets as far as the Urals. Furthermore, these systems do not present a threat to Soviet ICBM's because of Soviet hardening, positioning of the ICBM's beyond NATO's reach, and the limited characteristics of the planned Pershing and GLCM systems.

Fourth, taking into consideration SS-20 MIRV's, and the significant improvements in survivability, mobility, responsiveness, and accuracy, the conclusion is inescapable that the SS-20 is a far more capable weapon than the older SS-4 and SS-5 missiles.

Finally, as we are all aware, NATO presently has no missiles whatsoever comparable to the SS-4, -5, or -20. As a result the Soviets currently enjoy an enormous advantage over the alliance, which calls into question the strength of our deterrent.

□ 1710

As a result, the United States, in alliance with our NATO countries, is committed to removing that asymmetry by deploying cruise or Pershing II missiles. Only when faced with the threat of that deployment has the Soviet Union agreed to TNF, arms control talks.

The only reason the Soviet Union is willing to sit down with the United States of America is because the U.S. Congress and U.S. administrations have been willing to deploy new theater nuclear forces; and now the gentleman from Massachusetts wants to undercut those talks.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

I think it is very important that we recognize something here. We talk about a problem we are faced with and that is our European community being concerned about the United States and the Soviet Union using that area of the world as a pawn.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from New York (Mr. KEMP) has expired.

Mr. CARNEY. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. KEMP) may proceed for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York.

Mr. ZABLOCKI. Mr. Chairman, reserving the right to object.

Mr. Chairman, we have debated this amendment and the amendment thereto for some time. The gentleman from Wisconsin intends to move that the Committee rise at a quarter of 6. And I believe we ought to vote on this amendment and amendment thereto.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and amendment thereto end at 5:30.

Mr. KEMP. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ZABLOCKI. Then, Mr. Chairman, I object to the unanimous-consent request for additional time.

The CHAIRMAN pro tempore. Objection is heard.

Mr. AUCOIN. Mr. Chairman, I move to strike the requisite number of words and to speak in support of the Solarz amendment to the Carney amendment.

Mr. Chairman, I am always fascinated with the gentleman from New York (Mr. KEMP), but I do not think that our colleagues ought to be stampeded by the rapidity of the words of the gentleman.

I would like to remind the gentleman from New York that the committee he serves on, the Appropriations Committee, held up funds for the Pershing II last year, in the continuing resolution. And the gentleman at that time did not allege or charge in any way that the United States or the U.S. Congress was in any way undercutting our NATO allies on the agreement of December, 1979. He might have disagreed with that action but he did not say the United States was welching on a deal. In any event, the House did not buy that argument.

Similarly, I do not think that the language in the December 1979 NATO decision in any way binds the treaty-making powers of this Government.

If the gentleman is really propounding that proposition, his understanding of the constitutional requirements of treatymaking are altogether different than mine.

Furthermore, the 1979 agreement of the NATO allies was entered into at a time before it was contemplated that there might possibly be an opportunity to negotiate a mutual verifiable freeze on nuclear weapons. This is 1983 and the assumptions that were alive in 1979 were altogether different than are alive today. And to bind us in some way to a set of assumptions and a weapons procurement scheme that seemed relative in 1979 when we may just possibly have an opportunity to negotiate a treaty which calls for a mutual-verifiable freeze, which would obviate the need for those weapons systems, is not sensible at all.

Mr. KEMP. Mr. Chairman, will the gentleman yield to me since he has mentioned my name.

Mr. AUCOIN. Well, of course, I will yield to my friend. I told the gentleman that I would yield to him and I would be very pleased to yield to the gentleman.

Mr. KEMP. I will slow down a little bit so the gentleman from Oregon will understand me.

Mr. AUCOIN. I am sure he wants to be understandable.

Mr. KEMP. I thank the gentleman for yielding.

Look, let me lower or deescalate the warfare between the gentleman from Oregon and myself simply for two reasons, No. 1, to sincerely suggest to the gentleman that this Member is deeply troubled by an amendment that would freeze the Soviet advantage in theater nuclear weapons. That is my concern. And if I get excited or talk fast it is because I think we are making a mistake opening up a loophole in this freeze movement that is going to cause us problems with NATO, because NATO comes before the Soviet Union.

Mr. AUCOIN. Mr. Chairman, if I may reclaim my time, I would remind the gentleman that the United States and the Soviet Union, under the terms of freeze, would be negotiating between themselves a freeze on their own arsenals. We would then be fixing our arsenal and they would be fixing theirs on a mutual-verifiable basis.

There is nothing in this resolution or in such a treaty that might come from the directive given by this resolution that would in any way bind our NATO allies from developing their own systems, is there?

Mr. KEMP. That is a point that we made. It would force Europe to start developing a far greater capacity for nuclear warfare than they have at the present time.

And all you are doing is causing a proliferation——

Mr. AUCOIN. Well, I would like to know which way the gentleman is arguing. My point is that prefreeze agreements with allies should not be used to defend weapons systems that would not be needed if we can negotiate, sign, and ratify a freeze.

Mr. KEMP. But that undercuts the freeze movement. The gentleman is saying the whole world is going to respond to this.

Mr. AUCOIN. Mr. Chairman, If I may reclaim my time, I am curious as to which way the gentleman is arguing the proposition. Is he saying we are leaving our allies defenseless or is he saying something else?

What I am saying is, this Congress already delayed funds for European-based Pershing II for reasons that were meaningful to this Congress and in exercising this judgment a majority did not say we were undercutting the NATO allies.

By the same token, we should not be saying now that that agreement in 1979 in any way limits America's treatymaking powers.

Mr. KEMP. If the gentleman will yield on that issue of where I was on the deployment or the production money for the Pershing II, because frankly——

Mr. AUCOIN. Did the gentleman allege that we were undercutting our allies in December?

The CHAIRMAN pro tempore. The time of the gentleman from Oregon (Mr. AUCOIN) has expired.

Mr. KEMP. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. AUCOIN) be allowed to proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ZABLOCKI. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment of the gentleman from New York.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I did not want to dip my oar into this particular argument, but since the cutting off of appropriations back in November by our committee, I happened to have been in West Germany at the time that that action was taken, with a committee headed by our distinguished chairman of our Armed Services Committee. The very next morning, after the news hit West Germany that our Appropriations Committee had cut out the funds for the Pershing II, we got a lecture like I had never gotten from anyone before, telling us that we were in fact backing off on our commitment to the Germans. Because we were doing that and if we did that we were sending the wrong signals to the entire world and they wished that we would reconsider and put the money in there and deploy the missiles on schedule because this is what they wanted.

They subsequently, 2 weeks later, won the election on that issue. And I think that the facts speak for themselves.

Mr. HYDE. And now we run away from it. Now we run away from our agreement, from our commitment, and from the people who voted in West Germany.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to take the floor to respond to my friend from Oregon and endorse heartily the comments of the gentleman from Texas (Mr. KAZEN).

The failure of the Congress, whether it was the Appropriations Committee, or the full body of the House, to put in production money for the Pershing II was, I think, counterproductive. I have spoken to that issue many times. I think it is a big mistake, I say to my friend from Oregon, simply because of what has been said here by the gentleman from Texas.

It fails our allies in that we are asking them to take steps that we are not willing to do in this country. For the same reason, I supported keeping the registration for the draft. How can you have an alliance based upon unilaterally asking your allies to do one thing and our failure to do anything to buttress that alliance. So, I have spoken many times on that issue. I would say to my friend from Oregon he has the right to bring it up, but I want him to know I think it was a counterproductive move for Congress to undercut our theater nuclear talks by refusing to finance the production money for the Pershing II.

I said it then and I say it again today.

□ 1720

Mr. HYDE. Mr. Chairman, I just want to say something very short and very simple about what we have before us.

We have two alternatives. We have the Carney amendment, which says support NATO, live up to NATO, keep our word; and we have the Solarz amendment to Carney which says consult NATO but go our own way. So we either support NATO or we undercut NATO. It is that simple.

The gentleman from Oregon has said, "But that was made in 1979." He forgot to say under a previous administration. Yes; it was. That was a solemn agreement with our NATO allies.

He said, "But things have changed today. We have a chance to negotiate a freeze."

I do not know what has changed. The only thing that has changed is that the gentlemen on this side of the aisle have suddenly discovered the atom bomb, which we have had since August 6, 1945. But they have abandoned comprehensive national health insurance as their white horse to salvation, and now it is nuclear terror, the apocalypse. That is all that has changed.

We either support NATO or we undercut it.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I am happy to yield to my friend, the gentleman from Georgia.

Mr. LEVITAS. I thank my colleague for yielding, because my friend, the gentleman from Illinois, makes a point that I was very curious about.

Mr. Chairman, I would like to know what has changed since 1979 that gives us the glimmer of hope that the Soviet Union will do anything to remove those missiles?

Mr. HYDE. I will tell you what has changed. The economy is no longer that big an issue, comprehensive national health insurance is no longer that big an issue, and social security was milked for all it could be milked for, so now we have the bomb. We found the bomb. That is what has changed.

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that debate be limited on this amendment and all amendments thereto to 5:30.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GINGRICH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ZABLOCKI. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end at 5:30.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and on a division (demanded by Mr. CARNEY) there were—ayes 20; noes 26.

So the motion was rejected.

Mr. GINGRICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I think that the Solarz amendment poses the issue the way it should be discussed. I think it is an important question. Unlike some gentlemen, I think it can hardly be a constitutional question since, by definition, an action of this House cannot transcend the Constitution, and that nonsense should be set to one side.

However, I think it was fascinating that the gentleman from Massachusetts, who is the primary advocate of the freeze movement, explained his position on what the Soviets are doing and explained what he thought Soviet behavior meant for Europe. I think he put into perspective precisely what is wrong with this movement in its current form.

What right is it of an American to say to the Europeans who are our allies, "We will decide for you. We will tell you. We will make the decision?"

In effect, this is the cut-and-run amendment. But it is not a bad cut-and-run amendment because it says we will consult. In other words, on the way out of town, we will call and say we are cutting and running.

Let me say flatly, I was in Germany in 1977. I talked with senior German generals who referred to the Americans putting troops around Bremerhaven, not as a precaution but as a step toward a Saigon, there is a very real feeling in Europe that the record of the Americans in recent years and the record of the Foreign Policy Committee last week is a record, in fact, of slowly strangling and selling out your allies.

There are practical reasons why our allies might be worried about this amendment. It is wrong for this Congress to suggest by unilateral decision that we will decide the fate of Europe, but we will consult.

I may also suggest that looking at this transcript, it is little wonder that Mr. Begin does not wish to rely on American protection of Israel's northern borders. Given the record of this Congress and this Committee on Foreign Affairs, I think any ally would have to have its head examined if it was, in fact, going to trust what this Congress will do.

Finally, for gentlemen in the tradition of Franklin Roosevelt who developed the good neighbor policy, for

gentlemen who, in the tradition of John F. Kennedy, said, "We will go anyplace and bear any burdens," to suggest that we will decide the fate of Europe but we will consult in passing would lead me to suggest, frankly, if that were to become the policy of this country, I would urge the British and French to develop a genuine strategic nuclear force, because those governments, it was the French Socialist Mitterand who urged the Germans to vote against the freeze, there is no government in the major powers of Europe today in the West who think it wise that we freeze.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I would be glad to yield to my friend, the gentleman from New York.

Mr. SOLARZ. I thank the gentleman for yielding.

Mr. Chairman, it is not every day that I am accused on the floor of the House of offering an amendment which constitutes a policy of "cutting and running" from our commitments to our NATO allies, so I would like to clarify the intent of the amendment.

Let me say that there is absolutely nothing in my amendment which is inconsistent with our obligations to NATO. The gentleman in the well has said that what my amendment proposes to do is to give the United States, in effect, the right to negotiate on its own with the Soviet Union, and to reach agreements with the Soviet Union over the objections of our allies.

I say to my friend in the well that that is precisely what we are doing now and it is precisely what we have done for the last decade. What do you think is going on in Geneva? The United States is negotiating with the Soviet Union in the START talks.

Mr. GINGRICH. If I may reclaim my time, let me just say to the gentleman that is precisely the point of the amendment offered by the gentleman from New York (Mr. CARNEY); to say to our allies that nothing in the freeze resolution will lead us to desert you. By watering it down, I suggest you are reemphasizing that possibility.

Mr. SOLARZ. If the gentleman will yield further, this is precisely what we are doing in Geneva at the present time. We are engaged in negotiations with the Soviet Union with respect to the START talks. We are consulting with our allies about those negotiations; but, we are the ones who are going to make the final decision, even in the INF talks, which are under way at this very moment in Geneva, pursuant to a NATO decision in 1979. It is not like the MBFR talks. Which are being conducted, not only between the United States and the Soviet Union, but between the Warsaw Pact and NATO.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. GINGRICH) has again expired.

(On request of Mr. DICKS and by unanimous consent, Mr. GINGRICH was allowed to proceed for 4 additional minutes.)

Mr. SOLARZ. In the INF talks in Geneva right now, the United States is negotiating with the Soviet Union, and we have the right to reach any agreement we want with the Soviet Union. We are not obligated to submit that agreement to our NATO allies for approval. We are conducting the negotiations.

Mr. GINGRICH. Mr. Chairman, if I may reclaim my time, let me just say to the gentleman that he mentioned pursuant to a 1979 NATO agreement. You mentioned that we do consult and work closely with. I think the whole point of the amendment of the gentleman from New York is to make very clear that nothing in the freeze resolution would weaken our commitment to NATO.

Mr. CARNEY. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. CARNEY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that what we have to do is to recognize something that is very, very important.

We come back, if I may, to a couple of very critical issues here.

First, are we allowing at this point, by accepting the amendment from my colleague from New York, the Soviet Union to become almost a partner in our NATO alliance, if we have to just consult with our NATO alliance members and then come to an agreement with the Soviet Union?

□ 1730

The second point that is very, very important is that the threat again is not ours. The threat is to our NATO allies. They are the ones that the 351 SS-20's with three warheads are pointed at. They are the ones that are under the threat of the SS-4 and the SS-5.

Now, we are telling them that we are going to control their destiny. By doing so, I think what we would be doing is we would almost totally destroy the alliance that has maintained the peace since the end of World War II, and we would have totally destroyed our credibility with any nation with which we have made mutual defense agreements.

Third, we would invite the nations of Europe to escalate their production of nuclear weapons so they could protect themselves from the threat of those SS-20's and so they could protect themselves from the threat of the intermediate-range ballistic missiles.

Again, Mr. Chairman, I must insist it is a threat that is not ours. Those missiles do not reach the United States.

Mr. GINGRICH. Mr. Chairman, if I may reclaim my time and direct this to the gentleman from New York, let me say—and this seems to surprise him—that if you are an ally of the United States and you have watched the United States in South Vietnam and you have watched the United States in El Salvador and you have watched this Congress very carefully, it is in fact a sad and discouraging experience. It is very hard to argue in fact that this Congress has done much to keep the alliance together in the last 15 years, and in many ways this country and this body have significantly weakened us.

Again, I simply report what people in NATO say to me, when you look at the threats of the KGB going where it will, when you look at the United States strangling its own allies and helping to pave the way for its opponents, and when you look at the amendments and the language on this floor, which I think, if read carefully by a French or British politician, would lead them to think they had better watch out.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

For what purpose does the gentleman from Wisconsin (Mr. ZABLOCKI) rise?

Mr. ZABLOCKI. Mr. Chairman, I rise for the purpose of making a unanimous-consent request that, when the House reconvenes and the issue will be before the Committee of the Whole House on the State of the Union, we could have a vote on the pending amendment and all amendments thereto as the first order of business after a 10-minute debate on the part of both the gentleman from New York (Mr. CARNEY) and the gentleman from New York (Mr. SOLARZ). After that debate, then we would have a vote on the amendments.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BROOMFIELD. Mr. Chairman, reserving the right to object, may I ask, How does the gentleman propose to allocate the time?

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield, it would be 10 minutes, 5 minutes for the opponents, and 5 minutes for the proponents of the amendment.

Mr. BROOMFIELD. Mr. Chairman, should the gentleman not suggest that he control the time on his side and I will control the time on this side here?

Mr. ZABLOCKI. It would be just about the same thing. If the gentleman wants it that way, the gentleman then will have 5 minutes of the time under his control.

Mr. CARNEY. Mr. Chairman, reserving the right to object, let me ask, that vote will take place tomorrow morning; is that correct?

Mr. ZABLOCKI. Tomorrow morning, when we return to the Committee of the Whole.

Mr. CARNEY. Immediately after a 10-minute dialog between the gentlemen, whoever controls the time?

Mr. ZABLOCKI. Right.

The CHAIRMAN pro tempore. Let the Chair clarify the request.

There will be a 10-minute debate on that amendment and all amendments thereto?

Mr. ZABLOCKI. That is correct, the Carney amendment, the Solarz amendment, and all amendments thereto.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BROOMFIELD. Mr. Chairman, reserving the right to object, to clarify it, it is only on this particular amendment, Solarz?

Mr. ZABLOCKI. That is correct.

Mr. BROOMFIELD. Mr Chairman, I withdraw my reservation of objection.

Mr. CARNEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The request relates to the Carney amendment and all amendments thereto.

Mr. ZABLOCKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. JONES of Oklahoma) having assumed the chair, Mr. MURTHA, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2065, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION APPROPRIATIONS

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 98-69) on the resolution (H. Res. 164) providing for the consideration of the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. BETHUNE. Mr. Speaker, on Thursday, April 13, the House voted on the Levitas build-down amendment. I was present and voted for this amendment, although the computer did not record my vote for some reason. I was present on the floor at the time, as evidenced by my statement yielding my allocated time to Mr. HYDE, which is recorded on page 8401 of the CONGRESSIONAL RECORD.

EXTENDING TIME FOR CERTAIN SPECIAL ORDERS ON APRIL 26, 1983

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent that the special order speeches heretofore entered into on April 26 by the gentleman from Iowa (Mr. BEDELL), the gentleman from New Jersey (Mr. TORRICELLI), and the gentleman from New York (Mr. WEISS) be extended to 1 hour each.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

□ 1215

EXTRADITION REFORM

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, today I am introducing a bill to reform the laws of the United States with respect to extradition. This bill is similar to one I introduced in the 97th Congress, and that was reported by the House Committee on the Judiciary. Unfortunately, because of the press of other business during the last days of the 97th Congress, the bill was never considered by the full House.

Current extradition laws have been on the books for well over a century and have never been reviewed in a comprehensive fashion. According to both the Departments of Justice and State and leading practitioners and academics, these provisions are not adequate to deal with international crime control. The bill I am introducing is designed to facilitate reform in this area. The Subcommittee on Crime, which I chair, will hold two hearings on this bill, the first on April 28 and the second on May 5.

Increased ease and frequency of international travel has created international law problems that were unforeseen by the Congress of the 19th century. In recent years there has been a dramatic increase in the number of extradition requests made by countries for terrorists and for persons involved in drug trafficking. Improved international cooperation in prosecuting these types of offenses will very likely produce an even greater level of extradition demands in the future. The current procedures carry forward the anomalies of a bygone era. The inconveniences caused by these statutory deficiencies are relatively minor now, but are likely to cause major problems in the future.

In addition, the United States has undertaken negotiations and executed new extradition treaties that cannot be fully implemented under present law. The modernization of extradition procedure would be an important step forward in implementing these international obligations.

This bill has been developed with the assistance of the Departments of Justice and State and takes into account the suggestions of numerous witnesses at the hearings held last Congress by the Subcommittee on Crime. On the controversial and important issue of the definition of a "political offense," for which a person shall not be extraditable, the bill takes the approach suggested by the distinguished chairman of the House Committee on Foreign Affairs, Mr. ZABLOCKI. Among the suggestions made by the administration that have been incorporated are the following:

First, the bill requires that the Attorney General act as complainant in extradition matters. Under current law a foreign government—or someone claiming to be acting on behalf of such government—can initiate an extradition proceeding. The suggested change is recognized practice in virtually every other country. The proposed change will also avoid foreign policy problems that arise under current law.

Second, the bill permits an arrest warrant to be issued when the location of the fugitive is not known. This procedure will facilitate the efforts of law enforcement in locating persons sought for extradition, including suspected terrorists.

Third, the bill permits the commencement of extradition proceedings upon the issuance of a summons. This procedure is appropriate when the fugitive's location is known and the risk of flight is small. This procedural device will also save money.

Fourth, the bill sets standards for the release of a person sought for extradition. Under current law there is no explicit treatment of the question of when and whether to release a person sought for criminal activity by a foreign government. The absence of statutory criteria for use by the courts has produced some inappropriate results. The proposed release criteria take into account the dangerousness of the accused person, ties to the community, seriousness of the offense, and the need to honor our treaty obligations.

Fifth, the bill permits fugitives to be temporarily extradited to the United

States for trial and sentencing. This change will assist law enforcement by allowing timely disposition of violations of America law. Under current law we would have to wait until any foreign sentence was served.

Sixth, the bill establishes the right to counsel of accused persons and authorizes the appointment of counsel for indigents.

Seventh, the bill clarifies the requirements of double criminality. International law and our extradition treaties require that the offense that is the subject of the proceeding be an offense in both the requesting State and the United States. The bill clarifies current law by providing that the alleged offense must be an offense similar to a crime against a majority of the States; the United States; or the State in which the suspect is found. In addition, the bill requires that the offense be of a certain level of seriousness. Otherwise, extradition may not be justifiable, either from a practical or a legal standpoint.

Eighth, the bill permits either party to appeal the decision of the district court. Under current law neither side may appeal. As a practical matter, however, the defendant can obtain review through habeas corpus proceedings, and the Government by commencing a new proceeding. Direct appellate review will be more efficient.

Ninth, the bill clarifies or codifies current extradition practices and sets forth clear procedures for use by the courts and the Attorney General.

I believe that this bill strikes a good balance between the rights of the accused and the foreign policy and legal needs of the governments involved. I extend an invitation to interested parties to comment on this bill. Comments or requests to testify should be made to the Subcommittee on Crime, 207 Cannon House Office Building, Washington, D.C. 20515 or telephone: 202-225-1695.

□ 1740

TAX LIMITATION/BALANCED BUDGET CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 30 minutes.

● Mr. CONABLE. Mr. Speaker, Congressman ED JENKINS and I have today introduced the tax limitation/balanced budget amendment with 55 cosponsors. It is identical to Senate Joint Resolution 5 introduced in the Senate earlier this year, and is similar to the version which passed the Senate last year, omitting only the debt limitation amendment adopted on the Senate floor.

Federal spending as a share of GNP has increased from less than 20 percent in 1974 to more than 24 percent this year. Despite repeated forecasts of a balanced budget in recent years, deficits projected are now approaching $200 million annually. Obviously, our present methods of restraining Government spending and budget deficits require substantial strengthening. This amendment would do that. The period required to implement the amendment would give us time to bring spending and taxing in line with the requirements. We intend to pursue this matter once again.

An explanation of the tax limitation/balanced budget amendment follow:

This is a consensus amendment which effectively accomplishes two objectives: (1) Limits the growth of federal outlays to no more than the growth of the national economy, and (2) Produces balanced budgets.

Section 1 of the amendment provides that the Congress shall adopt a fiscal statement in which total outlays (including both "on-budget" and "off-budget" items) are no greater than a stated level of receipts; only if three-fifths of the membership of each House agrees may outlays intentionally exceed income. This is the balanced budget part of the amendment.

Section 1 goes on to require that the President and the Congress ensure that actual outlays do not exceed the outlays set forth in the fiscal statement.

Section 2 limits total receipts in the fiscal statement, specifying that they shall not increase any faster than the average increase in national income for previous years (the average of previous years is used in order to avoid any forecasting problems). Receipts collected in excess of this limit would either be used to pay off the national debt or for a tax rebate. Only if a bill approving specific additional taxes has become law can this limit be exceeded.

Since Section 2 limits the growth of receipts and since Section 1 says that actual outlays can't exceed statement receipts, the effect of the two together is to limit the growth of total federal spending.

The amendment would produce balanced budgets over the business cycle. However, surpluses or deficits could occur in any given year. This is because, although actual outlays could be no greater than those allowed in the limit (i.e., statement receipts), actual receipts might fall below statement receipts during times of economic recession or be greater than statement receipts during times of economic boom.

Congress may waive the provisions of the amendment in time of war.

The amendment would take effect for the second fiscal year beginning after ratification.●

THE NATIONAL DIVIDEND PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

● Mr. ALEXANDER. Mr. Speaker, today the American people face the prospect of a $200 billion Federal deficit for the foreseeable future. Virtually all people having business interests say that unless these deficits are curbed we will face rising interest rates that will thwart the prospective economic recovery.

Many people are advancing new ideas on the subject of the deficit. One idea which is unique and worthy is the national dividend plan. This plan, which I will introduce in the near future, contains five basic provisions. They are as follows:

First, provide for placing all corporate income taxes collected by the Federal Government into a national dividend trust fund, which then would be distributed quarterly through private banks to all registered voters on an equal, Federal tax free basis;

Second, stipulate that the trust fund would be reduced by the amount of any Federal budget deficit;

Third, eliminates double tax on corporate dividends;

Fourth, retain the 46-percent ceiling on Federal corporate income taxes; and

Fifth, declare a moratorium on new, Federal expenditure programs throughout the 5 year phase-in period.

The purpose of this proposed legislation is to insure the Federal fiscal integrity to refinance our debt and equity structure so that our currency's value will stop declining. This legislation would permit us to start paying for our social progress out of earnings instead of inflationary-added taxes.

Like all civilizations that have declined in the past, the authority to handle the debt and the dole have largely remained in a single authority, and as a consequence there is a temptation for legislators to promise more than we can afford. This has resulted in depreciating the currency and as a result now we face a serious financial, economic, and fiscal crisis. The prospective economic recovery will prove to be illusory and short-lived if these problems are not addressed appropriately and quickly.

We must get the budget back under control if we are to preserve our free market system and our democratic society. This can be accomplished only by getting the electorate financially involved in the country's solvency. This plan is designed to do just that. After the electorate is thus involved, we can separate control of the debt from the dole by returning welfare to the States where it can be administered more efficiently. With the Federal budget under control and the Government running a surplus, the inflation rate will go down rapidly and money rates would get back down to affordable levels thus reinvigorating once again such basic industries as housing, auto, and others.

Mr. Speaker, it is absolutely imperative that we take action at once to achieve these ends. We have a chance now, through this innovative ap-

proach, to make an end to the endless inflation-recession cycle that has plagued our economy in recent years. It is a chance to reinstitute a democracy in which each and every citizen has a visible economic interest. The national dividend plan must be seriously considered by this Congress for the benefit of all Americans.●

INTRODUCTION OF HAZARDOUS SUBSTANCES RESPONSE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. RICHARDSON) is recognized for 10 minutes.

Mr. RICHARDSON. Mr. Speaker, I am today introducing, along with the gentlemen from South Carolina (Mr. SPRATT and Mr. TALLON), the Hazardous Substances Response Act of 1983. This bill, which would reauthorize and expand the Superfund program, is identical to a companion bill (S. 860) which was introduced on March 18 by Senators HART, GORTON, MOYNIHAN, TSONGAS, and DODD.

Mr. Speaker, our bill would create four important changes in our hazardous waste site cleanup program. First, the amount of money in the Superfund would be increased from the current total authorization of $1.6 billion to about $15 billion. Second, our bill would create economic, nonregulatory incentives to promote safe and sane alternatives to the continued production and landfill disposal of hazardous wastes. Third, our bill would authorize grants to the States for the cost of their hazardous waste regulation and cleanup programs. Fourth, and finally, our bill would establish new safeguards to insure that the Superfund account will not be misused.

Mr. Speaker, I think all of my colleagues can agree that there is no more pressing environmental problem than the poisoning of our land, air, and water. The vast majority of this contamination is occurring as a result of the improper disposal of hazardous wastes. All of us are familiar with the horrors of Love Canal and the Stringfellow acid pits. But how many of us have seriously contemplated the findings of a 3-year Office of Technology Assessment study on hazardous wastes released last month?

The OTA study reached some very chilling conclusions. The Environmental Protection Agency estimated in 1981 that it was regulating almost 43 million metric tons of hazardous wastes annually. Yet, OTA found that every year between 255 and 275 million metric tons of hazardous wastes are generated in the United States. Clearly, Mr. Speaker, something is desperately wrong.

Part of the problem can be found by looking at the Resource Conservation and Recovery Act of 1976 (RCRA). Congress passed this act to establish a cradle-to-grave program for the regulation of substances which the Environmental Protection Agency would list as hazardous. Unfortunately, Congress delegated too much discretion to EPA. The hazardous waste regulations were 6 years in the making. When they were finally issued, they contained more loopholes than standards. The litany of RCRA loopholes is extensive, but my colleagues need look no further than the municipal sewer exemption to understand why only 15 percent of the hazardous wastes regulated by State government are presently subject to Federal regulation.

At the same time EPA was slowly formulating its regulations, Congress was forced to respond to the ever going hazardous waste disposal problem that was unfolding nationally. As a result of the stunning disclosures at Love Canal, Congress in 1980 passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), which established a program for the cleanup of hazardous substances that had been released into the environment. Part of that program included a $1.6 billion Superfund program, funded primarily by taxes on petroleum and certain chemicals. The money the Government received was used to finance the removal of hazardous substances when the responsible private parties could not be identified or could not pay for the cleanup.

Unfortunately, Mr. Speaker, we now know that the $1.6 billion authorized in 1980 for Superfund is woefully inadequate. When the special taxes on petroleum and chemicals expire in 1985 probably less than one-half of the $1.6 billion authorized by law will have been raised. The existing program will not be able to pay for cleaning up even half of the 418 national priority sites EPA has identified, much less the 15,000 abandoned hazardous substances sites EPA has already identified. That number will most certainly grow as the national inventory continues.

The legislation we are introducing today will give EPA the funds it needs to address this problem fully and thoroughly. Our bill would let the current Superfund taxes expire as scheduled at the end of fiscal year 1985 and replace those taxes with new, higher taxes on the generation of hazardous wastes, raising between 1985 and 1995 almost 10 times as much revenue as is now authorized under Superfund.

To maintain the current 7-to-1 ratio of special tax and regular appropriations for Superfund, our bill would raise to $190 million the amount authorized to be appropriated each year. These authorizations, taken with the new higher taxes, will make available almost $15 billion for hazardous wasted site cleanup between 1985 and 1995, thereby allowing EPA to clean up almost 10 times as many sites as can be handled under current law.

The taxes our bill would impose will substantially improve our national management of hazardous wastes by creating strong economic incentives for the development of safe alternatives to the continued production and disposal of hazardous wastes. The amount of the new taxes will vary according to the degree of hazard and the safety with which it is handled. The taxes will be paid by the companies generating the hazardous wastes and will double in 1990 to provide even greater incentives for generators to adopt safe alternatives to hazardous waste disposal. This system is based on the recommendations found in the OTA study.

Finally, Mr. Speaker, our bill remedies two missing elements in the current Superfund program.

First, our legislation will help end the current shortage of funds for State hazardous waste programs. The absence of State funds has been a major barrier to cleaning up many sites. RCRA authorized EPA to make hazardous waste management grants to the States for operation of State programs. Yet this administration has fought to severely reduce funding for these State grants. Our bill solves that problem by setting aside up to 10 percent of the Superfund for grants to States operating hazardous waste management and cleanup programs. This set-aside will give the States the funds they need to do the job correctly.

Second, our bill establishes new safeguards to insure the Superfund account is not misused. The inspector general at EPA recently found during the first audit of Superfund that almost 30 percent of Superfund expenditures have been used for routine EPA activities.

Mr. Speaker, our bill will give Superfund the financial resources it needs to properly address the cleanup of the massive number of hazardous waste sites we are now finding across the country. At the same time, our bill will create the economic incentives necessary for companies to stop abusing the loopholes that presently exist in RCRA. Disposal of hazardous waste will become a very expensive undertaking. But, the beauty of our bill, Mr. Speaker, is that it brings about this important policy change without the creation of additional bureaucracy. The marketplace will become the regulator.

I urge my colleagues to give this hazardous waste bill their immediate attention, and I invite their cosponsorship and support toward an early passage in this Congress.

Mr. Speaker, I yield to my colleague, the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I rise today in support of legislation to protect the health of our people, the purity of our environment, and the vitality of our commerce and industry from dangers posed by reckless disposal of hazardous wastes.

I urge Congress to give prompt and favorable attention to two major pieces of legislation of which I am a cosponsor: H.R. 2478, the Hazardous Waste Control and Enforcement Act of 1983, introduced by Congressman FLORIO; and the Hazardous Substances Response Act of 1983, introduced by Congressman RICHARDSON. Together these two measures would strengthen Federal regulation of current hazardous waste disposal, establish incentives for disposal of hazardous wastes through recycling and other alternative means, and expand State and Federal efforts to clean up existing hazardous waste disposal sites.

Our Nation's productive capacity is unequaled in the world. One byproduct of this great capacity, however, is an ever-increasing volume of hazardous waste. Each year our Nation produces between 255 and 275 million tons of wastes that are highly toxic to humans.

For many years, those who generated hazardous wastes faced few State or Federal restrictions on their right to dispose of these wastes. As a result, immense volumes of wastes have been deposited in a careless and irresponsible manner allowing escape of wastes into the land, water, and air. Tragedies such as those that have befallen the citizens of Niagara, N.Y., and Times Beach, Mo., have finally focused the attention of the American public on this menacing and difficult problem.

My own State of South Carolina faces serious problems in cleaning up carelessly deposited hazardous wastes. Three of the 418 sites that the Environmental Protection Agency has identified as the Nation's most dangerous are in my State, and one of these sites is in my district. Although cleanup of these sites has made progress, there have recently been discovered in my State a large number of other sites that pose potential hazards and that will undoubtedly prove costly and difficult to clean. The State administrative agency charged with responsibility for hazardous waste management could efficiently use additional staff and resources to carry out a speedy cleanup of these many sites. The legislation that I am supporting today would provide such assistance.

Meanwhile hazardous wastes continue to accumulate in South Carolina at a rapid rate. My State is a major repository for hazardous wastes generated not only in South Carolina but in other States as well. In fact, almost half of the hazardous wastes placed each year in landfills in South Carolina is generated outside the State. One of the major sites for such disposal is in Sumter County, in my district. We must take steps to insure that hazardous wastes deposited on such sites are safely and adequately contained.

A major new hazardous waste disposal facility was also proposed for a site just across the State border from my district, in Anson County, N.C. An environmental study showed that the composition of the soil and the high watertable underlying this site made it unsuited for containing hazardous waste. Many of my constituents were justifiably concerned that if a hazardous waste facility were placed on this site, hazardous wastes would seep into groundwater near the site and pollute a tributary of the Pee Dee River, which provides a principal source of water for drinking, agriculture, and industry. The fact that this landfill could potentially have affected residents in more than one State, and that it possibly could have qualified for a permit under current Federal regulations, illustrates the need for more rigorous waste disposal laws applicable thoughout the country.

The legislation that I urge Congress to adopt would take major steps to prevent continued careless disposal of hazardous wastes and to clean up already existing hazardous waste disposal sites.

The Resource Conservation and Recovery Act of 1976 (RCRA) establishes the legal framework for EPA's current regulation of hazardous wastes. It is now generally recognized that RCRA fails to mandate sufficiently rigorous regulation of hazardous wastes. The regulations that EPA has issued to date under RCRA exempt far too many hazardous wastes and hazardous waste facilities, and they set performance standards that in many cases are too lax. H.R. 2478 remedies these deficiencies in RCRA.

H.R. 2478 adopts the general policy that reliance on land disposal facilities should be minimized because landfills cannot insure perpetual containment of hazardous wastes. The bill, however, takes a realistic and balanced approach to the issue of landfills by implicitly assuming that, under rigorous safeguards, landfill disposal of certain substances must be allowed to continue for some time, until suitable alternative technologies become available for widespread use.

To reduce the risks of landfill use during this interim period, H.R. 2478 would prohibit the land disposal of certain of the most dangerous wastes, including, in certain concentrations, cyanide, PCB's, arsenic, and cadmium. It would authorize EPA to prohibit land disposal of many other wastes, and it specifically lists dioxins as a hazardous substance subject to EPA regulation. It also prohibits the underground injection of hazardous wastes near sources of drinking water, and it restricts the landfill disposal of liquid wastes.

I believe that States can make a valuable contribution to hazardous waste management. Many States regulate hazardous wastes that totally escape Federal regulation, and some States have developed farsighted waste management programs that now serve as models for Federal action. The Reagan administration, however, has drastically reduced the amount of funding available under RCRA for State hazardous waste programs.

To strengthen the role of States, H.R. 2478 would authorize increases in Federal assistance to States for development and implementation of State hazardous waste programs. It would also authorize EPA to make grants to local governments to construct demonstration recycling centers for hazardous wastes. South Carolina, which has already gained considerable experience with hazardous waste, could make effective use of such assistance.

To protect public safety, H.R. 2478 sets deadlines by which all landfills and other hazardous waste facilities must either receive permits or be closed. This will insure that landfills and other facilities currently operating under EPA permits will not stay in business indefinitely unless they comply with the bill's new permitting standards.

H.R. 2478 would exempt from regulation only those who generate less than one-tenth of a ton of hazardous waste each month. The bill would also authorize EPA to apply more stringent regulatory standards to those who each month generate less than 1 ton of hazardous waste than to those who generate more than 1 ton. This flexible approach takes account both of the need to regulate disposal of the considerable volumes of wastes generated by some small businesses, and the relatively heavy cost that enforcement of the most stringent regulations could impose on such businesses.

Finally, H.R. 2478 strengthens the remedies available to citizens, States, municipalities, and the EPA to enforce hazardous waste laws and regulations; it reenfores the authority of criminal investigators; and it increases criminal penalties for certain classes of hazardous waste offenses.

H.R. 2478 would take major steps to prevent recurrence of the type of hazardous waste disasters that have affected many of our people in recent years. Such prevention of hazardous waste problems will prove far less costly than cleaning up hazardous waste sites created through irresponsible forms of disposal.

The Hazardous Substances Response Act of 1983, which has been introduced in the Senate as S. 860, complements and strengthens hazardous

waste control measures provided in H.R. 2478.

The Hazardous Substances Response Act would establish a program of disincentives for continued deposit of hazardous wastes in landfills. The Federal Government now assesses a tax on petroleum and chemical feedstocks used in production processes that generate hazardous wastes. This tax, due to expire next year, provides no incentives for industry to dispose of their wastes in a safe and responsible manner. The Hazardous Substances Response Act would replace this assessment with a tax on hazardous wastes that are disposed of, transported, or stored for more than 1 year. This new tax would vary with the degree of hazard posed by the waste, the distance that it is transported, and the degree of safety with which it is stored. The highest tax, for example, would be assessed on an extremely hazardous waste that is transported a great distance for storage in a relatively unsafe facility, such as a landfill. This sliding scale tax would strongly discourage continued use of relatively cheap but unsafe forms of hazardous waste disposal, such as landfills, and it would encourage development and use of modern alternative means, such as recycling.

Reliable studies indicate that it is technologically and economically feasible to recycle as much as 70 percent of our Nation's hazardous wastes. At least one major industrial concern in my district already recycles nearly all of its hazardous wastes. Several foreign countries also recycle a high percentage of their hazardous wastes. In the United States, however, 80 percent of hazardous waste is deposited in landfills, primarily because landfills often offer the least expensive means of disposal. We should create economic incentives for greater use of safe forms of hazardous waste disposal, such as recycling and waste recovery. Fees imposed by States for this purpose would not be as effective as a national fee, which would discourage industries from seeking to find the least expensive States in which to deposit their hazardous wastes.

Revenues raised by the tax provided in the Hazardous Substances Response Act would be used to expand and extend efforts to clean up existing hazardous waste sites. The Federal Government's currrent hazardous waste cleanup program, the Superfund, will expire in 1985. By that date it is estimated that the Superfund program will have financed the cleanup of less than half of the Nation's 418 priority hazardous waste sites and none of some 15,000 other identified sites. The inadequate scope of the Superfund program is illustrated in my own State, where Superfund moneys to date have been made available to clean up only three of the highest priority sites. No Superfund moneys have been made available to clean up the many additional sites in my State for which Federal assistance could be used.

The Hazardous Substances Response Act would raise sufficient funds to allow expenditure of $190 million in each of the next 10 years to clean up existing hazardous waste sites without increasing present burdens on the Federal budget. This would allow a tenfold increase in the number of sites to be cleaned up by Superfund.

Of potentially great interest to my own State, this bill would also set aside 10 percent of new Superfund moneys for grants to States for hazardous waste management and cleanup programs. These funds would supplement moneys made available by H.R. 2478.

Representatives of a wide range of business and citizens' groups in my district have advised me that they support the concepts embodied in these two bills. Many business leaders believe that the current regulatory scheme unfairly exposes them to possible liability for the irresponsible disposal of their hazardous waste products by third parties. Businessmen and farmers fear that continued reliance on landfills will lead to serious pollution of water sources that are vital to their livelihoods. Citizens' groups express virtually unanimous concern that the air, water, and land should not be held hostage to outmoded and reckless means of discarding hazardous wastes.

Effective national legislation to manage hazardous wastes is long overdue. To meet this urgent need, I recommend these two important pieces of legislation for prompt and favorable consideration.

□ 1750

A TRIBUTE TO DON ELLIS ON HIS RETIREMENT FROM THE UAW

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KILDEE. Mr. Speaker, it will be my pleasure this weekend to attend a testimonial dinner in Flint, Mich., to one of the most outstanding labor leaders I have ever been privileged to know. That man is Don Ellis, who is retiring May 18 as director of region 1-C of the United Auto Workers Union.

Don Ellis has been a member of the UAW for 42 years, joining the union when he went to work at the AC spark plug division plant in Flint in 1941 and became a member of UAW Local 651. In 1948 he was elected president of the local, and was reelected to three consecutive 1-year terms until he was appointed in 1951 as an international representative on the UAW region 1-C staff. In 1954 he was appointed assistant regional director, and served in that capacity under two directors for 16 years. Since 1970, Don Ellis has been the director of region 1-C, and is highly regarded throughout his community and his union for his judgment, leadership, and dedication.

A native of Piggot, Ark., Don Ellis has lived in the Flint area since 1926 and is valued as a concerned leader in his community as well as in his union. He has served on the boards of the United Way, the Economic Alliance of Michigan, and Auto World, and has been active in a number of other civic endeavors.

Members of the UAW can take pride in the knowledge that theirs is a progressive union that is universally recognized for its social leadership as well as for its dedication to the well-being of its members. Don Ellis personifies and exemplifies the high standards of the UAW and the serious labor and social concerns that union has expressed over the years. People make an organization through both their leadership and their membership. The reputation of the UAW for integrity, social concern, and vigilance on behalf of working men and women, is due to people in the UAW such as Don Ellis.

I extend my best wishes to him for a happy and productive retirement, and want to take this opportunity to thank him for the friendship, the advice and the example of service that he has so generously provided to me over the years.

LEGISLATION EXPANDING REIMBURSEMENTS FOR NURSE-MIDWIFERY SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. MIKULSKI) is recognized for 5 minutes.

● Ms. MIKULSKI. Mr. Speaker, today I am introducing two pieces of legislation that will expand reimbursements for nurse-midwifery services. The first will allow certified nurse-midwives to receive reimbursement under Government health plans, and the second will allow them to receive medicare reimbursement for services delivered to disabled women and for routine gynecological care delivered to elderly women. These expansions in reimbursement will enhance the provider role of nurse-midwivers, establish greater freedom of choice for consumer, and encourage productive competition in our health care delivery system.

Certified nurse-midwives are quite different individuals from lay nurse-midwives of the past. The latter were women who were trained in traditional folk methods, and who effectively delivered almost all infants until the last decades of the 19th century. A certi-

fied nurse-midwife, in contrast, is a product of the more formal medical training that appears to be a trademark of the 20th century. As the name implies, a certified nurse-midwife is an individual trained in two distinct disciplines, nursing and midwifery. Each certified nurse-midwife must receive a nursing degree, practice nursing in the field of maternal and child health for at least a year, and then undergo a 1- to 2-year nurse-midwifery educational program. All of these programs are associated with major universities—for example, Georgetown, Columbia, and Yale. Some of the programs bestow certificate degrees on their graduates and others award masters degrees.

Nurse-midwives provide continuous care throughout the process of birth, including prenatal, delivery, and postpartum stages. They teach preparation for labor (Lamaze) classes, do routine examinations and deliveries, and subsequently give instructions in infant care, family planning, and family adjustment. In addition, nurse-midwives deliver well-woman gynecological care—such as family planning services and pelvic exams—and thus both the young and old can benefit from their services.

Various societal changes have encouraged the use of mid-wifery; families' interest in natural childbirth, the assertion of consumer rights, and the resurgence of women's concern with control over the natural processes of their bodies. Nurse-midwives have both stimulated and benefited from these concerns through their emphasis on personal continuity of care and their openness to alternative childbearing options. Although the earliest nurse-midwifery program opened in 1970, the largest increase in nurse-midwives has occurred in the past 10 years. Between 1970 and 1980, the number of nurse-midwifery programs doubled to more than 20 and an additional 1,600 certified nurse-midwives graduated. Today, there are approximately 2,700 certified nurse-midwives and 220 more graduate each year.

Questions regarding the safety of nurse-midwifery have long been a factor in arguments regarding expansion of such services. Many of the fears have been based on misinformation. Some individuals are unaware of the medical training that professional nurse-midwives are required to undergo; others are afraid that nurse-midwives will operate without consultation and use of physicians. In fact, nurse-midwifery practice must always occur within an interdependent system with an obstetrician—which includes a formal written alliance and use of his or her services when necessary. A prevalent assumption, however, is that complications in childbirth occur with such rapidity that nurse-midwives could not possibly call on physicians in time. This assumption may have developed initially from the fact that attending hospital obstetricians often arrive in delivery rooms late in the labor process and thus may perceive complications as developing rapidly. In reality, early signals of complications are almost always present and visible. Nurse-midwives, unlike most physicians, are in attendance throughout labor and are trained to detect and avert problems at the earliest possible moment. In serious situations, they are educated to begin appropriate interventions and to immediately call for physician assistance.

Apart from guarding against safety problems, nurse-midwives deliver care that appears to achieve superior outcomes. Studies indicate that availability of nurse-midwifery care increases utilization of prenatal services, lowers the rate of infant mortality and morbidity, and increases maternal well-being among the user population. In a study conducted in Madera Country, Calif, the neonatal mortality rate dropped from 23.9 per 1,000 births, and the prematurity rate dropped from 11 percent to 6.6 percent, during the period of time when nurse-midwives were in attendance. When the nurse-midwifery services were terminated, the neonatal rate increased to 32.1 per 1,000 births and the prematurity rate climbed to 9.8 percent.

Nurse-midwifery care is also generally less expensive than traditional obstetrical care. In 1976-77, Blue Cross/Blue Shield audited a nurse-midwifery group in New York City, the Maternity Center Association—MCA, and found that care at MCA cost 37.6 percent in in-hospital care, barring complications. Hospitals and obstetrical fees for private care in New York can currently cost $3,000; medicaid pays from $1,649 to $2,230 for normal care with 3-day hospital stay. In contrast, MCA charges $1,000 for its whole package of prenatal, intrapartum, and postpartum care.

Savings result from a variety of elements. First, some nurse-midwives use nonhospital facilities, such as birthing centers or a client's home. Those who do use hospitals usually keep their clients in for a much shorter period of time than the traditional 3 days. In Washington, D.C., hospital costs for nurse-midwifery clients who spend 6 hours or less in the hospital after delivering are approximatley $600; physician clients who spend 3 days will pay close to $1,000. Second, nurse-midwives do not use technology on a routine basis, but rather only when indicated by the client's condition. This limited use of machine and laboratory techniques, combined with less frequent use of analgesia and anesthesia in labor, often results in substantial savings. In addition, nurse-midwives have a lower rate of caesarian births—a procedure that can add as much as $1,000 to a physician's fee and as much as $3,000 to hospital fees. Caesarian birth rates are approaching 30 percent in many facilities; in contrast, the caesarian birth rate at, for example, the nurse-midwifery service in north central Bronx, is approximately 13 percent. Finally, salary differentials have been noted as a factor in costs. The average salary of a nurse-midwife in 1976 was $16,200. While this figure has increased slightly, it contrasts sharply with the $89,310 median income of obstetricians.

Nurse-midwives practice in a variety of settings—including hospitals, public health departments, private practices with physicians, family planning clinics, and independent and group practices with other nurse-midwives. I would like to stress that it is of paramount importance that nurse-midwives in the independent and group practices receive full hospital privileges. In many hospitals, these privileges are unjustifiably denied. Although neither of my bills can address this problem directly, it is my hope that as the unique services of nurse-midwives are recognized and reinforced through expanded reimbursements, physicians and hospital administrators will share in that recognition and allow all qualified nurse-midwives to receive hosptial admitting privileges.

Let me turn to the two pieces of legislation before us. In today's age of rising health care costs, it is crucial that consumers have the right to select the health care delivery system and the health care provider of their choice. Thus, I believe it is important that individuals receiving health care benefits under Government health plans and under medicare be free to avail themselves of a nurse-midwife for maternity care or routine gynecological care. In passing these bills, we will be taking the first step toward introducing true competition in our health care delivery system.●

RESOLUTION IN MEMORIAM OF PHILLIP BURTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 10 minutes.

● Mr. UDALL. Mr. Speaker, by unanimous agreement, the Committee on Interior and Insular Affairs favorably reported a resolution in memoriam for our late friend and colleague, the Honorable Phillip Burton.

I include the resolution in the RECORD at this point:

RESOLUTION IN MEMORIAM—PHILLIP BURTON, U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA AND MEMBER OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES

Phillip Burton brought a special brand of vision, zeal and social conscience to the

Committee on Interior and Insular Affairs. Although his sudden death on April 10, 1983, leaves each of us saddened, his life enriched us in spirit.

He served on this Committee with distinction and dedication for 19 years. During that time, he served as chair of the Subcommittee on Territorial and Insular Affairs for three terms beginning with the 92nd Congress and as chair of the Subcommittee on National Parks and Insular Affairs for two terms beginning with the 95th Congress.

As a Committee member and as a subcommittee chair, Phil Burton fought passionately and successfully for the protection of our national heritage and the well-being of all of our citizens, especially those who have been entrusted to this Committee's care.

Phil Burton's legacy to future generations of Americans includes the establishment and protection of an almost endless list of new and expanded national parks, wilderness areas, and wild and scenic rivers. The national trails system was tripled through his efforts. The landmark Alaska National Interest Lands Conservation Act became law with the help of his remarkable legislative skills.

He was particularly proud of his accomplishments for the people of California including his legislation that led to the creation of the Golden Gate National Recreation Area in San Francisco, Marin and San Mateo Counties and his successful efforts to expand Redwood National Park.

His commitment to those people with little political power inspired Phil Burton to champion the needs of the peoples of American Samoa, Guam, the Northern Marianas, Puerto Rico, the Trust Territory of the Pacific Islands and the Virgin Islands. His legacy to them is extensive and includes: providing representation in the U.S. Congress for American Samoa, Guam, and the Virgin Islands; providing Guam and the Virgin Islands the opportunity to attain full self-government by authorizing them to write their own constitutions; obtaining congressional approval of the covenant between the Northern Marianas and the United States; working to extend coverage of laws providing for medical and public health benefits to these people; and obtaining enactment of a law requiring the development of a health care program for the people of certain atolls in the Northern Marshall Islands adversely affected by the United States nuclear weapons testing.

Often ahead of his time, he was not afraid of being in the minority on critical issues of the day. He simply voted his beliefs as evidenced by his being one of the earliest opponents of the Vietnam War.

Phil Burton dedicated his life and his great talents to the welfare of people and to equal justice for all, working with compassion and determination to better the lot of the poor, the sick and disabled, the elderly and the victims of intolerance and discrimination. Public service was his all consuming passion and we shall miss his commitment and his devotion to bettering the lot of his fellow Americans: Now, therefore, be it

Resolved, by unanimous vote of the Committee on Interior and Insular Affairs, assembled in regular meeting on April 20, 1983, That upon adjournment of the Committee it do so out of respect for our late colleague Phillip Burton; that this resolution be spread upon the record of the Committee; and that a copy thereof be transmitted to his wife Sala and daughter, Joy.●

NUCLEAR FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. HARKIN) is recognized for 5 minutes.

● Mr. HARKIN. Mr. Speaker, the House considers today a unique proposition. Unique not because of its magnitude, its subject, or because of the controversy surrounding it. The proposal for a mutual and verifiable freeze on the testing, production, and deployment of nuclear weapons is unique in its origin, its momentum, and in the fact that no matter what we here today decide to do with it, it will eventually succeed. The American people are behind it, united in a way as they have not been since World War II. They will not be denied.

We, here in Washington, did not think of the freeze. We did not propose it to our constituents. They have presented it to us, and have demanded its passage by this House. The beauty of the freeze resolution is its simplicity. Clearly, it could never have been developed in one of our committee rooms. One does not need a lawyer or a defense analyst to understand it. My constituents understand it. They understand that despite 40 years of complicated "solutions" to the arms race, we are less safe than ever before. They understand that the testing, production, and deployment of nuclear arms has to be stopped. I support House Joint Resolution 13 because I think it is a good idea, but more importantly because I was instructed to by the people of the Fifth District of Iowa. I am certain that if every Member of this House voted as their constituents want them to, this resolution would pass.

Now is the perfect time to adopt a freeze, for the United States to negotiate one with the Soviet Union. Our nuclear forces are in a state of rough equivalency with the Soviet Union. We have more strategic nuclear warheads—9,600 versus 8,000. We have twice as many tactical nuclear warheads—20,000 versus 10,000. Our submarine missile force is far larger, more accurate, and more reliable. We have more long-range bombers, with greater range and better avionics. There are U.S. nuclear forces within range of the U.S.S.R. in Europe and the Pacific; the Soviets have nothing comparable. Most importantly, we maintain a nuclear arsenal balanced between the land, air, and sea. Seventy percent of the Soviet strategic nuclear forces are based on land, making them almost completely dependent on forces most vulnerable to a surprise attack. The Soviets have four potential nuclear adversaries—the United States, Britain, France, and China—and is surrounded by potential enemies. We have peaceful borders and only one potential adversary in a nuclear war.

Russia has some advantages. Their ICBMS's are larger and usually carry more powerful warheads. They have more land-based and sea-based missiles, and more strategic delivery vehicles, although the United States still leads in total warheads since our missiles are heavily MIRV'ed. They also have a greater total explosive power, or megatonnage. These advantages are really symptoms of a force that makes up with size and power what it lacks in accuracy and reliability.

All of this adds up to a state of rough equivalency. Before we start on a new arms race, let us stop now while we are ahead. Let us stop now before there comes the day when survivors of a nuclear war pick through the radioactive rubble and wonder who was the winner.

Some have other ideas. Over and over, we hear the call, sometimes plaintive and sometimes strident, for reductions in nuclear forces rather than the freeze. Under the misleading acronym, START, the administration has the audacity to oppose the will of the people in the name of arms control while continuing their unprecedented nuclear escalation. They plan to build over 17,000 new nuclear warheads over the next decade. The fiscal year 1985–89 defense guidance lays out the plan to increase spending for each of the armed services by more than 80 percent in current dollars from 1983 to 1989.

If START was adopted, it could, and probably would, result in the following:

An increase in the total U.S. strategic warheads, from 9,600 to 11,500, due to the deployment of the cruise missile, not covered by START;

A threefold increase in U.S. submarine-launched megatonnage; and

An unregulated buildup in vast areas of the strategic arena airborne systems, cruise missiles, and all tactical nuclear weapons systems.

This is not arms control. Neither is the 2-for-1 build-down proposal, which is suspiciously akin to START. Both pass under the rubric of "modernization" and would allow for the newest and most dangerously destabilizing weapons to be built. It would still allow for the construction of a first-strike capacity to destroy the Soviet Union's missiles in a single preemptive blow. Nothing will so aggravate the chance that they would push the button first. By this time, it is the quality and not the quantity of nuclear weapons that make nuclear war more likely. The 2-for-1 build-down allows new weapons systems to go forward as planned, and to be deployed as substitutes for the oldest and least advanced weapons which would have been retired anyway. This proposal makes the incredible assumption that the new weapons would be more stabi-

lizing and survivable than the ones they replace. The new nuclear weapons are more accurate, have shorter flight times and shift our doctrine from deterrence to offense. Only Ken Adelman would think it to be a safer world under such conditions.

Over 70 percent of Americans support the freeze proposal; 600,000 marched in New York City last year in support of the freeze and not START, not the Levitas 2-for-1 build-down proposal, and certainly not the Broomfield amendment. Passage of any of these would tell the country, and the world, that we are not serious about arms control, that we are content to sit here in Washington listening to the so-called experts who have brought us to the brink of destruction, and ignoring what the rest of the country is telling us to do. While each of our constituents may not know the difference between throw-weight and deadweight, they know and demand that the arms race be stopped. They know that no one loses any weight until they stop gaining it. In their view, Washington has been far more adept with ideas and methods for waging war than with efforts to construct peace. Now, matters have taken a different course, as we here follow and truly represent our districts.●

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 10 minutes.

Mr. LEVITAS. Mr. Speaker, I am today, with eight of my colleagues from Georgia, introducing a bill which will carry out the intent of the original act creating the Chattahoochee River National Recreation Area. The original legislation which passed in 1978 defined generally the boundaries of the park, but contemplated that it would be necessary, prior to establishing the final boundaries, to study the park and to identify lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this act.

Since the park was created, many concerned individuals, citizens groups, and advisory groups have worked with the Park Service to make such a determination. The superintendent of the park organized a public advisory group in 1980 which was composed of homeowners, developers, public officials, environmentalists, and Park Service representatives. This group has met frequently and regularly since that time to study the Chattahoochee corridor. In addition, the Park Service has held several hearings to which the public was invited, and held workshops in conjunction with the Atlanta Regional Council. A coalition of concerned groups was formed, the Chattahoochee River Coalition, specifically to study the area, and make suggestions to further improve the park.

In addition to this local involvement, the State of Georgia has played an active role in the protection of the Chattahoochee corridor. In 1972, I was the principal sponsor of the Metropolitan River Protection Act in the Georgia State Legislature. This State law recognized the unique role of the Chattahoochee River to the citizens of Georgia, and designates the Chattahoochee corridor as a unique area setting up standards for controlling development along the river. This year, in an effort to strengthen this law and prevent crippling development, amendments were passed that allow the State to become involved and exercise police powers when necessary if the development standards are ignored, as well as increasing counties' police powers. Last year, the State of Georgia entered into a concurrent jurisdiction agreement with the National Park Service, allowing the Park Service to utilize their personnel to enforce the law on the river itself. These State laws and agreements show the interest of the State of Georgia to preserve the resources along the corridor, and work with both Federal and local citizens to achieve the best National Park that is possible.

As a result of all this public input and careful study of the Chattahoochee corridor, we are now prepared to go forward with the thrust of the original legislation, and flush out the dimensions of the park in order to make it the great national park envisioned by Congress when it was created. We have, with all these public meetings and hearings, come up with what we believe most appropriately resolves the question about the boundaries of this National Park. We propose deleting some parcels of land which were included in the park's original boundaries; those that are not as crucial to the overall plan of the area. By the same token, other key tracts of land will be added to the boundaries, both for additional resource protection, and for recreational opportunities. These boundary changes would bring the total acreage cap of the park from 6,300 acres to 7,328 acres.

I also want to point out that the funds that are used to acquire parkland in the Chattahoochee corridor do not come from general tax dollars, but rather from the land and water conservation fund. That fund is derived from proceeds from leases on the Outer Continental Shelf, and from exploitation of minerals and resources in our public lands. So these funds are returned through the land and water fund, to the benefit of the American people through the acquisition of parkland and other land for public use.

Specifically, our bill would do the following:

Change the boundaries of the park, adding some new land, and deleting other land. It would also authorize the exchange of land already included in the park for some of the land newly authorized.

Increase the acreage ceiling from its present cap of 6,300 acres to a cap of 7,328 acres.

Increase the presently authorized ceiling of $72.9 million to an overall cap of $84.6 million. This is the same percentage increase as was made in the land authorization.

Create an advisory commission to provide a forum for local participation in the park.

Would not prevent any water resource project which is deemed necessary for water supply and authorized by Congress. If such a water supply project is built, would require replacement lands for those lost in such construction.

Would further limit condemnation by the Park Service, allowing single family residential or agricultural use to continue, only allowing the possibility of condemnation if the land is to be used for other purposes; that is commercial development.

By making this present commitment, we are looking to our future and making wise choices. Preservation of our natural resources is a necessity, and one which Congress recognized when it created the Chattahoochee Park.

At the time the park was established, Congress showed its interest in this unique urban area, and its intent to preserve this area for future generations. The Chattahoochee River, called the River of Flowered Stones by the Creek Indians, is still a largely unspoiled area which is immediately available to more than 2 million people in the Metropolitan Atlanta area, and to millions more all over the Southeast and the Nation. Last year alone, over 1 million people used the park which consists of 14 parcels of land along a 48-mile corridor on the Chattahoochee River. These 14 parcels of land are like pearls on a necklace, strung together by the river. Congress realized that it was crucial that we preserve these "pearls" of land before further development caused increasing damaging pollution and destruction of the natural beauty and wilderness, and therefore gave the area the Federal recognition and protection it needed as an important national resource.

This park provides a beautiful resource in an urban area, and enables visitors to get away for fishing, hiking,

rafting, canoeing, camping, cycling, or any number of other outdoor activities which serve to renew the spirit. While the Chattahoochee fulfills important recreational needs, it also serves as an area for environmental study, for nature use, and for the preservation of water quality for the Metropolitan Atlanta area. This wonderful park, so close to a major urban area, is truly a unique resource that deserves protection and preservation. this urban park is a shining example to the rest of the country, and needs to be saved from development and commercialization. Former Secretary of the Interior Cecil D. Andrus said at the time of the park's inception:

> This river possesses high recreational value, and we believe that it ought to be preserved. We endorse the statement in the bill that the values of this segment of the Chattahoochee River are of "national significance." We believe that this area has high intensive worth which combined with its association with an urban center makes its preservation and protection highly desirable.

This plan is a good one, and I am glad to be joined by my Georgia colleagues in introducing this legislation that further carries out the intent of the original law. Many other individuals and organizations, including the Chattahoochee River Coalition, the Georgia Conservancy, the Sierra Club, the League of Women Voters, and the Audubon Society have endorsed this plan for the park. These 14 separate park areas tied together by the river like a string of pearls will be further polished by these changes, and shined to perfection as Congress intended. I urge my colleagues, as well as concerned citizens and private organizations, to show your concern for our precious resources before it is too late.

We must act now in order to keep this area for future generations. In these days when our environment is threatened in all areas, by pollutants in our air and toxic waste contamination in our water and land, it is of utmost importance that we take the necessary steps to save our natural resources. I urge you all to make this effort to protect our fragile resources before it is too late, and make this a park of the caliber envisioned by Congress when it was created.

DEPARTMENT OF TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

● Mr. BONKER. Mr. Speaker, I am today introducing legislation to create in the executive branch a new Cabinet Department of Trade consisting essentially of the existing personnel and functions of the Office of the U.S. Trade Representative, the international trade, economic affairs, and travel and tourism divisions of the Department of Commerce, and the Export-Import Bank. This proposed legislation is identical to S. 121, a bill introduced in the Senate by Senator ROTH and others, except that my bill states explicitly that nothing in the bill should in any way alter the present role and authorities of the Secretary and Department of State in the making and conduct of international economic policy, and in representing the United States in such international organizations as the Organization for Economic Cooperation and Development.

Reorganization of the executive branch, Mr. Speaker, is certainly not the most urgent step that needs to be taken to improve U.S. international trade competitiveness. Removal of various disincentives to exports, increased resources to assist in export financing, formation of more sophisticated export trading companies, removal of foreign barriers to trade, and development of more realistic controls on high technology exports are all needed urgently to restore and expand the U.S. share of foreign markets which are so essential to restoring full employment here at home. I have made legislative proposals in most of those areas, and will continue my efforts to achieve favorable congressional action on them.

Nevertheless, establishment of a U.S. Department of Trade is a worthwhile goal. Concentration of the major agencies responsible for trade policy in a single executive department could improve the quality of U.S. trade policies and decisions, and could increase the weight given to trade considerations in broader U.S. foreign and domestic policymaking. Rational organization does not guarantee rational policies, but it certainly facilitates them. I believe that bringing together at least the major agencies responsible for trade matters in a single department constitutes more rational organization than having those agencies scattered throughout numerous departments and independent Federal agencies.

Mr. Speaker, the bill I am introducing today is, I believe, a reasonable and practical approach to trade reorganization. It does not go so far as to consolidate every trade-related agency in the proposed new Department of Trade. The International Trade Commission, for example, would retain its independent status, and the Foreign Agricultural Service, which has responsibility for marketing U.S. agricultural commodities abroad, would remain in the Department of Agriculture. The bill would, however, establish by statute a Trade Policy Committee chaired by the President, with the proposed new Secretary of Trade as Vice Chairman, to coordinate the trade functions and activities of all departments and agencies.

Among other things, Mr. Speaker, establishment of a Department of Trade would give a strong signal to our trade partners and competitors abroad that the United States gives high priority to trade issues and fair treatment for U.S. products in international markets. Most other major exporting nations themselves have Departments of Ministries of Trade which are powerful advocates for export trade interests. Establishment of a similar Department by the United States would, in itself, strengthen our hand in dealing with foreign governments in the trade policy area.

I commend this proposed reorganization to my colleagues in the House. The establishment of a U.S. Trade Department is long overdue. I am glad to join with Senator ROTH in seeking enactment of this measure, making it a bipartisan and bicameral effort. The current administration should have requested this kind of reorganization immediately after President Reagan took office, when Congress has traditionally been most amenable to Presidential reorganization requests. It is late in his term to request such a major executive reorganization now. If the President has the wisdom to do so, however, I would hope that the Congress would support at least as much concentration of trade agencies in a Department of Trade as is proposed by the Roth-Bonker bill. If President Reagan chooses not to endorse and request a Department of Trade, I hope and trust that the Democratic Presidential candidates will pledge, if elected, to establish such a Department so that this important improvement can at least be accomplished by 1985 if the American public decides to send a Democratic President to Washington.●

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON THE BUDGET ON CURRENT LEVEL OF SPENDING AND REVENUES

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JONES of Oklahoma. Mr. Speaker, pursuant to the procedures of the Committee on the Budget and section 311(b) of the Congressional Budget Act of 1974, I am submitting to the RECORD a letter to the Speaker advising him of the current level of spending and revenues for fiscal year 1983:

COMMITTEE ON THE BUDGET,
Washington, D.C., April 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section

311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. Pursuant to Committee Rule 10, I am herewith transmitting the status report under S. Con. Res. 92, the First Concurrent Resolution on the Budget for Fiscal Year 1983. This report reflects the resolution of June 24, 1982, and the current CBO estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of legislative business March 25, 1983.

With best wishes,

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 92

REFLECTING COMPLETED ACTION AS OF MARCH 25, 1983

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	822,390	769,818	665,900
Current level	861,866	802,862	606,311
Amount over resolution	39,476	33,044	
Amount under resolution			59,589

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 6, 1983.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to advise you that the estimates of the current level of 1983 budget authority, outlays, and revenues sent to you on March 14, 1983, have changed due to recent passage of two bills, H.R. 1900, the Social Security Act Amendments of 1983, and H.R. 1718, the Supplemental Jobs Bill (P.L. 98-8). The current estimates consistent with CBO's current economic and estimating assumptions are:

[In millions of dollars]

	Budget authority	Outlays	Revenues
Current level estimate	861,866	802,862	606,311
Budget resolution—S. Con. Res. 92	822,390	769,818	665,900
Amount over (+)/under (−) resolution	+39,476	+33,044	−59,589

Sincerely,

ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT, SUPPORTING DETAIL, FISCAL YEAR 1983, AS OF CLOSE OF BUSINESS APRIL 4, 1983

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	473,476	465,678
Enacted previous session	482,803	465,668
Offsetting receipts	−132,767	−132,767
Enacted this session:		
Economic Development Administration deferral disapproval, H. Res. 74		5
DOE Strategic Petroleum Reserve deferral disapproval, H. Res. 80		6
1983 supplemental jobs bill, Public Law 98-8	15,736	7,336
Offsetting receipts	−5,159	−5,159
Total, enacted	834,089	800,768
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Medicaid	101	101
Federal unemployment benefits and allowances	70	70
Advances to unemployment insurance trust fund	2,275	2,275
Offsetting receipts	−2,275	−2,275
Payment to civil service retirement trust fund	342	342
Offsetting receipts	−342	−342
Civilian agency pay raises	791	902
Black lung disability trust fund	54	54
Mass transportation capital fund		85
Federal disability insurance trust fund	220	220
Offsetting receipts	−220	−220
Payment to social security trust fund	1,180	1,180
Offsetting receipts	−1,180	−1,180
Supplemental security income	151	151
Total	1,167	1,363
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses: Social Security Act Amendments of 1983, H.R. 1900	26,610	731
Total, current level as of Apr. 4, 1983	861,866	802,862
Second budget resolution, S. Con. Res. 92	822,390	769,818
Amount remaining:		
Over ceiling	39,476	33,044
Under ceiling		

Note.—Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORSYTHE (at the request of Mr. MICHEL), from 3 p.m. today and for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Ms. FIEDLER) to revise and extend his remarks and include extraneous material:)

Mr. CONABLE, for 30 minutes, today.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 60 minutes, today.

Mr. RICHARDSON, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Ms. MIKULSKI, for 5 minutes, today.

Mr. CROCKETT, for 5 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. HARKIN, for 5 minutes, today.

Mr. RATCHFORD, for 5 minutes, today.

Mr. LEVITAS, for 10 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, on April 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. FIEDLER) and to include extraneous matter:)

Mr. SMITH of Oregon.

Mr. SAWYER.

Mr. GILMAN.

Mr. GREEN.

Mr. PORTER in three instances.

Mr. ERLENBORN.

Mr. CAMPBELL.

Mr. BROOMFIELD.

Mr. PAUL in two instances.

Mr. STUMP.

Mr. COATS.

Mr. KRAMER.

Mr. MCGRATH.

Mr. MORRISON of Washington.

Mr. FRENZEL in three instances.

Mr. LAGOMARSINO in two instances.

Mr. FIELDS.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. BRYANT.

Mr. LEVITAS in three instances.

Mr. GEJDENSON in two instances.

Mr. MICA.

Mrs. LLOYD.

Mr. REID.

Ms. MIKULSKI.

Mr. MINISH.

Mr. WAXMAN.

Mr. HOWARD.

Mr. SIMON.

Mr. MCDONALD in five instances.

Mr. OBEY.

Mr. FLORIO.

Mr. ADDABBO.

Mr. ENGLISH.

Mrs. SCHROEDER.

Mr. STARK in three instances.

Mrs. BYRON.

Mr. BENNETT.

Mr. FASCELL in two instances.

Mr. ORTIZ.

Ms. OAKAR.

Mr. HARKIN.

Mr. PATMAN.

Mr. EDGAR.

Mr. VENTO.

Mr. TRAXLER.

Mr. KILDEE.
Mr. WOLPE.
Mr. LONG of Maryland.
Mr. SOLARZ.
Mr. SHELBY.
Mr. OTTINGER.
Mr. TORRES.
Mr. ROYBAL.
Mr. SMITH of Iowa.
Mr. RANGEL.

ADJOURNMENT

Mr. RICHARDSON. Mr. Speaker, I move that the House do now adjourn

The motion was agreed to; accordingly (at 5 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Thursday, April 21, 1983, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

958. A Communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1984 and amendments to the request for appropriations for the fiscal year 1984 (H. Doc. No. 98-50); to the Committee on Appropriations and ordered to be printed.

959. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to place the Chairman of the Joint Chiefs of Staff in the national military chain of command, and to remove limitations on the joint staff of the Joint Chiefs of Staff; to the Committee on Armed Services.

960. A letter from the Acting Director of the Defense Security Assistance Agency, transmitting notice of significant hostilities or terrorist acts, or a change in the status thereof, which may danger American lives or property in a country where American personnel are performing defense services under the AECA or FAA, pursuant to section 21(c)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

961. A letter from the Commissioner of Social Security, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

962. A letter from the Clerk of the U.S. Claims Court, transmitting a copy of the judgment in the case re: *Gila River Pima-Maricopa Indian Community* v. *The United States, No. 228*, pursuant to 28 U.S.C.; to the Committee on Interior and Insular Affairs.

963. A letter from the Secretary of Commerce, transmitting the 11th annual report of the National Advisory Committee on Oceans and Atmosphere, together with his comments thereon, pursuant to section 4(b) of Public Law 95-63; to the Committee on Merchant Marines and Fisheries.

964. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to provide that appointments to certain positions in the Department of Medicine and Surgery of the Veterans' Administration may be optional and to clarify the authority of the Chief Medical Director or designee regarding disciplinary actions on probationary employees; to the Committee on Veterans' Affairs.

965. A letter from the Acting Inspector General, Environmental Protection Agency, transmitting the final report of audit of the Agency's portion of the hazardous substance response trust fund, pursuant to section 111(k) of Public Law 96-510; jointly, to the Committees on Energy and Commerce, Ways and Means, and Public Works and Transportation.

966. A letter from the Comptroller General of the United States, transmitting a report on the financial statements of the Federal Prison Industries, Inc., for the year ended September 30, 1982 (AFMD-83-59, March 30, 1983); jointly, to the Committees on Government Operations and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HUGHES: Committee on the Judiciary. H.R. 2175. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes; with an amendment (Rept. No. 98-68). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 164. Resolution providing for the consideration of the bill (H.R. 2065) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (Rept. No. 98-69). Referred to the House Calendar.

Mr. NICHOLS: Committee on Armed Services. H.R. 1692. A bill to amend section 171 of title 10, United States Code, to provide that the Commandant of the Marine Corps shall be a member of the Armed Forces Policy Council (Rept. No. 98-70). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION OF A BILL CONCURRENTLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

Consideration of H.R. 1010 by the Committee on Public Works and Transportation extended for an additional period ending not later than June 14, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RICHARDSON (for himself, Mr. SPRATT, and Mr. TALLON):

H.R. 2627. A bill to reauthorize and expand the hazardous waste response trust funds; jointly, to the Committees on Energy and Commerce; Public Works and Transportation; and Ways and Means.

By Mr. ANNUNZIO:

H.R. 2628. A bill to amend title 31, United States Code, to authorize appropriations for the Bureau of the Mint for fiscal year 1984, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEILENSON:

H.R. 2629. A bill to direct the Administrator of Veterans' Affairs to modify the reversionary interest of the United States in certain lands previously conveyed to the State of California for the use of the University of California; to the Committee on Veterans' Affairs.

By Mr. BONKER:

H.R. 2630. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes; to the Committee on Government Operations.

By Mr. COURTER:

H.R. 2631. A bill to direct the Secretary of the Interior to offer lifetime leases to certain individuals leasing dwellings in the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PHILIP M. CRANE:

H.R. 2632. A bill to amend the Internal Revenue Code of 1954 to exclude all interest and dividends from the gross income of individuals; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 2633. A bill to promote the development of research, experimentation and testing that minimize the use of, and pain and suffering to, live animals; jointly, to the Committees on Energy and Commerce and Science and Technology.

By Mr. ENGLISH (for himself and Mr. DE LA GARZA):

H.R. 2634. A bill to require that in any payment-in-kind program provided on the 1984 crop of an agricultural commodity, the Secretary of Agriculture must give the producers the option to receive their payments in cash; to the Committee on Agriculture.

By Mr. ERLENBORN:

H.R. 2635. A bill to increase the penalties for violations of the Taft-Hartley Act, to prohibit persons, upon their convictions of certain crimes, from holding offices in or certain positions related to labor organizations and employee benefit plans, and to clarify certain responsibilities of the Department of Labor; to the Committee on Education and Labor.

By Mr. EVANS of Illinois:

H.R. 2636. A bill to encourage in-flight emergency care aboard aircraft by requiring the placement of emergency equipment, supplies, and drugs aboard aircraft and by relieving appropriate persons of liability for the provision and use of such emergency equipment, supplies, and drugs; to the Committee on Public Works and Transportation.

By Mr. FAUNTROY:

H.R. 2637. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; to the Committee on the District of Columbia.

H.R. 2638. A bill to preserve, protect, and maintain the original boundary stones of the Nation's Capital; to the Committee on Interior and Insular Affairs.

By Ms. FERRARO:

H.R. 2639. A bill to create a National Commission on the Rebuilding of America which will conduct an inventory of our Nation's water and sewer system, mass transit facilities, bridges, highways, and roads; develop a 10-year investment plan to rebuild the public improvements essential to economic development; make recommendations con-

cerning changes in Federal laws and regulations that influence the pattern of Federal expenditures for public improvements; and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FLORIO (for himself, Mr. WAXMAN, Mr. HUGHES, Mrs. ROUKEMA, Mr. RODINO, Mr. FORSYTHE, Mr. ROE, Mr. GUARINI, Mr. HOWARD, Mr. TORRICELLI, Mr. SMITH of New Jersey, and Mr. DWYER of New Jersey):

H.R. 2640. A bill to permit States conducting certain medicare and medicaid demonstration projects or using State hospital reimbursement control systems to include costs of hospital-based mobile intensive care units; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FRENZEL:

H.R. 2641. A bill relating to the tariff treatment of precious stones exported for processing abroad into jewelry solely for the personal use of the exporter; to the Committee on Ways and Means.

H.R. 2642: A bill to amend the Internal Revenue Code of 1954 to allow a business deduction for certain self-insurance reserves; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mr. SAWYER):

H.R. 2643. A bill to amend title 18 of the United States Code with respect to extradition, and for other purposes; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.R. 2644. A bill to require the Secretary of the Interior to enter into an agreement with the State of North Carolina with respect to the repair and maintenance of a certain highway of such State located within Cape Hatteras National Seashore Recreational Area; to the Committee on Interior and Insular Affairs.

By Mr. LEVITAS (for himself, Mr. GINGRICH, Mr. FOWLER, Mr. JENKINS, Mr. BARNARD, Mr. HATCHER, Mr. RAY, Mr. ROWLAND, and Mr. THOMAS of Georgia):

H.R. 2645. A bill to amend the act of August 15, 1978, regarding the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI (for himself, Mr. FRENZEL, Mr. COELHO, Mr. LEHMAN of California, Mr. PASHAYAN, Mr. FAZIO, Mr. MOORHEAD, and Mr. LAGOMARSINO):

H.R. 2646. A bill to amend the Internal Revenue Code of 1954 relating to the treatment under the DISC rules of fungible products marketed through pooling arrangements of cooperative associations; to the Committee on Ways and Means.

By Mr. MICHEL (for himself and Mr. LOTT) (by request):

H.R. 2647. A bill to amend title V of the Housing Act of 1949 to establish a Rural Housing Block Grant and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2648. A bill to consolidate major programs of fiscal assistance to local governments, to reduce the prescriptiveness of the requirements applicable to the expenditure of those funds, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Government Operations.

H.R. 2649. A bill to authorize a devolution of governmental responsibilities from the Federal Government to the States for certain Federal-aid highway programs upon the election of the State, provide the revenues necessary to finance those responsibilities, reduce the intrusiveness of Federal policy in the decisionmaking of the States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

H.R. 2650. A bill to consolidate assistance to the States for programs relating to health, social, educational, and community services; jointly, to the Committees on Agriculture; Banking, Finance and Urban Affairs; Education and Labor; Energy and Commerce; Public Works and Transportation; and Ways and Means.

By Ms. MIKULSKI:

H.R. 2651. A bill to amend title 5 of the United States Code to provide payments under Government health plans for services of nurse-midwives; to the Committee on Post Office and Civil Service.

H.R. 2652. A bill to amend title XVIII of the Social Security Act to provide for coverage under medicare of services performed by a nurse-midwife; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MITCHELL (for himself and Ms. MIKULSKI):

H.R. 2653. A bill to reauthorize the Local Public Works Capital Development and Investment Act of 1976, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MORRISON of Washington:

H.R. 2654. A bill to authorize the Secretary of the Interior to construct, operate, and maintain an enlarged Bumping Lake, Supplemental Storage Division, Yakima Project, Wash.; to the Committee on Interior and Insular Affairs.

By Mr. MURPHY (for himself, Mr. PERKINS, Mr. MILLER of California, Mr. BIAGGI, Mr. SIMON, Mr. WILLIAMS of Montana, Mr. CORRADA, and Mr. GAYDOS):

H.R. 2655. A bill to extend and improve the Domestic Volunteer Service Act of 1973; to the Committee on Education and Labor.

By Ms. OAKAR:

H.R. 2656. A bill to authorize the National Science Foundation to provide assistance for a program for visiting faculty exchanges and institutional development in the fields of mathematics, science, and engineering, and for other purposes; jointly, to the Committees on Education and Labor and Science and Technology.

By Mr. PARRIS:

H.R. 2657. A bill to require that the unsafe conditions of the firing range at the Lorton Reformatory in Lorton, Va., presently constituting a severe threat to public safety in the adjoining community be corrected before any part of the Federal payment to the District of Columbia for fiscal year 1984 may be obligated or expended; to the Committee on the District of Columbia.

By Mr. PENNY:

H.R. 2658. A bill to authorize the construction of a lock on the Mississippi River in the vicinity of Alton, Ill., and Missouri, and to provide for the coordinated use and enhancement of the upper Mississippi system, and for other purposes; jointly, to the Committees on Public Works and Transportation; Interior and Insular Affairs; and Merchant Marine and Fisheries.

By. Mr. RINALDO:

H.R. 2659. A bill to amend the Internal Revenue Code of 1954 to repeal the treatment of the deduction for circulation expenditures as an item of tax preference; to the Committee on Ways and Means.

Mr. ROYBAL:

H.R. 2660. A bill to authorize the Commissioner of the Administration of Aging to provide home maintenance and repair assistance to older individuals; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RUSSO:

H.R. 2661. A bill to provide compensation for the victims of crime, assistance to witnesses in criminal cases, and an increase in witness fees; to the Committee on the Judiciary.

By Mr. RUSSO (for himself, Mr. BONIOR of Michigan, and Mr. DOWNEY of New York):

H.R. 2662. A bill to amend title 18 of the United States Code to modify the mandatory penalty for certain firearms offenses; to the Committee on the Judiciary.

H.R. 2663. A bill to amend title 18 of the United States Code with respect to firearms; to the Committee on the Judiciary.

By Mr. SHELBY:

H.R. 2664. A bill to amend title 38, United States Code, to expand the availability of loans guaranteed by the Veterans' Administration for the purchase of manufactured homes that are permanently affixed to a lot; to the Committee on Veterans' Affairs.

By Mr. SEIBERLING (for himself, Mr. WILLIAMS of Ohio, Mr. FEIGHAN, Mr. FISH, Mr. EDWARDS of California, Mr. MAZZOLI, Mr. HUGHES, Mr. REGULA, Mr. BROOKS, Mr. CONYERS, Mr. HYDE, Mr. SYNAR, Mrs. SCHROEDER, Mr. FRANK, Mr. SAWYER, and Mr. BERMAN):

H.R. 2665. A bill to amend title 28 of the United States Code to make certain changes in the divisions within the Northern District of Ohio; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 2666. A bill to provide that Federal Reserve notes shall be printed in a manner which enables an individual who is blind to determine the denomination of each such note; to the Committee on Banking, Finance and Urban Affairs.

By Mr. THOMAS of California:

H.R. 2667. A bill to suspend until July 1, 1988, the duty on yttrium bearing ores, materials and compounds containing by weight more than 19 percent but less than 85 percent yttrium oxide equivalent; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. SCHEUER, Mr. WALGREN, Ms. MIKULSKI, Mr. WYDEN, Mr. ECKART, Mr. SIKORSKI, Mr. OTTINGER, Mr. WIRTH, Mr. LELAND, Mr. DINGELL, and Mr. DOWNEY of New York):

H.R. 2668. A bill to amend the Consumer Product Safety Act to extend it for 5 fiscal years, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 2669. A bill to designate certain national forest system lands in the State of Texas as components of the national wilderness preservation systems; to the Committee on Interior and Insular Affairs.

H.R. 2670. A bill to designate management of certain lands in the Sam Houston National Forest, Tex., for uses other than wilderness; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mr. COATS:

H.J. Res. 242. Joint resolution setting aside the third Saturday of June each year as "American Unity Day"; to the Committee on Post Office and Civil Service.

By Mr. CONABLE (for himself, Mr. JENKINS, Mr. ARCHER, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. DANNE-

MEYER, Mr. DASCHLE, Mr. DERRICK, Mr. DREIER of California, Mr. DUNCAN, Mr. EDWARDS of Alabama, Ms. FIEDLER, Mr. FORSYTHE, Mr. GINGRICH, Mr. GRADISON, Mr. GRAMM, Mr. SAM B. HALL, JR., Mr. HANSEN of Utah, Mr. HARTNETT, Mr. HILER, Mr. HOPKINS, Mr. KASICH, Mr. LAGOMARSINO, Mr. LENT, Mr. LEVITAS, Mr. LIVINGSTON, Mr. LOEFFLER, Mr. LOTT, Mr. LUNGREN, Mr. MCDONALD, Mr. MACK, Mr. MARLENEE, Mr. MARTIN of New York, Mr. MARRIOTT, Mr. MILLER of Ohio, Mr. MOORHEAD, Mr. REGULA, Mr. ROTH, Mr. RUDD, Mr. SAWYER, Mr. SENSENBRENNER, Mr. SHUMWAY, Mr. SKEEN, Mr. DENNY SMITH, Mr. SOLOMON, Mr. STANGELAND, Mr. STUMP, Mr. WHITEHURST, Mr. WHITTAKER, Mrs. HOLT, Mr. ROBINSON, Mr. SCHULZE, Mr. SNYDER, Mr. GREGG, Mr. STENHOLM, Mr. TAYLOR, and Mr. FRENZEL):

H.J. Res. 243. Joint resolution proposing an amendment to the Constitution relating to Federal budget procedures; to the Committee on the Judiciary.

By Mr. SOLARZ (for himself, Mr. ACKERMAN, Mr. ADDABBO, Mr. BIAGGI, Mr. BOEHLERT, Mr. CARNEY, Mr. CONABLE, Mr. DOWNEY of New York, Ms. FERRARO, Mr. FISH, Mr. GARCIA, Mr. GREEN, Mr. HORTON, Mr. KEMP, Mr. LAFALCE, Mr. LENT, Mr. LUNDINE, Mr. MCHUGH, Mr. MARTIN of New York, Mr. MOLINARI, Mr. OTTINGER, Mr. OWENS, Mr. RANGEL, Mr. SCHEUER, Mr. SCHUMER, Mr. STRATTON, Mr. TOWNS, Mr. WEISS, Mr. WORTLEY, Mr. NOWAK, and Mr. MCGRATH):

H.J. Res. 244. Joint resolution designating May 24, 1983, as "Brooklyn Bridge Day"; to the Committee on Post Office and Civil Service.

By Mr. DIXON (for himself, Mr. GRAY, Mr. LELAND, Mr. TOWNS, Mr. WASHINGTON, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DYMALLY, Mr. FAUNTROY, Mr. FORD of Tennessee, Mrs. HALL of Indiana, Mr. HAWKINS, Mr. OWENS, Mr. RANGEL, Mr. SAVAGE, and Mr. STOKES):

H. Con. Res. 112. Concurrent resolution expressing the sense of the Congress with respect to Namibia and efforts by the United States to achieve that country's independence from South Africa's illegal occupation; to the Committee on Foreign Affairs.

By Mr. EDWARDS of Alabama:

H. Con. Res. 113. Concurrent resolution approving the obligation and expenditure of funds for MX missile procurement and full-scale engineering development of a basing mode; to the Committee on Appropriations.

By Mr. EDWARDS of California:

H. Res. 165. Resolution to separate functions within the Committee on Standards of Official Conduct, and for other purposes; to the Committee on Rules.

By Mr. LENT:

H. Res. 166. Resolution expressing the sense of the House that the United States should proceed with the sale and delivery of F-16 aircraft to Israel; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 167. Resolution expressing the sense of the House of Representatives that the President should reduce imports of apparel so that imported textiles comprise no more than 25 percent of the American apparel market; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DONNELLY:

H.R. 2671. A bill for the relief of Edgar Gildardo Herrera; to the Committee on the Judiciary.

By Mr. GREEN:

H.R. 2672. A bill for the relief of Winnie M. Tse; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 242: Mr. MCKINNEY and Mr. MOORHEAD.

H.R. 245: Mr. SILJANDER.

H.R. 538: Mr. CORCORAN.

H.R. 555: Mr. VALENTINE, Mr. SHARP, Mr. SLATTERY, Mr. LEHMAN of California, Mr. CHENEY, Mr. WHITTAKER, Mr. NEAL, and Mr. SCHEUER.

H.R. 565: Mr. LOWRY of Washington, Ms. FERRARO, and Mr. TAUKE.

H.R. 679: Mr. QUILLEN, Mr. LENT, Mr. EVANS of Iowa, Mr. BEDELL, and Mr. KILDEE.

H.R. 877: Mr. RUDD.

H.R. 1028: Mr. BERMAN and Mr. SYNAR.

H.R. 1174: Mr. PAUL.

H.R. 1196: Mr. STUMP.

H.R. 1197: Mr. MARTIN of New York, Mr. KASICH, Mr. ROYBAL, Mr. HUCKABY, Mr. ROWLAND, Mr. DICKINSON, Mr. STARK, and Mr. ANNUNZIO.

H.R. 1199: Mr. LELAND, Mr. WYDEN, and Mr. SAWYER.

H.R. 1200: Mr. LANTOS and Mr. DONNELLY.

H.R. 1408: Mr. BENNETT, Mr. TALLON, and Mr. GRAY.

H.R. 1409: Mr. MURPHY.

H.R. 1615: Mr. GEPHARDT, Mr. ROE, and Mr. LOWRY of Washington.

H.R. 1635: Mr. BATES.

H.R. 1644: Mr. CLINGER.

H.R. 1658: Mr. ROBERT F. SMITH, Mr. SUNIA, Mr. SUNDQUIST, Mr. BROWN of Colorado, Mrs. SCHNEIDER, Mr. BURTON, Mr. FRANK, and Mr. FIELDS.

H.R. 1879: Mr. HAMILTON, Mr. MITCHELL, Mr. STUDDS, Mr. D'AMOURS, Mr. EDGAR, Mr. HARKIN, Mr. HUGHES, Mr. GLICKMAN, Mr. PEASE, Mr. BARNES, Mr. DASCHLE, Mr. CROCKETT, and Mr. KOGOVSEK.

H.R. 1928: Mr. DORGAN.

H.R. 1937: Mr. STUMP.

H.R. 1955: Mr. CLINGER, Mr. CONTE, Mr. FORSYTHE, Mr. HEFTEL of Hawaii, Mr. KRAMER, Mr. MURTHA, Mr. RICHARDSON, Mr. PACKARD, and Mr. TAYLOR.

H.R. 1959: Mrs. SCHROEDER.

H.R. 1984: Mr. ZSCHAU, Mr. BROOMFIELD, Mr. JACOBS, Mr. ROBERT F. SMITH, Mr. SCHAEFER, Mr. STRATTON, Mr. KAZEN, Mr. MCCANDLESS, Mr. PENNY, Mr. LUJAN, Mr. MOORHEAD, Mr. KASICH, Mr. LUKEN, Mr. HOPKINS, Mr. MCCAIN, Mr. GEJDENSON, Mr. BOEHLERT, Mr. HUCKABY, Mr. ERDREICH, Mr. WISE, Mr. BATEMAN, Mr. SLATTERY, Mr. TOWNS, and Mr. WOLPE.

H.R. 1991: Ms. FIEDLER, Mr. MARRIOTT, Mr. LANTOS, Mr. CORRADA, Mr. LEHMAN of Florida, and Mr. LAFALCE.

H.R. 2053: Mr. FOWLER, Mr. WEBER, and Mr. SKEEN.

H.R. 2088: Mr. RICHARDSON and Mr. NEAL.

H.R. 2090: Mr. COYNE, Mr. BERMAN, Mr. ACKERMAN, Mr. FLORIO, Mr. RANGEL, and Mr. SIKORSKI.

H.R. 2095: Mr. ANTHONY, Mr. FLIPPO, Mr. KINDNESS, Mr. FORSYTHE, and Mr. LAGOMARSINO.

H.R. 2118: Mr. MCGRATH and Mr. FORSYTHE.

H.R. 2124: Mr. MATSUI, Mr. HEFNER, Mr. PARRIS, Mr. IRELAND, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. BEREUTER, Mr. CORCORAN, Mr. CHANDLER, Mr. LUJAN, and Mr. SKEEN.

H.R. 2137: Mr. GOODLING.

H.R. 2150: Mr. TOWNS.

H.R. 2188: Mr. LANTOS and Mr. DOWNEY of New York.

H.R. 2225: Mr. SOLOMON, Mr. WHITEHURST, Mr. CONABLE, Mr. LUKEN, Mr. LOTT, Mr. FRENZEL, Mr. HERTEL of Michigan, Mr. MOORE, Mr. LUNGREN, Mr. VANDER JAGT, Mr. BLILEY, Mr. DICKS, Mr. LEACH of Iowa, Mr. HYDE, Mr. WINN, Mr. SKEEN, Mr. BROWN of Colorado, Mr. LAGOMARSINO, Mr. LIVINGSTON, Mr. ROE, Mr. CHENEY, Mr. LOEFFLER, Mr. STUMP, Mr. MACK, Mr. WEBER, Mr. SHUMWAY, Mr. FORSYTHE, Mr. SENSENBRENNER, Mr. WORTLEY, and Mr. KINDNESS.

H.R. 2324: Mr. HUTTO, Mr. GEJDENSON, Mr. KILDEE, Mr. CARR, Mr. WHITEHURST, Mr. DIXON, Mr. CLAY, Mr. CHAPPELL, Mr. HOWARD, Mr. EDGAR, Mrs. SCHNEIDER, Mrs. KENNELLY, Mr. D'AMOURS, Mr. COELHO, Mr. FRANK, Mr. GOODLING, Mr. HOYER, Mr. LEHMAN of California, Mr. ROEMER, Mr. BATEMAN, Mr. DWYER of New Jersey, Mr. NICHOLS, Mrs. SCHROEDER, Mr. RATCHFORD, Mr. STOKES, Mr. SISISKY, Mrs. BOXER, Mr. ROE, Mr. STARK, Mr. FORSYTHE, Mr. WHITLEY, Mr. FEIGHAN, Mr. HARTNETT, Mr. COUGHLIN, Mr. FISH, Mr. JONES of North Carolina, Mr. LOWRY of Washington, Mr. FORD of Tennessee, and Mr. KAZEN.

H.R. 2355: Mr. MOLINARI, Mr. STOKES, Mr. LAGOMARSINO, Mr. FISH, Mr. MURTHA, Mr. DOWNEY of New York, Mr. KINDNESS, Mr. SMITH of New Jersey, Mrs. JOHNSON, Mr. BARNES, Mr. WON PAT, Mr. RATCHFORD, Mr. DE LUGO, Mr. FORSYTHE, Mr. LANTOS, Mr. BONER of Tennessee, Mr. MINISH, Mr. STANGELAND, Mr. STENHOLM, Mr. KILDEE, Mr. LEHMAN of Florida, Mr. MCHUGH, Mr. WOLF, and Mr. DUNCAN.

H.R. 2385: Mr. STAGGERS, Mr. ROGERS, Mr. CARNEY, Mr. MARTIN of New York, Mr. ROBERTS, Mrs. BYRON, Mr. MRAZEK, Mr. VALENTINE, Mr. CONTE, Mr. KINDNESS, Mr. WHITLEY, Mr. CAMPBELL, Mr. NEAL, Mr. EMERSON, Mr. FORSYTHE, and Mr. FIELDS.

H.R. 2402: Ms. SNOWE.

H.R. 2432: Mr. YATRON, Mr. FRENZEL, Mr. STUMP, Mr. ENGLISH, Mr. STENHOLM, Mr. BEDELL, Mr. BEREUTER, Mr. SIKORSKI, Mr. FUQUA, Mr. LEACH of Iowa, Mr. WHITLEY, Mr. SHAW, and Mr. JEFFORDS.

H.R. 2490: Mr. WALGREN, Mr. GEPHARDT, Mr. WEAVER, Mr. KOGOVSEK, Mr. SUNIA, Mr. MITCHELL, Mr. STUDDS, Mr. LEHMAN of Florida, Mrs. SCHROEDER, Mr. HUGHES, Mr. SCHUMER, Mr. MARKEY, Mr. JACOBS, Mr. GORE, and Mr. TORRICELLI.

H.R. 2563: Mr. ANTHONY, Mr. STARK, Mr. SPENCE, Mr. JEFFORDS, Mr. KINDNESS, Mr. FORSYTHE, Mr. GINGRICH and Mr. LAGOMARSINO.

H.R. 2580: Mr. SCHEUER.

H.J. Res. 3: Mr. MCCLOSKEY Mr. RUSSO, Mr. SIKORSKI, Mr. ASPIN, Mr. CLAY, Mr. BERMAN, Mr. FORD of Tennessee, Mr. GLICKMAN, Mr. PEASE, Mr. TOWNS, Mrs. SCHNEIDER, Mrs. KENNELLY, Mr. AUCOIN, and Mr. LEHMAN of California.

H.J. Res. 87: Mr. SIMON.

H.J. Res. 160: Mr. DEWINE.

H.J. Res. 163: Mr. ROEMER, Mr. STANGELAND, Mr. ROE, Mrs. BOXER, Mr. HUGHES, Mr. CORRADA, Mr. MCCOLLUM, Mr. HUBBARD, Mr.

CHAPPIE, Mr. OWENS, Mr. FAZIO, Mrs. BOGGS, Mr. STAGGERS, Mr. LIVINGSTON, Mr. ANDERSON, Mr. MOLLOHAN, Mr. BERMAN, Mr. WISE, and Mr. DURBIN.

H.J. Res. 181: Mr. BOLAND.

H. Con. Res. 20: Mr. BEDELL, Mr. MCKINNEY, and Mr. WEAVER.

H. Con. Res. 42: Mr. DIXON.

H. Con. Res. 63: Mr. BRITT, Mr. DURBIN, Mrs. MARTIN of Illinois, Mr. OLIN, Mr. RICHARDSON, and Mr. WISE.

H. Con. Res. 81: Mr. GOODLING, Mr. CRAIG, and Mr. DORGAN.

H. Con. Res. 89: Mr. DE LA GARZA, Mr. ROSE, Mr. DYSON, Mr. SIMON, Mr. KASICH, Mr. WILLIAMS of Montana, Mr. SHARP, Mr. WEBER, Mr. MINETA, Mr. MCHUGH, Mr. FOLEY, Mr. VOLKMER, Mr. STENHOLM, Mr. THOMAS of Georgia, Mr. GLICKMAN, Mr. DASCHLE, Ms. KAPTUR, Mr. LONG of Louisiana, Mr. BEDELL, Mr. TALLON, Mr. HARKIN, Mr. FORSYTHE, and Mr. MADIGAN.

H. Con. Res. 98: Mr. BILIRAKIS.

H. Con. Res. 101: Mr. IRELAND, Mr. HEFNER, Mr. FUQUA, Mr. LAFALCE, Mr. SKELTON, Mr. WAXMAN, Mr. HORTON, Mr. JEFFORDS, Mr. SMITH of Florida, Mr. KINDNESS, Mr. HATCHER, Mr. WINN, Mr. GUARINI, Mrs. HOLT, Mr. PEPPER, Mr. OWENS, Mr. PARRIS, Mr. WHITEHURST, Mr. DUNCAN, Mr. CORCORAN, Mr. CARPER, Mr. GINGRICH, Mr. FROST, Mr. ERDREICH, Mr. GREEN, Mr. FRENZEL, Mrs. COLLINS, Mr. ROYBAL, Mr. BETHUNE, Mr. EDGAR, Mr. CONTE, Mr. STENHOLM, Mr. SYNAR, Mr. BEREUTER, Mr. FAZIO, Mr. LONG of Louisiana, Mr. ACKERMAN, Mr. DERRICK, Mr. MCEWEN, Mr. WIRTH, Mr. WILSON, Mr. GEPHARDT, Mr. STUMP, Mr. COATS, Mr. FOGLIETTA, and Mr. FORSYTHE.

H. Res. 19: Mr. BORSKI.

H. Res. 53: Mr. LEWIS of California, Mr. MCCANDLESS, and Mr. BURTON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of the National Treasury Employees Union, chapter 47, New York, N.Y., relative to the civil service system; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 13

By Mr. COURTER:

—Page 5, after line 23, insert the following new section:

SEC. 5. Nothing in this joint resolution shall be construed—

(1) to prevent, during any negotiations pursuant to this resolution, or

(2) to require that, in any negotiations pursuant to this resolution, the United States agree to a provision which would prevent,

research on or the development and deployment of nonnuclear strategic defensive weapons systems or the upgrading or deployment of new communications, command, control and intelligence apparatus.

—Page 5, after line 23, insert the following new section:

SEC. 5. The United States shall withdraw from any negotiations pursuant to passage of this resolution if the President determines, and a majority of both Houses of Congress concur that (1) the information currently available to the United States, which is the basis for the assumption of essential equivalence in overall United States-Soviet capabilities, is inaccurate and that essential equivalence does not exist, or (2) if the Soviet Union should introduce heretofore new and unknown technologies or weapons systems, during the negotiations phase, which could adversely alter the balance of power against the United States, and would therefore negate the assumption of essential equivalence. (3) The President shall communicate to the Congress, in writing, within thirty days of making any such determinations relative to information pertaining to clauses (1) and (2).

By Mr. MARTIN of North Carolina:

—Page 4, line 22, immediately after the period, insert the following: "Submarines are not delivery systems as used herein."

By Mr. ZSCHAU:

—On page 4, line 18, after the word "freeze" insert the following: "and, if stabilizing reductions of nuclear weapons can also be negotiated within the context of the freeze," so that subparagraph (1) of the resolution with the Leach amendment and the Zschau amendment would read:

"Pursuing the objective of negotiating an immediate, mutual, and verifiable freeze and, if stabilizing reductions of nuclear weapons can also be negotiated within the context of the freeze, *then pursuing the objective of negotiating immediate, mutual and verifiable reductions in nuclear weapons.*"

On page 5, line 4 strike out "Proceeding from" and insert "Pursuing" and on line 5 strike out "pursuing" and insert "and" so that subparagraph (4) would read:

"(4) *Pursuing* this mutual and verifiable freeze, *and* substantial, equitable, and verifiable reductions through numerical ceilings, annual percentages, or any other equally effective and verifiable means of strengthening strategic stability."

H.R. 1190

By Mr. BETHUNE:

—On page 16, after line 15, insert the following:

"(g) Notwithstanding any other provision of the section, no farm loan may be deferred, consolidated, rescheduled, or reamortized unless the Secretary certifies that no current recipient of financial assistance under this Act will be put at a competitive disadvantage by such deferral, consolidation, rescheduling, or reamortization.".

—On page 10, line 4, strike the word "subsection" and insert in lieu thereof "subsections" and on page 10, after line 11 insert the following:

"(d) Notwithstanding any other provisions of this Act no loan may be rescheduled or consolidated unless the Secretary certifies that no current recipient of financial assistance under this Act will be put at a competitive disadvantage by such rescheduling or consolidation.".

—On page 9, line 3, strike out "$25,000,000" and insert in lieu thereof "$15,000,000".

—On page 16, after line 15, insert the following:

"(g) Notwithstanding any other provision of this section, no farm loan may be deferred, consolidated, rescheduled or reamortized unless the Secretary certifies that such deferral, consolidation, rescheduling or reamortization would not restrict the availability of credit, or increase the costs of such credit to other farm borrowers.".

—On page 15, at line 19, after the word "reamortization" insert the following: "but in no case shall such rate be lower than the cost incurred by the government to borrow money for comparable lengths of time".

—On page 9, strike lines 16 through 18.

—On page 9, on line 17 and 18, strike out "fifteen years" and insert in lieu thereof "ten years".

—On page 10, line 4, strike the word "subsection" and insert in lieu thereof "subsections" and on page 10, after line 11 insert the following:

"(d) Notwithstanding any other provisions of this Act no loan may be rescheduled or consolidated unless the Secretary certifies that no farmer will be put at a competitive disadvantage by such rescheduling or consolidation.".

—On page 16, after line 15, insert the following:

"(g) Notwithstanding any other provision of this section, no farm loan may be deferred, consolidated, rescheduled or reamortized unless the Secretary certifies that such deferral, consolidation, rescheduling or reamortization would not restrict the availability of credit, or increase the costs of such credit to other borrowers.".

—On page 16, after line 15, insert the following:

"(g) Notwithstanding any other provision of this section, no farm loan may be deferred, consolidated, rescheduled, or reamortized unless the Secretary certifies that no farmer will be put at a competitive disadvantage by such deferral, consolidation, rescheduling, or reamortization.".

—On page 13, after line 18, insert the following:

"The Secretary shall also make financial assistance available to farmers not receiving assistance under this Act or under the Emergency Agricultural Credit Adjustment Act of 1978 in order that such farmers may also receive the intended benefits of this section.".

BY MR. DORGAN:

—On page 8—

(A) line 17, strike out "(a)" following "Section 310B";

(B) line 20, insert "of subsection (a)" after "sentence"; and

(C) line 24, strike out "and" following the semicolon.

On page 9—

(A) line 1, strike out "thereof" and insert in lieu thereof "of subsection (a)";

(B) line 3, strike out the second period and insert in lieu thereof "; and"; and

(C) insert after line 3 the following:

"(3) inserting after subsection (e) the following new subsection:

"(f) Notwithstanding any other provisions of this title or any other law, during the period beginning with the date of enactment of the Emergency Agricultural Credit Act of 1983 and ending on September 30, 1984—

"(1) The Secretary shall make and insure loans to small businesses that are located in rural areas and that (i) are engaged in furnishing farmers and ranchers machinery, supplies, and services directly related to the production of commodities that are eligible for payment-in-kind land diversion programs carried out by the Secretary, and (ii) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such program. Loans shall be made under this subsection for the purpose of assisting eligible borrowers to continue to operate their businesses during the period of such economic hardship.

"(2) No loan may be made or insured under this subsection which exceeds $50,000 in principal amount.

"(3) The period of repayment of loans made or insured under this subsection shall be 12 months.

"(4) The rate of interest on loans made or insured under this subsection shall be the rate of interest applicable to operating loans under section 316(a)(1), reduced by 3 per centum.

"(5) Not less than 10 per centum of the funds that may be used for industrial development loans under the Act of December 18, 1982 (Public Law 97-370, 96 Stat. 1799) during fiscal year 1983 shall be made available for loans made or insured under this subsection to the extent needed to meet applications filed by small businesses that are eligible for such loans.

"(6) The Secretary shall issue regulations implementing this subsection not later than sixty days after the date of enactment of the Emergency Agricultural Credit Act of 1983.".

On page 26, after line 24, insert the following: "During the fiscal year ending September 30, 1984, not less than 10 per centum of the funds that may be used for industrial development loans shall be made available for loans made or insured under section 310B(f) to the extent needed to meet applications filed by small businesses that are eligible for such loans.".

EXTENSIONS OF REMARKS

THE LABOR MANAGEMENT RACKETEERING ACT OF 1983

HON. JOHN N. ERLENBORN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. ERLENBORN. Mr. Speaker, today I am introducing legislation which will revise current Federal labor laws to more effectively combat the problem of labor corruption. The need for this legislation, entitled, "The Labor Management Racketeering Act of 1983," has been well documented in the hearings held over the past several years in both the House and Senate.

The bill is nearly identical to S. 336, the legislation introduced by Senator NUNN on February 1. In order to better carry out the intended purposes of the legislation, several minor technical changes suggested by legislative counsel have been incorporated. Because several technical issues have been raised by the administration and others in connection with section 5 of S. 336—dealing with responsibilities of the Secretary of Labor under labor and other related Federal laws—I have omitted this provision subject to later revision. I am not adverse to clarifying the role of the Secretary of Labor in labor law enforcement matters and will, during the legislative process, seek to include a clear statement of the Secretary's role.

On April 14, the Senate Subcommittee on Labor reported out S. 336 by poll. As worded, the bill is identical to S. 1785, the Labor Management Racketeering Act of 1982, which was passed by unanimous consent in the Senate on two separate occasions during the last Congress. My understanding is that the Senate Committee on Labor and Human Resources will proceed to mark up the bill on the 27th of this month. By introducing this legislation in the House now, it is my hope that appropriate technical and clarifying changes can be made by the Senate Committee which will help expedite passage in the Senate and in the House as well.

In Senate testimony in support of the legislation, AFL-CIO president Lane Kirkland concluded that "on balance, the bill furthers both the public interest and the best interests of the trade union movement." I agree. The legislation is needed, the bill is a good one, and the House and Senate should act quickly to put its effect into law.

In testimony before the House Subcommittee on Labor-Management Relations last December, Secretary of Labor Raymond Donovan stressed the high priority the administration has placed on the passage of this legislation. The statement of the Secretary explaining the need for this legislation follows:

STATEMENT OF RAYMOND J. DONOVAN, SECRETARY OF LABOR, BEFORE THE SUBCOMMITTEE ON LABOR-MANAGEMENT RELATIONS, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES

Mr. Chairman and Members of the Subcommittee, I am indeed grateful for the opportunity to come before this Subcommittee to urge your consideration and immediate approval of S. 1785, the "Labor-Management Racketeering Act." I have stated in the past that I believe that this bill is one of the most important pieces of reform legislation affecting American workers and their families to be considered by the Congress in a number of years. I continue to hold that belief.

As a general statement, S. 1785 would amend the Employee Retirement Income Security Act (ERISA) and the Labor-Management Reporting and Disclosure Act (LMRDA) to strengthen their prohibitions on individuals who have been convicted of certain crimes from serving in positions of trust or influence relating to employee benefit plans and labor organizations.

The labor movement is an essential element of the American society, and the day-to-day lives and futures of American workers and their families depend on the integrity of officials of labor organizations. We, as responsible government officials, must insure that there are stringent enforceable and enforced provisions of law which afford necessary protections to union members.

Additionally, Mr. Chairman, there are at present approximately 50 million workers participating in 560,000 pension plans and perhaps three times that number of workers and beneficiaries in the 4½ million welfare plans in the United States. And it is estimated that those pension plans will balloon from a present value of $560 billion to an incredible figure of $3 trillion in 1995, a mere thirteen years from now. In light of these stunning statistics, we have the awesome responsibility to insure that the laws adequately protect those people and the funds upon which so many desperately rely.

Mr. Chairman, when we appeared before the Senate Subcommittee on Labor in February to testify on S. 1785, the Administration made a number of suggestions on the bill as it was then drafted. We believe that S. 1785, as passed by the Senate on July 28, accomplishes our major objectives and will go a long way to allow the government—the Department of Labor, the Department of Justice, the Internal Revenue Service, and other Federal agencies—to insure that the rights and funds of labor organization members and employee benefit plan participants and beneficiaries are adequately protected.

Let me briefly describe a few of the more important features of the legislation so that you can understand why we put such importance on its enactment.

One of the most significant provisions of S. 1785 is that the disqualifications on the individuals' participation take place immediately at the time of conviction. Under the present relevant sections of ERISA and LMRDA, the disqualification occurs on the date of conviction or the final sustaining on appeal, whichever is later. As I am sure you are aware, the appeals process can consume a lengthy period of time. Two years is not unusual. Therefore, under the present statutory formulations, convicted individuals—people tried and convicted by a court of robbery, burglary, fraud, embezzlement—can continue to exercise great influence over benefit plans and labor unions and their funds in formal capacities for months, even years, until the appeals process is exhausted. I believe that this is intolerable and should not be allowed to continue.

We know of one case involving an individual who at one time was the President of one union local, the manager of another, President of the District Council, and also a trustee of a benefit plan fund. He was convicted of embezzling funds from six labor organizations and funds. While these matters were on appeal, he remained in a number of the positions until the convictions were eventually sustained. He was later convicted of illegally transferring funds and has since been indicted for still other allegedly illegal acts occurring during the appeals process. It is estimated that $1 million was taken during this period.

While it is true that convictions may eventually be overturned, we should not allow convicted individuals to continue in office and be in a position to jeopardize the funds and rights of workers during an extended appeals process. Instances such as the one I just described must not be allowed to continue one more day.

Another important aspect of the legislation is that it considerably expands the capacities from which individuals would be disqualified under both statutes. Embodied in the legislation is the recognition that people other than administrators, trustees, and consultants of plans, and officers and directors of labor organization, for example, exert considerable influence over their operations.

We also note that the bill deletes the "clerical/custodial" exception from the LMRDA. The stories are legion of how this exemption has been used—or I might say, misused—as a ruse of labor organizations to hire otherwise disqualified individuals as clerks or janitors when they are actually serving in decision-making capacities, and at extremely high salaries. We therefore strongly support this provision of S. 1785.

Another important aspect of the legislation as passed by the Senate is the extension of the time of the disqualification. LMRDA and ERISA now provide for a five year ban on the covered activities. This is a relatively short period of time, and our experiences have shown that it encourages disqualified individuals to stand by, attempting to exert indirect influence, with the expectation that they will be able to assume or resume a position. The legislation would double the disqualification period under

both statutes to ten years under most instances. We believe that a period of ten years would discourage such behavior and expectations.

Mr. Chairman, I want to reiterate one extremely important point which we have made whenever we have testified about this legislation. We do not consider S. 1785 to be punitive in nature. Rather, we regard it as protective. We are not seeking to further penalize convicted people. Our criminal judicial systems provide for penalties for violations of laws. The disqualifications from serving labor organizations and employee benefit plans are not intended as additional punishments. We are seeking, however, to protect the individuals whose day-to-day working lives are often controlled by union officials and whose present and future well-beings are dependent on benefit plan officials.

These people need whatever protections we can give them, and they should have them as soon as possible—today, if possible. We must assure the millions of individuals who contribute to employee benefit plans that their funds will be invested, controlled, and used by individuals who will not compromise the trust and responsibility placed on them. And, we must assure those workers who belong to labor organizations that union matters are being handled by people who have the interests of the workers in mind without thought of how they, the officials, might profit from their positions and actions.

Because there is a recognition of the protective nature of the legislation, it has received widespread bi-partisan support. Mr. Lane Kirkland, the President of the AFL-CIO, testified over a year ago of his support for the basis of the legislation. And I would bring to your attention that when it passed the Senate in July, it did so with no opposition.

Mr. Chairman, let me conclude by stating that the Administration supports the present allocation of criminal investigative authority with respect to employee benefit plans. We at the Department of Labor are working closely with the Department of Justice, the Internal Revenue Service, and other Federal agencies to insure that plans and unions are rid of corrupting influences. We are using every tool presently available to us to safeguard the integrity of labor organizations and benefit plans. The additional substantive tools which would be given to us by S. 1785 would greatly enhance our abilities. Therefore, we urge this Subcommittee to take whatever actions are necessary to achieve enactment of this vital legislation in the last few days of this Congress.●

MARINE SERGEANT KASTRINOS

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. KRAMER. Mr. Speaker, from 1959 to 1975 millions of Americans served their country proudly in Vietnam. Over 57,000 never returned. For the veterans who came home and the families of those who did not, 1982 marked the end of a long silence, when their country finally turned to them and reverently saluted their sacrifice.

With the dedication of the Vietnam Memorial on November 13, 1982, the Nation rose above the internal conflicts the war evoked in order to recognize and to honor those who served their country. Since its dedication, over 1 million people have come to the monument to pay tribute to the Vietnam veterans and to rekindle memories of lost family and friends.

Helene Monberg, a veteran Washington news correspondent, recently accompanied a family from Leadville, Colo., who came to Washington to visit the memorial and see the name of their lost loved one engraved in the polished stone, to stand among the long, solemn granite walls which seem to state, "that you gave your lives or that you gave your youth will always be remembered."

I ask permission to have inserted in the record Mrs. Monberg's eloquent portrayal of their experience, which directly or indirectly is shared by all of us.

[From the Herald Democrat, Leadville, Colo., Mar. 11, 1983]

MARINE SERGEANT KASTRINOS

WASHINGTON.—Four residents of the Washington, D.C. area went on a pilgrimage on Feb. 19 to seek out the name of an American Hero, Marine Sergeant Jerold (Jerry) Kastrinos of Leadville.

They were Helene C. Monberg, veteran news correspondent and a Leadville native distantly related to the young sergeant by marriage; her grandniece Jessica Hately, 11, of McLean, Va.; Mrs. Barbara Evans and her son Johnny Neitzey, 8, both of Alexandria, Va.

Their destination was new Memorial to the men and women who died in the Vietnam conflict. Jerry Kastrinos left a young wife and two small children to serve his country in Vietnam, where he was killed in December, 1967. He also left two grieving parents, Mr. and Mrs. Chris Kastrinos of Leadville.

The Washington area was a mess that day. A snowstorm had blanketed the Washington area on Feb 11 and people were still digging out. The area around the memorial was knee-deep in mud. The memorial, polished black granite, contains the names of the 58,000 Americans killed in the Vietnam conflict, but it looked that day like the end of a beat-up football field.

Still the people came, hundreds of them on the first nice weekend day since the Big Snow. Our group chose the day because Mrs. Evans and her son Johnny will soon be going overseas to join her new husband, Major Mitchell Evans, in Germany, where Johnny is looking forward to playing soccer with the natives.

Jessica, a native of Colorado Springs who recently moved to the Washington area from Dallas, has been sightseeing, and she knew where the Memorial was located, hidden between the big memorials to Washington and Lincoln, on Washington's famous Mall.

Once on the site, the 70 slabs of granite are intimidating. But there is a friendly woman on the site with a list of nearly 58,000 names of men and women killed in the Vietnam conflict. She let the group take a picture of her, with Jessica and Johnny. Then she found Jerry's name: Jerold Lloyd Kastrinos, Sergeant, U.S. Marine Corps, of Leadville, Colo., on panel No. 31. They walked over to the panel, which is on the right side of the V-shaped memorial, and there, about the middle of the panel, was Jerry's name. It gave one a catch in his throat. Jerry's name finally honored after all of these years of torment for his family. . . .

Everyone took pictures of everyone else pointing to Jerry's name. It came out quite clearly in a couple of the pictures, even though the names aren't that large on the panels. A tiny American flag was placed by panel 31E. The group took a picture of that too, and of the large crowd slowly moving in and around the memorial, many bent on finding a name just as the four had. Most walked to the east, enroute to the Washington Monument, and at the end of the Vietnam Memorial there was a veteran passing out literature about the American POW/MIA's on which there has been no word to relatives and friends for many years. They are potential prisoners of war and missing in action servicemen who have never been heard from even though the Vietnam conflict ended on April 30, 1975. Everyone took a pamphlet from the veteran from the Veterans' Vigil Society.

And said a prayer that the agony of the their relatives and friends will soon be over, too.●

CLAUDE PEPPER, STATESMAN EXTRAORDINARY

HON. CHARLES E. BENNETT

OF FLORDIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. BENNETT. Mr. Speaker, the cover story of Time magazine for April 25 is about "Claude Pepper, Champion of the Elderly." All of Florida is proud of the great achievements for mankind brought about by the extraordinary CLAUDE PEPPER. Mr. Speaker, he is a man of vision, of courage, and of compassion. I include some of the comments of the article and express the hope that CLAUDE is with us for many decades yet to come.

In the Time article it is said:

"There are only two Democrats who really bug Reagan." says a presidential aide. "One is Tip O'Neill, and the other is that Congressman who keeps talking about Social Security."

Claude Denson Pepper is like a vintage automobile with new parts: he gets better and more powerful with age. By an odd convergence of historical trends, Pepper's unshakable New Deal liberalism is in phase with the graying of America, even at a time when conservatism marches forcefully through Washington's corridors of power. Some 36 million Social Security recipients, and millions more who are nearing retirement, count on Claude Pepper to protect their rights and well-being. And Pepper has doggedly done so.

When Pepper's admirers worry about his advancing years and how long he expects to be on Capitol Hill, he sometimes admits that he has retirement plans. "I've set the year," he drawls. As his listeners' concern grows, he adds without a smile: "The year 2000. But I reserve the right to change my mind."

At an age when most people are savoring old memories, Claude Pepper never looks

back. His latest legislative proposal is to create a House Committee on the Future of the U.S. He, of course, would like to stick around to help shape its vision, and to see that the recommendations are carried out.

Although CLAUDE PEPPER is famous today as the champion of the elderly, most of us realize that he has persistently fought for ideas of benefit to all Americans and all mankind. We are all his debtors for his great achievements through the years.●

ENERGY CONSERVATION: A NEW NATIONAL CHARACTERISTIC

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PORTER. Mr. Speaker, I would like to bring to the attention of my colleagues an article about the effect of energy conservation on national energy consumption that recently appeared in the Wall Street Journal. This article has excellent statistics on how the country was forced to change its consumption behavior as a result of the OPEC price shocks starting in 1973, and it points out that despite lower oil prices, consumers and companies probably will not change their conservation behavior. I commend to all my colleagues this article:

OIL PRICE CUTS APPEAR UNLIKELY TO BRING BACK OLD LEVELS OF DEMAND: CONSERVATION STEPS SINCE 1973 WILL KEEP LIMITING USAGE EVEN IF ECONOMY SURGES

(By Roger Lowenstein)

WILL PEOPLE TURN UP HEAT?

United Technologies Corp., like most big and small energy users, was driven to considerable conservation measures by the oil-price shocks of the past 10 years.

The Hartford, Conn., manufacturer figures it has halved the energy it uses in fabricating jet-aircraft engines, elevators, air-conditioners and helicopters by such measures as recycling waste heat from furnaces and using a computer to manage energy usage.

Will United keep up the pace of investing in conservation now that oil prices have eased and show signs of sliding further? Probably not. "We've already skimmed the cream," says Charles Feledy, the company's energy director. "We're starting to reach a point of diminishing returns. An energy manager's job is getting harder—we have to compete for corporate funds with other projects."

By the same token, United Technologies obviously won't be dismantling those expensive conservation steps already taken. So its energy efficiency will continue to be far superior to a decade ago.

ERA OF SLACK DEMAND

United's perspective capsulizes the energy-consumption outlook in the U.S. as the Organization of Petroleum Exporting Countries and other oil-producing nations planned to open talks aimed at halting the price wars that have sprung up in today's new era of slack demand (see story on page 2). Energy consumers basically will continue conservation efforts already underway, analysts say, although they won't undertake expensive new ones.

The result: The four-year slide in oil demand is likely to end, but demand will no doubt continue slack. In the decade since OPEC's oil embargo, energy consumption in the industrialized world has risen only 0.8% annually despite an annual-rate increase of 2.5% in the nations' combined gross national products.

The apparent dawning of economic recovery from the prolonged recession, of course, is likely to spur energy use, especially as prices decline. But the conservation steps taken in recent years will hold down the increase, analysts suggest.

Economists are still debating how much of the drop in oil demand in recent years was caused by the recession and how much resulted from conservation and substitution of other fuels following the 1973–74 oil embargo and the 1979 Iranian revolution. Clifton C. Garvin, the chairman of Exxon Corp., guesses that two-thirds of the demand drop resulted from conservation and fuel switching. Tor Meloe, the chief economist at Texaco Inc., essentially agrees. He says U.S. oil demand today would be four million barrels a day higher but for the 1979 Iran revolution and 2.5 million barrels higher but for the recession.

Mr. Meloe and other forecasters see conservation psychology continuing to restrict consumption through any coming recovery, and probably through the 1980s. "Oil demand will be dragged down by the momentum of conservation," Mr. Meloe says. "We still haven't felt the brunt of the 1979 oil shock."

Oil consumption has fallen 13% since 1979 in the non-Communist world, to 45.3 million barrels a day, while U.S. demand has fallen 19% to 15.2 million barrels a day. The falling demand is the main reason for the price-cutting moves that surfaced last week and promise to spread and deepen as OPEC and non-OPEC nations seek to retain their markets.

While economists welcome moderate cuts as an aid to economic recovery, many worry about the effects of a sharp decline on future demand.

With the price of oil failing, consumers have less incentive to switch to other fuels or turn down thermostats. "There is a real danger that we could start the cycle of consumption and scarcity again," says Edwin Lowry, a vice president of Standard Oil Co. of California.

Other analysts don't see that as a threat anytime soon, if free-market forces are allowed to operate. Most oil companies, for instance, predict flat demand or small increases this year and unspectacular gains even during an extended economic recovery.

Grandiose plans for developing alternative fuels have been shelved, as oil-production capacity is expected to keep outpacing demand. "If we could just hold demand constant, that would be a big plus right now," says Archie Dunham, a planner with Conoco Inc.

Demand will continue to be constrained by past conservation steps, however. Consolidated Edison Co. of New York, for example, is applying for permits to convert three generators to coal, part of a move away from oil that began in the 1970s. "There is nothing we wouldn't undo insofar as reducing dependence on oil," Bertram Schwartz, executive vice president, says. "We don't know where oil prices are going in the future."

Commercial airlines are unlikely to burn more than the 10 billion gallons of oil they used last year even if traffic gains appreciably, because new planes on order use about 35 percent less fuel, says Daniel Henkin, an official of the Air Transport Association. New model autos also are likely to continue emphasizing fuel efficiency even if they start growing in size again (and Chrysler Corp. economist Donald Hilty already sees a "notable" shift in demand toward bigger cars).

"Like any other capital investment, conservation investments are slow to begin and massive once they get going," says David Sternlight, a consultant and former economist at Atlantic Richfield. Arco, for one, now burns 25 percent less fuel in refining oil.

Celanese Corp. says conservation steps have made one of its chemical plants 79 percent more fuel efficient. Ford Motor Co. is saving energy by monitoring heat flow by computer. Such changes, says Donald Axon, the manager of energy engineering at Ford, are "part of our basic way of operating now," and they aren't going to be reversed.

Ten years ago, of course, when gas guzzling was considered an American birthright, no one foresaw a slackening of demand, regardless of price rises. So forecasters are less certain now about consumer reaction to cheaper oil prices. "We don't think demand will be as elastic as it was when prices were rising, because people aren't going to rip out insulation," say Thomas Burns, the chief economist for Standard Oil of California.

But analysts concede they have little to guide them, not having witnessed such an oil-price slide in recent history. "What I want to know is will people turn up the thermostat?" says the planner for a major oil company. "Will they drive to the Rockies?"

Lower fuel prices may indeed bring more trips to the Rockies and more-distant vacation spots. But today's more-efficient cars will have to go many additional miles to offset the drop of gasoline usage per car of recent years. Annual mileage per car averaged 9,026 miles in the U.S. in 1981, down from 10,121 miles 10 years earlier.

Lower oil prices are also expected to slow or reverse the trend of switching to natural gas. When oil-shortage fears were rampant, a half-million homeowners a year were converting away from oil heat, but David Morehead of the National Oil Jobbers Council says that "the stream has eased to a trickle."

Some companies are likely to switch back to oil as the price declines. "We're losing customers because they can buy oil on the spot market cheaper than we can sell them gas," says James Smith, the chairman of Orange & Rockland Utilities in Pearl River, N.Y.

Thatcher Glass Corp. and Holly Sugar Corp in California and Raytheon Co. in Massachusetts are among a number of companies that have already begun to use more oil in their production operations. National Steel Corp. in Pittsburg says, "We're switching to oil whenever we can."

But the outlook for most of this decade is for only slow growth in demand for oil, Texaco's Mr. Meloe says. Demand could climb later in the 1980s, he adds, if the price of oil keeps dropping and users "lose their skepticism" about the commodity's future availability.●

NEW YORK TIMES QUESTIONS PRACTICALITY OF FREEZE RESOLUTION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. BROOMFIELD. Mr. Speaker, the New York Times has joined those voices pointing out the fallacies of the House Joint Resolution 13, the so-called nuclear freeze resolution.

In an April 19, 1983, lead editorial, the writer argues that freeze advocates have failed to advance a credible arms control policy. The New York Times article contends that "to exclaim 'stop nukes now' displays passion, but no practicality. What's the next sentence?"

The author goes on to say that the freeze movement's proposals have "barely evolved past the original, simplistic formula of 'stop now'."

The article also points out that the freeze resolution fails to give special attention to destabilizing first-strike weapons, ignores the vulnerability of our Minuteman missiles, and skims over the complexities of a "verifiable" halt.

As the sponsor of an amendment to House Joint Resolution 13, calling for changes to correct weaknesses in the resolution, I commend the New York Times editorial to the Members of the House.

[From the New York Times, Apr. 19, 1983]

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple-warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?●

SENATE JOINT RESOLUTION 53—NATIONAL PHYSICAL FITNESS AND SPORTS MONTH, MAY 1983

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mrs. BYRON. Mr. Speaker, I feel very strongly about the need to promote physical fitness and athletic activity in the United States. Therefore, it is a great pleasure to see the unanimous-consent passage of Senate Joint Resolution 53 by the U.S. House of Representatives and the U.S. Senate. The resolution, whose companion bill—House Joint Resolution 140—I sponsored in the House, where it received 233 cosponsors, proclaims May 1983 as "National Physical Fitness and Sports Month."

Through passage of this resolution, Congress will provide some leadership in the movement to improve the health and well-being in America through exercise. I look forward to participating in the related activities next month and urge my colleagues to join me by encouraging physical fitness and sports in their home districts.●

FARMERS' COOPERATIVES AND INTERNATIONAL TRADE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. MATSUI. Mr. Speaker, I am introducing legislation today which will allow America's farm cooperatives to compete more equitably in the international agricultural marketplace. It does so by amending the Internal Revenue Code to permit the members of such cooperatives to establish Domestic International Sales Corporations (DISC).

Under existing law, the export of American goods is encouraged by special tax benefits conferred upon an exporter through the creation of a DISC. These special tax considerations have proved to be a strong incentive for making the investments necessary for entering new foreign markets.

DISC benefits have always been allowed for farmers who sell their crops directly to foreign buyers, but have been denied to farmers who market their crops through an agricultural cooperative. This unfair dichotomy exists primarily because of the identification requirement set forth in the DISC law. A DISC must be limited exclusively to those products which are exported. When an individual farmer directly exports a known percentage of his crop, he can identify specifically that export-related property for inclusion in the DISC. The co-op member who transfers all of his crop to the cooperative for marketing, on the other hand, cannot identify what portion of his individual crop has been included in the total volume of goods exported by that cooperative.

This legislation addresses this problem directly by allowing co-op members to deem, as export property, that percentage of like goods exported by their cooperative as a whole. Therefore, using an example, if a farmer's cooperative exports 20 percent of its volume, then each individual farmer can claim a 20-percent export share.

It is anticipated that the administration soon will submit its legislative alternative to our existing DISC system. This recommendation is in response to the substantial criticism that our GATT partners have generated on the question as to whether DISC constitutes an improper subsidy. As the Congress proceeds to consider this legislative recommendation, it is hoped that farm cooperative members will be afforded the same trade entitlements that are enjoyed by both individual farmers and the international trading community in general. This effort in achieving parity should increase our total volume of agricultural exports and strengthen our agricultural econo-

my, while improving our overall position in international trade.●

THE CALL TO CONSCIENCE VIGIL FOR THE SLEPAK FAMILY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. FASCELL. Mr. Speaker, it is my privilege today to participate in the Call to Conscience Vigil on behalf of Soviet Jews, organized this year by our distinguished colleague, the gentleman from Colorado, Mr. WIRTH. I commend Representative WIRTH for this effort and pledge my continuing support for the aims of the vigil.

For the seventh consecutive year, I call the attention of our colleagues to the plight of a remarkable and courageous couple, Maria and Vladimir Slepak. The Slepaks have been waiting to emigrate for 13 years, since 1970 when Vladimir, a radio and television engineer, Maria, a physician, and their two sons first applied. While both the Slepak sons were finally allowed to emigrate—Aleksandr in 1977 and Leonid in 1979—their parents remain stranded in a country which prohibits them from living freely at the same time it prevents them from leaving.

The Slepaks have paid dearly for their efforts to rejoin their family, which includes Maria's mother, their sons and their grandchildren. In 1978, they were arrested and charged with the crime of "malicious hooliganism" for hanging a banner which proclaimed their plea to emigrate from the balcony of their Moscow apartment. While Maria was given a suspended sentence, she nevertheless joined Vladimir in Siberia where he was sent to serve a 5-year term of internal exile. In December 1982, Vladimir completed his sentence and the Slepaks returned to Moscow, where once again they have renewed their efforts to be reunited with their family in Israel.

Mr. Speaker, as chairman of the Helsinki Commission which monitors Soviet compliance with the human rights provisions of the 1975 Helsinki accord, I feel a special affinity toward those Soviet citizens who took upon themselves the task of monitoring their Government's adherence to the Helsinki pledges. While I have never met Vladimir Slepak, a member of the Moscow Helsinki Group, and his wife, after speaking about them year after year, I feel I have come to know them. I look forward to meeting them once the Soviet Government learns to abide by its international commitments in the field of family reunification and allows the Slepaks to emigrate. Until that day, I pledge to continue my efforts on their behalf. I sincerely hope that it will not be necessary for me to take the floor on behalf of the Slepaks next year. Thank you, Mr. Speaker.●

STATEMENT BY IOAN TEODOSIU: SPOKESMAN FOR THE ROMANIAN CHRISTIAN COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. McDONALD. Mr. Speaker, a Romanian advocate of human rights was here on the Hill on Friday, April 15, 1983, and gave a moving statement on the matter of Romania, MFN, human rights, the education tax and typewriter registration in Romania. He and his wife are now trying to adjust to freedom in America. Since he is so recently out of a prison cell, I would like to share his thoughts with my colleagues and urge that we do everything to see that President Reagan does not go back on his decision to lift MFN status from Romania. The statement follows:

STATEMENT BY IOAN TEODOSIU: SPOKESMAN FOR THE ROMANIAN CHRISTIAN COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS

A law requiring typewriter registration comes as no surprise. During recent months the situation in Romania has worsened. With the eminent loss of MFN, the Romanian government appears to be either clamping down early on the dissident and human rights community inside the country or preparing to fight for MFN. Let me explain: Each year during the Most Favored Nation trading status review hearings emigration problems and human rights violations have been raised against Romania. To appease its critics, the Romanian government has each year taken what appears to be a step towards improvement—usually a number of Christian prisoners are released just prior to the hearing date.

Ronald Reagan set a June 30 date for the loss of Most Favored Nation status for Romania as a result of the education tax decreed last November in Romania. This education tax, as you may well know, mandates that, with only a few exceptions, those desiring to emigrate from Romania repay the government for all education received. This tax must be paid in western currency. The catch-22 is: it is illegal for a Romanian citizen inside Romania to possess western currency. This, plus the inflated amounts of the actual tax, make it virtually impossible for most to emigrate. I will comment more on this in a moment. First, let me suggest that if the Romanian government chooses to fight for MFN this year, they will certainly drop the education tax and this typewriter registration law before—probably right before—June 30. This will quiet some critics of Romania, however what will have been gained? Absolutely nothing if the situation is compared with last year. In fact, while it will appear that the Romanians have conceded something in order to gain MFN, the overall situation for emigration and human rights in Romania will be worse.

I do recommend that MFN be continued if the tax and typewriter registration requirements are dropped. This will provide leverage in regards to human rights. Without MFN, I believe that the situation will only worsen in Romania. A secret police official of a high rank told me that he and other officers were awaiting the loss of MFN with the expectation that they then would be able to "do what we really want to do with the dissidents." If the tax and registration requirements are not dropped, I recommend, as a Romanian, that MFN not be continued. Let me say here that I recognize that I am not a scholar or former government official. My observations are those of an ordinary Romanian, one who worked and hoped and prayed for freedom. There are hundreds of thousands of others like me who remain in Romania. Please realize that if the education tax and typewriter registration requirements are dropped, the situation for anyone in Romania wishing religious, intellectual or political freedom in Romania remains severe.

Romanians, hundreds of thousands of them, have given up on the communist system. One simply has to look at the emigration numbers and the numbers of those applying to emigrate to realize this. Because of this desire for freedom the link to America through MFN is very important. Others can comment on the financial aspects of MFN, I can only comment on how important it is for the human and religious rights struggle.

Let me quickly comment on a few areas of interest:

First, the typewriter registration: As I said, this comes as no surprise. The typewriter is a vital tool for the human and religious rights movement in Romania. People are afraid to author hand-written documents because they can easily be traced. More than 95 percent of the thousands of documents I have handled were typewritten. Furthermore, as a result of the recent crackdown upon the clandestine transport of Christian literature into Romania—almost none is getting in now—the Bible and many religious books are being duplicated using typewriters. This law is being enforced, I am sure, because of these two reasons. I know that thousands of one particular pastor's training manual have been duplicated through the typewriter. The Romanian government does not want pastors training themselves. This is one reason this law was placed into effect.

Romanians fear being caught for writing documents for a good reason. When I was in prison, for a time I shared a cell with a man who received a 15 year sentence. He had written "We want milk, we want bread" on the wall of the factory where he worked. Police officials questions more than five thousand employees, having each one write the words on a piece of paper. In this way they found who wrote the words on the wall. He was charged with terrorist activities.

This typewriter registration law is a major blow to human and religious rights inside Romania. I urge you to protest it before the Romanian government.

Also, continue to protest the education tax. I thank Mr. Reagan for his bold defense of the right of an individual to freely emigrate. This education tax, if it remains law, will severely thwart emigration. My wife Ligia and I were one of the first to have to pay this tax. We each have a high school education. For this, we had to repay the government $3,700 each for a total of $7,400. We would not have been able to come to this great country if East Watch

International had not sponsored us and paid the tax. When I received word of the fund transfer in March, I went to the bank in Cluj. Apparently I was the first to receive money for the tax because there was not even a system by which the money could be processed. This tax is being applied only to the intellectual elite and to dissidents. Several people in Cluj received their passports without having to pay the education tax after I received mine and had to pay. I asked a secret police captain why this had happened. He said, that in one case the people had applied to leave before the tax was decreed. When I told him I too had applied before November, he said he could not give me an answer which would satisfy me.

I believe it is a severe crime for a government to hold people for ransom. Why should those who want to leave Romania have to be sold to their friends and relatives in the West. Mircea Capusan, a doctor from Sibui, would have to pay $30,000. Another family with three doctors would have to pay more than $100,000 for the entire group to leave the country.

Prison conditions: Shortly after I was arrested, officers interrogated me for 60 consecutive hours. During this time I was not permitted to eat, drink or sleep. I was strapped into a special chair and my eyes were forced to remain open by a special apparatus which was placed on my head. During the entire 60-hour period, bright lights flashed on and off. Also, there were tape recordings being played. Some were just a lot of noise. One repeated these words time after time: "Say you work for the C.I.A. Confess that you are an agent of the American government. Say you work for the C.I.A." I denied the allegations until I lost control of my mind. I went totally blank and do not remember what happened. After the interrogation, I was offered a deal: If I confessed working with the C.I.A., which incidentally I have never to my knowledge done, nonetheless, if I confessed this, officials offered to reduce my sentence and I would receive less than 20 years in prison. If I refused, my sentence would be more than 20 years and I would probably be executed. Again I refused.

In prison in Bucharest, I was placed in a cell which was about seven feet long and three feet wide. It was deep in the cellar of the building, where no light penetrated during my entire stay. I was there for almost three months. In the cell was a bed, a hole in the ground which served as a toilet and a pipe on the ceiling which served as a shower. As a religious activist prisoner I was never permitted to leave that cell, except for interrogation sessions. The odor from human waste was sordid. Worse were the screams of other prisoners heard in the night. So many were imprisoned and did not know why—they had no hope.

During the winter months it was extremely cold. To warm myself, I would turn on the cold water from the pipe in the ceiling—this very cold water was actually warmer than the air. There was another type of cell which I fortunately did not reside in. But I saw many. The cell was no larger than a phone booth; prisoners were placed there for weeks at a time. During the day they would be forced to stand, if they sat the guards would come and beat them. I too was forced to stand during the day. From five in the morning until ten at night, I could not sit on the bed, but had to pace in the cell. I was served what was called food. In the morning I received a cup of hot water—they called it tea—and a small piece of bread. At lunch I received a bowl of hot water which sometimes included a couple of beans or pieces of rice, but more often contained a burnt cigarette butt or a couple of stones. In the evening, I again received a cup of hot water which they called tea.

On March 9, 1982 I was set free. Many of you here today were in part responsible for that. The intervention from Washington, I understand, was on my behalf. I thank each of you. Without you, without the senators who were willing to call the Romanian Embassy, without those who were willing to write letters and make protests, I would not be here. Without the United States of America, I would surely be in prison or dead—the victim of an executioner's gun. Now that I am in the United States; now that I can walk through a grocery store and see the endless amount of food; now that I am not being constantly followed by the police; now that my wife and I do not have to fear being arrested or interrogated at any moment; only now am I beginning to understand what living in freedom is.●

MEDICARE REIMBURSEMENTS FOR MOBILE INTENSIVE CARE UNITS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. FLORIO. Mr. Speaker, today I am pleased to introduce legislation to restore medicare part A inpatient reimbursement for mobile intensive care unit services (MICU). This legislation seeks to reverse a decision of the U.S. Health Care Financing Administration that threatens to dismantle the lifesaving and cost-efficient MICU program operating in New Jersey. I am particularly honored to have introduced this legislation on behalf of myself, Mr. WAXMAN, chairman of the Subcommittee on Health and the Environment, and my New Jersey colleagues who strongly support the MICU program in our State: Mr. HUGHES, Mr. RODINO, Mr. FORSYTHE, Mr. ROE, Mr. GUARINI, Mr. HOWARD, Mr. TORRICELLI, Mr. SMITH, and Mr. DWYER.

Mobile intensive care units extend the hospital emergency room care to the critically ill or injured person in the community. MICU vehicles, staffed by federally certified paramedics and/or nurses, maintain radio and telemetry contact with a hospital-based physician while delivering advanced life support services in the field. By 1985, the New Jersey Department of Health plans to have MICU based in 44 hospital programs, serving 95 percent of the State's population. Fifteen programs have been operating for over a year, and 15 more hospitals have had their programs approved for startup.

The HCFA decision to withdraw medicare part A coverage of MICU, effective January 1, 1983, imperils the existence and future growth of the New Jersey MICU program. In New Jersey, MICU services are considered to be an extension of the hospital's emergency department. The patient is considered to be an inpatient of the hospital while he or she is being treated by a MICU vehicle. Because the patient is not charged for receiving MICU services, these services have historically been placed in the hospital's inpatient indirect cost center. In this way, the service cost is spread over the entire hospital-based population. The concept is that since MICU service is on standby for everyone, everyone should share in its cost.

New Jersey operates under a reimbursement system called diagnosis related groups (DRG), a prospective reimbursement system in which payment rates are set in advance for various diagnosis and each third party payor agrees to pay its fair share. Under DRG, cost shifting is not allowed between payors. If one-third payor does not pay for a particular service, none of the other payors has to pay either. New Jersey has an agreement with medicare for a waiver on part A medicare coverage as part of its DRG demonstration project. In 1981 and 1982, mobile intensive care services were reimbursed as inpatient indirect services and medicare was paying its fair share for the services under the waiver, about 40 percent of the $13 million annual cost. The other third party payors, medicaid, Blue Cross, private insurers, contributed the remainder.

In New Jersey, the HCFA decision to pull medicare part A out of the program means that the other third party payors do not have to reimburse for the service. As of March 30, MICU services are not being covered by any carrier.I11HCFA thinks that mobile intensive care services should be reimbursed as an outpatient service under medicare part B. Placing MICU under "B," however, would destroy the cost efficiency of the New Jersey program. To satisfy the cost reimbursement conditions for "B" each New Jersey MICU vehicle would have to be staffed by a physician. This is prohibitively expensive, a waste of physician expertise, and inconsistent with state-of-the-art advanced life support care. MICU care in New Jersey could also qualify for medicare part B reimbursement if each MICUvehicle was equipped to transport the patient back to the hospital. This requirement is also inconsistent with New Jersey's MICU program. MICU's in New Jersey have close working agreements with the State's volunteer basic life support ambulance system. Once an emergency patient is stabilized by a MICU vehicle, the patient is generally transported to the hospital by the local volunteer ambulance. This team effort keeps the MICU vehicles and staff

available at all times for life threatening situations.

The New Jersey Department of Health has determined that the total cost of the mobile intensive care service, including giving patient care, training personnel, operating the system, and providing system coordination and communications, is about $186 per patient, and appears to be one of the lowest total advance life support rates in the Nation. The regionalization of MICU throughout the State, and the use of local ambulance squads, has provided New Jersey with a responsive and cost efficient mobile emergency medical support system.

Each year MICU life support teams respond to 30,000 emergency calls from New Jersey citizens. By 1985 almost the entire population of New Jersey will have access to this mobile emergency care. I urge my colleagues to support the bill introduced today so that this lifesaving and cost efficient program may continue to grow. Mr. Speaker, I insert a Newark Star Ledger article on the MICU reimbursement issue:

[From the Newark Star Ledger, Mar. 6, 1983]

JERSEY'S MOBILE CARE NETWORK SHOCKED BY U.S. WITHDRAWAL

(By Joan Whitlow)

On a street in Newark, a man lay dying from two bullet holes in his chest.

The mobile intensive care unit (MICU) team dispatched to the scene found that the victim had no blood pressure and barely any pulse.

The paramedics went to work to fight shock and the massive loss of blood. They started intravenous fluids and used anti-shock trousers, a garment that inflates around the legs creating enough pressure to keep blood circulating.

With those life-support systems going, the man was transported to the trauma center at University Hospital. He was revived, and he survived.

A network of teams capable of providing that level of on-the-spot emergency care has been carefully crafted by the State Department of Health, 44 participating hospitals and the community rescue squads around the state.

The completed network would extend the hospitals' emergency rooms out into streets, highways and homes and cover 85 to 90 per cent of the state's population.

Federal officials say it is a good program.

They also say they are not going to pay the hospitals for treating the elderly and disabled Medicare patients who make up the bulk of MICU cases in most communities.

That news sent the MICU network into shock last week. Hospital and state officials said the federal decision could seriously jeopardize the entire program, because if Medicare does not pay, no one has to pay.

Right now on one is quite sure where the $13.2 million a year needed to run the system is going to come from.

For years Medicare has paid for MICU care. The cost was worked into the hospitals inpatient rates.

Last November, Medicare decided that because the units operate outside of the hospitals, the cost cannot be covered that way.

The paramedics use two-way radios to work under the direction of a physician at the base hospital. In most cases the paramedics do their on-the-scene work and the community rescue squads which work with them actually transport stabilized patients to the hospitals.

Because there is no physician present on the MICU, and because the units do not transport the patients, Medicare rules say the units do not meet the standard for Medicare's outpatient reimbursement.

New Jersey hospitals got notice of that decision last month.

State law says hospitals have to charge all government and private insurance programs and self-paying patients the same rates. That means that if Medicare doesn't pay, no one pays.

But someone has to if the MICUs are to stay on the road. "Our program costs $710,000 a year. Where is the money going to come from? We know specifically that if we did not go out and provide this care, 34 percent of the people we see would be dead out there on the streets," claimed Victor J. Fresolone, president of Memorial General Hospital in Union.

As things stand now, a medical emergency or trauma victim who gets MICU care and goes to the hospital gets no separate bill for the paramedic care. The cost of MICU care is factored into the bill of each hospital patient—whether he uses the service or not. The concept is that since the MICUs are on 24-hour standby for everyone, everyone should share in the cost of care.

Among the funding options hospitals have is to bill each patient directly for MICU care.

"Do you know what would happen to our poor senior citizens? The communities we cover have a population of 270,000; 21,000 of these are senior citizens, and 65 percent of my calls go to those 21,000 senior citizens," said Fresolone.

He claimed they would have to pay $800 to $1,000 per call for MICU services. "I would spend almost double that trying to collect," Fresolone claimed.

But Roy Nickels, director of emergency medical services for the State Department of Health, said there is no evidence the cost should be that high.

His survey of New Jersey MICU's found a range of costs from $85 to $500, but the average was $194 for the more than 30,000 patients cared for yearly by the 24 programs now in operation.

He said that if the hospitals switch to fee-for-service billing, the costs would probably run $200 to $250 per patient.

Robert Freeman, acting director of emergency medical services at University Hospital in Newark, set the cost about $50 higher on each end of the scale.

The situation in Newark is slightly different because the University Hospital MICUs also transport patients, and might qualify for some Medicare reimbursement as an ambulance service.

Statewide, 44 percent of MICU calls are for cardiac emergencies, 46 percent are other medical emergencies and 10 percent are trauma cases.

In Newark, Freeman said, the bulk of the 500 calls a month are trauma calls. Many are victims of accidents, shootings or stabbings who are found with low or no blood pressure. Because of the MICU treatment, many are back to normal pressure by the time they get to the hospital, Freeman said.

In a community such as Newark, where many of the patients do not have insurance or the cash to pay for their care, funding is very much in doubt if the costs cannot be worked into all of the patients' bills.

Twenty other hospitals have approval to start MICU programs to cover the half of the state that does not yet have MICU service.

There is no program in Passaic County now, and at least one of those that was supposed to get started has been put on hold because of the funding question.

"We have the vehicle, we have the coordinator, but we are not going to staff the program until we know how it is going to be funded," said Bruce Francois, assistant director of Greater Paterson General Hospital in Wayne.

He said the program will cost $350,000 a year to cover one-third of Paterson, all of Wayne and five other communities totaling some 125,000 people.

The hospital, Francois said, cannot gamble on getting enough money from individual patients to keep the MICU running. "It would be unfair to the community to start the program then pull the rug out from under it," he said.

Pascack Valley Hospital in Westwood is going ahead with its plans to start MICU service sometime this month.

A gift of $120,000 from IBM heiress Lillian Booth of Alpine has taken some of the uncertainty out of that program's funding.

Hospital spokeswoman Francesca M. Moskowitz said. "We feel very confident that the state will come forth with a solution. What we've gathered from our public here is that they support this thing so totally there would be a groundswell of community support to keep it running. We're talking about lives, and this is a necessity."

Officials said that no other state has developed as extensive a network as New Jersey's.

In other areas, MICUs are operated by fire departments, municipal health programs or a single hospital. Other states lack New Jersey's number of volunteer rescue squards, so the MICUs usually transport the patient as well as provide paramedic care.

Nickels said the rationale behind New Jersey's plan was to regionalize MICU care so the teams did not spend most of their time waiting around for their kind of emergency.

Having each ambulance equipped as an MICU would be an expensive waste of equipment and personnel, he said. And studies show that unless the paramedics are constantly using their skills they begin to lose them.

The combination of MICUs and community rescue squads provides effective and efficient coverage for all kinds of emergencies, and the federal regulations which disallow payment have simply not kept step with the state of the art in emergency care, charged Dr. Gregory LaGana, chief of the department of ambulatory health at Muhlenberg Hospital in Plainfield.

That hospital has had an MICU program since 1976. It covers 14 towns with a total population of 250,000, and made 18,000 emergency runs last year.

The federal ruling means "all hospitals will essentially have to take it in the neck. It's going to take a lot of fancy footwork and creative thinking to keep this thing on the road," LaGana said.●

OUR IRRATIONAL POLICY TOWARD VIETNAM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. SIMON. Mr. Speaker, the editor of the National Catholic Reporter asked me to make a few comments of reflection on our policy toward Vietnam.

He was aware that I believe our policy toward Vietnam is incredibly shortsighted.

I wrote the article, which I am inserting in the RECORD.

After the publication of the article, I received a letter from Bishop Leroy Hodapp, resident bishop for the Illinois area for the United Methodist Church.

Among other things, he said:

I have just read, with great appreciation, your article on Vietnam in the current National Catholic Reporter. I spent 2 weeks in Ho Chi Minh City and Hanoi as a part of a Church World Service delegation this past August. Among others, we spent an afternoon with Nguyen Co Thach, and an evening with Hoang Tung (Secretary of Central Committee of Communist Party). We also visited rural cooperatives, factories, hospitals, etc. It is quite apparent that their form of socialism will incorporate many personal incentives (piece work, a point system, etc.)

Russia isn't helping them in any significant ways—only as a counterbalance to China. It seems to me that our China policy is placing us in a straightjacket from which all creativity is denied.

I mention this simply to suggest that those who believe that this Nation is not emotionally prepared for a rational policy with Vietnam fail to recognize that there are substantial leaders, like the respected Methodist bishop, who are willing to stand up.

After World War II, this Nation had the good fortune of having Harry Truman who went contrary to much public opinion and recognized and helped both Japan and Germany. The wisdom of that policy is clear today even though it was not universally popular at the time.

Today, we need a President and leadership that is equally courageous, that recognizes that it does not make sense to pretend that Vietnam does not exist.

I hope some rationality can soon emerge in our Vietnam policy.

I am inserting the article I wrote for the National Catholic Reporter which discusses this issue in some detail.

[From the National Catholic Reporter, Mar. 11, 1983]

LEGISLATOR: "WE MUFF OPPORTUNITIES TO REBUILD U.S. LINKS TO VIETNAM"

(By Paul Simon)

WASHINGTON.—The heading on the small story in the Feb. 16, 1983, Chronicle of Higher Education—I saw it nowhere else—was "Vietnam Diplomat Barred from California Conference." It could just as easily have read: "United States Slow to Learn Lessons of History." The story, in its entirety:

"Vietnam's representative to the United Nations was denied permission by the State Department to participate in a conference on the war in Vietnam this month at the University of Southern California. Nguyen Ngoc Dung was not permitted to travel from New York because, as a representative of a nation with whom the United States does not have diplomatic relations, she is restricted to an area within 25 miles of the United Nations headquarters, a State Department spokesman said. However, plans were made by conference officials to enable her to participate in a panel discussion through a radio hookup."

The United States is reluctant to face two realities in our foreign policy: First, no nation has too many friends. Second, when you refuse any gestures of friendship toward Communist nations that desire to follow a somewhat independent course, we push them into the welcoming arms of either the Soviet Union or China.

This small incident relating to the Vietnam diplomat is only one of a host of such examples where we display our muscle but not our wisdom. And it is all so needless, so stupid. I know, having experienced one small part of that history.

In 1978 I served as one of the United States delegates to the United Nations Special Session on Disarmament. At each UN session there traditionally are a few congressional members as part of the U.S. delegation. I tried to make my weeks there as meaningful as possible, meeting people I would not meet in Washington. One day I went over to the Vietnamese delegation and asked them to have lunch with me the following week. They thanked me. A few hours later I received a phone call thanking me again, and saying they would have to check with Hanoi. A day or two later they accepted.

At the lunch were my Vietnamese guests, as well as Representative William Lehman of Florida, visiting the UN at the time, and a representative of the State Department. The Vietnamese suggested that their country was willing to enter into full diplomatic relations with the United States, that while they felt they had a commitment from President Richard Nixon for $3 billion upon the cessation of hostilities, they were willing to forget that. Up to that point that had been a precondition to diplomatic relations on their part.

I asked them whether they would be willing to come to Washington to discuss this further with members of the House and Senate and State Department. They said they could not travel more than 25 miles from the UN (which I naively was not aware of) and if that hurdle could be cleared, they would have to check with Hanoi. I told them to check with Hanoi and I would check with the State Department.

In early August two Vietnamese diplomats, Pham Duong and Cu Dinh Ba, came to our home in Washington for a dinner meeting with six members of the House and Senate of both political parties, conservatives as well as liberal members, and two representatives of the State Department.

(My daughter Sheila, then 17, listened with fascination to the entire conversation and told me later: "You don't realize how horrible war is until you think: just a few years ago we were fighting those men sitting in our living room.")

During the lengthy evening discussion our guests from Asia stressed the desire of Vietnam to remain independent of all nations, including the Soviet Union and China, and their need for ties, economic as well as cultural, with the United States. There was a strong hint during the evening that the Soviets wanted to take over the U.S.-built naval base at Cam Ranh Bay and Vietnam was resisting, but they needed some gesture of friendship from the United States to continue to resist.

All of us left the meeting that evening feeling that a step had been taken in the right direction, that diplomatic relations between our two countries should begin soon. But someone at the White House vetoed the initiative. It may have been because of the fear of domestic political reaction, or it may have been because of negotiations then taking place with China.

Some time later UN Ambassador Andrew Young (now mayor of Atlanta) said that a Vietnamese official told him that had the United States recognized Vietnam that nation would not have felt compelled, under Soviet pressure, to invade Cambodia (Kampuchea).

Whether that is true or not I do not know. But what is clear is that while we make speeches about resisting the Soviets we muffed an opportunity—and continue to muff it—to encourage the independence of the third largest Communist nation in the world, behind only China and the Soviet Union in terms of population.

After World War II President Harry Truman had the courage to defy a substantial segment of public opinion by extending the hand of friendship to Germany and Japan. History makes clear the wisdom of his decision. Neither the Carter nor Reagan administrations has shown similar courage and wisdom on Vietnam.

Entering diplomatic relations does not indicate we approve everything that is taking place in their country, including the invasion of Cambodia. But while Japan and others aggressively move to trade with Vietnam, we sit back in holier-than-thou solitude, pretending Vietnam does not exist.

Public opinion polls probably show the political wisdom of that. Polls reflect what the national passion is, but they do not necessarily reflect the national interest.

One of these days I hope the actions and attitude of U.S. leaders toward Vietnam will reflect some thought, will reflect the fact that Vietnam will be a power in that area of Asia for decades to come, and will reflect the reality that the United States has been most effective as a world power when our leaders show courage and compassion and common sense.●

MITCHELL AND MIKULSKI INTRODUCE PUBLIC WORKS BILL

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. MITCHELL. Mr. Speaker, today, Representative MIKULSKI and I are introducing the Public Works Employment Act of 1983, to reauthorize

the Local Public Works Capital Development and Investment Act of 1976, and for other purposes. Back in January of this year, I introduced this measure as H.R. 859 so that our major public works programs on behalf of job creation and national economic development might be continued. The bill is a $7 billion initiative.

The bill before you today is identical to H.R. 859, with one exception. This bill allows the dredging of natural watercourses to be included among the type of projects to be provided. The move to include dredging under the auspices of a major public works initiative make good sense if we are truly concerned about attacking the unemployment problem and attacking future investment in our cities. Moreover, we must realize that, if we are serious about rebuilding and maintaining the infrastructure and transportation systems of this country, then we should see that our waterways and harbors are included.

Mr. Speaker, my previous public works bill was cosponsored by 18 Members of the House. Like the 1977 major public works initiative, which became Public Law 96-28, the measure will provide that grants will be made available for local public works projects which will be of long-term benefit to our communities. Such projects as flood control, water management, and the construction, repair, rehabilitation, and improvement of local facilities, such as schools and hospitals, will be undertaken. The bill before you today continues to provide for these activities with dredging having been added.

The elements of this bill are essential as we attempt to rebuild the infrastructures of urban areas which suffer gravely from economic blight and unprecedented unemployment levels. Additionally, such initiatives will lead us one step closer to insuring that these areas can move toward greater independence in addressing the unemployment problems of their immediate community residents. I urge my colleagues to join me in cosponsoring this effort.●

VOICE OF DEMOCRACY ESSAY WINNER

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. ROBERT F. SMITH. Mr. Speaker, I draw your attention today to the following essay, written by my constituent, Miss Helen M. Daltoso of Boardman, Oreg.

This talented 17-year-old senior at Boardman's Riverside High School recently brought distinction to both herself and her school by becoming Oregon's winner of the Veterans of Foreign Wars Voice of Democracy essay competition. I am sure you will agree after reading the brief essay, that she has stated the position of American youth most eloquently.

My congratulations are offered to Helen, and my thanks are extended to the VFW for creating a competitive spirit in our local schools which helps draw attention to such an outstanding young American.

I commend for your reading Miss Daltoso's composition:

It was a quiet evening, the only thing stirring was a warm breeze that rustled the fallen leaves and made the grass sway. As the evening wore on, the breeze happened upon a pile of small seeds, picking them up and scattering them in every direction. A few of the seeds were blown onto a busy thoroughfare where they were immediately ran over by the passing cars. Some of the seeds became entrapped between huge rocks. If they were ever to sprout, the tiny leaves would be crushed between the big rocks. Still another group of seeds landed in the middle of a barren desert, these seeds too, would never grow, for the sun shone so brightly everyday and it seldom if ever rained; they would wither as soon as they sprouted from the ground.

Now not all the seeds met their fate, one seed in particular was picked up by the breeze and carried to a beautiful green field. Here the seed was placed, and because of the warm sunshine and the light rains, that kept everything else in the field green, the tiny seed embedded its roots and began to grow.

The history of America's youth, in some aspects, is very much like that of the lives of the scattered seeds.

In the seventeen and eighteen hundreds many American youth were forced to work in factories and mines for long hours and low wages. For some it was to support their families, for others it was to support themselves. Either way, they were treated poorly and taken advantage of.

Many of our youth were unable to get an education. Some schools accepted only white children, some only boys, and still others only those who could afford it. The chance to further an education was also usually limited to those whose families were well off. For quite a few young people the encouragement to obtain an education just wasn't there.

But America, began to grow; changes occurred everyday, and as America continued to grow so did the opportunities for its young people. Roles that were once played by the older generations were taken over by the younger generations.

Our country has advanced in every phase of life, and just like that tiny seed that found its way to the good soil, so too have America's youth. For with every new day they are growing in knowledge and understanding. Youth have become America's strength.

Well what kind of changes occurred that have given youth such strength in our nation?

One of the biggest changes has occurred just recently, with the beginning of the computer era. In every school students in some form or another are being exposed to computers. Many schools have gone to great lengths to keep up with its rising popularity. They offer the class which teach the students the skills necessary to understand and operate a computer. In the years to come the computer will be a major part of all our lives, being able to grow with and understand this change is an excellent example of the power youth now hold in the development and changes this new era will bring.

Another development that has occurred is the recent concern of crisis among nations. The responsibility for this, will in part, be laid upon the shoulders of our younger generations. If action is to be taken, it will be the youth of America, who will stand in defense of our country.

People everywhere are valuing the opinions of youth more highly and taking their ideas and suggestions more seriously. And they should, for in the end, youth will make the difference.

It took a long time for youth to get where they are today and if they are to continue to be strong, everyone must work in maintaining the present and preparing for the future. If everyone begins now to plan for the future, then our strength will continue to grow!

America's youth, studying the past, living the present and preparing for the future. They are the trees on which the leaves of life will grow and they will stand like that magnificent tree.

Oh, that tree; what was once a tiny seed in need of sunshine and rain to grow, is now a castle in which small children play, a home for a family of birds, or a piece of paper for a young writer to put words upon.

As different as an American youth is from a tree, they are alike in that their greatest strength lies in standing willingly and proudly to serve the land in which their roots are placed.●

AMERICAN UNITY DAY

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. COATS. Mr. Speaker, I am introducing a resolution today to recognize the third Saturday of June of this year as American Unity Day.

This is the second time I have offered this proposal and again my interest is prompted by the faith and hope of the All-American Family—Ken, Georgia, and Lynn Cundiff of Huntington, Ind.

The Cundiff's story is truly remarkable. As Ken lay in a hospital bed in 1980, recuperating from open heart surgery, he watched on television the protests in the streets of Teheran over the taking of the American hostages in the Iranian Embassy. It occurred to Ken that there were no comparable pro-American rallies in this country. Upon recovery, and with amazing singleness of purpose, Ken gathered together his wife and daughter, sold their permanent possessions, and set out to stimulate a nationwide interest in American unity.

For several years now, the All-American Family has come to Washington, D.C., on the third Saturday of June to lead a national celebration of Ameri-

can unity on the steps of the Capitol. It is the Cundiff's view that we are bound together in a rich heritage of freedom, faith, and free enterprise. We are a nation of individuals with different backgrounds and different problems but united by the fact that we are Americans. We cannot afford to be isolated from or apathetic toward our Government and the problems it faces. Democracy can only work if the people care enough to be actively involved.

I share the concern of the Cundiff's that apathy in America has grown to dangerous proportions. I believe that we can strengthen and reaffirm our commitment to the great principles and truths upon which this Nation is founded by setting aside a special day to celebrate American unity. I urge my colleagues to join me in cosponsoring this American Unity Day resolution.●

ONE VIETNAM VETERAN'S STORY

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. REID. Mr. Speaker, recently we passed the 10th anniversary of the signing of the peace treaty which ended our national agony in Vietnam. The veterans of that war, however, have continued to suffer from the calumny placed upon them by the public for doing their duty in a war they did not choose.

I was pleased, therefore, to see that one of the newspapers in Las Vegas singled out a number of Vietnam vets as examples of the fact that many of those young men returned to become pillars of our community, and to offer more of the same service they gave to our Nation in Southeast Asia.

One of those men is a friend of mine. We have worked together on political issues, and opposed each other in court. In both of those areas I have come to know and respect him. When I decided to run for Congress, I asked him to be a legal adviser to me.

Evan Wallach joined the U.S. Army and asked for duty in Vietnam. He won a Bronze Star. When he came back, he went to the University of Arizona and graduated Phi Beta Kappa in journalism.

In the ensuing years, he earned a law degree from Berkeley, and another in international law from Cambridge University. He serves as counsel for Nevada's Democratic Party, teaches law at our local university and is a partner in the largest law firm in Nevada.

In the article recently published about him, Mr. Wallach expressed his continuing beliefs in our Nation and its ideals, in spite of, and indeed because of, his Vietnam experience.

I commend those ideas to you in the article from the Las Vegas Review-Journal which follows:

LV LAWYER STILL PROUD OF DECISION TO FIGHT IN VIETNAM

(By Ed Vogel)

Twelve years ago, Evan Wallach was a 119-pound Army sergeant who carried a heavy pack through the Vietnamese jungles.

"I would never have believed I could have hiked through a jungle with a 113-degree temperature and 98 percent humidity and a 90-pound pack on my back," Wallach said. "Vietnam taught me self-discipline."

Wallach celebrated his 21st birthday in the jungle. At an age many young men only worry about fraternity rush parties, he worried whether his friends would stay alive.

"I think it made me more sensitive to peoples' suffering. I was surprised by the humanity of 18- and 19-year-old kids."

Today attorney Evan Wallach sits in the plush Lionel, Collins and Sawyer law offices. Someone brings his coffee. The only booby traps he must hurdle are bulky legal briefs strewn on the floor.

Life now may be pleasant, but Wallach hasn't forgotten the Vietnam War.

"I think the United States betrayed Vietnam," he said. "I think there's no question about it. It was racism. If it had been Europe, we wouldn't have given up."

Instead of winning a chance for self-determination through the Peace Agreement, the South Vietnamese won two more years of war. American ground troops pulled out and the North Vietnamese roared through South Vietnam. On April 30, 1975, the South Vietnamese regime surrendered.

"There are still people who are fighting there," Wallach said. "We don't read about it in the American media. Most people really don't care. They prefer to sweep Vietnam under the rug."

As a Jew, Wallach and his brothers were taught by their parents to oppose any form of tyranny.

"We learned at my dad's knee to stand up to tyranny. I believed in the war. I felt what I did was right. I feel we should repay our country for the privilege of being an American."

After one year of journalism at college, Wallach enlisted in the Army and soon was Vietnam bound.

While in the jungles, he occasionally wrote dispatches for his home-town newspaper in Lafayette, Calif. They illustrate the terror experienced by young men just out of high school:

"The boy who lived next door, cut your grass, broke your window with his football and dated your daughter, he's changed. He has wounded another boy and watched him crawl down the trail with his guts hanging out, and then shot him in the head."

While in Vietnam, Wallach was well aware of the anti-war protest back home in America. He expresses admiration for singer Joan Baez who has stood up and denounced savagery in wars in Vietnam, Cambodia and Laos.

But Wallach's feelings for most anti-war protesters, particularly Jane Fonda, border on contempt. Fonda is an "incredible hypocrite" who never spoke out against atrocities committed by the North Vietnamese and was silent when three million died in Cambodia, he said.

"I will not go to a Jane Fonda movie. She and Tom Hayden are despicable, the epitome of the radical chic. I won't put money in her pocket."

He expects no favors for the Vietnam veterans. Some, however, are entitled to "special treatment" for medical and psychological problems, Wallach said.

He remembers Vietnam veterans as everyone from average high school boys to criminals given a choice between enlistment and jail.

Some have handled the stress better than others. The same thing has been true in every American war, Wallach said.

"America always has been a country of individualists. It was founded by draft evaders. I don't have any fears about America going to the dogs."●

WALL STREET JOURNAL LOOKS AT NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. BIAGGI. Mr. Speaker, in my capacity as chairman of the 107-member bipartisan ad hoc Congressional Committee for Irish Affairs I wish to bring to the attention of my colleagues a feature article from today's Wall Street Journal entitled "Guerrilla War: the Violence in Ulster—It Surges and Recedes but Never Really Ends."

While I have certain reservations about the article especially with respect to its failure to discuss the very significant degree of institutional violence which occurs in Ireland—it is a comprehensive discussion of the Northern Ireland issue and therefore worthy of consideration.

An appropriate amount of attention is focused on the new-found political acceptance of the Sinn Fein political party both in Northern and the Republic of Ireland. It is my personal hope and longstanding belief that a political solution is the answer in Northern Ireland and that all segments of political thought must be considered when developing the framework for a political solution.

There are encouraging signs on the horizon that a favorable atmosphere is once again emerging for new dialogs on peace in Ireland. However, it is my fervent hope that discussions which might take place be more comprehensive in nature. Simply having the Governments of Ireland and the United Kingdom discussing the future of Northern Ireland is far too inadequate to produce a lasting solution. The British Government must abandon its position that a military solution can be accomplished in the North. Similarly if there is to be a proper environment for the conducting of negotiations aimed at peace—there cannot be violence. All violence, civilian or official, which is so much a part of daily life in Northern Ireland, must be ended.

It is my hope that peace, justice, and human rights may come to all the people of Ireland. It remains my con-

tention that the United States is in a position to assist this process, and it is something which the Congress and the administration should do in a cooperative fashion.

At this point in the RECORD let me insert the Wall Street Journal article written by James Perry.

[From the Wall Street Journal, Wednesday, Apr. 20, 1983]

GUERRILLA WAR: THE VIOLENCE IN ULSTER: IT SURGES AND RECEDES, BUT NEVER REALLY ENDS

HOPE IS A SCARCE COMMODITY AS PATIENCE WEARS THIN; IRA'S GOALS ARE SIMPLEST; UPSIDE-DOWN UNION JACKS

(By James M. Perry)

BELFAST, Northern Ireland.—The two policemen walking up the Falls Road here in the heart of the Roman Catholic section look pretty much like policemen patrolling their beat anywhere.

Except that these policemen are wearing flak vests. And they are being trailed by four bodyguards—members of the British Black Watch Regiment, in full battle gear.

The soldiers take cover behind automobiles or telephone poles. They crouch low and spring to the next place of concealment. Now and again, they stop and train their automatic weapons at nearby houses and alleys.

Upstairs at 51 Falls Road, members of Sinn Fein, the political arm of the Provisional Irish Republican Army (IRA), watch the street action on their TV monitors. They scoff at the performance of the policemen and the soldiers.

"They patrol," says Richard McAulay, a Sinn Fein spokesman. "They show the flag. But it is the IRA that does the policing."

No one out on the street pays much attention to the police or soldiers. Stray dogs root through the garbage piled up in the gutters. Children run in and out of the boarded up stores. Old women stop to chat.

ANOTHER VICTIM

Yet, at almost this same moment not far away, Constable Linday McCormack, 49, on duty to break up fights between Catholic and Protestant children, is being gunned down by IRA terrorists. He is the IRA's fourth victim in less than a week. A few days later, Protestant terrorists retaliate by shooting a suspected IRA militant five times in the stomach and the legs.

In a month or so, the IRA will celebrate its killings in the "war news" section of its glossy magazine, Iris. Polite, gray-haired ladies sell the magazine for $1.50 a copy in a shop in Sinn Fein's heavily barricaded headquarters building.

Now in its 12th year, this is a classic little guerrilla war here in Northern Ireland, the six counties that remain part of Great Britain. There are 1.5 million people here—a million Protestants, half a million Catholics. The 26 other counties on this island constitute the Irish Republic, with a population of 3.5 million, almost all Catholic.

Most of the violence is here in the north. It ebbs and surges, but it never ends. The security forces' inability to stop the bloodletting plays into the hands of the IRA revolutionaries who look forward to a full-scale civil war that they believe would settle everything.

A FAMILIAR STRUGGLE

The struggle is a familiar one. It is for the hearts and minds of moderates, the people of good will, on both sides. The IRA is betting that as frustrations grow, the patience of these people will bend and finally break, that they will then agree with the IRA that the gun is the only answer.

And there is evidence that the patience of these long-suffering people is indeed wearing thin. Just last month, Seamus Kerr, 21, an IRA supporter, was elected to a municipal seat in County Tyrone, winning 55 percent of the vote. He is the first IRA supporter to win such a post. Earlier, candidates backing the IRA won a third of the Catholic vote in elections for a new Northern Ireland assembly. All sorts of excuses are offered for this kind of voting behavior, but almost no one denies that it is ominous.

It has been said many times before, but now it really does appear that time is running out.

All sides to this complex dispute—it mixes together a witches' brew of history, religion, legend and tribalism—pose their own "solutions." Not long ago, people were hopeful that something might work. Now almost no one takes anyone else's ideas very seriously.

PROUD AND DEFIANT

The problem festers here in the northeastern corner of the island where Protestants live today as they have lived for more than 300 years: unassimilated, proud and defiant. They live alongside, but never with, the Catholics.

The latest round of violence began in 1969, when Catholics in Northern Ireland, believing they were being discriminated against in jobs and housing and almost everything else by the Protestant majority, began a campaign to win basic civil rights. Hard-line Protestants ultimately responded with such violence that the British army had to be called in to keep the peace. It was about this time that the IRA, claiming descent from the Irish freedom-fighters of the past, opened its campaign of terror.

Of all the factions involved in this dispute, the IRA has the simplest goals.

THE IRA

"Brits out!" was the cry in the beginning. It is the cry now. The IRA would first defeat the Britsh troops in a "war of national liberation" and then consolidate the six counties in the north with the 26 counties in the south in a predominantly Catholic and radical socialist state. That, of course, would involve overthrowing the Irish government.

For the record, the IRA insists it doesn't necessarily expect a civil war. Mr. McAulay, the Sinn Fein spokesman, says that when the British leave, the Protestant business and community leaders will make concessions to the victorious IRA that they wouldn't think about now.

But, says Mr. McAulay: "If in the end we want to kill one another, that's up to us. It's our business, not Britain's. It's for us to decide."

No one really knows how many men and women belong to the IRA or how many people on this island agree with its tactics. Estimates of the actual number of IRA gunmen run from 200 to 2,000. Hundreds are in prison in the north and the south at any given time.

Evidence indicates that support for the IRA is growing. Two years ago, 10 IRA terrorists gave their lives in hunger strikes at the Maze Prison here. "When the fifth or sixth body came out of that prison," says one high-ranking Irish government official in Dublin, "I don't know how many people in Ireland would have refused to take a gun and kill a British soldier. My own brother felt that way."

Then, last October, Sinn Fein, the IRA's political arm, won five seats in the provincial assembly set up by the British government as a first step to home rule.

THE CATHOLIC CENTER

The biggest loser when the IRA gains is the Social Democratic and Labor Party, led by John Hume. "We offer politics alone as the path to peace," Mr. Hume says. "We want to know in what way the killing has advanced the reconciliation and unity of the people of Ireland."

But, notes Ben Caraher, a vice chairman of SDLP, "the IRA can point at us and ask what we have achieved."

SDLP leaders fear they will lose even more ground to the IRA if they can't show some progress to Catholic voters in Northern Ireland. They believe that the provincial assembly has been a fiasco, and their elected members, along with those of Sinn Fein, have refused to participate. That means that almost all of the people attending assembly sessions are Protestants.

What SDLP is seeking—in mounting desperation—is something called a Forum for a New Ireland, in which northern and southern Catholics interested in a peaceful solution would join to draw up a blueprint for political, social and economic change. The blueprint would define the place of the Protestant minority and try to deal with the island's monumental economic problems.

Talks between the major parties in the south and Mr. Hume's SDLP in the north began in Dublin in mid-April.

The SDLP wants to have something in hand when Britain's Margaret Thatcher calls a general election, which might be as early as June. Without something positive from the forum, says Ed Moloney, the Belfast correspondent for the Irish Times, SDLP won't have "a political wardrobe" to take to the voters. With something from the forum, SDLP could argue that constitutional politics was "actually achieving progress."

THE IRISH PARTIES

But, doubts remain that the two major parties in the south, Prime Minister Garret FitzGerald's Fine Gael and former Prime Minister Charles Haughey's Fianna Fail, will be able to reach any kind of agreement that would satisfy the needs of SDLP in the north.

Mr. FitzGerald, a gentle, scholarly man, believes that it is still possible to arrange a settlement with the unionists in the north—Protestant advocates of union with Britain. Thus, he has talked about a "crusade" to change the constitution and laws of the Irish Republic so that they are less objectionable to Protestants. He even talks about establishing an all-Ireland police force to deal with terrorists. He believes that one day northern Protestants will agree to join with Dublin in a united Ireland.

Mr. Haughey, on the other hand, is a hard man who recently weathered a crisis over Watergate-like events that occurred when he and his party were last in power. He sees no future in dealing with the unionists and isn't keen about changing Ireland's constitution to placate Protestants. He believes that the governments in Dublin and London should get together and "create a framework for a new political settlement." Part of that settlement would include the withdrawal of British troops.

Chances are, then, that SDLP won't get what it wants from Ireland and will be forced to go to the voters without a program. The IRA and Sinn Fein could ask for nothing better.

THE NORTHERN PROTESTANTS

There are two unionist parties in Northern Ireland—James Molyneaux's Official Unionist Party and the Rev. Ian Paisley's Democratic Unionist Party. Both support union with Britain. Both oppose integration with the Republic of Ireland.

The DUP is probably the key to what happens here, because its leaders and members are more emotional and more intransigent. Progress almost requires that this party, and these people, bend.

Peter Robinson is the deputy leader of the DUP, as well as a member of the parliament. He is, some say, more "moderate" then the always angry Mr. Paisley. But, this day, in his office in Belfast's old parliament building, he is angry too—at the British. He wants Britain to get tougher—to conduct search-and-seizure operations, to cordon off whole neighborhoods, to impose curfews.

"Softly, softly," he says contemptuously, "that's the British policy. Those of us who live with this day and night no longer have faith in the government's security policy. All they do is react to the IRA and so it goes on and on.

"No matter how much we cherish human rights, we must get this cancer out."

He is not sympathetic to Catholic grievances. He refuses to concede that Protestants ever discriminated intentionally against Catholics. Protestants tended to get the jobs, he says, because the big plants happened to be in areas where Protestants lived.

He says he is willing to listen to Dublin politicians who say they will change their laws and their constitution to meet Protestant objections. But he doesn't expect much to come out of it.

THE BRITISH

"Patience," cautions James Prior, the British secretary of state for Northern Ireland. He insists that people here "sense a great deal of normality has returned" in the past year or two. But it is worth noting that Mr. Prior's office is in a Victorian castle surrounded by guards carrying submachine guns. Kennels filled with yapping police dogs—"the rat catchers," one of their handlers calls them—are 100 yards away.

Mr. Prior tries to impose peace with a security force of some 29,000 people—10,000 from the British army, 9,000 from the locally recruited Ulster Defense Regiment and 9,000 more from the Royal Ulster constabulary, the local police force.

These days, as the army more and more takes a backup role, most of the IRA's targets are from the UDR and the RUC. Security, the British concede, is being "Ulsterized."

Mr. Prior expects to bring the British contingent down to 5,000 troops in time, but he sees no chance that British troops will be removed altogether. Northern Ireland will remain associated with Great Britain, in his opinion, and it is useless—even reckless—to talk about a united Ireland.

What Mr. Prior and his Tory government want is a "solution" that would involve Catholics and Protestants in the government of Northern Ireland and that would somehow give a significant role to the Irish Republic. (The British Labor Party, on the other hand, would seek to unify the island, allowing British troops to withdraw gradually.)

But Mr. Prior is caught in a delicate bind. If he makes a gesture to the Catholics, he outrages the Protestant militants. If he is seen to be leaning to the Protestants, he risks driving moderate Catholics into the waiting arms of the IRA.

Even little gestures mean a lot. Catholics, for example, continue to demand the repeal of legislation that bars them from flying the Irish green, white and orange flag. The British refused to do anything about it. "It's a matter of enormous importance to unionists," says Mr. Prior. "Why, Ian Paisley even knows when we fly the Union Jack upside down. I can't tell the difference."●

HOUSE JOINT RESOULTION 13, NUCLEAR FREEZE RESOLUTION

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. McGRATH. Mr. Speaker, within the next several days, this House will vote on the nuclear freeze resolution. Whether or not some of the amendments now on the table are accepted or rejected, I intend to vote for final passage of the resolution.

Debate on this issue has already consumed dozens of hours, and will probably consume dozens more before we are finished with it. By the time we are done, it will probably have occupied almost half of the time the House has spent on substantive legislative business this year. Much of the debate has been enlightening and thought provoking, but unfortunately much of the debate has taken on a tenor which does not do this body justice. Much of the debate has clouded, not clarified this critical issue, and ultimately, we may have difficulty determining exactly what it is we are voting on.

My first observation is that both sides on this debate are guided by the most honorable of motives. There is not one Member of this body, as far as I am aware, who is comfortable with the prospect of an ever-escalating arms race. All of us are seeking a way out of this madness. We all share a mutual goal. We all want to assure peace and make certain that we reduce the threat of a nuclear holocaust. But there are different, legitimate, roads to the same goal. The nuclear freeze movement has focused national attention on an issue that has too long been ignored. Proponents of the freeze—and there are millions of them—have deeply held views. But at the same time, I would say that I know of no opponents of this resolution who are any less committed to the ultimate goal of arms reduction than the people who are for it.

Ultimately, the nuclear freeze resolution should be considered for what it is, and not what it is not. It is, as one of my colleagues pointed out eloquently several weeks ago, an instrument of moral suasion, a symbol of our aspirations as creatures of God, made in his image, for the sanctity of human life.

This resolution expresses the urgency which Congress feels on this profound issue. It expresses the concern that we have not pursued the Geneva negotiations with all the vigor we should, and the view that humanity cannot tolerate a decade of stalemate in Geneva.

I am not particularly enthusiastic about the wording of the resolution as it came out of the Foreign Affairs Committee. It is ambiguous to the extent that its sponsors have not always been able to agree on its meaning. It has as its primary goal a freeze, but places not enough emphasis on the ultimate goal, which is arms reduction. It threatens to make the freeze an end in itself, which may ultimately undermine our ability to negotiate a reduction. There have been a number of very good amendments offered so far, and there will be more. They have been rejected for the most part because their opponents consider them to be "weakening." I consider many of the amendments to be positive, clarifying, strengthening amendments.

In the end, the freeze resolution is an expression of this Nation's willingness to meet the Soviet Union halfway in an attempt to reduce nuclear tensions. It is not an exhaustive consideration of the relative threats of all nuclear weapons and delivery systems in our respective arsenals. It is not a call for unilateral disarmament. Nor, I believe, will it impede the administration's ability to negotiate effectively in Geneva. It is, above all, an articulation of a deeply held wish for a future less fearsome than the one we now face. All rhetoric aside, is that not what we all want?●

MATTHEW HUSTON—1983 NATIONAL EASTER SEAL CHILD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. STUMP. Mr. Speaker, I would like to take this opportunity to honor Matthew Huston, 9, of Glendale, Ariz., a resident of my district, who was named the 1983 National Easter Seal Child.

Matthew was a healthy, active youngster for the first year of his life. Two weeks after his first birthday, he began crying while playing with his father and suddenly was unable to stand up. Subsequently, his temperature rose to over 102 degrees. His frightened parents, Mr. and Mrs. Ron Huston, rushed the child from their home in Long Beach, Calif., to the emergency room of a hospital.

Matthew spent 9 weeks in intensive care, including 5 weeks on a respirator. In the course of one long night, he went from a perfectly healthy child to total paralysis. The diagnosis: Transverse myelitis, a rare ailment involving

inflammation of the sheath covering the spinal cord nerves. The specific cause remains unknown but is believed related to a viral infection.

Today, after several years of therapy, Matt has achieved good recovery in his arms and upper torso but is still unable to walk. A handsome, cheerful 9-year-old, he attends public school in Arizona and according to his mother, "has all the usual childhood fantasies about being a cowboy, or a policeman, or a fireman, or an astronaut."

The Arizona Easter Seal Society has provided a new wheelchair for Matthew along with various specialized devices that enable him to dress himself and perform other functions to increase his independence in daily living.

Matthew has also attended an Easter Seal camp during the past two summers and, with the aid of counselors has learned to participate in the outdoor activities that all kids enjoy.

As National Easter Seal Child, Matthew symbolizes the hundreds of thousands of children and adults who receive rehabilitation and other services from the nationwide network of Easter Seal facilities.

It is a great honor for me to be able to share Matthew's accomplishments.●

DR. ELGIN E. GROSECLOSE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PAUL. Mr. Speaker, on April 4, we lost a truly outstanding and accomplished individual, Dr. Elgin E. Groseclose. Dr. Groseclose was a successful novelist, an economist and investment consultant, and a frequent witness before congressional committees. He remained active and full of energy until his death; in fact, just days before he passed away he wrote me to offer his assistance in opposing bank bailouts and foreign aid. Last summer, Dr. Groseclose was the keynote speaker at a series I sponsored on the Federal Reserve System for congressional staff and interns.

Dr. Groseclose was a true humanitarian and demonstrated throughout his life a commitment to others. He was a founder and former president of the Welfare of the Blind, Inc., a director of the Washington Bible Society, and the author of many books, including "Ararat," a novel which won him the National Book Award in 1939.

In addition to conveying condolences to his wife, Louise, I would like to call the attention of my colleagues to some of the writings of Dr. Groseclose, in the hope that his wisdom will have a lasting influence on the deliberations of this body. The first is from "America's Money Machine," perhaps the most authoritative book every written on the Federal Reserve System, and the second is from "Money and Man."

AMERICA'S MONEY MACHINE

The consequences of a depreciating currency—consequences that are immediately economic but spread from there to tincture the social and political fabric of a country, infecting it with the virus of moral decay—have been the subject of many treatises and will only be summarized here. Mommsen's history of the Roman Empire and Andrew White's classic Fiat Money Inflation in France describe in vivid terms these effects; those in post-war Germany are of too recent memory to require retelling.

Despite the tragic history of depreciating currencies advocates of monetary expansion continue to be lured by the prospect of cheap money—easier credit, abundant purchasing power for everyone. Paradoxically, the effects are the opposite, and here we find the core of the moral malaise implicit in the process—that avarice, the desire for unearned wealth, is self-defeating.

Thus, we find that as a fiat circulation increases, its purchasing power drops as its cost rises. This may be observed in the price structure. It takes more and more so-called money to buy a given amount of commodities and services, while the cost of acquiring this so-called money continually rises. The influence is frequently concealed, and when visible is attributed by the authorities to other causes.

Prices, of course, are affected by many forces, natural and man-made, from droughts and other natural catastrophes to wars, political upheavals, violence and corruption. It is not possible to separate mathematically their relative influence. Over a period of time, however, the recurrence of normal weather and other natural conditions, the resumption of peace or social tranquility, tend to establish a general line of regression, and any divergence of trend may be associated with the money system and supply.

The effect of rising prices can be devastating for persons of fixed income from savings and pensions—the older citizens who as a group are generally increasing in numbers, in proportion, and in political influence to the total population, and who, as the elders of society, should be a stabilizing influence. For them, the pinch of outgo against income leads to unrest, disillusionment and resentment rather than support of the political establishment.

Since prices never rise and fall in unison, the inflow of fiat purchasing power into the market from new currency emissions, breeds further price and market dislocations that offer opportunity for the shrewd, for traders and speculators. The same rising prices, however, adversely affect the actual creators of wealth, for whom costs of materials and labor tend to rise faster than selling prices, while planning and programming are frustrated by price uncertainties, both as to the future costs of materials and supplies and the selling prices, the latter even more uncertain by reason of uncertain future demand.

The problem of inflation accounting has recently engaged official and financial market attention, because of the distortion of profit figures caused by price movements. Capital investment depreciated on a cost basis, for instance, must be replaced at a higher rate, the difference being an actual reduction in nominal profits. This phenomenon led the regulator of corporations, the Securities and Exchange Commission, to require corporations to estimate the losses from inflation in their financial reports, but this does not resolve the problem, due to the many imponderables. On a wider frame proposals are advanced for indexing wages, rents, profits, taxes, and other monetary entries, that is, to adjust the nominal amounts by the drop in prices; but no one has yet designed a satisfactory index of prices, and in any case the effect is that of putting the cart before the horse.

More insidious, however, because less visible in statistics, is the political unrest and moral decay that is served if not promoted by depreciating money.

MONEY AND MAN

The Constitution, it was recalled, gave Congress the power to coin money and regulate the value thereof. It was an easy step to forget the limitation of the words "to coin" and to expand on the words "to regulate." The government, it was advocated, had the responsibility to regulate the purchasing power found in bank deposits. In 1913 Congress passed the Federal Reserve Act. This gave to an independent corporation authority over the deposit accounts of member banks. It was an authority of immense latent potential. Gradually its exercise grew wider and wider and with it, its control over the economy, that is to say, the livelihood activities of society.

Along with this extension of governmental authority over the economy through regulation of purchasing power represented by bank deposits went a changing attitude on the part of managers of the Federal Reserve System as to its functions. No longer was the Federal Reserve the agency of Congress whereby to regulate the value of the coinage—or even the official purchasing power—but it now undertook direct regulation of the economy.

The first major of its leverage came in 1923, when the Federal Reserve began to exercise an authority upon prices—a function that had long been considered that of the free market place. In 1923 the Board adopted the policy of using its powers in the interest of a stable price level. This, it was argued, was a worthy and necessary undertaking and well within the responsibilities of the Federal Reserve System. This power was exercised through manipulation of the volume of bank credit. From the regulation of bank credit was only a step to the regulation of prices, including the price of money, that is, interest rates.

In 1946 Congress enacted the Full Employment Act. This served to modify the Constitution by subordinating the historical federal responsibility for the common defense and the establishment of justice to that of providing a job for everyone. The Federal Reserve became a chief agency of this policy through regulating the country's purchasing power in the form of bank deposits.

Unfortunately for the regulators—and for the country—the economists discovered that there were still other forms of purchasing power that eluded regulation. There was for instance M_2, that is, M_1 plus time deposits, and there was M_3, and M-ad infinitum, because the range of items physical and intangible that have potential purchasing power is almost limitless. Thus, the current problem facing the regulators is that of how to deal with credit card money, of which there are an estimated 75 million potential purchasing power issuers. Another problem is that of Eurodollars, that hobgoblin of the

money managers which no one has yet discovered how to manage.

In short, by dealing with this single attribute of money, that of purchasing power, economists have provided the advocates of socialistic and totalitarian government with an instrument for coercing society that is far more effective and embracing than police and secret prisons.

MS. MARGARET SWEZEY ELECTED FIRST WOMAN PRESIDENT TO QUEENS CHAMBER OF COMMERCE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1983

● Mr. ADDABBO. Mr. Speaker, it is a privilege and a great pleasure that I honor today Ms. Margaret Swezey, who has been elected the president of the Queens County Chamber of Commerce. To add to this great honor, she will be serving as the first woman president in the chamber's history.

To know Peg, as all her friends call her, has been one of the most gratifying and enriching aspects of my years in Congress. She is a woman that has served her community above and beyond what is normally expected from one human being. Among her many achievements, she has acted as a member of the Greater Jamaica Chamber of Commerce, the Long Island City YMCA Board of Managers, and the Jamaica Hospital Board of Trustees. On top of this impressive list, she serves as the first woman elected a Citibank officer, holding the title of vice president and director of community and government business.

Everyone in Queens is familiar with Peg's work. Her role in the community and adding to the dimensions and the dynamics of businesses throughout the county has been vital in the overall revitalization of many areas throughout the Borough of Queens.

Her energy, good nature, and wonderfully warm smile are never-ending. Hundreds of people, like myself, stood up and cheered when we heard of her installation as president of the Queens County Chamber of Commerce.

I look forward to her serving as president and await with great expectation at what she will be able to achieve in addition to the already multitude of good things that she has accomplished for Queens. Peg, I wish you good luck and look forward to working with you even more in the years ahead.

I have attached an article by Ruth Stout of the Daily News which pays tribute to this remarkable lady:

[From the Daily News, Apr. 17, 1983]

SHE'S FIRST AGAIN—SO WHAT'S NEW?

(By Ruth Marks Stout)

Trail blazing is nothing new for Peg Swezey. So, when she is installed tomorrow as the first woman president of the Queens County Chamber of Commerce, she will be adding to an impressive list of firsts.

She was the first woman member of the Queens Chamber's Board of Directors, the Greater Jamaica Chamber's Board, the Long Island City YMCA Board of Managers and the Jamaica Hospital Board of Trustees. She also was the first woman to be a Citibank officer in Queens, where she now holds the title of vice president-director of community and government business.

Swezey has found it easy to move into male bastions, not because she is a token woman, but because she is a human dynamo and an indefatigable booster of Queens.

She was even the first child of an Ozone Park family of three children, and during World War II, she served in the WAVES and made the rank of first class petty officer. She served in the Navy "two years, six months and 17 days," she said last week in an interview. "It was good training, good discipline."

One of the first things she wants to do after she takes office is "to establish an energy committee to investigate alternative sources of energy, because the high cost of energy is making it impossible for small businesses to operate."

It's even more difficult for businesses who are trying to compete with those from other areas, she said. "A manufacturer trying to compete with people who are paying lower taxes, lower insurance rates and lower energy costs is at a disadvantage. That's why businesses are moving out.

"But the Legislature and Gov. Cuomo are becoming aware of the contributions of the business community and want to keep businesses here. Certainly Donald (Borough President Donald Manes) is aware, he says it every chance he gets."

She's a lifelong resident of Queens, but how long that life has been she won't say. It has been long enough for her and her husband, Harold, an engineer, to raise a son, Mark, who now teaches drama and English in a Kansas high school.

The Bayside resident said: "I do everything in Queens. I shop, I go to concerts, I buy from local caterers. Queens is a damn good county to live in and to work in."

She feels that one of her strengths, beside the fact that she never stops working, is communicating. "Women do that," she said. "They pull it all together."

The title Woman of the Year festoons her list of awards, as do the words "service" and "outstanding." Her list of affiliations includes cultural, religious, social and civic organizations as well as business groups. Some 400 people are expected to attend her installation tomorrow at noon in the LaGuardia Marriott Hotel. She will take the oath from Rep. Geraldine Ferraro (D-Queens), and Matilda Cuomo will read a proclamation from the governor.●

BILL BUSH, AMERICAN HERO

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mrs. SCHROEDER. Mr. Speaker, Bill Bush is a true modern American hero. He blew the whistle on waste and age discrimination in the Marshall Space Flight Center of the National Aeronautics and Space Administration. He is now fighting for justice in the U.S. Supreme Court.

Atlanta Weekly recently published a first-rate article on Bill Bush. I ask that it be printed in the RECORD at this point:

[From the Atlanta Weekly, Apr. 10, 1983]

WHEN THE WHISTLE BLOWS: TELLING THE TRUTH CAN BE DANGEROUS

(By Keith Schneider)

There is, all about Bill Bush, an acute, undisguised sense of pain. It moves along the muscles of his mouth, and appears in his remorseless and sarcastic wit. Welling up in frustration one moment, it comes in flashes of anger the next. It is the look of a whistleblower.

Eight years ago, during the course of a major reorganization that upset hundreds of employees at the giant George C. Marshall Space Flight Center (MSFC) in Huntsville, Alabama, Bush publicly charged that veteran engineers like himself were being arbitrarily reassigned to unfamiliar jobs in a secret effort to demoralize them and force them to retirement.

With his public statements, based on a National Aeronautics and Space Administration (NASA) memo showing that layoffs and transfers were being guided by an illegal age discrimination policy, Bush became part of a growing fraternity of men and women who go outside their organizations to identify and protest waste, fraud, corruption or other illegal activities.

MSFC officials answered the charges by proposing first to dismiss Bush during the summer of 1975, then reconsidered and demoted him three months later by two pay grades. Bush's response was just as direct. In 1976, he began an appeal to regain his position and back pay, and he sued MSFC Director William Lucas for "having conspired with others . . . to deprive him of his constitutional rights of freedom of speech. . . ."

As in nearly every other case of whistleblowing, the charges and countercharges seemed almost minor events compared with the flurry of activity that accompanied them. Journalists and congressional leaders praised Bush for having the courage to speak out. A House of Representatives subcommittee conducted an investigation and produced a report critical of MSFC's personnel practices. Two other engineers took Bush's lead and successfully pressed age discrimination cases of their own.

As the controversy accelerated, Bush found himself vilified throughout Huntsville, shunned by nervous colleagues and friends and increasingly alienated from his own family. In 1978, he felt only mild happiness when federal authorities ruled that he must be reinstated to his old grade level and awarded $30,000 in back pay.

That ruling wasn't nearly enough, according to Bush, who says it ignored the vital thrust of his complaint. So through sheer persistence, spending every spare dollar, working late into countless nights and taking vacation time to research federal law, Bush and his attorney, Harvey Elrod of nearby Decatur, have pushed his suit against Lucas into a position of national significance. After hearing arguments in January, the U.S. Supreme Court is now considering its fundamental legal question: the right of a federal employee to sue a superior for personal damages.

The arduous course of *Bush* vs. *Lucas*, generating hundreds of thousands of dollars

in unpaid legal fees, has changed Bush. To see him pacing in the large living room of his home in south Huntsville where he lives with his wife, Jo, is to witness the torment of an embittered middle-aged man fighting to restore his reputation and rekindle his life.

Bush admits he lives in self-imposed exile. Aside from Elrod, his only satisfying contact associated with the case are dozens of other whistleblowers who stay in daily communication by telephone and letters offering or seeking advice and moral support. At age 57, Bush say his life no longer takes into account the joy of a grandchild's birthday or warm Christmas Eves.

"The ordeal I've been through has really affected me," he says. "I can't remember things. If I'd gone to them and groveled, that's all there would have been to it. But I have a spirit and I have myself to live with. But it's changed me. I'm very irritable. And I am very, very unhappy."

Bush is also not going to quit. In Washington, his case is being closely monitored by federal officials. Twice before, in March 1979 and again in April 1980, the U.S. Court of Appeals for the Fifth Circuit in New Orleans ruled against Bush on the ground that he already had an avenue for redress in the employee grievance procedures of the federal bureaucracy and did not need to sue Lucas. Several federal officials, who asked to remain unnamed, say that a ruling upholding the lower court would help streamline government by simplifying the ability of agency heads to direct a large and entrenched work force. "It would help government," says and official. "Those people who perform well would be rewarded and those who don't will be asked to do better or do it somewhere else."

A ruling opposing Bush would mean superiors have carte blanche privileges to punish their employees without fear of a response. Says Louis Clark, executive director of the Government Accountability Project, one of the nation's leading defenders of whistleblowers: "Federal officials already have substantial protection against lawsuits. They are defended by the Justice Department. Few suits against them succeed. If the Supreme Court decides against Bush in this case, it will cut off many cases of disclosure. Federal officials could not be held accountable for their actions."

A generation ago, Huntsville billed itself as "Rocket City," and its scientists and engineers, arriving by the thousands each year, considered themselves front-line warriors in the battle to beat Russia to the moon. In 1958, Bush was one of the engineers to move to Huntsville, attracted to the Army's Redstone Arsenal west of town, where Dr. Wernher von Braun, developer of the German V-2 missile during World War II, was leading a team of scientists in the development of an intercontinental ballistic missile.

During a brief period following the war, Bush had been stationed in Huntsville, managing the Army's chemical depot at the arsenal. That's when he met his wife and grew fond of the lovely humpbacked hills and the long valley heading south from town. On his return, Bush discovered the sleepy little north Alabama Bible-belt town along the Tennessee River was being transformed by the federal government's billions into America's first true space-age city.

Following Russia's launch of Sputnik in the fall of 1957, Huntsville became totally enthralled by the excitement of the space age. School children could count down from 10 before they learned to count up, parents boasted. At the Redstone arsenal, Bush oversaw contract development for the Pentagon's new Hawk surface to-air guided missile. Like many other engineers, though, he was enchanted with the civilian space effort, and within a year it emerged as NASA's most prestigious installation. Presidents visited regularly. TIME and LIFE magazines featured von Braun and Huntsville on their covers. Inside MSFC, the engineers were beside themselves with enthusiasm.

In 1961, Bush transferred to the center, the primary development site for the Saturn V rocket, which would eventually carry Neil Armstrong and Buzz Aldrin to the moon. "The way we worked, all day, all night, week ends, it was fantastic," says Bush, who functioned in several strategic positions during the 1960's "Man, there was a goal, and we know that no country was capable of doing the things we were doing here."

But in 1970, less than half a year after Armstrong left his footprints on the lunar surface, von Braun was transferred by NASA to Washington, a clear signal that things were going to be changed.

Von Braun's team of engineers dispersed through transfer and retirements. Huntsville, by then a handsome and stylish city of 140,000, was weaned from NASA's billions and forced to prepare for a new era. At MSFC, the glory-days employment force of 7,500 was cut to less than 3,500 by 1976.

Even worse, MSFC watched as the limelight shifted to Houston's Johnson Space Flight Center, developer of the shuttle orbiter. MSFC's budget dwindled to less than a quarter of NASA's overall budget. And those employees remaining saw director after director parade through until Lucas assumed command in the spring of 1974.

Dramatic as the external forces changing the city were, the internal dynamics of MSFC were even more explosive. Bush, like dozens of middle-aged engineers, tried to hang on in the face of what appeared to him to be a directed effort by his superiors to replace him with a younger man. His silence was forged in anger, however, as colleagues, according to several veteran engineers, were pushed into new and unfamiliar positions, doing work they hadn't been trained for, often spending their days doing nothing.

Some engineers tried to fight back, forming a union in the early 1970's; others simply left to find employment in private industry. "The country's mood changed after the moon missions," says J. E. Kingsbury, director of MSFC's Science and Engineering Directorate since 1975. "We felt it here with one reduction in force after another. There was a serious edginess among the work force because no one knew who was next."

Bush broke his silence in 1974, when he was transferred to an obscure design division and given a job for which he claims he wasn't qualified. Bush was certain the transfer was made because of his age.

He languished in the new job for weeks, doing nothing, he says, before appealing the transfer to his superiors. "I didn't think I was being properly utilized," he says. "People around me experienced the same thing. But they were interested in survival. The system said don't rock the boat."

According to federal documents, Bush's appeal was ignored by MSFC officials, so he took it a step further to the Civil Service Commission, a federal panel that decided, among other things, employee grievances. It investigated and ruled that his transfer was an "adverse action" and should be corrected.

Despite the ruling, MSFC officials balked. Bush was livid.

Then, in early 1975, Bush confirmed his suspicions that his transfer, like others, was age-motivated. A colleague passed him a NASA internal document stating that new career training opportunities would be reserved only for engineers aged 28 to 40.

Bush erupted, writing letters to congressmen and senators. He was interviewed by *The Huntsville Times,* and a local TV station covered his story. He said his job was a "falsehood, a travesty and worthless." He said the MSFC was poorly managed. "I am reporting what appears to me to be fraudulent use of federal funds," he said. And Bush called for NASA to abolish his job.

The story had a nationwide impact. A federal employee, paid $32,000 a year for allegedly doing nothing and complaining about it, made plenty of headlines. For a few months it turned Bush into an unlikely hero. Colleagues rallied in silent support. Reporters clamored for interviews. There were editorials. And NASA was pressured into disavowing its internal policy. Federal investigations were made, and they confirmed much of Bush's complaint.

Meanwhile, MSFC leadership was readying a response. In a late June 1975 TV interview, Lucas said, "Mr. Bush has made certain statements to the effect he does not have meaningful work to do. I have had that statement investigated and I can say unequivocally that such a statement has no basis in fact."

On August 1, 1975, Kingsbury notified Bush in a 14-page, single-spaced memo that he was going to be fired because of "a course of conduct . . . which has produced public notoriety and erroneous conclusions. . . ."

Bush fought back with a 24-page response of his own in September in which he charged Kingsbury with having made "verbose, anachronistic and exaggerated specifications [that] do not support the charges made. . . ."

Finally, in November, Lucas informed Bush that after careful consideration, he was not going to be fired, though he would be demoted.

In 1976, along with his appeal to be reinstated, Bush sued Lucas for his televised statements, charging that he had been "denounced as, in effect, a liar in advance of any hearing upon the charges ultimately made against the plaintiff."

Lucas would not comment for this article, but in a 1976 affidavit the director said he did not defame Bush. "In making the statement," he said, "my sole intention was, on behalf of the center, to set the record straight."

Almost every night, the phone rings in Bush's small kitchen. The conversations are earnest, even loving, such as one between Bush and Shirley Stoll, a 46-year-old nurse at a Veterans Administration hospital in Missouri. "Im concerned about the truth, too, Shirley," Bush says. "I think you've whipped them now. Stay calm. I'm with you all the time."

During the summer of 1980, Mrs. Stoll reported serious cases of patient abuse to her superiors at the VA hospital in Popular Bluff, Missouri. Less than a year later, after VA officials allegedly blocked her career development, tried to have her transferred to Wyoming and finally confined her to a tiny

office hidden in the hospital, she was dismissed. Last May, Mrs. Stoll took her complaint to a federal review panel, which ordered that she be reinstated and paid $7,500 in back pay. During the review process, she heard from several people about a man in Alabama who was an expert in whistleblowing cases. She called Bush. He sent her legal briefs as well as articles on similar cases, and he seemed genuinely sympathetic. Now Mrs. Stoll is considering a personal damage suit against the hospital leadership.

This scenario has been played out dozens of times since the start of Bush's case. His reason for helping are simple. When compared with other cases, such as that of John Bradley, a Pentagon systems analyst fired in 1977 after reporting serious malfunctions in the country's nuclear alert security computers. Bush's case, in its basics, is not nearly so crucial. "I'm no hero," he says. "But I feel like I can make a contribution with my expertise. I help whoever asks."

Government employees across the country are in touch with Bush, looking for legal information, seeking help in finding a lawyer or simply searching for guidance and support. A national network of whistleblowers has blossomed. "In practice, whistleblowing can be a solution to some of our problems," Bush says. "We should be permitted to tell the truth without fearing that it is something dangerous."

Bush's Saturday mornings are spent in Huntsville's public law library, researching new First Amendment cases. In nearly a decade of screening newspapers and magazines, he has compiled what may be the country's largest and most comprehensive collection of whistleblowing documents. Spread across three tables, held in almost a dozen large boxes, the reference material takes up much of an anteroom of his home.

Bush is driven in his overpowering preoccupation by the absolute assurance that he holds the moral high ground. Yet the battle to defend it, he knows, is constant. It takes him on many trips. During the spring of 1981, for example, Bush spent his holiday leave in Washington, helping Bradley prepare for an administrative hearing. He readily admits the contact with others in the same position is a soothing emotional valve. "I feel like it's just about the only purpose I have left," he says.

His efforts have earned him praise. "Bill is probably more informed on the legal aspects of so-called whistleblowing than anybody in America," says A. Ernest Fitzgerald, 56, a Pentagon management systems deputy who 15 years ago reported a $2 billion cost overrun on Lockheed's C-5A transport to become the nation's most famous whistleblower.

"The help he has provided people across the country just can't be measured," says Louis Clark. "There's no question he's one of the most valuable resources we've ever had in this area."

In recent years, there have been steps taken to make whistleblowing safer. Three years ago the Michigan Legislature enacted a new law in response to the poisoning of the state's food chain with toxic PBBs, protecting employees from reprisals for reporting violations of the law. A similar bill was introduced in the New York Legislature in May 1982, though it has yet to be voted on.

In 1978, the Civil Service Commission was abolished in favor of two new offices, including the Merit System Protection Board. As a part of this board, the Special Counsel's office was designed solely to help whistleblowers. But federal figures show the new office has decided just a handful of cases in favor of whistleblowers. Critics charge the office's performance has been dismal. Democrat Patricia Schroeder of Colorado, chairman of the House Civil Service Subcommittee, was so disgusted that she introduced legislation last spring to abolish the office of Special Counsel.

President Reagan, however, moved last summer to save the Special Counsel's office by replacing the director. "To this point, the Special Counsel's office has not worked out," says Andrew Feinstein, staff director of the Civil Service Subcommittee. "But the idea behind it is valuable and the office can be made to work. This is an office where the head can make a big difference."

Once Bill Bush was a handsome man, tall and powerful looking, who worked hard and happily to put an American on the moon. Now he works alone in a tiny office on the sixth floor of building 4201 at MSFC, caught in his own tortuous time warp, fighting a war nobody much cares about anymore.

The MSFC has recovered from its mid-1970's gloom, and it now readies new space platforms and X-ray telescopes for the next generation of space explorers. Huntsville, too, has been able to make way for a new period of prosperity by attracting dozens of high-tech plants.

Bush doesn't feel wasted by his fight with the powers that be. He occasionally lectures on whistleblowing. "I'm very careful about what I tell people," he says. "They should know that it could be disastrous to their families and friendships, that it will probably ruin their careers. I tell them plain and simple that it's very dangerous to tell the truth. They better make sure it's something worthwhile. Don't throw your life away for something that's meaningless."

Yet the solid resolve with which he pressed his case has begun to show deepening cracks of doubt. If he had another chance, would he do it again? "It was just a little old memo," Bush says. "What I did was sacrifice my life for some little ole nit." What if the Supreme Court rules against him? "I'll shrug my shoulders and say I did the best I could. I'll accept it," he answers. Will he? Can he, after such a struggle? Bush doesn't answer. Instead he looks away.●

AGRICULTURE WEATHER PROGRAMS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. ORTIZ. Mr. Speaker, the President has failed to include in his budget funds for the National Weather Service, agriculture weather, and fruit frost programs. These services provide our farmers with weather information vital to their farming operations.

The agriculture weather programs are staffed in Washington and throughout farming States by dedicated meteorologists, many raised on farms themselves. These people, in conjunction with agriculture extension agents, collect special weather observations farmers can then use to determine, for example, when to cut hay or when to hang tobacco. The information is disseminated to farmers via farm radio networks and commercial radio and television.

The annual cost to the taxpayer for the agriculture weather program and the fruit frost program is $1.4 million. The fruit frost program operates on a budget of slightly more than $400,000. A citrus farming area could lose several times this amount if only one frost came without adequate warning. The effects of an expected freeze ripples throughout the citrus farming community. Farmers lose crops and trees, pickers and packers lose work, producers of crates and boxes lose their market, truckers haul fewer loads and the consumer pays higher produce prices.

The administration suggests that farmers obtain weather information unique to their needs from private sector meteorologists rather than from the Federal Government. Their argument lies on the notion that continuing to provide this service is catering to a special interest group. While farmers may be a secular group, their efforts serve the entire country.

At its inception, this country was agrarian in nature. Agriculture remains at the heart of our economy. Last year, our farmers exported over $39 billion in food products, giving us a produce trade surplus of over $20 billion. This can be compared to our otherwise dismal trade deficit. U.S. farmers were also responsible for feeding 8 percent of the world's population.

Today, many farmers are facing severe economic problems. The forecast for the rest of the year is not heartening. This privatization would place yet another burden on the farmer—particularly the small farmer. Historically, the Federal Government has played an active role in the Nation's farming policies and I see no justification for reneging on this commitment. We must do what we can to bolster our agriculture economy in these depressed times. Restoration of funds for the agriculture weather and fruit frost program is but one step Congress can take in reaffirming commitment.●

A FLUNKING GRADE IN CIVICS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. OBEY. Mr. Speaker, a recent editorial in U.S. News & World Report by Marvin Stone discusses some discouraging statistics concerning young people's knowledge about our governmental system. They say something about the ability of families and schools to transfer important information to our young and they have disturbing implications for the ability of

government in a democratic society to lead that society to the solution of difficult and complicated problems.

The editorial deals with perhaps the most important single problem facing the leading democratic society in the modern age.

The editorial follows:

[From U.S. News & World Report, Apr. 25, 1983]

CIVICS GAP: ALARMING CHALLENGE

(By Marvin Stone)

One fourth of this nation's 17-year-olds think it is against the law to start a new political party in the United States.

Nearly half of them cannot name their congressman or U.S. senators, and 30 percent of them don't know the name of their governor.

One 17-year-old in 6 thinks Congress can establish a national church. One in 10 says the President has a right to do anything he wants affecting the country, and 4 in 10 think the President can declare an act of Congress unconstitutional. One in 5 does not know that U.S. senators are elected.

Our education editor, Lucia Solorzano, who called these facts to our attention, makes the point that such widespread ignorance among America's high-school students is alarming. It not only raises grave concerns about the quality of the education in civics that the public schools provide; it also can have serious, long-range consequences for a nation whose system of self-government depends so heavily on an informed citizenry.

From Ernest L. Boyer, president of the Carnegie Foundation for the Advancement of Teaching and a former U.S. Commissioner of Education, comes this warning: "Unless we find better ways to educate ourselves as citizens, we run the risk of drifting unwittingly into a new kind of Dark Age."

Nearly all states require some instruction in government for high-school graduation. How, then, is it possible for so many students to know so little and hold such wrong ideas?

Much of the blame is placed by experts on dull teaching methods and on teachers' excessive reliance on textbooks that fail to relate theory to the actual workings of government. Some charge that civics education has given way in recent years to shallow courses in such things as "life adjustment."

Fortunately, some educators are starting to react to the problem. A number of experiments are being tried to make the study of civics more relevant and more interesting to teenagers.

In Oakland, Calif., students got firsthand experience in the workings of the State legislature by lobbying for a bill to make the birthday of Martin Luther King, Jr., a school holiday.

Waukesha, Wis., school officials found that students thought of government as something existing only in far-off Washington, D.C. So they began teaching how government affects students' own cities and schools. In one exercise, ninth-grade students were asked to act as school-board members wrestling with a 30 percent cut in the school athletics budget. Says social-studies director Phillip Ferguson: "Students . . . are coming out with a stronger attitude about participating in the political process."

In Alexandria, Va., eighth-grade students were assigned to write speeches and issue papers for actual candidates. Reports student Todd Swartz: "Now we know how to tell who the best candidates are."

Despite such local efforts, the nationwide trend remains discouraging. Student knowledge about our government declined in the 1970s, according to periodic tests by the National Assessment of Educational Progress. That decline, the testers say, "should be the cause for a hard reassessment of the social-studies curriculum" in America's public schools.

We heartily agree. Obviously, more and better teaching is required. Yet we find instead that budget reductions have forced cutbacks instead of additions in many schools. Enrollment in civics courses has gone down.

One cost of youthful ignorance about government is reflected in election returns. Fewer than half of the 12.3 million Americans age 18 to 20 are registered to vote, and only 4.4 million of them actually voted in the last presidential election.

We think it's time for Americans to heed the warning of educator Boyer: "This upsurge of apathy and decline in public understanding cannot go unchallenged. In a world where human survival is at stake, ignorance is not an acceptable alternative."●

GENE ALLEN HONORED

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. WAXMAN. Mr. Speaker, on May 11, 1983, Gene Allen will be honored as the recipient of the Torch of Freedom Award at the Third Annual Israel Salute to the Film Industry of California.

Gene Allen is a lifetime resident of Los Angeles. After graduating from Fairfax High School, he continued his education at Choinard and Jepson Art Institutes. During World War II, he served in the U.S. Navy for 4 years.

Gene Allen is truly a legendary figure in the film industry. Starting as a blueprint boy at Warner Bros., in 1937, he quickly rose to the top in the field of art direction. He was nominated to receive an Oscar by the Academy of Motion Picture Arts and Sciences three times. In 1960, he was the winner of the prestigious award for his work on "My Fair Lady."

Gene Allen continues his long involvement with the film industry in many capacities. He has been a director member of the Directors' Guild of America for the past 16 years; and writer member of the Writer's Guild of America for the past 15 years. He has been production design adviser to the American Film Institute for the past 8 years. In the Academy of Motion Picture Arts & Sciences he has served as governor, as chairman of the academy's art directors executive committee, as member of the Visual Effects Awards, executive committee, as member of the special projects committee, as member of the award policy committee on rules, as member of the foreign language executive committee and trustee of the academy foundation.

Mr. Allen has served the motion picture industry for the past 10 years in various communal activities: As trustee of the Motion Picture Country House & Hospital, he has served on the case committee, the finance committee and the honors and awards committee. He has been chairman of the entertainment industry blood bank and executive vice president of the Los Angeles Film Development Committee.

Gene Allen's devotion and faith in the American trade union movement has earned him the admiration and respect of trade unionists both within and outside the film industry. He climaxed 30 years in the International Alliance of Theatrical & Stage Employees when he was elected and reelected as international vice president. For the past 12 years he has served as executive director of the Society of Motion Picture & Television Art Directors (LATSE Local 876). In 1978–79 he served as chairman of the LATSE negotiations coordinating committee. As board member of the industry pension plan, member of the pension plan finance committee for the past 12 years, chairman of the pension plan legal committee, and chairman of the pension plan health and welfare ad hoc committee, he has undertaken the responsibility of guarding the pension rights of his fellow union members.

I ask the Members to join with me in congratulating Gene Allen, his wife and sons Patrick and Michael, for a lifetime of the highest professional and community achievement. May he and his family enjoy many more years of success and fulfillment.●

SCORE GROUP DESERVES RECOGNITION

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. HOWARD. Mr. Speaker, the Service Corp of Retired Executives (SCORE) is a remarkable volunteer group active in my district and throughout the United States. Drawing on their considerable experience in the business world, the retired men and women of SCORE offer free counseling to small businesses.

I believe that these individuals rightfully deserve recognition for their dedication and effectiveness. In an effort to acknowledge the group's efforts, I would like to submit into the RECORD the following article which describes the extraordinary work of the SCORE chapter in my district:

GUIDE NOVICE BUSINESSES

(By Marianne Tamburro)

LINCROFT.—Inexperience, poor location, and careless recordkeeping are but a few of

the pitfalls that can spell disaster for fledgling businesses.

All, however, can be avoided with proper planning and guidance—the kind offered by members of the Service Corps of Retired Executives.

The nationwide volunteer group, sponsored by the U.S. Small Business Administration, consists of retired men and women who provide management counseling to small businesses.

A county chapter is headquartered at Brookdale Community College, here, and also has facilities at the Monmouth County Library Eastern Branch.

Last year the 23-member group saved local business people $30,000 in consultant fees by offering the same services free of charge, according to Dayton Jones, group chairman.

Some of SCORE's clients are young people who are just starting out in business, others are in mid-life or retired and seeking a change, and still others have established businesses that have run into trouble.

"If they come to us in time, before starting, and need guidance and direction about specific areas, we've found that about 90 percent of cases are successful if they follow our advice," said Victor Leiker of Atlantic Highlands, one of the group's volunteers.

"We try to keep them from making major mistakes which lead to failure," he said.

Each client is paired with a counselor whose field of expertise meets the needs of the company.

Making up the staff are people with experience in such diverse areas as market and financial analysis, manufacturing, sales and promotions, engineering, restaurant management, printing and journalism.

A small group of still-practicing executives in professions such as accounting and law also lend their services when needed.

"The visits here are only the first step," Leiker said. "Once paired, the volunteer will go on-site to give assistance."

Workers share techniques of personnel selection, financial management, effective advertising, focusing on whatever the troublesome area may be.

If a problem is particularly complex, a team of experts will visit the establishment.

The advice given to would-be entrepreneurs, however, may not alway be what the client wants to hear.

"If a person is not ready or suited to go into business we try to talk them out of it and save them a lot of heartbreak," Leiker said. "We're the only ones who have the nerve to tell them there is some basic fault in the plan."

"If they're suited and if they follow our advice they'll be successful," he added.

Among the group's recent success stories are a young man—so young, in fact, he had difficulty obtaining a loan—whom they helped to establish a lucrative fast food restaurant.

Another, a former welfare recipient, opened up his own print shop, and a young woman set up a thriving business making and selling handcrafted purses.

In addition to one-to-one counseling sessions, the organization also sponsors lectures, seminars and classes, and records short informative radio talk spots at a Brookdale recording studio for airing over station WHTG.

Before they are allowed to work with clients, all volunteers undergo a thorough training period, during which they learn not only counseling but diplomatic methods of dealing with sensitive matters as well.

The training continues throughout a volunteer's stay with the group, in the form of workshop held during the group's monthly meeting.

"We want to make sure anyone we turn loose will be helpful to the individual involved," he said. "We take it very seriously—we're actually dealing with someone's life. You have to have nerve and diplomacy to keep people from making major mistakes."

Why do the retired workers commit themselves to the often-demanding program?

"Many are simply motivated to help others," said Leiker. They feel that they've had a successful career and want to give something back to others."

Leiker, a retired journalist and printer who published his own newspaper in Illinois before moving here, has been a member of the organzation for 13 years.

A member of the International Executive Service Corps, he became involved with SCORE while still actively employed "because I thought it was so worthwhile."

One thing does perturb him, however—the reluctance on the part of some people to take advantage of the assistance available to them.

"I have gone and introduced myself and given out literature, and the people say 'thanks for stopping by but we're doing fine.' A few months later they're closed."

"After a while you can walk into a business and smell death around; they're just not doing the things essential to success."

"But some people don't like to admit they need help. Many are reluctant to let people they didn't do it all with their onw little hands."

All interactions are strictly confidential, he added.

The four "cardinal rules" of founding a successful business, as taught by SCORE, are:

Be knowledgeable and experienced in the field prior to opening the business.

Select a location that suits the business, rather than one that is inexpensive but also inappropriate.

Determine financial needs well in advance.

Avoid such common errors as poor record-keeping, improper preparation, inferior quality.●

ANNUAL DINNER OF THE DON'S 21 EXECUTIVE CLUB

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. MINISH. Mr. Speaker, fine restaurants are a great asset to any community, and Don's 21 restaurant in Newark, N.J., is regarded by all the people of northern New Jersey with particular esteem. Not only is this establishment a fine place to dine, as I can personally testify; it goes well beyond the normal function of a restaurant as a unique social institution in our entire region.

We recognize this on Friday, April 22, with the annual meeting of the Don's 21 Executive Club, a remarkable fraternal organization dedicated to promoting the principles of unity, cooperation, and brotherhood. Founded in 1959 under the auspices of restauranteur Don Francello, the club has come to include distinguished men from all walks of life: Business and professional men, labor movement and government officials, and retired people whose experience and energy has been a particular asset to the organization. The club has no officers or rigid bylaws to impede the conviviality of its monthly get-togethers; rather, it conducts a wide variety of functions by the voluntary cooperation of all the members, working in informal committees toward common goals. Membership is open to all men over 19 years old who are willing to work toward the goals of the club. No dues are assessed.

Despite its seemingly casual nature, the Don's 21 Executive Club harnesses the energies and talents of its diversified membership in very practical service to humanity. Their funds have helped construct a home for earthquake victims at Boys Town of Italy, as well as helping people at home in New Jersey who have been the victims of personal tragedies. This year, they will be raising funds to continue to fight against cancer.

Don's is the home of excellent Italian cuisine as well as a splendid annual Carnevale celebration, but its spirit is as outgoing and diverse as the good people of the community it serves. People from many ethnic and religious backgrounds come together in the food fellowship and philanthropic spirit of the Don's 21 Executive Club, in an emphatic affirmation of the American spirit. Working together and enjoying each other's company, the members of the club represent the best in our community.

Mr. Speaker, I do not know how many businesses can come to be such vital parts of the communities they serve, but I think Don's and the people who have become associated with it are a model others ought to emulate.●

NATIONAL TEACHERS DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. GEJDENSON. Mr. Speaker, on this, National Teachers Day, I would like to take a moment to recognize and to thank the men and women who teach in all of our Nation's schools.

This is a good time to reflect on the ideal of free, public education in America, an ideal based on the assumption that all children have a right to the best possible education this country can provide them. I think, somehow, in recent years, we have forgotten that it has been thanks to our strong commitment to education that our country has made the tremendous technological and economic strides of this century.

Mr. Speaker, our teachers are a national asset; they are part of our collective riches, and we should take care that we do not underestimate their value or take them for granted. I do not think there should be any hesitation on our part to do everything in our power to retain the most highly qualified, competent and motivated people as teachers in our schools. Nor do I think there should be any hesitation on our part to spend whatever it may take to bring our public schools back up to the standard of excellence to which they were once held.

I do not see where our public schools ought to be made to compete with their private school counterparts. Those who will lose out in such a battle are certainly the children of those less fortunate Americans who, even with a tax credit, could not afford to send their children to a private school. It is hard to believe, Mr. Speaker, that in this so-called enlightened age, we could even question the absolute necessity of educating all the members of our society, and not only the priveleged few.

If our public schools are not all they should be, then let us use this National Teachers Day to state firmly our commitment to make education in America among the highest of our legislative priorities, and let us recognize the invaluable service which our Nation's teachers are performing each day.●

THE 35TH ANNIVERSARY OF ISRAEL

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. MICA. Mr. Speaker, this year, as we acknowledge the 35th anniversary of the State of Israel, we should celebrate her independence with a mixture of joy and solemnity. We, in Washington, were recently host to a remarkable meeting: A reunion of survivors of the Holocaust. We cannot talk of Israel's birthday without reflecting on the history of her people. The State of Israel is inseparable from the history, experience, and traditions of the Jewish people.

Today, the United States, the first Nation to recognize Israel's existence as a nation, stands beside her as a firm and steady ally. There is a quality to the Israeli pursuit of peace and legitimacy that runs deeper than temporary differences in perspective or strategy. We must help to preserve the integrity of the Israeli democracy born out of ashes and enduring faith. We must continue to serve as peacebrokers in the Middle East with a constant vigilance toward the well-being of the State of Israel. For by any measure, the continued existence of a free and democratic state in a region of the world fraught with instability, yet vital because of its strategic location and natural resources, is surely in the best interests of the United States and indeed, all free nations.

Yesterday was a sad day for the United States of America and the intersts of world peace and civilization. The vicious bombing of the U.S. Embassy in Lebanon was a perverse signal to all nations to halt the pursuit of peace. We will not halt our efforts. The Middle East has been the scene of a violent and unyielding tug of war for all of these 35 years of Israel's existence. But there have been moments of truth and good will. And for our sake, for Israel's sake, and for the sake of all nations of the Middle East and the world, the quest for peace must continue.

I stand to commend the State of Israel on this anniversary day for its endurance, its rich history and its compelling future.●

A BILL TO ALLOW BETTER USE OF UCLA'S FEDERALLY DEEDED PROPERTY

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. BEILENSON. Mr. Speaker, I am today introducing a bill which would allow the University of California at Los Angeles (UCLA) to use a parcel of land deeded to it by the Veterans' Administration for educational or cultural purposes other than those specified by the deed. This bill would permit UCLA to make fuller and better use of this particular site than is now possible under the conditions of the deed.

In 1948, Congress granted this 35-acre parcel of land in west Los Angeles, owned, but unneeded, by the Veterans' Administration to UCLA to be used for "a research and medical center and for allied purposes." The bulk of this land, located northeast of the intersection of Wilshire Boulevard and Veteran Avenue, is unused except for two medical facilities—the Laboratory of Nuclear Medicine & Radiation Biology and the Rehabilitation Center. UCLA's renowned medical center and its supporting facilities are concentrated in an area to the north, closer to the heart of the campus.

UCLA could make better use of this property if the restriction limiting its use to medical facilities is lifted. University officials are discussing two possible uses of the site at the present time. One possibility is a plasma physics laboratory; UCLA has become one of the world centers of plasma physics research, but has little space on the campus for this important work. A second possibility is a fine arts center consisting of a museum and learning center which would further enhance UCLA's excellent program in fine arts.

The bill I am introducing is a simple measure which directs the Administrator of Veterans' Affairs to execute the legal documents necessary to permit the specified parcel to be used for educational or cultural purposes in addition to the use of it for medical facilities. As in the case of the original law granting the property to UCLA, the bill provides that the property shall revert to the United States if it ceases to be used for the purposes specified by it.●

BONUS BENEFITS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1982

● Mr. SAWYER. Mr. Speaker, I would like to bring to the attention of my colleagues legislation I have introduced which will be of benefit to local school districts across the Nation.

My bill, H.R. 2448, will put a stop to windfall benefits collected by teachers who are "pink-slipped" in the spring. Unknown to many, teachers, under contract for a full year's pay beginning each fall, are allowed to collect both their wages and unemployment benefits during summer months if they receive a layoff notice in the spring.

As I am sure you are aware, many school districts are faced with financial hardships. To protect themselves in the event layoffs become necessary in the fall, school boards often send out a large number of layoff notices each spring to teachers throughout the district. In anticipation that revenues will be reduced, and to comply with tenure laws and union contracts, the board has no choice but to send these notices to a greater number of teachers than it will probably be necessary to not rehire in the fall. Because the board cannot provide reasonable assurance that these teachers will be recalled in the fall, teachers may start collecting unemployment checks, along with their wages, during the summer months. H.R. 2448 simply eliminates the "reasonable assurance" clause in present law and disallows teachers receiving these benefits during the summer.

School districts encompassing the 5th District of Michigan, the area which I represent, paid over $1 million alone in 1982 unemployment benefits collected by teachers during the summer who were in fact rehired in the fall. This came to approximately $8 per student, enough to buy each one a new textbook. Certainly, with

school budgets as tight as they are, every dollar counts and should be spent with care and concern for a quality education for our children.

I hope you will join me in support of H.R. 2448 and help reform these costly bonus benefits.●

THE 40TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

HON. BILL GREEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. GREEN. Mr. Speaker, on this, the 40th anniversary of the Warsaw ghetto uprising, I am proud to share with my colleagues two speeches relating to the recent American Gathering of Holocaust Survivors. For those of my colleagues who participated in the events of last week, I know that the words of Benjamin Meed, the chairman of the gathering, are a fitting conclusion to that historic and important event in this great country. Additionally, the speech of Vladka Meed, who chaired the cultural committee for the gathering, represents the spirit and the uniqueness of this gathering. I hope that you will join with me as we remember today the sad heroic events of the Warsaw ghetto uprising.

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

Welcoming remarks and introduction of President Reagan by Benjamin Meed, Chairman.

My dear friends, my fellow survivors and distinguished guests:

Between the Warsaw ghetto and Washington—between Auschwitz and America—seems an incredible distance—a distance that goes beyond miles—that goes beyond years—a distance between worlds—perhaps between universes.

It has been forty years since I stood outside the walls of the burning Warsaw ghetto—and watched building after building engulfed by the flames—and heard through the dense smoke the shouting and the screams of those trapped inside.

Forty years since I stood among the Poles posing as an Aryan and saw those around me indifferent to destruction of Jewish Warsaw.

Forty years ago—yet—I can still smell the smoke in my nostrils—feel the heat upon my face. I remember it as only yesterday.

My friends—it seems a dream.

That we, the same people who were a part of the pulsating life of pre-war Jewish Europe—the same people who struggled in the ghettoes and in the forests—the same people who survived the death camps—now gather here in the Capital of the free world Washington.

That we—the survivors—should come—over 15,000 strong—to be together—to remember and not let others forget.

We remember those days—the terrible loneliness—the utter isolation we felt—abandoned and betrayed by a cold and indifferent world.

We remember the time—just after the war ended—not knowing what had become of our dear ones—our families—our friends and neighbors.

How we were riding trains, placing notes on walls—wandering in the streets, not wanting to believe that all was lost. How we looked into the eyes of strangers and asked, "Amchu?"—Are you one of us? Are you, too, a survivior? This was our password: "Amchu."

We could not remain and build our lives on the cemeteries of our dear ones. So—we went our separate ways after the war—some to Israel, some to America, some elsewhere. And we did rebuild our lives—started new homes—started new families and raised our new generation.

For many of us—those—too—were lonely years in strange lands.

But although we became proud Americans—we could not separate ourselves from our past.

But sadly—even in our own lifetime—we have come to see the Holocaust denied—taken over and defiled—manipulated—and marketed. We have seen the sacred memory of our martyrs distorted and diminished and our six million submerged in a misguided effort to label together all those victims who fell at the hands of the Nazis.

Forty years ago I had a brother. His name was Mordechaei David. He was 17 years old. One day I obtained papers in my name that were thought to guarantee my safe passage out of Poland. A day before my intended departure, my brother begged me for these papers—and I gave them to him. The papers led him to the infamous Hotel Polski in Warsaw and eventually to the trains which took him and others together to the unknown.

It was my name that was listed by the Germans for that transport. By chance—I—and not my brother—could have been on that train. Since then—40 years—I am haunted by the thought that I live my brother's life.

Each of us here has his own story about how he or she suffered—and survived. But for a stroke of fate we were no different from those who perished. We speak in their voice. We speak in their name.

Each of us can tell what he saw—but it is all only a fragment—of the vast horror of the Holocaust.

Collectively, however, we can tell the world how we lived and how we resisted—in the words of the prophets—"not strength—not by force—but by spirit. * * *"

Yes—we resisted in Warsaw and other cities—in the camps—in the forests—we defied the Nazis with our will. We taught our children Yiddishkeit and Menschlechkeit in the shadow of the flames.

Only collectively does our legacy make its impact.

Together we can raise a mighty shout to the world—a world bent on repeating the horrors of the past.

We are here.

Mir Zeyhen Do.

And so—the dream began—a dream to gather here in Washington. To be together. To bear witness together—to testify as one in the name of our martyrs.

The world is still not free of the disease which led to Auschwitz and Treblinka. On the streets of Paris and Rome terrorists have slaughtered Jews.

Anti-Semitism now wears the more fashionable cloak of anti-zionism. In the U.N., Israel is the most reviled of all nations. In the Soviet Union, Jews remain oppressed, and there are new misguided voices that echo the poisonous doctrines of the Nazis.

We still remember the ships with trapped Jews turned back from these shores—the closing door to many refugees—the declining to bomb a railway that led to a death camp. Those are bitter remembrances. But, we cannot forget the mighty American Army crushing Hitler's fortress Europa. Tonight, we have assembled here in our Nation's Capitol—to give thanks to those hundreds of thousands of young Americans who fought to liberate us and thousands who gave their lives to crush Hitler's Germany. We have come to pay tribute to them and to thank you, America.

Two years ago—many of the same people gathered here—joined other survivors in a world gathering of Holocaust survivors in Jerusalem.

Sadly—many of those who gathered there are no longer with us. The days are growing shorter for the survivors—each week brings news of the death of yet another one of our number. Soon—we—the witnesses—will all be gone.

But—while we are still blessed with life—we must do what we can to see that our past is not forgotten—that our heritage is passed on to our children—and to the future generations of the world—that the legacy of our struggle and survival may—in turn—continue to survive. For this reason, we have come here together with our second generation.

Our sons and daughters will carry forward our legacy of pride—of heroism—of an obligation to keep the memory alive—and to warn the world again and again—don't let this happen again.

And now—the vast distance is traversed. We have come here from all fifty states and Canada—a long and difficult way—separately.

Over the next three days, we will have many opportunities to meet with each other—we shall hope to learn of the fate of our lost loved ones. To join together with the leadership of this country—to share in two glorious cultural events that reach back to our rich roots before the war—to express our close ties to the state of Israel—to witness the transfer of the proposed national memorial to the United States Holocaust Memorial Council.

And to tell the world we are here as proud Jews—as remaining survivors—and as proud Americans.

From this day forward—no matter where in the world we may be—we—the survivors—shall always be together.

Forty years—the time it took our ancestors to walk from Egypt into the Promised Land—have brought us from Warsaw to Washington—from the flames of the ghetto to the Capital of the United States.

And now, my dear friends—forty years ago, who could have imagined that we—the children of Warsaw or of Lodz, the descendants of scholars and rabbis, of peddlers and poets from Vilna or Vologin, from Vienna or Vitebsk—would have stood in the presence of the President of the United States, or that I, a child of the Warsaw ghetto, feeling so terribly alone and angry on this night—forty years ago—would have the privilege of introducing the President of the United States to you, my fellow survivors, in the name of all of us.

I have the honor of introducing to you the President of the United States and Mrs. Reagan.

CULTURAL CELEBRATION, AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

Introductory remarks by Vladka Meed, Chairperson, Cultural Committee.

(In Yiddish.)

A Gutn Yontev and greetings, brother and sister survivors; dear children and grandchildren of survivors; dear friends from all over America. A gutn yontev to all of you!

(Following remarks in English.)

As we gathered in Jerusalem in 1981, we are together again—to hear a Yiddish word, a Yiddish song, to watch a traditional Jewish dance—to express the love we feel for our culture which has survived, and which has allowed us as a people to survive.

We are here—eyewitnesses of the Nazi inferno. We are also the witnesses of a pulsating Jewish culture that existed, and then was cut down. It was a tradition of splendor! A life full of creativity, of learning, of faith in the rights of the human being and in the righteousness of the world. A tradition cut down, but not destroyed.

In this land where we live today, the spirit of freedom for all was inscribed in the great Liberty Bell in Philadelphia. This same spirit was also close to us in the world from which we came. Its sound was heard by our idealistic Jewish youth from all political ranks who became the core of the resistance fighters—in the ghettoes, in the forests, in the camps. They drew their idealism and their strength from the wellspring of our cultural treasure which gave meaning and exaltation to their lives.

It was nearly half a century ago in May, 1933, that gangs of Nazis ripped our great books out of libraries, and set them on fire in the streets of Berlin. As if ideas could be destroyed by flames! The burning of Jewish books was a prelude to the mass graves of Ponary and Babi Yar—to the gas chambers of Treblinka—to the gas chambers where our people perished and where much of our great culture was destroyed. But our enemies could not conquer our spirit—even in those darkest days.

There is a legend about the Jewish martyr, the teacher Hananya Ben Teratyon. A Roman emperor ordered him to be wrapped in the scrolls of the Torah and burned to death. While he himself was burning, Hananya saw the words of the Torah fly up from the flaming scrolls toward the heavens—the flames could not consume them! Nor could flames destroy our spiritual strength.

Even in the very shadow of death, our people created, studied, wrote, learned Torah—we even collected documentary materials to be buried in milk cars, so that future historians, might learn what happened to us.

In the midst of that man-made hell, the souls of the tortured could not be stifled. Poetry still spoke through our lips and music still came from our throats. Even as the smoke rose from the ovens, our children painted on scraps of paper and wrote poems about butterflies which could no longer be seen in the ghetto. While the world turned away to as not to smell the smoke from the crematoria, our people struggled to preserve their love of goodness—of humanity—of God.

In the Skarzysko concentration camp, in Poland, the inmates managed to smuggle in a ram's horn, which they fashioned into a shofar. As the high holy days arrived and the shofar was blown, the Jews facing death felt themselves enveloped in holiness.

I remember the shattering days of the Warsaw ghetto uprising, when above the ghetto wall one could see the huge tongues of fire reaching toward the sky. and through the dense smoke I could hear the sound of Jews defending themselves. It was my destiny to work closely with those young ghetto fighters who became the legendary heroes of our people. In those last days of struggle, abandoned by the world, they still held on to their ideals—to the truths rooted in Jewish tradition.

We carry this heritage with us everywhere. It has helped us to find a new place for ourselves in America where we rebuilt our homes and families. America—the infinite variety of this great land, with its many races, creeds and nationalities, has enriched us all. And our Jewish cultural heritage has enriched America and the entire world.

Here the Yiddish language has won worldwide recognition with the granting of the Nobel Prize to our great Yiddish author, Isaac Bashevis Singer—who, although living in America, writes about Jews from Warsaw, Lodz, Bilgoraj—and through them preserves the spiritual treasures of Polish Jewry.

But sadly, in our time we have also seen a concerted effort of governments to obliterate Jewish life and Jewish culture. The very existence of Israel, which became the vital center of our culture is under constant threat. In the face of those dangers our heritage has to be preserved through constant vigilance and effort. This responsibility we must share today with our children. Together we shall keep the light kindled and ensure that it may never be extinguished.

We are here—we Jews who survived. We are here to teach, to learn, to remember, to rebuild—to join hands among ourselves, and with all other people of the world in celebration of continuity of life. Through our voices, our literature, our art, our music, our dance—we will express what is in our hearts.

We have come a long way and we have brought our treasure of Yiddishkeit with us. The legacy of a people who never gave up, even in the darkest hours, and we shall preserve it for future generations.●

AMERICAN LUNG ASSOCIATION OF CALIFORNIA MANAGER RETIRES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. STARK. Mr. Speaker, William F. Roberts, deputy managing director of the American Lung Association of California, is retiring after a career of 30 years with the lung association family. Bill can take great pride in the significant accomplishments of this organization during his tenure: The control of tuberculosis, the downturn in smoking among many population groups, and the new attention to the health effects of a polluted environment.

Bill's career with the lung association began in Baton Rouge, La., where he held the position of executive director with what was then the Tuberculosis Association. Bill was a rare find; he had a choice blend of skills in journalism, public health, and community education. Bill took his expertise to the national headquarters from 1957 to 1959 before joining the lung association family in California. Working at both the local and State levels, Bill put his journalism skills to work in the public relations arena. Later, he took on the responsibility for developing new programs to educate the public about airborne hazards in the workplace and ambient air.

When the decision to change management strategies at the national headquarters was made, the lung association family demonstrated its trust and confidence by asking Bill to serve as the acting managing director.

It is obvious that from the many responsibilities assigned to Bill over the years, that he can be called a Jack of all trades and a master of all. He is an accomplished journalist, a professional public relations specialist, a fine administrator, an expert on air pollution and workplace hazards, and a leader in the health community.

Bill is a native of Detroit, Mich., and received his bachelor of arts degree from Tulane University in 1949 after serving in the Marines in World War II. Over the years, Bill has continued his commitment to community service and still remains active in educational, civic, and professional organizations.

Bill has given 30 years of his professional life to the lung association family because he believes in what it stands for. I know he takes great pride in knowing that his contributions to the many programs and services provided by the organization have made a difference. The lung association family and the health community of California will miss Bill. I am sure they join with me in paying this tribute, and we wish him many years of health and happiness as he begins his retirement.●

ISRAEL INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. GILMAN. Mr. Speaker, the State of Israel is celebrating yet another year of independence, and in so doing, reminds us of the time when a free and Jewish state did not exist. Israel is celebrating its 35th anniversary of independence, freed from the British mandate, and recognized by the world as a full-fledged partner.

It is important for us to remember that Israel was born out of the dedication of men and women who left their homes in Europe to fulfill the dream expressed by Theodore Herzl at the end of the last century. These courageous individuals joined the remnants of a Jewish people who had survived in the Holy Land for generations, and, together, they worked the land and made it thrive.

The idea of the kibbutz, or collective settlement, was born in the early 20th century, and continues today in much the same fashion. Its members embody the ideals of working for the good and welfare of the group, a virtue that is emulated by the entire citizenry of Israel. In the last few decades, Israel has been transformed from a barren desert to a thriving, blooming, democratic country that strives to embody the ethics of our Judeo-Christian culture.

Israel was created out of the ashes of the Holocaust, and like the phoenix, the Israeli people have survived and prospered. It is important for us to commemorate this anniversary, Mr. Speaker, because of the many contributions this small democracy has made to the people of the world, and because of the worthy example it sets for the rest of the world.●

MORE DANGER FROM THE CATHOLIC LEFT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. McDONALD. Mr. Speaker, over 1 year ago, on February 3, 1982, I placed, for the benefit of my colleagues, in the CONGRESSIONAL RECORD, remarks by His Eminence, Terence Cardinal Cooke of New York. Cardinal Cooke serves as military vicar of U.S. Armed Forces. In no uncertain terms he justified fully America's prime responsibility of defending this Nation against any aggressor, Communist, or Facist.

It appears, however, that there are those, and in particular, connected with the U.S. Catholic Conference, who would accept the unilateral disarmament of the United States. It is a disgrace that some collaboration is taking place between personnel of the U.S. Catholic Conference and the notorious tool of Marxism, the Institute for Policy Studies (IPS). John M. Snyder, correspondent for Washington Dateline, during the recent Easter season, reflected on this Marxist orientation and gave some solid advice on what concerned Catholics should do about it.

Before sharing with my colleagues, the column of John Snyder, titled, "Misled Church Leaders," I would like to recall the observations of another prelate of the Catholic Church, Cuthbert M. O'Gara, who spoke at St. Patrick's Cathedral back in March 1958, some 25 years ago. Bishop O'Gara pointed out that his former diocese was in Communist China, and after solitary confinement and other torture, was thrown out due to communism's, "* * * hatred for, and implacable enmity to, Jesus Christ, and His Church."

For the benefit of the Marxist loving Father Drinans of today I quote for my colleagues one paragraph of Bishop O'Gara's testimony and then bring us 25 years up to date with the observations of John Snyder.

Bishop O'Gara:

I make no apology for my positive and uncompromising stand concerning Communism. I have seen things, I have heard things, and I have suffered things which should make every Christian tremble for his faith and for his very existence. Let those who have never come to grips at first hand with atheistic Communism talk of oversensitiveness, of overwrought nerves, of hysteria, of fanatacism; but I can tell you, and so can thousands of other victims of atheistic Communism, that these so-called experts on Communism, especially the arrogant critics of the behavior of the victims of Red oppression—writing and talking from the safety of their desks and lecture platforms—simply don't know what they are talking about.

It would appear there is a conflict between the forces of good in this world and evil. We know that the patron Saint of American paratroopers is Saint Michael the Angel who was commissioned by God to drive Satan and all his evil followers to Hell where they belonged. Do Catholics today follow St. Michael, Bishop O'Gara, John Snyder, and others who will not compromise with Satan in the form of atheistic communism, or do Catholics follow the mandate of the tools of the Marxist oriented Institute for Policy Studies?

Remarks of John Snyder follow:

[From the Washington Dateline, Apr. 1, 1983]

MISLED CHURCH LEADERS

(By John M. Snyder)

During this Easter season, hundreds of millions of people throughout the world commemorate the 1,950th anniversary of the most personally gripping event in history—the resurrection from the dead, by His own power, of Jesus of Nazareth, the Christ, the Anointed One.

At the same time, tens of millions of His professed followers in the United States experience a most gnawing confusion occasioned by His Bishop's apparent promotion of His greatest enemy in this century—international, militant, atheistic Communism.

Among the chief spokesmen of this apparent promotion are three Roman Catholic Archbishops; Bernardin of Chicago, who seeks unilateral nuclear weapons disarmament in the face of the greatest military buildup, on the part of the Soviet Union, in history, Hickey of Washington, who wants to prevent American aid to anti-Communist freedom fighters in Central America, and Hunthausen of Seattle, who wants otherwise law-abiding American citizens to refuse to pay taxes to support national defense programs.

This troublesome trio, and others, are aided and abetted and, perhaps, goaded by the notorious staff of the United States Catholic Conference, including its prime peace-at-any-price spokesman, Rev. Bryan Hehir. Hehir bragged about how to manipulate Roman Catholic Bishops during a conference of the Marxist-oriented Institute for Policy Studies in Washington, D.C.

Don't these prelates realize that it was Our Lord Himself Who declared that "there will be wars and rumors of war until the end of the world?"

Don't they realize that this statement posits the necessity of always being ready for war? Especially against an enemy committed intrinsically to the destruction of faith in Christ, in God, indeed, of all belief in the One True God and of all religion dedicated to Him?

It is not credible to contemplate unilateral disarmament in the world in which we live. Simply put, it is better to die fighting for Truth, in this case, the Ultimate Truth, the Glory of God Himself, than it is to live under an international tyranny founded on the biggest of Big Lies, the denial of Truth Itself, the denial of God Himself. More simply put, it is better to be dead than Red!

President Ronald Reagan hit the nail right on the head when he stated March 8, during his speech before the National Association of Evangelicals in Orlando, Florida, that Communist dictatorships, "while they preach the supremacy of the state, declare its omnipotence over individual man, and predict the eventual domination of all peoples of the Earth, they are the focus of evil in the modern world."

They must be fought until they are overcome and destroyed. What can the average layman or laywoman in the United States do to overcome this focus of evil as it rears its ugly head within the Catholic Church in the United States?

Plenty!

The Vatican depends largely on the generosity of Americans in the form of contributions in Sunday collection baskets in Catholic churches throughout the United States. Just put away contributions until after the bombastic bolshevist bishops are removed from office and replaced with pro-God prelates and until after the leftist ideologues at the U.S. Catholic Conference are smashed for good. Make your views known to the Pope's right hand man, Rev. S. Czewisz, Apostolic Palce, Vatican City State, Europe.

Let us remember to "beware wolves in sheep's clothing" and to keep in mind that "the man without a sword must sell his coat and buy one." (Luke 22: 36)●

A TRIBUTE TO MAJ. GEN. LOUIS J. CONTI, U.S. MARINE CORPS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PORTER. Mr. Speaker, I would like to bring to my colleagues' attention the distinguished career of Maj. Gen. Louis J. Conti, U.S. Marine Corps.

General Conti's military career spans 37 years, including action in World War II and Korea which earned him the Distinguished Flying Cross, the Air Medal, and four Bronze Stars. While serving in numerous Marine Corps commands, he also served as president of the Marine Corps Reserve Policy Board, member of the Reserves Forces Policy Board and is the civilian chairman of the Reserve Forces Policy

Board. Because of his dedication to God, country, and the corps, the members of the Armed Forces and civilians owe a great deal of gratitude to Major General Conti.

In business, General Conti is chairman of Marine Transport Lines, Inc., in New York City. Other commitments include Director of Emerson Electric Co., member of the American Petroleum Institute, American Management Association, and various other professional and social groups. He realizes the importance of a strong industrial-military establishment and continually promotes a balance between the two entities.

I would like to extend my congratulations to Major General Conti. He has served our Nation with honor and dignity for over 37 years. His career is a distinguished one and he can wear his medals proudly. He has served this Nation above and beyond the call of duty. All Americans owe him a great deal of gratitude and respect.

It is indeed pleasing to see that he has been as successful in private business as he has been in serving the Marine Corps. I salute his fellow Marine Corps Reserve Officers Association in Glenview, Ill., for renaming their chapter the Maj. Gen. Louis J. Conti Chapter. Most importantly, I salute Gen. Louis J. Conti and wish him the greatest success in all of his endeavors.●

THE NEED TO STIMULATE OUR COAL INDUSTRY THROUGH FEDERALLY SUPPORTED R&D

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mrs. LLOYD. Mr. Speaker, I am concerned about the current state of our coal industry. On February 9, United Mine Workers President Trumka testified before a House committee that over 45,000 members of the UMW are out of work. Unemployment in the coal fields is 25 percent, which is more than twice the national average.

To assure that the coal industry recovers with the rest of our economy, we in the Congress must not be rushed into passing unnecessary and costly environmental controls on coal-fired powerplants as a means of controlling acid rain. As a member of the Science and Technology Committee, I am also working to assure that our coal technology programs are preserved and expanded so that coal can be more efficiently and cleanly burned in the future.

On the question of acid rain, we have two clear choices available to Members of the House. One is to legislate stringent new emission controls on coal-fired plants under the assumption that the acid rain villain is sulfur dioxide. The other is to accelerate the current "Interagency Acid Rain Study" to an early completion and provide for a Federal mitigation program to care for affected bodies of water and agricultural areas. I am supporting the latter course of action as a cosponsor of H.R. 1405, the Acidic Deposition Study and Ecosystem Mitigation Act. This bill, introduced by Mr. RAHALL and 16 other Members of the House on February 10, already has more than 40 cosponsors. It is a call for reason. The scientific facts are not available and thus it is premature to impose another costly and questionable environmental burden on the beleaguered coal industry.

As regards to acid rain research, I have been very interested in the key role which several of our DOE national laboratories have been playing in this research program. I was also one of three corequestors of a report on the activities of the Interagency Task Force on Acid Precipitation from the General Accounting Office. From the results of this report, it is apparent that the task force is now free of some initial problems and appears to be headed in the congressionally intended direction of managing a comprehensive national acid rain research program.

We should allow the task force to carry out their mandated tasks before we regulate further. The Clean Air Act is in place and control technologies are encompassed in its provisions. It is unclear at this time that the focusing of additional control strategies on coal-burning utility plants will be an effective approach in controlling acid rain.

When the task force completes its research efforts, we will then have a firm basis for a more reasonable and effective regulatory approach to controlling the precursors of acid rain.

The controls approach would not only cost 89,000 additional miners their jobs, it would increase total unemployment by nearly 172,000. Electric utility ratepayer costs would be increased by nearly $7 billion per year, with the rates of some utilities jumping 63 percent. It is estimated that the cumulative cost of this legislation is more than $100 billion.

In the area of coal technology, this administration has effectively proposed to close out the coal research and development program, while at the same time telling the private sector to pick up the pieces. For two consecutive budget requests, the administration has proposed to cut coal R&D by more than 50 percent. In fiscal year 1983, the Congress responded by nearly tripling the administration's request. I am pleased to say that I worked within our committee, and with the Appropriations Committee and the Budget Committee, to assure a healthy level of appropriations in fiscal year 1983. Fortunately, the budget conferees agreed to a budget lid close to the Senate figure, thus alleviating the pressure to reduce appropriations for fossil energy R&D. For fiscal year 1984, the administration has again requested a going-out-of-business budget for coal programs and the Congress has already taken a strong position in opposition to this approach. The Energy Development and Applications Subcommittee, of which I am a member, recommended a fiscal year 1983 authorization of $311 million in appropriations for the fossil energy R&D budget. Of this amount, $265 million is for coal R&D, nearly 2½ times the administration's request. I intend to work to sustain this funding level in the full Committee on Science and Technology and will testify next month before the Interior Appropriations Subcommittee on this budget recommendation and the level for coal R&D. Early in this session, I wrote Chairman JIM JONES of the House Budget Committee on the importance of funding fossil energy, applied research and synfuels development as well as other energy-related technologies. I am hopeful that an increasing number of House Members will take an optimistic position on acid rain research and support a healthy level of funding for fossil energy research and development in this 98th Congress.●

JAMES LOGAN HIGH SCHOOL: ONE OF CALIFORNIA'S BEST

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. STARK. Mr. Speaker, I would like to draw the attention of the House to James Logan High School in my district which has been cited as one of the five most successful high schools in California by the State Department of Education.

The school has been chosen for its dramatic improvement in test scores and programs that provide assistance to students, ranging from the handicapped to the gifted to the non-English speaking.

James Logan High School was 1 of the 80 high schools reviewed by the State of California for excellence in administrative and behavioral goals, positive school environments, administrative leadership, and parental and community support.

The department of education is impressed with the fact that the school has an aggressive regional occupation program, numerous other progressive programs, including one for potential dropouts, and the school is the train-

ing site for county teacher education and computer center.

James Logan High School has risen from being in the 5th and 6th percentiles in State testing scores to above the 50th percentile in all the basic skill areas.

Principal Jim O'Laughlin attributed the school's successes to his teaching and classified staff, saying, "I think the greatest strength in our school is in its instructional staff."

James Logan High School is a model educational institution that has met the challenge of creating a meaningful educational environment for our young people. I congratulate James Logan High School, its students, its teachers, and its administrators, for a great job.●

GREENVILLE, S.C., GETS STAMP OF APPROVAL

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. CAMPBELL. Mr. Speaker, Greenville, S.C., won the stamp of approval from the Society of Philatelic Americans, and as a result will be the first southern city to host a national stamp show in more than 45 years when the Palmetto Philatelic Exposition gets underway this Thursday.

This show, which has attracted international participation, will be highlighted by the issuance by the United Nations of a special World Food Program stamp and by the hot-air-balloon transport of mail, which will be so postmarked. Collectors should also be aware of the special cancellation incorporating our South Carolina palmetto tree which will be used to mark items mailed from the display site.

During the 4-day event, the society will distribute 1,000 beginners' stamp kits for youngsters, who will find stamps to be a miniature window on the worlds of history and geography. Stamp collecting has long been recognized as a valuable educational tool in Europe, where I understand the best students are invited to participate in philatelist societies.

Mr. Speaker, I am proud that the young people in the Fourth District are getting this opportunity for a first-hand look—and lick—at our Nation's historic philatelic riches, thanks to the efforts of Sam Whitehead and Cy Armstrong, two past presidents of the Greenville Stamp Club, and would like to take this opportunity to invite philatelists everywhere to join us in Greenville this week.●

THE EFFECT OF MINIMUM WAGE LAWS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PAUL. Mr. Speaker, the minimum wage laws were ostensibly designed to help poor, underprivileged workers. In reality, though, they deprive such workers of the opportunity to get and hold jobs of their choice.

The theory of the minimum wage is that many employers, left to their own devices, would exploit their unprotected workers by paying them a miserly wage. Therefore, to protect workers against the threat of exploitation, the Government mandated a minimum wage to be paid to each worker.

This is where the theory stops, but in reality it is only the beginning. Defenders of the minimum wage make a gigantic assumption; they leap effortlessly from "The minimum wage gives workers a higher wage" to "The minimum wage gives all workers a higher wage." They fail to notice the gap between those two ideas—the gaping chasm of lost jobs. While the minimum wage does result in higher wages for those who remain employed, it also reduces to zero the income of the worker who loses his job because of the minimum wage.

Let us examine the popular myths about the minimum wage:

All workers gain from the minimum wage laws. Not true. Workers who lose their jobs do not gain; they obviously preferred accepting a lower wage and keeping their jobs.

All workers deserve to earn a "living wage." This is irrelevant. If a worker can produce only $2 worth of goods or services in an hour's work, no amount of rhetoric about what he "deserves" is going to increase the value of his labor to $4. This is a fit subject for a debate of public welfare, but not for conduct of private enterprise.

The minimum wage provides each worker with a "minimum income." Not true. The minimum wage only provides a minimum income to those who keep their jobs. But the workers who lose their jobs when the Government prices them out of the market earn nothing.

Now, the realities of the minimum wage laws:

The minimum wage deprives many workers of jobs. Consider the case of an employer who hires four laborers at the true value of their labor—$3.50 an hour. Then the minimum wage is raised to $4.25 an hour. Has the value of the laborers' time increased? No, only the cost of their time. Inevitably, this uneconomic situation will be resolved in a way unfavorable to the workers. The employer may choose to increase his own hours, he may decrease production, or he may simply decide to abandon the enterprise altogether. Only one thing is certain: No rational businessman is going to continue to employ workers who represent a loss to the company.

The minimum wage is particularly unfair to young people, minorities, and the disadvantaged. Jobs that are affected by the minimum wage are typically unskilled jobs best suited to the young and minorities, who lack experience and education, and who gain maturity and responsiblility from holding a job; the disadvantaged, who may not be capable of holding higher paid jobs, but who should not be deprived of jobs for which they are qualified; and workers in transition, who need time to adjust to a new language, to hold temporary employment while they train for a new career, et cetera.

The minimum wage sounds like a plan to protect unskilled workers from exploitation by stingy employers, but in reality it is an attempt to rewrite economic law—a familiar pastime of Government that has never been successful.

The unemployed worker is never asked whether he would rather make $2 an hour or nothing. Of course, he would rather make $4, but that is not always an option. The venal minimum wage laws steal from the unemployed worker the opportunity to make any choice at all.●

H.R. 6883

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I am today introducing legislation that will authorize the Department of the Interior to assist the State of North Carolina in providing much needed repair and improvements to the main artery of transportation within the Cape Hatteras National Seashore. I introduced an identical bill, H.R. 6883, in the last session of Congress.

Approximately, 46 miles of road within this park are in poor condition and some stretches of the road have deteriorated to critical levels. Many depressions in the road and crumbling asphalt along the shoulders have made driving through the national seashore a difficult and dangerous experience for seashore visitors. Although the State of North Carolina has made additional commitments to improve the road, Federal help continues to be needed.

North Carolina Highway 12, the subject of this bill, is under the jurisdiction of the State of North Carolina. The State maintains a right-of-way within the park to insure that the rel-

atively small number of residents who live on the barrier islands that comprise the national seashore can travel to and from the mainland. However, this road is used primarily by park visitors—not residents. The North Carolina Department of Transportation has computed that 85 percent of the yearly traffic on the road is attributable to park visitors.

I would like to emphasize to my colleagues the uniqueness of this situation. The Cape Hatteras National Seashore encompasses some 75 miles of barrier islands off the coast of North Carolina. The State donated part of this land to the Federal Government for use as a national seashore. Before the State did so, it constructed a road that ran the length of the islands in order to provide access for residents and recreational visitors alike. The State continued to repair and maintain the road even after the Park Service took over the seashore. Thus, the Park Service has not been required to make expenditures for the construction and maintenance of a separate park road, except for a short, 5-mile section of road at the entrance to the park. Again, 73 miles of road through the park have been constructed and are being maintained by the State of North Carolina even though the vast majority of traffic on the road for the last 20 years has been park traffic.

The National Park Service is in charge of the Cape Hatteras National Seashore. I feel certain that the Park Service and the Department of the Interior share my concern over the condition of N.C. 12, a road that all park visitors must use in order to see the park. Present law, however, would prevent the Interior Department from expending Park Service funds for an improvement of the road because the road is on a right-of-way reserved by the State. Simply put, my bill would authorize the Department of the Interior to financially assist the State of North Carolina in a much-needed improvement of Highway 12. My bill suggests that this be done, but it does not require it. Any terms and conditions of an agreement with the State on this matter would have to be acceptable to the Interior Department.

Many visitors, while they enjoy Cape Hatteras National Seashore, come away distressed at the poor condition of the road within the park. It affects the whole texture of their experience within the seashore. When the road is wet, depressions fill with water and create serious safety hazards. Without some help from the Department of the Interior, the situation can only deteriorate. I would therefore expect the Interior Department to give a high priority to obtaining an agreement with the State concerning the repair and improvement of this road and request funds to do this.

The State of North Carolina has done more than its part to improve the road serving this national seashore. It has constructed the road and maintained it for many years. It also provides ferry service for visitors to the park. Park traffic has increased drastically in the last 20 years while resident traffic has remained stable. Even without the assistance of the Department of the Interior, the State of North Carolina in 1980 alone did some 5.3 million dollars' worth of repairs and reconstruction on the road.

Because of the drastic nature of the problem, the State has now committed an additional $4 million for road repairs within the park. Given that the traffic wear on the road is 85 percent due to park traffic, the majority of which is from outside North Carolina, I believe that it is only fair to now ask the Department of the Interior to assist the State in further improving this road.

I ask my colleagues for their strong support of this bill.●

PAID DIVERSION, 1984

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. ENGLISH. Mr. Speaker, today I am introducing legislation that will give farmers the option to receive diversion payments in cash rather than in-kind if a payment-in-kind program is offered in 1984. I am pleased that Chairman DE LA GARZA is joining me in this effort.

The need for this legislation is simple. The heavy signup in this year's payment-in-kind program indicates that many farmers are desperate and PIK is obviously the only game in town. PIK was the only game in town because USDA officials did not carefully analyze other options available.

Although popular in the short-term, the payment-in-kind program is complicated, confusing and may end up costing more than a normal paid diversion program. One of the most disturbing things about the PIK program is that it is not designed to significantly strengthen market prices this year. Instead USDA tells farmers it will be 2 years before any significant improvement can be expected.

I think farmers should be given a choice to participate in a normal paid diversion program where the goal is strengthening market prices now. The normal paid diversion program is more price-effective for the farmers and is likely to be more cost-effective for the taxpayer. It will certainly eliminate trips to the local ASCS office to find out what the newest change is.

The Secretary of Agriculture needs to announce the 1984 program in the near future and I am hopeful that a normal paid diversion program will be included. However, the adoption of this legislation is needed to insure that producers have the opportunity to participate in a program that has been proven to be simple, effective and market oriented. It may also save the taxpayers money.

A copy of the bill follows:

H.R. 2634

A bill to require that in any payment-in-kind program provided on the 1984 crop of an agricultural commodity, the Secretary of Agriculture must give the producers the option to receive their payments in cash

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That effective for the 1984 crop, the Agricultural Act of 1949 is amended by adding at the end thereof a new section as follows:

"1984 PAID DIVERSION PROGRAM"

"SEC. 423. Notwithstanding any other provision of law, if the Secretary conducts a program under which payments-in-kind are made available to producers for the diversion of acreage from the production of the 1984 crop of any commodity, the Secretary shall provide producers the option to receive their payments in cash at a payment rate of not less than the payment rate at which payments-in-kind are made available."●

LEGISLATION TO ENLARGE BUMPING LAKE

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. MORRISON of Washington. Mr. Speaker, today I am once again introducing a measure to enlarge Bumping Lake, a water storage reservoir in central Washington. Although I am aware that no new water projects have been authorized recently, my intent in introducing this bill is to make Congress aware that the Yakima River system is critically short of water to fulfill the obligations that the Federal Government has to both irrigation and fish maintenance in the Yakima River Valley.●

A TRIBUTE TO BLAIR VEDDER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PORTER. Mr. Speaker, I want to take this opportunity to pay tribute to B. Blair Vedder, vice chairman, Needham, Harper & Steers, Inc., chairman of the board and chief executive officer, NH&S International, Inc., one of the Nation's leading advertising agencies which has been a dynamic asset to the Chicago business

community since 1927. Blair has been one of the driving forces in the success of this company, and under his leadership over the years the agency has not only provided jobs and opportunities for many Chicago area people, but has contributed substantially to the economy of the State of Illinois. Furthermore, Blair Vedder and NH&S have enhanced the communications industry with the high quality of advertising produced by this agency.

During World War II, Blair Vedder served as an executive officer in the U.S. Navy and then graduated from Colgate University in 1947. The following year he joined NH&S as a trainee, moving through all departments of the agency. Upon choosing media as his primary specialty, he moved from outdoor specialist to media supervisor to assistant media director to vice president, and was named director of media in 1958. He was elected senior vice president of administration and corporate media in 1966.

After a tour representing the company in overseas assignments, he returned to the Chicago office in September 1967 as executive vice president and director of the Chicago division.

Mr. Vedder was elected vice chairman of the board of NH&S International, Inc., in February 1982. In June 1982, he was elected chief executive officer and vice chairman of NH&S, Inc.

On the occasion of Mr. Vedder's 35th anniversary with Needham, Harper & Steers, I wish to congratulate his leadership, his stewardship, and his many fine contributions to the integrity and quality of the advertising industry, not only in the great State of Illinois but throughout the world.●

JOBS AND ACID RAIN

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LUKEN. Mr. Speaker, the theme of my remarks is balance. The solutions which are currently being offered to the acid rain problem will cost us jobs and increase unemployment. These ill-conceived solutions will further depress the economy in the heartland of the United States, where smokestack industries have supplied the jobs, the sustenance for our people. These solutions are being offered at a time when industrial areas like Ohio, and the Midwest, are suffereing from 14-percent unemployment and worse.

When we address the apparent conflict between providing jobs and maintaining the environment, the first and foremost consideration is: We are all environmentalists.

As environmentalists we are working to provide a clean and safe environment in the wilderness areas, on the farms, in the suburbs, in the cities, and especially in the workplace. But we do not believe that we have to abolish the jobs in order to provide a clean and safe workplace.

We know that we are not all going to live in the wilderness, and if we did it would not be a clean and safe environment for us. We know that we depend upon the products of modern invention and science, upon manufactured goods, for our health and safety.

Development, therefore, is not a dirty word, but one that, not only provides our individual jobs, but also provides the products which shelter us, feed us, insulate us against disease, and contribute to the quality of our lives.

Therefore we seek a balance in our environmental laws and regulations. We favor the national Clean Air Act, and Clean Water Act, but we do not applaud every proposal, no matter how ineffective or counterproductive it is, simply because it is advertised as environmental.

Last year, in the Congress, we debated amendments to the Clean Air Act which would modernize this act, eliminate parts of it which had been proven to be useless, and costly, and remove obstacles to development and jobs. Even though these amendments would maintain the standards of the Clean Air Act, certain so-called environmentalist groups loudly opposed any changes and succeeded. They ignored the facts dictating changes.

Now, these same groups are demanding changes in the Clean Air Act on acid rain. They are advocating massive, sweeping legislation, which would place the burdens, principally on midwestern utilities, of reducing sulfur dioxide emissions by about 10 million tons.

The cost to these industries, which would be passed on to the consumer, is a staggering $5 billion to $7 billion per year.

This is not a balanced piece of legislation. Because certain lakes in the Northeast and Canada have become acidified and fish have disappeared from them, the solution is to pick on the users of electric power in the Ohio Valley and surrounding area and ask them to pay for an experiment.

Will this reduction solve the problem?

Clearly, no. No one claims that this reduction of SO_2 emissions from one part of the country will be a complete solution to the acid rain problem in this country, no matter how expensive it is in dollars and jobs lost.

Will it go a long way toward solving the problem?

Probably not. A careful analysis would show that not only is there no proof this action will solve the problem, but indications are that we would be barking up the wrong tree.

Will a major part of the problem remain after the reduction in SO_2 provided by this legislation?

Absolutely, yes. For example, reported acid rain problems in Colorado and southern California will not be mitigated by this legislation. Also, it does not control nitrogen oxide, and does not affect auto emissions.

What will it cost and who will pay?

Not only will there be the $5 to $7 billion cost per year, but also, tens of thousands of coal miners in Illinois, Kentucky, West Virginia, Ohio, and Indiana will lose their jobs.

Is it equitable? No.

For example, Kentucky and New York have the same amount of SO_2 emissions. But under this law Kentucky will be penalized three times as much as New York and will have to reduce emissions three times more than New York; 60 percent of the initial 10 million ton SO_2 reduction would be borne by five States: Ohio, Indiana, Missouri, Pennsylvania, and Illinois.

There are 45,000 miners who might lose their jobs, and 20,000 of them might be in Illinois.

Where is the balance?

What is proposed in this acid rain legislation is environmental gerrymandering. The people who are pushing these proposals are from the sections of the country—or countries—who claim damages. Conveniently, the cost of the proposal will be on other sections.

Canada, for example, is lobbying heavily in the United States for this legislation. Canada is spending a lot of money not for pollution controls in its own country, but lobbyists and advocates to scurry about Washington and the United States propagandizing for laws which will place the burden on U.S. utility payers, and put U.S. businesses at a disadvantage in competition with Canadian businesses.

CONSIDER THESE FACTS; UNITED STATES VERSUS CANADA

First, the United States has reduced sulfur dioxide emissions 15 to 20 percent in the last 10 years, from midwestern utilities, despite the fact that coal burning rose 65 percent during this time. Our Clean Air Act is working.

Canada has no program for reducing SO_2 emissions. Its largest emitter in INCO, the world's largest single source of SO_2. The only way its emissions were reduced was by economic recession.

Second, over the past 10 years America's industry, in an effort paid for by American consumers, spent $160 billion on air pollution control, including autos and plants.

Canada has not reduced emissions, but offers to decrease emissions, but only if the United States does first.

Third, there are 97 scrubbers in operation in the United States operating at an annual cost of $2 billion.

Canada has no scrubbers.

Fourth, the United States has NSPS (New Source Performance Standards) requiring all new utility plants burning coal to install scrubbers. This means the problem will phase out as the old utilities are replaced.

Canada has no effective Federal standards for utility plants. Canada has lax auto emission standards—3.1 grams per mile compared to United States 1.0 grams per mile on NOx. The balance here is in favor of the United States.

Fifth, Canadian utilities have great reserve power in their utilities which they have been actively trying to export to the United States. If U.S. utilities should reduce output substantially because of control legislation, Canada has an opening.

SOURCE: RECEPTOR OR "WHAT GOES UP MUST COME DOWN"

There are many plausible explanations of acid rain, but the promoters of current legislation, would have us believe that the coal plant long transport theory is the single cause. Such a claim has no scientific foundation.

"What goes up must come down" is a beguiling theory but too oversimplified. The winds blow in different directions at various times. There are competent scientists who believe that acid rainfall is caused principally by sulfur and nitrogen dioxides from local sources.

Also, the precursor gases, sulfur dioxide and nitrogen are only the raw materials in the air. We do not know where or when they will fall, but moreover we do not know what makes them fall as acid rain. Science tells us that it is the oxidizing agents in the atmosphere, which dictate where and when they fall and with what degree of acidification.

What all this means is there is no proof of a source-receptor relationship. There is no proof that there is a receptor—acid rain damaging lakes—with a lineal relationship to a source, utility stacks 1,000 miles away.

The National Academy of Sciences put it another way. It found that the empirical evidence "of a linear relationship was inconclusive." That means it is only a theory that suggests there is a relationship, no proof.

Finally, the scientific evidence is not only inconclusive, but directs one away from the massive control proposals. The following is from a Massachusetts Institute of Technology study of September 1982:

An obvious problem with the Congressional bills is that they intend to reduce emissions partially over a wide area rather than focusing on almost completely eliminating emissions in the critical source areas and at critical times. Unfortunately, a partial reduction can only be a partial cure. If implemented, those bills are expected to reduce the average acidity of the rain only very slightly—certainly not enough to help environmentally sensitive areas such as the Adirondacks. Rather than pursuing such expensive, ineffective approaches, the researchers recommend a more focused program aimed at the well-timed control of emissions from selected sources that contribute the most acidity to sensitive areas.

The control legislation only reduces sulfur dioxide (SO_2) emissions, from utility plants. It does not affect pollutants from smelters or tailpipes and it does not control nitrogen oxides, which are probably as much as 35 percent of the problem.

Advocates of SO_2 control legislation often point out the danger to fish from snow runoff in the spring. Yet it is conceded that it is not sulfur but nitrogen oxides which are contained in snow, and these nitrogen oxides are most likely to be from oil-fired powerplants or tailpipes.

These same control advocates proclaim that Colorado and California have a significant acid rain problem due to smelters and auto emissions, factors not controlled by proposed control legislation.

The chairman of the National Academy of Sciences committee which recently studied acid rain, urged caution in a letter to the editor of the Washington Post. He specifically stated that the NAS report "did not—as your editorial stated call for a 50-percent reduction in emissions". He went on to say that it was a reduction in deposits that was desirable and it is not possible to make a direct correlation between "acidity of precipitation and emissions."

U.S. geological surveys show no increase in acidity of rainfall in the past 10 years in the Northeast. This adds to the questions as to why the increase in claims of damage to acid rain. If there is no increase of wet sulfate in precipitation, but some increase in acidity in lakes, how is emission control going to help?

There are limitations to scientific knowledge as to the source-receptor relationship of acid rain to particular emissions. Today's science tells us that we cannot trace emissions fumes with any certainty beyond 30 miles.

On balance, the evidence is very inconclusive. At best, the proposed massive, exorbitantly expensive, and inequitable control bill, will reduce the harmful effects somewhat. It probably will not reduce them in any significant way.

Right now we have a theory and a proposal for an experiment. The guinea pigs are not willing to undergo the experiment.

The worst thing we can do is use the blunderbuss, miss the target, hit innocent victims, and then try to start all over to find the solutions. We should better do it right the first time, or there may not be a second time. The victims of the first experiment will see to that.●

SCIENCE AND TECHNOLOGY FACULTY EXCHANGE AND INSTITUTIONAL DEVELOPMENT ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Ms. OAKAR. Mr. Speaker, today I am introducing a bill that has as its main purpose the improvement of education in our country, specifically in the fields of mathematics, science, and engineering. There is in this country a severe shortage of qualified teachers in these three areas. This shortage is made evident in our country's lack of technological knowledge.

I must commend Senator INOUYE for being aware of the ramifications of the problem and responding to it with this proposed legislation in the Senate (S. 1056). This bill is unique and innovative in its approach to a problem of great magnitude.

Education is a national treasure—something in which we have always had much pride. Not so many decades ago, we were spending large sums of money educating our children. Our technological knowledge was apparent—we were known worldwide as an innovative leader in science, engineering, and industry.

But we became complacent, and this complacency is now making itself known at several levels. Only a small percentage of students study mathematics in high school and an ever larger percentage of the Ph. D. degrees in these fields are earned by graduate students from foreign countries.

The lack of qualified instructors in technological fields at the high school level is one source of the problem. The United States is facing a serious shortage of qualified secondary school mathematics teachers, and shortages of science teachers are also reported. According to a 1981 study by the Association for School, College, and University Staffing, 43 States reported shortages of high school mathematics teachers, and 42 States reported shortages of physics teachers.

We are also not training enough teachers to remedy this problem. A nationwide survey by the National Education Association estimated that out of nearly 1 million college graduates, only 8,000 students in the United States completed preparation to teach math or a natural or physical science. The problem has thus already moved to the university level. It continues to perpetuate itself, in the form of declining opportunities in business, social indifference to science, and re-

duced interest in high-technology products by many firms. It is critical that something is done quickly to remedy the worsening problem.

We must also remember that while our country suffers a shortage in educators and workers in highly technical fields, our German and Japanese counterparts are making great technological strides, and we wonder why. It is time for us to address this foreign technological development, and the best way for us to do it is to develop the talent and knowledge that is latent in the United States.

It should be of no surprise to anyone that money is one chief root of the problem. The bill that I am proposing strikes at the source of the problem, but without the massive financial requirement that one would imagine to be required. The legislation would provide a means for the development of our domestic talent. It is a unique bill that requires a modest investment of $12 million, but an investment that will pay enormous dividends in the future. The bill would aid those institutions that do not, for reasons of funding or location, have the ability to provide the knowledge of the most recent developments in technological fields. There is a dire need for improvement in these areas both at schools below the top-ranked technological institutions and for minority students.

The bill would provide assistance for a program of visiting faculty exchanges. Faculty members at institutions that are in a disadvantaged position would apply for a fellowship to spend a year at a first-rate institution. They would be able to take new courses and work on a research project that would improve their professional qualifications. Upon returning to their own institution they would then be better qualified to improve the general level of instruction and stimulate student interest.

The bill would also offer skilled researchers and educators an opportunity to go to institutions where their services are especially needed. The visitors could share ideas, methods of teaching and methods of research and could further conduct and supervise selected research projects. This could lead to the opportunity for educators, researchers and the community to get acquainted with each other and to exchange ideas and possible solutions to science, technology, and educational problems.

The bill is designed to deal with the less well-to-do schools and students. We would be providing opportunities for the professional development of faculty members that would enable these faculty members to return to the eligible institutions of higher education from which they came to develop and improve education programs at such institutions.

Through this bill, funds are provided that can be used for the purchase of necessary equipment as well as for a reduced teaching load, providing the fellowship holder with the time to work on new curricula, and the money to purchase new research and teaching tools.

The bill also enables the very best researchers and educators in our country to share their knowledge and ability with institutions that need the services they can provide. Methods of teaching and research can be conducted that will be of interest and importance to the institution. As instructors, the researchers can offer new courses that will be of importance to the students and other faculty members at the university where the visitors spend a year in residence.

We do not expect to revamp the entire system, or even attempt to completely solve the problem, which is of such magnitude. Instead, we can use the investment of $12 million that the bill requires as a stimulant to interest and education. We are not trying to solve the entire problem of the teacher shortage in these areas, but we will be able to develop the interest and knowledge of students in today's universities by using the talent already available in other locations. The seeds of knowledge would be sown in those areas that would have had a difficult time acquiring them. The enormous problem of the lack of resources in the technical areas would begin to be attacked.

This bill provides the opportunity for the knowledge of the many gifted people in our country to be shared with those people and institutions that need it. Our top technological institutions will be strengthened, and the quality of teaching and learning throughout the educational system will be enhanced. Through the sharing and rechanneling of capabilities, the entire country will benefit in terms of technical expertise. Our Nation will become more competitive.●

BROOKLYN BRIDGE DAY RESOLUTION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. SOLARZ. Mr. Speaker, I am introducing today with 30 Members of the New York State delegation a House joint resolution which commemorates the centennial of the opening of the Brooklyn Bridge.

The resolution calls upon the President to designate the day of the anniversary, May 24, 1983, as "Brooklyn Bridge Day," asks the Speaker to appoint a congressional delegation to attend the celebrations of this important anniversary which are planned in New York, and requests that enrolled copies of the resolution be transmitted to New York's Governor Cuomo, to the mayor of the city of New York—and our former colleague—Ed Koch, and to Brooklyn Borough President Howard Golden.

The Brooklyn Bridge enjoys a special place in our national history, in the archives of architectural achievement, and in many of the noted cultural efforts of our time. When the bridge opened 100 years ago, it was the longest suspension bridge in the world. The cost of $15 million was a significant investment and was shared by New York State, New York City, and by Brooklyn, which then was a separate governmental entity. The bridge took 13 years to complete.

The lives of construction workers were constantly at risk. Huge chambers called caissons were lowered into the water. Men worked below the surface with little air, etching the huge pilings on which the bridge stands into the rock below the surface. At one point, a fire broke out in an underwater chamber. This, and other accidents, resulted in the deaths of at least 20 construction workers.

The project was conceived by John A. Roebling, who pressed for a link over the East River between the cities of New York and Brooklyn; Washington Roebling, who succeeded his father as chief engineer 6 months after the project began, and Emily Roebling, the wife of the chief engineer, who carried on many of his duties once Washington was disabled after working on a caisson during the construction process. The Brooklyn Bridge Centennial Commission stated recently, "Emily Roebling assumed an unparalleled position for a late 19th century woman, becoming the link between her husband and the outside world."

To mark the opening, on May 24, 1983, Montgomery Schuyler wrote the following words in Harper's Weekly:

> It so happens that the work which is likely to be our most durable monument, and to convey some knowledge of us to the most remote posterity, is a work of bare utility; not a shrine, not a fortress, not a palace, but a bridge.

Arthur Miller has written about this magnificent national treasure in "A View From the Bridge." The impact of the film "Sophie's Choice" was heightened by the scenes filmed thereon. The roadway and promenade, inviting both auto and pedestrian traffic, has made this structure truly a people's bridge.

With the date of the centennial nearly upon us, the city of New York, the Borough of Brooklyn, many business and civic organizations have planned celebrations for the centennial.

I think it only appropriate that Congress join in and pay tribute to the bridge. I urge my colleagues to support the resolution.

H. J. RES. 244

Joint resolution designating May 24, 1983, as "Brooklyn Bridge Day"

Whereas the Brooklyn Bridge opened in 1883 after 13 years of construction and at a cost of $15 million and was at the time the longest suspension bridge in the world;

Whereas the construction of the Brooklyn Bridge, using granite as a primary building material, was an unusual and extraordinary engineering feat which required, for its time, technological advancements;

Whereas construction workers on the project were placed at great risk, and the lives of at least 20 men were lost;

Whereas the roadway and the promenade invite use by both automobiles and pedestrians making the Brooklyn or "Great Bridge" truly a "People's Bridge";

Whereas its majesty and grandeur have inspired poets, playwrights, authors, and cinematographers, giving the bridge a special place in the literary and cultural history of our Nation;

Whereas the Brooklyn Bridge unites the city of New York with the Borough of Brooklyn, its people, businesses, and cultural assets; and

Whereas May 24, 1983, is the 100th anniversary of the opening of the bridge: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 24, 1983, is designated "Brooklyn Bridge Day." The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. (a) The President shall transmit copies of the enrolled resolution to the Governor of the State of New York, the Mayor of the City of New York, and the President of the Borough of Brooklyn of New York City.

(b) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized to appoint a delegation to attend the celebrations of the 100th anniversary of the opening of the Brooklyn Bridge to be held in New York City.●

FREE HEALTH CARE FOR LONG-TERM UNEMPLOYED IN TWIN CITIES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. VENTO. Mr. Speaker, one of the most disturbing consequences of our high unemployment rate has been that millions of unemployed people nationwide have lost their health insurance coverage in addition to losing their jobs. This unfortunate situation has become particularly apparent among the long-term unemployed who have depleted their savings trying to make ends meet. Recent congressional hearings have focused national attention on this serious problem. We are only just beginning to realize the human costs involved in this problem as the incidence of infant mortality, high blood pressure, strokes, heart attacks, and various chronic diseases are increasing among the long-term unemployed, due in part to a lack of preventive health care which is most often financed in part through private employer-sponsored health insurance programs. While the Federal Government is contemplating how to address this issue, other nongovernmental organizations are moving forward by formulating their own responses.

On April 14, the SHARE health plan and the Minnesota AFL-CIO began a 12-week demonstration project to provide free health care for long-term unemployed workers and their families in the Minneapolis-St. Paul metropolitan area. The SHARE clinic, located at 555 Simpson Street in St. Paul, will be open for 3 hours every Thursday evening over the next 12 weeks to provide health care services to persons who have been unemployed for at least 6 months and who are not eligible for welfare benefits and are not covered by a group health insurance plan. According to Dr. Larry Kaplan, project director for SHARE, the combined services of volunteer doctors, nurse practitioners, registered nurses, licensed practical nurses, laboratory technicians, and clerical staff are valued at $2,000 per session. SHARE will cover $150 in clinic expenses per session. Treatment will not include X-rays or medications unless SHARE is able to obtain grants to cover these costs.

Mr. Speaker, the examples set by the SHARE health plan and Minnesota AFL-CIO have now been followed by Midway Hospital of St. Paul which has also become a participant in this demonstration project. Midway Hospital has agreed to provide free chest X-rays and other types of X-rays for only the cost of the film, free OB ultrasound tests for pregnant women, and to provide prescription medications at cost. Additionally, Midway Hospital has set aside three inpatient hospital beds for long-term unemployed workers and their families who may require hospitalization but who cannot afford the cost of treatment. Midway has also agreed to waive the tuition fee for its specialized classes in prenatal care, cancer support, women's advocacy for women who have been physically abused, diabetes control, better breathing classes, and classes to help people give up smoking.

There are approximately 217,000 persons who are unemployed in Minnesota today; 95,000 of these people live in the Twin Cities metropolitan area. Many have been unemployed for over 6 months. It is apparent that a significant number of Minnesotans will be eligible to take advantage of this demonstration project.

The Minnesota AFL-CIO has assumed responsibility for administering the demonstration project and has organized a phone bank staffed by union volunteers, unemployed workers, and senior citizens to coordinate clinic appointments and to screen applicants for eligibility.

The Minnesota AFL-CIO, the SHARE health plan, and Midway Hospital are to be commended for setting an outstanding example of cooperation in meeting the immediate health care needs of the long-term unemployed. Hopefully, their example may soon be followed in other areas across the country.

Mr. Speaker, I ask unanimous consent that the following articles from the St. Paul Dispatch and the Minneapolis Star & Tribune describing this health care project be printed in the RECORD.

[From the St. Paul Dispatch, Mar. 31, 1983]

CLINICS OFFERING FREE CARE TO UNEMPLOYED

(By Don Ahern)

Free Health care is being provided by at least two medical clinics in the Twin Cities to long-term jobless workers and their families.

SHARE Health Plan and the Minnesota AFL-CIO today announced that for 12 weeks starting April 7, SHARE will open its St. Paul clinic at 555 Simpson St. on Thursday evenings from 6 to 9 p.m. to provide free medical treatment to workers unemployed for at least six months and who are not eligible for welfare.

Dr. Larry Kaplan, project director for SHARE, said the combined services of the volunteer doctors, nurse practitioners, registered nurses, licensed practical nurses, laboratory technicians, and clerical staff are valued at $2,000 per evening session.

SHARE will cover an estimated $1,000 in expenses per session for such things as X-rays, laboratory tests, and other costs of keeping the clinic open.

AFL-CIO President Dave Roe today commended the health professionals and SHARE, for assisting unemployed workers, union and nonunion.

Unemployed workers who lose their jobs or are laid off for extended periods cannot afford to pay premiums for their group health insurance for the six months granted by state law, he pointed out. Individual health insurance policies for unemployed workers are almost always out of the quetion, he added.

There is great need for the emergency program for limited medical treatment undertaken by SHARE, Roe stressed. Since there are 217,000 officially unemployed in the state and approximately 95,000 jobless in the nine-county metropolitan area, there are significant numbers of people eligible for the SHARE program.

The aim of the program is to provide care for the middle layer of unemployed, between those with health insurance and those eligible for welfare.

Starting Monday, April 4, any unemployed workers meeting the eligibility criteria should call 227-7131 between 9 a.m. and 4 p.m. to be placed on the weekly appointment list submitted to SHARE. Eligibility must be documented.

Labor's volunteer phone bank will be staffed by jobless workers and senior citizens who will screen applicants for limited health care at SHARE's St. Paul clinic.

Tobey Lapakko, Minnesota AFL-CIO consumer affairs director, is exploring the possibility of a statewide health program for unemployed workers with the Minnesota Medical Association, the Minnesota Hospital Association, and the Minnesota Pharmaceutical Association.

At least one other clinic is providing free or reduced cost treatment to its regular patients. The Larpenteur Family Physicians, 1050 Larpenteur Ave., sent a note to its patients offering to see unemployed patients or their families on Wednesdays with no doctor charges and reduced laboratory, X-ray and injection fees. The clinic also is offering special credit arrangements on existing bills to unemployed patients.

The clinic's office manager, Ann Thorp, said "we found we were having a larger number of long-term patients unable to pay their bills than ever. We did not think it appropriate, considering the economic conditions, to put them on collection."

[From the Minneapolis Star & Tribune, Apr. 1, 1983]

SHARE HEALTH PLAN TO PROVIDE SOME HEALTH CARE TO LONG-TERM UNEMPLOYED

(By Lewis Cope)

The Share Health Plan announced Thursday that it soon will open its St. Paul clinic one night a week to provide limited free medical care to the needy long-term unemployed and members of their families.

Dr. Larry Kaplan of Share, a health maintenance organization, said the clinic would be able to serve about 60 unemployed patients a week from throughout the Twin Cities area starting April 14. The "demonstration program," cosponsored by the Minnesota AFL-CIO, will last 12 weeks but may be extended.

This is the first plan of its type in the Twin Cities. Some clinics on the Iron Range and in other states have been offering similar services.

The program will be open to people who have been unemployed at least six months, who have no health insurance and who are not eligible for welfare. If the unemployed person's spouse works and has a health insurance policy, the family would not be eligible.

Kaplan said he couldn't estimate how many people will seek to use the clinic. The number who do will provide the first good index of the health needs of the long-term unemployed in the Twin Cities area.

"We hope this pilot project will be a catalyst" for other health-care programs, Kaplan said. The Minnesota Medical Association and the Hennepin County Medical Society, both physicians' organizations, have been considering sponsoring some type of programs to help the unemployed, but details haven't been worked out.

Tobey Lapakko, consumer affairs director of the state AFL-CIO, said union membership is not required for participation. She said her organization, which will do the "screening" for eligibility and set up clinic appointments, is still developing the questions that applicants will be asked.

If the number of qualified people exceeds the clinic's capacity, she said, participation probably would be on a first-come basis, but that there may be exceptions for people with more urgent health problems.

Kaplan said Shore doctors and nurses have volunteered their time to staff the clinic, 555 Simpson St. in St. Paul, from 8 to 9 p.m. Thursdays. He said it could provide routine lab tests, but not drugs, x-rays and some specialized services.

He said people who need hospitalization or other services that the clinic can't provide could get them at county hospitals, which are to provide care for patients who can't pay.

(Spokeswomen at Hennepin County Medical Center and St. Paul-Ramsey Medical Center said yesterday that they had not seen substantial increases in hospitalized patients as a result of rising unemployment.)

The January report by the Minnesota Department of Economic Security estimated that 92,900 people were unemployed in the nine-county Twin Cities area. About 8,200 Twin Cities area residents are receiving supplemental, extended benefits because they have been unemployed at least six months. But not everyone is eligible for that program, so the number who have been out of work for six months is higher—but no one knows how much higher.

Some of the long-term unemployed may be covered by the Medicaid program, but that plan limits the amount of money and other assets a person can have and still be eligible.

Minnesota law allows a person who loses his or her job to continue under one employer's group health insurance plan for six months, by paying the full premiums. After that individual policies must be purchased to maintain coverage, and the rates normally go up or the benefits go down.

However, many unemployed people who know they have medical programs keep coverage at the increased rates, said Jean Haskell, a spokeswoman for Minnesota Blue Cross-Blue Shield.

Starting April 11, unemployed people can call the Minnesota AFL-CIO, 227-7131, to check on eligibility and to get a clinic appointment.●

INCREASING MINORITY OWNERSHIP OF TELECOMMUNICATIONS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. RANGEL. Mr. Speaker, I am pleased to introduce today, with Congressman MICKEY LELAND, the "Minority Telecommunications Ownership Tax Act of 1983." This tax incentive legislation amends two sections of the Internal Revenue Code to stimulate private sector investment in minority-owned or controlled telecommunications firms and to increase the number and diversity of broadcasting, cable, common carrier and other telecommunications properties available to minority buyers.

Racial and ethnic minorities comprise nearly 30 percent of our population. Yet, according to the latest statistics available from the National Association of Broadcasters and the National Cable Television Association, minorities own only 1.7 percent, or 171, of the 10,134 commercial radio and television stations, and less than one-third of 1 percent, or 44, of the estimated 15,647 cable franchises. Minority ownership of radio common carrier property is believed to be even more negligible.

There are a number of reasons why minority ownership of telecommunications properties is so low. A chief one and, according to an advisory committee of the Federal Communications Commission, "the single greatest obstacle" to minority ownership of telecommunications, is lack of adequate financing and investment capital.

To redress this problem, a bipartisan FCC on December 2, 1982, adopted a number of items to increase minority ownership opportunities in telecommunications. These items included the two legislative proposals we are introducing today. These proposals will expand the opportunities for financing increased minority ownership of broadcasting, cable, and common carrier properties. Here is a brief summary of the two proposals:

One. *Investment Credit Amendment.* The first legislative proposal amends section 48(c)(2) of the Internal Revenue Code by raising to a maximum of $500,000 the investment credit a taxpayer can claim against tax liability for purchase of qualified, used telecommunications property. This amendment would be triggered solely where the transfer of telecommunications property would effectuate FCC policy as when a minority owned or controlled firm purchases directly, or through a limited partnership, an existing telecommunications property.

By allowing for a more substantial investment credit to be passed on to investors, this limited scale proposal will make the investment credit for purchase of used property a more effective financing tool for minority buyers to use in attracting investment capital to purchase operating telecommunications properties, especially existing, small-to-medium size cable television systems.

Two. *Tax Certificate Amendment.* The second legislative proposal we are introducing today amends section 1071(a) of the Internal Revenue Code which currently authorizes the FCC to grant a tax certificate to a seller deferring taxation on any capital gains when the sale effectuates a Commission policy "with respect to the ownership and control of radio broadcasting stations." This section 1071 authority has been part of the Internal Revenue Code for 40 years, enacted as part of the Revenue Act of 1943, Public Law No. 78-235, section 116, 58 Stat. 21 (1944). Pursuant to this authority, the FCC, since 1978, has granted 55 tax certificates under a policy encouraging minority ownership of broadcasting facilities. Minority-owned radio and television stations acquired through this tax certificate policy represent over 30

percent of all commercial, minority-owned broadcast stations. Thus, the FCC's tax certificate policy has become a successful mechanism for increasing minority ownership of broadcasting properties.

The legislation we are offering would broaden the scope of the FCC's authority to issue tax certificates for sale or exchange of any type of telecommunications property which effectuates a Commission policy "with respect to the ownership and control of systems of communication by wire or radio . . ." Pursuant to this expanded authority, the FCC will be authorized to issue tax certificates to sellers deferring their capital gains when they sell minorities nonbroadcasting properties including cellular radio, multipoint distribution systems, specialized mobile radio systems, and other private land mobile and common carrier systems.

Mr. Speaker, these investment credit and tax certificate amendments will advance minority ownership of telecommunications in two ways. First, they will help minorities attract more investment capital and second, they will facilitate the sale and transfer of more telecommunications properties to them. As a result, more minority entrepreneurs will be able to participate in the telecommunications marketplace.

Furthermore, the costs of the two legislative proposals are likely to be minimal and may be partially offset by possible revenue gains. A memorandum prepared by the Congressional Research Service, for example, and released on March 11, 1983, concluded that expected "revenue loss from the proposed changes * * * would be small." Similarly, an FCC staff study has estimated a maximum annual revenue loss from the investment credit amendment of $20 million a year, assuming minority broadcast and cable ownership is increased to a total of 10 percent over a 10-year period, and only $10 million a year if minority ownership increases to only 5 percent over the same period. Moreover, the FCC document concluded that "any revenue loss figure—from the investment tax credit amendment—could be offset in part by gains to the Treasury from reduced depreciation deductions and other possible net revenue gains from a potentially broadened national tax base."

As with the costs of the investment credit amendment, the costs of the tax certificate amendment would also likely be minimal. For example, the section 1071 tax certificate authority only authorizes a deferral, not elimination, of taxes on the seller's capital gain. Any loss in tax revenues as a result of the proposed tax certificate amendment could thus be minimized and offset by ultimate tax revenues realized on the seller's deferred capital gain.

Mr. Speaker, the Minority Telecommunications Ownership Tax Act of 1983 deserves the attention and support of all Members of the House. I urge my colleagues to join us in supporting this worthwhile legislation. I will also work to see that this legislation receives full consideration by the House during the 98th Congress. Thank you, Mr. Speaker.

The text of the bill follows:

H.R. 2331

A bill to amend the Internal Revenue Code of 1954 to increase the investment credit for the purchase of used telecommunications property which effectuates policies of the Federal Communications Commission and to provide that the non-recognition of gain on FCC-certified sales of exchanges of radio broadcasting stations shall apply to systems of communication by wire or radio.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority Telecommunications Ownership Tax Act of 1983".

SEC. 2. $5,000,000 LIMITATION ON USED SECTION 38 PROPERTY PURCHASED PURSUANT TO FCC TAX CERTIFICATE.

(a) IN GENERAL.—Paragraph (2) of section 48(c) of the Internal Revenue Code of 1954 (relating to dollar limitation on used section 38 property) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) DOLLAR LIMITATION WITH RESPECT TO PROPERTY CERTIFIED BY FCC—

"(i) IN GENERAL.—In the case of used section 38 property purchased pursuant to a FCC tax certificate, the cost of such property which may be taken into account under section 46(c)(1)(B) for any taxable year shall not exceed the excess of—

"(I) $5,000,000 over

"(II) the cost of used section 38 property taken into account under section 46(c)(1)(B) for such year without regard to this subparagraph.

"(ii) FCC TAX CERTIFICATE DEFINED.—For purposes of clause (i), the term 'FCC tax certificate' means any certificate granted by the Federal Communications Commission which provides that the purchase of the property is necessary or appropriate to effectuate a policy of such Commission with respect to the ownership and control of systems of communication by wire or radio (including policies promoting diversification of ownership of such systems)".

(b) TECHNICAL AMENDMENTS.—

(1) Subparagraph (C) of section 48(c)(2) of such Code, as redesignated by subsection (a), is amended to read as follows:

"(C) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return—

"(i) the limitation under subparagraph (A) shall be $75,000 ($62,500 for taxable years beginning in 1981, 1982, 1983, or 1984), and

"(ii) '$2,500,000' shall be substituted for '$5,000,000' in subparagraph (B)(i)(I).

The preceding sentence shall not apply to subparagraph (A) or (B) (as the case may be) if the spouse of the taxpayer has no used section 38 property which may be taken into account as qualified investment under such subparagraph for the taxable year of such spouse which ends within or with the taxpayer's taxable year."

(2) Subparagraph (D) of section 48(c)(2) of such Code, as redesignated by subsection (a), is amended by striking out "the amount specified under subparagraph (A) shall be reduced" and inserting in lieu thereof "the limitations under subparagraphs (A) and (B) each shall be reduced".

(3) Subparagraph (E) of section 48(c)(2) of such Code, as redesignated by subsection (a), is amended by striking out "the limitation contained in subparagraph (A)" and inserting in lieu thereof "the limitations contained in subparagraphs (A) and (B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased after the date of the enactment of this Act in taxable years ending after such date.

SEC. 3. NONRECOGNITION OF GAIN ON FCC-CERTIFIED SALES AND EXCHANGES EXTENDED TO NON-BROADCAST COMMUNICATION SYSTEMS.

(a) IN GENERAL.—Subsection (a) of section 1071 of the Internal revenue Code of 1954 (relating to gain from sale or exchange to effectuate policies of FCC) is amended—

(1) by striking out "radio broadcasting stations" in the first sentence and inserting in lieu thereof "systems of communication by wire or radio (including policies promoting diversification of ownership of such systems)", and

(2) by striking out "radio broadcasting station" in the second sentence and inserting in lieu thereof "system of communication by wire or radio".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to sales and exchanges after the date of the enactment of this Act in taxable years ending after such date.●

ADEQUATE FUNDING FOR EPA

HON. BILL PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. PATMAN. Mr. Speaker, I am today inserting, for the benefit of my colleagues, my testimony before the House Appropriations Committee Subcommittee on HUD and Independent Agencies on funding for the Environmental Protection Agency's hazardous wastes and toxic substances programs. I do so in the hope that my colleagues in the House will join me in pressing for adequate funding for these vital programs.

TESTIMONY OF HON. BILL PATMAN, M.C., BEFORE THE HOUSE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON HUD AND INDEPENDENT AGENCIES REGARDING FISCAL YEAR 1984 APPROPRIATIONS FOR EPA'S HAZARDOUS WASTE AND TOXIC SUBSTANCES PROGRAMS, APRIL 20, 1983

Mr. Chairman, Members of the Committee, I want to thank you for the opportunity to testify before you here today regarding funding for the Environmental Protection Agency's hazardous and toxic waste programs during the coming fiscal year.

There isn't a State in the Union where people are more concerned about hazardous

wastes than in Texas. Although people from Maine to Oregon enjoy the benefits of the chemical products we manufacture, it is our area that may face the burden of the unwanted and dangerous byproducts generated by industry.

It is only natural that the farmers, ranchers, and small businessmen I represent are deeply concerned about the way our Government deals with those who produce and discard hazardous wastes. The idea of permitting someone to poison a neighbor's drinking water or ruin his farmland or foul his air for the sake of convenience and greater profit is supremely contrary to our spirit and traditions as Texans.

Concerned residents of Bay City, Texas—which I represent—have made national headlines as part of their effort to block construction of a major hazardous waste landfill on low-lying farmland near their town. Some area residents—concerned that their Government hasn't done enough to ensure their safety and health—have begun patrolling the back roads of Matagorda County at night, looking for illegal "midnight dumping" by chemical waste haulers.

These people aren't far-out environmental extremists. They are ordinary working people concerned that unsafe hazardous waste disposal practices are endangering the health of their children, born and unborn, shortening their own lives and threatening their livelihoods that are tied to an agricultural economy and thereby dependent on the productivity and fertility of the land.

Unfortunately, the problems of hazardous wastes can't all be solved at the local level. How successful people in Texas are in protecting themselves and their property from hazardous waste contamination depends in large part on the funding decisions made by EPA and OMB officials, as well as by the members of this committee.

EPA's 1984 budget request demonstrates that the administration is simply not listening to what people in this country are saying about hazardous wastes.

Under the EPA budget request:

Hazardous waste programs will suffer serious reductions in manpower (3 percent) and in funding (11 percent) next year.

Research into new and safer ways of disposing of hazardous wastes would be cut by 21 percent, in real terms.

Although State governments are being asked to assume a greatly expanded role in enforcing Federal hazardous waste laws, financial assistance to the States will be cut by 8 percent, in real terms.

EPA's effort to control some of the most toxic chemical compounds known to man will suffer similar budget cuts:

Toxic substances programs at EPA will be cut by 9 percent, in real terms, next year.

Research into the effects of toxic substances on humans will be cut by 17 percent, forcing the Government to abandon independent testing for toxic compounds.

Although the agency has requested more funds for Superfund response actions, this request is no substitute for careful attention to the hazardous waste and toxic substances programs. Preventing future hazardous waste disasters is just as important as cleaning up abandoned hazardous waste sites of the past. The costs of postponement—both financially and in human terms—are far too great. As with the lethal disease of cancer, the answer lies in early and adequate treatment—and in sound, timely efforts toward prevention.

I respectfully suggest that this subcommittee consider a 1984 appropriations for EPA hazardous wastes and toxic substances programs which are at least as high as that provided in last year's bill, adjusted for inflation.

Anything less than this amount will result in a giant step backwards in our national effort to control hazardous chemical wastes—a problem already out of hand.

By carefully investing our tax dollars today in the EPA's hazardous waste and toxic substances programs, we can avoid hundreds of millions of dollars in cleanup costs in the years to come. At the same time, we will be fulfilling our obligation to protect the safety and health of our people.

Thank you for this opportunity to testify before you today.●

THE WEATHERIZATION AND EMPLOYMENT ACT OF 1983

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. OTTINGER. Mr. Speaker, yesterday, I introduced the Weatherization and Employment Act of 1983 (H.R. 2615). This bill has two purposes. First, it would expand the existing low-income weatherization program at the Department of Energy and would authorize sufficient funding over the next decade to weatherize the remaining low-income homes in the Nation that have yet to receive this assistance. Second, the bill would provide significant new employment opportunities. In addition to the jobs created by the expanded program, job training would be offered to prepare weatherization workers to enter the energy conservation industry and related construction and maintenance fields.

Of the 14 million low-income households in the Nation, the DOE weatherization program has already weatherized about 1 million homes. The results of this program have been impressive, both in terms of energy savings for the Nation and income savings for low-income people.

The DOE weatherization program has provided energy savings of 15 to 30 percent per household through insulation and other energy conservation measures.

According to a 1981 study by the Consumer Energy Council, weatherization results in average savings to low-income people of 27 percent in their fuel bills. This figure is significant because low-income households spend a larger proportion of their income on energy than other income groups.

In hearings before the Subcommittee on Energy Conservation and Power, which I chair, the Consumer Energy Council testified that in 1980–81, low-income households spent almost six times as great a proportion of their income for energy as middle- and upper income households. Because low-income families have little disposable income, they usually cannot afford to make the improvements in their homes that are needed to reduce energy needs, beyond the economies they have already achieved through reduced comfort.

The low-income weatherization program delivers energy at a cost per barrel of oil equivalent which makes it a cheaper way to expand the Nation's energy resources than any other form of energy production. According to the Consumer Energy Council, the low-income weatherization program has produced saved energy at less than half the cost the resident would pay for oil, electricity, or natural gas.

The potential for employment in the weatherization industry is particularly impressive. The conservation industry is a labor-intensive industry, particularly as compared to other forms of energy production.

A manpower study commissioned by DOE and presented before my subcommittee shows that the weatherization program produces about 5,200 jobs onsite and in related manufacturing for each $100 million Federal expended. This conservative estimate means that for each Federal dollar expended, this program is producing 40 percent more jobs than President Reagan predicted for the recently enacted highway jobs bill.

In addition, weatherization provides a unique economic stimulus that produces additional jobs. As weatherization reduces the amount that low-income households must spend on energy, it frees up additional disposable income to be spent on other goods and services throughout the economy. This new spending produces jobs as well. According to testimony received before my subcommittee, a full-scale weatherization program, as envisioned in my bill, would create on the order of 66,000 jobs annually as a result of the weatherization program alone and an additional 88,000 jobs in the economy through the respending of accumulated energy savings.

In the last 2 fiscal years, Congress has demonstrated strong support for continuing this program despite proposals by President Reagan to eliminate funding. In fiscal year 1983, Congress increased funding for this program substantially through emergency jobs legislation. The administration's opposition to the program has caused delays in funding, disruption to the program's management, and uncertainty among local program directors about the program's future. My bill would reaffirm congressional commitment to continue the program on a long-term basis.

This legislation would authorize $500 million annually for the weatherization program in fiscal year 1984 and in fiscal year 1985. The bill requires the Secretary of Energy to develop a

plan to weatherize the remaining eligible low-income homes, estimated at 13 million, over a 10-year period, from fiscal year 1985 through fiscal year 1994.

Congress has already committed the Nation to helping low-income persons pay their ever-rising fuel bills through the low-income energy assistance program (LIEAP). The bill for that program is approaching $2 billion this year. It would seem only logical for the Nation to make permanent reductions in these households' energy use through energy conservation, rather than continuing to pay for energy that is often wasted up the chimney.

The legislation I have introduced would also make several changes aimed at increasing the effectiveness and improving the management of the existing program.

These changes include: Creating a performance fund composed of 10 percent of total appropriations that would permit the Secretary of Energy to reward those States that have demonstrated excellent performance in terms of the quantity of houses weatherized or quality of their weatherization programs. Permitting the replacement of inefficient heating systems, which, in combination with insulation, have been shown to yield energy savings of 40 percent. Requiring State agencies to coordinate the weatherization program with the LIEAP program through exchanging lists of recipients. Giving LIEAP recipients second priority for weatherization assistance after the existing priority for elderly and handicapped persons. Providing information to low-income residents concerning maintenance of conservation equipment and general conservation advice. Requiring States to include a training program with their State weatherization plan and providing funding for this purpose. Increasing the maximum expenditure per house to $2,500 to allow for replacement systems, necessary repairs, and all other labor and materials expenses. Requiring postinstallation inspections of weatherization improvements to insure quality work.

I request that the complete text of the Weatherization and Employment Act of 1983 be placed in the RECORD.●

LAW OF THE SEA TREATY: U.N. GLOBALISM

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. FIELDS. Mr. Speaker, the recent issue of U.S. News & World Report carries an article concerning the efforts of the Socialist bloc countries in the United Nations to impose their political and economic principles upon the free world.

In the forefront of schemes to implement the so-called new international economic order, is the U.N. sponsored Law of the Sea Treaty. The NIEO has little to do with wealth and sharing; its main goal is political power.

Once again, the Reagan administration deserves the gratitude of all Americans and freedom-loving peoples the world over for its refusal to embrace this blatant thrust toward "global socialism."

The article follows:

AS U.N. TRIES TO REGULATE JUST ABOUT EVERYTHING—BUT UNITED STATES OPPOSES RULES THAT WOULD REDISTRIBUTE WEALTH

Even as the Reagan administration struggles to roll back excessive bureaucratic rules at home, Americans are getting tangled in a little-noticed web of international regulation imposed by the United Nations.

Many of the U.N. rules are endorsed by the U.S. as vital to avoid anarchy in an increasingly complex world—much as traffic lights are needed in population centers to avert traffic chaos.

These include global safety standards for ships and aircraft, health certificates for travelers to some regions, uniform postal rates and assignment of space on broadcast bands.

But another form of international regulation is causing growing concern in Washington. This involves an attempt by poorer nations to wrest a greater share of the world's wealth—and political power—from the industrial West.

Politically inspired regulations approved or proposed by the U.N. in the last few years are designed primarily to foster such a redistribution of economic and political power over a wide range of issues. Among them are moves aimed at—

Giving lesser-developed nations guaranteed shares of the profits from cargo shipping and undersea mining of ocean-bed mineral nodules by industrial countries.

Granting the Third World a say in the behavior of multinational corporations and in the marketing of drugs, chemicals and infant formulas.

Authorizing nations, including dictatorships and Communist regimes, to impose controls on the movement of public information and commercial data over their borders.

Even though the world economic recession has tempered some of the Third World's stridency, U.S. officials are concerned about the growing scope of the restrictions sought by developing nations. In a recent speech, Ambassador to the U.N. Jeane Kirkpatrick charged the world body with practicing "global socialism."

"The dominant ideology in the U.N. concerning economic regulation is a version of class war," she said. She charged that international bureaucrats who know little about what they are regulating make matters worse.

In a classic encounter between the haves and have-nots, the United States often finds itself in a small minority of developed countries or standing alone against the world.

For example, in December, the U.S. was outvoted, 146 to 1, on a resolution to compile for the developing countries' benefit a U.N. register of all "harmful products." The U.S. opposed the extra $140,000 cost, of which it pays a fourth.

At the root of the U.N.'s more controversial regulations is muscle flexing by developing countries in their postcolonial phase. With their power enhanced by the one-country, one-vote structure of the U.N. General Assembly, they have sought since 1974 to use the U.N. as a tool to shift the global political and economic balance. They started with a resolution calling for a "New International Economic Order" (NIEO).

REPARATIONS

Over U.S. objections, poorer nations demanded reparations from the developed world, claiming a right to aid from richer states.

"The problem with the NIEO is that it tends to view the world's riches as a fixed pie which must be cut up another way," observes Raymond J. Waldmann, a former assistant secretary in both the U.S. State and Commerce departments.

An American diplomat at the U.N. argues further: "Not only do they want a bigger share, they want to get control of the knife that slices it."

One example of recent wealth-transfer regulations: The Law of the Sea Treaty, signed in Jamaica last December by 120 nations but not by the U.S.

This gives a new United Nations agency, the International Seabed Authority, the sole power to license the harvesting of ore-rich nodules from the ocean floor. Mining companies and consortia must sell the extraction technology they have developed to an international mining company, called the Enterprise, which will share it with less developed countries.

At the same time, the treaty would require the U.S. to pick up most of the cost, even though it might have no say in the authority's operation. Forty-six other countries, including Britain and West Germany, have joined the U.S. in rejecting these regulations.

In addition to the U.S. boycott of the new treaty, President Reagan on March 10 asserted an exclusive right to exploit minerals within 200 miles of America's coastline.

Next target of worldwide regulation: Shipping. U.N. standards are designed to build up developing countries' fleets, but they endorse price fixing, cargo sharing and restrictive cartel arrangements prohibited by U.S. law.

CODE OF CONDUCT

A code of conduct written by the U.N. Conference on Trade and Development (UNCTAD) contains detailed regulations on how shipping agreements between countries must be organized and operated.

Most controversial is a provision that aims to guarantee that developing nations get a bigger share of cargoes in and out of their ports. Trading partners adopting the code could split most of the cargo shipped between their countries. Freighters of the U.S. and other mercantile nations that shun the code would not be bound by such arrangements, but they could still be hurt by greater competition in the lucrative business of carrying cargo between foreign ports.

The Reagan administration is opposing the plan, even though a Department of Transportation report estimates that a greater "forced market share" of cargo in and out of U.S. ports would actually boost U.S.-carrier revenues by 500 million dollars. Washington complains that the proposal is anticompetitive and contrary to American antitrust laws.

Nonetheless, France, Germany, Belgium and other European Common Market countries are expected to ratify the code this year with some amendments favorable to

the U.S., thus bringing it into effect. They are intent on blocking the rapid expansion of Communist-flag fleets that are cutting into the traditional business of Western European maritime nations.

A more volatile issue is U.N. regulations being directed specifically toward the export and marketing of pharmaceuticals, health products such as infant formulas and contraceptives, pesticides and "harmful products."

Developing nations also are attacking what they claim is exploitive behavior by the multinational corporations that make these products.

Through codes of conduct—a regulatory device that has flowered at the U.N.—these countries are attempting to "redress existing worldwide economic imbalances" and to transfer technology to themselves on more favorable terms.

Rubina Khan, a staff official for the U.N. Director-General for Development and International Economic Cooperation, alleges that "pharmaceutical companies represent [multinationals] at their worst." Main complaints are that drug companies overcharge and dump dangerous drugs in the Third World.

The drug industry counters that its return on equity in developing countries is half of what it is in Western Europe and the United States. Jay Kingham, international vice president of the Pharmaceutical Manufacturers Association, says costs may be higher on some new drugs, "but that's only to make up for transportation and government intervention in those countries."

DOMINATION STRATEGY

To offset what they call a "strategy of domination used by industrialized countries," two U.N. agencies, the Industrial Development Organization (UNIDO) and the World Intellectual Property Organization (WIPO), have urged greatly weakening patent and trademark protection.

Kingham, speaking for American drug manufacturers, complains that this initiative—currently stalled—would undermine some of the most basic concepts of private industry.

Washington lawyer James R. Phelps says: "It appears that the pharmaceutical industry is destined to be a testing ground on which the future of the [New International Economic Order] will be decided."

On the horizon is a proposal by Health Action International—a coalition of health and consumer-activist groups from 55 nations assisted by the U.N.—to ban advertising and promotion of prescription drugs.

The regulation emulates the World Health Organization's Breast-Milk Substitutes Marketing Code, adopted in the wake of charges that misleading promotion of infant formulas had led to infant deaths in undeveloped countries.

International regulators now are zeroing in on pesticides. Environmentalists insist that an industry-backed marketing code now before the U.N. Food and Agriculture Organization in Rome is too weak.

"There's a lot of concern that the code will legitimize labeling and marketing practices that are harmful to consumers," says David Chatfield of Friends of the Earth. "Pesticide makers should not be able to claim that their products can do everything but the dishes."

ASBESTOS

Consumer groups and international trade unions are backing yet another marketing code aimed at restricting asbestos marketing. They hope to have it approved by the U.N.'s International Labor Organization in June.

Critics claim that other U.N. specialized agencies, created to smooth technical and scientific cooperation, are bowing to pressure from the U.N.'s political majority of developing nations. The most noteworthy example: the U.N. Educational, Scientific and Cultural Organization (UNESCO), which is embroiled in a major controversy over attempts to regulate the news media.

A "New World Information Order" proposed by the U.N. would allow international licensing of journalists and a code of ethics—measures that most in the Western media believe would pose a significant threat to their ability to gather and distribute news freely, and—not coincidentally—give Third World media a bigger share of the market.

UNESCO has now modified its position to acknowledge the role of the press in "monitoring abuses of power," but the controversy over controls has not yet been resolved.

The communications industry faces restrictions from another direction with approval by the U.N. Commission on Peaceful Uses of Outer Space of a treaty prohibiting the satellite transmission of television signals into foreign countries without their permission.

"The battle isn't over," says Leonard Marks, a World Press Freedom Committee official. "The critics have been rebuffed, but they haven't been silenced."

The practical effect of U.N. wealth-transfer regulations remains to be seen. Is it a political salve for the poorer countries of the Southern Hemisphere? Might it serve as a safety valve for those of the Northern?

The U.N. code on transnational corporations has been on the negotiating table for six years and is probably years more from completion. The code on transfer of technology is even further from adoption.

Paxton Dunn of the U.S. Council for International Business says, "I can't conceive of a code being voted over the objection of the U.S. and having it mean anything. But our position is positive. A good code would clear the air and make a better investment climate."

At the U.N., where each word in a document is charged with worlds of meaning, U.S. insistence on "balanced and universal treatment" for multinationals has given some developing countries cold feet about the proposed rules to control transfer of technology.

The modified language would impose obligations on them to treat multinationals fairly and would cover staterun enterprises as well as private firms.

Notes Samuel K. B. Asante, chief legal adviser to the U.N. Centre on Transnational Corporations, "They never thought it would get to that point."

FEARS ARE DIMINISHING

The changing climate of foreign investment and the worldwide business recession have also acted to make many Third World nations less fearful of the multinationals and more concerned about losing economic benefits that these corporations bring.

Still, most observers agree, U.N. activity has stimulated greater national regulation. But it also has made industrialized countries aware—sometimes painfully so—of Third World problems.

American diplomats can only bristle at the bruising, lopsided votes against U.S. interests. For now, says one member of the U.S. mission, "we'll just keep on talking."

HOW U.N. REGULATES LIFE ALMOST EVERYWHERE IN WORLD

RULES IN FORCE

Commercial aviation. Worldwide uniformity assured for pilot licensing, runway lighting, fuel dumping, engine noise and air-traffic language—English.

Shipping. Cooperation mandated between nations on collisions at sea, oil spills, safety of passengers, luggage liability and rules of the road.

Energy. Most nuclear power plants inspected regularly, and shipments of radioactive materials monitored to contain danger of nuclear proliferation.

Broadcasting. Space assigned on all radio-TV bands and interference monitored; sanctions against unwanted transmission of television and shortwave signals into other countries.

Telephones. All international telephone rates and tariffs regulated.

Postal. International postal charges regulated, and rules set for agreements on insured letters and money orders.

Food. Standards set on quality and hygiene of over 130 foods such as canned tomatoes, applesauce and mushrooms. Infant formulas prohibited from being advertised or sold directly to nursing mothers. (Only 10 countries so far have accepted the marketing code.)

Drugs. Lower cost and less duplication of drugs in Third World nations facilitated through list of generic drugs available on international market.

Disease. Travelers in certain parts of the world required to show proof of vaccination against epidemic diseases.

Labor. International guidelines set for wages, hours worked, minimum ages and industrial safety. No U.N. enforcement mechanism exists.

Business. Exporters of technology barred from imposing restrictions that limit importers' freedom to exploit the technology.

Deep-sea mining. Companies engaged in seabed mining required to sell their technology to an international monopoly that will license all such undersea mining.

AND RULES PROPOSED

Drugs. An "international food-and-drug administration" would be established to regulate drug advertising, labeling, sales and cost.

Patents. Patent and trademark protection would be reduced, forcing companies to lose exclusive rights when they fail to market patented products in a developing country.

Pesticides. Labeling, advertising, marketing and storage of pesticides would be regulated.

Science. Nations would be required to exchange scientific information on deterioration of the ozone layer in space and to consult on ways to combat the problem.

Journalism. Journalists would be subjected to licensing and a code of ethics, and international data flow would be restricted.

Business. Multinational firms would be forced to sell the technology they use in a particular country and insure minimum production levels; also, they would be required to adhere to an international code of conduct.

Shipping. Developing nations would be given a greater share of world shipping, and trading partners could close their ports to other ships.

Antarctica. As "common heritage" of mankind, mineral resources could be exploited only under global controls.●

MAREK EDELMAN REFUSES TO JOIN JARUZELSKI COMMITTEE TO COMMEMORATE WARSAW GHETTO UPRISING

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. GEJDENSON. Mr. Speaker, the Committee in Support of Solidarity recently received from Poland a copy of the underground Solidarity newspaper, Informacja Solidarnosci, Region Mazowsze—Solidarity Information, Warsaw Region—No. 118, dated February 22, 1983. The front page of this particular edition contained an open letter from Marek Edelman, the only surviving leader of ZOB (Zydowska Organizacja Bojowa—Jewish Fighting Organization), and deputy commander of the Warsaw Ghetto Uprising.

As many of my colleagues may know, Mr. Edelman, a noted physician, member of the Lodz Region Executive Commission of Solidarity and a delegate to the First National Congress of Solidarity in Gdansk in September 1981, was briefly interned by the Jaruzelski regime when martial law was imposed in Poland on December 13, 1981.

With your permission Mr. Speaker, I would like to enter the translation of Mr. Edelman's letter into today's CONGRESSIONAL RECORD. The text is as follows:

FEBRUARY 2, 1983.

I was invited to join the Honorary Committee to Commemorate the 40th Anniversary of the Warsaw Ghetto Uprising. I wish to explain why I refused.

40 years ago we did not fight merely to survive—we fought for life in dignity and freedom.

To celebrate our anniversary here, where enslavement and humiliation are now the lot of the whole society, where words and gestures have become nothing but lies, would betray the spirit of our struggle. It would mean participating in something entirely to the contrary, it would be a cynical act of contempt.

I shall not be a party to this, nor will I condone the participation of others, regardless of where they come from, whatever their credentials.

The true memory of the victims and heroes, of the eternal human striving for truth and freedom, will be preserved in the silence of graves and of hearts—afar from manipulative ceremonies.

MAREK EDELMAN.●

EPA NEEDS THE STARCH PUT BACK IN

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LEVITAS. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial which appeared in this morning's Atlanta Constitution. The editorial is an open letter to President Reagan, which points to what I believe is the essence of the status of the present situation at the Environmental Protection Agency—and that is, that we cannot just change the top personnel at EPA, but we have got to change the policy, as well, in order to clean up the mess.

I would like to place this editorial in the RECORD and urge my colleagues to take a moment to read it.

EPA NEEDS THE STARCH PUT BACK IN

DEAR MR. PRESIDENT: Just a reminder. A recent analysis of your environmental policy finds continued high readings of ideology reacting with dangerously low levels of practicality. As you know, this can produce some volatile results.

In its isolated form, your ideology breaks down this way: You have promised to get government off the backs of the American people.

So you have chained up the toxic-waste watchdogs at the Environmental Protection Agency and allowed scandal to grow. You have winked at industrial polluters. You have scaled down plans for acquisition of national park land—such as the Chattahoochee River recreation area—and left it ripe for development. You have worked tirelessly to weaken water-quality standards.

But your laissez-faire ideals have landed you in with some pretty toxic company: unethical chemical firms, developers with an eye for the quick buck and the fastest route out of town, industries with sense of social commitment worthy of Dickensian England.

The nation is growing ever more uncomfortable.

Many respectable developers and industrialists take a dim view of your actions. They understand—even if begrudgingly—the need for regulation and are resigned to it. They yearn now for stability, predictability. And many are frightened of the public backlash you are creating. Must they someday operate at an economic disadvantage if they wish to reassure a public made cynical?

The polls confirm public disenchantment. A Harris poll in December found that 89 percent of those surveyed believe clean-water efforts do not need to be sacrificed to stimulate the economy. A New York Times/CBS News poll, taken this month, found that 58 percent of those questioned believe environmental standards must be enforced at all costs. (This group, bigger than in previous years, includes many Westerners and Republicans, your natural constituency.)

Your decision to put William Ruckelshaus in charge (again) at EPA is not enough. Your ideology must be leavened with yet more practicality. Ruckelshaus must be given a clear mandate to restore EPA to its former professionalism. The Interior Department must assume its abandoned role as guardian of public land. Americans must have your absolute assurance that you intend to guard the public health as well. Americans don't want all government off their backs.●

IMPERIALISTS NO MORE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to my colleagues attention the following article by Prof. Luis Aguilar on U.S. involvement in Nicaragua, in particular, and Central America in general. I believe Professor Aguilar's analysis of the decline of American influence in this region, and the corresponding increase in Soviet influence, is indeed timely and noteworthy. The article appeared in the Washington Post recently.

IMPERIALISTS NO MORE

In a recent television program, Rep. Michael Barnes vehemently expressed his opposition to the alleged U.S. covert operations in Nicaragua, which he compared with the American imperialist landing of the Marines in that region in the 1920s. That comparison, a favorite of the Latin American left, is totally misleading.

The Marine landings of the 1920s, in Nicaragua and other Caribbean areas, were obvious acts of imperialism. At a time when the United States faced no challenge in the Western Hemisphere, military force was used, or abused, to preserve American economic and political supremacy.

But the U.S. position in the Caribbean and Central America has drastically changed since the 1920s. In 1933, for example, by simply withholding diplomatic recognition, the United States was capable of toppling a revolutionary government in Cuba. Five decades later, the United States has not only been incapable of overthrowing a communist regime in Cuba, but has also failed to prevent Castro from sending troops to Africa, from expanding his influence in Central America, and from building a formidable military machine, dangerously close to vital American military and trade routes.

Of the many factors that help explain this dramatic turn of events, one stands as the most relevant and, at least for the United States, the most ominous: the increasing presence of the Soviet Union in the Caribbean. This Soviet menace, which has forced the United States to alter its global strategy, should be measured not only by the military equipment sent to Cuba, or Nicaragua, but also by the ideological orientation of the regimes that the Soviet Union promotes and supports: expansionist Communist governments that are not really anti-imperialist but anti-American—an essential distinction too often ignored by the United States.

In Latin America, traditional anti-imperialism, usually a nationalistic resistance to American economic penetration, nonetheless harbors a desire to emulate the United States and a dream of reaching American economic standards. Quite different, the essence of anti-Americanism is total rejection of everything the United States represents, from democratic elections and free enterprise to the Peace Corps and rock music.

Consequently, while any improvement in the economic relations between the United States and Latin America usually ameliorates anti-imperialist feelings, there is almost nothing the United States can do to reduce anti-Americanism. The United States

was still giving economic aid to Nicaragua when already the Sandinistas were teaching Nicaraguan children songs about the United States' being "the enemy of humanity," and proclaiming their intention to aid any group fighting the American "monster" in Central America. As in Cuba, the proclamation was backed by a continuous increase of the Nicaraguan armed forces, close ties with the Soviet Union, and some kind of intervention in neighboring countries. To compare this type of aggressive, militaristic, pro-Soviet regime with the weak and harmless Central American governments of the 1920s is a dangerous historical simplification.

This failure to recognize the true nature of today's struggle in Latin America, plus the liberals' traditional reluctance to admit that a "revolutionary" government can be brutal or repressive, are perhaps the reasons for the double standard that many liberals apply to Central America. In the case of El Salvador, those liberals dismiss as irrelevant any Soviet, Cuban or Nicaraguan covert intervention, and attribute the political turmoil in that country to deep internal problems. In the case of Nicaragua, however, they reverse their logic, dismissing internal problems as nonexistent and attributing political violence to American covert operations. Thus, the same group that pressures the U.S. government to recognize the Salvadoran guerrillas as a legitimate political force demands that the United States stop any aid to the guerrillas in Nicaragua.

But the truth is that the Sandinistas, who have replaced Somoza's personal dictatorship with their own ideological dictatorship, are responsible for most of the political problems they are now confronting. By squandering national and foreign economic aid, repressing all forms of dissent, insulting the Pope, curtailing religious activities and brutally mistreating the Miskito Indians, the Sandinistas have alienated vast sectors of the Nicaraguan population and provoked an intense popular anti-government reaction. The expanding commitment to stand against Nicaragua's government, which has even affected democratic Costa Rica, is basically the result of the Sandinistas' actions, not of any American covert operations.

What U.S. involvement in the growing Central American crisis might be, it is utterly naive to ignore the Soviets' role in the area and to present the Sandinistas as innocent victims of American imperialism. A Costa Rican diplomat focused more accurately on present Sandinista problems when he acidly commented: *"Nadie puede jugar con fuego sin quemarse"*—Nobody can play with fire without getting burned.●

H.R. 2641, THE UNFAIR TARIFFS ON PRECIOUS STONES EXPORTED FOR SETTING ABROAD

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. FRENZEL. Mr. Speaker, recently, an incident in my district brought out an inequity in the tariff schedules which my bill seeks to remedy.

Currently, an individual who takes precious stones out of this country, purchased in this country, for purpose of setting into an item of jewelry abroad must pay duty not only on the setting purchased abroad, but on the total value of the piece of jewelry—which includes the stones previously owned by the individual.

In essence, the Customs Service forces the individual to pay duty on materials he or she did not purchase abroad. That kind of absurd and unfair ruling is what gives bureaucrats a bad name.

I have not seen any publication which warns individuals of this capricious interpretation of the law, nor do local customs officials seem to be aware of it. My constituent was advised that duty would not be applicable on the precious stones if documentation of purchase in this country were presented upon reentry into this country.

My bill would amend section 806.20 of the tariff schedule to specify that the value of previously owned precious stones incorporated into an article of jewelry cannot be included in determining the value of that article of jewelry. While the bill does not so specify, I assume that customs would require some sort of documentation of ownership to avoid duty payment on anything but the setting.

This bill is intended to help only individual travelers. It does not help any business concern. This language cannot be used for commercial purposes. Language is included which would make duty payable on the precious stones if the article is sold within 3 years of setting abroad.

I introduce the bill, not to assist my own constituent but to assist future travelers who are at present helpless to defend themselves from the rapacious Customs Service.

H.R. 2641

A Bill Relating to the tariff treatment of precious stones exported for processing abroad into jewelry solely for the personal use of the exporter

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That headnote 2 of subpart B of part 1 of schedule 8 of the Tariff Schedule of the United States (19 U.S.C. 1202) is amended by adding at the end thereof the following:

"(d) For purposes of item 806.20 only, the value of a precious stone exported by an individual for processing abroad into an article of jewelry, or similar article of personal adornment, shall, if such article is imported by that individual, be excluded in determining the value of such processing; except that if such article is sold (other than in accordance with a judicial order or in liquidation of the estate of a decedent) within 3 years after importation without prior payment to the United States of the duty on such stone that would have been payable at the time of entry without the benefit of such exclusion, the value of such stone (to be recovered from the importer) shall be subject to forfeiture.".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to precious stones exported from the United States on or after the date of the enactment of this Act.●

BILL TO DESIGNATE THE WEEK BEGINNING JUNE 24, 1984, AS "FEDERAL CREDIT UNION WEEK"

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Ms. OAKAR. Mr. Speaker, Federal credit union officials from throughout the Nation are now in the process of planning appropriate ceremonies recognizing the 50th anniversary of the signing of the Federal Credit Union Act. I strongly urge my colleagues to join in cosponsoring a bill which I introduced requesting that the week of June 24 to 30, 1984, be set aside and designated "Federal Credit Union Week" in observance of the signing of the Federal Credit Union Act on June 26, 1934.

The credit union movement has always held a particular personal meaning for me. I have been a member of a credit union for all of my adult life—so I am keenly interested, both personally and professionally, in the continuing development of the credit union movement and the promotion of the basic principles for which it stands.

The enactment of the Federal Credit Union Act made 1934 a significant year for credit unions because it allowed credit unions to be organized everywhere in the United States under charters from the Federal Government. Since that day, more than 12,000 Federal credit unions have been chartered and now serve the financial needs of over 25 million people.

While recent legislative and regulatory actions have propelled credit unions into the mainstream of today's highly competitive financial marketplace, it is nevertheless important to confirm their unique role as cooperative not-for-profit financial institutions organized to promote thrift among their members.

It seems most appropriate that the Congress accord recognition to the unique contribution Federal credit unions have made to the financial well-being of our Nation's small savers. The joint resolution would designate the week of June 24-30, 1984, "Federal Credit Union Week," and authorize and request the President of the United States to issue a proclamation and call upon the people of the United States to observe this week with appropriate ceremonies and activities.

The following congressional Members have already joined me in sponsoring this resolution: Mr. FAUNTROY, Mr. YOUNG of Alaska, Mr. ANDERSON, Mr. PEPPER, Mr. AKAKA, Mr.

D'AMOURS, Mr. SMITH of Florida, Mr. SIMON, Mr. HATCHER, Mr. ST GERMAIN, Mr. WYLIE, Mr. BEREUTER, Mr. HOYER, Mr. WOLF, Mr. DAUB, Mr. ROE, Mr. VENTO, Mr. VANDERGRIFF, Mr. FRANK, Mr. MCCOLLUM, Mr. LAFALCE, Mr. BATES, Mr. BARNARD, Mr. RAHALL, Mr. STOKES, Mr. LELAND, Mr. MCGRATH, Mr. SCHEUER, Mr. DASCHLE, Mr. ANNUNZIO, Mrs. HOLT, Mr. HUBBARD, Mr. DREIER, Mr. LUJAN, Mr. RATCHFORD, Mr. CARPER, Mr. BARNES, Mr. EDGAR, Mr. WHITEHURST, Mr. OBERSTAR, Mr. PATMAN, Mr. LEVIN, Mr. BROWN of California, Mr. SKEEN, Mr. YATRON, Mr. LOWERY of California, Mr. MARKEY, Mr. WEAVER, Mr. KOGOVSEK, Mr. FROST, Mr. HORTON, Mr. LONG of Louisiana, Mr. MURPHY, Mr. BERMAN, Mr. FRENZEL, Ms. KAPTUR, Mr. WASHINGTON, Mr. TALLON, Mr. HANSEN of Idaho, Mrs. BOXER, Mrs. HALL of Indiana, Mr. DE LA GARZA, Mr. OWENS, Mr. MAZZOLI, Mr. MITCHELL, Mr. HOWARD, Mr. MARTINEZ, Mr. GUARINI, Mr. MOLLOHAN, Mr. FOGLIETTA, Mr. TORRICELLI, Mr. MOORE, Mr. FEIGHAN, Mr. DIXON, Mr. MATSUI, Mr. LEHMAN of California, Mr. LAGOMARSINO, Mr. DYMALLY, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. PATTERSON, Mr. MCKINNEY, Mr. CHANDLER, Mr. BREAUX, Mr. PERKINS, Mr. REID, Mr. DE LUGO, Mr. DELLUMS, Mr. EDWARDS, Mr. HAMMERSCHMIDT, Mr. LIVINGSTON, and Mr. NICHOLS.

The text of the bill is printed below:

H.J. RES. 139

Joint Resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week"

Whereas on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act;

Whereas the enactment of the Federal Credit Union Act enabled credit unions to be organized throughout the United States under charters approved by the Federal Government;

Whereas Federal credit unions are cooperative associations organized in accordance with the provision of the Federal Credit Union Act for the purpose of promoting thrift among their members and creating a source of credit for provident or productive purposes;

Whereas Federal credit unions have consistently reflected the cooperative spirit of people helping people and the philosophical tradition that gave birth to the Federal Credit Union Act; and

Whereas June 26, 1984, is the 50th anniversary of the date of the enactment of the Federal Credit Union Act: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 24, 1984, hereby is designated "Federal Credit Union Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

A TRIBUTE TO CLYDE W. PRICE

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. SHELBY. Mr. Speaker, I would like to take this opportunity and honor an outstanding individual in my hometown of Tuscaloosa, Ala.

Mr. Clyde W. Price or "Syrup Sopper" as he affectionately is called by his listeners, is owner and general manager of radio station WACT/WACT-FM in Tuscaloosa. His devotion to and love of the radio medium are quite outstanding. His respect by other professionals in the field is evident by the numerous broadcasting honors he has received and elected positions he has held.

Clyde has been in the field of broadcasting for 35 years, beginning at WKUL in Cullman, Ala., his hometown, at the age of 15. From there he went to WFMH in Cullman where he remained until moving to Tuscaloosa in the early 1950's to attend college at the University of Alabama. He graduated in 1955 with a B.A. in radio and television and worked at WNPT radio station throughout his studies in school.

Clyde was on the airwaves at WNPT until 1961, except for 2 years—1955-57—in the U.S. Army Signal Corps at Fort Monmouth, N.J., and Fort Gordon, Ga.

In 1957, Clyde returned to Tuscaloosa and in 1961 joined WACT as part owner and general manager. Since then, the station has grown tremendously with the addition of WACT-FM in 1967 and all new facilities in 1979.

Clyde is on the air each morning with the ever popular "Syrup Sopper Show" and the "Hotline," a call-in interview program with special guests. I have participated in Clyde's programs both at home and from my office in Washington. It is always a pleasure to be a guest on his show and Clyde keeps the program moving with his expert handling of the situation. He knows the issues and how to work with people in the call-in, interview format of radio programing.

Clyde is recognized as a leader throughout the radio broadcasting industry. He is a member of the board of the National Association of Broadcasters and the Associated Press. He has also served the industry from his tenure on the National Association of Broadcasting Board from 1972-1974, and is a past president of the Alabama Association of Broadcasters. He is also a member of Alpha Epsilson Rho and the Broadcast Pioneers.

Clyde has always taken a very active interest in his community and presently serves as chairman of the board of the First State Bank of Tuscaloosa. Recently, he was elected vice president of the Stafford Inn in Tuscaloosa.

He is married to the former Carol Dean Bailey of Cullman. They have two lovely sons, Wally, 28, and Ron, 24, who work with him at WACT.

Mr. Speaker, it is with the greatest honor that I share this insight of Clyde Price with my colleagues in the House of Representatives. One can tell of the caliber of this individual by following his rise to the top in the radio broadcasting industry. He has brought great honor and pride to his family, his radio station, the Tuscaloosa community, and the State of Alabama. I am proud of Clyde's accomplishments and achievements, and proud to be his Congressman in Washington.

We need more individuals like Clyde Price in this country who are not afraid to get out and work, and who are not afraid to stand up for ideals they believe in. He has given so much of himself to others and I believe this tribute is certainly deserving to this outstanding individual.

The radio industry is fortunate to have Clyde W. Price on their team, and I wish him the very best in all of his future endeavors.●

SOCIOLOGICAL ASPECT OF CANCER

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. SMITH of Iowa. Mr. Speaker, the Government through the National Cancer Institute is spending nearly $1 billion a year to find the cure for cancer and the American Cancer Society and others through private funding allocate untold millions in the effort to find cures for this disease. The massive funding, coupled with efforts of the thousands of scientists involved, is producing startling results.

At the same time that these cancer experts are making headway, a somewhat less encouraging sociological aspect seems not to be keeping pace with these efforts. It is the failure of some U.S. industries to hire and/or rehire individuals who have overcome cancer because of an imagined stigma that has no sound medical significance whatsoever. Some industries, even defense plants, have shut these individuals out simply on the grounds of a cancer record. The Federal Government itself was a laggard along this line until a scientific team aired the plight of such individuals some years ago.

The fact that scientists and many other highly skilled technicians along with other cured cancer patients have been shut out of the employment field is nothing short of a disgrace.

This discouraging situation is described in the latest issue of Oncology Times. In this article, Dr. Robert M. McKenna, clinical professor of surgery at the University of Southern California, indicates that although this job discrimination is being somewhat alleviated, it still exists. For more than a decade Dr. McKenna has been involved with trying to bring individuals who have been cured of cancer back into the job market.

This situation is fully described in the Oncology Times publication of March 1983 by Harry L. Tennant, an Iowan who spent 36 years covering the Washington legislative scene, 10 of which were concentrated on the medical field. I request that this article be inserted in the RECORD so that this situation will be brought to the attention of those in Congress who have worked diligently over the years in the cancer area and who should be aware of what is taking place after a cancer has been cured.

CURED CANCER PATIENTS FACE JOB DISCRIMINATION

LOS ANGELES.—Job discrimination against cured cancer patients has long ranked with other discriminatory practices and has largely been ignored. Now headway is being made on the basis of "education," with a dynamic drive being directed at the oncology physician as well as the cancer-oriented personnel working with him.

Pioneering this move to restore the job rights of the 3 million cured cancer patients is Dr. Robert M. McKenna, clinical professor of surgery at the University of Southern California. Openly critical of many employment areas, Dr. McKenna says some companies and business firms seem to be coming around, but there are still many wary about rehiring old employees or hiring new ones with a history of cancer. Many balk at giving a skilled person with a cancer history a chance to reestablish his skills.

Dr. McKenna, who heads a pilot project in this field, first became concerned in 1969, after he had successfully treated two aerospace engineers who were then ready to return to the job market. A drop in employment occurred at this time, with many engineers shifting jobs and seeking employment in other firms. The two engineers he had treated were rejected because of their history of cancer, and the irony is that these two are living today with no trace of cancer.

EDUCATION THE BEST APPROACH

Dr. McKenna feels the educational approach is the best feasible, with the physician taking a positive approach to the human side of cancer. They should look at a patient not only as someone who has cancer, but as someone who works, has a family, is satisfied with his job, and wants to keep working. The physician should do everything he can to get the individual back to work with as minimum a disability as possible. This includes helping the patient to recover emotionally, or even writing letters and going to bat with employers. He pointed out that he had been in cancer work exclusively since 1954 and it wasn't until 1969, when he met up with the two aerospace engineers, that he "was hit between the eyes with his situation."

What fired him up, Dr. McKenna said, was the fact that the two individuals were specialists. "Here they were, but they could not get a job. They were lost for a long time. One went into the consulting business and the other was forced to live with his in-laws. It was almost seven years before he finally got back into the aerospace business."

In 1971, the National Cancer Institute put on a rehabilitation workshop in Washington, D.C. Dr. McKenna, chairman of one of six sessions during the week-long workshop, learned that all attending had experienced similar situations of discrimination against patients free of cancer. These physicians reported numerous cases where employers turned down patients who had lost their larynx, had a mastectomy, or other surgery. In some cases, schools refused teachers who had had a breast removed because school authorities did not want them teaching children. But the news was not all bad; some individuals had less trouble going back to their old job then in getting a new position.

Soon after, the government sponsored five studies to determine the size of the problem. It was impossible to determine the extent of the problem. Finally in 1976, Frances Feldman, who was in charge of social work at USC, published a report based on material from the cancer surveillance program in Los Angeles. This focused on all 24,000 new cancers annually and tells exactly where the cases are located. Using this resource, the identity of working people between the ages of 20 and 45 years could be determined. These individuals were then interviewed with the permission of their physicians to see how many had problems with discrimination.

Between 50 to 80 percent of people said they had faced some type of discrimination, depending on where they worked. Blue collar workers suffered more. Some 20 percent could get a new job. Some said their bosses pointed out they could not advance them or send them out for more training or responsibility because "you might have a recurrence of the cancer."

Their fellow workers were also critical of them, fearing that cancer was contagious. They were told they would not be eligible for sick benefits, nor could they get insurance at a new company.

People who write insurance should have a more optimistic attitude. "If we have brought our cured cancer percentage to 50 percent from the turn of the century, when one in six was the going rate, we should upgrade our standards for making use of talents these people have to offer," he noted.

One aircraft industry executive told Oncology Times that this is one area which has been talked about for some time, but that it presented his company with a situation that might be difficult to solve. He added that any agreeable solution would probably come on an industry-wide basis.

GOVERNMENT GUILTY

In commenting on the government as an employer, Dr. McKenna said it has been the worst offender, with all kinds of rules indicating that one can't be hired if one has cancer. He cited a case where a young Peace Corps applicant was turned down because she had a precancerous condition of the cervix that resulted in a hysterectomy. "I've seen people get out of the service after 30 years in the Army who had cancer of the colon three or four years before discharge. They passed the Civil Service examination, but were turned down because they flunked the physical."

Dr. McKenna also cited the criminal justice field as one of the worst offenders, including the Federal Bureau of Investigation, state and county police, and sheriff departments. Applicants who have degrees in police science sometimes cannot be employed by these agencies because of strict regulations.

Dr. McKenna said that, overall, the discrimination situation has changed somewhat in the Los Angeles area. California, New York, and a few other states have enacted laws in recent years against such discrimination, but there are still many parts of the United States where the cured cancer patient faces barriers.

He also feels that the employment situation should receive more attention at medical symposia and hopes this situation will improve. He said cancer rehabilitation has not really been a factor that the average physician thinks about, adding that it should become a part of teaching in medical schools.

The phrase "cancer rehabilitation" did not exist before 1968 and is not yet part of the curriculum of people who deal with oncology. Dr. McKenna cited the fragmentation of cancer treatment into many different groups: surgeons, radiologists, medical oncologists, and even radiation therapists specializing in one organic site. His thought is that if the physician doesn't have the time to do it himself, he should find another on the team to work on the rehabilitation angle.

Congress has passed laws barring discrimination against the disabled. But it gets to be a questionable issue. Is a woman disabled because she has lost a breast? She is not about to say she is disabled, but if she doesn't say so, she is not eligible under this legislation.●

EL SALVADOR: A MATTER OF PRINCIPLE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LAGOMARSINO. Mr. Speaker, Assistant Secretary of State for Human Rights Elliott Abrams has written a useful analysis of the issue of negotiations in El Salvador. He clearly points out the dangers in agreeing to negotiate for the purpose of power sharing and the damaging effect that purpose would have on other democratically elected governments in the region. His commentary appeared in the March 22 edition of the Los Angeles Times.

[From the Los Angeles Times, Mar. 22, 1983]

EL SALVADOR: A MATTER OF PRINCIPLE

(By Elliott Abrams)

"Why doesn't the government negotiate with the armed opposition? Clearly, they must have some local support, even if they do get outside aid—and, clearly, they will not just disappear. So negotiation may be the only road to peace. Let's start the talking and end the killing."

Critics of U.S. foreign policy apply this reasoning to El Salvador. However, they do not seem to accept that this principle should be applied to similar or worse circumstances. Is this argument valid for the Sandinistas in Nicaragua? They face widen-

ing popular discontent, and the growing number of exiles in opposition now includes the two ambassadors whom the Sandinistas sent to Washington, a member of the first junta, the head of the Nicaraguan human rights commission and the most popular hero of the revolution, Eden Pastora.

Yet we hear few of our critics suggesting that the Sandinistas negotiate a settlement of any kind with their democratic opposition. If the argument for negotiations does not hold for Nicaragua why does it hold only in a single case. President Alvaro Magana's government in El Salvador? Unlike his government, the Nicaraguan government does not hold power through a free election, and does not even propose to stand before its people in a fair, competitive test at the ballot box.

These are the questions that critics of the Reagan Administration's El Salvador policy must face. Today, the political battle over El Salvador is cast less and less in terms of land reform or even human rights. Rather, the new issue is "negotiations." With whom? Over what? The Administration believes that negotiations are essential in El Salvador—negotiations aimed at extending the democratic process so that all democratic elements will participate in free elections.

But the negotiations urged by many opponents of U.S. policy are of another sort: negotiations over power. The real agenda of these talks would be the surrender of several ministries to the guerrillas, and the real negotiating would be over which appointments. For example, would guerrilla leaders Shafik Handal and Cayetano Carpio get the interior ministry, the communications ministry or the finance ministry?

A forced coalition that includes opposition elements that are communist revolutionaries cannot work, and it is important to understand why. A coerced coalition between those who want free elections and popular rule, and those who seek personal or Communist Party power, must fail. It will fail because the communists do not share in the fundamental consensus over goals and values. They seek above all to avoid free elections and popular rule, as is amply shown by the continuing refusal of the Sandinistas to hold a free election.

This is why we must oppose negotiations in which guerrillas would be handed a piece of the government of El Salvador solely because they have gotten guns and used them. To grant them such power would undercut all our efforts to help democracy in El Salvador, and make a mockery of the risks and sacrifices that Salvadorans have made in their fight for democratic institutions and free elections. After all, free elections offer the only real hope of a comprehensive and permanent human rights improvement.

The most significant pattern in human-rights practices follows the geography of democracy. Where democracy exists, there are almost always good human-rights conditions. If it can be firmly institutionalized, democracy in El Salvador will give all the people a stake in their government and provide a way of settling political conflicts without fighting. Human-rights violations will be exposed in public debate, and public opinion will demand their redress. But none of this can happen if decisions are made not by elections but by factions that meet out of sight to carve up the pie.

Those who favor negotiations for "power-sharing" must realize what would happen in Central America if the U.S. government endorsed this view. We would be teaching that an armed guerrilla challenge, supplied by foreign governments and radical movements, could ultimately succeed in wearing down American patience and undermining American support—even when the guerrillas are Marxist, the reformist government is elected and pro-American and the location is very close by.

If the United States can be counted on to coerce its friends into coalition with communist guerrillas—whose main goal is the destruction of every value for which we claim to stand—the lesson to guerrillas would be to fight on, and the lesson to democratic forces would be to give up. It must be the firm American position to support democratic institutions and oppose those who seek to gain power through the barrel of a gun.

Negotiations to achieve democracy can be useful; negotiations that would subvert democracy violate our fundamental values. Let us show the patience and fortitude to stand up for our own principles: the democratic solution to El Salvador's problems.●

WHY JUST FREEZE?

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LEVITAS. Mr. Speaker, I would urge my colleagues to take note of the editorial which appeared in yesterday's New York Times. This article, entitled "'Stop Nukes'; Then What?", highlights where some Members have taken a wrong turn in this debate.

As the editorial points out, it is right that we are crying out against the nuclear threat, but it is impractical just to cry for a freeze without any provisions for movement toward actual reductions or movement toward more stable, less vulnerable weapons systems which would enhance deterrence. It is unfortunate that some leaders in this debate have rejected such notions.

Why just freeze? Why not move past the freeze posture toward a safer, more stable world? As this article points out, there are innovative proposals such as the "mutual guaranteed build-down" which would move us along that path. I hope we will soon proceed forward with further consideration and implementation of this practical proposal.

At this point, I would like to place the New York Times editorial in the RECORD.

[From the New York Times, Apr. 19, 1983]

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's far-sighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the superpowers toward the Scowcroft goal of reducing multiple warhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?●

HOME MAINTENANCE AND REPAIR SERVICES BILL FOR OLDER AMERICANS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. ROYBAL. Mr. Speaker, today, I have introduced a bill which would authorize the Commissioner of the Administration on Aging to provide home maintenance and repair assistance to older Americans. This bill is important because it specifically addresses the problems encountered by senior citizens in maintaining their home in a safe and inhabitable manner.

My bill would:

One, establish a program to assist elderly homeowners to insure the actual delivery of needed repair services, and correct particular hazards and problems before they become a danger to the health and safety of the senior citizen;

Two, provide a housing counseling program to inform seniors regarding existing energy and weatherization programs, provide suggestions for energy conservation and weatherization techniques; and

Three, authorize a yearly report on the housing needs of the elderly.

A recent congressional study has revealed that as many as one-third of the 25 million older Americans remain ill-housed in substandard, deteriorating, or dilapidated housing. Statistics show that approximately 7 million of the housing units occupied by the elderly were built before 1940, are more than 40 years old, and likely to be in need of repair. Yet, although approximately 71 percent of elderly individuals live in their own homes, most Federal programs have been targeted to assist elderly renters, and little funding has been made available to help elderly homeowners.

The need to assist many of these senior citizens who, due to spiraling maintenance and energy costs, are unable to make the repairs themselves is great. Upon retirement, older individuals are typically faced with a cut in personal income of one-third to one-half. The average individual social security recipient receives $408 per month. Given the fact that the elderly already are spending on the average a third or more of their incomes for shelter, it is unlikely that many will be able to improve their housing situation without assistance.

Health and mobility are also important determinants of the ability to make repairs, and with the 75 and over age group being the fastest growing segment of the population, a vastly growing number of elderly are physically unable to make the repairs themselves. By assisting seniors in making their homes safe and inhabitable, this bill would not only help keep seniors from putting additional pressure on the rental housing market, but also prohibit premature institutionalization.

This bill would provide a program to make needed repairs which fit within the original fabric and character of the houses, such as replacing broken windows, repairing porch steps, patching a leaky roof, fixing a furnace, installing a bathtub safety rail, and so forth. Neither code enforcement nor complete modernization would be involved.

In my bill the objectives of the program would be accomplished by a team approach. Actual repairs would be performed by maintenance specialists, many of whom would be skilled retired seniors themselves—carpentry, plumbing, and so forth.

Counseling would be provided to clients in seeking out new resources, and to actively aid seniors in obtaining energy and weatherization assistance, along with other housing-related resources. Coordination with existing elderly employment programs, as well as energy and weatherization programs, will be encouraged.

I strongly urge your support of this bill.●

COMPENSATING VICTIMS, PROTECTING POLICE MEAN SAFER STREETS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. STARK. Mr. Speaker, on April 18, the Select Revenue Measures Subcommittee, which I chair, held field hearings in Chicago on legislation proposed by my colleague, Mr. RUSSO, to divert a percentage of the existing excise tax on weapons and ammunition to a victim's compensation fund.

These hearings were held with a sense of optimism and concern. The concern, of course, rests with those who have suffered at the hands of vicious criminals who display a wanton disregard for the dignity and worth of human life. And while crime continues to take a sickening toll year after year, the Chicago hearings realized an infusion of optimism coming from such proposals as Mr. RUSSO's.

That optimism was fueled recently by a proposal in my own State of California. As reported in the Los Angeles Times, State Attorney General John Van de Kamp kicked off California's Victims' Rights Week by announcing legislation Monday designed to aid victims by requiring courts to order felons to pay from $100 to $10,000 in restitution fines.

The Van de Kamp legislation would be amended into legislation already proposed in the California Legislature, and the compensation fine, if approved, would be in addition to any criminal fine imposed on the convict by the courts. The compensation money, under Van de Kamp's proposal, could come from a criminal's income tax refund, from minimum wage earnings while in prison, and from earnings after prison.

Van de Kamp's is one of several legislative efforts underway in my State to enrich California's program of assisting victims of crime—a program started in 1965. And these most recent efforts to recognize and deal with the suffering inflicted on the thousands of crime victims in this country makes me proud of my home State and encourages me that one day criminals will understand that crime does not pay—it costs.

On another matter vital to law enforcement, I wish to bring to the attention of my colleagues a three-quarter page ad published in the Washington Post today (April 20) seeking support for legislation to ban so-called cop-killer bullets. Paid for by Handgun Control, Inc., of Washington, D.C., the ad clearly spells out what many of us have long said—these teflon-coated, small caliber, high-velocity bullets serve no other purpose than to kill those commissioned to enforce the law. Although the National Rifle Association opposes legislation to ban such bullets, the ad rightly points out that "no self-respecting hunter would ever use" the cop-killer bullet.

I have introduced legislation to impose a $200 per unit tax on these bullets, with my hope being to tax them out of existence. Moreover, I have cosponsored legislation to impose stiff penalties on the manufacture and sale of these bullets, again hoping to relegate cop-killer bullets to a nightmare of the past.

These efforts to protect those who enforce the law and compensate those who have fallen victim to the criminal element are necessary to insure a safer environment in which we can once again feel comfortable walking the streets. I heartily welcome these efforts.●

WARREN BLAIR GRASHAM EAGLE SCOUT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. LONG of Maryland. Mr. Speaker, this Friday, April 22, Mr. Warren Blair Grasham of Boy Scout Troop No. 343 will be awarded the rank of Eagle Scout. I would like to take a moment now to recognize this fine achievement.

Warren has been involved in scouting since he joined Cub Scouts in elementary school. Since then, he has consistently shown his ability to achieve, lead, and contribute to his troop and his community. On his way to Eagle, he earned the Cub Scout Arrow of Light, Cub Scouting's highest award. He has also earned the Order of the Arrow in Boy Scouting, recognizing his leadership and contributions to the troops. He has held a variety of leadership positions and now serves as junior assistant scoutmaster. In earning his Eagle award, Warren served his Dundalk community by organizing the planting of 2,000 azalea plants which a local benefactor had contributed. Going above and beyond Scouting's high standards, he has earned 35 merit badges when only

21 are required for Eagle. Shortly, he will qualify for two palms.

Warren is in the 10th grade at Dundalk High School and has lived in Dundalk all his life. He lives with his mother, Patricia Grasham.

Warren's achievements are truly remarkable, and I am sure that my colleagues join me in commending him. He clearly has the potential to be of great service to his community and his country, and I wish him every success for the future.●

LET'S REDUCE NATURAL GAS PRICES NOW

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. HARKIN. Mr. Speaker, during the last several years, many Members of the House have come increasingly concerned over the soaring price Americans pay for natural gas. This concern has been heightened by recent stories in local newspapers of people freezing to death because of their inability to pay their heating bills.

While natural gas prices are skyrocketing around the Nation, the situation in Iowa has become critical. Within the last 6 months, two of the major natural gas pipelines which supply Iowa with 90 percent of its gas, have raised their gas prices nearly 20 percent, costing Iowans an additional $791 million for the natural gas they use. In fact, the average household is expected to pay about $725 for natural gas this year. This is double the figure Iowans paid in 1979, even when energy conservations is figured in.

The impact on the local economy is also severe. For example, officials have calculated that the 835 natural gas users in Gutherie Center, Iowa (735 residences and 100 commercial users), will pay approximately 32 percent more for natural gas during 1983 than what they paid in 1982. And that assumes there will be no more rate increase requests added to those that are now pending. With just 1,713 people, Gutherie Center could lose an estimated $171,000 from its local economy—a hundred dollars for every man, woman, and child in the town.

Farmers, already facing the worst economic slump since the depression, are also hit hard. Although they do not usually heat their homes with natural gas, they do use propane, two-thirds of which comes from natural gas. In addition, Iowa's farmers use natural gas, directly or indirectly, for fertilizer and to dry their crops. Since passage of the Natural Gas Policy Act of 1978 (NGPA)—legislation which I opposed—fertilizer costs have risen more than any other farm cost, except raw fuels and short-term interest rates. Farm income, which dropped 19 percent in 1982, threatens to fall another 16 percent this year, especially if Congress fails to reduce the upward pressure on natural gas prices.

Despite all this, the Reagan administration and some members of the oil and natural gas industry want to accelerate decontrol of natural gas. The President's decontrol measure would modify current law and lift price controls on gas discovered prior to 1977, old gas. It has been estimated that the President's proposal will cause residential gas bills nationwide to soar 67 percent by 1986 and cost Americans an additional $50 billion in natural gas costs. Such decontrol would also cost an average Des Moines area household that heats with natural gas nearly $560 in higher gas bills over the next 4 years.

The people of Iowa—along with millions of other Americans—deserve better. They deserve to be protected from price gouging companies who do not care about the consumer. For this reason I have joined 93 Members of the House in cosponsoring H.R. 2154, the Natural Gas Consumer Relief Act of 1983. This bill tackles the shortcomings of the NGPA head on. The bill:

Rolls back costs to what they were in January 1982.

Extends for another 2 years controls on 60 percent of the natural gas now scheduled for decontrol in 1985 under the NGPA.

Provides strict limits on the contracts pipeline companies can sign. Contract provisions which require pipelines to pay the highest price of any other contract in a given geographic area and other abusive provisions would be illegal. The pipeline companies would be required to renegotiate their present high-priced contracts that violate the law, and they would be required to purchase the cheapest gas available.

Requires the Federal Energy Regulatory Commission (FERC) to limit a pipeline's passthrough of gas costs to the extent the pipeline has failed to adopt and follow practices which minimize its gas costs. This is an important provision since FERC now allows pipelines to pass almost any costs, whether prudently or imprudently incurred, along to consumers.

Prohibit FERC from administratively raising gas prices. Through administrative action, FERC has allowed gas producers to charge an extra amount for production costs associated with producing natural gas. Historically, these costs have been included in the ceiling price. But, by regulation, FERC has decided that price ceilings should no longer include these costs. The net result is a $10 billion increase in natural gas bills over the next 4 years. The FERC has also administratively expanded the definition of certain categories of higher-priced gas. Under the bill I have cosponsored, the decision on production costs would be reversed, and the Commission would lose its ability to boost gas prices higher.

The Natural Gas Consumer Relief Act, if passed by Congress, will lower natural gas prices. For example, the average Des Moines-area household will save $780 over the next 4 years compared to current law, rather than paying the $560 more under the President's decontrol plan.

The Natural Gas Consumer Relief Act of 1983 offers a sound approach for bringing about lower prices for natural gas. The bill will correct the serious deficiencies of the Natural Gas Policy Act and will help restore fairness and equity to the natural gas market.

I strongly support this legislation and hope Congress will act soon in enacting this measure.●

CONSUMERS PAY FOR GAS DECONTROL

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 20, 1983

● Mr. EDGAR. Mr. Speaker, I would like to share with my colleagues an on ed piece on natural gas from the April 18, 1983, edition of the Philadelphia Inquirer. This well reasoned and timely article was written by Mr. Randy Canale, chairman of the Pennsylvania Public Interest Energy Committee and president of the Delaware County AFL-CIO Council. I wholeheartedly support this position.

The article follows:

CONSUMERS PAY FOR GAS DECONTROL

(By Randy Canale)

Just about everyone agrees that soaring natural gas prices are a big problem. Not only consumers who heat with gas, but farmers, small businesses, major industries and even gas ultilities and pipelines are bearing the burden of gas costs that have doubled since 1978. That is when Congress passed the Natural Gas Policy Act (NGPA) to phase out the controls that held down well-head gas prices.

Even the oil companies, which produce most of the nation's natural gas, have changed their tune. Abandoning their old complaint that gas prices are kept artificially low by federal regulation, the oil companies now are trying to convince us that the remaining price controls are keeping gas prices too high.

Just as oil prices fell after oil was decontrolled, they say, so would natural gas prices fall in a totally decontrolled "free market." In their view, the phased decontrol of the NGPA is not enough—more gas must be decontrolled faster.

It's a strange and wondrous argument the oil companies make. Why the sudden change in rhetoric? Were they simply mistaken before, when they told us that controls kept prices too low? And if decontrol

would result in lower prices, why are gas producers so eager to see Congress speed up the decontrol timetable? Are we to believe they have lost interest in the profit motive and now stand ready to serve the public interest even if it means lower prices?

Don't believe it for a minute. Partial decontrol under the NGPA has meant sharply higher prices. More decontrol, whether through a continuation of the NGPA or through a speed-up in the decontrol timetable, will mean even higher prices. That's the only reason gas producers are calling for more decontrol.

The comparison to falling oil prices is as phony as a three-dollar bill, and the oil companies know it. Oil decontrol did not reduce prices—it raised them, by a substantial margin.

In 1979, before President Jimmy Carter's decontrol plan began, a barrel of domestic crude oil sold for $10. Today that same barrel of oil sells for about $30, a 200 percent increase. The Department of Energy estimated that between 1979 and 1981 the total cost of domestically produced oil increased by more than $50 billion.

In 1981, President Reagan speeded up the last few months of President Carter's decontrol schedule; 80 percent of domestically produced crude oil already had been decontrolled. Immediately after President Reagan's action, gasoline and heating oil prices increased an additional 10 to 15 cents a gallon, as domestic crude oil reached the world market price. Consumers paid, and oil companies profited.

Oil prices are falling now, not because U.S.-produced oil was decontrolled, but because international markets are awash in oil. OPEC and other producing nations continued to produce large volumes of oil even after demand for oil products slumped during the worldwide recession. The result, as anyone who has followed OPEC's failure to set production quotas knows, was a classic glutted market—an oversupply that drove prices down.

There is an enormous gas surplus, yet prices are rising because the market power of gas producers and careless purchase practices by gas pipelines have locked pipelines into unreasonable and anti-competitive contracts.

Many pipelines are buying large volumes of expensive gas under "take-or-pay" provisions, which require them to take delivery of the gas or pay for it anyway. Bound by these contract obligations, the pipelines are meeting reduced demand by cutting back on purchases of less-expensive gas, driving the average price of gas higher.

Many pipelines continue to import expensive Algerian or Canadian gas instead of cheaper domestic supplies. Another common abuse is "area-rate" contracts, which require pipelines to pay the highest price any other pipeline in the area is willing to pay.

Decontrol will not eliminate these forms of market rigidity, which prevent price-cutting in a glutted market. In fact, the problems will get worse under decontrol as contracts requiring the pipelines to pay the highest price any producer can get for decontrolled gas take effect.

Measures to restrict abusive contract provisions could increase competition in the gas industry and bring some price protection to consumers. But solving this "contracts problem" alone will not provide the price relief consumers need.

The fundamental problem is decontrol itself. Natural gas costs have gone sky-high under the wellhead price increases built into the Natural Gas Policy Act, and accelerating the timetable will only mean faster increases for more categories of gas.

The Citizen/Labor Energy Coalition (CLEC), using conservative Department of Energy data, projects that gas prices will increase an additional 55 percent by 1986 under the NGPA decontrol timetable. If the decontrol schedule is speeded up, gas prices will rise 67 percent by 1986. Philadelphia consumers would pay a total of more than $6,800 for gas in the next four years under NGPA and more than $7,350 under Reagan's accelerated decontrol.

Under a CLEC proposal based on enactment of the Natural Gas Consumer Relief Act, the average Philadelphia consumer would pay $5,655 for the next four years, almost $1,700 less than under the Reagan proposal.

Gas prices must be brought under control. The only way to ensure price protection is for Congress to pass comprehensive legislation to reform gas pricing, which would include:

Stopping natural gas decontrol as scheduled by the NGPA.

Rolling back gas price ceilings.

Holding pipelines accountable for buying the least expensive gas available.

Outlawing anti-consumer producer-pipeline contracting practices.

Reining in the Federal Energy Regulatory Commission.

This approach is supported not only by CLEC but by the AFL-CIO, senior citizen and consumer groups, many gas utilities and a bipartisan coalition in Congress.

The Pennsylvania Public Interest Coalition (PennPIC), representing more than 100 organizations across the commonwealth, also supports this approach as the best way to reduce gas costs, nationally and in our area. It recognizes a fundamental truth that the oil companies ask us to ignore: If high gas prices are the problem, the solution is to lower them. If current provisions to protect consumers are inadequate, they should be strengthened.

Consumers are angry about their gas bills, with good reason. Congress must heed this warning: We will not settle for halfway measures or phony solutions. The time to roll back prices and stop decontrol is now.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, April 21, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 22

9:00 a.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To resume hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on a report by the President's Commission on Strategic Forces on the basing of the MX missile.
SD-562

9:30 a.m.
Finance
To hold hearings on S. 98, S. 634, and S. 863, bills to provide tax incentives for businesses in economically depressed areas to stimulate job programs.
SD-215

Joint Economic
To hold hearings on the Consumer Price Index figures for March.
SD-106

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 947, authorizing funds through fiscal year 1988 for water resources development projects of the Army Corps of Engineers.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Domestic Volunteer Service Act.
SD-430

10:30 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 916 and S. 848, bills to provide for the termination, extension, or modification of certain contracts for the sale of Federal timber.
SD-366

2:00 p.m.
Armed Services
Strategic and Theater Nuclear Forces Subcommittee
To continue hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on a report by the President's Commission on Strategic Forces on the basing of the MX missile.
SD-562

APRIL 25

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the U.S. Customs Service, Department of the Treasury.
SD-192

Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibit-

ing discrimination in the writing and selling of insurance contracts.
SR-253

Labor and Human Resources
To hold hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Theodore J. Garrish, of Virginia, to be General Counsel of the Department of Energy.
SD-366

1:30 p.m.
Armed Services
To resume hearings on S. 675, authorizing funds for fiscal year 1984 for military programs of the Department of Defense, focusing on international security matters.
SD-419

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Foreign Relations
To hold hearings on the nominations of Alvin P. Adams, Jr., of Virginia, to be Ambassador to the Republic of Djibouti, Jay P. Moffat, of New Hampshire, to be Ambassador to the Republic of Chad, and James D. Rosenthal, of California, to be Ambassador to the People's Revolutionary Republic of Guinea.
S-116, Capitol

APRIL 26

8:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the National Oceanic and Atmospheric Administration of the Department of Commerce, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

9:30 a.m.
Foreign Relations
To hold hearings on United States-Soviet relations.
SD-419

Labor and Human Resources
To continue hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
To resume hearings on S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-221

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of the Interior.
SD-138

3:30 p.m.
Foreign Relations
To hold hearings on the nomination of Helene A. Von Damm, of New Jersey, to be Ambassador to Austria.
SD-419

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
*Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SR-253

*Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1001, authorizing funds through fiscal year 1988 for the Office of Federal Procurement Policy, and on proposals to revise certain provisions of the Office of Federal Procurement Policy Act.
SR-485

*Labor and Human Resources
Business meeting, to mark up S. 38, proposed Longshoremen's and Harbor Workers Compensation Act amendments, and S. 655, authorizing funds for fiscal years 1984-86 for the national sea grant college program, and other pending calendar business.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Government of the District of Columbia, focusing on the District's courts, Metropolitan Police Department, Department of Corrections Corporation Counsel/U.S. Attorney.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

10:30 a.m.
Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

2:00 a.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia, focusing on the Department of Human Services and Housing and Community Development Corporation Counsel, and the family division of the District's courts.
SD-138

Appropriations
Interior and related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Land and Water Conservation Fund.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architect of the Capitol.
S-128, Capitol

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To hold hearings on S. 528, to provide a Federal income tax credit for tuition.
SD-215

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
To hold hearings on S. 815, S. 1059, and the substance of S. 425, bills to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Joint Economic
To hold hearings to review the high cost of capital.
2203 Rayburn Building

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

2:00 p.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia, focusing on the Board of Education and the Fire Department.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve and the naval petroleum reserves, Department of Energy.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-116

2:30 p.m.
Governmental Affairs
To hold hearings on the nominations of John L. Ryan, of Indiana, to be a Governor of the U.S. Postal Service, and Maria L. Johnson, of Alaska, to be a member of the Merit Systems Protection Board.
SD-342

Select on Indian Affairs
To hold hearings on S. 727, to authorize the Secretary of the Interior to set aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, S. 884, to provide for the use and distribution of certain funds awarded the Red Lake Band of Chippewa Indians, and S. 973, to make technical amendments to the Indian Self-Determination Act.
SD-538

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 249, to make permanent and extend the exclusion from income for amounts paid under educational assistance programs, and S. 825, to exclude from the sale of membership lists from the unrelated business income tax on nonprofit organizations.
SD-215

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on copyright audiovisual rental.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to mark up S. 1003, authorizing funds through fiscal year 1986 for child-abuse prevention and treatment and adoption reform programs, and proposed legislation authorizing funds for the Domestic Volunteer Service Act.
SD-430

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-628

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, focusing on nuclear waste activities.
SD-366

Energy and Natural Resources
Energy Mineral and Resources Subcommittee
To hold hearings on S. 883 and S. 558, bills to expedite exploration and development of geothermal resources.
SD-562

10:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-226

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To continue oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-138

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, and the National Credit Union Administration.
SD-124

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 6

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the strategic petroleum reserve to review financing mechanisms, interim storage, fill capacity, and other related issues.
SD-366

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980.
SD-342

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of E. Pendleton James, of California, to be a Member of the Board of Directors of the Communications Satellite Corporation.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, proposed International Telecommunications Act.
SR-253

Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for certain defense related programs, focusing on arms control and military strategy.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 999, proposed International Telecommunications Act.
SR-232A

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on oil pipeline deregulation.
SR-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on the District of Columbia school system's career oriented curriculum.
SD-124

Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226

*Labor and Human Resources
To resume hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 13

9:30 a.m.
*Labor and Human Resources
Business meeting, to mark up S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

*Labor and Human Resources
To hold hearings to examine fire safety matters.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

MAY 16

9:30 a.m.
Judiciary
To resume hearings on S. 610, to encourage college student-athletes to complete their undergraduate education before becoming professional athletes.
SD-226

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to discuss the progress made in the treatment of Alzheimer's disease.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 18

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on the status of emergency preparedness in the Washington, D.C., metropolitan area.
SD-562

Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

MAY 19

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interestate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226

Labor and Human Resources
To hold hearings on health care cost.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 696, to provide for the ratification of the memorandum of agreement between the U.S. Department of the Interior and the State of Texas for the management of the Matagorda Island State Park and Wildlife Management Area A Unit of the National Wildlife Refuge System in Calhoun County, Tex.
SD-406

Judiciary
Courts Subcommittee
To hold hearings to discuss bankruptcy matters relating to the Manville Corp. in Denver, Colo.
SD-562

10:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

MAY 20

9:30 a.m.
Labor and Human Resources
To hold hearings on the effects of chemotherapy in the treatment of cancer.

10:00 a.m.
Judiciary
To resume oversight hearings on organized crime in the United States.

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-628

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the Employee Retirement Income Security Act (ERISA).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226

Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226
Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430
10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430
Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418
2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226
10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-266

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 21

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the implementation of bilingual education programs administered by the Department of Education.
SD-430

APRIL 22

10:00 a.m.
Judiciary
To resume hearings on organized crime in the United States.
SD-226

APRIL 26

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

APRIL 27

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253
10:00 a.m.
Labor and Human Resources
To continue hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

APRIL 29

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430
Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

HOUSE OF REPRESENTATIVES—*Thursday, April 21, 1983*

The House met at 11 a.m.

Bishop Papken Varjabedian, diocesan legate, Armenian Orthodox Church of North America, Washington, D.C., offered the following prayer:

Draw near to us, our Heavenly Father, as we, in our prayer, endeavor to draw near to You.

As we stand before You at this historic occasion to remember, honor, and pray for all victims of tyranny, who sacrificed their lives for faith, freedom, and peace.

Especially, we pray for the martyrs of my people, Armenian Christians, who became the victims of the first genocide of our present century.

Help all the rulers of this Earth to prevent "man's inhumanity to man." Teach them to choose the power of love rather than the love of power.

And now, O Lord, we pray—

That Your word may direct us, may the strength of God pilot us, may the wisdom of God instruct us and the right of God protect us and our beloved country, the United States of America.

In the spirit of Him who is the resurrection, the life and the light of the world we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SILJANDER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SILJANDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 375, nays 18, answered "present" 2, not voting 38, as follows:

[Roll No. 58]

YEAS—375

Ackerman	Albosta	Anderson
Akaka	Alexander	Andrews (TX)
Annunzio	English	Leach
Archer	Erdreich	Leath
Aspin	Erlenborn	Lehman (CA)
AuCoin	Evans (IL)	Lehman (FL)
Badham	Fascell	Leland
Barnard	Fazio	Lent
Barnes	Feighan	Levin
Bartlett	Ferraro	Levine
Bateman	Fiedler	Levitas
Bedell	Fields	Lewis (CA)
Beilenson	Fish	Lewis (FL)
Bennett	Florio	Lipinski
Bereuter	Foglietta	Livingston
Berman	Foley	Lloyd
Bethune	Ford (TN)	Loeffler
Bevill	Fowler	Long (LA)
Biaggi	Frank	Long (MD)
Bilirakis	Franklin	Lowery (CA)
Billey	Frenzel	Lowry (WA)
Boehlert	Frost	Lujan
Boland	Fuqua	Luken
Boner	Garcia	Lundine
Bonior	Gaydos	Lungren
Bonker	Gekas	MacKay
Borski	Gephardt	Madigan
Bosco	Gibbons	Markey
Boucher	Gilman	Marriott
Breaux	Gingrich	Martin (IL)
Britt	Glickman	Martin (NC)
Brooks	Gonzalez	Martin (NY)
Broomfield	Gore	Martinez
Brown (CA)	Gradison	Matsui
Brown (CO)	Gramm	Mavroules
Broyhill	Gray	Mazzoli
Bryant	Green	McCandless
Burton	Gregg	McCloskey
Byron	Guarini	McCollum
Campbell	Gunderson	McCurdy
Carney	Hall (IN)	McDade
Carper	Hall (OH)	McDonald
Carr	Hall, Ralph	McEwen
Chandler	Hall, Sam	McGrath
Chappie	Hamilton	McHugh
Cheney	Hammerschmidt	McKernan
Clarke	Hance	Mica
Clinger	Harrison	Michel
Coats	Hartnett	Mikulski
Coleman (MO)	Hatcher	Miller (CA)
Coleman (TX)	Hawkins	Mineta
Collins	Hefner	Minish
Conable	Heftel	Moakley
Conte	Hertel	Molinari
Conyers	Hightower	Mollohan
Cooper	Hillis	Montgomery
Corcoran	Hopkins	Moody
Coughlin	Horton	Moore
Courter	Howard	Moorhead
Coyne	Hoyer	Morrison (CT)
Craig	Hubbard	Morrison (WA)
Crane, Daniel	Huckaby	Murphy
Crane, Philip	Hughes	Murtha
Crockett	Hunter	Natcher
Dannemeyer	Hyde	Nelson
Daschle	Ireland	Nichols
Daub	Jeffords	Nielson
Davis	Jenkins	Nowak
de la Garza	Johnson	O'Brien
Derrick	Jones (OK)	Oakar
DeWine	Jones (TN)	Obey
Dicks	Kaptur	Olin
Dixon	Kasich	Owens
Donnelly	Kastenmeier	Oxley
Dorgan	Kazen	Packard
Dowdy	Kemp	Panetta
Downey	Kennelly	Parris
Dreier	Kildee	Pashayan
Duncan	Kindness	Patman
Durbin	Kogovsek	Patterson
Dwyer	Kolter	Paul
Dyson	Kostmayer	Pease
Early	Kramer	Penny
Eckart	LaFalce	Pepper
Edgar	Lagomarsino	Perkins
Edwards (CA)	Lantos	Petri
Edwards (OK)	Latta	Pickle
Porter	Shumway	Torres
Price	Shuster	Torricelli
Pritchard	Sikorski	Towns
Pursell	Siljander	Traxler
Quillen	Simon	Udall
Rahall	Sisisky	Valentine
Ratchford	Skeen	Vander Jagt
Ray	Skelton	Vento
Regula	Smith (FL)	Volkmer
Reid	Smith (IA)	Vucanovich
Richardson	Smith (NE)	Walgren
Ridge	Smith (NJ)	Watkins
Rinaldo	Smith, Denny	Waxman
Ritter	Smith, Robert	Weaver
Robinson	Snowe	Weber
Rodino	Snyder	Weiss
Roe	Solarz	Wheat
Rogers	Solomon	Whitehurst
Rose	Spence	Whitley
Rostenkowski	Spratt	Whittaker
Roth	St Germain	Whitten
Roukema	Staggers	Williams (MT)
Rowland	Stangeland	Williams (OH)
Roybal	Stark	Wilson
Rudd	Stenholm	Winn
Russo	Stokes	Wirth
Sawyer	Stratton	Wise
Schaefer	Studds	Wolf
Scheuer	Stump	Wolpe
Schneider	Sundquist	Wortley
Schulze	Swift	Wright
Schumer	Synar	Wyden
Seiberling	Tallon	Wylie
Sensenbrenner	Tauke	Yatron
Shannon	Tauzin	Young (FL)
Sharp	Taylor	Young (MO)
Shaw	Thomas (CA)	Zablocki
Shelby	Thomas (GA)	Zschau

NAYS—18

Dickinson	Hiler	Roemer
Emerson	Holt	Sabo
Evans (IA)	Jacobs	Schroeder
Gejdenson	Miller (OH)	Walker
Goodling	Mitchell	Yates
Harkin	Roberts	Young (AK)

ANSWERED "PRESENT"—2

Oberstar	Ottinger

NOT VOTING—38

Addabbo	Dingell	McCain
Andrews (NC)	Dymally	McKinney
Anthony	Edwards (AL)	McNulty
Applegate	Flippo	Mrazek
Bates	Ford (MI)	Myers
Boggs	Forsythe	Neal
Boxer	Hansen (ID)	Ortiz
Chappell	Hansen (UT)	Rangel
Clay	Hutto	Savage
Coelho	Jones (NC)	Slattery
D'Amours	Lott	Vandergriff
Daniel	Mack	Washington
Dellums	Marlenee	

□ 1115

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

RIGHT REVEREND BISHOP PAPKEN

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, today we are honored to welcome the Right Reverend Bishop Papken Varjabedian, the diocesan apostolic legate of the Armenian Church of North America, who offered us our opening prayer.

Later today, under a special order I have reserved, we shall mark the 68th anniversary of Armenian Martyrs' Day, which will be recognized by the Nation's Armenian community on April 24.

Bishop Papken, who currently serves as chairman of the Ecumenical Council, was born in Aintab, Cilcia, in 1918 and has been serving his church in this country since 1946.

His first assignment in this country was as pastor of the St. Peters Armenian Church of Troy, N.Y. From 1951 to 1956 he served as pastor of the Holy Trinity Church in Philadelphia, from 1957 to 1962 as primate of the Diocese of California, from 1963 to 1969 as pastor of the St. Sahag-St. Mesrob Church in Wynnewood, Pa. Following a mission in Venezula he was assigned to his current post in Washington, D.C.

I want to thank Bishop Papken for being with us. I know he shall be watching later as this body addresses Armenian Martyrs' Day.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain requests for 1-minute speeches that relate to business only.

COMMITTEE ORDER NO. 35 ADJUSTMENT OF CLERK-HIRE ALLOWANCE AND OFFICIAL EXPENSES ALLOWANCE

(Mr. HAWKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, at the direction of the Committee on House Administration and under the authority granted in Public Law 94-184 and Public Law 94-440, the committee yesterday issued Committee Order No. 35, which will become effective on May 1, 1983. I will be sending each Member a "dear colleague" letter within the next few days describing the limitations and administration of this change.

I include at this point in the RECORD the text of Committee Order No. 35:

COMMITTEE ORDER NO. 35

Resolved, That effective May 1, 1983, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows:

1. The base allowance for Official Expenses is increased by $15,000.

2. Each session a Member may allocate not to exceed $30,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $30,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk-Hire disbursements may not exceed 10 percent of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT TODAY DURING 5-MINUTE RULE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be permitted to sit this afternoon, April 21, during proceedings under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

Mr. SHAW. Mr. Speaker, reserving the right to object, I would ask the gentlewoman if this has been cleared with the minority.

Ms. OAKAR. Absolutely. It has been cleared. The gentleman from Missouri (Mr. TAYLOR), the ranking minority member of the committee, has no objection, and we have checked with the other side prior to this request.

Mr. SHAW. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

JOINT SESSION OF CONGRESS—MESSAGE OF THE PRESIDENT

Mr. FOLEY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 114) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 114

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, April 27, 1983, at 8 o'clock post meridiem, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING SPEAKER TO DECLARE RECESSES ON WEDNESDAY, APRIL 27, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order at any time on Wednesday, April 27, 1983, for the Speaker to declare recesses subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

□ 1130

CORRECTING PUBLIC LAW 98-8 DUE TO ERRORS IN ENROLLMENT OF H.R. 1718, EMERGENCY APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the joint resolution (H.J. Res. 245) to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 245

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to correct errors in the enrollment of H.R. 1718, the figure in the fifth line of the appropriating paragraph "Increasing employment and training opportunities" on page 12 of Public Law 98-8 (97 Stat. 24) is hereby amended as follows: Strike "$185,000,000" and insert "$85,000,000" and the figure in the fourth line of the appropriating paragraph "Providing urgently needed school facilities" on page 14 of Public Law 98-8 (97 Stat. 26) is hereby amended as follows: Strike "$25,000,000" and insert "$60,000,000".

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes, for the purpose of debate only, to the gentleman from Massachusetts (Mr. CONTE) and pending that, I yield myself such time as I may require.

Mr. Speaker, the resolution which we are considering today is a small technical matter. It merely corrects two errors which occurred in the enrollment of H.R. 1718, the emergency jobs appropriations bill. The final action on the remaining Senate amendment took place March 24, and the bill was signed by the President later that day. The quick action on the conference report and Senate amendments precluded the normal review of the enrolled bill. Unfortunately, two small errors in the enrolled bill were not detected until after the measure had been enacted into law. Because

the errors affect amounts to be appropriated, a statutory change is necessary to make the corrections.

The first error occurred in the appropriating paragraph, "Increasing Employment and Training Opportunities." The earmarking in the bill for displaced workers should be "$85,000,000," not $185,000,000," as it now appears. The legislative history is clear on this item. The following appears on page 25 of the joint explanatory statement of the managers:

Amendment No. 59: Earmarks $85,000,000 for the displaced workers program under the Job Training Partnership Act, instead of $75,00,000 as proposed by the House, and $125,000,000 as proposed by the Senate.

This joint resolution will correct the figure for displaced workers.

The other error occurred in the appropriating paragraph, "Providing Urgently Needed School Facilities," the impact aid program. The amount appropriated should be "$60,000,000," not "$25,000,000." Again, the legislative intent is clear on this matter. The earmarkings in the paragraph total $60,000,000, not $25,000,000. The House agreed with the Senate amendment during the conference. The number is correct in the conference report. The statement of the managers indicates the following:

Amendment No. 70: Appropriates $60,000,000 for school construction under the Act of September 23, 1950 as proposed by the Senate, instead of $35,000,000 as proposed by the House.

This resolution will insure that $60,000,000 is appropriated, as the Congress intended.

Mr. Speaker, this is a simple matter. It corrects the two small errors described, and I urge its adoption.

Mr. Speaker, may I take this opportunity to thank my colleagues in the House for supporting the jobs bill. I have said in statements on the floor and to the press that the great thing about the bill is that it starts us looking in the right direction—pay for work performed. It is a bill that gives us something to show for what we spend—hopefully value received. This change I believe is taking with Americans for it leaves our real wealth better protected.

I am glad to see that many people have gotten optimistic again. This success in this short period far exceeds what we expected. We pray it will keep up.

Mr. Speaker, I do thank my colleagues for changing our course and seeing what we can get for our money instead of seeing how much we can spend.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 245, making technical corrections in the jobs bill (H.R. 1718) that passed Congress on March 24.

As you will remember, the jobs bill contained an urgent supplemental providing additional funds for loans to about 29 States, to allow them to continue paying unemployment compensation benefits.

By the time we passed the bill, four States had already run out of funds, and many more were within 1 day of exhausting their funds. To avoid a major disruption in unemployment compensation benefits, the bill was rushed to the White House and the President immediately signed it into law.

That quick action saved a lot of unemployed workers from a situation that none of us wanted to see—the disruption of unemployment checks. But in that quick action, a couple of errors in the enrollment of H.R. 1718 slipped through. This joint resolution would correct those errors.

The chairman has described in detail the legislative history of the two amounts in question, which make it clear that we are dealing with nothing more than paperwork errors in the preparation of the copy of the bill sent to the President for his signature. In the interest of brevity, let me say simply that I fully agree with what the chairman said.

In fact, both the errors involve the Appropriations Subcommittee on which I serve as the ranking Republican member, and so I can say from personal knowledge that the corrections made by this resolution are the actual figures that were agreed upon in conference and agreed to by this House.

I urge adoption of the resolution.

The joint resolution corrects two errors in the enrollment of H.R. 1718, the jobs bill:

Employment and training assistance: Change "$185,000,000" for displaced workers to "$85,000,000."

The bill should provide an additional $217.4 million for ETA, of which $32.4 million is for Job Corps; $100 million is for summer youth, and $85 million is for dislocated workers.

The enrolled bill, however, provides $217.4 million for ETA, of which $32.4 million is for Job Corps; $100 million is for summer youth, and $185 million for dislocated workers. You can tell that is a mistake just from looking at the enrolled bill, because the three earmarks, $32.4 million, $100 million, and $185 million, add up to $317.4 million, while the enrolled bill itself has a total of $217.4 million written right into it.

Impact aid construction: Change the total amount provided from "$25,000,000" to "$60,000,000."

The error here is in the total. The enrolled bill lists three earmarks of $25 million, $10 million, and $25 million, but then lists the total as $25 million instead of $60 million. Again, it is obvious on the face of the enrolled bill itself that an error has been made, since 25, 10, and 25 add up to 60, not 25.

Mr. WHITTEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. LOEFFLER. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 168) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 168

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Education and Labor: Howard Nielson, Utah.

Committee on Government Operations: Dan Schaefer, Colorado.

Committee on Small Business: Dan Schaefer, Colorado.

Mr. LOEFFLER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOUR NEW DEFERRALS AND ONE REVISION TO A PREVIOUSLY REPORTED DEFERRAL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-51)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Thursday, April 21, 1983.)

ANNUAL REPORT OF ADMINISTRATION ON AGING OF DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Thursday, April 21, 1983)

CALLING FOR A MUTUAL AND VERIFIABLE FREEZE ON AND REDUCTIONS IN NUCLEAR WEAPONS

The SPEAKER. Pursuant to House Resolution 138 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 13.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, with Mr. MCHUGH in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee rose on Wednesday, April 20, 1983, pending was an amendment offered by the gentleman from New York (Mr. CARNEY) and an amendment to the amendment offered by the gentleman from New York (Mr. SOLARZ). Debate on the amendment offered by the gentleman from New York (Mr. CARNEY) and all amendments thereto had been limited to 10 minutes.

The Chair will recognize the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Michigan (Mr. BROOMFIELD) for 5 minutes each.

PARLIAMENTARY INQUIRIES

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI) for a parliamentary inquiry.

Mr. ZABLOCKI. Mr. Chairman, I have a substitute for the pending amendment, the pending amendment and the amendment thereto.

Mr. CARNEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARNEY. Mr. Chairman, if the substitute is offered, I would like to know what that does to the standing agreement on the 5-minute debate between the gentleman from New York (Mr. SOLARZ) and myself.

The CHAIRMAN. The Chair will state that the previously agreed to time will still apply with respect to the two pending amendments, including the amendment offered by the gentleman from New York.

Mr. CARNEY. And will the substitute then be open to normal 5-minute rule procedures?

Mr. ZABLOCKI. No.

The CHAIRMAN. The substitute, if offered, will be subject to the same 10-minute limitation since the limitation was on the Carney amendment and all amendments thereto.

AMENDMENT OFFERED BY MR. ZABLOCKI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. CARNEY

Mr. ZABLOCKI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZABLOCKI as a substitute for the amendment offered by Mr. CARNEY: On page 5, line 19, insert a new section 2 and renumber the following sections:

SEC. 2. In the absence of a bilateral agreement embodying the objectives set forth in this joint resolution, nothing in this resolution is intended to prevent the United States from carrying out its responsibilities under the December, 1979 North Atlantic Treaty Organization decision regarding intermediate range nuclear forces.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, it is my understanding that I have 5 minutes and the gentleman from Michigan (Mr. BROOMFIELD) has 5 minutes.

The CHAIRMAN. The gentleman is correct.

Mr. ZABLOCKI. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, when the Committee rose yesterday, pending was an amendment offered by the gentleman from New York (Mr. CARNEY) and an amendment thereto offered by the gentleman from New York (Mr. SOLARZ). Unfortunately, a division developed on the issue last night. The substitute I am offering attempts to heal the division concerning the commitments the United States has made to our NATO allies regarding the deployment of modernized intermediate range nuclear forces.

In short, the substitute is fully consistent with the 1979 NATO INF decision. It says that until an arms control agreement is reached concerning these systems, the deployment of Pershing II and ground-launched cruise missiles in Europe will go forward. This is exactly what the NATO allies agreed to in 1979. In the absence of significant progress in arms control, the NATO allies agreed to a deployment of modernized INF. This is all the substitute says as well.

The amendment is, therefore, fully consistent with the NATO two-track decision and will reaffirm our support for the NATO allies.

Mr. Chairman, I urge approval of the substitute, and I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I personally am not going to support this amendment. This is the "sawdust in the meat loaf." It says that if we can agree with the Russians, we will agree, but if we do not, then we are going to live up to our agreement with NATO. So we put NATO on the back burner and see if we can cut a deal with the Russians.

That, it seems to me, undercuts NATO entirely. NATO is our partner in negotiations with the Soviet Union. We should negotiate, not only consulting with them but having them fully in concord as an organization with what we are doing. After all, it is their Europe, it is their lives, it is their homes, it is their cities, it is their economy, and it is their industry.

Mr. Chairman, what this amendment says is that if we can cut a deal with Russia, then we will not live up to our responsibilities under NATO, and if we do not have a bilateral agreement embodying the freeze, then we will live up to our responsibilities. It is wholly objectionable.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Chairman, we now have two versions of doing the same thing. The most recent substitute says that in the absence of a bilateral agreement we will stay with our allies, but that means that if we get a bilateral agreement, we reserve the right to cut and run.

The original proposal said in effect, "We will call you if we leave town, but we will reserve the right to leave when we want to."

This is a continuation of the withdrawal from responsibility which has characterized our friends who favor much of this more radical approach.

□ 1145

I think it is vital that we defeat both the amendment and the substitute, because this is a fundamental message to our allies to go ahead and do as the French said they were doing yesterday, which is, build up their nuclear forces because they cannot rely on the United States.

A vote for either Solarz or Zablocki is a vote to send a meassage to the Europeans to increase their nuclear material and their nuclear weapons.

Mr. BROOMFIELD. Mr. Chairman, I yield the balance of the 3 minutes to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I would strongly urge my colleagues to vote no on the Zablocki substitute. Let us be honest. The Zablocki substitute should be best labeled "the son of Solarz."

We are doing absolutely nothing but changing the verbiage and coming out with what Mr. SOLARZ has attempted to do when he amended my amendment, when he perfected my amendment.

Clearly, what this will do, it would put the Soviet Union in a position to determine the force structure of NATO. Clearly, it would heighten the paranoia of our NATO allies and it very well might ignite an arms race by individual European nations with the Soviet Union.

If you were to live in France, Germany, Italy, the United Kingdom, and you were facing 1,353 Soviet warheads and you had nothing to retaliate with, you would think twice about that situation and you very well might consider igniting an arms race.

You would say that the United States has sold you out. The United States is in bed with the Soviet Union and the United States has broken an alliance that we have held true and near to our hearts for the past 35 years. We do not want to ignite an arms race between other nations of the world. We want to show our NATO allies that we are committed to protecting their nations from the Soviet menace, committed to maintaining a deterrence against those 1,353 weapons that are designed to strike at the capitals of our European allies.

We are committed to continue the dual track of negotiations for arms reductions in Europe, or if the Russians do not respond, to putting in the Pershing II and ground-launched cruise missiles in response to the threat of the Soviet Union INF force.

I think, in essence, what my amendment is is a statement saying yes, we will back our NATO allies, or if we accept the Zablocki resolution, it would be a statement that would clearly say that we will cast aside the NATO alliance that we have held so near for 35 years. We will come to an agreement with the Soviet Union and then we will go and tell our NATO allies that we have reached this agreement, tough luck, we are going through with it. It is up to you to defend yourselves, leaving them no option but to engage in a nuclear arms race with the Soviet Union.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I thank the gentleman for yielding.

I would just simply reiterate the point as strongly as I can that we have before us a constitutional issue. Let me read from article II, section 2, of the Constitution of the United States. It says:

> The President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur;"

There is no statement in the Constitution that it takes two-thirds of our allies to make a treaty, as the Carney amendment would imply.

Furthermore, if the Carney amendment is accepted, we would be undercutting flatly, if not precluding, intermediate range negotiations that would ever be conducted by this President or a future President.

Acceptance of the Carney amendment implies that we may not control weapons we ever deploy. We will be closing forever the possibility of controlling these weapons. We will be shutting down negotiations, thus giving the Soviet Union a perpetual license to build all the intermediate nuclear missiles and weapons in Europe that they want.

The two gentlemen from New York have given excellent statements in support of NATO. I would argue they could give the same statements in support of the substitute amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

I urge adoption of the Zablocki substitute.

Mr. ZABLOCKI. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, I rise in support of the Zablocki substitute.

The amendment of the gentleman from New York (Mr. CARNEY) says that if we do not give our allies veto power over the treaty-making authority of the U.S. President, that somehow we will be undercutting our allies. If that is true, then the President's "zero option" proposal for Europe is undercutting our allies, because what the President had done in proposing the zero option is to consult the allies in the same way that the Zablocki substitute contemplates.

The gentleman does not honestly believe President Reagan is now undercutting our allies. So what this amendment allows is some combination of allies to hold veto power over our treaty-making powers. No reasonable Member of this House thinks that this is a responsible position.

Let us recognize the amendment of the gentleman from New York for what it is, a gutting amendment that allows weapons systems to be purchased, irrespective of the freeze, and let us defeat it by adopting the Zablocki substitute.

Mr. ZABLOCKI. Mr. Chairman, I yield the remaining time to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, under the Carney amendment, we would be locked into a 1979 NATO agreement, regardless of changing circumstances and conditions, even if our allies preferred us to enter into a freeze with the Soviet Union that precluded the deployment of the cruise and Pershing missiles.

Under the Zablocki substitute, which I support, we would be obligated to consult with our allies; but in the final analysis, we would reserve to ourselves the right to make a decision based on what we believe is in the best interest of the United States and the alliance.

The opponents of the Zablocki substitute have said that this would permit us to cut a deal with the Soviet Union over the heads of our allies. But let me say to my friends in the committee, this is exactly what we have been doing in START. It is what we did in SALT. It is what we are doing in the INF negotiations. We negotiate bilaterally with the Soviet Union and then, on the basis of those negotiations, we decide whether to reach an agreement with them. We consult with our allies during the course of these negotiations, but we do not give them the right to veto the final decision, which is what the Carney amendment would require us to do.

PREFERENTIAL MOTION OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

> Mr. KEMP moves that the committee do now rise and report the resolution back to the House with the recommendation that the resolving clause be stricken out.

Mr. KEMP. Mr. Chairman, let me explain to my colleagues that the purpose of my preferential motion simply is to get more minutes of debate. I think we made a mistake last night in shutting off debate on this very important amendment. I only take this time to try to explain what I consider to be one of the more severe problems that this resolution would cause, absent the passage of the Carney amendment.

Without the passage of the Carney amendment, it seems to me that we would not only be sending the wrong signal to the Soviet Union, we would be sending an equally wrong signal to our allies in NATO. NATO's survival defends on our willingness to deploy Pershing II missiles if the Soviets are not forthcoming in theater nuclear reduction talks.

The point that we have been trying to make in the debate last night and again today, and the gentleman from New York has made it quite eloquently, is that if the Carney amendment does not pass, we are endangering the opportunity of reaching a favorable agreement with the Soviet Union over the deployment of not only the Pershing II in Europe, but the deployment of the SS-20 Soviet intermediate range ballistic missile that as I pointed out last night, 350 of which are already deployed, and threating Europe right now.

I am concerned that this Solarz amendment would emasculate the amendment of Mr. CARNEY.

On January 9, 1983, our colleague Mr. SOLARZ wrote an excellent article for the New York Times entitled, "NATO Must Be Ready To Deploy the Missiles." The thesis of the article was that, absent an agreement with the Soviet Union to reduce the threat to

Europe posed by their vast theater nuclear force, the West must be prepared to deploy Pershing II and GLCM if the NATO alliance is to survive.

"NATO's survival depends on allied confidence in the willingness of the United States to use nuclear weapons, if necessary, to protect them," he wrote, and I agree. Under freeze agreement I fear there would be no reduction of Soviet missiles that threaten Europe (and not the United States); there would be no intermediate range missiles in Europe that can target the Soviet Union. What kind of confidence would this instill in our European allies in America's commitment to their security? If we are unwilling even to deploy forces Soviet INF threat, how can NATO rely upon America's willingness to honor our commitment to collective defense of the West?

"There would be extremely grave consequences for the alliance if NATO were unable to carry out its unanimous decision in the face of Soviet pressure and protests," Mr. SOLARZ warned. The Soviet Union did its level best to influence the recent elections in Germany through thinly disguised threats that Helmut Kohl's support for INF deployment would endanger the peace in Europe. Mr. Kohl withstood this pressure, and has refused to cower before Soviet efforts at intimidation. He steadfastly maintained his support for nuclear force modernization, and his support for the United States, and in so doing he won the endorsement of the German people and the elections.

Are we in Congress going to say, Now that you have gone out on a limb for the alliance, Mr. Kohl, we have decided to cut a deal with the Soviet Union and agree to freeze the status quo of inferiority in Europe? Shall we now agree to freeze in place their enormous, unilateral advantage in theater forces, which is what the Soviets have been working for all along?

The Soviet Union has undertaken a concerted effort to drive a wedge between the United States and our allies in Western Europe. This is perhaps the overriding goal of Soviet foreign policy today. If the United States should repudiate our commitment to modernize NATO nuclear forces, and agree instead to freezing in place the unquestioned Soviet advantage, the Soviets will have achieved that goal.

Recognizing this, Mr. SOLARZ wrote: "Given the demoralization and disarray that would inevitably result from a failure to implement the deployment decision, our allies would be much more likely to accommodate than resist Soviet pressure, and the United States would find itself more isolated than ever before." Clearly, NATO cannot go it alone without the United States. But it is also true that this country needs our allies. A freeze would be the harbinger of isolationism. If we forgo our commitments to NATO, we would only be forcing the finlandization of Europe, and increasing the risk of war.

In this July 25, 1961, address to the Nation, President Kennedy reminded America that—

> The strength of the alliance on which our security depends is dependent in turn on our willingness to meet our commitments to them . . .

This is the question before the Congress today: whether we are willing to meet our commitments to NATO, or whether we will sacrifice those commitments in favor of a freeze agreement with the Soviet Union. I believe that the choice is clear. Mr. CARNEY's amendment would reaffirm that commitment. I urge your support for Carney and "no" on Solarz and Zablocki.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I am very glad to yield to my friend, the gentleman from Georgia, before I yield to my friend, the gentleman from New York.

Mr. LEVITAS. Mr. Chairman, I thank my colleague for yielding.

I think the vote on the Carney amendment is a test vote on whether or not this House supports our NATO allies and our commitment to the NATO 1979 dual-track INF decision to deploy Pershing II and cruise missiles unless progress is made in arms control talks dealing with the Russian SS-20's already deployed.

First of all, there is no constitutional issue involved, any more so than there is in the rest of the resolution. In both instances, there is no constitutional issues involved. Both the Carney amendment and the resolution itself, simply give directions to our negotiators; it does not even touch on the treaty powers any more than does the resolution.

The second point is that if we do not adopt the Carney amendment, we will have abandoned the two-track system, which calls for deployment, unless there is progress made in arms control talks.

The resolution and the substitute offered by the gentleman from Wisconsin could permit a freeze which would block arms reduction talks dealing with INF. In short we could freeze in the SS-20's and freeze out the NATO INF deployment—directly contrary to the 1979 NATO decision.

The third point is that the proponents of the Zablocki amendment make the point that there have been changes since 1979, which we ought to take into account. There have been changes. But they are changes for the worst. The Soviet Union has deployed more missiles. They have launched Typhoon class submarines. They have modernized their SS-18 and SS-19 forces in landbased silos. They are more powerful today than they were in 1979 and there is no glimmer of hope that anything less than a return to a commitment to the 1979 dual track will do anything than undercut our NATO allies.

Mr. KEMP. Mr. Chairman, I appreciate my friend, the gentleman from Georgia, making that statement.

Mr. Chairman, our friend, the gentleman from Iowa (Mr. LEACH) said in the debate last week that he thinks the people of the country should handcuff the Governments of both the Soviet Union and the United States. Well, in effect, on this, if you do not vote down Zablocki-Solarz and vote up Carney, you are handcuffing the ability of the United States to negotiate that two-track system and there is no equal movement in the Soviet Union handcuffing their leaders in their talks; so in effect, it is going to be unilateral and that, above all, would be a tragic mistake.

Here is my biggest concern, and on this issue I want to yield to my friend, the gentleman from New York, very briefly.

Mr. Chairman, the freeze movement foresees the day when Europe is going to have to go their own way. Foster Forsberg, the leader of the freeze movement, said the other day in the magazine the Nation, in a symposium on this issue, "that we want the Europeans to shape their own world." Well, in effect, we are either going to force the proliferation of nuclear weapons in Europe or they are going to have to make an accommodation with the Soviet Union. We are going to force a separation of Europe from the United States by passing an amendment which emasculates the Carney amendment. I think that would be a big mistake.

I ask you to vote down Zablocki-Solarz and vote for Carney.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the preferential motion.

I wish to again emphasize that the substitute that I have offered clearly states, and I read from a copy of the substitute:

> In the absence of a bilateral agreement embodying the objectives set forth in this joint resolution, nothing in this resolution is intended to prevent the United States from carrying out its responsibilities under the December 1979 North Atlantic Treaty Organization decision regarding intermediate range nuclear forces.

So I say to the gentleman from Georgia that this substitute permits the two-track agreement under NATO.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I thank the distinguished chairman for yielding, because I think it is essential to make clear to all of the Members of

the House who are present and those who may be watching in their offices that there is absolutely nothing whatsoever in the substitute offered by the gentleman from Wisconsin or the amendment which I offered which is in any way inconsistent with our commitment to the preservation of the North Atlantic Treaty Organization.

Indeed, you can be in favor of the 1979 NATO deployment decision and still favor the substitute offered by the gentleman from Wisconsin or the amendment which I offered, because all that his substitute does and all that my amendment does is to reserve for the United States the right to make the final decision for itself.

□ 1200

Under both the substitute offered by the gentleman from Wisconsin (Mr. ZABLOCKI), and the amendment which I offered, we would be enjoined by the text of this resolution to consult with our NATO allies. We would have to take into account their point of view. But we would not be obligated automatically to adhere to a 1979 decision particularly if our NATO allies have changed their minds in the interim.

Some of the gentlemen on the other side said that if the Zablocki substitute is adopted, or if my amendment is adopted, we would in effect be saying to our European allies that we are going to conduct negotiations with the Soviet Union over their heads, and we may even reach agreements with the Soviet Union regardless of what they think.

I hope it does not come as a surprise, I hope it does not come as a shock, but the fact of the matter is that that is how we conduct bilateral negotiations with the Soviet Union. It happened in the SALT negotiations. It is going on now in the START talks, and in the INF talks themselves. We negotiate with the Soviet Union. We simultaneously consult with our allies. But in the final analysis we make the decision ourselves whether the agreement we reach with the Soviet Union is in our interests and in the interests of the alliance.

Under the Carney amendment, if the Zablocki substitute and my amendment are defeated, we would be locked into a 1979 agreement, even if our allies came to us and said we would like to change the terms of that agreement, and we would be surrendering the sovereign right of the United States to make a decision based on what it believes is in our national interest, after consulting with our allies.

Mr. ZABLOCKI. Mr. Chairman, contrary to what has been said by the gentleman from New York (Mr. KEMP), this resolution does not intend to balkanize NATO countries. Quite to the contrary; what it does is to reaffirm United States support for our NATO allies.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding to me. The gentleman from Georgia told the Members of the House that unless we adopt the Carney amendment we will somehow be selling out our NATO allies and he said this vote will be a test of our commitment to NATO.

I just want to suggest to my colleagues, and I hope they are listening, and I hope they are listening even though they may not be on the floor, that we do not have to give to our NATO allies veto power over the treatymaking powers of the United States President in order to have a commitment to them. We have not given such veto power to our allies, in the START negotiations or in the IMF negotiations—nor should we if we get to negotiations on a freeze. Doing so should never be the test of our dedication or commitment to NATO.

Our commitment ought to be to the sovereign right of this country to enter into bilateral treaties. That is why the Zablocki amendment should be adopted, and that is why the Carney amendment ought to be defeated.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York (Mr. KEMP).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ) to the amendment offered by the gentleman from New York (Mr. CARNEY).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ZABLOCKI) as a substitute for the amendment offered by the gentleman from New York (Mr. CARNEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ZABLOCKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 195, not voting 17, as follows:

[Roll No. 59]

AYES—221

Ackerman	Anthony	Berman
Addabbo	Applegate	Biaggi
Akaka	Aspin	Boehlert
Albosta	AuCoin	Boland
Alexander	Barnes	Boner
Anderson	Bates	Bonior
Andrews (NC)	Bedell	Bonker
Annunzio	Beilenson	Borski
Bosco	Hawkins	Penny
Boucher	Hefner	Pepper
Boxer	Hertel	Perkins
Britt	Horton	Pickle
Brooks	Howard	Porter
Brown (CA)	Hoyer	Pritchard
Brown (CO)	Jacobs	Rahall
Bryant	Jones (NC)	Rangel
Carper	Jones (OK)	Ratchford
Carr	Jones (TN)	Reid
Chandler	Kaptur	Richardson
Clarke	Kastenmeier	Rinaldo
Clay	Kennelly	Rodino
Coelho	Kildee	Roe
Coleman (TX)	Kogovsek	Rostenkowski
Collins	Kolter	Roybal
Conte	Kostmayer	Russo
Conyers	LaFalce	Sabo
Coughlin	Lantos	Savage
Coyne	Leach	Scheuer
D'Amours	Lehman (CA)	Schneider
Daschle	Lehman (FL)	Schroeder
Dellums	Levin	Schumer
Derrick	Levine	Seiberling
Dicks	Long (LA)	Shannon
Dingell	Long (MD)	Sharp
Dixon	Lowry (WA)	Sikorski
Donnelly	Luken	Simon
Dorgan	Lundine	Smith (FL)
Downey	MacKay	Smith (IA)
Durbin	Markey	Solarz
Dwyer	Martin (IL)	Spratt
Early	Martinez	St Germain
Eckart	Matsui	Staggers
Edgar	Mavroules	Stark
Edwards (CA)	Mazzoli	Stokes
Evans (IL)	McCloskey	Studds
Fascell	McHugh	Swift
Fazio	McKernan	Synar
Feighan	McKinney	Tallon
Ferraro	McNulty	Torres
Florio	Mica	Torricelli
Foglietta	Mikulski	Towns
Foley	Miller (CA)	Traxler
Ford (MI)	Mineta	Udall
Ford (TN)	Minish	Vento
Fowler	Mitchell	Volkmer
Frank	Moakley	Walgren
Frost	Mollohan	Waxman
Fuqua	Moody	Weaver
Garcia	Morrison (CT)	Weiss
Gaydos	Mrazek	Wheat
Gejdenson	Murphy	Whitten
Gephardt	Murtha	Williams (MT)
Gibbons	Natcher	Williams (OH)
Gonzalez	Nowak	Wirth
Goodling	Oakar	Wise
Gore	Oberstar	Wolpe
Gray	Obey	Wright
Green	Olin	Wyden
Guarini	Ottinger	Yates
Hall (IN)	Owens	Yatron
Hall (OH)	Panetta	Young (MO)
Hamilton	Patterson	Zablocki
Harkin	Paul	Zschau
Harrison	Pease	

NOES—195

Archer	Craig	Glickman
Badham	Crane, Daniel	Gradison
Barnard	Crane, Philip	Gramm
Bartlett	Daniel	Gregg
Bateman	Dannemeyer	Gunderson
Bennett	Daub	Hall, Ralph
Bereuter	Davis	Hall, Sam
Bethune	DeWine	Hammerschmidt
Bevill	Dickinson	Hance
Bilirakis	Dowdy	Hartnett
Bliley	Dreier	Hatcher
Breaux	Duncan	Heftel
Broomfield	Dyson	Hightower
Broyhill	Edwards (OK)	Hiler
Burton	Emerson	Hillis
Byron	English	Holt
Campbell	Erdreich	Hopkins
Carney	Erlenborn	Hubbard
Chappie	Evans (IA)	Huckaby
Cheney	Fiedler	Hughes
Clinger	Fields	Hunter
Coats	Fish	Hutto
Coleman (MO)	Franklin	Hyde
Conable	Frenzel	Ireland
Cooper	Gekas	Jeffords
Corcoran	Gilman	Jenkins
Courter	Gingrich	Johnson

Kasich	Moorhead	Sisisky
Kazen	Morrison (WA)	Skeen
Kemp	Myers	Skelton
Kindness	Nelson	Smith (NE)
Kramer	Nichols	Smith (NJ)
Lagomarsino	Nielson	Smith, Denny
Latta	O'Brien	Smith, Robert
Leath	Ortiz	Snowe
Lent	Oxley	Snyder
Levitas	Packard	Solomon
Lewis (CA)	Parris	Spence
Lewis (FL)	Pashayan	Stangeland
Lipinski	Patman	Stenholm
Livingston	Petri	Stratton
Lloyd	Price	Stump
Loeffler	Pursell	Sundquist
Lott	Quillen	Tauke
Lowery (CA)	Ray	Tauzin
Lujan	Regula	Taylor
Lungren	Ridge	Thomas (CA)
Mack	Ritter	Thomas (GA)
Madigan	Roberts	Valentine
Marriott	Robinson	Vander Jagt
Martin (NC)	Roemer	Vandergriff
Martin (NY)	Rogers	Vucanovich
McCain	Roth	Walker
McCandless	Roukema	Watkins
McCollum	Rowland	Weber
McCurdy	Rudd	Whitehurst
McDade	Sawyer	Whitley
McDonald	Schaefer	Whittaker
McEwen	Schulze	Wilson
McGrath	Sensenbrenner	Winn
Michel	Shaw	Wolf
Miller (OH)	Shelby	Wortley
Molinari	Shumway	Wylie
Montgomery	Shuster	Young (AK)
Moore	Siljander	Young (FL)

NOT VOTING—17

Andrews (TX)	Edwards (AL)	Marlenee
Boggs	Flippo	Neal
Chappell	Forsythe	Rose
Crockett	Hansen (ID)	Slattery
de la Garza	Hansen (UT)	Washington
Dymally	Leland	

□ 1215

The Clerk announced the following pairs:

On this vote.

Mr. Dymally for, with Mr. Edwards of Alabama against.

Mr. Boggs for, with Mr. Marlenee against.

Mr. Leland for, with Mr. Hansen of Indiana against.

Mr. Washington for, with Mr. Hansen of Utah against.

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CARNEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: Page 5, after line 23, insert the following new section:

SEC. 3. In all negotiations pursuant to this Resolution the United States shall make every effort to ensure that any agreement reached shall provide for full compliance by all parties with preexisting international treaties, obligations, and commitments.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the chairman.

PARLIAMENTARY INQUIRY

Mr. AUCOIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUCOIN. Mr. Chairman, is there an amendment pending at the desk now.

The CHAIRMAN. The gentleman is correct.

The gentleman from Illinois (Mr. HYDE) has offered an amendment.

Mr. AUCOIN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The Chair will advise the gentleman from Oregon (Mr. AUCOIN) that his point of order comes too late.

The gentleman from Illinois (Mr. HYDE) has been recognized in support of his amendment.

Mr. HYDE. I thank the Chairman.

This amendment is essentially very simple, but I think it is important. It says that in all negotiations pursuant to this resolution the United States shall make every effort. Now it does not say insist that it is mandatory, but that this country shall make every effort to insure that any agreement reached shall provide for full compliance by all parties with preexisting international treaties, obligations, and commitments.

Now, it seems to me that ought to be given in any negotiations with a foreign power, that we try to insure that we live up to previous treaties and commitments that we have undertaken. And one inspiration for this amendment comes from the senior Senator from California, who wrote in a newspaper article on February 3, expressing his personal outrage at the Soviet Union's violations of the Helsinki Treaty. He points out so well that the Soviet Union pledged to respect human rights, including the rights of citizens to emigrate freely when it signed the Helsinki Final Act. Yet the Soviet Government continues its harassment of Jews who desire to emigrate.

The Soviet Union pledged to respect human rights, including the right of citizens to emigrate freely, when it signed the Helsinki Final Act. Yet, the Soviet government continues its harassment of Jews who express a desire to emigrate and its obstruction of their freedom to practice their religion and to maintain their culture.

More than ever, it is essential that the United States speak out forcefully on this issue. Oppressed people all over the world look to the United States as a beacon of hope, as a champion for the victims of oppression and as a power that Moscow cannot ignore. Human rights must be an active, consistent and integral element in our foreign policy. It is vital that Moscow be put on notice that Americans care deeply about human rights. The Soviets must understand how difficult it will be to improve U.S.-Soviet relations so long as Moscow persists in harassing and oppressing Jews and other dissidents.

Mr. ZABLOCKI. Will the gentleman yield?

Mr. HYDE. I would be delighted to yield to my friend from Wisconsin, providing he is going to do something——

Mr. ZABLOCKI. Constructive.

Mr. HYDE. Otherwise I would have to think twice about it.

Mr. ZABLOCKI. I thank the gentleman for yielding.

We have had an opportunity to review the gentleman's amendment and since it does say the United States shall make every effort, I think that is the policy of the United States and we are prepared to accept the gentleman's amendment.

Mr. HYDE. I thank the gentleman and commend his insight and wisdom.

Mr. BROOMFIELD. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman.

Mr. BROOMFIELD. Mr. Chairman, we are very happy to accept it on this side, too.

Mr. HYDE. Before yielding back my time, I want to commend the gentlewoman from California (Ms. FIEDLER) whose idea this was originally.

Mr. BETHUNE. Will the gentleman yield?

Mr. HYDE. I yield to the gentleman.

Mr. BETHUNE. I thank the gentleman for yielding.

I know some here have had a chance to understand what the gentleman's amendment does. Now that it has been accepted by the chairman, would the gentleman please characterize the amendment for those of us who have not heard the full explanation so we can understand what it means.

Mr. HYDE. The amendment just says that in all our negotiations pursuant to this freeze resolution we should make every effort to insure that any agreement reached shall provide for full compliance by all parties with preexisting international treaties, obligations and commitments. And of course I have in mind all of the treaties, all of the obligations and commitments this country has entered into, including Helsinki, including the U.N. Charter, including the Nuclear Nonproliferation Treaty and including our agreement with NATO of 1979.

Mr. BETHUNE. What is the significance of this vis-a-vis the pending resolution as the gentleman sees it?

Mr. HYDE. Well, I just think it underscores that whatever we are doing must be in the framework and in the context of undertakings and commitments and obligations both treaty and otherwise that we have entered into.

Mr. BETHUNE. Does it have a measureable effect on the pending resolution in the gentleman's opinion?

Mr. HYDE. I certainly would not offer it if I did not think so.

Mr. AUCOIN. Will the gentleman yield to me?

Mr. HYDE. I yield to my friend from Oregon.

Mr. AUCOIN. I want to say to the gentleman that I appreciate very much his effort to make what I consider to be a constructive amendment. We were at odds yesterday on the House floor, I may have been at one point somewhat intemperate in my remarks to the gentleman. For that I apologize.

□ 1230

I do want to say that I think this is a constructive amendment and I think that the gentleman has gone so far to perfect the resolution now that I would hope the gentleman would join me in urging a movement to a quick vote on final passage so that we can pass the gentleman's perfected freeze resolution. I know we have his support.

Mr. HYDE. I appreciate the kind words. Praise from Caesar is praise indeed, but I should not, were I the gentleman, hold my breath in expectations of this gentleman's supporting this resolution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LOTT

Mr. LOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LOTT: Page 5, after line 23, insert the following:

"SEC. 3. Any item both sides do not agree to freeze would not be frozen."

Mr. LOTT. Mr. Chairman, I would hope that at some point in the debate that the distinguished chairman of the Foreign Affairs Committee will take a look at this amendment, because I think it is one that he probably could support.

It is a simple amendment taken directly from the statement of the gentleman from Wisconsin last week on the floor of the House. It is a clarifying statement that he read at the opening of last week's debate.

Twice in the debate at page 8376 of the CONGRESSIONAL RECORD he stated, "Any item both sides do not agree to freeze is not frozen."

My amendment has the identical words except for one grammatical change.

The statement of the distinguished chairman of the Foreign Affairs Committee wisely recognized the importance of dispelling any cloud of confusion hanging over House Joint Resolution 13 after the debate of March 16, which obviously was very confusing and left a lot of things up to question. My amendment is based on the good legislative practice of further clarifying the legislation before us by incorporating the legislative history into the body of the text.

I expect the chairman's support and I would urge the adoption of the amendment.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

In the confusion on the floor it is difficult to understand whether the amendment now offered by the gentleman is the same amendment that he had printed in the RECORD of a few days ago, or has there been a change?

Mr. LOTT. No, it is the same. It just says, "Any item both sides do not agree to freeze would not be frozen."

Now I did put two amendments in the RECORD. This is the one on page 5, line 23.

Mr. AUCOIN. The amendment of the gentleman's that I have that was printed in the RECORD says that "Any nuclear warhead, missile or delivery system both the United States and the Soviet Union would not agree to freeze——

Mr. LOTT. No, that is not the one.

Mr. AUCOIN. Is there some significance in this change in terminology?

Mr. LOTT. We thought that the other amendment perhaps would raise the concern of the gentleman from Oregon and others. We thought it would be less inflammatory. We tried to keep it simple and clarifying and we thought the other would draw attention to a specific area that we really did not want to get into.

We just want to say very simply what the amendment does, which is exactly what the distinguished chairman said on the floor, that if it is not agreed to be frozen, then it is not frozen.

We are not getting into bombers or ICBM's or anything else in specificity. We do not want to do that.

Mr. AUCOIN. If the gentleman will yield further, the gentleman does know, I am sure, that the resolution states in eight different separate and very clear places that any freeze must be mutual and must be verifiable. And we have also indicated through the debate that nothing is frozen unless both sides agree to freeze it.

Does the gentleman really believe that this language is necessary?

Mr. LOTT. Apparently the chairman thought there was some ambiguity in this area, because he did refer to it several times in his remarks, twice on the same page, as a result of the debate we had had the week before. I see nothing wrong with reaffirming it, using his exact words, putting what the legislative history has already got in the record, into the body. Perhaps it is duplicative in some way, but all it is saying is that the negotiators will decide what is frozen and what is not.

Mr. AUCOIN. I would have to say that I believe that it is duplicative as well, but I think it is offered in good faith and speaking for myself, although it may be duplicative, I certainly do not oppose it.

Mr. ZABLOCKI. Mr. Chairman, we have studied the amendment offered by the gentleman from Mississippi (Mr. LOTT) and we have no objection and accept the amendment.

Mr. TAUKE. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I am somewhat surprised that the advocates of the freeze resolution have tentatively decided to accept this amendment and I hope I can prevail upon them to reject this proposal.

I have not to date chosen to take the floor on this issue, but I think that this proposed amendment goes to the very heart of the rationale for the freeze resolution.

During the past two decades we have had a series of arms control agreements between our country and the Soviet Union. Despite the fact that we have been able to achieve a number of arms control agreements, the fact is that the arms race has catapulted forward. During the last two decades, we have a series of arms control agreements that have been negotiated between the United States and the Soviet Union. Despite the fact that we have been able to reach those agreements, we have been unable to stop the arms race. And, in fact, the arms race has catapulted forward.

The intellectual merit behind the freeze resolution is that it offers a new strategy for arms control, a strategy that does not necessitate having an advance look at what the new technologies will be.

The reason the old arms control strategy has failed to control the arms race is because technology has always been far ahead of the negotiators. The negotiators have been unable to anticipate what the new generation of weapons would be.

If we say that we are only going to freeze those items that are specifically listed or discussed, then I think we are allowing ourselves to slip back into the pattern of arms control negotiations and agreements which have proved to be so unsuccessful in the past.

The merit of the freeze resolution is that it does not require that we anticipate the technology of the future, but rather it allows us to be able to freeze the development of those weapons systems without precise knowledge of what those weapons systems may be.

If we adopt the Lott amendment, on the other hand, what we are going to be doing is we are going to be again putting ourselves in a position where we only affect by our arms control agreements those provisions or those weapons systems which we specifically

list and in that way we require ourselves to have some vision of the future.

So I think that this amendment far more so than any of the others that have been proposed is destructive of the notion of the freeze and would be very detrimental.

I urge its defeat.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

I think the gentleman raises an important point and I respect the gentleman's position. I just want to make sure that I understand the Lott amendment in the context that the gentleman has talked about it.

My understanding of the Lott amendment is that it says that nothing is frozen unless both sides agree to freeze it. And I think that is pretty plain in terms of what we have been advocating and I do not think it is in any way inconsistent with what the gentleman from Mississippi has offered. Could the gentleman comment on that?

Mr. TAUKE. I do not think that is exactly what the amendment says. I think the amendment suggests that there will be a listing of those weapons systems which will be frozen.

If the amendment would say that we are going to freeze everything except those things we exempt from being frozen, then I would have no problem with it.

□ 1240

But I think the difficulty is that this amendment requires that we anticipate the development of each weapon system; and, therefore, we will only freeze those things that we anticipate may exist and, therefore, those things that are listed. If we do that, we destroy much of the merit of the freeze, which is that the freeze does not require us to anticipate what the next development will be in weaponry.

Mr. DOWNEY of New York. Let me see if I can develop this just a second further with the gentleman.

You would have to provide a departure point for the negotiators, in any case.

Mr. TAUKE. Right.

Mr. DOWNEY of New York. And you would have to provide, it would seem to me, a categorical listing of those generic items that you would want frozen—bombers, missiles—and then begin a process of specifying what type.

I think that that is essential. I do not think there is anything in this that precludes what the gentleman from Iowa wants and what the gentleman from New York wants from this freeze. That is all I am saying. I do not see the Lott language as being restrictive in that regard.

Mr. TAUKE. Well, perhaps I could ask the gentleman from New York how he thinks we are going to anticipate any better tomorrow or next year what the weapons of 5 years from now will be than we have done in the past. In the past, we have failed miserably in that anticipation, and I think we will tomorrow or next year, as well.

Mr. DOWNEY of New York. I understand that. But the beauty of the freeze, of course, is that it takes a little of the uncertainty about anticipating away from us by simply saying that these are the categories of weapons which we pretty much understand now and in the future are likely to be in the arsenals of both sides.

Mr. TAUKE. Why do we want to limit ourselves to a listing of those things that will be frozen?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. TAUKE) has expired.

(By unanimous consent, Mr. TAUKE was allowed to proceed for 1 additional minute.)

Mr. TAUKE. Why do we not instead agree to freeze the development of all weapon systems except those that we want to specifically exempt?

I think we are putting the listing on the wrong side, if you will. We should list those things that we do not want to be frozen rather than listing those things that we do want to freeze. And I think there is a very major differences between the two.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. LOTT).

The amendment was agreed to.

Mr. ZABLOCKI. Mr. Chairman, I move that all debate on the text of House Joint Resolution 13 and all amendments thereto close at 3:30 p.m.

PARLIAMENTARY INQUIRIES

Mr. LEVITAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVITAS. Mr. Chairman, as I understand the motion of the gentleman from Wisconsin, all debate on House Joint Resolution 13 and all amendments thereto will end at 3:30 today?

Mr. ZABLOCKI. Mr. Chairman, my motion only covers the resolving clause. It does not include the preamble, the whereas clauses, or the substitute if the gentleman intends to offer it.

Mr. LEVITAS. I have a further parliamentary inquiry, Mr. Chairman.

What would be the status of amendments printed in the RECORD with respect to the resolving clause, and, also, how would the time be allocated with respect to amendments pending between now and 3:30 p.m.?

The CHAIRMAN. The Chair will advise the gentleman from Georgia that, with respect to the amendments printed in the RECORD which have not been offered before 3:30, the proponents of the amendment would be entitled to offer those amendments after 3:30, and 5 minutes would be allotted for the proponent of the amendment and 5 minutes would be allocated to an opponent of the amendment.

With respect to the time between now and 3:30, if the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) is agreed to, the Chair would have discretion as to how to allot the time.

Mr. LOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LOTT. Mr. Chairman, I would like to inquire if it would be possible for the distinguished chairman of the Committee on Foreign Affairs to amend his motion, to put some amendment in there with regard to these perfecting amendments or the amendments to amendments that are being offered that wind up tying up a good portion of the time and in fact delaying the debate on the amendments that are the crucial amendments.

Could the gentleman offer a change in that or some suggestion?

The CHAIRMAN. The Chair would advise the gentleman from Mississippi that that would not be appropriate in the form of a motion but only by a unanimous-consent request.

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COURTER. Mr. Chairman, my parliamentary inquiry is with regard to exactly what the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) covers.

The gentleman from Wisconsin indicated in language which I did not hear that it in fact excluded some clauses or some sections of the resolutions.

Would the Chair state what this motion includes and what it does not include, and I think we would be satisfied.

The CHAIRMAN. The Chair will advise the gentleman from New Jersey that the gentleman from Wisconsin (Mr. ZABLOCKI) has moved that debate on the resolving clause and all amendments thereto cease at 3:30. That would cover all amendments to the resolving clause except those that have been printed in the RECORD and which have not been offered prior to 3:30.

Mr. COURTER. Mr. Chairman, I have a further parliamentary inquiry.

Those amendments that we have proffered so far, the pending amendments, are they on the resolving clause?

The CHAIRMAN. The amendments which are now being considered are amendments to the resolving clause.

Mr. COURTER. So the result of the gentleman's motion is, basically, to cut off debate at 3:30 on any amendments that are not printed in the RECORD.

The CHAIRMAN. With respect to the amendments to the resolving clause. That does not cover the amendments to the preamble or the substitute which the gentleman from Michigan may offer, which is protected by the rule.

Mr. STRATTON. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. Mr. Chairman, would the Chair define what amendments are to the resolving clause?

The CHAIRMAN. Any amendments which relate to the resolving portion of the joint resolution.

Mr. STRATTON. Suppose there is the addition of a section. Is that an amendment to the resolving clause?

The CHAIRMAN. That would be an amendment to the resolving clause.

Mr. STRATTON. Mr. Chairman, how does the Chair propose to allocate the time on individual amendments?

We have to know how many amendments are pending in order for this thing to become other than just a rat race where someone hardly has time to read the amendment, as I understand it.

The CHAIRMAN. The Chair would intend, at least for a time, to proceed under the 5-minute rule, in expectation that Members who have amendments to offer would do so in accordance with the 5-minute rule.

Mr. CARNEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARNEY. Mr. Chairman, I would like to know if the Chair would consider the time necessary for rollcall votes would be taken out, or would that be part of the limitation to 3:30?

The CHAIRMAN. Under the motion as offered, all time would cease at 3:30. So the time for rollcall votes would be covered by the 3:30 limitation.

Mr. LEVITAS. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVITAS. Mr. Chairman, could the Chair advise the Members of the Committee approximately how many amendments are at the desk to the resolving clause on House Joint Resolution 13 dealing with the fate of humanity on the Earth?

The CHAIRMAN. The Chair would advise the gentleman from Georgia that an estimate would be approximately 40. But, of course, some of those are duplicates and cover the same substantive ground as other pending amendments or amendments previously disposed of.

Mr. KRAMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KRAMER. Mr. Chairman, I have been negotiating with the committee staff and the chairman about a possible change in an amendment that I have printed in the RECORD and, while I would be protected on the amendment, as I understand it, that is printed in the RECORD, if indeed we could reach a satisfactory resolution of a compromise on that amendment which is in the RECORD, I would no longer be protected if indeed the motion was granted; is that correct?

The CHAIRMAN. The gentleman could offer it prior to 3:30.

Mr. KRAMER. Might I ask the Chairman if he would accept an amendment to his motion?

The CHAIRMAN. The Chair will advise the gentleman that that is not within the context of a parliamentary inquiry.

Mr. KRAMER. Yes, I understand that.

The CHAIRMAN. The Chair is inclined at this point to put the question on the motion.

The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The question was taken; and the Chair announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 194, not voting 25, as follows:

[Roll No. 60]

AYES—214

Ackerman	Coleman (TX)	Gaydos
Addabbo	Collins	Gejdenson
Akaka	Conyers	Gephardt
Albosta	Cooper	Gibbons
Alexander	Coyne	Glickman
Anderson	Crockett	Gonzalez
Andrews (NC)	D'Amours	Gore
Andrews (TX)	Daschle	Gray
Annunzio	de la Garza	Guarini
Anthony	Dellums	Hall (OH)
Applegate	Derrick	Hamilton
Aspin	Dicks	Hance
AuCoin	Dingell	Harkin
Barnes	Dixon	Harrison
Bates	Donnelly	Hawkins
Bedell	Dorgan	Hefner
Beilenson	Downey	Heftel
Berman	Durbin	Hertel
Bevill	Dwyer	Howard
Biaggi	Early	Hoyer
Boland	Eckart	Hubbard
Boner	Edgar	Hughes
Bonior	English	Jenkins
Bonker	Evans (IL)	Jones (NC)
Borski	Fascell	Jones (OK)
Bosco	Fazio	Jones (TN)
Boucher	Feighan	Kaptur
Boxer	Ferraro	Kastenmeier
Britt	Florio	Kennelly
Brooks	Foglietta	Kildee
Brown (CA)	Foley	Kogovsek
Bryant	Ford (MI)	Kolter
Carper	Fowler	Kostmayer
Carr	Frank	Lantos
Clarke	Frost	Lehman (CA)
Clay	Fuqua	Lehman (FL)
Coelho	Garcia	Leland
Levin	Oberstar	Solarz
Levine	Obey	Spratt
Lipinski	Ortiz	St Germain
Long (LA)	Ottinger	Staggers
Long (MD)	Panetta	Stark
Lowry (WA)	Patterson	Stokes
Luken	Pease	Studds
Lundine	Penny	Swift
MacKay	Pepper	Synar
Markey	Perkins	Tallon
Martinez	Pickle	Thomas (GA)
Matsui	Price	Torres
Mavroules	Rahall	Torricelli
Mazzoli	Rangel	Traxler
McCloskey	Ratchford	Udall
McHugh	Reid	Vento
McNulty	Richardson	Volkmer
Mica	Rodino	Walgren
Mikulski	Roe	Watkins
Miller (CA)	Rostenkowski	Waxman
Mineta	Rowland	Weaver
Minish	Roybal	Weiss
Mitchell	Russo	Wheat
Moakley	Sabo	Whitten
Mollohan	Savage	Wirth
Moody	Scheuer	Wise
Morrison (CT)	Schroeder	Wolpe
Mrazek	Schumer	Wright
Murphy	Seiberling	Wyden
Murtha	Shannon	Yates
Natcher	Sharp	Yatron
Nelson	Sikorski	Young (MO)
Nichols	Skelton	Zablocki
Nowak	Smith (FL)	
Oakar	Smith (IA)	

NOES—194

Archer	Gramm	Miller (OH)
Badham	Green	Molinari
Barnard	Gregg	Montgomery
Bartlett	Gunderson	Moore
Bateman	Hall, Ralph	Moorhead
Bennett	Hall, Sam	Morrison (WA)
Bereuter	Hammerschmidt	Myers
Bethune	Hartnett	Nielson
Bilirakis	Hatcher	O'Brien
Bliley	Hightower	Olin
Boehlert	Hiler	Oxley
Breaux	Hillis	Packard
Broomfield	Holt	Parris
Brown (CO)	Hopkins	Pashayan
Broyhill	Horton	Patman
Burton	Huckaby	Paul
Byron	Hunter	Petri
Campbell	Hutto	Porter
Carney	Hyde	Pritchard
Chandler	Ireland	Pursell
Chappie	Jacobs	Ray
Cheney	Jeffords	Regula
Clinger	Johnson	Ridge
Coats	Kasich	Rinaldo
Coleman (MO)	Kazen	Ritter
Conable	Kemp	Roberts
Conte	Kindness	Robinson
Corcoran	Kramer	Roemer
Coughlin	Lagomarsino	Rogers
Courter	Latta	Roth
Craig	Leach	Roukema
Crane, Daniel	Leath	Rudd
Crane, Philip	Lent	Sawyer
Daniel	Levitas	Schaefer
Dannemeyer	Lewis (CA)	Schneider
Daub	Lewis (FL)	Schulze
Davis	Livingston	Sensenbrenner
DeWine	Lloyd	Shaw
Dickinson	Loeffler	Shelby
Dreier	Lott	Shumway
Duncan	Lowery (CA)	Shuster
Dyson	Lujan	Siljander
Edwards (CA)	Lungren	Sisisky
Edwards (OK)	Mack	Skeen
Emerson	Madigan	Smith (NE)
Erdreich	Marriott	Smith (NJ)
Erlenborn	Martin (IL)	Smith, Denny
Evans (IA)	Martin (NC)	Smith, Robert
Fiedler	Martin (NY)	Snowe
Fields	McCain	Snyder
Fish	McCandless	Solomon
Franklin	McCollum	Spence
Frenzel	McDade	Stangeland
Gekas	McDonald	Stenholm
Gilman	McEwen	Stratton
Gingrich	McGrath	Stump
Goodling	McKernan	Sundquist
Gradison	Michel	Tauke

Taylor	Weber	Wolf
Thomas (CA)	Whitehurst	Wortley
Valentine	Whitley	Wylie
Vander Jagt	Whittaker	Young (AK)
Vandergriff	Williams (OH)	Young (FL)
Vucanovich	Wilson	Zschau
Walker	Winn	

NOT VOTING—25

Boggs	Hansen (ID)	Rose
Chappell	Hansen (UT)	Simon
Dowdy	LaFalce	Slattery
Dymally	Marlenee	Tauzin
Edwards (AL)	McCurdy	Towns
Flippo	McKinney	Washington
Ford (TN)	Neal	Williams (MT)
Forsythe	Owens	
Hall (IN)	Quillen	

□ 1300

Mr. GLICKMAN changed his vote from "no" to "aye."

Mr. SPENCE and Mr. CAMPBELL changed their votes from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 5, after line 23, insert the following new section:

SEC. 5. The United States shall withdraw from any negotiations pursuant to passage of this resolution if the President determines, and a majority of both Houses of Congress concur within 30 legislative days of notification by the President that (1) the information currently available to the United States, which is the basis for the assumption of essential equivalence in overall United States-Soviet capabilities, is inaccurate and that essential equivalence does not exist, or (2) if the Soviet Union should introduce heretofore new and unknown technologies or weapons systems, which could adversely alter the balance of power against the United States, and would therefore negate the assumption of essential equivalence. (3) The President shall communicate to the Congress in writing, within 30 days of making any such determination(s) relative to information pertaining to clasues (1) and (2).

Mr. COURTER. Mr. Chairman, I think the debate of 4 days can be summed up in two respects: First, there are those in this House who believe that there is essential equivalency between the Soviet Union and the United States, and there are those who do not.

□ 1310

Those that feel there is not rough equivalency or parity between the two superpowers obviously are not in favor of a freeze resolution. Those who believe that, indeed, there is rough equivalency between the two superpowers then conclude, based on that presence of equality or rough equivalency, that the best thing to do is to freeze.

Their desire to freeze, therefore, is based upon a premise. That premise, Mr. Chairman, is the fact that there is rough equivalency in the strategic nuclear area and tactical nuclear area between the Soviet Union and the United States. If that premise of rough equivalency, which is the underpinnings for the freeze resolution, proves to be false for one or two reasons, one of those reasons being that new information has been brought to our attention that there is no rough equivalency between the two superpowers, then obviously we want the freeze resolution to self destruct. We want our negotiators to lift the freeze negotiating position.

Second, even though the information is accurate, if during the pendency of the negotiations, the Soviet Union makes a technological breakthrough, for example in antisubmarine warfare, then the premise of equivalency is shattered and the logic of the freeze resolution, is destroyed.

The amendment, Mr. Chairman, is a simple one. It simply is an extension of logic. Those advocates of the freeze resolution who feel that there is essential equivalency argue then that a freeze is necessary. If, obviously, the premise is incorrect, then the conclusion is incorrect. That is the importance of my amendment.

Mr. Chairman, we have debated this resolution for 4 days now, but not one amendment has spoken directly to this point.

For that reason, I offer my amendment.

Mr. Chairman, I yield to the gentleman from Wisconsin. I was hoping the chairman would agree with this amendment.

Mr. ZABLOCKI. Well, if I were sure that the gentleman's President and the administration agreed to his amendment, I could support it. It appears, of course, that the gentleman is attempting to put the Congress on a coequal basis with the executive branch, with respect to treatymaking power.

If I were the gentleman's President, I would not agree with this proposal, because it would cause the President to withdraw from the START talks.

I question even the constitutionality of the gentleman's proposal.

Would the gentleman answer a question?

Mr. COURTER. Sure, I would be happy to, if I can understand the question. I do not really understand the gentleman's question.

Mr. ZABLOCKI. Would the gentleman's amendment apply to the START negotiations as well the freeze negotiations?

Mr. COURTER. The amendment is amending the resolution that mandates negotiations for a freeze, so it applies to the freeze resolution.

I do not believe we have, Mr. Chairman, any instruction from this body, from the Congress, to the negotiation other than the negotiation that is called for in this particular resolution; so the amendment only amends the resolution that is before this body.

I would hope that the chairman would dwell for just a minute on the logic of my amendment.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. I believe the position of the chairman of the committee is that there is an underlying presumption to the freeze resolution. There is an underlying premise, and that is the fact that there is rough equivalency on both sides. Surely the chairman would not want to instruct or have our negotiators under a continuing instruction to negotiate if new information revealed or a technological breakthrough occurred, that shattered the validity of the promise itself, would the chairman? The chairman would not or the chairman would?

Mr. ZABLOCKI. The chairman will take his own time in response to the amendment.

Mr. COURTER. Mr. Chairman, I yield back the balance of my time.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if the gentleman will listen the gentleman had mentioned that this amendment applies only to freeze negotiations; but this resolution (H.J. Res. 13) includes objectives for the START negotiations. The gentleman from Wisconsin and many of my colleagues on the other side of the aisle, insisted on having reductions included in House Joint Resolution 13.

Now the gentleman says it does not apply to START; but if I read the gentleman's resolution it states very clearly:

The United States shall withdraw from any negotiations pursuant to this resolution.

I point out that START is included.

I might point out further that House Joint Resolution 13 does not involve itself in neogitations of a treaty. The Congress should not determine when we should withdraw from arms control talks. The Congress cannot negotiate treaties. The Senate, of course, ratifies treaties after they are negotiated. Therefore, the Congress should not determine when we should withdraw from any arms control negotiations. This is the President's decision. Essentially this is his responsibility.

The gentleman's amendment is unworkable and is very vague. Under the gentleman's amendment, any inaccuracy of information on Soviet capabilities, for example, might force us to withdraw from arms control talks.

I might further ask the gentleman in the substitute that the gentleman from Michigan intends to propose,

would the gentleman suggest or propose his amendment to the substitute?

Mr. COURTER. I may. I certainly would have had a greater opportunity to do so had the chairman not moved to cut off debate by 3:30 and, therefore, probably because of the chairman's decision to do that, I will not have the opportunity to place it on the substitute; but if the chairman will yield to me, the chairman says: First, my amendment is unworkable; and second, it says for the withdrawal of all negotiations; but not so. It simply says that the United States shall withdraw from any negotiations pursuant to the passage of the resolution.

Mr. ZABLOCKI. Mr. Chairman, the gentleman did answer my question. He said he might propose his amendment to the substitute.

I desire to yield no further.

Mr. COURTER. The gentleman will not yield?

Mr. ZABLOCKI. No.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield to me?

Mr. ZABLOCKI. I yield to the gentleman from New York.

Mr. DOWNEY of New York. Mr. Chairman, I would like to ask the esteemed chairman if in his opinion this does violence to article II, section 2 of the Constitution.

Mr. ZABLOCKI. I could not hear the gentleman.

Mr. DOWNEY of New York. I will speak louder. I asked the chairman if in his opinion this does violence, this amendment, to article II, section 2 of the Constitution of the United States.

□ 1320

It would seem to me that it does.

Mr. ZABLOCKI. There is no doubt in my mind.

Mr. COURTER. Would the chairman yield on that question?

Mr. ZABLOCKI. I must again repeat that the President has the power under article II, section 2, to negotiate treaties. If the Congress attempts to override that we are indeed violating the Constitution, let me say to the gentleman from New York.

Mr. DOWNEY of New York. I thank the gentleman.

If the chairman would yield further, it has been my experience that congressional involvement is wholesome, and indeed this whole debate I think has been instructive, and the Senate advising and consenting on amendments is important, and SALT advisers are important and necessary.

Mr. ZABLOCKI. Mr. Chairman, this is a bad amendment. What we are trying to do is protect the President from this type of an amendment. It deserves to be soundly defeated, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from New Jersey.

Mr. COURTER. I think the chairman of the committee is taking a massively untenable position wherein he is saying that my amendment is flawed and unconstitutional because it instructs the President to do something, or the negotiators to take a position. If that is so, then the freeze resolution itself is exactly the same thing. It is a joint resolution that in essence establishes the negotiating position of the negotiators.

If my amendment is invalid, then the entire freeze resolution is invalid. If my amendment is unconstitutional, then the freeze resolution is unconstitutional. It is attached to the freeze resolution like a barnacle on a ship, and if the ship goes down, then my amendment does, too. But if the ship floats then my amendment floats and is not unconstitutional.

But you are arguing that the resolution itself that instructs the negotiators is valid and constitutional, and therefore my amendment is as well.

The interesting thing, however, is the fact that the chairman tends to negate my amendment by relying on technicalities and dredging up the Constitution as we hear from time to time. The substance of my amendment has been addressed by the chairman, and that is as follows: The freeze advocates say there is equality. That is an assumption, and that is a premise.

If that assumption and that premise is invalid, certainly we want to be able to withdraw the freeze position from the table, and that simply is what my amendment does. It is logical. It is simple. In that sense I think it deserves a great deal of support, and I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman for his statement, because I think he makes a very important point. It is surprising to me that rather than argue the merits of the gentleman's amendment what we had was the opposition getting up and arguing the merits of how it is placed into the resolution and what its effect will be, and the arguments seem to be that somehow this would unconstitutionally handcuff the President.

The gentleman is correct in saying that if that is the case, then the chosen vehicle for this particular movement, the freeze movement on the floor, is the wrong vehicle. It is a question that was raised at the beginning of this debate, and that is whether or not a joint resolution should have been selected.

We hear the opposition saying now that the resolution they have before us is simply advisory, that it does not really carry the force of law, that we are simply telling the President he ought to do various things. The fact is that the chosen vehicle was a joint resolution and that does have the impact of law. As a matter of fact, joint resolutions are used to amend the Constitution of the United States. A joint resolution was used for the Gulf of Tonkin resolution. These have the force of law.

To get up now and argue that some amendment that the gentleman from New Jersey is offering is unconstitutional because it unjustifiably handcuffs the President of the United States is to argue that your own resolution is the wrong vehicle at the wrong time doing things the wrong way, and that is the problem. It is the problem that was raised at the beginning of this debate, and it is the problem that now you in the opposition to this amendment have raised again.

I think your point is probably valid. But if it is vaild for the gentleman from New Jersey's amendment, then it is valid for your whole resolution, and I think calls into question the very vehicle you brought to this floor.

Mr. COURTER. Will the gentleman yield again on that point?

Mr. WALKER. I will be glad to yield to the gentleman from New Jersey.

Mr. COURTER. During this debate I would like, if possible, that those people who oppose the amendment would speak to the following question: What is going to happen if the premise of rough equivalency is shattered? What type of message do we give to our negotiators if it is based on a fallacy? I wish the chairman or someone opposing this amendment would answer the question as to how we are protected if we find out through revelations, that is new information, or through technological breakthrough by the other side, that the premise is false, are we nevertheless going to go on and negotiate a freeze, locking ourselves in a permanent inferior position? I think not. My amendment is valid. It is the only one that speaks on this particular point, and I think it is absolutely essential, not so much for those people who oppose the freeze, but more so, it seems to me for those people who advocate a freeze.

Mr. WALKER. Again, I think the gentleman is right on target. The resolution itself talks about the maintenance of essential equivalence. All the gentleman is trying to do is to make certain that we are, in fact, guaranteed of that essential equivalence. It goes right along with the language of the resolution, and the resolution is instructive of the President of the United States.

It seems to me the gentleman's amendment merely is instructive of the President.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman from Pennsylvania yield to me?

Mr. WALKER. I am happy to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. The gentleman knows that House Joint Resolution 13 sets out objectives and does not instruct the President. The gentleman should know that there is a difference between advising the President on a matter of policy and imposing a strict requirement on the President. Advising the President is one thing; but imposing a requirement on the President, as the amendment offered by the gentleman does, is quite another thing and it therefore does violence to article II, section 2 of the Constitution.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. WALKER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

For what purpose does the gentleman from New York (Mr. STRATTON) rise?

Mr. STRATTON. Mr. Chairman, I have an amendment at the desk. It is amendment No. 4.

The CHAIRMAN. The Chair will inquire of the gentleman, is his amendment to the pending amendment?

Mr. STRATTON. It is not, Mr. Chairman.

The CHAIRMAN. The Chair will advise that the gentleman's amendment is not in order at this time.

Mr. DORGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an interesting amendment and I am hesitant to rise and discuss the issue. We have a lot of folks on the floor who have spent a lot of hours discussing the nuclear freeze issue. But this amendment is not unlike many other amendments that have been offered on the nuclear freeze resolution. This amendment is a self-fulfilling prophesy that would simply obliterate the freeze quickly and effectively.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. I would like to finish my statement.

Mr. COURTER. I would like for the gentleman to explain that statement.

Mr. DORGAN. I will be happy to explain the statement.

The 1982 Department of Defense annual report tells the American people that there is a rough equivalence in the capabilities of the United States and the Soviet Union. Yet, we have a President in this country who consistently on television and in speeches around the country insists that this country is weaker than and inferior to the Soviet Union.

The gentleman's amendment suggests that the President simply can communicate to Congress that he has made such a determination, that there is not rough equivalence. It is a determination the President has already made. He has stated that all over this country.

My personal feeling is that this does a disservice to our country and its national security. I do not think our country is inferior to the Soviet Union militarily. I do not think most of the good military thinkers in this country think or believe that we are inferior in our total military power.

But I am saying the way the gentleman's amendment is drafted it is a self-fulfilling prophesy. The President certainly will communicate to Congress that he believes this country has lost its relative capability vis-a-vis the Soviet Union, even though the Defense Department's own report says otherwise.

Mr. COURTER. Will the gentleman yield?

Mr. DORGAN. I will be happy to yield.

Mr. COURTER. In fact, it is not saying that. It does not create a bouncing ball as the gentleman would suggest because of the word "inaccurate." It says that the President can make this determination if he determines that the information that we have now is or was inaccurate. In other words, we are debating the resolution today.

Mr. DORGAN. If I might reclaim my time, the President has already determined that that is inaccurate. Are you suggesting that the information is inaccurate or that the President is inaccurate?

Mr. COURTER. I am suggesting that we may find out 55 days after we instruct the negotiators to negotiate a freeze that the basic premise of rough equivalency is false, that indeed the information that the President had to work with, indeed the information that you had to work with, that Chairman ZABLOCKI had to work, that the gentleman from Oregon (Mr. AUCOIN) had to work with was false because of a new breakthrough in information that was given to us, or because of technological advance by the other side. That is what I am suggesting.

Mr. DORGAN. I appreciate that, if I may reclaim my time. If you are interested in that, it seems to me that the resolution on page 4 addresses that absolutely. It says that "consistent with the maintenance of the essential equivalence in overall nuclear capabilities," the START talks should pursue the objective of negotiating an immediate, mutual, and verifiable nuclear freeze. I do not think there is anything in this resolution that precludes doing what the gentleman wants to do to resolve his concerns.

□ 1330

But let me say this: I have listened for hour after hour to this intramural skirmishing on all sorts of points about this nuclear freeze resolution. This is not much different than many other amendments that have been offered.

But, it seems to me that the players involved in this discussion on both sides of the aisle have in many cases lost the judgment about what we are doing here on the floor. We are in, with the Soviet Union, an arms race that we cannot seem to extricate ourselves from. It is an arms race that seems almost out of control. And while hour after hour and day after day and month after month we debate a resolution that suggests if we can, on a mutual basis and on a verificable basis, get the Soviets to the table and see if we can extricate ourselves from this uncontrollable arms race, we are building more and more nuclear armaments and so is the Soviet Union.

It seems to me that the overriding issue is can we extricate ourselves from a position I think of as imminent danger. This amendment that you have offered in my opinion effectively obliterates the nuclear freeze. If the President can certify to this Congress that the human rights are not being violated in El Salvador, it seems to me a President who has already said we are inferior to the Soviet Union, will come to us very quickly with the certification that we no longer have the rough equivalency stated in the 1982 DOD report and the nuclear freeze resolution will be obliterated effectively.

Mr. COURTER. If the gentleman will yield on one small point because I think he has not read fully the text of any amendment.

Mr. DORGAN. I yield to the gentleman.

Mr. COURTER. It does not permit the President to unilaterally make a determination that there is a new breakthrough in information or at that time the Soviet Union has modernized very quickly shattering equality, because it says, "The Congress to concur within 30 legislative days."

So, we are back here as well.

I am not giving carte blanche to the President, because I know if I did that, you would stand up and say that is exactly what I am doing. I have in here a built-in guarantee that this body will discuss it and will have to agree with the President.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Let me say first of all one thing that disturbs me is we are not only extend-

ing the gag philosophy now to the amount of time that is allowed for us to debate the resolving clause of this bill, we are also now going to extend it, evidently, to Members debating the issues, and we are going to cut off debate for individual Members as well. And I find that to be very disturbing.

I think when we have brought the issue to the point that we can no longer fully debate it, we have come to a very, very disturbing point indeed in this whole matter.

I was looking for a little bit of additional time to talk to the point that the gentleman from Wisconsin had made with regard to the resolution. The gentleman said this is a resolution aimed at providing some objectives.

If that is the real intent of the resolution, then it seems to me that a different vehicle would have been taken. We have vehicles in this House for doing that. We have concurrent resolutions, we have House resolutions, we have various kinds of things that can be done that are instructive in nature.

A specific decision was made to choose a joint resolution. Joint resolutions have the force of law. That is the point that the gentleman from Pennsylvania is making; that in choosing a joint resolution they chose to go to more than instructions but made a much deeper kind of decision than to simply instruct the President.

And if the gentleman is saying that it is instruction to the President that is involved, then I am saying it is instructions with the force of law and that that is all the gentleman from New Jersey is trying to provide too, instruction with the force of law within the joint resolution.

Therefore, his amendment is perfectly proper under the procedure chosen by the committee to bring this particular resolution to the floor.

Mr. ZABLOCKI. Will the gentleman from Michigan yield?

Mr. BROOMFIELD. I yield to my friend from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

The gentleman from Pennsylvania made an accusation that there was a limitation of time. I just want to advise him we have already spent a total of 31 and a half hours on this resolution with repetitive debate and dilatory tactics. The gentleman from Wisconsin did not shut off the gentleman from Pennsylvania when he asked unanimous consent.

For the gentleman from Pennsylvania to say that there was limited debate on this resolution is in total error. But that would not be the first time.

Mr. BROOMFIELD. I would disagree with the chairman, I do not believe there has been any dilatory tactics on this resolution. I think it a very interesting and well discussed situation, but I do not think there has been any attempt to delay the proceedings at all.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

Let me say I did not accuse the gentleman from Wisconsin of cutting off my time. I simply said that is one more part of the whole gag procedure that has now enveloped this floor and that I find disturbing.

Second, let me say that I do not think the question of whether or not we ought to debate this fully should be reduced to the number of hours that the gentleman talks about.

It seems to me that we have not engaged in any dilatory tactics here, that the amendments that have been offered have been substantive amendments, so substantive in fact that the committee has seen fit to accept large numbers of them, so substantive in fact that in other cases the committee has had to come up with amendments to try to modify the language.

All of those various kinds of things have not been frivolous, they have been extremely substantive kinds of actions. The debate has been on both sides.

I would submit the majority side has used as much time in the debate as the minority side has.

So, what we have here is a very good debate and to cut off it seems to me is wrong. That is the only point this gentleman is making.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman.

I desire to respond to the gentleman from Pennsylvania. Any substantive, worthwhile amendment that was offered, whether from the gentleman's side or from this side, did not take time, we accepted them. But there were amendments that were repetitive that we could not accept.

Mr. WALKER. If the gentleman will yield to me.

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

Those amendments that they could not accept were very substantive amendments however. It may be they did not agree with them, but it did not mean they were not substantive amendments that should have been debated. The point is they were substantive and should be debated on the floor and to now come and say that was somehow dilatory tactics it seems to me calls into question the whole freeze resolution and whether or not it was very well thought out before it was brought to this floor.

Mr. STRATTON. Will the gentleman yield to me?

Mr. BROOMFIELD. I yield to the gentleman from New York.

Mr. STRATTON. I think the gentleman from Pennsylvania was not accusing the chairman from Wisconsin, he was referring to me when I cut off the colloquy that was underway previously.

We are under a limitation of time up to 3:30. I have a substantive amendment here, one that has been in the RECORD for a long time and think would add to the effectiveness of the resolution if it were considered. Instead of going back and forth with these arguments that are not addressed to specific amendments, I believe we ought to have the amendments themselves considered within this limited timeframe.

Mr. AUCOIN. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the gentleman from New Jersey who authored the amendment a couple of questions.

What I would like to know first is if his amendment is the amendment he printed in the RECORD on April 20, which amends page 5 after line 23 inserting a new section which allows the funding for the development and deployment of non-nuclear strategic defensive weapons.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman.

Mr. COURTER. No, no, it is not. My amendment was partially in a different form, it was printed in the RECORD on that day, but the amendment we are debating, though very similar to that amendment was in this form not printed in the RECORD.

Mr. AUCOIN. Did the gentleman say it was similar to that amendment? I yield further.

Mr. COURTER. No.

Mr. AUCOIN. Which amendment is the gentleman offering?

Mr. COURTER. The gentleman is offering an amendment that says that if we, through new information or because of a technological breakthrough by the Soviet Union, shatter the premise of rough equivalency, and that premise is the basis of the logic of the freeze resolution, then our negotiators should not continue to negotiate a freeze, because the premise of the freeze is faulty.

□ 1340

That is the amendment that the gentleman brought forward.

Mr. AUCOIN. Let me ask the gentleman this question.

Mr. COURTER. I will be happy to try to answer the question.

Mr. AUCOIN. What does the gentleman think might be a shattering

breakthrough in technology, if in fact we have a freeze on testing and production and deployment of various technologies that is mutual and verifiable?

You cannot test ballistic missiles under the freeze. Then it is very difficult to bring forward a shattering imbalance in a destabilizing weapon.

Mr. COURTER. I understand. We have spent hours here agreeing with each other on that; pending the final disposition of the negotiation and the ratification process both, sides can continue to modernize.

My amendment speaks to the time pending the passage of the resolution mandating the position of freeze, and ratification. Obviously once ratification is accomplished, they can no longer modernize these systems and neither can we, but pending, if they all of a sudden reveal or we find out through our intelligence community that they have perfected a wonderful system of antisubmarine warfare, we do not want to be bound by and shackled with the position of freezing first and then reducing later. We want some flexibility there and that is simply what my amendment is doing.

It points out two areas where we need flexibility. One, if we gain new information that we do not have today that even though they had the ability today we did not know that they did, or, No. 2, if they modernized during the negotiation phase, then, obviously, the instruction to freeze must be changed. And it is during that time period that my amendment speaks.

Mr. AuCOIN. I thank the gentleman for that explanation.

Let me ask the gentleman this question then. I just heard him say that his amendment goes to that period of time before the ink is dry on the treaty, any such treaty that would freeze on a mutual and verifiable basis, testing, deployment, and production of any weapons system. So his amendment goes to that period of time before such a treaty is negotiated, signed and ratified.

What check or balance is there in the gentleman's amendment that would prevent the intelligence community, some members of which, by no means not all members, but some members of which have never been entirely enthusiastic about arms control in any form, from hypothetically conjuring up some evidence that they might put the worst face interpretation on, causing us then to just back out of the whole treaty process? What is the check and balance against that kind of judgmental error?

Mr. COURTER. Another good point, if the gentleman will yield further. I have two responses. No. 1, I do not think the gentleman is suggesting that someone in the intelligence community——

Mr. AuCOIN. I will yield to the gentleman. I am really trying to have a clarifying discussion with the gentleman and I am proceeding on that basis in good faith.

It is possible for people in the intelligence community to make errors of judgment, to see facts that we might see and reach a different conclusion and to have an alarmist view of evidence that in the years that may follow might seem not to warrant such an alarmist viewpoint.

There needs to be some kind of check and balance against that kind of judgmental error.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. AuCoin) has expired.

(At the request of Mr. Courter and by unanimous consent, Mr. AuCoin was allowed to proceed for 3 additional minutes.)

Mr. AuCOIN. The gentleman understands my concern and I yield to him to see if he can tell me where such a check and balance might be in his amendment.

Mr. COURTER. No. 1, I know that the gentleman is not suggesting that a member of the intelligence community is going to purposely fabricate information——

Mr. AuCOIN. The gentleman knows that.

Mr. COURTER. No. 2, and the check in the amendment is there for the world to see and that is the fact that the intelligence community, through the President, is going to have to persuade you and me and Members of this body that indeed there was a technological breakthrough, because it does say that the Members of the Congress, within 30 legislative days, must concur in that interpretation. And therein lies the check.

So they will have to come back and talk to the gentleman and the chairman of the committee.

Mr. AuCOIN. Would the gentleman repeat what he just said. I did not hear the gentleman's last couple of sentences.

Mr. COURTER. What I attempted to say was that indeed there is a check to this to satisfy the gentleman's legitimate concern because the intelligence community and the President—if the President obviously adopts the same position as the intelligence community about a technological breakthrough—is going to have to persuade the Congress, is going to have to persuade the gentleman and me and other Members in this body that that technological innovative techniques or breakthroughs in antisubmarine warfare or some other capability is in fact legitimate and not fabricated.

Mr. AuCOIN. Well, maybe I am misreading the gentleman's amendment. I understand the gentleman's amendment to say if Congress does not take action within 30 days, the President can take such action as he deems necessary. We have only 30 days to act and failure to act would allow the President to pull out of the negotiations; is that correct?

Mr. COURTER. If the gentleman will yield? Needless to say, I wanted to put a timeframe on this. From a procedural standpoint someone has to come forward with the official statement that there was a technological breakthrough that destroyed equivalency. It seems logical to me to vest that power in the President of the United States, but I did not want to vest that power unilaterally in him and therefore the Congress must act as well.

Mr. AuCOIN. What happens if the Congress, for some reason, fails to take action within 30 days? Does that not give the President a free hand?

Mr. COURTER. Well, then, the presumption that the President has is destroyed, because it takes both Houses of Congress who must concur with the President.

Mr. AuCOIN. On an affirmative basis.

Mr. COURTER. That is correct. So we have got plenty of safeguards here. Both Houses of Congress must concur with the President.

You have to start the ball rolling someplace. My amendment, I think, is a legitimate concern here, to make sure that we are not in a position of negotiating a freeze when we find out that it is clearly detrimental to our security interests because of a massive technological breakthrough that we ourselves agree with.

Mr. AuCOIN. Well, what I guess I cannot understand, and the gentleman is making a good explanation of his amendment and it clarifies some points, but I have got to ask the gentleman why the gentleman would feel——

The CHAIRMAN. The time of the gentleman from Oregon (Mr. AuCoin) has again expired.

Mr. AuCOIN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

I am really trying to understand the gentleman's amendment and it could be, if I understand it correctly and if I

am convinced I will support the gentleman's amendment.

Why is it that the gentleman believes in the face of such information, prior to the signing of the treaty, that our President would not come back on his own, any President who is sworn to uphold and defend the country and its laws and the people of this country, pull out of the negotiations on his own, come back with the information he has, that his intelligence community has given us, have a joint session of Congress and reveal what has happened? Why does the gentleman feel that any President of any party would need direction of this kind?

Mr. COURTER. I think the answer to that is the fact that what I am attempting to do is to mechanize that procedure and streamline that procedure. If you have time limits within which the President must report that revelation, so to speak, or that situation of technological advancement and innovation and we are given a 30-day timeframe within which to answer and respond, I think in fact the President will move and in fact we will move. It has taken us a year and a half to bring this resolution, or a year rather, to bring this resolution to the floor of the House. It has taken us better than a month to debate it.

I think the beauty of my amendment is the fact that it focuses our attention on the problem and actually requires in one sense that the Congress move forward.

Mr. AuCOIN. If the gentleman will yield further to me, why does the gentleman feel that such directives are not necessary now in the case of the ongoing START negotiations, which places our President, in the absence of any directive of this sort currently, in just the position the gentleman seems to be concerned about?

Mr. COURTER. Because the premise of the START talks differ from the premise of the freeze resolution or freeze talks. The START talks obviously permit modernization. The freeze resolution does not. And I think the gentleman is very familiar with this argument because he made it. And that is why I say it is so important when you are freezing technology, if the Soviet Union has a massive breakthrough perhaps in antisubmarine warfare, we want to, as quickly as possible, make sure that this Congress is not on record demanding that we stick to a freeze posture.

□ 1350

Mr. AuCOIN. If the gentleman will yield, I find it unusual, to say the very least, that the gentleman suddenly questions the ability of our current sitting President to defend the laws of this country and uphold and defend this country if he happens to be negotiating for a freeze but does not feel the same way if he is negotiating for the START negotiations.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I take the floor only to engage in a colloquy with my colleague, the gentleman from Pennsylvania. I have to remark on what the gentleman from Oregon just stated, and that is the ability of our negotiators to strike some kind of an agreement.

In which way will the gentleman's amendment be beneficial to those who are negotiating, knowing, of course, they know the entire picture, they have intelligence reports, as we do, and far more classified than the gentleman and I will ever have. I just wonder if the amendment is necessary, because I do have faith in the ability of our people to negotiate. I just want to engage in that kind of colloquy.

Mr. COURTER. Mr. Chairman, will the gentleman yield so that I may answer the question?

Mr. SMITH of Florida. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, once again, I think that is a legitimate question, and it has to do with one's understanding as to what the freeze resolution does indeed do. And there is a difference of opinion here. Some say it is a mere expression of concern. Some say it requires a negotiating posture by our negotiators; and, indeed, I think that is the majority opinion if people listen here. It does require the preliminary posture of negotiating a freeze and technological and quantitative advances and changes.

We, I think, do not want to be on record demanding that that position remain on the table in view of a technological breakthrough or in view of a revelation of new information which makes the presumption of parity an improper presumption.

I do not know if the gentleman was here when I started out at the beginning, but I am suggesting the fact that the freeze resolution is, I suppose, in one sense, a logical resolution if one believes that there is rough equivalency. The point of my amendment is simply to say that if indeed there is no rough equivalency, let us not continue on that freeze posture.

Mr. MAVROULES. If the gentleman will yield further, I just want to respond to that.

I can understand the gentleman's point very clearly. The point is, of course, that when we do negotiate agreements, SALT I, SALT II or other arms control agreements, we are always on the table negotiating for the benefit of mankind. And I see no reason why we cannot continue in this vein.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(On request of Mr. COURTER and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I think it is a very legitimate position to have, because of the uniqueness, not of the debate, so much, but the uniqueness of the resolution. What we are attempting to do here, if not bind the hands of the negotiators—I suppose one could argue that—at least we are saying that the official position of the negotiators must be freeze. And then you can talk about reductions, then you can talk about other things. But that is based on the premise which must during the negotations be valid. If it is not, I am sure the gentleman from Massachusetts certainly does not want to be in a position to say, "Let us negotiate a freeze if it is going to freeze us in a permanent inferior position."

Mr. MAVROULES. Let me respond, very briefly, if the gentleman will further yield.

My point is, of course, that I think the committee and the House has accepted about six or seven amendments which, in my opinion, are substantive. If we go through all of those amendments very carefully, we will find that the position the gentleman is referring to is well protected, I believe well protected, because they have acceded to the position of those who offered the amendments.

Mr. SMITH of Florida. Mr. Chairman, if I could reclaim my time, one of the things I have sat through and listened to is the fact that we were originally on House Joint Resolution 13 talking about a philosophical point of view, not practical terms. And it seems as though in the last few days what has happened is that everyone has attempted through various amendments to make this into a practical document. And the amendments offered by the gentlemen from New York yesterday, most of which were taken without objection by the Chairman, were such that I think that the practicality has started to weave itself totally through this philosophical document.

The gentleman's amendment now would be of such nature, in my estimation, that the practicality would overwhelm the philosophy.

There is no more sense, if you take this amendment in this resolution, there is no sense at all, because the Congress is now staking out a claim on how to negotiate, who is to negotiate, when we negotiate, why we negotiate,

and whether or not we can negotiate at all.

That was not the purpose of House Joint Resolution 13. It is not the purpose today, and it was not when it was filed. And I would say that if they persist in doing this—and, much to my dismay, they have said they were not—they are going to kill this document, love it to death. That may be their hope. But the point is that a philosophical document, which I think is the philosophy of the future, is being killed.

Mr. MARTIN of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may have the attention of the gentleman from New Jersey for a clarification. In the talks that we have had about the peace keeper, and in all of our negotiations, we have a basic premise which I think everyone would agree with. We are inclined to believe that at the present time the Soviet Union cannot detect and accurately track our submarines which are capable of launching ballistic missiles.

I would like to ask the gentleman if he would respond to a hypothetical question. If this resolution were to pass, how would the gentleman's amendment affect the case were we to find, later down the line, that in fact, even as we speak here today, the Soviet Union can track and knows the whereabouts of every single submarine we have?

Does the gentleman's amendment attempt to speak to that?

Mr. COURTER. If the gentleman will yield to me to respond; that is precisely one example pointing out the importance of my amendment.

The presumption of the freeze advocates is that indeed there is rough equivalency. The assumption is, of course, that the Soviet Union does not have the antisubmarine warfare capability or tracking capabilities to precisely locate the whereabouts of that sea-based leg of our triad.

If, No. 1, they have the technological breakthrough that indeed gives them that capability on the one hand, or, on the other hand, they have had that capability all along but just subsequent to our passing the freeze resolution we found out about it, then, we do not want to be bound by the resolution any longer.

So I thank the gentleman for so properly and so easily coming right down to the substance of what my amendment is attempting to get at.

Mr. MARTIN of New York. Do I further understand correctly that if in either one of those situations, if either they have the technology now or during the course of the negotiations or until such a treaty was signed, they did to the satisfaction of the intelligence community and the President obtain that technology, still this House and the Senate both have to concur before we could change our position?

Mr. COURTER. That is correct. There are massive safeguards here for those people who think that the President would go off half-cocked suggesting a technological breakthrough when indeed there was not any.

This is no radical amendment; it is no killer amendment. It is a substantive amendment that speaks to a legitimate concern.

I think, if the gentleman will continue to yield, that those people who vote against this amendment, and if indeed there is a technological breakthrough and this does become the forced position of our negotiators, will absolutely rue the day that they voted against this particular amendment because it forces them into a position of accepting that, regardless of Soviet capability, we are going to negotiate a freeze. And with all due respect, I do not think that is their position.

Mr. MARTIN of New York. I thank the gentleman for that explanation.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The President of the United States is in charge of the negotiations, as the chief steward of our foreign policy, as the Commander in Chief, and as principal negotiator in any agreement. Through our intelligence sources if he became aware of some technological breakthrough, at any point he could break off those negotiations because of new facts. There is nothing in this resolution that says that he has to continue to negotiate if there is new evidence that would indicate that the United States would be put into a negative position. That is why I am troubled by why this is necessary.

□ 1400

Mr. COURTER. Because not everybody who has spoken in favor of the freeze resolution would adopt your position, saying that there is no language in the resolution that would prohibit the President from lifting a negotiation if he felt that the two sides were unequal.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield briefly to my colleague, the gentleman from New York, to reply.

Mr. DOWNEY of New York. I thank the gentleman for yielding.

Mr. Chairman, I respect my colleague, the gentleman from New Jersey. I think he has contributed to the debate. But I think that we have really lost our way here.

Any President who is in the process of negotiating, it would seem to me, regardless of whether freeze or START negotiations were in order, if he felt it were in the national security interest to withdraw, I do not think that a President should be burdened—burdened—by having to come back and tell Congress why it was he felt in the national security interest he felt he had to withdraw from the negotiations.

Indeed, if you take a look at the history of SALT I and SALT II, it has always been the right of the parties to unilaterally get out of both the negotiations and the agreement if they felt it threatened their national security interests. So not only what the gentleman is doing, in my opinion, is superfluous, it is damaging.

Mr. DICKS. I think that is exactly right.

Mr. DOWNEY of New York. What it does is, it restricts the ability of a President to determine unilaterally to determine whether or not it is in our interest or not, and he now has to come forward and prove this to Congress.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. No, I will not yield for a second, and then I will.

Mr. DOWNEY of New York. Is that the gentleman's interpretation?

Mr. DICKS. That is exactly the interpretation. Under this amendment, if the President had information that our national security was threatened and wanted to break off the negotiations, he would have to go to both Houses of Congress and get a majority to concur with him. That puts an extraordinary burden on the President of the United States which I do not think anyone would ever want to do.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Yes, I yield to the gentleman from New Jersey.

Mr. COURTER. If, indeed, what you are saying is the fact that the President has that right, not only the right but the obligation, to do it anyway, why are you objecting to my amendment which makes and clarifies that right within the four corners of the freeze resolution document. Certainly it is correct, in fact it has got to be correct in its language as well.

Mr. DICKS. Well, I do not see why we want to create a procedure. The President is the Commander in Chief. He is our chief foreign policy officer. We give him the right to negotiate. If there is new evidence that requires him to break off negotiations, he should not have to come back to Congress and have us vote on it. That is wrong.

Mr. COURTER. Just for purposes of debate here, will the gentleman yield?

Mr. DICKS. Yes, I yield to the gentleman.

Mr. COURTER. I would like to ask the gentleman a question.

Is the gentleman's position that the President of the United States has this ability anyway, and that, therefore, we

do not want to place this amendment in the resolution?

Mr. DICKS. Yes, that is exactly what it is.

Mr. COURTER. All right. Your position is that even if we pass the freeze resolution without the Courter amendment, that is the President feels that it would endanger our national security, he is certainly not obligated to carry forward with the instructions to freeze. Is that what the gentleman is saying?

Mr. DICKS. Of course. That is exactly it. We would be breaching every constitutional ground that I can think of in terms of the separation of powers if we tried to take away the President's authority to negotiate.

Mr. COURTER. But the President has spoken on that issue already. The President's position, as you know, is the fact that there is not equality; that a freeze position is threatening to national security.

The CHAIRMAN pro tempore (Mr. KASTENMEIER). The time of the gentleman from Washington (Mr. DICKS) has expired.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that I be given 2 additional minutes.

Mr. LEVITAS. Mr. Chairman, reserving the right to object, I do so in order to determine whether or not we are going to engage in what might be described as dilatory tactics, or are we taking the occasion to prove that it is wrong to limit debate on an important resolution, and important amendments, which was just done.

I am curious if the Chair could inquire how many more Members choose to speak on this particular amendment so that I can ascertain whether an objection would be appropriate or not.

The CHAIRMAN (Mr. KASTENMEIER). The Chair will state that that is an improper parliamentary inquiry.

Mr. DICKS. If I could respond to the gentleman, I am certainly not trying to be dilatory. We are trying to dispose of this as promptly as we can, and as the gentleman knows, we would like to hear from the gentleman on any of his amendments as soon as we can get to them.

Mr. LEVITAS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. DICKS) is recognized for 2 additional minutes.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my colleague, the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, in all sincerity, I want to commend the gentleman from New Jersey for an insight and an idea that I think is perhaps less appropriately expressed here than it might be. I know the concerns that animate the gentleman from New Jersey, and I share them, but I am very concerned that this amendment goes in the opposite direction from providing our Presidents, all of our Presidents, with necessary flexibility to enter into, to withdraw, from negotiations as the moment dictates, in his judgment, and as I think the Constitution imposes on him, and him alone.

Now, what his does, it tells the President when he must withdraw. He may withdraw at other times, but he must withdraw if he determines, and both Houses have to agree. I think that is an encroachment on the President's constitutional power.

Mr. DICKS. You are absolutely right. The whole idea here is to give the President flexibility, and this restricts the President's flexibility. Is that not correct?

Mr. HYDE. If the gentleman will yield further, I think this amendment does restrict flexibility, but I think the whole freeze resolution restricts flexibility, and that is the vice of it, but I wish the gentleman from New Jersey would take another look at this and maybe there is a way to do it in a less intrusive way.

Mr. COURTER. Mr. Chairman, will the gentleman yield to me?

Mr. DICKS. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, it strikes me as rather bizarre that the gentleman from Washington would make the argument that it is a shameful technique and tactic to withdraw flexibility from the President of the United States, because that is exactly, very frankly, what the freeze resolution is attempting to do.

The freeze resolution, if passed by this body and the other body and signed into law, mandates that the negotiators take the position, and the singular position in the beginning, that they must negotiate a freeze. So therefore, if my amendment is restrictive, therefore the resolution is massively restrictive on its face.

The CHAIRMAN pro tempore. The time of the gentleman from Washington (Mr. DICKS) has again expired.

Mr. COURTER. I ask unanimous consent that the gentleman be given 2 additional minutes.

Mr. STRATTON. Reluctantly, I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DOWNEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think that there is anyone here who is a freeze advocate or a freeze opponent who would ever seriously suggest that this or any other President should be tied to one idea or another. What we are saying here with the freeze resolution is that if you are negotiating something, and if you believe those negotiations are important, and he does and we all do, that we think that a freeze is the way to do that.

I think that this is a very important matter that liberal Democrats and conservative Republicans should be able to agree upon.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I am just trying to interpret what the gentleman from New York said.

□ 1410

It seems to me that the gentleman's position is that the resolution itself is a statement of philosophy, that it is really a sense-of-Congress resolution. In fact, if that is what it is and we have the power to pass those resolutions, why did we not do that? But it is not. This is a joint resolution, and it indeed does have the power of law. In fact, it has been debated on the floor of the House that it will mandate that the negotiators carry forth a certain position. If it does not do so, why did we go through 5 or 6 days of debate?

Mr. DOWNEY of New York. Mr. Chairman, I think the gentleman is misreading that. The purpose of the freeze resolution—and hopefully it will be passed in the other body and be sent on to the President—is that it will be instructive to the President in the process as long as he wants to negotiate. This is what we think is an appropriate method of negotiations.

Mr. COURTER. Mr. Chairman, is the gentleman saying that he would accept an amendment that says——

Mr. DOWNEY of New York. Excuse me. Mr. Chairman, if the gentleman will let me make my point, then I will be happy to yield.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the more I think about this, the more I wonder if this is not a violation of our constitutional separation of powers?

Mr. DOWNEY of New York. Mr. Chairman, I think that article II, section 2, of the Constitution speaks far more clearly on this, and that this does severe damage to that principle.

Mr. DICKS. If this is a treaty that is entered into, it has to go to the Senate for a two-thirds vote, but in this case we would require the President to come back to the Congress in terms of the actual negotiations on the treaty. I

think that is unconstitutional on the face of it. I agree with my colleague, the gentleman from Illinois, that it is a very dangerous precedent which I do not think we should add on the floor of the House without very much more time for thoughtful constitutional consideration.

Mr. DOWNEY of New York. Mr. Chairman, I yield back the balance of my time.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I oppose the amendment strictly on the basis that it is quite clear that the President has the authority at any time to withdraw from negotiations in which this country is placed whether House Joint Resolution 13 becomes law or does not become law, which is highly doubtful in any event. I think it would set a bad precedent to put any restriction on that.

However, I do think that the gentleman from New Jersey (Mr. COURTER) has served a very admirable purpose by offering his amendment because he has now made it a matter of record by those who are the most strong proponents of House Joint Resolution 13 that the President unilaterally would have the right to do what the gentleman's amendment would have done under a special procedure, and I think that is very constructive.

I think the debate also serves another purpose. It suggests that there may or may not be dilatory tactics that are being engaged in to consume the amount of time that has been limited, but it certainly demonstrates the fact that even on an amendment of this sort there was some need for elucidation and explanation that it is not going to be permitted under the procedures which have thus far been adopted.

So I urge defeat of the amendment. I think the debate has served a good purpose in bringing out several points.

Mr. Chairman, I yield back the balance of my time.

Mr. COURTER. Mr. Chairman, because of the language and the dialog we have had here, I ask unanimous consent to withdraw the amendment at this point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: At the end of the resolution, add the following new section:

"SEC. . VERIFICATION OF ARMS CONTROL AGREEMENTS.

"(a) Consistent with Public Law 87-297, as amended, nothing in this Act shall be construed to require the President to negotiate any international arms control agreement if the President certifies to the Congress that each element of such agreement cannot be adequately verified.

"(b) For the purposes of this section, the President shall assume that measures of concealment would be employed and that standards practices could be altered so as to impede verification.

"(c) For the purposes of this section, the elements to be verified shall include, but not be limited to, whether the Soviet Union may or may not, be testing, producing, or deploying nuclear warheads, missiles, or other delivery systems. The term 'other delivery systems' shall be construed to mean any aircraft, surface ship, submarine, ballistic missile, cruise missile, artillery tube or space system designed for the delivery of nuclear weapons or which could be modified for the purpose of delivering nuclear weapons.

"(d) Nothing in this section shall be construed as requiring the disclosure of sensitive national security or intelligence sources or methods or persons employed in the verification of compliance with an arms control agreement."

Mr. STRATTON. Mr. Chairman, this resolution, if we are going to be dealing with it seriously, mentions the word "verifiable" a number of times. The resolution also goes on to direct the President to negotiate on various items that will result in a freeze treaty. Several of the items that are to be negotiated in a "verifiable" treaty are the testing, producing, and deploying of nuclear warheads, missiles, or other delivery systems.

Those terms are not words of art and are therefore subject to various meanings, yet the joint resolution contains no definitions of what "delivery systems" are.

The Arms Control and Disarmament Act was amended in 1977 to express the policy of Congress that "adequate verification of compliance should be an indispensible part of any international arms control agreement."

Because the joint resolution is silent on the matter of verification policy, we have to have some kind of clarification. My amendment would provide that clarification by incorporating current policy on the subject of verification.

The amendment does three precise things. It includes, first of all, a statement that is taken directly from the basic arms control law, Public Law 87-297, which says that nothing in the law shall be construed to require the President to negotiate any agreement if the President certifies to Congress that each element of such agreement cannot be adequately verified.

Second, it calls to the attention of the House and of the President that we have to assume that measures of concealment will be employed by our adversary, and that standard practices would be altered as to impede verification.

Third, we say that for the purpose of this section, it should include, but not be limited to such items as whether the Soviet Union may or may not be testing, producing, or deploying nuclear warheads, missiles, or other delivery systems. But that term "other delivery systems," which has been mentioned previously in discussion of this legislation, is not defined in the legislation. Amendment spells out what we mean by "delivery systems":

* * * any aircraft, surface ship, submarine, ballistic missile, cruise missile, artillery tube, or space system designed for the delivery of nuclear weapons or which could be modified for the purpose of delivering nuclear weapons.

And finally, any amendment says:

Nothing in this section shall be construed as requiring the disclosure of sensitive national security or intelligence sources or methods or persons employed in the verification of compliance with an arms control agreement.

That wording is also taken directly out of the arms control legislation.

I think this kind of amendment needs to be incorporated in the legislation because of the obvious likelihood that we will find that many things cannot in fact be verified. We must assume that the Soviet Union, as it has done with regard to other treaties, will be undertaking measures of concealment which would make verification unlikely, difficult, or impossible.

Mr. Chairman, I think we ought to remember the words of President Kennedy:

We know enough about broken negotiations, secret preparation, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some urge us to try it again * * * we have explored this alternative thoroughly and found it impossible of execution.

Mr. Chairman, the joint resolution mentions the term "verifiable" many times. The resolution goes on to direct the President to negotiate on various terms that hopefully would result in a freeze treaty. Several items that are to be negotiated in a verifiable treaty are the testing, producing, or deploying of nuclear warheads, missiles, or other delivery systems.

The terms "testing," "production," "deployment," and "other delivery systems" are not words of art and are subject to various meanings.

The joint resolution contains no definitions.

The Arms Control and Disarmament Act was amended in 1977 to express the policy of the Congress that "adequate verification of compliance should be an indispensable part of any international arms control agreement."

Because the joint resolution is silent on the matter of verification policy, clarification is required. This amend-

ment would provide that clarification by incorporating current policy on the subject of verification.

The joint resolution covers many things that would be most difficult if not impossible to verify; for example, warhead production; all types of nuclear weapons deployments, including strategic, intermediate-range, and battlefield weapons; dual-capable systems involving dozens of types of aircraft, ships, submarines, cruise missiles, battlefield ballistic missiles. Artillery tubes would also be covered.

The Soviets would be glad to classify the space shuttle as a "delivery system."

During the previous debate there was much confusion concerning the meaning of the term "other delivery system." This amendment would supply a definition and remove that ambiguity. This definition is consistent with the understanding of the meaning of "delivery systems" within the arms control community, United States and Soviet negotiators, and those of us in Congress who deal with weapons systems on a regular basis.

Within the context of House Joint Resolution 13, the term "other delivery systems" is directly linked with nuclear warheads without distinction. It was clearly meant to mean new aircraft, surface ships, submarines, ballistic missiles, cruise missiles, artillery tubes, or space systems designed for the delivery of nuclear weapons or which could be modified for the purpose of delivering nuclear weapons. This amendment hides nothing but merely states the facts.

For information, U.S. systems that would be frozen from further production or deployment would include aircraft such as the F-15, F-16, F-16XL, P-3, A-6, B-1, and the advance technology bomber. Also included would be further air-launched, sea-launched, and ground-launched cruise missiles; all frigates, destroyers, and cruisers under construction, and all submarines. In addition, all 8-inch and 155-millimeter Army artillery would be included. In addition, all similar Soviet systems would be included.

I point this out to illustrate the great difficulty in attempting to verify whether or not any or all dual-capable delivery systems are capable of delivering nuclear weapons.

In summary:

This amendment would not require the President to try and negotiate an impossible agreement where the elements that are spelled out in the joint resolution could not be adequately verified.

The amendment would require the President to assume that measures of concealment would be employed by the Soviet Union.

The amendment would require the President to determine whether certain specific elements can be verified.

The amendment clarifies the term "other delivery systems" as used in the joint resolution.

The amendment would make it clear that sensitive national security or intelligence sources are protected.

This amendment is a restatement of the verification policy contained in the Arms Control and Disarmament Act, specifically in section 2577 of title 22, United States Code. It clears up several ambiguities that have brought about a great deal of confusion during the debate on the joint resolution.

I see no reason why anyone should oppose an amendment of this nature.

A FREEZE MUST BE VERIFIABLE

Freeze proponents argue that the freeze and reductions proposed by a freeze resolution can be verified by our own intelligence capability. This is certainly not true for the production of nuclear warheads and probably not true even for missiles. This point is extremely important because if one side does not adhere to the terms of the treaty, significant asymmetry would develop in nuclear weaponry and this would increase, not decrease, the chance of nuclear war. We do not know with any accuracy how many nuclear warheads or ICBM backups the Soviets have produced. The previous SALT negotiations have tacitly acknowledged this inability by agreeing to count only launchers.

Without adequate verification, we must trust the other side—as in the nuclear test moratorium of 1958 to 1961. On September 1, 1961, the Soviets broke this gentlemen's agreement abruptly, and without any announcement resumed nuclear testing with the most massive test series since nuclear weapons were developed. Adhering to the spirit of the moratorium, we were caught totally unprepared. Regarding these events, President John F. Kennedy said:

> We know enough about broken negotiations, secret preparation, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some urge us to try it again * * * we have explored this alternative thoroughly and found it impossible of execution.

□ 1420

Mr. AuCOIN. Mr. Chairman, I rise to strike the requisite number of words and to oppose the amendment.

Mr. Chairman, the amendment would provide that consistent with the Arms Control and Disarmament Act, nothing in the resolution shall be construed to require the President to negotiate an international arms control agreement if the President certifies that each element of such agreement cannot be adequately verified and define what must be verified in the freeze agreement.

It is the judgment of this Member that this amendment is clearly overkill. It requires verification of each and every element of an arms control agreement without regard to the interrelationship between elements and how high confidence in some elements of an agreement can compensate for lesser confidence in other elements, so that adequate verification is assured.

The amendment states that it is consistent with the Arms Control and Disarmament Act. In fact, it is not. Nowhere in that act can any Member on this floor find the elaborate definition of what elements of an arms control agreement must be verified that we find in the gentleman's amendment.

It is clear that this is an effort to prejudge the scope of a mutual and verifiable freeze agreement. Therefore, it is not a helpful amendment. It is not a constructive amendment. It is an amendment that raises a red herring and in my judgment is not well founded at all.

House Joint Resolution 13 calls for a mutual and verifiable freeze in eight different instances. I cannot understand how many times it must be said to the opponents of the freeze that what is not verifiable by our President is not frozen.

House Joint Resolution 13 rightfully leaves to the President the details of how a freeze agreement would be verified.

This amendment would impose on him an impossible additional requirement, a requirement that is not imposed on the President currently in his START negotiations, and for that reason I do not believe it ought to be imposed upon him now.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. AuCOIN. I yield to my friend, the gentleman from New York.

Mr. STRATTON. If the gentleman was listening to the amendment when it was read——

Mr. AuCOIN. I thought I was listening to the amendment.

Mr. STRATTON [continuing]. It defined delivery systems. The words "delivery systems" occur on page 4 of House Joint Resolution 13 at lines 21 and 22.

Does the gentleman from Oregon also not think that it is helpful to define the delivery systems which the President is directed to achieve a verifiable freeze on?

Mr. AuCOIN. I did not hear the gentleman's question.

Mr. STRATTON. Was I speaking too softly?

Mr. AuCOIN. I did not hear the gentleman's question.

Mr. STRATTON. I said, does the gentleman not know, that my amendment which he opposes defines "delivery systems"?

Mr. AuCOIN. I understand that the gentleman's amendment defines delivery systems.

Mr. STRATTON. But the document, House Joint Resolution 13, does not define what "delivery systems" are. We had a long colloquy here earlier——

Mr. AuCOIN. Well, I would say to the gentleman, I know that we have a definition of delivery systems and I know what the gentleman's amendment does in that sense, but I think it really goes a large step forward beyond where the gentleman comes from on the START negotiations, for example, to require verification on each and every single element of an arms control agreement.

The gentleman knows that some elements are easier to verify than others. He knows that in any negotiations, but he requires a specific kind of verification on each and every element of such an agreement.

The gentleman does not take into account the fact that there is a high confidence level in some forms of verification and a low confidence level in other forms of verification. In such a combination, such an agreement can find a balance in which we can have in total high confidence. The gentleman does not propose this requirement in the START negotiations.

Mr. STRATTON. Mr. Chairman, will the gentleman yield further?

Mr. AuCOIN. I yield.

Mr. STRATTON. That particular wording is taken out of the Arms Control and Disarmament Act of 1977.

Mr. AuCOIN. But I would say to the gentleman that he knows that that act does not specify this elaborate method of verification on each and every element of an arms control agreement.

Mr. STRATTON. That is in fact precisely what it does.

Mr. AuCOIN. It does not.

Mr. STRATTON. It precisely says that.

Mr. AuCOIN. It does not. Mr. Chairman, I yield back the balance of my time.

Mr. BURTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for some 32 hours now I have listened to the debate and been pretty silent. I am not going to say anything that is going to bear upon this amendment, but I would like to make a couple observations and comments about the freeze resolution.

No one in their right mind wants the world blown up or wants nuclear holocaust. I certainly do not.

But, we have a genuine difference of opinion on how to head that off. The President of the United States wants peace. I am convinced of that. He campaigned on a platform of honor and peace through strength, and the people of this country have voted overwhelmingly in favor of him.

I think, however, that this particular amendment would tie his hands. It would handcuff him in current START negotiations.

The overriding issue here is, who can you trust? Who do you believe? Can you believe the Soviet Union? Do you believe that they are going to negotiate in an honorable manner?

In the Indianapolis Star this past week, a refugee from the Soviet Union spoke. His name is Vladimir Bukovsky. I would like to read just a little bit of what he said.

Bukovsky told his Indianapolis audience that the Soviet Government benefits from and, in part, directs the nuclear weapons freeze movement in the United States.

This peace movement appeared and became sort of a foreign relations instrument for them to propogate their views. It doesn't just happen to be beneficial to them. Soviet written sources do not conceal the fact that they have invested enormously in the movement and do control it to some extent.

The article goes on to say:

He predicted the Soviets will eventually "feel obliged" to try to invade Pakistan, just as they did Afghanistan.

The situation in Afghanistan will never be stabilized . . . while they have three million refugees sitting on the border (in Pakistan), serving as a base of resistance. They feel obliged to spread their influence and their slavery.

They have violated a number of treaties there, as we know. Bukovsky extended a message to the West to stay militarily strong.

This is what he said:

Any weakness shown here will do nothing but encourage the Soviet system to press forward and spread more. Unfortunately, you can't disarm.

We do not seem to listen to people who come from that part of the world, who have had firsthand experience and knowledge of what the Soviet Union does, even people from within their own borders who have been suppressed.

This gentleman said it very succinctly. We all want to take the world back from the brink of nuclear war, but I submit to you today that the way to do it is not through weakness, but through strength. The President of the United States wants to negotiate a nuclear arms treaty at the START talks that will be very useful to all mankind. He cannot do it if we hamstring him or handcuff him. That is exactly what this nuclear freeze resolution does.

Those who do not profit from history are destined to make the same mistakes over and over again; so what I would like to do, is to end my remarks by quoting Winston Churchill, a famous leader from Britain, who dealt with a very strong adversary during World War II. He talks about the Communists as well as the Nazis:

Like the Communists, the Nazi tolerate no opinion but their own. Like the Communists, they feed on hatred. Like the Communists, they must seek, from time to time, and always at shorter intervals, a new target, a new prize, a new victim.

We must arm. Britain must arm. America must arm. Is this a call to war? Does anyone pretend that preparation for resistance to aggression is unleashing war? I declare it to be the sole guarantee of peace.

All we have to do is look at what the Soviet Union has done. Over the past 20 years they have expanded their radius of influence. They have taken country after country. They have violated treaty after treaty and we are asked to start negotiating with them while they are pushing a nuclear freeze movement in this country. It is obvious to me when they have four times the nuclear throw weight that we have, that it is in their best interest for us to pass this freeze.

We are making a terrible mistake.

I have heard all the amendments. The resolution is now a real hodgepodge. But if we pass this resolution the message to the Soviets will be clear: We are weakening.

□ 1430

When we become weak it is a sign for them to push forward even harder than they have in the past.

This is a terrible mistake and I really hope we will see the light before it is too late. We must defeat this freeze resolution.

AMENDMENT OFFERED BY MR. DICKS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. STRATTON

Mr. DICKS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKS as a substitute for the amendment offered by Mr. STRATTON: In lieu of the section proposed to be added to the resolution by the Stratton amendment, insert the following:

SEC. 3. The President shall take all necessary steps to ensure that any agreement embodying the objectives set forth in this joint resolution can be adequately verified, including pursuing the objective of providing for cooperative measures of verification (including provisions for on-site inspection as appropriate) to complement National Technical Means of Verification and to ensure compliance.

Mr. DICKS. Mr. Chairman, the amendment to the amendment provides that the President take all necessary steps to insure that any agreement embodying the objectives set forth in this resolution can be adequately verified. The amendment to the amendment I am offering is clean and simple. It restates what the resolution has already said eight times; namely, that a freeze must be verified to be implemented.

It does not, however, impose detailed conditions on how verification would occur. We leave that up to the President, obviously.

With the passage of the Zablocki-Lent amendment calling for onsite inspection as appropriate, and this amendment, there should be no doubt that the supporters of House Joint

Resolution 13 are firmly committed to verifiable arms control.

I will include in the RECORD section 2577 of the Arms Control and Disarmament Act which already is statute at this point, which clearly states and lays out a process by which verification of arms control agreements is to be conducted by the executive branch in consultation with the Congress:

VERIFICATION OF ARMS CONTROL AGREEMENTS

SEC. 37.[35] (a) It is the sense of the Congress that adequate verification of compliance should be an indispensable part of any international arms control agreement. In recognition of such policy and in order to assure that arms control proposals made or accepted by the United States can be adequately verified, the Director shall report to the Congress, on a timely basis, or upon a request by an appropriate committee of the Congress—

(1) in the case of each element of any significant arms control proposal made to a foreign country by the United States, or made to the United States by a foreign country, the determination of the Director as to the degree to which such element can be verified by existing national technical means;

(2) in the case of any arms control agreement or treaty that has entered into force, any significant degradation or alteration in the capacity of the United States to verify the various components of such agreement or treaty;

(3) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency; and

(4) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control verification.

(b) For purposes of paragraphs (1) and (2) of subsection (a), the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control agreements.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. STRATTON. The legislation, section 2577 which the gentleman just referred to really does not go to the President. This deals with what the Director shall indicate.

Mr. DICKS. I assume that the Director of Arms Control would be following the leadership of the Chief Executive of the country and our Commander in Chief and our head of foreign policy. I assume they would work closely together.

Mr. STRATTON. Do I understand the gentleman from Washington to be opposed to the idea that we should not require the President to negotiate an agreement if the President certifies that each element of that agreement cannot be adequately verified? I certainly do not want to do that. Does the gentleman?

Mr. DICKS. What I am trying to do, as laid out in my amendment, is to make sure we have adequate verification, that we give the President the kind of flexibility he needs to do that. I think, frankly, the substitute amendment is helpful. It is simple. It is straightforward. It is objective. I think it does the job the gentleman from New York is attempting to do, but it is a little shorter and more direct, and I think a little clearer.

Mr. STRATTON. If the gentleman would yield again, the gentleman from Washington's amendment I am sure is intended to be helpful. But the fact is that the legislation spells out that we have to get a verifiable and useful freeze on missiles and so on. and on delivery systems.

But we had a long colloquy as to exactly what delivery systems mean, and in the gentleman's amendment he leaves out the definition of delivery system. If he does not like the ones I have listed in my amendment, perhaps he could list some others. But I think if this resolution is to be taken seriously, then the negotiators ought to be informed as to precisely what we mean by delivery systems. The gentleman leaves that out.

Mr. DICKS. The negotiators who are expert on this subject would obviously know what the various delivery systems are that both sides have, and in negotiating any agreement I am sure they are going to verify it, because that is part of their legal requirement. They have to certify it to the Congress.

Mr. STRATTON. What are they going to verify? They have to decide what delivery systems are.

Mr. DICKS. I think people like General Rowny are very well aware of what the delivery systems are on both sides, the Soviet side and our side. To try to lay out a list here I just do not see as necessary. I have confidence that General Rowny or whoever is conducting our negotiations will understand what the delivery systems are.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to my colleague from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding. I could not agree more with his remarks.

I really find it farfetched for any Member of the House to think that General Rowny or any of his successors or predecessors need to be told what a delivery system is. What the gentleman's substitute amendment says is that our President shall take all steps necessary to insure that any agreement embodying the objectives set forth in this resolution are adequately verified.

Mr. DICKS. The gentleman is correct.

Mr. AUCOIN. All necessary steps, every single necessary step.

I would have to also observe that there have been those who have opposed the freeze resolution who thought that somehow by offering an amendment dealing with onsite inspection, that somehow they would find resistance from those of us who are supporting a freeze. But I would remind my colleagues, as the gentleman has pointed out in his statement, that the Zablocki-Lent amendment has been agreed to which calls for onsite inspections as appropriate. I think we have nailed down the issue.

The Stratton amendment is not necessary and I urge support of the gentleman's substitute.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Dicks amendment and in opposition to the Stratton amendment.

Mr. Chairman, I have listened carefully to the debate over the last few weeks, and while I have not participated I have tried to follow the debate with regards to this resolution. I have great respect for all of those that have participated in this debate, but very frankly, I think it is one of the most distorted debates I have heard in the time I have been in Congress. I think we have lost sight of what this basic resolution is all about.

I know that others have mentioned this and I think it bears repeating. I would urge Members to just take a look at the resolution. The resolution is not a treaty, it is not an agreement. It does not freeze one weapon system. It does not bind out negotiators. It does not bind the Soviet Union. It does not bind either friend or foe.

Why is it here? Why are we acting on this resolution?

For one reason. Because it is an expression of concern by the House and by the Congress that something has to be done with regards to the arms race and it is not happening today. The key to the decision on this issue is not going to be made here, it is not going to be made in the other body. It is going to be made in Geneva.

If it is not made in Geneva, then the key decision is probably going to be made here on issues that are encompassed in the authorizing legislation when it comes in the Defense bill and in the appropriations bill when it comes to various defense systems. Those are going to be the key decisions.

The American people are scared to death at the present time that not much is happening on this issue of arms control. They are concerned about that and they want something

[35] 22 U.S.C. 2577. This section was added by sec. 4 of Public Law 95-108.

to be done. They are tired of the rhetoric. They are tired of the gamesmanship. They are tired of the partisanship.

So for that reason they want to make an expression of concern that something be done. So we have this resolution before us, and very frankly, whether you are a hawk or a dove or something in between, you can interpret anything you want in this resolution, you probably can. When you go back home you can say anything you want about this resolution.

But ultimately there is one thing you cannot misinterpret about this resolution.

□ 1440

And that is that it is an expression of concern that something has to be done about controlling this runaway race on arms. And that is what this is about.

So, I would hope, I know there is a limitation on time, but I understand we are not going to conclude it this week, we are probably going to go to next week. I would hope we could reach a final decision on this today, so that we can vote and express ourselves on this resolution.

Understand, it is not going to solve all our problems, but understand one thing, that it does reflect a concern to our negotiators to get serious about negotiating agreement, period.

Mr. DICKS. Will the gentleman yield?

Mr. PANETTA. I yield to the gentleman.

Mr. DICKS. I thank the gentleman.

I want to compliment my colleague from California who I feel is one of the most well regarded, thoughtful Members in the House and I think his point is well taken. It is an expression of concern about the arms race and I agree with the gentleman. I wish that we could get the kind of bipartisan consensus that is necessary to get a strong arms control position and I admire the gentleman from California and I applaud his remarks on the freeze resolution.

Mr. KEMP. Will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from New York.

Mr. KEMP. I am certainly gratified that the gentleman after 38 hours of debate has come to the floor to help redefine the issue and give us the wisdom of his learned background on this issue and tell us that all the debate for 38 hours over 3 weeks really comes to nothing because this is just an expression of a little concern about the fact that we have not been able to reach agreement to reduce arms in Geneva with the Soviet Union. Has it entered the gentleman's imagination, has it entered his thinking that the possibility may be that we are dealing with some intransigence on the other side of the bargaining table and that maybe the freeze resolution would impede——

Mr. PANETTA. If I could reclaim my time, the gentleman very well knows that negotiation is a two-way street.

Mr. KEMP. Certainly.

Mr. PANETTA. The Soviet Union and the United States are going to have to agree on this. That is the issue.

Mr. KEMP. Of course.

Mr. PANETTA. Frankly I regret that the President of the United States and many gentlemen on this side of the aisle have decided to take this issue on. I for the life of me do not understand——

Mr. KEMP. We cannot understand either——

Mr. PANETTA. If we all agree we ought to be interested in arms control in this country—and the gentleman argues the same issue—everyone here has said we are for arms control. Then why not an expression of concern that says let us get busy, let us do it, because that is what the American people want.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

First, I want to make a point; I would like to ask this question: Those people who are speaking in favor of supporting the Dicks amendment are saying, "Have faith and trust in Ambassador Rowny, he will do the right thing at Geneva."

We in the Committee on Foreign Affairs received a telegram from Ambassador Rowny. Ambassador Rowny said, in essence, "This is going to undercut our negotiating power here at the START talks."

On the one hand we are saying let us trust our Ambassador, on the other hand we are saying let us undercut him. This is illogical. I think we must come back to basics as we review this legislation.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman.

Mr. HYDE. I thank the gentleman.

I want to follow through the gentleman's statement and then we will yield to the gentleman.

Is what the gentleman saying if I understand him correctly that we got a cablegram from Ambassador Rowny who is negotiating and from Paul Nitze who is negotiating who told us that this resolution undercuts their arms control negotiations with the Russians and, therefore, what we are doing is not arms control, but it is politics, is that what he is saying?

Mr. ROTH. The gentleman from Illinois is absolutely correct. Let me just say this: First of all, the President, from the Western allies and our citizens, has been told repeatedly to make an offer to the Soviets. So the President came forward with the zero-zero option and everyone applauded. But the Soviets said "Nyet," what happens, do we go back to put pressure on the Soviets? No; we come back and jump on our own President and again we put pressure on the President to come forward with another plan.

So, the President came forward with another proposal. The Soviets again say "Nyet." So we renew our pressure, not on the Soviets but on the President. How illogical.

When are we going to have some quid pro quo? When are we going to demand that the Soviets come forward with their acceptable proposal? All the Soviets have to do is sit back and do nothing and we in the West keep arguing with ourselves, debating with ourselves and keep on throwing in chips, giving in, giving in, giving in.

I hope we will never see a nuclear war. But we are in a war of nerves, a war of will. I do not see any substantial will in the West, that is my concern. When are we going to stand up and allow the President to say this is a proposal we have made and we are going to adhere to this proposal? Period. But that is not going to happen, because we are always debating with ourselves, as if that will bring the Soviets to agree to arms controls.

I think the gentleman from New Jersey brought forth a good amendment a short while ago, because it came to the basic issue of trust and confidence in our President and negotiators.

There are some things you cannot legislate. You cannot legislate what absolutely the President is going to do in these negotiations. You have to have some trust and confidence. Whether it is a Democrat President or a Republican President at some point you are going to say he is our President and he is going to do what is best for this country and we are going to stand behind him. I think that is what we have to do, otherwise all we are doing here is engaging in an academic exercise. Is that our purpose here? Is the gentleman from Illinois correct when he says it is all politics? I would hope not. We all want world peace. We want to work for peace. A peace that will be of benefit to both the East and the West.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman.

Mr. MAVROULES. I appreciate the gentleman yielding.

I want to ask one question. It was stated just a moment ago by our colleague from California, and in view of what has been stated by the chairman of the Foreign Affairs Committee, that nothing happens until a freeze resolution is negotiated, let me just ask you this question: How are we as a Congress tying the hands of the President or our negotiators at this point?

Mr. ROTH. I think throughout the entire resolution we are adding clauses into the resolution to tell the President to do this, to do that.

Let us have faith and trust in the President, let the President do his constitutional duty.

Mr. MAVROULES. May I engage in colloquy with you?

Mr. ROTH. Fine.

Mr. MAVROULES. The point is if the freeze resolution does not take place or if no negotiations are agreed to, how are we tying the President's hands or for that matter the negotiators in Geneva and in all parts of Europe. I want the gentleman to explain that, if he can.

Mr. ROTH. Yes, I think we can explain that.

I think our negotiators at Geneva have to have the public support and trust and confidence of the people not only of this Congress but the people of the Western World.

I think when our negotiators come and tell us "Please do not pass the freeze resolution, because you will be undercutting what we are attempting to do here in Geneva," I think we have to do one of two things, either stand behind them or recall them. I think we can vote for the freeze resolution if the proper amendments are adopted. But the Dicks amendment is not one of those amendments.

Mr. CARNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, once more we continue to hear that this resolution is nonbinding, that this resolution has absolutely no effect. But I think, Mr. Chairman, it deserves repeated emphasis that what we are considering here today when we debate House Joint Resolution 13 is not merely a statement of the sentiments of the American people to end the threat of nuclear war; House Joint Resolution 13 is first and foremost a piece of legislation which could have the profound, yet uncertain impact on our defense policies if it were to be passed.

This resolution is not, as some supporters would have us believe, a mere expression of congressional sentiment about what should be done with the nuclear arms race. This legislation is binding. If it is passed it will have the effect of law. The question then would be how this vague expression of policy will impair the administration's negotiation position at the START and INF discussions. A joint resolution has the effect of law. In chapter 24 of the "Procedure in the House of Representatives" for the 97th Congress the effect of a joint resolution is noted as follows and I quote:

A joint resolution is a bill in so far as the processes of the Congress are concerned. With the exception of joint resolutions proposing amendments to the Constitution, all these resolutions are sent to the President for approval and have the full force of law.

□ 1450

No distinction is made in the rule for the procedures of passing a bill and passing a joint resolution. House rule XXI treats the process as identical. Judicial interpretations have supported the treatment of joint resolutions as having the effect of law.

Much major legislation has been passed in the form of a joint resolution. A joint resolution was used on March 1, 1845, when we annexed Texas. A joint resolution was used on July 7, 1898, for the annexation of Hawaii. Admission to the States has traditionally been done in the form of joint resolutions. And there was one joint resolution that I think had a profound effect on the United States. It is commonly referred to the Gulf of Tonkin resolution, a resolution that committed our men to Vietnam, a resolution that caused the deaths of in excess of 57,000 Americans.

So let us not kid ourselves. A joint resolution has the profound effect of law.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, nuclear war is the ultimate terror of our times.

In the years following Hiroshima and Nagasaki, we thought of the nuclear bomb as the guarantor of national security. But as other countries learned to make nuclear weapons and arm themselves, we and they became imprisoned by the nuclear terror.

We have tried to act as though nuclear war could not and would not happen. Indeed, almost four decades have passed since the end of the last major war between superpowers, an historic milestone in itself.

Passage of time has dimmed our memories. Gradually we came to think of war as a survivable catastrophe. After all, both Germany and Japan survived the awesome destruction of World War II.

The central truth of the nuclear age is that there can be no assurance that whole societies, even mankind itself, could survive a nuclear exchange between the two superpowers—at least not in any recognizable form.

President Reagan himself has said: "Everybody would be a loser if there is a nuclear war."

He is right. Even those nations not in the direct line of fire would suffer from worldwide fallout, depletion of the ozone shield in the upper atmosphere, destruction of the food chain, and the shattering of agriculture, industry, and trade.

A nuclear exchange would be a war without winners. Neither of the superpowers can hope to launch an attack that could disarm the other; that is, prevent the other side from launching a crippling retaliatory strike. Retaliation would be unavoidable.

What is astonishing is the fact that the number of weapons on both sides is far greater than the number of targets to be hit.

The Soviet Union has some 7,000 to 8,000 individual nuclear warheads, and the United States has more than 9,000 warheads. We have some 2,000 cities of 10,000 population or more. The Soviet Union's population is even more concentrated than ours: 62 percent of the Soviet Union's industry is located in just 200 cities.

In a surprise attack, there may not be enough retaliatory weapons left to kill people on the other side several times over, but there would be enough nuclear strike remaining to kill them at least once. That is enough.

The intercontinental ballistic missile arms race has brought the world to an era of insecurity.

The beginning of the end to this era of insecurity is the nuclear freeze proposal. It clearly directs both the United States and the U.S.S.R. to freeze, that is to stop the production and deployment of all nuclear weapons. Then both sides can proceed to negotiate a reduction of nuclear arms, without, while those negotiations are underway, continuing to build up their respective nuclear arsenals.

House Joint Resolution 13, the nuclear arms freeze and reduction resolution, gives the House the opportunity to take the first step that must be taken to end the threat of nuclear war.

The nuclear freeze movement represents a tremendous outpouring of grassroots support for a change in world policy toward the arms race. The American people through the movement have asked their Government to end the nuclear arms race, to freeze development, production, and deployment of additional weapons, to lay the groundwork for reductions in those weapons systems.

The vote on House Joint Resolution 13 will be a statement of policy by the U.S. House of Representatives. It cannot bind the President in his conduct of arms-control negotiations. It does not call the unilateral disarmament by the United States. It does not require that we act naively to place faith in the good intentions of the Soviet Union. To do so would be absolutely foolish. The Russians have not earned our trust. This resolution is not based on trust. Rather, it is based on the recognition that self-interest, ours as well as the Russians', demands an end to the arms race.

We cannot delay ending the arms race. The Broomfield substitute would require years of negotiations while the arms buildup by both sides would continue unabated. The people we represent do not want that delay.

Last month, citizens from all over the United States came to Washington to express the depth of their concern, to speak directly, forthrightly in favor of the freeze. They did not come with vague rhetoric, speaking in generalities, or harboring naive expectations. They came in support of the hardheaded proposal of ending the arms race.

The freeze movement belongs to the people of this Nation. It is their great effort which has moved the Congress to act. Although many Members of the House and Senate, from both political parties, have given generously of their time to the cause of arms control, this movement belongs to the people. They have responded to the nuclear threat with an abundance of energy, dedication, and commitment, but, most of all, with common, good sense and a single, uncomplicated goal in mind for both America and Russia: "Stop building nuclear weapons—Now."

The nuclear freeze resolution, House Joint Resolution 13, would allow the President and his negotiators at the Strategic Arms Reductions Talks flexibility in the negotiation of a mutual, verifiable freeze on the testing, production, and further deployment of nuclear warheads.

We offer this resolution at a point where the United States and the Soviet Union are at rough parity in their nuclear arsenals. The Soviet Union holds an advantage in the number of its land-based ICBM launchers, its multiple warheads, and in the number of its submarine missile launchers, although the United States has more submarine-launched warheads, due to the advanced state of Trident and Poseidon technology.

In addition to superiority in the number of submarine warheads, the United States has advantages in the number of missile warheads, in missile accuracy, and the number and accuracy of bomber weapons. The Joint Chiefs of Staff have testified that they would not trade our strategic position with that of the Soviet Union.

President Reagan, as a strong advocate of national defense, is in a unique position to implement this resolution. He is in a position to be a tough negotiator for the United States. Regrettably, he has not demonstrated the level of interest in arms control that the people of this Nation demand. His languishing appointment of Kenneth Adelman as chief arms control negotiator is a national embarrassment with potentially serious adverse consequences for arms control.

Many of the Members of this House have joined with millions of Americans in support of the freeze movement because they believe that the administration has charted this country on the wrong course in arms control. The issue is of indescribable importance and, for that reason, the American people demand that the House pass this nuclear freeze resolution.

This is an issue which must be above partisan politics. In Minnesota, and throughout the Nation, Americans of both political parties have joined in support of the freeze movement.

We cannot reject the resolution before us today. We must send it to the Senate with an overwhelming bipartisan vote of support.

Mr. WOLPE. Mr. Chairman, throughout this debate opponents of the nuclear freeze have depicted House Joint Resolution 13 as interference in the negotiations the Administration is currently conducting with the Soviets in Geneva. Supporters of the freeze are being accused of being unpatriotic and of undermining our arms-control negotiating strategy. This argument is not only personally insulting to the millions of patriotic Americans who are supporters of the freeze, it also smacks of the cruelest hypocrisy.

Mr. Chairman, it is indeed ironic that some of the very people who are so dead set against the freeze within the current administration were the very individuals who worked tirelessly as members of the committee on the present danger to undercut public support for the SALT II negotiations during the Carter administration. Paul Nitze, Richard Perle, Fred Ikle, Kenneth Adelman, John Lehman are just a few of the many members of the committee now occupying crucial policymaking positions. From 1976 on the committee issued publication after publication designed to destroy SALT II. In March 1979, for example, a committee publication argued:

> The emerging terms of SALT II, against a backdrop of the unfavorable trends in the United States-Soviet military balance, do not square with the security of the United States.

This hypocritical approach to debate on arms-control policy is unfortunately not limited solely to members of the administration. The CONGRESSIONAL RECORD, during 1977, 1978, and 1979, is studded with statements by Members of this House criticizing the premises of SALT II and the Carter administration's negotiating strategy.

Mr. Chairman, I submit that what we are doing here today is not substantially different from what the gentleman from New York (Mr. KEMP) proposed before the House on June 6, 1978. On returning from Geneva where he consulted with SALT negotiators, the gentleman from New York said he could not support the working draft of SALT II. He then stated and here I quote:

> I believe the President should recess the talks, bring home our negotiators and the SALT process and the joint draft text should be thoroughly reviewed by the Executive and Congress with the intent of reformulating the American negotiating posture in a manner which would allow an agreement to be reached which would be more equitable, totally verifiable, conducive to crisis stability and unambiguous in its terms.

While my distinguished colleague from New York and I might disagree on the terms of a new arms-control treaty, he and I are certainly in full agreement on the responsibility and the right of the Congress to participate in the reformulation of our negotiating posture. And that, I submit, is what the freeze resolution is all about.

Mr. Chairman, the people of the United States have a right to be heard in our democracy on foreign and defense policy just as much as on domestic policy. Ronald Reagan himself spoke about the necessity of consulting the American people on arms-control policy in 1976 when he spoke at the Phillips Exeter Academy in New Hampshire. He said:

> It is time that we, the people of the United States, demanded a policy that puts our nation's interests as the first priority.* * * In a constitutional republic, which our nation is, the people must take part in policy discussions.

Mr. Reagan went on to call on the administration to make public the SALT II agreement before it went to the Senate for ratification.

Well, Mr. Chairman, what we are asking for today is exactly that same kind of input. The American people no longer have any confidence in your arms-control policies. Supporters of the nuclear freeze are loyal Americans. We want a policy that puts our Nation's interests as a first priority. The nuclear freeze is that policy. Just as you were not deterred in pressing your views on nuclear arms control, so we will not be deterred by efforts to intimidate advocates of the nuclear freeze. We want an end to the nuclear arms race. And that is what the freeze movement is all about.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I want to compliment the gentleman. I think he has made a very thoughtful, reasonable statement. And it is ironic, is it not, that this administration now, though it fought against SALT II and probably had more to do with undercutting and defeating the treaty, now is going along with the basic terms of the treaty because it happens to be in the best interests of this country.

And it just seems to me that the gentleman has also made an important point about the loyalty and the right of the people who advocate the freeze to have their point of view put forward. What has always troubled me in the 15 years that I have worked on the Hill is that the same people who objected to a limited test ban treaty are the same people who opposed SALT I, are the same people who opposed SALT II, and in many instances are the same people today who are opposing the nuclear freeze. They just do not want arms control.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

Mr. AUCOIN. Mr. Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. WOLPE) may proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. HYDE. Mr. Chairman, reserving the right to object, when are we going to adjourn today?

The CHAIRMAN pro tempore. The Chair is informed that debate will conclude at 3:30. The Chair has received no further information about adjournment.

Mr. HYDE. Mr. Chairman, inasmuch as there is a limitation on time, I would hope that others would get a chance to talk.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon (Mr. AUCOIN)?

Mr. STRATTON. Mr. Chairman, reserving the right to object, does the 3:30 deadline include a vote on the pending substitute as well as on the pending amendment?

The CHAIRMAN pro tempore. The Chair will state if at 3:30 votes have not been concluded on both the pending substitute and the amendment, votes will be in order. Unless of course a motion is made to rise, in which case the votes would be put over to the next session.

Mr. STRATTON. Mr. Chairman, is that the strategy of the committee leadership in connection with this, to put the votes over until next week?

The CHAIRMAN pro tempore. The Chair will state that he has no knowledge of the strategy on the part of anyone.

What is known at this moment is that which is already agreed to by the committee.

Mr. STRATTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon (Mr. AUCOIN)?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. WOLPE) is recognized for 2 additional minutes.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

I want to compliment very sincerely and very forcefully the gentleman for the comments that he has made. It has been a mystery to me why some Members who oppose the freeze, including the gentleman from Illinois, accuse those of us who want to have a hand in shaping this country's negotiating position, in arms control talks, of somehow undercutting our negotiators.

When what we are doing is trying to shape the negotiations before a treaty is negotiated and before it is signed and before it is brought back before the Senate for ratification.

If that is undercutting, then I would clearly think that the President of the gentleman's own party undercut the preceding President, because in that instance, the preceding President was not negotiating a treaty, he had signed a treaty. He had brought it back before the Senate for ratification and our current President spoke out forcefully against and worked for the defeat of that treaty. That seems to me to be undercutting.

I do not know what is wrong with this body, which is always a part of the crash landings in our foreign policy, including arms control, having a hand in taking part in the launching of arms control initiatives in foreign policy. And I think that is the point the gentleman is making and I think he made it extremely well. I compliment him for it.

Mr. WOLPE. I thank the gentleman for his observations and also the gentleman from Washington (Mr. DICKS) for his earlier comments.

□ 1500

It seems to me that what is really sad is that there are some legitimate differences of opinion between freeze advocates and those who oppose the concept of a nuclear freeze that are being obscured. I think it is pretty clear that there are a number of people who are opposing the freeze who are genuinely uncomfortable with the proposition that it makes sense to negotiate a halt to the nuclear arms race; these freeze opponents believe somehow that we will be more vulnerable risking that kind of a negotiation than by pursuing it. I happen to disagree with that point of view. I think the American people disagree with it. But it seems to me that that is the issue that ought to be discussed and debated head on.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WOLPE) has expired.

(By unanimous consent, Mr. WOLPE was allowed to proceed for 1 additional minute.)

Mr. WOLPE. The suggestion that this kind of a discussion is in itself unpatriotic or undercuts the negotiators is simply a red herring that obscures the real issues. Similarly, the repeated allegation that the nuclear freeze is unilateralist distorts the truth. I would much rather have opponents of the freeze lay out honestly their discomfort with the idea of ending the escalating nuclear arms race, so that we could address that issue head on.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding, and I would only point out to him and to my colleagues that in no fewer than 30 times between the years 1787 and 1957 has the U.S. House of Representatives taken action on joint resolutions which have the purpose of giving direction to issues of international concern, such as the issue we are dealing with here. So the precedent is there, and I think the gentleman has made a very excellent contribution.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make just a few responses to some of the rhetoric we have heard, Words like "hypocrisy," "red herring," and "unpatriotic" have been thrown around, and that is not helpful to a calm, reasoned discussion of this very important issue.

Nobody questions the patriotism of any freeze proponent, but we reserve the right to question their judgment. Now, it is not the Republican National Committee that questions their judgment. It is such arch conservative media such as the New York Times, the Washington Post or, even, heavens save us, the Catholic bishops, which are backing off from a commitment to halting the arms race, and now they are using the word "curb."

I cite a headline from the Arlington Catholic Herald: "Third Draft Downplays Nuclear Freeze Movement."

Now, no one questions the Catholic Bishops' sincerity from arms control or reduction. On the contrary, they are in the vanguard. But they are backing away from this romantic notion that one more treaty will bring peace to the world. "Oh, God, if we just trust the Russians some more. OK, Yalta was a mistake; OK the Nuclear Nonproliferation Treaty has not worked out; OK, they do not obey the U.N. Charter; OK, Helsinki has been a farce. Get another treaty. Let us sit

down and talk to them, that will bring peace to the world."

Well, some of us question the judgment, not the patriotism.

Now, you talk about SALT II. I would suggest the gentleman's grasp of current history is imprecise. It was a Democratically controlled Senate that refused to deal with SALT II. The Senator from Idaho, who found 3,000 combat troops, Soviet troops, in Cuba, and made the announcement from his district was so upset that the treaty was not submitted over there. So SALT II just never got to a vote under the other party, the majority party's control of the Senate.

So to blame us for the fact that SALT II never has been ratified is just imprecise, it is inaccurate.

So the nuclear freeze, the problem with it, I say to my dear friend, the gentleman from Massachusetts, is—and we say it undercuts our negotiators—those are not phrases we dug up; those are words of our negotiators who say that if they must abandon negotiations to reduce—and there are two on the table now. There was a zero option, and then there was a more flexible option. So we have put two on the table. We are waiting for something from the Russians. But if we direct the President to negotiate a freeze, why, that could take 6 years. As the gentleman knows, it took us 6 years to negotiate SALT I and then SALT II. By the time we get finished with inventory—and the Members know what a time we have had here trying to find out what inventory we are talking about—by the time we get through with verification—and that is not a Republican idea that that is tough; that is Harold Brown's idea, that is Brzezinski's idea, that is very tough—we could be years discussing a freeze. That is a digression and a diversion from negotiating reduction.

So it is by elevating the notion of freeze which locks in place and downplaying and degrading the notion of reduction that is the vice of this whole resolution.

Now, to say that those of us who oppose the notion of the freeze as the only moral way to go, the high ground, that we are not interested in arms control, which is a means toward peace, is again to do a disservice to us and to our sincerity.

So I just suggest to my good friends, whose track record on trusting the Russians leaves an awful lot of gaps to be filled in—and I will not take the time to cite chapter and verse, but I would be delighted to—starting with Mao Tse-tung and Chiang Kai-shek, and going all the way through to the present day, to the Sandinistas in Nicaragua.

Now I yield to my dear friend—and a leader in the freeze movement, to my chagrin—the gentleman from Massachusetts, NICK MAVROULES.

Mr. MAVROULES. I appreciate the fact that the gentleman from Illinois is yielding to me.

Let me speak as one Member of the Congress of the United States. I respect the views and the perception given by both sides of the issue. We have some serious differences as to how we get there. The question that I have and my own personal view is that we are going through a process here of symbology, at its best, and if we are going to be honest with ourselves, I would think that we would admit to that, in view of the fact that some of these amendments have been agreed to after serious debate.

But the message that we continue to get, that we continue to get from the administration and from those who are in Geneva and from other areas, is that we are sending the wrong message to our friends throughout the free world, that we are sending the wrong message to our NATO allies in Europe.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(On request of Mr. MAVROULES and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. MAVROULES. I think that we are sending the proper message to the people throughout the world.

There is an opportunity here to grasp an opportunity, to grasp the initiative. And if, for one moment, the resolution would mandate or tie the hands of the President of the United States, I say to my colleague (Mr. HYDE), I would not be supporting it. I support the resolution because we do not mandate.

And I for one have tremendous confidence in those who represent us at the administrative level and also at Geneva. We have differences of opinion.

Mr. HYDE. If I may recapture my time, it is those very people in whom the gentleman just expressed confidence that regret the freeze resolution as undercutting their ability, their flexibility, to negotiate reductions, which is what we want—reductions, reduce the balance of terror, not to maintain it.

Mr. MAVROULES. Are we not trying to do that?

Mr. HYDE. No.

Mr. MAVROULES. Are we not trying to freeze and then reduce?

Mr. HYDE. Yes, but why not reduce and then freeze?

Mr. MAVROULES. If we may continue—and I think it is healthy—we are working now on reductions that are not working. Reductions are not working at this moment in Geneva. So, therefore, let us freeze.

Mr. HYDE. Why should they work? All they have to do is wait until Congress tells the President, "Do not worry about reductions; we are going to freeze first. Play around with that one for some time."

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, I raise a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Mr. Chairman, what is the pending business before the Committee.

The CHAIRMAN. The pending business before the Committee is the amendment offered by the gentleman from Washington (Mr. DICKS) as a substitute for the amendment offered by the gentleman from New York (Mr. STRATTON).

□ 1510

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute amendment.

Mr. Chairman, I think it would be instructive, and I trust that we will have an opportunity to cast a vote on this matter before the House rises, to compare the substitute amendment offered by the gentleman from Washington (Mr. DICKS).

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, in order to have a vote on the gentleman's amendment or the substitute, we would have to do it before the Committee rises. I wonder if the gentleman would agree that debate end on the amendment and the amendment thereto after the gentleman's time has expired, within 5 minutes?

Mr. STRATTON. I would have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKS. Mr. Chairman, reserving the right to object, what is the request?

Mr. ZABLOCKI. Mr. Chairman, I ask unanimous consent that debate end at the conclusion of the time of the gentleman from New York, and we vote on the amendment and the amendment thereto in order that we can vote on it today before we rise.

Mr. BROOMFIELD. Mr. Chairman, reserving the right to object, we would like to have 5 minutes on this side before the debate is closed off.

The CHAIRMAN. Does the gentleman wish to modify his request for that purpose?

Mr. ZABLOCKI. Mr. Chairman, I will modify my request that the debate on the amendment and the amendment thereto end at 3:20.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

Mr. BROOMFIELD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STRATTON. Mr. Chairman, in view of the pending vote, and I appreciate the action of the distinguished chairman, the gentleman from Wisconsin, I think it would be instructive to make a rapid comparison between the amendment which I offered previously and the substitute amendment offered by the gentleman from Washington (Mr. DICKS).

The amendment that I offered quoted virtually verbatim, not entirely, a statement in line with the provisions of the Arms Control Act that the President should not be required to negotiate any agreement if the President certifies to the Congress that each such element of that agreement cannot be adequately verified. We do not want the President to have to deal with something that cannot be verified.

Also, included in the original amendment was a spelling out of exactly what delivery systems were. The resolution calls for a verifiable mutual freeze on nuclear weapons and nuclear devices, and also delivery systems.

The gentleman from Oregon said everybody knows what delivery systems are, but the fact is that we had a long, protracted debate earlier in this session on whether a dual-capable aircraft was a delivery system or whether it was not. In fact, the proponents of the nuclear freeze said that the F-15, the F-16, were not delivery systems at all, a submarine was not a delivery system.

If the President is going to have to negotiate on delivery systems, we ought to spell out exactly what delivery systems we are talking about, and that is what is included in my amendment, but not included in the substitute offered by the gentleman from Washington, a very grievous omission.

And finally, and most distressingly, taking directly from the wording of the legislation creating the Arms Control and Disarmament Agency, the final provision of my amendment was that nothing in this section shall be construed as requiring disclosure of sensitive national security or intelligence sources or methods, or persons employed in the verification of compliance with an arms control agreement.

The gentleman from Washington (Mr. DICKS) left that out in his substitute amendment. Apparently he does not care whether we are going to require people to disclose sensitive national security or intelligence sources or not.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. Not at this time, due to the shortness of time.

That kind of an amendment could undermine our security and I strongly oppose the substitute amendment. I would hope that even the most bitter proponent of the nuclear freeze would certainly want to have something in the record on verification of arms control agreement.

Mr. BROOMFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. GINGRICH. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Georgia, Mr. GINGRICH.

Mr. DICKS. Mr. Chairman, will the gentleman from Georgia yield to me for 30 seconds?

Mr. GINGRICH. I would be delighted to, but your chairman decided to cut off debate. If your chairman would like to extend you some time, he can make a unanimous consent request. Whether our side gives it or not, we will find out at that point, after I am finished.

Mr. Chairman, let me say first of all, I may have shocked some of the liberals on the Committee on Foreign Affairs yesterday by suggesting that our allies do not trust the Congress. I might even have shocked some of them by suggesting that, for example, cutting aid to Zaire, the only black African country which recognizes Israel, probably is not helpful in the long run to peace and freedom on the planet.

Last night I ran across a quote from Hemingway which probably explains this. In "Across the River and Into the Trees," he said, and I quote:

> There are no villains in a democracy. Hell, he was just wrong.

That may be part of our problem. Our good friends are not villains; they just believe in a world that does not exist, a fantasy they conjure up at a moment's notice. A gentleman just said a while ago, we do not mandate anything in this resolution. Yet, in fact, it is precisely not a sense of Congress resolution; it is an attempt to mandate. And any Member who votes for it not understanding that should check with the chairman or somebody else who understands what H.J. Res. means and why it is different than a sense of Congress.

We also had someone who said we ought to seize an opportunity. I want to quote from a Socialist, a man to the left even of most of the gentleman currently on the floor on the left side, Bruno Kreisky, Chancellor of Austria, in an exchange about his criticism of the Soviet SS-20 missile buildup as disrupting the European balance of power, in an interview, my friends would like to know, with the Die Volks-stimme, newspaper of the Austrian Communist Party. The question, and I quote:

> But this position you have adopted conflicts, for example, with a resolution of the U.S. House Foreign Affairs Committee calling for a freeze of missile weapons at the present level, thus surely assuming that there is an approximate balance.

I now quote from a neutral power, a Socialist Prime Minister in a country directly under the Soviet threat:

> KREISKY.—Well, as far as I am concerned, I am not committed to accept such resolutions. I am of the opinion that this whole situation was brought about by a too strong armament effort on the Soviet side as far as the SS-20's are concerned. That was what touched off this whole debate.

In other words, in fact, it is precisely the Soviets, not the Americans, who have created this situation. It is precisely the Soviets who threatened Europe and freedom, and it is precisely an opportunity only for the Soviets to gain ground if we vote for a pure freeze.

Now, let us look, then, at Stratton and the substitute of the gentleman from Washington. I am, frankly, sort of astonished. I cannot quite find the gentleman from Washington, to whom I would yield time in a minute if he were on the floor, because as I understand Stratton, all it says is that the President should not negotiate any agreement that we cannot verify. It is a very simple concept. If you are not sure they are not cheating, do not trust them.

Now, the chairman of the Committee on Foreign Affairs said last week we should not send a 19-year-old girl back to China because you sometimes cannot trust Communist powers. As I said yesterday, if you cannot trust Communist powers with 19-year-old girls, probably you should not trust Communist powers with nuclear war and the fate of freedom.

In that setting, and I am glad the gentleman from Washington is back, I want to posit this.

All I understand, and the gentleman from New York was nodding yes, all I understand of the Stratton amendment is that it says do not negotiate what you cannot check. It is very simple, very straightforward. I cannot imagine that my good friend, the gentleman from Washington, who is an expert on defense, would want us to negotiate an agreement that we cannot check.

I thought possibly he would like to explain what is wrong with Stratton, which simply says do not agree to anything you cannot verify.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, the reason it is objectionable is because it is worded in such a way that I think it gets into too many different systems which I think

the arms negotiators are totally capable of discussing in their own right and coming up with adequate verification.

Mr. Chairman, because the gentleman has yielded, I would like to point out that the disclosure of sensitive information is not allowed under section 2577 of Public Law 95-108.

Mr. GINGRICH. Let me ask a second question, if I might. Would the gentleman look at the Stratton amendment for a second? I assume your side has a copy. Tell me what it is you disagree with? Which would you not have us verify, aircraft, surface ships, submarines, ballistic missiles? Which of the things in there would you prefer we not verify?

Mr. DICKS. Here is the problem we have with it. The amendment states that it is consistent with the Arms Control and Disarmament Act. In fact, it is not. Nowhere in that act can one find the elaborate definition of what elements of an arms control agreement must be verified that we find in this amendment.

□ 1520

It is clear that this is still another effort to prejudge the scope of a mutual and verifiable freeze amendment.

The CHAIRMAN. The time of the gentleman from Michigan Mr. (BROOMFIELD,) has expired, and indeed all time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. DICKS) as a substitute for the amendment offered by the gentleman from New York (Mr. STRATTON).

The question was taken; and on a division (demanded by Mr. DICKS) there were—ayes 9, noes 35.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 61]

ANSWERED "PRESENT"—381

Ackerman	Anthony	Bates
Addabbo	Applegate	Bedell
Akaka	Archer	Beilenson
Albosta	Aspin	Bennett
Alexander	AuCoin	Bereuter
Anderson	Badham	Berman
Andrews (NC)	Barnes	Bethune
Andrews (TX)	Bartlett	Bevill
Annunzio	Bateman	Biaggi
Bilirakis	Gilman	McCandless
Bliley	Gingrich	McCloskey
Boehlert	Glickman	McCollum
Boner	Gonzalez	McCurdy
Bonior	Goodling	McDade
Bonker	Gore	McDonald
Borski	Gradison	McEwen
Bosco	Gramm	McGrath
Boucher	Gray	McHugh
Boxer	Green	McKernan
Breaux	Gregg	McKinney
Britt	Guarini	McNulty
Brooks	Gunderson	Mica
Broomfield	Hall (IN)	Michel
Brown (CO)	Hall (OH)	Mikulski
Broyhill	Hall, Ralph	Miller (CA)
Bryant	Hall, Sam	Miller (OH)
Burton	Hamilton	Mineta
Byron	Hammerschmidt	Minish
Campbell	Harkin	Moakley
Carney	Harrison	Molinari
Carper	Hartnett	Mollohan
Carr	Hatcher	Montgomery
Chandler	Hawkins	Moody
Chappie	Heftel	Moore
Cheney	Hertel	Moorhead
Clarke	Hightower	Morrison (CT)
Clay	Hiler	Morrison (WA)
Clinger	Holt	Mrazek
Coats	Hopkins	Murphy
Coelho	Horton	Murtha
Coleman (MO)	Howard	Myers
Collins	Hoyer	Natcher
Conable	Hubbard	Nelson
Conte	Huckaby	Nichols
Conyers	Hughes	Nielson
Cooper	Hunter	Nowak
Corcoran	Hutto	O'Brien
Coughlin	Ireland	Oakar
Courter	Jacobs	Oberstar
Coyne	Jeffords	Obey
Craig	Jenkins	Olin
Crane, Daniel	Johnson	Ottinger
Crane, Philip	Jones (NC)	Owens
Crockett	Jones (OK)	Oxley
Daniel	Jones (TN)	Packard
Dannemeyer	Kaptur	Panetta
Daschle	Kasich	Parris
Daub	Kastenmeier	Patman
Davis	Kemp	Patterson
de la Garza	Kennelly	Pease
Dellums	Kildee	Penny
Derrick	Kindness	Petri
DeWine	Kogovsek	Pickle
Dickinson	Kolter	Porter
Dicks	Kostmayer	Price
Donnelly	Kramer	Pritchard
Dorgan	LaFalce	Pursell
Downey	Lagomarsino	Rangel
Dreier	Lantos	Ratchford
Duncan	Leach	Ray
Durbin	Leath	Regula
Dwyer	Lehman (CA)	Reid
Dyson	Lehman (FL)	Richardson
Early	Leland	Ridge
Eckart	Levin	Rinaldo
Edgar	Levine	Ritter
Edwards (CA)	Levitas	Robinson
Edwards (OK)	Lewis (CA)	Rodino
Emerson	Lewis (FL)	Roe
English	Lipinski	Roemer
Erdreich	Livingston	Rogers
Erlenborn	Lloyd	Rostenkowski
Evans (IA)	Loeffler	Roth
Evans (IL)	Long (LA)	Roukema
Fascell	Long (MD)	Rowland
Fazio	Lott	Roybal
Feighan	Lowery (CA)	Rudd
Ferraro	Lowry (WA)	Russo
Fiedler	Lujan	Sabo
Fields	Luken	Savage
Fish	Lundine	Sawyer
Foglietta	Lungren	Schaefer
Foley	Mack	Schneider
Ford (MI)	MacKay	Schroeder
Ford (TN)	Madigan	Schulze
Fowler	Markey	Schumer
Frank	Marlenee	Seiberling
Franklin	Marriott	Sensenbrenner
Frenzel	Martin (IL)	Shannon
Fuqua	Martin (NC)	Sharp
Garcia	Martin (NY)	Shaw
Gejdenson	Matsui	Shelby
Gekas	Mavroules	Shumway
Gephardt	Mazzoli	Sikorski
Gibbons	McCain	Siljander
Sisisky	Stump	Waxman
Skeen	Sundquist	Weaver
Skelton	Swift	Weber
Smith (FL)	Tallon	Weiss
Smith (IA)	Tauke	Wheat
Smith (NE)	Tauzin	Whitehurst
Smith (NJ)	Taylor	Whittaker
Smith, Denny	Thomas (CA)	Whitten
Smith, Robert	Thomas (GA)	Williams (MT)
Snowe	Torres	Williams (OH)
Snyder	Torricelli	Wilson
Solarz	Towns	Wirth
Solomon	Udall	Wise
Spence	Valentine	Wolf
Spratt	Vander Jagt	Wolpe
Staggers	Vandergriff	Wortley
Stangeland	Vento	Wyden
Stark	Volkmer	Wylie
Stenholm	Vucanovich	Yates
Stokes	Walgren	Young (AK)
Stratton	Walker	Young (FL)
Studds	Watkins	Zablocki

□ 1530

The CHAIRMAN. Three hundred eighty-one Members have answered to their names, a quorum is present, and the Committee will resume its business.

□ 1540

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Washington (Mr. DICKS) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chairman would advise that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 171, not voting 41, as follows:

[Roll No. 62]

AYES—221

Ackerman	Crockett	Green
Addabbo	Daschle	Guarini
Akaka	Davis	Gunderson
Albosta	Dellums	Hall (IN)
Alexander	Derrick	Hall (OH)
Anderson	Dicks	Hamilton
Andrews (NC)	Dingell	Harkin
Annunzio	Donnelly	Harrison
Anthony	Dorgan	Hawkins
Applegate	Dowdy	Heftel
Aspin	Downey	Hertel
AuCoin	Durbin	Horton
Barnes	Dwyer	Howard
Bates	Early	Hoyer
Bedell	Eckart	Hughes
Beilenson	Edgar	Hyde
Bereuter	Edwards (CA)	Jacobs
Berman	English	Jeffords
Biaggi	Evans (IA)	Johnson
Boehlert	Evans (IL)	Jones (OK)
Boland	Fascell	Kaptur
Boner	Fazio	Kastenmeier
Bonior	Feighan	Kennelly
Bonker	Ferraro	Kildee
Borski	Fish	Kogovsek
Bosco	Florio	Kolter
Boucher	Foglietta	Kostmayer
Boxer	Foley	Lantos
Britt	Ford (MI)	Leach
Brooks	Ford (TN)	Lehman (CA)
Brown (CA)	Fowler	Lehman (FL)
Brown (CO)	Frank	Leland
Broyhill	Frost	Levin
Carper	Fuqua	Levine
Carr	Garcia	Long (LA)
Clarke	Gejdenson	Long (MD)
Clay	Gephardt	Lowry (WA)
Coelho	Gibbons	Luken
Collins	Glickman	Lundine
Conte	Gonzalez	MacKay
Conyers	Goodling	Markey
Coughlin	Gore	Martin (IL)
Coyne	Gray	Martinez

Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Pickle
Porter
Rangel
Ratchford
Reid
Richardson
Rinaldo
Ritter
Rodino
Roe
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Tallon
Tauke
Torres
Torricelli
Towns
Udall
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolpe
Wyden
Yates
Zablocki
Zschau

NOES—171

Andrews (TX)
Archer
Badham
Bartlett
Bateman
Bennett
Bethune
Bevill
Bilirakis
Bliley
Breaux
Broomfield
Burton
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Clinger
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
de la Garza
DeWine
Dickinson
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Erdreich
Erlenborn
Fiedler
Fields
Franklin
Frenzel
Gekas
Gilman
Gingrich
Gradison
Gramm
Gregg
Hall, Ralph
Hall, Sam
Hammerschmidt
Hartnett
Hatcher
Hightower
Hiler
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hutto
Ireland
Jenkins
Jones (NC)
Jones (TN)
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Leath
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McCurdy
McDonald
McEwen
McGrath
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Patman
Petri
Price
Pritchard
Pursell
Ray
Regula
Ridge
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Sawyer
Schaefer
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—41

Barnard
Boggs
Bryant
Cheney
Coleman (TX)
D'Amours
Dixon
Dymally
Edwards (AL)
Flippo
Forsythe
Gaydos
Hance
Hansen (ID)
Hansen (UT)
Hefner
Hillis
Kazen
LaFalce
Latta
Lent
Mitchell
Neal
Ortiz
Paul
Perkins
Quillen
Rahall
Roberts
Rose
Simon
Slattery
St Germain
Synar
Traxler
Washington
Whitley
Winn
Wright
Yatron
Young (MO)

The Clerk announced the following pairs:

On this vote:

Mr. Rahall for, with Mr. Latta against.

Mr. Dymally for, with Mr. Quillen against.

Mr. Dixon for, with Mr. Cheney against.

Mrs. Boggs for, with Mr. Hansen of Idaho against.

Mr. Washington for, with Mr. Hansen of Utah against.

Mr. BEREUTER changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON), as amended.

The question was taken and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARTIN of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 374, noes 6, not voting 53, as follows:

[Roll No. 63]

AYES—374

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Fiedler
Fields
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Heftel
Hertel
Hightower
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Nichols
Nielson
O'Brien
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rangel
Ratchford
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Udall
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whittaker
Whitten
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Young (AK)
Young (FL)
Zablocki
Zschau

NOES—6

Hartnett
Holt
McCain
McCurdy
Nelson
Ray

NOT VOTING—53

Ackerman
Archer
Barnard
Boggs
Coleman (TX)
Coughlin
Crane, Philip
Dellums
Dickinson
Dixon
Dymally
Edwards (AL)

Fazio	Martinez	Simon
Flippo	Murphy	Slattery
Forsythe	Neal	St Germain
Gaydos	Nowak	Synar
Hance	Ortiz	Traxler
Hansen (ID)	Packard	Valentine
Hansen (UT)	Paul	Washington
Hawkins	Perkins	Whitley
Hefner	Quillen	Williams (MT)
Hillis	Rahall	Winn
Kazen	Ridge	Wright
LaFalce	Roberts	Yatron
Lundine	Rose	Young (MO)
Lungren	Schulze	

□ 1600

Mrs. LLOYD changed her vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a cosponsor of House Joint Resolution 13, I rise in strong support of passage of the nuclear freeze resolution. This resolution is the result of a grassroots effort across this Nation, an effort virtually unparalleled in U.S. history. The American people are justifiably concerned about the inexorable march of the United States and the U.S.S.R. to a nuclear armageddon. The rally held at our Nation's Capitol last month amply demonstrated the concern and commitment of the American people. Those thousands who participated represent millions of Americans who have been and are deeply involved and concerned with U.S. nuclear weapons policy.

The nuclear freeze movement is not a one-time, short-term effort. It is a rational response to the cold war policies of the Reagan administration. It is a rational response to administration rhetoric on "limited or winnable" nuclear conflicts and to the escalating nuclear arms buildup.

Mr. Chairman, there have been allegations and innuendoes that the supporters of this nuclear freeze resolution have been duped and are misguided. This is a repugnant, inappropriate means of argument, by name calling, rather than marshaling the facts. It is clearly emotionalism over reason. It is the opponents of the freeze resolution who have indeed been lulled into supporting programs of the Reagan administration—programs which the administration should know will not work.

Apologists for the Reagan administration say that we must allow "time for the completion of the Reagan nuclear force buildup." This is the tack that Congress has followed in the past. We have provided discretion and flexibility but we have witnessed little or no progress, only a hardening and polarization of U.S.-U.S.S.R. positions. In the absence of congressional action today, there will only be a continued deterioration of United States-Soviet relations.

I believe that in considering the nuclear freeze resolution, Congress must review the Reagan administration's nuclear weapons policies and their impact on world tensions.

An underpinning of the administration's policy is the conviction that only it and its supporters have the knowledge and understanding of the nuclear weapons issue to determine policy. Thus, valid criticisms are summarily dismissed as uninformed, misguided, or ill-conceived. This reaction does not allow for meaningful debate within the administration of viable, indeed preferable policy alternatives. In such a situation, a vacuum exists in the decisionmaking process. New ideas are rejected in favor of the arms race and threatening "saber rattling."

As a result of this vacuum, the administration's policies are based on surprising concepts.

I am certain we have all heard about various administration comments on "limited" or "winnable" nuclear conflicts. The frequency and sources of such statements are too great to discount.

Even if we do ignore such administration pronouncements, we cannot ignore the "Defense Guidance" document. In the current "Defense Guidance," Secretary Weinberger provides some tantalizing insights as to where the Reagan administration's nuclear arms policy is leading our country.

The "Defense Guidance" document reports that in the case of conventional war with the Soviets anywhere in the world, "we must be prepared to use the full spectrum of U.S. military capabilities."

Earlier in the same document the Secretary states that we will use "nonstrategic nuclear forces to deter conventional attack." If deterrence fails, do these statements mean that we will take a first strike action?

This document points out that these nonstrategic nuclear forces are to be employed worldwide to "preserve and restore the integrity of allied territory." This appears to be the United States-allied consensus view of preventing hostile intervention and preserving self-determination within NATO. By the use of nonstrategic weapons, certainly this is a serious concern to us all.

But contrasting and even contradictory statements in the "Defense Guidance" document raise more questions than they answer by breaking new ground with the following pronouncement of U.S. objectives to "reverse Soviet and Cuban gains in the Western Hemisphere."

Secretary Weinberger adds yet more fuel to the burning concern of U.S. defense policy and it is similarly spelled out in the "Defense Guidance" document's following quote: "sea-based nonstrategic nuclear force capable of land attack will be planned for possible employment in war involving Soviet forces." Is the U.S. defense policy writing off land base forces in Europe? Congress must, indeed, ask if this is the real reason for Tomahawk land attack missile deployment on recommissioned battleships? Where is this kind of thinking and nuclear policy taking us?

I submit that opponents of the nuclear freeze resolution must first understand, then explain Secretary Weinberger's clearly controversial and provocative statements delineating a significant departure from existing U.S. policy of peaceful coexistence and placing this Nation on the very real policy path of a so-called winnable nuclear confrontation. The use of nuclear weapons and force as a means to achieve these goals is a reversal of U.S. policy and is, in my judgment, very inappropriate.

The administration states that the Soviets are reacting to current U.S. policies by developing two new missiles and a new ABM. Meanwhile, in last year's "Defense Guidance," Secretary Weinberger admitted that we could face a major shortfall in nuclear weapons production capability and a consequent "aging of the nuclear stockpile." Thus, rather than allowing the United States to catch up, the end result of the current U.S. policy will find the United States in the same relative position to the U.S.S.R. The only thing the administration will have achieved by its policies will be the increase in tensions and instability which would surely accompany the higher U.S.-U.S.S.R nuclear armaments buildup.

An indispensable component of the "Defense Guidance" military posture is supposed to be a "population fully committed to our military strategy and posture." This is one place where the evidence is clear. The facts are diametrically opposite of the administration's wishful thinking. The Amercan populace strongly supports this nuclear freeze resolution, not the high-risk Reagan nuclear arms buildup policy.

The opponents of the resolution say that we need to keep producing nuclear weapons for force modernization. However, do we need to produce Secretary Weinberger's weapons for "secure Reserve Force" to insure that "the United States will never be without nuclear offensive capabilities?"

This force was to be provided by deep-based MX. Now, presumably, it is to be Midgetman in addition to the nuclear land attack Tomahawk. There is a point of absurdity in this nuclear arms buildup.

Questions have been raised about the morality of the U.S. nuclear arms buildup. On March 8, the President made a well-publicized pitch to religious groups in Florida on behalf of his arms policy. Ironically, at the same time, many of this country's major re-

ligious leaders spoke out in opposition to these same policies. These leaders, who represent over 50 million members, responded in their statement to Reagan's defense policies. They strongly condemn the administration's emphasis on weapons spending and its neglect of the pressing needs of the American people. I placed this statement in the RECORD on March 17, 1983.

In addition to this statement by American religious leaders, I am certain that my colleagues are well aware of the recent pastoral letter by the American Catholic bishops. Under the leadership of St. Paul's Archbishop John Roach and Chicago's Cardinal Joseph Bernardin, the American Catholic bishops have strongly voiced their deep and sincere concern over nuclear confrontation. Their action is a sharp and appropriate rebuke to the Reagan administration's heavy-handed attempt to derail the bishop's considerations.

Mr. Chairman, these actions by U.S. religious leaders are expressions of concern about the policies of our country. They are statements in support of a policy that follows the path of peace, the path of mankind's survival. These statements reflect and, I believe, endorse the path set out in House Joint Resolution 13, the nuclear freeze resolution.

I ask my colleagues to respect and support the American peoples' hopes and expectations by voting for the nuclear freeze resolution.

● Mr. OTTINGER. Mr. Chairman, as a cosponsor of House Joint Resolution 13, I rise to strongly urge its passage. A nuclear weapons freeze is a vital first step in reversing the insane and wasteful arms race. I also rise to strongly oppose the many amendments which have been offered to House Joint Resolution 13 to cripple its intent. While these amendments have the appearance of calling for reductions in our nuclear arsenals, they are only masquerades for the continuation of the arms race at astronomical levels.

The fact is that the United States and the Soviet Union have far exceeded the nuclear firepower necessary to deter each other from launching a nuclear attack. The Soviets clearly know that a first strike on the United States would be followed by retaliation so devastating that the U.S.S.R. would be returned to the stone-age; indeed, in a recent article for foreign policy, Leon Sigal, guest scholar at the Brookings Institute noted:

> One Trident submarine alone carries enough nuclear warheads to destroy 192 Soviet cities or targets of comparable value. Three of the most modern class of Soviet submarines have equivalent value. This reciprocity satisfies the requirement in U.S. strategic doctrine for mutual assured destruction.

Opponents of the nuclear freeze say that it will undermine President Reagan's arms control efforts. The fact is that those efforts are ephemeral.

The President has called for the United States to create the ability to fight a "prolongd nuclear war" in his defense guidance. The administration is planning a massive $1.6 trillion expenditure over the next 5 years on nuclear weapons. It plans to build 17,000 nuclear warheads, new sea- and land-based missiles, cruise missiles, nuclear submarines and strategic bombers, space weapons and chemical and biological weapons. The administration has refused to push for the ratification of SALT II, abandoned negotiations for a comprehensive test ban (CTB) treaty, sought major changes in the peaceful nuclear explosions (PNE) treaty and the threshold test ban (TTB) treaty, and proposed abrogation of the treaty limiting spaced-based weaponry. It has proposed $4.5 million for civil defense, including the ludicrous plans for delivering mail after a nuclear holocaust. President Reagan appointed Kenneth Adelman—whose disdain for arms control is exceeded only by his ignorance of disarmament issues—to head the Arms Control and Disarmament Agency.

The President most recently unveiled plans for a large research and development program for an antiballistic missile system—which may require abrogating the antiballistic missile treaty, one of the most important arms control agreements between the United States and the Soviet Union to date. This proposal would certainly set off a new round in the arms race, as each side attempts to develop countermeasures to the other side's defenses. Those countermeasures will likely include an accelerated stockpile of warheads to saturate the defenses of the other side.

All of these policies would ironically decrease our security despite this multibillion-dollar cost. They would fuel the arms race, heighten tensions with the Soviets, and waste precious resources that could be used to increase our national security by enhancing our economic, social, and political structures.

Millions of Americans have rejected the administration's abandonment of arms control and joined the grassroots nuclear freeze movement. The resolution we are considering today is an expression of this widespread public support for arms control and has as its prime objective pressuring the President to pursue realistic arms and arms control policies.

The resolution calls on the United States and U.S.S.R. to negotiate a mutual and verifiable freeze in the testing, production, and deployment of nuclear weapons. Such an agreement would halt the senseless expansion of Soviet as well as U.S. arsenals. It would directly benefit the United States by freezing Soviet modernization of warhead technologies. The resolution places priority on agreements eliminating the most destabilizing weapons, particularly those with high accuracy, multiple warheads, large explosive power and short flight time. Such weapons have the appearance—if not the actual capability—of first-strike capability and could force the United States and U.S.S.R. to adopt launch-on-warning policies, greatly increasing the chance of accidental nuclear war.

The resolution calls for agreements to freeze the growth of nuclear arsenals to be followed by substantial and equitable reductions. The resolution also emphasizes that any arms control agreement hinges on adequate guarantees of verification and compliance.

In addition to increasing our military security and stability, a freeze would greatly enhance our economic security by saving an estimated $90 billion over the next 5 years.

It is long past time we defined national security in terms beyond new weapons systems. National security requires educated children and trained workers. It requires a strong healthy industrial base and expanded scientific research and development. It requires a healthy, productive population. If we neglect our children, our jobs, our industry, our health care, then no amount of weapons will save us.

House Joint Resolution 13 is one of the most vital measures we will deal with in this Congress. I urge my colleagues to support it and join millions of Americans in rejecting the insanity of the nuclear arms race.●

● Mr. COATS. Mr. Chairman, one of the traps into which many of us have fallen is this: we hold on to an idea or a position even after a better idea has come along to replace it.

We are certainly all concerned about the arms race, about the spread of nuclear weapons. And we are all searching for a means to reduce the threat posed by the continued production and deployment of nuclear weapons.

The nuclear freeze proposal has had a great deal of popular support, not because it is necessarily the best idea or the only solution to the problem, but because it has served to focus our attention on a critical issue. In this respect, the freeze has been important to the nuclear arms debate. It has got us thinking and talking about an issue which affects our lives and the lives of our children.

As a result of this debate, new ideas and proposals have emerged. Many have asked the question: Why cannot we do better than a freeze? Instead of accepting the status quo, why not demand real reductions in our nuclear arsenals?

Perhaps a year ago, there would not have been much point in asking these questions. For one reason, our thinking here in the Congress was not adequately developed on this issue.

But today the situation is different. Our NATO allies, those most directly affected by a nuclear threat, want to go beyond the freeze and have endorsed the concept of actual reductions. The Catholic bishops have revised their initial endorsement of a freeze and have indicated interest in going beyond the freeze to real reductions. Even the Warsaw Pact nations have talked about reductions rather than the freeze.

Many of those who have spoken on this floor in favor of the freeze have acknowledged that we should pursue real reductions—but not now. Why not now? Why should we not take advantage of the growing consensus both in this country and abroad to look at some of the innovative suggestions which have come from consideration of the freeze?

I realize that it is difficult to give up an idea when so much effort, time, and personal prestige has been invested. But as I hope every freeze supporter would agree, too much is at stake here to hold on to an idea that has been surpassed by a better idea.

I believe we owe the American people the very best we can offer. If this means moving beyond the freeze concept, which has clearly served a useful purpose, so be it. Success in negotiating real and lasting nuclear arms reduction—a reduction in the nuclear threat which hangs over all of us—will benefit us all. I urge my colleagues, whom I know share with me a grave concern over the threat that nuclear weapons pose to our future, to move beyond the freeze and embrace a better idea—the idea of actual arms reduction.●

Mr. ZABLOCKI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. MCHUGH, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 13) calling for a mutual and verifiable freeze on and reductions in nuclear weapons, had come to no resolution thereon.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 13, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO HAVE UNTIL MIDNIGHT, FRIDAY, APRIL 22, 1983, TO FILE REPORT ON H.R. 2621, AUTHORIZING APPROPRIATIONS FOR FEDERAL ELECTION COMMISSION, FISCAL YEAR 1984

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration have until midnight tomorrow night, April 22, 1983, to file the report on H.R. 2621, a bill which provides authorization for appropriations for the Federal Election Commission for fiscal year 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority whip the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, the action the House has just taken will conclude the business for the day and for the week.

I intend to ask unanimous consent later for the House to adjourn over until Monday. The House will not meet tomorrow.

On Monday, the House will meet at noon. There will be no legislative business scheduled for Monday.

On Tuesday, April 26, the House will meet at noon to consider two bills under suspension of the rules, H.R. 2628, Bureau of the Mint authorizations, and H.R. 2600, Dedicate the Golden Gate National Recreation Area in honor of Hon. Phillip Burton.

Recorded votes on the suspensions will be postponed until after debate on both of the suspensions.

Following the votes on the suspensions, if ordered, the House will consider H.R. 2065, the National Aeronautics and Space Administration authorizations for fiscal 1984, an open rule with 1 hour of debate.

On Wednesday and the balance of the week, April 27, 28, and 29, the House will meet at 3 p.m. on Wednesday, and 11 a.m. on the balance of the week.

Mr. Speaker, it will be my intention later to ask unanimous consent that the House meet on Wedneday at 11 o'clock.

The House will consider on Wednesday H.R. 1983, the Emergency Housing Assistance Act, complete consideration, and proceed to the consideration of House Joint Resolution 13, the mutual and verifiable nuclear weapons freeze, hoping to complete consideration, and if so, taking up H.R. 1190, the Emergency Agricultural Credit Act of 1983, open rule with 1 hour of debate.

□ 1610

I would like to say to the Members that it is anticipated that if we do not complete action on House Joint Resolution 13 by the close of business on Thursday, the House will meet at 10 a.m. on Friday and continue consideration of the nuclear freeze resolution. So Members should be advised that next Friday it is very possible that the House will be in session.

This announcement, of course, is made subject to the usual qualifications that conference reports may be brought up at any time and any further program will be announced later.

Mr. MICHEL. Did I hear earlier, before the Committee rose, that House Joint Resolution 13 would not be brought up until Thursday? There is a suggestion here that if perchance the Emergency Housing Assistance Act were concluded on Wednesday that we would move right into the nuclear freeze resolution.

Would the gentleman venture a guess on that?

Mr. FOLEY. I think it is probably doubtful that the housing legislation would be concluded by 6 p.m. on Wednesday, at which time the House will need to rise because, as the distinguished gentleman knows, the President will be addressing a joint session of the Congress at 8 p.m., and the normal security requirements indicate that the House must be vacated by 6 p.m. So while I cannot give the gentleman absolute assurance that we will not take up House Joint Resolution 13 on Wednesday, I think it is unlikely.

Mr. MICHEL. And the gentleman is going to ask unanimous consent that the House convene at 11 a.m. on Wednesday?

Mr. FOLEY. I am going to ask unanimous consent that the House convene at 11 a.m. on Wednesday.

ADJOURNMENT TO MONDAY, APRIL 25, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. BRYANT). Is there objection to the request of the gentleman from Washington?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 27, 1983

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House meets on Wednesday next it meet at 11 a.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE AIDS EPIDEMIC

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the relentless spread of acquired immune deficiency syndrome (AIDS) over the past 2 years leaves no question as to the severity of this epidemic. The latest figures show that AIDS has taken 450 lives of the 1,279 cases which have been reported. The mortality rate for those who contracted the disease 4 years ago is a staggering 100 percent.

While AIDS has claimed more victims than toxic shock syndrome and Legionnaire's Disease combined, the responses of Government, the medical community, and the media have been alarmingly slow. One cannot separate the societal reticence to address the AIDS epidemic from the fact that three quarters of its victims are gay men. In the past, disregard for their human rights has cost gays job security, housing, health care, and free self-expression. With the outbreak of AIDS, it is costing them their lives.

I have reserved time next Tuesday for a special order to discuss why our Nation's collective response to the AIDS tragedy has been so inadequate and how we can move to expedite a solution to this growing public health problem. I invite all of my colleagues to join me in this important discussion.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PASHAYAN) is recognized for 60 minutes.

GENERAL LEAVE

Mr. PASHAYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PASHAYAN. Mr. Speaker, on April 24 this Nation's Armenian community, as well as Armenians throughout the world, will mark the 67th anniversary of the first genocide of a Christian people in the 20th century.

For the past 14 years, this body has set aside a special day to mark Armenian Martyrs Day, and it is my privilege to reserve this time so that we might all take a few moments to remember.

Christianity first came to Armenia from St. Gregory the Illuminator in about 300 A.D., when he converted Tiridates III, King of Armenia. It was the establishment of a national Christian church that provided that area of the world with a national unity, a unity that was to be tested and retested throughout ancient, medieval, and modern times.

But on April 24, all Armenians will focus on a 25-year period between 1895 and 1920, a period of time Armenians view as the Era of Massacres. April 24, 1915, is most significant in that it was on that date that some 254 Armenian intellectuals in Constantinople were arrested, deported, and later killed by the Turkish Government.

This loss, combined with the fact that most Armenian young men were serving in the Turkish armies, left the Armenian Christians considerably leaderless. One British journal, the Minority Rights Group Report entitled, "The Armenians," published in 1978, reported:

> In every town and village of Turkish Armenia and Asia Minor, the entire Armenian population was ordered out. The men were usually led away and shot down just outside their villages. A far worse fate awaited the women and children: They were forced to walk southwards in huge convoys to the burning deserts of northern Syria. Few survived the privations of these terrible death marches; for months afterwards, the roads and tracks of Anatolia were littered with corpses and skeletons and picked clean by the vultures.

What was begun on April 24, 1915, and did not end until after 1921, can be capsulized most dramatically. Before 1914 there were more than 2 million Armenians in Turkey. Beginning the decade of 1920, scarcely 100,000 remained. Another half million were scattered throughout the world.

The Turkish rulers of these times declared: "After this, there will be no Armenian question for 50 years." They were wrong, but the approach promulgated by the leaders of those times was to be emulated less than two decades later.

Adolph Hitler himself was publicly to extol the Armenian genocide in 1939 when he told troops that would invade Poland:

> I have placed my death-head formations in readiness—for the present only the East—with orders to them to send to death mercilessly and without compassion, men, women and children of Polish derivation and language. Only thus shall we gain the Lebensraum (living space) which we need. Who, after all, speaks today of the annihilation of the Armenians?

□ 1620

This is reported by Louis Lochner, director of the Associated Press in Berlin during those dark days before the U.S. involvement, in his book, "What about Germany?"

Will the world we live in today ever learn from the past? Today we pay tribute to one vivid illustration of man's inhumanity to man so that we and future generations shall not repeat that past mistake. Through one brief window of time taken today we remind the community of man of the tenuousness of the heritage of liberty and freedom, and the need for eternal vigilance. The spirit that is evident today, just as it was a few days ago when we honored the survivors of the Holocaust, only underscores the belief that genocide fails. What does survive is the dignity of life and the willingness and fervor that such methods shall never again be used.

Mr. LEVINE of California. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to my colleague from Los Angeles, the gentleman from California.

Mr. LEVINE of California. I appreciate my colleague from California yielding and I would like to commend him for reserving this time and enabling us to participate in this special order today of such importance, not just to the Armenian people but to all people in this country, and I would hope to all people in the world.

Mr. Speaker, recently we in Congress paid tribute to those who courageously survived the Nazi Holocaust. This week marks the anniversary of yet another genocide. On April 24, 1915, Armenian community leaders and intellectuals were rounded up in Istanbul by the Ottoman Turkish Government and executed in cold blood. Thus began the systematic and brutal extermination of a million and a half Armenians by the Turks between 1915 and 1917.

This calculated slaughter of an entire people was unprecedented in modern times, yet went largely ignored by the world, and was almost totally forgotten in time. This lack of attention and concern gave Adolf Hitler the green light to begin his own genocide against the Jews. In addressing

his commanders-in-chief on August 22, 1939, several days before the Nazi invasion of Poland, Hitler was asked about the possible negative reaction to the planned mass destruction of the Jews. He chillingly replied, "Who still talks nowdays of the extermination of the Armenians?" And so the heinous Nazi crimes against the Jews began. The depth of the Nazi depravity was so great that it has largely overshadowed the Armenian genocide. But we must never forget it. The world must not make the mistake of again forgetting.

Yet the survivors of the Armenian genocide, many of whom are American citizens, continue to suffer not only the traumatic scars of seeing their families, their loved ones, and almost their entire race cruelly tortured and murdered, but they and their children suffer the indignity of having every Turkish Government deny the atrocious crimes committed by the Ottoman government in 1915. Furthermore, the Turkish Government has hired an American public relations firm as part of its attempt to convince the American people that the Armenian genocide is nothing but a myth. They even go so far as to say that more Turks died at the hands of Armenians than the other way around. This is a cruel and sadistic revision of history. It goes against the eyewitness accounts of Henry Morgenthau, U.S. Ambassador to the Ottoman Empire at the time; it goes against the historical evidence recorded by the eminent historian Arnold Toynbee; and it is in complete contradiction to all the historical documents found in the U.S. archives, as well as the archives of other governments around the world.

The survivors of the Nazi Holocaust who gathered in Washington last week did so in part to stress the importance of keeping alive the memory of the horrible and vile crimes perpetrated by the Nazis against the Jews and against all humanity. It is as important to remember the Armenian genocide as it is to remember the Nazi Holocaust. The problems created by the genocide are as great today as they were 68 years ago, and the Armenian question is still one to which solutions have not been found. As a result of the genocide, Armenians are spread throughout the world in diaspora. In certain Middle Eastern countries where they are a Christian minority, they are in a delicate position. As human rights of Jews are denied in certain countries, so the human rights of Armenians are denied in others.

The memory of the Armenian genocide and its historical importance must never be allowed to languish in the shadows of history.

We must remember, Mr. Speaker, and it is for that reason that I am especially pleased that my colleague from California has reserved this time, and I appreciate the opportunity to participate in his special order.

Mr. PASHAYAN. I appreciate my colleague sharing his views with us on this most important issue. I thank the gentleman.

Mr. LEHMAN of California. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I yield to my friend, the gentleman from California (Mr. LEHMAN).

Mr. LEHMAN of California. I thank my colleague, "CHIP" PASHAYAN, for yielding to me.

Mr. Speaker, next Sunday, April 24, officially marks the 68th anniversary of the world's first genocide of a Christian people. On April 24, 1915, the Turkish Government started a systematic slaughtering of the Armenians—1.5 million Armenians lost their lives during this annihilation and all lost their homes.

During this 13th congressional recognition of Armenian Martyrs' Day, I would like to pay tribute not only to those 1.5 million men, women, and children who were martyred, but to those who survived and struggled to produce the now flourishing communities of Armenians in America.

I was fortunate enough to have grown up in one of these communities and now represent one of the largest Armenian communities in the world, Fresno, Calif.

Armenians have contributed to our society in a wide variety of ways. The arts, medicine, agriculture, and industry, to name only a few, have benefited from Armenian contributions. My district in particular owes a great deal to Americans of Armenian heritage.

Some of Fresno's earliest settlers were Armenians seeking to reestablish themselves. Thanks to their diligence, tenacity, hard work, determination, and faith, these people helped transform the San Joaquin Valley from the desert it once was, to one of the most productive agricultural areas in the world. Indeed, many of the family farms in my district are still owned and run by Americans of Armenian descent.

Agriculture is not the only area that has benefited from Armenian skills and capabilities. William Saroyan, known for such books as "My Name Is Aram" and the "Human Comedy" is one of America's most well-known Armenians. Saroyan immortalized the San Joaquin Valley and the people who inhabit it in his books and short stories.

There are countless, less renowned Armenians throughout the world who have made significant contributions to society. It is to all of these people as well as those martyrized that we pay tribute today. Theirs is a remarkable story of a people who suffered the cruelest catastrophe imaginable. Although they have managed to survive, dispersed throughout the world, they have not forgotten their history of their heritage. Today, they struggle for recognition of the calamity that befell them and seek to reestablish strong Armenian bonds and roots among all surviving Armenians. Theirs is a struggle we cannot ignore.

I also take this opportunity to publicly condemn the position taken in the August 1982 Department of State Bulletin which, in trying to curry favor from the Turkish Government, ignored historical fact and declared that the atrocities are only alleged and that the actual number of Armenians murdered is as low as 200,000 and not the 1.5 million that all reputable historians and witnesses have agreed to.

I hope everyone will take notice of this insensitive, insulting, and irresponsible attitude. I do not believe that the State Department letter circulated this morning represents any substantial clarification of that agency's position.

What is the State Department's position? They now say only that their position has not changed—whatever that means. It is the State Department that has clouded this issue; it is the State Department which must clear it up.

For the benefit of Members, the State Department, and for the RECORD, I ask unanimous consent to insert an excerpt from the book Ambassador Henry Morgenthau's Story by Ambassador Morganthau, who served in Turkey during the genocide, published in 1919 which describes in detail this dark moment in history. I urge all of you to observe April 24 as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry. The excerpt is entitled "The Murder of a Nation".

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from California?

There was no objection.

The excerpt follows:

"THE MURDER OF A NATION"

The destruction of the Armenian race in 1915 involved certain difficulties that had not impeded the operations of the Turks in the massacres of 1895 and other years. In these earlier periods the Armenian men had possessed little power or means of resistance. In those days Armenians had not been permitted to have military training, to serve in the Turkish army, or to possess arms. As I have already said, these discriminations were withdrawn when the revolutionists obtained the upper hand in 1908. Not only were the Christians now permitted to bear arms, but the authorities, in the full flush of their enthusiasm for freedom and equality, encouraged them to do so. In the early part of 1915, therefore, every Turkish city contained thousands of Armenians who had been trained as soldiers and who were supplied with rifles, pistols, and other weapons of defense. The operations at Van once more disclosed that these men could use their weapons to good advantage. It was thus apparent that an Armenian massacre

this time would generally assume more the character of warfare than those wholesale butcheries of defenseless men and women which the Turks had always found so congenial. If this plan of murdering a race were to succeed, two preliminary steps would therefore have to be taken: it would be necessary to render all Armenian soldiers powerless and to deprive of their arms the Armenians in every city and town. Before Armenia could be slaughtered, Armenia must be made defenseless.

In the early part of 1915, the Armenian soldiers in the Turkish army were reduced to a new status. Up to that time most of them had been combatants, but now they were all stripped of their arms and transformed into workmen. Instead of serving their country as artillerymen and cavalrymen, these former soldiers now discovered that they had been transformed into road labourers and pack animals. Army supplies of all kinds were loaded on their backs, and, stumbling under the burdens and driven by the whips and bayonets of the Turks, they were forced to drag their weary bodies into the mountains of the Caucasus. Sometimes they would have to plough their way, burdened in this fashion, almost waist high through snow. They had to spend practically all their time in the open, sleeping on the bare ground—whenever the ceaseless prodding of their taskmasters gave them an occasional opportunity to sleep. They were given only scraps of food; if they fell sick they were left where they had dropped, their Turkish oppressors perhaps stopping long enough to rob them of all their possessions—even of their clothes. If any stragglers succeeded in reaching their destinations, they were not infrequently massacred. In many instances Armenian soldiers were diposed of in even more summary fashion, for it now became almost the general practice to shoot them in cold blood. In almost all cases the procedure was the same. Here and there squads of 50 or 100 men would be taken, bound together in groups of four, and then marched out to a secluded spot a short distance from the village. Suddenly the sound of rifle shots would fill the air, and the Turkish soldiers who had acted as the escort would sullenly return to camp. Those sent to bury the bodies would find them almost invariably stark naked, for, as usual, the Turks had stolen all their clothes. In cases that came to my attention, the murderers had added a refinement to their victims' sufferings by compelling them to dig their graves before being shot.

Let me relate a single episode which is contained in one of the reports of our consuls and which now forms part of the records of the American State Department. Early in July, 2,000 Armenian "amélés"—such is the Turkish word for soldiers who have been reduced to workmen—were sent from Harpoot to build roads. The Armenians in that town understood what this meant and pleaded with the Governor for mercy. But this official insisted that the men were not to be harmed, and he even called upon the German missionary, Mr. Ehemann, to quiet the panic, giving that gentleman his word of honour that the ex-soldiers would be protected. Mr. Ehemann believed the Governor and assuaged the popular fear. Yet practically every man of these 2,000 was massacred, and his body thrown into a cave. A few escaped, and it was from these that news of the massacre reached the world. A few days afterward another 2,000 soldiers were sent to Diarbekir. The only purpose of sending these men out in the open country was that they might be massacred. In order that they might have no strength to resist or to escape by flight, these poor creatures were systematically starved. Government agents went ahead on the road, notifying the Kurds that the caravan was approaching and ordering them to do their congenial duty. Not only did the Kurdish tribesmen pour down from the mountains upon this starved and weakened regiment, but the Kurdish women came with butcher's knives in order that they might gain that merit in Allah's eyes that comes from killing a Christian. These massacres were not isolated happenings; I could detail many more episodes just as horrible as the one related above; throughout the Turkish Empire a systematic attempt was made to kill all able-bodied men, not only for the purpose of removing all males who might propagate a new generation of Armenians, but for the purpose of rendering the weaker part of the population an easy prey.

Dreadful as were these massacres of unarmed soldiers, they were mercy and justice themselves when compared with the treatment which was now visited upon those Armenians who were suspected of concealing arms. Naturally the Christians became alarmed when placards were posted in the villages and cities ordering everybody to bring their arms to headquarters. Although this order applied to all citizens, the Armenians well understood what the result would be, should they be left defenseless while their Moslem neighbours were permitted to retain their arms. In many cases, however, the persecuted people patiently obeyed the command; and then the Turkish officials almost joyfully seized their rifles as evidence that a "revolution" was being planned and threw their victims into prison on a charge of treason. Thousands failed to deliver arms simply because they had none to deliver, while an even greater number tenaciously refused to give them up, not because they were plotting an uprising, but because they proposed to defend their own lives and their women's honour against the outrages which they knew were being planned. The punishment inflicted upon these recalcitrants forms one of the most hideous chapters of modern history. Most of us believe that torture has long ceased to be an administrative and judicial measure, yet I do not believe that the darkest ages ever presented scenes more horrible than those which now took place all over Turkey. Nothing was sacred to the Turkish gendarmes; under the plea of searching for hidden arms, they ransacked churches, treated the altars and sacred utensils with the utmost indignity, and even held mock ceremonies in imitation of the Christian sacraments. They would beat the priests into insensibility, under the pretense that they were the centres of sedition. When they could discover no weapons in the churches, they would sometimes arm the bishops and priests with guns, pistols, and swords, then try them before courts-martial for possessing weapons against the law, and march them in this condition through the streets, merely to arouse the fanatical wrath of the mobs. The gendarmes treated women with the same cruelty and indecency as the men. There are cases on record in which women accused of concealing weapons were stripped naked and whipped with branches freshly cut from trees, and these beatings were even inflicted on women who were with child. Violations so commonly accompanied these searches that Armenian women and girls, on the approach of the gendarmes, would flee to the woods, the hills, or to mountain caves.

As a preliminary to the searches everywhere, the strong men of the villages and towns were arrested and taken to prison. Their tormentors here would exercise the most diabolical ingenuity in their attempt to make their victims declare themselves to be "revolutionists" and to tell the hiding places of their arms. A common practice was to place the prisoner in a room, with two Turks stationed at each end and each side. The examination would then begin with the bastinado. This is a form of torture not uncommon in the Orient; it consists of beating the soles of the feet with a thin rod. At first the pain is not marked; but as the process goes slowly on, it develops into the most terrible agony, the feet swell and burst, and not infrequently, after being submitted to this treatment, they have to be amputated. The gendarmes would bastinado their Armenian victim until he fainted; they would then revive him by sprinkling water on his face and begin again. If this did not succeed in bringing their victim to terms, they had numerous other methods of persuasion. They would pull out his eyebrows and beard almost hair by hair; they would extract his finger nails and toe nails; they would apply red-hot irons to his breast, tear off his flesh with red-hot pincers, and then pour boiled butter into the wounds. In some cases the gendarmes would nail hand and feet to pieces of wood—evidently in imitation of the Crucifixion, and then, while the sufferer writhed in his agony, they would cry:

"Now let your Christ come and help you!"

These cruelties—and many others which I forbear to describe—were usually inflicted in the night time. Turks would be stationed around the prisons, beating drums and blowing whistles, so that the screams of the sufferers would not reach the villagers.

In thousands of cases the Armenians endured these agonies and refused to surrender their arms simply because they had none to surrender. However, they could not persuade their tormentors that this was the case. It therefore became customary, when news was received that the searchers were approaching, for Armenians to purchase arms from their Turkish neighbors so that they might be able to give them up and escape these frightful punishments.

One day I was discussing these proceedings with a responsible Turkish official, who was describing the tortures inflicted. He made no secret of the fact that the Government had instigated them, and, like all Turks of the official classes, he enthusiastically approved this treatment of the detested race. This official told me that all these details were matters of nightly discussion at the headquarters of the Union and Progress Committee. Each new method of inflicting pain was hailed as a splendid discovery, and the regular attendants were constantly ransacking their brains in the effort to devise some new torment. He told me that they even delved into the records of the Spanish Inquisition and other historic institutions of torture and adopted all the suggestions found there. He did not tell me who carried off the prize in this gruesome competition, but common reputation throughout Armenia gave a preeminent infamy to Djevdet Bey, the Vali of Van, whose activities in that section I have already described. All through this country Djevdet was generally known as the "horseshoer of Bashkale" for this connoisseur in torture had invented what was perhaps the masterpiece of all—that of nailing horseshoes to the feet of Armenian victims.

Yet these happenings did not constitute what the newspapers of the time commonly referred to as the Armenian atrocities; they were merely the preparatory steps in the destruction of the race. The Young Turks displayed greater ingenuity than their predecessor, Abdul Hamid. The injunction of the deposed Sultan was merely "to kill, kill", whereas the Turkish democracy hit upon an entirely new plan. Instead of massacring outright the Armenian race, they now decided to deport it. In the south and southeastern section of the Ottoman Empire lie the Syrian desert and the Mesopotamian valley. Though part of this area was once the scene of a flourishing civilization, for the last five centuries it has suffered the blight that becomes the lot of any country that is subjected to Turkish rule; and it is now a dreary, desolate waste, without cities and towns or life of any kind, populated only by a few wild and fanatical Bedouin tribes. Only the most industrious labour, expended through many years, could transform this desert into the abiding place of any considerable population. The Central Government now announced its intention of gathering the two million or more Armenians living in the several sections of the empire and transporting them to this desolate and inhospitable region. Had they undertaken such a deportation in good faith it would have represented the height of cruelty and injustice. As a matter in fact, the Turks never had the slightest idea of reestablishing the Armenians in this new country. They knew that the great majority would never reach their destination and that those who did would either die of thirst and starvation, or be murdered by the wild Mohammedan desert tribes. The real purpose of the deportation was robbery and destruction; it really represented a new method of massacre. When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

All through the spring and summer of 1915 the deportations took place. Of the larger cities, Constantinople, Smyrna, and Aleppo were spared; practically all other places where a single Armenian family lived now became the scenes of these unspeakable tragedies. Scarcely a single Armenian, whatever his education or wealth, or whatever the social class to which he belonged, was exempted from the order. In some villages placards were posted ordering the whole Armenian population to present itself in a public place at an appointed time—usually a day or two ahead, and in other places the town crier would go through the streets delivering the order vocally. In still others not the slightest warning was given. The gendarmes would appear before an Armenian house and order all the inmates to follow them. They would take women engaged in their domestic tasks without giving them the chance to change their clothes. The police fell upon them just as the eruption of Vesuvius fell upon Pompeii; women were taken from the washtubs, children were snatched out of bed, the bread was left half baked in the over, the family meal was abandoned partly eaten, the children were taken from the schoolroom, leaving their books open at the daily task, and the men were forced to abandon their ploughs in the fields and their cattle on the mountain side. Even women who had just given birth to children would be forced to leave their beds and join the panic-stricken throng, their sleeping babies in their arms. Such things as they hurriedly snatched up—a shawl, a blanket, perhaps a few scraps of food—were all that they could take of their household belongings. To their frantic questions "Where are we going?" the gendarmes would vouchsafe only one reply: "To the interior."

In some cases the refugees were given a few hours, in exceptional instances a few days, to dispose of their property and household effects. But the proceeding, of course, amounted simply to robbery. They could sell only to Turks, and since both buyers and sellers knew that they had only a day or two to market the accumulations of a lifetime, the prices obtained represented a small fraction of their value. Sewing machines would bring one or two dollars—a cow would go for a dollar, a houseful of furniture would be sold for a pittance. In many cases Armenians were prohibited from selling or Turks from buying even at these ridiculous prices; under pretense that the Government intended to sell their effects to pay the creditors whom they would inevitably leave behind, their household furniture would be placed in stores or heaped up in public places, where it was usually pillaged by Turkish men and women. The government officials would also inform the Armenians that, since their deportation was only temporary, the intention being to bring them back after the war was over, they would not be permitted to sell their houses. Scarcely had the former possessors left the village, when Mohammedan mohadjirs—immigrants from other parts of Turkey—would be moved into the Armenian quarters. Similarly all their valuables—money, rings, watches, and jewelery—would be taken to the police stations for "safe keeping," pending their return, and then parcelled out among the Turks. Yet these robberies gave the refugees little anguish, for far more terrible and agonizing scenes were taking place under their eyes. The systematic extermination of the men continued; such males as the persecutions which I have already described had left were now violently dealt with. Before the caravans were started, it became the regular practice to separate the young men from the families, tie them together in groups of four, lead them to the outskirts, and shoot them. Public hangings without trial—the only offense being that the victims were Armenians—were taking place constantly. The gendarmes showed a particular desire to annihilate the educated and the influential. From American consuls and missionaries I was constantly receiving reports of such executions, any many of the events which they described will never fade from my memory. At Angora all Armenian men from fifteen to seventy were arrested, bound together in groups of four, and sent on the road in the direction of Caesaera. When they had travelled five or six hours and had reached a secluded valley, a mob of Turkish peasants fell upon them with clubs, hammers, axes, scythes, spades, and saws. Such instruments not only caused more agonizing deaths than guns and pistols, but, as the Turks themselves boasted, they were more economical, since they did not involve the waste of powder and shell. In this way they exterminated the whole male population of Angora, including all its men of wealth and breeding, and their bodies, horribly multilated, were left in the valley, where they were devoured by wild beasts. After completing this destruction, the peasants and gendarmes gathered in the local tavern, comparing notes and boasting of the number of "giaours" that each had slain. In Trebizond the men were placed in boats and sent our on the Black Sea; gendarmes would follow them in boats, shoot them down, and throw their bodies into the water.

When the signal was given for the caravans to move, therefore, they almost invariably consisted of women, children, and old men. Any one who could possibly have protected them from the fate that awaited them had been destroyed. Not infrequently the prefect of the city, as the mass started on its way, would wish them a derisive "pleasant journey." Before the caravan moved the women were sometimes offered the alternative of becoming Mohammedans. Even though they accepted the new faith, which few of them did, their earthly troubles did not end. The converts were compelled to surrender their children to a so-called "Moslem Orphanage," with the agreement that they should be trained as devout followers of the Prophet. They themselves must then show the sincerity of their conversion by abandoning their Christian husbands and marrying Moslems. If no good Mohammedan offered himself as a husband, then the new convert was deported, however strongly she might protest her devotion to Islam.

At first the Government showed some inclination to protect these departing throngs. The officers usually divided them into convoys, in some cases numbering several hundred, in others several thousand. The civil authorities occasionally furnished ox-carts which carried such household furniture as the exiles had succeeded in scrambling together. A guard of gendarmerie accompanied each convoy, ostensibly to guide and protect it. Women, scantily clad, carrying babies in their arms or on their backs, marched side by side with old men hobbling along with canes. Children would run along, evidently regarding the procedure, in the early stages, as some new lark. A more prosperous member would perhaps have a horse or a donkey, occasionally a farmer had rescued a cow or a sheep, which would trudge along at his side, and the usual assortment of family pets—dogs, cats, and birds—became parts of the variegated procession. From thousands of Armenian cities and villages these despairing caravans now set forth; they filled all the roads leading southward; everywhere, as they moved on, they raised a huge dust, and abandoned débris, chairs, blankets, bedclothes, household utensils, and other impedimenta, marked the course of the processions. When the caravans first started, the individuals bore some resemblance to human beings; in a few hours, however, the dust of the road plastered their faces and clothes, the mud caked their lower members, and the slowly advancing mobs, frequently bent with fatigue and crazed by the brutality of their "protectors," resembled some new and strange animal species. Yet for the better part of six months, from April to October, 1915, practically all the highways in Asia Minor were crowded with these unearthly bands of exiles. They could be seen winding in and out of every valley and climbing up the sides of nearly every mountain—moving on and on, they scarcely knew whither, except that every road led to death. Village after village and town after town was evacuated of its Armenian population, under the distressing circumstances already detailed. In these six months, as far as can be ascertained, about 1,200,000 people started on this journey to the Syrian desert.

"Pray for us," they would say as they left their homes—the homes in which their ancestors had lived for 2,500 years. "We shall not see you in this world again, but sometime we shall meet. Pray for us!"

The Armenians had hardly left their native villages when the persecutions began. The roads over which they travelled were little more than donkey paths; and what had started a few hours before as an orderly procession soon became a dishevelled and scrambling mob. Women were separated from their children and husbands from their wives. The old people soon lost contact with their families and became exhausted and footsore. The Turkish drivers of the ox-carts, after extorting the last coin from their charges, would suddenly dump them and their belongings into the road, turn around, and return to the village for other victims. Thus in a short time practically everybody, young and old, was compelled to travel on foot. The gendarmes whom the Government had sent, supposedly to protect the exiles, in a very few hours became their tormentors. They followed their charges with fixed bayonets, prodding any one who showed any tendency to slacken the pace. Those who attempted to stop for rest, or who fell exhausted on the road, were compelled, with the utmost brutality, to rejoin the moving throng. They even prodded pregnant women with bayonets; if one, as frequently happened, gave birth along the road, she was immediately forced to get up and rejoin the marchers. The whole course of the journey became a perpetual struggle with the Moslem inhabitants. Detachments of gendarmes would go ahead, notifying the Kurdish tribes that their victims were approaching, and Turkish peasants were also informed that their long-waited opportunity had arrived. The Government even opened the prisons and set free the convicts, on the understanding that they should behave like good Moslems to the approaching Armenians. Thus every caravan had a continuous battle for existence with several classes of enemies—their accompanying gendarmes, the Turkish peasants and villagers, the Kurdish tribes and bands of *Chètès* or brigands. And we must always keep in mind that the men who might have defended these wayfarers had nearly all been killed or forced into the army as workmen, and that the exiles themselves had been systematically deprived of all weapons before the journey began.

When the victims had travelled a few hours from their starting place, the Kurds would sweep down from their mountain homes. Rushing up to the young girls, they would lift their veils and carry the pretty ones off to the hills. They would steal such children as pleased their fancy and mercilessly rob all the rest of the throng. If the exiles had started with any money or food, their assailants would appropriate it, thus leaving them a hopeless prey to starvation. They would steal their clothing, and sometimes even leave both men and women in a state of complete nudity. All the time that they were committing these depradations the Kurds would freely massacre, and the screams of women and old men would add to the general horror. Such as escaped these attacks in the open would find new terrors awaiting them in the Moslem villages. Here the Turkish roughs would fall upon the women, leaving them sometimes dead from their experiences or sometimes ravingly insane. After spending a night in a hideous encampment of this kind, the exiles, or such as had survived, would start again the next morning. The ferocity of the gendarmes apparently increased as the journey lengthened, for they seemed almost to resent the fact that part of their charges continued to live. Frequently any one who dropped on the road was bayoneted on the spot. The Armenians began to die by hundreds from hunger and thirst. Even when they came to rivers, the gendarmes, merely to torment them would sometimes not let them drink. The hot sun of the desert burned their scantily clothed bodies, and their bare feet, treading the hot sand of the desert, became so sore that thousands fell and died or were killed where they lay. Thus, in a few days, what had been a procession of normal human beings became a stumbling horde of dust-covered skeletons, ravenously looking for scraps of food, eating any offal that came their way, crazed by the hideous sights that filled every hour of their existence, sick with all the diseases that accompany such hardships and privations, but still prodded on and on by the whips and clubs and bayonets of their executioners.

And thus, as the exiles moved, they left behind them another caravan—that of dead and unburied bodies, of old men and of women dying in the last stages of typhus, dysentery, and cholera, of little children lying on their backs and setting up their last piteous wails for food and water. There were women who held up their babies to strangers, begging them to take them and save them from their tormentors, and failing this, they would throw them into wells or leave them behind bushes, that at least they might die undisturbed. Behind was left a small army of girls who had been sold as slaves—frequently for a medjidie, or about eighty cents—and who, after serving the brutal purposes of their purchasers, were forced to lead lives of prostitution. A string of encampments, filled by the sick and the dying, mingled with the unburied or half-buried bodies of the dead, marked the course of the advancing throngs. Flocks of vultures followed them in the air, and ravenous dogs, fighting one another for the bodies of the dead, constantly pursued them. The most terrible scenes took place at the rivers, especially the Euphrates. Sometimes, when crossing this stream, the gendarmes would push the women into the water, shooting all who attempted to save themselves by swimming. Frequently the women themselves would save their honour by jumping into the river, their children in their arms. "In the last week in June," I quote from a consular report, "several parties of Erzeroum Armenians were deported on successive days and most of them massacred on the way, either by shooting or drowning. One, Madame Zarouhi, an elderly lady of means, who was thrown into the Euphrates, saved herself by clinging to a boulder in the river. She succeeded in approaching the bank and returned to Erzeroum to hide herself in a Turkish friend's house. She told Prince Argoutinsky, the representative of the 'All-Russian Urban Union' in Erzeroum, that she shuddered to recall how hundreds of children were bayoneted by the Turks and thrown into the Euphrates, and how men and women were stripped naked, tied together in hundreds, shot, and then hurled into the river. In a loop of the river near Erzinghan, she said, the thousands of dead bodies created such a barrage that the Euphrates changed its course for about a hundred yards."

It is absurd for the Turkish Government to assert that it ever seriously intended to "deport the Armenians to new homes"; the treatment which was given the convoys clearly shows that extermination was the real purpose of Enver and Talaat. How many exiled to the south under these revolting conditions ever reached their destinations? The experiences of a single caravan show how completely this plan of deportation developed into one of annihilation. The details in question were furnished me directly by the American Consul at Aleppo, and are now on file in the State Department at Washington. On the first of June a convoy of three thousand Armenians, mostly women, girls, and children, left Harpoot. Following the usual custom the Government provided them an escort of seventy gendarmes, under the command of a Turkish leader, a Bey. In accordance with the common experience these gendarmes proved to be not their protectors, but their tormentors and their executioners. Hardly had they got well started on the road when—Bey took 400 liras from the caravan, on the plea that he was keeping it safely until their arrival at Malatia; no sooner had he robbed them of the only thing that might have provided them with food than he ran away, leaving them all to the tender mercies of the gendarmes.

All the way to Ras-ul-Ain, the first station on the Bagdad line, the existence of these wretched travellers was one prolonged horror. The gendarmes went ahead, informing the half-savage tribes of the mountains that several thousand Armenian women and girls were approaching. The Arabs and Kurds began to carry off the girls, the mountaineers fell upon them repeatedly, violating and killing the women, and the gendarmes themselves joined in the orgy. One by one the few men who accompanied the convoy were killed. The women had succeeded in secreting money from their persecutors, keeping it in their mouths and hair; with this they would buy horses, only to have them repeatedly stolen by the Kurdish tribesmen. Finally the gendarmes, having robbed and beaten and violated and killed their charges for thirteen days, abandoned them altogether. Two days afterward the Kurds went through the party and rounded up all the males who still remained alive. They found about 150, their ages varying from 15 to 90 years, and these they promptly took away and butchered to the last man. But that same day another convoy from Sivas joined this one from Harpoot, increasing the numbers of the whole caravan to 18,000 people.

Another Kurdish Bey now took command, and to him, as to all men placed in the same position, the opportunity was regarded merely as one for pillage, outrage, and murder. This chieftan summoned all his followers from the mountains and invited them to work their complete will upon this great mass of Armenians. Day after day and night after night the prettiest girls were carried away; sometimes they returned in a pitiable condition that told the full story of their sufferings. Any stragglers, those who were so old and infirm and sick that they could not keep up with the marchers, were promptly killed. Whenever they reached a Turkish village all the local vagabonds were permitted to prey upon the Armenian girls. When the diminishing band reached the Euphrates they saw the bodies of 200 men floating upon the surface. By this time they had all been so repeatedly robbed that they had practically nothing left except a few ragged clothes, and even these the Kurds now took; and the larger part of the convoy marched for five days almost completely

naked under the scorching desert sun. For another five days they did not have a morsel of bread or a drop of water. "Hundreds fell dead on the way," the report reads, "their tongues were turned to charcoal, and when, at the end of five days, they reached a fountain, the whole convoy naturally rushed towards it. But here the policemen barred the way and forbade them to take a single drop of water. Their purpose was to sell it at from one to three liras a cup and sometines they actually withheld the water after getting the money. At another place, where there were wells, some women threw themselves into them, as there was no rope or pail to draw up the water. These women were drowned and, in spite of that, the rest of the people drank from that well, the dead bodies still remaining there and polluting the water. Sometimes, when the wells were shallow and the women could go down into them and come out again, the other people would rush to lick or suck their wet, dirty cloths, in the effort to quench their thirst. When they passed an Arab village in their naked condition the Arabs pitied them and gave them old pieces of cloth to cover themselves with. Some to the exiles who still had money bought some clothes; but some still remained who travelled thus naked all the way to the city of Aleppo. The poor women could hardly walk for shame; they all walked bent double.

On the seventieth day a few creatures reached Aleppo. Out of the combined convoy of 18,000 souls just 150 women and children reached their destination. A few of the rest, the most attractive, were still living as captives of the Kurds and Turks; all the rest were dead.

My only reason for relating such dreadful things as this is that, without the details, the English-speaking public cannot understand precisely what this nation is which we call Turkey. I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915. The slaughter of the Albigenses in the early part of the thirteenth century has always been regarded as one of the most pitiful events in history. In these outbursts of fanaticism about 60,000 people were killed. In the massacre of St. Bartholomew about 30,000 human beings lost their lives. The Sicilian Vespers, which has always figured as one of the most fiendish outbursts of this kind, caused the destruction of 8,000. Volumes have been written about the Spanish Inquisition under Torquemada, yet in the eighteen years of his administration only a little more than 8,000 heretics were done to death. Perhaps the one event in history that most resembles the Armenian deportations was the expulsion of the Jews from Spain by Ferdinand and Isabella. According to Prescott 160,000 were uprooted from their homes and scattered broadcast over Africa and Europe. Yet all these previous persecutions seem almost trivial when we compare them with the sufferings of the Armenians, in which at least 600,000 people were destroyed and perhaps as many as 1,000,000. And these earlier massacres, when we compare them with the spirit that directed the Armenian atrocities, have one feature that we can almost describe as an excuse: they were the product of religious fanaticism and most of the men and women who instigated them sincerely believed that they were devoutly serving their Maker. Undoubtedly religious fanaticism was an impelling motive with the Turkish and Kurdish rabble who slew Armenians as a service to Allah, but the men who really conceived the crime had no such motive. Practically all of them were atheists, with no more respect for Mohammedanism than for Christianity, and with them the one motive was cold-blooded, calculating state policy.

The Armenians are not the only subject people in Turkey which have suffered from this policy of making Turkey exclusively the country of the Turks. The story which I have told about the Armenians I could also tell with certain modifications about the Greeks and the Syrians. Indeed the Greeks were the first victims of this nationalizing idea. I have already described how, in the few months preceding the European War, the Ottoman Government began deporting its Greek subjects along the coast of Asia Minor. These outrages aroused little interest in Europe or the United States, yet in the space of three or four months more than 100,000 Greeks were taken from their age-long homes in the Mediterranean littoral and removed to the Greek Islands and the interior. For the larger part these were bona-fide deportations; that is, the Greek inhabitants were actually removed to new places and were not subjected to wholesale massacre. It was probably for the reason that the civilized world did not protest against these deportations that the Turks afterward decided to apply the same methods on a larger scale not only to the Greeks but to the Armenians, Syrians, Nestorians, and others of its subject peoples. In fact, Bedri Bey, the Prefect of Police at Constantinople, himself told one of my secretaries that the Turks had expelled the Greeks so successfully that they had decided to apply the same method to all the other races in the empire.

The martyrdom of the Greeks, therefore, comprised two periods: that antedating the war, and that which began in the early part of 1915. The first affected chiefly the Greeks on the seacoast of Asia Minor. The second affected those living in Thrace and in the territories surrounding the Sea of Marmora, the Dardanelles, the Bosphorus, and the coast of the Black Sea. These latter, to the extent of several hundred thousand, were sent to the interior of Asia Minor. The Turks adopted almost identically the same procedure against the Greeks as that which they had adopted against the Armenians. They began by incorporating the Greeks into the Ottoman army and then transforming them into labour battalions, using them to build roads in the Caucasus and other scenes of action. These Greek soldiers, just like the Armenians, died by thousands from cold, hunger, and other privations. The same house-to-house searches for hidden weapons took place in the Greek villages, and Greek men and women were beaten and tortured just as were their fellow Armenians. The Greeks had to submit to the same forced requisitions, which amounted in their case, as in the case of the Armenians, merely to plundering on a wholesale scale. The Turks attempted to force the Greek subjects to become Mohammedans; Greek girls, just like Armenian girls, were stolen and taken to Turkish harems and Greek boys were kidnapped and placed in Moslem households. The Greeks, just like the Armenians, were accused of disloyalty to the Ottoman Government; the Turks accused them of furnishing supplies to the English submarines in the Marmora and also of acting as spies. The Turks also declared that the Greeks were not loyal to the Ottoman Government, and that they also looked forward to the day when the Greeks inside of Turkey would become part of Greece. These latter charges were unquestionably true; that the Greeks, after suffering for five centuries the most unspeakable outrages at the hands of the Turks, should look longingly to the day when their territory should be part of the fatherland, was to be expected. The Turks, as in the case of the Armenians, seized upon this as an excuse for a violent onslaught on the whole race. Everywhere the Greeks were gathered in groups and, under the so-called protection of Turkish gendarmes, they were transported, the larger part on foot, into the interior. Just how many were scattered in this fashion is not definitely known, the estimates varying anywhere from 200,000 up to 1,000,000. These caravans suffered great privations, but they were not submitted to general massacre as were the Armenians, and this is probably the reason why the outside world has not heard so much about them. The Turks showed them this greater consideration not from any motive of pity. The Greeks, unlike the Armenians, had a government which was vitally interested in their welfare. At this time there was a general apprehension among the Teutonic Allies that Greece would enter the war on the side of the Entente, and a wholesale massacre of Greeks in Asia Minor would unquestionably have produced such a state of mind in Greece that its pro-German king would have been unable longer to keep his country out of the war. It was only a matter of state policy, therefore, that saved these Greek subjects of Turkey from all the horrors that befell the Armenians. But their sufferings are still terrible, and constitute another chapter in the long story of crimes for which civilization will hold the Turk responsible.

□ 1630

Mr. HUNTER. Mr. Speaker, I rise in remembrance of the 1½ million Armenians who died in the first genocide of the 20th century. From 1915–18, the Ottoman Empire perpetrated a systematic deportation and massacre of Armenians living throughout the Empire. With calculated precision, the Ottoman Turks arrested the Armenian intellectuals, political leaders, and clergymen on April 24, 1915. The Armenian youth serving in the state militia were then disarmed and transferred to so-called work crews. The deportation of the women, the elderly, and children followed. They were marched from their historic homeland into the Syrian desert, where over three-quarters of all Armenians perished. American Red Cross officials reported these crimes to the world and State Department officials substantiated the claims of this genocide.

Today we remember these martyrs to declare our outrage that an entire people was nearly wiped off the face of the Earth. In our century we have seen, not only the Armenian genocide, but also the systematic persecutions against the Jews and Cambodians. We must bring these crimes to light in an effort to guard our world from another tragedy. When there was no public outcry against the Ottoman Empire's massacre of the Armenians, the seed was sown for the Holocaust. As Hitler contemplated this atrocity he asked, "Who after all speaks of the extermination of the Armenians?" We must not let this happen again. It is with sorrow and resolve that we remember the martyrs of the 1915 Armenian genocide.

Mr. Speaker, I thank my colleague, the gentleman from California (Mr. PASHAYAN), our great Armenian leader, for yielding to me in order to speak on this matter.

Mr. PASHAYAN. Mr. Speaker, I appreciate my colleague's kind remarks.

At this point, Mr. Speaker, I should like to put into the RECORD and into the hopper a bipartisan resolution introduced by myself and my colleague, the gentleman from California (Mr. WAXMAN) and, of course, I hope that all our colleagues will see fit to sign onto the resolution.

H. RES. 171

The resolution is as follows:

Resolution to affirm the Armenian Genocide

Whereas the Armenian genocide was conceived by the Turkish Government and implemented from 1915 to 1923, resulting in the extermination of 1.5 million Armenian men, women, and children, the deportation of an additional 500,000 survivors, and the elimination of a 2,500-year Armenian presence in its historic homeland;

Whereas the Armenian genocide is amply documented in the archives of the United States, as well as of Austria, France, Germany, and Great Britian;

Whereas United States Ambassador to Turkey Henry Morgenthau organized and led protests by all nations, among them Turkey's allies, over Turkey's program of race extermination;

Whereas an organization known as Near East Relief, chartered by an Act of Congress, contributed some $113 million from 1915 to 1930 to aid the Armenian genocide survivors and, whereas, 132,000 orphans became foster children of the American people;

Whereas the fact of the Armenian genocide was confirmed in Senate Resolution 359 dated May 13, 1920, which stated in part, "the testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered;"

Whereas the fact of the Armenian genocide was also confirmed in House Resolution 148 which stated in part, "that April 24, 1975, is hereby designated as 'National Day of Remembrance of Man's Inhumanity to Man,' and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all victims of genocide, especially those of Armenian ancestry who succumbed to the genocide perpetrated in 1915, and in whose memory this date is commemorated by all Armenians and their friends throughout the world;"

Whereas former President Jimmy Carter in a May 16, 1978, speech at the White House stated in part, "I feel very deeply that I, as President, ought to make sure that this (Armenian Genocide) is never forgotten;"

Whereas the United States, during the March 14 and 16, 1979, sessions of the United Nations Commission on Human Rights, voted in support of paragraph 30 in a report entitled, "Study of the Question of the Prevention and Punishment of the Crime of Genocide" which stated, "Passing to the modern era, one may note the existence of relatively full documentation dealing with the massacres of Armenians."

Whereas the United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that, "the Armenian genocide should be included in the Holocaust Museum Memorial;"

Whereas President Ronald Reagan in proclamation 4838, dated April 22, 1981, stated in part, "like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten;"

Whereas the fact of the Armenian genocide has been documented, affirmed, and reaffirmed for over six decades: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of Congress that the policy of the United States has embraced and shall embrace these historical events.

Mr. Speaker, there was recently, in the last 6 months or so, an unfortunate incident involving the Department of State. Its Bulletin, which is an official instrument of the Department, more or less in the nature of a magazine, published a feature article on terrorism, in August 1982, and it was followed by a note, which I shall read and which set off considerable controversy on the subject of the Armenian policy. I now read the note, as follows:

Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people. Armenian terrorists use this allegation to justify in part their continuing attacks on Turkish diplomats and installations.

Now, Mr. Speaker, that ranks as one of the most grievous bureaucratic blunders that the Department of State has committed in quite some time. In the Bulletin of September, following that issue, the Department of State attempted to correct the blunder that I just read, and it issued an editor's note, which reads as follows:

The article, "Armenian Terrorism: A Profile," which appeared in the feature on terrorism in the August 1982 issue of the *Bulletin*, does not necessarily reflect an official position of the Department of State, and the interpretive comments in the article are solely those of the author.

Now, Mr. Speaker, the qualifying words, "not necessarily," in this supposed retraction, leaves open the possibility that is was the Department's position that the Armenian genocide of 1915 did not occur. Many of my colleagues sent letters to the Department of State and to the Secretary of State and got qualified answers back. None was satisfactory.

But, Mr. Speaker, I have before me today a letter from the Honorable Lawrence S. Eagleburger, who is the Under Secretary of State for Political Affairs. The letter is dated today. I am submitting it in its entirety for the RECORD:

DEPARTMENT OF STATE,
Washington, D.C., April 21, 1983.

DEAR MR. PASHAYAN: I especially respect the prominent leadership role you exercise in the Armenian-American community and am consequently pleased to write to you on the controverisal subject of the August 1982 Department of State Bulletin article on Armenian terrorism.

May I reemphasize to you that neither the article, its accompanying note, nor footnotes were intended as statements of policy of the United States. Nor did they represent any change in U.S. policy. Policy statements which are a part of the public record remain there and speak for themselves.

As you can understand, the Administration remains deeply concerned over the concerted efforts of some terrorist groups to invoke the tragic events of 1915 as a pretext for terrorism against Turkish diplomats and private and public activities of Turkey and Turks around the world. The United States Government condemns most strongly all such acts of terror.

We sincerely desire to end this unfortunate controversy over the Bulletin article. To that end, the Department of State plans to publish the following editor's note in the next issue of the Department of State Bulletin.

The article "Armenian Terrorism: A Profile," which appeared in the August 1982 issue of the Bulletin, its accompanying note and footnotes were not intended as statements of policy of the United States. Nor did they represent any change in U.S. policy.

I hope that the above clarification will alleviate any concerns you may have.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Under Secretary of State for Political Affairs.

I should like to read the pertinent parts. In the body of the letter, it says:

We sincerely desire to end this unfortunate controversy over the Blletin article—

That was the August article that I read—

To that end, the Department of State plans to publish the following editor's note in the next issue of the Department of State Bulletin.

The article "Armenian Terrorism: A Profile," which appeared in the August 1982 issue of the Bulletin, its accompanying note and footnotes were not intended as statements of policy of the United States. Nor

did they represent any change in U.S. policy.

Mr. Speaker, I think it is fair to say that, once this appears in the Bulletin of the Department of State, this will constitute an unambiguous retraction of the note that appeared in the August article which I read a few moments ago. It is a clear statement that the Department of State is not changing U.S. policy. It is a clear statement that they did not intend to change policy, and that they are referring to U.S. policy that already exists on the Armenian question.

So I am, of course, please to announce that at last the Department of State unequivocally has retracted its earlier and ambiguus denial of the Armenian genocide of 1915.

But what now is the policy that the Department of State leaves in place?

We shall begin by the statements of Henry Morgenthau, U.S. Ambassador to the Ottoman Empire, in an official telegram sent from him to the U.S. Secretary of State on July 16, 1915, in which he stated:

Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.

In our next review of U.S. policy on the Armenian question, we shall now turn our attention to Senate Resolution 359 of May 13, 1920, which states:

The testimony adduced at the hearings conducted by the subcommittee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered.

It is efficient for us to now turn to a resolution passed by the U.S. House of Representatives, Mr. Speaker, House Joint Resolution 148, on April 8, 1975, wherein this body declared:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1975, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims fo genocide, expecially those of Armenian ancestry who succumbed to the genocide perpetrated in 1915, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.

It is not just declarations made by the officials that establish the foreign policy of a nation, but also the actions taken by a nation in an international body. In respect to the Armenian genocide of 1915, we now turn our attention to paragraph 30 of the "Study of the Prevention and Punishment of the Crime of Genocide," a report prepared for the United Nations Subcommission on the Prevention of Discrimination and Protection of Minorities, an official establishment of the United Nations. The United States offered the paragraph, and it was accepted by that body and it constitutes the established foreign policy on the part of the United States.

Paragraph 30 states as follows:

Passing to the modern era, one may note the existence of relatively full documentation dealing with the massacres of Armenians, which have been described as the "first case of genocide in the twentieth century."

Mr. Speaker, this reflects yet another facet of the policy that the Department of State in its letter to me today implicitly endorses.

I should last invite our attention to this body and the executive branch in respect to the Holocaust Council wherein it is firmly established that the Armenian genocide of 1915 shall receive its proportion of the memorial to be built by the council. The Holocaust Memorial Council's position is stated in its booklet of March 1983, as follows:

The 1915-23 genocide of the Armenian citizens of the Ottoman Turkish Empire will have a place of prominence in the Holocaust Museum. Approval by the Holocaust Council was unanimous.

These are only some of the indications of U.S. policy that obviously was referred to in the letter to me today from Mr. Eagleburger, when he stated that there was no change in U.S. policy.

Indeed most nations have recognized what the United States does, that the Armenian genocide occurred in 1915. For example, a recent editorial of Le Monde, the French newspaper, states in part as follows:

The international ramifications of this terrorism, the secret support from which it benefits, make its eradication all the more difficult. This is no reason, however, to throw up one's hands and to exchange some dubious benefits for the end of attacks in France. This is all the more so to the extent that the true objectives of the ASALA appear aimed not only at Turkey because of the genocide, but they proceed from an ideological vision that has no relation to democracy. . . .

Having said all this, the struggle against Armenian terrorism should be accompanied, on the part of the Western democracies, by a diplomatic action to convince Turkey to change its direction. It is completely scandalous that Ankara continues to deny history or to falsify it 60 years after having bloodied it. The Armenian community, in its great majority demands only this right from history. But it constantly comes up against a brutal refusal by the Turkish authorities. . . .

A resolute diplomatic struggle to rehabilitate history must be undertaken without delay. France would honor herself by taking the initiative in this. But such an action, lest it be taxed with opportunism, must be accompanied by an implacable struggle against terrorism. And, in these two parallel and complementary actions, two pitfalls may be avoided: anti-Turkish racism, as well as anti-Armenian racism.

□ 1640

That is just one example of what a foreign newspaper, the great newspaper Le Monde, had to say on the subject of the genocide, which corresponds with the position of the State Department and, of course, the long recognized historical policy of the United States.

Let me emphasize that in his letter to me today, Mr. Eagleburger, speaking for the Department of State, deplored the terrorism that has occurred against Turkish officials and people in the name of the Armenian question. I share, every American-Armenian shares, the sense of horror and repugnance to civilized people that was reflected in Mr. Eagleburger's letter and by the State Department. But terrorism in no way played a role in the decision reached by the Department of State to send me this letter. Rather, the Department was responding to my fervent request to correct a bureaucratic blunder. I was hardly working alone. Numerous of my colleagues sent letters to the Department. I should like to thank especially my colleague, the Honorable HENRY WAXMAN, my leader, the Honorable ROBERT MICHEL, and, of course, our Speaker, the Honorable THOMAS P. O'NEILL, JR., for their special cooperation. All have supported the Armenian position in the past and continue to be fervent friends.

Mr. Speaker, now that it is clear what the position of the U.S. Government is, what course do we now take? It might fairly be said that it would be well for the Government of Turkey to reassess some of its recent actions. It attempted to exclude the Armenian genocide from the programs of the Holocaust Council and to prevent Armenian participation in the International Conference on the Holocaust and Genocide of June 1982, held in Tel Aviv. As late as yesterday, Turkish Ambassador Sukru Elekdag wrote to every Member of Congress who spoke last year in this Chamber on this subject, imploring us to refrain from participating today. I very much appreciate my colleagues ignoring the Ambassador's plea.

Mr. Speaker, great history can hardly be made by expunging past history, or by attempting to expunge it. I offer to the Government of Turkey, I extend the hand of diplomacy: Let us conduct discussions with a view to resolving this issue, now too long unsettled. It is now for us, the successors on both sides of these terrible events, to settle once and for all this issue that needlessly pulls us apart.

Let us talk.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to my colleague, the gentleman from California.

Mr. ANDERSON. Mr. Speaker, I would like to thank my colleague, the Honorable CHARLES PASHAYAN, for providing this opportunity to recognize next Sunday as Armenian Martyr's Day. This day is observed by Armenian communities worldwide on April 21, in remembrance of the day in 1915 that marked the beginning of the genocide of the Armenian people. Between that day and the end of 1918, 1.5 million Armenians were killed, and most Armenian citizens of the Ottoman Empire either driven into exile or hiding. As a result of this reign of terror, an entire people were forced to flee from their ancestral homelands of 3,000 years.

Our own State Department records attest to the loss of life. There seems no doubt that what was attempted was the extermination of the Armenian people; the first genocide of the 20th century. Just as the Jewish people would later suffer under the Nazi Holocaust during the Second World War, the Armenian people were subjected to a systematic persecution under the Turkish Government of that time.

So, for the many Armenian-Americans driven to this land, April 24 is an occasion for renewal, and a reminder of the terrible era that their own families survived. The sacrifice of the Armenian people should never be forgotten. It should live on as a reminder of what must be avoided at all cost: Man's inhumanity to man.

Mr. PASHAYAN. I appreciate the remarks of my colleague.

Mr. LEHMAN of California. Mr. Speaker, will the gentleman yield?

Mr. PASHAYAN. I am glad to yield to my colleague, the gentleman from California.

Mr. LEHMAN of California. Mr. Speaker, I would just like to state, I mean no disrespect for my distinguished colleague in his comments regarding the State Department's position on this issue. I believe the State Department's statement is a genuine improvement from what they have done in the past.

I would just hope that on an issue as serious as the genocide of an entire people that the State Department would have the forthright courage to come forth and state that the genocide did, in fact, happen, because surely if we cannot get them to recognize that fact, we can never get the Turks to accept it.

Mr. PASHAYAN. I appreciate my colleague's observation. There are ways and there are ways.

I have taken this as a complete and unambiguous retraction of a denial that the genocide exists. The U.S. policy is embodied in at least the official documents that I have talked about today and the actions taken by the United States, and that was the obvious reference by the Department of State.

Now, the Department of State has never it its history, either under a Republican or a Democratic administration, explicitly taken a positive position. I agree that that is a desirable thing for the Department of State to do, but with respect to the incident over the Bulletin—at least this Member, and I think others are taking it—that the Department of State has put to rest this particular issue, as their having issued now and it is a part of the record an unequivocal retraction of their denial or even possible denial that the genocide took place. I think that is the logical way to read this.

Now, it leaves open, my colleague is quite right, the broader question of having the Department come forth and issue a positive statement on the subject; but I should say at this point it is no longer fair to do that with respect to this particular incident over the Bulletin.

Mr. LEHMAN of California. Mr. Speaker, I compliment the gentleman for the work he has done in this area and the pressure he has brought to bear.

Mr. PASHAYAN. Well, I know the gentleman participated in that.

I should like to point out that my colleague has the great fortune of being married to a lovely woman of Armenian descent and I know the gentleman is very close to the Armenian people and in my colleague the Armenian people certainly have a friend.

Mr. LIPINSKI. Mr. Speaker, Armenian Matyrs Day, April 24, is a day that has great meaning for me. My Polish ancestors also have suffered persecution and pain at the hands of tyrannical governments. Of course, we are not alone. Almost every ethnic group in the world has been the subject of wrongs committed by others. The reasons that these wrongs have been committed are many; fear, hate, nationalism, and jealousy. Every human emotion has been used at some time in history as an excuse to subjugate others.

But the Armenian genocide stands out in man's past, as a particularly brutal act. The Turkish Government at the time announced that it was relocating the Armenians to other countries, while in fact the Government had no intention of doing so. The subsequent atrocities were so terrible that U.S. Ambassador Henry Morgenthau, Sr., could not bring himself to write down the details of the events. Our commemoration of the Armenian massacre shows our resolve to work for freedom and justice around the world. It is only by remembering such terrible acts of the past that we can be reminded to work for their prevention in the future. I am proud to be a part of this memorial, and to be a member of this body which is working to see that massacres of any people do not take place again.

● Mr. O'NEILL. Mr. Speaker, 68 years ago one of the greatest atrocities in the history of mankind occurred, namely the murdering of 1½ million innocent Armenians. As I said before in 1975 in support of House Joint Resolution 148 this genocide was a "deliberate attempt to exterminate the Armenian nation which cannot and should not be ignored."

Today's memorial in Congress is necessary and appropriate because the facts surrounding the Armenian Genocide must never be forgotten. This is a particularly important memorial because the August 1982 State Department Bulletin attempted to revise the history of this terrible event and conceal the truth about this great tragedy.

Since December when this article was brought to my attention by a constituent, attorney Robert Kaloosdian of Watertown, I have been exchanging letters with the State Department to get them to disavow and retract this offensive article and note. On April 8, John Hughes, Assistant Secretary of State for Public Affairs informed me that "neither the article, its accompanying note nor footnotes were intended as statements of policy of the United States. Nor did they represent any change in U.S. policy. Policy statements which are part of the public record remain there and speak for themselves".

Needless to say this retraction cannot completely erase the great damage that has been done by that article. However, it reinforces how important it is for the Congress to pay attention to this question and be ever vigilant to make sure that the historical record and policy regarding the Armenian Genocide is a true reflection of what actually happened to the Armenian people. As long as we in Congress remain vigilant I am certain that no attempt to cover up what actually happened will succeed.●

● Mr. BOLAND. Mr. Speaker, Sunday, April 24, will mark the 68th anniversary of the Armenian holocaust. As we reflect on the historical documents which reveal the tragedy perpetrated by the Ottoman Turkish Government beginning in 1915, it is almost impossible to conceive that there are those who still deny that it occurred. But inexplicably, there are many who deny what history has told. It is this denial which causes the frustration of the people whose ranks were decimated in the brutal and systematic murder. And it is this denial which causes the shame of the Ottoman Empire to bring further shame to the Government of Turkey today.

Undoubtedly, the most valuable lessons of human experience are those learned through our mistakes. And undoubtedly, nothing can be learned from the mistakes we fail to admit.

Unfortunately no Turkish Government since 1915 has acknowledged the role of its predecessors in the terrible events which history so clearly discloses. It should be understood that no one is pointing an accusatory finger at the Turkish leaders of today or at the Turkish people. Those of us who have focussed our attention on the tragedy of 1915 seek not to discredit a government or a people, but merely to encourage reflection on the part of all members of the human race. Only by seeing history clearly, by acknowledging our mistakes as well as our triumphs, can we understand the conflicts of the present. Only in this way can we insure that we do not repeat the mistakes of the past.●

● Mr. ROYBAL. Mr. Speaker, April 24, 1983 will mark the 68th anniversary of one of the most brutal crimes committed during the history of human civilization, the systematic murder of 1.5 million Armenians.

We must not allow the world to forget that on this day in 1915, the Turks began a planned and coordinated operation which was designed to destroy the Armenian culture and kill every Armenian living in lands under Turkish occupation.

Yet, despite the persecution, suffering, and injustice the Armenian people have endured, they have maintained their identity and spirit.

This is indeed cause for celebration and commendation from all other free peoples of the world and an example of strength and courage for all those who suffer still.●

● Mr. BERMAN. Mr. Speaker, 68 years ago, in April of 1915, the first genocide of the 20th century began. Over 1½ million Armenians were massacred during the next 7 years, virtually eliminating the Armenian community of Asia Minor and Turkish Armenia. Only a few hundred thousand of these brave people survived this holocaust, escaping to Europe, Russia, Arab countries, or the United States.

Thus, stripped of their dignity, forced from their homeland, and separated from their families, those who survived the deliberate effort to wipe out this entire people started anew after near total annihilation. They had endured what was, at that time, man's greatest inhumanity to his fellow man in all history.

Mr. Speaker, in 1915 approximately half of the world's Armenian population was deliberately massacred. It is deplorable that the Turkish Government has never acknowledged these atrocities, choosing to say that the Armenians died as a result of cold, famine, and the events of World War I. Eyewitness accounts disprove the Turk's distorted claims. It is our responsibility to inform the world of the truth surrounding this atrocity and persuade those who refuse to accept the historical facts about the genocide to do so.

The world's failure to acknowledge the Armenian genocide provided Hitler with a precedent for his crimes—this century's second genocide. We should condemn the racial hatred of 1915 as we have the Nazi's religious persecution. Only by recalling both for what they were—terrible misguided moments in our history—can we prevent anything like these disasters from recurring.●

● Mr. BROOMFIELD. Mr. Speaker, I eagerly support this special order which honors the memory of the Armenian martyrs. We are setting aside this day to comment upon the special sacrifices that thousands of Armenian patriots made on behalf of independence and freedom. They gave their lives in defending their beliefs against the ruthless Ottomans.

As my colleagues well understand, the worldwide Armenian population commemorates the genocide of over a million Armenians every April 24. Even as we celebrate the 68th anniversary of that terrible massacre, the Turkish Government refuses to admit its guilt. Even today, the Government of Turkey distorts the realities of the massacre.

Persecution in Armenia is as old as the Roman Empire. Over the centuries, a series of rulers have sought to repress Armenian attempts to gain independence. The Armenian people have time and again been brutalized, discriminated against, and killed. Between 1893 and 1923, over 1.8 million Armenians reportedly were killed by the Turks. Another 1 million were allegedly exiled. Only about 19 percent of the Armenian community in Turkey survived, according to some sources. Theirs was the first holocaust in that the Turkish Government willfully perpetrated actual genocide against the Armenian nation.

Armenia is one of the early captive nations. Nevertheless, despite the scars, the spirit of the Armenian people lives on.

To the hundreds of thousands of Americans of Armenian origin, I offer my condolences for the great loss they have suffered as a people. All of us today pay homage to those whom they have lost.

As long as we remember the past, as long as we keep our ideals alive, then we shall never abandon the belief that all men must be treated with human dignity and with respect for individual liberty.

It is in the spirit of respect for human dignity that I strongly support this special order.●

● Mr. WOLF. Mr. Speaker, today we recall the genocide of 1.5 million Armenians whose homeland was invaded 68 years ago by the Turks who carried out a planned and coordinated operation before the entire world. A great crime against humanity was committed and we must continue to express our outrage to keep in the forefront of the minds of all men and women the horror of this crime so that such atrocities are never, ever repeated.

As we resurrect the memory of the Armenian genocide and mourn the death of those who violently lost their lives, I would like to share with Members of Congress a letter from a group of Armenians from the 10th District of Virginia who have given me their interpretation of this commemorative day. The message is clear and I commend its reading to my colleagues as part of today's recognition of Armenian Martyrs' Day.

DEAR CONGRESSMAN WOLF: Thank you for asking for our assistance as the Armenian Youth Federation of America to contribute to this day of commemoration of the Armenian Martyrs' Day as recognized by the United States Congress. We appreciate the opportunity to share with you and other members of Congress our thoughts on the meaning of this day.

As grandchildren of the survivors of the Armenian Genocide and as the second generation of Armenian-Americans, we hold a deep feeling within us on this day of commemoration for the memory of our grandparents and great-grandparents who died in 1915 through 1920 during the Turkish massacre of the Armenians. Attempts to distort and deny the historical facts of the act of genocide not only disturb us greatly, but makes us fear that such atrocities may reoccur in the history of mankind.

We are grateful to the American people who sent $113 million in aid to the survivors of the genocide and who documented the horrible genocide that we as Armenians cannot forget.

We live daily with the memory of our grandparents' tragic deaths and we believe we cannot emphasize enough how important it is that the world remember the horror of past genocides so that we are not condemned to repeat the terror.

We thank you and the U.S. Congress for recognizing this day of commemoration to help in keeping alive a lesson in history that must never be forgotten.

Sincerely,

ZANKU ARMENIAN,
President, Armenian Youth Federation of America.●

● Mr. FISH. Mr. Speaker, it is an unpleasant task to speak of the massacre of a people. Unpleasant—but necessary. It is important for us as individuals and as Members of Congress to tell the truth, to testify to the realities of man's capacity for evil.

During the early part of this century, over 1½ million Armenians living under the rule of the Ottoman Empire, in what is now Turkey, were massacred under the auspices of the Turkish Government. This black event in history lives in the memory of those who survived, and their descendants. That is not enough; it must be made known to the world as an example of what must not be allowed to occur. We must be constantly vigilant to abuses of human rights. We must speak out,

and act against them, if we are to prevent them from recurring.

Just a decade after the massacre of the Armenians, Hitler came to power in Germany. Again, the world did nothing, and allowed the genocide of a people. Just last week, we dedicated two buildings, near the Mall, for the building of a Holocaust Museum. The U.S. Holocaust Memorial Council unanimously resolved to include the Armenian genocide in its museum and educational programs. This is an important step in educating the general public to what abominations man is capable of, so that similar perversions of human rights might be prevented. We must not forget, we must stand together, and not be silent, if we are to ever prevent a reoccurence of such inhumanity.●

● Ms. FIEDLER. Mr. Speaker, it was on this day in 1915 that the people of Armenia, men and women, young and old, suffered the start of one of the great horrors of the 20th century—the Armenian genocide. Armenians were no strangers to massacres, to persecution, to hardship before 1915, but this was something very different, and it is what has made the world of the 20th century also so very different from all that has gone before in human history. The first organized genocide of our century claimed 1,500,000 Armenian lives. Where persecutions over the centuries had aimed at creating terror, exacting tribute, securing religious conversion, 1915 brought only one goal—extermination. They did not care who they were killing, so long as they were Armenians, and the killing continued as long as there were Armenians alive.

The Armenian people did not die. Their homeland has vanished from the map, but their culture, language, and traditions live on, nowhere stronger than in the Armenian-American community in my own home of southern California. The events that started on that other April 24, while it took relatives and friends from every Armenian family, also took something from the rest of us, even those who were not born in 1915. Genocide is an attack upon more than the existence of a people. It is an attack on the value of human life for all people, everywhere. By attempting to dehumanize its victims; by trying, through the sheer enormity of suffering, to turn people into simple statistics; by creating horror so vast, huge and profound that our minds are forced to reject it, genocide tries to perpetuate itself. It is up to us to make sure that this does not come to pass. By remembering 1915 as part of the vast human tragedy that is the history of the 20th century and not as some aberration, not as some columns of figures showing the reckoning of the dead, we must make the memory of those who died part of our arsenal against those who believe that human life is worth nothing, that massacre and slaughter are everyday political tools, that stand against all human life and decency.

Less than a generation before 1915, the entire world had its attention captured by one act of injustice to one man—the Dreyfuss affair in France. Today, those whose tools include repression and massacre would like to put this sense of injustice asleep, numbed by the sheer magnitude of horrors such as the Armenian genocide. If it ever comes to pass that we can read of these acts, past or present, and not really care, then the executioners will have triumphed in the end.

That is why remembering the sufferings of the Armenian people is important to all of us to value freedom and the worth of human life. By commemorating April 24, 1915, the start of the first genocide of the 20th century, we are making a commitment to use this memory of the past to create a future where genocide and autogenocide shall be, once more, unknown.●

● Mr. FRANK. Mr. Speaker, I join my colleagues today in remembrance of the Armenian massacre of 1915. Sixty-eight years ago, 1½ million Armenian men, women, and children were cruelly exterminated in what is now viewed as the beginning of modern genocide.

I deplore both the senseless uprooting of the Armenian people from their homelands and the brutal, systematic massacres conducted against them by the Government of the Ottoman Empire. Today, we pause for a moment to contemplate the inhumanity of this crime and to rededicate ourselves to a future where such tragedies will not occur.

Last week at the Holocaust survivors' meeting here in Washington, our society reaffirmed its commitment to prevent the horror of genocide by not allowing such acts to be forgotten over time. So too, we must not forget what befell the Armenians. Mr. Speaker, it is my hope that through continued recognition of the persecution carried out against the Armenians in 1915, we can affirm that those who perished there did not die in vain.

I commend the gentleman from California (Mr. PASHAYAN) for arranging this special order this year.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my distinguished colleague, Hon. CHARLES PASHAYAN, JR. of the 17th District of California, in commemorating Armenian Martyrs' Day.

April 24, 1983, marks the 68th anniversary of the ruthless Turkish massacre of the Armenian people. Each year, those of us who have large Armenian-American constituencies in our congressional districts, have spoken out on the House floor in commemoration of this tragic event in world history.

Regrettably, however, despite documented evidence in its own files, our State Department last August chose to include the following statement in its official Department of State Bulletin:

Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

I want to point out, Mr. Speaker, that this statement was made even though the State Department had irrefutable evidence in its own files of the Armenian genocide by the Turks. Excerpts from that evidence, including State Department decimal file number references, with dates, follow:

U.S. EMBASSY AT CONSTANTINOPLE CABLES TO THE U.S. DEPARTMENT OF STATE CONCERNING EXTERMINATION OF ARMENIANS IN TURKEY

State Department Decimal File No.: Description	Date
(1) 867.4016/74: Ambassador Henry Morgenthau Sr. to Secretary of State regarding unprecedented persecution of Armenians.	July 10, 1915.
(2) 867.4016/159: Ambassador Morgenthau reports destruction, or inevitable death, of several hundred thousand Armenians. Turkish Government unresponsive to protests and threats about situation.	Oct. 4, 1915
(3) 867.4016/271: Charge d'Affaires Philip reports new deportations and rationalization of these events by Minister of Interior Talaat Pasha. Extensive aid needed to sustain survivors.	Mar. 28, 1916.
(4) 867.4016/266: Charge d'Affaires Hoffman Philip, United States Embassy, cables State Department that Turkish Minister for Foreign Affairs claims Armenian deportations have ceased..	Feb. 15, 1916.

U.S. CONSULAR AND NEUTRAL EYEWITNESS REPORTS ON THE EXTERMINATION OF THE ARMENIANS IN OTTOMAN TURKEY IN THE ARCHIVES OF THE DEPARTMENT OF STATE

State Department Decimal File No.: Description	Date and locale
(1) 867.4016/77: United States Consul at Aleppo, Syria, Jesse Jackson to Ambassador Henry Morgenthau, reporting on forced deportations, torture and massacre of Armenians appearing "a carefully planned scheme to thoroughly extinguish the Armenian race".	June 5, 1915, Aleppo
(2) 867.4016/219: United States Ambassador Henry Morgenthau Sr. to Secretary of State enclosing Sept. 29 report from Consul Jackson reporting up to 1,000,000 deaths of Armenians and deportation statistics, Aleppo..	Nov. 1, 1915, Aleppo.
(3) 867.4016/92: Ambassador Morgenthau to Secretary of State enclosing report from United States Consular Agent Francis Leslie at Ourfa on "reign of terror" directed against loyal Armenian population..	July 13, 1915, Ourfa.
(4) 867.4016/122: Ambassador Morgenthau to Secretary of State enclosing June 11 report from United States Consul Leslie Davis at Harput on "the most thoroughly organized and effective massacre this country has ever seen.".	Aug. 10, 1915, Harput.
(5) 867.4016/124: Ambassador Morgenthau to Secretary of State enclosing August 7 report from United States Consul Edward I. Nathan at Mersin on Armenian deportation..	Aug. 15, 1915, Mersin.
(6) 867.4016/243: United States Consul General George Horton at Smyrna to Secretary of State reporting movement against Armenians "increasing in ferocity" and enclosing two eyewitness reports: I. Standard Oil executive Walter M. Geddes reporting on conditions from Alion Karahissar to Damascus. II. Another reliable non-native witness, still residing in Turkey, reporting Armenians dying of starvation by the dozens, cruelly mistreated..	Nov. 8, 1915, Smyrna.
(7) 867.4016/230: United States Consul at Tiflis F. Willoughby Smith to Secretary of State reporting 170,000 Armenian refugees in the Caucasus and requesting relief funds for 20,000 at $5 per head per month.	Dec. 10, 1915, Tiflis.
(8) 867.4016/259: Ambassador Morgenthau to Secretary of State enclosing report dated December 4, 1915, from United States Consular Agent W. Peter at Samsun on the desire "to finish with the Armenians altogether" displayed by Turks..	Jan. 4, 1916, Samsun.

U.S. DEPARTMENT OF STATE INSTRUCTIONS AND COMMENTS ON THE ARMENIAN GENOCIDE, 1915–16

State Department Decimal File No.: Description	Date
(1) 867.4016/258a: Department instructs Embassy to inform Turkish Government that the United States Government may make public details of Armenian persecutions if not ceased.	Feb. 12, 1916.
(2) 867.4016/257a: Department instructs United States Embassy at Constantinople to protest treatment of Armenians.	Feb. 4, 1916.
(3) 867.4016/74: Department approves Ambassador Henry Morgenthau's pleading with Turkish officials to stop Armenian persecution.	July 16, 1915.
(4) 867.4016/244: To Secretary of State Lansing from Third Assistant Secretary William Phillips, approving Ambassador Morgenthau's protests of Armenian race extermination.	July 20, 1915.
(5) 867.4016/90–91: Department interoffice note regarding Armenian persecution and German protest to Turkish government.	Aug. 18, 1915.
(6) 867.4016/258b: From Secretary of State Robert Lansing to German Ambassador Count H.H. von Bernstorff seeking German support in ending anti-Armenian measures in Turkey.	Feb. 16, 1916.
(7) 867.4016/258d: From First Assistant Secretary of State Frank L. Polk to Berlin (James W. Gerard) instructing him to inform the German Government directly about the letter from Secretary of State Lansing to German Ambassador Bernstorff regarding the Armenian persecutions.	Feb. 16, 1916.

Because of this evidence, the Department's statement made a mockery of the dedicated service of Ambassador Henry Morgenthau and other State Department officials who transmitted eyewitness reports to the State Department on the Armenian massacre. Excerpts from some of Ambassador Morgenthau's cables to the State Department follow:

"• • • When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact.

"I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise, and whatever refinements of persecutions and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

HENRY MORGENTHAU, Sr.,
U.S. Ambassador to Turkey, *Ambassador Morgenthau's Story* (Doubleday, Garden City 1918) (Second edition, Plandome, N.Y., 1975, pp. 309; 321–22.)

Mr. Speaker, along with yourself, Congressman PASHAYAN, and other colleagues in this body, I asked the State Department to make a clear and unambiguous retraction of its apparent denial of the Armenian genocide, for anything less would have been an outright distortion of recorded and documented historical events.

Along with my colleagues, I have been anxiously awaiting clarification by the State Department of its official position regarding the Armenian genocide, and I was pleased to learn that Under Secretary of State for Political Affairs Lawrence S. Eagleburger this morning has unequivocally stated that "neither the article, its accompanying note, nor footnotes" which appeared in the August 1982 Department of State Bulletin "were intended as statement of policy of the United States."

Mr. Speaker, this is certainly a timely clarification by the State Department, for it comes as we join our Armenian-American constituents across the Nation in paying tribute to the memory and martyrdom of the innocent victims of the Armenian genocide. As we recall the sad events of 1915, let us do our utmost to alleviate the memory of this unjustified crime against the Armenian people, the scars of which are carried in the hearts and minds of every surviving Armenian.●

● Ms. FERRARO. Mr. Speaker, last week, the first gathering of American survivors of the Nazi Holocaust against the Jews was held here in Washington. The suffering that was inflicted on those survivors, and on the millions of European Jews who did not survive, can, in some sense, be traced to the Turkish massacre of the Armenians that we recall today. For Adolf Hitler, in justifying his "Final Solution," is reported to have said, "Who today remembers the massacre of the Armenians?"

In observing Armenian Martyrs Day, we seek to insure that the massacre of more than 1½ million Armenians will not be forgotten. There are those who seek to deny the historical fact of the Armenian genocide. Their attempts to revise history to erase the atrocities that were committed against the Armenians, must be overcome.

Only by keeping the memory of past horrors fresh can we maintain our vigilance against the possibility of future genocides. The establishment of the Holocaust Memorial as part of the Smithsonian Museum will serve to educate current and future generations of Americans on the massacre of the Armenians as well as the Holocaust against the Jews, and help insure that the United States will always stand as a bulwark against genocide.

One action that should be taken in demonstrating our commitment to human rights and our understanding of the lessons of the genocides of the 20th century is the ratification of the Genocide Convention. For 34 years the convention has been before the community of nations. In that time, some 88 nations have ratified it, including every othe major industrial power. Yet the United States, despite our role as a leading force for human rights, still has not ratified.

I have introduced House Resolution 50, which expresses the sense of the House that the United States should ratify the Genocide Convention. Armenian Martyrs Day, and Holocaust Memorial ceremonies, provide powerful reminders of the horrors of the past. The Genocide Convention is the tool we need to prevent future recurrences of those horrors. On this day, I urge my colleagues to join me in calling for U.S. ratification of this vital international treaty.●

● Mrs. JOHNSON. Mr. Speaker, as a part of the order to commemorate the Armenian genocide, sponsored by my respected collegue from California, CHARLES PASHAYAN, I would like to read the following quote:

I have issued the command—and I'll have anybody who writes but one word of criticism executed by a firing squad—that our war aim does not consist in reaching certain lines, but in the physical destruction of the enemy. Accordingly, I have placed my death-head formations in readiness—for the present only in the East—with orders to them to send to death mercilessly and without compassion, men, women and children of Polish derivation and language. Only thus shall we gain the living space which we need. Who, after all, speaks today of the annihilation of the Armenians? [1]

Mr. Speaker, Adolf Hitler said that on August 22, 1939, in a speech to supreme commanders and commanding generals of his army, in the town of Obersalzberg.

Mr. Speaker, who indeed does remember the annihilation of the Armenians? Yet 68 years ago a million and a half Armenians were massacred by the Turkish Government lead by Talat Pasha, as part of a premeditated and organized plan of genocide that the Turkish Government of today not only refuses to acknowledge as historical fact, but also actively distributes misinformation about an attempt to distort the historical record.

The full horror of the massacres began on the night of April 24, 1915, when the Turkish police rounded up all of the Armenian intellectuals from their homes in Constantinople, effectively silencing the voice of a generation. In the villages, Turkish soldiers gathered the unarmed Armenian men into the village square (the Government had already confiscated all weapons), executed them, and then deported the women and children into the vast Syrian desert. There were few survivors.

Today we commemorate a day of mourning, not only for those who died in the Armenian genocide, but for all mankind. The criminals in this crime of genocide are not the Turkish people, but national chauvinism, prejudice and fear, and the ultimate enemy is silence. The genocide itself is an eternal reminder to all mankind of the moral obligation we bear to speak out against persecution, and to maintain a constant vigil for the preservation of human rights. If we fail in these obligations, we may well use as our epitaph these words from George

[1] Louis Paul, Lochner, What About Germany?, (New York: Dodd, Mead and Cornwall), 1942.

Santyana, "Those who do not remember the past are condemmed to repeat it."●

● Mr. ASPIN. Mr. Speaker, this Sunday marks the anniversary of the day in 1915 when the Ottoman government sent out a sweep to gather up hundreds of leaders of the Armenian community. Over the course of the next 8 years, an estimated 1½ million Armenians were killed.

This was the first—but regrettably not the last—of the horrifying genocides of the 20th century.

The record of this massacre was ably recorded by many Americans working in Turkey at that time. I would like to read today the text of one of those documents—the covering memorandum of a report submitted to the Secretary of State by the U.S. Consul General in Smyrna, George Horton. Dated November 8, 1915, the covering memorandum says:

I have the honor to enclose herewith two Memorandums concerning the measures which are being put in force by the Ottoman Authorities against the Armenians of the interior of Asia Minor. One of these, as will be seen, is by Mr. Walter M. Geddes who recently returned from Aleppo and who died in this city on Saturday. The other Memorandum is by an equally credible person, but whose name I have not mentioned for the reason that he is still residing in Turkey and if it should become known through tampering with the mail or in any other manner, his situation here would become extremely precarious. I have also other statements from eye-witnesses, not natives of this country, of the highest standing in the religious and educational world, which leads me to believe that what is now taking place in Armenian Turkey, surpasses in deliberate and long-protracted horror and in extent anything that has hitherto happened in the history of the world. One eye-witness saw many of the Armenian men killed, chopped down, as he explained to me, with axes after their hands were tied. The fate of those so killed is comparatively happy. As will appear from this report the old men and women and children are driven in hordes sometimes consisting of many thousands, without food or shelter or water, until they die. There seems to be no fixed place to which they are driven and no ultimate place of rest. They are simply kept on the move. From what all these people, worthy of the highest credence, tell me, from 800,000 to 1,000,000 human beings are now going through this process of slow and hideous torture, and the movement, instead of waning, is increasing in ferocity, so that before it is finally over, in the neighborhood of 2,000,000 people will be affected, a very large percentage of whom will certainly perish as they are driven along for weeks and months without food or shelter and without the means of procuring these.

It is a touching thing that according to reports, there is a widespread hope, faint perhaps but yet existent among these people, that the United States of America will somehow come to their relief.

I have the honor to be, sir,
Your obedient servant,
GEORGE HORTON,
American Counsul General.

These words come back to haunt us from across the chasm of two-thirds of a century.

We must never forget what happened in that tragic corner of the world in those terrifying years. Even as the intervening years grow into decades, and the intervening decades grow into centuries, we must never forget the despicable horrors visited upon these innocent millions.

To forget is to honor criminals who denied at the time that there was any genocide and whose only wish was that the collective memory of history not record their deeds in unbreakable stone.

To forget is to dishonor our ancestors—not just the ancestors of Armenians but the ancestors of all men and women who asked only for peace and the opportunity to put their talents to productive work—which is the urge that has sent immigrants in their millions to these American shores for almost four centuries.

To forget is to will that humankind be reminded in the future by the tragedy of repetition.

Too few people remember. Armenians remember Armenians. Jews remember Jews. Cambodians remember Cambodians. But how many others remember?

Too many wish not to be reminded. Spring is arriving. Baseball season has begun. There's a good show on TV tonight. There are so many distractions.

Somewhere in the world today I fear there is another genocide waiting to happen—another genocide lurking at the fringes of history-to-be.

The powers given to governments—to the institution of government—in this 20th century are the powers to do much good. But they are also the powers to do much evil.

Where some use those powers to bring enlightenment, others use them to bring darkness. Where some use those powers to improve life, others use them to mass market death.

The forces of evil and of bigotry have been with us since time began. But in the 20th century those forces crossed a threshhold. With one hand bigotry can now grasp the power of modern technology—the engines of mass destruction and bloodshed. With the other hand, bigotry can grasp the power of the modern state, with its extensive bureaucracy and its capacity to reach into anyone's home.

Bigotry need no longer be a handful of hooded men on horseback. Bigotry can now come with gas and with machineguns, with vast armies of men and bureaucrats mobilized to drive whole populations into the deserts to die.

In 1915, the American Consul General in Smyrna wrote: "There is a widespread hope—faint perhaps, but yet existent among these people—that the United States of America will somehow come to their relief."

The United States of America did not.

What will we do if there is a next time, if another genocide is visited upon another small people in another forgotten corner of the globe?

I cannot answer that question. But I do know that there is a far greater chance that we will do something if we remember every April 24 the terror of 1915.

The unspeakable horrors visited upon the Armenian people must never be forgotten. The facts of this massacre—this attempt at extermination of an entire people—ought to be underscored in red in every history textbook.

To honor the dead, to save the living, we must never forget.●

● Mrs. SCHNEIDER. Mr. Speaker, today we recall in sorrow the massacre of one and a half million Armenians who were tortured and murdered by Turkish forces between 1915–17.

Genocide is defined as a systematic, planned, and deliberate policy of attempting to exterminate a race or ethnic group. There appears to be no doubt that this was exactly what was intended to be done. Henry Morgenthau, U.S. Ambassador to Turkey at the time, clearly expressed his belief that the Turkish treatment of Armenians was part of a deliberate plan of extermination. As excerpts from his memoirs document the massacre:

It is absurd of the Turkish Government to assert that it ever seriously intended to deport the Armenians to new homes. When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact. From May to October the Ottoman Government pursued methodically a plan of extermination far more hellish than the worst possible massacre. Orders for deportation of the entire Armenian population to Mesopotamia were dispatched to every province of Asia Minor. These orders were explicit and detailed. No hamlet was too insignificant to be missed.

To this day, the Turkish Government continually denies claims that they committed a genocide against the Armenian people. It is equally appalling that our own Department of State fails to recognize the Turkish massacre of the Armenian people. In the August 1982 edition of the Department of State Bulletin, an article on Armenian terrorism concludes with a footnote:

Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

Mr. Speaker, statements like these that seem to deny the fact that the Armenian genocide ever occured are quite disturbing. While I recognize

that the Department of State cannot condone the activities of the Armenian terrorists, the fact of the Armenian genocide remains clear. History cannot be changed and to deny it, does a great injustice to the million and a half Armenians who died as well as to their survivors and descendants.

The United States is a country of immigrants that prides itself on its freedom and democracy. In light of this, many Armenians have emigrated to the United States and have contributed much to the American culture. Nevertheless, the question is asked time and time again why such concern is raised over the Armenian genocide which happened over 68 years ago today. If more attention had been given to the Armenian genocide, the Jewish Holocaust may never have occurred.

Mr. Speaker, I am submitting a letter from one of my constituents which I believe expresses the feelings of the Armenian people.

DEAR MRS. SCHNEIDER: April 24 is approaching, and I am sure you know what this date means to all Armenians all over the world. It was on this day in the year of 1915 that leaders of the Turkish government put to work its plan of systematic extermination of all Armenians. The result was the ruthless killing of one and one half million Armenians in the hands of the Turks.

On the April 21st session of the House of Representatives, the Honorable Charles Pashayan will introduce legislation to commemorate the 68th anniversary of the Armenian Massacre. I urge you to attend this session and make your views known concerning the Armenian Genocide, and do your share of educating the world about an event that still stays in the dark. It has been known that Hitler planned the Jewish Holocaust encouraged by that fact that the perpetrators of the Armenian Genocide went unpunished, and when asked what the world will say of the extermination of the Jews, Hitler answered, "After all, who remembers the Armenian Genocide." It is the duty of every freedom loving individual to stand up and condemn the systematic extermination of any nation.

I hope you will attend the April 21st session of the Congress and express your views about the Armenian Genocide. Please commemorate the 68th anniversary of the first genocide of the 20th century.

Respectfully,

HAGOP A. GHAJANIAN.

While recognizing the Armenian genocide as the first genocide of the 20th century, we must not forget the suffering and sacrifice of the Armenian people. The time has come to recognize genocide as a crime against mankind that must be universally condemned.●

● Mr. ROE. Mr. Speaker, it is indeed an honor for me to rise today to join in the solemn observance of Armenian Martyrs Day, an event which has been officially declared by Congress as the "National Day of Remembrance of Man's Inhumanity to Man."

This year marks the 68th anniversary of the genocide of the Armenian people by the Turkish rulers of the Ottoman Empire. Between the years 1915 and 1923, it has been estimated that some 1.5 million Armenian men, women, and children were killed and another 500,000 exiled from their traditional homeland by their Turkish rulers.

The Armenian genocide is an event whose remembrance brings grief and horror to people the world over. As we observe that occasion today, we share with all individuals of Armenian heritage our renewed reverance for human life and pay tribute to the memory of the martyrs of the Turkish massacre of 1915.

Mr. Speaker, I am very disturbed by the fact that our State Department in an official publication has even questioned the fact that the Armenian genocide actually took place.

In August of 1982, in its official bulletin, the Department of State noted at the conclusion of an article entitled: "Armenian Terrorism: A Profile" that "Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people."

Mr. Speaker, every Armenian-American organization has and will rightfully continue to object to this distortion of fact. Even though the State Department has claimed the article did not represent its official policy position, the printing of that allegation is an insult to all Americans.

The U.S. National Archives is full of material documenting the premeditated extermination of the Armenian people by the Ottoman government and attempts by the American Government at that time to intercede on behalf of the beleaguered Armenian nation.

In fact, the American people, through the efforts of an organization known as Near East Relief, which was chartered by Congress, contributed some $113 million between 1915 and 1930 to aid the Armenian genocide survivors. In addition, 132,000 Armenian orphans became foster children of American families.

I was proud to be a cosponsor of House Joint Resolution 148 in 1975 which set aside April 24 as "National Day of Remembrance of Man's Inhumanity to Man." That resolution, which won speedy approval in both the House and Senate, calls on the President to ask the people of the United States to remember the victims of the Armenian genocide on that day.

Mr. Speaker, recently a great event took place in this Nation's Capital. An extraordinary group of 14,000 survivors of the Jewish Holocaust in Europe gathered here to remember that event and its lessons for mankind. As part of that ceremony a national museum for the Holocaust was dedicated by the Vice President of the United States. I am happy to say that a portion of that museum will be dedicated to the genocide perpetrated against the Armenian people.

It is my prayer that this tribute to the brave Armenian people will serve as a reminder of the need for an increased effort on the part of all nations to seek a just and lasting peace throughout the world. Events like the genocide against the Armenian people must never be allowed to happen again.●

● Mr. BARNES. Mr. Speaker, I am pleased again this year to join with my colleagues who are participating today in the special order on the Armenian genocide.

Around the turn of this century, 1½ million Armenian men, women, and children were systematically persecuted and massacred by the Ottoman Empire. The Armenian community, which had existed for over 3,000 years was, in 30 years, virtually destroyed. Yet, this is a fact that is not well known by the American public, despite the fact that it is one of the greatest human tragedies of our century.

In 1915, during the First World War, the Turkish Government issued a formal Edict of Deportation and began to implement a policy to move Armenians from war zones to more isolated regions in the eastern Syrian desert. This edict was the culmination of years of persecution, and the beginning of the Armenian genocide.

Although as many as 500,000 were able to escape to other countries, hundreds of thousands more were cruelly massacred. Most of these were forced to march to their deaths and villagers along the way attacked the defenseless Armenians. Because men were usually separated from their families and killed before the marches began, most who were forced to make the journey were women and children. They were beaten, kidnaped, starved, drowned, abandoned to die, and brutally slain. Some were reported to have been forced to dig trenches in which they were buried alive. And the few who, miraculously, ultimately survived to reach the resettlement camps, found no provisions for food or water.

The ancestral home of the Armenians, which had grown and flourished over many centuries, had been virtually obliterated. Today, less than 100,000 declared Armenians live in Turkey.

The Armenian genocide of 1915–23 is a well-documented fact. Through those years, many, many newspaper and periodical articles recounted the horror and truth of what was happening. In 1918, former U.S. Ambassador to Turkey, Henry Morgenthau, Sr., wrote of the deportation:

On the seventieth day a few creatures reached Aleppo. Out of the combine convoy of 18,000 souls just 150 women and children

reached their destination. A few of the rest, the most attractive, were still living as captives of the Kurds and Turks; all the rest were dead.

My only reason for relating such dreadful things as this is that, without the details, the English-speaking public cannot understand precisely what this nation is which we call Turkey. I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were the victims can never be printed in an American publication. Whatever crimes the most perverted instincts of the human mind can devise and whatever refinements of persecution and injustice the most debased imagination can conceive, became the daily misfortunes of this devoted people. I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared with the sufferings of the Armenian race in 1915.

Many of us in Congress are concerned about the position articulated by the State Department on this issue. As many of my colleagues know, the Department of State Bulletin carried an article in its August 1982 issue entitled, "Armenian Terrorism: A Profile." A "Note" followed the article, which stated:

Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

I think, however, that the facts speak for themselves, as well as the record of our diplomatic efforts to help the Armenians and provide humanitarian assistance. As I wrote to Secretary of State Schultz. I hope that the State Department will make the necessary retractions and publish an account that is more in keeping with the facts, and with the President's own Proclamation 4838, which reaffirms U.S. recognition of the occurrence of the Armenian genocide.

On February 28, 1920, Ambassador Morgenthau wrote of the massacre in a newspaper article:

If America is going to condone these offenses, if she is going to permit to continue conditions that threaten and permit their repetition, she is party to the crime. These peoples must be freed from the agony and danger of such horrors. They must not only be saved for the present but either thru governmental action or protection under the League of Nations they must be given assurance that they will be free in peace and that no harm can come to them.

Now is a time for all of us to remember, not only that 1½ million Armenians were massacred, but that we must guard against the forces that would permit such atrocities ever to occur again.

Thank you Mr. Speaker.●

● Mr. COELHO. Mr. Speaker, it is with a great deal of personal pride that I rise today to join my colleagues in commemorating the genocide of approximately 1.5 million Armenians by the Turkish Government nearly seven decades ago. In doing so, we honor the memory of those who so tragically and needlessly gave their lives as we pay tribute to the great contributions the Armenian people have made to our Nation.

Some, including the Turkish Government, understandably prefer that this grave blemish in their national policy be overlooked and that history be rewritten in a fashion that would ignore the ruthless destruction of lives and property that continues to this day as an international example of man's inhumanity to man. This shameful occurrence cannot be forgotten by those who continue to bear the scars of the genocide, nor should it be by civilized nations around the globe.

Interestingly enough, to the dismay of Armenians throughout this country and to the deep concern of many of us in the Congress, our own State Department last year published a "Note" in its bulletin which has unnecessarily created an ambiguity with regard to our national policy of recognition for the Armenian genocide. While subsequently disclaiming responsibility for that "Note," I would again call upon this administration with the hope that it will clearly, forcefully and unequivocally reaffirm what every President since Woodrow Wilson has so acknowledged in harshly condemning—and not tacitly condoning—the Turkish massacre of the Armenian people. For if we fail to heed the lessons of history, we are surely doomed to repeat them.

In commemorating this day for all it means to the Armenian people and to those of us who share their struggle, I point with particular pride to the prominent Armenian community I am privileged to represent within my congressional district. Not only in California, but throughout this Nation, the Armenian people have become interwoven into the fabric of our society while retaining their own special heritage through their language, their religion, and their ethnic customs. By so doing, in virtually every field of endeavor, the Armenian people have excelled and have greatly enriched our national cultural and heritage.

As a reflection of my own firm belief that we cannot afford to forget the lessons of history, and in recognition of the outstanding accomplishments and contributions of the Armenian people to our country, I am today introducing into the Congress a House joint resolution designating April 24, 1984, as "National Day of Remembrance of Man's Inhumanity to Man." I am hopeful that my colleagues will join with me in cosponsoring this resolution, which is similar to one which was introduced by my precedessor in the Congress, Bernie Sisk, and which previously passed this House. The text of the resolution follows:

H.J. RES. 247

A joint resolution to designate April 24, 1984, as "National Day of Remembrance of Man's Inhumanity to Man"

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1984, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a day as a day of remembrance for all the victims of the genocide, especially the 1.5 million people of Armenian ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.●

● Mr. LUNGREN. Mr. Speaker, today many of my colleagues will have the opportunity to rise and join me in marking the anniversary of the Armenian martyrs who have suffered so much at the hands of the Turkish Ottoman Empire. Traditionally, Armenian Americans and their kin throughout the world will observe April 24 as a day of mourning.

We all know that the great Armenian people were the tragic victims of the first genocide in the early years of this century. Even today, many are marked with this tragedy.

Literally thousands of books, pamphlets, papers and articles have been written in numerous languages apprising the world of the untold miseries suffered by the Armenians. During the horrible years from 1915 through 1918, the life of the Armenian nation was threatened with extinction.

It was on a night 68 years ago that 200 intellectuals, community leaders, and prominent leaders of the Armenian community were herded into the desert and executed. This event marked the beginning of the Ottoman Empire's systematic plan to exterminate the entire Armenian population within its borders.

Over the next 3 years, 1915–18, 1½ million Armenians were massacred. The entire population was uprooted from their ancestral homeland in what is now the eastern region of Turkey. The able-bodied men were murdered, sometimes in full view of their enslaved families. Then, all the remaining women, children, and elderly were forced to leave their belongings and march to the remote deserts of Der-el-Zor. Along the way, these helpless people were subjected to torture, rape, and slaughter by roving bands of Ottoman soldiers. Any survivors of these brutalities died one by one from exhaustion, starvation, and disease. A July 10, 1915, telegram from our Embassy in Turkey reveals these atrocities.

Persecution of Armenians assuming unprecedented proportions. Reports from widely scattered districts indicate systematic attempts to uproot peaceful Armenian pop-

ulations and through arbitrary arrest, terrible tortures, and wholesale expulsions and deportations from one end of the empire to the other accompanied by frequent instances of rape, pillage, and murder, turning into massacre, to bring destruction and destitution on them.

Mr. Speaker, the world must never forget the gruesome brutality and injustices suffered by the Armenian people. Nor must the world forget the other atrocities in this century or any other century. President Reagan said, in a proclamation on April 22, 1981, that "the lessons of the (genocide of the Armenians) must never be forgotten." The Armenian genocide is an affront to all those who value human life.

The purpose of the Armenians in seeking such recognition is not to encourage a desire for vengeance, nor to inflame any form of hatred. Rather, it is hoped that bringing this tragedy to the attention of the civilized world, it will reduce the likelihood of such occurrences in the future.●

● Mr. ST GERMAIN. Mr. Speaker, recently, a group of survivors of the Nazi Holocaust gathered in Washington to share their experiences and memories of the worst genocide in mankind's history. Their message was that we should and must remember the tragedy of the Holocaust so that it will never be repeated again. While we remember this Holocaust, however, we must not forget the genocide which served as a prototype for Hitler's "final solution" policy—the brutal deportation and massacre of approximately 1.5 million Armenians which occurred in Turkey in 1915–17.

Mr. Speaker, today we commemorate the Armenian genocide of World War I when growing Turkish nationalism and the perceived Armenian threat to the ruling Turkish Government served as an excuse to deport and annihilate millions of the Armenian people. Men, women and children of all ages were ordered from their homes and force marched under brutal conditions to the desert regions of modern-day Syria. Under the guise of moving the Armenians to an area where they would be no threat to military security, the Turkish Government ordered this massive deportation and sanctioned treatment which resulted in rape, mutilation, starvation, and outright slaughter of the Armenian people.

Every spring, the Armenian communities around the world grieve and remember the senseless massacre of their people, and I join in their mourning by cosponsoring House Joint Resolution 42, a congressional resolution decrying this example of man's inhumanity to man. The Turkish Government still refuses to accept responsibility for this massacre, but we in Congress have repeatedly expressed the feelings of those who abhor discrimination of ethnic and religious minorities, violations of human rights, and senseless death. Hitler once asked "who still talks nowadays of the extermination of Armenians?" The answer, clearly, is that we remember and condemn the atrocity of the Armenian genocide.●

● Mr. FEIGHAN. Mr. Speaker, it is an honor to join my colleagues on this day of commemoration and prayer for the Armenian people. Today is a day for all Armenians—and all Americans—to remember and reflect on the horrible and indisputable fact of the Armenian genocide of 1915. Many have called the brutal events of 1915 the "forgotten genocide"; it is our responsibility to see that they are never forgotten—and never repeated.

This past weekend I had the privilege to speak before the Armenian community of Cleveland, Ohio—a successful, proud, and tightly knit community dedicated to preserving the rich language, traditions, and heritage of the Armenian people. I am honored to serve so active and vital a community, and I would like to submit the text of my remarks for the RECORD:

REPRESENTATIVE EDWARD F. FEIGHAN—ARMENIAN MEMORIAL DAY SPEECH, APRIL 17, 1983

It is an honor to be with you all on this day of commemoration and prayer.

Today is a special day—a proud day.

Today, Armenian/Americans will gather in churches, homes, and meeting halls nationwide to remember and reflect on their long-cherished traditions and culture.

They will remember their ancient ancestors who gathered in the shadow of Mount Ararat even before the birth of Christ.

They will remember the Apostles Thaddeus and Bartholomew who brought the Christian faith to Asia Minor; and the Patriot Saint, Gregory the Illuminator, who made Armenia the world's first nation in Christ—a high civilization where trade brought wealth, and art, music, and literature flourished.

The traits that fostered that golden age—an abiding respect for hard work, learning, and culture—have been faithfully passed to you Armenians now in America. As I look across the room today, I see successful and industrious people from all walks of life; people who have thrived in America without sacrificing the rich language and traditions that have unified your Nation—through adversity and prosperity—for centuries.

You should be proud today, as you renew your commitment to preserving the heritage that has made the Armenian nation so vital a community, and so valuable a part of our nation. And you should—and will—rededicate yourselves to preserving and strengthening the deep bonds that link you and your brothers and sisters scattered across the globe.

It is for them, too, that we meet today—the Armenians still without freedom in Turkey and the Soviet Union.

And that is why today is sad. Because we remember not only the triumphs, but the tragedies as well.

We remember that from its very birth, the small but strategic Armenian Nation has been attacked from all sides.

We remember the centuries of domination—years of prejudice and persecution at the hands of Ottomans, Tatars, Mongols, and Turks. Years that have not ended.

And most of all, we mourn the fateful day nearly seventy years ago when the "Red Sultans" attempted a "Final Solution" to the Armenian question.

On that dark night of April 24, 1915, intellectual religious and political leaders of the Armenian community were rounded up and savagely killed. After this terrifying first strike, the sinister Turkish plan for the annihilation of the Armenian people quickly unfolded. For the next eight years, Armenians were executed and exiled. By 1923, 1.5 million were dead; 500,000 more were forced on long marches to distant lands. The entire Armenian nation was banished from its ancestral homelands.

Survivors of that nightmare—perhaps some of you here today—know the brutal details: People dying of thirst and hunger; children crying for want of food; and the river Euphrates red with the blood of murdered men. These images are indelibly etched in their souls—the souls of all Armenians.

Yet, only twenty years after the fact, the century's first genocide was the "forgotten genocide." As Hitler paused on the edge of his own reign of terror, he asked, "Who remembers the Armenians?" And no one had. A world blind to the lessons of history saw them repeated on an even more tragic scale.

But all of you have never forgotten. The massacre of 1915 retains a living, angry, and sad place in every Armenian household.

Your very presence here today pays eloquent testimony to the failure of the Turk's master plan to rid the world of your race. And you should take every opportunity to remind all Americans and all people everywhere of this incredible injustice.

Never before has a loud and clear affirmation of this historical atrocity been more needed. Because what the Turks could not achieve with naked force seventy years ago, they now try to gain with the cloaked daggers of diplomacy. They deny the acts that they boasted of before, hoping the world will forget. And with their lies, they are attempting a new genocide—the deliberate and systematic destruction of Armenian history.

This distortion of history is as awful a crime as the original murders.

And I am ashamed to say that the U.S. Government is becoming a partner to that crime.

Last August, the State Department printed an unprecedented note at the end of an article on Armenian terrorism. Many of you are familiar with its contents; but for those of you who are not, here is what it said:

"Because the historical records of the 1915 events are ambiguous, the Department of State does not endorse allegations that the Turkish government committed a genocide against the Armenian people."

Well, at the risk of offending the State Department, this absurd "note" is either a lie or "fool's history." The historical record of the 1915 events is not ambiguous. It is as clear and lurid a picture of man's inhumanity to man as you will ever see.

And if the State Department does not want to believe me, they can take a look at their own historical archives, where they will find telegrams from the U.S. Ambassador to Turkey, Henry Morgenthau:

"The whole history of the world contains no such episode as this," he said. "When the Turkish authorities gave the order for these deportations they were merely giving the death warrant to a whole race; they under-

stood this well * * * and they made no particular attempt to conceal the fact."

The fact they could not conceal was genocide—the deliberate, pre-meditated, and systematic destruction of the Armenian nation.

Nor was Morgenthau alone in his judgment. All of the American people share a proud record of humanitarian concern for the victims of the genocide. And their compassion was backed by action:

Congress chartered the Near East Relief Organization, which contributed $115 million to the survivors of the tragedy.

132,000 Armenian orphans became foster children to American parents.

And the Senate passed a resolution condemning the Turkish atrocities.

Since then, American statesmen have consistently condemned the genocide. The "allegations" that the State Department is so unwilling to endorse come from no lesser authority than the last two Presidents of the United States, who both have publicly mourned the events of 1915.

I don't know why the State Department printed that note. Maybe they thought it would slip by when Congress was out of session.

They could not have been more wrong. Thanks to the efforts of patriotic Armenians like you, the State Department has had to explain its position publicly. But, as you know, these explanations have been merely evasions.

Instead of a retraction, we have heard "that the article does not necessarily reflect the position of the State Department"; or "the State Department takes no position on this issue." Since when is the State Department so quiet? It should take a position on the Armenian genocide—an unambiguous and unqualified expression of disdain.

Nearly two months ago, I wrote to Secretary of State Schultz demanding just that—a retraction of the note and a clear statement of U.S. policy. I still do not have an answer.

This silence in the face of indisputable injustice is an affront to every Armenian and every American who cares about human dignity.

Some people disagree, saying that this double-faced diplomacy is necessary. "We should avoid angering our good friend Turkey," they say. These are the same voices that call for sending $1 billion taxpayers' dollars to Turkey—most of which will go for guns, planes, and tanks to help the Junta fight off the Soviets.

Well, no one likes the Russians less than I do. But we should not be so quick to embrace our so-called friends in Turkey. The generals now in charge rule with a strongarm linked to an iron fist. It is as repressive a regime as you will find in the world today.

Amnesty International and Helsinki Watch—two internationally repected human rights authorities—report that torture runs rampant in Turkish police stations and prisons. Over 30,000 political prisoners—many arrested on trumped-up charges—are treated to punishment too awful to believe. Men and women are raped, beaten, starved, and shocked, with cattle prods. Nearly 200 people have died in custody—where they are supposedly "protected" by the state.

Our NATO allies aren't too thrilled with the Turkish generals either. After expelling Turkey from the Council of Europe, they issued a report saying, "The human rights outlined by the Council of Europe are violated every day—I dare to say every Hour" in Turkey.

"How does the State Department answer these charges?" you ask. Not very well. Its annual Human Rights Report admits that "From time to time, instances of torture do occur." But it goes on to say that "The government of the Repubic of Turkey never approved of torturing those arrested and closely investigates every instance."

Maybe they should do a little more research. On the public record, the military seems proud of its work. Listen to the orders of one prison commander:

"All prisoners with the exception of the aged, women and children, the lame and the diseased, should be struck with a truncheon once or twice each below the waist in their rude parts and on the palms of their hands . . . I am not going to deny my order. My aim is to ensure discipline."

How long can we continue to cover for men—and I use the term loosely-like this? How long can we justify murder, repression, corruption, and inhumanity? We've been down this dreadful course before. For thirty years, we propped-up the Shah and his secret goon squads. And we all know where that got us.

There comes a time when human interests have got to override strategic interests. Here in America, the people come first. Our Constitution defends our rights and protects us against arbitrary and inhumane government action. We are far from perfect; but we still should be proud to live in the most free nation in the world.

We cannot expect all countries to match that fine record. But our foreign policy should be an extension of the values America stands for—freedom and a basic respect for the dignity of all people. And that is not just the idealistic dream of a Freshman Congressman; it is the law. The Foreign Assistance Act of 1961 prohibits sending U.S. aid to any government "which engages in a consistent pattern of gross violations of internationally recognized human rights."

Turkey's record of human rights abuses is gross and it is consistent. And I will do everything in my power to block any more U.S. aid until Turkey demonstrates respect for human rights. If Turkey wants our money, they are going to have to play by our rules.

Finally, we should all continue to press the State Department for an unequivocal retraction of the August note, and for ratification of the U.N. Genocide Convention. Ratification will tell the world once and for all that the United States has a firm commitment in word and in deed to the preservation of humanity.

It will also send a clear signal to the Turkish Government; and, most of all, it will give our moral support to they Armenians still in Turkey, who are fighting a never-ending battle against "Turkification." Turkish authorities still confiscate Armenian property; they still pull children out of Armenian schools; and the still harass Armenian churchmen and educators.

As Americans—A people devoted to man's highest ideals—we cannot ignore these facts. We must demonstrate that the U.S. Government will never cease to be a proud guardian of human rights. Unless freedom flourishes in all lands, it cannot flourish here.

All Americans and all Armenians share that dream of freedom, and nothing the Turkish police can do will kill that idea of liberty.

It lives when a people refuse to give up their language, refuse to give up their nation, and refuse to give up their faith.

It lives when people are willing to step forward, whatever the risk, rather than submit to injustice.

Freedom lives in the hearts and minds of all Armenians.

In closing, I would like to share the words of a man committed to this struggle for liberty—our great president, John F. Kennedy:

"The wave of the future," he said, "Is not the conquest of the world by a single dogmatic creed, but the liberation of the energies of free nations and free men."

Together today, we remember the sorrowful past, while looking to that hopeful vision of the future.

I believe in that vision. And because I believe, I promise never to back down on human rights. And I urge you with all my heart to continue the tireless efforts that you have made for so many years to preserve Armenian history, and to nurture the hope that the Armenian people may someday enjoy justice and freedom.

This is a worthy cause.

It is a cause consistent with our country's finest traditions.

And it is a cause that I will never abandon.

My prayers are with you on this day of remembrance.●

● Mr. FAZIO. Mr. Speaker, today, 68 years after the tragic Armenian massacre at the hands of the Ottoman Turkish Government, we honor the memory of the multitudes that died in eastern Turkey, and in honoring them, we are ensuring that we will never forget the tragic and horrendous events of one of the darkest periods in world history. Remembering such an event is not easy, but it is necessary. As we acknowledge the pain and suffering of over 1 million people—men, women, and children who died for no other reason that that they were Armenians—we renew our pledge to do all that we can to prevent another holocaust anywhere ever again.

Beginning in 1915, Armenian intellectuals and community leaders in Turkey were murdered. Over the next several years, the entire Armenian population in eastern Turkey were deported or killed in a systematic effort to obliterate the people, the religion, and the culture of Armenia. Nevertheless, enough Armenians survived to establish, after World War I, a Republic of Armenia. Unfortunately, this small and weakened State fell only 2 years later to the Soviet Union. Those Armenians are now subjects of the Armenian Soviet Socialist Republic.

Since that day in 1915, genocide has become part of the historical fabric of this century. Its victims have become more numerous and widespread with the passage of each decade. Now, almost 60 years after this first genocide, we know of the death of 6 million Jews at the hands of Hitler and his regime; we know of the genocide of the Cambodian people, in which more than 2½ million people were killed by the repressive Pol Pot regime; we know of Idi Amin's murders of 300,000 individuals in Uganda; we know of the

merciless killings and repression in El Salvador, Argentina, and Afghanistan. The Armenian people, as the first victims of this horror, stand as symbols of the human capacity for cruelty to our fellow human beings.

Because of the sheer magnitude of the Armenian genocide it is all too easy for the human element of the tragedy to be overwhelmed by the vast inhuman horror. But we cannot tolerate indifference to the events of that period, for to do so would also signal our indifference to the victims of prejudice and terrorism and would signify abandonment of the cause of human rights. It is the obligation of people everywhere to know not only what happened to the Armenians, but how it happened, and most importantly, why it happened. These brave Armenians can best be memorialized by rededicating ourselves to fighting bigotry and indifference to human suffering and to the never-ending task of preserving and defending our democratic values and system of government. We must not commemorate this tragic anniversary in a spirit of despair, but in a spirit of hope that the decent people of the world will remain vigilant to prevent such a tragedy from occurring ever again.●

● Mr. LEVIN of Michigan. Mr. Speaker, I rise to speak today on this solemn occasion of Armenian Martyr's Day. Last week we paused to remember and to speak about the Holocaust. Then, words were inadequate to express our feelings; today they are inadequate to express the tragic persecution and massacre of the Armenians from 1894–1923.

Yet discussion of the first attempt at genocide in the 20th century is vital. Too few Americans stop to remember the Armenian martyrs. Too few remember the unflagging efforts of Ambassador Morgenthau, who tried to alert this country to the tragedy of 1915–20. His words were ignored. Descriptions of the massacres provided by historians and critics such as Arnold Toynbee and Lord Bryce likewise went unheeded.

One way we can remember is to take note of the vibrant Armenian communities thriving in numerous areas throughout the United States including the Detroit metropolitan area. In this community, ancient traditions are very much alive, enriching not only the Armenians, but America as a whole. Let us applaud their cultural revival: the return of Armenian schools, newspapers, festivals, churches, and cultural institutions. Above all, let us take inspiration from the courage and contributions of the Armenian people, in 1915 and today.●

● Mr. TORRES. Mr. Speaker. I would like to thank my friend and colleague from California Mr. PASHAYAN for requesting this special order today.

Today we are commemorating one of the most brutal human atrocities in history. The Armenian genocide which took place between 1915 and 1918 saw the death of 1.5 million Armenian children, women, and men at the hands of the Ottoman Empire.

This shocking act of ruthlessness and disregard for a peace-loving people nearly destroyed the Armenian community of Asia Minor. Since that time, however, the Armenian people have reestablished themselves and we in the United States are fortunate to have them within our citizenry.

It is important we continue to recognize this inhumane tragedy for generations to come. Our remembrance of Martyrs' Day will teach us to understand the importance of what happened to the Armenians so that we can begin to guarantee future generations a more peaceful world.

I ask my colleagues of the House to join me in mourning this tragic event.●

● Mr. LANTOS. Mr. Speaker, April 24, 1983, marks an unfortunate anniversary. It is 68 years since the Armenian genocide, the first genocide of the 20th century.

This tragic sequence of events began with the execution of 300 Armenian leaders in Turkey in 1915, and by the time it ended, in 1923, more than 2.5 million Armenians—men, women, and children, had died, many from internment in concentration camps.

A tragedy of this magnitude would perhaps be one of the most infamous events in history. Surely it deserves such a place on that black list. It is even more tragic, however, that the so-called forgotten genocide was overtaken only a few short years later by the Nazi-led Holocaust in Europe.

Recently, there was a gathering of survivors of the Holocaust in Washington. The message they brought to us is the same message that should be told whenever there is the danger the Armenian genocide might be forgotten.

We cannot let this happen again, to any people, in any part of the world. We cannot forget this, and I thank my colleague from California for making certain that the Armenian genocide will not fade into merely a footnote to history.●

● Mr. RATCHFORD. Mr. Speaker, I join my colleagues in commemorating one of the darkest days of this century—April 24, 1915—a day which marks the beginning of the systematic massacre of over 1.5 million Armenian men, women, and children by the Ottoman Turks. I cannot overstate the importance I put on remembering this tragedy. The Armenian genocide was and continues to be a horror of inconceivable proportions. It is a living, unquenchable anguish for the Armenian people, and a blight on human history, yet it must never be forgotten.

The sacrifice of 1.5 million Armenians is carried in the hearts of Armenian Americans today. Nearly all of the 600,000 Armenians living in this country lost family members in the atrocity. We would be a poorer nation without them. Their innumberable contributions to American society, and their unwavering courage and perseverance in the face of the most grotesque persecution is an inspiration to us all. We owe it to them, and to ourselves, to remember this day always. In so doing, perhaps we will in some small way help to strengthen the bulwark against the genocides and violence of this century. These events seem unthinkable to many of us now. The urge to repress them is in some ways only human. But no matter how painful, memory is our greatest defense. It will be our greatest tribute as well.●

● Mr. GEJDENSON. Mr. Speaker, Sunday, April 24, is a special day of remembrance for Armenian people everywhere. It is the day that Armenians commemorate the victims of one of the worst atrocities in this century: The ruthless extermination of nearly an entire population by the Ottoman government in 1915.

The events of 1915 can never be forgotten by the Armenian people, but there are others who would erase this history and deny the Armenians their memories. Just as there are groups that deny the Jewish Holocaust, so there are those who assert that the well-documented massacre of 1.5 million Armenians is only a myth.

Our own State Department, I am afraid, has contributed to this bastardization of history. In an August 1982 edition of the Department of State bulletin, a note inserted in an article entitled "Armenian Terrorism: A Profile" stated:

> Because the historical record of the 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people.

Following an outcry by Armenians, Members of Congress and many others, the next State Department bulletin carried the following editor's note:

> The article does not necessarily reflect an official position of the Department of State, and interpretive comments in the article are solely those of the author.

The State Department has only today agreed to publish a clarification of the note and still ignores numerous requests for an official position of the Armenian genocide.

Through these actions, the State Department has aided all of those who deny the Armenian genocide, and by extension, has encouraged those who deny the Holocaust, the Cambodian genocide, the persecution of the Bahai's, or any other racial extermination plan.

Other nations may rewrite their histories as easily as they spew political propaganda, but the United States, with a free press and the freedom of speech, has always prided itself on its commitment to the truth. For an official agency of the United States to sanction the whitewash of the Armenian genocide is not only a mockery of the historical record, but an affront to our most fundamental American values.

We cannot close our eyes to crimes against humanity simply because an ally has committed them. Just as we speak out against the treatment of Jews in the Soviet Union, so must we protest the persecution of native Indians in Guatemala. Just because of Turkey's strategic role, we must not refute the atrocity perpetrated against the Armenian people.

When Hitler first proposed his final solution, he was told that the world would never permit such a mass murder. Hitler silenced his advisers by asking, "Who remembers the Armenians?" We must answer Hitler today by pledging to preserve the truth. We must make it clear to all those who support racial hatred that our Nation will not forget the Armenians.●

● Mr. LENT. Mr. Speaker, I rise today to join my colleagues in recalling the tragedy that befell the Armenian people at the beginning of this century. April 24, 1915, marks the day when the first blood was spilled as the Ottoman Empire began its campaign to exterminate its Armenian population. By 1923, 1.5 million Armenians had been killed and another 500,000 had been exiled.

Mr. Speaker, this is the 14th year that the Congress has taken time from its busy schedule to memorialize this terrible tragedy in human history. And we do so for a good purpose: To prevent such horrifying crimes against humanity from happening again.

Just last week, 12,000 survivors of the Holocaust gathered in our Capital to help the world remember and learn from the terrible crimes that were committed against the Jewish people. Their efforts are of great assistance in preventing such horrors in the future.

And, so it is with our remarks today, in observance of Armenian Martyrs' Day. From the tragedy that befell the Armenian people, we strengthened our resolve to make sure such tragedies do not happen again.

Happily, we Americans have built a system of government and a way of life that helps guard against such crimes. Our society is tolerant of and even welcomes the differences of opinion that are a part and parcel of our great and diverse population.

It is with this background of an unparalleled degree of freedom and liberty to our land that we are able to better fight for the rights of others less fortunate. Mr. Speaker, by marking this solemn day, we help the world remember the cruelty and oppression of the Ottoman Empire as we redouble our efforts to be certain such events never happen again.●

● Mr. HOYER. Mr. Speaker, in a speech to his commanding generals before beginning the assault on Poland, Adolph Hitler presumably justified the impending slaughter of the Polish people by saying:

Only thus shall we gain the living space (Lebensraum) which we need. Who, after all, speaks today of the annihilation of the Armenians?

Hitler's concluding judgment recognized the world's indifference to the Armenian genocide. Almost as quickly as the lives of more than 1½ million men, women, and children were extinguished in Turkey during 1915–16, the world forgave and forgot those crimes. Following World War I there was no accounting, no international tribunal to determine guilt, no summoning of witnesses, and no impartial international investigation of the crimes against the Armenians.

This is the 14th year that Members of Congress have marked a special day to reflect upon the tragedy of the Armenian genocide. The tragedy lies not just in the monstrously astronomical numbers of dead, but also in the historical relevancy to which it has been relegated—that of the unremembered genocide.

It is this ambivalence, this indifference, that must be remembered for we have seen how it was used by one leader when he began the formulation and implementation of plans to rid the world of Jews.

There is no question but that we should remember this infamous act. Once brought into the light of inquisition, the picture that unfolds is both vivid and gruesome. It reveals a sinister plot to systematically eliminate the Armenians. It exposes the mass deportation of a people from their homeland. It reveals the painful struggle of the men, women, and children who were driven remorselessly through torrid deserts to their journey's end—a passage that meant death for almost all of them. It brings forth from obscurity the vile fact that the stream of the Euphrates, the very cradle of civilization, became littered with the corpses of children. And finally, it unveils the vivid picture of a government that deliberately let loose the passions of racial and religious hatred upon its victims.

In remembering the horrors, we would do well to heed the warning that indifference to such horrors bears. I think it is most appropriate that we observe this shameful act in the same month that we observe the Holocaust that came after it. They, and the sheer number of other such odious acts must be remembered—if only for the sake of humanity.●

● Mr. HOWARD. Mr. Speaker, once again, in the face of Turkish denials which become less credible and more odious with each passing year, we salute the bravery of those Armenians who suffered and died at the hands of the Ottoman Turks from 1915 through 1922. Modern genocide as an historical phenomenon began with this early 20th century act of Turkish savagery. Documentation by our own Ambassador to Constantinople at the time, Henry Morgenthau, suggests that the nearly 2 million Armenian men, women, and children slaughtered by the Ottoman authorities were victims of nothing less than a deliberate, calculated policy of systematic extermination.

These acts of mass murder, far more repugnant than any known act of military aggression, rivaled in scope only by Hitler's decimation of the European Jews, must not be forgotten. The ability of 20th century man to transcend all conceivable bounds of moral restraint is witnessed as late as the 1970's in the actions of Cambodian leader Pol Pot. Such acts are a crime against all mankind, and deliberate ignorance of events such as the Armenian genocide is a crime of human civilization itself.

As I have asserted in the past, the first step toward Turkish peace with the soul of the Armenian nation must be a full acknowledgement of the guilt of their ancestors. Just as the people of West Germany have looked the Jewish community in the eye, the Government and people of Turkey must at least acknowledge what can never be rectified.

We remember on this date not the murderous cowardice of the Ottoman butchers, but the bravery and sacrifice of the Armenian victims. Let us erase from human memory neither their tragic death nor their heroic struggle.●

● Mr. TORRICELLI. Mr. Speaker, April 24 is a day the free world has set aside in commemoration of the Armenian men, women, and children who suffered this century's first genocide. At the hands of the Turkish Government 1.5 million Armenians were killed. The remainder of the Armenian people were forcibly dispersed across continents from their ancient lands leaving behind their dead and the impoverished soils of their homeland. Western democracies witnessed these atrocities during the year 1915–18, but failed to intervene in order to halt the wholesale slaughter.

The diaspora of survivors has resulted in Armenian communities worldwide. The will of the Armenians to maintain their heritage has allowed them to thrive in their alien surroundings. In the United States the Armenians have found a country which has accommodated their spiritual, intellectual, and cultural ambitions. In the land of the free the Armenians have

developed a love for the country, its traditions for freedom, and its quest for justice.

This quest for justice has instilled in the Armenian Americans the desire that the U.S. Government bear upon its Turkish ally to officially recognize this tragedy. The Turkish Government has continued to deny that any such event ever occurred. For the United States to accept this denial is to perpetuate the injustice on a people who have contributed so much to this country.

As the modern world's democratic leader, the United States must make good its claim for justice and deplore, not tacitly endorse, any attempt to cover up the historical record. To forestall such bloodshed in the future we must recognize the crimes of the past before time allows us to forget.●

● Mr. MARTINEZ. Mr. Speaker, I speak today in memory of the Armenian men, women, and children, who, on April 24, 1915, were the world's first genocide victims.

This deplorable action of mass murder by the Ottoman (Turkish) Empire, must be remembered in order to prevent such occurrences in the future. It can never be assumed that genocide will not occur in this century. For it is no secret that Hitler pointed to the Turkish example, when he began the systematic mass extermination of Germany's Jewish population. He answered his critics, who cautioned him against such a policy because it would alienate world opinion, saying the world had no opinion when the Turks eliminated the Armenians.

There is a great need for Americans to remember these historical crimes against a peaceful people, because we will all share the responsibility for allowing such events to slip into obscurity and be disregarded or forgotten. To remember will prevent another Hitler or ruthless dictator from implementing a policy of genocide, because the people of the United States will demand and take the necessary action to stop such action.

These historical events become even more important to remember, when as recent as August 1982, our State Department issued an article entitled: "Armenian Terrorism: A Profile," which ignored and disavowed the historical fact of the Armenian genocide. Fortunately, I joined my colleagues in the House in admonishing the State Department officials and demanding a retraction of this reprehensible statement.

We, as Americans must remain vigilant in protecting basic human rights and never allow such events as the Armenian genocide to be repeated. The note within the State Department's communication attests to the need of remembrance of each year of this tragic historical event; and the need to educate others and make the possibility of complacency by Americans when they see a people about to become the victims of genocide impossible.

It is my desire to see that we, as Members of Congress, each April, continue our recognition of the Armenian genocide until it becomes a tradition in Congress.●

● Mr. DONNELLY. Mr. Speaker, I am honored to join my colleagues in the House today to commemorate the genocide of the Armenian nation during World War I by the forces of the Ottoman government.

I am outraged that the State Department has apparently attempted to inject an aura of uncertainty into the facts of the genocide, and has failed to clarify longstanding U.S. policy in this regard. There can be no doubt at all, after reviewing past Presidential proclamations and congressional documents, that a tenet of U.S. policy has been, and continues to be, the unclouded recognition that the Armenian people were subjected to a planned and systematic genocide by the Ottoman Turkish authorities in the period 1914–17. We need only to read the anguished reports of U.S. Ambassador Morgenthau's tenure in Turkey to ascertain what was taking place against the Armenian population, and to what degree the brutality escalated. The Armenian-American community is rightly indignant at the State Department's shoddy and insensitive handling of this most tragic matter. I join with my friends in the Armenian-American community in calling for a full retraction of the State Department note of August 1982. I join the community in its prayers for the lost souls of the genocide.●

● Mr. PARRIS. Mr. Speaker, thank you for the opportunity to add my statement to those of my colleagues who are participating today in the special order on the Armenian massacre.

On April 24, 1915, approximately 1.5 million Armenians were massacred by the Turks in what has come to be known as the first genocide of the 20th century.

Armenia, once an empire between Turkey and the Soviet Union, had become a part of Turkey by 1914. At the outset of World War I, young Muslim Turks claimed that Armenian Christians were a threat to the Turkish Government and this idea was used as an opportunity for Turkish leaders to wipe out Armenian demands for equality and freedom. At this time, the Turks believed the best way to accomplish this goal was to destroy the Armenians themselves.

The world was not oblivious to what was happening and reports of these atrocities caused an outcry of protest in Europe and our own U.S. Ambassador to Turkey (1913–16), Henry Morgenthau, wrote numerous detailed accounts of the unspeakable horror, mass suffering, and death of a nation of people. In February 1919, the Turkish Government began trials to bring those responsible for the Armenian massacre to justice. However, all three key top officials, Enver Pasha, Talaat Bey, and Djemel Pasha, all of whom were condemned and sentenced by the Turkish Government in July 1919, had all escaped the country months before the verdict and were later known to have fled to Germany, Turkey's primary ally in World War I.

Today, we have come together to remember those Armenians who died in 1915 and to remind people who love freedom that we will not let this type of tragedy happen ever again. I urge my colleagues to join with me in commemorating the Armenians who died in order to preserve freedom.●

● Mrs. BOXER. Mr. Speaker, I am submitting a speech on the Armenian question by Walter Karabian into the RECORD.

THE ARMENIAN QUESTION: IN SEARCH OF A JUST SOLUTION

(By Walter Karabian, Former California Assemblyman)

We do not condone terrorism. We emphatically oppose it! If you pause for a moment and think, you should realize how obvious it is that the very people who have been subjected to brutal, mass violence and terrorism could never condone or desire that it be directed against others. But our moral objections will not make terrorism disappear. Neither will wishing. To rid the world of terrorism, it is necessary to understand its roots, what impels men and women to turn against the cannons of morality and civilization to injure or kill innocents.

To rid the world of terrorism, it is necessary to understand its roots.

The world at large will consider the few Armenians who have turned to terrorism as criminals. I believe they regard themselves as patriots. They have chosen to step outside the boundaries of civilization because they seek to avenge a crime that civilization has largely ignored. In what they see as callous moral omissions, the powers of the world great and small have not even considered the injustice of the Armenian atrocities, let alone moved to initiate an adjudication.

Armenian Americans are law abiding citizens. Acts of terrorism are repugnant to us today as they were some seven decades ago. The crime seven decades ago amounted to genocide against the Armenian people. It began in 1894 with Abdul Hamid, the infamous Red Sultan, reached its apex under some of the greatest villains in history. Enver Pasha, Talaat Pasha, and Djemal Bey during World War I, and concluded with Kemel Ataturk in the early 1920s. The total loss of Armenian lives reached one and a half million of a total population of two million. Those who survived became a tragic wave of refugees immigrating to all parts of the world. They left behind the remnants of a shattered Turkish society, a destabilized economy, and a moral damnation from which Turkey has still to this day not recovered.

Those who allow genocide to go unpunished for reason of national interest must share some of the guilt themselves.

At the time of the massacre, the United States Ambassador to Turkey, Henry Mor-

genthau, wrote "The whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915."

Ambassador Morgenthau did not know of the horrors that were to come in the Nazi concentration camps; but Adolph Hitler did know of the horrors that had come in Turkey when in 1939 he gloated, "Who nowadays speaks of the extermination of the Armenians?" The Nazi Holocaust has at least been acknowledged not only by the civilized world but also by the German people themselves, whether they were actually the same individuals who perpetrated the crimes or not. That recognition has made for a certain sense of justice. And with recognition has come a degree of restitution, also from the German nation.

Most contemporary Germans are no more responsible for the Holocaust than we of today are for the Indian massacres on the American Western Frontier a century ago. Yet, Germany has committed itself to making amends for the greatest wrong of its national past. The Armenian people believe passionately that Turkey must render them justice too.

There are many parallels between Turkey's crime against the Armenian people and Germany's crime against the Jewish people. To punish the one but not even to acknowledge the other makes the justice of Nuremberg seem like a victor's peace rather than an affirmation of human rights. Our failure to stand by those principles can only make easier further genocide.

Turkey was not at war with Armenia because Armenia was, in fact, a part of the Ottoman Empire. The Armenian people had the same legal right to be protected within the Ottoman Empire. Likewise, the government had the legal and moral duty to protect its citizens. Therefore, the slaughter which resulted amounted to genocide.

The Western powers have always used the pretext of humanitarian concerns to cover their real diplomatic interests in Turkey.

But why the genocide? Why would a powerful government ruling more than 20 million people seek to destroy a small cultural population of two million? There had existed between Turkish and Armenian peoples an ancient religious animosity; Moslems viewing Armenians as infidels, and Armenians choosing martyrdom rather than submitting to forced religious conversion.

Turkey was at war with Russia, whose armies included Russian Armenians. This situation is so painfully similar to the circumstances in World War II concerning Japanese Americans. The United States was wrong to enter Japanese Americans; but her wrong did not amount to killing.

Was so-called infidelism reason for the slaughter of Christian Armenian males, the dishonoring of their women and the forced conversion of their children? Does calling it a "holy crusade" justify brutal violations of fundamental human rights? And is nationalism sufficient reason for the eradication of cultural and religious people few in number?

To Armenians, the Turkish denial of its atrocities is patently preposterous. While, like myself, most Armenians do not condone terrorism, they can understand the frustration of some of their young people made furious by the civilized world's indifference to the brutal wrong committed by official acts of a government on their parents and grandparents. In every Armenian household, the memory of the Turkish massacre is a living, angry presence.

And we must understand that, while Armenian assassins have chosen unjust means to their end, the cause in which they act is just.

An Armenian poet wrote, "When wise men see no remedy, the fools find the way." Through violence, the young prone to terrorism not only seek to avenge their dead ancestors they also aim to dramatize the legacy of injustice that all Armenians feel. They intend to bring pressure to bear upon Turkey to recognize and make amends for its predecessor's crimes.

We must understand these simple facts that lie at the base of the terrorist impulse. And we must understand that, while Armenian assassins have chosen unjust means to their end, the cause in which they act is just.

There are many parallels between Turkey's crime and Germany's crime against the Jewish people. To punish the one but not even to acknowledge the other makes the justice of Nuremberg seem like a victor's peace rather than an affirmation of human rights.

But, must justice require the spilling of blood? Must more lives be lost to right a distant wrong? Can we not find a way to set aside the agonizing usual course of events in the interest of a peaceful settlement? Unhappily, modern history teaches us that settlements among peoples seem too often to proceed through two stages: first terrorism, then negotiation. Let us pass over the stage of terrorism and proceed directly to the diplomatic undertaking. Let us extinguish the fire of terrorism by destroying the fuel by which it burns.

The Armenian people believe passionately that Turkey must render them justice.

Armenians around the world ask only that the modern Turkish government publicly recognize the genocide of its predecessor government of the Ottoman Empire. Armenians care very deeply about the questions of restitution, property, compensation, and a homeland; but they do not insist that these be judged beforehand. In the interest of reaching the diplomatic stage and ending the phase of suffering, they are willing to leave such matters to negotiation.

Armenians ask now that this Turkish government recognize the genocide of its Ottoman predecessor. The enormity of this unjustice done to the Armenian people is an incontestible historical fact. Without demanding recognition of this hateful crime, Armenians would dishonor their dead and ignore their dispossessed.

Some people suppose that the Armenian tragedy is best forgotten, that the continuing Armenian anger is inappropriate. Many national leaders find it convenient to put the Armenian question aside, preferring to ignore it rather than encourage the Turkish government to seek a just solution. This is especially true at a time when Soviet expansionism poses such a serious threat. It is tempting to let Turkey have its way in order to preserve a buffer state between the free world and the Soviet Union.

Armenians ask now that this Turkish government recognize the genocide of its Ottoman predecessor.

But Armenians have faced the politics of convenience before. The British Prime Minister Disraeli opposed a plan that would have created an Armenian dependency under the nominal rule of Turkey. He feared that Armenians would gravitate to Russia as the Balkan peoples had. Later, the allies did not see fit to enforce clause 61 of the Berlin treaty of 1878 that required Turkey to reform its abuses against the Armenians.

He who commits injustice is ever made more wretched than he who suffers it.

The Western powers have always used the pretext of humanitarian concerns to cover their real diplomatic interests in Turkey. The British publicized the Turkish atrocities in World War I, but acquiesced while General Yudenich planted Cossack colonies on land along the Russo-Turkish border that belonged to Ottoman Armenians who had been deported or massacred by the Turks. In 1916, the Clemenceau French government promised the Armenian government they would erect an autonomous Armenian state in the Cilician part of their Anatolian zone in order to attract several thousand Armenians to join the Legion D'Orient. This promise was not fulfilled.

To allow genocidal actions to go unrecognized or unpunished flaunts the most basic principles of civilized countries and encourages those who could perpetrate future cultural or religious massacres.

The United States has also put its self-interest ahead of justice for the Armenian people. An isolationist America turned down an opportunity to take the Mandate over Armenia in 1920 for fear of becoming entagled in further hostilities in that far-off region.

And when finally Armenia declared its independence in May 1918, the West did not prevent the Soviet and Turkish takeover of the new Armenian state just two years later in 1920. It has never been convenient to stand up against Turkey and protest their treatment of Armenians, but surely justice can never be a matter of pure convenience. Those who allow genocide to go unpunished for reasons of national interest must share some of the guilt themselves.

We seek justice through diplomacy not out of weakness but with a deep resolve to quiet the haunted screams and cries of our ancestors who were murdered.

More and more Armenian Americans realize that during the Nixon, Ford and Carter Administrations with the invasion of Cyprus by Turkey, the challenging of Greek territorial waters in the Aegean Sea, and even with the unabashed exportation of opium by Turkey, the U.S. in effect fell into a policy of convenience. We hope the Reagan Administration will not follow the same course. While we are pleased by the words of sympathy, understanding and support that come from this Administration, we are not pleased that no efforts are being expended to reach a peaceful, diplomatic solution.

I believe, further, that the free world has a stake in inducing Turkey into justice. The censure of the Ottoman government's crime would warn those nations who would, under color of war, relieve their suspicions of cultural and religious minorities by genocide. One does not have to look far in the contemporary world to find religious minorities surrounded by a hostile majority. Surely it is in the interest of the free world to make indelibly clear that it will not tolerate the murder of so-called infidels.

Recently, we have witnessed the violation of human rights as a tactic of nationalist suppression in Poland and Afghanistan. To be sure, struggles between contending peoples are inevitable in any nationalist movement, but there is a crucial difference between the legitimate exercise of police restraint on civil disorder and the physical elimination of potential dissenters. Genocidal solutions to national problems cannot be condoned.

We will not go away; we shall not fade away. We can only put away our resolve when we are given justice. Make no mistake about it, we will never turn our back on the events of this century. Our national character has the genocide burned indelibly into it.

Indeed, the recognition that genocide is a crime is central to the protection of human dignity. There cannot be a statute of limitations on such crimes. To allow genocidal actions to go unrecognized or unpunished flaunts the most basic principles of civilized countries and encourages those who could perpetrate future cultural or religious massacres.

Recognition and censure of the Ottoman government's crimes against the Armenian people will place a warning on those who would contemplate genocide for military, religious or nationalistic reasons in the future.

Let us extinguish the fire of terrorism by destroying the fuel by which it burns.

Moreover, we recognize the significance of Turkey to the North Atlantic Treaty Organization. It is for this reason, among others, that we feel that NATO could be strengthened by a resolution of the Armenian Question, and as well the similar problems of the other Christian nationalities formerly subjects of the Ottoman Empire. Each year in Congress, the question of military aid to Turkey is raised against the background of Cyprus, the Aegean Sea dispute and human rights violations in Turkey. If international secular justice is brought to bear on these problems intrinsically religious in nature, then much of the controversy of military aid to Turkey would be eliminated. In addition, to the matter of justice, then, is it not in the national interest of the United States to resolve the Armenian Question?

We ask, no, we implore the Administration to establish the machinery, the simple bringing together of those who will directly benefit from a solution. We implore the world to give us justice through diplomacy not out of weakness but with a deep resolve to quiet the haunted screams and cries of our ancestors who were murdered. We will not go away; we shall not fade away. We can only put away our resolve when we are given justice. Make no mistake about it, we will never turn our back on the events of this Century. Our national character has the genocide burned indelibly into it.

We Armenians know perhaps better than most that no man and no nation, including Turkey, is immune from Plato's immortal admonition. "He who commits injustice is never made more wretched than he who suffers it."●

● Mr. SIMON. Mr. Speaker, I want to join in paying tribute to the Armenian people on Armenian Martyrs' Day. It is more than a day simply to pay tribute to those who suffered so severely in 1915.

It is also a day to remind ourselves that while in this instance it was Christians who suffered, in Germany it was Jews who suffered. Man's inhumanity to man is not a monopoly of any people.

So when we pay tribute to the Armenian people and all they have gone through and how they have kept their culture despite all of this, we should not only pay tribute to this gallant people, we should also remind ourselves that we must stand up for the oppressed wherever and whenever the occasion demands.

I am pleased that our colleague from California, who happens to have an Armenian heritage, has scheduled this event. Let me also pay tribute to a good friend of mine of college years whom I have not seen for many years, Sam Kachichian, of Racine, Wis. We called him Socko. Socko not only enlivened things at the college dormitory at Dana College in Blair, Nebr., he also taught us much about the Armenian heritage, and I shall always be grateful to him for that.●

● Mr. ADDABBO. Mr. Speaker, in conjunction with the survivors of the Holocaust during World War II who met at the convention center last week, it is most fitting that my colleagues join together today in commemorating Armenian Martyrs' Day which serves as a reminder to everybody of the great suffering that millions of Armenians were forced to endure under Turkish domination.

Over 68 years ago, one of the most brutal treatment of a people began under the tyrannical Ottoman Empire.

The origin of this mass murder began in June 1915 when over 1 million Armenian people were forced to relocate and leave their homes behind. This journey took its toll on these people and over half of them had died before reaching their destination. They were subjugated to continuous attacks by desert tribes and forced to survive on a less than adequate amount of food and water. Despite these conditions, the Armenians continued to have hope and worked together to survive.

Like the Jews of Europe during World War II, the Armenians represented a separate political and religious identity and suffered because they were a minority in an empire that had no tolerance for the noncomformity of its subjects. It was this invisioned political threat that plummeted the Armenians to their slow and cruel deaths.

Today, almost 70 years later, it is important for us to recognize and admire the spirit and courage of the Armenian people. We must emulate their desire to live on which serves as a reminder of how dear our freedom and liberties are to us. Armenian Martyrs' Day acts as a symbol which prevents atrocities like this from ever occurring again.

Like other minorities in all nations throughout the world, I hope and pray that they remain strong and guard their freedom. The Armenians, I hope they continue to commit themselves to regaining the independence that was so abruptly and unfairly taken away from them.●

● Mr. GREEN. Mr. Speaker, today we commemorate those who died in the Armenian genocide, a tragic event in human history. The Armenian genocide's significance today is to remind us that the presecution and systematic mass murder of a specific race or culture is a shameful and recurring stain upon the history of this century that we must confront to insure that such a threat to humanity will never again occur.

Between the years 1894 and 1924, the Ottoman Empire massacred 1.5 million Armenian men, women, and children. People were forced to leave their homes and march long, difficult distances only to meet the horrible fate of disease, starvation, and death. Villages were destroyed, families separated, and human beings brutally murdered by an Ottoman government seeking to wipe the Armenian population off the face of the Earth. The Turks were frighteningly successful, reducing the Armenian population in the Ottoman Empire from 2,500,000 to less than 100,000.

As a member of the U.S. Memorial Holocaust Council, it is a privilege to inform my colleagues that the Armenian genocide will have an important place in the Holocaust Museum. This human tragedy warrants more prominence and attention as a historical event than it has previously been given. I sincerely hope that the Memorial Council's unanimous dedication to the Armenian genocide's further recognition will increase awareness and an understanding that we must never forget the 1.5 million victims of what has been called the first genocide of the 20th century.

Last week, the American Gathering of Jewish Holocaust Survivors was held here in Washington. At least 12,000 survivors and their families convened in an event in which I was fortunate to have participated. The one theme expressed strongly by many of these survivors was the tremendous importance of remembrance. Ceremonies like the American gathering and this special order, which my distinguished colleague from California has organized, provide an opportunity to reflect upon the scarred past and to hope that through our awareness of these heinous crimes against humanity we can work toward a peaceful future. The gathering of survivors last week made this message very clear and the message clearly applies to the Armenian genocide as well.

Who remembers the Armenians? This was the question Hilter asked at the time he was planning his final solution for the Jews of Europe. A deafening silence responded to his question as Europe stood by to witness yet another tragic annihilation. We must neither forget nor deny the past. Suppression and denial are history's greatest enemies and I oppose any effort to reinterpret the Armenian genocide.

Our civilization has failed again and again to prevent mass murder. This

special order today gives us the opportunity to rededicate ourselves to seeing to it that genocide can never again be commited, and that the millions of Armenians who died will not be forgotten.●

● Mr. EDGAR. Mr. Speaker, during the month of April, 68 years ago, the Ottoman Turkish Government began its attempt to systematically eliminate the Armenian people. Between 1915 and 1917, 1.5 million Armenians were killed. Hundreds of thousands were forced to flee their homes and died during forced marches. Where before World War I approximately 2.5 million Armenians resided in the Ottoman Empire, since that time less than 100,000 live in Turkey.

Mr. Speaker, at the time of these mass killings our Government received numerous reports from then U.S. Ambassador to Turkey Henry Morgenthau, detailing the atrocities committed against the Armenian people by the Ottomans. These reports have been corroborated by others in Turkey at the time and by historians and scholars. Both President Reagan, before and after his election, and President Carter on several occasions have commented on the massacre of the Armenians, describing it as genocide. Nevertheless, successive Turkish Governments have attempted to cover up this clear case of genocide, and even today Turkish officials do not admit to the atrocities which took place in Armenia. It is important that we encourage Turkey to acknowledge the Government's role in the events of 1915–17.

I mention these facts today because we cannot change this terrible part of history—we can, though, remember it. The story of the Armenian people over the past 68 years is one of courage and perseverance. After the massacres, Armenians dispersed to all corners of the globe, yet even today they are a viable, cohesive community, continuing to fight for justice. In our country, Armenian Americans have contributed much to their States and local communities, even as they maintain a strong sense of their rich heritage. Mr. Speaker, I applaud the spirit and fortitude of the Armenian people, and I join them in mourning the millions who died so needlessly. Today, in recalling the genocide perpetrated against the Armenians early in this century, we remind ourselves of the brutality man is capable of, and of our responsibility to prevent such events from occurring again.●

● Mr. WAXMAN. Mr. Speaker, it is with a sense of sorrow, urgency, and indignation that I call the attention of Congress and the American people to the April 24 commemoration of the 1915 genocidal campaign by the Ottoman Government to Turkey against the Armenian people.

During the World War I era, approximately 1.5 million Armenian men, women, and children died at the hands of the Turks. The victims of this genocide were unarmed civilians. Their deaths reflected a desire to obliterate both the Armenian Nation and the ancient culture with which it was infused.

It should be a source of concern to every decent person that to this very day Turkey does not acknowledge the facts of the 1915 genocide despite eyewitness accounts, including those by Henry A. Morgenthau, U.S. Ambassador to Turkey during this time, and other State Department officials which provide indisputable documentation of the genocide. I am gratified that the U.S. Holocaust Memorial Council unanimously resolved to include the Armenian genocide in its museum and educational programs.

But more must be done. It is our duty to educate the young and the uninformed of this atrocity and to persuade those who still refuse to accept the historical truth of the annihilation of approximately half the world's Armenian population.

We cannot allow Turkey to insist on perpetrating a colossal historical hoax. Turkish officials, textbooks, and mass media insist that the Armenians died as a result of cold, famine, and unavoidable consequences of World War I. I do not know of a single objective historian who gives any credence to these crude alibis. The historical truth is that Armenians were murdered simply because they were Armenians.

It is impossible to exaggerate the historical significance of the Armenian genocide. The line from Armenia to Auschwitz is a direct one. The Holocaust which took the lives of 6 million Jews, and millions of other innocent people, was inspired by the war against innocent Armenians.

At one of the earliest meetings on the final solution to the Jewish question, key Nazi officials were astonished at the audaciousness of Adolf Hitler's plan to eliminate the Jewish people. One adviser asked: "What about world opinion? Surely we cannot get away with this." Hitler laughed: "World opinion? A joke. Whoever cared about the Armenians?"

America has a special responsibility with respect to the Armenian genocide. Many of our countrymen are either survivors of the massacres and death marches, or are the children, or grandchildren of survivors.

We are on the eve of 1984. We must fight with all our strength to honor George Orwell's commitment to truth. Orwell wrote in his novel, "1984," of a debased and heartless society which puts unpleasant information into a memory hole, never to be seen again. We cannot put the lives of a million and a half of slain Armenians into a memory hole.

Let me make abundantly clear that I do not hold the Turkish people as a whole or the existing Government of Turkey responsible for the past. Our grievances are not with individual Turks, but with the members of the Turkish political and cultural elite who insist on generating agitprop and refuse to acknowledge the past by recognizing the responsibility for the bitter truth.

After World War II, the Democratic Government of West Germany accepted responsibility for the crimes of the Third Reich. It adopted a plan of de-Nazification to reduce the influence of the Nazi era on Germany's future. In the name of the German people, the West German Government undertook a costly program of restitution and reparations, both to the new Jewish State of Israel and to Holocaust survivors.

More than a half century has passed without a single gesture of acknowledgement or goodwill from the Government of Turkey toward the survivors of the Armenian genocide. Nothing has been done to acknowledge and compensate for the monstrous atrocities of that dark period.

The United States must press vigorously for the widespread dissemination of historically reliable information about the Armenian genocide. It is our duty to condemn racial and religious hatred in all its manifestations. It is up to us in this free country to dedicate ourselves to a policy of action, not merely of words, to promote worldwide justice and human rights and to put an end to this kind of madness forever.

Only when the most horrible chapters in human history are courageously acknowledged can we increase the prospects for preventing future holocausts.●

● Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from California for yielding. Each year, many of us in the House of Representatives participate in this special order to honor and remember the victims of the Armenian genocide.

In so doing, we attempt, in a small way, to prevent history from repeating itself. We have not been successful. The Armenian massacre was not the first and only mass slaughter of this century, just the first.

Since 1915, history will record the death of millions of persons in China, Russia, Germany, Cambodia, and Uganda.

There are many reasons for these unspeakable crimes, but a major one, no doubt, is the desire of the individual to conform, to be just like them.

In a recent interview in the World Press Review, playwright/author Eugene Ionesco said:

The supreme trick of mass insanity is that it persuades you that the only abnormal person is the one who refuses to join in the

madness of others, the one who tries vainly to resist.

In the prolonged massacre of Armenians by the Ottoman Turks, there were too few uncommon Turks; too few individuals to stand against the tide of mass insanity and mass murder; too few men willing to be different.

In Nazi Germany, there were not enough uncommon men to stop the Holocaust; and in the Soviet Union under Stalin, there were too few uncommon men to stop the programs and purges.

"We will never understand totalitarianism if we do not understand that people rarely have the strength to be uncommon," said Ionesco.

It would also be correct to say that we will never understand genocide if we do not understand that people rarely have the strength to be different when confronted with mass sameness.

If we were to study the causes of genocide, I think we would find that before the actual act of slaughter, great and continous pressures were being brought to bear on the people to conform, to toe the official line, to support the final solution, to solve the Armenian question.

All individuals are pressured in some way to conform to some act or deed or thought. Surely each of us who are Members of Congress feel the great and continuous pressure to support party policy, or administration policy, or the demands of constituents. Surely each of us understands the strength it takes to be uncommon.

It should be clear then to Members of this body that we must make a special effort to be tolerant of difference. We must not be punitive toward those who act in an uncommon manner.

Had the Ottoman Turks been tolerant of difference, there would not have been an Armenian genocide. Had the Nazis been tolerant of others, there would not have been a Holocaust.

The great strength of this country has come from its individuals and the Nation's desire to protect and respect the feelings and opinions of the individual, the ultimate minority.

In such an environment, mass slaughter is unthinkable. It only becomes possible in an environment of forced commonality and coerced conformity.

If we do nothing else today, let us strive for greater tolerance of difference; let us try harder to understand those who are uncommon; let us be perceptive enough to recognize the dangers inherent in a large group of people who march to the same drummer, let us be wise enough to smile at the solitary marcher.●

FIFTH ANNUAL OLIN E. TEAGUE AWARD PRESENTED TO VA NURSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, a Veterans' Administration clinical specialist in rehabilitation nursing, Ms. Mary Ann Mikulic, R.N., of Seattle, has won the Olin E. Teague Award for her work in the rehabilitation of war-injured veterans.

The annual award goes to a VA employee or group of employees working as a team, whose achievements have been of special benefit to veterans with service-connected injuries. It was named in honor of the late U.S. Congressman from Texas who served as chairman of the Committee on Veterans' Affairs for 20 years.

Ms. Mikulic was selected for this year's award from nominations submitted by VA facilities around the country. She has served at the VA Medical Center in Seattle, Wash., since 1975, when she assumed the position of clinical specialist in rehabilitation nursing.

During this period, Ms. Mikulic has conducted studies on patient treatment issues that impede or promote rehabilitation, and her work has been extensively published in professional journals. She has also taught and participated in development of the faculty for nine VA regional medical education center programs in rehabilitation-related issues.

She has been widely recognized in the non-VA professional community as well. A recipient of the Army Commendation Medal in 1981, Ms. Mikulic has also received the National Association of Rehabilitation Nurses Certificate of Appreciation for outstanding service.

Ms. Mikulic joined VA in 1952 as a staff nurse at the agency's Vancouver, Wash., hospital. She has taught at the University of Washington School of Medicine since 1975, and is a colonel in the Army Nurse Corps, U.S. Army Reserves. She received her nursing degree from the University of Portland in 1946 and her masters and postmasters from the University of Washington.

Mr. Speaker, the presentation of this award speaks eloquently for its worthy recipient; for the overall excellence of VA's Department of Medicine and Surgery; and, most especially, for the achievements of the man in whose name this award is offered. Indeed, I cannot imagine a more fitting tribute to the man who accomplished more for veterans, particularly the disabled veteran, than any single American in our Nation's history. Olin Teague's legacy of determination and forthrightness can only inspire those of us who follow him.

The award will be presented to Ms. Mikulic by VA Administrator Harry N. Walters in a special ceremony this afternoon. I am delighted that Mrs. Olin Teague and her son, James M. Teague, will be attending the ceremony.●

THE SOVIET SMEAR CAMPAIGN—AN EXTENSION OF ITS PROPAGANDA EFFORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 10 minutes.

● Mr. YOUNG of Florida. Mr. Speaker, as a member of the Permanent Select Committee on Intelligence, I have devoted a great deal of time to the investigation of Soviet active measures operations in the United States and throughout the world. Through these activities, the Soviets are attempting to undermine the credibility of our Nation.

Our committee and the American intelligence community received tremendous insight into Soviet active measures operations last July when Stanislav Levchenko, a former high-ranking KGB officer and active measures specialist in Japan who defected to the United States in 1979, testified before our committee. He was the first Soviet active measures officer to make himself available to our intelligence organizations.

During his testimony, Mr. Levchenko provided detailed accounts of Soviet active measures operations he was directly involved with in Japan. His testimony provided valuable evidence and insight into these Soviet activities, and even though he was not directly involved with the active measures campaign in our country, we learned from the CIA and FBI that Soviet influence operations such as his in Japan are similar to those employed by the Soviet Union in the United States and throughout the world.

From testimony of the CIA and detailed questioning of Mr. Levchenko, our committee determined without a doubt that Mr. Levchenko's information was accurate and that he was presenting it in the best interest of the United States. The CIA researched and investigated Mr. Levchenko and his statements and assured the committee that they were accurate and of great value in providing new information and validating established techniques for spotting Soviet active measures operations.

According to the testimony of the CIA:

> The information that he gave us we have been able to check out through various other means, and we are satisfied not only that he told the truth, but also that the extent of the information that he gave us was so damaging to the Soviet cause that it

would be inconceivable that he might be under Soviet KGB control.

As a result of Mr. Levchenko's testimony, which the CIA labeled as devastating to the Soviet Union, the Soviet Government, following a secret trial, sentenced him to death in absentia—the most severe penalty the Soviet Government can pass down to one of its citizens. This in itself demonstrates the impact his testimony has had on the Soviet Union.

Still, the Soviet Union, in a last gasp attempt to discredit Mr. Levchenko, has turned its active measures apparatus against him. Using a standard active measures technique known as disinformation, the official Soviet Government newspaper Izvestia carried in February a lengthy smear attack on Mr. Levchenko. The attack included false quotations attributed to him which called into question his motivation for defecting and his mental and physical state, it claimed he was acting as a puppet of the U.S. Government, and implied that the members of the committee held a negative attitude toward him.

None of Izvestia's statements could be further from the truth. The members of the committee were greatly impressed by Mr. Levchenko's knowledge and understanding of the complex Soviet active measures operation and were moved by his willingness to risk his life to assist our Government. As he said in his testimony:

> I have provided the Central Intelligence Agency with the information I had. I hope this information will help the cause of defending the free world against the menace of Soviet expansionism and aggression.

These are not the words of an American puppet, they are the words of a former higher echelon Soviet citizen who became so disenchanted and resentful of the Soviet system, that he fled to the United States to gain his long deprived freedom.

In testimony to our committee, Mr. Levchenko detailed the expansive Soviet active measures operation in Japan, which included the use of contacts in the Japanese media and the Japanese Government. Needless to say, his testimony shook Japan. The Japanese press has been investigating Mr. Levchenko's testimony since I first made it public last December, and despite the lies the Soviets are attempting to spread about Levchenko, even the official newspaper of the Japanese Communist Party, Akahata, has acknowledged the accuracy of his testimony. Akahata has accurately reported his testimony to the Japanese people and has added details of its own which confirm Mr. Levchenko's information. The Japanese Government, in addition, has publicly expressed its faith in his testimony.

As the Japanese have learned, it is imperative that people throughout the world be aware of increasing Soviet efforts to tip the balance of peace. While the threat posed by Soviet weaponry has received great attention, the growing list of successful Soviet propaganda campaigns continues to be ignored.

By presenting information on Soviet active measures such as its smear campaign against Mr. Levchenko, the American people will have a better understanding of Soviet operations aimed at discrediting the United States. It is only through an informed American public that we will be able to successfully challenge this Soviet threat to our Nation's freedom and security.●

MORTGAGE RELIEF FOR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. SHELBY) is recognized for 5 minutes.

● Mr. SHELBY. Mr. Speaker, today my Subcommittee on Housing and Memorial Affairs began hearings on the VA housing program. One of the bills being considered is H.R. 2618 which I introduced on Tuesday.

This bill would provide financial relief to unemployed veteran homeowners facing foreclosure. If a veteran, through no fault of his own, is at least 6 months delinquent in his mortgage payments, the VA would be authorized to set up an escrow account in his behalf to make him current and provide up to 6 months of additional relief. This assistance could be extended, if necessary, but in no event could the total monetary advance exceed $8,400.

This measure is specifically geared to those needy veterans who are suffering from the effects of unemployment, underemployment or serious illness. Recent statistics indicate that 800,000 Vietnam and disabled veterans are unemployed.

Mr. Speaker, I feel this is important legislation for us to consider. The economy appears to be on the upswing but there are many veterans who continue to be unemployed. The chances are good, however, that they will be able to get back on their feet shortly.

Meanwhile, foreclosures are at an alltime high. We must do something to help our veterans during this interim period of economic adversity. As you know, the House Banking, Finance and Urban Affairs Committee has reported legislation which would establish a new revolving fund to assist homeowners facing foreclosure on home mortgage loans not insured by the Federal Housing Administration or the Farmers Home Administration. Although this measure would help some veterans, we believe our bill provides an alternative remedy.

It should be noted that our bill requires no new money from taxpayers to provide this assistance. This program would be funded out of existing revolving funds currently used to pay claims. It is possible that this bill could even prove cost effective by substituting this mortgage payment advance for the high expenses currently incurred by the Veterans' Administration in paying claims of lenders, instituting foreclosure procedures and reselling acquired properties.

I am pleased to say that my bill is cosponsored by the chairman of the full committee, the gentleman from Mississippi, Mr. SONNY MONTGOMERY; the ranking minority member of the subcommittee, Mr. CHRISTOPHER SMITH of New Jersey; Mr. BOB EDGAR of Pennsylvania, the distinguished chairman of our Subcommittee on Hospitals and Health Care and a gentleman who is known for championing the cause of all veterans; Mr. LANE EVANS of Illinois, a Vietnam veteran and outstanding member; and Mr. BILL RICHARDSON of New Mexico, a distinguished member of the subcommittee who is vitally interested in assisting veterans in need, especially those who served in Vietnam.

Mr. Speaker, it is my intention to mark up this vital piece of legislation in the near future.●

NELSON AND WINNIE MANDELA: HONORARY U.S. CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, Nelson Mandela, black nationalist and leader of the antiapartheid movement in South Africa, has said: "To overthrow oppression has been sanctioned by humanity and it is the highest aspiration of every free man."

As we in the 98th Congress continue to discuss the issues before us, the author of those words, Nelson Mandela, is serving the 21st year of his life sentence for advocating the abolition of racial apartheid in South Africa. His wife, Winnie Mandela, is beginning the 21st year of her banning in South Africa for her own part in founding the now-banned Black Parents Association in South Africa.

Mr. Speaker, those Members who have taken the initiative to learn about South Africa know of the continuing oppression of blacks by the South African Government, and the continuing repression of dissent in any form by that racist government.

While he has been cut off from virtually all outside contact during his imprisonment, Nelson Mandela remains, nonetheless, a focal point of opposition in South Africa. Today, he is recognized as the leader of the struggle for the liberation of South Africa by virtually every independent black

political figure inside South Africa, as well as by a growing number of whites.

Winnie Mandela, whose banishment from her family and friends to the small town of Brandfort, South Africa, has brought her great hardship, has been "free" only 11 months since 1962.

In recognition of Nelson and Winnie Mandela's contributions to the struggle for civil and human rights in the world, I have introduced legislation to make them honorary citizens of the United States, and to urge our Government and the Government of South Africa to free the Mandelas from their imprisonment as political prisoners. I invite those Members who have not yet indicated their interest in cosponsoring these resolutions to contact my office.

Mr. Speaker, the apartheid system in South Africa is the last bastion of colonialism and systematized racism, where the entire government and social structure is built on violence, economic exploitation and deprivation of basic human rights and civil rights. The Government of the United States, the Security Council and General Assembly of the United Nations, and virtually every country in the world condemns the Government of South Africa for its practice of apartheid.

Nelson and Winnie Mandela are in the vanguard of the struggle to overturn the apartheid system in South Africa. In 1944 Nelson Mandela joined the African National Congress, which is committed to eradicating the South African Government's official policy of racial apartheid and in its place erecting a society in which the rights of all South African citizens are the same, regardless of race, color or sex. He became one of the more effective and charismatic leaders of South Africa's 20 million blacks, and was instrumental in raising the membership of the African National Congress from 7,000 to 100,000.

On August 5, 1962, the South African Government arrested Nelson Mandela, and charged him with leaving the country without a valid passport and inciting the country's workers to strike. He was acquitted of those charges, but was again arrested and charged with sabotage. He was convicted and sentenced on June 12, 1964, at the "Rivonia Trial," of life imprisonment without hope of parole. Following his imprisonment, there was an international outcry at the actions of the South African Government, and the United Nations on several occasions demanded the release of Nelson Mandela and other political prisoners in South Africa. There have been countless requests for his release from individuals and organizations, both within and outside South Africa.

Now 64, Nelson Mandela has spent the last 20 years of his life in a maximum security prison on Robben Island and at Pollsmoor, South Africa. Yet, despite the fact that he has been cut off from the liberation movement for 20 years, Nelson Mandela remains the leading symbol of resistance to oppression in South Africa, and the most widely recognized leader of that country's black population.

Meanwhile, the South African Government has intensified its legally sanctioned oppression of the majority black population through inhumane detentions, bannings, banishments, the revocation of citizenship and other means. It has continued its harassment of Nelson Mandela's wife Winnie, by a series of arrests, imprisonments, and bannings that have spanned 19 of the last 20 years. She has repeatedly been held under South African "terrorism" statutes, allowing indefinite imprisonment without charge. She is now "banished" to Brandfort, approximately 250 miles from her home in Johannesburg. She is permitted to see only one person at a time and is restricted to her home at night and on weekends.

The lives of Nelson and Winnie Mandela are a testament to the inhuman brutality of the South African apartheid system, and a symbol of hope to those who seek justice and human rights.

I urge my colleagues to join me in extending to these two courageous people the title of honorary citizen of the United States, and in seeking their release from prison in South Africa.●

ADOPTION OF AMENDMENT CALLING FOR FURTHER STUDY OF MUTUAL GUARANTEED BUILD-DOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, yesterday, the House accepted an amendment I offered to House Joint Resolution 13, which proposes that the House Foreign Affairs Committee and the Senate Foreign Relations Committee study reductions in nuclear weapons and complementary and concurrent arms control proposals with particular focus on proposals "aimed at progressive reductions in the number of destabilizing weapons through a mutual build-down or other verifiable processes."

The concept of a mutual guaranteed build-down was thoroughly discussed during the debate on another amendment, which I offered, which would have incorporated this proposal into House Joint Resolution 13. Some Members expressed concern over considering this proposal in the context of the freeze resolution; nonetheless, many recognized the merits of the build-down proposal and feel it deserves further, serious consideration.

The amendment accepted yesterday will assure further consideration of the mutual guaranteed build-down and the means it provides for moving toward reductions of destabilizing weapons. The build-down can move us toward a safer, more stable world, and it should be considered and implemented in the very new future.

An editorial in the New York Times of April 19, 1983, took note of this imaginative initiative, and also the proposals put forward for deMIRV'ing and moving toward the ideas expressed in the Scowcroft Commission report for reducing multiple warhead missiles. I would like to put this article into the RECORD, and I am glad we have adopted my amendment calling for further study of these ideas.

"STOP NUKES"; THEN WHAT?

The nuclear freeze resolution that comes up before the House of Representatives tomorrow is a primal scream against mankind's atomic predicament. O.K., agreed: The overhanging nuclear nightmare justifies screaming. But then what? To exclaim "Stop nukes now" displays passion, but no practicality. What's the next sentence? Where is the credible arms control policy that freeze advocates have failed so far to advance?

To its credit, the movement has aroused widespread public support, undoubtedly tempering the belligerency of the Reagan Administration's statements and helping to induce the reasonable new proposal for the Euromissile negotiations in Geneva. The freeze movement has also stirred Congressional interest in arms control—probably influencing the Scowcroft commission's farsighted proposal to replace destabilizing multi-warhead missiles with small, single-warhead "Midgetman."

Yet the proposals of the freeze movement itself have barely evolved past the original, simplistic formula of "stop, now."

The House resolution still calls for an "immediate" freeze through negotiations with Moscow. Yet such negotiations would have to take several years. The resolution still calls for a "verifiable" halt in producing nuclear arms. Nice, but infeasible.

A freeze would ban weapons modernization—thus halting improvements in weapons that would stabilize the balance of terror. The resolution calls for but fails to give useful "special attention" to destabilizing first-strike weapons. It would freeze America in a potentially vulnerable Minuteman land-missile deployment while doing nothing about the Soviet Union's potential first-strike force. The remedy, the ingenious Scowcroft proposal to create "Midgetman," would be barred.

Is there some way to harness all this political energy to constructive arms control ends? There is talk of a conference committee compromise between House and Senate resolutions, but the best that could produce is a least-common-denominator compromise. What's needed is a new approach to the arms control dilemma along the lines suggested by the Scowcroft report.

Two imaginative precursors of this proposal are already before Congress: the "build-down" proposal sponsored by Senators Nunn and Cohen would require dismantling of two older nuclear weapons for every new one deployed. Representative Gore's comprehensive plan would also move the su-

perpowers toward the Scowcroft goal of reducing multiplewarhead missiles. Both would build on the SALT treaties, but emphasize ceilings on warheads rather than launchers and missiles.

A dozen or more pro-freeze senators have endorsed the build-down idea. Unfortunately, instead of welcoming such innovations, many freeze enthusiasts attack them. And the House Democratic leadership continues to press for the freeze resolution: stop, now. But there's still no next sentence. Where is the program to match the piety?●

THE AGRICULTURAL PRODUCTIVITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 5 minutes.

● Mr. WEAVER. Mr. Speaker, today I am introducing the Agricultural Productivity Act of 1983 to establish at the U.S. Department of Agriculture (USDA) a research and extension program which many of the Department's own experts and advisers have been recommending for the past several years. Senator PATRICK LEAHY will be introducing the Senate companion this afternoon and it has been a pleasure working with the Senator to draft this bill.

I am pleased to announce that I am being joined in this effort by a bipartisan coalition of 50 original cosponsors. Twelve Senators have joined Senator LEAHY.

The Agricultural Productivity Act has been endorsed by the National Farmers Union, National Farmers Organization, the Grange, and the National Association of Conservation Districts.

Although American farmers are the most productive in the world, our agricultural system faces an uncertain future. Tried and true farm programs are in disarray, production costs are rising sharply, soil erosion is increasing at an alarming rate, and farm income continues to decline precipitously.

This is clearly a time of stress for American farmers and their land.

Many farmers are looking to the Department for technical advice about farming systems that will help them cut production costs, conserve water and energy, and control soil erosion.

The USDA recognizes its crucial role in providing farmers with this information, and the Agricultural Productivity Act will assist them in meeting this objective.

In the 1977 farm bill, Congress directed the USDA to investigate and analyze the feasibility and practicability of using organic wastes such as manures, crop residues, and sewage sludge to improve soil fertility on American farms.

Three years later, the Department released a "Report and Recommendations on Organic Farming" which examined a variety of new methods of fertilization, soil conservation, and enhanced crop production. The report concluded that even a partial shift away from energy intensive farming practices would significantly help farmers improve their operations. Most importantly, the report suggests that these methods are cost-effective.

In the wake of this report, many questions were raised about what USDA meant by "organic farming systems." Did it mean complete elimination of all synthetic pesticides and fertilizers? Would it mean a return to the horse-and-buggy days of farming? The answer to these questions is, of course, "no."

Like a musical score or a work of art, "organic farming systems" typically means different things to different people. When the Department of Agriculture uses it, however, it means productive "agricultural systems that avoid or minimize the use of nonrenewable resources, conserve soil and water resources, maintain or increase soil productivity, and produce high quality products." Finding the right combination of farming practices to achieve these objectives is not unlike the skillful, dedicated effort required to create a priceless painting or a superb symphony.

Before the technological revolution swept across America's farmlands, our farmers produced enough food, on the average, for 16 people. Today, they can feed 68. This increase is due, in large par, to rapid technological advances in machinery, plant germplasm, and fertilizers. However, these improvements, beneficial though they are, brought with them their own problems.

We now live in an era of limits—limited soil, limited water, and limited energy. It is important, therefore, to devoted some of our limited agricultural research budget to the examination and development of farming systems which, within the context of modern agricultural technologies, will insure the long-term sustainability of our food and fiber production system.

This need was expressly recognized when, in October 1980, 3 months after the Organic Farming Report was released, the National Agricultural Research and Extension Users Advisory Board (UAB) recommended that USDA "significantly redirect current levels of research and extension work to expand and improve the use of economic organic methods." The UAB was established by Congress to prepare independent opinions on needs and budget priorities for research and extension in the food and agricultural sciences. In fulfilling that role, the Board regularly makes recommendations for short- and long-term national policies, priorities, and strategies for agricultural research and extension programs conducted by the USDA.

In 1981, the UAB chastised the administration for failing to heed its advice and again recommended that funds be redirected from other agricultural production related work. In addition, the Board expressed its concern that the Office of Management and Budget could override or ignore the consensus of expert, research user, and political opinion by arbitrarily reversing the priorities established in the USDA's 1980 Report on Organic Farming.

Despite the recommendations of its own experts and advisers, however, the Department again refused in 1982 to seek even modest funding for what it described as "organic farming systems" research. In a July 1982 memo entitled "Reducing Farmers Production Costs," Agricultural Research Service (ARS) Acting Administrator Mary Carter reported that "there is no research presently being conducted by ARS that conforms to the concept of holistic research as described in the July 1980 "Organic Farming Report."

By "holistic research," Ms. Carter was referring to integrated, multidisciplinary research that would examine and develop productive agricultural systems. Such research focuses not just on the actions and reactions of specific farming practices, but also examines the interactions between the various practices used in the farmer's management system. By conducting systems research, the Department is better equipped to help farmers integrate components into their operations that will enhance productivity and conserve their precious soil and water resources.

In January 1983, the Agricultural Research Service (ARS) proposed its 6-year program plan. In the plan, ARS advocates developing farming systems "characterized by less costly methods and by technologies that are safe, sustainable and environmentally sound." The plan further recommends innovative research "to reduce farm production costs while maintaining a high level of sustainable productivity through the development of efficient and diversified crop- and animal-production systems" and "to insure conservation of our natural resources."

Once again, however, no funding was proposed by ARS to carry out this research. The plan recommended zero funding for this type of systems research during fiscal years 1984–90.

The Agricultural Productivity Act would remedy this problem. It would establish 12 on-farm pilot research projects to collect and analyze data about the effects of a transition from energy intensive farming practices to systems which reduce production costs, conserve water and energy, and control erosion. Each project would span a 5-year period.

Twelve additional studies would analyze similar data on farms which had been using the low-energy systems for at least 5 years in order to examine the efficiency of their operations.

The bill also establishes a program to assist farmers who utilize intercropping systems to establish a vegetative cover that improves nitrogen fixation and controls soil erosion. Intercropping is the practice of planting legumes, grasses, or other soil conserving crops between rows of crops such as corn, wheat, or soybeans.

Finally, the bill directs the Department of Agriculture to inventory and assess existing research and extension materials, and to recommend new research that will help farmers achieve a better understanding of innovative farming practices. The Department already has initiated a minimal effort along these lines, but it has been funded only at a small fraction of what such a study would cost. Our bill would help guarantee that the Department's survey is adequately funded and properly conducted.

The bill would authorize USDA to spend up to $2.1 million annually for 5 years to implement these programs. That figure represents less than one-half of 1 percent of the fiscal year 1983 ARS budget, and would not divert any funds from existing research programs. We would have preferred to propose a much larger effort, but are well aware of the budget constraints facing this Congress, and have proposed this bill as a modest first step toward the enhancement of long-term farm productivity.

While the costs of this bill are minimal, the benefits to American agriculture would be substantial. We believe that the Agricultural Productivity Act will help guarantee that our farmers continue to have the land, water, energy, and technology they need to maintain their preeminent role in food and fiber production.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. FIELDS) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Florida, for 10 minutes, today.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. SHELBY, for 5 minutes, today.
Mr. CROCKETT, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. LEVITAS, for 5 minutes, today.
Mr. WEAVER, for 5 minutes, today.
Mr. WEISS, for 60 minutes, on April 27.
Mr. LIPINSKI, for 60 minutes, on May 3.
Mr. BEDELL, for 60 minutes, on April 28.
Mr. TORRICELLI, for 60 minutes, on April 28.
Mr. CONYERS, for 60 minutes, on April 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FIELDS) and to include extraneous matter:)

Mrs. JOHNSON.
Mr. GILMAN.
Mr. LIVINGSTON.
Mr. SOLOMON.
Mr. QUILLEN.
Mr. HYDE in two instances.
Mr. RUDD.
Mr. WINN.
Mr. ERLENBORN.
Mr. PARRIS.
Mr. WEBER.
Mr. ROTH.
Mr. FIELDS in two instances.
Mr. GREEN.
Mr. CORCORAN.
Mr. JEFFORDS.
Mr. PORTER.
Mr. COATS.
Mr. WHITEHURST.
Mr. HOPKINS in two instances.
Mr. YOUNG of Florida.
Mr. COLEMAN of Missouri in two instances.
Mr. BATEMAN.
Mr. FRENZEL in three instances.
Mr. DAUB.

(The following Members (at the request of Mr. VENTO) and to include extraneous matter:)

Mr. LEVINE of California in four instances.
Ms. MIKULSKI in two instances.
Mr. FASCELL in two instances.
Mr. FAZIO.
Mr. FEIGHAN.
Mr. MAVROULES.
Mr. MARTINEZ.
Mr. RAHALL in two instances.
Mr. STUDDS in two instances.
Mr. SHELBY.
Mr. EDGAR.
Mr. WEISS in two instances.
Mr. OTTINGER in five instances.
Mr. FAUNTROY.
Mr. FLORIO.
Mr. BORSKI.
Mr. BROWN of California.
Mr. WON PAT in two instances.
Mr. MAZZOLI in two instances.
Mr. MACKAY.
Mr. GORE in two instances.
Mr. BARNES in two instances.
Mr. GEJDENSON.
Mr. LANTOS.
Mr. WAXMAN.
Mr. SKELTON.
Mr. RANGEL.
Mrs. BOXER.
Mr. GARCIA.
Mr. LUNDINE.
Mr. MCDONALD in five instances.
Mr. BREAUX.
Mr. MOAKLEY.
Mr. SMITH of Florida.
Mr. BERMAN.
Mr. BIAGGI.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 304. An act to hold a parcel of land in trust for the Burns Paiute Tribe.

ADJOURNMENT

Mr. LEHMAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, April 25, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

967. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the training and audiovisual support center activity at Fort Benjamin Harrison, Ind., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

968. A letter from the General Counsel of Defense, transmitting a draft of proposed legislation to repeal section 5(b) of the Subversive Activities Control Act of 1950 as amended (75 Stat. 91) (50 U.S.C. 784(b)); to the Committee on Armed Services.

969. A letter from the Director, Administrative Office of the United States Courts, transmitting, a report on applications for delays of notice and customer challenges under provisions of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421(a)); to the Committee on Banking, Finance and Urban Affairs.

970. A letter from the Director, U.S. Consumer Product Safety Commission (Congressional Relations), transmitting comments to the Office of Management and Budget on the proposed Confidentiality of Federal Statistical Records Act, pursuant to section 2076(k)(2) of title 15, United States Code; to the Committee on Energy and Commerce.

971. A letter from the Administrator, Agency for International Development, transmitting the annual report for 1982 on the implementation of section 620(s) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

972. A letter from the Director, Office of Management and Budget, transmitting the agency's activities under the Freedom of In-

formation Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

973. A letter from the Governor of the Farm Credit Administration, transmitting the agency's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

974. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1982, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

975. A letter from the Chairman, Federal Trade Commission, transmitting a report on the Commission's activities under the Government in the Sunshine Act during calendar year 1982, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

976. A letter from the Chairman, Federal Election Commission, transmitting request to withdraw proposed regulations governing communications by corporations and labor organizations to the general public (11 CFR 114.3 and 114.4, and amendments to sections 114.1, 114.5, 114.7, 114.8); to the Committee on House Administration.

977. A letter from the Assistant Secretary of the Interior (Indian Affairs), transmitting a report covering fiscal year 1982 on donations received and allocations made from the fund "14×8563 Funds Contributed for the Advancement of the Indian Race, Bureau of Indian Affairs," pursuant to the act of June 6, 1968 (82 Stat. 171, 25 U.S.C. 451); to the Committee on Interior and Insular Affairs.

978. A letter from the Attorney General of the United States, transmitting the annual report of the Department of Justice covering fiscal year 1981, pursuant to 28 U.S.C. 552; to the Committee on the Judiciary.

979. A letter from the Director, Administrative Office of the United States Courts, transmitting his annual report for calendar year 1982 on applications for court orders made to Federal and State judges to permit the interception of wire or oral communications, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

980. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to repeal the prohibition against charging for certain services to vessels of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

981. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, on New Hogan fishery, California, together with other pertinent reports, in response to a resolution adopted May 10, 1977, by the Committee on Public Works and Transportation of the U.S. House of Representatives; to the Committee on Public Works and Transportation.

982. A letter from the Assistant Secretary of State for Congressional Relations and the Assistant Secretary of the Treasury for Legislative Affairs, transmitting the fifth annual report on progress in enhancing human rights through U.S. participation in international financial institutions, pursuant to section 701(c) of Public Law 95-118; jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

983. A letter from the Chairman, Interstate Commerce Commission, transmitting the 96th annual report of the Commission covering fiscal year 1982, pursuant to section 10311 of title 49, United States Code; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introducted and severally referred as follows:

By Mr. BARNES:

H.R. 2673. A bill to authorize participation by the United States in parliamentary conferences with the National Congress of Brazil; to the Committee on Foreign Affairs.

By Mr. BATEMAN (for himself, Mr. SISISKY, and Mr. WHITEHURST):

H.R. 2674. A bill to authorize the project for navigation at the port of Hampton Roads, Va.; to the Committee on Public Works and Transportation.

By Mr. BIAGGI:

H.R. 2675. A bill to amend title IV of the Social Security Act to provide that information concerning an applicant for or recipient of aid to families with dependent children must be made available (by the applicable State agency) to any Federal, State, or local law enforcement authority who requests such information for use in a felony investigation or prosecution, if a warrant of arrest or a parole violation warrant has been issued against such applicant or recipient; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. FORSYTHE):

H.R. 2676. A bill to authorize appropriations through fiscal year 1984 for the National Aquaculture Act; to the Committee on Merchant Marine and Fisheries.

By Mr. BREAUX (for himself, Mr. ANDERSON, Mr. SHUSTER, Mr. FIELDS, Mr. GRAMM, Mr. WILSON, and Mr. TAUZIN):

H.R. 2677. A bill to amend the Interstate Commerce Act to reform and improve regulation of the transportation of oil by pipeline, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. CHAPPIE:

H.R. 2678. A bill to improve the effectiveness and the efficiency of agricultural price support and production stabilization programs, to increase market opportunities for farmers, and to expedite economic recovery for agriculture; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. COLEMAN of Missouri:

H.R. 2679. A bill to amend title 11, United States Code, to provide that certain education loans which are not dischargeable under chapter 7 of such title shall not be dischargeable under chapter 13 of such title; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 2680. A bill to amend the Immigration and Nationality Act to establish reasonable standards for owners and operators of international bridges and toll roads and other persons with respect to the duty under such act to prevent the unauthorized landing of aliens; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. WIRTH, Mr. BROYHILL, and Mr. RINALDO):

H.R. 2681. A bill to make certain amendments to sections 4, 15, and 15B of the Securities Exchange Act of 1934; to the Committee on Energy and Commerce.

By Mr. ERLENBORN (for himself and Mr. GOODLING):

H.R. 2682. A bill to improve the operations of the bilingual education program by focusing the program on building the capacity of local educational agencies to carry out programs of bilingual education, by broadening the range of instructional approaches eligible for assistance, by targeting assistance on the children of limited English proficiency most in need of such programs, and by providing financial assistance to State educational agencies for reviewing, evaluating, and monitoring programs of bilingual education, and for other purposes; to the Committee on Education and Labor.

By Mr. FLORIO:

H.R. 2683. A bill to amend the Federal Trade Commission Act respecting the application of section 6 of that act to the business of insurance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK (for himself, Mr. EDWARDS of California, Mr. KASTENMEIER, Mr. HUGHES, Mr. GLICKMAN, Mr. SEIBERLING, Mr. LEVITAS, Mr. SCHEUER, and Mr. FLORIO):

H.R. 2684. A bill amending the Ethics in Government Act to provide an independent counsel to prosecute contempts certified by the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 2685. A bill to amend title XVIII of the Social Security Act to provide for coverage of antibiotics administered intravenously at home to patients with a chronic infectious disease requiring long-term intravenous antibiotic therapy; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. GUARINI (for himself, Mr. STARK, and Mr. FRENZEL):

H.R. 2686. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of business development companies; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 2687. A bill to amend the Internal Revenue Code of 1954 to reduce the holding period required for long-term capital gain or loss treatment; to the Committee on Ways and Means.

By Mr. HOWARD (for himself and Mr. SNYDER) (by request):

H.R. 2688. A bill to transfer the Appalachian Development Highway System to the Secretary of Transportation; to the Committee on Public Works and Transportation.

By Mr. HUBBARD (for himself and Mr. TAUZIN):

H.R. 2689. A bill to authorize appropriations for the fiscal year 1984 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HYDE:

H.R. 2690. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself and Mr. STANGELAND):

H.R. 2691. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat-, poultry-,

and egg-processing plants, and for other purposes; to the Committee on Agriculture.

By Mr. JONES of North Carolina (for himself, Mr. FORSYTHE, Mr. BIAGGI, Mr. SNYDER, and Mrs. BOXER):

H.R. 2692. A bill to revise the laws regarding the transportation of Government cargoes in U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. LANTOS:

H.R. 2693. A bill entitled: "The Highway Safety Act of 1983"; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. McEWEN:

H.R. 2694. A bill to authorize construction of a modification of the Gallipolis locks and Dam, Ohio River, Ohio and West Virginia, and to insure that this work shall be completed expeditiously; to the Committee on Public Works and Transportation.

By Mr. MacKAY (for himself, Mr. YOUNG of Florida, Mr. BILIRAKIS, Mr. McCOLLUM, Mr. SMITH of Florida, Mr. NELSON of Florida, Mr. PEPPER, and Mr. MACK):

H.R. 2695. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; jointly, to the Committees on Public Works and Transportation and Agriculture.

By Ms. MIKULSKI:

H.R. 2696. A bill to amend the Internal Revenue Code of 1954 to provide that the performance of certain volunteer service shall be treated as gainful employment for purposes of the tax credit allowable for expenses for household and dependent care services necessary for gainful employment; to the Committee on Ways and Means.

H.R. 2697. A bill to amend the Internal Revenue Code of 1954 to provide that the standard mileage rate for use of a passenger automobile which may be used in computing the charitable contribution deduction shall be the same as the standard mileage rate which may be used in computing the business expense deduction; to the Committee on Ways and Means.

H.R. 2698. A bill to amend the Internal Revenue Code of 1954 to provide a credit against income tax for individuals who perform voluntary services for certain public service organizations; to the Committee on Ways and Means.

By Mr. MYERS:

H.R. 2699. A bill to amend title 18 to limit the insanity defense; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 2700. A bill to make it clear that the recent amendments liberalizing the public pension offset provisions of the Social Security Act (made by section 337 of the Social Security Amendments of 1983) will apply with respect to all individuals receiving public pensions for months after June 1983 without regard to the date of their initial eligibility for such pensions; to the Committee on Ways and Means.

By Mr. OBEY (for himself and Mr. McDADE)

H.R. 2701. A bill making an urgent supplemental appropriation for health care benefits for the unemployed for fiscal year 1983; to the Committee on Appropriations.

By Mr. PORTER:

H.R. 2702. A bill to amend title 5, United States Code, to provide that a Member of Congress may not be paid an annuity under the civil service retirement system for service as a Member if convicted of any felony, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROEMER (for himself, Mrs. BOGGS, Mr. BREAUX, Mr. HUCKABY, Mr. LIVINGSTON, Mr. LONG of Louisiana, Mr. MOORE, and Mr. TAUZIN):

H.R. 2703. A bill to redesignate the building known as the Veterans' Administration Medical Center in Shreveport, La., as the "T. Overton Brooks Memorial Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. ROTH:

H.R. 2704. A bill to direct the Secretary of the Army to deepen the Fox River Channel, Green Bay, Wis., to 27 feet; to the Committee on Public Works and Transportation.

By ST GERMAIN:

H.R. 2705. A bill to amend the Defense Production Act of 1950 to require defense contractors to conduct job training programs; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2706. A bill to amend the Internal Revenue Code of 1954 to allow the Secretary of the Treasury to waive the interest penalty for failure to pay estimated income tax for elderly and retired persons, in certain situations; to the Committee on Ways and Means.

By Mr. SHELBY:

H.R. 2707. A bill to authorize and direct the Secretary of the Army to correct certain erosion problems along the banks of the Warrior River near Moundville, Ala.; to the Committee on Public Works and Transportation.

By Mr. SIMON (for himself, Mr. COLEMAN of Missouri, Mr. GOODLING, Mr. PERKINS, Mr. FORD of Michigan, Mr. CORRADA, Mr. DWYER of New Jersey, Mr. GIBBONS, Mr. MOAKLEY, Mr. ANTHONY, Mr. OBERSTAR, Mr. BARNES, Mr. LEHMAN of Florida, Mr. HUGHES, Mr. PANETTA, Mr. RODINO, Mr. FAUNTROY, Mr. WEISS, Mr. SCHUMER, Mr. DASCHLE, Mrs. KENNELLY, Mr. DOWNEY of New York, Mr. D'AMOURS, Mr. GEJDENSON, Mr. WIRTH, Mr. EDGAR, and Mr. SEIBERLING):

H.R. 2708. A bill to further the national security and improve the economy of the United States by providing grants for the improvement of proficiency in critical languages, for the improvement of elementary and secondary foreign language instruction, and for per capita grants to reimburse institutions of higher education to promote the growth and improve the quality of postsecondary foreign language instruction; to the Committee on Education and Labor.

By Mr. SKELTON:

H.R. 2709. A bill to direct the U.S. Postal Service to issue a special postage stamp to commemorate the 100th anniversary of the birth of President Harry S. Truman; to the Committee on Post Office and Civil Service.

By Ms. SNOWE:

H.R. 2710. A bill to terminate the authorization for the Eastport Harbor, Maine, navigation project; to the Committee on Public Works and Transportation.

By Mr. VANDER JAGT:

H.R. 2711. A bill to amend the Tariff Schedules of the United States to impose a one-tenth of 1 cent duty on apple and pear juice; to the Committee on Ways and Means.

By Mr. WAXMAN:

H.R. 2712. A bill to extend title XVII of the Public Health Service Act; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. BERMAN, Mrs. BOXER, Mr. DIXON, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. OTTINGER, Mr. SCHEUER, Mrs. SCHNEIDER, and Mr. WEISS):

H.R. 2713. A bill to amend the Public Health Service Act to authorize appropriations to be made available to the Secretary of Health and Human Services for research for the cause, treatment, and prevention of public health emergencies; to the Committee on Energy and Commerce.

By Mr. WEAVER (for himself, Mr. FOLEY, Mr. HARKIN, Mr. ROSE, Mr. BEDELL, Mr. DASCHLE, Mr. JEFFORDS, Mr. PENNY, Mr. EVANS of Illinois, Mr. TAUKE, Mr. BEREUTER, Mr. FUQUA, Mr. BEILENSON, Mr. GEJDENSON, Mr. SIMON, Mr. NEAL, Mr. HUGHES, Ms. MIKULSKI, Mr. WILLIAMS of Montana, Mr. SABO, Mr. VENTO, Mr. FORD of Tennessee, Mr. KASTENMEIER, Mr. FAUNTROY, Mr. SEIBERLING, Mr. DELLUMS, Mr. OBERSTAR, Mr. DE LUGO, Mr. FRANK, Mr. BARNES, Mr. HORTON, Mr. FAZIO, Mr. SWIFT, Mr. SCHEUER, Mrs. SCHROEDER, Mr. KOLTER, Mrs. SCHNEIDER, Mr. GINGRICH, Mr. BOSCO, Mr. OTTINGER, Mr. LOWRY of Washington, Mr. BONIOR of Michigan, Mr. HOWARD, Mr. MOAKLEY, Ms. KAPTUR, Mr. SUNIA, Mr. LUNDINE, Mr. ROE, Mr. WIRTH, Mr. LEHMAN of California, and Mrs. KENNELLY):

H.R. 2714. A bill to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers, and for other purposes; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 2715. A bill to amend title 10, United States Code, with respect to the provision of medical benefits to certain former spouses of retired members of the Armed Forces; to the Committee on Armed Services.

By Mr. WHITTEN:

H.J. Res. 245. Joint resolution to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718; considered and passed.

By Mr. BREAUX:

H.J. Res. 246. Joint resolution to declare 1984 the "Year of the Fan"; to the Committee on Post Office and Civil Service.

By Mr. COELHO:

H.J. Res. 247. Joint resolution to designate April 24, 1984, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

Mr. MAVROULES (for himself, Mr. OTTINGER, Mr. WOLPE, Mr. FORD of Tennessee, Mr. FRANK, Mr. WEAVER, Mr. MARKEY, Mr. HALL of Ohio, Mr. GUARINI, Mrs. SCHNEIDER, Mr. EDWARDS of California, Mr. SIMON, Mr. BARNES, Ms. MIKULSKI, Mr. SUNIA, Mr. VENTO, Mr. FASCELL, Mr. SOLARZ, Mr. MITCHELL, Mr. RATCHFORD, Mr. MINETA, Mr BEDELL, Mr. JEFFORDS, and Mr. SCHEUER):

H.J. Res. 248. Joint resolution calling on the executive branch to conform to the recommendations of the Global 2000 report; to the Committee on Post Office and Civil Service.

By Mr. REGULA:

H.J. Res. 249. Joint resolution to authorize the President to proclaim a "Day of Recognition" for firefighters; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H. Con. Res. 114. Concurrent resolution providing for a joint session of the two Houses on Wednesday, April 27, 1983, to re-

ceive a message from the President of the United States; considered and agreed to.

By Mr. KRAMER:

H. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that the tax reductions and indexing of individual income tax rates enacted by the Economic Recovery Tax Act of 1981 remain fundamental ingredients to the prolonged economic recovery now underway and that any repeal or delay in those fundamental ingredients clearly jeopardize such recovery; to the Committee on Ways and Means.

By Mr. MICHEL (for himself, Mr. BROOMFIELD, Mr. LOTT, Mr. KEMP, Mr. CHENEY, Mr. MARTIN of North Carolina, Mr. LOEFFLER, Mr. LUNGREN, Mr. CARNEY, and Mr. GINGRICH):

H. Con. Res. 116. Concurrent resolution demonstrating America's commitment to individual rights; to the Committee on the Judiciary.

By Mr. LOEFFLER:

H. Res. 168. Resolution electing Representative NIELSON of Utah to the Committee on Education and Labor, and Representative SCHAEFER of Colorado to the Committee on Government Operations and the Committee on Small Business; considered and agreed to.

By Mr. GIBBONS:

H. Res. 169. Resolution authorizing printing of the transcript of proceedings of the Committee on Ways and Means incident to presentation of a portrait of the Honorable Dan Rostenkowski; to the Committee on House Administration.

By Mr. LANTOS (for himself, Mr. WALGREN, Mr. BONKER, Mrs. SCHROEDER, Mr. WHITEHURST, Ms. MIKULSKI, and Mr. PEPPER):

H. Res. 170. Resolution concerning the proper treatment of laboratory animals; to the Committee on Post Office and Civil Service.

By Mr. PASHAYAN (for himself and Mr. WAXMAN):

H. Res. 171. Resolution to affirm the Armenian genocide; to the Committee on Foreign Affairs.

By Mr. RANGEL:

H. Res. 172. Resolution expressing the sense of the House of Representatives that the President should reduce imports of apparel so that imported apparel comprise no more than 25 percent of the American apparel market; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

90. By Mr. RUDD: Memorial of the Legislature of the State of Arizona, relative to the Clean Air Act; to the Committee on Energy and Commerce.

91. By the SPEAKER: Memorial of the Assembly of the State of California, relative to the Shasta Reservoir, Calif.; to the Committee on Interior and Insular Affairs.

92. Also, memorial of the Legislature of the State of Indiana, relative to the establishment of a Veterans' Administration outpatient clinic in Lake County, Ind.; to the Committee on Veterans' Affairs.

93. Also, memorial of the Legislature of the State of New Hampshire, relative to the tax withholding on interest and dividends; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HORTON introduced a bill (H.R. 2716) for the relief of William Eugene Maney; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. NELSON of Florida, Mr. MCCOLLUM, Mr. MICA, Mr. PEPPER, Mr. LEHMAN of Florida, Mr. FASCELL, Mr. BENNETT, Mr. SHAW, Mr. MACKAY, Mr. MACK, Mr. LEWIS of Florida, Mr. GIBBONS, Mr. SMITH of Florida, Mr. BILIRAKIS, Mr. YOUNG of Florida, and Mrs. BOXER.

H.R. 25: Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. RINALDO, Mr. STRATTON, and Mr. GILMAN.

H.R. 29: Mr. DINGELL.

H.R. 113: Mr. LEWIS of Florida.

H.R. 430: Mrs. HOLT and Mr. DYSON.

H.R. 676: Mr. FOWLER and Mr. MOLLOHAN.

H.R. 677: Mr. MOLLOHAN.

H.R. 786: Mr. BURTON.

H.R. 798: Mr. MOAKLEY.

H.R. 858: Mr. DYMALLY, Mr. BEDELL, Mr. DOWNEY of New York, Mr. STOKES, Mr. YATRON, Mr. FAUNTROY, Mr. RANGEL, Mr. CROCKETT, Mr. WYDEN, Mr. ACKERMAN, Mr. HARTNETT, Mr. VENTO, Mr. HATCHER, Mr. HUGHES, and Mr. MAZZOLI.

H.R. 904: Mr. GEJDENSON, Mr. MITCHELL, and Mr. WASHINGTON.

H.R. 1083: Mr. CLAY and Mr. STOKES.

H.R. 1092: Mr. GORE.

H.R. 1136: Mr. NEILSON of Utah, Mr. SUNIA, Mr. ORITZ, Mr. GORE, Mr. FAZIO, and Mr. WASHINGTON.

H.R. 1137: Mr. HOWARD, Mr. FROST, Mr. SIMON, Mr. GUNDERSON, Mr. BERMAN, Ms. OAKAR, Mr. DIXON, Mr. PATTERSON, Ms. MIKULSKI, Mr. WILLIAMS of Montana, Mr. MARKEY, Mr. BARNES, Mr. LONG of Louisiana, Mr. MITCHELL, Mr. LANTOS, Mr. WON PAT, Mr. BEDELL, Mr. BURTON, Mrs. BOGGS, Mr. WYLIE, Mr. STAGGERS, Mr. MARTINEZ, and Mr. DASCHLE.

H.R. 1176: Mr. RAY, Mr. TAUKE, Mr. ROBINSON, Mr. GOODLING, Mr. OTTINGER, Mr. MOORHEAD, Mr. HILLIS, Mr. KINDNESS, Mr. MURTHA, Mr. KOLTER, Mr. APPLEGATE, and Mr. BATEMAN.

H.R. 1200: Mr. WASHINGTON.

H.R. 1254: Mr. SENSENBRENNER, Mr. PETRI, Mr. MOODY, Mr. WEBER, and Mr. TAUKE.

H.R. 1270: Mr. SCHEUER.

H.R. 1285: Mr. AUCOIN, Mr. FOWLER, Mr. DOWDY of Mississippi, Mr. RICHARDSON, Mr. AKAKA, Mr. MARLENEE, and Mr. NEAL.

H.R. 1325: Mr. MOLINARI.

H.R. 1386: Mr. SCHUMER, Mr. SEIBERLING, Mr. ECKART, Mr. GARCIA, and Mr. MARKEY.

H.R. 1397: Mrs. SCHNEIDER and Mr. EDGAR.

H.R. 1419: Mr. HARKIN, Mr. NEAL, and Mr. KOSTMAYER.

H.R. 1432: Mr. STOKES and Mr. DANNEMEYER.

H.R. 1648: Mr. FEIGHAN and Ms. FERRARO.

H.R. 1649: Mr. RATCHFORD, Mr. MCKINNEY, Mrs. KENNELLY, and Mr. MORRISON of Connecticut.

H.R. 1657: Mr. BARNES, Mr. BEREUTER, Mr. BIAGGI, Mr. BONIOR of Michigan, Mr. DAUB, Mr. EDGAR, Mr. FASCELL, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. FRANK, Mr. FROST, Mr. GRAY, Mr. HYDE, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LANTOS, Mrs. LLOYD, Mr. MAZZOLI, Mr. MITCHELL, Mr. MURPHY, Mr. ORTIZ, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROE, Mr. SABO, Mr. SMITH of New Jersey, Mr. STOKES, Mr. SUNIA, Mr. VANDERGRIFF, Mr. VENTO, Mr. WASHINGTON, Mr. WHITEHURST, Mr. WILSON, and Mr. WOLF.

H.R. 1735: Mr. TORRES, Ms. OAKAR, Mr. FAUNTROY, Mr. SMITH of Florida, Mr. STOKES, Mr. CLAY, Mr. CONYERS, Mr. WISE, Mr. RICHARDSON, Mr. GINGRICH, and Mr. BOSCO.

H.R. 1938: Mr. SHANNON.

H.R. 1961: Mr. CLINGER, Mr. RANGEL, Mr. NEAL, Mr. BONER of Tennessee, Mr. SIKORSKI, Mr. RINALDO, Mr. SOLARZ, Mr. WILSON, Mr. FORSYTHE, Mr. GRAY, Mr. BEDELL, Mr. WASHINGTON, and Mr. BURTON.

H.R. 2027: Mr. BRITT, Mr. STANGELAND, Mr. CLINGER, Mr. SISISKY, Mr. SKELTON, Mr. PARRIS, Mr. ANTHONY, and Mr. WILSON.

H.R. 2043: Mr. SIMON, Mr. DANIEL, Mr. KOGOVSEK, Mr. SAM B. HALL, Jr., Mr. FLIPPO, and Mr. WON PAT.

H.R. 2193: Mrs. LLOYD, Mr. WHITLEY, and Mrs. BOXER.

H.R. 2204: Mr. OWENS, Mr. KILDEE, Mr. LANTOS, Mr. REID, Mr. GORE, Mr. SHANNON, Mr. FAZIO, and Mr. WASHINGTON.

H.R. 2225: Mr. GREEN, Mr. MCDADE, Mr. HILER, Mr. FIELDS, Mr. DANIEL B. CRANE, Mr. KEMP. Mr. HOPKINS, Mr. MARTIN of North Carolina, Mr. WALKER, Mr. CARNEY, Mr. MCGRATH, Mr. HARTNETT, Mr. SMITH of New Jersey, Mr. DANNEMEYER, Mr. LEWIS of California, and Mr. MICHEL.

H.R. 2228: Mr. SMITH of Florida.

H.R. 2357: Mr. MURPHY.

H.R. 2423: Mr. GILMAN.

H.R. 2433: Mr. SCHAEFER.

H.R. 2449: Mr. BARNES, Mr. BONER of Tennessee, Mrs. BOXER, Mr. CARR, Mr. CLAY, Mr. DELLUMS, Mr. DE LUGO, Mr. DICKS, Mr. EDGAR, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. GARCIA, Mr. GRAY, Mrs. HALL of Indiana, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mrs. KENNELLY, Mr. LELAND, Mr. LENT, Mr. LOWRY of Washington, Mr. MCNULTY, Mr. MATSUI, Ms. MIKULSKI, Mr. OBERSTAR, Mr. PARRIS, Mr. PEPPER, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. ROWLAND, Mr. SCHUMER, Mr. SIKORSKI, Mr. STARK, Mr. TOWNS, Mr. VENTO, Mr. WALGREN, Mr. WEISS, Mr. WHEAT, Mr. WILLIAMS of Montana, Mr. WON PAT, Mr. YATES, and Mr. YATRON.

H.R. 2565: Mr. ERLENBORN and Mr. HYDE.

H.R. 2600: Mr. MATSUI, Mr. BEILENSON, Mr. WAXMAN, Mr. ANDERSON, Mr. BROWN of California, Mr. CHAPPIE, Mr. DANNEMEYER, Mr. LAGOMARSINO, Mr. KOSTMAYER, Mr. MORRISON of Connecticut, Mr. CHENEY, Mr. DICKS, Mr. ROE, Mr. WON PAT, Mr. BOLAND, Mr. CLARKE, Mr. KAZEN, Mr. DE LUGO, Mr. CORRADA, Mr. SHARP, Mr. MCCLOSKEY, Mr. WILLIAMS, of Montana Mr. KOGOVSEK, Mr. BARNES, Mr. ZSCHAU, Mr. KASTENMEIER, Mr. DYSON, Mr. SUNIA, Mr. BEVILL, Mr. COYNE, Mr. PERKINS, Ms. FIEDLER, Mr. HUNTER, Mr. EDWARDS, of Alabama Mr. BEREUTER, Mr. STUMP, Mr. WASHINGTON, Mr. SIMON, Mr. HOWARD, Mr. HOYER, Mr. FORD of Tennessee, Mr. CARPER, Mr. VANDERGRIFF, Mrs. BYRON, Mr. COOPER, Mr. LAFALCE, Mr. FRENZEL, Mr. MOODY, Ms. MIKULSKI, Mr. SMITH of Iowa, Mr. STOKES, Mr. DONNELLY, Mr. GILMAN, Mr. HUCKABY, Mr. LEHMAN of Florida, Mr. STUDDS, Mr. MAZZOLI, Mr. OTTINGER, Mr. SMITH of Florida, Mr. WHITEHURST, Mr. OLIN, and Mr. HANCE.

H.J. Res. 61: Mr. GRAY, Mr. DICKINSON, and Ms. FERRARO.

H.J. Res. 74: Mrs. BOXER, Mr. OBERSTAR, Mr. EDGAR, Mr. MITCHELL, Mr. NATCHER, Mr. BOLAND, Mr. PEPPER, Mr. FLORIS, Mr. OTTIN-

GER, Mr. MAVROULES, Mr. HOWARD, Mr. RODINO, Mr. GUARINI, Mr. GEJDENSON, Mr. SAVAGE, Mr. ADDABBO, Mr. BONER of Tennessee, Mr. MARKEY, Mr. PRITCHARD, Mr. BONIOR of Michigan, Mr. OWENS, Mr. KILDEE, Mr. RAHALL, Mr. HEFTEL of Hawaii, Mr. VENTO, Mr. WEAVER, Mr. TOWNS, Mr. UDALL, Ms. OAKAR, Mr. GORE, Mr. ROSE, Mr. PATTERSON, Mr. MILLER of California, and Mr. MINISH.

H.J. Res. 101: Mr. BEREUTER, Mr. CONTE, Mr. KEMP, Mr. PEPPER, Ms. SNOWE, Mr. EDWARDS of California, Mr. WHEAT, and Mr. DANNEMEYER.

H.J. Res. 119: Mr. CARPER, Mr. DASCHLE, Mrs. HALL of Indiana, Mr. HOPKINS, Mr. HORTON, Mr. VANDERGRIFF, and Mr. WATKINS.

H.J. Res. 136; Mr. LANTOS.

H.J. Res. 184: Mrs. LLOYD, Mr. APPLEGATE, Mr. BROOKS, Mr. WOLPE, Mr. DANIEL, Mr. TAUZIN, Mr. SKELTON, Mr. KAZEN, Mrs. SCHROEDER, Mr. SHELBY, Mr. MCDONALD, Mr. BEVILL, Mrs. BYRON, Mr. HILLIS, and Mr. HORTON.

H.J. Res. 207: Mr. DWYER of New Jersey, Ms. KAPTUR, Mr. EDGAR, Mr. FRENZEL, Mr. MINETA, and Mr. MITCHELL.

H.J. Res. 228: Mr. AKAKA, Mr. BOSCO, Mr. ANTHONY, Mr. ANNUNZIO, Mr. ALEXANDER, Mr. BEREUTER, Mr. SKEEN, Mr. FUQUA, Mr. DE LA GARZA, Mr. HANCE, Mr. SMITH of Iowa, Mr. VANDERGRIFF, Mr. STANGELAND, Mr. PERKINS, Mr. MADIGAN, Mr. MATSUI, Mr. CORRADA, Mr. ANDERSON, Mr. KASICH, and Mr. VOLKMER.

H.J. Res. 229: Mr. FAZIO, Mr. MRAZEK, Mr. FOLEY, Mr. SKEEN, Mr. EDGAR, Mrs. SCHNEIDER, Mr. OWENS, Mr. FORSYTHE, and Mr. RANGEL.

H. Con. Res. 75: Mr. MARKEY.

H. Con. Res. 112: Mr. CROCKETT, Mr. FEIGHAN, Mr. MITCHELL, Mr. WEISS, and Mr. WHEAT.

H. Res. 17: Mr. BRYANT, Mr. CHAPPIE, Mr. CLARKE, Mr. COYNE, Mr. DASCHLE, Mrs. KENNELLY, Mr. MAZZOLI, Mr. PRITCHARD, Mr. SISISKY, and Mr. YATRON.

H. Res. 135: Mr. STAGGERS, Mr. BORSKI, Mr. GUARINI, Mr. SWIFT, Mr. CONYERS, Mr. GRAY, Mr. SOLARZ, and Mr. MITCHELL.

H. Res. 150: Mr. KEMP, Mr. OTTINGER, Mr. BOLAND, Mr. YATES, Mr. WIRTH, Mr. COURTER, Mr. ADDABBO, Mr. FISH, Mr. FASCELL, Mr. ROSE, Mr. O'BRIEN, Mr. MATSUI, Mr. ROE, Mr. PHILIP M. CRANE, Mr. MADIGAN, Mr. VANDERGRIFF, Mr. KASICH, Mr. FROST, Mr. BIAGGI, Mr. GARCIA, Mr. SCHUMER, Mrs. KENNELLY, Mr. FRANK, Mr. WALGREN, Mr. SOLARZ, Mr. WORTLEY, Mr. DOWNEY of New York, Mr. BEILENSON, Mr. MCHUGH, Mr. FAUNTROY, Mr. HOWARD, Mr. SMITH of New Jersey, Mr. DWYER of New Jersey, Mr. DYSON, Mr. CORCORAN, Mr. STOKES, Mr. DELLUMS, Mr. LENT, Mr. BARNES, Mr. AUCOIN, Mr. PEPPER, Mr. RICHARDSON, Mr. MOLINARI, Mr. SCHEUER, Mr. LEHMAN of Florida, Mr. BORSKI, Mr. TORRICELLI, Mrs. BOXER, Mr. WOLPE, Mr. MAZZOLI, Ms. FERRARO, Mr. WAXMAN, Mr. FORD of Tennessee, Mr. GLICKMAN, Mr. RATCHFORD, Mr. SUNIA, Mr. LELAND, Mr. HORTON, Mr. GREEN, Mr. EDWARDS of California, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. SMITH of Florida, Mr. MINETA, Mr. MRAZEK, Mr. ALBOSTA, Mr. PORTER, Mr. LEACH of Iowa, Mr. ACKERMAN, Mr. SIMON, Mr. RUDD, Mr. WEBER, Mr. OWENS, Mr. KILDEE, Mr. FRENZEL, Mr. SABO, Mr. CARPER, Mr. CHANDLER, Mr. EDGAR, Mr. KRAMER, Ms. KAPTUR, Mr. FAZIO, Mr. CONTE, Mr. MCGRATH, Mr. BEDELL, Mr. RANGEL, Mr. HUGHES, Mr. LANTOS, Mr. GRAY, Mr. CARNEY, Mr. WILSON, Mr. FORSYTHE, Mr. LIPINSKI, Mr. KOSTMAYER, Mr. BRITT, Mr. GORE, Mr. MINISH, Mr. MARTIN of North Carolina, Ms. SNOWE, Mr. WALKER, and Mr. SOLOMON.

H. Res. 155: Mr. BEDELL, Mr. BEILENSON, Mr. BERMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. CORRADA, Mr. COYNE, Mr. DERRICK, Mr. EDGAR, Mr. EMERSON, Mr. FROST, Mr. FUQUA, Mr. HALL of Ohio, Mr. HATCHER, Mrs. HOLT, Mr. HUBBARD, Mr. KILDEE, Mr. LANTOS, Mr. LEHMAN of California, Mr. LIPINSKI, Mr. LOTT, Mr. LOWRY of Washington, Mr. MATSUI, Mr. MCGRATH, Mr. MCHUGH, Mr. MINISH, Mr. PEPPER, Mr. RODINO, Mr. SKELTON, Mr. SMITH of Florida, Mr. STARK, Mr. TAYLOR, Mr. WILSON, Mr. WINN, Mr. WOLF, and Mr. WOLPE.

PETITIONS, ETC.

Under clause 1 of rule XXII.

77. The SPEAKER presented a petition of Southern Governors Association, Washington, D.C., relative to three adopted resolutions by the Association; which was referred to the Committees on Merchant Marine and Fisheries; Agriculture; and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.J. RES. 13

By Mr. COURTER:

—Page 5, after line 23, insert the following new section:

This resolution shall have no force or effect if essential equivalence in overall nuclear capabilities does not exist.

By Mr. HUNTER:

—At the end of the joint resolution, add the following new section:

"SEC. . Nothing in this joint resolution shall be construed to prevent the United States from replacing B-52 bombers with B-1 bombers where such replacement is necessary to protect United States strategic bomber crews.".

By Mr. LEVITAS:

(Amendment to the amendment offered by Mr. MURTHA.)

—At the end of the new language added in "(1)" and following the word "reductions" add the following: ", which reductions will be achieved within a reasonable time period or determined by such negotiations.".

By Mr. MURTHA:

—Page 4, strike out lines 17 and 18 insert in lieu thereof the following:

"(1) Pursuing the overriding objective of negotiating an immediate, mutual, and verifiable freeze consistent with the essential objective of negotiating reductions.".

Page 5, line 4 strike out "Proceeding from this" and insert in lieu thereof "Consistent with the overriding objective of negotiating an immediate,".

By Mr. PORTER:

—Page 4, line 18, immediately before the period insert ", not as an end in and of itself but as a logical first step toward achieving nuclear arms reductions".

—Page 5, line 19, strike out "overriding".

By Mr. SILJANDER:

—On page 4, after line 16, strike lines 17 through 18 inclusive and insert in lieu thereof:

"(1) Pursuing the objective of negotiating an immediate, mutual and verifiable freeze.

"(2) Pursuing the objective of negotiating an immediate, mutual and verifiable reduction.".

Redesignate succeeding paragraphs accordingly.

On page 4, line 23, strike the word "objective" and insert "objectives".

On page 4, line 24, after the word "freeze" strike out the comma and insert "and reduction,".

On page 5, after line 3, strike lines 4 through 8 inclusive and insert in lieu thereof:

"(4) Proceeding from this mutual and verifiable freeze and reduction, the negotiation process should emphasize and develop substantial, equitable and verifiable reductions through numerical ceilings, annual percentages, or any equally effective and verifiable means of strengthening strategic stability, in order to achieve expeditiously mutual reductions to the absolute minimum level of nuclear forces essential to deterring and finally eliminating the possibility of nuclear war.".

On page 5, beginning on line 19, strike out "objective" and insert "objectives".

On page 5, line 21, after the word "freeze" strike out the comma and insert "and reduction".

On page 5, line 23, after the word "proposals" insert "including but not to exclude substantial, equitable, and verifiable reductions.".

H.R. 1190

By Mr. DE LA GARZA:

—On page 3, line 15, strike out "paragraphs (16), (17), (18) and (19):" and insert in lieu thereof "paragraphs (16), (17), (18), (19), and (20):"

On page 7, on line 17, strike out the quotation mark and the second period, and insert after line 17 the following:

"(20) In providing financial assistance for essential community facilities under this section, the Secretary shall utilize a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of pre-applications) on the basis of the factors of (A) a community median family income level below 80 percentum of the Statewide median family income, (B) a community rate of unemployment and underemployment that takes account of individuals employed on a part-time or seasonal basis, or both, and individuals not participating in the work force because of continued inability to find employment (commonly referred to as 'discouraged workers'), which exceeds by 10 per centum or more the national nonmetropolitan average rate thereof, and (C) a sudden economic dislocation the community has experienced or is about to experience resulting in a loss of jobs that is significant, both in terms of the number of jobs eliminated and the effect on the unemployment rate of the community. For purposes of the project selection system, each of the factors described in clauses (A), (B) and (C) of the preceding sentence shall be weighted equally."

On page 8: line 17, strike out "(a)" following "Section 310B"; line 20, insert "of subsection (a)" after "sentence"; and line 24, strike out "and" following the semicolon.

On page 9: line 1, strike out "thereof" and insert in lieu thereof "of subsection (a)"; line 3, strike out the second period and insert in lieu thereof "; and"; and insert after line 3 the following:

"(3) inserting after subsection (d) the following new subsection and redesignating subsection (e) as subsection (f):

"(e)(1) In providing financial assistance under this section, the Secretary shall utilize a selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of pre-applications) on the basis of the factors (in the rural area in which the applicant, or the borrower in the case of guaranteed loans, is located) of (A) a median family income level below 80 per centum of the Statewide median family income, (B) a rate of unemployment and underemployment that takes account of individuals employed on a part-time or seasonal basis, or both, and individuals not participating in the work force because of continued inability to find employment (commonly referred to as 'discouraged workers'), which exceeds by 10 per centum or more the national nonmetropolitan average rate thereof, and (C) a sudden economic dislocation the rural area has experienced or is about to experience resulting in a loss of jobs that is significant, both in terms of the number of jobs eliminated and the effect on the unemployment rate of the rural area. For purposes of the selection system, each of the factors described in clauses (A), (B) and (C) of the preceding sentence shall be weighted equally.".

"(2) The Secretary shall, from among the applicants and borrowers selected under the selection system in paragraph (1) to receive assistance, give preference, in making financial assistance available, to applicants or borrowers that will most effectively assist in the creation of long-term employment opportunities for individuals residing in the rural area.

"(3) The Secretary may make grants, not to exceed $20,000,000 in the aggregate annually, to applicants or borrowers selected under this subsection to receive financial assistance for the purpose of training unemployed or underemployed individuals to enable them to fill employment opportunities that will be created as a result of such financial assistance having been made available.

"(4) In preparing and administering the selection systems provided for in this subsection and in section 306(a)(20), the Secretary shall consult with the Secretary of Labor. If the statistics necessary for carrying out the selection systems are not readily available from Federal sources, the Secretary may utilize statistics that are compiled by State or local governmental units in accordance with methodology consistent with Federal standards.

"(5) The Secretary shall prepare and implement, not later than 120 days after the date of enactment of the Emergency Agricultural Credit Act of 1983, a comprehensive plan for employing the programs authorized under this title to assist rural areas to reduce rates of unemployment and underemployment exceeding national levels. The plan shall identify specific activities to be carried out by Department agencies to achieve the objective of this paragraph. The Secretary shall submit such plan to the Committee on Agriculture of the House and the Committee on Agriculture, Nutrition, and Forestry of the Senate at least 30 calendar days before the date the plan is to be implemented.".

—Page 3, line 10, strike out "talking" and insert in lieu thereof "taking".

Page 7, line 19, strike out "1927" and insert in lieu thereof "1927(a)(3)(A)".

Page 14, lines 22 and 24, strike out "subparagraph" and insert in lieu thereof "paragraph".

Page 16, line 2, strike out "for" and insert in lieu thereof "from".

Page 20, line 16, strike out the second period and insert in lieu thereof a semicolon.

Page 25, line 4, after "of" insert "the".

SENATE—*Thursday, April 21, 1983*

(Legislative day of Monday, April 18, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our opening prayer will be offered by Rabbi Abraham Hecht, Chief Rabbi, Shaare Zion Congregation of Brooklyn, N.Y., and president of the Rabbinical Alliance of America. He is sponsored by Senator DANIEL PATRICK MOYNIHAN.

PRAYER

Rabbi Abraham Hecht offered the following prayer:

Let us pray.

Our Father in Heaven, we beseech you to bless the Members of this august body, who represent the people of our beloved United States. We ask also for Your blessings for our dear President Ronald Reagan and his family, and for the members of his cabinet, and advisers.

In these unsettled and turbulent times, when the fate of the world is indirectly determined by the decisions reached in this Chamber, we instinctively turn to You, our Heavenly Father, for Your divine assistance in guiding the distinguished Representatives in their deliberations.

Dear G-d; we are humbled as we realize the awesome responsibility they share for the peace and security, not only of our own country, but also for the international community. This, in addition to their immediate obligation of passing legislation designed to improve the quality of life for all of our citizens.

It is precisely because we recognize the enormousness of their task, that we plead for your divine inspiration and guidance.

A-Mighty G-d; we are always mindful of the innumerable blessings of freedom, liberty, and equality of opportunity enjoyed by all the inhabitants of our blessed country. And it is with a sense of deep gratitude and acknowledgment of Your kindness, that we pray for Your continued protection and blessings.

We supplicate You to please grant to every Senator good health, happiness, peace of mind, and tranquility. May they all succeed in utilizing their great talents and wisdom for the prosperity of our country, and for the advancement of the cause of peace and harmony throughout the world.

Together let us all, in a spirit of reverence and humility, answer this prayer with a resounding Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. STEVENS. Mr. President, I yield to the minority leader.

The PRESIDENT pro tempore. The distinguished minority leader.

Mr. BYRD. Mr. President, I will utilize 2 minutes of my time at this point, after which I will withhold using the remainder of my time until after the Republican leader has had a chance to speak.

I yield to the distinguished Senator from Washington.

The PRESIDENT pro tempore. The Senator from Washington.

RABBI ABRAHAM HECHT

Mr. JACKSON. Mr. President, I want to say a special word of thanks to my friend, Rabbi Abraham Hecht, for his opening prayer at our session today.

Rabbi Hecht is a wonderful man and a strong community-minded leader. For more than 30 years, he has served the Shaare Zion Congregation on Ocean Parkway, Brooklyn—a flourishing congregation of more than 10,000 families. He and his wife have their own family of 10 children. It is not surprising that Rabbi Hecht is a great believer in the importance of close and supportive family ties and in the value of family traditions in the raising and education of the younger generation.

Mr. STEVENS. Mr. President, I am sure the entire Senate would echo the sentiments of the Senator from Washington. We are grateful to the Rabbi for his leading the Senate in prayer as we open this session.

RABBI ABRAHAM B. HECHT COMMENDED

Mr. MOYNIHAN. Mr. President, today this Chamber has had the honor of having Rabbi Abraham B. Hecht, a leader in the American orthodox community offer the opening prayer. Rabbi Hecht is president of the Rabbinical Alliance of America and Rabbi of the largest Syrian Sephardic Congregation in America, Congregation Shaare Zion in Brooklyn, N.Y. He also serves with distinction on the board of governors of the Union of Orthodox Jewish Congregations of America.

The Syrian Sephardic community of America has over 30,000 members and has established an impressive record of community service on both a national and international scale. The community should be commended for its old age home facilities, network of all day schools, community centers, beautifully modern congregational buildings, and other communal institutions that so greatly benefit the areas they serve.

It is a pleasure to have Rabbi Hecht and other distinguished members of the Syrian Sephardic community join us today, and I especially want to thank the Rabbi for delivering such an inspiring prayer.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, today, the Senate will resume consideration of S. 144, the reciprocity bill. Pending is the amendment offered by the Senator from Louisiana (Mr. LONG) to the amendment offered by the Senator from Wisconsin (Mr. KASTEN) to the motion to recommit the bill with instructions made by the Senator from Kansas (Mr. DOLE).

Votes are expected this afternoon and the leadership sincerely hopes that the issue of withholding on interest and dividends can be completed today so that the remaining issues surrounding the reciprocity bill may be appropriately addressed and the bill passed today.

It is our opinion, Mr. President, that a good faith effort has been made by Members on both sides of the withholding issue, and that the result of the negotiations is an approach that is fair as well as justifiable.

Mr. President, those of us who have a few years of service in the Senate will remark, I am certain, that we rarely see one side or the other of a controversial issue achieve everything one side seeks. The debate on this withholding issue is no exception. The legislative product that is about to emerge from this Chamber on this issue is one that is the product of a good faith negotiation.

We do hope that we may proceed with the other legislative priorities, such as the bankruptcy bill, which is important to every State in the Union. In addition, we cannot afford to delay much longer in getting the first concurrent budget resolution before the Senate.

So we do hope the Senate will act promptly today and will complete its work on this bill.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RESERVATION OF MAJORITY LEADER'S TIME

Mr. STEVENS. Mr. President, the majority leader will have a further statement regarding this matter and the schedule for tomorrow and next week, I am informed.

I ask unanimous consent, in the event he wishes to make a statement, it be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STEVENS. Mr. President, may I inquire, are there any special orders today?

The PRESIDING OFFICER (Mr. WILSON). There are no special orders.

Mr. STEVENS. I reserve the remainder of the leadership time on this side.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that, after the leaders' time has been used or reserved, there be a period for the transaction of routine morning business during which Senators may speak therein for not to exceed 5 minutes and that the time will expire at 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12:30 P.M. TO 2 P.M. TODAY

Mr. STEVENS. Mr. President, I further ask unanimous consent that, when we reach the hour of 12:30 p.m., the Senate stand in recess until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I yield back the balance of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of routine morning business.

NUCLEAR FREEZE VERIFICATION—WHY SO TOUGH—WHAT WE CAN DO

Mr. PROXMIRE. Mr. President, yesterday I called the attention of the Senate to a strong statement by former CIA Director William Colby supporting the nuclear freeze and calling on President Reagan to take over its leadership. One of the most useful contributions of that Colby article was the expert opinion of this former CIA Director that we could in fact detect any significant cheating by the Soveit Union and could act to stop it.

Just this week the Boston Globe won a Pulitzer prize for a series of articles on the nuclear arms race. The Globe made no effort to push any particular answer to the nuclear dilemma. It neither opposed nor supported the Reagan administration in the articles. It simply analyzed in detail the problems all of us face as human beings, threatened by the possibilities of a war that could annihilate us.

This remarkable analysis carries some superb vignettes by Randolph Ryan who writes on defense issues for the Globe's editorial page. One of them discusses "Verifying weapons count." Ryan admits such verification is difficult and made more difficult by the sweeping advance of technolgy, particularly the miniaturization of nuclear weapons. Verification may be the Achilles heel of the freeze movement, so Ryan's thoughtful and balanced analysis of where it stands right now is especially useful. I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[Boston Globe Supplement—1982]

VERIFYING THE WEAPONS COUNT

The acceptability of any arms control plan hinges on whether or not it is adequately "verifiable" so that cheating could be detected.

Verification has always presented greater problems for this country than for the Soviet Union. Ours is an open society, with information generally available, and theirs is not.

The Soviets have traditionally resisted "on-site inspection" of military installations, and no doubt US armed forces have similar qualms. Still, for the past 20 years each side has been able to keep track of the other's testing and deployment of nuclear weapons with relatively high confidence through what are called "national technical means." This is a grab-bag term covering radar, seismology, photo reconnaissance from planes and satellites, and telemetry, which is the monitoring of radio data transmitted during missile tests.

Surveillance efforts through the top-secret National Security Agency and similar bodies are remarkably successful. High-resolution photographs from space can supposedly pick up something the size of a football, and electronic snooping is precise enough to tell two planes of the same type apart through the electronic "signatures" they inadvertently emit. Ships' wakes can be seen for hours because of temperature differences in the churned-up water.

The relative security of the past 20 years is based partly on the fact that ICBM installations have been large enough to be easily detected, and subs and planes can be counted. Now, however, because of a series of undramatic advances in technology ranging from pint-sized warheads to silicon chips, weapons are becoming smaller and harder to detect.

The about-to-be-deployed cruise missile, for example, is small enough to be hidden in quantity. Compared to an ICBM, it's the difference between a broadsword and a dagger-up-the-sleeve. Some argue that the arms race is moving quickly past a "window of opportunity" for verifiable arms control. Once such miniaturized systems are deployed, they say, uncertainties and fears will be much higher. This is the main argument against deployment of ground- and sea-launched cruise missiles, which some believe will be potentially even more destabilizing than the MIRV.

To expect perfect verification of a treaty, whether by technical means or on-site inspections, is unrealistic, but many arms control specialists say perfection is not necessary, anyway. What is essential is to be able to detect substantial violations that could lead to a significant advantage for the cheater. Just as, at a football game, the point of the gate is to be sure the vast majority of spectators buy tickets. If a few kids climb over the fence, it hardly matters.

HOW FEASIBLE A SPACE-BASED ABM?

Mr. PROXMIRE. Mr. President, a recent public television program, "Frontline," carried an important analysis of the technologies involved in space-based ABM systems. In a balanced presentation by advocates on both sides of the issue, "Frontline" offered its viewers a remarkable educational perspective on the feasibility of space-based defense systems.

After reviewing briefly the history of U.S.-U.S.S.R. competition in space, the program highlighted current technologies which may or may not lead to large-scale space ABM systems. Particle beams are found to have significant problems of weight, range, and firepower at current standards of technology. Yet at least one Defense Department report concluded in 1978 that Soviet research in this field was much larger than could be accounted for by purely scientific research.

Laser systems are found to have operational problems. The aircraft currently testing a laser system must be kept dust-free during servicing of its laser equipment. The plane itself has to be locked in an isolated environmental chamber. And it only works a percentage of the time against undefended targets which do not take evasive maneuvers—hardly the kind of weapon needed for the battlefield today.

But what of the future? Scientist Kosta Tsipis reasons that in addition to the great cost of a space-based laser system, it may be impractical from the standpoint of supplying it with energy or fuel.

If this is going to be used as an ABM—a laser on a platform out in space say, 1,000 kilometers above the ground trying to attack ballistic missiles as they rise—you need more than one platform because the platforms are not stationary above the

earth. They rotate and they move. So you need 30 or 40 platforms, each one with a laser that should be able to emit a few thousand pulses. Each pulse now needs 20 tons of consumables. Therefore what you need is 100,000 tons of consumables per platform. Now, a shuttle has to go and then come back and be refitted and so on, so let us assume that a shuttle makes two trips a year. So a shuttle can carry 60 tons. Now, how may shuttles are you going to have? You're going to have 10 shuttles. Then you have 600 tons of coolant and fuel moved into outer space per year. If you need 6 million tons then you need about 100,000 years to move the coolant out there. Now, that, it seems to me is a rather unrealistic weapon system because by the time you move all the coolant up there, it will be obsolete.

Of course, Mr. President, we should not assume that such problems identified today cannot be solved in the future. But the technical problems should give all of us great pause before we easily accept the proposition that a space-based ABM is the answer to the world's armaments problem. Even laying aside cost and technology, there is no reason to suspect that there are not countermeasures to a space-based ABM that will enlarge the competition to an arms race in space. That is a threat of unknown but potentially enormous consequences.

PROTECTION OF REFUGEES ON THE THAI-CAMBODIAN BORDER

Mr. PERCY. Mr. President, I want to commend my distinguished colleage from Indiana (Mr. LUGAR) for having introduced Senate Resolution 112 expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the armed conflict on the border between Thailand and Cambodia. The resolution was referred to the Committee on Foreign Relations which considered it on April 19 and which recommended its passage to the Senate. The resolution has a distinguished group of cosponsors from both sides of the aisle, representing broad bipartisan support.

Beginning in late March, Vietnamese forces operating out of Cambodia began premeditated and indiscriminate attacks along the Thai border, aimed primarily at camps filled with defenseless women, children, and the aged. These attacks have led to a massive influx of over 40,000 Cambodians into Thailand—which is already carrying a heavy burden in providing shelter and sustenance to those fleeing Communist tyranny in Indochina. The Royal Thai Embassy in Washington has informed me that the refugee camps in some instances have been completely destroyed by the invading Vietnamese, with the schools, hospitals, and other facilities built for the refugees by the United Nations and the other international agencies, supported by the United States, leveled to the ground. The Thai Government estimates that more than 20 have been killed, with the wounded numbering more than 100.

As I said in this Chamber on April 15 when we had under consideration my resolution recognizing the 150th year of diplomatic relations between the United States and Thailand, we must be aware of the tragic human dimension of this conflict, where innocent Cambodian refugees and innocent Thai villagers have borne the brunt of the Vietnamese military attacks. Our Government moved swiftly to provide humanitarian assistance, as well as emergency military assistance. We, too, can assist by helping to mobilize world public opinion against the outrageous and unprovoked attacks of the Vietnamese against these innocent Cambodian and Thai villagers and refugees. The resolution by the distinguished Senator from Indiana which is before us now will assist in this effort. I recommend its speedy passage.

THE GHETTO AND THE OPPRESSION OF THE JEWS

Mr. PROXMIRE. Mr. President, in the past few days we have heard and seen a great deal of evidence that the Holocaust and its victims will not be forgotten. From speeches given by President Reagan and Vice President BUSH to the dedication of the new Holocaust Memorial Museum, we have witnessed an outpouring of desire to preserve for generations to come those lessons learned from one of the greatest tragedies ever known to man.

These Days of Remembrance for the 6 million have been a time of reflection. A time when we have all had the opportunity to solemnly commemorate the courage, pain, and struggle of an entire ethnic group.

While most of us can claim a factual knowledge of what befell European Jews in World War II, very few of us can comprehend the long history of oppression that has persistently accompanied these people. Indeed, it is difficult to imagine what led to the isolating of the Jews as the primary victims of Hitler's slaughter. Although millions were sent to Germany's battlefronts, forced to labor or otherwise deprived by the Nazis, it was primarily the Jews for whom the ovens were built and the gas chambers constructed.

Mr. President, a recent public television broadcast documented one episode of the history of oppression associated with the legacy of the European Jew. Entitled, "Geto: the Historic Ghetto of Venice," this program went back to the year 1515 when the ruler of Venice banished all the city's Jews to the site of an abandoned cannonball foundry, or Geto in Italian. The Jews were given 10 days to relocate within the walled foundry. After entering the ghetto, the windows were bricked behind them and the two entrances were placed under the guard of Christians whose salaries were paid by the captive Jews. At night, boats patrolled the moat which surrounded the foundry and kept it apart from the rest of the city.

For nearly 300 years the Jews of Venice remained within the walls of the foundry. With remarkable perseverance they survived and even thrived in their walled city. Over time a rich culture emerged, one which included wholesale merchants, doctors, lawyers, tailors, printers, bankers, and dyemakers. By 1797, when Napoleon's troops liberated the Venetian Jews from their captivity, a vibrant Jewish society met their new found freedom with the eager hopes of being released forever from the oppression they had known for centuries.

These hopes, however, were soon dashed as ghetto walls gave way over time to a more direct oppressor, the pogrom. While the Jews of Venice were no longer restricted to the ghetto, prejudice and hatred continued to place a barrier between the Jews and their desire to move unhindered in European society.

Mr. President, there can never be a justification for the oppression which has traditionally followed European Jews and which reached a tragic head during Hitler's reign of terror. While we cannot replace what the Jews of Europe have lost, we can at least honor them with the determination to never forget their terrible plight. As U.S. Senators, we can also act in this vein to make genocide an international, punishable crime. The survivors of the Holocaust ask the world to never forget. I think we should honor that plea by giving our advice and consent to the Genocide Convention.

MAYOR AL BISSELL OF OAK RIDGE, TENN., ENDS OUTSTANDING CAREER OF MUNICIPAL SERVICE

Mr. SASSER. Mr. President, I wanted to bring to the attention of you and other colleagues in the U.S. Senate the impending retirement of a truly unique and talented municipal official—Mayor Al Bissell of Oak Ridge, Tenn.

Oak Ridge is a unique city because it began as part of the development of atomic weapons. As the newspaper the Oak Ridger point out editorially, "our utterly typical mayor in appearance and, in many respects also in manner, (is) totally atypical and quite possibly unique."

He presided over the evolution of Oak Ridge from a federally operated facility into a public municipality—and worked hard to overcome the unique problems that accompanied this transition, problems such as the

need for a property tax base to finance municipal services.

Mayor Bissell and other municipal officials in Oak Ridge addressed those problems and made substantial progress.

He can reflect on his leadership and resourcefulness with great pride. The greatest proof of Al Bissell's fine record is the love and respect the citizens of Oak Ridge hold for him. Recently, he was honored at a community birthday party where his record and dedication were the subject of well-deserved tributes.

In the context of the conclusion of Mayor Bissell's municipal career, I am reminded of the words of St. Paul who said:

I have fought the good fight, I have finished the course, and I have kept the faith.

I want to commend and congratulate Mayor Al Bissell for a job well done. And I wish him and his wife Helen much happiness as they enjoy their richly deserved retirement years.

DR. KAROL RIPA, 1895–1983

Mr. PERCY. Mr. President, I wish to bring the attention of my colleagues to the recent passing of Dr. Karol Ripa, founder and president of the Polish Hungarian World Federation and a dear friend of mine for more than 20 years. Dr. Ripa died on March 17 at the age of 88.

A warm, kindly man and dynamic and effective leader, Dr. Ripa had a lifetime of accomplishments. Born in Lisko, Poland, in 1985, he studied economics, politics and the law in Lwow, Vienna, and Poznan, receiving two doctoral degrees. He spoke 10 languages fluently.

He began a career as a Polish consular officer, serving between the wars in Koenigsberg and Allenstein in East Prussia, Warsaw, Berlin, and Czechoslovakia. An assignment as Consul General in Pittsburgh brought him to the United States for the first time in 1935 and he served there until 1938 when he was reassigned to the Foreign Ministry in Warsaw, which he helped evacuate when Nazi and Soviet forces invaded Poland. He returned to the United States in 1939 as Consul General in Chicago for the Polish Government-in-exile. In 1944 he was a councilor of the exile government in London, and the next year settled permanently in Chicago, serving at the outset as a representative of the Polish Red Cross and the World Union of Poles.

As a young man, in 1914, he had been exiled to Siberia for 5 years by the Russians who occupied the area of Poland in which he was living. While in Siberia, he organized an association of Poles and served as assistant secretary of a Danish committee to assist prisoners held in Siberia. After the Bolsheviks came to power, Ripa was jailed and condemned to death for his activities for a free Poland. He escaped and fled with his 17-year-old wife to Harbin, China. They returned to Warsaw in 1921.

After World War II, Dr. Ripa worked for 19 years as an adviser to Archbishop Bernard J. Sheil of Chicago, who founded the Catholic Youth Organization (CYO). Dr. Ripa also was a regular commentator on international affairs for WFJL, a Chicago radio station.

In 1950, he was appointed editor-in-chief of the American Press Service, a Catholic news agency based in Brussels and disseminating information in the English, French, German and Polish languages. In 1963 he founded the Polish Hungarian World Federation and Affiliates of which he was president until his death. The federation is dedicated to the rights to nations to independence and self-determination.

The City Council of Chicago, in 1964, adopted a resolution honoring Dr. Ripa "for his selfless and untiring humanitarian service" and noting his "cultural, charitable and civic endeavors on behalf of our senior citizens and our youth." The resolution was signed by Mayor Richard J. Daley who proclaimed Dr. Ripa to be an "honorary citizen" of Chicago.

Over the years Dr. Ripa received many other honors and awards from allied nations, ethnic groups and relief organizations.

I am pleased to express in the Senate of the United States my own personal admiration for this wonderful man, and I am glad that I expressed my admiration, and affection, to Dr. Ripa on many occasions while he was alive.

I extend my condolences, already expressed privately, to Dr. Ripa's loving wife Antonia; to Dr. Ripa's son, my friend Thaddeus (Ted), an officer of the State Department; to his daughter-in-law Charlotte; and to Dr. Ripa's grandchildren Thaddeus Karol, Caroline and Richard.

NATIONAL PROGRAM TO SERVE DISABLED MOTORISTS

Mr. PERCY. Mr. President, I would like to commend to the attention of my Senate colleagues a cooperative program recently launched by the Rehabilitation Institute of Chicago and its service affiliate, Access Living, and the Midwest Petroleum Marketers Association (MPMA). This new program will enable disabled persons who cannot serve themselves to benefit from the lower gasoline prices at major and independent stations which offer full-serve and self-serve facilities.

With few exceptions, the disabled are determined, resourceful people who have overcome some of life's most difficult obstacles. The Rehabilitation Institute of Chicago, the largest comprehensive rehabilitation hospital in the United States, plays a major role in this endeavor. Together with Access Living of Metropolitan Chicago, its information and referral program in the community, the Rehabilitation Institute works to provide services that assist individuals in becoming more self-sufficient and independent. Helping the disabled obtain the specialized public facilities they require is one of Access Living's primary goals.

I have long supported programs which promote equal opportunities for disabled persons. One area that has been neglected, however, is the service station. Because of the inability to operate fueling equipment, these men and women who have been able to master other impediments are deterred from purchasing gasoline where they wish as competitive rates. The program developed by MPMA, the Institute, and Access Living responds to this important community need and demonstrates the great strides that can be made when business and private organizations work together toward a common goal.

To take part in the program, the disabled motorist's car should display either a handicapped license plate or a readily identifiable special visor decal, issued by participating stations. Persons requesting such a visor decal must furnish proof to the station of their disability, verifying that self-service is unreasonably difficult or impossible. Participating stations will be designated by signs with the handicapped logo and the words "service for the handicapped." Upon arrival at a designated service station island, disabled persons will sound their horn three times in rapid succession, thereby identifying themselves as disabled (prior to license plate or visor decal verification).

Prices charged to disabled motorists will be those advertised for and posted at the self-serve island(s). The disabled should also benefit from discount for cash programs wherever applicable. By the same logic, if a credit card is used for payment, the credit price per gallon is applicable, as it would be for any other customer. Dealers who join MPMA's program will assume responsibility for pumping gasoline. Stations may also wish to clean the windshield and check under the hood, but this is an optional service.

I believe that the most significant aspect of this program is that it shows that the private sector will, of its own volition, go out of the way to assist persons where there is a special need. Although the actual kickoff date for the MPMA's program is not until September, response to the program by major and independent oil companies thus far has been uniformly favorable. This program gives the Nation's petro-

leum marketers a rare opportunity to render a valuable community service. I hope that other associations across the country will seize this chance to take part in this innovative and worthwhile program.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, is there morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 2 P.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 12:16 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DOLE).

QUORUM CALL

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL TRADE AND INVESTMENT ACT—S. 144

AMENDMENT NO. 1193

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Louisiana (Mr. LONG).

Mr. LONG. Mr. President, it is my understanding that the Senator from Wisconsin feels that he should move to table the amendment that I have pending.

I think I have made my position clear. I would just like to have the opportunity to vote for what is my declared position. I think we should insist on a straight repeal of withholding.

I fully anticipate the Senator's arguments, and I just think we could save a lot of time here, when Senators have other things to do.

If the Senator wants to make his motion to table, the motion that I believe he wants to make, I would be glad to yield for that purpose.

Mr. DOLE. Mr. President, could I just have a couple minutes?

Mr. LONG. Yes.

Mr. DOLE. Mr. President, I rise to support the Dole compromise amendment which would delay withholding during a test period for alternative compliance measures, and to oppose the amendment of the senior Senator from Louisiana. Senator LONG's amendment would repeal the withholding law rather than delay its implementation. In addition, the Long amendment would completely nullify the alternative compliance measures contained in the compromise as a partial substitute for comprehensive withholding.

I would ask my colleagues on both sides of the aisle, including those on both sides of the withholding issue, to join with me in supporting the compromise so that something positive can emerge from a controversy that has been so troubling for so many months to many Members. I do not quarrel with the Senator from Louisiana for seeking a vote on an issue he has promised his constituents he would vote on. I believe that such a vote is unnecessary, but I can understand the political considerations that may prompt the desire for such a vote.

I do have some concerns, however, about the provisions of the Long amendment that would not only repeal withholding, but also prevent a series of well-thought-out alternative compliance measures from taking effect.

The revenue estimators of the Joint Committee on Taxation tell us that our backup withholding provisions, increased payor penalties, and authorization of additional resources for the IRS will, given sufficient follow-through in the appropriations process, save a considerable portion of the $13.4 billion that would otherwise be given away by the Long amendment. I should point out that this is because the IRS and Treasury now believe that backup withholding is practicable, but I should also point out that the IRS has not had very much time to study this compromise that was worked out in 3 hours. So the estimates could change. Also, the House of Representatives may come up with a better alternative.

Although the IRS and the joint committee advise us that attaching 1099 forms to individual returns will not improve compliance, some Members feel it will. I must admit, it seems to me there may be some advantageous, psychological effect on compliance from requiring attachment of 1099 forms, I am not an expert, and the experts disagree, but we have included that to make an honest effort at improving compliance.

Frankly, I cannot understand the argument, from a tax policy perspective, for repealing withholding and putting nothing in its place. The only argument against withholding that has ever made any sense to me has been: Maybe there is a better way to improve compliance. Hire more IRS agents, give them more effective tools, improve the quality of information reporting documents, at least give this all a try before making the big jump to withholding.

I know the attractiveness of this position, because that was where I stood when President Reagan originally proposed withholding in last year's budget.

I came to believe that it is the wrong position, since I was advised by the tax compliance experts that while our alternative can help, it will never be as effective or efficient as withholding. But I am a realist, and I support getting some improvement in tax compliance rather than none at all.

I can count. I can understand the reduced revenue estimates from this alternative compared to withholding. But I can also count votes, and believe I know when to compromise for the public interest.

We don't have the votes to improve tax compliance by $13.4 billion through withholding—$17.7 billion in total—but I hope we would have the votes to improve compliance by $8.2 billion on withholding—$12.5 billion in total. That is politics, and I can understand it. I don't like it or agree with it, but I can accept it.

It is a different story to say we should vote against doing anything to improve tax compliance. I do not believe there is a single Senator who does not think we should improve tax compliance. But I am concerned that a vote to repeal withholding and put nothing in its place would be perceived, inaccurately, as a vote to tolerate tax fraud and noncompliance.

The compromise we have reached is not a substitute for withholding. It is not even a second best alternative to withholding. It is probably the third or fourth best alternative to withholding, depending on whether Congress later agrees to appropriate sufficient funds for the IRS to implement this compromise. But the compromise is better than approving the Long amendment.

It loses less revenue, it produces a fairer tax system, and it sends a healthier message to the American taxpayer. In short, it is better tax policy. Not the best, perhaps, but better.

I ask unanimous consent to include in the RECORD a table summarizing information concerning the revenue esti-

mates on withholding, information reporting, and the Dole compromise.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Current cumulative revenue estimate

[Dollars in billions—fiscal year 1983–88]

1982 compliance changes	
Withholding	13.4
Information reporting	4.4
Total	17.7
Dole compromise	
Withholding	8.2
Information reporting	4.4
Total	12.5
Comparison	
Dole compromise as percentage of 1982 TEFRA changes (total)	70.6
Dole compromise as percentage of 1982 TEFRA changes (withholding only)	61.2

CHANGES IN THE REVENUE ESTIMATES

1. The most recent change (April, 1983) reduced the estimate because (1) at the request of the large banks and others original issue discount reporting was delayed by 6 months and (2) the end-of-year withholding rules were expanded. The result of these two changes was to reduce the acceleration caused by withholding by $4.3 billion and compliance by 500 million. The revenue reduction in information reporting was $200 million. Thus, the total revenue gain dropped from $22.7 billion to $17.7 billion.

2. An additional reduction of the revenue estimates was made in March 1983, because of an error in the original revenue estimate for dividends. That revision reduced the total estimate by $3.2 billion, from $25.9 billion to $22.7 billion.

Mr. President, I think the Senator from Louisiana has properly stated it. We could spend the afternoon here talking about what we have been talking about over the period of the last 6 weeks. I think everyone knows what the repeal will do, and everyone knows I think by now what the so-called compromise will do.

I think when there is a choice between those two, it is very clear to me that we should table the repealer amendment and then adopt the compromise which will be voted on after that.

I think right now the focus is narrow. We have, on the one hand, a compromise which I understand is supported by the American Bankers Association and others who have been so concerned about withholding. I am not certain they would not like the repeal better, but I think they have indicated some support for the compromise.

It would seem to me that the compromise has some merit, even though I still prefer withholding. At least, we are going to be picking up a substantial amount of that revenue, assuming the estimates are correct and assuming, second, that we do give the IRS an additional appropriation.

So we lose in the compromise over present law about $5.2 billion.

But, on the other hand, we lose $13.4 billion if we do not table the repealer. The compromise would pick up about 70 percent of the revenue raised by the 1982 TEFRA changes in withholding and information reporting. Looking only at withholding, the compromise gets about 61 percent of the revenues of comprehensive withholding.

So, even though I got my daily spanking on banking today from the Wall Street Journal editorial page, we do still have a considerable revenue pickup, even with the compromise.

It just seems to me that the vote on this issue is whether we want to give away that $8.2 billion. I do not think we should have given anything away. That is my view. But we have done that. We have made that decision. That decision is behind us.

Senator LONG believes there should be a record vote on whether or not we are going to repeal it altogether. I am prepared to vote, and I think the issue has been drawn.

Mr. LONG. Mr. President, let me make it clear that as far as the Senator from Louisiana is concerned, he totally respects the right of those who negotiated this proposed compromise to press for it, and if he were a party to an agreement, he would be supporting it himself.

The Senator from Louisiana was not a party to this agreement. He did not make the compromise. He did not make the agreement, and the Senator from Louisiana can only rely on the record. So far as this Senator knows, there are no assurances that the House of Representatives will consider the measure. There is no assurance that the House of Representatives is going to pass it. There is no assurance that the bill will ever get to the President's desk. In the event it gets to the President's desk, there is no assurance the President is going to sign the bill.

Looking at all those uncertainties, this Senator just feels that he would prefer to be on record voting the way he said he was going to vote.

Does the Senator desire me to yield for a question? I indicated I was going to yield because the Senator was going to make a motion to table.

Mr. MELCHER. I thank the Senator for yielding, but I would like to direct my remarks to the chairman of the Committee on Finance.

Mr. DOLE. Yes.

Mr. MELCHER. You mentioned about between $12 billion and $13 billion in the revenue estimate or maybe you mentioned a larger figure. It is all very confusing because the current budget estimate of April 1983 by the Congressional Budget Office, which is dated April 12, shows a substantially smaller amount of estimate on withholding. I wonder if the Office of Management and Budget figures are wrong?

Mr. DOLE. It is possible.

Mr. MELCHER. It is possible.

Mr. DOLE. I might say that I confess to the Senator from Montana that I have had so many numbers thrown at me from the staff of the Joint Committee on Taxation and the Treasury Department that I am not certain from day to day what the numbers are.

Mr. MELCHER. They seem to indicate $10.1 billion.

Mr. DOLE. That is still a substantial amount, but the current estimate is $13.4 billion from withholding, $4.4 billion from 1982 improvements in information reporting, for a total of $17.8 billion.

Mr. MELCHER. It is a substantial amount. But there is a substantial difference between the figures you are citing and what we believe from their April 12 figures to be from the Office of Management and Budget.

I thank both Senators for yielding.

Mr. KASTEN. Mr. President, I am going to move to table the Long amendment. I believe that the chance for repeal in a straightforward way without any of the matching up requirements would be vetoed, and I also believe that that particular provision, the Long amendment as it is, would not be likely to receive any consideration in the House of Representatives.

It is my firm hope and belief—and I have had discussions with people in the House—that the modifications we have made, which some believe to be a compromise and I believe to be a compromise, will make it more likely that we will be successful in House action and more likely that the issue will be accepted by the President.

So those people who are interested in solving the problem of the 10-percent withholding on interest and dividends, of settling this question by matching up the information that the IRS already has, and by, in my opinion, making it unnecessary for us to ever have withholding, would be well-served to vote with me to table the Long amendment and then vote on the Kasten-Dole-Stevens compromise because that, in fact, is the way we can make a change, make a difference. The other vote would be a cosmetic vote that I believe would not be able to go through the House or the Senate.

I would, first of all, Mr. President, ask unanimous consent that the vote on the Kasten-Dole-Stevens compromise occur immediately after the vote before us right now.

The PRESIDING OFFICER (Mr. JEPSEN). Is there any objection? The Chair hears none, and it is so ordered.

Mr. KASTEN. Mr. President, I move to table the Long amendment.

Mr. LONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KASTEN. Mr. President, I ask for the yeas and nays on the Kasten-Dole-Stevens compromise.

Mr. STEVENS. I ask that it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection to asking for the yeas and nays?

Mr. LONG. On both votes.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. Is there objection? The Chair hears none, and it is so ordered.

The yeas and nays were ordered.

Mr. KASTEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KASTEN. Mr. President, did we receive unanimous consent in order to have a vote on the compromise immediately thereafter?

The PRESIDING OFFICER. That is correct.

Mr. KASTEN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin to lay on the table the amendment of the Senator from Louisiana. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Idaho (Mr. SYMMS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 55, nays 40, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—55

Abdnor	Hatch	Packwood
Armstrong	Hatfield	Percy
Boschwitz	Hawkins	Pressler
Chafee	Hecht	Proxmire
Chiles	Heinz	Quayle
Cochran	Humphrey	Roth
Cohen	Jepsen	Rudman
Cranston	Kassebaum	Simpson
D'Amato	Kasten	Specter
Danforth	Kennedy	Stafford
Denton	Lautenberg	Stevens
Dodd	Laxalt	Thurmond
Dole	Levin	Tower
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Garn	Mattingly	Warner
Goldwater	McClure	Wilson
Gorton	Metzenbaum	
Grassley	Murkowski	

NAYS—40

Andrews	Burdick	Heflin
Baucus	Byrd	Helms
Bentsen	DeConcini	Hollings
Biden	Dixon	Huddleston
Bingaman	Eagleton	Inouye
Boren	East	Jackson
Bradley	Exon	Johnston
Bumpers	Ford	Leahy
Long	Nunn	Sasser
Matsunaga	Pell	Stennis
Melcher	Pryor	Tsongas
Mitchell	Randolph	Zorinsky
Moynihan	Riegle	
Nickles	Sarbanes	

NOT VOTING—5

Baker	Hart	Weicker
Glenn	Symms	

So the motion to lay on the table amendment No. 1193 was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Statements delivered or submitted relating to the compromise are as follows:)

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of the compromise amendment drafted by Senators KASTEN, DOLE, STEVENS, and others, which would delay implementation of the 10-percent withholding requirement on interest and dividend earnings for at least 4 years until July 1, 1987. After extensively studying the problems of implementing the withholding requirement and reviewing information not available to the Senate last year about more desirable alternative tax collection methods, I have concluded that the provision should be replaced with procedures which are less burdensome, intrusive, and costly.

In my judgment, the compromise struck as a result of extended, detailed discussions and hard bargaining among Senators, Treasury Department representatives, and others is both fair and reasonable. It would delay by 4 years mandatory withholding on interest and dividends until at least July 1, 1987. Withholding would only go into effect on that date if both Houses of Congress approve, and only if the General Accounting Office determines that the 1985 tax compliance rate on individual interest and dividend income is less than 95 percent. In place of the mandatory withholding from nearly all taxpayers, the IRS would be permitted to require backup withholding at a 20-percent rate from those individuals who, after fair notice by the IRS, fail to honestly report their interest and dividend earnings. Additionally, all taxpayers with this type of income would be required to include the form 1099 statements of interest and dividend earnings with their tax returns, just as they now must include their form W-2 statements of wage and salary income. In turn, the IRS will be required to improve their computerized procedures of matching 1099 information reports from payers of interest and dividends to tax returns, and payers will be required to facilitate the matching process by furnishing reports on magnetic tape. Finally, penalties for negligence and fraud will be increased.

Mr. President, the thrust of this proposal is to minimize the burden on honest taxpayers and direct enforcement efforts at the small percentage who fail to fully report their interest and dividend earnings. It also avoids the imposition of costly new procedures by financial institutions and leaves the tax collection burden where it primarily belongs—with the Internal Revenue Service. From a budgetary standpoint, these alternative procedures are estimated to generate about two-thirds of the tax revenue which the mandatory 10-percent withholding procedure would have gained for the Treasury, and I would not be surprised if the IRS finds it can do even better than that.

Mr. President, I had initially supported withholding with great reluctance and only after specific exemptions were included for low-income individuals, small savers, and the elderly. However, I have become increasingly concerned that those exemptions may not be sufficient to relieve hardship on individual investors and financial institutions.

The mandatory withholding requirement is simply too confusing, complicated, and burdensome for individual savers. I have heard from thousands upon thousands of savers in my State of South Carolina who are bitterly opposed to the withholding requirement and who fear that it will greatly reduce their interest earnings. I know that other Senators have experienced a similar outpouring of concern. Although in reality this new method of collecting taxes on interest and dividend earnings at the source would not cause any honest taxpayer to pay more taxes, nor result in a significant loss of interest income to the taxpayer, nevertheless it is apparent that the withholding requirement is widely misunderstood and misapprehended. Since the public lacks confidence in the fairness or necessity of this procedure, I am concerned that it has the potential for discouraging savings, which would undermine long-term economic recovery.

Banks, savings and loans, and credit unions have made a strong case that the withholding requirement could potentially cost them millions of dollars in lost investments and administrative expenses. For instance, one of the larger savings and loans in my State has estimated that the new procedure will increase their administrative costs by about $300,000 and cause the possible loss of $6 million in withdrawn deposits.

To the extent that operating and administrative costs to these institutions are increased by this procedure, interest and dividend withholding would have the effect of reducing taxes paid

to the Government by banks and S&L's, interest earnings paid to depositors, and would tend to keep interest rates for borrowers higher than they otherwise would be. The mandatory requirement essentially would have made tax collectors out of our financial institutions—a responsibility that properly rests with the Internal Revenue Service—and it would have unduly burdened honest taxpayers in order to collect taxes from those who do not comply with the law.

Mr. President, all things considered, this compromise is a vast improvement over the mandatory withholding procedure, and I believe it will prove to be far more acceptable to the American people. I hope that the Senate and the House promptly adopt this new proposal, and I shall strongly recommend to President Reagan that he sign the bill.

Mr. PERCY. Mr. President, I rise to support the compromise that has been reached on interest and dividend withholding.

I have supported repeal of withholding since Congress passed it last summer. I voted against withholding when it was raised in the Senate last year, as well as in 1976 when the concept first came before us.

I congratulate my colleagues, Senator DOLE and Senator KASTEN for this compromise that addresses our major concerns over withholding. As I understand the compromise described today by my colleagues, it has several parts. It would:

One, delay interest and dividend withholding until July 1, 1987. So the July 1, 1983, withholding date would be put off for 4 years. Withholding will begin in 1987 only in certain circumstances. By that, I mean that withholding would take effect only if the General Accounting Office (GAO) certifies that the 1985 compliance rate is not at least 95 percent. In other words, we will not have withholding if taxpayer compliance on interest and dividend taxation improves.

Second, both Houses of Congress would have to vote affirmatively to accept the GAO findings before the withholding goes into effect.

Third, I understand the compromise will provide the type of backup withholding that Senator KASTEN has advocated in his legislation, S. 222. There will be a strong effort to insure correct use of taxpayer identification numbers. In addition, copies of the 1099 information reports will be required to be filed with returns. Taxpayers already receive 1099's from their banks and companies in which they own stock. They will now be required to staple these to their tax forms so IRS could check on compliance. Banks will be required to provide IRS with magnetic tapes to facilitate this comparison.

Fourth, IRS will be required to implement a better program for matching 1099 returns with tax returns. Penalties will be increased for taxpayers who seek to avoid taxes on their interest and dividend income.

This compromise is preferable to the full withholding on interest and dividends that is slated to take effect in July. It does not go as far as S. 222, Senator KASTEN's repeal bill that I have cosponsored, but it is an acceptable compromise.

I congratulate my friend from Wisconsin (Mr. KASTEN) for taking the lead on this important issue and for his tireless efforts to bring to the attention of the American people the costs that this type of withholding will impose on the savers—especially the smaller savers—of this country.

At a time when Congress and the President have declared the importance of stimulating savings and investment, withholding is enacted as one of the greatest savings disincentives ever passed by Congress.

Now some of my colleagues may be surprised to hear that this new law is going to impact on small savers especially. At times, some proponents of withholding have said that repeal is a big bank, rich taxpayer concern.

Let me say that my experience in Illinois is far from that simple stereotype. In fact, the mail I have been receiving—340,000 pieces in just the last 3 months and equal to the mail I usually receive in 1 entire year—comes mostly from the small towns and small financial institutions in Illinois. Our State probably has more banks and savings and loan associations than any other State in the Union because of its long history as a unit banking State. And there is good reason that I am hearing from the small savers and small institutions. Over 30 percent of all this mail is in the form of handwritten letters.

First, the small banks are going to have to pay for the computerized services to process the redtape associated with withholding. Now a large Chicago bank will have to make larger expenditures—several million dollars for each large bank in Chicago—but the smaller banks will have to ante up quite a large amount, too, although it may seem small compared to what the bigger banks will pay for compliance.

Second, the small savers at all institutions will be affected by withholding. The banks will have to pay for it in some way and it may result in higher interest costs charged borrowers, lower interest rates paid on savings accounts or reduced earnings. This is not a costless program to the private sector and the costs will run considerably above what the Treasury has estimated it will cost for private financial institutions. In fact, it strikes me as odd that the Treasury claims it would cost it several billion dollars to collect unpaid taxes on interest and dividends, but much less for the private sector.

A recent article in the Chicago Sun-Times was headlined, "Withholding Hurts Small Savers." Now the Sun-Times is no fan of withholding repeal and has, in fact, editorialized in support of withholding. They are one of the few newspapers in my State of Illinois that have supported withholding.

Yet they have pinpointed an additional cost to savers that has gone largely unnoticed in this debate over withholding.

Let me just quote a few paragraphs from their article of March 27.

The article opens with this sentence:

> The federal government's controversial plan to withhold tax on interest payments will penalize some 10 million savers who are already overwithheld.
>
> That was a key conclusion reached when the Sun-Times used a computer to analyze the plan to withhold 10 percent of all interest and dividend payments beginning in July.

The paper went on to say that:

> A major group of losers under the new withholding plan, the Sun-Times found, are 10 million taxpayers who already have too much withheld from wages or salaries.
>
> For this group, an additional layer of withholding on interest payments will just make a bad situation worse.

Mr. President, I ask unanimous consent that the entire article from the Sun-Times be included in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sun-Times, Mar. 27, 1983]

WITHHOLDING HURTS SMALL SAVERS

(By Thomas J. Moore)

WASHINGTON.—The federal government's controversial plan to withhold tax on interest payments will penalize some 10 million savers who are already overwithheld.

That was a key conclusion reached when the Sun-Times used a computer to analyze the plan to withhold 10 percent of all interest and dividend payments beginning in July.

To find out who would be affected, the Sun-Times used a scientifically selected sample of tax returns from which names and other identifying data had been removed.

A major group of losers under the new withholding plan, the Sun-Times found, are 10 million taxpayers who already have too much withheld from wages or salaries.

For this group, an additional layer of withholding on interest payments will just make a bad situation worse.

The problem occurs, the Sun-Times found, because the automatic exemption for small savers is set too low—exemption begins as soon as the saver earns $150 or more in interest and dividends.

Over-withholding is worst among small savers: 73 percent of savers with $500 or less in annual interest were already over-withheld by $100 or more, according to the sample of returns filed in 1981 for the previous year.

The new law requires savings institutions to withhold income tax on interest-bearing accounts. But they are allowed to exempt accounts earning $150 or less per year. The account-holder does not have to file a special form.

This saves approximately 14 million taxpayers from additional and unnecessary withholding.

A much smaller group would qualify for special exemptions for low-income people and the elderly. But individuals have to take the initiative to get the forms and file them at a financial institution.

That leaves 10 million taxpayers who will have 10 percent of their interest withheld from their small savings accounts even though they already have too much withheld from their salaries or wages.

A Treasury Department spokesman, asked about the Sun-Times findings, said the department had never looked at the question of whether people subject to interest withholding were already over-withheld.

"They can always adjust their W-4 [wage withholding] form if they are over-withheld," the spokesman said.

But the Sun-Times found that over-withholding on interest could be cut in half simply by raising the automatic exemption from $150 to $500. Since the withholding amounted to less than $50 per account, raising the exemption would cut paperwork and would not create a significant loss.

Unlike individual exemptions—which require millions of forms to be processed—the automatic exemptions can be handled through the computers at savings institutions.

Spokesmen for the American Bankers Association and the U.S. League of Savings Institutions said most of their members would use the automatic exemption plan.

It would be no more trouble to set the exemption level at $500 rather than $150, they said.

The withholding plan has triggered a furious debate in the U.S. Senate, where Sen. Robert W. Kasten Jr. (R-Wis.) is leading a campaign to block the plan and Sen. Robert J. Dole (R-Kan.), the Finance Committee chairman, is trying to ensure it goes into effect.

Behind Kasten's effort is a well-coordinated mass lobbying effort by the banks and thrift institutions.

And Dole's well-orchestrated counter-campaign has the full backing of the Reagan administration.

The heated conflict has spawned some nasty charges. Dole and President Reagan have attacked the "banking lobby" for being greedy and misleading the public.

Kasten and his Senate allies have argued the plan will not raise revenue and will penalize small savers and the elderly, who are especially dependent on interest income.

Treasury Secretary Donald T. Regan insisted that the purpose of interest withholding is to stop tax cheating—not to penalize small savers.

Because of withholding on wages, Regan said, practically all the taxes owed on salaries and wages are collected.

Even for those who don't bother to file returns, the government simply keeps the withholding.

But the financial institutions claim that the withholding will cost them more money that the government will get in extra tax revenue.

Mr. PERCY. Mr. President, I should like to point out that the intangible cost of added redtape also applies in this case. Proponents of withholding on interest say that the law is replete with exemptions for the elderly and the poor. It is true that the law is written with these exemptions, but each taxpayer will have to file a special exemption certificate with each financial institution, on each account and with each company from which the taxpayer receives any dividends.

It may sound simple enough to us, but it will most likely be the low-income elderly and poorer taxpayers who will not find out about this requirement of law or who will fail to file the necessary paperwork. And so their accounts will be withheld on. But to get their interest income back, another form will have to be filed with their taxes the next spring. Yet some of these same taxpayers are exempt under the law from filing any tax form. For example, the elderly poor who have less than $4,300 in income must file no tax form with the IRS. So in their case, their tiny but essential amount of overwithheld interest income might be lost to them entirely because they would not file for their refund.

Mr. President, I do not wish to belabor this point, but Congress has chosen a very cumbersome route to collect the billions of dollars owed the Federal Government. The new law in effect says the end justifies the means, no matter how much redtape that means for the private sector. Americans want a government that collects taxes rightfully owed by taxpayers. But in doing so, we must remember the fundamental principle of American Government that our laws are designed to serve the people and not vice versa.

One of our former colleagues, a distinguished constitutional scholar in his own right, has recently written to the Wall Street Journal about withholding. On March 29, the Wall Street Journal printed a letter from former Senator Sam Ervin, Jr. It is an excellent letter and it touches on the point I just raised.

Mr. President, I ask unanimous consent that Senator Ervin's letter be included in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, in closing I should like to bring to my colleagues attention the wide discrepancy in costs associated with withholding. The following chart should place this in perspective. The first line is the Treasury estimates of the estimated additional revenue from withholding, amounting to $22.7 billion between now and 1988.

The second line is that of Donald Puglisi of the University of Delaware, prepared at the request of the U.S. League of Savings Institutions. Mr. Puglisi has determined that the new law will lead to a net loss of $1.8 billion over the next 5 years. He has factored other elements into the Treasury estimate and contends that as much as $4.6 billion of "new" revenue would be realized anyway, that $4.1 billion is an overestimate of speedier tax payments and that $2.7 billion is overestimated because of reduced dividend and interest income. In addition to these miscalculations, Mr. Puglisi contends that as much as $13 billion will not accrue to the Government because of failures of IRS to beef up its enforcement activities.

If Mr. Puglisi is right, the new law will have saddled honest taxpayers with an enormous paperwork burden without producing the revenue promised. I ask unanimous consent that a chart comparing these two estimates be included in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

WITHHOLDING: REVENUE GAIN OR LOSS?

[In billions of dollars]

	1983	1984	1985	1986	1987	1988	Total
Treasury estimate	+1.2	+5.7	+3.4	+3.7	+4.2	+4.5	+22.7
U.S. League estimate	−.4	+.2	−.5	−.3	−.4	−.4	−1.8

Mr. PERCY. Mr. President, I intend to vote for this compromise provision because of the reasons I have outlined.

EXHIBIT 1

DIVIDEND, INTEREST WITHHOLDING SCORNED

I want to commend the excellent editorial entitled "Tax Revolt (Cont'd)" (March 17).

As an American who abhors tyranny, I condemn the dividend and interest withholding law which takes effect July 1. Its implementation would constitute rank tyranny on the part of the federal government because it vests the sins of the guilty upon the innocent.

Under existing law every law-abiding taxpayer having dividend or interest income pays 25% of the federal income tax due on such income every three months. It is unnecessary to have a withholding law which compels the withholding by banks and financial institutions of 10% of such income as it matures.

As the editorial points out, IRS is trying to get the banks and financial institutions to perform its duties. If IRS would perform its duty and call upon taxpayers who try to cheat on these items of income, it could collect virtually all of the unpaid income taxes on these items by simple demands in letter form. It then could prosecute in the federal courts those who refuse to heed these demands.

President Reagan, Secretary of the Treasury Regan, and Senator Bob Dole have been making threats against banks and financial institutions for encouraging lobbying against this withholding law. They assert, in substance, that the only opponents of this law are banks and financial institutions. The truth is that untold millions of law-abiding taxpayers deeply resent this law and they are demanding it repeal.

If the President, the Secretary of the Treasury, and Senator Dole would read the First Amendment, they would discover that it gives every American the right to petition the federal government for a redress of grievances. They might then realize that these banks and financial institutions and millions of law-abiding taxpayers are merely exercising their constitutional right to petition for a redress of a serious government grievance and might stop their threats.

SAM M. ERVIN, Jr.,
Former U.S. Senator.

Morganton, N.C.

Mr. BYRD. Mr. President, as my colleagues and most Americans know by now, the Senator from Ohio (Mr. GLENN) has journeyed to his hometown of New Concord, Ohio, today to make an announcement of considerable importance. The Senator from Ohio (Mr. GLENN), the record should show, has been a consistent opponent of withholding of taxes on interest and dividend income. In his necessary absence, I ask unanimous consent that a statement prepared by the Senator from Ohio be printed in the RECORD prior to the vote on final passage of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The statement ordered to be printed in the RECORD follows:)

WITHHOLDING ON INTEREST AND DIVIDEND INCOME

● Mr. GLENN. Mr. President, my record of opposing withholding on interest and dividend income goes back to 1980 when I cosponsored a Senate resolution opposing such withholding in principle. I voted against withholding when the 1982 tax bill was before the Senate, and in January of this year I cosponsored legislation to repeal withholding.

Withholding on savings is bad economic policy. It discourages savings at a time when our Nation has a critical need for savings capital to finance economic growth. We now have the lowest savings rate of any industrial nation in the world and should be doing all we can to encourage savings, not the opposite.

A substantial proportion of the increased revenues from withholding comes from accelerated tax payments. This burden falls inequitably on the millions of honest taxpayers and small savers who are among the 74 percent of American taxpayers who are already overwithheld on their salary incomes. Withholding on interest and dividends only magnifies the overwithholding problems for taxpayers in this category. Overwithholding is inequitable because it is an interest-free loan to the Government from taxpayers. Many of these taxpayers are the elderly who rely on their interest and dividend income to meet daily expenses. I am concerned that the exemption process written into the 1982 law would fail to work and thus force elderly people, who otherwise would not be required to file a tax return, to file a complicated tax report to obtain refund of their meager interest and dividend earnings.

The IRS already has a mechanism to collect taxes on interest and dividends on a pay-as-you-go basis. Taxpayers who have significant income not subject to withholding are required to make quarterly tax payments. Those who underpay or fail to file quarterly tax returns are subject to a penalty plus interest on the underpaid amount. Payers of interest and dividends furnish the taxpayer and the IRS with a form reporting such income.

Indeed, most of the revenue lost to the Government from failure to report interest involves instruments such as bearer bonds and U.S. Treasury obligations, not savings accounts. This is because payers of interest on these obligations, including the U.S. Treasury, have not been required to submit payee information to the IRS. The 1982 tax law requires such reporting in addition to the new 10-percent withholding. Repeal or delay of withholding will not affect the reporting requirement, which by itself will foster compliance.

Mr. President, withholding is not just a bankers' issue, as some would have us believe. It is an issue that affects savers and investors. Its costs of administration are high and these costs would fall unevenly upon the small savers and the community financial institutions of this country. I believe that is onerous. I would favor outright repeal of the withholding requirement, but believe that the compromise being voted upon in the Senate today does go a long way to correct the problems associated with withholding.●

Mr. JEPSEN. Mr. President, I should like to express my support for the compromise tax compliance measure, as a cosponsor, and compliment the architects of this solution. This compromise is a well-crafted, moderate approach to the problem of tax evasion. Moreover, it would avoid the somewhat drastic approach of the existing withholding law. This compromise represents a victory for commonsense. There can be no question about the popular outrage concerning tax withholding on interest and dividends.

As Senators know, I have opposed the tax withholding proposal since it was first considered by Congress. I believe that penalizing innocent taxpayers and imposing the heavy costs on savers and financial institutions is excessive and counterproductive. At a time when we are trying to encourage people to save and invest more, adding withholding and regulatory burden on these savers makes no sense. I am convinced that we should do everything to encourage saving and capital formation. Subjecting savers and saving institutions to additional redtape and advance taxation discourages savings.

On the other hand, Mr. President, I agree that we must be concerned about tax evasion. We cannot ignore the willful and illegal evasion of our tax laws. While I agree that taxation should be as simple as possible, I also believe it should be applied fairly. Honest individuals who pay their taxes should not have to assume the burden of those who illegally evade their fair taxes. In administering and enforcing the Tax Code, we must avoid excessive burdens and harassment. Many citizens realize that the IRS is as capable of bureaucratic abuse as any other Federal agency. The proposed tax withholding on interest and dividends simply went too far.

The compromise before us today mandates improved reporting and will make tax cheating more dangerous than ever. Magnetic tape reporting and better IRS monitoring and matching of information on tax returns will make it easier to identify evaders. Those who do cheat on their taxes will have "standby" withholding. Finally, increased penalties should deter potential violators.

I am convinced that this compromise will achieve the increased compliance we are all seeking and will do so in a way that will minimize the cost and inconvenience.

It is my hope, Mr. President, that this compromise will be adopted by the Senate and the House. Despite what some in the media and Congress might have us believe, this is a consumer issue, not a banking issue. But, unless this law is delayed, many small banks and savings and loan associations will be severely affected. This compromise must pass. The Congress and President must act now.

Mr. HELMS. Mr. President, I am, and have been from the outset, unalterably opposed to the withholding tax on dividends and interest. I continue to believe that this Congress should repeal this withholding provision. I supported the amendment by the able Senator from Louisiana (Mr. LONG) which would have repealed the withholding outright. But Senator LONG's amendment was tabled, much to my regret.

Now comes the so-called compromise which, while it does not repeal the withholding, does defer its implementation until 1987. Moreover, we still have the option from this day on to repeal withholding with an amendment to any piece of "must" legislation considered by the Senate. So those of us who oppose withholding preserve our options.

Therefore, Mr. President, I imagine that all Senators—with the exception of a few who favor withholding—will support this compromise.

Mr. BOSCHWITZ. Mr. President, I rise as a cosponsor of this amendment to reach a compromise in resolving the controversial issue of withholding tax on interest and dividends. This issue has divided and delayed the Senate for well over a month now. I believe this amendment satisfactorily resolves the controversy without requiring that taxes be withheld on interest and dividends.

Indeed, this amendment is very similar to a bill—S. 791—that I introduced over a month ago, on March 11, to start a dialog between those in favor of withholding and those who want to repeal it. Both my proposal and this compromise amendment repeal withholding if the compliance level for interest and dividends reaches acceptable levels. In fact, this amendment requires Congress to vote to approve withholding even if a certain compliance level is not reached.

In addition, both my proposal and this amendment require financial institutions to report interest and dividends to the IRS on magnetic tape, to send individuals an "official 1099" each year, and to pay a penalty for sending the IRS incorrect social security numbers. With these provisions, I believe that withholding is not necessary.

Mr. President, since coming to the Senate, I have not encountered a more controversial issue. In the last 2 months, I have received over 150,000 cards and letters from individuals who oppose withholding. Before simply voting to repeal withholding, I wrote a letter to my constituents explaining withholding, why it was passed last year, and who was exempt from the withholding provisions.

I then asked my constituents to fill out a post card I sent them to let me know if they wanted me to vote to keep withholding, repeal withholding, or work on my proposal. The response has been outstanding: 86 percent of the responses still wanted to repeal withholding or work out a compromise. Indeed, 59 percent wanted me to keep working on a compromise. I would like to share three of the responses I received. These letters are a sample of the 35,000 replies I received to my letter—most urging repeal, compromise, or both.

Mr. President, I am pleased at this outstanding response from Minnesotans; it guided me to work for a compromise or repeal of withholding. I must say that the preference of Minnesotans was so clear that I would have voted for repeal if a compromise had not been successful. But I filed my proposal as an amendment to the bill and am pleased that it now serves as the backbone of the compromise now before us.

As elected officals we have an obligation to be responsive to the people who elected us. But, we also have an obligation to act responsibly. I believe this compromise amendment meets both of those obligations, and I urge my colleagues to adopt the amendment.

I ask unanimous consent to have two tables printed in the RECORD, as well as three letters I have received in connection with this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHART OF RESPONSES TO SENATOR RUDY BOSCHWITZ CONCERNING THE WITHHOLDING OF INTEREST AND DIVIDENDS

	Number	Percent of total responses
It's OK to keep withholding	2,239	
It's OK to keep withholding, but keep trying to work out the differences between the banks and the Government	2,653	
Total to keep withholding	4,892	14
Get rid of withholding	11,922	
Get rid of withholding, but keep trying to work out the differences between the banks and the Government	14,737	
Total to repeal withholding	26,659	76
Whatever you do, keep trying to work out the differences between the banks and the Government	3,398	10
Grand total number of responses	34,940	100
Total number of people who wanted us to work out a compromise (more than one choice could be selected)	20,779	59

COMPARISON OF BOSCHWITZ PROPOSAL AND APRIL 19 COMPROMISE ON WITHHOLDING

March 11 Boschwitz proposal	April 19 compromise
Delay until January 1, 1988; provides a 5-year transition period to determine if withholding is necessary to increase compliance. If the compliance level for interest does not increase from 90 percent to 95 percent, payors of interest will be required to implement withholding; if the compliance level for dividends does not increase from 82 percent to 91 percent, payors of dividends will be required to implement withholding. GAO will conduct a study of the respective compliance levels and cost/benefit analysis of withholding.	Delay until July 1, 1987. Mandatory withholding on interest and dividends will commence on July 1, 1987, only if the 1985 compliance rate for individuals is not at least 95 percent as reported by GAO and only if both Houses of Congress approve the finding of the GAO report within 90 days.
Payors of interest and dividends will be required to use magnetic tape to report interest and dividends to the IRS. The Secretary of the Treasury can delay this requirement for small institutions facing undue hardship.	Return format. Copies of 1099 information will be required to be matched with filed returns. Magnetic tape filing will be required with 1-year waiver authority for hardship.
Impose a no-fault penalty on payors of interest and dividends of $25 for each incorrect taxpayer identification number (TIN) reported to the IRS.	Stricter payor penalties. A negligence penalty will apply to payors who do not have a certified statement from account holder providing his TIN with increased penalties for gross negligence. A no-fault penalty will apply to payors who do not file an information return, with increased penalties if the payor fails to file a large percentage of information returns. A negligence penalty will apply to payors who do not impose backup withholding when required.
Payors of interest and dividends will be required to send their customers "official" 1099's that look like W-2's, instead of including the tax information on yearend statements.	Same as Boschwitz proposal.
Require individuals to list separately all interest and dividend income of their tax returns. (Currently, separate listing is required only if total interest and dividend income is over $400.).	Attach 1099's to the tax return.

GLENCOE MINN., *April 9, 1983.*

Senator RUDY BOSCHWITZ,

2317 Dirksen State Office Bldg., Washington, D.C.

DEAR SENATOR: Thank you very much for answering my form card. It was gratefully appreciated.

I heartily approve of your alternate plan, because I know that there are tax evaders.

My concern now was that I am fully retired now and what little interest I get I depend on to supplement my Social Security (which isn't all that great.)

When I sent in the card I did not know that I could sign a form so that the bank would not withhold taxes. Thanks to you, I am now fully informed.

Sincerely,

DORA M. LUKE.

WEST ST. PAUL, MINN., *April 18, 1983.*
Hon. RUDY BOSCHWITZ,
Senate Office Building, Washington, D.C.

DEAR SENATOR BOSCHWITZ: Thank you for your prompt response to my comments on interest and dividend withholding.

Also very much appreciate the enclosed information concerning this controversial subject. It gave me a much better insight into and a clearer understanding of the problem.

I still hope that continued effort will be made to seek a better solution which will eventually make with holding unnecessary.

Sincerely,

ROBERT O. SPRINGER.

ST. PAUL, MINN., *April 13, 1983.*
Hon. RUDY BOSCHWITZ,
U.S. Senator, S.H. 506, Hart Senate Office Bldg., Washington, D.C.

DEAR RUDY: I really appreciated your reply in regard to the withholding of income taxes on interest and dividends and your very informative brochure leading to the reasons for the passage of such legislation.

However, this legislation reminds me of the story about the school teacher that made the whole class stay after school because "Johnny" drew a nasty picture on the blackboard of the teacher and none of the class mates would squeal on Johnny.

In other words, in order to catch some of the culprits, all the rest must suffer the consequence.

But in the five points of your "P.S." you have some very strong arguments in my opinion and if you can convince enough of your fellow Senators perhaps you could repeal the other legislation and come up with something much better.

Time is running short, give it a go, Rudy.

Respectfully yours,

ROBERT C. MILLER.

● Mr. DODD. Mr. President, I intend to support the compromise proposal on withholding on interest and dividends worked out by the Senator from Kansas (Mr. DOLE) and the Senator from Wisconsin (Mr. KASTEN).

The debate on this issue has been protracted, vigorous, and, at times severe. At most points during the Senate's consideration of the issue, the two sides have seemed very far apart. That should not obscure—indeed, it may help explain—the fact that each side had considerable merit to its case.

The factors that convinced a majority of both houses of Congress to impose withholding last year, and the President to sign it into law, remain just as valid and compelling today.

Both then and now, the national economy confronts looming deficits that threaten to reach $200 billion annually. Those deficits in turn are likely to forestall recovery, keep interest rates high, make it more difficult for prospective home and automobile buyers to find credit, and squeeze small firms out of business. Some progress toward deficit reduction is possible through further economies in spending. But, the evidence seems conclusive, we will make substantial inroads into them only if we increase Federal revenues significantly as well.

At the same time, studies show that 11 percent of all interest goes unreported and untaxed, while for dividends the figure is even higher—15 percent. Over a 3-year period, that means the Federal Treasury is losing over $10 billion, a great percentage of which could be captured by withholding. There is an alternative to this collection of taxes already owned by Americans who are not paying them. The other option is to impose billions in new taxes on American citizens—most of whom already pay what the law requires. That simply does not make sense.

Nonetheless, it has become clear that millions of Americans believe the costs, inconveniences, and inequities of the withholding provisions out-weigh any potential benefit in deficit reduction. Those fears of excessive paperwork and attendant costs are felt with such obvious sincerity and depth that we cannot ignore them.

In short, there has always been the desire, throughout the discussion of withholding, to try to find a middle ground. We cannot allow taxes that are legitimately owed to go unpaid. We cannot permit concerns about bureaucratic overkill in their collection to go unaddressed.

Under the terms of the compromise proposal we will try to answer both issues.

It would postpone mandatory withholding until at least 1987 to give Congress time to further study compliance records under existing and new enforcement methods. Mandatory withholding would begin then only if compliance is less than 95 percent and if both Houses of Congress endorsed withholding by a majority of votes.

Withholding would be required of accounts of taxpayers who failed to file returns or who underreported interest and divided income in the previous year.

Also, the IRS would implement better procedures for matching interest and dividend income with information on existing returns.

Finally, substantially increased penalties would be applied to violators.

Mr. President, I believe this compromise is well worth adopting. It will not recover quite as much lost revenue as mandatory withholding but it will be a substantial improvement over the present situation. And it can be accomplished with a minimum of redtape and inconvenience to the vast majority of Americans who do report their incomes honestly and pay their taxes as required each year.●

● Mr. EAST. Mr. President, I am voting for this compromise measure because it is clear from the preceding vote on the Long amendment that the Senate will not repeal 10 percent withholding outright. I must say, however, that I believe in this case that we are doing less than what we ought for the American people.

As indicated by my vote on the Long amendment, I continue to believe that the 10 percent requirement should be repealed outright.

The message I have received from North Carolina is clear: The people want this provision repealed, and that is my position.

The compromise does much to achieve repeal and in some sense could be said to amount in effect to a repeal. If so, why not simply repeal the law and have done with it?

I am making this statement so there is no misunderstanding of my position in this matter and so that no attempt to misconstrue my vote will be made.●

Mr. DIXON. Mr. President, the amendment to S. 144 repealing the 10 percent interest and dividend withholding requirement has received considerable attention by the Senate. And so it should. For while I understand the justifiable desire of the Internal Revenue Service to eliminate the tax cheating that ends up increasing the tax burden of the ordinary taxpayer, I am convinced that the withholding requirement will do more harm than good, that it reduces incentives for saving while imposing unnecessary and burdensome administrative costs on financial institutions. The vast majority of American citizens pay all taxes due on a timely basis, and we should not penalize them for the actions of a minority. I am supporting the repeal effort, therefore, and will continue to do all I can to see that withholding does not go into effect on July 1.

As important as the withholding battle is, however, I do not believe it should be allowed to totally overshadow the important trade issues raised by S. 144, the International Trade and Investment Act. I am generally a supporter of free trade, and I believe our economy is best served by reducing trade barriers. But free trade must also be fair. The withholding battle is not the only battle now underway; we are engaged in a long-running battle for fair treatment in international markets, the outcome of which will be far more significant for the future health of the American economy.

I believe American business can compete successfully with any business anywhere in the world. I will match American labor against workers from any of our competitors. But American business and American labor cannot compete most effectively if foreign governments intervene to make their domestic businesses extracompetitive and to impose tariff and nontariff barriers to hamstring our businesses.

The American market is the most open in the world. However, I do not believe it can remain so, if our foreign competitors do not reduce their bar-

riers to our imports. Reduction of trade barriers must be mutual if the conditions of international trade are to be fair and equitable. Trade barriers to U.S. exports hurt our businesses twice, first by denying them access on reasonable terms to overseas markets, and second—and this is a direct consequence of the first—by impairing their productivity and efficiency so they are less effective competitors in domestic U.S. markets.

There was a time when trade barriers were tolerable, when exports and our ability to export on a fair and equitable basis were not particularly important to the long-term health of the American economy. But that time has long since passed.

Exports now account for about 11.4 percent of our GNP. Our exports more than doubled during the decade of the 1970's. More importantly, 80 percent of the jobs created in the United States between 1977 and 1980 were related to international trade. More than 80 percent of all new manufacturing jobs depend on overseas sales.

But although American exports have increased rapidly, our imports have increased even more rapidly. Our balance of trade deficit was roughly $27 billion in 1981, almost $32 billion in 1982, and unfortunately looks as if it will be even higher in 1983.

The message is clear. Our competitors are winning. They are increasing their exports to us while limiting our exports to them. And the result is equally clear—more than 1 million jobs lost in the United States in the past 2 years.

The system of domestic subsidies and tariff and nontariff barriers to imports erected by our international competitors is a significant cause of our deteriorating trade position. It is a cause we can no longer afford to ignore.

I do not want to imply, Mr. President, that the U.S. Government has completely failed to address this issue in the past. The United States was the leader in setting up GATT—the General Agreement on Tariffs and Trade—in an attempt to reduce trade barriers. And GATT has had some success in reducing tariff barriers. Further, Congress has acted to give the President authority to retaliate against foreign unfair trade practices in section 301 of the Trade Act of 1974.

But these actions are not sufficient to provide a basis for truly free international trade. Moreover, they tend to put the United States in a posture of focusing on imports, and reacting to increases in imports while giving inadequate attention to the need to expand our exports, and to reduce foreign trade barriers to help accomplish that objective. We end up trying to protect our industries from foreign competition instead of making it possible for them to compete effectively overseas so that we can export American products and services instead of American jobs.

Mr. President, I congratulate the distinguished, Senator from Missouri (Senator DANFORTH) and his cosponsors for bringing this legislation to the Senate. His efforts help make it possible for the Congress to begin to address the trade crisis facing us today.

S. 144 helps to focus attention on some of the most serious trade policy questions now outstanding. It mandates specific negotiating objectives with respect to trade in services and high technology products. It requires annual reports on significant barriers to U.S. exports and on actions taken to eliminate those barriers. It gives the President more specific authority to retaliate against any products or industries from a country with unfair trade barriers, whether those products or industries were involved in the act retaliated against. And it gives the President the right to retaliate against restrictions on direct foreign investment by U.S. persons with implications for trade in goods and services.

I know the bill is far from perfect. It will not eliminate unfair foreign trade barriers or eliminate subsidies to our international competitors. But, as I stated before, the bill does help focus our attention on our real trade problems. And it puts the focus where it belongs: on improving our export performance by creating a "level playing field" for all participants.

I do not think that is asking too much. All we want is the same access to foreign markets that we provide them in the U.S. market. We should not be the only nation practicing free trade.

I do not want the United States to increase our import barriers, but I do want us to do whatever it takes to insure that our businesses can compete overseas, and that includes providing truly competitive financing via the Eximbank, reforming the Export Administration Act to eliminate the disincentives to export it contains, and it also includes providing any other economic incentive and, if necessary, taking any other actions, including retaliation, that might be necessary.

The stakes are too large. We simply must do everything we can to improve our export performances. Our foreign trading partners are acting. We cannot afford to fall behind.

Japan, Mr. President, is a good example of a country that has recognized the importance of trade and which has acted strongly to promote its exports. Unfortunately, the steps it has taken include subsidizing and providing government direction for important export industries, a pervasive system of barriers to foreign competition, and government monetary and investment policies designed to artificially reduce the price of Japanese exports.

The results of these policies have been impressive for them and devastating to us. Our trade deficit with Japan was a staggering $18 billion in 1983, and will probably exceed $20 billion this year. Japanese autos have increased their share of the U.S. market from 9.4 percent in 1974 to over 24 percent in 1983 while, through countless inspections, discriminatory safety standards, and a variety of other means has made it exceedingly difficult, if not impossible, for a U.S. car maker to successfully export to Japan.

In 1976, Japan held 3.7 percent of the U.S. market for computer-controlled machine tools. Through sophisticated promotion of its own machine tool industry and with a similar pattern of import barriers, it has increased its U.S. market share to 60 percent.

Here is a good illustration of how pervasive Japanese import barriers are:

An American firm decided to try to sell aluminum baseball bats in Japan. The Japanese Softball Association, however, would not permit the use of aluminum bats. After considerable time, expense and negotiation, Japan decided to permit softball to be played with aluminum bats, but only with bats made of an aluminum alloy used only by a Japanese manufacturer. Further negotiations solved this problem, but the total time involved exceeded 18 months.

However, Japan is not the only country that subsidizes its exports and imposes unfair trade barriers.

Mr. President, the European Economic Community barriers to our agricultural exports and their subsidies to their own agriculture exports provide another good example.

The EEC spent $1.2 billion in 1982 to subsidize grain exports, and has gone from being a wheat importer to the fourth largest wheat exporter. The EEC also provides large subsidies to its egg and dairy producers.

Moreover, these subsidies are in a form that provides maximum advantage to their agricultural exporters. The EEC pay their farmers a guaranteed price and then sell the products on the world market at a lower price. At last November's GATT meeting, The EEC refused to agree to phase out these subsidies.

The net effect of the subsidies, and import barriers by the EEC and others, has been an erosion of our preeminence as the leading agricultural exporter. In fact, our agricultural exports declined by over $4 billion in 1982 from their 1981 levels.

Mr. President, the examples in Japan and in Europe I have mentioned barely scratch the surface. Trade barriers, subsidies, and explicit govern-

ment policies to encourage exports are increasing at an exponential rate. Trade, in the past, has been an obscure subject. The jargon, like computer jargon, is often incomprehensive, and many people thought about trade issues like computers—as a mystery, impossible to understand, to be taken on faith—and therefore, dismissed them, except, perhaps, for cursing purposes.

There is a computer revolution now going on, though, and there is also a trade revolution underway. The consequences of the trade revolution may be just as profound, just as important to the future of the U.S. economy, as the computer revolution.

We are entering a new era. The world is increasingly interdependent and our trade policies must recognize that interdependence. U.S. businesses can no longer, if they ever could, think solely about the U.S. market. For businesses to succeed. they must think in terms of exporting and competing internationally.

The U.S. Government has a major role to play in insuring that international competition goes forward on a fair and equitable basis, that U.S. business is not forced into the ring blindfolded with one hand behind its back.

I support S. 144 because it recognizes that struggle. Its specific provisions are less important than the fact that it is before us at all. S. 144 tells us we have to comprehensively address our trade policy issues, that we have to accord them a much higher priority than we have in the past.

S. 144 will help reduce unfair trade barriers, it will help our businesses to compete overseas. It is not a complete solution: It is only one step among many which should be taken. But it is a step that needs to be taken and that must be taken.

● Mr. MATTINGLY. Mr. President, I am pleased to see Congress act in response to the American people in doing away with the 10-percent withholding tax on interest and dividend income. The legislation imposing the 10-percent withholding tax was unnecessary, unfair, and unwise. The American people realized this and, at long last, Congress has also and acted responsibily. Opposition to the 10-percent withholding tax on interest and dividends was an issue not invented by the American Bankers Association or any bank or thrift across the country, but was created and has its roots back to the working men and women. In other words, the withholding issue was a "people's" issue.

Last Congress, I cosponsored and supported efforts to prevent the 10-percent whithholding tax from being included in the Tax Equity and Fiscal Responsibility Act of 1982. After it was included in the legislation, I voted against the entire bill.

Earlier in the current Congress, I cosponsored legislation introduced by Senator KASTEN, S. 222, and introduced myself S. 334 to accomplish repeal of the 10-percent withholding tax. Since its enactment last year, I felt and continue to believe enactment of withholding was bad public policy. During the past month, under the withholding debate, I listed the reasons for opposing the 10-percent withholding on interest and dividend income. They are as follows:

First, withholding is not necessary to increase taxpayer compliance. A 1981 Internal Revenue Service study showed that if 1099 forms were matched with income tax returns by the IRS, taxpayer compliance would be increased to approximately 97 percent from its current 89 percent. Simply stated, it appears that where information matching is required, compliance approaches 100 percent.

Second, withholding is unfair. As I mentioned above, compliance in the area of interest and dividend income approaches close to 90 pecent. Therefore, the withholding tax will penalize the vast majority of honest taxpayers.

Third, withholding will be costly to savers, investors, institutions, and the Nation's economy. Withholding will discourage savings and investment. By removing savings that would otherwise remain invested, the yield on investments will be reduced as will be the incentive to save and invest.

Withholding will be costly to financial institutional and other payors of dividend and interest. Based on a survey of 250 commercial banks, savings and loan associations, and mutual savings accounts, the accounting firm of Peat, Marwick, Mitchell & Co. estimates that start-up costs will be in the range of $200,000 to $400,000 for each institution of that type. at a time when many of these institutions have been financially strained because of the economy, now is no time to add additional weight to their operating costs. Moreover, the banks will not absorb the cost associated with implementation of the withholding tax. It will only be passed on to the consumer in the form of higher service costs and possibly higher interest rates.

Finally, withholding is complicated and confusing. Regardless of what the proponents of withholding contend, the vast majority of savers and investors will be at a loss when trying to determine whether they fit in one of the pigeonhole exemptions or exclusions.

Mr. President, I think it is important to point out the importance of what took place between enactment of the 10-percent withholding tax and our action to do away with this law today. During that period of time, millions of Americans became involved in the democratic process. Millions of Americans contacted their elected officials in Washington to let them know of their displeasure and disgust with the 10-percent withholding tax. In response to the outcry, Congress responded to the demands of the citizenry. I hope the millions of Americans who wrote on the withholding issue will recognize the importance their voice played in the undoing of a bad law. I hope these individuals will also realize the potential effect they could have on the legislative process, specifically as Congress addresses the budget issue in the near future. Unless Congress comes to grips with its out-of-control spending habits, the now underway recovery will be aborted and the future of the American economy will be in jeopardy.

The American people let their representatives know of their opposition to withholding, and Congress responded. I hope likewise, the American people will let their representatives know that they are concerned with high deficits and persuade Congress to responsibly address this problem, preferably by reducing Government spending as opposed to the increasing of taxes.

Mr. President, again I am pleased Congress has seen the light and has struck down the 10-percent withholding tax on interest and dividend income.●

Mr. HELMS. Mr. President, I believe it important that the RECORD reflect the editorial reaction around the country to the efforts by the able Senator from Wisconsin (Mr. KASTEN) to repeal the withholding of taxes on interest and dividends.

Therefore, I ask unanimous consent that a number of editorials and other media comment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 21, 1983]

KASTEN SHOCKS KANSAS

You probably thought you'd never again see the likes of North Carolina State's last-second victory over the Phi Slama Jama boys from Houston in this year's NCAA finals. That stuff's nothing compared to the action on the floor of the U.S. Senate.

Yesterday's papers reported the forging of a "compromise" over a plan, created by Sen. Bob Dole of Kansas and supported by President Reagan, to impose a withholding tax on interest and dividends. What they've done, basically is agree to put this whacky scheme off till 1987. The man who defeated the tax was Sen. Bob Kasten, Republican of Wisconsin. Those are the dry basics of the rise and fall of the withholding tax. Allow us now to put this thing in its proper, heart-stopping perspective.

Bob Kasten is a freshman senator, for heaven's sake. Bob Dole's been in Washington for 23 years; he ran for the presidential nomination. Ronald Reagan is the president. So Kasten sees this errant withholding tax rolling loose, picks it up, blows by Jim Baker and Dave Stockman (big deal), races past the press table, which is throwing

things at him, leaves the floor about 15 feet from the hoop with the tax in one hand, survives a vicious elbow from Dole, and slam dunks the tax back down their throats. The kid can play.

Mr. Reagan went way out on a limb to support this tax; you know how many senators lined up to support him? Twenty-eight. Mr. Reagan has spent a lot of time with the Dole and Stockman tax team. Maybe it's time to rejoin the winners.

[From the Wall Street Journal, Thursday, Apr. 14, 1983]

MICKEY MOUSE TAXES

"We oppose the Carter proposals to impose withholding on dividend and interest income. They would serve as a disincentive to save and invest and create needless paperwork burdens for government, business, industry, and the private citizen. They would literally rob the saver of the benefits of interest compounding. . . ."

So said the Republican Party platform of 1980. But this part of the platform seems to have been conveniently forgotten in 1982 by the Reagan White House and such ardent Republican revenue-enhancers on Capitol Hill as Sen. Robert Dole. Panicked by their own deficit-mongering, they signed into law a $98 billion tax increase—in the midst of one of the worst recessions on record, yet—which included a measure that would allow government to grab its share of America's savings income at the source through the withholding device.

Now a full-fledged tax revolt against this Mickey Mouse tax is under way, led by Wisconsin Republican Sen. Kasten. Early next week Sen. Kasten hopes to force a vote on a measure to repeal the withholding bill, which otherwise would take effect July 1. An unholy alliance of House Democrats and the Senate Republican leadership, cheered on by the White House, has been trying to bottle up the Kasten amendment through a combination of parliamentary obstructionism and demagoguery about banks. (The big banks haven't opposed withholding; they can more easily bear the costs than their smaller rivals; indeed, several joined the lobby effort yesterday.) But it's clear that opposition to withholding is widespread and based on legitimate reasons, and Mr. Kasten deserves a fair vote.

Opposition to the Kasten amendment is so shrill partly because defeat of withholding would strike at the heart of the overall strategy now being pursued by the old-line taxers and spenders in Washington. Having lost on the big issue—individual income tax cuts—they are trying to nibble us to death with a whole series of Mickey Mouse taxes, of which interest and dividend withholding is only one. In the wings are new taxes on life insurance companies, corporate health plans, oil and gas, and even that old chestnut, the three-martini lunch. Jimmy Carter must be loving it.

At the same time the President's Office of Management and Budget is helping out by producing ever-higher deficit projections. Its latest exercise in deficit-mongering implies, among other things, that the decline in oil prices is a bad thing because it might result in lower tax revenue. Not only is this an economic absurdity—lower oil prices will benefit the economy, which in turn bodes well for government revenue—but it directly contradicts the President's own economic views. Maybe OMB thinks its fear tactics will put pressure on Congress to cut spending. So far, it has only encouraged Congress to raise taxes (and gut defense). Whose side is OMB on?

We can't believe all these Mickey Mouse taxes will get very far. The overwhelming public reaction to the withholding tax is a tip-off that the tax revolt also is alive and well. The people have grown wise to Washington's tricks. They know that new revenue for the politicians will simply be spent, not used to reduce deficits. That was made crystal clear this week when Sen. Domenici's Budget Committee tossed out even the President's modest spending cuts and voted more money for everything from rent subsidies to railroads.

As we have said before, withholding on dividends and interest is a bad idea. It not only throws up another disincentive for savings and investment, it imposes huge paperwork costs on banks and other institutions that ultimately will be paid by the saver. Serious economists doubt the government will gain more than it loses because of the effect on economic activity. And a number of states plan to add to these costs by "piggybacking" on the federal tax in order to raise some loot for themselves. New York, for example, wants to add three percent to the 10 percent that Washington would withhold from the money you manage to save and invest. If Washington starts imposing other taxes on innocent bystanders, the states will eagerly piggyback on those, too.

Sen. Dole, the chief defender of withholding, argues that it's the only way to catch the cheaters who don't report their interest and dividend income. In reality, it only transfers the cost of catching the cheaters to the private sector. Citizens by and large pay their taxes if they believe government is making effective and legitimate use of the proceeds. Punishment of the few for trying to take advantage of the many is a defensible enterprise; punishment of the many for the transgressions of the few only diminishes respect for government.

The congressional leadership should allow the repeal measures in both the Senate and the House an up-or-down vote. But we understand their reluctance to do so. If the withholding tax is repealed, it would bring a quick end to the seemingly endless parade of Mickey Mouse taxes that the politicians have been trying to foist on the people over the last year.

[From the New York Times, Apr. 12, 1983]

WITH THE BANKS, OFF THE BACK BENCHES

(By David Shribman)

WASHINGTON, April 8—Senator Bob Kasten, who has defied President Reagan and Congressional leaders on the issue of tax withholding by banks, is an unlikely rebel.

He is a former businessman whose ideas on the role of the Government in business mesh comfortably with those of the Republican majority in the Senate and the Reagan Administration. In the last month, however, the Wisconsin Republican has found himself in the eye of a verbal storm over a legislative provision requiring banks and other financial institutions to withhold 10 percent of interest and dividends earned on savings and investments.

Mr. Kasten, a relative newcomer to the Senate but savvy in its ways, added an amendment to repeal the withholding provision to the $4.6-billion job bill that the Senate debated last month. Mr. Reagan vowed to veto the bill if it contained an amendment repealing the withholding provision, but Senator Kasten continued his battle, paralyzing the Senate for a week.

The debate on the provision, which is scheduled to go into effect July 1, is heating up again. Senate Republican leaders, exasperated by days of debate on the issue, persuaded Senator Kasten to withdraw his amendment to the job bill in exchange for assurances that the measure would be debated as part of a trade bill on April 15.

"NEVER A GOOD TIME"

The withholding provision was part of the $98.3 billion tax bill passed last summer, but the effort to repeal it did not get under way until the beginning of this year. Since then, it has generated perhaps the largest outpouring of constituent mail in the history of Congress, has placed Mr. Kasten on the front pages of newspapers and has given him unusual attention in the Senate, which operate under generations-old codes of seniority.

"It's always rough to go against the leadership," said Senator Nancy Landon Kassebaum, a Kansas Republican. "You're sort of on your own. There's never a good time to do something like this."

Mr. Kasten took on one of the Senate's most formidable figures, Senator Bob Dole, the Kansas Republican who has become almost evangelical in his opposition to Mr. Kasten's drive. For days Mr. Kasten and Mr. Dole, the chairman of the Senate Finance Committee, glowered at each other on the Republican side of the Senate chamber, one defending the effort to repeal the withholding provision, the other describing it as a symbol that the Senate was willing to "cave in to the bankers."

The spectacle catapulted Mr. Kasten out of the obscurity of the Senate's back benches. "He's held off the leadership and the Administration, and clearly is illustrating considerable legislative skill," said Senator Rudy Boschwitz, Republican of Minnesota.

"HE'S MADE A POINT"

Some of his colleagues believe, however, that the attention Mr. Kasten has won could turn out to be a mixed blessing. "It could diminish his influence, it could enhance his influence," said Senator Mark O. Hatfield, Republican of Oregon, as the Senate tried to wrangle out of Mr. Kasten's legislative knot. "The question is always when to let go or change your strategy. He's made a point. He's been identified with a popular issue, but he could quickly lose that attention by timing. That moment is at hand."

Mr. Kasten, who is 40 years old, is a Milwaukee native who was captain of the lacrosse team and president of his fraternity at the University of Arizona. He later took a master's degree in finance from the Columbia University School of Business and came to politics as a second career.

He was vice president of the Gilbert Shoe Manufacturing Company of Thiensville, Wis., and was, as he put it in an interview, "a small businessman who became angry" over Government interference. In two terms in the House of Representatives and his single term in the Senate, he has emphasized the importance of deregulation.

"There are too many regulators, too many regulations, too much of a regulatory process," he said. "If economic life were a football or baseball game, the Government ought to be the umpire or the referee in a game of competition and risk taking. But the Government has become the other team. Now, when we should be encouraging savings and investment, we find ourselves with new regulations on withholding for savings and investment."

Mr. Kasten, who narrowly defeated Senator Gaylord Nelson in 1980, accepted no

money in 1981 or 1982 from political action committees representing banking interests, but his uncle is a former president of the First Wisconsin Bank Corporation. He is something of an iconoclast in the Senate and has spoken often of his desire to limit terms of members of Congress to a dozen years, two six-year terms for Senators and six two-year terms for members of the House.

"We need turnover here," he said, "We shouldn't become a town and an institution of political people. We need educators, businessmen, lawyers and doctors, people from all different trades, coming here to serve. What I'm up against in this fight is the institution of the Senate: Can the work of a committee chairman and the Administration be overturned by average people who say, "This is a screwy idea'?"

Senator Kasten, who is single, lives on Capitol Hill. He is an avid skier and tennis player, enjoys hunting ducks and pheasants and finds time for occasional ice-boating on Cedar Lake in Wisconsin. He is, moreover, uncertain about how long he wishes to remain in the capital.

"If we don't change the Senate rules, you find yourself in a Catch-22," he said. "If you stay here you're able to make a difference and have the kind of influence that can help your state. I like this, but I would hope I wouldn't do this for the rest of my life."

[From the Wall Street Journal, Mar. 17, 1983]

TAX REVOLT

Efforts to repeal the dividend and interest withholding law due to take effect July 1 have been printed in the blackest terms by the chief proponent of the measure, Sen. Bob Dole. It's a conspiracy of those bad old banks. It's a conspiracy of all those rich folks. It's a conspiracy to torpedo the jobs bill, to which the repeal measure was attached.

But Sen. Dole's near-hysteria on the subject betrays him. What he really has on his hands is the tax revolt that got Ronald Reagan elected president instead of Bob Dole, and yesterday it showed its power in the Senate. Sen. Dole, the Kansas Republican who thinks that budgets are balanced by raising taxes, was steamrollered in his attempts to ditch repeal. The repeal effort was launched by fellow Republican Bob Kasten in what at first looked like a quixotic last stand but quickly took on the character of a grassroots crusade. His fellow senators took a hard look yesterday at the troops Sen. Kasten had mustered and beat a hasty retreat, defeating Mr. Dole by 10 votes. Bravo, Sen. Kasten.

All this leaves the White House between a rock and a hard place, and nobody can say it doesn't deserve it. The president allowed himself to be talked into supporting the jobs bill by advisers who are convinced that he needs to appear more "compassionate," as if creating phony jobs instead of real jobs is compassionate. The same advisers talked him into backing interest and dividend withholding, a truly silly revenue enhancer guaranteed to stir up the middle-income folks who voted for him.

Sen. Kasten had asked for an up-or-down vote on repeal of withholding, confident he could win. But the White House and Mr. Dole denied him that opportunity, so Mr. Kasten has attached repeal to the jobs bill. Now the president may have to veto the jobs bill in order to save withholding.

This is the kind of position you put yourself in when you trade away your principles for a mess of pottage. The only redeeming feature of this episode may be that Mr. Dole's embarrassment is likely to be even greater than the White House's. If the president had stood firm against the jobs bill, he would still be occupying the high ground. Economic recovery is under way and another federal spending boondoggle is the last thing we need.

The current jobs bill, like those before it, is little more than old-fashioned pork barrel. The $5.2 billion of speed-up spending was originally targeted on nine States with the highest unemployment after a few oinks it was expanded to 27 states. Some of the more egregious efforts to get more pork for the folks back home were turned back. But much of the spending in the bill still has little to do with creating jobs; most would go for construction and services on existing projects that require skilled labor.

Moreover, the bulk of the spending will come after the recession is over. A study of the House version of the bill by the Congressional Budget Office, which normally sympathizes with and finds ways to rationalize federal spending schemes, shows that only about $1.5 billion of the $5.2 billion would be spent in 1983. Some $2.3 billion would be spent in 1984, when both Democratic and Republican economists expect a boom in the economy, and the rest in future years.

And despite Sen. Dole's demagoguery about the banks, the movement to repeal the withholding tax on dividends and interest reflects popular anger, not just slick lobbying. Anybody who has been receiving those irritating forms in the mail lately—and who hasn't, since nearly everybody receives some interest or dividend income—will instantly understand why Mr. Dole & Co. have been deluged with letters of outrage. And to the extent the banks helped mobilize this sentiment, it was mostly the little banks; the big banks, which have lots of computer capacity, are perfectly content with a measure that increases costs for their competition.

The plain fact is that Congress is trying to shift the cost of collecting taxes on interest and dividend income from the public to the private sector, and at the same time grab off for the government some extra revenue. Banks and companies already report to the IRS dividends and interest they pay. But the IRS computers can't seem to track all those little pieces of paper, so the agency wants the banks and companies to do the job for it. In the process, the spenders in Congress would get a nice little chunk of change by having free use of the money for a year.

With yesterday's defeat of the Dole motion to deep-six the Kasten amendment, the impasse on the jobs bill continues. If a combined jobs withholding repeal measure eventually emerges from Congress, the president has threatened to veto it. He should. But then he should proclaim that the need for a jobs bill, if it ever existed, is past and that public reaction to the withholding act justifies a fair vote on the repeal measure. And the next time he needs some good political advice, he should invite Mr. Kasten in for a friendly chat instead of a public scolding.

[From the Milwaukee Journal, Tuesday, Mar. 22, 1983]

WHY INCLUDE THE HONEST?

(By Robert W. Kasten, Jr.)

The proposal to withhold on interest and dividends has kicked around Capitol Hill since 1941. Congress rejected the idea seven times before it was slipped into last summer's tax increase package. In the 42 years withholding has been debated, the inherent problems with the proposal have never been solved.

While many elderly and low-income Americans will not be required to comply with this new regulation, their exemption will not be automatic. It is up to them to find out if they qualify, to get hold of the exemption certificates—one for each account—and to file them.

If the exemption forms aren't filed on time, either because individuals didn't know they had to or because they were physically unable to do so, then 10 percent of all their interest and dividend income will be withheld. The result: people who need this income for everyday expenses (food, housing, medical care) will lose it.

Withholding will hurt the honest taxpayer. Instead of going after the small percentage of Americans who actually fail to pay their taxes on interest and dividends, the IRS wants to penalize law-abiding savers across the country. Treasury Department estimates show that nearly 90 percent of the people pay the taxes they owe on interest and dividend income. Instead of zeroing in on that small percentage of tax evaders, withholding means everyone must pay.

Those who have lost their jobs or have retired in the past few months would be caught in a Catch 22 situation. Money would be withheld from their accounts despite the fact that they have little or no income coming in this year, because the exemption is based on last year's taxable income.

Aside from the hassles and unfairness of this new tax scheme, withholding is also one of the worst things you can do when you are trying to get the economy moving again.

Taxes owed the government should be paid, but withholding is not the best way to accomplish this. Instead, why doesn't the government use the information it already has to crack down on tax evaders?

The IRS seems to prefer withholding because it's easier to have the banks do the work than to spend its own time and effort to crack down on tax evaders.

Withholding has become an issue of the people, and the pressure for repeal continues to grow. The American people deserve a vote in Congress on withholding soon.

[From the Christian Science Monitor, Mar. 16, 1983]

WITHHOLDING ON INTEREST

(By Robert W. Kasten, Jr.)

A grass-roots campaign to repeal the new 10 percent withholding tax on interest and dividends is now under way.

A veritable avalanche of mail has poured into Washington, and congressional mail clerks report more letters on withholding than on any other issue in recent memory. Withholding would affect millions of savers across the country, and the American people are angry and concerned. Their letters point out what Congress should have known all along: withholding will discourage savings and investment, penalize the honest taxpayer, and create an especially heavy burden on our nation's senior citizens.

U.S. government policy has been biased against savings for years. By the end of the Carter presidency, the American people were saving less than any other people in the Western world. In the second half of the '70's, only 2.5 percent of GNP went into

net investment for plant and equipment, down 40 percent from a decade earlier.

In 1980, we promised a change in policy, recognizing that savings and investment are the keys to economic growth. Many of our tax policies did change—the top tax rate on all income was reduced, a new IRA law was passed, and estate and gift tax exclusions were increased. The 10 percent withholding tax would be a step backward. Savers would lose the benefits of interest compounding and automatic dividend reinvestment—instead of having that money in their savings account all year working for them, it would be sent off to the federal government.

Withholding would hurt the honest taxpayer. The Treasury Department estimates that nearly 90 percent of the people pay the taxes due on their interest and dividend income. Ten percent do not. Instead of zeroing in on that small percentage of tax evaders, withholding means everyone must pay. The Treasury Department also estimates a fiscal year 1984 revenue gain of $5 billion from withholding. Only $3 billion of that comes from increased compliance—people paying taxes they should have been paying all along. The rest is, in reality, an interest-free loan from the American people to Uncle Sam. That's a loan the American people can ill-afford to make.

As a result, billions of dollars will be taken out of the private capital market and will no longer be available for home mortgage loans, capital formation, or job creation.

Older Americans will be hurt the most. Almost half of all interest and dividend earning accounts belong to the elderly, children, and those with low incomes. Even though these people may be exempt from withholding, this exemption is not automatic. It is up to them to find out if they qualify, to get hold of the exemption certificates—one for each account—and to file them.

If the exemption forms aren't filed on time, either because the individuals didn't know they had to or because they were physically unable to do so, then 10 percent of all their interest and dividend income will be withheld. The result: people who need this income for everyday expenses (food, housing, medical care) will lose it to the federal government. It isn't until they file a tax return in the following year that this money would be returned. In the meantime, losing 10 percent of their interest and dividend income each month could force a noticeable change in the quality of their lives.

The American Association of Retired Persons strongly opposed the withholding tax last summer because, as it argued, "we fear the exemption process will frequently fail to operate properly and a serious overwithholding problem will result." It also pointed out that, by placing the burden on the individual to exempt himself, withholding would force many elderly people into the taxpaying system who have not been required to file for years.

Those who have lost their jobs or have retired in the past few months would be caught in a Catch-22 situation. Money would be withheld from their accounts despite the fact that they have little or no income coming in this year, because the exemption is based on last year's taxable income.

The withholding debacle is a prime example of what can happen when the bureaucrats in our nation's capital are set loose. Withholding is bureaucratic overkill, pure and simple—the million-dollar solution to a two-bit problem. A recent IRS study shows that an improved information reporting system, together with the compliance reforms passed in last summer's tax bill, could increase taxpayer compliance to 97 percent. By requiring the IRS to cross-check 1099 forms with the amount of income declared on every tax return, we could improve compliance without confiscating 10 percent of the interest income in every savings account in the country. The IRS seems to prefer withholding because it's easier to have the banks do the work than to spend the time and effort necessary to crack down on tax evaders themselves.

There is still time to stop this new tax scheme before July 1, when it is scheduled to go into effect. I have introduced legislation to repeal withholding and replace it with improved information reporting, and the bill, S. 222, has already gained 47 Senate co-sponsors. The American people are demanding action. Congress should vote now to repeal the withholding tax scheme.

[From the Waukesha Freeman, Mar. 15, 1983]

A VICTORY FOR KASTEN

Wisconsin's Senator Robert Kasten has won his fight against the Senate's GOP leadership, a rare event and one that may have earned him his first bit of stature in Washington.

In exchange for dropping his now famous tax repeal amendment from a sensitive jobs bill, Kasten agreed to a compromise offered by Sen. Robert Dole, R-Kansas, that would allow the Senate to debate the tax repeal on April 15 and vote on it soon after.

Though the Kasten amendment has its critics, it also has wide public support. If it didn't, you can bet that Dole would have offered Kasten nothing but his back on this issue. The Senate Finance Committee chairman is not accustomed to being hijacked by junior senators.

Of course, Kasten ran a tremendous risk. Wisconsin and two dozen other states whose unemployment compensation funds were running on empty could have lost the Federal funds needed to continue payments to the jobless. That turned the showdown in the Senate into a war of nerves, and without the compromise it might have been risky for Kasten to show up in his home state while the unemployment rate continued to hover at 11.6 percent.

In fact, some cynics have pointed out that Kasten badly needed a victory because of his involvement in Oliver Plunketts' real estate affairs, still under investigation by state officials. Others have questioned the appropriateness of his opposition to a law designed to catch tax evaders when he has admitted that he twice failed to file state tax returns when he was a member of the House of Representatives.

But Kasten seemed to sense that he was riding a winner on this issue. He showed nerve and deserved his victory. Now comes the real test. In April he must make sure his amendment actually passes.

[From the Milwaukee Sentinel, Mar. 15, 1983]

REAGAN GOES ASTRAY IN WITHHOLDING FIGHT

An attempt by Sen. Robert W. Kasten Jr. (R-Wis.) to add to the $10 billion jobs-benefits bill a proposal to repeal the plan to withhold taxes from dividend and interest payments is turning that measure into a Christmas tree, says President Reagan.

That, in fact, is how such maneuvers have been characterized in the past. But the withholding provisions also resulted from a bit of ornament-hanging in which Reagan had a hand. It was deftly hung on a $98 billion tax increase package signed by the president last fall on the pretense that it would glean several billion dollars from tax cheats.

If Reagan is so averse to excess decoration on congressional bills, why didn't he veto that measure as he threatens to do with the jobs measure if it is passed with the withholding repealer?

In reality, what the administration wanted was to transfer the cash flow of income on savings and investments from private citizens to the government.

In a bit of demagogy usually characteristic of Democrats, Sen. Robert Dole (R-Kan.), who is Senate Finance Committee chairman, accused Kasten of wanting to "let the poor people who are now looking for jobs wait for the bankers."

In truth, any poor people who hope to get the minimal number of jobs that might be available through the $3.9 billion in the bill for that purpose will wait a long time for them anyway, if this program is anything like similar efforts in the past. Of more immediate concern is a provision in the stalled bill for $5 billion in federal loan funds for unemployment compensation.

But is it Kasten who is frustrating the will of the Senate or is it Dole and Reagan? An overwhelming Senate majority wants to vote on the withholding issue and the only thing stopping repeal is a stubborn minority backed by the president.

Without question, the financial institutions have marshaled a super lobbying campaign against the withholding provision, scheduled to go into effect July 1. They are not only protecting the interests of their customers but trying to avoid what they feel are burdensome administrative costs.

The people who are backing this drive, certainly, have as much compassion for "poor people" as the president and Dole. But it would seem that an administration that has placed so much emphasis on the importance of savings should have a little compassion for people with money in the bank, no matter what their income bracket.

[From the Milwaukee Sentinel, Mar. 3, 1983]

REAGAN SHOULD RETHINK SUPPORT FOR WITHHOLDING

A stubborn Senate Republican leadership finally gave in to an even more stubborn Sen. Robert W. Kasten Jr. (R-Wis.) Thursday, paving the way for passage of a $10 billion public jobs and unemployment compensation.

Kasten agreed to remove from the bill a controversial amendment which repeals a scheduled withholding tax on interest and dividends and the Senate unanimously agreed to hold a full hearing on the repealer April 15, with the blessing of the leadership.

Fortunately, Kasten did not have to resort to a ploy which would have attached the repealer to the Social Security reform bill.

Sidetracking the jobs bill because of a threatened presidential veto might not have irreparably harmed the nation's economic recovery. It might have helped. Indeed, Reagan doesn't like the shape it's in now. But dragging Social Security into the mess would have been a serious setback for a compromise won with broad bipartisan support.

Both sides now will marshal their arguments for the hearing on the withholding

proposal which never was properly aired before. And it might be a good idea if Reagan follows the debate closely. He got some bad advice on the issue in the first place.

The most important point he overlooked, as we have stated, is the discouraging factor that this proposal would have on savings and investments. And while repeal would save financial institutions the cost of administering the withholding program, this is not necessarily bad.

This is a time when some segments of the savings industry are still wobbly from the effects of the recession. It is not good national economic policy to add to their burden.

Indeed, savings institutions, along with other industries in recent years, had been looking to the government to extend them a helping hand. Reagan should take advantage of this rare opportunity to take the government's hand out of business, as he had promised in his election campaign.

[From the Wasau Radio, Inc., Mar. 18, 1983]

MATTER OF OPINION

Three cheers for Senator Robert Kasten. He's been in Washington only a short time and has learned his political lessons well. By attaching his amendment to repeal the 10 percent interest and dividend law to the jobs bill legislation he's beating the old line politicians at their own game. What do our elected officials do when they want to pass a "pay raise" for themselves? They quietly attach it to a popular piece of legislation that's sure to pass and they have a raise without a lot of publicity and, they hope, debate. Senator Kasten is reversing the process. The 10 percent interest and dividend law is very unpopular with a lot of people and deserves to be repealed. So, he's attached it to the ever popular, sure to pass, jobs bill. Now, Senator Dole of Kansas and some other Senators are suggesting Kasten is responsible for holding up passage of the jobs bill with his amendment. Horsefeathers! Both the jobs bill and repeal rider deserve to be passed . . . and we hope, soon. Congratulations to Senator Kasten for having the "backbone" to author this repeal legislation and to have the courage to play the political gamesmanship in getting it passed. This has been a matter of opinion.

[From the Sheboygan (Wis.) Press, Mar. 14, 1983]

CONGRESSIONAL MANEUVERS

The current standoff between the jobs bill and repeal of the 10 percent withholding on savings accounts is a classic example of congressional leadership attempting to frustrate the will of the majority.

The popular jobs bill, which provides loans to states for their unemployment compensation funds, was sailing smoothly through Congress. Funding for the jobs portion of the original House version was reduced slightly in the Senate, but there was no doubt that it would be approved and differences ironed out by a conference committee.

Then on Thursday, Sen. Robert Kasten, R-Wis., offered an amendment to the bill which would repeal the 10 percent withholding on savings accounts due to begin July 1. That's an old congressional trick of attaching amendments on unrelated matters to bills which are so important that Congress has little choice but to approve them.

The Senate Republican leadership, however, is opposed to repeal of the scheduled withholding. Yet, it knew that Kasten's amendment would be accepted by the Senate so it prevented a vote on the motion. That's another parliamentary trick frequently used.

A third device, a Senate filibuster, was threatened by Sen. Robert Dole, R-Kan., if Kasten refused to withdraw his motion to repeal the withholding tax.

Dole's attitude was, "Let the poor people wait while we take care of the bankers (who favor repeal) on the Senate floor." That procedure ignores the fact that even poor people have savings accounts and that current provisions for reporting interest to the IRS exempt interest on certificates of deposit over $100,000 and U.S. Treasury bills.

Kasten's position may hardly be faulted. He has agreed to withdraw his amendment if the Senate leadership will promise to allow a separate vote on the matter of repealing the planned withholding so that it may stand on its own merits. That offer has been refused.

The merits of Kasten's position on withholding have been well debated and have drawn the support of such Senate luminaries as Goldwater, Long and Stennis, yet the Republican leadership is able to stall a vote. It has been estimated, in fact, that 70 percent of the senators favor the withholding repeal.

Lacking agreement to let the repeal stand on its merits, Kasten is entitled to continue his stand on the proposed amendment.

[From the Hudson (Wis.) Star-Observer]

WRITING CONGRESS PRODUCES RESULTS

Who says writing your congressman and U.S. Senator doesn't produce results? Indications are that a massive mailing to our legislators in the nation's capitol have persuaded a number of them to support a repeal of the 10 percent withholding tax on interest and dividends scheduled to take effect July 1. As mailings keep coming in—in record volume—legislators are pressured into carefully considering the matter, and once they do that, they probably will support this measure because the people, urged on by the banks, are absolutely right.

U.S. Senator Robert Kasten on Feb. 2 reported his bill seeking repeal of the 10 percent withholding tax was picking up additional support fast. There were 28 cosponsors of the bill, 15 Republicans and 13 Democrats, and nine of the cosponsoring Senators had switched their position. Explained Kasten, "I'm sure these Senators are reacting to their mail. My office alone is receiving about 10,000 pieces of mail a week calling for a repeal." He said he normally receives about 2,000 pieces of mail when in session and this mail ordinarily would reflect a number of different issues.

Senator Rudy Boschwitz is fast becoming known for his innovative thinking and Rudy, while supporting the repeal concept, on Feb. 26 introduced a variation of the plan. Boschwitz proposed a five-year repeal of the controversial 10 percent withholding tax on interest and dividend income. The plan, which was unveiled at a Minneapolis press conference, calls for the withholding tax replaced by a system requiring banks and other financial institutions to report interest and dividend income to the Internal Revenue Service on computerized tape. Banks are currently required to report interest and dividends to the IRS but a Boschwitz aide said the computer tape records would present the information more accurately and allow the government to collect more taxes without withholding.

Boschwitz said he developed the plan after receiving more than 100,000 pieces of mail since January, sometimes as many as 3,000 cards and letters a day, protesting the withholding tax. The Minnesota Senator said he usually gets 600 to 800 letters a day.

Third district congressman Steve Gunderson received 10,000 letters and other communications from his district constituents urging repeal of the withholding law. This volume of mail set a record for his office. Said Gunderson, "Since coming to Congress three years ago, this is the most massive outpouring of views on one issue I have ever seen." Gunderson said he would introduce legislation to repeal the tax and replace it with other measures raising the same revenue over the next six years.

The moral of the story folks is to keep those cards and letters coming in. Congressmen and Senators are feeling the pressure and they are reacting accordingly.

[From the Jamesville (Wis.) Gazette, Mar. 16, 1983]

KASTEN'S FAST TRACK

Freshman senators are like underclassmen everywhere. Enhancement of their influence is dependent upon a combination of luck and wit.

A fortuitous combination of both has vaulted Sen. Robert Kasten into the limelight. Suddenly, he has become a force for the federal establishment to deal with.

Kasten, a foe of the 10 percent withholding tax on interest and dividends utilized his senator's privilege to tack an amendment the administration doesn't want on a piece of legislation the administration does want.

Kasten's amendment would repeal the interest and dividend withholding provision of the tax law. Administration opposition to a similar bill has been spearheaded by Sen. Robert Dole, Senate Finance Committee chairman, who developed the withholding plan.

The greatest inundation of mail in the national capital's recent history is attributed to protests against the withholding provision scheduled for July.

The Kasten amendment poises him on the leading edge of this national constituency. Kasten recognizes the advantage of such instant good fortune and has been able to say that he is not concerned about possible presidential reprisal, that he is carrying on in the tradition of independence that has been typical of Wisconsin senators since the time of Robert M. LaFollette Sr.

Some senators take years to make it on the Washington scene. Kasten's stroke of good fortune is the kind that politicians dream of and hope for. It's fast-track politics for Wisconsin's junior senator who has set a pace that is probably surprising even to himself.

[From the Clintonville (Wis.) Tribune-Gazette, Mar. 17, 1983]

DIFFERENCE WITH A DIFFERENCE

Just being different isn't necessarily virtuous, but Wisconsin's senator Bob Kasten is being different these days consciously and with good reason. He has taken on the Republican power structure, a different sort of behavior pattern for a freshman in the U.S. Senate, especially one on the majority side.

Kasten is perhaps a bit self-conscious when he says he aspires to be different because most of Wisconsin's better-known senators have been somewhat maverick. It takes more than one issue to make a maver-

ick and Bob Kasten doesn't sound like the kind of man who is going to get out of line very often. In the present instance, however, he is impressive.

Kasten, along with a majority of the senate, doesn't like the mandatory withholding of a percentage of interest payments from money due bank depositors, stockholders whose investments pay dividends, or insurance policy owners who get periodic earnings on their policies. That controversial innovation was slipped in when the administration introduced a new tax law last year and the nation is now realizing a mistake was made.

However, the administration, with close cooperation from senate leadership, likes the idea and is stubbornly maintaining it will be useful in collecting taxes from some people who might not remember to include all their interest earnings when they make out their income tax reports. The senate leadership is adamant in refusing to let the senate vote on whether the interest withholding provision should be kept or discarded and that intransigence has a majority of the senate hopping mad.

Kasten did something about it. Reasoning that if the leadership wouldn't permit a direct vote on the withholding issue, it would have to be brought to the senate's consideration as part of another measure which is assured a vote. He hung it on the so-called "jobs bill," a pork barrel showpiece that isn't going to create as many jobs as it is undue accolades from those who think the federal government "has to do something" about creating work.

Politicians from both parties want to look like they're doing something so the jobs bill is a perfect carriage for Kasten's amendment. It may not turn out that way because so many senators are trying to slip a little local preference into the jobs measure that it may end up meriting a veto with or without the withholding ban. That's another story.

What is important is that Kasten has very cleverly embarrassed the leadership of his own party on an issue that he sees as a matter of principle. He's not unwilling to compromise either. If the leadership will guarantee him a vote on the withholding ban by itself in a matter of days, he'll unhook it from the jobs measure. Confident he can win the vote, he is standing toe-to-toe with some very powerful politicians.

Right now we're applauding Bob Kasten. His stand is correct and he should hold his ground. If that's being different, it's the kind of difference that deserves support.

[From the Waukesha (Wis.) Freeman, Mar. 8, 1983]

NEW TAX IS A BAD IDEA

It's not often that Sen. Robert Kasten, R-Wis., and Rep. Robert Kastenmeier of the state's second Congressional District agree on a piece of legislation. Despite the similarity of their names, the two could not be more dissimilar in outlook. Indeed, it could be said that between them they embrace most of the political spectrum from right to left.

So it pays to take a second look when both support an effort to repeal a law which, after July 1, would require a 10 percent withholding tax on interest and dividends.

Are the Congressmen right in opposing the new withholding tax? In our view, the answer is yes. Despite what we think are some self-serving arguments by the U.S. League of Savings Institutions and other industry lobby groups, the law that was originally passed as a quiet amendment to the Tax Equity and Fiscal Responsibility Act of 1982 is fatally flawed and ought to be repealed.

Despite some critics' claims to the contrary, it is true that this bill would have the greatest impact on the elderly. Almost 90 percent of the country's senior citizens receive income in the form of interest or dividends and many of them rely on that regular monthly cash for subsistence. It may be true that most would be eligible for full returns of the withheld tax, but why should the government be able to borrow 10 percent of their monthly income only to return it, without interest, at the end of the tax year?

If Rep. Kastenmeier's bill (H.R. 500) is passed, there will be a way to get to the heart of the problem that led to the new tax law in the first place.

Like Jimmy Carter before him, President Reagan has expressed the worry that too many people have avoided compliance with tax laws by failing to report unearned income, perhaps costing the national treasury as much as $4 billion a year. But an Internal Revenue Service study of tax compliance in 1981 showed that 97.3 percent of all taxpayers fully reported their income from interest and dividends when the IRS had Form 1099 reports (similar to W-2 forms used by wage earners).

Kastenmeier's bill would repeal the 10 percent withholding requirement but make Form 1099 reports mandatory, thus reducing the opportunities for tax cheaters to a minimum.

It is always worthwhile to trap the cheaters, but in this case the "medicine" would so outstrip the illness in its side effects that it would be better not to take it at all.

[From the Washington Times, Apr. 14, 1983]

THE KASTEN AMENDMENT—YUP

Let's be done with it, this fractious fuss over dividend and interest withholding. And the best way to have done with it, before more valuable time and congressional passion is burned up, is to repeal the withholding provision.

Proponents of the 10-percent withholding tax that is to click in come July argue fervently that it will provide a vital source of revenue to help offset the federal deficit, and will nail those dastards who don't report fully (or at all) dividend and interest income and thus throw an added tax burden on the rest of us.

Sen. Robert Dole, chairman of the Senate Finance Committee, is busting his buttons to sustain the withholding, a centerpiece of the 1982 Tax Equity and Fiscal Responsibility Act. His pride in the withholding provision, which swells alarmingly by the week, is intriguing inasmuch as Dole was pledging eternal enmity to the ideas as recently as 1980.

Opponents of withholding, with Sen. Robert Kasten, R-Wis., leading an energetic charge up Capitol Hill, contend with equal intensity that the provision will cost more to crank up than the additional revenue collection can justify—which additional revenues are over-stated anyway, and that the procedure is superfluous and a disincentive to savings.

Each side instantly trundles out figures that conclusively prove its assertions and rebut the other's. Each has made a crusade out of the issue. Dole in particular has leaped on his white charger and leveled his lance at the bankers, arguing with unusual asperity that they're villains and varlets and perhaps worse.

However, those who support Kasten say they have the votes in the Senate for repeal, and sentiment in the House has swayed increasingly in that direction. There will be an intricate parliamentary dance in the Senate, probably beginning later this week, that should lead to a vote by midweek next.

There remains, though, a delicate problem. President Reagan has loudly beat the drum in support of withholding, for reasons which quite escape us. He vowed great oaths he'd veto the Social Security or the jobs bill if either got to the other end of Pennsylvania Avenue with the Kasten amendment tacked thereto. He did not, however, vow to veto any other bill that might come equipped with the Kasten shirt-tail, and a number of GOP senators are trying to find a graceful way for the president to accept repeal without appearing to be in headlong retreat.

Despite the exaggerations of both proponents and opponents, we think the argument for the Kasten amendment and repeal tilts the scales. If the IRS has the capacity to cross-check tax returns and dividend-interest reports to corral up to 97 percent of the taxes owed on those income categories once Congress appropriates the dollars to accomplish that by computer, then why go through this stumble, fumble and grumble process of withholding?

The 10 percent deduction will constitute at least a marginal disincentive to save, and even marginal disincentives in an economy pulling itself out of recession are unhelpful.

That's our verdict—and we're tired of the hyperbole in which the debate has largely been couched, Enough, we say—repeal.

[From the Abbotsford (Wis.) Tribune-Phonograph, Mar. 16, 1983]

EDITORIAL—BANKING'S BOB

Wisconsin Senator Robert Kasten has received loads of publicity along with threats from the Republican leadership in the Senate and pushes from the White House for his attaching an amendment to the new jobs bill in the Senate that would repeal the 10 percent withholding tax on savings and dividends which is slated to take effect July 1.

First the Republicans tried to pressure Senator Kasten to remove his amendment so that federal funding for state unemployment could pass to keep unemployment payments coming this week. Strangely, instead of voting on the sole issue of more federal unemployment funds, this was also an amendment attached to the jobs bill by Majority Leader Robert Dole of Kansas, the same Senator that was attempting to pressure Senator Kasten to pull the withholding amendment. If Senator Dole's amendment belongs on the jobs bill so does Senator Kasten's.

Fortunately our state Senator didn't back down and the White House magically found funds in some drawer to keep unemployment funds paid through this week.

Today it looks as if the Republican leadership will negotiate with Senator Kasten and promise a vote at a different time if he will remove his amendment from the jobs bill. Even though the Senator has said that he would remove the amendment if he got a Separate vote last week, let's hope he has a change of heart and keeps this amendment on the jobs bill. He must have the votes to get this previous piece of poor legislation

killed or Senator Dole, a backer of the withholding law, wouldn't be working so hard to get around Senator Kasten's amendment. Stick with him Bob, you've got him on the run.

Is the withholding law poor legislation? Basically yes. Not because it might spot a few who cheat on their income tax returns, but because it penalizes about 95 percent of the people of this nation to catch five percent which is poor legislation.

In truth, the withholding is only another bailout out of the Federal government. Part of the same law that demands withholding also requires form 1099 on interest and dividends, along with some interest payments that were previously exempt. This portion of the law should solve all of the problems of hiding interest received by any individual who would cheat.

If the Internal Revenue Service has the right computer equipment it is only a matter of computer time and programs to match the 1099 with the individual's tax return to determine proper filing. This new withholding law practically admits that IRS doesn't have the capability to check tax returns with the forms that the government requires business and employers to file so instead of making sure that the Internal Revenue laws work fairly for everyone by computerizing the verification of all tax returns, the government penalizes everyone to get its money first and let you prove yourself to get it back. A complete mockery of the law, saying you are guilty until you prove yourself innocent.

The result is that the government will deny the saver the ability to receive full interest on his or her savings by taking of the interest in the same manner as they withhold FICA and Social Security from one's paycheck. Thus the saver is denied the ability to receive the compound interest on 10 percent of the interest, not a major amount of money to be sure, but it's like the justice system in this country penalizing the victims while letting the criminal go free.

The ability to withhold from each paycheck was passed as an emergency measure during World War II. They take their money every payday or every quarter depending if you are salaried or self-employed, while your tax liability and report really isn't due until April 15, the year after you make the money. Of course if they didn't take their money every payday they wouldn't be able to operate the government and this savings withholding bomb is just more of the same old policy of get the money in so we can spend it.

Banking experts estimate that the public will lose $1.5 billion that would be earned nationwide on this 10 percent withholding. Not only that, the capital markets will be dried up by the same amount, because if the money isn't in the bank they can't loan it for new cars or homes or for whatever purpose one needs a loan.

It is possible that this $1.5 billion might not affect the loan picture on the national scale, if the federal government doesn't need to run to the banks because of the deficit spending, but it's almost too much to hope for because every politician in Washington is working on a new budget which spends hundreds of billions more than the government takes in and smiles right into the TV cameras and tell you what a good job they are doing.

Thousands of letters have flooded our nation's capital against the withholding law, but a few Congressional leaders have kept this from coming up for a vote. Let's encourage Senator Kasten to stick to his position and make sure that this bad law gets repealed.

VOTE ON AMENDMENT NO. 1180

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas, amendment No. 1180. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER) and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER (Mr. PRESSLER). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—91

Abdnor	Gorton	Nickles
Andrews	Grassley	Nunn
Armstrong	Hatch	Packwood
Baucus	Hatfield	Pell
Bentsen	Hawkins	Percy
Biden	Hecht	Pressler
Bingaman	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Helms	Quayle
Bradley	Hollings	Randolph
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Roth
Byrd	Inouye	Rudman
Chafee	Jackson	Sarbanes
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stafford
DeConcini	Laxalt	Stennis
Denton	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Trible
Durenberger	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	McClure	Warner
Exon	Melcher	Wilson
Ford	Mitchell	Zorinsky
Garn	Moynihan	
Goldwater	Murkowski	

NAYS—5

Cranston	Kennedy	Metzenbaum
Danforth	Lautenberg	

NOT VOTING—4

Baker	Hart
Glenn	Weicker

So the amendment (No. 1180) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOSCHWITZ. Mr. President, I congratulate the distinguished Senator from Kansas, the chairman of the Finance Committee, and the distinguished junior Senator from Wisconsin on being able to work out this whole matter in such a satisfactory manner.

It seemed for a while that this matter could not be worked out, and it seemed to be tying up the Senate. But the spirit of comity and compromise they both showed is a credit to themselves and to the Senate as a whole.

So I congratulate them, and I look forward to having this compromise work as it is supposed to work, so that withholding will not take place.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. I yield.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Minnesota.

I wish to indicate, as I did yesterday in the RECORD, that many portions of the compromise were suggestions made by the Senator from Minnesota.

As a result, I believe the Senator from Minnesota was the first Member of this body to contact me with reference to trying to figure out some way to work our way out of this problem. I can say in all candor that some of those suggestions were adopted in the compromise. I appreciate the efforts by the Senator from Minnesota.

Mr. BOSCHWITZ. I thank the Senator.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. I yield.

Mr. KASTEN. Mr. President, I also thank and congratulate the Senator from Minnesota for his work on this compromise.

Many of the elements and ideas contained in it are taken directly from the work of the Senator from Minnesota. We would not have been able to reach this compromise without his help and support. I thank him and congratulate him for his efforts in reaching a compromise and his efforts in opposition to withholding.

Mr. BOSCHWITZ. I thank the Senator from Wisconsin.

I have noted that the compromise bore a very keen resemblance to S. 791, which I introduced on March 11. I appreciate the cooperation of the Senator from Wisconsin and the Senator from Kansas.

AMENDMENT NO. 1179

The PRESIDING OFFICER. The question occurs on amendment No. 1179, as amended.

Mr. STEVENS. Mr. President, has a motion to table been made?

The PRESIDING OFFICER. It has been made and agreed to.

Mr. STEVENS. Mr. President, I should like to make sure that Members understand——

Mr. BYRD. Mr. President, may we have order in the Senate so that we can hear what the acting majority leader is about to propose?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, it will be my intention to allow Senators to

make motions to vitiate the orders for the yeas and nays which have been ordered on the two pending matters that still apply to the withholding. But it is my purpose in seeking the floor now to remind Senators that the bill itself, the reciprocity trade bill will have amendments offered to it. We know of at least two amendments that will be considered. It is our hope that we can finish the bill tonight, if possible.

If we can finish this bill this evening, the Senate will not be in session tomorrow.

Mr. KASTEN. Mr. President, a parliamentary inquiry. Have the yeas and nays been ordered on the Kasten first-degree amendment?

The PRESIDING OFFICER. They have not.

The question is on agreeing to the amendment.

The amendment (No. 1179), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit, with instructions.

Mr. DOLE. Mr. President, have the yeas and nays been ordered on that motion?

The PRESIDING OFFICER. They have been ordered.

Mr. DOLE. I ask unanimous consent that the order for the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the motion to recommit.

The motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, on behalf of the Committee on Finance, I report to the Senate S. 144, as instructed.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 144) to ensure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

(The committee amendments appear in the RECORD of March 17, 1983, at pages S3238 to S3241. The text of the remaining amendment, as amended, as agreed to today appears in the RECORD of yesterday, Apr. 20, 1983.)

Mr. DOLE. Mr. President, I am happy to yield to the Senator from Alaska.

Mr. STEVENS. I thank the Senator from Kansas.

Mr. President, I wish to explore at this time whether it is possible now to get an agreement on the amendments that may be offered to this bill.

It is my understanding that the Senator from Pennsylvania has an amendment and the Senator from South Dakota has an amendment.

May I inquire, are there any other amendments to be offered to this bill?

Mr. LEVIN. I have a brief statement, not an amendment.

Mr. STEVENS. I thank the Senator from Michigan.

Mr. BYRD. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Let me respond.

We are checking now to see if there are any amendments on this side. I am told that there may be one by Senator LONG.

Mr. STEVENS. Mr. President, will the Senator from Kansas yield to me again?

Mr. DOLE. I yield.

Mr. STEVENS. Mr. President, in order to gain a little more certainty regarding the Senator's schedule, I wish to try a unanimous-consent request.

I ask unanimous consent that the pending measure not be opened to any amendments pertaining to withholding, only amendments pertaining to other portions of the bill as reported now by the committee.

Mr. BYRD. Mr. President, I reserve the right to object.

Mr. STEVENS. Mr. President, I revise that and ask unanimous consent that there be no amendments offered to the pending measure that pertain to withholding.

Mr. BYRD. Mr. President, reserving the right to object, I personally do not object. We have been up this hill and we have been down. We have had votes. I think everyone in the Senate is recorded a half-dozen times on this matter. I am not so sure that I would support any further effort on this bill because we had our chance and we have had our votes and we made a valiant effort to repeal the tax and we failed.

So I am not so sure I would personally vote for any further efforts on this bill. I might on another bill. But I am in no position to agree to the request at the moment. There is one Senator who might wish to object. At this point, any Senator in the Chamber may object if he wishes.

Will the Senator just withhold?

Mr. STEVENS. All right.

Mr. BUMPERS. Mr. President, I object in order to get the show on the road so we find out on this side.

Mr. STEVENS. All right. I will renew the request later.

Mr. DOLE. Mr. President, I thank all Senators, the Senator from Wisconsin, the distinguished Senator from Louisiana, and other Senators who have been directly involved in this effort with reference to withholding.

Again I wish the record to reflect that notwithstanding the fact that this Senator still prefers withholding at the source, that option in my view, was not possible. But I should also wish to stress again before turning over the management of the remainder of the bill to the distinguished Senator from Missouri that if in fact this compromise on withholding, or something similar or something close that raises the same revenue, is adopted by the House of Representatives we still will have about $12.5 billion in revenue from withholding and the improved information reporting which was included in last year's TEFRA tax reform legislation. That is about $5 billion less than we would have had had we retained withholding at the source on interest and dividend income.

The validity of these estimates will depend, obviously, as it has in the past, on reestimates by Treasury, by the Joint Tax Committee and others who deal in the numbers game. It will also depend on whether or not we are now willing to appropriate additional sums for the IRS to carry out the provisions of the compromise.

I find strong support for that. I think we will have strong support for that.

I support the compromise. I did not support Senator LONG's amendment, obviously. I still believe that simple withholding is the best way to approach this problem. But I am pleased we have had a rather overwhelming indication by Members on both sides that we are concerned about people who do not pay their taxes and that we are hopeful that with this compromise the Senate has indicated that we do believe that people should pay their taxes. We may not agree on withholding, but I find broad agreement on the principle that if it takes backup withholding, as we have, if it takes increased penalties, as we have, then the Senate by a vote of 91 to 5 is on record in support of improving tax compliance.

But I just do not understand, and never have understood, the argument for flat-out repeal. I still believe that when the Finance Committee gets their mandate from Congress this year, we are going to have to go back and take another look at tax compliance.

This Senator does not want to surrender the third year of the tax cut, does not want to surrender indexing, and I am going to be less than con-

vinced if I hear some of the rhetoric from the so-called tax reformers in this body from now on, because we have just blown one opportunity for what I consider tax reform, or tax compliance reform.

But in any event, that battle has been fought. It will now be up to the House of Representatives to take whatever action they deem appropriate. Again I wish in closing to thank those Senators, Senator BOSCHWITZ, Senator COHEN, and others, who have made certain recommendations. But I also wish to pay thanks to a group of Kansas constituents, in this case small bankers and savings and loan executives who met with me one evening for a couple of hours. At that time I said, OK, if you do not like withholding, what do you suggest we do to raise the revenue?

And I will say to their credit they gave me that evening, and gave to my staff the next day, 10 specific recommendations. Many of the recommendations made by the bankers themselves and the savings and loan representatives are now in the compromise.

So I wish to make the record clear that even though I have been less than charitable toward the ABA and its staff, I think for the most part members of the banking and S&L community in our States have been willing to be responsible. There were specific recommendations that were made to my staff and to me following a 2½-hour discussion with a group of Kansas bankers and S&L representatives that indicated that at the grass roots level there was a willingness to try to work it out. This was so notwithstanding the massive lobbying campaign of deception and distortion carried on at the staff level in Washington.

I ask unanimous consent to include in the record a list of the bankers and S&L executive, who were present at our Topeka, Kans. meeting on March 30, 1983, and others who were not present but subsequently played a significant role in drafting the Dole compromise.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

KANSAS BANKERS AND S&L EXECUTIVES WHO PLAYED A SIGNIFICANT ROLE IN DRAFTING THE DOLE COMPROMISE ON WITHHOLDING

BANKERS

Gerald Shadwick; John Sullivan, Tom Clevenger; Emery Fager; John McNay; Andy Chandler; Dave Owen; Joe Jackson; Bill Oakes; and Harold Stones.

S&L EXECUTIVES

Joe Morris; Jack Dicus; Arky Vaughn; Tom Monk; Ken Brasted; Dave Hanna; Jim Scaletty; and Jim Turner.

Mr. DOLE. So again I appreciate the spirit of cooperation that we have had in this Chamber, and I have no regrets. Again I wish to thank the distinguished Senator from Wisconsin, Senator KASTEN. He accomplished pretty much what he set out to do. I never really believed that the Senator from Wisconsin was willing to suggest we should just throw it all out, and his strong support of the compromise is an indication of his commitment to tax compliance and his willingness to suggest, as he did by his vote and by his statement, that we should do what we can to make certain that everyone pay what is due before we start shopping around for new taxes or higher taxes or repealing any other tax cuts that have been put in place in the last couple of years.

So, Mr. President, I thank my colleagues for letting us discuss this issue for the past 6 or 7 weeks, off and on.

I would hope that we will not have to revisit it soon in this Chamber. What the House of Representatives does, of course, will bear on what course the Senator from Kansas will pursue.

There is still no definitive word as far as I know from the White House. There are some news reports that perhaps the President, after looking at the revenue estimates, feels a little better about the compromise, obviously better about than he felt about outright repeal. Again that is a judgment the President will have to make.

I also want to thank the distinguished acting majority leader for his initiative in getting us together last week. He, along with his colleague from Alaska, Senator MURKOWSKI, suggested a number of provisions for the compromise. In fact, I think the Senator from Alaska, Senator STEVENS, had the first backup or fallback withholding provision, as he referred to it.

So in my view the issue is settled for now. We should go on with the reciprocity legislation. I am very pleased at this point to yield the floor to my distinguished subcommittee chairman, Senator DANFORTH.

Mr. STEVENS. Mr. President, on behalf of the majority leader, I want to take this opportunity to commend the distinguished chairman of the Finance Committee, Senator DOLE, the distinguished Senator from Wisconsin, Senator KASTEN, and the distinguished ranking member of the Finance Committee, Senator LONG, for their tireless efforts and their legislative skill.

I am most pleased that we were able to forge an agreement that resulted in the disposal of the withholding issue. Senators DOLE, KASTEN, and LONG, with the assistance of Senator BOSCHWITZ, provided the Senate with the opportunity to deal with this complex and controversial measure in a responsible and fair manner.

I would also like to thank, for his cooperation and resolve, the distinguished minority leader, Senator BYRD. Throughout the deliberations, the minority leader characteristically applied his keen judgment, and proved vital to efforts aimed at resolving the countless disagreements that have engulfed this body for the past 6 weeks.

I would also like to use this occasion to thank staff members Rod Dearment, Rich Belas, Andre Le Duc, Don Susswein, David Brockway, Clint Stretch, Mike Stern, David Hardee, Dawn Gifford-Martinez, and Elise Paylan. As is usually the case, staff assistance was invaluable and exemplary.

Mr. President, I state for myself that I believe the whole Senate is indebted to the Senator from Wisconsin and the Senator from Kansas for their attitude, their willingness to get together and work this matter out.

When we had the matter raised at the time we were considering the social security legislation, I made a commitment that we would work toward achieving a compromise, and at that time did prevent consideration of the Senator from Wisconsin's amendment. He understood the parliamentary situation, and I think he has demonstrated once again his great wisdom about the legislative process in the way this was worked out.

People who have been covered by the existing provision pertaining to withholding on interest and dividends owe a great debt to the Senator from Wisconsin because of his perseverance in pursuing this matter.

I am delighted the Senate has worked this matter out. Once again, I thank the Senator from Wisconsin and the Senator from Kansas for resolving this issue.

Now, I will say to my friends I have canvassed the Senate and it would not be my intention at this time to renew that request for unanimous consent. I do hope we can move along with this bill, however, and still try to finish it this evening. It is my intention, in the majority leader's absence, to ask that we not come in tomorrow, that we convene on Monday, if we can finish the reciprocity bill this evening.

I would state for the information of the Senate that the schedule for Monday is uncertain. If we do not have any definite business for Monday, we may have a pro forma on Monday. The Senate will not be in session tomorrow if we can finish the recipocity bill this evening.

Mr. BYRD. Mr. President, I want to specify full support of the acting leader's expressed hopes in regard to the bill. I think the chances are pretty fair it can be done. I understood him to say there will be no session tomorrow if that is the case and no session on Monday.

Mr. STEVENS. The Senator is correct. If we can finish this bill this evening and get an agreement on the bankruptcy matters for Tuesday next, we will have a pro forma session on

Monday and not be in session tomorrow.

Mr. BYRD. I thank the Senator.

Mr. DANFORTH. Mr. President, if the Senator will yield, I simply respond from my viewpoint, I think there is a very great likelihood we can finish up this bill in the next hour.

I know of three possible amendments. I think two of those would be probably very simple and easy to dispose of.

The more complicated and serious one which is being offered by Senator SPECTER does present real problems. It would be a major change in the trade law if it were adopted. My hope is that it would not take long to dispose of, but if we cannot prevail on a tabling motion on that amendment, I would want to be able to explain it in some detail to the Senate before we locked it into the bill in its present form.

Mr. BENTSEN. If the Senator will yield for a moment, I would say we are checking on our side. Insofar as the amendments debated and offered at this moment, we do not see a controversial amendment. I share with the Senator from Missouri his concern about the one amendment that might be proposed, and would also want to at some length discuss it and, frankly, would be opposing it.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the Senator from Michigan (Mr. LEVIN) be added as a cosponsor to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1194

(Purpose: To amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Floor amendments are not in order until the committee amendments have been disposed of.

Mr. BYRD. Mr. President, will one of the managers object if I move that Mr. SPECTER's amendment be in order even though committee amendments have not been adopted.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER), for himself and others, proposes an amendment numbered 1194.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8; 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

SEC. . (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801. (a)(1) if—

"(A) any article manufactured or produced in a foreign country is sold within the United States at a United States price which is below the cost of production,

"(B) such importation or sale—

"(i) causes or threatens material injury to industry in the United States, or

"(ii) prevents, in whole or in part, the establishment of any industry in the United States, and

"(C) Any person is injured in his business or property, by reason of such sale, such person may bring a civil action against any manufacturer or exporter of such article or any importer of such article into the United States who is related to such manufacturer or exporter in the district court of the District of Columbia.

"(2) In any action brought under paragraph (1), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(A) recover damages for the injury sustained or be granted such equitable relief as may be appropriate, and

"(B) recover the costs of the action, including reasonable attorney's fees.

"(b) The standard of proof in any action filed under subsection (a) is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (a), or upon a final determination by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the defendant is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(c) Whenever it shall appear to the district court of the District of Columbia that justice requires that other parties be brought before the court, the court may cause them to be summoned, whether they reside in the district or not, and the subpenas to that end may be served and enforced in any district of the United States.

"(d) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(e)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673-1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(f) If a defendant in any action brought under subsection (a) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(g)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(h) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(i) For purposes of this section—

"(1) The terms 'United States price', 'cost of production', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930, as amended.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the cost of production of such article (but for this paragraph), the cost of production of such article shall be increased by the amount of such subsidy.".

(b) It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

Mr. SPECTER. Mr. President, I have sent that amendment to the desk. It seeks to accomplish the same purposes as Senate bill 418 which was introduced on February 3, 1983 by me, cosponsored by Mr. HEFLIN, Mr. BYRD, Mr. COCHRAN, Mr. GARN, and as I understand Mr. RANDOLPH has since been added as a cosponsor.

This bill, in essence——

Mr. BYRD. Will the Senator yield? I am a cosponsor of the bill which the Senator has referred to and I ask unanimous consent to be made a cosponsor of this amendment, if the Senator will allow me.

Mr. SPECTER. I do and I ask unanimous consent that he be made a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. This bill would grant U.S. courts jurisdiction to issue injunctions or grant damages when foreign imports are sold in the United States below their cost of production.

This measure was first introduced in the 97th Congress under the caption of Senate bill 2167 on March 4, 1982 following findings which were made on very substantial damage to the steel industry, as well as other industries by foreign imports which essentially were dumped into the United States, that is, sold below the cost of production or sold with governmental subsidies.

There was a field hearing held on S. 2167 in Pittsburgh, Pa. on April 7, 1982. Two hearings were held before the Senate Judiciary Committee on May 24 and June 24, 1982.

With the expiration of the 97th Congress, Senate bill 418 was introduced on February 3, 1983, and substantially incorporated the provisions of Senate bill 2167 in the 97th Congress. Hearings were held on this bill on March 21, 1983. At that time extensive testimony was given, including testimony by Assistant Attorney General William Baxter, who raised a serious objection to the provisions on dumping relating to the sale in the United States at a cost lower than sold in the home market of the exporter. S. 418 was modified to exclude that factor, so that at the present time it would grant the Federal courts damages or injunctive relief powers where there are imports subsidized by foreign governments sold in the United States below the costs of production.

This measure would promote free trade. It is not protectionist. It would, in fact, be a significant legislative change to stop movements toward protectionism in the United States.

I need not recount on this floor at this time the numerous measures which have been introduced in the House and in the Senate which are protectionist in nature, that is, which seek to give a preference to American-made products.

Those bills pose the significant problem of impeding international free trade. This bill does not impede in any way free trade but instead promotes free trade because it would stop subsidies. An essential ingredient of free trade is fair trade. Fair trade means that the goods should not be subsidized by foreign governments and it means that the goods should not be sold below the cost of production.

Where goods are imported in the United States with foreign subsidies, it is grossly unfair to American goods which do not have similar subsidies and places American-produced goods at a competitive disadvantage.

This bill would supplement the procedures of the International Trade Commission and it seeks to do so because those procedures are insufficient.

Illustrative of those procedures and the insufficiency of those procedures was the case brought last January involving substantial steel dumping. After the case was filed in January, the first action wass taken in June, subsequent action was taken in August, and it was not until October that any definitive action was taken. Then, under the ITC provisions, it can be prospective only and the duties which are paid, go to the U.S. Treasury instead of to the injured parties.

The really effective remedy for dumping for sale below the cost of production is injunctive relief, where a Federal court would order no further imports of such subsidized goods.

It is my submission that, when the Federal courts are open for litigation matters of all kinds in this country which may be of significance to the individual litigants, the Federal courts should certainly be open to enforce the laws of the United States against dumping and against subsidized imports. A consideration has been raised as to whether the courts are competent to handle this kind of complex litigation. I suggest to the Senate that there is ample precedent and ample experience that the Federal courts can handle such matters.

One illustration is the complex litigation in Mobil against Marathon Oil, which was an antitrust action. It was tried in the Federal court in Ohio. It took several weeks to try, extensive findings of facts and conclusions of law, and the matter was resolved.

Before coming to this body, the Senator from Pennsylvania had substantial experience in litigation matters and I am convinced that the Federal courts are well equipped to handle these kinds of cases and that it is in the tradition of the American judicial system to have the courts open where parties have claims of injury. The best way to enforce the laws of this country would be to open up the courts and let those private parties who have contentions of injury seek their relief in accordance with the traditions in our courts.

S. 2167 from the 97th Congress has been modified and I think improved by providing that such actions would be brought in the District Court for the District of Columbia instead of in any district court. This modification is modeled after the provisions of the Voting Rights Act where actions are all brought in the U.S. District Court for the District of Columbia. There may be some concern that perhaps a court, for example, in Kansas City might look more favorably upon Kansas City litigants who seek to save jobs or stop imports into the United States on goods manufactured by, for example, a Kansas City firm. That issue is obviated by granting jurisdiction to the District Court for the District of Columbia and, further, there would be the development of expertise in that court.

Mr. President, that is the essence of the provision.

I yield at this time to my cosponsor, the distinguished Senator from Alabama (Mr. HEFLIN), who participated with me in the very extensive hearings which have been held on this measure.

Mr. HEFLIN. Mr. President, I rise in support of the Specter amendment concerning unfair foreign competition. I would like to commend the distinguished Senator from Pennsylvania for the legislative guidance and leadership that he has provided in this most important area which Congress has been considering for 2 years.

Foreign subsidized imports are causing severe dislocations in the economic system of this country—an economic system already plagued with problems. Mr. President, I wish to stress the urgency of the situation. Just this past year, one of the largest steel manufacturers in my home State of Alabama announced plans to shut down one of its primary plants. This occurred in Alabama's largest city, Birmingham, which already suffers from an unemployment rate of 15.6 percent.

Many people throughout the country are predicting that we will never know the steel industry in the future as we have known it in the past. It is one of our basic industries. It has suffered and primarily due to the dumping of steel products from foreign sources. This crisis, however, is not isolated to the steel industry. Manufacturers of rubber, electronics, and other goods and materials are being devastated by these excessive subsidized foreign imports.

These industries cry out for our immediate assistance. They are being severely damaged by unfair trade practices. Free competition is essential, we agree, but so is fair competition. We cannot permit foreign governments to subsidize their own industries and then dump these foreign goods into this country at prices below the production price.

How, how can you sell something below the production price or the production cost? The only way is by means of a subsidy, and in this case, that subsidy is coming from a foreign government. In addition to that, these foreign corporations are making a profit.

Now we talk about cornering the market, and in the history of this Nation there have been instances in which this has occurred and we have passed legislation to prevent such activities. But to say that we are free traders and then allow our competitors from foreign countries to come into this country to sell their products at prices below the cost of production seems to me to be a situation we can no longer tolerate.

Unlawful though they are, these practices of dumping continue because present law provides no effective mechanism for vigorous enforcement.

The harsh result is that while American industry flounders, foreign imports in almost every category are on the rise. Mr. President, I believe it is crucial that we act at this time if we are going to have any chance of saving American industry.

This amendment provides American industries injured by the illegal dumping of foreign products in this country greater and more direct access to Federal courts. This will enable them to seek appropriate, equitable remedies, such as an injunction, and also to recover damages from these foreign manufacturers and the importers of their products.

During recent hearings before the Judiciary Committee, my colleagues on the committee heard of the grim effects that dumping is having on many communities throughout the country. I urge my colleagues in the Senate to support this vital and urgently needed legislation.

To delay will only bring about continued dumping and hinder any economic recovery.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, this amendment, if it were agreed to and enacted into law, would amount to a major change in U.S. trade laws. The degree of impact of this amendment on existing trade laws would be very hard to exaggerate.

This bill is being offered now on the floor of the Senate. It has had hearings in the Judiciary Committee, but it has never been marked up in any committee of the Congress, and it has never been accorded a hearing in the Finance Committee, which has jurisdiction over trade matters.

Today, a letter was sent by the chairman and ranking minority member of the Finance Committee and their counterparts on the Judiciary Committee asking for a referral of the bill to the Finance Committee. It is my understanding that that referral will take place.

In other words, this bill, on which the amendment is based, is going to be referred to the Finance Committee. It would be my judgment that it would be a very serious mistake for the Senate to vote for a blockbuster change in U.S. trade policy and trade law immediately after it has been agreed to refer this to the Finance Committee but before hearings have been held.

Mr. President, the amendment is very strongly opposed by the administration.

The Senator from Pennsylvania stated that Assistant Attorney General Baxter testified about it in the Judiciary Committee. His words were, "But it"—meaning S. 418—"would have to be rewritten entirely" for him to support it.

Ambassador Brock, the U.S. Trade Representative, wrote a letter dated April 14, 1983, to Senator THURMOND, the chairman of the Judiciary Committee, strongly stating the administration's opposition to the legislation which is now being presented in the form of this amendment.

Ambassador Brock's letter of April 14 begins as follows:

The administration opposes the enactment of S. 127 and S. 418.

The U.S. Trade Representative goes on to state the reasons for the administration's opposition, and the reasons, in sum, are these:

That the Specter amendment violates the general agreement on tariffs and trade; that it violates the antidumping code; that it overloads the courts; that it would lead to delay by referring trade matters to the judicial process, that it would bog down U.S. industry in lengthy discovery proceedings; that treble damages for dumping or even recovery of single damages for dumping is in conflict with the General Agreement on Tariffs and Trade and the Antidumping Code, both of which provide that antidumping duties must not exceed the margin of dumping; that any provision for the recovery of damages for past dumping amounts to retroactive application of antidumping duties and therefore violates Article 11 of the antidumping code.

Those are some of the reasons given in a three-page, single-spaced, detailed letter from the U.S. Trade Representative to Senator THURMOND.

Mr. President, I ask unanimous consent that the letter from Ambassador Brock to Senator THURMOND be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 14, 1983.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR STROM: The Administration opposes enactment of S. 17 and S. 418. These two bills would amend the Antidumping Act of 1916 to provide a means for U.S. industry to file private lawsuits for antidumping relief. Practical legal problems strongly weigh against enactment of either of these two bills. Moreover, either of these two bills, if enacted would put the United States in violation of its obligations under the General Agreement on Tariffs and Trade (the GATT) and the GATT Antidumping Code. Exporters in many of our most competitive industries depend on the protection of these obligations, and enactment of either S. 127 or S. 418, or any similar proposal would expose them to retaliation in kind from our trading partners.

S. 127 and S. 418 are premised on the belief that going to court for a judicial remedy under the antitrust laws would be faster and less expensive for domestic industry than pursuing the existing administrative remedies. In our view, however, the remedy in these bills would further overload the courts and would subject domestic industry to the uncertainty, high cost and well-known delays of the judicial process, typified by antitrust litigation. The foreign defendant could prevent resolution of such a case for years, and could make the case extremely expensive for the domestic plaintiff. We do not believe that the approach taken in these two bills will be of significant help to U.S. small-business petitioners in getting relief.

A foreign exporter could use discovery provisions aggressively in a judicial antidumping case to probe extensively into the U.S. plaintiff's business operations, seeking to show that damage to the industry was not caused by dumped imports. The U.S. plaintiff would also, realistically, have severe problems in obtaining discovery of the facts concerning the defendant's business which would be necessary in order to show dumping. A judicial remedy for antidumping, in fact, would expose the domestic plaintiff to substantial down-side risk from a foreign defendant's possible antitrust counterclaims for treble damages. In contrast, the present system offers no risk to the domestic petitioner, and discovery problems are handled at no cost to the petitioner by the Commerce Department.

We also oppose S. 127 and S. 418 because, if enacted, they would be inconsistent with United States international obligations under Article VI of the GATT and the GATT Antidumping Code. These obligations concern the fair and open operation of antidumping measures; the Antidumping Code was approved by the Congress in the Trade Agreements Act of 1979. Recovery of treble damages for dumping, or even recovery of single damages, is in conflict with the GATT and the Code, which both provide that the amount of antidumping duties must not exceed the margin of dumping. This violation of our international obligations is particularly clear if a final determination of dumping by the Department of Commerce were to be deemed a prima facie case, as in S. 418, and the judicially-imposed damages were then imposed in addition to antidumping duties imposed administratively. Moreover, S. 127's standard for determining whether products are dumped is inconsistent with that of the GATT and the Code.

Furthermore, any provision for the recovery of damages for past dumping amounts to retroactive application of antidumping duties. This violates Article 11 of the Antidumping Code, which provides in essence that all antidumping duties and provisional measures are to be purely prospective except in certain narrowly defined circumstances that would not apply to a remedy such as the one proposed. The provision in S. 127 and S. 418 that importation of the goods may be enjoined to compel discovery conflicts with Article 5:4 of the Code, which provides that antidumping procedures shall not interfere with customs clearance.

The fact that the relief proposed by S. 127 and S. 418 is through the judicial process, not an administrative process, does not exempt it from our international obligations. Article 1 of the Antidumping Code provides that antidumping duties are to be imposed only under the circumstances provided for under Article VI of the GATT and pursuant to investigations conducted in accordance with the Code. Article 16 of the Code makes it explicit that the full obligations of the Code apply to any remedy for dumping, *"No specific action against dumping of exports from another Party can be taken except in accordance with the provi-*

sions of the General Agreement, as interpreted by this Agreement."

We note parenthetically that although the Antidumping Act of 1916 is inconsistent with some of the provisions of the Antidumping Code and GATT Article VI, it is sheltered by the "grandfather clause", paragraph 1(b) of the 1947 Protocol of Provisional Application of the GATT. (This clause provides that certain legislation predating the GATT—for instance, the 1916 Antidumping Act—may continue in effect even though it conflicts with the GATT itself). However, it would be inconsistent with our international obligations under the GATT and the Code if a law identical to the 1916 Act were enacted now. This would also be true if GATT-inconsistent amendments to the 1916 Act were enacted now.

Enactment of S. 127, S. 418 or other similar proposals would invite retaliation abroad by passage of similar measures by our major trading partners such as Canada, Japan and the European countries. Such measures could have a strong negative impact on U.S. exporters and workers in our most export-active industries, such as chemicals, paper and wood products.

The Trade Agreements Act of 1979 mandated expeditious handling of antidumping and countervailing duty cases. The Administration has enforced the antidumping and countervailing duty laws in a vigorous, tough and timely fashion and has processed more antidumping and countervailing duty cases than at any time in the history of these laws. Adding the judicial remedy proposed in S. 127 and S. 418 would be neither necessary nor desirable.

The Office of Management and Budget has advised that there is no objection to the submission of these views from the standpoint of the Administration's program.

Very truly yours.

WILLIAM E. BROCK.

Mr. DANFORTH. Mr. President, what this amendment would do would be to put the courts in the business of handling antidumping and countervailing duty cases. Right now, that jurisdiction is in the Commerce Department and in the International Trade Commission.

Ambassador Brock points out that matters in litigation are not normally handled with great dispatch. Senator SPECTER has practiced law and so have I. Most of the matters I handled related to the defense of litigation. I found that if I wanted to tie things up, which I have to admit that I sometimes did, I could go on forever. The discovery process can go on literally for years.

The Westinghouse case, for example, never went to trial. That was the case of a U.S. plaintiff against foreign defendants, very similar to what we could expect by litigation of antidumping cases and countervailing duty cases. The case went on and on and on. It would be very simple to keep the case in court forever.

I wonder how many U.S. companies would be willing to open all of their books and records to discovery. If dumping cases are somewhat similar, and I think there is at least an analogy, to antitrust litigation, discovery in antitrust litigation is immense. Whole rooms, of files are opened to lawyer from the other side.

I do think U.S. industry would want that.

Mr. President, right now, jurisdiction over these cases is in the Commerce Department and in the International Trade Commission. Members of the Finance Committee today were over for lunch at the International Trade Commission. It is a wonderful organization, absolutely first rate, professional. It has several hundred employees, experts in international trade, economists, people who focus on trade matters, particularly relating to these cases. The heart of their work is handling these cases. They are able to put the experts on them, to make the economic analysis which is necessary to determine whether or not there is injury, as required under the law.

Let us suppose that a case is filed in the U.S. District Court for the District of Columbia before Judge X. Does Judge X have any expertise in trade matters? Is he an economist? Does he have economists on his staff capable of making this kind of determination? The answers to those questions are no.

Do we want to set up a counterpart to the U.S. Trade Commission within the District Court for the District of Columbia? My answer to that question is, I hope not.

Courts are not equipped to make economic analyses of this kind. They do not have the expertise, nor, in my opinion, should we have any kind of forum shopping, even if it is just forum shopping in one court versus all the district courts all over the country.

It seems to me that our emphasis in the Congress, if anything, should be to consolidate trade policy. I am not sure I agree particularly with Senator Roth's approach to setting up a Department of Trade, but when we created the U.S. Trade Representative, we decided that it is important to bring together under one roof U.S. trade policy in trade and we intended to consolidate the functions. It is still spread out a little bit, the Commerce Department, ITC, USTR.

But to get the courts on a different track in the business of trade enforcement is to bifurcate something which Senator ROTH, for one, believes we should be consolidating.

This amendment would violate GATT, Ambassador Brock has pointed out. How so? Two ways.

First, it would violate the General Agreement on Tariffs and Trade by imposing damages retrospectively. That is what damages are in litigation. Damages are recovery for past injury, whereas, under the General Agreement on Tariffs and Trade, what is permitted is an offset for the margin between the cost of production and the cost of sales. So they are entirely different measures of what you can do. Damages, whether it is single damages or treble damages, simply violate an international agreement, a treaty.

Second, equitable relief. What is equitable relief? Equitable relief is to say, let us go to court, I take it in summary proceedings; let us go to court and get an order from a judge keeping the whole product out. That is an entirely different matter from the kinds of relief provided in dumping cases under present law. Under the present law, there is no way that I know of to absolutely keep the product out at the water's edge. Rather, the objective is to provide for equity and fairness in pricing, more competition and fair competition—not no competition. An injunction is to say, no competition, shut the product out.

It is true that there are U.S. industries which are threatened by foreign competition. They want a fair shake. They did not want illegal practices to cope with dumping and subsidies to foreign goods. It is quite another thing to say, we have been injured; therefore, keep the whole product out—do not simply provide us with equity, but shut it out at the water's edge.

Maybe there would be some winners on such a highly protectionist policy, such an ultraprotectionist program as this, but there would surely be some losers as well. How about the people who are in business importing these things? It is not just a matter of adjusting their prices any more; it is shutting the goods out at the water's edge. Do we not have enough bankruptcies in this country as it is without doing that?

Finally, Mr. President, as recently as 1979, we in Congress went through a very lengthy proceeding. Senator BENTSEN was a key part to it. Senator HEINZ was a key part to it. It was to amend the antidumping and countervailing duty laws. Those amendments were procedural. The effort was to speed up the process, facilitate the process of handling subsidy cases and dumping cases. We worked long and hard at that tedious job of reviewing procedures. I think we did a good job.

Let us see how that process works. The preliminary indications are that it is working very well. In 1982, 192 proceedings were initiated in antidumping and countervailing duty cases. From every indication that we have had, the present system is working well—maybe not perfectly. If not perfectly, maybe then we should review what we did in 1979, not ignore what we did in 1979, and proceed on a brandnew track of putting it in courts.

People around the Senate are always complaining about the Federal courts: How did we put the courts into this act? Why are the courts doing so much? I simply say to the Senate, why put them in this? Why get them in this business? Why turn them into

economists in an area requiring economic expertise?

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I understand the frustrations of the Senator from Pennsylvania and the Senator from Alabama. I have been searching, too, for ways to make the law more effective. I see the Japanese targeting our industries, subsidizing their industries, establishing beachheads with their products to try to increase their market, breaking some of our companies. I watched the European Common Market, where it is not just our company competing against the companies of Europe, but competing against the countries of Europe—companies owned by Governments who have not just an economic objective, but a social objective—targeting our industries and exporting their products and, sometimes, selling them below their cost until they establish those markets.

What we are talking about now is a dramatic change in approach. We are talking about making it a court action. What we have now is working rather well. Here are the pages of actions filed with the International Tariff Commission insofar as dumping cases. The law that we passed in 1979, with the very substantial help of the Senator from Missouri, is one that said they had to determine that case within 9 months, except under extraordinary circumstances, when they could go for another 2 months, for a total of 11 months. While we were visiting today at noon with the members of the ITC, we were advised that there is not one instance where they have gone beyond that period of time, that they have acted. The interesting thing is, I do not believe anyone can say that they are antibusiness or anti-U.S. commercial interests. In 60 to 65 percent of the cases filed, they gave positive affirmative relief.

How do they do it? They do it by adding to the duty on those goods coming in.

Let me say to the Senator from Pennsylvania that one of the provisions in his piece of legislation has some appeal to me. That is the question of retroactivity.

I get concerned about the relief that we have being just prospective. I would like for us to be in a position—when one of those exporters to this country sends its products here, I would like him to know that, as he is doing it, he is going to be paying a penalty for all that period of time, not just after the decision by the ITC. I think when we go this way and make it court litigation, without a question in my mind, we have violated GATT, because GATT provisions provide that it has to be administrative relief.

That is not what the Senator is proposing. I hope that he would come to the Committee on Finance, as I understand the legislation will for hearings; that we explore the possibilities. They have had those hearings in the Judiciary Committee. Let us see if we cannot work this out together and find a way that we can accomplish some of this question of retroactivity without a violation of GATT. Let us not go to a penalty that goes beyond the damages actually suffered, which, again, is a violation of GATT.

Let us not go to a provision that would allow the exporter to this country to file suits against the plaintiff here, to aggressively go the discovery route, looking at their books, trying to better understand the business of their competitor, so they could argue that it was not an economic loss of dumping but because of the inefficiency of their competitor. Let us not put that kind of a tool in the hands of U.S. competitors. I think it is time that we quit apologizing for U.S. commercial interests. I think it is time that we must more aggressively push U.S. commercial interests and that Government not be the adversary but that it help us keep the jobs at home by pushing U.S. products. At the same time, let us not ask for other countries to violate the rules of GATT and subject us to the same kinds of procedures in their own countries by pushing it off into the court system. You and I know that most of our courts are overburdened. You and I know the years and years that have been utilized by many defendants to delay a court decision, but when you stack that up against the report of the ITC that has not once gone beyond the time when those decisions have to be made in an 11-month period and the hundreds and hundreds of decisions being made and 60 to 65 percent of them a positive, affirmative relief to the plaintiff, let us not jeopardize that system. Come to us in the Finance Committee, follow through on the Judiciary Committee, and let us see that we make a proper approach in trying to achieve some of the objectives that you and I share in seeing that we push our exports; that we save our industries, and that we keep the jobs in the United States and not try to take this kind of action this afternoon on the floor of the Senate.

I hope that if the Senator will take that action—and I assume that we could get hearings; we have the chairman of the subcommittee here—we would be able to get hearings in the Finance Committee concerning this. I would like to see if we cannot work this solution out together and not find ourselves in violation of GATT and not damage a system that I think is making some progress.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I would have welcomed hearings before the Finance Committee. When the distinguished Senator from Texas says that he hopes I would "Come to Finance," I would have been delighted to come to Finance at any time. This matter was one where I had specifically requested the distinguished chairman of the subcommittee, the Senator from Missouri (Mr. DANFORTH) to have hearings last year. I made the request to the distinguished chairman of the Finance Committee, Senator DOLE, to have hearings. This is not a matter which has evolved full blown this afternoon.

Mr. BENTSEN. Will the Senator yield? I think the Senator has our attention.

Mr. SPECTER. Well, I have more than attention. I have the opportunity to have the Senate pass on the matter today.

Mr. BENTSEN. I must say it had not been referred to our committee prior to this time.

Mr. SPECTER. Well, I must say that is an irrelevancy. If the Finance Committee would have wanted it, it could have taken the appropriate action.

Mr. DANFORTH. Will the Senator yield at this point just for clarification?

We asked for referral last year. It was not referred. We again asked for referral this year. Today, it is my understanding that a letter has been sent by Senator THURMOND, Senator BIDEN, Senator LONG, Senator DOLE, and Senator BAKER asking that it be referred to the Finance Committee. It is my understanding that that will occur. Because it has not been referred to the Finance Committee, we really have not been in a position of holding hearings until today.

Mr. SPECTER. Is the Senator from Missouri representing to me that there could not have been a referral of this matter during 1982?

Mr. DANFORTH. There could have been if it had been agreed to by the chairman and ranking minority member of each of those two committees and by Senator BAKER.

Mr. SPECTER. Is the Senator from Missouri representing to me that he made the efforts in 1982, or whoever made the efforts now made those efforts in 1982 to have an earlier referral?

Mr. BENTSEN. Did the Senator from Pennsylvania make efforts to try to get it referred to the Finance Committee?

Mr. SPECTER. Yes. I requested of Senator DANFORTH and Senator DOLE that the Finance Committee hold hearings on the matter.

Mr. DANFORTH. Our position was that if the Judiciary Committee acted on it, then the Finance Committee would ask for referral. Our request for

referral was conditioned on the Judiciary Committee acting on it.

Mr. SPECTER. I would suggest that such a procedural position is not one which has any vigor. It has been pending in this body for more than a year, and the Finance Committee and the subcommittee were indifferent to it until now, when they are faced with the prospect of a vote. If there had been any real interest in having the matter referred to Finance and the subcommittee, it could have been accomplished. As the introducer of the bill, I sought to have that done.

This matter came before this body on an amendment to a measure on the gas tax in December. It is well known to the distinguished Senator from Missouri that the Senator from Pennsylvania was pressing the matter and intended to press it and that it was reintroduced this year. So I am hardly moved to withdraw the matter at this time when it is in a posture to have a vote on it. I understand the legislative procedures necessary to attract the attention of the subcommittee or to attract the attention of the administration to have the matter considered. This is a good occasion to get a vote, which I think may be very substantial. I do not know. That remains to be seen. I must say, candidly and forcefully, that I am not impressed by the exhortation to come to the Finance Committee in the context of the history of this matter where the Finance Committee had ample opportunity to have hearings, if it had any interest in doing so, for more than a year.

I must say that I am surprised and chagrined to hear of the letter from Mr. Brock to Chairman THURMOND when I did not receive a copy of that letter. The first notice I had of it is when I heard about it from the distinguished Senator from Missouri.

When the Senator from Missouri says that this bill has major changes and that it is a blockbuster, and when the distinguished Senator from Texas says that there is a dramatic change in approach, I am complimented that those characterizations are used on this bill because that is exactly what is necessary in this country at this time.

When the Senator from Texas says we should stop apologizing and should aggressively push American interests, I agree with him entirely. That is exactly what this bill seeks to do. We have been victimized by unfair for foreign practices of subsidies and unfair foreign practices of sale below the costs of production, and our American industries have taken it on the chin, not only steel but leather goods and textiles—virtually every industry that we have in this country.

As the distinguished Senator from Alabama pointed out, we are free traders but we are victimized by unfair foreign practices. It has gone on too long.

When the Senator from Missouri talks about impending losers should there be more bankruptcies in this country, I think it is beyond question that bankruptcies are caused in enormous numbers by the unfair foreign practices of subsidies; there are 125,000 steelworkers unemployed alone as a result of dumping and subsidies, and the balance on bankruptcies would be in favor of this legislation.

The arguments have been advanced that this is a violation of the GATT. Based on the testimony which was adduced by representatives of the Justice Department and the Trade Representative, I doubt very much that this is a violation of the GATT.

When the Senator from Texas talks about GATT prohibiting any award beyond the amount of damages, I believe this legislation is well within the confines of the provisions of GATT.

When the Senator from Missouri said that this puts the court in trade matters, that is precisely what I seek to do.

When the Senator from Missouri says that the courts are not equipped to make economic analyses, he simply is not facing the facts. Courts are deciding economic matters all the time in their decisions on contract cases, antitrust cases, and security actions.

When the Senator from Missouri says that his litigation experience would enable him to have the case go on forever, I doubt that, if he were faced with a resourceful opponent on the other side.

When an action is filed for an injunction and a lawyer takes a case into court and he puts on his evidence and shows that there is damage and makes out a case, he gets an injunction on that day. The defendant can thereafter go on and discuss it all he likes, but it does not stop the injunction from going into effect at that time.

Injunctions are not superseded, except in extraordinary cases, and then with the filing of a bond.

So this is not the kind of litigation which would lend itself to the kind of dilatory and delaying tactics described by the Senator from Missouri.

My sense is that American industry has waited too long to stop unfair foreign trade practices. I am not so naive as to believe that the action of this body today, even if it agrees to this amendment, is going to have any immediate consequence in the short term assuming its passage by the House and signature by the President, or an overriding.

I think that if this body shows today, by a strong vote, that the courts should be open for this kind of injunctive relief and damages; that the courts should be in a position to stop unfair foreign trade practices which have victimized U.S. industry right and left; that the courts are in a position to protect private parties when the ITC and the Commerce Department do not act; when the context of reality is that industries are being sacrificed on the altar of foreign policy; and that the American courts should be open to this kind of damage action, then I think we will attract a great deal of attention, and there will be ample time for hearings before the Finance Committee, which I would be delighted to attend.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. I yield.

Mr. BYRD. Does the Senator yield the floor?

Mr. SPECTER. I yield the floor.

Mr. BYRD. Mr. President, I support the amendment which has been offered by the distinguished Senator from Pennsylvania (Mr. SPECTER).

I am a cosponsor of the legislation that was introduced earlier this year to accomplish the purpose of this amendment. The amendment embodies the substance of S. 418, the Unfair Foreign Competition Act of 1983, and I am a cosponsor of the pending amendment.

There are those who caution that the United States will precipitate a trade war. My response is that we are already in one. We have been in one.

I should like those who think in that fashion to visit my steeworkers in the Ohio River Valley, up around Wheeling and Weirton, and tell them that we are likely to get into a trade war. But have the boxing gloves on when you go. We have been in a trade war. The United States is losing without firing a shot.

This amendment recognizes the fact that foreign nations are dumping goods on the American market at prices well below the cost of production, and an outstanding example of this practice is in the international steel trade.

We have a steel plant in Weirton that has cut off 5,000 to 5,500 persons. There are about 8,500 persons still employed there. The company is faced with the prospect of a complete shutdown. They are trying to help themselves. When I say "they" I am talking about the workers at the plant and the plant management.

At this time, I want to thank Senator LONG for the help that an outstanding expert on ESOP—who is a member of Senator LONG's staff—has been able to give to the workers and management and city officials of Weirton, in their effort to develop an ESOP for that plant. The ESOP is developing along very well. It is pretty much on target.

We have had some assistance from the Environmental Protection Agency, which has approved the "bubble" concept, one of the applications for approvals, and that Agency also is considering a second application for ap-

proval of the "bubble" concept, which, if approved, I think will save the company several million dollars. The first bubble concept that was approved saved about $30 million, which can be applied to the purchase of the plant.

Mrs. Sowell, who is the head of UDAG, has been most cooperative as we have sought to try to get a $20 million grant from that agency to rebuild a coke facility.

I think we are well on the way to a successful development of an ESOP; and if that does occur, it will be the largest ESOP ever.

Again I want to thank Mr. LONG. One of his staff members is an expert on this matter, and his staff member met with me and with the people from Weirton—the workers, the management, and his staff member. His staff member visited Weirton a number of times—this was cleared with Senator LONG—and advised the people there on the steps that should be taken. We are very deeply appreciative. My people in West Virginia know that Mr. LONG has been helpful in this regard.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

Mr. LONG. Mr. President, I congratulate the Senator from West Virginia for the effective steps he has taken to help those very noble and hardworking employees at Weirton, through their own dedication and sacrifice, to save their jobs and their industry.

Their proposal for an employee stock ownership plan to save that company will succeed. Those people will take a very substantial pay cut, more than 20 percent. They will make a major sacrifice and will give more productivity for less money. But I am confident that, in the end, the dedication and the sacrifice of those workers in that area will save their jobs.

I think we owe it to them to cooperate and to work out a program not only for the people at Weirton but also throughout the United States, to insure that we take the same interest in our employees that other nations do in theirs.

I say to my distinguished friend the minority leader, who for many years served as majority leader, that I do not think this amendment is the right approach, but I agree with him in the objective that we must take the same interest in our workers that other nations take in theirs; that we must provide the capital, the support, and the encouragement; and that when people are willing to make the kind of dedicated effort that the people in this area of West Virginia are willing to make, they will have a sympathetic Government on their side.

I agree with the Senator in that respect. Having said that, I am still not convinced that this amendment is necessarily the way to do it. I believe that we may have a more expeditious remedy available to them under procedures that we have worked on in previous circumstances, some of which are in the law now, to assure that they get a prompt answer with regard to the facts of dumping and if the facts are there, of course, they are entitled to the remedy that the law spells out, and if that law is not adequate they are entitled to something stronger.

Mr. BYRD. I think the distinguished former chairman and hopefully soon-to-be chairman again of the Finance Committee for what he has said, and I again thank him for the assistance he has rendered, through his staff man, to our people. It will constitute a sacrifice on the part of the workers, and I understand they are going to be voting very soon on this matter.

I respect the viewpoint of any Senator who feels that this amendment is not the way to go. But I do believe that all Senators are of the same opinion as I when I say that we must retain a strong, viable steel industry in this country and there are other industries as well—the ferroalloy industry, the specialty steel, glass, coal, electronics, and so on.

We are rapidly becoming a service-oriented economy. I am glad to see the service industries grow also and I wish to see McDonald's and Sears and all the others employ more and more people, but we cannot allow our country to be at the mercy of other countries when it comes to an emergency. We have to maintain a strong, viable steel industry and this particular plant in Weirton has been one of the most efficient steel plants in this country. They have done, I believe, over $1 billion worth of business annually and at a profit of about, if I remember correctly, less than 1 cent on the dollar.

I am just concerned when I hear that Secretary of the Treasury Regan is saying in effect to our steelworkers, "Forget it, boys. Sears, Roebuck and McDonald's will hire more people than the steel industry does. You may never get your jobs back."

That is not the kind of spirit that made this country, Mr. President.

When DeTocqueville visited this country in the 1830's, I believe it was, he referred to the American as the "Incredible American," the incredible American "who believes that if something has not yet been accomplished it is because he—the incredible American—has not yet attempted it." That is the kind of spirit that built this country.

I am not going to lose my respect for Senators who feel this is not the right way to go. Maybe they are right and mayble I am wrong. But I do believe that we cannot allow our basic industries to wither on the vine and our Nation become dependent upon other countries for such important items as steel that are so vital to our national security.

Maybe there are other ways to go, but I hope we will find the right way. If this is not the right way, I hope we will find the right way because not only jobs but also national security depends on our doing that.

We cannot build ships out of fiber glass. We cannot build tanks out of fiber glass. And we cannot build armored vehicles out of fiber glass. We cannot fuel airplanes on nuclear power. It takes a liquid fuel. And we cannot let our coal industry deteriorate. We have thousands of coal miners in West Virginia who are out of work today, many of whom are out of work because the steel industry is in a slump.

I feel that my friend, Mr. BENTSEN, wishes me to yield, and I do yield to him.

Mr. BENTSEN. Mr. President, if the Senator will yield only to comment about his concerns, I congratulate the him on his leadership in fighting to see that we keep jobs in coal. I share that with him.

These people who think we are all going to go to service industries or to high tech are not meeting the realities of the economic conditions of our country. There is no way that we will remain a great Nation unless we keep some basic smokestack industries, and steel is certainly one of them.

I share with the Democratic leader the concern about the dumping of steel in this country and what we have had to do trying to work out a deal with the European Common Market to try to deter that dumping.

In trying to achieve that objective, we are beginning to make some real headway. In ITC I looked through the list of pending cases on dumping. Every one of them that I have seen that involves steel the preliminary decision has been affirmative insofar as relief. In 60 to 65 percent of all cases—that is not just limited to steel—we have seen affirmative relief for U.S. industry and we have seen that relief extended in a period not to exceed 11 months.

So we are seeing some positive action finally being taken and surely I could not agree with the Senator more that it is well past time that that be done.

But in trying to achieve the objective he and I share, I frankly believe that what we have seen now with the ITC and what it is doing is beginning to move us down that road.

Mr. BYRD. I agree with the Senator that the ITC is at last giving some help. I think it has been a long time in doing it.

I have appeared before the ITC and I have talked with Mr. Brock and urged that there be an investigation of the trading policies of certain nations that have hurt specialty steel, for ex-

ample, and I think that he was not convinced that an investigation should be made, but following my call and the visitations by representatives of specialty steel, some of whom came from Pennsylvania, he pursued that investigation and the investigations are showing in many instances that our trading partners are not being fair with us.

My distinguished and very able friend, one with whom I served years ago in the House of Representatives, Mr. BENTSEN, has referred to the problems that face the steel industry and he has also referred to the high tech industries.

What is happening to steel today can happen to computers and high tech tomorrow if we are not careful because the Japanese are coming on fairly aggressively, and it is just as Mr. BENTSEN said: They cannot employ a lot of people. We cannot look to high tech industries alone as the salvation of our country or the resolution of our unemployment, because I suppose 3 or 4 million persons might be the capacity for a leading high tech effort in this country.

But, nevertheless, while we do disagree perhaps as to the approach taken, I do support the amendment and coming from a State with the highest unemployment in the country, I think that any Senator in that situation would certainly sympathize with the viewpoint that I am expressing.

I know that those who do not favor this amendment sympathize with it as well.

But aside from my own situation in West Virginia, the American market is the only major open, unprotected steel market in the world. Our market is approximately five times larger than any other in the world, and foreign countries have built excess steelmaking capacity in order to export to the U.S. market. The Commerce Department, the International Trade Commission, and the Special Trade Representative have determined that many of the European Community countries, and others, such as Brazil, have dumped steel in the U.S. market.

The American steel industry has followed the procedures established in our trade laws and antitrust laws for relief from the unfair trade practice of foreign dumping. A major drawback is that current procedures are extraordinarily slow. A dumping case usually require a minimum of 14 months to pursue under so-called accelerated legal processing procedures. It is common for such cases to require 18 months or more to be disposed of, and even then the relief may be insignificant.

This amendment provides immediate access to the Federal courts for injunctive relief from injuries caused by illegally dumped goods. Injunctive relief is important in that it stops the activity that is causing, or that is likely to cause, injuries to domestic firms that are trying to fairly compete. Injunctive relief could be obtained if the suspected dumper failed to comply with a discovery order of the Federal court, or if the court determined during the course of its proceeding that dumping was occurring.

Should dumping be proved, the injured domestic firm could collect treble damages as compensation. This provision puts teeth into the enforcement of our laws against dumping.

I need not dwell on the fact that approximately 165,000 steelworkers are laid off in America, and another 15,000 are on short workweeks. The damage caused by illegal imports is not confined to steel alone. I have already referred to the impact in the coal industry in West Virginia, and I should say that glass and footwear and other industries have all been unfairly hurt. We have a company in Parsons, in Tucker County, W. Va., which manufactures footwear, and I was there last fall. I was told by the manager of that company that when the administration took off the tariff or quota or whatever it was a few months previous thereto, the imports of footwear to this country increased 30 percent following that action.

I was also told by the manager of that industry that 60 percent of the footwear the American people consume is shipped into this country, so we have got a good many industries—such as the leather goods and footwear industries in West Virginia—that have gone under in recent years because they cannot compete with other countries as a result of unfair trade practices by those countries.

Unfair trade practices perpetrated on our basic industries inevitably affect large segments of our economy—including the service sector. The American Iron and Steel Institute estimates that as many as 500,000 employees in service-and-support industries have lost their jobs because of steel's decline.

So I do not think we can sit idly by and witness the piecemeal destruction of our basic industries. Our national security depends on the maintenance of a robust heavy industrial base. All of the high technology used in modern weapons is useless without steel to build ships, aircraft, tanks, and missiles, and without the ferroalloys. I have a ferroalloy plant located down on the river in Fayette County, and that plant has seen half of its workforce put out of jobs because of the fact that ferroalloys have come into this country at prices that cannot be met by our own manufacturers.

Other commodities that contribute to our national security and our domestic economy—electronic equipment, machine tools, robotics—would be covered by this amendment if foreign nations make illegal efforts to penetrate our market with such goods.

The Specter amendment greatly improves the credibility of our trade and antitrust laws by providing expeditious and effective relief from illegal and unfair trade tactics.

We may not win today, but at least we are making the effort here, and I hope my colleagues will give the amendment favorable consideration.

I have talked with the Germans, I have talked with the British, I have talked with the Italians, with Spaniards and others.

I told Sir Nicholas Henderson, who was the British Ambassador, at least up until recently, that subsidization of the steel industry by his Government was hurting our people. He said very frankly, "We subsidize our industry to keep our people at work."

So I can understand their viewpoint also. But charity begins at home, and I am going to think first of the people of West Virginia. We have to do something to protect ourselves.

I told the German foreign minister the same thing, that subsidization by his Government was hurting our people, throwing our people out of work. I will continue to complain as long as I think other countries are being unfair in their trading practices against our own exports. I want to see a continued increase of our exports, and all I am asking for is fairness, fair trade.

I guess that about winds up what I have to say. I thank the Senators for their patience in listening, even though they may for the time being disagree with me.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Pennsylvania.

Mr. HEINZ. First of all, I commend my good friend and colleague from Pennsylvania for offering this amendment. It is not the first time he has come to the floor with this amendment, but it is the first time, I think, the Senate has given it the kind of serious attention it truly deserves.

It is, notwithstanding the very serious problems of the steel industry that the Senators from West Virginia referred to a moment ago, and notwithstanding the fact that this amendment would be of material help to industries like steel that are devastated by a very high level of imports, it is not, as I think most colleagues are aware, specific as to any particular industry. It is aimed at helping any industry that is victimized not by any kind of import competition but by unfair foreign import competition, that is to say dumped imports—imports which are sold below cost; that is to say, imports where the country of origin, its government, is in a material way financially aiding either through capital in-

vestment or through making up operating losses or through the provision of working capital, or through many other means, making it possible for that import to be sold in this country at a price that is subsidized directly or indirectly.

The legislation on the books today, Mr. President, makes very clear, that we are opposed to, and we are determined to take action against, unfair foreign competition of the kind described.

Indeed we have had laws on our books in their regard for many years, but it was not until 1979 when we enacted as part of the Trade Agreements Act of 1979 some better statutes, we thought, regarding countervailing duties and antidumping; that we had for the first time laws that offered some hope of relief. They did not just come about, however, because the Congress thought it was a good idea. They came about because during a negotiation on trade, the Tokyo round, our trade negotiators, led by Bob Strauss, got other countries to agree, sign on the dotted line, to two codes: the Antidumping Code, and the so-called Subsidies Code. Both of those codes, which are now incorporated into the GATT, the General Agreement on Tariffs and Trade, are supposed to be not just an international code of good behavior but an international body of law by which civilized trading nations—those that engage in the practice of international trade and pay their bills would be my definition of civilized—are obliged to observe, else they would incur quite legally a penalty.

Since we wrote the 1979 Trade Agreements Act, it has become apparent that, although relief may be obtained under it, obtaining such relief often is lengthy, it is usually expensive, and the results in terms of waiting can often lead to some very difficult hardships for the industry involved.

One of the things that happens inevitably as a petition winds its way through this 6- to 10-month process of going to the ITC, and the Commerce Department, and then back to the ITC for a final determination, is that just before you get to that determination when a countervailing or antidumping duty is going to be imposed, suddenly you will see this surge of imports come into the United States as the importers, like any good salesmen—if you ever were a salesman you will know what I am talking about—load up before the price goes up.

In fact, our family used to call it, during World War II, hoarding—get it while you can because you are not going to be able to get it or get it so good later. And when enough steel or autos or motorcycles, what have you, are hoarded up, it is a long time, a great deal longer than 10 months, that the industry has to wait for any meaningful relief.

My distinguished colleague from Pennsylvania seeks a solution to that problem. He seeks a swift termination of dealing with unfair foreign competition. How this body could disagree with the need for a swift—equally fair, but swift—termination, I would not know.

I am aware that there have been some criticisms of any approach to change existing law. Some people say, "This is too harsh, this is too fast, this is too quick. Let's do nothing." Mr. President, I do not think that is an adequate response.

I think the injunctive relief in this bill might be subject to criticism by our international trading partners. I am not sure if that criticism would be accurate—I have never known them to like anything we have done to defend ourselves—but they might nonetheless argue that somehow this contravenes the letter of the GATT. Mr. President, if they make that allegation, I would sure like them to answer some questions we could pose to them about their local content requirements, the Common Agricultural Policy and agricultural subsidies, the ability, such as it is, for anybody to make a direct investment in Japan, the kinds of nontariff barriers that virtually every country except this one imposes on international trade.

Indeed, the subject of this bill used to be called the reciprocity bill until people said, "That is a protectionist word, reciprocity." Trying to get fair trade is protectionist somehow.

The fact is that this country stands nearly alone in the practice of free trade, and I think most properly we are committed to free trade. But, let me say, unless we begin to enforce our statutes against unfair trade, we will not have a country left to advocate free trade. We will be out of business and all of the people who seek to export here will be out of luck. They do not plan it that way, but that is just the way it may work out.

Mr. President, the purpose of Senator SPECTER's bill could be possibly met by other means. I would think the strongest part of what he proposes is that damages will be levied in the event of violation. I think that, if we adopt that principle, we have gone a long way in making it clear that we will not stand idly by as our industries are destroyed.

One last point. There are other trade measures that we will be considering this year, in addition to this bill. The House Ways and Means Committee is working right now on some adjustments to the countervailing duty and antidumping laws, maybe section 201, I do not know. I introduced S. 849 a few weeks ago which is aimed at strengthening our adjustment procedures under section 201 and getting industries that are not as competitive as they should be and which are subject to a flood of imports to become more competitive during a period of import relief. Such legislation is entirely consistent with—complements, if you will—what Senator SPECTER is trying to do.

Senator SPECTER's legislation that is before us today is rather like sending in the emergency medical team to save the patient's life after he has been hit by a truck that was crossing an intersection through a red light. That is what Senator SPECTER seeks to do. It is intensive care; it is acute care. S. 849 is long-term recovery for these industries.

It would be my hope, Mr. President, that as we move ahead here today—and I hope the Senate does adopt Senator SPECTER's amendment—that we will recognize that we have some other things to do as well. We use the term around here "high tech." I am for high tech. I think it is wonderful—Atari Republicans, Atari Democrats. I think we should do everything we can to encourage new industries, new jobs. I do not know of any proposals that do, but I am for it.

But while we are talking about new industries, Mr. President, I think we would be making a bad mistake if we did not focus on the industries of today, not just of the industries we hope to have in the future. Senator SPECTER's legislation does that and I commend him for it.

Mr. DANFORTH. Mr. President, it is my intention in just a few minutes to move to table this amendment.

Let me say, first of all, that I very much respect the position that was taken by the Senator from Pennsylvania and taken by the Senator from West Virginia. I totally agree that clearly we do not want a country solely of services and high tech. We have to be able to make things and we have to be able to enforce the law. It is a violation of law, international law, to ship subsidized goods into this country and it is a violation of law to dump. We have to enforce the law. There is no doubt about that. There is no argument on that.

Those who say that our industry is sick and that it has to be fixed and that we need doctors on the scene, they are absolutely right. The question is, how is the law to be enforced? That is the question that is posed by this amendment. The problem with the Specter amendment is that it violates the General Agreement on Tariffs and Trade.

Now we can either enforce the law in a way that is consistent with international agreements or we can ourselves violate the law, violate international agreements. And this really is a case of those who live by the sword dying by

the sword. There is not any free lunch in international trade.

If we begin to just say, "Well, we are in a trade war; therefore, we are not going to play by any rules anymore," we are going to just scrub the General Agreement on Tariffs and Trade and there are going to be major losers in this country.

So I think the first point is, when we enforce antidumping laws and countervailing duty laws, let us do it within the context of an international agreement, because if we do not do that, then we are going to have some major losers at the same time.

Now on the timeframe of using the Specter amendment, if this were now part of our way of enforcing antidumping and countervailing duty laws, the Specter amendment provides for two types of remedies, one is damages and the other is equitable relief.

The damages portion of it would take forever. That is where you get into discovery. That is where the able defense lawyer can keep you in court forever and ever. It is very protracted. It is much lengthier than the present system.

The present system with the Commerce Department and the International Trade Commission, with which we had lunch today, now takes on the average 5 months under the new procedures we put into law in 1979. So we have been expediting the procedures to 5 to 8 months. By contrast, a damage proceedings in court could take literally years, in a complicated case.

With respect to equitable relief, there is no question about equitable relief. You can go to court and get a restraining order. Find the judge and get the order. But the order of the court involves just shutting off all imports, a summary proceeding. It is not a matter of calculating what the margin is under a dumping case, which is something the economists do. It is saying, "All right, shut off the imports."

Do we want to vest in the hands of a single Federal judge in a summary proceeding the ability to close the door? If we are to do that, that clearly violates the GATT, clearly violates the GATT. It clearly causes massive and immediate disruption, literally overnight disruption. Therefore, I think it is really terrible policy.

I might add that when I introduced this bill 2 years ago or so, the so-called reciprocity bill, I took the position at the time that if it became a Christmas tree for really bad trade policy I would do everything that I could to abort my own bill. That is my position on this kind of an amendment.

I am going to move to table right now and if I do not prevail I am going to do, Mr. President, really everything I can to kill the bill.

Mr. BYRD. Will the Senator yield?

Mr. HEFLIN. Will the Senator yield?

Mr. DANFORTH. I yield to the distinguished minority leader.

Mr. BYRD. I want to thank the distinguished Senator from Missouri on another matter, for the advice he has given my grandson, Erik Fatemi, to attend Princeton University where he has been accepted.

Mr. DANFORTH. Am I succeeding?

Mr. BYRD. I do not know how well the Senator is succeeding, but we will find out later.

Are the Japanese violating GATT when they subject our products to time-consuming tests and certification procedures that make it impossible for our products to sell in Japan?

I understand that a pound of American steak over there costs $35. Are they violating GATT?

Mr. DANFORTH. Yes. The question is, How do we enforce the law? Do we attempt through the international process to do so? That is, in effect, what the reciprocity bill is all about, to clarify and strengthen our mechanisms for enforcing fair trade laws. I think it is very important to do that and very important to improve that process. I think the problem here is that this does not improve the process; this really radically changes it. It scrubs the process.

Mr. BYRD. I thank the Senator. Senator HEFLIN wants to be heard. I hope that if we are going to have a vote, we do so soon so that my senior colleague may attend a function.

Mr. HEFLIN. Mr. President, I will try to make my remarks brief, but I do feel that some of the remarks made by the distinguished Senator from Missouri should not go unanswered.

The Senator of Missouri has indicated that the courts are not equipped to try these types of cases. Under the Specter amendment, the District of Columbia courts would sit on these matters. He has indicated that courts do not have economists and do not have experts on trade matters. The court does not have experts of this sort in any type of case. When an economist testifies in court, he is not the court's economist. He is the plaintiff's economist and he can be answered by the defendant's economist.

This matter is very important to me because i think our courts must be open to correct wrongs. That is the purpose of a judicial system.

Sometimes we forget about our Constitution and we forget about the intent of the Founding Fathers.

I would like to read section 2 of article III of the Constitution of the United States. This section makes it clear that the Founding Fathers intended the judicial power of the United States to extend to foreign problems and foreign wrongs. It says:

SECTION 2. [1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

I think our Founding Fathers anticipated that wrongs could come from foreign sources. Dumping is certainly a wrong. I think we ought to allow the courts to provide relief to those who have been wronged in the United States as a result of wrongs committed outside the United States. I certainly think that the Specter bill, which will allow the courts to be the source for the remedy that is needed here, is most appropriate.

Mr. RANDOLPH. Mr. President, I am pleased to join the distinguished Senator from Pennsylvania, Mr. SPECTER, in cosponsoring the Unfair Foreign Competition Act, and this amendment. I believe these provisions should be a component of any viable trade policy. We recognize our domestic needs, and we must act to enforce and strengthen our trade laws.

Today, as we debate the trade reciprocity legislation, I pledge my continuing support for fair trade policies that are essential to the preservation of basic industries in West Virginia. Many of our industries, steel, footwear, and glass, suffer from unfairly traded imports and those illegal actions are depriving Americans of their jobs and livelihood.

I believe in international trade that allows fair competition with our trading partners, and that provides relief from unfairly traded imports which devastate our Nation. With 21 percent unemployment in West Virginia, we cannot affort to continue allowing illegal imports to destroy our industrial and economic base, and terminate American jobs.

This measure would provide American industries suffering from illegally dumped imports direct access to the Federal courts for injunctive relief and compensatory damages.

Mr. President, the opposition to this amendment, expressed by the able Senator from Missouri, Mr. DANFORTH, has received my careful attention.

Passage of the proposal, in which I have joined the realistic Senator, Mr. SPECTER, and other colleagues, would be proof positive that legislators are determined that American industry and its varied essential products, do not go down the drain. We have been hit and hit hard by the unfair trade practices of many countries.

Those countries, I underscore, are coconspirators to bring into the

United States products that are manufactured at a cost which makes it impossible for the plants of the United States to fairly compete.

Subsidized products are encouraged and supported by these foreign governments. They fill our shelves and appeal in part to our unemployed workers who often buy such products because they have no jobs, because in a sense these individuals must clothe their children, and place food on the table.

I will understand the reasoning of the opposition, with which I am in sharp disagreement at this time, that we should continue to look into this intolerable situation. Delay is not what is needed now. Action. Action. Action is called for to reverse the enormous imports that are spelling doom and disaster on goods produced in this country.

Mr. DANFORTH. Mr. President, I move to table the amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. HUMPHREY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Tennessee (Mr. BAKER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. STAFFORD), the Senator from Wyoming (Mr. WALLOP), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), and the Senator from Ohio (Mr. METZENBAUM) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 57, nays 32, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—57

Abdnor	Exon	Matsunaga
Baucus	Gorton	Mattingly
Bentsen	Grassley	McClure
Bingaman	Hatch	Mitchell
Boren	Hatfield	Moynihan
Bradley	Hawkins	Murkowski
Bumpers	Humphrey	Nickles
Burdick	Jackson	Nunn
Chafee	Jepsen	Packwood
Chiles	Johnston	Percy
Cranston	Kassebaum	Pressler
Danforth	Kasten	Proxmire
DeConcini	Lautenberg	Pryor
Dole	Leahy	Quayle
Domenici	Long	Roth
Durenberger	Lugar	Rudman
Simpson	Symms	Trible
Stennis	Thurmond	Warner
Stevens	Tower	Wilson

NAYS—32

Andrews	Garn	Mathias
Biden	Hecht	Melcher
Boschwitz	Heflin	Pell
Byrd	Heinz	Randolph
Cohen	Helms	Riegle
D'Amato	Hollings	Sarbanes
Denton	Huddleston	Sasser
Dixon	Inouye	Specter
Dodd	Kennedy	Tsongas
East	Laxalt	Zorinsky
Ford	Levin	

NOT VOTING—11

Armstrong	Glenn	Stafford
Baker	Goldwater	Wallop
Cochran	Hart	Weicker
Eagleton	Metzenbaum	

So the motion to lay on the table amendment No. 1194 was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I would like to look for a few moments at the rapidly changing international trading system and our changing role in it. If one looks at the trading world today as opposed to that of 20 or 30 years ago, one sees:

Advances in communications and transportation that create a true world market by giving our manufacturers new access abroad and similarly exposing them to new competition from abroad;

Increased importance of trade as a replacement for the domestic market both as a source of growth through exports and as a source of new pressures from foreign manufacturers likewise seeking such growth;

Greater awareness of unfair trade practices and barriers thanks to the MTN process, which labeled barriers, made them public, and created in people's minds the idea that they could seek redress either unilaterally through domestic law or multilaterally through the GATT;

The widespread failure of developed countries, including our own, to pursue adjustment policies for older industries and instead to maintain employment at any cost, a cost most often borne in the United States as it is exported here through subsidized and dumped production;

The growth in importance of non-Western trading partners whose economic policies and business methods are at variance with the essentially Western created and dominated postwar system;

The rapid growth of certain former LDC's such as Taiwan, Korea, and Hong Kong, without the assumption of new responsibilities concomitant with their new status.

All these trends remind us, Mr. Chairman, that the days are gone when the United States, as the world's dominant economic and political power, could make sacrifices to hold the system together at relatively little cost to itself. Power is more diffuse, and our direct economic stake in the trading system is greater. In short, times have changed, but we are failing to change our behavior with them.

One appropriate change is a more aggressive and determined pursuit of greater GATT discipline to facilitate the removal of barriers and improve the operation of the dispute settlement process. That is why Senator Danforth and I have been pursuing reciprocity legislation for more than a year.

Another necessary part of our comprehensive strategy must be a continuation and refinement of programs to help the victims of economic and social change. I will speak in a few moments about the need for a more coordinated Federal approach to industrial adjustment, but even as we are taking a hard look at the future of entire sectors, we cannot ignore the plight of the individual worker caught up in the midst of change, or of the thousands of smaller businesses often left behind by bureaucrats concentrating on the squeakiest wheels.

Senator MOYNIHAN and I recently introduced legislation to renew the trade adjustment assistance programs for workers and firms in an effort to provide that Government focus on the individual and the smaller firm.

These programs, frankly, have not worked that well in the past. I have been introducing legislation to reform the programs since 1977. In 1978, reform legislation passed both Houses of Congresses but finally died the last day of the 95th Congress. Since that time it has been an uphill battle even to preserve current law, as the cost of the program has grown and the current administration has targeted it for significant budget cuts.

The aim at this target is the height of irony in view of the administration's oft-expressed free trade philosophy. Reliance on the market system, internationally or domestically, is the best way to achieve the most efficient allocation of resources. It is not, however, the most painless, particularly when other countries are postponing necessary adjustment in their economies by maintaining employment through subsidies and effectively exporting their economic problems to countries with open markets, like ours.

A necessary adjunct to any free trade philosophy, it seems to me, is a program to help the victims of economic change that that policy creates. The alternative is to succumb to the same kind of protectionism that has plagued the European Community in its older industries for years. In short, without an adjustment program we

give our workers nowhere to go but the Congress and nothing to ask for but protection. Maintenance of a strong and effective adjustment assistance program can solve that dilemma and help keep our free trade policy intact.

Another irony in the current state of affairs is the administration's effort to destroy, first through a deferral and now by nonrenewal, the adjustment assistance program for firms. This program, which has also had past difficulties with some of its loans, has in recent years been concentrating on providing technical assistance to smaller firms through a highly effective set of regional trade adjustment assistance centers (TAAC's), whose staff works with small companies in trouble to try to identify their particular problems and offer solutions in the form of technical assistance and advice, referrals to experts, and, in some cases, loans and loan guarantees.

Once the Department of Commerce has certified a firm as eligible according to import injury criteria, a trade adjustment assistance center conducts an analysis to help the business adjust to changing market conditions, either by improving the business' efficiency by identifying its strengths and weaknesses, mapping out new market strategy, or by determining alternative ways to expand or redirect production.

Clearly, this is no bailout program with short-term benefits and long-term costs that the President has repeatedly scorned. In fact, by providing an alternative to imposing tariffs to protect domestic industry, the TAA program helps enable us to pursue a policy of free international trade.

I want to emphasize that this relatively small program for small businesses is successfully dealing with an increasingly large problem. A startling number of businesses from many areas of the United States have been disrupted by the influx of imported products. Two years ago, a Department of Commerce study reported that in 50 States, there are 48,000 firms employing over 4,000,000 people in industry sectors impacted by imports.

Certain States, of course, feel the crunch more severely than others. California, New York, Pennsylvania, and Illinois have around 3,000 affected firms. Ohio, Texas, Massachusetts, Michigan, New Jersey, and Indiana all have more than 1,000 affected firms. Florida, Minnesota, Tennessee, Georgia, Oklahoma, and South Carolina suffer from this problem as well.

To date, through the work of our country's 12 TAAC's, 20 different industries have learned to help themselves combat the import problem. Collectively, TAA has served 2,737,000 people in 26,348 firms, that account for $158,445,000,000 a year in shipments, with $77,648,000,000 value added.

Furthermore, the TAA program is cost effective. For example, as of 1981, the Mid-Atlantic TAAC had worked with 1,255 firms, with an estimated average of 96 employees each. For these 120,000 employees, the average cost per person of the technical assistance portion of the program's budget was $150 per head—less than 1 week of unemployment compensation. The entire program's budget was $416 per head. No jobs program—regardless of whether it's planned by Republicans or Democrats, Congress or the President—can offer this kind of low price tag.

Finally, even if we were to accept the administration's claim that TAA money is needed to cover defaults on Government loans, we would be faced with yet another contradiction. While TAA does combine financial assistance with its technical guidance, TAA shows many firms seeking Government loans other ways to gather working capital. TAAC's have also been successful in obtaining loans from the private sector.

Beyond specific adjustment programs for individual workers and firms, however, we also need to look long and hard at the performance of a number of aging and hard-pressed industries, and develop a better means of helping them to come to terms with changing economic realities.

And that is why on March 18 I introduced the Industrial Revitalization Act, S. 849, which establishes a mechanism which is consistent with our free-market system; which includes import relief as an element; but which makes such relief contingent on the recipient industry also taking stock of itself and preparing a plan for dealing with its other problems.

S. 849 is an amendment to the escape clause important relief process contained in sections 201-3 of the Trade Act of 1974. An industry perceiving itself hurt by imports would file a petition with the International Trade Commission, as under current law.

After 45 days, the Commission would vote preliminarily on whether injury had occurred or was threatened, as it now does in unfair trade practice cases. The injury standard will be the same standard as is presently applied in antidumping and countervailing duty cases. A negative vote would terminate proceedings. An affirmative vote, on the other hand, would have no immediate consequences for imports, but it would trigger the procedure for developing an adjustment plan for the industry.

That process would begin with the creation of a plan preparation committee, chaired by the ITC Commissioner, consisting of representatives of labor and management from the petitioning industry along with representatives of the Departments of Commerce and Labor, as well as Agriculture, if appropriate.

This is, essentially, a tripartite structure which will develop an adjustment plan for the industry. The plan can include—but is not limited to—coordinated and/or phased reductions in capacity; technological improvements; investment plans with or without Government assistance; product/design changes; productivity improvements; management improvements; cost reductions; and relief from other Government regulations.

Let me make clear I am not talking about a cosmetic plan designed only to open the door to import relief without making any real demands on the industry. I am talking about sincere and determined effort to make some changes to revitalize the industry. They could include changes in management, changes in contracts with labor that could involve concessions on the latter's part; relief from various burdens imposed by law or Government, shared research and development projects to develop new technologies and/or marketing strategies, and cooperation on industry restructuring, including phasing down, if necessary. The bill contains an antitrust exemption or the latter purpose.

Any plan that is developed must be agreed to by all three of the represented parties—labor, management, and Government. Only after such agreement is reached will the ITC vote on import relief.

Following the Commission vote, the President is required to implement the recommended relief without change. There is no Presidential discretion, no interagency process, and no development of political compromises, which have made the escape clause process so ineffective over the past 9 years. The International Trade Commission is the institution determined by Congress to be best equipped to determine injury and develop appropriate import remedies for a petitioning industry, and it is those recommendations that will prevail in the system I am proposing.

Of course, various portions of the adjustment plan may prove impossible to implement. One of the parties may renege. A new union contract, for example, may be voted down by the membership. The Government, upon second thought, may refuse to take administrative actions that are part of the plan. Congress may decline to act on legislative proposals. In addition, even if implemented, the plan may not work.

In those circumstances, S. 849 provide for revocation of the import relief by the ITC, upon request of the President or one of the parties to the original proceeding, on the grounds that it had not been adhered to in some material way by one or more of the parties.

Lack of success of the plan would not be grounds for revocation. The bill also creates a plan implementation review board within the Commerce Department for each such plan, whose duties would be to monitor the plan, propose necessary administrative actions or legislation to implement it, which legislation would be considered under "fast track" procedures in the Congress, or, after 1 year, to propose changes in it.

I want to make clear this is a draft, subject to further revision. My purpose in introducing it is to try to stop the cycle of requests for import relief followed by inadequate and in complete Government responses that have characterized the past 10 years for some industries. Without reform, the cycles will continue, and industry will never make any real progress. Without ignoring the legitimate problem of imports, we must nonetheless move industrial problems into a larger context and do a better job at integrating import relief into a comprehensive approach to industry revitalization and adjustment.

I believe the Industrial Revitalization Act does that. More importantly, it does it without giving to Government an overall central planning role that would inevitably distort the free-market system, as it has done in so many other countries. That is not to suggest, however, that this is the only such approach, or even that this approach is efficient in all its details. For that reason I am circulating this bill widely for comment, from both Government and the private sector. Through that process we can perhaps begin to develop what we have not thus far had—a comprehensive and thoughtful approach to industries bearing the brunt of economic and social change.

Mr. METZENBAUM. Mr. President, I commend Senator DANFORTH for providing an opportunity for those of us concerned about the retraining of trade impacted workers to address that issue today. I know he shares our concern and his willingness to hold hearings on the subject later this year demonstrates his continued leadership in the area.

There are many proposals to strengthen the U.S. trade laws. But the fact is that no matter what we pass here, no matter what quotas are established in the future, no matter how much money we give to ailing firms, many of today's unemployed workers—and those threatened by layoffs in the future—will not be able to return to their old jobs.

We have an obligation to help these people. The issue of which country or which practice cost them their jobs is almost irrelevant. What is important is to recognize that the world trade order is changing; the international economy is changing and the U.S. economy is changing. American workers must not be left behind. The Congress must help give then the tools to fill the jobs of the eighties and beyond. If we fail to do so, we may well undermine our desperate drive to effectively compete in the world economy of the future.

Unfortunately, current trade laws are inadequate to give those Americans hurt by imports the opportunities they deserve. There is a trade adjustment assistance program on the books. But it has become an empty shell as Congress and the administration chipped away its funding and structure.

Frankly, even in its heyday, the TAA program had deficiencies. In particular, it failed to condition adjustment assistance on enrollment in a retraining program. Thus, it led to far less actual "adjustment" than was intended.

I have offered a proposal to rewrite the trade adjustment program. It would for the first time create a program which would truly lead to the retraining of millions of workers in trade impacted industries. This proposal has several new features that distinguish it from the current program.

First, it would earmark one-third of all tariff revenues to be placed into a retraining trust fund administered by the Department of Labor. This approach clearly establishes the principle that those who are causing industry dislocation, the importers, should pay for the cost of readjustment.

Second, the bill would require individuals to enter qualified retraining will not receive any funds under this program.

Participants would be eligible for 2 years of retraining and would also receive subsistence funds equal to their unemployment compensation levels for the entire period that they are engaged in retraining. This money would be drawn from the trust fund, not the unemployment insurance fund.

Assuming that it would cost $15,000 per worker per year for retraining and subsistence, this bill would assist 200,000 workers in the first year alone.

Workers would be certified for the program if the industry in which they work has won a positive finding from the International Trade Commission (ITC) under section 201, regardless of whether the ITC relief is implemented, or through a firm by firm certification with the Department of Labor.

Rather than create a new bureaucracy to determine qualified retraining programs, the bill would rely on the private industry councils created by the Job Partnership and Training Act to accredit retraining programs. JPTA already requires them to perform this function.

Finally, the bill would encourage industries to relocate to trade impacted areas by authorizing the trust fund to pay the costs of retraining programs required by the company. This incentive will hopefully help create jobs for those individuals going through retraining.

There are other approaches to trade adjustment assistance. I am already looking at possible revisions in the legislation I introduced. I am open to all ideas. But I am deeply committed to the principle of trade adjustment assistance. I am grateful that Senator DANFORTH shares this commitment. I look forward to working with him over the next few months to develop a responsible and effective program.

Mr. MOYNIHAN. Mr. President, I am pleased to join my distinguished colleagues in bringing to the Senate's attention the importance of the trade adjustment assistance program.

Trade adjustment assistance represents a commitment made to the American worker two decades ago at the time of the Kennedy round of multilateral trade negotiations. We recognized then that while a policy of free trade is essential to a healthy and vigorous domestic economy, important segments of the work force are adversely affected by import competition. Trade adjustment assistance is for these workers.

The current administration, I regret to say, has shown little interest in TAA and in fact has proposed to let it expire at the end of this fiscal year. I do not think the Finance Committee will let this happen. Senator HEINZ and I have introduced legislation (S. 749) reauthorizing trade adjustment assistance through 1989. Senator METZENBAUN has also introduced legislation, and I know that Senators DANFORTH and BRADLEY are committed to extension of this vitally important program. I hope our committee moves expeditiously on this matter.

Mr. President, I would like to briefly comment on a recent Department of Labor action. On April 4, the Department rejected a petition for trade adjustment assistance filed by 1,500 unemployed steelworkers at the Republic Steel Corp. plant in Buffalo, N.Y. This news came as a shock to the western New York community, and I understand the Republic workers will be refiling a TAA petition. I trust the Department of Labor will give this new petition the close scrutiny it deserves and will certify the Republic workers.

We must reaffirm the commitment we made to working men and women 20 years ago with trade adjustment assistance. We cannot let TAA die. I look forward to working with my colleagues and producing a strong, effective trade adjustment assistance program.

AMENDMENT NO. 1195

(Purpose: To express the sense of the Congress that the Secretary of Agriculture should promptly call for a section 22 study on honey imports, and for other purposes)

Mr. PRESSLER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The question recurs on the first committee amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that it may be in order for the Senator from South Dakota to offer his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER), for himself, Mr. BAUCUS, Mr. JEPSEN, and Mr. DOLE proposes an amendment numbered 1195.

Mr. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds that—

(1) in 1976 the International Trade Commission found that honey imports threatened serious injury to the domestic honey industry and recommended action to control honey imports,

(5) the domestic honey industry is essential for production of many agricultural crops,

(6) a significant part of our total diet is dependent directly or indirectly on insect pollination,

(7) it is imperative that the domestic honey bee industry be maintained at a level sufficient to provide crop pollination.

(b) It is the sense of the Congress that—

(1) the Secretary of Agriculture should promptly request the President to call for an International Trade Commission investigation of honey imports, under section 22 of the Agriculture Adjustment Act.

Mr. PRESSLER. Mr. President, this amendment has been agreed to on both sides.

My amendment calls for a section 22 International Trade Commission investigation of the impact of honey imports on the domestic beekeeping industry. The amendment expresses the sense of the Senate that the Secretary of Agriculture should promptly call for a section 22 study of honey imports.

In recent years, honey imports have dramatically increased to the point that 38 percent of the honey consumed in the United States is imported, and imports equal over 40 percent of domestic production. In 1982, honey imports equaled 92 million pounds. These imports have displaced large quantities of domestic honey. The Department of Agriculture acquired 6 million pounds of surplus 1980 crop honey, 38.7 million pounds of surplus 1981 crop honey, and an estimated 60 million pounds of 1982 crop honey will be forfeited to USDA. The cost of acquiring 60 million pounds would be $36 million plus any storage, handling, and processing costs that may be incurred. In recent years, domestic honey production has remained constant. In fact, honey production is limited by the amount of pollen available.

A previous sharp increase in honey imports led the honey industry to petition for an ITC study which was completed in 1976 and recommended that a tariff-rate quota be imposed. Unfortunately, the ITC recommendation was not followed and the domestic honey industry has been adversely affected. American beekeepers are unable to sell their honey because of low-priced, subsidized honey imports, so they place their honey crop under Government loan. When the loans come due, the beekeepers forfeit the honey to the CCC which stores the honey. The increase in honey imports has made the honey loan program ineffective and has increased dramatically the cost of the program.

The increased honey imports are also threatening the continuation of the domestic beekeeping industry. The honeybee is an essential element in American agriculture and the economy. Honeybees pollinate many agricultural crops. Approximately 90 crops grown in the United States are dependent on bees to some extent for pollination. The estimated value of the crops pollinated by bees varies widely. If you consider only the fruit, vegetables, and seeds resulting from bee pollination in the United States, the estimated value would be $10 to $15 billion.

However, the importance of bees goes far beyond the crops directly benefiting from bee pollination. In fact, it has been estimated that almost one-third of our total diet comes directly or indirectly from insect-pollinated plants. With food costs in the United States at over $100 billion annually, it is clear that bees are vital to the American public. Without the honeybee to pollinate crops, the diet of American consumers would be limited to nuts, cereal grains, and meat. The cost of meat products would also increase without the honeybee. An active beekeeping industry is essential to continued agricultural productivity in the United States.

My amendment, calling for an International Trade Commission study under section 22 of the Agricultural Adjustment Act, is within the authority of the General Agreement on Trade and Tariffs. The study and any subsequent action should not cause any international problems because it is action within the authority of GATT.

Mr. President, I urge my colleagues to join me in support of this amendment to help protect the domestic honey industry and the entire agricultural sector.

Mr. BYRD. Mr. President, will the Senator state in one sentence what his amendment does?

Mr. PRESSLER. My amendment calls for a section 22 investigation of the impact of honey imports on the domestic beekeeping industry.

Mr. BYRD. We have a great beekeeping industry in Preston County, W. Va.—some of the finest honey anyone can find anywhere.

I should like my name to be added as a cosponsor of the amendment.

Mr. PRESSLER. Mr. President, I am honored to ask unanimous consent to have the name of the minority leader added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, the amendment is agreeable to this side.

Mr. BENTSEN. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1195) was agreed to.

AMENDMENT NO. 1196

Mr. LONG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair informs the Senator from Louisiana that the question recurs on the first committee amendment.

Is there objection to laying aside the committee amendment? The Chair hears none, and it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an amendment numbered 1196.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24 of the bill at line 5 after the word "sector;" add the following:

"For purposes of the collection and analysis required by this subsection, and for the purposes of any reporting the Department of Commerce makes to the Congress of the United States, such collection and reporting shall distinguish between income from investment and income from non-investment services."

Mr. STEVENS. Mr. President, will the Senator yield to me for a moment?

Mr. LONG. I yield, reserving my right to the floor.

Mr. STEVENS. Mr. President, the distinguished Democratic leader and I have discussed this, and to our knowledge, this is the last amendment, except for the Cohen amendment. We know of no other amendments.

Are there any other amendments? It is my understanding that Senator

COHEN will take about an hour. Is that right?

Mr. COHEN. Probably less.

Mr. STEVENS. There is no knowledge of any other amendments on either side. It is the assumption of the leadership that the Cohen amendment will be the last vote before final passage. If that is the case, we will not be in tomorrow and will have a pro forma session Monday, if final passage follows the disposition of the Cohen amendment.

I thank the Senator from Louisiana.

Mr. LONG. Mr. President, this amendment seeks to provide in section 6(b) of the bill that for the purposes of reporting to the public and Congress on trade in "services," the administration be required to distinguished between income from investment and noninvestment services.

In my judgment, this is necessary in order that both the public and Congress can better understand how well we are making out in our trade-in services.

We really should have a better breakdown so we can see which is which and better tell how well we are doing in the trade in services.

In the past, there has been substantial confusion about the state of the U.S. current account because of the way in which "services" are reported.

Income to a person in the United States who invests his money abroad is counted as an export of a service, and that income is included in the so-called services account of the U.S. national accounts along with income from other services, such as engineering advice, banking, and insurance. However, in my view, income from investment is fundamentally different from income for providing other services because the investment abroad provides jobs abroad whereas providing services from the United States provides jobs here. In 1980, for example, U.S. total exports of goods and services on a gross national product basis was $339.8 billion, our imports were $316.5 billion, for a net surplus of $23.3 billion. Of that, services other than investment earned a net surplus of only $5.9 billion, where as earnings on private investment that were repatriated earned $31.9 billion. I think it is important for the American public to realize that our net surplus on services is not $23 billion, but only about $6 billion. Therefore, I propose that in reporting to the Congress or the public on international trade in services, the administration be required to distinguish between investment income and noninvestment service income.

Mr. President, I discussed this matter with the distinguished author of the bill, the Senator from Missouri. He indicates that he finds no objection to the amendment. So far as I know there is no objection on this side of the aisle.

Mr. DANFORTH. Mr. President, the amendment is acceptable on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1196) was agreed to.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The question occurs on the first committee amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that it might be in order at this time for the Senator from Maine to be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1197

(Purpose: To provide small businesses access to trade remedies)

Mr. COHEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The bill clerk read as follows:

The Senator from Maine (Mr. COHEN) proposes an amendment numbered 1197.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of page 29, add the following:

SEC. . CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) since obtaining relief under existing domestic trade remedies is complex and expensive due to legal costs, documentation requirements for petitions, and judicial review, such remedies are unavailable to most small businesses;

(2) existing trade remedies are unavailable to producers of perishable commodities because of the length of the normal proceedings;

(3) more weight should be given to regional economic impact in proceedings under section 201 of the Trade Act of 1974.

SEC. . ESTABLISHMENT OF SMALL BUSINESS TRADE ASSISTANCE OFFICE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Department of Commerce a Small Business Trade Assistance Office (hereinafter in this section referred to as the "Office") administered by a Director.

(b) FUNCTIONS OF OFFICE.—

(1) INFORMATION AND PETITION ASSISTANCE.—The Office shall—

(A) provide full information to small businesses concerning—

(i) remedies and benefits available to them under the trade laws, and

(ii) the petition and application procedures, and the appropriate filing dates, with respect to such remedies and benefits; and

(B) provide assistance to small businesses in preparing petitions and applications to obtain such remedies and benefits.

(2) ASSISTANCE IN PAYING REASONABLE PROCEEDING EXPENSES.—

(A) IN GENERAL.—The Director of the Office shall establish and maintain a system for paying reasonable expenses incurred in connection with any proceeding described in paragraph (1) by any small business which the Director determines to be in need of assistance in paying such expenses.

(B) LIMITATION ON AMOUNT.—With respect to any proceeding, awards for reasonable expenses under subparagraph (A) shall be made for—

(i) 100 percent of such expenses to the extent not in excess of $50,000, and

(ii) 50 percent of such expenses to the extent in excess of $50,000.

(C) NO EXPENSES FOR FRIVOLOUS, ETC., ACTIONS.—No award shall be made under this paragraph with respect to any action which the Director of the Office determines to be frivolous or to have been initiated for purposes of harassment or delay.

(D) TIME OF PAYMENT.—Payments may be made under subparagraph (A) with respect to any proceeding only after determinations made in such proceeding have become final and no longer appealable.

(3) DEFINITIONS.—For purposes of this subsection—

(A) REASONABLE EXPENSES.—The term "reasonable expenses" includes attorneys' fees and expenses for data collection.

(B) SMALL BUSINESS.—The term "small business" means—

(i) a small business concern (within the meaning of section 3 of the Small Business Act) that produces or manufactures goods, or

(ii) an association substantially all of the members of which are small business concerns (as so defined) that produce or manufacture goods.

(d) ANNUAL REPORTS.—The Director of the Office shall submit an annual report on the operation of the Office to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Such report shall include a recommendation of legislation which is necessary to enable the Office to carry out its functions.

(e) ESTABLISHMENT OF SMALL BUSINESS TRADE ACCENT TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Small Business Trade Access Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section or otherwise appropriated to the Trust Fund.

(2) TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN CUSTOMS DUTIES.—

(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to amounts received into such general fund that are attributable to countervailing duties and antidumping duties imposed under title VII of the Tariff Act of 1930 (19 U.S.C. 1671, et seq.).

(B) METHOD OF TRANSFER.—The amounts which are required to be transferred under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in subparagraph (A) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) MANAGEMENT OF TRUST FUND.—

(A) REPORT.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to report to the Congress each year ending on or after September 30, 1984, on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the fiscal year and the next 5 fiscal years after the fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(B) INVESTMENT.—

(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-hearing obligations of the United States. For such purpose, such obligations may be acquired—

(I) on original issue at the issue price, or

(II) by purchase of outstanding obligations at the market price.

(ii) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(iii) INTEREST; PROCEEDS FROM SALES AND REDEMPTIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(4) AVAILABILITY OF TRUST FUND.—Amounts in the Trust Fund shall only be available for making expenditures, as provided by appropriations Acts, to carry out the program established under subsection (b)(2).

(f) EFFECTIVE DATE.—The provisions of this section shall apply to fiscal years beginning after September 30, 1983.

SEC. . FACTORS TAKEN INTO ACCOUNT TO DETERMINE MATERIAL INJURY.

(a) IN GENERAL.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULES FOR SMALL BUSINESSES.—

"(i) IN GENERAL.—In any case in which the petitioner is a small business, the Commission, in making any determination as to material injury, shall consider the separate circumstances of the petitioner, including the fact that information may or may not be available to different petitioners by reason of different resources or otherwise.

"(ii) SMALL BUSINESS DEFINED.—For purposes of this paragraph, the term 'small business' means—

"(I) a small business concern (within the meaning of section 3 of the Small Business Act), or

"(II) an association substantially all of the members of which are small business concerns (as so defined).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. . REGIONAL IMPACT TO BE TAKEN INTO ACCOUNT.

(a) IN GENERAL.—Subsection (c) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

"(3) by adding at the end thereof the following new paragraph:

"(10) in any case in which the petitioner is a small business (within the meaning of section 771(7)(F)(ii) of the Tariff Act of 1930)—

"(A) the general economic situation (including employment levels and opportunities) in the major geographic area (within the meaning of section 201(b)(3)(C)) in which the small business is located;

"(B) the impact of fluctuations in exchange rates on any industry in such major geographic area; and

"(C) the ability of any such small business to adjust by converting to alternative product lines.".

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. . SPECIAL PROCEDURES FOR PERISHABLE PRODUCTS.

"(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 204. SPECIAL RULES FOR PERISHABLE PRODUCTS.

"(a) If a petition is filed under section 201 in connection with any perishable product, the petitioner may at any time file with the Secretary of Agriculture a petition under this section for emergency action.

"(b) Within 14 days after a petition has been filed under subsection (a), the Secretary of Agriculture shall make a determination as to whether there is reason to believe the perishable product is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product.

"(c)(1) If the Secretary of Agriculture makes an affirmative determination under subsection (b), he shall recommend to the President emergency action to be taken.

"(2) If the Secretary of Agriculture does not make an affirmative determination under subsection (b), he shall publish notice of his determination and notify the petitioner.

"(d) Within 7 days after receipt of any recommendation under subsection (c)(1), the President shall—

"(1) issue a proclamation ordering relief consisting of such actions as are described in section 203 and as he determines necessary, or

"(2) publish notice of his determination not to take action.

"(e) Action taken under subsection (d)(1) shall cease to apply—

"(1) upon a determination by the President to provide (or not to provide) relief in connection with a petition filed under section 201 with respect to the perishable product,

"(2) on the date the Commission makes a negative determination under section 201(b) with respect to such a petition, or

"(3) whenever the President determines such relief is no longer warranted as a result of changed circumstances.

"(f) Any petitioner may, after a negative determination under subsection (c)(2) or (d)(2), file another petition under this section with respect to such product—

"(1) within 90 days of such determination, or

"(2) at any earlier date in the case of changed circumstances.

"(g) For purposes of this section, the term 'perishable product' means—

"(1) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the Tariff Schedules of the United States;

"(2) fresh mushrooms provided for in item 144.10 of such Schedules;

"(3) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21, and 149.50 of such Schedules; and

"(4) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of such Schedules.".

"(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title II of the Trade Act of 1974 is amended by adding at the end thereof the following new item:

"Sec. 204. Special rules for perishable products.".

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of the enactment of this Act.

Mr. COHEN. Mr. President, I am offering an amendment to S. 144, the Reciprocal Trade Investment Act of 1983, designed to improve the ability of small businesses to obtain relief under our trade laws. The amendment would provide assistance within the Commerce Department for small industries, reduce the cost of trade relief petitions and reduce the length of trade proceedings for producers of perishable commodities.

Small businesses—which are most vulnerable to the effects of foreign competition—too frequently find our trade remedies costly, complex, and ultimately illusory. In my experience as a Member of the House of Representatives and now as a Senator, I have seen time and time again Maine industries seeking relief from foreign imports, relief to which they are entitled under our trade laws. Time and time again, they have been denied relief because of bureaucratic indifference, lack of resources, or other reasons unrelated to the merits of a case.

Industries without legal and financial resources, and with little voice in trade policy, are clearly in need of assistance to deal with the complexities of the trade relief process. The amendment I am introducing today has been carefully crafted with this objective in mind, while still fully honoring our international trade obligations under the General Agreement on Tariffs and Trade. Specifically, the amendment would: First, establish an office in the Department of Commerce to provide assistance during all phases of trade relief cases for small businesses, including reimbursement of a portion of reasonable costs; second, provide a horticultural fast-track system to shorten the time necessary to process cases involving perishable commodities; third, require the International Trade Commission to consider differing circumstances and resources of small businesses in documenting material injury determinations; and fourth, require the President to give more weight to regional considerations

when small businesses petition the Government under section 201 of the Trade Act of 1974.

In November 1981, I chaired a hearing of the Subcommittee on Oversight of Government Management to examine these problems in greater detail. At that hearing, testimony was offered from a wide variety of small businesses on their experience with the U.S. trade laws. This amendment is the product of these hearings and it is designed to resolve the most difficult problems facing small businesses seeking trade remedies: Access, speed, and cost.

The first problem facing any small business considering a trade remedy petition is cost. The trade remedies available to a would-be petitioner are complicated in the extreme and a tour through the process, at the hand of an experienced trade attorney, can easily run to $200 an hour. It is not at all unusual for costs associated with a trade remedy petition to run as high as $100,000 to $150,000.

At present, the Maine potato industry is in the process of filing a trade relief petition alleging unfair trade practices by Canada. With an annual budget of $80,000 to $100,000, the industry will be hard pressed to finance this case.

Another problem related to pursuing trade remedies is the simple collection of proper data. For example, although our trade laws allow for the filing of countervailing duty cases on a regional basis, the Federal Government does not collect its trade data region by region. The regional petitioner, therefore must either collect this information himself, which, for most industries, is impossible or use the information available from the import country. At the hearing in November, many witnesses who were affected by Canadian imports testified that they had no choice but to use Canadian information in order to complete petitions alleging unfair trade practices by the Canadians.

Still another problem related to data collection is that there is an insufficient accounting for imported items as they pass through customs posts. Furthermore, the standards that the Federal Government uses to collect trade information frequently bear little, if any, relation to the practices of the industries from which they are collected.

In the case of small agricultural industries, the data collection problems are particularly acute. Since wide price fluctuations are commonplace in agricultural markets, it is almost impossible to sort out the effects of imports on our domestic agricultural markets. At one time, when the Maine potato industry sought to pursue trade remedies against Canadian imports, it was compelled to hire an economist to assist it. Even then, the economist concluded that, although the industry has been harmed by the imports, it was impossible to document the injury.

In sum, Mr. President, although the Trade Agreements Act of 1979 intended that the Commerce Department assist trade petitioners in gathering trade information that was not reasonably available to them and provided further that in determining whether information is reasonably available the Commerce Department takes into account the circumstances of each individual petitioner, the data is either not available in a usable form or not available at all. In fact, the International Trade Commission sends out a standard industry questionnaire to document injury determinations regardless of its relevance to a particular case.

A second important problem that afflicts small businesses is that the entire trade relief process is tailored for the benefit of large rather than small businesses. At the Tokyo Round of Multilateral Trade Negotiations, for example, the Private Sector Advisory Committees, which made recommendations about negotiating priorities for various sectors of the economy, were largely composed of representatives of large corporations. It is not surprising that given this representation the trade remedies are most suited to our larger industries.

For proof of the perspective of general U.S. trade policy, one need look no further than statistics on trade petitions. Of the 23 countervailing duty cases pending at the beginning of 1982, 17 were filed by representatives of steel companies and another was filed by a chemical company. Similarly, 10 of the 14 cases pending under our antidumpig laws were steel cases and, of the remaining 4, 1 was filed by a representative of the high technologies electronics industry.

Mr. President, the amendment I am introducing today would reach the problems I have just raised in several ways. It would create within the Department of Commerce a Small Business Trade Assistance Office. This office would assist small businesses in any proceedings related to the administration of our trade laws. The office is intended to provide the flexibility and receptivity that has been lacking in the existing bureaucratic framework. The office is charged with tailoring its assistance to meet the needs of a particular industry and to adapt the kind of information that is appropriate to the situation. The simple existence of the office would build within the Commerce Department an expertise in dealing with small businesses that have been affected by imports. In this respect, my amendment would give effect to the congressional intent embodied in the Trade Agreements Act of 1979 where the Commerce Department as the authority under the act was directed to allocate adequate resources to countervailing duty investigations. Despite this directive the Commerce Department expertise in assisting small businesses in these or any other kinds of remedial actions is sadly lacking.

The amendment I am introducing would also provide financial assistance to small business petitioners. The Federal Government would defray the first $50,000 of the small business petitioner's reasonable costs and expenses. Any expenses incurred in excess of this amount would be shared equally by the Federal Government and the petitioner. This method of cost sharing would bring trade remedies within the reach of small businesses, while at the same time insuring that they have a financial stake in the proceedings that is sufficient to discourage frivolous claims.

My amendment also provides for a horticultural fast-track system for perishable commodities. If any industry filing a petition under section 201 of the Trade Act of 1974 markets perishable products, the petitioner may file with the Secretary of Agriculture to request emergency action. The Secretary of Agriculture would then have 14 days to make a determination that the imports are causing, or could cause, serious injury to the domestic industry. If the Secretary makes a favorable determination, he would then recommend action to the President. The President, in turn, would have the option to impose the relief he feels is appropriate. In the event that the President chose to recommend no relief, he would be required to provide his rationale for not taking action. This process would not jeopardize, in any way, the ITC 201 proceeding; they would, instead, go on simultaneously.

I believe that this provision is necessary to assist small horticultural industries which find it difficult to plan their next marketing season without more immediate assessment of the import situation than is available under current law. Also, this provision has been carefully written so that an injury determination is made before any relief is imposed, in order to meet our GATT obligations.

Special provision for perishable commodities is not a new concept. The Trade Agreement Extension Act of 1951 contained a section giving the Department of Agriculture and the International Tariff Commission additional authority to meet the needs of perishable commodities.

One of the most burdensome parts of the trade remedy process is the material injury determination by the ITC for countervailing duty and antidumping cases. This amendment would add a section to mandate the special circumstances that should be considered for small businesses in the information-gathering process. Substitutions

should be made wherever possible to coincide with industry practices.

The amendment that I am proposing today also requires the President to consider regional impacts when ruling on the recommendations of the ITC in section 201 cases filed by small businesses. The President would have to consider the employment levels in a region, alternative job opportunities, and the ability of the industry to switch into alternative product lines. In addition, the President would be required to consider the impact that fluctuating exchange rates have on the small industry. The border States are the first to feel the effects of exchange rate fluctuations. I am not suggesting that exchange rate policy be changed in any way, but only that the impact on the industry be considered in making import relief determinations.

In recent years, the President has consistently overruled the recommendation of the International Trade Commission in section 201 cases. Out of 45 cases filed since the passage of the 1974 act, only 9 have resulted in import relief. I feel that this provision will improve the chances for small industries to get relief by mandating special consideration for them.

Mr. President, the amendment I am introducing today is fully consistent with the General Agreement on Tariffs and Trade and the statutes Congress has enacted to implement our trade policy. Through my amendment we will keep faith with the small businesses of America, which constitute the bulk of all businesses in our national economy. We will open to them the trade remedy process and, in so doing, will insure that they are not unfairly precluded from obtaining relief, when that relief is appropriate, by obstacles unrelated to the merits of their cases.

This amendment is long overdue, and I urge my colleagues to support this effort.

Mr. President, I can be much briefer than the suggested hour this might take because I listened with some concentration to the debate preceding this amendment on the amendment offered by Senator SPECTER, of Pennsylvania. I was most impressed, as a matter of fact, with the statement of the Senator from Missouri when he suggested that we enforce the antidumping and countervailing duties within the confines of international agreements. That is precisely what this amendment does.

This amendment is designed to create within the Department of Commerce a small business section that would help those businesses which we were talking about for the preceding hour.

I was intrigued when Senator HEINZ used the analogy that Senator SPECTER had offered an amendment to deal with the victim who had just been hit by a truck that had run a red light or stop sign and that his amendment was designed to provide some relief to that particular victim.

The difficulty with that is that we have a similar situation for all of our small businesses, all of our small industries in this country. For example, there is a hospital available, there are trade remedies available whether they be countervailing duty actions, antidumping actions, import relief actions, section 301 actions, section 332 investigations, adjustment assistance, agricultural assistance, and on and on.

So there are hospitals available, but if I can stretch out the analogy a bit further, what we have is a situation where the hospital is there, the remedy is there, but the difficulty is, No. 1, the patients may not be able to pay the hospital bill. It costs anywhere from $100,000 to $200,000 to file one of these petitions for relief. Most of the small businesses in my State do not have that kind of money. We have an antidumping petition that is being filed by the Maine Potato Council. The council has an annual budget of perhaps $80,000 to $100,000. Legal fees would wipe out their entire operating budget in filing this one petition.

Most of the businesses in my State are small businesses. In fact, 99 percent are small businesses. I suspect that throughout the country we are talking about anywhere from 90 to 92 percent of all businesses being small business.

So, we have a situation where the hospital is there but the patient cannot pay the hospital bill.

Or, No. 2, assuming they can pay the hospital bill, they cannot fill out the forms because they are too complicated. Or, assuming they can fill out the forms, they find that they are in a particular ward where they have been referred to the cardiac arrest ward, only to find out upon examination some months later that they are really in the wrong ward. They belong over in the cancer ward. The came to the wrong place.

Several months beyond that they find they arrive at the cancer ward—that they are in the right place, but the doctor tells them it is too late to stop the disease.

So, essentially what we have are many small businesses that have no real remedy available to them. The hospital sits out there. The relief stands out there. But businesses have either no available funds or they have inadequate funds to take advantage of that hospital. They cannot compile the information that is necessary.

I point out, for example, that they may submit information of material injury on a regional basis. The problem, however, lies in the fact that the Federal Government does not often collect information on a regional basis. Industries must go out and hire their own economists at their own expense to collect data which this Government theoretically should be collecting for them.

They cannot fill out the forms and assuming they fill out the forms, time after time they have found themselves in a countervailing duty petition action only to find after months of consideration that they are to go over and file an antidumping petition. More time goes by and so a year or 15 months have elapsed and then they finally are on the verge of relief.

I heard Senator HEINZ talk about the competitors suddenly increasing the flow of imports into this country to try and take advantage of any relief that might be granted.

What happens time after time in this country is that Government finally determines that some action is going to be taken. The foreign government decides they are going to cease that dumping action or that illegal subsidy and they say, "We will not do it again." The President, because he wants to maintain compatible relations with that particular offending country, decides to waive the countervailing duties that he could impose.

So what we have is a situation in which the remedies are costly, they are complex, and ultimately they are illusory. They are illusory as far as small industries are concerned.

Mr. President, what I have done is try to structure an amendment that will provide relief to small businesses so that they will have the same access to those legal remedies to that hospital which currently stands out there or sits out there like a mirage.

The amendment would establish within the Department of Commerce an office that would help small business. This office would provide assistance during all phases of trade relief cases, including a reimbursement for a portion of the reasonable cost.

Second, it would provide a horticulture fast track system to shorten the time necessary to process cases involving perishable commodities.

Why is this necessary? If we are dealing with perishable commodities, then it seems to me to be foolhardy to go back and tell your constituents and your small farmers that a year may transpire but you might get some relief.

I will give you an example of what takes place in Canada. In Canada, for example, when the Government finds that one of their industries is threatened, they simply slap on an immediate surtax. They do not have to waste any time. They have no hearings. They slap on a surcharge and that serves as an impediment, as a barrier for U.S. firms shipping goods into that country.

The United States has nothing comparable.

And what this amendment is designed to do is set up a fast track system whereby the President would have to make some determination about injury within a very short period of time.

The amendment would require the International Trade Commission to consider differing circumstances concerning the resources of small businesses and documenting the material injury determinations.

Fourth, it would require the President to give more weight to regional considerations when small businesses petition the Government under section 201.

What I am referring to is a situation in the State of Maine, and I would suspect one that occurs in all the border States dealing with Canada specifically; that of a rather large monetary exchange rate differential, anywhere from 20 to 25 percent.

A farmer is immediately put under a severe handicap in dealing with a sale of his products since the Canadian Government that subsidizes farmers in addition to the advantage of a 20- to 25-percent differential on the monetary exchange rate.

This amendment would allow the President to take that into account.

Now I offer this amendment to this bill because there is a great deal of frustration with my constituents. We have potato farmers who are losing their businesses by the day because they are faced with competing potatoes being dumped throughout New England and the rest of the country. And it is getting more and more difficult for me to go back to my constituents and say, "Well, if you would just file this petition which, first, you cannot afford, and second, if you follow all the forms and fill out these forms with information you do not have, and if you wait 15 months, maybe we will have some relief from what may be rather ostensibly illegal activity on the part of another government."

What Maine farmers are threatening to do frankly, is simply to blockade the border. I do not encourage that action. In fact, I discourage that.

I have argued for years now for Maine farmers not to engage in illegal activity and yet time after time they say, "What relief is forthcoming?" All we are asking for in this particular amendment is that we have some affirmative action on behalf of these small industries by our Government. Action that will help them bear the expense, that will help them process the information, and indeed will help them gather the information and put them in the right pew; action that will also correct that injury and do so within a reasonable timeframe. This is all within compliance of our GATT agreements and it was structured and crafted that way, so that no international agreement is violated.

What I am trying to do is to provide some mechanism for relief for the small industries of this country; relief which is nonexistent today.

So, Mr. President, I am trying to encourage my constituents to abide by the law. Frankly, I know that there are arguments to be made against this measure such as, "Well, we have not had hearings,"—I had hearings on this issue over almost 2 years ago. I filed a bill on this issue over a year ago. I frankly am not in the position to go back to my constituents and say, "Well, maybe by this summer or next year we will have some hearings on this to find out what we can do to provide relief." This is a measure which is fairly simple. It is not costly. There are countervailing and dumping duties which are collected annually. These funds will be used to help bear and defray the legal expenses that will be incurred. Approximately $15 million is collected annually.

I suggest to my colleagues, and I would ask by the way, Mr. President, that Senator SASSER and Senator LEVIN be added as cosponsors to this measure——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I ask my colleagues simply to look at this measure, to support it as an aid to the small industries of this country, to give to them what is theoretically available to them but to make it a reality. I yield the floor.

Mr. DANFORTH. Mr. President, I want to compliment the Senator from Maine. I think he has focused attention on a matter which needs attention. Today the members of the Finance Committee went over to the International Trade Commission and had lunch with the members of the International Trade Commission, and one of the things we were talking about is the special problem of small business in handling these cases.

As the Senator knows, in 1979 we had a major revision of the procedures for handling trade cases, and the effort was to put trade cases on a fast track. Sometimes when you are on a fast track a small operator has a difficult time keeping up on that fast track. It tends to telescope consideration of difficult matters, but it also tends to put added weight on the lawyers and others handling the matters during the time that it is before the relevant agencies of the Federal Government.

So I think this is something that has to be very carefully considered, and I note that just a couple of weeks ago, on April 6, I received, I was sent, a letter—I am not sure exactly what date it was received but the letter was dated April 6—from the two Senators from Maine, and they called attention to the fact that they had introduced S. 50, which is the basis for this amendment, the Small Business and Agricultural Trade Remedies Act of 1983, and concluded in the letter saying, "We respectfuly request the Subcommittee on International Trade conduct a hearing on this legislation at your earliest convenience." I think that is an excellent suggestion, and I do not say that to in any way put off the Senator from Maine. I know he has heard, as I have heard, numerous times when an amendment is offered on a bill "I will have a hearing" as though "please don't bother me anymore, I will have a hearing."

But I do believe this is a very important subject: How does a small person get relief? Is it possible to get relief? And what can we do to improve the situation?

This amendment is just a little over eight pages in length. It has about four major subparts, and I just want to state that I frankly have not had a chance to focus on it. Whether or not we should have a different office within the Commerce Department is arguable; I am not sure yet, but I do not know. The Commerce Department now is supposed to work with small businesses and maybe it can do it in the existing framework and maybe it does take a different office.

Reimbursing small business for expenses, that may be a good idea. On the other hand, to what extent would the reimbursement take place? Would it be total reimbursement? If the reimbursement is exceptionally generous the result of that could be to provide, in effect, an incentive for bringing any case that pops into your head. So it is almost like the third party payor question in medical costs.

Fast track consideration for escape clause cases involving perishables. I understand the desire for that, but how fast? We tried in 1979, and it went through a lengthy process of working this out in hearings and on the floor and in conference as to what length of time should be taken in trade cases. You can have such fast tracks that it ends up creating more confusion than solutions. Clearly it is important to be able to prove the cause of action, so to speak.

Small business being allowed to present less documentary evidence and also being allowed to meet different standards in trade cases: It is a great idea if it is a workable idea. But how much documentary evidence is necessary to prove the elements that you have to prove? I do not know. What different standards and how does that impact on relatively small and not so small business people?

So for those reasons I think that what is involved here are real complexities, but I think what is involved is a very important issue and I think

the purpose of the legislative process is to attempt to match the real need with the practical complexities that are involved in it.

I hope the Senator will not push this to a vote. It is going to be very hard for people to vote against that; anytime the word "small" appears in anything, even small oil producers, everybody says that has got to be great. So I hope he will not push this amendment to a vote, and I will give you my absolute assurance that this will receive much more than perfunctory attention from the Trade Subcommittee. We will get into the subject, get into it, with the input of the Senator from Maine and really do our best to solve this legislative problem in a responsible way.

Mr. COHEN. If I may respond to the Senator from Missouri, first of all, I want to express my complete confidence in your word and my admiration for the work you have done not only on this bill but many others. You and I have worked together on another issue involving shoes and leather imports, so I think we have a common goal in trying to help the various industries in this country compete against what seems to be at least questionable activities on the part of our international trading partners.

I would like to make a couple of points however. With respect to the time factor, I know you have just received this letter from Senator MITCHELL and myself. I had written a letter a year ago alerting the chairman of the subcommittee that the bill had been filed; 2 years ago we held hearings in the Governmental Affairs Committee and I put the chairman on notice that I was not trying to infringe in any way upon his trade jurisdiction. I was trying to provide a forum for constituents to come and offer examples of trade problems. It is not as if this has suddenly appeared before this body today or as recently as 2 weeks ago. It has been a matter which has been pending for 2 years, but one that has had very little attention paid to it.

Frankly, I think my farmers are running out of time. We have a very, very serious problem with the potato industry in the State of Maine. There are other products and industries involved, including raspberries in Washington; peaches in California, and onions in New York. I could name a whole host of similar industries situated throughout the country, not only in Maine, but in other States. So, I think it is a nationwide problem.

Second, with respect to expenses let me just say that there is a limit. What we are trying to do is help defray the initial $50,000 of expenses which run as high as $150,000 or possibly $200,000. There would be a limit as to what the Federal contribution would be and it certainly would discourage frivolous claims because the industry would have to bear one-half the costs. That is a substantial commitment. Industries would not be paid until after the completion of a case so it is not as if there is not a very large financial stake involved within the industry itself.

Mr. President, one final comment and I will yield the floor in a moment. I would like to say something about the difference in attitudes on the part of this administration. I think there has been a change.

I must tell you that, going back over the Democratic and Republican administrations of the past, I had always found, in trying to represent my constituents, that when I had a problem with potatoes, or fish, or any of the other industries that we have in Maine, including leather or shoes, and I went to the Commerce Department or other agencies—there was an element of hostility. There was an attitude that we were somehow the adversaries and that somehow this was a group of local people in northern Maine complaining because they could not compete. And it was indeed a deaf ear that was turned to these small business people. They were treated as adversaries to the open market system.

What I was trying to say is that it is not open and it is not free if your competitor has a 25-percent subsidy built into his pricing structure by virtue of a monetary exchange rate and it is not competitive if the other government is subsidizing the construction of storage facilities or of railroad transportation to the point where they can sell their products well below your cost of production. That is not competition, that is not free and fair trade.

I must say that there has been a change in that attitude. I would like to say a lot of it is due to a former colleague of ours, Senator Brock. He has been very sensitive to the issues that have been raised and he and his staff have been very helpful, I must say.

But, notwithstanding that, I think we have to go beyond one individual who might occupy the position of special trade representative. We have to do something to change the law as it exists, because the law as a remedy is illusory. It is a shimmering mirage that kind of appears and then fades each time small industries try to take advantage of it.

So, I want to say to the chairman of the subcommittee that I really do appreciate his offer to hold hearings on this matter. Frankly, I am under no illusion that if I were to push this to a vote, I would succeed. Since it is labeled "small business," it might very well have a chance of passage. I also suspect somewhere between the front doors of the Senate Chamber on the way to the House it would get dropped along the way and so I would have a pyrrhic victory at best and one that I could go back to my constituents and say: "I have done a wonderful thing for you. I have given you the same kind of remedy that currently exists. It doesn't exist for you. It was a nice, token gesture on my part."

I do not wish to engage in that sort of temporary publicity and smug satisfaction if, in fact, I cannot provide relief.

So what I would suggest to my friend and colleague is that I would be certainly willing to defer asking for a vote on this matter, to ask that it be withdrawn after other Members in the Chamber who may wish to address the subject matter, with the understanding that, indeed, you will undertake a very serious effort to hold hearings and hope we proposed some constructive changes that would benefit small business.

Mr. BENTSEN. Mr. President, I would like to say to the Senator from Maine that I certainly share his frustration. I was with one of the principal negotiators for the European Common Market today talking about the problems on the agriculture side. He said:

What we are going to have to do is negotiate.

I said:

We have been doing that for a long time. I remember going to the meeting in Geneva 4 years ago and I saw what happened last year, only cosmetic changes. I think it is time we quit negotiating.

I said:

I totally agree with what the administration did on the sale of wheat flour to Egypt. I just hope it is not an aberration. We must do everything we can to push those exports and try to regain some of those markets.

I said:

It is just as though the two of us were standing on the banks of the Potomac and throwing silver dollars into the water—it is going to hurt us both—and we wait to see who has the last silver dollar. We will not have subsidized to the extent you will because our producers are much more efficient when it comes to farm products. When we get all through with that, we will take a body count and then we will sit down and seriously negotiate on free trade.

Unfortunately, I think that is what we are going to have to do. But the Senator's point about small business not being able to afford it is a well proven point.

I am a little troubled with the idea of a trust fund, though, through fees.

Mr. COHEN. A portion of it.

Mr. BENTSEN. I understand. All of it up to $50,000 and 50 percent above that, as I understand your proposal. I do not quite understand, when you talk about the standards of injury, that you then supplement that by saying you have to look to the special circumstance of the pleader if it is small business. So I am not sure how that would work.

That is why, again, I think it is important that we have these hearings

because I am trying to achieve some of the same objectives that the Senator from Maine is trying to achieve.

I am delighted with the Senator's idea about perishable commodities—because when the Senator says it is a nationwide problem it is really that; I have seen it happen to us in south Texas in that regard—and being able to have that kind of immediate response by the Secretary recommending to the President and the President not waiting the 6 months but putting it in effect. I think that is something we really ought to push and try to explore.

Mr. COHEN. With respect to the demonstration of injury, we find ourselves in the paradoxical situation where this Government does not collect the necessary data or information. In one case in Maine that I am familiar with, the industry had to go to Canada to get its facts and data to demonstrate a case. Our Government simply did not maintain the information. We put the burden upon the small industry to hire economists to try to demonstrate injury when, in fact, no access to that information exists. This provision would have an impact on how we go about collecting the data that would be necessary for the small industry to prove its case.

Historically, we have always been adversaries with adversarial relationships. What I am trying to say is that those adversarial relationships should not exist. The Government is the hospital for small industries and businesses which they are paying taxes to. Yet it has been one of neglect, not benign neglect, but calculated indifference and almost hostility in some cases.

Mr. BENTSEN. Mr. President, I would like to be one of those who works with the Senator to try to achieve that.

Mr. COHEN. I would like to make one further comment on the fast-track system for perishable commodities. There is a case currently pending, whereby the Canadians have determined that onions exported from the United States into Canada were causing a problem for the Canadian onion industry. The Canadian Government immediately slapped a surtax on the importation of onions into Canada. Ambassador Brock has been trying to get some sort of compensation within the GATT procedures for that surtax. To date, he has been totally unsuccessful; 6 months have gone by and no action has been taken.

Now, I do not represent producers of onions, but that is an example of what I am talking about; the fact that there is not a two-way street; that we do not have the opportunity to have a fast-track, whether it be surtax legislation or a fast-track approach to help those industries that produce perishable commodities.

I am just trying to call attention to the problem. I think it is getting fairly desperate in not only my State but in many other States with large vegetable and fruit industries.

I appreciate the statements of the Senator and those of Senator DANFORTH.

I ask unanimous consent that my amendment be withdrawn.

Mr. BYRD. Mr. President, before the Senator does that, I ask that he add my name as a cosponsor.

Mr. COHEN. Mr. President, I ask unanimous consent that the Senator from West Virginia be added as a cosponsor.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. BYRD. I thank the Senator.

Will the Senator yield further?

Mr. COHEN. Yes.

Mr. BYRD. Mr. President, I was invited down to lunch by former Secretary Haig, whose confirmation I voted against and whom the administration later found they did not want to have around quite as much as they had wanted earlier. But, nevertheless, I thought it was nice of him to invite me to lunch and he also invited the majority leader from the House to lunch.

He said:

Gentlemen, I am concerned about the legislation that we see coming down the pike, the prospect of protectionist legislation.

Of course, that is a bad word, so I hope that none of my constituents will read the word "protectionist" in the statement that will appear in the RECORD. On the other hand, I hope they will. I think they will feel I am doing the right thing.

I do not quite agree that this administration is much different from the several different Democratic and Republican administrations that I have served under—and I have been on the Hill for 31 years. The State Department always feels this way about it. It is opposed to any action on the part of the Congress that would protect American industry. That may be an exaggeration. I am sure I can say they oppose any and all such legislation, but that is pretty much the general position the State Department has taken over the years.

So Secretary Haig said that he was concerned about the prospects of certain legislation in the Congress and he hoped that the majority leader of the House and the minority leader of the Senate would assist in defeat or delay of such legislation.

I said:

Mr. Secretary, I will tell you right up front that I am hearing those voices of unemployed steelworkers in Weirton and the coal miners in northern and southern West Virginia and the people in the glass industries around Clarksburg and Weston and Morgantown. And, hearing their voices, I think I should tell you where I will be most likely found. I am in the same position as the general who called his chief lieutenants, general staff, and so on, in to meet with him. He said to them, "Well, gentlemen, our artillery is being heavily battered. The infantry is suffering great casualties up front. The right flank is crumbling. The left is under heavy attack. I am going to give the order now to begin a retreat thirty minutes from now. But, as you know, I have a bad leg, and, if you don't mind I think I will just start now.

So I think that is where you will find me. You will find me right at the head of those efforts to protect our own industries. I am for fair trade. I know we have increased our exports in relation to our total economy. Exports contributed about 6 percent to our economy in 1970 and about 13 percent now.

But I think it good for Japan and some of our trading partners to hear about some of these efforts that are being made to rectify some of the problems that are occurring because of the unfair trade practices of our trading partners. Maybe if they understand that this effort wil be made time and time again, which it will be, until the committees report out something that will insure a fairer trade policy on the part of our partners, they will begin to shape up and deal fairly with us.

As has been said, the great Disraeli was booed and laughed down on several occasions, but he said there will come a day when they will listen. And there did come a day when they did listen to him. When our trading partners finally see something coming down the track that has teeth in it, they will be willing to listen and talk about fair trade.

I thank the Senator for allowing me to be a cosponsor of the amendment. I appreciate what the Senator from Missouri and the Senator from Texas have said, that there will be hearings on this matter. I think that will be the right step and in the right direction.

Mr. COHEN. Mr. President, I ask unanimous consent that I may withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DANFORTH. Mr. President, let me thank the Senator from Maine for his cooperation and reassure him of my desire to work closely with him in this regard.

Mr. President, I know of no more amendments.

Mr. President, today we are considering the International Trade and Investment Act, legislation introduced by Senator BENTSEN and myself, and cosponsored by 41 of our colleagues from both sides of the aisle.

This legislation is the product of extensive consultations within the Congress and discussions with the administration, labor, and the private sector. Although based on the original language and concepts contained in S.

2094, introduced in February of last year, the legislation contains major provisions based on bills introduced in the 97th Congress by Senators BENTSEN, ROTH, CHAFEE, BRADLEY, HEINZ, HART, and INOUYE.

Although some of these bills employed the term and the concept of reciprocity more emphatically than others, they shared a common denominator; namely, that the United States must do more to expand its access opportunities in markets overseas. I believe the sponsors of the legislation under consideration share a conviction that the United States must seek nothing more, and nothing less, than the opportunity to compete on an equal footing in world markets. In its current form, the reciprocity trade bill was twice approved and reported out of the Finance Committee in the 97th Congress. In March of this year, the bill received the unanimous approval of the Committee on Finance.

The result is legislation that should serve to further the objectives we all share—namely, the maintenance and expansion of market opportunities abroad for U.S. exports of goods and services, and for foreign investment of the United States. The legislation builds on the broad concept of reciprocity of market access that is fundamental to U.S. trade policy. It strengthens enforcement of the legal rights of the United States under existing trade agreements and it sets the stage for the expansion of those international rights through the negotiation of agreements in the service and investment areas. Finally, the bill addresses itself to the problems encountered by high technology industries as a result of government intervention that distorts international trade in such high growth sectors.

Overall, the bill is designed to liberalize international trade and to curb protectionist pressures in the United States by demonstrating that we will enforce our rights under international agreements. The idea is to close the credibility gap created when we consistently refuse to take protectionist action in spite of the widespread perception that we are the only country practicing what everyone else preaches—namely, free trade.

Specifically, the bill provides for:

First. A systematic procedure whereby the administration would identify and analyze key barriers to U.S. trade in products, services, and investment.

The required annual report to Congress would include major foreign barriers and distortions to U.S. exports of products (including agricultural commodities), services, and investment, including estimates of their impact on the U.S. economy and efforts to achieve their elimination.

It is my expectation, and that of others involved in the evolution of this bill, that these national trade estimates will be used by this and subsequent administrations to identify the most onerous barriers to U.S. trade and investment and thereby set comprehensive market enhancement priorities for U.S. trade policy.

In this regard, we would expect the administration to go beyond its current role as recipient of petitions under section 301 of the Trade Act and to make use of the provisions for self-initiated 301 cases, as well as the bill's negotiating authority to broaden the scope of existing international agreements.

Second. Section 301 of the Trade Act of 1974 would be amended to broaden its scope and to clarify and enhance Presidential authority to retaliate against foreign unfair trade practices.

In this regard, unfair trade practices for which relief is available under U.S. law would be broadened to cover performance requirements and other trade-distorting barriers to investment, as well as violations of intellectual property rights.

Foreign barriers not removed through negotiation or enforcement of the GATT (General Agreement on Tariffs and Trade) could be offset by the United States through withdrawal of prior U.S. concessions, imposition of duties and other restrictions available under present law is clarified by this legislation. Of particular interest is the clarification of the President's authority to impose fees and restrictions on foreign services or suppliers of those services. While the role of regulatory agencies is recognized with respect to trade in services, I am firmly convinced that the Congress never intended regulatory agencies to make trade policy.

Finally, where U.S. retaliatory options are not currently available to the President, he would be given new authority to propose legislation which would enjoy accelerated consideration by the Congress.

Third, the legislation provides for major negotiations to achieve international agreements that encourage fair and open trade in services, investment flows, and high technology.

Knowing that other Senators may wish to speak in some detail regarding negotiations in the services and high technology sectors, I would like to address the investment portion of the legislation. In fact, barriers to foreign direct investment have major implications for international trade in both products and services.

In developed and developing countries alike, restrictions on foreign investment are being put into place which severely distort access opportunities. The impact on international trade has never been measured and should be of immense concern in the development of U.S. trade policy. The United States has always maintained a liberal investment policy, to the benefit of our economy as well as to those of foreign investors. The administration must be prepared to move forward with all due speed to reach bilateral and multilateral agreements with our trading partners—designed to reduce, eliminate, or prevent restrictions on the flow of investment throughout the world.

Mr. President, taken as a whole, the International Trade and Investment Act is designed to increase American exports and export-related jobs through stronger enforcement and expansion of domestic and international rules dealing with foreign unfair trade practices. It is intended to move us beyond the largely rhetorical approach that now characterizes our efforts to achieve greater market access abroad—into a straightforward mechanism for sorting through and dealing with these foreign actions.

SUPPORT AND COSPONSORSHIP

Since its introduction in January, S. 144 has gained the cosponsorship of almost half of the U.S. Senate. In addition to Senator BENTSEN and myself, the following Senators are cosponsors of S. 144: ANDREWS, BOREN, BRADLEY, CHAFEE, CHILES, COCHRAN, COHEN, CRANSTON, D'AMATO, DECONCINI, DOLE, DOMENICI, EXON, FORD, GLENN, GORTON, GRASSLEY, HART, HEFLIN, HEINZ, HELMS, HOLLINGS, INOUYE, KASTEN, LEVIN, MATTINGLY, MELCHER, MITCHELL, MOYNIHAN, PERCY, PRESSLER, PROXMIRE, RANDOLPH, RIEGLE, ROTH, SIMPSON, SPECTER, SYMMS, THURMOND, TSONGAS, and WILSON.

The dedication and diversity of this bipartisan coalition of Senators, alone, indicates the depth of feeling in the Congress that international trade must be conducted on a fair basis.

In addition, the International Trade and Investment Act enjoys the support of the administration and of a diverse group of business and agricultural organizations. The following companies and associations have been particularly active in support of S. 144:

Aerospace Industries Association of America.
American Council of Life Insurance.
American Electronics Association (AEA).
American Express Company.
American Farm Bureau (AFB).
American Trucking Associations (ATA).
Asia-Pacific Council of American Chambers of Commerce (APCAC).
Business Round Table.
California Almond Growers.
California-Arizona Citrus League.
Chamber of Commerce.
Chemical Manufacturers Association (CMA).
Cling Peach Advisory Board.
Coalition of Service Industries.
Computer and Business Equipment Manufacturers Association (CBEMA).
Data General Corporation.
DuPont Company.
Electronic Industries Association (Communications Division).
Emergency Committee for American Trade (ECAT).

FMC Corporation.
International Anti-Counterfeiting Coalition.
International Business Machines (IBM).
Millers National Federation.
Monsanto Company.
Motorola Inc.
National Agricultural Chemical Association (NACA).
National Association of Manufacturers (NAM).
National Cattlemen's Association (NCA).
National Council of Farmer Cooperatives (NCFC).
National Foreign Trade Council (NFTC).
The National Grange.
Poultry and Egg Institute.
R. J. Reynolds.
Scientific Apparatus Makers Association (SAMA).
Semiconductor Industry Association (SIA).
Sporting Goods Manufacturers Association (SGMA).
Sun-Diamond Growers of California.
Tanners' Council of America (TCA).
TRW Inc.
United Technologies Corporation.
Warner Communications Inc.

THE NEED FOR RECIPROCITY LEGISLATION

Mr. President, the International Trade and Investment Act is a sensible, timely piece of legislation that should be enacted into law.

Since the last round of multilateral trade negotiations and the passage of the Trade Agreements Act of 1979, American policy has largely consisted of reacting to a flood of imports. I do not denigrate the importance of this effort, yet, in the process, attempts to expand market access for American-produced goods have proceeded in an ad hoc manner at best.

It is time for us to embark on a comprehensive effort to assure fair treatment for American exports in foreign markets. The International Trade and Investment Act is designed to do just that.

The U.S. balance of trade in merchandise went into deficit in 1971 for the first time in more than three-quarters of a century. Last year that deficit reached close to $40 billion, including significant bilateral deficits with a number of our major trading partners. This year we can expect a merchandise trade deficit well above $50 billion.

These deficits, in and of themselves, are not so much the problem as the extent to which they result from inequitable market access between the United States and its trading partners rather than the market forces of comparative advantage and exchange rates.

Through the GATT system, the industrialized world has benefited from over 30 years of relative peace in international trade, along with the gradual reduction of traditional tariff and nontariff barriers to imports. The two fundamental principles of the GATT—the mutual extension of national and most-favored-nation treatment—remain essential elements in the GATT's formula for success.

The United States has, since the inception of the GATT, taken the leadership role in lowering international barriers to trade. Pushing and cajoling our trading partners into accepting each new liberalizing guideline, America has taken pains to employ the GATT's dispute settlement provisions. We have been in the forefront of any negotiations aimed at the reduction of tariff and nontariff barriers.

This leadership role has prompted the United States to set domestic policies relating to trade that are in conformity with GATT and to hope for similar action from our trading partners. The result is an American market with comparatively few import barriers while foreign markets are protected by a wide variety of restrictions. This has put us in a weak position to bargain for mutual concessions by other countries, for there are few American import restrictions left to "trade away" for market access abroad.

Of our major developed trading partners, Japan retains the most severe barriers to competitive American exports. Protection of the Japanese market is maintained in a variety of ways—some clearly illegal, some not. But regardless of whether these impediments are formal or informal, legal or illegal, the fact is they work. Moreover, it is clear even to the casual observer of American driving, viewing, and listening habits that Japan has ample access to our market in areas where Japanese firms are competitive.

Our largest single trading partner, Canada, continues to focus its attention on the investment and service areas for its "Canadianization" efforts. Although not traditionally considered under the general GATT framework, these barriers are not only harmful in and of themselves, but also have a significant impact on trade in goods. Investment restrictions imposed by the Foreign Investment Review Agency (FIRA), discriminatory tax practices, and similar government policies have already begun to impede our access to their market.

Finally, the European Community gives one the impression that they are ever on the lookout for new ways of closing their markets. These efforts have been directed at Japan for some time and may well affect our exports in the future. Meanwhile, we are still groping for the means to deal with the impact of EC agricultural export subsidies on competitive U.S. exports to third market countries.

The problems we face with respect to market access abroad are equally, if not more, severe in the case of developing nations. Many of these nations continue to benefit from developed country MFN concessions in the past 30 years without being accountable in GATT for reducing their own barriers. Of particular concern are barriers to trade and investment maintained by the newly industrialized countries (NIC's) such as Mexico (not even a GATT member), and Korea and Brazil, which have no desire to "graduate" from their LDC status in GATT terms.

It cannot be surprising then that many believe the GATT, however essential it is, is not alone sufficient to provide the basis of truly free international trade. It has become clear that national and MFN treatment are inadequate in some circumstances to provide the benefits of the system to the United States, when our market access is so disproportionately greater than others.

Further, while the GATT may work well to combat many traditional barriers to merchandise trade, it still fails to address some of the more sophisticated impediments found in the world today.

For example, the GATT offers no guidance whatever with regard to the free flow of investment and services—an integral part of international trade in today's world. Barriers in these sectors, such as performance requirements, continue to grow abroad in the absence of any firm international guidelines.

Therefore, while the GATT may be necessary to maintain equilibrium in the international trading system, it is by no means sufficient to achieve equitable access for U.S. trade and investment.

Mr. President, the bill under consideration today is designed to set the course for American trade policy that will accomplish our market access objectives by building upon and expanding the international trading system as we know it.

To achieve this goal, the United States must be prepared to force the issue. The International Trade and Investment Act is a clear mandate for the administration to seek equitable market access abroad for competitive American products, services, and investment, backed up by a credible threat to redress restrictions on American exports through the imposition of offsetting measures.

I will be the first to admit that this act is not a panacea for all of our economic woes. It does, however, fill a gap in our trade policy. If enacted, it will focus our Government's attention on those "generic" barriers to U.S. trade and investment that place limits on our full export potential. The bill strengthens the administration's hand without forcing it and offers an opportunity for us to move forward in the search for innovative solutions to expand markets for U.S. exports. Moreover, it not only reaffirms but

also seeks to extend existing rules governing international trade.

Mr. President, before we conclude work on this bill, the International Trade and Investment Act is the work of many people over a considerable length of time. A number of Senators had bills which were incorporated in what turned out to be the final version. I would like to pay special tribute to Senators ROTH, CHAFEE, SYMMS, BRADLEY, HEINZ, HART, and INOUYE for the role they played.

But I would like to single out especially Senator BENTSEN because he has been working in this area for long before I have, and he really has been the leader in this effort. As has been the case so often in the time that I have been in the Senate, Senator BENTSEN and I have been allied in a common effort. He really is a great partner to have. I appreciate so much his efforts for years in this regard, certainly including today on the floor.

I would also like to express my appreciation to the various staff people and administration people who have had a very strong role to play: Mike Hathaway and Jeanne Archibald of the U.S. Trade Representative's office; Sue Schwab of my staff; Ted Kassinger of the majority staff in the Finance Committee; Jeff Lang of the minority staff; Claud Gingrich, who was with the majority staff of the Finance Committee and who has now gone to USTR.

All of these people have worked diligently in this area and have done a highly professional job. I appreciate their efforts.

Mr. BENTSEN. Mr. President, I thank the Senator from Missouri for his most generous statement. It has certainly been a pleasure for me to work with him. I appreciate his efforts, his intellect, his integrity, and his commitment to his service as a U.S. Senator.

I thank my associate, Jeff Lang, for his contributions in those things I have worked on.

Mr. President, Senator DANFORTH and I have been working on S. 144 for over a year now. It responds to two basic concerns, first to develop a consistent strategy for enforcing U.S. trade agreements, and second to begin the laborious process covered by any international trade agreements.

We take up this legislation at a particularly perilous time in world trade. Not only are the economics of the developed and the developing world in their worse conditions since the Second World War, but the international system of trade agreements that has nurtured the construction of a global economy is itself nearly ready to topple.

For 35 years the United States has inspired and led a world trading system based on a consensus that open markets would produce the greatest increases in general welfare for all countries involved. Gradually, then with increasing speed, and now at a breakneck pace, countries are veering from the rule of open markets decreed by the General Agreement on Tariffs and Trade, the GATT. This is not a process that governments have merely tolerated, but one they have actively aided and abetted. While the United States has sought in general to remove the influence of Government from its economy and to maintain an open trading posture with regard to the rest of the world, the rest of the world has not reciprocated. Markets that should be opening to our exports are closed, and imports that under conditions of fair competition would have no chance in the American market are driving us out of successive basic industries. Trade has helped to generate our great wealth, yet now it puts our very economic future at risk.

This bill is not the end of the process by which we will bring things to rights. But it is a beginning because it lays out a method for the United States to develop a trade strategy. It is no longer sufficient for this country to have a trade policy which consists of free trade. The policy does not correspond to reality, nor is it specific enough to serve our national interests. We must continually work toward developing a free and open world economy, which is our greatest hope for increasing U.S. living standards. But we cannot be a patsy anymore.

Hidden in the closet of unused trade laws is section 301 of the Trade Act of 1974, one of the most powerful of those rusting statutes. If Senators will bear with me, let me just describe the great unused power Presidents have in this law. Whenever the President determines that a foreign country or instrumentality is trading on a basis which is unjustifiable, unreasonable, discriminatory, or otherwise unfair, section 301 empowers the President to suspend any trade agreement and impose duties or other import restrictions on imports from the offending country.

These are strong ideas, but notwithstanding the attack upon the free trade system that other governments have waged over the last 10 years, section 301 has never been used to restrain imports of products into the United States. Rather, it has been used as a procedure by which administrations decide when to advocate the interest of American business in the GATT dispute settlement system. That system has turned out to be, as far as I am concerned, a waste of time. I wish it were otherwise.

Several GATT cases involving Texas products have gone into the GATT dispute settlement system and never come out. At the end of February, a GATT panel set up to advise the GATT on an American dispute with Europe announced that it simply did not know what the GATT meant. That I submit is outrageous, and it will plainly undermine support for the GATT in the United States. But it does not mean section 301 is a dead letter or that it could not be used in different ways than it is used at present. What S. 144 does in its most important provisions—sections 3 and 4—is to lay out a roadmap for developing a trade strategy in the United States.

This system consists of annually identifying the most significant problems faced by the United States in trade. Astonishingly, no such process exists at present. Our entire trade machinery consisting of dozens of agencies, departments, bureaus, and independent commissions and boards lurches from one problem to another led by the losers of our economy rather than the interests of our economy. Many of the petitioners are deserving, and in each individual case I have no doubt that some rough justice is done. But in terms of turning the American economy in the direction of success, competitiveness, full employment, and a brighter future, this system is practically worthless.

What the bill also requires is that the Executive do something about its list of the most significant trade problems. While there is much argument about the standard on which the Executive should do something, the failure is that if the Executive had done anything over the past 20 years under standards that already exist, our trading position and, in fact, the world trading system would be in far better repair than it is now.

Now let me say a word about reciprocity. This issue concerns the circumstances under which the President is authorized to retaliate against foreign unfair trade practices. I know well the temptations of enacting a tougher standard so that the Executive will be more frequently compelled to take action. When an earlier version of this bill was introduced by Senator DANFORTH in the 97th Congress, Senators CHAFEE, BRADLEY, and I offered S. 2223, a measure that is now reflected in many provisions of the bill now before the Senate. Our purpose was to show that there is another way, that we do not have to impose our economy on the world to open up the trading system.

Over the long run, what other governments will respect is not an occasional 50-percent increase in duties, such as we saw recently on motorcycles. Justified or not, that action in isolation is practically meaningless. What we need is a consistently tough-minded trade policy over a long period.

The standard on which the President's action under this law would be triggered is, I submit, sufficient to

build the kind of tough policy all of us want. Under the bill, the President would be authorized to retaliate against foreign practices that are unfair or inequitable. I know many Senators want to hold the rest of the world up to our standard. They want the President to act in situations in which other governments fail to provide us the same trading opportunities that we provide them. But the ultimate result of that rationale is that each country holds up all the others to its own standards. While in the short run, that may terrorize a few of our trading partners into coming to their senses, in the long run it is a contradiction in terms.

The standard countries must be held up to is the one they have agreed on will apply to all of them. That is essentially the standard represented by the terminology "fair and equitable," that is, fair as between U.S. exporters and other countries' exporters to any given market, and equitable as between importers and nationals of each economy. This is the standard that is part of our economic constitution. If we hold the world up to the standard in this bill, we will have a very tough policy, indeed.

Mr. President, section 301 is just a tool. We have been enacting trade laws, most of which most administrations have never used, for 35 years. Now to debate whether we should use a standard that can never actually be applied in world trade is worse than a waste of time: It undermines our ability to build a system that we can use to our advantage. Dark as this hour is for the world trading system, we must constantly build for the day when there will be international consensus on a large number of trade rules. Nothing in GATT forbids us from retaliating against unfairness; nothing in GATT forbids the United States having a trade strategy, as well as a trade policy; and nothing in GATT prevents the United States from looking out for its own interest. I suggest that this bill, modest as it appears in current circumstances, will result in a program of action, not just GATT action, but real action to resolve those problems. That is a trade strategy. Without this bill, the administration, like all administrations before it, will simply reel from one exasperating and inconclusive trade dispute to another.

Mr. CHAFEE. Mr. President, as an original cosponsor of the International Trade and Investment Act, I am delighted that the Senate will have an opportunity to consider this bill today. I wish to commend Senator DANFORTH for his hard work on it. Senator BENTSEN also deserves commendation for the fine job he has done.

Mr. President, exports are a critical and growing part of our economy. As a percentage of our gross national product, exports almost doubled between 1970 and 1980 from 4.4 to 8.5 percent of the GNP. In recent years, 4 out of every 5 new manufacturing jobs came from the export sector. Every $1 billion in exports sustains 25,00 to 30,000 jobs. With exports so vital to our economic well-being, we must clearly do everything possible to preserve existing markets for our products. Further, we must seek to eliminate unfair foreign barriers to our exports.

The bill is intended to strengthen our ability to achieve equitable market access abroad for American products by strenghtening our negotiating and enforcement powers.

Significantly, too, the bill incorporates a bill which Senator ROTH and I introduced last year—the Trade in Services Act.

These provisions are important for several reasons.

First, they reflect the significance of trade in the service sector. Although the misconception lingers, ours is no longer the smokestack economy of the past. The fact is that most of our jobs, most of our GNP are generated by the service sector.

While employment in the manufacturing sector fell last year, employment in the service-producing sector rose.

The service sector has thus cushioned a recession that would have otherwise been much more severe. Similarly, export of services has counterbalanced the trade deficits in manufactured goods, producing an overall trade surplus.

As critical as services are to our economy, there exists no system of international agreement covering services trade. While the United States has expanded its trade exports over the past decade, foreign barriers to our services exports proliferate. These include restrictions on remittance and repatriation of profits, fees, and royalties; restrictions on market access; restrictions on personnel; discriminatory taxes and licensing procedures, Government subsidies to local service firms; excessive duties and prohibitions on importation of services necessities like computer software; and, discriminatory Government procurement.

The Services provisions allow for effective coordination and implementation of U.S. trade policy with regard to services. These provisions direct the USTR to coordinate the development of services trade policy and require that he consult with Federal regulatory agencies and the States in those areas of the services sector that are subject to Federal and/or State regulation, such as insurance and banking.

Further, they provide that, prior to the negotiation of any agreement on services, the USTR must develop negotiating objectives in consultation with the private sector service industry advisory groups and the States. The bill also authorizes the Department of Commerce to establish a services industries program to develop information on the flow of trade in services, analyze the impact of U.S. laws pertaining to services, and provide information to the States on U.S. policy on international trade in services.

The third and perhaps most important purpose of this portion of S. 144 is to insure that U.S. service industries continue to have free access to foreign markets. To accomplish this objective, the bill clarifies and emphasizes the President's authority to take action against unfair practices either at home or abroad which affect U.S. service industries. The bill allows Federal regulatory agencies with authority over service industries to take into account the extent to which U.S. service industries are accorded access to foreign markets. These regulatory agencies must act in consultation with the USTR.

Mr. President, the original version of the Trade In Services Act included a provision directing the administration to raise the issue of an international services code at the 1982 GATT ministerial meeting and to insure that the negotiation of such an agreement is given a high priority in U.S. trade policy. I am gratified that services was brought to the GATT negotiations. Some progress was made, as parties agreed to study the issue of services and to decide in 1984 whether further multilateral action is appropriate.

This is a small step but a start nonetheless. The services provisions of S. 144 help further the process begun at the 1982 GATT ministerial.

Mr. President, we must act to create an international framework to deal with trade in services problems while we still have a trade surplus in that area instead of waiting until we have a deficit. We should take steps now to insure that the rapidly expanding world trade in services remains free and open. I believe that the proposal contained in this bill will serve as an important tool for achieving this goal.

The Trade and Investment Act, incorporating the provision of trade in services, is a constructive tool that reflects the nature of our export trade and will serve to further our trade interests and the interests of liberal trade overall.

I urge my colleagues to support this bill.

Mr. LEVIN. Mr. President, last year during the lameduck session I sought to delay consideration of the trade reciprocity bill because I thought we needed more time to work out language to strengthen its provisions and make it an effective mechanism for righting the U.S. trade imbalance.

Last year's bill required the Trade Representative to provide annual reports to Congress. The reports were to

include information with respect to any actions taken to eliminate unfair trade barriers. Given a number of Presidents' reluctance to pursue retaliatory measures, I was afraid that the sections relating Presidential retaliatory actions would be few and far between.

It was my view that the Trade Representative's report should also include information with respect to the reasons why no actions were taken after trade barriers of other countries had been identified. Such inclusion would not only provide Congress with a more complete report, but it would spotlight Presidential inactivity—and it is the lack of action and the underlying reasons that need to be brought to light.

I was pleased that this year this point has been incorporated into the bill. Section 181 now requires that the Trade Representative include in his report information with respect to any action taken or the reasons for no action taken. I thank Senator DANFORTH and commend him for that. I hope the new provision will encourage the President to use his authority under section 301 more actively and effectively.

On a related point, I would like to mention that it is my understanding that the Department of Commerce will be integrally involved in writing the reports. I raise this point because it is important to underscore the fact that the Office of the USTR and the Department of Commerce will be working together—that is, that the right hand will know what the left hand is doing. This will encourage the development of a unified trade policy, which should assist this country in acting firmly to secure its rights in international trade.

Mr. DOMENICI. Mr. President, I would like to speak in specific support of S. 144, the International Trade and Investment Act as reported out of the Finance Committee. This bill gives the President added authority and updates our trade laws to address the current world trading environment. It also brings high tech, foreign direct investment and services under the trade laws and puts these three vital sectors of our economy on the same footing as manufactured goods.

We are experiencing a new industrial revolution based on information processing. The computer is the symbol of this transformation, but the semiconductor has been greatly responsible for it and its application goes much farther than just computers.

High tech is strategically vital for communications, instrumentation, transportation, and military systems. In New Mexico, Signetics, Intel, Digital Equipment and Honeywell are all playing key roles.

Right now our high tech industries are the best in the world, but they need open world markets to maintain that superiority and to continue to grow. This bill fosters economic growth and full employment. It expands competitive U.S. exports by achieving commercial opportunities in foreign markets that are substantially equivalent to the environment enjoyed by foreign firms competing in the United States.

No economic legislation will be considered during this Congress without the consideration of jobs. This bill represents not the exception but the opportunity to talk about international trade in the context of high tech and jobs. It has been predicted that 75 percent of all jobs by 1985 will involve computers in some way. Two trillion dollars worth of goods and services are currently being traded internationally and the potential is unlimited.

To fully understand why we need this legislation we need to recognize that the United States is firmly linked with other nations in the global economy. We are all mutually benefited by international trade.

However, this free-trade concept is being encroached upon by our trading partners. Superstringent rules on safety or health standards, or insistence that all customs documents be in one language or lengthy dockside inspections are increasingly prevalent, nontariff barriers hurting our exports. In the high tech area direct protection of Government procurement, industrial promotion, and regulation of competition are other examples. Because of the world recession we have seen a proliferation of such nontrade barriers.

There is a need for this legislation because our high tech industries are increasingly being denied access to world markets. Governments of developed and advanced developing countries alike have recognized the importance of their high technology industries, and are increasingly protecting them. For example, a Joint Economic Committee study concluded that the Japanese market for semiconductors has an oligopolistic structure and does not function as an open market. The Government of Japan tolerates and even encourages the formation of cartels.

The Japanese Government acts as a doorkeeper, controlling access to Japanese markets and as a promoter of Japanese industry by providing cheap capital, tax breaks to assure cash flow liquidity, R&D support and help in promoting exports.

Through most of the 1970's Japanese Government policies limited U.S. access to the Japanese market and insured that the advantages of rapid domestic growth would accrue mostly to Japanese firms. Growth was underwritten partly through public subsidies and through a stable access to capital market. At the same time, they have aggressively competed in our domestic market.

Until the very end of the 1970's, Nippon Telephone & Telegraph's (NTT) procurement was completely closed to U.S. and other foreign markets. Moreover, NTT did not allow the big four Japanese telecommunication firms to use imported semiconductors in the equipment they supplied to NTT.

Japan is not the only problem. Canada requires that all foreign banks maintain and process data within Canada, Australia forbids the screening of television commercials filmed abroad and Norway has not licensed a foreign insurance company in 40 years.

This bill is designed to address these and countless other similar problems. It will clarify the President's authority to react to unfair trade practices.

I like this bill because it is flexible in approach. Not all trade barriers damage U.S. industries to the same degree. This bill is written to allow discretion which should achieve an appropriate response to a wide spectrum of problems.

Trade is an increasingly important component in our economy as illustrated by the following numbers:

Two of every five acres of farmland produce food for export, one of every eight jobs in manufacturing depends on overseas markets, four out of every five new U.S. jobs in manufacturing have been created by international trade. Exports account for more than 16 the total value of all goods produced in this country.

Despite high volume of our international trade, we still are far from matching the international sales efforts of our leading trading competitors. Only 10 percent of our firms export, and only 7 percent of our gross national product finds its way into foreign markets—less than half the percentage of our major trading partners.

This bill is a good tool to increase trade opportunities by guaranteeing equal access to foreign markets.

Thank you, Mr. President.

INTERNATIONAL TRADE AND INVESTMENT ACT

Mr. ROTH. Mr. President, I rise in support of the International Trade and Investment Act.

Much of the public debate on this legislation has focused on the concepts of "reciprocity" and "retaliation", but this debate should not overshadow the fact that this bill is about "priorities" and "objectives". The International Trade and Investment Act is significant because it is the Congress' first legislative initiative since the Trade Agreements Act of 1979 aimed at developing a coherent and farsighted trade strategy for the 1980's.

This legislation begins to identify areas of high-priority trade interest to the United States in this decade and encourages the executive to develop a

trade agenda that will be of the greatest benefit to American workers, firms and consumers.

Areas of key trade interest identified in the bill are trade in services, high-technology products and restrictions of foreign direct investment. Specific negotiating objectives are provided with respect to each of these areas.

I am particularly pleased that this bill includes the important provisions of my trade-in services bill. It provides that principal U.S. trade negotiating objectives would be the reduction or elimination of barriers to or distortions of international trade in services and the development of internationally agreed rules, including dispute settlement procudures, to reduce or to eliminate such barriers.

Importantly, this bill establishes mechanisms for identifying additional objectives for future negotiations and for ranking these objectives. The administration is required, for the first time, to prepare an annual report to the Congress which systematically enumerates all significant barriers to U.S. commerce and which outlines the administration's strategy for eliminating them. In addition to foreign barriers, these reports could include the effects of U.S. export disincentives. The bill delineates a number of factors the Executive is to take into account in preparing these reports, such as the relative impact of the barriers and the extent to which the barriers are subject to international agreements as well as advice from the private sector and, where appropriate, from State and local governments. This process is intended to assure that our negotiating energies are directed at "Those barriers to the expansion of market opportunities which are most important in terms of U.S. commercial interest and with respect to which there is the greatest likelihood of achieving solutions, particularly within accepted international procedures." Moreover, the administration is to keep the Ways and Means and Finance Committees currently informed on trade policy priorities for the purpose of expanding market opportunities.

Much of the content of this bill which relates to "reciprocity" and "retaliation" is intended to clarify the President's existing authority rather than to confer new authority on him. The provisions relating to "priorities" and "objectives," on the other hand, provide new direction and a constructive approach for setting our future course in trade.

I would hope that this first step toward organizing for trade policy in the 1980's will be followed by the creation of a new Department of Trade, as proposed in my bill, S. 121. Creating an effective infrastructure for trade promotion and trade policy development, negotiation and implementation is vital to our national interest in the coming years.

I commend the chairman of the Subcommittee on Trade, Senator DANFORTH, and the chairman of the Senate Finance Committee, Senator DOLE, for their leadership and I hope that the Senate will overwhelmingly support this legislation.

Mr. PERCY. Mr. President, I rise to speak on behalf of this legislation, of which I am pleased to be an original cosponsor.

I commend my good friend from Missouri (Mr. DANFORTH) for initiating this legislation over 1 year ago and for moving it so speedily through the Senate Finance Committee. It is one of the most important trade bills we will consider in this Congress.

I believe I speak for every Member of this body when I say that the United States needs to develop a new approach and a cohesive strategy for assuring equitable treatment of U.S. exports in the world marketplace. The United States has in the past and continues today to benefit from international trade, but the shape of the world economy is changing and we must be prepared to adapt or be left behind.

The United States can and will continue to be a leader of the world economy. But we must also be realistic enough to recognize that the manner of our leadership must change as the system itself changes.

This legislation—S. 144—serves as a positive step toward this new realism for which we should strive. That is why it has garnered such widespread support from major business and agriculture organizations. American business and farmers are behind this legislation because they see the potential it offers our exports in the years ahead.

Few would disagree that the United States and the free world have benefited from trade since the world economy was reconstructed after World War II. The United States has been a strong advocate of increasingly open trade, unhindered by distorting tariff and nontariff barriers at home and abroad. As the recognized world leader in trade for the past 40 years, we have built the prosperity of American life largely on a foundation of expanding trade opportunities. As such, U.S. business and workers stand to lose the most from serious disruptions of the orderly flow of trade.

Few would also disagree that America's position of preeminence in trade is being challenged. America faces an escalating trade deficit which threatens to undermine the consensus of support for open trade.

One look at our trade balance over the past decade paints a picture of exports and imports that has brought us to this legislation today. We were largely a country that ran a trade surplus until 1975 when we began to run consistently large trade deficits.

Mr. President, I believe my colleagues would be interested in this table I have prepared showing the deterioration of the U.S. merchandise trade balance and I ask unanimous consent that it be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. merchandise trade balance, 1970–82

Trade balance:	*Billions*
1970	$2.6
1971	−2.3
1972	−6.4
1973	0.9
1974	−5.4
1975	9.0
1976	−9.3
1977	−30.9
1978	−33.8
1979	−27.3
1980	−25.3
1981	−27.9
1982	−31.7

Mr. PERCY. It is no accident that the merchandise balance of trade turned negative after 1973 and the first "oil crisis." From a 1973 figure of $8.4 billion, our oil import bill shot up by over 300 percent to $26.6 billion in 1974 and peaked in 1980 (after the second major oil price hike by OPEC) at $79.4 billion. That is an increase of 1,000 percent since 1973. With the recent weakening of the OPEC cartel, however, our recent oil payments have dropped and this should have a beneficial effect on our trade balance.

Another important part of our trade picture is agricultural exporting. The 1970's and 1980's have seen a steady rise in U.S. farm exports. From a 1970 low of $7.3 billion, farm exports rose to $44.2 billion in 1981. The past year has regrettably seen a 5-percent decline to $37.4 billion, which the Commerce Department has attributed to "record world supplies and weakening demand leading to intensified price competition." In short, our farm exports are being challenged as never before. There are a number of actions we have taken to address this question and soon the Senate will take up the export PIK bill that will deal with our farm surplus and the export subsidies that other countries provide their farmers.

Despite these troubles, agricultural exports remain a major staple of our trade balance. Without them, we would be in the red even more. I am proud to say that Illinois accounted for 9 percent of U.S. exports. It is the No. 1 agricultural exporting State in the country. Illinois today exports $3.6 billion worth of agricultural products which translates into 120,000 jobs.

My State also benefits from nonagricultural manufactured exports. We rank fourth in the country in terms of our manfactured goods exports.

Recent Department of Commerce statistics show that a further 285,000 jobs in Illinois are linked to manufactured exports. Illinois companies like Caterpillar Tractor Co.—the State's largest private employer—derive as much as 50 percent of their sales from exports. In the United States as a whole, 4.7 million people depend on manufactured goods exports for their jobs. These numbers remind us how closely we are intertwined with our trade partners and how much we depend upon them to assure our own economic strength.

It is important that, while recognizing the enormous benefits derived from trade, we also recognize that some of our trading partners have put up barriers to our exports. I have been personally involved in pointing out such practices when they hurt illinois companies and workers.

I have worked hand-in-golve with the U.S. Trade Representative to identify trade barriers in Japan that cost us jobs and sales.

As you may know, Illinois leads the Nation in exports of soybean and corn. Nearly one-third of Japan's agricultural imports consist of soybeans and corn, so we, in Illinois, took great interest in the tariff levels decided during the multilateral trade negotiations concluded in 1980. Despite reductions in tariffs, they still remain high at between 17 and 20 yen per kilo of soybeans. Corn imports are regulated by allowing 2 million tons to enter duty free, but then imposing a 15-percent duty on all subsequent imports. Perhaps the situation would improve if the Japanese people recognized that the price they pay for food is high due principally to quotas and duties placed on their importation. Both the Japanese and Americans could thus benefit from tariff reductions.

Mr. President, I do not want to belabor the point of Japanese trade restrictions, but I would like to emphasize one instance. It concerns another Illinois company, Motorola, which sells pagers to the Nippon Telephone and Telegraph Corp. (NTT). After 2 years of trying, the Motorola Co. received an order to buy 45,000 pagers worth $9 million in fiscal 1982. The 2-year delay was engendered by NTT's insistence that Motorola submit test models built to the same specifications as those to be supplied by the five Japanese companies who also were contracted to sell 45,000 pagers each to NTT. What drew the ire of Motorola officials was that, within 3 months of the sale, Japanese manufacturers had been able to dump thousands of inexpensive pagers on the U.S. market. This seems to reinforce the argument of those who lament that our own market is the most open in the world, a fact which foreign companies take ample advantage of while our companies like Motorola wait up to 2 years for equal access.

Nonetheless, there are signs that our efforts to open the Japanese market are meeting with small but potentially significant success. Just before the close of 1982, the Japanese Government announced a series of tariff reductions and the easing of some nontariff barriers to imports. Tobacco import duties were trimmed from 35 percent to 20 percent, and duties on chocolate were reduced from 32 percent to 20 percent. Reductions were also made on import duties for 45 other agricultural products and 28 industrial goods. At the time, I said these cuts were a positive sign, but there was still a great deal of room for improvement. We must continue to pursue our interests with Japan by seeking further cuts in tariffs which are mutually acceptable and beneficial.

Lest I give the impression that trade with Japan is all that concerns me or my constituents, I pause to review the state of our trade relations with Europe and the nations of the developing world. It is important to note that our positive balance of trade with these two regions of the world forms the other side of the coin from our deficits with Japan and OPEC.

I do not intend to criticize the Europeans for their Common Agricultural Policy. It has been a source of unity for the European Economic Community. What I am concerned about is how essentially domestic policies grow to have a serious impact on world trade. The fact that the Europeans have begun to subsidize exports to the developing world to break into their markets should be of the utmost concern to all of us, even those who do not come from States as dependent upon their farmers as mine.

We must vigilantly oppose these practices. The issue of subsidies was forcefully confronted by administration announcements that the United States was prepared to subsidize our own exports, if necessary, to maintain our market share. This sort of hard bargaining appears to have had some impact.

In a similar manner, I was involved, in the spring of 1982, in sponsoring a Senate resolution expressing our refusal to accept restrictions on imports of corn gluten feed into the European Community. The export of this produce is a $500 million-a-year market of which my State is the top producer. I am not saying that due only to our Senate resolution the EEC backed down from its proposed cutoff of these imports, but rapid and firm delineation of the U.S. position on the matter assured that our opinion entered into the policy debate.

This should remind us that an essential element of our trade policy, now and in the future, should be a willingness to both speak out on trade issues as well as listen. The flow of communications should be regularized to assure that discussions remain a two-way street. All members of the world trading community should recognize that national interests in trade can only be pursued in international forums in this interdependent world. These discussions should include all areas of the world and countries of every level of economic development. It is a basic truism that for one country to sell its products, someone else has to buy it. We must assure a balance of viewpoints from all sides.

Few realize that Japan and Europe, while comprising a large proportion of our trading market, are not the largest purchasers of American goods. This distinction lies with the nations of the developing world. Not surprising then that Ambassador Brock recently called the growing importance of LDC trade to the U.S. balance of payments "the most significant development of the past decade". By 1980, total U.S. trade with these nations amounted to more than that with Europe and Japan combined. During the decade of the 1970's the United States amassed a surplus with the developing world of $26 billion. These nations also supply the United States with the vast majority of our strategically important raw material imports.

In the face of the challenges perceived to the world trading system, and the undeniable benefits to be derived from its continued operation, what are the proper policies for the United States to pursue? Perhaps those policies not to pursue are more obvious and clear.

First, we should not react in a manner reminiscent of 1930 when the Congress passed the highest tariff walls in history: the now infamous Smoot-Hawley tariff. I am certain we all have enough sense not to knowingly repeat our past mistakes, but historians note that the Smoot-Hawley bill was fairly innocuous when first introduced. A protectionist bandwagon should be resisted with all our strength.

Quotas and other voluntary restrictions have been used periodically with varied success, but offer only a temporary salve to a deeper problem. There will be a place for these sorts of agreements in the future. I propose that they have more potential if used in conjunction with a long-term agreement among trading nations on the orderly flow of trade through the elimination of dumping, subsidization of exports, and other practices which provide unfair advantage for a few at cost to the many.

Progress has been made toward the alleviation of the damage inflicted by unfair "dumping" actions on the U.S. market. Once again, I emphasize that

this progress was achieved through hard bargaining and forceful but fair representation of American interests. Recent agreements concluded with European steelmakers resulted in voluntary restraint of EEC steel exports to the United States in exchange for the withdrawal of antidumping claims filed with the International Trade Commission. In the past months, similar complaints have arisen against the Korean Government for alleged subsidization of their steel exports to the United States. Preliminary findings by ITC showed reasonable indication that American manufacturers were, or were likely to be, injured financially by the Korean imports. These results, in both the Korean and European cases, indicate that our trade adjustment system works, and steps should first be taken to preserve and strengthen that system rather than seek new mechanisms.

Mr. President, this is where I feel that S. 144 provides a positive impetus toward the clarification and improvement of our present policymaking apparatus in the area of international trade. The bill attempts to bring up-to-date the provisions of section 301 of the Trade Act of 1974 by including the elimination of barriers to U.S. exports in the fields of high technology, services, and direct foreign investment as major goals for the President to pursue in future trade negotiations with our partners.

As the bill, which is laid on the table before you today reads, S. 144 provides needed direction to the way our trade policy is made. Allow me to briefly summarize its most important provisions.

The major purpose of the bill is to assure that all those who participate in the formulation of America's trade policy—the U.S. Trade Representative, the Department of Commerce, and the President, among others—become actively involved in the identification and elimination of foreign barriers to U.S. trade and investments. The bill also gives particular attention to the promotion of U.S. exports in the service sector.

To achieve these goals, S. 144 mandates the USTR to collect data on "acts, policies, or practices which constitute significant barriers to or distortions of" trade in goods and services (including agricultural commodities), and foreign direct investments by U.S. persons. The USTR is then to make an estimate of trade distorting effects of foreign unfair practices on U.S. commerce.

Another significant provision involves the establishment of a "Service Industries Development Program" under the Department of Commerce. Mr. President, recently, the Secretary of Commerce indicated that at present, 7 out of 10 American jobs are in the service sector. Equally impressive is the fact that international activities in services—exports and an income from overseas affiliates—amounted to $128 billion in 1980. S. 144 desires to protect American interests in this increasingly vital sector of our economy.

The Service Industries Development program requests the Secretary of Commerce to initiate an examination of how best to promote U.S. service exports. Factors to be analyzed include:

Tax treatment of U.S. service firms and their impact on international competitiveness of these firms;

U.S. regulations;

The adequacy of U.S. export promotion activities in the service sector; and

The treatment of services in international agreements of the United States.

The General Agreement on Tariffs and Trade (GATT) does not cover trade in services or foreign investment. These two types of trade have moved to the core of American business, generating more profit than any other type of exports. The Congress must now move to the forefront and signal to all members of GATT that new guidelines eliminating discrimination against American firms is of critical interest to us. S. 144 sends just such a message.

S. 144 also sends a message to our exporters that we, in government, are prepared to assume a leadership role in providing the type of world trading environment conducive to their successful competition in the world marketplace. This goal will also be aided by concerted efforts to reduce the looming out-year deficits so that interests rates can come down lower, and reduce the overvaluation of the dollar. Economists estimate that each 1 percent change in the dollar's exchange rate leads to a 1.2-percent change in exports. Any reduction in interest rates will also facilitate the investment in new capital equipment so essential to continued productivity. The time has arrived to return our house to order.

Finally, Mr. President, S. 144, while making a realistic trade policy for the present, also looks boldly into the future. The bill sets future negotiating objectives in services, investments, and high technology exports. These objectives do not speak in protectionist terms. Instead, the goal of maximum openness in trade is pursued in each category. By sponsoring this bill, we do not desire to circumvent the trade system, only strive to continually make trade a nondiscriminatory process.

I conclude by reiterating my support for international trade. The world trading system is an essential component of the American way of life. Trade has helped make the United States prosperous. It fosters competition among producers as well as nations which improves productivity. Trade also supplies America with essential goods and services which would be otherwise unavailable. As the world's largest economy and the leader in world trade, we have the most to lose from debilitating trade wars. We have the most to gain from the expansion of trade and the opening of expanding markets in newly developing nations.

Mr. President, S. 144 signals an aggressive posture by U.S. Representatives to assure the preservation and expansion of a world trade system beneficial to our economic and political interests. I urge my colleagues to support it.

Mr. QUAYLE. Mr. President, while the Senate is deliberating S. 144, the trade reciprocity bill, I would like to bring the attention of my colleagues to a matter related to trade, and which impacts on our ability to trade effectively. I am speaking of training programs for workers whose dislocations are caused by increased imports in their industry.

My colleagues are aware that, as chairman of the Employment and Productivity Subcommittee, I have sought to develop training programs to meet the needs of dislocated workers. A dislocated worker has held a job; has skills and an employment history. He has proven to be a dependable and productive employee, but due to increased imports, technological obsolescence or changes in consumer demand, he has little likelihood of ever returning to his old job.

There are currently over 20 Federal programs to provide training or adjustment assistance to dislocated workers. The programs share a common goal, but have mixed records.

While we are rethinking our relationship to trade, I recommend to my colleagues that we rethink our relationship to trade retraining programs. Trade retraining needs to be looked at in relationship to other training programs. It needs to be reexamined in light of the Job Training Partnership Act of 1982, title III of which is devoted to dislocated worker retraining programs. Finally, it needs to be reevaluated to determine whether or not it is effective in retraining the dislocated worker for new employment.

I plan to hold hearings later this session to look at the diversity of adjustment programs for dislocated workers, the need for this diversity or the possibility of centralizing training opportunities for all dislocated workers under one umbrella.

Mr. President, I ask unanimous consent that the attached list of dislocated worker programs be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

DISLOCATED EMPLOYEE LEGISLATION

Interstate Commerce Act of 1887, and Amendments of Rail Passenger Service Act (Amtrak) of 1976
Railroad Unemployment Insurance Act of 1939
Federal Communications Act Amendments of 1934
Urban Mass Transportation Act of 1964
Public Works and Economic Development Act of 1965
High Speed Ground Transportation Act of 1965
Demonstration Cities Act of 1966
Rail Passenger Service Act of 1970
Regional Railroad Reorganization Act (Conrail) of 1973
Federal Aid Highway Act of 1973
Trade Act of 1974
Disaster Relief Act of 1974
Juvenile Justice and Delinquency Prevention Act of 1974
Developmental Disabilities Services and Facilities Construction Act of 1975
Special Health Revenue Sharing Act of 1975
Job Training Partnership Act of 1982
Airline Deregulation Act of 1978
Amendments to Redwoods National Park Act of 1978
Milwaukee Railroad Restructuring Act of 1979
Health Planning and Resources Development Amendments of 1979
Rock Island Railroad Transition and Employee Assistance Act of 1980
Rail Act of 1980.

Mr. MATHIAS. Mr. President, as we approach final passage of S. 144, I feel constrained to note one provision of this bill which troubles me. I refer to the amendment to section 305 of the Trade Act of 1974 which exempts, under certain circumstances, information submitted to the U.S. Trade Representative, from disclosure under the Freedom of Information Act.

I do not quarrel with the need to maintain the confidentiality of sensitive commercial data submitted in the context of a Trade Representative investigation. But I am disturbed that we now add yet another exemption to the statute which was originally enacted to provide a uniform standard for open government.

No one knows how many statutes there are on the books which qualify as exemption statutes under the FOIA's exemption 3, which protects data "specifically exempted from disclosure by statute." (5 U.S.C. 552(b)(3)). But certainly there are far too many. Today we add yet another. This is the swiss cheese approach to information policy. It is not surprising that litigation continues to proliferate in the area of these so-called (b)(3) statutes.

This trend is all the more disturbing because it is often unnecessary to enact specific exemption statutes. The exemption in S. 144, which covers "business confidential" information, is surely close to the same thing as the FOIA's own exemption 4, which covers "trade secrets and commercial or financial information obtained from a person and privileged or confidential." (5 U.S.C. 552(b)(4)). But it is not exactly the same thing, and therefore it invites administrative disputes and possibly litigation in order to define the differences.

The time has come to halt the population explosion of (b)(3) statutes. Our goal should be greater predictability and coherence in government information policy, not a patchwork quilt of ad hoc exemptions. One way to accomplish this might be to require that the appropriate committees of the Congress—in the case of this body, the Judiciary Committee—have the opportunity to review every proposed exemption to the Freedom of Information Act. While not a perfect solution, this proposal deserves careful consideration. Perhaps with fewer hands on the tiller, we can steer a truer course in the important area of disclosure of information.

Mr. DANFORTH. Mr. President, I know of no other amendments. However, Senator STEVENS has asked that I put in a quorum call for a short period of time at this point. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, the legislation before us today represents an important step forward in our national debate over trade policy. Increasingly, we are coming to grips with the fact that our economy has become integrated into a broader and more complex world economy.

As the result, our capacity to generate higher standards of living and more secure employment is increasingly dependent on how well our companies and our workers can compete internationally. And we are coming to realize that we cannot compete effectively in today's world unless we adopt new ways of cooperating among business, labor, and government.

The growing competition of today's international environment has given us only two choices: Emulate the industrial policies of our trading partners or protect our industries behind increasingly high trade walls.

The Reagan administration is trying desperately to ignore this reality. The result is a confused and contradictory trade policy.

Quite simply, our evolving role in the world economy calls for a new trade policy. Even as tariff barriers have declined, our trading partners have responded to the problems of increasing economic integration with a proliferation of nontrade barriers. These barriers increasingly threaten to disrupt international trade flows.

And these barriers are significant. For example, about 14 percent of Japan's imports may require licensing. The comparable figure for the United States is 2 percent. Unspecified quotas cover 16 percent of Japanese imports, but only 6 percent of U.S. imports are similarly covered.

It is clear we are not playing the international trade game on a level field. In recognition of this problem I have introduced legislation, the Fair Trade Act of 1983, to strengthen our capability to respond to the unfair practices of our trading partners.

The bill before us today responds to the same concerns raised in the legislation I have introduced. But we must recognize that this trade legislation responds only partially to the serious competitive problems faced by our economy.

These problems are, indeed, serious. No mix of fiscal and monetary policy can solve them alone. My own State of West Virginia demonstrates the grave difficulties we face in restoring our Nation's competitiveness. Last week the Labor Department announced that the unemployment rate in West Virginia had reached 21 percent. That represents 160,000 workers without jobs. This rate of unemployment is the highest in the Nation and the highest for any State since the Labor Department began keeping track of State unemployment in the 1960's.

Over the past 10 years manufacturing employment in West Virginia has declined by 25 percent—from 127,000 jobs in 1973 to 95,000 in 1982, a loss of 32,000 jobs. This serious erosion of high-paying jobs in my State is not explained by the ups and downs of the business cycle. What is happening here is the gradual deterioration of the manufacturing base of my State's economy.

This deterioration is a consequence of the changing character of competition in the West Virginia economy. Increasingly, West Virginia firms and workers are being exposed to competition from aggressive and capable foreign companies.

There is no doubt that some of the success that these foreign competitors have enjoyed is attributable to trade practices that we would consider unfair or discriminatory. Today's legislation addresses this fact by clarifying the President's authority to respond expeditiously and firmly to these practices.

But we should not be fooled into thinking that our entire problem can be met simply by "getting tough" with our trade partners.

We must recognize that in our failure to undertake the necessary productive investment, we are in danger of losing the competitive edge of our economy. The administration thinks that the answer to this problem is less Government. But we have seen the fallacies of this approach.

The reckless and unfair Kemp-Roth tax scheme has given us unconscionable tax cuts for the wealthy, a deep and prolonged recession, and a legacy of structural budget deficits which threatens our long-term economic recovery.

It is clear that the President is embarked on an economic program that offers no hope for sustained economic growth. It offers no hope because it does not address the fundamental problems of U.S. companies and workers who now must compete in a world economy.

In order to respond to these complex and varied problems, we need to bring all the resources of the public sector to bear in support of productive investment by the private sector. Government efforts to encourage that investment—by stimulating productivity improvements, the development of new products, the expansion of new markets, and the adjustment of communities and workers toward more productive employment—are critical to the future health of our economy. For without productive investment our economy will continue to lose its capacity to generate high-quality, well-paid jobs.

Our trade policy will play a central role in our future industrial policy. Used constructively in coordination with other policies such as tax and antitrust, trade policy can be an important instrument of our future economic growth, not a protectionist tool to freeze our economy.

As a first step to developing a new trade policy, we must recognize that we face not one economic challenge, but several. In basic industries, such as steel and autos, our competition comes primarily from companies in other developed countries. In other markets, such as portions of the textile and apparel industry, the challenge comes from low-wage countries in the developing world. And in the area of emerging technologies—robotics and high-speed computers, for example—our challenge comes from targeted development programs from foreign governments.

A new trade policy must respond to the different needs of these various industries. Today's legislation—by improving our capability to respond to the competitive challenge posed by the industrial policies of other nations—takes us a step down that path. But it is only a first step.

A new trade policy must be sufficiently flexible to recognize that the problems of some firms in the textile industry are different from the competitive problems of firms in high technology sectors, such as supercomputers. In the first case, our trade policy can offer temporary protection for U.S. firms, but this protection must come at a price: In exchange for protection, U.S. firms must agree to invest sufficiently to rebuild their competitive position and protect the job security of their workers. If that investment is not or cannot be made, then the Government must help to insure that an adjustment plan is developed to reduce the costs of unemployment to the affected workers.

In high technology sectors, trade policy faces a different kind of challenge. Here, U.S. firms confront the competition of targeted industrial policies in other nations. To respond, we must follow a two-pronged strategy: We must make clear to our trading partners that U.S. firms will not be unfairly disadvantaged from targeted policies. At the same time, we must lead negotiations to establish the "rules of the game" in acceptable bilateral trading relationships. We have already begun to take small steps in this direction, but without bolder action by the United States our current system of international trade threatens to break down.

We must confront the challenge of industrial policy head on. By continuing to ignore these problems—as the administration appears intent on doing—we risk being seen by our trading partners as increasingly confused and naive.

To outline a framework for our future trade policy I have established an Industrial Policy Task Force, under the auspices of the Senate Democratic Conference and under the chairmanship of Senator KENNEDY. The task force, which will report its recommendations by early summer, is currently considering how the vast array of Government policies that affect business investment can be structured in a more comprehensive and coordinated fashion.

It is a challenging and difficult assignment. But the cost of ignoring this challenge is the continued deterioration of our long-term competitiveness. It is a cost we cannot afford to pay.

Mr. DANFORTH. Mr. President, I move adoption of the committee amendments en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The committee amendments were agreed to en bloc.

Mr. DANFORTH. Mr. President, I move third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is, Shall it pass?

All those in favor will say "aye," opposed, "no."

The ayes appear to have it.

Mr. BYRD. Mr. President, I am considering whether or not to ask for a rollcall vote.

Mr. President, by suggesting the absence of a quorum, I do not give up my right to ask for a rollcall vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the vote has not yet been announced.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. I thank the Chair. Mr. President, I do not ask for a division or a rollcall vote.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill (S. 144), as amended was passed, as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—TRADE ACT OF 1974 AMENDMENTS

SEC. 101. SHORT TITLE; AMENDMENT OF TRADE ACT OF 1974.

(a) SHORT TITLE.—This Act may be cited as the "International Trade and Investment Act".

(b) AMENDMENT OF TRADE ACT OF 1974.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Trade Act of 1974.

SEC. 102. STATEMENT OF PURPOSES.

The purposes of this title are—

(1) to foster the economic growth of, and full employment in, the United States by expanding competitive United States exports through the achievement of commercial opportunities in foreign markets substantially equivalent to those accorded by the United States;

(2) to improve the ability of the President—

(A) to identify and to analyze barriers to (and restrictions on) United States trade and investment, and

(B) to achieve the elimination of such barriers and restrictions;

(3) to encourage the expansion of international trade in services through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate barriers to international trade in services; and

(4) to enhance the free flow of foreign direct investment through the negotiation of agreements (both bilateral and multilateral) which reduce or eliminate the trade distortive effects of certain investment-related measures.

11-059 O-87-39 (Pt. 7)

SEC. 103. ANALYSIS OF FOREIGN TRADE BARRIERS.

(a) IN GENERAL.—Title I (19 U.S.C. 2111 et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 8—BARRIERS TO MARKET ACCESS

"SEC. 181. ACTIONS CONCERNING BARRIERS TO MARKET ACCESS.

"(a) NATIONAL TRADE ESTIMATES.—

"(1) IN GENERAL.—Not later than the date on which the initial report is required under subsection (b)(1), the United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962:

"(A) identify and analyze acts, policies, or practices which constitute significant barriers to, or distortions of—

"(i) United States exports of goods (including agricultural commodities) or services, and

"(ii) foreign direct investment by United States persons, especially if such investment has implications for trade in goods or services; and

"(B) make an estimate of the trade-distorting impact on United States commerce of any act, policy, or practice identified under subparagraph (A).

"(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS AND ESTIMATE.—In making any analysis or estimate under paragraph (1), the Trade Representative shall take into account—

"(A) the relative impact of the act, policy, or practice on United States commerce;

"(B) the availability of information to document prices, market shares, and other matters necessary to demonstrate the effects of the act, policy, or practice;

"(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

"(D) any advice given through appropriate committees established pursuant to section 135.

"(3) ANNUAL REVISIONS AND UPDATES.—The Trade Representative shall annually revise and update the analysis and estimate under paragraph (1).

"(b) REPORT TO CONGRESS.—

"(1) IN GENERAL.—On or before the date which is one year after the date of the enactment of the International Trade and Investment Act, and each year thereafter, the Trade Representative shall submit the analysis and estimate under subsection (a) to the Committee on Finance of the Senate and to the Committee on Ways and Means of the House of Representatives.

"(2) REPORTS TO INCLUDE INFORMATION WITH RESPECT TO ACTION BEING TAKEN.—The Trade Representative shall include in each report submitted under paragraph (1) information with respect to any action taken (or the reasons for no action taken) to eliminate any act, policy, or practice identified under subsection (a), including, but not limited to—

"(A) any action under section 301, or

"(B) negotiations or consultations with foreign governments.

"(3) CONSULTATION WITH CONGRESS ON TRADE POLICY PRIORITIES.—The Trade Representative shall keep the committees described in paragraph (1) currently informed with respect to trade policy priorities for the purposes of expanding market opportunities.

"(c) ASSISTANCE OF OTHER AGENCIES.—

"(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including any independent agency, is authorized and directed to furnish to the Trade Representative or to the appropriate agency, upon request, such data, reports, and other information as is necessary for the Trade Representative to carry out his functions under this section.

"(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Trade Representative in a manner inconsistent with law or any procedure established pursuant thereto.

"(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Trade Representative may request to assist in carrying out his functions.".

(b) CONFORMING AMENDMENT.—The table of contents for title I is amended by adding at the end thereof the following:

"CHAPTER 8—BARRIERS TO MARKET ACCESS

"Sec. 181. Actions concerning barriers to market access.".

SEC. 104. AMENDMENTS TO TITLE III OF THE TRADE ACT OF 1974.

(a) PRESIDENTIAL ACTION IN THE CASE OF UNFAIR TRADE PRACTICES.—Section 301(a) (19 U.S.C. 2411(a)) is amended to read as follows:

"(a) DETERMINATIONS REQUIRING ACTION.—

"(1) IN GENERAL.—If the President determines that action by the United States is appropriate—

"(A) to enforce the rights of the United States under any trade agreement; or

"(B) to respond to any act, policy, or practice of a foreign country or instrumentality that—

"(i) is inconsistent with the provisions of, or otherwise denies benefits to the United States under, any trade agreement, or

"(ii) is unjustifiable, unreasonable, or discriminatory and burdens or restricts United States commerce;

the President shall take all appropriate and feasible action within his power to enforce such rights or to obtain the elimination of such act, policy, or practice.

"(2) SCOPE OF ACTION.—The President may exercise his authority under this section with respect to any goods or sector—

"(A) on a nondiscriminatory basis or solely against the foreign country or instrumentality involved, and

"(B) without regard to whether or not such goods or sector were involved in the act, policy, or practice identified under paragraph (1).".

(b) OTHER ACTION BY PRESIDENT.—Section 301(b) (19 U.S.C. 2411(b)) is amended—

(1) by striking out "and" at the end of paragraph (1);

(2) in paragraph (2)—

(A) by inserting "notwithstanding any other provision of law," before "impose";

(B) by striking out "products" and inserting in lieu thereof "goods"; and

(C) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(3) propose legislation where necessary and appropriate to carry out the objectives of subsection (a).

Any legislation proposed under paragraph (3) shall be treated as an implementing bill pursuant to the provisions of section 151, except that, for purposes of section 151(c)(1), no trade agreement shall be required and the day on which the implementing bill is submitted shall be treated as the day on which the trade agreement is submitted. The President shall notify Congress, and publish notice in the Federal Register, of his intention to propose legislation under paragraph (3) at least 90 days before the implementing bill is submitted.".

(c) INITIATION OF INVESTIGATIONS BY OR ON MOTION OF TRADE REPRESENTATIVE.—

(1) IN GENERAL.—Section 302 (19 U.S.C. 2412) is amended to read as follows:

"SEC. 302. INITIATION OF INVESTIGATIONS BY UNITED STATES TRADE REPRESENTATIVE.

"(a) FILING OF PETITION.—

"(1) IN GENERAL.—Any interested person may file a petition with the United States Trade Representative (hereinafter in this chapter referred to as the 'Trade Representative') requesting the President to take action under section 301 and setting forth the allegations in support of the request.

"(2) REVIEW OF ALLEGATIONS.—The Trade Representative shall review the allegations in the petition and, not later than 45 days after the date on which he received the petition, shall determine whether to initiate an investigation.

"(b) DETERMINATIONS REGARDING PETITIONS.—

"(1) NEGATIVE DETERMINATION.—If the Trade Representative determines not to initiate an investigation with respect to a petition, he shall inform the petitioner of the reasons therefor and shall publish notice of the determination, together with a summary of such reasons, in the Federal Register.

"(2) AFFIRMATIVE DETERMINATION.—If the Trade Representative determines to initiate an investigation with respect to a petition, he shall initiate an investigation regarding the issues raised. The Trade Representative shall publish a summary of the petition in the Federal Register and shall, as soon as possible, provide opportunity for the presentation of views concerning the issues, including a public hearing—

"(A) within the 30-day period after the date of the determination (or on a date after such period if agreed to by the petitioner) if a public hearing within such period is requested in the petition; or

"(B) at such other time if a timely request therefor is made by the petitioner.

"(c) DETERMINATION TO INITIATE BY MOTION OF TRADE REPRESENTATIVE.—

"(1) DETERMINATION TO INITIATE.—If the Trade Representative determines with respect to any matter that an investigation should be initiated in order to advise the President concerning the exercise of the President's authority under section 301, the Trade Representative shall publish such determination in the Federal Register and such determination shall be treated as an affirmative determination under subsection (b)(2).

"(2) CONSULTATION BEFORE INITIATION.—The Trade Representative shall, before making any determination under paragraph (1), consult with appropriate committees established pursuant to section 135.".

(2) CONFORMING AMENDMENTS.—

(A) Section 141(d) is amended—

(i) by striking out "and" at the end of paragraph (6),

(ii) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon and "and", and

(iii) by adding at the end thereof the following new paragraph:

"(8) provide, where authorized by law, copies of documents to persons at cost, except that any funds so received shall be credited to, and be available for use from, the account from which expenditures relating thereto were made.".

(B) Section 303 (19 U.S.C. 2413) is amended—

(i) by striking out "with respect to a petition";

(ii) by inserting "or the determination of the Trade Representative under section 302(c)(1)" after "in the petition"; and

(iii) by inserting "(if any)" after "petitioner".

(C) Section 304 (19 U.S.C. 2414) is amended by striking out "issues raised in the petition" and inserting in lieu thereof "matters under investigation" in paragraph (1) of subsection (a).

(D) The item relating to section 302 in the table of contents is amended to read as follows:

"Sec. 302. Initiation of investigations by United States Trade Representative.".

(d) EXTENSION OF TIME FOR REQUESTS FOR CONSULTATIONS.—Section 303 (19 U.S.C. 2413) is amended—

(1) by inserting "(a) IN GENERAL.—" before "On"; and

(2) by adding at the end thereof the following new subsection:

"(b) DELAY OF REQUEST FOR CONSULTATIONS FOR UP TO 90 DAYS.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (a)—

"(A) the United States Trade Representative may delay for up to 90 days any request for consultations under subsection (a) for the purpose of verifying or improving the petition to ensure an adequate basis for consultation, and

"(B) if such consultations are delayed by reason of subparagraph (A), each time limitation under section 304 shall be extended for the period of such delay.

"(2) NOTICE AND REPORT.—The Trade Representative shall—

"(A) publish notice of any delay under paragraph (1) in the Federal Register, and

"(B) report to Congress on the reasons for such delay in the report required by section 306.".

(e) DEFINITIONS.—

(1) COMMERCE DEFINED.—Paragraph (1) of section 301(d) (19 U.S.C. 301(d)) is amended to read as follows:

"(1) DEFINITION OF COMMERCE.—The term 'commerce' includes, but is not limited to—

"(A) services associated with international trade, whether or not such services are related to specific goods, and

"(B) foreign direct investment by United States persons with implications for trade in goods or services.".

(2) UNREASONABLE, UNJUSTIFIABLE, AND DISCRIMINATORY DEFINED.—Section 301(d) (19 U.S.C. 2411(d)) is amended by adding at the end thereof the following new paragraphs:

"(3) DEFINITION OF UNREASONABLE.—The term 'unreasonable' means any act, policy, or practice which, while not necessarily in violation of or inconsistent with the international legal rights of the United States, is otherwise deemed to be unfair and inequitable. The term includes, but is not limited to, any act, policy, or practice which denies fair and equitable—

"(A) market opportunities;

"(B) opportunities for the establishment of an enterprise; or

"(C) provision of adequate protection of intellectual property rights.

"(4) DEFINITION OF UNJUSTIFIABLE.—

"(A) IN GENERAL.—The term 'unjustifiable' means any act, policy, or practice which is in violation of, or inconsistent with, the international legal rights of the United States.

"(B) CERTAIN ACTIONS INCLUDED.—The term 'unjustifiable' includes, but is not limited to, any act, policy, or practice described in subparagraph (A) which denies national or most-favored-nation treatment, the right of establishment, or protection of intellectual property rights.

"(5) DEFINITION OF DISCRIMINATORY.—The term 'discriminatory' includes where appropriate any act, policy, or practice which denies national or most-favored-nation treatment to United States goods, services, or investment.".

(3) CONFORMING AMENDMENT.—Section 301(d) (19 U.S.C. 2411(d)) is amended by striking out the heading and inserting in lieu thereof:

"(d) DEFINITIONS; SPECIAL RULE FOR VESSEL CONSTRUCTION SUBSIDIES.—For purposes of this section—".

(f) AMENDMENTS TO SECTION 305.—Section 305 of the Trade Act of 1974 (19 U.S.C. 2415) is amended by adding at the end thereof the following new subsection:

"(c) CERTAIN BUSINESS INFORMATION NOT MADE AVAILABLE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of law (including section 552 of title 5, United States Code), no information requested and received by the Trade Representative in aid of any investigation under this chapter shall be made available to any person if—

"(A) the person providing such information certifies that—

"(i) such information is business confidential,

"(ii) the disclosure of such information would endanger trade secrets or profitability, and

"(iii) such information is not generally available;

"(B) the Trade Representative determines that such certification is well-founded; and

"(C) to the extent required in regulations prescribed by the Trade Representative, the person providing such information provides an adequate nonconfidential summary of such information.

"(2) USE OF INFORMATION.—The Trade Representative may—

"(A) use such information, or make such information available (in his own discretion) to any employee of the Federal Government for use, in any investigation under this chapter, or

"(B) may make such information available to any other person in a form which cannot be associated with, or otherwise identify, the person providing the information.".

SEC. 105. NEGOTIATING OBJECTIVES WITH RESPECT TO INTERNATIONAL TRADE IN SERVICES AND INVESTMENT AND HIGH TECHNOLOGY INDUSTRIES.

(a) NEGOTIATING OBJECTIVES.—

(1) IN GENERAL.—Chapter 1 of title I is amended by inserting immediately after section 104 the following new section:

"SEC. 104A. NEGOTIATING OBJECTIVES WITH RESPECT TO TRADE IN SERVICES, FOREIGN DIRECT INVESTMENT, AND HIGH TECHNOLOGY PRODUCTS.

"(a) TRADE IN SERVICES.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate barriers to, or other distortions of, international trade in services (particularly United States service sector trade in foreign markets), including barriers that deny national treatment and the rights of establishment and operation in such markets; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) are consistent with the commercial policies of the United States, and

"(B) will reduce or eliminate such barriers or distortions and help ensure open international trade in services.

"(b) FOREIGN DIRECT INVESTMENT.—Principal United States negotiating objectives under section 102 shall be—

"(1) to reduce or to eliminate artificial or trade-distorting barriers to foreign direct investment, to expand the principle of national treatment, and to reduce unreasonable barriers to establishment; and

"(2) to develop internationally agreed rules, including dispute settlement procedures, which—

"(A) will help ensure a free flow of foreign direct investment, and

"(B) will reduce or eliminate the trade distortive effects of certain investment related measures.

"(c) HIGH TECHNOLOGY PRODUCTS.—Principal United States negotiating objectives shall be—

"(1) to obtain and preserve the maximum openness with respect to international trade and investment in high technology products and related services;

"(2) to obtain the elimination or reduction of, or compensation for, the significantly distorting effects of, foreign government acts, policies, or practices identified in section 181, with particular consideration given to the nature and extent of foreign government intervention affecting United States exports of high technology products or investments in high technology industries, including—

"(A) foreign industrial policies which distort international trade or investment;

"(B) measures which deny national treatment or otherwise discriminate in favor of domestic high technology industries;

"(C) measures which impair access to domestic markets for key commodity products; and

"(D) measures which facilitate or encourage anticompetitive market practices or structures;

"(3) to obtain commitments that official policy of foreign countries or instrumentalities will not discourage government or private procurement of foreign high technology products and related services;

"(4) to obtain the reduction or elimination of all tariffs on, and other barriers to, United States exports of high technology products and related services;

"(5) to obtain commitments to foster national treatment;

"(6) to obtain commitments to—

"(A) foster the pursuit of joint scientific cooperation between companies, institutions or governmental entities of the United States and those of the trading partners of the United States in areas of mutual inter-

est through such measures as financial participation and technical and personnel exchanges, and

"(B) ensure that access by all participants to the results of any such cooperative efforts should not be impaired; and

"(7) to provide effective minimum safeguards for the acquisition and enforcement of intellectual property rights and the property value of proprietary data.

"(d) DEFINITION OF BARRIERS AND OTHER DISTORTIONS.—For purposes of subsection (a), the term 'barriers to, or other distortions of, international trade in services' includes, but is not limited to—

"(1) barriers to the right of establishment in foreign markets, and

"(2) restrictions on the operation of enterprises in foreign markets, including—

"(A) direct or indirect restrictions on the transfer of information into, or out of, the country or instrumentality concerned, and

"(B) restrictions on the use of data processing facilities within or outside of such country or instrumentality.".

(2) CONFORMING AMENDMENT.—The table of contents for chapter 1 of title I is amended by inserting after the item relating to section 104 the following new item:

"Sec. 104A. Negotiating objectives with respect to trade in services, foreign direct investment, and high technology products.".

SEC. 106. PROVISIONS RELATING TO INTERNATIONAL TRADE IN SERVICES.

(a) COORDINATION OF UNITED STATES POLICIES.—

(1) IN GENERAL.—The United States Trade Representative, through the interagency trade organization established pursuant to section 242(a) of the Trade Expansion Act of 1962 or any subcommittee thereof, shall, in conformance with other provisions of law, develop (and coordinate the implementation of) United States policies concerning trade in services.

(2) FEDERAL AGENCIES.—In order to encourage effective development and coordination of United States policies on trade in services, each department or agency of the United States responsible for the regulation of any service sector industry shall, as appropriate, advise and work with the United States Trade Representative concerning matters that have come to the department's or agency's attention with respect to—

(A) the treatment afforded United States service sector interests in foreign markets, or

(B) allegations of unfair practices by foreign governments or companies in a service sector.

(3) NO ALTERATION OF EXISTING AUTHORITY.—Nothing in this section shall be construed to alter any existing authority or responsibility with respect to any specific service sector.

(b) SERVICE INDUSTRIES DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Commerce is authorized to establish a service industries development program. Such program shall be designed to—

(A) promote the competitiveness of United States service firms and American employees through appropriate economic policies;

(B) promote actively the use and sale of United States services abroad and develop trade opportunities for United States service firms;

(C) develop a data base for policymaking pertaining to services;

(D) collect and analyze, in consultation with appropriate agencies, information pertaining to the international operations and competitiveness of United States service industries, including information with respect to—

(i) United States regulation of service industries;

(ii) tax treatment of services, with particular emphasis on the effect of United States taxation on the international competitiveness of United States firms and exports;

(iii) antitrust policies as such policies affect the competitiveness of United States firms;

(iv) treatment of services in international agreements of the United States; and

(v) adequacy of current United States export promotion activities in the service sector. For purposes of the collection and analysis required by this subsection, and for the purpose of any reporting the Department of Commerce makes to the Congress of the United States, such collection and reporting shall distinguish between income from investment and income from noninvestment services; related issues by the United States Trade Representative and the domestic implementation of service-related agreements;

(F) collect such statistical information on the domestic service sector as may be necessary for the development of governmental policies toward the service sector;

(G) conduct sectoral studies of domestic service industries;

(H) collect comparative international information on service industries and policies of foreign governments toward services;

(I) develop policies to strengthen the export competitiveness of domestic service industries;

(J) conduct a program of research and analysis of service-related issues and problems, including forecasts and industrial strategies; and

(K) provide statistical, analytical, and policy information to State and local governments and service industries.

(2) AVAILABILITY OF FUNDS.—The Secretary of Commerce shall carry out the program under this subsection from funds otherwise made available to him which may be used for such purposes.

(c) COORDINATION WITH STATES.—

(1) STATEMENT OF POLICY.—It is the policy of Congress that the President shall, as he deems appropriate—

(A) consult with State governments on issues of trade policy affecting the regulatory authority of non-Federal governments, or their procurement of goods and services; and

(B) establish one or more intergovernmental policy advisory committees on trade which shall serve as a principal forum in which State and local governments may consult with the Federal Government with respect to the matters described in subparagraph (A).

(2) ESTABLISHMENT OF NON-FEDERAL GOVERNMENTAL TRADE ADVISORY COMMITTEES.—Section 135 (19 U.S.C. 2155) is amended—

(A) by inserting "and the non-Federal governmental sector" after "private sector" in subsection (a),

(B) by adding at the end of subsection (c) the following new paragraph:

"(3) The President—

"(A) may establish policy advisory committees representing non-Federal governmental interests to provide, where the President finds it necessary, policy advice—

"(i) on matters referred to in subsection (a), and

"(ii) with respect to implementation of trade agreements, and

"(B) shall include as members of committees established under paragraph (2) representatives of non-Federal governmental interests where he finds such inclusion appropriate after consultation by the Trade Representative with such representatives.";

(C) by inserting "or non-Federal government" after "private" each place it appears in subsections (g) and (j);

(D) by inserting "government," before "labor" in subsection (j); and

(E) by adding at the end thereof the following new subsection:

"(m) NON-FEDERAL GOVERNMENT DEFINED.—The term 'non-Federal government' means—

"(1) any State, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof, or

"(2) any agency or instrumentality of any entity described in paragraph (1).."; and

(F) by inserting "or Public" after "Private" in the heading thereof.

(3) CONFORMING AMENDMENTS.—

(A) Section 104(c) (19 U.S.C. 2114(c)) is amended by inserting "or non-Federal governmental" after "private".

(B) Sections 303 (19 U.S.C. 2413) and 304(b)(2) (19 U.S.C. 2414(b)(2)) are each amended by striking out "private sector".

(C) The table of sections for chapter 3 of title I is amended by inserting "and public" after "private" in the item relating to section 135.

SEC. 107. NEGOTIATING AUTHORITY WITH RESPECT TO FOREIGN DIRECT INVESTMENT.

Paragraph (3) of section 102(g) (19 U.S.C. 2112(g)(3)) is amended to read as follows:

"(3) the term 'international trade' includes—

"(A) trade in both goods and services, and

"(B) foreign direct investment by United States persons, especially if such investment has implications for trade in goods and services.".

SEC. 108. NEGOTIATION OF AGREEMENTS CONCERNING HIGH TECHNOLOGY INDUSTRIES.

(a) AUTHORIZATION TO ENTER INTO AGREEMENTS.—The President may enter into such bilateral or multilateral agreements as may be necessary or appropriate to achieve the objectives of this section and the negotiating objectives under section 104A(c) of the Trade Act of 1974.

(b) MODIFICATION OR CONTINUANCE OF DUTIES.—

(1) IN GENERAL.—Chapter 2 of title I is amended by inserting at the end thereof the following new section:

"SEC. 128. MODIFICATION AND CONTINUANCE OF TREATMENT WITH RESPECT TO DUTIES ON HIGH TECHNOLOGY PRODUCTS.

"(a) In order to carry out any agreement concluded as a result of the negotiating objectives under section 104A(c), the President may proclaim, subject to the provisions of chapter 3—

"(1) such modification, elimination, or continuance of any existing duty, duty-free, or excise treatment, or

"(2) such additional duties,

as he deems appropriate.

"(b) The President shall exercise his authority under subsection (a) only with respect to the following items listed in the Tariff Schedules of the United States (19 U.S.C. 1202):

"(1) Accounting, computing, and other data processing machines provided for in item 676.15.

"(2) Data processing machines provided for in item 676.30.

"(3) Transistors provided for in item 687.70.

"(4) Monolithic integrated circuits provided for in item 687.74.

"(5) Integrated circuits provided for in item 687.77.

"(6) Electronic components provided for in item 687.81.

"(c) TERMINATION.—The President may exercise his authority under this section only during the 5-year period beginning on the date of the enactment of the International Trade and Investment Act.".

(2) CONFORMING AMENDMENT.—The table of contents of chapter 1 of title I is amended by adding at the end thereof the following new item:

"Sec. 128. Modification and continuance of treatment with respect to duties on high technology products.".

SEC. 109. STUDY ON HONEY IMPORTS.

(a) The Congress finds that—

(1) in 1976 the International Trade Commission found that honey imports threatened serious injury to the domestic honey industry and recommended action to control honey imports,

(2) the domestic honey industry is essential for production of many agricultural crops,

(3) a significant part of our total diet is dependent directly or indirectly on insect pollination,

(4) it is imperative that the domestic honey bee industry be maintained at a level sufficient to provide crop pollination.

(b) It is the sense of the Congress that the Secretary of Agriculture should promptly request the President to call for an International Trade Commission investigation of honey imports, under section 22 of the Agriculture Adjustment Act.

TITLE II—WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS

SEC. 201. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 202. DELAY IN WITHHOLDING ON INTEREST AND DIVIDENDS.

Section 308 of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to effective dates and special rules involving withholding on interest and dividends) is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to interest, dividends, and patronage dividends paid or credited after June 30, 1987.

"(b) WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT TO TAKE EFFECT IF COMPLIANCE SUBSTANTIALLY IMPROVES.—

"(1) STUDY BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall conduct a study with respect to the collection of taxes on interest, dividends, and patronage dividends.

"(2) DETERMINATION OF PERCENTAGE OF COMPLIANCE.—In connection with the study under paragraph (1), the Comptroller General shall compute the percentage determined by dividing—

"(A) the amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was shown on returns of tax imposed by subtitle A of the Internal Revenue Code of 1954—

"(i) which were required to be filed by individuals for taxable years which begin in 1985, and

"(ii) which were filed within the time prescribed by law (determined with regard to any extension) and before August 15, 1986, by

"(B) the aggregate amount of interest, dividends, and patronage dividends which the Comptroller General reasonably estimates was required to be shown on returns described in subparagraph (A) (without regard to clause (ii) thereof).

"(3) REPORT TO CONGRESS.—Not later than January 1, 1987, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1) and the percentage determined under paragraph (2).

"(4) WITHHOLDING NOT IMPLEMENTED IF COMPLIANCE SUBSTANTIALLY IMPROVED.—

"(A) IN GENERAL.—If the percentage determined under paragraph (2) is 95 percent or greater, then the amendments made by this subtitle shall not apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987.

"(B) WITHHOLDING TO APPLY IF COMPLIANCE NOT SUBSTANTIALLY IMPROVED AND CONGRESS AGREES.—If subparagraph (A) does not apply, the amendments made by this subtitle shall apply to any interest, dividends, or patronage dividends paid or credited after June 30, 1987, only if both Houses of Congress adopt, before April 1, 1987, a concurrent resolution, the matter after the resolving clause of which is as follows: 'That the Congress approves of the determination of the Comptroller General under section 308(a)(2) of the Tax Equity and Fiscal Responsibility Act of 1982 that the compliance percentage for payment of taxes on interest, dividends, and patronage dividends is less than 95 percent.'.

"(C) EXPEDITED PROCEDURE.—

"(i) EXPEDITED RULES TO APPLY.—The rules of subsections (c) through (g) of section 151 of the Trades Act of 1974 (19 U.S.C. 2191) shall apply to a resolution described in subparagraph (B)(ii) in the same manner as such rules apply to an implementing revenue bill, except that subsection (e)(3) of such section 151 shall not apply and such resolution, upon introduction in the Senate and the House of Representatives, shall be referred to the Committee on Finance and the Committee on Ways and Means, respectively.

"(ii) IN GENERAL.—The provisions of this subparagraph are enacted by the Congress—

"(I) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively and they supercede other rules only to the extent that they are inconsistent therewith, and

"(II) with full recognition of the constitutional right of either House to change the rules at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(5) ACTION BY COMPTROLLER IF CONGRESS DISAPPROVES EARLIER REPORT.—If both Houses of Congress do not adopt the resolution described in paragraph (4)(B)(ii) before April 1, 1987—

"(A) the Comptroller General shall, not later than January 1, 1988, resubmit the percentage determined under paragraph (2) (taking into account any revised data) and report such percentage to the committees described in such paragraph, and

"(B) if the percentage is less than 95 percent, the amendments made by this subtitle shall apply to interest, dividends, or patronage dividends paid or credited after June 30, 1988, if both Houses of Congress, before April 1, 1988, adopt a resolution described in paragraph (4)(B)(ii).

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'interest', 'dividends', and 'patronage dividends' have the same meanings given such terms by sections 6049(b), 6042(b), and 3454(c) of the Internal Revenue Code of 1954, respectively.", and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively.

SEC. 203. APPLICATION OF BACKUP WITHHOLDING RULES TO CERTAIN PAYMENTS.

(a) IN GENERAL.—Section 3402(s) (relating to extension of withholding to certain payments where indentifying number not furnished or inaccurate) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR BACKUP WITHHOLDING ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS NOT REPORTED ON RETURN.—

"(A) IN GENERAL.—If the Secretary determines that any payee failed—

"(i) to include in any return of tax required to be filed for any taxable year more than $50 of any backup withholding payments which—

"(I) are described in clause (iii), (iv), or (vi) of paragraph (3)(A) of this subsection, and

"(II) are required to be included in such return, or

"(ii) to file the return of tax in which such payments are required to be included.

the Secretary shall notify the payors of the payments described in subclause (I) of the requirement to deduct and withhold under paragraph (1) (but not the reason therefor).

"(B) NOTICE TO PAYEE.—

"(i) NOTICE BY SECRETARY.—At the same time as the Secretary notifies the payor under subparagraph (A), the Secretary shall notify the payee of—

"(I) the Secretary's determination under subparagraph (A) (and the reasons therefor), and

"(II) the requirement that the payor deduct and withhold tax under this subsection.

"(ii) 45-DAY PERIOD TO RESPOND.—The Secretary shall prescribe procedures which allow the payee to respond to the notice received under clause (i) within 45 days of receipt of such notice.

"(iii) NOTICE BY PAYOR.—Any payor required to withhold any tax under paragraph (1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(C) CESSATION OF WITHHOLDING.—If—

"(i) there was no failure under subparagraph (A),

"(ii) any such failure (including the payment of any tax, penalty, or interest with

respect to such failure) has been corrected, or

"(iii) the payee establishes to the satisfaction of the Secretary that any such failure will not occur again and that withholding under paragraph (1) would cause undue hardship to such payee,

then the Secretary shall notify payors withholding under paragraph (1)(C) to cease such withholding.".

(b) 20-PERCENT BACKUP WITHHOLDING IN CASES WHERE INTEREST, DIVIDEND, AND PATRONAGE DIVIDEND PAYMENTS INVOLVED.—Section 3402(s)(5) (relating to definitions and special rules) is amended by adding at the end thereof the following new subparagraph:

"(K) WITHHOLDING AT 20 PERCENT IN FAILURE INVOLVING INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.—In the case of any withholding required under—

"(i) paragraph (1)(C), or

"(ii) subparagraph (A) or (B) of paragraph (1) to the extent the taxpayer identification number involved relates to a return described in clause (iii), (iv), or (vi) of paragraph (3)(A),

paragraph (1) shall be applied by substituting '20 percent' for '15 percent'.".

(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—Section 6672 (relating to penalty for failure to collect and pay over tax, etc.) is amended by adding at the end thereof the following new subsection:

"(c) MINIMUM PENALTY FOR FAILURE TO IMPLEMENT BACKUP WITHHOLDING.—In the case of any failure to deduct and withhold a tax under section 3402(s)(1)(C), there is hereby imposed a penalty equal to $100, less the amount of the penalty under subsection (a) with respect to such failure.".

(d) SECRETARY MAY REQUIRE PAYORS TO GET NOTICE.—Section 3402(s)(5) (relating to definitions and special rules), as amended by subsection (b), is amended by adding at the end thereof the following new subparagraph:

"(L) FORM OF NOTICE.—

"(i) IN GENERAL.—The Secretary may prescribe regulations which provide that notice may be given under paragraph (1)(B) or (C) by requiring payors to compare the tax identification numbers or names and taxpayer identification numbers of all payees of such payor with a list of such numbers or such names and numbers maintained by the Secretary and with respect to which withholding is required under this subsection.

"(ii) USE OF LIST BY PAYOR.—Any payor (or agent thereof) may use any information obtained from the list described in subparagraph (A) solely for the purpose of meeting any requirement of such payor under this subsection.

"(iii) CROSS REFERENCE.—For civil actions involving misuse of taxpayer return information, see section 7431.".

(e) CONFORMING AMENDMENTS.—Subsection (s) of section 3402 (relating to extension of withholding to certain payments where identifying number not furnished or inaccurate) is amended—

(1) in paragraph (1)—

(A) by striking out "or" at the end of subparagraph (A),

(B) by inserting "or" at the end of subparagraph (B), and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Secretary notifies the payor under paragraph (6)(A),",

(2) by redesignating subparagraph (C) of paragraph (2) as subparagraph (D) and by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) FAILURE TO INCLUDE CERTAIN AMOUNTS IN INCOME.—In the case of any failure described in subparagraph (C) of paragraph (1), paragraph (1) shall apply to any backup withholding payment made during the period—

"(i) beginning on the 61st day after the day on which the payor was notified by the Secretary of such failure, and

"(ii) ending on the day on which the Secretary notifies the payor under paragraph (6)(C) to cease withholding.",

(3) in subparagraph (D) of paragraph (2), as redesignated by paragraph (2), by striking out "or (B)" in clause (i) and inserting in lieu thereof ", (B), or (C)", and

(4) by inserting "OR TO CERTAIN INTEREST, DIVIDEND, OR PATRONAGE DIVIDEND PAYMENTS NOT REPORTED" after "Inaccurate" in the caption thereof.

SEC. 204. RETURNS ON MAGNETIC TAPE.

Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended—

(1) by inserting "(1) IN GENERAL.—" before the first sentence thereof, and

(2) by adding at the end thereof the following new paragraph:

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—In the case of any person who is required to file more than 50 returns under section 6042(a), 6044(a), or 6049(a) for any calendar year, all returns under such section shall be on magnetic media.".

SEC. 205. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN REPORTING REQUIREMENTS.

(a) IN GENERAL.—Subsection (a) of section 6676 (relating to failure to supply identifying numbers) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) PENALTY FOR FAILURE TO SUPPLY CORRECT TIN ON CERTAIN RETURNS.—

"(A) IN GENERAL.—If any person—

"(i) is required to include in any return required to be filed under section 6042, 6044, or 6049 with respect to another person the taxpayer identification number of such other person, and

"(ii) fails to include such number or includes an incorrect number,

then, in lieu of any penalty under paragraph (1), such person shall pay a penalty for each such failure equal to the greater of (I) $50, or (III) 5 percent of the amount required to be included in the return to which such failure relates.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—

"(i) IN GENERAL.—In the case of a person who is described in clause (ii) for any calendar year, subparagraph (A) shall be applied with respect to returns relating to such calendar year by substituting '$100' for '$50' and '10 percent' for '5 percent'.

"(ii) SUBSTANTIAL NONCOMPLIANCE.—For purposes of this subparagraph, a person is described in this clause if, with respect to such person, the sum of the number of failures under this paragraph and section 6652(a)(3) for any calendar year exceeds the lesser of—

"(I) 10,000, or

"(II) 15 percent of the number of returns required to be filed under section 6042, 6044, or 6049 by such person with respect to such calendar year.

"(C) NO PENALTY IN CERTAIN CASES.—No penalty shall be imposed under this paragraph—

"(i) if the taxpayer identification number included on the return is the number provided after December 31, 1982, under penalty of perjury, by the person with respect to whom such return relates unless, under regulations prescribed by the Secretary, such number is obviously incorrect, or

"(ii) for any period during which a person is waiting for receipt of a taxpayer identification number from the Secretary.".

(b) FAILURE TO FILE STATEMENTS.—Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended—

(1) in paragraph (1)(A)—

(A) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), and

(B) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated, and

(2) by adding at the end thereof the following new paragraph:

"(3) FAILURE TO FILE CERTAIN STATEMENTS.—

"(A) IN GENERAL.—In the case of any person who fails to file 1 or more returns or statements under section 6042, 6044, or 6049 on the date prescribed therefor (determined with regard to any extension of time for filing), such person shall pay (upon notice and demand by the Secretary and in the same manner as a tax) for each such failure an amount equal to the greater of—

"(i) $100, or

"(ii) 7.5 percent of the amount required to be reported on the statement.

"(B) INCREASED PENALTY FOR SUBSTANTIAL NONCOMPLIANCE.—In the case of a person who is described in section 6676(a)(2)(B)(ii), subparagraph (A) shall be applied by substituting '$200' for '$100' and '15 percent' for '7.5 percent'.".

SEC. 206. DUPLICATE STATEMENTS REQUIRED TO BE FURNISHED ON RETURN.

(a) INTEREST.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6049(c) (relating to statements regarding payment of interest) is amended by adding at the end thereof the following new paragraph:

"(4) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under paragraph (1) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1) shall—

"(A) be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(b) DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6042 of such Code (relating to returns regarding payments of dividends) is amended by adding at the end thereof the following new subsection:

"(e) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (c) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6042 (c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041 (d).".

(c) PATRONAGE DIVIDENDS.—

(1) DUPLICATE STATEMENT REQUIRED ON RETURN.—Section 6044 of such Code (relating to returns regarding payment of patronage dividends) is amended by adding at the end thereof the following new subsection:

"(f) DUPLICATE STATEMENT TO BE INCLUDED IN RETURN OF PERSON WITH RESPECT TO WHOM INFORMATION IS FURNISHED.—A duplicate of the statement required to be furnished to a person under subsection (e) shall be included with the return of the person receiving such statement for the taxable year which ends with or within the calendar year to which the statement relates.".

(2) FORM AND METHOD OF MAILING STATEMENT.—The second sentence of section 6044 (e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall, under regulations prescribed by the Secretary, be in a form similar to the form of statements required under section 6041(d).".

(d) PENALTIES FOR FAILURE TO INCLUDE STATEMENT ON RETURN.—

(1) IN GENERAL.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by adding at the end thereof the following new subsection:

"(b) FAILURE TO ATTACH STATEMENT TO A RETURN.—In the case of each failure to attach a statement to a return under section 6042(e), 6044(f), or 6049(c)(4), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid (upon notice and demand by the Secretary and in the same manner as tax) by the person failing to attach such statement $50 for each such failure, but the total amount imposed for all such failures during such calendar year with respect to any person shall not exceed $50,000.", and

(C) by inserting "or attach" after "furnish" in the heading thereof.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by inserting "or attach" after "furnish" in the item relating to section 6678.

SEC. 207. PENALTY ON PAYEE FOR FAILURE TO REPORT.

(a) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. ADDITIONAL PENALTY ON TAXPAYERS WHO WILLFULLY ATTEMPT TO EVADE OR AVOID TAX ON INTEREST, DIVIDENDS, OR PATRONAGE DIVIDENDS.

"(a) CIVIL PENALTY.—If, for any taxable year—

"(1) any taxpayer fails to include on a return of tax the amount of any interest, dividends, or patronage dividends required to be included in such return, and

"(2) the Secretary establishes that the taxpayer willfully attempted to evade or avoid Federal tax on such interest, dividends, or patronage dividends,

then there is imposed on such taxpayer for such taxable year a penalty of $1,000.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—The penalty imposed by subsection (a) shall be in addition to any other penalty imposed by law.".

(b) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Additional penalty on taxpayers who willfully attempt to evade or avoid tax on interest, dividends, or patronage dividends.".

SEC. 208. MATCHING OF RETURNS BY THE SECRETARY OF THE TREASURY.

It is the sense of the Congress that—

(1) with respect to taxable years beginning after December 31, 1982, the Secretary of the Treasury or his delegate should implement a program which matches—

(A) information received by the Secretary under section 6042, 6044, or 6049 of the Internal Revenue Code of 1954 with respect to any person for any calendar year, with

(B) the return of the tax imposed by such Code on such person in which the information described in subparagraph (A) is required to be included, and

(2) except in the case of taxpayers whose taxable year is not a calendar year, the Secretary of the Treasury or his delegate should, under any program implemented under paragraph (1), complete the matching of any information described in paragraph (1)(A) which is received for any calendar year within 10 months of the close of such calendar year.

SEC. 209. REPORT; AUTHORIZATION OF APPROPRIATIONS.

(a) SENSE OF SENATE WITH RESPECT TO REPORTING ON AVAILABILITY OF RESOURCES.—It is the sense of the Senate that not later than June 15, 1983, the Secretary of the Treasury or his delegate shall report to the Congress on the availability of resources to carry out any program implementing the amendments made by, or the provisions of, title II of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out any program implementing the amendments made by, or the provisions of, title II of this Act and it is the sense of the Congress that such sums be appropriated.

SEC. 210. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this title shall apply to taxable years beginning after December 31, 1982, and before the termination date.

(b) SPECIAL RULE FOR REPORTING PROVISIONS.—

(1) The amendments made by section 203 shall apply to payments made after June 30, 1983, and before the termination date.

(2) The amendments made by section 204 shall apply to returns for calendar years beginning after December 31, 1982, and before the termination date, except that the Secretary of the Treasury or his delegate may provide that such amendments shall not apply to any person for calendar year 1983 in any case where application of such amendments would cause undue hardship to such person.

(3) The amendments made by sections 205 and 206 shall apply to returns or statements the due date for which (without regard to extensions) is after December 31, 1982, and before the termination date.

(c) TERMINATION DATE DEFINED.—For purposes of this section, the term "termination date" means the date (if any) on which the amendments made by subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 apply to interest, dividends, and patronage dividends under section 308 of such Act.

Mr. STEVENS. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the information of the Senate, there will be no further rollcall votes tonight.

Mr. BYRD. Mr. President, while we are waiting, I want to compliment Mr. BENTSEN and Mr. DANFORTH on their superb handling of the bill we just passed. They demonstrated great skill and I am sure that the Senate is in their debt. I personally want not only to commend them but also to thank them for their good work.

Mr. STEVENS. Mr. President, I join with the distinguished Democratic leader in that statement. I assure my friend from Texas and my friend from Missouri that all those who are now safely on their way home, I hope, appreciate the speed with which that bill was handled and the manner in which it was handled.

Mr. BENTSEN. Mr. President, I bask in the glory of those generous comments. They have helped make my day. I am most appreciative to both Senators.

ARMY RESERVE DAY

Mr. STEVENS. Mr. President, I send a resolution to the desk on behalf of Senators THURMOND, BIDEN, GOLDWATER, and others and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 120) commending the U.S. Army Reserve on the occasion of its 75th anniversary.

The Senate proceeded to consider the resolution which was submitted by Mr. THURMOND for himself, Mr. BIDEN, Mr. GOLDWATER, Mr. NUNN, Mr. FORD, Mr. INOUYE, Mr. TOWER, Mr. BURDICK, Mr. SARBANES, Mr. JEPSEN, Mr. STEVENS, Mr. CHILES, Mr. BAUCUS, Mr. SYMMS, Mr. MELCHER, Mr. BUMPERS, Mr. LUGAR, Mr. RANDOLPH, Mr. EAST, Mr. HART, Mr. HATFIELD, Mr. BRADLEY, Mr. ARMSTRONG, Mr. NICKLES, Mr. ABDNOR, Mr. MATTINGLY, Mr. COHEN, Mr. HEFLIN, Mr. HOLLINGS, Mr. QUAYLE, Mr. CRANSTON, Mr. DOLE, Mr. PRYOR, Mr. WARNER, Mr. COCHRAN, Mr. DIXON, Mr. EAGLETON, Mr. HUMPHREY, and Mr. BYRD.

Mr. THURMOND. Mr. President, I have the distinct pleasure today to introduce a Senate resolution that would recognize April 23, 1983 as the 75th anniversary of the Army Reserve.

Officially established on April 23, 1908, 75 years ago, the U.S. Army Reserve traces its roots to the proud tradition of the citizen-soldier of the American Revolution.

Created as the Medical Reserve Corps, the Army Reserve has grown to become the largest Federal reserve component in the Armed Forces of the United States. Its 938,600 members belong to troop units, the Individual Ready Reserve, the Standby Reserve, and the Retired Reserve that still has a military obligation.

Since 1908, Army reservists have been called to active duty in national emergencies. Sixteen thousand reservists served in World War I. In World War II, 26 of the 82 Army divisions fighting in the European and Pacific theaters were mobilized from the Army Reserve.

Army reservists called to serve in the Korean war earned 6 of the 27 Medals of Honor and one-quarter of the other top combat decorations awarded. Reservists were also mobilized during the Berlin crisis in 1961 and again during the Vietnam war.

Furthermore, Mr. President, the Army Reserve is an integral element of the total Army, providing over 30 percent of the Army's tactical support unit requirements and over 25 percent of the general support units, as well as significant combat units. Army reservists, like the citizen-soldiers of earlier times, stand ready to respond to their country's call. Therefore, I feel that it is only fitting that we answer their sacrifices and their dedication with our support and our gratitude.

Mr. GOLDWATER. Mr. President, I rise to speak in support of the Senate resolution which my good friend, the distinguished senior Senator from South Carolina (Mr. THURMOND) has introduced here today. I am glad to see that Senator JOE BIDEN, who serves with me on the Senate Select Committee on Intelligence, is the principal cosponsor of this resolution.

Mr. President, April 23, 1983, will mark the 75th anniversary of the establishment of the U.S. Army Reserve. I think that it is entirely appropriate for the Senate to designate this day as "Army Reserve Day," and I think it is important that the people of the United States observe the day with appropriate programs, ceremonies, and activities.

As many of my colleagues know, the Senate passed a similar resolution on March 22 of this year. However, that resolution was a joint resolution authorizing and requesting the President to designate April 23 as "Army Reserve Day." Unfortunately, when the resolution went to the House it got bottled up in committee, and it does not look likely that the House will move on that resolution in time. Therefore, what we are doing here today is the best that can be done under the circumstances.

Mr. President, the U.S. Army Reserve is a vital element in our national defense. The Nation relies on the readiness of several hundred thousand reservists to defend the Nation should the need arise. Reservists are literally the citizen-soldiers of the United States. They keep the tradition of the Minuteman alive in the Nation today.

Many of my colleagues here in the Senate currently are or have been members of various military Reserve components over the years. Senator THURMOND, the sponsor of this resolution, had a distinguished Army Reserve career. He retired as a major general. The chairman of the Armed Services Committee, Senator JOHN TOWER, still serves in the Naval Reserve. I myself was in the Air Force Reserve for many years.

Mr. President, I believe it is very important to support the military Reserve in any way we can, and I hope that this resolution will play some role in emphasizing the contribution the Reserves make to our national defense. As Senators, it is important to pay tribute to the men and women who are members of the Reserves. I urge my colleagues to support this resolution.

I have two articles which commemorate the 75th anniversary of the U.S. Army Reserve. Both articles were prepared by Maj. Dick Crossland. One of them was published in VFW magazine, and the other in the Army Reserve magazine. I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE USAR AT 75: THE NATION BUYS A BARGAIN

(By Maj. Dick Crossland)

The Army Reserve will be 75 years old on April 23. Founded as a 1908 auxiliary to the Medical Corps, the Army Reserve has come a long way in its three-quarters of a century.

This is the story of the Army Reserve's progress, but first here are some basic facts:

The Army Reserve is the largest component of the Army with nearly one million members in units, the Individual Ready Reserve and the Retired Reserve.

Army Reserve units are part of every major war plan of the United States to include rapid deployment scenarios.

The Army's ability to wage war without the Army Reserve is zero. This work comes form Lt. Gen. William R. Richardson, the Army's former Deputy Chief of Staff for Operations and Plans.

The Army's Reserve Components are a defense bargain. For a very small part of the Army budget, they provide two-thirds of the Army's logistical support and more.

The Army Reserve's growth from a few hundred physicians to that of a vital partner in defense did not occur overnight. Instead, the increased role of the Army Reserve is an expansion of the citizen-soldier concept and reflects how the United States has adapted its traditional military policy to the realities of today's world.

SMALL STANDING ARMIES

The historical attitude of Americans toward national defense is to want a relatively small standing army of Regulars backed by a large reserve force of citizen-soldiers. This approach is an inheritance of Anglo-Saxon military practice developed in medieval England.

When the English colonized North American they brought with them the tradition of the militia. This militia was formalized in law and called for every able-bodied man to provide his own weapon and to rally to the defense of the community in times of emergency. This was a particularly efficient means of defense when manpower was scarce and when the threat was unsophisticated.

At a time when the militia served well to protect against Indian attack, military philosophy was changing in Europe. The 1600s saw the end of feudal armies and the development of professional standing armies whose tactics were based upon highly disciplined maneuvers to take advantage of newer weapons.

Even though the Revolution was fought with volunteers and regulars raised from the general militia, it was not a militia war in the traditional sense. The American armies won by adapting the formalized warfare of Europe to the New World. The Revolution was a war of more or less standing armies, maneuver, fortification and siege with the war effectively coming to an end with the successful siege of Yorktown in 1781.

MILITIAS AS A COMPROMISE

The militia system was retained in the Constitution in what many historians have classified as a major compromise between the supporters of states' rights and those who sought a strong federal government. Military power was divided between the states and the federal government with the states retaining the right to raise militias and appoint officers. The Congress was given the power to raise armies, to regulate the training of militias and to call the state militias into federal service to "execute the laws of the union, suppress insurrections and repel invasions."

This was not a perfect arrangement, but it worked well enough as long as the United States remained isolated from European

wars. Despite a quasi-war with France in 1790-1800, the War of 1812 and a war with Mexico, the United States was never in enough danger to warrant the creation of a different military system.

The United States remained in strategic isolation until the end of the 1800s while the idea of massed armies, conscription and mobilized reserves took hold in Europe. There were efforts on the part of military leaders to introduce European systems of conscription and reserve forces into the American structure as early as the 1870s. But, it was not until victory over Spain and the acquisition of farflung overseas territories that it became necessary to modify American military policies.

The 1900s dawned on an America that had moved fully into the industrial age. The country had widespread economic ties throughout the world, and it was quite possible that America could be drawn into international disputes with the major European powers.

THE DICK ACT

Defense leaders such as Secretary of War Elihu Root realized that they needed a means of expanding the small Regular Army in case of war. Although Root preferred a federal reserve under the control of the Regular Army, he was a realistic leader who recognized that he had a reserve force already in being in the state militias, more commonly called the National Guard.

Working with National Guard leaders, Root helped design the Militia Act of 1903, which is known as the Dick Act. This act was a clear break from the tradition of a universal militia and established the principles of federal funding, federal inspections and federal training for Reserves.

One of the lessons learned from the Spanish American War was the need for a rapid expansion of the Medical Corps. The Medical Corps is doubly stressed in the opening stages of a war because doctors are needed to screen potential soldiers and to provide health care in training camps in addition to performing services on the battlefield.

Therefore, the War Department asked Congress to authorize a Medical Reserve Corps; and such an authority was contained in the provisions of the 1908 Act to Increase the Efficiency of the Medical Department of the United States Army.

THE BIRTH OF THE USAR

The Act permitted the Army to federally appoint reserve doctors in the grade of first lieutenant, and the Army Reserve's official history dates from the April 23 passage of that act. By June 30, 1909, 364 men had been commissioned in the Medical Reserve Corps; and the corps grew to more than 1,700 doctors in 1916.

Meanwhile, the Army leadership was pressing for a federal reserve with Maj. Gen. Leonard Wood being the principal advocate of a large, federal reserve. Wood's efforts were rewarded in 1912 when Congress established an enlisted Army Reserve under provisions of the Army Appropriation Act.

In 1916, with war raging in Europe, Congress passed the massive National Defense Act which completely reorganized the War Department. It revitalized the National Guard and established the Officers' Reserve Corps, the Enlisted Reserve Corps and the modern Reserve Officers Training Corps.

By Oct. 1, 1917, the Enlisted Reserve Corps had reached 55,000 men and provided the soldiers for hundreds of railway, signal, telegraph and wagon companies as well as thousands of specialists for the Medical Department. Reserve officers served in every World War I division, and the strength of the Officers' Reserve Corps was 89,476 on Aug. 7, 1918, when the Army dropped the distinction between Regular, National Guard and Army Reserve officers. In all, more than 169,000 Army Reservists served in World War I.

The United States ended World War I as a major power. In building upon the lessons learned from that war, Congress amended the 1916 National Defense Act in 1920 and established the guidance for a large wartime army of Regular, National Guard, and Organized Reserve Corps (ORC) divisions. The Army was to be divided into nine corps of six divisions each with 27 infantry divisions coming from the Organized Reserve Corps.

However, pacifism, federal parsimony and ultimately the Great Depression combined to prevent this 54-division force from existing. The Regular Army was cut to 132,000 men from the 280,000 man force envisioned in the 1920 Act, and the Reserve divisions were never provisioned. There was no funding for an enlisted Reserve, and officers were lucky to receive two weeks of Annual Training every third year.

Commissions were granted to ROTC and Citizen's Training Camp graduates, and officer cadres were formed for some Reserve divisions. Some units did participate in a summer encampment where friendly Regular Army outfits provided the weapons and enlisted manpower for realistic training.

With the exception of the use of up to 30,000 Reserve officers to manage Civilian Conservation Corps (CCC) camps in the 1930s, this was the extent of Army Reserve readiness as World War II broke out in Europe.

WORLD WAR II

When Germany blitzed Poland, the United States was planning a million-man Army heavily dependent upon the National Guard and Reserve divisions. After France fell, the National Guard was mobilized; and Reserve officers were called to the colors to expand the Army. By June 1941, more than 55,000 Reserve officers had been ordered to active duty; and the Officers' Reserve Corps eventually provided one-fourth of the Army's World War II officers. Thirty-one thousand enlisted Reservists also served.

Once it was obvious that the United States would win the war, military leaders began their post-war planning. War Department Circular 347, issued Aug. 25, 1944, reaffirmed a major Defense role for Reserve Components and was based upon the assumption that Congress would enact Universal Military Training after the war.

Following victory, the United States hastily demobilized as the War Department was placed under tremendous political pressure to "bring the boys home." The massive military machine was dismantled while the planning and organizing of the Army Reserve became entangled in the issue of Universal Military Training.

The passage of the June 24, 1948 Selective Service Act temporarily resolved the issue of Universal Military Training and provided an enlisted manpower boost for the Reserves by requiring Reserve unit service following a 21-month period of conscripted active duty. In short order, Reservists were granted drill pay and a retirement program; and President Truman galvanized the Defense Department on Oct. 15, 1948, when he ordered the Secretary of Defense to proceed without delay in organizing Reserve Commponent units.

Defense planners started building a force that was to include 50 Reserve divisions and one million men. The number of organized Reserve units increased dramatically until the assigned strength of the Army Reserve stood at 600,000 in June 1950.

KOREA

The mobilization planning was based upon the assumption that the next war would be a total war in the mold of World War II. There was no provision for partial mobilization, which led to a disorganized and inefficient mobilization for the Korean War. More than 165,000 individual Reservists were ordered to duty in five officer and three enlisted recalls, and 971 Army Reserve units were mobilized, bringing the total Army Reserve commitment to more than 200,000 men and women.

Lessons learned from the confused Korean mobilization led to the Armed Forces Reserve Act of 1952 and the Reserve Forces Act of 1955. This legislation created clearly defined categories of Reserves. These are in effect today as the Ready Reserve of men and women who may be involuntarily ordered to active duty, the Standby Reserve of those who may be called to duty only with Congressional approval and the Retired Reserve who may be called to duty during war or national emergency. The acts also provided Reserve enlistment options for draft-age men and relieved the Reserve units from conducting basic training for new recruits.

The Army Reserve was just beginning to feel the beneficial effects of the 1952 and 1955 acts when more than 400 Army Reserve units and 68,000 individual Reservists were mobilized for the 1961 Berlin Crisis. President Kennedy ordered the Reservists to active duty to demonstrate America's national resolve while reinforcing the country's non-nuclear capability.

REORGANIZATION

After the crisis, Secretary of Defense Robert S. McNamara directed a reorganization of the Army's Reserve Components. The Army Reserve was stripped of most of its line combat units and given an increased combat support and combat service support mission. More importantly, for the first time, Reserve forces were structured to meet specific contingency plans rather than being dedicated to a general expansion of the Army.

The reorganization also eliminated duplication among the components. The Army National Guard, the Army Reserve and the Regular Army were no longer mirror images of each other and took on today's form as mutually supporting and mutually dependent components.

When the United States decided to send ground combat forces to Vietnam, the decision was made to expand the draft calls rather than mobilize the Reserves. The rationale advanced for not calling the Reserves is that the deployment of substantial numbers of Reserve units to Vietnam would have strategically committed the United States.

Such a situation would have left the United States without an immediate capacity to react to a crisis outside of Southeast Asia. The nuclear deterrent would have been the last strategic trump card in the high-stakes poker game of conflicting American-Soviet international interests.

Even so, following the increase in international tensions after the seizing of the U.S.S. Pueblo, 42 Army Reserve units were mobilized in April 1968. Thirty-five of these

saw combat in Vietnam where their members earned 131 Bronze Star Medals, 454 Army Commendation Medals and 24 Purple Hearts.

Meanwhile, the Army continued to reorganize its Reserve Components. Plans were made to eliminate nearly 1,000 units from the force structure, mostly from the National Guard. The Army wanted to reduce Army Reserve strength by 20,000, but the Congress objected. The Army then announced plans to leave Army Reserve drill strength at 260,000 while eliminating the 14 active Army Corps that commanded Army Reserve units.

In place of the corps, Army Reserve Commands (ARCOMS) commanded by Army Reserve two-star generals were created. These have been responsible for administering and overseeing the training of Army Reserve units since the reorganization was completed in May 1968. The effect was to strengthen the control of Army Reservists over the Army Reserve.

At the time, the United States had had "peacetime" conscription in effect for over 20 years; and popular support for the draft remained at more than 60 percent in 1969 opinion polls. But this support, eroded by our failure to "win" in Vietnam, quickly fell, dropping to as low as 13 percent in one 1972 poll.

The decline in support for a continued draft coincided with a Presidential campaign promise to create an all volunteer military. The President stuck to his promise, and this decision in turn forced military planners to find another manpower option to inevitably reduce active duty manpower levels in an All-Volunteer era.

The solution hit upon by Defense officials was the Total Force concept. This planned increased reliance upon the Reserve Components and returned the United States to its pre-World War II tradition of the citizen-soldier as a key element in Defense planning.

A ten-point program to improve Reserve Components was started, and the active duty force structure was reduced by about 200,000 positions. These were primarily combat support and combat service support positions whose role would have to be filled by Reserve units.

ROUNDOUT

Under the new Total Force policy, the first months of intensive combat in Europe would have to be fought by the active and Reserve forces which existed before the start of hostilities. Three partially structured divisions were added to the active Army to boost the "tooth to tail" ratio; and starting in 1973, it was announced that National Guard and Army Reserve units would round out active Army divisions. The round-out concept began with the 25th Infantry Division after it was withdrawn from Vietnam, and by Sept. 30, 1978, every regular Army division in the continental United States had Reserve Component roundout and augmentation units.

The Army was reorganized in 1973 with the responsibilities of the Continental Army Command (CONARC) divided between two new commands—the U.S. Army Forces Command (FORSCOM) and the U.S. Army Training and Doctrine Command (TRADOC). Army Reserve units were commanded by FORSCOM through its subordinate armies (CONUSAs) and ARCOMS with TRADOC picking up the mission of training new Reservists, operating the Army schools program and establishing doctrine.

Army Readiness Regions became operational on Oct. 1, 1973, and were charged with assisting Reserve Component units in overcoming readiness shortcomings. Readiness was further enhanced in 1974 with the beginning of an affiliation program between active duty and Reserve Component units. Reserve units trained with their active duty counterparts, and the Army Reserve gained increased participation in major exercises.

In 1974, the Defense Department requested authority from Congress to order up to 50,000 members of the Selected Reserve to active duty for not more than 90 days. In the words of the 1974 DoD Reserve Forces annual report, "this authority for limited mobilization under conditions short of war or national emergency would demonstrate the resolve of the nation to maintain, and rely on, a Reserve Force capable of swift response."

After considerable debate, the 50,000-man Presidential call-up authority was granted under Public Law 94-286 and became effective May 14, 1976.

ACCELERATION

In his June 8, 1976, memorandum to the President, Secretary of Defense Donald H. Rumsfeld further defined the Total Force policy of accelerating the role of the Reserves. He set four objectives which have guided the relationship between the components:

Modernization of Reserve forces by providing mission capable equipment.

More support for Reserve programs to include increased active duty personnel involvement, more training and better management of Reserve assets.

Increased recognition that Reserves are essential.

Increased integration of the Active and Reverve forces to improve the capability for rapid deployment.

The Carter administration seconded the Total Force policy when Secretary of Defense Harold Brown reported that the Reserve forces offer the only reasonable and economical means of providing the additional force needed to meet national security needs. Brown concluded that the Total Force policy had resulted in more capable Reserve units and increased Reserve and Active force integration. He continued the four Rumsfeld objectives.

MANPOWER CRUNCH

Meanwhile, the Army's Reserve Components were suffering severe manpower problems. Army Reserve drill strength stood at 189,420 on Sept. 30, 1977, a drop of 46,000 since the beginning of the All-Volunteer Army. Even worse, the strength of the Individual Ready Reserve (IRR) was less than 150,000, down from a million men and women in 1972.

The trend had been obvious for several years as draft-induced Reservists by the thousands abandoned the Army Reserve when their six-year military obligation expired. The Army attempted to counter this trend by more than tripling the Army Reserve recruiting force from 638 in 1976 to 2,022 in 1977. Congress granted the Army Reserve educational assistance bonuses and reenlistment bonuses in July 1977, and DOD went a step further and asked Congress to grant enlistment bonuses to the Reserves.

In September 1978, Congress liberalized the survivor benefit program for Reservists, and in October Public Law 95-485 granted enlistment bonuses for soldiers who enlist in high-priority units or shortage career fields. Army Reserve unit strength bottomed out in September at 185,753 and began a steady climb which had brought Army Reserve unit strength to 243,329 by Dec. 30, 1982. The Army is projecting a 1983 end-strength in the neighborhood of 252,000 and has set a wartime Army Reserve unit strength of 299,500 under Total Army Analysis 1988.

In 1979, the Army took several administrative steps to strengthen the IRR. These coupled with increased recruiting and retention efforts increased the IRR to more than 200,000 by September that year, and the IRR stands at approximately 245,000 today. The Retired Reserve is approaching 500,000.

In the late 1970s, the Army continued its increased emphasis upon Army Reserve readiness. Nifty Nugget (MOBEX 78) in October 1978 was the largest mobilization and deployment exercise in the United States since World War II. It uncovered a number of serious deficiencies and led to a full-time manning program for early-deploying Army Reserve units. By early 1980, the full-time manning program had 1,060 Reservists on active duty performing readiness-related tasks. The full-time manning program was increased over the next several years until it and other Active Guard/Reserve (AGR) programs in the Army Reserve had 5,847 Reservists on active duty in September 1982. Congress funded a one-third increase in these programs for 1983 bringing the AGR authorization to 8,251.

Even with the Total Force policy and the increased emphasis upon Reserve Components, it took two major events to hammer home the vital importance of the Army Reserve.

POWER PROJECTION

The Soviet invasion of Afghanistan in December 1979 raised the issue of American capability to counter Russian threats in the Persian Gulf region, and the seizure of the American embassy in Iran underscored this country's inability to rapidly project conventional forces into that area. President Carter committed the United States to defense of the Persian Gulf in his Jan. 23, 1980, State of the Union Address, and the Rapid Deployment Joint Task Force (RDJTF) was officially established on March 1, 1981, with a mission to execute that commitment.

As soon as planners began to draw up contingency plans, it became obvious that Reserve units were going to be key elements of the Rapid Deployment Force—Army (RDF-A) troop list. A decision to employ the task force would require a call-up of Reserve units to such an extent that the old 50,000-man call-up authority was no longer sufficient.

Defense officials immediately sought an increase in the 90-day call-up authority. Congress responded quickly; and in December 1980 the President was able to sign Public Law 96-584, which gave him the power to summon up to 100,000 Selected Reservists to active duty without a declaration of war or national emergency.

Concurrently, the Army revised its former Mobilization Designee (MOBDES) program and instituted the Individual Mobilization Augmentee (IMA) program. These individuals were included in the Selected Reserve thus making them eligible for the 100,000 call-up.

As planners went through their force structure drill, the critical relationship of the Army Reserve became more apparent. By March 1981, Maj. Gen. William R. Berkman, Chief, Army Reserve, was able to testify to Congress that "the importance of the

Army Reserve continues to grow. An increasing number of Reserve units have been assigned high priority because of the essential combat service and logistical support needed early upon mobilization and deployment, and for support of the Rapid Deployment Force. Recently, 130 Army Reserve units have been identified for inclusion in the Army's portion of the Rapid Deployment Force because of the essential combat support and combat service support they represent."

The Army Reserve units identified for the RDJTF came under intensified management. Their force activity designators (FAD) were increased. Their equipment was cross-leveled and they were moved to the top of the resource list. Even so, there does remain a hard-core of shortage items for these high-priority units; and get-well dates are projected to 1985 and beyond.

Defense guidance and projections do not speak of a substantial reduction in Army dependence upon the Army Reserve for years to come.

Unclassified portions of the 83-87 POM (Program Objective Memorandum) state that a significant portion of the RDJTF combat support will remain in the Reserve Components. The Army leadership has consistently testified that the Reserve Components will remain a vital part of the Army for the foreseeable future, and the Reserve Forces Policy Board has concluded that the relationship between the Active and Reserve forces will remain unchanged into the 1990s.

BUDGET BOOST

Additionally, Congress has exhibited a strong interest in enhancing the readiness of the Army Reserve. At a time when the Defense budget was coming under closer scrutiny and the overall Army budget was reduced from the amount requested, Congress added $55 million to the Army Reserve's 1983 budget request.

The likelihood of increased reliance upon the Army Reserve and the Reserve Components in general is reinforced by two sets of circumstances.

First, the Army has a limited number of options in changing the present force structure mix between its components. The Army can add units to the active force only by increasing the size of the Regular Army with concurrent increases in personnel and procurement costs. Or, the sustainment forces now in Reserve could be added to the active force by reducing the combat forces on active duty. This reduction in immediately available combat units would force the Defense Department to accept a higher degree of risk in being able to support vital U.S. interests.

THE FUTURE

Given the economy, the present attitude of many special interest groups and the erosion of the pro-Defense consensus in Congress, it is unlikely that major increases in Army spending can be sustained—beyond those already programmed and projected. It is unlikely that the national leadership will accept an increase in the military risk factors given the present international situation.

Second, there is a general unwillingness of nations to drastically change their military policies. This is particularly true in a democracy where a wide range of divergent interests compete for the attention of the electorate and changes in political coalitions tend to be evoluntionary rather than revoluntionary.

Despite some admitted failings and shortcomings, a citizen-soldier dependent military policy has served the United States well. There has not been an international war fought on U.S. soil since 1814, and the United States has been exceedingly successful in protecting its vital interests abroad for more than 150 years.

The United States has been able to build upon its militia heritage and modify its civilian military components as the need arises. The compromise of military authority in the Constitution between the states and the federal government has been retained even to the extent of a state oriented role for the National Guard and a federal-only oriented role for the Army Reserve.

The blending of the two components for national defense purposes and their continued separation for domestic purposes represents an evolution of the citizen-soldier concept and a triumph for American democracy.

IT ALL BEGAN WITH ARMY RESERVE DOCS

(By Dan Johnson)

The Army Reserve, as we know it, dates from April 23, 1908, when President Theodore Roosevelt signed an Act of Congress establishing the Medical Reserve Corps. The act, in part, "was for the purpose of securing a reserve corps of medical officers available for military service." The U.S. Army was 120 years old that year, and the Medical Reserve Corps was its first reserve, recommended by two medical Corps majors (Jefferson R. Kean and Louis L. Seaman).

THE REASON

The need for a Medical Reserve Corps was evident in 1898 when the Medical Department of the Army was totally unprepared for the Spanish-American War. The Department learned from numerous mistakes in 1898 (often due to ignorance and deficient equipment and personnel) and it vowed that they would never be repeated.

Surgeon General Robert M. O'Reilly also saw the need for the Medical Reserve Corps and pushed for legislation to have it established. This was a new concept, as it was the first volunteer reserve organized in the American Army. The composition of the Medical Reserve Corps was expanded to include Dental and Veterinary Corps officers as well as Medical Corps officers.

Graduates of medical schools in the United States could be appointed first lieutenants in the Corps and could be called to active duty by order of the President. The Secretary of War was authorized, during crises, to call to active duty as many Medical Reserve Corps officers as necessary.

The Corps had 364 officers assigned in its first year. A strong recruiting effort resulted in the procurement of prominent physicians, surgeons, hygienists and laboratory workers from every part of the country.

TRAINING

In 1915, a four-year correspondence course for Medical Reserve Corps officers was established under the direction of the Surgeon General, by the Department of Care of Troops and Medical Reserve Corps, Correspondence School of the Army, Fort Leavenworth, Kansas.

Upon completion of two years of work, students were invited to take an examination which qualified them for promotion to the rank of captain in the Medical Reserve Corps. At the completion of the four-year program, candidates were qualified for promotion to major.

CHANGE

On June 3, 1916, Congress passed the National Defense Act. This legislation created the Officers Reserve Corps, composed of sections corresponding to the various arms, Staff Corps and the Departments of the Regular Army. A year later the Medical Reserve Corps ceased to exist.

The Medical Section of the Officers Reserve Corps took the place of the Medical Reserve Corps. Medical Reserve Corps officers held an indefinite commission while the Medical Section officers were commissioned for five years. Members of the Officers Reserve Corps could be ordered into active service without their consent. Correspondence courses were mandatory. In the Medical Reserve Corps, correspondence courses were optional.

In the Officers Reserve Corps, officers in the grade of first lieutenant were subject to fifteen days of instruction each year and were compensated for transportation and subsistence by the government. Those assigned to the Medical Reserve Corps had the option to transfer to the Officers Reserve Corps or be discharged from the service.

The National Defense Act also provided for the Regular Army Reserve which was made up of enlisted soldiers.

The Medical Reserve Corps made it possible for the Medical Department to enter World War I before any other branch of the Army. Because the Medical Reserve Corps was prepared for active service, its officers arrived quickly in combat without delays in receiving equipment or funds.

Yesterday's Medical Reserve Corps is reflected by today's USAR medical professionals and units, people and organizations with proven combat records and service to the nation.

75TH ANNIVERSARY: ARMY RESERVE, 1908-83

(By Maj. Dick Crossland)

Marking its 75th anniversary this month, the Army Reserve traces its lineage back to April 23, 1908. In these 75 years, it has grown from a few hundred physicians in the Medical Reserve Corps to nearly one million men and women.

A vital, yet cost-effective, partner in today's national defense, the Army Reserve has a key role in virtually every Pentagon war plan. From the defense of Korea through the reinforcement of NATO, Army Reserve units share early deployment dates with stateside Regular Army outfits. In addition, when the Rapid Deployment Joint Task Force (RDJTF) was organized following the Iranian revolution, scores of Army Reserve units were given an RDJTF mission.

For a 1983 cost of $2.1 billion, less than 1 percent of the defense budget, the Army has in the Army Reserve all its training divisions, railway units and judge advocate general units. The Army Reserve also provides nearly all the Army's civil affairs and psychological operations units plus the majority of the Army's petroleum supply, medical assets and conventional ammunition companies.

Individual Ready Reservists, who number 244,000, are important augmentation and replacement personnel who will expand Regular Army units upon mobilization. Many members of the Retired Reserve, a manpower pool of more than 450,000, have received premobilization orders and will serve in training bases, depots and headquarters in times of emergency.

In short, the Army Reserve provides a substantial part of the Army's combat support and combat service support and nearly all its individual replacements. The importance of this support can be summed up in the words of the Army's deputy chief of staff for operations and plans, Lt. Gen. William R. Richardson, who said last October that "the Army's ability to fight a war without Reserve Component participation is zero."

Despite its importance today, the Army Reserve started as a modest proposal and grew vigorously as the Army's concept for civilian components evolved.

The 1908 Medical Reserve Corps was established to overcome serious wartime shortages of physicians, which had become apparent during the Spanish-American War. But within four years, the Army staff had been convinced of the need for a federal reserve for the entire Army. Chief of Staff Leonard Wood argued that "a reserve system is in effect in the armies of practically all nations of the civilized world except our own."

As an evangelist for a Federally controlled reserve, Wood lobbied both within and outside the Army and was rewarded when Congress established an enlisted Army Reserve as part of the 1912 Army Appropriation Act. The General Staff had also asked for authority to commission company-grade officers of reserves or volunteers, but this authority was not granted until the National Defense Act of 1916.

The 1916 act, a massive document with more than 100 sections, reorganized the Army while establishing the Officers' Reserve Corps, the Enlisted Reserve Corps and the modern Reserve Officers Training Corps. Thanks to this farsighted legislation, the Army was able to commission nearly 90,000 Reserve officers for World War I while creating an Enlisted Reserve Corps of 55,000 men to fill hundreds of transportation, signal and medical companies.

Following the Armistice that ended WWI, the Army resumed appointments in the Officers' Reserve Corps. More than 45,000 officers were signed up the first year. In 1920, amendments to the National Defense Act of 1916 envisioned a large citizen-soldier Army of Guardsmen and Reservists. But the forces of pacifism and frugality reigned in Congress and the 27 intended organized Reserve Corps divisions were never provisioned.

Chief of Staff Douglas A. MacArthur pleaded for the Enlisted Reserve in 1935, he reported that the Army was unprepared for effective action and that a lack of pay for enlisted Reservists prevented formation of an organized Reserve. Officers were receiving occasional training during two-week tours of duty with Regular Army units. Up to 9,300 Reserve officers had been detailed to operate the Civilian Conservation Corps (CCC) camps.

The CCC camps proved to be valuable training for Reserve officers as upwards of 55,000 Reservists were called to duty in 1941 to officer the Army's pre-World War II expansion. In all, the Army reserve provided one fourth of the officers for World War II. Chief of Staff George C. Marshall praised them by saying the mobilization could not have been carried out without the Officers' Reserve Corps.

Following World War II, policy over the role of the Army Reserve bogged down in the debate over Universal Military Training. Nevertheless, with the support of the Veterans of Foreign Wars and other interested parties, the Army Reserve was reconstituted. Benefits such as drill pay and Reserve Component retirement pay were granted by a grateful Congress.

The planned Army Reserve divisions had not been fully formed and equipped when the United States was drawn into war in Korea. Still, 971 Reserve units and 168,470 individual Reservists were called to active duty.

Lessons learned from the confused Korean mobilization led to the Armed Forces Reserve Act of 1952 and the Reserve Forces Act of 1955. As a result of this legislation, the Army Reserve was freed from having to conduct basic training for new members and liabilities for active duty service were clearly defined. The nation realized that an adequately funded Reserve was no longer a luxury but a necessity.

Equipment levels in Reserve units increased and units were rapidly improving their readiness when more than 400 Army Reserve units and 40,000 individual Reservists were mobilized for the Berlin Crisis of 1961. After that crisis, Secretary of Defense Robert S. McNamara set about to reorganize the Reserve. For the first time Reserve forces were structured to meet specific contingency plans instead of being dedicated to a general expansion of the Army.

The Army Reserve lost the bulk of its combat forces in the reorganization. Emphasis was placed on combat support elements and units needed for special missions. The Army National Guard, Army Reserve and Regular Army were no longer mirror images of each other. They took on today's form as mutually supporting and mutually dependent components. This defines what Secretary of the Army John O. Marsh, Jr., calls the "Total Army."

When the United States sent ground combat forces to Vietnam, draft calls were expanded rather than mobilizing the Reserves. If the Reserves had been called up, the United States would have committed its last strategic trump card and would have been left with little but a nuclear option in the event of trouble outside Southeast Asia.

Even so, 42 Army Reserve units were mobilized in April, 1968, with 35 of these seeing action in Vietnam. Their members earned 131 Bronze Star Medals, 454 Army Commendation Medals and 24 Purple Hearts.

Meanwhile, the Army was refining its ability to call on Reservists in an emergency. In June, 1968, Army Reserve units were placed under a two-star major Army Reserve Commands (ARCOMs). The cumbersome Army corps system of command was dropped

The 1970s and the early years of this decade were fruitful ones as the Army Reserve moved toward today's fuller partnership with the Regular Army. In 1972, women were incorporated into the ROTC and Reservists were granted a survivor's benefit plan whereby a major portion of a Reservist's retired pay could be granted to a beneficiary.

As the Army entered the all-volunteer era, the Reserve components gained a larger stake in national defense. In 1973, an Army Reserve battalion and a National Guard brigade were designated to round out the 25th Infantry Division in the event of war. The roundout idea expanded until by Sept. 30, 1978, every stateside Regular Army division had Reserve component roundout and augmentation units.

Army Reservists were permitted to enroll in the Servicemen's Group Life Insurance program with full coverage. The Vietnam Era Veterans Readjustment Act of that year guaranteed Reservists' reemployment rights following active duty service.

On July 30, 1977, Congress authorized the Selected Reserve Incentive Program that granted enlistment, educational and reenlistment bonuses for men and women joining selected units or enlisting in understrength career fields. This program has progressed and combined with a simultaneous membership program for joint Reserve and ROTC membership. It allows a young person to earn up to $16,000 for college.

Mobilization exercises in 1976 and 1978 showed that Reserve readiness was directly related to the amount of fulltime support provided to units. The Army began placing at the company and battalion level several thousand Regular Army and fulltime Reserve soldiers to perform training plans, administration, personnel management and maintenance. The Reservists in this buildup were given a formal career program in February, 1979, and a highly selective, centralized personnel procurement began.

The U.S. Army Recruiting Command took over Army Reserve recruiting in 1979. This freed Reserve commanders from the time-consuming task of unit recruiting. In 1980, the Army started an affiliation bonus to encourage soldiers leaving active duty to join a Reserve unit.

As a result of these moves and earlier incentives, Army Reserve unit strength rose dramatically. From a low point of 185,753 in 1978, it hit 243,329 on Dec. 31, 1982. The number of Individual Ready Reservists also increased substantially. The Army estimates a combination of unit and IRR strength of 520,000 will be reached by 1984.

Two final events provided the impetus for the enhanced stature of the Army Reserve. The Soviet invasion of Afghanistan created fears that Russia was about to fulfill her historic ambitions toward the Persian Gulf. The inability of the United States to intervene quickly following the seizure of its embassy in Iran spoke for the need to establish a rapidly deployable force.

These events led to the Rapid Deployment Joint Task Force (RDJTF). But when operations experts began to make contingency plans for the RDJTF, they found their alternatives limited unless they included Reserve units in that force. It was essential to include the Reserves to give the RDJTF its flexibility and sustainability.

Numerous Army Reserve units were identified for the RDJTF and received some additional resources. The Army recognized the need to procure and distribute equipment on a "first to fight first to equip" basis in order to bring the units to mission-ready status. Additional fulltime soldiers were assigned. These units have been moving forward to the top of the resource list, leapfrogging over some in the Regular Army. At the same time, deployment timetables have been revised and subsequent exercises have tested the Army Reserve's capability to respond quickly. Readiness reporting also has been intensified.

The Army will be depending on the Army Reserve for the foreseeable future and is programming increased funds in support of its Reserve Components. Instances of neglect are being remedied, and the Total Army partnership has become a reality.

Mr. MATTINGLY. Mr. President, I would like to take a moment to pay tribute to our Army Reserve. On March 23, 1983, the Senate passed Senate Joint Resolution 31 designating Saturday, April 23, 1983, the 75th

anniversary of the establishment of the U.S. Army Reserve, as "Army Reserve Day." Because the House of Representatives did not act on that resolution the Senate has passed S. Res. 120. I am pleased to have cosponsored the original resolution because it is fitting that Congress recognize this group of over 938,000 men and women who serve our country so well. I commend the distinguished senior Senator from South Carolina, Senator THURMOND, for his sponsorship of the resolution.

Since the institution of the All Volunteer Force, our country has increasingly depended upon the Reserve Forces to meet our defense needs. In the last 5 years, the Army Reserve has greatly increased its numbers. The Selected Reserve is at its highest strength level since December 31, 1967. The two Army Reserve components have experienced a 12-month growth of approximately 50,000 individuals. In terms of quality, the Army Reserve improved significantly over fiscal year 1981 by recruiting almost 7,000 new members who were high school graduates and who scored in the highest categories on the entrance examinations.

These figures are especially important because of the vital role these forces play in defending our freedom. The Army Reserve of the 1980's is a growing dynamic element that is truly an integral part of the Army total force. Fourteen of the 16 Active Army divisions will be rounded out by Reserve component units. A ninth National Guard division is being planned. Reserve component forces comprise 40 percent of the Army's divisional forces; 69 percent of the nondivisional combat forces; 68 percent of the tactical support forces; 51 percent of the special theater forces; and 33 percent of the general support forces. By continuing the current incentive programs, the Army Reserve will substantially reduce our mobilization shortfall. Army reservists have played and will continue to play an important role in the defense of the United States. These men and women can be called upon to fill the ranks of the Active Army if the Nation calls.

For now, many of the reservists do their jobs on weekends and during several weeks each year. However, they are constantly ready for mobilization into the Active Army if necessary. There are 938,000 Army reservists aware of that fact, and I am proud to pay tribute to the personal sacrifices rendered by these courageous men and women.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added to the resolution as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the resolution.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 120

Whereas April 23, 1983, will mark the seventy-fifth anniversary of the establishment of the United States Army Reserve;

Whereas the United states Army Reserve has made many valuable contributions to the defense of the United States during the seventy-five years since it was established;

Whereas the members and former members of the United States Army Reserve have displayed courage and personal sacrifice in serving in the United States Army Reserve during those seventy-five years; and

Whereas the Nation relies on the readiness of the United States Army Reserve to defend the United States if the need arises: Now, therefore be it:

Resolved, That is the sense of the Senate that the United States Army Reserve is deserving of public recognition and commendation upon the occasion of the 75th anniversary of its founding on the 23d day of April, 1983, and that the people of the United States should observe this date with appropriate programs, ceremonies, and activities which pay tribute to the men and women who are members of this organization and to the principles of a strong national security policy to which this organization is dedicated.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ORGAN DONATION AWARENESS WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 93, Senate Joint Resolution 78.

The PRESIDING OFFICER. Without objection, the joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 78) to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week."

The Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I am pleased that Senate Joint Resolution 78 has been reported by the Judiciary Committee. I wish to thank my cosponsors for their support for this joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week."

Mr. President, many people whose kidneys, eyes, skin, livers, or human growth are unable to sustain them can be helped or cured through organ transplants. For example, there are presently 4,800 kidney transplants performed each year but approximately 10,000 medically eligible patients do not receive one because of a lack of suitable donors.

Through organ donation, those who care and have foresight may, when they die, give the gift of life and living to those in need. Every State of the Union supports the organ donation programs, in hopes that its citizens will make an anatomical gift upon death, as Mrs. Gorton and I have pledged to do. A donor may pledge any needed organs or parts; only specified organs or parts, or may donate his or her body for anatomical study.

I hope that my fellow Senators will support this resolution for "National Organ Donation Awareness Week," and that my colleagues in the House of Representatives will approve it as well, in order to create for the people of our Nation an awareness of the need and opportunity for organ donation; and I invite all citizens to consider giving this great gift themselves to those who are less fortunate.

AMENDMENT NO. 1198

Mr. STEVENS. I send to the desk an amendment in behalf of Senator HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for the Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 1198.

Mr. STEVENS. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution add the following:

Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of the Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

Mr. STEVENS. I note with pleasure, Mr. President, that this amendment pertains to the Stevens Center in the distinguished Senator's State.

A HELPING HAND FOR NORTH CAROLINA SCHOOL OF THE ARTS

Mr. HELMS. Mr. President, in 1979, the North Carolina School of the Arts was given a historical building in downtown Winston-Salem, N.C., to use as the Stevens Center of the Performing Arts. The school, through the use of an EDA grant and private contributions refurbished the building and created the magnificent Stevens Center

for the Performing Arts. The theater is scheduled to open on April 22, 1983. However because it will incur significant operating losses, the theater may be forced to close the same week it opens.

The North Carolina School for the Performing Arts has discovered that those losses can be cut significantly by a lease back arrangement with private parties. Under such an arrangement all the conditions of the EDA grant would be met. However, this arrangement is technically illegal, and a full return of the EDA grant would be required under the present circumstances. The amendment I offer today would eliminate the necessity of immediate repayment, while protecting the nature of the theater through its entire useful life.

The Stevens theater is a historically significant building located in the heart of downtown Winston-Salem, N.C. The building had previously fallen to disuse and disrepair and was scheduled for demolition until the school rescued it in 1979. When the school took over the building and expended moneys and time for renovation, the previous owners of the building further committed their company to expenditures for renovation in the downtown Winston-Salem area. Therefore this project has had a major benefit not only to the arts but to the employment and economic situation in one of the largest cities in North Carolina.

The North Carolina School of the Arts did not depend only on the Government's help to renovate this important theater, they launched a major fundraising campaign to restore the Stevens Center. Such an effort raised over $6.5 million. This along with the EDA grant has provided for complete renovation of the theater.

Central to EDA's decision to award the grant was the theater's importance to the North Carolina School of the Arts as a central focal point in the community and as a project essential to maintaining the city's current redevelopment momentum.

THE PROBLEM

The theater's future had seemed assured when all the funds necessary for revitalization were received. At the time the North Carolina School of the Arts applied for the $3 million EDA grant, it understood that the theater would incur modest operation deficits the same as nearly all public performing arts centers. The theater renovation began in 1979. During renovation, the North Carolina School of the Arts was under the impression that State funds would be available for the operation of the theater. Sadly, however, when the theater was almost completed such State funds were found unavailable. The likely result is that although renovation will be completed, the theater may not meet the city's expectations as a center to develop and enhance artistic programs within the State.

A SOLUTION

As soon as the problem with the theater's operating deficit was identified, the North Carolina School of the Arts began to explore alternative funding. In this investigation, it was determined that if the theater was leased, its operational cost could be provided for while continuing to utilize the theater for the same public performing arts purposes as originally proposed.

In brief, it has been determined that after the Economic Recovery Tax Act of 1981, the Stevens Center has real economic value to private investors. Such value could be realized through long-term leasing of the center from the school. The facility would at all times be used for the purposes specified in the EDA grant. Similar leases of public buildings have already occurred in a number of States including a sale and long-term lease back of the Oakland Public Art Museum in the city of Oakland, a public art museum in the city of Oakland, Calif., and the Pantages Theater for the Performing Arts in Tacoma, Wash.

The proceeds of the Winston-Salem lease, estimated to be approximately $200,000 a year, would be utilized to offset the theater's operating deficits. Without this income, the theater's long-term future is in doubt.

THE NEED FOR THIS AMENDMENT

Under EDA regulations, the approval of this amendment is required for any transfer of property funded in whole or in part by that agency. When the North Carolina School of the Arts sought such approval, however, EDA responded that it was unable to give such.

I understand that EDA officials are satisfied that the theater would continue to be used for the purposes specified in the grant and that EDA understands the need to obtain additional operating revenues. I also understand that EDA officials agree that under their regulations the agency appears to have the discretion to approve the transfer. The problem arises from general regulations of the Office of Management and Budget which EDA interprets as requiring the North Carolina School of the Arts to retain controlling interests in the theater or repay the $3 million to EDA. Because a lease back arrangement of the theater must be effected before its opening on April 22, 1983, there is insufficient time to pursue amendment of the OMB regulations or to obtain a determination that they do not apply.

To solve this dilemma, a legislative solution is needed to authorize a transfer. This amendment would authorize EDA to approve the transfer without requiring repayment of the grant. Under the terms of the school's proposal to EDA, the theater's use would be restricted to exactly the same purposes, for the same period of time, as it would if the school retained full control.

It is imperative that this amendment be adopted. Without it, the North Carolina School of the Arts may well lose a cultural centerpiece for which its citizens have worked so hard. Without it, EDA ironically, may well see the failure of a public performing arts project that it originally deemed important for funding.

This amendment does no more than remove a technicality to permit an important public project to proceed to completion and operation on a self-sustaining basis. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1198) was agreed to.

The PRESIDING OFFICER. The joint resolution is open to futher amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

So, the joint resolution (S.J. Res. 78), as amended, was passed, as follows:

S.J. RES. 78

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week".

SEC. 2. Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of the Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. STEVENS. Mr. President, I inquire from my good friend, the distinguished Democratic leader, if he is agreeable that the Senate now move to the consideration of Calendar Nos. 92, 94, 95, and 96.

Mr. BYRD. Mr. President, there is no objection.

NATIONAL FAMILY WEEK

The joint resolution (S.J. Res. 45) designating the week of November 20, 1983 through November 26, 1983, as "National Family Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 45

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of November 20, 1983, through November 26, 1983, as "National Family Week", and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WORLD FOOD DAY

The joint resolution (S.J. Res. 81) to authorize and request the President to designate October 16, 1983, as "World Food Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 81

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world are those who are suffering the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the danger posed by malnutrition and related diseases to these groups and to other people is intensified by unemployment and slow rates of economic growth;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas the United States has always supported the principle that the health of a nation depends on a strong agricultural foundation based on private enterprise and the primacy of the independent family farm;

Whereas a major global food supply crisis appears likely to occur within the next twenty years unless the level of world food production is significantly increased, and the means for the distribution of food and of the resources required for its production are improved;

Whereas the United States, as the world's largest producer and trader of food, has a key role to play in efforts to assist nations and peoples to improve the ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished;

Whereas efforts to resolve the world hunger problem are critical to the security of the United States and the international community;

Whereas the Congress of the United States is acutely conscious of the paradox of immense farm surpluses and rising farm foreclosures in America despite the desperate need for food by hundreds of millions of people around the world;

Whereas a key recommendation of the 1980 report of the Presidential Commission on World Hunger was that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the member nations of the Food and Agriculture Organization of the United Nations designated October 16 of each year as World Food Day because of the need to alert the public to the increasingly dangerous world food situation;

Whereas past observances of World Food Day have been supported by proclamations of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and other territories and possessions of the United States, by resolutions of Congress, by Presidential proclamations, by programs of the United States Department of Agriculture and other Government departments and agencies, and by the governments and peoples of many other nations; and

Whereas more than three hundred national private and voluntary organizations plan to participate in World Food Day observances this year: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of American in Congress assembled, That October 16, 1983, is designated "World Food Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate activities to explore ways in which our Nation can further contribute to the elimination of hunger in the world.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ALZHEIMER'S DISEASE MONTH

The joint resolution (S.J. Res. 82) designating November 1983 as "National Alzheimer's Disease Month" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble, was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 82

Whereas more than one million five hundred thousand Americans are affected by Alzheimer's disease which is a surprisingly common disorder that destroys certain vital cells of the brain;

Whereas Alzheimer's disease is the fourth leading cause of death among older Americans;

Whereas Alzheimer's disease is responsible for 50 per centum of all nursing home admissions, at an anticipated annual cost of almost $20,000,000,000;

Whereas in one-third of all American families one parent will succumb to this disease;

Whereas Alzheimer's disease is not a normal consequence of aging; and

Whereas an increase in the national awareness of the problem of Alzheimer's disease may stimulate the interest and concern of the American people, which may lead, in turn, to increased research and eventually to the discovery of a cure for Alzheimer's disease: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That November 1983 is designated "National Alzheimer's Disease Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

PROTECTION OF REFUGEES AND CIVILIANS CAUGHT IN THE ARMED CONFLICT BETWEEN THAILAND AND KAMPUCHEA

The PRESIDING OFFICER. The next measure, Calendar No. 96, will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) expressing the sense of the Senate with respect to the protection of refugees and civilians caught in the island conflict between Thailand and Kampuchea.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, on Friday, April 15, 1983, I introduced Senate Resolution 112 with respect to the protection of Cambodian refugees and Thai villagers caught in the armed conflict on the border between Thailand and Kampuchea.

Over the last 10 years, Cambodia has lost perhaps as much as one-third of its population, as a consequence of fighting, persecution, and destruction. The internal terror of Pol Pot has given way to external terror sponsored by Vietnam. For a nation of such small size, Cambodia has undergone an extraordinarily long series of trage-

dies, and the Cambodian people have been forced to bear an unconscionable burden of suffering.

Many Cambodian refugees have fled to the Thai border where they are living in several large refugee camps. The Vietnamese are directly attacking these refugee camps with artillery, tanks, and personnel. In the last 2 weeks, two refugee camps along this border, which together had a total population of over 50,000, have been attacked and overrun by Vietnamese forces. Civilian casualties were heavy, with several hundred killed and all others fleeing across the border into Thailand.

Thailand, which had a standing refugee camp population of 175,000 prior to these attacks, cannot accommodate these large numbers of additional displaced people.

Today the Vietnamese have begun their attack on two more camps, Nong Samet and Ban Sangae, which have a combined population of approximately 100,000, a great majority of whom are women and children. The atrocities committed by the Vietnamese on these refugees cannot go unnoticed. They must be stopped. I hope that passage of this resolution will direct greater attention to the horrible plight of these refugees, demonstrate that this body shares the concern already expressed by others for the safety of these remaining refugees, and encourage the U.N. Secretary-General to investigate these massacres.

I am grateful to my colleagues for their recognition of the urgency of this resolution and the consent of this body to consider it today.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The preamble was agreed to.

The resolution (S. Res. 112) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 112

Whereas the people of Kampuchea have long endured war, bitter civil strife, and atrocities;

Whereas since January 1979, a new agony has been imposed on these long-suffering people by the occupation of their homeland by a foreign power, Vietnam, which, after four years, has not won the support of the Kampuchean people, and has attempted to exert its control with more than 170,000 troops;

Whereas the pain of foreign occupation has been increased for the Kampuchean people by the occupying power's use of chemical and biological weapons in areas of resistance;

Whereas in recent days a tragic byproduct of an intense Vietnamese offensive against anti-Vietnamese Khmer resistance forces was an outpouring into Thailand of tens of thousands of civilians, many wounded, who were displaced from their sites of temporary refuge;

Whereas the attacks on the border have spilled over into Thailand bringing death and destruction to Thai villagers and villages;

Whereas the hundreds of thousands of refugees and displaced persons on Thai soil constitute a serious humanitarian problem;

Whereas the United States commitment to the security of Thailand under the Southeast Asia Collective Defense Treaty, done at Manila on September 8, 1954 (also known as the "Manila Pact") was reaffirmed by President Reagan in his 1981 meetings with Thai Prime Minister Prem;

Whereas the United States Government supports the Association of Southeast Asian Nations (ASEAN) goals regarding a political settlement for Kampuchea within the framework of the United Nations International Conference on Kampuchea, which calls for withdrawal of all foreign forces from Kampuchea; and

Whereas the United States Government has consistently been committed to alleviating the burden to Thailand presented by the large outflow of refugees from Kampuchea and to providing humanitarian assistance to the Kampucheans through an international program: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) all parties to the armed conflict near the border between Thailand and Kampuchea should refrain from actions which may endanger refugees and should extend protection to all refugee camps in such areas; and

(2) the Government of Vietnam should immediately halt armed attacks on civilians and respect their right to safe haven.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF THE TESTIMONY OF THOMAS J. KAROL

Mr. STEVENS. Mr. President, I send to the desk a resolution on behalf of the distinguished majority and minority leaders.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 121) to authorize the testimony of Thomas J. Karol.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, on behalf of the majority leader, Mr. BAKER, I wish to state that the Permanent Subcommittee on Investigations has been requested to provide the testimony of one of its staff members, Thomas J. Karol, at a hearing called by the attorney general of New York State which will consider proposed State legislation directed at fraudulent activities in the commodities and securities markets. The subcommittee has held hearings on matters that may be pertinent in the consideration of the draft legislation and the Committee on Governmental Affairs has issued a report made by the subcommittee on commodity investment fraud. This resolution would authorize the staff member to testify only as to matters of public record, which would encompass the matters addressed in those subcommittee hearings and the commodity investment fraud report.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The preamble was agreed to.

The resolution (S. Res. 121) was agreed to.

The resolution with its preamble, is as follows:

S. RES. 121

Whereas, the Attorney General of New York State will conduct a public hearing to examine abuses in the commodities and securities market, and to consider proposed state legislation to deal with various aspects of such abuses;

Whereas, the Permanent Subcommittee on Investigations has conducted an investigation and held hearings resulting in a Senate report by the Committee on Governmental Affairs on matters which may be germane to the New York hearing;

Whereas, a staff employee of the Permanent Subcommittee on Investigations, Thomas J. Karol, has been requested to appear as a witness in this matter;

Whereas, by the privileges of the Senate of the United States no evidence under the control or in the possession of the Senate can be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony of a staff employee of the Senate is needful for use in any proceeding for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; Now, therefore, be it

Resolved, That Thomas J. Karol is authorized to appear and testify as to matters of public record in this matter.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTIONS IN PUBLIC LAW 98-8

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 245, a joint resolution making technical corrections in Public Law 98-8, the jobs bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 245) to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718.

There being no objection, the joint resolution (H.J. Res. 245) was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

JOINT REFERRAL OF S. 127 AND S. 418

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate bills 127 and 418, both entitled "The Unfair Foreign Competition Act of 1983," be jointly referred to the Committee on Finance and the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF S. 724

Mr. STEVENS. Mr. President, I ask unanimous consent that when S. 724, a bill to authorize the U.S. Army Corps of Engineers to undertake activities to provide new public works investment, grants to the several States to encourage and foster the construction of necessary public capital investment projects, to assist in creating new and productive jobs, is reported by the Committee on Environment and Public Works it be referred to the Committee on Labor and Human Resources for not more than 30 days solely for the purpose of considering and reporting amendments to title V thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate turn to the consideration of House Concurrent Resolution 114, a concurrent resolution providing for a joint session of the two Houses on Wednesday, April 27, 1983, to receive a message from the President of the United States.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, what time will that meeting occur?

The PRESIDING OFFICER. At 8 p.m.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER (Mr. ABDNOR) laid before the Senate House Concurrent Resolution 114, providing for a joint session of the House and Senate on Wednesday, April 27, 1983, to receive the President of the United States.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 114) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE 175TH ANNIVERSARY OF THE FOUNDING OF MOUNT ST. MARY'S COLLEGE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 105, a resolution to extend congratulations on the 175th anniversary of the founding of Mount St. Mary's College and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 105) to extend congratulations on the 175th anniversary of the founding of Mount St. Mary's College.

The Senate proceeded to consider the resolution.

Mr. MATHIAS. Mr. President, one of the outstanding educational institutions in America for a century and three quarters is Mount St. Mary's College which is situated in the foothills of the Catoctin Mountains near Emmitsburg, Md. It is the oldest, independent college affiliated with the Catholic Church in the United States.

I personally feel a great debt of gratitude to Mount St. Mary's which awarded me a degree of Doctor of Laws with great charity and generosity.

It is a pleasure for me to salute the members of the faculty, the student body, the large body of alumni of Mount St. Mary's College, all of whom have contributed much to the United States over this period of 175 years.

Mr. SARBANES. Mr. President, I want to thank the majority leader, the minority leader, the chairman of the Senate Judiciary Committee, and the ranking minority member of the Senate Judiciary Committee for agreeing to immediate consideration of Senate Resolution 105 honoring Mount St. Mary's College in Emmitsburg, Md., on its 175th anniversary.

This resolution, cosponsored by my senior colleague, Senator MATHIAS, congratulates America's oldest independent Catholic college on an important occasion, the 175th anniversary of its founding. I might note that Senator MATHIAS resides in Frederick County, the home of Mount St. Mary's College, and has a special interest in this significant event in the college's history.

With many distinguished graduates in an enormous number of fields, Mount St. Mary's has been a source of leaders in the areas of religion, government, the arts, and the sciences. It has continued its historic tradition of academic excellence while updating its curriculum.

On May 6, Mount St. Mary's College will celebrate the anniversary with an academic convocation of faculty, staff, distinguished graduates, and friends of this great institution, and it is entirely appropriate that the U.S. Senate today pass this resolution extending the congratulations of the Senate to President Robert J. Wickenheiser on the college's 175th anniversary.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The preamble was agreed to.

The resolution (S. Res. 105) was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 105

Whereas Mount St. Mary's College is celebrating the one hundred seventy-fifth anniversary of the founding of the college in 1808;

Whereas Mount St. Mary's College is the oldest independent Catholic college in the United States;

Whereas Mount St. Mary's College was a symbol of religious freedom in the early nineteenth century by serving as a haven for Catholics from Europe and America to receive a quality education;

Whereas Mount St. Mary's College has graduated many distinguished alumni who have made great contributions in religion, government, and the arts and sciences;

Whereas Mount St. Mary's College has continued a tradition of academic excellence to the present: Now, therefore, be it

Resolved, That the United States Senate congratulates Mount St. Mary's College on the occasion of its one hundred seventy-fifth anniversary.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the President of Mount St. Mary's College.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I now ask my distinguished friend, the Senator from West Virginia, if he is in agreement with a motion to place the Senate in executive session for the purpose of considering all nominations on the executive calendar commencing with Calendar No. 73 on page 2 through pages, 3, 4, 5, 6, 7, 8, 9, 10, and the nominations on the Secretary's desk on page 11.

Mr. BYRD. Mr. President, all nominations beginning with Calendar Order No. 73 on page 2 and continuing through pages 3, 4, 5, 6, 7, 8, 9, 10, and 11, which includes nominations placed on the Secretary's desk, have been cleared on this side of the aisle I am pleased to state to the acting Republican leader.

Mr. STEVENS. Mr. President, I move that we go into executive session for the purpose of considering the nominations referred to by both the distinguished Senator from West Virginia and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I now move that those nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

Lt. Gen. William R. Nelson, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jack I. Gregory, [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Donn A. Starry, [redacted] (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John D. Bruen, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Maxwell R. Thurman, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jack N. Merritt, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard G. Trefry, [redacted] (age 58), U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Nathaniel R. Thompson, Jr., [redacted], U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Paul F. Gorman, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Wallace H. Nutting, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Raphael D. Tice, [redacted] (age 55), U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William J. Hilsman, [redacted] (age 50), U.S. Army.

IN THE NAVY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James R. Hogg, [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. "M" Stasser Holcomb, [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be admiral

Adm. John G. Williams, Jr., [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Edward P. Travers, [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Kent J. Carroll, [redacted] 1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5142, to be assigned as the Chief of Chaplains, U.S. Navy:

To be chief of chaplains

Rear Adm. Neil M. Stevenson, Chaplain Corps, [redacted], U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, sections 5133 and 1370:

To be vice admiral

Vice Adm. J. William Cox, Medical Corps, [redacted], U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

John Joseph Sweeney.
John Edward Love.
Kenneth Edward Myatt.
John Edward Summers.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

William Joseph Miles.

SPECIAL DUTY OFFICER (INTELLIGENCE)

Robert Patrick Tiernan.

MEDICAL CORPS OFFICER

John Duncan Tolmie.
James Glen Roberts.

SUPPLY CORPS OFFICER

Philip Arthur Whitacre.

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Robert Edward Wiss.

DENTAL CORPS OFFICER

Edward John O'Shea, Jr.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Edward H. Martin, [redacted], U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Bernard M. Kauderer, [redacted]/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Powell F. Carter, Jr., [redacted], U.S. Navy.

The following-named officer under the provision of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by

the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James B. Busey, IV, xxx-xx-x... xxx-xx... 310, U.S. Navy.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William J. Crowe, Jr., xxx-xx-xxxx 1120, U.S. Navy.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William N. Small, xxx-xx-xxxx /1310, U.S. Navy.

The following-named officer under the provision of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William H. Rowden xxx-xx-xxxx xxx-x... 1110, U.S. Navy.

THE JUDICIARY

William H. Barbour, Jr., of Mississippi, to be U.S. district judge for the southern district of Mississippi vice William H. Cox, retired.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, MARINE CORPS, NAVY

Air Force nominations beginning Fred E. Ellis, and ending Martin A. Lukacs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1983.

Air Force nominations beginning Lynn R. Anderson, and ending Ronald S. Tourigny, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1983.

Marine Corps nominations beginning William S. Ainsley, III, and ending Harvey L. Zimmerle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1983.

Navy nominations beginning Donald Lewis Abbey, and ending Julian Maynard Wright, Jr, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1983.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were confirmed en bloc.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUVENILE JUSTICE

Mr. HATCH. Mr. President, I call to the attention of my colleagues an outstanding recent speech on the subject of juvenile justice delivered by Mr. Alfred Regnery, the Acting Director of the Office of Juvenile Justice and Delinquency Prevention. Mr. Regnery's nomination as permanent Director is currently being considered by the Committee on the Judiciary.

In particular, I wish to commend Mr. Regnery for his commitment to analyzing the extent to which previously funded programs have produced anything useful in combating juvenile crime. It has been the concern of a number of observers, including myself, that there has been a tendency on the part of this Office to continue siphoning Federal funds each year to programs that have not contributed in any apparent way to assisting our society in dealing with the problem of youthful crime, particularly violent crime. I am pleased with Mr. Regnery's speech, as well as his record during his months as Acting Director, suggests that this will no longer be the case at this agency. I ask unanimous consent that the full text of this speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH OF ALFRED S. REGNERY 10TH NATIONAL CONFERENCE ON JUVENILE JUSTICE

Thank you for the opportunity to appear before you today. I have looked forward to this moment since assuming office in November—actually, since before that day when, in a letter congratulating me on my appointment, Arne Schoeller suggested that I address your convention here in Hilton Head. I should tell you, incidentally, that that letter arrived before my appointment had been made public and when both the Attorney General's office and I were trying to keep the fact that I had been appointed a secret. You can rest assured that Arne's intelligence in Washington is superb; unfortunately, he sent copies of the letter to everybody in town. The appointment was no longer secret.

In any case, I am pleased to be here today, and particularly pleased to make this, my first major policy address since taking office, to this group of judges and prosecutors. I want to talk about the Juvenile Justice System and the Criminal Justice System, and about crime generally, and to raise some issues which I believe need to be raised. I want to give you some idea of the way we, in leadership positions at the Department of Justice, perceive juvenile justice issues to be, and how we hope to address them during the remainder of this administration. Most importantly, though, I want to address some of the major issues which will confront juvenile justice during the coming several years, and which must, I believe, be addressed by the state legislatures and the Congress.

I don't need to tell you that the dream that existed when the juvenile justice system was created has largely been shattered. Indeed, many believe that dream has turned into a nightmare. Nevertheless, to a great extent, the system, if that is what it is, still continues on in much the same form as when it was created. (Former Watergate prosecutor and now Georgetown law professor, Sam Dash, speaking of the criminal justice system, recently said it was really no system at all, but just fifty years of bad practice. God only knows what he would say about the juvenile justice system.)

The preconceptions and misconceptions which created the juvenile justice system in the first place still exist to such an extent that challenges to the system from within, are considered as heresy, and that challenges from without are often ignored. Those misconceptions—that juveniles are incapable of criminal conduct, that the court of jurisdiction should be determined by the date of the offender's birthday rather than the seriousness of the offense, that juveniles "mature out" of criminal behavior, and that we should not stigmatize juvenile offenders by allowing their records to follow them into adulthood—those misconceptions, although they defy reality, have been the conventional wisdom for so long as to completely skew the priorities and perspectives of the juvenile justice system.

Allow me, for purposes of reference, to give you a few facts and figures—facts and figures which most of you have heard before, but which will nevertheless be valuable to put the proper perspectives on the problem which we face.

The incidence and nature of juvenile crime is a complex subject. It resists quick judgments or sensational conclusions. Numbers and percentages alone do not tell the whole story. Still, by any standard, the numbers and percentages are startling.

The Bureau of Justice Statistics at the Department of Justice estimates that in 1979, juveniles up to 18 years of age accounted for about 20% of all violent crime arrests, 44% of all serious property crime arrests and 39% of all overall serious crime arrests. Yet juveniles aged 10 to 17 constitute 13.6% of the total population. When the statistics for youthful offenders (ages 18–20) are added in, the percentages are even more sobering. In 1979, children and youth aged 12 to 20 accounted for 38% of all violent crime arrests, 62% of all serious property crime arrests and 57% of all overall serious crime arrests.

When actual numbers are substituted for percentages, the statistics become still more dramatic. In 1980, the FBI reported approximately 9.7 million total arrests, of which approximately *2.1 million were juveniles aged 10 to 17.* According to FBI self-reporting surveys, each year, males aged 12 to 18 commit 3.3 million aggravated assaults, 2.5 million grand thefts and 6.1 million breakings and enterings. That is almost 12 million crimes. The numbers for crime in the schools are also staggering. An estimated 282,000 students are attacked at school in a typical one-month period, and an estimated 5,200 teachers are physically attacked at school each month. Even more alarming is the fact that even though juvenile crime rates may be declining, the violence and intensity of that crime is increasing. In a new study to be released soon, Marvin Wolfgang concludes that today's juvenile offender is becoming increasingly more violent in his crimes and that each offender is committing

significantly more crimes during his career than ten years ago. If that is true, despite improved demographics for juvenile crime, the problem may be getting worse.

The FBI figures thus show that for just three offenses—aggravated assault, grand theft, and breaking and entering, juvenile boys committed 12 million offenses in 1980. Yet, the Bureau of Justice Statistics estimates that for that year, fewer than 100,000 juveniles were incarcerated for *all* offenses. Most were never apprehended. Of those who were, most were either let off or placed on probation—often meaningless probation, I might add.

If we look at the arrest rates per capita for various age groups, we find those rates to be the highest for those between 14 and 18. More interestingly, perhaps, we find a precipitous drop in the rate starting at about age 16 and continuing into the early twenties—at the age when the offenders leave the jurisdiction of the juvenile system.

Finally, the recidivism rate—the thing that is supposed to be cured by rehabilitation, the watchword of the juvenile justice system—is higher among juveniles than among any other age group. And although many juvenile offenders do "grow out" of their criminal behavior, an alarming number will go on to become the "career criminals" of tomorrow.

What is the response of the juvenile justice system to this incredible state of affairs? Let me cite a couple of examples.

Two studies in three New York counties offer devastating evidence of the breakdown of the juvenile justice system. One examined the dispositions of 191 juveniles who had committed a violent crime; it concluded that only 9% of those juveniles convicted of violent offenses were placed in any kind of facility. Astonishingly, even among the chronic juvenile offenders—those who had committed five or more offenses—only 20% were placed in a facility. And in a separate independent study, the New York State Office of Children's Services found that of the almost 4,000 juveniles arrested for robbery in a twelve month period, only 115 received some form of custodial supervision.

It is perhaps no wonder that the juvenile justice system is under increasing attack. Which of the state legislatures has not at least debated or perhaps amended its juvenile code in the past few years? What would-be congressman or senator has not attacked it? The press? Indeed, the Attorney General's Task Force on Violent Crime, as well as the President's Task Force on Victims of Crime, have forcefully called for a re-examination of much of the juvenile justice system to make it more responsive to the times in which we live.

I don't advocate abolition of the juvenile justice system. There is, I believe, still a place for the system, if perhaps more limited than it now is. But by the same token, I believe that mindless defense of the system will neither produce nor preserve much of value.

In a Report of the National Commission on Criminal Justice Standards and Goals, (1974), it was stated that: "There are a number of studies which suggest that many children mature out of delinquent behavior. If this is true, the question is whether it is better to *leave these persons alone* or put them in the formal juvenile justice system." Because there are no satisfactory measures of the effectiveness of the juvenile justice system, there is a substantial body of opinion which favors "leaving alone" all except those who have had three or four contacts with the police.

Similarly, one of my predecessors in this office stated that he believed that such damage was done to juvenile offenders by their contact with the juvenile justice system that society would be better off if the offenders were never apprehended.

That kind of thinking epitomizes the intellectual bankruptcy that exists among many of the defenders of this system. *What is best for the violator* is the only concern; the rights and welfare of those who are, or will be, the victims are simply ignored. I suggest it is such "pie-in-the-sky" thinking that will sound the death knell to even those parts of the system which should survive.

There are, I believe, certain issues, sacred among some of you, which need to be addressed, studied and observed, in order to determine their continued viability in today's world. We need to disregard the conventional wisdom, disregard the turf battles, disregard the political pressure which will surely result, and to go to the heart of certain issues to determine, if we can, the unvarnished truth.

What are these issues?

I believe that, first and foremost, the very philosophy of the juvenile system and its relationship to today's crime rate must be intelligently re-examined. Does a system which was set up in 1899 to deal with what was then a problem of modest significance, at best, still work in today's complex world? Do yesterday's theories of rehabilitation, non-culpability and confidentiality still have any place in our criminal justice system of today? Do they make sense when applied to 17 year olds, or perhaps only to those younger than eleven or twelve? We believe that our youth grow up earlier, that they are "older" than they were fifty years ago, and that 15 and 16 year olds are mature individuals capable of exercising considerable responsibility. If that is true for purposes of education, entertainment, recreation, or even constitutional rights, is it not also true for the way in which they are adjudicated for their misdeeds?

I propose that we empanel some of our most creative thinkers to address those issues in depth, to ask those hard questions which we must, from time to time, ask ourselves. OJJDP will sponsor such an undertaking. We will let the chips fall where they may, and will disburse the results widely to the public.

Second, I believe that the issues of juvenile records and confidentiality need to be studied and seriously debated. Juvenile records, their applicability to criminal justice, and the impact their restricted availability has on adult crime is certainly a burning issue among prosecutors, judges, criminologists, and indeed the public.

Yet, when I asked our Institute to provide me with an abstract of the research and studies available on the question of juvenile records, I found very little of value, and nothing which addressed the important issues which they pose.

And what are the critics saying on the question of records? Let's look at a couple of examples:

Marvin Wolfgang says he is convinced that the records of violent juveniles, particularly recidivists, must be readily available to the adult criminal justice system in order to identify career criminals as they enter their adult lives and to halt their careers at an early stage.

In a paper soon to be released on the subject, the Bureau of Justice Statistics concludes that the strategies to prosecute violent offenders, identify career criminals and punish habitual offenders require information to succeed, information which does not necessarily differentiate behavior when an adult from behavior when a juvenile.

Speaking of violent offenders, Senator Edward Kennedy, in 1978, said, "The law should permit the photographing and finger-printing of offenders; line-up identifications should be permitted. Most importantly, an up-to-date criminal history of the offender should be readily available to judges at the time of sentencing."

And NYU law professor Martin Guggenheim recently advocated the total elimination of confidentiality for juveniles. "It has been a protection for terrible abuses," he said.

I suggest that the concept of confidentiality for juvenile offenders and their records may have run its course. It is certainly detrimental to the effective functioning of the criminal justice system to seal or expunge juvenile criminal records. Law enforcement officers have, as their principal weapon in the arsenal of crime-fighting, the use of information. The police proceed upon the logical hypothesis that criminals are often repeaters, and that someone who has been arrested for, or convicted of, a felony will be a logical suspect in a subsequent crime.

As investigative techniques become even more sophisticated, the need for information, including juvenile records, becomes more and more crucial. It seems logical, as well, that the availability of *all* juvenile records to the adult prosecutor and judge will facilitate sentencing, parole, probation, plea-bargining, and cross-examination. Would open records, be a deterrent to other crime? We don't know. It is our duty to find out. We will thus conduct extensive research on confidentiality to try to determine its impact on crime.

Third, the theory of almost complete reliance on rehabilitation is under severe attack and has lost whatever glamour the public ever found it to have. James Q. Wilson states that his analysis shows that with few and isolated exceptions, rehabilitative efforts have had no appreciable effect on recidivism. Juvenile recidivist rates, according to the Bureau of Justice Statistcs, are considerably higher than adult rates. Where the theory of juvenile corrections relies almost entirely on rehabilitation, we must attempt to determine why recidivism among juveniles is greater than among adults, and must provide the state legislatures with data and information so that they can make their laws more effective.

The recently released President's Task Force Report on Victims of Crime in America calls on the federal government to re-examine the entire area of juvenile punishment. The report states: "It is unacceptable for a juvenile who commits murder to serve only a year in custody. Imposing such a sentence implies to both the killer and the victim's family that expiation for the life taken can be accomplished in 12 months. It must be faced that some juvenile offenders are more sophisticated about crime, the way in which the system operates, and how they can avoid being held culpable than are many adults. The method of punishment for those juveniles who have documented criminal histories or who have committed serious violent crimes should be critically re-evaluated. The current policies of many jurisdictions neither reform nor punish; they only teach juveniles that they can act with relative impunity if they learn how to take advantage of the system. Ways to deal effec-

tively with the juvenile who has graduated to committing adult violent offenses must be devised."

We also plan, at the Office of Juvenile Justice, to undertake some programs which will directly assist the juvenile justice system in dealing with the juvenile crime problem I have described.

As you no doubt know, the principal thrust of our office, over the past decade, has been the removal of status offenders from institutions and more recently the separation of juveniles and adults in jails. Those efforts, which were the principle mandate of the Juvenile Justice Act, have been amazingly successful. Not only have some 85% of all status offenders been deinstitutionalized, but there remains a continuing national commitment to achieving the goals of the Act. I support those goals and will, of course, as the Administrator of OJJDP, see that the mandates of the Act are diligently carried out.

The Act, as amended in 1980, provides the Administrator with considerable discretion in planning and executing programs to deal with the problems of serious juvenile crime. Training, technical assistance, programs concerning drug and alcohol abuse, research and the dissemination thereof, programs dealing with runaway youth, the general reduction of youth crime, and the improvement of programs already established which deal with juvenile delinquency are some of the things which the Office is authorized to fund in our special emphasis program and in the Institute. Additionally, as John Wilson from our General Counsel's office will tell you later today, sufficient progress has occurred in the areas of removal and separation so that formula grant resources in many, if not most, states can now be redirected toward other program priorities, including dealing comprehensively with serious and violent youth crime.

Let me briefly describe some of the specific programs which we plan to undertake:

Expanded training of police, prosecutors and judges;

Technical assistance to state and local governments to assist in programs which deal with serious youth crime;

A drug suppression program which would begin a law enforcement organizational development process designed to assist law enforcement authorities in the interdiction and suppression of drug traffic among juveniles. The intent is, of course, to reduce drug abuse and drug-related crime among juveniles, and the apprehension of individuals, both adult and juvenile, engaged in drug traffic activity within the juvenile community;

Development of programs to assist in the prosecution of youth gang members;

Development of a system and funding of programs which will assist the law enforcement community, and the private sector, in dealing with the tragic, and related, problem of runaway youth, child abuse and sexual exploitation, serial child murders such as the Gacey and Williams cases, and child pornography and prostitution—problems described yesterday by Father Ritter, and later today by Ken Wooden.

Additionally, we have continued funding of two Violent Offender Programs which were commenced, and conceived before my arrival at OJJDP, and have funded, for the final year, the New Pride demonstration project. I do intend to see that New Pride, as well as several other initiatives, become institutionalized as quickly as possible so that they are able to operate without government funds.

I believe that the Office of Juvenile Justice and Delinquency Prevention must, aside from its operational function, provide the background information, and the leadership, to permit the status quo to be challenged. To do anything else—to protect the system because it is a system—would be to ignore the realities of the times, and to ignore the terrible price that the victims, and that we, as citizens, must pay for excessive crime. We will not, we cannot, ourselves, change the system. But we can attempt to provide the facts, the data, and the evidence which will help those who can improve the system to find the truth and to act intelligently.

James Q. Wilson, in his book *Thinking About Crime,* argues for a sober view of man and his institutions that would permit reasonable things to be accomplished, foolish things abandoned, and utopian things forgotten. There is a great deal of wisdom in Professor Wilson's statement. It falls upon us to have the insight to identify which parts of our system are reasonable, which parts are foolish, and which parts are utopian. It falls upon us, too, to have the courage to abandon those things which we find to be foolish, and the courage to forget those things we find to be utopian.

Mr. HATCH. Mr. President, I would like to call to the attention of my colleagues a recent article by Prof. Albert Blaustein on the trend in recent years by ethnic groups around the world toward government autonomy. Professor Blaustein is one of the Nation's most distinguished constitutional scholars, having focused in particular upon the comparative aspects of various national constitutions. Although I do not agree with everything in Professor Blaustein's article, I do commend it to the attention of my colleagues as a thoughtful analysis of an increasingly significant aspect of international affairs. I ask unanimous consent that the full text of this statement appear at this point in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Journal of Comparative Law—1982]

THE NEW NATIONALISM [1]

(Albert P. Blaustein*)

I. THE THESIS-THEOREM

Human rights—in its perfect, ideal manifestation—demands an ever-increasing multiplication of micro-mini states, accompanied by massive political decentralization in those nation-states which cannot be divided or dissolved. The greater the degree of autonomy, the greater the extent of human rights . . . with this proviso—

That human rights be viewed primarily as group rights (i.e. rights based upon sex, race, religion, language, culture and ethnicity) rather than as individual rights.

"Aren't all civil rights individual rights?," queried Justice Thurgood Marshall from the bench of the United States Supreme Court in 1979, addressing counsel arguing the constitutionality of veterans preference laws.[2] No, Justice Marshall, they are not. It is unfortunate that this distinction has not been recognized in the Supreme Court opinions; it is regrettable that the Supreme Court has not come to grips with the issues which this distinction has created.

And furthermore, group rights are more important than individual rights.

This is not to deny the importance of individual human rights. And it may be the consummate verity that when one needs a writ of habeas corpus he needs it badly. But there are not many of us who are ever involved in a habeas corpus situation or who can even conceive of being in one. How "relatively" insignificant compared with the religion one practices daily, the language one uses constantly, the never-changing skin color, the ever-continuing ethnic consciousness!

"Regardless of the source of disadvantages and inequalities in multiethnic societies, increasing and increasingly group-based demands for removing them and building protective rules and institutions against their reemergence can be seen in many societies. Doubtless, the transnational diffusion of egalitarian values and a concern for human rights has fueled these demands and will continue to do so"[3] How true. And how obvious to the most casual of observers! Not only is this manifest in the proliferation of new nations but in the breakdown of central authority in the old established governments. Right-wing President Ronald Reagan espouses states' rights and something called the New Federalism. Left-wing President François Mitterrand is the proponent if décentralization et régionalisation.

Thus the realities support the thesis. We are now at the threshold of decades of dispute over the "ideal" constitutional arrangements to best achieve rights—controversies over the optimum degrees of autonomy necessary to secure, preserve and foster the manifestations of ethnicity. I call this the New Nationalism.

II. THE THEORY

There is (or perhaps "was" is the better word) a theory (most strongly advanced by Americans) that "tended to associate ethnicity with premodern stages of development—with primordial or prerational sentiments and with primitive social and political organization."[4]

The best known and, according to one scholar, "the most famous and influential statement on the eventual assimilation of racial groups was made by Robert E. Park."[5]

"In the relations of races, there is a cycle which tends everwhere to repeat itself . . . The race relations cycle which takes the form . . . of contacts, competition, accommodations and eventual assimilation is apparently progressive and irreversible. . . . Racial barriers may slacken the tempo of the movement, but cannot change its direction. . . . The forces which have brought about the existing interpretation of peoples are too vast and irresistible that the resulting changes assume the character of a cosmic process."[6]

And here is some concluding language on that theme by Cynthia H. Enloe:

"It is a nuisance, even a danger, when certain human circumstances stubbornly persist despite their "dysfunction" to modern life and mobile man. Religion, superstition, fatalism, familialism, nostalgia, passion—all are obstacles that development theorists must analyze so that public officials can reduce their negative influence. Ethnic loyalties fall into a similar category. They, like religion and passion, can be useful in the

Footnotes at end of article.

short run, but eventually they curb progress and blind individuals to their true capacities. Like a mid-wife, an ethnic group may assist at birth but should be ready to depart soon afterward. Groups founded on ethnic allegiance compete with the nation-state. Such competition is intolerable because the nation-state is the principal vehicle for development. According to development theorists, ethnic groups are not acceptable if they siphon off emotions and energies crucial for national planners." [7]

I doubt that this was ever the view of the majority. And if it was, it was a short-lived majority which held forth during the first days following the establishment of the United Nations. That was the time (1945) of the American individual rights oriented Universal Declaration of Human Rights. That was the time of universal pleas to treat each individual alike, *regardless* of sex, race, religion, language and culture. That was before the New Nationalism.

But at least by 1966 [8]—the time of the International Covenant on Civil and Political Rights—another philosophy (and other guidelines) dominated. For now there was a plea to treat groups of peoples in special ways, precisely *because* of their sex, race, religion, language and culture.

Thus Article 27 of the Covenant:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

An even stronger expression of the New Nationalism is set forth in the Draft Declaration of Race and Racial Prejudice, unanimously approved by UNESCO on November 29, 1978.

It reads:

"9(2) Special measures must be taken to ensure equality and dignity and rights for individuals and groups whenever necessary, while ensuring that they are not such as to appear racially discriminatory. In this respect, particular attention should be paid to racial or ethnic groups which are socially or economically disadvantaged, so as to afford them, on a completely equal footing and without discrimination or restriction, the protection of the laws and regulations and the advantages of the social measures in force, in particular in regard to housing, employment and health; to respect the authority of their culture and values; and to facilitate their social and occupational advancement, especially through education."

In other documents and studies,[9] the United Nations has coupled group rights demands with self-determination. This makes sense. Certainly they both fit neatly under the New Nationalism umbrella.

But while everyone mouths approval of group rights, self-determination is something else. It is one thing to preach human rights; it is another to implement them. One man's self-determination is another man's treason. And what of self-determination and the law? Here is one position:

"On this evidence [international documents and the practice of states], it cannot be said that the principle of self-determination has acquired a general recognition by states as being obligatory. At best, there seems to be emerging a norm whereby, once the basic decision for political reorganization or redistribution of power has been made, a principle of self-determination is applied to obtain the desired result in a desirable fashion. But the norm is not of law as yet." [10]

Yes, there are those who foresee the eventuality of a homogeneous peoplehood, who adhere to melting pot philosophy and who employ such jargon as consensus orientation to preach assimilation and amalgamation. Yes, there are those who decry the New Nationalism as tribalism, call it impractical and question its validity in the law. Yes, there are those sworn to uphold territorial integrity and who call it treason.

But they are against the trend.

A qualification—from an advocate of the New Nationalism: Group rights demands for sovereignity must not be at the expense of the security of neighboring states. Nor can the world support the group rights of one ethnic entity in such manner as to deny the group rights of another. The group rights of the Greeks of Cyprus must be recognized; but not as a Trojan horse for a proposed political union between Greece and Cyprus—something the Greeks have a word for: *enosis.* And beware pseudo liberation movements under the guise of group rights. Hitler and Stalin made good use of this camouflage to facilitate conquests. Present-day dictators seek to follow those successes.

III. THE TREND

Modern history, as it has evolved—and as it has been taught—has been exemplified by e pluribus unum. But that is now the past. The days of risorgimento and irredentism and colonialism belong to the last century. Nationhood today knows not ecumenicism.

On the eve of World War II, the world community numbered some 70 nation-states. Now there are 94 more. The New Nationalism can be said to have begun with the independence of Lebanon in 1943, and it has continued in 1981 with the independence of tiny Antigua and Barbuda (one country).

And tiny it is, with a total population of only 70,000. Further, 1,700 of that population is on the island of Barbuda which was pressured into this new union by the United Kingdom and which has threatened secession both before and after statehood.

Let us look at a few more cases:

Granted independence during this period was Britain's Gilbert and Ellice Islands Colony. But before independence it had first split into the separate dependent territories of Gilbert Islands and Tuvalu—and with independence it became the microstates of Kiribati (1979) and Tuvalu (1978). And why two separate nations? Answer: because the population of Kiribati is Micronesian and the population of Tuvalu is Polynesian.[11]

In 1940, there were only seven independent Muslim countries; now there are 40.

On the african continent, only Ethiopia, Egypt, Liberia and South Africa were independent prior to World War II. Now there are 50 recognized sovereignties, plus three former South African black homelands which possess all the formalities of independent statehood except recognition.[12] The further segmentation of South Africa to create additional black states is continuing.

And there will be many more states on that continent. Africa's national boundaries are the least stable of all. The map of Africa is the result of a log series of European treaties culminating in the Berlin Conference of 1885 [13]—treaties which largely overlooked tribal, ethnic, linguistic, religious and historic boundary lines. The heroic efforts of Ethiopia's Haile Selassie semi-convinced the new nation-states to retain the colonial frontiers which they had inherited. He saw no alternative. Any attempt to restructure boundaries would result in warfare and a neglect of development programs.

Yet the New Nationalism will have its way. Only armed might has enabled Nigeria to prevent the secession of Biafra and Zaire to prevent the secession of Katanga—so far. But war continues over Eritrean independence and the claims of ethnic Somalis on Ethiopia's borders. And there are conflicts between Algeria and Morocco, between Nigeria and Cameroon, between Tanzania and Malawi. etc.

British India was first divided into India and Pakistan and then the latter was further divided into Pakistan and Bangladesh—based on religious, language and cultural differences. And one can predict the eventual devolution of Pakistan (again on the basis of groups rights) into four autonomous entities and perhaps even four separate states.[14]

What has been said about Pakistan is even more true of Yugoslavia with her six component republics and two additional autonomous provinces.

The list of examples is (seemingly) neverending. Here is a select assortment of a few more of them, reflecting both the past and the future.

The United States Trust Territory of the Pacific Islands, with a population of only 135,000, is already divided into four local self-governing entitles: Northern Marianas, Marshall Islands, Palau and the Federated States of Micronesia. Will they eventually become four separate sovereign states?

The most publicized (and most violent) manifestations of group rights are in Ireland and the Middle East, and both situations cry for constitutional autonomy solutions. In the totality of the Emerald Isle, the Protestants are in the minority; in the six-county northern enclave of Ulster, a part of the United Kingdom, the Protestants constitute the majority. Catholic factions throughout the island contend for a united Ireland and Catholics in Ulster strive for group rights in the Protestant-dominated north.

Arab Palestinians constitute 65 percent of the population of that 76 percent of the territory of the British Mandate of Palestine now called Jordon. They constitute the vast majority of the so-called West Bank and make up sizeable minorities in both Lebanon and Israel. Their group rights, autonomy and statehood demands are in varying degrees of satisfaction and dispute in the three nation states and the disputed West Bank area which the Israelis know as Judea and Samaria.

Fiji still maintains dual voting rolls to assure Fijian control over a nation whose majority population is ethnically Indian.

Canada is not only facing the threat of a separate, French-speaking, Catholic Quebec (either as an autonomous entity or as a neighboring sovereign state) but must also contend with the provincial rights demands of Alberta. Those fighting Canadian dissolution call for constitutional arrangements which they have labelled "cooperative federalism."

"Decentralisation" is the word in the France of President Mitterrand who, ironically, once supported an Algérie Française. Under the "Defferre Law", named after its author, Interior Minister Gaston Defferre, four centuries of central control over local affairs is, at this writing, coming to an end. Cardinal Richelieu ruled from Paris through his intendants and Napoleon through his *prefects.* But that is all past his-

tory. At the same time, Corsica has become a new styled région of France, with its own legislative assembly, consultative councils and cultural identity. And what can one now predict about separatist movements for Occitania, Alsace and Brittany.

"Devolution" is the word in the United Kingdom for the goal of the autonomy movements in Scotland and Wales.

"Corporate Federalism" is what Carl J. Friedrich [15] called the cyprus constitution of 1960, designed to reconcile the conflicting cultural and ethnic claims of Cypriot Greeks and Turks. To no avail. The Turkish forty per cent of the island is now known in Ankara as the Turkish Republic of Kibris whose leaders talk of separate sovereignty. Differences in race, religion, language and culture have also sparked the separatist movement in Sri Lanka. Eighty per cent of the population are Sinhalese-speaking Buddhist Aryans; twenty per cent are Tamil-speaking Hindu Dravidians. As in Cyprus, the two major ethnic groups largely occupy separate and distinct territorial regions, giving hope to demands for separate statehood. Belgium is barely weathering similar ethinic, religious, linguistic conflict; since 1971 it has been constitutionally two separate states.

Spain, which has recently granted considerable autonomy to its Basques and Catalans, is now facing separatist movements in the Balaeric and Canary Islands. Portugal is beset with autonomy issues in the Azores and Madeira Islands.

Article 13 of Iran's 1979 Constitution denominates "the Iranian Zoroastrians, Jews and Christians [as the] only recognized minorities, who, within the limits of the law, are free to perform their own religious rites, and who, in matters relating to their personal affairs and teachings, may act in accordance with their religious regulations." Article 64 reserves one parliamentary seat each to the Zorastrians and Jews, one to the Assyrian and Chaldean Christians together and two to the Armenian Christians. Nothing is said about the Kurds, who, in Iran as well as Iraq, Turkey and the Soviet Union are struggling for national, cultural identity, which many hope will lead to a separte Kurdistan.

Racial and religious differences continue to cause turmoil in Malaysia. The ethnic Chinese and Indians, who control the economy, and the Muslim Malay majority, who control the government, are in a constant constitutional struggle to delineate respective group rights. And libraries are overflowing with the literature on India's multi-racial, multi-tribal, multi-caste, multi-religious society and the constitutional conflicts which group differences have created.

But there can also be a proliferation of nations among homogeneous peoples who share the same racial and ethnic backgrounds, with the same cultural and linguistic heritage and the same church—and even the same geography. For example, note the longstanding separate nationhoods of Denmark, Iceland, Norway and Sweden, and, with some qualifications, add Finland to that group.

Also well-established are the six micro-states which were once part of the Spanish Empire, then part of Mexico and still later joined together as Guatemala. Now they are the independent nations of Belize, Costa Rica, El Salvador, Honduras, Guatemala and Nicaragua. The six, together with Panama (once part of Colombia), comprise tiny Central America. And the same point can be made about the proliferation of nations on the Arab peninsula.

The situation in the United States, which fought a bloody civil war in 1861-1865 to preserve its territorial integrity, provides different kinds of autonomy-group rights illustrations. For example, claimed rights denied by the Supreme Court under the U.S. Constitution have been secured under state constitutions.[16] And there are judicial decisions recognizing the group rights of Chinese-Americans (linguistic),[17] of Black Americans (educational)[18] and Native Americans (religious).[19]

And so on, and so on, and so on.

And the advent of the Reagan administration in 1981 ushered in the New Federalism: less centralized power and authority in Washington and more emphasis on states' rights.

Yes, there have been exceptions, but exceptions which prove the rule. Last of the great imperial empires, the Soviet Union (thanks to World War II, the Yalta Agreement and the Helsinki Accords) swallowed up the once independent nations of Estonia, Latvia and Lithuania and similarly integrated into the U.S.S.R. lands and peoples once part of Poland, Romania, Czechoslovakia, Hungary and Finland. And the Soviet armies are now engaged in the conquest of Afghanistan.

The future of the Soviet Union as a territorially intact imperium is doubtful. The ethnic russian proportion of the U.S.S.R. population has fallen to 52.4 percent.[20] More than 40 percent of all children born in the Soviet Union in 1980 were Muslim.[21] The heralded Solidarity movement against Soviet domination in Poland is matched by the quiet, deep-seated desire to achieve statehood and a realization of group rights not only in Estonia, Latvia and Lithuania but also in conquered Uzbekistan, Kazakhstan, Azerbaijan, Tadzhkistan, Turkmenistan, Kirghizia and Armenia.

As the Soviet Union is representative of the old colonialism so Indonesia is the principal practitioner of the new (neo-?) colonialism. Heirs to the far flung Dutch East Indies, the Java-dominated new nation of Indonesia integrated under its claim of sovereignty every island (and part of island) that it possibly could. Cultural, racial, religious, ethnic, linguistic differences and rights have been ignored. Sound reason why there are now such righteous freedom and national liberation movements striving for the independence of East Timor, the South Moluccas and West Irian and there is even a separatist movement in Sumatra.

Emulating the Soviet Union (their senior partner in an hegemonous relationship) Vietnam has now conquered both Cambodia and Laos, installing her own brand of puppet rulers (Quislings) to wield state authority. And there are such other exceptions as the recent proposals to unite the sovereign nations of Senegal and the Gambia to form Senegambia, plus the continuing efforts of Libya to unite with either Egypt or Tunisia or now, Syria.

Also against the tide are the state-clusters which sacrifice a limited amount of autonomy to a central authority (Pan-ism): the United Nations, the Council of Europe, the Organization of Petroleum Exporting Countries, etc.

So much for examples. The point is made. The trend is certain. This is not (with some exceptions) the era of . . . conquest, empire, imperialism, colonialism, neo-colonialism, occupation, Anchluss, integration, satellization, hegemony, protectorates, centralism.

IV. THE THINKING

Somewhere in that grand constitutional firmament in the skies is a constitutional Rubik's cube, replete with constitutional terminology describing the institutional arrangements ordering the living together (or separation of) disparate peoples. Twist and turn, position and orient. Put in their proper places those optima constitutional formulations which best protect and preserve the conflicting demands of the 892 ethnic groups[22] living within the borders of our 160-plus nation-states. The jargon generator has provided us with a plethora of terms to label the mini-cubes. Let's go to work.

Unlike the Rubik cube, there is no color coding here. We classify on different bases. We start with the rights—meaning group rights as opposed to individual rights. Here we have human rights and civil rights; state's rights; family, women's and children's rights; and racial, religious, tribal, caste, ethnic, cultural and linguistic rights. For "rights," we can substitute the words "liberties" or "freedoms."

The first distinction is between homogeneous states, where there are minimal group rights demands, and plural societies where there are many. Norway, Portugal and North Korea are representative of homogeneity; India, South Africa and Belgium are examples of pluralism. So much for two sides of our constitutional cube.

Distinction two is between what I have termed "compound states" and "amalgam states." Pakistan, Indonesia, Yugoslavia and Sri Lanka are classified as amalgam: they are made up of distinct national "different" groups, occupying distinct geographical areas. Compound states include the United States, Malaysia and Zimbabwe. Each has distinct racial, religious, ethnic, cultural groups—but they are spread out and physically integrated within the national boundaries.

There are pleas for autonomy, for home rule, for self-determination and for self rule in both the compound and the amalgam states. But they seek different legal solutions.

Autonomy is a constitutional term or art (a code or buzz word) for institutional arrangements granting a "degree" of freedom to a group to order its own affairs. It is a loose and flexible term which runs the gamut from independent statehood to the right of co-religionists to worship together. (At least this is how I define it.)

The autonomy demands in the amalgam states occupy another side of the cube. There the mini-cubes have such labels as: nationalism, independence, statehood, sovereignty, secession, separation, devolution, disunion, dissolution, Balkanization, liberation movement, homeland movement, separate development, states rights.

The autonomy demands in the compound states usually involve some form of federalism. The Handbook of Political Science provides this working definition:

"Federalism is a political organization in which the activities of government are divided between regional governments and a central government in such a way that each kind of government has some activities on which it makes final decisions." [23]

Which government makes which decisions? It all depends. The vocabulary which occupies the other side of the cube includes confederation, federation, corporate federalism (Cyprus), cooperative federalism

(Canada), the New Federalism and (the as yet undefined) creative federalism.

But this listing does not provide enough words to describe all of the institutional arrangements to protect and preserve group rights in a plural society. To fill one gap, Professor Arend Lijphart [24] invented the word "consociation". He uses this term to describe the constitutional structure of Belgium, Luxembourg, Switzerland and the Netherlands Antilles, among others. In order to achieve group rights in an amalgam nation, he advocates consociational democracy, which, he points out, deviates from the Westminster model of majority rule.

Consociational democracy, he explains, must be be defined in terms of four principles: grand coalition, mutual veto, proportionality and segmental autonomy.

Yet still another descriptive term is needed and Professor Jay A. Sigler and I have tried to fill that gap with the word "confiliation." Here is what we have said:

"Our interest in this growing emphasis—and legal manifestation—of group rights is reflected in our coining of a new constitutional word: confiliation. A confiliation is not a federal state or a confederation or a consociation of ethnic groups of relatively equal power (e.g. Belgium) or ethnic groups occupying separate distinctive territories (e.g. Yogoslavia). In a confiliation, each separate group (i.e. the filii or offspring) is afforded ethnic autonomy wherever it may be located within the state, with its own marriage and divorce laws, its own inheritance laws, its own schools, etc., with fealty to the central "father" whose authority is limited to such matters as foreign affairs, defense, and management of currency." [25]

There is a close relationship between confiliation and *Kulturgemeinschafte* (cultural communities). This concept underlay the proposed solution of Otto Bauer and Karl Renner to the minorities problem of the Austro-Hungarian Empire. Bauer-Renner recommendations were implemented in Estonia in 1925. And here is the description of confiliation in action by historian Evald Uustalu:

"On February 12th, 1925, the Law of Cultural Self-Government for the National Minorities came into force. It gave minority groups numbering not less than 3,000 autonomy in the cultural field. This implied the right of education in their own language at public and private schools, the organisation, administration and supervision of which was left entirely in their own hands. the minorities were free to run all sorts of institutions for the promotion of their own national culture, including theatres, libraries, clubs, and so forth. The practical exercise of these rights was entrusted to Cultural Councils, elected by the minority nationals comprising each registered group. These Councils had the power to collect certain rates from the minority groups within their purview, and to enact by-laws. The Councils were subsidised by the State and the local authorities. State assistance was extended also to all minority schools on a basis of equality with Estonian educational establishments."[26]

But which constitutional arrangements should be recommended for which group rights situations? That all depends—not only on the positions taken by group rights advocates and the nations of which these groups are part but also on the scope of negotiations over constitutional alternatives.

V. THE FINAL WORD

Tell me of the trials and tribulations of autonomous regions and microstates. Tell me that they are not economically viable. Tell me that they breed instability. Tell me that they invite imperialism. Tell me that they won't work.[27] For I might possibly believe you. But don't try to tell that to the Basques, the Corsicans, the Eritreans, the Kurds, the Christians of Lebanon, the Palestinians, the South Moluccans, the Tamils of Sir Lanka.

FOOTNOTES

* Professor of Law, Rutgers—The State University of New Jersey.

[1] This is an extract summary of a work-in progress by Professor Blaustein and Professor Jay A. Sigler of the Rutgers University Political Science Department, tentatively entitled *Constitutional Arrangements.*

[2] In Personal Adm'r of Massachusetts v. Feeney, 442 U.S. 256 (1979). Argument on February 26, 1979. *See* 37 U.S.L.W. 35 (March 6, 1979).

[3] M. O. Heisler, special editor, in *Ethnic Conflict in the World Today: An Introduction,* The Annals, Sept. 1977, at 3.

[4] *Id.* at 1.

[5] D. J. Grove, The Race vs. Ethnic Debate: A Cross-National Analysis of Two Theoretical Approaches, 4 (1974).

[6] R. E. Park, Race and Culture, 150 (1950).

[7] C. H. Enloe, Ethnic Conflict and Political Development 261-2 (1973). Elsewhere in her treatment, Ms. Enloe characterizes this developmental concept as "simplistic."

[8] Entered into force, March 23, 1976.

[9] *See* F. Capotorti, *Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities,* June 20, 1977, E/CN.4/Sub.2/384; A Cristescu, *The Historical and Current Development of the Right to Self-Determination on the Basis of the Charter of the United Nations and Other Instruments Adopted by United Nations Organs,* with *Particular Reference to the Promotion and Protection of Human Rights and Fundamental Freedoms,* July 3, 1978, E/CN.4/Sub.2/404; H. G. Espiell, *Implementation of United Nations Resolutions Relating to the Right of Peoples Under Colonial and Alien Domination to Self-Determination,* 1978 (seen by this author only in draft form).

[10] S. P. Sinha, *Has Self-Determination become a Principle of International Law Today?* 1974 I.J.I.L. 332, 361.

[11] For more details on colonial entities, consult A. P. Blaustein and E. B. Blaustein, Constitutions of Dependencies and Special Sovereignties, 6 vols., 1975—.

[12] *See* Convention on Rights and Duties of States, signed at Montevideo, December 26, 1933. 49 Stat. 3097, T.S. 881, 165 L.N.T.S. 19. "Art 1. The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states." Does (d) imply the need to achieve recognition?

[13] *See* E. Hertslet, Map of Africa by Treaty, 1909. *See also* A. Allott, *Boundaries in Africa: A Legal and Historical Survey,* in A. K. Mensah-Brown, African International Legal History, 69-86 (1975).

[14] *See* S. S. Harrison, In Afghanistan's Shadow: Baluch Nationalism and Soviet Temptations (1981).

[15] C. J. Friedrich, *Corporate Federalism and Linguistic Politics,* paper presented at the Ninth World Congress of the International Political Science Association, Montreal, 1973.

[16] Serrano v. Priest, 557 P. 2d 929, 135 Cal. Rptr. 345 (1976).

[17] Lau v. Nichols, 414 U.S. 553 (1974).

[18] Regents of the University of California v. Bakke, 438 U.S. 265 (1978).

[19] People v. Woody, 61 Cal. 2d 716, 394 P. 2d 813, 40 Cal. Rptr. 69 (1964).

[20] *New York Times,* Feb. 10, 1980.

[21] Reported to the author by a Soviet demographer at the United Nations in New York.

[22] *See* G. P. Murdoch, Ethnographic Atlas (1967).

[23] W. H. Riker, *Federalsim,* in F. I. Greenstein and H. W. Polsby (eds.) Handbook of Political-Science, v. 5: Government Institutions and Processes, 101 (1975).

[24] A. Lijphart, Democracy in Plural Societies (1977).

[25] A. P. Blaustein, *The Growing Significance of Group Rights,* 24 Bull. of the Int'l Assn. of Jewish Lawyers and Jurists, 7, 8 (1980).

[26] E. Uustalu, The History of Estonian People, 220 (1952). I am indebted to Professor Lijphart for this reference.

[27] *See* United Nations Conference on Trade and Development, *Developing Island Countries,* 1974; E. Plischke, Microstates in World Affairs, Policy Problems and Options, 1977.

NATIONAL VOLUNTEER WEEK

Mr. THURMOND. Mr. President, I could not let this week pass without recognizing the thousands of Americans who, unselfishly and with great dedication, give of themselves every day in the form of volunteer work.

President Reagan, who campaigned on the premise of reigniting the flame of volunteerism in this country, has designated April 17 through April 23 as National Volunteer Week. I want to be counted among those who pay a high tribute to our volunteers, for in their actions, the true strength and greatness of America is revealed.

This Nation's history is replete with examples of men and women who selflessly gave of themselves in an effort to help others. In fact, America was built on the principles of volunteerism. Our forefathers, who blazed the trails of this country and built its great cities and industries, left for us a legacy of volunteerism which has spiritually enriched and blessed this Nation. In their deeds, we find an example which should be preserved and nurtured.

Under the leadership of President Reagan and others, there is a movement afoot in this land to encourage volunteerism—to put back in our lives the principles of private initiative which have been slowly eroded over the last several decades by intrusive government.

Private initiative built this country and made it the greatest Nation on Earth. By recognizing our volunteers, by thanking them for their unselfish dedication to others, we are encouraging others to aspire to serving their fellow man.

Mr. President, I want to extend my deep appreciation and abiding respect to all of our Nation's volunteers.

It is my sincere hope that this country will recommit itself to volunteerism, and that future generations will carry on in that most American of traditions.

I want to give special recognition to 20 Americans who, last week, received the President's Volunteer Action Award at a White House ceremony. In addition, numerous groups and organizations received citations at that ceremony for their volunteer efforts.

I ask unanimous consent that a copy of the program from that ceremony—which lists the individuals and groups honored by the President—be included in the RECORD at the conclusion of my remarks.

The program follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S VOLUNTEER ACTION AWARDS, 1983

THE HISPANIC WOMEN'S COUNCIL, INC., LOS ANGELES, CALIF.

Hispanics comprise approximately 30 percent of the population of Los Angeles County. The majority of the community are women, frequently undereducated, underemployed and economically deprived.

For ten years the Hispanic Women's Council (HWC) has been providing a variety of supportive services and developmental programs including professional training, peer counseling and informational workshops and seminars to Los Angeles area Hispanic women. HWC members represent all social, economic, educational and political backgrounds. The Council receives no government funding: all funds are from individual or corporate contributions or from fundraising events.

HWC's youth outreach program includes career days at junior and senior high schools designed to reinforce positive role models and to provide exposure to volunteer activities that demonstrate the relationship between education, the quality of life and self reliance. For women over 25, HWC's Scholarship Program offers the opportunity to complete their education. Since 1976 over $40,000 in scholarships has been awarded in the area of personal development. HWC provides activities aimed at developing leadership skills and in creating networks among working and professional women.

The Hispanic Women's Council also conducts an active program of public information and advocacy designed to raise the public's consciousness on women's issues and to create a more positive image of Hispanic women.

ELIZABETH O'DONNELL, CHICAGO, ILL.

The Illinois Visually handicapped Institute, a nationally accredited state rehabilitation program for the visually imparied, is the only residential facility of its kind in Illinois. The 40 to 50 residents who come from a wide range of economic and educational backgrounds have in common their loss of sight.

For the past two years, Elizabeth O'Donnell, the only volunteer at the facility who is a certified rehabilitation teacher/educator, has worked almost full-time at the center teaching braille and independent living skills. She also has handled several intensive cases, working with individuals with multiple physical disabilities and those suffering from emotional problems. At one point, when a braille instructor went on a three month disability leave, she taught 20 students who otherwise would have had a break in their instruction.

In addition to teaching, Ms. O'Donnell serves as a friend and companion and attends many of the group sessions with the residents. Visually impaired, a diabetic and an amputee, Ms. O'Donnell serves as an excellent role model for the blind residents at the Institute. Because she already has personal experience in what the residents are now learning to cope with, Elizabeth O'Donnell has a way of drawing them out and teaching them to lead full lives.

FRIENDS OF HANDICAPPED READERS, JACKSON, MISS.

The Mississippi Library Commission Service for the Handicapped has provided services to visually impaired readers since 1979. Recent budget restrictions have forced the library to limit services to those provided by the Library of Congress' National Library Service for the Blind and Physically Handicapped. Although this service offers some 1,600 titles each year, they are limited to general interest books and publications.

In 1979 a group of Jackson residents formed the Friends of Handicapped Readers as a way of expanding the talking book program. Within a year they had raised the funds to purchase a sound-proof booth, open-reel equipment and open-reel and cassette tapes on which to record the books.

Members of the Friends schedule recording sessions and serve as volunteer narrators and monitors recording the books. Other Friends reformat the tapes to produce cassette masters. In order to make all Mississippi residents aware of this service, the library developed a brochure and slide program and arrange newspaper articles and radio programs on the program.

Mississippi's Service for the Handicapped is one of over 150 regional and subregional libraries in the talking book program nationally. Friends of Handicapped Readers is only the second auxiliary to a state library program in the country.

LITTLE TOWN PLAYERS, INC., BEDFORD, VA.

In 1975 the residents of Bedford, Virginia, had no live theatre and few opportunities for local exposure to cultural activities. Now, seven years later, this town of 25,000 has a renovated theatre that has become the focal point for cultural activities in the community. Thanks to a group of Bedford residents who formed the Little Town Players. Bedford's cultural season and activities rival those of theatre groups on cities many times its size.

Little Town Players encourages people of all ages to become involved in the theatre—both as actors and in the production phase—but places a special emphasis on involving children and school-age young people. The theatre includes an apprentice program that gives high school students the opportunity to participate in all phases of theatre production workshops for area students and 4-H organizations. Saturday extended curricula programs developed with the local school system children's theatre and puppet shows and a musical instruction program. Little Town Players provides dramatic readings and musical programs for senior citizen groups and is the only theatre group in the area to provide college scholarships.

In 1982 a young, learning disabled student authored a play that was performed to a capacity audience in Bedford. It was later performed at Camp Virginia Easter Seal. That child is now writing a play especially designed to be performed by handicapped children.

THOMAS W. DIBBLEE, JR., SANTA BARBARA, CALIF.

At 72, Thomas Dibblee puts his interest in field geology to work as a volunteer mapper of California's complex geology. Since 1979 his work has resulted in the production of detailed geologic maps of the Los Padres National Forest, a project worth over half a million dollars.

Much of Mr. Dibblee's work benefits the United States Department of Agriculture Forest Service. Among his accomplishments are the mapping of 3.4 million acres, or 85 geologic quadrangles, a savings to the government of $350,000; assistance with the development of a geologic resource inventory for the Los Padres National Forest; and consultation in the location of water wells.

Mr. Dibblee also has performed valuable services for many other agencies and organizations. He has mapped the San Andreas Fault from Tejon Pass to San Francisco for the U.S Geological Survey; conducted field trips for Minerals Management Service; prepared reports covering the Santa Barbara coast to Point Conception and the Santa Ynez Valley watershed for California's Division of Mines and Geology; served as research associate and volunteer advisor to geology students at the University of California at Santa Barbara; and provided geologic maps of 800,000 acres of the San Jacinto Mountains for publication.

Mr. Dibblee's work has made possible the development of a Forest Land Management Plan for Los Padres National Forest; allowed for the development of bridges, water well and building locations; supported landslide control studies, mining claims and environmental assessments; provided background for dam safety, drainage and seismic hazard studies; and made possible university research.

ALCOHOLICS ANONYMOUS, NEW YORK, N.Y.

In 1935 two men who were regarded as incurable alcoholics by medical specialists began helping each other to overcome the disease. Learning as they went, they soon began helping others and in the process developed a concept of alcoholism, a unique method of treatment and a philosophy of recovery. Thus was Alcoholics Anonymous born. Today AA has over 40,000 local groups in North America. Since its founding, over 650,000 men and women who have participated have overcome their alcoholism.

A completely voluntary fellowship, AA provides a unique program of support, example and friendship for new members by recovering alcoholics. Members are urged to stay away from drink "one day at a time" rather than swearing off alcohol forever. AA members feel that by sharing their experience, strength and hope, they can pass these same qualities to those who need them most. All help is given anonymously, voluntarily, and selflessly.

AA is entirely supported by contributions from its members and does not solicit or accept outside funding. Except for a small administrative staff, there are no paid employees, professional advisors, appointed or elected officials. There also are no bylaws, rules or any other traditional organizational structure. Elective posts exist to serve, not to govern the fellowship. As the organization's name implies, all members are requested to retain anonymity with the media as a way of protecting the fellowship from the emergence of a single or small group of leaders.

INFANT HEARING ASSESSMENT FOUNDATION VOLUNTEERS, CONCORD, CALIF.

Each year over 120,000 infants are born with hearing impairments. Few of them however, are totally deaf. If discovered immediately, most conductive impairments can be corrected and most neural problems can be overcome with amplification. The cost, however, of providing equipment and staff for a testing program is prohibitive to many hospitals.

Over 2,000 volunteers with the Infant Hearing Assessment Foundation now provide that service in 35 hospitals across the country. Many more hospitals are in the process of developing the volunteer-staffed testing program.

Because commercial test equipment is very expensive, Foundation volunteers developed their own test set built with parts, services and funds contributed by over 20 American companies. Volunteers to operate the equipment and conduct the tests are re-

cruited from service clubs, parents organizations and the general public.

IHA volunteers develop a "risk register" on every birth in their hospital and those infants with risk of hearing problems receive a Brainstem Auditory Evoked Response Test within several days of birth. Those with problems are referred for diagnosis and appropriate therapeutic treatment. All babies are then followed for 12 months to assure normal speech and language development.

IHA volunteers screen over 54,000 infants each year and have identified over 1,000 infants with hearing impairments. Because the costs of the program are covered by funds raised by volunteers, the testing program is conducted at no cost to either the hospital or the parents.

FRANK FERREE, HARLINGEN, TEX.

Over 45 years ago Frank Ferree was so struck by the poverty in the area of southeast Texas around Harlingen, that he made a vow to spend the rest of his life helping other people. From that time until his death on March 11, 1983, Mr. Ferree spent six days each week carrying out that promise.

Harlingen is located near the Texas-Mexico border where many of the area's residents, especially on the Mexican side of the border, are extremely poor. Many of the people have substandard diets, live in shacks and have little or no access to medical and dental care.

Mr. Ferree first sold most of the 23 acres on which his small home was situated and gave the money to the poor. He begged food from markets, bread from bakeries, and meat scraps from restaurants. To help the people build temporary shelters he collected scrap wood and cardboard. Local clubs and churches collected clothing.

Not content with merely providing food and shelter, Mr. Ferree sought medicine and vitamins from pharmaceutical companies and found medical help for the sick. When he found a sick child, he approached American families and asked for financial help with the treatment.

Over the years, Frank Ferree's efforts grew into an organization known as Volunteer Border Relief and he came to be known as the Border Angel.

DR. JOSEPH NGUYEN-TRUNG HIEU, CHICAGO, ILL.

Dr. Joseph Nguyen-Trung Hieu, a teacher of high school social studies and an instructor at the National College of Education in Chicago, is also a volunteer who has helped almost 1,000 Indochinese refugees in Illinois to learn English, adapt to American culture, obtain an education and acquire employment over the past ten years.

In 1963 Dr. Hieu founded the International Association of Volunteers for Human Services and Leadership Training. Over 180 International Association volunteers have assigned nearly 1,000 refugees in the Chicago area to learn to help themselves. Other Association volunteers provide daily educational instruction to over 1,200 children in a Thai refugee camp.

Dr. Hieu has established five housing projects to provide room and board for 63 refugee students who left Southeast Asia without their parents and then spent evenings, weekends and holidays teaching these refugees to speak English. He has sponsored Vietnamese community festivals, organized a training program for Vietnamese elementary teachers in a refugee camp in Thailand, and developed a training program for former Vietnamese teachers who wanted to help Vietnamese students in American classrooms. In addition, he has sponsored cooperative efforts between American and refugee youth groups that he had organized, and has developed summer educational and recreational camps for Vietnamese refugees.

Dr. Hieu served a three-year term on the Asian American Advisory Council to the Governor of Illinois, a six-year term on the Illinois State Bilingual Advisory Council and is president of the Association of Cooperatives for Cultural, Educational and Social Services.

JEREMIAH MILBANK, GREENWICH, CONN.

Over the years, Jeremiah Milbank consistently has initiated and supported endeavors that develop individuals' strengths by bolstering their sense of self-worth and competence. His commitment is best demonstrated in his 25 years of involvement with the Boys Clubs of America (BCA), a national program that promotes health, social, educational, vocational and character development for more than one million disadvantaged young people, ages 6 to 18.

Mr. Milbank has served on the BCA national board since 1959 and as its president since 1981. He was instrumental in the development of BCA's "Blueprint for the '80s," a five-year plan to strengthen the organization's services to local clubs. In 1981, Mr. Milbank developed a summer jobs program for ex-offenders and other high risk youths in cooperation with ten New York City Boys Clubs.

Since 1972 he has served as president of the International Center for the Disabled, a comprehensive out-patient rehabilitation facility annually serving 3,500 individuals. He was instrumental in the expansion of ICD's programs and is the major force behind the dissemination of ICD's rehabilitation program to developing countries.

In 1961 Jeremiah Milbank helped found the Robert A. Taft Institute of Government to stimulate public participation in government and currently serves as the organization's treasurer. He also serves on the broad of the Institute for Educational Affairs, which cultivates research and education in all facets of American culture.

ESTHER R. SCHAEFFER, GREAT FALLS, VA.

Esther Schaeffer began Telecommunications for the Deaf, Inc. (TEDI) in her home as a special service to the large population of deaf people in the Washington, D.C. metropolitan area. Although modern technology allows deaf people to use a device known as a TTY—a typewriter and printer used in conjunction with the telephone—to communicate with others with access to a TTY, they must depend on an intermediary to place all other calls.

TEDI volunteers provide the direct access. A deaf person calls TEDI's number, types out the message and the TEDI volunteer places the call while the deaf person remains on the line. The TEDI volunteer then types the response or conducts the conversation. Because the volunteers are anonymous, it is much easier for the deaf person to carry on a personal conversation than it would be through a friend or neighbor. While there are other telephone services for the deaf, TEDI is the first one in the U.S. to provide an actual connection. Other services take the message from the TTY, hang up, place the call and then call the deaf person back with the response.

The system allows the deaf person to make doctor's appointments, handle emergencies or make personal calls. Except for long distance calls, which are charged to the caller's phone, all calls made through TEDI's 24-hour line are made without charge.

LUPE ANGUIANO, NEW YORK, N.Y.

In 1973, disturbed by the hopelessness of women trapped in the welfare system, Lupe Anguiano moved into a San Antonio housing project. During the next six months, she lived in six different housing projects and assisted 500 San Antonio women to leave the welfare rolls for jobs—all in the private sector.

Soon after she formed the National Women's Employment and Education Model Program (NWEE) and enlisted the assistance of the San Antonio Kiwanis Club in providing skills training for the women in the members' business and in providing scholarships to allow the women to obtain short term skills training at a local continuing education center. NWEE locates available jobs, then screens and places women suited for the specific positions and assists them with child care and transportation needs. The women are prepared for success in their training or jobs through a three-week employment/education readiness "Skill Discovery Method" program.

From 1973 to 1977 NWEE operated on strictly private-sector funds. By 1978 its success and common-sense approach to welfare reform led to funding assistance from the Department of Labor. That year, NWEE placed 205 out of 225 women assisted at a cost of $671 per participant. After one year 88 percent of those women placed were still working. The high rate of job retention is attributable to NWEE's follow-up support system, which provides counseling to allow the women to adjust to the world of work and to help them to continue to grow, develop and move on to better employment.

In 1981 the model program spread to Dallas and El Paso, Texas, Tempe, Arizona, and Ventura County, California, and in 1982, Ms. Anguiano assisted Denver, Colorado and Tacoma, Washington, to begin programs with all private sector funding.

OPERATION CALIFORNIA, BEVERLY HILLS, CALIF.

Operation California was founded because of the concern of two men for the Vietnamese Boat People they had never met but had only read about. In 1979 when Richard Walden and Llewellyn Werner began approaching U.S. corporations to solicit surplus commodities for distribution to the Boat People, no material aid of any kind—either public or private—had been allocated for these refugees.

In the next three-and-a-half years, over $17 million in material aid was delivered to Asia, Africa, Central America, Poland and Lebanon. Unencumbered by bureaucracy, the organization solves problems in its own unique way—by soliciting oil companies for contributions of jet fuel and then trading the fuel to cargo airlines for free transport of relief supplies. So that carriers could provide free passage for relief workers. Operation California petitioned the Civil Aeronautics Board to change its regulations.

In addition to being the first to aid the Boat People, Operation California has sent the first American aid to Vietnamese pediatric hospitals and orphanages; worked with the Catholic church to send the first material aid to Poland following the imposition of martial law; provided the first American assistance to Lebanon during the 1982 war; and was the first to provide help to Salvadoran refugees in Honduras. Operation California has also served as the intermediary with the United Nations, the U.S. Govern-

ment and Vietnam in developing the Orderly Departure Agreement allowing direct immigration from Vietnam to the U.S.

Operation California accepts no government funds and depends entirely on contributions of individuals and American companies. Except for a small paid staff of four, it relies on the energy and resourcefulness of its volunteers.

OREGON FOOD SHARE, PORTLAND, OREG.

In 1981, with 152,000 state residents unemployed, Oregon's 12.5 percent unemployment rate was one of the highest in the country. Because many of the workers had not been able to find work for some time, they had exhausted their unemployment benefits and virtually had no resources. At the same time, over 500 million pounds of edible food was going to waste each year in the state because of surpluses at harvest, losses during processing or mistakes in manufacturing.

Oregon Food Share, the first statewide foodbank in the country, was formed to bring together effectively all of the food resources in the state and distribute them to those most in need. Comprised of 323 independent nonprofit programs representing every county in the state, OFS distributed over one million pounds of contributed food and 800,000 pounds of U.S. Department of Agriculture surplus cheese to 225,000 Oregonians in 1982. Local programs distributed an additional million pounds of food.

Food contributions are solicited from food producers, farmers, the state's major food chains and through gleaning programs. Oregon corporations make cash contributions and provide free storage for the donated food. U.S. Army National Guard members in Oregon voluntarily transport food to rural areas where food distribution is conducted by citizen volunteers. Eight VISTA volunteers provide administrative support in the coordinating office.

AUDRIE MEGREGIAN, COCOA BEACH, FLA.

Since moving to the Cocoa Beach area several years ago, Audrie Megregian has been heavily involved in virtually every aspect of providing assistance to the victims of sexual assault. She has been active with Brevard County's Commission Against Sexual Assault (C.A.S.A.) since it was established five years ago.

A strong believer in the necessity of educating the public on the problems of sexual assault and in changing the public's attitudes toward assault victims, Mrs. Megregian has given over 8,500 talks in Brevard and Orlando counties to men's and women's organizations, colleges and high schools and local clubs. She has made presentations on the psychological trauma of rape to both sheriff and police department personnel and provides literature and information to legislators, lawyers, judges, police officers and medical professionals.

Recently named coordinator of C.A.S.A., Mr. Megregian is responsible for seeing that its 24-hour hotline is continually manned and frequently takes the responsibility herself. She has trained ten advocates as counselors to assault victims and conducts training sessions for these women. In addition, she is personally responsible for counseling with 70 to 90 cases annually, often volunteering over 50 hours of her time a week. In many of these cases, she follows the case through from the victim's first hotline call to spending long hours in the hospital emergency room to continuing follow-up counseling and attending court sessions as a friendly supporter.

In 1982 Audrie Megregian was a recipient of the Gannett Foundation Heart of Gold Award.

MOTHER AGAINST DRUNK DRIVERS, FAIR OAKS, CALIF.

Following the death of her twin daughter as the result of a hit and run accident by a previously convicted drunk driver, Candy Lightner organized Mothers Against Drunk Drivers (MADD) to seek reform of California's drunk driving laws. Since the formation of that first MADD chapter in 1980, the organization has grown to include 111 chapters in 36 states staffed by thousands of volunteers.

Today, MADD volunteers work to effect change in the criminal justice system, law enforcement, motor vehicle agencies and in prosecuting attorneys' handling of DUI cases. They also provide testimony on DUI legislation and monitor court cases to determine if prosecuting attorneys and judges strictly enforce drunk driving laws.

In addition to its advocacy activities, MADD has developed a community awareness and education program and a variety of services to victims of drunk driving accidents. Working to make drunk driving socially unacceptable, MADD chapters include speakers bureaus, student education programs and emphasize special events and media coverage.

In order to help the families and victims of drunk drivers, MADD volunteers assist with crisis intervention, counseling and bereavement group support, information and referral, and adjudication advocacy.

When MADD began in 1980, 26,000 people were killed by drunk drivers and another million were injured. In 1982, the traffic death toll had dropped by more than 5,000.

VOLUNTEER ILLINI PROJECTS, URBANA, ILL.

Volunteer Illini Projects was founded in 1963, as Illini House, a tutoring service for disadvantaged youth. Since that time, it has grown to be the largest and most diverse student-run volunteer organization in the country with over 900 university students involved annually in ten different projects. Although Volunteer Illini is guided by an Advisory Council comprised of university and community members, the VIP student board is responsible for finances, policy and programming.

VIP projects include Day Care, Senior Citizens, General Tutoring, Recreation, Whistlestop, Developmental Disabilities, Friendship, Mental Health, Prison Concern and Community Health, the blood collection program. Some of the activities, such as the prison and blood collection programs have a statewide impact. Because of the success of the blood program that collects over 7,000 units annually, VIP was instrumental in eliminating the necessity for a paid blood system in Illinois.

Each of the project areas involves a variety of activities designed to serve different communities and to meet a variety of needs. For example, the Wilbur Heights project provides recreational activities for children for whom there are no city parks. The neighborhood, a small unincorporated community of second and third generation Appalachian migrants, is situated outside the boundaries of the Champaign-Urbana park district. VIP volunteers created a park district for the children, bringing them to campus on a weekly basis for swimming, skating and other supervised fun. Without this program, the children would be left in an isolated community without the joy and excitement of recreational activities.

UNION RETIREES RESOURCES DIVISION, AFL-CIO KING COUNTY LABOR COUNCIL OF WASHINGTON LABOR AGENCY, SEATTLE, WASH.

King County, Washington, has almost 185,000 citizens over 60 years of age, many of whom are on fixed or low income. Retirees of the King County Labor Council provide a resource of skilled craftsmen to assist the low-income elderly with minor home repairs that they could not perform themselves and are not able to afford to hire a commercial repair service to complete.

The retirees make repairs to plumbing and electrical systems, install and repair major appliances, patch leaking roofs, repair and replace entry steps, replace broken window glass, caulk windows and doors, and install security locks. For the handicapped they install wheelchair and walking ramps. When the service needed is beyond the point of minor repairs and installations, the union volunteers offer consumer protection in the engagement of licensed and bonded contractors and then return to inspect the work.

In 1982 the retirees assisted over 2,000 clients. A number of community agencies provide the financial support to purchase supplies. Ninety-two percent of the clients are non-union and a frequent comment made by recipients of the service is "You mean a union man is coming to make the repair and it won't cost me anything?"

HONEYWELL, MINNEAPOLIS, MINN.

The Honeywell Corporate Program supports and encourages employees and retiree volunteers involvement in a variety of ways. Honeywell encourages employees to participate in community activities, both through Community Service Awards—once-in-a-lifetime grants to $500 to organizations with which employees are active volunteers—and through a released time policy. In addition, the company sponsors a number of activities to involve employees and retirees in community activities.

HELP, a community involvement team effort for small groups of employees such as departments, provides a mechanism to involve employees in a variety of activities. Fifteen hundred employees conducted the state's Special Olympics Family Day; 22 employees tutor English as a second language to refugees; other employees teach computer courses to inmates in prison and have assisted in creating a new science and technology magnet school.

Management Assistance Project (MAP) volunteers provide technical and management assistance to area nonprofit organizations. Honeywell's pilot co-operative MAP program begun with four companies has grown to include 18 area companies.

The Honeywell Retiree Volunteer Program is operated by retired employee volunteers who coordinate recruitment activities, organize and develop the programs, administer the office and train and place other retired volunteers. Since its beginning in 1979 with 90 volunteers, the program has grown to 565 volunteers who contributed approximately $1,130,000 worth of services to the community in 1982. Volunteers teach tool and dye making at an industrial institute; design and build special equipment for handicapped children and adults; teach classes in industrial engineering to foreign students; and assist older people in completing tax forms.

MAYOR'S TASK FORCE, FRITO-LAY, INC., DALLAS, TEX.

When Braniff International Airlines filed for bankruptcy in May 1982, the Dallas/Fort Worth area faced its greatest unemployment crisis in recent history. Over 5,000 workers were suddenly out of work in an already tight job market. The problem was exacerbated by the fact that most of the workers possessed only non-transferable airline-related skills, and many of them were demoralized after the long battle to save the airline.

In order to help the former Braniff employees find new employment, Frito-Lay, Inc. developed an employment assistance program that included information gathering and dissemination, education and public awareness components. The company established a communications center that was manned round the clock by 34 company volunteers. The center organized job opportunities on a day-to-day basis and fielded questions from the unemployed workers. Frito-Lay sent 5,500 letters to the unemployed Braniff employees and 51,000 questionnaires to potential employers. This information was tabulated and prospective employees were paired with employers.

The company sponsored a three-day job readiness seminar with sessions on resume writing, interviewing and job counseling and three Job Fairs that were open to all the Dallas, Fort Worth area unemployed. The fairs gave 8,700 individuals the opportunity to meet with representatives of over 200 companies. Throughout the program, the president of Frito-Lay and other company volunteers taped commercials, participated in news interviews and gave public presentations on the problem.

By October, with the number of applications dwindling approximately two each day, the operation was absorbed by the community's permanent unemployment service.

THE 1983 PRESIDENT'S VOLUNTEER ACTION AWARDS CITATIONISTS

Jim Acey, Norfolk, Va—a volunteer docent with Norfolk's Lafayette Zoological Park, developed a unique plaque system to allow visually impaired visitors to enjoy the park.

Addicts Rehabilitation Center Singers, New York, NY—is a group of musically talented residents of the Addicts Rehabilitation Center who perform in churches and for community groups to raise money to pay the mortgage on the Center's residence facility.

Corporate Lawyers' Legal Aid to the Elderly Program, Aetna Life & Casualty, Hartford, Ct—involves 21 attorneys from Aetna and four other companies in providing no-cost legal assistance to the elderly.

Aid Association for Lutherans, Appleton, Wi—which conducts volunteer activities through its 5,643 branches, sponsored over 68,000 projects in 1982, many of which were designed to strengthen families and improve personal health.

Allstate Insurance Company, Northbrook, Il—through its Helping Hands program, involves employees as volunteers in activities directed toward improving the health of the individual and developed arson prevention materials for use by employee volunteers, in local arson prevention programs.

Dale L. Alter, Chiloquin, Or—president of the Chiloquin Volunteer Ambulance Service, was responsible for developing a sound financial base for the organization and improving the Service's program in less than one year as president.

Alton-Wood River Area Union Leadership and Participating Unions, Alton, Il—involved over 1,800 union volunteers from 20 unions over a three-year period in building a 700-acre community park.

Amfac Hotel and Resort, Dallas/Fort Worth Airport, Tx—provides a wide variety of opportunities for all employees to become involved in community volunteer activities through the Amfac Community Action Teams (AMCATS).

Arlington Cable Access, Arlington, Ma—involves over 200 volunteers in all phases of the production of 20 hours weekly of locally produced programming.

Dr. William H. Armes, Jr., Rossville, Tn—developed the Poor People's Health Council, which provides health care and a nutrition program that serves daily hot meals to over 75 low-income elderly.

Atlantic Richfield Company's Joint Educational Project, Los Angeles, Ca—a resource-sharing partnership between ARCO and four public city schools, involves nearly 100 employee volunteers each semester.

Irene Auberlin, Detroit, Mi—founded World Medical Relief in 1953 as a way of making use of surplus medicines and has since sent over a quarter of a billion dollars worth of medicine and equipment all over the world.

Georgia Breiner, Hamilton, Oh—who first came to the YWCA Protective Shelter as a client, now serves as the Shelter's volunteer peer counselor, board member and chairperson of the advisory council

Center for Youth Services, Washington, DC—provides employment training courses, assertiveness training, special classes in GED preparation, reading and writing, courses in martial arts and family planning, and a recreational program.

Dorothy Chlad, Solon, Oh—developed the Safety Town program in 1964 to teach preschool children safety and continues to be involved with the program that now reaches over 200,000 children annually.

Colorado Springs School District 11 School Volunteer Services, Colorado Springs, Co—involves almost 3,000 volunteers who contribute over 600,000 hours of supportive services to the district's 50 schools.

Lois Anne Crist, Phoenix, Az—a member of the Phoenix Indian Medical Center Hospital Auxiliary, spearheaded the development of a financial support program for American Indians interested in careers in health fields.

Cross Creek Reading Council, Fayetteville, NC—an affiliate of the International Reading Association, involves active and retired teachers in providing telephone assistance with homework assignments to students in the Fayetteville school system.

Roberta DeVito, West Chester, Pa—founded the American Brittle Bones Society to provide information and support for families of babies born with osteogenesis imperfecta (OI) and now runs the organization out of her home.

Experience Unlimited Volunteers, Texarkana, Tx—conducts a part-time and temporary job placement service for older workers, placing them in jobs with local businesses, nonprofit organizations and individuals.

Joseph Fair, Kansas City, Mo—a retired professional opera singer, developed the Kansas City Opera Company, the only company in the area to produce opera in the language in which it was written.

Building Our American Communities, Future Farmers of America, Alexandria, Va—involves nearly 1,800 chapters of the FFA in projects developed and carried out by the members to improve the quality of life in small and rural communities.

Jane Falcone, Camp LeJeune, NC—has served since 1960 as a volunteer with the Navy Relief Society at nine military bases where her husband has been stationed.

The Reverend Bill Glass, Dallas, Tx—a former professional football player, involves other professional athletes in providing "total weekend" ministry and counseling to inmates of state prisons.

Ethel Gould, Carnation, Wa—a leader in the resettlement of 62 Hmong refugees in the community of only 950 residents, arranged classes for language tutors, located housing, taught homemaking skills, and assisted with the development of gardens.

Guardian Angels, New York, NY—a group of well-trained and disciplined young men and women, works in close cooperation with the New York Police Department as a citizen patrol for the city's subway system.

Clean Community Outreach, Hack Interiors, Rome, Ga—was sponsored by the small company as a way of improving and making the neighborhood safer through both community education and involvement programs.

Hagley Volunteer Machinists, Wilmington, De—are 13 retired professional businessmen who operate the 19th century Millwright Machine Shop on a daily basis, much as it would have operated over 100 years ago.

Junior League of Hampton Roads, Inc., Hampton, Va—sponsors an educational campaign on Fetal Alcohol Syndrome directed at youth, women and health care providers.

Herbert Hodge, Newport News, Va—a full-time employee of Newport News Shipbuilding, sponsors a variety of activities for the youth of the Greater Southeast community of Newport News, an area plagued with high drug availability and usage.

Hope Kimmel, Key Largo, Fl—developed an adult basic education program in Hibiscus Park, a black community in Key Largo, and continues to develop programs in special areas such as self defense, sewing, typing and nutrition.

Kotzebue Sound Search and Rescue Team, Kotzebue, Ak—involved 280 volunteers from the predominately Eskimo community in a 12 day rescue operation for the victims of an air crash in Kotzebue Sound.

Diane Kreiman, Dolton, Il—serves as volunteer executive director and training coordinator of the Child Abuse Prevention Speakers Bureau, whose 750 volunteers give over 6,000 programs and training sessions annually.

Kathy E. Levin, Baltimore, Md—developed "Magic Me," a program that trains and involves over 1,000 Baltimore area school children as visitors to 2,500 elderly residents of area nursing homes.

Levi Strauss & Co., San Francisco, Ca—sponsors Community Involvement Teams that provide volunteer opportunities for employees and last year contributed over $1.3 million to programs in which Teams were active.

Lions Clubs International, Oak Brook, Il—in 1981 launched a major worldwide drug education program, which stresses development of community-based programs and strong involvement of children and parents.

UAW Local 838 and P-46 Retirees, Waterloo, Ia—serve as the coordinators for the U.S. Department of Agriculture surplus food program, distributed 351,850 pounds of cheese and 175,680 pounds of butter in Black Hawk County.

Management Assistance Program, Minneapolis, Mn—a cooperative effort of 19 companies, involves 135 volunteers in providing

management assistance in a variety of areas to 110 area nonprofit agencies and organizations.

Martha's Table, Washington, DC—begun in 1982 to serve as a neighborhood children's nutrition center, has grown to include a reading room, tutoring service and an electronic reading program.

The Matthew Salem Camping Foundation, Lakewood, Oh—an independent, self-supporting nonprofit corporation, provides two weeks of camping experience each year for children suffering from chronic respiratory diseases.

Mr. and Mrs. Ben McClure, Blue Ridge, Ga—parents of six children, volunteer virtually full time with the Ninth District Opportunity Head Start Program, working with children and assisting faculty and staff.

Mary Ter Meer, Jackson, Mi—serves as fulltime volunteer coordinator for the Community Pantry, which served over 3,200 people in the last five months of 1982.

Mr. and Mrs. Evan Moir, Harrisburg, Sd—were involved in many community and humanitarian activities ranging from parenting 40 foster children to hosting refugee families prior to the death of Mrs. Moir in an accident in October 1982.

The Newton Community Schools, West Newton, Ma—involved over 400 volunteers in presenting more than 1,300 programs ranging from preschool play groups to after school computer education courses to more than 14,000 area students.

Ron Perez, San Francisco, Ca—is chairman of the Vietnam Veterans Project, which brings together various Vietnam and traditional veterans organizations in various activities including sponsoring a clearinghouse that includes counseling, job search and health information, and assistance with veterans claims.

Rape Emergency Assistance League, San Diego, Ca—is the only group in the area to function in all rape crisis support areas, ranging from counseling and educational programs to accompaniment of victims through court proceedings.

Save Cambodia, Inc., Arlington, Va—involves both community and VISTA volunteers in assisting refugees with job placement, language training, transportation and the location of medical and dental services.

Bernard Schapiro, Baltimore, Md—an 83 year-old retired businessman, founded People Incouraging People to provide retail store job experience for mentally ill in the process of deinstitutionalization.

School Volunteers at Isabella Geriatric Center, New York, Ny—are 20 residents of the Center who act as friends and grandparents and tutor third grade students from Public School 189 In Manhattan twice each week.

Self-Help, Inc., Los Alamos, Nm—provides assistance ranging from the use of an adobe-making machine for home building to free legal assistance to the low-income residents of the area.

Shell Oil Company, Houston, Tx—through the Shell Employees and Retirees Volunteerism Effort (SERVE), involves 941 company volunteers who are referred to community volunteer activities through a company-sponsored clearinghouse.

Springville City Community Progress, Springville, Ut—involves local residents in virtually every phase of the community's life ranging from a beautification committee to a volunteer ambulance service and fire department.

St. Mary's High School Volunteer Staff, St. Mary's, Ak—comprised of 20 men and women volunteers recruited from the lower 48, provide staff and instructional assistance at this school located in an isolated area 600 miles west of Anchorage.

Sally Struthers, Los Angeles, Ca—national chairperson of Christian Children's Fund since 1976, has been largely responsible for the growth of the organization, which raises over $60 million annually to support 325,000 of the world's poorest children.

Better Housing for Chester, Sun Company, Philadelphia, Pa—involves not only a $200,000 company grant to BHC to acquire, renovate and resell houses to low-income residents, but also provides counseling to the new home owners on their responsibilities.

Technical Volunteer Service, Naval Underwaters Systems Center, New London, Ct—involves 400 active and retired engineers and scientists who provide technical assistance to communities, nonprofit organizations and educational institutions.

Telephone Pioneers of America, New York, NY—the world's largest voluntary community service association with over 570,000 members in 88 chapters, sponsors a wide range of projects, many of which are aimed at helping the handicapped.

Elizabeth Cooper Terwilliger, Mill Valley, Ca—developed a unique method of teaching children about nature 35 years ago. Through volunteer instructors and films, nine million children have been exposed to the nature appreciation program

Ann Tingerthal, St. Paul, Mn—organized a Christmas collection for the poverty stricken residents of Ravenna, Ky, 14 years ago and has since sent them 86 tons of food and clothing.

Volunteer Research Assistants, Houston, Tx—have contributed over 46,000 hours to cancer research at M. D. Anderson Cancer Laboratories since the program began five years ago.

DR. HENRY F. SCHEIG PRESIDENT, APPLETON, WISCONSIN

Aid Association for Lutherans (AAL), the nation's largest fraternal benefit society, encourages employee community involvement activities through a released time policy as well as through several of its own programs. Lamplighters, for example, are former branch officers who coordinate a volunteer activities program for current branch officers. Through its nationwide network of 5800 branches, more than 1.3 million AAL members are provided opportunities and resources in their volunteer efforts to assist deserving causes. The Involvement Corps Team (ICT) was established in 1980 in conjunction with the Greater Milwaukee Voluntary Action Center to help direct employee volunteers toward agencies needing help. Annually, the ICT volunteers are recognized at a luncheon.

ROBERT O. ANDERSON, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, LOS ANGELES, CALIF.

Atlantic Richland Company (ARCO) began its support of employee volunteer involvment in 1974 when it instituted a written policy on released time that applied to all employees in all divisions. In 1978, ARCO initiated its Joint Educational Project (JEP) a released time tutorial/community development project, involving employees in Los Angeles, Dallas and Houston. ARCO's Volunteer Service Program (VSP) recruits and refers employees to non-profit community agencies in 10 cities across the country VSP encourages its employee volunteers to apply for foundation funding of their agency.

DAVID W. MITCHELL, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, NEW YORK, N.Y.

Avon encourages employees volunteer efforts through an annual volunteer recognition event at corporate headquarters. Employees whose volunteer activities are considered exceptional receive special awards for work in such areas as technical assistance, youth services, education and outstanding overall involvement. To encourage employee community involvement nationwide. Avon provides supplementary financial support grants ranging from $50 to $1,000 for specific projects of organizations where employees are active volunteers through its Employee Volunteer Support Program. Avon's employee volunteer program began in 1973 with employee envolvement in the Project LIVE tutoring program.

JEREMIAH MILBANK, PRESIDENT, NEW YORK, N.Y.

The J.M. Foundation has, for almost 60 years, fostered America's unique spirit of voluntarism and private initiatives. The Foundation's primary interests include: medical research, rehabilitation of the physically handicapped, and selected projects which strengthen those values essential to the preservation of a free society. In addition, other activities focus on close collaboration between private, voluntary organizations, meaningful life experiences for the disabled, disadvantaged youth, and the elderly, and humane cost effective alternatives to institutional medical services which incorporate the timeless ideals of home health care and family involvement with the best advances of modern technology.

RUSSELL G. MAWBY, PRESIDENT, BATTLE CREEK, MICH.

For more than three decades, the W.K. Kellogg Foundation has been providing support to volunteer programs designed to respond to the complex and sometimes overwhelming needs of people. Since 1971, nearly $19 million in foundation support has been invested in 48 projects directly related to volunteerism. Foundation programming is concentrated in helping the nation's service volunteers—individuals who seek to help others tackle the issues of health, social services, education and rehabilitation. For example, the Kellogg Foundation is currently providing assistance to VOLUNTEER to implement a program of community citizen volunteer involvement for physically disabled youth. Other Foundation-funded activities include efforts to strengthen staff and board members in board leadership through in-service and pre-service training programs and initiatives to improve national and regional coordination of voluntary agencies.

DAN GABY, PRESIDENT, SPRINGFIELD, N.J.

Volunteerism is a way of life at Keyes Martin, New Jersey's largest advertising and public relations firm. Employees from the board room to the mail room are involved in a myriad of community activities and charitable ventures. At Keys Martin, volunteerism does not stop with the employees. The agency, itself, as a volunteer service, has created and expedited programs for many New Jersey organizations including the National Society to Prevent Blindness, the Urban Coalition, the League of Women Voters, the New Jersey Department of Energy, the Archdiocese of Newark and others.

ROBERT V. VAN FOSSAN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, NEWARK, N.J.

The Mutual Benefit Life Insurance Company's involvement in its home office cities of Newark, New Jersey and Kansas City, Missouri, includes both volunteer and contributions programs. The program includes matching individual employees with volunteer jobs, sponsoring community service projects involving employees as volunteers, providing released time employees and loaned executives to agencies, recognizing outstanding employee volunteer efforts through recognition programs, in-house publication, donating materials/learning facilities, encouraging executives to serve on boards of voluntary organizations, sponsoring volunteer fairs and establishing a local Corporate Volunteer Coordinators Council. Mutual Benefit Life also encourages its employees and agents to make personal charitable contributions and the company matches, dollar for dollar, gifts made by eligible employees and field personnel to colleges and universities and public broadcasting stations.

ROBERT V. KRIKORIAN, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, MILWAUKEE, WIS.

Rexnord, a manufacturer of industrial components and machinery, is a leader in encouraging business, government, media, and other institutions to work together in the public's best interest. Calling for increasing business support of communities and starting public dialogue on community problem solving, Rexnord initiated its Activate Someone programs in the 1970s to promote understanding, trust and cooperation among sectors of society. Just added to Activate Someone, is a how-to guide for individuals and organizations—especially businesses, to help them get started in volunteerism. The guide provides key steps in identifying community problems, determining which needs best suit the readers' talents and gaining cooperation from others, including employers. Other Activate Someone programs are: Media/Citizen Dialogue, Citizen Action, Teacher/Business and Media Exchange.

JAMES L. KETELSEN CHAIRMAN AND CHIEF EXECUTIVE OFFICER, HOUSTON, TEX.

In just five years, Tenneco's Volunteers in Assistance Program (VIA) has grown from a corps of 100 volunteers active in 20 agencies to over 1500 employees, retirees, and their families serving 55 organizations throughout Harris County. Administered by the Community Affairs Department, VIA matches employee interests with agency needs and supplements volunteer time and talents with corporate contributions like the Community Involvement Fund, established specifically for the support of projects undertaken by Tenneco volunteers. Unique aspects of VIA include a national formal agreement with the American Red Cross signed in 1980 for cooperative service projects and "adopted" agencies where volunteer efforts are concentrated to assist the Hispanic community, mentally retarded adults, and the elderly. In 1983, a quarterly newsletter and "volunteer of the month" program were introduced to further recognize the contributions of employees to their communities. Newport News Shipbuilding and Drydock Company in Virginia, for example, has developed an inhouse volunteer program which has 2000 active participants. VIA was presented the President's Volunteer Action Award in 1982.

THE BICENTENNIAL OF PEACE

Mr. MATHIAS. Mr. President, for the past 8 years this Nation has celebrated bicentennials commemorating various events of the Revolutionary War. Many of those observances commemorated battles and sieges of war. On Tuesday, I had the pleasure of participating in a bicentennial ceremony at the Pentagon of a different sort: It marked the 200th anniversary of the announcement of cessation of hostilities between Great Britain and the United States.

The Pentagon ceremony followed by a few hours the presentation to the Congress of a peal of bells by the Ditchley Foundation as a part of the British contribution to the bicentennial. The anniversary was, therefore, an international celebration of peace.

On April 19, 1783, near West Point, N.Y., Gen. George Washington's proclamation was read to his troops announcing an end to the fighting between the Continental Army and the troops of King George III. Issuing the proclamation was part of the process that culminated in the signing of the Treaty of Paris on September 3, 1783, and an official end to the American Revolution.

Secretary of the Army John O. Marsh was the host at Tuesday's ceremony which was attended by Members of Congress and members of the diplomatic corps. Secretary of Defense Caspar Weinberger was the guest speaker. The ceremony included a reenactment of the original ceremony and featured a reading by the Army Vice Chief of Staff, Gen. A. Wickham, Jr., of the Continental Congress proclamation. It also featured a demonstration of tactics and marching by troops of the Army and volunteers portraying Revolutionary War soldiers.

Mr. President, I ask unanimous consent that a summary, prepared by the Army, of the events leading to General Washington's proclamation be printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE END OF HOSTILITIES

At noon on April 19, 1783, a ceremony took place amid the huts of the Continental Army's camp at Newburgh, New York, according to orders issued by General Washington the previous day.

"The Commander-in-Chief orders the cessation of hostilities between the United States of America and the King of Great Britain to be publicly proclaimed tomorrow at twelve o'clock, at the New Building, and that the Proclamation, which will be communicated herewith, be read tomorrow evening at the head of every regiment and corps of the army. After which the chaplain with the several brigades will render thanks to Almighty God for all His mercies, particularly for His over-ruling the wrath of man to His own glory, and causing the rage of war to cease among nations.

"The Commander-in-Chief, far from endeavoring to stifle the feelings of joy in his bosom, offers his most cordial congratulations on the occasion to all the officers of every denomination; to all the troops of the United States in general, and, in particular, to those gallant and persevering men who had resolved to defend the rights of their invaded country so long as the war should continue. For these are the men who ought to be considered as the pride and boast of the American army; and who, crowned with well earned laurels, may soon withdraw from the field of glory to the more tranquil walks of civil life."

An officer stood before the doorway of the camp's "Public Building" and read a proclamation issued eight days earlier by the Continental Congress to the assembled Main Army. . . .

"It is our will and pleasure, that the cessation of hostilities between the United States of America and his Britannic Majesty, should be conformable to the epochs fixed between their Most Christian and Britannic Majesties:

"We have thought it fit to make known the same to the citizens of these states; and we hereby strictly charge and command all our officers, both by sea and land, and other subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic Majesty or his subjects, from and after the respective times agreed upon between their Most Christian and Britannic Majesties, as aforesaid.

"And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same be duly observed within their several jurisdictions.

"Done in Congress, at Philadelphia, this eleventh day of April, in the year of our Lord, one thousand seven hundred and eighty three, and of our sovereignty and independence the seventh. . ."

With these words, the fighting between Americans and the forces of King George II ceased. A chaplain then led the men in a short prayer of thanksgiving, the troops gave three "huzzas", and then returned to their huts to enjoy a victory toast authorized by George Washington.

Eight years earlier, to the exact day, warfare began on the village green in Lexington, Massachusetts. The militiamen who fought on that day were joined in succeeding months, by newly raised regular units of the Continental Army and together they formed a team which Washington and his subordinates led to triumph at Yorktown, Virginia, in October of 1781. That army consisted of Americans of British, Germany, French, Dutch, Irish, African, and Indian descent. They formed units representing the thirteen colonies, Canada, and the nation at large and were joined by European volunteers from France, Germany, the Netherlands, Poland, and Russia. After 1778, as the war expanded to a global conflict, soldiers and seamen from France, Spain, and the Netherlands, including units and individual volunteers from Ireland, Sweden, Italy, and Germany, served with the Americans on widely scattered fronts. Their efforts received official recognition in the series of treaties signed in Paris on September 3, 1783.

The proclamation of April 19th applied only to the armed forces of the United States; each nation issued its own orders to cease fire. On the other hand, Newburgh was a particularly appropriate location for

this event. Slightly more than a month earlier, Washington made what has been called his greatest contribution to the Revolution in that same "Public Building." By rebuking his officers for even raising the possibility of ignoring the instructions of their civilian superiors, Washington guaranteed that the Declaration of Independence's principles would be preserved to form the foundations for the Constitution. The army at Newburgh, moreover, was a tough, competent fighting force, a symbol of the strength which produced the eventual victory.

Mr. MATHIAS. Mr. President, the Department of Defense can take particular pride in the commemoration of this anniversary, for it marks the return to peace, the goal of every professional soldier. I would also like to thank Secretary Marsh for bringing this part of our history to the attention of this generation of Americans. This bicentennial highlights the achievements gained from teamwork among soldiers of different backgrounds, and shows how necessary allies are to secure common objectives.

ANOTHER SUCCESSFUL ESOP COMPANY

Mr. LONG. Mr. President, it was recently my great pleasure to visit with Mr. Warren Braun, president of ComSonics, Inc., a very successful company located in Harrisonburg, Va. In these severe economic times, it is encouraging to know that there are companies such as ComSonics, Inc., which are not only weathering the storm but actually prospering.

ComSonics was recently recognized by INC. magazine as one of the leading privately held companies in the United States with a 269-percent growth rate over the past 5 years. Mr. Braun attributes much of that success to the fact that ComSonics has an employee stock ownership plan (ESOP).

While more traditionally owned competitors are struggling to stay afloat, this ESOP company continues to surge ahead. Like many good managers, Mr. Braun recognized a number of years ago that his employees are his company's most important asset. Thus, in 1975, he established a plan to insure that his company become their company as well.

That farsighted approach has worked to the benefit of everyone. The employees now share in the success that they helped to create; Mr. Braun's own stock has grown in value; and the Federal Government is ahead as well, as ComSonics' growth has meant not only more jobs but more tax revenue as well.

Mr. President, it is gratifying to find that the ESOP legislation that I have sponsored over the past several years is being utilized and is enjoying such great success. I am convinced that widespread employee stock ownership can make a substantial contribution to reviving America's productive might.

Mr. President, I ask unanimous consent that a company profile of ComSonics, Inc. be inserted in the RECORD at this point.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

COMPANY PROFILE

ComSonics, Inc. is winning the battle against recession, depressed earnings and the general economic downturn suffered by most businesses, even with continued high investment in research and development. The Corporation's impressive growth record was recently recognized by INC. Magazine citing it as one of the top U.S. privately held corporations with a 269 percent growth over the past five years. Even at present, the Corporation continues to grow at a substantial rate mirroring the substantive base to its growth history.

Commenting on the INC. Magazine's recognition as the 457th growth corporation out of over 11,000 U.S. privately held corporations, President Braun said, "It's our employees—and ESOP." "Great people with a meaningful incentive make for a great company."

This all started in 1970 when Warren Braun, a consulting engineer in the cable television industry, saw the need for an independent research and development firm that would provide a wide variety of technical services for CATV systems. The idea took shape as ComSonics in 1972, as Braun, a group of young engineers, and Braun's wife, Dickie, working out of the Braun's basement as a consulting firm launched the new venture. Now eleven years later, with approximately 89 employees, the Brauns are seeing another idea come to fruition, namely the transformation of ComSonics into an employee-owned corporation.

Braun, who serves as president and general manager, believes it's the only fair thing to do. "What better way can appreciation be expressed to those who helped found a company and contributed to its success than to make those employee company owners?" he asked. In 1975, Braun established a trust with 25,000 shares of newly issued common stock which were bought with funding provided by the corporation. The next year an additional 72,000 shares were bought from funds borrowed by a local bank. The 96,000 shares are allocated to ComSonics' employees, making the firm wholly employee-owned.

The purpose of the ComSonics employee stock ownership plan (ESOP) is to assist the employee to accumulate stock ownership in the firm, thus providing the employee and the employee's family with further economic security. Stated Braun, "It has always been my firm belief that employees contribute to the growth of a company as much as capital, and employees should therefore participate in that growth. The major problem with that idea was how could employees participate without confronting an immediate tax liability. The solution was the ESOP. All employees will only pay taxes on accumulated capital when it is withdrawn from the trust as a stock certificate, when the employee retires, dies, or leave the company.

The key to the transfer of ownership depends upon the growth of the company. At the end of each fiscal year (July 31) ComSonics' Board decides how much additional money can be put into trust for stock purchase in the ESOP with the ultimate objective to purchase all of the remaining stock of the corporation currently owned by the principal employee stockholder, Braun, for the remainder of the employees. Eligible employees are those who are 24 years of age and have completed at least 1,000 hours of service during the first 12 months of employment. The yearly portion is determined by how much ComSonics contributes to the trust. ComSonics's contribution to the trust is derived by the corporation's earnings. In turn, the ComSonics' contribution to the trust is divided by the new per-share-stock value. These shares are then set aside for the eligible ComSonics employees. An employee's portion is based upon the percent of compensation in relation to the total eligible payroll.

Knowing what's at stake, ComSonics' employees are more conscientious of their work. "They act more like stockholders than employees," said Braun, "which is what they are." The Brauns are extremely proud of their employees. "We've collectively had our shoulders to the wheel from the time we started this company to make it what it is today."

Today, most of those "boys from the basement" are still with ComSonics. They head the four profit centers of the company: Dennis Zimmerman, Vice President, Systems Services; Carl Hensley, Vice President, Internal Operations; Richard Shimp, Vice President, Research and Corporate Development; and Glen Shomo, Vice President, Product Production and Development. Mrs. Braun serves as corporate secretary/treasurer and remains active in the firm's day to day activity. The ESOP idea was prompted in part by their loyalty and dedication to ComSonics. "People who work so long and hard as these men did to help start this company deserve something of importance in return," stated Braun. "Other stock bonus plans tend to have near term tax consequences, and are usually heavily weighed for upper income personnel. ESPOs benefit every worker."

During this short life, ComSonics has generated an impressive list of new and unique ideas represented by several U.S. and foreign patents.

Hensley, Zimmerman, and Shimp rank highest on the seniority list, but they have also set a trend. The employee turnover at ComSonics for full-time workers is only around three percent per year.

ComSonics is managed by advance management-by-objective (MBO) techniques. It is run by the department heads who are guided by objectives they set each year. The company has a management consultant John Dickie who also provides extensive in-house training programs. Any employee who wants further training and education in his job area can pursue it at the company's expense. For grades of an A or B, the company will pay 100 percent of the expenses.

One aspect of the management system is the annual company performance objective. This involves another form of profit-sharing, apart from the ESOP. Braun explained that each year a dollar amount is projected for the company's performance. If the performance objective is met, 50 percent of the profit earned over the objective is distributed directly to all employees in cash. The other 50 percent goes into advancing the corporate expansion. This year the fiscal corporate growth is 33 percent to date, exemplifying continued compound growth.

The newest and most recent company incentive is the Employee of the Year award. This award was devised and proposed by the second-level management personnel without

any input from the department heads. The supervisors established the award for the employees under their supervision which activity is restricted to employees outside of the management team. The employee who earns this award receives an all expense paid trip for two to the National Cable Television Association's annual conventions.

Incentives change each year at ComSonics, as they do at other corporations, to keep employees interested and motivated. But, as one ComSonics' employee put it, as far as he was concerned, "the biggest incentive of all is simply the fact that I'm an owner."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 38

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report four new deferrals of budget authority totaling $31,441,000 and one revision to a previously reported deferral, increasing the amount deferred by $6,000,000.

The deferrals affect the Department of Commerce and the Department of Energy.

The details of each deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1983.*

ANNUAL REPORT OF THE ADMINISTRATION ON AGING—MESSAGE FROM THE PRESIDENT—PM 39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 207 of the Older Americans Act, as amended (42 U.S.C. 3018), I transmit herewith the Annual Report for Fiscal Year 1982 of the Administration on Aging of the Department of Health and Human Services. The Annual Report includes information on long-term care, as required under Section 423, and evaluation as required under Section 206.

RONALD REAGAN.

THE WHITE HOUSE, *April 21, 1983.*

MESSAGES FROM THE HOUSE

At 12:11 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1723. An act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges; and

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes.

At 1:58 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 159. Joint resolution to make technical corrections in the Act of January 12, 1983 (Public Law 97-459); and

H.J. Res. 245. Joint resolution to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 114. Concurrent resolution providing for a joint session of the two Houses on Wednesday, April 27, 1983, to receive a message from the President of the United States.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 304. An act to hold a parcel of land in trust for the Burns Paiute Tribe.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

HOUSE BILLS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1723. An act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges; to the Committee on Environment and Public Works.

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas; to the Committee on Environment and Public Works.

H.J. Res. 158. Joint resolution to make technical corrections in the Act of January 12, 1983 (Public Law 97-459); to the Select Committee on Indian Affairs.

HOUSE CONCURRENT RESOLUTION REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that a uniform State act should be developed and adopted which provides grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution (because of divorce, separation, or death) of the marriage of such grandchildren's parents, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary reported that on today, April 21, 1983, he had presented to the President of the United States the following enrolled bill:

S. 304. An act to hold a parcel of land in trust for the Burns Paiute Tribe.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-899. A communication from the Secretary of the Interior transmitting, pursuant to law, a report certifying that an adequate soil survey and land classification has been made relative to certain lands for inclusion in the Central Arizona Project; to the Committee on Appropriations.

EC-900. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to place the Chairman of the Joint Chiefs of Staff in the national military chain of command, and to remove limitations on the Joint Staff of the Joint Chiefs of Staff; to the Committee on Armed Services.

EC-901. A communication from the Secretary of Commerce transmitting, pursuant to law, his recommendations on the 11th

Annual Report of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Commerce, Science, and Transportation.

EC-902. A communication from the Chairman of the Interstate Commerce Commission transmitting, pursuant to law, the 96th annual report of the Commission; to the Committee on Commerce, Science, and Transportation.

EC-903. A communication from the Acting Secretary of the Treasury transmitting a draft of proposed legislation entitled "Local Government Fiscal Assistance Amendments of 1983"; to the Committee on Finance.

EC-904. A communication from the Assistant Secretary of State for Congressional Relations and the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, their 5th Annual Report on Human Rights; to the Committee on Foreign Relations.

EC-905. A communication from the Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation amending the Arms Export Control Act; to the Committee on Foreign Relations.

EC-906. A communication from the Director of the Office of Legislative Affairs, AID, transmitting notification of a delay in the transmittal of a report on policy, strategy, and priority reassessments within AID; to the Committee on Foreign Relations.

EC-907. A communication from the Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation to amend the Foreign Service Act of 1980; to the Committee on Foreign Relations.

EC-908. A communication from the Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report on allegations of violation of law and regulation, mismanagement, gross waste of funds, and abuse of authority at the Muskogee, Okla., District Office, Bureau of the Census; to the Committee on Government Affairs.

EC-909. A communication from the Director of the Peace Corps transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-86. A resolution adopted by the Council of the County of Maui, Hawaii, supporting Senator Spark Matsunaga for opposing a Senate amendment to the farm bill to reduce the Federal price support program for domestic sugar; to the Committee on Agriculture, Nutrition, and Forestry.

POM-87. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, the Congress has authorized the Secretary of Agriculture to deduct 50 cents per hundredweight from payments to milk producers; and

"Whereas, this deduction is costing Minnesota dairy farmers $50,000,000 per year at the present level; and

"Whereas, the cost to Minnesota milk producers will rise to $100,000,000 per year or $4,000 per dairy farm if the assessment is doubled in April; and

"Whereas, the deduction is increasing the level of milk production rather than causing a reduction in output as was intended; Now, therefore,

"Be it resolved by the legislature of the State of Minnesota, that Congress should speedily enact legislation to repeal the deduction and create a fair dairy program that serves the needs of farmers and consumers alike.

"Be it further resolved that the Secretary of State of the State of Minnesota is instructed to transmit certified copies of this resolution to the President of the United States, the President and Secretary of the Senate of the United States, the Speaker and Chief Clerk of the House of Representatives of the United States and to Minnesota's Senators and Representatives in Congress."

POM-88. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Agriculture, Nutrition, and Forestry:

"A CONCURRENT RESOLUTION

"Whereas, H.R. 6955 recently passed by Congress and signed by the President permits a fifty cents assessment per one hundred weight on all milk produced by the nation's dairy farmers when the Commodity Credit Corporation (CCC) net purchases exceed certain weight limitations; and

"Whereas, an additional fifty cents per one hundred weight assessment is scheduled to go into effect April 1, 1983; and

"Whereas, despite restraining orders by the Federal courts, Secretary John Block of the United States Department of Agriculture seems determined to implement the assessment which would have a catastrophic effect on the dairy industry in South Carolina and the southeast; and

"Whereas, milk produced in South Carolina is consumed in fluid markets which does not add to the CCC purchases and causes no additional expense to the nation's taxpayers; and

"Whereas, the assessment is grossly unfair to the dairy farmers of the State by forcing them to share in the cost in removing the milk surplus not caused by them but caused by dairy farmers in other sections of the United States; and

"Whereas, South Carolina has geared its production to sales and its dairymen are not producing more milk than the State can use, thereby not creating an oversupply of milk to require CCC purchases of the surplus; and

"Whereas, the imposition of the assessments is not the remedy to the dairy farmers problem, the only effective way to handle the problem of excessive purchases by CCC being to reduce the support price by putting pressure directly on the source of milk; and

"Whereas, the members of the Congress of the United States should be apprised of the devastating effect which the assessments on milk would have on the individual farmers and the dairy industry as a whole so that it may take necessary action to prohibit the imposition of the assessments. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That the Congress of the United States is memorialized to take immediate action to prohibit the assessments on all milk produced by the nation's dairy farmers so as to prevent the devastating effect which these assessments would create on the dairy industry.

"Be it further resolved that copies of this Resolution be forwarded to each member of the Congress of the United States representing South Carolina."

POM-89. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Commitee on Armed Services:

"HOUSE JOINT RESOLUTION No. 22

"Whereas, significant portions of land within the Commonwealth are owned, leased, and controlled by the United States Government; and

"Whereas, this land cannot be taxed by the Commonwealth or by local governmental units; and

"Whereas, the activities on this land generate the need for state and federal mandated services; and

"Whereas, for the past thirty years the federal government has compensated local school districts for educational services provided to children of parents who work on federal land; and

"Whereas, the timely and equitable payment for educational services is necessary if those services are to be provided without charging tuition; and

"Whereas, reauthorization of Public Law 874 will be considered in the current session of the Congress; now, therefore be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly hereby requests the Congress of the United States to reauthorize the Impact Aid law, to include fully funding 'A' category pupils; fully funding only military 'B' pupils who line in-county or city at 50 percent of the rate for 'A' pupils; fully funding Section 3(d)2(B), which compensates districts with fifty percent or more federally connected pupils; and fully funding Section 2, which provides assistance to school divisions with large amounts of federal tax exempt property."

POM-90. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Armed Services:

HOUSE JOINT RESOLUTION No. 11

"Whereas, the Town of Quantico, Virginia, is uniquely isolated in that the town is completely surrounded by the Potomac River and the United States Marine Corps Development and Education Command at Quantico; and

"Whereas, Fuller Road, which runs through the Marine Corps base, provides the only means of egress and ingress to the town; and

"Whereas, a number of complaints have been voiced regarding the apparently unnecessary hindrance of the right of persons to the use of Fuller Road due to the current location of the marine guard checkpoint on Fuller Road; and

"Whereas, persons seeking egress and ingress to the town desire more convenient access to the town free from unreasonable restrictions and restraints; and

"Whereas, the obligation of the U.S. Marine Crops to ensure the security of the military installation is recognized; and

"Whereas, efforts by representatives of the Town of Quantico and the Joint Subcommittee, of the General Assembly of Virginia Studying the Legal Status of Fuller Road (Quantico, Virginia) to find a statisfactory solution to the problem of providing

a secure Marine Corps installation at Quantico while affording users of Fuller Road the right to reasonably unrestrained access to the Town of Quantico have failed; and

"Whereas, the United States Government contends that it has exclusive jurisdiction over Fuller Road by virtue of Federal Proclamation No. 1493 (1918) and Chapter 382 of the 1918 Acts of Assembly; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That in recognition of the unique situation of the Town of Quantico and in the continued spirit of cooperation between the Commonwealth and the United States Government, the Congress of the United States is hereby memorialized to work toward a proper balance between the obligation to provide a secure military installation at the U.S. Marine Corps base at Quantico, Virginia, and the right of all persons to a free and covenient means of egress and ingress to the Town of Quantico; and be it

"Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to: the Speaker of the House of Representatives; the President of the United States Senate; the Virginia delegation to the Congress of the United States; the Secretary of United States Navy; B. A. Truesdale, Chief of Staff, United States Marine Corps Development and Education Command at Quantico, Virginia; and the Honorable Lively C. Able, Mayor of the Town of Quantico, Virginia, in order that they may be apprised of the sense of the General Assembly."

POM-91. A resolution adopted by the Legislature for the Territory of Guam; to the Committee on Armed Services:

"RESOLUTION No. 90

"Whereas, the Legislature of Guam recently learned of the elimination of Class "B" students in the reimbursement of per pupil expenditures under P.L. 81-874, otherwise known as Impact Aid; and

"Whereas, the Guam Public School District has been dependent on the infusion of stable funding sources, such as the Impact Aid funds to maintain its programs at an acceptable American School District standard; and

"Whereas, the discontinuance of such funding shall have a significant impact on the funding level of the Guam Public School System and the Government of Guam; and

"Whereas, a survey of the 1982-1983 school year shows there are nearly 6,000 Class B students or an entitlement of nearly $400,000; and

"Whereas, this figure represents more than 23 per cent of the total enrollment of the Guam Public School System, making it among the highest, if not the highest, number of military connected children of any American community, per capita; and

"Whereas, the military commanders are rightfully expecting a nationally accepted standard of education for their dependent children; and

"Whereas, the Territorial Government of Guam would be hard pressed to provide that expected standard of education without continuation of the Impact Aid program; now, therefore, be it

"Resolved, that the Seventeenth Guam Legislature does hereby request that the Congress of the United States continue funding reimbursement of Class B. children under Public Law 81-874 Impact Aid for Military Connected Children; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Strom Thurmond, President Pro Tem of the United States Senate; to the Honorable Carl D. Perkins, Chairman of the House Committee on Education and Labor; to the Honorable William Goodling, U.S. House of Representatives; to the Honorable Antonio B. Won Pat, Chairman, Subcommittee on Armed Forces; to the Honorable Caspar Weinberger, Secretary of Defense; to the Honorable T. H. Bell, Secretary of Education; to the Commander, Naval Forces Marianas, to the Commander, Third Air Division; to the Director, Department of Education; and to the Governor of Guam."

POM-92. A resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs:

"HOUSE JOINT RESOLUTION No. 38

"Whereas, the Federal Reserve System is charged with the management of the nation's money supply; and

"Whereas, the Federal Reserve System directly affects interest rates to member banks; and

"Whereas, the Federal Reserve System exerts considerable influence on the economy of the United States and the world; and

"Whereas, the Federal Reserve Board and member banks, the Federal Advisory Council and the Federal Open Market Committee have incurred annual operating expenses exceeding 920 million dollars; and

"Whereas, the Federal Reserve System has never been completely audited by any agency; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia does hereby urge the enactment of legislation by Congress which mandates a complete annual audit of all of the activities of the Federal Reserve System by the General Accounting Office; and, be it

"Resolved further, That the Clerk of the House of Delegates send copies of this resolution to the Speaker of the House of Representatives, the President of the United States Senate, and to all members of the Virginia Congressional Delegation in order that they may be apprised of the sense of this body."

POM-93. A resolution adopted by the City Council of the City of Irving, Tex. opposing U.S. Senate bill S. 66, known as the Cable Telecommunications Act of 1983; to the Committee on Commerce, Science, and Transportation.

POM-94. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Energy and Natural Resources.

"RESOLUTION No. 54

"Whereas, Guam has been operating under a 'mirror' tax system as provided by Section 31 of the Organic Act of Guam; and

"Whereas, Resolution No. 170 of the Sixteenth Guam Legislature, dated October 26, 1981, requested that Guam be allowed to adopt its own income tax incentives for investors and businessmen; and

"Whereas, the Guam businessmen's conference in Washington, last year expressed similar desires; and

"Whereas, on January 18, 1983, Pedro A. Sanjuan of the Department of Interior sent an outline of two proposed alternatives; and

"Whereas, initial comments on the proposals have a deadline of February 15, 1983; and

"Whereas, these proposals are of critical importance to the future of Guam and the people of Guam should be consulted; and

"Whereas, such a proposal requires extensive research and study as to its implications; and

"Whereas, the Legislature was not requested to comment on the proposed alternatives; and

"Whereas, Section 11 of the Organic Act of Guam, as amended, conferred to the Legislature of Guam power over taxation; thus, it feels that there is urgency in submitting appropriate comments; and

"Whereas, insufficient time has been provided to prepare an informed position on the proposed tax alternatives; now, therefore, be it

"Resolved, that the Seventeenth Guam Legislature requests the Secretary of the Department of Interior to extend the deadline on the initial comments to the tax proposals until a proper and extensive review of the proposals is completed; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of the Department of Interior; to the President of the United States Senate; to the Speaker of the House of Representatives; to the President of the United States; to Guam's Washington Representative, U.S. House of Representatives; to the President, Guam Chamber of Commerce; to the Chairman, Guam Bar Association; and to the Governor of Guam."

POM-95. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"ASSEMBLY JOINT RESOLUTION No. 15

"Whereas, The Environmental Protection Agency (E.P.A.) delayed 18 months in publishing the list of hazardous waste sites eligible for cleanup moneys under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601, et seq., 'Superfund'), and has only cleaned up five sites under the act; and

"Whereas, The E.P.A. has failed to protect the citizens of the United States from the dangers of abandoned hazardous waste sites; and

"Whereas, California has been a leader among the states in its efforts to join with the federal government in cleaning up hazardous waste sites, through the Carpenter-Presley-Tanner Hazardous Substance Account Act (Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, 'California State Superfund'); and

"Whereas, California has yet to receive any federal Superfund moneys for the cleanup of the three hazardous waste sites which have already been designated by E.P.A. as 'highest priority,' and E.P.A. has also failed to include 12 additional California sites on the eligibility list which were strongly recommended for eligibility by the State Department of Health Services; and

"Whereas, E.P.A. intends to pursue a new policy of exhausting all available enforcement remedies against potentially responsible parties before initiating any federal Superfund moneys; and

"Whereas, The former Administrator of the E.P.A., Anne (Gorsuch) Burford, has

been cited for contempt of the Congress of the United States for her refusal to turn over documents relative to the E.P.A.'s handling of the Superfund toxic waste cleanup program; and

"Whereas, The Federal Bureau of Investigation has been called into the offices of the E.P.A. to investigate the potential destruction of documents subpoenaed in the congressional investigation of the E.P.A.; and

"Whereas, The recent controversies involving staff at the E.P.A. have shaken public confidence in the fair and forthright implementation of E.P.A.'s mission to protect the environment and the health and safety of the people of the United States; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the President of the United States to direct the new Administrator of the Environmental Protection Agency to quickly and effectively implement all the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, to speedily distribute the moneys in the Hazardous Substance Response Trust Fund for the cleanup of all hazardous waste sites which pose an imminent and substantial danger to the public health or welfare, and to modify the current enforcement policies by not waiting to exhaust all enforcement remedies before initiating hazardous waste site remedial actions; and be it further

"*Resolved,* That a full investigation of the conduct of the Superfund program by the E.P.A. be instituted, including investigation of alleged conflict of interest by past or current government officials in decisions affecting the cleanup of the Stringfellow Acid Pit in Riverside, California; and be it further

"*Resolved,* That the President direct the E.P.A. to commit itself to full public participation by affected citizens in the implementation of the Superfund cleanup program, so as to restore the public's faith in the integrity of the program of the E.P.A.; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Environmental Protection Agency."

POM-96. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works:

"Whereas, the domestic copper producing industry must compete in a world market which effectively limits copper prices; and

"Whereas, most foreign producers are not subject to stringent requirements for environmental controls which in the United States add from ten to fifteen cents to the cost of producing a pound of copper; and

"Whereas, most foreign producers have significantly lower labor costs and in many cases enjoy government subsidies; and

"Whereas, the depressed state of the United States economy and the economies of most foreign countries has severely reduced the demand for copper, resulting in the lowest copper prices, in terms of constant 1982 dollars, since the depression of the 1930's; and

"Whereas, as a result of the foregoing conditions, a large segment of the domestic copper industry is shut down, with nearly twelve thousand copper industry workers unemployed in Arizona alone, causing a serious adverse effect on this state's economy; and

"Whereas, seven of the fourteen domestic primary copper smelters are located in the State of Arizona, which normally produces more than half of all the copper produced in the United States; and

"Whereas, Arizona copper producers already have spent more than three-quarters of a billion dollars installing pollution control equipment to comply with the Clean Air Act, resulting in substantial corporate debts; and

* * * * *

POM-97. A resolution adopted by the House of Representatives of the State of Washington; to the Committee on Environment and Public Works:

"RESOLUTION No. 83-25

"Whereas, The Port of Grays Harbor is the only deep water port on the western coast of the State of Washington; and

"Whereas, Tremendous renewable timber resources are transported to the Port of Grays Harbor from several counties; and

"Whereas, Increased shipments of forest products are being made to Pacific Rim Nations, including Japan, Korea, and the Peoples Republic of China; and

"Whereas, Continued shipments of these commodities will contribute significantly to this nation's balance of trade; and

"Whereas, The United States Army Corps of Engineers has completed a feasibility study to improve navigation facilities at Grays Harbor; and

"Whereas, These improvements include deepening the navigation channels from thirty feet to thirty-eight feet; and

"Whereas, Larger and more cost-effective vessels now in the trade are precluded from departing fully-laden from Grays Harbor; and

"Whereas, The United States Army Corps of Engineers Board of Engineers for Rivers and Harbors on December 14, 1982, approved the feasibility report for channel improvements;

"Now, therefore, be it resolved, By the House of Representatives of the State of Washington, That the President of the United States and the Congress of the United States be urged to approve the authorization for the Grays Harbor Deeper Draft Project and to provide in federal fiscal years 1984 and 1985 such funding as may be necessary to complete the Continuation of Planning and Engineering studies as soon as possible; and

"Be it further resolved, That copies of this resolution be forwarded to President Ronald Reagan, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the congressional delegation from Washington State."

POM-98. A resolution adopted by the Council of the City of Cleveland, Ohio relating to St. Lawrence Seaway debt and Seaway tolls; to the Committee on Environment and Public Works.

POM-99. A resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Finance:

"HOUSE JOINT RESOLUTION No. 102

"Whereas, the Virginia Housing Development Authority has, through the issuance of its tax-exempt bonds, financed single family homes for over 56,000 Virginians who could not otherwise have afforded to buy homes; and

"Whereas, as a result of the cooperative efforts of the Virginia Housing Development Authority, private lending institutions and the housing industry, such financing of single family homes has attracted over a billion dollars of mortgage capital to the Commonwealth, has produced numerous jobs in the construction and housing industry, has generated state and local taxes for the Commonwealth and its localities and has been of great economic and social benefit to the Commonwealth; and

"Whereas, the Mortgage Subsidy Bond Tax Act of 1980 contains a "sunset provision" which would prohibit the issuance of tax-exempt bonds for single family housing after December 31, 1983; and

"Whereas, such "sunset provision" will have serious detrimental effect on the well-being of the citizens of the Commonwealth; and

"Whereas, legislation will be introduced in the Congress of the United States to eliminate the "sunset provision" in the Mortgage Subsidy Bond Tax Act of 1980; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly hereby memorializes the Congess of the United States to enact legislation which will eliminate the "sunset provision" in the Mortgage Subsidy Bond Tax Act of 1980 prohibiting the issuance of tax-exempt bonds for the financing of family homes after December 31, 1983; and, be it

"Resolved further, That the Clerk of the House of Delegates is directed to send copies of this resolution to the presiding officers of both Houses of the United States Congress and to members of the Virginia Congressional Delegation in order that they may be apprised of the sense of this body."

POM-100. A joint resolution adopted by the General Assembly of the North Carolina; to the Committee on Finance:

"SENATE JOINT RESOLUTION 108

"Whereas, our country nearly two hundred years ago established the democratic goal of equality of opportunity for all citizens of the republic; and

"Whereas, the principle of separation of church and state was also established as a fundamental precept of the First Amendment to the United States Constitution; and

"Whereas, passage of legislation supporting federal tuition tax credit for persons who send their children to private schools would violate the above goal and principle which have been major factors in building our American democracy; and

"Whereas, adoption of federal tuition tax credit legislation would give the force of law to a vast social experiment which virtually would destroy public education as conceived over the years through adherence to the above goal and principle; and

"Whereas, tuition tax credits give private schools an unfair competitive advantage over public schools because private schools can refuse to offer services that public schools must provide and they can be selective with regard to whom they admit; and

"Whereas, adoption of tuition tax credits would lead to an educational caste system by drawing middle and higher income children into private schools; and since many families are too poor to claim the tax break, the poor and minorities would be barred from participation; and

"Whereas, tuition tax credits would erode voter support for local school budgets because some parents who would be most likely to support quality programs and facilities for the public schools would be attracted to private schools as federal revenues shift from public to private schools; and

"Whereas, North Carolina's own, venerable, Constitutional Statesman, former Senator Sam J. Ervin, Jr., has forcefully characterized the proposed tuition tax credit legislation as unwise, unjust, and unconstitutional; and

"Whereas, North Carolina's Governor, James B. Hunt, Jr., has declared 1982-83 as "The Year of the Public Schools" in obvious pride in and support for North Carolina's system of public education; and

"Whereas, virtually every organization which represents public schools opposes the concept and the proposal known as tuition tax credits;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

"Section 1. The General Assembly urges the members of the Congress of the United States from North Carolina to oppose the introduction and passage of a tuition tax credit bill.

"Sec. 2. The General Assembly urges Congress not to pass a tuition tax credit bill, if introduced.

"Sec. 3. The Secretary of State shall transmit copies of this resolution to the members of the Congress of the United States from North Carolina and to the Clerk of the U.S. House of Representatives and the Secretary of the U.S. Senate.

"Sec. 4. This resolution is effective upon ratification."

POM-101. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

JOINT RESOLUTION No. 12

"Whereas, After July 1, 1983, any financial institution or government which pays interest or a dividend to any person must withhold a tax equal to 10 percent of the amount of the interest or dividend; and

"Whereas, This program for the withholding of taxes will be costly for both the Federal Government and the governments or financial institutions which pay the interest and dividends; and

"Whereas, Any person who receives the interest or dividend will lose the income he would earn on that amount if it had not been withheld as a tax; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of Nevada, jointly, That this legislature calls upon the Congress of the United States to repeal the statutes which provide for the withholding of income tax from interest and dividends paid; and be it further

"Resolved, That the legislative counsel transmit copies of this resolution to the Vice President of the United States as President of the Senate, to the Speaker of the House of Representatives, and to all members of Nevada's congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-102. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"JOINT RESOLUTION No. 1

"Whereas, Many mentally retarded or physically handicapped persons have little or no earning capacity and depend upon the federally established program of supplemental security income for support; and

"Whereas, The federal statutes governing the program of supplemental security income specify the maximum annual income which a recipient may receive and the maximum resources which a recipient may have and still be eligible for assistance under the program; and

"Whereas, These limitations on income and resources preclude the accumulation and investment of savings from such sources as parental gifts and bequests without loss of eligibility; and

"Whereas, A mentally retarded or physically handicapped person may very well outlive his parents and other persons who would, if living, provide for his special needs and be responsible for him in the event governmentally supported assistance is reduced or discontinued; and

"Whereas, Many parents strongly desire to assist their mentally retarded or physically handicapped children in accumulating savings upon which those children can draw when necessary, particularly after the parents' death; and

"Whereas, Those parents, and others concerned with the security and well-being of mentally retarded or physically handicapped persons in their later years, urge the enactment of legislation to permit a recipient of supplemental security income who is mentally retarded or physically handicapped to invest a certain amount of savings annually without need for complex legal mechanisms and without inclusion of the amounts accumulated in the computation of income and resources for the purpose of determining eligibility; and

"Whereas, The legislature of the State of Nevada has considered this problem and has concluded that legislative action is needed to encourage mentally retarded or physically handicapped persons to acquire privately financed reserves to protect them against the uncertainties of the future when they are alone and without other sources of support apart from governmental programs of assistance; and

Whereas, Governmental incentives to long-term savings are not new, the most obvious recent example being the program whereby a person may invest a portion of his earnings (up to $2,000 per year for a single person) in the "individual retirement account" without paying current federal income taxes on the amounts accumulated; and

Whereas, A program for long-term savings by mentally retarded or physically handicapped persons without loss of eligibility for benefits under the supplemental security income program could be patterned after the program for individual retirement accounts in some respects; now, therefore, be it

"Resolved by the Assembly and Senate of the State of Nevada, jointly, That this legislature strongly urges the Congress of the United States to amend the statutory provisions governing the program of supplemental security income (Title XVI of the Social Security Act, 42 U.S.C. §§ 1381 et seq.) to exclude from the definitions of income and resources amounts up to $2,000 per year, plus interest or other return on those amounts, received by or on behalf of a mentally retarded or physically handicapped person and paid to an approved 'savings plan' or 'savings account' established for his benefit; and be it further

"Resolved, That several alternative types of savings plans or savings accounts be approved for this purpose; and be it further

"Resolved, That corresponding changes be made in any other federally established programs which preclude the accumulation of savings by mentally retarded or physically handicapped persons receiving benefits on the basis of need in substantially the same manner; and be it further

"Resolved, That the legislative counsel shall forthwith transmit copies of this resolution to the President of the United States, the Vice President as President of the Senate, the Speaker of the House of Representatives and each member of the Nevada congressional delegation; and be it further

"Resolved, That this resolution shall become effective upon passage and approval."

POM-103. A resolution adopted by the Commission of the City of Miami, Florida urging governmental use of supplies, materials and equipment manufactured in the United States; to the Committee on Finance.

POM-104. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on Foreign Relations:

"RESOLUTION No. 24

"Whereas, there is no treaty in force between the United States of America and the Republic of the Philippines providing for the extradition of fugitives from the law; and

"Whereas, law breakers from the United States have taken refuge in the Republic of the Philippines; and

"Whereas, because of the close proximity of Guam to the Republic of the Philippines several persons have left the territory after committing serious crimes and found safe havens in the Republic of the Philippines; and

"Whereas, the Seventeenth Guam Legislature is aware that a treaty has been negotiated by the Department of State, on behalf of the United States, with the Republic of the Philippines to provide for the extradition of persons committing criminal acts; and

"Whereas, the Seventeenth Guam Legislature has learned that the Department of State has not submitted the Treaty to the United States Senate for ratification; and

"Whereas, the members of the Seventeenth Guam Legislature have reviewed the proposed Treaty and find it would greatly enhance law enforcement in the territory of Guam; now, therefore, be it

"Resolved, that the Seventeenth Guam legislature requests the Secretary of State to forward to the United States Senate the proposed extradition Treaty between the United States of America and the Republic of the Philippines; and be it further

"Resolved, that the United States Senate is respectfully requested to act favorably and ratify the proposed extradition treaty as soon as possible; and be it further

"Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President pro tempore of the United States Senate; to the Secretary of State; to the Secretary of the Interior; to the United States Attorney General; to the Consulate General of the Republic of the Philippines on Guam; the

President, Republic of the Philippines; to Guam's Congressman; and to the Governor of Guam."

POM-105. A resolution adopted by the House of Delegates of the Republic of Palau; to the Committee on Foreign Relations:

"A HOUSE RESOLUTION

"Whereas, under the Trusteeship Agreement between the United States and the United Nations governing the former Japanese mandated islands, the United States as an administering authority assumed the obligations to promote the political, economic and social advancement of the Palauan people toward self-government or independence as may be appropriate to the circumstances of the people concerned; and

"Whereas, on February 10, 1983, in an act of political self-determination, the people of the Republic of Palau voted and ratified the Compact of Free Association as negotiated and signed on August 26, 1982, by United States Ambassador Fred M. Zeder, II, and Republic of Palau Ambassador Lazarus Salii; and

"Whereas, in view of the result of the votes on Section 314 of the Compact, it is now mandatory that the United States and Palau should renegotiate a new Compact section on harmful substances or in the alternative delete the said section completely from the Compact of Free Association; and

"Whereas, it is the sense of the House of Delegates of the Palau National Congress that Section 314 of the Compact can be excised from the Compact of Free Association without jeopardizing the integrity of the Compact and that the Compact could be put into effect without such section on harmful substance; now, therefore, be it

"Resolved, by the House of Delegates of the First Olbiil Era Kelulau, Sixth Special Session, February, 1983, that it is the sense of the Palau National Congress that the United States Congress be and the same is hereby respectfully urged and requested to approve and ratify the Compact of Free Association between the United States and the Republic of Palau and allow the same to go into effect; and be it further

"*Resolved*, That certified copies of this House Resolution shall be transmitted to the President of the United States, Ronald Reagan, President Pro Tem of the United Senate, Strom Thurmond, Speaker of the United States House of Representatives, Thomas P. O'Neill, Jr., Chairman of the House Committee on Interior Affairs, Morris K. Udall, Chairman of the Senate Committee on Foreign Relations, Charles H. Percy, Senators Spark M. Matsunaga and Daniel K. Inouye, United States Ambassador Fred M. Zeder, II, High Commissioner of the Pacific Islands, Janet McCoy, President of the Republic of Palau, Haruo I. Remeliik, Palau Ambassador Lazarus Salii, the governors of the several states of Palau, and the United Nations Trusteeship Council."

POM-106. A resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION No. 107

"Whereas, It is the sense of this Legislative Body that the preservation of human dignity is numbered among our most sacred duties; and

"Whereas, The enhancement of civil liberties and the furtherance of the values and worth of human live underscore our Legislative considerations; and

"Whereas, Fully cognizant of our responsibility to the commonwealth of mankind, this Legislative Body, once again, directs its attention to the beleaguered people of the Beloved Nation of Poland; and

"Whereas, Current information concerning the plight of the valiant leader of Solidarity, Lech Walesa, is truly frightening and, indeed, if correct, most clearly appalling; and

"Whereas, The Solidarity Committee in southern Sweden, through its spokesman, Wladyslaw Bartoszewski, has released information concerning the deteriorating mental and physical health of imprisoned Lech Walesa; and

"Whereas, It has been ascertained that Lech Walesa emits unnatural symptoms of lethargy and apathy; that he has gained abnormally in weight; that he displays signs of psychological imbalance; and

"Whereas, These reports of such unnatural behavior are, moreover confirmed by Danuta Walesa, the wife of Solidarity's valiant leader; and

"Whereas, Danuta's observations stem from a recent visit with her imprisoned husband; she has witnessed these personal aberrations and subsequently expressed her concern; and

"Whereas, If these reports are true, and, indeed, such confirmation as that of Danuta's witnessed account indicates they are, it can only mean that drugs are being administered to Lech Walesa, that his mind and body are being cruelly and painfully manipulated; and

"Whereas, In the pages of history, Beloved Poland has been referred to as the Christ of the Nations; how true the prophecy, how relevant the analogy; now, the valiant leader of Solidarity is being savaged by his wards, is being vegetablized by his keepers; and

"Whereas, The great Polish novelist Joseph Conrad once wrote of 'The Heart of Darkness', of the treacherous essence of moral corruption, of the metaphysical nature of evil; and

"Whereas, This crime against the person of Lech Walesa approaches Conrad's definition of absolute evil; in its cruelty, it is unsurpassed; it is the work of the anti-Christ; it is, in the final analysis, dehumanization; and

"Whereas, We register, now, in turn, our determined and heartfelt outrage; we further petition President Ronald Reagan and the Congress of the United States to intervene and to make adequate protestation to the General Assembly of the United Nations; and

"Whereas, For the beleaguered people of the Beloved Nation of Poland, the Solidarity movement is the estuary to the sea of hope, from its broad basin emanate the current of change and the irrepressible tide of freedom; and

"Whereas, The life and person of Solidarity's courageous leader is now clearly threatened; now, therefore, be it

"*Resolved*, That this Legislative Body pause in its deliberations and most emphatically register our heartfelt and determined outrage; we further petition President Ronald Reagan and the Congress of the United States to intervene and to make adequate protestations to the General Assembly of the United Nations regarding this most cruel and inhumane treatment of the valiant Lech Walesa; and be it further

"*Resolved*, That a copy of this Resolution, suitably engrossed, be transmitted to President Ronald Reagan and to the leadership of the Congress of the United States."

POM-107. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Foreign Relations:

"LEGISLATIVE RESOLUTION 54

"Whereas, many American servicemen and civilians are still missing and unaccounted for as a result of the Vietnam conflict; and

"Whereas, the families of the men who are missing and unaccounted for are subject to mental anguish and a sense of futility in their quest for information about such men, and many other Americans are troubled because of the situation of such families; and

"Whereas, it is the United States government's statutory responsibility to ensure both the return of all prisoners of war and the accounting for missing personnel, as well as the repatriation of remains of those who perished serving our nation; and

"Whereas, an increasing number of eyewitness reports of Americans in captivity in Southeast Asia continue to fill the hopes of the POW/MIA families that priority effort will be made to exact a precise accounting for these men.

"Now, therefore, be it resolved by the Members of the Eighty-eighth Legislature of Nebraska, First Session:

"1. That this Legislature go on record urging that new initiatives be taken at every level of government to secure the safe return of these Americans.

"2. That this Legislature petition and thereby encourage the Congress of the United States to begin taking the steps required to secure the release of our prisoners of war and account for those who are still missing.

"3. That a copy of this Resolution be sent to the Honorable President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and Nebraska's congressional delegation."

POM-108. A resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Governmental Affairs:

"HOUSE JOINT RESOLUTION No. 90

"Whereas, the Lorton Reformatory experiences two or three escapes per month by inmates incarcerated in that institution; and

"Whereas, it is recognized that the administrators and correctional personnel of the Lorton Reformatory are making an effort to decrease the number of escapes and are interested in the welfare of all residents in the area; and

"Whereas, despite these efforts it is a source of concern to this General Assembly that this public safety of the Virginia citizens living near the Lorton Reformatory may frequently be in jeopardy as a result of these escapes; and

"Whereas, the citizens of the Commonwealth could benefit from improved control of the inmate population at the Lorton Reformatory and their safety would be enhanced by these improvements; now, therefore, be it

"*Resoved* by the House of Delegates, the *Senate concurring*, That the General Assembly of Virginia hereby memorializes the Congress of the United States to take appropriate action to increase the public safety of all Virginia citizens living in the nearby area of the Lorton Reformatory; and, be it

"*Resolved further*, That the Clerk of the House of Delegates is hereby instructed to transmit copies of this resolution to the

Speaker of the United States House of Representatives, the President of the United States Senate and to the Members of the Virginia Delegation to the Congress of the United States in order that they may be apprised of the sense of this body."

POM-109. A resolution adopted by the Legislature of the Territory of Guam; to the Committee on the Judiciary:

"RESOLUTION No. 43

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, in June 1978, Congress approved an amendment to the United States Constitution that would give Washington, D.C. two United States senators, the same as a state, and as many seats in the House of Representatives as a state of similar population would have; and

"Whereas, since June of 1978, ten states have ratified the measure and approval by twenty-eight more states is still needed; and

"Whereas, Washington, D.C. is a city of 635,000 people who like the residents of offshore territories of Guam, Puerto Rico, the Virgin Islands, American Samoa and the Commonwealth of the Northern Mariana Islands have been denied full participation in the United States system of government only by reason of their residence in a "territorial area"; and

"Whereas, all United States citizens should be treated equally and should have the opportunity to fully participate in Congress by having elected representatives with voting rights; now, therefore, be it

"Resolved, That the Seventeenth Guam Legislature, on behalf of the people of the Territory of Guam, supports the efforts of the District of Columbia in obtaining greater participation in the United States system of government through either the passage of the proposed Constitutional Amendment or admission to the Union as a state; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States; to the President pro tempore of the U.S. Senate; to the Speaker of the House of Representatives; to the Mayor of the District of Columbia; to each state and territorial Legislature; to Guam's Congressman; and to the Governor of Guam."

POM-110. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 79

"Whereas, drug importation, distribution and trafficking have become an organized major criminal enterprise; and

"Whereas, this major criminal enterprise is amassing millions of dollars of illegal profits; and

"Whereas, drug usage is increasing in America and is reaching children of ever-younger ages, and drug use is related to the steady increase in violent crimes against persons and property; and

"Whereas, drug crimes require a major portion of the local, state and federal law-enforcement budget; and

"Whereas, the large amount of illegal profits of drug trafficking has a corrupting influence on the individuals and institutions of government and commerce in the United States; and

"Whereas, intelligence sources have identified the source of the major portion of illegal drugs as being foreign in nature; and

"Whereas, several countries of Latin America, Southeast Asia and the Middle East have been identified as source points of illegal drug cultivation, production or distribution; now, therefore, be it

"Resolved by the House of Delegates, the *Senate concurring,* That the General Assembly of Virginia, by this resolution, calls upon the United States Congress and the Executive Branch of the Government of the United States to use the full weight of the laws and policies of the United States government to curb and eliminate the international drug trafficking industry, those methods to include, but not be limited to, the use of military resources to interdict drug shipments; the imposition of trade sanctions against those nations which do not cooperate effectively in this drug trafficking eradication program; and the impoundment, withholding or withdrawal of foreign aid efforts to those identified drug source nations; and, be it

"Resolved further, That funding withdrawn from foreign aid distribution be applied to domestic and international drug eradication; and, be it

"Resolved further, That the full force of the national intelligence and law-enforcement effort be applied to the drug eradication effort; and, that the United States Congress and the Executive Branch use such other means as authorized by law to designate the drug trafficking eradication effort as the primary law-enforcement priority; and, be it

"Resolved finally, That the Clerk of the House of Delegates is directed to prepare a copy of this resolution for transmittal to the Congress and the Executive Branch of the United States Government."

POM-111. A resolution adopted by the House of Representatives of the State of Georgia; to the Committee on the Judiciary:

"H.R. No. 399

"Whereas, Honorable George Bush, the President of the United States Senate, has signed the Response to the People Legislative Treaty to Stop Drugs at the Source, which treaty is to be cosigned by Presidents of State Senates, county commissioners, and members of city councils, and which treaty is to serve as evidence that the Stop Drugs at the Source Petition will be answered; and

"Whereas, the availability of harmful and illicit drugs to our children is a threat to the life, liberty, and pursuit of happiness of the people and the security of the United States of America; and

"Whereas, the availability of harmful and illicit drugs to our children is a violation of human rights; and

"Whereas, in 1972, the Georgia General Assembly, one of the 13 original framers of the Constitution, recognized this national threat and set our nation and other nations on the course of the Stop Drugs at the Source Petition and Treaty campaigns with the historic resolution cosigned by 56 Senators and 180 Representatives; and

"Whereas, educators have developed the Stop Drugs at the Source Petition and Treaty campaigns into citizenship education for citizens of the entire community; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has proclaimed 1983 the Year of Stop Drugs at the Source; and

"Whereas, the Governor of Georgia, Honorable Joe Frank Harris, has cosigned the Response to the People Executive Treaty with the President of the United States, Honorable Ronald Reagan; and

"Whereas, the President of the Georgia Senate, Honorable Zell Miller, has cosigned the Response to the People Legislative Treaty with the President of the United States Senate, Honorable George Bush; and

"Whereas, the Speaker of the Georgia House of Representatives, Honorable Thomas B. Murphy, has cosigned the Response to the People Legislative Treaty with the Speaker of the United States House of Representatives, Honorable Thomas P. "Tip" O'Neill; and

"Whereas, the Stop Drugs at the Source Petition and Treaty campaigns instituted by the 1972 Georgia General Assembly's resolution are developed and should be presented to our sister states and other nations; and

"Whereas, Honorable Max Cleland, the Secretary of State of Georgia, has agreed to serve as the chairman of the Ben Fortson Bicentennial Secretaries of States Committee to implement the Stop Drugs at the Source Petition and Treaty campaigns in other states and nations.

"Now, therefore, be it resolved by the House of Representatives that the members of this body express our gratitude and appreciation to Honorable George Bush, the President of the United States Senate, for having signed the Response to the People Legislative Treaty to Stop Drugs at the Source and for his pledge to keep harmful and illicit drugs away from our children.

"Be it further resolved that the Clerk of the House of Representatives is authorized and directed to transmit an appropriate copy of this resolution to Honorable George Bush, President of the United States Senate."

POM-112. A resolution adopted by the International Association of Chiefs of Police, calling upon Congress to increase the Drug Enforcement Administration's authorized appropriation in support of the expansion of the task force program; to the Committee on the Judiciary.

POM-113. A petition from a citizen of Hayward, Calif., expressing dissatisfaction with Congress; to the Committee on the Judiciary.

POM-114. A resolution adopted by the commission of the city of Miami, Fla., urging the Federal Government to investigate the activities of Fidel Castro's intelligence force in the city of Miami and other cities to insure the safety of members and leaders of the Cuban community in exile; to the Committee on the Judiciary.

POM-115. A resolution adopted by the Legislature of the Territory of Guam: to the Committee on Labor and Human Resources:

"RESOLUTION No. 48

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, in 1973, Public Law 12-31 authorized the Board of Education to initiate and develop a bilingual-bicultural education program emphasizing the language and culture of the Chamorro people; and

"Whereas, in the Fall of 1973, the Department of Education implemented a Chamorro Language and Culture Program funded by the Federal Emergency School Aid Act; and

"Whereas, in 1977, Public Law 14-53, amended by Public Law 15-9, directed that courses in Chamorro language and culture be mandatory no later than school year

1980 for all elementary students but elective for students in the Junior and Senior High Schools; and

"Whereas, the Governor of Guam has proclaimed Chamorro Week to be observed from February 21 through March 4; and

"Whereas, the Chamorro Language and Culture Program imparts to students of Chamorro ancestry an appreciation of the history and culture associated with their language, and to students of other ethnic backgrounds, insight into the beauty found in the language and cultural heritage of a unique people—the Chamorros; and

"Whereas, the observance and celebration of Chamorro Week is encapsulated in the theme, "I Linguahi Yan Kuttura—Isan I Haleta" that is, that language and culture are the rainbows that direct us to our roots; and

"Whereas, Juan Malimanga comic strip is a product of the Chamorro Language and Special Projects Division, Department of Education; and

"Whereas, the participants in the program—staff, teachers, and students—should take pride in their accomplishments and achievements over the past school years; now, therefore, be it

"Resolved, That the Seventeenth Guam Legislature extends its appreciation and commendation to the staff, teachers, and students in the Chamorro Language and Culture Program; and be it further

"Resolved, That the Chamorro Language and Special Projects Division, Department of Education should diligently pursue the completion of a Chamorro Language Grammar; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Administrator, Chamorro Language and Special Projects Division, Department of Education; to the Director of Education; to the Chairman, Board of Education; to the President of the United States; to the Speaker, U.S. House of Representatives; to the President Pro Tempore, U.S. Senate; to Guam's Washington Representative; to all the various Chamorro Clubs and associations in California and in the other areas of the United States; and to the Governor of Guam."

POM-116. A resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs:

"HOUSE JOINT RESOLUTION No. 42

"Whereas, there are approximately 250,000 veterans in the United States, of whom approximately 1,500 reside in Virginia, who may have been exposed to atomic radiation either during the occupation of Japan or in conjunction with nuclear weapons tests conducted in the United States and the Pacific since 1945; and

"Whereas, some of these veterans suffer health problems including cancer, degenerative bone and nerve diseases, intestinal disorders, heart, blood and respiratory diseases and emotion problems; and

"Whereas, certain birth defects have occurred in the children and grandchildren of these veterans; and

"Whereas, medical evidence indicates these health problems may be associated with exposure to atomic radiation; and

"Whereas, some veterans are hesitant to come forward regarding the causes and effects of their military exposure to radiation for fear of prosecution under certain statutes, possible loss of private employee medical benefits, and diminished employment potential; and

"Whereas, the application of certain regulations of the United States Veterans Administration pertaining to the provisions of health care to veterans exposed to atomic radiation may not adequately address their needs; and

"Whereas, the application of certain Veterans Administration regulations has resulted in the denial of a large percentage of claims by these veterans for health care and compensation; and

"Whereas, it may work a significant hardship upon these veterans to pursue their legal remedies on claims regarding exposure to atomic radiation due to matters of national security, inaccurate or nonexistent records and passage of time; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That the General Assembly of Virginia memorializes the President and Congress of the United States to review the current regulations of the Veterans Administration regarding the provision of health care to veterans exposed to atomic radiation; and, be it

"Resolved further, That the General Assembly of Virginia further memorializes the President and Congress to direct the Veterans Administration and other appropriate federal agencies to assist the affected veterans in good faith and with all possible speed to locate their records and documentation pertaining to exposure of individuals and military units to atomic radiation and to expedite hearings upon their claims; and, be it

"Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Virginia delegation to the Congress of the United States, and to the Administrator of the United States Veterans Administration."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 529. A bill to revise and reform the Immigration and Nationality Act, and for other purposes (with additional and minority views) (Rept. No. 98-62).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Gen. John A. Wickham, Jr., 092-20-1086, U.S. Army, to Chief of Staff, U.S. Army.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I favorably report the following nominations: Maj. Gen. Robert M. Elton, U.S. Army, to be lieutenant general, Lt. Gen. John F. Forrest, U.S. Army (age 55), to be placed on the retired list, Maj. Gen. Robert L. Wetzel, U.S. Army, to be lieutenant general, Vice Admiral Steven A. White, U.S. Navy, to be admiral, Rear Adm. Lewis H. Seaton, U.S. Navy, to be Chief of the Bureau of Medicine and Surgery and Surgeon General, Maj. Gen. Carl E. Vuono, U.S. Army, to be lieutenant general, Vice Adm. Ernest R. Seymour, U.S. Navy (age 51), to be placed on the retired list, Rear Adm. Daniel L. Cooper, U.S. Navy, to be Director of Budget and Reports in the Department of the Navy, Gen. William Y. Smith, U.S. Air Force (age 55), to be placed on the retired list, Gen. Richard L. Lawson, U.S. Air Force, to be reassigned in the grade of general, Lt. Gen. James E. Dalton, U.S. Air Force, to be general, Lt. Gen. Eugene P. Forrester, U.S. Army (age 56), to be placed on the retired list, and Lt. Gen. James M. Lee, U.S. Army, to be reassigned in the grade of lieutenant general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the the Air Force Reserve there are 19 promotions to the grade of lieutenant colonel (list begins with John G. Aldous), in the Army there are 19 appointments to the grade of lieutenant colonel and below (list begins with Edward J. F. Thomas), in the Army there are 2,105 appointments to the grade of second lieutenant from the ROTC (list begins with George B. Abernathy), in the Army there are 192 appointments to the grade of lieutenant colonel and below (list begins with Carolyn H. Cain), in the Navy there are 153 permanent promotions to the grade of captain (list begins with Everett D. Beringer), in the Navy there are 878 permanent appointments to the grade of ensign (list begins with George Abitante), in the Navy and Naval Reserve there are 50 permanent appointments to the grade of captain and below (list begins with Clyde A. Best, Jr.), in the Navy there are 50 permanent appointments to the grade of ensign (list begins with Michelle R. Austin), William H. Smith for permanent appointment to the grade of major in the Marine Corps, and in the Marine Corps there are 216 transfers from the Marine Corps Reserve to the grade of major and below (list begins with Mark Stevens). Since these names have already appeared in the CONGRESSIONAL RECORD of April 12, 1983 and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. GARN (by request):

S. 1120. A bill to authorize printing of the back side of U.S. paper money of the denomination of $1 by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 1121. A bill to repeal the national maximum speed limit for motor vehicles; to the Committee on Commerce, Science, and Transportation.

By Mr. SASSER:

S. 1122. A bill to transfer certain Federal property to the city of Clarksville, the county of Montgomery, and the county of Stewart in Tennessee; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 1123. A bill to provide for the temporary suspension of the duty on 2-methyl-4-chlorophenol; to the Committee on Finance.

By Mr. STAFFORD:

S. 1124. A bill to amend title IV of the Social Security Act with respect to the treatment of earned income for purposes of the aid to families with dependent children program, and for other purposes; to the Committee on Finance.

By Mr. HELMS:

S. 1125. A bill to provide for the establishment of individual retirement security accounts; to the Committee on Finance.

By Mr. PERCY:

S. 1126. A bill for the relief of Harvey E. Ward; to the Committee on the Judiciary.

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. CRANSTON, Mr. DURENBERGER, Mr. LEVIN, Mr. COCHRAN, Mr. SPECTER, Mr. PRESSLER, Mr. GORTON, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. EXON):

S. 1127. A bill to amend the Arts and Artifacts Indemnity Act to facilitate the indemnification of works of art by Americans exhibited outside the United States; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. CHAFEE, Mr. CRANSTON, Mr. D'AMATO, Mr. HART, Mrs. HAWKINS, Mr. HUDDLESTON, Mr. MITCHELL, Mr. SASSER, Mr. STAFFORD, and Mr. ZORINSKY):

S. 1128. A bill entitled the "Agricultural Productivity Act of 1983."; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. DENTON):

S. 1129. A bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself and Mr. DENTON) (by request):

S. 1130. A bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CHILES:

S. 1131. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; to the Committee on Environment and Public Works.

By Mr. McCLURE (for himself, Mr. JACKSON, and Mr. MURKOWSKI):

S. 1132. A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures; to the Committee on Energy and Natural Resources.

By Mr. EAGLETON (for himself, Mr. WEICKER, Mr. STAFFORD, Mr. COHEN, Mr. CRANSTON, Mr. DANFORTH, Mr. DODD, Mr. DURENBERGER, Mr. GORTON, Mr. HEINZ, Mr. KENNEDY, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. PELL, Mr. RANDOLPH, and Mr. RIEGLE):

S. 1133. A bill to extend the authorization of appropriations for the Legal Services Corporation and to improve the provisions relating to operation of the Corporation and legal services programs; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1134. A bill to dedicate the Golden Gate National Recreation Area to Phillip Burton; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 1135. A bill to consent to the Goose Lake Basin Compact between the States of California and Oregon; to the Committee on the Judiciary.

By Mr. TSONGAS:

S.J. Res. 87. Joint resolution designating a day of rememberance for victims of genocide; to the Committee on the Judiciary.

By Mr. DENTON (for himself, Mr. HATCH, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. DOLE, Mr. EAST, Mr. HATFIELD, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. HUDDLESTON, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LAXALT, Mr. LEVIN, Mr. MATTINGLY, Mr. NICKLES, Mr. NUNN, Mr. ROTH, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, and Mr. TOWER):

S.J. Res. 88. Joint resolution to authorize and request the President to proclaim 1984 as the "National Year of Voluntarism."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for Mr. THURMOND) (for himself, Mr. BIDEN, Mr. GOLDWATER, Mr. NUNN, Mr. FORD, Mr. INOUYE, Mr. TOWER, Mr. BURDICK, Mr. SARBANES, Mr. JEPSEN, Mr. STEVENS, Mr. CHILES, Mr. BAUCUS, Mr. SYMMS, Mr. MELCHER, Mr. BUMPERS, Mr. LUGAR, Mr. RANDOLPH, Mr. EAST, Mr. HART, Mr. HATFIELD, Mr. BRADLEY, Mr. ARMSTRONG, Mr. NICKLES, Mr. ABDNOR, Mr. MATTINGLY, Mr. COHEN, Mr. HEFLIN, Mr. HOLLINGS, Mr. QUAYLE, Mr. CRANSTON, Mr. DOLE, Mr. PRYOR, Mr. WARNER, Mr. COCHRAN, Mr. DIXON, Mr. EAGLETON, Mr. HUMPHREY, Mr. BYRD, and Mr. STENNIS):

S. Res. 120. A resolution commending the U.S. Army Reserve on the occasion of its 75th anniversary; considered and agreed to.

By Mr. STEVENS (for Mr. BAKER) (for himself and Mr. BYRD):

S. Res. 121. A resolution to authorize the testimony of Thomas J. Karol; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. Garn (by request):

S. 1120. A bill to authorize the back side of U.S. paper money of the denomination of $1 to be printed by a method other than the intaglio process; to the Committee on Banking, Housing, and Urban Affairs.

PRINTING OF BACK SIDE OF $1 BILLS

Mr. GARN. Mr. President, I am today introducing a bill at the request of the administration and ask unanimous consent that the bill and the accompanying transmittal letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ninth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 418) is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, the back side of Federal reserve notes of the denomination of $1 may, as the Secretary directs, be printed by a method other than the intaglio process.".

SEC. 2. Section 5114 of title 31, United States Code, is amended by adding at the end thereof the following:

"(d) Notwithstanding subsection (a) of this section, the back side of United States currency of the denomination of $1 may be printed by any process the Secretary selects.".

THE DEPUTY SECRETARY
OF THE TREASURY,
Washington, D.C., April 5, 1983.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To authorize the back side of United States paper money of the denomination of $1 to be printed by a method other than the intaglio process."

Under current law, United States currency and the currency of its territories and possessions must be printed using the intaglio printing process. Additionally, the Federal Reserve Act requires Federal reserve notes to be printed using the intaglio method. While the intaglio printing process is recognized as the most secure method of printing to prevent counterfeiting, it is also the most difficult and expensive method of printing available.

Recent problems have led Bureau of Engraving and Printing management to seek a less costly alternative to full intaglio printing. These problems include rapidly escalating material and labor costs which result in increased problems in controlling the impact on currency costs; an impending requiement for new and expensive intaglio equipment; and pressure on the availability of existing space and production capacity.

The purpose of the draft bill is to obtain authorization to utilize printing methods other than the intaglio process in the printing of the backs of paper money of the denomination of $1, while insuring that at least one side (the front) continues to be printed by the intaglio process.

If the bill is enacted, the Bureau of Engraving and Printing expects the following results:

1. An annual savings of from $4.5 million to $6.6 million (estimate based on fiscal year 1982 currency program costs);

2. Significant productivity improvements from associated process changes without sacrificing the security of the product;

3. A long term savings in capital investments of $5 million to $7 million.

For your convenient reference, there is enclosed a comparative type showing the changes which would be made in existing law.

It would be appreciated if you would lay the draft bill before the Senate. An identical draft bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

R. T. MCNAMAR.

By Mr. COCHRAN:

S. 1121. A bill to repeal the national maximum speed limit for motor vehicles; to the Committee on Commerce, Science, and Transportation.

REPEAL OF NATIONAL MAXIMUM SPEED LIMIT

● Mr. COCHRAN. Mr. President, I am today introducing legislation to return to each State the right to regulate the speed limit on its interstate highways. The sational maximum speed limit was passed in an effort to help conserve energy.

Since that time a worldwide glut of oil has decreased oil prices and more gas-efficient cars are being used on our Nation's highways.

In the last few years public opposition to the 55-miles-per-hour speed limit has increased. In 1981, 33 State legislatures debated measures to repeal or weaken the 55-miles-per-hour speed limit. In 1982, such bills were considered in 24 States. Several States have adopted weakening provisions such as minimal fines for speeds over 55 miles per hour.

One of the most often heard arguments for repeal of the 55-miles-per-hour limit is that our interstate highways were designed and built for safe travel at substantially higher speeds. Interstate highways are designed with turn radiuses, banks, lane widths and standards of graphics all specified for 70-miles-per-hour traffic.

Advocates of the 55-miles-per-hour limit talk of gallons of gas saved per mile. They ignore the cost of extra gallons burned when a salesman or truck driver stays on the road an extra hour, the cost of that driver's wasted time and the cost of extra vehicles needed to cover shortened but more numerous sales and delivery routes. They also ignore the significant costs of enforcement. Some estimate those additional costs to be as high as $6 billion on travel hours multiplied by the value of time (studies have shown that commuters are willing to pay up to 42 percent of an hour's wage to save an hour of traveltime).

Now that energy supplies have increased and energy conservation efforts have improved, I believe that we should return to State legislatures the right to make their own speed limit laws relevant to their individual circumstances. Certainly, the variety and diversity of our country justifies allowing each State to determine its own appropriate speed limit. In my view, the States are a much better judge of this issue than the Congress.

The editor of the Greenwood Commonwealth, John Emmerich, of Greenwood, Miss., recently published a very well-reasoned argument for reform in an editorial in his paper which I ask to be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

55-MPH SPEED LIMIT WAS STUPID TO BEGIN WITH; NOW IT'S RIDICULOUS

If you are driving a properly maintained automobile in good condition down a four-lane interstate highway, how fast is safe?

Until a few years ago, the answer was 70 miles per hour. On non-interstate highways, the speed limit was usually 65.

That was reasonable. Most motorists, I suspect, would agree that they could drive 70 on Interstate 55 between Winona and Jackson without endangering their own safety or that of their family or friends or other motorists on the highway.

But if you drive 70 on that highway today, or 65, or 60, or even 56, you're violating state law—because of the ridiculous 55-mph speed limit that Congress foisted on the states and which ought to be repealed.

The last time I complained about the 55-mph speed limit, I had just received a speeding ticket. No ticket this time. This column is inspired by the absurdity of the thing. It struck me as such as I was driving to Jackson the other day—my car on cruise control, very little traffic on the highway, dawdling along at 55 miles an hour in a car designed to go much faster on an interstate highway designed to accommodate much faster traffic.

Why do we still tolerate this too-slow limit?

Let's back up several years. You recall when the Arab oil producers, realizing the West's dependence on their oil, decided to jack up the price. They got away with it because America was dependent on their oil.

And this itself was largely a result of a stupid, short-sighted governmental interference in the free market system. The federal government was pursuing a policy of cheap energy in the United States—messing with the economic law of supply and demand by keeping oil and natural gas prices low. This was fine, of course, so long as there was plenty to go around.

But the cheap energy policy encouraged Americans to consume more, and it discouraged the oil drilling companies from finding more. In time, as a direct result of this policy, America was hooked on foreign oil for a large portion of what we consumed. The Organization of Petroleum Exporting Countries (OPEC) saw what had happened and took advantage of the situation to jack up its prices.

This government botched it even further by causing a near panic among motorists which resulted for one summer in long lines at the gas pumps.

Congress had gotten us into the mess, and it could have done something intelligent about it—painful though it would have been. It could have levied a stiff tariff on imported oil, for example. It could have levied a stiff tax on each gallon of gas at the pump.

This would have caused a scream of protest from motorists, of course, but it would have achieved quick results. American consumers would have started conserving energy immediately.

Instead, Congress delayed. In the name of patriotism President Carter called on Americans to conserve energy. Of course, that didn't work.

Meanwhile, since America was still hooked on foreign oil, OPEC kept raising the price. Their action was not based on what it cost them to produce the oil. They were charging what the market would bear.

Had Congress raised the tax on gasoline, or the tariff on imported oil, some of the higher prices motorists were paying for gasoline would have gone into the federal treasury instead of to the filthy-rich oil sheiks.

Finally, of course, the high price of energy began to take its toll. Americans started buying smaller imported cars instead of the big U.S. gas guzzlers. Detroit responded by making smaller cars, with better gas mileage. Americans started turning down their thermostats and insulating their houses, not because President Carter asked them to but because they didn't like paying those horrible fuel bills.

Meanwhile, Congress dawdled. But since it couldn't think of anything better to do during the early years of the great energy crisis, it forced all the states to lower the speed limit to 55 mph. Why? Supposedly to save gas.

I object. It was an empty, public gesture and an ineffective way to save gas. We could save more gas by regularly checking air pressure in our tires. Or regularly tuning car engines or checking pollution control devices.

And think of the wasted time—that is, if everyone actually drove 55—both in man-hours and in transportation equipment.

One expert at the Institute of Transportation Studies at the University of California computed the enormous cost of wasted travel time at about $6 billion a year.

Why? Because Congress couldn't think of anything better to do. Finally, many years later, the federal establishment got around to decontrolling the price of oil and natural gas, and immediately U.S. oil companies began to drill new wells in hard-to-explore, expensive places.

Today the price of gasoline is coming down—not because of the 55-mph speed limit, but because basic market forces have been allowed to act. Because of high prices, U.S. consumers are consuming less and U.S. oil producers are producing more. There is an oil glut in the world for the moment. The world price of crude oil is falling. OPEC is facing a crisis which may well destroy this greedy cartel.

Hallelujah!

Meanwhile, if you drive over 55 and get caught at it, you're breaking the stupid law. It goes on your driving record. Get caught often enough and your driver's license will be revoked. Your insurance will go up. Your integrity and competence and good citizenship are in question.

As is often the case with laws that don't make sense, motorists are ignoring the speed limit. If you drive 55 on the interstate, you better move to the right to get out of the way or you'll get run over by a

truck going 75. If you're in the fast traffic, just look out for the highway patrol.

The smart operators—including many members of the Mississippi legislature—turn on their radar detectors and head for Jackson.

Contrary to the law's original purpose, its most persuasive defense now is highway safety: Slower highway speeds save lives.

But how fast is too fast? How slow is too slow? If safety were the only consideration, reduce the speed limit to 35. The highways would be even safer.

Barricade them completely. Stop all traffic. We wouldn't have any highway deaths.

I have driven recently in West Germany and in Great Britain. Gas there sells for about double what it costs in this country. West Germany produces no oil of its own. Neither country has a speed limit on its best highways. There's a fast lane in which traffic moves at 80 mph or more.

Here among America's wide open spaces, Congress has us traveling 55. not because the states wanted it, but because Congress tied that speed limit to federal highway revenues that go to the states.

It ought to be changed.●

By Mr. SASSER:

S. 1122. A bill to transfer certain Federal property to the City of Clarksville, the County of Montgomery, and the County of Stewart in Tennessee; to the Committee on Governmental Affairs.

FORT CAMPBELL LAND TRANSFER

● Mr. SASSER. Mr. President, the legislation that I introduce today directs the Administrator of General Services to convey, without consideration, 208 acres of surplus land located at Fort Campbell Military Reservation to the city of Clarksville and the counties of Montgomery and Stewart in Tennessee.

A portion of this acreage has been in continuous use by these local governments for the past 10 years as a solid waste landfill. This is a productive use of the property, which is located 10 miles outside the city of Clarksville. The location of the property insures that there is no negative impact on the agricultural, residential, commercial or industrial neighbors.

This property has no value on the private market. The location is not attractive for residential or commercial development. And its decade of use as a public landfill has not enhanced its attractiveness for private sector development.

There are no sanitary sewers for the property and the use of septic tanks is precluded by 10 years of ground disturbance at the landfill site. There are also periodic Fort Campbell training missions that generate high noise levels in the area.

That is why the use of the property as a sanitary landfill is "the highest and best use" for this acreage.

Further, the retention of this land for the purpose of disposal of solid waste is very important to the local governments which now use it. These governments have already made a substantial investment in developing the site for a landfill use. No other suitable site for solid waste disposal exists in the area. And, even if such acreage were available, the cost of developing it as an alternative site would be prohibitive.

Stewart County in rural northwest Tennessee, for example, has been plagued with unemployment rates as high as 40 percent in recent months. This local government cannot raise the money necessary to buy the current landfill property or to develop a new landfill site.

Statewide, Tennessee's unemployment rate is now just above 13 percent. The public treasuries of the local governments in question just are not overbrimming with funds to spend at this time.

That is why this case has "exceptional merit" for the consideration of the General Services Administration for a discounted or no-cost transfer to these local governments.

According to current law, U.S.C. 40 484(k)(1), the Administrator of GSA could transfer this property, through the Department of Health and Human Services, to these local governments for use in the protection of public health.

However, since President Reagan issued Executive Order 12348 on February 25, 1982, the Federal Property Review Board established by the order has required that any public benefit conveyance be fully justified by evidence that the proposal possesses "exceptional merit" and that the use represents the property's "highest and best use."

Gerald Carmen, the Administrator of the General Services Administration for the Federal Government has used his discretion under this policy and under the current law in a manner that appears to be far from evenhanded. Some properties are approved for conveyance while others are not. I submit, with unanimous consent, the following article from the Washington Post on instances where gratis or discount transfers of Federal properties are being made to certain local governments. I ask that this article be published at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post]

GSA PLANS GIVEAWAY OF FEDERAL PROPERTIES

(By Myron Struck)

Despite the Reagan administration's ban on making gifts of Uncle Sam's real estate, the General Services Administration says it will try to give away about 150 unwanted federal properties this year instead of continuing efforts to sell them.

The parcels, generally small and with low value, will be made available to state and local governments and nonprofit groups that are supposed to use them for the benefit of the public.

Almost all similar no-cost and discount transfers were suspended last year when the White House ordered the sale of $17 billion worth of federal assets over the next five years to help reduce the national debt.

GSA Administrator Gerald P. Carmen said his realty specialists were spending too much time trying to sell the white elephants. So he ordered an inventory of the less marketable items, with an eye to taking them off the for-sale list and letting his specialists concentrate on selling about 100 high-value parcels worth more than $300 million.

"Our goal is to help the president meet his target, and to do that we have to clean up our inventory," Carmen said. The inventory has been completed but not released.

Gratis and discount transfers will be made through the federal agencies that have traditionally supervised them, such as the Education Department for properties that could be used for schools and colleges, the Interior Department for land that should be used as a national monument or a park, the Health and Human Services Department for property that should be used for clinics, hospitals or water treatment facilities, and the Federal Aviation Administration for property that could be used as an airport.

Since the White House ordered a halt to discount transfers, the GSA has been under the fire from other federal agencies and from groups that have been on the receiving end of the transfers.

Among the critics is Interior Secretary James C. Watt, who told Carmen he was concerned that local governments interested in unneeded federal land for monuments and parks were being shut off. Carmen said he told Watt that the halt in transfers was an "interim" position between two policies.

In the future, he said, all federal agencies involved in transfer programs, including Interior, will be given one crack at unneeded federal lands, both for the discount program and for their own use.

The White House-level Property Review Board already has let down the gate for a couple of government freebies, including a major gift to Houston. President Reagan announced on the campaign trail in Houston last summer that the government would turn over the old Ellington Air Force Base—nearly 2,000 acres and numerous buildings—to the city for use as a general aviation airport.

The review board approved a similar transfer of the old Richards-Gebaur Air Force Base, complete with 180-acre golf course, to Kansas City.

Mr. President. I ask that the text of S. 1122 be printed in the RECORD immediately following these remarks.

This legislation has merit. This transfer of suitable Federal property to these local governments for use in the public benefit should not be held hostage to Executive Order 12348. The efforts of the administration to offset the Federal deficit by the sale of Federal lands is posing an unfair and untenable situation in this case.

All administrative remedies have been exhausted. Legislative action is needed to insure that the local governments in the Clarksville area are fairly treated by the Federal Government.

There being on objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1122.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Administrator of General Services shall, for and on behalf of the United states, transfer by quitclaim deed and without consideration, to the City of Clarksville, the County of Montgomery, and the County of Stewart, in Tennessee, the right, title, and interest of the United States in real property located in Montgomery County, Tennessee, within the boundary of the Fort Campbell Military Reservation, and being more particularly described as follows:

Commencing at Fort Campbell Concrete Monument No. "63" which is 220 feet, more or less, West of the centerline of Woodlawn Road and 35 feet, more or less, North of the centerline of the United States Highway No. 79, and at plane coordinate position North 785,383.02 feet and East 1,549,662,.02 feet, based on Tennessee State plan Coordinate System;

Thence N 76°55' E 45.1 feet to an iron pin in concrete and the point of beginning;

Thence S 13°05' E 35 feet, more or less, to a point which is in the center of said highway and on the boundary of a tract of land owned by the United States of America at Fort Campbell Military Reservation;

Thence Southwesterly along the centerline of said highway which is along the boundary of said United States tract the following bearings and distances:

S 76° 55' W 45.1 feet;
S 76° 45' W 1,665.4 feet;
S 76° 47' W 829.4 feet;
S 76° 52' W 1,876.2 feet;
S 76° 52' W 750.2 feet;
S 77° 08' W 413.8 feet;

S 76° 54' W 651.8 feet to a point on a line that bears S 00° 19' W from an iron pin in concrete which is at coordinate position North 783,977.13 feet and East 1,543,645.64 feet;

Thence N 00° E 35 feet, more or less, to said iron pin in concrete;

Thence continue N 00° 19' E 2,169.5 feet to said iron pin in concrete;

Thence S 89° 42' E 6,230.6 feet to an iron pin in concrete;

Thence S 04° 35' W 562.8 feet to an iron pin in concrete;

Thence Southwesterly along a curve to the right with a radius of 177.82 feet, an arc distance of 224.49 feet, the long chord of which bears S 40° 45' W 209.9 feet to the point of beginning; containing 208.49 acres, more or less, and being all of Tract 10M-14 and a part of Tracts 10M-11, 10M-15, 10M-16, 10M-17, 10M-19, and 10M-20 of the Fort Campbell Military Reservation.

SEC. 2. Title to any real property acquired by the City of Clarksville, the County of Montgomery, and the County of Stewart, in Tennessee, pursuant to this Act shall revert to and become the property of the United States if such property is used for other than public purposes.●

By Mr. HEFLIN:

S. 1123. A bill to provide for the temporary suspension of the duty on 2-methyl, 4-chlorophenol; to the Committee on Finance.

SUSPENSION OF DUTY ON PCOC

Mr. HEFLIN. Mr. President, I am today introducing legislation to suspend for a 3-year period the duty on 2-methyl, 4-chlorophenol, commonly referred to as PCOC.

PCOC is an intermediate chemical in a somewhat unique situation. The raw ingredient, ortho-cresol, is produced by a domestic firm in Tuscaloosa and then shipped to a subsidiary in England for chlorination. The intermediate product, PCOC, is then returned to Tuscaloosa for use in the final production of two herbicides.

I called the situation unique because there is no other domestic producer of PCOC and yet the tariff rate on PCOC is extremely high—19.4 percent of the value plus a penny a pound produced. This tariff costs the producer approximately $500,000 a year—fully 15 percent of the cost of the final product. As bad as this situation is, the problem does not even stop there. Foreign competitors export the final herbicide products to the United States at lower duty rates—10 percent and 15 percent respectively.

Mr. President, there is something patently wrong with a system that penalizes domestic firms to the advantage of foreign competitors. In times of economic stress, it is unconscionable. It is for this reason I request suspension of the duty. I would seek permanent elimination of the duty if I did not understand and respect the U.S. Trade Representative's need to include such items in GATT negotiations. However, assurances have been given that this particular problem will be considered in the future.

Mr. PRESIDENT, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

" 907.70	2-Methyl, 4-chlorophenol (provided for in item 403.56, part 18, schedule 4).	Free	No change	On or before 9/30/86. "

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

By Mr. STAFFORD:

S. 1124. A bill to amend title IV of the Social Security Act with respect to the treatment of earned income for purposes of the aid to families with dependent children program, and for other purposes; to the Committee on Finance.

WORK INCENTIVE ACT OF 1983

● Mr. STAFFORD. Mr. President, on May 31, 1982, I met in Montpelier, Vt., with a number of working mothers who recently had lost supplementary welfare benefits for themselves and their children. They are women who work for low wages in the only jobs available to them, and who, until early last year, were eligible for help under the work incentive provisions of the aid to families with dependent children (AFDC) program.

As a result of the 1981 Omnibus Reconciliation Act, there were 711 Vermonters, who lost the incentives to work that were built into the AFDC program. Another 1,500 had their benefits substantially reduced, working severe hardships on themselves and their children.

The Congressional Budget Office estimates that, because of the work disincentive created by the 1981 Reconciliation Amendments, working mothers in 100,000 to 120,000 AFDC families will leave their jobs and go completely on welfare.

I promised the women I met that night that I would begin work on a bill to restore work incentive benefits to our low-income working parents. Last August, I introduced the Work Incentive Act of 1982. Unfortunately, there was not sufficient time for consideration during the last months of the 97th Congress. Today, I am reintroducing the Work Incentive Act.

The AFDC work incentive amendments I am proposing will repeal the 4-month limit on provisions of the AFDC law that require States to disregard certain portions of income when calculating benefits. Under the limit, low-income working parents have lost all or part of their benefits after working for 4 months.

Without those small monthly checks and other benefits such as medicaid, many working parents are unable to meet the needs of their children. Some have stopped working already. Others are facing the hard choice of staying home with their children to regain benefits and ease their families' burdens, or keeping their jobs, while sacrificing such basic necessities as adequate food and medical care.

My amendments will require States to calculate AFDC eligibility according to a formula that will assure that a low-income working parent realized at least a small financial advantage for going out to work.

Specifically, my amendments will allow the amount of earnings used to calculate benefits to be reduced by 20 percent of gross income for working expenses. Monthly child care expenses, up to $160 a month per child, will also be disregarded in determining income.

In addition, the first $50 of monthly income, and one-third of net remaining income will be disregarded in calculating benefits. It is this provision

that will make working at least slightly more profitable than not working.

Last year when I introduced this bill, my office was contacted by a business manager in Vermont who said he has spent 2 years training a young mother who has lost her work incentive support. She needs $150 a month to get by and the business is unable to pay it, so she will be quitting work to go on welfare.

The manager complains that this new form of federalism is counterproductive if he is to pay taxes to support someone who is not working.

I want to point out that, while the bill I am proposing will keep parents such as this one working and ease their financial hardships, it also will solve some of the basic problems that existed before the 1981 changes.

It maintains the cap on gross income, and it calculates the one-third provision on net, rather than gross income. These significantly lower the amount of income a worker can have and still receive benefits.

The result of adopting my amendments will be a law that solves the basic problems the 1981 act was aiming at, while restoring benefits to the neediest of our working families, and most important, restoring the incentive to work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Work Incentive Act of 1983".

TREATMENT OF EARNINGS

SEC. 2. (a) Section 402(a)(8) of the Social Security Act is amended to read as follows:

"(8) provide that, in making the determination under paragraph (7) with respect to any month, the State agency—

"(A) shall disregard all of the earned income of each dependent child receiving aid to families with dependent children who is (as determined by the State in accordance with standards prescribed by the Secretary) a full-time student, or a part-time student who is not a full-time employee, attending a school, college, or university, or a course of vocational or technical training designed to fit him for gainful employment;

"(B) shall disregard from the total earned income of any child who is claiming aid to families with dependent children, any relative who is claiming such aid, and any other individual (living in the same home as such relative and child) whose needs are taken into account in making such determination, the first $50 of such total earned income for such month;

"(C) shall disregard from the total earned income of the persons specified in subparagraph (B) an amount equal to 20 percent of the total (determined prior to the application of subparagraph (B)) of any amounts received by such persons in such month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred by them in producing self-employment income in such month;

"(D) shall disregard from the total earned income of the persons specified in subparagraph (B) an amount equal to the cost of care in such month for a dependent child, or an incapacitated individual living in the same home as the dependent child, receiving aid to families with dependent children and requiring such care for such month, to the extent that such amount does not exceed $160 for any one such child or individual;

"(E) shall disregard from the total earned income of the persons specified in subparagraph (B) a standard amount equal to the average monthly cost of an employee contribution for a group health insurance policy or plan for a family in such State (as determined by the State); and

"(F) shall disregard from the total earned income of the persons specified in subparagraph (B) an amount equal to one-third of the amount of such earned income not already disregarded under subparagraph (B), (C), (D), or (E);

except that if a child who is one of the persons specified in subparagraph (B) is also included under subparagraph (A), no income of such child to which such subparagraph (A) applies shall be taken into account in applying subparagraph (B), (C), (D), (E), or (F); and except that (with respect to any month) the State agency—

"(F) shall not disregard, under subparagraph (B) or (F), any earned income of any one of the persons specified in subparagraph (B) if such person—

"(i) terminated his employment or reduced his earned income without good cause within such period (of not less than thirty days) preceding such month as may be prescribed by the Secretary;

"(ii) refused without good cause, within such period preceding such month as may be prescribed by the Secretary, to accept employment in which he is able to engage which is offered through the public employment offices of the State, or is otherwise offered by an employer if the offer of such employer is determined by the State or local agency administering the State plan, after notification by him, to be a bona fide offer of employment; or

"(iii) failed without good cause to make a timely report (as prescribed by the State plan) to the State agency of earned income received in such month;

"(G) shall not disregard, under subparagraph (B) or (F), any income derived from participation in a project maintained under the programs established by section 432(b)(2) and (3); and

"(H) shall not disregard, under subparagraph (B) or (F), any earned income of any of the persons specified in subparagraph (B) if with respect to such month the income of the persons so specified was in excess of their need as determined by the State agency pursuant to paragraph (7) (without regard to subparagraphs (A), (B), and (F) of this paragraph), unless, for any one of the four months preceding such month, the needs of such person were met by the furnishing of aid under the plan;".

(b) Section 402(a)(17) of such Act is amended by striking out "paragraph (8)(A)(i) or (ii)" in the matter preceding subparagraph (A) and inserting in lieu thereof "paragraph (8)(A) or (B)".

TREATMENT OF EARNED INCOME CREDIT

SEC. 3. Section 402(d)(1) of the Social Security Act is amended to read as follows:

"(1) For purposes of paragraphs (7) and (8) of subsection (a), any refund of Federal income taxes made by reason of section 43 of the Internal Revenue Code of 1954 (relating to earned income credit) and any payment made by an employer under section 3507 of such Code (relating to advance payment of earned income credit) shall be considered earned income.".

EFFECTIVE DATE

SEC. 4. The amendments made by this Act shall become effective on October 1, 1983; except that any of such amendments may, at the option of a State, be made effective in that State on any earlier date (on or after the date of the enactment of this Act) which the State may designate.●

By Mr. HELMS:

S. 1125. A bill to provide for the establishment of individual retirement security accounts; to the Committee on Finance.

INDIVIDUAL RETIREMENT SECURITY ACT OF 1983

● Mr. HELMS. Mr. President, today I am introducing legislation to broaden and strengthen our Nation's social security system and to insure every working American the right to save and invest in a private account for his or her own retirement security.

My bill, the Individual Retirement Security Act of 1983, is identical to title 1 of S. 541, the Social Security Guarantee and Individual Retirement Act of 1983, a comprehensive social security reform bill I introduced this past February. Even though Congress has passed a bailout which purports to help social security meet its financial obligations for a few more years, we must continue to look at alternatives for real reform that will make the system sound.

Americans deserve more than the present bankrupt retirement system. Not until social security's financial crisis made the headlines last year did many working men and women learn how their Government-sponsored retirement system works. I have bushels of letters from individuals who honestly believe their payroll taxes were accumulating in an account here in Washington, awaiting their retirement. They could not believe that social security is little more than a petty cash fund, where tax money collected this week is paid out in benefits next week. And I am sure they were also shocked to learn that their payroll taxes were not enough to pay existing obligations and that even higher taxes would be needed.

I hope Americans will not be lulled into any false sense of security by the recently enacted bailout package. Even if it succeeds in paying the bills until 1990 or so, the prospect of total collapse of the social security system still looms ahead.

Mr. President, the bill I am introducing would offer working men and women an alternative—or should I say a supplement—to the present bankrupt, Government-run retirement system.

My plan would authorize every American worker to establish an "Individual Retirement Security Account" in whatever authorized institution he or she chooses, be it a local bank, credit union, savings and loan association, or whatever. These fiduciaries would be qualified under standards similar to those under Treasury regulations section 1.401-12(n).

This new kind of account would be similar to the IRA accounts most people know about already, but with a big difference. The difference would be that a tax credit, instead of a tax deduction, would be given for deposits in these individual retirement security accounts. A tax credit means a dollar-for-dollar tax writeoff, the kind that means something to the small and medium income taxpayer.

Individuals could contribute to these IRSA's any amounts they choose. For every dollar contributed to an IRSA, the individual would be entitled to claim a 20-cents-on-the-dollar credit against income tax liability, up to a maximum credit of 20 percent of the amount paid that year by the individual to the social security trust fund. To the extent the individual elects to take advantage of the income tax credit, his future pension claims against the common social security trust fund would be reduced according to an actuarial formula. Maximum utilization of the income tax credit each year for 20 years would reduce the individual's OASI claims to zero. Lesser utilization would reduce the trust fund's liabilities proportionately.

Interest, dividends, and capital gains accumulated in the IRSA account would be tax exempt, and annuities and withdrawals from it upon retirement anytime after age 62 would be tax free. Funds held in an IRSA account could be used tax free by a worker before age 62 to acquire life insurance, health insurance, or disability insurance. The individual could participate with his fiduciary in managing the IRSA account as a fully funded individual retirement program.

For the first 10 years after enactment, an individual could set up an individual retirement security account and receive tax credits. Then, starting in 1994, there would begin a phased transfer in which employers and employees would be required to pay part of their social security taxes to the respective worker's individual retirement security account instead of to the Federal Government. As more of the individual's and employer's taxes go to the worker's IRSA, less would be paid to the common OASI trust fund to pay benefits for a declining number of social security beneficiaries.

By the year 2004 the phased transfer would be complete, and all payroll tax payments would be made to employees' IRSA's. Tax credits would be available between 1994 and 2004 for amounts invested in an IRSA above the amount deposited by employees and employers via the FICA deduction. The credit would phase to zero as the OASI component of the FICA deduction phased to zero by the year 2004.

I asked experts to estimate the amount of money that would be saved and invested in the private sector as gradually increasing percentages of the population began to participate in IRSA's. For example, if only 38 percent of our Nation's workers elect to establish IRSA's during the next 10 years, a whopping $271,401 million will have been invested. Think what this new supply of savings could do for our economy.

The following table provides a breakdown of the experts' estimates:

ESTIMATED IRSA PARTICIPATION AND INVESTMENT

[Dollar amounts in billions]

Year	Participation rate in IRSA's	Amount invested
1984	0.01	$0.894
1985	.03	3.072
1986	.07	7.802
1987	.10	12.050
1988	.13	16.926
1989	.16	22.432
1990	.19	31.037
1991	.24	42.288
1992	.30	57.000
1993	.38	77.900
Total		271.401

OASI liabilities would shrink as participation in IRSA's increased. By the year 2045, according to my projections, residual OASI liabilities would be reduced to zero.

The following chart shows projected OASI and IRSA participation and fiscal impact through the year 2050:

PROJECTED OASI AND IRSA PARTICIPATION AND FISCAL IMPACT [1]

[Thousands of individuals]

Year	FICA covered workers	OASI annuitants	IRSA annuitants	OASI cost (percent of payroll)
1982	115,308	31,483	0	10.42
1985	123,300	33,106	0	10.32
1990	132,410	63,428	33	9.87
1995	137,644	83,403	53	8.29
2000	142,248	39,814	4,460	7.14
2005	146,798	41,725	16,897	6.46
2010	149,515	45,359	32,218	4.92
2015	150,148	51,048	51,048	2.51
2020	149,873	57,753	57,753	1.22
2025	150,205	64,500	64,542	.79
2030	151,750	45,323	68,234	.46
2035	153,889	16,873	71,277	.03
2040	156,015	997	71,440	0
2045	157,777	0	71,824	0
2050	159,545	0	73,034	0

[1] Alternative II-B assumptions; source of data for covered workers, OASI annuitants. 1982 Trustees Report. IRSA participation rate, 1984-93 assumed 20 percent of covered workers with 50 percent retiring by 1995; increased in IRSA covegrate and defense in OASI coverage computed by applying smoothed exponential decline rate/growth rate curve to population data with parameters as given in Helms proposal (universal IRS coverage in 1994 with maximum coverage in 2004; no new OASI retirees after 2024).

OAS cost is percent of taxable payroll (Alt. II-B) adjusted for computed decline rate on OASI benefit claims. 1994-2040.

Taxable payrolls was not adjusted for economic growth and increase in real wages that would be expected from increased savings rate and capital formation as retirement income source shifts from transfer payment via OASI tax on payrolls to annuity withdrawals by individuals from IRSA account. By 1995 this impact on real GNP and real wages would be significant further reducing the percentage ot taxable payroll represented above as OASI cost.

Mr. President, I believe in incremental success. The Congress recently adopted 10 of 20 sections of my original reform bill, S. 541. The Senate has asked the Department of Treasury to conduct a comprehensive study of the private retirement accounts I am proposing and report its findings to the Senate Finance Committee. Certainly, progress is being made.

One day, Mr. President, Congress will be obliged to adopt a retirement system along the lines of my proposal to replace the wornout Government-run system we have now. My hope is that prudent steps will be taken now to facilitate a smooth, gradual transition that will not jeopardize a penny of benefits.

I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Individual Retirement Security Act of 1983".

ESTABLISHMENT OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

SECTION 1. Title II of the Social Security Act is amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF INDIVIDUAL RETIREMENT SECURITY ACCOUNTS

"SEC. 234. (a) After December 31, 1993, the Secretary of Health and Human Services and the Secretary of the Treasury shall establish for individual—

"(1) upon whom section 1401(a) or 3101 of the Internal Revenue Code of 1954 imposes a tax, and

"(2) who does not have an individual retirement security account with a qualifed fiduciary pursuant to section 130(d)(1)(A)(i) of the Internal Revenue Code of 1954,

an individual retirement security account, to be maintained in the Treasury as a separate book account.

"(b)(1) The Secretary of the Treasury shall pay into the individual retirement security account established under subsection (a) or under section 130(c)(1)(A)(i) of the Internal Revenue Code of 1954 with respect to such individual an amount equal to the amount of taxes paid with respect to the wages and self-employment income of such individual under sections 1401(d), 3101(e), and 3111(d) of the Internal Revenue Code of 1954.

"(2) The Secretary shall pay such amounts into such account within 30 days of the date of which such taxes are paid.

"(c) An individual may contribute to such account amounts other than the amounts contributed to such account on his behalf by the Secretary of the Treasury under subsection (b).

"(d) The Secretary of the Treasury shall invest amounts deposited in individual retirement security accounts in obligations of the Unites States, and amounts so invested

shall earn interest in accordance with the terms of such obligations.

"(e) Amounts deposited in an individual retirement security account established with respect to an individual under subsection (a) may be withdrawn before such individual attains age 62 only if—

"(1) the amount withdrawn from such account is used for a purpose described in section 130(a)(2)(B) of the Internal Revenue Code of 1954, or

"(2) the amount withdrawn from such account is deposited immediately in an individual retirement security account established by such indivdual with a qualified fiduciary (as defined in section 130(c)(2) of the Internal Revenue Code of 1954).

"(f) The interest of an individual in the balance of an individual retirement security account established with respect to such individual pursuant to subsection (a) shall not be forfeitable.".

TAX CREDIT FOR AMOUNTS CONTRIBUTED TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT

SEC. 2. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable against tax) is amended by inserting after section 44G the following new section:

"SEC. 44H. CONTRIBUTIONS TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 20 percent of the amounts contributed by the taxpayer to an individual retirement security account of the taxpayer during the taxable year (other than amounts paid into such account on behalf of such individual under section 234(b) of the Social Security Act).

"(b) LIMITATION.—The amount of any contributions taken into account under subsection (a) shall not exceed the amount of taxes paid by the taxpayer to the Federal Old Age and Survivors Insurance Trust Fund under section 3101 for the taxable year.

"(c) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—For purposes of this section, "the term 'individual retirement security account' shall have the meaning given to such term by section 130(c)(1).".

(b)(1) Subsection (b) of section 6401 of such Code (relating to excessive credit is treated as overpayments) is amended—

(A) by striking out "and 43 (relating to earned income credit)," and inserting in lieu thereof "43 (relating to earned income credit), and 44H (relating to contributions to individual retirement security account).", and

(B) by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44".

(2) Paragraph (2) of section 55(f) of such Code (defining regular tax) is amended by striking out "39 and 43" and inserting in lieu thereof "39, 43, and 44H".

(c) In prescribing the forms by which any individual liable for any tax imposed by subtitle A of the Internal Revenue Code of 1954 shall make a return for taxable years beginning after December 31, 1983, the Secretary of the Treasury shall ensure that any such individual who is eligible for a credit under section 44H of such Code may claim the credit allowable under such section on any such form.

(d) The Table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting before the item relating to section 45 the following new item:

"Sec. 44H. Contributions to individual retirement security account.".

(e) The amendments made by this section shall apply to taxable years beginning after December 21, 1983, and before January 1, 2004.

EXCLUSION FROM GROSS INCOME OF INCOME EARNED ON AMOUNTS CONTRIBUTED TO INDIVIDUAL RETIREMENT SECURITY ACCOUNT

SEC. 3. (a) Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 130 as section 131 and by inserting after section 129 the following new section:

"SEC. 130. INCOME FROM INDIVIDUAL RETIREMENT SECURITY ACCOUNT.

"(a) IN GENERAL.—Gross income does not include income which—

"(1) accrues on amounts contributed to an individual retirement security account, and

"(2)(A) remains in such account until the taxpayer attains age 62, or

"(B) is withdrawn from such account before the taxpayer attains age 62 for the purchase of life insurance, health insurance, or disability insurance for the taxpayer.

"(b) ACCOUNT EXEMPT FROM TAX.—Any individual retirement security account is exempt from taxation under this subtitle.

"(c) DEFINITIONS.—For purposes of this section—

"(1) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—The term 'individual retirement security account' means an account—

"(A) which is established by—

"(i) the taxpayer with a qualified fiduciary, or

"(ii) the Secretary of Health and Human Services and the Secretary of the Treasury on behalf of the taxpayer pursuant to section 234 of the Social Security Act;

"(B) which by written agreement or applicable law provides that—

"(i) amounts may be withdrawn therefrom before the taxpayer attains age 62 only for the purposes specified in subsection (a)(2)(B), and

"(ii) the interest of the taxpayer in the balance of his account is not forfeitable; and

"(C) to which—

"(i) the taxpayer makes contributions,

"(ii) contributions are made on behalf of the taxpayer pursuant to section 3101(e), 3111(d), or 1401(d), or

"(iii) contributions are made in the manner described in both clause (i) and clause (ii);

in order to ensure the taxpayer an adequate retirement income upon attaining age 62.

"(2) QUALIFIED FIDUCIARY.—The term 'qualified fiduciary' means a bank or other person who demonstrates to the satisfaction of the Secretary that the manner in which he will administer the account will be consistent with the requirements of this section. An account shall not be disqualified under this paragraph merely because a person other than the fiduciary so administering the account may be granted, in the instrument creating the account, the power to control the investment of the account funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges).".

(b) The amendments made by this section shall apply to taxable years beginning after December 31, 1983.

REDUCTION OF OASI TAX AND ESTABLISHMENT OF MANDATORY IRSA CONTRIBUTIONS

SEC. 4. (a)(1) Section 3101(a) of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by striking out all after "3121(b))—" and inserting in lieu thereof the following:

"(1) with respect to wages received during the calendar years 1982 through 1993, the rate shall be 5.40 percent;

"(2) with respect to wages received during the calendar year 1994, the rate shall be 4.975 percent;

"(3) with respect to wages received during the calendar year 1995, the rate shall be 4.2 percent;

"(4) with respect to wages received during the calendar year 1996, the rate shall be 4.145 percent;

"(5) with respect to wages received during the calendar year 1997, the rate shall be 3.73 percent;

"(6) with respect to wages received during the calendar year 1998, the rate shall be 3.315 percent;

"(7) with respect to wages received during the calendar year 1999, the rate shall be 2.9 percent;

"(8) with respect to wages received during the calendar year 2000, the rate shall be 2.485 percent;

"(9) with respect to wages received during the calendar year 2001, the rate shall be 2.07 percent;

"(10) with respect to wages received during the calendar year 2002, the rate shall be 1.655 percent;

"(11) with respect to wages received during the calendar year 2003, the rate shall be 1.24 percent;

"(12) with respect to wages received during the calendar year 2003, the rate shall be 0.825 percent.".

(2) Section 3111 (a) of such Code (relating to rate of tax on employers) is amended by striking out all after "3121(b))—" and inserting in lieu thereof the following:

"(1) with respect to wages paid during the calendar years 1982 through 1983, the rate shall be 5.40 percent;

"(2) with respect to wages paid during the calendar year 1994, the rate shall be 4.975 percent;

"(3) with respect to wages paid during the calendar year 1995, the rate shall be 4.2 percent;

"(4) with respect to wages paid during the calendar year 1996, the rate shall be 4.145 percent;

"(5) with respect to wages paid during the calendar year 1997, the rate shall be 3.73 percent;

"(6) with respect to wages paid during the calendar year 1998, the rate shall be 3.315 percent;

"(7) with respect to wages paid during the calendar year 1999, the rate shall be 2.9 percent;

"(8) with respect to wages paid during the calendar year 2000, the rate shall be 2.485 percent;

"(9) with respect to wages paid during the calendar year 2001, the rate shall be 2.07 percent;

"(10) with respect to wages paid during the calendar year 2002, the rate shall be 1.655 percent;

"(11) with respect to wages paid during the calendar year 2003, the rate shall be 1.24 percent; and

"(12) with respect to wages paid during the calendar year 2003, the rate shall be 0.825 percent.".

(3) Section 1401(e) of such Code (relating to rate of tax on self-employment income) is amended by striking out all after "taxable year" the second place it appears and inserting in lieu thereof the following:

"(1) in the case of any taxable year beginning after December 31, 1981 and before January 1, 1994, the tax shall be equal to 8.05 percent of the amount of self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1993 and before January 1, 1995, the tax shall be equal to 7.4625 percent of the amount of self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1994 and before January 1, 1996, the tax shall be equal to 6.3 percent of the amount of self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1995 and before January 1, 1997, the tax shall be equal to 6.2175 percent of the amount of self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1996 and before January 1, 1998, the tax shall be equal to 5.595 percent of the amount of self-employment income for such taxable year;

"(6) in the case of any taxable year beginning after December 31, 1997 and before January 1, 1999, the tax shall be equal to 4.9725 percent of the amount of self-employment income for such taxable year;

"(7) in the case of any taxable year beginning after December 31, 1998 and before January 1, 2000, the tax shall be equal to 4.35 percent of the amount of self-employment income for such taxable year;

"(8) in the case of any taxable year beginning after December 31, 1999 and before January 1, 2001, the tax shall be equal to 3.7275 percent of the amount of the self-employment income for such taxable year;

"(9) in the case of any taxable year beginning after December 31, 2000 and before January 1, 2002, the tax shall be equal to 3.105 percent of the amount of the self-employment income for such taxable year;

"(10) in the case of any taxable year beginning after December 31, 2001 and before January 1, 2003, the tax shall be equal to 2.4825 percent of the amount of the self-employment income for such taxable year;

"(11) in the case of any taxable year beginning after December 31, 2002 and before January 1, 2004, the tax shall be equal to 1.86 percent of the amount of the self-employment income for such taxable year; and

"(12) in the case of any taxable year beginning after December 31, 2003, the tax shall be equal to 1.2375 percent of the amount of the self-employment income for such taxable year.".

(b)(1) Section 201(b)(1) of the Social Security Act is amended by striking out all beginning with "and before January 1, 1983" through "December 31, 1989,".

(2) Section 201(b)(2) of such Act is amended by striking out all beginning with "and before January 1, 1983" through "December 31, 1989,".

(c)(1) Section 3101 of the Internal Revenue Code of 1954 (relating to rate of tax on employees) is amended by adding at the end thereof the following new subsection:

"(e) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, a mandatory contribution shall be made from the income of every individual to the IRSA account of such individual in an amount equal to the following percentages of the wages (as defined in section 3121(a)) received by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages received during the calendar year 1994, the rate shall be 0.425 percent;

"(2) with respect to wages received during the calendar year 1995, the rate shall be 1.2 percent;

"(3) with respect to wages received during the calendar year 1996, the rate shall be 1.615 percent;

"(4) with respect to wages received during the calendar year 1997, the rate shall be 2.030 percent;

"(5) with respect to wages received during the calendar year 1998, the rate shall be 2.445 percent;

"(6) with respect to wages received during the calendar year 1999, the rate shall be 2.860 percent;

"(7) with respect to wages received during the calendar year 2000, the rate shall be 3.273 percent;

"(8) with respect to wages received during the calendar year 2001, the rate shall be 3.690 percent;

"(9) with respect to wages received during the calendar year 2002, the rate shall be 4.105 percent;

"(10) with respect to wages received during the calendar year 2003, the rate shall be 4.520 percent; and

"(11) with respect to wages received during calendar years after 2003, the rate shall be 4.575 percent.".

(2) Section 3111 of such Code is amended by adding at the end thereof the following new subsection:

"(d) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the following percentages of the wages (as defined in section 3121 (a) and (f)) paid by him with respect to employment (as defined in section 3121(b))—

"(1) with respect to wages paid during the calendar year 1994, the rate shall be 0.425 percent;

"(2) with respect to wages paid during the calendar year 1995, the rate shall be 1.2 percent;

"(3) with respect to wages paid during the calendar year 1996, the rate shall be 1.615 percent;

"(4) with respect to wages paid during the calendar year 1997, the rate shall be 2.030 percent;

"(5) with respect to wages paid during the calendar year 1998, the rate shall be 2.445 percent;

"(6) with respect to wages paid during the calendar year 1999, the rate shall be 2.860 percent;

"(7) with respect to wages paid during the calendar year 2000, the rate shall be 3.275 percent;

"(8) with respect to wages paid during the calendar year 2001, the rate shall be 3.690 percent;

"(9) with respect to wages paid during the calendar year 2002, the rate shall be 4.105 percent;

"(10) with respect to wages paid during the calendar year 2003, the rate shall be 4.520 percent; and

"(11) with respect to wages paid during the calendar years after 2003, the rate shall be 4.575 percent.".

(3) Section 1401 of such Code is amended by adding at the end thereof the following new subsection:

"(d) INDIVIDUAL RETIREMENT SECURITY ACCOUNT.—In addition to other taxes, there shall be made for each taxable year, from the self-employment income of every individual, a mandatory contribution to the IRSA account of such individual as follows:

"(1) in the case of any taxable year beginning after December 31, 1993, and before January 1, 1995, the contribution shall be equal to 0.6375 percent of the amount of the self-employment income for such taxable year;

"(2) in the case of any taxable year beginning after December 31, 1994, and before January 1, 1996, the contribution shall be equal to 1.8 percent of the amount of the self-employment income for such taxable year;

"(3) in the case of any taxable year beginning after December 31, 1995, and before January 1, 1997, the contribution shall be equal to 2.4225 percent of the amount of the self-employment income for such taxable year;

"(4) in the case of any taxable year beginning after December 31, 1996, and before January 1, 1998, the contribution shall be equal to 3.045 percent of the amount of the self-employment income for such taxable year;

"(5) in the case of any taxable year beginning after December 31, 1997, and before January 1, 1999, the contribution shall be equal to 3.6675 percent of the amount of the self-employment income for such taxable year;

"(6) in the case of any taxable year beginning after December 31, 1998, and before January 1, 2000, the contribution shall be equal to 4.29 percent of the amount of the self-employment income for such taxable year;

"(7) in the case of any taxable year beginning after December 31, 1999, and before January 1, 2001, the contribution shall be equal to 4.9125 percent of the amount of the self-employment income for such taxable year;

"(8) in the case of any taxable year beginning after December 31, 2000, and before January 1, 2002, the contribution shall be equal to 5.535 percent of the amount of the self-employment income for such taxable year;

"(9) in the case of any taxable year beginning after December 31, 2001, and before January 1, 2003, the contribution shall be equal to 6.1575 percent of the amount of the self-employment income for such taxable year;

"(10) in the case of any taxable year beginning after December 31, 2002, and before January 1, 2004, the contribution shall be equal to 6.75 percent of the amount of the self-employment income for such taxable year;

"(11) in the case of any taxable year beginning after December 31, 2003, the contribution shall be equal to 6.8625 percent of the amount of the self-employment income for such taxable year.".

CHANGE IN PRIMARY INSURANCE AMOUNT TO REFLECT REDUCTION IN OASI TAX

SEC. 5. Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) For purposes of determining old-age and survivors insurance benefits based upon the wages and self-employment income of an individual with respect to whom contributions are made to an individual security retirement account, such primary insurance amount shall be reduced by an amount that bears the same ratio to such primary insurance amount (as determined

without regard to this subsection) as the IRSA offset amount determined with respect to such individual bears to the present value of the OASI annuity amount determined with respect to such individual.

"(2) For purposes of this subsection—

"(A) The term 'individual retirement security account' shall have the meaning given to such term in section 130(c)(1) of the Internal Revenue Code of 1954.

"(B) The term 'IRSA offset amount' means, with respect to an individual described in paragraph (1), an amount equal to the sum of—

"(i) amounts—

"(I) contributed by such individual to the individual retirement security account established with respect to such individual, and

"(II) taken into account for purposes of determining a credit allowed to such individual under section 44H of the Internal Revenue Code of 1954,

(compounded, for the period beginning with the date on which the return in which such credit was claimed was required to be filed and ending with the date on which such individual retires, by the social security yield rate determined with respect to such individual); and

"(ii) amounts paid to the individual retirement security account of such individual under sections 1401(d), 1301(e), and 1311(d) of the Internal Revenue Code of 1954 (compounded, for the periods beginning with the date on which such amount was paid into such account and ending with the date on which such individual retires, by the social security yield rate determined with respect to such individual);

"(C)(i) The term 'present value of OASI benefit annuity amount' means an amount that would, if invested at a rate of interest equal to the rate of interest payable on United States Treasury bills at the beginning of the period of entitlement determined with respect to the wages and self-employment income of an individual, produce by the end of such period of entitlement, an amount equal to the amount of benefits which would be payable under section 202 on the basis of such wages and self-employment income (but for the application of paragraph (1)) for such period of entitlement.

"(ii) In determining the amount of benefits which would be payable for the period of entitlement determined with respect to the wages and self-employment income of an individual, the rate of the cost-of-living increase under subsection (1) for the cost-of-living computation quarter immediately preceding the beginning of such period of entitlement shall be assumed to apply to each base quarter in such period of entitlement.

"(D) The term 'period of entitlement' means, with respect to the wages and self-employment income of an individual described in paragraph (1), the period beginning with the date on which such individual retires and ending with the date on which such individual would attain the expectation of life (determined in accordance with the official life table and in accordance with the applicable provisions of this Act as in effect on the first day of such period).

"(E) The term 'social security yield rate' means, with respect to an individual described in paragraph (1), the rate of yield that, if earned on the OASI tax amount determined with respect to such individual, for the period beginning with the date on which such taxes were paid and ending with the date on which such individual retires, would produce an amount equal to the present value of the OASI benefit annuity amount determined with respect to such individual.

"(F) The term 'OASI tax amount' means with respect to an individual described in paragraph (1), the amount of taxes paid to the Federal Old-Age and Survivors Insurance Trust Fund with respect to such individual under sections 3101(a), 3111(a), and 1401(a) of the Internal Revenue Code of 1954 during the 80 highest quarters of coverage for such individual.

"(G) The term 'cost-of-living computation quarter' shall have the meaning given to such term in subsection (i)(1)(B).

"(H) The term 'base quarter' shall have the meaning given to such term in subsection (i)(1)(A).

"(I) The term 'quarter of coverage' shall have the meaning given to such term in section 213(a)(2).

"(J) The term 'official life table' means the life table for total persons in the United States that is prepared decennially by the National Center for Health Statistics for the 3-year period centering around the year of the decennial population census.".●

By Mr. METZENBAUM (for himself, Mr. HEINZ, Mr. CRANSTON, Mr. DURENBERGER, Mr. LEVIN, Mr. COCHRAN, Mr. SPECTER, Mr. PRESSLER, Mr. GORTON, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. EXON):

S. 1127. A bill to amend the Arts and Artifacts Indemnity Act to facilitate the indemnification of works of art by Americans exhibited outside the United States; to the Committee on Labor and Human Resources.

INDEMNIFICATION OF ART WORKS EXHIBITED OUTSIDE THE UNITED STATES

Mr. METZENBAUM. Mr. President, one of the most important steps ever taken to facilitate the international cultural exchange of works of art was the passage of the Arts and Artifacts Indemnity Act in 1975. I support the law but unfortunately it discriminates unfairly and unnecessarily against American artists, American art work, and American museums which would like to send exhibits to foreign museums. Today I am offering legislation to amend the act to put American works of art on an equal footing with works from other countries. The bill, if enacted into law, will promote the international display of works by America's great artists.

Current law authorizes the Federal Government to insure the value of works of art, rare documents and books, films and photographs, when these are borrowed from abroad and on exhibition in the United States. But the law severely limits according this same protection to American works of art. It requires that to be so protected, American exhibits traveling abroad must be part of an exchange exhibition, organized with another country.

It further restricts American exhibitions by prohibiting indemnification for both halves of the exchange.

So an American exhibit is twice the object of restrictive provisions under the statute: It must be part of an exchange, and its exchange partner cannot receive indemnification assistance.

The result of this restrictive and discriminatory requirement has been that works of American art, by American artists of every period, have received far less assistance under this program than works of foreign art. In the last 7 years this program indemnified a total of 117 exhibits from foreign countries, but only 8 exhibits from this country.

These shows and exhibitions are valuable and expensive to insure under ordinary non-Government procedures. When Government indemnification is withheld, the exhibits cannot travel extensively. It oftentimes means that they will never be accorded international recognition. It is a fact that this unfair discrimination against American art has severely inhibited its traveling to other nations. This barrier to cultural exchange is harmful to international cultural understanding, harmful to America's arts and her artists and museums.

This discrimination is unnecessary. There is simply no reason to require American artists and art works to conform to a stricter standard, than the standard applied to, for example, works of French or Japanese art. Most importantly, this restriction is not in keeping with the spirit of international cultural exchange.

Mr. President, our bill—I am happy to have the support of my distinguished colleagues, Senators HEINZ, CRANSTON, DURENBERGER, LEVIN, EXON, COCHRAN, SPECTER, PRESSLER, KENNEDY, MOYNIHAN, and GORTON as cosponsors—simply deletes the current law requirement that American art be eligible for indemnification only when it is part of a formal exchange program. This would allow American art to be treated equally with the art of any other nation on its own merits, not as part of a package arrangement. And this legislation deletes the prohibition against insuring both halves of an exchange.

I believe that this would be fairer to our artists, that it would certainly promote a deeper understanding of American culture in other nations, and that this simple change in the law would be very much in the spirit of promoting international cultural understanding.

Finally, there is no cost associated with this amendment. The indemnification program has been virtually cost free since its inception, and this modification in coverage would not entail any additional authorizations above current law.

I urge my colleagues to support this improvement in the law.

By Mr. LEAHY (for himself, Mr. ANDREWS, Mr. BAUCUS, Mr. CHAFEE, Mr. CRANSTON, Mr. D'AMATO, Mr. HART, Mrs. HAWKINS, Mr. HUDDLESTON, Mr. MITCHELL, Mr. SASSER, Mr. STAFFORD, and Mr. ZORINSKY):

S. 1128. A bill entitled the "Agricultural Productivity Act of 1983"; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE PRODUCTIVITY ACT OF 1983

● Mr. LEAHY. Mr. President, the American farmer faces an uncertain future. Tried and true farm programs are in disarray, production costs continue to rise, soil erosion is increasing at an alarming rate, and farm incomes continue to decline.

The U.S. Department of Agriculture (USDA) has taken a series of steps to alleviate some of the current pressures facing the farmer and his land.

The payment-in-kind program is designed to improve farm income and reduce grain surpluses. The Department is actively seeking new export markets as well.

While better prices and larger markets will improve the situation, production costs on the farm remain staggering. Farm debt passed the $200 billion last year. Farmers are planting fence row to fence row just to stay even.

Marginal lands are broken up and planted, while soil conservation and crop rotation practices are ignored as too costly in the shortrun.

In the longrun, however, we will all pay if the pressures of onfarm costs are not relieved.

Many farmers are interested in technical advice about farming systems that will help them cut these production costs, conserve water and energy, and ease their soil erosion problems.

Mr. President, today, I am introducing legislation with 12 of my colleagues which will begin important basic research on farming systems which do not rely soley on costly chemical inputs, but rather on biological control of weeds and pests, crop rotations, and the use of intercropping to strengthen soils.

The Agricultural Productivity Act of 1983 contains provisions designed to improve our knowledge about the feasibility of these farming systems.

Congress has spoken twice on the need for this type of legislation. In the 1977 farm bill, Members of this body and the House of Representatives directed USDA to investigate and analyze low-energy agricultural techniques.

Three years later, the Department published their report. It examined the use of manures and crop residues to improve soil fertility and strength. It also examined a series of new methods of fertilization, soil conservation, and enhanced crop production.

USDA concluded that even a partial shift away from energy intensive farming practices would go a longway toward helping the farmer improve his operation.

In the 1981 farm bill, Congress spoke again on this matter. Again, we urged the USDA to carry out research necessary to determine the practicality of these methods.

USDA's own internal advisers have been making this same point for several years. In 1983, the Agricultural Research Service proposed its 6-year program plan. In the plan ARS advocates the development of farming systems "characterized by less costly methods and by technologies that are safe, sustainable, and environmentally sound."

The plan recommended innovative research "to reduce farm production costs while maintaining a high level of sustainable productivity through the development of efficient and diversified crop and animal production systems" and "to insure conservation of our natural resources."

To date, USDA has produced one study, and will spend just $13,000 on these promising farming methods. The total USDA research budget this year will be well over $1 billion.

Mr. President, the Agricultural Productivity Act provides the tools necessary to insure that the research that Congress and others have been calling for is done adequately and properly.

It would establish 12 onfarm pilot research projects. Each of the farms would be studied over a 5-year period as they made the transition from energy and chemical intensive farming to systems which rely less on petroleum based inputs.

Study subjects would include changes in soil profile, crop yields, energy and water usage, farmer income, and other factors important to the American farmer.

Twelve additional projects would take place over the same time period. This group of farms, already employing low-energy techniques, would serve as a comparison for the transition farms as well as a measure of the feasibility of such farming systems over the long term.

The farms would be located in a manner which would take advantage of the widest possible variety in soil and climatic conditions.

Dairy farms, crop and livestock farms, row crop farms, and fruit and vegetable operations would all be examined.

These on farm studies will provide farmers and others with the kind of practical demonstrations necessary to determine the practicability of such operations.

The bill also establishes a program to assist farmers who utilize intercropping systems to establish vegetative cover that improve nitrogen fixation and control soil erosion. Intercropping is the practice of planting legumes, grasses, or other soil conserving crops between rows of such crops as wheat, corn, or soybeans.

Finally, the bill directs the Secretary of Agriculture to make an inventory of existing research and extension materials, and recommend new research that may help farmers, achieve a better understanding of these innovative farming methods.

Mr. President, the costs of this effort would be minimal and the benefits to American agriculture, the consumer, and the environment could be substantial.

I urge my colleagues to join with us in this positive effort to open new, self-sufficient opportunities for our farmers.

This legislation has been endorsed by the National Farmers Union, the National Farmers Organization, the National Grange, and the National Association of Conservation Districts.●

● Mr. D'AMATO. Mr. President, I rise to cosponsor the enlightened legislation offered by my distinguished colleague from Vermont, the Agriculture Productivity Act of 1983. This legislation is important for many reasons. While it is not an expensive proposal, it holds forth the promise of greatly improved performance in many areas of great concern to both our agricultural community and the Nation as a whole.

The farming interests in this Nation have been disproportionately affected by the rise in the cost of energy during the last decade. Farming is an energy-intensive occupation and the continued viability of American agriculture is dependent upon making the adjustments necessary to insure that farmers can effectively operate in an era of increasingly expensive energy. The pilot programs that would be created by this legislation may produce farming techniques which will help alleviate this problem.

This legislation will also aid our agricultural research efforts in other ways. The heavy use of pesticides by farmers is one of the causes of the growing concern over ground water contamination. Research must be started which will lead us to less damaging methods of cultivation. Our limited soil and water resources would also be protected by the adoption of the farming methods studied in these pilot programs. This would be done by evaluating various practices which offer the hope of proving themselves both cost efficient and effective. The research begun under the auspices of this legislation must be undertaken now if we are to avoid the potential long-term shocks that the aforementioned problems may cause. I urge my colleagues to swiftly adopt this vital and timely legislation.●

By Mr. HATCH (for himself and Mr. DENTON):

S. 1129. A bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources

COMMUNITY VOLUNTEER SERVICE ACT OF 1983

Mr. HATCH. Mr. President, today I am introducing a "Volunteerism Initiative" on behalf of myself and my distinguished colleague, Senator DENTON. The purpose of this initiative is to emphasize the vital contributions of volunteerism to individuals and communities. We applaud the current private and public efforts which utilize the skills and generosity of those citizens and private enterprises who so willingly volunteer. The time and resources they donate are a significant part of meeting a variety of needs in communities across the country. Yet, their efforts are just a beginning to what can be and must be done.

As part of the "Volunteerism Initiative," we are introducing three bills together: The Community Volunteer Service Act of 1983; Senator Denton's National Year of Volunteerism, of which I am a cosponsor; and the administration's Domestic Volunteer Service Act Amendments of 1983, on request. Senator DENTON is cosponsoring the two Volunteer Service Act bills.

The Community Volunteer Service Act of 1983 will reauthorize the volunteer programs administered by the ACTION Agency. The programs include Retired Senior Volunteer Program (RSVP), Foster Grandparents Program (FGP), Senior Companion Program (SCP), Volunteers in Service to America (VISTA), Service-Learning, and Young Volunteers in ACTION (YVA). The purpose of these programs is to provide a focal point for volunteerism at the Federal, State, and local levels. These programs generate a strong cost-effective volunteer effort.

In my home State of Utah, under the Older Americans part of the act, there are 2,700 volunteers who have contributed over 700,000 hours to help the elderly, handicapped, and disadvantaged children, low-income families, homebound elderly, hospitalized, and many other groups. An example of the benefits of volunteerism is the VISTA program in Salt Lake City, which is helping Indochinese refugees learn English, and to become productive, contributing citizens. As I have talked to the volunteers, I have been impressed with their expressions of a sense of worth, identity, and being needed by the community because of their volunteer service. Many of the volunteers are over 60 years of age and have years of experience, love, and patience to contribute.

Mr. President, the bill will continue these important programs for 3 years as well as increase the capacity to provide additional home health care services. Most States currently have only one or two Senior Companion programs which assist in providing care and assistance to the elderly in their homes. The increase in the funding for the Senior Companion Program would allow at least one more program in each State and provide training for the volunteers as home health aides, providers of homemaking services and in case-management to provide initial needs assessments of the recipients of the volunteer service. The bill would encourage the use of non-stipended volunteer trainers who, on the basis of experience, would train the Senior Companion volunteers. There is also a provision for experienced Senior Companion Program volunteers to spend time training new volunteers in addition to their regular assignment.

It is estimated by the year 2000, there will be a 35-percent increase in the number of citizens 65 years of age and older. This fact needs to be a consideration in the expansion of the Older American Volunteer programs.

It is my desire that the bill is an avenue to provide cost-effective volunteer programs where there is a need. I will continue to carefully evaluate the data and information to insure the bill accomplishes this goal.

The major differences in the bill I am introducing and the administration's bill, which we are introducing by request, are the home health component, continuation of funding for the State and regional offices, and maintaining the current worthwhile programs conducted through VISTA. I strongly support the administration's encouragement of volunteer efforts and commend President Reagan, the ACTION Agency and the National Center for Citizen Involvement for the President's Volunteer Action Awards. These recently presented awards are further indications of the valuable contributions of volunteerism to communities. As President Reagan stated, "They serve to bring deserved attention to those who symbolize the outstanding accomplishments of the public and private sectors in meeting critical human needs."

The designation of a National Year of Voluntarism will bring national attention to the essential role that compassion must play in our country.

It is our sincere intent that this "Voluntarism Initiative" reinforces current successful efforts and also serves as a reminder that there are still many needs which can effectively be met through volunteer service.

Mr. President, I ask unanimous consent that the text and section-by-section analysis of my bill be printed in their entirety immediately following my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Community Volunteer Service Act of 1983".

VOLUNTEERS IN SERVICE TO AMERICA; STATEMENT OF PURPOSE

SEC. 2. Section 101 of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended—

(1) by inserting "and part-time" after "full-time" in the first sentence thereof;

(2) by striking out "eliminate" and inserting in lieu thereof "alleviate";

(3) by striking out ", social, and environmental" in the second sentence thereof;

(4) by inserting "low-income individuals," before "elderly" in the second sentence thereof; and

(5) by adding at the end thereof the following new sentence: "It is the further purpose of this part to encourage the commitment of the resources of the private sector and to encourage part-time volunteer service at the local level to carry out the purposes set forth in this section.".

PART-TIME VISTA PROGRAM AUTHORITY

SEC. 3. Section 102 of the Act is amended by inserting "and part-time" after "full-time".

ASSIGNMENT

SEC. 4. (a) Section 103(a) of the Act is amended—

(1) by inserting after "States" in the matter preceding clause (1) the following: "in the local communities in which the volunteers were recruited";

(2) by striking out "and" at the end of clause (2);

(3) by striking out "the Economic Opportunity Act of 1964, as amended (42 U.S.C. chapter 34)" and inserting in lieu thereof "the Community Service Block Grant Act" in clause (3) thereof; and

(4) by redesignating clause (3) as clause (4) and by inserting immediately after clause (2) the following new clause:

"(3) in addressing the problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youths; and".

(b) Section 103(b) of the Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Director may provide each low-income volunteer with an individual plan for job advancement or for transition to a situation leading to gainful employment. Whenever feasible, the efforts to cary out this subsection shall be coordinated with an appropriate private industry council established under the Job Training Partnership Act.'.

(c) The first sentence of section 103(e) (as redesignated by subsection (b) of this section) is amended by striking out "duties or work in a program or project in any State unless such program or project" and inserting in lieu thereof "work in a program or project in any community unless the appplication for such program or project contains substantial evidence of local support and".

TERMS AND PERIODS OF SERVICE

SEC. 5. (a) Section 104(a) is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "or part-time" after "full-time";

(3) by striking out ", social, and environmental" in the first sentence thereof;

(4) by striking out "this" in the second sentence thereof and inserting in lieu thereof "the requirement for full-time commitment"; and

(5) by adding at the end thereof the following new paragraph:

"(2) The Director is authorized to establish reasonable regulations for the terms of service of part-time volunteers under this part.".

REPEAL OF LIMITATIONS

SEC. 6. (a) Section 108 of the Act is amended—

(1) by striking out subsection (a);

(2) by striking out "(b)"; and

(3) by striking out ", social, or environmental" in clause (2) thereof.

SERVICE LEARNING PROGRAMS

SEC. 7. Section 111 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 111. The purpose of this part is to provide for a program of part-time or short-term service-learning by secondary and post-secondary school students to strengthen and supplement efforts to alleviate poverty and poverty-related human, social, environmental problems.".

REPEAL OF UNIVERSITY YEAR FOR ACTION PROGRAM AND SPECIAL CONDITIONS

SEC. 8. (a) Section 112 of the Act is repealed.

(b) Section 113 of the Act is repealed.

(c)(1) The table of contents of the Act is amended by striking out items "Sec. 112." and "Sec. 113.".

(2) The table of contents of part B of title I of the Act is further amended by striking out "Sec. 114." and inserting in lieu thereof "Sec. 112.".

SPECIAL SERVICE LEARNING PROGRAMS

SEC. 9. (a) Section 114 of the Act is redesignated as section 112.

(b) Section 112(a) of the Act (as redesignated by subsection (a) of this section) is amended by striking out "and on such terms and conditions as described in subsections (a) and (c) of section 103" and inserting in lieu thereof the following: "as described in section 111".

SPECIAL VOLUNTEER PROGRAMS; STATEMENT OF PURPOSE

SEC. 10. Section 121 of the Act is amended—

(1) by striking out ", social, and environmental"; and

(2) by adding at the end thereof the following new sentence: "It is the further purpose of this part to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the Federal, State, and local level.".

REQUIREMENT OF EQUITABLE DISTRIBUTION OF ACTIVITIES

SEC. 11. Section 122(a) of the Act is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) In carrying out programs authorized by this part, the Director shall assure that, in each fiscal year, there is an equitable geographic distribution of such programs.".

SENIOR COMPANION PROJECTS TO ASSIST HOMEBOUND ELDERLY

SEC. 12. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Director is authorized to make grants or contracts for Senior Companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings.

"(2)(A) The Director is encouraged to recruit, subject to subparagaph (B), Senior Companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train other volunteers for case management to provide initial needs assessments of Senior Companion volunteer recipients and train volunteers as home health aides and providers of homemaking services. The Director may also use Senior Companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer Senior Companion volunteers in performing their assignments and in coordinating activities of such volunteers.

"(B) Senior Companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

"(3) In the third year in which a project is assisted under this part the Director shall conduct an impact study of the project and shall prepare and submit a report of the study to the Congress. Such study shall include, but not be limited to, information on—

"(A) the extent to which costs of providing long-term care are reduced by using volunteers who receive stipends in the provision of long-term care services,

"(B) the effectiveness of the provision of long-term care with the use of volunteers,

"(C) the extent to which health related costs of the Senior Companion volunteers themselves are reduced because of their involvement in the project,

"(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

"(E) the effectiveness of using Senior Companion volunteer leaders and of involving Senior Companion volunteers in case management based on the training the volunteer leaders and volunteers.".

OLDER AMERICAN VOLUNTEER PROGRAMS; NON-FEDERAL CONTRIBUTIONS

SEC. 13. (a) Part C of title II of the Act is amended by adding at the end thereof the following new section:

"USE OF NON-FEDERAL CONTRIBUTIONS IN OLDER AMERICAN VOLUNTEER PROGRAMS

"SEC. 224. Whenever non-Federal Contributions made to volunteer programs for older Americans under this title is in excess of the amount required by the Director, the Director may not restrict the manner in which such contributions are expended if expenditures from non-Federal contributions are consistent with the provisions of this Act.".

(b) The table of contents of part C of title II of the Act is amended by inserting after item "Sec. 223." the following new item:

"Sec. 224. Use of non-Federal contributions in older American volunteer programs.".

ESTABLISHMENT OF AGENCIES

SEC. 14. Section 401 of the Act is amended—

(1) by inserting before the period at the end of the first sentence the following: "in order to provide a focal point for volunteerism at the Federal, State, and local level";

(2) by striking out "two Associate Directors" and inserting in lieu thereof "one Associate Director" in the fifth sentence thereof;

(3) by striking out "One such" in the fifth sentence thereof and inserting in lieu thereof "Such"; and

(4) by striking out ", and the other such Associate Director shall be designated 'Associate Director for International Operations' and shall carry out operational responsibility for all programs authorized under the Peace Corps Act (22 U.S.C. 2501 et seq.)" in the fifth sentence thereof.

SPECIAL LIMITATIONS

SEC. 15. Section 404(f) of the Act is amended—

(1) by striking out "and except as provided in the second sentence of this subsection" in the first sentence thereof, and

(2) by striking out the second sentence thereof.

REPEAL OF THE NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

SEC. 16. (a) Effective January 1, 1986, section 405 of the Act is repealed.

(b) Effective January 1, 1986, item "Sec. 405" in the table of contents is repealed.

ADMINISTRATION AND COORDINATION

SEC. 17. Section 415 of the Act is amended by striking out "part A of title I of this Act" each time it appears and inserting in lieu thereof: "part A of title I of this Act, as in effect prior to the date of enactment of the Community Volunteer Service Act of 1983" each such time.

TECHNICAL AMENDMENT

SEC. 18. Section 417(c)(1) is amended by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)".

ELIGIBILITY FOR OTHER PROJECTS

SEC. 19. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

REGULATIONS REQUIREMENT

SEC. 20. (a) Section 420(c)(1) of the Act is amended to read as follows:

"(c)(1) Notwithstanding any provision of subchapter II of chapter 5 of title 5, United States Code, relating to administrative procedure, any proposed regulation prescribed pursuant to this Act for the administration of any program under this Act may not take effect unless the public has been afforded 30 calendar days to comment on the proposed regulation prior to its publication in final form in the Federal Register.".

(b) Section 420(c)(2) of the Act is amended—

(1) by striking out "(A)" after "(2)"; and

(2) by striking out paragraph (B).

(c)(1) The second sentence of section 420(d) of the Act is amended by striking out "Except as provided in the following sentence, no" and inserting in lieu thereof "No".

(2) The third sentence of section 420(d) of the Act is repealed.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

SEC. 21. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

"SEC. 501. (a) There is authorized to be appropriated to carry out part A of title I of this Act $7,000,000 for fiscal year 1984 and such sums as may be necessary for each of the fiscal years 1985 and 1986.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and such sums as may be necessary for each of the fiscal years 1985 and 1986.

"(c) There is authorized to be appropriated to carry out the provisions of part C of title I of this Act $1,984,000 for the fiscal year 1984 and such sums as may be necessary for each of the fiscal years 1985 and 1986.".

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

SEC. 22. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 502. (a) There is authorized to be appropriated $27,445,000 for each of the fiscal years 1984, 1985, and 1986, for the purpose of carrying out programs under part A of title II of this Act.

"(b) There is authorized to be appropriated $48,400,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $24,016,000 for each of the fiscal years 1984, 1985, and 1986, for the purposes of carrying out part C of title II of this Act. Of the amount appropriated in each fiscal year $12,000,000 shall be available to carry out section 213(c).".

ADMINISTRATION AND COORDINATION

SEC. 23. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $29,348,000 for each of the fiscal years 1984, 1985, and 1986.".

COMMUNITY VOLUNTEER SERVICE ACT OF 1983—SUMMARY OF THE BILL

Three-year reauthorization for fiscal year 1984, fiscal year 1985, fiscal year 1986.

CHANGES IN THE VISTA PROGRAM, TITLE I, PART A

Increased flexibility to utilize part-time as well as full-time volunteers.

Emphasis on strengthening and supplementing efforts to alleviate poverty and poverty-related human problems.

Includes as an objective for VISTA to generate the commitment of private sector resources and encourage part-time volunteers at the local level.

Volunteers are to serve in the communities in which they were recruited.

Increased emphasis on addressing the problems of the homeless, the jobless, the hungry, illiterate adults, and low-income youth.

Low-income volunteers may be provided with a plan for job advancement or for transition to a situation leading to gainful employment in coordination with the private industry council established under the Job Training Partnership Act.

Projects are to provide evidence of local community support for the VISTA project, in addition to the currently required Governor's approval.

Allows more flexibility by reducing restrictive funding language.

CHANGES IN TITLE I, PART B

Maintains programs of part-time or short-term service-learning for secondary and post-secondary school students.

Eliminates the University Year for ACTION which has been zero funded.

CHANGES IN TITLE I, PART C

Clarifies the purpose—to provide technical and financial assistance to encourage voluntary organizations and volunteer efforts at the Federal, State, and local level.

Requires that an equitable geographic distribution be a factor in demonstration programs grants and contracts awarded.

CHANGES IN THE NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS, TITLE II PARTS A AND B

Technical amendments to update references to other acts and dates.

PART C

Increases the number of home health care programs through the Senior Companion programs (most States currently have only one or two programs). The new subsection encourages the recruitment of non-stipended volunteers who based on experience (doctors, nurses, home economists, social workers) could train Senior Companion volunteers in home health care, homemaking services and case management to provide initial need assessment of Senior Companion volunteer recipients.

Allows Senior Companion volunteer leaders who on the basis of experience as volunteers, special skills and leadership could spend additional time in the program to assist newer Senior Companion volunteers.

An impact study is required to assess the cost-effectiveness and success of the programs.

Then Older American Volunteer program grantees raise non-federal contributions in amounts greater than is required by ACTION, the grantees may decide how the contributions will be spent in accord with the Act.

CHANGES IN ADMINISTRATION AND COORDINATION, TITLE IV

Clarifies the purpose of the ACTION agency—to provide a focal point for volunteerism at the Federal, State, and local level.

Eliminates the position of Associate Director for International Operations which was actually part of the Peace Corps.

The operation of the National Voluntary Service Advisory Council will continue in operation to January 1, 1986.

Clarifies that "similar benefit" used in conjunction with "unemployed, temporary disability, retirement, public assistance," includes workers' compensation. This makes it clear that volunteers' stipends in Title II programs are not wages for purposes of state worker's compensation insurance benefits.

A 45-day congressional review period of all final ACTION agency regulations cannot be waived by the Director.

Promulgation of any new regulations must include an opportunity for the public to comment on both the proposed and the final regulations.

Provides for the authorizing levels for the programs for fiscal years 1984, 1985 and 1986.

By Mr. HATCH (by request) (for himself and Mr. DENTON):

S. 1130. A bill to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

Mr. HATCH. Mr. President, today I am introducing, by request, the Domestic Volunteer Service Act Amendments of 1983, legislation submitted by the ACTION Agency. I ask unanimous consent that there be printed immediately following my remarks in the RECORD, the text of the bill, the executive communication from the ACTION Agency which accompanies this proposal, and the section-by-section summary of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1983".

VOLUNTEERS IN SERVICE TO AMERICA REPEALED

SEC. 2. Part A of title I of the Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is repealed.

SERVICE LEARNING PROGRAMS

SEC. 3. Section 111 of the Act is amended to read as follows:

"STATEMENT OF PURPOSE

"SEC. 111. The purpose of this part is to provide for a program of part-time or short-term service-learning by secondary and post-secondary school students to strengthen and supplement efforts to eliminate poverty and poverty-related human, social, and environmental problems.".

REPEAL OF UNIVERSITY YEAR FOR ACTION PROGRAM AND SPECIAL CONDITIONS

SEC. 4. (a) Section 112 of the Act is repealed.

(b) Section 113 of the Act is repealed.

SPECIAL SERVICES LEARNING PROGRAMS

SEC. 5. (a) Section 114 of the Act is redesignated as section 112.

(b) Section 112 of the Act (as redesignated by subsection (a) of this section) is amended by striking out "and on such terms and conditions as described in subsections (a) and (c) of section 103" and inserting in lieu thereof the following: "as described in section 111".

AUTHORITY OF DIRECTOR

SEC. 6. (a) Section 122(b) of the Act is amended by striking out "Except as provided in subsection (c) of this section, assignment" and inserting in lieu thereof "Assignment".

(b) Subsection (c) of section 122 of the Act is repealed.

ADMINISTRATION AND COORDINATION

SEC. 7. Section 415 of the Act is amended by striking out "part A of title I of this Act" each time it appears and inserting in lieu thereof: "part A of title I of this Act, as in effect prior to the date of enactment of the Domestic Volunteer Service Act Amendments of 1983" each such time.

ELIGIBILITY FOR OTHER PROJECTS

SEC. 8. Section 418 of the Act is amended by inserting "workers' compensation," after "public assistance,".

AUDIT

SEC. 9. Section 422 of the Act is amended by inserting at the end thereof the following new subsection:

"(c) Under such guidelines as the Director may establish, the Director of his designee, is authorized to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the provisions of this section, which subpena, in the case of contumancy or refusal to obey, shall be enforceable by order of any appropriate United States district court.".

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

SEC. 10. Section 501 of the Act is amended to read as follows:

"NATIONAL VOLUNTEER ANTIPOVERTY PROGRAM AUTHORIZATION

"SEC. 501. There is authorized to be appropriated to carry out title I of this Act, $3,754,000 for fiscal year 1984 and such sums as may be necessary for fiscal year 1985.".

NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM AUTHORIZATION

SEC. 11. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

"SEC. 502. (a) There is authorized to be appropriated $27,445,000 for fiscal year 1984 and such sums as may be necessary for fiscal year 1985, for the purpose of carrying out programs under part A of title II of this Act.

"(b) There is authorized to be appropriated $48,400,000 for fiscal year 1984 and such sums as may be necessary for fiscal year 1985, for the purposes of carrying out programs under part B of title II of this Act.

"(c) There is authorized to be appropriated $12,016,000 for fiscal year 1984 and such sums as may be necessary for fiscal year 1985, for the purposes of carrying out part C of title II of this Act.".

ADMINISTRATION AND COORDINATION

SEC. 12. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $18,115,000 for fiscal year 1984 and such sums as may be necessary for fiscal year 1985.".

ACTION,
Washington, D.C., March 2, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration is draft legislation which will reauthorize the ACTION Agency for fiscal years 1984 and 1985. This will enable the Agency to continue its work in providing volunteer assistance to public agencies and private sector groups who utilize volunteers to meet a broad range of human, social, and environmental needs, particularly those related to the solution of the problems of poverty.

The proposed bill would reauthorize appropriations for Service Learning Programs and Special Volunteer Programs authorized by title I of the Domestic Volunteer Service Act of 1973, as amended. The amount currently proposed for title I is considerably reduced from that received for the last fiscal year. This reduction is due in part to elimination of part A of title I, the Volunteers in Service to America Program (VISTA).

The bill would also authorize appropriations for the National Older American Volunteer Programs established by title II of the Act. More specifically, it would reauthorize the Retired Senior Volunteer Program (RSVP), the Senior Companion Program, and the Foster Grandparent Program. These highly regarded programs provide volunteer opportunities for older Americans in their own communities and much needed services to children with special needs, older people, and other worthwhile community projects.

The bill also proposes a repeal of a provision of title I part B, which establishes the University Year for ACTION program (UYA). This program has not been funded, except for close down purposes, since 1981.

Additionally, the proposal makes provisions for the administration of the activities under the Act.

The Office of Management and Budget has advised that there is no objection to the submission of the draft legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS W. PAUKEN,
Director.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

SECTION-BY-SECTION ANALYSIS

Section 1. The enacting clause, establishes the short title of the bill as "The Domestic Volunteer Service Act Amendments of 1983."

Section 2. Repeals part A of title I of the Act, which authorizes the Volunteers in Service to America program (VISTA). This would complete the phase out of the program that was begun in the 1981 Reconciliation Act.

Sections 3 and 4. Repeals the currently unfunded University Year for ACTION program (UYA) portion of the Service-Learning Program in part B of title I.

Section 5. Makes technical amendments to refer to renumbered sections in part B and strikes references to the repealed part A, title I program.

Section 6. Makes technical amendments in part C of title I, Special Volunteer programs, by striking subsections which refer to the repealed part A, title I program and which allows the ACTION Director to provide services, stipends, and support to direct and operate part-time and full-time Special Volunteer Programs.

Section 7. Makes technical amendments to correct references in title IV, Administration, to the repealed portions of Part A, title I.

Section 8. Clarifies, in Section 418, that "similar benefit" used in conjunction with "unemployed, temporary disability, retirement, public assistance," includes workers' compensation. This will make it clear that volunteers' stipends in title II programs are not wages for purposes of State workers' compensation insurance benefits.

Section 9. Provides subpoena authority to the Director for purpose of audit and investigation.

Sections 10, 11, and 12. Provide for the authorization of funds for fiscal years 1984 and 1985 for programs in title I, parts A, B, and C of title II and for administration under title IV.

By Mr. CHILES:

S. 1131. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; to the Committee on Environment and Public Works.

CROSS-FLORIDA BARGE CANAL PROJECT

● Mr. CHILES. Mr. President, today I am introducing legislation to deauthorize the Cross-Florida Barge Canal project in the State of Florida. This proposal is identical in purpose to legislation which has twice passed the Senate. Unfortunately, the House of Representatives has never acted on the question of terminating construction of the Cross-Florida Barge Canal. Today, however, I am pleased that a companion bill is being introduced in the House by Congressman BUDDY MACKAY who represents the district through which the incomplete part of the canal would have to be built. I am optimistic that the 98th Congress will be successful in finally putting to rest this ill-advised project.

The case for deauthorizing the Cross-Florida Barge Canal is both clear and convincing. The potential adverse environmental impacts associated with completing the canal undoubtedly outweigh any possible benefits attributed to the project. Additionally, opposition to the project is both solid and wide based.

President Carter, in his environmental message of May 23, 1977, called for the termination of the barge canal project.

In 1977, the Governor and Florida cabinet, acting as head of the Florida Department of Natural Resources, withdrew the State's official support and recommended against completion of the canal.

The U.S. Army Corps of Engineers, after a thorough examination of the project, giving consideration to all environmental and economic factors, concluded in 1977 that completion of the canal was not warranted.

The Florida Legislature enacted legislation in 1979 to abolish the Florida Canal Authority and transfer its operations in the department of natural resources. This legislation also provided the mechanism for the disposition of the State-held canal properties and the return of tax money to the six counties along the canal route if and when Congress enacts deauthorization legislation.

And finally, Mr. President, consitituent letters from all over the State, numerous editorials in papers throughout Florida, and resolutions from various local governments all point to widespread public interest and support for deauthorizating the canal.

Congress first authorized the 110 mile Cross-Florida Barge Canal project in 1942. The original plan called for a canal extending across the width of the State from Yankeetown on the gulf to Palatka on the St. Johns River. Funds for the project were appropriated in 1962 and work began in 1964. By 1971 construction was one third completed, three of the five proposed locks were built, 25 miles of 12-foot channels were dug, and $73 million spent when the President, by Executive order, halted work on the project to prevent potential environmental damage. The Governor and Florida cabinet suspended any further support for the canal until completion of a new cost benefit analysis and an environmental impact statement.

The Corps of Engineers was assisted in the environmental assessment project by an interagency coordinating group consisting of Federal and State agencies. Among the participating agencies were the Department of Interior, Environmental Protection Agency, Department of Agriculture, Forest Service and State agencies including the Department of Natural Resources, Florida Game and Fresh Water Fish Commission, the canal authority and the department of administration.

It was concern with the environmental damage the canal would incur that prompted initial efforts to stop construction and undertake a restudy. The completed environmental impact statement makes very clear that this concern was well justified. The Washington-level policy group, consisting of the Departments of Agriculture and Interior as well as EPA and CEQ concluded that hydrologic, pollution, fish and wildlife, recreation and other environmental considerations as presented in the impact statement warranted a strong recommendation against completion of the canal.

Of particular importance is the threat construction and operation of the canal would pose for the Floridan aquifer and consequently Florida's water supply. The Floridan aquifer is a water-filled underground layer of fragmented limestone which provides the region's supply of fresh water. Twenty-eight miles of the canal would cut down into this limestone, raising the possibility of interchange between canal waters and the rest of the aquifer. Information developed by professional hydrologists and geologists points to the prospect of serious contamination of the aquifer if such an interchange should take place.

Economic as well as environmental factors argue against completion of the barge canal project. The corps' 1977 restudy report and evaluation warranted the conclusion that the canal cannot be justified as a good investment. Using more realistic interest rates the restudy revealed the benefit/cost ratio of leaving the canal unfinished was greater than completing it.

In spite of widespread opposition to the completion of the canal, there are some who want to justify keeping the project alive, pointing to a projected increase in demand for coal shipments through a completed canal system. While this future demand has not been sufficiently verified, the interest in the project prompted inquiries to the U.S. Army Corps of Engineers soon after President Reagan took office. An April 3, 1981 letter from the Acting Assistant Secretary of the Army, however, reiterated that there was no basis for reviving the Cross-Florida Barge Canal as a Federal project.

Most recently, advisory language relating to the canal project was included in a House report accompanying the supplemental appropriations bill last summer. This language authorized the corps to use up to $450,000 to update and expand the 1977 economic study of the Cross-Florida Barge Canal. In response to a September 13 letter from me to the Assistant Secretary of the Army expressing my continued opposition to the project, Assistant Secretary Gianelli advised me that he had approve the use of $20,000 to prepare a proposed plan of study. Only after a review of this plan would he make a decision of the use of additional funds for this purpose. We are still awaiting a final decision by the corps on the restudy effort. In the meantime, I hope the Senate committee will move foward in its consideration of the legislation I am introducing today. It is time for the 98th Congress to go on record in opposition to this ill-advised project in my State.

The legislation I am introducing today terminates authority for further construction of the barge canal. In addition, it extends the boundary of the Ocala National Forest to include lands and interests in lands now owned by the State of Florida as well as Federal lands administered by the U.S. Army Corps of Engineers. This bill transfers lands administered by the corps to the Secretary of Agriculture and authorizes the acquisition of lands within the new boundary by the Secretary of Agriculture from the State of Florida.

In summary, let me reiterate that the Cross-Florida Barge Canal no longer has official project sponsors at either the State or Federal level. The combination of environmental and economic considerations presents a most convincing case for terminating authority for further construction of the canal. During the past few years the environmental concerns have become stronger, but the supposed economic advantages associated with completion of the project remain tenuous at best. The State has acted responsibly to set up a mechanism for disposing State-held lands and returning tax moneys to the six counties whose tax revenues financed the original acquisition of canal authority lands. The State, however, cannot work its will regarding the project and the lands until Congress acts to deauthorize this project.

The time is now for the Senate to once again act on legislation which will put to rest the future of the Cross-Florida Barge Canal and set in motion the State's plan for land acquisition. I hope we will see prompt and positive action by the Senate on this measure.●

By Mr. McCLURE (for himself, Mr. JACKSON, and Mr. MURKOWSKI):

S. 1132. A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures; to the Committee on Energy and Natural Resources.

HYDROELECTRIC FACILITIES DEVELOPMENT

● Mr. McCLURE. Mr. President, on behalf of myself and the senior Senator from Washington (Mr. JACKSON) and the junior Senator from Alaska (Mr. MURKOWSKI) I am introducing legislation to amend section 10 of the Federal Power Act which will go far toward clarifying the seeming uncertainties which surround the development of hydroelectric facilities at Government dams by non-Federal entities.

As my colleagues will recall, joint oversight hearings were held during the 97th Congress by the Subcommittee on Water and Power and the Subcommittee on Energy Regulation of the Senate Committee on Energy and Natural Resources to examine the problems surrounding hydroelectric development and licensing procedures. Among the many problems associated with the development of our hydro resources in general are the specific problems faced by non-Federal developers who seek to utilize Federal dams. Two problems came to light during the course of the hearings. First, on the the part of the developer, is the need for clear guidelines to follow in estimating the annual charges which the Government would levy for the use of a Federal dam for a hydro project, and second, is the need to clarify, in regards to Bureau of Reclamation Dams, whether or not there could be a "double charge" for the use of the structure. This legislation would address both problems—but I would stress, only those two problems.

Section 10(e) of the Federal Power Act of 1920 authorizes the establishment and collection of a reasonable annual charge for the licensing of a hydropower project and states in part that:

In no case shall a license be issued free of charge for the development and utilization of power created by any government dam and that the amount charged therefor in any license shall be such as determined by the Commission.

At this time there is great confusion in the hydro industry as to what those charges might be, and in turn, what crucial effect that such charges may have on the economic potential of a specific site.

Economic viability is the heart of hydropower development and to the extend that we in the Congress can clear up the uncertainties surrounding the question of the annual charge, we will further the development of this important resource. By establishing a reasonable cap on the charges to be imposed for the use of a Federal dam we will provide a stable target that a would-be developer could use in determining whether or not a proposed project is worthwhile. This stable target is particularly valuable to the small developer who may not be able to afford the many services which would be necessary in order to estimate what the annual charge would be; given the complex system of rate computations possible under existing law.

The would-be developer also faces a second problem in the case of Bureau of Reclamation facilities. Section 9(c) of the Reclamation Project Act of 1939 authorizes the Secretary of the Interior to lease power privileges. This has been interpreted to include the sale of falling water or other contractual arrangement to utilize the power head and storage capabilities at Bureau facilities for power production.

In effect, we have authority vested in two entities to charge for non-Federal power development at Bureau of Reclamation dams; the Federal Energy Regulatory Commission via the licensing process, and the Secretary of the Interior through a "falling water" charge. The bill that I propose establishes that the fee charged in the license shall be the only fee and shall be determined by the Commission. Such a declaration should be most helpful in assisting developers to complete the licensing process.

I have said that this bill will promote hydroelectric development, but there are also some important steps in the development process that this amendment to section 10(e) will not effect. It will not effect licensing procedures, nor the need to comply with applicable environmental statutes and requirements. The bill does not exempt any projects from existing procedures or seek to diminish in any way public opportunity to participate in the licensing process. The bill will not relieve developers of returning to the Federal Government an appropriate share of capital, operation, and maintenance costs. In addition, the bill provides for an annual charge of up to $1 per kilowatt of installed capacity and one-half mil per kilowatt hour of energy generated. In effect there would be a fixed charge for capacity, and an additional return to the Federal Government commensurate with generation.

It is a fine and difficult line we are trying to draw in respect to the appropriate Federal charge for the development of a public resource. We must strike a balance between the need to provide revenue to the Treasury while at the same time encouraging responsible development. If charges are set too high, there will be no development and hence no revenues. In turn, if charges are too low, the public would not be getting a fair return on the investment of their tax dollars in Federal facilities.

I am looking forward to working closely with the distinguished ranking member of the committee and the chairman of the Subcommittee on Energy Regulation on this legislation.

Mr. President, I ask unanimous consent that a brief statement summarizing section 10(e) of the Federal Power Act and the proposed amendment be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FACT SHEET ON SECTION 10(e) OF THE FEDERAL POWER ACT

I. EXISTING LAW

Section 10(e) requires that a licensee pay reasonable annual charges to be fixed by the Commission for the purpose of: (1) reimbursing the United States for the costs of administration of Part I of the Federal Power Act; (2) recompensing the United States for a licensee's use, occupancy and enjoyment of federal lands or other property; and (3) for the expropriation to the United States of excessive profits until the states make provision for preventing excessive profits or for the expropriation of such excessive profits to themselves, or until a specified amortization period is reached. In fixing the level of these charges, the Commission must seek to avoid increasing the price of power to the consumers, and may adjust such charges from time to time as conditions require.

When licenses are issued involving the use of government dams or other structures owned by the United States and located within reclamation projects, the annual charge set by the Commission for the use of such structures is subject to the approval of the Secretary of the Interior. When licenses are issued involving tribal lands within Indian reservations, the annual charge set by the Commission for the use of such lands is subject to the approval of the Indian tribe having jurisdiction over such lands. Both the government dam annual charge and the Indian lands annual charge may be readjusted by the Commission, upon notice and opportunity for hearing, twenty years after the project is available for service and at ten year intervals thereafter. Such readjustments are subject to the approval of the Secretary of the Interior and the Indian tribe, respectively.

Licenses issued to states and municipalities for the development, transmission or distribution of power may be issued without charge to the extent the power produced is sold to the public without profit or is used by the state or municipality for state or municipal purposes. Projects constructed by states or municipalities for the primary purpose of providing or improving navigation may be issued without charge and without any limitation placed upon the use of power produced at such projects. Licenses issued for the development, transmission or distribution of power for domestic, mining or other beneficial purposes in projects with an installed capacity of not more than 2,000 horsepower may also be issued without charge except when such projects are located on tribal lands within Indian reservations. Licenses for the development and utilization of power created by a government dam may not be issued free of charge and the amount assessed shall be determined by the Commission.

Should a licensee make an overpayment on an annual charge assessed pursuant to this section, the Commission may allow a credit for any such overpayment against any future annual charges.

II. PROPOSED AMENDMENT

The proposed amendment to Section 10(e) of the Federal Power Act would set a maximum ceiling on the annual charge to be fixed by the Commission for a licensee's use of a government dam or other structures owned by the United States. This maximum annual charge would be comprised of two parts: 1) any actual unreimbursed costs to the United States resulting from the construction, operation and maintenance of the project works; and 2) an annual rental charge not to exceed $1.00 per Kw of installed capacity and ½ mill per kWh of energy produced. In addition, the proposed amendment would provide that said maximum annual charge, as fixed by the Commission, shall be the only charge assessed by any agency of the United States for a licensee's use of a government dam or other structures owned by the United States. In all other respects, the provisions of Section 10(e) would remain unmodified.

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10(e) of the Federal Power Act (16 U.S.C. 803(e)) is amended by modifying the last clause of the sentence preceeding the last sentence to read as follows: "but in no case shall a license be issued free of charge for the development and utilization of power created by any Government dam, and the amount of such charge shall include the actual unreimbursed cost to the United States, if any, resulting from the construction, operation, and maintenance of the licensee's project works, in addition to an annual rental charge not to exceed $1 per kilowatt of installed capacity and one-half mill per kilowatt-hour of energy produced, and that the amount charged therefor in any license shall be the only charge assessed by any agency of the United States, and shall be such as determined by the Commission."●

● Mr. MURKOWSKI. Mr. President, I would like to express my strong support for the measure to amend section 10(e) of the Federal Power Act as in-

troduced today by the chairman of the Senate Energy Committee.

It is not necessary for me to once again reiterate my strong support for the development of our Nation's hydroelectric resources. During the last Congress, I took the opportunity to express often my belief that we should encourage the continued development of this energy source. By clarifying the question of what constitutes the falling water charge for the use of Government dams, this legislation will help non-Federal investors make sound decisions as to whether or not to go ahead with the investment necessary to develop a particular site.

The potential for further hydroelectric development at Federal dams is significant. The recent national hydroelectric power resources study by the Corps of Engineers gives a good indication of the magnitude of the resource that this legislation could effect. Of the 516 Federal dams included in the study, 168 already have hydro facilities with an installed capacity of 32,000 megawatts. The capacity potential at the 348 remaining structures and the additional capacity at 55 of the dams where facilities already exist totals 13,500 megawatts. In terms of energy produced, there is a potential for 25 billion kilowatt-hours of electricity annually or the equivalent of over 40 million barrels of oil each year. Certainly an important contribution to our Nation's energy needs.

Traditionally, the hydropower resource has been developed by the agency responsible for the water resource project, usually the Corps of Engineers or the Bureau of Reclamation. Last Congress, during hearings on legislation to authorize the Bureau of Reclamation to construct additional hydroelectric facilities at existing projects, the desirability for non-Federal development at several sites became apparent. Further hearings examined the FERC licensing process and the need for coordination among the Federal agencies involved. A significant step in facilitating non-Federal development at reclamation dams was the signing of a memorandum of understanding between the Bureau of Reclamation and the Federal Energy Regulatory Commission. This memorandum outlines the procedures for coordinating the efforts of the two agencies in licensing non-Federal hydro development at Bureau dams.

Mr. President, I ask unanimous consent that a copy of the memorandum appear in the RECORD at the conclusion of my remarks.

Although laudible in its intent, the memorandum does not fully address the question of the annual charge to the non-Federal developer for the use of the Government facilities. The bill which I am today cosponsoring fills this need—and not only just for Bureau dams, but all Federal dams.

The long-range benefits which would accrue from this legislation are many. By promoting hydro development, we will provide an energy source whose fuel is free and not subject to foreign embargo. We will promote an energy source, which for the most part is environmentally benign—particularly in those instances where existing dams are used. We will provide jobs in construction and related supply industries. And we will provide additional revenues to the Treasury.

As chairman of the Subcommittee on Energy Regulation, it is my hope to hold hearings on this measure as soon as the legislative and committee schedules permit.●

By Mr. EAGLETON (for himself, Mr. WEICKER, Mr. STAFFORD, Mr. COHEN, Mr. CRANSTON, Mr. DANFORTH, Mr. DODD, Mr. DURENBERGER, Mr. GORTON, Mr. HEINZ, Mr. KENNEDY, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. PELL, Mr. RANDOLPH, and Mr. RIEGLE):

S. 1133. A bill to extend the authorization of appropriations for the Legal Services Corporation and to improve the provisions relating to operation of the Corporation and legal services programs; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF THE LEGAL SERVICES CORPORATION

● Mr. EAGLETON. Mr. President, today, on behalf of myself and Senators WEICKER, STAFFORD, COHEN, CRANSTON, DANFORTH, DODD, DURENBERGER, GORTON, KENNEDY, MATSUNAGA, METZENBAUM, PELL, RANDOLPH, AND RIEGLE, I am introducing legislation to extend the authorization for appropriations for the Legal Services Corporation for 3 additional years.

If the very concept of equal justice under the law, upon which our Nation was founded, is to have any meaning in our adversary system of legal representation, then every individual must be provided the means whereby he can enforce his rights and redress his grievances.

The federally funded civil legal services program began modestly in 1965 as a $600,000 pilot program under title II of the Economic Opportunity Act. From its earliest days, it has been an embattled program by its very nature. Much of the litigation handled by legal services lawyers has placed it in direct conflict with Government and thus it has been threatened by interference within the executive branch, by Governors' vetoes, and by congressional efforts to restrict the ability of an attorney to represent his client.

Recognizing the inherent conflict between legal services programs and other Government entities, in May 1971, President Nixon, following recommendations by the American Bar Association and his own advisory council on executive organization, proposed legislation to have the program transferred to a new independent nonprofit corporation.

The National Advisory Committee, which included then-Attorney General Mitchell and HEW Secretary Richardson, stated the justification for independence as follows:

> The integrity of the lawyer-client relationship must be preserved free of interference by outside sources. Particularly, this means freedom from political pressure and conflicting governmental policies which detract from the lawyer's duty of absolute fidelity to his client. This can probably best be attained by establishing a structure independent of any federal, state, or local governmental department or agency.

At the time the independent corporation was proposed, then Director of OEO Frank Carlucci highlighted the controversy as follows:

> It is an act of great self-confidence for a government to make resources available for testing the legality of government practices. We have written laws and created government agencies that provide food for people who are hungry, homes for people who are homeless, and jobs for people who are unemployed.
>
> Consequently, a lawyer who is going to represent poor people is inevitably going to be an advocate for them against governmental agencies. It is to shield legal services from the repercussions generated by suits of this kind as well as those generated by action against private interests that the President proposes creation of an independent legal services corporation.

I can remember no other measure in my years in the Senate which was so hotly contested, deliberated upon for so long, and which finally won the support of so many with widely divergent political and ideological points of view.

Some Members of the Senate have advocated a block grant approach to legal services in lieu of the present independent Corporation structure. This administration, last year, suggested that increased pro bono efforts by private attorneys are a major way of augmenting legal services activities.

Mr. President, stated quite simply, neither approach will or can work.

It is totally unrealistic to expect that the States will move forward to provide an effective civil legal services program for their poor. Only about 1 percent of the funding for such services is now being provided by the States. The inherent conflicts of interest, combined with the States' historical nonrole in civil legal services, gives no indication that the States are willing or able to assume the role of provider of legal services to the poor.

As for the pro bono efforts of the private bar, this administration knows well that those efforts, while growing steadily, are simply inadequate. Private attorneys have attempted to address the obstacles to equal justice for the economically disadvantaged since

1876, when the first formal private legal services program was established in New York. Numerous legal aid and public defender programs were developed in the early 1900's, and have grown tremendously during this century. Despite these activities, it was and is apparent to everyone that this voluntary effort to provide the poor access to our justice system, while significant, was meeting only a small percentage of the legal needs of the poor.

For these reasons, Mr. President, 15 of my colleagues and I believe that anything short of reauthorization of an independent corporation is repugnant to the constitutional requirement of equal justice under law.

The legislation which we propose today authorizes appropriations to the Legal Services Corporation of $296 million for fiscal year 1984, and "such sums as may be necessary" for the subsequent 2 years. The major revisions to current law contained in the bill are as follows:

First. Amendments to the governing body provisions—In its deliberations on the 1974 act, Congress took great care to establish legislative history spelling out the criteria governing the qualifications of nominees to the Legal Services Corporation Board, one of which was "the assurance that the Board members understand and are fully committed to the role of legal assistance attorneys and support the underlying principle of this legislation that it is in the national interest that the poor have full access under the law to comprehensive and effective legal services." The bill codifies the legislative history's requirement that all individuals appointed to the Board be fully supportive of the underlying principles of the act.

The bill further sets out specific qualifications to be met by Board nominees representative of the organized bar, and representative of the client community.

The bill establishes in law that six qualified members of the Board shall constitute a quorum, and defines the term "qualified."

Second. Amendments to the powers, duties, and limitation provisions—The bill codifies the class action restrictions presently contained in Public Law 93-377, the fiscal year 1983 continuing resolution.

Third. Amendments to the grants and contracts provisions—The bill contains a new requirement that substantial funds be made available for private attorney involvement in the delivery of legal services; adds a new clause to the requirement that legal services be provided in the most economical and effective way, referencing the Corporation's statutorily mandated study of methods of delivery of legal services; and expands upon the existing act's restrictions on legislative advocacy.

Fourth. Amendments to the financing provisions—The bill authorizes $296 million for fiscal year 1984, and "such sums as may be necessary" for each of the 2 succeeding years. In addition, it codifies the provision in Public Law 93-377, the continuing resolution for fiscal year 1983, with respect to continuation of grants and contracts until a quorum of the Board is qualified. The bill deletes the prohibition in the existing act that private funds received by legal services programs for the provisions of legal services be subject to the same restrictions as the Federal funds, but retains the requirement that funds received from sources other than the Legal Services Corporation must be accounted for and reported separately.

Mr. President, I ask unanimous consent that the text of the bill be printed following my remarks.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "Legal Services Corporation Act Amendments of 1983".

GOVERNING BODY

Sec. 2. (a) Section 1004(a) of the Legal Services Corporation Act of 1974 (hereafter in this Act referred to as "the Act") is amended by adding at the end thereof the following: "All individuals appointed to the Board shall be fully supportive of the underlying principle of the Act that it is in the national interest that low-income individuals have equal access under the law to comprehensive and effective legal services. Individuals appointed to the Board who are generally representative of the organized bar shall be individuals who—

(1) have participated on bar committees concerned with the delivery of legal services to the poor;

(2) have served on the governing body of an organization or entity involved in such delivery; or

(3) have engaged in the direct provision of legal services to eligible clients through a staff attorney, or a *pro bono* or reduced fee program.

Each individual appointed to the Board as an eligible client shall be an individual who, when nominated, was eligible to receive legal assistance under this Act.

(b) Section 1004(h) of the Act is amended by adding at the end thereof the following: "At each meeting of the Board, the presence of six qualified members who meet the requirements of section 1004(a), at least one of whom shall be an individual who when appointed was one of the eligible clients shall be necessary to constitute a quorum.".

(c) Section 1002 of the Act is amended by redesignating clauses (6), (7), and (8) as clauses (7), (8), and (9), respectively, and inserting after clause (5) the following:

"(6) 'qualified' means, with respect to a member of the Board, an individual who has been appointed by the President, by and with the advice and consent of the Senate, and who has taken the oath of office;".

POWERS, DUTIES, AND LIMITATIONS

Sec. 3. Section 1006(d)(5) of the Act is amended by adding at the end thereof the following: "With respect to a class action suit against the Federal Government or any State or local government, the project director shall, prior to filing such action, further determine—

(A) that the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance;

(B) that the government entity is not likely to change the policy or practice in question, and that the policy or practice will continue to adversely affect eligible clients; and

(C) that the recipient has given notice of an intention to seek class relief and that reasonable efforts to resolve the adverse effects of the policy or practice without litigation have not been successful or would be adverse to the interests of the client.".

GRANTS AND CONTRACTS

Sec. 4. (a) Section 1007(a) of the Act is amended—

(1) by redesignating clauses (3) through (10) as clauses (4) through (11) respectively, and

(2) by inserting after clause (2) the following new clause:

"(3) make available, in each fiscal year to the extent feasible and consistent with clause (4), substantial funds to provide the opportunity for legal assistance to be furnished to eligible clients by private attorneys;".

(b) Section 1006(b)(5) of the Act is amended—

(1) by striking out "section 1007(a)(6)" and by inserting in lieu thereof "section 1007(a)(7)"; and

(2) by striking out "section 1007(a)(5)" and inserting in lieu thereof "section 1007(a)(6)".

(c) Section 1007(a)(4) of the Act, as redesignated by this section, is amended by inserting before the semicolon a comma and "consistent with the findings of the study conducted under section 1007(g) of this Act, in effect prior to the date of enactment of the Legal Services Corporation Act Amendments of 1983.".

(d) Section 1007(a)(6) of the Act, as redesignated by this section, is amended to read as follows:

"(6) insure that no funds made available by the Corporation shall be used at any time, directly or indirectly, to pay for any personal services, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council or any similar governing body acting in a legislative capacity, except when—

"(A) communications are made in response to any Federal, State, or local official upon the formal request of such official; or

"(B) the project director of a recipient has expressly approved the undertaking of legislative representation of an eligible client in accordance with policy established by the governing body of such recipient and has determined prior to approving the undertaking of such representation that (i) the client is directly affected by provisions of

particular legislation or is in need of relief which can best be provided by the legislature, and (ii) that documentation specifically authorizing such representation has been secured from the eligible client, which documentation includes a statement of the specific interest of the client; or

"(C) the project director of a recipient has expressly determined that the legislative body is considering an authorization, appropriation, or any other measure affecting the authority, function, or funding of the recipient or the corporation, or is conducting oversight of the recipient or the Corporation.".

(e) Subsections (g) and (h) of section 1007 of the Act are repealed.

FINANCING

SEC. 5. (a) Section 1010(a) of the Act is amended by inserting immediately after the second sentence the following new sentence: "There are authorized to be appropriated for purposes of carrying out the activities of the Corporation $296,000,000 for fiscal year 1984, and such sums as may be necessary for each of the two succeeding fiscal years.".

(b) Section 1010(a) of the Act is further amended by inserting "(1)" after "(a)" and by adding at the end thereof the following new paragraph:

"(2) Whenever the Board includes less than six members who have been appointed and are qualified in accordance with section 1004(a), appropriations for that fiscal year shall be used by the Corporation in making grants or entering into contracts under section 1006(a)(1) and (3) so as to insure that annual funding for each current grantee and contractor is maintained uninterrupted for that fiscal year under the same terms and conditions as were applicable in the previous fiscal year. If the appropriation for the fiscal year to which this paragraph applies is the same amount as was appropriated in the previous fiscal year, the annual funding for that fiscal year for each grantee or contractor shall be the same as in the previous fiscal year. If the appropriation for the fiscal year to which this paragraph applies differs from the previous fiscal year, the annual funding for each grantee or contractor for that fiscal year shall be an amount which bears that same ratio to the total appropriation for that fiscal year as the amount paid to each such grantee or contractor for the previous fiscal year bears to the total appropriation to the Corporation in the previous fiscal year.".

(c) Section 1010(c) is amended by striking out the semicolon and all that follows, and inserting in lieu thereof a period.

● Mr. WEICKER. Mr. President, I am pleased to join my colleagues today in introducing legislation to reauthorize the Legal Services Corporation and to improve its effectiveness in providing access for all Americans to our system of justice.

Congress created this agency 8 years ago as a private, nonprofit organization to serve the legal needs of the Nation's poor. During this short time, it has compiled an impressive record of service to millions who would not otherwise have been able to stand up for themselves in our highly litigious society. Unwarranted utility cutoffs, eviction actions, termination of medicaid services, consumer fraud, employment discrimination, and family law problems are among the situations in which the Legal Services Corporation has been of substantial help. A large number of cases in which the Legal Services Corporation has been involved help preserve basic human rights.

Mr. President, either in ignorance of or in spite of this record, the administration and some Members of the Congress have by every means known to man, tried to undermine, emasculate, and othewise do in the Corporations. The President's fiscal year 1982, 1983, and 1984 budget requests have zero-funded this agency. Congress did not concur in this judgment and has repeatedly restored funds. I fully expect that an appropriation will again be forthcoming this year.

Failing to abolish the Legal Services Corporation, the President set about stacking its Board with sworn opponents. Placed on the Board through the recess appointment power, those members began an "inside job" on the Corporation. This strategy also failed when the Congress refused to confirm the appointments.

I do not know how many times the Congress and the administration are going to have to go to the mat on this matter, but it should be clear to all that the Legal Services Corporation is here to stay and we had best get on with the job of making it work as well as possible.

The bill we introduce today is directed toward that goal.

Mr. President, I hope my colleagues will carefully consider this legislation in light of the record of service of the Legal Services Corporation in protecting basic civil rights in our society. The drumbeat of criticism of the Corporation will doubtless continue; passage of this bill will not be an easy task. But it will be well worth the effort, because of the paramount importance of what is at stake.●

● Mr. KENNEDY. Mr. President, I am pleased to join my colleagues, including the principal sponsors, Senators EAGLETON, WEICKER, and STAFFORD, in introducing the Legal Services Corporation Amendments of 1983. This bill, by extending the authorization of the Legal Services Corporation, will insure that vital Federal support for legal services to the poor continues.

I think it is quite significant that once again a bipartisan group of Senators have come together to support this program. When the legislation creating the Corporation was first introduced a decade ago, I was then also one of a bipartisan group of Senate sponsors. When the measure became law, it was passed with bipartisan majorities by both Houses of a Democratically controlled Congress and signed into law by a Republican President. And when this program came under attack 2 years ago from the Reagan administration and from public and congressional critics, a bipartisan coalition in both Houses united to defend and preserve the Corporation. This long, continued bipartisan support is a testimonial to the importance of the Corporation and to its success in meeting the needs of its clients and our society.

This broad congressional support is reflected in the broad support the Corporation enjoys in American society in general. A recent New York Times-CBS News poll found that 83 percent of the people polled favored continuing or expanding Federal support for legal services to the poor. And this level of support cut across ideological and political divisions. Since its inception, members of the bar and the judiciary have joined with the people in poverty and social activists in support of the program.

Despite the claims of its opponents, the Legal Services Corporation is not a politically isolated, publicly unpopular program. It is instead a popular program and for a very simple reason—it works. For millions of poor Americans, it has made the phrase "equal justice under the law" a reality. It has been the difference between becoming a victim of the system and becoming part of the system.

The volunteer efforts of the organized bar have never been sufficient to meet the needs of these millions in poverty, despite the fondest wishes of the Reagan administration. Nor are they likely to be sufficient in the next few years as millions of Americans struggle to recover from double-digit unemployment and a stagnant economy. I do believe that the organized bar has a role in this program and that they should endeavor to do more in an effort to provide more adequate legal services to the poor and this bill encourages such efforts. But I firmly believe that these efforts can in the end only supplement the work of a federally supported program, like the Legal Services Corporation.

I am vividly aware of the need to reduce our budget and the enormous budget deficit our country faces. Nevertheless, I support the increased funding level authorized by this legislation for the Corporation. Two years ago, the Corporation suffered a 25-percent budget cut—from $321 million to $241 million. The impact on the field programs has been devastating. The programs have lost 1,546 skilled and dedicated attorneys—24 percent of the total and have been forced to close 354 field offices—almost a fourth of all the offices. It is to their credit that these programs continue to provide the needed services to hundreds of thousands of Americans annually.

The testimony of John Cromartie, director of Georgia Legal Services, in a House Judiciary Subcommittee hearing on April 13, 1983, graphically illustrated the impact of these cuts.

"• • • There is no question that we are turning away hundreds of clients a month. Our Dalton office is generally seeing one-third fewer people than it did a year ago. In March, the figure went down to one-half. In February, the Gainesville office turned away 70 people. Our Macon office has a six-week waiting period for an appointment. At case acceptance meetings, fully 60 percent of the cases considered are rejected. In 1981 nearly all of these cases would have been accepted. Even these dismal figures overstate our ability to meet the demand because they do not take into consideration the people who never get to our offices. The problems are particularly severe in the rural communities where we have been forced to close offices or curtail circuit-riding.

The authorization increase included in this bill would not restore the programs to their levels of 1981 as much as I would like to see this occur. It simply compensates the program for the inflationary increases during that time and insures that rising costs do not further degrade program services.

Mr. President, our Nation guarantees to its citizens that they are all equal in the eyes of the law. It guarantees those who are victimized by institutions or individuals a system to receive justice and compensation. But if you are poor, those guarantees are hollow without the legal support necessary to make that system work and to make their participation effective. That is the role of the Legal Services Corporation. And that is why we must enact this legislation.●

● Mr. RIEGLE. Mr. President, today I join with a bipartisan group of Senators as a cosponsor of a bill to reauthorize the Legal Services Corporation for 3 years at a funding level in fiscal year 1984 of $296 million.

This important program has survived without an authorization since 1980 despite continuous attempts by the Reagan administration to eliminate the program or, at the very least, to undermine its effectiveness. Because of strong bipartisan support for the Legal Services Corporation in this body and the House of Representatives, the administration has been unsuccessful. Nevertheless, the budgetary and administrative war waged against LSC has yielded some victories, largely at the expense of poor people and their access to the courts. It is high time that the Congress sent yet another unequivocal signal to the Reagan administration regarding its determination to see the Legal Services Corporation continue to provide legal assistance to poor, disabled, and elderly Americans. That signal is the passage of this reauthorization bill.

Mr. President, the effectiveness of this program has been well documented. We know that 95 percent of funding is utilized for direct services to eligible clients. The overwhelming majority of legal services cases involve the routine legal problems of individuals. The largest percentage of cases involve family matters, and the most frequently provided service is simply giving advice and counsel. Women, who represent a clear majority of Americans living below the poverty line, number over two-thirds of the clients served. Poor, handicapped, and minority children, who would otherwise not receive representation, are frequent clients of the Legal Services Corporation. In 1981, almost 13 percent of clients served were over age 60. With the help of legal services agencies, the poor are able to redress discrimination in employment, education, housing and credit, to obtain divorces or child custody, and to enforce their rights under programs that provide food or shelter.

The Legal Services Corporation was developed to realize the concept of equal access to justice for all Americans. This administration is undermining this fundamental concept. One needs to look no further than my own State of Michigan to see the detrimental effect of the Reagan administration on the delivery of legal services to the poor. While the Congress has repeatedly rejected the proposals to eliminate Federal funding, the Corporation did fall victim to budget cuts. In 1982, there was a 25-percent reduction from the 1981 funding level to $241 million and this funding level has remained constant despite inflation and an increased demand for services. In Michigan this cut has required large-scale staff reductions and the closing of many of the legal services offices. In 1982, Michigan lost $1.8 million in Federal funding for legal services, which translated into the loss of 61 attorneys and 159 paralegals and other support personnel. These massive reductions have crippled the ability of programs to begin to meet the needs of increasing caseloads at a time of record high unemployment in our State.

While legal services field offices in my State and across the Nation have struggled with deep cuts and continuous budgetary uncertainty, the White House has worked vigorously to undermine the Corporation administratively. We have seen the nomination of Board members who seem determined to ignore their statutory duty and to work actively at dismantling the Corporation. Although the lucrative consulting fees collected by many Board members over the last 2 years have not been found to be expressly illegal, it would seem at the very least to be inappropriate for individual Board members to profit while curtailing services to the poor. After 2 long years, the Senate has yet to have the opportunity to exercise its confirmation rights in regard to the Legal Services Board of Directors. At this moment, five Board members, who have not been subject to the confirmation process, have been charged by the President with the administration of this important program.

The instability experienced by the Legal Services Corporation over the past 2 years cannot be completely remedied while the administration in power continues to advocate its elimination. However, as members of the legislative branch of Government, we can contribute to the Corporation's effectiveness by renewing its authorization and providing some statutory safeguards which will help to assure proper administration of the act. I believe this bill will do exactly that. The bill emphasizes the need to appoint Board members whose qualifications include a history of providing legal aid to the poor. It extends the provision in the 1983 continuing resolution with respect to the continuation of grants and contracts until a quorum of the Board is confirmed by the Senate. In addition, the bill modifies restrictions in the existing statute regarding class action suits and legislative advocacy.

I continue to have serious reservations about restrictions which intrude on the judgment of an attorney as to how he or she might best serve a given client's needs. I am even more reluctant to support the inclusion of such restrictions in the authorizing statute. Nevertheless, I support the bill as written because I believe the drafters of this legislation have accepted political realities in order to insure the passage of this vital legislation. I simply urge that this body resist any additional efforts to intrude on the attorney-client relationship.

Mr. President, this legislation has the support of the majority of the members of the Labor and Human Resources Committee. It is my hope that it will be reported favorably by that body sometime next month and will receive favorable floor consideration shortly thereafter. I urge my colleagues to join me as a cosponsor of this important bill as we reaffirm the important democratic principle of equal justice under the law.●

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1134. A bill to dedicate the Golden Gate National Recreation Area to Phillip Burton; to the Committee on Energy and Natural Resources.

DEDICATION OF GOLDEN GATE NATIONAL RECREATION AREA TO PHILLIP BURTON

Mr. CRANSTON. Mr. President, on behalf of Senator WILSON and myself I introduce for appropriate reference a bill to dedicate the Golden Gate national recreation area in California to Phillip Burton. This bill is identical to H.R. 2600 introduced in the House by Congressman GEORGE MILLER and nearly 100 cosponsors.

As my colleagues know, Phil Burton was an ardent conservationist. As a member of the House Interior and In-

sular Affairs Committee, he fought to preserve many outstanding natural and cultural areas of our Nation for the benefit of all the people of the United States for all time. His efforts brought about the expansion of the Redwood National Park saving the Tall Tree Grove of giant redwoods, protection of the Tahoe basin from further deterioration, and establishment of the Santa Monica Mountains national recreation area and the Channel Islands National Park. Phil was a key figure in the passage of the Alaska Lands Act, protecting over 100 million acres of land. He helped triple the size of the national trails system, nearly double the size of the wild and scenic rivers system, and more than double the wilderness acreage in the national park system. At the time of his death, he was working to double national forest wilderness in the State of California. And for San Francisco, Phil Burton authored legislation creating the Golden Gate national recreation area, a magnificent urban park stretching from the Golden Gate to the Marin Headlands and up the coast to Point Reyes. It is most fitting that the Golden Gate national recreation area be dedicated to Phil Burton in recognition of his leadership and the numerous contributions he made for all of us in protecting the environment.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Golden Gate National Recreation Area, California, is hereby dedicated to Congressman Phillip Burton in recognition of his leadership in establishing the Golden Gate National Recreation Area, his outstanding contributions to the national park system, the wilderness preservation system, and to the protection and preservation of our great natural and cultural resources for the benefit of the people of the United States for all time.

SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to, changes in existing signs, materials, maps, markets, interpretive programs or other means as will adequately inform the public of the contributions of Phillip Burton.

SEC. 3. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the boundaries of the Fort Mason unit of the Golden Gate National Recreation Area, an appropriate memorial to Phillip Burton. Such memorial shall include but not be limited to an appropriate permanent marker describing the contributions of Phillip Burton to the Nation.

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HATFIELD:

S. 1135. A bill to consent to the Goose Lake Basin Compact between the States of California and Oregon; to the Committee on the Judiciary.

GOOSE LAKE BASIN COMPACT

● Mr. HATFIELD. Mr. President, today, I am reintroducing legislation to ratify the Goose Lake Basin Compact between the States of California and Oregon. I introduced this bill in both the 96th and 97th Congresses; however, final passage has not occurred. Similar legislation has been introduced in the House of Representatives by Mr. BOB SMITH. Goose Lake lies on the border of California and Oregon, and, as such, both States have an interest in the utilization, development, and conservation of the water resource of the Goose Lake Basin. The compact protects this interest by requiring the consent of both State legislatures for the export of water from the basin and provides further restrictions on the interstate use and transfer of water within the basin.

Mr. President, I have been asked to introduce this legislation by the commissioners of Lake County, Oreg., and by interested parties in that county. By introducing this bill, I am hoping that questions and possible objections can be fully aired, and hopefully resolved, and the compact ratified.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the Goose Lake Basin Compact between the States of California and Oregon, which compact is as follows:

"GOOSE LAKE BASIN COMPACT

"INDEX

"Article I.....	Purposes.
Article II.....	Definition of Terms.
Article III.....	Distribution and Use of Water.
Article IV.....	Administration.
Article V.....	Termination.
Article VI.....	General Provisions.
Article VII.....	Ratification.
Article VIII.....	Federal Rights.

"ARTICLE I. PURPOSES

"The major purposes of this compact are:

"A. To facilitate and promote the orderly, integrated and comprehensive development, use, conservation and control of the water resources of Goose Lake Basin.

"B. To further intergovernmental cooperation and comity and to remove the causes of present and future controversies by (1) providing for continued development of the water resources of Goose Lake Basin by the States of California and Oregon, and (2) prohibiting the export of water from Goose Lake Basin without consent of the legislatures of California and Oregon.

"ARTICLE II. DEFINITION OF TERMS

"As used in this compact:

"A. 'Goose Lake Basin' shall mean the drainage area of Goose Lake within the States of California and Oregon and all closed basins included in the Goose Lake drainage basin as delineated on the official map of the Goose Lake Basin which is attached to and made a part of this compact.

"B. 'Person' shall mean the States of Oregon and California, any individual and any other entity, public or private.

"C. 'Water', 'water' or 'water resources' shall mean any water appearing on the surface of the ground in streams, lakes, or otherwise, and any water beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water within the boundaries of Goose Lake Basin.

"ARTICLE III. DISTRIBUTION AND USE OF WATER

"A. There are hereby recognized vested rights to the use of water originating in Goose Lake Basin existing as of the effective date of this compact and established under the laws of California and Oregon.

"B. Except as provided in this Article, this compact shall not be construed as affecting or interfering with appropriation under the laws of California and Oregon of unappropriated waters of Goose Lake Basin for use within the basin.

"C. Export of water from Goose Lake Basin for use outside the basin without prior consent of both State legislatures is prohibited.

"D. Each state hereby grants the right for a person to construct, and operate facilities for the measurement, diversion, storage, and conveyance of water from the Goose Lake Basin in one state for use within the basin in the other state, providing the right to such use is secured by appropriation under the general laws administered by the Water Resources Director of the State of Oregon or the Water Rights Board of California and the laws of the state from which the water is to be taken shall control.

"E. Should any facilities be constructed in one state to implement use of water in the other state, the construction, operation, repairs and replacements of such facilities shall be subject to the laws of the state in which the facilities are constructed.

"ARTICLE IV. ADMINISTRATION

"No commission or administrative body is necessary to administer this compact.

"ARTICLE V. TERMINATION

"This compact may be terminated at any time by consent of the legislatures of California and Oregon and upon such termination all rights then established hereunder shall continue unimpaired.

"ARTICLE VI. GENERAL PROVISIONS

"Nothing in this compact shall be construed to limit, or prevent any state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction thereof for the protection of any right under this compact or the enforcement of any of its provisions.

"ARTICLE VII. RATIFICATION

"A. This compact shall become operative when ratified by the legislatures of California and Oregon and consented to by the Congress of the United States.

"B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

"C. A copy of any proposed amendments to or termination of this compact shall be

filed with the Board of Supervisors of Modoc County, California, and the County Court of Lake County, Oregon, at least 30 days prior to any legislative consideration by the legislatures of the States of California and Oregon.

"ARTICLE VIII. FEDERAL RIGHTS

"Nothing in this compact shall be deemed:

"A. To impair or affect the existing rights or powers of the United States of America, its agencies, or instrumentalities, in and to the use of the waters of the Goose Lake Basin nor its capacity to acquire rights in and to the use of said waters.

"B. To subject any property of the United States of America, its agencies or instrumentalities, to taxation by any state or subdivision thereof, nor to create an obligation on the part of the United States of America, its agencies or instrumentalities by reason of the acquisition, construction or operation of any property or works of whatsoever kind, to make any payments to any state or political subdivision thereof, state agency, municipality or entity, whatsoever in reimbursement for the loss of taxes.

"C. To subject any property of the United States of America, its agencies or instrumentalities, to the laws of any state to any extent other than the extent to which these laws would apply without regard to the compact."●

By Mr. TSONGAS:

S.J. Res. 87. Joint resolution designating a Day of Remembrance for Victims of Genocide; to the Committee on the Judiciary.

DAY OF REMEMBRANCE FOR VICTIMS OF GENOCIDE

● Mr. TSONGAS. Mr. President, April 24, 1984, will mark the 68th anniversary of one of the most dreadful episodes in history: The massacre of more than 1 million Armenians in Turkey between 1915 and 1923. On April 24 every year, Armenians throughout the world recall and mourn this genocide against their ancestors. Because I believe there is value in reminding Americans of this period of atrocities, I today am introducing a resolution calling on the President to designate April 24, 1984, a day of remembrance for all victims of genocide, especially those of Armenian ancestry.

The Armenian genocide has become known as the first genocide of the 20th century. The arrests, deportations, torture, and murder of that era must never be forgotten. It is imperative that we who value human life and dignity acknowledge such tragedies and strive to prevent them from happening again.

Basic to the U.S. heritage is a commitment to human rights. Our citizens have a long tradition of speaking out on behalf of those who cannot speak for themselves. And nothing is more fundamental to the American spirit than a willingness to provide refuge to those who have been persecuted and oppressed elsewhere in the world.

It is therefore only natural that this country should have become home to a large Armenian community and that we should sympathize with the plight of Armenians around the world. In Cyprus today, for example, Armenians have demonstrated an indomitable spirit in the face of a restrictive Turkish policy, and they deserve our continuing support.

The history of the Armenian people has been one of survival against overwhelming odds. Despite the horrors of the genocide of Armenians during the Ottoman Turkish Empire in the early part of this century, the Armenian people have remained faithful to their culture, values, and desire for freedom.

The genocide perpetrated against them must never be forgotten. By remembering such atrocities, people who have suffered under cruel and heinous regimes can maintain a sense of ethnic identity and alert future generations about evil in the past so as to avoid it in the future.

We are fortunate in the United States to have the benefit of ethnic diversity. In particular, in my home State of Massachusetts, we have benefited immensely from ethnic diversity. Our large Armenian community has greatly enhanced the quality of life in the Commonwealth by sharing its rich heritage and culture.

The Armenian people have been exemplary citizens of our Nation. They are leaders in the professions, in the arts and sciences, in the business community and in all levels of government.

As the Armenian community has overcome its great suffering and has flourished, so must other peoples take heart from their example and flourish despite repression against them and violations of basic human rights. We in the United States must unite behind human rights for all peoples who have suffered and continue to suffer.

For these reasons, Mr. President, I urge my colleagues to adopt the resolution I am introducing today to make April 24, 1984, a day of remembrance for victims of genocide.●

By Mr. DENTON (for himself, Mr. HATCH, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. DOLE, Mr. EAST, Mr. HATFIELD, Mrs. HAWKINS, Mr. HEFLIN, Mr. HELMS, Mr. HUDDLESTON, Mr. HOLLINGS, Mr. INOUYE, Mr. JEPSEN, Mr. KASTEN, Mr. LAXALT, Mr. LEVIN, Mr. MATTINGLY, Mr. NICKLES, Mr. NUNN, Mr. ROTH, Mr. SPECTER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, and Mr. TOWER):

S.J. Res. 88. Joint resolution to authorize and request the President to proclaim 1984 as the "National Year of Voluntarism"; to the Committee on the Judiciary.

NATIONAL YEAR OF VOLUNTARISM

Mr. DENTON. Mr. President, as chairman of the Subcommittee on Family and Human Services, I support the introduction of a voluntarism initiative package. I am pleased to cosponsor the 1983 amendments to the Domestic Volunteer Service Act, introduced by Senator HATCH, chairman of the Labor and Human Resources Committee. The amendments provide a 3-year reauthorization of the programs under the ACTION Agency. Those programs have proven to be very cost effective, and I am confident that Senator HATCH's amendments will improve them.

I am also pleased to introduce a Senate joint resolution to designate 1984 as the National Year of Voluntarism. My distinguished colleagues, Senators HATCH, BOSCHWITZ, CHAFEE, DOLE, EAST, HATFIELD, HAWKINS, HEFLIN, HELMS, HUDDLESTON, HOLLINGS, INOUYE, JEPSEN, KASTEN, LAXALT, LEVIN, MATTINGLY, NICKLES, NUNN, ROTH, SPECTER, STENNIS, SYMMS, THURMOND, and TOWER, are cosponsors of this resolution.

Community groups throughout American history have banded together and cooperated to alleviate individual and community crises. The voluntarism initiative will set an example for businesses and religious organizations to resume the role that they played and can play again in helping their fellow man. Our society must return to the principle that charity and good works begin at home, not through the welfare system in Washington.

I feel that it is appropriate to introduce the voluntarism initiative during National Volunteer Week. Our Nation's recognition of millions of Americans who perform voluntary service for their communities and less fortunate neighbors deserves recognition and support from the Congress. Accordingly, tomorrow, Friday, April 22, the Subcommittee on Family and Human Services will hold a hearing on voluntarism and the reauthorization of the Domestic Volunteer Service Act.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. CRANSTON, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 7, a bill to amend title XIX of the Social Security Act to extend medicaid eligibility to certain low-income pregnant women and newborn children.

S. 41

At the request of Mr. DURENBERGER, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 41, a bill to extend the revenue sharing program for local governments through fiscal year 1986.

S. 75

At the request of Mr. MELCHER, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 75, a bill to repeal sec-

tions 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends.

S. 144

At the request of Mr. DANFORTH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

S. 163

At the request of Mr. INOUYE, the name of the Senator from South Caroline (Mr. HOLLINGS) was added as a cosponsor of S. 163, a bill to amend title XII of the Public Health service Act to provide for demonstration programs relating to emergency health care for children.

S. 212

At the request of Mr. PRESSLER, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 212, a bill to authorize funds for the United States Travel and Tourism Administration.

S. 269

At the request of Mr. MCCLURE, the name of the Senator from Alaska (Mr. STEVENS), and the Senator from Nevada (Mr. HECHT) were added as a cosponsor of S. 269, a bill to provide for the disposal of silver from the National Defense Stockpile through the issuance of silver coins.

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from West Virginia (Mr. RANDOLPH), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Idaho (Mr. SYMMS) were added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 397

At the request of Mr. HEINZ, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 397, a bill to amend the Export Administration Act of 1979.

S. 418

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 418, a bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for further relief in the event of unfair foreign competition.

S. 453

At the request of Mr. WARNER, the names of the Senator from Utah (Mr. HATCH), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 453, a bill to amend the Tariff Schedules of the United States to impose a one-tenth of one percent duty on apple and pear juice.

S. 476

At the request of Mr. LEVIN OF MICHIGAN, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 525

At the request of Mr. HEINZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 525, a bill to require that installment payments of revenue sharing allocations be paid at the beginning of each quarter.

S. 530

At the request of Mr. PELL, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 530, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 555

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 571

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 571, a bill to amend the Federal Property and Administrative Services Act of 1949 to make Federal surplus property more accessible to local emergency preparedness and volunteer firefighting organizations and to authorize and direct the Federal Emergency Management Agency to recommend available Federal surplus to the Administrator of the General Services Administration, and for other purposes.

S. 583

At the request of Mr. HEINZ, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 583, a bill to amend the Tariff Schedules of the United States.

S. 586

At the request of Mr. HEINZ, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 586, a bill to direct the Secretary of Housing and Urban Development to undertake a program to demonstrate the feasibility of funding neighborhood development activities by providing Federal matching funds to private nonprofit neighborhood organizations on the basis of the voluntary contributions to such organizations from individuals, businesses, and religious institutions in their neighborhoods.

S. 591

At the request of Mr. INOUYE, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the U.S. Olympic Committee.

S. 602

At the request of Mrs. HAWKINS, the name of the Senator from North Carolina (Mr. EAST), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Virginia (Mr. TRIBLE), the Senator from South Carolina (Mr. THURMOND), the Senator from Tennessee (Mr. BAKER), the Senator from Virginia (Mr. WARNER), the Senator from New Jersey (Mr. BRADLEY), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 602, a bill to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes.

S. 657

At the request of Mr. DOLE, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 657, a bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

S. 684

At the request of Mr. ABDNOR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 684, a bill to authorize an ongoing program of water resources research.

S. 707

At the request of Mr. RIEGLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 707, a bill to establish domestic content requirements for motor vehicles sold or distributed in interstate commerce in the United States.

S. 804

At the request of Mr. MATHIAS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 804, a bill to reform the Federal criminal laws by establishing certain standards and limits for conducting Federal undercover operations and activities, and for other purposes.

S. 847

At the request of Mr. HEINZ, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 847, a bill to extend for 5 years the existing suspension of duty on crude feathers and down.

S. 905

At the request of Mr. RIEGLE, his name was added as a cosponsor of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983".

S. 966

At the request of Mr. MCCLURE, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 966, a bill to amend the act of October 20, 1976 (90 Stat. 2662), as amended.

S. 1006

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1006, a bill to to amend the Internal Revenue Code of 1954 to repeal the 15-percent reduction in percentage depletion for iron ore and coal.

S. 1036

At the request of Mr. DECONCINI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1036, a bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes.

S. 1052

At the request of Mr. ROTH, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1052, a bill to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations.

SENATE JOINT RESOLUTION 29

At the request of Mr. HOLLINGS, his name was added as a cosponsor of Senate Joint Resolution 29, a joint resolution to prevent nuclear testing.

SENATE JOINT RESOLUTION 32

At the request of Mr. SYMMS, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of Senate Joint Resolution 32, a joint resolution to provide for the designation of May 1983, as "National Arthritis Month".

SENATE JOINT RESOLUTION 48

At the request of Mr. MCCLURE, the names of the Senator from Utah (Mr. GARN), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Journal Resolution 48, a joint resolution to amend the Constitution of the United States to limit budget outlays for a fiscal year to not more than 20 per centum of gross national product for such fiscal year.

SENATE JOINT RESOLUTION 50

At the request of Mr. LEVIN, the names of the Senator from Louisiana (Mr. LONG), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of Senate Joint Resolution 50, a joint resolution designating the week beginning September 25, 1983, as "National Adult Day Care Center Week."

SENATE JOINT RESOLUTION 67

At the request of Mr. HEFLIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Nevada (Mr. LAXALT), the Senator from Nebraska (Mr. EXON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DIXON), the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Ohio (Mr. GLENN), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mr. BUMPERS), The Senator from Texas (Mr. BENTSEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Idaho (Mr. SYMMS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. RIEGLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Montana (Mr. BAUCUS), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Senate Joint Resolution 67, a joint resolution to designate the week of September 25, 1983, through October 1, 1983, as "National Respiratory Therapy Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. SYMMS, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Mississippi (Mr. STENNIS), the Senator from Indiana (Mr. LUGAR), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 75, a joint resolution to provide for the designation of June 12 through 18, 1983 as "National Scleroderma Week."

SENATE JOINT RESOLUTION 77

At the request of Mr. DOLE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 77 a joint resolution designating "National Animal Agriculture Week."

SENATE JOINT RESOLUTION 81

At the request of Mr. HEINZ, the names of the Senator from Vermont (Mr. STAFFORD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 81, a joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day."

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. DOLE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United States Decade of Disabled Persons (1983-92).

SENATE RESOLUTION 74

At the request of Mr. PELL, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people on Taiwan.

SENATE RESOLUTION 95

At the request of Mr. PERCY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Wisconsin (Mr. KASTEN), the Senator from North Carolina (Mr. EAST), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Resolution 95, a resolution to express the sense of the Senate that the President should initiate negotiations on a new long-term agreement on agricultural trade with the Soviet Union.

At the request of Mr. DOLE, the names of the Senator from Louisiana (Mr. LONG) and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Resolution 95, supra.

SENATE RESOLUTION 106

At the request of Mr. THURMOND, the names of the Senator from Ohio (Mr. GLENN), the Senator from Vermont (Mr. STAFFORD), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. NUNN), the Senator from Arizona (Mr. DECONCINI), the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Resolution 106, a resolution to commemorate the 10th anniversary of the U.S. Product Safety Commission by designating the week of May 8, 1983, through May 14, 1983 as "National Product Safety Week."

SENATE RESOLUTION 116

At the request of Mr. GOLDWATER, the names of the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. MOYNIHAN), the Senator from Tennessee (Mr. BAKER), the Senator from New York (Mr. D'AMATO), the Senator from North Carolina (Mr. HELMS), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of Senate Resolution 116 a resolution deploring the bombing of the U.S. Embassy in Beirut, Lebanon, and expressing the sorrow and condolences of the Senate on the death and wounding of Americans caught in the bombing, and for other purposes.

AMENDMENT NO. 1179

At the request of Mr. KASTEN, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Amendment No. 1179 proposed to S. 144 a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and

investment for the United States, and for other purposes,.

AMENDMENT NO. 1180

At the request of Mr. THURMOND, his name was added as a cosponsor of Amendment No. 1180 proposed to S. 144, a bill to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes.

AMENDMENTS SUBMITTED

RECIPROCAL TRADE AGREEMENTS

SPECTER AMENDMENT NO. 1194

Mr. SPECTER proposed an amendment to the bill (S. 144) to insure the continued expansion of reciprocal market opportunities in trade, trade in services, and investment for the United States, and for other purposes, as follows:

At the appropriate place insert the following:

SEC. . Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting after the words "nineteen hundred and thirteen;" the words "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72);".

SEC. . (a) Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"SEC. 801. (a)(1) If—

"(A) any article manufactured or produced in a foreign country is sold within the United States at a United States price which is below the cost of production,

"(B) such importation or sale—

"(i) causes or threatens material injury to industry in the United States, or

"(ii) prevents, in whole or in part, the establishment of any industry in the United States, and

"(C) any person is injured in his business or property by reason of such sale, such person may bring a civil action against any manufacturer or exporter or such article or any importer of such article into the United States who is related to such manufacturer or exporter in the District Court of the District of Columbia.

"(2) In any action brought under paragraph (1), upon a finding of liability on the part of the defendant, the plaintiff shall—

"(A) recover damages for the injury sustained or be granted such equitable relief as may be appropriate, and

"(B) recover the costs of the action, including reasonable attorney's fees.

"(b) The standard of proof in any action filed under subsection (a) is a preponderance of the evidence. Upon a prima facie showing of the elements set forth in subsection (a), or upon a final determination by the Department of Commerce or the International Trade Commission under section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d) relating to imports of the article in question for the country in which the defendant is located, which final determination shall be considered a prima facie case for purposes of this Act, the burden of rebutting such prima facie case thus made shall be upon the defendant.

"(c) Whenever it shall appear to the district court of the District of Columbia that justice requires that other parties be brought before the court, the court may cause them to be summoned, whether they reside in the district or not, and the subpenas to that end may be served and enforced in any district of the United States.

"(d) The acceptance by any foreign manufacturer, producer or exporter of any right or privilege conferred upon him to sell his products or have his products sold by another party in the United States shall be deemed equivalent to an appointment by the foreign manufacturer, producer, or exporter of the District Director of the United States Customs Service of the Department of the Treasury for the port through which the article is commonly imported to be the true and lawful agent upon whom may be served all lawful process in any action brought under this section.

"(e)(1) An action may be brought under this section only if such action is commenced within four years after the date on which the cause of action accrued.

"(2) The running of the statute of limitations provided in paragraph (1) shall be suspended while any administrative proceedings under section 731, 732, 733, 734, or 735 of the Tariff Act of 1930 (19 U.S.C. 1673-1673d) relating to the importation in question, or any appeal of a final determination in such proceeding, is pending and for one year thereafter.

"(f) If a defendant in any action brought under subsection (a) fails to comply with any discovery order or other order or decree of the court, the court may—

"(1) enjoin the further importation into, or the sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

"(2) take any other action authorized by law or by the Federal Rules of Civil Procedure, including entering judgment for the plaintiff.

"(g)(1) Except as provided in paragraph (2), the confidential or privileged status accorded by law to any documents, evidence, comments, or information shall be preserved in any action under this section.

"(2) The court in any action brought under this section may—

"(A) examine, in camera, any confidential or privileged material,

"(B) accept depositions, documents, affidavits, or other evidence under seal, and

"(C) disclose such material under such terms and conditions as the court may order.

"(h) Any action brought under this section shall be advanced on the docket and expedited in every way possible.

"(i) For purposes of this section—

"(1) The terms 'United States price', 'cost of production', 'subsidy', and 'material injury', shall have the respective meaning given such terms by title VII of the Tariff Act of 1930, as amended.

"(2) If—

"(A) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

"(B) such subsidy is not included in the cost of production of such article (but for this paragraph),

the cost of production of such article shall be increased by the amount of such subsidy.".

(b) It is the sense of the Congress that the provisions of this section are consistent with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

PRESSLER (AND BAUCUS) AMENDMENT NO. 1195

Mr. PRESSLER (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 144, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) The Congress finds that—

(1) in 1976 the International Trade Commission found that honey imports threatened serious injury to the domestic honey industry and recommended action to control honey imports,

(2) the domestic honey industry is essential for production of many agricultural crops,

(3) a significant part of our total diet is dependent directly or indirectly on insect pollination,

(4) it is imperative that the domestic honey bee industry be maintained at a level sufficient to provide crop pollination.

(b) It is the sense of the Congress that—

(1) the Secretary of Agriculture should promptly request the President to call for an International Trade Commission investigation of honey imports, under section 22 of the Agriculture Adjustment Act.

LONG AMENDMENT NO. 1196

Mr. LONG proposed an amendment to the bill S. 144, supra; as follows:

On page 24 of the bill at line 5 after the word "sector;" add the following:

"For purposes of the collection and analysis required by this subsection, and for the purpose of any reporting the Department of Commerce makes to the Congress of the United States, such collection and reporting shall distinguish between income from investment and income from non-investment services."

COHEN AMENDMENT NO. 1197

Mr. COHEN proposed an amendment to the bill S. 144, supra; as follows:

At the end of page 29, add the following:

SEC. . CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) since obtaining relief under existing domestic trade remedies is complex and expensive due to legal costs, documentation requirements for petitions, and judicial review, such remedies are unavailable to most small businesses;

(2) existing trade remedies are unavailable to producers of perishable commodities because of the length of the normal proceedings; and

(3) more weight should be given to regional economic impact in proceedings under section 201 of the Trade Act of 1974.

SEC. . ESTABLISHMENT OF SMALL BUSINESS TRADE ASSISTANCE OFFICE.

(a) ESTABLISHMENT OF OFFICE.—There shall be within the Department of Commerce a Small Business Trade Assistance Office (hereinafter in this section referred to as the "Office") administered by a Director.

(b) FUNCTIONS OF OFFICE.—

(1) INFORMATION AND PETITION ASSISTANCE.—The Office shall—

(A) provide full information to small businesses concerning—

(i) remedies and benefits available to them under the trade laws, and

(ii) the petition and application procedures, and the appropriate filing dates, with respect to such remedies and benefits; and

(B) provide assistance to small businesses in preparing petitions and applications to obtain such remedies and benefits.

(2) ASSISTANCE IN PAYING REASONABLE PROCEEDING EXPENSES.—

(A) IN GENERAL.—The Director of the Office shall establish and maintain a system for paying reasonable expenses incurred in connection with any proceeding described in paragraph (1) by any small business which the Director determines to be in need of assistance in paying such expenses.

(B) LIMITATION ON AMOUNT.—With respect to any proceeding, awards for reasonable expenses under subparagraph (A) shall be made for—

(i) 100 percent of such expenses to the extent not in excess of $50,000, and

(ii) 50 percent of such expenses to the extent in excess of $50,000.

(C) NO EXPENSES FOR FRIVOLOUS, ETC. ACTIONS.—No award shall be made under this paragraph with respect to any action which the Director of the Office determines to be frivolous or to have been initiated for purposes of harassment or delay.

(D) TIME OF PAYMENT.—Payments may be made under subparagraph (A) with respect to any proceeding only after determinations made in such proceeding have become final and no longer appealable.

(3) DEFINITIONS.—For purposes of this subsection—

(A) REASONABLE EXPENSES.—The term "reasonable expenses" includes attorneys' fees and expenses for data collection.

(B) SMALL BUSINESS.—The term "small business" means—

(i) a small business concern (within the meaning of section 3 of the Small Business Act) that produces or manufacturers goods, or

(ii) an association substantially all of the members of which are small business concerns (as so defined) that produce or manufacturer goods.

(d) ANNUAL REPORTS.—The Director of the Office shall submit an annual report on the operation of the Office to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives. Such report shall include a recommendation of legislation which is necessary to enable the Office to carry out its functions.

(e) ESTABLISHMENT OF SMALL BUSINESS TRADE ACCESS TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Small Business Trade Access Trust Fund (hereinafter in this section referred to as the "Trust Fund"), consisting of such amounts as may be transferred or credited to the Trust Fund as provided in this section or otherwise appropriated to the Trust Fund.

(2) TRANSFER TO TRUST FUND OF AMOUNTS EQUIVALENT TO CERTAIN CUSTOMS DUTIES.—

(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund out of the general fund of the Treasury of the United States amounts determined by the Secretary of the Treasury to be equivalent to amounts received into such general fund that are attributable to countervailing duties and antidumping duties imposed under title VII of the Tariff Act of 1930 (19 U.S.C. 1671, et seq.).

(B) METHOD OF TRANSFER.—The amounts which are required to be transferred under subparagraph (A) shall be transferred at least quarterly from the general fund of the Treasury of the United States to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in subparagraph (A) that are received into the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(3) MANAGEMENT OF TRUST FUND.—

(A) REPORT.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and to report to the Congress each year ending on or after September 30, 1984, on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the fiscal year and the next 5 fiscal years after the fiscal year. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(B) INVESTMENT.—

(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(I) on original issue at the issue price, or

(II) by purchase of outstanding obligations at the market price.

(ii) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(iii) INTEREST; PROCEEDS FROM SALES AND REDEMPTIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(4) AVAILABILITY OF TRUST FUND.—Amounts in the Trust Fund shall only be available for making expenditures, as provided by appropriations Acts, to carry out the program established under subsection (b)(2).

(f) EFFFECTIVE DATE.—The provisions of this section shall apply to fiscal years beginning after September 30, 1983.

SEC. . FACTORS TAKEN INTO ACCOUNT TO DETERMINE MATERIAL INJURY.

(a) IN GENERAL.—Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677) is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULES FOR SMALL BUSINESS.—

"(i) IN GENERAL.—In any case in which the petitioner is a small business, the Commission, in making any determination as to material injury, shall consider the separate circumstances of the petitioner, including the fact that information may or may not be available to different petitioners by reason of different resources or otherwise.

"(ii) SMALL BUSINESS DEFINED.—For purposes of this paragraph, the term 'small business' means—

"(I) a small business concern (within the meaning of section 3 of the Small Business Act), or

"(II) an association substantially all of the members of which are small business concerns (as so defined).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. . REGIONAL IMPACT TO BE TAKEN INTO ACCOUNT.

(a) IN GENERAL.—Subsection (c) of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) is amended—

(1) by striking out "and" at the end of paragraph (8);

(2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(10) in any case in which the petitioner is a small business (within the meaning of section 771(7)(F)(ii) of the Tariff Act of 1930)—

"(A) the general economic situation (including employment levels and opportunities) in the major geographic area (within the meaning of section 201(b)(3)(C)) in which the small business is located;

"(B) the impact of fluctuations in exchange rates on any industry in such major geographic area; and

"(C) the ability of any such small business to adjust by converting to alternative product lines.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed on or after the date of the enactment of this Act.

SEC. . SPECIAL PROCEDURES FOR PERISHABLE PRODUCTS.

(a) IN GENERAL.—Chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 204. SPECIAL RULES FOR PERISHABLE PRODUCTS.

"(a) If a petition is filed under section 201 in connection with any perishable product, the petitioner may at any time file with the Secretary of Agriculture a petition under this section for emergency action.

"(b) Within 14 days after a petition has been filed under subsection (a), the Secretary of Agriculture shall make a determination as to whether there is reason to believe the perishable product is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product.

"(c)(1) If the Secretary of Agriculture makes an affirmative determination under subsection (b), he shall recommend to the President emergency action to be taken.

"(2) If the Secretary of Agriculture does not make an affirmative determination under subsection (b), he shall publish notice of his determination and notify the petitioner.

"(d) Within 7 days after receipt of any recommendation under subsection (c)(1), the President shall—

"(1) issue a proclamation ordering relief consisting of such actions as are described in section 203 and as he determines necessary, or

"(2) publish notice of his determination not to take action.

"(e) Action taken under subsection (d)(1) shall cease to apply—

"(1) upon a determination by the President to provide (or not to provide) relief in connection with a petition filed under section 201 with respect to the perishable product,

"(2) on the date the Commission makes a negative determination under section 201(b) with respect to such a petition, or

"(3) whenever the President determines such relief is no longer warranted as a result of changed circumstances.

"(f) Any petitioner may, after a negative determination under subsection (c)(2) or (d)(2), file another petition under this section with respect to such product—

"(1) within 90 days of such determination, or

"(2) at any earlier date in the case of changed circumstances.

"(g) For purposes of this section, the term 'perishable product' means—

"(1) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the Tariff Schedules of the United States;

"(2) fresh mushrooms provided for in item 144.10 of such Schedules;

"(3) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21, and 149.50 of such Schedules; and

"(4) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of such Schedules.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title II of the Trade Act of 1974 is amended by adding at the end thereof the following new item:

"Sec. 204. Special rules for perishable products.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions filed after the date of the enactment of this Act.

NATIONAL ORGAN DONATION AWARENESS WEEK

HELMS AMENDMENT NO. 1198

Mr. STEVENS (for Mr. HELMS) proposed an amendment to the joint resolution (S.J. Res. 78) to authorize and request the President to issue a proclamation designating April 24 through 30, 1983, as "National Organ Donation Awareness Week"; as follows:

At the end of the resolution add the following:

Upon request of the North Carolina School of the Arts, Winston-Salem, North Carolina, the Secretary of Commerce shall authorize such school to lease to any person the Stevens Center for the Performing Arts building, without affecting the Federal assistance provided by a grant under the Public Works and Economic Development Act of 1965, if such transfer documents provide for the operation of such facility as a performing arts center.

NOTICES OF HEARINGS

SUBCOMMITTEE ON EMPLOYMENT AND PRODUCTIVITY

Mr. QUAYLE. Mr. President, the Subcommittee on Employment and Productivity will hold hearings on S. 811, the "Health Care for Displaced Workers Act of 1983" and related issues on May 3, 1983.

The subcommittee is particularly interested in information on the following issues:

First. What impact has unemployment had on health insurance coverage of workers and their families?

Second. What impact has the loss of health insurance coverage had on health care for the unemployed and their families?

Third. What impact has the loss of health insurance coverage had on alternative methods for providing or financing health care?

Fourth. Estimates of the number and demographic composition of persons who have lost health care due to unemployment.

Fifth. The costs of alternative methods of providing or financing health care for such workers and their families.

Sixth. Advantages and disadvantages of alternative administrative mechanisms for providing or financing health care for the unemployed and their families.

Persons wishing to testify should contact Bob Guttman or Diann Howland at (202) 224-6306 or c/o Subcommittee on Employment and Productivity, 428 Dirksen Senate Office Building, Washington, D.C. 20510 by April 28.

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT

Mr. PACKWOOD. Mr. President, I wish to announce that the Subcommittee on Taxation and Debt Management of the Senate Finance Committee will hold a hearing at 9:30 a.m. on Friday, April 29, 1983. Two bills will be considered: S. 249 and S. 825.

The purpose of this statement is to briefly explain the issues raised by the bills scheduled. This may help in charting the progress of tax legislation before the subcommittee. It will also help assure greater public awareness of tax amendments coming before hearings.

A short synopsis of the bills scheduled follows:

S. 249—THE EMPLOYEE EDUCATIONAL ASSISTANCE EXTENSION ACT

S. 249 introduced by Senator PACKWOOD (for himself), Senators BENTSEN, SYMMS, BOREN, DURENBERGER, MOYNIHAN, ANDREWS, PRYOR, BURDICK, MATSUNAGA, TRIBLE, and RIEGLE. This bill makes permanent the exclusion from income for amounts paid to employees under educational assistance programs provided by the employer. It also extends this exclusion to spouses and dependents and allows employer-provided educational assistance plans to be offered under cafeteria benefit plans. Finally, it allows reimbursement for the cost of meals, travel or lodging under qualified educational assistance programs.

S. 825—UNRELATED BUSINESS TAXABLE INCOME

S. 825 introduced by Senator BENTSEN would exclude income from the sale of membership lists from the unrelated business income tax on nonprofit organizations.

ADDITIONAL STATEMENTS

WE MUST GIVE YOUNG AMERICANS THE OPPORTUNITY TO WORK

● Mr. STAFFORD. Mr. President, earlier this week, the Committee on Environment and Public Works completed 6 days of hearings on the infrastructure/jobs issue. One of the key elements in our discussion was title V of S. 724, legislation which I have sponsored, together with my friend and colleague, Senator RANDOLPH.

Title V of S. 724 would establish an ambitious program to encourage youth employment, to develop programs serving both our cities and our rural areas, to give young Americans an opportunity to enter the job market in a meaningful way.

Mr. President, I am absolutely convinced of the need to provide job opportunities for our young Americans. At the hearing earlier this week, we heard persuasive testimony to that effect, testimony that was reported at some length by the New York Times. Mr. President, I ask that a copy of the Times article be printed at this point in the RECORD.

The article referred to follows:

[From the New York Times, Apr. 19, 1983]

BLACK TEEN-AGE JOB PLIGHT: LACK OF SKILL AND HOPE

WASHINGTON, April 18.—Janet L. Norwood, the Commissioner of Labor Statistics, said today that the startlingly high unemployment rate among black teen-agers was the result of lack of skills and lack of hope.

In testimony before the Senate Environment and Public Works Committee, Dr. Norwood called the situation "one of the most important social problems we have."

In March, the unemployment rate for black teen-agers was 45 percent, as against 23.2 percent for all 16- to 19-year-olds. For young adults 20 to 24, the rate was 14.9 percent.

Dr. Norwood said black teen-agers had faced special problems since the mid-1950's, when black and white youngsters had roughly the same unemployment experience.

"Since then, however, black unemployment rates have risen much faster than for whites," Dr. Norwood said. "Even more disconcerting is the labor force participation of black teen-agers."

"During the 1970's, the teen-age participation rate rose steadily to a high of 58 percent in 1979," she continued. "While the rates for white teen-agers have continued to rise during nonrecessionary periods over the last 10 years, the participation rate for black teen-agers, particularly young black males, has trended downward.

"In 1982, only 36.6 percent of the nation's black teen-agers was working or looking for work. The proportion employed is even lower. Consequently, black youth labor market problems are not limited solely to unemployment but extend to those that have chosen not to enter the labor force at all."

Senator Robert Stafford, Republican of Vermont, chairman of the committee, which

is considering job legislation, said he had found the low participation among black teenagers in the labor force "startling."

Senator Jennings Randolph, Democrat of West Virginia, the Committee's senior Democrat, asked whether families were encouraging teen-agers to keep looking for work.

Dr. Norwood replied that she believed the problem was a "lack of education and low-income homes where there is very little hope and encouragement."

In their testimony, Sydney Howe, executive director of the Human Environment Center, and Solon Cousins, representing the YMCA, YWCA, Red Cross, Big Brothers-Big Sisters, and a variety of other youth organizations, supported a proposal for a $1.5 billion conservation corps patterned after a similar corps formed during the Depression.

COMPETITION AMONG GRADUATES

WASHINGTON, April 18.—There are now so many college graduates and so few jobs for them that they are beginning to displace high school graduates in occupations that traditionally have not required a college degree, Dr. Norwood said.

She said that college graduates were increasingly competing for work with high school graduates and that the situation was likely to continue through the 1980's because of changing economic and education patterns. "More college graduates are expected to enter the labor force than there will be jobs requiring a college degree," she added.

"Between 1970 and 1980," she told the committee, "only about 80 percent of those college graduates who entered the labor force found professional, technical, managerial and other jobs that have traditionally required a college degree. The remainder entered retail sales, service, farm and blue-collar jobs, occupations that had employed few graduates in the past."

The committee is studying long-term unemployment problems, as well as problems posed by the deterioration of public facilities such as highways, bridges and office buildings.

Dr. Norwood said that the failing national economy caused unemployment to rise among college graduates in the 1970's, just as it caused more joblessness within other groups. But the situation was worsened, she continued, by an increasing number of college graduates entering the job market.

In discussing the problem of high unemployment among young people, particularly young blacks, Dr. Norwood warned of the possible development of a "more permanent" problem. She said that in addition to the loss of income, a prolonged unemployment experience, even if intermittent, could deprive young people of the opportunity to develop skills and accustom themselves to the world of work.●

SEVENTY-FIVE YEARS OF SERVICE TO THE PUBLIC AND THE LAW

● Mr. MOYNIHAN. Mr. President, I should like to take a moment of the Senate's time, if I might, to mark a truly auspicious milestone for the New York Bar—indeed an important event in the history of the American legal profession. Seventy-five years ago today 143 New York attorneys officially incorporated the New York County Lawyers' Association.

Over the past three quarters of a century, the association has compiled a record of achievements that has been both progressive and professional. The NYCLA has, for example, honored its commitment to serving all sections of the legal profession and to providing a broad range of legal services by encouraging a diverse membership. Firm lawyers, single practitioners, members of the judiciary and court staff, and government officials, all make important contributions to the association. Moreover, the NYCLA was one of the first bar associations in our Nation to eliminate all barriers to membership based on race or sex, demonstrating through its actions that such barriers have no place in the American legal tradition.

The association has been equally as innovative in its approach to solving the complex legal problems of our times. In answer to the growing caseload of the Supreme Court of New York County, the association created a "voluntary assistance to the courts" program that allows the referral of thousands of cases to several hundred volunteer attorneys. To keep lawyers apace of rapidly changing laws and practices, the association offers seminars on current practice in its practical legal education program. To insure that quality legal services are available to all segments of the public and not simply those who can afford it, the NYCLA has extended its services beyond the private sector to public interest groups as well.

It should come as little surprise, then, that the membership of the association is now over 10,000 lawyers, 75 times the number who formed the NYCLA back in 1908. Members of the legal profession are quite naturally drawn to such an organization, which capably responds to new demands of the legal profession, while at the same time holding steadfastly to the commitment of its founders: to serve both the public and the profession.

Indeed, it is not too much to say that the NYCLA has played a leading role in making New York the world's legal capital. I am proud of its achievements, and very much wish its members continued success. We honor the association today—as it has brought honor to us through its many good deeds over the past 75 years.●

USDA STANDS BY FARM BORROWERS

● Mr. HELMS. Mr. President, recently an editorial in one of my State's newspapers, the Asheville Citizen, asked the question, "Will Uncle Sam Foreclose Farm?" It attempted to portray this administration as hardhearted in dealing with delinquent farmers Home Administration borrowers. This, of course, is not so.

I have just read a response to the Asheville newspaper by FmHA Administrator Charles Shuman. Mr. Shuman is quite persuasive in dismantling the editorial simply by stating the facts. Even with our farm economy difficulties, FmHA has been able to continue to work with 97.1 percent of their borrowers. And, a fact largely misunderstood or ignored by agency detractors, is that of the farmers who had to go out of business, liquidation was forced by lenders other than the Farmers Home Administration in many of the cases.

Mr. President, how can it be charged that FmHA policies are too harsh when, during the past fiscal year, they aggressively worked with over 42,000 delinquent borrowers to avoid foreclosure? The Secretary of Agriculture has used all of the authorities at his disposal to assist borrowers, including deferrals, rescheduling or reamortizing existing debt and the subordination of security to other lenders.

The fact that over 97 percent of last year's FmHA borrowers are still in business is testimony to the lengths this administration has been willing to go to assist these farmers.

I believe it would be helpful for Senators to read Mr. Shuman's letter in order to gain a better understanding of this situation. Therefore, I ask that his letter be printed in the RECORD at the conclusion of my remarks.

The letter follows:

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., Apr. 18, 1983

Mr. RICK GUNTER,
Editorial Page Editor, The Asheville Citizen, Post Office Box 2090, Asheville, N.C.

DEAR EDITOR: The answer to your March 24 editorial, "Will Uncle Sam Foreclose Farm?", is no, we're not.

At the end of the last fiscal year, September 30, 1982, Farmers Home Administration (FmHA) stayed with 97.1 percent of the 270,000 farm borrowers it started the year with. Only 844 (3/10ths of one percent) were foreclosed. Another 6,000 (1.4 percent) liquidated their loans for financial reasons and another 1,245 (4/10ths of one percent) chose bankruptcy. In a large number of cases, the decision to leave the land was not caused by Farmers Home, but by action of another lender.

Despite a delinquency rate of 25 percent on September 30, the vast majority of Farmers Home borrowers stayed in farming—largely as a result of this Administration's policy of going the extra mile with farmers who are suffering economic hardship for reasons beyond their control. For instance, in fiscal year 1982: 12,689 borrowers had their Farmers Home loans rescheduled or reamortized—stretched out—including 3,608 who received deferral of their principal or interest payments or both; in yet another 29,994 cases, we subordinated our secured property—land or chattel—to other lenders so that our borrowers could obtain needed credit beyond our statutory limits.

In the 1983 fiscal year which began October 1, 1982, farm failures for financial reasons are down substantially—445 below the first three-month average of 1982.

Farmers Home Administration is a lender of last resort, offering credit only to those who can't get loans through commercial channels.

Thus, our borrowers are the most hard-pressed financially in the farm community. Given this fact, we believe that Farmers Home's record during the difficult year of 1982 speaks well for the agency and for those 97 percent of our borrowers who made it through the year.

Sincerely,

CHARLES W. SHUMAN,
Administrator.●

A CALMER LOOK AT SOCIAL SECURITY

● Mr. MOYNIHAN. Mr. President, on March 17, 1983, the New York Review of Books published an excellent article by Alicia Munnell of the Federal Reserve Bank of Boston, which, I think, provides an intellectually sound response to a previously published criticism of the social security system by Peter Peterson. I ask that the article, "A Calmer Look At Social Security", be printed in the RECORD and urge all Senators to give it their careful attention.

The article follows:

A CALMER LOOK AT SOCIAL SECURITY

(By Alicia H. Munnell)

Peter Peterson's obvious good intentions and apparent lack of a "vociferous constituency" have lent his two-part article on Social Security an aura of accuracy and intelligence that it does not deserve. Peterson has overstated the system's financial problems, has found a link between the expansion of Social Security and the decline in the nation's productivity that cannot be substantiated, and has used this purported link as a basis for advocating draconian benefit cuts. His analysis and recommendations must not go unchallenged.

1. THE MAGNITUDE OF THE PROBLEM: NO CRASH FOR SOCIAL SECURITY

The first step in understanding the Social Security financing situation is to separate the problems of the Old Age, Survivors, and Disability Insurance (OASDI) program from those of the Hospital Insurance (HI) system. The future financing requirements of HI are extremely uncertain, since rapidly escalating hospital costs have caused both public and private health insurance programs to become increasingly expensive. Restoring long-run balance to the HI system will undoubtedly require fundamental reform in the way we provide hospital care. For this reason, the National Commission on Social Security Reform and others have focused their attention on the OASDI portion of the program. The answer is not, as Peterson suggests, to accept past rates of increase for HI expenditures and then cut the OASDI program by an amount equal to four times its own deficit in the year 2000 in order to transfer those funds to the Hospital Insurance program. The next step, which is useful for sorting out the financing problems in the OASDI program, is to divide the future into three separate time periods—1983-1989, 1990-2014, 2015-2060.

1983-1989: Between now and 1989, the OASDI program is projected under the Trustees' most pessimistic economic assumptions to run a deficit of about $200 billion (see Table 1). If the economy performs somewhat better, the shortfall may be close to $75 billion. In any event, when the interfund borrowing authority expires in July 1983, the OASI trust fund, the largest of the Social Security trust funds, will be unable to pay all benefits on time. Even if interfund borrowing were extended, all three funds OASI, DI, and HI, together will be exhausted by mid-1984. The immediacy of the projected shortfall has caused many to characterize the Social Security program's short-term problems as catastrophic and the press constantly refers to the impending "bankruptcy" of the system. In fact, the magnitude of the deficits forecast for the next seven years is relatively manageable, roughly 4 to 10 percent of annual outlays, and numerous options are available for restoring solvency. More importantly, the reasons for the current deficits are well understood and future problems of this type can be avoided by modifying the indexing procedure.

TABLE 1.—ESTIMATED INCREASE IN REQUIRED REVENUES FOR THE OASDI PROGRAM, 1983–89 [1]

[Billions of dollars]

	Economic Assumption	
	Intermediate (II–B)	Pessimistic (III)
1983	22	26
1984	15	26
1985	7	20
1986	8	25
1987	8	30
1988	8	34
1989	7	40
1983–89	75	201

[1] Revenue required to increase target trust fund ratio of assets to annual outlays to 15 percent by the beginning of 1988.

Source: National Commission on Social Security Reform, Actuarial Cost Estimates for OASDI and HI and for Various Possible Changes in OASDI and Historical Data for OASDI and HI (Washington, DC, November 1982), Table 10C.

The most appropriate point from which to trace the origins of the current financing problems is 1977, since legislation passed in that year dramatically revised the Social Security financing and benefit provisions to restore fiscal balance to the program. However, payroll tax rates were established on the traditional assumption that the rate of growth of taxable wages would equal the rate of increase in prices plus an additional amount for productivity growth. This was a perfectly reasonable assumption, since it reflected the performance of the US economy over the entire postwar period. After 1977, however, the traditional relationship between prices and wages reversed and price increases exceeded wage growth. The projected balance in the trust funds is extremely sensitive to the relationship between these economic variables. The rate of wage growth determines the rate at which revenues grow, while the rate of increase in prices determines the rate at which benefit expenditures increase since benefits are indexed to the consumer price index. Moreover, the rapid inflation was accompanied by high unemployment which further worsened the financial outlook, since fewer people contribute revenue to the trust funds and more people, finding themselves unemployed, are likely to take early retirement.

Since the current financing problems can be traced to past experience with overly optimistic assumptions, the obvious question is whether the $75 to $200 billion deficit projected for the next seven years is realistic. Table 2 compares forecasts of productivity growth and the unemployment rate underlying the intermediate (II-B) and pessimistic assumptions (III) from the 1982 Trustees' Report and two independent forecasters, Chase Econometrics and Data Resources, Inc. Generally, the projections of the private forecasters fall somewhere between the intermediate and pessimistic assumptions, although considerably nearer the former. Hence, planning on a deficit somewhere between $75 billion and $200 billion for the next seven years seems like a very reasonable strategy.

TABLE 2.—COMPARISON OF PROJECTIONS FOR PRODUCTIVITY GROWTH AND THE UNEMPLOYMENT RATE, 1982–89

[In percent]

	Trustees		Chase	DRI
	II–B	III		
Productivity growth:				
1982	−0.3	−0.9	−0.6	−0.6
1983	0.2	−2.3	0.5	0.6
1984	0.7	−1.8	0.8	0.3
1985	0.3	0.0	0.3	−0.1
1986	1.0	0.3	0.8	0.4
1987	1.1	0.3	1.5	1.2
1988	1.3	0.5	1.6	1.2
1989	1.5	0.7	1.6	1.2
Unemployment rate:				
1982	9.1	9.3	9.7	9.7
1983	8.5	9.8	10.1	10.1
1984	8.0	9.6	9.2	8.9
1985	7.7	8.8	8.3	8.0
1986	7.4	8.4	8.1	7.5
1987	7.1	8.0	7.6	7.0
1988	6.8	7.7	7.2	6.7
1989	6.4	7.3	6.8	6.6

Source: U.S. Department Health and Human Services, Social Security Administration, "1982 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds" (U.S. Government Printing Office, 1982), Table 10, pp. 32–33; Data Resources, Inc., database; Chase Econometrics/Interactive Data Corporation database.

1990-2014: In marked contrast to the next seven years, the outlook for OASDI financing is relatively favorable for the period 1990-2014. The primary reason is demographic. The low fertility rates during the late 1920s and the 1930s will be reflected in a considerable reduction in the rate of increase in the population over age sixty-five during the 1990's. As a result, the ratio of workers to beneficiaries, which has declined continually since 1940, is estimated to remain stable for the next twenty to thirty years at its current level of roughly three to one. With a stable ratio of workers to beneficiaries, even modest productivity gains will reduce the cost of Social Security as a percent of payroll.

If an upsurge in productivity occurs and wages rise by 1.5 percent more than prices, as assumed under the intermediate (H-B) economic assumptions, then revenues will exceed outlays over the entire period and the trust funds will accumulate surpluses rapidly, reaching 177 percent of the annual outgo by 2010. On the other hand, if the realwage differential is closer to 1 percent, as under the pessimistic assumptions, then outlays will slightly exceed revenues—an average of 12.9 percent versus 12.4 percent of taxable payrolls—and no balances will accumulate.

The future costs of the system and the total of trust-fund balances could be made considerably more predictable by revising the procedure for indexing benefits. As noted earlier, the OASDI program is thrown into deficit when unanticipated inflation and low wage growth cause outlays to increase more rapidly than revenues. This type of instability can be avoided only by linking post-retirement cost-of-living adjustments directly to the growth of wages. For example, indexing retirement and disability

benefits by the rate of wage growth minus 1.5 percent would provide the same benefits as the current price indexing of benefits under the intermediate (II-B) assumptions. This reform would not only eliminate the short-run instability, but would also lock in the economic assumptions to insure the buildup of reserves during the 1990-2014 period.

2015-2060: The third period is characterized by rapidly rising costs as the baby-boom generation starts to retire. At the same time, the growth in the labor force slows markedly, reflecting the precipitous decline in the fertility rate which began in the mid-1960s. These two factors cause the ratio of beneficiaries to workers to increase dramatically. Assuming that the fertility rate will rise gradually from the current level of 1.8 to a long-run rate of 2.1 (the intermediate assumption), the Social Security Administration projects that the number of beneficiaries per 100 covered workers will rise from 31 in 1982 to 50 by 2035. If the fertility rate declines to 1.7 (the pessimistic assumption), then the number of beneficiaries per 100 workers will increase to 67 by 2035.

With a pay-as-you-go system the increase in this crucial ratio produces a substantial increase in costs as a percentage of payrolls. The question is, what is a reasonable estimate of the magnitude of the long-run problem? Is Peterson's assertion that "to close the deficits in the Social Security system under the 'pessimistic' projection would take a payroll-tax rate of above 44 percent in 2035" even remotely realistic?

Let us assume for the time being that the pessimistic demographic assumptions are borne out. Under these assumptions, the projected tax rate for the OASDI portion of the program for the year 2035 is 24 percent of payrolls. In order to bring the total to 44 percent, HI outlays must rise to 20 percent of taxable payrolls. Outlays for HI today account for only 18 percent of total expenditures under the Social Security program; it is difficult to believe that we will allow the HI program to grow to a point where the cost for hospital insurance (20 percent of taxable payrolls) roughly equals the total cost to support the aged, disabled, their dependents and survivors (24 percent of payrolls).

Moreover, the pessimistic demographic assumptions are not consistent with other forecasts. The pessimistic projections are based on the assumption that fertility rates will decline from the 1980 level of 1.83 to an ultimate long-run rate of 1.7 by 2005. The intermediate assumption is that fertility will increase gradually to a long-run rate of 2.1. Of the two assumptions, the evidence tends to support the higher. First, until October of this year, the Census Bureau's "middle" series assumed a long-run fertility rate of 2.1. Although the Census now assumes that fertility rates will remain fairly steady, increasing slightly from 1.83 to 1.96 in 2000 and then decreasing to 1.90 births per woman in 2050, the fertility rate has increased over the last five years and the data on expected births indicate that young women continue to expect to have more than two children over their lifetimes. Thus, even with the downward revisions of the projections, current Census data appear more consistent with the intermediate than with the pessimistic assumptions. In addition, most observers, including Peterson, acknowledge that the conventional assumption for Social Security projections of net immigration of 400,000 persons a year may substantially understate the number of people entering the country each year. When illegal as well as legal immigration is considered, the working population is likely to be substantially larger than the fertility assumptions alone would indicate.

If the intermediate demographic assumptions are the more realistic over the long run and the system is stabilized by linking post-retirement indexing directly to wage growth, then the projected cost of the OASDI portion of the program is 15 percent for the year 2035, and current estimates of the costs for the HI program for the same year run around 11 percent. Thus, the cost for the entire Social Security program, assuming no major reform of Medicare, would be about 26 percent, that is, 13 percent for the employer and 13 percent for the employee. This compares to current rates of 6.75 each for the employer and employee.

It is important to note, however, that the 26 percent tax rate would be levied on a much smaller portion of the worker's total compensation than is taxable today. According to the Trustees' projections, the ratio of cash wages to total compensation is estimated to decline from 84.2 percent in 1980 to 67.4 percent by the year 2035. Since the payroll tax is levied only on cash wages, the expansion of fringe benefits reduces the tax base and boosts the percentage of taxable payroll required for paying benefits. If fringe benefits remain a constant percentage of total compensation, then the required tax rate for the OASDI portion of the program in the year 2035 would be 12 percent and for HI another 9 percent. In other words, in terms of the tax base we have today, the total required tax for OASDI and HI in the year 2035 would be 21 percent, or 10.5 percent each for the employee and the employer.

Moreover, the increased cost of Social Security after the turn of the century must be put into perspective. First, higher taxes do not mean that the Social Security program will be any more generous in the future than it is today, but rather reflect the inescapable burden of a very large dependent population in the twenty-first century. If the elderly are not supported through Social Security, the working population will probably end up providing equivalent support through some other program, since most people fail to save adequately on their own for retirement and many do not have private pension coverage.

Second, those concerned about higher Social Security costs often ignore the fact that long-term projections of lower fertility will result in fewer children per worker. If the economic burden on active workers is measured in terms of total dependents rather than just aged retirees, then the picture looks quite different. The total dependency ratio (the ratio of the number of people under age twenty and over age sixty-five per 100 people age twenty to sixty-four) will be lower in the year 2035 than it was in the 1960s. The rise in the aged will be more than offset by a decline in dependent children, thereby freeing resources which could be devoted to providing for the elderly.

Finally, while a projected tax rate of 15 percent for OASDI and 26 percent for the entire program for 2035 represents a substantial increase over the current levy, it is considerably below the present payroll tax rates in many European countries. Austria, West Germany, Italy, Sweden, and the Netherlands already have rates for programs comparable to OASDI in excess of 18 percent of payroll and total payroll taxes far in excess of any projected rate for this country.

In summary, Social Security's long-term deficits, like its short-term financing problems, are manageable. Costs are scheduled to increase, but Peterson's assertion that payroll taxes will take 44 percent of the average worker's wages is nonsense. A more realistic assessment reveals that the costs for OASDI will increase from the current level of 10.8 to 15.0 by 2035. Even assuming that HI taxes are allowed to increase from their current level of 2.6 to 11.0 percent, the overall required tax rate in the year 2035 would be 26 percent, 13 percent each for employees and employers. If fringe benefits did not continue to erode the tax base, the required rate would fall to 21 percent.

2. ELIMINATING THE DEFICITS: DRASTIC CUTS NOT "SALVATION"

After his cataclysmic discussion of the magnitude of the problem, Peterson sets the stage for advocating extensive benefit reductions by (1) attributing our low productivity growth to Social Security's financing problems, (2) dismissing out-of-hand the possibility of raising payroll taxes, and (3) dispelling the "myths" that have traditionally protected Social Security benefits from abrupt cuts. As we shall see, these premises provide a very weak foundation for Peterson's ultimate recommendations.

Social Security and Productivity. Peterson argues that the rise in Social Security outlays has contributed to the large government deficits which, in turn, have absorbed savings that could have been used to finance plant and equipment. Greater investment would have increased the amount of capital per worker and a higher capital/labor ratio would have led to greater productivity.

While this argument sounds plausible, it is factually incorrect, since it presumes that (1) the Social Security program has been a substantial contributor to the federal deficit, (2) the slump in investment is the result of savings being diverted from the private sector to finance government deficits, and (3) the declining ratio of capital to labor is solely attributable to inadequate investment. None of these presumptions is correct.

Social Security revenues have exceeded outlays on balance between 1965 and 1982, the period of declining productivity in the US. Thus, over this period Social Security has not increased federal deficits but rather has been a net contibutor to the government coffers. Even during the more recent period of 1970 to 1982, revenues have exceeded outlays by more than $2 billion. Between 1975 and 1982, the period of greatest fiscal pressure, Social Security outlays did exceed revenues, but Social Security deficits totaled only $20 billion, less than $3 billion per year, as compared to total federal deficits of $500 billion, or more than $60 billion per year, for the same period. Hence, to date, Social Security has not been an important factor in the deficits of the federal government.

More importantly, federal deficits have not been the cause of the decline in investment during the 1970s. Studies have shown that much of the slump in investment is directly attributable to the impact of repeated recessions on capacity utilization and corporate profitability. The persistence of excess capacity substantially undermines the incentive to build more plant and equipment, while the decline in corporate profitability reduces the expected return on new investment. The situation is worsened by the interaction of inflation and an unindexed corporate tax structure that leads to rising

real tax burdens and even lower after-tax returns on investment.

Finally, even if investment had proceeded at a steady pace, the capital/labor ratio would have declined during the 1970s because of the enormous growth in the labor force. As the baby boom generation matured, women and teenagers joined the work force in unprecedented numbers. Between 1970 and 1982 the civilian labor force increased at an annual rate of 2.5 percent, compared to 1.8 percent during the 1960s.

In short, Social Security has not caused federal deficits, deficits are not the reason for low investment, low investment is not the only reason for the decline in the capital/labor ratio and the resulting low productivity. No economic link exists between the substantial growth in the Social Security program over the past fifteen years and the decline in the rate of productivity growth.

Rising Payroll Taxes: While Social Security has not been a major source of federal deficits in the past, substantial shortfalls are projected in the next few years. As discussed earlier, the gap between revenues and outlays for OASDI between now and 1989 may be as much as $200 billion. To avoid deficits of this magnitude, either outlays must be reduced or revenues increased. Although many experts have suggested moving forward OASDI payroll-tax increases scheduled for 1985 and 1990 to January 1984, Peterson dismisses this option as totally unacceptable. He provides no justification for this conclusion, but the implication is that all the projected deficits must be eliminated by reducing benefits.

Exploding the Myths: In order to provide some justification for the disproportionate reliance on benefit reductions as opposed to tax increases, Peterson attempts to dispel several "myths" in order to establish that individuals should not feel entitled to their Social Security benefits and that the elderly do not need the current level of benefits provided by Social Security.

Myth 1—It is "my money": According to Peterson, the fact that people feel they have paid for their benefits is the "most damaging myth of all." He documents the well-known fact that current retirees get back much more than they have ever contributed. He also reiterates the view that a system that allows retirees to receive benefits out of proportion to lifetime payroll-tax contributions plus interest "will remain fundamentally out of balance." These two issues will be addressed in reverse order.

Estimates show that the average worker retiring today will receive benefits equal to more than twice the combined employer-employee payroll-tax contributions made on his behalf plus accumulated interest. These high ratios of benefits to contributions, however, do not imply that the system is fundamentally unsound. Rather, the current high ratio of benefits to contributions is the inevitable result of the start-up phase of a pay-as-you-go system. Although the original Social Security legislation in 1935 provided for the creation of a substantial trust fund, only a few years later, in the critical 1939 amendments to the original legislation, Congress decided to pay benefits in excess of contributions to the entire first generation of retirees. This was, in fact a decision not to build up the trust fund that would have accumulated if current workers' contributions had been stockpiled for their retirement.

However, it was felt at the time of the Great Depression that the needs of current retirees warranted the shift to a pay-as-you-go system. For the next few decades, benefits could be financed with modest payroll taxes because coverage continued to expand and the number of retirees were relatively few compared to the number of workers. Therefore, people retiring now and in the near future, who worked during the years when payroll taxes were low, will receive benefits considerably in excess of contributions. As the system matures, however, and the number of beneficiaries stabilizes relative to the number of workers, the average retiree will receive benefits which are roughly equal in present value terms to combined employee and employer contributions. This ratio will then tend to remain constant for all subsequent generations as long as population growth and real-wage increases remain relatively stable. In short, the current high ratio of benefits to contributions and the projected decline in this ratio over the next seventy-five years are to be expected and do not reflect any fundamental flaw in the system's financial structure.

The other question, however, is whether the fact that current retirees receive benefits far in excess of contributions can be used to justify benefit cuts. It seems difficult to argue that individuals close to retirement who have planned on a particular level of income from Social Security should have their benefits reduced precipitously. These people have neither the time nor the resources to adjust their plans. Our essential collective commitment to the Social Security program will be undermined if benefit provisions can be changed abruptly.

The longer the lead time, the more reasonable it becomes to legislate benefit reductions. However, as we move into the next decade we find the ratio of benefits to contributions rapidly approaching unity. Thus, for the period for which benefit reductions are a reasonable option to consider, the "windfall" component disappears.

In short, contrary to Peterson's arguments, the excess of benefits over contributions for current retirees neither signals a fundamental flaw with the financing nor provides an acceptable rationale for reducing benefits.

Myth 2—The elderly are by definition needy: Peterson quotes figures from a survey that showed that only 17 percent of the elderly regarded low income as a problem for them personally and 58 percent of the elderly thought that it was hardly a problem at all. Moreover, Peterson notes that the percentage of elderly below the poverty level declined from 35.2 to 15.7 in the last twenty years. He implies that Social Security benefits are superfluous not only because the elderly as a group are not poor but also because a high proportion of the benefits go to people above the poverty line.

It is true that the economic status of the aged has improved dramatically in the last twenty years. The major reason is that Social Security is our most successful anti-poverty program. Approximately 90 percent of persons aged sixty-five and over are Social Security recipients, and for two-thirds of these recipients, Social Security accounts for more than half of total income. With such an enormous dependence on Social Security, any significant reduction in the program could adversely affect the economic well-being of a large portion of the elderly and reverse the gains that have been made over the last two decades.

If Social Security were simply a welfare program, then the percentage of funds channeled to the poor would be an appropriate criterion on which to evaluate the system. But this is not the case. Social Security is a national insurance program that protects all insured workers and their dependents and survivors against the loss of earnings that results from disability, retirement, or death. Since social insurance benefits do not require a proof of need, anyone who has contributed to the program for the required period of time is eligible for benefits. As a result, people feel no stigma attached to these payments, in marked contrast to their attitude toward means-tested welfare benefits. Survey after survey has shown that the American people approve of a government retirement program that provides benefits as a matter of earned right. Since Social Security is not designed as a welfare system, the fact that a significant proportion of benefits goes to individuals whose income is above the poverty line does not imply a weakness in the program.

Moreover, disproportionate cuts in the benefit for higher-paid workers would endanger public support for the program. Social Security's progressive benefit formula already produces proportionally greater benefits for lower-paid workers than for higher-paid employees. Further reductions in the benefits for those with above-average earnings would mean that as the system matures, these people would receive benefits that are less than combined employee and employer contributions plus interest. If this were to happen, support for the Social Security program would decline.

Thus, Peterson fails to construct a convincing argument for either general benefit reduction or for benefit cuts for high-income workers.

Myth 3—The elderly are physically unable to work beyond age sixty-five: No one, to my knowledge, has taken this position. Certainly, it is difficult in the curent environment with the great majority of people retiring well before age sixty-five and more than 10 percent of the labor force without jobs, to envision delaying retirement and keeping people in the work force until age sixty-eight. In the next decade, however, as life expectancy continues to increase, the rate of growth of the labor force slows, and the industrial structure shifts away from manufacturing toward the service industries, it may be possible and perhaps even desirable to encourage people to work longer.

In designing provisions to encourage later retirement, however, it is essential to remember that some older workers will not be able to engage in gainful employment past age sixty-two and must have access to some form of income support. If the decision is made to postpone the age at which retirement benefits are first available, then people who are prevented from working by physical disability will need access to an expanded disability insurance program. While current law makes some allowance for age in determining disability by applying a more liberal test to those aged fifty or older, more explicit recognition of the interaction of age and physical impairment may be required.

Summary: In considering alternative approaches to restoring fiscal solvency to the Social Security program, Peterson summarily rejects the option of raising taxes. He then attempts to establish the case for benefit reductions by arguing that individuals retiring now receive benefits far in excess of contributions, that the elderly as a group are not poor, and that substantial benefits go to the lopsided approach to deficit reduction that Peterson advocates.

3. A BALANCED SOLUTION TO SOCIAL SECURITY FINANCING

Three principles should guide reform of Social Security financing. First, the burden should be shared between workers and retirees by combining some tax increases with some benefit reductions. Second, tax increases and benefit cuts should be considered separately for the OASDI and HI portions of the program. Third, the instability in the system must be reduced in order to avoid repeated short-run financing crises. A reform package that incorporates these principles is presented in Table 3. The most notable feature is that this package does not involve any drastic cuts or major restructuring of the program. The proposals are also very similar to those recommended by the majority of the bipartisan Commission on Social Security Reform.

TABLE 3.—A BALANCED APPROACH TO FINANCING THE OASDI PROGRAM

[Dollars in billions]

Reform	Cost impact		
	1983–89		Long-term (percent of payroll)
	II–B	III	II–B
Short-run: 1983–89:			
1. Accelerate 1985 and 1990 scheduled rate increase to 1984	$133	$135	−0.09
2. Cover all nonprofit employees and new federal, state, and local workers	32	35	−0.55
3. Increase OASDI tax rate for self-employed to combined employer-employee rate	18	17	−0.20
4. Delay date of COLA from July to October	23	35	−0.14
5. Tax 50 percent of OASDI benefit when income above $12,000 per single person, $18,000 per couple	38	38	−0.50
Medium-run: 1990–2014:			
6. Revise indexing to equal wage growth less 1.5			
Long-run: 2015–2060:			
7. Eliminate any remaining deficit by splitting burden between tax increase and benefit reductions either by lowering replacement rates or raising retirement age			−0.33
Total	244	260	−1.80
Deficit	75	201	1.80

Source: Cost estimates for National Commission on Social Security Reform, "Actuarial Cost Estimates for OASDI and HI and for Various Possible Changes in OASDI and Historical Data for OASDI and HI" (Washington, D.C. November 1982).

To cover the projected shortfall of roughly $200 billion between now and 1989, the proposal increases revenues for the OASDI program by moving forward the scheduled 1985 and 1990 tax increases to January 1984. Additional revenues are also generated by extending coverage to employees of nonprofit institutions, new federal employees, and new employees of state and local governments not currently participating in Social Security. Such a reform is clearly desirable even if it did not have positive short-run revenue implications, since under the present system those workers who are entitled to civil service or state or local pensions can easily achieve insured status under Social Security and receive relatively large Social Security benefits in addition to their regular pension. These dual beneficiaries profit from the progressive benefit structure, which was designed to help low-wage workers rather than workers whose second career entitles them to benefits.

Finally, revenue could also be gained and the equity of the system improved by raising the tax on the self-employed to a level equal to the combined tax for employees and employers. Of course, to fully equalize the treatment of self-employed and salaried workers, the self-employed should be allowed a tax deduction under the personal income tax for the part of their payroll-tax contribution that corresponds to the employer's share.

Abrupt and significant benefit cuts are neither desirable nor feasible in the short run, but the two selective changes included in the proposed package could substantially reduce outlays over the next seven years. The most straightforward proposal is to shift the date for the cost-of-living adjustment from July to October. This change would not only produce a reduction in outlays, but would also align the adjustments with the beginning of the new fiscal year.

Another form of benefit reduction, which would be desirable even if additional revenues were not needed, is the proposal to include 50 percent of Social Security benefits in taxable income for those individuals who have incomes in excess of $12,000 and couples with incomes in excess of $18,000. Such a reform would move toward equalizing the tax treatment of Social Security and private pension benefits, which under current law are taxed in full to the extent that they exceed the employee's own contributions. To assure that no low-income individuals are adversely affected, the taxation of benefits can be phased in gradually by adopting the provisions currently applicable to unemployment insurance benefits, whereby only those single people and married couples with incomes over stated limits are required to include benefits in taxable income.

The combination of taxing benefits in this manner, shifting the indexing one quarter, extending coverage, raising the tax rate on self-employed, and accelerating the scheduled tax increases will generate more than enough revenues to cover deficits under even the Trustees' pessimistic economic assumptions. These are not onerous changes, and most are desirable reforms in and of themselves.

As noted earlier, at least by 1990 a fundamental change must be made in the procedure for indexing benefits in order to eliminate the instability in the program. The repeated short-run crises can be avoided by linking the post-retirement cost-of-living adjustment directly to the growth in wages. Indexing retirement benefits by the rate of wage growth minus 1.5 percent would duplicate the benefits scheduled under the II–B assumptions. This reform would not only provide short-run stability, but would also ensure that long-run costs do not exceed those projected under intermediate (II–B) assumptions.

Even with the revised indexing procedure and the revenue increases and benefit reductions proposed for the 1983–1989 period, further changes will be required to completely eliminate the long-term deficit for OASDI. A logical and equitable approach would be to divide the burden equally by both lowering replacement rates and increasing tax rates. In all likelihood, replacement rates would probably decline by less than 5 percent and taxes would have to be raised by less than 0.5 percent each for employees and employers.

In short, Mr. Peterson has done a great disservice to the public by exaggerating the Social Security system's financial problems, distorting the facts about the impact of Social Security on the economy, and misrepresenting the issues relating to the justification for the program. His analysis and his proposals to drastically cut Social Security retirement benefits by an amount equal to four times the OASDI deficit in the year 2000 should be rejected.●

CITIZEN OF THE YEAR

● Mr. DODD. Mr. President, on April 16, the Norwich, Conn., Area Chamber of Commerce honored a very special man with its Citizen of the Year Award: attorney Milton L. Jacobson. The chamber recognized that those of us who have been lucky enough to work with Milton over the years have known for some time: He is an individual of unique courage and conviction with an uncanny ability to get things done.

As Congressman from the Second District, which includes Norwich, I knew I could count on Milton Jacobson when I needed help. Through those years and now, as Senator, I have come to value his advice and expertise, specifically in community development. For the fact is, the city of Norwich would not be the same without him.

For my colleagues unfamiliar with Norwich, Conn., let me tell them it is a city of great promise. Like many northeastern industrial cities—abandoned by the industries which created and sustained them—Norwich faced many difficult years. But the city is fighting back and Milton Jacobson is and has been in the front lines of that battle. Look around the city today and every major development bears his mark: The Norwich Industrial Park, a model of community development; and the new Norwich courthouse, now being completed, are but a few examples.

For the more than three decades since Milton Jacobson first adopted Norwich, his dedication to this city and its people has helped sustain both. He was instrumental in forming the Norwich Community Development Corp., served as president of the New London County Bar Association, and has gained statewide prominence for his ability as an attorney. Others know, as I do, that when an obstacle seems insurmountable or a job impossible to complete, you can call Milton. The obstacle will be overcome and the job completed successfully.

Norwich owes a great deal to Milton Jacobson. He has helped pave that city's road to revitalization and continues building. The Norwich Area Chamber of Commerce award recognizes that great contribution but, for many of us, it seems we can never adequately acknowledge or thank Milton for all he has done. All we can do, it seems, is hope he keeps on doing it.

Mr. President, the Norwich Bulletin articulately expressed that community's admiration and respect for Milton in its April 16 editorial. I request that this editorial be reprinted in the RECORD at the close of my remarks.

The editorial follows:

NORWICH CITIZEN OF THE YEAR

Milton L. Jacobson is a man of strong enthusiasms. Fortunately for his adopted city, most of them have to do with the development and progress of Norwich. Small wonder he has been chosen to receive the "Citizen of the Year" award from the Norwich Area Chamber of Commerce. Tonight there will be a dinner in his honor at the Norwich Sheraton Inn.

But it is appropriate to wonder which year he is being recognized for. His work for the community, it seems, has been uninterrupted in the past two decades. And the monuments to his efforts stand out in the Rose City.

Is the award for his tireless work over 15 years on behalf of the Norwich Industrial Park? The park is considered to be a pioneering work and a model of community industrial development. The enthusiasm and the drive of Milton Jacobson, as sparkplug of the Norwich Community Development Corporation, can be given much of the credit for the park's outstanding successes, past, present and future.

Perhaps he is being recognized for the years of effort, ingenuity and dealing that were required to bring a new courthouse to downtown Norwich, to become a milestone on the road to revitalization. Jacobson refused to be intimidated by the obstacles against the project. That is why the construction of the courthouse is now nearing completion.

"This community has been good to me," Jacobson said the other day, "I feel it is the responsibility of every citizen to put back into the community at least what he took out of it."

Well said. And it is the responsibility of the community to acknowledge its debt to an outstanding citizen. Tonight, there will be at least partial repayment. It is, everyone agrees, long, long overdue.●

TAIWAN'S DESTINY

● Mr. PELL. Mr. President, I should like to call the attention of my colleagues to an article that appeared in the Wall Street Journal on April 11, entitled "Taiwanese Long To Shape Their Own Destiny." The article, written by Prof. Trong R. Chai of the City University of New York, reflects the hopes and aspirations of millions of Taiwanese. In Dr. Chai's words:

Unless the future of Taiwan is determined by the people on Taiwan, there will be no just solution to the Taiwan problem.

This is not only an idea that I heartily endorse but also an important motivation behind my Senate Resolution 74 which I introduced on February 28. Senate Resolution 74 calls for the Senate to declare:

. . . that Taiwan's future should be settled peacefully, free of coercion and in a manner acceptable to the people on Taiwan and consistent with the laws enacted by Congress and the communique entered into between the United States and the People's Republic of China.

Mr. President, I hope my colleagues will read Dr. Chai's highly informative article, which I ask to have printed in the RECORD, and will support Senate Resolution 74.

The article follows:

TAIWANESE LONG TO SHAPE THEIR OWN DESTINY

(By Trong R. Chai)

House Speaker Thomas P. O'Neill Jr., leading a congressional delegation to China, conceded in Peking March 30 that "we had no knowledge before we came here of the strong position of the Chinese government with regard to the Taiwan question." Since this question can greatly affect the well-being of the Taiwanese, Americans should also know how the islanders want to be governed.

The Shanghai Communique, which set the course of U.S.-Taiwan relations, ignores the wishes of the people on Taiwan. On Feb. 28, 1972, President Nixon and Premier Chou En-lai issued that communique, stating that "the United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China." On the basis of the communique, the U.S. established diplomatic relations with China and terminated official ties with Taiwan in 1979.

Last August, in the so-called second Shanghai communique, the U.S. reiterated this acknowledgement and even came close to accepting the Chinese claim of sovereignty over the island by indicating that the U.S. "has no intention of infringing on Chinese sovereignty and territorial integrity." To carry out this hands-off intention, the U.S. further pledged "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution."

What the U.S. acknowledged in these communiques was the position of mainland Chinese, not that of native Taiwanese, who constitute 85% of the population on Taiwan. But mainland Chinese cannot speak for the 18 million people on the island.

Taiwan has had political ties with the Chinese mainland for only four of the last 90 years—from 1945 to 1949. The Taiwanese have developed their own identity, and they are no more Chinese than Americans are British. Just as Britain cannot decide the destiny of Americans, mainland China cannot determine the future of Taiwan. Indeed, in the 1930s Mao Tse-tung himself maintained that the Taiwanese were entitled to govern themselves and that Taiwan should become an independent nation.

And just as mainland China cannot determine Taiwan's future, neither can the Chinese on Taiwan, who fled to the island with Chiang Kai-shek in 1949. These mainlanders brought with them political institutions established in China in 1947, which are now atrophied and ineffective. Congressmen elected 35 years ago by people on the mainland still remain in office in Taiwan; their mean age is 80 and, on average, one of them dies each week.

Native Taiwanese account for less than 10% of the representation in national legislative bodies. The governor of Taiwan and the mayors of the two largest cities are appointed by the Kuomintang (KMT)—not elected by the people. The Taiwan authorities, therefore, represent neither China nor Taiwan.

The wishes of the people on Taiwan have been silenced by martial law for more than one-third of a century. But in December 1971—on the eve of President Nixon's historic visit to China—the Presbyterian Church in Taiwan, the only voluntary association on the island free from dominance by the KMT, issued a statement to "oppose any powerful nation disregarding the rights and wishes of 15 million people and making unilateral decisions to their own advantage, because God had ordained and the United Nations Charter has affirmed that every people has the right to determine its own destiny."

Six years later, the church asserted Taiwanese wishes for independence by urging the KMT "to face reality and to take effective measures whereby Taiwan may become a new and independent country."

Last September, a similar joint statement was issued by four leading Taiwanese politicians from their prison cells. They said: "For the past 300 years, our courageous ancestors have come to settle in Taiwan, in order to gain freedom. With their new thinking and new way of life, they developed a spirit of self-reliance and laid the foundation for a democratic society. The long separation between Taiwan and mainland China has resulted in a significant difference between both sides in the nature of society." Consequently, the four leaders maintained that "in the long-term interest of Taiwan, to carry out democracy on the island is far more urgent and important than unification with China."

The people on Taiwan do not wish Taiwan to become a part of China, but to become a new nation, independent of China. In fact, Taiwan is capable of becoming an independent country. Its gross national product exceeded $43 billion in 1982. Its per-capita income, $2,350, is the third highest in Asia, and the island has a larger foreign trade than that of China and has more people than 121 of the 157 members of the United Nations.

The Shanghai Communique of 1972, reaffirmed in 1982, ignores the political aspirations of the Taiwanese and has lost its moral ground. Unless the future of Taiwan is determined by the people on Taiwan, there will be no just solution to the Taiwan problem.●

NATURAL GAS CONSUMER ACCESS AMENDMENTS OF 1983

● Mr. DIXON. Mr. President, yesterday, in cooperation with Senator PERCY, I introduced S. 1119, a bill to amend the Natural Gas Pipeline Policy Act of 1978 to establish natural gas pipelines as common carriers.

The printing of the bill in the RECORD was inadvertently omitted, Mr. President, and for that reason I would like to ask that S. 1119 be printed in today's RECORD.

The bill (S. 1119) follows:

S. 1119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Natural Gas Consumer Access Amendments of 1983".

COMMON CARRIAGE

SEC. 2. (a) Section 311(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3371(a)) is amended to read as follows:

"(a) COMMON CARRIAGE.—

"(1) GENERAL RULE.—A pipeline shall, without discrimination, transport natural gas on reasonable request of the owner of such natural gas, if—

"(A) no later than 30 days before the date of the requested transportation, such owner

submits to such pipeline a formal application for transportation which shall include documentation for the sale of a minimum of a total of 250 Mcf per day of natural gas from and to any number of points on the transporter's system for a period of at least 6 months, except that the Commission may, on a case by case basis, modify such notice and minimum tender requirements after application and hearing;

"(B) such owner agrees to compensate the pipeline in accordance with the tariff rates established by the Commission; and

"(C) the pipeline has sufficient available throughput capacity, including the capacity with full use of compression and looping facilities.

"(2) RATES AND CHARGES.—

"(A) MAXIMUM RATES AND CHARGES.—Within 180 days after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983, the Commission shall, by regulations, establish maximum rates and charges for the transportation of natural gas by pipelines under this subsection, and such rates and charges shall be just and reasonable within the meaning of the Natural Gas Act.

"(B) RATES TO PERMIT COMPENSATION AND PROFIT.—Such rates and charges shall be designed to reasonably compensate any pipeline for expenses incurred by such pipeline in transporting natural gas or in the gathering, treatment, processing, delivery, or similar service in connection with any such transportation. The Commission will also provide an opportunity for such pipleine to earn a reasonable profit on such services.

"(C) ITEMIZED INVOICE FOR SEPARATE SERVICES.—Under the regulations prescribed under subparagraph (A), the Commission shall identify separate services to be itemized under this subsection and shall require each pipeline which provides such services to provide to each purchaser of such services an itemized invoice which shall specify the amount charged for each of such services.

"(D) COSTS AND EXPENSES OF UNUSED FACILITIES.—The costs or expenses of facilities not used in cases in which pipeline services are provided to an individual purchaser of services pursuant to this subsection shall not be included in the rates and charges for such services, unless the Commission specifically finds that public necessity requires otherwise.

"(E) OFF-PEAK AND INTERRUPTIBLE SERVICE RATES AND CHARGES.—In establishing rates and charges pursuant to this subsection, the Commission may—

"(i) take into account the lower costs (including lower opportunity costs) associated with usage of the facilities of pipelines during off-peak periods; and

"(ii) provide for separate rates and charges for interruptible service.

"(3) ADMINISTRATIVE RESPONSIBILITIES REGARDING INTRASTATE PIPELINES.—

"(A) IN GENERAL.—The responsibilities of the Commission over any intrastate pipeline (as described in paragraph (4)(B)) under the other paragraphs of this subsection may be delegated by the Commission to the State commission (as defined in section 2(8) of the Natural Gas Act) having ratemaking jurisdiction over such pipeline.

"(B) PROCEDURES; ADMINISTRATION.—The Commission shall establish waiver, review, and appeal procedures in accordance with the principles of section 503 (relating to State commission responsibilities over well determinations).

"(4) PIPELINE DEFINED.—For purposes of this subsection and section 315, the term 'pipeline' means—

"(A) any interstate pipeline, and

"(B) any intrastate pipeline engaged in or affecting interstate commerce.

"(5) REGULATION OF COMMON CARRIERS.—The Commission shall prescribe regulations governing contractual relationships and obligations relating to the transportation of natural gas under this subsection. Regulations shall be prescribed under this paragraph not later than 180 days after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983.

"(6) PIPELINE DEVELOPMENT.—

"(A) IN GENERAL.—For purposes of increasing available throughput capacity under paragraph (7), the Commission may require the interconnection of the facilities of 2 or more pipelines, or may require the extension or modification of the facilities of any pipeline or pipelines.

"(B) COMPRESSOR FACILITIES AND LOOPING.—Such extension or modification may include the installation of additional compressor facilities to increase transmission capacity and the looping of transmission lines.

"(C) COMPLIANCE WITH NATURAL GAS ACT.—No interconnection, extension, or modification under this paragraph shall be required unless the Commission, pursuant to section 7 of the Natural Gas Act, determines that public convenience and necessity require such interconnection, extension, or modification.

"(D) PAYMENT OF COSTS.—The development and capital costs of any interconnection, extension, or modification under this paragraph shall be paid by the purchaser making the transportation request. Such costs shall be subject to recovery under paragraph (2).

"(E) OTHER INTERCONNECTION PERMITTED.—Nothing in this subsection shall be construed to limit the ability of any person to construct or alter such facilities as are necessary to connect with the facilities of any pipeline, including any pipeline which has been required to make such interconnection.

"(7) AVAILABLE THROUGHPUT CAPACITY.—

"(A) IN GENERAL.—For purposes of this subsection, 'available throughput capacity' means that portion of pipeline capacity which during the term of the transport contract would otherwise be unused except during periods of peak usage.

"(B) SHARING OF AVAILABLE THROUGHPUT CAPACITY.—The regulations prescribed by the Commission under paragraph (2)(A) shall provide for the sharing of any pipeline's available throughput capacity with other pipelines in order to allow such other pipelines to provide transportation under this subsection.

"(C) PROTECTION OF HIGH-PRIORITY USERS.—Such regulations shall include provisions designed to assure availability of natural gas to high-priority users as defined in section 401(f)(2).

"(D) NATURAL GAS FOR RESALE OR DIRECT PURCHASE.—In the calculation of available throughput capacity in any case in which any pipeline provides, on its own behalf, natural gas for resale or direct purchase, the portion of the available throughput capacity which the pipeline may use to transport such natural gas may not exceed the lower of—

"(i) the then current capacity used to serve resale or direct purchase customers of that pipeline, or

"(ii) the then future capacity needed to serve resale or direct purchase customers of that pipeline, as documented by projections considered by the Commission to be reliable.

"(E) DETERMINATION OF NONAVAILABILITY.—For the purpose of determining whether there is available throughput capacity in any pipeline sufficient to accommodate a request for transportation, the burden of demonstrating lack of capacity is on the pipeline asserting nonavailability. The Commission shall determine whether available throughput capacity exists and shall promulgate relevant criteria for such determination.

"(8) TRANSPORTATION OF PIPELINE'S OWN GAS.—Nothing in this subsection shall be construed to prohibit any pipeline from owning natural gas or from transporting natural gas owned by that or any other pipeline or pipeline affiliate if such transportation is in accordance with this subsection.

"(9) STORAGE.—Any pipeline may provide storage pursuant to a request if—

"(A) such pipeline has filed a tariff therefor with the Commission, and

"(B) such tariff is determined by the Commission to be just and reasonable.".

(b)(1) Subparagraph (B) of section 314(b)(3) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3347(b)(2)(B)) is amended by striking out "authorized by the Commission".

(2) Clause (ii) of section 601(a)(2)(A) of such Act (15 U.S.C. 3431(a)(2)(A)(ii)) is amended by striking out "authorized by the Commission".

(3) Subparagraph (B) of section 601(b)(2) of such Act (15 U.S.C. 3431(b)(2)(B)) is amended by striking out "authorized by the Commission".

(4) Paragraph (2) of section 602(b) of such Act (15 U.S.C. 3432(b)(2)) is amended to read as follows:

"(2) under section 311(a), except to the extent provided under such section.".

(c)(1) The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) Until the establishment of maximum rates and charges under section 311(a)(2) of the Natural Gas Policy Act of 1978 (as amended by this Act), the maximum rates and charges for a pipeline shall be interim rates and charges which shall be based on the pipeline's system average costs.

FREE ACCESS GAS

SEC. 3. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361-3375) is amended by adding at the end thereof the following new section:

"SEC. 316. FREE ACCESS GAS.

"(a) FREE ACCESS GAS.—The term 'free access gas' means natural gas produced from any well in the United States—

"(1) which is not subject to a sales contract as of the effective date of this section;

"(2) which is released by the pipeline by the exercise of the volume adjustment option provided under paragraph (2) of section 315(b); or

"(3) which is subjected to any termination of contractual obligations as provided in section 315.

"(b) SALE AND TRANSPORT.—Free access gas may be sold to any purchaser capable of taking delivery and the seller shall be considered released from all duties and obligations in contract or in law with respect to the service obligations of the Natural Gas Policy Act of 1974.".

(b) The table of contents for such Act is amended by adding at the end thereof the following new item:

"Sec. 316. Free access gas.".

(c) The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

MINIMUM PURCHASE REQUIREMENT

SEC. 4. (a) Section 315 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3375) is amended to read as follows:

"SEC. 315. MINIMUM PURCHASE REQUIREMENT.

"(a) CONTRACT VOIDABILITY FOR DISTRIBUTOR.—In the case of a contract subject to this section, if a local distribution company which is a party to such contract transmits to the other parties a written notice requesting that such contract be voided, such contract shall be unenforceable with respect to any natural gas sale, transportation, or storage required under such contract after the expiration of the later of—

"(1) the 60-day period beginning on the date notice under this paragraph is received by all parties to such contract, and

"(2) the date specified, in such notice, for contract termination.

"(b) CONTRACT VOIDABILITY OR VOLUME ADJUSTMENT FOR PIPELINES.—

"(1) VOIDABILITY.—In the case of a contract subject to this section, if a pipeline which is a party to such contract with a producer transmits to the producer a written notice requesting that such contract be voided, such contract shall be unenforceable with respect to any natural gas sale, transportation, or storage required under such contract after the expiration of the later of—

"(A) the 60-day period beginning on the date notice under this paragraph is received by all parties to such contract; and

"(B) the date specified, in such notice, for contract termination.

"(2) VOLUME ADJUSTMENT.—In addition to the option of voidability provided in paragraph (1), a pipeline may modify any purchase contract with a producer by refusing to take delivery under such contract of any volume of natural gas without incurring an obligation to pay any fee or charge with respect to the natural gas not delivered pursuant to such election.

"(3) CONTRACTS COVERING MORE THAN ONE CATEGORY OF NATURAL GAS.—For purposes of this section, any contract governing two or more categories of natural gas for purposes of pricing the natural gas delivered under the contract shall be treated as separate contracts for each such category.

"(c) CONTRACTS SUBJECT TO THIS SECTION.—

"(1) APPLICABILITY.—A contract is subject of this section if—

"(A) it is in effect on the date of enactment of the Natural Gas Consumer Access Amendments of 1983, and

"(B) it has a minimum purchase requirement.

"(2) MINIMUM PURCHASE REQUIREMENT DEFINED.—For purposes of this subsection, the term 'minimum purchase requirement' means any contract or tariff requirement of payment for the minimum quantity of natural gas contracted for if the purchaser fails to take delivery.".

(b) The table of contents for such Act is amended by striking out the item relating to section 315 and inserting in lieu thereof:

"Sec. 315. Minimum purchase requirement.".

MARKET STUDY AND REPORT

SEC. 5. (a) Title III of the Natural Gas Policy Act of 1978 (15 U.S.C. 3361-3375), as amended by sections 2, 3, and 4 of this Act, is amended by adding at the end thereof the following new section:

"SEC. 317. MARKET STUDY AND REPORT.

"(a) IN GENERAL.—The Commission and the Department of Justice shall undertake a cooperative study of the competitive effects of vertical integration in the production, purchase, transport, storage, and sale of natural gas, and the effects of vertical integration on the price, availability, and deliverability of natural gas to local distribution companies and ultimate consumers.

"(b) SUBMISSION OF REPORT.—The cooperative study shall commence within one year after the date of the enactment of the Natural Gas Consumer Access Amendments of 1983, and its findings shall be reported to Congress within two years after such date.".

(b) The table of contents for such Act is amended by adding at the end of the items relating to title III the following new item:

"Sec. 317. Market Study and Report.".

EFFECT OF AMENDMENTS

SEC. 6. The amendments made by this Act shall not be construed to modify the ceiling prices established under the Natural Gas Policy Act of 1978.●

FIRST MICHIGAN ACADEMIC ALL-STATE TEAM

● Mr. LEVIN. Mr. President, I would like to take a moment of my colleagues' time to call attention to a new program in my home State that gives recognition to high school seniors who have demonstrated scholastic excellent.

Many of us read in our newspapers of young men and women who achieve athletic awards. Less frequently, we read about outstanding scholastic achievement.

In Michigan, a new program has been initiated, at the local level, that will be a good step toward recognizing academic excellence.

This program—that involves approximately 650 secondary schools in Michigan, of all sizes and from all areas—will choose academically outstanding students for public recognition. Students will be nominated by their high school principals for such recognition on the basis of grades and his or her contribution to the school or community. From these nominees, the first Michigan Academic All-State team will be selected by a committee of principals.

The committee of principals will be appointed by the Michigan Association of Secondary School Principals.

On June 5, the Detroit Free Press will devote the entire issue of the Detroit Magazine to presenting the first Michigan Academic All-State team and the students who receive honorable mention.

The nomination and selection process has begun and finalists will be selected within the next few days.

Mr. President, I would also like to express my appreciation, and I am sure the appreciation of the people of Michigan, to Dr. Robert Schramke, principal of Redford Union High School, who initiated this program.

America has no greater resource than its youth. We should make every effort to encourage young men and women to strive for academic excellence. Through their acquisition of knowledge, they will build a better future for America. I am pleased that Michigan is taking an important step toward encouraging our young people in such efforts.●

ALLEGED SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS

● Mr. PELL. Mr. President, today's New York Times reports that the administration is under pressure from Members of the Senate to accuse the Soviet Union publicly of violating the SALT II agreement as well as other arms control accords. I urge the President to resist that pressure.

There is an existing mechanism—the Standing Consultative Commission (SCC)—that was established in conjunction with the SALT I agreements to discuss and resolve questions of compliance. That mechanism has been used often and successfully by both sides over the past 11 years, and we should not abandon it now. On many occasions, the United States has raised in this forum matters of concern about Soviet compliance. In every case the issues we raised have been resolved satisfactorily. In some cases, the Soviets have explained to our satisfaction why no violations have occurred. In other instances, the Soviets have agreed to end questioned practices.

If the administration now suspects that new violations have occurred, it ought to direct the U.S. Commissioner, Gen. Richard Ellis, to resolve the questions raised by exploring them with the Soviets in the SCC. That would be a straightforward and serious approach. To go public and ignore the SCC would be interpreted widely, I believe, as a cheap-shot tactic to build support for the administration's arms programs and not as a serious step to deal with suspected Soviet violations.

If Soviet violations have occurred, they ought to be exposed but not until every effort has been made to resolve the issue directly with the Soviets. To do otherwise would only raise further doubts around the world about the seriousness of the administration's commitment to arms control.●

ANIMAL WELFARE RESEARCH STUDY OF 1983—S. 964

● Mr. DODD. Mr. President, I recently cosponsored S. 964, the Animal Welfare Research Study of 1983, introduced by Senators HATCH and KENNEDY.

This legislation requires the Secretary of Health and Human Services, through the National Academy of Sciences, to conduct a study assessing current animal protection activities in federally funded biomedical and behavioral research activities. The study will determine the type, total numbers, and purposes of animals used in research. This information will enable Congress to decide whether corrective legislation is necessary.

A number of bills have been introduced in Congress regarding the use of animals in research and testing. Some have proposed that all research involving animals be eliminated. In my view, this might seriously compromise biomedical research designed to benefit human health. Alternatives to the use of animals in research and testing, such as the use of tissue cultures and computer modeling, need to be adopted wherever possible. However, there appears, at present, to be no good substitute for certain types of animal research.

For example, our medical researchers, seeking ways to treat heart disease, cancer, or diabetes must rely on animal tests before a treatment, drug, or technique is applied to humans. To test experimental treatments or medicines directly on humans without first identifying possible adverse effects through animal testing would be hazardous to human health.

Although there are currently no alternatives which preclude the use of animals in biomedical and behavioral research, there is a provision in S. 964 to evaluate the actions of the Department of Health and Human Services to support research and development for alternative testing methodologies.

In addition, the Secretary of the Department of Health and Human Services must submit a report (within 18 months of enactment of the bill) to the Senate Labor and Human Resources Committee and the House Committee on Energy and Commerce. This report is to include, among other things, data collected and recommendations for legislation.

Mr. President, I believe the Animal Welfare and Research Study of 1983 will give us the necessary information upon which to base effective legislative proposals. Without this data, there can be no assurances that the needs of the research community will be met, advances in health care will be effective and safe, and concerns of animal rights organizations will be addressed properly.●

DU PONT WORKS ON REDUCING HEALTH CARE COSTS

● Mr. BIDEN. Mr. President, on Monday, March 28, I had the pleasure of attending the dedication of a new clinical diagnostics research laboratory, opened by the Du Pont Co. at its Glasgow, Del., plant. The facility has been designed to help support Du Pont's present research programs and the future growth of its medical diagnostics business.

Congress has been looking closely at the issue of health care cost containment and whether medical technology is a boon or a bane. The examples I saw in operation at the new Du Pont laboratory have left me convinced that medical technology, propertly managed, is capable of reducing health care costs substantially.

The Du Pont laboratory is as impressive as the work being conducted within its walls. Much of this is focusing on the search for new and technically more sophisticated test methods, products, and analyzers for the clinical and hospital diagnostics industry.

The Du Pont "aca" discrete clinical analyzer system is the centerpiece for this research activity. This instrument was introduced in 1971 to provide physicians and hospitals with a tool for rapidly and inexpensively diagnosing diseases by analyzing blood serum and other body fluids.

Through the "aca," Du Pont is making a special contribution to the problem of health care cost containment. This high technology system lowers costs by automating test methods that would take hours to perform manually. Thus, reduced average hospital stays and increased laboratory productivity are among the benefits hospitals attribute to their analyzers.

All of the "aca" tests are performed within a prepackaged test pack, which contains the chemicals necessary for each individual test reaction. Once it has completed its analysis, the instrument prints out a hard copy report of the test results. When performing a series of analyses on a patient, the "aca" generates the first result in just 7½ minutes, with subsequent result reports following every 37 to 74 seconds.

The system's rapid test results allow hospitals and clinics to expand their capabilities with existing staffs. Because 60 to 70 percent of a hospital's costs are for labor, the "aca" leads to considerable cost savings.

Fifty tests are now available on the instrument, including those for diagnosing problems associated with heart conditions, epilepsy, and blood clotting functions. Another 20 tests are in various stages of development and five new tests are due to be introduced in 1983. The system is now in use in more than 3,500 hospitals and clinics worldwide.

During my recent visit to the new Du Pont laboratory, I was also able to witness a demonstration of the company's new lower cost benchtop "aca." In smaller hospitals and in group practices, this new instrument can provide extensive testing capability and serve as virtually a complete clinical laboratory. In larger facilities, the benchtop analyzer can be used as a specialist in the main laboratory or in satellite laboratory areas, such as ICU or emergency rooms where quick, accurate response is critical.

In designing this latest generation of the "aca" analyzer, Du Pont has built upon its extensive experience in producing sophisticated instruments that play a major role in reducing and controlling health care costs.●

VIKTOR BRAILOVSKY

● Mr. LEVIN. Mr. President, as part of the Congressional Call to Conscience Vigil for Soviet Jews, I wish to direct the attention of my colleagues to Dr. Viktor Brailovsky, a prisoner of conscience who for over a decade has been trying to emigrate to Israel. But Dr. Brailovsky is not in Israel; he is in Kasakhstan serving a 5-year internal exile sentence.

Before his initial application for an exit visa in 1972, Dr. Brailovsky was a prominent scientist, holding advanced degrees in computer science. Working in cybernetics, he made significant contributions in the area of pattern recognition. He had published over 30 papers and had been granted 4 patents in his field. Dr. Brailovsky also applied his expertise in other fields, including medical diagnosis, oil chemistry, and complex physical systems such as solar activity. His wife Irina was likewise an accomplished scientist in the field of computer science.

But after applying to emigrate to Israel to join his brother, Dr. Brailovsky and his wife lost their jobs. Since then they have been unable to find work in their fields although both are highly qualified. Longing to remain in the mainstream of current scientific research, he and other refusenik scientists organized informal scientific sessions called the "Moscow Sunday Seminars." He continued to pursue his own emigration and helped others as well. Because of his concern for Jewish refuseniks and prisoners of conscience he soon became a leading figure in the emigration movement.

He participated in many efforts to promote a more progressive emigration policy. In 1973, he joined several of his colleagues in going on a hunger strike to protest repressive Soviet policies. For a time he edited the unofficial publication, Jews in the U.S.S.R. His activities brought gratitude from the Jewish community but also brought years of harassment and intimidation from the Soviet Government.

The final blow was dealt in November 1980 when Dr. Brailovsky was arrested and charged with "spreading deliberately false information defaming the Soviet state and social structure." Although his health was very poor, Brailovsky was held in a Moscow

jail for 10 months before being sentenced to 5 years in internal exile.

Since September 1981, Viktor Brailovsky has been serving his sentence in Kasakhstan, a site near the Caspian Sea. He is isolated from science and banished from his home.

Viktor Brailovsky's present circumstances are bleak and his future is grim. It is my hope that keeping his case alive will in some small measure increase his chance of one day leaving the U.S.S.R. for Israel.

This is but one in thousands of cases of Soviet Jews, Pentecostalists, Baptists, and countless others who would like to emigrate in order to live free from repression. It is important to keep these cases highlighted in our own minds and to continue to let the Soviets know that we are monitoring these cases of human rights abuses—all for the very good reason that we must strive always to advance the cause of fundamental human freedoms. I thank Senator BOREN for orchestrating this vigil and commend him for his past efforts in this arena.●

THE PAIN OF UNEMPLOYMENT

● Mr. RIEGLE. Mr. President, I want to share with my colleagues an article that appeared in last Thursday's New York Times. This article eloquently portrays the sense of helplessness and frustration felt by the long-term unemployed in Michigan today. Indeed, it probably reflects the sentiments of the millions of unemployed across the country.

We often hear from those administration officials who believe that the unemployed could find jobs if they simply read the want ads more carefully. Perhaps these officials hope to convey the impression that the unemployed would rather collect benefits than engage in an active job search.

Mr. President, I hope that those officials will read this article. The author's words should put to rest the notion that an unemployed worker would prefer to stand in the unemployment line.

I ask that this article be printed in the RECORD.

The article follows:

[FROM THE NEW YORK TIMES, APR. 14, 1983]

THE OUT-OF-WORK LINE

(By Peter Stine)

DETROIT.—Another stint down at the Detroit branch of the Michigan Employment Security Commission. It doesn't matter when you arrive. The line begins a step inside the door and weaves snake-like from side wall to side wall. A security guard keeps the line in shape, shepherding newcomers with stricken faces to the rear.

Today I give the guard a nod of recognition. This is my 54th week of collecting unemployment benefits and I've earned that right. New applicants sit in folding chairs off to the right, awaiting interviews, chin on chest, like bundles drooped from the ceiling. Now and then, a defeated temper tantrum signals a lost form. The rest of us smile knowingly and yawn.

The line inches forward like a parade of dominoes. The minute hand on the wall clock leaps abruptly ahead, sucking us into a backwash of lost connections. Some of us stare at the floor or ceiling as if reading a message from God. Some talk quietly. Paperbacks and newspapers bloom. Others just check each other out, taking a fresh look with each weave of the line.

Two weeks ago, a man in front of me, upon reaching the counter, checked his watch and announced, "One hour on the dot." "That's not bad," I said. "No, sir," he said with a grin. "Not a bad hourly wage at all."

The trouble is we work only one hour every two weeks.

The line shows no sign of malnutrition yet. Indeed we are the mainstream: Ahead of me is an elderly couple, behind me two brawny men who've been pumping a lot of iron. The line is a democratic blend of chemists, carpenters, auto workers, businessmen, teachers—you name it. We are united by a common bond of bad luck and stoicism. You get the feeling a lot of talent and character is going wasted in this line.

Beyond the far counter is an acre of metal desks where employees process our claims. Their skin is blanched from reviewing so many forms, and at times they seem paralyzed with their noses in manila folders.

The crush of numbers over recent months has expedited matters at the counter. "Have you had any income this week?" "No." Always the same question, the same reply. We meet with no suspicion these days and pass through like clumps of snow falling off a roof.

Conversation in the line veers toward the basic: the weather, the Tigers, abrupt firings, the job hunt. "I packed the family in the van and went to Texas," a man tells me. "Nothing down there. Texans ain't so friendly either. They tailgate Michigan license plates, drive you right off the road. We came home."

You overhear little talk of politics in the line. People seem reluctant to link their joblessness to policies out of Washington. But times are changing. Last month, a man with a chortling bass voice and walrus mustache turned to me and observed, "That Reagan ain't worth two dead flies."

It was the precision of that "two" that thrilled me and cinched his case.

So we continue to bounce on the trampoline as life goes on. Indeed, the highlight of the line has been the kids. Young mothers have their hands full. An hour's wait in a crowded, stuffy room tied to a line can tax a kid's patience. By afternoon, the wake of crumbs and puddled milk makes the footing hazardous.

Two weeks ago, my 18-month-old son broke loose. He cut through the line like a shark through a school of bluefish and, to accompanying cheers, was out the door. I sprinted out and snagged him, then bribed him back with a last remaining cracker.

Yet standing in line these months has been largely meditation. I've had time to think about receiving "benefits" for losing my job. I haven't objected. It has enabled me to survive, although not to find a job since there aren't any. It feels a bit like getting something for nothing, but the guilt is not crushing. It casts the "system" in a benevolent light, taking the edge off our desperation for now. It seems to dull political rebellion. It makes us a little soft, lethargic, passive. It acts like a pain-killer—enclosing us in a rubber bumper as we float through the days.

No sharp economic edges, not yet.

In this sense, unemployment benefits sets us up for a nasty fall. I have one more check coming. Then nothing. Having passed through the "system," I will no longer be counted among the unemployed, will lose even my status as a negative statistic. We all stand here in the line, in decent spirits, feeling a quiet solidarity—until our time runs out and we fall into an economic black hole.

Then the struggle begins for keeps.●

THE MX MISSILE

● Mr. GARN. Mr. President, the Senate Armed Services Committee heard testimony yesterday from Secretary of Defense Weinberger concerning the President's recommendation on MX basing. I strongly support the President's proposal, and hope that my colleagues will join me in endorsing this critical effort to modernize our ICBM force, thereby strengthening our bargaining position at the Strategic Arms Reduction Talks (START).

I intend to present my views on this subject at greater length in the near future, but I would like to take some time today to emphasize one aspect of Secretary Weinberger's statement. Secretary Weinberger quoted from testimony his predecessor, Harold Brown, made before the Armed Services Committee on Monday of this week with respect to the dangerous delay that has consistently plagued the MX program. Secretary Brown said:

We said in the early 1970's that we would modernize with a new missile in the late 1970's. In the mid-1970's we said that we would do so in the early 1980's, and in the late 1970's that we would in the mid-1980's. We have failed so far to do any of those things, even while the Soviets were deploying over 600 new ICBM's, each with a payload equal to or greater than that of MX, and with accuracies now matching those of the most accurate U.S. ICBM's.

To say that the United States will modernize in the early 1990's with a small single-warhead missile will just not be believable. The Soviets would be justified in calculating that any U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems.

Secretary Brown is right; the Soviets are not going to be impressed with a decision to cancel the MX in favor of some distant deployment of a small ICBM in an, as of yet, unknown basing mode. The substance, not the rhetoric of strength will provide the necessary incentive for the Soviets to negotiate seriously on verifiable arms reduction while bolstering the security of the West. The time to act is now.

Mr. President, I raise this point because its fundamental truth was again impressed upon me as I read recently of Winston Churchill's struggle to awaken the British Government to the dangers of Germany's military build-

up under Hitler. Martin Gilbert, the official biographer of Churchill, recalls Churchill's observations on this matter in his book, "Winston Churchill, the Wilderness Years." Gilbert writes that:

During the debate (on the German air threat), Churchill told his fellow MP's: "when the situation was manageable, it was neglected, and now that it is thoroughly out of hand we apply, too late, the remedies which then might have effected a cure." There was, he added, nothing new in that story: It was as old as the Sibylline books of classical legend. It fell into what Churchill now called "that long dismal catalogue of the fruitlessness of experience, and the confirmed unteachability of mankind." Angered that his warnings, as well as his suggestions in 1933 and 1934, had been dismissed as alarmist and ignored until too late, Churchill told the House of Commons: "Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong, these are the features which constitute the endless repetition of history."

We still have time to take effective action, if we can muster the political courage to do so. I pray that we will not one day be judged by history as having added to "that long dismal catalog of the fruitlessness of experience" by canceling the MX.

Mr. President, Secretary Weinberger has presented a cogent and articulate case for moving ahead with the President's ICBM modernization plan, and I ask that his statement, together with the introductory remarks of the chairman of the Armed Services Committee, Senator TOWER, be printed in the RECORD.

The material follows:

OPENING STATEMENT BY SENATOR JOHN TOWER BEFORE THE SENATE ARMED SERVICES COMMITTEE HEARING ON THE MX MISSILE

The Committee convenes this morning to take testimony from the two Cabinet officers with direct responsibility for the national security and foreign policy of the United States. In the aftermath of President Reagan's announcement yesterday about his plan for basing the MX missile in the near-term and for longer-range enhancements of the land-based leg of the strategic Triad, it is appropriate that the Committee hear from Secretary of State George Shultz and Secretary of Defense Caspar Weinberger with respect to the implications of these decisions for America's defense, foreign and arms control policies.

On Monday, the Armed Services Committee reviewed with members of the President's Commission on Strategic Forces the recommendations and findings contained in their report to the President. In some five hours of testimony, from General Brent Scowcroft, Dr. Harold Brown, Dr. James Schlesinger and Dr. John Deutch, the Scowcroft Commission's proposals were explored in considerable detail. With the President's affirmation of the Panel's report as Administration policy, it is incumbent upon us now to consider the implications of such policy with those immediately charged with its execution.

As our sessions on Monday made clear, it is difficult—if not impossible—to separate completely the future of MX from its past. As members of this Committee are keenly aware, the legacy of this troubled program is such that few, if any, of us involved in the protracted and contentious decision-making on the MX and its basing can take pride in the handling of this program by various Administrations and Congresses. If anything, the MX program is a textbook case of how not to manage an important national security issue.

Certainly, no one who has stressed for years—as many of us have—the importance of reversing the growing susceptibility of our land-based Ballistic Missile Forces to a Soviet attack can take much comfort from the Scowcroft Panel's recommendations concerning MX—when taken in isolation.

As the representatives of the Scowcroft Panel candidly stated in their appearance before us, from a strictly military point of view, other deployment modes for the MX might be preferable. Indeed, I am on the record as having strenuously advocated the adoption of the very alternative General Scowcroft and his colleagues stated they would prefer under different circumstances. However, present circumstances being what they are, I feel compelled to concur in the recommendations of the Scowcroft Commission which have been adopted by the President.

I do so for reasons similar to those which influenced the Scowcroft Panel's deliberations: I am convinced that the MX is needed to redress the substantial and militarily significant imbalance in terms of prompt, hard-target kill capability which has developed between U.S. and Soviet strategic forces over the decade of the 1970's. I feel that the MX is an integral element of our negotiating leverage in arms reduction talks with the USSR. I believe that the Scowcroft Commission's recommended MX program can become the cornerstone of a new national concensus on defense issues, a concensus whose emergence is indispensable both to our ability to continue to deter aggression and to realize stabilizing arms control agreements.

What is more, the proposal regarding the MX must be seen as part of a package—in the full context of the Commission's other recommendations. We will be examining closely the totality of the findings and proposals of the President's Commission as endorsed by President Reagan—not simply the MX element thereof. It is my hope that today's hearing, and those that follow, will amplify upon the mutually reinforcing qualities of the strategic forces plan now before us.

Secretary Weinberger, insofar as the MX program falls within your immediate area of responsibility, we will ask you to present the administration's proposal with respect to this weapon system. Secretary Shultz will then be asked to elaborate upon the consequences of this proposal for the Reagan Administration's foreign and arms control agendas.

STATEMENT OF THE SECRETARY OF DEFENSE ON MX BASING

(By Caspar W. Weinberger, Secretary of Defense)

Mr. Chairman, thank you for this opportunity to discuss the President's plan for revitalizing the ICBM leg of our strategic TRIAD.

This is not my first visit to talk about the need to update our ICBM forces. Nor am I the first Secretary of Defense to raise these issues before this distinguished committee. Four Presidents, six Secretaries of Defense, and a majority of the members in several sessions of Congress all have concluded that we need to modernize our ICBM force.

The members of the President's Commission on Strategic Forces have done us all a great service, and not just because they have presented an eminently reasonable, and achievable, proposal for modernizing our ICBMs. They have also reminded us that there is a long-standing, bipartisan consensus about three facts. First, that the United States pursues peace and protects its freedom and the freedom of its allies through a joint strategy of deterrence and arms control. Second, that deterrence depends on retaining a multiplicity, and more specifically a TRIAD, of strategic forces, including intercontinental ballistic missiles. And third, that in view of actions taken by the Soviet Union over the last decade and a half, we must take steps now to ensure the effectiveness of that TRIAD and in so doing not only maintain deterrence but also improve the prospects for genuine, mutual, and significant reductions in nuclear weapons.

Before discussing the President's recommendation for modernizing the ICBM force, let me review the reasoning that lies behind this consensus about American strategic policy.

Since the end of World War II and the dawn of the atomic age, the United States has maintained peace and preserved its freedom, and that of its allies, by means of an inherently defensive policy—deterrence. This policy, and the strategic capability to back it up, serves as a clear indication to potential aggressors that the West has the will and the means necessary to resist aggression. By maintaining the ability to retaliate against a potential aggressor in such a manner that the costs we will exact will exceed substantially any gains he might hope to achieve through aggression, we can prevent any aggressor from coming to believe that he could profit from or win a nuclear war.

We, for our part, are under no illusions about the consequences of nuclear war. We know there would be no winners in such an exchange, but this recognition on our part is not enough to maintain deterrence. The Soviet leadership must understand this as well. The President's Commission on Strategic Forces made this point eloquently in their report.

"Deterrence is not an abstract notion amendable to simple quantification. Still less is it a mirror image of what would deter ourselves. Deterrence is the set of beliefs in the minds of the Soviet leaders, given their own values and attitudes, about our capabilities and our will. It requires us to determine, as best we can, what would deter them from considering aggression, even in a crisis—not to determine what would deter us."

Unlike the United States, the Soviet Union seems to believe that under certain circumstances a nuclear war could be fought and won. Today we see that the number, the explosive power, and the accuracy of Soviet nuclear weapons are far greater than would be needed simply to deter attack. In addition, the Soviets have developed a refiring capability for some of their larger ICBM's which could allow them to reload their delivery systems several times. They have given us indications that they think they could fight a protracted war by hardening their silos and protecting key targets

with elaborate air defense. Their writings, military doctrine, and exercises all emphasize the kind of nuclear warfighting policy which we in the United States have rejected—and which we must deter. We must, therefore, make sure that the Soviet leadership, in calculating the risks of aggression, recognizes that an effective American reponse exists, and understands that, consequently, there can be no circumstances where the initiation of a war at any level would make sense.

To this end, we have maintained over the last two decades a strong and interdependent force, known as the TRIAD, which consists of land-based intercontinental ballistic missiles, sea-based ballistic missiles, and manned strategic bombers. This multiplicity of forces provides three significant benefits.

First, each of the strategic components of the TRIAD acts in concert with the others to complicate Soviet planning, making it more difficult for the Soviet Union not only to plan and execute a successful attack but also to defend against retaliation.

Second, each of the legs of the TRIAD acts as a hedge against a possible technological break-through that could threaten the viability of any single strategic system. By maintaining a TRIAD we force the Soviet Union to disperse their resources among three components, preventing them from concentrating their considerable resources on defeating two or only one U.S. strategic system.

Finally, only a TRIAD of three unique systems can provide us with all the elements necessary to provide a strong, secure deterrent. The strengths of each system not only complement the strengths of the other two but also compensate for their weaknesses. To deter successfully all types of nuclear attack, our forces as a whole must possess a number of characteristics and capabilities—including survivability, prompt response, mission flexibility and sufficient accuracy and warhead yield to retaliate against hardened Soviet military targets. No single weapons system can incorporate all of these capabilities. Submarines are less vulnerable, but less accurate. Bombers are accurate, and retrievable, but they are much slower. ICBMs are easier to command and control, faster, and more accurate, but they are more vulnerable than submarines and, once launched, irretrievable. But all three systems together can incorporate all those elements necessary to deter against all types of attack.

For many years it was our good fortune to possess a TRIAD whose effectiveness could be assured well into the future. Unhappily, due to the massive, and largely unmatched, strategic build up that the Soviets have sustained since the 1960s, those days are gone. That build up has created substantial vulnerabilities in our strategic TRIAD which in turn have altered the strategic balance and reduced the effectiveness of our deterrent capability.

Over the past two years the President has instituted, and the Congress has supported, a number of initiatives to rectify the TRIAD deficiencies this build up has created, including production of the Trident submarine and development of a new, more capable SLBM, the D-5; production of the air-launched cruise missile, development of the B-1B and 'Stealth' bombers; improvements in the U.S.-Canadian Air Defense network; and improvements in the effectiveness and reliability of our command, control, communications and attack warning capabilities. I know this committee shares our conviction that such a strategic modernization program is vital to preserving deterrence and enhancing the prospects for arms reduction.

But one very serious weakness in our TRIAD has yet to be resolved—the modernization of the ICBM force. The United States made a conscious choice during the 1970s to restrict its nuclear weapons developments so as not to present the Soviet Union with a first strike threat. However, the Soviets showed no such restraint. During the 1970s the Soviet Union deployed more than 600 powerful SS-18 and SS-19 ICBMs with nearly 5,000 highly accurate warheads; at the same time they hardened their missile silos and key command and control facilities to resist attack. These Soviet developments have simultaneously endangered the survivability of our ICBM force, and substantially reduced the retaliatory effectiveness which lies at the heart of our strategy of deterrence.

Without a viable ICBM force our TRIAD would lose several qualities that are crucial to deterrence: extremely high peacetime readiness rates, rapid and reliable communications with command authorities, and prompt counter military capability.

But, even more important, indeed at the heart of the current U.S.-Soviet strategic force imbalance, is the Soviet monopoly of prompt hard target kill capability. This gives them a twofold advantage over the United States. First, it enables the Soviets to launch a very high confidence first strike attack on our land-based ICBM, while expending only one third of their ICBM force in the process. The large store of remaining ICBMs would then enable them to divert weapons to other essential targets in a first-strike attack and still maintain a large and effective reserve force to conduct follow-on attacks. Second, the fact that we lack a prompt retaliatory capability against very hard targets allows Soviet planners to consider the possibility that, for the crucial first few hours of a nuclear conflict, the bulk of their ICBM force and supporting command and control structure would remain largely immune to U.S. retaliation. This would eliminate one of the major sources of uncertainty that is such an important element of deterrence—the unpredictable effects of U.S. retaliation on Soviet war plans. Without this crucial uncertainty exerting an influence on Soviet war planners, their confidence in their ability to fight and win a nuclear war is reinforced.

This development is too dangerous to be allowed to continue unchallenged. If we do nothing, we will face the very real danger that the Soviets could at some point come to believe that they could use, or blackmail us by threatening to use, nuclear forces to gain their military or political ends.

Because the problems of the ICBM leg of the TRIAD are essentially two-fold—retaliatory effectiveness and survivability—we must seek a solution that answers both concerns. Last November the Administration recommended deploying the Peacekeeper missile in a closely spaced basing mode, which would take advantage of the fratricide phenomenon produced by attacks on closely spaced super-hardened ICBM silos. Congress, as you know, directed us to study further the question of basing and deployment. To fulfill this requirement, the President established an independent, bipartisan Commission on Strategic Forces made up of distinguished experts and former Government officials and chaired by former National Security Advisor, Brent Scowcroft. The President directed the Commission to examine the broad range of strategic modernization issues including basing alternatives to CSB, ICBM alternatives to the Peacekeeper, and air- and sea-based alternatives to a modernized land-based ICBM force. Over the last several months the Commission thoroughly studied these alternatives and last week presented its report to the President; a report that, I think all will agree, equals in every respect the expectations of excellence that such a distinguished body of experts naturally engenders. It is a report that has won the strong support of the President, his National Security Advisor, the Joint Chiefs and me. In addition to endorsing the President's strategic modernization program, the report addresses the two weaknesses of the ICBM leg in a phased approach.

To solve the problem of retaliatory effectiveness the plan calls for a limited deployment of 100 Peacekeeper missiles in Minuteman silos which will reestablish the hard target capability necessary to maintain deterrence. By deploying the Peacekeeper missile we will immensely complicate any attack the Soviets might plan and, by threatening their remaining ICBM force, decrease their confidence that an attack might succeed. As the President's Commission points out "Soviet planners would have to account for the possibility that Peacekeeper missiles would be available for use and thus they would help deter such attacks." Thus the lack of retaliatory effectiveness in our current ICBM force is a relatively easy weakness to overcome and the Peacekeeper can begin to accomplish this in 1986 and finish the job in 1989.

The President's modernization plan also spells out an approach to enhancing survivability. However, because this aspect of the problem is more complicated, the solution is necessarily more difficult. I can think of few national security issues that have been so intensively and exhaustively examined as Peacekeeper basing. The search for a survivable basing mode has preoccupied political leaders of both parties, as well as the American people for nearly a decade. Although we frequently have embraced different solutions to this problem, we all, nevertheless, shared the belief that if we looked long and hard enough, a single, perfect solution would be revealed.

By now it is clear that this was an illusion. As the Commission noted, ". . . by trying to solve all ICBM tasks with a single weapon and a single basing mode in the face of the trends in technology, we have made the problem of modernizing the ICBM force so complex as to be virtually insoluble." Or, in the words of Voltaire, sometimes, ". . . the best is the enemy of the good."

With the Peacekeeper missile deployed in Minuteman silos, we will restore our retaliatory capability. However, for the near term, we must rely on the interaction of the TRIAD legs to provide some degree of ICBM survivability. The point here, to quote the Commission report once again, is that "whereas it is highly desirable that each component of the strategic forces be survivable when it is viewed separately, it makes a major contribution to deterrence even if this survivability depends in a substantial measure on the existence of one of the other components of the force." With respect to the longer-term, the President's ICBM modernization plan will achieve survivability through an extended, two-step process: development of a new small missile, and research and development on mobility,

silo hardening, ballistic missile defense, and deep underground basing.

Just as there are significant advantages to diversity among the TRIAD forces, there might also be significant advantages to diversity within the ICBM force. By deploying different types of ICBMs—each with different capabilities—and basing them in dissimilar configurations, the independent survivability of the ICBM force as a whole might be dramatically improved, while its flexibility is increased.

Specifically, by deploying the Peacekeeper we will quickly provide the ICBM force with the retaliatory hard target capability necessary to maintain deterrence. The Peacekeeper's throwweight also gives us sufficient payload flexibility to maintain retaliatory effectiveness even if the Soviets were to harden their strategic assets even further, or violate the ABM Treaty by rapidly and massively increasing their ballistic missile defense deployments. By deploying a new small missile we would add to the flexibility and overall capability of the ICBM force while providing basing options, such as mobility, that are not feasible with larger missiles. And by deploying the ICBM force in a range of dissimilar basing modes, we improve the survivability of our entire ICBM force by driving the Soviet offensive force structure in opposite and counterproductive directions. That is, a force structure designed to effectively attack one type of basing mode may be ill suited to attack a different basing mode.

As mentioned earlier, the President's plan includes vigorous research on new techniques for hardening silos and shelters, on different types of land-based vehicles and launchers, including hardened vehicles, on ballistic missile defense and deep underground basing, and on the phenomenon of fratricide, that is, destruction of an attacking warhead by the explosive effects of another. By supporting such diversity, the President's plan retains—and even enhances—our options for a changing strategic environment.

But the impact of the President's ICBM modernization plan extends beyond the world of nuclear deterrence. It also will have a significant impact on our ability to meet our commitments to our friends and allies. One important effect could be on the essential NATO INF modernization program. Scheduled to begin late this year, this program is necessary to counter the growing European strategic imbalance resulting from the persistent Soviet build up of its SS-20 intermediate range missile force. Many of our NATO allies are watching the decision on the deployment of the Peacekeeper very closely. Deployment of a modern land-based missile system in this country is necessary to maintain the effectiveness of the U.S. strategic deterrent, just as ending the present imbalance in Europe—either through arms reduction or deployment of modern intermediate range nuclear forces in Europe—is essential to keeping our allies securely linked to the U.S. strategic umbrella. Failure to deploy Peacekeeper could not only undercut the ability of key allied governments to muster and hold the political support necessary to back Pershing II and ground-launched cruise missile deployments in their countries but also be seen as undercutting America's nuclear umbrella for NATO.

But the President's plan also has a wider, more long-term impact. The peacetime, day-to-day, decisions that collectively make up the behavior of the United States, the Soviet Union and all other nations are influenced by perceptions of the U.S.-Soviet strategic balance. The greater the imbalance, the more conscious we become of the limits to our options in international affairs and the greater the chance that we might be forced to compromise our interests to avoid crises that might overburden our capacity to deter conflict. In the same vein, the greater the imbalance, the greater the tendency of the Soviet Union to embrace ever more ambitious definitions of what constitute legitimate Soviet interests; the greater their tendency to view the risks of crises as an acceptable price to pay for the satisfaction of their political aims. The behavior of other nations is affected by perceptions of the strategic balance too. The greater the imbalance, the greater the tendency to view Soviet aims as interests to be accommodated; the greater, also, their tendency to view U.S. aims as interests to be ignored or challenged.

Today, we are confronted with just such a strategic imbalance; an imbalance that, in the face of the continued enhancement of Soviet power, will only worsen if we do nothing to counter it. There are many things we can do to reestablish a strategic balance, some of which, as I mentioned earlier, we are doing already. However, if we do not modernize the ICBM leg of the TRIAD, and maintain those important capabilities unique to the ICBM, restoration of a strategic balance will not be possible. As my predecessor, Harold Brown, wrote recently: ". . . we said in the early 1970s that we would modernize with a new missile in the late 1970s. In the mid-1970s we said that we would do so in the early 1980s, and in the late 1970s that we would in the mid-1980s. We have failed so far to do any of those things, even while the Soviets were deploying over 600 new ICBMs, each with a payload equal to or greater than that of MX, and with accuracies now matching those of the most accurate U.S. ICBMs.

To say that the United States will modernize in the early 1990s with a small single-warhead missile will just not be believable. The Soviets would be justified in calculating that any new U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems."

Finally, there is the important consideration of arms control. While a strong and viable deterrent is essential to the maintenance of peace, our search for a durable foundation that can support a lasting peace must also incorporate significant and verifiable reductions in the size and destructive potential of existing nuclear arsenals. The President's ICBM modernization plan is fully consistent with, in fact, necessary to, such arms reductions. As you are all aware, the President has proposed a strategic arms reduction proposal, START, which would reduce by one third the overall size of both sides' deployed ballistic missile warheads, with even greater reductions in those weapons systems that are potentially the most destabilizing—land-based ballistic missiles. Whether the President's START proposal is successful will, in large measure, depend on Soviet perceptions of this nation's determination to maintain its deterrent capability in the face of the persistent growth of Soviet military power. Because the ICBM modernization plan is essential to our deterrence capability, the Soviets will undoubtedly perceive this nation's decision on whether to support it a litmus test of the extent of that determination. If the American people and its Congress give their support, the Soviet Union will come to the realization that the United States understands the current strategic realities and fully intends to meet the national security obligations these realities impose. By reinforcing this perception of American determination, vigorous ICBM modernization will discourage the notion that a continuation of the Soviet arms build up will afford the Soviet Union any strategic advantage and encourage Soviet cooperation in bringing strategic arms under control Conversely, failure to modernize will serve only to foster a Soviet belief in the soundness of their policy of seeking unilateral strategic advantage through the continued deployment of ever more powerful weapons in ever greater numbers.

Until this issue is clearly resolved in favor of a modernized ICBM force, we can expect little cooperation from the Soviet Union in Geneva. We have learned the hard way that the Soviet Union is impressed not by self-restraint, but by determination. For the first time they have proved willing to sit down at the negotiating table to discuss arms reduction; let us give them the incentive to stay there and reach fair, equitable, and verifiable agreements.

Let me make one final point about the centrality of our ICBM modernization plan to arms control. This Adminsitration has sought to move away from arms control agreements that confine their restrictions to such limited measures of strategic capability as launchers and missiles, and emphasized instead those elements of strategic capabiltiy that threaten to upset stability. In this connection, I was pleased to note that the Commission report echoed this Administration's focus on warhead and throwweight reductions in the START negotiations.

The President's modernization plan supports this concern with stability by holding out the promise, over the long-term, of channeling ICBM forces into more stable directions. Such stability can be enhanced by deployments that distribute the total number of warheads contained in the ICBM forces over a larger number of smaller missiles, thereby reducing the target value of individual ICBMs. In reducing the value of individual strategic assets, we reduce the attack incentive of a potential aggressor. If this promise is to be realized, we must pursue the two-step process provided by the President's plan.

First, we must deploy the Peacekeeper missile to end the current, destablizing advantage the Soviet Union enjoys in critical prompt hard target capability. The Soviets will not voluntarily give up their current strategic advantage. If we do not take this first step, they will have no incentive to move toward ICBM deployments that are more stabilizing. Deployment of the Peacekeeper will act as a necessary foundation and catalyst for a restructuring of U.S. and Soviet ICBM forces.

Second, we must vigorously pursue small, single warhead missile technology and operational concepts to determine the technical, operational and fiscal feasibility of moving to an ICBM structure that increases the emphasis on the deployment of ICBMs that individually are of less value as targets.

The report issued by the President's Commission reflects the dedication and patriotism with which this bipartisan group of distinguished Americans responded to the task given them. Let me end, then, by quoting from the end of their report:

"If we can begin to see ourselves, in dealing with these issues, not as political partisans or as crusaders for one specific solution to a part of this complex set of problems, but rather as citizens of a great nation with the humbling obligation to persevere in the long-run task of preserving both peace and liberty for the world, a common perspective may finally be found."●

UNIVERSITY OF MICHIGAN MARCHES ON

● Mr. RIEGLE. Mr. President, the University of Michigan marching band, under the direction of Eric Becher, has been selected as the country's outstanding college marching band. The first annual Louis Sudler trophy was presented to the band on January 1, 1983, at the Rose Bowl. Louis Sudler, founder of the award and executive chairperson of the John Philip Sousa Foundation, honored the band for its excellent marching program. I would like to take a moment to personally recognize this group of spirited, talented musicians and directors for their impressive accomplishments and dedication.

Directors from over 600 bands with teams in the NCAA Football League and 100 prominent sports writers voted overwhelmingly to select the Michigan band as best meeting the standards of excellence outlined by Mr. Sudler. These qualifications are to:

Demonstrate the highest marching standards, innovative marching routines and ideas and to make important contributions to the advancement of the performance standards of college marching bands over several years.

One of the largest and oldest bands in the country, the University of Michigan marching band dates back to the 1850's, long before the football program began. This year, the band had more than 230 members.

Over the years, the band has undergone continuous refinement, not to mention countless hours of grueling drills and practice to attain its current level of excellence. Under the guidance of several of the Nation's most talented university band directors such as Nicholas Falcone, William D. Revelli, George Cavender, and now Eric Becher, this band has become known nationwide and thoughout the world as second to none among university marching bands.

Hail to the University of Michigan marching band, the band of the victors. Its diligence and creativity has and always will be the pride of Michigan.●

BOSTON GLOBE WINS A PULITZER

● Mr. TSONGAS. Mr. President, earlier this week, Columbia University announced the 1983 Pulitzer Prizes for distinguished work in journalism and the arts. The 19 winners were selected from a field of 1,264 entries. Among them was the Boston Globe which received the national reporting award for a 56-page supplement titled "War and Peace in the Nuclear Age." It is the ninth Pulitzer the newspaper has won in less than two decades.

I commend the Boston Globe for winning journalism's most prestigious award again this year and to congratulate the Globe's editor, Tom Winship, and its publisher, William O. Taylor, for their outstanding service to the people of Massachusetts and New England.

In particular, I should like to cite the nine reporters and editors at the Globe who were directly responsible for the award-winning publication. They are: Michael Janeway, managing editor of the Sunday Globe; Lucy Bartholomay, Sunday art editor; Fred Kaplan, military reporter; Ron Campisi, design director; William Beecher, diplomatic correspondent; Randolph "Ry" Ryan, editorial writer; John Powers, reporter; Christina Robb, writer for the Sunday magazine and Harry King, a metro editor.

Mr. President, growing public concern about the risks of nuclear war has spawned a national grassroots nuclear-freeze movement. Citizens of Massachusetts and other New England States have been in the forefront of this movement. The Boston Globe's contribution to public education and enlightenment on this singularly important issue is an example of journalism at its finest. I ask my colleagues in the Senate to join me in congratulating the Boston Globe on its continuing commitment to excellence.●

LEV OVSISCHER

● Mr. DIXON. Mr. President, I rise today to bring to the attention of our colleagues an article written by Shirley Friedman about the plight of the Ovsischer family, refuseniks from Minsk.

I think this article is well written and important, because we cannot forget the plight of those who are less fortunate than ourselves. The Ovsischers and all Soviet Jews who are trying to emigrate from the Soviet Union deserve our continual and sincere concern.

I ask that the article be printed in its entirety as a reminder that we should continue to press the Soviets to loosen their policies with respect to the refuseniks, who are denied the most basic of human rights.

Thank you.

The article follows:

[From Jewish Chicago, March 1983]

LEV OVSISCHER, MORE THAN A HERO

(By Shirley Freedman)

On March 4, 1943, five thousand Jews were massacred by the Nazis in Minsk. In recent years the Jews of Minsk have held annual memorials at the site of the mass murder. These yearly commemorations have become an outward sign of Jewish solidarity in a town where Soviet anti-Semitism has been particularly virulent. Each year a short, gray-haired, middle-aged man regularly addresses the assembled Jews—a unique public display in Russian life. That man is Lev Ovsischer.

At the time of the World War II Nazi outrage in Minsk, Colonel Lev Ovsischer was in command of a squadron of fighter bombers which was highly-commended by the Soviet government for an outstanding number of daring sorties against the enemy. After being wounded in the crucial Battle of Stalingrad, Lev was transferred to the General Staff Headquarters. For his courage and dedication to duty and country, Col. Ovsischer was decorated with fifteen medals, including the Soviet Union's highest military decoration. Indeed, as Lev Ovsischer was often to emphasize, 170,000 Soviet Jews were decorated during World War II. In 1961 Col. Ovsischer went into the Reserves, and has not been called up since then.

Yet today, the man who had been officially designated as a "Hero of the Soviet Union" has been stripped of his military rank, deprived of his army pension and lives in extreme economic and personal difficulty. His telephone is often disconnected, and correspondence may not get through to him. In 1973 Lev Ovsischer was arrested and put on trial for six months. Both he and his wife, Nadezhda, were constantly threatened with physical violence as part of a continuing program of harassment by the dreaded Soviet secret police, the KGB. So unbearable had life in Minsk become that Lev wrote to a friend in England these words of desperation: "Save me . . . save me from the abyss."

What was Lev Ovsischer's "crime"? What caused this honored military hero to be treated as a pariah, to be denied those few rights guaranteed even under Soviet law? What made the Ovsischers decide to risk their lives of comparative comfort? The answer is a simple one: Lev Ovsischer wanted to live as a Jew, and in 1971 he applied for a visa to emigrate to Israel.

And so Lev and Nadezhda Ovsischer became "refuseniks," joining that incredible brave group of visible and outspoken Russian Jews whose applications for a visa have been repeatedly denied. The official reason given for refusing the Ovsischer's application is that Lev possesses military secrets, even though more than twenty years have lapsed since his army service.

The sequence of events following Lev's request for permission to leave has become an all-too familiar pattern of persecution. The KGB searched and ransacked the Ovsischers' apartment, confiscating any books of Jewish interest. Their freedom of movement was severely restricted; friends and acquaintances were questioned in an effort to attain damaging evidence against Lev, and were warned against further contact with him.

Educated as an economist, Lev was prevented from supporting his wife and daughter. Although from time to time he was able to find menial jobs, he was dismissed when this was discovered by the KGB. He was told that because he had a university education, he was taking the place of an unqualified worker! Due to the efforts of the KGB to convict Lev of anti-Soviet activity, as well as accusations of his being "pro-Zionist," he has been unable to obtain professional employment.

However, despite numerous interrogations by the KGB, a trial on trumped-up charges and continuing attacks by prominent journalists in the Soviet press, Lev has persisted in emphasizing his Jewish identity by organizing study groups in Minsk on Jewish History and Culture.

Lev Ovsischer was not the only Jew to become disillusioned with the Party. However, he refused to be silent over the treatment of Jews in the Soviet Union, and became known as a vocal campaigner for Jewish rights, protesting trials against Jews in Leningrad and elsewhere. Together with the late Yefim Davidovich, Lev joined a number of retired Jewish officers who struggled tirelessly in the fight against official anti-Semitism. Davidovich achieved his dream of being in Israel only in death, when the Soviet government allowed his body to be taken to Israel for burial.

In 1979 the Ovsischers' only child, Tanya, was allowed to emigrate to Israel. The separation of parents and daughter became even more difficult when Nadezhda developed serious heart trouble. With that ultimate cruelty at which the Soviets excel, Lev was rarely even permitted to visit his wife in the hospital, although it was evident that her condition was critical. Ravaged by a series of heart attacks, Nadezhda finally succumbed; and Lev faces 1983 alone. Although he is overwhelmed with grief and his own health has deteriorated, his will and spirit remain unbroken—he will not surrender his dream of Israel.

Lev Ovsischer has not only become an inspiration to his fellow Jews in Minsk—he has become a symbol in the Soviet Jewry movement throughout the world. The Ovsischers were "adopted" by Jewish families in California, Colorado, Florida, Illinois and New York, as well as in Canada, England, France and Israel.

Although the number of Jews allowed to leave the Soviet Union is at its lowest ebb, the campaign to secure the release of Lev Ovsischer remains undaunted. As we take note in these few words of the remarkable courage and shining resolve of Lev Ovsischer to live freely as a Jew in Israel, we urge our readers to add their voices on his behalf. Write regularly to Anatoly Dobrynin, Embassy of the U.S.S.R., 1125 16th St., N.W., Washington, D.C. 20036. Your message can be brief: "We urge your government to recognize the right of Lev Ovsischer of Minsk to emigrate to his ancient homeland of Israel. Grant his application for a visa. Let him go."●

ORDER FOR RECESS UNTIL MONDAY, APRIL 25, 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 12 noon Monday, April 25, 1983, for a pro forma session of the Senate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FOLLOWING PRO FORMA SESSION ON MONDAY UNTIL 2 P.M., TUESDAY, APRIL 26, 1983

Mr. STEVENS. Mr. President, I further ask unanimous consent that following the pro forma session on Monday the Senate stand in adjournment until 2 p.m. on Tuesday, April 26, 1983.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE ON TUESDAY, APRIL 26, 1983

Mr. STEVENS. Mr. President, I also ask unanimous consent that when the Senate convenes on Tuesday, April 26, 1983, the reading of the Journal be dispensed with, no resolutions come over the rule, the call of the calendar be dispensed with; that following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BYRD. Mr. President, reserving the right to object, this does not include a provision against any bills that may have been introduced and may be placed on the calendar under rule XIV.

Mr. STEVENS. That is correct. I thank the distinguished Democratic leader for the improvement of the request and add that to the request.

Mr. BYRD. Mr. President, if the Senator wants to include that it is all right. In other words, if the Senator wishes to leave this as it is written without any such provision it is all right. I have no objection.

Mr. STEVENS. I thank the Senator for his consideration and I am informed that there will be a bill come over under the rule and be placed on the calendar. Therefore, it should not be in the unanimous-consent request. So I withdraw that request to add rule XIV to this unanimous-consent request and again present to the Senate my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOSED SESSION LIKELY ON TUESDAY, APRIL 26, 1983

Mr. STEVENS. Mr. President, I want to state for the record and to the Senate that it is my understanding that a request will be made on Tuesday that the Senate go into a secret session. That matter, I am informed, will be discussed by the majority leader with my distinguished friend from West Virginia, the minority leader, sometime over the weekend. We hope that an announcement will be made on Monday concerning the time for such a session, if it is to occur on Tuesday.

We further intend to proceed to the two bankruptcy bills which have been discussed.

I say to my good friend that I am not now at the point to ask unanimous consent to proceed to the consideration of either bill. We are checking that out again, to see if we could have an understanding that on Monday we could announce which of the bills will be considered first, rather than have any consent during the pro forma session. I would appreciate that courtesy. We are not able to get an agreement on which bill will come up first. It is our intention to move to the bankruptcy bills on Tuesday.

Mr. BYRD. Mr. President, will the distinguished acting Republican leader yield?

Mr. STEVENS. I yield.

Mr. BYRD. I thank the Senator for stating that it is the intention of the leadership to proceed on Tuesday to one of the two bankruptcy bills, so that Senators on our side will be on notice of that.

I also think it only fair to the distinguished acting Republican leader for me to state that it is my present judgment that a motion will be made by a Senator on this side of the aisle, at approximately 2 p.m. or 2:30 p.m. on Tuesday, for a closed session. That motion will be seconded.

So I think I should say to the distinguished acting Republican leader that there is every likelihood that there will be a closed session on Tuesday afternoon, and I think the Senate should be prepared for such clearing procedures as need to be done in advance of such a closed session. Perhaps the acting majority leader would want to put those procedures into motion over the weekend in time for the closed session.

Mr. STEVENS. I thank the Senator from West Virginia for his suggestion. We will be prepared to do that.

However, I again state that it is my understanding that the distinguished Senator from Tennessee will telephone the Senator from West Virginia, prior to the session on Monday, to discuss that matter, so that we may make an announcement as to the timing.

Mr. BYRD. Mr. President, do I correctly understand that the pro forma session on Monday will indeed be only a pro forma session, that no business will be transacted, no speeches, no bills introduced and that the Senate will immediately go out?

Mr. STEVENS. The Senator is correct. That is the intention of the unanimous-consent request which has been entered.

It would be our intention to state before that, in the "dugout chatter," the concept of what is going to occur on the next day.

We have no intention to conduct any business or make any motions or take up any matter before the Senate.

Mr. BYRD. I thank the Senator.

Mr. STEVENS. We will try to beat the Senator's record in terms of a pro forma session.

RECESS UNTIL MONDAY, APRIL 25, 1983

Mr. STEVENS. Mr. President, is there any further business to come before the Senate?

If no Senator has any further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:47 p.m., recessed until Monday, April 25, 1983, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 21, 1983:

DEPARTMENT OF STATE

Arthur Winston Lewis, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

THE JUDICIARY

Sherman E. Unger, of Ohio, to be U.S. Circuit Judge for the Federal Circuit, vice Robert L. Kunzig, deceased.

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 5141, for appointment as Chief of Naval Personnel for a term of 4 years:

To be chief of Naval personnel

Vice Adm. William P. Lawrence, 410-44-3904/1310, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1983:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

Lt. Gen. William R. Nelson, [redacted]FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jack I. Gregory, [redacted]FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Donn A. Starry, [redacted] (age 57), U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John D. Bruen, [redacted], U.S. Army.

The followed-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Maxwell R. Thurman, [redacted] U.S. Army.

The followed-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Jack N. Merritt, [redacted], U.S. Army.

The followed-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard G. Trefry [redacted] (age 58), U.S. Army.

The followed-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Nathaniel R. Thompson, Jr., [redacted] U.S. Army.

The followed-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Paul F. Gorman, [redacted], U.S. Army.

The followed-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Wallace H. Nutting, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Raphael D. Tice [redacted] (age 55), U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. William J. Hilsman, [redacted] (age 50), U.S. Army.

IN THE NAVY

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James R. Hogg, [redacted] 1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. "M" Stasser Holcomb, [redacted]/1310, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

Adm. John G. Williams, Jr., [redacted] 1120, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Edward P. Travers, [redacted]/1120, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Kent J. Carroll, [redacted] 1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5142, to be assigned as the Chief of Chaplains, U.S. Navy:

Rear Adm. Neil M. Stevenson, Chaplain Corps, [redacted]/4100, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, sections 5133 and 1370.

To be vice admiral

Vice Adm. J. William Cox, Medical Corps, [redacted]/2100, U.S. Navy.

The following-named captains of the Reserve of the U.S. Navy for permanent promotion to the grade of commodore in the Line and staff corps, as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICER

John Joseph Sweeney
John Edward Love
Kenneth Edward Myatt
John Edward Summers

SPECIAL DUTY OFFICER (CRYPTOLOGY)

William Joseph Miles

SPECIAL DUTY OFFICER (INTELLIGENCE)

Robert Patrick Tiernan

MEDICAL CORPS OFFICER

John Duncan Tolmie
James Glen Roberts

SUPPLY CORPS OFFICER

Philip Arthur Whitacre

JUDGE ADVOCATE GENERAL'S CORPS OFFICER

Robert Edward Wiss

DENTAL CORPS OFFICER

Edward John O'Shea, Jr.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Edward H. Martin, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Bernard M. Kauderer, xxx-xx-x... xxx-.../1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Powell F. Carter, Jr., xxx-xx-x... xxx-.../1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James B. Busey, IV, xxx-xx-xx... xxx-.../1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William J. Crow, Jr., xxx-xx-xxxx/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. William N. Small, xxx-xx-xxxx/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William H. Rowden, xxx-xx-x... xxx-.../1110. U.S. Navy.

THE JUDICIARY

William H. Barbour, Jr., of Mississippi, to be U.S. district judge for the southern district of Mississippi.

IN THE AIR FORCE

Air Force nominations beginning Fred E. Ellis, and ending Martin A. Lukacs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1983.

Air Force nominations beginning Lynn R. Anderson, and ending Ronald S. Tourigny, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 21, 1983.

IN THE MARINE CORPS

Marine Corps nominations beginning William S. Ainsley, III, and ending Harvey L. Zimmerle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1983.

IN THE NAVY

Navy nominations beginning Donald Lewis Abbey, and ending Julian Maynard Wright, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 1983.

EXTENSIONS OF REMARKS

ADDRESS BY CONGRESSMAN MEL LEVINE AT PUBLIC UTILITIES COMMISSION SYMPOSIUM, STANFORD LAW SCHOOL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues an address by Congressman MEL LEVINE of California made before the Public Utilities Commission Symposium at the Sanford University Law School. Mr. LEVINE's address clearly outlines the dramatic changes occurring in the public utility industry and the challenge to industry and the Congress that these changes present.

The address follows:

ADDRESS BY CONGRESSMAN MEL LEVINE

I am very pleased to be here with you today.

After my first three months as a Member of Congress, I have found that many of the issues which I have considered in the Congress, both on the Energy and Environment Subcommittee and even on the Foreign Affairs Committee, will have a direct and significant impact on the public utility industry.

As a Member of these subcommittees and of the New Members Caucus on Utility Action, I am pleased that I will be able to maintain the involvement and concern with the public utility industry which I have had in the Legislature.

It is clear that your industry is in the process of dramatic change. In telecommunications, electrical power generation, and the natural gas industry, new government policies and recent international events are very likely to affect your businesses dramatically.

Today I will discuss some of these issues, as well as some of the crucial areas which both Congress and your industry now face.

One of the major debates which will occur during this session of Congress revolves around the issue of natural gas price deregulation. It is essential to remember that this debate is occurring within the framework (at least for California Congressmen) of a ten billion dollar per year gas bill for California ratepayers in 1983 as opposed to a three billion dollar cost in 1977. Residential gas bills in California have climbed three hundred percent, from 900 million dollars per year to 2.7 billion dollars since 1977.

While fourteen bills have already been introduced which would either decontrol or control prices of natural gas to varying degrees, most observers expect two bills, one sponsored by the Reagan Administration, and the other by a bipartisan Congressional group which I have joined, to emerge as the primary legislative vehicles for debate.

Briefly, here is what the Administration bill would do:

It would set up a three year transition period during which all price controls on natural gas would be phased out—including the 40% of old gas supplies which would remain forever regulated under the Natural Gas Policy Act.

It would impose a moratorium through January 1, 1986, on automatic purchased gas cost pass throughs above inflation by pipelines to customers. This the major consumer protection provision of the Administration bill in the eyes of its supporters.

The Administration bill would require FERC to review fully any purchased gas adjustment above the level of inflation in a public hearing. The Energy Department has said that this provision would provide an incentive to producers and pipelines to "renegotiate their supply contracts so that decisions to produce and consume gas are based on prices that reflect the lowest cost of production, transportation and distribution."

Under the bill, the price of gas in any contract would be deregulated and after 1985, any contract that had not been renegotiated could be broken. The Administration says that this provision is aimed at providing an incentive to both parties to renegotiate contracts that would help bring overall prices down.

The average price of any contracts signed after enactment would set a "gas cap" on the prices of any gas not renegotiated. Prices on still regulated gas would be limited either by this "gas cap" or the NGPA price ceiling, whichever is lower. The gas cap would only exist through January 1, 1986.

The primary alternative to the Administration bill is the Natural Gas Consumer Relief Act. This bill would:

Roll back NGPA price ceilings to 1982 levels established before that winter's large price increases;

Extend NGPA controls on "new" gas for two years, until January 1, 1987;

Limit take or pay contracts to 50% for three years;

Keep controls on old gas;

Remove FERC authority to administratively increase old gas prices;

Require full FERC review of all rates and purchases to ensure that they are "just and reasonable";

Require that contracts be filed with FERC and made available to the public;

Require FERC to establish pipeline rate designs to ensure that rates and prices of gas purchased by pipelines are "sensitive to end-use market conditions";

Eliminate indefinite price escalators; and,

Limit prices on imported Algerian natural gas.

Both bills have powerful supporters in both Houses, and I expect they will both receive extensive hearings in the Senate and the House.

After reviewing both approaches, I have concluded that each has something to offer the consumer. The Administration's proposal to disallow producer-pipeline contracts is particularly important. I was pleasantly surprised to see that concept included in its bill.

However, I have been convinced that full decontrol will have such a damaging impact on consumers and on our economy that the Administration's proposal is unacceptable. I have seen studies which indicate that the wellhead gas bill nationally over the next four years is expected to approach $135 billion. The kind of accelerated decontrol proposed by the Administration would cost the consumer an extra $50 billion. Conversely, the Consumer Relief Act would save consumers $71 billion, with the average individual consumer realizing a savings of $640 over the next four years.

In one aspect of this entire area, I have been working closely with my colleague from California, Vic Fazio, to bring some relief to customers of PG&E and Southern California Gas and reduce the price currently being charged those companies by Canada for natural gas which it supplies.

We have already contacted the Department of State requesting their intervention into this matter, and should their negotiations with Canada not prove fruitful (although I believe they will be), we are prepared to request that FERC take steps to allow PG&E and Southern California Gas to break their contracts with Canada.

Gas prices have already reached unprecedented levels. We must act to reduce the prices now being charged Californians by the Canadian Government for their natural gas.

The debate on this whole issue of natural gas regulation is likely to be long and heated. Currently, the energy committees in both Houses are holding informational hearings on this subject without yet considering any specific legislation.

I expect that whatever emerges from the legislative process will be a bill different from either of the two I've outlined, but will contain a substantial portion of the language of that bill which most nearly reflects Congressional opinion on the subject. Your industry will have divergent points of view on this issue but it is obviously one which will affect your future for years to come. I hope to work with you in reaching a result which will help protect you and your ratepayers.

Before I leave the subject of natural gas, let me mention another proposal which I have sponsored. H.R. 58 would direct FERC to initiate a rulemaking proceeding which would consider and re-evaluate service agreements which currently obligate distribution companies to purchase unnecessary quantities of high cost gas and the relationship between pipeline companies and local distributors.

While this resolution would not change any of the pricing provisions of the NGPA, it is our hope that it would bring about the operation of a freer market in the sale and purchase of natural gas at the wellhead, in the pipeline and for the consumer.

Another major development affecting utilities and their customers is the fall in world oil prices and the current disarray in OPEC. This dramatic reduction in oil prices will undoubtedly have a major impact on the world economy, our domestic economy and the utility industry.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

There is no unanimity of opinion on whether this drop in oil prices is good or bad for the economy. Many people, myself included, believe that the price reduction can only help our economy. The dollars which consumers have been paying for the outrageously high prices which the OPEC cartel was able to orchestrate for more than a decade have had a devastating impact on the economy of every major industrialized nation in the world. OPEC has essentially charged the American consumer a huge tax for its product. As consumers find that they are now spending less on their energy bills, presumably their increased earning power will find its way into the economy in increased buying power to help pull us out of the recession which has plagued us in recent years.

Some experts, however, are concerned about the possible economic collapse of a number of oil producing nations and the world banking system if prices are allowed to continue to fall. This, they say, could very easily lead to an even worse world economic situation and could plunge the world into the worst depression since the 1930's. While we need to watch this issue, I have been convinced by such authorities as Paul Volcker and the Comptroller of the Currency that such a cataclysm is highly unlikely.

The reduction in OPEC prices should directly benefit the American consumer. In all likelihood it will be felt first not just at the oil pump but also in the form of lower electricity prices for those utilities who rely on oil to generate electricity. Since most California utilities are in this category, I expect your customers to be among the first to benefit.

While this reduction in prices will be beneficial and a short term relief to hard pressed consumers, it poses a number of difficult questions for government and for the utility industry.

However lengthy and sharp the price drop ultimately becomes, no one should believe that this reduction in prices is anything other than a short term reduction. Oil remains a non-renewable resource with a finite supply. This supply is still being rapidly depleted. As supply continues to decrease, the price will inevitably be pressed upward. In addition, the Middle East remains a politically unstable area. Iran and Iraq remain at war, for example, and their hostilities could possibly expand to include other parts of the region. Should hostilities expand in this area, the world could find itself plunged into an oil crisis unprecedented in its severity and impact.

Unless we use the current respite from rising oil prices to speed our transition from fossil fuels to renewable energy sources and increase our energy efficiency we could find ourselves lulled into a false sense of security which could seriously damage both our national security and our economy. We should not allow OPEC's current weaknesss to lull us into ignoring the continuing importance of reducing our reliance on foreign sources of oil.

Unfortunately, falling oil prices makes investing in energy conservation equipment, solar energy, and other renewable energy sources less attractive in the near term. This makes it even more vital for government and the utility industry to maintain their efforts in this direction.

The current Administrations, both in Washington and Sacramento, seem to be moving in exactly the opposite direction. President Reagan has decimated the renewable and conservation budget at the national level and has turned the future direction of national energy policy in every area other than nuclear power over to the so-called "free market." Governor Deukmejian has proposed the elimination of the conservation and solar tax credits here in California as well as the termination of the SolarCal Council.

These policies are both misguided and dangerous. They ignore the lessons of the very recent past, and threaten to eliminate the crucial role that government has played in encouraging the move toward increased energy efficiency in the mistaken belief that such a change in directions will save money and help reduce deficits that plague the nation and California. It is vital that leaders like yourselves help make governmental leaders aware of the penny-wise and pound foolish nature of continuing along this road.

In California, for example, one of the most hotly contested energy bills in the last session was the retrofit bill, which passed the Assembly but died on the Senate floor—three votes short of passage—the final night of the session.

The bill has been re-introduced by Assemblyman Tom Hannigan. Last year, PG&E and SDG&E joined an extensive coalition including the realtors, apartment owners, the PUC, the Energy Commisssion, and every major environmental organization in California in support of the bill. One major utility remained adamantly against the bill, and the bill failed.

The potential energy savings available from implementation of the bill remain greater than from any other single source—and its passage remains an urgent goal in California for those people who support energy independence, energy security, and energy cost-effectiveness.

Even if adequate attention is paid to conservation, however, as various factors combine to push utility rates higher, I expect pressure to continue to grow from consumers for more stringent controls on rate increases. While electricity prices may fall in the short term, they are likely to be more than offset by rising telephone rates in the wake of the AT&T divestiture and rising natural gas prices. My constituents continue to rank this as one of their major concerns. This is obviously the situation not just in my district, but in all of those areas where utility rates have increased significantly.

To provide a meaningful voice to consumers in these areas, you might recall that last year I sponsored legislation in the California Assembly which would have established a California Consumer Utility Board. As Commissioner Priscilla Grew mentioned earlier today, a "legacy of alienation" could well be developing between ratepayers on the one hand and utilities on the other. That legacy should be halted while it can be. One way to deal with this issue is with the establishment of a Consumer Utility Board funded by voluntary contributions from utility customers. The Board would serve as an advocate for consumers before the Public Utility Commission.

Although this proposal was roundly opposed by your industry, it was a responsible, moderate approach to enable ratepayers with legitimate concerns to engage themselves constructively in the debate over rising utility rates. It received support from a broad cross-section of organizations and individuals. In fact, in all of the time that I spent discussing the bill with such divergent groups as local Chambers of Commerce, Democratic Clubs, service clubs, and other citizen's organizations, the most prevalent complaint which I heard was that the bill did not go far enough.

As a result in intense lobbying, my legislation was defeated in the State Senate. This has not reduced the pressure on elected officials to act to curb increasing utility rates. That pressure will only increase when rates climb.

You are at least as aware as I am of some proposals which arise in this area. In this last gubernatorial campaign, for example, it was a conservative Republican candidate who publicly considered the idea of a freeze on utility rates. In the current session of the California Legislature, legislation has been introduced to place a one-year moratorium on all rate increases. This legislation has received significant support from leading figures in the Assembly's Democratic leadership. Some continue to suggest that the Public Utility Commission should be elected, rather than appointed.

In my view, suggestions such as these would not be taken seriously if CUB had been enacted. CUB was a better approach—more moderate, flexible, and appropriate. There is no question in my mind that utilities must be assured of adequate revenues to make the changes that they must make in their industry—to install new equipment and integrate new technologies, to maintain service at acceptable levels, and to conduct business in a responsible manner.

However, it is almost automatic that as long as CUB bills are defeated and the status qou is maintained, pressure will continue to build for tougher cost control measures.

Senator Herschel Rosenthal and Assemblyman Peter Chacon have reintroduced CUB bills. I urge you to take another look at them, sit down with their authors and try and work out your differences on this issue. I am convinced that if you do not, you will be facing more far-reaching proposals in the near future.

A CUB-like alternative called UCAN has gained great momentum in San Diego, where such a program can make a positive difference in a local area. I hope you will try to work with it and view it as an effort to help you to better serve your ratepayers. Similarly, many observers will be watching closely to see how vigorously the PUC implements its new public advisor responsibilities enacted last year by the legislature. That too is a potential vehicle for industry/consumer/regulator cooperation that can serve as a model if it is given an aggressive role to play.

The stakes with regard to all of these issues are obviously large both for your industry and the American consumer. I believe that if government and industry work together we can fashion solid legislation which will address the serious policy issues on natural gas decontrol, OPEC prices, the role conservation and renewable energy resources will play in the future, and the prices which utility customers will pay for their service.

While I am not so naive to believe that the interests of every group are identical, I do believe that the divergent groups have for the most part essentially compatible objectives. Difficult tasks confront us, but I believe that constructive solutions can be fashioned if we cooperate and work openly with each other. I look forward to working with you in the months ahead.●

BLIND EYE ON CENTRAL AMERICA

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WHITEHURST. Mr. Speaker, I must confess that I am seriously concerned over the deteriorating situation in Central America. Indeed, few issues during my tenure in the Congress have caused me to be so deeply disturbed. I regard the train of events now being set in motion as having the potential for great national calamity for the United States. When the truth dawns later, as I believe it surely will, there will be an outpouring of anger and bitterness from the American people over our failure to exercise courage and commonsense when we had the opportunity.

George Will, in his column in the April 21 edition of the Washington Post, has clearly outlined the nature and the depth of the problem we face, and I hope it will be taken to heart by my colleagues. It is still not too late to reverse what he describes as "the slide into paralysis," but we do not have much time left, and I urge my colleagues to heed his words and consider the facts, and act in what is truly the best interest of the United States.

BLIND EYE ON CENTRAL AMERICA

To begin, a two-question quiz.

First question: since detente was codified at the Nixon-Brezhnev summit in 1973, the Soviet Union has forced a nuclear alert by threatening to intervene with troops in the October 1973 war in the Middle East (a war incited and financed by the Soviet Union); has organized and financed the destruction of the Paris accords and a U.S. ally; has intervened with Cubans and others in Angola, Ethiopia, Yemen, Cambodia, Nicaragua and El Salvador; has invaded Afghanistan; has orchestrated the crushing of Poland; has made a mockery of the Helsinki agreements; has repeatedly violated the informally agreed-to threshold test ban treaty (although we even changed the way we measure violations, in an effort to avoid the need to make protests that would dampen detente); has tried to murder the pope; is violating the terms of SALT II (an amazing feat, considering that SALT II is a tissue of loopholes and ambiguities); is funding and organizing terrorism worldwide; and is continuing an arms buildup unambiguously designed for political intimidation and military aggression. The first quiz question is: why is there a "return to the Cold War"?

Answer: President Reagan gave a speech referring to the Soviet Union as an evil empire.

Second question: the Soviet Union has an army brigade (2,600-3,000 men), 2,500 military advisers (increased 500 last year) and 6,000-8,000 civilian advisers in Cuba. It gave Cuba 66,000 metric tons of military supplies in 1981, 68,000 in 1982 (worth $1 billion). Moscow's annual economic aid to Cuba is $4 billion (more than one-quarter of Cuba's GNP). Cuba has 200 Migs, including two squadrons of Mig-23 Floggers, at least 650 tanks, at least 90 helicopters, including MI24 attack helicopters, a Koni-class frigate, two Foxtrot attack submarines, at least 50 torpedo attack boats, two amphibious assault ships. A Grenada minister says Cuba will use Grenada's new airport when supplying Cubans in Africa. Cuba, with one-seventh of Mexico's population, has military forces twice the size of Mexico's. The Soviet Union is giving 20 times more military assistance to Cuba than the United States is giving to all of Latin America. In the newest Soviet satellite, Nicaragua, 39 percent of all males over 18 are in uniform, and the regime intends to build a 250,000-person armed force, so one in 10 Nicaraguans will soon be in the military or militia. (All of Honduras' security forces total 20,000. El Salvador's total 32,000). Nicaragua's regime has built 36 new military bases and garrisons (the previous regime had 13). Nicaraguan pilots and mechanics are being trained in Bulgaria. The regime has received, so far, 50 Soviet tanks, 1,000 East German trucks, 100 anit-aircraft guns, Soviet 152-millimeter howitzers with a range of 17 miles. Cuba has 4,000 to 5,000 civilian advisers in Nicaragua, plus 2,000 military and security advisers. There also are East Germans, Bulgarians, North Koreans, Soviets and members of the PLO. The second quiz question is: about what in Central America does Congress seem most worried?

Answer: fifty-five U.S. trainers in El Salvador.

Events in Central America are spinning rapidly toward a decisive moment in U.S. history. None of the fictions that were used to rationalize acceptance of defeat in Vietnam can be used regarding Central America. The threat there is close, clear and indisputably communist. There the United States will show—will learn—whether it is any longer capable of asserting the will a great power requires, or whether the slide into paralysis is irreversible.

Governments such as Costa Rica's and Panama's are listening as congressional complaints mount. The complaints are against U.S. assistance to armed opponents of Nicaragua's Stalinists, and about even minimal aid for the democratically elected government of El Salvador that is under attack from forces that are extensions, through Nicaragua and Cuba, of the Soviet Union.

The conjunction of these complaints can mean, in effect, the extension of the Brezhnev doctrine in this hemisphere. That is, communist attacks on a regime leech away the regime's legitimacy, and produce pressures for negotiations aimed at "power-sharing" with Stalinists who do not believe in sharing power. But a communist regime, however freshly planted and dependent on foreign totalitarians, as in Nicaragua, must be treated as legitimate and irreversible.

There is a war raging, and if all the substantial, determined military assistance is one-way, there can be but one result. The result will be a communist Central America, and an Iran just a wade across the Rio Grande.●

A TRIBUTE TO JAMES MONROE HIGH SCHOOL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BERMAN. Speaker, I would like to take this opportunity to offer my congratulations to the students, faculty, staff, alumni, parents, and friends of James Monroe High School on the occasion of the school's 25th anniversary.

James Monroe High School, in Sepulveda, Calif., opened its doors to the community in 1958. Since that time, the school has distinguished itself in many ways, producing many fine graduates and making significant contributions to the San Fernando Valley area which it serves.

Monroe offers a very strong academic program, including foreign languages, honors and advanced placement courses, and occupational training programs. Many of Monroe's graduates have gone on to attend the finest colleges and universities in the country. In addition, the school has had winners in State and national contests, and has recently sent a representative to participate in the U.S. Senate youth program.

James Monroe High School also has an outstanding record in athletics. Monroe teams have won numerous city gymnastic titles and city baseball championships. At one time, the school held a string of nine consecutive league track and field titles.

The school band was the first from any Los Angeles area high school to march in the world famous Rose Parade in 1966.

Among the outstanding individuals who have graduated from James Monroe High School are Doug DeCinces, star third baseman for the California Angels, and Academy Award nominee Debra Winger.

On May 14, 1983, James Monroe High School will be holding its 25th anniversary celebration. I congratulate all those associated with this fine school, and wish Monroe High the best of luck in the future.●

THE PLO OBSTACLE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Ms. MIKULSKI. Mr. Speaker, I would like to submit for the RECORD an article that appeared on the editorial page of the Wall Street Journal on April 15. The article is an especially insightful commentary on the state of affairs in the Middle East and current U.S. initiatives to achieve peace in the area. I highly recommend that my colleagues take time to review the article.

[From the Wall Street Journal, April 15, 1983]

THE PLO OBSTACLE

Wishful thinkers in the State Department, frantically chasing after any glimmer of hope for Middle East negotiations, are trying to resurrect President Reagan's initiative for the West Bank and the Gaza Strip.

But the initiative, rejected by Israel and most recently by Jordan's King Hussein, is doomed to failure unless the PLO abandons everything it has ever stood for.

The Reagan plan, well-intended, aimed at providing self-government for West Bank and Gaza Arabs without threatening Israeli security. Mr. Reagan recognized that Israel would never countenance a PLO state on its borders, so he embraced the Israeli Labor Party's idea of a self-governing Arab regime somehow connected with Jordan. It would presumably be up to Jordan to police the West Bank and make sure it didn't become a PLO terrorist and military base against Israel.

But what Mr. Reagan failed to reckon with was the continuing intransigence of the PLO and its continuing capacity to cause misery for any Arab leader who works toward an accommodation with Israel. King Hussein learned all he had to know last Saturday when Yasser Arafat failed to deliver PLO support for Jordan's entering in the negotiations. We doubt that the softer line Mr. Arafat espoused two days ago will change the king's mind.

This failure confirmed once again what the Israelis have always said: That the PLO isn't interested in self-government for the West Bank and Gaza. What it wants is the obliteration of the state of Israel and its replacement by a PLO-run state whose flag would fly over Haifa and Beersheba and Jerusalem. And the assassination over the weekend of the leading Palestinian proponent of accommodation with Israel was a dramatic reminder of how Palestinian radicals deal with those who disagree with their nihilistic philosophies.

Such tactics make it clear that federation with the West Bank would be an enormous headache for King Hussein. If he were to crack down too hard on the PLO and its sympathizers on the West Bank, he would risk Sadat-style assassination. If he were to let the PLO pose a security threat to Israel, he would invite Israeli attacks.

The customary fingers are now being pointed at Israel and its West Bank settlements policy, when the real reason for Jordanian rejection is PLO intimidation. In the same way, Israel is blamed for the breakdown of talks about withdrawing from Lebanon, when the real reasons are the Soviet military buildup in Syria and the threat by Arab governments, particularly the Saudis, to boycott Lebanese commerce if Lebanon engages in any trade with Israel.

Israel has occupied the West Bank and Gaza for more than 15 years now, without a single serious move by the PLO and its backers to negotiate Arab self-rule. It is hardly surprising that pressures within Israel for annexation of the West Bank grow stronger. And unless the PLO changes its tune, it may soon be time for U.S. policy makers to accept annexation as a fait accompli.●

WASHINGTON POST INTERVIEWS CHICKEN GEORGE FOUNDER TED HOLMES

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MITCHELL. of Maryland. Mr. Speaker, Ted Holmes is the son of a black day laborer who never made more than the minimum wage. He is now president and chief executive officer of Joloj Industries, Inc., a minority-owned company fast becoming known for its Chicken George fried chicken restaurants.

Holmes, a Baltimore resident, attended San Diego State on a basketball scholarship. After graduation, he held several executive positions in various corporations. When he realized he would not make vice president at any of these companies, he quit and went into business for himself. Though his first attempt ended in failure, he soon turned to franchising. Holmes saw a future in fried chicken restaurants and, in 1979, opened the first Chicken George in Baltimore. His franchising concept met with rapid acceptance. Last year, Chicken George restaurants produced $14 million in sales and Joloj has recently been accepted as a full member of the International Franchise Association.

Holmes was not alone in turning to franchising. Despite the recession, businesses ranging from fast food restaurants and hotels, to muffler shops and real estate offices, have turned to franchising to distribute their goods and services. In turn, these farsighted businesspersons provide thousands of job opportunties for those desiring to go into business for themselves. Franchising offers people with limited capital and experience the opportunity to own and operate prosperous businesses. Managerial training and assistance is provided on an ongoing basis and, in many cases, franchisors help finance the purchase of necessary equipment. Franchisors may also arrange for property leases and help obtain loans from the Small Business Administration or local banks.

Recently, the Washington Post published an interview with Ted Holmes. The article is printed below and I commend it to your attention.

[From the Washington Post, Apr. 3, 1983]

A RECIPE FOR ONE MAN'S SUCCESS: GUTS, SPICE AND INTEGRATION

Ted N. Holmes, the force behind the Chicken George restaurant chain, recently talked to Washington Post reporter Courtland Milloy.

Q. How did you break out of the old pattern of working for someone else?

A. One of the advantages that I had was I was a ballplayer and I was extremely competitive. I just wanted to win.

Q. What was your game?

A. Basketball. The funny thing about that is that one day I just didn't want to play ball anymore. Most of the black guys on campus at that time were ballplayers. They wanted to switch into courses like recreation or Phys. Ed. I didn't want to do that. I wanted an education. And I did some reading.

Q. What kind of things?

A. Well, things like "The Autobiography of Malcolm X" had a tremendous effect on me. The talk of economic development which he was into after his prison years. The need to attempt to do for self.

Q. What can you tell a person who sees racism, in a time where people say race is not a factor anymore—"It doesn't matter now. This is the 1980s"?

A. I turned it around to a positive. I began to think of it as a definite advantage.

Q. How?

A. Well, if I knew black consumers, I know what taste bud he's looking for. If I knew how to advertise in that community, what it is that turns them on, then I knew that I could get them to buy the product. You're talking about a market, goods and services, of $7 billion a year—and some estimates run higher than that. That's a heck of a lot of money. And certainly enough for me!

When I was doing government contracts I knew how government contractors saw you. So I never went in to see them with a ring or even a watch on. I never drove up in a late-model automobile. I always appeared not to be too bright, to ask for their help so that they would teach me. And I was not competitive with them. I used that to my benefit.

Q. Did you wake up one morning and just decide that chicken was gonna be an item?

A. I had served in some executive positions; inventory control, computer-center work. Some personnel work. But I realized for those companies where I worked I was not gonna make it to vice president. This was in the early- to mid-'60s. So I quit.

Q. Are we talking race?

A. Race was definitely a factor. Back at that time, it was just after the riots. Companies as well as government were into just hiring blacks as tokens.

I went into the temporary-help business. Lost my shirt. Later I got a government contract to provide cooks and people to clean up around military facilities.

After doing that for a couple of years, somehow I looked and knew that 8-A [the Small Business Administration program that sets aside a portion of contracts for minority firms] was going to dry up some day. So I decided to do some research.

I took three guys out of operations and I told them, "I want you to spend six months to find out what we should go into." We did all kinds of research. Initially, we set a budget at $100,000. That budget ran out. When it was all over—almost half a million dollars.

When we looked at food service, chicken just happened to pop up. One, the cost was very stable. And two, in the early days we found that there was a high proportion of consumers who were minority who purchased fried chicken. But we also noticed that there really wasn't any food you could get specifically designed for that end of the business.

Q. How do you mean that?

A. No one had collard greens in the fast-food concept. There was one chain in the South, Popeye's, that had biscuits and rice. But that was out of the Louisiana experience. Their chicken product is extremely hot. New Orleans has probably the spiciest taste buds in the country. They were having problems in other areas of the country.

We took that and we put a different spice level. We put greens on the market. We did something different with the biscuits than they did. Lemonade specifically prepared for that market. We designed iced tea specifically for that market. It took off like gangbusters. Today Kentucky Fried Chicken—the largest fried-chicken fast-food chain in the country—now has biscuits. They have rice. Because of our success at grabbing such a large share of the market.

Q. Was there any initial concern that this would be pandering to the racial stereotype? Or that people would reject it because it was black—even in the black community?

A. Well, sure, there was a lot of that concern. Just recently did I allow my picture to appear in the newspaper. We never said whether the company was black, white, yellow, green or whatever. We did a number of focus groups around the country to test the product, the concept, the logo, everything. Name. We must have spent $125,000. When all the tests came back, we changed our logo. We had a picture of a black man holding a chicken in his hand. Very good picture, we thought. The test market came back that it was offensive to whites. Blacks were afraid that whites would be turned off by it. I still to this day don't see why, but we took it off.

Q. Was this a characterization of Chicken George himself? Or just any black guy?

A. Very friendly face. His derby cocked to the side. He looked more Spanish than he looked black. But the focus groups picked it up immediately. It was not long after the "Roots" programs, so it was fresh in everybody's mind. Well, we had some of the people tell us that they thought blacks would be offended by it.

Q. Blacks were afraid that whites wouldn't like it?

A. That's right. If it was in their neighborhood, they wanted it to be something that blacks would like. And they were concerned about how whites would perceive it.

Q. So now you use a derby. What was the reason for wanting to stay in the background as the owner of this?

A. Well, there are a number of psychological studies that tell you that blacks still have a problem about successful blacks. What we want to do is to sell chicken and make money. That was an obstacle that we didn't feel necessary to buck up against.

Q. Our own survey shows that you have the best-tasting chicken in the Washington area. Our restaurant critic checked it out. Then we had a survey in the office and it ranked No. 1. Of all the chickens out there, on whose taste buds did you come up with the secret ingredient for your chicken?

A. Basically our staff of about six people.

Q. Are they Southerners?

A. We consider all blacks to be Southerners! No. We used our native taste buds. After that, we took it to test groups around the country and then adjusted the product to what the majority of them said that they would like. The product today is less spicy than the product we came up with initially.

Q. Do you personally like chicken?

A. Not anymore! We figured we cooked about 10,000 chickens before we came up with the final recipe. And probably about 20,000 total before we sold the first piece of chicken—that was in the research. In that first 10,000 pieces of chicken I must have eaten half of that myself. So I try to stay away from it the best I can.

Q. Now that you have become successful on your own, how do you look at that reality?

A. The best move I ever made. One, I learned that I wasn't as sharp as I thought I was. I learned a lot about business in a short time. Cash flows—I didn't understand that. As far as being a decision-maker, I'd read the stuff in books. That really doesn't tell you how to get the guts to do it.

Q. Does race still matter now that you are independent?

A. Of course. For instance, there are a number of malls and shopping centers in the Baltimore and Washington area that we tried to get into and can't, even though we know there are vacancies there. It's just that our target of market doesn't mix with the market that they want. They want customers, but they don't want to run off—as they perceive it—the high end of that market. Because 95 percent of our customers are basically black. That scares the hell out of them. Even though our volumes are high.

Q. What was motivating you to do all this stuff? I mean, was it just bucks?

A. Well, funny thing. Initially it was money. After that, a sense of pride came out.

We couldn't figure out why—we did surveys and the most successful fried-chicken restaurants were in black areas that tended to be the worst rundown. So then it became a need to provide a service. That's where it really took the turn for us, I believe. In all markets where we are, and that's Baltimore, Washington, Philadelphia and Norfolk—soon Chicago—our products are more expensive and our sales are higher. It's basically because we looked for a level of excellence to provide a community that never had that. The building was new, sanitation was kept up, the equipment was the best, the whole bit. We provided a level of excellence and therefore met a need within the marketplace that had not been met.

Q. How did your failure with the temporary help business affect your motivation?

A. Determination. In 1968 I had been making close to $30,000 a year. I was 27, 28 years old. When the temporary help business went under, I went bankrupt, but I didn't close the doors. It was a determination not to admit failure. Have to go back to a lot of people who'd told me, "Boy, you're crazy for going out there. You won't make any money and you're giving up this lucrative position." It was more pride than anything. And with that pride the determination to stick it out.

Q. The people around you saying to not take the chance—you're going to bomb. Why is it that so many people don't think that the black businessman will make it?

A. Let's go to my case. My father never made more than minimum wage. He washed cars. Worked in foundries most of his life. Really hard labor. My father had basically a third grade education, from South Carolina.

We moved to Pennsylvania. We lived for the most part in a ghetto. In the black community, success is some guy who is a foreman. Low-risk kinds of things. The position in corporate America I reached was the pinnacle at that time for blacks—to get the job, office, telephone, benefits—things we've never had before. That's one of the main reasons.

The other reason is that blacks ever since slavery have always had tendencies to go up and come down. From 1880 to 1910 there were more black businesses in this country than ever before in history, even today. There were something like 72 black banks in this country. There were more retail establishments than today. Well, in 1910, 1912 the cotton depression hit. Then in the '30s the other Depression just knocked all that out. It didn't get started heavy again until the '60s. I guess it started with Kennedy but really pushed during the Nixon years under that so-called black capitalism.

In the Baltimore area you may be talking three or four black millionaires and really not the super-millionaires. Atlanta may have 18, I think. Chicago has something like 22. But you will find that where the black millionaires are, are those areas which are still very much where segregation exists. Case in point, more black millionaires in Chicago—and I'm not talking about baseball players, I'm talking about black businessmen. Chicago—very segregated city. With very clear lines of demarcation. Blacks tend to shop in one area and they don't go across the street. Whites tend to do the same. It's an unwritten law.

Q. Is segregation a good thing, then, for black business?

A. I would say yes. But I would qualify that by saying that the word "segregation" may be a little harsh. I think "community-minded" might be a better term. There were, all across this country, flourishing black shopping areas prior to desegregation laws in the '50s and '60s. Once we started shopping everywhere, those businesses just melted away.

Q. You broke out of this thing—how old were you?

A. For most of my life I lived in an alley—Park Alley. I didn't move away from there until I was about 14. Then I moved to another alley. I lived there until the time I went to college. Always lived in alleys.

Q. How did you get to college?

A. Basketball scholarship. The only way I could have gotten there. I got involved in the civil rights movement after the riots of '67.

Q. Were you in the riots?

A. Uh, yes, but that's not something I'd like to talk about.

I got some jobs just because I was black. Of course, I had the advantage of an education that my father did not have. I had exposure that my father did not have. And I didn't have anything. I therefore didn't have that much to lose.

Q. Many of the more successful blacks have started from the bottom. Is that an asset?

A. Oh, yes. The guy who starts on the bottom knows what it's like at the bottom and he knows it's not that bad. The guy who starts up at the top or in the middle, you know, that's the worst thing in the world—failure—to him. But if you know what it's like, you say, jeez, if all of this crumbled tomorrow for some reason, I could start driving a cab or I could drive a truck or sweep streets. I know I'd find another job, and it would probably be with some small guy who has a company. I could help him grow.

Q. How did you get your resources? You mentioned that you had saved.

A. Yeah, I did about five years, I guess, of government contracts. It was a multimillion-dollar operation for those years, and I paid myself basically around $18,000 a year, when I could have paid myself much more.

Q. Was that hard to do?

A. Extremely hard—and that's why I went through a divorce! (Laughter.) Just had to do without. Because I devoted so much time to work, there was no time to go out and buy new clothes and do anything you normally do with your friends.

Q. The current political climate has it that what you're doing now is the most important thing for blacks to be about. What is the importance of a black economic base?

A. I sincerely believe in independence as much as possible. We just don't have the economic resources to make a real impact on that political system. No community can grow without an economic base.

Now, how do you do that? You do it through not so much looking at today, but the future. We are moving into an informa-

tion society. In the next 10 years it's been predicted that there are going to be more main millionaires made in this country than ever before—and that's going to be in automation, in software, in programs we dream up. It's not going to require the tremendous amounts of money. The imagination is going to be very important for those of us who are able to keep our heads clear and unfogged with drugs.

Q. Why do you mention keeping drugs out of it? Is that a problem?

A. It's a problem with society as a whole. I expect within that 10 years for drugs to be legalized, such as marijuana. So for those of us who are able to keep that mind-in-a-fog from happening, we'll have a greater chance of economic success.

Q. You look like a conservative, solid guy. Nothing flashy. Still, you've taken risks worth hundreds of thousands of dollars. Is there anything in your background that says you were going to go for it?

A. Yeah. Most of the schools that I attended were integrated schools. When I say integrated, I mean maybe 30 or 40 blacks out of 2,000 or 3,000. So the things that appeared to mean success to me were those who lived in white areas and those who dressed a certain way—Ivy League. So I tried to emulate those things.

And fortunately or unfortunately, it tends to rub off. It became a competitive thing. The guys I went to school with, I became jealous of them. For a long time I said, "You made it because you're white," and "His uncle did this for him." In some cases that was true and in some cases it was not true. But I believed that in many cases I was just as good as those guys and could do just as well.

So a lot of it was competitive—as well as a little bit of personal greed! (Laughter).

Q. You have a good sense of humor. Is that a necessary ingredient for survival?

A. Yeah. I think you get to the point that you're willing to admit that you have made mistakes and laugh about them. And to learn from 'em. You go through a period when you go from independence to responsibility to maturity and then on to wisdom. Which hopefully we get to—some of us never get there—but hopefully somewhere between the ages of 45 and 65. At the stage of wisdom, that's where true happiness comes in, because you can look back at it all and laugh about it.

Q. How old are you now?

A. 43.

Q. 43. Two years away from wisdom.●

PROFESSIONAL SECRETARIES WEEK—APRIL 24-30, 1983

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues that the week of April 24-30, 1983, is Professional Secretaries Week, with the intervening Wednesday designated as Secretaries Day, as sponsored by the Professional Secretaries International. Secretaries Week was inaugurated in 1952 by Commerce Secretary Charles Sawyer to recognize the American secretary upon whose skills, loyalty, and efficiency the functions of business and government offices depend.

The three decades since 1952 have brought changes to the secretarial profession. Automation and the women's rights movement have had an impact. Spearheaded from within the ranks of professional secretaries has come a greater sense of professionalism.

The purpose of Professional Secretaries Week is twofold: To increase public awareness of the vital role played by secretaries in business, industry, education, government, and the professions; and to reaffirm the dedication of secretaries to professional performance of their responsibilities.

Professional Secretaries Week has been acknowledged in the United States and Canada by Presidents and Prime Ministers and by State, Provincial, county, and municipal governments. Observance of Professional Secretaries Week is increasing in other countries as well.

Mr. Speaker, I invite all my colleagues to join me in recognizing the vitally important job performed by secretaries and I encourage my fellow Members to take a few moments to say "well done" to those men and women whose hard, diligent work serve all of us so well.●

ISRAEL INDEPENDENCE DAY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. SMITH of Florida. Mr. Speaker, it is with great pride and honor for me and my family that this week marks the 35th anniversary of Israel's Independence. The Jewish people suffered many hardships, lived in ghettos in foreign lands, and were subjected to purges and pogroms. With the creation of the State of Israel 35 years ago, a long awaited dream was fulfilled in the realization of a homeland for the Jewish people.

Today, this homeland, the State of Israel is the only true democracy in the region. The United States and Israel have shared a deep and lasting friendship these last 35 years. We share the same goals and democratic principles. Our peoples are free to live, work, vote, demonstrate, and communicate with their governments. The Israelis have suffered bombardments and hostilities from their neighbors and survived. Any people that can withstand the desecration of holy days, the Yom Kippur war, the 6-day War, border invasions, the Israeli Olympic team massacre in Munich, and other atrocities and still remain strong and united should be commended for their faith, courage and determination.

Israel, the land of milk and honey, was once an arid desert. Through the wonders of Israeli technological advancement in the fields of science and agriculture, the once barren desert is blooming with flowers, producing an abundance of fruit and vegetables, and thriving with kibbutz settlements.

Israel is the fortress of peace in the Middle East. Israel, more than any other nation in the Middle East region, wants to live in harmony with her neighbors. We must insure, Mr. Speaker, that the United States continues to support Israel economically and militarily. For the last 35 years, Israel has fought an uphill battle of survival but had the vision to plant roots and watch them grow. For such a young country, Israel's achievements deserve our honor and respect. Let us hope that by the next Israel Independence Day there will be real peace throughout the Middle East.●

ANATHEMA TO SOME ALLIES: BIPARTISAN CABAL ASSAILS IMMORALITY OF CHEMICAL ARMS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. GEJDENSON. Mr. Speaker, a number of my colleagues have recently expressed a great interest in the administration's request for funding of the new production of binary chemical weapons. Over 70 Members have already cosponsored H.R. 822, a bill to delete funding for the production of nerve gas. It is our hope that the administration will recognize the tremendous opposition to U.S. production of additional stocks of nerve gas and withdraw their request of $158 million for fiscal year 1984.

The cosponsors of H.R. 822 do support funding for protective equipment and research and development.

In the interest of all those who wish to learn more about our efforts to stop this new generation of nerve gas from being produced I heartily recommend an article from Defense Week. I would like to insert this article into today's RECORD.

The article follows:

[From Defense Week, Mar. 28, 1983]

ANATHEMA TO SOME ALLIES: BIPARTISAN CABAL ASSAILS IMMORALITY OF CHEMICAL ARMS

Eight members of Congress from both parties introduced legislation in the House of Representatives last Wednesday to block production of lethal binary chemical weapons. The bill's sponsors are led by Clement Zablocki, chairman of the Foreign Affairs Committee, who succeeded in blocking the Administration's nerve gas request last year. The President's fiscal 1984 budget asks $158 million for the binary program.

Joining Zablocki are Reps. Sam Gejdenson (Democrat of Connecticut), David Bonior (Democrat of Michigan), Jim Leach (Republican of Iowa), Bob Kastenmeier (Democrat of Wisconsin), Les AuCoin (Democrat of Oregon), Bill Green (Republican of New York), and Frank McCloskey (Democrat of Indiana).

They base their opposition to binary weapons, which are stored in separate containments and mingle into poison only upon firing the rounds, on several points. First, they say, the U.S. already has adequate stocks of chemical rounds which according to Army reports are in top condition and ready for use without restriction. Untested binaries are less reliable, they claim, and chemical weapons in general would be militarily useless against the heavily protected Soviet foe.

Also, the congressmen object to the cost of binaries—which they said would run to some $10 billion over the next several years. But cost, according to Rep. Leach, is not the main concern: "Biochemical weapons could all too easily become the poor man's weapons of mass destruction."

Their main objection, they said, was moral and ethical; and in support of their cause they enlisted the support of 26 religious, environmental and arms control groups who protested last week Reagan's proposal to end the 14-year hiatus on American production of chemical weapons.

Meanwhile, the Foreign Affairs Committee published a staff report on discussions with European leaders noting that U.S. officials of the NATO alliance "see NATO in general, and Northern Norway in particular, as vulnerable to Soviet chemical attack." But the staff said NATO doctrine "calls for reliance on conventional and nuclear deterence to CW use, coupled with a capacity to employ lethal chemical weapons in retaliation, in a limited fashion."

It is politically impossible to deploy the new binary weapons in Europe—a point which renders them useless, according to the new bill's sponsors.

"European officials were unanimous in the view that U.S. proposals to increase or even replace current CW stocks in Europe at this time would at least severely emdanger, if not preclude, intermediate nuclear force deployment in Europe should an INF arms control agreement prove impossible," the committee report maintains.

"European government officials, as well as private security experts who met with the study mission, stressed that even in the post-INF political atmosphere there would be little enthusiasm or willingness on the part of any of the NATO allies to accept binary CW on their soil. German officials in particular cautioned that CW is so sensitive in their country that a public debate on the issue could jeopardize their continued ability to maintain existing U.S. chemical weapons on their soil.

While the Reagan Administration's strategy is one of deterring chemical attack, protecting American soldiers with advanced protective devices, and negotiating a chemical arms control treaty, the plan also calls for an acceleration of offensive, or "retaliatory", weapons.

According to the new Defense Guidance signed by Defense Secretary Caspar Weinberger on March 1, "the objective is to develop and maintain a capability with the smallest possible stockpile to deny a CW initiator a significant military advantage by forcing him to adopt a protective posture."

This will be accomplished, the Guidance says, by "assuring that U.S. forces have the capability to rapidly employ existing chemical munitions in retaliation worldwide by fiscal year 1985; by procuring the Joint Chiefs of Staff established, U.S.-only requirements for 155mm GB-2 [nerve gas] projectiles and the Bigeye bomb by the end of FY 1989; by establishment of an Air Force technical capability to develop binary chemical payloads and delivery mechanisms for air-to-surface weapons capable of meeting the 1990s retaliatory requirements of all forces; and by Army development of advanced surface-to-surface binary chemical weapons and agents for acquisition in the 1990s to meet the needs of all services."●

STUDENT LOAN BANKRUPTCY LOOPHOLE TO BE CLOSED

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. COLEMAN of Missouri. Mr. Speaker, I am today introducing a bill that is desperately needed to close a loophole in the Bankruptcy Code that currently allows students to avoid paying back thousands of dollars in their Federal student loans.

Each year hundreds of students declare bankruptcy under chapter 13 of the Bankruptcy Code and avoid repaying their Federal guaranteed student loans (GSL's) or national direct student loans (NDSL's). These people have beaten out their loan obligations through chapter 13 of the Bankruptcy Code, which permits, rather than commands, the debtor to provide for creditors, secured or unsecured, and allows debtors to keep a substantial portion of their assets under repayment plans approved by the courts. Although chapter 13 is designed to encourage debtors with steady income to make partial repayment to their creditors, the courts often are allocating a very low repayment percentage to unsecured debts, such as student loans. Some bankruptcy courts routinely settle the student loan debts, which often amount in the thousands of dollars, for just a few cents on the dollar. Courts in some States are even canceling the entire student loan debt for the payment of $1.

The GSL and NDSL programs are intended to provide loans at low interest rates to needy students. They are not grants. This cheap evasion tactic of not repaying is depriving the loan programs of moneys that could help other needy students get loans for their education today and tomorrow. At a time when every education dollar is being stretched, I fail to see why these people should be able to walk away from their obligations.

My legislation applies the stricter existing standard for chapter 7 bankruptcy filings to chapter 13 filings. Under this legislation, repayment plans could no longer be devised to write off significant student loan debts.

The higher education community, which has experienced abuse in this area, is very supportive of this legislation. Let me cite some examples:

One, from a general counsel to a large State university:

> We are seeing more and more chapter 13 cases, it seems to be catching on. We recently had a court approve a plan calling for 10-percent [payment] over 3 years to the university on a $10,000 debt by a dentist who grossed $78,000 in her first year.

Two, from another university counsel in the South:

> I would wholeheartedly support a bill which would extend the chapter 7 bankruptcy standard to chapter 13 in relation to student loans. . . . [In one case at our institution, the student's] total loan was $3,230, of which the university will receive 10 percent as payment in full. In another case, the university will receive 15 percent on loans totalling $4,900.

Three, from a university counsel in Texas:

> Since October 1979, 26 chapter 13 bankruptcies have been filed involving loans of $25,545. A total of $34 has been received under confirmed chapter 13 plans.

Four, from a small private college in the West:

> Although we have had only three NDSL borrowers file for bankruptcy under chapter 13, the results have been painfully one-sided. Two of the loans were completely discharged, for a loss of $9,700 to the college. The third was discharged after the borrower paid $256 on a balance of $1,300. In addition, it took almost 2 years to recover this amount.

These are but a few examples from the dozens of letters I have received from colleges and universities across the country. This problem is growing, too, as more and more people become aware of this loophole in the law.

It is time we changed the law to keep borrowers from discharging or paying only a small portion of their Federal student loans under chapter 13 bankruptcies. It certainly is not fair for the taxpayers to subsidize students who skip out on their obligation to repay their Federal loans.

I hope the Congress will take speedy action on this bill, and I urge my colleagues to support this legislation.●

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1983

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MURPHY. Mr. Speaker, it is with the firm conviction that many unmet human needs across our country can be addressed through voluntary service that I have introduced the Domestic Volunteer Service Act Amendments of 1983. This legislation

would reauthorize for 3 years the domestic volunteer programs of the ACTION agency in such a way as to direct the invaluable human resources of the Volunteers in Service to America (VISTA) toward pressing national needs, to further new and lasting partnerships with the private sector, and to strengthen the agency's program management and accountability to Congress and to the communities they serve.

The changes in this legislation fall into five key areas. The first consists of amendments which direct the VISTA program toward newly emerging national needs and realities. VISTA has a proven track record of over 18 years of addressing the many facets of poverty in our society. These amendments would encourage and emphasize VISTA involvement in addressing today's imminent crises, both short term and long term, among the homeless, the jobless, the hungry, and unemployed youth, in addition to its long-term role in addressing the whole range of poverty and poverty-related problems. These amendments would also expand authority to operate programs to assist unemployed and underemployed veterans. And, in one of the most important changes, these amendments would mandate that 20 percent of all volunteers be 60 years of age or older, thus vastly broadening opportunities for full-time stipended service by seniors, who have so much to offer us if we would only offer them the chance.

The second key area of change involves the strengthening of the relationship and coordination between ACTION and private sector volunteer efforts. VISTA statement of purpose would be expanded to emphasize VISTA's essential role in mobilizing private-sector resources and encouraging and recruiting part-time volunteer service at the local level in antipoverty efforts. A new part of the act would provide increased support to public- and private-sector volunteer initiatives, with a new Associate Director responsible for liaison with private voluntary organizations.

Third, these amendments would make changes that tighten the management and administration of the agency and reduce, once and for all, its political nature. In the past 2 years, the agency has become topheavy with political noncareer appointees, reaching upward of 15 percent of the agency's total employment, at a time when nearly 200 long-time career employees have been RIF'd. These amendments would place a cap of 5 percent on the number of noncareer employees of the agency. The number of Presidential appointees would be reduced from six to two. Three Associate Directors would be specified, with one responsible for VISTA and other antipoverty programs, one responsible for the Older American Volunteer programs, and one responsible for programs under the proposed new title I, part D liaison with private voluntary organizations. These amendments would also clarify the line of delegation of authority in event of the absence of the ACTION Director.

The fourth key area of changes consists of those which expand local control over VISTA projects. The amendments would mandate that all potential VISTA projects show, at the time of application, evidence of local support for the project, in addition to the already mandated Governors' approval. The amendments would also require that the ACTION Director prescribe, through regulations, a continuing mechanism for local participation by VISTA program beneficiaries in the planning, development, and implementation of local projects.

The last area of changes consists of those which insure greater accountability of ACTION and VISTA to Congress, program grantees and beneficiaries, and the public at large. The amendments would eliminate the ACTION Director's authority to waive the 45-day congressional review of final regulations and the Director's authority to promulgate new regulations without a 30-day public comment period. The amendments would expand procedures for suspension or termination of grants, to allow grantees reasonable notice and the opportunity of a full and fair hearing. The amendments would mandate that all title I, part C demonstration grants and contracts be awarded competitively, with the criteria and availability of funds made public for both these grants and those under the new title I, part D. Finally, the amendments would mandate biennial evaluations of all programs, including evidence of compliance with the legislative requirement that benefits and services be distributed equitably between urban and rural areas.

Mr. Speaker, I believe that these amendments represent a comprehensive program which accepts the President's own challenge to: "count upon voluntary strength as we turn from government doing for us what we can best do for ourselves." The VISTA program embodies this principle to such an extent that it is with some surprise and dismay that we view the repeated attempts of the President's appointees to eliminate the program. Indeed, the administration sometimes gets caught in its own web of contradictions. Just 2 months ago, President Reagan found himself praising the work of VISTA volunteers in a north Texas food bank warehouse, saying: "I can't think of a more effective private and public partnership than this food bank." And I can't think of a better endorsement for the work of VISTA.

Over the years, VISTA has received congressional support in large part because of its cost effectiveness. In return for annual support costs of about $6,800 per volunteer, the Nation receives much more than the important value of providing self-help upward mobility to the individual volunteer, all of whom are now recruited to serve in their own low-income communities. More than 75 percent of all VISTA projects are carried on by the communities after the volunteer finishes his or her term. And the average volunteer mobilizes nearly $25,000 in other community resources for the project, while recruiting a dozen or more community volunteer helpers.

Despite being managed by an administration which opposes the program, VISTA success stories continue across the country. The Miami Herald, for example, reported last year the outstanding achievements of a now-closed VISTA project helping refugees in Florida. Over an 18-month period, some 51 VISTA volunteers served 15,462 clients, solicited $57,620 of donations, placed 280 refugees in jobs, attracted more than 1,000 community volunteers, and produced a Creole-English handbook for Haitian refugees. In my own congressional district, VISTA volunteers assigned to the Beaver County literacy program did the outreach necessary to bring hundreds of functionally illiterate adults into a learning experience which opened new horizons in their lives, and generated scores of community volunteers who otherwise would not have become involved. VISTA volunteers assigned to the Pittsburgh community foodbank perform the vital task of soliciting and collecting private sector donations, coordinating the distribution of the food and commodities and reaching out into the community to make sure the food reaches those in greatest need. The volunteers have permitted a tripling of the amount of food distributed by the foodbank this year over last year.

VISTA projects can achieve such resounding success because VISTA represents a quantum leap beyond the usual private-sector voluntarism. According to the Gallup poll and other surveys, a large percentage of the American public does volunteer work in one form or another. However, most of that work takes place very close to home, lacks any antipoverty focus, and consumes only an hour or two per week or per month. In contrast, VISTA volunteers work full-time and make 1 year's commitment to their projects, with nearly one-third of all volunteers reenrolling for a second year of service. When the retired senior volunteer program (RSVP) Director's association was asked to respond to the administration assertion that RSVP could help fill the gap if

VISTA were eliminated, the response was, absolutely not, because the hours involved and the long-term commitments are so different. Many of the older American programs value VISTA so greatly that they consistently apply to have VISTA's assigned to work with them.

VISTA represents a tremendous opportunity for people from all walks of life and of all ages to provide full-time service to their communities. Even though the program has been severely cut over the past 2 years, with its funding down to a third of previous levels, Americans are still responding. They are still applying to become VISTA's and they still have the commitment to serve. I ask my colleagues' support for H.R. 2655, the Domestic Volunteer Service Act Amendments of 1983, so that we do not allow these great human resources to go untapped.●

NATIONAL ASSOCIATION OF PRO-AMERICA

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. DAUB. Mr. Speaker, the National Association of Pro-America begins its national board meeting this weekend in Washington. The Association is a nonpartisan organization of concerned citizens founded in 1933 by Mrs. Theodore Roosevelt.

Last year, the National Association passed 18 resolutions which I would like to share with my colleagues. Because of their length, those resolutions that are of particular concern to the Congress follow:

II.—SUPPORT THE FEDERAL BALANCED BUDGET AND TAX LIMITATION AMENDMENT (SJR NO. 58)

Whereas the Federal Balanced Budget and Tax Limitation Amendment (SJR No. 58) is supported by many, including Prof. Milton Friedman, as the most effective way to control spending and taxes; and

Whereas SJR No. 58 has two important provisions: (1) When Congress enacts a budget it must be balanced; (2) that tax receipts may not go up from one year to the next by more than the percentage increase in national income; and

Whereas adequate provision is made for special spending powers in case of emergencies such as a declaration of war: Now, therefore, be it

Resolved, That the National Association of Pro America reaffirm resolution IX of 1980 and urge utmost support for SJR No. 58, the Federal Balanced Budget and Tax Limitation Amendment, which is vital to the economic welfare of the country and therefore to our liberty.

V.—SUPPORT AFGHANISTAN'S FREEDOM FIGHTERS

Whereas Afghanistan is an historic invasion route, the crossroad of conquerors, today providing direct access to the strategically critical areas of the Persian Gulf and Indian Ocean, resource lifelines to the Western World; and

Whereas Afghan freedom-fighters have since 1979 been defending themselves against an unprovoked attack by the Soviet Union and, contrary to media implication, have not been defeated but have liberated 90% of the countryside but cannot finally succeed in restoring their sovereignty without U.S. help; and

Whereas in total disregard of international treaties, Genocide is being carried out by means of napalm, blanket bombing, scorched earth, chemical warfare, poison gas, "yellow rain," and butterfly bombs disguised as toys and loaves of bread designed to maim children; and21Whereas the Afghans are in desperate need of all kinds of weapons and ammunition, particularly surface-to-air, shoulder-fired anti-aircraft missiles, as well as medicines, food and other materials essential to sustain the resistance; and

Whereas the world is united in opposition to the Soviet aggression in Afghanistan, offering us the opportunity to resume the leadership role we have so sadly neglected! Now, therefore, be it

Resolved, That the National Association of Pro America petition President Reagan and the Congress to authorize all support necessary to restore Afghanistan's independence and freedom; and be it further

Resolved, That the National Association of Pro America urge that diplomatic and economic pressure be brought against the Soviets to immediately withdraw their forces.

VII.—PROTEST U.S. GOVERNMENT PAYMENT OF LOANS MADE BY BANKS TO COMMUNIST COUNTRIES

Whereas many Communist countries are, like Poland, deeply in debt to American private banks; and

Whereas the U.S. Government has the power to make loan guarantees and credits to foreign governments and has decided to pay off $71 million of the approximately $1.3 billion of Polish debt to private banks; and

Whereas Congressman Ron Paul has stated, "It is the U.S. Government, not the regimes in Poland or Russia, which is being held hostage by the big banks and their over-extension of credit abroad"; and

Whereas history has proved that the Communist system is economically unsound and cannot provide even enough food for its peoples and that therefore loans to these countries were a high risk; and

Whereas the Soviet Union has continued to extend its hegemony on five continents with troops of its own and with surrogates they could not afford without the help of Western banks and business; and

Whereas rebellion and strikes would be widespread as in Poland and Afghanistan without economic aid to their communist rulers; and

Whereas the callous attitude of principal before principle is exemplified by David Rockefeller's statement that he doesn't "think an international bank . . . ought to set itself up as a judge of what kind of government a country ought to have:" Now, therefore, be it

Resolved, That the National Association of Pro America protest the assumption of private debt incurred by bankers whose profits are made at the expense of the liberty of others; and be it further

Resolved, That the National Association of Pro America support legislation (1982—H.R. 414) which would prohibit the U.S. Government from making any more loan guarantees or credit available for the benefit of foreign countries.

IX.—LAW OF THE SEA TREATY

Whereas since 1958 when the United Nations Conference on the Law of the Sea met in Geneva there have been international conferences held periodically to entrap the United States into a treaty which would deprive us of minerals mined from the ocean floor by private enterprise and our technology (minerals vital to our economy and military defense) while pouring millions of dollars annually into the United Nations' treasury and bringing 70 percent of the earth's surface under U.N. control; and

Whereas former presidents actively supported this giveaway of strategic deposits until President Reagan in March 1981 diplomatically recalled our delegation and indefinitely postponed the conference for further study and analysis of its benefits to our nation; and

Whereas on January 30, 1982, it was announced that the United States will resume participation in treaty negotiations on the Law of the Sea in Jamaica to create an international authority, with title to all sea beds, consisting of an Assembly where we would have only one out of 155 votes, a Council of 36 members with no guarantee of our representation, a Secretariat, and an International Tribunal, the expenses of which would be paid by each nation in proportion to its contribution to the upkeep of the U.N., making the United States' contribution $125,000,000 a year; and

Whereas United States companies would be required to transfer their sophisticated mining technology to the Seabed Authority for common use: Now, therefore, be it

Resolved, That the National Association of Pro-America reaffirm its Resolution XIII of 1971 and Resolution XI of 1974 and vigorously oppose the ratification of the Law of the Sea or any other treaty that would limit our sovereignty over our adjacent ocean floors, destroy our Sea Bed Mining Industry and jeopardize our national security by cutting off our access to strategically vital minerals and sea lanes.

X.—OPPOSE THE YAMAL PIPELINE

Whereas the building of the 3600-mile Yamal pipeline, stretching from Siberia to Western Germany, is to be a cooperative effort among the United States, Western Europe and Japan, costing $45 billion, requiring advanced United States technology and using the virtually slave labor of 500,000 Vietnamese; and

Whereas, if built, the pipeline would make NATO heavily dependent on Soviet energy and provide $8 billion in revenue to continue the Soviets' worldwide aggression, and

Whereas according to a United States Government-sponsored report we should be promoting the most promising and secure area for energy production which is Norway, where proven and provable gas and oil reserves are likely to double between 1981–85 (also Britain has decided to allow the sale of North Sea to other countries): Now, therefore, be it

Resolved, That the National Association of Pro America oppose this multi-national enterprise which would use our money and technology to supply the Soviets with the means for the possible energy blackmail of Western Europe and that we point out to the Congress and opinion-makers the alternate sources of supply; and be it further

Resolved, That the National Association of Pro-America reaffirms its Resolution I of 1980 to "Stop Aid to Enemies."

XIII.—EXPOSE THE U.S. LABOR PARTY AND ITS PROJECTS

Whereas what is now called the U.S. Labor Party (USLP) (formerly the National Caucus of Labor Committees) is described in an FBI memorandum as "a violence-oriented organization which has described itself as an 'organization of revolutionary socialists' " now has chapters in more than forty cities in this country and affiliated chapters in Italy, Sweden, France, West Germany and Canada; and

Whereas the founder of the USLP, Lyndon LaRouche, was active in the Students for a Democratic Society (SDS), taught for a time as a "Marxist Economist," was a member of the Socialist Workers Party, and has been associated with many extreme radicals and far left groups; and

Whereas the USLP misleads by publishing right-wing style "conspiracy theory" attacks on the CFR, the Trilateral Commission, the Rothschilds and the Rockefellers which actually divert attention from its malign goals; and

Whereas the USLP has run deceptively "clean-cut" candidates for many elective offices (including U.S. President) with much capitalistic sounding rhetoric; and

Whereas the USLP has other projects which have misled conservatives such as the Fusion Energy Foundation which publishes FUSION, a pro-nuclear magazine, and solicits funds at airports, Executive Intelligence Review, a very high-priced business publication, and, more recently, War on Drugs magazine and the National Anti-Drug Coalition groups which also have been soliciting funds; and

Whereas there is no complete federal record of where the USLP and its front groups and publications get the huge sums necessary for their operations, and which could not be raised by their visible fundraising efforts: Now, therefore, be it

Resolved, That the National Association of Pro America warn its members and others of the radical and Marxist socialist background of the U.S. Labor Party and its leader, Lyndon LaRouche, and warn that USLP involvement in conservative issues is camouflage for socialist purposes.

XV.—RESTRICT THE FEDERAL FINANCING BANK AND OFF-BUDGET SPENDING

Whereas for the past seven years the Treasury Department of the United States Government has had the Federal Financing Bank (FFB) under its auspices; and

Whereas the FFB makes available hundreds of billions of dollars in government-subsidized loans, both foreign and domestic, at low interest rates, paid for at taxpayers' expense, and competes with free enterprise businesses; and

Whereas these loans are "off-budget" spending programs that are uncontrolled and unchecked by Congress or the President and exceed the FFB's charter provisions; and

Whereas the FFB buys up loans of other government agencies and has a loan portfolio in excess of $75 billion; and

Whereas the FFB has added more than $50 billion to the national debt, radically increasing inflation and interest rates; and

Whereas in February, President Reagan indicated he intended to cut unbudgeted government spending and return this country to sound economic policies: Now, therefore, be it

Resolved, That the National Association of Pro America urge Congress to immediately cancel the Federal Financing Bank's ability to "buy up" loans of other government agencies, eliminate off-budget activities, enforce the $15 billion limit originally set as its own securities limit, liquidate loans where they have exceeded their authority, and restrict the FFB to its charter with on-budget accountability.●

PREPARING FOR THE FUTURE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MAVROULES. Mr. Speaker, humankind is in for a rude awakening as we approach the 21st century. We are beginning to discover that the planet is being imperiled, paradoxically, by our very own efforts to advance ourselves. In defense-related, industrial, and environmental areas of activities, to name but a few, we may be sealing our own gloomy fate.

Much attention over the last year has been focused on the most notorious threat to the planet that we have ever experienced: Nuclear war. But with the "habitability of the planet"—to borrow from the antinuclear lore—at stake, the threat of rapid depletion of the world's resources, overpopulation, and our constant disregard for the environmental warning signals we have been receiving, demands our concentrated attention as well.

Our children's future, and the future of generations to come, depends as much upon efforts to meet these problems as they do upon stopping the arms race.

What is required here is something that the Government has been quite lax in doing: Planning, or more specifically, preparing for tomorrow today. It is essential to national, foreign, economic, and energy policies to anticipate and analyze projected world changes in population, resources, and the environment. And it is important that we begin today.

Today I am introducing legislation that would start the process, so we can best manage our resources with the future of the planet in mind. I am asking that the executive branch of the Federal Government take immediate action to systematically coordinate and improve its projections of the world population, resource, and environmental trends, and their analysis, as outlined in the Global 2000 report. If we do not, the oil shocks of the last decade will be but a dim shadow of the crises not only this Nation but the world will face.

The Global 2000 Report to the President, based on a study undertaken during the previous administration, provides valuable insights and a cautionary note about where we are headed. According to the study, which looks at global trends, the Earth will have lost 15 to 20 percent of all existing species by the year 2000 if present trends continue. World population will increase from the 1975 level of 4 billion to 6.35 billion in 2000, with 90 percent of this increase occuring in the world's poorest countries. Forests will be severely depleted, with losses of up to 40 percent in some areas. Significant worldwide soil erosion is also projected, as the spread of barren, desert-like conditions accelerates. Food production, so vital given the projected population growth, will increase only 15 percent per capita. Furthermore, most of that increase will be in those countries that already have sufficiently high consumption levels. Per capita consumption in the lesser developed countries will actually fall below today's already inadequate levels. And the demand for water will increase by 200 to 300 percent, leading to severe regional shortages in many parts of the world.

These are just some of the projections made by Global 2000, all of which add up to one thing—by the year 2000 we will be severely taxing the ability of the Earth to sustain life.

As disturbing as these conclusions are, the Global 2000 report contains another finding that I feel is even more troubling. The study found that the Federal Government is currently unable to prepare long-range projections concerning world population, resource, or environmental trends with any sort of accuracy or consistency. There is no single group anywhere in the executive branch whose sole purpose is to collect and analyze data that would allow it to then make reliable projections of these all-important trends. Instead, each department does its own projecting. As the report stated,

> . . . each agency has its own idiosyncratic way of projecting the future, based on its own responsibilities and interests. These different approaches were never designed to be used as part of an integrated, self-consistent system.

The result of all of this is a myriad of projections, which often conflict or overlap, leading to wasteful duplication and misguided policy decisions. In an age where our very future may depend upon our ability to accurately analyze and project world resource trends, we are not capable of doing so. It is this finding that is Global 2000's most important contribution. What the world must do to avert the potentially disastrous situations outlined is to alter these trends before it is too late—that is the real message of Global 2000.

But how can we alter these present trends if we have no mechanism to analyze them or to foresee future trends? According to the report—and to simple commonsense—we must act now to establish such a mechanism in the executive branch.

To those of us who are concerned about the pending environmental problems, the necessary course of action seems quite clear. Unfortunately, for reasons that are mostly political, the Reagan administration has chosen to completely ignore Global 2000 and its recommendations. Such an attitude is as dangerous as it is foolhardy. This should not be a partisan issue. It is an issue which affects us all, and one which we must confront.

Those who doubt the seriousness of the problems that may be caused by the lack of an adequate forsight capability need look no further than the energy crisis of the midseventies. This was a situation that was eminently foreseeable—in fact, just such a shortage was predicted by independent researchers as far back as the 1930's. With proper anticipation and action it could have been easily avoided. Instead, there was chaos. The problems we will face by the end of the century will dwarf the energy crisis, unless we act now.

The question becomes very simple. In a world that is becoming increasingly interdependent, where the political and economic future of many nations will be determined by population, resource, and environmental changes, can we allow the United States to continue charging blindly into the future without the capacity to predict or analyze the very trends that are going to be instrumental in shaping this future? The answer is an obvious and emphatic no.

It is time we realized that the Earth's resources are not inexhaustable, that we must begin to consider the future consequences of our actions. We must take into account the various environmental and ecological factors that will play so prominent a role in the next few decades. To do this we need a mechanism in the executive branch that will bring together all relevant data, a mechanism that will provide our decisionmakers with consistent, integrated, and accurate projections of future world trends.

That is what my legislation, cosigned by 23 other Congressmen so far, would do, and I urge all those who are similarly concerned over where today's environmental policies are taking us to support this and any other such legislation.

We have arrived at a critical point in time. If we continue down our present path, the bleak projections of the Global 2000 report are sure to be realized. But if we act now, and act vigorously, we may alter the present trends. It is time for America to take the lead, to show the rest of the world that we intend to insure a safe future for those who follow. If we wait any longer, if we continue to ignore the challenges presented by Global 2000, it will be too late.

HOUSE JOINT RESOLUTION CALLING ON THE EXECUTIVE BRANCH TO CONFORM TO THE RECOMMENDATIONS OF THE GLOBAL 2000 REPORT.

Whereas the United States exists in an increasingly interdependent world, both economically and politically;

Whereas the world, particularly the developing nations (which account for 35 per centum of this nation's exports), will experience rapid changes in population, resources, and the environment during the next two decades that will affect the economic and political viability of all nations;

Whereas it is essential to our own foreign, economic, and energy policies to anticipate and analyze projected world changes in population, resources, and the environment;

Whereas Global 2000 is the first official, coordinated undertaking by our government to prepare long range projections of these changes;

Whereas a major finding of Global 2000 is that the Federal Government now lacks the coordinated capacity to prepare such projections and analyze their implications for U.S. policy;

Whereas individual federal departments and agencies currently prepare global projections that often conflict or overlap, resulting in wasteful duplication as well as potentially misguided policy decisions;

Whereas the Global 2000 study concluded that the ability of the Earth to sustain life will have severely deteriorated by the end of the century, and that prompt and vigorous changes in public policy are necessary now to avert disaster; and

Whereas the very future of our children, our children's children, and generations to come will depend upon our response to the challenges presented by Global 2000: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the Executive Branch take immediate action to systematically coordinate and improve its projections of world population, resource, and environmental trends, and their analysis, as outlined in Global 2000.●

THE EFFECT OF MILITARY SPENDING ON THE ECONOMY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MITCHELL. Mr. Speaker, I am proud to commend to my colleagues the following testimony presented on April 12, 1983, "On the Effect of Military Spending on the Economy." This testimony was presented by Bruce Parry, assistant professor of economics at the University of Baltimore. Professor Parry is also treasurer of the Baltimore, Md., Jobs With Peace campaign, and a member of the Jobs With Peace National Coordinating and Executive Committees. Again, I am proud to share the following since I greatly appreciate this substantive presentation.

TESTIMONY OF BRUCE PARRY ON THE EFFECT OF MILITARY SPENDING ON THE ECONOMY

I would like to thank you for the opportunity to testify today on what I consider the single most pivotal issue in the society today: the question of the economic impact of military spending. I believe the economy is better served through spending priorities that foster jobs, housing, health care, public transportation, education, and other social services for the people of this country.

Military spending is comprised of three parts: nuclear weapons systems, conventional weapons systems, and programs of foreign military intervention. While this is a different breakdown than generally used by Congress or the Defense Department, we find it useful because it is a functional delineation of expenditures. Such "official" categories as "compensation active and retired personnel, operations and maintenance, and weapons procurement and related expenditures (including research and development)," tend to hide expenditures by breaking them into parts. Our delineation avoids this.

CUTS IN MILITARY SPENDING

Nuclear weapons systems constitute only a fraction of overall military expenditures, but seem to us by far the most important area for immediate cuts in expenditures. The breadth of the Nuclear Freeze Movement, for instance, demonstrates the concern Americans have for their own safety and that of the world. An immediate freeze on the deployment and production of nuclear weapons systems would reduce both production costs and research and development costs on strategic and theater weapons systems that are particularly unpopular: the MX, cruise missiles, the B-1 bomber, etc. Such cuts present the possibility of immediate savings in the vicinity of $20 billion. Outyear savings would be greater.[1] Since the development and presence of nuclear stockpiles around the world increase the danger of nuclear war, cuts in such spending would therefore increase national and international security.

Conventional weapons systems are perhaps more controversial to cut. Some would cut nuclear forces in order to "tighten up" our conventional forces. Such "tightening" is tied directly to programs of foreign military intervention, and cannot be discussed except in that context.

We propose that cuts in conventional military forces are as important as those in other areas. Military spending is useless spending. When Keynes discussed the "multiplier effect"—respending that occurs as a result of normal expenditures—he had in mind the directed respending of funds in two directions.[2] The recipient of funds was to respend for personal sustenance. But the continued use of investment commodities was also to generate greater spending: induced investment. Building a hospital would mean further expenditures by the builders (contractors, brick layers, carpenters, plumbers, electricians, ironworkers, etc.) on the one hand and through operations (the hiring of nurses, doctors, staff personnel, administrators and maintenance personnel to run the facility) on the other. The respending effect is generated only through socially useful expenditure of money.

[1] While we are not presenting a detailed budget here, similar figures have been computed by others. See, for an excellent example, the Dellums Military Budget, part of the Congressional Black Caucus Budget for FY 1983.

[2] John Maynard Keynes, "The General Theory of Employment, Interest, and Money," Harcourt, Brace & World, Inc., New York, 1964.

The respending effect is substantially less for military spending than for other types of spending because military spending is capital intensive and because it does not generate as large a respending effect through operations. The fact that military spending is more capital intensive than average means that revenues spent go disproportionately to interest, rent and profits. The marginal propensity to spend from these kinds of income is generally lower than for wages, so the multiplier effect is less. Because military hardware is productive of neither other commodities nor human sustenance, it does not generate related expenditures, which also reduces the multiplier. This has been shown in numerous studies that demonstrate that employment in military-related fields is less, dollar for dollar, than in nonmilitary fields. The Andersons, Dr. Melman, researchers for the Library of Congress and others all agree on this point, though they may disagree on the exact magnitude of the effect.[3]

This is a key aspect of the need for extensive real cuts in defense spending. Every billion dollars allocated to military spending is money that comes directly out of the pockets of the working people of the United States. The Baltimore share of this has been shown to be in excess of $850 million dollars, a sum that is two-thirds as large as the entire operating budget of this city. Reallocation of these funds to the needs of the city (and state, for that matter) would constitute an incredible boon to the local and regional economy, reverse many of the layoffs, and eliminate the need for enterprise zones where substandard wages and working conditions are legalized.

One of the key arguments of those that disagree with this analysis is that military spending creates jobs in this area. This is true. While within the city limits, there is little doubt there is an actual outflow of funds, Anderson clearly demonstrates that for the Baltimore Standard Metropolitan Statistical Area (SMSA) as a whole, there is an influx of military funds.[4] Nevertheless, we continue to oppose the expenditure of funds in this area on the military. The positive flow of $1500 million reflects both the proximity of Fort Meade and the numerous defense contractors in the region. We want to point out that the conversion of these facilities to useful production would mean the continued employment of all those now employed plus the creation of some 27,000 additional jobs.[5] A national program of a similar nature would have a much larger impact.

Finally, I want to turn to the impact of programs of foreign military intervention. Besides the considerable negative economic effect of military hardware production and allocation of taxes to military spending, discussed above, there is a direct impact of military spending on the workers in this country. Military expeditions are undertaken to insure U.S. interests. This primarily means insuring U.S. business interests: U.S. business is able to continue to export jobs to other countries. Thus, spending on programs of foreign military intervention fosters our high level of unemployment. Since virtually no one argues that the trade threat to the United States comes from the countries that present a military threat, it is clear that elimination of such programs could foster employment here by fostering production here.

OTHER ECONOMIC EFFECTS OF MILITARY SPENDING

We have thus far assumed in each case that military spending has been financed out of current revenue. It is, however, quite obvious that increased military spending is largely responsible for the increased deficits now being experienced. Much of military spending has been accomplished by borrowing either from the Federal Reserve System (that is, by printing money), or from the private sector. The recognition that continued dependence on credit financing will devastate the economy is widespread. Even some of those sections in favor of increased military spending recognize this, but continue to claim that the military danger justifies the probable negative economic impact.

The negative impacts of credit financing of military spending are of four sorts. First, all borrowing from the public sector (that is from the Federal Reserve) serves to increase the money supply. Since the economy is in a depressed state, the general effect of such measures (which are currently particularly prevalent) is to make more dollars available per commodity on the market, which leads to inflation. These dollars are generally available to banks and credit corporations that sell bonds back to the central bank. The only availability of this money to working people is through credit. Those with the greatest need for spendable funds, therefore, are not enabled to buy more goods and services as a result of this monetary policy. Demand remains flat and the monetary increase is inflationary. The inflationary aspects are aggravated by the tax system which is not indexed, and therefore increases taxes of these same people while their real income is falling.[6]

The second impact of credit financing is on investment. For those to whom credit is available, government activity in the market, fostered by military spending, pushes up interest rates and cuts off investment spending. This "crowding out effect" is well known. Since money capital is less available, this route of employment is reduced, the capital stock continues its deterioration, and further layoffs are fostered.[7]

The third effect of credit financing is that such financing redistributes income. It is well known, in fact each school child is taught, that "we owe the national debt to ourselves." To whom it is owed is not usually mentioned. Virtually all bonds are owned either by corporations or by individuals in the top twenty percent of the wealth and income earners. The vast majority are owned by an even smaller group.[8] By any measure, none are owned by the vast majority of the working people. But the vast majority of taxes are paid by working people. Since taxes are the method by which this debt is repaid to "ourselves" with interest, the system clearly takes money from lower income and wealth groups and gives it to the rich. Particularly in depressed times such as these, removal of income from that portion of the population hardest hit is economically unwise, immoral and politically volatile.

Finally, it must be noted that since the military budget is leading to greater deficits, the tax burden of the national debt must increase. Domar showed some years ago, and others have extended his model, that the tax burden of the national debt would decline only if the debt grew more slowly than the Gross National Product.[9] This is not happening today. Since demand for commodities is flat in a recession but demand for government services increases, at some point faster growth of the national debt becomes inevitable. Today, increased military spending exacerbates the debt and increases taxes as we try to pay for it. Furthermore, it is very doubtful that any recovery we experience in the near future will be more than partial, so outyear expenditures may be even more economically harmful than is currently realized.

The cumulative effects of these tendencies within our economy is obvious. Unemployment is far beyond any possible moral or economic justification. Inflation is down only because the absolute inability of workers to buy what is produced applies a downward pressure on prices. Action that cuts social services in the federal budget or that cuts grants to states and cities (which mainly provide social services) aggravates the situation further. We are therefore demanding recognition by our elected * * * capital more than any other: the military budget. Thank you for this opportunity to express these views.●

[3] Marion Anderson. "The Empty Pork Barrel," "The Price of the Pentagon," and "Neither Jobs Nor Security," from Employment Research Associates, Lansing, Michigan; Seymour Melman, "Pentagon Capitalism," McGraw-Hill; and Carolyn Kay Brancato and Linda LeGrande, "The Impact of Defense Spending on Employment," Congressional Research Service.

[4] James Anderson, Bankrupting American Cities," Employment Research Associates, p. 8.

[5] Computed using the figure of 11,000 additional jobs created per $1 billion transferred from military to nonmilitary expenditure from Employment Research Associates, "The Empty Pork Barrel," 1982.

[6] It should be noted that capital markets, money markets and consumer credit markets, while in competition in some sense, do not necessarily equilibrate. Consumer market interest rates remain high. Only those at the top end of the income scale can and do borrow. These groups have the lowest marginal propensity to consume. Those groups with the highest marginal propensity, and with the greatest potental impact on demand, can not and do not make extensive use of newly available credit funds.

[7] This is a version of a standard Keynesian argument. See, for example, Samuelson's "Economics," 11th ed., McGraw-Hill, 1980.

[8] For general data, see, for example, Lloyd G. Reynolds, Labor Economics and Labor Relations, 8th ed., McGraw-Hill, 1982.

[9] For example, see D. Domar, "Essays in the Theory of Economic Growth," Oxford University Press, 1957.

ENVIRONMENTAL AND ENERGY STUDY CONFERENCE ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. OTTINGER. Mr. Speaker, it is my pleasure to announce the 98th Congress leadership team for the Congressional and Environmental Study Conference, which was recently elected by the group's Executive Committee.

Hon. HOWARD WOLPE was elected to serve a full term as House Chairman, and Hon. CLAUDINE SCHNEIDER was chosen House Vice Chair. I want to commend them for their leadership and their commitment to the Conference's goal of informed debate on envi-

ronmental, energy, and natural resources legislation.

The results of the recent Executive Committee elections were also announced at the annual business meeting April 7. Made up of 24 House Members and 11 Senators, the Executive Committee was elected by the Conference's 292 House Members and 87 Senate Members.

I am also pleased to note that we have set a new membership record, making us once again the largest legislative service organization in Congress.

The House Executive Committee members once again are a well-balanced, solid group. They are:

ANTHONY C. BEILENSON, GEORGE E. BROWN, JR., ROD CHANDLER, RICHARD B. CHENEY, WILLIAM F. CLINGER, JR., TOM CORCORAN, BOB EDGAR, HAMILTON FISH, JR., DAN GLICKMAN, BILL GREEN, JOHN PAUL HAMMERSCHMIDT, and CECIL HEFTEL.

JACK HIGHTOWER, JAMES M. JEFFORDS, DALE E. KILDEE, BOB LIVINGSTON, ELLIOTT H. LEVITAS, JAMES F. MCNULTY, JR., RICHARD L. OTTINGER, CLAUDINE SCHNEIDER, JOHN F. SEIBERLING, VIN WEBER, HOWARD WOLPE, and RON WYDEN.

The Executive Committee approved the EESC agenda for the coming year. The priority issues include:

Budgets for environmental, energy, and natural resources programs.

Clean Air Act amendments.

Clean Water Act amendments and wetlands protection issues.

Natural gas policy legislation.

Hazardous wastes legislation.

Parks and wilderness proposals.

Water resources and port development proposals.

Pesticide Act amendments.

Nuclear licensing reform legislation and other nuclear issues.

Nuclear waste law implementation.

Coal slurry pipeline legislation.

Ocean dumping, OCS development and related issues.

Regulatory reform.

Renewable energy initiatives.

Synthetic fuels development.●

NEW YORK COUNTY LAWYER ASSOCIATION CELEBRATES 75TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. RANGEL. Mr. Speaker, today marks the 75th anniversary of the New York County Lawyers Association. For 75 years, the New York County Lawyers Association (NYCLA) has served the bar, the bench, and the public in an effort to insure that our legal system works effectively. The work that its lawyers have done can only serve to act as a model for many throughout the Nation.

On this day, 75 years ago, 143 "attorneys or counselors of the Supreme Court of New York State in active practice, residing or having our office in New York County" officially incorporated the New York County Lawyer's Association. This year, NYCLA's Diamond Jubilee Year, the original 143 lawyers of the association have increased to over 10,000.

Since its founding in 1908, NYCLA has devoted itself to serving the community. This commitment to service is exemplified by the practical legal education (PLE) series, the work of scores of committees, and the dedication of the library and administrative staffs to the ideals of the New York County Lawyers Association.

The center of these activities is the "Home of Law," NYCLA's landmarked building at 14 Vesey Street, with its nobly proportioned auditorium modeled after Independence Hall in Philadelphia. There, and in the various meeting rooms, members gather regularly to do the work of the committees, to be enriched by PLE courses, luncheon forums, panel discussions at forum evenings and special symposia. Social pleasures include these and other events such as the Annual Reception for the Judiciary, and gatherings in honor of distinguished Americans and foreign visitors.

The New York County Lawyers' Association, one of the largest county bar associations in the United States, has long held a leadership position in New York City, legal capital of the world. Membership is drawn from every section of the profession: The judiciary and court staffs, elected and appointed government officials, lawyers from the largest law firms, and single practitioners and newly admitted attorneys.

NYCLA is proud to have been among the first bar associations in the country to sweep away all race, sex, and color barriers to membership, and to have been one of the earliest bar association authorities on professional ethics.

From its inception, NYCLA has recognized a responsibility to serve the profession and the public generally—not only major firms but also those with more modest practices and public interest groups—so that cost effective legal services, determined by ability to pay, may be made available to the public.

COMMITTEES

The New York County Lawyers' Association serves bench, bar, and the public through its committees. With 51 standing and 14 special committees, virtually no aspect of legal practice, domestic or foreign, is unrepresented.

Committee reports frequently lead to administrative reform and legislative change and amendment. In 1948, for example, NYCLA launched an attack on court calendar congestion which resulted in legislation and the appointment of special pretrial referees in negligence cases. In 1952, the association recommended to Congress that "immediate action be taken to insure the adoption of appropriate rules and regulations to govern and control the operation of all investigating committees", resulting in hearings by the House Rules Committee. In 1977, responding to a crisis caused by overwhelming volume in the motion part of the Supreme Court, New York County, NYCLA's voluntary assistance to the courts program developed a special masters program, resulting in the creation of a special term, part 1A, and referral of thousands of cases to several hundred volunteer attorneys. In 1982, several recommendations for administrative changes reported out by the Committee on the Federal Courts were accepted by the Chief Judge of the U.S. Court of Appeals, 2d Circuit.

Committees, as appropriate, meet with the judiciary and court staffs to discuss mutual problems, whether originating with the court or practitioners. The informal setting and tone of such meetings are no small factors in the achievement of greater understanding and efficiency.

NYCLA is unusual, if not unique, in the accessibility of committee assignments to all of its members. As a result, our younger lawyers—in the first 10 years of professional practice—constituting approximately 40 percent of our membership, are exceptionally active.

NYCLA committees comment on proposals by the New York State and American Bar Associations, in matters impacting on the legal profession and the public, Government involvement affecting the profession, and a wide range of subjects of import to the practitioner.

PRACTICAL LEGAL EDUCATION

The PLE series was initiated in 1974. Courses range from the basic, "General Practice for the Newly Admitted Attorney," given every year, to such specialties as estate, bankruptcy, taxation, matrimonial, real estate, and immigration practice. In cooperation with Presiding Justice Francis T. Murphy, Jr., of the appellate division, first department, and its office of projects development, seminars on trial and appellate advocacy as well as criminal and family law are offered, among others. Proof of course comple-

tion is considered evidence of the qualifications of an attorney wishing to represent the indigent by serving on an assigned counsel panel.

Course chairpersons, coordinators, moderators and lecturers are drawn from all levels of the judiciary and court staffs, and include attorneys and judges of recognized expertise.

Course fees are consonant with the association's purpose of outreach to young, newly admitted attorneys, the single practitioner, and the small to moderate size firm. By affording these sectors of the legal community pragmatic exposure to today's swiftly changing laws, practices and procedures, the practical legal education series is yet another fulfillment of the association's commitment to serve the public and the profession.

As you can see the contributions of the New York County Lawyers' Association to the people and legal system in New York City act to insure the highest standards of jurisprudence. I can only continue to encourage the association in its work and hope that lawyers in other cities can use our experience in New York County as a guide-post for improving the administration of justice in their community.●

GANDHI—THE HOLLYWOOD PHONY SUBSIDIZED BY INDIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. McDONALD. Mr. Speaker, I was not aware that the recent film on the life Gandhi was for the most part, subsidized, technically advised, and otherwise moderated by the Government of India, with strong representation by offspring Indira Gandhi herself. I was aware that the hollywood of today, with few exceptions, has become what best could be termed, "Trash Incorporated." Now it has moved to a new level of disinformation Oscariting the completely phony life of Gandhi.

For the proof of the matter, I share with my colleagues, the April 22, 1983 column of Patrick J. Buchanan, as featured in the Washington Inquirer. Perhaps the most important message of Mr. Buchanan, is the ultimate to be realized, should Americans accept the philosophy of so-called nonviolent, pacifist, surrenderitis of the Gandhi syndrome.

So future generations of Americans will not be hoodwinked by such misinformation emanating from Hollywood today, I commend Mr. Buchanan's column, "The Mahatma Hoax," to the attention of not only my colleagues, but their consitituents as well.

The column follows:

[From the Washington Inquirer, Apr. 22, 1983]

THE MAHATMA HOAX

(By Patrick J. Buchanan)

To those who stayed up past midnight, Academy Awards Night became Gandhi Night. Eight Oscars. Best Actor for Ben Kingsley, Best Director for Sir Richard ("Call me Dickie") Attenborough. Best film of 1982.

If, however, a fraction of what I have finished reading for the third time in the March Commentary—"The Gandhi Nobody Knows" by critic and novelist Richard Grenier—is true, Hollywood was had. A "pious fraud," Grenier says of the film, pacifist propaganda, a rank distortion of the record of a man and his movement, hoked up for reasons of Indian pride and prejudice.

Purporting to be an independent and honest account, the film was heavily financed by the government of Indira Gandhi, with the screenplay "checked and rechecked by Indian officials at every stage, often by the Prime Minister herself, with close consultations on plot and even casting." (Can anyone imagine Hollywood sitting still for eight Oscars for a USIA-subsidized patriotic and pro-American film checked and rechecked for plot and character by Ronald Reagan?)

Far from being the loving and caring father and husband of Attenborough's portrayal, Gandhi was "monstrous" toward wife and children, writes Grenier. After kicking wife "Ba" out of his bedroom for the last 40 years of their life, Gandhi took to bedding down in the buff with teenage girls who gave him a daily mandatory body massage "testing" his vow of chastity. Refusing his wife the penicillin that could have saved her life, "considering it alien medicine," he watched her die on a noble principle that did not prevent his own taking of quinine to cure malaria. The Mahatma's morbid preoccupation with enemas and excreta—the Indian "edification of filth" in V.A. Naipul's phrase—is better related elsewhere.

While the hero of the film is a saintly man, a martyr for whom non-violence is constant theme and crowning virtue, Grenier's Gandhi is an opportunist, a late-blooming pacifist for whom non-violence is a selective tactic.

Nowhere in the film are we introduced to Gandhi's other record in South Africa. During the "Kaffir Wars," he was a regular Gunga Din, who "volunteered to organize a brigade of Indians to put down a Zulu uprising, and was decorated himself for valor under fire." In 1918, approaching fifty, he remained a zealot of the empire, writing the British Viceroy: "I have an idea that if I become your recruiting agent-in-chief, I might rain men upon you . . . I would make India offer all her able-bodied sons a sacrifice to the empire at this critical moment."

Pacifism was not infrequently discarded. As the British Raj was winding down, "suddenly Gandhi began endorsing violence, left, right and center . . . He blessed the Nawab of Maler Kotla when he gave order to shoot ten Muslims for every Hindu killed in his state. He sang the praises of Subhas Chandra Bose, who . . . organized in Singapore an Indian National Army with which he hoped to conquer India with Japanese support, establishing a totalitarian dictatorship."

During the independence era rioting, Gandhi proclaimed, "If the whole of Calcutta swims in blood it will not dismay me. For it will be a willing sacrifice of the innocent."

For other peoples, other advice. To the Jews facing Hitler's holocaust, he recommended collective suicide, a moral example that would leave a "rich heritage to mankind." The Czechs should march out unarmed, he said, and face the Wermacht. His advice to embattled Britain after Dunkirk:

"Let them (the Nazis) take possession of your beautiful island with your many beautiful buildings. You will give all these, but neither your souls nor minds."

No record has been found of the response of The Fuhrer, then bestriding the Continent from the Atlantic wall to the Russian steppes, on receiving his "Dear Friend" letter from Gandhi, urging an embrace of all races and peoples.

In a film subsidized and overseen by the Indian Government, one might expect that Indira's father, Pandit Nehru, would emerge saintly while Mohammed Ali Jinnah, the Father of Pakistan, would be painted sinister; but the trashing of the British Raj and romanticizing of Indian Rule approaches the preposterous.

The Amritsar massacre of 1919, in which British troops cut down hundreds of Indian demonstrators, is recounted in loving detail. Yet not one scene from the year-long orgy of rape and atrocity that attended Indian independence in which an estimated four million Hindu and Moslem men, women and children were stabbed, hacked, butchered and bludgeoned to death.

When Sir Dickie captured the Best Picture award, he pronounced it a tribute to Gandhi and Gandhi's message for us all, a message repeated through the film: "Tyrants and murderers can seem invincible at the time, but in the end they always fall. Think of it. Always."

The tyrants of Gandhi's time were Stalin and Hitler. The first died in his bed; his tyranny endures and encompasses a third of the globe. The second, Hitler, died in his bunker, his Third Reich demolished, his death camps dismantled, because millions of Americans and British and Russians refused to live by the pacifist nonsense preached—but not always practiced—by Mahatma Gandhi.●

VOLUNTEERS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Ms. MIKULSKI. Mr. Speaker, on the occasion of National Volunteers Week, I am today introducing my volunteer legislative package.

The work of volunteers is an essential, positive component of our society. Volunteers staff help-lines in battered women's shelters, giving comfort and information to victims of domestic violence. Volunteers save lives fighting

fires in rural communities. Volunteers deliver Meals on Wheels to elderly people who can remain at home because volunteers look after their nutritional needs. The estimated value of hours donated in 1982 was $64 billion.

The three bills in the volunteer package adjust the Tax Code to reflect the vital contributions volunteers make to our lives everyday.

The volunteer mileage bill raises the amount of deductable expenses for the use of automobiles for the purpose of volunteer work to equal the amount of the deduction allowed for business purposes. In Baltimore, the Meals on Wheels program delivers more than 2,000 meals everyday by driving more than 150,000 miles per week. Drivers who use their cars to volunteer deserve the same tax break as drivers who use their cars for business—20 cents, not 9 cents per mile.

The volunteer dependent care tax credit bill allows volunteers to claim the dependent care credit for volunteer-related child care expenses. Present law declares only employment-related child care expenses to be eligible for the tax credit, a law reinforcing the fallacy that volunteer work is not real work.

The volunteer tax credit grants an income tax credit to Americans who volunteer a minimum of 50 hours per year. This bill gives minimum monetary recognition to the contribution volunteers make to the national economy.

Together, these bills demonstrate a public/private partnership. The millions of Americans who volunteer are a valuable part of our society. And yet the Federal Government provides few incentives to volunteers. This package of bills takes an important step toward recognizing volunteers' priceless contributions.

I urge my colleagues to demonstrate their support for the outstanding work of volunteers in this country by supporting this package of legislation.●

H.R. 1244 A BILL TO CREATE A CAPITAL BUDGET FOR THE UNITED STATES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. EDGAR. Mr. Speaker, earlier this week I had the pleasure of hosting a half-day symposium on Federal capital budgeting and the United States public infrastructure. The gathering was cohosted by my colleague from Pennsylvania, Congressman CLINGER, and organized by the House Wednesday Group. An additional sponsor was the Columbia Institute for Political Research, and further assistance was provided by a number of professional organizations. The conference centered on growing concern about the deteriorating condition of our basic public facilities—roads, bridges, sewers, and buildings.

Along with Congressman CLINGER, I am the sponsor of H.R. 1244, a bill to create a capital budget for the United States. In addition to requiring the executive branch to submit a capital budget report to Congress each year, this legislation would mandate an inventory and assessment of the Nation's public facilities. Such legislation would enable Congress to set spending priorities with a clear understanding of their long-term ramifications for our infrastructure, especially the consequences of failing to address crucial problems.

After several morning sessions on the capital budget concept and its legislative prospects, conference members were treated to a luncheon address by David J. Mahoney, the chairman and chief executive officer of Norton Simon, Inc. I wish to insert his remarks in the RECORD today.

Mr. Mahoney received his undergraduate degree from the Wharton School at the University of Pennsylvania. He was president of Good Humor, Inc. executive vice president of Colgate-Palmolive Co., and president and chief executive officer of Canada Dry Corp. before taking over at Norton Simon. He has served on numerous Government commissions and panels. I believe that Mr. Mahoney's comments at the April 18 lunch will be of interest to all Members of the House. David Mahoney brings a unique perspective to the capital budget debate: He has served the Government in a voluntary capacity, and is aware of its strengths and problems. However, he also has extensive experience in the corporate world, and knows firsthand what advantages a capital budget holds. I recommend his remarks to my colleagues.

IN SUPPORT OF CAPITAL BUDGETING

I welcome the opportunity to be here today to support federal capital budgeting. I commend everyone involved in setting up this symposium, and in particular, I would like to publicly commend Congressmen Bill Clinger and Bob Edgar for their foresight and leadership in promoting this important issue.

Most of you have spent the day defining what a capital budget is, and discussing the benefits it would bring to the federal budget process and the management of capital expenditures. I would like to spend a few minutes, as a businessman from outside Washington, explaining why I think capital budgeting is important.

How the federal government spends $750 billion a year may make sense to those of you who work here. And, you may have a clear picture of the impact federal spending has on our national economy. But, I must confess, I have been more than a little confused by this issue over the past several years.

It is not because I have not tried to understand. Those of us in business do our best to determine the future actions of the economy so that we can manage our companies well. We read the major newspapers and listen to the predictions of America's most respected economists, yet we still can't figure out where the economy is headed.

This is not to say that predicting the future of our economy is a simple task. But, allow me to read to you what some columnists have said about our economy in the past year, and you may understand why businessmen are confused.

Given that interest rates hold steady or decline over the rest of the year;

Assuming that the dollar continues its downward adjustment in value versus the currencies of our major trading partners;

Provided there is no further tightening of monetary policies in Europe, Japan, and the United States;

Accepting that the economic policies of the major western governments will be closely synchoronized;

Barring unforseen government stimuli;

Expecting continuing increases in housing starts and industrial production;

Anticipating action in the congress to reduce the federal deficit;

Convinced that the rescheduling of international debt will revitalize the economies of debtor nations and secure the assets of major lending institutions;

Confident that we will enjoy the benefits of reduced oil prices; and

Believing that national governments will adopt reasonable attitudes toward the truly important issues such as protectionism—there is no possible shadow of a doubt that the recovery, if it indeed has begun, will remain steady. If it does not remain steady, it will certainly accelerate—or, perhaps falter.

So much for the experts.

But, it is not only the experts and businessmen who are confused about the future course of the U.S. economy—many Americans and our allies and trading partners are questioning the very strength and future of our great nation. The constant drumbeat of rhetoric about deficits, uncontrolled and excessive defense spending, the chronically insolvent social security system, and unemployment have caused them to fear for America's economic future.

We are in a period where America's fundamental values are being questioned and new priorities are being examined. Just like everyone else in this room, I would do some things differently if I were the President. But, President Reagan's administration has forced the nation to look at our situation and our problem-solving programs to see if they are, in fact, accomplishing what was originally intended. In my opinion, this is a healthy process.

As a taxpayer, a businessman, and one who is concerned about my country's future and the welfare of the elderly and disadvantaged of America, I want our government to do the best possible job. I want our elected representatives to make the right decisions. And, I want them to have the information they need to make those decisions.

As the chairman of Norton Simon Inc., I try to hire the brightest people I can find. I

put them to work in a system designed to produce the best of their ideas. The system and people combine to produce one product—information. With this information, we make decisions. If our decisions are based on good information, then we can succeed. If not, we fail.

Some time ago, it became obvious to me that there was something wrong with the federal budget system. I began to question the quality of the information available to our lawmakers in allocating America's resources.

For example, I just could not believe that the richest nation on earth had to choose between school lunches for children and MX missiles. Or that we had to reduce our commitment to the elderly and disadvantaged of our society to buy an aircraft carrier. Yet, that is what many of our elected representatives were telling us. I took a hard look at America, our people and our assets, and concluded that our lawmakers have been forced to make decisions based on incomplete financial analyses.

There is a preponderance of evidence that the current federal budget system needs reform. Congressional decisions are deferred and deadlines are missed. Budgets are repudiated and forecasts invalidated only days or weeks after being submitted. Can anyone believe or have any confidence in the deficit projections, or the system that produced them, when OMB deficit estimates have been within 25 percent of actual deficits only three times in the past 15 years?

Please understand. I am not challenging the integrity of our men and women who serve in government. I believe our public representatives are sincere and have every good intention. But, they are misinformed and misled by a budget system that does not provide an accurate picture of America's assets and liabilities.

It may surprise some people to learn that the U.S. Government operated for 132 years without a formal budget. It wasn't until 1921 that the congress passed legislation authorizing the president to prepare and submit a budget to congress. This 1921 law also established the Bureau of the Budget to act as a clearinghouse for budget requests by the various government agencies.

In 1935, President Roosevelt expanded the power of the Bureau of the Budget, which helped him implement the New Deal. Presidential control over the budget was further expanded in 1970, when President Nixon established the Office of Management and Budget and brought statutory authority for the budget directly under the president for the first time in history.

This action prompted a historic struggle between President Nixon and Congress for control over the federal budget. Four years later, with the presidency weakened by Watergate, the Congress seized back control over the budget by passing the Congressional Budget Act of 1974.

At the time the act was passed, supporters said the new budget procedures would result in a more efficient budgetary system and tighter control over spending.

So far, it has failed.

Deficits have increased dramatically. More importantly, the budget process has produced little except partisan rhetoric, confusion, fear, polarization, and uncertainty about the future course of U.S. economic policy.

The uncertainty keeps real interest rates at unjustified highs. The confusion of the budget process and its impact on the economy causes the elderly to fear for their social security pensions, and the less privileded in our society to lose their hopes for a better life.

Under the current budgetary system, operating expenses, such as salaries, office supplies, and travel are lumped together with captial expenditures, such as roads, land purchases, and building construction.

Unlike nearly all corporations, and most state and local governments, the federal government makes no distinction between capital and operating expenses. For example, when the Senate opened its new $175 million Philip Hart Office Building last fall, the entire cost of the building had already been expensed.

Even though the building will be in constant use for 50 to 60 years, or longer, the government expensed the total cost in the 4–5 years it took to build it. Under standard business accounting practices, this new building would be shown on the balance sheet as a $175 million asset. On the government's books, the $175 million is added to the deficit over the four year period.

If business used the federal government's system of accounting, the years of our greatest investment in new plants, vehicles, or other captial items, would be our years of greatest deficit, or of lower profits.

If average Americans followed the government's accounting system, very few could ever afford to purchase a house or car. Today's budget system is dangerously misleading. It fails to recognize the nation's capital assets, and encourages higher deficits by hiding future costs and it provides no formal planning for the maintenance and replacement of America's vitally important public infrastructure.

The American people, and our elected representatives now recognize that the public infrastructure is the circulatory system of our economy. Without it, our economy would collapse. Our employees could not get to work. Our products could not get to market. Yet, in spite of the critical importance of the infrastructure, we have created a serious problem through the neglect of our capital investments.

The long term damage this kind of shortsighted budget management has on our economy has just recently attracted public attention—thanks in no small measure to the Clingers, Edgars, Choates, and others here today.

Clearly, America needs a coherent approach with which to plan and manage its capital assets and expenditures. A federal capital budget is the answer.

Today, we see some evidence that our economy is starting to emerge from 2 years of deep recession. My concern is that a lack of confidence in America, due to ignorance of our real economic strengths, will dampen the recovery.

A change in the government's accounting system to encompass a capital budget would be a first step toward restoring the confidence of Americans in their future. A capital budgeting system would provide a comprehensive and balanced picture of America. It would provide more openness in the budget process and more accurate accounting for total life-cycle costs. Decisions on proposed government expenditures could be made based on hard numbers, not on the politics of the moment. It would also give us a new perspective on our problems and our priorities.

I would like to read to you a letter which illustrates the kind of perspective I wish more Americans had today. It was written by a young college student named Mary, and was addressed to her parents.

Dear Mom and Dad:

I am sorry that I have not written to you for so long, but all my stationery was lost the night the dormitory was burned down by the demonstrators. I am out of the hospital now. The doctor says my eyesight should be back to normal sooner or later. The wonderful boy, Bill, who rescued me from the fire kindly offered to share his apartment with me until I found a new place to live. You always wanted a grandchild, so you'll be glad to know you will be grandparents next month.

Love,

MARY.

P.S. Please disregard the above exercise in creative writing. There was no fire, I haven't been in the hospital. I'm not pregnant. In fact, I don't even have a boy friend. But, I did get a "D" in French and an "F" in Mathematics, and I wanted to be sure you received this news in the proper perspective.

Perspective—that's what we need in America today.

I love this country, and I want my children, and your children, to have the same opportunities I have had.

A federal capital budget is no miracle cure—no panacea for our problems. But, it will at least give us the accurate information and perspective we need to plan an even more prosperous and secure future for America.

Thank you very much for your attention, and for inviting me here today.●

U.S. NEEDS FOREIGN LANGUAGE TRAINING

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. COLEMAN of Missouri. Mr. Speaker, today I am introducing with my good friend from Illinois, Mr. SIMON, and my good friend from Pennsylvania, Mr. GOODLING, a bill designed to improve our Nation's very limited capability in foreign languages.

It is no secret that America is lacking in this area. In 1979 the President's Commission on Foreign Languages and International Studies described America's "scandalous incompetence" in foreign languages and reported that in 1979 only 15 percent of America's high school students study a foreign language, down from 24 percent in 1965. Recent figures show that our high school students are still shying away from studying foreign languages. The situation is not much better in postsecondary education: Although some colleges are beginning to return to admissions requirements which include foreign languages, only 8 percent of America's colleges and universities presently require a foreign language for admission, down from 34 percent in 1966.

Our Nation's foreign language capability is equally poor in areas of international trade, business, and technology, and most importantly, in world economics, politics, and defense issues. The quality of our information gathering is often depressing, and it has resulted in major embarrassments. The hostage situation in Iran in 1980 provided a dramatic illustration of our lack of understanding of another country. Officials of the Defense Intelligence Agency, the CIA, and the Department of Defense have told the Subcommittee on Postsecondary Education of the serious lack of trained linguists in the intelligence community and that only 50 percent of the personnel coming into foreign language billets actually possess the necessary competence level. What, perhaps, is one of the most shocking facts associated with our incompetency in foreign languages is that the CIA, due to a shortage of trained linguists, has had to contract out a great deal of its translation work of foreign papers and documents. Translation services generally cover only the highlights of news and do not delve into the details and data that may be so important to understanding another country's policies or culture. In short, we are not operating at maximum capacity and we are paying the cost, both economically and politically.

The bill I am introducing today will not solve all of our Nation's international problems, but it will help our youth, our future leaders, to become conversant in other languages and to understand other nations, other cultures, and other peoples. With the vast increase in international export markets, interdependence of monetary systems, and reliance upon other nations for security agreements, it is essential that we educate our youth to deal with a world beyond our boundaries.

One of the key elements in this bill is a program of per capita grants to 4-year institutions of higher education that have foreign language entrance or graduation requirements, and a 5 percent student enrollment in foreign language classes offered. This provision will encourage colleges to reinstate their foreign languages requirements, which will have a multiplier affect of encouraging high schools to better prepare their students in languages.

Other important provisions of the bill include summer institutes for upgrading the teaching skills and knowledge of foreign language teachers, the funding of model and innovative language programs at the elementary and secondary levels to help excite younger children about languages, and a study abroad program for college students to improve their language proficiency as it relates to their major field of study, such as business or political science.

This bill, while similar in some respects to a bill I cosponsored last year, is a more focused attempt to get foreign languages back in the classroom. It is also significantly less costly, with an authorization of $50 million annually for fiscal years 1984, 1985, and 1986. I urge my colleagues to lend their support to this measure so that we might improve our Nation's foreign language competency.●

FURTHER EVIDENCE SUPPORTING JULY TAX REDUCTIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. FIELDS. Mr. Speaker, I am submitting for the RECORD today an excellent report published by the Heritage Foundation entitled "Seven Reasons for Saving the Tax Cut."

This report presents another extremely persuasive case for retaining the scheduled 10-percent individual tax reductions in July.

It has been my firm and unwavering view that the best way to insure long-term economic prosperity in our country is to allow our citizens to keep a greater share of their hard-earned income.

In my judgment, the worse possible thing this Congress could do would be to repeal these scheduled reductions and in so doing strangle the new emerging economic growth.

I urge my colleagues to review this report closely.

SEVEN REASONS FOR SAVING THE TAX CUT

INTRODUCTION

The corner has been turned. Nearly every economic indicator is signaling a strong recovery. Housing starts are running at 1.7 million a year, up from 900,000 units a year in June 1982. GNP is growing at 4 percent a year. The Stock Market has surged 40 percent since July 1982. New unemployment claims are down 500,000 and the unemployment rate fell from 10.8 percent in December to 10.3 percent in March. Economic indicators have surged to a one-month record high.

But the recent spate of good economic signs does not appear to have trickled down to Congress. The House Budget Committee's first budget resolution for FY 1984 attacked the President's economic program as "the experiment that failed." The Committee's call for $30 billion in tax increases in 1984 is widely seen as taking aim at the July 1 income tax cut, the final 10 percent installment of the Economic Recovery Tax Act of 1981.

The repeal of the third tax cut would raise more than $28 billion in 1984, according to the Office of Management and Budget, just about sufficient to meet the House Committee's revenue recommendations. The specter of twelve digit budget deficits in the next years has convinced many Congressmen that the goverment cannot afford any revenue reductions. They claim that the third year is just another sop to the rich and must be repealed to prevent interest rates from rising again to levels that would choke off economic recovery.

Those calling for repeal of the third year tax cut, however, are asking the Congress to make a grave mistake. There are at least seven reasons for saving the tax cut:

(1) to create jobs;
(2) to boost small business;
(3) to encourage savings;
(4) to foster productive investment;
(5) to shift the tax burden to the rich;
(6) to help the average American; and
(7) to counter bracket creep.

Repealing the third year tax cut would hit hardest middle- and lower-income Americans, and it would stifle the recovery now taking place. The tax cut is one of the most potent economic medicines Congress could administer to a recovering economy. The tax cut will create jobs, encourage capital formation to finance business expansion and the government deficit and put money into the pocketbooks of working Americans for more saving and consumer spending. Repeal of the third year tax cut, on the other hand, would throw a wrench into the gears of economic recovery.

The repeal of the third year tax-cut would severely hurt small business—the most powerful generator of new jobs and new technology. Most smaller American businesses are either sole proprietorships or partnerships taxed through individual tax returns, rather than through the corporate income tax system. A July tax increase on this dynamic sector of the economy could cause the bottom to fall out of the economic recovery.

The repeal of the third year tax cut would also drive many taxpayers back into tax shelters, just when the tax cuts have begun to lure many taxpayers away from these nonproductive activities and into the financial markets. One indication of this shift: estimated income tax payments generally made by upper income individuals, reports Forbes magazines, are 10 percent higher in 1982 than the year before. The Treasury had predicted that the cut in the top bracket rate from 70 percent to 50 percent would actually reduce tax collections by $5 billion.

The repeal of the tax cut, however, would hit hardest of all the middle- and lower-income American. Households making between $10,000 and $50,000 a year pay about two-thirds of all income taxes. These Americans will get about 72 percent of the benefits from the 1983 tax cut. The scheduled 10 percent rate reduction will provide about $175 billion in tax relief between 1983 and 1986. About $125 billion will go to those families making below $50,000 a year. Those earning above $100,000 will get only 9 percent of the tax relief although they pay 15.7 percent of all income taxes.

The third year rate cut, in fact, provides average- and middle-income Americans with the first real income tax relief. The 1981 and 1982 income tax cuts, Treasury statistics indicate, were completely wiped out by bracket creep and Social Security tax increases. If the third year tax cut is eliminat-

ed, only the rich will come out ahead. The wealthy received the bulk of their tax cut in 1981, when the top marginal tax rate was reduced from 70 percent to 50 percent. If the July cut is eliminated, those making between $10,000 and $50,000 a year will lose over 30 percent of the tax relief from the cumulative three-year tax reduction. They will face tax increases in the first year of repeal of between $31 and $828. Those making over $200,000, on the other hand, would lose only 13 percent of the three-year tax cut benefits.

The third year of the tax cut should not be put on the chopping block—not even in an attempt to reduce budget deficits. In fact, there is no clear evidence that government deficits have raised interest rates or delayed economic recovery. Between March 1981, the Administration's first budget forecast, and January 1983, the Administration's latest full budget report, estimates of the total budget deficits for 1982–86 increased by nearly 2,500 percent. Interest rates on government T-bills, however, dropped by 50 percent between March 1981 and January 1983. Those who now claim that budget deficits will sabotage recovery by running up interest rates must explain why interest rates fell so dramatically in 1981 and 1982.

After Reagan's three-year tax reductions, the tax share of GNP will finally come closer to the level that it was during the last period of sustained, healthy growth. The tax share was about 18 percent of GNP in the mid-1960's, and the economy then grew by a robust 5 percent and created approximately one million jobs a year. On the day Reagan took office, the tax share was approximately 20 percent. And even with the full three-year Reagan tax cut and indexing, tax revenues will still constitute about 19 percent of GNP in 1988.

Those who claim that the third year cut creates a tax "short-fall" conveniently overlook that fact. Tax revenues, even if the full program of tax cuts becomes effective, will increase by about 8.5 percent a year between 1981 and 1986. In 1986, federal revenues are expected to be $841.9 billion—up nearly 50 percent from the 1981 tax take of $559.3 billion. Tax revenues are forecast to increase on average by $57 billion a year between 1981 and 1986.

The deficit problem, therefore, does not stem from too little revenue. It stems from too much spending and a lackluster economy. The tax cut medicine will help cure these underlying problems. And it is clear that the prescription is beginning to work. Congress should not hold back the last dose of medicine just as the patient shows signs of recovery. There are at least seven reasons why this medicine is needed.

Reason No. 1: Creates jobs

The only means of creating new jobs is through economic growth. A 5 percent real growth rate, according to one rule of thumb, generates enough jobs in one year for all the new entrants into the workforce and creates one million additional jobs for the unemployed. The July tax cut lays the foundation for an economic upswing that promises to put the unemployed back to work.

Repeal of the July tax cut at this stage of the recovery, however, would hurt productivity, savings and investment. The February report of the Congressional Budget Office (CBO), an organization generally unsympathetic to supply-side economics warned of the dire consequences of raising taxes in a recession. "Increasing taxes during this recession," the CBO cautioned, "could well make it worse and delay economic recovery." Tax increases should be cautiously considered even when the economic recovery is underway, recommended the CBO, since "such increases could, if not carefully designed, inhibit long-term investment and economic growth." Even Keynesian Nobel economist James Tobin recently noted in the New York Times, "President Reagan, to his credit, remembers what even most Democrats forget, the perversity of raising taxes in hard times."

In short, the economic recovery hinges to a large extent on the July cut. The unemployed steel worker in Pennsylvania, the laid-off auto worker in Detroit, and the jobless textile worker in North Carolina desperately need the economic recovery as a lifeline to a new job. The repeal of the July tax cut threatens to cut that lifeline for them and millions of other unemployed workers and first-time job seekers.

Reason No. 2: Boosts small business

Repeal of third year of the tax cut would mean a sizable tax increase on the small business sector that is usually the locomotive of economic recovery. About three-fourths of all businesses in the country are not corporations and they do not pay corporate income tax. They report their business income through individual tax returns. A repeal of the third year personal tax cut would raise their taxes, slow the return to full output, and reduce investment in new plants and equipment.

Small businesses are on the cutting edge of job creation and technology development. David Birch and Susan McCracken of the MIT Center on Neighborhood and Regional Change estimate that two-thirds of all net new jobs are generated by businesses with fewer than 20 employees, and about 80 percent by firms with 100 or fewer employees. These small businesses also generate 48 percent of the nation's business output, 43 percent of the GNP, and more than 50 percent of all industrial inventions and innovations. Small business is already being taxed at a higher rate than most large corporations; a tax increase on this crucial sector could stop the economic recovery in its tracks.

Reason No. 3: Encourages savings

The repeal of the third year cut would slow the recent surge in new saving, which was up 30 percent in the third quarter of 1982 to 6.9 percent of personal disposable income. The increased pool of saving is a direct result of both the personal tax cuts and the reduction in inflation and is one of the most important conditions for a sustained recovery. Seventy percent of all new enterprises, according to a National Federation of Independent Business survey, obtain their seed capital from personal savings. A major problem for new enterprises and small businesses recently has been the scarcity of such funds. An enhanced environment for capital formation is therefore the key to increasing the number of new business starts, and the pace of economic growth. A repeal of the third year cut would deaden this important stimulus to capital formation.

Reason No. 4: Fosters productive investment

Repeal of the third year tax cut could induce some taxpayers to withdraw their money from taxable investments and shift it once again into tax-exempt bonds, tax shelters or nontaxable consumption expenditures—leaving those who cannot afford such options to toil under a heavier income tax load. For this reason, the proposal to restrict the tax cut to low- and middle-income Americans is particularly dangerous.

One such proposal would limit the tax cuts to $700 per return, which would eliminate the third year of the tax cut for all families with an annual income greater than $46,500 ($35,700 for single return). This cap would raise only some $18.7 billion between 1984 and 1986. Yet it could wreak havoc with the economy, because savings would be seriously reduced. Those who make an after tax income above $50,000 a year save over 64 percent of their post-tax income, while those who made $10,000 a year after tax income manage to save only 12 percent.

Reason No. 5: Shifts tax burden to the rich

As Forbes magazine reported, there are now strong indications that the first two stages of the Reagan tax cuts may have generated much higher tax revenues from upper-income Americans than the Treasury had predicted. Estimated quarterly income tax payments for FY 1982 are far above Treasury expectations. These quarterly tax payments, generally made by those in the higher tax brackets, had been expected to fall from $77 billion in FY 1981 to about $72 billion in 1982, largely because of the reduction in the top marginal rate from 70 percent to 50 percent. But the actual tax take was $85 billion, 10 percent more than in 1981. Writes Malcolm S. Forbes, Jr.: "If you let people keep a little more of each additional dollar they earn, everyone, including the tax collector, comes out ahead." The best way to "soak the rich" it seems, is to lower their tax rates.

This will come as no surprise to economists who have studies past tax cuts. Both the Mellon tax cuts in the 1920s and the Kennedy tax cuts in the 1960s shifted the tax burden substantially toward upper-income taxpayers, while cutting rates on that group. In 1921, Americans with incomes over $50,000 paid 44 percent of all the personal income taxes collected. But in 1928, following the Mellon cuts, this income group paid 78 percent of the income taxes.

In 1963, the top 5 percent of all taxpayers contributed 35.6 percent of all personal income tax revenue. Following the Kennedy cuts in 1965, those taxpayers contributed 38.5 percent of the income taxes. While the full IRS figures for 1982 are not yet available, it appears that the Reagan tax reductions are shifting the tax burden to wealthier taxpayers, even though the tax rates on high incomes have been cut.

Reason No. 6: Helps the average American

The income tax cut is the major tax relief plank for the average American in the three-year Reagan package. It will be the first rate reduction of the Reagan program that will actually cut the tax rates of middle and low income taxpayers after taking into account bracket creep and Social Security. People who make between $10,000 and $50,000 a year will pay about 67 percent of the personal income taxes in 1984 and they will get about 72 percent of the tax relief from the third year tax cut. Those making above $200,000 a year, on the other hand will receive only 1.8 percent of the tax relief, although they pay 7.1 percent of all personal income taxes.

Wealthy Americans received the bulk of their tax benefits in 1981 when the top marginal tax rate was reduced from 70 percent to 50 percent. Those making over $200,000 a year, for instance, receive about 13 percent of the total tax relief package from the third year tax reduction. The third year cut, in other words, gives them relatively little. Middle- and lower-income taxpayers, however, receive about one-third of their relief from the third year tax reduction.

Those who say the tax cut is only for the rich ignore the fact that the rich get a greater tax cut in money terms only because they pay much more in taxes. The family earning $10,000 is scheduled to receive a $31 reduction in taxes in 1984, while a family earning $100,000 a year will receive a $2,368 tax cut. That is not unreasonable given that the $100,000 income family pays $24,424 in federal personal income taxes, while the $10,000 income family pays just $322. The only fair way to view the tax cut is as a percentage of a taxpayer's current tax liability. (See Chart I).

Reason No. 7: Counters bracket creep

All income groups depend on the third year tax cut to offset bracket creep. During the 1970s, taxpayers whose income simply kept pace with inflation found themselves shoved into every higher tax brackets. The result: their after-tax purchasing power actually decreased, because the government took a greater and greater tax bite from their incomes.

Even the three-year Reagan tax cut package will not offset the tremendous bracket creep of the 1970s. Yet it will provide most Americans with some relief from further inflation-induced income tax increases. A family of four earning $25,000, for instance, received a basic tax cut of $305 in 1982—thanks to the Reagan package. Assuming that the family's income rose at the rate of inflation, bracket creep measured from 1980 raised that family's taxes by $302. Bracket creep, therefore, eliminated virtually all of the tax cut. In July, when the third stage of the income tax cut takes effect, the family's 1983 tax cut will grow to $609. Bracket creep will take $423, leaving a net tax cut of $186. Even this reduction, however, will be offset by a $152 Social Security tax increase from the 1980 rates. In all Social Security tax increases and bracket creep will eradicate about 94 percent of the tax reduction in 1983. If the third year cut is eliminated by Congress, the same family in 1983 will experience a substantial tax increase over its 1980 taxes.

Similarly, a family of four earning $15,000 is counting on this year's 10 percent tax cut to keep ahead of bracket creep and Social Security taxes. In 1982, this family received a tax cut of $151, but bracket creep actually increased its taxes by $154, for a net tax boost of $3. Social Security tax hikes from 1980 rates added a further burden of $85. Rather than receiving a tax cut in 1982, the $15,000-a-year family actually paid $88 more in taxes. In 1983, this family is due to receive a $248 tax cut, but 86 percent of the tax cut ($214) will be offset by bracket creep. With a Social Security tax hike of $90, the family will suffer a $56 net tax increase in 1983—even with the July cut.

Upper-income taxpayers also feel the ill effects of bracket creep and Social Security levies. The family making $40,000 is due to receive a $1,318 tax cut in 1983. Yet bracket creep will take $1,008, offsetting 76 percent of the tax cut. After the Social Security tax hike of $362, the $40,000 taxpayer will actually face a $52 net tax hike in 1983. Again, the July "cut" is no more than a slowdown in tax increase.

This situation will not change in later years. The $40,000 family will still pay $21 more in taxes in 1984 than in 1980, after bracket creep and planned Social Security tax hikes. By 1988, the tax bill will be $477 more than in 1980, even if Congress allows the full Reagan tax cut program to go into place. And these numbers don't even include the effects of last summer's enormous $100 billion tax bite, the gasoline tax increase or the huge new Social Security tax hikes recently passed by Congress.

Indeed, almost every income group will face, at best, only a modest tax cut—even with the third income tax cut in place. If that 10 percent tax cut is repealed, virtually every income group, save the very rich, will pay steeply higher taxes than before the Reagan Administration took office. In short, the promise to give average- and lower-income taxpayers some relief from bracket creep and Social Security taxes can only be fulfilled if the third year of the tax cut remains on the statute book.

THE ISSUE OF DEFICITS

Those seeking repeal of the third year tax cut say that government deficits, especially in future years, will sabotage economic recovery. They claim that as the economy begins to recover, the private demand for new investment capital will collide with the government's voracious credit appetite, and the resulting competition for funds will bid up interest rates to levels that will abort economic recovery. Repeal of the July cut, say these critics, is needed to reduce the deficit pressure.

Their theory, however, ignores reality. There is no simple or direct correlation between government deficits and interest rates. In March 1981, the cumulative federal deficit was projected at $33 billion for the period 1982 to 1986. The President's January 1983 budget message revised this total to $850 billion, an almost 25-fold increase. According to the scenario sketched by opponents of the tax cut, these soaring deficits should have driven up interest rates. They did not. Instead, while deficit projections have skyrocketed, interest rates have plummeted. The rate on government Treasury bills, for example, reached a high of 16.3 percent in May 1981, but dropped to 7.81 percent by January 1983. The prime rate fell from a high of 20.5 percent in August 1981 to 11 percent in January 1983.

In short, deficits have climbed 2,500 percent since March 1981 while interest rates have dropped nearly 50 percent. The recovery is proceeding briskly, despite the deficits and contrary to the fears of many of the President's own advisors.

A far more dangerous threat to economic recovery is the lurking possibility of another tax increase. At this stage of the economic recovery a new hike would probably plunge the federal budget into an even deeper deficit, rather than curb it. As Chart II shows, higher taxes have not reduced budget deficits. They are, in fact, associated with higher government outlays and deficits. All that tax increases seem to do is reduce the pressure on lawmakers to cutback spending.

Tax increases simply unleash more government spending, rather than stem the flow of budget red ink. Tax receipts grew from $40 billion in 1950 to a projected $659 billion for 1984, a sixteen-fold leap in revenues. Receipts grew 1.4 times faster than GNP and 3.8 times faster than inflation. But even this could not cover Congress's spending explosion. Government outlays over the same period skyrocketed twenty-fold, from $43 billion to almost $850 billion for 1984. Outlays increased 1.2 times faster than government revenues, 1.6 times faster than GNP and 4.5 times faster than the inflation rate. As a result, government deficits grew from 0.06 percent of GNP to 3.12 percent of GNP in 1982.

The unbalanced budget is a symptom—not a cause—of the economy's poor economic performance. Rising unemployment automatically increases expenditures for income support programs, while recessions reduce profits and wages and, along with them, government revenues. The budget will not conceivably come into balance unless there is a strong recovery. And that will not happen if Congress taxes yet again.

There is strong recent evidence to support the view that tax increases expand, rather than contract, the deficit. Consider last summer's $100 billion tax hike. Paul Craig Roberts, former Assistant Secretary of the Treasury, explained in a Wall Street Journal article, the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was supposed to "narrow the budget deficit by $100 billion over the 1983-1985 period and by $229 billion over 1983-1987." Instead, Roberts discovered, "the five-year deficit projections widened by $612 billion between the mid-session review (summer 1982) and the end of the year." The only way to reduce the deficit is to maintain and extend the tax cuts.

According to the usual rule of thumb, four years of 5 percent real economic growth will lower the unemployment rate by four percentage points. A four percentage point drop in the unemployment rate would reduce the expected $200 billion deficits by between $120 billion and $140 billion. What are the chances of attaining this high level of economic growth for a sustained period? Nobody knows for certain, of course. But one thing is clear: the repeal of the third year tax cut would lower the trajectory of U.S. economic growth—just as it appears the economy is recovering—making it far less likely that the budget gap will be reduced or new jobs generated.

CONCLUSION

The repeal of the July tax cut would put the burden of balancing the budget onto the backs of working and lower-income Americans, leave them with the effects of past bracket creep and deny them their promised tax cut. The campaign to repeal the July tax cut betrays a callous cynicism when it comes to the plight of working Americans. It seems motivated only by Congress's determination to continue its spending splurge. If the third year tax cut is eliminated, the recovery will slow, deficits will rise and income taxes on average Americans will soar to higher levels than at the end of the Carter Administration.

The budget can be balanced only through vigorous economic growth, coupled with spending reductions. The July cut promises to spur the economy into a robust and sustained recovery that will help generate more revenues to balance the budget. The recovery has already been launched successfully; it is no time to change the flight plan.

THOMAS M. HUMBERT,
Walker Fellow in Economics.●

GUAM LEGISLATURE SALUTES PHIL BURTON

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WON PAT. Mr. Speaker, it is clear that our dear departed colleague, Phil Burton, had many, many friends here in the Congress. But, his influence and friendship with elected leaders did not stop at the steps of the Capitol. He was so active in the affairs of the U.S. territories, for example, that his name was known by all of the island's leaders.

This is reflected in the wording of Resolution 123, which was adopted by the Guam Legislature on April 12, 1983. The members of the legislature all gathered to honor this great man who has done so much for this island and other U.S. territories.

I am honored to insert this resolution in the RECORD at this time so my colleagues may share in the deep sense of personal loss my constituents feel over the passing of Congressman Burton.

The resolution follows:

RESOLUTION No. 123

Introduced by: C. T. C. Gutierrez, J. T. San Agustin, E. P. Arriola, J. P. Aguon, E. D. Ramsey, E. T. Charfauros, F. J. Gutierrez, M. K. Hartsock, P. C. Lujan, T. S. Nelson, D. Parkinson, J. F. Quan, F. J. Quitugua, F. R. Santos, J. F. Ada, E. R. Duenas, A. C. Lamorena III, M. D. A. Manibusan, T. V. C. Tanaka, J. H. Underwood, and A. R. Unpingco; Relative to extending the condolences of the Seventeenth Guam Legislature and the people of Guam to Mrs. Phillip Burton and the Burton family upon the death of the Honorable Phillip Burton.

Be it resolved by the Legislature of the Territory of Guam:

Whereas, Congressman Phillip Burton, Democratic Representative of San Francisco was born on June 1, 1926 and passed away on April 10, 1983; and

Whereas, the Honorable Phillip Burton was a person who rightly deserves to be honored by the people of Guam; and

Whereas, Congressman Burton has faithfully served the people of the United States of America since February 1964, as a member of the House of Representatives; and

Whereas, Congressman Burton was chosen by his colleagues in the House of Representatives to chair the Subcommittee on Territories and Insular Affairs in 1971; and

Whereas, Congressman Burton won approval of a new national park at Honokohau, Hawaii; and

Whereas, Congressman Burton saw to it that his territories chairmanship was passed on to Delegate A. B. Won Pat of Guam—the first non-voting territorial delegate ever to chair a House subcommittee; and

Whereas, Congressman Burton has supported major Federal legislation towards the political and economic development of Guam, including: an act providing for an elected Governorship; an act providing for a non-voting delegate to Congress; an act appropriating funds for the repayment of Guam's rehabilitation debt; an act authorizing Guam to write its own constitution; an act creating the War in the Pacific Park; was instrumental in continuing the operation of the Ship Repair Facility in Guam; and an act authorizing a review of lands claims in Guam; and

Whereas, Congressman Burton has supported legislation to the benefit of the Northern Marianas, including the reunification of the Marianas, increases in the annual appropriations for the territories and various omnibus bills benefitting the territories; and

Whereas, Congressman Burton also talked Guam Officials into keeping the Medical Center of the Marianas open after helping obtain a Federal grant; and

Whereas, the United States Territories of the Pacific, located several thousand miles from the seat of government in Washington, D.C., have needed a loyal spokesman in Congress to support their cause; someone who took an active interest in the promotion of their social, economic, and political development; and

Whereas, through a period of nearly two (2) decades, Congressman Phillip Burton has served as a spokesman for the people of Guam in Washington, D.C. and has been recognized as a champion of Human Rights; and

Whereas, the University of Guam gave Congressman Burton an honorary doctor-of-law degree in the May 12, 1978 Commencement exercises; and

Whereas, no matter how significant these heretofore listed accomplishments may be, they are overshadowed by his devotion to his family and his country; now, therefore, be it

RESOLVED, that the Seventeenth Guam Legislature does extend its condolences and heartfelt sympathy to his wife Sala, daughter Joy, and the Burton family upon the passing of this honorable man whose accomplishments have been an inspiration to all of us on this island; and be it further

Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to Mrs. Phillip Burton; to the President of the United States; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to Congressman Antonio B. Won Pat; to the Governor of California; to the Mayor of San Francisco; to the Senators and Representatives from California; and to the Governor of Guam.

Duly and regularly adopted on the 12th day of April 1983.

ELIZABETH P. ARRIOLA,
Senator and Legislative Secretary.
CARL T. C. GUTIERREZ,
Speaker.●

LEGISLATION REGARDING PUBLIC HEALTH EMERGENCIES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WAXMAN. Mr. Speaker, most public health needs are predictable. We can estimate the number of polio shots that the Federal Government must provide. We can predict how much it will cost to maintain most laboratories at FDA or NIH from year to year.

But the nature of all modern public health is not always so routine. In the past few years unknown diseases have broken out in epidemic proportions, lethally contaminated foods and drugs have been recalled in record amounts, and previously controlled illnesses have reappeared.

Examples of such problems are prominent in the news and in everyone's memory:

The Tylenol incident held the front pages of newspapers for weeks and cost the Federal Government millions of dollars.

The number of cases of acquired immune deficiency syndrome (AIDS) has doubled every 6 months for the past 2 years, and the rate is still accelerating.

In some areas, reported rabies in wild animals has increased by sixty-fold, and there is concern that it may threaten human population centers.

No matter how organized and systematic the administration and the Congress may be in its budget and appropriations cycles, it is not possible to design line item amounts for such problems. We cannot plan a year in advance for epidemics, contaminants, or emergencies.

I would point out, in fact, the Food and Drug Administration (FDA) has recognized this planning problem in its budget request for 1984. Describing its request for a contingency fund, the Department of Health and Human Services (HHS) outlines the Tylenol problem, the recall of canned salmon and infant formula, and even radiological incidents. In its formal request to the Appropriations Committees, HHS goes on to say:

> Such recalls and investigations not only distort the Agency's program plans by forcing the cancellation or deferral of other activities, but they substantially increase direct costs, as field personnel must work much longer hours and travel great distances for prolonged periods to be sure that potentially hazardous products are off the market, or to identify and isolate the cause of a potential hazard as quickly as possible to limit the public risk.

I commend the FDA and HHS for their proposal, as far as it goes. I am, however, concerned that this limited request allows the problems of the unexpected to continue in this and other agencies. Within the Centers for Disease Control (CDC), for example, hepatitis and infectious disease programs have been restricted by the needs of the AIDS outbreak—needs that are still only partially met by CDC. At the NIH, little research has begun on AIDS because funds must be reviewed and obligated so far in advance.

As Tylenol and AIDS have dramatically shown us, we cannot continue to operate public health agencies on an ad hoc basis, requiring them to rob

Peter to pay Paul, to choose to neglect known problems because unknown ones divert resources and distort the agency's program plans.

I am introducing today a bill to create a public health emergency fund for use by the U.S. Public Health Service. In 1984, the authorization level for the fund is $40 million. In succeeding years, replenishing appropriations are authorized in order to keep the fund at the level of $40 million at the beginning of each fiscal year.

If the Secretary determines that a disease, or disorder, or other condition creates a public health emergency, the bill authorizes the Secretary of HHS to make grants or enter into contracts for research into the cause, treatment, and prevention of the emergency. The Secretary is authorized to act through NIH, CDC, or FDA.

I am joined in this legislation by a number of Members from both sides of the aisle. I urge other Members to support the legislation. As those Members who come from areas afflicted with contamination or epidemics can tell you, it is difficult to say what district emergencies will hit next.

H.R. 2713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Health Service Act is amended by inserting after section 318 the following new section:

"PUBLIC HEALTH EMERGENCIES

"SEC. 319. (a) If the Secretary determines, after consultation with the Director of the National Institutes of Health, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that—

"(1) a disease or disorder presents a public health emergency, or

"(2) a public health emergency otherwise exists and the Secretary has the authority to take action with respect to such emergency,

the Secretary, acting through such Director or Commissioner, may make grants or enter into contracts for research into the cause, treatment, or prevention of such disease or disorder or other cause of a public health emergency described in paragraph (2).

"(b) There is established in the Treasury a fund designated the 'Public Health Emergency Fund' to be available to the Secretary without fiscal year limitation for grants and contracts under subsection (a). There is authorized to be appropriated to the fund $40,000,000 for fiscal year 1984. For fiscal year 1985 and each fiscal year thereafter there is authorized to be appropriated to the fund such sums as may be necessary to have $40,000,000 in the fund at the beginning of such fiscal year.".●

DR. HADLOCK'S SPEECH "HOSPICE CARE: PRESENT CHALLENGES AND OPPORTUNITIES"

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. FAUNTROY. Mr. Speaker, on February 17, 1983, Dr. Daniel C. Hadlock gave an informative and inspiring speech on hospice care in the Gold Room of the Rayburn House Office Building.

The hospice movement has indeed produced revolutionary changes in our understanding of human beings as they approach death.

I would like to enclose a copy of Dr. Hadlock's speech in the RECORD for all Members unable to hear it.

HOSPICE CARE: PRESENT CHALLENGES AND OPPORTUNITIES

(By Daniel C. Hadlock, M.D.)

Senators and Congressmen, distinguished guests, ladies and gentlemen, my comments will begin with a review of my own experiences in health care, for they illustrate the basis for my thoughts regarding the significance of the Medicare legislation on the future development of hospice in America.

When I entered the private practice of medical oncology in 1974, I had nine years of internal medicine and medical oncology clinical experience at major teaching hospitals. I did not consider myself naive regarding the realities of cancer and its treatment. But I soon discovered patients in the community practice setting for which I had not been adequately trained to deal with.

Mr. Smith was a 49 year old white married male who developed severe burning pains and progressive weakness beginning in the tips of his extremities and gradually working up his arms and legs. His condition was diagnosed as nerve inflammation secondary to a malignant tumor of the bone marrow. Treatment of the malignancy however did not relieve this condition. Nor did it control the tumor, so that he developed additional complications secondary to progressive tumor and chemotherapy. He became bed bound and suicidally depressed.

Pain remained uncontrolled because I was inadequately trained to deal with chronic pain when I was unable to control the disease.

Spirtual and social isolation developed when, after several years of persistently increasing pain and disability, he publicly confessed his discouragement. There was an abrupt withdrawal by his fellow worshippers. His circumstances revealed them to be as vulnerable and threatened by the question of unexplained suffering as he was. But rather than they being a support to him, he, the patient, was their support. And when reality broke through they avoided such unpleasantness by avoiding the patient.

Looking for alternative support services, I found the local psychiatrist, psychologist, social workers, etc. did not want to become professionally involved with a depressed person who was dying because "who wouldn't be depressed?

I felt personally and professionally frustrated and ashamed at being found so wanting to my patient at a time of such great need. I also felt frustrated and ashamed for my profession and my society at finding so little assistance—for myself as well as for my patient at such a time.

In other situations I found that the problem in providing appropriate care for such patients relates to the way in which the health care system is professionally and institutionally structured and reimbursed:

Helen was a 17 year old female with an aggressive thyroid cancer which had spread to her lungs and skull. Despite profound weight loss, complexion changes, pain and weakness secondary to her tumor and its treatment, she maintained her self sufficiency and was able to continue going to school until the last month of her life.

Her illness also cost her father who left his wife and daughter soon after the diagnosis and prognosis were established because he couldn't tolerate such a threat to his preconceived notions of how family life should be.

Part of Helen's treatment included antitumor drugs given by intravenous infusion every second week. These treatments could be given in my office after school hours at a cost of $250.00. However, her insurance would only pay 80% of that total. The $50.00 treatment fee she would be responsible for was a major additional expense at a time when the major source of financial support had left.

The same insurance policy did pay 100 percent for the same treatments when they were given in a hospital setting-though treatment charges would then include hospital costs making a total charge of about $500.00. Furthermore, giving the treatments in a hospital required a day away from school, which Helen was loathe to do because she hoped to graduate before she died.

A letter was written to the insurance company—pointing out three things. (1) 100 percent of $250 was less than 100 percent of $500. (2) Patient care would be as safe, effective and appropriate in the office as it would be in the hospital. (3) It would be more satisfactory for the patient/family if the care was given in the office. Therefore, could the insurance company see its way to pay 100 percent for treatment given in the office setting. The reply was, "The way the policy is written is the way it is written and it cannot be changed no matter what the reasons".

Again, I felt frustrated and angry at being forced into a mode of treatment which did violence to my professional and the patient's personal preference—but which was a necessity because it was the only way the patient's financial realities could be respected. I also felt angry at a health care reimbursement system which, for all of its surface emphasis on cost effectiveness and accountability was spending money unnecessarily and seemed to have no interest in changing the status quo, even when it was in its own favor.

I then heard of hospice as a concept. The first concern is (a) total care, i.e., attention to the whole person—Getting care at locations which meet patient's preferences so long as quality of care not compromised—Dealing with the family as part of the constellation of care, both receiving and giving—Giving care that is cost effective and non-duplicative of services already in the community but coordinated into a continuum of care crossing disciplinary lines, programatic lines, locational lines, etc. (b) Pain control and (c) symptom control, i.e., when the disease cannot be controlled then the focus of care is controlling chronic symptoms as the end point of therapy. Control

meaning that there is not a mental or emotional high or low substituted for the symptom, but simply the symptom is palliated so the patient is able to continue living as comfortably as possible until the day they die. (d) Attention to the emotional needs of the patient. (e) Attention to the grief and bereavement needs of the family. (f) Attention to the personal and professional needs of the staff.

In all aspects of palliative care, keep the care appropriate according to the perspective of the terminally ill patient. Finally, "if you wait until you know everything that ought to be done and how you ought to be doing it . . . then you will never begin." The working creed is therefore the "principle of dominant priority", i.e.—

Every problem has several possible solutions, depending upon the goals of the problem solver. If a single goal has priority over the other possible goals, then only a single solution will solve the problem and thus satisfy the problem solver. Therefore, determining which goal is of the highest priority dominates the problem solving process. Ronmaniere "Rigging Up To Meet Priorities" Sail, 1979.)

Too often the dominant priority in established health care is the preservation of standard operating procedure in the provision of health care. The outcome, the comfort and relief of the patients, is a secondary consideration. But doing a technically good job, being cost effective, being professionally appropriate, really is irrelevant if in the process of meeting those criteria we miss the prime purpose of health care which is a patient's comfort and relief. Hospice's intention is not and never should be to become a maverick from the whole health care system. It is simply to provide an alternative which allows the whole health care system become more relevant and more appropriate to meeting the special needs of the terminally ill.

These experiences made me aware that to provide more appropriate care for the dying would require willingness to deal not only with the issues of patient care but with the issues of licensure, accreditation, and reimbursement because these define the kind of health care our society has available to its patients. A large part of the difficulty in making hospice work is because our current generation of health care providers is not accustomed to thinking about such needs from the patient's point of view and the logical solutions such a perspective would dictate for meeting the shift in priority of care for the terminally ill from cure to comfort.

In 1980, I became Medical Director of a National Cancer Institute hospice demonstration project with inpatient and home care capacity. Although physically free standing, it was nonetheless administratively a subdivision of a hospital. Such hospice program tasks as fundraising, disbursements, billing, public relations, and personnel policies were the secondary interests of hospital (not hospice) employees. The consequence of such ambivalence in priorities was that after several years of operation the community was still not sure what the difference was between a hospital and a hospice, they weren't sure who qualified for hospice service but they did know hospice service was free!

An independent cost analysis of 110 patients done while the hospice was concluding its grant operation showed that the average survival was 55 days (40 days at home, 10 days in the inpatient unit, 5 days in a hospital). 60 percent of the patients never required reinstitutionalization. 50 percent of the deaths occurred in the home setting. The total cost of care was $4,500 with the home care component constituting approximately one third of that figure. When broken down into a fee-for-service type allocation, it appeared as though hospice was exorbitantly expensive i.e., physician visits were $200, a nursing visit was $70, social work visits were $180, a day in the inpatient unit was $250, etc. However, an analysis of the health care expenses of patients who died of similar diagnoses without access to hospice showed such patients spent an average of 21 days in a hospital prior to dying. The base cost for hospital services (room, board, and nursing care) was $195 per day. 21 days times $195 per day came to a total of $4,095. This figure did not take into account the additional charges for lab fees, professional services and treatments which would be necessary to justify hospitalization in the first place. This $4,095 also did not take into account the other five weeks of care prior to the terminal three weeks of hospitalization.

Nonetheless, when hospice grant money ran out, the program's clinical effectiveness in keeping patients comfortable and at home, and its cost effectiveness in keeping overall patient expenses down tended to be interpreted negatively. Keeping patients at home meant they weren't in the hospital which hurt the hospital's financial status. And although overall care costs might be lower, a simplistic fee-for-service comparison of home care costs seemed to indicate that standard home health care was more cost effective when compared to the home care component alone of a hospice program. Of course such a limited comparison did not consider the frequency in duration of institutional care in addition to the home care nor the degree of illness of the patients on the respective programs.

Such an unthinking application of current methods of defining and analyzing health care costs without considering patient care service and outcome criteria does reenforce the status quo and present a new concept of health care in the least favorable light—a classic situation of not seeing the forest because of focusing on the trees.

In 1981 I became Medical Director of Hospice, Inc., serving Dade and Broward Counties in South Florida, a HCFA hospice demonstration program. The program is primarily home care but does have a contract with a local hospital which allows it to hospitalize patients without the hospice staff losing patient contact. Sixty to seventy percent of our referrals come from other health care providers (physicians, hospitals, home health agenices, and nursing homes) they recognize hospice care is unique and distinct from what services they are able to provide. The program works with over 225 primary physicians and over 100 community agencies so as to supplement and complement our care with theirs and not duplicate services. Our current census is about 100 patients; the program has cared for over 1500 patients in two counties in the past four years. The patient care staff consists of 10 registered nurses, 2 licensed practical nurses, 2 social workers, 3 physicians, 2 intake directors (RN's), 2 team coordinators (RN's), 1 priest, 2 volunteer directors, 1 bereavement director, and over 100 trained volunteers. Patient survival is 60–70 days. The reinstitutionalization rate is 40 percent. The home death rate 60 percent. The cost (for home care only) is $1,250 per month, per patient.

In sum, the program care for more patients, provides increased program services, provides increased staff support than either of the two programs I have been previously associated with and the patient costs have remained stable. It has been encouraging to see how hospice has evolved in the past five to six years from a philosophical concept into a pragmatic program of care which is able to meet concerns for appropriate performance both clinically and administratively.

But—will success spoil Hospice?

On the one hand, with the passage of the Medicare legislation, hospice is in danger of being shackled by the weight of the whole structure of the "routine reimbursement structure". In addition, newcomers to hospice (now that it is a paid for health care commodity) may be content to do only what the law provides for, not realizing it is only a beginning and not an end point in the establishment of hospice as a true alternative in care for the terminally ill patient.

Senator Hatfield wrote in "Between A Rock and A Hard Place" that the first function of any bureaucracy is to preserve itself. We must always remember that a difference, to be a difference, must make a difference. Hospice cannot afford to lose its uniqueness in program structure and in patient care team function if it hopes to preserve its difference in patient care outcome.

The inertia of the status quo may yet stifle what hospice practitioners have gained to date—and the real losers will not be us or even our programs but our patients.

As John Hinton so tartly wrote in his book, "The Dying Patient" (Penguin Press, 1972):

"We emerge deserving little credit, we who are capable of ignoring the conditions which make nuted people suffer. The dissatisfied dead cannot noise abroad the negligence they have experienced."

In order to keep all of us involved with making hospice a reality in our society most appropriate in the way we exercise our responsibilities, consider the statement written by Thomas Sydenham in 1666 ("Methodus Curandi Febres"):

"The physician (or care provider, reimburser, accreditor, legislator, etc.) should bear in mind that he himself is not exempt from the common lot, but subject to the same laws of mortality and disease as others, and he will care for the sick with more diligence and tenderness if he remembers that he himself is their fellow sufferer."

The same admonition should apply to all who are involved in any aspect of palliative care as provided by hospice programs which meet the NHO Standards. Specific areas of risks and challenge include (1) professional care giver roles, relationships and responsibilities; (2) interdisciplinary structure, supervision and performance; (3) program administration which gives primary consideratin to patient and staff care priorities as it deals with program fiscal realities; (4) mechanisms of cost allocation and reimbursement and their effect on the care giving process; (5) volunteer selection, supervision and utilization; and (6) provision for hospice to grow and learn by making realistic provision not only for patient/family care but also for growth in professional knowledge and teaching.

Palliative care is truly interdisciplinary—not only among health care disciplines but also between health care institutions and social perspectives.

"May there never develop in (us) the notion that (our) education is complete but give (us) the strength—leisure and zeal to

continually enlarge my knowledge." (Maimonides (1135-1204).)

We will all be better able to evaluate the appropriateness of our own activities if we continually compare our efforts to the dominant priority of patient/family comfort and self-sufficiency and as if it were we ourselves who were to be the object of our services—because someday we will be.●

BLIND EYE ON CENTRAL AMERICA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. LIVINGSTON. Mr. Speaker, I wish to commend to this body the article by George Will in today's Washington Post. Mr. Will makes it abundantly clear that the current conflict in El Salvador is only the most recent, and most proximate, but perhaps the most serious, of the ongoing list of imperialistic violations of world peace by Communists under Soviet leadership.

Mr. Will documents his case well, yet Members of this body continue to ignore the varied and flagrant examples of Soviet aggression, while condemning the people of the United States to a constant barrage of self-flagelation.

Now this grandstanding approach of "pinching pennies" on questions of support for the attempts of our Central American neighbors risks the total collapse of friendly nations and would-be free peoples.

They are playing a dangerous game. If they persist, and if Central America falls to the Communists, their shortsighted tactics could spell misery and oppression for tens, even hundreds, of millions of people.

Colleagues, think about what you are doing.

[From the Washington Post, Apr. 21, 1983]

BLIND EYE ON CENTRAL AMERICA

(By George F. Will)

To begin, a two-question quiz.

First question: Since détente was codified at the Nixon-Brezhnev summit in 1973, the Soviet Union has forced a nuclear alert by threatening to intervene with troops in the October 1973 war in the Middle East (a war incited and financed by the Soviet Union); has organized and financed the destruction of the Paris accords and a U.S. ally; has intervened with Cubans and others in Angola, Ethiopia, Yemen, Cambodia, Nicaragua and El Salvador; has invaded Afghanistan; has orchestrated the crushing of Poland; has made a mockery of the Helsinki agreements; has repeatedly violated the informally agreed-to threshold test ban treaty (although we even changed the way we measure violations, in an effort to avoid the need to make protests that would dampen détente); has tried to murder the pope; is violating the terms of SALT II (an amazing feat, considering that SALT II is a tissue of loopholes and ambiguities); is funding and organizing terrorism worldwide; and is continuing an arms buildup unambiguously designed for political intimidation and military aggression. The first quiz question is: why is there a "return to the Cold War"?

Answer: President Reagan gave a speech referring to the Soviet Union as an evil empire.

Second question: the Soviet Union has an army brigade (2,600-3,000 men), 2,500 military advisers (increased 500 last year) and 6,000-8,000 civilian advisers in Cuba. It gave Cuba 66,000 metric tons of military supplies in 1981, 68,000 in 1982 (worth $1 billion). Moscow's annual economic aid to Cuba is $4 billion (more than one-quarter of Cuba's GNP). Cuba has 200 MiGs, including two squadrons of MiG-23 Floggers, at least 650 tanks, at least 90 helicopters, including MI24 attack helicopters, a Koni-class frigate, two Foxtrot attack submarines, at least 50 torpedo attack boats, two amphibious assault ships. A Grenada minister says Cuba will use Grenada's new airport when supplying Cubans in Africa. Cuba, with one-seventh of Mexico's population, has military forces twice the size of Mexico's. The Soviet Union is giving 20 times more military assistance to Cuba than the United States is giving to all of Latin America.

In the newest Soviet satellite, Nicaragua, 39 percent of all males over 18 are in uniform, and the regime intends to build a 250,000-person armed force, so one in 10 Nicaraguans will soon be in the military or militia. (All of Honduras' security forces total 20,000. El Salvador's total 32,000.) Nicaragua's regime has built 36 new military bases and garrisons (the previous regime had 13). Nicaraguan pilots and mechanics are being trained in Bulgaria. The regime has received, so far, 50 Soviet tanks, 1,000 East German trucks, 100 anti-aircraft guns, Soviet 152-millimeter howitzers with a range of 17 miles. Cuba has 4,000 to 5,000 civilian advisers in Nicaragua, plus 2,000 military and security advisers. There also are East Germans, Bulgarians, North Koreans, Soviets and members of the PLO. The second quiz question is: about what in Central America does Congress seem most worried?

Answer: fifty-five U.S. trainers in El Salvador.

Events in Central America are spinning rapidly toward a decisive moment in U.S. history. None of the fictions that were used to rationalize acceptance of defeat in Vietnam can be used regarding Central America. The threat there is close, clear and indisputably communist. There the United States will show—will learn—whether it is any longer capable of asserting the will a great power requires, or whether the slide into paralysis is irreversible.

Governments such as Costa Rica's and Panama's are listening as congressional complaints mount. The complaints are against U.S. assistance to armed opponents of Nicaragua's Stalinists, and about even minimal aid for the democratically elected government of El Salvador that is under attack from forces that are extensions, through Nicaragua and Cuba, of the Soviet Union.

The conjunction of these complaints can mean, in effect, the extension of the Brezhnev doctrine in this hemisphere. That is, communist attacks on a regime leech away the regime's legitimacy, and produce pressures for negotiations aimed at "power-sharing" with Stalinists who do not believe in sharing power. But a communist regime, however freshly planted and dependent on foreign totalitarians, as in Nicaragua, must be treated as legitimate and irreversible.

There is a war raging, and if all the substantial, determined military assistance is one-way, there can be but one result. The result will be a communist Central America, and an Iran just a wade across the Rio Grande.●

A STUDY OF THE URBAN INSTITUTE ON EMPLOYMENT TRANSITIONS

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ST GERMAIN. Mr. Speaker, through recent study of the problem, the Urban Institute concluded that the vast majority of American workers affected by structural change in our economy were actually making fairly smooth employment transitions. Indeed, it was clear to these investigators that those having the most difficulty in effecting a change of job were those lacking in solid education and marketable skills. The Institute went so far as to state that, in their opinion, it would not have mattered if these workers were laid off from the fastest growing industry in the Nation; they would still have reemployment problems.

Mr. Speaker, I find this a startling and disturbing indictment, for if the case has been stated accurately by the Institute, and I believe there may be ample evidence that it has, then it would clearly appear that many of our dislocated workers in declining industries mask a more serious problem—namely the existence of millions of undertrained employed workers scattered throughout our economy.

Given the record of underinvestment in workers training in American industry in general, I am convinced that any initiative taken to increase that level of investment in worker skills is both laudable and necessary. It is in this regard, Mr. Speaker, that I am today introducing legislation which, I believe, can underscore an effective approach to overcoming just such underinvestment in the future of the American worker.

The bill, in the form of an amendment to the Defense Production Act of 1950, would prohibit the Secretary of Defense from entering into any contract of more than $5 million for any item of defense production from any manufacturer located in the United States unless that manufacturer agrees to conduct or sponsor the training of personnel in skills which the President determines are in short supply, if such skills are necessary to the performance of the contract.

Mr. Speaker, implementation of this type of provision which would subject each of our defense prime contractors or major subcontractors to a training obligation as a condition of receiving a defense contract appears accomplish-

able through the procurement process. No new bureaucracy would be needed for its administration nor would it involve any new or large budget item. The level of training for the American worker, on the other hand, could be noticeably increased; and I believe it a fair assumption to make that the contractor/company involved would see the efficient use of the funds since they constitute the firms in need of the graduates in training.

Mr. Speaker, in some manner, by use of the buildup in our defense industrial base, we must find the means of serving up a larger national training/retraining system for industry. I would hope that my fellow colleagues would find this basic concept appealing and I invite their interest and support in joining with me in sponsoring this legislation.●

WHEN WILL THIS CONGRESS WAKE UP TO THE REALITIES OF CENTRAL AMERICA?

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. RUDD. Mr. Speaker, next Wednesday, our President is going to address this body and the American people on what I believe is the most critical foreign policy question today.

The question is whether this Congress has the will to prevent an assured Communist domination of Central America without U.S. aid to our allies?

Some would have you believe that the few advisers stationed in El Salvador, and the puny amount of U.S. military assistance, amounts to an unwarranted, provocative involvement on our part.

These same critics apparently have not taken notice of the unprecedented Soviet/Cuban/Nicaraguan war machine being assembled alongside the comparably meek defense forces in Honduras, El Salvador, and Costa Rica. These critics apparently also have not noticed the $1 billion worth of Soviet armaments that slipped through to Cuba in 1982, or the 250,000 man army being fortified in Nicaragua—a country with a population roughly the size of Arizona.

I urge my colleagues to read George Will's column in this mornings's news, "Blind Eye on Central America," which follows. Perhaps the President's address next week will open the sleepy eyes of this Congress.

The article follows:

[FROM THE WASHINGTON POST, APR. 21, 1983]

BLIND EYE ON CENTRAL AMERICA

(By George F. Will)

To begin, a two-question quiz.

First question: since detente was codified at the Nixon-Brezhnev summit in 1973, the Soviet Union has forced a nuclear alert by threatening to intervene with troops in the October 1973 war in the Middle East (a war incited and financed by the Soviet Union); has organized and financed the destruction of the Paris accords and a U.S. ally; has intervened with Cubans and others in Angola, Ethiopia, Yemen, Cambodia, Nicaragua and El Salvador; has invaded Afghanistan; has orchestrated the crushing of Poland; has made a mockery of the Helsinki agreements; has repeatedly violated the informally agreed-to threshold test ban treaty (although we even changed the way we measure violations, in an effort to avoid the need to make protests that would dampen detente); has tried to murder the pope; is violating the terms of SALT II (an amazing feat, considering that SALT II is a tissue of loopholes and ambiguities); is funding and organizing terrorism worldwide; and is continuing an arms buildup unambiguously designed for political intimidation and military aggression. The first quiz question is: why is there a "return to the Cold War"?

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In the newest Soviet satellite, Nicaragua, 39 percent of all males over 18 are in uniform, and the regime intends to build a 250,000-person armed force, so one in 10 Nicaraguans will soon be in the military or militia. (All of Honduras' security forces total 20,000. El Salvador's total 32,000.) Nicaragua's regime has built 36 new military bases and garrisons (the previous regime had 13). Nicaraguan pilots and mechanics are being trained in Bulgaria. The regime has received, so far, 50 Soviet tanks, 1,000 East German trucks, 100 anti-aircraft guns, Soviet 152-millimeter howitzers with a range of 17 miles. Cuba has 4,000 to 5,000 civilian advisers in Nicaragua, plus 2,000 military and security advisers. There also are East Germans, Bulgarians, North Koreans, Soviets and members of the PLO. The second quiz question is: about what in Central America does Congress seem most worried?

Answer: fifty-five U.S. trainers in El Salvador.

Events in Central America are spinning rapidly toward a decisive moment in U.S. history. None of the fictions that were used to rationalize acceptance of defeat in Vietnam can be used regarding Central America. The threat there is close, clear and indisputably communist. There the United States will show—will learn—whether it is any longer capable of asserting the will a great power requires, or whether the slide into paralysis is irreversible.

Governments such as Costa Rica's and Panama's are listening as congressional complaints mount. The complaints are against U.S. assistance to armed opponents of Nicaragua's Stalinists, and about even minimal aid for the democratically elected government of El Salvador that is under attack from forces that are extensions, through Nicaragua and Cuba, of the Soviet Union.

The conjunction of these complaints can mean, in effect, the extension of the Brezhnev doctrine in this hemisphere. That is, communist attacks on a regime leech away the regime's legitimacy, and produce pressures for negotiations aimed at "power-sharing" with Stalinists who do not believe in sharing power. But a communist regime, however freshly planted and dependent on foreign totalitarians, as in Nicaragua, must be treated as legitimate and irreversible.

There is a war raging, and if all the substantial, determined military assistance is one-way, there can be but one result. The result will be a communist Central America, and an Iran just a wade across the Rio Grande.●

UPON THE INTRODUCTION OF LEGISLATION TO DEAUTHORIZE THE CROSS-FLORIDA BARGE CANAL

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MACKAY. Mr. Speaker, after comparing the limited economic benefits of the Cross-Florida Barge Canal to its potential environmental damage, I am today, along with my colleagues from Florida, Messrs. YOUNG, BILIRAKIS, MCCOLLUM, SMITH, NELSON, PEPPER, and MACK, filing legislation to deauthorize this project. The senior Senator from Florida, LAWTON CHILES, is filing identical legislation in the Senate this afternoon.

The passage of the Federal legislation would expand the Ocala National Forest to include the portion of the canal project which is known as Lake Oklawaha in order to preserve the recreational uses of the lake. The Federal Government would be authorized to pay the State of Florida, which owns the property, not less than the current fair market value. Current estimates place the value of the land included in Lake Oklawaha at approximately $12 million.

The legislation would also trigger a State law passed by the legislature in 1979 which outlines an orderly process for returning to the counties, along the canal route, the tax dollars they had paid to the canal authority to help buy the right-of-way. The counties stand to recoup $32 million from the State of Florida in reimbursements. The State would use the proceeds from the sale of Lake Oklawaha to the Forest Service, and the sale of other canal lands to the public to repay the counties. The State law pro-

tects the rights of previous owners to repurchase their property, but assures the public that fair market value will be paid.

Since the entire uncompleted portion of the canal lies within my district, I believe it is important that I take every step possible to halt further environmental damage there and return to the counties along the canal route the tax dollars they paid to support its construction. Current State estimates are that the counties would be repaid a total of $32 million, with $22 million being paid to Duval County alone.

In 1971, President Nixon halted the construction of the canal, citing serious environmental concerns. Since that time, the canal project has been opposed by each Governor of Florida, the elected Florida cabinet—who now serve as the Barge Canal Authority—and the Florida Legislature. The overwhelming public opinion in Florida is in opposition to the canal.

This legislation permits the State law passed in 1979 to take effect. Until such time as a further disposition of canal lands is made by law, this legislation would preserve the current status of the Rodman Dam and Lake Oklawaha. It would place the lake in the Ocala National Forest and under the protection of the Forest Service. The Army Corps of Engineers would be required to operate and maintain the facilities which have created the lake.

Finally, this legislation will preserve the State's right to object to a project, such as this one, which is of questionable economic benefit, which poses serious environmental hazards, and which faces almost no prospect of completion.

I urge my colleagues to appreciate the position in which the State of Florida finds itself and to support this legislation which is very important to so many Floridians.

The text of the legislation follows:

H.R. —

A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Florida, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) the high-level lock barge canal from the Saint Johns River across Florida to the Gulf of Mexico authorized by the Act of July 23, 1942 (56 Stat. 703), is not authorized after the date of enactment of this Act.

(b) The Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities (and lands appurtenant thereto) of the Cross-Florida Barge Canal project referred to in subsection (a) of this section in such manner as he determines to be necessary, pending further disposition by law of the project, its facilities, and lands.

SEC. 2. (a) The boundaries of the Ocala National Forest, Florida, are extended to include the lands north and west of the Oklawaha River as shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia, and available to the public in the office of the appropriate regional forester, forest supervisor, or forest ranger.

(b) Within the boundaries of the Ocala National Forest as extended by subsection (a) of this section, lands or interests in lands and improvements owned by the United States and administered by the Corps of Engineers, Department of the Army, shall be transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida, at such time as the Secretary of the Army deems such action to be appropriate, but not later than September 30, 1984, except that the Secretary of the Army, acting through the Chief of Engineers, shall operate and maintain the existing facilities of the Cross-Florida Barge Canal project referred to in the first section of this Act within the extended boundaries of the Ocala National Forest pending further disposition by law with respect to such facilities.

(c)(1) The Secretary of Agriculture shall acquire those lands and interests in lands held by the State of Florida within the boundaries of the Ocala National Forest, as extended by subsection (a) of this section, with donated or appropriated funds, by purchase or exchange. For acquisition of such lands or interests in lands, the Secretary of Agriculture—

(A) shall pay the State of Florida an amount, or

(B) in the case of an exchange, give the State of Florida lands or interests in lands with a fair market value,

which is not less than the fair market value of the lands or interests in lands to be acquired from the State of Florida.

(2) There are authorized to be appropriated for fiscal year 1984 such sums as may be necessary to carry out the provisions of this subsection.●

ROBERT CLAYTON AMES

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WINN. Mr. Speaker, Bob Ames was one of our Government employees killed in the terrorist bombing of the U.S. Embassy in Beirut.

Those of us who knew him professionally were impressed with his considerable credentials and extensive knowledge of the areas in which he dealt. Those of us who knew him personally were impressed by his warmth and fundamental decency as a human being.

Bob Ames briefed members of his committee on numerous occasions and was always knowledgeable and extremely informative. He was an exceptional professional in his chosen field and an outstanding person. His loss to the U.S. Government will be extremely difficult to replace. We deeply sympathize with his wife and six children for their loss which is, of course, irreplaceable. We hope their knowledge of his dedication to his work and country will comfort them somewhat in their time of suffering. With them we mourn his passing.●

THE WEATHERIZATION AND EMPLOYMENT ACT OF 1983

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. OTTINGER. Mr. Speaker, this week I introduced the Weatherization and Employment Act of 1983 (H.R. 2615). This bill has two purposes. First, it would expand the existing low-income weatherization program at the Department of Energy and would authorize sufficient funding over the next decade to weatherize the remaining low-income homes in the Nation that have yet to receive this assistance. Second, the bill would provide significant new employment opportunities. In addition to the jobs created by the expanded program, job training would be offered to prepare weatherization workers to enter the energy conservation industry and related construction and maintenance fields.

Of the 14 million low-income households in the Nation, the DOE weatherization program has already weatherized about 1 million homes. The results of this program have been impressive, both in terms of energy savings for the Nation and income savings for low-income people.

The DOE weatherization program has provided energy savings of 15 to 30 percent per household through insulation and other energy conservation measures.

According to a 1981 study by the Consumer Energy Council, weatherization results in average savings to low-income people of 27 percent in their fuel bills. This figure is significant because low-income households spend a larger proportion of their income on energy than other income groups.

In hearings before the Subcommittee on Energy Conservation and Power, which I chair, the Consumer Energy Council testified that in 1980–81, low-income households spent almost six times as great a proportion of their income for energy as middle- and upper-income households. Because low-income families have little disposable income, they usually cannot afford to make the improvements in their homes that are needed to reduce energy needs, beyond the economies they have already achieved through reduced comfort.

The low-income weatherization program delivers energy at a cost per barrel of oil equivalent which makes it a cheaper way to expand the Nation's energy resources than any other form of energy production. According to the Consumer Energy Council, the low-

income weatherization program has produced saved energy at less than half the cost the resident would pay for oil, electricity, or natural gas.

The potential for employment in the weatherization industry is particularly impressive. The conservation industry is a labor-intensive industry, particularly as compared to other forms of energy production.

A manpower study commissioned by DOE and presented before my subcommittee shows that the weatherization program produces about 5,200 jobs on-site and in related manufacturing for each 100 million Federal dollars expended. This conservative estimate means that for each Federal dollar expended, this program is producing 40 percent more jobs than President Reagan predicted for the recently enacted highway jobs bill.

In addition, weatherization provides a unique economic stimulus that produces additional jobs. As weatherization reduces the amount that low-income households must spend on energy, it frees up additional disposable income to be spent on other goods and services throughout the economy. This new spending produces jobs as well. According to testimony received before my subcommittee, a full-scale weatherization program, as envisioned in my bill, would create on the order of 66,000 jobs annually as a result of the weatherization program alone and an additional 88,000 jobs in the economy through the responding of accumulated energy savings.

In the last 2 fiscal years, Congress has demonstrated strong support for continuing this program despite proposals by President Reagan to eliminate funding. In fiscal year 1983, Congress increased funding for this program substantially through emergency jobs legislation. The administration's opposition to the program has caused delays in funding, disruption to the program's management, and uncertainty among local program directors about the program's future. My bill would reaffirm congressional commitment to continue the program on a long-term basis.

This legislation would authorize $500 million annually for the weatherization program in fiscal year 1984 and in fiscal year 1985. The bill requires the Secretary of Energy to develop a plan to weatherize the remaining eligible low-income homes, estimated at 13 million, over a 10-year period, for fiscal year 1985 through fiscal year 1994.

Congress has already committed the Nation to helping low-income persons pay their ever-rising fuel bills through the low-income energy assistance program (LIEAP). The bill for that program is approaching $2 billion this year. It would seem only logical for the Nation to make permanent reductions in these households' energy use through energy conservation rather than continuing to pay for energy that is often wasted up the chimney.

The legislation I have introduced would also make several changes aimed at increasing the effectiveness and improving the management of the existing program.

These changes include:

Creating a performance fund composed of 10 percent of total appropriations that would permit the Secretary of Energy to reward those States that have demonstrated excellent performance in terms of the quantity of houses weatherized or quality of their weatherization programs.

Permitting the replacement of inefficient heating systems, which, in combination with insulation, have been shown to yield energy savings of 40 percent.

Requiring State agencies to coordinate the weatherization program with the LIEAP program through exchanging lists of recipients.

Giving LIEAP recipients second priority for weatherization assistance after the esixting priority for elderly and handicapped persons.

Providing information to low-income residents concerning maintenance of conservation equipment and general conservation advice.

Requiring states to include a training program with their state weatherization plan and providing funding for this purpose.

Increasing the maximum expenditure per house to $2,500 to allow for replacement systems, necessary repairs and all other labor and materials expenses.

Requiring post-installation inspections of weatherization improvements to insure quality work.

I request that the complete text of the Weatherization and Employment Act of 1983 be placed in the RECORD.

H.R. 2615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Weatherization and Employment Act of 1983".

FINDINGS

SEC. 2. The Congress finds that—

(1) rising energy prices have significantly reduced the real purchasing power of low-income individuals, particularly elderly and handicapped, in the United States to levels at which they are unable to acquire the necessities of life;

(2) low-income individuals and families are being forced to spend increasing proportions of their incomes on residential energy, often as high as 40 per centum;

(3) low-income Americans generally use less energy per capita than other Americans and have reduced their energy usage as much as possible; further savings can be achieved only through improvements to their dwellings;

(4) households with the lowest incomes lack the financial resources necessary to make energy conservation investments;

(5) housing occupied by low-income individuals is generally energy-inefficient, is usually older, and frequently in need of repair;

(6) the present weatherization assistance program is very effective in reducing the consumption of residential energy and easing the burden placed on these low-income households, but would be more effective and produce greater results if it were funded at a greater level;

(7) there are estimated by the Census Bureau to be approximately thirteen million low-income households whose incomes are at or below 125 per centum of the poverty income guidelines established by the Secretary of Health and Human Services and who have yet to receive Federal weatherization assistance;

(8) the large majority of the thirteen million low-income households live in dwellings which have little or no insulation and are in need of improvements to inefficient heating systems;

(9) without an expanded Federal weatherization assistance program, there will be an ever-increasing need on the part of the elderly and low-income households for energy assistance to help pay high residential energy bills;

(10) an expanded weatherization program can create over fifty thousand jobs annually and also create energy savings (the expenditure of which will produce up to two hundred and eighty thousand additional work years over the useful life of the energy conservation investment) and can provide training enabling new workers to enter the energy conservation industry;

(11) an expanded weatherization program could save as much as one hundred and thirty-five million barrels of oil (or the equivalent), a saving of $6,100,000,000 over the useful life of the energy conservation investment which low-income households would otherwise be obligated to pay on fuel bills;

(12) the money saved through energy conservation will be available for expenditure in other sectors of the national economy, thereby creating additional employment in those sectors.

PURPOSE

SEC. 3. It is the purpose of this Act to expand the low-income weatherization assistance program to provide for weatherization assistance to low-income households which assistance will, over an 11-year period, be sufficient to weatherize the remaining low-income dwelling units in need of weatherization and which will create additional employment in weatherization-related industries.

AUTHORIZATION OF APPROPRIATIONS; PERFORMANCE FUND

SEC. 4. (a) Section 422 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 422. (a) There is authorized to be appropriated for purposes of carrying out the weatherization program under this part—

"(1) $500,000,000 for the fiscal year ending September 30, 1984 (reduced by any amount appropriated for such purposes for such fiscal year under section 1005(1)(C) of the Omnibus Budget Reconciliation Act of 1981); and

"(2) $500,000,000 for the fiscal year ending September 30, 1985.

"(b) Not later than 180 days after the date of the enactment of the Weatherization and Employment Act of 1983, and after notice and opportunity for public hearing, the Secretary shall develop and publish a plan for the implementation of the weatherization program under this part during the fiscal years 1985 through 1994. The plan shall include—

"(1) a detailed estimate of the number of dwelling units in each State which are eligible for assistance under this part;

"(2) an estimate of the rate at which such units will be weatherized under the plan (together with the estimated cost per dwelling and the estimated energy savings);

"(3) an estimate of the number of rental dwelling units eligible for assistance under this part, together with a review of (and recommendations regarding) any program changes which would be necessary to fully implement the program under this part with respect to rental dwelling units;

"(4) a review of (and recommendations regarding) the implementation of the program in hot climate regions of the country with respect to the life-saving and energy-saving measures to be carried out in such area; and

"(5) a method for measuring energy savings achieved by individual weatherization measures and combinations of measures.

The estimate under paragraph (2) shall provide for the weatherization of generally equal numbers of dwelling units for each year of the 10-fiscal year period 1985 through 1994.

"(c) The President shall identify, in his annual budget submitted to the Congress prior to the commencement of each of the fiscal years 1986 through 1994, the funding necessary to carry out the weatherization program under this part in that fiscal year and the amount necessary to complete such program before the end of fiscal year 1994 in accordance with the implementation plan published under subsection (b).

"(d) There is authorized to be appropriated for each of the fiscal years 1986 through 1994 such sums as may be necessary to carry out the weatherization program under this part.

"(e) Every two years after the date of the enactment of the Weatherization and Employment Act of 1983, the Secretary shall submit a report to the Congress setting forth—

"(1) the number of dwelling units weatherized under the program under this part;

"(2) the average energy savings per dwelling unit which is attributable to such weatherization program;

"(3) information on the types of weatherization measures which have yielded especially high energy savings; and

"(4) recommendations for any legislative changes which are necessary for the program to achieve the goals of this part."

"(b)(1) The last sentence of section 414(a) of such Act is amended by striking out "The Secretary" and substituting "Except as provided in subsection (c), the Secretary".

"(2) Section 414 of such Act is amended by adding the following new subsection at the end thereof:

"(c) Not less than 10 percent of the amount appropriated under section 422 for each fiscal year shall be allotted by the Secretary to a performance fund which shall be available only to provide financial assistance under this part to those States which the Secretary determines to have demonstrated the best performance during the previous fiscal year in providing weatherization assistance under this part. The Secretary shall make such determination on the basis of such information as may be available to the Secretary, with respect to the percentage of eligible dwelling units within the State which have been weatherized and the quality of the weatherization assistance provided. In assessing the quality of the weatherization assistance provided, the Secretary shall consider energy savings data supplied by the States and validated by the Secretary.".

UNEMPLOYED INDIVIDUALS

SEC. 5. Section 414(b)(3) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by striking out "(A) for securing" and all that follows down through "and (B)".

MAXIMUM EXPENSES

SEC. 6. (a) Section 415(c) of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended to read as follows:

"(c) Not more than $2,500 of any financial assistance provided under this part may be expended with respect to labor and materials for a single dwelling unit, including (but not limited to)—

(1) the appropriate portion of the cost of tools and equipment used to install such materials for such unit;

(2) the cost of transporting labor, tools, and materials to such unit;

(3) the cost of having onsite supervisory personnel;

(4) the cost of making incidental repairs to such unit if such repairs are necessary to make the installation of weatherization materials effective; and

(5) such other costs for labor, storage, and materials, and for conducting required inspections, as may be necessary.".

(b) Section 415(a) is amended by striking out the first sentence thereof.

DEADLINES FOR ASSISTANCE

SEC. 7. Section 418 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(c) In any case in which the program year for providing assistance under this part begins on January 1, the Secretary shall solicit the submission of State applications for assistance under this part (including assistance under section 414(c)) for each fiscal year not later than October 1 of that fiscal year and shall commence the disbursement of funds under this part before January 1 of that fiscal year and shall complete such disbursement before July 1 of that fiscal year. If legislation providing appropriations for assistance under this part is not enacted before October 1, the Secretary's solicitation of State applications shall be based on estimates derived from appropriations legislation pending as of October 1.".

MISCELLANEOUS PROVISIONS

SEC. 8. (a)(1) Section 414 of the Energy Conservation in Existing Buildings Act of 1976 (title IV of the Energy Conservation and Production Act) is amended by adding the following at the end thereof:

"(d) Nothing in the last sentence of section 413(a), in subsection (b)(2) of this section, or in any other provision of this part shall be construed to limit the eligibility of low-income persons for assistance under this part to elderly or handicapped low-income persons.".

(2) Section 414(b)(2) of such Act is amended by inserting after "handicapped low-income persons" the following "and low-income individuals receiving assistance under the Low-Income Energy Assistance Program".

(b) Section 413(b) of such Act is amended by adding the following at the end thereof:

"(5) The regulations promulgated under this section shall provide that any assistance made available to States under this part may be used for providing information, education, and technical assistance to the residents of low-income dwellings in which weatherization materials have been installed pursuant to this part. Such information, education, and technical assistance shall be for the purposes of insuring the proper maintenance and repair of such materials and shall include general information about energy conservation methods.".

(c) Section 416 of such Act is amended by inserting "(a)" after "416" and by adding the following new subsection at the end thereof:

"(b)(1) The Secretary shall establish a program (including the award of competitive grants) to encourage the development of new methods to weatherize multifamily rental dwelling units which will result in benefits for both the owner and occupier of such units.

"(2) The program under this subsection shall include the funding of pilot projects based on the methods developed under paragraph (1).

"(3) The Secretary may utilize funds authorized to be appropriated under this part to carry out the program described in paragraphs (1) and (2) and to disseminate, through workshops and other appropriate means, information with respect to successful programs for the weatherization of existing multifamily rental dwelling units.".

"(c) The Secretary may utilize in any fiscal year not to exceed 2 percent of the sums appropriated for such fiscal year under this part to make grants to local weatherization agencies to carry out field testing of promising energy saving methods and materials.".

(d)(1) Section 412(9) of such Act is amended by striking out "and" at the end of subparagraph (F), by redesignating subparagraph (G) as (H) and by inserting the following new subparagraph at the end thereof:

"(G) furnace efficiency modifications, including—

"(i) replacement burners, furnaces, boilers, or any combination thereof which, as determined by the Secretary, substantially increases the efficiency of the heating system;

"(ii) devices for minimizing energy loss through heating system, chimney, or venting devices; and

"(iii) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;".

(2) Section 412(9)(H) of such Act (as redesignated by paragraph (2) of this section) is amended by inserting "(i)" after "technologies" and by inserting the following before the period at the end thereof: "or (ii) as any State determines, with the approval of the Secretary, have a high energy saving potential and will otherwise carry out the purposes of this part. The Secretary's approval of such a State determination may be made in connection with the Secretary's approval of the State's application under section 414 or at any other time".

(3) Section 412(7) of such Act is amended by inserting at the end thereof: "In the case of any State which so elects in its application for assistance under this part, such term shall also mean that income which is at or below any income level established as a poverty level under any other Federal program which is being carried out in that State.".

(e)(1) Section 414(b) of such Act is amended by striking out "and" at the end of paragraph (3), striking out the period at the end of paragraph (4) and substituting "; and", and by adding at the end thereof the following:

"(5) submitted an appropriate plan for the training (without impairing the efficiency of weatherization delivery systems) of weatherization workers, crew supervisors, field staff, and program directors;

"(6) established policies, guidelines, and procedures designed to provide or arrange for inspections by persons trained to conduct such inspections of eligible dwelling units at least once after installation of weatherization materials to determine whether the weatherization materials installed with financial assistance provided under this part:

"(A) were among those determined to be cost effective and appropriate in the preinstallation audit; and

"(B) have been installed in an effective manner to provide the likely achievement of the intended weatherization benefits; and

"(7) established policies for providing coordination between the program under this part and the Low-Income Energy Assistance Program, including provision for the exchange of lists of recipients of assistance by the State agencies involved.".

(2) Section 416 of such Act is amended by inserting "(a)" after "416." and adding the following at the end thereof: "Funds made available under this section may be used for purposes of funding the training referred to in section 414(b)(5).

"(b) The Secretary, in consultation with the Comptroller General, shall establish an effective system of monitoring State and local expenditures of funds under this part and shall promulgate regulations governing uniform reporting by local agencies of indirect costs, direct costs including labor and materials, administrative costs including outreach and certification, training costs and such other data as he may determine to be necessary.".

(f) Section 413(b) of such Act is amended by adding the following new paragraph at the end thereof:

"(4) Notwithstanding paragraphs (3) and (4) of this subsection, the standards under paragraph (2)(A) shall provide that the procedures to be applied to each dwelling unit to determine the optimum set of cost-effective measures, within the cost guidelines set for the program, to be installed in such dwelling unit shall include any appropriate State procedures which are set forth in the State's application for assistance under this part and which are approved by the Secretary at the time of approval of such application.".●

BLUE-RIBBON COMMISSION ISSUES REPORT ON LATIN AMERICA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BARNES. Mr. Speaker, the Inter-American Dialogue, a group of distinguished North American and Latin American leaders cochaired by Ambassador Sol M. Linowitz and former Ecuadoran President and OAS Secretary General Galo Plaza, recently issued a report entitled "The Americas at a Crossroads." I hope all my colleagues will give careful attention to this extremely important statement on inter-American relations. I include in the RECORD a summary of the report's recommendations, a list of participants, and—because of its immediate interest—the report's section on Central America.

SUMMARY OF PRINCIPAL RECOMMENDATIONS

ON THE LIQUIDITY CRISIS IN LATIN AMERICA

The International Monetary Fund and other international financial agencies should be given larger resources and a greater role in lending to Latin America, and should improve their cooperation with each other and with major central banks in this work. They, and the governments of capital-exporting countries, should encourage commercial banks to continue and even increase their own lending to the region, but on more prudent conditions than before. Borrowing governments should improve their financial management but should not neglect the needs of the poor.

ON LONG-TERM ECONOMIC DEVELOPMENT

Recovery from the world recession is a basic requirement, especially for Latin American exports. Within the Hemisphere, the World Bank, Inter-American Development Bank and other official multilateral institutions should carry a larger share of the capital flows to the region. Average loan maturities should be lengthened and more aid should go to the region's poorer countries. Some existing short- and medium-term loans in support of long-term projects should be converted to long-term debts. There should be more private direct investment in the region and an alternative to loans. The U.S. and Latin America should cooperate to resist trade protectionism world-wide. The IMF should expand its lending program to stabilize Latin American commodity export income. The Reagan administration's Caribbean Basin Initiative should be promptly approved.

ON PROMOTING POLITICAL DEMOCRACY

Democracy is not an export commodity. Governments should avoid undermining each other's political autonomy or integrity; support equitable development with stress on alleviating poverty; maintain more cordial diplomatic relations with democracies than with authoritarian regimes; and in their mutual relations and regional institutions, reflect democratic values such as respect for law and tolerance for diversity.

ON HUMAN RIGHTS

Although mainly a domestic responsibility, human rights abuses are also a proper international concern. Priorities should go to protecting the physical integrity of the person against murder, torture, "disappearance" or cruel and degrading punishment. In civil conflict, neither insurgent terrorism nor government counterterrorism against the innocent can be condoned. Unilateral intervention against human rights abuses is improper, but governments that systematically violate human rights should receive no aid. All Hemisphere governments should join the Inter-American Convention on Human Rights and regional institutions and voluntary groups concerned with human rights should be strengthened.

ON MIGRATION

Mass migration of the poor should be dealt with mainly in the "sending" countries by development policies that stress human needs, create jobs, and promote family planning. Most political refugees need temporary shelter and relief until conditions improve at home. Near term steps are needed to regulate the flow of migrants, protect their human rights, and relieve the "brain drain." A new office for refugees should be set up in the OAS.

ON CULTURAL AND EDUCATION EXCHANGE

U.S. exchange programs in the Hemisphere should be expanded, and Latin American countries should consider creating similar programs. Curbs on the travel of intellectuals should end. U.S. and Latin American centers for study of other countries and areas in the hemisphere should be encouraged. Multilateral development agencies should increase support for Latin American science and technology research institutes.

ON SECURITY AND PEACEKEEPING

To end the hostilities in Central America, dialogue should begin among the governments of Central America and their opposition movements; between Nicaragua and each of its neighbors; between Cuba and all the countries of Central America; and between the United States and Cuba, and the United States and Nicaragua, respectively; as well as between the United States and the Soviet Union; Colombia, Mexico, Panama and Venezuela, already active on this matter, should be encouraged to take the initiative in fostering dialogue.

In these discussions, sovereignty, self-determination and non-intervention should be the guiding principles. Existing U.S.-Soviet understandings on mutual restraint regarding Cuba could be a model for a wider understanding in which Cuba and other states of the region would join, setting ground rules and monitoring procedures for self-restraint throughout the region. In El Salvador, negotiations, which could begin at once, should aim at free, internationally supervised elections. New talks to resolve the Malvinas/Falklands dispute should have high priority. Cuba's place in the hemisphere's institutions should be reconsidered. To help solve disputes within the region, mainly territorial, governments should consider a general freeze of existing boundaries while allowing for negotiated solutions of resource exploitation issues in the disputed areas. To further guard against nuclear-weapons proliferation in the region, Argentina should place all its nuclear facilities under full international safeguards; Argentina, Cuba, and France should complete action on the Treaty of Tlatelolco establishing a regional nuclear-free zone, and regional agencies concerned with nuclear affairs in the region should increase their cooperation. To restrain competition in conventional arms in the region, governments should

consider measures of mutual restraint in arms transfers and steps to increase the "transparency" of their hitherto secret military activities.

ON REGIONAL INSTITUTIONS

The peacemaking functions of the Organization of American States, especially of the office of Secretary-General, should be strengthened. All states of the Hemisphere should belong to the OAS, and should increase their use of it for high-level consultation on political and security matters. Public reporting to the OAS on military activities of member states should be considered. In the economic field, the Inter-American Council on Economic and Social Affairs should be changed from a programmatic to a coordinating body, and senior economic policy officials of the Hemisphere should meet regularly for informal consultation.

CENTRAL AMERICA

All these general considerations affect our view of the Central American crisis. The human cost of the conflicts in Central America is staggering, and increases every week. One hundred thousand people have been killed by the fighting during the last five years, and a million have been displaced. Economic damage and disruption is massive, and will take many years to repair. Polarization continues to worsen, and foreign intervention escalates. This tragedy must end.

We offer no detailed blueprint for resolving Central America's problems; such a task would be too ambitious for a group such as ours. We do, however, offer a general framework for consideration by all parties, hoping that we can help to stimulate fresh thinking.

To deal with the hostilities in Central America, we favor dialogue: between the governments in El Salvador, Nicaragua, and Guatemala and the respective opposition movements in those countries; between Nicaragua and each of its neighbors; between Cuba and all the countries of Central America; and between the United States and Cuba, and the United States and Nicaragua, respectively; as well as between the United States and the Soviet Union.

The single aim of all these discussions would be to explore whether the vital interests of each of the parties can be safeguarded without continuing war in Central America—whether the elements of a settlement that satisfies the interests of each party can be fashioned. The discussions need not be publicized in their initial stages. Quiet contacts may be more fruitful as a way of building reciprocal assurances. They would be based on the principles of national sovereignty, self-determination, and non-intervention, a tradition of values avowed by all the parties.

Our approach is based on two major premises. One, as indicated above, is that most citizens and governments throughout the Hemisphere oppose an expansion of Soviet and Cuban military presence in the Americas. Even revolutionary movements now seeking power in Central America should have little desire to convert their countries into Soviet or Cuban bases. We believe they may be less tempted to do so if they feel secure from subversion or harassment. They recognize how precarious their position would be should they achieve power, and that they would incur additional U.S. hostility by inviting a Soviet or Cuban military presence.

The second premise is that the United States could do much to foster a climate of security in the region by making unequivocally clear its commitment to respect national sovereignty. If reciprocal and mutual security is to be fashioned in a region that has often experienced overt and covert U.S. intervention, it would be useful to provide unmistakable assurances that the United States will refrain from reverting to these practices.

Procedurally, we strongly endorse the initiative taken by Colombia, Mexico, Panama, and Venezuela in the recent Contadora Declaration, offering their good offices in seeking peaceful solutions to Central America's problems. We call on the presidents of these countries to go a step further and involve themselves directly in regional negotiations. These countries are well positioned to play such a role, for they enjoy good relations with the countries of Central America and with the United States and most of them have relations with Cuba. They have an urgent interest in ending Central America's tragedy, and they have the confidence of the relevant actors. The United States should make it clear that it favors and encourages an active role by the Contadora group in seeking an end to the Central America conflict, and that it stands ready to join the discussions as may be appropriate.

Beyond this, many of us believe that the U.S.-Soviet understandings of 1962, 1970, and 1979 with respect to Cuba might provide the basis for a wider accord that could enhance the collective security of the entire region. The heart of the original understanding was that each side would cease actions regarded as aggressive and threatening by the other. The Soviet Union removed strategic facilities from Cuba and pledged not to reintroduce them, and the United States pledged to end threats to invade or efforts to subvert the Cuban government. As amended in subsequent years, the understandings have been extended to assure that the Soviet Union would not use Cuba as a strategic naval base, that Soviet forces in Cuba would have only a training and not a combat function, and that those forces would not be expanded. For over 20 years, these accords have contributed to protecting major political and security interests of both the United States and the Soviet Union. The agreement has also served Cuba's interest although it has never been a party to the understandings.

The basic principle of the U.S.-Soviet understandings on Cuba could be extended to Central America and the rest of the Caribbean. The Soviet Union and Cuba could pledge not to deploy strategic or conventional combat forces to any part of the Caribbean and Central America, nor to change the character of military personnel either may have in Nicaragua or Grenada from a training to a combat function. They could also pledge not to install facilities or engage in activities that would pose a threat to other states of the Americas. The United States, the Soviet Union, Cuba, and all other governments of the region could further pledge not to intervene or interfere in the internal affairs of other nations of the area, provided others also fulfill their commitments. They could pledge not to supply assistance to revolutionary or counter-revolutionary movements that might seek to overthrow governments; to terminate any such aid currently being given; and not to allow their territories to be used for subverting other governments. States would be asked to give such commitments as a condition of receiving reciprocal assurances from other states. Revolutionary movements seeking power in the region would be encouraged to recognize these understandings, to behave accordingly, and at a minimum, to express their own determination not to accept foreign forces or bases should they gain or share power.

Such understandings need not be the result of formal negotiations or multilateral agreements. Individual parties could indicate their willingness to behave in certain ways provided that other parties abided by similar commitments. The commitments would be contingent and revocable if any party failed to adhere to its pledges. Appropriate procedures would have to be established to monitor continued adherence. Although that is no small requirement, it need not be impossible to achieve.

This approach would not meet the maximum aims of any party, but, if it worked, it would serve the interests of all. For Latin America as a whole, it would reinforce the tradition of self-determination and nonintervention. For the United States, it would help meet the central security goal of limiting the most threatening forms of Soviet and Cuban activity, including both strategic and conventional military presences. Cuba, Nicaragua, and Grenada would gain some assurance that they would not be the objects of external destabilization efforts, provided they refrained from similar activities with regard to their neighbors. For Cuba, a passive bystander to the earlier U.S.-Soviet understandings, there would be the additional advantage of being an active participant, thus achieving recognition of its international standing in the Hemisphere.

None of us is sure that these discussions will succeed, but we are sure how grave the perils and costs would be of letting the Central American conflicts continue unabated. We have no illusions about the prospects for solving El Salvador's struggle through elections in which the insurgents do not participate. Constructing a viable political center in El Salvador in the midst of civil war is virtually impossible. Attempts to resolve the conflict there militarily are unlikely to be conclusive without U.S. intervention on a scale much greater than political circumstances will permit. If decisive U.S. intervention is ruled out, the likeliest result of present trends in El Salvador will simply be to prolong the bloodshed without respite. Continued fighting in El Salvador, continuing counterrevolutionary activities in Nicaragua, escalating violence in Guatemala: all are likely to feed each other and even raise the spectre of wider regional conflict.

We believe, therefore, that negotiations should be tried. In El Salvador, negotiations could begin at once to prepare for free, internationally supervised elections on the basis of security guarantees for all parties and participants. In the region as a whole, a major effort should be undertaken to find a way for settling the conflicts on a basis that recognizes the vital interests of each party.

We know that some will object to our recommendation because it would not assure a change in the level of Cuban and Soviet presence already achieved in the region. By U.S. estimates, there are some ten to thirteen thousand Soviet and Eastern European personnel in Cuba, including a three-thousand-man Soviet brigade. In Nicaragua, there are said to be about two thousand Cuban, Soviet and Eastern European military and security advisers, and the Cuban presence in Grenada reportedly numbers above three hundred. We share others' concern about these developments; our aim is precisely to contain and reverse this trend.

Some doubt that firm assurances could be given against the extension of Cuban and Soviet facilities, but I think that this is not the main problem in any case. They focus on the possibility that revolutionary regimes in Central America and the Caribbean might exert a "domino" effect on their neighbors, perhaps eventually putting at risk security interests of the United States and other nations. We believe, however, that sharp external confrontation with revolutionary regimes is more likely eventually to breed intensified nationalist and revolutionary sentiment than the more restrained approach we recommend. Threats should be evaluated in the light of the magnitude of the risk and of the likelihood of its occurrence; policies that magnify a danger out of proportion can themselves become part of the problem.

None of this is to deny that political changes in countries of Latin America may disappoint, irritate, or disturb other countries of the Hemisphere, including the United States. No nation need hide its preferences; false honeymoons between established powers (including the United States) and revolutionary movements really do neither any good. The aim should not be to curry favor with revolutionary movements or regimes, but rather to assure that they will respect the legitimate security interests of others.

Co-chairmen—Sol M. Linowitz, former U.S. Ambassador to the Organization of American States and Panama Canal Treaties Negotiator; Galo Plaza, Former Secretary General of the Organization of American States, former President of Ecuador.

From Latin America—Nicolas Ardito Barletta, Vice President, The World Bank; Rodrigo Botero, Publisher, Estrategia, Colombia; Oscar Camilion, Former Foreign Minister, Argentina; Fernando Henrique Cardoso, CEBRAP, São Paulo, Brazil; Antonio Carillo Flores, Former Secretary, Foreign Relations, Mexico; Oliver Clark, Chairman, The Daily Gleaner, Jamaica; Octavio da Costa, General, Brazilian Army, Retired; Jose Maria Dagnino Pastore, Former Finance Minister, Argentina; Jorge Fontaine, President, Federation of Production and Commerce, Chile; Xabier Gorostiaga, S.J., Director, Institute of Social and Economic Research, Nicaragua; Enrique Iglesias, Executive Secretary, Economic Commission for Latin America; Israel Klabin, Former Mayor of Rio de Janeiro, Brazil; Pedro Pablo Kuczynski, Former Minister of Energy and Mines, Peru; Augustin Legorreta, Financier, Industrialist, Mexico; Marcos McGrath, C.S.C., Archbishop of Panama; Daniel Oduber, Former President of Costa Rica; Jose Francisco Pena Gomez, Mayor, Santo Domingo, Dominican Republic; Bernardo Quintana, President, ICA, Mexico; Augusto Ramirez Ocampo, Mayor, Bogotá, Colombia; Javier Silva Ruete, Former Finance Minister, Peru; Mario Henrique Simonsen, Former Finance Minister, Brazil; Julio Sosa Rodriguez, Former Venezuelan Ambassador to the U.S.; Gabriel Valdes, Former Foreign Minister, Chile.

From North America—Peter D. Bell, President, Inter-American Foundation; Henry Cisneros, Mayor, San Antonio, Texas; Ralph P. Davidson, Chairman of the Board, Time, Inc.; Jorge Dominguez, President, Latin American Studies Assn.; Maurice Ferre, Mayor, Miami, Florida; Albert Fishlow, University of California, Berkeley; Roberto Goizueta, Chairman of the Board, Coca Cola, Inc.; Ivan Head, President, International Development Research, Centre, Ottawa, Canada; Theodore Hesburgh, C.S.C., President, University of Notre Dame; David C. Jones, General, USAF, Retired; Juanita Kreps, Former Secretary of Commerce; Robert McNamara, Former President, The World Bank; Edmund Muskie, Former Secretary of State; Hernan Padilla, Mayor, San Juan, Puerto Rico; Ralph Pfeiffer, Chairman, IBM/AFE Corporation; Donald Platten, Chairman, Chemical Bank; Elliot Richardson, Former Secretary of Defense; David Rockefeller, Chairman, The Americas Society; Frank Shakespeare, President, RKO General, Inc.; Cyrus Vance, Former Secretary of State; Clifton Wharton, Chancellor, State University of New York.

Executive Director—Abraham F. Lowenthal, The Wilson Center.●

THE OIL PIPELINE REGULATORY REFORM ACT OF 1983

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BREAUX. Mr. Speaker, today I am introducing the Oil Pipeline Regulatory Reform Act of 1983, a bill that proposes significant and timely change in the manner in which oil pipelines are regulated by the Federal Energy Regulatory Commission—FERC. If enacted, the bill would free oil pipelines from unnecessary regulatory pricing restraints, while at the same time retaining protection from any discriminatory ratemaking or practices that might occur. Oil pipelines would be able to establish prices commensurate with market demands and could do so without undue time delays and unnecessary costs caused by the present outdated regulatory structure.

The overall purpose of this legislation is to encourage investment, expansion, and competition in the oil pipeline industry, to protect against unfair practices and discrimination, and to reduce cumbersome, costly, and unnecessary regulation.

The legislation would place economic regulatory jurisdiction over interstate oil pipelines in FERC. It proposes to deregulate only the method by which oil pipeline rates are set. FERC would retain its authority to cancel a rate which is discriminatory and retain its current authority over regulations and practices.

In addition, the legislation does not propose any changes in the status of oil pipelines as common carriers, or the status of pipelines under the antitrust laws. Retention of these statutory safeguards insures public protection against discriminatory and monopolistic practices.

The oil pipeline industry has operated efficiently for years. Today, over 130 companies operate about 230,000 miles of pipeline, transporting both crude oil and refined products. About 120 of these pipelines are subject to Federal economic regulation. Entry into the oil pipeline industry is open. The industry is a high-risk and capital-intensive business, subject to shifts in supply and demand, foreign oil embargoes, and competition from other modes of transportation, as well as alternate sources of fuel.

Oil pipelines compete among themselves and with other modes of transportation, such as truck, rail, and barge. The price of oil and refined oil products which oil pipelines carry is set by market forces. The pipeline tariff to transport oil and refined oil products is but a minor percentage of the total cost. Changes in pipeline transit tariffs, therefore, effect little impact on the cost of the product on its end user, the consumer. Over a 30-year period (1947-77), the industry's average pipeline per ton mile revenues increased by only 38 percent, 0.292 cents to 9.403 cents. During that same period, the Consumer Price Index increased 128 percent. The earned returns of oil pipeline companies have not been greater than those of other industries as a whole. Over the years, there have been only a small number of shipper complaints levied. The question must be raised, then, Why should oil pipeline rates continue to be regulated? Does this rate regulation serve any purpose? At this point, there seems to be no valid reason for it.

This conclusion has also been reached by the FERC in its recent decision in the Williams Pipe Line case. After struggling for years with the question of how rates in the oil pipeline industry should be set, the FERC finally concluded that this Congress should now review the need for any continued rate regulation, in light of the industry's high level of competition, its position as a small regulated part of an otherwise deregulated industry, and the submicroscopic effect of its charge on the overall cost of petroleum products to consumers.

Plainly, oil pipelines have provided the United States with one of the most efficient energy transportation systems. The industry must be able to grow and expand to continue this type of service in an atmosphere of high risk and uncertainty. Government rate regulation no longer serves any valid purpose for the oil pipeline industry. It only serves to prolong uncertainty and unnecessarily increase the risk. The proper place for the industry to be regulated in terms of rates is the marketplace.

In recent years, Congress has passed laws that eliminated or reduced Government regulation of the airline, rail, and trucking industries, and that placed greater economic reliance upon the marketplace. I believe the time has come to examine and to revise Government rate regulation of the oil pipeline industry. The bill which I am introducing is a start. It should receive

careful and prompt consideration by the Congress.

ANALYSIS OF BILL

Section 2—Section 2 is a declaration of legislative policy. It makes explicit congressional policy to foster competition in the oil pipeline industry, prevent discrimination, induce investment in oil pipelines and eliminate unnecessary regulation.

Section 3—Section 3(a) repeals Section 306 of the Department of Energy Organization Act (DOE Act). Section 306 transferred to the Secretary of Energy (the Secretary) the functions set forth in the Interstate Commerce Act (ICA) and vested in the Interstate Commerce Commission (ICC) relating to transportation of oil by pipeline.

Section 3(b) repeals Section 402(b) of the DOE Act. Section 402(b) transferred to the Federal Energy Regulatory Commission (FERC) all functions and authority of the ICC relating to the regulation of rates for the transportation of oil by pipeline and the valuation of oil pipelines.

Section 3(c) amends Section 402 of the DOE Act by adding a new paragraph vesting in the FERC all functions which were transferred to the Secretary under Section 306 and to the FERC under Section 402(b).

Section 4—Section 4 is a section-by-section amendment of the ICA to accomplish the bill's purposes. In addition to the amendments discussed below provisions which refer only to railroads, such as references to "fares", have been deleted from the amended sections. Those provisions have already been repealed by Section 4 of the Revised Interstate Commerce Act, although the language of the ICA was not revised to reflect that repeal.

Section 1(4) of the ICA is amended to delete the requirement that oil pipeline rates and the divisions of joint rates must be just and reasonable. This is consistent with the intention to allow the level of such rates to be determined by market forces.

Section 1(5)(a), which requires that all charges be just and reasonable and that unjust and unreasonable charges are unlawful, is repealed.

Section 13(4) deals with the duty of the FERC where state regulations result in discrimination or impose an undue burden on interstate commerce. The statute is amended to eliminate the FERC's power to prescribe pipeline rates in place of those set by a state. The FERC retains its authority to set such rates aside if it finds them to be discriminatory and to prescribe regulations and practices where the state-prescribed regulations result in discrimination.

Section 15(1) is amended to delete the power of the FERC to prescribe rates. If the FERC determines that a rate is discriminatory it may order the carrier to cease and desist from charging discriminatory rates. In that event it would be up to the carrier to adjust its rate structure to comply with the FERC's order. If the FERC finds that a regulation or practice is unjust it may prescribe a just regulation.

Section 15(3) is amended to delete the FERC's authority to establish joint rates. The FERC retains its authority to establish through routes.

Section 15(6) sets forth the FERC's authority to establish just divisions of joint rates. It is repealed.

Section 15(7) deals with hearings on newly-filed rates. It is amended to delete the FERC's authority to determine whether any new rate is just and reasonable and to eliminate the FERC's authority to suspend rates pending such determination. The FERC retains the authority to hold hearings to determine whether a rate is unjustly discriminatory and whether a regulation or practice is unlawful. It may suspend the operation of a regulation or practice for a period of seven months, just as under the present statute.

49 U.S.C. § 65(a) is repealed, since it is simply a supplementary statute dealing with the matters which should be considered when prescribing just and reasonable rates.

Section 5—This is a new section which preempts state regulation of interstate transportation of oil.

Section 6—The Act shall take effect 60 days after the date of its enactment.●

OIL PIPELINE REGULATORY REFORM ACT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. SHUSTER. Mr. Speaker, today I cosponsored with several other of my colleagues on the House Public Works and Transportation Committee an identical bill to H.R. 6815, the Oil Pipeline Regulatory Reform Act, introduced in the 97th Congress. I want to make it very clear that I cosponsored this bill, as last year, for the express purpose of having a basis for discussion and hearings on the subject.

It is appropriate that the Surface Transportation Subcommittee, of which I am ranking member, be afforded a point of discussion for hearings on this important matter.●

OIL PIPELINE DEREGULATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. FIELDS. Mr. Speaker, I am pleased to join my distinguished colleague Congressman BREAUX in introducing the Oil Pipeline Regulatory Reform Act of 1983.

We strongly believe that since the oil pipeline industry came under Federal regulation in 1906, it has firmly established itself as a highly competitive industry. The circumstances of limited access to pipelines which existed in 1906 have long since disappeared, and the need for continued rate regulation has disappeared as well.

Presently, there is a network of more than 227,000 miles of crude oil and petroleum product pipelines nationwide carrying more than 50 percent of the crude oil and petroleum products transported in the country. As you can see, while oil pipelines carry much of the oil and oil products moved in America, they by no means dominate the oil shipping market. Oil pipelines actively compete for shipper business with other transportation modes, such as tankers, barges, trucks, and railroads. The need for oil pipeline service may be totally eliminated if shippers exchange products at different locations without transportation. Oil pipelines also compete heavily with each other for shipper business.

The end result of competition in the oil pipeline industry is that competition sets oil pipeline rates, not Federal regulation. This conclusion has been reached by many people who have studied this industry, including the agency responsible for regulating it. In its most recent decision on oil pipeline rates, the Federal Energy Regulatory Commission stressed that it saw no public benefit to be gained by continued rate regulation of oil pipelines, and urged this Congress to reconsider the need for such regulations. Echoing an administrative decision by a prior administration, the FERC noted that any benefit to the American consumer from oil pipeline rate regulation was submicroscopic.

The legislation we introduce today will save both the FERC and the industry millions of dollars a year in unnecessary regulatory costs. It will give the industry the freedom and certainty it needs to continue to serve this Nation's energy transportation needs, and by retaining the industry's common carrier obligations, it will continue to protect shippers who face any problem of access or service discrimination.

The oil pipeline industry has established a record of environmental safety, competitive costs, and efficiency. It plays a crucial role in our national effort to reduce petroleum costs, and the expansion of its network is needed to meet our future energy transportation needs. I welcome the support of my colleagues in this House, and urge expeditious consideration and passage of this legislation.

Thank you, Mr. Speaker.●

U.S. MILITARY SPACE POLICY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MOAKLEY. Mr. Speaker, President Reagan's recent "Star Wars" speech has helped to focus public attention of the "high frontier" and its role in national security. The following statement by Daniel Deudney, a senior researcher at the Worldwatch Institute, lays out in clear terms the choices the Nation faces as this long-overdue debate on weapons in space gets underway. Mr. Deudney's statement, recently presented to the Senate Foreign Relations Committee, is an important contribution to this debate because it shows how space-based weapons are an example of an emerging, and highly dangerous, trend to

rest our security upon what Mr. Deudney aptly calls destruction entrusted automatic devices (DEAD). Mr. Deudney also decribes in detail how a comprehensive, verifiable treaty banning all weapons from space could be constructed—if we act before further testing occurs. Accepting President Reagan's challenge to think beyond the dangerous stalemate of mutually assured destruction, Mr. Deudney lays out an alternative security agenda for space technology.

As the principal sponsor of House Joint Resolution 120, which calls for a comprehensive, verifiable ban on all space weapons, I urge my colleagues to carefully ponder these remarks.

The statement follows:

STATEMENT OF DANIEL DEUDNEY, SENIOR RESEARCHER, WORLDWATCH INSTITUTE, ON U.S. MILITARY SPACE POLICY

"We have no adequate idea of the predisposing power which an immense series of preparations for war has in actually begetting war."—WILLIAM GLADSTONE.

"The only defense against the weapons of the future is to prevent them ever being used. In other words, the problem is political and not military at all. A country's armed forces can no longer defend it; the most they can promise is the destruction of the attacker . . .

"Upon us, the heirs to all the past and the trustees of a future which our folly can slay before its birth, lies a responsibility no age has ever known. If we fail in our generation, those who come after us may be too few to rebuild the world, when the dust of the cities has descended, and the radiation of the rocks has died away."—ARTHUR C. CLARKE.

Buffeted by the MAD (mutually assured destruction) men telling him to perpetually assure our destruction and the NUTS (nuclear utilization theorists) telling him to prepare to fight nuclear wars. President Reagan looked to the heavens in hope of finding salvation from our deepening peril.

He looked in the right direction. Space technology can be the cornerstone of an alternative security system, the foundation of an international order that does not rely upon evermore massive arsenals of nuclear weapons.

If we can avoid using space as another arena for conflict and instead use it as a medium for mutual benefit, we will have taken a giant step toward enduring peace.

Space technology is at the core of the present superpower standoff. The first military space technology. Ballistic missiles, used space as a corridor for high speed unobstructable attack, thus enabling the Soviets to outflank American dominance of air power and directly threaten the United States. The second use of space technology for military purposes, reconnaissance satellites, enabled the United States to roll back the veil of Soviet secrecy and monitor in detail the Soviet military machine.

The ominous movement over the last decade toward fighting a nuclear war is in large part the consequence of the satellite "force multipliers": geodetic satellites to improve the accuracy of missiles; communication satellites to coordinate strikes or retaliation; and navigation satellites (such as the NAVSTAR GPS) to make submarine launched missiles as accurate as land-based ones. The present effort to upgrade U.S. surveillance satellites by giving them "real time" data links through relay satellites will turn an arms control monitoring system into a war-fighter for targeting mobile forces and performing postattack damage assessment. (For example, the "civilian" TDRSS relay satellite launched by Challenger last week will help do this for the successor to the KH-11 reconnaissance craft, the RM-4 scheduled for 1986 launch.

Regulating these war-fighting information services without constraining important civilian and arms control verification treaties would be difficult, if not impossible. This makes it all the more imperative that agreements limiting long-range ballistic missiles be signed in the near future.

AT A CRITICAL JUNCTURE

We are now at a major turning point in the military use of outer space—the beginning of a race to put weapons into space.

The first antisatellite weapon, ASAT, an American system, employing nuclear warheads, was tested and deployed. It was dismantled because it was too indiscriminate in its destructiveness and, with the Limited Test Ban, could no longer be tested.

The second ASAT, a Soviet orbital rendevous system using conventional explosives, has been tested some two dozen times with about a 50 percent rate of success. This system, which cannot reach most U.S. military satellites, is launched from a large, distinctly configured Soviet rocket requiring extensive support facilities, and providing plenty of warning time.

The United States is about to begin testing an air launched direct ascent system that will destroy through high speed collision. The U.S. system will be capable of striking a high percentage of Soviet military satellites, is small and hard to distinguish from other air launched missiles, and will give little warning time.

If history is any guide, the next move in this deadly game of leap-frog may well be a Soviet laser orbital battle station intended to cripple satellites. Given the Soviet tendency to deploy much earlier in the development cycle than the United States, and the immense technical problems associated with such a system, it will probably have negligible capability—except to reduce warning time. But as with Sputnik the psychological impact will probably be traumatic, leading the United States to embark upon an ambitious crash program to put battle stations into orbit. The result will be a full scale arms race in space.

SPACE WAR: A D.E.A.D. STRATEGY

What are these weapons for and what strategic purpose will they accomplish? How will our security be affected?

The antisatellite capabilities will be important components of a first strike against early warning satellites. Far less plausible is their use in a protracted nuclear war—their official justification.

ASATs will, however, increase the chances for accidental nuclear war. The eyes and central nervous system of our already far flung nuclear strike forces are in space. With weapons in space every satellite malfunction could be the harbinger of a surprise attack. The Archduke Francis Ferdinand of World War III may well be a critical U.S. or Soviet reconnaissance satellite hit by a piece of space junk in a crisis situation.

Predicting how the more speculative larger scale systems would be used hinges on many unknowables. But it seems improbable that they would be capable of stopping a full-scale pre-planned first strike. Far more plausible is their use as part of a first strike to "mop up" those missiles that escape destruction on the ground.

Large-scale space weapons would be an example of what I call a destruction entrusted automatic device (DEAD). Space weapons could never be commanded and controlled by humans. A space laser, for example, would have about five minutes to detect, target and engage an ICBM in the boost phase. One Department of Defense analyst put it this way. "We would have to delegate the decision-making to the weapon system itself and we have had no experience in that type of operational system." To start a nuclear war in the MAD era would have required a major political misjudgment; with space weapons a machine malfunction would be sufficient.

Large-scale space weapons would be but one example of our potentially fatal drift to adopt DEAD strategies. Perhaps the most widely discussed strategem involving DEAD is "launch on warning." As attacks against even the most hardened missile silos grow in probable success, there is a strong temptation to prepare to launch the vulnerable missiles before the barrage of attacking warheads arrive. With somewhere between 15 and 30 minutes warning and response time for intercontinental ballistic missiles the civilian leadership is, as they say in Pentagonese, "out of the decision loop." In simple terms, the military would have the authority as well as the ability to fire a salvo of nuclear missiles in response to radar and computer images of attack. Thus far neither the United States nor the Soviet Union has adopted—at least publicly—a launch on warning strategy, although U.S. military planners speak of such a posture to make the MX "survivable." And the Soviet leaders have said they will be forced to place its forces on such hair-trigger alert, if the NATO deploys the Pershing II missile, capable of striking hardened targets deep within the Soviet Union in 5-8 minutes. "Speed" observes U.S. Defense official Fred Ikle, "is the tightening noose around our neck."

The construction of an anti-ballistic missile (ABM) system capable of shooting down on-coming nuclear missiles would also require the delegation of control to machines. During the late 1960s when the United States, after acrimonious international debate, decided to build a limited anti-ballistic missile system, a major objection leveled by critics of the plan was that the nuclear anti-missiles would have to be fired without Presidential authorization and in the case of close-range "terminal defense" without human intervention. As George Kistakowsky observed in 1969. "The decision (to launch the ABM) has to be made automatically by a computer or by a comparatively junior military officer." Fortunately, the superpowers agreed in the ABM Treaty of 1972 not to deploy missile defenses, sparing the world another step toward self-destruction.

The accidental triggering of a "defensive" system seems at first glance to be far less ominous than the accidental launch of a nuclear missile. Yet with space weapons this distinction largely disappears. Since both sides would have hundreds of very large automatically controlled battlestations in orbit, the likely target of a malfunctioning satellite would be another such satellite (perhaps even one of its colleagues). Since any first strike would require as a first step the attack on the other side's "defensive" satellite system, the inadvertant destruction of such satellites would be indistinguishable from a first strike. Thus a space-based ABM or ballistic missile "defense" system would be far worse than a terrestrial-based one be-

cause a malfunctioning earth-based unit would not destroy a potential antagonist's critical military systems. Instead of offering an escape from the tightening nuclear noose, space weapons promise to bring humanity to the edge of cybernetically-initiated annihilation.

Space war will also largely preclude the peaceful use of outer space. We rightly think of space as infinitely vast, but in doing so we forget that the earth's orbital space is limited and subject to the same problems of crowding and resource degradation we face on earth. Already space junk—small bits of debris flying about in various odd orbits—is a growing problem. Further ASAT tests involving explosions and collisions will add greatly to this problem. Testing the X-ray laser system proposed by Dr. Teller would damage important civilian satellites with electro-magnetic pulse (EMP). By the late 1980s over 100 communication satellites in geosynchronous orbit, worth between five and ten billion dollars, will be in jeopardy. In a very real sense we face an either/or choice: science, information services, and earth monitoring from space—or weapons in space.

AN ARMS CONTROL AGENDA

The present arms control regime for space weapons—the *Limited Test Ban Treaty.* the *ABM Treaty* and the *Outer Space Treaty* has worked remarkably well, but contains important loopholes through which space weapons can pass. To abandon these treaties because of their loopholes would be like dynamiting a leaky dike at high flood rather than plugging the leaks.

Fortunately, we are at a stage where weapons in space can be stopped before they are ever extensively tested and deployed. Space weapon development is no further along than air war was when World War I biplane reconnaissance pilots carried hand guns. Most importantly, because so little has been tested, truly comprehensive controls are relatively easy to construct and verify.

What would a verifiable treaty banning weapons on space look like? First, a treaty banning just anti-satellite weapons and not space weapons generally is not feasible. Trying to ban ASAT's but not more ambitious anti-ballistic missile systems would be like outlawing hand guns while permitting bazookas and machine guns. Second, a treaty should contain both broad prohibitions and careful functional prohibitions. For broad language I would suggest prohibiting:

The testing, production, deployment, or use of any space-based, air-based, or ground-based weapons system that is designed to damage, destroy, or interfere with the functioning of any spacecraft of any nation; and

The stationing in orbit around the Earth, on any celestial body, or at any other location in outer space of any weapon that has been designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

To effectively outlaw weapons, a treaty should outlaw the following observable activities and capabilities (or Functionally Related Observable Differences "FRODs" in the language of SALT):

Forbid explosions and unmanned orbital rendevous by two satellites of the same country. (This would ban the USSR's orbital rendevous ASAT.)

Forbid collisions or close high speed passes. (This would ban U.S. direct ascent.)

Forbid close approaches in geosynchronous orbit. (This would ban space mines.)

Limit the size of laser mirrors and the number of maximum-size laser mirrors bundled together. (This would allow laser communications but forbid lasers capable of destroying satellites or missiles.)

Limit the size of atomic power sources. (This would effectively foreclose scale-up of directed energy weapons, slow the development of active radar targeting satellites, such as Cosmos 942 and 1307, and protect human health from fallout.)

Limit electro-magnetic interference. Present restrictions by the International Telecommunications Union (ITU) should be strengthened and included in an arms control agreement.

There are also two "Law of Space" issues that need attention: traffic control and the boundary between national air space and international outer space. There are now thousands of tracked objects whizzing about the earth and tens of thousands of smaller untracked ones. Unless traffic control, debris minimization and pre-notification measures are strengthened or adopted, nasty accidents are likely to occur. By reducing the chances of accidental collisions, close passes, and explosions, space traffic control will further strengthen comprehensive weapons test bans. The precedents for such a system are the agreements governing heavily used air lanes over the oceans.

The Outer Space Treaty does not define where space begins and nature provides no clear line of demarcation. As with the oceans, the edge of national territorial zones is fundamentally arbitrary—and terribly important. Thus far the absence of an agreed upon upper limit of national air space has been academic since the highest flying aircraft go only as high as 110,000 feet while the lowest satellite passes at 400,000 feet—leaving a convenient buffer zone. This "no man's land" will disappear as aerospace planes—such as the U.S. space shuttle or the proposed "space cruiser"—begin to operate in both orbital space and the atmosphere. Rather than wake up to another U-2 affair or a Soviet campaign to close the "open skies" by drastically raising the boundary of national space, the U.S. should attempt, as part of a comprehensive package, to enshrine as low a boundary as possible.

These observations on the need for a comprehensive treaty should not detract from the fundamental urgency to do something right away. Since treaty drafting will take time, the best course is for the United States and the Soviet Union to agree to an informal ban on further ASAT tests.

A NEW SPACE SECURITY AGENDA

The control of weapons in space simply clears the stage for the use of space technology to improve both arms control verification, and our relations with the Soviets. This positive space security agenda emphasizes the unique role of space technology in providing *mutual assured security* and mutual benefits.

First, *expand the use of space for crisis monitoring.* The recently proposed establishment of an orbital joint U.S.-Soviet command center should be a priority. When there are tens of thousands of nuclear weapons, many within minutes of their targets, on perpetual alert status and checked only by unmanned warning satellites and the hotline, it makes eminent sense to exploit "the high frontier" to keep a tighter lid on accident, miscalculation and false alarm.

Second, *establish an International Satellite Monitoring Agency (ISMA).* This idea, proposed by Giscard dEstaing before the General Assembly in 1978, has been vetoed by U.S. and Soviet opposition. An ISMA would permit the Security Council to monitor crises and border disputes and would lay the groundwork for monitoring compliance with the treaties banning chemical and biological warfare and environmental modification. Depending on whether ISMA obtained technology from the superpowers, a basic monitoring system would cost between $1 billion and $2 billion a year—about the cost of one B-1 bomber. Such an international system would supplement, not substitute for, the national monitoring system. It is particularly ironic that the United States with its great concern about verification of arms control treaties, has so vigorously opposed expanding access, and gaining international legitimacy for this critical peacekeeping technology.

Third, *Conduct joint missions with the Soviets.*

Writing in 1976, Bruce Murray, former head of the Jet Propulsion Laboratory and President of the Planetary Society, observed. "The rate of progress in space science may well be dependent on the political fortunes of détente on earth." This greatest adventure of our time—the peaceful exploration of the cosmos—faces a bleak future, declining budgets and preemption of technology by the military both here and in the Soviet Union. Having two separate space programs doing much the same things makes less and less sense. And as costs of missions rise, the need for cooperation grows still further. A series of joint planetary and scientific probes would be a boost both to our sagging programs—and political relations.

Joint manned missions would be even more valuable. A U.S. Administration, looking for a bold, high visibility, quick pay-off way to cut through gathering clouds of suspicion and war, would find a joint U.S.-Soviet manned space mission particularly appealing. Unlike in 1976 when the Apollo-Soyuz rendezvous was a meeting of two parallel systems, the space shuttle and the Salyut stations are perfect complements for each other. What better way to find out what's going on in Soviet space stations or to allay Soviets' suspicions about the shuttle than to take each other for a ride? More routine cooperation in space and the consequent commingling of space scientists would make much harder concealed weapons work.

In conclusion, the world is at a critical juncture. Either we move now to comprehensively ban weapons from space or we will have a major new arms race on our hands. Space technology can be the foundation of an alternative security system—if we ban weapons now.

(Daniel Deudney is a Senior Researcher at the Worldwatch Institute and author of "Space: The High Frontier in Perspective," as well as numerous articles on space war, the peaceful use of outer space and alternative security systems. Mr. Deudney holds a B.A. degree in Political Science and Philosophy and has studied science, technology and public policy, with an emphasis on space, at the George Washington University. Mr. Deudney is the co-author (with Christopher Flavin) of "Renewable Energy: The Power to Choose" (W. W. Norton, 1983) and is at work on a new study, "Whole Earth Security: A Geopolitics of Peace." He is also co-chairman of The Institute for Security in Cooperation in Outer Space (ISCOS), a new public interest research organization group devoted to exploring alternative space-based security systems.)●

BILINGUAL EDUCATION IMPROVEMENTS ACT OF 1983

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ERLENBORN. Mr. Speaker, today Congressman GOODLING and I are introducing a bill to amend the Bilingual Education Act, which is title VII of the Elementary and Secondary Education Act of 1965. I believe enactment of the modifications proposed in this legislation would strengthen the ability of the local school districts to develop the capacity to provide education programs for limited-English-proficient children and would enhance the role of the State educational agencies in improving bilingual education. In this fashion, we would make it possible for the Department of Education to concentrate the program on those children of limited English proficiency who have the greatest immediate need for services.

In my opinion, the proposals made by the administration appear sound, sensible, and worthy of our consideration. The principal purposes of this bill are to focus the bilingual education basic grants program on building the capacity of school districts to carry out programs for children of limited-English proficiency, to strengthen the role of State educational agencies in improving bilingual education programs, to authorize support of a broadened range of instructional approaches for serving children of limited-English proficiency, to target funding on projects which will serve children whose usual language is not English, and to authorize vocational education activities under the act for out-of-school youths and adults of limited-English proficiency.

Although the Bilingual Education Act was intended primarily to be a limited, capacity building, and demonstration program, many school districts now receive support for extended periods of time, in some cases for 10 years or more. These amendments will redirect the focus of the basic grants to building capacity in the school district, as originally intended, so that the school district can continue to serve limited-English-proficient children after Federal aid is no longer available. To this end, there is proposed in the bill a 5-year limitation on the number of years that a local educational agency could receive assistance for basic grants under the act. In this connection, I would like to suggest that consideration be given to adding a little more flexibility to this provision. Perhaps it might be necessary to provide for a waiver in those situations where there are significant changes in local language minority populations as the result of an extraordinarily heavy influx into the school district of limited-English-proficient children. Experience with the program has amply demonstrated, however, that we should limit the number of years inasmuch as the program was not designed to provide extended services to children but, rather, to build the capacity of the local school districts to carry on with the programs.

An important change that would be made by this bill is the move away from telling school districts they have to provide instruction in the child's first language. I believe school districts should not be forced to rely on a single, rigid approach in teaching children to read and write English. My position is supported by current research which indicates that no one approach is superior for meeting the special needs of limited-English-proficient students in all circumstances. This bill would allow the Department of Education to fund whatever educational approach a school district believes warranted as long as that approach is designed to meet the special educational needs of the eligible children and can be justified as appropriate by the school district. Because our goal is to teach these children to speak and write English, we should give educators the latitude to abandon bilingual education programs if in their judgment this method retards the mastery of English by keeping instruction primarily in the child's native language.

Under the provisions of this bill, Federal funds would be targeted on projects that serve limited-English-proficient children whose usual language is not English. Many of these children speak and understand English better than they do their native language. The current estimate of the number of limited-English-proficient children age 4 to 18 in the Nation is 3.6 million, but approximately 1.6 million of them usually speak a language other than English. The children who customarily speak English still may need instruction that takes into account their language difficulties, of course, but their need for immediate assistance is generally less than the need of children who speak little or no English at all. The usual language of many children now served is English. The proposed amendments would give priority to basic grant applicants who propose to serve those children whose usual language is not English.

In addition, this bill would strengthen the role of State education agencies by providing financial support to them for a broadened range of eligible activities. Also, the current formula in the act would be revised to provide a minimum amount of funds to each State, thus insuring that small- and medium-size States can participate. Currently, more than 30 States have laws that require or permit some sort of instructional assistance for limited-English-proficient children. By building on this State commitment and interest and by enhancing the role of the States, I believe significant improvements are possible in developing local capacity to serve eligible children. Moreover, States will, through enactment of these proposed modifications in the act, be better able to coordinate the variety of programs that serve limited-English-proficient children under other Federal programs and State programs.

Finally, Mr. Speaker, under the provisions of this bill vocational projects for providing out-of-school youth and adults of limited-English proficiency with vocational education would be authorized under the Bilingual Education Act. The program is at present authorized under the Vocational Education Act, but it is administered by the Office of Bilingual Education and Minority Languages Affairs and is funded under the bilingual education appropriations. This change would make the legislative authority consistent with the current administrative and budgetary arrangements.

These proposed changes will, in my judgment, concentrate Federal funds on the teaching of English to those children who most need this assistance and, at the same time, permit the selection of the teaching method deemed by the local school district most effective in reaching that goal.●

CENTER, FOR DEFENSE INFORMATION APPRAISES DOD'S "SOVIET MILITARY POWER"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an excellent appraisal of the Pentagon's report "Soviet Military Power" by the Center for Defense Information (CDI).

The CDI analysis shows that contrary to Secretary of Defense Weinberger's assertions, the United States and its NATO allies kept pace with Soviet military power in the 1970's and retain the lead in the most important areas of military capability. CDI also has found that "Soviet Military Power" relies on distorted, outdated, and plainly wrong information.

I commend CDI's excellent analysis to the attention of my colleagues:

CDI APPRAISAL OF "SOVIET MILITARY POWER 1983

The Defense Department has recently released a new version of its booklet Soviet Military Power (SMP). The 1981 version of SMP was widely criticized for its misleading portrayal of Soviet military power unbalanced by U.S. and allied military forces. The 1983 version contains more information on U.S. and NATO forces, but still suffers from

a one-sided preoccupation with their strengths and our weaknesses. One indicator of this bias is that SMP contains 55 photos and paintings of Soviet weapons but not one of non-Soviet weapons. The overt purposes of SMP is to sell a big U.S. military budget. Defense Secretary Weinberger in his March 9th press conference releasing SMP made no bones about this when he said: "I have spent much of my time discussing improvements in Soviet strategic forces because they demonstrate the vital importance of our own strategic modernization program." While it may or may not prove successful as a propaganda document, it fails badly as a balanced military assessment and as an accurate portrayal of Soviet military power.

A great ballyhoo has been raised by Defense Department officials about the effort that was made to pack SMP with lots of newly declassified information about Soviet military forces. The reality, however, is that SMP contains little information that was not already available. It contains no new secrets about Soviet wonder weapons. The U.S. military long ago anticipated what the Soviets are doing today. The most publicized innovation of the new SMP, a photo of a T-80 tank, is actually a photo of the T-72/81 tank which has appeared publicly in Soviet media for a year. It is not a new model but a modification of the T-72 tank which has long been in production. The photo of an alleged T-80 tank in the new SMP looks nothing like the artist's conception of the T-80 that appeared in the 1981 SMP. It looks almost exactly like the picture of a T-72 tank contained in the same SMP, down to the markings.

Secretary Weinberger makes his predisposition clear in the Preface to SMP when he alleges "a decade of our neglect." The pamphlet is shaped to buttress this thesis that the West has failed to arm in the face of continually expanding Soviet military power.

There was no decade of neglect. A few facts contradict Weinberger's allegation:

1. The U.S. increased from a total of 4,000 strategic nuclear weapons in 1970 to 9,200 in 1980. The increase exceeded that of the Soviet Union over the period. (Weinberger is simply wrong when he says, in the context of a discussion of strategic nuclear weapons, that "we have fewer weapons than we did 15 years ago.")

2. According to Defense Department figures, for the 1971–80 period, NATO outspent the Warsaw Pact by about $300 billion. Today NATO continues to outspend the pact by about 30%, even using the CIA's methodology with inflated estimates of Soviet military spending.

3. The U.S. maintains a substantial, and increasing, technological edge over the Soviets. According to Richard DeLauer, Under Secretary of Defense for Research and Engineering, out of the 20 most important basic technology areas the U.S. is ahead in 15 and the Soviets are ahead in only 1. The U.S. lead increased, according to DeLauer, betwen 1982 and 1983. This is not the product of "a decade of neglect." It is also inconsistent with a "sharp narrowing of the technology gap" alleged by SMP.

In his press conference releasing SMP, Secretary Weinberger said that "it's very hard to get inside the Soviet mind. I have not attempted to do that." However, SMP is filled with speculative appraisals of Soviet Military intentions, such as the allegation about "the USSR's dedication to achieving military superiority in all fields." Soviet weapons are constantly depicted as "offensive" while U.S. arms are "defensive." No evidence is presented to prove the speculations.

The 1981 version of SMP contained revealing information about the lack of readiness of Soviet combat divisions. This information has been dropped from the 1983 version. The information showed that apart from those Soviet divisions occupying the restive East European satellites, barely 10% of other Soviet ground divisions were combat ready and two-thirds were at greatly reduced strength.

The decline in standards in the new SMP is further demonstrated by comparing the presentation of Soviet strategic defense forces in the 1981 and 1983 editions. The 1983 edition is satisfied to simply enumerate the large number of people and equipment that the Soviets have allocated to this purpose, leaving the impression that in fact the Soviets might be able to protect themselves adequately from nuclear attack. The 1981 edition of SMP provides the same listing of Soviet forces but added the very important comment that "The technical problems associated with defense against air amd missile attack are immense."

A careful reading of the data in SMP (rather than the polemical text) reveals a number of areas of reduced Soviet military activity in recent years. Soviet production is down for fighters and fighter/bombers, transport aircraft, trainers, total aircraft, ICBMs, SLBMs, submarines, major surface combatants, auxiliary ships, tanks, other armored vehicles, and self-propelled anti-aircraft artillery. In part, this is why U.S. intelligence agencies have recently admitted that for years they have overestimated by 50% or more the annual rate of growth of Soviet military spending. These estimates have been reduced for the period since 1976 from 3–4% annual growth to 2% annual growth. The sustained slowing of the growth of Soviet military spending cannot be accounted for simply by reference to a cyclical pattern of weapons production. (By comparison, since 1976 U.S. military spending has increased in real terms at an annual rate of more than 5%. President Reagan is asking for a 10% real increase in the new fiscal 1984 budget currently before Congress.)

The superficial quality of the comparisons with Western military power contained in SMP is illustrated by the fact that the Defense Department made no effort to provide up-to-date, comprehensive data on NATO forces. Instead, it used a year-old NATO study which excluded France and Spain. In a number of important areas there is no discussion of non-Soviet activities, such as NATO naval forces (just charts), space programs, power projection forces, and military assistance.

Nowhere in SMP is there information on how total Soviet strategic weapons compare with U.S. strategic weapons (U.S. is ahead 9,775 to 7,226). There is no comparison of numbers of nuclear weapons carried on strategic bombers (U.S. leads 2668 to 290). Charts comparing various kinds of Soviet and U.S. military equipment seem primarily intended to underscore the large physical size of Soviet equipment or the large number of different models, both irrelevant indicators of military effectiveness.

SMP counts Soviet Badger and Blinder medium-range bombers as "Strategic Bombers," a classification not used in any authoritative Pentagon document. SMP also classifies the SS–4, SS–5, and SS–20 intermediate-range missiles as part of Soviet "Strategic Nuclear Forces." This is also completely incorrect.

SMP, relying on a dated source, contains only 1981 NATO information. According to Secretary DeLauer's new report, production levels of a number of Soviet weapons are down even further in 1982 than in previous years and U.S. and NATO production is up over 1981 levels. For example, in 1982 the U.S. alone produced nearly as many tanks (650) as SMP says NATO as a whole produced in 1981 (760). DeLauer says NATO produced 1,200 tanks in 1982, a 58% jump over the number in SMP.

In view of the eagerness of Secretary Weinberger and SMP to let Americans know everything the Soviets have been up to in the last 18 months, this omission of readily available up-to-date information on U.S. and NATO forces contributes to the impression of lack of balance in SMP.

Since 1981 the number of Soviet air defense interceptors has declined from 2,500 to 1,200. The number of Soviet submarines has declined from 377 to 367. The Soviets in 1983 keep a smaller number of ships deployed in the Indian Ocean, the Mediterranean, and the Caribbean than they did in 1981.

SMP stresses that the Soviets are developing a number of new weapons. Most of these new weapons are ones that the United States has already deployed or has been developing itself for years. These include a new bomber, a new strategic submarine, various types of modern cruise missiles, new transport aircraft, new aircraft carriers, and an alleged MX-type ICBM. SMP makes a cogent case for an immediate bilateral U.S.-Soviet nuclear freeze. If the Soviet Union could be prevented from pushing these new research programs through to completion, much of the ominious, new threat portrayed by SMP would not come to fruition.

A very high U.S. intelligence official (speaking on background only) briefed reporters on the new SMP and said that he did not believe the Soviets held "the edge" over the U.S. in strategic forces. "Strategically we are better," he said.

The failure of SMP to go beyond misleading "bean counting" is demonstrated by its discussion of military uses of space. SMP repeats twice that the Soviets have been launching 4–5 times as many spacecraft per year as the U.S. and that their annual payload weight placed into orbit is ten times that of the U.S. According to NASA Administrator James Beggs, however, this discrepancy "demonstrates a weakness rather than strength. It means their satellites are less sophisticated than ours. . . . We are still ahead of them by a substantial margin."

The straining of SMP to find every conceivable area of Soviet alleged advantage sometimes reaches laughable extremes, as in its pointing to a "superior" Soviet capability in liquid missile propulsion. The U.S. twenty years ago abandoned the production of liquid propelled ICBMs because of their unreliability. Ninety-five percent of U.S. ICBMs are modern solid-fueled missiles while 96% of Soviet ICBMs are still liquid-fueled. The Soviets have had a number of failures in attempting to develop the more advanced solid-fueled missiles. Being ahead in liquid missile propulsion is like being ahead in vacuum tube technology in an age of transistors.

The final word on U.S.-Soviet military comparisons was provided by President Reagan. He was asked on December 18, 1982: "Looking at U.S. defense overall,

would you trade American forces for Soviet forces?" President Reagan replied: "No."

THE FISCAL YEAR 1984 DEPARTMENT OF DEFENSE PROGRAM FOR RESEARCH, DEVELOPMENT, AND ACQUISITION

STATEMENT BY THE HONORABLE RICHARD D. DELAUER, UNDER SECRETARY OF DEFENSE, RESEARCH AND ENGINEERING, TO THE 98TH CONGRESS, FIRST SESSION, 1983

TABLE II–4.—RELATIVE U.S./U.S.S.R. STANDING IN THE 20 MOST IMPORTANT BASIC TECHNOLOGY AREAS*

Basic technologies	U.S.superior	U.S./ U.S.S.R. equal	U.S.S.R. superior
1. Aerodynamics/Fluid Dynamics		x	
2. Automated Control	x		
3. Conventional Warhead (including Chemical Explosives).			x
4. Computer	x		
5. Directed Energy		x	
6. Electro-Optical Sensor (including IR).	x→		
7. Guidance and Navigation	x→		
8. Microelectronic Materials and Integrated Circuit Manufacture.	x		
9. Nuclear Warhead		x	
10. Optics	x→		
11. Power Sources (Mobile)		x	
12. Production/Manufacturing	x		
13. Propulsion (Aerospace)	x		
14. Radar Sensor	x→		
15. Signal Processing	x		
16. Software	x		
17. Stealth (Signature Reduction Technology).	x		
18 Structural Materials (light-weight, high strenth).	x→		
19. Submarine Detection (including Silencing).	x→		
20. Telecommunications	x		

*1. The list was limited to 20 technologies, and in aggregate was selected with the objective of providing a valid base for comparing overall U.S. and U.S.S.R. basic technology. The technologies are not intended to compare technology level in currently deployed military systems. The list is in alphabetical order.

2. The technologies selected have the potential for significantly changing the military balance in the next 10 to 20 years. The technologies are not static; they are improving or have the potential for significant improvements, new technologies may appear on future lists. For these reasons if is anticipated that in the future "Machine Intelligence" may replace "Nuclear Warhead."

3. The arrows denote that the relative technology level is changing significantly in the direction indicated.

4. The judgments represent consensus within each basic technology area.

STATEMENT BY THE HONORABLE RICHARD D. DELAUER, UNDER SECRETARY OF DEFENSE, RESEARCH AND ENGINEERING, TO THE 97TH CONGRESS, SECOND SESSION, 1982

TABLE II–4.—(U) RELATIVE TO U.S./U.S.S.R. STANDING IN THE 20 MOST IMPORTANT BASIC TECHNOLOGY AREAS*

Basic technologies	U.S. superior	U.S./ U.S.S.R. equal	U.S.S.R. superior
1. Aerodynamics/Fluid Dynamics		X	
2. Automated Control	X		
3. Conventional Warhead (including Chemical Explosives).			X
4. Computer	X		
5. Directed Energy		X	
6. Electro-optical Sensor (including IR).	X→		
7. Guidance and Navigation	X→		
8. Microelectronic Materials and Integrated Circuit Manufacture.	X		
9. Nuclear Warhead		X	
10. Optics	X→		
11. Power Sources (Mobile)			X
12. Production/Manufacturing	X		
13. Propulsion (Aerospace)	X→		
14. Radar Sensor	X→		
15. Signal Processing	X→		
16. Software	X		
17. Stealth (Signature Reduction Technology).	X		
18. Structural Materials (light weight, high strength).		←X	
19. Submarine Detection (including Silencing).	X→		
20. Telecommunications	X		

*1. The list in aggregate was selected with the objective of providing a valid base for comparing overall U.S. and U.S.S.R. basic technology. The technologies were specifically not chosen to compare technology level in currently deployed military systems. The list is in alphabetical order.

2. The technologies selected have the potential for significantly changing the military balance in the next 10 to 20 years. The technologies are not static; they are improving or have the potential for significant improvements.

3. The arrows denote that the relative technology level is changing significantly in the direction indicated.

4. The judgments represent averages within each basic technology area.●

SWIMMING SUCCESS CAME AFTER PARALYSIS

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. SHELBY. Mr. Speaker, I would like to share the following story with my colleagues in the House of Representatives. I am sure after reading this wonderful account, that they will agree with me in paying tribute to this outstanding young man. The article, written by Anita Smith, news medical editor of the Birmingham News is as follows:

Joey Martin, 23, rolled his wheelchair up to the side of the olympic-sized swimming pool at Birmingham's Lakeshore rehabilitation complex.

Martin's coach helped position his paralyzed legs, and he reached out much-weakened hands to hold on to the pool ladder. Then he made the most of parts of his body that are still strong—his powerful arms and shoulders. He pushed himself forward at the same time his coach pushed him into the water.

The young man from Clanton is a quadriplegic paralyzed from the lower chest area down. He has some damage even in his shoulders and arms.

But he has used his brand of determination since last spring to win 21 medals competing with other paralyzed swimmers.

Martin next month will go to Bordeaux, France to compete in an international swimming event for the physically handicapped.

For shy, modest, easy-going Joey Martin, success at competitive swimming came only after he was paralyzed.

"I never went out for football or basketball or track or anything like that when I was in high school," said Martin. "I wanted to be out hunting and fishing and canoeing and swimming."

He was swimming in a creek 25 miles from his Clanton home the day he was paralyzed two years ago.

"It was Memorial Day weekend. I was out camping with some friends. On a Sunday morning, I decided I'd take a dip. I dove in, hit bottom, and broke my neck," Martin recalls simply.

"It was an accident, just something you just can't explain," said his mother, Inez. "Joey knew the creek, knew there were shallow places and deep places. After the accident, he told me, 'Mama, I have no one to blame but myself. I just overshot the landing field and hit a sandbar.'"

Martin says he thinks it natural he returned to the water now.

"I've been swimming all my life. I learned to swim about the same time I learned to walk. I don't even remember when I learned to swim," said Martin.

"After the accident, the first time I got back in the water it felt strange. I was aware of the pressure of the water swirling around me," he said. "It was a little hard to breathe."

Martin's breathing power also has been weakened by the paralysis. His swimming coach, Sis Theuerkauf, explained he has to be careful not to get water in his lungs. "Joey doesn't have the strength to cough up water as you and I do. It's scary. It could be fatal . . . if he got a lot of water in."

An award-winning swimmer herself, mainly in synchronized swimming events, Theuerkauf is Lakeshore's director of recreational therapy.

She is adamant that recreation—swimming or wheelchair basketball or arts and crafts or whatever—is vital to rehabilitate the physically handicapped. "Recreation is good therapy for the total person, for the physical side, the emotional side, the social side," she said.

Martin's swimming has played a role in strengthening his body and his attitude, said Theuerkauf.

"Just look at Joey's arms, how they're built up. He's in good condition. He's active. He's independent. He has been driving his own van to swim meets, in Georgia, Tennessee. And he's active in other areas of his life, too. Here at Lakeshore, he's leading his class in computer programming," she said.

Martin hasn't always been such an achiever, and hasn't always had the clearcut goals he has today, according to his mother.

"When Joey was in high school, he didn't care about making good grades. If he passed, that was enough for him. And as for what career he would pursue, he was interested in going to school to be a welder. Then he wanted to be an electrician. Then his interest turned to becoming a paramedic. . . . Now look at how well he's doing. These last couple of years have been tough for Joey, and for me, but things are looking up now. I think about the accident, about how changed Joey has been since the accident, and I think of those words, 'God moves in a mysterious way, His wonders to perform.'"

At 52, Martin's mother, who's a widow, just started back to school herself. She, too, is studying computer programming in a Montgomery trade school. She thinks it could help for both of them to be in the same profession in case Martin gets a job in a distant city and needs her to go along to help care for him.

Between now and April 3 when he leaves for France, Martin is getting in as much practice as he can at Lakeshore's pool. He practices throwing his powerful arms forward to drag along his paralyzed legs. He practices bringing the water underneath him as he swims, to get a helping hand from water force to push his legs up. He practices swimming the 25 yards of the pool without breathing, because breathing eats into his time.

Martin will be one of 23 physically handicapped swimmers from throughout the United States who will be sponsored by the National Wheelchair Athletic Association at the French International Invitational in Bordeaux April 5–11.

Now, to bring Joey's wonderful story up to date; it gives me the greatest pleasure to report that he was triumphant in France. Joey brought home five individual gold medals and two gold medals in relay events where he was a team member. This is truly outstanding and something which is worthy of the highest praise.

I would also like to take this opportunity to congratulate and commend Joey's swimming instructor, Sis Theuerkauf. She has devoted many long, hard and tiring hours in Joey's rise to the top. Individuals such as Sis are rarities in today's world. Her devotion to helping the handicap surpass all boundaries.

I also feel that one other individual needs to be recognized at this time for her efforts in contributing to Joey's success, and that is his mother, Mrs. Inez Martin. I know she has been behind Joey in all of his swimming efforts and has been a major guiding force in his life.

Joey Martin has brought great pride to Clanton and the State of Alabama. He is truly a remarkable young man with a wonderful outlook on life in spite of his disability. I am proud of the honor he has brought to himself, and I certainly wish him the very best in his future endeavors.●

U.S. GOVERNMENT ACTIVITIES IN NICARAGUA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. RAHALL. Mr. Speaker, with our Government's activities in Nicaragua becoming an increasing subject of controversy, I feel that it would be worthwhile to insert into the CONGRESSIONAL RECORD an editorial which was published in the Herald-Dispatch in Huntingon, W. Va. I believe that this editorial will shed some light upon the wisdom of our Government's involvement in Central America.

[From the Herald-Dispatch, Apr. 15, 1983]

CONGRESS SHOULD INVESTIGATE U.S. ROLE IN NICARAGUAN WAR

Evidence is mounting that the Reagan administration is waging a "secret war" in Nicaragua and thus violating a congressional edict that prohibits such covert action in that troubled Central American country.

Congress needs to get to the bottom of what's going on there and, if warranted, take appropriate action to bring U.S. meddling to a halt.

The House of Representatives has made a welcome start in that direction. The House Intelligence Committee met behind closed doors for two hours on Wednesday in a session prompted by what the committee's chairman, Rep. Edward P. Boland, D-Mass., termed "deep concerns" about reported U.S. activities in Nicaragua.

The meeting was called in the wake of widespread news reports that the Central Intelligence Agency (CIA) has provided arms and training for Nicaraguan exiles who have launched attacks inside Nicaragua from Honduran bases with the expressed intent of overthrowing the Sandinista government.

The administration had refused to confirm or deny the reports. But, if the news accounts are accurate, such activity by the intelligence agency would be in direct violation of the so-called "Boland amendment," adopted last December, which expressly forbids either the CIA or the Defense Department from supplying aid to rebels who would topple the Nicaraguan government.

Rep. Berkley Bedell, D-Iowa, who has just returned from a four-day visit to Central America, says he found "conclusive evidence" that the U.S. government is supporting insurgents in Nicaragua.

Says Bedell: "If the American people could have talked with the common people of Nicaragua whose women and children are being indiscriminately kidnapped, tortured and killed by terrorists financed by the American taxpayers, they would rise up in legitimate anger and demand that support for the criminal activity be ended at once."

That's strong language, but the situation clearly calls for it.

Secretary of State George Shultz has castigated the rebels in El Salvador for wanting to "shoot their way into power." And correctly so. Yet, that's exactly what the rebels in Nicaragua are trying to do—with, the evidence suggests, bullets provided by the CIA.

It's possible to voice a case for this sort of cloak-and-dagger operation—but NOT when Congress has debated the matter and issued a flat injunction against it.●

WORLD DEBT CRISIS?

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WEBER. Mr. Speaker, both the administration and Members of this body have called for increased funding of the International Monetary Fund (IMF). While I am not familiar with all the issues facing the international economy, the world debt crisis is one which needs to be highlighted. The editorial in the April 20 edition of the Wall Street Journal provides a good understanding of the IMF world debt issue.

I would commend this article to my colleagues.

Thank you, Mr. Speaker.

WHAT DEBT CRISIS?

The Reagan administration has been flogging Congress to add $8.4 billion to International Monetary Fund coffers as the key element in a plan to quell the "debt crisis" that is said to be threatening the world financial system. But we have been watching with a rising sense of unease as the legislation wends its way through Congress. Many questions about the IMF scheme have gone unanswered. One is: What debt crisis?

To us, it appears that the international debt crisis, as conventionally defined, is for all practical purposes over. The chief element in that crisis was what bankers at the time were pleased to call an "unexpectedly" severe recession. To our mind, bankers are paid to expect the unexpected, but let that pass for a moment. There's no doubt that less-developed countries were finding it more and more difficult to export their goods to the industrialized countries and thereby generate enough revenue to meet their debt service. The length and severity of the recession supposedly made it necessary to arrange an emergency fund to stave off an old-fashioned banking panic.

But now most of the industrialized countries are well on their way to recovery, judging from the official indicators and ebullient stock markets world-wide. Government economists reportedly have run the recovery scenario through their computers recently and found that 4.2 percent growth over the next two years, which looks very much in the ballpark, would pretty much solve whatever debt problem exists.

That's not to say that some countries, and some banks, couldn't still go down the tubes. But the market has had ample time to discount the probability of this, and there's no reason it should lead to panic. Poland has already declared a virtual moratorium on repayment of its debt, and that didn't lead to financial Armageddon, as some predicted. Anyway, there are established national procedures for dealing with potential bank failures.

And if a crisis really does exist, the IMF is sitting on about $45 billion of gold that could be pledged to raise more than enough hard currency to deal with it. The proposed quota increase, by contrast, wouldn't take effect until late this year. That doesn't sound like much of an emergency to us, although it does sound like a way of permanently augmenting the power of the IMF bureaucracy.

Cooler heads have all along been skeptical about the true extent of the "debt crisis." A confidential Federal Reserve/Treasury Department staff study last summer concluded that "a collapse of the system is highly unlikely (although) there is always the danger that an individual borrower, or borrowing country, will run into difficulties." Only in the cases of Mexico and Brazil, the study said, "is the magnitude of U.S. banks' exposure sufficient to pose a potential threat to confidence in the event of total loss." But, the study quickly added, "total loss . . . is highly unlikely."

That was a good judgment then and its good judgment now. At the very least, it makes it incumbent on the administration and the IMF to make a more positive showing why huge new sums of money must be taken out of our capital markets, guaranteed by the taxpayer and flung at countries around the globe with proven records of poor economic policies. It also hasn't been made clear by the administration and the IMF why adding more debt to the backs of poor countries will help rather than hurt them. Or how it will help the soundness of the banking system to be "bailed in" for billions more in shaky loans to whomever the IMF's bureaucrats deem worthy. The IMF has had some successes in recent years, but most of its customers seem to come back again and again for more money.

Debtor nations, bankers, IMF officials and others with a vested interest in bailouts like to scare the public with such specters as the $600 billion or so owed to the industrialized world by the non-OPEC developing countries. But only a fraction of that total is in doubt, and even that amount will be reduced by the economic recovery now taking place. The banks themselves seem in no hurry to raise their reserves substantially against the calamity supposedly stalking them.

The banks have been pushing for a higher IMF quota as a means of ultimately extricating themselves from this morass. But they are likely to pay a heavy price. Congress is working on companion legislation that would, among other things, restrict bank lending abroad. But development lending is by no means intrinsically a bad thing.

Done properly, it can be vital to the health of less developed countries, as it was to the U.S. in the 19th century, and quite profitable for prudent banks. Doubtless many bad loans were made to developing countries, in large part out of belief that the IMF would in fact bail out the banks if push came to shove. This problem does need to be addressed, and rushing to add to IMF coffers is scarcely the way to start.

We said recently that we knew the recession was over because Congress was enacting a jobs bill. It now looks to us as though the international "debt crisis" is over because Congress is whooping through an increase in IMF quotas. Crisis legislation invariably turns out to be bad legislation, and it would be a good idea to put the quota increase on hold until we can start to understand our recent experience, and define what the international debt problem is and what it is not.●

H.R. 2692, THE GOVERNMENT-IMPELLED CARGO ACT OF 1983

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. JONES of North Carolina. Mr. Speaker, today I am introducing H.R. 2692, the "Government-Impelled Cargo Act of 1983." This legislation is a much-needed and overdue revision and consolidation of our Government cargo preference laws. I emphasize at the outset—because there has been too much confusion on this point—that this bill concerns only Government-impelled cargoes. The only cargoes affected by this bill are those that have been generated, directly or indirectly, by Federal funds. I also emphasize that this legislation is a revision of existing statutes. The idea of Government-impelled cargo preference embodied in this bill is not new or radical. Indeed, the United States has had cargo preference requirements in one form or another since colonial times. Even the three preference statutes currently in force are not new—they date from 1904, 1934, and 1954.

During my tenure as chairman of the House Merchant Marine and Fisheries Committee, it has become increasingly apparent that our Government cargo preference laws are in serious need of reform. Over the past several years more and more of the committee's time has been spent on an expanding array of cargo preference issues. In the 97th Congress, for example, the committee conducted two formal oversight hearings on cargo preference disputes, one on the concessional sale of Government-owned butter to New Zealand and the other on the purchase of bauxite from Jamaica for our national defense stockpile. In addition, the committee was involved informally—through numerous letters, telephone calls, and meetings—with several other cargo preference issues. Already in the 98th Congress, the Agriculture Department's sale of wheat flour to Egypt has generated a major cargo preference controversy, one that was not resolved until the President stepped in and ordered USDA to comply with the Cargo Preference Act of 1954. Once again, the committee and I had to become involved to insure that the requirements of the current law were met. There is no indication that these disputes will diminish in either quality or quantity in the foreseeable future. On the contrary, with proposals such as the export payment inkind program being given serious consideration by the executive branch and the Congress, cargo preference issues are far from over.

In response to these problems, I ordered the Merchant Marine and Fisheries Committee staff to undertake a comprehensive reexamination of the existing cargo preference statutory framework. I directed the staff not only to come up with ideas for clarifying the ambiguities in the current laws and closing loopholes, but also to find an equitable way to balance the benefits of cargo preference against its costs. Over a year ago, the staff developed a discussion draft containing most of the ideas that their cargo preference reexamination had produced. This staff discussion draft was circulated to the maritime industry and to any other interested parties and comments were solicited. The legislation that I am introducing today incorporates many of the ideas developed by the staff during its study of the present statutes, as well as suggestions received in response to the discussion draft that was circulated. I say all this to make it clear that this bill was not hastily drawn up nor is it intended merely as stopgap legislation. A lot of thought and hard work has gone into developing this bill. It addresses, and I think cures, many of the problems that have caused difficulty in the past while at the same time providing strong incentives for a competitive, modern merchant fleet.

The guiding principle of this legislation is that American taxpayers have the right to receive the maximum value from each and every tax dollar spent. Taxpayers do not receive that maximum value if their money goes to foreign corporations and workers when it could be going to efficient American companies and their employees. In the case of waterborne cargoes generated in any way by Federal funds, the maximum value to the taxpayer can be achieved by requiring, as a matter of national policy, at least half of the cargo to be transported in competitive U.S.-flag ships. This assures that a portion of each cargo-generating tax dollar will be returned to American shipping companies and American seamen, rather than flowing into foreign coffers.

The benefits of this approach are obvious. The tax dollars that stay at home rather than being paid to foreign corporations will provide immediate aid to our shipping companies, their employees, and in turn, the numerous businesses that serve and depend on those companies and those employees. This will reduce unemployment and help speed the Nation's economic recovery. In addition, the American companies and workers that ultimately receive these funds will pay taxes on them—taxes that will increase Federal revenues and decrease the deficit. Moreover, keeping U.S. tax dollars at home will improve our balance of trade, another benefit to Americans. Finally, the bill will stimulate the development of a newer, more efficient merchant marine capable of serving as a military auxiliary in times of crisis, as well as contributing to the support of our very important defense-industrial shipbuilding base.

I have just mentioned the national defense benefits that cargo preference yields. This leads me to another important aspect of the legislation, and one that is a change from existing law. The bill that I am introducing requires 100 percent U.S.-flag carriage of all cargo affecting the national security of the United States. Cargo affecting the national security is defined to include cargo that previously was covered by the Military Cargo Preference Act of 1904—all supplies bought for the armed services—as well as—and this is new—all crude oil that the United States buys for the strategic petroleum reserve (SPR) and all materials that the United States buys for the national defense stockpile. There is no reason why these strategic and critical materials should not be transported in American-flag ships. Conversely, there are very good reasons why the procurement of these commodities should not be left to the uncertainties of carriage on foreign-flag vessels. SPR oil and other stockpiled materials are by definition critically important to the security and defense of our Nation. It is imperative that we not put ourselves in the position of being dependent on foreign shipping companies and foreign crews to get these materials to our shores. To do otherwise is illogical, unwise, and potentially dangerous. This bill will insure that the United States has sufficient ships with the requisite number of American citizen-seamen to transport all of our needed strategic and critical materials.

The idea of Government-cargo preference is not new, and neither are the benefits of cargo preference if the policy is properly and uniformly applied. Unfortunately, in too many cases, Federal agencies that clearly were meant to be covered by the present statutory scheme have played

upon ambiguities—particularly in the Cargo Preference Act of 1954—to avoid compliance. In short, the current statutes are often circumvented on the basis of technical, legalistic, and, I think, erroneous arguments, or they are simply ignored by those who know that no sanction will be imposed. This avoidance of the law, coupled with the lack of any enforcement mechanism in the existing statutes, has seriously undermined the effectiveness of Government-cargo preference as a maritime promotional device.

It is unfortunate that we must speak of enforcement mechanisms aimed at Federal agencies. Undoubtedly, one of the reasons that the drafters of the current statutory scheme did not include such mechanisms is that it never occurred to them that Federal agencies would try to evade compliance with Federal law. Federal officials have the right to disagree with the policies embodied in statutory law, and to make their disagreement, and the reasons for it, known to the Congress through the established channels in the executive branch. They emphatically do not, however, have the right to ignore or disobey the law simply because they disagree with it or because it is not as popular with them as other policies and programs that they are charged to carry out.

The legislation that I am introducing today seeks to restore Government-cargo preference as an effective and efficient program of support for our merchant fleet, our seamen, and our shipbuilders. I would point out that President Reagan, while proposing the elimination or substantial curtailment of construction and operating subsidies for U.S.-flag ship operators, has endorsed Government-cargo preference as a legitimate and useful maritime promotional program. Just this week I received a letter from Secretary of Transportation Elizabeth Dole in which she reiterates the President's support for cargo preference. I would like to quote from that letter. The Secretary states, "As you know, support of the existing cargo preference laws is a confirmed element of the administration's maritime policy." Secretary Dole goes on to note, however, that "it is imperative that both the Government and the industry take steps to increase the efficiency and competitiveness of the U.S.-flag fleet. . . ."

I am in full agreement with this last statement of the Secretary. Despite the benefits of cargo preference and the administration's support for the policy, I am well aware that the current statutory scheme is not perfect. I would be disingenuous at best if I did not acknowledge that cargo preference has its costs and that the present laws have resulted in some inequities and inefficiencies. My bill attempts, and I think successfully, to strike a balance between the preference for U.S.-flag ships and the need to keep U.S.-flag rates competitive in the world market. Specifically, under this legislation, U.S.-flag vessels must offer competitive rates to be eligible to carry preference cargoes. For liner vessels, competitive rates are generally defined as the conference rates for the same or similar cargo. For bulk vessels, the bill contains a formula for calculating U.S.-flag competitive rates that is based upon two factors: First, the world scale rates; and second, the difference between the per capita gross national product of the United States and competing foreign-flag vessels. In short, U.S.-flag bulk vessels may charge only the world rate plus a reasonable cost differential based on the standard of living in the United States. Moreover, the bill contains provisions specifically aimed at eliminating the so-called rust bucket ships that have long exceeded their useful lives, but continue to carry preference cargoes.

Mr. Speaker, I think this bill straightforwardly addresses the flaws in the present cargo preference statutes while achieving an equitable and, just as important, a workable balance between the often competing interests at stake here. This is an important issue and the need for this legislation is clear. I recommend this bill to the Members of the House and urge their careful consideration and support of it.

Following this statement is a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS: GOVERNMENT-IMPELLED CARGO ACT OF 1983

The purpose of the bill is to clarify and amend what are termed the "cargo preference laws" of the United States so as to provide for greater certainty and interpretation of the laws, to clarify the intent of Congress in the way in which these laws will apply to all cargoes in which the Government of the United States is involved, and to provide a more competitive and efficient transportation environment for government cargoes which move as a matter of national policy. It makes modifications in the current laws that have been made necessary by the Federal Government's use of more sophisticated techniques than were available at the time of the enactment of these cargo preference laws, and adjusts the several legitimate bases for requiring the movement of certain cargoes on U.S.-flag vessels. The legislation would repeal all the existing laws affecting the movement of government-impelled cargoes and would replace them with one easier to understand, concise and predictable statute.

SECTION 1. SHORT TITLE

This section cites this legislation as the Government-Impelled Cargo Act of 1983. Agencies of the government, ocean carriers, and foreign and domestic entities affected by the cargo preference laws will no longer be subject to the 1904 Military Cargo Preference Act, Public Resolution 17 (1934), or the Cargo Preference Act of 1954 (P.L. 83-664). The term chosen is designed to distinguish carriage requirements imposed on Federal Government inspired and required transactions from those which involve purely commercial transactions.

SECTION 2. CARGO AFFECTING THE NATIONAL SECURITY

This section would require any cargo which is defined as affecting the national security of the United States to be transported one hundred percent in U.S.-flag vessels. The requirements of this section obviously include provisions which were first incorporated in the 1904 Act (33 Stat. 518) and to that category, strategic and critical cargoes that were not contemplated in 1904.

SECTION 3. DIRECT GOVERNMENT INVOLVEMENT IN CARGO NOT AFFECTING THE NATIONAL SECURITY

This section closely approximates the provisions of the 1954 Act (P.L. 664). Whenever the United States in any way moves non-critical or non-strategic commodities or goods for its own account or obtains cargo and then provides it to a foreign nation without any charge for the cargo, then fifty percent must move in U.S.-flag vessels. Moreover, if the United States provides some advantage to a foreign nation by selling it cargo for less than it costs the United States to obtain, handle and store the cargo, then fifty percent of the tonnage falling within this category must be transported in U.S.-flag vessels.

SECTION 4. INDIRECT GOVERNMENT INVOLVEMENT IN CARGO NOT AFFECTING THE NATIONAL SECURITY

In addition to actual cargo movements, agencies of the United States engage in the provision of grants, loans, credits and other monetary advantages to foreign and domestic entities. Wherever the provision of such a fiscal advantage to a foreign or domestic entity results in the waterborne transportation of commodities or goods from or to the United States, and that advantage is used to pay for at least 50 percent of the cargo or any portion of the transportation, this section would require fifty percent of the gross tonnage to be carried in U.S.-flag vessels. This section further provides that the agencies responsible for providing the fiscal advantage must obtain agreement by the recipient of that benefit that the recipient entity will comply with the U.S.-flag vessel carriage requirements of the Act. This latter provision is designed to make clear that even if the responsibility for making transportation arrangements lies with someone other than the U.S. agency, the cargo which is impelled as a result of U.S. Government agency action will in fact move in the proper percentage in U.S.-flag vessels.

SECTION 5. EQUITABLE ROUTING OF CARGO

This section requires the cargo which is moving pursuant to this Act to be allocated as equitably as possible among the four coasts of the United States (Atlantic, Pacific, Gulf and Great Lakes). Since U.S.-flag vessels are not always available to serve ports on all four coasts, this section requires that at least ten percent of the total cargo be shipped pursuant to this Act, move through ports in each of the four coasts regardless of the nationality of the vessel engaged in carrying those ten percent quantities.

SECTION 6. EXCEPTIONS

This section permits waiver of sections 2, 3 and 4 only, and only for one of the following reasons: when, after otherwise complying with notice and other requirements of the Act the agency certifies that there are no

U.S.-flag vessels available at competitive rates, or if the Congress or the President declares an emergency that requires a temporary waiver of the requirements of section 2, 3 or 4.

SECTION 7. COMPLIANCE

This section sets up the procedure to be used for an agency that has responsibilities under this Act to move certain percentages of cargo on U.S.-flag vessels. The agencies must give notice 30 days in advance of need that vessels will be required; if for some unforeseen reason an agency cannot publish a notice at least 30 days in advance, they must nonetheless contact U.S.-flag carriers to determine the availability of U.S.-flag vessels. If after performing the notice requirements the agency determines that no U.S.-flag vessels are available at competitive rates, the fact must be certified to the Department of Transportation which must verify the certification within two working days. Any agency having complied with the notice requirements and having received verification from the Department of Transportation that no U.S.-flag vessels are available at competitive rates may for that transaction employ foreign-flag vessels to transport the portion of cargo that would have, if available, moved on U.S.-flag vessels. The section further requires annual reporting to the Congress and to the Department of Transportation and requires the Department of Transportation to notify any agency that it has failed to comply in the preceding year. Any agency which has failed to comply must under the terms of this section use U.S.-flag vessels for all its water transportation needs until the Department of Transportation certifies to that agency that it has indeed made up for the shortfall in the preceding year, and that it is now in substantial compliance with the law. The intent is for the responsible agency to have to make up the shortfall, even if, for example, it is a foreign recipient entity that fails to implement the agreement imposing a U.S. vessel carriage requirement.

SECTION 8. DEFINITIONS AND CONSTRUCTION

This section defines "national security cargoes" to mean everything that is purchased for the Armed Forces, strategic and critical materials required for the Strategic Petroleum Reserve or the National Defense Stockpile, as well as the transportation of motor vehicles or goods at government expense and which are the property of U.S. Government personnel authorized to transport such household goods or motor vehicles. In addition, whenever the President certifies that other equipment, materials or commodities affect the national security of the United States, their transportation must be in U.S.-flag vessels. The section defines a U.S.-flag vessel as one that has been issued a certificate of documentation as a vessel of the United States and is less than 25 years of age or has been substantially rebuilt and has at least five years additional useful life after rebuilding. In addition, this definition incorporates portions of an Administration proposal to allow recently built foreign vessels to be redocumented as U.S.-flag vessels and then to be eligible to carry government-impelled cargo.

However, this definition would not permit the reflagging for purposes of carrying government cargo on any foreign built vessel older than ten years. An available vessel is defined as a vessel appropriate for the cargo to be carried which can meet the delivery schedule set out by the responsible agency. Competitive rates, as defined in this section, relate to the types of cargo being carried rather than the type of vessel employed. Consequently, if the cargoes being carried are liner type cargoes a reasonable rate is one which does not exceed rates established by conferences operating on the same or similar routes transporting the same or similar cargo; if the cargo is not contained within a conference tariff, that is, if it is open rated, then the Department of Transportation would be expected to determine whether rates charged by liners for the carriage of similar open rated cargoes are the same as those offered for the carriage of Government-impelled cargoes meeting the same or similar descriptions. In the case of non-liner cargoes, that is, liquid or dry bulk cargoes, a competitive rate would be one which recognizes the necessity for maintaining a U.S. merchant fleet which must operate in competition with other nations' bulk vessels while providing a standard of living to its operators and employees as if they were engaged in an activity within the United States.

Since there are acknowledged variances between the standards of living and the costs of living between the many countries of the world, this section, for bulk cargoes, adds to the generally prevailing rate for the particular cargo being moved an amount equal to the percentage difference between the per capita gross national products of the United States and the nation or nations whose vessels carried preference cargoes during the preceding fiscal year. The Annual World Bank Atlas publishes the comparative per capita GNP's, and for the purposes of this section is utilized to establish the sums that when added to prevailing rates constitute competitive rates for U.S.-flag bulkers. In addition, recognizing that some nations use non-national or alien crews, who are paid at levels below those that nation would have to pay its own nationals, this section requires the Department of Transportation to determine the additional differential which should be allowed U.S.-flag vessels when they are competing with foreign-flag vessels employing alien crews. Since U.S. law permits the employment of not more than twenty-five percent of its crew as aliens, the Department of Transportation determination of additional cost is to be made only where the alien makeup of the foreign-flag vessel's crew is greater than twenty-five percent. The provisions dealing with competitive rates in this section are designed to acknowledge the need to move cargoes on U.S.-flag vessels, while at the same time preventing the abuse of taxpayer dollars that are employed to pay for the transportation of government-impelled cargo.

SECTION 9. REPEALS

This section repeals all such laws previously referred to which would otherwise be in conflict with the legislation once enacted.●

TRIBUTE TO HON. JOHN J. DUNCAN

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. QUILLEN. Mr. Speaker, the Daily Post-Athenian, one of Tennessee's outstanding dailies published in Athens, Tenn., paid a much-deserved tribute to my good friend, Congressman JOHN DUNCAN, which I would like to pass on for others to read.

In Chuck Redfern's column, entitled "Congressman Duncan draws salute," he refers to JOHN as real people, which he truly is, and his service to the people as incredible. The article expresses how much JOHN is loved in McMinn County and throughout the entire Second District.

I am proud to represent the adjoining district to JOHN, and I applaud him for the great job he does. It is a privilege to know him as a friend, and as one of the finest Congressmen I have ever known.

I commend this article to my colleagues:

CONGRESSMAN JOHN DUNCAN DRAWS SALUTE

(By Chuck Redfern)

I'm sure you have seen the TV show called "Real People" and the one called something like "It's Incredible." Well, in as much as this is an off-year for elections and I'll not be accused of being political, it seems timely to write a note about a guy who IS incredible and who IS real people. His name is John Duncan, the congressman for our district, and who our senior citizens' group will be visiting next week in the nation's Capital.

America is undergoing a period of diverse opinions on many subjects. We are at odds with one another on so many subjects that Washington, D.C., has become a land of confusion and has resulted in dividing us rather than pulling us together in an effort to make our country strong financially, politically, militarily and patriotically.

Politically, we are playing games as never before. The Democrats and Republicans, the conservatives and the liberals are so far apart that our values and morals are subject to whims of the media and the needs of private interest groups, until we are a land torn from any true course of action.

I think you will agree with me, if you live in McMinn County, that we are blessed to have this unusual man as our representative in Washington. John Duncan "is" an unusual person and one who has captured the fancy of the electorate in our area as no other man has ever done. He has worked at representing the people to such an extent that when he runs for office, for re-election, he receives more votes in our county and others than any local candidate receives. No Republican or Democrat gets the vote that John Duncan gets in McMinn County. He outpolls everyone, including those who run for president or sheriff. He seems to be respected by both parties and the independent voters alike.

It is no accident that this happens. John Duncan has worked long and hard at representing the people regardless of party, race or religion. How he does it is obvious. He works at it. Frankly, I'd hate to work for John Duncan as he works when the rest of us take a holiday, when the rest of us go to the lake, enjoy a day off or would like to stay at home and watch TV or cook out. You will find him at schools, churches, civic meetings and anywhere that his voters need him. He is more prone to come home to his people than to go on a junket to foreign lands, get tied down to some Washington function or hide out for his personal pleasure. How he keeps up the pace is unbelievable. (Incredible is the word).

Take for instance his new county, Polk. They had never had a congressman or congresswoman give them any attention. When Duncan took over the county, he started his visitations, as he does in all counties, and they were so pleased that they welcomed him with a good old fashioned "pie and cake" reception on his first visit. There hasn't been a governor who got that kind of reception in Polk County. Of course not many, if any, governors ever visited Polk County.

John Duncan has a rule that those who write him will get an answer within 48 hours. It may only be an acknowledgement, but he lets you know that he is working on your request. It isn't long until he gets an answer. If only our senators would be so good and stop their form letters that often tell you nothing. We are lucky in McMinn County that John Duncan has an office here, and even in the spots where he has no office he will make periodic visits to talk face to face with his people.

John Duncan came from a farm family of 10 children and maybe that has something to do with his technique, as a person interested in others. If you are one of 10, you have to share and you know the need to care.

You may not always agree with John Duncan in his voting record, but you do know he is concerned for the welfare of all and he is one who has the values of a Tennessee Country Boy and an American. He had military experience so he can relate to the Veterans and the needs for the security of our country. He was a farm boy so he can understand the problems of farmers. John served as mayor of Knoxville and knows the problems of city folks. He was involved in business and relates to the problems of a businessman. He had to earn money while attending college and he knows how a student must study as well as work to get by. He knows that when someone comes to Washington from his district that they would like to be recognized and both Republicans and Democrats get the same warm treatment from the Duncan office.

While he is a Republican, he has won the respect of the Democrats in his district, and thus the unbelievable, incredible, vote he receives when he comes up for re-election every two years.

His lovely wife, Lois, is an asset that every politician, businessman or worker respects and needs. He has been impartial and used an even-handed approach to the personal needs of his constituents, which helps to account for his popularity. He is a conservative and admits it, yet he is prone to be flexible in the modern needs of our nation. He will let you know that he is for free enterprise and is a watchdog on spending. He keeps an even hand on the needs of business and the working man, but is inclined to keep the need of America foremost in his voting.

Yes, he is "real people" and he is "incredible." Congress needs more John Duncans.●

AQUINAS THIRD STRAIGHT STATE TITLE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mrs. JOHNSON. Mr. Speaker, last month, special honor was bestowed on all of New Britain, Conn., as the St. Thomas Aquinas High School basketball team brought home the Class M title for the third straight year. It would be an understatement to say that most high school basketball teams would be satisfied to bask in the glow of one State championship. But to accomplish the feat 3 years running takes very special individual and team spirit and discipline. As the New Britain Herald reported this accomplishment: "To accomplish the feat three times in a row, though, takes something extra special. It takes the intangible elements of pride, hustle, desire, and determination to explain why and how the Aquinas Saints are Class M State champs for the third straight year." Not only the team, winner of the Most Valuable Player Award Josh Farrell, but all the students and faculty deserve special recognition for reaching this pinnacle for the third straight year.

I commend to my colleagues' attention the following article which appeared in the March 28 New Britain Herald:

[From the New Britain (Conn.) Herald, Mar. 28, 1983]

TWO GOOD REASONS TO CHEER AT AQUINAS: THIRD STRAIGHT STATE TITLE—AND A DAY OFF

(By Gary Grabowski)

NEW BRITAIN.—The announcement on the PA at Aquinas High was no surprise today—the school's basketball team had won a third straight Class M title Saturday night—but the student body, still celebrating the victory, had even more to cheer about—an extra day off.

Father William Pryzbylo, school principal, revealed to the student body of 600, "We'll be announcing tomorrow that the school will be getting a day off because of the title," achieved when Aquinas scored a 73-57 victory over Sacred Heart of Waterbury at Central Connecticut's Kaiser Hall.

Fr. Pryzbylo told The Herald, "Everybody here is real happy about that. We will have a spring banquet, and awards will be given out to the kids, but all that's in the planning stages. Everyone's in a good mood here right now."

It's an understatement to say that most high school basketball teams would be satisfied to bask in the glow of one state championship.

TAKES SOMETHING SPECIAL

To accomplish the feat three times in a row, though, takes something extra special. It takes the intangible elements of pride, hustle, desire and determination to explain why and how the Aquinas Saints today are Class M state champs for the third straight year.

The Saints reached that pinnacle by virtue of their win Saturday night before a packed house at Kaiser Hall of 4,200 strong.

Aquinas was led by the superlative effort of Josh Farrell.

The All-State guard, who has more moves than United Van Lines, fired in a game-high 23 points, and dished out 10 assists. He won the tournament's Most Valuable Player Award.

It was a game in which Sacred Heart's skills were no match for Farrell and Aquinas tradition.

"I didn't sleep at all last night but I feel much better now," said a water-soaked Aquinas coach Bill Cardarelli moments after his 'traditional' toss in the shower. "We didn't play our game in the first half. We had a lead, but they cut it to three, to one keeping it close. But we did what we had to do. Josh Farrell and Carl Miazga did it all year for us and they did it tonight. And Andy Misiolek picked up the slack in the first half for us. We were destined for this, but I don't know why. Maybe school principal Father Bill Pryzbylo has the answers," Cardarelli said smiling.

The Saints finished the season with a sparkling 23-5 record becoming just the third team ever to win three consecutive Class M titles. Branford accomplished the feat from 1945-47 and Corny Thompson and the Middletown Tigers swept to three straight crowns 1976-78.

FARRELL'S COMMENTS

"Every one of the titles is special," said Farrell, who along with Miazga has been a part of all three championships. "Winning three in a row is just great. It's something you dream of. This season, though, was the hardest road to travel. Everybody's gunning for you. You have a lot to gain, but a lot to lose."

Sacred Heart, which finished the year 18-8, stayed with the champs for three quarters being on the thin side of a 19-18 first quarter score, trailing by three at the half, 33-30, and by a field goal through three, 45-42.

Aquinas cushioned its lead at the start of the final period to go up, 51-44 on a driving layup by Farrell at 6:45. That's when Aquinas got a real scare as Farrell collided with one of the referees after laying the ball in. The seven point lead suddenly seemed very deflatable.

"I hurt my right knee," said Farrell. "But I didn't want to come out. It really hurt me at first. I knew, though, if I could give it a couple of minutes I'd be all right."

Farrell was able to stay in the game and the Saints continued to put more space between then and Sacred Heart, and less time between them and a third consecutive state title.

When Andy Misiolek punched through a pair of free throws at the 4:09 mark, Aquinas was up by a commanding 15, 61-46, and the Saints knew history was going to repeat itself.

"We're like a family," said Miazga, who finished with 12 points and a shopping game-high 15 rebounds. "We all know our potential and the potential of each other. We're able to bring it out in each person. For me, it's going to seem weird not to put on an Aquinas uniform any more. The school has been like a second home to me."

TEAM'S SCORING

Besides Farrell's 23 and Miazga's dozen, Chris Loughlin and Misiolek netted 16, and 11 points respectively. Both Misiolek and Loughlin turned in sound efforts.

Cardarelli said his team's strategy in the second half was to keep Sacred Heart's scoring opportunities to a minimum.

"We were concentrating on giving them one shot," said the fourth year coach. "We wanted to keep them off the boards. (Anthony) Perry wasn't hitting and (Calvin) Glenn cooled off."

After being outrebounded 18-16 in the first half, the Saints, paid heed to Cardarelli's words by outrebounding Heart, 21-15, after intermission for a 37-33 final edge.

Glenn kept Sacred Heart right on the Saints' heels in the first half canning eight points. But the Hearts never had Aquinas in a dangerous position.

SACRED HEART COACH COMMENTS

"They wanted that third championship and they weren't going to let anyone get in their way," said a disappointed Sacred Heart coach Ed Generali. "And I can't say enough about Farrell. He's a super ballplayer. He's so hungry. He has the talent to start with but he just keeps his team so loose all the time. Aquinas was the best team in Class M without a doubt."

"You know," said Cardarelli, "We went 23-5 and it gets a little hard when you're going at it for that long. The kids, though, responded to the challenge. You take someone like senior Jimmy Marzi. He's our ace on the side. He hasn't gotten much playing time, but he's always cheering, keeping everybody loose. That means so much to everyone."

Pacing Sacred Heart was Perry with 16 points followed by 12 each from Peter Tehan and Glenn.

Loughlin added seven rebounds while guard Kurt Bauer picked off five caroms to aid the Saint cause.

Heart was 25 of 58 from the floor for 43 per cent to Aquinas' 25 of 61 for 41 per cent. The Saints hit 23 of 31 free throws to seven of 17 for the Hearts.●

NUCLEAR FREEZE MOVEMENT

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. SOLOMON. Mr. Speaker, as the vote on the nuclear freeze resolution is approaching, I would like to bring to the attention of my colleagues an important article regarding certain elements of the nuclear freeze movement. This article, which appeared in the Wall Street Journal this past week (April 14) describes coordination between the Institute for Policy Studies and the Moscow-based Institute for the U.S.A. and Canada. The latter institute is composed of members of the Communist Party of the Soviet Union (CPSU), some with known KGB backgrounds, and headed by Georgi Arbatov, a longtime friend of Yuriy Andropov's. In fact, Andropov's son worked for this institute for a time.

It is a matter of grave concern that 30 members of this Soviet institute will be meeting with 40 to 45 persons in the U.S. peace movement at a conference in the United States, sponsored by the IPS, on May 24-28, to plan strategy. I recommend that my colleagues read the following article.

The article follows:

[From the Wall Street Journal, Apr. 14, 1983]

THE LEFT FETES TWO FINE FELLOWS, BUT WHERE WAS BIANCA?

(By John C. Boland)

Saul Landau, a film maker and writer, confided several years ago to a friend in Cuba that he planned to devote himself to "making propaganda for American socialism." His latest production may benefit from American socialism, if it gets picked up by the Public Broadcasting Service. But it also should reassure Third World Marxists that Mr. Landau hasn't turned his back to their struggles.

The auteur of documentaries extolling Fidel Castro and Jamaica's former prime minister Michael Manley, Mr. Landau recently returned from Nicaragua, where the Sandinista government permitted him to travel with troops and to sit in on the interrogation of political deviants. Hasten to say, Mr. Landau's topic wasn't torture in Nicaraguan prisons or subjugation of the Miskito Indian subculture. Rather it was allegations of Central Intelligence Agency support for a covert war against the Nicaraguan regime.

Mr. Landau, a slim man in his late 40s, had a chance to boast about his project to admirers the other evening (and to sigh in disgust at PBS's editing demands). The occasion was a celebration marking 20 years of "independent thought" at the Institute for Policy Studies, a leftist think tank in Washington of which Mr. Landau is a senior fellow.

The affair attracted middle-drawer celebrities, including Harry Belafonte and Ralph Nader. Bianca Jagger, a big draw for the press, was promised but didn't attend. For special interests, there was Rita Mae Brown, author of "Rubyfruit Junge," along with a clutch of current and former members of Congress (notably Ron Dellums, Robert Kastenmeier and George McGovern); a court-of-appeals appointee of the Carter administration, Abner Mikva; and reporters from such diverse outfits as National Public Radio, People magazine, the Washington Post, the Nation and the American Spectator. The chairman and host was Paul Warnke, a Washington lawyer who headed the U.S. Arms Control and Disarmament Agency in 1977-78 in the Carter administration.

But the stars, in old tweed jackets, were two graying anti-Vietnam activists and disarmament crusaders, dropouts of the Kennedy administration who founded IPS: Richard Barnet and Marcus Raskin. Mr. Warnke, Mr. Nader and several other luminaries testified to Mr. Barnet's and Mr. Raskin's intellectual vigor and pluralist instincts. Mr. Barnet and Mr. Raskin briefed reporters on the fallacies of the Reagan administration's arms-control proposals. Harry Belafonte briefed People magazine. "The word," he lilted, "is 'insanity.'"

Affairs of this sort demand a special perspective. A Reagan administration appointee, duped by friends into attending, voiced a preference for the "Friends of Ray Donovan" dinner. But if the moral or political uplife wasn't satisfying, the gathering provided a few insights into what's up on the left.

What's up is a new, noisy, big-budget round in the disarmament campaign, cosponsored by the IPS and another pluralist, scholarly organization, the Institute of the USA and Canada, a Moscow-based arm of the Soviet Academy of Sciences.

Some 30 delegates from the Soviet institute, along with 40 to 45 Americans, drawn largely from the peace movement, will convene May 24-28 in Minneapolis, with IPS and Moscow footing the bill. An IPS organizer describes the U.S. delegation as "extraordinarily heterogeneous," including Mr. Barnet, Mr. Raskin, Mr. Warnke, Roger Wilkins, Randall Forsberg (an architect of the nuclear freeze proposal), clergymen, academics, businessmen and exiles from the Carter administration.

If that doesn't sound especially heterogeneous, the Soviet roster isn't likely to be, either. A CIA report on the Institute of the USA and Canada, declassified last November for hearings on "Soviet Active Measures" before the House Select Committee on Intelligence, described the institute as made up predominately of Communist Party members, "some with an intelligence background and all with an interest in promoting lines of thought that will serve Soviet policies." The report noted: "There are staff members at the institute who have been affiliated with the KGB in the past. Some have retained these ties in one form or another. . . . A few institute members who work on military-related matters were officers in the Chief Intelligence Directorate (GRU) of the Ministry of Defense before they joined the institute."

The convocation will discuss arms control, means of "creating conditions for peace," the role of the United Nations, issues of human rights, and attitudes toward the Third World, according to an IPS spokesman.

The hoped-for impact, of course, is stepped-up pressure on the Reagan administration to back off from rearmament at home and from deployment of the Pershing II missiles in Western Europe—issues on which IPS has been organizing seminars and Capitol Hill briefings for more than a year. The gathering in Minneapolis promises to be a media event of the first magnitude, and a boon to the disarmament camp. Says the IPS spokesman, "We're trying to secure as much press coverage as we can." To that end, IPS recently signed on an Alexandria, Va., firm as outside public relations counsel.

The spokesman declined to disclose the budget for the filing but said, "It's going to be expensive." The institute has been out knocking on foundation doors for support.

Not to worry. Last week's bash in Washington brought out some traditional IPS moneybags: Cora Weiss, heir to the Samuel Rubin (Faberge) fortune, and director of the Riverside Church Disarmament Program in New York; and Philip Stern, of the Stern Fund. There's always money for a good cause.●

IMPORTED TOBACCO

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. HOPKINS. Mr. Speaker, If larger quantities of cheaper, imported tobacco begin to enter this country, there is no doubt in my mind that this tobacco will be bought instead of our American-grown tobacco. Americans are going to smoke. It is a matter of whether people will be smoking American tobacco or more foreign tobacco.

Imports already account for three-tenths of the tobacco in cigarettes produced in the United States. People are not going to get healthier by smoking imported tobacco and, as a matter of fact, many of our health safeguards, such as pesticide restrictions, are not in place in the Caribbean countries.

But, the Federal tobacco price-support program is not a health issue in the first place. It is an economic one. Below, in a statement given to the Senate Finance Committee in its hearings on the Caribbean Basin Initiative on April 13, I pointed out the economic harm the importation of duty-free tobacco from Caribbean countries would have on tobacco farmers. I asked that tobacco be excluded from this duty-free list of agricultural products. After all, tobacco farmers are taxpayers, too, and it is they who will be paying for this program if it is enacted.

Below is the complete text of my statement to the Senate Finance Committee:

Mr. Chairman, I appreciate the opportunity to submit this statement to the Senate Finance Committee for consideration during deliberations on S. 544, the Caribbean Basin Economic Recovery Act. I am unable to present this statement in person because the Subcommittee on Tobacco and Peanuts is holding hearings at this time to review the tobacco price support program.

Let me take this opportunity to say that I'm not opposed to the Caribbean Basin Initiative concept in its current form. I applaud the President's efforts to economically assist the Caribbean countries. I am concerned, however, that this assistance not be to the detriment of American citizens. As ranking minority member of the Subcommittee on Tobacco and Peanuts, of the House Committee on Agriculture, and the representative from the largest burley tobacco-producing Congressional District in the country, I am particularly alarmed by the potential for economic harm to America's tobacco producers.

As you remember, last year, the Congress passed the NO Net Cost Tobacco Program Act. Beginning with the 1982 crop, the tobacco program operated at no net cost to the American taxpayers, except for administrative expenses. Any losses on price support loans will be paid by the tobacco farmer from a fund made up of farmer contributions. Tobacco producers cannot efficiently operate their price support program at no cost with potential interference from duty-free tobacco.

Imports of tobacco have been increasing steadily in recent years. In 1972, total imports of unmanufactured tobacco for which duties were paid were 229 million pounds. In 1982, that figure had increased to 376.5 million pounds. With the duty-free treatment of tobacco from Caribbean countries as provided for in S. 544, the possibility exists for further increases in imports.

I am distressed by this possibility. If larger quantities of cheaper, imported tobacco begin to enter this country, there is no doubt in my mind that this tobacco will be bought instead of our American-grown tobacco. Let me set up a possible scenario. The marketing quota for any particular year attempts to forecast the amount of tobacco needed for domestic and foreign markets, with a slight carryover. When a marketing quota is announced by the government, individual farmers are told how much tobacco they will be allowed to market. Based on this quota, whatever it is for that year, farmers make plans—credit plans, plans for labor needs, and so forth. After they harvest, the farmers go to market expecting some fair return on their investments, only to find out that the buyers don't need quite as much tobacco as they planted—either buyers don't want it or they offer a low price for it. Why has this happened?

I'll tell you why—because cheaper tobacco has become available and buyers, who understandably are looking for the best price, are simply purchasing the cheapest tobacco. Then, if that home-grown tobacco is not sold at auction for at least one cent more than the established price support loan level, it goes into the pool—in other words, under loan. The farmer, as I mentioned earlier, is responsible for any losses that might occur on sale of this loan tobacco. That's where his contribution to the no net cost fund comes in. If that loan tobacco can only be sold at a loss, the farmer's contribution to the no net cost fund increases the next year if the fund is not large enough. Understand—at this point, the imported tobacco is no longer duty-free. Who is paying the duty? I'll tell you who—the American tobacco farmer, that's who!

Tobacco is the only price support commodity that is required by law to operate at no net cost—the only one. I think it's unfair to threaten the livelihood of tobacco farmers with the possibility of increased imports—there are plenty of cheap imports in the marketplace already. This added threat to their livelihood, on top of the existing financial crisis in the agricultural sector of our economy, is asking too much of our American tobacco farmers. I think it's time to take a little better care of the American people first.

I say to my colleagues who, whenever the word tobacco is mentioned, start talking about smoking and health, that this is not a health issue—it is an economic issue. Americans will continue to smoke. It's a matter of whether people will be smoking American tobacco or more foreign tobacco. Imports already account for three-tenths of the tobacco in cigarettes produced in the United States. People are not going to get healthier by smoking imported tobacco and, as a matter of fact, many of our health safeguards, such as pesticide restrictions, aren't in place in the Caribbean countries.

In February 1982, the Department of Agriculture indicated that there was a shortage of burley tobacco. The Department confirmed this by raising the marketing quota for 1982 by 3 percent. The burley farmers responded by raising a record crop in Kentucky. After the crop was ready for market, USDA said they raised too much, now we have a surplus, so they lowered the price support loan for the 1982 crop. Now, even though we have a surplus of tobacco in our country, we are going to increase the potential for more tobacco to come into the country—by giving certain imports duty-free status.

Too much tobacco drives down the price. When prices are low, more tobacco goes into the pool—it's eligible for price supports. When more tobacco goes into the pool, the marketing fee goes up. And in essence, the farmers in my District pay the duty on this "duty-free" tobacco.

I am informed by the U.S. Department of Agriculture and the Special Trade Representative's office that the impact on American tobacco will be minimal, approximately 30 million pounds. If this is the case, if so little tobacco is expected to be imported under this legislation, its exemption would not impact significantly on the intent of the legislation.

I ask this Committee to give careful consideration to the points I have raised. The exemption of tobacco from those articles eligible for duty-free entry into the United States is vital to the effective operation of the no net cost tobacco program. In your deliberations on ways to help the economies of countries in the Caribbean, I respectfully request that you keep in mind the effect this legislation will have on America's tobacco farmers. They, too, pay taxes and will be paying for this program if it is enacted.

I appreciate the opportunity to submit this statement for consideration.●

THE 75TH ANNIVERSARY OF THE NEW YORK COUNTY LAWYERS' ASSOCIATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. GREEN. Mr. Speaker, today I would like to recognize the New York County Lawyers' Association on the 75th anniversary of its date of incorporation.

The NYCLA, an organization that draws membership from every section of the legal profession, is one of the largest county bar associations in the United States and has long held an important position of leadership in New York City, the legal capital of the country. The association's membership includes elected and appointed government officials, the judiciary and court staffs, the major law firms, single practitioners and newly admitted attorneys.

Among the first bar associations in the country to lift race, sex, and color biases from membership qualifications, the NYCLA was one of the earliest bar association authorities on professional ethics. The anniversary of this organization marks 75 years of dedication to the legal profession and the public. It is with pleasure that I bring this occasion to my colleagues' attention.●

THE HIGHWAY SAFETY ACT OF 1983

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. LANTOS. Mr. Speaker, this morning I am introducing legislation that will reduce the needless slaughter on our highways and save tens of thousands of innocent lives over the next few years.

The Highway Safety Act of 1983 is a comprehensive piece of legislation that attacks the causes of death and destruction caused by traffic accidents on two levels.

First, it is a bill to set safety standards for vehicles, to make certain the cars we drive will be better able to pro-

tect us in case of an accident. Among other requirements, this bill would reinstate the 5-mile-per-hour bumper standard for cars manufactured on or after September 1, 1984. It will require all manufacturers to install airbags in all automobiles made on or after September 1, 1985, and it would require high-mounted rear stoplamps on cars made on or after September 1, 1984. These standards and devices, along with others in the bill, have been shown by research to be effective in saving lives, and it is time they were implemented.

Second, the bill is a preventive measure aimed at that segment of the population which causes more than its share of injuries—teenagers who have been drinking. The crucial section of the bill would encourage States to adopt a minimum drinking age of 21 years, while providing grants for auto safety to those States which already enforce that age limit. It would ask States as well to enforce more vigorously laws against drunk and drugged drivers by making those States eligible for Federal grants.

The slaughter on our highways must stop. Forty-five thousand lives each year are lost, not from war, but from death on our roads. This bill fulfills one of the highest purposes a government can achieve—it will save lives of its citizens.●

FOR THE CATHOLIC BISHOPS—THE FULL IMPLICATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. McDONALD. Mr. Speaker, for several weeks now, material has been puring into my office from all over these United States on the matter of the nuclear freeze. It appears that a very severe conflict exists between those who would surrender to the forces here on Earth that directly represent Satan, and those who would keep God's law and fight for what is right and just.

In Massachusetts, there exists a group that calls themselves, Catholic Laymen for a Just Peace. They recently published an "Open Letter to Catholic Bishops," seriously questioning the November 1982 proposed pastoral letter on war, armaments and peace.

Yesterday, I shared with my colleagues an article by John Snyder titled "Misled Church Leaders." Today, I would like to share with my colleagues the letter from the Catholic Laymen for a Just Peace. For Members of this body, this letter not only questions the moral question of the "better Red than dead" syndrome, but more important, questions the activities of those who advocate and vote for the United Nations, for technology transfer to the Soviet Union, against the defense of these United States, and top it all off by supporting the arbitrary one-sided unilateral disarmament of these United States. They call it the nuclear freeze. And I think it no mistake that the saying around Washington, D.C., these days is: "Let those who sold out Vietnam—now give you the Nuclear Freeze."

"An Open Letter . . . To Each Of The Catholic Bishops" follows:

AN OPEN LETTER . . . TO EACH OF THE CATHOLIC BISHOPS

Your Excellency: We have read the November 1982 Proposed Pastoral Letter On War, Armaments and Peace. As Catholic laymen, we find it difficult to believe that there has been no decisive repudiation of both the Letter and those who are responsible for its composition.

Our purpose in writing this Open Letter is to ask each Catholic Bishop to consider carefully what has been proposed in his name. In our considered opinion, neither a Catholic nor a patriotic American should have anything to do with this document.

It is, of course, perfectly proper for spiritual leaders to publish carefully drawn guidelines on moral issues. The practice, far from earning our condemnation, is one which we readily applaud. Consistent with our attitude about such episcopal statements, we offer some recommendations for inclusion in any future Pastoral Letter which addresses the subject matter of the proposal of November 1982.

ANTI-NUCLEAR HYSTERIA LEADS TO BLASPHEMY

The letter states: "Today, the destructive potential of the nuclear powers threatens the sovereignty of God over the world he has brought into being."

This statement is a prime example of the excesses that have been stimulated by anti-nuclear hysteria. As terrible as nuclear war might indeed be, it is pure myth to hold that civilization would be terminated in its aftermath. Such excesses lead to the erroneous and dangerous conclusion that defense against nuclear sabrerattling is pointless, or even morally wrong.

It is bad enough that this Letter perpetuates and dignifies these grossly exaggerated fears. But to enlarge them by stating that anything, nuclear weaponry included, "threatens the sovereignty of God over the world" is far worse.

Is this not blasphemy? How can the God Who created both nuclear power and the world now find the one threatening His sovereignty over the other? Have nuclear weapons become a newer and more powerful god?

Yes, the destructive power of nuclear weaponry is frightening. But to God? The kind of thinking which produces such fallacious notions about God and about weapons permeates the entire Letter. It is unworthy of our Faith and deserves no support whatsoever. Rather, it should be challenged and repudiated.

PACIFISM NOT A CHRISTIAN PRINCIPLE

We fear the Letter carries the strong implication that Christ was a political pacifist and that His followers should likewise be so disposed. Christ clearly was not a pacifist. The peace He so often discussed was not worldly peace but peace on earth to the souls of men of good will and eternal peace in heaven. Yet the Letter employs numerous scriptural passages to suggest that He sought merely a peace of this world.

What ever happened to the "Church Militant" to which we are supposed to belong? Christ's message clearly teaches that, in defense of truth and in response to injustice, men will indeed by called upon to fight and to suffer. Is this not what He meant when He said: "Do not think that I came to send peace upon the earth: I came not to send peace but the sword" (Mt. 10:34)? And, even if heroic sanctity can lead some to suffer great injustice for the sake of Christ, no one should be induced to acquiesce supinely to injustice out of fear of man.

Christ the man is also Christ the eternal God. He divine nature wills the violence of hurricanes, floods and other natural disasters. Further, it is He who wills that each of us must die. These are hardly the products of the will of a pacifist. To suggest, as the Letter does, that Christ advocated pacifism is to separate falsely His two natures, and then to distort His human nature.

The Letter states: "In all of his suffering, as in all of his life and ministry, Jesus refused to defend himself with force or with violence." What about a furious Christ defending "My house" by driving the money changers out of the temple?

Nowhere does the Letter make any distinction between Christ fulfilling the role of sacrificial lamb and His teaching us how to live. Yes, He refused to respond physically to the torture and death He willingly suffered for the redemption of mankind. But He does not demand that men should never rise to the defense of a just cause. If He did, then we must condemn the Popes who authorized the Crusades, the warriors who fought in them, St. Joan of Arc who led an army into battle, and so any more.

On the matter of pacifism, we must never forget that God has placed some of us in a position of responsibility for the lives and well-being of others. If a Bishop wishes to refuse to fight against the oppression and injustice of another, he may possibly consign himself alone to slavery. But what of his flock? Or, what of the father of small children, the husband of a gentle woman, or a son with aged and dependent parents? Not to fight for the spiritual and temporal well-being of those who are dependent is a sinful shirking of responsibility. Yet this Letter encourages such shirking by encouraging a pacifist mentality.

AGREEMENTS WITH COMMUNISTS

The Letter states: "We emphasize the need for agreements among the great powers, and particularly between the United States and the Soviet Union."

Further, we read: "Examples (of agreements already concluded) are the various test ban treaties, treaties banning nuclear explosions in space and under the sea, and the two SALT agreements."

Over the past fifty years, the United States has entered into scores of agreements with the Soviet Union. But the Soviets have broken virtually all of them—to Soviet advantage. They broke the highly publicized test ban treaty concluded by President Kennedy with a spectacular series of nuclear explosions. They broke SALT I by concealing missile silos, hiding nuclear-armed submarines and developing an anti-ballistic missile. SALT II, never ratified by the U.S. Senate but nevertheless adhered to by the U.S. government was broken when the U.S.S.R. deployed 200 SS-16 ICBMs pointed at the free world.

The only advantage gained by signing agreements with the Soviet Union is gained by the Kremlin. As a result of the succession of arms control agreements which the Letter holds up as examples of progress, the United States has become relatively weaker and the Soviet Union has become stronger. Any suggestion that our nation enter into more agreements and conduct more negotiations with such a lying regime is both naive and dangerous. If continued, the process may indeed help to avoid war; but it will undoubtedly also invite surrender.

THE GODLESS UNITED NATIONS

The Letter states: "The missing element of world order today is the absence of a properly constituted political authority with the capacity to shape our material interdependence in the direction of moral interdependence."

Further, the Letter adds: ". . . we urge a more supportive role for the United States in the United Nations. The factual interdependence of the world requires new structures of cooperation. The United States helped to found the United Nations: we should renew a positive creative role in its life today."

The Letter bulges with attacks on the national sovereignty of the United States, as if the very existence of our free and independent nation were the cause of bringing the world to the brink of nuclear war. But is it not the aggression of the Soviet Union which is menacing both the world and ourselves? This consummately evil regime has conquered all of Eastern Europe, implanted history's bloodiest tyranny in China, sponsored revolution and turmoil throughout Africa and Latin America, invaded Afghanistan, suppressed even a glimmer of hope for freedom in Poland, and even inflicted near mortal wounds on Pope John Paul II. Why attack the independence of the United States?

The Godless United Nations has become recognized by many of its former champions as a Soviet-dominated, anti-American forum for propaganda and subversion. Only a few years after he voted for our nation's entry into the organization, the late Senator Robert Taft announced deep regret for his vote and concluded: "The UN is a trap; let's go it alone!" The abundance of evidence to support the wisdom of his conclusion should not be overlooked by leading Church spokesmen.

The United Nations is fundamentally flawed. It is a house built on sand, not on God's law or even with a recognition of His existence. Why is it not obvious to Catholic Bishops that the U.N. places supremacy of the state above both God and man? Far from supporting it and urging additional backing from the United States, a better suggestion would be that the United States honor its own identify "under God" and withdraw from the organization. Then, the creation of a league of free nations represented by men of honor could reasonably be entertained.

ARMING THE SOVIETS?

There is no mention anywhere in the Letter of the disgraceful policies of successive Administrations which have tolerated and even encouraged the transfer of equipment, technology and money to the Soviet Union and other Communist nations. Early in 1982, Senator William Armstrong of Colorado spoke out about this sordid business. He said in part: "In the last ten years alone, the United States and other Western nations have sold to the Soviet Union and its satellites more than $50 billion worth of sophisticated technical equipment the Communists could not produce for themselves. *This equipment has been used to produce nuclear missiles . . . .*" (Emphasis ours.)

It is today, and always has been, morally indefensible to give anything at all to murderous Communist tyrants. No one ever helped a victim of Communist oppression by supplying his captors the wherewithal to sustain totalitarian power. And no one should be deluded into thinking that shipments to Communist nations of anything, even of food, ever reach the people except through the government which then uses whatever is provided to maintain its control and to advance its evil designs.

But the flow of goods from West to East has become such a flood that the parts and technology to produce nuclear missiles are now included. One way to reduce nuclear war becomes obvious: Stop the West from giving the Soviet Union the capability to threaten one. That the Bishops of America could overlook such a dramatically relevant consideration in their Letter disqualifies them as reliable assessors of modern political and moral realities.

AREN'T WEAPONS MORALLY NEUTRAL?

War in and of itself is only a physical evil no matter how destructive it might be. But the principle at stake is often a moral evil, and a moral evil is greater than a physical evil. It is, for instance, better to fight than to be slaughtered. It is also better to fight than to allow oneself, one's children, or one's nation to be forced to deny God or worship idols.

Because the mere possession of nuclear weapons by the United States is a strong deterrent to nuclear attack, and because their limited use could indeed stop an enemy advance, these weapons are not evil in themselves but are morally neutral. How they are used should be the subject of any discussion having to do with morality. But the Letter has condemned all use, implicity even the threat to use them defensively. Do the Bishops seriously expect that the leaders of the Soviet Union will also abide by their moral strictures?

WON'T NUCLEAR FREEZE HARM U.S.?

History teaches us that several "ultimate" weapons had led some to the conclusion that war had become unthinkable. When, for instance, the crossbow was invented, such was the case. But counter weapons were developed and tyrants were once again restrainable.

In later years, similar arguments were voiced when gunpowder and the airplane were invented. But, again, more counter weapons for defense were produced and the fear that a few could rule all disappeared.

Now, the nuclear bomb is in our midst. Like the other supposedly ultimate weapons of history, there is no likelihood that it will be disinvented. Nor is there any way to outlaw its use, especially such use by the proven liars and murderers in the Kremlin. Therefore, it becomes both a wise and moral course to find a counter weapon which will render the nuclear bomb ineffective.

In April 1982, after noting that agreements made with the Soviet Union had already left the United States in an inferior military position, nuclear scientist Dr. Edward Teller addressed the need for such a counter weapon. He wrote: "In the last few years, there has been an accelerating trend of finding and developing weapons—many of them nuclear in nature—which could blunt and conceivably even stop a nuclear attack. A deep freeze on nuclear arms will leave us (the United States) in a hopeless situation."

The proposed Pastoral letter offered by the Bishops of the United States in November 1982 recommends the type of freeze on the development and testing of nuclear weapons which will lock America into this "hopeless situation." How many Bishops, in whose name only a few are speaking, have considered this startling aspect of their proposal?

WHY NOT RECOMMEND?

Any Bishop who wishes to champion a moral cause relative to war, armaments and peace has an abundance of matters to address. He could:

1. Condemn aggression of the Soviet Union and its satellites.

2. Condemn the practice by the West, and especially by the United States, of supplying equipment, technology and money to any Communist state.

3. Urge an end to compromising the legitimate interests of the United States and many other nations which results from agreements, pacts and treaties entered into with the proven liars and double-dealing thugs who rule Communist nations.

4. Condemn U.S. defense policies which are based on holding civilian populations hostage (the Mutual Assured Destruction policy for one). At the same time, urge the development of anti-weapon weapons and technology which could counter the potential destructiveness of nuclear weapons without involving vast numbers of human beings.

5. Urge American leaders to reassess our nation's commitment to the Communist-dominated United Nations.

WISDOM OF POPE PIUS XI

Over forty years ago, Pope Pius XI declared in his encyclical *Divini Redemptoris* ("On Atheistic Communism") that a world characterized by justice and charity can only be "built on solidly Christian foundations." The wisdom of his teaching leaves no room for the Godless United Nations; nor does it allow for negotiations with Communists, supplying Communists or shutting one's eyes to their unremitting march toward world domination.

In summary, this Pope condemned the legacy of Marx, Lenin and Stalin in terms that ought to be given as much prominence today as when he wrote them in 1937: ". . . Communism is intrinsically evil, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever."

Is there no Bishop in America today to echo this wisdom? Would any dare suggest that Pope Pius XI had committed an error in this moral teaching, or that his condemnation no longer has any moral force? Are we in such a sorry state that the leadership of the Catholic Church in the United States chooses to collaborate by compromising with evil and urges others to do the same?

As spokesmen for a group of Catholic laymen, we beg each Bishop in our nation to give us better leadership and to stand for enduring principles. Repudiation of the November 1982 Proposed Pastoral Letter would be an excellent beginning.

May we hear from you? Be assured of our prayers for yourself, for our beloved Church and for our beleaguered nation.

Sincerely,

JAMES P. QUINLAN,
Co-Chairman.
JOHN F. COLBY,
Co-Chairman,
Catholic Laymen
For A Just Peace. ●

NEW YORK COUNTY LAWYER'S ASSOCIATION'S 75TH ANNIVERSARY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WEISS. Mr. Speaker, today on the occasion of their 75th anniversary, I rise to commend the New York County Lawyer's Association (NYCLA). I am proud to be a member of this progressive service-oriented association.

One of the largest county bar associations in the United States, the New York County Lawyer's Association has used its leadership position to set ethical and legal precedents. NYCLA was among the first bar associations in the country to open membership to all attorneys, regardless of race or sex, and was one of the earliest bar association authorities on professional ethics. Recommendations made by the NYCLA's 65 committees have been adopted by New York State courts and have resulted in hearings by the House Rules Committee.

The New York County Lawyer's Association reaches out to young, newly admitted attorneys. Its Practical Legal Education series offers basic courses as well as specifics such as taxation practice and family law. Through its Practical Legal Education series, the New York Lawyer's Association gives young attorneys pragmatic exposure to legal practices and procedures.

The New York County Lawyer's Association has met its obligations to the public and the legal community for three-quarters of a century. I am proud to bring its record of service and achievement to the attention of the Congress of the United States.●

MAKING FAMILIES PAY FOR NURSING HOME CARE—OR HELP THEM PAY FOR HOME CARE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BIAGGI. Mr. Speaker, on January 3, I reintroduced legislation which would provide a tax credit to families who care for elderly family members at home. This bill, H.R. 76, would both assist elderly citizens in averting unnecessary or forced institutionalization in long-term care facilities or hospitals and help families with a $500 tax credit to ease the financial responsibility of such care. While measures such as H.R. 76 have been introduced in the past at a time when we are seeking to curb health care costs, I believe that such a proposal must be seriously reexamined in light of the recent policy announced by the Health Care Financing Administration which would permit States to require adult children of nursing home residents to contribute to the financial support of their relatives as a back-door means of cutting medicaid costs.

At present, medicaid is the largest single Government provider of long-term care services—over one-half the national bill as compared to 1.3 percent being paid for by private insurance and 2 percent by medicare. When one considers that there are now over 1 million residents of nursing homes who use medicaid to pay for their health care, we must recognize that we are talking about a significant portion of our dependent elderly population.

In addition, there has been a dramatic growth in nursing home care costs, especially after 1972 when intermediate care facility treatment was added to the benefit package. By 1975, this change alone resulted in ICF care exceeding skilled nursing care and a concurrent doubling of the medicaid long-term care bill by over 100 percent to $4.3 billion. Today, medicaid expenditures have again doubled since 1975 as a result of a number of added factors: The rising costs of care which is disproportionate when compared to the growth of recipients; elimination of provisions for family supplementation of nursing home payments and SSI provisions which reduce benefits to beneficiaries living with each other, creating a situation where a family may be better off financially by placing a disabled member in a nursing home.

There is a belief on the part of the current administration that entitlement to medicaid nursing home benefits has increased the use of such services and a subsequent rise in Federal spending. There is further belief that families have transferred their assets to render themselves eligible for this benefit and that lack of requirements for family financial participation has served as an incentive to institutional placement. Requiring some form of family responsibility is seen as a way to reduce nursing home placement and to provide for cost-sharing by those families who can afford to contribute to such care.

There are a number of problems associated with such a policy. First, no research has indicated that imposing means tests upon families of institutionalized adults will yield additional large sums of money. Second, devices to make families pay, such as lien laws could have substantial negative consequences such as forcing the elderly forego health care altogether.

Finally, we have not seen a definition of "adult child" by HCFA and it should be pointed out that 22 percent or 286,000 of our 1.3 million nursing home residents are 85 years of age and older. This could in fact mean that the "adult child" referred to by HCFA is not a milddle-aged son or daughter living in suburbia with three children, two cars, and a home. The "adult children" of this segment of the nursing home population could be well into their sixties—and lacking the same financial resources as their parents if they are at or near retirement.

A 1980 study by HCFA of this issue noted:

> Some 3.6 to 7.8 million individuals may be receiving services from family or friends or may be in need of such services but are making do on their own.

The study concludes that between 60 and 85 percent of all disabled or impaired persons are helped by the family in some significant way.

The only way that imposing such a familial responsibility requirement upon the medicaid program would be to couple this requirement with modifications that allow the family alternatives to paying for nursing home care. I believe that passage of H.R. 76, would be an incentive for families to assume a greater responsibility for the elderly and would, in turn, help abate rising health care costs.

As chairman of the Subcommittee on Human Services of the Select Committee on Aging, I intend to conduct hearings on this very important question to examine the feasibility of adopting legislation such as H.R. 76 if we are, at the same time, seriously seeking to impose financial obligations upon families of nursing home residents.●

VERMONTERS' VIEWS ON KEY ISSUES FACING CONGRESS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. JEFFORDS. Mr. Speaker, tabulation of the results of my ninth annual questionnaire has just been completed.

As in previous years, the questionnaire summarizes the views of Vermonters on many of the key issues we face in Congress. I am, therefore, eager to share the results with my colleagues.

Once again, the response to the questionnaire by Vermonters has been tremendous. Nearly 11,000 adults filled out the rather lengthy survey and returned it to my office. I am continually impressed by the high level of participation by the people of Vermont in the issues which affect all of our lives, and by the thoughtful care

which is evident in each questionnaire response.

DEFENSE SPENDING

The first question asked the general views of Vermonters on the increases in defense spending proposed by the administration. "Given that we have agreed with our European allies to increase defense spending by 3 percent (after inflation) each year, which of the following statements comes closest to your opinion?"

The returns showed deep concerns that we are committing ourselves to too much, too fast, in this crucial area. The vast majority said either that we should increase defense by less than the recommended amounts, keep spending at present levels, or reduce it. The statements, and percentages of Vermonters agreeing with each, follow:

A. We should support the President fully in his effort to increase defense spending by 7 to 9 percent per year and try to attain military superiority? (14 percent of Vermonters agreed.)

B. Increase defense spending by more than 3 percent but less than 7 percent per year. (12 percent of Vermonters agreed.)

C. Increase defense spending by 3 percent a year, after inflation. (16 percent of Vermonters agreed.)

D. Keep defense spending even with inflation. (14 percent agreed.)

E. Make significant cuts in defense spending. (44 percent agreed.)

Less than 1 percent of those who returned questionnaires declined comment on this issue.

It is worth noting that support for increased defense spending has slipped considerably during the last couple of years.

My questionnaire of 2 years ago—the beginning of 1981—asked a roughly similar question. At that time, 31 percent of Vermonters said "We must greately step up our national defense effort to attain military superiority over the Soviet Union," while 24 percent said "We should significantly increase military spending, although military superiority is not an attainable goal." In that 1981 survey, 31 percent said we should keep military spending at present levels, and only 14 percent said "We should reduce military spending levels."

Even though the wording of this year's question was slightly different the shift in public opinion is clearly evident.

NUCLEAR FREEZE

The nuclear freeze movement, which was to a large extent pioneered in Vermont, continues to have extremely strong public support.

The issue was expressed in a simple, straightforward manner in the questionnaire. "Do you favor a mutual freeze in the testing, production and deployment of nuclear weapons?" A total of 78 percent said "yes," while 21 percent said "no." Less than 1 percent declined to express an opinion.

Mr. Speaker, it is worth noting that the nuclear freeze issue has probably received more widespread public discussion in Vermont than any other place in our great Nation. It has been debated in the town meetings of a majority of our communities. More recently, it has been debated in public schools throughout our State. The Vermont public has received as much exposure to the arguments on both sides as we have in Congress.

The verdict is far from unanimous. But those who have concluded that the United States should actively pursue a mutual, verifiable freeze add up to a very large majority. Congress should take heed.

MX MISSILE

The questionnaire returns demonstrate widespread skepticism about the need for the MX. Half said the project should be called off completely, and most of the rest said more research is needed before a decision is made for deployment.

The specific question, with percentage responses, follows:

Which of the following best describes your views?

A. The MX should be deployed as soon as possible, in a basing mode that many experts feel is survivable. (18 percent agreed.)

B. We should continue to fund research on the MX, but not produce the missile until a survivable basing mode is certain. (31 percent agreed.)

C. The MX missile should be scrapped entirely. (50 percent agreed.) Again, less than 1 percent declined to voice an opinion.

EUROPEAN DEFENSE

Consistent with the results for other defense-rated questions, Vermonters expressed a strong desire for a reduced U.S. military presence in Europe, with insistence that our allies shoulder a larger part of the burden and efforts to negotiate meaningful weapons reductions.

The question, and percentage responses, follow:

Current NATO policy is to rely on nuclear weapons to repel a conventional weapons attack on Western Europe. This policy, often called the first strike scenario, is based on the belief that the Eastern Bloc has superior conventional weapons. Which of the following statements do you agree with?

A. Continue to rely on battlefield nuclear weapons such as the neutron shell, and modernize these weapons. (18 percent agreed.)

B. Increase our conventional forces in Europe. (10 percent agreed.)

C. Insist that our NATO allies and Japan shoulder a bigger defense burden. (58 percent agreed.)

D. Negotiate reductions in both conventional and nuclear weapons in Europe until parity in both is attained. (59 percent agreed.)

E. Unilaterally reduce nuclear weapons in Europe. (26 percent agreed.)

F. Reduce conventional forces in Europe. (15 percent agreed.)

THE PRESIDENT'S ECONOMIC PROGRAM

Vermonters were asked to check one of three statements, indicating their general level of agreement or disagreement with the President's economic policies. The statements, with percentage responses, follow:

A. We are on the right track and should stay the course. (16 percent agreed.)

B. The general outlines of his program are sensible, but adjustments are necessary. (41 percent agreed.)

C. The program is a failure, and we need to change the economic course. (40 percent agreed.)

Another 3 percent did not indicate agreement with any of the three statements.

By adding together the responses to the first two statements, a majority of Vermonters has indicated that in these difficult economic times, the Reagan administration is pursuing at least the right general approach.

But there are relatively few Vermonters who feel that we in Congress should rubber stamp, without question, every specific proposal we receive from the administration.

ECONOMIC PROBLEMS

It is significant to note, though not surprising, that concern over unemployment has heightened greatly this year.

In last year's questionnaire, Vermonters were divided almost evenly as to whether unemployment, inflation, or high interest rates represented the most serious economic problems faced by our Nation.

The question was worded slightly differently this year, but it is clear that unemployment has become a higher priority concern. The responses also reflect widespread acknowledgment of the complexities of the economic problems which exist worldwide.

The question asked:

Of the following economic problems, which do you think is the most serious?

A. Inflation. (9 percent agreed.)

B. High interest rates. (12 percent agreed.)

C. Unemployment. (38 percent agreed.)

D. Worldwide economic deterioration, including mounting Third World debt, trade imbalances and protectionism. (38 percent agreed.)

Another 3 percent declined to check any of the four options.

REDUCING THE FEDERAL DEFICIT

Vermonters, like the Congress, have difficulty generating much enthusiasm for many of the available means of reducing the deficit, despite deep concern over the revenue shortfall. A substantial majority felt the defense budget should be cut. But no other option came close to attaining majority support.

The nation's deficit for Fiscal 1984 is projected at $200 billion. What major steps do you think Congress should take to reduce this shortfall?

A. Raise taxes. (28 percent agreed.)

B. Reduce defense spending. (68 percent agreed.)

C. Reduce benefits to individuals. (31 percent agreed.)

D. Reduce payments to states and localities. (22 percent agreed.)

E. None of the above is necessary, because the problem will be resolved by the economic recovery which is now under way. (8 percent agreed.)

VERMONT WILDERNESS AREAS

Because Congress may act on Vermont wilderness legislation during the current session, I felt it was important to determine the general views of Vermonters on this important, sensitive issue.

I know from experience that emotions run high in any discussion of this subject. The specific comments, concerns, and suggestions of Vermonters at public hearings are needed before any decisions can reasonably be made. But in general, it is clear that a substantial majority of Vermonters want us to pursue this issue.

The newsletter containing the questionnaire summarized objectively the pro and con arguments, and asked Vermonters which of the following three statements come closest to their beliefs:

A. No additional areas of the Green Mountain National Forest should be designated as wilderness. (22 percent agreed.)

B. Only one of the six regions that were considered should be designated as wilderness. (9 percent agreed.)

C. Two or more of the areas should be designated as wilderness. (63 percent agreed.)

Another 6 percent declined to indicate a position.

Incidentally, this question was identical to one in my 1979 questionnaire, at the time of the RARE II evaluations. At that time, 29 percent said no additional areas should be designated, 12 percent favored designation of one area only, and 52 percent said two or more areas should be designated. In other words, the overall views of the majority of Vermonters were pro-wilderness at that time, and have since shifted further in that direction.

PAY RAISE

A lot of smart people advised me against soliciting public views on the congressional pay raise which was approved late last year. I did so anyway, as a matter of strong principle. We are, after all, employed by the public. It would be pretty arrogant to try to deny the public a say in matters involving our pay and benefits.

The question was divided into several parts. First, by a margin of 66 percent to 29 percent, Vermonters said the 15 percent pay raise was inappropriate. The other 5 percent did not indicate a position.

The public was, however, far more upset about the back-door pay raise adopted by the Senate—the lifting of limits on the number of $2,000 speaking fees from special interest groups—than the straightforward pay raise approved by the House. a total of 75 percent said the House version was more acceptable, 15 percent said the Senate version was more acceptable, and 10 percent did not indicate a position.

Delving further into the subject of speaking fees, respondents were asked to check one of the following statements which comes closest to their positions:

(1) Members of Congress should not receive any personal benefit from speaking fees. Speechmaking is part of the job. (45 percent agreed.)

(2) The $2,000 limit per speech is OK. (12 percent agreed.)

(3) A smaller fee of, say $500, would be acceptable. (32 percent agreed.)

(4) There should be no limit on special interest speaking fees. Only 6 percent agreed with this statement. Another 5 percent declined to agree with any of the statements.

Finally, I asked Vermonters to tell me what to do about my personal share of the pay raise. A total of 37 percent said "Refuse to accept any personal benefit from the House-passed pay raise," while 54 percent said "Accept the pay raise." Another 9 percent checked neither of these options—in most cases writing in separate instructions or telling me to use my own judgement. My interpretation of the results of this last question is that it does not in anyway moderate the widespread disapproval of the pay raise, but rather that the situation will not be made right by one Member of Congress turning down the benefit of it.

THE VALUE OF THE QUESTIONNAIRE

Because of the high level of response, my annual questionnaires have proven to be an extremely valuable means of quantifying the positions of Vermonters on the issues we face in Washington. The reliability of the results has, in past years, been verified by comparisons with similar results of professional polls.

It must be recognized that any questionnaire or poll has inherent limitations. It is impossible to capture all shades of individual opinion on complex issues in this manner. In real life, issues and viewpoints do not all fall into neat little categories.

Therefore, the questionnaires could never serve as a substitute for the hundreds of personal letters, phone calls, and visits from Vermonters coming into my offices each week. Nor can they ever be a substitute for the personal contact made possible by the community meetings I hold throughout the State at every opportunity. The personal insights, expertise, and experiences of individuals cannot be captured in statistical tabulations.

But the returns are an extremely valuable supplement to all those forms of personal contact. There is no other way to quantify the views of such a large cross section of Vermonters on such a wide range of issues. The results, therefore, are of immense value.

Ultimately, of course, all of us in Congress vote according to our conscience and the best information available to us. Often, principle requires each of us to make unpopular decisions. But we cannot do our jobs properly if we lose touch with the people we represent. The questionnaire is one significant part of my efforts to keep abreast of the needs, views, and concerns of Vermonters. The wisdom contained within the results is well worth the attention of all Members of this Chamber.●

THE LARGEST COAL-EXPORTING CENTER

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BATEMAN. Mr. Speaker, I am today introducing—along with my colleagues Mr. WHITEHURST and Mr. SISISKY—legislation to authorize the deepening of the channels of the port of Hampton Roads from 45 to 55 feet.

Hampton Roads is by far the largest coal-exporting center in the United States, accounting for about 47 percent of our annual coal exports. This port is being placed at a competitive disadvantage on the world market by the failure to deepen its channels.

The average size of colliers in the export trade has increased from 15,000 tons in the mid-sixties to 60,000 today, and is expected to increase to 100,000 tons in the next few years. This increase in size has resulted in significant shipping cost savings, but also limits the ability of ports with shallower depths to compete in the world market.

For 6 years now Congress has failed to enact legislation to provide either the authority or a funding mechanism for port improvements. This impasse caused us to miss a valuable opportunity to expand our exports during the world coal shortage of 1980-81. We must break this legislative deadlock, in order to insure that we do not miss any future opportunities.

I look forward to working with my colleagues to see this and other important authorizations passed, and to see a mechanism for funding these projects enacted.●

NATIONAL VOLUNTEER WEEK

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MAZZOLI. Mr. Speaker, this week, April 17-23, is National Volunteer Week—a week in which we honor those individuals who give so unselfishly of their time, talents, and energies for the benefit of others.

Each year almost 100 million Americans are involved in some kind of volunteer service. They are truly one of our Nation's greatest resources.

In my own district of Louisville and Jefferson County, I am aware of the numerous volunteers who give countless hours of service, providing a tremendous boost to the spirit and well-being of our community.

During this week, I salute those volunteers in my community—and across the Nation—whose dedication and service make them the unsung heroes of our day.●

A SYNFUELS UPDATE

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. CORCORAN. Mr. Speaker, on April 13, 1983, the Synthetic Fuels Corporation awarded $820,750 to the sponsors of the First Colony peat-to-methanol project in Creswell, N.C. This award is to be used by the sponsors not to construct or operate a synthetic fuels plant, but merely to improve the project's cost estimates so that the SFC can determine whether the project is worthy of nearly half a billion dollars in additional Federal funding.

What kind of a project is the recipient of this Government largesse? A reporter for the Chicago Tribune, James O'Shea, took a look at First Colony and published the results of his examination in the Tribune on March 8, 1983. If what Mr. O'Shea describes disturbs you, please join those of us sponsoring H.R. 1701, a bill to reduce the funds available to the SFC and to redirect its efforts into research and development rather than the commercial projects like First Colony.

[From the Chicago Tribune, Mar. 8, 1983]

CONTROVERSY SMOLDERS AROUND SYNFUEL PEAT BOG PROJECT

(By James O'Shea)

CRESWELL, N.C.—A decade ago, Malcolm McLean, a New York entrepreneur and shipping magnate, bought 400,000 acres just south of the Great Dismal Swamp near here to create the nation's largest, most mechanized pig farm.

However, when talk turns to McLean's land these days, the subject isn't pigs—it's peat. By most accounts, the pig farm wasn't profitable, and a group of influential investors, including CIA director William Casey, formed a private venture to use the huge peat bogs on McLean's land to make methanol, a gasoline enhancer.

The U.S. Synthetic Fuels Corp. [SFC], a government agency set up in 1980 to promote America's energy security, has tentatively approved federal aid and loan and price guarantees for the proposed $576 million project. If all goes well, McLean's bogs will complete the transition this year from pigs to peat. They will become home to the Peat Methanol Associates [PMA] plant, the flagship of the nation's synthetic fuels program.

"When you tell most people that you want to build a synthetic fuels plant in the middle of a peat bog, they think it's preposterous," said Robert Honstein, environmental projects manager for Pittsburgh-based Koppers Co., one of the companies involved in the deal, "but it can be done."

The PMA plant is one of several projects that have applied for the billions of dollars in federal aid that Congress authorized in 1980 to help the nation sever its dependence on OPEC oil. Two Illinois projects are seeking SFC aid: an Allis Chalmers coal gasification project in East Alton and a Mapco Inc. coal-to-methanol undertaking in Carmi.

The PMA project, however, is more interesting and important for several reasons.

In the first place, it is requesting more aid—up to $465 million in loans, price and cost guarantees—than the more advanced SFC projects. Moreover, the PMA project:

Was tentatively approved despite some SFC staff reservations about the prudence of investing in peat.

Has a House Energy and Commerce Investigations Subcommittee asking detailed questions about the project, including why the SFC projected price guarantees for PMA methanol that are double the current market price. Methanol sells for 50 to 75 cents a gallon on the open market. Under current conditions, if the PMA plant sold a gallon of methanol for 50 cents on the open market, the government would pay it an additional 55 cents plus inflation, plus 2 percent.

Has drawn attention because of its backers. Backers of the project include Casey and Ford, administration officials, Robert Fri, a former head of the Energy Research and Development Agency; Charles Robinson, a deputy secretary of state under Henry Kissinger; Frank Zarb, former administrator of the Federal Energy Administration; and William Turner, former ambassador to the Organization for Economic Cooperation and Development.

Robert Roach, who heads a synthetic fuels ["synfuels" for short] monitoring program for the Environmental Policy Institute, said the proposed project "is a perfect example of what the synfuels program is becoming instead of what it started out to be."

Congress set up the SFC to be the catalyst for synfuels. It would issue loan and price guarantees backed by the U.S. Treasury for synfuels projects that served the national interest. With guarantees in hand, the projects could then get financing. The SFC could issue its guarantees for up to 75 percent of a plant's cost, and the sponsors would have to come up with the other 25 percent, a stake that would force companies to put up their own funds and would weed out "pie-in-the-sky" projects. The maximum SFC commitment is $3 billion.

Initially, the SFC projects drew a lot of interest, especially from former Energy Department officials such as Fri and businessmen such as Jack Sunderland, a PMA partner and former McLean business associate. McLean had tried several agricultural projects on the land that cost him $51 million, but most were unsuccessful. Much of the land was covered with six feet of peat, a spongy organic deposit of partially decomposed plant matter economically unsuitable for farming

"For a while, they tried grazing cattle on the land," said Derb Carter, a North Carolina environmentalist opposed to the project, "but they found out they needed cattle with web feet."

A solution began taking shape when Fri and Sunderland met on a synfuels project in Wyoming and started comparing notes on what was happening around the country.

Fri learned that McLean was working on a process to extract fuel-grade peat from his land, and, before long, McLean's First Colony Farms hired Energy Transition Corp. [ETCO], a partnership of Fri, Casey and other Ford Administration officials, to do a feasibility study. The result was PMA, the partnership formed to convert 15,000 acres of McLean's peat bogs into methanol.

From the outset, the project was an ambitious one. The bogs would be drained of water through an elaborate system of ditches. The sun would dry the peat to the proper moisture level, and big machines would scoop it up for conversion by a gasifier to be developed by Koppers. In its initial plan, the plant would consume 633,000 tons of peat a year to make 51.3 million gallons of methanol.

The methanol would be sold as an octane booster and fuel in Eastern auto markets. To seal the deal, the SFC tentatively approved a $366 million loan guarantee for PMA plus $99 million in price guarantees over 20 years. The loan guarantees can be swapped for price guarantees and vice versa, and the SFC intends to share up to $4.65 million in design costs of the PMA plant, SFC records say.

If the plant pans out, it obviously will be a good deal for many of those involved. McLean, for example, will get about $14 million for his peat and a plant site on his land. He also will get a royalty of $2 a ton of fuel-grade peat plus an adjustment for inflation. SFC records indicate that McLean's farm will get about $1 million more in royalties during 1984.

The best, though, is yet to come. Rich farmland sits beneath the peat, and when the 20-year PMA project is over, McLean can convert his land to agriculture. He already has a joint venture with the Prudential Life Insurance Co. to farm another portion of his acreage called "Prulean Farms." The SFC venture would be like having someone pay you to cut your grass.

ETCO would benefit, too. Koppers' Honstein said that ETCO "takes care of the politics" in the venture. SFC records say it would get a 7.8 percent stake in the project without a cash contribution. Sunderland, too, would get a 1.9 percent stake without a cash contribution, the records say.

Most of the front-end private cash will be put up by Koppers and Transco Corp., a Texas energy firm. SFC records indicate the private investors would have to put up more than $100 million in the deal. However, the project also would generate significant tax breaks. By getting the SFC letter of intent before the end of last year, PMA qualified for some special tax credits that expired on Dec. 31. The project thus gets the normal tax credits for investments plus the special ones.

Edward Noble, SFC chairman, said it is impossible to estimate the tax credits generated by each $1 invested in a synfuels plant. He agreed, though, that they are significant. Indeed, SFC records suggest it would be possible for a company to get back much of its initial outlay from the tax credits available, especially before 1982.

The PMA deal will generate a lot of business for Koppers, too, a company that lost $38.5 million in 1982, mainly because of its investment in a Richmond Tank Car subsidiary that filed for bankruptcy. According to SFC records, Koppers is the general con-

tractor on the PMA deal; its subsidiary, Nello L. Teer Co., would help harvest peat on the project; and the PMA project will use two KBW [Koppers-Babcock and Wilcox] gasifiers, which cost anywhere from $40 million to $50 million each, according to PMA officials.

Also, Koppers hasn't tested the gasifier on a commercial scale. The PMA plant will provide that opportunity.

Because Congress exempted the SFC from the Freedom of Information Act, PMA doesn't have to publicly disclose financial details that would allow an outsider to determine the total amount of money PMA has at risk in the deal. Fri said the partnership hadn't made the figure public, but he said it would be in the millions, particularly once all costs were figured in.

Rep. Tom Corcoran [R., Ill.] a synfuels critic, said companies involved in projects often set up "dummy corporations" with few assets for the projects. "In some cases," he said, "[they] serve as both contractors and equity partners so as to receive some return on the project regardless of its outcome."

Sen. William Proxmire [D., Wis.] said he couldn't understand why the SFC wanted to develop the peat project. "Those price guarantees can kill you," he said, "but there's a lot of money behind this and people with ties to a former adminstration. With so much money at stake, people are willing to take risks, but they aren't risking their own money; they're risking the taxpayers'."

Fri disagreed. Koppers and the other partners in PMA have set up subsidiaries to develop the plant, but Fri said that was because they couldn't commingle the assets of parent companies with the project. He said the ETCO partners' ties to the government had nothing to do with the tentative SFC award. There is a strong demand for methanol, he said, and it will increase in the future.

Noble agreed. He thinks the peat project is a good one. The plant will test the KBW gasifier. If the machine can convert peat, it can be applied to coal, he said. Synthetic fuels are vital to the nation's defense, and the demand for methanol will increase in the future, according to Noble. "It's a chicken-and-egg situation," he said, "we don't know that we can use methanol in a combustion engine until we have a distribution system to use it widely."●

NATIONAL VOLUNTEER WEEK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BROWN of California. Mr. Speaker, I would like to use this opportunity to comment on National Volunteer Week. President Reagan said that:

. . . the greatness of America lies in the ingenuity of our people, the strength of our institutions and our willingness to work together to meet the Nation's needs.

I agree. Volunteers have been of enormous significance in the advancement of our country. They have provided invaluable service, yet they rarely receive gratitude for their work. I am happy that our Nation can honor volunteers through National Volunteer Week.

Social service groups, however, are sustaining severe budget cuts. This has resulted in an overload of work on various volunteer groups. More people are going hungry; the unemployed face financial, health care, and emotional crises; mentally ill people are living in the streets with no place to go. Volunteers are an important supplement to basic programs and should be recognized for their contributions in difficult times. They should not, however, be relied upon as the sole source of help. Social service agencies must bear the primary responsibility to help those in need, and the Federal Government should not cut their budgets to the point where they become crippled. This is unfair to the agency, to America's volunteer force, and to the American people. Thank you.●

EFFECT OF H.R. 100 ON AUTO RATES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. FLORIO. Mr. Speaker, the House is currently considering the Nondiscrimination in Insurance Act, H.R. 100. This important legislation was introduced by Congressman DINGELL and now has over 100 cosponsors, of which I am pleased to be one. The Subcommittee on Commerce, Transportation, and Tourism, which I chair, has reported this bill without amendment to the full Energy and Commerce Committee for further consideration. Questions have been raised by various segments of the industry regarding the cost which might be associated with the implementation of this bill. Other members of the subcommittee and I have stated our intention to consider the issues raised by the insurance industry and attempt to resolve them.

Prior to the subcommittee vote this week, the property and casualty insurance industry had engaged in a considerable effort to convince members of this subcommittee that passage of H.R. 100 would cause a massive shift in automobile insurance rates between young men and young women. H.R. 100 would, of course, prohibit rating persons as a member of one sex or the other. They would have to be rated on other characteristics more relevant to the risk they presented as individuals.

The General Accounting Office has confirmed the results of a study by the National Insurance Consumer Organization that auto insurance rates for women will not vary significantly after the passage of H.R. 100. The National Insurance Consumer Organization used statistics and information provided by the property and casualty insurance for hearings on H.R. 100.

The study assumed that sex was abolished as a rating classification, and that mileage driven was introduced as a factor. Rates paid by women did not vary greatly from rates paid today, with slight increases in some cases and slight decreases in others.

I insert the GAO letter for the information of all Members.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., April 18, 1983.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce Transportation and Tourism, Committee on Energy and Commerce, House of Representatives.

DEAR MR. CHAIRMAN: You requested on April 7, 1983, that we comment on the validity of a set of actuarial calculations concerning auto insurance performed by Mr. J. Robert Hunter of the National Insurance Consumer Organization. These calculations are based upon data presented by Mr. Galen Barnes, of the National Association of Independent Insurers, and Mr. George Bernstein, representing several insurance companies, at your hearing on H.R. 100 on February 22, 1983.

The data presented by Mr. Bernstein estimate the effect of H.R. 100 on auto insurance premiums paid by young women. Under the current system of sex-distinct premiums, which would be prohibited by H.R. 100, women under the age of 25 generally pay less than men of the same age. The data show current sex-distinct rates for three different insurers in each of two cities in each of thirty-five states, and compare them to the higher unisex rates that they predict under H.R. 100.

Mr. Hunter estimates what the effect would be of introducing mileage as a rating factor in place of the male-female distinction. Data presented by Mr. Barnes indicate that automobile accident rates vary significantly with the number of miles driven per year. Using conventional actuarial techniques, Mr. Hunter calculates mileage-rated unisex auto insurance rates for a 23-year-old principal operator. These rates show that high-mileage women (and men) would pay high rates and that low-mileage women (and men) would pay low rates. However, according to Hunter, the average premium paid by 23-year-old women under the mileage-rated unisex rating plan would be about the same as the premiums they currently pay under sex-distinct rates. This is because, on average, women drive fewer miles than men.

We have reviewed the general validity and appropriateness of the actuarial methodology employed. We have also checked on the accuracy of the calculations for all three companies in the cities of New York and Trenton, N.J., which Mr. Hunter uses as his primary illustrations. As agreed with your staff, however, we have not checked the accuracy of the rate calculations for all three companies in both cities in all thirty-five states. We find that the methodology employed in the calculations provides a reasonable basis for Mr. Hunter's conclusions, and that the calculations are essentially correct (though the results vary slightly depending upon the rounding procedure employed).

Had additional data been available, Mr. Hunter's results would have changed slightly, but not to the point of affecting his principal conclusion. The accident data present-

ed show only the frequency of accidents for various mileage categories. An insurer would normally base its rates on claims costs rather than accident frequencies. We would expect, however, that claims costs per accident would be higher for high-mileage drivers. Factoring in accident severity or claims cost would therefore probably further reduce the rating relativity on low-mileage drivers, thus further reducing average premiums paid by 23-year-old women.

While Mr. Hunter's calculations show little change in the average rates paid by female 23-year-old principal operators, a similar calculation for 19-year-old occasional operators (for which premium changes are also shown in the Bernstein submission) would produce somewhat different results. While 23-year-old principal operators have about the same distribution of annual mileages as drivers generally, 19-year-old occasional operators drive substantially fewer miles. Since they are concentrated in the two lowest mileage categories (0–2499 miles per year and 2500–4999 miles per year), it is more difficult to distinguish high-risk from low-risk drivers on the basis of mileage. However, even for 19-year-olds, men drive significantly more miles than women. The GAO, using Hunter's methodology, estimates that the introduction of mileage as a rating factor in a unisex system would reduce rates for 19-year-old women somewhat below the non-mileage-rated unisex rates cited by Bernstein. However, the average premium paid by women in this category would still be approximately 10 percent higher than premiums paid under the current sex-distinct system.

Naturally, any calculation of the type discussed above can only be suggestive of what rates would actually be charged. The mileage data used in these calculations are ten years old. In addition, accident rates may not vary with mileage for youthful drivers in the same way that they do for adult drivers, as Hunter assumed in his methodology. Furthermore, the sample only includes three companies, so we cannot say what rates would be charged by the industry generally. Finally, it may be difficult to get reliable information from insureds on the mileage they drive once they realize that their insurance premiums depend on what they report.

Despite these difficulties, however, some companies, notably Commercial Union, have introduced unisex auto insurance policies successfully.

I hope this letter is responsive to your request. If we can be of further assistance, please call us.

Sincerely yours,

MORTON A. MEYERS,
Director.●

THE LAW OF THE SEA CONVENTION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. FIELDS. Mr. Speaker, the White House Office of Policy Information has recently issued an update on the administration's position and actions relative to the Law of the Sea Treaty. While inserting this report into the record for the benefit of my colleagues and all those who follow this issue, I respectfully draw attention to the section of the report dealing with the new International Economic Order, "a scheme for restructuring the International economy along the socialist lines of the world's centrally-managed economies and for redistributing the world's wealth."

This is the main thrust of the seabed mining provisions in the treaty, and the provisions which mean everything to the so-called Group of 77. It is also passing strange that neither individuals nor groups which support the Treaty ever seriously address this issue of the NIEO. Instead, they hide behind dark and ominous warnings of world chaos unless the United States agrees to the treaty and pays for its implementation. One such proponent even worked himself into such an irrational state of mind as to envision the absence of the LOS Treaty leading to a nuclear confrontation.

For the more rational, I am please to present the statement of the White House on the subject.

THE LAW OF THE SEA CONVENTION

On December 10, 1982, signing ceremonies for the United Nations Convention on the Law of the Sea (LOS) were held at Montego Bay, Jamaica. While 117 countries signed the treaty, the United States and 46 other nations, together representing more than half of the world's GNP, chose not to sign the document.

President Reagan had announced on July 9, 1982, that the United States would not sign. In making this statement the President acknowledged that the treaty contained "many positive and very significant accomplishments," but noted that "the deep seabed mining part of the convention does not meet U.S. objectives" and was unacceptable.

The Administration's earlier review had identified several draft treaty provisions with regard to deep seabed mining that would be distinctly harmful to U.S. and other countries' interests. Accordingly, the President, on January 29, 1982, made explicit six major U.S. objectives in the LOS Treaty negotiations. An acceptable treaty, he said, must:

(1) Not deter development of any seabed mineral resources to meet national and world demands.

(2) Assure national access to these resources by current and future qualified entities to enhance U.S. security of supply, to avoid monopolization of the resources by the operating arm of the International Authority, and to promote the economic development of the resources.

(3) Provide a decision-making role in the deep seabed regime that fairly reflects and effectively protects the political and economic interests and financial contributions of participating states.

(4) Not allow for amendments to come into force without approval of the participating states, including the advice and consent of the U.S. Senate.

(5) Not set other undesirable precedents for international organizations.

(6) Be likely to receive the advice and consent of the U.S. Senate.

At the President's direction, the U.S. sought certain revisions that would have brought the document more in line with these objectives. Several U.S. allies supported that effort.

However, the Third World nations that dominated the LOS negotiations rejected the proposed revisions, preventing the LOS convention from meeting any of the U.S. objectives.

AMERICA'S INTERESTS AT STAKE

The ability of the United States and the allied powers to defend themselves and sustain their economies rests on assured access to several strategic minerals. Among the most important are cobalt, manganese and nickel, without which we cannot manufacture jet engines nor produce steel.

Unfortunately, the U.S. and many other free world nations, unlike the U.S.S.R., are heavily dependent on foreign sources for these and other vital minerals. Many of these sources are unreliable. The chief non-Communist suppliers of manganese and cobalt include countries that suffer from endemic political and economic instability. As has happened in the past, war, a coup, or civil unrest in these countries could interrupt U.S. supplies or terminate them outright.

Moreover, high-grade land-based resources continue to be depleted. The free world's known resources of economically recoverable manganese, for instance, may be exhausted within thirty years or less.

One promising alternative source for the future are minerals on the ocean floor. Vast quantities of manganese, cobalt, and other vital minerals, including nickel and copper, are to be found beneath the high seas in a variety of forms, ranging from pebble-sized polymetallic nodules to the newly discovered sulfide deposits and cobalt/manganese crusts.

Under international law, development of these deep-ocean minerals is a freedom of the high seas open to exercise by any nation. The Law of the Sea Treaty would eliminate this free access for all nations, and transfer control of the ocean's minerals to an international authority dominated by Third World states, which are largely hostile to free market approaches and to the interests of the industrialized nations of the free world. Granting them veto power over development of resources that are potentially valuable to western economic and security interests would thus be dangerously short-sighted. It would also be a gross perversion of this country's original goals in the LOS process.

THE NEW INTERNATIONAL ECONOMIC ORDER

The United States and the other developed countries entered into the LOS negotiations primarily to achieve a balanced and mutually beneficial resolution of certain difficult issues related to the use of the world's oceans. Many of the less-developed countries, however, had another object in mind: to use the LOS process as a vehicle for the mandatory transfer of wealth and technology from "have" nations of the globe to the "have nots."

The LOS sessions were dominated from beginning to end by a coalition of these developing states, known as the "Group of 77" (which now number 120). The ultimate aim of the Group of 77 is the establishment of a New International Economic Order (NIEO), a scheme for restructuring the international economy along the socialist lines of the world's centrally-managed economies and for redistributing the world's wealth. The LOS treaty is viewed by the Group of 77 as a significant step toward this end because

the seabed provisions enshrine several NIEO principles.

One of the most instrumental of the NIEOs concepts is the treaty's proclamation that the resources of the deep seabed are the "common heritage of mankind." This idea, first propounded in an address to the U.N. General Assembly by Ambassador Arvid Pardo of Malta in 1967, was later incorporated into a resolution by that body in 1970. The U.S. supported that resolution with the provision that it had no intrinsic legal meaning and could acquire substance only through a universally accepted treaty. Short of that, the U.S. view has consistently been that the deep seabed is the exclusive province of no one nation or group of nations, and may therefore be developed by anyone willing to expend the necessary capital and assume the inevitable risks associated with that development.

Yet the dominant Third World viewpoint is just the opposite: that the deep seabed is the collective property of all nations, that an international body—which the Third World countries would effectively control—should regulate access to the seabed, and that any fruits of development should be distributed to all countries, regardless of whoever undertakes the burden of mining.

These ideas, once established in the LOS convention, could easily be applied in other areas. In particular, the LOS treaty would set a precedent for further Third World efforts to dictate the use of resources beyond national jurisdiction, such as control of Antarctica and other unclaimed resource depositories, and, possibly, the International Monetary Fund and World Bank.

Concern over the LOS treaty therefore transcends the issue of the national or private right to mine the ocean floor, although that in itself is certainly important. In broader terms, the question is whether the United States should endorse an agreement that, by its failure to meet stated U.S. objectives, remains contrary to fundamental American political and economic principle interests.

There is a practical side to this question as well. Free-market economies have, almost without exception, generated far higher standards of living for all their peoples than have those rooted in socialist doctrine. Relying on the discredited centralized economic control techniques of the latter as the basis for mining the minerals of the seabed would therefore be one of the least effective means possible for promoting global prosperity.

HOW THE "COMMON HERITAGE" WOULD BE DIVIDED

Nevertheless, the LOS treaty depends almost exclusively on centralized control devices. Under the provisions of the LOS convention, an International Seabed Authority (the "Authority") would have jurisdiction over deep seabed mining. Modeled loosely on the United Nations, the Authority would consist of a "supreme" policy-making Assembly in which each member nation would have one vote, and a 36-member executive Council, corresponding respectively, but only roughly, to the U.N. General Assembly and the Security Council.

Like its U.N. counterpart, the Assembly would be dominated by the Group of 77 and be heavily influenced by the Soviet Union and its sympathizers. It would in practice be another forum to propagandize against the interests of the industrialized countries and their successful economies.

Even more troublesome, the Council of the Authority, unlike the U.N. Security Council, would have no permanent members and no Great Power veto, two devices that have repeatedly been used to protect U.S. interests in the United Nations. Most decisions would instead be made on the basis of consensus, two-thirds or three-fourths majority votes, which the Third World would have little difficulty mustering. This would permit the Group of 77 to effectively block or control, and thus dictate, the terms for seabed mining and thereby further implement the NIEO.

Mining operations would be carried out on behalf of the Authority by a commercial subsidiary called the "Enterprise," for which the United States would pay a quarter of the massive start-up costs—a share that could amount to $300–$350 million. The Enterprise, through an array of special privileges, could exercise a virtual monopoly over seabed mining.

At the same time, the LOS treaty would place heavy burdens on any nation or private concern that wanted to compete with the Enterprise. A company wishing to engage in deep seabed mining would have to pay the Authority a license application fee of $500,000. Yet nothing in the treaty requires the Authority to approve the company's application. It could reject the application outright, or subject it to preconditions either detrimental to ocean mining or harmful to friends of the U.S., such as a mandatory boycott of Israel as a prerequisite for mining.

If a company were actually awarded a license, it would thereafter be required to pay an annual "exploration fee" of $1 million. As if this were not enough to discourage the most intrepid entrepreneur, the LOS treaty would permit the Authority to restrict companies' production in order to protect the market position of land-based mineral producers and the Enterprise, which is itself guaranteed a substantial level of production under the treaty.

A private competitor could also be forced to transfer its mining technology to the Enterprise or to developing countries, and would be prohibited from using any technology it did not transfer. Since the technology employed in any large mining project is typically obtained from a hundred or more third parties, companies seeking to operate under the treaty would face the virtually impossible task of either convincing all such suppliers to make their technology available to the Authority, or designing and assembling a practical mining system without the use of technology owned by these third parties, and be willing to transfer such a system, upon competion, to the Enterprise.

It is therefore unlikely that any private mining operation would be successfully assembled under the treaty. Companies, by and large, simply will not take such risks and make major investments in new technologies if they cannot expect to receive the benefits of doing so. As a result, the treaty most likely would choke off the development of the technology necessary to mine the seabed.

OTHER FLAWS IN THE TREATY

There remain other serious flaws in the LOS treaty. The treaty, for example, could subsidize international terrorism. Several "national liberation groups," including the Palestine Liberation Organization (PLO) and the South-West Africa People's Organization (SWAPO), had observer status at LOS negotiations. Under the terms of the treaty, these and other similar groups could share in the distribution of seabed wealth.

Another serious objection to the treaty is that it could be amended after 20 years by a three-fourths vote and ratification by nations party to the treaty. Thus, if it ratified the treaty, the U.S. would for all practical purposes lock itself into any such changes, having little choice other than withdrawing from the treaty. Even U.S. Senate rejection of the treaty amendments would not necessarily prevent them from going into effect. The Group of 77 and its allies would comprise at least three-fourths of most conceivable sets of treaty signatories, and would effectively control the amendment process.

EFFECT ON THE THIRD WORLD

The restrictions that the LOS treaty would impose on seabed mining are contrary to the interests of both industrialized and the developing countries. The latter nations in particular would have few, if any, opportunities to join in the production of seabed minerals under the treaty, and little chance of profitting from the seabed's wealth of resources.

For deep seabed mining is not yet commercially viable, and the technical difficulties and costs involved in recovering minerals from depths of up to 15,000 feet are considerable, especially since present mineral markets are weak. Unless the companies that have the capital and expertise to undertake so risky a venture have the opportunity to earn a reasonable reward for their efforts, vast quantities of mineral-rich ores could remain on the ocean bottom, and no one would benefit from them.

Even if deep seabed mining did come about under LOS, despite the treaty's onerous restraints, there is no reason to assume that the people in the developing countries would see any improvement in their lives. That part of the wealth from deep seabed mining taken by the Authority would first be used to fund the Authority's operation and bureaucracy, and there would be little if any left over. Moreover, by restricting the rational development of seabed mining, the LOS treaty could force up the future prices of ocean minerals to consumers in developing countries and thereby hinder these countries' economic advance. Developing countries could thus be worse off under the LOS treaty.

HOW TO HELP THE THIRD WORLD PROSPER

Recognizing this, President Reagan from the outset has sought a more effective means for the industrialized countries to aid the developing nations of the Third World. He has found that solution in a combination of judicious assistance and self-help. As he told the Boards of Governors of the World Bank and the International Monetary Fund on September 29, 1981:

"We who live in free market societies believe that growth, prosperity, and, ultimately, human fulfillment are created from the bottom up, not the government down. Only when the human spirit is allowed to invest and create, only when individuals are given a personal stake in deciding economic policies and benefitting from their successes—only then can societies remain economically alive, dynamic, prosperous, progressive and free."

Two weeks later, before departing for a summit meeting on relations between the developed and the developing worlds at Cancun, Mexico, the President outlined his administration's strategy for global growth in an address to the World Affairs Council in Philadelphia. The President set forth five specific guiding principles:

First, stimulating international trade by opening up markets, both within individual countries and between countries;

Second, tailoring particular development strategies to the specific needs and potential of individual countries and regions;

Third, guiding assistance toward the development of self-sustaining productive capacities, particularly in food and energy;

Fourth, improving in many of the countries the climate for private investment and the voluntary transfer of technology that comes with such investment; and,

Fifth, creating a political atmosphere in which practical solutions can move forward—rather than founder on a reef of misguided policies that restrain and interfere with the international market or foster inflation.

It is on the basis of these principles, rather that the redistributionist scheme exemplified by the LOS treaty, that all nations can expect to grow and prosper in peace.

ALTERNATIVES TO THE LOS TREATY

Ratification procedures provide that 60 nations must approve the treaty for it to go into effect. At this time, it remains to be seen how many states will ratify the LOS convention. For while representatives of more than 117 nations have signed the document, this does not mean that ratification is a foregone conclusion. The U.S. and some other key industrialized countries have not signed it. Under the circumstances, many of the countries whose delegates signed the LOS treaty may defer ratification until they see what the developed nations intend to do.

Fortunately, there are attractive and beneficial alternatives to the seabed mining provisions of the LOS treaty. Some developed nations might well opt for this type of arrangement. Indeed, individual sovereign states possess the requisite authority to authorize and regulate the ocean mining activities of their citizens, and to enter into reciprocal agreements with one another—including mutual recognition of mining operations conducted by their citizens.

CONCLUSION

The Law of the Sea Treaty's seabed mining regime is thus hopelessly flawed. It will not produce a positive consensus that would enrich international law, nor contribute to economic development that can benefit all peoples. It also violates some of the United States' fundamental principles, and would exacerbate rather than reduce global tensions.

President Reagan has said that where the mineral wealth of the Ocean floor is concerned, the aim of the United States is "to establish with other nations an order that would allow exploration and development under reasonable terms and conditions."

U.S. efforts are now directed toward developing an alternative agreement, based on customary law, that will permit seabed mining and preserve freedom of the seas for all nations. This will be a top priority of the United States in the years ahead.●

SETTING THE RECORD STRAIGHT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. YOUNG of Florida. Mr. Speaker, as a member of the Permanent Select Committee on Intelligence, I have been trying to make the American people aware of the growing Soviet active measures campaign designed to undermine the credibility of the United States throughout the world.

Last month I released a declassified FBI report entitled "Soviet Active Measures Relating to the U.S. Peace Movement" which detailed Soviet activities aimed at directing the focus of the U.S. nuclear and peace movements against the United States and our defense policies while ignoring the Soviet Union and other world powers which also possess nuclear weapons. The Associated Press, quoting out of context unfortunately, reported in the lead of its story that the FBI concluded the Soviet Union does not directly control or manipulate these movements. The AP writer failed, however, to report in the story's opening paragraphs the sentence which followed in the report where the FBI said the Soviets do not view direct control or manipulation as a necessary prerequisite for a successful active measures campaign.

The lead paragraphs of the AP story became the basis for radio and television accounts and newspaper headlines, stories and editorials regarding this report. The AP interpretation of the report was, in most cases, the only information millions of Americans received about the FBI's findings. As a result, the American public was mistakenly lead to believe that the Soviet Union has been unsuccessful in its active measures operations.

This is not meant to be a criticism of the American media, instead it is meant to set the record straight. To help do that, I want to present a letter from Keith Fuller, president and general manager of the Associated Press, acknowledging that the lead of the AP story did not fairly convey to the American people the true meaning of the FBI report. He said in his letter, "I don't think our piece was well done, and I don't think the facts support the lead." Mr. Fuller is to be complimented for his effort to clarify this story, and I hope his example will be followed in the future so the American people can know as accurately as possible of the extent to which the Soviets will go to further their worldwide goals.

For the benefit of my colleagues, Mr. Speaker, I would like to insert with my remarks the assessment of the FBI that was included in the report I released last month, as well as Mr. Fuller's letter in response to the story.

FBI INTELLIGENCE DIVISION REPORT ON SOVIET ACTIVE MEASURES RELATING TO THE U.S. PEACE MOVEMENT, MARCH 1983

III. FBI ASSESSMENT

Based on information available to us, we do not believe the Soviets have achieved a dominant role in the U.S. peace and nuclear freeze movements, or that they directly control or manipulate the movement. The Soviets, however, do not view direct control or manipulation of a movement as a necessary prerequisite or condition for a successful active measures campaign. The Soviet peace campaign, for instance, is designed to focus public attention on new American nuclear weapons systems and to help create the impression that the Soviet Union is more interested than the United States in serious arms control and disarmament negotiations. This campaign does not require direct Soviet control or manipulation to be effective. The Soviets believe they can achieve these objectives through a planned series of arms control and disarmament proposals that play on the sentiments of the Western peace movements in concert with the systematic use of the Soviet worldwide propaganda apparatus, international fronts and local communist parties, and trusted contacts and agents. (U)

ASSOCIATED PRESS,
New York, N.Y., April 13, 1983.

Mr. DAVID L. DITTMAN,
Anchorage, Alaska.

DEAR MR. DITTMAN: It may surprise you to learn that we agree with your criticism of our story for all the reasons you pointed out. This includes Lou Boccardi, our executive editor who has already critiqued the work with our Washington bureau.

The construction that the FBI "contradicted" President Reagan will work only if you stretch what the President said to its maximum and then minimize what the FBI said.

The President said that anti-U.S. elements were inspiring the freeze movements and manipulating some of its adherents.

While the FBI report indicated that the whole movement wasn't run by Russians, it said among others things that the Soviets have directed the World Peace Council's anti-missile campaign in Europe and are trying to recruit and subvert religious figures and American peace activists.

I don't think our piece was well done, and I don't think the facts support the lead.

Those responsible know of my feelings and those of Mr. Boccardi.

Sincerely,

KEITH FULLER,
President and General Manager.●

IN SUPPORT OF RESTRICTIONS ON THE EXPORT OF ALASKAN OIL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WOLPE. Mr. Speaker, I very much appreciate the opportunity to speak out once again on the specific question of Alaskan oil exports. I want to emphasize today my continued determined support for the vital restrictions on the export of Alaskan oil currently contained in section 7(d) of the Export Administration Act. I do so not only from a pride of authorship, but really because it is my very strong conviction that as a matter of public

policy these restrictions make sense and should be maintained.

These limitations guarantee that no export or swap arrangements involving Alaskan oil will take place unless it can be demonstrated to both Houses of the Congress, beyond a doubt, that such exports will directly benefit the American consumer and that such action is clearly in the national interest.

These restrictions were overwhelmingly endorsed by both Houses of Congress with the passage of the Export Administration Act in 1979, reaffirming continuing congressional intent that Alaskan oil be developed for domestic consumption and used to insure American energy and national security. The facts were convincing in 1979. They are even more compelling in 1983.

There is no public policy justification whatsoever for a retreat from these critical protections. It is my hope and expectation that Congress will hold firm to its original convictions and retain the existing language in the new authorization. Let me submit a few thoughts for your consideration relating to the rationale for these restrictions.

In his testimony before the International Economic Policy and Trade Subcommittee last week, Under Secretary Olmer attempted to justify the administration's effort to delete section 7(d) by referring to other statutes controlling the export of Alaskan crude.

While it is true that other statutes affecting oil exports exist, Mr. Olmer neglected to tell us the full story on this issue. The fact of the matter is that no other statute explicitly protects consumer interests. No other statute even mentions American consumer interests as a factor to be considered. When this fact was pointed out to Mr. Olmer and he was asked if the consumer test was appropriate, he responded that it was not. When pressed further on the issue, he admitted that the administration apparently believed that the consumer benefit criteria could not be met and was therefore proposing to delete the requirement.

Congress has clearly said that if the restrictions included in section 7(d) cannot be met, then there should be no export. If the administration would like to explore export possibilities, there is flexibility and latitude within the act as written. The restrictions were not included to deliberately manacle the hands of the President. They were written and passed because the Congress recognizes the special importance of this issue and believes that the restrictions are a reasonable and fair protection of American consumer and national interests.

Estimates indicate that the cost to consumer of unrestricted exports of Alaskan oil would range from $1 to $2 billion per year, as the exported Alaskan oil would have to be replaced with foreign source oil at generally higher prices. On the average, Alaskan crude oil sells in the United States at between $2 and $4 per barrel below the alternative sources of foreign crude.

I do not understand or accept the idea that Americans should have to pay more for oil as a consequence of exporting our own domestic supply of this vital natural resource.

I said a moment ago that there is flexibility in the present legislation. I would like to emphasize that point. There is nothing within the legislation as it presently exists that flatly prohibits the export of Alaskan crude oil. In fact, section 7(d) explicitly allows the export of Alaskan oil in fulfillment of this country's commitments to Israel as contained in bilateral agreements reached in 1975 and 1979. In addition, the restrictions are written in such a way as to recognize our special relationship with and responsibility to our neighbors, Mexico and Canada, and clearly permit exchanges of oil with each of these nations for the purpose of taking advantage of any increased transportation efficiency that might result from such an exchange.

However, the language does require that any exchange yield a price benefit to American consumers. The language of section 7(d) also requires congressional approval of any Executive decision to export Alaskan oil.

There is an additional consumer issue in the reliability of oil supply assured by the restrictions. No other statute insures that all oil export arrangements be made pursuant to contracts that can be terminated if the U.S. crude oil supply is disrupted. This is absolutely critical for the protection of American security interests.

Estimates indicate that even with this protection in place, it would take approximately 90 days to respond to an international emergency and reactivate the American energy infrastructure to get Alaskan oil completely out of export arrangements and back into the domestic market. Without this protection, the prospects are quite frightening.

Not only would this jeopardize the security of oil supplies for American consumers; it seriously compromises the capacity of our defense and industrial base to respond quickly and effectively in the event of an international crisis. Certainly this concern is as real in 1983 as it was in 1979. The world oil system is just as unpredictable and instable today as it ever has been.

In this international climate, it makes absolutely no sense for the United States to make itself even more dependent on foreign oil sources. Alaskan oil accounts for approximately 11 percent of the total amount of oil consumed in the United States. Whatever we export, we must make up from foreign sources. We already import one-third of our oil. Do we really want to increase this dependence? Such a move would be directly contradictory to the original congressional intent in approving the construction of the trans-Alaskan pipeline in 1973. In the wake of the first petroshock of the 1970's, Congress was determined to insure that Alaskan oil would be developed for domestic consumption to provide some cushion from the wild price shocks and instability that characterize the world oil system. This was seen as a valid goal in 1973 and was reaffirmed both in 1977 and in 1979 by Congress. I believe this goal is equally relevant and compelling in 1983.

Permitting unrestricted exports would affect our national energy policy in other ways as well. For example, the current oil glut in the world market has seriously undermined our efforts to promote important energy conservation measures in our country. Can you imagine the impact on these policies if it appears that the United States has so much oil to spare that we are allowing unrestricted exports? How can we possibly explain to the American public that a responsible energy policy includes the unrestricted export of this finite national resource?

Finally, the argument most vociferously advanced by the proponents of oil exports is the positive impact on our balance of trade with Japan that could result from an export arrangement. This rationale is of particular concern to me as I feel it is both economically unsound and extremely shortsighted. Any positive impact that oil exports could have vis-a-vis our overall trade balance with Japan would be nothing more than a smokescreen that would mask the fundamental structural problems underlying our trade inequities with Japan. Such an illusion of progress would undermine our negotiating leverage and seriously cripple our ability to address these problems and act effectively to reduce Japanese barriers to American manufactured and agricultural products.

Mr. Speaker, the restrictions included in section 7(d) of the act are strongly supported by a broad range of organizations that represent a cross-section of American interests. These include consumer, labor, energy, agriculture, and industry groups. To date, Mr. MCKINNEY and I have heard from over 200 Members of the House in support of our legislation, H.R. 1197, which seeks the extension of the 7(d) restrictions. There is no doubt that this issue is of fundamental concern to a very broad spectrum of Americans. We have joined together, Mr. MCKINNEY and I, to ask that Congress protect American consumers, promote wise and responsible national energy policies, and pursue international trade

practices that are truly in our Nation's best interests. The restrictions are in the law. Let us keep them there.●

TAX LIMITATION AND BALANCED BUDGET AMENDMENT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. DASCHLE. Mr. Speaker, when I first came to the Congress in 1979, one of my first priorities was to introduce a constitutional amendment mandating a balanced Federal budget. In the more than 4 years since that time, the momentum for this critically needed budget management device has grown to the point that, last year, the Senate passed and the House majority voted for such a constitutional amendment. Today, the tax-limitation balanced budget amendment is being reintroduced, and I am proud to be an original cosponsor.

The extensive debate on this issue last year should have made it abundantly clear what this proposal does and does not do. Briefly, it would limit growth in spending to the same rate as the increase in national income in the previous year, and Congress would require that spending not exceed income except by three-fifths approval of both Houses.

This amendment, although helpful, is not a panacea. Even if passed by both Houses and ratified by the requisite number of State legislatures, growth in Federal deficits cannot be stopped unless rational examination is given to both our spending and our revenue-raising priorities. We must examine every area of Federal spending, including social programs, entitlement programs, and defense. To leave any of these areas as "sacred cows" is a disservice to the fiscal integrity that the country demands and that we, as legislators, should provide.

The amendment introduced yesterday is a workable compromise, but like any other compromise, it is not perfect. If I were to add anything to it, the one thing I would like is a provision mandating that the administration, every year, submit a budget that is in balance. This amendment does not require such a submission. While I fully realize that the ultimate responsibility for spending and taxing lies in the Congress, I think we need only to look at the experience of the past 2 years to realize the power that an administration, headed by a skilled communicator, can have in setting the public agenda, and determining the parameters of budget debate. I still feel that it should be imperative for the administration in power to join with the Congress in presenting balanced Federal budgets.

Need for this amendment has never been clearer than it is today. Although the present administration came into power on a campaign pledge of balancing the budget by 1983, and although Congress, in both 1981 and 1982 gave the administration, by its own admission, 95 percent of what it wanted in budgetary matters, the results have been catastrophic.

In fiscal 1981, the last budget prepared by President Carter, the deficit was $57.9 billion. This was then criticized, and rightfully so, as unacceptably high. The passage of the fiscal 1982 and 1983 budgets were, according to the administration and its supply side economists, to result significantly reduced deficits, leading in a short time to balanced budgets. In point of fact, what they resulted in were deficits in fiscal year 1982 of $110.6 billion, in 1983 of $207.7 billion, and a planned administration deficit in 1984 of $188.8 billion. In the so-called out-years of 1985 and 1986, the administration's proposed deficits are, respectively, $194.2 billion and $147.7 billion. These last two figures would be even higher if they did not also include proposed standby tax increases that would go into effect in 1986. Simple arithmetic, then, indicates that from fiscal 1982 through 1986, this administration will have produced budget deficits totaling $849 billion. In other words, in 5 short years, the administration will have nearly doubled the national debt that had taken over 200 years to accumulate.

The important thing to remember about these mind-numbing figures is that they were arrrived at by an administration that won election largely on the promise that it would produce fiscal sanity and balanced budgets. The administration's failure to do so only reinforce the necessity for constitutional amendment to mandate a balanced budget. We have seen too many promises from politicians in the past. It is now time to take tough action to assure that those promises are kept. It is my belief that the balanced budget amendment gives us a tool to keep those promises, and I am happy to be an original cosponsor of the amendment.●

ON BEHALF OF THE CITIZENS OF THE LEHIGH VALLEY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. RITTER. Mr. Speaker, I would like to share with my colleagues a letter that was sent to Bob Hope from the people of the Lehigh Valley thanking him for the many fine years of service to this great country. I am certain the sentiments expressed in this letter transcend the borders of the Lehigh Valley and are shared by all Americans in all parts of this globe.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 17, 1983.

DEAR BOB HOPE: During your lifetime our world has known its share of tragedy. Yet your life, embodied in your namesake, has brought hope to mankind. You have, through your humor, given America and Americans an ability to weather severe storms and come up smiling. You have proven that there is great power in humor . . . the power to place things in perspective by not taking ourselves too seriously . . . the power to instill inner strength . . . to soothe . . . to heal.

Your love of country and patriotism for America is given unique expression through your humor. No general has done more to instill spirit, strength and sense of purpose in those people serving in our armed forces. Your totally unselfish commitment to their pride and personal well-being, stand as an outstanding contribution to their performance for all Americans. No political figure has done more to instill patriotism and love of country. No doctor has done more to ease peoples' pain and enhance their ability to cope with adversity.

Our Lehigh Valley is composed of descendants of pioneers and ethnic cultures from all over the world. Many have suffered the lack or loss of freedom. Our people worked the mills, factories and farms that built and fed this nation. Many continue to man the industry that drives America.

All of us have enjoyed the pleasure of your company over the decades. During those years, we have snickered, we have laughed, we have roared, we have laughed so hard we cried over your jokes. The joy and the good feelings are incalculable. Each one of our lives has been enriched with happiness because of you.

You have kidded heads of state, mighty industrialists, and glittering movie stars. Your long-time friendship with President Reagan has helped to ease that burden of high office with the sometime necessity of load lightening humor.

In sum Bob Hope, we in the Lehigh Valley of Pennsylvania feel good that you have brought your creative mind and good will into our lives.

We live and salute you for being a great American and a great human being.

Sincerely,

DON RITTER,
Member of Congress.●

STUDENTS, TOO, RESPONSIBLE FOR FREE SPEECH ON CAMPUSES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. PORTER. Mr. Speaker, there are signs that the Nation's campuses are reverting to the worst excesses of the 1960's with the recent incidents at University of California at Berkeley and at University at Minnesota involving students shouting United Nations Jeane Kirkpatrick off stage during a

speaking engagement. This behavior mocks the value of open debate that our universities represent. Allowing individuals to voice unpopular views on college campuses does not imply an endorsement of these views, but a conviction to uphold freedom of speech.

Following these incidents, several national organizations representing college administrators and teachers have issued a statement demonstrating an enduring commitment to free speech and encouragement to college administrators forced to deal with violent or disruptive protests.

But, Mr. Speaker, it is the students themselves who ought to show their commitment to finding the truth and to the freedoms guaranteed in our Constitution. Student government should take the lead in protecting basic human rights on their campuses.

Watch this space for a report on what, if anything, student governments at Berkeley and Minnesota are doing to protect basic freedoms.●

GIRL SCOUT LEADERS' DAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ROTH. Mr. Speaker, April 22 is Girl Scout Leaders' Day, when thousands of volunteers throughout the Nation will be recognized and honored for their contributions to Girl Scouting.

These women and men play an important role in our society by encouraging young girls to develop their talents and interests and to contribute their services wherever they are needed in the local communities. More than 46 million American girls, women, and men have participated in the Girl Scout movement since its founding in 1912.

Girl Scout leaders demonstrate a commitment to the highest ideals of our culture. Under the solicitous guidance of these dedicated, public-spirited citizens, the young members of the Girl Scouts of the United States of America are led in productive, gratifying ways to develop their intellectual and moral faculties with an awareness of their full potential. Girl Scout leaders are key people in shaping these young lives, exemplifying the true spirit of America by setting an example of civic responsibility for their young charges.

I take great pleasure on this occasion to honor and salute these trusted counselors, the Girl Scout leaders of the United States.●

RETIREMENT CLAIMS AN OUTSTANDING AIR FORCE LEADER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ANDERSON. Mr. Speaker, on Friday the 29th of this month, Lt. Gen. Richard C. Henry will retire after 34 years of active duty as an officer in the U.S. Air Force. These 34 years encompass what is indeed an extremely illustrious career.

A native of Streator, Ill., he enlisted in the U.S. Army in February 1944, at the height of the Second World War, and served in the infantry until his appointment to the U.S. Military Academy in 1945. He graduated from the academy in 1949 with a bachelor of science degree in military engineering. In subsequent years he earned a master of science degree in aeronautical engineering and one in instrumentation engineering from the University of Michigan at Ann Arbor, and is a graduate of the National War College.

General Henry's career in the Air Force has been extremely varied. It has included duty with the Strategic Air Command as a B-50 combat crew member; with the Air Force Ballistic Missile Division as a Thor intermediate-range ballistic missile deployment officer; in the manned space flight program of the National Aeronautics and Space Administration, where he was chief of the Apollo navigation guidance and lunar module development programs; and as manager of the Gemini program at the Manned Spacecraft Center in Houston. Then an abrupt change in his military experience made him director of operations of a tactical fighter wing at George Air Force Base, Calif., following which he was vice commander of the 37th Tactical Fighter Wing in Vietnam and later commander of the 33d Tactical Fighter Wing at Eglin Air Force Base. In 1974 he returned to the space and missile program, coming to the Los Angeles Air Force Station as the vice commander of the Space and Missile Systems Organizations (SAMSO). After a short 2-year tour of duty in Washington with the Air Force Research and Development Office, he was named the commander of SAMSO in May of 1979. In October of 1979 the organization's name was changed to Space Division, by which it is known today.

It is customary to note awards and decorations in referring to military officers, but his are so numerous I would only cite a few—the Distinguished Service Medal with one oak leaf cluster, the Legion of Merit, the Distinguished Flying Cross, and the Meritorious Service Medal, plus numerous other American and Vietnamese decorations and service awards. He has more than 4,000 flying hours, including 207 combat missions in F-4's while in Southeast Asia.

But, what we in southern California will remember Dick Henry for most are not so much his military achievements and his dedicated service to his country, but how he has blended in to our civilian communities and taken an active part in them. He and his wife Cheryl are constantly on the go, displaying the Air Force uniform at numerous civic and service club organizations, and participating fully in a wide gamut of activities for the benefit of our community. And, I am pleased to say that General Henry, and avid sailor, plans to remain in the South Bay area following his retirement. We wholeheartedly welcome him, and know that he will continue to make a significant contribution to our communities.

As Dick Henry doffs the Air Force blue and dons mufti, my wife Lee and I wish him and his wife Cheryl, and their three children, Nanette, Pamela, and Richard, many happy years ahead, and, we look forward to continuing our relationship with them.●

COLLEGE OF MARIN BARD-A-THON

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mrs. BOXER. Mr. Speaker, the department of drama of the College of Marin in Kentfield, Calif., has been heralded as one of America's most outstanding junior colleges in the area of theater arts. It has specifically placed more professional actors into Juilliard's drama program than any other college in the United States.

Beginning on April 20, 1983, at 8 p.m., the College of Marin, in an attempt to raise $40,000 for replacement of much needed theatrical equipment, will begin a 5-day marathon reading of the complete works of William Shakespeare—all 38 plays, 5 poems, 154 sonnets, and his epitaph.

Since its construction in 1967, the College of Marin Fine Arts Theater has not replaced its sound, light, and curtain systems. Their state, as of this date, is in complete shambles. Because of the lack of district and local funding, it has become necessary for the College of Marin Department of Drama to produce, besides its repertoire of musicals and plays, special fundraisers to meet specific needs. Last October, Robin Williams performed in a benefit concert at the Marin Center Auditorium and was able to raise $20,000 to replace the college's lighting board.

The college's second project, as stated above, will hopefully raise

$25,000 to $40,000 to replace the sound system, construct a new curtain system, and purchase new theatrical seats for their little theater.

It is heartening to see a community college with so much spirit and drive in these financially difficult times.●

THE POWER TO TAX

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. HYDE. Mr. Speaker, today, I am introducing legislation that would limit the amount of severance taxes imposed by States on oil, natural gas, and coal. This bill would place a ceiling on State severance taxes which would prohibit excessively high tax rates. This legislation is identical to S. 463 which was introduced into the Senate by my Illinois colleague, Senator Alan J. Dixon.

Some States have not felt the recession as much as others. Some, particularly in the West, are doing quite well, while many, particularly in the Midwest and Northeast, are suffering through economic hard times. It seems that while the revenues of most States are declining, a select few have been experiencing an economic "boom." In 1981, Alaska's tax revenue rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.3 percent; Texas' by 17.9 percent; and Louisiana's by 17.5 percent. These are all States who have been able to avoid the effects of the recession because of their extensive use of severance taxes.

In 1981, State severance tax revenues rose by 53 percent. In comparison, State tax revenues from all other sources increased by only 9 percent. As energy prices skyrocketed over the last 3 years, revenues from severance taxes—taxes on depletable minerals that are "severed" from the ground—also escalated. In 1980 for example, the 33 States with severance taxes collected $4.2 billion, which amounted to 3 percent of all State revenues. In 1981, State revenue from severance taxes grew by 52 percent to $6.4 billion—4.3 percent of all State tax revenues.

Frankly, I feel, at their current levels of growth, severance taxes are excessive, if not unnecessary. These taxes imposed by Western States obstruct national energy policy, and unfairly burden the American consumer.

Two States, Montana, and Wyoming, hold nearly half of our national coal reserves. Currently, Montana maintains a 30-percent severance tax on coal while Wyoming has a 17 percent tax. In 1981, these two States received a total of $237 million from this severance tax. This represents a 34-percent increase over the previous year. It is clear that these Western States are using these taxes to increase their revenues at the expense of others.

In would be unfair to single out Wyoming and Montana for criticism, of their current severance taxes. Currently, 33 States have severance taxes. Suprisingly enough, however, the bonanza from higher energy prices has gone to a handful of energy-rich States; Texas, Alaska, Louisiana, Oklahoma, and New Mexico. In 1981, these five States collected 80 percent of the $6.4 billion raised in State severance taxes.

Alaska collected $1.2 billion through a severance tax on oil in 1981—a 131-percent increase over 1980. This tax provides half of all the State's tax revenues. It has enabled Alaska to eliminate its income tax, and the State is trying to rebate part of the money back to its citizens. Texas benefits the most from severance taxes. It took in $2.2 billion in 1981 in severance taxes on natural gas and oil. Just the increase in its severance taxes between 1980 and 1981—$672 million—was almost three times the combined 1981 severance tax revenues of Montana and Wyoming. Like Alaska, Texas has no personal or corporate income tax.

Mr. Speaker, the implications of this pattern of State severance taxation are clear. States with large severance taxes maintain a distinct advantage over other States in competing for new business and future economic growth. Energy-rich States can have lower or no general taxes than other States, and still provide services at a reasonable level, creating a business climate that States without large severance tax revenues simply cannot match.

In 1981, according to the Illinois Department of Energy and Natural Resources, Illinois paid $325 million in severance taxes on coal, oil, and natural gas. These figures are probably similar in other States and could increase in the near future. Several States are considering increases in current severance taxes. Alaska raised its minimum tax on oil production from 12.5 percent to 15 percent in 1981. Kansas, one of the few energy exporting States without a severance tax is considering various proposals for taxes on oil, natural gas, and coal. Even in my State, Illinois—which happens to be the fifth largest coal producing State in the Nation—the chances of a severance tax being imposed on coal seem more likely than ever before. I have received notice from sources in the State legislature that if ever there was a year for this proposal to be enacted, 1983 is the year.

Since more and more of the energy from Western States is being exported to produce energy in the Midwestern and Southern States—as well as other Western States—the overwhelming burden of the tax falls on out-of-State consumers who have no voting power to control the rates they pay. In effect, the energy-rich States have become a new domestic OPEC, earning millions of dollars annually in windfall profits at the expense of consumers. A "United American Emirate" has formed with unprecedented power to beggar their neighbors in the federal system and accelerate the downfall of energy-poor regions. In addition, the tax policies of these energy-rich States can obstruct efforts to improve the economic structure of the older, troubled industrial States.

In terms of direct costs borne by the consumer, a highly disputed study done by the Minnesota Municipal Utilities Association states that a large city would be forced to pass on several million dollars in severance tax costs to its customers. Mr. Speaker, even if this increase was proven to be only 1 or 2 percent, I believe that his increase is too much. Escalating utility bills are one of our most serious problems today and the burdensome severance tax is certainly a contributing factor.

Mr. Speaker, the issue is not whether States have a right to levy taxes, but rather what constitutes a "fair" tax. I believe that States are entitled to tax economic activity within their borders. I have no quarrel with the desire of the States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not feel that States should be able to impose excessive severance taxes that raise revenues far in excess of the amounts needed to recover costs.

These taxing practices are unfair, unnecessary, inflationary, and contrary to our national energy policy of developing America's natural resources as expeditiously as possible at the lowest possible cost.

Justice John Marshall once observed that the power to tax involves the power to destroy. If some limitation is not imposed on severance taxes now, the American consumer will validate Justice Marshall's dire prediction.●

APPRENTICESHIP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. CONTE. Mr. Speaker, I direct my colleagues' attention to an article entitled "Apprenticeship: It Wasn't a Bad Idea," in the March 1983 edition of High Technology. The article states that apprenticeship might be ready for a revival at this time when dramatic changes are once again revolutionizing manufacturing.

This type of apprenticeship program could reduce youth unemployment in a noninflationary manner by provid-

ing new jobs and at the same time provide work for a rush of new entrants into the labor force. These youths could be given "hands on training" in new emerging industries like high technology and at the same time satisfy defense oriented contractor high skilled crafts demand. I am sure you will find that the Bureau of Apprenticeship and Training, under the U.S. Department of Labor, has the capability to assist and play a lead role in such a job training act.

The article as it appeared in High Technology magazine is reprinted below for your careful perusal.

APPRENTICESHIP: IT WASN'T A BAD IDEA

(By Robert Haavind)

In response to an Opinion on the need for innovation in education (Nov./Dec. 1982), one educator suggested that we were attempting to push the clock back 100 years.

That's not what we had in mind, but his comment was a good reminder that often solutions of the past, with some updating, can be fit to new situations. The concept of apprenticeship was one that served society well for generations. Craftsmanship was not something that could be learned from schoolbooks or lectures. The best way to learn a craft was by doing, under the tutelage of a master. And it took time: Seven years was common. Apprentices did the hard, dirty work, and put in long hours for paltry wages. As skills developed, they would handle more and more complex tasks.

The road was long and hard, but the reward could be worth the struggle. Gaining recognition as a master craftsman put someone on a new level in society, and provided self-satisfaction for mastering a difficult art.

Somewhere during the industrial revolution the apprenticeship concept was lost. Rising wages made it too costly to manufacture by hand, so more and more products were stamped out by machines.

Now we face a new sort of problem. Once again dramatic changes are revolutionary manufacturing. Computers and robots will soon take over the repetitive, straightforward tasks that have kept millions of workers busy for a century. New kinds of workers will be needed—to program factory work, monitor activities, set priorities, and so on. This will require a much higher level of worker. Already employment sections are full of jobs available while millions of workers without the necessary skills remain unemployed.

Apprenticeship might be ready for a revival. While a worker is learning on the job, he can also spend part of the day taking classes pertinent to the technology involved. Apprentice programs could be merchanidised by industry much as the armed services are pitched on TV today—here's an opportunity to gain professional skills on the job. Pay will be low (as it is in the Army), but industry could provide a real lure by a new approach. At the end of five years an apprentice who had achieved master status would receive a plump bonus—perhaps $20,000. Criteria would have to be defined so that success or failure could be clearly established. Apprenticeship could be applied to engineering and other technical areas as well as production jobs.

Government could encourage apprentice programs by allowing corporate tax deductions for bonus funds set aside during the learning period. This would be viewed as "human capital investment," similar to depreciation on machinery or facilities. Costs of outside schooling for apprentices could be deductible.

The concept offers other benefits as well. It would boost job stability, result in a more educated workforce, and also lead to a higher savings rate in the U.S.

Old ideas are not necessarily bad ideas. If they worked well once, with a little tuning up they may provide workable solutions once again.●

CONSUMER PRODUCT SAFETY COMMISSION SHOULD MONITOR SURGICAL DRAPE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that would directly address incidents in hospital operating rooms which needlessly endanger the health and welfare of both patients and hospital personnel. This bill would, in short, direct the Consumer Product Safety Commission, in its regulatory activities, to include surgical drapes as articles of wearing apparel.

Presently, surgical drapes are classified as interior furnishings by the Commission. The CPSC promulgates few regulations on interior furnishings, and instead, relies upon voluntary health and safety standards. Mr. Speaker, we have witnessed firsthand what the effect of ofttimes allowing health and safety standards to be left to voluntary standards—especially in nursing homes as well as in the workplace. I believe that in this instance, we are providing for preventive medicine by making sure that we make hospital operating rooms the safest possible places to carry out their intended functions.

Surgical drapes are common to operating rooms as they are used to cover patients undergoing surgery to exclude contaminated areas from sterilized operating areas. Many surgeons and anesthesiologists are concerned with the continued use of these drapes because they consider them to be unsafe medical devices due to their flammable nature. I am therefore proposing that these drapes be considered wearing apparel under the Flammable Fabrics Act, which gives the CPSC the authority to regulate their usage. While the drapes are not necessarily what the general public would identify as "wearing apparel," they are often the only "garment" which the patient wears in the operating room.

It would appear that the incidents of operating room fires in which surgical drapes act as fuel occur more frequently than reported. There are, however, several reports, appearing in health care journals, of the disastrous consequences of such fires. Most fires involve the simultaneous use of high energy-releasing devices, such as electrosurgical or electrocautery. These instruments provide an ignition source and the surgical drape becomes the fuel of the fire. While the instruments present other, better known hazards, their ability to ignite a flammable drape is rarely recognized. Electrocautery devices are usually imprinted with a warning against their use with flammable materials. Since surgical drapes are not commonly known to be flammable, and are not so labeled, these devices have been used together with regrettable results. It is unrealistic to assume that surgeons and other health care professionals will discontinue the use of such high energy devices in order to decrease the risk of fires, due to the fact that the benefit of these devices far outweighs the risk of injury from fire. Partial relief of this hazard will follow the proper education of the involved professionals of the flammability risk of using the products in a coordinated effort. However, it is realistic to expect that the quality of surgical drapes rises to meet the high quality of surgical care now available in our Nation's operating rooms so that the effective and efficient utilization of high energy devices may be achieved.

As the hazard associated with surgical drapes has become more recognized and reporting of such incidents has increased, support for the reclassification of the drapes has become widespread. Active support has come from a variety of groups, including the New York State Society of Anesthesiologists, Inc., the American College of Surgeons, and the Department of Anesthesiology of the New York Medical College.

In order that incidents such as those reported in the following articles may be prevented in the future, I urge my colleagues to support this important initiative.

The articles follow:

[From Anesthesiology, October 1981]

A SURGICAL FIELD FLASH FIRE DURING THE SEPARATION OF DICEPHALUS DIPUS CONJOINED TWINS

(By Keith E. Ashcraft, M.D., E. Stevers Golladay, M.D., and Walter S. Guinee, M.D.)

Despite the prevalent use of nonflammable anesthetics, reports of perioperative fires still appear in the anesthesia literature.[1-3] The following case report relates an experience with surgical field fire during separation of dicephalus dipus conjoined twins.

REPORT OF A CASE

Dicephalus dipus conjoined twins were referred to our hospital after Cesarean section delivery at another hospital. Cardiac catheterization revealed that the left twin (twin B) had a normal heart except for a small patent ductus arteriosus and a right atrial connection with the large, single-chambered atrium of the right twin (twin A). Other cardiac anomalies in twin A included pulmonary valvular atresia, hypoplasia of the right ventricle from which arose the aorta,

a left ventricle whose only outlet was a ventricular septal defect and a large patent ductus arteriosus which maintained circulation to the lungs.

The conclusion was that surgical separation could not result in the survival of both infants. At 13 days of age twin A began experiencing severe bradycardia and cyanosis secondary to ductal closure. This was soon followed by a concomitant decrease in the heart rate of twin B. In an effort to save twin B, the patients were prepared for surgical separation.

A team approach was used to provide anesthesia for the procedure. Each infant received anesthesia delivered by a separate anesthesiologist. A third supervised the administration of drugs, blood loss replacement and fluid administration and record keeping. Separate but similar machines and breathing circuits were used for each twin, the latter consisting of the Jackson-Rees modification of the Ayre's T-piece.

Twin A arrived in the operating room with the trachea previously intubated with 3-mm endotracheal tube and ventilation controlled with an Fl_{o2} of 1. Her cardiopulmonary status was tenuous with Pa_{o2} 28 torr and a systolic arterial blood pressure of 82 torr. Twin B arrived clinically stable and while awake, her trachea was intubated and anesthesia was achieved with intravenously administered morphine. The twins were placed in the left lateral decubitus position and the surgical site was prepared with Povidone Iodine, a water soluble, nonflammable antiseptic solution. The patients were then draped with cotton cloth drapery and a plastic occlusive surgical drape. The plastic drape encircled the head and neck of twin A with its adhesive edge affixed to the extraoral portion of the endotracheal tube. A cone-shaped air space was thus formed with the apex at the endotracheal tube.

Forty-five minutes into the surgical procedure, a blue flame was noted on the operative field surrounding the electrocautery device. Simultaneously, the nonrebreathing circuit connected to twin A began expelling smoke and became extremely hot. The flames were quickly smothered with surgical sponges. The esophageal stethoscope, the endrotracheal tube and the right subclavian intravenous line in twin A had been burned. Ventilation was resumed after a new 15-mm connector was attached to the intraoral remains of the endrotracheal tube in twin A. The clinical condition of twin A did not significantly change after the fire; Pa_{o2} and Pa_{co2} continued to be in the 23-28 torr and 26-36 torr range, respectively. Systolic arterial blood pressure remained constant at 70-75 torr. Likewise, no change was noted in the clinical course of twin B prior to completion of the amputation.

The amputation of twin A from twin B was completed two hours postfire. The head, neck, right arm and majority of the thorax above T10 level of twin A were presented to pathology. Full thickness thermal injuries were noted on the face and head and also in the oral cavity and carbon deposits were found in the trachea. Hemorrhagic fluid was present in the alveoli, but could not be conclusively attributed to the fire.

Initially, the surviving twin suffered severe pulmonary hypertension, acute tubular necrosis and severe hypoxemia. Twin B was never weaned from ventilatory support. Partial thickness burns were present on her head and along the incision line. On postoperative day four, she developed a Klebsiella wound infection. The subsequent month's course was characterized by wound dehiscence, septicemia, and superior vena cava thrombosis. The twin suffered a cardiac arrest and died on postoperative day 46.

DISCUSSION

Because of the complexity of the surgical separation and of the anatomy involved in this anomaly, we were quite concerned about three areas in the anesthetic management: (1) the cross-over effect of a drug or anesthetic given to one twin on the other infant; (2) the ability to accurately estimate blood loss and replacement fluids for each twin; and (3) the ability to maintain normothermia considering the length of the procedure. Bloch and Karis[4] consider these and other problems in their detailed report of the anesthetic management of twins with conjoined hearts. One problem which neither they nor we anticipated, however, was the possibility of an operative field flash fire.

Two of the three necessary ingredients for combustion, oxygen and an ignition source, are always present in the operating room. Despite the near exclusive use of nonexplosive anesthetic agents, the third ingredient, a combustible material, also is present in the form of alcohol-based prep solutions and alcohol-based adhesive sprays,[5] alcohol-packaged suture,[1] drapery, gauze pads, sponges, adhesive tape (especially the plastic type), eye patches, disposable plastics, and paper products.[6]

Both experimental and clinical evidence support the potential hazard these combustible items pose, Plumlee[2] tested the combustibility of tincture of Benzoin spray and found that after a 5-s burst, the area sprayed could be ignited by cautery up to four minutes later; even after a 1-s burst, ignition was possible up to 90 s later. Hot wire cautery has been shown to generate enough heat to ignite any alcohol-based antispectic which contains as little as 20 percent alcohol. Therefore, any substance containing greater than 10 percent alcohol must be considered potentially flammable.[7] Also, cotton drapes ignite within 3-s duration of contact with cautery if the oxygen concentration under the draping is 40 percent or greater.[8]

We feel that the twin-fire can be explained by the combination of a highly enriched oxygen environment, combustible drapery, and electrocautery. Twin A was quite hypoxemic (Pa_{o2} 28 torr); therefore, ventilation was with an Fl_{o2} of 100 percent. The plastic occlusive drape completely enveloped the baby's head, encircling and being attached to the endotracheal tube. An audible leak around the endotracheal tube resulted in the creation of an enriched oxygen atmosphere under this drapery. When the dissection became immediately subjacent to the oxygen rich atmosphere, a flash fire in the operative field resulted. Analogous experiences were cited by Gupte,[3] who reported ignition of a pharyngeal gauze pack during intraoral diathermy which he attributed to leakage of oxygen and nitrous oxide around the endotracheal tube, and by Cameron and Ingram,[8] who reported ignition of surgical drapes when oxygen enriched gases were vented beneath them.

This case report serves to emphasize that the potential for fire still exist, despite the use of nonflammable anesthetics. The hazard may be decreased by: (1) using water-based prep solutions,[7] or if alcohol-based preps must be used, delaying draping until vapor dissipation has occurred;[9] and (2) preventing the accumulation of oxygen enriched anesthetic gases beneath the drapery.

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[From Health Devices Sourcebook 1981-82]

OR FIRES CAUSED BY FIBEROPTIC ILLUMINATION SYSTEMS

We have received two reports from member hospitals of fires ignited by fiberoptic illumination systems (which consist of the light source, or projector, and the light-transmitting cable) during arthroscopic surgery. [Arthroscopes are used to view the internal structures of joints—typically the knee.]

In one incident, the fiberoptic cable was disconnected from the arthroscope and placed on the surgical drapes with the xenon light source activated. The high-intensity output from the cable ignited the cloth drapes, causing a smoldering fire with considerable smoke. Fortunately, elevated oxygen and nitrous oxide levels were not present (as they might be near the patient's head during anesthesia). The fire was extinguished before the patient was burned. In a second incident, the disconnected fiberoptic cable ignited disposable nonwoven surgical paper drapes that had trapped a pocket of oxygen (leaked from a faulty inflation connector of a pneumatic tourniquet). The resulting flash fire severely burned the patient's leg.

Fiberoptic cables and light sources are used with many types of rigid endoscopes (*e.g.*, laparoscopes, cystoscopes), fiberoptic surgical headlamp systems, and fiberoptic retractors, specula, and suction instruments. This hazard probably exists with most light source and cable combinations when the light source is activated and the output of the disconnected cable is directed at materials that will ignite or support combustion. Most flexible endoscopes (*e.g.*, colonoscopes, gastroscopes) have permanently attached light cables with optical fibers that are continuous from the light source connector to the distal tip of the endoscope. Therefore, flexible endoscopy illumination systems are not likely to cause ignition.

Many users believe that fiberoptic illumination systems supply "cold" light to the

visual field. This assumption is false. Actually, such light sources only reduce the amount of infrared radiation (that radiation usually associated with heat production) with respect to visible light. This is accomplished with special filters or lamp (dichroic) reflectors. Radiation in the visible and infrared wavelengths enters the fiberoptic cable and is transmitted through the cable and instruments. When the light leaves the endoscope tip, the level of infrared radiation has usually been reduced to a safe level through absorption by the optical fibers in the endoscope and substantial losses at the cable connections. However, if the cable is not connected to the endoscope, the infrared output is not reduced sufficiently and will ignite some materials. This is especially true at high light source dial settings and with xenon arc lamps that have a much higher output than conventional quartz-halogen (150-watt) lamps.

We reported the potential for fires caused by the output of fiberoptic cables in our evaluation of laparoscopes (Health Devices, Vol. 9, p. 191) and demonstrated that fires could be started with some types of disposable nonwoven surgical drapes. At that time, no such fires had been reported.

Advances in light source and fiberoptic technology may increase the radiation output of visible and infrared wavelengths at the end of the cable and at the distal tip of the endoscope. Higher outputs not only increase the risk of fire, but may introduce the risk of burns during close-range inspection of tissue with the endoscope. Since absorption of high-intensity radiation at visible light wavelengths may also cause tissue heating, additional filtering of infrared wavelengths may not eliminate this hazard. Furthermore, with the increasing use of television systems with video cameras connected to the endoscopes, many physicians operate light sources at their maximum intensities and believe they need even greater light intensities.

RECOMMENDATIONS

1. Inform all operating room personnel and endoscopists of the risk of fires from illumination systems used in endoscopy and surgery. Instruct users to make all fiberoptic cable connections before activating the light source and to turn off the light source if the endoscope must be disconnected. Also instruct users not to turn the light source higher than necessary for adequate viewing.
2. Placard all fiberoptic light sources with the following label: Warning: High-intensity fiberoptic light sources and cables can ignite drapes and other materials. Complete all fiberoptic cable connections before activating the light source.
3. For further information on fires during surgery, see Health Devices, Vol. 9, p. 55.●

THE YEAR OF THE FAN

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. BREAUX. Mr. Speaker, today I am introducing a resolution to designate 1984 as "The Year of the Fan." The fans of America are too often neglected and their contributions to the American way of life are often lost in the shuffle of contract disputes between professional athletes and management.

Those of us who have been in Washington for a number of years are all too well aware of the plight of the baseball fans of this area whose team was removed from this city by the desire of its owners to make more money. The professional football fans of this Nation suffered grievously during the protracted labor dispute between management and professional athletes who many feel are already among the privileged class of America. Baseball fans throughout America were similarly ignored by what seemed to many of us a petty dispute between management and players. We have been reading lately about the possibility of a strike by professional basketball athletes. If this third major strike should occur, the only people "out" will again be the fans.

Not to be forgotten are those loyal fans who support amateur teams in all sports who too often find themselves caught between their loyalty and desire to support such teams and the whims of coaches and players who forget the ideal for which amateur athletics stand.

All of us in the Congress and the Nation at large should not forget the vital role which the fans of America play in promoting a sense of well meaning competitiveness unique to the American spirit. Indeed, without fans there would be no sports in America.

I believe that the time is well past for us to recognize this unique contribution and to express our sense that the fans of America deserve a more visible role in determining the future course of sports in America. I urge my colleagues to support this resolution and to add their voice to mine in expressing our gratitude to these many Americans who truly deserve the medals, honors, and awards handed out by athletic organizations across this country.●

REVITALIZE THE ECONOMY

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. LEHMAN of California. Mr. Speaker, I rise today to remind my colleagues, and particularly this administration, that the much promised economic recovery is not yet sweeping the country.

Each day we hear of this leading indicator or that sign of an economic upturn on the network TV news or from some administration witness or spokesman on the White House lawn. In point of fact, we are still in the midst of the worst recession since the Great Depression.

And the bad news is not just from steel towns in Pennsylvania or closed auto factories in Detroit. It stretches across America and grips no part of the country worse than the agricultural heartland of my State, California.

I call my colleagues' attention to this week's edition of the news magazine, U.S. News & World Report, where on page 8 are listed those cities with the highest unemployment rates in the country, according to the February statistics from the Department of Labor. Maybe its been a few weeks since you heard such devastating numbers:

Of the 15 cities in our country with the worst unemployment, 3 are in or adjacent to my congressional district:

Fresno, my home, 18.8-percent unemployment, national rank, 14th.

Stockton, the center of the rich agriculture of the central valley, 20.4-percent unemployment, national rank, sixth; and Modesto, just outside my district, where many of my constituents work, 23.8-percent unemployment and ranked nationally second only to Johnstown, Pa.

Mr. Speaker, as we debate great international issues today, and as we focus on the needs of our national defense, we must be reminded of the need to revitalize our economy, and bring hope back to the hearts of the unemployed.

We must be reminded that behind all the numbers and statistics, are thousands upon thousands of broken lives, and millions upon millions of suffering Americans.●

THE FAMILY OF ALEXANDER GAGKEYEV—CONGRESSIONAL VIGIL 1983

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. STUDDS. Mr. Speaker, I am pleased to participate in the Congressional Vigil for Soviet Jewry, and would like to take this opportunity to protect the intolerable human rights situation in the Soviet Union.

Jews living in the Soviet Union are among a small number of minorities permitted to apply for exit visas. Yet, to apply for an exit visa is to invite a series of intimidating retaliatory acts by the Soviet Government: The immediate loss of one's job, visits by the KGB in the night, search and seizure of one's personal belongings, and possibly a jail sentence for dissident activities.

The cruelty of these vindictive acts must make one wonder what compels a Soviet Jew to apply for an exit visa. The answer lies in the suppression of all Jewish culture and religion in the Soviet Union. The teaching of Hebrew

and Torah is illegal, and the instructors have been threatened with arrest and harm to their families by security police. There is only one official Jewish synagogue in the entire Soviet Union, a country with 3 million Jews, and the authorities are blatantly anti-Semitic. By continually denying the basic right of emigration to her citizens, and by intimidating those who seek to leave, the Soviet Union attracts the wrath and condemnation of all who enjoy freedom worldwide.

The Soviet Union has used the emigration of Soviet Jews as a bargaining chip with the free world, and the renewed cold war we are now engaged in has brought with it some innocent victims. The recent increase in tensions between the United States and the Soviet Union has resulted in a precipitous decrease in the number of Jewish emigrants it has approved, from 5,320 in 1979 to 2,670 in 1982, and even fewer this year. I wish to speak on behalf of one victim of this cruel game: the family of Alexander Gagkeyev of Moscow.

Alexander Gagkeyev was a well-established architect in Moscow, and was one of the creators of the velodrome used in the 1980 Moscow Olympics. Alexander, then 35, applied for exit visas for himself, his wife Nataly, and his daughter Katya. This resulted in the immediate loss of his job. In addition, his application for emigration was denied twice without any explanation from the Soviet authorities.

Through continuous correspondence, the Gagkeyev's relatives in the United States learned of their plight. They also learned that the family was expecting another child in November 1981, and eventually that Alexander had found some sort of low-paying work completely outside of his profession. During their correspondence, each letter the Gagkeyev's received was promptly answered. Suddenly, the letters went unacknowledged. The Gagkeyev's relatives in the United States have not heard from them since August 1981, even though they continue to send letters regularly.

To lose all contact with family outside the U.S.S.R. is an extremely cruel and discouraging punishment for Jewish refuseniks. Often, this correspondence is their only source of hope. Certainly, the Gagkeyevs are not alone in their struggle to emigrate from the Soviet Union or in suffering the persecution of an oppressive government. Many Jewish leaders prevented from leaving the Soviet Union are being harassed for practicing organized religion. Others simply hope for a better life for their children.

As the leader of the free world, and as concerned individuals, we must let the Soviet Union know that we find their human rights violations intolerable, that we have not forgotten the refuseniks like Alexander Gagkeyev. I am sure my colleagues will want to join me in calling for the granting of exit visas to the Gagkeyev family and all Russian refuseniks by the Soviet Union, and for the immediate cessation of all intimidation tactics on potential emigres.●

REFUNDABLE TAX CREDIT FOR REMEDIAL EDUCATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. GARCIA. Mr. Speaker, a distressing number of adults now in the workplace are functionally illiterate. There is general agreement that too many older Americans beyond the high school age do not have the prerequsite basic skills to perform successfully in the workplace.

Consider:

One adult in five does not possess the functional competency to get along in this society.

There are 57 million Americans who do not have skills adequate to perform basic tasks.

Of the 54.3 million persons 16 and over in 1970 who were not enrolled in school and who had less than a high school education, 75 percent earned less than $5,000 a year.

The proportion of persons on public assistance who completed fewer than 6 years of school is more than double those with 6 to 8 years and almost four times those with 9 to 11 years of school.

Those whose schooling stopped before the eighth grade have lifetime earnings about one-third of those with graduate study.

Observations:

Without remedial education these people, even if they are lucky enough to be in the work force, will continue to be a drag on productivity and the economy. The costs of educational services for adults rises in proportion to the degree of disadvantage of those served.

Most persons in our society who lack sufficient reading and writing skills to function effectively are poor people and racial and ethnic minorities. They are found in city ghettos and doing hard physical labor on unmechanized farms.

A major shift in national education policy is needed to serve the educational needs of disadvantaged adults. To meet this need, I am introducing a bill to provide employers a refundable tax credit for remedial education for new and existing employees. The tax credit would be for 50 percent of wages while learning and 50 percent of the costs of learning.

Contrary to popular belief, high-tech jobs are not the fastest growing occupational group. According to the Bureau of Labor Statistics, service occupations—firefighters, janitors, cosmetologists, bartenders, and so forth—make up the fastest growing occupational group. Remedial education for the structurally unemployed will provide entry level positions in these occupations.

By making the tax credit refundable, small businesses which are not making a profit—as most do not—can provide jobs. Of the 15 million businesses in the country, 99 percent are small businesses. In 1976, 80 percent of new jobs were provided by firms having 100 employees or less. Almost 66 percent of the new jobs were provided by businesses with fewer than 20 employees.

The problem is employability and productivity. All the job training programs in the world will do no good if people cannot learn. Similarly, businesses are not going to invest capital in human resources incapable of advancement. With this incentive we can encourage the investment in human capital to make our great country competitive and strong again. I urge my colleagues to cosponsor this legislation.●

CONCERNED OVER HIGH NATURAL GAS PRICES? THE ICC WANTS ELECTRICITY PRICES TO CATCH UP

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. RAHALL. Mr. Speaker, the Interstate Commerce Commission does not seem to want to be left behind when it comes to allowing arbitrary energy price increases. While many believe the Federal Energy Regulatory Commission has taken a laissez faire attitude toward regulating natural gas pricing, a recent ICC proceeding on railroad coal rates to electric utilities will without a doubt send the price of electricity paid by consumers skyrocketing.

Without making any justification, the Commission in its coal rate guidelines nationwide stated that it will allow a 15-percent per year increase above inflation on railroad coal rates. Since around 80 percent of all coal produced is purchased by electric utilities which generate 52 percent of the Nation's electricity from coal, and railroad transportation costs already account for on the average 30 percent of the delivered price of coal to these utilities, the ICC's decision will serve to drive transportation costs upward. And, as we all know, this increase will be passed on to consumers of electricity.

In order to mitigate this action of the ICC, I, and several of our col-

leagues—Messrs. PERKINS, MURTHA, ROE, MURPHY, WILSON, MOLLOHAN, WISE, MCNULTY, and BOUCHER—introduced H.R. 2584, legislation to provide the ICC with additional guidelines in railroad ratemaking matters.

The impact of the ICC decision on electricity consumers cannot be underestimated. I would like to insert in the RECORD a portion of Mr. Frederick Webber's testimony before the Subcommittee on Surface Transportation yesterday. Mr. Webber is the executive vice president of the Edison Electric Institute and described the effects the ICC's decision will have in some detail.

Mr. Chairman, earlier I noted the difficulty our industry faces with the Staggers Rail Act and the cost of coal transportation by rail. Let me illustrate what one rule implementing the Staggers Act could do to the cost of coal transportation and how it would impact the cost of electricity to the nation's electric consumers and industry. The coal freight guidelines (Ex Parte 347 (Sub No. 1)) include a proposal to permit railroads to raise the cost of coal transportation 15 percent per year above the rate of inflation in addition to other increases already prescribed in the statute. The tables at the end of my testimony illustrate what the 15 percent rule could do to delivered coal costs at five randomly selected utility sites in the country (Oregon, Texas, Arkansas, Maryland and Pennsylvania).

Mr. Chairman, arithmetically, a 15 percent increase will double the cost of railroad transportation in five years, triple the cost in eight years, and quadruple the cost in a ten year period. For Houston Lighting and Power, the 15 percent increase alone in 1997 amount to more than what it now costs to move the coal from Wyoming. We project the 1997 increase to be about $30.01 per ton as opposed to a current transportation price from Wyoming to Houston of $28.28.

We do not believe these increases are justified and, given the other rate increases permitted under the Staggers Act, we believe that rail rates to all of these plants will probably be even higher.

PROJECTED RAIL COST INCREASES UNDER EX PARTE 347 (SUB 1) 15-PERCENT RULE

	1983 tariff	Plus or minus 15 percent	New rate
PORTLAND GENERAL ELECTRIC, BOARDMAN STATION			
1983	$20.66	$3.10	$23.76
1984	23.76	3.56	27.32
1985	27.32	4.10	31.42
1986	31.42	4.71	36.13
1987	36.13	5.42	41.55
1988	41.55	6.23	47.78
1989	47.78	7.17	54.95
1990	54.95	8.24	63.19
1991	63.19	9.48	72.67
1992	72.67	10.90	83.57
HOUSTON LIGHTING & POWER, PARISH STATION			
1983	28.28	4.24	32.52
1984	32.52	4.88	37.40
1985	37.40	5.61	43.01
1986	43.01	6.45	49.46
1987	49.46	7.42	56.88
1988	56.88	8.53	65.41
1989	65.41	9.81	75.22
1990	75.22	11.28	86.50
1991	86.50	12.98	99.48
1992	99.48	14.92	114.40
ARKANSAS POWER & LIGHT CO., WHITE BLUFF STATION			
1983	22.85	3.43	26.28

PROJECTED RAIL COST INCREASES UNDER EX PARTE 347 (SUB 1) 15-PERCENT RULE—Continued

	1983 tariff	Plus or minus 15 percent	New rate
1984	26.28	3.94	30.22
1985	30.22	4.53	34.75
1986	34.75	5.21	39.96
1987	39.96	5.99	45.95
1988	45.95	6.89	52.84
1989	52.84	7.93	60.77
1990	60.77	9.12	69.89
1991	69.89	10.48	80.37
1992	80.37	12.06	92.43
POTOMAC ELECTRIC POWER CO:			
1983	12.78	1.92	14.70
1984	14.70	2.21	16.91
1985	16.91	2.54	19.45
1986	19.45	2.92	22.37
1987	22.37	3.36	25.73
1988	25.73	3.86	29.59
1989	29.59	4.44	34.03
1990	34.03	5.10	39.13
1991	39.13	5.87	45.00
1992	45.00	6.75	51.75
PENNSYLVANIA POWER & LIGHT, YORK HAVEN STATION			
1983	8.35	1.25	9.60
1984	9.60	1.44	11.04
1985	11.04	1.66	12.70
1986	12.70	1.91	14.61
1987	14.61	2.19	16.80
1988	16.80	2.52	19.32
1989	19.32	2.90	22.22
1990	22.22	3.33	25.55
1991	25.55	3.83	29.38
1992	29.38	4.41	33.79

REAGAN SHOULD RETHINK HIS POLICY TOWARD ISRAEL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. LEVINE of California. Mr. Speaker, the Reagan administration is pursuing a policy harmful to both the future security of Israel and to the pursuit of peace in the Middle East. This policy has weakened Israel's confidence in the United States and eroded the trust between this country and Israel, the only democracy and our only reliable ally in the Middle East.

Specifically, the Reagan administration has prolonged suspension of the delivery of 75 F-16's, vitally important to Israel's security, in order to force the Israeli Government into making policy concessions. It has done so even in the face of the threat posed to Israel by the sophisticated SAM-5 missiles provided to Syria by the Soviet Union, and in the face of the President's own repeated promises not to use military aid to force Israel's hand.

The Reagan administration has seriously eroded the track to peace established in the Camp David accords by putting forth its own rigid plan, for the first time seeking an American—not a Mideastern—determination of the outcome. It offered that plan after giving King Hussein several weeks to review, analyze, and approve it. On the other hand, its contents were revealed to Israel only hours before the plan was announced.

The Reagan administration has wooed Arab rejectionists while repeatedly delaying even meeting with Prime Minister Begin, and has rejected Israel's position on most outstanding territorial issues of conflict.

Using threats and sanctions against Israel, while at the same time appeasing the Arabs, is no way to foster progress toward solving the problems in the Middle East. In fact, this policy is inappropriate, counterproductive, and a derogation of our responsibility both to Israel and to the peace process. With the Arafat-Hussein rejection of the Reagan initiative, now is an appropriate time for the Reagan administration to turn away from its present, ineffective course, rethink the direction in which its policy is leading, and seek once again to reestablish trust and dependability between the United States and Israel. Such a change would vastly improve the prospect of Mideast peace. The United States cannot and should not compel Israel to make policy decisions vital to its future based on threats and sanctions.

As a member of the Europe and Middle East Subcommittee, I will continue to work in every possible way to return to the Camp David process, insure Israel's security, and enable her to make decisions vital to her future, free from outside pressure and intimidation.●

CRIME VICTIMS WEEK: ALSO THE TIME TO STRENGTHEN OUR LAWS AGAINST THE PERPETRATORS OF CRIME

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ANDERSON. Mr. Speaker, last week the President signed a Presidential proclamation designating this week, beginning April 17, 1983, as "Crime Victims Week." In this spirit of awakened concern for the victims of criminals who prey on our society, I feel it is appropriate to remind our colleagues that every 24 seconds someone is the victim of a violent crime in our country. This is an abhorrently astonishing figure, and is one statistic which we in the Congress must make concerted efforts to significantly reduce.

I feel that one of the most reassuring messages we can send to victims of crime is to pass legislation which will establish determinate sentences for the most serious offenses. A determinate sentence is one which is fixed; the convicted criminal would not be permitted to merely serve the bare minimum of an allowable sentence. I

recognize that there are compelling arguments for permitting a magistrate to exercise considerable discretion when imposing a sentence upon the convicted criminal, particularly in those instances where the law violated has not caused unnecessary suffering. However, the convicted perpetrator of a serious crime should be made to serve a prescribed minimum sentence that considers the seriousness of the offense.

Determinate sentencing also would insure judicious application of the Penal Code. A person found guilty of an offense would not be discriminated against during sentencing on the basis of race, sex, economic well-being, or any other characteristic. Best of all, the public, and most importantly, the victim, will know exactly what will be done with the convicted criminal.

On March 22, I introduced such a bill, H.R. 2193. My legislation, which has come to be known as the use a gun go to jail bill, currently has 132 cosponsors. H.R. 2193 would amend chapter 44 of title 18 of the United States Code to strengthen the mandatory penalty feature of the prohibition against using a firearm during the commission of a Federal felony.

Someone who is convicted and sentenced under the provisions of my legislation would receive a mandatory jail sentence of not less than 5 years. During the 5-year period of incarceration, the criminal could be neither paroled nor have the sentence reduced to a probationary one. Second and all subsequent convictions would require a prison sentence be served for no fewer than 10 years; the presiding magistrate also would be permitted to impose a life prison term.

I believe the time is at hand for the House of Representatives to pass H.R. 2193. This will send a clear message to the victims of crime that the Congress is serious about getting tough with criminals.●

DES AWARENESS WEEK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WEISS. Mr. Speaker, I rise to support DES Awareness Week, April 18–23, 1983. DES ACTION, a national organization dedicated to educating the American public about the uses and consequences of diethylstilbostrol (DES), has designated this week as a time to locate and educate the many women and men who have no knowledge of their exposure to this potentially dangerous drug.

Between 1940 and 1971, doctors prescribed this synthetic estrogen to millions of pregnant American women to prevent miscarriage. Early in 1971, the medical community witnessed a dramatic rise in the incidence of a rare vaginal and cervical cancer in young women whose mothers had received DES-related drugs during pregnancy. Subsequent medical research revealed a strong connection between DES and cancer of the reproductive organs. In addition, benign abnormalities throughout the reproductive tract have been documented in DES daughters. Because the DES daughter and son cohort is relatively young, the increased risk on their life cycles cannot yet be fully evaluated.

As a result, careful gynecological and urological monitoring may be necessary for these young women and men. Indeed, DES daughters are advised to have regular and sometimes special gynecological observation and exams. Their current physicians need to be aware of their patients' exposure to DES so they can update their medical histories and insure proper medical attention.

Yet, there are still many among the estimated 4 to 6 million Americans affected by DES who do not know of their exposure. In some cases, DES mothers did not provide informed consent for their DES treatment, further complicating the task of identifying and educating their children. Important medical attention and treatment may thus be forfeited.

DES Awareness Week is a much needed opportunity to focus national attention on the problems of the millions of DES-exposed Americans. It is vital that DES mothers, daughters, and sons be informed of their exposure. I am proud to play a role in this educational process, thereby helping to increase the opportunity for them to receive proper medical care.●

TERRORISM AND AMERICANS SERVING ABROAD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. GILMAN. Mr. Speaker, I currently serve as ranking minority member on the Subcommittee on International Operations of the Committee on Foreign Affairs. This subcommittee has as one of its responsibilities the oversight of the Department of State, the U.S. Information Agency, and certain other foreign affairs agencies of the Federal Government and the Foreign Service.

This week, in the aftermath of the terrorist bombing of our Embassy in Beirut, the outstanding professionalism and bravery of our Foreign Service and other Government personnel were once again brought to light. Not counting various assassinations, assassination attempts, and other attacks on our Nation's Ambassadors, and on other Foreign Service employees during recent years, eight major attacks have been launched on American missions in the past 10 years.

Mr. Speaker, I would like at this point to refer to a Washington Post editorial of April 19, 1983, which said in part:

> One would not wish to say anything to detract from the courage and resiliency of the Lebanese, who have had to endure a breathtaking measure of regular and irregular violence for years. Still, the steadiness of the Americans in the embassy in Beirut and in other exposed places deserves respect. They live lives shadowed by the closeness of terror; some have died by it. The United States is fortunate to have in its service men and women who are prepared to take the considerable risks of representing their country in the unsettled quarters of the world.

I know my colleagues join with me in paying tribute to those Americans serving abroad, and in urging that increased measures be undertaken to better assure the security of these courageous, dedicated representatives of our Nation.●

THE PIK PROGRAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. SKELTON. Mr. Speaker, I have been contacted by a number of agricultural support businesses, who are concerned about the damage being done to them because of the implementation of the payment-in-kind program. These companies sell fertilizer, seed, fuel, insecticide, pesticide, and the like to farmers in the local community. In most cases they are very small and many times are a father-son operation.

The PIK program is a good effort to restore vitality to the farm community and, in most respects, it has my full support. By reducing production and using up surpluses we will be able to restore some stability to commodity prices. One unintended by-product of this action, however, is dramatically reduced sales to PIK participants of agricultural support commodities. A recent report by the Economic Research Service of the Department of Agriculture indicates that these businesses can expect significant losses over the next year. If the PIK program goes into a second year, these same people can expect even higher losses.

Unfortunately, in most cases, these small rural businesses do not have the capital required to wait out a Government-sponsored slump. I suggest, Mr. Speaker, that without some kind of action, some of these service businesses will not be around to help the farmers by the time the PIK program ends.

As chairman of the Small Business Subcommittee, I have scheduled a hearing for April 28, 1983, from 9 a.m. until 12 noon, in the Small Business Committee hearing room, to hear from some of these groups and from the Department of Agriculture and the Small Business Administration. Hopefully, we will be able to get some idea of how bad the problem is and what can be done to help. I urge any interested colleague to feel free to stop by and offer whatever suggestions he may have.●

THE "VIRTUOUS CIRCLE" OF TRADE AND GROWTH

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. LUNDINE. Mr. Speaker, I commend to your attention a very insightful article written by our colleague, LEE HAMILTON, which appeared in the March 1 issue of the Christian Science Monitor, entitled "The 'Virtuous Circle' of Trade and Growth."

This article highlights the very critical role the conduct of international trade plays in our daily lives—in the ability of our economy to prosper and to continue to provide jobs for many Americans. The "virtuous circle" which evolved from the postwar period of free and unfettered trade among nations has indeed become a "vicious circle" in recent years as nations have grown more interdependent, and most recently as world growth has slowed considerably. As a result, nations are scrambling to protect their own industries from foreign competition and to target industries of other nations through use of special subsidies and government-directed policies which undermine the operation of the traditional free trade system.

The four policy prescriptions suggested in this article for turning the "vicious circle" into a "virtuous one" once again should be carefully examined. Development of an effective international trade policy is one of the most critical issues facing this Congress. As we attempt to deal with what is a full plate of legislative proposals which must be reauthorized in the months ahead that deal with trade policy, and as we attempt to formulate innovative approaches to the problems of our troubled world trading system, we would do well to keep the analysis and advice of our distinguished colleague from the Joint Economic Committee in mind.

[From the Christian Science Monitor, Mar. 1, 1983]

THE "VIRTUOUS CIRCLE" OF TRADE AND GROWTH

(By Lee H. Hamilton)

A change in attitude toward world trade among Amercian businessmen, workers, and farmers has become apparent. These people are angry at what imports are doing to their prospects, particularly because they believe that the competition is unfair. This change in attitude is symptomatic of other disturbing developments worldwide.

Governments across the world are retreating from one of the fundamental economic principles of the postwar era—that freer trade benefits all nations and that protectionism must be resisted. Many of my colleagues in Congress are quesitoning the very standards of trade conduct established in the postwar era. They argue that freer trade is not fairer trade. Countless protectionist bills were introduced in the 97th Congress. More will be considered in the 98th Congress. Companies are filing petitions with the government every day against what they see as unfair competition from foreign companies. This, too, is likely to increase in the months ahead.

In a time of growing demand for protection, we must try to see how important world trade is and how an upsurge in protectionism may affect us.

From 1950 through 1975, the merchandise trade of the industrial countries grew an average of 8 percent every year, a rate which contributed mightily to historically rapid economic growth of 4 percent a year. The resulting integration of the world economy enhanced prosperity in all major trading countries, leading to more employment and higher real income and wages. When growth in the industrial countries rose more than 2 percent per year, non-oil imports tended to rise three times as fast. There was a "virtuous circle" linking trade, which stimulated growth, and so on.

American's stake in the health of the global economy has grown significantly as the global economy has grown. In fact, our exports in the latter part of the 1970s grew twice as fast as world trade itself. As a share of United States gross national product, exports of merchandise doubled between 1970 and 1979 and now make up 8 percent. One in every three acres of agricultural production is exported. One in every eight jobs in manufacturing is tied to exports. Nearly 20 percent of our total production of goods is exported.

Imports have also risen rapidly. About 20 percent of US consumption is supplied by imports, and imports form an integral part of America's production process.

The remarkable groundswell of world trade began to subside in the late 1970s. By 1981, the volume of trade was not increasing. In 1982, it may even have shrunk. The reasons are clear. Very limited economic growth produces a negative effect, with trade tending to decline more than the shortfall in growth. Such a fall in trade further erodes national economies, producing a further decline in trade, and so on.

In other words, there is a "vicious circle" as well as a "virtuous" one. Our experience today stands in marked contrast to our postwar experience. It is reminiscent of the 1930s.

Such a situation understandably increases the pressure to restrict trade. The problem is that trade restrictions tend to steepen the downward spiral. All governments have responded to this pressure. The European Community and the US have restricted steel imports. The US has negotiated "voluntary" agreements to restrain imports of color television sets from Japan, South Korea, and Taiwan. France, Italy, Great Britain, and West Germany have increased their protection of shipbuilding in the form of higher subsidies. Almost every industrial nation has raised barriers against Japanese automobiles.

Economic analysis demonstrates the benefits of trade and the costs of protection. Yet, almost 12 million Americans are unemployed. Some 16.5 percent of all blue-collar workers are without jobs, and an astounding 24.1 percent of all automobile workers are idle. How much is due to imports is hard to tell, but it is clear that too many are suffering in this recession. What is also clear is that we must respond decisively to a disastrous situation. There are at least four things we should do.

First and foremost, we must shift domestic economic policies so that interest rates come down and stay down. Large budget deficits and tight money have kept both interest rates and the relative value of the dollar far too high. Thus, imports have been much cheaper, and our export competitiveness has been damaged. Interest rates have fallen substantially over the past few months, but they are still too high. Unless Congress can do something about deficits, interest rates are not likely to fall any further. In fact, they may rise. This would keep the dollar too strong and would cause further erosion of our competitive position.

Second, the President and Congress must insist upon fairer relations with America's trading partners, who often subsidize exports and target individual industries for special aid. Such practices enable them to penetrate foreign markets. Our partners also raise a variety of hidden and not-so-hidden barriers to our exports. We need to meet this challenge squarely.

These issues can be addressed through the framework of the General Agreement on Trade and Tariffs (GATT). American representatives protested against unfair trade practices in recent GATT meetings. We need to strengthen the GATT framework. Our negotiators must make it clear that we will no longer tolerate the unfair practices of others. Ours is still the world's largest market, and there is no reason why the threat to close off some of the market could not be used as leverage. Unless we can convince others that their protectionism is risky, we will never get the desired results.

Third, we must promote exports aggressively. This means encouraging the formation of export trading companies, removing domestic impediments to exports, increasing export credit assistance, and negotiating multilateral trade agreements to cover investment and services, areas in which the US has a competitive advantage.

Finally, we need to provide relief to those industries and workers most affected by imports. We must do so in a way that avoids retaliation. We also need to ensure that whatever steps we take to protect our industries and workers are temporary, not permanent, parts of our trade policy.

Freer trade is easier to support in a growing global economy than in a stagnating one. The recession is forcing the US to step back somewhat from its commitment to freer trade, but we must move carefully or else we will jeopardize a trading system which has helped us greatly in the past.●

GREEN BAY LOOKS TO THE FUTURE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ROTH. Mr. Speaker, I am pleased to introduced legislation today to authorize the Army Corps of Engineers to deepen the channel in the Green Bay Port from 24 to 27 feet.

This legislation results from suggestions for port development and improvement made by officials of the Green Bay Port. The long-term health of the port and its users depends on full accessibility to the port by any size ship to be found on the Great Lakes.

At the present time, the Fox River channel in Green Bay is 24 feet deep. The Saint Lawrence Seaway, however, allows ships of 27 feet into the Great Lakes from the Atlantic Ocean. Thus, in order to attract any and all traffic that moves through the seaway, the channel must be dredged to 27 feet.

While the percentage of Green Bay's freight traffic resulting from the Seaway is small now, the Port of Green Bay and its representatives are looking to the future and planning for increased export and import traffic. I compliment them on their forward-looking attitude.

Because the average corps project takes better than 20 years from start to finish, I believe it is essential that planning begin now for the future needs of Green Bay's port. I therefore urge the members of the Public Works and Transportation Committee to support this legislation and incorporate it in the fiscal year 1984 Water Resources authorization legislation.●

BLIND EYE ON CENTRAL AMERICA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. WOLF. Mr. Speaker, I would like to call to the attention of my colleagues the following thought-provoking column in today's Washington Post by George Will:

The article follows:

[From the Washington Post, Apr. 21, 1983]

BLIND EYE ON CENTRAL AMERICA

(By George F. Will)

To begin, a two-question quiz.

First question: since détente was codified at the Nixon-Brezhnev summit in 1973, the Soviet Union has forced a nuclear alert by threatening to intervene with troops in the October 1973 war in the Middle East (a war incited and financed by the Soviet Union); has organized and financed the destruction of the Paris accords and a U.S. ally; has intervened with Cubans and others in Angola, Ethiopia, Yemen, Cambodia, Nicaragua and El Salvador; has invaded Afghanistan; has orchestrated the crushing of Poland; has made a mockery of the Helsinki agreements; has repeatedly violated the informally agreed-to threshold test ban treaty (although we even changed the way we measure violations, in an effort to avoid the need to make protests that would dampen détente); has tried to murder the pope; is violating the terms of SALT II (an amazing feat, considering that SALT II is a tissue of loopholes and ambiguities); is funding and organizing terrorism worldwide; and is continuing an arms buildup unambiguously designed for political intimidation and military aggression. The first quiz question is: why is there a "return to the Cold War"?

Answer: President Reagan gave a speech referring to the Soviet Union as an evil empire.

Second question: the Soviet Union has an army brigade (2,600-3,000 men), 2,500 military advisers (increased 500 last year) and 6,000-8,000 civilian advisers in Cuba. It gave Cuba 66,000 metric tons of military supplies in 1981, 68,000 in 1982 (worth $1 billion). Moscow's annual economic aid to Cuba is $4 billion (more than one-quarter of Cuba's GNP). Cuba has 200 MiGs, including two squadrons of MiG-23 Floggers, at least 650 tanks, at least 90 helicopters, including MI24 attack helicopters, a Koni-class frigate, two Foxtrot attack submarines, at least 50 torpedo attack boats, two amphibious assault ships. A Grenada minister says Cuba will use Grenada's new airport when supplying Cubans in Africa. Cuba, with one-seventh of Mexico's population, has military forces twice the size of Mexico's. The Soviet Union is giving 20 times more military assistance to Cuba than the United States is giving to all of Latin America. In the newest Soviet satellite, Nicaragua, 39 percent of all males over 18 are in uniform, and the regime intends to build a 250,000-person armed force, so one in 10 Nicaraguans will soon be in the military or militia. (All of Honduras' security forces total 20,000. El Salvador's total 32,000.) Nicaragua's regime has built 36 new military bases and garrisons (the previous regime had 13). Nicaraguan pilots and mechanics are being trained in Bulgaria. The regime has received, so far, 50 Soviet tanks, 1,000 East German trucks, 100 anti-aircraft guns, Soviet 152-millimeter howitzers with a range of 17 miles. Cuba has 4,000 to 5,000 civilian advisers in Nicaragua, plus 2,000 military and security advisers. There also are East Germans, Bulgarians, North Koreas, Soviets and members of the PLO. The second quiz question is: about what in Central America does Congress seem most worried?

Answer: fifty-five U.S. trainers in El Salvador.

Events in Central America are spinning rapidly toward a decisive moment in U.S. history. None of the fictions that were used to rationalize acceptance of defeat in Vietnam can be used regarding Central America. The threat there is close, clear and indisputably communist. There the United States will show—will learn—whether it is any longer capable of asserting the will a great power requires, or whether the slide into paralysis is irreversible.

Governments such as Costa Rica's and Panama's are listening as congressional complaints mount. The complaints are against U.S. assistance to armed opponents of Nicaragua's Stalinists, and about even minimal aid for the democratically elected government of El Salvador that is under attack from forces that are extensions, through Nicaragua and Cuba, of the Soviet Union.

The conjunction of these complaints can mean, in effect, the extension of the Brezhnev doctrine in this hemisphere. That is, communist attacks on a regime leech away the regime's legitimacy, and produce pressure for negotiations aimed at "power-sharing" with Stalinists who do not believe in sharing power. But a communist regime, however freshly planted and dependent on foreign totalitarians, as in Nicaragua, must be treated as legitimate and irreversible.

There is a war raging, and if all the substantial, determined military assistance is one-way, there can be but one result. The result will be a communist Central America, and an Iran just a wade across the Rio Grande.●

THE MARYLAND COMMITTEE FOR CHILDREN PROVIDES CHILD CARE INFORMATION AND REFERRAL

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Ms. MIKULSKI. Mr. Speaker, on March 23, 1983, I introduced H.R. 2242, the Child Care Information and Referral Services Act. This legislation provides Federal grant money to nonprofit groups wishing to provide assistance to parents seeking child care. My inspiration for this legislation came from the excellent work of the Maryland Committee for Children. Today, the Maryland Committee for Children officially opened Locate, their child-care information and referral system. I congratulate them on this innovative project.

The notable feature of Locate is its use of computers to store the data on child-care providers and to match up parents' needs with providers' supply. This system represents a partnership of the new technology with the social services. Locate will provide valuable information about who is providing and who is using child care facilities in Baltimore City and Anne Arundel and Washington Counties. This is just the kind of information legislators need.

I call the Baltimore Sun's article describing Locate to the attention of my colleagues.

DAY CARE ENTERS COMPUTER AGE

(By Randi Henderson)

Parents who have fought the day care wars have a new ally in their battle for dependable and quality care for their children.

Beginning today, a computerized locater service coordinated by the Maryland Committee for Children will make it possible for Baltimore parents to identify day care facilities in their neighborhoods, and get some information about them.

There is a $5 fee for the service, but the service won't be denied to parents who are unable to pay, project coordinators said. And they are hoping that the cost of LOCATE—the name of the service—will

soon be underwritten by another segment of the community.

"What's happening is a real recognition on the part of government and business that there has to be a partnership between the industrial community and the child care community," said Sandy Skolnick, director of LOCATE. She wants businesses to subscribe to LOCATE and provide the service to their employees as a fringe benefit like health insurance.

Indeed, the Maryland Committee for Children has found that area businesses have taken an active interest in its work on behalf of children. For example, ReStore, the "creative surplus supply center" run by the committee, "wouldn't exist without help from about 250 businessmen," Ms. Skolnick said. "Some give on a regular basis, and we see a real commitment on their part."

And there is a more practical reason for businesses to be interested, she said. "All the studies show that if there is quality child care available to the working parent, absenteeism and tardiness decline.

"When we thought of doing a day care resource and referral service, we wanted it to be self-supporting," she continued. "It will only work if the business community decides it has an obligation to the public sector and buys into it."

LOCATE received its initial funding, $98,000, from the city, which enabled the committee to hire staff and buy the computers. "The computer component is innovative," Ms. Skolnick said. "Resource and referral systems around the country are done manually. We want to collect lots of information. We see it as a way to document the needs of women and children, and we think it's important for public policy people to know these things."

Similar systems around the country have been unable to computerize, she added, "because child care programs never have funds. We came up with the bright idea to use micro-computers and we're finding that using very inexpensive computer equipment we'll almost be able to do what people do on a $200,000 mainframe."

In the past, the Maryland Committee for Children has provided information about day care to callers on an informal basis.

"As we grew, we became inundated with calls," Ms. Skolnick said. "About two years ago we realized we had to come up with a way to answer all the inquiries about child care programs, from emergency requests for help to details about certain centers."

LOCATE will begin operation today with a reception at the committee's offices at the Chocolate Factory, on Water street. Calls will be taken from 9:30 a.m. to 2:30 p.m. Tuesdays through Fridays at 625-1111.

Information will be available on day care providers in Baltimore city and Anne Arundel and Washington counties. (Those two counties have been included because of a federally funded effort there to compile day care information.) Future goals are to include all of the metropolitan-area counties in the service.

More than 1,600 facilities are listed, 1,039 of them in the city. They include group day care centers, family day care providers and non-public pre-schools and kindergartens. All of the providers listed have been licensed, either by the state Department of Health and Mental Hygiene, Human Resources or Education, depending on the type of program.

LOCATE subscribers will receive a computerized list of day care resources in their neighborhood (or near their work location, if they prefer) and a booklet about day care. In addition, information will be provided about cost and details, such as whether the provider smokes, or—in a home situation—if there are pets in the home.●

OIL PIPELINE REGULATORY REFORM ACT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. ANDERSON. Mr. Speaker, I am pleased today to join with my friend and colleague from Louisiana, JOHN BREAUX, in introducing legislation revising the regulatory structure surrounding the oil pipeline industry.

When identical legislation was introduced last year, I indicated encouragement for it as a discussion vehicle, and it is in that vein that I want to bring it to the attention of our colleagues today.

Essentially, this legislation would eliminate the Federal regulation of nondiscriminatory rates, while leaving intact other requirements, such as the present common carrier mandate.

The oil pipeline industry, and the laws and regulations governing that industry, are quite complex. A thorough understanding and appreciation of the intricacies therein can be arrived at only through careful examination and study.

Of course, as with most matters that come before the Congress, the issues here do not lend themselves to an analysis in black and white. And so, I would speculate that revisions will need to be made in any oil pipeline legislation that is introduced and indeed, I reserve the right to work for any changes that discussion and study would dictate be made in this, or any legislation addressing this issue.

As I said in cosponsoring this bill last year, it is the public interest with which I am most concerned. Every provision of any legislation before us must be made to stand against this public interest test. And so it is the legislation's impact upon the well-being of the public that should receive the primary attention of those reviewing the merits and shortcomings of this bill in the weeks and months ahead.●

THIS HOLOCAUST STILL GOES ON

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. HYDE. Mr. Speaker, "If you don't believe in the domino theory yet, go ask a few million of the Dominoes." So said an Australian general a few years ago, as quoted by James Webb.

The present day holocaust which is taking place in Cambodia (Kampuchea) does not receive the attention it merits, according to Mr. Webb, an author who served as a marine in Vietnam. Mr. Webb, whose OPED piece appeared in The Washington Post on April 14, thinks we are bored and embarrassed by Southeast Asia and that giving proper recognition to this new holocaust "would require many prominent Americans to admit that they were duped by the Communists in Hanoi during the war." Read what Mr. Webb had to say:

THIS HOLOCAUST STILL GOES ON—WHY DO WE IGNORE IT?

(By James Webb)

In this week of remembering the anguish of the Holocaust, in these days of commemorating those who survived, let us take just a moment to consider the crimes that continue in Cambodia.

No one knows how many Cambodians were killed after the communists took control of that country. Estimates run from one-third to one-half of the population, which means the count is easily 2 to 3 million. Following such slaughter, the Vietnamese communists moved in, supposedly to stabilize the country. For those who have been thinking of the Holocaust, this is analogous to the Russians "liberating" Poland from the Nazis.

Currently, there are 200,000 Vietnamese soldiers occupying Cambodia. Behind them, following a policy dictated from Hanoi, hundreds of thousands of Vietnamese are beginning to settle the country. There have been few clearer examples in history of a "final solution" planned to eliminate a national and ethnic identity. The Cambodians, who were almost wiped out, are now going to be absorbed.

Our media dance around this tragedy, reporting it in bits and pieces, avoiding the jugular issues that are playing themselves out for the world to see. The questions the media are avoiding are two: why are the Vietnamese really doing this? And why are so many Americans remaining silent in the face of such a completely hideous act?

The Vietnamese communists did not move into Cambodia to liberate the Cambodians, any more than the Russians moved into Poland to liberate the Poles. They do not remain in Cambodia to stabilize that country, any more than the Russians remain in Eastern Europe for the good of the people they conquered. The Vietnamese communist move was, first, conquest. Or, as one Australian general said a few years ago, "if you don't believe in the domino theory yet, go ask a few million of the dominoes."

Second, it was a consequence of centuries of ethnic animosity between the Vietnamese and the Cambodians, which has periodically spilled over into attempts at genocide—usually at the expense of the Cambodians. And finally, it is the clearest way for the North Vietnamese, who have conquered the South and who completely dominate the present communist government, to prevent insurrection in South Vietnam. The troops in Cambodia are principally South Vietnamese, with North Vietnamese officers to prevent massive desertions into Thailand. If they were returned home to a South Vietnam that is now rife with unrest and poverty,

they would endanger what many escapees indicate is a country ready to revolt.

So the Vietnamese communists are exporting their domestic strife, and fulfilling a long-held dream of conquest in the bargain.

Why do we not recognize this? First, we are bored and embarrassed by Southeast Asia. Vietnam and its turbulence is old news in a society that burns through issues and abandons them for fresher stuff. More important, however, such recognition would require many prominent Americans to admit that they were duped by the communists in Hanoi during the war. Even now, one American professor in Bangkok returned from a visit in Hanoi with a "high Vietnamese official" (who would not be identified) and proclaimed that honest, folks, the Vietnamese are just trying to help Cambodia. What was the "high Vietnamese official" expected to say? What would happen to his position inside a totalitarian system if he expressed the dissenting views that we so cherish in our own political system?

Too many of our brightest people were too easily deceived by creatures of a communist state during the Vietnam War. Too many Americans are even today allowing ego to override intellect. So they ignore the reality of their own deception, even as it unfolds before their eyes.

It was our own country that was accused of "fascism" and "genocide" during the war. but think of this: for all our bombs and soldiers, how many people risked their lives on frail little boats in the open sea to escape the killing during the war? The answer is: about the same number of people who are currently trying to sneak from West Berlin into East Germany—zero. The notions of fascism and genocide existed in Vietnam. Unfortunately, even many of our own people branded the wrong side with such labels.

Perhaps the ultimate lession of the Holocaust is that we do not believe incomprehensible tragedies until they have played themselves out. And then we console ourselves with little ceremonies and empty phrases like "Never Again."

I wish it were not so.

(The writer, who served as a Marine infantry officer in Vietnam, is the author of "Fields of Fire" and "A Sense of Honor.")●

SENATE—*Monday, April 25, 1983*

(Legislative day of Monday, April 18, 1983)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Under the previous order, the Senate will stand in adjournment until 2 p.m., Tuesday, April 26, 1983.

ADJOURNMENT UNTIL 2 P.M., TUESDAY, APRIL 26, 1983

Thereupon (at 12 o'clock and 12 seconds p.m.), the Senate adjourned until Tuesday, April 26, 1983, at 2 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOUSE OF REPRESENTATIVES—*Monday, April 25, 1983*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *April 21, 1983.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, April 25, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good gift, give us awareness of the needs of those about us, that we may truly be friends and colleagues. Encourage us to offer support to those who feel alive and to give strength to those who are troubled. Help us to speak words of consolation and peace to every person and always be available to listen and hear the concerns of others. Surround us, O God, with Your love, that we may reach out in deeds of friendship and grace to those near and dear to us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 245. Joint resolution to correct Public Law 98-8 due to errors in the enrollment of H.R. 1718; and

H. Con. Res. 114. Concurrent resolution providing for a joint session of the two Houses on Wednesday, April 27, 1983, to receive a message from the President of the United States.

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 45. Joint resolution designating the week of November 20, 1983 through November 26, 1983, as "National Family Week";

S.J. Res. 78. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week";

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day"; and

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month."

NEGOTIATIONS FOR LONG-TERM GRAIN AGREEMENT WITH SOVIET UNION

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, on frequent occasions I have come down to the well criticizing the President and the administration for a variety of issues, most repeatedly on farm issues. But today I come down to the well to give the President some congratulations, and perhaps providing a little positive reinforcement for announcing on Friday that he intends to enter into negotiations for a long-term grain agreement with the Soviet Union.

Clearly, he has responded finally to the repeated urgings of myself and other Members of Congress from both sides of the aisle to seek a new long-term agreement. Clearly, he has decided that his earlier decision not to seek a new long-term agreement was prompted by the imposition of martial law, but that has failed to achieve meaningful results. I am hopeful that, in fact, a substantive long-term agreement can be reached.

The President going down to Florida and calling the Soviet Union an evil empire, while it may be true, does not particularly provide an incentive for the Soviets to agree to buy large quantities of American grain and other agricultural products, but for once, I think the President has responded appropriately. The Department of Agriculture has won out over the Department of State, and it is time to give our farmers the kind of encouragement they need so they know there will be long-term sales of grain in the future.

"RACIST INVESTMENT" BAN GETS INITIAL ARIZONA HOUSE APPROVAL

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NcNULTY. Mr. Speaker, I wish to bring to the attention of this House a recent action by the House of Representatives of the State of Arizona expressing the concern of the people of the State of Arizona on continuing racial injustice in the country of the Republic of South Africa. The sponsor of the bill, Representative David Bartlett of Tucson, says that it is intended to send a message to the Government of that country "about the principles we hold * * *. It is appropriate * * * to say we are not going to support apartheid."

If enacted, this legislation will prohibit State retirement funds from being invested in South African companies.

I congratulate the House of Representatives of the State of Arizona in fowarding the principle of racial equity and justice, a principle denied in daily life of South African society.

Mr. Speaker, at this point I insert in the RECORD, " 'Racist Investment' Ban Gets Initial House OK" from the Arizona Republic, Thursday, April 12, 1983:

"RACIST INVESTMENT" BAN GETS INITIAL HOUSE OK

(By Keven Ann Willey)

Legislation prohibiting state retirement funds from being invested in South African companies was given tentative approval Monday by the Arizona House 23-22.

Tacked onto a measure allowing the State Retirement System to invest in foreign securities, the measure would ban investments in South African companies because of South Africa's policy of apartheid, or racial segregation.

"I think it's important . . . to send a message about the priorities we hold," said the amendment's sponsor, Rep. David Bartlett, D-Tucson. "It is appropriate for this state to say we are not going to support apartheid."

There was no debate on the amendment or the bill, although a similar amendment touched off a skirmish between House Democratic Leader Art Hamilton and House Republican Leader Burton Barr last week when it was defeated in a House committee.

"It is not something that employees, at least of my hue, would like to see," Hamilton, who is black said last week, referring to the idea of investing public money in a nation that has government-sanctioned segregation.

Barr had come in late for the committee vote and joined other Republicans in defeating the amendment. Later, he told reporters the amendment caught him by surprise and that he would support such an amendment on the House floor.

When lawmakers were asked Monday to stand for a head count on the amendment, it was 22-22. Hamilton, who presided over the House debate, cast the deciding vote to pass the amendment.

Barr was not present for the tentative floor vote.

The amendment version of Senate Bill 1154, which supporters say would not prohibit investment in U.S. companies in South Africa, is expected to be formally approved today and sent to the Senate. Bartlett said after the vote that he would have preferred to include an investment ban on U.S. companies doing business in South Africa but feared the stronger version would be defeated.

REPEAL OF PRISON INDUSTRIES AMENDMENT TO SURFACE TRANSPORTATION ACT

(Mr. KINDNESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINDNESS. Mr. Speaker, today I am introducing legislation to amend section 114(b) of title 23, United States Code, which prohibits the use of materials produced by convict labor in construction of federally subsidized highways. The effect of this provision, which was an amendment to the Surface Transportation Act adopted during the final hours of the 97th Congress without the benefit of hearings, is far reaching. It would effectively shut down a 30-year-old prison industry that has been operating successfully in 37 States.

The American Correctional Association recently conducted a study on the impact which this amendment would have on prison industries in the various States. The ACA study concludes that in all 50 States combined, the amendment would result in: First, idle capital costs of $7,979,957; second, inventory loss of $10,661,618; third, other costs of $3,773,444; and fourth, the need to reassign 774 inmates out of the 976 inmates currently employed in the industry. Certainly, an amendment of this magnitude should have been the subject of careful study and debate, which unfortunately, it was not.

On February 24, 1983, Alan Breed, the director of the National Institute of Corrections, specifically addressed this amendment in his testimony before the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice during its 2 days of oversight hearings on corrections. Mr. Breed testified that:

> Perhaps our greatest help could be to assure that we at the Federal level do not make matters worse (at the State and local levels).

Mr. Breed then went on to highlight the amendment to the Surface Transportation Act as a prime example of how the Federal Government has made matters worse for the States.

During his tenure in the Federal judiciary Chief Justice Warren Burger has spoken often on the subject of correctional institutions and the policies and practices which ought to be changed. In one of his recent speeches on corrections delivered on December 16, 1981, to the Lincoln, Nebr., Bar Association, the Chief Justice maintains that prisons be made places for basic education and vocational training. The Chief Justice argues, and I agree, that—

> It is predictable that a person confined in a penal institution for 2, 3, or more years who is then released without being able to read, write, spell or do simple arithmetic and not trained with any marketable skill will be vulnerable to returning to a life of crime.

Yet, rather than creating the opportunity for new prison industries to train inmates in a gainful occupation, we have instead, gone in reverse and summarily dismantled an existing 30-year-old prison industry that has worked well.

Due to the negative financial and administrative impact that the amendment in question would have on the States and eventually the taxpayers, I urge members of the Public Works and Transportation Committee to give prompt and careful consideration to this legislation. Identical legislation, S. 693, was introduced in the Senate by Senator HUMPHREY on March 7, 1983.

HOUR OF MEETING ON WEDNESDAY, APRIL 27, 1983

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow, it adjourn to meet at noon on Wednesday, April 27, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PRESIDENT COMMENDED FOR APPROVING RUSSIAN GRAIN DEAL

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Mr. Speaker, I take this time to respond to the President's change of statement of foreign policy on Friday. I am pleased that President Reagan has decided to approve the negotiation of a new long-term grain agreement with the Soviet Union.

This decision represents a fundamental and healthy change in the administration's approach to United States-Soviet relations. It creates opportunities for improved relations with the Soviets in other areas. It is a move away from a policy of self-defeating belligerence to a dialog based on our national interests and mutual interests. It is a step away from a new cold war toward more constructive relations that may lead to an agreement to halt a senseless arms race that threatens the security of the American and Soviet people and that would drain hundreds of billions of dollars from the American and Soviet economies.

The President's decision will help restore a sense of reliability to commitments and contracts made by American exporters. It will help our farmers and workers in other industries to meet the foreign competition that is challenging our economy from all directions. After all, for every billion dollars of farm exports, 35,000 new jobs are created. This year alone, almost 1.3 million American jobs have been created by farm exports alone.

The President's decision is good news for the American farmer and the American economy. Our farmers deserve a fair chance to compete against the Europeans, the Argentines, the Australians, and others who have the advantage of substantial government subsidies and the further advantage of access to Soviet markets that have been denied to our people heretofore by the administration's previous policy.

Mr. Speaker, while I suspect the 1984 elections and the farm vote in the Midwest may have influenced the President's thinking, he has reached the right conclusion. I support his decision. It is good news for all Americans.

PERSONAL EXPLANATION

Mr. ACKERMAN. Mr. Speaker, on rollcall No. 63, the vote on the Stratton amendment, as amended, to House Joint Resolution 13, I am shown as not voting. I was present during that vote and voted "aye."

Mr. Speaker, I ask unanimous consent that this statement be included as a part of the RECORD in the permanent RECORD after rollcall No. 63.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1210

A LACK OF ACCOUNTABILITY AMONG BANKING INTERESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to address the House, as I have on prior occasions, because I feel that there is a responsi-

bility of accountability on the part of banking and financial interests. Because of what I have said on a number of other occasions, I could say that I have importuned others—particularly those who do not agree—with the privileges known as the special order of the House of Representatives. I repeat that I rise only because I feel that the time is due for accountability.

I have had some written inquiries from fellow Americans from various States, who have been motivated to contact me because of the other times I have spoken here on issues that transcend the parochial and local and purely district issues that a Member of Congress represents. Many of those writing recently want to know why I have not continued to speak on a regular basis on the impeachment resolutions that I introduced in the last two Congresses with respect to the Chairman of the Federal Reserve Board and others. They raise questions also about my legislation to bring about accountability on the part of this vastly powerful, runaway, oligarchal group or coterie of bankers that controls the economic and financial destinies of our people.

I think that the time has long been past when the Congress should have addressed itself to the fundamental issue as to who is going to dictate the policies govering economic, fiscal, and monetary matters. The Constitution says it should be the people—the men who founded this Nation intended it.

Even during the Continental Congress, it was obvious that this was the No. 1 issue.

Who is going to control the credit? Who is going to control the allocation of credit to manufacturing, industry, and small business?

As matters now stand, the Congress has all but completely abdicated this trust and responsibility, along with such vital issues as war and peace, although the Constitution says they must be determined by Congress. But decisions are being made in those tapestried, plush offices of the great lawyers for these international banking institutions and corporations. They are making decisions not on the basis of what is good for the greatest number and the greatest interests of the greatest number of the people in this country. What is being served by their decisions is their interests and their greed. Rampant, unrestrained greed has brought our Nation to its knees and destroyed hundreds of thousands of small businesses. They are going under at record numbers even now in this day of promised recovery, if not actual announced recovery.

Who is kidding who? We live in a skeptic's age. During the 30 years that I have had the privilege of serving in an elective public office, society has become cynical.

It seems that everybody has to have an angle. "I made mine, Jack. What are you up to?"

Most people think: You have to have an angle. If you get involved in conflict, if you raise an issue, they say, "Don't rock the boat. Let's go along. Just get along. Don't rock the boat. What is your angle? Are you doing this for political reasons?"

My only angle in raising the Federal Reserve Board issue is the need of the people to gain control of the monetary and fiscal policies of this Nation. As I have said before, the Federal Reserve Board is not an agency heaven-sent. Unfortunately, we have allowed the Federal Reserve to be considered like old John Adams once said of George Washington: "Sent from Heaven, booted, spurred, and ready to ride on the backs of hapless mankind."

Despite what it has done, simply put, the Federal Reserve Board is just a creature of the Congress. The Congress created the Federal Reserve Board. Yet in the Committee on Banking, Finance, and Urban Affairs, of which I have been a member for 21 years, I have heard the endless litany that if you send the General Accounting Office to audit the Federal Reserve's books, you will wreck its independence.

Many members say: "We must maintain the independence of the Federal Reserve."

But my colleagues forget that the way the Federal Reserve operates today and has operated for some decades is not independence. It is a subjugation of the American peoples' right to have access on an equal basis to the great lines of credit that keep them alive, keep their wages stable, and keep the small business people alive.

□ 1220

Even during the days of Greek democracy, greed had to be restrained. There were laws against usury. No nation, no society, no body of people under any clime or climate, language, or social structure or governmental form has survived with extortionate, usurious thievery, known as legalized usury.

The Federal Reserve has legalized usury as high as 21-percent prime rate. What does prime rate mean, outside of the jargon of the bankers? It means this is what they treat themselves to, but even they have special categories. During the last decade in these massive manias for mergers, when you have great mega-corporations, billion plus and more entities gobbling each other up, the battle of the mastodons, not one job has been created. Yet these activities have tied up hundreds of billions of dollars of credit that should be available to the small businessman and is not; so today my little businessman in my city of San Antonio tells me last week, when he tried to borrow $2,000 or $3,000, for what? So he could keep a meager inventory and keep him competitive. The bank wanted to charge him because it defined it as a consumer loan, not a business loan, 23 percent, at a time when our President says. "I have brought down interest rates."

Mr. Volcker, the Chairman, told us week before last in the committee, "Interest rates have gone down, except not as much as they ought to, but there is nothing we can do because we can't make the banks do it."

There is no reason for this incredible statement by the perpetrator of the act, that incredible statement to an almost impassive Congress or committee, it is incredible.

So I want to assure my colleagues and those who fear that maybe the fight is not going on, that I have reintroduced every one of the bills having to do with the reorganization of the Federal Reserve Board. I have reintroduced my impeachment resolutions. I have taken one step further in the process of proceeding along the impeachment procedural lines, as if the whole House were the Committee on the Judiciary, as I announced last session, and proceeded with three general bills of particulars, with an additional four specific bills of particulars or charges, because I am well versed in the history of the impeachment process, not only with regard to our country and its constitutional history, but to the mother country from which we draw our government and our inspiration for liberty, which I know America has improved upon like no country in the history of the world.

As I remind some of my friends, you know, after all, even in England, there is no first amendment. This is the big difference. This is what is at stake, believe it or not, because today, for example, and I am going to digress a little and I hope and I trust that I will not be accused of trying to put on like a Senator, Mr. Speaker. You know, there they have the untrammeled freedom of debate, unlimited debate, not as much as in the Texas State Senate, but certainly here, and I do not want anybody to think that I am putting on like a U.S. Senator, but this is my only opportunity and I do feel accountable for the words I utter.

I did not introduce impeachment resolutions for bombastic purposes or because it was some way to get publicity. As a matter of fact, it has not. Maybe it is best.

I have never been a determinant of what makes news. The newspapers do that. That is their business and whether they see anthing newsworthy or not is for them to fathom, not for me; but I do feel accountable.

I feel that no man, whether he is an elected official, a member of a deliberative body, or an appointed official es-

pecially, or a private citizen, has the right to speak irresponsibly and unaccountably.

I stand behind every charge I have made, every word I have uttered and willing to be shown where I am wrong. That is why I went to the Judiciary Committee. That is where I want this matter of my impeachment resolution to be considered, and then my other two bills, they are for the reorganization, I hope that the distinguished chairman of the full committee, who has been another great stalwart in this battle of just trying to represent people, as soon as his subcommittee which has jurisdiction is not so pressed with the other emergency business now coming at us from every angle, that he will entertain the possibility of giving hearings on the specific measures I have been introducing off and on for about 18 years with respect to the reorganization and bringing about further accountability of the Federal Reserve Board.

I was going to digress a bit because earlier we had 1-minute speeches and we heard some of our colleagues, especially those representing the wheat-growing areas, the grain-growing areas, and others, talk about the wisdom of the President resuming some kind of real good agreement with the Russians; but now here is the President, who says the focus of all evil is Russia and the Russian leaders. He is the one that vitiated President Carter's embargo, whether that was good, bad, indifferent, wise or imprudent, I am not an expert, I do not know. All I know is that Mr. Carter was President.

Now we have another President who at the moment he assumed office undid that embargo. Now, whether his motives were political or not, that is not for me to judge; but I just want to bring to you the world's opinion, countries outside of our boundaries and what they think.

I do not worry a bit about the Russians. I worry more about ourselves. The Russians are not going to do us in. We will do ourselves in first before the Russians will, and particularly if we continue smugly and unconcerned as we are on these vital issues, trying to continue to brush them under the rug.

The Russians laugh because in the meanwhile the President has so much tried to compel our so-called European allies to join us in an embargo on industrial products or technological products to the Russians, when as a matter of fact the very main money supporters of the President, to whom he is first and foremost loyal, have already given all of that to Russia. The only reason the Russians can build a pipeline and enter into contracts with the German bankers, the French bankers and the English bankers and the Belgian bankers, is because our great industrialists have already made it possible for them. We gave them not only the know-how, we gave them the material.

If communism, as demonstrated by the Russian experience has succeeded, it has succeeded only in those aspects where they have borrowed the American technique, and that goes back to the very first 5-year plan in the twenties; but nothing—nothing would have been possible unless and until first the bankers had made it possible.

The other day on one of the national networks it was to me one of the most historical and interesting interviews of David Rockefeller on his plane coming back from a trip where he had said, "Now, look here, boys, you know, not all the Communists are the same. There are some guys we can do business with. We don't want to get into trouble there. There are some of them we can do business with."

□ 1230

Then this reporter said, "Well, now, Mr. Rockefeller, but look here, just what do the bankers have to do? The government is, you mean to tell me, are you admitting that the bankers do have—"

He said, "Well, you know, come to think about it, governments can't do too much more than what their bankers will let them do." This is on national TV.

Now, I do not say that that is bad per se. What I am saying is that in light of what is at issue in our country, which is who is going to govern the destinies of the people's allocation of credits, the bankers or their representatives, the Government, the President, and the Congress. That is the issue. Then the rest follows in the way the world is structured today, just like after World War I, same issue.

I am just never, never surceased from amazement that we should be wallowing in this undeserved depression, this induced depression. This is not an act of God. This was induced by man actions and American leaders' actions, just the same road, almost, the same action. The only difference is the timing and the names of the individual statesmen, the names of the in-betweeners, that is the only difference from what we had after World War I. It is the same thing, no different.

America got into that shell game and lost. The Europeans have old governments, and particularly those aristocratic and excellent, excellent leaders, and then we have Americans who are so egotistical as to think they can outwit, like the billionaire Nelson Bunker Hunt, or Bunker Nelson Hunt, I do not know which goes first, my fellow Texan and billionaire from Texas, who thought that he was so smart that he could corner the silver market in competition with these guys in London off and on those financial streets where that is all they have been doing for 400 years. And they call Uncle Sam, Uncle Sap. They did during and after World War I and they have not stopped to this day.

Yet we have the same Congressmen, the same President, almost, trying to generate a war psychosis on the one hand. So help me, if the Russians do not go crazy, some of them, just trying to figure us out, we can defeat them just by keeping on trying to run them crazy.

We had one Republican President that started détente and it started and took so good that the Germans and the Central Europeans still believe in it. That is why they are giving trouble to Mr. Reagan now. It took a Republican President. Here is a guy that when he was here he set the barn on fire, anti-communism, Communist "big devil," "bit demon," about to gobble us up, and he went and set the barn on fire. Then a few years later as President he comes around with the fire engines to put it out.

Let me tell you, I have had nothing but undying admiration for that kind of activity.

Now we have this President saying "Oh, no." Those same people that that President cheek and jowl toasted his vodka with, there is the focus of all evil. I would not trust them for anything. But yet, yet we are going to have to sit down and maybe we can bargain and maybe we can do this.

I do not know what the concept of any mentality in today's 1980's world with the world shrunk as it is, would have that kind of thinking. It is not quite clear and apparently very unsusceptible of interpretation by anybody.

Ours is an open society. The Russians are not that dumb. Do you know, you have some mighty intelligent Russians, believe it or not, Communist or not.

This is a thing that is causing our defeat: we ourselves.

What just aggravates me no end is to see that we have learned nothing. Now closer to our borders where we cannot afford the luxury of this continued indulgence in error and ignorance, if we ignore the history of Middle Europe and involve ourselves and, what is more do not even take into account the history in the Middle East where now the President, in my opinion, has actually violated the War Powers Limitation Act and has some 1,200 poor marines out there with an undetermined mission. When he was asked for how long, he said, "I do not know."

"Mr. President, what do you mean?" He said, "Well, that will depend on the Government of Lebanon."

I cannot imagine any President before this one that I have had the honor to work with in a sort ever, ever allowing that to enter into his statement. Our Marines, their mission undeclared, undefined. What is their mis-

sion in Beirut? Was it to protect the Embassy? It certainly must not have been.

What do you do if the next time a marine is killed, or 12, or 10, and God forbid, I do not know of anybody here that knows. We do not know. What is the status?

What is more, what about what is not mentioned at all, and that is our 1,500 airborne about 500 miles up on the Sinai that are there, fully equipped militarily. What is their mission?

Let me tell you the difference is that those were sent by this Congress. I was one of the few voices present on the floor and voiced my concern, criticism, and objection. That is why I feel I have the right to talk and ask these questions.

The banking situation is going to continue. I am going to press, and at a suitable time in which there would be a minimal of importuning the order of the House, like today, I will continue my efforts to bring a House vote on my resolution to impeach Paul Volcker as Chairman of the Federal Reserve Board, whether he is reappointed or not, for specific actions that under all standards and dimensions of definition of an impeachment purpose he should be confronting at least the committee. But, by golly, under the rules of the House, if I cannot gain that, then being that it is a resolution of high category, I will proceed and bring it at least to a chance where the Members, if they want to, can vote on it, vote it up, vote it out, shut me up, shut me out. But they are going to get it.

But not until I develop a case as if I were doing it with the committee or the committee was discharging its duty on this House floor. So I want to lay that to rest.

The other was that I have not spoken since the indictments of five individuals in the case of the murder and assassination of the only Federal judge in the history of our judiciary that was so killed. I had to speak over 35 times for almost 3 years before we could bring this to the level of consciousness to make sure that it was not swept into the dust of history like the Jimmy Hoffa case or like the other disturbing cases that reflect what I called this King Crime subjugation of the American people to its destructive rule.

I felt, and I think that I must acknowledge the fact, that the Director of the FBI, Judge Webster, called me all the way to San Antonio hours before the announcement of the indictments to let me know, and to thank me. The way he said it was, "you, more than anybody else, enabled us to keep this case where it could reach the point where it is now, and we will announce five indictments."

Once that was done I felt that it would have been improper to get up here and vociferate any longer. I had accomplished that.

But I must remind those who have expressed interest that before the murder of Judge Wood, which was predictable, 6 months before I had incessently spoken on that occasion, I spoke almost 20 times on the attempted assassination of the assistant district attorney for the western district, James W. Kerr. That crime is still unresolved.

□ 1240

Nobody has been arrested and charged with that crime. And I say today as I said then, unless that crime is fully resolved and the culprits brought before the bar of justice and tried and convicted, the Judge Wood case would not itself be fully resolved. I will not address myself to the Judge Wood case at this time because there have been convictions and some of them are on appeal. And I am confident and I want to express my satisfaction, and I think the thanks of many, to the Justice Department, to the Director of the FBI, Judge Webster for a tremendous job and particularly for the Justice Department under very trying and difficult circumstances, with a puffed up case, with their success thus far in the courts. It has been a mixed success but nevertheless it is something that I feel we should be proud of because this crime as I said, time and time again, had brought forth intimidation of the third branch of our Government. After all, we have three branches, they are coequal, they are independent and they are separate.

And if we allow any one of them, like this one is being now, by the executive branch in the case of these so-called Abscam's and so forth—I have spoken out on that, it has not been easy. I have done it only because I have nothing but the deepest love and affection and respect for this great body and above all our country and its Government. Nowhere in the world would it be possible for a man of my status, socially, economically and my background, to be here and to have had the greatest privilege of all, his fellow citizens elected him to the lower rung or the first rung of legislative representation on the city council, then a very high, to me, personally the highest, to the State senate of the State and then here to the National Congress for 21½ years or more. Those are things that I keenly feel and I feel a deep sense of responsibility. Now, I am not saying I am unique. I think every other Member does too. But I feel there is a responsibility to speak out under these circumstances.

When this crime was committed, it used to be in my district, it is not now, that part which was committed. The crime was committed in the affluent, the nice place, so that happens to be a Republican section. But I felt that it was so significant and it was so awesome, because there was no question in my mind, as I had been predicting after the attempt on James Kerr, that this was a first brazen attempt on that level by organized crime which today is so organized that it is far more sophisticated than anything we have been able to put together on a national level, local level, or State level, by the Government, by the people, to overcome and subjugate this monster which I call King Crime. It has become so interwoven into fronts of business, banks, savings and loans, shopping centers, that outwardly, I do not know if it is possible any longer, I do not know.

I think a lot is going to depend on what we up here will do to keep our faith with the folks. We cannot expect the people to do it for us. That is why they elected us.

I must speak and I will continue to. But at this point I want to report that even though I have not spoken on the House floor since the indictments, back home I have directed a few months ago a letter to the local county district attorney asking him to exert his jurisdiction and attempt to pick up and resolve the case of the attempted murder of James Kerr, the assistant Federal district attorney for the western district, which preceded by 6 months the assassination of Judge Wood.

When and if these convictions in Judge Wood cases are final and God willing I am here, I will again speak out on the Judge Wood case. In the meantime I have spoken out to what I feel would be proper under the circumstances, because even with the best of intentions sometimes instead of helping we can hurt. I want to close out by saying that nothing is more disturbing to me now because of its implications, even greater because of its imminence and its emergence as the pressing No. 1 issue, not only a short-range but huge long-range significant and connotation; and that is our actions and our policy or lack of it with respect to those countries south of the border.

There again for the first time, until then, I spoke out on April 1, 1980. Those who want to accuse me of being partisan would find it hard because the President was Jimmy Carter.

Why did I speak out? I do not think I would have been privileged to serve in an elective, free election process, with no particular support of either money, organized support—I have never had an organization—unless what I said I stood behind and that I had some modicum of efficiency in the pursuit of the discharge of my oath of office. I do not think so. I think the people are so smart that they are not

going to be bamboozled. I see an attitude among so many of my political friends that seem to think that once we are assuming the mantle of public office, that we are smarter. To me it has always been absurd. I have learned more from the people. Ninety percent of whatever I have contributed to legislative accomplishments, bills enacted, resolutions adopted, have been inspired from plain citizens.

I want to say that it is apparent, and after hearing all this almost endless discussion on the so-called freeze resolution, this apparent impression I have had is confirmed; that we are laboring under the tremendous cloud of ignorance, willful in some cases, unfortunate but not willful in others, with respect to the nature of the world.

I see, for instance, that at no time, with respect to the great strategem and the problems in Europe, has anybody here or any President been willing to address the American people and say, "Hey, look, this is another world. This is not 1947 any more. That is gone forever."

In fact, this world and in Latin America particularly, is not the same world it was 5 years ago. If President Kennedy was the President today and he would try to come out identically like he did in 1960, with the so-called Alliance for Progress, he would get nowhere today.

It is another world. It would take too long to go into all of these contributing factors. If Lyndon Johnson was the President and all his advisers told him what they told him in 1965 and he moved into Santo Domingo as he did in 1965 except we must remember this, which this President does not seem to want to realize or his Secretary of State; if he did send the troops to Santo Domingo he did so with the consent and the joinder of the overwhelming majority of the Organization of American States, realizing—and I try to speak only after I know that what I am saying is based on information, not that I have gone to Salvador. My last name does not mean I am an expert on Latin America just because I happen to be with a last name like mine or I am of Mexican descent or whatever, that does not make me an expert. I was born in the United States. So, I am not any more knowledgeable unless I make a special effort. I have not traveled much. I am the least traveled Member of this body. If I go any place like this weekend, it is back to the district.

□ 1250

But when constituents are there, in and out of uniform, in the diplomatic service or any place else, and they travel all the way up here to tell me something, I am going to listen. And I did, I had this happen in August and September 1979.

Those of you who have been following the Salvadoran situation will remember that it was a key date. What these men told me, I had no way of evaluating. They were not asking me to. They were saying that the avenues of communication were so closed that they needed somebody to alert the leaders in the State Department at least, if not somehow the President.

I tried from October, November, December, January, February, March, and there was no access to President Carter.

President Carter was almost—almost—as inaccessible as this one. However, I must say for the record that this is the first President I have worked with who does not answer a Congressman's letter. Even Richard Nixon answered a Congressman's letter. This one does not. And he is not very accessible.

And I am not expressing any personal disappointment. I never bothered Presidents. I never even bothered Lyndon Johnson, who was a 55-mile-away neighbor. The day never happened that I picked up the phone and tried to get him. He called me sometimes, but I never bothered him because I may be for a President politically or I may not be, but once that man is assumed with that office, I am going to try to help him because he has the burden of the world on his shoulders. If I do not agree, I feel it is my duty as a Member of a coequal and independent body to say so. Not to kow-tow, not to do what the press does today and kind of curry up and press against the legs of power and purr. I think we would be abdicating our trust.

On the other hand, I am not going to be so partisan that I would go out of my way to pick flaws and whatnot. I did not do it with Mr. Johnson, I did not do it with Mr. Kennedy, with whom I had a far closer personal association than any one President.

So what I am saying today is that without access to that President I then did what I tried to do and it was to try to get the people in the State Department, and they were inaccessible.

So I then took the floor finally on April 1, after almost 6 months. And it is on the record, so I do not have to go into it. The message was very simple, the same thing I have been saying since and the same thing I have said recently, but I have had a little bit more specific remarks with respect to El Salvador because I had constituents there, both in and out of uniform.

And when I see the contradictions or no policy, when I see that we are headed the same way, and that is to defeat because we are identified. And this is what makes my blood boil. Americans in our society, in our form of government, are the freest, most passionately dedicated to freedom, they are the most democratic in the true sense of that word, government by the people, the most kindhearted compassionate people anywhere that I know of, and to see us placed in the role of the oppressor and on the side of those who have oppressed, who have tyrannized, who have victimized, who have committed horrible crimes against their own citizens for centuries, hurts me because it is not true, but that is how we are presented right now.

And to see this mindless reaction to communism, Marxism, Leninism. I heard during the debate the other day some gentleman talk about how the Communists in the Spanish revolution of Spain in the thirties had been the agents, provocateurs. Well, let me tell you, that even after from about 30 years, the governments of an authoritarian dictatorship of General Franco, today in Spain the Communist Party is legal. In every election that they have had since the death of Franco you had condidates from the Communist Party. The present Minister or Chief of State, who has an identical surname, is a Socialist. Here we use the words interchangeably. So in trying to refine it, I noticed some of my colleagues saying, Marxist-Leninist. Well, what is our policy in the case of an indigenous movement broiling out of the injustices of centuries, strictly indigenous. There is no Cuban rifle coming in, there is no Russian or Czechoslovakian or North Korean armament coming in, there is not even a Cuban present. But purely indigenous and some of those involved, even Catholic priests, are commingling with colleagues who say, "I am a Marxist-Leninist. I believe in the principles of Marx, et cetera."

And all of a sudden we attack that as we would the case of an imposition from the external forces known as Communists. We still have not devised a policy.

I say it is due to ignorance. Anybody knowing just a minimum of history involving the country that are now 21, in fact the most revealing statement of all to reveal his limitations were President Reagan's when he came back last October from his trip to five of those countries. And the first words he uttered were, "Gee whiz, I didn't know they were that different."

This is unbelievable to me, because it is an egregious error.

I asked President Carter on April 1. I said, "Mr. President, I believe sincerely that the United States has a matter of days beyond which it will not be able to exercise the last vestiges of leadership in the new world."

In effect I was saying, but you can still go, you can still exert American leadership and get collective, not unilateral intervention, but collective. Get these fellow neighbors involved.

So what is happening. We abdicated the leadership this last week. Mexico, Venezuela, Panama met together in Central America. They finally said, this is not printed up here. Down there they said, "We are tired. The United States does not want to do anything except supply the arms to both sides that are killing thousands in Salvador alone." More than 40,000, mostly, mostly innocent women, peasants, that do not know Marx from a computer. In Guatemala right now, with Amercian-made bayonets, 6-month-old babies, their bellies ripped open, in the name of fighting Marxist rebels, who is kidding who? If we want to delude ourselves, OK, let us continue willy-nilly almost like one of these inevitable denouncements in Greek tragedy, but let us not blame it on somebody else. Let us look at ourselves.

These are the things that motivate me to speak out. I have offered specific suggestions. I wrote a letter to the President before he made his trip last autumn. He did not reply to it. Some flunky over in the White House answers and says, "We want you to know that your letter was received here. Thank you very much."

□ 1300

So then what I did, I got my administrative assistant to acknowledge the acknowledgment. If that is the way you want to correspond, that is the way we will correspond.

But it seems to me that these are specific suggestions. I am not just criticizing. And why did I make the suggestion in October? Because I had had an exchange of letters with the head of the Organization of American States who was accepting the idea, and he thought it was good and great, not because I thought it was good and great, but because sincerely I believe we are doomed, we are doomed to failure. America has always stood for justice. We were the revolutionaries all throughout the world. In fact, Ho Chi Minh, his inspiration was the American Revolution. Would 50,000 or more Americans have died in Vietnam, I often wonder, if we had really known history, if we had known what the facts were, what the real world was in 1900. Well, in 1954, when it started down there with the French and our involvement, we gave France over $5 billion to wage that war.

We have got to remember that when diplomacy fails, then you resort to force. This is the state we are in. I think this is more or less what the note is going to be from the President on Wednesday. But what it amounts to is the declaration of the failure of our diplomacy.

I said, even before I thought I would come to Congress, that it was disturbing to me that we would have to put American boys fighting Asians. The Russians have not fielded one Russian yet in the field against Asians. Who is failing?

In Europe, their diplomacy, by the sheer weight of history and logic, we forget that. That is what I tell my colleagues, and sometimes they look at it; and maybe I have been brainwashed, but I have never been to Russia. I have yet to meet a live and kicking bona fide Russian and sit down and talk to him. I have never met him. The nearest I came to it was in the hall of the Rayburn Building when my colleague from Texas, then the head of the Science Committee, stopped me and said, "I want you to meet these Russian astronauts." He had them in tow. They did not know who I was. And I just looked at them. He said I was a fellow Texan, and that was it. That is the nearest I have come to it, even though I have been the victim of the FBI, that is, the Hoover era. When I ran for Congress, the local FBI agent in charge and a couple of his minions actually engaged in politicking against me. And later it took my exercise of the freedom of information law, but I will say this, that I got an apology from Director Webster and a promise to expunge that record, because, to my amazement, when I demanded the information, here it comes, and it says on such and such a date, which was right after my election, this local agent was reporting to Mr. Hoover and saying, "Henry Gonzalez, liberal Democrat, just elected to the Congress, with the help of Communists."

Well, I tell you, even my worst enemies in San Antonio would laugh at that, as they did. If there are any around in San Antonio, nobody knows about it, or they have not shown their heads. And I know who helped me. I ought to know. It was a tough fight. I had General Eisenhower going down there 3 days against me. Both of my local newspapers were not for me. It just happened that the people were. But I do not know where the Communists came in. And yet it was in the official records. And if it is in the FBI, then it is in the National Security Agency, because they even tap our phones. If I get a call from a relative in Mexico, the National Security Agency is going to have it.

And I have not traveled in Russia. I was born in San Antonio, Tex., and lived there all my life. I have never been arrested for any reason, nothing, traffic or anything else. And I am proud of that. What I am saying now is that I tell my colleagues, "Hey, look, you are talking about something that you are not going to convince me, because you are overlooking history."

Talk about the Poles, the people in Poland fear the Germans now more than they do the Russians. They may not like the Russians, and they have not liked anybody who has dominated them. Poland has been a country that has been invaded time and time again. Even the Swedes invaded Poland. But the point is that the history of Middle Europe is vital for us to know, yet we have blithely ignored it. We continue to say that the big issue there is the threat of communism over Europe, when the truth is that the biggest issue and the big original issue is the reunification of Germany. That is the real issue.

World War II has not ended. We still have 30,000 of our folks in Germany. But we still deceive ourselves into thinking that the generation of Germans of 1947 are the same today. It is another world; another generation is there now that does not remember the war and looks at our troops. We changed their designation from "occupation" to "defense." Do you think the average German does? Oh, you have some of these people interpreting elections in Germany. It reminds me of the pollsters, in the words of some fellow who said, "They seem to be polling the fish under the water as to what the birds in the sky are thinking." And this seems to be the same thing in Latin America. We forget history.

During the discussion on Radio Marti or Free Cuba, what I heard here I could not believe. We are so self-centered. Cuba had universities, printing presses—Mexico had the first university and the first printing press more than 150 years before the Pilgrims came up here. The same thing with the Russians. If we were Russian, if the United States were Russia, Canada were China, Mexico were Germany, and let us imagine the United States being where China is, England where India is, and so forth, and all of a sudden Mexico invaded the United States and we lost 20 million Americans to that invasion and, finally, with the help of these countries from overseas we rolled them back, once we did, all of a sudden those big allies would say, "Hey, you know what, we don't trust you guys, we don't like your Communism, we don't like your form of government, we don't like the way you do things, we don't trust you, and you are not going to do what you want to do."

Of course, the Russians want to dismantle Germany like we tried to do after World War I. And you cannot do that to virile, strong civilizations and cultures and countries. The Germans are a great people. What happened is terrible. But who is to vouchsafe that not happening in our country? God is no respecter of nations. He does not favor with more virtue in any particular, one over the other.

Look at what has already happened here in our own backyard in the last year or so. Why, we even had Nazi candidates for public office. And some of them get nominated. Who is to say

that America cannot lose its grace? We do not know. All I know is that we have to work at it, we cannot sit back and say it is self-perpetuating.

But try to imagine that, and then this country would say, "All right, we will partition Mexico, since you are so scared of it yet, but we are going to keep part of it, the English are going to keep part of it, France is going to keep part of it, and then, of course, you will keep what used to be Prussia," which is the most sensitive of all in this great tradition. Even music of great emotional quality is still identified with East Germany or Prussia.

Instead of addressing ourselves to that issue of how we avoid the mistake of World War I and the Versailles, where we were made the patsies by our own allies once the war was over with on the question of paying back the war debts, the greatest issue, twice as much as the official governmental war debts, was the private bankers' debts, because the bankers did then what they have done today and what they want to continue to do with the taxpayers' backing, and that is indulge in an orgy of speculation in these worthless papers and bonds, like they did in the 1920's.

The SPEAKER pro tempore. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

THE 1983 AUTHORIZATION BILL FOR THE LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 10 minutes.

● Mr. KASTENMEIER. Mr. Speaker, today I am introducing the Legal Services Corporation Act Amendments of 1983. These amendments taken together represent an extension of authorization for one of the most important agencies assisting poor persons in our country.

My bill authorized appropriations for the independent Legal Services Corporation up to $296 million for fiscal year 1984 and such sums as may be necessary for the next 2 years. This amount for fiscal year 1984 is the same amount as the Congress included in the first budget resolution. This level of funding will maintain the same level of funding provided for in the fiscal years 1982 and 1983 appropriation bills, if adjustments are made for cost of living increases. However, the amount authorized still falls far short of the funding approved in fiscal year 1981 of $321 million for the Legal Services Corporation. Since that time, funding has been reduced by 25 percent excluding the costs of inflation. Demand for legal services continues to rise.

In addition to setting funding levels, this bill also contains some modest changes in the manner in which the legal services programs can operate. The changes made in the Organic Act are the product of 4 days of hearings during this Congress by my Subcommittee on Courts, Civil Liberties and the Administration of Justice. I have also attempted to incorporate those provisions from previous authorization bills and continuing resolutions which serve a rational purpose in the current context.

I am confident that a number of amendments will be offered during markup of this bill in subcommittee and in the Committee on the Judiciary. I look forward to that process. Undoubtably Members will wish to address some of the problems that have arisen with respect to the activities of the Board of Directors of the Corporation. It is also likely that Members will offer changes in other areas relating to other areas of controversy.

Mr. Speaker, the bill I am offering today contains seven basic changes in the manner in which the Legal Services Corporation can operate. Outlined below are a summary of those changes:

First, the Corporation is barred from participating in litigation unless the Corporation or a recipient is a party to the litigation, or a recipient is representing an eligible client and the interpretation of this act is in question. The amendment also places employees of the Corporation in the same position as executive branch personnel by applying criminal sanctions to unauthorized lobbying activities. See 18 U.S.C. 1913.

Second, no Corporation funds may be used to influence any Federal, State, or local administrative agency, except where an eligible client has a particular application, claim or case. Similarly no Corporation funds may be used to lobby elected officials, except: First, that communications may be made in response to official requests; second, that communications may be made in connection with authorization or appropriation or oversight measures directly related to the Corporation or a recipient of Corporation funds; or third, any communication, approved by the project director of a recipient, may be made relating to a particular application, claim or case of an eligible client when the relief can be best provided in a legislative forum and when proper documentation is made.

Third, certain procedures are established prior to the commencement of class action litigation against Federal, State, and local government agencies. These procedures require that: First, the project director of the recipient approve the filing of such an action, under rules established by the local governing board; second, that the relief sought be for the primary benefit of eligible clients; and third, that prior to filing the action the project director has determined that the Government policy challenged is not likely to be changed without resort to such a remedy, and that efforts to resolve the issue without litigation have not been successful or would be adverse to the clients' interest.

Fourth, recipients of Corporation funds are encouraged to negotiate settlements of controversies affecting eligible clients before filing suit.

Fifth, the Corporation is instructed, to the extent feasible, to make available substantial funds for legal assistance to eligible clients through private attorneys. This provision also will require the Corporation to issue regulations to limit the extent of compensation to such private attorneys to reasonable costs and expenses.

Sixth, no Corporation funds may be used for litigation or legal assistance activity relating to abortion matters unless such abortion is necessary to save the life of the mother, except that such limitation does not apply to the provision of legal advice.

Seventh, no funds may be used to represent an individual who is known to be an alien in the United States in violation of the law.

In sum, Mr. Speaker, I view this bill as the beginning of what will hopefully be a complete legislative process. In each of the last 2 years the funds for the Corporation and its accompanying authorization have been tied up with the various continuing resolutions. Thus, the Corporation and its recipient programs have been forced to limp along from day to day not knowing their fate. If the Congress can act expeditiously on an authorization bill perhaps we can avoid that problem. In this regard I was pleased to see the introduction on April 21, 1983, of a Senate measure (S. 1133) with respect to the Legal Services Corporation (CONGRESSIONAL RECORD, 9445–9448). Senator EAGLETON's bipartisan measure contains some of the features found in my bill. In addition, it appears to contain a number of significant improvements in the operations of the Corporation and to preserve its independence. I anticipate that in the months ahead that Members on both sides of the aisle and in both Houses will wish to devote careful attention to this important matter.●

LEGISLATION REVISING GENERAL AND PERMANENT LAWS RELATING TO ALIENS AND NATIONALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, today, I am introducing a bill to revise and codify without substantive change cer-

tain general and permanent laws, related to aliens and nationality, as title 8, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the office to prepare and submit to the Judiciary Committee of the House of Representatives, for enactment into positive law, all titles of the United States Code.

The bill makes no change in the substance of existing law.

This bill is the successor to H.R. 6754, introduced in the 97th Congress on July 14, 1982. That bill and its accompanying report were made available to interested Government agencies and the general public for comment during the latter part of 1982. Those comments have been taken into account in preparing this bill.

Anyone interested in obtaining a copy of the bill and accompanying report should contact: Edward F. Willett, Jr., law revision counsel, House of Representatives, H2-304, House Annex No. 2, Washington, D.C. 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than June 1, 1983.●

□ 1310

PARADOX AND HYPOCRISY OF ARMS BUILDUP AND LONG-TERM GRAIN SALES TO SOVIET UNION

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker, I want to address a few brief remarks today on the paradox and hypocrisy of President Reagan's policies of arms buildup to defend ourselves against the Soviet Union and turning around this weekend and offering to negotiate long-term sales.

Agriculture is the fundamental of any society's economy. This is not clearly recognized today when we think that agriculture is just one other segment of our industrial society, and if the steel industry goes down some people suffer, or if the car industry goes down or if the timber industry goes down people suffer, but the economy can go on. If agriculture goes down, the whole economy will founder. Agriculture is the foundation. Depending on how many people each farmer can feed is how many people are free to take up other pursuits; in other words, if it takes 50 percent of our people to feed the Nation, then only 50 percent of the people are free to do things such as build homes, manufacture steel, or report, or be in politics.

So as we neglect our agriculture, and as other nations such as Poland and elsewhere neglect their agriculture, their economies will sink. Today, because our agricultural economy had become so desperate, farmers going bankrupt, loans in default throughout the Nation, prices below the cost of production, the administration brought forth the payment-in-kind program, which has, in effect, given away our entire reserves of grains in this country. There is even cause to suspect that we are borrowing on this year's crop to make the payment-in-kind program commitments.

So, therefore, we are denuding our reserves at a time when weather is more capricious than at any time I have seen it. The El Nino off the coast of South America is such that the anchovy crop, which feeds millions and millions of people through the anchovies being made into fish meal and fed to poultry and other animals, the El Nino has devastated the anchovy crop. The weather may, capricious as it is, devastate our crops, the remaining acreage that will be planted in this country this year.

So we are faced with an agriculture that has sunk to a very low state economically, a denuding of our reserves, with weather so capricious that it is possible we could have a devastating crop year, and what does the President do? The President says we are going to give all the grain we possibly can to the Soviet Union, and at the same time demanding of the Congress that we increase our military buildup to defend ourselves against the Soviet Union.

I say this is not only a paradox, but pure hypocrisy. The United States is the largest grain supplier in the world. We are, in effect, the OPEC of grain. In the last number of years, we have furnished over 80 percent of the soybeans in world markets, 70 percent of the corn, 50 percent of the wheat, and yet we have sold this grain to the wealthiest nations in the world, not the poor and undeveloped nations, but the wealthiest nations of the world, at below the cost of production. We have subsidized every bushel of grain that we have sold overseas; in effect subsidizing the wealthy nations that have bought them. And who are these wealthy nations? The OPEC countries are buyers of 25 percent of our overseas grain. Japan has been the largest single buyer of our grain, one of the wealthiest nations in the world, the one with the greatest balance of payments position. And also the Soviet Union.

Every bushel of grain that we sell to the Soviet Union frees them up to build more armaments. Every single time we subsidize the Soviet Union with grain below the cost of production, we are giving out of our taxpayers' pockets, out of the Federal coffers, and out of the pockets of the farmers, money to the Soviet Union to help them increase their arms buildup.

This President that has announced that he will now negotiate long-term commitments to the Soviet Union for our grain is the very one saying we should build up our arms, spend whatever money we have left, take away from the senior citizens, take away from the poor, take away from jobs programs, in order to spend more money on our military, is the same President that now wants to subsidize the Soviet Union.

I say the Congress should examine this grain sale to the Soviet Union and examine it closely. I intend, Mr. Speaker, to offer amendments on the floor of the House of Representatives to, among other bills, the Export Act that must be reauthorized before the fall, to prohibit the United States from selling grain to the Soviet Union at less than the cost of production. At the minimum, if we sell grain to the Soviet Union, we should not subsidize the Soviet Union by selling that grain below the cost of production.

Now, there are reasons to sell grain to the Soviet Union, not the least of which is to make sure our farmers have markets, but as important a reason, I think, is that to better relations with the Soviet Union and ourselves, to makes the world more stable, to assure the prospects of peace and not nuclear annihilation, it is possible that grain sales to the Soviet Union over a long term might be worthwhile. But I find it asinine, ridiculous, stupid, and absurd, and hypocrisy of the greatest moment to demand an arms buildup, a nuclear buildup to defend ourselves from the Soviet Union at the same times as we give them our grain at bargain basement prices.

So therefore, Mr. Speaker, I say that it is time the Congress examine our fundamental policy of grain sales to the Soviet Union, weight them in the balance of peace in the world and our own military buildup and the Russian military buildup. We cannot go helter-skelter any longer giving away our grain at the very time we have denuded all our reserves, and the weather may end up denuding our present crop that is going to be grown this year.

In 1972, the year of the Great Russian Grain Robbery, when the Russians scooped up all our reserves, bought them at bargain basement price and suddenly we had bad crop years, El Nino was on the coast of South America and denuded their anchovy crop, our food prices skyrocketed. In 3 years the food prices shot so high that it inaugurated the inflation that we have just come out of, and we can have another round of this inflation, of food inflation, if indeed we continue the policy of denuding our grain reserves and giving the balance to the Soviet Union.

We leave ourselves defenseless. I was the author of the national grain re-

serve program in this Congress, and that national grain reserves has meant that we had reserves in case of bad crop years, but under the PIK program, the payment-in-kind programs, those reserves are virtually gone.

So I ask colleagues in this Congress, let us examine, both in committee and on the floor, the policy of making long-term grain commitments to the Soviet Union and I intend to help in that examination.

□ 1320

FORMER DIRECTOR OF CIA SUPPORTS NUCLEAR FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, supporters of House Joint Resolution 13, which calls for a mutual and verifiable freeze in the development, production, and deployment of nuclear weapons, and I include myself among its supporters, claim the freeze could bring a dramatic halt to the nuclear arms race, without jeopardizing our national security. In a particularly cogent article prepared for the Washington Post, former Director of the Central Intelligence Agency, William Colby, agrees with freeze proponents and declares further that it would end President Reagan's policy of appeasement. It is one of the best statements in support of the freeze resolution that I have seen and I urge my colleagues to read it.

The article follows:

[From the Washington Post]

REAGAN SHOULD TURN FROM "APPEASEMENT" TO A FREEZE

(By William E. Colby)

To use language meaningful to those of President Reagan's generation (and my own), appeasement doesn't work. I am sure the president would agree with that statement, but in fact, he is engaged in a program of appeasement. NATO's first resolute decision to deploy 108 Pershing II missiles and 464 cruise missiles to meet the Soviet SS20 buildup has been followed by the president's proposal of a zero option on both sides, rejected by the Soviets, and then a suggestion for an interim solution, also rejected by the Soviets.

The president's proposal to supplant the SALT II treaty by the START proposal to reduce strategic launchers to 850 on each side and warheads to 5,000, no more than half of which would be land-based, has been rejected by the Soviets. The U.S.S.R. made a minimal move in our direction by suggesting an 1,800-launcher limit. The administration now considers means by which it could move off its original proposal toward the Soviet position.

Another appeasement being attempted is of the anti-nuclear and nuclear freeze movements in the West. The political force of these movements led the administration to soften its previous positions, in hopes of diluting the impatience of millions of Europeans and Americans over their governments' inability to reduce the nuclear terror to which they are exposed. Minor variations of the degree of terror certainly are not going to appease these movements, particularly when these gestures are matched by plans to bring in new weapons systems like the MX, the D5, the B1, and a whole new dimension of space warfare.

The real requirement is for a bold move to halt the arms race, as a clear indication of resolution to reduce the nuclear terror to which all our populations are subjected. This is the basis for the call for a mutual and verifiable freeze on the testing, production and deployment of nuclear weapons and their delivery systems. A recitation of what this freeze will produce in benefits to the safety of the United States is a compelling argument for Regan to leapfrog the obstructionists who urge his to oppose it and instead take leadership of it.

A simple projection of current weapons plans that would be obviated by a freeze demonstrates its value to the safety of our country:

(1) A freeze on new types of land-based missiles permitted under SALT II would halt the present Soviet testing of two new types. It would also halt the MX. The prime characteristic of these new weapons is an increase in accuracy and consequent targeting of the land-based missile systems of the other side. While the so-called "first-strike" scenario is discussed as a theoretical possibility today, the advent of these new weapons systems will bring it remarkably closer. Both sides will be convinced that the other will soon have the potential for a single devastating blow, requiring that it keep itself on hair-trigger alert for an equally devastating response. The decision time in such circumstances will be reduced so that automatic, not human, decisions will have to be programmed, offering the sickening prospect of mutual destruction through machine error.

(2) A freeze would bar the development of cruise missile armadas on both sides. While the United States is technologically ahead with this new device to date, it is predictable that the Soviets will develop their own capability within the next decade. They did just that with respect to the MIRV, after it was left out of SALT I in 1972 because the United States had no incentive to bar itself from something the Soviets did not then have. At the end of this decade, we can confidently expect a national debate over the need for a comprehensive air defense system to protect the United States from a Soviet cruise missile armada. This whole development would be eliminated by a freeze today.

(3) A freeze would bar the further development and deployment of the Blackjack bomber on the Soviet side and of the B1 on the American side. This would have to be clarified in the discussions leading to the freeze agreement, but it seems clear that the strategic arms negotiating history considers intercontinental aircraft to be launchers rather than platforms. Again, this would prevent the buildup of a large Soviet intercontinental nuclear air force requiring the kind of air defense system the Soviets are now hoping can hold off at least some of our B52s.

(4) The freeze would bar the development of the D5 missile by the United States, with its improvements in accuracy leading to the danger of first strike from the sea. Similarly, it would bar a more accurate Soviet submarine-launched missile. It would not bar the replacement of Polaris submarines by Tridents because the negotiating history has considered submarines as platforms rather than as launchers. The Soviets are currently considerably behind the United States in submarine technology, but again it can be confidently expected that they will improve over the next decades through a combination of espionage, allocation of resources and talent, and plain competitive determination. A freeze on launchers would limit the application of those improvements in the nuclear dimension.

Each of the arguments against the freeze collapses under careful examination:

(1) The Soviets are certainly not "superior" to the United States in any meaningful way today. If they were, we would see them using that superiority, rather than indicating concern over the technological superiority of the United States and its ability to leap ahead in technology in the coming years at a pace beyond that possible for the Soviet Union. The present American retaliation potential is absolute, and with a modicum of maintenance, its components will not vanish from old age.

The Soviets restrict their adventurism these days to the safer techniques of proxy war, subversion and attempts to encourage weakness of American will and separation from European opinion. This is not the bluster of someone convinced that he has the power to dominate. It is the wiliness of someone operating from a position of weakness, trying to slow the opponent down without direct confrontation.

(2) Could we verify whether the Soviets would abide by such an agreement? The administration's own reports show that we are doing exactly that in our attention to potential violations of SALT II and the steady buildup of Soviet power. The fact is that our intelligence system will cover the Soviet Union's nuclear weaponry whether there is a freeze between us or not; a freeze treaty would merely make it easier to do so because of the numerous elements included in recent treaties to facilitate the process. Even in areas of ambiguity, of which there will certainly be some, such as the current indications of Soviet violation of the chemical and biological treaty, it is plain that our intelligence systems have picked up these activities. They have not occurred without being exposed to outside scrutiny.

The fact that the Soviets might violate a treaty is not the determinant. No one should "trust" them not to do so. The real point is whether we would catch them at it and be able to act upon that information. The evidence today indicates that this is clearly the case. Any violation that would be extensive enough to have an impact on the strategic balance would certainly be noticed by us.

The real question is what we proposed to do about a violation rather than whether we would know of it. In this respect, there are improvements that can be made in procedures, such as third-party investigations and decisions, interim sanctions and greater visibility upon challenge. The Soviets have shown themselves in recent treaties to be willing to yield some of their long-held phobias against exposure of their affairs, provided that the result is specifically in their interest.

(3) A freeze would certainly be of advantage to the Soviet Union, halting the major American nuclear buildup now planned. As with any successful treaty, however, the question is whether it would be in the equal interest of the United States, halting a certain further Soviet buildup of nuclear weaponry, which, or course, it would. We can protect the United States better by convinc-

ing the Soviet Union not to develop new weapons systems than by developing the defensive systems to shoot them down if they are used against us.

Thus appeasement is not the answer. It does not satisfy the nuclear priesthood, which thinks only of building new and more complex weapons systems. It does not satisfy the Soviets, as every indication of yielding is taken as a weakening of will to achieve a mutual solution to the arms race. It does not satisfy the opponents of nuclear warfare among the broad populations of Europe and the United States, who believe their leadership has failed to protect them against potential annihilation as a result of the inexorable march of technology.

Only a bold, firm call for a mutual stop in the arms race could cut through the present tangled political and diplomatic negotiations and produce a result worthy of an American president.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BATEMAN (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending a meeting of the Inter-Parliamentary Union.

Mr. BOEHLERT (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending a meeting of the Inter-Parliamentary Union.

Mr. HYDE (at the request of Mr. MICHEL), for today and the balance of the week, on account of attending a meeting of the Inter-Parliamentary Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GLICKMAN) to revise and extend their remarks and include extraneous material:)

Mr. WEAVER, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KASTENMEIER, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, on April 28.

Mr. BROOKS, for 60 minutes, on May 3.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. NEAL, for 5 minutes, today.

Mr. RAY, for 5 minutes, on April 27.

Mr. WEAVER, for 30 minutes, on April 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. VUCANOVICH) and to include extraneous matter:)

Mr. GOODLING.

Mr. PORTER in six instances.

Mr. FIELDS.

Mr. FORSYTHE.

Mr. SOLOMON.

Mr. GILMAN.

Mr. SHUMWAY.

Mr. MICHEL.

Mr. MARRIOTT.

Mr. SAWYER.

(The following Members (at the request of Mr. GLICKMAN and to include extraneous matter:)

Mr. BONIOR of Michigan.

Mr. LONG of Maryland in two instances.

Mr. RANGEL.

Mr. PEPPER.

Mr. ALEXANDER.

Mr. LANTOS in two instances.

Mr. FROST.

Mr. BEDELL.

Mr. SKELTON.

Mr. KOSTMAYER.

Mr. FAUNTROY.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. OTTINGER.

Mr. RODINO.

Mr. MAZZOLI.

Mr. CONYERS.

Mr. EVANS of Illinois.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 45. Joint resolution designating the week of November 20, 1983, through November 26, 1983, as "National Family Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 78. Joint resolution to authorize and request the President to issue a proclamation designating April 24 through April 30, 1983, as "National Organ Donation Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 81. Joint resolution to authorize and request the President to designate October 16, 1983, as "World Food Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 82. Joint resolution designating November 1983 as "National Alzheimer's Disease Month"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 26, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

984. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1977, as amended; to the Committee on Agriculture.

985. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during March 1983, to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

986. A letter from the Secretary of the Department of Education, transmitting a draft of proposed legislation to extend certain discretionary programs under the Education of the Handicapped Act; to the Committee on Education and Labor.

987. A letter from the Acting Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, transmitting the seventh annual report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, pursuant to section 207(e) of Public Law 93-415; to the Committee on Education and Labor.

988. A letter from the Executive Director, Board for International Broadcasting, transmitting a sectional analysis of proposed legislation transmitted by the Board on February 25, 1983 (Ex. Com. No. 519); to the Committee on Foreign Affairs.

989. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a new records system for the Department of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

990. A letter from the Chairman of the Federal Election Commission, transmitting proposed regulations pertaining to a candidate's use of property in which his or her spouse has an interest, pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Administration.

991. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Potawatomi Nation of Indians by the Indian claims Commission and the U.S. Court of Claims, pursuant to section 2(a) and 4 of Public Law 93-134, as amended; to the Committee on Interior and Insular Affairs.

992. A letter from the Secretary of Transportation, transmitting an annual report for 1982 on the national airway system, pursuant to section 504(b)(2) of Public Law 97-248; to the Committee on Public Works and Transportation.

993. A letter from the Secretary of Commerce, transmitting a report on the critical materials requirements of the U.S. aerospace industry, pursuant to section 55(c) (1) and (2) of Public Law 96-479; to the Committee on Science and Technology.

994. A letter from the Deputy Secretary of the Treasury, transmitting a draft of pro-

posed legislation to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984; to the Committee on Ways and Means.

995. A letter from the Deputy Secretary, Department of Agriculture, transmitting a draft of proposed legislation to simplify the administration, contain escalating costs and create greater flexibility in the operation of programs under the National School Lunch Act and the Child Nutrition Act of 1966; jointly, to the Committees on Agriculture and Education and Labor.

996. A letter from the Comptroller General of the United States, transmitting a report on the triennial assessment of the Tennessee Valley Authority for fiscal years 1980–82 (RCED–83–123, Apr. 15, 1983); jointly, to the Committees on Government Operations and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 21, 1983, the following report was filed on April 22, 1983]

Mr. SWIFT: Committee on House Administration. H.R. 2621. A bill to authorize appropriations for the Federal Election Commission for fiscal year 1984; with amendments (Rept. No. 98–71). Referred to the Committee of the Whole House on the State of the Union.

[Filed April 25, 1983]

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2600. A bill to dedicate the Golden Gate National Recreation Area to Phillip Burton; with amendments (Rept. No. 98–72). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SAM B. HALL, JR. (for himself, Mr. ALBOSTA, Mr. KINDNESS, Mr. MAZZOLI, Mr. FRANK, Mr. BERMAN, Mr. SCHUMER, Mr. MCCOLLUM, and Mr. SHAW):

H.R. 2717. A bill to amend the Ethics in Government Act of 1978 to make certain changes in the authority of the Office of Government Ethics, and for other purposes; jointly, to the Committees on Judiciary and Post Office and Civil Service.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 2718. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal information policy, and for other purposes; to the Committee on Government Operations.

By Mr. KASTENMEIER:

H.R. 2719. A bill to amend the Legal Services Corporation Act to authorize appropriations for additional fiscal years, and for other purposes; to the Committee on the Judiciary.

By Mr. FIELDS (for himself and Mr. ARCHER):

H.R. 2720. A bill to amend the Internal Revenue Code of 1954 to treat as medical care the expenses of meals and lodging of a parent or guardian accompanying a child away from home for the purpose of receiving medical care, and the expenses of meals and lodging of a child away from home for the purpose of receiving medical care on an outpatient basis; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 2721. A bill to authorize funds for fiscal year 1984 for carrying out the International Travel Act of 1961, and for other purposes; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mr. D'AMOURS, Mr. FORSYTHE, Mr. PRITCHARD, and Mrs. SCHNEIDER):

H.R. 2722. A bill to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal years 1984–85, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KINDNESS:

H.R. 2723. A bill to amend title 23, United States Code, to remove the limitation on the use of materials produced by convict labor in construction of Federal-aid highway systems; to the Committee on Public Works and Transportation.

By Mr. MCNULTY (for himself, Mr. UDALL, and Mr. MCCAIN):

H.R. 2724. A bill to designate the Aravaipa Canyon Wilderness in the State of Arizona; to the Committee on Interior and Insular Affairs.

By Mr. PORTER:

H.R. 2725. A bill to amend section 924(c) of title 18 of the United States Code to extend and strengthen the mandatory penalty feature of the prohibition against the use of deadly or dangerous weapons in Federal felonies, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE (for himself and Mr. DICKINSON) (by request):

H.R. 2726. A bill to authorize appropriations for exploration, prospecting, conservation, development, use, and operation of the naval petroleum reserves for fiscal year 1984; to the Committee on Armed Services.

By Mr. RODINO:

H.R. 2727. A bill to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code; to the Committee on the Judiciary.

H.R. 2728. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself and Ms. MIKULSKI):

H.R. 2729. A bill to provide for a uniform product liability law; to the Committee on Energy and Commerce.

By Mrs. VUCANOVICH (for herself and Mr. REID):

H.R. 2730. A bill to amend the Internal Revenue Code of 1954 to provide that net legal wagering gains shall not be included in gross income; to the Committee on Ways and Means.

H.R. 2731. A bill to amend the Internal Revenue Code of 1954 to simplify certain requirements regarding withholding and reporting at the source and to correct inequities regarding carryover of losses; to the Committee on Ways and Means.

By Mr. COELHO:

H.J. Res. 250. Joint resolution designating May 1983 as "National Play-It-Safe Month"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

94. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to the management of wild horses and burros; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. GORE and Mr. SHAW.
H.R. 29: Mrs. JOHNSON.
H.R. 70: Mr. SIMON.
H.R. 225: Mr. OWENS.
H.R. 672: Mr. ACKERMAN, Mr. RINALDO, Mr. LANTOS, Mr. WILSON, Mr. CROCKETT, Mr. HATCHER, Mr. DOWNEY of New York, Mr. RICHARDSON, Mr. WISE, Mr. OTTINGER, Mr. DWYER of New Jersey, Mr. BARNES, Mr. ANDERSON, Mr. SOLARZ, Mr. TOWNS, Mr. LEWIS of Florida, Mr. OBERSTAR, Mr. FORD of Tennessee, Mr. ROE, Mr. STOKES, Mr. CORRADA, Mr. SMITH of Florida, Mr. REID, Mr. BIAGGI, Mr. SISISKY, Mr. CORCORAN, Mr. TORRES, Mr. PATTERSON, Mr. WASHINGTON, and Mr. EDGAR.
H.R. 1092: Mr. HEFNER.
H.R. 1147: Mr. WON PAT.
H.R. 1266: Mr. BEVILL and Mr. HOYER.
H.R. 1315: Mr. ANDERSON, Mr. COUGHLIN, Mr. FLORIO, Mr. FRENZEL, Mr. GILMAN, Mr. GRADISON, Mr. HUGHES, Mr. JEFFORDS, Ms. KAPTUR, Mr. KILDEE, Mr. LIVINGSTON, Mr. LUNGREN, Mr. MINISH, Mr. RUDD, Mr. DENNY SMITH, Mr. WYDEN, and Mr. WYLIE.
H.R. 1381: Mr. JONES of North Carolina.
H.R. 1400: Mr. MCCLOSKEY.
H.R. 1603: Mr. CLINGER, Mr. KILDEE, Mr. KASTENMEIER, Mr. CORRADA, Mr. LOWRY of Washington, Mr. LAFALCE, Mr. CONTE, Mr. RANGEL, Mr. SHANNON, Mr. LANTOS, Mr. EDGAR, Mr. BERMAN, and Mr. ROSE.
H.R. 1617: Mr. BEDELL, Mr. FORSYTHE, Mr. ROEMER, Mrs. SMITH of Nebraska, Mr. SPRATT, and Mr. JONES of Tennessee.
H.R. 1619: Mr. WEAVER, Mr. FEIGHAN, Mr. MARKEY, Mr. MRAZEK, Mr. EDWARDS of California, Mr. HOWARD, Mr. MINETA, Mr. LOWRY of Washington, Mr. PATTERSON, and Mr. ACKERMAN.
H.R. 1691: Mr. TAUKE.
H.R. 1797: Mr. WYDEN, Mr. MOODY, Mrs. BOXER, Mr. EDWARDS of Oklahoma, Mr. SUNDQUIST, Ms. FERRARO, and Mr. LEWIS of Florida.
H.R. 1873: Mr. COYNE, Mr. LEVINE of California, Mr. WYDEN, Mr. FRANK, Ms. KAPTUR, Mr. BEDELL, Mr. MCKINNEY, Mr. RICHARDSON, Mr. WALGREN, Mr. YATES, Mr. WEAVER, Mrs. SCHROEDER, Mrs. COLLINS, Mr. WOLPE, Mr. WIRTH, Mr. KOGOVSEK, Mr. TOWNS, and Mr. RANGEL.
H.R. 1942: Mr. MITCHELL and Mr. EVANS of Illinois.
H.R. 2076: Mr. STENHOLM, Mr. SIMON, Mr. BROWN of Colorado, Mr. KINDNESS, Mrs. MARTIN of Illinois, Mr. ERLENBORN, Mr.

BLILEY, Mr. MAZZOLI, Mr. MADIGAN, Mr. HUGHES, Mr. NICHOLS, Mr. COATS, Mr. ECKART, Mr. HAMILTON, Mr. GLICKMAN, Mr. ROTH, Mr. FRENZEL, Mr. MORRISON of Washington, Mr. EDWARDS of Oklahoma, Mr. VANDERGRIFF, and Mr. WHITLEY.

H.R. 2099: Mr. LANTOS, Mr. ACKERMAN, Mr. PATMAN, Mr. MILLER of California, Mr. LEHMAN of Florida, Mr. CORRADA, Mr. LAFALCE, Mr. OBERSTAR, Mr. LEWIS of Florida, Mr. WASHINGTON, Mr. ECKART, Mr. MCGRATH, Mr. CLINGER, Mr. SHAW, Mr. EDGAR, Ms. OAKAR, Mr. MADIGAN, Mr. BLILEY, Mr. WEISS, Mr. FROST, Ms. SNOWE, Mr. WILSON, and Mr. FEIGHAN.

H.R. 2100: Mr. SIKORSKI, Mr. LANTOS, Mr. ACKERMAN, Mr. LEHMAN of Florida, Mr. CORRADA, Mr. LAFALCE, Mr. OBERSTAR, Mr. JEFFORDS, Mr. WASHINGTON, Mr. EDGAR, Ms. OAKAR, Mr. WEISS, Mr. FROST, Ms. SNOWE, and Mr. FEIGHAN.

H.R. 2131: Mr. FRANK, Mr. LOWRY of Washington, Mr. SUNIA, Mr. YATES, Mr. FAUNTROY, Mr. ROE, Mr. LAGOMARSINO, Mr. CROCKETT, Mr. WIRTH, Mr. HORTON, Mr. MRAZEK, and Mr. BERMAN.

H.R. 2323: Mr. YATRON, Mr. ENGLISH, Mr. SCHEUER, Mr. LANTOS, Mr. GORE, Mr. SHANNON, Mr. FAZIO, Mr. CARNEY, Mr. DELLUMS, Mr. WASHINGTON, Mr. DWYER of New Jersey, and Mr. BERMAN.

H.R. 2379: Mrs. SCHNEIDER, Mr. THOMAS of California, Mr. MOAKLEY, and Mr. GRAY.

H.R. 2490: Mr. ECKART, Mr. BOSCO, Mr. LAFALCE, Mr. COYNE, Mr. WON PAT, Mr. BERMAN, Mr. STOKES, and Mr. JEFFORDS.

H.R. 2582: Mr. FLORIO.

H.R. 2600: Mr. GUARINI, Mr. DWYER, of New Jersey, Mr. YOUNG of Missouri, Mr. VENTO, Mr. WHITTEN, Mr. FOLEY, Mr. MCCAIN, Mr. MINISH, Mr. WHITTAKER, Mr. MRAZEK, Ms. FERRARO, Mr. SAM B. HALL, JR., Mr. JEFFORDS, Mr. WILSON, and Mr. LELAND.

H.J. Res. 160: Mr. JEFFORDS.

H.J. Res. 191: Mr. BENNETT, Mr. HUBBARD, Mr. ANDERSON, Mr. HORTON, Mr. BEILENSON, Mr. CORRADA, Mr. HEFTEL of Hawaii, Mr. PEPPER, Mr. LEWIS of Florida, Mr. BREAUX, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. ORTIZ, Mr. LONG of Maryland, Mr. CARPER, Mr. IRELAND, Mr. EDGAR, Mr. CARNEY, Mr. PANETTA, Mr. SCHEUER, Mr. MICA, Mr. MCKERNAN, Mr. FOGLIETTA, and Mr. ALEXANDER.

H.J. Res. 243: Mr. BADHAM, Mr. ERLENBORN, Mr. HUCKABY, Mr. HUTTO, Mr. IRELAND, Mr. MADIGAN, Mr. SUNDQUIST, and Mr. TAUZIN.

H. Con. Res. 14: Mr. BONKER and Mr. TALLON.

H. Con. Res. 56: Mr. HARTNETT.

H. Con. Res. 67: Mr. WEAVER, Mr. FEIGHAN, Mr. MARKEY, Mr. EDWARDS of California, Mr. HOWARD, Mr. MINETA, Mr. LOWRY of Washington, Mr. PATTERSON, and Mr. ACKERMAN.

H. Con. Res. 109: Mr. WALGREN.

H. Res. 50: Mr. MILLER of California, Mr. LIPINSKI, Mr. WALGREN, Mr. MATSUI, Mr. BEILENSON, Mr. LANTOS, Mr. CLAY, Mr. FORD of Tennessee, Mr. SCHUMER, Mr. FRENZEL, and Mr. GRAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1983

By Mr. COLEMAN of Texas:

—Page 16, after line 11, insert the following new subsection:

"(h) In providing assistance under this title, the Secretary shall (1) seek to assure a reasonable distribution of funds among districts in which the program established in this title is in effect; and (2) take into consideration the rates of residential mortgage foreclosure and unemployment in the units of general local government in which the properties involved are located, giving particular consideration to units of general local government having rates of unemployment that exceed the national average. In carrying out the provisions of this subsection, the Secretary shall utilize the most recent information available from the Secretary of Labor with respect to rates of unemployment.

H.R. 1190

By Mr. MADIGAN:

—Page 9, after line 3, insert the following new section (and redesignate succeeding sections and references accordingly):

TERMINATION OF AUTHORITY RELATING TO PRIVATE BUSINESS ENTERPRISES

SEC. 5. Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking out subsection (c).

—Page 9, line 9, strike out "$200,000" and insert in lieu thereof "$150,000".

Page 9, line 10, strike out "$400,000" and insert in lieu thereof "$350,000".

—Page 29, beginning on line 18, strike out "such $600,000,000" and insert in lieu thereof "$300,000,000 of such amount".

H.J. Res. 13

By Mr. GINGRICH:

—At the end of the joint resolution, add the following new section:

SEC. . Nothing in this joint resolution shall lead the United States Government to take any action which, in the collective judgement of the President, the Secretary of Defense, and the Joint Chiefs of Staff, would threaten the survival of the United States.

—On page 4, line 14, immediately after the word "capabilities" insert the following: "and with our ability to provide for the common defense under the Constitution of the United States".

By Mr. LEVITAS:

(Amendment to the amendment offered by Mr. MURTHA.)

—At the end of the new language added in "(1)" and following the word "reductions" add the following ", which reductions will be achieved within a reasonable time period as determined by such negotiations."

By Mr. PORTER:

(Amendment to the amendment in the nature of a substitute offered by Mr. BROOMFIELD.)

—Immediately after the last line of the text of the Broomfield amendment add the following new section:

SEC. 2. It is the sense of the Congress that the President should propose to the Government of the Union of Soviet Socialist Republics, in the context of the relevant negotiations, immediate adherence by the Government of the United States and the Government of the Soviet Socialist Republics to the principles of a guaranteed strategic build-down of nuclear forces, subjected to agreed procedures of verification and compliance.

EXTENSIONS OF REMARKS

THE NEED TO REDISCOVER THE WILL TO WIN

HON. MARTIN FROST
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. FROST. Mr. Speaker, today I am inserting into the RECORD a copy of a speech delivered recently by Mr. Reece A. Overcash, Jr., the chief executive officer of Associates Corp. of North America which is based in my congressional district.

The speech is titled "The Need To Discover the Will To Win" and was delivered by Mr. Overcash before the Radford, Va., Chamber of Commerce. Mr. Overcash talks about the intangible factors of economic recovery, including a "rekindled national will." He is absolutely correct that an economic recovery is only half the battle of defeating what ails this country. Accepting the change that must accompany a recovery is also a part of the battle, and Mr. Overcash's thoughts on this subject are well worth the reading. I strongly recommend the speech to my colleagues.

THE NEED TO REDISCOVER THE WILL TO WIN

(By Reece A. Overcash, Jr.)

I am very pleased to be with you and, most importantly, be able to look back on some of my economic comments a year ago, recognizing our nation is beginning to show signs of a resurgence. February retailing was stronger. The administration expects to revise its forecast to reflect a more favorable economy. Factory orders showed a strong gain in January.

We are certainly not out if yet. Unemployment is a grave concern. In Texas, unemployment hit 8.8 percent in February compared with 5.3 a year ago.

The country is not well by any means, but the economy appears to be on the mend.

But, is this a long-term healing or a temporary mend? That's the serious question we must grapple with.

Housing is on the rebound, the stock market is soaring, oil prices are falling, and earlier this month the Composite Index of Leading Economic Indicators took its biggest upward leap since July, 1950.

The question no longer is whether the economy will mend. The question is how powerful the turnaround will prove to be. By the fourth quarter, more and more business leaders believe, the recovery could be racing along in high gear. It's obvious that we are in a period of great change in America. A period that requires strength of character and a will of giant proportion. How much we encourage change and how well we adapt to change will help determine the strength and duration of our recovery.

Change, of course, is no stranger to any of us. But I'm not so sure we are as ready for change today as we have been in past decades. There appears to be a vast portion of the population which seems to want things to stay as they are. Don't rock the boat. But I'll tell you a secret, if we're not ready to rock the boat, we're going to grow barnacles and we're going to sink.

In this great state of Virginia, during the early years of our country's history, change was a daily occurrence. Some of the most important events in American history took place here.

It was here in Virginia at Jamestown in 1607 that the first permanent English settlement was established; and 12 years later the Jamestown colonists established the first representative legislature in America.

Eight U.S. presidents were born in this great state; and thus it derives the nickname "Mother of Presidents". These were men of strong will, unafraid of change.

Four of the first five presidents were from Virginia, including George Washington, Thomas Jefferson, James Madison and James Monroe. Where could there possibly be a stronger heritage in this nation than here, the state of Virginia?

Virginia was a cauldron of change in the days when change represented the cornerstone of a new way of life . . . a new way of freedom. I wonder do we in fact have the will today to do what is necessary—both in the private and the public sector—either to make the necessary sacrifices and changes or take advantage of opportunities.

PERIODS OF GREAT CHANGE

All the systems of our nation—economic, religious, military, medicine, law, the professions, the social and political institutions—all are changing rapidly.

Five or six years ago Drucker named this era the "Age of Discontinuity," and Toffler called it "Future Shock." Both men have since updated their books—"Managing in Turbulent Times" by Drucker, and "The Third Wave" by Toffler are their latest editions—which continue to document this age of transformation.

Since 1970, our employment has increased from 75 million to 100 million. But, of the 25 million new jobs, only 2.3 million were in manufacturing. Almost all new jobs have come in the services industries; and this will continue throughout the '80's.

Today there are 100 million Americans working, only 1.3 million less than the all time high in 1981. Disposable income this year is at an all time high.

It is true that we have high unemployment; and we have many severe economic problems stemming from the dislocations and transformations in our industrial society. But, we are working our way out of this; and our forecasts for the next five to seven years are very positive.

What this nation needs is an economic boom. A boom would for one thing reduce overall joblessness, obviating the need for multi-billion-dollar jobs programs. Many lost jobs, as in steel and autos, won't ever be recovered, but here tax credits for retraining workers making more sense than do public works projects.

A boom would greatly reduce projected deficits; thus the alleged need for tax hikes and defense-spending cuts would greatly lessen.

But positive, long-term economic stability can only be achieved if we have the will to make change, to be efficient, to alter that which no longer serves a useful purpose.

In The Associates television commercials currently appearing on network coverage of the PGA golf tournaments (perhaps you have seen them), we emphasize the line "You've got the Will, We've got the Ways." We take time to tell the American public that they do have the will. That's the people we want to serve. . . people with the guts and raw determination to make good things happen in their lives.

That's a point we need to keep paramount at all times. We do have the will. We can find the ways. Let us stay our current course until we see more clearly what course we are on. If the nation is no longer in a recession, what sense does it make to fight recession?

A WILL REDISCOVERY

To find long term solutions, what this country needs is not just an economic recovery. We need that too. But, also we need a "will rediscovery." We need to rediscover our sense-of-purpose, of will. The old cliche "Where there's a will, there's a way" needs to be dusted off and re-mounted over the fireplace. Perhaps if we rediscover our will, we'll do a lot more than achieve an economic recovery. Perhaps we can reach a new level of national pride.

How strong is our will, when we note that today of the world's 22 largest blast furnaces, two-thirds sit in Japan where there is virtually no coal or iron ore. None of them is in the United States which is estimated to have the largest known coal and iron ore reserves in the world. Virginia is one of this nation's leading coal mining states.

Do we have the will to put our industrial machinery back to work full time. We are currently using only about 69 percent of our total industrial capacity. In 1962, we imported a total of 7.6 billion dollars worth of manufactured goods; and last year, marking a 20 year span, the total was about 20 times that—at 143 billion dollars.

Auto industry employment is down about 34 percent over the past two decades; and the steel industry has seen a decline in its employment in the same period of about 48 percent. But, and this is the disturbing fact that questions our will, total automobile imports have increased 43 percent and steel imports have increased 46 percent.

Thus, we continue to consume high levels of steel-related products—but it's not our steel, and it doesn't represent our people's productivity.

INNOVATION OVERCOMES OBSTACLES

We could take a quick view of historic events over the last ten years and perhaps conclude that our will to win has been sapped. That these events have blurred our vision of the great American heritage.

In 1973, the fourth and largest Arab-Israeli war began, followed by an oil embargo impacting the entire world's economics.

In 1974 Richard M. Nixon announced his resignation as president of the United

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

States, the first ever to do so. The next year, four highly placed Nixon aides were found guilty of the Watergate coverup; South Vietnam surrendered to the Communists; and Saigon was captured by the North Vietnamese troops.

In 1976, the Chinese exploded a nuclear device resulting in fall-out over the U.S. In 1977, Vietnam draft evaders were pardoned. And, in 1978, following an 18 month freeze on oil prices, OPEC increased prices 14 percent.

From more recent years, we can all recall with vivid memory the rise of the Ayatollah Khomeini, the Russians marching in Afghanistan, the battle for the Falkland Islands.

A devastating recession planted itself deep in the economies of the world, and the United States experienced a shock to its economic system with a frightening level of unemployment, factory production dramatically falling and business bankruptcies soaring to new record levels.

Consumers became conservative. Retailing went into a tailspin. And, national deficit estimates skyrocketed to levels of $200 billion.

Isn't that enough to weaken anyone's will? I say no—our will must be unyielding. Let me use The Associates as an example of a strong will.

In the period that I've just recounted from 1974 to 1983, The Associates achieved an outstanding record of growth. Our best ever in fact. Operating income increased at an average annual rate of 26 percent during those difficult years. This represented a total dollar income gain of $160 million. Our operating earnings in that period increased from $18 million to something in the area of 10 times that amount this year. We had the will to win, not just to survive.

Our record in that period far outstripped our competition, and was the Company's most successful decade in its history, which dates back to 1918.

Most recently, the Company posted a 54 percent increase in earnings for the first six months of fiscal 1983 which ended January 31.

Starting with the mid-70's, The Associates undertook dramatic changes. Our will to win was just too great to accept the status quo. In 1976, the Company took a bold move and relocated its headquarters from South Bend, Indiana to Dallas, We altered our business mix. We broadened our commercial operations and have now achieved recognition as a national lender in the commercial credit market.

Consumer operations took on increased real estate-secured lending; and two years ago we organized a diversified product group to concentrate on innovative opportunities in financial services.

Real estate-secured loans jumped from about 5.4 percent of our receivables to about 21 percent. In dollars, it was a tenfold increase from just over $100 million to over $1 billion.

We have had substantial management change, with a number of broad-based executives taking on corporate and division responsibilities.

Our answer to difficult economic conditions was to develop financial products to meet changing needs. We were not fearful of change. We were stimulated by it. We innovated.

For example, we initiated the country's first credit card program which provided a rebate—up to one percent of the credit card purchases each year.

Our credit card program was not going to be a "me-too" program. Our VISA credit card program is now one of the best in the country.

We developed new revolving loan products to allow customers to quickly borrow against an established line of credit. With a $50,000 revolving line of credit you may never need a bank loan again for personal use.

Through Associates National Bank in California, we initiated a creative savings program called the Retirement Management Account (RMA). Through this savings option, customers can achieve a yield as high as 30 percent on retirement funds, depending on the level of passbook savings maintained with the bank.

All of these are part of an expanding array of consumer financial products and represent our increasing effort to establish a financial relationship with a client rather than participate in a single loan transaction.

Add all this to The Associates strong traditional and innovative commercial businesses, plus insurance services and you can see how we have responded to change. Our will has never been stronger.

POSITIVE EFFECTS OF DEREGULATION

Changes in the financial services industry have resulted largely from growing deregulation. In May, 1982, Treasury Secretary Regan told the Electronic Funds Transfer Association that "The administration is committed to deregulation of the financial services industry because it is in the best interests of the consumer." Certainly the changes we have seen thus far have accured to the consumer's benefit. Deregulation is in the best interests of the country.

To a large degree we and others in the financial services industry have been innovative because of a lessening of government controls. This is a critical change for our business and for American consumers.

As a result of deregulation, the banks, thrift institutions, brokerage firms and the rest of us in the financial services industry are competing harder and more creatively than ever before. The regulated differences are melting away and now we must compete on the basis of efficiency, price and service.

Regulation limits innovation. It inhibits change and too often rewards weakness.

Deregulation, on the other hand, stimulates competition, increases innovation and opportunities. It brings about positive change.

It is a dynamic, public-serving and necessary revolution in the field of financial services. Those who have the will to excel and follow through with consumer oriented programs will advance. The others will drop far behind.

A number of new entrants such as Sears, Prudential, and Shearson/American Express and others, all offer potential for fully integrated, multi-product distribution systems, now described by the media as the "financial supermarkets" of the future. Grocers like Krogers now offer financial services. ATM systems are now nationwide.

In turn, many traditional financial institutions are seeking ways to expand their networks for the delivery of products and services.

Citicorp took a major step toward preparing for interstate banking with its recently approved acquisition of an ailing California thrift institution.

Bank of America is teaming up with discount broker Charles Schwab. Chase Manhattan and Crocker National, among others, are establishing variations of "active assets" accounts in an attempt to counter the inroads made by money market funds. Detroit National Bank has announced plans to be the "electronic switch" for a network of automated teller machines in 35 states.

The Associates financial family includes a California-based bank and soon will include a savings and loan association.

Why the rush into financial services by so many non-banking companies like Sears, Merrill Lynch, Prudential-Bache, American Express? The reason is rather basic and it's traditional to American thinking.

The financial services industry, even with its progress, growth and service to the public, still is essentially an underdeveloped frontier. There is a will to win working in this industry unsurpassed by any other.

MEETING CONSUMERS' NEEDS

With all this competition and deregulation, the consumer is in the driver's seat like never before. And that is as it should be.

The consumers of the future will take less for granted and will research more what is being offered. They will more carefully select their bank, stock broker and consumer lender, and they will more readily recognize that this is a buyer's market.

Some say, "Slow down and allow more time for the transition." It's an old, familiar tune. Some people resent change. Yet change through deregulation is healthy.

I urge you to keep an eye on the financial services industry, because it is a microcosm of traditional American strengths and values. In today's environment, the innovative will succeed. The consumer will be the winner. Change is being turned into positive productivity.

In a recent bylined article in Physchology Today, Chrysler Chairman Lee A. Iacocca took a hard look at change and the need for changes, in quoting FDR: "The country needs, and demands bold persistent experimentation." I agree with Mr. Iacocca that it's time we rebuilt America and revitalized her industrial base, and that we take the steps that common sense demands.

We need to rediscover our will to make things happen the way we want . . . to benefit from change. Economic recovery is only half the battle.

On January 25, 1983, President Ronald Reagan addressed that subject in his State of the Union message to the American people. This was the 196th time that a president in the United States reported on the state of the union since Virginian George Washington established that tradition in 1790.

He recognized in that state of the union message, as in so many made by other presidents before it, that this country is by no means perfect but there is none better. He also recognized that there are problems, but also solutions.

And, in that particular message Mr. Reagan emphasized that "It is just plain wrong, unjust to our country and unjust to our people to let those problems stand in the way of the most important truth of all; America is on the mend."

It is high time that we as Americans take the initiative to look forward in a positive way and take the actions necessary to solve problems. Above all lets give workable solutions a chance to work.

You know General George Patton, a man who had the will of steel, considered one of his primary principles the statement, "Never make a decision too early or too late". He had the insight to let a workable solution achieve its objective.

General Patton had a lot to say in his principles that bears repeating today. Let

me share with you a few additional principles included in Porter B. Williamson's book "Patton's Principles—A Handbook for Managers Who Mean It."

Other Patton Principles include:

(1) No one is thinking if everyone is thinking the same thing. Thus, innovation and change go hand-in-glove with sound thinking.

(2) Success is how you bounce on the bottom. Even the best will have their moments of despair and even defeat. Success is realized in how well you bounce back—how well this nation bounces back.

(3) Too Much If'n Perhaps'n and Maybe'n will never win the battle. To win we need to take action. That speaks directly to making our economy strong again.

General Patton also said, in his principles, "In life as in flying a plane, some people are never ready to take off."

Well I'm ready. I am excited about the prospects of the future. I am excited about what's going on today in the financial services industry and the potential that it offers to my company, its employees and to the people that we serve directly.

If we have the will, we'll find the ways. I know you join me in this positive pursuit. Let's rediscover this nation's will. Most important let's remind others to do the same. And let our government enrich our lives by pursuing less regulation and rewarding outstanding performance.

Let's have the will to stay our course, to stimulate an economic boom and to develop the most dramatic recovery this nation has ever witnessed.●

ARMENIAN MARTYRS' DAY—LET US NEVER FORGET

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. KOSTMAYER. Mr. Speaker, within the past several weeks, we have witnessed and commemorated the memory of the most tragic occurrence in the history of the human race—the Holocaust. We must never forget this systematic attempt to eliminate the Jewish people from the face of the Earth. In this century, the most violent and bloody ever, another less-known but equally repulsive and reprehensible nightmare stained the record of mankind which we likewise must never be permitted to forget or forgive. The calculated genocide of a million and a half Armenians by the Ittihadist Turkish leaders of the Ottoman Empire from 1914 to 1918 cannot be simply viewed in retrospect as a terrible episode to be remembered for simply moral reasons or for its possible deterrent value. The effects of that tragedy continue to have a significant impact in the contemporary world because more than half of the world's Armenians live scattered throughout the world, removed from their historic homeland while the remainder must endure life within the borders of the Soviet Union. The result is that the very identity of the Armenian people is threatened.

The historical evidence and documentation of the Armenian massacres of 1914-18 is irrefutable. At the very least, the present administration should retract a disclaimer made by the State Department in its August 1982 issue of "Bulletin" in which it stated that, "Because the historical record of 1915 events in Asia Minor is ambiguous, the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." Such a statement is outrageous and insensitive not only to Armenians, but to all free people and all people who aspire to be free.

As we commemorate Armenian Martyrs' Day, let us pledge that the grave injustice and suffering of the brave and fiercely independent Armenian people never be denied or forgotten. To do anything less would be to invite further tragedy and undermine the values and ideals this Nation stands for.●

TEACHING VALUES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. BENNETT. Mr. Speaker, a recent edition of the Baltimore Sun carried an article by Kathy Lally about teaching values and I think it is worthy of inclusion at this point in the RECORD. It shows that real progress can be made in this area consistent with all our American freedoms and liberties.

[From the Baltimore Sun, Apr. 18, 1983]

VALUES PANEL, BORN IN CONTROVERSY, REPORTS IN HARMONY

(By Kathy Lally)

Teaching values. Once all the schoolmaster had to do was open his McGuffey's Reader to the page about George Washington and the cherry tree. Never cry wolf, another lesson said, and while you're at it, don't cry over spilled milk. Repeat often enough, and the lesson was learned.

A hundred years later, children had stopped believing they should be seen and not heard. What was right and what was wrong became a subject for debate in the 1960s, and George Washington was being replaced by survival games:

"You are the captain of a ship in the middle of the ocean. The ship is sinking, and you only have room for 5 of the 10 passengers in the lifeboat. Decide who will be allowed in the lifeboat."

Teaching values had become a matter of controversy, so it was no surprise that the creation of the Maryland Values Education Commission in January, 1979, was greeted in some quarters not as an affirmation of motherhood and apple pie but a possible threat to intellectual freedom.

Now, four years later, the commission—concerned about crime on the streets, corruption in government and disorder in the schools—has finished its work and given a report to the governor. For a group created amid doubt and controversy, the report is perhaps remarkable for what it has not done.

It has offended no one with the list of 18 character and citizenship objectives ("You can't use the word 'values,' " says Mary Ann Kirk, the vice chairman. "It raises all sorts of red flags.") that should be taught in the schools. It has not come up with any specific program that schools should adopt. It has not angered teachers. The skeptics on the commission did not find it necessary to write a minority report.

What happened? Did 24 strong-willed people of differing religious and political persuasions negotiate themselves into platitudes?

"No," says Kris McGough, a parent activist from Howard county, who asked for an appointment to the board because she was afraid of what it might do. For a time she saw herself as the token conservative.

"I don't think it got watered down. I thought about it—will it come across as some real bland thing? Maybe because I know the infighting that went on, I don't think it's watered down."

Instead of recommending a specific program, which she says would have been an ineffective "quick fix," the commission looked at whole schools and came up with proposals to involve everyone in values education—"everyone from the janitor up," she says.

It stresses the importance of the principal and suggests increasing his stature, pay, training, and evaluation. It urges schools to draw up their own courses of study with parental and community involvement. It calls for more counselors. It says disruptive students should be removed from the classroom immediately.

It suggests training teachers and principals in motivation, discipline and the focus on values in the curriculum. It advises giving teachers greater responsibility, including teaching values in all courses from kindergarten through 12th grade and acting as role models both in and out of class. It wants the state to set up a resource center with staff members trained to help local districts start programs.

"There may have been some people who thought you could teach Ethics 101 and the problem would go away," says Richard Schifter, the commission chairman. He is a Washington lawyer, Potomac resident, a former president of the State Board of Education and chairman of the U.S. delegation to the United Nations Human Rights Commission. "We have new problems in society, so the schools have a greater responsibility."

"Making the position of principal one of prestige and rewards is the backbone of the report," he says. "The position of principal, relatively speaking, has declined. We want to put him back in a leadership position."

"We've done a good job," says Mrs. Kirk, the woman who lobbied the legislature to create the commission. "We've created a starting point."

"We're saying to the local community, 'Will you please do something about this,' " says Rita S. Gordon, who is also a member of the Frederick County Board of Education. "And we're hoping they will."

"This gives the schools the blueprint to go through the same process we did," says Mrs. McGough. "I've talked to P-TAs. They think it would be useful just to have a forum to talk about these things.

"To me, what would have been a weak program would be to say the state should

develop a curriculum and force every school to use it. Quick fixes don't work. I think this is a process the communities have to go through. You're more apt to buy into something you've developed yourself."

Mrs. McGough was not always so optimistic about the effect of the commission.

"At first, I thought, 'Ye gods. This thing is going to be terrible.' At those early meetings I thought, 'Right now if we take a vote we'd have Sydney Simon running our schools.' "

Sydney Simon was the national proponent of values clarification, what Mrs. McGough calls the lifeboat school of values. "Values clarification—I don't care what you believe as long as you think it out," Mrs. McGough said. She did not want that taught in the schools.

Neither did Charles Obrecht, a partner in a Baltimore industrial development firm.

"What we are talking about is not using games and tricks," he says. "We want to teach kids using real-life experiences." he spoke approvingly of a recent Gilman School Program. The whole school went to see the movie "Gandhi," then discussed the issues it raised.

The commission members spent 6 months deciding on the 18 objectives. There was a year of visiting schools across the state. More time was spent holding hearings. And there were endless discussions, preliminary drafts and rewriting. As they worked, the commissioners were reimbursed only for mileage.

"Most commissions of this type hire full-time staffs," Mr. Schifter says. "We didn't. Every line was written by commission members. We met 11 times a year—44 half-days. Then we had subcommittee meetings in between. We met a total of 40 full days. That would be eight weeks. That's quite a bit of work for citizens to do all by themselves in eight weeks."

"People were always saying, 'My God, are you still meeting?' " Mrs. McGough recalls. "I'm glad we took that long. We didn't get rushed through it. I was afraid they would ram stuff through. But they didn't do it, even if it dragged on two years longer than it should have."

"People wondered what I had up my sleeve," says Mrs. Kirk. "I only wanted to find ways to help young people grow in a positive way."

She smarted from some perceptions of the commission as a bunch of do-gooders.

"Well, if you think I like being cast in a role as a moralist, looking down on other people, I don't," Mrs. Kirk says.

Mrs. Gordon started out with some fears that her rights as a parent might be infringed. "I didn't want someone teaching my children something I'm not teaching them," Mr. Gordon says. "I think this is something everyone can support.

"I was very concerned about it. One of the things that concerned me was that there would be a mandated curriculum.

"You can't mandate a specific curriculum," says Mrs. Kirk, who is a Montgomery county resident and president of the Center for Citizenship Education in Washington. "Every area is different."

The commission was able to defuse some early criticism from the Maryland State Teachers Association, the union representing 36,000 teachers.

"We thought they did an excellent job," said Janice A. Piccinini, the union president. "They had to walk a fine line in dealing with moral judgments. We think their citizen and character objectives are excellent."

The union was unhappy when the commission started talking about teachers volunteering more time, but was pleased when the members softened some stands. "They should be talking about everybody in the community volunteering to work with kids. Not just teachers."

And now the report awaits consideration by boards of education.

John C. Murphy, president of the Howard County Board of Education, says he has not yet read the final report, although he kept up with the commission's work as it went along.

He, for one, would have liked a specific program.

"At that point, most of the items were things we agreed with," Mr. Murphy said, "But we weren't sure how they intended us to go about it."

The Baltimore county superintendent says that's fine with him.

"Curriculum development has traditionally been within the domain of the local school systems," said Dr. Robert Y. Dubel, "They've done their job by concluding that public schools have a role in values education. Now it's up to us to flesh it out."

And it's not something that can be done just by going back to the McGuffey Reader, Dr. Dubel says.

Even the commission members, who are hoping for the best, do not expect miracles.

"I think we've come to see it will be a long, hard road," Mrs. Gordon says. "Most of us [school districts] have money problems. I'm not sure there's a whole lot we can do right now. I hope we can do it gradually.

"The cynics will say, 'Here we are, motherhood and apple pie, baseball and Chevrolets,' " Mrs. Gordon says. "Well, you have to be a little bit of an idealist or a Pollyanna to think if something's broken you can fix it.

"All I can say is, give us a chance. See if we can fix it."

RECOMMENDED VALUES

CHARACTER OBJECTIVES

Personal integrity and honesty rooted in respect for the truth, intellectual curiosity and love of learning.

A sense of duty to self, family, school and community.

Self esteem rooted in the recognition of one's potential.

Respect for the rights of all persons regardless of their race, religion, sex, age, physical condition or mental state.

A recognition of the right of others to hold and express differing views, combined with the capacity to make discriminating judgments among competing opinions.

A sense of justice, rectitude and fair play, and a commitment to them.

A disposition of understanding, sympathy, concern and compassion for others.

A sense of discipline and pride in one's work; respect for the achievements of others.

Respect for one's property and the property of others, including public property.

Courage to express one's convictions.

CITIZENSHIP OBJECTIVES

Patriotism: love, respect and loyalty to the United States of America, the willingness to correct its imperfections by legal means.

An understanding of the rights and obligations of a citizen in a democratic society.

An understanding of other societies in the world which do not enjoy the rights and privileges of a democratic government.

Respect for the U.S. Constitution, the rule of law and the right of every citizen to enjoy equality under the law. An understanding of the Bill of Rights and a recognition that all rights are limited by other rights and by obligations.

Respect for legitimate authority at the local, state and federal levels.

Allegiance to the concept of democratic government as opposed to totalitarian rule. A recognition that such government is limited by the separation of powers and by the countervailing role of other institutions in a pluralistic society—principally the family, religion, the school and private enterprise.

Recognition of the need for an independent court system to protect the rights of all citizens.

An acceptance of all citizenship responsibilities at the local, state and national levels, and a commitment to preserve and defend the United States and its democratic institutions.●

GOOD WILL OF THE HUMAN SPIRIT

HON. DAN MARRIOTT

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. MARRIOTT. Mr. Speaker, I recently had the good fortune of coming across an incident that was very moving. It showed once again that the human spirit can overcome obstacles that appear insurmountable.

The following account of the incident was written by Comdr. Edmund Pinto of the Naval Reserve Office of Information, Detachment 206, Washington, D.C. Commander Pinto is also the Assistant Administrator for Public Affairs of the Federal Aviation Administration.

GOODWILL CRUISE OF U.S.S. "WILLIAM V. PRATT," DDG-44, TO CENTRAL AMERICA

I want to pay tribute to the men and women of our Armed Forces, but in particular to the crew of the U.S.S. *William V. Pratt*, a guided missile destroyer that recently returned from a goodwill visit to Central America, overcoming adversity and misfortune to carry out her vital mission of strengthening ties of friendship with our neighbors to the South.

Now, the U.S. Navy often sends our ships calling around the world on such missions. These visits are a mainstay of our policy of maintaining relations with friendly countries, all the while demonstrating to the world the enormous reservoir of goodwill, respect, and helpfulness this country has to offer.

But, this trip was different. A series of unforeseen problems aboard *William V. Pratt* nearly brought the mission to an untimely end before it could get started. Only the resiliency and ingenuity, seamanship and expertise of its captain and crew brought this mission to its successful conclusion.

And what a conclusion it was. The peoples of Costa Rica, Honduras, Guatemala, Belize had the great fortune of meeting and working with the officers and men of this ship in numerous community relations, self-help projects undertaken by the crew. Our sailors rebuilt a flood-damaged pedestrian bridge connecting a poverty-stricken neighborhood from the city proper in Limon,

Costa Rica; a training school for homeless boys and girls in Tela, Honduras, was repainted, its furniture repaired and refinished, problems with plumbing corrected. Schools in Puerto Barrios, Guatemala, and Belize City, Belize, were painted and cleaned. In all cases, local citizens joined with our men in doing the work, and our boys provided a cookout for these local helpers and hundreds of children, most of whom probably never experienced a good, old-fashioned American hot dog and hamburger barbecue.

We also threw parties for orphaned kids on board the ship in each of the cities, donated clothing, medicine and food to the communities. Our men gave freely of souvenirs from the ship, their own monogrammed ballcups and Navy white hats to admiring youngsters. They chatted, interacted, and demonstrated in the most outstanding manner just what sort of a people we are, a people whose hands extend outward in help to the less fortunate wherever they may be living. These projects left in their wake an enormous sense of pride on the part of our officers and men, but more importantly, a tremendous feeling of goodwill to the U.S. Navy and the United States on the part of the local residents.

But all of this almost didn't come to pass, and I'd like to tell you why, and I'd like the American people to know just how seasoned and resourceful a crew is serving abroad the U.S.S. *William V. Pratt.*

In order to tell this story I have to pay special respects to the so-called "snipes" aboard the ship. These are the men who work below in the oven-hot confines of the engineering spaces, for it was here that the problems manifested themselves, and it was here, after endless hours of backbreaking toil and debilitating sweat that they were resolved.

These snipes are made of the same stuff that history tells us made America great. These modern-day sailors demonstrated anew the strength of the American traditions of hard work and resolve to overcome all obstacles to get the job done. None of their predecessors, in the days when ships ran before the mast and seamanship often was measured by the muscles of the crew, worked any harder or under any more difficult conditions.

Under the leadership of CDR Robert Bell, the ship's captain, and LCDR. William D. Updegraff, the ship's engineer, the snipes of *William V. Pratt* worked around the clock, in hotly confined spaces, tearing apart piping and steam lines to find and repair the source of salt water contamination of fresh water that provides the steam to run her boilers.

The work was nearly unbearable, but they stuck to it. After one particularly tortuous 24-hour period of constant work in temperatures that could cook an egg, one of the snipes came topside to the mess decks for breakfast. Fatigue overcame hunger and as his shipmates looked on his body sagged and his head slowly fell to the table. He was sleeping.

But he and his colleagues had beaten this first trial and the ship, enroute to Costa Rica, continued rather than pull back into Guantanamo Bay Naval Base for major repair work. Their efforts were vital for without fresh water the boilers could not operate and the ship could not continue her journey.

Then came the second mishap. Without warning the insulation on a vital pump burned out, shorting its motor and once more threatening to shut down the boilers. The engineering crew, the snipes, were called back to duty with scarcely a day's rest. Unable to repair the motor, they rigged a temporary fix that allowed *William V. Pratt* to continue its journey from Limon, Costa Rica, to Tela, Honduras, its next port of call.

And what of the remainder of the ship's crew during what were trying moments topside as the ship's speed dropped to levels that barely showed movement in the vast and unending seas. The rest of the crew put their uncertainties aside about whether they would even make the visits, and they continued to preen the ship to show it off in its best light. Constantly they worked, enmeshed in the routine toil and drudgery that has been a sailor's lot from time immorial.

They chipped paint and rust and repainted the decks and bulkheads; they polished the brass and swept and swabbed in a seemingly endless counterpoint to the rolling and dipping motion of the ship as the sea's eternal symphony, the whispered breaking of waves, played against the ship's sides.

The heat and the glare of the unyielding Caribbean sun failed to halt the dabbing of Navy gray paint on the rails and bulkheads, or the broadstrokes of rollers dipped in black and spread on the decking.

The reports we've gotten back from our embassies in the countries visited by *William V. Pratt* show that the hardy efforts of this crew were not in vain. Each visit was declared immensely successful and an outstanding demonstration of U.S. goodwill.●

EMMA LONG—CHAMPION OF WOMEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. PICKLE. Mr. Speaker, long before the women's movement was the topic of the day, Emma Long was a champion for women in Austin, Tex. In 1948, Emma Long became the first woman elected to the Austin City Council, a position she held for 16 years. Known as the "people's candidate," the councilwoman followed the philosophy that running a city was little different than running a household. During her 16 years in office, Long took the lead in appointing women to city commissions and boards and integrating city golf courses, libraries, and other public accommodations. She also was active in the Democratic Party and the League of Women Voters.

Long was born in the Texas Panhandle. She earned a history degree from the University of Texas at Austin, and after her marriage to Stuart Long, went to work at the Austin American-Statesman. Stuart Long became one of Texas greatest newsmen and political analyst.

She and her husband founded Long News Service shortly after World War II and Long spent years as a reporter in the Texas capitol. She was the first woman to cover the State capitol. The news service kept 26 daily newspapers, including the New York Times, apprised of legislative activities. The company is still going strong, and now produces five weekly newsletters on specialized subjects in addition to disseminating daily news. Long and her two sons retain half interest in the new service.

Although she is now retired, Emma Long is far from idle. She manages rental properties and a farm and is a well-known figure on the Austin social scene.

Recently, Long was honored by the Austin Professional Chapter of Women in Communications with the Banner Award for outstanding service as a community communicator.

In addition, an article about Long recently appeared in the Austin American-Statesman, which I would like to enter into the CONGRESSIONAL RECORD for the benefit of my colleagues.

[From the Austin (Tex.) American-Statesman]

PUBLIC'S OLD FRIEND: RETIRED POLITICIAN LONG HASN'T LOST HER TOUCH

(By Marilyn Kay Kuehler)

No matter how you perceive Emma Long, one thing is certain—at age 70, she is an Austin institution.

And if a group of her friends has its way, the City Council will have a chance to make it official.

The "Tribute to Emma Long" Committee, which includes honorary chairperson Lady Bird Johnson, wants a city park named after Long and will present the idea to the council Feb. 10.

"I think it would be a wonderful, marvelous tribute," Emma said. "I'm willing to accept it . . . I've had a love affair with Austin ever since 1931."

If you know anything at all about Austin, you know about Emma Long.

Scrappy and tenacious are the words used to describe the red-haired, flashing blue-eyed housewife who left her kitchen in 1948 to become the first woman elected to the Austin City Council.

Although few admitted casting a vote for her, Emma was re-elected to the council for 16 years. She gained the nickname "the people's candidate" even though she was a liberal in a conservative city.

Emma was the one you called if the neighbor's dog barked too loud, or if you were black or brown and the streets in your neighborhood needed paving. She answered her telephone at night and listened to complaints while she fixed supper.

When the Texas Legislature was in session, Emma—with her colorful clothes and oversized jewelry—was hard to miss at the Capitol as she helped her late journalist-husband Stuart collect information for their Long News Service.

Emma was born Feb. 29, 1912, to a Panhandle ranching family. She graduated with a history degree from the University of Texas in 1936, and married Stuart the same year. They had two sons, Jeb and Jeff. She worked briefly for the American-Statesman and after World War II was involved in the League of Women voters and the Democratic Party.

From there, she launched a tumultuous political career that was characterized, she said, by the popular phrase, "If you want anything done at City Hall, call Emma."

Ensconced in a spacious white stone house near 38½ Street, Emma Long is leading a low-profile life. She is surrounded by a tranquil mixture of antique and modern furniture, a vast collection of books and mementos, thriving African violets and enough memories to capture any visitor's attention.

She calls herself "a retired politician," and is filling her hours by managing her rental properties and Bastrop County farm, attending parties and the theater, visiting with her family and playing bridge once a week. "I also play poker every Friday night," she said.

But two of the things Emma cherishes the most are no longer part of her life: her husband and her public service.

Lanky, intense Stuart Long, whom Emma considered "an intellectual, almost a genius," died in February, 1977, of pneumonia after a long fight with lung cancer. "I was pretty depressed for two or three years after he died," she said. "We were great friends and lovers and partners. We did everything together."

Part of their private life was publicly displayed. Whenever Stuart showed up with a new bow tie, acquaintances knew that Emma had sewn another one to add to the 300-plus she'd already whipped up for him.

Stuart was an avid reader, mostly politics; Emma was passionate about Shakespeare. They had common beliefs and friends.

"I made a good home and gave him two beautiful children," she said. "I pleased him by going into his profession."

She wasn't irked when people assumed that Stuart called the shots when she served on the City Council. "It didn't bother me," she said. "I went right ahead and stood up for my principles and ideals."

She does admit that when she was a councilwoman, Stuart gave her something she needed most: "He always praised me. I never was a good public speaker. I didn't have the gift of gab that way. If I felt horrible about a speech, he'd say, "You were wonderful."

Not everyone felt that way about Emma.

In 1948, she ran for the unexpired council term of Homer Thornberry. Her philosophy was that running a city is no different than keeping house. "The city," she was quoted at the time, "sweeps the streets, carries off the garbage, tends the sick and settles disputes among neighbors."

She still believes that, and it made a lot of sense to the voters.

"The Establishment was upset and astounded when I was first elected because I was a liberal, and being a woman made me an oddity," she said. Emma's younger son was just 6 weeks old and jokes were made in the council about "carrying in the potty," she said.

"But as time went on and they saw that my principles and ideals were not too far off, they accepted me," she said. "I was popular with the majority of people."

Of her accomplishments, Emma is proudest of her appointments of women to the Planning Commission and Parks and Recretation Board and racial integration of golf courses, libraries and public accommodations.

But she didn't accomplish anything without a fight.

She describes herself as "a very strong character, determined and aggressive." She used those "very definite assets" and in the process tangled with her opponents.

"Five mayors and four city managers," she said. "I went through them in a hurry."

But a lot of years have passed and the axes are buried, and besides, Emma said, "I never let my political philosophy make enemies for me. I didn't feel it was Christian."

Emma doesn't miss the limelight as much as she does "feeling useful."

"I don't like to be idle. I get lonely and I miss association with the general public. I'm not doing anything for humanity," she said. "But I'm retired. And you can't have your cake and eat it."●

MEDICAL EXPENSE DEDUCTION ACT OF 1983

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. FIELDS. Mr. Speaker, it is with great pleasure that I reintroduce today, along with our distinguished colleague, BILL ARCHER, the Medical Expense Deduction Act of 1983.

This legislation, which I first introduced in May of last year, will provide long overdue tax relief to parent or legal guardian by allowing them to deduct certain reasonable living expenses they incurred during their child's required medical treatment.

Under current law, only transportation costs are clearly defined as medical deductions and are available to taxpayers who accompany their child on out-of-town visits to a doctor, hospital, or clinic.

The purpose of this legislation is to expand the definition of a medical deduction, section 213(d) of the Internal Revenue Code, to include those meals and lodging expenses incurred by a parent, guardian, and minor child when traveling to receive medical care.

Although we are living in austere times, this bill is just and proper and is, in my judgment, the type of compassionate legislation which has become the hallmark of this the greatest deliberative body in the world.

In recent years, the Internal Revenue Code has been modified to provide taxpayers with new deductions for such things as adoption fees and child day care expenses. While these are worthy deductions, I cannot think of a more deserving group of individuals, for this type of tax treatment, than those parents or guardians who are facing the crushing economic burden and psychological strain of watching their child suffer from a debilitating disease.

In my own city of Houston, we have many excellent medical facilities including one of the finest cancer treatment centers in the entire Nation. As a result, hundreds of citizens travel to Houston so that their children can receive vital and life-saving cancer treatment. While this treatment does not always require actual hospitalization, it does require that the child be available on an outpatient basis for several consecutive days.

In fact, the University of Texas System Cancer Center recently conducted a survey which indicated that the average length of stay for its patients was 5½ days overall. According to this survey, clinic patients averaged 5 days, while stays associated with hospital admissions averaged 9 days.

As a result, many parents find themselves not only separated from the rest of their family but many times they suffer losses of income or jobs due to extended and recurrent trips out of their home town.

In addition, a parent or guardian may find these away-from-home living expenses reaching intolerable levels and may be faced with the unenviable prospect of abandoning a sick child in a hospital or face financial ruin. I do not believe any person should be forced to make such a decision and with the passage of this legislation no parent or guardian will ever have to make such a choice.

At the same time, it has been clearly demonstrated that parents and legal guardians provide not only irreplaceable comfort to these children, but actually assist in their child's medical care by insuring a proper diet, by providing medication, by assisting in physical therapy and by generally attending to their emotional needs which are so important to the overall success of their medical treatment.

At a child's most critical moment of need, a parent or guardian can and does make the difference between a stable period of medical treatment and one of unquestionable anxiety.

Many years ago, President John Kennedy in his book "Profiles of Courage" wrote of those Americans who by their actions changed the course of our Nation's history. While a severely ill child may never have the impact of these historical figures, in my judgment, they are the real heroes and their lives are the real profiles in courage. I do not believe anyone can ever visit a hospital like M.D. Anderson in Houston and not be deeply touched by the commitment to life and the sacrifices these children are willing to make for a better tomorrow.

Mr. Speaker, this bill utilizes our Tax Code to assist a parent or guardian of these children in a realistic and cost-effective manner. The passage of this bill will not result in significant losses of Federal revenues and, in fact, has been drafted in recognition of our current deficit problems. For this reason, the bill only allows one parent or guardian to deduct meals and lodging expenses, it limits deductability for children under the age of 18 and it restricts the deductions to expenses incurred outside an individual's home town. While this bill's revenue impact is limited, one should not underesti-

mate the importance and need for this vital legislation.

Mr. Speaker, this legislation has been endorsed by a number of organizations including the Association for the Care of Children's Health and the internationally known Candlelighters Foundation.

These groups share my belief that parents and guardians should be allowed to deduct certain limited living expenses on those occasions when it is necessary for them to accompany their sick child to a facility for required medical treatment.

While this bill does not attempt to deal with every hypothetical situation that may occur, it is my fervent hope that this legislation will serve as a focal point for discussion and that the Ways and Means Committee will address this critical need. I am convinced that if given an opportunity the House of Representatives will vote overwhelmingly to approve the Medical Expense Deduction Act of 1983.

Finally, I would like to compliment Senator LLOYD BENTSEN of Texas for introducing the companion version of this legislation and I would like to extend my personal thanks to Mr. John A. Townsend, a tax attorney in Houston, Tex., whose council and guidance have been invaluable in thiis effort.

Mr. Speaker, thank you for this opportunity to address the House on this most pressing legislative matter.●

THE ARMENIAN GENOCIDE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mrs. KENNELLY. Mr. Speaker, today, we recall in sorrow the Armenians who were the victims of the first genocide of the 20th century. Between 1915 and 1918, over 1½ million Armenians perished of starvation and butchery at the hands of the Ottoman Turks. For the past 13 years, on or around April 21, Members of Congress have set aside a day to commemorate and reflect upon this timeless tragedy.

Our remembrance and acknowledgment of the Armenian genocide is particularly fitting this year—1983 marks the commemoration of the Jewish Holocaust, and the U.S. Memorial Council has agreed to commemorate the Armenian genocide in its museum and in its educational programs. Nevertheless, Congress must continue to commemorate this event and be ever vigilant against those who would deny its truth or downgrade its horror. In August, an article by the Department of State raised serious questions about the U.S. Government's recognition of the historical veracity of this event. It stated that "the Department of State does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." Although the State Department subsequently issued a retraction of the statement, it failed to affirm the fact that the genocide occurred. Thus, our reaffirmation in Congress that this awful chapter in man's history did in fact occur is even more fitting this year. It is our responsibility to help keep this memory alive and vivid, so that the lessons of the past may never be forgotten, and so that our resolve to fight against the persecution and inhumanity of today will be strengthened.

Of the more than a half million Armenians in the United States today, most have a relative who was killed during the Armenian genocide. The Armenians have come far since those dark days. They have earned an invaluable place in American society, and our history is filled with numerous accomplishments of the Armenian community. I am proud they are a part of our Nation's heritage, and that I have had the opportunity to know Armenian Americans personally. Knowing many Armenian Americans personally as I do, I can understand the strong feelings of Armenians with respect to keeping the memory of this tragic massacre alive for future generations. I am certain that brutality and persecution will never daunt their inimitable spirit, one which has enabled them to overcome significant adversity, and forge a new life in this country.●

UNFAIR PRODUCT LIABILITY STANDARDS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. SHUMWAY. Mr. Speaker, American consumers and manufacturers bear an unnecessary burden because of the inconsistent and often unfair product liability standards applied around the country.

As the laws are presently written, small businesses are threatened by the staggering costs of product liability litigation. These suits affect not only manufacturers but retailers and distributors as well. Because of the great costs, many "mom and pop" businesses have a difficult time paying for the defense of a product liability suit. Even if they are found not liable, the businesses may still pay heavily in legal fees.

But the affects do not end with businesses. The enormous costs of product liability suits are passed on to each of us as consumers in the higher prices we pay for goods. This situation must not continue. It is time we take careful look at this legal crisis and establish a sense of order through national product liability guidelines.

A number of features of the present system work against the best interests of consumers. In California and New York, for example, design improvements made by a manufacturers after an accident can be introducted in court as evidence that the original product was defective. This has a chiling effect on efforts to make products safer through use of new knowledge and advanced technology. Companies in these States run the risk of being punished for improving the safety of their products. Federal guidelines for product liability will eliminate disincentives for making products safer.

Federal guidelines will also benefit consumers by providing greater predictability. Consumers need to know their rights and the obligations of manufacturers. And, by providing clear standards, Federal guidelines would promote prompt resolution of claims.

Now set at the State level, product liability law varies widely from one jurisdiction to the next. Only 32 States even have product liability statutes. None of these State laws is comprehensive and no two are identical.

Yet, manufacturers in the United States ship 70 percent of their products out of State and many sell their goods nationwide. This means that many American manufacturers face the impossible task of meeting 50 different product liability standards. It is difficult under these circumstances to know which standards to follow when making a product.

Furthermore, a number of recent court decisions have departed from all traditional notions of liability. For example, the highest court in New Jersey ruled that a company can be held liable for product-related injuries even though scientific knowledge at the time of the product's manufacture and sale could not have established any danger. And, courts in several States have held that a manufacturer may be liable for injuries without proof that the company actually made the product. This trend toward absolute liability—which holds manufacturers liable for defects in product design or inadequate warning even though reasonable care was taken—unduly punishes many businesses.

While a manufacturer which sells a defective product or fails to provide adequate warnings should be liable when at fault, increasingly, manufacturers are held accountable for irresponsible actions by the product user. In Maryland, for example, a laundry dryer exploded when two men stuffed a hot air balloon into the machine. In spite of their reckless use of the dryer, the men were awarded $855,000.

Moreover, the present product liability system places American manufacturers at a disadvantage with foreign competitors who are free from excessive product liability costs in their home markets. If unchecked, product liability may jeopardize a major portion of the American manufacturing community.

Product liability is a growing concern. Since 1974, the number of product liability suits filed in Federal courts has increased by more than 500 percent. Product liability reform is long overdue.

I am pleased, therefore, to join Ms. MIKULSKI in introducing a bill to establish clear Federal standards for product liability cases.

Our bill, the Product Liability Act of 1983, was first introduced in the last session. It is the product of extensive counsel by product liability authorities and technical advice from the entire spectrum of the manufacturing community. This bill would provide federally preemptive rules that make sense, in place of the chaotic patchwork that exists now.

The bill would also place responsibility on the person in the best position to avoid harm. By providing that manufacturers would be liable when they are at fault, the bill encourages the design, manufacture, and distribution of safe and improved products. In a number of States, product liability law neither properly allocates responsibility nor provides incentives for accident prevention.

During his term in office, President Carter proposed uniform guidelines for product liability to bring consistency to the courts across the Nation. And now, President Reagan has voiced his support for a Federal product liability law.

I urge my colleagues to join Ms. MIKULSKI and me in support of this bill that would replace the current system with Federal guidelines to insure consistency, promote product safety, reduce transaction costs, and provide fair compensation for injured persons.

I commend to the attention of my colleagues the following section-by-section summary of our legislation:

The explanation of the act follows:

SECTION-BY-SECTION EXPLANATION OF THE PRODUCT LIABILITY ACT OF 1983

§ 1. Title. Product Liability Act of 1983.

§ 2. Findings and Purposes. Provides findings and purposes underlying need for legislation.

§ 3. Definitions.

(1) Commerce. Defines to apply full Commerce Clause authority.

(2) State. Defines to include possessions, territories, etc.

(3) Person. Defines very broadly and includes any Federal, State or local governmental entity.

(4) Product. Defines to include any "object or substance." Expressly excludes human tissue, organs, or blood and its components.

(5) Product liability action. Defines to include any claim or action brought by a claimant against a product seller for harm caused by a product. Includes, but is not limited to, actions, previously based on strict liability in tort, negligence, breach of warranty, misrepresentation, concealment, or non-disclosure "(whether intentional, negligent or innocent)," manufacturer's liability, products liability, or otherwise.

(6) Claimant. Defines to include persons harmed and their legal representatives.

(7) Harm. Defines to include damage to property (other than product itself), and personal physical injuries (including death), pain or mental harm suffered by claimant resulting from personal physical injuries. Expressly excludes commercial loss.

(8) Manufacturer. Defines to include any wholesaler, distributor or retailer who "plays a significant role" in designing, producing, altering, modifying, etc. the aspect of the product which injures claimant. Excludes one who distributes a product, and who also assembles, prepares, etc. the product in accordance with instructions, etc. of manufacturer.

(9) Product seller. Defines broadly. Excludes sellers of realty (except if the person is engaged in the mass production and sale of standardized dwellings), providers of professional services, and persons acting only in a financial capacity who are not manufacturers, wholesalers, distributors or retailers.

(10) Representation. Defines to mean an explicit statement, affirmation of fact, promise or description.

(11) Feasible. Defines to mean practicable and reasonable within generally acceptable technical and scientific knowledge, which is available, adequately demonstrated and economically reasonable for use and sale, at time of manufacture.

(12) Preponderance of the evidence. Defines to provide a more probable than not standard.

(13) Clear and convincing evidence. Defines to require proof necessary to produce firm conviction as to allegations sought to be established. States that requisite proof is greater than preponderance of evidence, but less than beyond a reasonable doubt.

(14) Known/Knowledge. When imputed to a person other than an individual, defines to mean that a natural person in a reasonable position to assess the significance of information is aware of that information.

§ 4. (a) Preemption. Supersedes federal and state law to the extent such law is inconsisent with the Act.

(b) Federal Jurisdiction. Does not vest subject matter jurisdiction in federal district courts.

§ 5. Standards of Responsibility for Manufacturers.

(a)(1) Generally. For liability to obtain against a manufacturer, trier of fact is required to find by preponderance of evidence that—

The product was unreasonably dangerous in construction;

The product was unreasonably dangerous in design;

The product was unreasonably dangerous because of a failure to provide adequate warnings or instructions; or

The product was unreasonably dangerous because it did not conform to manufacturer's representation, and that the unreasonably dangerous aspect of product was the proximate cause of harm; and that the defendant manufactured the product.

(a)(2) Collateral Estoppel. No offensive collateral estoppel.

(a)(3) Expert Testimony. Expert testimony is sufficient evidence only if corroborated by substantial objective evidence based on generally accepted scientific or technical knowledge.

(b) Construction Defects. To establish a construction defect, the product must be shown to deviate (1) from design or performance standards or (2) from otherwise identical units, and that the deviation created an unreasonable risk of harm.

(c) Design Defects. To establish a design defect, an alternative design must be shown to have been available, which on balance would have been "better" than the chosen design (defined to mean less likely to cause harm both as to the alleged hazard and as to overall protection from harm; neither more expensive nor less useful or desirable unless warranted by the added protections from harm; and not in violation of statutes, regulations, or mandatory safety standards), and which would have been capable of preventing claimant's harm.

A manufacturer shall not be liable for harm caused by uses other than those expected of an ordinary person; by alterations or modifications other than those expected of an ordinary person; or by aspects of a product not feasible of being made safe.

(d) Failure to Warn. To establish liability for failure to warn or instruct, it must be shown that danger or safety information was available to the manufacturer; was "reasonably necessary" (which is defined to refer to information concerning significant dangers which would be useful to persons likely to use the product other than information with respect to obvious or known dangers, unimportant dangers, uses other than those that would be reasonably expected of an ordinary person, or uses associated with alteration of modifications that would not be expected of an ordinary person); was not effectively provided to an "appropriate person" (defined to mean the product user, if feasible; a person reasonably expected to pass them on to the product user; in the case of certain products, an expert legally authorized to use them; in the case of products used in a workplace, the employer or person having custody of the product; in the case of components, raw materials or bulk products, the manufacturer's immediate vendee); and if provided, the warnings would have prevented the claimant's harm. Similar rules apply in case of post-manufacture duty to warn, except the manufacturer will not liable if it made reasonable efforts to provide information to an appropriate person.

(e) Representation. To establish liability for non-conformance with a representation, claimant must show reliance on, and the untruth of, the representation. Negligence or fraud need not be shown.

§ 6. Standards for Product Sellers (Other Than Manufacturers).

(a)(1)-(2) General. Seller may be liable only if preponderance of evidence shows that product was proximate cause, that product seller failed to use reasonable care with respect to product, and that product seller sold the individual product unit involved. Seller must have known of danger that harmed claimant or have had an opportunity to inspect which would have revealed danger.

(b) Representations. Seller may be liable for its representations.

(c) Exception for Liability. Seller may be liable if manufacturer cannot be located or is not subject to process or if court deter-

mines that a judgment against manufacturer will probably be unenforceable.

(d) Collateral Estoppel. No offensive collateral estoppel.

§ 7. Government Standards and Contract Specifications.

(a)(1) Use by Claimant—Design Standards. If product seller did not comply with mandatory federal government standards, the product will be considered unreasonably dangerous unless it is proved by clear and convincing evidence that failure to comply was reasonably prudent conduct under circumstances.

(a)(2) Use by Manufacturer—Design Standards. If product seller proves compliance with mandatory federal government standards, product will not be considered unreasonably dangerous unless claimant proves by clear and convincing evidence that standards were unsound.

(b) Mandatory Government Contract Specifications. Substantial compliance with mandatory federal, state, or local government contract specifications redesign or instructions protects product seller from liability, unless the product was available commercially.

(c) Warnings or Instructions. Warnings or instructions are included within conduct covered by subsections (a) and (b).

§ 8. Evidence of Post-Manufacturing Improvements. Evidence of precautionary measures taken after date of manufacture is not admissible, except when used to impeach a witness who denies the feasibility of precautionary measures or when offered by the person who took the measure.

§ 9. Comparative Responsibility/Misuse or Alteration. Provides for pure comparative responsibility. Trier of fact determines the total amount of damages, and apportions responsibility among all persons responsible, including claimant. A *de minimis* rule excepts persons with insignificant responsibility from apportionment. Provides a special apportionment rule for responsibility of employers and co-employees. Comparative responsibility includes product misuse, alterations or modifications, improper maintenance, and use of a worn-out product. Judgment to be entered severally against parties liable; upon motion of claimant, obligations uncollected for pecuniary reasons may be reallocated only among joint tortfeasors.

§ 10. Effects of Workers' Compensation Benefits. Provides that damages otherwise recoverable are to be reduced by workers' compensation benefits. No subrogation, indemnity, contribution or lien from product seller unless agreed to. Provision for adjustment where products liability action decided prior to workers' compensation claim. No third-party action over against employer. Does not affect indemnity agreements. Repeals "dual capacity" doctrine.

§ 11. Punitive Damages. After a determination of the product seller's liability for actual damages and the amount thereof, on motion, the court may determine whether punitive damages should be awarded, and the amount thereof. Punitive damages shall be awarded only if a product seller acted with "reckless disregard," defined as a flagrant indifference to consumer safety indicating an extreme departure from accepted practice. A choice among competing designs or warnings, when made in the ordinary course of business, does not constitute reckless disregard. In determining punitive damages, the court shall consider the likelihood that serious harm would arise; the extent of the product seller's awareness of such likelihood; the profitability of the misconduct; the duration of the misconduct and any concealment thereof; the attitude and conduct of the product seller's officers upon discovery of the misconduct; the financial condition of the product sellers; the total effect of other punishment imposed on the product sellers; and whether claimant acted in reckless disregard of his own safety. Punitive damages for any one claimant shall not exceed twice the amount of actual damages and in no event shall exceed $1 million. With respect to all claimants, punitive damages and prior fines shall not exceed the lesser of $5 million of net worth.

§ 12. (a) Statute of Limitations. Claims must be brought within two years of the time they were discovered or should have been discovered.

(b)-(d) Statute of Repose. Provides a 10-year statute of repose which commences on the date of first sale. However, in the event that the manifestation of the harm is delayed, or in the event of intentional misrepresentation by a product seller, a 15-year statute of repose is applicable. Also, a product seller may extend these time limitations in writing. These time limits are not applicable to actions for contribution or indemnity.

§ 13. Miscellaneous. Severance clause.

§ 14. Miscellaneous. Effective 60 days after enactment, applying to all actions commenced on or after that date. Notwithstanding the foregoing, all claimants able to bring an action on the effective date under prior law may commence an action under the Act within one year of its effective date.●

ARMENIAN MARTYRS' DAY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. MICHEL. Mr. Speaker, I am glad to have the opportunity once more to bring to the attention of our colleagues the genocide carried out against the Armenian people in 1915.

Little over a week ago I spoke to a Jewish congregation in Peoria, Ill., on the 40th anniversary of the Warsaw uprising by Jews against the Nazis. I reminded my audience that the lesson to be learned from the Holocaust is one that should be learned not only by Jews but by all civilized human beings: When uncontested state or ideological power is allowed to carry out its ends undisturbed, innocent people suffer and die. This is the iron law of history.

I mention this fact because there seems to be some confusion over the meaning of the commemoration of the victims of the genocide carried out against the Armenians in 1915. This is not an attempt to place blame or point fingers or cast up things that are best forgotten. No, it has a more positive aspect—it reminds all of us, whether we are of Armenian ancestry or not, that what happened in 1915 cannot be allowed to happen again to anyone. By the phrase "what happened" I mean the slaughter of innocents for political purposes. It does not matter, in the final analysis, what the name of the victim is or what his persecutor's name is—what matters is that we should learn from the past so that we will not repeat its errors—or its atrocities.

So I look upon this day not as an exercise in blaming or vengeance or hate, but as an exercise in remembering, in learning, in reminding ourselves that free men and women remain free—and alive—only so long as they realize that undefended freedom is endangered freedom, that respect for the rights of others means first of all respect for and willingness to defend one's own rights as well, that wherever there is a victim of the unrestricted power of a government or ideology, civilization itself is under attack.

I make this report to our colleagues because I think it is good for all of us to know that we have to do more than remember the victims of persecutions. That is the easy part. We have to learn from their tragic fate, we have to live our lives in such a way that our defense of freedom and of our values gives some meaning to their agonies.

And, so Mr. Speaker, I ask our colleagues to remember the Armenians. Nothing can change history. Those who were once enemies can become partners—perhaps even friends—against a common foe. We can change the present and the future if we are willing to learn from the past. It is up to us.●

PROBLEMS FACING U.S. AGRICULTURE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. BEDELL. Mr. Speaker, of all the many pressing issues this Congress will be addressing during the coming months, some of the more crucial will have to do with agriculture. With increasing regularity, we are faced with unsurmountable evidence that the problems confronting U.S. agriculture are structural. The amazing productivity of the American farmer has led to mounting surpluses that threaten to overwhelm the conventional sources of demand for food, feed, and fiber, and the search for balance is driven not just by the desire to end the billions of dollars of taxpayer outlays required to pay for land idling and surplus commodity storage, but also to reduce the growing pressures on the international trading system.

Perhaps never before has the need for farsighted changes in agricultural policy been so urgent. There has always been a great deal of discussion about how new domestic outlets for domestic agricultural production can be encouraged with a minimum of Government interference, and in a cost effective way, but today, those new outlets are needed as part of a

structural reorientation of American agriculture. The objective must be to stimulate new value added processing industries that will utilize U.S. agricultural production in a way that benefits consumers, producers, and taxpayers alike by providing demand for fuel and chemical outlets, in addition to the conventional food, feed, and fiber.

A recent analysis of some of the perceived changes in Soviet agricultural policy since Yuriy Andropov's rise to power is worthy of consideration in this regard. In a recent Pro Farmer article, a highly regarded Soviet analyst noted that changes in Moscow's approach to agriculture point to a "livestock policy emerging which counts on domestically grown feeds, possibly supplemented by high protein concentrates as the best for the maintenance of these animals." To some, this may appear to be yet a further exacerbation of our current export problems, in which past customers are moving further away from consumption of excess U.S. production. However, this change in policy could actually afford the United States an opportunity that could enable us to contribute toward a number of important national objectives simultaneously. This opportunity should not be lost.

As the attached article printed in last summer's Foreign Affairs magazine points out, a U.S. fuel ethanol industry would provide our agricultural policy-makers with a new degree of much-needed flexibility. By converting the starch portion of U.S.-produced corn and other grains into a high grade liquid fuel (ethanol), while still preserving all of the original protein, vitamins, and minerals, U.S. grain undergoes a value-added process that meets both United States, and Soviet—or any other trading partners'—needs. The concentrated—one-third the weight—high protein coproduct is an excellent animal feeding material, and its transportation and storage is far more efficient than that of the bulk grain. The United States benefits by the production of a high grade liquid fuel extender and octane enhancer, increased economic activity and jobs, and improved trade flexibility, and the Soviets and other United States customers benefit from a concentrated feeding product that more efficiently suits their needs.

Mr. Speaker, I commend this article to my colleagues' attention as we begin to focus on the crucial agricultural policy questions in the weeks to come.

The article follows:

[From Foreign Affairs, Summer 1982]

MORE BANG FOR THE BUSHEL

To the Editor:

Karl-Eugen Wädekin's Spring 1982 look at "Soviet Agriculture's Dependence on the West" was a thought-provoking analysis that should be required reading for U.S. agricultural policymakers of all stripes. While it is certainly lamentable, there can be little doubt that American agriculture's profitability under the current method of "doing business" is heavily dependent upon sales to Moscow.

In analyzing what to expect in the way of Soviet grain purchases for the next five or more years, Mr. Wädekin acknowledges that Moscow will try very hard to cut down on food imports and speculates that the American farmer will find his market reduced thereby within a few years.

Such a scenario is not hard to envision. As a result of the grain embargo imposed by President Carter in response to the invasion of Afghanistan existing grain trade agreements with the Soviet Union have been upset and the embargo has relegated the United States to the position of a supplier of last resort. Further exacerbating the dissolution of Soviet reliance on long-term U.S. grain sales are the Reagan Administration's current efforts to induce tight credit restriction policies vis-a-vis Moscow. Continued reliance on the Soviets as an outlet for U.S. farmers overproduction will lead more often than not to excessive grain surpluses, with the attendant surge in federal price supports and storage costs, and worsened balance of trade.

Beyond the economic costs of a continued dependence on Soviet/East bloc grain import demand, there are also significant political and foreign policy costs. Due to the importance of key farm-bloc supporters in the Congress, for instance, the Reagan Administration has been unable to take the full range of actions (including another grain embargo) against the Soviet Union for its role in the brutalization of Poland. Our European allies have cited the decision not to end U.S. grain shipments as part of the reason for their refusal to comply with suggested U.S. sanctions against the Siberian natural gas pipeline.

Obviously, it would make good sense for the United States to commit itself to developing alternative outlets for U.S. grain production. Mr. Wädekin's article did reveal one dimension of Soviet agriculture that offers a significant opportunity for the United States to create greater U.S. grain trade flexibility.

Mr. Wädekin's revelation is that "the Soviet Union lacks protein feed. . . To compensate for the declining percentage of forage and dry roughage and increased quantities of grain feed, protein additives should be more than doubled." This need for increased protein additives could easily be met by U.S. exports in a way that would greatly increase U.S. flexibility, stabilize farm income, create jobs and productive investment and, not incidentally, provide a high-grade alternative liquid fuel capable of "backing our" crude oil imports on at least a one-for-one basis. This could be achieved by assuring that a portion of all grain bound for the Soviet Union—and elsewhere—was first processed into alcohol fuel and its high-protein co-products.

The production of ethanol from grain is steadily increasing today in the United States; last year, hundreds of millions of gallons of ethanol-enhanced fuel were consumed by American motorists. What is not widely known is that, in utilizing grain as the feedstock for fuel alcohol production, only the starch is consumed. The resultant high-protein co-products have been widely proven to be superior food and feed materials. One 56-pound bushel of corn, for example, when processed by a "wet-milling" facility, yields, in addition to over 2.5 gallons of anhydrous ethanol, the following: 1.7 pounds of corn oil; 3 pounds of corn gluten meal (a 60 percent protein product in great demand by the broiler and layer industries); 14.3 pounds of corn gluten feed (a 21 percent protein material, nearly 3 million tons of which were exported last year to the European Economic Community by U.S. producers); and 15 pounds of highgrade carbon dioxide. In a "dry milling facility, besides the 2.5 gallons of ethanol, nearly 17 pounds of a 26 to 32 percent protein material called Dried Distillers Grain (DDG) remain after the process.

It is important to note two things about these high protein co-product streams of fuel alcohol production. First, they are superior for use as protein additives for animal feeding purposes. Second, they offer the needed nutrition performance while requiring only one-third the space and weight capacity of the bulk grain, (for corn, 18 pounds of co-products as compared to 56 pounds per bushel of bulk corn.) The Soviet Union's paucity of train storage and handling capacity makes this concentration effect of great value indeed.

In this process, the United States will have achieved multiple objectives. The most important include:

(1) *Adding a new dimension of flexibility to U.S. agricultural income and trade.* By first extracting the valuable liquid fuel from a portion of its grain exports, the American farmer can receive significant returns for the ethanol from each bushel, even if Moscow's demand for the feed portions were to decline or be cut off entirely. In the event of an unexpected disruption in trade, the concentrated nature of the high-protein coproduct would facilitate storage and lower costs when compared to that required for bulk grains.

(2) *Significantly improving the U.S. balance of trade.* The use of the fuel alcohol domestically would reduce crude oil imports on at least a one-to-one basis. In addition, the sales of the high-protein co-product would generate revenue.

(3) *Stimulating an orderly redirection toward the processing of bulk commodities in the United States rather than recipient countries.* Thus, more American jobs are created, state and federal tax bases are expanded, and a solid infrastructure for future industrial development is established. (It has been estimated that, if only ten percent of the $8.7-billion worth of corn exported by the United States last year were "processed" into wet corn milling products for export, business activity would increase by $7.734 billion, creating 165,300 more jobs and raising personal income in the United States by $1.713 billion.)—DAVID E. HALLBERG, *President, Renewable Fuels Association, Washington, D.C.*

Mr. Wädekin replies:

Regarding Mr. Hallberg's comments, it is true that a higher protein content would greatly improve the average Soviet feeding ration, but it is also true that Soviet animal farms' demand for feed grain would thereby be reduced still more than envisaged in my article. As to transport and storage costs and facilities in the Soviet Union for imported proteinic co-products of fuel alcohol production, these should not be compared to bulk grains but to soybeans and their meals and other comparable commodities. These also figure high in Soviet feedstuff imports, and are likely to expand further, although they are similarly limited by transport and storage facilities and also by

the capacities of the vegetable oil and mixed feed industries of the Soviet Union.

Insofar as these limits apply to fuel alcohol co-products as well, the two kinds of protein additives would be competitors in a market which, although big, is limited. According to Mr. Hallberg, the protein content of fuel alcohol co-products is yet higher; in addition, Mr. Hallberg claims that these require less processing capacities for turning them into livestock feed. To the degree that such advantages exist, potential for an expansion of U.S. exports of feedstuff of this kind, combined with the preceding use for fuel production, indeed seems to exist, and American suppliers may have a technological edge over others. However, for the reasons outlined before, one should not overestimate the *net* effect on the American farm sector and its exports. And after all, I did not say that overall Soviet grain purchases will sizably ebb earlier than the mid-1980s.●

"SECRET" WAR AGAINST NICARAGUA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, for over 1 year, evidence has been accumulating that the United States is involved in a covert operation, training, and arming counterrevolutionaries in Honduras for a secret war against Nicaragua. Recent press reports have exposed this operation in glaring detail.

I would like to submit for the record just one series of the many articles that have appeared in the last month concerning U.S. involvement along the Honduran-Nicaraguan border. Washington Post correspondent Christopher Dickey spent 6 days with these counterrevolutionaries. His reports show that these forces are being led by former members of Nicaraguan dictator Anastasio Somoza's National Guard. They are well armed with weapons supplied by the United States, and openly proclaim their reliance on the United States. The avowed purpose of their escalating incursions into Nicaragua is to violently overthrow the Nicaraguan Government.

While there continues to be uncertainty about the intent of U.S. policy in the region, its effects are becoming increasingly clear. The U.S. involvement with these forces is undermining the prospects for peace and democracy in the region, and is violating our own laws, treaty obligations, and principles. I urge my colleagues to read these and other reports carefully, and do all they can to bring an end to this dangerous policy.

[From the Washington Post, Sunday, Apr. 3, 1983]

TOUGH FORMER GUARDSMEN LEAD INSURGENTS AGAINST SANDINISTAS

WELL-ARMED UNITS SHOW STRONGHOLDS

(By Christopher Dickey)

ARENALES, NICARAGUA.—Long lines of soldiers appeared suddenly on the sharp mountain ridges leading to this valley deep in Nueva Segovia province. They were rising from the cover of all-night ambush positions guarding their camp, more than 400 of them, part of elite rebel units fighting the leftist Sandinista government of Nicaragua.

Small landowners and local country people for the most part, the troops are commanded by tough professional soldiers from the old National Guard of the dictatorship of Anastasio Somoza, who was ousted by the Sandinistas in 1979. For the first time last week, the counterrevolutionaries brought two U.S. reporters here in the midst of heavy fighting to lift some of the cloak from their long-secret war.

For six days and more than 90 miles through the broken mountains, pasturelands and tropical forests of Nueva Segovia, we moved with units of the Nicaraguan Democratic Force, the largest and richest of Nicaragua's counterrevolutionary groups. The conditions set for the visit were that we would not reveal the exact way that we entered Nicaragua or the location of any major base camps.

These guerrilla units, under the field command in this region of a former National Guard first sergeant they call "Suicide," appeared to be as well trained and well armed as virtually any regular infantry in Central America. The antennas of U.S. field radios waved above many shoulders. Others bore U.S. grenade launchers, U.S. .30-caliber machine guns. Some wore U.S. boots, packs and belts. They hoisted sophisticated U.S. light antitank weapons.

One squad commander said he was gradulated less than a month ago from a 65-day course in leadership and tactics taught by six Argentine colonels in a special school outside the Honduran capital. Many other soldiers said they were trained initially in Honduran border camps, where units of about 200 men each were prepared for combat.

None said where his Belgian-made FAL automatic rifles came from, but such guns were standard issue to the Honduran Army before the United States began reequipping it with M16 rifles in the past two years.

Charges of U.S., Argentine and Honduran backing for the rebellion against Nicaragua's Sandinista government have long been the subject of news leaks and angry diplomatic exchanges. U.S. officials have refused comment on the reports. For soldiers in the field, however, such backing is a given—and considered by them to be their most important advantage in the struggle with the Sandinistas.

Already seasoned by months of combat, they had fought eight hours the day we joined the main force. They would fight until after dark the next day as well, with full firepower of three companies brought to bear against Sandinista Army units seeking out positions nearby.

Their morale was high. With the United States behind them—"the most powerful country in the world," as some liked to describe it—many of the rebels said they believe they cannot lose.

Having turned these mountains into what they call "enemy territory for the Sandinistas," counterrevolutionary commanders said they hope within a matter of weeks to take and hold a major town in the region, probably the dusty little garrison of Jalapa, a few miles south of the Honduran border.

This could open the way for recognition and resupply by land and air. The guerrillas' fierce optimism about this is shared by some of the Hondurans who have helped the anti-Sandinistas, despite the possibility that such a move might provoke open hostilities between Nicaragua and the U.S.-backed Honduran Army.

"We are ready for that," one well-informed Honduran officer said in that country's capital last week after a meeting with other commanders. "I don't think there's any secret in this anymore. It's a question of you or me."

There is concern, however, that Washington might try to pull back from its vital support of these troops if the situation gets too explosive.

"The United States is helping us in a way we don't want. They are saying no, no, no to everything. Our men want to do spectacular things," complained one counterrevolutionary political leader outside Nicaragua who was instrumental in setting up our visit. "You have the momentum, and they stop you. It's like an invisible hand holding strings."

As did his men on the ground here, he dismissed the Reagan administration's assertion to Congress that Washington's support for the anti-Sandinistas is intended essentially to cut the Nicaraguan government's arms supplies to insurgents in El Salvador.

"The people who are fighting, they are not fighting to stop the weapons," the counterrevolutionary leader said. "We are fighting to liberate Nicaragua."

As Suicide put it here in the middle of the war zone, "We're not going to stop the transport of arms and supplies to the Salvadoran guerrillas or the Guatemalan guerrillas until we cut the head off the Sandinistas."

The counterrevolutionaries express little indeological or political coherence, beyond an intense desire to rid the country of what they call communist influence and eliminate its present leadership. The leaders appear to hope that just as in the 1979 insurrection against the Somoza dictatorship, Nicaraguans will unify against what they say is a bad government even if they are not sure what will replace it.

They count on touching an insurrectionary nerve that they believe runs deep through Nicaraguan history and society, and they say that while U.S. aid undoubtedly helps them, they will continue fighting even if it is cut off.

"This is not the second civil war that Nicaragua has had. We've had dozens of them," said Nicaraguan Democratic Force political leader Adolfo Calero. "Whether there is U.S. support or there is not U.S. support will not make the difference of whether there is fighting or no fighting in Nicaragua . . . but whether it will be a long bloody affair that will destroy the country or whether it will be quick."

As the threat of counterrevolution has mounted, the Nicaraguan government repeatedly has focused on the possibility of an invasion from Honduras, describing it as something that might be fought in an almost classic war of fronts. But what has happened is a massive infiltration.

"I'm breaking new ground every day," said Suicide, whose real name is Pedro Pablo

Ortiz Centeno. "They won't get me out of here now."

A short, hard man, 32 years old with a mustache and goatee that give his features a vaguely oriental aspect, this guerrilla warlord of Nueva Segovia claims to have almost 2,000 men under his command. In neighboring Madriz and Jinotega provinces and down into Matagalpa and Boaco the counterrevolutionaries claim thousands—and there are almost certainly hundreds—more armed men. In the forests and jungles of the isolated Atlantic Coast, meanwhile, an allied force of Miskito and other Indians is said to be at least as large and well armed.

As we traveled more than 30 miles inside Nicaraguan territory in several incursions, we were able to talk to scores of counterrevolutionaries, their commanders and many peasants under relatively relaxed circumstances in protected campsites. We also saw the troops in heavy combat.

While the Sandinistas have been trying with extensive help from East Bloc countries to transform their guerrilla force of four years ago into one of the biggest regular armies in Central America, members of the National Guard that they defeated have made a much more successful and rapid transition to the role of guerrillas.

On the road in the Arenales area, for instance, near the Sandinista redoubts at El Doradito and Murra, Suicide stationed several ambushes to guard our approach. When more than a company of government troops caught sight of us moving through open ground and tried to intercept us at the road crossing, Suicide's men hit them head on.

Grenade, bazooka and mortar explosions echoed for miles through the hills. But Suicide's main units held their ground, reporting not a single serious casualty as they remained in position until nightfall picking off Sandinista soldiers trying to recover the dead, the wonnded and their guns.

In official propaganda, the Sandinistas call the Democratic Force troops "genocidal guardsmen," or "beasts," or "Somicistas," resurrecting the nightmarish repression of the final days of the Somoza dictatorship when the Nicaraguan National Guard bombed civilian populations and summarily executed men and boys in the streets of Managua.

"They say we are National Guard, and that's true," Suicide remarked in the reference to 16 of his key aides. "But today things have changed." The Sandinistas, he said, "don't know what to make of us."

The counterrevolutionaries led by Suicide appeared to count on considerable and invaluable support among the few peasants left in the increasingly deserted war zone. The locals, some of whom are related to rebel soldiers, sold provisions to the troops with which we traveled, sheltered them and often provided them with intelligence about Sandinista movements.

When the Sandinistas came to power in 1979 they did so with remarkable speed at the head of a broad-based popular uprising against a hated dictator who was undermined on all sides and had even lost the support of Washington.

Faced with forces like those in Nueva Segovia, it appears likely that the Sandinistas' fight to consolidate their power may be longer and perhaps just as bloody as the revolution itself.

[From the Washington Post, Apr. 1, 1983]

REBELS WANT U.S. TO DECLARE SUPPORT OPENLY

(By Christopher Dickey)

The exiled Nicaraguan political leaders tied to guerrillas fighting to overthrow their country's leftist Sandinista government decided last month to open up their long-secret war to the public partly out of fear that the covert backing of the United States would be cut the moment they began to make serious headway in their fight.

Speaking privately, several of them expressed deep reservations about the covert support from Washington—"the invisible hand," as some call it—that has helped create their movement but also could be used to destroy it. They say that a point has been reached, or soon will be, at which there is no turning back and the war cannot be stopped.

They are deeply bothered, however, by the example of the Bay of Pigs invasion against Cuba more than 20 years ago, when U.S. promises and understandings with the rebel force were broken, in their view. More recently, they look with consternation at the example of the Kurds in Iraq supported by the shah of Iran and the United States, then cut off when limited political gains were achieved.

By allowing two reporters to travel with their troops inside Nicaragua, the leaders of the Nicaraguan Democratic Force hoped to establish themselves as a credible fighting force with real potential to overthrow the Sandinistas and to dispel the ideas that they are mere agents of U.S. policy or desperate exiles with a dangerous pipe dream.

The Democratic Force leaders were interested in establishing that the beachhead in Nicaragua was already in place, a fact borne out by our observations, and that what is going on now is not the beginning but the continuation of a serious war.

"The Bay of Pigs was an invasion on an island and very limited," said Adolfo Calero, a member of the directorate of the Nicaraguan Democratic Force, speaking from his home in Miami. "This [the military action of his organization] goes hundreds of kilometers inside the country. The Sandinistas could not eradicate it."

The leaders of the counterrevolution are frankly puzzled by an U.S. policy that supports them covertly, asks them to die, but through such measures as the Boland amendment in Congress expressly prohibits their ultimate goal of overthrowing the Sandinistas.

Calero attempts to define his group's struggle in terms of the U.S. law. "Some of these people are fighting for their lands, their homes. It's a defensive action, you could say."

But other Democratic Force leaders, speaking privately, are bitter about the ambiguities of their struggles.

"I would like to know where they [the Reagan administration] stand," said one rebel leader instrumental in setting up our trip. "Why must this be a covert thing if they are for us.

"I hate the American approach," he said, sitting in a Central American coffeeshop. "They always talk about body counts and money. They say if you don't behave we won't give you money, that if you don't do well by July we'll have to see what you get between then and November. But we are not money-makers. We are not here for money.

"They don't know what they're going to do, I think. It's like 'put pressure and see what happens. Let's do something here and see what happens there.' I don't think they have a policy."

This particular Democratic Force leader is one of the most moderate of the counterrevolutionaries and is rumored to be among the potential leaders of any government they might establish. Part of his appeal is his sensitivity to the human issues involved in the war.

"When we are in the States we are not supposed to say we are fighting to overthrow the government of Nicaragua. It's that kind of mental gymnastics," he complained. "Someone says, 'You are not to say you are fighting to overthrow the government of Nicaragua.' You should say you are fighting to democratize Nicaragua."

By opening the war to public view, the leadership of the Nicaraguan conterrevolution hopes that Washington publicly will make a decision one way or another.●

ARMENIAN GENOCIDE

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 21, 1983

● Mr. EARLY. Mr. Speaker, I am very pleased to join with my good friend Congressman PASHAYAN my other colleagues here, and all Armenian Americans to publicly recall and emphasize the terrible atrocities that were inflicted upon the Armenian people by the Ottoman Turks between 1915 and 1923. During these years one of the worst examples of man's inhumanity to man in world history occurred when more than 1½ million Armenians died as a result of Turkish oppression and more than 500,000 were driven into exile from their homes in the Ottoman Empire.

For no substantiated reasons an edict of deportation against Armenians was officially issued on May 27, 1915. Very quickly thereafter hundreds of thousands of Armenians throughout the Ottoman Empire were seized for deportation. The able men were routinely separated from the various groups and taken away to be massacred. The remaining women, children, and elderly were put under a forced march of constant and extraordinary hardships across Asia Minor and Turkish Armenia to the Syrian desert. Along the way the great majority of the exiles were either kidnaped, killed by brigands, or died of starvation, disease, and exposure. Meanwhile, most of the Armenian religious, political, and intellectual leaders were arrested and either killed or exiled. All of this apparant planning and execution of the torture, exile, and extermination of the entire Armenian population has been characterized by many authorities as the first genocide of the 20th century.

Mr. Speaker the primary purpose in our public expression of outrage today is to try to insure in every way that we can that such a horrible chapter in

world history will never be repeated. By memorializing this barbarous conduct of unprincipled government leaders we remind ourselves and still free peoples everywhere that such tragedies do happen in this uncertain world and that they could happen to any one of us if we fail to be vigilant against them.

Therefore when any people are seen to be threatened by such suppression we should pledge ourselves to take combined representations and action to prevent it. That is the only practical manner by which we can maintain our separate and common freedom and independence against ungodly terrorism and tyranny: It is the only way we can preserve and strengthen our own civilized world.

A further reason for our assembly here today, Mr. Speaker, is to recognize and salute the demonstrated heroic character and spirit of the Armenian people. From my lifelong experience with Armenian Americans as good-willed neighbors, hard-working associates, loyal friends and steadfast patriots I can well understand that their unbending spirit could never be erased by any kind of barbaric cruelty or attempted extermination. In their homeland their people have been subjected over several centuries to many terrible and repeated persecutions, injustices, and sufferings. In spite of these excruciating trials the Armenian people have perseveringly retained their renowned courage and their hopes and beliefs and faith in the Almighty. With these enduring virtues we can all remain confident that they will one day regain their full independence and liberty to everlastingly continue to carry out their destiny as a Christian people and nation. I take heart and courage from their inspiring example. That is why I am very glad to cooperate in the wholesome objectives of our Armenian Americans on this special occasion.●

RISING COST OF NATURAL GAS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. EVANS of Illinois. Mr. Speaker, on April 21, I joined other members of the Populist Caucus in testifying before the Subcommittee on Fossil and Synthetic Fuels in support of H.R. 2154, the Natural Gas Consumer Relief Act. My constituents in the 17th District of Illinois are extremely concerned over the rising cost of natural gas, and I would like to share my remarks with our colleagues in order to emphasize the importance of arriving at a constructive solution to this problem.

My testimony follows:

Mr. Chairman, I would like to thank you and my colleague, Mr. Harkin, for taking the time to arrange this opportunity for members of the Populist Caucus to testify before the Subcommittee this morning. As a member of the Caucus, I am pleased that the Subcommittee has agreed to hear the views of all interested parties in the natural gas debate, including those which the Caucus seeks to represent, namely, the average American.

The average American doesn't believe that the Congress really knows or cares how much money he spends on his gas bills. All he knows is that his home heating bill keeps going up at the same time the newspapers are telling him that there's a glut of natural gas on the market. He also knows that turning his thermostat down 10 degrees won't make a dent in his gas bill. He is frustrated, confused and angry, and I don't blame him.

Gas producers, pipelines and distribution companies can all afford to pay Congress to listen to their opinions on the natural gas debate. The average American is simply lucky to be able to pay for his monthly gas bill.

The Populist Caucus was organized to help remedy this situation. Our membership is small, but we are committed to helping the common man have his voice heard in Washington. Hopefully, his voice is being heard today.

These copies of hundreds of consumers' gas bills are a vivid reminder of their deep concern over the natural gas issue. Among this stack are copies of bills from farmers in Illinois, who depend on natural gas in a number of ways to grow their crops or raise their livestock. There are copies of bills from small businessmen, whose slim profit margins are being stretched to the limit from high utility bills. And, finally, there are bills from those average Americans—from families with small children to senior citizens trying to make ends meet on a fixed income—who want to know the answer to just one question: What is Congress doing about the high price of gas?

President Reagan's answer to that question can be put in one word: decontrol. From all the letters I've received from my constituents, this proposal makes about as much sense as wearing white shoes in a barnyard. Common people using common sense know that decontrol is nonsense.

The President is correct in his belief that changes must be made to the Natural Gas Policy Act to help solve the current problems in the natural gas market. But he is dead wrong in assuming that decontrol will mean control in this type of market. Decontrol leaves the fate of the American consumer in the hands of the producer—the same producer who is more interested in making profits for its stockholders than addressing the concerns of consumers.

For residential consumers of natural gas, there is no choice in the marketplace. A household must be heated by gas provided by the nearest utility company—at the rate set by that company from the price charged by the producer—or not at all. Commercial users may have more of an option in choosing their source of fuel—gas, oil or electricity—but making the transition from gas to an alternate energy source is often extremely costly and can cause unacceptable delays in the company's production of goods and services.

The only reasonable solution to this problem is to enact constructive legislation which gives producers adequate incentives to develop sufficient supplies of natural gas at a price which is fair and truly reflective of the marketplace. I strongly believe that H.R. 2154 will accomplish this goal.

Natural gas consumers in my district have watched their home heating bills increase by a staggering 252 percent since 1978. They have insulated their homes and lowered their thermostats, yet their bills continue to rise. After all this, they must not be left open to suffer the consequences of natural gas decontrol.

Again, my sincere thanks for the opportunity to testify before the Subcommittee on this most important issue.●

ETHICS AND BUSINESS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. BENNETT. Mr. Speaker, the Baltimore Sun in its March 27 edition, had an interesting article entitled "Ethics Code Becoming Standard for Business," and I think it is worthy of repeating in the CONGRESSIONAL RECORD because it points out the advances that have been made in the field of ethics in recent years and particularly in business. Like all other things which represent advances in human behavior, this advancement is indeed the result of dedicated Americans who set out to make a better situation and are achieving it. The article reads as follows:

[From the Baltimore Sun, Mar. 27, 1983]

ETHICS CODES BECOMING STANDARD FOR BUSINESS

(By Brian Sullam)

When McCormick & Co.'s senior executives decided last year to ask all its management officials to sign an annual ethics statement, the Baltimore seasoning and specialty food company joined a large number of American firms that already have instituted codes of ethics.

"Most of the Fortune 500 companies have such codes or policies in effect," said Henry W. Tulloch, executive director of the Center for the Study of Applied Ethics at the University of Virginia. "We have heard of a lot of companies adopting ethics codes, but we have yet to hear of one who dropped it."

A 1979 survey by the Ethics Resource Center, of Washington, revealed that nearly three-fourths of all companies have written codes of ethics for their management, officials, and that nearly half of those had been developed since 1975.

Until recently, ethics was not a pressing topic for senior management.

It was only after the revelations in the mid-1970s that many executives of American's largest corporations knowingly made illegal campaign contributions to President Richard M. Nixon's 1972 reelection effort and the disclosures that many of the same companies were bribing foreign officials that corporate America began to think seriously about business ethics.

Companies were worried not only about their tarnished images, but also that the federal government might increase its regulation of business.

Nor were the nation's businessmen troubled only by the well-publicized cases.

A 1981 report by the Center for the Study of Applied Ethics pointed to a staggering amount of white-collar crime in the United States.

The report quoted Congress' Joint Economic Committee as estimating that crimes like embezzlement, bribery, stock manipulation and antitrust violations cost Americans about $44 billion a year, 10 times the losses from robbery, burglary and larceny.

"To the extent that various institutions in our nation have failed to earn and keep the trust of the public, we have created regulations that are designed to serve in place of this trust," said Robert Krikorian, chairman and chief executive of Rexnord, Inc., in a speech last fall.

"I firmly believe that regulations has occurred because the public has perceived a need that was not being met and turned to government for help."

Corporate officials concede that it is clearly in their self-interest to develop codes of ethics rather than have the government impose standards of conduct.

"As much as it bothers me to say it, the behavior of some business people invites government to subject us all to heavy-handed regulation," Mr. Krikorian said. "I'm deeply troubled when I read or learn of shoddy or unsafe products, of arrogant disregard for the public interest, of price-fixing, bribery and other violations of the law."

In the case of McCormick, the company wanted to ensure that there would be no repetition of the embarrassing disclosure that the company's Grocery Products Division inflated its sales and earnings, which ultimately required the company to restate its earnings between 1977 and 1981.

Harry K. Wells, McCormick's chairman, told stockholders at the company's annual meeting, "We are proud of our tradition of forthright reporting and ethical business conduct, and these matters do reflect well on that record. We have instituted additional control measures and are dedicated to taking every action necessary to assure that problems of these sort will not occur again."

Many corporate codes of ethics clearly state that the company will cooperate with federal and state law enforcement agencies in the event of criminal violations.

Despite companies apparent concern that their employees obey the law, a 1980 survey by the Ethics Resource Center revealed that only 7 percent of them saw the ethics code providing them with legal protection should an employee commit a violation.

Most of the respondents present felt the benefits of the codes were to increase employees' pride and loyalty (74 percent) and public good will (66 percent). In addition, 66 percent felt codes of ethics would reduce employee theft.

Most senior executives will say they have codes of ethics in order to prevent employee corruption, but Gary Edwards, executive director of the Ethics Resource Center, noted that many of the codes also have been used to state a company's values.

"We have seen this need develop particularly in conglomerates that have profit centers spread all over the country and the world," he said. "These statements provide a philosophical coherence for managers who do not have daily face-to-face contact with senior management."

He noted that Borg-Warner Corporation, a Chicago manufacturer, recently issued a statement of principles outlining the purpose of the company and the kind of business behavior it expects from its management.

Daniel McElwreath, manager of training and development for Allied Corporation, said his company's program was designed to let its managers know the company has an ethical concern.

"Our presumption is that people want to do the right thing," Mr. McElwreath said. "Often they are confronted with making a choice between two 'right' decisions. For example, do this and satisfy the customer or do this and satisfy the company."

He said Allied wants to let its people know that they can discuss these kinds of considerations comfortably with other employees. "We want people to recognize the ethical dimensions of business decision," he said.

Mr. Tulloch noted that these "values" are important, particularly when a company is putting pressure on its managers to improve their quarterly earnings performance.

Hyman Krieger, a staff member at the Ethics Resource Center, said such impersonal techniques as management by objective "put a great deal of countervailing pressure" on line managers to focus only on performance.

"It is not just a matter of getting it done, but how you get it done," Mr. Tulloch said, adding that how something is done can also affect profits.

As an example, he cited the case of a General Motors assembly plant where the managers gradually increased the speed of the assembly line over a long period of time without telling anyone.

Output at the plant increased, but gradually the employees noticed they could not keep up with the line. They filed a grievance and eventually won a multimillion-dollar settlement for back pay.

"It is not enough to have your employees sign an ethics statement," said Mr. Edwards. "Companies have to create a climate that moves them beyond the bare minimum of obeying the law."

He noted that most tough ethical questions are "ambiguous and difficult," and that the organization ultimately can't straitjacket the decision-making powers of its managers.

Allied Corporation's three-day seminars for its managers center on cases that the employees themselves develop, as well as other well-known cases.

"They might involve questions like 'When should I let the employees know we are going to shut this plant down,' " Mr. McElwreath said. "Or 'Should I promote the loyal employee who has been here for 30 years or the newcomer who appears to have a lot of potential.' "

Rexnord has developed a videotape presentation for its employees that includes a segment in which the company's general counsel discusses the devastating impact that a trial for a white-collar crime can have on a person's career and personal life.

Merely imposing codes of ethics on employees does not necessarily mean that the company's employees will adhere to its terms.

"There has to be an indication that the top management is interested in it," Mr. Tulloch noted. "If it is just another piece of paper to sign, it could very well end up in the wastepaper basket."

Mr. Edwards, of the Ethics Resource Center, pointed to the need to ensure that an ethics program will take root in a company given the continual management turnover.

"You have to have structural mechanisms to ensure that the impact will continue beyond any change in leadership," he said.

Mr. Krikorian, of Rexnord, said his company has told its employees to "walk away from business if it means doing anything unethical or illegal."

"Operating ethically makes it easier to do business," he said. "For that matter, it results in more business. People want to buy from ethical companies."●

URGE IMMEDIATE ACTION ON BEHALF OF IOSIF BEGUN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. PORTER. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in sending letters to Soviet Ambassador Dobrynin and to Party Secretary Andropov to immediately release Dr. Iosif Begun.

On November 6, 1982, Iosif Begun was arrested for the third time since he first applied for permission to emigrate from the Soviet Union to Israel 12 years ago. Begun has been formally charged under Soviet code 70, accused of anti-Soviet agitation and propaganda, a charge carrying a maximum of 12 years, 7 years hard labor plus 5 years internal exile. He awaits his trial date which is expected to be within the next 2 weeks. Congressional action must be taken immediately.

Dr. Begun, a mathematician, was born and raised in Moscow. He lost his job when he applied to emigrate in 1971 and has worked at numerous unskilled jobs since then. He has been fired from each job because he is a Hebrew teacher in his spare time and has given private lessons to Soviet Jews who wish to learn the Hebrew language.

After his first arrest, he endured 2 years in Siberian exile. As soon as the returned to Moscow, he was rearrested and sentenced to internal exile for 3 years. He served this second sentence, and after finding a job as a fireman in Strunino, he was again arrested last November for teaching Hebrew. At 51 years of age, a 12-year sentence of hard labor could end Dr. Begun's life, certainly any chance of ever escaping the Soviet system. Dr. Begun has become a symbol of the fight for basic freedoms in the Soviet Union. It is imperative that we join together to show our commitment to his cause.

It is clear that Iosif Begun is being persecuted for one reason only—he is a Jew dedicated to maintaining his religious and cultural identity and helping others who wish to do so. The serious crisis in Soviet Jewish emigration has been compounded by increasing restrictions on any kind of Jewish cultural activity, including Jewish literature, and prohibiting the manufacture or import of religious items for holi-

day observances. Iosif Begun's treatment is an example of this anti-Semitic campaign.

We believe that if enough pressure is placed on the Soviet officials before Begun's trial we can affect his sentence. However, once his trial begins all hope may be lost. We must act now.

Recently, the Senate sent similar letters with 98 signatures. I am hopeful that at least in this important case we can have all 435 Members of the Congress join together in showing our deep concern with the religious persecution of Dr. Iosif Begun.

The members of the Congressional Human Rights Caucus join me in calling upon your commitment to the principles of human dignity and freedom and urge you to join us in an effort to help Dr. Iosif Begun.●

UNDER SECRETARY OF THE ARMY AMBROSE ON THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. LANTOS. Mr. Speaker, on April 13, 1983, Under Secretary of the Army James R. Ambrose, representing the Secretary of the Army, gave remarks at the American Gathering of Jewish Holocaust Survivors Wreath Laying Ceremony at Arlington National Cemetary. The grave of Army PFC. James J. King who died in the Normandy Invasion, was selected by the U.S. Holocaust Memorial Council to receive the wreath to symbolically honor all American soldiers who gave their lives in the effort to defeat Nazism. Mr. Ambrose's remarks at the commemoration remind us all of our responsibilities to the cause of freedom:

REMARKS OF MR. AMBROSE

We stand before the gravesite of Private First class James J. King, an American soldier killed during the invasion of Normandy. Private King was chosen at random to represent the thousands who died at the start of the assault to wrest Europe from the Nazi Tyranny.

We are moved to commemorate this event this week because it was also the beginning of the downfall of the perpertrators of the Jewish holocaust.

Tragically, our Army of Private King and his comrades were not in time to rescue the millions already consumed in that holocaust.

But it is the nature of Americans—their origins, their way of life, and their institutions—to reject uncompromisingly the attitudes and offensive conduct which gave rise to that terrible tragedy within a tragedy.

We demonstrated that by arming and marching against the Nazi hordes to free Europe.

Here, as the mute markers in this cemetery solemnly testify, there is testimony that man has courage—alone and together. Here there is no need to compare one man's deed against another's. Here the overwhelming aura surrounding us is that good men will act individually and together in just cause.

This ceremony today in this resting place of those who have given the ultimate gift in the cause of freedom for all men—is testimony that:

All of the just causes which have brought these brave soldiers to rest here are common causes in the pursuit of justice and freedom for mankind.

Intolerance, fascism, totalitarianism in any form must and will be resisted.

Freedom is a hard fought cause that never ends.

Private King and his comrades are vital reminders to all of us that the cause continues. The terrifying, horrifying holocaust must not be allowed to recur. We must be forever vigilant to that.●

WEST SIDE CHRISTIAN SCHOOL

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. SAWYER. Mr. Speaker, today I would like to recognize an outstanding educational institution in my district, the West Side Christian School of Grand Rapids, Mich. This school, believed to be the fourth oldest Christian school in the country, is celebrating its 100th year of operation this year. The school has a distinguished history of fine education and dedication to the teaching of Christian principles.

In 1882, the leaders of the Alpine Avenue Christian Reformed Church urged the congregation to open a school to serve the educational needs of the children. To that end, a one room schoolhouse known simply as the Dutch school was opened in 1883. Just 1 year later at a special congregational meeting, it was decided that a larger structure would be needed to accommodate all the students. As a newsletter of the time stated: "and to assure that it would be done, the good people voted to set aside $100 to $150 just for that purpose!"

Since that time the physical placement and buildings of the school have altered dramatically to fit the expanding needs of the students. Presently there are two separate buildings housing the kindergarten through middle-school classes, with an addition now being constructed to furnish an additional eight classrooms.

One of the most unique features of the school is that it provides this high quality of education without government assistance. A committee conducts a fund raiser each year, and those funds combined with tuition cover the costs of running the school.

To celebrate this centennial occasion, West Side is publishing a history in the form of a large yearbook. In addition there will be a school-wide pageant in May, in which everyone of the school's 635 students will participate. Then, in the fall, two large celebrations are planned.

Once again, I would like to salute the West Side Christian School on its 100th anniversary.●

CRAZY ASSUMPTIONS AND THE MX MISSILE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. TORRICELLI. Mr. Speaker, on April 17, 1983, there appeared in the Opinion section of the Washington Post a piece by Associate Editor Robert Kaiser entitled "Crazy Assumptions and the MX." Mr. Kaiser's essay cogently describes the crazy quilt history of the MX and its progression of basing modes. He astutely analyzes the folly of the weapon and its search for a home. With the recent release of the Presidential Commission's report on the MX and its recommendation for placing the missile in hardened silos, I think it is important that we in the Congress look closely at the practicality of the MX and its latest basing mode. For this reason, I commend Mr. Kaiser's piece to my colleagues.

CRAZY ASSUMPTIONS AND THE MX—HOW WILL WE EXPLAIN THIS NUTTINESS TO OUR GRANDCHILDREN?

(By Robert G. Kaiser)

A concerned citizen would be forgiven for wondering what the hell is going on with the MX missile. We seem to have been batting it around for years without any resolution. Now—is this possible? —a definitive decision seems near. Either we are about to get the biggest missile we've ever built—a missile that will carry 10 individually targetable hydrogen bombs up to 8,000 miles with pinpoint accuracy—or we're going to give up on it.

The odyssey of the MX is a mind-numbing tale, and a lot of Americans must have tuned out many chapters ago. But the effort to keep up is rewarding, for by now this amounts to a fundamental lesson in the bizarre relationship between the United States and modern superweapons. The saga of the MX produces insights, even if it fails to produce a more secure America.

It is important to realize at the outset that different players in the MX drama look at the problem in very different ways. No one can understand this debate without knowing something about the participants' predilections. As sociologist Louis Wirth once wrote, the most important thing you need to know about a man is what he takes for granted.

The Air Force has long seen MX as a logical improvement in its arsenal—a supermissile that gives the United States a capability that only the Soviet now have.

Since the 1950s the Air Force has tried to get as close as it can to a "first strike capability—which means the apparent ability to launch a first strike that would so debilitate the Russians that they would be too intimidated even to try to respond. The Air Force

wants rockets with greater accuracy, so the Soviet will feel that even their most protected ("hardened") targets would be at risk in a war. Predictable Air Force interest in a new model missile has kept the MX alive for years.

President Reagan and his allies are interested in the MX less for specific military purposes than for the impression it would make as part of a concerted buildup of U.S. military power. Politicians assume that nuclear weapons will never be used, but that they have to be acquired to preserve peace. Reagan is a master of symbolism, and he clearly appreciates the symbolic significance of this missile monster. It's proof that the United States is serious about matching Soviet capabilities.

On the other hand, Reagan was determined not to use the MX plan that Jimmy Carter came up with—apparently just because it was Carter's.

Others who support the idea of buying an MX don't subscribe to Reagan's view that the United States has fallen dangerously behind the Russians, but do agree on the importance of symbols in the arms race. This view was clearly stated by Lloyd N. Cutler, a "counselor" to President Reagan's MX commission and former legal counsel to President Carter.

"You've got to do *something*" to improve the U.S. arsenal in response to the Soviet buildup, Cutler said in an interview. Abandoning MX now "is just an irresolute thing to do," and would send exactly the wrong signal about American resolve to Moscow and to our allies.

Among the opponents of MX there are also many points of view. Advocates of a bilateral nuclear freeze argue that America does not need any new weapons, provided the Soviets stop acquiring new ones. Others will argue that new weapons programs now in view—particularly the "Stealth" bomber that is supposed to be nearly invisible to Soviet radar, and an advanced submarine missile called Trident II that will be about as accurate and powerful as the MX—are more than adequate to impress the Soviets and counter their buildup. Still others will argue that the latest idea for basing MXs—putting them in the existing silos built for Minuteman intercontinental missiles in the 1960s—is so wrongheaded that the missile isn't worth the $15 billion to $20 billion it will cost.

But behind these many points of view is one basic question: How can we best preserve nuclear peace while protecting American interests?

The back-and-forth about symbolism, national will and so on only obscures the heart of the matter, which is "deterrence." Deterrence is a simple idea: It means the ability to convince the other guy that launching a nuclear attack would be suicidal.

The Soviets are deterred from attacking us because they know for certain that if they did, their own country would be destroyed.

The push for an MX missile has always been justified on the ground that it would enhance deterrence. But does deterrence need enhancing? Are we in any danger that the Russians might conclude that they could attack—or threaten to—without risking the survival of the Soviet Union?

Comes now the famous "window of vulnerability." Future historians will marvel at this one. After knocking around in strategic journals for years, it came into prominence in the late '70s, promoted by hardliners who were looking for arguments against the SALT II treaty negotiated by Jimmy Carter. According to the drafty-window theory, when the Soviets deployed enough accurate warheads on their best land-based missiles to be able to target at least two of them against every American rocket that sits in silos in the Midwest and West (that is, about one fourth of America's total arsenal), the United States would become vulnerable to a lightening Soviet attack that could wipe out those American ICBMs. After such an attack, the American president would face a horrible dilemma: to strike back, knowing this would then bring a follow-up Soviet attack on all American cities, or to cry uncle.

Think about that for a moment. The drafty-window crowd was arguing that an American president would accept an attack of at least 2,000 hydrogen bombs on U.S. territory and respond by *crying uncle,* even though he retained three-fourths of the American nuclear arsenal—enough weapons on bombers and submarines to reduce the Soviet Union to radiant rubble. They were also arguing that some Soviet leadership would risk the survival of the U.S.S.R. on the calculation that this is what would happen.

The theory of the window of vulnerability had more wrong with it than that. It also assumed that the Soviets would risk their country's survival on an attack that had never been—could never be—practiced, and that would require the most stunning technological coordination and the perfect performance of hundreds of Soviet missiles. As former Secretary of Defense James Schlesinger—another counselor to the MX commission—put it last week, "The Soviets can never have a high degree of confidence" that such an attack would work. Never.

But the window of vulnerability had a wonderful quality for the strategic thinkers. It was "theoretically possible," and for those who accept the responsibility for preserving America against all nuclear dangers, no matter how far-fetched, that's cause enough for concern. Moreover, this theoretical Soviet advantage created the appearance—the "perception," to use the strategists' favorite word—that the United States might be at a disadvantage. In some future, unspecified crisis, the Soviets might exploit this appearance to "blackmail" the United States. (Here again you need an American president who will cry uncle—who will succumb to blackmail even though he retains a devastating retaliatory arsenal.)

Anyhow, the window of vulnerability became the issue of "Minuteman vulnerability." Minuteman is the solid-fueled intercontinental missile that we began deploying in the '60s. It's a formidable weapon, and we now have 1,000 of them. But if it was theoretically becoming "vulnerable," it could no longer be relied upon. This became the main rationale for the MX.

The rationale depended not on the missile itself, but on where it was put—on its "basing mode." Many Air Force officers really just wanted the MX for its destructive power, and particularly for its ability to destroy Soviet missiles inside their silos, but the politicians needed to be able to claim it was invulnerable to justify spending billions on MX. So the idea was to find a way to hide it from the Russians. The Pentagon came up with dozens of ideas for hiding it—underground trenches, airplanes, racetracks, dense packs and so on. Unfortunately, none could pass both political and technological muster.

Comes now the latest Reagan commission, blue-ribbon panel formed to save the MX after Congress voted against the administration's last basing idea, the dense pack deployment (lots of missiles clustered close together so that attacking Soviet missiles would destroy each other, not our MXs).

The important fact, apparently undisputed by any participant, is that the commission was formed *to save* the MX. Conversations with several commission members and counselors confirm that the group began its work with a common sense that it had to find a new, politically acceptable rationale for the weapon.

Why? Because members of the commission shared the assumption that it would be politically and diplomatically disastrous to abandon the MX at this late stage, after spending $5 billion on it and talking about it for so long.

Harold Brown, Jimmy Carter's secretary of defense and a counselor to the commission, put it with great clarity (and not a little absurdity) last week. If the United States fails to deploy the MX, Brown said, "it would be the first nuclear strategic defeat for any country since World War II." Thus has symbolic politics assumed gargantuan proportions in this debate. You almost expect to hear Henry Kissinger explain again why we must keep investing in the Vietnam war, since we've put so much into it already.

Starting with that perception of a symbolic imperative, the commission set about rationalizing MX. It recommended putting 100 MXs into existing silos now filled with older Minutemen missiles. It recommended redirecting the entire course of arms control negotiations in a way that would undermine the SALT II treaty and President Reagan's initial position in the current negotiations. It recommended constructing a new, mobile missile that could scurry around the country side, thus confounding Soviet targeters.

It is understandable that men like Harold Brown and Gen. Brent Scowcroft, chairman of the MX commission, believe that it is now too late—for symbolic political reasons—to abandon the MX. It is understandable that others will agree, perhaps even including a majority in Congress. Those who do agree will find the commission's report just what the doctor ordered.

But there is certainly another way of looking at it. If the commission's report succeeds as a political document, it flunks as a piece of analysis. Judged on its internal merits, it turns out as it probably had to, as a plausible fraud.

The Scowcroft commission decided, mercifully, to bury the window of vulnerability—it had to, in order to recommend putting 100 MXs into those theoretically vulnerable Minuteman silos in Montana and North Dakota. You can't recommend spending $15 billion on a turkey. So the report contains some good analysis explaining why the Soviets won't try a sneak attack on all our land-based forces.

But wait. The commission also resurrects the theory of vulnerability to justify the construction of new "midgetman" missile, a smallish rocket that could be transported about on a blast-resistent truck of some kind so the Russians couldn't target it. This would "permit flexibility in basing for better long-term survivability."

Members of the Commission apparently realized there's a contradiction here, so they threw in another argument for the midgetman—it would be useful in case the Soviets figure out how to locate and attack our missile submarines at sea, which are the really invulnerable part of our forces. Is this re-

motely likely? No, but it is theoretically possible. Remember that one?

You might notice that neither of these arguments in favor of midgetman offers any support whatsoever for deploying MXs in Minuteman silos, which is the commission's main recommendation. You may notice that, but the commission apparently didn't.

The commission also says it would be desirable to have a mobile little missile "to reduce target value." This strategists' lingo means it would be desirable not to put so many eggs in one basket that in a crisis, the Russians might be unable to resist the temptation to attack a juicy basket. A lot of little rockets carrying one warhead each offer a less appealing target than a few giant ones each carrying 10 bombs.

Good thinking. But the Commission suspended it before coming to its recommendation to put MXs into Minuteman silos. That's because MXs in Minuteman silos are the juiciest individual targets the United States has ever offered to Soviet missile marksmen. (The commission may have felt that the U.S. should offer the Soviets both high- and low-value targets, of course.)

This matter of creating irresistible targets worries a lot of experts, including some Air Force commanders. Their concern is that the existence of juicy targets in vulnerable holes would tend to put more of a hair-trigger on both nations' arsenals.

A reporter asked Scowcroft and his colleagues about this at their press conference last week. Here, according to the transcript, is how they answered:

General SCOWCROFT. "I don't know—Jim, why don't you comment on that."

JAMES WOOLSEY (undersecretary of the Navy in the Carter administration). "Let Jim—"

JAMES SCHLESINGER. "You wanted that—"

WOOLSEY. "Go ahead, go ahead."

SCHLESINGER. "All yours."

SCOWCROFT. "Trying to share the wealth here [laughter]."

At which point Woolsey jumped back in and changed the subject. The question was never answered.

There are some other problems with the MX commission's reasoning. It blithely declares, for example, that deploying 100 MXs would "remove" or "neutralize" the Soviet advantage in super accurate land-based missiles, though Moscow would still have five times as many warheads as we in this category. Questioned about this assertion, James Woolsey backed away from the commission terminology. "Redress" would be a better word than "remove" or "neutralize," he said. Woolsey was the principal draftsman of the report.

Imagine a Soviet leader's reaction to American deployment of 100 MXs. Is he likely to say, "The Americans are only going to let us have a 5-to-1 advantage in supermissiles—we can't stand for it!"? Fat chance.

It seems much more likely that the Soviets have understood from the beginning that all arguments based on the theory of the vulnerability of land-based missiles are silly. Does it make sense that the Soviets would keep putting so much money and effort into that part of their missile arsenal if they expected that the Americans could "neutralize" it? No, the Russians understand better than we do that no sane commander will ever voluntarily risk a full-scale attack in the hope the other side won't retaliate.

The line of reasoning employed by the Scowcroft commission effectively turns over to the Kremlin the right to decide on the shape and size of American nuclear forces. The commission acknowledges this, albeit indirectly, by adopting the theory that we must be able to match every apparent Soviet capability, whether or not that capability appears to have genuine utility as a deterrent or in war.

Here's how the commission put it: "If comparative military trends were to point toward their [the Soviets] becoming superior to the West in each of a number of military areas, they might consider themselves able to raise the risks in a crisis in a manner that could not be matched."

What do those last words mean? Gibberish. If we have to match every adversary's ability to increase the danger of a crisis, then we have totally lost control over our own affairs. The real aim has to be to acquire enough weapons to assure that deterrence still works. Deterrence is all that will save us from nuclear war, and the definition of deterrence cannot change every time the Russians add another 100 warheads.

Well, that isn't universally accepted. James Woolsey thinks that "delays in deployment [of new weapons systems] indirectly weaken your deterrent somewhat." We have to keep deploying new weapons. Or only a continuing arms race provides safety.

That may sound nutty, but it has actually been the governing ethos of American policy for decades. Is it finally time to stop?

Freeze advocates say yes, but you don't have to favor a freeze to reject the recommendations of the Scowcroft commission. There are plausible alternatives to its program of MX deployments, midgetman development and a whole new approach to negotiating with the Russians. The alternatives are both symbolic and tangible.

Symbolically, the notion that we have failed to respond to the Soviet buildup is largely a figment of the American imagination. To believe that we have done nothing in recent years, all you have to ignore is the Mark 12A warhead that has made 300 Minutemen almost as accurate as the MX will be; the new cruise missile technology, which promises to make Soviet territory vulnerable to bomber attack for years to come; the B1 bomber now in production and the radar-evading Stealth in development; the deployment of the new submarine-based supermissile and its giant launching pad, the Trident I; the decision to deploy new missiles in Europe that can strike Soviet territory; the construction of three new nuclear-powered carriers whose fighter-bombers can strike Soviet territory; and the Trident II missile which promises to give the United States the power and accuracy of the MX by the end of this decade.

A president who found the voice to boast of all those accomplishments instead of publicly declaring American inferiority could reverse the symbolic political equation with alacrity.

More tangibly, there is a perfectly plausible program that will meet any conceivable Soviet threat, provide inducements for Soviet negotiators, and protect American vital interests. It would consist of preserving the Minuteman force of land-based missiles (which would require modernizing them as time passes); proceeding with development of the Trident II missile while emphasizing to the Soviets that it can be bought off with the right kind of arms control deal; proceeding with development and deployment of B1s, cruise missiles and Stealth bombers; and perhaps adopting one of the Scowcroft commission's minor proposals by investing now in development of a new mini-submarine that could carry Trident missiles.

All those steps are expensive and would show how tough we are. All of them can be justified without reverting to political mumbo-jumbo.●

REV. FREDERICK G. SAMPSON, PASTOR, DETROIT'S TABERNACLE MISSIONARY BAPTIST CHURCH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. CONYERS. Mr. Speaker, Dr. Frederick G. Sampson is pastor of the Tabernacle Missionary Baptist Church in the city of Detroit, one of the city's leading congregations. He grew up in Louisville, Ky., where his father was a minister. He excelled in theological study, earning degrees at Howard University and his doctorate in divinity from the Virginia Theological Seminary. An national and international scholar and lecturer at numerous colleges and universities, Dr. Sampson recently published a book entitled, "The Romance of Theology in the Black Experience."

Reverend Sampson exemplifies many extraordinary traits of intellect and character. He is devoted to his congregation, the community in which he lives and works, and the city of Detroit, where he serves on a number of boards and commissions. He is down-to-earth and always accessible. He also is an orator of the first rank. But even beyond these qualities, I consider his greatest strength the sense of mission and commitment he has brought to his church in applying the Gospel to everyday life and to the solution of human and community problems. Under his guidance the Tabernacle Missionary Baptist Church has become involved in every pressing social issue. His church has reached out to young people and found them work; joined with community groups to improve the quality of housing and public services; and has come to the assistance of families in need.

For his extraordinary leadership and service in the community and the Nation, the Detroit Branch of the National Association of Colored Women's Clubs will honor Dr. Sampson this Saturday, April 30, 1983, with a luncheon in Detroit. On that occasion, a proclamation of commendation will be given him, a copy of which I have included in this statement. I am also pleased that Reverend Sampson has been chosen by the Speaker of the U.S. House of Representatives to serve as a guest chaplain, an occasion I look forward to with great satisfaction. I can think of few other human beings and leaders who so deserve the honors accorded them.

PROCLAMATION OF COMMENDATION

Whereas Dr. Frederick G. Sampson, Pastor of the Tabernacle Missionary Baptist Church located in Detroit, Michigan, is one of our nation's foremost Baptist Ministers, and

Whereas Dr. Sampson is highly respected by his peers throughout the nation and the world for his devotion, leadership, and intellectual achievements: He received his Doctorate of Ministry and Divinity from the Virginia Theological Seminary and a Divinity Degree from Howard University; And, he recently published a book entitled, "The Romance of Theology in the Black Experience"; And, he lectures at several universities and colleges annually, and

Whereas Dr. Sampson has given of himself tirelessly and unstintingly to bring hope, justice, equality, and peace through his active leadership in the Detroit community, the national community, and the international community: He is a Past-President of the Detroit Branch of the NAACP; And, a member of the State of Michigan Civil Rights Commission; And, he serves on the Commission for the International Year of the Child; And, he serves as a member of the Board of Directors of numerous community organizations, and

Whereas The Current Topic Study Club, the Detroit Branch of the National Association of Colored Women's Clubs, has convened this luncheon on Saturday, April 30, 1983, to honor Dr. Sampson, Therefore be it

Resolved That Dr. Frederick G. Sampson be awarded this Proclamation of Commendation in recognition of his extraordinary service to promote Humanitarianism, Peace and Goodwill to all the peoples of the world.●

OUTSTANDING ATHLETIC ACHIEVEMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. SKELTON. Mr. Speaker, I am pleased to announce that a young man from Lexington, Mo., placed second in the prestigious Boston Marathon. His name is Ron Tabb who is married to Mary Decker Tabb, a well known track star.

I know the Members of this body join me in extending congratulations on this outstanding athletic achievement.●

A SALUTE TO DR. MURIEL PETIONI

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. RANGEL. Mr. Speaker, it gives me great pleasure to bring to your attention a resident of my congressional district who was named citizen of the month in March by one of our community newspapers, the Voice in the Wilderness.

The resident, Dr. Muriel Petioni, received this distinct honor for the valuable contributions she has made to the Harlem community over the past 33 years as one of our most dedicated and hard-working physicians.

In addition to naming her citizen of the month, the Voice in the Wilderness printed a feature article on Dr. Petioni in their March 1983 edition. I join with the Voice in the Wilderness in saluting Dr. Petioni and would like to reprint their article in today's CONGRESSIONAL RECORD.

The text follows:

[From the Voice in the Wilderness, Mar. 1983]

CARING FOR THE SICK: A HARLEM G.P. FOR 33 YEARS

Dr. Petioni has been a general practitioner in Harlem for thirty-three years, but ever since she came to this African-American capital at age five, an immigrant from Trinidad, she has kept a finger on the pulse of life here.

As a child she was in touch with the times through her father, Dr. Charles Augustus Petioni, who was one of the early U.N.I.A. activists, a close adviser to Marcus Garvey, and acquainted with luminaries of the Harlem Renaissance. In the '30s he picketed on 125th Street alongside Adam Clayton Powell, Jr., to protest the whites-only hiring practices.

Muriel Petioni graduated from Howard University Medical School and did her internship at Harlem Hospital from 1937 to 1939. After a decade working as resident physician at various colleges in the South and Mid-West she returned to Harlem and, one year later, inherited her father's practice when he died in 1951.

It was at this time that the young doctor (also now a wife and mother) found herself once more on the front line of what was happening in Harlem: heroin abuse of epidemic proportions. As had been characteristic of other trends in Harlem—including the positive trends—mainstream America wasn't helping.

"So long as the drug problem was just confined to the Harlem areas," Dr. Petioni explained, "people didn't pay any attention. They thought: 'Who cares about those folks up there? Let them kill themselves.' "

But M. Petioni, M.D., had put up her brass plate on West 131st Street and she wasn't taking it down.

COULD NOT IGNORE PROBLEM

"I'd like to be thought of as community-oriented," she told Voice in the Wilderness. "Anyone who came to my door I just took in. It sounds corny, but I feel I want to help people. Heroin had spread like wildfire among the young people and then there were many looking to get off it. I felt treating these addicts was a thing I had to do—even though I was shivering in my boots."

Because there was almost no hospital facility back then in New York for the detoxification and rehabilitation of addicts, and because few physicians would treat them, addicts from near and far came to Dr. Petioni for help.

"The problem was increasing by leaps and bounds. It was risky to help them because it was frowned upon, and you put yourself in jeopardy because so many needed help. They beat a path to your door once word got out that you would help them," said Dr. Petioni, who treated them with stern counseling and a drug to relieve withdrawal symptoms.

"While it was still confined pretty much to Harlem areas, City agencies, etc., didn't do too much about it," Dr. Petioni explained. "But when people realized it was spreading out to the suburbs and the middle-class population, then they started a lot of programs and funding. Now, thirty years later, the problem is still growing but for anyone who wants help there are programs available."

One such program is the Drug-free Treatment Program run by the New York Council of Smaller Churches at 69 West 128th Street. Dr. Petioni is the consultant physician.

"It is the only drug-free treatment program I know of in the area. It's addict rehabilitation without administering any drugs. I think it is very good because there are many drug abusers who have not taken so much that they should go on methadone. We need drug-free programs like this because some people just need that counseling and group support and can get off drugs on their own," said Dr. Petioni.

COMMUNITY INVOLVEMENT

Aside from the welfare of her patients, who range from top politicians to ex-junkies, Dr. Petioni is active in her concern for her community and her profession.

"Harlem has always been my home," she says. "This is where my support system is." She is on the board of Inner-City Broadcasting (WBLS-WLIB), which is currently negotiating to buy the Apollo Theatre in Harlem to re-open as a cable TV studio.

"Harlem will always be the capital of Black America," she states with the faith and hope that mark her character.

As an African-American female physician, Dr. Petioni founded in 1974 and is the president of the Susan Smith McKinney Steward Medical Society to serve and support Black women physicians. She is also a member of the Harlem-based Coalition of 100 Black Women and many other professional and community organizations. She is also president of the New York-based Trinidad and Tobago Gyap Organization.

Having spent half a lifetime diagnosing the ailments of all who knocked on her door, Dr. Petioni has some simple words of advice: "Eat properly and get sufficient rest." Of course, if we were all perfectly healthy, Dr. Petioni would be looking for another job, and missing the spiritual reward which comes from helping others in the ways she does so well.●

BILINGUAL EDUCATION IMPROVEMENTS ACT OF 1983

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. GOODLING. Mr. Speaker, I am cosponsoring with the gentleman from Illinois (Mr. ERLENBORN), the distinguished ranking member of the Education and Labor Committee, a bill to amend the Bilingual Education Act of 1965, contained in title VII of the Elementary and Secondary Education Act of 1965.

He and I share the belief that this bill will make it possible for school dis-

tricts to do a better job in preparing students needing instruction to overcome limited English proficiency for full participation and understanding of what goes on in the classroom. It will also enable the States to improve the quality of bilingual education programs by enhancing the role of the State educational agencies in the review and implementation of local programs and in efforts to build statewide capacity to operate these programs.

One of the key provisions of this legislation acknowledges the current prevailing view that no one method of teaching English to children who were raised speaking another language is necessarily superior in all instances. School districts all over the country, faced with increasing numbers of non-English-speaking students, have experimented with a variety of approaches and have found many that work. They have found that different students, coming from diverse backgrounds and entering school at different ages, often need different approaches. In recognition of this fact, educators are given leeway under this bill to design the instructional approach they decide is most appropriate in meeting the educational needs of the target population.

In addition to authorizing a broadened range of instructional approaches that do not require instruction in the child's native language, these amendments would focus basic grants on building and institutionalizing capacity in the school district to serve limited-English-proficient children after Federal aid has run out. The proposal places a 5-year limit on Federal aid to a district because the Department of Education believes that such a limit will provide incentive for school districts to develop their own capacity.

Under the existing program, we have seen numerous districts receiving Federal support for extended periods of time without improving their capacity to run these programs on their own; 41 percent of title VII grant recipients have received Federal aid for 6 or more years, and we have more than 100 school districts receiving support for 10 or more years. I believe some time limitation is in order, but we should in our deliberations on this legislation consider whether to provide an exception in the event that an overwhelming number of minority-language children move into the school district. Some flexibility to cover these situations may be necessary.

Under the provisions of this bill, priority will be given to projects which propose to serve children whose usual language is not English. By targeting Federal funds in this way, the money will go where it is most needed.

These amendments would also authorize bilingual vocational education activities under the Bilingual Education Act. This change would confirm existing administrative and budgetary arrangements. Currently, activities for out-of-school youth and adults are not authorized under the Bilingual Education Act but, rather, under the Vocational Education Act. The program is administered by the Office of Bilingual Education and Minority Languages Affairs, however, and funds are requested under the bilingual education appropriation. No changes will be made in the types of programs offered or the eligible population.

These proposed amendments would, in my view, streamline the bilingual education program and emphasize development of local and State capacity. They recognize that the prime responsibility for bilingual education rests with the States and school districts and that the Federal role is supplementary and geared to preparing the States and school districts to develop their own capacity to carry on these programs.

Mr. Speaker, I would like to urge my colleagues to give this proposal serious consideration. I look forward to early hearings in the Education and Labor Committee and the opportunity to learn the reaction to, suggestions for, and opinions about this proposal from individuals and organizations concerned about bilingual education.●

DETERRING CRIMINAL BEHAVIOR

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. PORTER. Mr. Speaker, today, I am introducing legislation to amend the United States Code to require mandatory additional sentencing for criminals convicted of using a firearm or any deadly weapon in the commission of a Federal felony. Proposals of this sort have received widespread support by many who feel that it will serve as an effective deterrent for criminal activity.

A recent Supreme Court decision addresses the applicability of the double jeopardy clause of the U.S. Constitution in relation to charges of using a weapon in the commission of a crime. In this case, Missouri against Hunter, the Court held that the conviction and sentence for both armed criminal action and first degree robbery in a single trial of the accused is not in violation of the protection guaranteed by the double jeopardy clause of the U.S. Constitution. In earlier cases the Court has said that the Constitution's double jeopardy clause prohibited imposing cumulative punishments for the same crime. However, in this recent case the Court has instead ruled that with respect to cumulative sentences imposed in a single trial the double jeopardy clause does no more than prevent the sentencing court from prescribing greater punishment than the legislation intended and this is acceptable.

Under my proposal, in addition to the sentence for the felony itself, offenders convicted for the first time and found using a firearm or other deadly weapon in the commission of that felony will be sentenced to not less than 1 year, nor more than 5 years in prison. In the case of a second conviction, offenders would be incarcerated for a minimum 5 years and a maximum of 10 years. A third time recidivist would be sentenced to life. In addition an offender under this bill would be ineligible for either parole or probation, nor would the sentence be allowed to run concurrently with another prison term.

I encourage my colleagues to recognize the significant role this legislation can play in deterring criminal behavior and urge their support for this proposal.●

GEORGE O. SKUHR

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. LONG of Maryland. Mr. Speaker, I rise today to pay tribute to a man who has dedicated his career to maintaining excellence in the manufacture of American aircraft.

Mr. George O. Skuhr from the Overlea-Fullerton area of Baltimore County will celebrate his retirement at a dinner this Thursday night. Since 1939, Mr. Skuhr has worked in the field of quality control for Baltimore firms which manufacture aircraft. He spent 29 years working for Martin Marietta in Middle River, Md., taking a year off to serve in the U.S. Army Air Corps in 1945. For the past 15 years, he has worked as a quality assurance engineer for the Westinghouse Electric Corp. in Hunt Valley, Md. In his work in quality control, he has kept watch over every aspect of aircraft production, from design to manufacture, to insure the greatest possible safety, efficiency, and effectiveness. He has always maintained a high standard of excellence in his work. He has been knowledgeable and thorough as well as helpful to his younger coworkers.

Mr. Skuhr's dedication to service has also extended beyond his career. Always very civic minded, he serves on the Boy Scout Troop Committee at his church, Epiphany Lutheran, as well as on the church council and his neighborhood improvement association. He is also a member of the senior drum corps of the Baltimore Forest of Tall

Cedars as well as a member of the Mt. Nebo Masonic Lodge.

I am sure that my colleagues join me in wishing Mr. Skuhr a happy and fulfilling retirement.●

JERRY SOLOMON SUPPORTS U.S. BID TO END SOVIET ARMS BUILDUP IN CENTRAL AMERICA

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. SOLOMON. Mr. Speaker, I am greatly concerned about the massive buildup of Soviet and Cuban arms in Central America. The duly elected Government of El Salvador is under seige. Yet to hear critics speak, Ronald Reagan, our most principled President in decades, is an international outlaw for attempting to stop the Nicaraguan Government from exporting revolution. And his hands are being tied as he attempts to buttress El Salvador with essential military and economic aid.

In an editorial entitled "Endangered Bastions," columnist William Randolph Hearst warns of this buildup of arms, and proposes a way to protect the Salvadoran Government. I submit his editorial for the RECORD, and recommend it to my colleagues.

[Text of editorial "Endangered Bastions" follows:]

ENDANGERED BASTIONS II

(By William Randolph Hearst, Jr.)

NEW YORK.—The Soviet-Cuban plot to gain control of El Salvador was hatched in the late 1970s. In February 1979, U.S. intelligence sources received reports that the first group of Salvadoran guerrillas had arrived in Cuba for a four-month military and ideological training course. Since then, many more have been sent to Cuba for training.

According to a report by the Council for Inter-American Security, the plan for a leftist takeover in El Salvador was submitted to communists and guerrilla leaders from 10 Caribbean and Central American countries at a secret meeting in Costa Rica in December 1979.

By early 1980, Cuban President Fidel Castro had organized the rival leftist groups in El Salvador into a united front to launch a civil war.

In May 1980, Shafik Handal, head of the Salvadoran Communist Party, flew from Havana to Moscow and thence to Vietnam where he met with Communist Party chief Le Duan. The latter promised 60 tons of arms (mostly captured American weapons) and large supplies of ammunition. On his return trip, Handal visited Czechoslovakia and East Germany.

An American Heritage Foundation report said "fully documented evidence" shows that the Soviet-Cuban bloc communist nations pledged nearly 800 tons of modern weapons for leftist revolutionary movements in the Caribbean and Central America, with El Salvador to be the main target for the campaign "to destabilize the Central American region."

Undersecretary of Defense Fred Ikle told the Senate Foreign Relations Committee this week that during 1981-82, the Soviet Union alone had shipped a total of 131 tons of arms to Cuba. Most of the weapons and munitions were transshipped to Nicaragua to be smuggled by air into El Salvador.

Ikle said the military strength the Soviets and Cubans have assembled in Central America "is quite adequate to turn the region into another Eastern Europe" if the United States washes its hands of the conflict.

It must be evident to anyone aware of this situation that we cannot tolerate the establishment of other Soviet military outposts on our southern doorstep. Central America and the Caribbean island countries are strategically more important to us than Cuba.

We must not let the situation reach the point where we will be confronted with the choice of sending our young men to fight in Central America or abandoning the region to Soviet control.

That is why I believe the time has come for a new approach to the problem, especially since there is so much doubt about the ability of the Salvadoran army to defeat the guerrillas in the forseeable future.

It is generally agreed by American officials and others closely associated with events in El Salvador that the majority of the Salvadoran people would vote for a moderate, centrist-oriented government if given the opportunity to do so in free, well-protected elections.

It is further believed the three non-Marxist leftist parties in the revolutionary movement would desert the extremists and participate in elections, as they did last year.

My suggestions, therefore, are the following:

A strong Latin-American peacekeeping force, with American logistic support but no combat troops, be sent to El Salvador to maintain order before, during and, for a reasonable period, after the elections.

The elections be held under the close supervision of a commission of competent observers appointed by the Organization of American States.

We join with other Latin American governments in pledging a five-year economic aid program to El Salvador if a moderate, democratically elected government is established after the elections.

I believe such a plan would be given serious consideration by the Reagan administration. I believe the existing government of El Salvador could be persuaded to accept it. There are some well-informed people in Washington who think several Latin American nations would be willing to help form the peacekeeping force.

If the plan worked, it would serve notice to the Kremlin that it will not succeed in expanding communist domination in the Western Hemisphere by arming and inciting minority radical elements to seize power as surrogates of Soviet imperialism.

President Reagan's televised speech Wednesday night gave proof positive of the massive Soviet military buildup in Central America and the Caribbean region. The air reconnaissance photographs he declassified were a telling revelation of what the Soviets are up to in Cuba, Nicaragua and other key regions the Russians seek to penetrate.

The President went personally before the nation—always his best act—to pinpoint with the aerial photos what the Soviets have been amassing in offensive power even in the tiny island of Grenada, which has a population of 110,000 and no air force.

His presentation included an appeal for a bigger military budget than the one adopted by House Democrats. It also covered a proposal by which the U.S. can harness its technology to clock incoming nuclear missiles similar to those the Russians store in areas of the Caribbean and Central America.

The Soviet reaction to his speech was nearly instantaneous, a rarity for the regime now headed by Yuri Andropov. It called President Reagan's remarks "bellicose" ("warlike" by dictionary definition), but the Soviets didn't comment at all on the photos the President showed the nation of the real "warlike" Russian buildup south of our borders. What could they say?

Building up American strength to counter this real Soviet threat needs our support for which the President asks.

It's a lot later than you think.●

BILL INTRODUCED TO AMEND THE AUTHORIZATION OF THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. JONES of North Carolina. Mr. Speaker, today I join with four of my distinguished colleagues in introducing a bill to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of the act for fiscal years 1984 and 1985.

The administration is requesting a zero funding level for fiscal year 1984 and fiscal year 1985. This bill would provide $630,000 for fiscal year 1984 and $630,000 for fiscal year 1985.

The National Advisory Committee on Oceans and Atmosphere (NACOA) consists of 18 members who are appointed by the President for their knowledge and expertise in marine and atmospheric policy matters. The advisory committee is charged with the responsibility to undertake a continuing review of the Nation's oceanic and atmospheric programs, to report annually to the President and Congress on the status of U.S. marine and atmospheric activities, to advise the Secretary of Commerce regarding programs of NOAA, and to provide any other reports on these matters that are commissioned by either the President or Congress.

In previous Congresses, members of the Merchant Marine and Fisheries Committee and other Members of Congress have called upon NACOA to provide recommendations on issues pending before Congress. In light of recent budget constraints, the advisory committee's role is even more vital than in the past.

I am confident that the advisory committee will continue to aid the executive branch and Congress as effectively as in the past and I urge my colleagues to support reauthorization of the National Advisory Committee on Oceans and Atmosphere.●

SEX DISCRIMINATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. EDWARDS of California. Mr. Speaker, there are those who say that discrimination on the basis of sex no longer occurs in this country. There are those who say that women already enjoy equality and there is no need for the equal rights amendment. They simply do not see the discrimination on the basis of sex which is all around them.

For those people, I have included the April 17, 1983, Washington Post article by Richard Cohen. This article discusses the tax subsidies enjoyed by Burning Tree County Club in Bethesda, Md., a club that will not allow members of the female gender.

Burning Tree is not the only such club in the country to enjoy women's tax dollars while refusing admittance to women. In addition, Burning Tree is merely a blazing example of the inequities that women must continue to suffer because their elected officials refuse to act to eliminate those inequities.

The article follows:

BURNING BIAS

(By Richard Cohen)

From time to time, I remember back to the civil rights era when the Mississippi legislature voted to donate money to the White Citizen's Council, a racist organization. There was a lot wrong with that, but what struck me as adding insult to injury was the fact that some of the money would be coming from black taxpayers. When it came to funding segregation, Mississippi did not mind integration at all.

Now we go to a less cosmic, and to some, downright humorous issue—Burning Tree Club in Bethesda. It has been an all-male preserve since its founding in 1923, and for many years it was smugly so. Now it is sort of reluctantly so—the arguments for continuing the policy running more to the expense of putting in another shower room. It is enough to make you weep.

Nevertheless, in the spirit of the Mississippi legislature, the gentlemen of Burning Tree are not above asking women to subsidize the club.

In other words, women who are not permitted to join the club, who may not—heaven forbid and may God strike me dead—even enter the premises, are nevertheless required to make a tiny contribution to the upkeep of the club. It is the law.

The law in question is called the country club assessment tax. Under it, Maryland's country clubs are taxed at a favorable rate, the rationale for this being that they provide a public service—open space.

This is, of course, a specious argument, since the open space is provided only to people who can afford the initiation fee ($12,000 to frolic in Burning Tree's open space) and the annual dues ($1,700 at Burning Tree), and who, moreover, can stomach a confrontation with the chief justice of the United States decked out in lime green and shocking pink.

Nevertheless, this is the law of Maryland. For Burning Tree, this means that what would be a tax assessment of $165,600 is reduced (for providing inner-city kids with open space) to $13,600. This is called in the country club biz a nice piece of change without which, we are told, Burning Tree would have to raise its dues so that it would become a rich man's club—and presumably have to withdraw from a bowling league.

At this point, you should be gagging on hypocrisy. Not only is Burning Tree already a rich man's club, it is one supported by all the people of Maryland, most of whom would not possibly be considered for, and could not afford, membership. But only the people specifically barred from membership on the basis of what they are at birth are—women. Rich or poor, it does not matter: Women need not apply.

Now we may pause right here and practice the fine art of blaming the victim. In this case, though, the victim—women and men who care about sexual discrimination—really do deserve some blame.

Year after year the Maryland General Assembly treats them with contempt on Burning Tree, and year after year the opponents of the measure to eliminate the club's tax break get reelected. It is inconceivable that someone could vote to have the state support a club that banned blacks or Jews or Catholics and be reelected—especially if half the electorate were black or Jewish or Catholic. Women, though, still allow themselves to get kicked around. They are the battered electorate.

And battered they were again this year. When the General Assembly was asked to eliminate the tax break to clubs that discriminate, it got tied up into procedural knots and just could not bring itself to do it. Some members of the legislature were opposed, of course, while even more, it seemed, considered this a trivial issue. G'way lady, ya bother me.

Well, in some ways it is a trivial issue. Large amounts of money are not at stake and large numbers of people would not be affected even if the club went to hell with itself and admitted women. But as a matter of principle, the issue is not trivial at all.

It is, like Mississippi's donation to the White Citizen's Council, an example of government representing just some of the people and compelling the others to support their own victimization. That has nothing to do with golf or open spaces. It has to do, instead, with fairness. In Maryland, that's sometimes as scarce as women at Burning Tree.●

NATIONAL ART BANK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. LANTOS. Mr. Speaker, as we look around this Chamber, around this Capitol Building, we can see how the presence of many works of art has enhanced our lives.

It is hard to imagine this building without murals or without statues. It would be barren indeed.

So it is that I have introduced H.R. 2030, the National Art Bank Act of 1983, which will serve the twin purposes of carrying on the traditions established in these Halls by enhancing the appearance of some rather drab Federal office buildings around the country, while at the same time helping to stimulate activity in the arts community in all 50 States, a community in need of help in these recession-ridden times.

The arts have always been a legitimate interest of this Government, even if on a modest scale. Our creation of the National Endowment for the Arts testifies to this.

And our history shows that statesmen who helped found this country were interested in nurturing the arts, and were aware of their importance.

John Adams, President, Vice President and Congressman, said:

> I must study politics and war, that my sons may have the liberty to study mathematics and philosophy * * * to give their children the right to study painting, poetry and music.

As you look around many of the Federal buildings in this city, Mr. Speaker, you can see the fruits of a depression-era Government support for the arts. The murals defined a particularly American expression, and are a reminder for the ages of what life was like here in the 1930's.

The philosophy of John Adams and the support of the Works Progress Administration in the 1930's form the basis of what we are trying to do with this bill.

The Art Bank would become the intermediary by which works of art from all over the country would be purchased and made available for display, not only in Federal buildings, but in special loan exhibitions as well. Museums could receive works on loan and free of charge from the Art Bank.

There many artists from around the country who do extraordinary work, but are limited in their ability to bring their work to the attention of the public. There are many public places which sorely need some art work to enhance their ambiance, but which have no way of obtaining it.

The Art Bank would purchase art, distribute it, and then, at a later date, auction it off, thus stimulating activity for artists. The program would not be a profitmaking venture but we would expect that after a modest expenditure of seed money it would be self-financing. The bill authorizes $1.5 million for fiscal year 1984, $2 million for fiscal year 1985, and $3 million for

fiscal year 1986, after which no more Federal money would be needed.

There is every expectation that as the works purchased become more valuable, the proceeds from the auctions would be able to support the program. We believe the appropriations provided for in the bill are a modest cost to begin such a worthwhile endeavor.

Mr. Speaker, the quality of the work would be the prime consideration for purchase, but also of importance would be the selection of works by unknown artists from all parts of the country.

A companion bill, S. 882, has been introduced in the Senate by Senators PELL and STAFFORD.

This bill has the capacity to brighten the lives of millions of people in all 50 States, to improve the appearance of Federal buildings in all 50 States and to provide incentives to artists in all 50 States.

All of that would be accomplished with a small initial expenditure of funds, after which the program would support itself.

The National Art Bank would be an exciting, worthwhile and innovative program for this Government to undertake, Mr. Speaker, and I urge my colleagues to join with me in helping to create it.●

BRUCE G. COE HONORED BY SALES EXECUTIVE CLUB

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. FORSYTHE. Mr. Speaker, today the Sales Executive Club (SEC) is presenting its New Jersey Business Statesman of the Year Award to Bruce G. Coe, the president of the New Jersey Business and Industry Association (BIA). He is receiving the award in recognition of the contributions he has made to the business community. I have known Bruce for many years and am privileged to be able to bring his accomplishments to the attention of my colleagues.

Bruce was chosen to receive the award by SEC because of:

His achievements in business and the time and energies he has given to causes and events extending beyond the immediate interests of BIA. His enlightened perspectives and enthusiastic labors for various organizations and public-spirited groups have been of benefit to the entire business community and the state.

I would like to take this opportunity to outline some of Bruce's accomplishments. Before becoming president of BIA, he had agreed, at the request of the Governor, attorney general, and treasurer of New Jersey, to head the Housing Finance Agency. At the time he assumed responsibility for the management of the Housing Finance Agency it was being investigated by three governmental agencies. His management skills enabled him to pull the agency out of its decline so that it is today able to fulfill its goal of providing housing assistance to low- and moderate-income families.

An illustrious 20-year career with Kidder, Peabody & Co., Inc. began in 1956 after Bruce graduated from Princeton University with an economics degree. While with Kidder, Peabody & Co., he worked in its corporate finance activity and corporate syndicate group, as well as national sales manager for 5 years. Bruce was elected to the company's board of directors in 1965 and to the executive committee. As chairman of the institutional task force, he set up a real estate subsidiary and headed a research group in investment banking activities.

Bruce left Kidder, Peabody & Co. to become executive director of the New Jersey Commission on Capital Budgeting and Planning, which was formed in an effort to find out why New Jersey's bond issues were unsuccessful in public referendums. The commission was also charged with the responsibility of developing a system that would allow New Jersey's bonds to be more credible and to monitor funds authorized to be spent by the voters. Bruce's leadership of the commission resulted in such a great improvement that our State is now very successful in having bond issues approved by the voters.

Bruce has also made numerous public service contributions at the county and local level. From 1970 to 1982 he was active with the Monmouth Medical Center as a trustee and vice chairman of the finance committee and from 1976 to 1982 he worked with Monmouth County Organization for Social Services as a trustee and treasurer. He is also a past president and trustee of Rumson Community Appeal and a former treasurer and director of the Red Bank YMCA. In addition, he has been active with the Monmouth County Mental Health Association and presently serves on the New Jersey Easter Seal Society Board of Directors.

His college career was interrupted from 1951 to 1954 while he served a 4-year term with the U.S. Army as a first lieutenant in the armored corps.

I am proud of Bruce Coe and the contributions and service he has provided to my State of New Jersey and I ask that you join me in honoring him as an example of an outstanding business and community leader. He is highly worthy of the award he is receiving today.●

HOPEFUL SIGNS IN LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to recommend to my colleagues in the House of Representatives an article published in the April 20, 1983, edition of the Wall Street Journal entitled "Signs of the Recovery Finally Hit Louisville, But Not All Feel Effect."

As the article indicates, the good people of Louisville (my hometown) and Jefferson County, Ky.—the Third Congressional District I am proud to represent in Congress—have begun to pull themselves out from the current economic hard times.

While my district still has serious economic difficulties confronting it, the recent signs of recovery are a tribute to the dedication, initiative and plain hard work of the people of Louisville. I am proud of their spirit and I am honored to serve them in Congress.

The article follows:

[From the Wall Street Journal, Apr. 20, 1983]

SIGNS OF THE RECOVERY FINALLY HIT LOUISVILLE, BUT NOT ALL FEEL EFFECT

(By Laurie McGinley)

LOUISVILLE, KY.—In their modest brick home a few miles north of here, Vivian and Jerry Plamp are beginning to enjoy life again.

They recently bought a $100 mirror for the living room, and they plan to buy a $1,200 pool table for their newly finished basement. They have started going out to dinner again on Friday nights, and their 11-year-old son, Donald, is sporting some new clothes.

Having been laid off by a trucking company for six months, Mr. Plamp, 29 years old, now is back delivering Ford trucks to dealers and customers around the country. "I feel like things are starting to swing up," he says.

Others here agree. Real-estate sellers and car dealers, as well as some home builders and retailers, say that a fragile economic recovery is getting under way in this recession-pounded manufacturing city in the heart of the Ohio River valley.

MANY KEEP WAITING

But many are still waiting for the recovery to begin. Roger Bright, whose general-contracting business plunged last year to $7 million from $24 million in 1981, says that his business has leveled off but hasn't improved. He expects some pickup by June or July, if interest rates don't rise.

For thousands here, the recovery may never arrive. George Berkley is one of 5,000 workers laid off during the recession by General Electric Co., the area's largest employer, currently employing 13,500 workers. The 55-year-old Mr. Berkley, who has been out of work more than a year, often eats potato soup for supper to stretch his meager unemployment pay. "I just pray that GE gets a lot of orders and I get called back," he says.

But officials at the gigantic factory at Appliance Park say that most laid-off workers won't be called back, even if orders surge. One reason: The company plans to install more robots, which already make one kind of dishwasher. "We'll produce more goods with fewer workers," says Roger Schipke, the top executive at the plant. "It's the factory of the future."

The mixed economic picture is typical of many cities. "The recovery is very narrowly based and limited right now," says Allen Sinai, senior vice president of Data Resources Inc., a Lexington, Mass., consulting firm. "Many consumers and businesses in Louisville and elsewhere won't feel any relief until late this year." And that assumes the recovery won't stall.

END OF THE LAYOFFS

Like the severe 18-month recession that apparently ended late last year or early this year, the recovery is extremely uneven. In Louisville, lower interest rates have spurred home sales and auto sales. A three-year string of plant closings and layoffs appears to be over. There have been a few scattered worker callbacks. But unemployment remains at a painfully high 11.7% and is expected to stay in double digits all year. Consumers, while loosening their purse strings a bit, still are cautious.

Perhaps even more troubling in such manufacturing strongholds are the deep-rooted problems that even an economic recovery won't solve. Since its peak in 1974, factory employment in Louisville has declined by 40,000 jobs, about one-third of the previous total. About 18,000 of those jobs disappeared during the recent recession. Most will never return. The permanent changes in the economy have set off a debate here over whether the city should try to shore up its traditional industries or start an all-out effort to attract more service and high-tech businesses.

Despite recent hard times, the service industries clearly seem to be thriving. Profit at Louisville-based Humana Inc., the nation's second-largest hospital chain, rose 37% last fiscal year. At Capital Holding Corp., which owns seven insurance firms throughout the U.S., net income increased 11% last year. Citizens Fidelity Bank, the city's second-biggest bank, expects a 17% earnings increase this year.

SERVICE SPUR

The strong service sector may be one reason that Louisville is feeling at least some benefits of the nation's economic recovery. "For white-collar workers, this recession has been pretty good," says Phillip Douglas, a 25-year-old certified public accountant with Coopers & Lybrand. He notes that "inflation and interest rates have come down."

Mortgage rates, which had peaked at 18% here, have declined to the 12% to 13% range. While still high by historical standards, the rates are luring some buyers back into the housing market. On a recent weekend, Glynna Dunn, a real-estate saleswomen for Paul Semonin Inc., the area's largest real-estate firm, sold three homes and began sales negotiations on two others.

"I can't remember when I've had such a good weekend," she says. The Louisville Board of Realtors says that 1,271 homes were sold in the first three months of this year, almost a 40% increase from the year before.

Car sales are picking up more strongly here than the modest national gains. First-quarter sales, bolstered by below-market financing rates, were up 28% from a year earlier a local dealers' group estimates. Morris Brown, the owner of Brown Brothers Cadillac in downtown Louisville, says he sold 136 new Cadillacs in March, his highest monthly total in eight years. At Bill Collins Ford, March sales were the best in "two or three years," says Charles Oglesby, the general sales manager. He says many of his customers are GE workers who were waiting to buy a car until they were sure they wouldn't be laid off.

David Grissom, the chairman of Citizens Fidelity Corp., the bank-holding company that owns Citizens Fidelity Bank, sees other encouraging signs: Delinquencies on consumer-installment loans are down from a year ago and business-loan demand is up. "I think our customers are becoming more optimistic all the time," he says.

Lawrence Smith, the president of Rodes Inc., a men's clothing store, says he has seen a significant increase in sales since November. "My salesmen are very pleased," he says. "I think a recovery is definitely under way here."

But other retailers aren't so sure. "I haven't seen an increase in sales," says Terry Rogers, who owns three record shops called Beethoven's House of Music. When customers come in to buy a newly issued record by pop singer Christopher Cross, he says, "they buy a Chris Cross record, period. It used to be that they'd try something new, too." And Robert Hook, a Chevrolet dealer, says that his sales are only matching year-ago levels after rising 15% in the November-to-January period.

Some residents say they are too worried about their jobs to increase their spending. "I don't have enough confidence to go into debt," says Paul Garrett, 45, who has worked at General Electric for 24 years. "I don't take vacations anymore. I raise green beans and I can them. I bought a used car—I don't buy anything new."

Nettie Aynes, a 44-year-old widow and mother, is anxious, too. Mrs. Aynes, who works on the day shift at GE putting chrome trim on refrigerators, lost her $65 night differential when the night shift was eliminated last August. She hopes that a recovery means she will get her old job back, or at least be more secure in her current job. "All people talk about around here is, when will the next layoff be? The end of this month? The end of next month?"

In fact, General Electric says it doesn't plan to lay off any more workers this year, partly because appliance sales have begun to improve. Since last October, unit sales on a monthly basis have been higher than in year-ago periods. Company officials won't disclose the precise figures, but the industry's total sales for the kinds of appliances produced here were 8% higher in the first two months of this year than a year before. GE officials say their sales are "in line" with the industry figures.

GE'S EMPLOYMENT

But there won't be many more jobs at the GE plant, where employment has plunged to the current 13,500 workers from a peak of 23,000 a decade ago. In the past 10 years, the national demand for major appliances, excluding microwave ovens, has fallen by about one-third. Responding to community worries that GE might move out, as several other major industries have done in recent years, plant officials replied succinctly: "GE will stay in Louisville, but it won't stay the same."

Ford Motor Co., which has two truck plants here, also is having a mixed experience. The plant that makes the Ranger and the new Bronco II—both light trucks designed to fight models of Toyota and Datsun—has a three-week order backlog, the largest since the Ranger was introduced in January 1982. The Bronco II was unveiled a year later. But orders haven't picked up yet at the plant where school buses, tractor-trailers and other big trucks are made.

Plant managers say neither factory is likely to increase its work force this year, and next year might not be any better. The combined work force currently is about half its peak of 10,000 in the late 1970's. "If we need to step up production, we'll lengthen the workweek" by adding overtime, says Donald Baker, the plant manager of the Ranger plant.

The gloomy job outlook has doused much of the hostility that usually has surrounded labor-management relations here. Labor unions, smarting from what they contend is an undeserved reputation as strike-mongers, have agreed to no-strike clauses in three major construction projects and have even taken out ads in local newspaper praising certain employers.

WHERE THE FUTURE LIES

Many labor and manufacturing officials, though, are split with community leaders over whether Louisville's future is with service and high-tech industries instead of manufacturing.

"If by service jobs you mean auto workers should start cleaning up parking lots, frying hamburgers and working in hotels for half of what they're making now, I have real problems with that," says Owen Hammons, an official of the United Auto Workers here. James Whyte, the manager of the Ford big-truck plant, says, "High tech isn't the solution. Atari showed us that." His reference is to Atari Inc.'s recent decision to move its consumer-electronics production from California to the Far East.

Others see salvation in the service industries, however. "The only growth in Louisville in recent years has been in the service industries," says Thomas Simon, the chairman of Capital Holding Co. "That's the way of the future."

Several of the service industries are helping to bring a downtown building boom. Planners say that $358 million was spent on downtown construction projects between 1968 and 1978; by 1985, an additional $585 million will have been poured into downtown building. Next month, work will begin on the Broadway Project, a 10-year plan to revitalize the tattered northern end of downtown by renovating an old hotel and building a new shopping and restaurant area.

The service sector's growth in Louisville, though, hasn't been enough to make a dent in the city's unemployment problem. Since 1978, the city has lost five manufacturing jobs for each new service job, according to David Birch, a regional planning specialist at Massachusetts Institute of Technology.

In some ways, analysts say, Louisville and some other Southern manufacturing cities are in even tougher spots than their Northern counterparts because of a lower emphasis on education in their states. Compared with other major metropolitan areas, Mr. Birch says, Louisville has workers who rank near the bottom in education levels, making it difficult for them to switch to more sophisticated jobs involving computers and high technology. Indeed, one local company hired 50 computer programmers from Eng-

land partly because it couldn't find qualified people in Louisville.

"People in Louisville thought they had it made when they started stealing the low-tech industries from the Northeast in the 1960s," says Mr. Birch, who was hired by a local bank to study the city's economic problems. "But the entire U.S. economy now is moving from one based on muscles and dexterity to one based on brains. In 10 years, there's a good chance that the industries based on muscles won't be here. But the industries based on brains will have tripled."

Some city officials say that Louisville should try to capitalize on its central location by becoming a national transportation and distribution center. Others say the city should continue to develop its medical facilities. But, everyone admits, any step away from manufacturing will require extensive retraining of the work force.

Such efforts will depend to some extent on the strength of the recovery and what kinds of jobs it generates. "We'll play some role in retraining, once we can figure out what to retrain people for," says GE's Mr. Schipke. Former GE worker George Berkley says, "I'd be happy to retrain, if someone would just let me go back to work."●

TITLES 31 AND 49 AMENDMENTS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. RODINO. Mr. Speaker, today, I am introducing a bill to codify without substantive change recent laws related to money and finance and transportation, and to improve the United States Code. This bill will amend titles 31 and 49, United States Code, that have been enacted into positive law, to reflect changes in the substance of those titles by laws that did not specifically amend those titles and to make conforming amendments to certain titles of the United States Code that have been enacted into positive law and to the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.).

The bill makes no change in the substance of existing law.

This bill was prepared by the Office of the Law Revision Counsel of the House of Representatives and submitted to the Committee on the Judiciary of the House under section 285b of title 2, United States Code.

Anyone interested in obtaining a copy of the bill and accompanying report should contact: Edward F. Willett, Jr., Law Revision Counsel, House of Representatives, H2-304, House Annex No. 2, Washington, D.C. 20515.

Persons wishing to comment on the bill should submit those comments to the Office of the Law Revision Counsel not later than June 1, 1983.●

NATIONAL LIBRARY WEEK

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. ALEXANDER. Mr. Speaker, we have just concluded the observing of National Library Week, and this is a good a time as any to associate myself—and proudly—with the efforts of my friend PAUL SIMON of Illinois to reauthorize the Library Services and Construction Act.

It is well known that we live an electronic age, and, as I speak these words, I am conscious that they will first be transmitted via television and only later will settle into the CONGRESSIONAL RECORD, where they can be read, and dissected, or pored over, and psychoanalyzed, or whatever.

And there is the great charm of the written word—you can learn from it. There are many modes of human communication, but it is reading which develops the mind as it carries the thought. And it is the public library in America which has served as gymnasium to such heroic intellects as Booker T. Washington, and Thomas A. Edison, and so many others. These days the computer is in the library, along with the book—and sitting in a public library somewhere right now may be the great prodigy of our next generation.●

HUMAN RIGHTS VIOLATIONS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. WIRTH. Mr. Speaker, some of the most serious violations of human rights are those inflicted upon human rights monitors themselves in various countries around the world. From El Salvador to Czechoslovakia, brave men and women who collect information about human rights violations and report it to the outside world are subject to persecution themselves.

The U.S. Helsinki Watch Committee was formed by a group of concerned American citizens to monitor the compliance of those nations which signed the 1975 Helsinki Final Act. The group continues the work of the original Moscow Helsinki Watch Committee, many of whose members are exiled or imprisoned.

The following article by Jeri Laber, the executive director of Helsinki Watch, describes her recent visit to Czechoslovakia, where she had planned to meet with Helsinki monitors there. I commend it to the attention of the Congress.

[From the Washington Post, Apr. 3, 1983]

THROWN OUT OF PRAGUE FOR VISITING ERIKA

(By Jeri Laber)

I am afraid that I shall never see Erika again. The authorities in Czechoslovakia have put an end to our friendship, the friendship of two women, one a Czech citizen living in Prague, the other an occassional visitor from the United States.

They did this with chilling efficiency a few hours after my arrival, telling me that because I was "making contact with dissidents and Charter people" I must "leave the territory of the Socialist Republic of Czechoslovakia immediately" or I would have "great problems."

Erika (not her real name) was the only person I had seen so far in Prague and she is, admittedly, a "Charter person." Six years ago she signed a document known as Charter 77 which called on the Czechoslovak government to honor the human rights of its citizens.

More than 1,000 citizens in Czechoslovakia signed the Charter and each of them has paid a price for that act. Charter signatories have lost their jobs, their homes, their driver's licenses, their telephones. Their children are denied entrance to universities. They live under strict police surveillance—of their movement, their conversations, their mail.

Some have been attacked and beaten up in the streets; others have been arrested and are serving long prison sentences. Many have been forced into exile.

As recently as Jan. 5, one of the current spokespersons for Charter 77, Ladislav, Lis, was arrested and reportedly is being held on trumped-up charges. Yet the Charter signers do not consider themselves dissidents. As a Charter spokesman told me during a previous visit to Prague, "Dissidents are people who oppose the will of society, while we represent the aspirations of 90 percent of the people. It is our leaders who are the dissidents."

On the first morning of what was intended to be a four-day stay in Prague, I went to see Erika. She seemed much too thin, I thought, smaller than I had remembered her, but fragility also accentuated her wide green eyes and lovely face. Wearing jeans and a loose-fitting shirt, her long, gray-blonde hair pulled back into a bun, she was apparently cleaning her house when I appeared at the door. She immediately offered tea in her small kitchen, "real English tea, the best in Prague."

Erika is a recent widow, the mother of three young sons, none of them yet out of their teens. Her husband had been a writer whose controversial works could only be published abroad. Her husband from an earlier marriage, also a writer, now lives in exile in London, stripped of this Czech citizenship while abroad. Her parents, both officials in the Dubcek government during the brief, exciting "Prague Spring," were forced to leave Prague when Soviet troops invaded the city in 1968 and have been living in Paris ever since. She had not seen them for 15 years.

The isolation in which Erika and other Czech intellectuals live is almost tangible; it hangs heavy in their homes and in their words. Deprived of books and ideas from the outside world, ostracized by society, they cling to each other for moral support.

"I never greet anyone from my past when I see them in the street," Erika confided. "I wait to see whether they will say 'Hello' to me or pass by as if we had never met."

She spoke with sadness about the fact that her children will not be allowed to enter college: "They are paying this price for their parents' decisions. That is not fair." She spoke of increasing loneliness as more and more of her friends emigrate to the West. Yet she herself stands firm: "I would love to travel abroad," she said in cultivated, almost unaccented English, "and to live there for a year to two, maybe even 10. But only if I knew that I could come home when I wished. When Christmas comes, I will always want to be in Prague."

Several years ago, Erika and I had set out together to visit the historic Jewish museum and cemetery in the old city, only to realize that it was Saturday and the museum, of course, was closed. It was then that we each discovered that the other was Jewish—and that we both should have known that the museum would be closed on the sabbath. Now reliving our friendship, Erika reminded me with amusement of that abortive visit and suggested that we try again, this time on a weekday. We made a date to do so later that very day.

Several hours later, however, on my way to meet Erika, I was stopped by the police and ordered out of the country. "Go straight to the hotel, pay no visits, pack your things and be over the border by 10 this evening. You are under control."

"Under control" meant that I was then followed openly, no longer covertly, by three plainclothesmen in a yellow, unmarked car. The car stayed close behind me until I had driven at least 30 miles out of Prague. Then, apparently convinced that I was following directions, it turned suddenly and roared away.

The night was clear, the road deserted. A full moon lit the snow-covered fields and gave a slight patina to the thin, icy coating on the highway. I passed through a small village, unchanged by time, quiet as a ghost town, not a person in sight. It was just a few minutes before 10 when I reached the Austrian border.

The barrier that was eventually raised to let me pass into the customs area was made of iron so thick and heavy that no car or truck could crash through. The customs officers are on the lookout for ideas and people, the first to keep out, the second to keep in. When I had entered the day before they had studied my papers, notebooks and address book with great care. Now, as I left, they checked the car itself to see that no one was hidden in the trunk, under the seats or even hanging under the car in a desperate effort to escape.

Along the border, two parallel lines of barbed wire and electrified fencing stretch off to infinity, the lines coming closer but never touching, like an art book illustration of perspective. Between the fences there's a no-man's-land, heavily mined.

Twenty minutes later I would be in an Austrian village, the architectural sister of the Czech village I had just passed through, but full of light and life. There, in a cafe, I would drink beer and eat goulash, the same substantial fare that one finds in Prague. Sounds would be suddenly dear to me: the sounds of laughter and high-spirited conversation that are never heard in a public place in Prague.

At that moment, however, there at the border between East and West, I was looking backward, overwhelmed by sorrow for the friends in Prague that I had not been able to see, for Erika all dressed up for our afternoon's outing, waiting with happy anticipation for a friend who never showed up.

I said a quiet farewell to Prague, that heartbreakingly beautiful city whose hundreds of years of culture and civilization have culminated in a system so absurd and barbaric that I had been afraid, for Erika's sake, to call on the phone, just to say: "I'm sorry. I cannot keep our appointment today."

(Jeri Laber, executive director of Helsinki Watch, has traveled extensively in Eastern Europe. Biographical details in this article have been disguised to prevent identification, but conversations are reported accurately, as is the encounter with the police on Feb. 25, 1983.)●

SUPPORT EXTENDED DAYLIGHT SAVINGS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 25, 1983

● Mr. PORTER. Mr. Speaker, Representative RICHARD OTTINGER's bill, H.R. 1398, will extend daylight saving time in this country 2 months each year. The bill provides that daylight saving time start on the first Sunday in March and end on the last Sunday in October. A longer daylight saving period would allow more daylight hours for work and recreation, and it would also help this country save energy due to a reduced need for electricity.

Department of Transportation studies have indicated that we could save about 100,000 barrels of oil per day during the extended daylight period. Another benefit of the bill is that the National Highway Traffic Safety Administration predicts fewer traffic fatalities per year if the plan is implemented. Longer days could also mean less violence in our Nation's cities and towns.

In my judgment, the facts are compelling and the time is right for the extension of the daylight saving provisions of Representative OTTINGER's bill. I urge all my colleagues to support this measure, which would be of great benefit to our Nation.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, April 26, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 27

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Labor; and certain programs of the Department of Health and Human Services, focusing on Centers for Disease Control, and the National Institutes of Health.
SD-116

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings to review the current state of and competition within the financial services industry.
SD-538

Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 44, to establish uniform standards of product liability law.
SR-253

Foreign Relations
To hold hearings on proposed establishment of the National Endowment for Democracy as a private non-profit corporation to be administered by the U.S. Information Agency.
SD-419

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1001, authorizing funds through fiscal year 1988 for the Office of Federal Procurement Policy, and on proposals to revise certain provisions of the Office of Federal Procurement Policy Act.
SD-485

Labor and Human Resources
Business meeting, to mark up S. 38, proposed Longshoremen's and Harbor Workers Compensation Act Amendments, and S. 655, authorizing funds for fiscal years 1984-86 for the national sea grant college program, and other pending calendar business.
SD-430

Small Business
Small Business: Family Farm Subcommittee
To hold hearings to discuss certain problems facing family farm owners.
SR-428A

10:00 a.m.
*Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for transportation related programs.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Management and Budget.
S-126, Capitol

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Foreign Relations
To hold hearings on S. 602 and S. 659, bills to provide Federal funding for radio broadcasting to Cuba.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

1:30 p.m.
Finance
To resume hearings on S. 307 and S. 951, bills to provide continued health protection for certain individuals who lost their health insurance coverage as a result of being involuntarily unemployed.
SD-215

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the land and water conservation fund, and the asset management program.
SD-192

Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 28

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
*Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Architect of the Capitol.
S-126, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings to review certain secondary market and mortgage foreclosure issues.
SD-538

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 485, proposed Lawyers Duty of Disclosure Act.
SD-226

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Federal Emergency Management Agency, and the Neighborhood Reinvestment Corporation.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Finance
To hold hearings on S. 528, to provide a Federal income tax credit for tuition.
SD-215

Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU).
SD-342

Judiciary
To hold hearings on S. 815, S. 1059, and the substance of S. 425, bills to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Joint Economic
To hold hearings to review the high cost of capital.
2203 Rayburn Building

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-628

2:00 p.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the strategic petroleum reserve, and the naval petroleum reserves, Department of Energy.
SD-138

*Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the General Services Administration, and to discuss the substance of S. 102, to allow State and local governments to continue to acquire surplus Federal lands for park and recreational use.
SD-124

2:30 p.m.
Governmental Affairs
To hold hearings on the nominations of John L. Ryan, of Indiana, to be a Governor of the U.S. Postal Service, and Maria L. Johnson, of Alaska, to be a member of the Merit Systems Protection Board.
SD-342

Select on Indian Affairs
To hold hearings on S. 727, to authorize the Secretary of the Interior to set-aside certain judgment funds of the Three Affiliated Tribes of Fort Berthold Reservation in North Dakota, S. 884, to provide for the use and distribution of certain funds awarded the Red Lake Band of Chippewa Indians, and S. 973, to make technical amendments to the Indian Self-Determination Act.
SD-538

APRIL 29

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the National Institutes of Health, and the Alcohol, Drug Abuse, and Mental Health Administration, Department of Health and Human Services.
SD-116

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-628

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 249, to make permanent and extend the exclusion from income for amounts paid under educational assistance programs, and S. 825, to exclude income from the sale of membership lists from the unrelated business income tax on nonprofit organizations.
SD-215

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 32 and S. 33, bills to prohibit the owner of certain audiovisual equipment from renting, leasing, or lending for commercial advantage without the authorization of the copyright owner.
SD-226

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to mark up S. 1003, authorizing funds through fiscal year 1986 for child abuse prevention and treatment and adoption reform programs, and proposed legislation authorizing funds for the Domestic Volunteer Service Act.
SD-430

MAY 2

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 622, to authorize the Secretary of the Interior to undertake feasibility investigations, S. 662, to provide for confirmation of the repayment contract of the Dallas Creek participating project of the Upper Colorado storage project, S. 805, to authorize the Secretary of the Interior to construct, operate, and maintain the Santa Margarita project, Calif., and S. 818, to authorize the replacement of existing pump casings in Robert B. Griffith water project pumping plants 1A and 2A formerly the southern Nevada water project.
SD-138

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs, focusing on nuclear waste activities.
SD-366

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 883 and S. 558, bills to expedite exploration and development of geothermal resources.
SD-562

10:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 73, proposing an amendment to the Constitution of the United States relating to voluntary school prayer.
SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mineral Management Service, Department of the Interior, and the Advisory Council on Historic Preservation.
SD-138

MAY 3

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To continue oversight hearings on the President's budget request for fiscal year 1984 for the Department of Energy's research and development programs.
SD-366

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the Legal Services Corporation.
SD-430

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 811, proposed Health Care for Displaced Workers Act.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Business meeting, to consider pending Calendar business.
SD-226

MAY 4

9:30 a.m.
Labor and Human Resources
Business meeting, to consider proposed legislation relating to science education.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-192

Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 5

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for the government of the District of Columbia.
SD-138

Energy and Natural Resources
Business meeting, to consider pending Calendar business.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Foreign Relations
Business meeting, to consider pending Calendar business.
SD-419

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Office of Revenue Sharing (New York City loan program), Federal Home Loan Bank Board, National Credit Union Administration, and the Environmental Protection Agency.
SD-124

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 6

10:00 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings on the Strategic Petroleum Reserve to review financing mechanisms, interim storage, fill capacity, and other related issues.
SD-366

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act of 1980.
SD-342

MAY 9

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on proposed authorizations for refugee programs.
SD-226

MAY 10

8:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs of the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of E. Pendleton James, of California, to be a Member of the Board of Directors of the Communications Satellite Corporation.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 999, proposed International Telecommunications Act.
SR-253

Labor and Human Resources
To hold hearings on home health care services.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for certain defense related programs, focusing on arms control and military strategy.
SD-192
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406
Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 11

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To continue hearings on S. 999, proposed International Telecommunications Act.
SR-232A
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on oil pipeline deregulation.
SR-253
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on the District of Columbia school system's career oriented curriculum.
SD-124
Labor and Human Resources
To continue hearings on home health care services.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

MAY 12

9:30 a.m.
Judiary
Juvenile Justice Subcommittee
To hold hearings on certain tragedies involving children.
SD-562
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on computerization of criminal history.
SD-226
Labor and Human Resources
To resume hearings on S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Department of Housing and Urban Development.
SD-124
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
*Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for territorial affairs.
SD-192
Judiciary
Constitution Subcommittee
To resume hearings on S. 81 and S. 141, bills to revise current law relating to civil actions for the deprivation of rights.
SD-226

MAY 13

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 137, to permit the continued issuance of mortgage revenue bonds after December 31, 1983, and S. 1061, to revise certain IRS provisions relating to the tax treatment of bonds that are guaranteed by certain Federal agencies.
SD-215
Labor and Human Resources
Business meeting, to mark up S. 772, to establish an Interagency Committee on Smoking and Health to coordinate Federal and private activities to educate the public about the health hazards of smoking.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Labor and Human Resources
To hold hearings to examine fire safety matters.
SD-430

10:30 a.m.
Judiciary
Separation of Powers Subcommittee
To resume hearings to explore certain Federal court procedures relating to the exclusionary rule, habeas corpus, and related matters.
SD-226

MAY 16

9:30 a.m.
Judiciary
To resume hearings on S. 610, to encourage college student-athletes to complete their undergraduate education before becoming professional athletes.
SD-226

10:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to discuss the progress made in the treatment of Alzheimer's disease.
SD-430

MAY 17

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 1031, S. 970, and S. 865, bills to provide for the operation, maintenance, and construction of national waterways.
SD-406

MAY 18

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To resume hearings on the status of emergency preparedness in the Washington, D.C. metropolitan area.
SD-562
Labor and Human Resources
To hold oversight hearings on activities of the Equal Employment Opportunity Commission.
SD-430

10:00 a.m.
Veterans' Affairs
To hold oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226
Veterans' Affairs
To continue oversight hearings to review adverse health effects from exposure to agent orange, and other related matters.
SD-628

MAY 19

9:30 a.m.
Commerce, Science, and Transportation
To resume hearings on S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SR-253
Judiciary
Patents, Copyright and Trademarks Subcommittee
To hold hearings on computer chips protection.
SD-226
Labor and Human Resources
To hold hearings on health care cost.
SD-430

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold hearings on S. 696, to provide for the ratification of the Memorandum of Agreement between the U.S. Department of the Interior and the State of Texas for the Management of the Matagorda Island State Park and Wildlife Management Area A Unit of

the National Wildlife Refuge System in Calhoun County, Tex.
SD-406

Judiciary
Courts Subcommittee
To hold hearings to discuss bankruptcy matters relating to the Manville Corporation in Denver, Colo.
SD-562

10:30 a.m.
Energy and Natural Resources
To hold oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

MAY 20

9:30 a.m.
Labor and Human Resources
To hold hearings on the effects of chemotherapy in the treatment of cancer.
SD-430

10:00 a.m.
Judiciary
To resume oversight hearings on organized crime in the United States.
SD-226

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, and on related measures.
SD-628

MAY 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

MAY 24

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the Employee Retirement Income Security Act (ERISA).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for certain programs under the subcommittee's jurisdiction.
SD-124

Judiciary
Business meeting, to consider pending calendar business.
SD-226

MAY 25

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on the problem of parental kidnaping.
SD-226

Labor and Human Resources
To continue hearings on health care cost.
SD-430

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 8

9:30 a.m.
Labor and Human Resources
To hold hearings on food safety.
SD-430

10:00 a.m.
Veterans' Affairs
To hold hearings on proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 9

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 10

9:30 a.m.
Labor and Human Resources
To continue hearings on food safety.
SD-430

JUNE 14

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act, Landrum-Griffin Act.
SD-430

JUNE 15

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume oversight hearings on activities of the Patent and Trademark Office, Department of Commerce.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

Veterans' Affairs
To hold oversight hearings to review certain health care and other services provided Vietnam veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 16

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on deinstitutionalization of certain status offenders.
SD-226

Labor and Human Resources
Labor Subcommittee
To resume hearings on proposed legislation revising certain provisions of the Labor-Management Reporting and Disclosure Act (Landrum-Griffin Act).
SD-430

JUNE 20

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 22

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on patent term restoration.
SD-226

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

Veterans' Affairs
To hold oversight hearings on certain health care services for veterans.
SR-418

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 23

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To continue oversight hearings on the breakdown of the traditional family unit, focusing on the role of Federal policy.
SD-430

JUNE 27

10:00 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To resume hearings on proposed authorizations for refugee programs.
SD-226

JUNE 29

9:30 a.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on Federal Government patent policy.
SD-226

10:00 a.m.
Veterans' Affairs
Business meeting, to consider proposed legislation providing for certain veterans' compensation.
SR-418

JUNE 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on juvenile offenders of serious and violent crimes.
SD-226

JULY 6

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 13

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 20

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JULY 27

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

CANCELLATIONS

APRIL 26

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

APRIL 27

9:30 a.m.
Commerce, Science, and Transportation
To continue hearings on S. 48, to establish the National Transportation Commission as an independent regulatory agency, and to eliminate existing statutory restrictions against common ownership and control of certain water carriers.
SR-253

10:00 a.m.
Labor and Human Resources
To continue hearings on S. 771, authorizing funds for fiscal years 1983-86 for health promotion and disease prevention programs of the Department of Health and Human Services.
SD-430

APRIL 29

10:00 a.m.
Judiciary
Constitution Subcommittee
To continue joint hearings with the Committee on Labor and Human Resources on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430

Labor and Human Resources
To continue joint hearings with the Committee on the Judiciary's Subcommittee on Constitution on S. 425, to provide equal access and opportunity to public school students who wish to meet voluntarily for religious purposes.
SD-430